

SUBMISSION FROM ROSE BAY RESIDENTS ACTION GROUP (RBRAG)**FORMAL OBJECTION TO SSD – 86017721, 23-31 DOVER ROAD, ROSE BAY****30 NOVEMBER 2025****INDEX**

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EXECUTIVE SUMMARY

SSD-86017721 23-31 Dover Road, Rose Bay proposes an 8-storey tower with two levels of deep basement excavation (approx. 7–8 m) in the **Rose Bay Settlement Area—a location formally mapped in Woollahra Municipal Council’s (“Council”) Development Control Plans (“DCP”) (Chapter E2) as high-risk** for groundwater, geotechnical instability and flooding. The Proponent’s own reports confirm very loose marine sands, a shallow and tidally influenced aquifer, high-permeability soils, and H5–H6 flood hazard immediately across the site frontage.

Rose Bay Residents Action Group (“RBRAG”) objects because this development presents **foreseeable and unacceptable excavation-related risks, in a Basin with a documented history of structural failure from far smaller projects**. Across Rose Bay and Double Bay, deep excavation and dewatering have already resulted in catastrophic partial building collapse, major cracking and subsidence, inundated lift wells, basement flooding, sinkholes, and long-term groundwater movement.

Despite this context, the EIS:

- provides no cumulative groundwater or excavation modelling
- does not assess tidal or seasonal groundwater behaviour
- misrepresents all surrounding LMR-affected amalgamated sites. The subject development sits **within a 21,000 sq m strip of land where 5 large, amalgamated LMR sites sit side by side**, a significant factor in assessing the environmental and cumulative impacts – and unprecedented for this fragile basin
- makes no assessment of interactions with adjacent or pipeline basements
- omits any reference to the region’s well-documented damage history
- ignores the DCP controls specifically adopted over the years to mitigate risks on this land formally mapped in those controls as a ‘settlement area’ because of its geotechnical and hydrogeological complexity.

These are fundamental SEARs requirements, not optional considerations.

The technical reports relied upon also contain strong qualifications (“*conditions may differ materially*”, “*assumptions not verified*”), underscoring the uncertainty and site-specific fragility of the Rose Bay groundwater Basin. Excavation at this depth would occur inside the aquifer, not above it, requiring active dewatering in an area already known to be highly sensitive to groundwater disturbance.

On the evidence available, this site is unsuitable for deep excavation of this scale, and the EIS has failed to demonstrate otherwise. Independent review of the data provided in the Proponents expert reports show **40 surrounding homes are at risk of structural damage** due to the dewatering levels, **130 homes on a cumulative impact basis**.

This is not a request to stop development — it is a request to stop avoidable harm. Nothing in the Housing SEPP requires dangerous over-excavation, and nothing prevents the Proponent from redesigning the basement responsibly to exclude excessive areas (for example, those marked as “storage”) which no doubt will be altered to car spaces well in excess of the allowable limits.

Sheet piling cannot work here. The Basin is made of loose dune sands with fast groundwater movement. This is not a dense, cohesive stratum where sheet piles can seal a pit. To rely on a measure that cannot succeed is to knowingly expose surrounding homes to settlement, cracking, and groundwater redirection.

This SSD **must** comply with DCP drawdown limits, proposed DCP Amendment 37 (on exhibition - parking limitations and apartment mix), and DCP Amendment 30 (excavation).

We therefore urge the consent authority: do not recklessly dismiss a reasonable, precautionary, technically grounded request from residents who live daily with the consequences of past excavation failures. **The public interest includes** preventing avoidable damage to private homes, strata buildings, public liability exposures, and essential infrastructure.

The solution is simple and safe: avoid excavation below the ground water table level (as recommended by the reports Council has commissioned), keep excavation and dewatering within DCP limits, adopt excavation methods that are best suited to the area, deliver the housing, and avoid another foreseeable disaster (that is readily capable of being avoided).

We respectfully request that SSD-86017721 be refused in its current form given the foreseeable outcomes both individually and cumulatively.

If the NSW Government intends to proceed with this SSD, then it must **fully indemnify** all neighbouring properties within the mapped zone of influence.

Further, we call on the Minister to exercise discretion and **refer this SSDA to the IPC** for assessment given the inherent risks, technical complexity and level of scrutiny required.

Residents are genuinely fearful that, **should this SSDA be approved, this one development alone will result in Mascot Tower style failures**, (which the former NSW Government struggled to manage, ultimately needing to rely on public interest privilege to suppress documentation).

Furthermore, it could set the precedent for additional basement excavations concentrated in a small, fragile strip of land - that will inevitably lead to **Mascot Tower's style outcomes for Rose Bay, but this time on a precinct wide scale, the difference being that, in our case, the risks are already known.**

The consent authority must not allow these known risks to be ignored.



Rose Bay Residents Action Group
Grow Rose Bay – the Safe Way!

1. ABOUT RBRAG & PURPOSE OF SUBMISSION

The Rose Bay Residents Action Group (RBRAG) is a collective of residents from Rose Bay and the surrounding peninsula who support housing development that is safe, proportionate, and responsive to the environmental limitations of the area. Our group is not opposed to new housing; we oppose only development that presents unacceptable geotechnical, hydrogeological, flooding or cumulative risks to people, property and the environment.

This submission is a **formal objection** to SSD-86017721. Our concerns arise from the site's known hazard profile, the absence of an adequate cumulative impact assessment, and the significant public interest issues associated with excavating and intensifying development within a mapped geotechnically sensitive basin. The purpose of this submission is to assist the consent authority by identifying the material risks, planning inconsistencies and logistical issues that make this location unsuitable for the scale and form of development proposed.

This submission should be read in conjunction with material provided to:

- **Caitin Roodenrys** (Senior Advisor, Department of Planning) on 31 October 2025;
Subject: *Documentation and material-Rose Bay settlement area/ High risk sites;*
and
- **Jennifer Williams** (EA to Premier Minns) on 3 September 2025
Subject: *High Risk Settlement Area in Rose Bay.*

2. SITE CONTEXT AND WHY EXCAVATION FOR DEEP BASEMENTS IS AN ISSUE

2.1 Settlement Area Mapping and Environmental Constraints

The site sits on the **Rose Bay Settlement Area**, as mapped in Woollahra DCP 2015 (Chapter E2 – Stormwater, Flood and Geotechnical Risk Management). This designation reflects long-established evidence that the location is environmentally constrained and highly sensitive to excavation, groundwater interference and cumulative disturbance.

The Proponent's technical reports confirm these sensitivities: the site comprises loose marine sands, shallow and tidally influenced groundwater, high-permeability soils, potential acid sulphate soils, and forms part of a floodway along Dover Road. These conditions create a fragile interface between soil stability, groundwater and built form, and help explain the pattern of structural movement already documented across Rose Bay and Double Bay (**see Attachment 1**).

This is not a stable suburban platform; it sits on an aquifer; it is a groundwater-dependent basin where excavation routinely alters groundwater pathways and has historically triggered damage. Whilst the subject SSD site lies both within and on the border of the mapped settlement area, groundwater movement does not respect map lines, and this does not minimise the risk and extent of impacts on affected properties surrounding it in the zone of influence.

2.2 Why R3 in Rose Bay Is Not Comparable to R3 Elsewhere

R3 zoning in Rose Bay has historically carried lower height and excavation allowances than equivalent zones in other LGAs. These limits reflect decades of geotechnical evidence indicating that the Basin cannot safely accommodate deep excavation or increased structural loading.

During the September 2025 NSW Budget Estimates hearings, questions were put to the State Government by the Member for Vaucluse on behalf of Rose Bay residents regarding who is responsible for managing the significant hydrogeological and geotechnical risks associated with deep basement excavation under the LMR Policy.

The Government's written responses stated that responsibility for identifying and managing these risks rests squarely with Woollahra Municipal Council as the consent authority.

Minister for Planning Paul Scully has repeatedly publicly stated that LMR areas were only selected after considering all constraints, and that councils are responsible for zoning land appropriately based on those risks.

From his City Hub interview "Eastern Suburbs Homes Sinking As Housing Construction Cracks On" 7 November 2025:

"Sites were carefully selected considering all land use constraints as well as access to transport, infrastructure and services."

<https://cityhub.com.au/eastern-suburbs-homes-sinking-as-housing-construction-cracks-on/>

And from the Sydney Morning Herald article “The eastern suburbs homes and the sinking feeling that has residents on edge” 3 November 2025:

“It was Woollahra Council which zoned that land as appropriate for low and medium density housing and as the consent authority on development applications they have the responsibility to assess suitable and safe development on that land.”

<https://www.smh.com.au/national/nsw/the-eastern-suburbs-homes-and-the-sinking-feeling-that-has-residents-on-edge-20251016-p5n32v.html>

These statements confirm two principles:

1. **Constraints must be addressed and understood before applying uplift.**
2. **Council’s zoning history is relevant to determining suitability and safety.**

Both principles weigh strongly against applying uplift on a low-lying basin that Council has already mapped as high-risk settlement area and zoned with deliberately reduced height controls.

The introduction of the LMR reforms has effectively overwritten the definition of the R3 zoning in the Rose Bay basin ignoring the underlying reasons development was restricted to 3 levels in this zoned area.

Notwithstanding the above, the **EIS incorrectly classifies the property as R4 High Density which is an error** - the subject land is zoned R3 and subject to local development controls designed to mitigate the risks on the platform.

2.3 Why LMR and AHB Uplift Cannot Apply to This Site

Given these constraints, applying Low and Mid-Rise (LMR) or Affordable Housing Bonus (AHB) uplift at this location would be inappropriate and unsafe:

- **Uplift increases excavation depth, basement scale and structural loading;** the Settlement Area mapping demonstrates the land cannot safely accommodate those intensities.
- **Woollahra Council’s failure, for whatever reason, to seek a formal LMR exclusion of mapped, high-risk settlement area under the State Governments refinement mechanisms to protect such sites does not negate the physical risks.** Nor should residents’ properties be put at risk as a consequence of this.
- **AHB uplift cannot be justified** where additional height and excavation exacerbate known geological and hydrological risks, particularly in a high-value market where affordability benefits are minor.
- **Other R3 zones across NSW do not face this combination of shallow groundwater, marine sands, tidal influence and cumulative excavation sensitivity.** Blanket uplift produces disproportionate risk on this site.
- **The cumulative effect of the LMR and the AHB uplift cannot be ignored in the mapped settlement area.**

2.4 Alignment of Independent Studies, DCP Controls and WLPP Precedent

Independent investigations by GHD (2020 and 2024) - see Attachment 1 - confirm the Basin's sensitivity to groundwater disturbance, tidal influence and cumulative excavation. These findings shaped:

- **DCP Amendment 18** – strengthened geotechnical and hydrogeological requirements
- **DCP Amendment 30** – introduction of Settlement Area mapping and excavation-avoidance framework
- **Proposed DCP Amendment 37** (on exhibition) – reinforced excavation limits and LMR response in high-risk areas.

The SSD is inconsistent with this entire suite of controls. It seeks excavation and massing beyond the safe operating envelope that these controls were specifically designed to manage.

A recent Woollahra Local Planning Panel decision for 370 Edgecliff Road (DA348/2024) reinforces **that uplift cannot override physical constraints. The Panel held that AHB uplift was discretionary – and, in this instance - “could not be accommodated due to site constraints”** and that doing so would cause devastating impacts on neighbouring properties.

Finally, this land, already exhibiting coastal-adjacent groundwater and instability risks, could reasonably be mapped as a future *Coastal Vulnerability Area (CVA)*. NSW planning policy — including the *State Environmental Planning Policy (Resilience and Hazards) 2021* and the *Planning Circular PS 21-009: Planning for Coastal Hazards 2022* — requires a **precautionary approach to development in coastal settings, considering both current and future hazard impacts.**

2.5 Community Concern About Responsibility-Shifting

Community submissions raise ongoing concern that responsibility for managing uplift risks may be shifting between the State and Council. Residents fear that if uplift is applied to hazard-mapped land—despite independent studies and long-standing local controls—neither level of government will accept responsibility for resulting structural or groundwater impacts.

Given the Settlement Area mapping and the GHD evidence base, applying uplift to this Basin creates uncertainty about accountability if damage occurs.

Taken together—the hazard profile, Settlement Area mapping, zoning history, independent studies, DCP controls, WLPP precedent and community concern (based on lived experience of excavation related damage) — demonstrate that the site is fundamentally unsuitable for uplift of any kind. Any redevelopment must respect the environmental limits of the Basin, rather than intensify the very risks already identified by Council and confirmed by independent investigations.

GHD 2020, GHD 2024, and related materials are provided in **Attachment 1**.

3. KEY RISKS ASSESSMENT

The following section consolidates the key hydrogeological, geotechnical and environmental risks associated with the proposed SSD. These risks arise from the known characteristics of the Rose Bay Settlement Area, the Proponent's own technical reports, and the documented history of excavation-related damage across Rose Bay and Double Bay. The section is deliberately concise but evidence-based and references material already on the public record.

3.1 Hydrogeological Risk

The subject site sits within a **tidally influenced shallow aquifer** underlain by highly permeable loose marine sands. The Proponent's groundwater and dewatering reports acknowledge:

- groundwater occurs at shallow depth
- the excavation will fully intersect the water table
- uplift forces must be resisted through structural design
- tanking and permanent groundwater exclusion are required
- seepage inflows are expected during construction.

A basement constructed below the water table in permeable marine sands becomes a permanent barrier to natural groundwater flow. This can alter local hydraulic gradients, redirect subsurface flows and generate new pressure regimes that extend beyond the site boundary. No modelling of these effects is provided.

The EIS provides no tidal, seasonal or basin-wide groundwater modelling, despite the Settlement Area being known to respond rapidly to rainfall and harbour tides. The absence of regional analysis is a fundamental limitation.

3.2 Geotechnical Risk

The Preliminary Site Investigation and Geotechnical Report confirm that the subsurface comprises very loose to loose marine sands with high permeability and minimal cohesion. These soils are sensitive to:

- groundwater drawdown
- lateral hydraulic pressure changes
- dewatering
- sheet piling vibration
- excavation to the boundary

These conditions create a high risk of collapse, settlement, footing instability, and lateral movement, particularly when excavated below the water table.

Residents have already experienced these occurrences across the Basin following smaller excavations, including structural cracking, separation of walls, flooding of basements, sinking of plumbing beneath homes.

Cases include the partial collapse of a dwelling on Wilberforce Avenue (resulting in it being demolished), movement of walls, a shift in a terrace (reported to be 10cm) requiring the property to be evacuated and now reported to be unsalvageable. These examples provide evidence of the foreseeable outcomes.

Residents have compiled a list of reported damages from excavation related activity in the area - see **Attachment 2**.

3.3 Acid Sulphate Soils (ASS)

The Proponent's own ASS report confirms the likelihood of ASS below shallow depth. If disturbed in permeable sands, ASS can oxidise and migrate with groundwater, causing:

- release of acidic water
- mobilisation of metals
- deterioration of concrete and steel
- environmental harm to Rose Bay
- corrosion of adjacent infrastructure

The EIS contains insufficient sampling, no modelling of oxidation pathways, and no assessment of acidified groundwater transport. This does not satisfy NSW ASSMAC guidelines or the SEARs.

3.4 Floodway and Overland Flow Risk

The site is within a mapped H5/H6 flood hazard zone. Dover Road forms part of a floodway that already experiences ponding and fast-moving stormwater. The EIS does not assess:

- climate change scenarios
- obstruction effects from a raised plinth
- how basement retaining walls in a floodway will redirect overland flows
- groundwater–stormwater interaction in extreme rainfall

These omissions are material, particularly in a low-lying coastal basin.

3.5 Dewatering, Pumping and Groundwater Interference

Although the EIS avoids the term “dewatering,” the Dewatering Management Plan (Appendix N) proposes sustained groundwater pumping for several months.

The dewatering statistics provided in the Proponents dewatering plan were graphed by an independent geotechnical engineering firm, Fortify Geotechnic who were engaged by concerned residents in Rose Bay. This independent geotechnical report was kindly shared with our Group to assist with our submission on behalf of other concerned residents.

An extract of the results is presented below:

Plate 4-2: Depth of Expected Groundwater Drawdown at Various Distances From the Excavation Boundary

Table 2 Modelled Groundwater Drawdown

Analysis Case	Up Gradient Drawdown (m)				Down Gradient Drawdown (m)				Distance to Minimal Drawdown < (200 mm)
	Distance Behind Excavation Face				Distance Behind Excavation Face				
	0.5 m	5 m	10 m	20 m	0.5 m	5 m	10 m	20 m	
Section 1 Short Term	1.30	1.19	1.09	0.92	1.29	1.21	1.11	0.92	78.47
Section 2 Short Term	1.33	1.26	1.12	0.94	1.33	1.27	1.14	0.95	79.31

Plate 4-2: Depth of Expected Groundwater Drawdown at Various Distances From the Excavation Boundary

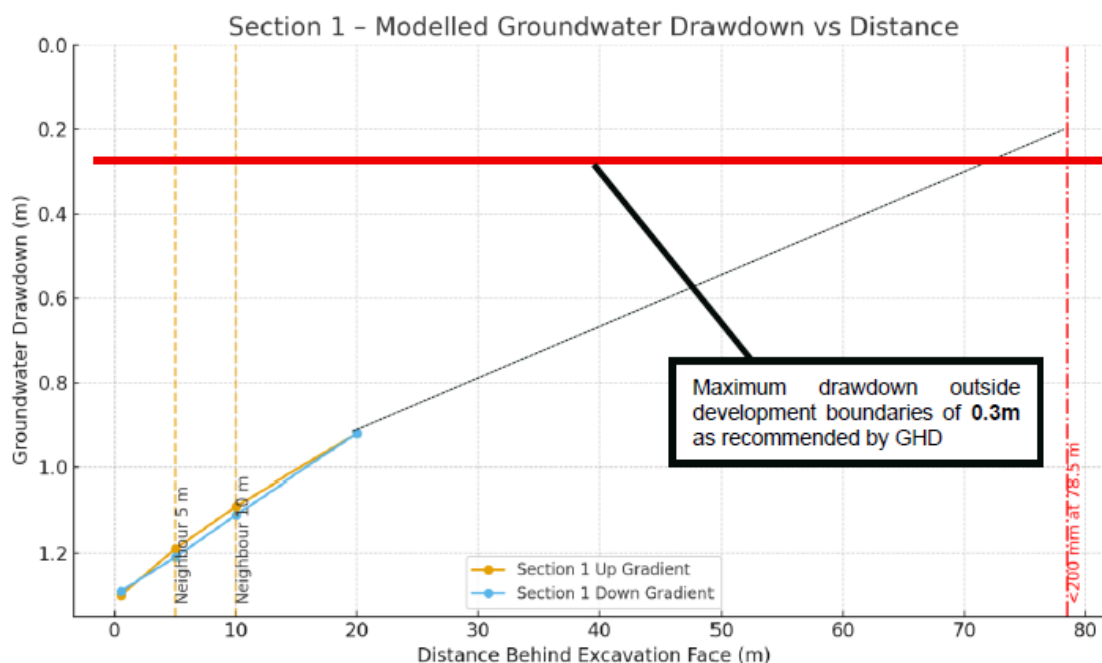


Plate 4-3: Graphical Representation of the Depth of Expected Groundwater Drawdown at Extending From the Excavation Boundary

The results demonstrate that the groundwater drawdown exceeds the limit of 0.3m imposed by the local DCP. The breach extends 75m from the boundary of the excavation site. The GHD (2020 and 2024) reports predict that a drawdown in excess of 0.3m in this area will expose properties in that zone to subsidence, settlement and damage. The independent report calculates **40 properties (including blocks of apartments, hence**

the number of homes is higher) are put at significant risk of damage from this single SSDA alone as shown below [extract from(Fortify 2025) report]:



Plate 4-1: Aerial Photo Showing the Approximate Area That will be Impacted by Groundwater Drawdown During Dewatering

Furthermore, when the cumulative impacts are assessed – multiple developments on this block of land could impact up to **130 properties** [extract from(Fortify 2025) report]:



Plate 4-4: Aerial Photo Showing the Approximate Area That will be Impacted by Groundwater Drawdown During Dewatering if All Proposed Developments Were to Proceed

3.6 Sheet piling

The reliance on sheet piling introduces further risk. Sheet piles transmit vibration into saturated loose sands and can trigger lateral movement. This mechanism has previously caused structural damage in the region, including the well-publicised, Richmond Road, Rose Bay stop-work orders from the NSW Building Commissioner, where piling activity was associated with structural cracking in adjoining buildings.

3.7 Cumulative Excavation Risk – Surrounding Development Context and Basin-Wide Effects

The neighbourhood consists of older dwellings and small apartment buildings, many built on shallow footings and inherently vulnerable to vibration, groundwater changes and settlement.

The Settlement Area is a single groundwater-dependent basin. Groundwater does not respect lot boundaries; any deep excavation alters the behaviour of the broader system.

The Proponent's reports do not assess the interaction with nearby or future basement developments, despite Council identifying this area as high-risk and despite the clear cumulative impact pathways in this groundwater-dependent basin.

Although the Proponent briefly refers to "cumulative impacts" in the EIS, the only cumulative consideration provided appears in Section 2.1.4 and Table 5, which lists just three nearby pipeline projects:

- 2–16 Spencer Street (SSD-86122958)
- 17 Dover Road – Wilberforce Avenue Carpark (DA 598/2022)
- 488–492 Old South Head Road & 30 Albemarle Avenue (DA 413/2024)

The EIS fails to identify the large, amalgamated sites that are **immediately adjacent** to 23-31 Dover Road and that are subject to imminent LMR development, noting that both sites are reported as sold/ optioned (see map below).

Beyond Table 5, none of the technical reports — including Appendix Z (Groundwater Assessment), Appendix S (Geotechnical Report), Appendix N (Dewatering Management Plan), Appendix G (ASSMP) — appear to provide any cumulative modelling, shared-basement stress assessment, combined drawdown analysis, or basin-wide groundwater modelling. Each report treats the site in isolation, despite SEARs requirements for cumulative assessment and despite the site sitting within a mapped high-risk Settlement Area.

This is a significant technical deficiency in the EIS.

3.7.1 Critical omissions of the EIS

Critically, the EIS does **not** identify the **immediately adjacent LMR uplift sites** directly beside and behind the SSD, including:

- 12–18 Wilberforce Avenue (shares rear boundary)
- 20–30 Wilberforce Avenue & 33–37 Dover Road (shares side boundary)
- 32–38 Wilberforce Avenue & 41–55 Dover Road (adjacent to above site)

which together with additional LMR properties on Wilberforce Ave create a **continuous band of future deep basements** around the SSD footprint estimated to total **~21,000 m² of proposed deep basements along Wilberforce Ave and Dover Road**, forming a largely continuous interference with the shallow aquifer.

This is unprecedented in a Basin already known to be sensitive to disturbance.

Furthermore, the EIS omits reference to the **sixteen additional amalgamated LMR sites** (as at the date of this submission) across Rose Bay that are already sold, optioned, being actively marketed or progressing in the DA/SSDA pipeline, all of which are likely to include 2–3 level basements.

To recap: the EIS DID include the following DA's:

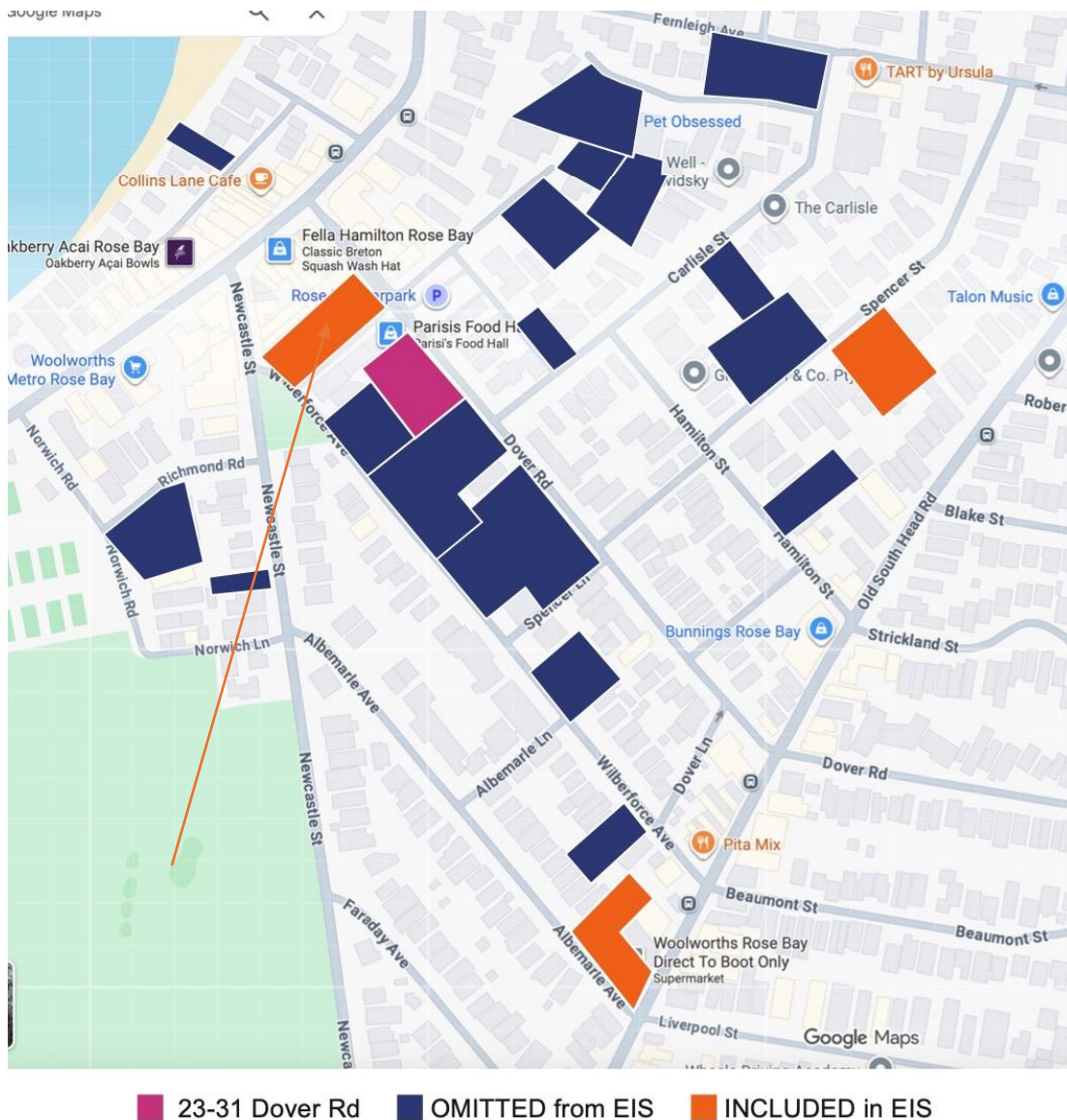
- **2–16 Spencer Street** (SSD-86122958)
- **17 Dover Road** – Wilberforce Avenue Carpark (DA 598/2022)
- **488–492 Old South Head Road & 30 Albemarle Avenue** (DA 413/2024)

Yet it FAILED to include:

- **12-18 Wilberforce Ave (immediately adjacent)** – reported sold/optioned
- **20-30 Wilberforce Ave & 33-37 Dover Rd (immediately adjacent)** – reported sold/optioned
- **32-38 Wilberforce Ave & 41-55 Dover Rd** – reported sold/optioned
- **35-37 Wilberforce Ave** – reported old/optioned
- **48-56 Wilberforce Ave** – for sale
- **37 Newcastle Street** – DA 317/2025
- **10 -12 Ian St** - DA 222/2025
- **26-28 Hamilton St** – DA 156/2025
- **7 Collins Ave** – DA 387/2025
- **3,5,7,9 Richmond Rd** – for sale (site is directly opposite the Stop Works site referred to in section 3.6 above)
- **15-23 Spencer St** – for sale
- **16 Ian St** – for sale
- **18-20 Ian St** – for sale
- **4 Carlisle St** – for sale
- **17-23 Carlisle St** – reported sold/option
- **2A/2-6 Conway Ave, 15-15A Fernleigh St & 38-40 Carlisle St** – SSDA in progress
- **11-15 Conway Ave & 17 Ian St** – reported sold/option
- **697 New South Head Road** – sold/option
- **682-684 Old South Head Road** – for sale
- **618-622 Old South Head Road** – for sale
- **602-604 Old South Head Road** – for sale

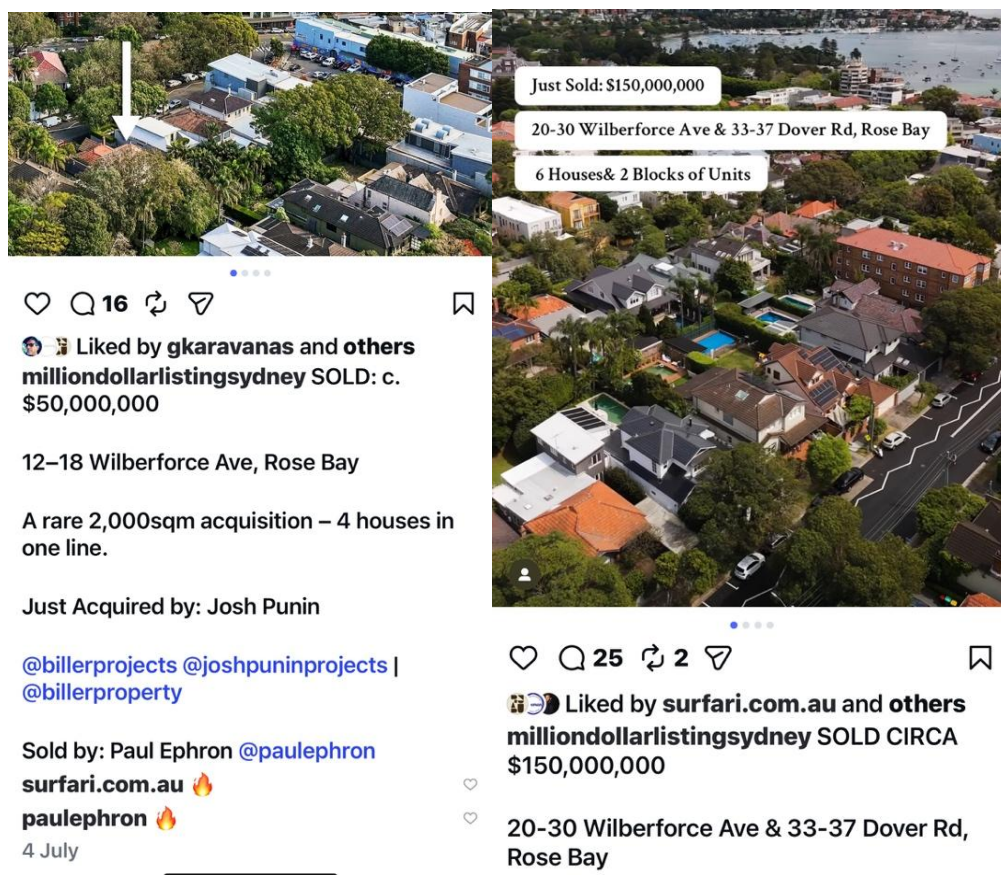
We have illustrated the omissions in the following map.

Below – map illustrating material EIS omissions of pipeline LMR properties



All of these sites were sourced from publicly available information, many well publicised. There may well be more off market deals.

The absence of such information is crucial to any reliance on the expert reports provided in support of the application.



Above: Both immediately adjacent sites (side and rear) were OMITTED from EIS.

Despite the sales of the **immediately adjacent** sites being publicly advertised and covered in the media, the proponent fails to identify them in it’s submission as future developments. However, it does identify an immediately adjacent site (12-18 Wilberforce Ave) as marked for future development in the context of an ADG breach on overshadowing – making the following statements:

On page 46 of the EIS:

Community Engagement → Woollahra Council Meeting Summary: ***“Sunlight and Overshadowing: The proposal generally meets minimum ADG requirements, except for 18 Wilberforce, which is planned for future redevelopment as part of a larger site.”***

Page 13 of Appendix P – Engagement Outcomes Report:

Section 5.1 Council Engagement: ***“Sunlight and Overshadowing: The proposal generally meets minimum ADG requirements, except for 18 Wilberforce, which is planned for future redevelopment as part of a larger site.”***

The omission of these sites means the EIS does not:

- map the full set of known or likely LMR basements
- assess interactions between multiple groundwater cut-offs

- model cumulative drawdown or pressure redistribution
- identify risks of regional settlement
- evaluate the combined effect of dozens of impervious basement walls

It also fails to reference the risks inherent in the mapped settlement area including the reports of damage that has already occurred in the area (see below) that demonstrate in real life that this basin is already demonstrating sensitivity to even relatively small, single level excavations. Again, in the absence of such information, the scope of the expert reports is limited.

In this context, assessing the SSDA “in isolation” is technically indefensible and directly contradicts the SEARs requirement to assess cumulative effects.

3.8 Documented History of Damage in the Settlement Area

There exist extensive reports of damage in Rose Bay and Double Bay in recent years linked to excavation and groundwater disturbance (from smaller excavations than currently proposed by this SSD), including:

- wall separation
- slab lifting
- severe cracking
- sinkholes
- inundated basements
- pump-dependent buildings
- evacuation of dwellings
- buildings requiring demolition

These damages occurred despite the expert reports, confirming that the failure mechanisms described in this section are **already occurring** and that risk is not theoretical.

A referenced earlier in this submission, a detailed list of documented structural, groundwater and excavation-related failures in Rose Bay and Double Bay—including collapses, basement flooding, wall separation, lift shaft inundation and subsidence—has been compiled by residents. It is provided in **Attachment 2**, with direct extracts from resident submissions.

3.9 Basement Uplift Forces & Long-Term Performance

Because the basement is below groundwater, the structure must permanently resist uplift forces and act as an impermeable barrier. Long-term performance depends on:

- waterproofing membranes
- joints and sealants
- pumps
- structural integrity under groundwater pressure

There is no guarantee that these systems will function indefinitely. In areas with shallow aquifers, membrane failure and groundwater intrusion are common. The Proponent's reports provide no reliable assessment of long-term durability or contingency planning.

3.10 Excavation Non-Compliance History and Excessive Excavation at This Site

There is a well-documented pattern in Woollahra LGA of excavation volumes exceeding DCP limits, often by very large margins, with approvals granted on "planning merits" even where non-compliance is significant.

Further, Council's own Environmental Planning Committee material recorded excavation non-compliance ranging **from 4% to 463%** in a 2023 sample period.

Residents have consistently expressed concern that this pattern—combined with the sensitive hydrogeological conditions of the Settlement Area—creates a substantial risk that approved excavation limits will not be adhered to in practice.

These concerns are reinforced by advice from the **NSW Building Commissioner**, who recently wrote to Rose Bay residents stating:

"Amendment 30 introduced excavation limits equal to the site area... Our observations of recent approvals issued by Woollahra Municipal Council in the Rose Bay area indicate these are allowing at least twice the permitted excavation volume to accommodate basement car parking, which appears to have led to your concerns."

Ignoring excavation controls in areas where the water table occurs at shallow depth undermines the purpose of those controls. This SSDA proposes a two-level basement extending below the water table, which is precisely the scenario the controls are intended to avoid.

In the context of:

- a proven pattern of excessive excavation approvals,
- documented failures of excavation compliance in Rose Bay and Double Bay, and
- the link between the structural damage / subsidence to exercising discretion outside the controls, as identified by the NSW Building Commissioner,

the proposed depth and scale of excavation for this SSDA requiring approximately 6 times the excavation limit set by the DCP (based on lot size) constitutes an unacceptable and unjustified risk to the Settlement Area's fragile groundwater and soil system.

3.11 Limitations, Disclaimers and Reliability of the Proponent's Reports

Almost all technical reports submitted by the Proponent contain disclaimers and qualifications stating:

- *"conditions may differ materially"*
- results rely on assumptions
- data is preliminary
- findings are not guarantees

They also acknowledge that investigations are **site-specific only and do not model cumulative Basin conditions**. There is no independent peer review.

Minister Scully was quoted in the Australian Financial Review (8 August 2025), in response to resident's concerns saying:

"I have confidence that if sites have constraints, professionals such as engineers and designers – whose job it is to make sure developments are structurally sound – will get it right [because] they have been doing so for years,"

Given the significant damages that have been reported here, clearly the expert reports are not enough to mitigate risks.

A fundamental concern is the use of cleverly creative wording designed to disguise or gloss over an issue to provide the reader with a sense of reassurance – which is not validly based.

These expert reports supporting such DA's have been proven to be **ineffective in safeguarding** properties against structural damage on this platform.

3.12 Relevant NSW Failure Precedents

Similar mechanisms of failure have caused catastrophic outcomes in other NSW developments, including, most notably Mascot Towers (ground movement linked to adjacent excavation) and Double Bay's failures (groundwater conditions like Rose Bay). We also note the relevance of the Wollli Creek evacuations, Opal Tower, Jordan Springs East, Spring Farm and the Thredbo landslide. These cases demonstrate that small miscalculations in groundwater, fill stability or subsurface behaviour can produce irreversible structural outcomes, even on sites far less complex than the Rose Bay Settlement Area.

Residents are fearful that, should this SSDA be approved, it could lead to Mascot Tower style failures. Furthermore, it could set the precedent for further basement excavations concentrated in a small, fragile strip of land - that will inevitably lead to **Mascot Tower's style failures, but on a precinct wide scale in Rose Bay.**

4.GOVERNANCE, PROCESS & LOGISTICAL INTEGRITY

Residents make no allegation of wrongdoing. However, several process issues have reasonably affected public confidence in the assessment of this high-risk SSDA and are relevant to the public-interest considerations under s 4.15 of the EP&A Act.

4.1 Structural Context

Council is both the assessment authority and the owner of property next door within the same hazard-affected Basin (17 Dover Road, which the EIS confirms is being considered for redevelopment). While no misconduct is alleged, this dual role creates perceived competing interests and reinforces the need for a cautious, independent assessment of SSD-86017721.

4.2 Communication of Hazard Information

Early Council correspondence to the Proponent (Appendix E) did not appear to raise the groundwater, excavation, tidal, ASS or cumulative-risk issues later identified in Council's detailed letter of 23 September 2025, which describes Rose Bay and Double Bay as "at high risk of hydrogeological hazards." The late emergence of critical hazard information has contributed to community concern about clarity and consistency in the process.

4.3 Strategic Misalignment & Assessment Capacity

Whilst the mapped high risk Rose Bay settlement area has not been rezoned or received a carve-out from the LMR uplift (for whatever reason), this outcome does not alter the Basin's documented hydrogeological risks or the long-standing planning controls that reflected those risks. Strategic timing gaps between NSW Government and Council processes should not result in SSD-86017721 being assessed as if the land were low-risk.

In addition, Sydney Morning Herald reports this week (dated 28 November) of NSW Planning staff relying on AI-assisted screening of housing proposals has raised reasonable questions about assessment capacity for complex, high-risk sites.

Residents therefore **request confirmation that this SSDA was not subject to any accelerated or automated screening, and if it was, that it undergo a full manual expert review before determination.**

4.4 Accessibility & Public Confidence

Short exhibition periods (14 days - despite the Proponents website advertising 28+ days), highly technical material and concurrent SSD exhibitions in the same fragile Basin have made meaningful participation difficult for many residents. While no specific criticism is made, these factors collectively reduce confidence in the overall process.

We therefore ask that SSD-86017721 be assessed with particular care to ensure full protection of people, property and the environment in this groundwater-dependent Basin.

5. PUBLIC INTEREST IMPACTS

5.1 Public Interest – fundamental concern

It is squarely in the public interest to adopt the simplest, safest and most proportionate solution: reduce the depth of excavation so that it does not intersect with the water table (as recommended by the reports that Council has commissioned), stay within the DCP limits for excavation and dewatering etc, and adopt excavation methods best suited to this area.

This modification preserves the development's yield while eliminating the need for deep, high-risk excavation into a fragile groundwater basin.

Nothing in the Housing SEPP requires excavation beyond safe limits, and nothing prevents the Proponent from delivering the project without exposing surrounding homes to foreseeable harm.

The Proponent proposes sheet piling as a key mitigation measure, yet sheet piling cannot function effectively in loose, highly permeable marine sands of the Rose Bay Settlement Area. Continuing to rely on an unachievable engineering measure is contrary to the SEARs requirement for robust groundwater assessment, the principles of DCP E2 ("avoid → minimise → mitigate"), and the fundamental obligation to protect life, property and infrastructure.

Elements of the design, for example the excessive basement areas marked "storage", should not be prioritised over public safety – as outlined in the following sub-section.

The community's request is therefore not obstructionist — it is rational, reasonable, technically grounded and squarely aligned with public interest outcomes, including: maintaining public confidence in planning decisions; preventing avoidable structural damage and displacement of residents; and ensuring that essential housing is delivered without compromising safety, amenity or financial security.

5.1.1 Prioritise the Public Interest: Post-Occupation Parking Gaming must not occur, especially given the risks

The proposal allocates approximately 42% of the basement area to "storage". This volume of storage is ATYPICAL for residential flat buildings and creates a foreseeable risk of post-occupation conversion to de facto parking, circumventing formal controls.

The scheme relies heavily on bicycle storage as a substitute for on-site parking provision. This design choice increases the excavation footprint—within a high-risk groundwater Basin—yet does not deliver any commensurate public benefit.

Given the Settlement Area's fragility, our action group recommends:

- reducing the amount of 'storage' space (and therefore reducing the amount of risky excavation)
- conditions or covenants prohibiting conversion of storage/other basement floorspace to parking post occupation

- reconsideration of the basement quantum/ levels
- investigation of non-excavation-based solutions

before contemplating the granting of any consent.

The proponent requests 60 car spaces plus 6 visitors car spaces. The DCP Draft amendment 37 was adopted to reduce the excavation risks in the Rose Bay. Under this amendment the entitlement to car parking in a development of this GFA would be reduced to approximately 40 plus 6 visitors car spaces.

Given Rose Bay (New South Head Road) was designated as an LMR Town Centre precisely because of its apparent strong 'transport links', then the provision of parking should not be prioritised over the safety of residents (existing and future) and the environment.

5.2 Additional public interest concerns:

5.2.1 Displacement & Affordability Misrepresentation

The Proponent asserts that the development will "increase affordability".

This is inconsistent with market reality and contradicted by expert commentary presented at the NSW Local Government Conference (25 November 2025).

Stuart Ayres, CEO of the Urban Development Institute of Australia (NSW) made the following statements:

"You are not going to solve the housing crisis in Sydney in Woollahra, Rose Bay and Mosman. You're just not going to do it. People who live in Mount Druitt, Penrith and Campbelltown, Blacktown – they know it. When someone who's an elected representative stands up and talks about increasing housing supply in these locations, - if you had a 15% discount on the rent in Woollahra, well, no one I know who lives in Western Sydney in a job that they're doing.....can actually afford to do that...so let's set up our policy settings. When it comes to affordable housing, my strong view is to back incentive based positions but deployed in markets where you know it's going to create diversity in the housing supply."

Sue Weatherley, President of the Planning Institute of Australia (NSW), reinforced that:

"The policy was introduced with really great intent...but we do need to look back at is this actually delivering the outcomes that we intended it to deliver? And if it's not delivering genuinely affordable housing that would suit someone on \$60,000 a year then it may be delivering it in the wrong place, and...there was a study done by Shelter which suggested perhaps a review would be a good thing."

These statements directly undermine the Proponent's claim that the market dwellings or the "infill affordable housing" component will create meaningful affordability outcomes.

The Proponent's apartments are positioned within the **ultra-premium price segment**, with local sales evidence in Rose Bay demonstrating rates of **\$38,000–\$45,000/m²** for new apartments in this immediate locality.

Such prices are inaccessible most of the population, including essential workers, young families, most downsizers, and average-income households, even when reduced under the Affordable Housing Bonus (AHB) provisions. They are consistent with luxury investor-grade stock, especially attractive to overseas investors (who may or may not occupy them – thus not necessarily increasing the supply of homes available to live in), not affordable or mid-market housing.

The proposal's 11 'infill affordable' dwellings are also time-limited, operating only for the statutory 15 years before reverting to full-market rents. This creates a temporary benefit for a small number of households **while locking in a permanent intensification of risk**, bulk and excavation impacts on surrounding residents, putting at risk the structural integrity of their homes.

5.2.2 LMR Uplift Behaviour in Rose Bay

Residents have also observed a **disproportionate concentration** of LMR-related land transactions in Rose Bay compared with other NSW town centres. Based on publicly available sales data monitored by community members, Rose Bay has seen a far higher level of **speculative LMR site acquisition** activity than most other uplift areas across NSW.

While not inherently problematic, the pattern reinforces the reality that uplift here is being driven primarily by **developer opportunity rather than housing affordability** need — particularly in a Basin where constraints materially limit safe development.

5.2.3 Net Effect

This SSDA redevelopment (and other pipeline LMR developments here) will:

- replace comparatively affordable existing homes with luxury product (many existing older style walk up apartment blocks and townhouses are being sold for LMR redevelopment)
- accelerate displacement of long-term residents, pricing them out permanently
- contribute to the loss of rental diversity
- push Rose Bay further toward a high-wealth, low-diversity demographic profile

The Proponent's claims of affordability therefore CANNOT be accepted at face value. The public interest is not served by imposing permanent environmental and structural risks on a high-risk Settlement Area in exchange for temporary, marginal and time-limited affordability benefits.

We note that council's proposed DCP Amendment 37 addresses housing diversity concerns by mandating ratios to ensure mix of apartments for each development. The proponent – if genuine about housing diversity and affordability – should be mandated to adopt this housing mix (in addition to the parking amendments in DCP Amendment 37).

Finally, we refer again to the recent WLPP decision for **370 Edgecliff Road (DA348/2024)** where the Panel held that AHB uplift “could not be accommodated due to site constraints” that would adversely impact residents’ amenity.

5.3 Community Wellbeing, Mental Health, Anxiety - now and for future generations

Residents already experience significant stress due to prior structural failures, collapses and groundwater impacts in the Settlement Area (Attachment 1). Many households report anxiety around:

- fear of structural damage or collapse
- difficulty obtaining or maintaining insurance, and the threat of higher premiums – especially when LMR is implemented in this high-risk area
- ongoing uncertainty arising from prior failures and live examples of subsidence in Rose Bay and Double Bay

These concerns are heightened for older residents, families with young children, and those in historically affected streets such as Wilberforce Avenue, Hamilton Street, Newcastle Street and Richmond Road. This fear is also shared by tenants renting in the older style apartment blocks that are now threatened with redevelopment, their worries are twofold:

- no recourse if their apartments are damaged and they need to vacate
- being permanently priced out of the area.

Community members are also worried that young people and families and essential workers will no longer be able to buy into the suburb – as the older style walk up apartments will no longer exist for sale, and that this will accelerate Rose Bay into becoming suburb without grandchildren – the very scenario that Minister Scully is reported to be concerned about.

On 2 September, the Sydney Morning Herald reported that Minister Scully “*accused opponents of increased density of helping to create **suburbs without grandchildren***”.

The same article states that he told The Australian Financial Review Property Summit:

*“There are areas in Sydney that are pushing back so hard on increasing supply that they are **becoming exclusive areas** due to their lack of affordability, their cost to travel to them and their resistance to change.”*

and it reports that “*he also said some voices opposed to increased density in their area were ‘loud and ... **drown out the voices of future generations***”.

<https://www.smh.com.au/politics/nsw/woollahra-s-housing-and-transport-plan-old-fashioned-toxic-masculinity-20250901-p5mrfr.html>

The residents of Rose Bay share these same concerns, that developments such as this will render Rose Bay exclusive haven for the wealthy and retirees, while young people and essential workers will be permanently priced out, our transport (ferry) is expensive and future generations will not be able own property here.

We are also worried that, should this SSDA, and others like it proceed in this fragile basin, **future generations will inherit a legacy of permanently damaged land** where the harbour environment and fragile ecosystems that have been irreversibly interfered with for what is essentially private profit driven enterprise that transfers the risks entirely onto the public. The proposal in its current form —located on a mapped high-risk zone— exacerbates these vulnerabilities, directly affecting wellbeing and community stability.

We speak for future generations when we say this proposal risks intergenerational equity, in terms of future generations enjoyment of – and indeed even use and protection of the land in the basin and our fragile harbour foreshore. This is a key public interest consideration.

6. SECONDARY CONCERNS

Whilst not the core focus of our objection, our group has additional concerns with this SSD, a summary of which is provided below:

6.1 Environmental & Amenity Impacts

- **27 mature trees removed + 2.7% deep soil** → loss of soil stability, infiltration, canopy and groundwater control.
- Existing gardens replaced with **full-width 8-storey block** → loss of natural screening, cooling and privacy.
- **Bulk and scale** overwhelm 1–2 storey context; overshadowing, enclosure and character loss in a hazard basin.
- **Severe privacy impacts** from elevated podiums and balconies; landscaping cannot mitigate sight lines – privacy screens must be imposed.
- **Safety risks** near schools/childcare: heavy vehicles, blind corners, dust/silica, severe congestion at the busy (sometimes dangerous) 4 way roundabout next door which services both sides of Dover Road, as well as the Wilberforce Ave and the Ian Street carparks.
- **Podium landscaping** cannot replicate infiltration, stability or stormwater functions.
- Combined impacts are **unsafe and unmitigable** in the Settlement Area → Precautionary Principle applies.

6.2 Construction Impacts

- High vibration, settlement and structural risk during excavation.
- Dust and emissions affecting childcare centres and school.
- Construction traffic conflicts with children and pedestrians.
- Risk of groundwater inflow/inundation during works.
- Past failures show these **construction phase risks** materialise in this Basin (per Attachment 2).

7. LEGAL & STATUTORY FRAMEWORK – WHY THIS SSD CANNOT BE APPROVED

The proposal does not satisfy key requirements of the **Environmental Planning and Assessment Act 1979**, **Woollahra LEP/DCP**, and relevant common-law duties. On the evidence in the EIS and its appendices, and the publicly available documents referenced in this submission, the SSD cannot be approved without departing from core statutory obligations.

7.1 EP&A Act s 4.15 – Key Matters Not Adequately Addressed

Under s 4.15, the consent authority must consider the likely environmental impacts of the development, the suitability of the site, any submissions, and the public interest. In this case:

- **Environmental impacts (groundwater, flooding, ASS):** The Proponent's own reports identify shallow groundwater, highly permeable marine sands, ASS below 2–3 mBGL, and H5/H6 floodway conditions. The EIS does not demonstrate that deep excavation can occur without adverse off-site impacts.
- **Unsuitable site:** The site is within the mapped Rose Bay Settlement Area under DCP E2, recognised for elevated geotechnical and hydrogeological risk.
- **Community submissions:** The Proponent's consultation summary shows widespread concern about excavation, settlement, flooding and construction impacts.
- **Public interest:** The environmental risks are significant and long-term; the public benefits are limited and time restricted.
- **Equity and fairness:** Residents bear the risk of subsidence, groundwater impact and structural damage, yet the proponent provides no enduring indemnity or financial protection. Intergenerational equity is also at risk.

These considerations collectively weigh strongly against approval under s 4.15.

7.2 Clause 4.6 Variation – Exceedance Not Justified

The Clause 4.6 request seeks additional height (not limited to elevator lift run but including rooftop structures) on a site already constrained by groundwater, floodway and Settlement Area hazards. The justification relies on generic design reasoning rather than site-specific environmental planning grounds and does not explain how increasing height—and therefore excavation, loading and built form—can be consistent with the precautionary approach required for this locality.

Given the site's constraints, and the availability of compliant alternatives, the variation is neither reasonable nor in the public interest.

7.3 Law of Support – s177 Conveyancing Act 1919

Section 177 imposes a non-delegable duty not to remove the support that land provides to neighbouring land.

Deep excavation into loose marine sands with compressible peat deposits, interception of shallow groundwater, and the need for uplift control all increase the risk of removing both physical and hydraulic support from adjoining properties.

With a documented history of structural and groundwater-related damage in the Settlement Areas, the risk of harm to surrounding land is plainly foreseeable. Approval in these circumstances would be inconsistent with the duty recognised in s 177.

7.4 Precautionary Principle

The precautionary principle, as articulated by the Land and Environment Court, applies where there is:

- a **threat** of serious or irreversible harm, and
- scientific **uncertainty** about the extent or timing of that harm.

Here, the potential for settlement, subsidence, groundwater drawdown, ASS mobilisation and floodway obstruction constitutes serious harm, while the Proponent's reports contain material uncertainties, caveats and assumptions. The principle therefore demands refusal, not conditional approval.

7.5 Additional Relevant Legal Principles

Other NSW planning decisions confirm that:

- decision-makers must consider cumulative and long-term environmental risks;
- consent may be refused where uncertainty remains about serious environmental impacts;
- the public interest includes environmental (built and natural) protection, community safety and confidence in the planning system.

These principles reinforce that approval of this SSDA—given the site's mapped risks and the identified uncertainties—would be inconsistent with established planning jurisprudence.

8. SPV STRUCTURE, INDEMNITY FAILURES & RESIDENT EXPOSURE

The Proponent is delivering this SSD through a project-specific Special Purpose Vehicle (SPV), a corporate entity only established a few months ago, with no enduring assets or balance sheet once the development is complete. As reflected in the EIS and supporting documents:

- **No indemnity** is offered to neighbouring residents for structural damage, groundwater interference, subsidence or flooding.
- **No insurance guarantee** is proposed that would respond to groundwater-driven harm in the mapped Settlement Area.
- **No bond or financial assurance** is provided to fund rectification in the event of foreseeable off-site damage.
- **No parent-company guarantee** exists to protect residents should the SPV be wound up or become insolvent.

The result is that **all long-term risk is transferred to residents**, while the SPV carries none of the downside and retains only the commercial benefit. This structure is particularly concerning given the documented history of excavation-related failures in the Rose Bay and Double Bay Settlement Areas.

This risk is exacerbated when the cumulative effect of multiple developments confined to a small, high-risk area of land are occurring concurrently. Council's GHD studies state that the zone of influence of ground movement from excavation activity is up to 800m from the subject site. This creates a situation where developers will simply point the finger at each other to attribute blame.

What is especially inequitable is that the NSW Government provides significant guarantees, incentives and uplift pathways to developers, while the community—who bear the environmental and structural consequences—receive no protection at all. If uplift is mandated on land that is already mapped as high-risk, it is fundamentally unjust for residents to be left without full indemnities, while developers benefit from policy-driven height and yield increases.

This asymmetry underscores a core public-interest defect: the party with the least capacity to absorb loss (existing homeowners) bears 100% of the risk, while the party with the greatest capacity (State and developers) bears none.

If the NSW Government insists on applying uplift to this fragile groundwater basin, then the State—not an SPV—must provide full indemnity to affected properties. The refusal to offer this protection contradicts any assertion that the risks are negligible.

In its current form, the SSD exposes residents, strata buildings and public infrastructure and the natural harbour environment to unprotected and irreversible harm, while shielding the Proponent behind an SPV. This is incompatible with safe planning practice, the objectives of the EP&A Act and the Housing SEPP's requirement that development demonstrate genuine public benefit.

9. FORMAL RECOMMENDATION

The evidence before the consent authority plainly shows that the risks associated with SSD-86017721 are cumulative, irreversible and fundamentally unmitigable given the site's location within the Rose Bay Settlement Area—a mapped high-risk complex hydrogeological basin with shallow groundwater, highly permeable marine sands, floodway conditions and a documented history of excavation-related failures.

The Proponent will no doubt emphasise the existence of numerous “mitigation measures”—monitoring, tanking, membrane systems, dewatering controls, management plans, geotechnical inspections—but **these measures do not prevent the disturbances that cause damage – often irreversible; they merely attempt to respond after the fact.**

Every major technical report lodged with the EIS includes explicit disclaimers and qualifications acknowledging that real conditions may differ materially, that assumptions are unverified, and that impacts cannot be guaranteed. Furthermore, they are site specific - they do not contemplate the unprecedented influx of future LMR developments concentrated in this high-risk site – and the cumulative impacts should they progress.

In a Basin where small changes have already produced building collapse, subsidence, groundwater inundation and multi-million-dollar failures in Rose Bay and Double Bay, “mitigation” does not provide certainty. It does not prevent irreversible shifts in groundwater pathways, collapse of loose sands, or basin-wide cumulative effects.

In this context, listing conditions becomes symbolic rather than protective.

The stakes—structural failure, groundwater contamination, human safety, and irreversible environmental harm—are too high for a reliance on measures that cannot guarantee performance and have failed in comparable conditions across the region.

9.1 Recommendation: Refusal

Our Group therefore submits that **the SSDA must be refused in full.**

Given the nature of the Basin, the limitations of modelling, the lack of indemnity or financial security, and the Proponent's reliance on management-stage risk controls, the only approach consistent with precaution, public interest and s 4.15 is **avoidance.**

Mitigation cannot remedy site unsuitability.

9.2 If the SSD Is Not Refused (Without Prejudice)

Without in any way conceding that the risks can be mitigated, if the consent authority contemplates approval, then **extraordinary protections** would be required due to the magnitude of foreseeable harm.

These would include fundamental redesign and reduction in basement footprint, independent peer review, cumulative groundwater modelling, 10-year post-completion monitoring, prohibitions on dewatering, and indemnities provided by the NSW Government (given past experience has demonstrated that residents are left with no recourse in these situations). We see no justification as to why the NSW Government would be willing to

allocate funds to guarantee developers their presales, whilst leaving residents exposed to the foreseeable outcomes by fundamentally altering the status quo through pursuing a blanket uplift policy on hazardous land.

However, our group emphasises that even such measures cannot eliminate the underlying hazard and therefore, the only acceptable solution is **REFUSAL**.

9.3 Conclusion

Residents of Rose Bay simply ask the assessment team to pause and put themselves in our position. There are **40 neighbouring properties at risk** of structural damage as a result of the level of excavation required for this development, 130 if you take into consideration the cumulative impact of the side by side developments. We cannot easily relocate, insure against, or escape the risks that are being imposed on us. Nor should we be thrust into a position where our homes, our livelihoods are put at risk. Given the foreseeable outcomes, this cannot be ignored.

A known, mapped high-risk groundwater basin is being asked to absorb an intensity of excavation and uplift that no resident chose, and which is driven by a powerful development lobby supported by a government apparently determined to increase housing supply (and support the construction industry) at any cost.

The question before the consent authority is ultimately one of proportion, precaution and fairness: how to balance private uplift against public risk, and how to ensure that people who live here are not sacrificed to satisfy numerical targets and economic productivity measures.

Residents are deeply anxious that this SSDA, if approved, will trigger the conditions for a **Mascot Towers-style outcome**—except here the consequences would be **precinct-wide** across Dover Road, Wilberforce Avenue and the foreshore basin. This fear is not speculative; it is grounded in the lived reality of damage already experienced in Rose Bay and Double Bay from far smaller excavations.

This is not “NIMBYism.”

It is not an argument about aesthetics, heritage, character, amenity or resisting change.

It is about **safety, environmental stewardship, responsible planning, and having the courage to correct a policy trajectory that is misaligned with the physical constraints of the land.**

Decision-makers now have an opportunity—and a responsibility—to ensure that irreversible harm to homes, groundwater, the Basin and the harbour does not occur. We ask you to consider this carefully, to exercise the precautionary approach the law requires, and to ensure that any development in this location is genuinely safe for existing and future generations.

The Proponent’s mitigation assurances cannot provide certainty. Their consultants do not guarantee safety.

The modelling cannot capture basin-wide behaviour.
The groundwater system cannot be isolated or controlled.

The structural stability of residents' homes should not be compromised under any circumstances - and consequences of failing to avoid these risks are permanent.

For these reasons, and consistent with the precautionary principle and the objectives of the EP&A Act, **REFUSAL is the only responsible, lawful and protective outcome.**

ATTACHMENT 1 – INDEPENDENT TECHNICAL AND PLANNING EVIDENCE

A. Woollahra Council Urban Design Study (1999)

In 1999, Woollahra Council exhibited their own Rose Bay Centre - Urban Design Study, and that document specifically stated that:

“It is difficult to provide basement car parking in the Rose Bay Centre due to the level of the groundwater table and the physical construction difficulties that arise” (p45) and

“Any development that proposes below ground parking should seek professional advise to ensure that:

- *the groundwater table level is not affected by the development;*
- *the basement is not affected by the local area flooding;*
- *The **groundwater table adjacent to the proposed development is not altered in any way. Any changes in water level may result in the settlement of foundations**”* (p46).

That study can be found here:

https://www.woollahra.nsw.gov.au/files/assets/public/v/1/plans-policies-publications/uds_-_rose_bay_centre.pdf

B. Woollahra Council Report on Geotechnical Assessment (October 2016)

Ideal Geotech was commissioned by Woollahra Council to prepare a report to discuss the results of the geotechnical investigation undertaken for the two proposed multi storey car parks located at Ian Street and Wilberforce Avenue, Rose Bay. This is relevant as the Wilberforce Ave car park (on 17 Dover Road) is adjacent to this SSDA.

See: https://www.woollahra.nsw.gov.au/files/assets/public/v/1/building-and-development/documents/planning-proposals/ian-street-and-wilberforce-avenue-car-parks-rose-bay/annexure_8_-_geotechnical_report_from_ideal_geotech_-_rose_bay_car_parks_redevelopment.pdf

Note the following comments:

- *“The subsurface profile encountered at the Wilberforce carpark **comprised marine sands to a depth of 27.5m below ground level**, overlying sandstone at the western part of the site.”*
- *“The site is expected to have some movement due to settlement”.*
- *“Groundwater was encountered during the fieldwork in all boreholes up to depths of at depths of 2.8m to 3m within the Wilberforce car park area”*

C. Woollahra Council commissioned GHD Study - Double Bay (2020)

Woollahra Municipal Council commissioned the following study: Double Bay – Hydrogeological Geotechnical Impacts Groundwater and Geotechnical Assessment Report June 2020 – conducted by GHD.

Note the following KEY statement appears at Para. 8.4.3 of the Double Bay GHD's Study:

“Hydrogeological systems are complex natural systems whose properties cannot be measured at all spatial and temporal scales.”

This report can be found here:

https://hdp-au-prod-app-woollahra-yoursay-files.s3.ap-southeast-2.amazonaws.com/1816/6971/6701/767eb6721a8d333442e9ce9d491cad28_Double_Bay_Centre_Hydrogeological_Study_2020.pdf

D. Woollahra Council commissioned GHD Study - Rose Bay (August 2024)

Woollahra Council commissioned a study by GHD in July 2024 entitled “ROSE BAY – HYDROGEOLOGICAL AND GEOTECHNICAL IMPACTS”.

This report can be found here:

https://hdp-au-prod-app-woollahra-yoursay-files.s3.ap-southeast-2.amazonaws.com/8817/2471/2594/24_135498_GHD_-_Rose_Bay_Hydrogeological_and_Geotechnical_Impacts_Study_-_FINAL_31_July_2024_compressed.pdf

E.Residents commissioned report Fortify Geotech (November 2025)(development specific)

“The results of the groundwater drawdown modelling showed that drawdown of the groundwater table is not just limited to the site, but exceeds 0.2 metres of drawdown extending up to 80 metres away from the excavation boundaries (and exceeding the GHD recommended value of 0.3 metres of drawdown up to approximately 75 metres away from the site boundaries). Therefore, the area impacted by groundwater drawdown exceeding the GHD recommendation [and DCP controls] and impacts up to 40 properties.”

ATTACHMENT 2 — DOCUMENTED REPORTS OF DAMAGE IN ROSE BAY & DOUBLE BAY SETTLEMENT AREAS – FROM EXCAVATION RELATED ACTIVITY

The following is a list of reports of documented structural damage, subsidence, groundwater inundation, basement flooding, and catastrophic building impacts that have occurred in the Rose Bay and Double Bay Settlement Areas and surrounding land as a direct result of excavation or dewatering activities – those activities being smaller in scale than SSD-86017721.

This list is included to assist the consent authority in understanding:

- the foreseeability of harm
- the fragility of the groundwater-dependent Basin
- the pattern of regional instability
- the cumulative vulnerability of nearby homes and strata buildings.

This list was collated by residents so is likely to be incomplete – we expect more damages to have occurred. Note that Rose Bay is less developed than Double Bay (which has more examples) – sadly we expect that Rose Bay’s list of damages will skyrocket once LMR redevelopment begins.

Direct quotes included in this list are extracted from the 167 pages of publicly available Late Correspondence submitted by residents to Woollahra Council for their meeting on 26 November 2025 (all in support of a Notice of Motion to rezone the specific, mapped high-risk Rose Bay and Double Bay settlement areas from R3 to R2 to restore the previous well thought out controls for this hazardous area).

The exact addresses can be provided upon request but have been omitted to respect residents’ privacy.

REPORTS FROM ROSE BAY


“We are the owners of xxxx Rose Bay and have documented and kept Council informed of the substantial damage caused to our property by neighbouring developments.”

1. Norwich Lane, Rose Bay

Back wall separated and came away from the house.

2. Richmond Avenue, Rose Bay (2022 – present)

A stop-work order was issued by the NSW Building Commissioner after significant structural cracks appeared in the neighbouring block of units. Further stop work orders were also issued. Residents report that units on **both sides** of the redevelopment suffered damage that has still not been remediated, and has caused insurance issues. The development site is still vacant.

 dailytelegraph.com.au
<https://www.dailytelegraph.com.au/news-story>

Rose Bay: Cracks appear in unit building near Richmond Rd ...

3 Aug 2023 — Concerning images have emerged of cracked walls inside a **Rose Bay** apartment complex, located near a building site ordered to **stop work**.

3. Newcastle Street, Rose Bay (2023)

One residence experienced outdoor tiles sinking and falling requiring extensive repairs caused by excavation for a single-storey basement next door.

4. O'Sullivan Road, Rose Bay — Sinkholes

Reports of sinkholes, attributed to nearby redevelopment activity.

5. Wilberforce Avenue, Rose Bay (2022/23)

Catastrophic partial building collapse - the house next door to a redevelopment carrying out single level basement excavation works caved in, was declared unsafe, sold, and demolished. See image below.



Left: Portion of house collapsed on Wilberforce Ave due to single story excavation work next door – photo from recent media article reporting Rose Bay residents' concerns re: excavation

news **local**

Homeowners getting that sinking feeling as properties damaged

6. Wilberforce Avenue (opposite side)

The basement garage across the road flooded, reported to be caused by the same redevelopment excavation activity.

7. Wilberforce Avenue — Groundwater Movement (2025)

A small apartment building recently reported the following damage (recent developments nearby):

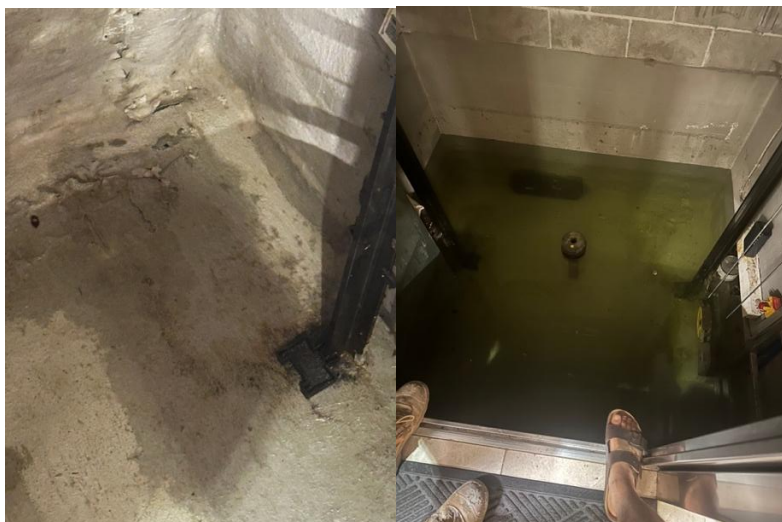
Years of continuous groundwater flow moving downhill after 2020–2024 rains

A pump running constantly

The lift shaft filling with 600 mm of water

Lift repairs have been undertaken, but owners expect the entire lift well will need rebuilding and the lift will be unusable for 6+ months.

Images below:



Left and below: Lift shaft flooding and basement water ingress – Wilberforce Ave (2025). Photos supplied by residents



8. Several properties - Hamilton Street, Rose Bay

Several homes suffered significant structural cracking after deep basement excavation on the corner of Hamilton Street and Old South Head Road.

See images below (supplied by a resident on Hamilton St – just some of the damages in their home caused by excavation related settlement) – **these are not merely ‘aesthetic’ cracks:**



REPORTS FROM DOUBLE BAY

9. Bay Street, Double Bay (2025)

A stop to works is reported to have occurred around July 2025 on a development site at Bay Street, Double Bay as structural cracks (reported as significant as 10cm wide) were appearing in the building next door, with the building walls shifting. The occupants were evacuated. Subsidence seen in photo below, building currently being braced.



*Left: Separation of buildings (Bay St, 2025)
Photo supplied by concerned community member*

Community reports indicate that two buildings on Bay Street have suffered structural damage due to this excavation related activity. There are further reports that these buildings may need to be demolished due to the extent of the damage. See below for images of the property being propped up.



Left and below: building being propped up (Bay St, 2025). Photo supplied by concerned community member.
Below – photo from media article (2025) on residents’ concerns re: excavation – multiple orange supports



Woollahra Council wants to encourage less excavation works in new multistorey apartment projects
STEVEN SIEWERT

“1) Why has Woollahra Council not limited the excavation allowed for residential apartment blocks in settlement areas, as an interim measure, until the cumulative effects of disturbing the water table are further investigated, and recommendations provided?”

2) Why are DA’s being approved for apartment blocks with multi-level excavations that are not compliant with existing DCP controls for excavation? (Eg xx Bay Street (where the

building next door (no.xx) will most likely need to be demolished due to the structural damage, the purported 25-40 homes damaged due to dewatering on Patterson Rd Double Bay and now a multi-level basement being approved around the corner on Manning Rd).

If Council and the State Government keep approving deep level excavation, we will end up with a suburb filled with Mascot Towers.

Will the developers care? Probably not. They'll probably do that old trick in the building game and fold the building entity, so there is no recourse for residents or neighbouring properties.

Will Paul Scully or Chris Minns care? Probably not. They will simply point their fingers back to Council and the Builders, as not doing their jobs properly."

10. Patterson Street, Double Bay

Up to **60 homes** within 200m of the excavation experienced:

- plumbing displacement
- subsidence
- extensive wall cracking

Linked to aggressive dewatering for a double basement.

11. Forest Road, Double Bay

One house required a whole room rebuilt after separation of the structure.
Plumbing sank 1.4 metres below ground level.

12. Court Road, Double Bay

A number of properties reported to have experienced extensive cracking linked to excavation and groundwater interference.

13. Manning Road & William Street, Double Bay

Reports of:

- structural movement
- cracking
- plumbing displacement

14. Group of residences at Glendon Road, Double Bay

Flooding and groundwater inundation reported to be caused by disturbed groundwater from nearby Carlotta Road basement excavation.

Footpath unusable for ~6 weeks.

"A basement at a recent 3 storey townhouse development at xx Carlotta Road, above xx and xx Glendon Road, disturbed the groundwater flow from Bellevue Hill and resulted in significant flooding of the rear yard of xx (and partially to xx and xx Glendon Road), as well as the pavement and street, after rain events. This

constant flow of ground water persisted for around 6 weeks, rendering the footpath unusable for a period of that time. Tom O'Hanlan and Yasas da Silva were made aware of this, and Council is about to install a 'band aid' solution with additional drainage in the street.

Attached are photos of the street footpath and various other damage to Council infrastructure after a recent rain event. It appears that the natural flow of groundwater was disturbed, resulting in flooding to the houses below, street, and public walkway."

It is my opinion that a potential the *dam wall* effect of a 45m long (4 sites of 13m), 3 storey subterranean basement at 19-25 Carlotta Road will cause significant disturbance to the natural flow of ground water from Bellevue Hill and cause flooding issues to adjacent houses in Glendon Road once complete.

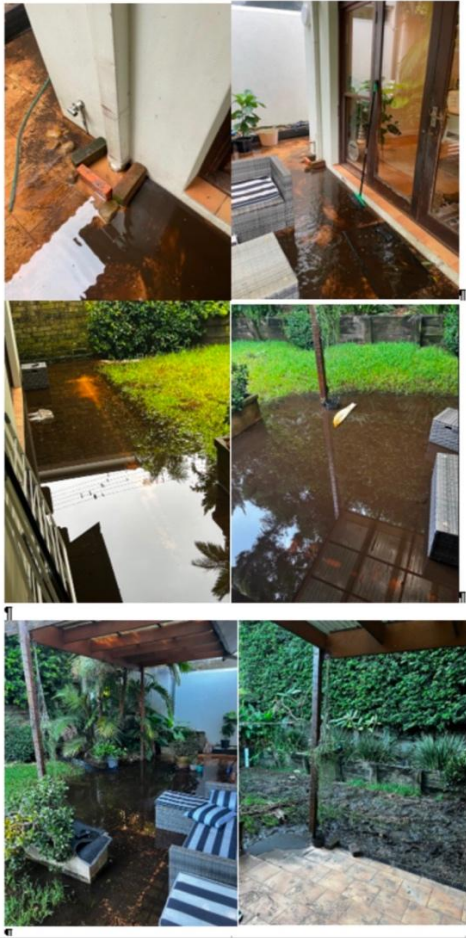
Council is aware of these issues as there are proposed drainage works planned for outside the residences [REDACTED] Glendon Road.

We note being on the other side of the road, Sydney Water is constantly undertaking maintenance works in the canal as at times there is too much water to handle.

15. Property A on Glendon Road, Double Bay

Experienced multiple flooding issues caused by water movement from higher sites in Bellevue Hill during and after previous construction activity. See attached photos taken on the property during a flooding incident a few years ago, which resulted in significant plumbing and repair costs to the owners.

"A large underground structure above our property has the strong potential to change or trap groundwater and push it downhill, worsening the garden flooding we have already experienced ...and affecting our neighbours. Further, many of the houses on Glendon Road were built before modern construction standards and are therefore more vulnerable to changes in ground conditions, with a high likelihood that such changes may compromise their structural integrity."



Left: Flooding on property due to water movement from higher excavation activity – Glendon Road Property

16. Property B on Glendon Road, Double Bay

Side wall began collapsing after excavation next door on Glendon Road. Owner displaced for one year; remediation ~\$1M.

“A further issue will be the structural damage caused by the need for de-watering way below the water table while the basement to xxx Carlotta is being constructed. This will lower the water table to the houses on Glendon Road, most of which are original workers cottages built on sandstone footings or simple strip footings on sand. These will be most susceptible to cracking and subsidence. We have it on good authority that there will be major structural damage to many houses in the street. This recently happened to No xx Glendon when the developer of No xx Glendon built 3 townhouses with only one underground level of parking. This resulted in the side wall of No xx started collapsing. The builder of No xx advised me that he had major problems with the ground water.”

17. Additional properties at Glendon Road, Double Bay

“You have heard a lot on the geotechnical risks and damages to property adjoining underground parking excavations in Double Bay. I will add two more recent examples of properties at No. xx and No.xx Glendon Road, across the road from my residence at xx Glendon Road, close to and relevant the reported new development at xxx Carlotta Road which adjoins four properties on Glendon Road.

These recent cases have likely not have been brought to Council's attention since, once damages occurred the owners of the damaged properties knew that Council had no power to resolve their problems after it had approved the DA's. Each owner then faced a choice to litigate against or cooperate with the developer to resolve the problem with either choice incurring additional owner's expense and emotional distress beyond just the repairs.

I know many other owners in the area have faced a similar hobson's choice and concluded that Council had washed its hands of any potential problem when it issued the DA's under legal pressure from the developer covered its liabilities through conditions that it had no power to police. At least four owners on Glendon Road now face the same dilemma in the near future unless Council reviews these cases and better manages the inevitable pressure from the developer to approve basement excavation plan with understated risks covered by conditions that Council can't enforce.

One of the two cases cited above was resolved through litigation at high cost and the other through developers insurance with the owner having to vacate the property for a year to allow remediation. The remedial cost was approximately one million dollars in each case, not to mention the added emotional distress of having to move out for a year for repairs.

Since I am writing only as an observer I can't go into much detail other than saying that the damage to one property was raised by me and several others in objections against the DA for the other property as an obvious documented risk and Council initially correctly refused the initial DA for geotechnical and other reasons. However, the developer then went to the Land and Environment Court and made a pre-hearing legal compromise settlement deal with the Council on several issues including the geotechnical risk before the DA was approved with conditions that were not met. Council has full records and details on these cases if it wants to check and it could talk to the owners for details of post-DA damages if they are willing. Council's legal compromise on the second development did not prevent the damage to the property.

When I suggested that owners report the damage to Council the response was unprintable from one owner whilst the other was afraid at the time that intervention could impair the developer's insurance because the developer was aware of the risk (as was Council) and may not have disclosed it."

18 Public Footpath and Council Infrastructure – Glendon Road

Footpath collapse, inundation, damage to public walkway and council assets from altered groundwater flows.

"No resident of our street can be unaware of the massive drainage and flooding issues that have affected and, unfortunately, continue to affect a number of the properties in our street."

19. Historical Precedent (1984 – Glendon/Kiaora Drain Works)

Sand was sucked out from beneath multiple homes when drainage works created a dam effect. Major structural upheaval and foundation undermining.

“A major flood happened in 1984 when the storm water drain between Kiaora and Glendon was enlarged. There was a stop work notice to the water board as extensive damage was done to the houses backing onto the site in Glendon Road because the sand below the foundations was sucked out. I wrote in earlier this year advising you that your version of events leading to the 1984 flooding was a work of fiction and advised you of what really happened, the flooding was caused when the water board installed metal sheets to stop the sand being dragged out from under the houses and therefore became a dam so the water in our street couldn’t escape. I have had no feed back from the council regarding this email. As we see it runoff from an 8 storey building will be devastating unless managed properly.”

20. Cross Street apartments (2025)

Water is reported to be seeping through cracks in the basement car park. The building is located near construction sites with excavation extending below the groundwater table. This is creating hydrogeological pressure and impacts well beyond the construction site. It is reported that residents have been told they must urgently engage a water engineer to address the issue.

21. Additional Community Record

There are many instances recorded by the Double Bay Residents Assoc. or local Council who are reported to have been advised of the cases. At a presentation at the Double Bay Residents Association, it was reported that *"some cracks were so wide, you could put your hand in them"*.

A list of damages was provided as a source document for the investigation conducted by GHD in 2020.

SUMMARY OF FINDINGS

The documented cases demonstrate:

- a consistent regional pattern of excavation-triggered damage
- Basin-wide groundwater-driven instability
- severe structural outcomes including evacuation, collapse, demolition
- outcomes similar to those predicted for SSD-86017721
- damage occurred from smaller excavations than the proposed SSD, on sites that do not have the pipeline of intense development activity along the same strip now expected to occur concurrently in Rose Bay.