

Objection to the SSDA for 2-16 Spencer Street Rose Bay

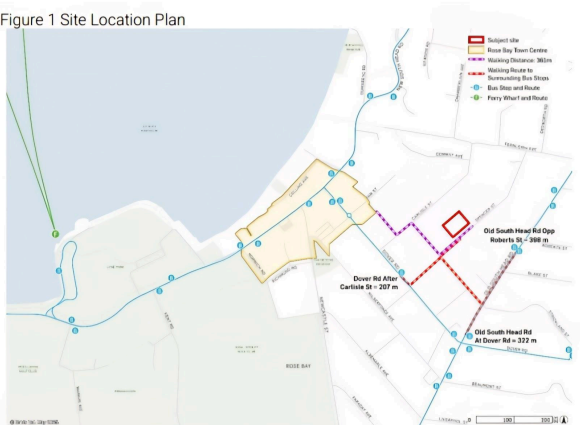
By Councillor Merrill Witt, Vaocluse Ward, Woollahra Council

I would like this objection to be read in conjunction with my objection for the SSDA for 23-31 Dover Road Rose Bay. (See additional attachment).

The two proposed developments are of a similar scale and height, and are situated in a hydrogeological and geotechnical sensitive area of Rose Bay where multiple properties have experienced structural damage and flooding due to excavations for basement parking. (See list of reported damages at the end of this submission).

As the location map below highlights, the subject site is in close vicinity to 23-31 Dover Road.

Figure 1 Site Location Plan



Source: Urbis GIS, 2025

Figure 2 Aerial Photograph



Source: Urbis GIS, 2025

Like the SSDA for 23-31 Dover Road, the SSDA for 2-16 Spencer Street proposes significant excavation and dewatering, in this case to construct a three level basement car park to accommodate 120 cars to service the proposed 54 apartments.

A maximum depth of approximately 11.05 metres is proposed for the basement, with groundwater exposure anticipated around 6.9 metres, according to the *Geotechnical*

This report acknowledges the significant risks of disturbing the groundwater:

6.2 Risks Associated with Dewatering.

The dewatering activities required for the proposed basement excavation present several potential environmental and engineering risks that require careful consideration and management throughout the construction phase.

Primary concerns include the potential for adverse environmental impacts resulting from the discharge of groundwater that may contain elevated levels of suspended solids or other contaminants to receiving waters, potential interference with existing groundwater users in the vicinity, and the risk of ground settlement affecting neighbouring foundations, structures, and buried services.

As a consequence, the assessment of this SSDA cannot be considered in isolation to the SSDA for 23-31 Dover Road for the following reasons:-

1. The cumulative impact of large scale deep basement excavations for multiple SSDAs and DAs in Rose Bay as a result of the LMR Housing Policy and the Affordable Housing Bonus (AHB) will impact the aquifer. The GHD *Rose Bay Hydrogeological and Geotechnical Impact Assessment*, commissioned by Woollahra Council in 2024, said that “specific groundwater modelling would be required to assess the long-term impact that could be anticipated from any future major development proposal, with an extensively large and deep basement that blocks a significant portion of the flow path.” (page ii).
2. Recently, the Woollahra Local Planning Panel (WLPP) refused a DA at 28-30 Hamilton Street Rose Bay, located not far from 2-16 Spencer Street, partly on the grounds that it did not address the “cumulative impacts of excavation on the locality”. (Woollahra Local Planning Panel (Public) 18 September 2025 - Adopted Reasons for Refusal).
3. Even if the groundwater flow path eventually recovers from temporary dewatering, a recent briefing note to Woollahra Council from Mr Kim Chan, one of the authors of the GHD *Rose Bay Hydrogeological and Geotechnical Impact Assessment*, said that any settlement impacts would be permanent: “While the groundwater level should recover following the termination of dewatering after construction, any settlement induced by the lowering of the groundwater level is largely irrecoverable.” (See Agenda for the Ordinary Council meeting of 27 October 2025).
4. A group of Rose Bay residents are so concerned about the excavation impacts to their properties from the 23-31 Dover Road SSDA that they commissioned geotechnical firm Fortify to conduct a preliminary assessment of potential geotechnical impacts on neighbouring properties.

Fortify's modelling shows that the proposed “drawdown of the groundwater table is not just limited to the site, but extends up to 75m away from the excavation boundaries, impacting about 40 properties.” See map below.



Plate 4-1: Aerial Photo Showing the Approximate Area That will be Impacted by Groundwater Drawdown During Dewatering

This modelling aligns with analysis in the *GHD Rose Bay Hydrogeological and Geotechnical Impact Assessment*, which noted that “the water table drawdown due to dewatering could extend up to a considerable distance away from the dewatering location based on the seepage analysis carried out for Double Bay for specific development.”

- **As a consequence of the above concerns, construction methods for excavation and dewatering should be peer reviewed and clearly specified before this SSDA is approved.**

The experience of recent damage from excavation in Rose Bay highlights that leaving decisions about appropriate construction methods to the construction stage, especially for a project of this scale, is far too risky. Neighbouring property owners and the general public need to have confidence that any excavation and dewatering approved will not lead to more settlement and damage, and will not harm the water quality of Rose Bay beach.

- **The precautionary principle informs the planning framework of the EP&A Act 2015 by ensuring the facilitation of ecologically sustainable development.** Consequently, the DPHI should reserve its decision on this SSDA until Woollahra Council receives a study it recently commissioned on the cumulative impacts of large-scale basement excavations on the water table in Rose Bay and Double Bay. (See minutes of the Ordinary Council Meeting 27 October 2025).

Other significant issues

- **9 storeys is completely inappropriate for Spencer Street.**

Figure 7 Site photos



Picture 1 – Existing dwellings at 4 & 4A Spencer St



Picture 2 – Existing dwellings at 14 & 16 Spencer St



Picture 3 – RFB at 1 Spencer Street to the south



Picture 4 – RFB under construction at to the south



Picture 5 – RFB at 18 Spencer Street

Source: Google Street view



Picture 6 – RFB at 22 Spencer Street

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As the above photo in the Urbis Environmental Impact Statement (EIS) highlights, most of the properties in Spencer Street and within the immediate vicinity of this SSDA have already been redeveloped for 3 storey residential flat buildings (RFBs) in the last 10 to 20 years.

Further, the streetscape appearance of the RFBs on Spencer Street is deceptive in terms of indicating their scale. A majority of the RFBs accommodate anywhere between 7 to 20 dwellings.



Mailbox of the Sorrento Building on Spencer Street. It houses 17 apartments.

Figure 1 Aerial Photograph



The aerial photo above shows the expansive rooftops of many of the new RFBs on Spencer Street.

The desired future character of this area has already been set, and the proposed development at 2-16 Spencer Street will dominate the streetscape and detrimentally impact residential amenity for apartment owners who recently bought into new developments on the expectation that the height and FSR standards in the Woollahra LEP were secure. (Construction on 3-13 Spencer Street, which is directly opposite the proposed development and accommodates 12 apartments, was only completed last year.)



This photo of 3-13 Spencer Street highlights how deep the new RFBs extend into the back of the property boundary. A considerable amount of private green space and established canopy cover has already been lost on Spencer Street to accommodate the larger footprint of new RFBs. Basement excavations to date have only been down to one level and flood barriers have been installed.

- The CJP Traffic & Parking Assessment Report (TPAR) in support of this SSDA states that the proposed development is classed as a *high density residential development* because of the high number of dwellings:

*Notwithstanding, for the purposes of providing a rigorous assessment it has been assumed that the 54 proposed residential apartments are **classified as medium density – i.e. a development containing more than 2 but less than 20 dwellings** – as the prescribed trip rates are higher.*

This admission is additional evidence that a nine-storey residential building with 54 apartments and 120 car spaces is a high density development not in keeping with the zone objectives of R3 Medium Density Residential.

- Responses to residents' concerns in the ECF Engagement Outcomes Report (September 2025) do not address how this SSDA responds to Woollahra Council's Development Control Plans (DCPs) and strategic plans. See table below.

Summary of Stakeholder Feedback		
The following table provides a summary of all the feedback received and the project response.		
Area of Interest	Detail of Interest	Response to Feedback
Project Design and Scale	Neighbours and Stakeholders are concerned that the height and bulk are out of character with the surrounding apartment developments.	The proposed nine-storey building is consistent with the Low and Mid-Rise Housing (LMR) policy. To address concerns about bulk and scale, the design incorporates tripartite massing (base, middle, top) and articulation to reduce the perceived bulk. Preliminary analysis confirms the design complies with the Apartment Design Guide (ADG) for solar access, ensuring the project integrates thoughtfully with the neighbourhood.

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e.c.f.		
2 - 16 Spencer St, Rose Bay State Significant Development Engagement Outcomes Report September 2025		
Area of Interest	Detail of Interest	Response to Feedback
Affordable Housing	The community is interested in how the affordable housing component will be managed, including rental rates and the verification of key workers.	The affordable units will be managed and vetted by a registered Community Housing provider to ensure applicants meet the income threshold (50-60% of median household income for Greater Sydney). Rent will be capped at no more than 30% of the household's gross income. After the initial 15-year period, the affordable housing condition expires.
Traffic and Parking	There are concerns that the development will increase traffic congestion, especially during school drop-off, and impact on street parking and pedestrian safety on Spencer Lane.	A Traffic Impact Assessment (TIA) is being prepared to assess cumulative impacts, including on Spencer Lane. The development's 120 car spaces are consistent with state legislation, and the site's proximity to public transport is expected to reduce car dependency.
Construction Impacts	Residents are concerned about potential structural damage, noise, vibration, and dust from the excavation of the three-level basement.	The basement design and construction will follow Australian standards with controls like retaining walls and dewatering systems. A detailed Construction Management Plan will be prepared to address noise, vibration, and dust. The project will have appropriate insurances and indemnification measures in place to protect neighbouring properties.
Geotechnical and Flooding	The community are worried that the basement excavation will intersect the sand aquifer, leading to groundwater drawdown, and that the project will be at risk from flooding.	Extensive geotechnical and hydrogeological investigations are underway. The basement will be designed with retaining walls and groundwater management systems to prevent adverse effects. A hydraulic model is being developed to address flood risk and inform the final design of habitable floor levels.

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Whilst applicants of SSDAs note that Section 2.10 of the Planning Systems SEPP provides for a council's DCPs not to apply to SSDAs, planning authorities are still required to assess the impacts of SSDAs on residential amenity, view sharing etc.

Unquestionably, the best guide for determining whether a proposed development is appropriate for the area is measured by the extent to which it complies with the Council's carefully considered, community-informed DCPs.

- **Consent authorities also have discretion to determine if and to what extent the Affordable Housing Bonus (AHB) can be utilised.**

By way of example, the Woollahra Local Planning Panel (WLPP) recently refused a DA for a 6 storey apartment building at 370 Edgecliff Road partly on the grounds that full utilisation of the AHB bonus provisions will lead to unacceptable residential amenity impacts:

*1. State Environmental Planning Policy (Housing) 2021 – Chapter 2: Affordable Housing, Part 2, Division 1 – Infill Affordable Housing.
Due to the site constraints and adverse impacts on the amenity of adjoining properties in terms of significant view impacts, overshadowing, daylight access, privacy and visual impact associated with the proposed development, the full extent of the in-fill affordable housing bonuses cannot be achieved and accommodated in the circumstances of this case.*

(See DA348/2024, [WLPP \(public\) meeting](#), 15 May 2025)

Capacity Constraints

- **Walkability in the area is compromised by small laneways that do not have accessible footpaths.**



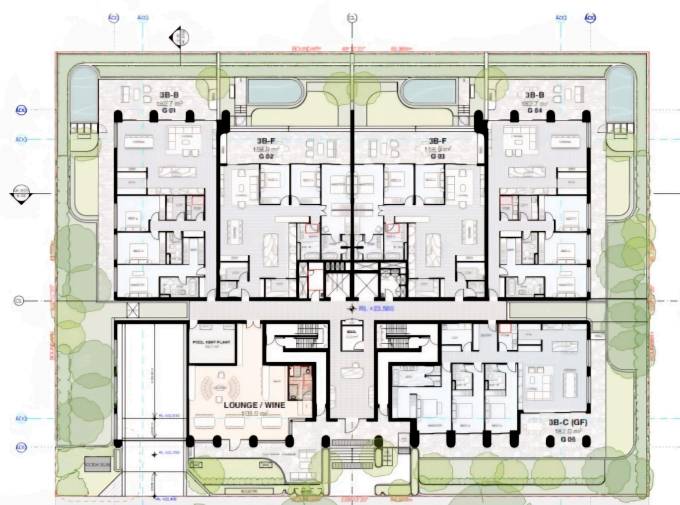
Fernleigh Avenue off Spencer Street in Rose Bay is not safe for walking. It offers a short cut to the shops on Old South Head Road.

Consequently, the following statement in the Urbis EIS with respect to “Objective 7 Communities are healthy, resilient and socially connected” of the Greater Sydney Region Plan – A Metropolis of Three Cities is not accurate:

*The site is located within an accessible area to infrastructure and is within walking distance of the Rose Bay Town Centre. **This prime location allows future residents to easily walk to the town centre to meet their day-to-day needs, such as shopping, accessing essential services.** The convenience of having amenities close by encourages a more active lifestyle, fostering a healthier community. Additionally, the ease of access to local services and social hubs promotes resilience and strengthens social connections among residents, contributing to a vibrant and cohesive community within the area.* (Page 31)

- **The SSDA’s inclusion of communal open spaces, such as “lounges and communal areas and wellness facilities”, are no substitute for the lack of community outside green spaces in this SSDA.** As mentioned in my objection to the SSDA for 23-31 Dover Road, this area of Rose Bay is characterised by limited green space, and the nearest park of a decent size, Lyne Park, is 1.3 km away (an 18 minute walk and on the other side of busy New South Head Road.)

Figure 10 Proposed ground floor layout



Source: MHNDU

Providing communal open green space should be given priority over private open space and tiny private swimming pools on the ground floor. See image above.

- **Public school enrolments in the local area are at or near capacity.** The Studio Planning Social Impact Statement does not address school capacity issues or demand for school spaces generated by this SSDA. As highlighted in my objection to the SSDA for 23-31 Dover Road, Rose Bay Secondary College is already at 96% capacity and Rose Bay Primary School is close to capacity. The private schools reportedly have long waiting lists.

- **Electricity grid capacity issues:** New developments in the Woollahra LGA, including in Rose Bay and Double Bay, have needed to place large and unsightly electrical kiosks (sub-stations) on or near public footpaths.
- **Traffic congestion and slow travel times on public transport because of gridlock and long wait times.** Woollahra Council's Local Housing Strategy 2021 notes that "Woollahra experiences severe traffic congestion on New South Head Road, Old South Head Road, Oxford Street, Ocean Street, and many other roads in our area."
- **Lack of community infrastructure.** The Woollahra Community Facilities Study 2019 identified a significant gap in the delivery of community, cultural and creative facilities in Woollahra. Woollahra Council's libraries are also at or near capacity. The Local Government Area (LGA) has no indoor sporting facilities and limited performing art spaces.
- **Water and sewerage infrastructure:** In 2008 and 2010 respectively, flood risk studies identified moderate to high flood risk across Double Bay and Rose Bay. Both flood assessments were commissioned in response to a series of significant flood events in Rose Bay and Double Bay, the worst of which was the November 1984 flood in Rose Bay which inundated shops on New South Head Road by over 1 metre in depth. **These studies both recommended that any consideration of uplift beyond the Council's existing planning controls (eg 3 to 4 storey apartment buildings in the R3 Medium Density Residential zones) should be accompanied by further specific assessments in the flood risk areas.**

The respective flood mitigation plans, *The Double Bay Floodplain Risk Management Plan* and the *Rose Bay Floodplain Risk Plan*, were developed in accordance with the *NSW Floodplain Development Manual* and the *Flood Risk Management Guide*, and approved by Council in 2014. Priorities for mitigating flood risk were ranked high, medium and low.

Both Plans acknowledged that issues such as the Council's ageing stormwater infrastructure (most of it was installed in the 1930s) would be difficult and expensive to fix, and that many future upgrades with respect to stormwater channels and sewerage infrastructure were reliant on Sydney Water's priorities and works schedule. The WMA Water Rose Bay Floodplain Risk Management Study and Plan (January 2014) also highlighted the impact of existing development pressures on flooding, noting that:

There is continuing pressure on Council to permit further subdivision of existing lots to increase the density of development or permit multi-unit development within the catchment. As a result this could increase water quality issues and/or exacerbate flooding.

Priorities in both Plans are now being implemented as funding permits, but Council did not anticipate the extent to which the pace and scale of

development in Double Bay and Rose Bay would accelerate from 2014 and now be further turbocharged by the LMR Housing Policy and the AHB. As the table below highlights, Double Bay, Rose Bay and neighbouring Bellevue Hill were primarily responsible for Council exceeding its 2016 - 2021 net new dwellings target by 70% and putting the municipality well on its way to exceeding its original net new dwelling target of 500 for 2021-2026.

Net dwelling increases since 2016

The District Plan and Woollahra LHS identify a five year target of 300 dwellings between 2016 and 2021. This period closed at the end of June 2021 and the target was met with 512 net additional dwellings that have commenced or completed construction. This exceeds the housing target by 70%, as shown in **Table 1** below.

On 1 July 2021, the 6-10 year housing target period began. The Woollahra LHS identifies a target of 500 dwellings to be delivered between 2021 and 2026. As of 1 May 2023, 215 net additional dwellings have commenced or completed construction. This represents 43% of the housing target, as shown in **Table 2** below.

Table 1: Net additional dwellings November 2016 to June 2021**

Ward	Net additional dwellings approved pre 2016 and construction has commenced post 2016	Net additional dwellings approved post 2016 and construction has commenced or is completed	Net additional approved complying development post November 2016	Net additional dwellings approved post November 2016 where construction has <u>not</u> commenced (excluding complying development)
Bellevue Hill	66	97	1	21
Cooper	39	23	0	29
Double Bay	78	22	0	34
Paddington	1	9	0	13
Vaucluse	27**	149	0	41
LGA Totals	211	300	1	138

Table 2: Net additional dwellings July 2021 to 1 May 2023**

Ward	Net additional dwellings approved between November 2016 to June 2021 and construction has commenced post July 2021	Net additional dwellings approved post July 2021 and construction has commenced or is completed	Net additional approved complying development post July 2021	Net additional dwellings approved post July 2021 where construction has <u>not</u> commenced (excluding complying development)
Bellevue Hill	60	-3	7	32
Cooper	20	18	0	18
Double Bay	41	6	0	85
Paddington	0	0	0	14
Vaucluse	53	20	1	8
LGA Totals	174	41	8	157

*Note: building commencement is judged by construction certificates lodged that signal imminent construction.

**One site was previously incorrectly included in the pre-2016 data set but was actually approved in 2017.

^Disclaimer: Every reasonable effort has been made to ensure that this data is correct at the time of this report. However, this data is reliant on third party information and what is currently entered into our property records system.

Conclusion

The SSDA for 2-16 Spencer Street is obviously designed to take maximum advantage of the LMR Housing Policy and the AHB provisions in order to afford harbour views from the top floors.

As a consequence, it does not take into account the area's well-documented significant constraints, as articulated in numerous Woollahra Council strategic planning documents and highlighted in this objection.

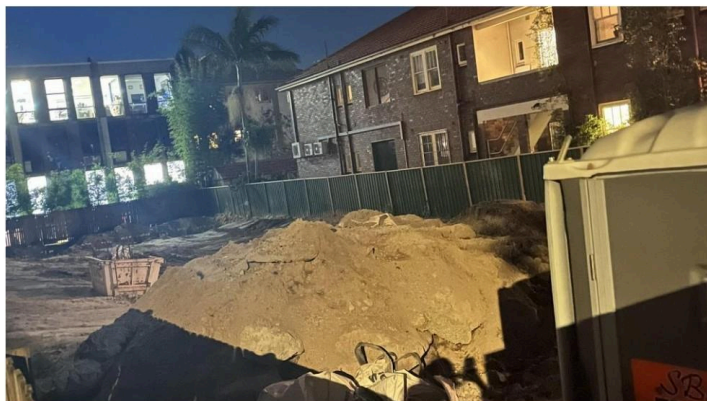
If approved, this SSDA will set an alarming precedent. In addition to the detrimental impact on residential amenity and local character, its construction could put the surrounding residents in a very precarious position. Past experience with excavation

in the area strongly predicts that the surrounding homes, including the recently constructed RFBs on Spencer Street, will likely experience settlement from the proposed excavation and associated dewatering of this SSDA.

Examples of recent damage from excavation to buildings in Rose Bay are listed below:



A photomontage of the development under construction at 6-8 Richmond Rd. Picture Woollahra Council.



The deserted building site at 6-8 Richmond Rd, Rose Bay.

- **“Significant excavation damage” to the inter-war apartment buildings on either side of 6-8 Richmond Road Rose Bay** led to the former NSW Building Commissioner David Chandler ordering construction work to be stopped in July 2023.
- **The retaining wall of the townhouses next to 8-10 Norwich Road Rose Bay collapsed during the excavation for underground parking** on this site. A boutique apartment building with one level of basement parking was completed at 8-10 Norwich Road in 2021.



The front rooms of a house next to a development site on Wilberforce Avenue in Rose Bay caved after the excavation of a single storey. **Ray White**

- **The front of a house at 64 Wilberforce Avenue collapsed in 2023 from excavation for one level of basement parking at 66-68 Wilberforce Avenue.** It was subsequently demolished.



Flooded lift well at apartment block on Wilberforce Avenue Rose Bay. Owners have been advised to hire a water engineer to address groundwater penetration issues that have likely been caused by settlement from recent two level basement excavations on Old South Head Road in Rose Bay..

- Reports of flooding to basements and lift wells attributed to groundwater penetration, settlement and stormwater overflows in Dover Road, Wilberforce Avenue, Hamilton Street and Old South Head Road.
- From the Rose Bay GHD Hydrogeological and Geotechnical Impact Assessment: Tension cracks on the footpath along Cranbrook Road were observed. Tension cracks are often a sign of distress indicating ground movement. Noting the footpath is on top of a slope, these cracks could potentially be associated with/indicative of a slope instability issue. However, other soil characteristics such as shrink-swell may also cause tension cracks.”

