

**FORMAL OBJECTION SUBMISSION RE: SSD-86122958 – 2–16 Spencer Street,
Rose Bay**

FROM: ROSE BAY RESIDENTS ACTION GROUP (RBRAG)

30 NOVEMBER 2025

The Rose Bay Residents Action Group is a group of residents throughout the Rose Bay basin who are concerned about the real risk of excavation-related damage, groundwater changes, and cumulative geotechnical impacts – outcomes that are already occurring in our neighbourhood.

We strongly support additional housing and, especially, affordable housing where it can be delivered **safely**. But this SSD, in its current form, poses **unacceptable groundwater, settlement and public-safety risks** to hundreds of existing homes and the Rose Bay aquifer itself.

We therefore object to SSD-86122958 and request that consent authority **refuse the SSD in its current form**. Furthermore, we request that, given the seriousness of the risks presented in this proposal, that this SSDA is referred to the IPC for review.

EXECUTIVE SUMMARY

SSD-86122958 proposes a three-level basement that **intersects the groundwater table** in the **Rose Bay settlement area**, one of the most hydrogeologically fragile urban basins in NSW.

The proponent has **not demonstrated** that groundwater, settlement and structural risks can be contained. Critical information is missing, including boundary drawdown assessment, cumulative modelling, basin-wide settlement analysis, and any fully tanked basement design.

The proposal relies on **permanent groundwater interception and pumping**, which Woollahra DCP 2015 expressly prohibits in this location and which our neighbourhood's lived experience already shows is dangerous.

Multiple homes across Rose Bay have already suffered cracking, sinking, wall movement and groundwater intrusion from **much smaller excavations**. Approving a deeper basement without full hydrological modelling would expose residents to **foreseeable, irreversible harm**.

Under s 4.15 of the EP&A Act and the precautionary principle, consent must be withheld unless the proponent can prove safety. They have not done so. This SSD therefore **fails the public interest test** and **should not proceed** in its current form.

1. PURPOSE OF THIS SUBMISSION

This submission is lodged on behalf of the Rose Bay Residents Action Group (RBRAG).

We object to SSD-86122958 because:

- It excavates **directly into the groundwater table**.
- It relies on **ongoing dewatering**, which is not permitted.
- It provides **no reliable evidence** that groundwater impacts can be contained.
- It fails to consider **basin-wide cumulative effects** already manifesting as structural damage.
- It forces unnecessary excavation due to **excessive car parking** not required under planning controls.
- It contradicts Woollahra DCP 2015's controls for groundwater, excavation, tanking, setbacks and excavation minimisation.
- It does **not** meet the public interest under s 4.15 EP&A Act.

Our concern is **safety** and preventing the **foreseeable outcomes**.

2. CONTEXT — A FRAGILE GROUNDWATER BASIN

The site sits mid-slope bordering the **Rose Bay settlement area**, a mapped basin of:

- loose, saturated sands
- shallow unconfined groundwater
- variable bedrock
- proven sensitivity to excavation and dewatering

Groundwater naturally moves **downhill**, through properties and streets, to the **Rose Bay foreshore**. This basin does **not** behave lot-by-lot; it behaves as a **single hydrological system**.

Homes throughout the basin have already suffered:

- structural cracking
- differential settlement
- wall separation
- groundwater intrusion into basements and lift pits

All from much smaller excavations than what is proposed here.

This SSD is located **up-gradient**, meaning any groundwater disturbance at this site will propagate **across and down the basin**.

3. KEY TECHNICAL AND PLANNING FAILURES

3.1 Excavation Directly Into the Groundwater Table

The proponent's reports confirm the basement extends **below the water table**. Once this occurs:

- groundwater is drawn toward the pit
- land around the site loses support
- pressure changes migrate downhill
- settlement risk spreads beyond the property boundary

This behaviour is well-recognised in saturated sand aquifers such as Rose Bay.

3.2 Basement Design Depends on Permanent Dewatering

The design includes:

- perimeter drains
- under-slab drains
- pumps discharging groundwater to stormwater

Woollahra DCP 2015 prohibits this and instead requires **fully tanked basements** in groundwater-sensitive areas. No tanked option appears to have been assessed.

3.3 No Evidence That Groundwater Impacts Can Be Contained

The application does **not** demonstrate compliance with mandatory groundwater controls. Any drawdown in excess of 0.3m beyond the development site boundary puts neighbouring properties at risk.

The application provides **no boundary drawdown values**, no verification of acceptable groundwater change, and no assurance that dewatering can and will remain within safe limits.

Without this information and assurity, the risk cannot be assessed, let alone mitigated.

3.4 No Cumulative Basin-Wide Assessment

The basin is undergoing **multiple LMR redevelopments**, many with basements. These interact hydrologically. The EIS contains **no cumulative analysis**, despite the history of damage showing that single isolated basement excavations, let alone multiple excavations, are already overloading the basin.

This is a critical omission – given the risks and the unprecedented level of construction activity slated for this known high risk area, it is impossible to provide a proper assessment without this information.

3.5 Excessive Excavation Driven by Unnecessary Parking

The deepest basement level exists **only** because parking is more than doubled compared with what planning controls anticipate in an accessible location. It also proposes a wellness centre.

This is a **choice**, not a necessity.

Safer alternatives — shallower basements, fewer spaces, or different layouts — were not evaluated.

3.6 Failure to Address DCP Excavation Controls

The EIS does not demonstrate compliance with:

- excavation minimisation
- basement setback requirements
- excavation volume controls
- groundwater protection and tanking controls
- risk-based requirements in Woollahra's recent DCP amendments (Amendment 37 on exhibition).

These omissions are material.

4. IMPACTS ON RESIDENTS

Residents face foreseeable and unacceptable risks:

- structural damage to homes
- settlement and land movement
- groundwater ingress into buildings
- long-term destabilisation of the basin
- cumulative harm as further basements are constructed
- diminished safety, amenity and liveability

Rose Bay has already experienced these impacts at scale.

This SSD is unprecedented in its bulk, shape and the scale of excavation and dewatering proposed. This escalates those risks (which are already significant) substantially.

5. THE PRECAUTIONARY PRINCIPLE

Where there is:

- a credible risk of serious or irreversible harm, and
- scientific uncertainty,

the precautionary principle applies.

Under s 4.15 EP&A Act, **consent must not be granted** unless the proponent can demonstrate safety with a high degree of confidence.

They have not.

The EIS contains assertions of acceptability, but **no verifiable evidence** that groundwater, settlement and cumulative impacts can be safely managed. The expert reports are limited, include qualifications and disclaimers – and are unable to provide any guarantees in practice.

6. PUBLIC INTEREST CONCLUSION

The EIS claims the project is in the public interest.
It is not.

A project that:

- disrupts a fragile aquifer
- risks destabilising existing homes
- relies on prohibited dewatering
- fails to satisfy core planning controls
- and shifts long-term risk onto the community

cannot be said to advance the public interest.

A proposal cannot satisfy the public interest merely because it increases private yield or maximises development potential. Under s 4.15 of the EP&A Act, public interest requires **real, demonstrated community benefit**, not speculative assertions.

Here, the balance is entirely reversed.

Section 7.7 of the EIS states the proposal is in the public interest because it:

- *“will make a significant monetary contribution to Council”*
- *“delivers a development outcome consistent with the vision established by the NSW [sic]”*
- *“will specifically contribute to housing supply in a location that has excellent access to local services and public transport infrastructure.”*
- *“will not result in any significant or unacceptable environmental, social or economic impacts. Where impacts have been identified, mitigation measures have been proposed to avoid, minimise or manage impacts.”*

In reality, the EIS fails to identify ANY concrete benefit to the community, and attempts to minimise the reality for residents – being that it exposes surrounding homes, public infrastructure, groundwater systems and the foreshore environment to **serious, foreseeable, and avoidable harm**. Mitigation may help, but it does not guarantee these foreseeable outcomes will not suffered.

In short:

There is no public interest in a development that delivers private gain while exporting risk to existing residents, the groundwater basin, and future generations.

This reinforces why the SSD cannot be approved in its current form.

7. RECOMMENDATION

RBAG respectfully submits that SSD-86122958 **cannot be approved** in its current form.

We assert that the only way to truly mitigate the risks in such a fragile subterranean environment is to **avoid** them in the first place.

We are not against more housing in Rose Bay. We just want it to be safe for future residents and the people who already live here.

This project can achieve new homes - it simply needs to:

- **reduce the footprint of the basement** – for example, by deleting the excessive parking required for “weekend cars” (in the proponents own words),
- **not excavate into the water table;**
- **employ appropriate excavation methods** for this sandy soil;
- **stay within DCP controls for excavation and dewatering;** and
- **designed at a scale suitable for this complex hydrogeological platform.**

If Rose Bay residents are to be put at risk of significant environmental harm (environment being both built structures ie homes and natural) on the basis that their village has been designated a ‘town centre’ due to its strong transport links – there is NO need to consider parking as any priority whatsoever. Council’s DCP amendment 37 is currently on exhibition and it’s proposed reduction in parking is consistent with this.

The huge, deep basement is not necessary to achieve more housing in Rose Bay. It is planned purely to cater to the luxury end of the market, delivering **private uplift** at **public risk**.

Worse – whilst the developers are set to gain huge financial windfalls from this particular project, the residents will inherit – whether they like it or not – significant, foreseeable risks of damage to their homes.

This should not, and must not, happen.

The planning system exists to avoid exactly these outcomes.

Refusal is the only lawful, safe and rational planning outcome.