Friday 28th November 2025

To: The Consent Authority
NSW Department of Planning, Housing and Infrastructure
(or Independent Planning Commission, if referred)

RE: FORMAL OBJECTION: SSD-86017721 (23–31 DOVER ROAD, ROSE BAY)

I write as a long-term resident committed to the future of Rose Bay. I am not a planner or lawyer; my views are based solely on publicly available documents and planning instruments. Although complex, the material is still accessible enough for an informed resident to understand its implications.

I fully support more housing where it is safe, fair and aligned with genuine public benefit. However, after reviewing the EIS, planning documents, LMR requirements and aspects of the EP&A Act, I do not believe SSD-86017721, in its current form, demonstrates that balance. Growth can be positive, but only where it protects neighbourhood character, manages cumulative risk, and delivers meaningful affordability rather than nominal uplift. Below is a summary of the main reasons for my objection.

Cumulative and contextual impact: EP&A Act s4.15(1)(b)

Although SSD-86017721 is an individual, stand-alone proposal, it cannot be assessed in isolation. It appears the EP&A Act requires impacts to be considered in context, within the locality, not only at the site boundary. Rose Bay is a compact suburb (approx. 2.8 km²) undergoing multiple and substantial redevelopment proposals. Each project may seem manageable independently, yet it is the combined effects that alter character, infrastructure load and long-term liveability.

This SSD introduces more residents, more cars, more excavation, more waterproofed surfaces, more drainage pressure and the removal of 27 mature trees. Individually these impacts may appear manageable; collectively they scale, compound and intensify. Without suburb-wide modelling or a publicly available cumulative assessment, there is no reliable basis to understand how groundwater behaviour, traffic and parking capacity, school enrolments, stormwater systems and neighbourhood amenity will respond when several high-impact developments proceed concurrently.

When Rose Bay was identified as a Town Centre under the LMR reforms, I do not recall any publicly available precinct-level technical impact assessment specific to Rose Bay being released. I understand the Explanation of Intended Effect (exhibited Dec 2023–Feb 2024) outlined policy intentions but did not appear to include cumulative risk modelling, staging assumptions or infrastructure capacity testing for this locality.

It is also important to acknowledge the extraordinary commercial incentive created by zoning uplift in this location. Rose Bay is a high-value market where redevelopment could deliver tens, and cumulatively hundreds, of millions in private profit. That scale of financial return heightens the need for rigorous oversight, especially where cumulative impacts remain untested. When profit potential increases, planning pressure and decision-making risk can increase with it; transparent oversight becomes not optional, but essential.

Without cumulative modelling, the public has no evidence that long-term environmental, infrastructure and liveability outcomes are being protected, rather than overshadowed by private uplift. The LMR reforms, implemented through the Housing SEPP, do not appear to override or weaken obligations under the EP&A Act. Based on my understanding, SSDs are still determined under Division 4.7 and must be evaluated against s 4.15, which requires consideration of the likely impacts of development in the locality, including cumulative impacts where relevant.

Consent Authority obligation as I understand it: The consent authority must provide clear evidence that cumulative and contextual impacts have been assessed in accordance with s 4.15(1)(b). If this analysis is not demonstrated in the Determination or Assessment Report, statutory compliance may not be satisfied.

Private Gain Must Be Proportional to Public Benefit: EP&A s4.15(1)(e)

It is my understanding that even under the LMR reforms, public interest is not satisfied merely because housing is delivered. Section 4.15(1)(e) requires the consent authority to consider the public interest, I believe this means development must deliver genuine, enduring community benefit, not only private uplift. In Rose Bay, one of Sydney's highest-value suburbs, the financial return to developers is likely to be considerable. Accordingly, minimum compliance does not equate to adequate public value.

Although the proposal technically meets LMR minimums by providing 11 affordable units for 15 years, the public benefit is temporary while the impacts (increased density, traffic, drainage pressure, overshadowing, waste generation and canopy loss) are permanent. The community absorbs permanent impacts in exchange for temporary gain. The proportionality question is therefore unavoidable:

Does a 15-year affordability window justify permanent private gain in one of the most expensive property markets in the country?

Given the scale of uplift available in a suburb of this value, it is reasonable for residents to expect more than the minimum affordable-housing contribution. A development of this magnitude could, and arguably should, deliver broader community benefits such as net canopy increase, public-domain upgrades, enhanced stormwater resilience, stronger sustainability outcomes, and contributions to local infrastructure including transport, schools, childcare and community spaces. Where private gain is long-term and generational, public benefit must also be durable, visible and equitable, not minimal or time-limited.

I acknowledge that developers assume financial risk in undertaking projects of this scale, however the public interest must still be balanced against the substantial private profit enabled by LMR reforms in general and this SSD in particular.

The SSD-86017721 documentation does not appear to offer any substantial public benefit beyond the minimum affordable-housing allocation required to access height and FSR uplift. There does not appear to be a Voluntary Planning Agreement, no infrastructure or transport upgrades, no public open space, no canopy restitution strategy, and no additional community benefit beyond baseline regulatory compliance. Given the scale of uplift and the value of redevelopment in Rose Bay, is this level of public return adequate?

Consent Authority obligation as I understand it: The Assessment Report must clearly demonstrate how s4.15(1)(e) has been satisfied for both current and future residents. Without transparent justification that public benefit outweighs permanent private uplift, compliance might not be met.

Orderly Development: EP&A Act s1.3

It is my understanding that the EP&A Act also requires development to occur orderly and economically, meaning uplift that is sequenced, infrastructure-supported and absorbed without degrading amenity, safety or service performance. Based on my research, the LMR reforms do not displace this obligation.

As outlined in the cumulative-impact section above, the question is not only whether dwellings can fit on a site, but whether the suburb can sustain them when considered alongside other approvals

and applications. This SSD introduces a large concentration of dwellings at once, and it is not occurring in isolation. Multiple SSDs and DAs are already in the Rose Bay pipeline, yet there is no visible evidence of coordinated transport planning, pedestrian safety measures, parking and road-network management, stormwater and drainage capacity upgrades, or increases in public infrastructure and services. Without precinct-scale planning, population uplift risks amplifying across projects, resulting in congestion, kerbside overflow, waste pressure, construction fatigue and amenity loss that cannot be reversed once built.

Orderly development is not density, it is sequencing, capacity, infrastructure alignment and sustainability.

Consent Authority obligation as I understand it: The consent authority must publish evidence demonstrating that the proposed intensity is orderly in the context of other developments and that existing and planned infrastructure can support cumulative growth. Without this, the orderly development requirement of s1.3 may not be met.

Affordable Housing: Public Benefit or Planning Gateway?

The LMR reforms, including the "in-fill affordable housing" bonus scheme, were publicly framed as a means to increase housing supply, improve access and affordability, and promote greater housing diversity across NSW.

In practice, however, recent outcomes under these reforms highlight structural weaknesses. In November 2025 The Guardian reported on a case in Clovelly where units classified as "affordable" were rented at ~20% below market rate, yet for eligible tenants this still consumed ~40% of their income, making affordability nominal rather than lived. Similarly, it has also been reported that in Barangaroo a developer delivered a separated access arrangement for affordable-housing residents and minimised access to building amenities, raising genuine equity concerns. These cases demonstrate that affordability can be delivered in form, while failing in substance.

Against this backdrop, SSD-86017721 proposes only 11 affordable dwellings, limited to 15 years, with just one three-bedroom unit. Without long-term tenure, a more robust family-suitable mix, or safeguards ensuring equitable access to amenities and placement (including explicit protection against "poor-door" separation), the affordable component risks operating less as a social benefit and more as a mechanism to unlock height and FSR uplift, effectively a planning gateway rather than a lasting public outcome. In a market where uplift unlocks significant and long-term private gain, affordability should not be symbolic. It must be meaningful, durable and equitable.

Consent Authority obligation as I understand it: Section 4.15(1)(e) requires the consent authority to transparently justify that the affordable-housing outcome is sufficient, equitable, accessible and proportionate to the scale of private uplift. Without explicit reasoning, the requirement might not be met.

Housing SEPP — Neighbourhood Fit Still Required

It is my understanding that Housing SEPP enables uplift, including increased height, but the LMR reform does not displace the requirement for contextual compatibility. Built form must still respond to its surroundings. An eight-storey building within a predominantly low- to mid-rise streetscape is not a minor shift, it is a step-change in bulk, overshadowing, visual dominance, wind reflection, privacy and neighbourhood character.

A building of this scale and footprint at 23–31 Dover Road requires scrutiny proportionate to the scale of its impact. These are not abstract or speculative concerns; they are foreseeable, observable outcomes once built.

I believe that planning law requires judgment, contextual evaluation and qualitative assessment, not just numeric compliance. Meeting height allowances is not equivalent to being "compatible" or a good neighbour. It is my understanding that compatibility must be demonstrated, not assumed.

Consent Authority obligation as I understand it: The consent authority must publicly document how compatibility has been assessed, tested and justified under the Housing SEPP. If this reasoning is absent from the Determination, SEPP compliance may not be demonstrated.

Environmental + Excavation Risk: Groundwater, ASS, Flooding & Tree Loss

The available EIS acknowledges groundwater interception, potential acid sulphate soils and deep excavation, yet, it appears, key mitigation is deferred to post-approval conditions, rather than being resolved prior to consent. Approving first and problem-solving later is not precaution and precaution is required by law. Based on my research, it would seem environmental uncertainty is not an approval pathway.

Excavation, groundwater disturbance and ASS exposure are high-consequence risks that demand modelling, evidence and management before approval is issued. Once excavation begins, failure cannot be reversed and mitigation becomes reactive rather than protective.

Tree removal represents a separate but compounding environmental risk. The loss of 27 mature trees reduces stormwater absorption, increases run-off velocity, weakens soil stability, removes habitat, and intensifies exposure to heat. This matters even more now: under climate change, hotter summers, heavier rainfall events and increased storm intensity will hit Rose Bay with greater force. Trees are the suburb's natural cooling, buffering and water-management infrastructure, once removed, their function disappears for decades.

Environmental risk does not fade, it escalates when natural resilience is stripped away.

And if nearby SSDs and DAs proceed (as expected under LMR uplift), cumulative exposure grows: more excavation, more groundwater mobilisation, fewer trees, less buffering capacity, higher stormwater load, greater infrastructure stress. Risk does not add, it compounds.

Consent Authority obligation as I understand it: Environmental risk, including cumulative and climate-exposed effects, must be independently assessed, transparently documented and publicly released prior to determination. Risk management deferred to post-approval conditions would appear not to be consistent with precautionary assessment.

Hazard Constraints: Uplift is Not Automatic

It is my understanding that the LMR reforms specify that uplift is not guaranteed where land carries environmental or geotechnical hazard. It appears risk controls sit above density incentives. If a site is affected by groundwater movement, flooding exposure, acid sulphate soils, deep excavation requirements or cumulative environmental vulnerability, uplift must be tested, not assumed.

At present the community has not been shown how, or even whether, this site has been formally risk-rated. If groundwater interception, ASS sensitivity or climate-exposed excavation place the land in a higher-risk category, uplift cannot attach by default. A high-risk site is not the same as a suitable or eligible site.

One could argue that determination should only occur once risk classification is transparent and hazard controls are proven compatible with uplift. I believe the community is entitled to understand:

- how "high-risk" is defined in this context
- whether this site meets that threshold
- why uplift would be appropriate if risk remains unresolved

If hazard classification exists, it should be published. If it does not, it must be undertaken and publicly released before yield is granted.

Consent Authority obligation as I understand it: The consent authority must publish a clear risk determination demonstrating why uplift is appropriate despite known environmental sensitivities. Without transparent hazard assessment, uplift approval is procedurally vulnerable and might not be considered compliant.

CONCLUSION

I am not opposed to growth, nor to new housing. I support increased supply where it improves access to genuinely affordable homes and strengthens the community over the long term. However, a project of this scale cannot responsibly proceed without a clear understanding of its cumulative consequences. If we do not know the total impact of multiple SSDs and DAs across Rose Bay, then we cannot credibly claim that the suburb has the capacity to absorb them. Without that modelling, decision-making becomes speculative rather than evidence-led.

SSD-86017721 delivers permanent structural intensity, yet the evidence required to demonstrate that Rose Bay can sustain this, particularly in combination with other proposals, has not been presented. Without cumulative impact modelling, approval would be premature and, in practical terms, uninformed. A consent determination cannot be sound if the scale of effect remains unknown.

Therefore, I request refusal unless all of the following are satisfied:

- cumulative impact and infrastructure capacity are modelled, released and tested publicly
- groundwater/ASS risk and excavation controls are resolved before determination
- a transparent hazard classification confirms that uplift is appropriate for this site
- affordable housing is deeper, longer-term and family-appropriate
- canopy loss is offset with true replacement value and long-term benefit
- public benefit demonstrably outweighs private uplift

If these requirements cannot be met, particularly the first, then how can this proposal, in good faith or in law, be considered compliant with the EP&A Act? Approving density without understanding cumulative effect risks irreversible harm to a suburb with finite capacity.

As a committed Rose Bay resident, I believe progress must be durable, equitable and climate-resilient, built for the future, not just for yield.

Thank you for considering this submission.
A Rose Bay Resident