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Department of Planning, Housing and Infrastructure

Submitted online via the NSW Planning Portal – Major Projects Hub

SUBMISSION – OBJECTION TO STATE SIGNIFICANT DEVELOPMENT APPLICATION

Application Number: SSD-119133490

Residential Flat Building with Infill Affordable Housing, 40-56 Ourimbah Road, Mosman

I am the owner of a property in Rosebery Street, Mosman, one of the properties along Rosebery Street to the south-west of the development site. My property does not directly adjoin the site — it is separated from it by several intervening properties — but it lies within the immediate surrounding area whose amenity, heritage setting and infrastructure this application affects. I write to formally OBJECT to State Significant Development Application SSD-119133490 in its current form.

This submission raises the following grounds: (1) the proposed building height substantially and admittedly exceeds the applicable planning controls; (2) the resulting overbearing visual impact on the adjoining heritage item and its setting, including the view corridor from Rosebery Street; (3) unresolved infrastructure, groundwater and traffic matters that may directly affect Rosebery Street; and (4) the consequential effect of all of the above on the amenity of my property.

1. The proposal significantly exceeds the applicable building height controls

The Environmental Impact Statement (EIS) submitted in support of this application (prepared by Gyde Consulting, dated 7 July 2026) confirms the following facts, which I rely on directly from the applicant's own documentation:

- The site is located within the 'Low and Mid Rise Housing' (LMR) inner area under Chapter 6 of State Environmental Planning Policy (Housing) 2021. Section 175 of that SEPP provides that consent must not be granted for a residential flat building with a height of up to 22m unless the consent authority is satisfied the building will have 6 storeys or fewer.
- The base maximum building height for the site is 22m. Even applying the maximum 30% height bonus available under the In-fill Affordable Housing (IAH) provisions (for providing at least 15% affordable housing), the resulting maximum permissible building height is 28.6m.
- The EIS states the proposed development has a maximum building height of 31.64m — a variation of 3.04m, or 10.6%, beyond the maximum permissible height of 28.6m, which the applicant's own documents concede requires a Clause 4.6 variation request (EIS Appendix 4) to proceed.
- A second, separate Clause 4.6 variation request has also been prepared for non-compliance with the maximum wall height standard (EIS Appendix 5) — meaning the application seeks two independent departures from height-related development standards.
- The built form is described in the EIS as 'part 8-storey (eastern wing) and part 9-storey (western wing)' — 2 to 3 storeys beyond the 6-storey benchmark that Section 175 of the Housing SEPP identifies as the appropriate scale for a building of this height in this housing type.

The EIS's own summary of Council engagement (Section 6.4.2) records that Mosman Council raised concerns directly with the applicant regarding 'rooftop and height exceedances', among other matters. The applicant's documented response to this concern was "No change to development – Refer to Clause 4.6 Variation Request." Community consultation feedback (Section 6.4.1) also identified 'building height, scale and visual character' as the single most consistently raised issue among neighbours and local residents.

I submit that a development which requires two separate variations to exceed both the height and wall height standards — standards that were only recently set through the LMR rezoning specifically to guide the appropriate scale of development in this area — should not be approved as an exception to the very controls the rezoning was designed to establish. The applicant's own justification does not overcome the fact that Council itself objected to this exceedance and the applicant made no changes in response.

2. Overbearing visual impact on the adjoining heritage item and its setting

The site adjoins the locally-listed heritage item at 60 Ourimbah Road (Item I200 – Shops and Flats under MLEP 2012), a 2-storey building. The EIS's own Statement of Heritage Impact (SOHI) and Visual Impact Analysis (VIA) identify Rosebery Street, looking east, as one of the primary public view corridors toward this heritage item. My property is located five lots to the south-west along the same street. While I do not assert an unobstructed direct sightline from my specific property, I am a resident of the very street the applicant's own reports rely upon in assessing the heritage item's public visibility and setting, and I have a legitimate interest in how that streetscape and setting are affected.

I submit that the applicant's own characterisation of the impact concedes the core problem: the SOHI describes the proposed 8–9 storey building as forming part of the 'backdrop' to the heritage item. In my submission, an additional 6 to 7 storeys of built form directly behind and towering over a small, 2-storey heritage shop building is not a neutral backdrop — it is an overbearing visual imposition that will dominate and diminish the heritage item's prominence, scale and setting when viewed from Rosebery Street and the surrounding public domain, regardless of the increased side setback provided.

- The heritage item's significance depends substantially on its modest, human scale relative to its surroundings. A part 8-storey, part 9-storey building immediately adjoining it — itself only made possible by a height variation the applicant concedes exceeds the permitted envelope — fundamentally changes the visual relationship between the heritage item and its setting.
- The EIS's own conclusion that heritage significance will be 'retained' rests on the absence of physical works to the heritage item itself, and does not adequately grapple with the visual and psychological dominance of a building of this scale looming directly behind it.
- This is directly comparable to grounds on which NSW consent authorities and planning panels have refused or recommended refusal of other development applications where a heritage item's setting, streetscape prominence and scale relationship were found to be compromised by an adjoining building's bulk, even where no physical harm to the heritage fabric itself was proposed.

I request that the consent authority require an independent heritage impact review, specifically addressing the visual dominance and scale relationship between the proposed building and the heritage item as viewed from Rosebery Street, rather than relying solely on the applicant's own SOHI conclusion.

3. Loss of solar access, particularly in winter

My property is located to the south-west of the site along Rosebery Street — not immediately adjoining it. The EIS's solar access assessment (Section 7, Solar Access and Overshadowing) concedes that the single property immediately adjoining the site to the south will experience 'significant overshadowing... for much of the day' during the winter solstice. This is a substantial admitted impact on a directly neighbouring property, and it demonstrates that the height and bulk of this development, as designed, does cause material solar access loss at close range.

Having reviewed Figure 35 of the EIS ('Shadow diagrams 21st June Winter Solstice – existing surrounding context', prepared by Doroch Architects, page 73), which sets out hourly shadow diagrams from 9am to 3pm and extends to cover the surrounding property lots including my own, I make the following observations. While this figure is prepared at a precinct-wide level of detail rather than addressing my property individually by name, it nonetheless indicates that, on 21 June, the majority of my dwelling remains in shadow until approximately 11am, and my rear yard remains in shadow until approximately 12:30pm. If accurate, this represents a loss of usable morning solar access to both my principal living areas and my private open space for almost half of the assessed 9am–3pm winter solstice window.

I raise the following concerns as they relate to my own property:

- Shadow length at low winter sun angles is primarily a function of building height, not only setback distance. An additional 2 to 3 storeys of height — already conceded by the applicant to exceed the permitted envelope by over 3 metres — will extend the shadow footprint further along Rosebery Street during winter mornings and afternoons than a compliant 6-storey/22m (or even a 28.6m IAH-bonus) building would. Given my own observation that my dwelling and yard remain shadowed until 11am and 12:30pm respectively, this is not a marginal or theoretical impact — it is a substantial reduction in usable winter solar access, consistent with what the exhibited diagrams show even at my property's distance from the site.
- The EIS's narrative discussion of the shadow diagrams concentrates its detailed commentary on the single property immediately adjoining the site to the south, and does not separately quantify or discuss the impact on properties further along Rosebery Street, including mine, despite the diagrams themselves appearing to extend that far.

- I request that the consent authority require the applicant to provide a specific, itemised shadow and solar access assessment for properties affected in Rosebery Street — confirming or correcting the loss of morning sun to my dwelling and rear yard that Figure 35 (page 73 of the EIS) appears to show — and to assess whether this loss is consistent with the objectives of the ADG and the ordinary expectations of residential amenity in the LMR area, rather than leaving this impact undiscussed in the accompanying text.

4. Inadequate confirmation of water and sewer servicing capacity

The EIS's own Integrated Water Management Plan and Sydney Water Serviceability Option letter (Appendix 30 and Appendix 38) raise concerns that I do not believe have been adequately resolved before exhibition:

- An existing DN225 sewer main (Asset Nos. 3694038 and 3694042), dated 1916, traverses the site with no registered easement. The proposed development will require a deviation of this main.
- The nearest potable water mains servicing the site are DN100, dated 1895 and 1930 respectively. The EIS confirms that, under the Water Supply Code of Australia, a 9-storey residential building of this kind typically requires a DN200–DN250 main — more than double the size of the existing infrastructure. The EIS states only that Sydney Water ‘may permit’ a connection to the existing undersized mains, ‘subject to confirmation of capacity’ through a future Section 73 Application that has not yet been made or approved.
- The applicant's own preferred sewer main deviation option (Option 2) involves constructing approximately 178m of new DN225 sewer main outside the lot boundary along Ourimbah Road, Bond Street, and Rosebery Street — meaning residents of Rosebery Street may face direct construction works and disruption on our own street as a consequence of this development, the extent of which has not been disclosed at exhibition stage.

I submit that a development of this scale should not be determined until Sydney Water has formally confirmed, through the Section 73 process, that the existing water and sewer infrastructure — much of which is over a century old — has adequate capacity, and until the specific scope of any works required on Rosebery Street has been disclosed to affected residents.

This is not a hypothetical or merely procedural concern. On 20 November 2025, the Sydney North Planning Panel refused a comparable residential flat building application — DA245/2025 at 7 & 9 Selwyn Street, Wollstonecraft, North Sydney LGA (Panel reference PSSNH-710) — citing unresolved Sydney Water servicing as one of two matters it specifically emphasised beyond council's own reasons for refusal. The Panel found there was insufficient information accompanying that application to be confident a Sydney Water compliance certificate could be obtained without a significant basement redesign, and considered it unreasonable to grant consent subject to a condition requiring that certificate be obtained after approval. I submit the same reasoning applies squarely here: the EIS itself concedes that a Section 73 Application has not yet been made or approved, and that the applicant's preferred sewer solution may require works along Rosebery Street. Approving this application before that confirmation is obtained would repeat the precise gap a NSW planning panel has already found sufficient to justify refusal of a similar development.

5. Groundwater, dewatering and settlement risk

The proposed 2-level basement will intersect the site's groundwater table. The EIS's Hydrogeological Report confirms:

- Approximately 12 months of construction dewatering will be required, followed by permanent, indefinite operational seepage and drainage (approximately 1.33ML/year) for the life of the building.
- Groundwater flow at the site is stated to generally follow the site's topography towards the west and north-west. I note my own property lies to the south-west of the site, and the EIS does not indicate whether the groundwater and settlement modelling extends to properties in that direction.
- The Hydrogeological Report concludes that predicted drawdown and settlement impacts are ‘localised and minor’. However, this conclusion is based on the applicant's own modelling and does not appear to include a property-specific assessment of settlement or structural risk to individual nearby properties.

I request that an independent geotechnical/hydrogeological review of drawdown and settlement risk clarify which surrounding properties, including those to the south-west such as mine, fall within the area the modelling covers, together with a requirement for pre-construction dilapidation reports on any properties found to be at risk.

6. Traffic — construction phase impacts and lack of Rosebery Street assessment

I note that the Traffic & Parking Assessment Report (TPAR) predicts a modest net increase in peak-hour vehicle trips and concludes the Ourimbah Road/Bond Street intersection will continue to operate satisfactorily. I do not dispute those

particular figures. However, the TPAR and EIS leave the following matters unresolved:

- The TPAR assesses only the Ourimbah Road/Bond Street intersection. No specific assessment has been provided of traffic, on-street parking or amenity impacts on Rosebery Street, despite its proximity to the site and the sewer works noted above potentially affecting that street directly.
- Construction-phase traffic — including haulage routes, truck numbers, spoil removal from a 2-level basement excavation, and delivery scheduling — is not quantified in the EIS. These matters are deferred entirely to a future Construction Traffic Management Plan to be prepared after approval, meaning affected residents have no opportunity to review or comment on construction traffic routing before consent is granted.
- Worker parking during an extended construction period is addressed only in general terms ('restrict on-street parking through site management procedures'), with no confirmed off-street worker parking solution, creating a foreseeable risk of construction worker vehicles parking in surrounding residential streets, including Rosebery Street.

I request that a detailed Construction Traffic Management Plan, including confirmed haulage routes, truck numbers, and off-street worker parking arrangements, be made publicly available and specifically assessed for impacts on Rosebery Street before any determination is made, rather than deferred as a post-approval condition.

7. Requested outcome

For the reasons set out above, I request that the consent authority:

- Refuse consent to SSD-119133490 in its current form; or, in the alternative,
- Require the building height to be amended to comply with the maximum permissible height of 28.6m (or, preferably, the base 22m/6-storey standard contemplated by Section 175 of the Housing SEPP), removing the part 9-storey component;
- Require an independent heritage impact review addressing the visual dominance and scale relationship between the proposed building and the heritage item at 60 Ourimbah Road, as viewed from Rosebery Street and the surrounding public domain;
- Require the applicant to provide a specific, itemised shadow and solar access assessment for properties affected in Rosebery Street, confirming or correcting the loss of morning sun to my dwelling (until approximately 11am) and rear yard (until approximately 12:30pm) that Figure 35 of the EIS (page 73) appears to show, before any determination is made;
- Require formal confirmation from Sydney Water, via the Section 73 process, that existing water and sewer infrastructure has adequate capacity, and full disclosure of any works required on Rosebery Street, before determination — consistent with the approach taken by the Sydney North Planning Panel in refusing DA245/2025 (7 & 9 Selwyn Street, Wollstonecraft) on comparable grounds;
- Require an independent assessment clarifying which surrounding properties, including those to the south-west such as mine, fall within the area covered by the groundwater drawdown and settlement modelling, together with pre-construction dilapidation reports on any properties found to be at risk; and
- Require a detailed Construction Traffic Management Plan, including haulage routes and worker parking arrangements, to be publicly exhibited and assessed for impacts on Rosebery Street before determination, rather than left as a post-approval condition.

I am generally supportive of well-designed housing and affordable housing delivery in Mosman, and I recognise the site is appropriately zoned for medium density redevelopment. My objection relates specifically to: the extent of the height exceedance sought, which the applicant's own material confirms is significant and contested by Council; the overbearing visual impact on the adjoining heritage item's setting; the consequential impact on my property's solar access; and the unresolved water, sewer, groundwater and construction traffic matters set out above, which I submit should be confirmed before, not after, any determination is made.

Thank you for considering this submission.