

23-31 Dover Road, Rose Bay

SSD-86017721 Submissions Report

May 2026

Prepared for: Dover Street (Rose Bay) Developments Pty. Limited

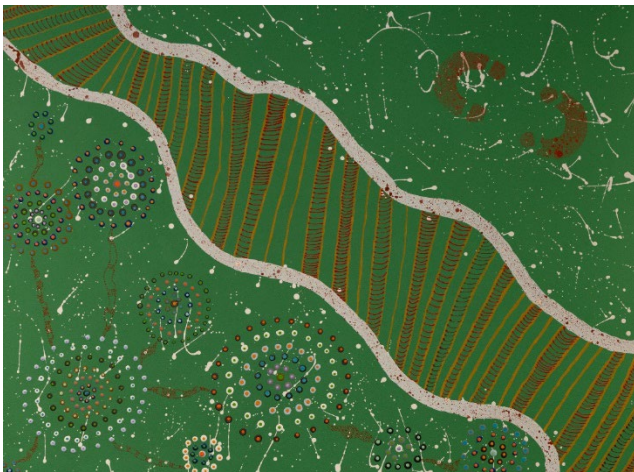
Urbis staff responsible for this report were:

Director	Andrew Harvey
Associate Director	Eliza Scobie
Consultant	Sophie Thomson
Project Code	P0060529
Report Number	Final_May 2026

Acknowledgment of Country

Urbis acknowledges the Traditional Custodians of the lands we operate on. We recognise that First Nations sovereignty was never ceded and respect First Nations peoples continuing connection to these lands, waterways and ecosystems for over 60,000 years. We pay our respects to First Nations Elders, past and present.

Urbis is committed to incorporating our respect for First Nations cultures, peoples and storytelling in our work across the Country. We are proud to have partnered with Darug Nation artist, **Hayley Pigram**, and to profile her artwork – **Sacred River Dreaming**.



The river is the symbol of the Dreaming and the journey of life. The circles and lines represent people meeting and connections across time and space. When we are working in different places, we can still be connected and work towards the same goal.

All information supplied to Urbis in order to conduct this research has been treated in the strictest confidence. It shall only be used in this context and shall not be made available to third parties without client authorisation. Confidential information has been stored securely and data provided by respondents, as well as their identity, has been treated in the strictest confidence and all assurance given to respondents have been and shall be fulfilled.

© Urbis Ltd
50 105 256 228

All Rights Reserved. No material may be reproduced without prior permission.
You must read the important disclaimer appearing within the body of this report.

urbis.com.au

Contents

1	Introduction	5
1.1	Exhibited Project	6
1.2	Supporting Documentation	6
2	Analysis of Submissions	8
2.1	Analysis of Council and Government Agency Submissions	8
2.2	Summary of Key Issues	8
2.3	Analysis of Public and Community Organisation Submissions	8
3	Actions Taken Since Exhibition	11
3.1	Refinements to the Project	11
4	Responses to Submissions	13
4.1	Summary	13
4.2	Response to Department RFI Letter	13
4.3	Response to Council and Agency Submissions	30
4.4	Response to Public and Special Interest Group Submissions	49
5	Project Justification	63
	Disclaimer	92

Appendices

Appendix A – Submissions Register
Appendix B – Updated Mitigation Measures
Appendix C – List of Plans for Approval
Appendix D – Revised Architectural Plans
Appendix E – Revised Design Report
Appendix F – Design Responses
Appendix G – Revised Dewatering Management Plan
Appendix H – Revised Geotechnical Investigation Report
Appendix I – Revised Preliminary Site Investigation Report
Appendix J – Revised Acid Sulfate Soils Management Plan

Submissions and Amendment Report

Appendix K – Addendum Acoustic Letter
Appendix L – Addendum Landscape Plans and Letter Response
Appendix M – Arboricultural Addendum Statement
Appendix N – Waste Management Addendum
Appendix O – Revised Site Hydrogeology Report
Appendix P – Revised Flood Impact and Risk Assessment
Appendix Q – Traffic Letter
Appendix R – Amended Clause 4.6 Variation Request
Appendix S – Geotechnical Letter
Appendix T – Proposed Substation Location Letter
Appendix U – Response Letter to DCCEEW
Appendix V – Landscape Basement Letter
Appendix W – Structural Engineer Basement Letter
Appendix X – Geotechnical Engineer Basement Letter
Appendix Y – Hydrogeological Engineer Basement Letter
Appendix Z – Updated Basement and Section Plan
Appendix AA – Planning Cover Letter

Figures

Figure 1 Site Location Photograph	5
Figure 2 Analysis of public submissions received during exhibition of SSD-86017721	9
Figure 3 Breakdown of Key Issues Raised in Public Submissions.....	10
Figure 4 Surrounding DAs submitted and sale sites	14
Figure 5 Future planning envelope under LMR + IAH	15
Figure 6 Rooftop communal open space plan	18
Figure 7 June 21st 9.00am Proposed Solar Access	22
Figure 8 June 21st 12.00pm Proposed Solar Access	24

Figure 9 Deep Soil Provision 25

Figure 10 Tree Canopy27

Figure 11 Southern Boundary Screening27

Figure 12 Landscape Area..... 28

1 Introduction

This Response to Submissions has been prepared by Urbis on behalf of Dover Street (Rose Bay) Developments Pty Limited (**the Applicant**). Its purpose is to address the issues raised during the public exhibition of SSD-86017721 which is a State Significant Development Application (SSDA) for a residential flat building, including in-fill affordable housing, at 23–31 Dover Road, Rose Bay.

The SSDA was lodged with the Department of Planning, Housing and Infrastructure (DPHI) in November 2025 and publicly exhibited for 14 days, from Tuesday, 18 November, through to 1 December 2025. During this period, a total of 86 independent submissions were received from members of the public and special interest groups. In addition, four agency referrals were provided (Woollahra Council, NSW SES Comments, Conservation Programs, Heritage and Regulation Group, NSW Department of Climate Change, Energy, the Environment and Water), along with a 'Key Issues' letter from DPHI.

This Report responds to those submissions and agency comments. It provides:

- An analysis of the matters raised;
- A summary of the Applicant's actions and responses since exhibition; and
- An updated justification for the proposed development.

The Report is accompanied by supporting documentation and technical assessments prepared by specialist consultants.

In accordance with section 37 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation), this Response to Submissions has been prepared in accordance with DPHI's *State Significant Development Guidelines*.

Figure 1 Site Location Photograph



Source: Urbis 2025

1.1 Exhibited Project

The exhibited proposal specifically sought consent for:

- Demolition of five dwellings and existing vehicular crossovers.
- Removal of 27 trees.
- Excavation to a depth of 3.95m – 9.38m (RL 2.82).
- Construction of an 8-storey building comprising:
 - 49 residential apartments in 1, 2, 3 and 4-bedroom configuration.
 - 11 affordable housing dwellings (5x 1 bedrooms, 5x 2 bedrooms, 1x 3 bedrooms) to be managed by community housing provider Bridge Housing for a 15-year period.
 - Communal open space (664 m²).
 - Two basement levels with 60 resident and 6 visitor car parking spaces, 54 bicycle parking spaces, 7 motorbike parking spaces, waste storage areas, plant and services.
 - Site landscaping at ground level, to resident private open spaces and rooftop communal open space.
 - Two basement levels for parking, services and storage.
 - An impervious wall (flood barrier) on the Dover Road frontage.
- Variation to the height of building control under the Housing SEPP of 4.8% to accommodate the rooftop lift overrun.

1.2 Supporting Documentation

This Submissions Report is supported by the following technical reports and documentation.

Table 1 Supporting Documentation

Appendix	Report	Prepared By
Appendix A	Submissions Register	Urbis
Appendix B	Updated Mitigation Measures	Urbis
Appendix C	List of Plans for Approval	Urbis
Appendix D	Revised Architectural Plans	MHNDU
Appendix E	Revised Design Report	MHNDU
Appendix F	Design Responses	MHNDU
Appendix G	Revised Dewatering Management Plan	Morrow Geotechnics
Appendix H	Revised Geotechnical Investigation Report	Morrow Geotechnics
Appendix I	Revised Preliminary Site Investigation Report	EI Australia
Appendix J	Revised Acid Sulfate Soils Management Plan	EI Australia
Appendix K	Addendum Acoustic Letter	Pulse White Noise Acoustics
Appendix L	Addendum Landscape Plans and Letter Response	Wyer & Co
Appendix M	Arboricultural Addendum Statement	Martin Peacock Tree Care

Appendix N	Waste Management Addendum	MRA Consulting
Appendix O	Revised Site Hydrogeology Report	Morrow Geotechnics
Appendix P	Revised Flood Impact and Risk Assessment	Catchment Simulation Solutions
Appendix Q	Traffic Letter	PDC Consultants
Appendix R	Amended Clause 4.6 Variation Request	Urbis
Appendix S	Geotechnical Letter	Morrow Geotechnics
Appendix T	Proposed Substation Location Letter	IGS
Appendix U	Response Letter to DCCEW	Morrow Geotechnics
Appendix V	Landscape Basement Letter	Wyer & Co
Appendix W	Structural Engineer Basement Letter	NDY
Appendix X	Geotechnical Engineer Basement Letter	Morrow Geotechnics
Appendix Y	Hydrogeological Engineer Basement Letter	Morrow Geotechnics
Appendix Z	Updated Basement and Section Plan	MHNDU
Appendix AA	Planning Cover Letter	Urbis

2 Analysis of Submissions

This section provides a summary of the submissions received including a breakdown of respondent type, nature/ position and number of submissions received.

The SSDA was publicly exhibited for 14 days between 18 November 2025 to 1 December 2025 and received 86 independent submissions from community organisations and the general public. In addition, key issues were received from the Department of Planning, Housing and Infrastructure (**DPHI**) on the 24th of December 2025, and submissions were received from Woollahra Council, NSW State Emergency Services (**NSW SES**), Conservation Programs, Heritage and Regulation Group (**CPHR**), NSW Department of Climate Change, Energy, the Environment and Water (**NSW DCCEEW**) and Sydney Water.

All submissions were managed by DPHI, which included registering and uploading the submissions onto the ‘Major Projects website’ (SSD-86017721).

2.1 Analysis of Council and Government Agency Submissions

A total of 4 submissions were received from Government Agencies and one from Woollahra Council (**Council**) during the public exhibition of the SSDA. The following agencies made submissions during the exhibition period:

- NSW State Emergency Services (**NSW SES**),
- Conservation Programs, Heritage and Regulation Group (**CPHR**),
- NSW Department of Climate Change, Energy, the Environment and Water (**NSW DCCEEW**),
- Sydney Water.

In addition, on 24th December 2025, the DPHI issued a Request for Information letter which identified a number of matters in Schedule 1 of the letter which requires a proponent response.

2.2 Summary of Key Issues

Of the 4 submissions received by Government Agencies and one from Council, all submissions commented on the proposal. The ‘comments’ are genuine requests by agencies for the DPHI to further consider aspects of the application or request additional information and have been considered individually in **Section 4.3** due to the technical nature of the comments.

2.3 Analysis of Public and Community Organisation Submissions

Overall, 86 submissions from members of the public and community organisations were received during the exhibition period, including:

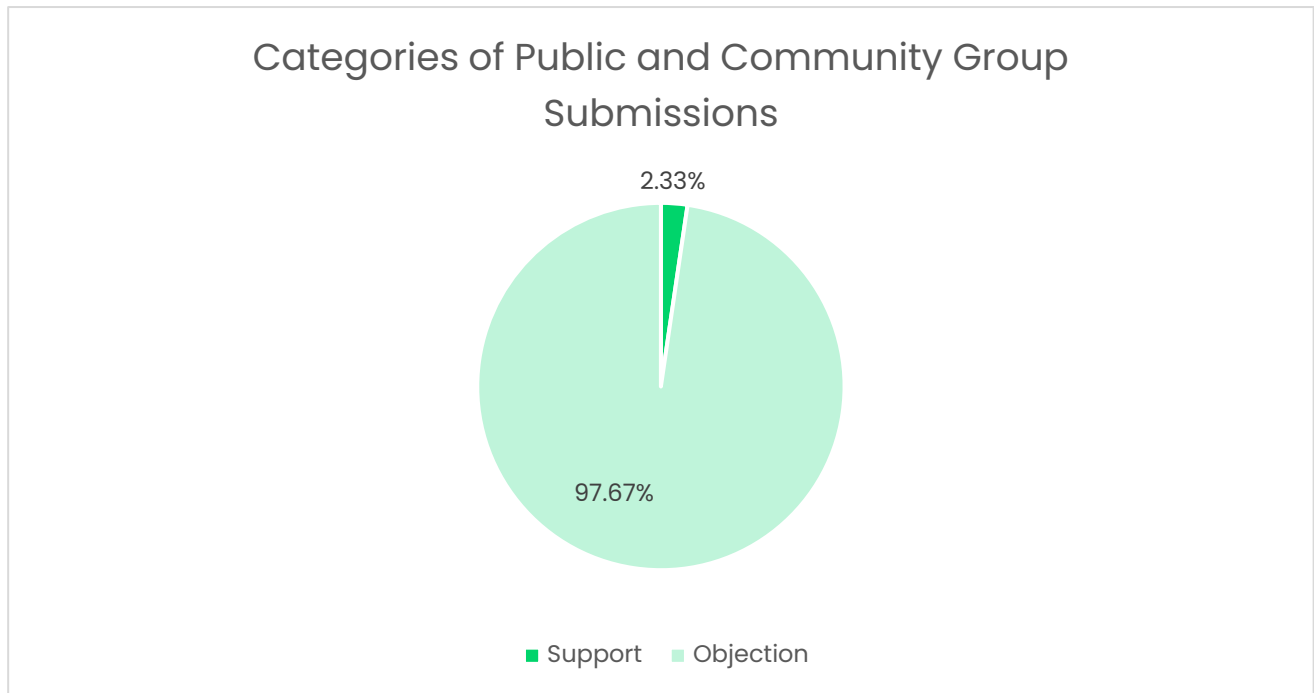
Table 2 Overview of public and community organisation submissions

Parameter	Response	Number of submissions received
Total public submissions	Submissions in support	1
	Submissions in objection	81 (with 5 duplicates/ addendum)
Total community organisation submissions	Submissions in support	1
	Submissions in objection	3

Total submissions:	Submissions in support	2
	Submissions in objection	84

This is illustrated in Figure 2. Within the public submissions, there were 4 duplicates of one submission, and an addendum which are not identified as independent submissions, therefore have been discounted.

Figure 2 Analysis of public submissions received during exhibition of SSD-86017721



Of the submissions that provided locational addresses, 71 submissions were received from within the local area (<5km), 11 submissions from the regional area (5 – 100km), and no submission were received from the broader community (>100km). The remaining submissions did not provide addresses.

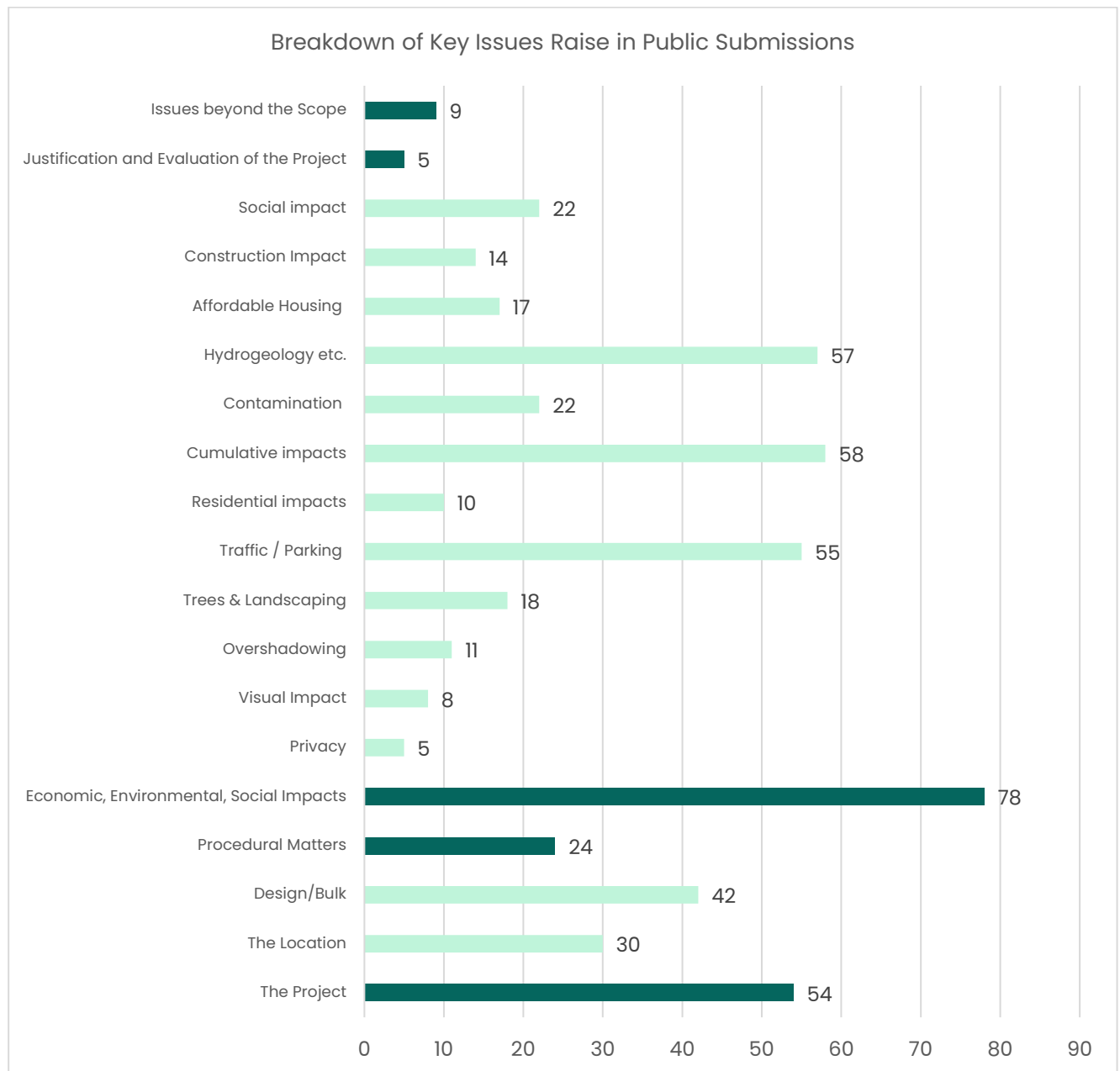
2.3.1 Summary of Key issues

Urbis have reviewed and analysed the key issues identified in the public (including adjacent landholders) and community organisation submissions.

In accordance with the DPHI "State significant development guidelines – preparing a submissions report" Guidelines, issues raised have been categorised in a systemic and impartial way to enable a clear response to each key issue. This includes analysis of submissions by category (for example, the project, impacts, etc.) and key issues (for example, amenity, parking, etc.).

The category and key issues are identified in Figure 3 below, illustrating the number of times an issue was raised across all of the submissions.

Figure 3 Breakdown of Key Issues Raised in Public Submissions



3 Actions Taken Since Exhibition

3.1 Refinements to the Project

The following table summarises the minor refinements and clarifications proposed since public exhibition and in response to submissions made, and as a result of further engagement with DPHI.

Importantly, these refinements are changes that fit within the limits set by the project description. These refinements do not change what the application is seeking consent for, and therefore a formal amendment to the proposal is not required.

Basement 2

- EV chargers provided across B1 & B2
- Storage zone adjusted accordingly.
- Basement and Ground retention system is required to the shared side boundary with 33 Dover Road in view of the site level differences. Increased setback and deep soil are provided at the eastern corner with increased new trees. Subsequently, storage zone is adjusted accordingly.

Basement 1

- 2 car share and 1 loading space added.
- Rainwater tank relocated to B1 from B2 and Main Switch Room relocated.
- Storage zone adjusted accordingly.
- Storage for bin tug and trailer for general waste and bulky waste collection added. Visitor bike and motorbike parking re-located subsequently.

Ground Floor Plan

- Revised GF lobby design, mail rooms added
- GF forecourts are amended to provide quality Communal Open Space (COS), in addition to GF communal garden and roof terrace. Increased landscaping includes lawn for pets and seating under tree canopies. Measurement of COS excludes circulation
- The western communal garden provides deep soil and lawn areas, acting as a buffer to the neighbouring retail properties.
- Due to the significant level difference between the internal ground floor and the western garden, it is not practically feasible to provide a continuous accessible ramp directly from the building, as this would otherwise occupy the majority of the garden area.
- Internal layout changes to Units 1&4 in powder room, ensuite, bathroom, scullery, and laundry.
- Internal layout changes to Units 2&5 in powder room, laundry, bathrooms, and ensuite. The width of the sliding door in bedroom 3 has been reduced.
- Redesign of Unit 3 internal layout. The living room and kitchen is relocated to the east elevation and the Master bedroom and bedroom 3 has been relocated to the northern elevation. Wet areas are in the middle of the floor plan to align with above.

Level 1

- Reorientation of 1-bed and 2-bed, i.e. Unit 8, 9, 12 & 13.
- Internal layout changes to all wet areas in all units, i.e powder room, ensuite, bathroom, and laundry.
- In Units 8 & 12 the width of the sliding door in the bedroom to the external balcony has been reduced.

Level 2

- Reorientation of 1-bed and 2-bed, i.e. Unit 8, 9, 12 & 13.
- Internal layout changes to all wet areas in all units, i.e powder room, ensuite, bathroom, and laundry.
- In units 16&20 the width of the sliding door in the bedroom to the external balcony has been reduced.

Level 3

- Reorientation of 1-bed and 2-bed, i.e. Unit 16, 17, 20 & 21
- Internal layout changes to all wet areas in all units, i.e powder room, ensuite, bathroom, and laundry.
- In units 24&28 the width of the sliding door in the bedroom to the external balcony has been reduced.

Level 4

- Deletion of L4 balconies at side boundaries. Roof of L3 is not accessible. Internal layout of unit 30 & 32 re-design to suit.
- Internal layout changes to all wet areas in all units, i.e powder room, ensuite, bathroom, and laundry.

Level 5

- Deletion of L5 balconies at side boundaries. Internal layout of unit 36 & 38 re-design to suit.
- L4 awning (L5 balconies) on northwest and southeast reduced and no longer accessible as balcony.
- Internal layout changes to all wet areas in all units, i.e powder room, ensuite, bathroom, and laundry.

Level 6

- Internal layout of unit 42 & 44 re-design.
- Internal layout changes to powder room, ensuites, bathroom, and laundry in all units.

Level 7

- Internal layout of unit 46 & 48 re-design.
- Internal layout changes to powder room, ensuites, bathroom, and laundry in all units.

Roof

- Rooftop terrace and landscape design extended to remainder of rooftop designed with perimeter landscape.
- Northern lift core and fire stair extended to rooftop to provide equitable access to extended communal rooftop terrace.
- Rooftop services relocated between two lift cores, in lieu of along Dover Road.

Refer to the revised Architectural Plans (**Appendix D**) and revised Landscaping Plans (**Appendix L**) for further details on the design refinements made since public exhibition. The list of Plans for final approval is provided at **Appendix C**.

4 Responses to Submissions

4.1 Summary

This section of the Submissions Report details the key issues raised in submissions made by Government agencies, members of the public (including landholders) and community groups during the exhibition period for the EIS, as well as the most recent request for information from the DPHI dated 24 December 2025.

The content of each submission has been carefully reviewed and captured. The discussion below sets out the key issues raised by category and provides a response to the submission issues. Where the response relies on the assessment of technical matters by the project team, a summary is provided, direction is provided to the supporting technical document for a full analysis of the issue.

4.2 Response to Department RFI Letter

The following section provides a response to each key area of comment of the Department's RFI letter. Whilst extracts from the letter have not been provided in full in this Submissions Report, the submission responds to each matter raised.

4.2.1 Desired Future Character of the Area

An updated Design Report has been prepared by MHNDU at **Appendix F** which:

- includes a site context analysis considering the existing scenario as well as the low and mid-rise (LMR) provisions within Chapter 6 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP)
- identifies and considers the essential elements of the area
- includes a front setback analysis and explain how it is consistent with the desired future character and surrounding developments.
- Includes a revised response to the Design Quality Principles in Schedule 9 of the Housing SEPP

The character of Rose Bay is defined by its landscape quality, urban village character and range of local services and amenities. The existing low scale density is likely to shift towards a medium density scale under the Department's housing initiatives that focus density surrounding town centres. On this basis, Rose Bay can be considered a precinct in transition, and any proposal must respond to the existing character while also acknowledging the "desired future character" outlined in strategic planning documents.

The introduction of LMR controls has significantly amended the potential future character of the surrounding area. Several applications are underway within the immediate surrounding area, including:

- SSDA for 70 apartments at 2-6 Conway Avenue, 15-15A Fernleigh Avenue and 38-40 Carlisle Street. Currently on exhibition at time of preparation of this report.
- SSDA for 54 apartments at 2-16 Spencer Street, Rose Bay. Currently in response to submissions phase at time of preparation of this report.
- SEARs issued for seniors housing development at 20-30 Wilberforce Avenue and 33-37 Dover Road.
- DA for 10 Wilberforce Avenue - 476/2025

DA for 12-18 Wilberforce Avenue - 449/2025 Recent major land sales have also been recorded for 33-37 Dover Road, 2-30 Wilberforce Avenue 41-55 Dover Road and 32-38 Wilberforce Avenue.

The proximity to the site is illustrated below.

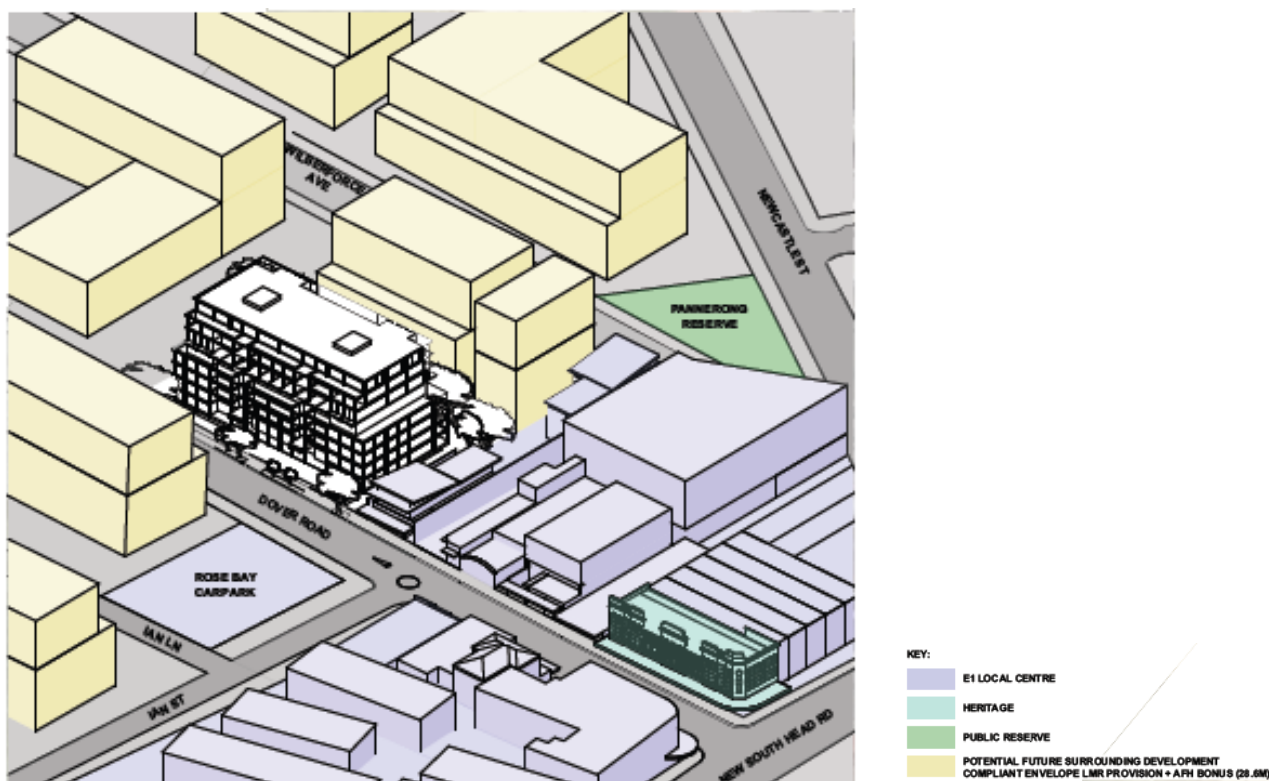
Figure 4 Surrounding DAs submitted and sale sites



Source: Urbis 2026

MHNDU have modelled the maximum planning envelopes under the LMR + IAH 30% bonus surrounding the site. As illustrated in the figure below, the yellow diagrams illustrate the uplift available under the controls. This will create a significant change in the local character and the area is therefore a precinct in transition.

Figure 5 Future planning envelope under LMR + IAH



Source: MHNDU

4.2.2 Setbacks and Privacy

The applicant and consultant team have reviewed the proposed design in accordance with the NSW Apartment Design Guide (**ADG**) building separation distances.

The following design changes have been made to comply with the NSW ADG criteria:

- Removal of the balconies on Levels 4 and 5 along the side boundary to 33 Dover Road and side boundary to 19-21 Dover Road
- Increased setback of the rooftop terrace to achieve a 12m setback to the side boundary to 33 Dover Road and rear boundary to 10 Wilberforce Avenue.

Justification is proposed to support the following departures from the design criteria:

Table 3 Departure from NSW ADG non-compliances

Area	Design Criteria	Proposal	Justification
Rooftop terrace western balcony to 19-21 Dover Road	12m	This has been revised to 12m from the rear and southwest side boundary and 10.1m from the northwest side boundary.	To the north-western interface, the site adjoins a two-storey mixed-use building accommodating Parisi's Food Hall at the ground level and a residential dwelling above. Beyond this, is the approved multi-deck car park building at 17 Dover Road (DA 598/2022) which has a single storey retail premises to the Dover Road frontage. Given the proximity to the multi-deck car park building and this development, it is unlikely that the Parisi's Food Hall will be redeveloped beyond 4 storeys in height. Therefore, adoption of the reduced separation distances to the rooftop at level 7 is likely to have no impact on the adjoining property as residential dwellings are unlikely to be constructed at this equivalent height plane.

			The western edge of the terrace is screened with perimeter landscaping to provide a buffer and soften the interface. There is no floor space in the setback area, this is an open to sky roof terrace and as such does not contribute to bulk or scale at the upper levels.
Level 4 and Level 5 rear boundary to 10 Wilberforce Avenue	9m	The proposed rear setbacks range from 7.9 m to 9 m at Level 4, 8.35 m to 9 m at Level 5,	The only non-compliant portion of the floor plate is a minor extent of the external private open space on the residential balconies. At level 4, this is a covered space whilst at level 5, this is open to sky. There is no floor space in the setback area. These areas are softened through perimeter landscaping in planter boxes and cascading planters. The interface to the rear of the site is further screened by significant landscaping along the site boundary including canopy trees and vegetation.

Council have identified non-compliances are proposed along the north-western boundary to 19-21 Dover Road for:

- Level 3
- Level 7

Applying a stepped storey count control across the site is not considered a reasonable approach to assessing the design across the site. Whilst it is noted there is a sloped topography across the site, a consistent storey count is applied when determining the separation distances. This is acceptable as:

- The NSW ADG distances are performance-based controls intended to manage amenity outcomes such as privacy, daylight and outlook. They are not intended to mandate a particular built form response, such as stepped or staggered storey heights, across all site conditions. Requiring staggered heights risks shifting the focus from outcomes to prescription, which is inconsistent with the intent of the ADG. The ADG diagram below further explains that storey height control is applied consistently for development on a sloping site.

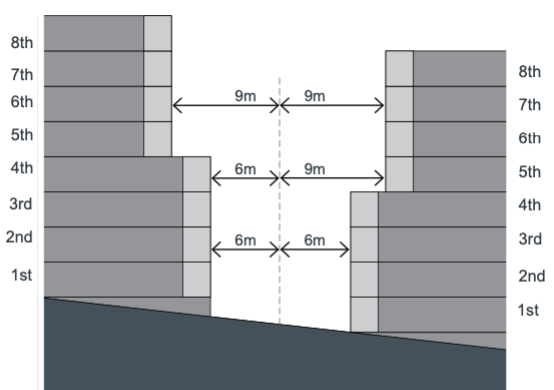


Figure 3F.4 Within the same site, minimum separation should be shared equitably between buildings. On sloping sites, appropriate separation distances ensure visual privacy for apartments on different levels

- A staggered storey height approach fails to respond proportionately to context. The Rose Bay centre generally has consistent surrounding building heights, street wall conditions and planning controls under the *Woollahra Local Environmental Plan 2014 (2015 EPI 20) (LEP)* that support a uniform built form. Introducing staggered heights based upon technical compliance matters will undermine urban design outcomes and disrupt streetscape coherence.

- Mandating staggered heights will lead to compromised floor plates and inefficient building services, with limited improvement to actual resident amenity for the site or surrounding properties.
- A staggered storey height control applied uniformly across a site often produces a “wedding cake” or ziggurat-style building form. This would only be on one side of the site whilst the other side boundary is a regular stepped form. This is not a good urban design outcome.
- Finally, a staggered storey heights across an entire site can have unintended consequences for feasibility and housing delivery. It can increase construction complexity and cost, reduce yield, and constrain adaptability over time, which runs counter to broader strategic objectives around housing supply and well-designed density.

For these reasons, a consistent storey height control is applied. Level 3 is assessed under the ‘up to 4 storey’ control of 6m habitable room separation distance and Level 7 is assessed under the ‘5–8 storey’ control of 9m habitable room separation distance. The proposed design is compliant with these controls when measuring the separation distance to the north-western boundary to 19–21 Dover Road.

4.2.3 Basement Design

The applicant has been able to reduce the basement footprint to address the DPHIs concerns around this, by removing some of the storage space. The footprint of basement level 1 and basement level 2 has been reduced by pulling back the eastern corner, which has resulted in a reduction from 1,823 m² to 1,792 m² internal building footprint area in the basements. Refer to Item 1 of the Cover Letter lodged with this submission for further details on this.

The basements remain acceptable as:

- They are located entirely below ground level and does not contribute to building bulk, scale or visual impact. As such, its extent has no effect on streetscape character, building height, overshadowing, privacy or view impacts.
- The basement footprint is also functionally driven, accommodating parking, storage and building services that are necessary to support the residential use. Maintaining the basement area ensures efficient site operation and avoids unnecessary constraints on vehicle circulation, waste management and servicing, without introducing any additional environmental or amenity impacts.
- The two-level basement design accommodates the necessary parking requirements under the Housing SEPP and loading, servicing requirements. Reduction in the setback of the basement would require a further level of excavation which is a significant financial imposition and would impact the overall feasibility of the development. This is not reasonable particularly noting the applicant is delivering 14.9% affordable housing GFA.
- The NSW ADG planning controls that regulate site separation distances are intended to manage above-ground built form outcomes. Applying these controls to require a reduction in basement area would not advance their underlying objectives, as the basement does not interact with neighbouring properties or the public realm.
- The Woollahra DCP does not apply to SSDAs and as such there is no applicable front or rear setback control that applies to the development.

4.2.4 Communal Open Space

The proposal has been re-designed to improve the quality and quantity of communal open space. The primary communal open space on the rooftop has now been increased to extend across the full floor plate of both Block A and Block B. This improves access for residents within Block A and ensures an internal access via the lift and fire stair is available.

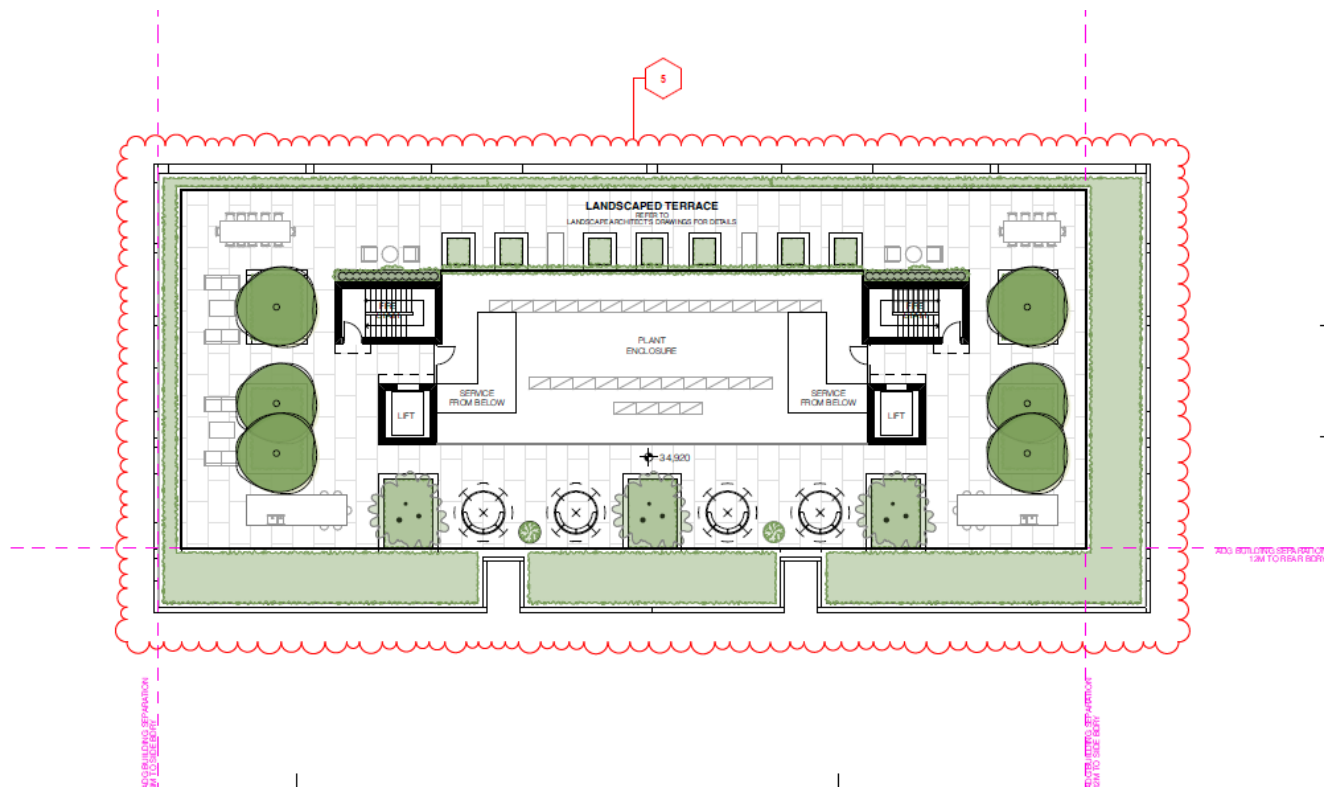
As discussed with DPHI, the extension of the Block A lift overrun and fire stair to enable access to the level results in an increase in the variation to the maximum building height control. A revised Clause 4.6 Variation Request prepared by Urbis is provided at **Appendix R**. The proposed maximum height is 32.06 m (RL 38.72),

which includes exceedances as per the following: 3.5 metres (lift overrun at northern end of block), other lift overrun 1.5–1.8m (southern end), stair overrun 1.6–1.9m, planter 0.8–1m, balustrade 0.4–1.6m and then parapet 600mm.

There are sufficient environmental planning grounds to support this as:

- The proposed two lift overruns will not result in any visual privacy impacts, as they are setback from the building edges.
- The proposed breach does not give rise to any unreasonable overshadowing impacts to adjacent properties.
- The minor exceedances do not have an interface with the street frontage and as such will not be visible from Dover Road. The lift overruns breach forms a small component of the overall built form and will not have an adverse impact.
- The rooftop communal open space is surrounded by low groundcover planting as illustrated in the following extract. The planting will soften the structures located at roof level and mitigate the visual impact from the public domain.
- There is no habitable floor space above the maximum height of building plane.

Figure 6 Rooftop communal open space plan



Source: MHNDU

The rooftop open space (561sqm) is provided in addition to the community garden located on the western side of the development (86sqm) and both of the forecourts (162sqm, representing 6% of the site). The DPHI has requested that the forecourts and garden are excluded from the communal open space calculation, reducing the provision from 808.4sqm (30% of the site area) to 561.32 (21% of the site area). These areas remain part of the design to provide and will still provide genuine and functional communal open space. Refer to Item 3 of the Cover Letter for more information.

The rooftop COS is accessible from both Block A and Block B and is landscaped with communal facilities, including a BBQ area, to support active and passive recreation.

4.2.5 Affordable Housing – Amenity

The amenity of the affordable housing units has been enhanced through the re-planning of the Level 1–3 layouts. As a result, 100% of the affordable units now achieve a minimum of two hours of solar access to living rooms and private open space, significantly exceeding the ADG requirement of 70%.

In addition, 66.7% of the affordable units achieve cross ventilation, which also exceeds the ADG minimum requirement of 60% of units. Collectively, these improvements demonstrate that the affordable apartments provide a level of amenity that is equitable to, and in key respects exceeds, the performance benchmarks typically applied to market apartments.

4.2.6 Hydrology

The applicant has prepared a response to additional information requested by DCCEEW CPHR in relation to flooding, and comments from SES in **Section 4.3.3** below.

4.2.7 Earthworks and groundwater and soil impacts

A response to clause 6.2 of the LEP was provided in the Statutory Compliance table at Appendix C of the EIS submitted to DPHI. The response, supported by additional information outlined in this RTS report, is produced below.

Table 4 Response to clause 6.2 of the Woollahra LEP

Clause	Response	Additional Information
Consent authority must consider the following matters—	Earthworks involving excavation is proposed under this SSDA. Dewatering of the site is not proposed as a tanked basement will be undertaken.	Geotechnical Investigation Report at Appendix H Revised Dewatering Management Plan at Appendix G
(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,	In response to the matters for consideration under subclause (3), refer below. A Geotechnical Report prepared by Morrow confirms the development will not adversely impact land stability, groundwater flow or present structural risk to adjoining structures. Section 2.4 of the Geotechnical Report confirms a hydrogeological assessment was undertaken in accordance with the WaterNSW General Terms of Approval, the Water Management Act 2000, the clause 6.2(3a) (3g), and the geotechnical aspects of the DCP.	
(b) the effect of the development on the likely future use or redevelopment of the land,		
(c) the quality of the fill or the soil to be excavated, or both,	Based on the above assessment, Morrow Geotechnics considers that the proposed development will have negligible cumulative impact to groundwater, provided that the recommendations and methodologies outlined in the referenced reports are implemented during construction, including the dewatering recommendations outlined in the Geotechnical Report.	
(d) the effect of the development on the existing and likely amenity and structural integrity of surrounding properties,	The site specific risk assessment matrix provided at Appendix B of the Geotechnical Report identifies risk management measures as follows:	
(e) the source of any fill material and the destination of any excavated material,	To mitigate poor quality ground conditions encountered during excavation, a geotechnical inspection during piling to ensure the assumptions of the geotechnical design are achieved in pile sockets. Where this is implemented, the residual risk is low.	
(f) the likelihood of disturbing relics,	To mitigate the risk of destabilising or undermining neighbouring buildings, the shoring design is to include surcharge loadings from neighbouring structures. Where this is implemented, the residual risk is low.	
(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,		
(h) any appropriate measures proposed to avoid,	The works will not adversely affect the future use of the site for a residential flat building.	

minimise or mitigate the impacts of the development.

An Archaeology Report has been prepared by Virtus Heritage and confirms the potential archaeological resource of the project area does not contain anything that would be defined as 'relics' under the NSW Heritage Act and as such there is a low likelihood of disturbing relics.

Measures to mitigate the impact of earthworks are outlined in the Morrow reports appended to this Submissions Report. It is noted a number of comments were raised within the public submissions regarding structural integrity and stability of adjoining properties and 'cracking' within walls as a result of basement construction.

Section 2.4 of the Geotechnical Report identifies the following geotechnical hold points are to be implemented during implementation of the works:

- Completion of dilapidation surveys and baseline monitoring prior to demolition and excavation.
- Review of initial excavation and exposed ground conditions by the geotechnical engineer prior to proceeding below 0.5 m depth.
- Confirmation of retention system installation and support activation (props/anchors) prior to further excavation stages.
- Review prior to excavation below the groundwater table and/or commencement of dewatering.
- Review of ground conditions prior to pouring slab on ground or footings.
- A monitoring program should be developed and finalised by the project team (including the temporary works designer and structural engineer) prior to commencement of excavation.

Where monitoring results indicate that trigger levels are being approached or exceeded the excavation methodology and retention support shall be reviewed by the structural and geotechnical engineers. Typical responses include reducing excavation lift heights, accelerating support installation, reducing surcharge loads, revising dewatering strategy, and/or undertaking ground improvement/grouting as directed by the temporary works designer.

These measures will mitigate impact to surrounding properties during construction.

As outlined in Section 4.2.3, the applicant is unable to reduce the extent of basement excavation as the basement footprint is functionally driven and needs to accommodate parking, loading, servicing and plant for the development.

In response to DPHI item 11, the Dewatering Management Plan (Section 6) and Geotechnical Investigation Report (Section 3.6) provided at **Appendix G** and **Appendix H** have been updated to respond to concerns regarding potential cumulative impacts from future LMR developments on groundwater flows and floodwater behaviour. This revised assessment finds:

- The submitted geotechnical documentation confirms that the basement shoring has been designed as a rigidly supported (anchored) wall to minimise ground movement beyond the site boundaries. Following construction, the shoring will be internally braced by the basement slabs, ensuring there will be no ongoing or cumulative geotechnical impacts on the surrounding locality.
- The basement is also proposed to be fully tanked, which removes the need for ongoing dewatering and therefore avoids any long-term hydrogeological impacts. Subject to incorporation of sub-slab drainage, as recommended by Morrow Geotechnics to maintain uninterrupted groundwater flow

beneath the tanked basement, the development will not result in cumulative hydrogeological impacts on the locality.

In response to DPHI item 12, the Preliminary Site Investigation and Acid Sulfate Soils report prepared by EI Australia at **Appendix I** and **Appendix J** has been updated to reflect that the proposed excavation levels extend beyond 2 m BGL and therefore fall within the risk threshold for acid sulfate soils (ASS), requiring appropriate management planning. This finds:

- The revised excavation depth does not alter the overall findings of the reports, as the ASS risk for the site was already identified and accounted for works exceeding 2–3 m BGL.
- The risk profile for excavations below this depth is consistent between the previously lodged scheme (2 m BGL) and the current proposal (4 m BGL).
- Accordingly, the existing Acid Sulfate Soil Management Plan remains appropriate to manage the identified ASS risk.

4.2.8 Car Parking

In accordance with the Housing SEPP, the proposed development provides a total of 60 parking spaces, comprising 54 spaces for market housing and 6 spaces for affordable housing. This allocation achieves full compliance with the parking rates prescribed under the Housing SEPP.

Importantly, where a development standard under the Housing SEPP is satisfied, the consent authority is precluded from imposing more onerous requirements. Accordingly, the proposed development retains the provision of 60 parking spaces, consistent with the Housing SEPP. Further detail is provided in the Traffic Statement at Appendix D.

The storage areas on Basement Levels 1 and 2 have been reconfigured to accommodate the additional car shared and loading spaces requested by DPHI. Hence, some of the storage spaces are reduced. Each storage space size is designed to accommodate one residential bike parking to meet the Council's traffic requirement as well as ADG storage requirement. The fire sprinkler design for the storage cluster and the minimum separation between storage clusters have also been considered.

In regard to the visitor bicycle spaces, five spaces are provided in basement 1. Please see Appendix D for completeness.

An updated parking schedule is provided in Appendix D as requested.

The proposed development provides EV charging capability for 10 parking spaces on Basement Level 1 and 2, including two car share spaces. The WDCP requires new residential development to provide EV charging for at least one car parking space or 10 per cent of all parking spaces, whichever is greater. For the proposed development, 10 per cent of the 68 parking spaces equates to seven EV-enabled spaces. Accordingly, the provision of 10 EV charging spaces exceeds the minimum requirement and is considered compliant and appropriate.

As requested, MHNDU has updated the architectural plans to annotate the basement setbacks. Please see the Architectural Plans for further details.

Each residential unit has been provided 1 bicycle parking space within the storage area attached to the parking bay. This equates to 49 spaces. The additional 5 visitor spaces are provided within basement 1 near the ramp and plant area on the western boundary. Please see the Architectural Plans for further details.

A loading bay is provided in Basement 1 adjacent to the waste storage area. This bay will service vehicles such as vans and tradesmen utility vehicles. Deliveries by larger vehicles, such as trucks, will occur on street given the site constraints prohibit such larger vehicles from being able to access the basement. Please refer to the Architectural Plans for completeness.

4.2.9 Solar Access

An updated Design Report has been prepared by MHNDU at **Appendix F** which provides solar access and overshadowing diagrams at 30-minute intervals at a larger scale to what is provided in the Design Report, as requested by DPHI. It also includes analysis of solar access to apartments 4, 5, 12, 13, 16, 20, 21, 24, 28, 29, 35 and 41, as summarised below (window solar):

- Unit 4 achieves 0 average hours;
- Unit 5 achieves 2.5 average hours;
- Unit 12 achieves 0 average hours;
- Unit 13 achieves 0 average hours;
- Unit 16 achieves 5.5 average hours;
- Unit 20 achieves 0 average hours;
- Unit 21 achieves 0 average hours;
- Unit 24 achieves 6.5 average hours;
- Unit 28 achieves 0 average hours;
- Unit 29 achieves 0 average hours;
- Unit 35 achieves 0 average hours; and
- Unit 41 achieves 1.5 average hours.

Notwithstanding the above results and in response to Item 21(c)(i) of the DPHI queries, the majority of apartments are dual aspect, and 77.5% (38 units) achieve at least two hours of solar access at mid-winter. This satisfies the minimum 70% ADG design criterion and represents an improvement on the lodged scheme, which achieved 71.4% of apartments.

Overshadowing analysis has been provided which demonstrates that while there will be additional shadow cast from the proposed development, at the worst time of the year (i.e. mid-winter), the private open space of dwellings directly behind the site on Wilberforce Avenue will receive sunlight generally after midday through to the late afternoon. This analysis demonstrates that the additional height and floor space above the LMR controls (i.e. attributed to the affordable housing bonus) does not materially change this situation.

Solar access diagrams have also been prepared to assess the communal open space areas, including the rooftop and ground-level communal garden. These demonstrate that the rooftop achieves solar access between 9am and 3pm in winter, while the ground-level communal garden achieves solar access between 9am and 12pm. The 9am and 12pm solar diagrams are provided in Figure 7 and Figure 8 below. For full details, refer to the Design Report prepared by MHNDU at **Appendix F**.

Figure 7 June 21st 9.00am Proposed Solar Access



Source: MHNDU 2026

Figure 8 June 21st 12.00pm Proposed Solar Access



Source: MHNDU 2026

In response to Item 21(c)(ii) of the DPHI RFI Letter, the apartments achieving less than two hours of solar access between 9am and 3pm on 21 June are identified in the bullet point list above. In addition to those listed, Unit 31 and Unit 34 also fall within this category, each receiving 1.5 hours of solar access.

4.2.10 Acoustic Privacy

Pulse White Noise Acoustics have prepared an Addendum Acoustic Letter (**Appendix K**) to address the DPHI acoustic queries – Item 22. The addendum confirms that the predicted operational and construction noise impacts on adjoining residential receivers have already been assessed within the lodged Noise and Vibration Impact Assessment, September 2025.

An assessment of predicted construction and operational noise impacts to adjoining residential receivers has been undertaken. The results indicate that, while some short-term exceedances of the construction Noise Management Levels (NMLs) may occur during specific stages of the works, the overall impacts are considered manageable and acceptable with the implementation of recommended mitigation measures.

During construction, noise emissions are predicted to intermittently exceed the Noise Affected Level (NAL) and, in some instances, the Highly Noise Affected Level (HNAL), particularly at receivers closest to the site boundary. The applicable construction criteria are 61 dB NAL for receivers R02–R07 (HNAL 75 dB) and 58 dB NAL for receivers R09–R13 (HNAL 75 dB). Notwithstanding these predicted exceedances, impacts will be temporary and largely confined to standard daytime construction hours. With the adoption of recommended controls—including selection of quieter plant, installation of temporary acoustic barriers, and staging of higher-noise activities—post-mitigation noise levels are expected to be reduced to within, or consistent with, EPA and industry guideline expectations for managed construction works.

Predicted vibration levels remain below the structural damage criteria for residential buildings. While vibration may be perceptible to occupants at times, levels are generally expected to remain within accepted human comfort thresholds for daytime works. Ongoing monitoring and the use of lower-vibration construction methods, where feasible, will ensure vibration impacts remain appropriately controlled and compliant. Accordingly, vibration impacts are not expected to pose any structural risk to adjoining properties.

Construction traffic has also been assessed and is not expected to materially affect surrounding receivers. The analysis indicates that an increase of approximately 60% in traffic flows would be required to generate a 2 dB rise in road traffic noise, which is generally not perceptible. Based on projected construction vehicle movements, no measurable traffic noise impact is anticipated and no further assessment is warranted.

Operational noise emissions from the completed development are predicted to comply with all relevant criteria and are therefore not expected to result in any significant long-term amenity impacts to surrounding residential receivers.

Given the proximity of sensitive receivers and the potential for temporary exceedances during construction, a site-specific Construction Noise and Vibration Management Sub-Plan (CNVMSP) will be prepared and implemented. Subject to these measures, the proposal is considered to achieve acceptable acoustic outcomes consistent with relevant EPA guidance and industry practice.

The Addendum Acoustic Letter confirms that noise affecting private open spaces is not specifically regulated under Council's Development Control Plan (DCP) or the NSW EPA Noise Policy for Industry (NPI). Accordingly, a detailed assessment of private open space noise is not required in this instance.

Air conditioning condensers are proposed on the roof of the development. Predicted noise emissions from the mechanical services are detailed in Section 7.1 of the submitted Noise and Vibration Impact Assessment. Final plant will be selected based on verified noise emission data, and acoustic treatments such as screening and attenuated discharge can be incorporated, where required, to ensure compliance with the relevant external and internal noise criteria.

Based on experience with comparable developments, the recommended acoustic treatment of the proposed mechanical plant is both feasible and practical to achieve the applicable criteria at surrounding receivers and within the development.

It is recommended that, prior to the issue of the Construction Certificate, the acoustic treatments for the engineering services be reviewed and confirmed to ensure the final plant selections and mechanical airflow requirements achieve the required noise performance outcomes.

4.2.11 Landscaping and Tree Impacts

The Landscape Plans prepared by Wyer & Co. have been updated to clearly demonstrate the provision of tree canopy cover and deep soil areas across the site. This pack also includes revised tree canopy and soil depth/volume diagrams provided in drawing DA_08.

The Tree Canopy Guide within the LMR Housing Guidelines requires a minimum of 15% tree canopy cover. The amended scheme achieves 23.4%, representing a substantial over-provision and a notable improvement on the lodged scheme, which achieved 15.4% of the site area.

The below summarises the required and proposed deep soil provision:

Tree Canopy Guide for LMR Housing:

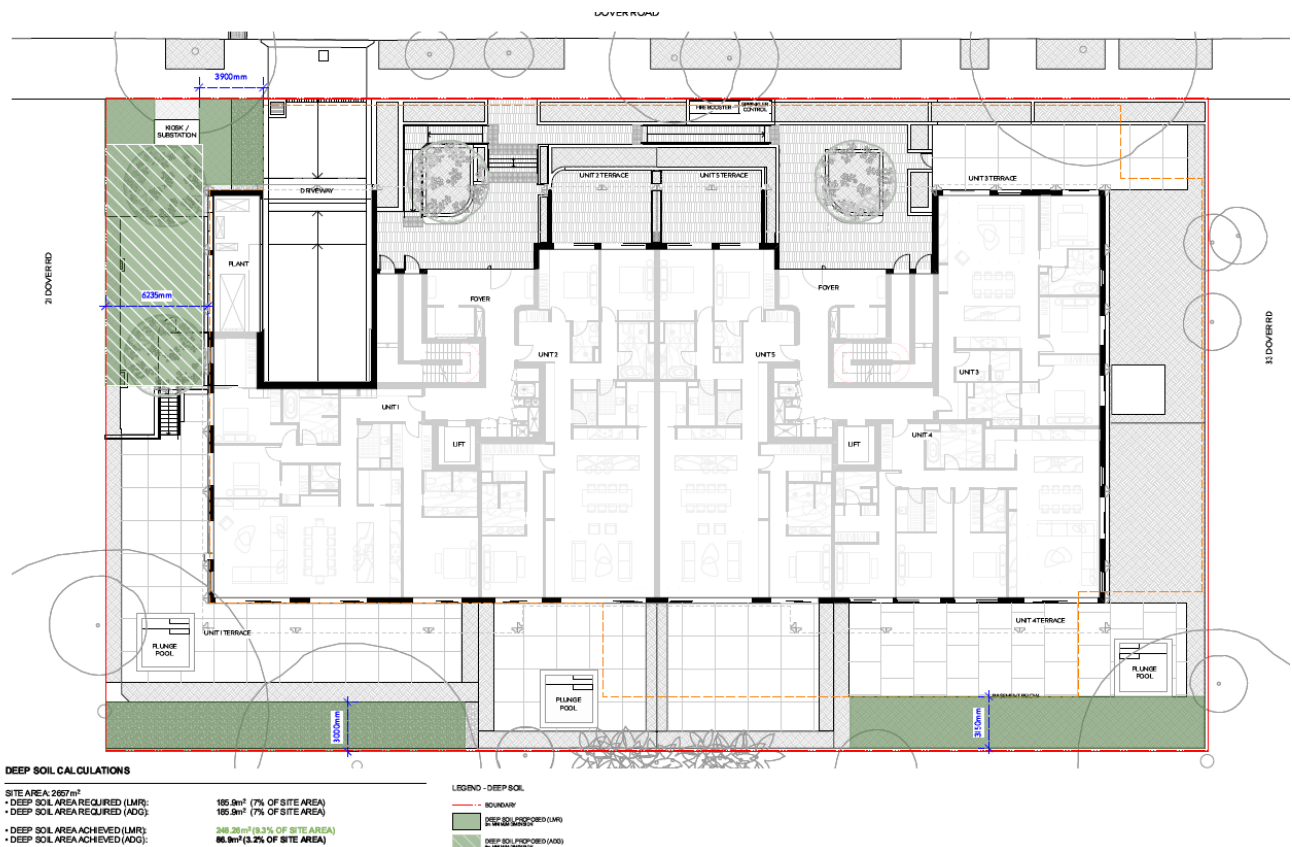
- Required: 7%, measured at a width of 3m (185.9sqm)
- Proposed: 9.3% (248.26sqm)

NSW ADG:

- Required: 7%, measured at a width of 6m (185.9sqm)
- Proposed: 3.2% (86.9sqm)

When assessed against the deep soil provisions of the Tree Canopy Guide for the LMR Housing Guidelines, the proposal demonstrates compliance. The deep soil provision under the ADG has also improved from the lodged design, increasing from 2.7% to 3.2%. Refer to Figure 9 for more details.

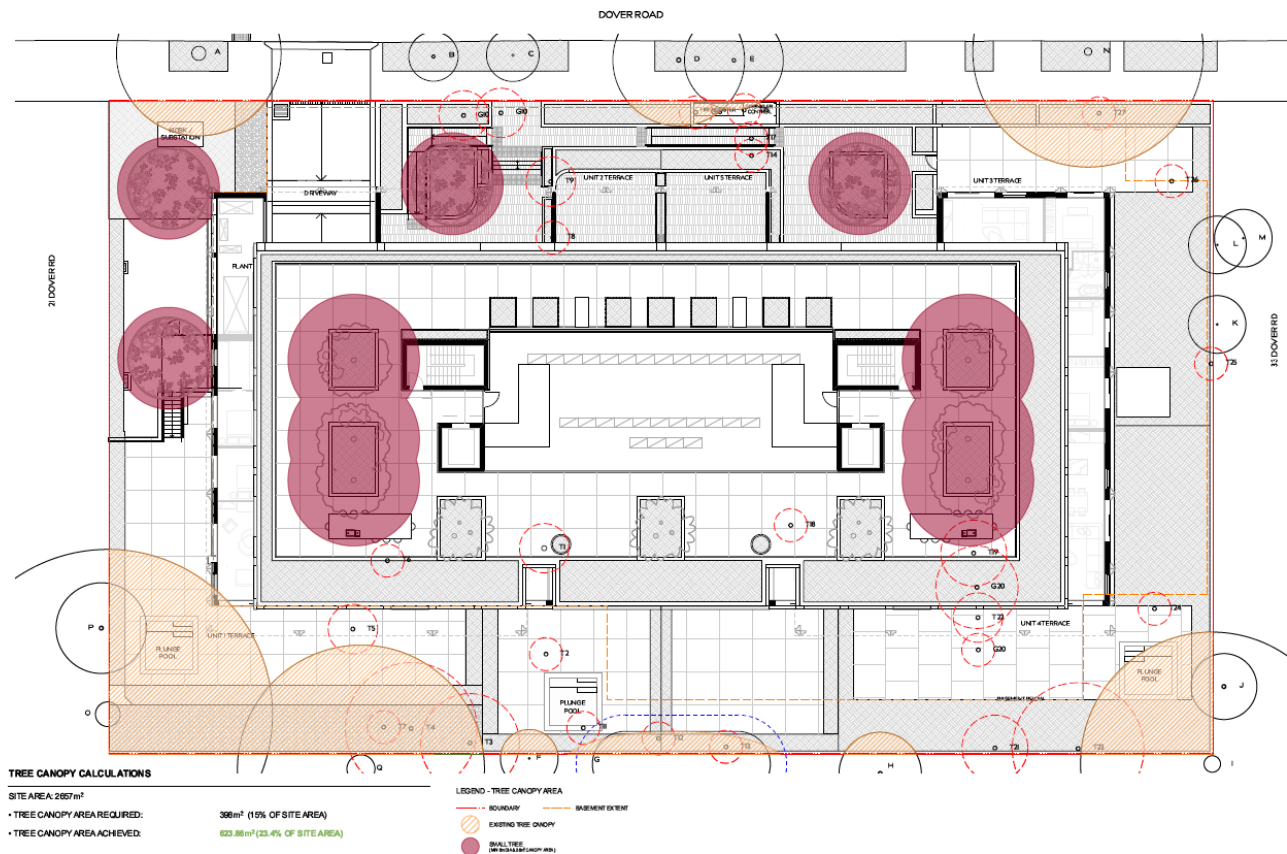
Figure 9 Deep Soil Provision



Source: Wyer&Co. 2026

As shown in Figure 10 below, the existing significant trees along the southern boundary are proposed to be retained. Only minor trees (Trees 11, 12, 13, 21 and 23) are proposed for removal. The retention of Trees O, Q and I, together with the planting of four new canopy trees that will exceed the existing canopy coverage on site, will provide adequate and more consistent landscape screening.

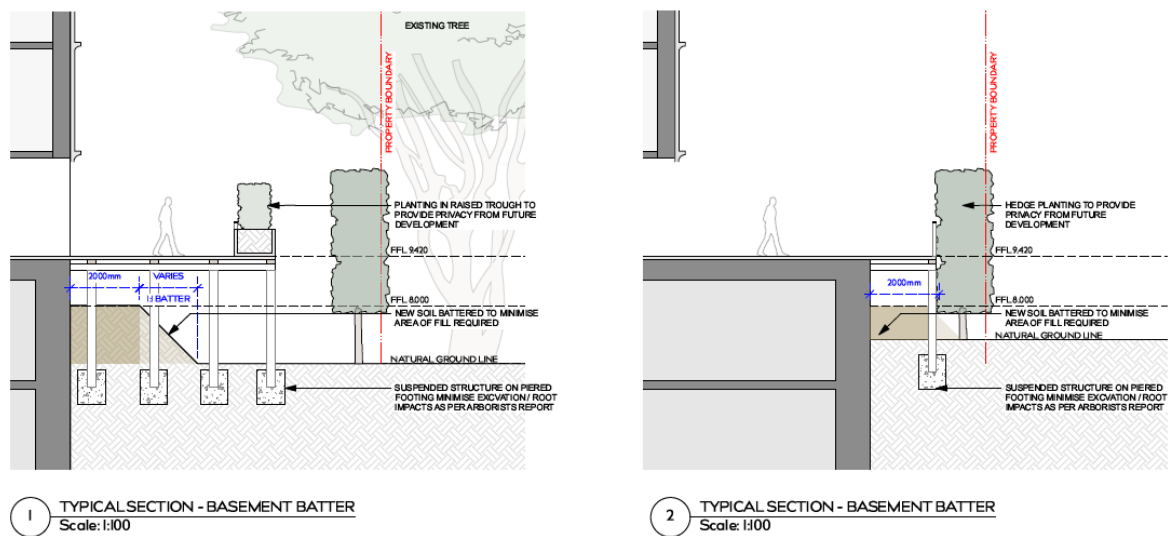
Figure 10 Tree Canopy



Source: Wyer&Co. 2026

Figure 11 below provides further detail on the proposed boundary hedging, which is specifically designed to enhance privacy for adjoining neighbours. The hedge planting will establish a continuous vegetated screen along the relevant boundaries, contributing to the mitigation of overlooking and reinforcing visual separation between properties. Over time, the mature hedge is expected to achieve sufficient height and density to provide effective year-round screening, while also contributing positively to the site's landscape character and overall amenity.

Figure 11 Southern Boundary Screening



Source: Wyer & Co.

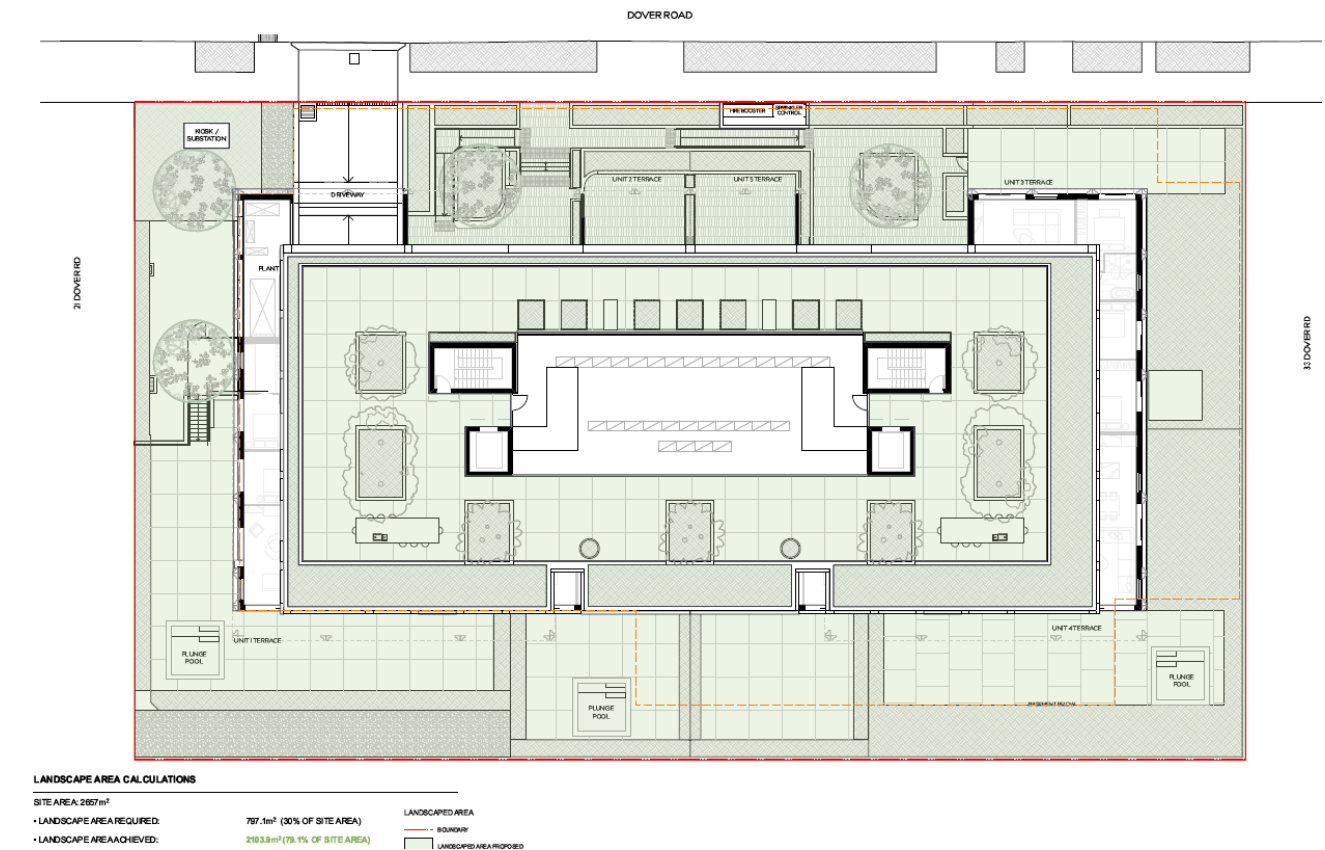
Updated Landscape Plans have been provided to demonstrate additional planter boxes have been introduced to separate balconies and increase privacy. Refer to plans DA_12 to DA_18 for further information. Additional landscaping details will be refined during design refinement at construction stage.

Martin Peacock Tree Care has provided an Arboricultural Letter addressing Item 26 of the DPHI queries. In summary, the previously submitted Arboricultural Impact Assessment Report (AIAR) already incorporates root mapping where relevant and includes a detailed assessment of Notional Root Zone (NRZ) impacts. This assessment concludes that the proposed works can be undertaken without significant impact on the health or structural stability of affected trees.

The pruning assessment confirms that any required works will be minor in nature, and a comprehensive methodology for tree-sensitive construction is outlined in Section 8.0 (Recommendations) of the AIAR. On this basis, the proposed development is not expected to adversely affect the viability of trees located outside the site, and no further arboricultural investigation is considered necessary.

An additional diagram has been included within the Landscape Package, shown in Figure 12 below, which illustrates the site's compliance with the minimum landscaped area requirement of 30%. The proposed development significantly exceeds this benchmark, providing a generous 79.1% landscaped area, representing a substantial over-provision that enhances on-site amenity and visual quality.

Figure 12 Landscape Area



Source: Wyer&Co.

4.2.12 General

DPHI General Query	Applicants Response
29. Clarify the proposed floor-to-floor height of 3.15 m can achieve 2.7 m of floor-to-ceiling clearance while also: - satisfying with the relevant National Construction Code requirements; and - maintaining high levels of amenity without the need for bulkheads.	A minimum floor-to-ceiling height of 2.7 m is achieved within all habitable rooms, with only minor bulkheads provided where required for essential service runs. A Design Verification Statement has been incorporated into the updated Design Report – refer page 10 for more details.
30. Provide shade structures to the rooftop open space to provide sun shading in summer months.	Additional sun shading has been incorporated into the rooftop open space through a combination of landscaping, tree canopy planting and parasols. Refer to the updated Architectural Drawing DA2010 for details.
31. Investigate internalising the substation on the ground or basement levels of the building.	In response to this item, IGS have prepared a formal response addressing the proposed substation location. This document outlines the reason why the substation is located in its current position, which includes compliance with Ausgrid requirements. For complete details on this matter please refer to Appendix T.
32. Update the legends on the architectural plans to reflect what is illustrated on the relevant plans (e.g., all the plans illustrate trees to remain and trees to remove as well as landscaping despite there being no trees or landscaping in many of the plans).	All relevant legends have been updated.
33. According to the Waste Management Plan, the building manager is responsible for moving the waste bins on collection day. An alternative bin route must be provided which does not require the bins to move through the front lobbies and the forecourts.	An alternative bin transfer route is proposed, whereby a bin tug will be used to transport bins up the car park ramp to the designated street-level collection area. Refer to Architectural Drawing DA9106 for details.
34. Review the GFA calculation diagrams and demonstrate that all areas excluded from the GFA calculation are consistent with the GFA definition, noting that, due to the fall of the land, a portion of Basement Level 1 is located on the ground level.	Revised GFA plans have been prepared by MHDNU and provided in the Architectural Plan set at Appendix D. The GFA has been revised and the 18.43sqm waste storage room has been included in the total GFA calculation, noting that due to the fall of the land this portion could be considered to be at 'ground level'. All other areas of the western edge of basement level 1 do not meet the definition of GFA as per the standard instrument and remain excluded from the total.

	A total of 7,584sqm GFA (FSR of 2.85:1) is proposed, which is compliant with the maximum GFA of 7,587.32sqm (maximum FSR of 2.85:1). The maximum FSR has been reduced slightly since SSDA lodgement as the proposed re-design now provides 14.9% affordable housing GFA (resulting in a 29.8% height and FSR bonus).
35. Provide a revised ADG compliance table which demonstrates how each dwelling (including each affordable housing apartment) performs against all applicable ADG objectives, design criteria and guidance	A summary of compliance with the ADG is provided, outlining how both the market units and affordable housing respond to the relevant objectives, design criteria, and guidance. Refer to page 50 of the updated Design Report.
36. With respect to the ADG compliance table, confirmation and specific reference to plans or quantitative details must be provided to demonstrate consistency, rather than “objective achieved” in the compliance column.	In the updated ADG compliance table, an additional column has been included to identify the relevant reference drawings and supporting reports. Quantitative details and justification are provided in the “Proposed and Assessment” column, demonstrating how the design criteria are satisfied. Refer to the updated Design Report, pages 39–49.
37. Assess the amenity impact of the elevated ground level terraces (and use of the outdoor pools) on neighbouring properties and identify the mitigation measures.	Refer to Paragraph 4.2.11 of this report for more detail.

4.3 Response to Council and Agency Submissions

The following tables provide a response to each key recommendation of the Council and agencies submissions. It is noted a number of issues raised have been previously raised and addressed in response to the DPHI RFI letter (Section 4.2). To avoid duplication this report references the previous response and relevant appendices as required.

4.3.1 Woollahra Council Comments

The following table provides a response to each key recommendations contained within Council’s submission. It is noted that a number of the issues raised by have previously been addressed in response to the DPHI RFI letter (Section 4.2). To avoid duplication, this report cross – references the earlier responses and relevant appendices where applicable.

Table 5 Woollahra Council Comments

Key Issue	Recommendation	Response	Appendix
Conditions	In the event the proposal is approved, it is recommended that the conditions of consent provided, without prejudice to Council's advice, at Annexure A are included as part of any development consent.	The applicant is happy to consider conditions of consent suggested by Council.	N/A
State Environmental Planning Policy (Housing) 2021 (Housing SEPP)	The proposal, in its current form, undermines the aims of Chapter 4 (design of residential apartment development) of the Housing SEPP as it provides an inappropriate built form and detracts from the streetscape.	The site benefits from the LMR and in-fill affordable Government housing policies. Refer to Section 4.2.1 of this report.	Appendix E
Land Use	The proposal fails to accord with the following objectives of the R3 Medium Density Residential zone contained within the land use table of the WLEP: - To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood. - To ensure development conserves and enhances tree canopy cover.	The site benefits from the LMR and in-fill affordable Government housing policies. Refer to Section 4.2.1 of this report. The proposal complies with the 7% requirement outlined in the Tree Canopy Guide for LMR Housing – refer Section 4.2.11 of this report.	Appendix E & Appendix L
Height	The inter-floor dimension for the first eight levels of the building is 3.15m, which is considered to be insufficient to provide a habitable floor to ceiling height of 2.7m as required under the ADG.	A minimum floor-to-ceiling height of 2.7 m is achieved within all habitable rooms – refer Section 4.2.12 of this report.	Appendix E
Floor Space Ratio	The FSR is incorrectly calculated: - The northernmost waste store and bulky goods areas are not in a basement and therefore should be included the floor area calculations. - Clause 19 the Housing SEPP requires a minimum of 60 car parking spaces (6 spaces for the affordable dwellings and 54 spaces for the market rate dwellings). The proposal provides an additional 6 visitor car parking spaces. Given the visitor spaces are not required under the Housing SEPP they constitute gross floor area in accordance with the standard instrument definition.	The waste store within the northern lift core on Basement 1 has been included in the GFA calculation. The bulky waste store has been relocated and consolidated into a larger room at the southern lift core for residential use. The Housing SEPP does not specify minimum or maximum requirements for visitor parking. However, visitor parking remains an important component as it reduces on-street parking pressure, improves traffic safety and circulation, and enhances amenity for residents and visitors. The WDCP nominates a maximum of 12 spaces for its own developments;	Appendix D – Architectural Drawings ref. 9100–9101

Key Issue	Recommendation	Response	Appendix
		therefore, some on-site provision is considered appropriate.	
Earthworks	Council is urging the NSW Government to exclude the Rose Bay (New South Head Road) centres from the Low and Mid-Rise Housing Policy (LMR Policy) due to Rose Bay being at high risk of hydrogeological hazards. Council is concerned about impacts of excavation, particularly the potential impact on the structural and geological integrity of buildings in the Rose Bay area which may occur due to groundwater drawdown during excavation. The Geotechnical Groundwater Assessment and Geotechnical Investigation are unsatisfactory for the following reasons: ▪ The Dewatering Management Plan references an excavation depth of 6.5m, but the proposed excavation extends to a depth of 9.3m. ▪ The Dewatering Management Plan and Geotechnical Investigation Report fail to consider the cumulative impacts from future LMR development, on groundwater flows and floodwater movements. ▪ The Dewatering Management Plan and Geotechnical Investigation Report make no reference to the Woollahra DCP 2015 Groundwater (hydrogeology) and geotechnical impact provisions.	Earthworks, groundwater and soil impacts have been addressed in Section 4.2.7 of this report. Hydrology matters have been addressed in Section 4.2.6 of this report.	Appendix G & Appendix H,

Key Issue	Recommendation	Response	Appendix
	The issue of excavation is exacerbated as the proposal exceeds the minimum car parking provision for this accessible location.	The car parking provision is compliant with the Housing SEPP controls. Refer to Section 6.2.8 of this report.	Appendix Q
	It is recommended that the level of excavation is reduced, and Council's conditions relating to excavation are included in any development consent. The conditions have recently been updated having regard to the Rose Bay Study undertaken by engineering consultants GHD Pty Ltd.	The basement is unable to be reduced in size, It is deemed acceptable as the two-level basement design accommodates the necessary parking requirements under the Housing SEPP and loading, storage and servicing requirements. Reduction in the setback of the basement would require a further level of excavation which is a significant financial imposition and would impact the overall feasibility of the development. This is not reasonable particularly noting the applicant is delivering 14.9% affordable housing GFA. Refer to Section 4.2.3 for more details.	N/A
Context and Streetscape character	Council makes the following recommendations to ensure the proposed development responds appropriately to the existing context and character: - Stepping the building by a storey so that it follows the slope of the site. This would create a more interesting and site responsive design. This would also address some of the setback and privacy and overshadowing issues identified below. - Remove or reduce the size of covered balconies and terraces which add to the visual bulk of the building, especially where they occur off bedrooms and secondary living areas. At a minimum facing the street this includes: - Simplifying the soffit treatment to the roof of the balconies on Level 4. This is creating visual clutter and increases the bulk of the development. - Removing the side terraces on Level 3 (part) Level 4 and Level 5 (see Setbacks below) as they do not comply with the visual privacy requirements in 3F of the ADG.	The design of the scheme has been amended to address these design queries. Refer to Section 4.2.1 & Section 4.2.2 of this report.	Appendix D and Appendix E

Key Issue	Recommendation	Response	Appendix
Building Height	The following recommendations have been proposed to reduce the bulk and scale of the site: - Part of the roof terrace and Level 7 along the southwestern edge of the building are 9 storeys and higher than 25m (see Setbacks below). Habitable rooms and open spaces for these parts of the building should be setback 12m to improve privacy and reduce overshadowing impacts. Apartments on Level 7 are generous in size with extra large balconies accessed off bedrooms, so this modification should not result in a reduction in the number of bedrooms or the number of apartments. - Close to the southeastern boundary the land rises so the setback to Level 7 (eighth floor) could retain its current 9m setback, however the rooftop communal open space (ninth floor) requires a 12m setback. - Parts of the building on Level 7, along the northwestern elevation, that are 9 storeys and higher than 25m, should be setback 12m (not the current 9m). - Remove or reduce the size of covered balconies and terraces which add to the visual bulk of the building, especially where they occur off bedrooms and secondary living areas. At a minimum this includes: Remove or reduce the central balconies on Levels 2 to 7 facing the rear boundary that are accessed off bedrooms as these are not the primary private open spaces, and they increase the bulk and scale of the development. This would also help to ensure the building reads as two 'wings' with a recessed central portion rather than as a continuous wall of building.	As per the above.	Appendix D & Appendix E
Setbacks	Council proposes the following recommendations: The balconies on Level 5 (sixth floor) facing the southeastern boundary are located within the 9m required setback for habitable rooms and balconies above 4 storeys. These balconies reduce	As per the above.	Appendix D & Appendix E

Key Issue	Recommendation	Response	Appendix
	privacy and add bulk and scale to this side of the development and should be removed. ▪ Setback the communal open space Rooftop (ninth floor) from boundaries by 12m setback. ▪ Facing the northwestern boundary (against 19–21 Dover Road) the proposed development is approximately 1m to 3m above the natural ground level. Technically to meet the ADG setbacks Level 3 (fifth floor) and the balconies on Level 4 and Level 5 should be setback 9m and Level 7 should be setback 12m (see Figure 1 below). Alternatively, the proposed setbacks could generally be retained if the entire northern part of the building is lowered by one storey. A reduced side setback to 19–21 Dover Road could be considered, as that site is in the centre with a 0m front setback and potentially could locate a multi storey blank wall facing this site. ▪ The communal open space on the Roof (ninth floor) facing the southwestern and southeastern boundaries is within the 9m setback for habitable rooms and balconies above 8 storeys. The location of this space reduces privacy of neighbours and the landscaped planters add bulk and scale to this side of the development and increase overshadowing between 11am and 3pm. Communal open space on the roof, if provided, should be relocated away from the sides of the building to reduce impacts. If half the building is lowered by a storey the communal open space could be located on the lower roof where it would create less privacy and overshadowing issues, rather than the southern portion of the site. ▪ Facing the southwestern boundary (against 10 to 22 Wilberforce Avenue) the 'Ground Floor' of the proposed development varies from 3.5m above to 0.55m below the natural ground level. Where the 'Ground Floor' is elevated above the natural ground level by a storey this substantially increases the visual impact of the proposed development and the overshadowing and privacy impacts. To meet the ADG setbacks for habitable rooms and balconies;		

Key Issue	Recommendation	Response	Appendix
	- Below 12m a 6m setback to balconies and habitable rooms is recommended. The current proposal is for very large elevated terraces with pools up to 3m higher than the ground level and as close as 1.2m from the rear boundary. This compromises the visual and acoustic privacy of neighbours, reduces the amount of deep soil and potentially reduces the health of existing trees to be retained. It is recommended that the private terraces to Units 1, 2 and 5 have a 6m setback to the rear boundary. Unit 4 terraces are close to natural ground level and can remain as designed. Stairs could be provided from these apartments to the ground level to link with the rest of the private open space of these dwellings. - Above 12m (4 storeys) the balconies to Level 3 (fifth floor), Level 4 (sixth floor) and Level 5 (seventh floor) should be setback to 9m. The setback to Level 7 (ninth floor) should be increased to 12m to reduce privacy concerns and decrease overshadowing. This will require replanning, however the apartments at this level are all around 200sqm and so this should be able to occur without compromising the amenity of the apartments. Alternatively, the proposed setbacks could generally be retained if the entire northern part of the building is lowered by one storey.		

Landscape and Amenity	The communal garden and rooftop spaces require redesign to improve solar access, safety, usability, shade, facilities and the range of activities provided, particularly for families. The proposal has allocated much of the open space at the ground level to large private open spaces (some with private swimming pools) to the five ground level apartments. It is recommended that ▪ More of the side setback with deep soil is allocated to communal open space suitable for a range of age groups and access and the visibility of this space is improved. With the current building levels, direct visual and physical access could be provided to communal open space from Basement 01. ▪ Alternatively, the communal open space on the roof could be enhanced to provide open space with shade and facilities suitable for a range of age groups. It is recommended that, as a minimum, deep soil that is at least 3m wide is provided along the entire rear and southwestern boundary to allow for screening landscaping and tree canopy and bring the overall percentage closer to the desired target of 15%. This change would reduce the oversized storage areas behind the parking spaces on Basement 02 and 01 and reduce the size of the elevated terraces accessed off Unit 2 and Unit 5. It is recommended that areas of deep soil that are at least 3m wide are provided along the rear and southwestern boundary and taller trees are proposed to realistically bring the percentage closer to the desired target of 20%.	The COS has been redesigned to address Councils concerns. This now consists of the ground floor garden and rooftop only. Refer to Section 4.2.4 of this report. Deep soil matters have been addressed in Section 4.2.11 of this report.	Appendix D, Appendix E, Appendix F and Appendix L.
------------------------------	--	---	---

Key Issue	Recommendation	Response	Appendix
Solar access and future development	It is recommended that a high level study is provided that shows that the solar access standards (of 70% of apartments receiving 2hrs of sunshine) can be achieved on surrounding developments.	More than 70% of apartments have more than 2hrs sunlight, as per the minimum requirement. Refer to Section 4.2.9 of this report for more information.	Appendix D, Appendix E and Appendix F.
The impact of flood levels on design	The current approach may have resulted in an unnecessarily elevated building form. Further justification or refinement is recommended to ensure flood mitigation measures are proportionate and do not preclude stepping the building to better follow the natural slope and reduce built form impacts.	Flooding matters have been discussed extensively in Section 4.3.3 of this report.	Appendix P
Privacy	The proposal does not fully comply with the visual privacy requirements in 3F of the ADG. It is therefore recommended that the proposal is amended as set out in section 27.	Refer to Appendix F – this states ‘objective achieved’.	Appendix F
Views	It is requested that any impact upon private views is considered in the assessment of the proposal	The proposal does not directly block existing view corridors due to the location of the site at the basin of Rose Bay, therefore additional view impact assessment is not necessary for the purpose of this report.	N/A
Acoustic impacts	Council’s Environmental Health Section recommends the following mitigations are to be implemented: ▪ Use of the communal open space is to be limited to 7:00am to 10:00pm every day to avoid the sensitive nighttime period. ▪ Signs shall be installed at the entryway and within the communal open space to remind users to be mindful of noise. ▪ Amplified music is permitted to be used within the COS (during the recommended operational hours of 7:00 am – 10:00 pm) if restricted to the use of one speaker with a sound power level of 75 dB(A) (or 68 dB(A) as a sound pressure level when measured at a distance of 1 m) at any time. ▪ A detailed Construction Noise and Vibration Management Plan (CNVMP) should be prepared at the construction certificate stage to address construction noise and vibration impacts upon sensitive receivers.	Refer to Section 4.2.10 of this report for acoustic amendments. Elements of this can be conditions of consent.	Appendix K

Key Issue	Recommendation	Response	Appendix
Contamination	Council's Environmental Health Section recommends: - Implementation of the site specific recommendations detailed in Section 6 of the Preliminary Site Investigation Report prepared by EI Australia Pty Ltd – SSD-86017721 – Report No. 6745.E01_Rev2 – 12 September 2025, - An Unexpected Contaminated Land and Asbestos Finds Procedure (Procedure) for the management of contaminated land and asbestos materials identified during SSD-86017721 23-31 Dover Road Rose Bay Project must be prepared prior to the commencement of construction work to ensure that potentially contaminated material is appropriately managed.	Noted.	N/A
Heritage	Council's Heritage Officer has reviewed the proposal and advised: - The recommendations of the ACHA and ARD should form part of the conditions of consent for the SSDA. - Given the uncertain nature of archaeology, and to safeguard against all eventualities, an Unexpected Finds Procedure is recommended to be implement during project delivery phase. Should anything be uncovered beyond what has been discussed in this report the Unexpected Finds Procedure will provide an opportunity for the find to be inspected and rapidly assessed by an archaeologist. If suspected as being a relic the NSW Heritage Council must be notified at that time, and further assessments and approvals may be required. - The recommendations of the HAA should form part of the conditions of consent for the SSDA.	Noted.	N/A
Traffic generation	It is recommended to reduce onsite parking, to facilitate alternative and more sustainable transport modes and mitigate congestion in this area.	Refer to Section 4.2.8 of this report.	Appendix Q.
Vehicular access	Council's Traffic Engineer has advised: The proposed 6m-wide vehicular access exceeds the maximum width requirement for a Category 1 access facility, as stipulated in	Refer to Section 4.2.8 of this report where Traffic and Access matters are discussed. The proposed access width is compliant with the relevant Australian Standard requirements. A intercom bollard is required,	Appendix Q

Key Issue	Recommendation	Response	Appendix
	AS 2890.1. The width should be reduced to 5.5m to comply with the standards. - The gradient of the access driveway complies with the standard and is considered acceptable. It should however be noted that, the access is in close proximity to the roundabout of Dover Road and Ian Street and the border of Rose Bay High Pedestrian Activity Area. In addition, it is scheduled to install a pedestrian crossing on the southern side of the roundabout to increase crossing opportunities and improve pedestrian safety. It is therefore requested that future vehicle access to and from the site be restricted to left-in/left-out. - Swept path analysis has been undertaken which demonstrates satisfactory movement accessing and egressing the site. To assist with enforcement of such operation, should the development be approved, it is requested that the developer liaise with Council's Engineering Services Department, to develop, fund and install concrete median island. - It is noted that 2m x 2.5m driveway sightline splay is provided along the exit side of the driveway which complies with AS 2890.1, noting sight splay is only required on the exit side if it serves a two-way two-lane driveway. It is therefore requested that signage and/or line marking be provided to clearly delineate the traffic to allow independent operation of the two lanes. Any structure within the splay area should be removed to ensure visibility between vehicles leaving the car park and pedestrians on the frontage road footpath. This should be clearly depicted on the architectural plans.	therefore, to accommodate this, the width of the access driveway remains at 6m – PDC Consultants support this. The proposal is happy to adopt a vehicular access to left in / left out. Swept path analysis has been undertaken and demonstrates satisfactory vehicle access and egress for the design vehicle. PDC Consultants are happy to support whatever decision the developer wanted to take with respect to the concrete median island. To facilitate independent operation of the inbound/outbound lanes, line marking and/or signage will be provided and detailed on the civil/architectural plans at the CC stage. This level of detail is typically not required for DA plans but would be implemented prior to the release of a CC.	
	Council's Development Engineer has advised: A preliminary assessment of the submitted architectural plans has identified the following issues which shall be addressed by the applicant prior to further assessment: The dimensions of all parking spaces, aisle width and blind aisle must be clearly depicted on the drawings, demonstrating compliance with AS2890.1.	- All dimensions of parking spaces are clearly depicted on architectural plans. - Finished Floor Levels for the driveway are clearly depicted on the architectural plans. Architectural Plan (DA 1003 Rev B) shows the finished floor levels on both sides of the proposed driveway at the property boundary (8.230 and 8.420). Given these are different	Appendix D

Key Issue	Recommendation	Response	Appendix
	- The finished floor levels on both end of the proposed driveway at the property boundary must be clearly depicted on the architectural drawings. Since there is quite a longitudinal fall on the frontage footpath, the applicant must ensure that the finished levels of the driveway entry slab are tapered so that they are parallel to the longitudinal fall of the existing footpath to prevent car scraping. - In light of point (b) above and to ensure that vehicular access meets all the requirement of AS 2890.1 in terms of car scraping, longitudinal profiles (scale 1:20) along each side/edge of the vehicular crossing must be prepared for further assessment. The driveway profile along each side/edge of the proposed crossing is to start from the road centreline which include the Council's Standard layback and gutter into the parking slab. The driveway profiles shall be prepared by a chartered professional civil engineer and submitted in Scale 1:20 (for template checking purposes) which contain all relevant details: reduced levels in AHD for both existing and proposed finished levels, the depth of cut/fill, grades representing in percentage and horizontal distances representing in chainages. Council's standard layback is 450mm wide and back of layback is 70mm above the gutter invert. Note that the finished level of the existing footpath must remain unaltered. All driveway grades and transitions must comply with AS2890.1-2004 and Council's specification.	(because they correspond to the longitudinal fall of the frontage footpath), then naturally the finished levels of the driveway entry slab will be tapered to ensure they both achieve the same crest RL. The architectural plans provide a ramp section drawing, Section B (DA 3101 Rev B) which shows the vehicular ramp grades along the critical edge of the ramp, being the southern side. Whilst not prepared by a chartered civil engineer and not being at 1 in 20, this section shows all the necessary information that Council's traffic engineer would need to see in assessing whether the ramp meets the relevant requirements of AS 2890.1. A section along the other side would show almost the same ramp, just with the property boundary RL being a little lower and so the first part of the ramp being a little shallower. PDC Consultants suggest this information is requested prior to CC and that it is not typical information at this stage.	
Flood	Council's Drainage Engineer has reviewed the proposal and recommended conditions included in Annexure A.	Noted – the applicant will accept a reasonable and relevant condition stipulating flood requirements.	N/A
Stormwater	Further assessment of the proposal should not proceed until the stormwater design is revised and substantiated. The applicant is required to undertake a survey of Council's drainage infrastructure, demonstrate a compliant connection wholly within the site frontage, and provide detailed stormwater plans and longitudinal sections. The design must also ensure no backwater or submerged outlet conditions, with all levels clearly documented to Council standards.	Flooding matters and stormwater have been discussed extensively in Section 4.3.3 of this report.	Appendix G & Appendix P

Key Issue	Recommendation	Response	Appendix
Request for further information	The following additional information is requested to enable an assessment of the proposal: - The Dewatering Management Plan and Geotechnical Investigation Report must consider the cumulative impacts on groundwater flows and floodwater movements from future LMR development and make reference to the Woollahra DCP 2015 Groundwater (hydrogeology) and geotechnical impact provisions. - Provide a high level study that confirms that future development on 10 to 22 Wilberforce Avenue can achieve the ADG solar access standard of 70% of apartments receiving 2hrs of sunshine in midwinter. - Amended stormwater concept plans to address the concerns raised in this submission. - Amended vehicular access plans and details to address the concerns raised in this submission. - Amended plans detailing the removal and replacement of Council Trees B, C, D & E.	The following additional information has been provided to thoroughly address Council's queries: - Revised Dewatering Management Plan - Revised Geotechnical Investigation Report - Revise Site Hydrogeology Report - Revised Architectural Plans - Revised Design Report - Design Responses - Revised Dewatering Management Plan - Revised Flood Impact and Risk Assessment - Traffic Letter - Addendum Landscape Plans and Letter Response	Appendix D, E, F, G, H, O, P, Q, L

4.3.2 NSW SES

The following table provides a response to each key recommendation of the New South Wales State Emergency Service (NSW SES).

Table 6 NSW SES Comments

Key issue	Recommendation	Response	Appendix
Advise the consent authority	Advise the consent authority to request the Flood Impact and Risk Assessment (FIRA) be resubmitted to adequately address existing and post-development conditions in accordance with the NSW Government Guidelines, as this would inform future site development and appropriate flood mitigation measures.	CSSE advise that the flood modelling informing the FIRA has been completely renewed. An alternate TUFLOW flood model has been utilised which allowed for overland flow across residential property, which overcomes the main limitation of the SOBEK model used as part of the 'Rose Bay Floodplain Risk Management Study and Plan' (WMA Water, 2014). The input	Appendix P - Revised Flood Impact and Risk Assessment, prepared by

		rainfall has also been updated to reflect ARRV4.2 for RCP4.5 and the year 2030. Both existing and proposed flood behaviour has been defined and indicates that, Dover Road is generally only subject to shallow floodwater and that the site only experiences very minor inundation in all flood events up to and including the PMF. The proposed works are not predicted to have any significant impact on local flood behaviour.	Catchment Simulation Solutions
Recommend seeking advice	Recommend seeking advice from the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) in relation to the modelling approach and regarding the impact of the proposed development on flood behaviour at the site and neighbouring areas, and any appropriate mitigation measures, particularly noting the proposed impervious flood wall along the Dover Road frontage and the eastern lot boundary, which has the potential to create adverse impacts on flooding to the subject land or surrounding properties.	The renewed flood behaviour indicates that the proposed works (including the impervious wall) are not predicted to have any significant impact on local flood behaviour. The design of the building (minimum floor levels) and crest in the driveway protect the development from inundation in all flood events.	Appendix P – Revised Flood Impact and Risk Assessment, prepared by Catchment Simulation Solutions
Emphasise that the shelter in place strategy is not equivalent	Emphasise that the shelter in place strategy is not equivalent, in risk management terms, to evacuation and it should not be used to justify future development. Should development be pursued, the consent authority must be satisfied that the proposal demonstrates consistency with the Shelter in Place Guideline (NSW Government, 2024) to ensure the risk to life is adequately managed and/or mitigated. This includes addressing (but not limited to) the following considerations:	The renewed flood behaviour indicates that the flood behaviour on Dover Road is no more severe than H1 in events up to and including the 1% AEP. Therefore, the site does not require evacuation of occupants, nor shelter in place in these events as access/egress is maintained. In the PMF, H5 is predicted within the gutter on Dover Road, indicating unsafe conditions, however, the duration of isolation is extremely short being < 50minutes. The development itself is located outside of, and protected to above the PMF extent under proposed conditions.	Appendix P – Revised Flood Impact and Risk Assessment, prepared by Catchment Simulation Solutions
	Flooding occurs within less than 6 hours from the commencement of causative rain and the duration of shelter in place due to isolation by floodwaters is less than 12 hours from the commencement of rainfall (8b)	As above – shelter in place is not required in all events up to and including the 1% AEP, with only an extremely short period of isolation in the PMF (<50 minutes).	Appendix P – Revised Flood Impact and Risk Assessment, prepared by Catchment

		Simulation Solutions
	Development is not subject to high hazard flooding (e.g. Floodways, high hazard h5 or h6 areas) or surrounding roadways are not subject to high hazard flooding (8c) The proposed development is flood free in all flood events, and although the hazard on Dover Road reached H5 in the PMF, the duration of this is extremely short (<50 minutes).	Appendix P – Revised Flood Impact and Risk Assessment, prepared by Catchment Simulation Solutions
	An understanding of secondary risks and how the proponent proposes they will be managed – to be outlined in the FIRA (10) As above – shelter in place is not required in all events up to and including the 1% AEP, with only an extremely short period of isolation in the PMF (<50 minutes).	Appendix P – Revised Flood Impact and Risk Assessment, prepared by Catchment Simulation Solutions
Caution	Caution that people sheltering in place in a location below the height of the PMF is inadequate, as it poses a significant risk to life, therefore we recommend the consent authority requests the proponent to demonstrate if all habitable floor areas, as well as the basement, are protected to a level above the PMF,⁴ or if the ground floor level, which includes residential units⁵ is proposed to be at 9.42m AHD (the peak 100-year ARI + 0.5 metres freeboard) and the basement driveway crest at 8.75m AHD (the peak 100-year ARI flood level + 0.3 metres freeboard). The proposed development is flood free in all flood events. To demonstrate, ▪ The peak 1%AEP level + 0.5m = 9.37m AHD (pedestrian entry) ▪ The peak PMF level = 8.92m AHD (pedestrian entry), and 8.52m AHD (vehicular entry) ▪ The ground floor level is located at 9.42m AHD ▪ The basement is protected to 8.75m AHD Therefore, all elements of the development are located above both the 1%AEP + 0.5m and PMF.	Appendix P – Revised Flood Impact and Risk Assessment, prepared by Catchment Simulation Solutions

Recommend that all openings to the basement	Recommend that all openings to the basement (ramp, vents, etc) are situated above the Probable Maximum Flood (PMF) or 1% AEP plus freeboard, whichever is higher as a condition of consent. If this is not feasible reconsider basement carparking as any openings to the basement are below the PMF will pose risk to life and property.	It is intended that all openings to the basement that are flood exposed will be protected to 8.75m AHD (as per the driveway crest).	Appendix P – Revised Flood Impact and Risk Assessment, prepared by Catchment Simulation Solutions
--	---	---	--

4.3.3 Conservation Programs, Heritage and Regulation

The following table provides a response to each key recommendation of CPHR (Conservation Programs, Heritage and Regulation).

Table 7 CPHR Comments

Key issue	Recommendation	Response	Appendix
Flooding	- A new site-specific flood study be prepared in accordance with <i>Understanding and managing flood risk: Flood risk management guideline FB01 (DPE, 30 June 2023)</i>. The study must incorporate an extended area to include upstream, downstream and adjacent properties. - The new flood study must be used in the preparation of a revised FIRA.	The flood modelling informing the FIRA has been completely renewed. An alternate TUFLOW flood model has been utilised which allowed for overland flow across residential property, which overcomes the main limitation of the SOBEK model used as part of the 'Rose Bay Floodplain Risk Management Study and Plan' (WMA Water, 2014). The input rainfall has also been updated to reflect ARRv4.2 for RCP4.5 and the year 2030. The model encapsulates the entire upstream contributing catchment area and extends downstream to the Rose Bay foreshore (see Plate 2).	Appendix P – Revised Flood Impact and Risk Assessment, prepared by Catchment Simulation Solutions
	A revised FIRA must be prepared in accordance with the requirements of <i>Flood impact and risk assessment: Flood risk management guideline LU01 (DPE, 30 June 2023)</i> .	The current report constitutes a revised FIRA, which is based on an alternate TUFLOW flood model which allows for overland flow across residential property,	Appendix P – Revised Flood Impact and Risk

	which overcomes the main limitation of the SOBEK model used as part of the 'Rose Bay Floodplain Risk Management Study and Plan' (WMA Water, 2014).	Assessment, prepared by Catchment Simulation Solutions
Update flood planning requirements for the development from offsite flooding sources other than the roadway Ensure that overland flow from adjoining properties is not obstructed by the development."	The TUFLOW model used as part of this revised FIRA allows for flows to enter the site from sources other than the roadway. In this regard, inundation is predicted in the south-west corner of the site from flow leaving Wilberforce Avenue. Flood planning levels have been considered based on this inundation (although the inundation on Dover Road will preside). No works are proposed within the location on inundation due to tree root zones and flood affectation and Figure 27 through Figure 34 indicate that the proposed works do not have any adverse impact on flood behaviour across adjacent properties.	Appendix P – Revised Flood Impact and Risk Assessment, prepared by Catchment Simulation Solutions
Assess the development against the Shelter in place guideline for flash flooding (DPHI, January 2025).	The renewed flood behaviour indicates that the flood behaviour on Dover Road is no more severe than H1 in events up to and including the 1% AEP. Therefore, the site does not require evacuation of occupants, nor shelter in place in these events as access/egress is maintained. In the PMF, H5 is predicted within the gutter on Dover Road, indicating unsafe conditions, however, the duration of isolation is extremely short being < 50minutes. The development itself is located outside of, and protected to above the PMF extent	Appendix P – Revised Flood Impact and Risk Assessment, prepared by Catchment Simulation Solutions

under proposed conditions.

4.3.4 NSW Department of Climate Change, Energy, the Environment and Water

The following table provides a response to each key recommendation of NSW Department of Climate Change, Energy, the Environment and Water (NSW DCEEW). It is noted a number of issues raised in the NSW DCEEW submission has also been previously raised and addressed in response to the DPHI RFI letter. To avoid duplication, this report references the previous response and relevant appendices as required.

Table 8 Response to DCCEEW Comments

Key issue	Recommendation	Response	Appendix
Groundwater quality monitoring and management	Recommendation – post-determination - Undertake groundwater quality monitoring for a minimum of 3 months to establish a baseline data set. - Analyse the collected baseline data set and update the Dewatering Management Plan, including the Trigger Action Response Plan.	Prior to the SSDA lodgement, Morrow completed three months of groundwater level monitoring and one round of water quality testing, which has been sufficient for all previous Morrow assessments for WaterNSW/DCCEEW. Additional water quality testing can occur post-determination as per DCCEEW comment. This can be incorporated as a condition of the SSDA consent to be completed post-determination. A revised Dewatering Management Plan has been prepared by Morrow which includes the following additional information; - Replacing references to sheet piles with CSM wall - Section 6 – Cumulative Geotechnical and Hydrogeological impacts, reference to basement shoring and tanking - Section 9 – Conclusions and recommendations, includes reference to the cumulative impact of the proposed works	Dewatering Management Plan at Appendix G
	Recommendation – post-determination That DPHI requests the proponent to obtain a water access licence (WAL) to account for the maximum predicted water take for construction and operation activities unless an exemption applies under the Water Management (General) Regulation 2025.	Noted. This can be incorporated as a condition of the SSDA consent to be completed post-determination.	N/A

4.3.5 Sydney Water

The following table provides a response to matters outlined by Sydney Water.

Key issue	Comment	Response	Appendix
Water and Wastewater Servicing	- Our preliminary assessment indicates that water and wastewater servicing should be available for the proposed development. - Amplifications, adjustments, deviations and/or minor extensions may be required. - Detailed requirements will be provided at the Section 73 application stage.	Noted.	N/A
Next steps	- Should the Department of Planning, Housing and Infrastructure (the Department) decide to progress with the subject development application, Sydney Water would require the following conditions be included in the development consent. - Section 73 Compliance Certificate - Building Plan Approval Further details of the conditions can be found in Attachment 1. - The Department is advised to forward the enclosed Sydney Water Development Application Information Sheet (for proponent) to assist the proponent in progressing their development. This Info Sheet contains details on how to make further applications to Sydney Water and provides more information on Infrastructure Contributions.	Noted.	N/A

4.4 Response to Public and Special Interest Group Submissions

Table 13 provides a response to submissions received from the public.

Table 9 Response to Public and Special Interest Group Submissions

Issue	Response	Appendix
Economic, Environmental, Social Impacts		
81% of submissions raised concern regarding the economic, environmental, social Impacts of the proposal. These are split out into individual themes below.		
Impact on Infrastructure, Services and Surrounding Buildings (Cumulative Impacts) 64% of submissions raised concerns regarding the cumulative impacts of the proposal, including: - No comprehensive cumulative assessment of multiple proposed deep basement excavations within a connected groundwater system. - Risk of subsidence, structural cracking and damage to adjoining buildings from groundwater drawdown and land instability. - Existing reports of basement flooding and drainage issues, with concern that further excavation will exacerbate inundation. - Increased traffic congestion at Dover Road/Ian Street and surrounding network, particularly during peak periods. - Perceived insufficient capacity of local roads, stormwater, sewer and public transport to accommodate additional density.	The amended proposal has been refined to address concerns raised regarding cumulative impacts. - Cumulative basement excavations and groundwater impacts: The updated FIRA provides further analysis of the cumulative effects of multiple basement excavations on the groundwater system and addresses associated flooding impacts and mitigation measures. - Geotechnical and dewatering management: Updated Geotechnical, Site Hydrogeology and Dewatering Management Plans confirm that detailed site investigations, groundwater modelling, and settlement analyses have been undertaken in accordance with relevant Australian Standards and guidelines. A condition of consent will require a Dilapidation Report to assess the condition of surrounding properties. Construction will be monitored to protect neighbouring structures, with contingency measures in place. - Traffic impacts: A Traffic Impact Assessment (TIA) lodged with the SSDA demonstrates that additional traffic can be accommodated on the surrounding network. - Local infrastructure capacity: An Integrated Water Management Plan and TIA confirm sufficient capacity within stormwater, sewer, traffic, and public transport networks to support the development. - Construction impacts: A Preliminary Construction Traffic Management Plan lodged with the SSDA addresses potential impacts of construction on neighbouring properties and public infrastructure.	Appendix G, Appendix H, Appendix O & Appendix Q, Appendix S

- Potential construction impacts (vibration, excavation, dewatering) on neighbouring properties and public infrastructure.

Hydrogeology, Flood Risk, Drainage and Excavation

61% of submissions raised concerns regarding the hydrogeology, flood risk, drainage and excavation impacts of the proposal, including:

- Shallow groundwater, loose soils, and flood-prone conditions increase risks of subsidence, settlement, and property damage.
- Deep basement excavation and dewatering may impact groundwater, soil stability, drainage, and neighbouring properties, particularly cumulatively with other nearby developments.
- Disturbance of acidic soils could mobilise contaminants into stormwater or the harbour.
- Excavation and construction (vibration, dust, machinery) pose temporary risks to residents and sensitive sites.
- Existing stormwater, sewer, and flood infrastructure may be insufficient without mitigation.

The amended proposal has been refined to address concerns raised regarding hydrogeology, flood risk, drainage and excavation impacts.

- Updated Geotechnical, Site Hydrogeology, Dewatering Management and FIRA reports have been prepared to fully address concerns relating to Hydrogeology, Flood Risk, Drainage and Excavation, as outlined above.

Appendix G,
Appendix H, Appendix
O & Appendix P,
Appendix S

Traffic / Parking

60% of submissions raised concerns regarding the traffic and parking impacts of the proposal, including:

- Proposed development will increase local traffic and peak-hour congestion on Dover Road, Old South Head Road, and New South Head Road.
- Cumulative impacts with nearby developments could substantially worsen congestion due to limited entry/exit points on the peninsula.

The amended proposal has been supported by an updated Traffic Letter prepared by PDC Consultants, which confirms that the development will not result in unacceptable traffic, parking or safety impacts. Key points are as follows:

- Peak-hour traffic and public transport: The submitted TIA and updated Traffic Letter demonstrate that the surrounding road network has sufficient capacity to accommodate the development. No external road upgrades or intersection improvements are required, and the minor increase in traffic is unlikely to affect public transport services.
- Cumulative impact: The TIA includes the provision of a concrete median along the Dover Road frontage, ensuring vehicle access operates as left-in / left-out only, mitigating potential cumulative traffic effects.

Appendix Q

- Existing traffic assessments are perceived as underestimating vehicle generation and not accounting for precinct-wide effects. - Increased traffic and parking demand may reduce pedestrian safety, affect school drop-off zones, and strain on-street parking. - Local bus services may be delayed by congestion, increasing reliance on private vehicles and reducing sustainable transport options.	- TIA: The TIA has been prepared in accordance with the Guide to Traffic Impact Assessment, providing a robust estimate of expected vehicle movements. - Safety: The Traffic Letter outlines pedestrian safety measures, and basement parking is proposed to minimise impacts on on-street parking. Overall, the updated traffic letter concludes that the amended proposal will not result in adverse traffic, parking or safety impacts. On this basis, the proposal is considered acceptable from a traffic and transport perspective.	
Social Impact 24% of submissions raised concerns regarding the social impacts of the proposal, including: - Out-of-scale, high-density development alters low-density village character, reduces open space, shade, privacy, and visual amenity. - Increased traffic, parking demand, and construction activity pose risks to pedestrians, children, and nearby residents; noise, dust, and vibration affect health and quality of life. - Local roads, schools, childcare, public transport, and services are insufficient to support the increased population. - Affordable housing is considered inadequate; benefits to the community are outweighed by risks to residents' safety, lifestyle, and amenity. - Development could set a precedent for further high-density projects; cumulative effects on social fabric, infrastructure, and safety are not assessed.	- Community character and amenity: The design complies with LMR policy and ADG requirements, incorporating setbacks, articulation, and landscaping to maintain streetscape and residential amenity. Updated architectural plans further address potential social impacts to benefit nearby residents. - Public safety and wellbeing: A Preliminary Construction Traffic Management Plan (CTMP) was lodged which ensures construction and traffic impacts are appropriately managed, while noise, dust, and vibration are mitigated to protect residents and pedestrians. - Infrastructure capacity: The development's impact on local infrastructure has been assessed above and is considered manageable within existing services. - Public benefit and equity: The proposal delivers 9 affordable housing units and communal open space, providing clear social benefits in line with the Housing SEPP parameters. - Cumulative and long-term impacts: The development aligns with LMR controls, with measures in place to mitigate any cumulative or long-term impacts on the surrounding community.	Appendix E
Acid Sulfate Soils / Contamination 22% of submissions raised concerns regarding the acid sulfate soils and contamination impacts of the proposal, including:	Excavation intersects shallow groundwater: Excavation design has been engineered in consultation with geotechnical specialists, including basement waterproofing and foundation controls, to ensure stability of surrounding properties.	Appendix G, Appendix H, Appendix I, Appendix O, Appendix P, Appendix S

- Excavation intersects shallow groundwater, risking soil destabilisation and structural impacts. - Disturbance of Acid Sulfate Soils may contaminate groundwater, foreshore, and harbour ecosystems. - No cumulative risk assessment for multiple nearby developments; potential for wider environmental impacts. - Site is high-risk for flooding; excavation and tree removal may worsen soil stability and flood impacts.	- Disturbance of Acid Sulfate Soils: An Updated ASS Management Plan has been prepared, detailing handling, treatment, and mitigation measures to prevent contamination of groundwater and nearby environments. - No cumulative risk assessment: Cumulative risk assessment has been discussed above. - High-risk flooding / tree removal: Flooding and soil stability risks are addressed through robust design measures, including stormwater management, landscaping, and retaining structures, ensuring no long-term adverse impacts. An updated Flood Impact and Risk Assessment (FIRA) has also been prepared to provide a comprehensive alternative assessment and address all related concerns.	
Affordable Housing 20% of submissions raised concerns regarding the affordable housing element of the proposal, including: - Very few units are designated as affordable in relation to the quantity of units for the entire development. - Short-term affordability; benefits are temporary. - Units may be unaffordable relative to the local market. - Affordable housing provided does not offset broader community impacts	The development provides affordable housing in accordance with the Housing SEPP, with units maintained as affordable for 15 years. These units benefit from access to all communal open spaces, achieving a high level of amenity consistent with NSW ADG standards and the In-fill Affordable Housing Practice Note. Increasing the availability of affordable housing in areas of high amenity, in proximity to public transport, schools and hospitals means that key workers have genuine opportunities to live close to employment and essential services, supporting both social equity and broader economic productivity.	Appendix D, Appendix E
Trees & Landscaping 20% of submissions raised concerns regarding the tree and landscaping impacts of the proposal, including: - The removal of 27 mature trees results in the loss of shade, cooling, flood buffering, biodiversity, and amenity. - The tree removal, excavation, and concrete structures will increase erosion and affect soil stability. - The loss of trees and landscaped areas is irreversible.	The landscape strategy includes replacement planting and retention of significant trees where possible. New trees and planting areas will enhance biodiversity, provide shade, and contribute to stormwater management, maintaining amenity and microclimate benefits. With respect to biodiversity, a Biodiversity Development Assessment Report (BDAR) Waiver has been issued by the Department of Planning, Housing and Infrastructure confirming that the proposed development is not likely to have any significant impact on biodiversity values. Accordingly, no BDAR is required under the Biodiversity Conservation Act 2016. This provides certainty that the proposal will not adversely affect critically endangered ecological communities or vulnerable species.	Appendix L, Appendix M

The removal of trees contributes to long-term impacts on local flora, fauna, and foreshore ecosystems.	Concerns regarding tree removal have been addressed through the revised landscape strategy. Although the proposal requires the removal of existing trees, the amended scheme increases deep soil provision from 2.7% to 3.2%. More generally, 79.1% of the site includes 'landscaped area', excessively exceeding the required minimum of 30%.	
Overshadowing/ Solar Access 12% of submissions raised concerns regarding the overshadowing/solar access impacts of the proposal, including: - Overshadowing of adjoining properties, resulting in reduced solar access to dwellings and private open spaces. - Loss of sunlight to surrounding streets and public domain areas. - Impacts on residential amenity, including reduced daylight, privacy, and outlook. - Cumulative overshadowing impacts when considered alongside other approved or proposed developments in the locality.	- An updated Design Report has been prepared in accordance with the ADG and demonstrating compliant with these parameters. - Overshadowing analysis has been provided which demonstrates that while there will be additional shadow cast from the proposed development, at the worst time of the year (i.e. mid-winter), the private open space of dwellings directly behind the site on Wilberforce Avenue will receive sunlight generally after midday through to the late afternoon. This analysis demonstrates that the additional height and floor space above the LMR controls (i.e. attributed to the affordable housing bonus) does not materially change this situation. - The design incorporates appropriate setbacks, articulation, separation distances, and privacy measures (including screening and window placement) to ensure compliance with ADG requirements and to maintain acceptable levels of amenity for adjoining residents. - Cumulative affects assessed above.	Appendix D, Appendix E
Impact During Construction 10% of submissions raised concerns regarding the impacts during construction of the proposal, including: - Risk of settlement, subsidence and structural damage due to excavation into shallow groundwater and loose soils, with no cumulative assessment of nearby projects. - Basement construction in a mapped floodway may alter overland flow and worsen local flooding and safety risks. - Prolonged noise, vibration, dust, heavy vehicles and tree removal affecting nearby residents, schools and childcare centres.	A CEMP was lodged which addresses and provides mitigation measures for the risk of subsidence and groundwater. All of these concerns have been addressed previously in this table.	N/A

- Increased construction traffic on already congested roads, creating safety risks, particularly during school peak times.

Residential impacts (e.g. noise/light pollution/ventilation)

10% of submissions raised concerns regarding residential impacts of the proposal, including:

- Construction impacts – noise, vibration, dust, heavy vehicles and associated disruption to nearby residents and childcare centres.
- Amenity impacts – overshadowing, loss of privacy and outlook, light spill, and visual bulk from the building's height and scale.
- Traffic and safety impacts – increased congestion, parking pressure and pedestrian risk affecting daily residential amenity.
- Environmental and structural concerns – excavation, groundwater disturbance, settlement risk and tree removal affecting stability, cooling and neighbourhood character.

- Construction impacts: Noise, dust, vibration, and truck movements will be managed through the approved CEMP, as outlined above. A NVIA has also been prepared for the site which outlines some mitigation measures to reduce impacts of works.
- Amenity impacts: setbacks, landscaping, and lighting controls minimise overshadowing, privacy loss, and light spill. Updated architectural plans are being prepared to evidence the improved amenity at the site.
- Traffic and safety impacts – A TIA and updated Traffic Note set out measures to ensure safe access and minimal disruption during and after construction.
- Environmental and structural concerns – Updated geotechnical and groundwater assessments confirm the development will have minimal impact on neighbouring properties, as discussed above.

Appendix D,
Appendix E,
Appendix G,
Appendix H,
Appendix K,
Appendix Q,
Appendix S

Visual Impact

9% of submissions raised concerns regarding visual impacts of the proposal, including:

- Excessive height and bulk, out of character with low-rise Rose Bay.
- Loss of views and overshadowing affecting neighbour amenity.
- Erosion of streetscape and village character.
- Removal of mature trees reducing visual quality and shade.

A Visual Impact Assessment has been prepared, demonstrating that the development's scale, height, and massing conform with LMR requirements. Setbacks, articulation, and landscaping are incorporated to minimise visual dominance, overshadowing, and loss of views, ensuring the development preserves local character and residential amenity.

Fieldwork observations, preliminary 3D modelling, and review of publicly available real estate data confirm that nearby residential properties (within 100–200 m) do not obtain views of high scenic value, as defined in Tenacity terms, across or beyond the subject site.

Local views are largely screened by intervening development and mature street canopy. Any change would be limited to minor sky loss in upward or oblique side-boundary views, which are not of material consequence under Tenacity criteria.

For more distant and elevated dwellings (refer Section 6.10 of VIA), only isolated vignette views may occur. In worst-case scenarios (e.g. Figure 41, 9 Carlisle Street of

Appendix D, Appendix E

	VIA), the proposal sits outside the primary view line to identified iconic elements and would not result in view blockage. Higher levels would experience even less effect, with any visible built form occupying only a small portion of broader outlooks. Similarly, for other elevated residential flat buildings to the south-east, any localised change in one view direction would be offset by the retention of primary scenic outlooks. The limited non-compliant height would not be visible from sensitive viewpoints. Accordingly, the proposed additional height will not generate material private view impacts. Overall, private domain impacts are low, localised, and consistent with development anticipated under the Housing SEPP and associated bonus provisions. No further analysis is warranted.	
Privacy 5% of submissions raised concerns regarding privacy impacts of the proposal, including: - The building's height and bulk will dominate the streetscape, overshadow neighbouring homes, and intrude on residents' privacy. - Its scale is inconsistent with the low-rise village context, with cumulative impacts from nearby developments worsening privacy and amenity. - Overlooking from apartments and elevated areas will affect adjacent properties and open spaces, reducing the quality of residential life.	- The development generally conforms with LMR controls, with setbacks, step-backs, and landscaping reducing bulk, overshadowing, and overlooking. Apartment layouts and screening minimise privacy impacts, while the Visual Impact Assessment confirms the scale and cumulative effects are acceptable, maintaining surrounding amenity. - The existing significant trees along the southern boundary are proposed to be retained. Only minor trees (Trees 11, 12, 13, 21 and 23) are proposed for removal. The retention of Trees O, Q and I, together with the planting of four new canopy trees that will exceed the existing canopy coverage on site, will provide adequate and more consistent landscape screening.	Appendix D, Appendix E, Appendix M
Aboriginal 1% of submissions raised concerns regarding privacy impacts of the proposal, including: Concern that the risks to objects of significance to the Indigenous community have not been assessed or managed.	An ACHAR was prepared which included consultation with 11 registered Aboriginal Parties. One site with potential archaeological deposits was identified. Deep excavation prevents full avoidance, so mitigation were highlighted within the ACHAR.	N/A

- Lack of clarity around community consultation, specifically whether Aboriginal stakeholders or cultural heritage representatives were included.
- Potential long-term impacts on Indigenous heritage from construction, including excavation, increased activity, and cumulative development in the area.

The Project

56% of submissions raised concern regarding the project itself and its Impacts of the proposal. These are split out into individual themes below.

Design, Bulk and Scale

44% of submissions raised concerns regarding design, bulk and scale impacts of the proposal, including:

- Building height (8 storeys) considered excessive and inconsistent with the prevailing 4–5 storey context.
- Visual bulk and massing viewed as overdevelopment of the site.
- Proposal considered out of character with the established low-density / village character of Rose Bay.

The amended scheme has been refined to address concerns raised regarding bulk, scale and setbacks, as discussed in Section 4.2.1 of this report.

The proposal complies with the LMR and in-fill affordable housing policies, therefore, is deemed acceptable in scale terms.

Appendix D, Appendix E

The Location/ The Site

30% of submissions raised concerns regarding the location/ the site itself, including:

- Site identified as a low-lying, hydrogeological sensitive area with shallow groundwater, loose soils and a history of structural and flooding issues.
- Concerns regarding deep basement excavation intersecting the water table, including cumulative impacts on groundwater stability and neighbouring properties.

Updated Geotechnical and Dewatering Management Plans confirm that detailed site investigations, groundwater modelling, and settlement analyses have been undertaken in accordance with relevant Australian Standards and guidelines. They confirm the development can be accommodated with appropriate engineering and mitigation measures.

The basement design incorporates suitable construction and monitoring to manage groundwater and protect adjoining properties.

Acid Sulfate Soils will be managed in accordance with NSW guidelines, and as per the ASS Management Plan.

Additional cumulative assessments have been provided to demonstrate the proposal can be supported by existing infrastructure and is permissible under the applicable LMR Housing provisions.

Appendix G, Appendix H, Appendix S

- Potential disturbance of Acid Sulfate Soils and broader environmental risks to the Rose Bay foreshore and Sydney Harbour.
- Existing infrastructure and road network constraints within a peninsula setting, raising questions about the site's suitability for intensified development under LMR provisions.

Non-compliant building height

1% of submissions raised concerns regarding the height of the proposed development breaching the height limit of the site.

The proposal exceeds the maximum building height by up to 3.5m but provides 14.9% of its total GFA (9 apartments) as affordable housing. These units are designed for high amenity and a variety of typologies to suit tenant needs. A lift overrun ensures rooftop access and adequate communal open space. The development delivers affordable housing for very low to moderate income households for at least 15 years, in a location well-served by services, retail, and public transport, addressing an identified need. The modest height exceedance is therefore justified by the significant public benefit.

Appendix D, Appendix E, Appendix R

Procedural Matters

25% of submissions raised concern regarding the procedural Impacts of the proposal, including:

- Residents were not adequately notified, and community concerns appear insufficiently addressed.
- Delegated decision-making, developer-funded reports, and inaccessible documentation raise concerns about procedural fairness.
- Reports consider the site in isolation, failing to account for multiple nearby developments, groundwater, flooding, and structural risks.

- Community consultation of the SSDA was carried out in accordance with DPHI's 'Undertaking Engagement Guidelines for State Significant Projects' and complied with the engagement requirements outlined in the SEARs. This Response to Submissions and Amendment Report details the modified proposal and how the modified proposal has been refined in response to Community submissions, including key concerns which have been reviewed in full and collated thematically as described in this table.
- All technical assessments were prepared by independent, qualified consultants, consistent with standard practice for developments of this scale in Sydney.
- The cumulative impacts of the proposed development have been considered across multiple technical reports, with additional analysis provided in updated documentation as discussed above.

N/A

Justification / Evaluation of the Project

6% of submissions raised concern regarding the procedural Impacts of the proposal, including:

The minor 3.5m height exceedance accommodates rooftop access and lift overruns, with setbacks, articulation, and landscaping ensuring integration with the streetscape. Consultation followed DPHI guidelines, and the development provides 15% of GFA as affordable housing for very low to moderate income households for at least 15 years,

Appendix D, Appendix E

- Proposed height, bulk, and rooftop exceed planning controls and may alter local character. - Community consultation and social impacts (including affordable housing delivery) are inadequate. - Assessments are seen as biased, developer-funded, or lacking evidence. - Approval could set an undesirable precedent and conflict with LMR and planning policies.	near public transport, retail, and services. Independent technical assessments confirm that environmental, social, and visual impacts are properly managed. The proposal aligns with the Housing SEPP, LMR reforms, and planning policies, and the modest height exceedance is justified by the significant public benefits without setting an undesirable precedent.
---	--

4.4.1 Daintry Associates

The following table provides a response to each key recommendation of Daintry Associates. It is noted a number of issues raised in the Daintry Associates submission has also been previously raised and addressed in response to the DPHI RFI letter. To avoid duplication, this report references the previous response and relevant appendices as required.

Table 10 Daintry Associates Comments

Key issue	Recommendation	Response	Appendix
1.3 Apply the Specialised Deep-Excavation Assessment Required for Rose Bay	For a deep two-level basement in the Rose Bay basin, a rational assessment must include: - Numerical groundwater modelling (short-term dewatering + long-term flow alteration) - Settlement modelling using the 15 mm damage threshold (AS2870 + Burland criteria) - Demonstration of compliance with the 0.3 m groundwater drawdown limit - Basin-wide cumulative impact assessment incorporating all LMR uplift sites - Alternatives analysis demonstrating excavation minimisation - Assessment of Acid Sulphate Soils, coastal vulnerability, vibration, and floodway safety reforms.	Numerical groundwater modelling has been undertaken and is presented in Section 4 of the Dewatering Management Plan for the site. It should be noted that no numerical modelling has been undertaken by Fortify or Daintry in support of their statements.	Appendix G

2.1 The Site Sits in the Highest-Risk Part of the Rose Bay Basin	Council's GHD (2024) Hydrogeological and Geotechnical Impacts Study identifies the Rose Bay basin as highly susceptible to settlement, groundwater change, and structural movement. The subject land lies within mapped Settlement Zones A/B, characterised by shallow groundwater, marine sands, localised peat, and collapse-prone alluvium. These conditions represent the most sensitive geotechnical setting in the Woollahra LGA.	Actual investigation and testing of the soils is presented in the Geotechnical Investigation Report. The site is characterised by marine sands over sandstone bedrock. Recommendations for safe excavation within sands are presented in Sections 3.3 to 3.5 of the Geotechnical Investigation Report.	Appendix H
2.2 The Proposed Excavation Exceeds Safe Limits by a Large Margin	The proposal requires a two-level basement approximately 7–8 m deep. Construction would require dewatering of more than 2 m. However, Woollahra DCP Amendment 30 applies a hard maximum drawdown limit of 0.3 m in Settlement Zones A/B. The scheme exceeds this limit by a factor of at least six and therefore cannot comply physically, irrespective of onsite controls or conditions. The application fails to consider Woollahra DCP amendments 30 & 37 in any rigorous way. The annexed expert geotechnical reports (Annexures 3 & 4) support the contention that the piling proposed, and the dewatering, will likely cause irreversible harm to at least 40 properties in the vicinity of the site.	Natural variations in the groundwater level over the monitoring period displayed approximately 300 mm variation from the average groundwater level. The Woollahra DCP conditions are overly restrictive and do not account for the fact that the groundwater level is not static. The groundwater drawdown has been modelled against the NSW Aquifer Interference Policy requirements for Minimal Harm and complies as demonstrated in Section 5 of the Dewatering Management Plan. Again, Fortify and Daintry have not provided any modelling in support of their statements that damage will occur.	Appendix G
2.3 The EIS Fails to Provide the Minimum Technical Information Required	The EIS does not include precinct groundwater drawdown modelling, settlement modelling, or basin-wide cumulative assessment. Without these core assessments, the consent authority cannot discharge its obligations under s 4.15 of the EP&A Act. In such circumstances, the precautionary principle must be invoked and the application refused due to inadequate information and unassessed serious risk. The cumulative assessment must be done given the extent of development being delivered at the same time and the property damage already experienced by developments within the Rose Bay Valley as shown in Figure 1 – LMR Site & Reports of Significant Damage, below and by reference to Annexure 7 – Reported Damage as the Result of Excavation. Although section 177 of the Conveyancing Act 1919 establishes a Statutory Duty of Care “the Law of Support), substantial evidence indicates that	Numerical groundwater modelling has been undertaken and is presented in Section 4 of the Dewatering Management Plan for the site. This modelling has been carried out in accordance with WaterNSW and DCCEEW licensing requirements.	Appendix G

	numerous recent developments in Rose Bay and Double Bay are not compliant with this duty. Accordingly, I contend that it would be inappropriate for the consent authority grant development consent based upon any statement of present intention to comply when the EIS simply fails to demonstrate any real attempt to avoid these impacts.		
2.4 Non-Compliance with LEP and DCP Excavation and Groundwater Controls	The proposal contradicts LEP objectives requiring excavation minimisation and risk management. It also fails to satisfy DCP Amendment 30, which mandates: ▪ A 0.3 m groundwater drawdown limit ▪ Strict vibration limits and monitoring ▪ Consolidated geotechnical controls for Rose Bay The proposed excavation depth, vibration likely from sheet piling (See: Annexure 5) and dewatering (See: Annexure 4) cannot be reconciled with these controls in any form. Based on Figure 2 – Extract from Fortify Geotechnical Assessment (p.9 Plate 4-3) the draw down in the water table greater than 0.3m would extend 62m from the excavation face. If one applied the Double Bay 0.2m requirement (a precautionary approach) the draw down in the water table may extend 68m from the excavation face. To avoid any confusion reading the graph below the left scale is the expect ground water draw down applying the Applicant's reports as assessed by Annexure 4. The Council-commissioned studies (GHD 2020, 2024) identify that groundwater drawdown beyond 0.3 m is likely to cause structural damage to surrounding homes. The EIS relies on no groundwater model, no settlement model, and no cumulative impact analysis, despite requiring groundwater lowering of >2 m, exceeding the safe threshold by a factor of at least six.	Numerical groundwater modelling has been undertaken and is presented in Section 4 of the Dewatering Management Plan for the site. This modelling has been carried out in accordance with WaterNSW and DCCEEW licensing requirements. The natural variation in groundwater level over the course of the monitoring period was approximately 0.42m. The statement that any exceedance of the 0.3m threshold will cause damage is demonstrably false as this is within the natural range of variability. The modelling shows that the proposed works meet WaterNSW and DCCEEW requirements for groundwater drawdown during excavation.	Appendix G
2.5 Cumulative Housing SEPP / LMR Uplift Impacts Not Assessed	The Rose Bay basin is experiencing significant cumulative excavation impacts resulting from the Housing SEPP LMR uplift. Multiple adjacent sites, as illustrated in Figure 1, are scheduled for development within a relatively short timeframe.	Cumulative effects of dewatering are addressed in Section 6 of the Dewatering Management Plan.	Appendix G

	The EIS and supporting documentation provided by the proponent omit key neighbouring sites and do not evaluate basin-wide groundwater drawdown or settlement effects arising from the comprehensive implementation of Chapter 6 of the Housing SEPP. The geotechnical analysis within Annexure 4 finds that 120-130 homes area at risk of damage by exceeding the 0.3m ground water drawdown with likely cracking exceeding 15mm. This omission is material to the application, as uplift mechanisms cannot be utilised where cumulative risk thresholds are exceeded.		
2.6 Additional Red Flags Reinforcing Refusal	Several additional deficiencies strengthen the need for refusal: ▪ Excessive parking ▪ The basement should be limited to a single basement level to contain 45 parking spaces that avoid geotechnical and hydrogeological impacts. ▪ Excessive excavation areas of the basement area ▪ Height of Building – The Clause 4.6 variation encompasses rooftop structures, worsening privacy and bulk impacts. ▪ Acid Sulphate Soils, coastal vulnerability, and flood hazards are materially underassessed ▪ Local damage history (cracking, subsidence, groundwater migration) confirms the risk profile (See: Annexure 7) ▪ Failure to Consider GHD Reports – Since current controls are inadequate and Council recognises the risks, approving excavation without fully considering the results of the Council’s \$300,000 GHD geotechnical and hydrogeological studies would be unacceptable.	Responses to each of these items have been addressed throughout Section 4.2 of this report.	
2.6.1 Excessive Parking	The proposed development: ▪ Contains a unit mix that incentivises car ownership, ▪ Proposes two basement levels of car parking, far exceeding what is appropriate in a transit-served accessible area,	PDC Consultants have prepared a Traffic Letter that confirms the provision of car parking complies with the Housing SEPP – refer Appendix Q.	N/A

	▪ Undermines the strategic planning rationale for permitting higher density in Rose Bay, which rests squarely on reducing car dependence, ▪ Is incompatible with the Exhibited Draft DCP 37, which explicitly seeks to limit parking and reshape dwelling mix to match accessible-area demographics, and		
	Conflicts with Woollahra LEP objectives that require minimising traffic and managing parking impacts in high-density locations.		
3 Conclusion – Refusal is the Only Lawful and Rational Outcome	When the correct statutory and technical process is applied, the outcome is unequivocal: ▪ The excavation cannot meet the 0.3 m groundwater drawdown limit ▪ The EIS lacks essential modelling and cannot demonstrate safety ▪ The site is fundamentally unsuitable for a deep basement under the Housing SEPP uplift ▪ The precautionary principle mandates refusal where serious harm is plausible and evidence is lacking ▪ The LEP/DCP planning framework requires excavation minimisation and risk mitigation that this scheme cannot satisfy. ▪ The risks cannot be appropriately mitigated by conditions that would rely upon private certification post development consent.	Comments have been addressed above.	N/A

5 Project Justification

This Submissions Report has considered the submissions received from DPHI, government agencies, Council, community organisations and members of the public during the exhibition of the EIS for 23–31 Dover Road.

Following consideration of the submissions, the applicant has:

- Provided additional information as requested.
- Undertaken further consultation with DECCW.
- Made the following design changes:

Basement 2

- EV chargers provided across B1 & B2
- Storage zone adjusted accordingly.
- Basement and Ground retention system is required to the shared side boundary with 33 Dover Road in view of the site level differences. Increased setback and deep soil are provided at the eastern corner with increased new trees. Subsequently, storage zone is adjusted accordingly.

Basement 1

- 2 car share and 1 loading space added.
- Rainwater tank relocated to B1 from B2 and Main Switch Room relocated.
- Storage zone adjusted accordingly.
- Storage for bin tug and trailer for general waste and bulky waste collection added. Visitor bike and motorbike parking re-located subsequently.

Ground Floor Plan

- Revised GF lobby design, mail rooms added
- GF forecourts are amended to provide quality Communal Open Space (COS), in addition to GF communal garden and roof terrace. Increased landscaping includes lawn for pets and seating under tree canopies. Measurement of COS excludes circulation
- The western communal garden provides deep soil and lawn areas, acting as a buffer to the neighbouring retail properties.
- Due to the significant level difference between the internal ground floor and the western garden, it is not practically feasible to provide a continuous accessible ramp directly from the building, as this would otherwise occupy the majority of the garden area.
- Internal layout changes to Units 1&4 in powder room, ensuite, bathroom, scullery, and laundry.
- Internal layout changes to Units 2&5 in powder room, laundry, bathrooms, and ensuite. The width of the sliding door in bedroom 3 has been reduced.
- Redesign of Unit 3 internal layout. The living room and kitchen is relocated to the east elevation and the Master bedroom and bedroom 3 has been relocated to the northern elevation. Wet areas are in the middle of the floor plan to align with above.

Level 1

- Reorientation of 1-bed and 2-bed, i.e. Unit 8, 9, 12 & 13.
- Internal layout changes to all wet areas in all units, i.e powder room, ensuite, bathroom, and laundry.
- In Units 8 & 12 the width of the sliding door in the bedroom to the external balcony has been reduced.

Level 2

- Reorientation of 1-bed and 2-bed, i.e. Unit 8, 9, 12 & 13.
- Internal layout changes to all wet areas in all units, i.e powder room, ensuite, bathroom, and laundry.
- In units 16&20 the width of the sliding door in the bedroom to the external balcony has been reduced.

Level 3

- Reorientation of 1-bed and 2-bed, i.e. Unit 16, 17, 20 & 21
- Internal layout changes to all wet areas in all units, i.e powder room, ensuite, bathroom, and laundry.
- In units 24&28 the width of the sliding door in the bedroom to the external balcony has been reduced.

Level 4

- Deletion of L4 balconies at side boundaries. Roof of L3 is not accessible. Internal layout of unit 30 & 32 re-design to suit.
- Internal layout changes to all wet areas in all units, i.e powder room, ensuite, bathroom, and laundry.

Level 5

- Deletion of L5 balconies at side boundaries. Internal layout of unit 36 & 38 re-design to suit.
- L4 awning (L5 balconies) on northwest and southeast reduced and no longer accessible as balcony.
- Internal layout changes to all wet areas in all units, i.e powder room, ensuite, bathroom, and laundry.

Level 6

- Internal layout of unit 42 & 44 re-design.
- Internal layout changes to powder room, ensuites, bathroom, and laundry in all units.

Level 7

- Internal layout of unit 46 & 48 re-design.
- Internal layout changes to powder room, ensuites, bathroom, and laundry in all units.

Roof

- Rooftop terrace and landscape design extended to remainder of rooftop designed with perimeter landscape.
- Northern lift core and fire stair extended to rooftop to provide equitable access to extended communal rooftop terrace.
- Rooftop services relocated between two lift cores, in lieu of along Dover Road.

The proposed development as refined is considered appropriate for the location, is in the public interest, will deliver a positive outcome and has significant planning merit. This SSDA should therefore be supported by the Minister.

Appendix A – Submissions Register

Appendix B – Updated Mitigation Measures

Appendix C – List of Plans for Approval

Appendix D – Revised Architectural Plans

Appendix E – Revised Design Report

Appendix F – Design Responses

Appendix G – Revised Dewatering Management Plan

Appendix H – Revised Geotechnical Investigation Report

Appendix I – Revised Preliminary Site Investigation Report

Appendix J – Revised Acid Sulfate Soils Management Plan

Appendix K – Addendum Acoustic Letter

Appendix L – Addendum Landscape Plans and Letter Response

Appendix M – Arboricultural Addendum Statement

Appendix N – Waste Management Addendum

Appendix O – Revised Site Hydrogeology Report

Appendix P – Revised Flood Impact and Risk Assessment

Appendix Q – Traffic Letter

Appendix R – Amended Clause 4.6 Variation Request

Appendix S – Geotechnical Letter

Appendix T – Proposed Substation Location Letter

Appendix U – Response Letter to DCCCEEW

Appendix V – Landscape Basement Letter

Appendix W – Structural Engineer Basement Letter

Appendix X – Geotechnical Engineer Basement Letter

Appendix Y – Hydrogeological Engineer Basement Letter

Appendix Z – Updated Basement and Section Plan

Appendix AA – Planning Cover Letter

Disclaimer

This report is dated 01 May 2026 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Dover Street (Rose Bay) Developments Pty. Limited (**Instructing Party**) for the purpose of Submissions and Amendment Report (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above



**Shaping cities
and communities
for a better future.**

urbis.com.au