

SUBMISSION – OBJECTION TO SSD-86017721 (23–31 Dover Road, Rose Bay)

30 November 2025

I make this submission on behalf of my family who are long-term residents of Rose Bay. We have lived in the vicinity of the Dover Road site for several years and are raising our children here, and our home represents our life savings.

We support new housing—genuinely affordable, well-located and safely delivered. But the proposal for 23–31 Dover Road, and the application of Low- and Mid-Rise (**LMR**) uplift and the Affordable Housing Bonus (**AHB**) on this *particular* site, poses unacceptable and well-documented risks to both our community and the harbour.

It is not in the public interest.

Hydrogeological Risk – This Area Was Never Suitable for LMR or AHB Uplift

The Rose Bay Settlement Area is one of the most hydrogeologically fragile basins in NSW. This is not a matter of opinion; it is documented in multiple independent studies and reconfirmed by the **proponent's own technical reports**, including:

- **Highly permeable marine sands**
- **Shallow groundwater that is tidal and mobile**
- **Significant groundwater inflows expected during excavation**
- **Floodway conditions on Dover Road**
- **Potential acid sulfate soils below 2 m**
- **A groundwater-dependent interface between soil stability and built form**

This is the exact profile of land where **deep excavation is known to cause structural movement**. We do not need theoretical models—we have lived evidence.

The local area has already experienced:

- collapsed homes (from a single storey isolated basement excavation. The house had to be demolished).
- destabilised and flooded basements
- groundwater inundation
- pumping that continues for years
- widespread structural cracking across multiple low-lying streets
- repeated stop-work orders

Many of these impacts—some catastrophic—occurred from much *smaller*, individual excavations than what is now proposed.

To apply **LMR uplift** and **AHB bonus height and density** here is not just inappropriate; it is dangerous.

LMR and AHB were conceived as general housing levers—not as mechanisms to override **known, mapped, site-specific environmental constraints**.

The NSW LMR Refinement Paper 2024 outlined the grounds for exclusions for LMR – one of those is hazards. This specific, mapped, low lying part of Rose Bay should have been excluded from LMR because of the coastally fragile, hydrogeological hazards inherent here. Yet instead, Rose Bay– a place that did not (and still does not) even meet the criteria as a town centre using the NSW Government’s own definition – is literally the **single most concentrated area of LMR activity in NSW**.

It makes one wonder – is LMR really about housing supply, or, in the East at least – a means to support economic productivity and satisfy the powerful developer lobby?

The so-called “affordable housing” component applies for **just 15 years**—a fleeting moment compared to the permanent impact of deep excavation into a groundwater-dependent Basin. It is not genuine, enduring affordable housing stock. At the projected rates, the reduced rents will still be inaccessible to make any real difference.

The AHB is a **developer incentive**, not a public benefit.

When weighed against:

- the irreversible risk to existing homes,
- the disturbance of a shallow aquifer, and
- the long-term destabilisation of the vulnerable Settlement Area,

the AHB is simply not justified. It adds height and bulk, increases excavation demands, and multiplies the risk without delivering any lasting affordability for local residents or workers.

Regardless of how Rose Bay arrived at the precarious position it is now in – the physical risks inherent with excavation related activity here have not disappeared. They will become all too apparent should this SSDA be allowed to proceed as currently presented.

This is not good planning. It is blanket planning uplift without proper environmental assessment.

We urge the consent authority to consider the very real, irreversible impacts of this SSDA.

Lived Experience of Damage & the Growing Anxiety in This Community

Like many families in Rose Bay, we have personally felt our home shake from basement works—*small ones*. We have watched neighbours endure cracks through their walls, warped floors, flooded garages, and in one case, the terrifying collapse of a house.

We have experienced friends spend years in disputes, endure years of damage to their homes, and years without compensation – just increased insurance premiums.

We bought our home precisely because it was zoned, **R3 at 0.75:1**. That zoning gave us certainty in relation to maintaining groundwater and soil stability: that our area would remain relatively low-rise and that deep excavation was unlikely. That certainty has now been suddenly and without warning taken away virtually overnight. The LMR uplift completely changes the planning risk profile of our property and removes the very protections we relied on when making the largest financial decision of our lives.

We have already lived through the consequences of this shifting landscape. When previous excavation caused damage to our home, **different developers blamed each other**, each denying responsibility. In the end, **we received no compensation at all**—just stress, repairs, and lasting anxiety. The idea that far deeper excavation is now proposed only metres away is not an abstract planning concern for us. It is a repeat of a nightmare we have already experienced—with even higher stakes and no certainty of accountability.

The prospect of an **8-storey building dug 6–8 metres into groundwater**, metres from our home, has created genuine anxiety for us. Every rainfall event, every sign of groundwater movement, every story from Double Bay and Rose Bay adds to a sense of dread that our home—the one place in which a family should feel safe—may not be safe at all under this proposal.

Worse still is the fear that developers and agents will continue to pressure us – like other families nearby – to join amalgamated sites and sell, or risk having 8 stories next to us. The argument that we are not being ‘forced’ to leave is rubbish.

The ‘sales’ are options – again following the theme of LMR – that being, transferring the credit risk of a developer on to us and increasing uncertainty. The financial ‘windfall’ in many cases is unlikely to eventuate, and, despite all the media hype, for us will guarantee that we cannot replace our home with what we have already worked so hard for – yet the real estate industry is preying on us and the YIMBY (developer lobby) is vilifying us as NIMBYs. Would anyone accept this type risk in their backyard?

No family should bear this uncertainty so a developer can achieve maximum uplift on unsuitable land.

Protection of Sydney Harbour – Irreversible Impacts

The groundwater system beneath Rose Bay is directly connected to Sydney Harbour. Disturbance, drawdown, or contamination from acid sulfate soils and construction contamination flows downhill—literally. The proponent’s own modelling acknowledges:

- **significant groundwater extraction during construction**
- **highly permeable sand pathways**
- **stormwater and wastewater interfaces**
- **the need for continuous groundwater pumping**

Once groundwater pathways are disturbed, they do not automatically “reset”. That instability moves outward, affecting other properties, public land, and ultimately the Harbour.

We cannot risk turbidity, acid sulfate mobilisation, or polluted discharge into the Harbour—especially when these risks are *foreseeable* and when safer alternatives exist. We speak for our children and theirs when we say this is an unacceptable outcome.

A Reasonable, Safe Alternative Exists

We want to be clear:

We are not against housing, or development here. We knowingly bought into R3 (which in our LGA has a 3 storey height limit) and knowing that one day our home could have a low rise apartment development next door or nearby – and that has already happened since we came to live here.

But we did not buy into this risk.

What has not been publicly discussed is that there is still room for uplift and increased housing in Rose Bay – on my street and others in the settlement area. **Confining LMR uplift in the 0-400m inner zone along the lines of what applies in the 400-800m outer zone is a much more equitable outcome, that balances the interests of developers with the community and does not detract from the NSW Government’s goals.** It would result in the streets surrounding the Rose Bay ‘town centre’ having similar height limits to the town centre itself – not double. Height limits that were imposed because of the vulnerable land it sits on.

A development of:

- basement that does NOT intersect with the shallow groundwater (if possible)
- **no heavy loading towers & basement uplift pressure risks**
- **no sheet piling,**
- **no deep dewatering**
- **kept within DCP E2 dewatering and excavation limits,**

is still entirely feasible and would provide many new homes in Rose Bay while protecting existing ones.

The proposed project is *still viable* without the second basement level and the uplift incentives. There is no justification—planning, environmental, economic, or ethical—for pursuing maximum yield in a fragile groundwater basin.

Public Interest & Accountability

The public interest is not served by placing homes, families and the Harbour at risk to enable a short-term density ‘bonus’.

If the State believes deep excavation in this Basin is safe, then it **MUST** accept the same liability residents are being asked to carry.

Will the State indemnify homeowners for damage arising from this SSDA and the LMR uplift? Or are guarantees available only to developers and not to the people who stand to lose everything? If the State genuinely believes there is no risk of damage, then the giving of such an indemnity would be risk-free for it and, therefore, in reality no cost to it.

Our Request

For the reasons above, we respectfully request that DPHI advise the Minister (who we understand is the applicable consent authority for this SSDA) to:

1. **Reject the proposed depth of excavation** and require redesign within DCP E2 limits (especially for excavation and dewatering), with a basement (if any) that does NOT intersect with the water table.
2. **Remove the AHB uplift** as it is not justified and multiplies environmental risk.
3. **Determine that the full LMR uplift does not apply safely or sensibly within the mapped Rose Bay Settlement Area – perhaps the outer zone (400-800m) uplift be applied instead given the risks.**
4. **Apply what we understand to be a “precautionary principle”** required under NSW coastal and resilience planning frameworks, and public interest, given the history of damage, and the inability to prove the risks are small.
5. **Protect Sydney Harbour**, our groundwater system, and the families who live above it. This is an issue not just our generation but future ones.

We are **not asking to stop housing in Rose Bay.**

We are **asking to stop preventable harm.**

We do not want remediation after damage (which is inevitable) has occurred, we want the damage not to occur in the first place.

We are asking for protection for our homes, our children’s future, and an environment that cannot be repaired once destabilised.

The right to feel safe in our home

We are reluctant (and genuinely fearful) to speak openly about these matters because of concerns for our safety that might be compromised by the many and various vested interests that might feel that their financial expectations will not materialise if the good sense advocated in this submission prevails. This is why we want our identity kept private.

It is deeply saddening that I must plead with the State not to place my family home at risk of damage simply to enable a development that could be delivered safely in another form. In Australia, the basic expectation is that your home should be safe, and

it is distressing that this can no longer be taken for granted. This is not a plea about amenity, traffic, character or heritage; it is a genuine plea about safety — the most basic obligation of any planning system.

Again - I ask only for what every family should be entitled to: the right to feel safe in our own home, and the confidence that the planning system will protect—not endanger—the people it exists to serve. We sincerely hope we will not be ignored by a government and a planning system that should prioritise the safety of both the environment and the communities who live within it.

Sincerely

Rose Bay Family