

1 December 2025

The Hon. Paul Scully, Minister for Planning and
Public Spaces
GPO Box 5341
Sydney NSW 2001

Via email:

C/- Department of Planning, Housing and
Infrastructure

Dear Minister,

**Objection to State Significant Development Application No. SSD-86017721, 23-31 Dover Road, Rose Bay
Potential Property Damage Arising from Development Approved Under the LMR Policy
Our ref: MCL094-00001**

- 1 We act for a group of property owners on Wilberforce Avenue in the Rose Bay settlement area.
- 2 The purpose of this letter is to register our clients' objection to State Significant Development Application No. SSD-86017721 (**SSDA**), which seeks consent for the demolition of the existing houses and construction of a new 8 storey residential flat building, with 2 levels of basement parking at 23-31 Dover Road, Rose Bay NSW 2029. The SSDA is made under the Low and Mid Rise Housing Policy (**LMR Policy**) and also seeks the Affordable Housing Benefit uplift.

Background

- 3 The Rose Bay settlement area refers to a specific zone within the suburb of Rose Bay, NSW, identified by Woollahra Council as an area that is sensitive to settlement due to changes in groundwater levels and excessive vibrations causing ground movement. This designation is based on a hydrogeological study prepared for the Council by GHD Hydrogeological and Geotechnical Report dated July 2024 (**GHD Report**), which found that any further development in this area could lead to groundwater drawdown and/or ground movement potentially affecting land stability and building structures.
- 4 Our clients' primary concerns with any other development proposed under the LMR Policy where excavation is proposed, are:
 - (a) Sensitivity of the Rose Bay settlement area and any developments that are proximate thereto (such as that proposed under the SSDA) with respect to the aquifer that exists beneath that area (which may be adversely impacted by excessive excavations including that which is proposed under this SSDA); and

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- (b) The fact that the proponent may have failed to adequately consider, in its assessment reports provided to the Minister for Planning and Public Spaces (**Minister**), the impact of the proposed basement excavation.
- 5 The State of NSW is in possession of the GHD Report, which was commissioned by Woollahra Council. It was sent to the State by Woollahra Council in an attachment to their letter requesting the exclusion of Rose Bay and Double Bay from the LMR Policy (dated 18 September 2025), which cited the abovementioned hazards. Furthermore, our client, along with other concerned residents of Rose Bay have sent detailed analysis of this report (along with other relevant documents) directly to the Department of Planning, Housing and Infrastructure and the Office of the NSW Premier in emails to:
- (a) Caitlin Roodenrys (Senior Advisor, Department of Planning) - Subject: Documentation and material- Rose Bay settlement area/High risk sites dated 31 October 2025
- (b) Jennifer Williams (EA to Premier Minns) - Subject: High Risk Settlement Area in Rose Bay dated 3 September 2025
- 6 Our clients submit that the State of NSW has not adequately acknowledged the above correspondence or the geotechnical vulnerabilities that are identified in the GHD Report.
- 7 Our clients submit that, in its assessment of the SSDA, the State of NSW must consider these risks and the SSDA must be considered in conjunction with all proposed future LMR developments in the Rose Bay settlement area and surrounds, particularly taking into account a detailed risk analysis of the cumulative impacts of the number of proposed LMR developments that are immediately adjacent to, or in the same strip as the development proposed under the SSDA.
- 8 Our clients further submit that the GHD Report, coupled with numerous incidents of ground subsidence in Rose Bay, establish a foreseeable risk of damage to existing buildings (including those of our clients) and facilities as a result of any subsidence, ground movement, draw down on the water table or other interference, flooding, and acidification of soils arising from excavation and development. More specifically, we note the following reported incidents that demonstrate there is a serious issue in the Rose Bay settlement area:
- (a) **Wilberforce Avenue** — House partially collapsed and had to be demolished after catastrophic structural failure due to single storey basement excavation next door.
- (b) **Wilberforce Avenue (opposite side)** — Basement garage across the road flooded due to the same redevelopment.
- (c) **Wilberforce Avenue** — Apartment building experienced continuous groundwater inflow, pump running constantly, and lift shaft repeatedly filling with 600 mm of water.
- (d) **Norwich Lane** — Back wall separated and detached from a townhouse due to single storey basement excavation.
- (e) **Richmond Avenue** — Stop-work order issued after major structural cracks appeared in neighbouring units due to piling / excavation; both sides suffered damage.
- (f) **Dover Road** - flooding down the road caused by the 'Bunnings' development at 33-39 Hamilton Street and the 'Harris Farm' development on 534 Old South Head Road (both which have basement flooding)
- (g) **Hamilton Street** — Several homes suffered major cracking linked to deep basement excavation above (not limited to immediately next door). One wall collapsed.

- (h) **Newcastle Street** — Pool tiles sank and fell off requiring extensive repairs required following next-door single level basement excavation.
- 9 Accordingly, our clients are compelled to draw the Minister's attention to the fact that such effects may:
- (a) Damage other existing houses in the vicinity of any development that results in the effects described above;
 - (b) Result from cumulative excavation impacts on the aquifer; or
 - (c) Leave affected landowners unable to recover damages from developers without prohibitive costs and uncertainty. Multiple proximate developments under construction at the same time exacerbates this risk.
- 10 Woollahra Council has also acknowledged that the cumulative effect of development cannot be managed under the current controls on this hydrogeologically complex platform.
- 11 Our clients request that the Minister, in the assessment of the SSDA, and when considering of any other SSDAs submitted under the LMR Policy, take into consideration:
- (a) The cumulative effect of multiple approvals under the LMR Policy of excavation works that may adversely impact the aquifer, including by dewatering and excessive vibrations; and
 - (b) The potential impacts to neighbouring and proximate buildings and structures caused by excavation works.
- 12 Please contact us if we can provide anything further to assist the Minister in this assessment.

Yours faithfully

Catherine Morton

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Copy to: NSW Crown Solicitor