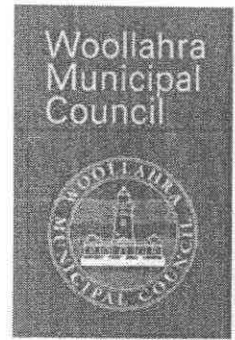


5

Office of
the Mayor



ABN 32 218 482 245

Council Ref: 900.G
Your Ref: MP 08_0100 33 Cross Street, Double Bay

9 June 2009

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Dear Mr Woodlands

**Woollahra Council submission to MP 08_0100
No.33 Cross Street, Double Bay**

Please find enclosed Woollahra Council's submission to the Director-General of the Department of Planning in relation to Application Number: MP 08_0100.

Note that the submission identifies strong opposition to the development proposal and requests that the Minister refuse the application.

If you would like to discuss Council's submission please contact Allan Coker, Council's Director of Planning and Development on 9391 7080.

Yours sincerely

Cr Andrew Petrie
Mayor

9 JUNE 2009

**Submission to application:
MP 08_0100
33 CROSS ST, DOUBLE BAY**

Prepared by Woollahra Municipal Council



TABLE OF CONTENTS

Executive Summary	1
1. Introduction.....	3
1.1 The proposal	3
1.2 Summary of Council’s position	3
1.3 Scope of the submission	4
1.4 Structure of the submission	4
2. Ashington’s engagement process—information not consultation	5
2.1 Ashington did not enter into a meaningful dialogue with Council.....	5
2.2 Ashington disregards views expressed through a wide community consultation program	5
3. Proposal should not have been declared under Part 3A of the Act	7
3.1 Proposal does not have genuine financial, economic or social significance to the State or the region	7
3.2 Proposal is for an upmarket residential apartment tower development, the tourist component is secondary	7
3.3 Sets a precedent for other Part 3A proposals	8
4. Planning, design and other assessment issues.....	9
4.1 Inconsistency of proposal with Double Bay context	9
4.2 Inconsistency of proposal with Draft East Subregional Strategy	9
4.3 Inconsistency of proposal with key local planning controls and objectives	10
4.3.1 Background to local planning controls for the Double Bay Centre	11
4.3.2 Non-compliance with maximum building height	12
4.3.3 Substantial overshadowing	14
4.3.4 Failure to meet desired future character.....	14
4.3.5 Negative impact on view corridors	16
4.4 SEPP 65—Design quality principles	18
4.5 Impact on the Transvaal Avenue Heritage Conservation Area	20
4.6 Parking and traffic impacts	21
4.6.1 Summary of issues	21
4.7 Double Bay business management strategy.....	22
4.8 Economic impacts.....	24
5. Unacceptable precedent for high rise development.....	25
5.1 Summary of concerns related to precedent.....	25
5.2 The effect of precedent on Council’s planning controls.....	25
5.3 Importance of Council’s planning controls	26
5.4 The current application of Council’s controls	26
6. Conclusion	28

TABLE OF ANNEXURES

Annexure 1	Council's decisions
Annexure 2	Hill Thalys—Expert urban design opinion
Annexure 3	SKM—Review of Environmental Assessment (Traffic & Transport)

Executive Summary

This is Woollahra Council's submission to the Director-General of the Department of Planning (DoP) in relation to Application Number: MP 08_0100.

The application applies to land at No.33 Cross St, Double Bay, known as the Stamford Plaza Hotel, and proposes the redevelopment of that land for the "Construction of a new mixed use hotel, residential and retail development and associated car parking".

- Woollahra Council and the community strenuously oppose the development proposal and urge the Minister to refuse the application. The development proposal is not in the public interest. The building form, comprising two 15 storey towers, is overwhelmingly inconsistent with the scale and form of surrounding buildings, and if approved will forever have a detrimental impact on the public amenity and character of the Double Bay Centre.
- Council unanimously and strenuously opposes the declaration of the project under Part 3A (Major infrastructure and other projects) of the *Environmental Planning and Assessment Act 1979*. The development proposal has no genuine financial, economic or social significance to the State or the region. Ashington has deliberately manipulated the Part 3A mechanism to avoid Council's local planning controls and role as the determining authority—this is an abuse of the planning assessment process and undermines the integrity of the NSW planning system.
- The development proposal ignores the well founded, community supported, and the established planning and urban design controls for the Double Bay Centre. In particular, the proposal ignores the spirit and intent of the local controls, which seek to 'ensure that new development is compatible with the existing built form, and streetscape and village character'.
- The blatant disregard for Council's local planning controls is most obviously expressed in the two proposed 15 storey, 52 metre, towers. The two towers exceed the maximum 16.5 metre building height limit by 35.5 metres and exceed the maximum 5 storey limit by 10 storeys. Given the existing and future urban context, this is completely excessive, unreasonable and offensive.
- If approved the proposal will have significant and unacceptable overshadowing and amenity impacts on the public spaces in the Double Bay Centre. These public spaces are a community asset and play a central role in contributing to the street life vitality, village character and commercial viability of the Centre. The amenity of these public spaces must be protected.
- If approved the proposal will also have significant and unacceptable overshadowing and amenity impacts on surrounding private properties. For some sites the extent of overshadowing impacts will be so detrimental that dwellings in any future mixed use redevelopment within the permissible envelopes could not be designed to provide solar access to all habitable rooms and meet amenity requirements under the *State Environmental Planning Policy (Design Quality of Residential Flat Development)*



2002. The future development potential for these sites must not be compromised by the Ashington proposal.

- If approved the proposal will set a precedent for high rise (15 storey development) in the Double Bay Centre. This will undermine the existing local planning controls. The community unequivocally identifies that they do not want high rise development in the Centre and are extremely concerned that if the Ashington proposal is approved, it may signal the beginning of more applications for high rise buildings, which over the long term will result in an incremental, irreversible and unacceptable change to the character of the Centre.
- Council has significant concerns regarding the traffic, car parking and servicing generated by the proposal, which are not satisfactorily addressed in the assessment reports.
- Council is committed to encouraging the growth, development and economic viability of the Double Bay Centre and has a clear business management strategy for the Centre. The Ashington proposal is not identified as critical to the economic viability and success of the Centre. In fact, the Ashington proposal will result in unquantifiable long term costs to public amenity and the built form character, which far outweigh any short term economic benefits claimed by the proponent.
- The Ashington development proposal represents an utter compromise for the Double Bay Centre. The cost to the public space, amenity and the character of the Centre is not justified. The Minister needs to recognise that the public interest is at stake. The Minister should uphold and support the community's vision for the Double Bay Centre and refuse the development application.



1. Introduction

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The application applies to land at No.33 Cross St, Double Bay, known as the Stamford Plaza Hotel, and proposes the redevelopment of that land for the "Construction of a new mixed use hotel, residential and retail development and associated car parking".

1.1 The proposal

Ashington is proposing the redevelopment of land at No.33 Cross Street, Double Bay, currently occupied by the Stamford Plaza Hotel.

The development proposal is for:

- demolition of the existing hotel and associated retail arcade
- retention and reconfiguration of the two existing basement levels for parking, storage space and plant equipment
- erection of a part three, four and five storey podium
- erection of a six storey tower
- erection of two 15 storey towers.

The proposed uses include:

- a luxury five star boutique hotel, comprising 66 hotel rooms
- 39 residential apartments comprising 8 x 1 bedroom, 12 x 2 bedroom and 19 x 3 bedroom apartments
- piazza and retail uses at ground floor of 1,375m²
- hotel bar/restaurant
- pool for use by hotel guests, residents and visitors.

The development proposal has been declared to be a project to which the provisions of Part 3A (Major infrastructure and other projects) of the *Environmental Planning and Assessment Act 1979* (the Act) applies. In particular, the proposal has been prescribed as a "tourist, convention and entertainment facility" under clause 17 of Schedule 1 to *State Environmental Planning Policy (Major Projects) 2005* (the Major Projects SEPP).

1.2 Summary of Council's position

Council unanimously and strenuously opposes the development proposal and the declaration of the project under Part 3A of the Act.

This position was expressed in Council's decisions of 17 November 2008 and 1 December 2008. Refer to Annexure 1.

The proposal grossly breaches Woollahra's key planning controls and the clearly established planning objectives for the Double Bay Centre, as articulated in the *Woollahra Local*



Environmental Plan 1995 (Woollahra LEP 95) and the Double Bay Centre DCP. Council's assessment of the proposal identifies that it will result in:

- significant and unacceptable overshadowing of public spaces
- an inconsistent building height compared with the maximum height for buildings that may be achieved elsewhere in the Centre
- a dramatic and unsatisfactory transition in height between the commercial zone and the abutting residential zone to the north
- a building scale which is totally inconsistent with community expectations for the Centre.

The detrimental impact to the public space, amenity and the character of the Centre is not justified by any benefits of the development proposal. The development seeks substantial gains at the expense of other private lands and the broader public interest.

Council and the community seek a form of redevelopment on the site that is compatible with the vision and desired future character of the Double Bay Centre, as expressed in the local current planning controls. This is not an unreasonable expectation.

To that end Council requests in good faith, that the Minister assesses the proposal against:

- the local, as well as any relevant State planning objectives and controls
- the views and expectations of the community as reflected in the Double Bay Centre Development Control Plan 2002 (the Double Bay Centre DCP)
- the views and expectations of the community as expressed during the public exhibition of Ashington's development proposal.

1.3 Scope of the submission

This submission assesses the development proposal, however Council reserves the question as to the validity of the declaration under the Major Projects SEPP.

1.4 Structure of the submission

This submission is structured as follows—Parts 2 and 3 address matters of planning process and procedure, Parts 4 and 5 address planning, design and other assessment issues:

Part 2 Ashington's engagement process—information not consultation

Part 3 Proposal should not have been declared under Part 3A of the Act

Part 4 Planning, design and other assessment issues

Part 5 Unacceptable precedent for high rise development

Part 6 Conclusion



2. Ashington's engagement process—information not consultation

2.1 Ashington did not enter into a meaningful dialogue with Council

Ashington never sought to engage in a meaningful dialogue with Council about possible design options for the future redevelopment of the site, prior to the proposal being declared under Part 3A of the Act.

Council is extremely disappointed by this lack of goodwill considering the significance of the site, and the lost opportunity to work collaboratively to discuss design options that respond to the community's vision for the Double Bay Centre.

Rather, up to the declaration of the project Ashington's consultation with Council was superficial and limited to:

- 1 November 2007—an initial meeting for Ashington to introduce the project to Council
- 30 November 2007—a subsequent meeting between Ashington, Architectus, Council staff and the Double Bay Liaison Group where the Ashington team presented six development options for the site
- 12 March 2008—a brief meeting between Ashington and Council staff where Ashington outlined a proposed community consultation process, which subsequently took place in three sessions on 12 April 2008.

Furthermore at no time during these meetings did Ashington indicate its intention to have the project declared under Part 3A project, or to seek Council's view about that approach. This is very disconcerting and reflects poorly on Ashington's intent.

In fact, Council only became aware that Ashington was intending to use the Part 3A mechanism when Council received a letter from the DoP, dated 24 July 2008, requesting the key issues and assessment requirements under section 75F *Environmental assessment requirements for approval* of the Act.

These proceedings indicate that Ashington never had any intention to lodge a development application with Council. Instead Ashington has deliberately manipulated the Part 3A mechanism to avoid Council's local planning controls and role as the determining authority—this is an abuse of the planning assessment process and undermines the integrity of the NSW planning system.

The Minister should take this into consideration.

2.2 Ashington disregards views expressed through a wide community consultation program

Ashington has failed to listen, and respond, to community feedback gathered during the public consultation process, and its approach to consultation can be more characterised as marketing and sales, rather than public participation.

In particular, Ashington has failed to adequately address the DoP's own consultation guidelines and requirements for Major Projects. Specifically Ashington has not adhered to the



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guidelines to “Consult early” and “Demonstrate how the issues raised have been addressed in the Environmental Assessment”.

The community consultation forums undertaken by Urban Concepts, on Ashington’s behalf, identified:

- overwhelming community opposition to the development and specific concern with the height of the proposed towers and the negative impact the development will have on the character of the Double Bay Centre.
- significant concern about the precedent a development of this kind would set for the area.

These concerns have been blatantly ignored in the Environmental Assessment.

It is also important to note that Ashington held most of the community consultation during the Christmas and holiday period. The poor timing of consultation has provoked, amongst the community, a sense of mistrust towards Ashington. This sentiment is documented in feedback included in Ashington’s Community Consultation Report and the media coverage.

The community unequivocally oppose the Ashington development proposal and do not want high rise development in the Double Bay Centre. The Minister must listen to the community, uphold and support their vision for the Double Bay Centre, and refuse the development proposal.



3. Proposal should not have been declared under Part 3A of the Act

Council unanimously and strenuously opposes the declaration of the project under Part 3A of the Act.

Council's concerns about the declaration and the fact that it was neither consulted, nor properly informed of the declaration, were raised with the Premier and the Minister for Planning by letter dated 11 September 2008.

3.1 Proposal does not have genuine financial, economic or social significance to the State or the region

Firstly, Council questions the basic premise that the proposal should be considered under Part 3A of the Act.

Part 3A was established to deal with major development proposals that have genuine financial, economic or social significance to the State or the region, and which if did not proceed, would have significance consequences for the State or the region.

In principle, the Ashington development proposal does not satisfy this criterion. In fact, the proposal is not even critical to the economic viability of the Double Bay Centre, let alone the State or region.

The Minister should recognise that:

- the development proposal is not a genuine major project
- Ashington has manipulated a declaration under the Part 3A mechanism because it perceives that development consent is more likely if the proposal is assessed under Part 3A.

The use of Part 3A of the Act to approve a development which so grossly departs from local planning controls—and which is so obviously inconsistent with the desired future character of the Double Bay Centre and community expectations—is an abuse of the process and undermines the integrity of the NSW planning system.

3.2 Proposal is for an upmarket residential apartment tower development, the tourist component is secondary

Secondly, Council questions whether the development proposal satisfies the criteria for a major project under clause 17 of Schedule 1 of the Major Projects SEPP—Tourist, convention and entertainment facilities.

The most significant part of the proposal is the upmarket residential apartment component, which is contained within the two 15 storey towers. The tourist (hotel) component of the proposal is secondary to the overall development and occupies only one quarter of the total floor space.

In fact, the proposal actually reduces tourism facilities on the site from a building currently containing 140 hotel rooms to a building of 66 hotel rooms.



3.3 Sets a precedent for other Part 3A proposals

The Ashington development proposal does not have genuine financial, economic or social significance to the State or the region. There will be no significance consequences for the State or the region if the Ashington proposal does not proceed.

Council and the community are therefore very concerned that the Director-General, in declaring the Ashington development proposal under Part 3A, may set a precedent for similar proposals in the Double Bay Centre to be submitted to the Director-General under Part 3A.

Figure 1 below illustrates the devastating long term impact the Ashington proposal could have on the Centre and surrounding areas if the proposal sets a precedent.



Fig 1: Potential development scenario if 15 storey development precedent is set by Ashington proposal

Note: Figure 1 is only intended to illustrate the visual impact of high rise development in the Double Bay Centre, if a precedent is set by the Ashington development proposal. The figure is a broad depiction, and only seeks to provide a representation of sites where 3A development proposals could occur in the future.

In fact, it is highly unlikely that one site identified with the hypothetical high rise developments would be subject to a Part 3A proposal, as 2–22 Knox Street Double Bay is owned by Council. Council in its capacity as owner would not support such high rise development as depicted in the figure.

Land at No.2-22 Knox Street, Double Bay, which is owned by Council, is the subject of a commercial agreement between Council and Gloxinia Investment Enterprises and is currently being redeveloped. Approval has been given for a six storey mixed use development containing retail uses, community uses, public car parking and 28 residential units within stratum arrangements. Consequently it is highly unlikely that a Part 3A proposal on this site would eventuate.



4. Planning, design and other assessment issues

4.1 Inconsistency of proposal with Double Bay context

Council submits that the Ashington development is totally inconsistent with the existing and desired built character of the Double Bay Centre and its surrounds.

The Double Bay Centre lies within a valley floor at the base of a natural amphitheatre formed by the ridges of Darling Point, Edgecliff and Bellevue Hill.

The current built form of the Centre and its immediate surrounds does not compete with the natural topography. This is demonstrated by the following points:

- When viewed from Sydney Harbour, development in the Double Bay valley, which includes the Commercial Centre, displays a low rise foreground setting for the hills of Darling Point, Edgecliff and Bellevue Hill
- Views from the harbour to the distant ridges are not broken by tall buildings on the foreshore and the immediate hinterland
- Views from the slopes and ridges of the amphitheatre towards the Harbour are generally not impeded due to the low rise nature of development on the valley floor.

The desired future character for the Double Bay Centre and its surrounds, as set down in Council's planning documents and strategies, does not accommodate the built form proposed.

The development proposal, with its two 15 storey towers, provides an imposing vertical built form which will punctuate the low rise character of the valley floor when viewed from the Harbour and the valley sides. The proposal is excessively scaled and clearly inconsistent with the natural context and the current and desired built context. For these reasons Council strongly opposes the proposal.

4.2 Inconsistency of proposal with Draft East Subregional Strategy

Council submits that the Ashington development is inconsistent with the DoP's Draft East Subregional Strategy.

The DoP's Draft East Subregional Strategy (July 2007) describes Double Bay as a town centre and notes its small-scale speciality retail role (p.40 and p.50). The Draft Strategy makes no specific mention about the growth of Double Bay in terms of its physical form or its floor space expansion. The Draft Strategy does not propose or require that Double Bay make a transition to a major centre. A major centre, as defined in the Draft Strategy, is one that includes, amongst other features, taller office and residential buildings. The proposed high-rise building would be inconsistent with this aspect of the State Government's proposed East Subregional Strategy. There is potential for the development proposal to set a precedent for additional high rise buildings. This would further change the nature of the Double Bay Centre to a type of commercial centre which is inconsistent with the State Government's proposed East Subregional Strategy.



The Draft Strategy contains employment capacity targets and housing targets for the four local government areas within the East Subregion. Woollahra has the following targets to 2031:

- employment capacity—300 additional jobs
- housing—2,900 additional dwellings

The provision of additional jobs to meet the target figure will be taken up across the Municipality in commercial centres and as home-based employment. There is no requirement or current planning strategy to concentrate a major proportion of additional jobs within Double Bay.

Commercial centres in the Municipality will play a major role in provision of additional housing to meet the Draft Strategy's target figure. Double Bay has capacity under the current planning controls to accommodate additional housing in the form of mixed development.

In order to encourage new mixed use development within the Centre it is important to retain and promote a high quality urban setting. This will include:

- providing a reasonable residential amenity
- maintaining the important attributes that contribute to the character of the Centre such as the moderately scaled built form, high level pedestrian amenity and a vibrant street scene.

The development proposal will compromise the quality of future mixed use development in the Centre and the attractiveness of the Centre for mixed use development because:

- the overbearing scale of the two towers will introduce a visual feature which will have a negative impact on the Centre's character
- there will be substantial overshadowing of public spaces thereby reducing general pedestrian amenity and impacting specifically on the numerous outdoor gathering and eating spaces that contribute to the Centre's character and vitality
- there will be substantial overshadowing of private land thereby reducing the amenity of future residential development that might occur on that land.

4.3 Inconsistency of proposal with key local planning controls and objectives

This submission does not provide an assessment of the proposal against section 79C *Evaluation* of the Act. Instead, this submission identifies how the proposal fails to meet key planning controls and objectives relating to:

- maximum building height
- overshadowing
- desired future character for the Double Bay Centre
- view corridors
- parking



4.3.1 Background to local planning controls for the Double Bay Centre

Local planning controls for the Double Bay Centre are largely contained in the Double Bay Centre Development Control Plan and Woollahra LEP 1995. These controls are the culmination of detailed urban design and planning analysis and substantial community consultation carried out over a period of four years between 1998 and 2002. The controls form part of the Council's place-based approach to planning which recognises the distinct character of local areas throughout the Municipality.

The local planning controls have a sound and credible basis which is demonstrated by the following points:

- background research and preparation of the controls were carried out by a highly skilled and experienced multi-disciplinary team lead by Hill Thalys Architecture and Urban Projects. The team comprised urban designers, landscape architects, traffic engineers, hydraulic engineers and land economists.
- technical studies were made for:
 - stormwater drainage and geotechnical conditions
 - traffic and parking
 - retail and commercial economic conditions
 - urban potential.
- results of the technical reports were used to prepare a detailed urban design study for the Centre.
- strong community involvement occurred throughout the process in the form of:
 - a community reference group which drew membership from the Double Bay Chamber of Commerce, local residents and the Double Bay ward councillors
 - a series of public workshops and meetings which identified and discussed issues and assisted with preparation of controls
 - public exhibition of a draft DCP, draft LEP, Urban Design Study and Public Domain Improvements Plan over a period of four months from mid July to mid November 2000
 - re-exhibition of documents during February and March 2001 following amendment to the draft DCP and draft LEP in response to public submissions and further analysis of building heights, shadow impacts and hydrogeological issues.
- peer review of the draft DCP prior to initial exhibition was carried out by Keith Cottier (Allen Jack and Cottier) and Jan McCredie (Director Urban Design Advisory Service, DUAP). The peer review assessed the proposed controls and building envelopes in detail and strongly endorsed the draft DCP prior to public exhibition.

The overwhelming community response to the Council during the course of preparing the new controls was to retain the village atmosphere of Double Bay. The community saw the limitation of building height as a key measure towards the retention of this village character. The community expressed a strong view that Double Bay should retain a distinct image and



not evolve into a high rise commercial centre similar to the Centre's main competition at Bondi Junction.

In response to hundreds of submissions during the first exhibition period, many of which raised concern about the scale of buildings in the Centre, the Council reduced building heights on New South Head Road and the southern side of Cross Street. These reductions were informed by detailed analysis of a computer generated shadow model illustrating the effects of different heights, setbacks and building envelopes. Advantages in reducing building heights included:

- acceptable shadowing impacts of critical footway areas
- less abrupt transition in scale between commercial and adjoining residential buildings
- lower heights, in most cases, compared with the previous DCP for the Centre
- built form outcomes are more consistent in scale and character with existing development and a community desire to retain village atmosphere.

It took four years of intense work and community consultation to get the current planning controls for Double Bay into place. These controls provide for a 4-5 storey scale in keeping with community aspirations to maintain the 'village atmosphere' of Double Bay.

Since the introduction of new controls in 2002 Council has been successful in obtaining high quality design outcomes in new development at an appropriate scale for the Centre. Nothing has occurred since 2002 which suggests that a change in planning direction, or review of heights, is required.

Hill Thalys were the consultants principally responsible for formulating the Double Bay Centre DCP. The Director of Hill Thalys, Philip Thalys, has been engaged to provide an expert urban design opinion. Refer to Annexure 2.

4.3.2 Non-compliance with maximum building height

The Double Bay Centre DCP sets a 2 to 5 storey limit within a maximum height of 16.5 metres for the subject site. The proposed development greatly exceeds these maximum height limits with a building of 2 to 15 storeys and a total height of 52 metres.

The proponent's Environmental Assessment nominates the height controls as a relevant consideration and seeks to justify the non-complying height for the proposal on two grounds:

- redistribution of existing floor space into a different configuration in order to achieve an open air ground level piazza
- providing a landmark development which has potential to regenerate Double Bay (Architectus, 33 Cross Street Double Bay Project Application Environmental Assessment p.108).

These points are flawed for several reasons:

- The demonstrated disadvantages of high rise towers outweigh the perceived public benefits of a piazza.



- Double Bay is already strongly characterised by its small public and private squares, a pedestrian network of laneways, arcades and other through-site links and a diversity of footpath cafes and restaurants. Though the proposed piazza would contribute to this network it is not essential for the ongoing vitality of the Centre.
- Provision of sunlight to public spaces and private land and compatible building form are paramount to the good amenity of the Centre and the retention of its village character.
- Due to the height of the towers and their position to the south of the piazza, it is evident that the private development is gaining solar advantage at the expense of the public domain and private land to the south of Cross Street.
- The proposed towers will overshadow public spaces and private land thereby diminishing the pedestrian amenity and amenity of outdoor eating areas.
- The proposed towers contravene the community's desire to retain the village character of the Centre.
- The proposed towers obstruct view corridors.
- The proposal does not deserve landmark status, for reasons set out below.
- High rise development is not a component of the Council's business management strategy for promoting and rejuvenating the Centre.

The proposed towers will produce a dramatic and unsatisfactory transition in height between the commercial zone and the abutting residential zone to the north, which has a maximum height limit of 9.5 metres. Similar issues with building transition will occur with the low scale, single storey buildings located in the Transvaal Avenue Heritage Conservation Area located immediately to the east of the subject site (see Figure 2).

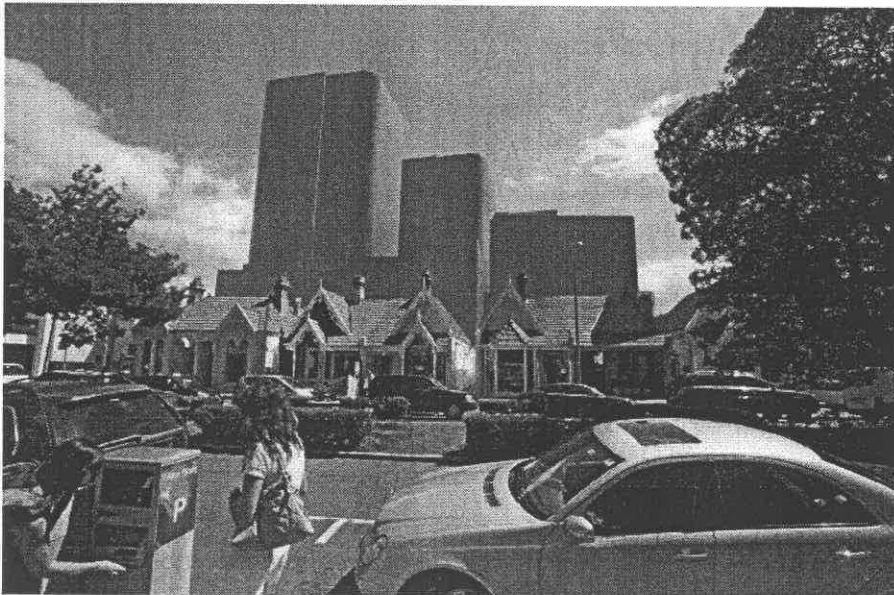


Fig 2: An image provided by a local resident showing the impact of the proposal on the Transvaal Avenue Heritage Conservation Area



4.3.3 Substantial overshadowing

The proposed towers will have a considerable overshadowing impact on the public domain and private property to the south.

The proposed towers will substantially impact on the southern pavement of Cross Street which presently accommodates a number of outdoor cafes. The potential for this area to provide attractive outdoor eating facilities and street activities will be reduced.

Consequently, the economic viability of these uses and future uses will be compromised.

In addition to the Cross Street properties, the proposal will impact on the pedestrian connections that link Cross Street, Knox Lane and Knox Street. Pedestrian amenity and any uses established in those connections, including outdoor cafes, will suffer.

Private property to the south of Cross Street will be overshadowed to varying degrees.

The properties between Cross Street and Knox Lane are predominantly two storeys in height and are well suited to redevelopment. Four storey mixed use developments are permitted on these sites. The Double Bay Centre DCP requires retail on the ground floor level and either commercial or residential accommodation above.

Presently the upper levels of new developments in Double Bay (other than New South Head Road) are predominantly residential. The extensive shadow cast by the towers will affect the potential for any future development of residential properties on the block between Cross and Knox Streets. Parts of this block will be unable to meet the SEPP 65 minimum requirement that dwellings receive two hours of sunlight between 9am and 3pm in mid-winter.

Overshadowing of private land will also impact on the ability of new development to meet sustainable building practices particularly in terms of solar access and use of solar devices such as photovoltaic systems.

4.3.4 Failure to meet desired future character

The proposed development is incompatible with the desired future character for the Double Bay Centre as articulated by the provisions of the Double Bay Centre DCP.

The local community's strong expectation for retention of the Centre's village character has been mentioned before in this submission. This character is very much reliant upon building scale. Therefore, approval of the proposed development with its non-complying height would set a precedent that has potential to undermine the planning controls and destroy the Centre's character.

The Double Bay Centre DCP and the Woollahra Residential DCP reinforce the established pattern of development in which the valley floor is occupied by low to moderate scaled development.

The proposed towers do not contribute to the future desired character of the Centre or its surrounding area. They would be visible from numerous public and private locations and substantially change the visual perception of Double Bay. Figure 3 shows a photograph taken from Steyne Park, Double Bay looking towards the Centre. The photograph clearly



demonstrates the substantial impact of the towers on the low scale nature of buildings in the immediate area.

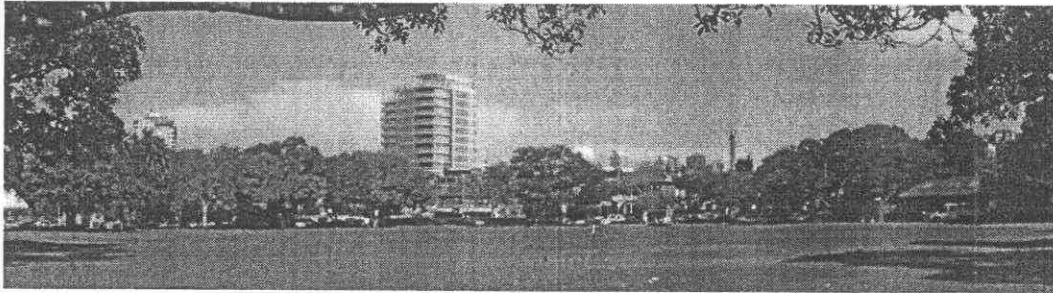


Fig 3: The proposal would be an unwanted landmark for Double Bay Centre (image by the proponent)

The proposal would be the only tower development in the Double Bay Centre. There is no established scale for such towers. The towers are clearly at odds with the desired village character of Double Bay.

Figure 4 from the Double Bay Centre DCP provides a building cross section for Cross Street. The images to the right show the proposed development and demonstrates the non-compliance.

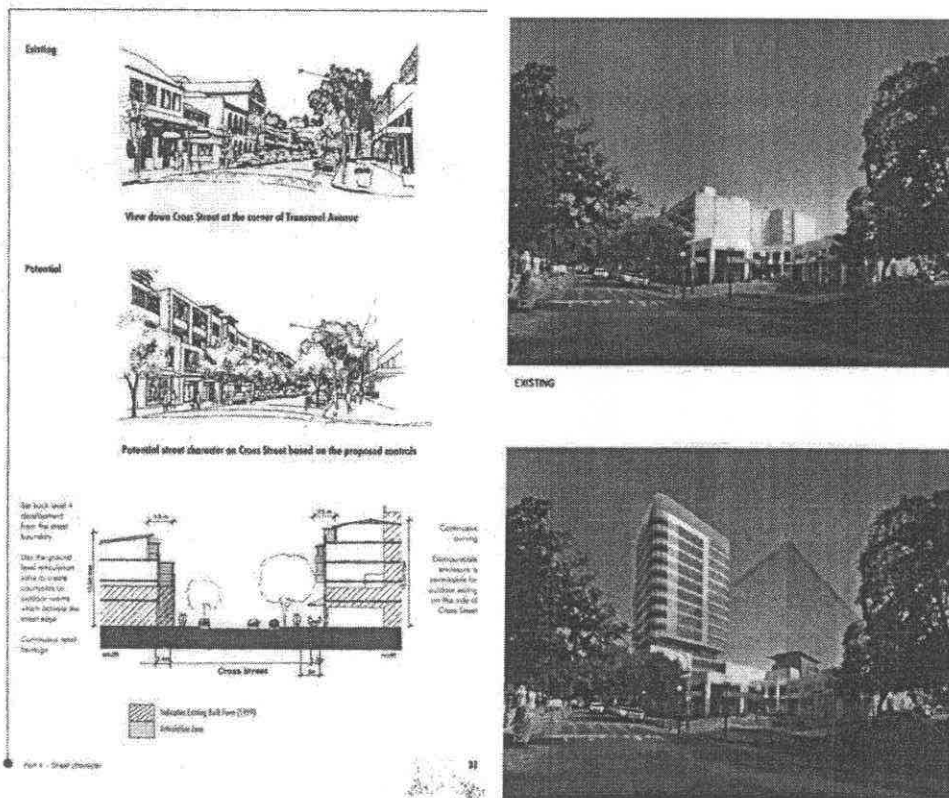


Fig 4: Images of the proposal produced by the proponent and illustrations in the Double Bay Centre DCP illustrating the desired future street cross section



The street section is significantly impacted on by the wall of building rising 52 metres from the street. This profile conflicts with both the existing and the desired future street section and would be an overbearing presence.

It is not possible to hide the two towers. The proponent argues ‘high quality design’ and ‘landmark’ significance as reasons for visual acceptability.

Clearly there is an expectation that all development should be of ‘high quality design’. Therefore, this point cannot be used to justify a non-complying development. However carefully designed the proposal is, the fact that the towers rise 10 storeys above the general height of buildings in the centre cannot be disguised.

Similarly, the Council rejects the concept that a perceived ‘landmark’ status is an acceptable reason to support gross non-compliance of planning controls and inconsistency with desired future character.

To be an acceptable landmark there is a reasonable expectation that the building adds to the character of the location in a positive manner. The towers will be intrusive elements in the Double Bay Centre context and the valley floor. Whilst they will be very obvious, they will not make a positive contribution to the visual identity of the locality.

Furthermore the intended use of the towers as exclusive residential apartments is not conducive to them being embraced by the wider public as notable structures of landmark status as argued by the proponent. The proponent’s claim that “Hotel buildings offer the best opportunity to deliver landmark developments as their physical appearance and individuality often benefit the branding and successful marketing of the hotel” (Environmental Assessment p.108), is spurious. There is no evidence that a high rise hotel is a desired landmark for the Double Bay Centre.

4.3.5 Negative impact on view corridors

Presently there are no buildings in the Double Bay Centre higher than six storeys. Taller residential buildings occur on the Darling Point, Bellevue Hill and Edgecliff ridges. This development pattern provides a visual corridor from numerous locations in the large visual catchment to the waters of Double Bay and the main Harbour beyond.

Research undertaken as part of the Double Bay Centre Urban Design Study considered the sightlines from several areas surrounding the Centre.

These investigations helped to inform the height and envelope controls within the Double Bay Centre DCP.

Figure 5 shows an extract from the Urban Design Study.



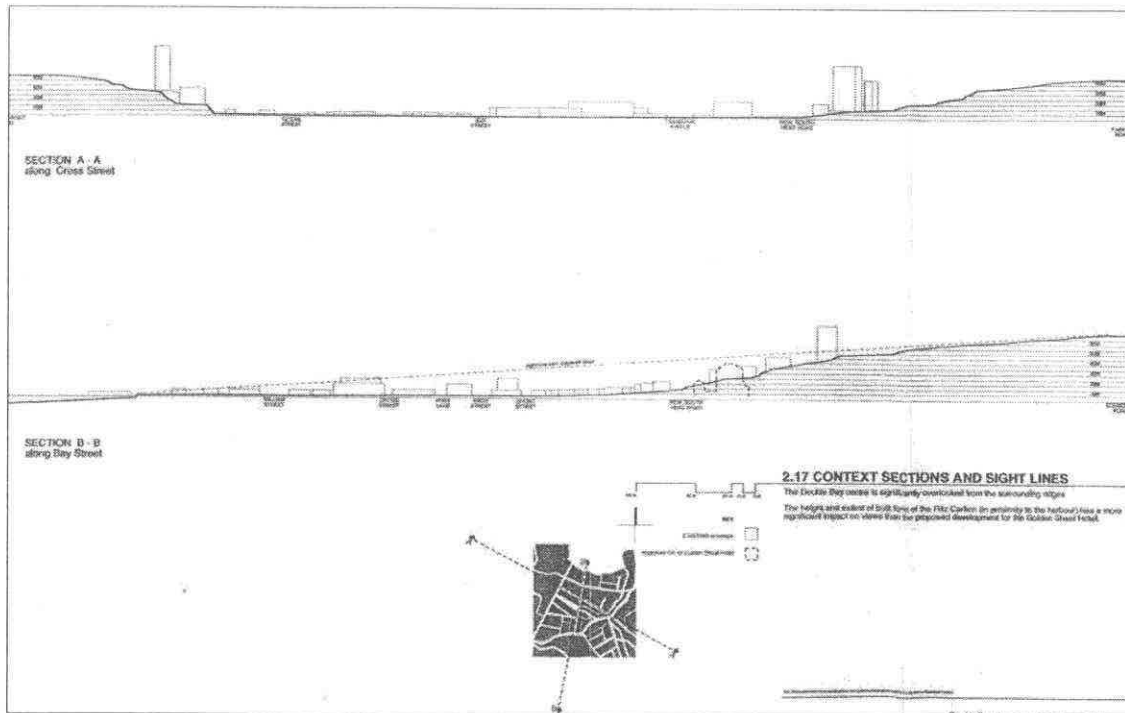


Fig 5: An analysis of sightlines in the Double Bay Centre Urban Design Study 1999

The proposed towers would be visually dominant from the public domain and numerous private properties which overlook the valley and presently enjoy unobstructed view paths to the bay and Harbour beyond (see Figure 6). The towers will impact on these views often breaking up the skyline and the view of the Harbour. From the majority of locations, the towers are seen overlapping and as one broad mass.

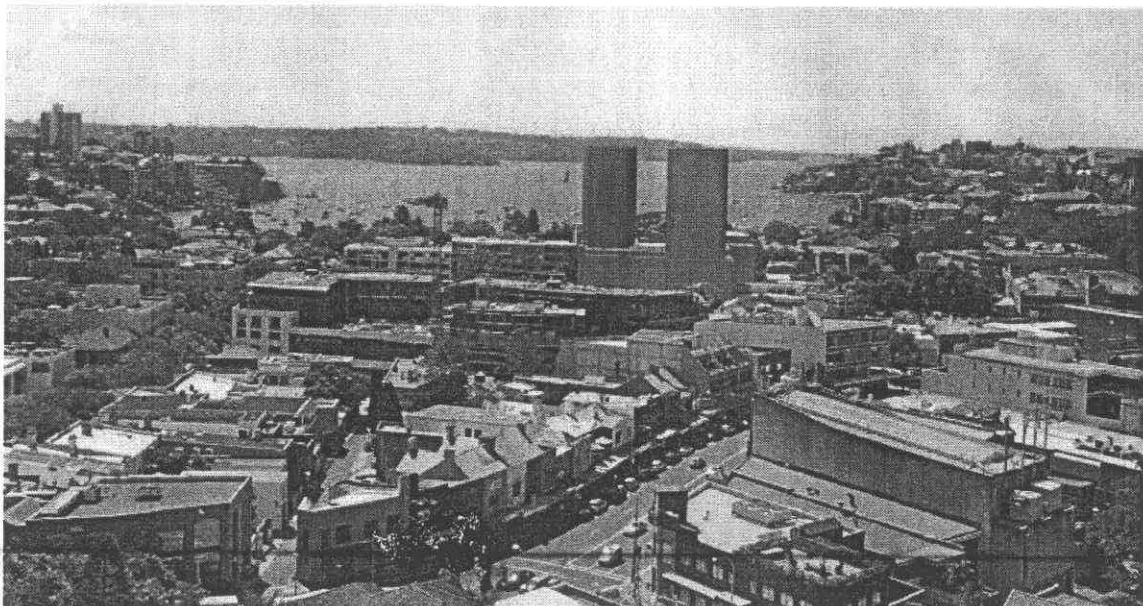


Fig 6: The proposed towers adversely impact on numerous views of the Harbour (image by local resident)



4.4 SEPP 65—Design quality principles

This submission provides an assessment of the proposal against the ten design quality principles set down in *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development* (SEPP 65).

1. Context

SEPP 65 defines context as the key natural and built features of an area. Responding to context for locations in transition, such as Double Bay, requires reference to ‘the desired future character as stated in planning and design policies’.

The planning and design policies of Woollahra Council, as set down in the Double Bay Centre DCP, do not envisage high rise buildings and explicitly restrict the height of development in the Double Bay Centre to a maximum of 16.5 metres. There is an express objective to retain the village character of Double Bay, which is supported by the building scale nominated in the DCP.

The Double Bay Centre DCP is a relatively recent and comprehensive document based on a thorough urban design study and extensive public consultation. The proposed development at 52 metres is clearly at odds with the desired future character of the Centre.

The Double Bay Centre lies within a valley floor in which development is of a low to moderate scale. The scale of buildings within this broader context is expressed in the predominantly 9.5 metres maximum height control set down in Woollahra LEP 1995.

The development proposal would be a dominating and excessively scaled building within the context of the Centre and its surrounding residential areas.

The proposal does not meet this design principle.

2. Scale

Scale in terms of bulk and height should be compatible with the desired future character of the Centre. The proposed towers are grossly out of scale with the Centre’s desired future character. There is no established scale for high rise development within the Double Bay Centre. The proponent’s argument that larger sites can better accommodate ‘taller elements of height’ ignores the planning and design policies established for the Centre which seek to achieve a specified built form character.

The two towers when viewed from most positions the two 15 storey towers will appear as one, which increases their visual bulk and contributes to the proposal’s unacceptable scale.

The proposal does not meet this design principle.

3. Built form

The proposed towers sit on a five storey podium and are placed on the southern edge of the development. Together they occupy over 50% of the frontage. Including the podium component, the towers rise to 15 storeys. They are set back 3 metres and 8 metres from the street boundary. This produces an imposing wall of building on the northern side of Cross Street.



The proposed towers are highly visible and will have a considerable visual impact on the character of the Centre and its surrounding area. The towers will obstruct numerous view corridors across the site.

The proposal does not meet this design principle.

4. Density

SEPP 65 states that “good design has a density appropriate for a site and its context, in terms of floor space yields” (Part 2 Design Quality Principles, Principle 4 – density). The proposal seeks to reconfigure the existing built density, as measured in floor space, into a vertical form. This form is considered to be inconsistent with the existing and desired future character of the Centre and its surrounding area.

Whilst the proposal will result in a particular residential yield, that yield is low in terms of quantity, due to the substantial size of the majority of units. Ultimately, these oversized units provide little benefit in meeting longer term residential density requirements.

The proposal does not meet this design principle.

5. Resource energy and water efficiency

A full audit of the proposal’s sustainability features has not been carried out by Council. However it is noted that units within the podium do not have natural cross ventilation.

More importantly, the proposal will cast shadows across other parts of the Centre affecting the ability of development in those areas to utilise the benefits of the sun, both for passive heating and for energy capture.

The proposal does not meet this design principle.

6. Landscape

Council has no issues regarding this principle.

7. Amenity

The two towers are separated by 14 metres. This distance fails to meet the recommended distance of 24 metres set out in SEPP 65 Residential Flat Design Code to reduce amenity impacts between apartments.

Although the apartments have four aspects, so are able to face away from each other and screen out privacy concerns, the twenty apartments in the towers will still look down on numerous residential properties in the locality. This will invade the sense of privacy presently enjoyed in a significant number of dwellings and back gardens.

The combined shadow cast by the two proposed towers will affect a substantial portion of the block south of the development bounded by Cross Street, Knox Street, Bay Street and New South Head Road. This shadow impacts on the potential of this block for residential purposes since it would compromise the ability to meet the SEPP 65 requirement, enshrined in the Residential Flat Design Code, that dwellings in dense urban areas achieve a minimum



of two hours sunlight between 9am and 3pm in mid-winter. Mixed use development is clearly indicated as a desired future character in the DCP for this location.

The proposed towers would also have a lesser, but still significant, impact on a far greater area of Double Bay.

The proposal does not meet this design principle.

8. Safety and security

Council has no issues regarding this principle.

9. Social dimensions and housing affordability

The development provides 20 apartments in the two towers above the podium level. These are very large 3 bedroom apartments between 344m² and 458m² in area. This compares with the 95m² for 3 bedroom apartments suggested in the SEPP 65 Residential Flat Design Code. Clearly there is no intention to provide affordable apartments in the manner expressed under SEPP 65.

The remaining 19 apartments in the development are situated in the podium and range from 1–3 bedrooms. These apartments have potential to provide a greater housing choice, but fail to meet basic amenity requirements such as cross ventilation and balconies.

The proposal does not meet this design principle.

10. Aesthetics

The proposed development can be separated into two parts; a podium up to five storeys and two 15 storey towers.

The aesthetics of the five storey podium and the associated urban design are well conceived and convincingly designed. The visual resolution is appropriate.

The tower elements are well mannered with a considered composition and use of materials. However these qualities cannot compensate for the building being unwelcome in this context. The aesthetic of the proposed towers is compromised an insincere politeness.

The proposal does not meet this design principle.

4.5 Impact on the Transvaal Avenue Heritage Conservation Area

The Double Bay Centre DCP requires that the consent authority must consider the impact of the development proposal on individual buildings, on the character of the streetscape and on the overall significance of the area.

The proposed buildings will dominate the historic and picturesque street. The proponent's argument, that the proposal will have less impact on Transvaal Avenue than the existing structure, is flawed, as the proposal's greater height and bulk will form a more substantial and overwhelming backdrop to the heritage streetscape than the existing.

The proposed building envelope of the development is inconsistent with the predominant existing context in terms of both its character and scale.

