

Formal Objection and Planning Assessment: State Significant Development Application SSD-119133490 (40-56 Ourimbah Road, Mosman)

Summary and Statement of Objection

This submission constitutes an independent, planning and environmental assessment of State Significant Development Application (SSDA) SSD-119133490.¹ The application proposes the demolition of existing structures across a consolidated site and the construction of an eight-to-nine-storey residential flat building comprising 63 apartments, inclusive of an in-fill affordable housing component, over a two-level subterranean basement at 40-56 Ourimbah Road, Mosman.² This submission articulates the severe, unmitigated impacts the development will impose upon the immediately adjacent heritage-listed property at 33 Bond Street, Mosman (Item 131), alongside broader ramifications for the surrounding local character and municipal infrastructure.³

An evaluation of the architectural plans, technical reports, and statutory planning frameworks reveals that the proposed development represents a profound overdevelopment of the subject site. The application attempts to leverage the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) to bypass established local controls.¹ However, the proposal systematically fails to comply even with the generous maximum thresholds established by the State government for Low and Mid Rise (LMR) housing.⁶ Under the premise of delivering a purely temporary affordable housing allocation, the developer seeks permanent spatial concessions that actively degrade the historical, structural, and environmental integrity of the Mosman community.²

The critical areas of failure identified within the application documentation necessitate the outright refusal of the proposal. The primary grounds for objection are derived from an analysis of the statutory breaches, geotechnical risks, and deceptive assessment methodologies present in the application:

Firstly, the development introduces a staggering building height of 31.64 metres, accommodating eight-to-nine storeys.² This blatantly breaches the statutory base limit of 22 metres (six storeys) for the applicable zone, as well as the absolute maximum 28.6-metre cap allowed even when the maximum 30% affordable housing bonus is applied.⁶ Additionally, the sheer wall height of 29.42 metres violates the Mosman Local Environmental Plan (LEP) R3 standard of 7.2 metres by an unprecedented margin of over 300%.

Secondly, the proposal presents an imminent geotechnical and structural threat to the adjoining 1896 heritage structure at 33 Bond Street.³ The excavation of a deep, 90-car basement requires the use of high-vibration heavy machinery, including rock breakers and impact piling rigs, operating mere meters from the fragile, 130-year-old lime mortar footings of the heritage item.¹ The applicant's Noise and Vibration Impact Assessment openly concedes that vibration thresholds for cosmetic building damage will be exceeded.¹

Thirdly, the development relies on an asymmetric and inequitable exchange of public and private value. The developer secures massive, permanent height and floor space ratio (FSR) bonuses in perpetuity, while the 15.2% affordable housing allocation that unlocked these bonuses is entirely transient, expiring after just 15 years.²

Fourthly, the architectural and environmental studies supplied by the applicant are fundamentally flawed. The shadow and visual impact diagrams benchmark the development against a hypothetical, fully maximized "Future Context"¹, thereby artificially minimizing the perceived overshadowing and visual dominance imposed on the existing low-scale neighbourhood.

Finally, the application completely ignores the cumulative impacts of concurrent State Significant Developments within the immediate Mosman catchment⁹, while simultaneously proposing a highly dangerous vehicular access arrangement that funnels 90 cars directly onto Ourimbah Road—a classified regional road—in direct conflict with a high-frequency bus stop.¹

Site Context and the Heritage Imperative

The proper assessment of any major development must begin with a foundational understanding of the receiving environment. The subject site at 40-56 Ourimbah Road is positioned within the "Ourimbah Townscape," an area defined by the Mosman Development Control Plan (DCP) 2012 as possessing a gentle topography, light tree cover, and an overall consistency in its modest suburban scale.¹ The locality is dominated by post-World War I masonry and timber dwellings, providing a highly legible historical narrative of Mosman's suburban evolution.¹

Immediately abutting the eastern boundary of the subject site, and situated directly in the impact zone of the proposed development, is the property at 33 Bond Street.¹ This property, together with the attached dwelling at 35 Bond Street, is a formally recognized heritage item (Item 131) under Schedule 5 of the Mosman LEP 2012.⁴ Constructed in 1896, 33 Bond Street represents a critical surviving example of late nineteenth-century Victorian residential architecture in the municipality.³ The structure occupies a compact 220-square-meter lot and features historic masonry techniques, original detailing, and shallow footings characteristic of the era.³

The preservation of such heritage items is a central objective of the Environmental Planning and Assessment Act 1979 and the Mosman LEP. The Burra Charter, which governs heritage conservation in Australia, dictates that the conservation of a place involves retaining its cultural significance, which intrinsically includes its setting and visual curtilage.¹ The significance of 33 Bond Street is derived not merely from its physical bricks and mortar, but from its context within

a low-scale residential streetscape that allows the historical built form to be visually interpreted and appreciated.¹

The introduction of an aggressively modern, 31.64-metre concrete and glass tower immediately to the west of this 1896 structure constitutes a violent disruption of this heritage setting.² The overwhelming scale of the proposed development will entirely subsume the visual catchment of the heritage item, violating the established principles of sympathetic infill design and reducing a significant historical asset to a marginalized anomaly in the shadow of a monolithic high-rise. Furthermore, the development flanks the heritage-listed inter-war shops and flats at 60 Ourimbah Road (Item 1200)¹, effectively sandwiching the historic streetscape elements between towering new forms and severing their visual connection to the nearby Lang Street and Killarney Estate Heritage Conservation Areas.¹

The Subversion of the Housing SEPP

The regulatory framework applicable to the subject site is governed by the intersection of local planning controls and overriding state policies. The land is zoned R3 Medium Density Residential under the Mosman LEP 2012.¹ However, the applicant has bypassed the standard local development pathway by applying under the State Significant Development (SSD) mechanism, leveraging the provisions of the State Environmental Planning Policy (Housing) 2021.¹

While the Housing SEPP introduces the Low and Mid Rise (LMR) housing provisions designed to increase density within 800 metres of transport hubs and town centres, these provisions contain explicit, non-discretionary maximum development standards.⁶ The proposal at 40-56 Ourimbah Road relies on a fundamental misapplication of these standards, pushing far beyond the legal limits enacted by the NSW Government.

The Breach of Base and Bonus Scale Thresholds

Under the Housing SEPP, the subject site is classified within the LMR "inner area" (0-400 metres from a nominated centre).⁶ For a residential flat building in an R3 zone within this catchment, the policy establishes a base maximum Floor Space Ratio (FSR) of 2.2:1, a maximum building height of 22 metres, and a maximum of 6 storeys.⁶

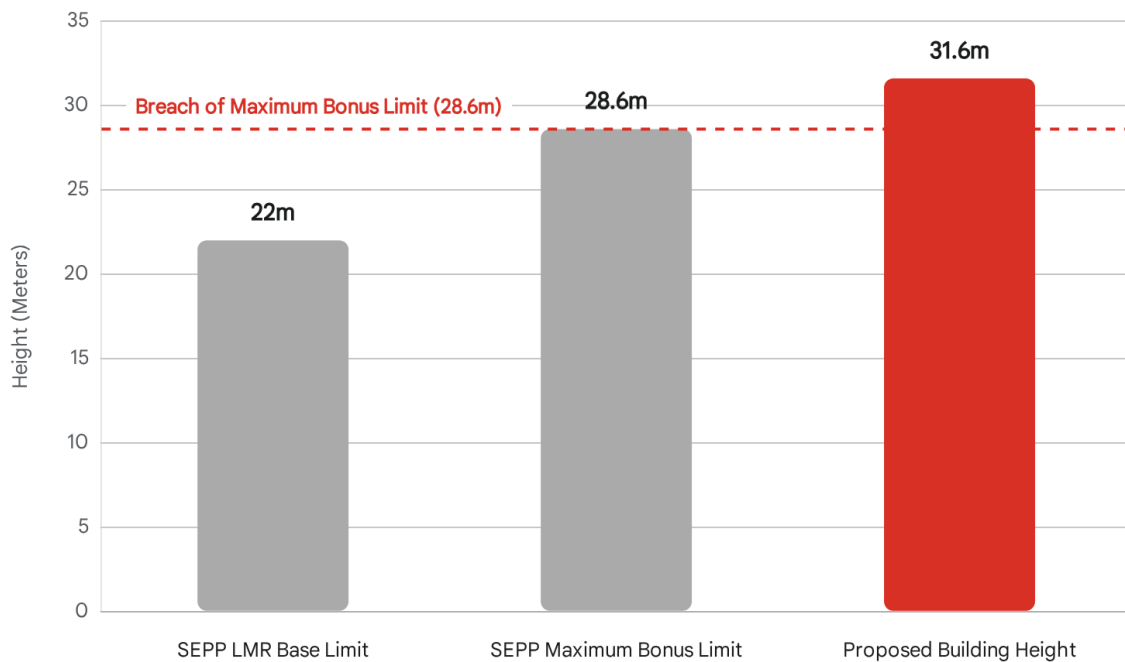
To incentivize the provision of affordable housing, Chapter 2, Part 2, Division 1 of the Housing SEPP allows for an "in-fill affordable housing" bonus. If a developer dedicates at least 15% of the gross floor area to affordable housing, they may access a maximum 30% bonus to both the FSR and the building height.⁸ Calculating this absolute maximum statutory bonus yields a hard ceiling for the site: an FSR of 2.86:1 and a peak building height of 28.6 metres.⁶

The submitted architectural documentation and project details reveal that the proposed development flagrantly ignores these absolute ceilings. The proposed overall building height reaches 31.64 metres, comprising an excessive 8-to-9 storeys.¹ This represents an architectural massing that is approximately 44% above the original base 22-metre limit, and fully 3.04 metres above the maximum possible 28.6-metre cap permitted under the 30% affordable housing

bonus.²

The applicant's attempt to normalize an 8-to-9-storey tower within a policy environment explicitly named and designed for "Low and Mid-Rise" housing (defined technically by the Department of Planning as up to 6 storeys) represents a severe distortion of planning intent.¹¹

Proposed Height Eclipses Both Local Limits and State Bonus Maximums



The proposed 31.6m height represents a significant 44% increase over the SEPP base limit and blatantly breaches the absolute maximum 28.6m cap permitted by the 30% affordable housing bonus.

Data sources: [Feasly](#), [Urban Digest](#)

The Egregious Wall Height Breach and the Misuse of Clause 4.6

Beyond the breach of the overall building height, the proposal exhibits an even more alarming disregard for the streetscape interface. The Mosman LEP 2012 establishes a maximum wall height standard of 7.2 metres for the R3 zone to ensure that new developments present a modulated, human-scale interface to the public domain and adjoining low-scale properties. The proposed development abandons this modulation entirely, introducing a sheer, unbroken wall height of 29.42 metres.

This constitutes a staggering variation of over 300% from the local standard. The applicant's scoping report signals an intention to submit a Clause 4.6 variation request to bypass this standard, arguing an inconsistency between local controls and the new Housing SEPP.¹

However, established jurisprudence dictates that Clause 4.6 of the Standard Instrument LEP is designed to allow flexibility for minor, justifiable variations that result in a better planning outcome. It cannot be utilized as a legislative bulldozer to facilitate a 300% exceedance that effectively abandons the control altogether. Approving a sheer 29.42-metre wall directly adjacent to the 1896 heritage dwellings on Bond Street ensures maximum visual dominance, overshadowing, and the total destruction of the fine-grain character that the wall height control was explicitly drafted to protect.

The following table summarizes the extreme divergence between the statutory limits and the proposed development metrics:

Planning Metric	Statutory Base Limit	Maximum SEPP Bonus Limit (with 15% Affordable Housing)	Proposed Development	Extent of Exceedance over Maximum Bonus
Maximum Storeys	6 Storeys ⁶	6 Storeys (implied by LMR definition) ¹³	8 to 9 Storeys ²	+2 to 3 Storeys
Overall Building Height	22.0 metres ⁶	28.6 metres ⁶	31.64 metres ²	+3.04 metres
Wall Height	7.2 metres (Mosman LEP)	Not expressly overridden	29.42 metres	+22.22 metres (~300% breach)
Floor Space Ratio (FSR)	2.2:1 ⁶	2.86:1 ⁶	2.86:1 ¹	Compliant, but drives height breach

The Asymmetry of the Affordable Housing Bonus

The foundational justification for the State Significant Development pathway, and the sole mechanism by which the applicant attempts to legitimize the massive scale of this project, is the inclusion of an "in-fill affordable housing" component.¹ The application proposes dedicating exactly 15.2% of the residential gross floor area—amounting to 12 of the 63 apartments—as

affordable housing, to be managed by a community housing provider.¹ In exchange for this provision, the developer claims entitlement to the maximum 30% bonus in both FSR and building height.¹²

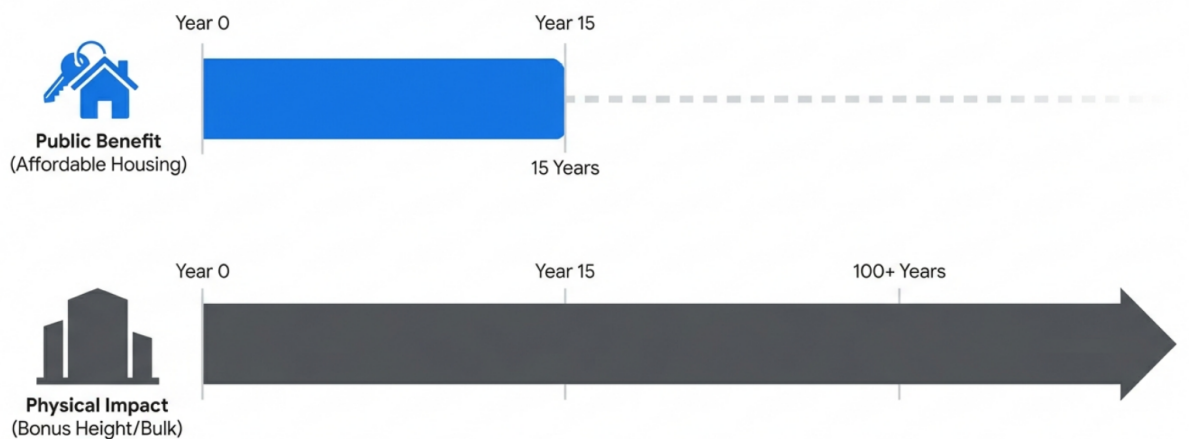
A rigorous, objective analysis of this mechanism exposes a profound asymmetry in the exchange of public value for private commercial gain. Under the relevant provisions of the Housing SEPP, the affordable housing component must be used for affordable housing and managed by a registered community housing provider for a mandated minimum period of only 15 years.⁷

Transient Public Benefit versus Permanent Physical Impact

The stipulation that the affordability requirement expires after 15 years represents a critical failure in equitable urban planning.⁷ This 15-year clock commences from the date of first occupation.⁷ Once this brief covenant lapses, the 12 affordable apartments will seamlessly revert to the open market, transitioning into luxury Mosman real estate for the exclusive benefit of private ownership.

The physical manifestation of the 30% bulk and scale bonus, however, is permanent. The additional 8-to-9 storeys, the excessive 31.64-metre height, the massive 29.42-metre sheer walls, the deep subterranean excavation, and the consequent overshadowing and heritage degradation will remain as a permanent, century-long impact on the Mosman community.

Transient Public Benefit vs. Permanent Streetscape Impact



While the 30% height and FSR bonuses dictate the permanent physical bulk of the development, the affordable housing units that unlocked these bonuses will revert to the open market after just 15 years.

The community is being forced to bear the permanent environmental and spatial costs of an overwhelmingly out-of-scale tower in exchange for a strictly temporary socio-economic benefit. The applicant's Social Impact Assessment attempts to validate the project by citing the pressing need for housing for essential workers—such as nurses and emergency responders¹—yet conveniently minimizes the reality that these workers will be evicted from the building in 15 years when the units are privatized. This transient public value does not justify overriding local planning controls, nor does it mitigate the permanent erosion of the heritage setting surrounding 33 Bond Street. The proposal utilizes the affordable housing crisis as a Trojan horse to deliver a highly lucrative, permanent luxury asset at the expense of municipal amenity.

Subterranean Excavation and Immediate Geotechnical Threat to 33 Bond Street

The most immediate and severe physical threat posed by SSD-119133490 is directed at the structural integrity of the adjacent heritage property. The proposal entails the excavation of a massive, two-level subterranean basement designed to accommodate 90 vehicles (comprising 70 resident spaces, 13 visitor spaces, and 7 affordable unit spaces).² This requires the removal of thousands of cubic meters of earth and bedrock directly on the boundary of 33 Bond Street. As established, 33 Bond Street is an 1896 attached masonry dwelling.³ Structures from the late Victorian era rely on historical construction methodologies, utilizing lime-based mortars and relatively shallow footings that rest directly on the upper soil or weathered rock profiles.¹ These structures possess minimal tensile strength and are acutely vulnerable to ground-borne vibration, differential settlement, and changes in the local hydrogeological profile.

Critique of the Noise and Vibration Impact Assessment

An analysis of the applicant's Noise and Vibration Impact Assessment (Appendix 31, prepared by Octave Acoustics) reveals alarming concessions regarding the safety of adjacent structures during the construction phase.¹ The assessment details the intended use of highly kinetic, heavy construction plant necessary for deep basement excavation, including:

- Vibratory rollers
- 12-to-15-tonne and 32-tonne rock breakers
- Impact piling rigs
- Large tracked excavators¹

Section 6.3 of the assessment models the propagation of vibration from these activities. It explicitly and alarmingly states that "works may exceed the building damage criterion when carried out proximate adjoining structures".¹

The report utilizes the recognized German Standard DIN 4150-3 to establish cosmetic and structural building damage criteria. The standard explicitly notes that for "Structures that, because of the particular sensitivity of vibration, cannot be classified under lines 1 and 2 and are of great intrinsic value (e.g., Listed buildings)", the peak component particle velocity (PPV) must not exceed 2.5 to 3.0 mm/s for continuous or long-term vibration, and 3 to 8 mm/s for short-term

transient vibration at the foundation level.¹

Conversely, the empirical data provided in Table 20 of the applicant's own report indicates that a 32-tonne rock breaker generates a typical vibration level of 6.9 mm/s PPV at a distance of 7.6 metres, while an impact piling rig generates a massive 16.4 mm/s PPV at the same distance.¹ Given the immediate adjacency of the 1896 heritage structure at 33 Bond Street to the excavation boundary—likely significantly closer than 7.6 metres to the basement retaining walls—the propagation of vibration will vastly exceed the safe threshold for historical masonry. The following table contextualizes the severe discrepancy between the safe vibration limits for heritage buildings and the output of the proposed construction equipment:

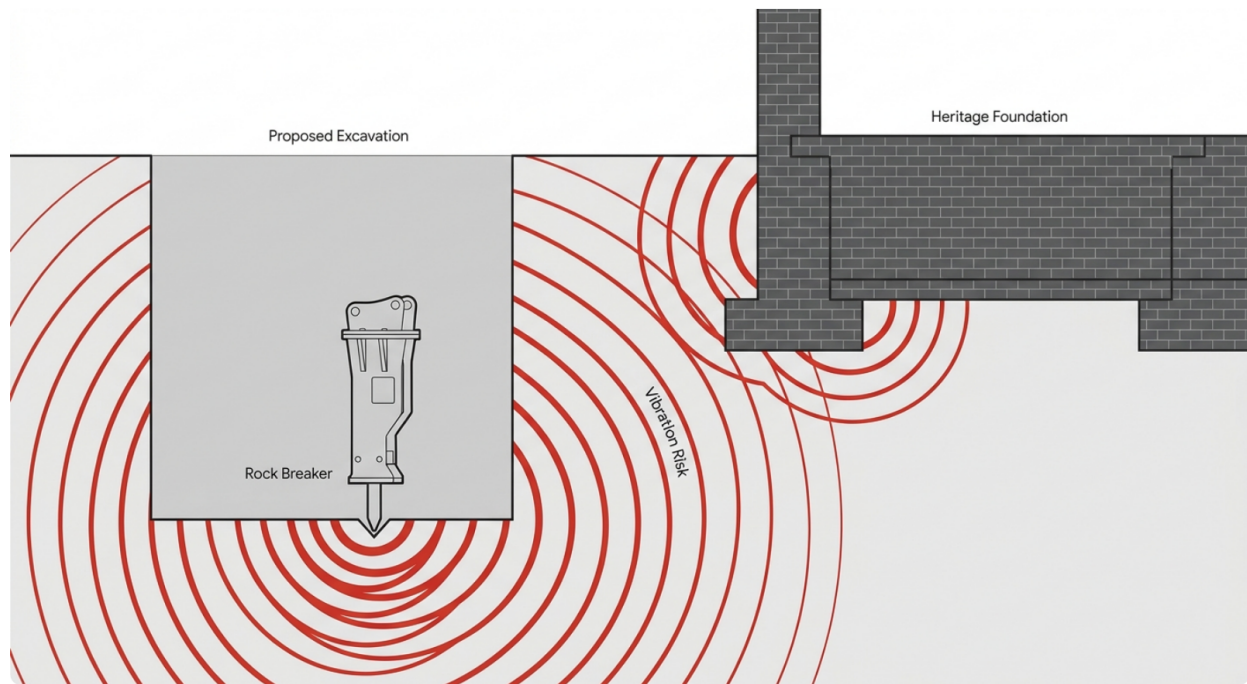
Equipment / Standard	Predicted PPV (mm/s) at 7.6 metres	Heritage Safe Limit (DIN 4150-3)	Risk Profile for 1896 Masonry
DIN 4150-3 Safe Limit (Heritage)	N/A	2.5 - 3.0 mm/s	Baseline for preservation
Vibratory Roller	5.3 mm/s	2.5 - 3.0 mm/s	High Risk (Exceeds limit)
32-Tonne Rock Breaker	6.9 mm/s	2.5 - 3.0 mm/s	Critical Risk (Exceeds limit by >200%)
Impact Piling Rig	16.4 mm/s	2.5 - 3.0 mm/s	Severe Risk (Exceeds limit by >500%)

The Inadequacy of Proposed Geotechnical Mitigation

The mitigation measures proposed in the applicant's documentation to manage this severe risk are fundamentally inadequate. The Noise and Vibration Impact Assessment and the Consolidated List of Mitigation Measures rely heavily on "vibration monitoring" and "respite periods".¹

Vibration monitoring does not prevent damage; it is a reactive measure that merely records the structural trauma as it occurs. By the time a monitor registers a breach of the 2.5 mm/s threshold, the kinetic energy has already passed through the 130-year-old lime mortar, initiating microscopic fracturing and differential settlement. Furthermore, while "respite periods" provide relief for human acoustic comfort, they do absolutely nothing to alter the peak kinetic energy transferring into the fragile foundations during the active breaking periods.¹

Subterranean Structural Risk to 1896 Heritage Masonry



The proposed two-level, 90-car basement requires intensive rock breaking directly adjacent to 33 Bond Street. Heavy impact machinery generates peak particle velocities (up to 16.4 mm/s) that vastly exceed the 2.5 mm/s safe threshold for historical lime-mortar foundations.

The application fails to mandate alternative, low-vibration excavation methodologies—such as continuous flight auger (CFA) piling, chemical rock splitting, or non-percussive rock sawing—as absolute, non-negotiable requirements prior to approval. The sheer scale of the 90-space basement necessitates a volume of bedrock extraction that poses an unacceptable, unmitigated threat of irreversible structural dilapidation to Mosman LEP Item 131. A development that jeopardizes the physical survival of adjacent statutory heritage items fundamentally fails the test of environmental suitability.

Degradation of the Heritage Setting and Streetscape Character

Beyond physical vibration risks, the Mosman Local Environmental Plan 2012 and the associated Mosman Development Control Plan place a paramount emphasis on preserving the unique historical and topographical character of the municipality. The subject site is situated within the defined "Ourimbah Townscape," an area characterized by its gentle topography, light tree cover, and a consistent, modest suburban scale predominantly defined by post-World War I masonry and timber dwellings.¹

Erasure of Heritage Curtilage

The proposed 31.64-metre, 8-to-9-storey monolithic structure represents a hostile insertion into this delicate streetscape. The applicant's Statement of Heritage Impact (SoHI) acknowledges the presence of heritage items in the immediate vicinity—including the attached houses at 33-35 Bond Street (Item 131) and the inter-war shops and flats at 60 Ourimbah Road (Item 1200)—yet it systematically downplays the devastating impact of the development on their respective settings.¹

Heritage significance is not strictly confined to the physical fabric of a building; it is intrinsically linked to its curtilage and spatial context. The pair of 1896 attached houses at 33-35 Bond Street currently sit within a low-scale residential context that allows their Victorian-era architectural form to be legible.³ The erection of a towering 9-storey concrete edifice immediately adjacent will entirely subsume the visual catchment of the heritage item. The proposal violates the basic urban design principle of transition in scale, creating a jarring juxtaposition that renders the historical item a marginalized relic overshadowed by excessive, unmodulated bulk.

Domination of Surrounding Conservation Areas

Beyond individual items, the site is in proximity to two highly sensitive heritage precincts: the Killarney Estate Heritage Conservation Area (C5) and the Lang Street Heritage Conservation Area (C6).¹ The Lang Street HCA, located to the immediate west, is celebrated for its cohesive early twentieth-century visual character, sandstone retaining walls, and modest residential scale.¹

The applicant's SoHI makes the extraordinary claim that the proposed works will "become part of the background setting" when viewed from these conservation areas.¹ This assertion defies basic spatial logic and visual mechanics. A building reaching 31.64 metres in height on an elevated local topography does not recede into the background; it acts as an overbearing visual terminus that permanently alters the sky plane and severs historical sightlines. The proposal actively undermines the Mosman DCP 2012 Streetscape controls (Section 5.6), which mandate that new infill developments must "be in a similar scale and proportion to the townscape area character, be sympathetic to the heritage item, and not dominate or overwhelm the item/s of importance".¹

Deceptive Environmental Modeling and the "Future Context" Fallacy

An independent assessment of the application's supporting architectural documentation reveals a highly concerning and deceptive methodology designed to artificially minimize the true environmental impact of the development's bulk and scale, particularly regarding overshadowing.

The Fabrication of the Baseline

In Appendix 08 (Architectural Plans), the applicant provides a series of shadow diagrams to evaluate the solar access impacts of the 8-to-9-storey tower on surrounding properties.¹ Crucially, drawings A239 through A244 are labeled "SHADOW DIAGRAMS - FUTURE CONTEXT".¹ A review of the statement of compliance within these plans confirms that the applicant has modeled the solar access impacts against a speculative, unrealized amalgamation pattern. The modeling assumes that neighboring lots—including the heritage items on Bond Street and Rosebery Street—have already been demolished and replaced with hypothetical 6-to-8-storey buildings built to the absolute limits of the SEPP boundaries.¹ This methodology is fundamentally flawed and represents a distortion of environmental planning assessment practices. Planning law requires a development's impacts to be assessed against the *existing* built environment, not a hypothetical future where the neighbourhood has already been razed and maximized. By simulating a baseline where towering structures already flank the site, the applicant artificially shrinks the perceived shadow cast by their own 31.64-metre building, arguing that the shadow falls onto the roofs of these imaginary future towers rather than into the private open spaces of existing homes.

True Solar Access Deprivation

The existing reality is that the site is bounded by low-scale 1-to-2-storey residential dwellings, including 33 Bond Street.¹ The true shadow cast by a 9-storey, 31.64-metre building onto these low-lying nineteenth and early twentieth-century homes during the winter solstice will be devastating. The development will deprive adjacent primary living areas and private open spaces of critical solar access, directly contravening the amenity objectives of the Apartment Design Guide (ADG) and local controls.

The application's reliance on "Future Context" sun-eye diagrams and shadow modeling indicates an implicit admission that the proposed massing cannot satisfy solar access compliance without relying on speculative fiction. Evaluating a major development based on the assumption that surrounding heritage items and single-family homes will eventually be destroyed to match its scale sets a dangerous precedent and masks the immediate loss of amenity for current residents.

Traffic Network Integrity, Access Safety, and Active Transit Conflicts

The introduction of high-density housing into a fine-grain mid-density context invariably strains existing municipal infrastructure. The proposal includes the construction of 90 basement parking spaces.² The architectural plans and the Social Impact Assessment indicate that the primary vehicular ingress and egress for this massive subterranean facility will be directed entirely onto Ourimbah Road.¹

Conflict with Classified Road Flows and Public Transit

Ourimbah Road is a classified regional road that serves as a critical artery linking Military Road/Spit Road to the wider Mosman and Neutral Bay catchments.¹ It is characterized by high, continuous traffic volumes, particularly during the AM and PM commuter peaks.

The introduction of a driveway servicing 90 vehicles directly onto this classified road represents a severe degradation of traffic network safety. The complexity of the access arrangement is critically compounded by the presence of a high-frequency bus stop located immediately adjacent to the site on the western end of the Ourimbah Road frontage.¹ According to the applicant's own documentation, this stop is serviced by Route 243, with buses arriving every 15 minutes during peak periods.¹

The confluence of turning movements generated by 90 vehicles attempting to enter or exit the site, mixed with the stop-start nature of a high-frequency bus service, creates a highly dangerous conflict zone:

1. **Sightline Obstruction:** Stationary buses servicing the stop will severely obstruct the sightlines of drivers attempting to exit the proposed basement, forcing them to edge blindly into active westbound traffic lanes.
2. **Pedestrian Danger:** A high-volume driveway crossing an active pedestrian footpath directly adjacent to a bus stop creates an unacceptable risk to commuters, schoolchildren, and local residents congregating to use the transit service. The interplay between accelerating vehicles emerging from an underground ramp and pedestrians moving toward a bus door is a known hazard in traffic engineering.
3. **Network Congestion:** Vehicles traveling west on Ourimbah Road waiting to turn left into the basement while pedestrian flow or exiting traffic clears will block the primary lane, causing cascading, systemic delays on a classified route.

The application's assumption that 90 new parking spaces will result in a "statistically insignificant" net increase in peak period traffic¹ defies standard traffic engineering trip-generation rates for a 63-apartment complex. Prioritizing maximum yield over the safety geometry of the public domain is an unacceptable planning outcome.

Failure to Assess Cumulative Impacts of Concurrent State Significant Developments

A fundamental flaw in the application is its failure to account for the massive cumulative impacts currently bearing down on the Mosman local government area. The applicant evaluates the 63-apartment proposal in a vacuum, ignoring the reality that the NSW Government's Low and Mid-Rise Housing reforms have triggered a pipeline of "super site" amalgamations and SSD applications across the lower north shore.¹⁴

The subject proposal, involving a \$51 million off-market consolidation of nine homes¹⁴, is merely one of several major developments currently utilizing the SSD pathway to bypass Mosman Council's planning controls. An analysis of the NSW Major Projects portal reveals a

significant clustering of concurrent applications within the immediate vicinity of Spit Junction and the Ourimbah Townscape:

SSD Reference	Location	Proposed Scale	Status
SSD-119133490	40-56 Ourimbah Road, Mosman	8-9 Storeys, 63 Apartments ²	Exhibition ²
SSD-93020230	40-48 Redan Street, Mosman	10 Storeys, 53 Apartments ⁹	Under Assessment ⁹
SSD-93787211	494-500 & 516 Military Road	8 Storeys, Shop-Top Housing ⁹	Exhibition ¹⁰
SSD-96272465	Rangers Avenue / Local	10 Storeys, 53 Apartments ⁹	Under Assessment ⁹
SSD-98068713	Redan Lane / Local	8-10 Storeys, 13 Apartments ⁹	Under Assessment ⁹

The concurrent development of hundreds of high-density apartments across 8-to-10-storey towers within a tight geographical radius will place an unprecedented and unmodeled strain on Mosman's civil infrastructure. The application for 40-56 Ourimbah Road makes no attempt to model the cumulative pressure on the Spit Junction intersection, local sewer and stormwater capacities, or the availability of open space when combined with the influx of residents from Redan Street and Military Road.

Assessing SSD-119133490 without a holistic, precinct-wide cumulative impact study constitutes a failure of strategic planning. The piecemeal approval of excessive towers under the guise of temporary affordable housing bonuses will irrevocably alter the demographics, traffic functionality, and heritage character of Mosman.

Conclusion and Recommendations

The State Significant Development Application SSD-119133490 for 40-56 Ourimbah Road, Mosman, represents a textbook example of regulatory exploitation that prioritizes private commercial yield over the preservation of community safety, infrastructure integrity, and irreplaceable heritage.

By offering a minimal, 15-year commitment to 12 affordable housing units, the applicant seeks to construct a permanent 31.64-metre, 9-storey tower that violently contradicts both local Mosman planning controls and the upper limits of the State's own Low and Mid Rise housing

frameworks.

The preceding expert assessment has conclusively demonstrated that the proposal:

- Brazenly exceeds the SEPP base height limit of 22 metres and the maximum bonus limit of 28.6 metres, whilst breaching the local 7.2-metre wall height control by 300%.²
- Poses a severe, unmitigated geotechnical and structural threat to the 1896 heritage masonry of 33 Bond Street through the excavation of a 90-car basement utilizing high-vibration rock breaking equipment that far exceeds DIN 4150-3 safe limits.³
- Destroys the heritage curtilage of adjacent items (Items 131 and 1200) and visually dominates the delicate, low-scale character of the Killarney Estate and Lang Street Heritage Conservation Areas.¹
- Relies on highly deceptive "Future Context" environmental modeling to obscure devastating shadow impacts on existing low-scale neighbors.¹
- Creates unacceptable traffic and pedestrian safety hazards by forcing 90 vehicles to navigate a classified road adjacent to an active, high-frequency bus stop.¹
- Fails entirely to address the severe cumulative impacts of the rapid proliferation of 8-to-10-storey State Significant Developments within the Mosman catchment.⁹

The public benefit derived from 15 years of affordable housing is vastly outweighed by a century of negative spatial, heritage, and environmental impacts on the Mosman community. The proposal does not exhibit design excellence, it does not respect its context, and it fails to satisfy the foundational requirements of orderly and safe urban planning.

Recommendation: It is strongly recommended that the determining authority, the Department of Planning, Housing and Infrastructure (DPHI), formally refuse development consent for SSD-119133490 in its entirety to prevent irreversible damage to the heritage fabric and infrastructural functionality of the Mosman municipality.

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