

Max Tran
Department of Planning Housing and Infrastructure

Objection to SSD-98068713 , 65 Muston St. Mosman

Dear Max,

I wish to object to this proposal on the following grounds.

1. Fairness and Transparency

The whole approval process for SSDs is unfairly weighted against community input and lacks transparency. The proponent commissions numerous expert reports comprising hundreds of pages, which cannot be considered truly independent as their future business is clearly dependent on providing information supportive of the development and minimising any information which might reduce prospects of approval.

Furthermore the public are allowed only 14 days from the release of this complex and voluminous information to provide input, without the benefit of sufficient time to seek their own expert advice.

Not only that, but the developer is then given the opportunity to respond to issues raised by the community without any challenge. We know from previous personal experience that developers often have no compunction about responding with quite blatant untruths to public submissions, and that their responses are almost always accepted without challenge.

2. Non Compliant Safe Walking Distance

The concept of “safe walking distance” is not well defined in the NSW state planning legislation or guidelines.

However, I refer you to Austroads document AGRD06-22 “Guide to Road Design Part 6A: Paths for Walking and Cycling”, which states that its purpose is to give practitioners guidance to ensure safe walking. Table 5.1 sets out requirements for low traffic areas as follows. Minimum clear obstruction free width of 1.2m with an absolute minimum width of 1.0m in constrained spaces, and for a maximum cross-fall of 2.5%.

Ritchie Lane is primarily a service lane for the properties fronting Military Rd. It is used for service access to these properties and for deliveries to the shops on Military Rd.

The pedestrian pathway does not meet Austroads safety requirements because, despite having adequate width, it is interrupted by several laybacks for vehicular access. Some of these extend the full width of the pathway for up to 10m along the path, and appear to have a cross-fall in the 10-15% range.

There are some shorter sections with level changes that appear to exceed to cross-fall limit. The pathway is also often partially blocked by rubbish bins and by trucks delivering stock to the shops.

I note that the final section of the route also requires the crossing of Beach Lane where there is no access ramp for prams, wheelchairs and walkers.

It should therefore not be considered to be part of a “safe walking route”.

If the “safe walking distance” is measured by paths that meet the minimum Austroads requirements, the actual distance from the subject site to 742 Military Rd according to Google Maps is 420m. This

means the site is not within the 400m LMR zone, and would should be assessed on the basis that it is outside this zone and only within the 800m zone.

3. Height and Bulk

The height and bulk of this development is completely out of keeping with the local area, especially on such a small site which mitigates against appropriate measures to manage privacy and noise impacts.

The height, scale and design of this project is completely at odds with the current streetscape. Furthermore the bulk and height will impact adversely on the scenic value of the Balmoral slopes from the harbour and from Balmoral beach.

The proponent seems to assume that this is irrelevant as the development will soon be surrounded by other developments of similar scale. This outcome is far from certain. My own inquiries with agents who regularly work with developers is that there is currently a lack of interest in the purchase of further development sites in Mosman due to concerns about emerging oversupply of the high end apartments they prefer to build here.

4. Overshadowing

This proposal will quite clearly have an unacceptable overshadowing impact on the adjacent properties at 61 and 63 Muston St. Most windows in 63 Muston St. will be denied sunlight between 9am and 3pm in mid-winter.

5. Visual Impact

The visual impact of this development on the streetscape, local properties and views from the harbour is totally unacceptable. It will become a complete blot on the landscape both to neighbours and from the harbour and beach.

6. Construction and Operational Impacts

Inadequate information has been provided to assess the impact of construction traffic, noise and dust on local residents during construction and operation in that:

- There is no indication of the likely duration of excavation works, let alone the noise and dust levels to which nearby residents will be subjected during construction.
- There is no proper assessment of the plant noise impact on nearby properties during ongoing operation, simply a statement of the levels they are required to comply with.
- There is no indication of what mitigation measures the proponent proposes to take to minimise these impacts:

All of these matters are apparently to be addressed after project approval. This denies both the community and the approval authority access to information they need to make a proper assessment of the impact.

7. Affordable Housing Impact

My strongest objection to this proposal is the misrepresentation that it will positively impact on the housing crisis by providing affordable housing. I have seen a other proposals in the area also misrepresented as infill “affordable housing” proposals that primarily deliver high end apartments, but this is by far the most egregious abuse of the affordable housing bonus I have seen.

The existing site contains 6 low cost rental apartments, with a mix of 2 and 3 bedrooms. While old, the building appears to be of sound construction, in a good state of repair and well maintained. Research on realeasate.com indicates that these apartments currently rent for around \$700pw. They meet the definition of affordable (being less than a third of income) for residents with a household income of \$110k or more per year. These residents, including a number of long term tenants, will obviously be displaced as a result of this development.

The proposal seeks to construct a facility which provides only 3 allegedly “affordable” apartments. The project is described in the proponent's own EDC as “construction of a high-end luxury residential development”. The estimated EDC is almost \$84 million, or an average of \$6.4 million per apartment. The proposal includes in the common property a number of expensive luxury inclusions that increase the EDC, such as:

- Gym
- Wellness Centre
- Sauna
- Steam room
- Golf simulator
- Pool with waterfall edge

Research on realestate.com suggests market rental of an apartment similar to the proposed “affordable” apartments in this project would be at least \$2000pw, possibly more. Thus at the required “affordable” discount of 30% to the market, these 3 apartments would be expected to rent for at least \$1,400 per week, double the amount being paid by tenants in the existing building. This would be unaffordable only to those with a household income below about \$220k per year, or perhaps even more. The project would actually result in the loss of 6 “affordable” dwellings to deliver a smaller number of significantly less affordable dwellings. I do not see how this could possibly be regarded as contributing to the stated aims of Government policy.

Not only do projects like this fail to deliver more affordable housing, they also divert a large quantity of scarce construction resources away from the development of genuine affordable housing. This project will expend \$84 million on 13 luxury apartments, 10 of which will be affordable only to the very wealthy. These resources could be much better applied to provide a much larger number of genuinely affordable apartments.

8. Misalignment with Housing Objectives

This project is so seriously misaligned with the Governments stated housing policies and priorities that it calls into serious question the appropriateness and integrity of the criteria and processes used by the HDA to assess whether projects qualify for SSD status.

I note that according to the document “Housing Delivery Authority SSD criteria” one of the criteria for state significant is an EDC of “more than (approximately) \$60m (approximately 100 or more homes)” in the Greater Sydney Region. I accept there may be a case for some flexibility in the application of these thresholds.

This project actually reduces affordable housing availability and delivers only 13 homes in a “luxury high end development” for a net gain of only 7 homes, well under the suggested 100 homes, while consuming \$84m of limited construction resources. The logic of concluding that it is strategic or of state significance in the context of the stated Government housing policy objectives completely eludes me.

Based on EDC costings provided for another current proposal in the area to deliver 29 above average quality three bedroom apartments for \$42 million and on the numbers mentioned in the SSD criteria, the \$84 million of construction resources proposed for this development could be far better utilised to deliver at least 60 good quality three bedroom apartments, or perhaps as many as 80-100 adequate more affordable mixed 2 and 3 bedroom apartments in the area.

The fact that this project was assessed as worthy of SSD status suggests to me that the criteria and processes for residential SSD assessment are in need of immediate review to ensure they are more appropriately focused on projects that actually deliver a significant net gain in suitable housing affordable to ordinary people and ensure more effective use of the limited available construction resources.

9. Summary

I am opposed to this development in its current form the following reasons:

- It does not actually fall within the 400m safe walking distance following routes that meet the Austroads safety requirements.
- Height and bulk are totally out of keeping with the character of the local environment.
- Adverse visual impact on both the streetscape and the views from the harbour and Balmoral which the adjacent scenic protection area seeks to preserve.
- Unacceptable shadowing impact on adjacent properties.
- Construction and operational impacts have not been sufficiently considered to allow proper assessment of impact prior to approval.

Most importantly I am strongly opposed to this project in its entirety because it is an egregious and dishonest abuse of the infill affordable housing development and SSD pathways. While claiming to support the governments infill affordable housing policy it actually works against it by:

- a) Reducing the availability of affordable housing in the area and displacing existing long term affordable housing tenants.
- b) Diverting a large amount of capital and scarce building resources that could be used for genuine affordable housing to provide, in the words of the proponent’s own documentation a “ high-end luxury residential development” principally for the benefit of overseas investors and very well heeled downsizers.

Approval of this project would set a precedent to afford other high cost luxury developments of this

type the benefit of SSD status and the affordable housing bonus. This outcome would seriously erode public trust in the SSD process and the entire planning system.

This project does not justify the application of the affordable housing bonus or SSD status. I trust you will conclude that this project should be rejected in its entirety.

Regards

Terry Jones