

OBJECTION – STATE SIGNIFICANT DEVELOPMENT IN THE ROSE BAY SETTLEMENT AREA

Re: SSD-86017721 23-31 Dover Road, Rose Bay

1. Introduction

I write to formally object to the above State Significant Development application located within the **mapped Rose Bay Settlement Area**, a high-risk hydrogeological platform that has been well-documented for over 25 years as fragile, unstable, and highly sensitive to excavation and groundwater disturbance.

My objection is based on extensive publicly available hydrogeological and geotechnical studies, including:

- **Woollahra Council Urban Design Study (1999)**
 - **GHD Geotechnical and Hydrogeological Study – Double Bay (2020)**
 - **GHD Geotechnical and Hydrogeological Study – Rose Bay (2024)**
 - These reports consistently characterise the area as a **shallow groundwater platform underlain by loose marine sands**, with a naturally high water table and a well-established history of **differential settlement risk**.
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2. Characteristics of the Hydrogeological Platform

The subject site lies on land mapped in the Woollahra DCP as the **Rose Bay Settlement Area**, where the following characteristics have been repeatedly identified:

- **Shallow groundwater table** typically 1.5–3 m below natural ground level.
- **Loose, unconsolidated marine sands** prone to settlement when disturbed.
- **High permeability soils** that respond rapidly to dewatering.
- A platform classified consistently in professional studies as **sensitive to both excavation and groundwater drawdown**.
- **Documented history of structural movement** in the surrounding locality due to small changes in the groundwater regime.

These characteristics make the area **fundamentally unsuitable for deep excavation** without causing external impacts to neighbouring properties. This SSD is seeking excavation for a multi-level basement.

3. Risks on This Platform Are Well-Reported and Well-Understood

Across the Urban Study (1999), GHD (2020), and GHD (2024) reports, the risks are clearly identified:

- **Excavation below the water table creates downward drawdown cones**, leading to settlement on surrounding sites.
- **Groundwater lowering of more than 0.3 m** is specifically identified as likely to cause structural movement in adjacent buildings.
- **Basement car parking is consistently highlighted as the primary source of destabilising excavation** in this platform.
- **Shoring using sheet piling** in loose sands is documented as ineffective and risk-enhancing.

These findings are not speculative—they are repeated across decades of independent investigations.

4. Recommended Controls Were Not Fully Adopted in DCP

Despite the clear evidence and investigations, the recommendations in the various reports were **not fully adopted in the local DCP**, leaving residents exposed to harm.

4.1 Local DCP Amendments Were Limited and given the reported damages to date appear to be ineffective in managing these risks:

- Excavation controls were introduced but **exemptions were made specifically for basement parking for residential flat buildings**, the major activity responsible for destabilising the platform, for reasons unclear;
- The critical technical controls recommended to ensure the **0.3 m maximum allowable groundwater drawdown was not exceeded**, recommended by experts, was **considered “too technical” to include in the DCP** and moved into a **non-binding guideline**;
- There is **no regulatory mechanism for real-time monitoring or enforcement** of groundwater drawdown;
- Discretionary approvals have been repeatedly granted **outside the stated excavation limits**.

This has created a **systemic failure**, where:

- Non-compliant approvals have set precedents;

- Those precedents have been relied upon to justify further approvals; and
- The risks have quietly compounded while residents avoid publicly disclosing structural damage for fear of devaluing their homes.

Both residents and the Building Commissioner's Office have identified this pattern as a serious contributory factor to the experience of subsidence and settlement.

I refer to the attachment 1 which extracts occurrences of the types of damages suffered as a result of excessive excavation in this hydrogeologically complex platform.

5. Advice From the NSW Building Commissioner's Office

Upon review of information submitted by residents, the Building Commissioner's Office has advised that:

- **The concerns being raised arise from approvals granted outside the DCP controls**, particularly where discretion or precedent has been used to justify excavation volumes and groundwater drawdown far in excess of safe limits.
- These previous exceedances have directly contributed to the present community concerns about cumulative destabilisation of the settlement platform.

This SSD application continues that pattern and amplifies the risk.

6. Failure to Investigate Cumulative Impacts Across the 21,000 m² Excavation Strip

A further and critical deficiency in the applicant's documentation is the **complete failure to assess the cumulative hydrogeological and geotechnical impacts** arising from the unprecedented level of simultaneous redevelopment occurring within this settlement platform. The subject site forms part of an approximately **21,000 m² continuous strip of land** that is either subject to development under the LMR provisions likely to require **deep excavation with side-by-side multi-level basements**. This represents a continuous "zone of disturbance" atop one of the most sensitive groundwater-dependent soil structures.

The applicant has assessed the project **in isolation**, ignoring the cumulative impact. Without modelling cumulative effects, including overlapping drawdown, combined settlement fields, and interaction between adjacent shoring systems, the short and long term effect of groundwater flow, the assessment is inherently incomplete and fails to satisfy the basic requirements of a **fit-for-purpose hydrogeological risk evaluation**.

Given the scale, proximity, and concurrency of these developments, cumulative impacts are not merely "likely"—they are **inevitable**. The omission of such analysis

represents a profound oversight that materially undermines the reliability of the applicant's conclusions and exposes surrounding residents to unacceptable, unquantified, and avoidable risk.

9. Why This SSD Application Must Be Refused in Its Current Form

The SSD proposes **basement excavation and dewatering activities are far beyond the safe parameters**, specifically:

9.1 Groundwater Dewatering Exceeds Safe Limits by Over Four Times

- Required groundwater lowering is **more than four times** the 0.3 m limit identified as safe in the abovementioned GHD reports.

9.2 Excavation Volumes Exceed DCP Allowances by Approximately Six Times

- The proposed excavation volume is more than **six times** the permitted excavation under the Woollahra DCP (Amendment 31 standard).

9.3 No Independent Mechanism Exists to Monitor Dewatering

- Reliance on **self-monitoring by developers** is unacceptable given:
 - The platform's known sensitivity;
 - Documented past non-compliance (463% as reported in the Environmental Planning Committee meeting); and
 - Lack of enforceable controls.

9.4 Inappropriate Shoring Methods Proposed

- The applicant proposes **sheet piling**, a method identified as:
 - Ineffective in loose sands;
 - Likely to introduce vibration and displacement;
 - Known to cause damage to nearby properties in this specific geological setting.
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10. Context of the DA Acquisition and Its Relevance

It is noted that the developer purchased the subject properties **within weeks of Rose Bay being designated a “town centre”**—at the time, the legislation was drafted such that the uplift to six storeys included the basement levels.

To limit the basement excavation does not reduce the uplift available at the time of purchase, being equitable to all parties, notwithstanding that an option/purchase is subject to risk and cannot be held the reason development is permitted where there is an identified risk to surrounding properties.

11. Request for Rejection of the SSD in Its Current Form

As an affected resident located within the **zone of influence**, I respectfully request that this SSD be **refused unless the following conditions are met** to guarantee protection against damage to surrounding properties:

1. **No excavation shall be permitted below the natural groundwater table;**
 2. **Any excavation requiring groundwater drawdown greater than 0.3 m must be refused outright;**
 3. **Excavation shall not be permitted for areas labelled “storage” that are equivalent in size to car spaces**, where such spaces will most likely be converted to car parking spaces breaching the controls designed to limit excavation to mitigate risks;
 4. **Carparking spaces be limited** to those allowed under **Amendment 37** to the DCP, designed to limit the risks associated with excavation;
 5. **Sheet piling must be expressly prohibited** as a shoring method in loose sandy soils;
 6. **A fully independent groundwater and settlement monitoring program** must be funded by the proponent and overseen by an independent hydrogeologist—not by the developer or their contractors.
 7. **A financial assurity** that the provides an indemnity against the loss of owning a structurally sound property beyond the ineffective recourse against special purpose vehicles. There are such bonds for trees but not for our homes and livelihoods.
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12. Conclusion

As a resident of this part of Rose Bay, I have a **basic right—not a privilege**—to the assurance that my home will not be structurally compromised by any State Significant Development, particularly where excessive and unsafe excavation is proposed. The evidence about this platform is extensive, longstanding, and unequivocal. It is clear that this development presents an **unacceptable, foreseeable, and entirely avoidable risk**.

To approve this proposal without a thorough and transparent review of the **cumulative impacts** arising from developments across the 21,000 m² of land on this vulnerable platform would constitute a complete disregard for the safeguarding of surrounding homes. Such an outcome is neither justifiable nor defensible.

For these reasons, I respectfully request that this SSD be **refused**. The risks to neighbouring properties are not hypothetical; they are grounded in both technical assessments and lived experience.