

02 December 2025

Adela Murimba
adela.murimba@dpie.nsw.gov.au

Dear Adela,

Submission in relation to SSD-86017721 – Residential Development with In-fill Affordable Housing at 23- 31 Dover Road, Rose Bay

Our client, Pathways, owns 20- 30 Wilberforce Avenue and 33- 37 Dover Road, Rose Bay which directly adjoins 23- 31 Dover Road, Rose Bay (to the south) to which SSD-86017721 relates. Our client has requested we review the documentation submitted to the Department for Planning, Housing and Infrastructure (DPHI) for SSD-86017721.

We understand that the State Significant Development Application (SSDA) seeks approval for the construction of an 8-storey residential flat building, utilising the Low to Mid Rise Housing and In-fill Affordable Housing provisions of *State Environmental Planning Policy (Housing) 2021*, at 23- 31 Dover Road, Rose Bay.

We **support** the proposed development in SSD-86017721. This letter provides two comments for the DPHI to consider in detail during their assessment following the exhibition period. We wish to be kept informed of the ongoing assessment and be provided updates on the adjoining SSDA. Our feedback relates to:

- Non-compliant building separation distances on the ground floor and 5th level at the shared boundary; and
- Overshadowing impacts as a result of non-compliant building separation distances.

These matters are considered in more detail below.

1. Non-compliant separation distances on the ground floor and 5th level

The Apartment Design Guide (ADG) requires a minimum building separation distance of 6m up to 4 storeys and 9m for 5- 8 storey buildings. The required minimum building separation distances are not achieved on the proposed development in its current form.

- The ground floor terraces encroach within the 6m building separation distances to the rear and side boundaries, including the south and east elevations adjoining our clients site, indicated by a pink dotted line in Figure 1. Side and rear setbacks should provide adequate visual and acoustic privacy between neighbouring properties. Whilst we understand that planting screening is proposed, the ground floor comprises a plunge pool less than 3m from the south-east boundary (shared with our client's site) raising both visual and acoustic privacy concerns given the close proximity to the shared boundary. We would welcome more detail on the proposed ground floor screening to better understand the privacy mitigation measures in place.

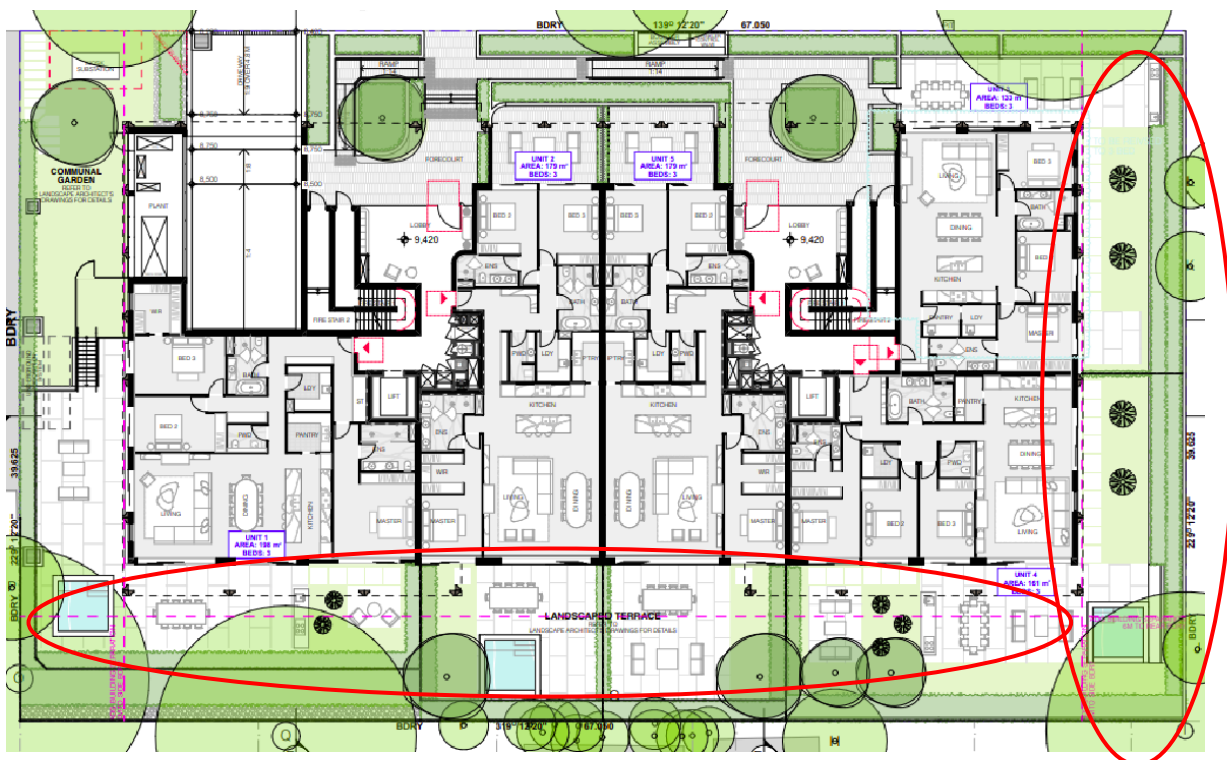


Figure 1 Extract of Ground Floor, non-compliance highlighted in red (Source: Architectural Plans - SSD-86017721)

- Level 5 encroaches into the required 9m side and rear setbacks, indicated by a pink dotted line in Figure 2. The ADG requirement for additional separation above 4-storeys seeks to minimise overlooking into neighbouring properties for visual privacy reasons but also reduce the overall bulk and scale of the building. The balconies encroaching within the 9m setback with the shared boundary therefore create visual privacy and overlooking concerns, and result in a bulk and scale building that is not compatible with neighbouring sites.

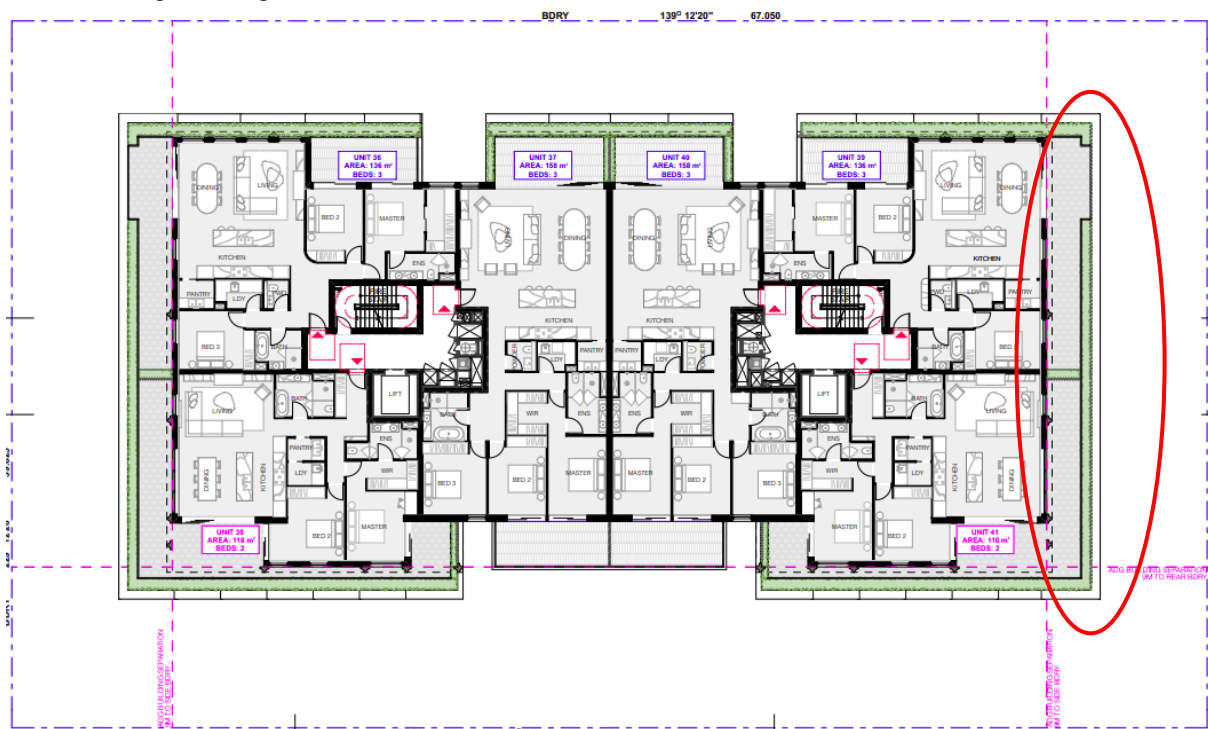


Figure 2 Extract of Level 5 Plan, non-compliance highlighted in red (Source: Architectural Plans - SSD-86017721)

This is particularly important within the context of likely future development on surrounding sites as a result of the Low to Mid Rise Housing planning controls; as density in Rose Bay is likely to increase, compatible built envelopes and high-quality design is essential to avoid development configurations that may reduce residential amenity in the area. As such, there is an opportunity to improve the relationship between the proposed building and our client's site by ensuring the building separation distances maximise visual and acoustic privacy where possible, for the benefit of future residents.

2. Overshadowing

We note the shadow diagrams demonstrate significant additional overshadowing will be cast on 33, 35 and 37 Dover Road and 20 Wilberforce Avenue from 10am – 3pm mid-winter. Whilst we recognise the overshadowing is largely a result of a compliant built form and the location of our client's site being to the south, we note that some of the additional overshadow cast **could be avoided** if the side and rear separation distances were fully compliant with the ADG, as detailed above.

For example, at 3pm midwinter, additional shadow is cast on the rear of 35 Dover Road. This is shown in dark pink in Figure 3 which highlights area of shadow resulting from ‘*exceeding ADG building separation distances*’. We therefore request that the side and rear separation distances are achieved to ensure minimum separation distance requirements of the ADG are complied with to ensure the overshadowing impacts are minimised as far as possible.

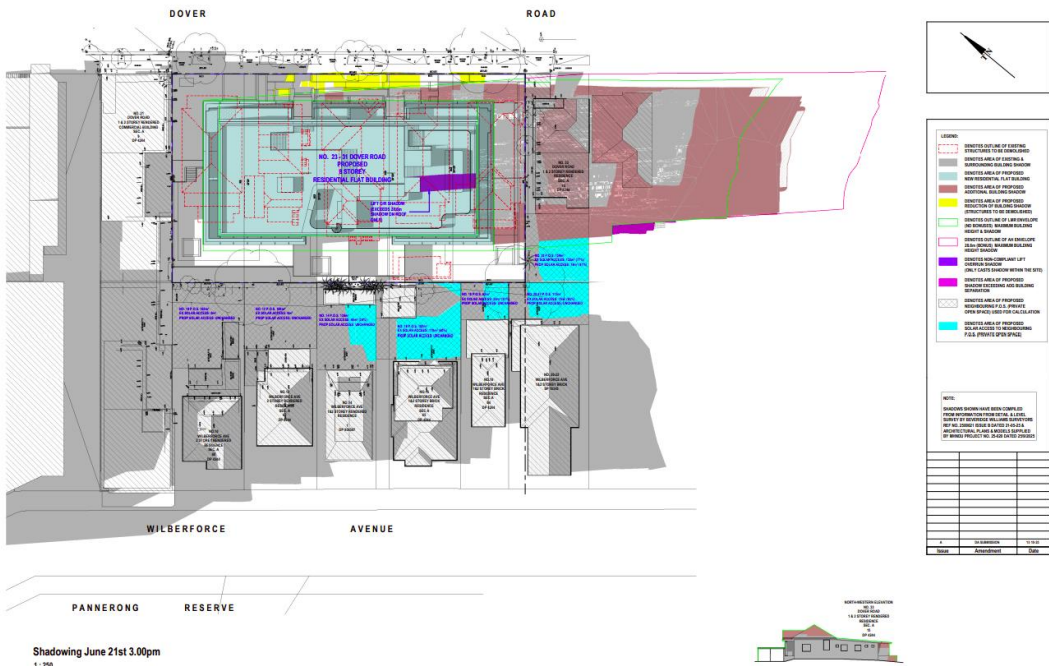


Figure 3 Extract of Shadow Diagram 3pm (Source: Design Report - SSD-86017721)

On review of the submitted SSDA, we find that whilst we support the redevelopment of the site and the current proposed design, there is opportunity to improve the relationship between the site and our client's site through minor design changes, as detailed in this letter. We would welcome the opportunity to stay involved throughout the determination process and would be willing to engage with the Applicant on any relevant matters if required to ensure a positive outcome is for both sites is achieved.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Grant', with a stylized, cursive script.

Juliet Grant
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cc. Andrew Harvey, Urbis