

Objection to Development Application SSD-98068713 at 65 Muston Street, Mosman

I object to the proposed residential development at 65 Muston Street, Mosman. The application should be refused or, at a minimum, substantially amended to comply with applicable development standards and to address significant amenity, traffic and housing policy impacts.

Height limit: The most fundamental issue is the height breach. The proposal reaches 31.7 metres, exceeding the 28.6 metre maximum prescribed under the State Environmental Planning Policy (Housing) 2021 by more than three metres. This is not a minor or technical exceedance. A variation of this magnitude — approximately 11 per cent above the statutory cap — cannot be justified by the design rationale offered. The Housing SEPP height controls exist for a reason: to manage the scale of developments in residential areas and to maintain streetscape character. The applicant has not demonstrated why this site should be treated differently, or why the controls should be suspended in this case. The consent authority must either refuse the application or require the applicant to redesign the building to comply with the prescribed maximum.

Estimated development costs: Equally concerning is the pathway by which this application has reached the State Significant Development assessment process. The applicant has nominated a capital investment value of \$83,993,610 for just 13 apartments — only three of which are affordable housing. That figure sits just \$8.99 million, or approximately 12 per cent, above the \$75 million SSD threshold. On a per-dwelling basis it equates to roughly \$6.46 million per apartment, which warrants close scrutiny against independent benchmarks for residential construction in metropolitan Sydney. The narrow margin above the threshold, combined with the small dwelling count, raises a direct question: have the cost figures been independently verified by a qualified quantity surveyor, and is the consent authority satisfied that the capital investment value has not been inflated for the purpose of clearing the SSD threshold and bypassing the local planning controls that would otherwise apply through Mosman Council? Costings obtained by some other objectors raise the question whether this figure is excessive, and copies will be made available to you with their objections. The public is entitled to have that question answered before the application proceeds via the SSD pathway.

Mosman character: The proposal is fundamentally out of character with the established streetscape. Muston Street is defined by low-rise residential buildings considerably smaller in bulk and height than what is proposed here. An 8-to-10 storey development of this scale and footprint will erode the character that residents value and that the planning controls are designed to protect. The development breaches not only the height standard under the Housing SEPP but also departs substantially from the scale and character protections in Mosman Local Environmental Plan 2012 and the Mosman Development Control Plan. There is no justification for this magnitude of departure.

Walking distance from town centre: The measurement of the 400m distance from the Mosman Town Centre is also problematic. The developer has ignored the pedestrian crossing on the corner of Almora Street and Military Road which a pedestrian would find reasonably practicable to use (as per the statutory definition of “walking distance” for this purpose) and instead has utilised a path for measurement purposes that is not permitted under that definition.

Congestion: I live on this street, and I must speak to the real-world impact this development would have. The prospect of years of construction traffic, congestion in an already constrained area, and the permanent loss of the streetscape I know is deeply stressful. Muston Street lacks public transport connectivity — there is no train station within walking distance — which means residents and workers rely heavily on cars and on the relative calm of local streets. The additional traffic

generated by this and other developments, combined with the years of construction activity, will degrade the amenity of the street substantially.

Traffic issues: The application relies on a preliminary construction traffic management plan with key details deferred to a later stage, and claims of "negligible traffic impact" that are not supported by traffic modelling or intersection analysis. Vehicle access via Redan Lane raises particular safety concerns given the narrow nature of the laneway and the volume of additional movements proposed. During the construction phase, large trucks will not be able to transit through Redan Lane because of the dogleg outside the development site, so they will need to exit by reversing. Access via Almora Street is limited because of its three tons weight limit. The developer's claims cannot be relied upon as a basis for approval.

Scale and over-shadowing: The amenity impacts extend beyond traffic. The scale and layout of the proposal will result in significant loss of solar access and privacy for neighbouring properties. Existing residents will experience reduced daylight and outlook. The future residents of the building itself will live in apartments with limited daylight and privacy — a design outcome that fails the Apartment Design Guide standards and that the consent authority should reject.

Loss of truly affordable housing: The proposal also delivers a net loss of genuinely affordable housing. Six existing units on the site are long-term rentals currently let at approximately \$620 to \$760 per week — rents that are genuinely affordable in the Mosman market and that the established tenants will lose if the project proceeds. The applicant proposes only three units described as "affordable housing", with the affordability covenant limited to just 15 years. Once that covenant expires there is no guarantee any affordable component will remain. The arithmetic is clear: six permanent affordable rentals out, three time-limited affordable rentals in, and the displacement of long-term residents in the process. A development that relies on affordable housing bonus provisions should not deliver a net loss of affordable homes, and should not be permitted to use those provisions as the vehicle for removing the very kind of housing the policy is meant to protect.

Future development in Mosman: The applicant's justification for an 8-to-10 storey building on a street currently characterised by low-rise development rests heavily on the claim that further high-rise developments will follow on neighbouring sites in the future. This rationale is fundamentally speculative. There is no certainty that other high-rise proposals will be lodged, approved or built. More importantly, Mosman Council and the State Government are actively reviewing an alternative planning framework for the area. To approve this application now on the basis of hypothetical future development would lock in the very precedent that alternative plan is being prepared to evaluate, and would pre-empt the outcome of that review process. The proper course is to defer determination of this application until the alternative planning framework has been finalised, so that any decision on a building of this scale can be made with regard to a definite set of controls rather than by speculating about what might happen in the Mosman area.

Views: The proposal will significantly affect the scenic character of the area. The height and bulk will erode iconic views to and from Middle Harbour and contribute to the erosion of the area's scenic qualities protected under Mosman Local Environmental Plan 2012 Clause 6.5. The submitted Visual Impact Assessment relies on selectively chosen viewpoints, cropped framing, and the inclusion of hypothetical future buildings to normalise the scale of the proposal. These techniques understate the true visual dominance of the development and should not be accepted as a fair representation of its impact.

Soil and vegetation: The proposal also provides only limited deep soil area, which constrains the ability to establish meaningful canopy planting and on-site greening. The visual representations rely heavily on landscaping outcomes that the deep soil provision may not be capable of supporting in practice. This both overstates the proposal's environmental performance and risks delivering a far harsher built outcome than is depicted.

Precedent for further breaches: Finally, if this application is approved despite breaching the Housing SEPP height control by more than three metres, it will set a clear precedent for similar developments across Mosman. Each subsequent proposal will be able to point to this approval as justification for its own variation. Over time this would erode the height and character controls that residents and the planning system rely on, undermining confidence in the planning framework and the protections it is meant to provide.

Conclusion: For all these reasons, I urge the consent authority to refuse this application. If the applicant wishes to proceed, the building must be redesigned to comply with the 28.6 metre height standard, the capital investment value must be independently verified, the traffic impacts must be properly modelled, and the net loss of affordable housing must be reversed. The application in its current form should not be approved.

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17 April 2026