17 April 2026

Our Ref: 0402A
Your Ref: SSD - 98068713

The Secretary
New South Wales Department of Planning, Housing and Infrastructure
Locked Bag 5022,
PARRAMATTA NSW 2124

Attention: **Mr Max Tran**
majorprojects.planningportal.nsw.gov.au

Dear Sir/Madam,

OBJECTION TO SSD 98068713 - 65 MUSTON STREET, MOSMAN

Proposed construction of a part-8/part-10 storey residential development, with in-fill affordable housing, comprising: demolition of existing structures, site preparation and excavation, 13 apartments (including 3 affordable housing apartments), lower-ground and basement parking for 29 cars with access from Redan Lane, communal facilities and rooftop communal open space, associated civil and landscaping works
Applicant: Prosker Property Pty Ltd

State Planning Services Pty Limited (**SPS**) has been commissioned by Mr Scott Wehl, owner of No. 52 Almora Street, Mosman (**our client**) to provide an independent town planning assessment of SSD 98068713 **(the proposal)** at No. 65 Muston Street, Mosman (**the site**).

An assessment having regard to the relevant matters for consideration under section 4.15(1) (**s.4.15(1)**) of the *Environmental Planning and Assessment Act 1979* (**EPA Act**) indicates that the proposal will create significant adverse environmental impacts on our client's property at 52 Almora Street, Mosman which is located approximately 100m to the north of the site, along Redan Lane.

SPS has reviewed SSD 98068713 documentation prepared by the Applicant for submission as part of the Environmental Impact Statement (**EIS**) lodged with NSW Department of Planning, Housing and Infrastructure (**DPHI**) in response to the Secretary's Environmental Assessment Requirements (**SEARs**) for determination by the NSW Minister for Planning and Public Spaces (**the Minister**).

In the opinion of SPS, SSD 98068713 ought never to have been advanced in its submitted form due to the unsatisfactory impacts arising from the inability to appropriately address s.4.15 of the EPA Act.

On behalf of our client, SPS respectfully requests that:

- DPHI not support any recommendation of approval for SSD 98068713; and

- SSD 98068713 be **REFUSED** by the Minister.

SUBJECT SITE

The site is a regular-shaped lot with one rear curved corner aligning with the arc of Redan Lane and a site area of 1,342m^2. The site is registered as Strata Plan (SP) 32953 and contains 6 residential units. The site is located within the Mosman Municipal Council (**Council**) Local Government Area (**LGA**).

The site is zoned R3 - Medium Density Residential under *Mosman Local Environmental Plan 2012* (**MLEP**), consistent with land surrounding the site. **Figure 1** indicates the relationship between our client's property and the site.

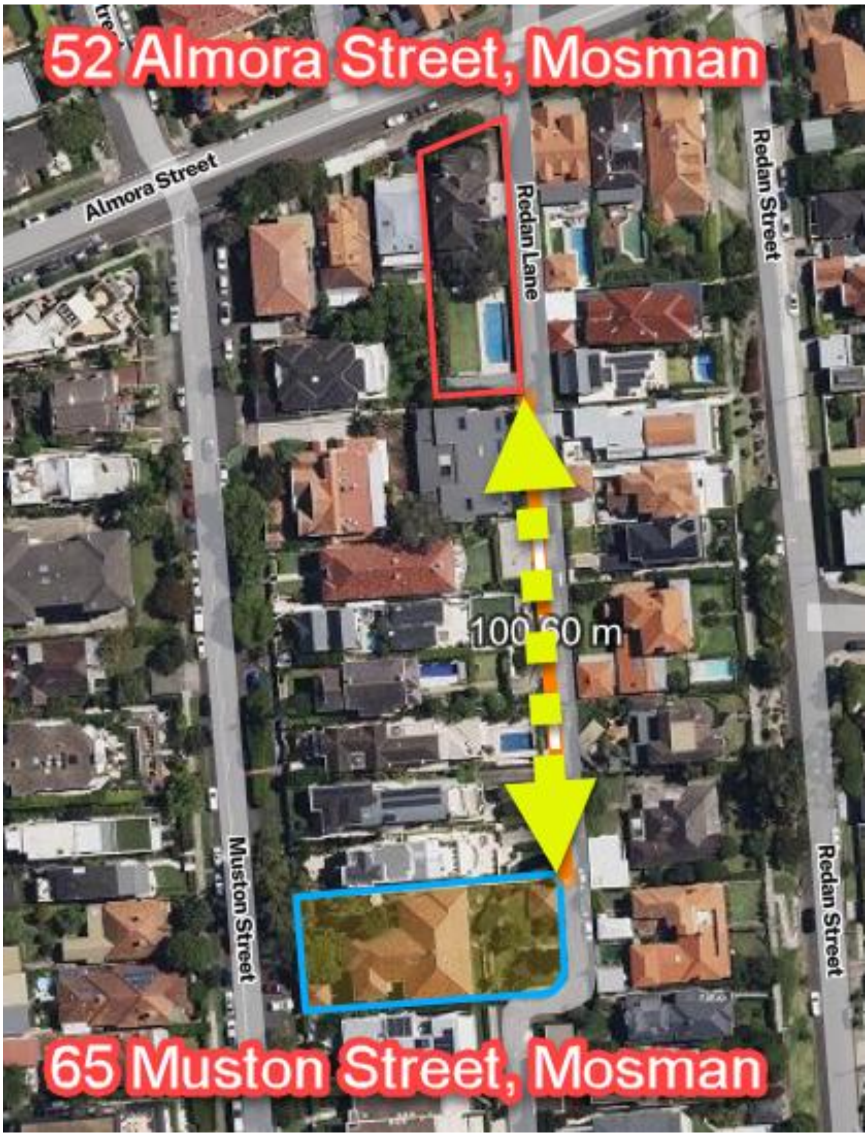

Figure 1 Subject Site and 52 Almora Street, Mosman

Vehicular access to the site is currently via Redan Lane at the rear with the main pedestrian access from Muston Street (**Figures 2** and **3**).

Figure 2 Subject Site as viewed from Muston Street

Figure 3 Subject Site as Viewed from Redan Lane

Adjoining/surrounding development is generally categorised as single and attached dwellings 1-2 storeys in height. The site itself is not listed as a heritage item, or within a heritage conservation area, but there are numerous individually-listed heritage items in Muston Street and our client's 'House' at 52 Almora Street (corner of Redan Lane) is listed as an item of 'local' heritage significance in Schedule 5 of MLEP (**Figure 4**).

A pair of semi-detached houses located opposite the site in Redan Street (with rear access to Redan Lane) are also listed as an item of 'local' heritage significance in Schedule 5 of MLEP.

Figure 4 52 Almora Street (Heritage Item) and Narrow Redan Lane with No Pedestrian Footpath

PROPOSED DEVELOPMENT

The proposal includes construction of a part-8/part-10 storey residential development, with in-fill affordable housing, comprising: demolition of existing structures, site preparation and excavation, 13 apartments (including 3 affordable housing apartments), lower-ground and basement parking for 29 cars with access from Redan Lane, communal facilities and rooftop communal open space, associated civil and landscaping works on the site.

The excessive bulk and scale of the proposal is shown in **Figures 5**, **6** and **7**.

In our view, it is both presumptuous and speculative for the Urbaine Design Group Visual Impact Assessment submitted with the EIS to show assumed future context that does not exist – with 'assumed' 100% take-up of surrounding development sites shown in the form of indicative building envelopes. This information is misleading and should be disregarded by the consent authority as part of the assessment of SSD 98068713. The speculative block-form development relied upon to justify context in the photomontages is unlikely to ever be built should Council's own Masterplan proceed in lieu of the existing State Government Low and Mid Rise Housing Policy (**LMR**) as Council's alternative plan places an emphasis on density around the existing Spit Junction town centre as noted from updates tabled at Council's Ordinary Meeting on 7 April 2026.

In any event, the Urbaine Design Group Visual Impact Assessment submitted with the EIS is incomplete as the 72-page document does not include any accurate depiction of the proposed development when viewed from the public domain in Redan Lane. This is critical as the excessive bulk and scale of the development is amplified by the viewer 'looking upwards' given the change in topography and slope of the site (refer Figure 3) on the location of the "S"-bend in Redan Lane.

Figure 5 Proposed Residential Flat Building – 65 Muston Street, Mosman – Extract from Studio Johnston

Figure 6 Proposal Outline as Viewed from Muston Street – Extract from Urbaine Report

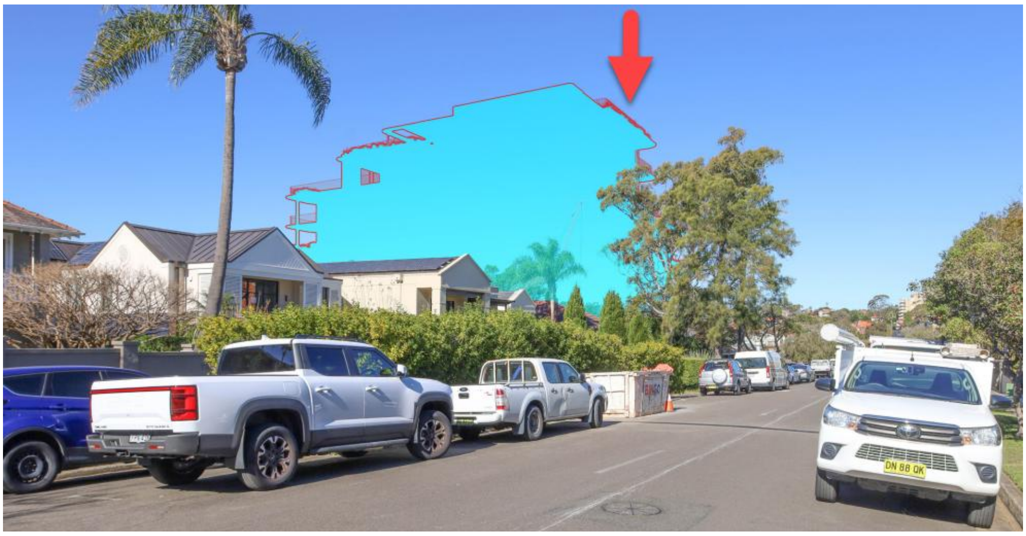

Figure 7 Proposed RFB – Extract from Urbaine Report

OBJECTION TO SSD 98068713

SSD - 98068713 should be **REFUSED** by the Minister for the following reasons:

1. Section 4.15(1) of the EPA Act – Evaluation

The proposal is unsatisfactory having regard to Section 4.15(1) of the EPA Act as the site is not suitable for the development and will create significant adverse impacts on the built environment. In particular, SSD 98068713 is accompanied by an EIS that appears to be based on an incorrect assumption that the site is within a '*low and mid rise housing inner area*' under *State Environmental Planning Policy (Housing) 2021* (**the Housing SEPP**).

Hence, the relevant height/floor space ratio (**FSR**) within the EIS are also incorrect and potentially misleading as the site exceeds 400m safe 'walking distance' (as defined under Schedule 10 of the Housing SEPP) from the Spit Junction Town Centre. Neither the SEARs, nor the EIS itself properly identify that the site is located within a '*low and mid rise housing outer area*' (as per Sections 163, 176 and Schedule 10 of the Housing SEPP).

Section 163 of the Housing SEPP provides the following definitions that are relevant to this site:

> ***low and mid rise housing area*** *means—*
> *(a) land within 800m walking distance of—*
> *(i) land identified as "Town Centre" on the Town Centres Map, or*
> *(ii) a public entrance to a railway, metro or light rail station listed in Schedule 11, or*
> *(iii) for a light rail station listed in Schedule 11 with no public entrance—a platform of the light rail station, and*
> *(b) if a site area contains land identified in paragraph (a)—the site area.*
>
> ***low and mid rise housing inner area*** means—
> (a) land within 400m walking distance of—
> (i) land identified as "Town Centre" on the *Town Centres Map*, or
> (ii) a public entrance to a railway, metro or light rail station listed in Schedule 11, or
> (iii) for a light rail station listed in Schedule 11 with no public entrance—a platform of the light rail station, and
> (b) if a site area contains land identified in paragraph (a)—the site area.
>
> ***low and mid rise housing outer area*** means—
> (a) land between 400m and 800m walking distance of—
> (i) land identified as "Town Centre" on the *Town Centres Map*, or
> (ii) a public entrance to a railway, metro or light rail station listed in Schedule 11, or
> (iii) for a light rail station listed in Schedule 11 with no public entrance—a platform of the light rail station, and
> (b) if a site area contains land identified in paragraph (a)—the site area, unless the site area is also in the low and mid rise housing inner area.
>
> ***Town Centres Map*** means the *State Environmental Planning Policy (Housing) 2021 Town Centres Map*.

Furthermore, Schedule 10 of the Housing SEPP provides the following definition that is also relevant to this site:

> ***walking distance*** *means the shortest distance between 2 points measured along a route that may be safely walked by a pedestrian using, as far as reasonably practicable, public footpaths and pedestrian crossings.*

Specifically, the EIS appears to rely upon an incorrect calculation of 'walking distance' that can be safely walked by a pedestrian. **Figure 8** indicates an extract from the 'town centres map' which identifies Spit Junction Town Centre relative to the location of the subject site.

Figure 8 Spit Junction Town Centres map – Extract with SPS Mark-up in red

Whilst the site is within a low and mid rise housing area, it exceeds 400m 'walking distance' of the Spit Junction Town Centre (**Figures 9, 10** and **11**) and therefore is appropriately categorised as a low and mid rise housing <u>outer</u> area.

The EIS appears to rely upon an incorrect measurement (of less than 400m which omits use of the available pedestrian crossing, which has been used to inadvertently characterise the site as falling within a 'low and mid rise housing <u>inner</u> area' (as defined).

This misrepresentation is material and goes directly to the proper classification of the site under the applicable planning controls. The deployment of such an erroneous distance measurement constitutes a serious defect in the EIS, undermining the integrity of the assessment process and the reliability of the conclusions drawn in support of SSD 98068713.

The survey report relied upon by the Applicant provides a route that requires pedestrians to cross Almora Street in the absence of an existing pedestrian crossing and cannot therefore not be used to calculate the walking distance. The pedestrian crossing located at Almora Street and Military Road should be used as the travel distance which therefore puts the site outside of the required 400m for an LMR <u>inner</u> area.

Figure 9 Walking Distance Diagram

Given the site is outside the LMR inner area, the proposed development has relied on a height and floor space ratio in excess of what should be applied with all corresponding documents lodged in support of the proposal using the incorrect FSR and height controls. The height should be 17.5m and the floor space ration should be 1.5:1 with the affordable housing bonus provisions also affected proportionately.

As the site is not within the LMR inner area, the height and FSR is excessive with the proposal being an overdevelopment of the site. Revised clause 4.6 variations would be required for the non-compliant number of storeys (address in further detail later in this submission).

In the opinion of SPS, the application constitutes an ambit claim that far exceeds what could reasonably be approved on the site. Even a merit-based assessment without regard to the relevant minimum prescriptive controls indicates that the proposal contains excessive bulk and scale with associated adverse visual impacts and is inconsistent with the character of the surrounding locality with minimal (if any) regard to the transitions between existing development, or heritage items within the locality.

Figure 10 Correct Measurement of Walking Distance

Figure 11 Applicant's Survey Route – Extract from CMS Surveyors (excludes use of Pedestrian Crossing)

Given that Section 163 of the Housing SEPP is directed to "walking distance", there is at least scope to argue that the measurement should not be taken from the closest part of the site to the closest part of a Spit Junction Town Centre, but from the pedestrian entry and exit location of the proposed development on the site to the entry point of the Spit Junction Town Centre itself (as distinct from the boundary of the Spit Junction Town Centre).

Furthermore, in having regard to Schedule 10 of the Housing SEPP directing itself to "*a route that may be safely walked by a pedestrian using, as far as reasonably practicable, public footpaths and pedestrian crossings"* it is noted that a **pedestrian crossing is available** on Military Road and it would be reasonably practicable for prospective future residents to use this in accessing the Spit Junction Town Centre – in which case the distance would further increase well beyond the 400m 'low and mid rise housing inner area'.

Under the Housing SEPP, development within the R3 zone that is within 400m of a nominated centre is permitted to have a maximum height of 22m, plus the 30% bonus height permitted under the Housing SEPP. However, section 176 of the Housing SEPP is the correct provision that applies to the site given that it is located within a low and mid rise housing outer area and sets a maximum building height of 17.5m as follows:

> ***176 Development standards—low and mid rise housing outer area***
> *(1) This section applies to land in a low and mid rise housing outer area in Zone R3 Medium Density Residential or R4 High Density Residential.*
> *(2) Development consent must not be granted for development for the following purposes if a resulting building will have a building height of up to 17.5m unless the consent authority is satisfied that the building will have 4 storeys or fewer—*
> *(a) residential flat buildings,*
> *(b) buildings containing shop top housing.*
> *(3) In this section, a storey does not include a basement within the meaning of the standard instrument.*

In the opinion of SPS, the Applicant's incorrect reliance upon Section 175 of the Housing SEPP instead of Section 176 of the Housing SEPP is both significant and potentially fatal to the application. The extent of amendments required is such that the withdrawal of SSD 98068713 (and subsequent submission of a new application) is required, if not refused prior.

Whilst the site is within the LMR area, the LMR has different provisions that apply for development within 400m of the nominated town centre and for development between 400-800m from the nominated town centre. SPS contends that the LMR provisions of 1.5:1 FSR and 17.5m height with any subsequent bonus provision for affordable housing apply to this site. The EIS assumes that the FSR is 2.2:1 and height is 22m, which only applies if the development site is less than 400m from the Spit Junction Town Centre.

For clarity, the permitted height under the LMR provisions within Chapter 6 of the Housing SEPP is therefore 17.5m, not 22m. Similarly, the maximum FSR is only 1.5:1, not 2.2:1. The development proposes a significant increase over these controls, and then some – by proposing an FSR of 2.58:1 and a maximum building height of 31.68m – whilst attempting to formalise this in the absence of environmental planning grounds as part of clause 4.6 requests (albeit without addressing any breach in the number of storeys).

In the opinion of SPS, the site is unsuitable for the proposed development (which has relied upon a potentially erroneous walking distance measurement and hence, has not been properly categorised as being within a 'low and mid rise housing outer area' under the Housing SEPP). The additional bulk and scale stemming from the proposal exceeding the relevant FSR/height controls indicates that the site is unsuitable for the development and the proposal is unsatisfactory having regard to s 4.15(1) of the EPA Act. Therefore, SSD 98068713 should be refused.

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2. ‘Trojan-horse’ Application – Excessive EDC Exploits SSD Approval Pathway

The EIS prepared by BBC Consulting Planners states:

> *‘The development is SSD pursuant to Chapter 2 of State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP). Under Section 26A of Schedule 1 of the Planning Systems SEPP, residential development with an Estimated Development Cost (EDC) more than $75 million in an accessible area and with an affordable housing component of at least 10% is SSD.’*

Accompanying the EIS is an EDC submitted by Napier & Blakeley on behalf of the Applicant which states (emphasis in **bold**):

> *‘Our Estimated Development Cost (EDC) is **$83,993,610 (Excl GST)**.’*

However, MDM has undertaken an EDC Peer Review on behalf of our client dated 10 April 2026 (**the MBM report**). The MDM report identifies an EDC of **$61,756,482 (Excl. GST)** – representing a significant **variance of $22,216,187** when compared to the Napier & Blakeley EDC.

> *It is MBM’s opinion that the Estimated Development Costs submitted by Napier & Blakeley appear significantly higher than current market expectations. A detailed breakdown of MBM’s cost assessment based on recent tender data for comparable projects, as well as considerations of complexity, location, and scale is provided in Appendix 1. A brief summary of the appendices is presented below:*
>
> *MBM’s Estimated Development Cost does not exceed the $75 million threshold required for a project to be classified as State Significant. MBM’s rates are derived from current tender data and benchmarks against comparable projects regarding size, complexity and location.*
>
> *MBM has included a comparison with Rawlinson's 2026 Edition 44 Handbook, widely recognised in Australia as a leading authority on construction costs, cost estimation, and cost planning. MBM considers the Gross Building Area (GBA) adopted by Napier & Blakeley to be overstated by 615m^2 when assessed in accordance with the AIQS method, resulting in a materially inflated Estimated Development Cost.*
>
> *MBM has identified a directly comparable project by the same applicant (Prosker Property) at 48–50 Almora Street, Mosman NSW 2088, currently under assessment (lodged 17/09/2025). The development comprises 14 residential units (including affordable housing), basement parking, and a swimming pool, with a Capital Investment Value of $45,893,529, a cost of $3,278,109 per apartment which is 35% lower than 65 Muston Street application, supporting MBM’s adopted benchmarking.*
>
> *MBM has identified a variance of approximately 36% from MBMs high-level EDC, which is considered significant for a project of this scale. Accordingly, MBM recommends that the Estimated Development Cost (EDC) be reassessed and aligned with prevailing market rates. Additionally, Napier & Blakely EDC for 65 Muston Street, Mosman is $8,663/m^2 and $4,439,187/apartment. This is 69% higher than MBM's tenders in the market over the past 6 months ranging from $4,100/m^2 to $5,900/m^2 and $1.5million per apartment.*
>
> *Based on the above, MBM has identified a variance of approximately 36% between its assessment and the Napier & Blakeley EDC. This level of variance is significant and, in MBM’s opinion, indicates that the submitted EDC is overstated.*

Accordingly, MBM recommends that the EDC be reassessed to ensure alignment with current market rates and accepted measurement standards. MBM considers that the Department of Planning, Housing and Infrastructure should have regard to the above in determining whether the proposed development at 65 Muston Street, Mosman meets the criteria for classification as a State Significant Development Application (SSDA).

Based on the peer review of EDC undertaken as part of the MDM report and having regard to Schedule 1, clause 26A of *State Environmental Planning Policy (Planning Systems) 2021* (**SEPP Planning Systems**), the proposal represents a Trojan-horse-style application which exploits the SSD approval pathway as the significant variance of $22,216,187 indicates that this proposal should be assessed by Council, not the Minister.

3. Unsatisfactory Impact on Heritage Conservation

The site has a number heritage items located within the surrounding locality as recognised under Schedule 5 of MLEP, including (**Figure 12**):

- "House", 52 Almora Street, Mosman (**Item I3**) – owned by our client; and
- "Pair of semi-detached houses" Nos. 36-38 Redan Street, Mosman – the immediately adjoining site to the east (**Item I262**) opposite the site (with Redan Lane frontage).

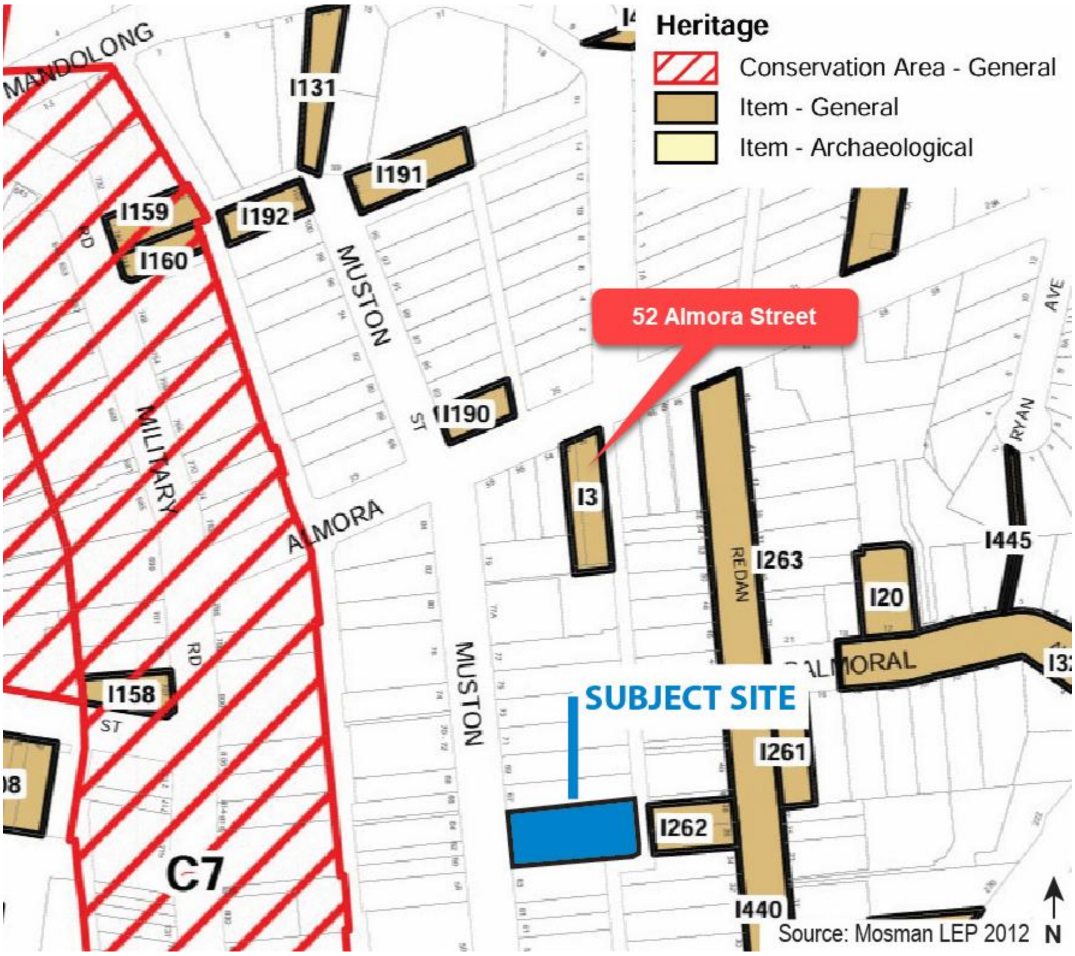


Figure 12 Development site (blue) and its relationship to surrounding heritage items (Source MLEP)

Clause 5.10 of MLEP pertains to ‘heritage conservation’ and provides the following objectives (emphasis in **bold**):

(a) to conserve the environmental heritage of Mosman,
(b) ***to conserve the heritage significance of heritage items*** *and heritage conservation areas,* ***including associated*** *fabric,* ***settings and views****,*
(c) to conserve archaeological sites,
(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

Clause 5.10(4) of MLEP applies to the effect of proposed development on heritage significance as follows:

> *The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).*

The consent authority is required to consider the development in terms of clause 5.10 of MLEP, which includes consideration in terms of impacts on adjoining heritage items. The following is a Statement of Significance for Nos. 36-38 Redan Street as obtained from the NSW State Heritage Inventory:

Property	NSW State Inventory Statement of Significance
Nos. 36-38 Redan Street, Mosman – pair of semi-detached houses	*A rare and elegant pair of semi-detached residences that employs a number of innovative features in its design that help to visually unite its separate parts.*

The relationship between the existing strata development on the site and the adjoining nearby heritage items (Nos. 36-38 Muston and No. 52 Almora Street) is presently a harmonious relationship in terms of built form and visual bulk and scale.

If the proposal is constructed in its current form there will be insufficient distance separation between the heritage items to allow for a part-8 storey / part-10 storey residential development, with in-fill affordable housing, comprising: demolition of existing structures, site preparation and excavation, 13 apartments (including 3 affordable housing apartments), lower-ground and basement parking for 29 cars with access from Redan Lane, communal facilities and rooftop communal open space, associated civil and landscaping works on the site.

The proposal will **visually overpower the heritage items adjoining and adjacent the site,** the excessive visual bulk and scale of the proposed development would create a poor relationship between the subject site and the adjoining properties. The sense of visual dominance from the proposed development will be felt whenever entering/leaving or visiting these adjoining heritage items.

The built form and building typology of the proposed development will also be inconsistent with the overall character of this location which will also be unacceptable. The part-8 storey and part-10 storey height of the proposal will dominate the streetscape as it will be considerably higher than both existing development and the development intended under the applicable LMR housing controls.

The proposed height of the building will also **adversely impact the ‘setting’ of the nearby heritage items, diminishing their significance**. The semi-detached houses at Nos. 36-38 Redan Street, Mosman are single storey Federation Arts & Crafts style residences constructed of face brickwork on a sandstone base with a single terracotta tile hip roof.

The topography of this location generally slopes down from west to east (i.e. towards Middle Harbour) – therefore the subject site is at a naturally higher level than the sites to the east across the street. The difference in level exacerbates the impacts associated with visual dominance and excessive visual bulk and scale and this needs to be addressed within the Urbaine Visual Impact Assessment submitted with the EIS.

The proposed development site is wide, but lacking in depth and with sloping sites, the usual planning/architectural practice is to step a development up the site following the topography. The current design does not follow the topography of the site and presents as a “wall” to the adjoining and nearby heritage items.

This appears to have been done to maximise views from the proposal at the expense of neighbours to the west and also at the expense of recreational users of Middle Harbour and the adjacent Balmoral foreshore where the proposal will create a significant and obvious interruption to the Mosman ridgeline and associated horizon/skyline/district views. This impact will be reminiscent of a previous and long-forgotten 1960’s era when urban planning along foreshore locations was not prioritised in order to ensure minimal impact on the public domain from private developments.

The proposed 10 storey development, with non-compliant height/number of storeys would diminish the heritage significance including the ‘setting and views’ of our client’s property at No. 52 Almora Street adjacent to Redan Lane (in addition to the other heritage items at Nos. 36-38 Redan Street) and the development would present as an overbearing structure.

4. Affordable Housing Not Promoted - Resulting in Net-reduction of Public Benefit

The ‘affordable housing’ component of this development involves only 3 units and only for a limited period of 15 years. The proposal seeks to demolish 6 existing units that offer far more ‘affordable’ options for long-term renters. SPS is informed that consultation with the current tenants and publicly available rental data confirm that these 6 apartments are currently rented below the Mosman median rent. The proposed net reduction in affordable housing on the site conflicts with the ‘Objects of Act’ in s.1.3 of the EPA Act as affordable housing is not promoted as part of the development.

One of the principles of clause 3(h) of SEPP Housing is ‘*mitigating the loss of existing affordable rental housing*’, yet the proposal is not satisfactory in this regard. A minimum of 7 affordable housing units should be provided as part of this development in order satisfy the ‘Objects of Act’ in s.1.3 of the EPA Act. A strata subdivision plan has not been submitted with the application, so a thorough assessment of adverse social impacts is unable to be undertaken in this regard. Concerns are raised with respect to possible segregation of affordable housing being at the expense of social cohesion within the site. The ‘us’ and ‘them’ social housing approach that was largely dispensed with in the 1970’s, needs to be avoided.

This undesirable outcome should not go hand in hand with the proposed additional increase in height and the proposed non-compliance with the number of storeys. In our view, there are unsatisfactory environmental planning grounds associated with the clause 4.6 variations to the height and non-compliance with the number of storeys in which to support the proposal.

5. Regional / District / Visual Impacts

Significant concerns are raised regarding the visual impact of this development when viewed from either close to the site, or from the broader regional district locality. In particular, this development is generally located on a ridge which slopes down to the east towards Sydney Harbour (Balmoral Bay, Middle Harbour). Therefore, the site is quite visually prominent and a development of 10-storey height will be visible from well beyond the immediate visual catchment of the site. This will include from Balmoral Beach and Middle Harbour.

The proposal has the effect of redefining an otherwise harmonious ridgeline in Mosman to higher density development that will present as being out of character. The proposed development would be visually significant in the streetscape with the proposal relying heavily on the premise that future development under the same controls would lessen the impact. This is not a sound planning approach and it also demonstrates that the main issue would be the bonus provision for the affordable housing component that pushes the proposed development even higher.

The Visual Impact Assessment fails to provide a photomontage of the proposal when viewed from Redan Lane, a prominent part of the public domain where the visual impacts will be amplified by the upslope component of the site. It is unreasonable for the Applicant's submission to assume an almost 100% take-up of surrounding sites under the low and mid rise housing provisions under Chapter 6 of the Housing SEPP – especially given the alternative Masterplan that is being processed by Council – meaning that the speculative block forms, in all likelihood, may never actually be built.

If approved in its current form, the proposed development has the potential to be iconic, but for all the wrong reasons – including the setting of a precedent to the absence of appropriate local strategic planning to support the higher intensity of development in this location and the associated impacts that extend well beyond the immediate visual catchment of the site.

6. Excessive Height/Bulk/Scale and Adverse Visual Impacts – Clause 4.6 Not Supported

Even if the site were located within a low and mid rise housing inner area, the development proposes a significant breach to the height controls permitted under the Housing SEPP.

Chapter 6 of the Housing SEPP allows a maximum building height of 22m for development in a low and mid rise housing inner area. In addition, Chapter 2 of the Housing SEPP allows an additional 30% FSR and height incentive where 15% of the total GFA is provided as affordable housing – and the development seeks to utilise these provisions by providing an affordable housing component.

The development proposes to further breach the overall building height under the Housing SEPP reaching heights up to 31.68m. The proposal also proposes a variation to the wall plate height found in clause 4.3A of MLEP which is 7.2m (and due to be effectively 'abandoned' for LMR developments). Separate *Requests for Variation* under clause 4.6 MLEP have been submitted in respect of these proposed height breaches.

In terms of the overall building height under the Housing SEPP, the clause 4.6 variation request sets out the proposed variation both in metres and as a percentage. The proposed breach to the Housing SEPP height controls is both excessive and unreasonable, even putting aside our opinion that the incorrect base height/FSR controls have been relied upon in the Housing SEPP.

Whilst the site can benefit from a significant uplift in height (compared to the previous planning controls) – and the height uplift will produce a significantly higher building than both the existing neighbouring development and what would be permitted under the current planning controls, by proposing a breach to the maximum height controls as outlined above, the development will also be significantly higher than anticipated/or intended for future developments in this location.

A breach to this extent is not warranted, has not been sufficiently justified in the submitted clause 4.6 variation requests and should not be supported by DPHI.

Part 4, Section 175 of the Housing SEPP pertains to 'development standards – low and mid rise housing <u>inner</u> area' as follows (emphasis in **bold**):

*(1) This section applies to land in a low and mid rise housing **inner** area in Zone **R3 Medium Density Residential** or R4 High Density Residential.*
*(2) Development consent must not be granted for development for the purposes of **residential flat buildings** with a building height of up to **22m** unless the consent authority is satisfied the building will have **6 storeys or fewer**.*
(3) Development consent must not be granted for development for the purposes of a building containing shop top housing with a building height of up to 24m unless the consent authority is satisfied the building will have 6 storeys or fewer.
(4) In this section, a storey does not include a basement within the meaning of the standard instrument.

As previously stated, in the opinion of SPS, Section 176 (not Section 175) of the Housing SEPP is the applicable height control for a low and mid rise housing <u>outer</u> area site as follows (emphasis in **bold**):

*(1) This section applies to land in a low and mid rise housing **outer** area in Zone **R3 Medium Density Residential** or R4 High Density Residential.*
*(2) Development consent must not be granted for development for the following purposes if a resulting building will have a building height of up to **17.5m** unless the consent authority is satisfied that the building will have **4 storeys or fewer**—*
*(a) **residential flat buildings,***
(b) buildings containing shop top housing.
(3) In this section, a storey does not include a basement within the meaning of the standard instrument.

Section 16 of the Housing SEPP applies as follows, **yet it is silent on whether additional storeys are allowed.**

16 Affordable housing requirements for additional floor space ratio

*(1) The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the development on the land **plus an additional floor space ratio of up to 30%,** based on the minimum affordable housing component calculated in accordance with subsection (2).*
(2) The minimum affordable housing component, which must be at least 10%, is calculated as follows—

$$\text{affordable housing component} = \frac{\text{additional floor space ratio}}{\text{(as a percentage)}} \div 2$$

(3) If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the development on the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).
Example—
Development that is eligible for 20% additional floor space ratio because the development includes a 10% affordable housing component, as calculated under subsection (2), is also eligible for 20% additional building height if the development involves residential flat buildings or shop top housing.
(4) This section does not apply to development on land for which there is no maximum permissible floor space ratio.

Chapter 6 of the Housing SEPP allows a maximum FSR of 2.2:1 for a low and mid rise inner area and a maximum building height of 22m. In addition, Chapter 2 of the Housing SEPP allows an additional 30% FSR and height incentive where 15% of the total GFA is provided as affordable housing – and the development seeks to utilise these provisions by providing an affordable housing component. These provisions effectively increase the allowable FSR to 2.86:1 and the allowable height to 28.6m.

The current development proposes a height of 33.68m. This results in a 10.8% variation to the '*height of buildings'* control. The further height variation of 10.8% is a significant and unacceptable variation especially when considered the site has already utilised the 30% height bonus afforded by the Housing SEPP.

The 'Height of Buildings' Development Standard is a 'maximum' control with the objectives set out in the MLEP being:-

(i) to share public and private views, and
(ii) to minimise the visual impact of buildings particularly when viewed from the harbour and surrounding foreshores, and
(iii) to ensure that buildings are compatible with the desired future character of the area in terms of building height and roof form, and
(iv) to minimise the adverse effects of bulk and scale of buildings,

The development is incompatible with the desired future character of the area as detailed in the Mosman Masterplan. The Mosman Masterplan is intended to amend how the NSW Government's Low and Mid-Rise Housing Policy (**LMR**) is applied in some areas of Mosman. As per the planning principles of the Moman Masterplan it is intended that sensitive areas such as the site of this project and surrounding areas (commonly referred to as the "Balmoral Slopes") will be excluded.

The proposal also fails to minimise the adverse effects of bulk and scale and seeks to further exacerbate the impacts via an additional height non-compliance. Hence, in our view this proposal is an ambit claim and should be rejected.

In addition to the above, Chapter 2 of the Housing SEPP does not specify a similar bonus regarding the number of <u>storeys</u>, hence the proposal for a ten (10) storey building is three to four (3-4) storeys in excess of the 6-storey maximum prescribed by section 175 of the Housing SEPP. The Applicant appears to have assumed that the height bonus also applies to the number of storeys of the proposal, but 'building height' (or height of building) means 'the height of a building in <u>metres</u>', not storeys.

'Storey' and 'Height of Building' are both separate terms and as such the building does not comply with the Housing SEPP requirements. The proposal should be refused in its current form as the submitted clause 4.6 applications seek an exception to the development standard, but have not addressed the proposed increase in the number of storeys. The proposal is up to 10 storeys in height, not 6, but the submitted clause 4.6 requests do not adequately address this.

Whether it was the intent of the Housing SEPP to apply to additional storeys as well as FSR/height(m) is irrelevant. What is relevant, is that the applicable environmental planning controls are ambiguous and the Applicant appears to have relied upon this in which to support an overbearing development that creates an unsatisfactory visual impact and adverse impacts on surrounding development and heritage items together with impacts on views.

The *Guide to Varying Development Standards* has a section on cumulative impact (s.4.2.2). This section states that the consent authority must consider the potential cumulative impacts of any potential variations. Given this is the one of the first round proposals in Mosman under the LMR provisions, any variations to any controls (such as the number of storeys) will potentially set a precedent where further variations approved incrementally over time may undermine the planning objectives relating to the site or the area.

The proposal will also have a significant visual impact on dwelling houses in Redan Lane and the proposed building up to 10 storeys in height will have an overbearing visual impact on surrounding living areas and private open spaces which are generally orientated to the east.

The shallow depth of the site does not permit meaningful setbacks to be provided and the proposed development will tower over the surrounding residential dwelling houses to the north, south and east - which will be completely dominated by the proposed development.

The proposed development would also have adverse impacts on the overlooking of the private open space areas for a number of dwellings that back onto Redan Lane. Swimming pools and private open space areas front Redan Lane and the proposed development would tower over these private open space areas with balconies along these elevations overlooking the private open space areas of these properties.

7. Inferior Design Outcome and Traffic / Parking Issues

The proposal includes the following design deficiencies which will require significant amendment to the plans in order to improve amenity and reduce traffic/parking impacts: -

(a) The unit on the lower ground does not have a functional and appropriate layout with access to the unit only via the 2-car garage. There is no other entry to or from the unit which means any visitors need to enter through the garage and not through a common lobby area, or from a pedestrian path from Redan Lane. This is unsatisfactory and offers poor amenity to future occupants of the building;

(b) Crime Prevention Through Environmental Design (**CPTED**) issues arise as the entry to the above unit is not visible and provides no opportunities for passive surveillance. The layout of the unit also does not appear functional with access to bedroom 1 via the walk-in-wardrobe. The unit also has an excessively large storage area which could potentially be converted to another bedroom. From the layout and design of this unit it is evident that the site is not able to accommodate the scale of this proposal.

(c) The proposed intensified use of Redan <u>Lane</u> is inappropriate for the following reasons:

    (a) no existing pedestrian footpath exists (refer **Figure 4**);
    (b) no pedestrian footpath is able to be provided due to the narrow width;
    (c) the narrow width of Redan Lane (approximately 4m – 5m) is exacerbated by vehicles legally parked in the lane which restricts its function to a single-lane/dual-direction operation with most drivers needing to give way to oncoming traffic - and even then, at a significantly reduced speed;
    (d) unable to be ‘safely walked by a pedestrian’ when combined with traffic usage as there is no margin for error and it would be inappropriate with the proposed intensification of development on the site to rely upon this lane as a shared pedestrian/traffic zone – particularly for parents with prams and elderly residents;
    (e) vehicles are already unable to drive in Redan Lane against oncoming traffic up to the legal speed limit due to its existing constraints which include an “S”-bend and narrow width that are not conducive to a safe shared pedestrian/traffic environment;
    (f) the proposed residential apartment building would be accessed via Redan Lane with two basement levels of car parking;

(g) the driveway to the basement does not allow for two vehicles to pass each other. The driveway in and out is only single lane which means vehicles need to queue within Redan Lane to enter the site if a vehicle is exiting;
(h) a waiting bay is provided within the basement however the swept path plans submitted show that access is very tight if there is a car waiting to enter whilst a car is trying to exit;
(i) access to the garage on the lower ground floor unit is also very tight with not enough manoeuvring area provided for a vehicle to exit the garage and leave the site in a forward direction;
(j) swept path plans have not been provided for all of the garage areas and visitor car parking spaces in order to demonstrate that vehicles can enter and exit in a forward direction; and
(k) the volume of garbage to be collected via Redan Lane would require multiple services per week adding traffic stress that will impact on the functionality of the lane in conjunction with other properties utilising the lane and potential future developments.

8. Non-compliance with Apartment Design Guide (ADG).

The following concerns are raised with respect to non-compliance with the ADG:

- The proposal does not comply with the relevant building separation controls within the ADG and therefore would impact on visual privacy given the building would be located closer to the boundaries;

- The proposal does not comply with the maximum habitable room depth for open plan layouts, exceeding the 8m requirement in the ADG;

- The visitor space one in the Basement 01 plan also doubles as the car wash bay which means that the development is short one car parking space;

- Balconies on the upper storeys have northern side balconies which directly overlook into the private open space areas of adjoining properties;

- The balconies on the western elevations directly overlook the private open space areas of the properties across Redan Lane;

- The lobby areas within the basement levels adjacent to the lift should be open areas or have windows to provide surveillance of the area. They can be potential entrapment areas as they are currently proposed as closed areas (CPTED issues);

- The architectural plans do not show the location of bin storage areas within Redan Lane. In addition, swept path plans have not been submitted detailing how the bins will be accessed on collection day and whether there is enough room for garbage trucks within Redan Lane;

- There is no loading area or service area provided in the basement for service vehicles and for the loading/unloading of goods; and

- The communal open space provided on the lower ground 02 plan is not considered to be satisfactory and would mean the proposal does not meet the minimum requirement for communal open space. The walkway to the communal open space is not satisfactory as this area is a pathway and cannot be used for any activity that would ordinarily occur within a communal open space area without blocking access to the larger area. The stairway is also calculated in the communal open space area which is not a useable space and provides access only.

8. Inadequate Strategic Planning and Lack of Community Participation

The low and mid rise housing / affordable housing provisions within SEPP Housing have been implemented outside of the normal framework for strategic planning, rather than the regular process of preparing drafts, exhibiting, and then finalising draft local environmental planning instruments after considering public submissions.

The Chapter 6 Affordable Housing provisions in the Housing SEPP were introduced with minimal (if any) effective input/resistance from Mosman residents (or Council) and lacked a conventional strategic planning process, meaning that these controls are operating to the substantial detriment of balanced development outcomes. The impacts of the proposal extend to both surrounding developments and the public domain, such that its effects are not confined to Mosman residents, but may be realised as far afield as Middle Harbour and beyond.

The resulting process is an example of a state government creating the modern-day guide of how-to-force-feed-higher-density development into an established locality albeit without doing the prerequisite homework. Similar ‘planning’, or lack thereof, occurred decades ago with some legacy developments and their associated impacts still evident within the Sydney metropolitan area which stand as a reminder that indeed, history can often repeat itself.

Evidence of the proposal not being the product of conventional strategic planning is noted as part of the following observations:

(a) The highest order strategic plan for the region is the *Sydney Region Plan* and the supporting *North District Plan*, which was released by the now defunct Greater Sydney Commission in 2018. Spatially, these plans did not identify anything particular for Mosman apart from it being a local centre with a B-line bus service and a small amount of contribution to housing completions.

    Council had a small 2016-2021 Housing Target of just 300 dwellings. (i.e. 300 dwellings over 5 years). Councils were to set their targets in line with the *Sydney Region Plan* through their housing strategies. In the opinion of SPS, the proposal is inconsistent with these plans and strategies.

(b) The *Sydney Region Plan* and *North District Plan* are in the process of being replaced with the Sydney Plan (2026) which is currently in draft form. This Plan includes the LMR approach as part of its plan for housing growth. When this plan is formally adopted it will therefore include the strategic background to support the LMR approach.

    This is back-to-front strategic planning, retrofitting the strategic plan with what has been legislated (via the Housing SEPP) outside of the strategic framework. However, it will very likely become part of the Sydney Plan which would then potentially dilute any argument that the development would not align with higher-order planning.

    Rather than adopting a position and then adjusting everything else around it to suit (as the State government has done in this case), Mosman constituents should have been provided with greater input and consultation as part of a conventional strategic planning process, rather than at the statutory DA assessment stage where the proverbial ‘horse has bolted the gate’.

(c) Each Council in metropolitan Sydney has developed a Local Strategic Planning Statement, (**LSPS**), which is a 20-year vision for the Council area and implements the District Plan in greater detail.

(d) The LSPS identifies the subject site partly within a scenic protection area and identifies the site within the area identified for "existing opportunities for additional housing as infill development" with Muston Street being the eastern boundary of that land (red shade in **Figure 13**). The LSPS refers to the Housing Strategy for more detailed information on housing growth within this area.

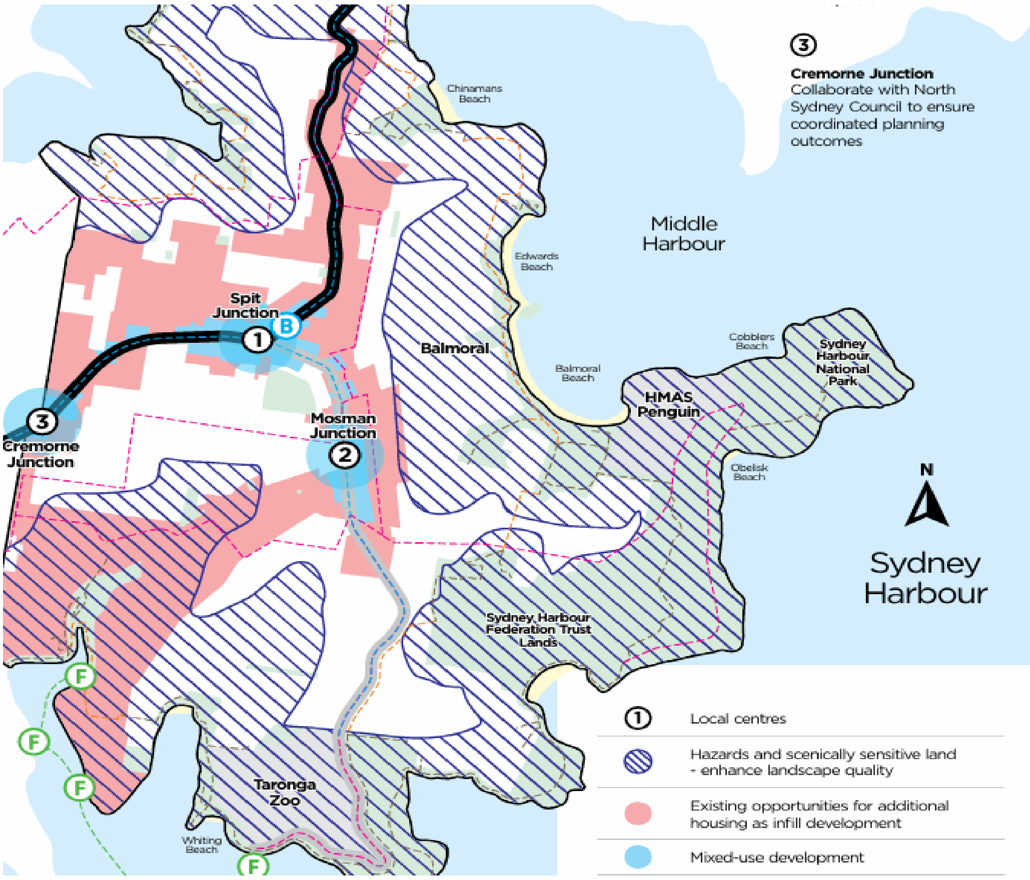


Figure 13 LSPS MAP Extract

(e) In 2020, Council prepared the *Mosman Local Housing Strategy* to set out a clear plan for housing in Mosman over the next 20 years to meet anticipated demand. Mosman's population is projected to increase by 1,370 people to a population of 31,630 people by 2041.

It contains a strategy to "*identify the right locations for housing growth, appropriate to environmental and infrastructure constraints*." The subject site is zoned R3 and the Housing Strategy maintains that this zone is suitable "*as a focus for housing growth*" as it provides access to the transport network, is close to shops, services, facilities and employment, and has a lack of environmental constraints.

The housing strategy simply repeats much of the existing planning controls in MLEP, rather than explaining a vision for how that housing growth may occur. In the opinion of SPS, the housing strategy simply articulated a "business as usual" approach where no change to planning controls is necessary to realise the population growth of 1,370 people to 2041. Although the site is within the area identified as suitable for housing growth, the approach would be to develop within the existing controls. Arguably, the proposal is not in the spirit of the housing strategy for this reason as the Housing SEPP did not contain the Chapter 6 provisions when it was prepared in 2020.

(f) The Housing Strategy indicates a small population growth of 1370 people to 2031 (in line with the District Plan's 300 dwellings over 5 years). SPS contends that this locality does <u>not</u> require any increase to the overall yield of planning controls to realise this projection.

(g) EP/11 Mosman Masterplan - (Page 339 of Council's April 2026 Agenda) (emphasis in **bold**)

In November 2025, Mosman Council secured agreement with the State to consider a long-term strategic masterplan for Mosman that develops local controls and redistributes density permitted under the LMR. Mosman Council has now developed the Mosman Masterplan for which further details were released on 7 April 2026.

The stated aim of the Mosman Masterplan is to seek concentrate increased building heights at Spit Junction, the Spit and Military Road corridor and other strategic locations by shifting development capacity away from more sensitive areas. This includes heritage conservation areas and locations within and on the edge of the scenic protection area such as the ***Balmoral Slopes*** *and Mosman Bay slopes, where larger-scale development has attracted strong objection from both residents and Council.*

Furthermore, the planning principles include:

Protect and enhance established character	*Mosman's character is a collective public asset, readable, recognisable, and valued by the community.* *The masterplan will retain and strengthen the distinctive qualities of established streetscapes and prized views and vistas, by setting clear built form parameters for scale, rhythm, landscape setting, and transitions. New development should reinforce, not dilute, local identity through context-led design.*
Celebrate heritage	*The masterplan will ensure heritage significance is protected through appropriate curtilage, setting and visual relationships, including controls for setbacks, height transition, and interface design where higher density occurs nearby.* *New development should actively interpret and celebrate heritage through design responses that are respectful, legible and enduring.*
Protect local amenity and liveability	*Growth must not come at the expense of everyday comfort. The masterplan will safeguard public and private amenity by managing key impacts such as overlooking, overshadowing, wind, traffic noise, and loss of tree canopy.* *Built form controls should prioritise high-quality sunlight access, privacy, and pedestrian comfort especially around centres, transport, and open space.*

In March 2026, Council secured in-principal agreement with the Department of Planning, Housing and Infrastructure on the overall housing capacity to be provided through the Mosman Masterplan. Under this agreement, the Masterplan is required to include approximately 950,000 square metres of gross floor area, which equates to around 4,700 deliverable dwellings based on an average dwelling size and exclusion of certain sites (such as heritage items). Importantly, this level of growth is anticipated to occur progressively.

The Council's April 2026 Agenda report sought Council endorsement to undertake community consultation on the masterplan principles and two alternative development options to the existing State Government Low and Mid-Rise Housing Policy (LMR).

The options differ in their urban form response, with one dispersing development more broadly across the Spit and Military Road corridor at generally lower heights and the other concentrating development within a narrower footprint resulting in greater building heights.

Both options seek to concentrate increased building heights at Spit Junction, the Spit and Military Road corridor and other strategic locations by shifting development capacity away from more sensitive areas. This includes heritage conservation areas and locations within and on the edge of the scenic protection area such as the ***Balmoral Slopes*** *and Mosman Bay slopes, where larger-scale development has attracted strong objection from both residents and Council.*

Both options are required to achieve density outcomes equivalent to the State-mandated LMR floor space. The delivery of this equivalent density is a State Government requirement over which Council has no discretion, and any departure from the LMR policy therefore necessitates acceptance of the resulting impacts as an unavoidable consequence of the State planning framework.

To support transparency and informed community understanding, this report provides clear written descriptions of the rezoning options under consideration. Given the commercial sensitivity associated with rezoning matters, detailed mapping has been provided to Councillors as a separate confidential attachment. This approach balances Council's commitment to openness with the need to responsibly manage sensitive information and protect the integrity of the rezoning process.

At its Ordinary Meeting of 7 April 2026, Council unanimously RESOLVED:

"That Council:

a) Notes the State Government requirement that any locally-prepared masterplan must achieve density outcomes equivalent to or greater than the Low Mid-Rise controls and accepts that this State government requirement equates to approximately 950,000 square metres of gross floor area.

b) Notes the update on the Mosman Masterplan and the concurrent projects being the Affordable Housing Contributions Scheme and Policy, Infrastructure Assessment and Contributions Framework and DCP Urban Design Review.

c) Approves community consultation on the Draft Mosman Masterplan principles and options outlined in accordance with the Draft Communications and Engagement Plan.

d) Notes that at the conclusion of the exhibition period, a further report will be promptly submitted to Council outlining the public consultation outcomes.

e) Delegates to the Mayor and General Manager to make minor amendments to the consultation material as required."

The Mosman Masterplan is more likely to accurately reflect the community values and desired future character of Mosman, as agreed to by Mosman constituents, rather than the ad-hoc provisions that are currently being relied upon by SSD 98068713 under the Housing SEPP.

9. The Public Interest

SSD 98068713 warrants consideration by the Independent Planning Commission (**IPC**) and in our view, a Public Meeting should be held as the application lacks the required information to properly address clause 24 of *Environmental Planning and Assessment Regulation 2021* (**EPA Regulation**).

SPS contends that for a development to be considered within the public interest, it should meet the 'Objects of Act' contained within s.1.3 of the EPA Act as follows (SPS emphasis in **bold**).

(a) *to promote the* ***social and economic welfare of the community*** *and a better environment by the proper management, development and conservation of the State's natural and other resources,*
(b) *to* ***promote*** *the* ***supply, delivery and maintenance of housing, including affordable housing,***
(c) *to promote productivity through the development and management of the State and its resources,*
(d) *to protect the environment, including the conservation of threatened species of native animals and plants and ecological communities and their habitats,*
(e) *to promote resilience to climate change and natural disasters through adaptation, mitigation, preparedness and prevention,*
(f) *to promote the* ***sustainable management of built and cultural heritage****, including Aboriginal cultural heritage,*
(g) *to promote* ***good design, amenity and the proper construction and maintenance of built environments,*** *including the protection of the health and safety of the occupants of buildings,*
(h) *to provide opportunities for participation in environmental planning and assessment,*
(i) *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
(j) *to promote a proportionate and* ***risk-based approach*** *to environmental planning and assessment,*
(k) *to promote the* ***orderly and economic use and development of land****.*

For the reasons outlined in this submission, the proposed development does not represent "*orderly and economic use and development of the land*", nor does it "*promote good design, amenity and the proper construction and maintenance of built environments*". Long-term, the proposal results in **less affordable housing units** on the site than what is currently the case.

The significant height variation proposed (including an excessive number of storeys) is neither necessary, nor reasonable in justifying the provision of affordable housing on the site. In addition, it is recommended that a detailed site investigation be required to address the recommendations in the Preliminary Site Investigation (**PSI**) as well as the preparation of a remediation action plan (**RAP**).

Consequently, the proposed development fails to meet the 'Objects of Act' contained within s.1.3 of the EPA Act and has not submitted satisfactory information consistent with the requirements of clause 24 of the EPA Regulation. For these reasons, SSD 98068713 cannot be supported as being in the public interest and is unsatisfactory having regard to s.4.15(1)(e) of the EPA Act.

CONCLUSION

SPS has been commissioned by Mr Scott Wehl, owner of No. 52 Almora Street, Mosman to provide an independent town planning assessment of SSD 98068713 for proposed construction of a part-8/part-10 storey residential development with in-fill affordable housing on the subject site at No. 65 Muston Street, Mosman, comprising demolition of existing structures, site preparation and excavation, 13 apartments (including 3 affordable housing apartments), lower-ground and basement parking for 29 cars with access from Redan Lane, communal facilities and rooftop communal open space and associated civil and landscaping works.

An assessment having regard to the relevant matters for consideration under section 4.15(1) of the *Environmental Planning and Assessment Act 1979* indicates that the proposal will create significant adverse environmental impacts on our client's property at 52 Almora Street, Mosman which is located approximately 100m to the north of the site along Redan Lane and is a heritage item listed as having local significance under Schedule 5 of *Mosman Local Environmental Plan 2012*).

The EDC for this project is excessive and potentially creates a 'Trojan-horse' SSD proposal. The EDC submitted by Napier & Blakeley on behalf of the Applicant with the EIS states *'Our Estimated Development Cost (EDC) is $83,993,610 (Excl GST)',* yet MDM has undertaken an EDC Peer Review on behalf of our client that identifies an EDC of $61,756,482 (Excl. GST) – representing a significant variance of $22,216,187. If the proposal is confirmed by DPHI as not constituting a *bona fide* SSD application, the proposal could otherwise be assessed by Council as the consent authority, not the Minister.

SSD 98068713 ought never to have been put forward in its submitted form and should not be favourably considered at the expense of our client's amenity and to the detriment of the character/streetscape-presentation, heritage and visual impacts/loss of views within the broader Mosman locality. In our view, the site should properly be categorised within a 'low and mid rise housing <u>outer</u> area'. Therefore, section 176 of the Housing SEPP should apply instead of section 175 of the Housing SEPP as the site exceeds 400m safe walking distance from Spit Junction Town Centre. The failure to incorporate the available pedestrian crossing as part of the safe walking distance calculation is both significant and potentially fatal to the application.

On behalf of our client, SPS respectfully requests that DPHI not support any recommendation of approval for the proposal in its current form and SSD 98068713 be **REFUSED** by the Minister as it is unsatisfactory having regard to s.4.15(1) of the EPA Act. DPHI planners should undertake a site inspection of all affected properties (including, but not limited to, our client's property at 52 Almora Street) prior to drafting any assessment report, so that the site context and significant adverse impacts associated with the proposal can be fully appreciated. In the event that the application is not withdrawn prior to determination and amendments to the proposal are accepted by DPHI, SSD 98068713 should be re-notified in order to allow our client to undertake a subsequent review of any amended plans and additional information and a Public Meeting should be held prior to consideration by the Independent Planning Commission ahead of any final sign-off on the application.

On behalf of our client, we wish to thank the Minister for considering the above matters and we look forward to DPHI informing our office of progress associated with the assessment of SSD 98068713, so that SPS can make further representation on behalf of our client if required. Should you require clarification of any matter, please do not hesitate to contact our office.

Yours sincerely,
STATE PLANNING SERVICES PTY LIMITED

JOHN MCFADDEN
MANAGING DIRECTOR

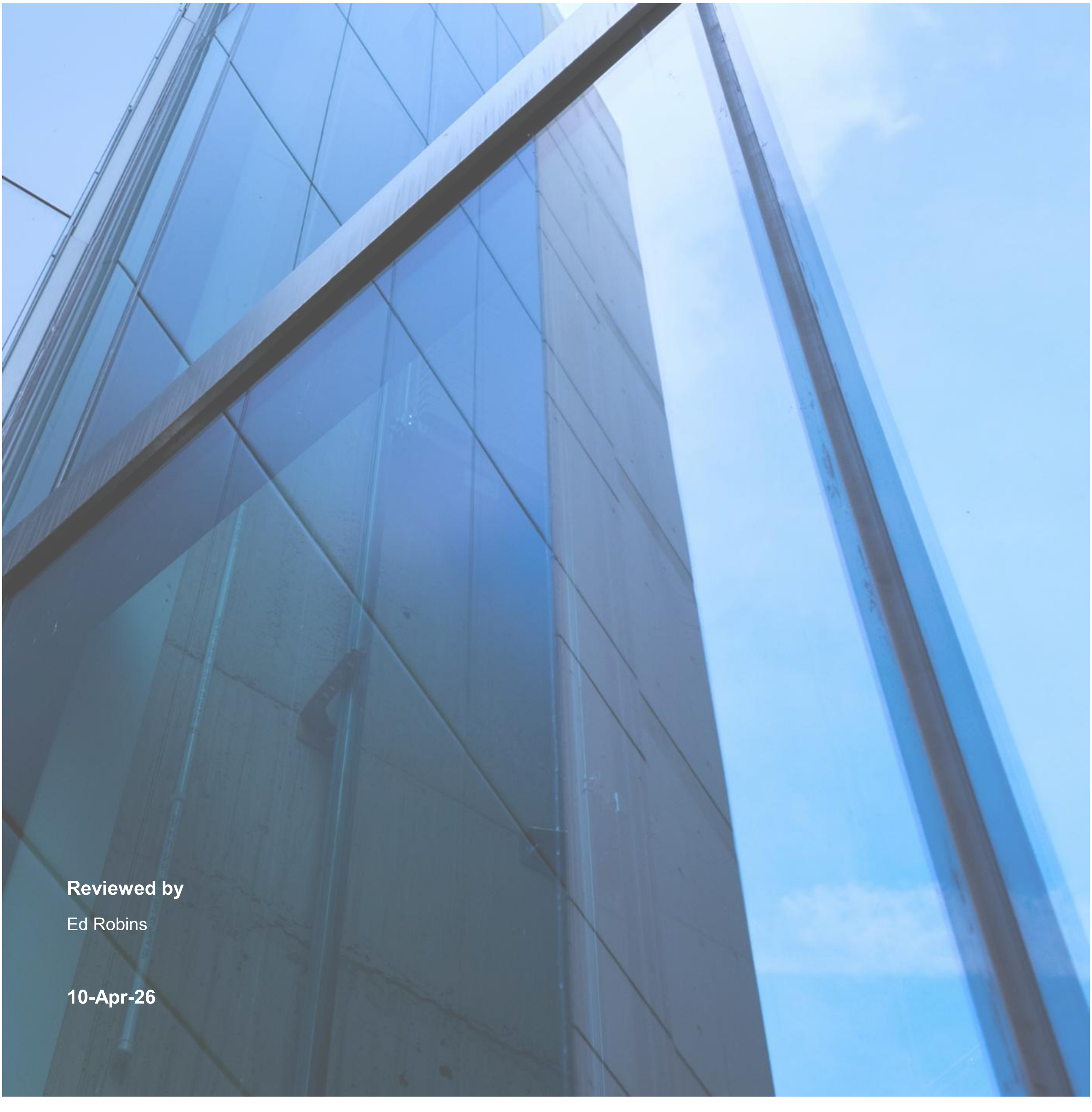
Attachment 1: MBM EDC Peer Review

Attachment 1

65 Muston Street, Mosman
EDC Peer Review

MBM Job Number: 3881-0003

Prepared By: Sinead Dyra



Reviewed by

Ed Robins

10-Apr-26

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Sydney NSW 2000
P 02 9270 1000

3881-0003

Friday, 10 April 2026

NSW Department of Planning & Environment
4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150

Attention: Scott Wehl
SSDA SSD-98068713
Address Suite 15.01, Level 15, Chifley Tower, 2 Chifley Square, Sydney NSW 2000

EDC Peer Review

MBM has been engaged by Scott Wehl to undertake a high-level peer review of the Estimated Development Cost (EDC) for 65 Muston Street, Mosman, as prepared by Napier & Blakeley. Our review is based on documentation available via the NSW Department of Planning and Environment planning portal, including architectural, civil, stormwater and landscape information. Having considered this material, MBM has formed an independent view of the estimated development costs, informed by comparable projects of similar size and complexity.

Item	**EDC - Napier & Blakeley**	**MBM**	**Variance**	**Commentary**
Demolition and Remediation	1,070,336	646,551	- 423,785	MBM allowed for site preparation and demolition of existing structures
Construction	57,709,427	46,012,937	- 11,696,490	MBM's Opinion of market costs based on comparable projects of similar size and complexity.
Fixed & Mobile Plant & Equipment (If applicable)	-	-	-	
Carrying Out of Works (If applicable)	-	-	-	
Mitigation of Impact Items (If applicable)	-	-	-	
Furniture, Fittings & Equipment (FFE) & Operational Equipment (Where forming part of the application)	-	-	-	
Fitout costs (Where forming part of the application)	10,548,106	4,670,549	- 5,877,557	MBM's Opinion of market costs based on comparable projects of similar size and complexity.
Sub-total - 1	**69,327,869**	**51,330,036**	**- 17,997,833**	
Add: Professional Fees	4,852,951	3,593,103	- 1,259,848	NB: 7% on Sub-Total 1 MBM: 7% on Sub-Total 1
Add: Contingency	3,466,393	2,566,502	- 899,892	NB: 5% on Sub-Total 1 MBM: 5% on Sub-Total 1
Add: Escalation	6,116,048	4,119,235	- 1,996,813	NB: 8.8% - NB tbc on % items application MBM: 7.5% on Subtotal 1 + Prof Fees
Sub-total - 2	**83,763,261**	**61,608,876**	**- 22,154,385**	
Add: Authority Fees (0.25%)	209,408	147,606	- 61,802	NB: 0.25% - NB tbc on % items application MBM: 0.25% on Subtotal 1 + Prof Fees + Escalation
TOTAL EDC (EXCL. GST)	**83,972,669**	**61,756,482**	**- 22,216,187**	
Add: GST - Calculated on Sub-total - 2	8,397,267	6,175,648	- 2,221,619	
TOTAL EDC (INCL. GST)	**92,369,936**	**67,932,130**	**- 24,437,806**	

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Total Site Area (m2)	1,342	1,342	-	MBM measured from GA Plans provided
Total Gross Floor Area - Napier & Blakeley	8,494	N/A	N/A	
Total Gross Floor Area (AIQS Definition) (m2)	7,879	7,879	-	Adjusted Napier & Blakely area to AIQS definition of area
Construction Cost including Fitout $/m2 GFA (AIQS Definition)	8,663	6,433	- 2,230	Note: Napier & Blakeley in their EDC report only allowed cost/m2 to construction. However MBM have updated this to show a true reflection as it needs to be based on the construction plus Fitout costs.

Summary:
It is MBM's opinion that the Estimated Development Costs submitted by Napier & Blakeley appear significantly higher than current market expectations. A detailed breakdown of MBM's cost assessment based on recent tender data for comparable projects, as well as considerations of complexity, location, and scale is provided in Appendix 1. A brief summary of the appendices is presented below:

MBM's Estimated Development Cost does not exceed the $75 million threshold required for a project to be classified as State Significant. MBM's rates are derived from current tender data and benchmarks against comparable projects regarding size, complexity and location.

MBM has included a comparison with Rawlinson's 2026 Edition 44 Handbook, widely recognised in Australia as a leading authority on construction costs, cost estimation, and cost planning.

MBM considers the Gross Building Area (GBA) adopted by Napier & Blakeley to be overstated by 615m2 when assessed in accordance with the AIQS method, resulting in a materially inflated Estimated Development Cost.

MBM has identified a directly comparable project by the same applicant (Prosker Property) at 48–50 Almora Street, Mosman NSW 2088, currently under assessment (lodged 17/09/2025). The development comprises 14 residential units (including affordable housing), basement parking, and a swimming pool, with a Capital Investment Value of $45,893,529, a cost of $3,278,109 per apartment which is 35% lower than 65 Muston Street application, supporting MBM's adopted benchmarking.

MBM has identified a variance of approximately 36% from MBMs high-level EDC, which is considered significant for a project of this scale. Accordingly, MBM recommends that the Estimated Development Cost (EDC) be reassessed and aligned with prevailing market rates.

Additionally, Napier & Blakely EDC for 65 Muston Street, Mosman is $8,663/m2 and $4,439,187/apartment. This is 69% higher than MBM's tenders in the market over the past 6 months ranging from $4,100/m2 to $5,900/m2 and $1.5million per apartment.

Based on the above, MBM has identified a variance of approximately 36% between its assessment and the Napier & Blakeley EDC. This level of variance is significant and, in MBM's opinion, indicates that the submitted EDC is overstated. Accordingly, MBM recommends that the EDC be reassessed to ensure alignment with current market rates and accepted measurement standards. MBM considers that the Department of Planning, Housing and Infrastructure should have regard to the above in determining whether the proposed development at 65 Muston Street, Mosman meets the criteria for classification as a State Significant Development Application (SSDA).

Should you have any queries please do not hesitate to contact the undersigned.

Yours faithfully

Edward Robins
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MBM

Appendix 1: Comments by MBM & MBM Cost Breakdown

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MBM

Analysis

	Napier & Blakeley	MBM	Rawlinson's	Comments
Site Area (m2)	1,342	1,342	1,342	
GBA (m2)	8,494	7,879	7,879	Rawlinson's to match MBM GBA
AIQS GBA (m2)	7,879	7,879	7,879	
No. of Apartments	13	13	13	
Average Apartment including balconies	Unknown	364	364	Excludes basement and wellness centre
Construction Cost only	$ 57,709,427	$ 46,012,937	$ 38,125,586	
Construction Cost including Fitout	$ 68,257,533	$ 50,683,486	$ 42,385,837	
Cost per apartment on Construction Costs Only	$ 4,439,187	$ 3,539,457	$ 1,582,000	Rawlinson's $ is for Prestige Apartments*
Cost per m2 on Construction Costs only	$ 8,663	$ 6,433	$ 5,380	Ditto
Variance $	-	-$ 2,230	-$ 3,284	
Variance %	-	-26%	-38%	

- *Prestige standard multi storey two or three bedroom units, large public areas, lift, air-conditioned, excluding balconies. Average apartment 277m2 including lettable area, circulation space, common/support area and plant space. No allowance for parking, external works and services or balconies/terraces.
- The GBA adopted by Napier & Blakely differs by 615 m² when compared with MBM's AIQS measured method.
- Napier & Blakeley have applied an additional allowance of $950 per m² across the development in respect of construction costs, equating to approximately $899,730 per apartment.
- MBM's Estimated Development Cost does not exceed the $75 million threshold required for a project to be classified as State Significant. MBM's rates are derived from current tender data and benchmarks against comparable projects regarding size, complexity and location from within the past 10 months.
- Please see over pages for detailed breakdown of MBM Estimated Development Cost and Rawlinson's Estimated Development Cost.

Basis of MBM's EDC

- Preliminaries and Builders Margin have been applied at benchmarked percentages taking into account the project specifics such as size and site access.
- MBM costs were costed in an functional area $/m2 approach with quantities measured where possible and costs applied at market rates. We have used benchmark rates applied on a $ per/m2 as no documentation is available and applied previous experience and knowledge for a "best guess" approach to provisional items.
- MBM's GFA calculation is based on the AIQS definition of GFA (FECA + UCA) as per the AIQS Cost management manual volume 1.
- This cost estimate has been prepared in accordance with council requirements and is intended solely for the purpose calculating development contributions and levies. It should not be relied upon as a complete representation of project costs, as it reflects council-specific assumptions and may not account for all factors influencing the final cost.

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Analysis

General Costing

- MBM used Appendix 5 - Architectural Drawings for the GBA area
- MBM's rates are derived from benchmarked data across comparable projects of similar size, complexity, and location. These benchmarks indicate a range from approximately $4,000/m² for high-standard construction through to approximately $5,300/m² for very high-end luxury developments.
- MBM has applied current tender data to the bulk excavation scope and prepared a high-level cost estimate based on the available geotechnical report and architectural drawings.
- MBM has applied benchmarked cost data for the wellness centre, basement, and car park areas. In addition, appropriate allowances have been made for specialist fit-outs and associated extra-over costs, including steam rooms, saunas, spa facilities, swimming pool, and golf simulator.
- MBM has allowed 7.5% for Escalation based on the commencement date stated within NB report of October 2027

Assumptions

- Excavation has been assessed on the basis of 200 mm of non-putrescible topsoil removal across the proposed built form area. Bulk excavation has been calculated on a composition of approximately 40% putrescible material and 60% excavated natural material (ENM). All excavated material is assumed to be disposed of off-site.

Exclusion

- No allowance for service diversion (major or infrastructure), archaeological investigations, latent conditions, works outside the boundary, green star, out of hour works, staging, relocations.
- Amounts payable, or the cost of land dedicated, or other benefit provided, under a condition imposed under the EP&A Act, Division 7.1 or 7.2 or a planning agreement
- Costs relating to a part of the development or project that is the subject of a separate development consent or approval
- Land costs, including costs of marketing and selling land
- Costs of the ongoing maintenance or use of the development
- Finance Costs

GBA Area Definition as per AIQS Cost Management Manual

- FULLY ENCLOSED COVERED AREA (FECA)
  The sum of all such areas at all building floor levels, including basements (except unexcavated portions), floored roof spaces and attics, garages, penthouses, enclosed porches and attached enclosed covered ways alongside buildings, equipment rooms, lift shafts, vertical ducts, staircases and any other fully enclosed spaces and usable areas of the building, computed by measuring from the normal inside face of exterior walls but ignoring any projections such as plinths, columns, piers and the like which project from the normal inside face of exterior walls. It shall not include open courts, light wells, connecting or isolated covered ways and net open areas of upper portions of rooms, lobbies, halls, Interstitial Spaces and the like which extend through the Storey being computed. Unit of Measurement: Square Metres (m²).
- UNENCLOSED COVERED AREA (UCA)
  The sum of all such areas at all building floor levels, including roofed balconies, open verandahs, porches and porticos, attached open covered ways alongside buildings, undercrofts and usable space under buildings, unenclosed access galleries (including ground floor) and any other trafficable covered areas of the building which are not totally enclosed by full height walls, computed by measuring the areas between the enclosing walls or balustrade (i.e. from the inside face of the UCA excluding the wall or balustrade thickness). When the covering Element (i.e. roof or upper floor) is supported by columns, is cantilevered or is suspended, or any combination of these, the measurements shall be taken to the edge of the paving or to the edge of the cover, whichever is the lesser. UCA shall not include eaves overhangs, sun shading, awnings and the like where these do not relate to clearly defined trafficable covered areas, nor shall it include connecting or isolated covered ways. Unit of Measurement: Square Metres (m²).

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Description	Area	Unit	MBM Cost Breakdown Rate	MBM Cost Breakdown Total	Rawlinson's Cost Breakdown Rate	Rawlinson's Cost Breakdown Total	Comments
Demo/site prep							
General site clearance	1,342	m2	12	16,104	1	939	MBM tender data from within 6 months in similar location, size and complexity. Rawlinson's breakdown from Edition 44 handbook
Demo existing builds	1,097	m2	250	274,250	250	274,250	MBM tender data from within 10 months in similar location, size and complexity and have applied the same to Rawlinson's breakdown
Demo existing paths etc	591	m2	100	59,100	92	54,372	Rates based on Q1 2026 tender data
Type A Hoardings to site boundaries	158	m2	300	47,400	270	42,660	Rates based on Q1 2026 tender data
Tree protections / removal	1	item	50,000	50,000	50,000	50,000	MBM have applied provision to Rawlinson's cost breakdown
Removal of services etc	1	item	50,000	50,000	50,000	50,000	Ditto
Extra over for gates (allow 4 No.)	2	no	2,500	5,000	2,500	5,000	Ditto
Excavation							
Excavate, transport and dispose of materials below							MBM tender data from within 6 months in similar location, size and complexity and have applied the same to Rawlinson's breakdown
Provision for remediation	1	item	1,500,000	1,500,000	1,500,000	1,500,000	MBM have applied provision to Rawlinson's cost breakdown
GSW (Putrescible)	368	t	348	128,202	394	144,924	Topsoil layer only
GSW (Non-Putrescible 40%)	7,358	t	348	2,564,034	488	3,587,220	MBM assume 40% of excavation
ENM 60%	11,038	t	304	3,351,015	343	3,788,104	MBM assume 60% of excavation
Built Form							
Basement							
Basement, Carpark & Loading including bin rooms, services and storage	2,900	m2	2,500	7,250,000	2,500	7,250,000	MBM tender data from within 10 months in similar location, size and complexity and have applied the same to Rawlinson's breakdown
Luxury Apartments							
PRELIMINARIES	2,721	m2	948	2,580,324	790	2,150,270	MBM rates based on current tender data within last 10 months and benchmark data for similar projects of size, complexity and location.
SUBSTRUCTURE	2,721	m2	84	228,564	70	190,470	
SUPERSTRUCTURE						-	
Columns	2,721	m2	113	307,745	94	256,454	
Upper Floors	2,721	m2	576	1,566,480	480	1,305,400	Rawlinson's breakdown is based on the rates within the Edition 44 Handbook for Prestige Apartments
Staircase	2,721	m2	77	210,605	65	175,505	
Roof	2,721	m2	83	225,299	69	187,749	
External Walls and Windows	2,721	m2	781	2,125,645	651	1,771,371	
External Doors	2,721	m2	83	226,115	69	188,429	
Internal Walls	2,721	m2	223	606,511	186	505,426	
Internal Screens	2,721	m2	25	66,937	21	55,781	
Internal Doors	2,721	m2	100	272,644	84	227,204	
FINISHES						-	
Wall	2,721	m2	198	538,758	165	448,965	
Floor	2,721	m2	235	639,979	196	533,316	
Ceiling	2,721	m2	141	384,477	118	320,398	
FITTINGS						-	
Fitments	2,721	m2	504	1,370,568	420	1,142,140	
Special	2,721	m2	-	-	-	-	
SERVICES						-	
Plumbing	2,721	m2	763	2,076,667	636	1,730,556	
Mechanical	2,721	m2	776	2,110,136	646	1,758,446	
Fire	2,721	m2	112	303,664	93	253,053	
Electrical	2,721	m2	254	689,774	211	574,811	
Transportation	2,721	m2	324	880,788	270	733,990	
Special	2,721	m2	40	107,752	33	89,793	
EXTERNAL SERVICES	2,721	m2	2	5,714	2	4,762	
<u>Extra over allowance for items outside the above</u>							
Steam Room (1.8 x 2.3m)	2	no	14,536	24,227	12,113	24,227	Ditto
Sauna (1.8 x 1.7m)	2	no	10,744	17,907	8,953	17,907	Ditto
Wine Cellar	2	no	50,000	100,000	50,000	100,000	Provision allowed for by MBM and applied to Rawlinson's cost breakdown

MBM

			MBM Cost Breakdown		Rawlinson's Cost Breakdown		
Description	**Area**	**Unit**	**Rate**	**Total**	**Rate**	**Total**	**Comments**
Affordable Apartments							
PRELIMINARIES	942	m2	788	741,825	656	618,188	MBM rates based on current tender data within last 10 months and benchmark data for similar projects of size, complexity and location.
SUBSTRUCTURE	942	m2	75	70,650	63	58,875	
SUPERSTRUCTURE						-	
Columns	942	m2	101	95,236	84	79,364	
Upper Floors	942	m2	526	495,398	438	412,832	Rawlinson's breakdown is based on the rates within the Edition 44 Handbook for High Standard Apartments
Staircase	942	m2	67	63,020	56	52,517	
Roof	942	m2	74	69,520	62	57,933	
External Walls and Windows	942	m2	634	597,416	529	497,847	
External Doors	942	m2	60	56,237	50	46,865	
Internal Walls	942	m2	200	188,494	167	157,079	
Internal Screens	942	m2	20	18,652	17	15,543	
Internal Doors	942	m2	73	68,954	61	57,462	
FINISHES						-	
Wall	942	m2	152	142,713	126	118,928	
Floor	942	m2	176	165,604	147	138,003	
Ceiling	942	m2	100	93,823	83	78,186	
FITTINGS						-	
Fitments	942	m2	331	311,990	276	259,992	
Special	942	m2	-	-	-	-	
SERVICES						-	
Plumbing	942	m2	659	620,307	549	516,923	
Mechanical	942	m2	662	623,981	552	519,984	
Fire	942	m2	98	92,693	82	77,244	
Electrical	942	m2	227	213,363	189	177,803	
Transportation	942	m2	295	278,078	246	231,732	
Special	942	m2	40	37,868	34	31,557	
EXTERNAL SERVICES	942	m2	2	1,978	2	1,649	
Balcones, Terraces and Planters							
Individual unit balcony, reinforced concrete	1,075	m2	2,250	2,418,750	1,875	2,015,625	MBM rates based on current tender data within last 10 months and benchmark data for similar projects of size, complexity and location. Rawlinson's breakdown is based on the rates within the Edition 44 Handbook for High Standard Balcony
<u>Extra over allowance for items outside the above</u>							
e/o retractable awnings	1	no	100,000	100,000	100,000	100,000	Provision allowed for by MBM and applied to Rawlinson's cost breakdown
e/o pool 2250 x 6430mm	14	no	15,000	217,013	15,000	217,013	MBM tender data from within 10 months in similar location, size and complexity and have applied the same to Rawlinson's breakdown
e/o spa 2500 x 2550mm	6	no	15,600	99,450	13,000	82,875	MBM rates based on current tender data within last 10 months and benchmark data for similar projects of size, complexity and location. Rawlinson's breakdown is based on the rates within the Edition 44 Handbook for High Standard Balcony
e/o BBQ	14	no	16,000	224,000	13,000	182,000	Rawlinson's rate - BBQ Disability Discrimination Act (DDA) compliant double BBQ
Wellness Centre							
Wellness Centre	241	m2	6,500	1,566,500	6,500	1,566,500	MBM tender data from within 10 months in similar location, size and complexity and have applied the same to Rawlinson's breakdown
e/o gym items	1	item	150,000	150,000	150,000	150,000	Provision allowed for by MBM and applied to Rawlinson's cost breakdown
e/o golf sim	1	item	30,000	30,000	30,000	30,000	Ditto
e/o steam (3.7 x 2.74m)	1	item	35,596	35,596	38,562	38,562	MBM rates based on current tender data within last 10 months and benchmark data for similar projects of size, complexity and location. Rawlinson's breakdown is based on the rates within the Edition 44 Handbook for High Standard Balcony
e/o sauna (2.74 x 4.25mm)	1	item	40,887	40,887	44,294	44,294	Ditto
External works (within boundary)							
External works (within boundary)	451	m2	650	293,150	650	422,500	MBM tender data from within 10 months in similar location, size and complexity and have applied the same to Rawlinson's breakdown
Other							
Uplift for geopolitical Middle East situation	3	%		**1,295,566**		**N/A**	MBM have allowed an additional 3% uplift for the current geopolitical tensions in the Middle East which are impacting the costs of fuel and supplies.
Sub-Total Construction Cost	**7,879**	**m2**	**5,646**	**44,481,096**	**5,147**	**40,549,760**	
Preliminaries	18	%		3,943,467		-	18% preliminaries here is added to all the above excluding the luxury and affordable apartments as Rawlinson costs allow for a cost of preliminaries within the breakdown
Margin	6	%		2,905,474		2,432,986	
Total Construction Cost	**7,879**	**m2**	**6,515**	**51,330,036**	**5,455**	**42,982,745**	

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We operate as a single entity and we are able to utilise specialised skills from any office to deliver a successful outcome for your project or development

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Expert Witness

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- Dispute Resolution
- Tribunal and Court Proceedings
- Quantum Reports

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- Make good schedules
- Condition audits
- Life cycle costing
- Asset registers / Sinking funds
- Capital expenditure forecasting and analysis