

Saturday 29th November 2025

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

FORMAL OBJECTION SSD-86122958: 2–16 SPENCER STREET, 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 technically 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-86122958, in its current form, demonstrates that balance. Growth can be positive, but only where it protects neighbourhood character, manages cumulative risk, and delivers meaningful housing choice.

Below is a summary of the main reasons for my objection.

Neighbourhood Compatibility & Sensitive Transition Requirement

The EP&A Act requires development to transition sensitively into surrounding context. Spencer Street is almost entirely 2–3 storeys, several sites have recently been redeveloped and are unlikely to transform again for decades, I understand the street also includes some single dwelling heritage homes. Additionally, the subject site is positioned closer to low-density R2 residential land than to the commercial centre, meaning this is a zone where height should taper, not peak to ensure sensitive and gentle transition.

While the LMR framework may allow uplift to 8 storeys where affordable housing is included, that uplift is not automatic and must still satisfy s4.15 transition requirements. Scale must fit its street, not overwhelm.

Consent Authority obligation as I understand it: Under s4.15(1)(b)-(c) the authority must demonstrate how nine storeys could be considered sensitive transition, when surrounding form supports 2-3 storeys or compliance may not be met.

Traffic, Spencer Lane Constraints & School Safety

The Traffic & Parking report forecasts ~13–15 peak vehicle movements, but appears to be modelled on standard assumptions. Based on my experience as a long-term resident who drives on these streets daily, I am concerned some key sensitivities are missing from the traffic report, including:

- McAuley Primary School congestion at school drop off/pick-up
- Traffic congestion and very narrow footpaths at Spencer Lane
- unsafe right-turning conditions at Old South Head Rd from Hamilton Street – probability that there will be an increase of cars detouring via Carlisle or Spencer Lane to access Dover Rd/Old South Head Rd intersection with traffic lights

- assessment of weekend/summer visitation (beaches, parks, sport)

I am reluctant to unfairly criticise the submitted Traffic Report, but as someone who navigates these streets daily both driving a car and as a pedestrian, the report reads, to me, as “no issue identified” when my experience suggests a very different picture. There are real congestion points, real pedestrian conflicts, and the real possibility that additional vehicle volume will tip the system beyond comfort and safety thresholds

Consent Authority obligation as I understand it: Under EP&A Act s4.15(1)(b), I believe the consent authority is required to consider the likely impacts of the development, including traffic and pedestrian safety, as they are expected to occur in reality, not only under averaged traffic modelling. Without this, the statutory requirement to assess significant likely impacts may not be properly discharged.

Environmental Risk

The proposal excavates to ~11m, below groundwater. Once intercepted, groundwater moves, it must be pumped, filtered and discharged. If filtration underperforms, metals, turbidity and sediment could enter receiving waters. The geotechnical report confirms different construction methods carry different settlement risk footprints, ranging from contained settlement to up to 20–40m lateral influence. But critically, the retaining method has not been chosen yet.

Tree loss, though not numerically large, is functionally significant. Mature canopy regulates heat, storm pulse, soil moisture, erosion. Replacing canopy with ornamental planting is not ecological equivalence, especially where hard surface area increases and heat and rainfall intensity is expected to rise under climate change. A development of this scale should be delivering more deep-soil canopy, not less.

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.

Excavation, High-Risk Classification & LMR Eligibility

It is my understanding that LMR uplift is not guaranteed where environmental risk is significant. Reports acknowledge excavation risk, groundwater drawdown and turbidity if management fails. According to the documents provided the construction method is not finalised (making risks difficult to fully define) yet a nine-storey uplift is being sought upfront.

Under the LMR framework, uplift is possible, but only where the site is suitable. A deep-excavation site beside low-density housing (including a mix of heritage dwellings), with groundwater penetration and settlement propagation, does not seem like an automatically suitable site for maximum uplift.

Consent Authority obligation as I understand it: I believe the consent authority must publish a clear risk determination demonstrating why uplift is appropriate despite known environmental sensitivities.

Cumulative and Contextual Impact

Although this development 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.

Orderly Development

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 developments are already in the Rose Bay pipeline, yet there seems to be 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.

Private Gain Must Be Proportional to Public Benefit

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 13 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.

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.

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 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: I believe 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

CONCLUSION

I am not opposed to growth, nor to new housing. I support increased supply where it improves access and strengthens the community over the long term. However, I believe 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 large-scale developments across Rose Bay, then we cannot credibly claim that the suburb has the capacity to absorb them. Without that modelling, one could argue that decision-making becomes speculative rather than evidence-led.

SSD-86122958 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 respectfully request refusal of SSD-86122958 unless, at a minimum:

- Neighbourhood compatibility and sensitive transition are clearly and publicly demonstrated under including explicit consideration of proximity to low-density areas (and heritage housing);
- Traffic, parking and pedestrian safety impacts are rigorously assessed and proven acceptable;
- Groundwater, excavation and acid sulphate soil risks are fully resolved before determination, with transparent management plans;
- A clear hazard and suitability determination publicly confirms that LMR uplift is appropriate on this site;
- There is public benefit gained

If these requirements cannot be met, then it is hard to see how this proposal can be considered compliant with the EP&A Act and the underlying intent of the LMR reforms.

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