

The Transvaal Avenue Heritage Conservation Area has been identified in recognition of its heritage values, including:

- The quality, distinction, consistency and relative intactness of the Federation style semi-detached houses, with their decorative and intricately detailed timber barge boards, multi-gabled, steeply pitched tiled roofs and chimneys.
- The cottages, as a group, form a unique collection of substantially intact character dwellings, due to the single storey building mass and close proximity of each pair of buildings, which ties the buildings together into a cohesive group. The cottages create a picturesque and aesthetic rhythm along Transvaal Avenue of finely detailed, single storey cottages combined with sympathetic landscaping.
- The property developer, Edward Knox Harkness established Transvaal Avenue in 1900. The residential street was developed in the early 1900s, with eight pairs of semi-detached houses, each named after the Transvaal victories, enjoyed by the British forces in South Africa in the Boer War. The houses on the east side were named for the battles of the campaign and the houses on the west side for the victorious British commanders. Transvaal Avenue was extended to its existing length during the 1920s with the subdivision of the Lowlands Estate.

Council does not accept the proponent's argument that the proposal will have less impact on Transvaal Avenue than the existing development, since the proposal is both considerably higher and is bulkier, nor can the Minister be satisfied.

#### **4.6 Parking and traffic impacts**

##### **4.6.1 Summary of issues**

Council engaged Sinclair Knight Merz (SKM) to review the traffic and transport assessment prepared by Halcrow MWT on behalf of the applicant for the proposed development. The SKM Report (2009) is attached as Annexure 3.

The key issues of concern arising out of that review are as follows:

- The development proposal reduces parking from the existing 173 spaces to 107 spaces whereas the Double Bay Centre DCP requires 169 spaces. Council does acknowledge that a financial contribution for 50 spaces has previously been accepted for the site and that is correctly credited to the property. Therefore, the proposal represents a net shortfall in parking provision of 12 spaces according to Council's Double Bay Centre DCP. However Council is gravely concerned that the 107 parking spaces provided will not satisfy the likely demand for parking generated by the development proposed. In particular, no parking is provided for retail or the function room uses.
- Council considers that the proposed fourth level bar and restaurant is effectively a function room and would generate car parking.
- The assumption that the 12 car short fall in parking on site will be transferred to the Council owned Cross Street car park is unacceptable. It is Council's view that a major development of this kind should fully accommodate its own parking demand on site.



- Council is concerned that the significant undersupply on the subject site will exacerbate current conflicts between cars using the Cross Street car park and cars queuing at the intersection of Cross Street and New South Head Road.
- Furthermore there has been no discussion or agreement between Ashington and Council that the development should rely on the existing capacity in the Cross Street car park, which is owned by Council.
- It is Council's view, which is supported by the Woollahra Section 94 Contributions Plan, that any existing capacity in the Cross Street car park should not be taken up by this single major development.
- Most service vehicles cannot access the basement level loading docks. This will require the introduction of loading zones on the street in front of the development which will have undesirable street character consequences.
- The report has failed to provide representative modelling of the likely traffic impacts of the development. Council is not satisfied that the likely adverse traffic impacts associated with this development on the surrounding road network or intersection functionality has been properly assessed.
- Council is not satisfied that the Halcrow Report has adequately identified the likely parking and traffic impacts arising from the development proposal.

Overall there are serious deficiencies in the analysis of impact of proposed changes to car parking within the report. As such it is not possible to quantify the overall impact resulting from the proposed changes to parking or for the Minister to be satisfied with the validity of the report's conclusion that adequate parking supply is available to absorb the proposed undersupply.

Given the analysis commissioned by Council it is likely that on street car parking congestion will be increased significantly and the development proposal will adversely impact on both car parking supply and traffic congestion in Double Bay Centre.

#### **4.7 Double Bay business management strategy**

Council has a comprehensive strategy in place to rejuvenate the Double Bay Centre.

The strategy does not seek to promote more intense development in the form of high rise buildings, nor does it rely on a change in planning controls that would accommodate a greater scale of buildings in the Centre.

The key elements of the strategy are:

- a centre management organisation called the Double Bay Partnership
- a business plan
- public domain works involving new paving, banner poles, street furniture and wayfinder signage
- service agreements for maintenance.



The Double Bay Partnership is an incorporated association drawing membership from the Double Bay Centre business community and the Council. The Partnership has a constitution, a memorandum of understanding and is supported by funding from the Council and the business community.

Council, in conjunction with the Partnership has a strong commitment to the growth, development and economic viability of the Double Bay Centre.

The strategy for Double Bay embraces the following vision:

*Our vision for Double Bay is as a vibrant and attractive centre that offers a unique living, working and shopping experience within a pedestrian friendly and attractive urban environment (Memorandum of understanding between Woollahra Council and the Double Bay Partnership, 2008, p.2)*

The future of Double Bay is a centre which:

- is a centre management organisation called the Double Bay Partnership
- presents a high quality urban village
- provides a diverse mix of uses
- has commercial viability
- retains its village character
- has high level pedestrian access and amenity
- has high standard architecture and urban design
- adopts ESD principles
- is clean and well maintained.

Council can demonstrate that it has a vision and strategy in place for Double Bay. Both are consistent with State Government policies and strategies. It is important that future development complements that vision and strategy in all respects.

The development proposal will compromise the business management strategy and vision for Double Bay in several significant ways. The development proposal, by virtue of its out of character vertical scale, will:

- have a negative impact on the Centre's moderate scale village character
- produce substantial overshadowing of public spaces which will diminish pedestrian amenity and have a negative impact on business activities that rely on the use of, or interaction with, public spaces
- produce substantial overshadowing of private properties which will impact on environmentally sustainable development practices which seek to maximise the use of natural light and introduce solar energy measures such as photovoltaic systems.



#### **4.8 Economic impacts**

The HillPDA Preliminary Economic Assessment, submitted as part of the development proposal, has severe shortcomings and cannot be reasonably used as economic evidence to support the development proposal.

Firstly, the Economic Assessment report is limited to only providing an assessment of the economic impacts of the development proposal itself. That is, the report does not provide a comparison between the existing situation (referred to in the assessment as the “Base Case”) and proposed development. Therefore a reasonable baseline economic comparison cannot be established to identify if there is actually a net economic benefit derived from the development proposal.

Secondly, the report does not provide a comparative analysis of the economic impacts that may be achieved from any other possible redevelopment options, such as those that may fully comply, or substantially comply, with Council’s local planning controls.

For example, it may be that other development options—of a lesser height and scale, and different proportion or mix of uses—may provide the same, or greater economic benefit to the Double Bay Centre, and may still be financially viable for the developer while also producing a better built form outcome more consistent with the local planning controls and the community’s vision for the Double Bay Centre.

Hence the report does not substantiate the economic need for the high rise tower development being proposed—and which so grossly exceed Council’s local planning controls.

The Minister should refuse the development proposal.



## **5. Unacceptable precedent for high rise development**

### **5.1 Summary of concerns related to precedent**

Council is deeply concerned that by approving this development proposal, the Minister will permanently damage the integrity of Council's local planning controls to the extent that the Double Bay Centre will inevitably suffer from the following adverse planning outcomes:

- A new de facto planning benchmark for development will be set at a limit that was never envisaged nor supported by the Council or the community.
- Double Bay is likely to suffer from ad hoc, site by site, re-planning rather than through the proper and centre-wide planning approach engendered by the Double Bay Centre DCP and its associated documents.
- Opportunistic development proposals will be lodged either under Part 3A or Part 4 of the Act.
- The community will no longer be provided with any certainty as to likely form of future development in the Double Bay Centre.
- By virtue of the precedent, Council may find it difficult to apply its established planning controls to refute inappropriate development either in the Land and Environment Court, or through the local development assessment process itself.

For these reasons Council is gravely concerned that its carefully tailored planning controls for the Centre and the community's desire to maintain a village character will be severely undermined if the Ashington proposal is approved.

### **5.2 The effect of precedent on Council's planning controls**

There is little doubt that if the Ashington development proposal is approved developers will look to that development, and its 15 storey height, to argue that the scale and form of the Double Bay Centres has changed.

In the light of what would be a new height 'bench mark', Council would come under pressure to approve development under Part 4 of the Act that substantially exceeds its height controls. The Minister would come under similar pressure under Part 3A of the Act.

It is likely that over the medium term, sites in close proximity to the Ashington site will contend that greater heights are justified by arguing that such sites are 'transitional' to the 15 storey towers. Over the long term these transitional arguments may spread throughout the Double Bay Centre.

It is not possible to predict the magnitude of the change in building scale that such a precedent will cause, however it is reasonable to expect that a departure of this severity from Council's established planning controls will seriously impair Council's ability to apply and defend its own controls either through its own development control process or in the Land and Environment Court.



As a result it is reasonable to expect that this precedent will ultimately give rise to the loss of the village character and scale envisaged by the Double Bay Centre DCP and the community.

### **5.3 Importance of Council's planning controls**

Ashington seeks, via the 3A process, to avoid Council's local planning controls and to introduce a form of development which is not only incompatible with the existing and desired future context of the area, but entirely disregards the local controls. In Council's view, if approved, a development containing two 15 storey towers will constitute a damaging precedent in relation to future development applications, either under either Part 4 or Part 3A of the Act.

Under the provision of section 75J(3) *Giving of approval by Minister to carry out project* of the Act the Minister, when deciding whether or not to approve the carrying out of a project, may take into account the provision of any environmental planning instrument that applies to the land. It is acknowledged however that the Minister is not required to consider those controls.

However the proponent, in the Environmental Assessment (Part 5 Regulatory context), considers the Double Bay Centre DCP to be a relevant matter for consideration and seeks to justify the massive departures from the DCP controls. They do this primarily by seeking to characterise the site as having landmark status.

Council does not support this contention for reasons outlined earlier in this submission, and encourages the Minister to be aware of the magnitude of the breaches to the Double Bay DCP as sought in the development proposal.

### **5.4 The current application of Council's controls**

Council has not only worked closely with its community to establish detailed place based planning controls for the Double Bay Centre, but has also applied those controls with diligence, permitting departures only where those departures are well justified in terms of planning merit.

Where Council has consented to development which did not comply with its controls, such departures were limited. Never has Council allowed departures from its controls that remotely approach the magnitude of the departures sought in the Ashington development proposal.

For example, an application at No.378-382 New South Head Road, Double Bay, was made to demolish an existing building and construct a new five storey mixed use development with basement car parking. After assessment and consideration by Council the applicant was requested to submit amended plans which deleted the non-compliant fifth floor. The applicant amended those plans to a compliant 4 storey development which was subsequently approved by Council.

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Similarly, an application was made to Council to carry out alterations and additions to an existing hotel including new residential apartments at No.28 Bay Street, which exceeded the maximum height control for Double Bay. Following discussions with Council the applicant



amended the plans, reducing the floor to ceiling heights of the residential levels to comply with the height control. Subsequently that application was approved by Council.

In the face of the precedent set by Ashington's development proposal, Council's ability to negotiate positive development outcomes such as these will be significantly compromised.

For these reasons it is Council's very strong position that the Minister must recognise the importance of the critical role that Council's carefully crafted controls play in the ongoing management of the Double Bay Centre's built environment. By flagrantly disregarding these controls the proposal will inevitably set a precedent for a development height and scale—that is inappropriate to the built form context and expectations of the community—which over time will permanently alter the character of the Double Bay Centre.

It is important the Minister recognises that the effect of approving the Ashington proposal will have wide and long term consequences, beyond the actual development site.





## **6. Conclusion**

The Ashington development proposal is not in the public interest and must be refused.

The proposal, in its building bulk and height, is grossly excessive and overwhelmingly inconsistent with the permitted height in the Double Bay Centre. Furthermore the proposal does not comply with the spirit or intent of the local planning controls.

Community feedback during exhibition of the proposal overwhelmingly indicates public opposition to the development. This public opinion only serves to reinforce the community vision to preserve the Centre and its village character.

The development proposal seeks substantial private gains at the expense of other private lands, the public domain and the broader public interest. It is a significantly compromised development outcome for the Double Centre that, if approved, will have a long term detrimental impact on the character of the Centre and public amenity within and surrounding Double Bay.





# ANNEXURE 1

## Council's decisions



## Strategic & Corporate Committee

Items with Recommendations from the Committee Meeting of Tuesday 25 November 2008  
Submitted to the Council for Determination

**Item No:** R1 Recommendation to Council  
**Subject:** Proposed Redevelopment of the Stamford Plaza Hotel, 33 Cross Street Double Bay  
**Author:** Allan Coker, Director Planning and Development  
**File No:** 900.G Part 4  
**Reasons for Report:**

1. To advise Council of a proposal, which has been declared to be a State significant development, to demolish the Stamford Plaza Hotel and develop a mixed use residential, hotel and retail development on the site.
2. To give the Council the opportunity to determine how it wants to respond to the proposal.

Motion moved by Councillor Howe  
Seconded by Councillor Shapiro

THAT the recommendation printed in the business paper be adopted.

The Motion was put and carried.

*Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.*

<i>For the Motion</i>	<i>Against the Motion</i>
Councillor Boskovitz	Nil
Councillor Carmichael	
Councillor Cavanagh	
Councillor Edelman	
Councillor Grieve	
Councillor Howe	
Councillor Jamason	
Councillor Medcraft	
Councillor Petrie	
Councillor Plater	
Councillor Shapiro	
Councillor Shoebridge	
Councillor Young	
Councillor Wynne	
Councillor Zeltzer	

15/0

(Howe/Shapiro)

9/21 Resolved:

1. That Council advise the Department of Planning that Ashington's preferred option for redevelopment of 33 Cross Street Double Bay is unacceptable and should be rejected for the following reasons:
  - a) the scale, bulk and height of the development is grossly excessive and does not comply with the objectives or controls of the Woollahra LEP 1995 or the Double Bay Centre Development Control Plan.
  - b) the scale, bulk and height of the development is contrary to Council's and the community's desire to retain the 'village character' of Double Bay, communicated so strongly to Council during extensive public consultation in 2000 and 2001.
  - c) the scale, bulk and height of the development will result in significant overshadowing of both public and private land and reduce the likelihood of new mixed retail and residential development within the centre
  - d) the scale, bulk and height of the development will adversely impact on the views of Sydney Harbour enjoyed by the residents of Double Bay and surrounding suburbs.
  - e) the scale, bulk and height of the development will be in strong contrast with the lower scale of surrounding development and will contrast with rather than complement the surrounding built form.
  - f) The proposal does not preserve and enhance the visual and environmental amenity of building and places of heritage significance, in particular the single storey Federation semi-detached cottages in Transvaal Avenue.
  - g) the proposal does not minimise the adverse environmental effects on the use and enjoyment of surrounding properties.
  - h) the proposal *reduces* tourism facilities in Double Bay from a building containing 140 hotel rooms, dining room, bar, 9 meeting rooms and ballrooms with a capacity of up to 750 people to a building which has 60% of its floor space for high-end residential and a boutique hotel with only 66 hotel rooms and associated reception and restaurant.
2. The Department of Planning be further advised that:
  - a) the gross floor area of any new building, if it exceeds the maximum floor space ratio of 2.5:1 permitted under the Woollahra LEP, must be assessed using the proper tests and planning principles under SEPP 1 and there should be no presumption that a floor space ratio greater than what is permitted should form the basis for redevelopment of the site.
  - b) the final design should derive from a thorough understanding of the site, Woollahra's local planning controls and the views of the community expressed through a wide community consultation program.
  - c) since the planning controls in Double Bay resulted from four years of intensive work from 1998 to 2002 and were prepared with wide community participation they should be given significant weight in the preparation and assessment of the proposal.
  - d) the final environmental assessment (equivalent to the proponent's DA) should be accompanied by a thorough economic assessment of the impacts that the proposed development will have on the Double Bay commercial centre and that this assessment must include a comparison of the economic impacts of the existing development compared to what is proposed.
  - e) the proposed piazza, new retail and hotel facilities at ground level with good public access are potentially positive aspects of the proposal.

- f) the Part 3A process should not be used to effect changes to local planning controls that would ordinarily be dealt with under Part 3 of the EPA Act.
  - g) as resolved by resolutions of 8/9/08 and 17/11/08, Council is strongly opposed to the declaration of the project under part 3A of the Act and says that Part 3A should not be used to grant consent to a proposal which is so obviously in breach of local planning controls.
3. That Council informs the Minister of its unanimous resolution at the Council Meeting of the 17 November 2008.
  4. That Council requests that the Minister returns the Development Application to Council for assessment and determination under part 4 of the EPA Act.
  5. That Council supports the 'No High Rise in Double Bay' public meeting arranged for Sunday 30 November 2008 commencing at 11am in Steyne Park.
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## Notice of Motion

**Item No:** 1  
**From:** Councillors Young, Shoebridge and Zeltzer  
**Date:** 13 November 2008  
**File No:** 900.G

**Note:** The motion was adopted unanimously.

**(Shoebridge/Young)**

15/20 That Council:

1. Strongly condemns the decision of the Minister for Planning to call in the Ashington development in Double Bay for assessment under Part 3A of the EPA Act noting that Part 3A:
  - a. Allows for a development to be approved that is grossly in breach of Woollahra's planning controls, controls that have the support of residents and which all other residents and owners in the municipality must comply with;
  - b. Takes the planning assessment decision away from locally elected representatives and places it in the hands of a single, distant and discretionary decision-maker in the form of the Minister for Planning;
  - c. Takes away the right of residents and owners impacted by the development to be heard by the decision maker for the development; and
  - d. Purports to rely on the development being for the purpose of tourist-related facilities when it in fact drastically cuts the number hotel rooms and deletes all conference facilities from the site.
2. That following the receipt of a Development Application by the Minister, that Council facilitate public meetings to brief our community on the application, its implications and to invite submissions.

**Adopted.**

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# ANNEXURE 2

## Hill Thalys—Expert urban design opinion



04<sup>th</sup> June 2009  
JOB NO 09.29/ PT

Lindsay Taylor Lawyers  
Attn; Dr Lindsay Taylor  
Email; lindsay.taylor@lindsaytaylorlawyers.com.au

Dear Dr Taylor,

**Sir Stamford Plaza Hotel Redevelopment, Cross Street, Double Bay  
Urban Design Opinion**

**1.0 BACKGROUND**

**1.1 Purpose of Report**

This opinion provides an architectural / urban design assessment of the current proposal for the Sir Stamford Plaza Hotel Redevelopment, at 33 Cross Street in Double Bay.

In preparing this opinion, I have relied on the Major Project Application MP08-0100, Environmental Assessments (Volume 1), dated March 2009, prepared by Architectus for Ashington.

I am informed that this opinion may be submitted to the NSW Minister for Planning and Planning NSW, as part of Woollahra Council's submission. I have visited the site independently, and relied on my own assessment of the merits and impacts of the proposal.

**1.2 Author Identification**

This statement has been prepared by Philip Thalys, Director of Hill Thalys, Architecture + Urban Projects Pty Ltd (Curriculum Vitae attached).

Over the last decade, I have been involved with my practice in the planning, public domain improvements and urban design in the Double Bay Centre in a number of projects and studies. These include;

- Double Bay Centre Development Control Plan, Public Domain Improvement Plan and Urban Design Study for Woollahra Council;
- Council's architectural adviser for the Kiaora Lands development;
- Council's Design Review Panel for the redevelopment of the nearby Sir Stamford (Cosmopolitan) Hotel in Knox Street;
- Urban Design Advice to Fivex PL regarding Development Application at 382 New South Head Road.

**2.0 EXISTING CONDITIONS**

**2.1 Context**

Double Bay Centre is a well-established centre of regional importance, located approximately 2.5 kilometres to the east of Sydney's city centre. After Bondi Junction, it is one of the more important centres in the Eastern Suburbs.

Located on the valley floor near the harbour foreshore, the area has a very memorable landform and landscape setting.



The centre is organised around a triangle of intersecting streets, lanes and arcade walkways, which give the area a distinctive and permeable public domain layout. Building types are predominantly party wall buildings that occupy the majority of their lots. Most have either commercial or mixed uses, with some individual uses such as hotels and carparking. Building heights in the centre vary between two and six storeys.

The quality of the existing buildings is mostly undistinguished, with only a few buildings of greater architectural and urban qualities. The area has had continuous incremental development since 1900, so that all periods of the C20th are represented.

## 2.2 Double Bay Centre DCP

The built form controls for the Double Bay Centre are set out in the Development Control Plan (DCP), which was prepared between 1998 and 2003. The DCP was accompanied by a companion document, the Public Domain Improvement Plan, and underpinned by a background Urban Design Study. There was extensive exhibition, public and stakeholder consultation during the preparation of these plans.

The DCP highlights the particular topographic conditions of the centre. This is clearly set out at the beginning of Part 2; Understanding the Context, which states that the centre is located *"in a large natural amphitheatre close to, but visually separated from the harbour foreshore. It sits at the base of a valley, cradled between the two ridges of Darling Point/ Edgecliff and Bellevue Hill."* While the slopes of these encircling suburbs have many taller building forms, the height of buildings on the valley floor was limited to five storeys. This reinforces a long held precept of planning around Sydney Harbour foreshores; that the taller buildings should be located on the hills and slopes, while lower buildings and parks should occupy the valley floor. In this way the built form accentuates the underlying landform.

Under Part 3 of the DCP; Urban Structure, particular principles are relevant to the Cross Street context;

- 3.1.2 Layout – Major Streets, which identifies Cross Street and sets out that *"four or five storey street wall buildings are encouraged along major streets to provide spatial definition."*
- 3.1.4 Layout – Pedestrian Connections, which indicates improved connections through the subject site, as *"pedestrian connections... supplement the existing layout of streets and lanes, increasing their accessibility."*
- 3.1.7 Built Form – Street Wall Buildings, as *"Street wall buildings spatially define the street. Building controls in this plan respond to street width and orientation, and adopt a consistent rationale relating to; Street alignment, Build to lines, Building height and Building articulation depth."*

Part 4.7 sets out the future street character for Cross Street, while 5.7 Control Drawing 3 sets out the applicable building envelopes. These envelopes describe a five storey street wall height to Cross Street, with thin, perpendicular five storey wings extending northward over a two storey podium. Setbacks varying between 6.5 and 12 metres apply to the rear (north) boundary at all levels. The overall proposed urban form for the centre is described in 5.3 and 5.4 in plan, and 5.12 and 5.13, which represent the envelopes in 3-dimensions.

Part 6 sets out a series of Development Controls. Of particular relevance to this site are 6.2 Use, 6.3.1 Building Envelopes, 6.3.2 Height, 6.4.3 Arcades, Walkways and Courtyards, 6.5.1 Visual Privacy, 6.5.3 Landscapes Open Space, 6.7.1 Pedestrian Access and Mobility. Under 6.3.2, the DCP states that *"Building height has been determined by the need to preserve the pedestrian scale of the centre."*

## 2.3 The Existing Hotel Building

The existing Stamford Plaza Hotel (formerly the Ritz Carlton) is the largest building in the Double Bay Centre, in terms of both height and overall bulk. Located on the north side of Cross Street, it largely occupies its full site area, presenting unrelieved facades to all frontages.

Whereas most existing buildings in Double Bay Centre are between two and five storeys in height (there are also two six storey buildings, not including others that are approved but not constructed), the existing Hotel is the equivalent of a 7 to 8 storey building.

The building has an oppressive presence to Cross Street, with a heavy two storey podium and a deep and dark porte-cochere that robs the street of life and sun. The retail areas are largely internalised within the podium, lining low, dark and meanly dimensioned arcades. The few pedestrian connections through the block lack any legibility, environmental or urban qualities.

The upper storeys feature large areas of blank and poorly modelled walls, that tower above the properties to the south, east and north. Similarly the roofscape is poorly articulated, providing a lumpen silhouette. The bulk of the existing Hotel is clearly evident from many vantage points in the public and private domain, as viewed from parts of Darling Point, Edgecliff, Bellevue Hill, Bondi Junction, Double Bay and the harbour.

Built in the late 1980's, the existing Hotel is a poor demonstration of past practices of rewarding, through floor space and height bonuses, projects that were considered to bring economic benefits. The lifespan of both the hotel use and its building fabric have proved to be very short, leading to the substantial environmental costs of demolishing and reconstructing the buildings on the site. For the above reasons, the Double Bay Centre DCP did not award or extend any "bonus" height or floor space to this site, instead proposing consistent and equitable controls for this entire side of Cross Street.

### 3.0 THE PROPOSAL

#### 3.1 Public Domain Integration

The project proposes a series of new pedestrian connections, all connecting to a new pedestrian square at the centre of the site. The square and the connections to the north and east are open to the sky, whereas the two walkways to Cross Street pass under the building footprint and are less successful as a result. The square, highly urban in character, has lower buildings on its north side to allow for reasonable solar access.

The proposed public domain connections comprising the small square and walkways achieves the DCP intent, and indeed improve upon the proposed pedestrian connections set out in the DCP. The proposed pedestrian environment is a significant aspect of the project, which would be an important extension of Double Bay's urban structure. In my opinion the major north south path should be dedicated to Council to enshrine this important public connection, which links the Centre to the harbourfront.

#### 3.2 Street presence

The proposal has retail, hotel lobbies and covered walkways along the Cross Street frontage. All the pedestrian spaces and square are fully lined with retail and hotel uses, and the four compact entries to the residential component. Service uses, escapes and the like are discretely handled.

In my opinion the street and arcade activation fully achieve the DCP intent.

#### 3.3 Height

As noted above, Double Bay Centre occupies part of the valley floor. The proposal generally adopts the five storey height as a podium, with some four and six storey elements. The podium is surmounted by two residential towers that rise to an overall height of 14 storeys in height. While the towers have a relatively small footprint, being one unit per floor, their separation at their closest faces is only 13.72 metres, which is well below the 24 metre tower separation provisions of the SEPP 65 Residential Flat Design Code.

The tower elements are clearly in breach of all aspects of the DCP. They would replace one existing discordant skyline element with two new elements. In assessing the material submitted in the Sir Stamford Plaza Hotel Redevelopment, Double Bay - Urban Design Opinion

Development Application, I have no doubt that the proposal would be highly prominent from both the local and the broader public domain, as well as being visible from many private vantage points. I do not accept the argument advanced in the Statement of Environmental Effects that the towers would always be seen against the ridges and in relation to other existing tower buildings on the slopes around Double Bay. I consider that the montage vantage points are highly selective, and that a broader analysis would reveal the intrusive and pervasive presence of these towers.

### 3.4 Gross Floor Area

The rationale for the proposed bulk is based on redistributing the quantum of floor space in the existing building to the proposed new building forms. This quantum is calculated as 19 545m<sup>2</sup> on pp 70 - 71 of the SoEE. This calculation is based on the gross floor area definition contained in Schedule 1 of the Woollahra LEP 1995.

In contrast to the above calculation, Woollahra Council's approval of the existing Hotel on the 13th December 1988 stated the floor area as 13 807m<sup>2</sup>. The current DCP sets an FSR of 2.5:1. Based on the site area of 3 674m<sup>2</sup>, this would yield a floor area of 9 185m<sup>2</sup>. Therefore the applicants are seeking consent for twice the floor space that applies to neighbouring sites.

There are several problems with this approach;

- the resultant floor space and heights are well above the existing LEP and DCP limits
- this floor space calculation does not accord with the approved floor space of the former Ritz Carlton Hotel;
- a different gross floor area definition (such as the current Model Code definition) may well give quite a different FSR, and potentially a lesser bulk;
- floor space is only one measure intended to control built volume – other controls and impacts such as height, overshadowing, overlooking and privacy amongst others also need to be considered;

Therefore I do not accept that the applicant has a right to such a quantum of floor area, nor to such a mass of new construction.

### 3.5 Bulk

The architects have endeavoured to design two slender tower forms, on top of a substantial podium that defines the street wall. However the towers rise to RL 55.650, or 14 storeys, separated by a gap of only 13.72 metres as noted above. This means that from many vantage points the towers will read together as one building mass. This is clearly evident in the applicant's various montages.

Further negatives of this site planning strategy include greater overshadowing, wind effects, inadequate separation (in terms of both SEPP 65 and Amcord standards), and privacy and overlooking impacts on neighbouring properties.

### 3.6 Mix of Uses

The proposal includes a mix of retail, boutique hotel and residential uses, carefully distributed ensure that each has its own identity, utility and amenity. Nonetheless this boutique hotel constitutes a significant erosion of Double Bay's tourist accommodation, with associated impacts on retail spending and street life. The ability of the centre to host events, conferences and functions is also diminished. This is to some extent compensated by the additional retail and residential accommodation proposed.

### 3.7 Architectural Character

The architectural character is presented in coloured and shaded elevations, sections and montages. Large-scale wall sections and part elevations show materials, finishes, alignments and the like. The articulation of individual elements is generally skilfully handled.

In my opinion the project is well designed, integrating good amenity throughout with considered architectural, urban and environmental design.

### 3.8 Assessment of Impacts

#### - Overshadowing

The DCP is based on the premise that compliance with the four and five storey envelopes would yield reasonable and equitable impacts of any development of neighbouring sites. The envelopes provide for adequate separations between buildings, minimising overshadowing to the upper, non- retail levels.

Whereas the extent of the proposal's overshadowing on an arc of blocks to the south is clearly shown on the submitted Shadow Diagrams. Many of the sites that would be overshadowed have existing sunny arcades and small-scale pedestrian spaces. These sites also have significant redevelopment potential, in a form anticipated by the DCP. The future amenity of these sites would be severely diminished by this proposal. Therefore the extent of proposed overshadowing is considered unacceptable.

#### - Privacy

As with overshadowing, the height of the towers will inevitably lead to overlooking of neighbouring properties on all sides.

#### - Scale

While the podium is well handled, the scale of the towers is clearly intrusive and inappropriate in the context.

## 4.0 CONCLUSION

Given the above and despite the merits of the proposal, I consider that this Development Application has too many substantial impacts on Double Bay Centre, and on the wider context. In order to become more acceptable, the scheme would need to adopt a combination of the following major design changes;

- significant reductions in height;
- greater separation of any taller elements;
- smaller footprint of any taller elements;
- significantly less overshadowing and overlooking of adjoining properties;
- a far less dominant presence on the skyline.

The implementation of any changes such as those set out above should not jeopardise the evident public domain, pedestrian, mixed use and architectural qualities of the current scheme.

The current proposal represents a windfall to the site owners at the expense of the environmental quality of a large number of neighbouring properties.

Therefore I recommend that the current proposal should not be approved.