



Planning

**MAJOR DEVELOPMENT ASSESSMENT  
PROJECT APPLICATION FOR MIXED USE  
DEVELOPMENT**

**33 Cross Street, Double Bay**

**Proposed by ASHINGTON MANAGEMENT  
PTY LTD,  
MP08\_0100**

Director-General's Environmental Assessment Report  
Section 75I of the  
*Environmental Planning and Assessment Act 1979*

September 2009



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# 1 EXECUTIVE SUMMARY

This is a report on a Project Application seeking approval to redevelop the former Stamford Plaza hotel at 33 Cross Street, Double Bay. The site is located on the northern side of Cross Street within the Double Bay Centre, 2.5 km east of Sydney CBD. The site has a total area of 3,675m<sup>2</sup> with vehicular access into basement parking from right of access across 45 Cross Street, Double Bay.

## **Environmental Assessment (as exhibited)**

The original Project Application sought approval for the demolition of the existing building (to ground floor); retention of the basement car park; construction of a mixed use development (3 - 5 storey podium, 1 x 6 & 2 x 15 storey towers). The proposal consisted of a 66 room hotel, 39 units (hotel residences) and 1,375 m<sup>2</sup> of retail area with public piazza/through site links.

The Capital Investment Value is **\$146.9 million**.

## **Permissibility**

The site is zoned Business General 3 (a) under Woollahra LEP 1995. The proposal is permissible.

## **Public Exhibition**

The Environmental Assessment was exhibited for a 52 day period from 15 April 2009 to 6 June 2009. The Department received 5 submissions from public authorities and in excess of 950 public submissions including 12 submissions in support, 2 petitions against (3013 signatures)

In excess of 100 submissions have also been received after submission of the PPR.

## **Key issues raised during the public exhibition and from the Department's preliminary assessment included:**

- built form, height and urban design impacts
- environmental & residential amenity
- view impacts on surrounding properties
- public domain
- impacts on the adjoining Transvaal Heritage Conservation Area

## **Preferred Project Report (PPR)**

On 21 August 2009, the Proponent submitted a response to submissions and a Preferred Project Report. Key revisions to the EA include:

- eastern tower - reduced in height by 3 storeys / 7.9 metres (15 storeys to 11 storeys plus plant) and an increase in the setback to Cross Street of 6.3 metres
- western tower - floorplate increased in size by 90m<sup>2</sup>, whilst maintaining the height at 14 storeys plus plant
- increase hotel residences from 39 to 44 units (total - 8x1 bed, 12x2 bed, 24x3 bed)
- increase of hotel rooms from 66 to 69 rooms
- increase carspaces from 107 to 135 (total 32 retail, 68 residential, 35 hotel)
- deletion of the ground level accessible courtyard adjacent to the northern boundary
- restriction on access to Galbraith Walk (north to William Street)
- amended façade treatments, screening and noise attenuation measures

## **Government Architect – Independent Expert Review**

The Department of Planning commissioned the NSW Government Architect to undertake an Independent Expert Review of the PPR.

The Government Architect's Expert Review provides a consideration of the character of the Double Bay Centre and locality and emphasised the importance of recognising the differences in the historical development of built form in the Double Bay Centre as compared to Darling Point / Edgecliff and Bellevue Hill ridgelines.

The Government Architect also identified that the existing mature tree canopy prevalent across the valley floor is a dominant feature and emphasises that there are few circumstances where existing built form extends above the height of this canopy within the valley floor.

Relevant to the Government Architect's consideration of character, the Department undertook a Building Height Study to assess the distribution of buildings greater than 6 storeys in height. This study revealed that most large scale buildings are located along the ridges while the height and scale of built form in the Double Bay valley is more modest and of consistently lower scale.

The Government Architect's Expert Review does not support the PPR, in particular the tower elements. It concludes that the existing 2 - 6 storey scale of built form in the Double Bay Centre and intricate network of roads and fine-grain laneways emphasises Double Bay's strong village character and this should be recognised and complemented by any new development. The Government Architect concludes:

*"This report concludes that the towers are intrusive elements and as such the development is unacceptable in its current form, and so with that finding the only options available are those that distribute floor space to the podium or keep and modify the existing building.*

*Due to the significant detrimental impact of the towers on the village character of the Double Bay Town Centre the development is not recommended for approval".*

Both the Government Architect and the Department acknowledge that the PPR presents many positive features and makes a number of meritorious contributions as follows:

- provision of a central piazza and open space accessible to the public;
- an enhanced permeability and pedestrian cross-site linkages;
- a high degree of activation to Cross Street;
- a high quality architecture, including many contemporary design features, materials, and finishes;
- an appropriate mix of hotel, retail and residential uses which complements the Double Bay Centre; and
- well designed height, scale and form of the podium.

## **Conclusion**

The Department has assessed the merits of the project taking into consideration the issues raised in public submissions and the NSW Government Architect's Expert Review and does not consider that the impacts can be suitably mitigated and/or managed to ensure a satisfactory level of environmental performance, pursuant to Section 75J of the Act.

The PPR is not satisfactory as:

- the height, bulk and scale of the tower elements are incompatible with the character of the Double Bay Centre
- the proposal does not meet the principles of SEPP 65 – Design Quality of Residential Flat Development in terms of context with the surrounding development of the Double Bay Centre and adverse amenity impacts on the adjoining properties, particularly adjoining the northern boundary.
- the proposal will have an unacceptable impact on the amenity of the adjoining properties, particularly on the northern boundary of the site

- the proposal will create an unacceptable impact on the *Transvaal Heritage Conservation Area* as identified in the Woollahra Local Environmental Plan 1995
- The proposal does not satisfactorily justify the inconsistencies with the floor space ratio and height controls identified in the Woollahra Local Environmental Plan 1995 and Woollahra Double Bay Centre DCP 2002
- The proposal is not in the public interest

The PPR cannot be modified by conditional approval as the changes are too significant and would result in uncertainty as to the outcome of the project. The Department therefore recommends that the Project Application be refused.

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## 2 BACKGROUND

### 2.1 The Site

#### Site Context and Location

The site, known as 33 Cross Street Double Bay (Lot 1 in DP 793525), is located on the northern side of Cross Street between the intersections of Transvaal Avenue and Bay Street (**Diagram 1**). The site is located within the Woollahra Local Government Area. The existing building on the site operated as the Stamford Plaza Hotel until the end of March 2009.



Diagram 1 - Locality Plan

The locality is serviced by commuter rail, ferry services and bus services. Edgecliff railway station is located 600 metres to the south west of the site along Ocean Avenue off New South Head Road.

#### Existing Site Features

The site is regular in shape and comprises an area of 3,675m<sup>2</sup>. The existing building is generally 6-7 storeys in height (approximately 22 metres above Cross Street), and comprises a hotel containing 144 rooms, 11 conference rooms, ground floor retail and a 173 capacity carpark.

The site has a primary road frontage to Cross Street. Vehicular access to the site is presently available from the existing vehicle crossing at 45 Cross Street into the basement at the subject site (permitted via an easement), or the porte cochere that exists at the front of the site. The site does not feature any significant vegetation. A pedestrian pathway runs along the Cross Street frontage of the site and there are also existing rights of pedestrian access across the site in both north-south and east-west directions.

## Site History

Details of the approval of the existing Stamford Plaza Hotel development are provided below:

*Development Application 88/176 (existing Stamford Plaza Hotel) (Sourced via the Proponent's EA dated March 2009)*

- On 30 November 1988, Council granted Development Consent (DA 88/176) for the existing hotel and GFA of 13,487m<sup>2</sup> with 144 rooms, retailing and on-site basement parking containing 223 car spaces.
- The maximum approved height of the development was 22.12m or 25.33m AHD (to roof).
- Condition 40 of the DA consent also referred to Council accepting a monetary contribution in lieu of 50 of the 223 car parking spaces, resulting in 173 actual car spaces being provided on site.

GFA	FSR	Height	Carspaces
13,487m <sup>2</sup> *	3.67:1	22.12m (to roof)*	173

\*Source: Proponent's EA dated March 2009 (please note Council's Submission dated 14 September 2009 gives a GFA of 14,112m<sup>2</sup>)

*Woollahra LEP 25 and DCP controls for the site at time of consent (Sourced via the Proponent's EA dated March 2009)*

- Woollahra LEP 25 was the applicable EPI at the time of consent which permitted a maximum FSR of 1.5:1 for the site. The LEP enabled the buildings to exceed this FSR provided it does not exceed 2.5:1 and certain public benefits are provided.
- The Double Bay DCP height control at the time of consent was 15 metres for the site, plus an additional DCP bonus of 5 metres could be granted for any hotel/motel component (total 20 metres).
- The Applicant (DA 88/176) provided an objection under SEPP 1 to the FSR and minimum site area provisions contained in Woollahra LEP 25.
- Council upheld a SEPP 1 objection to allow an FSR of 3.67:1, as the proposal provided public benefits such as cross site linkages, arcades and setbacks.

### 2.2 Surrounding Development

The subject site sits within the suburb of Double Bay. The immediately surrounding development consists of:

#### *North of the site*

The adjoining properties to the north of the site are generally 2-3 storey residential dwellings.

#### *East of the site*

The Transvaal Avenue Heritage Conservation area adjoins the eastern boundary containing 2-3 storey residential properties, retailing, commercial, cafes and restaurants.

#### *South of the site*

The south of the site front Cross Street and the Double Bay town centre, consisting 2-3 storey mixed use developments containing retailing, commercial, cafes and restaurants.



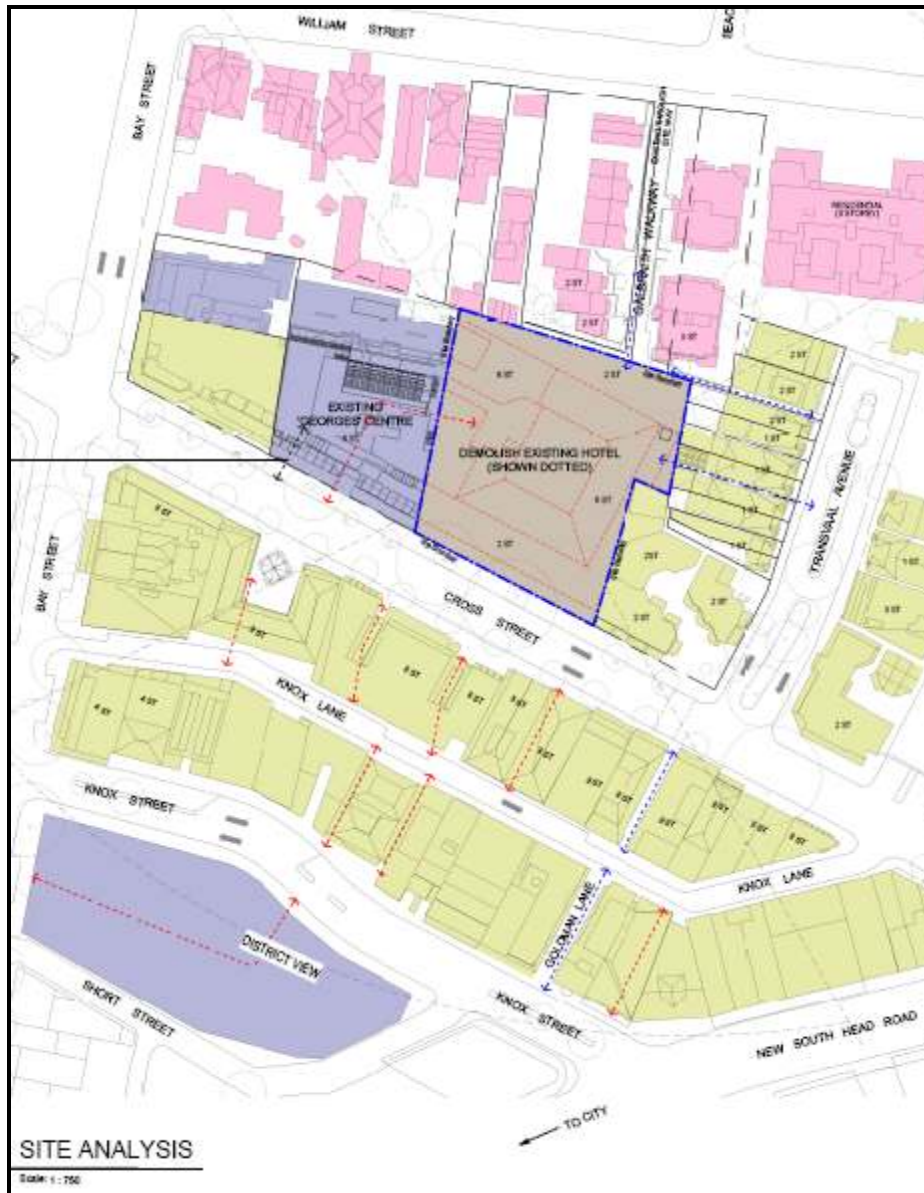


Diagram 2 – Site Analysis Plan - surrounding development.

*West of the site*

The Georges Centre adjoins the site to the west containing a mixed use residential and retail development.

The local context contains a variety of mixed use and residential buildings up to 6 storeys, interspersed by an intricate network of roads and laneways.

The wider area of Woollahra LGA contains numerous developments that are higher than the existing height controls. These developments however are largely concentrated around the elevated areas of the escarpment (Darling Point and Point Piper), not within the valley floor which is relatively flat (**Appendix H**).

## 3 STRATEGIC CONTEXT

### NSW State Plan

The NSW State Plan seeks to achieve improved urban environments and deliver attractive and sustainable development through reductions in greenhouse gas emissions and development in close proximity to existing centres, services and transport.

### Sydney Metropolitan Strategy “City of Cities”

The Sydney Metropolitan Strategy, developed to support the continuing economic growth of Sydney and enhance its standing as a global city, places the Woollahra Municipal Council area in the East Subregion. The strategy sets housing and employment targets for the region at 20,000 dwellings and 17,500 new jobs by the year 2031, which are further refined in the East Draft Subregional Strategy.

### Draft East Subregional Strategy

The site falls within the area defined as the Draft East Subregional Strategy. The key directions for the East Subregional area are as follows:

- Support and strengthen the nation's economic gateways
- Consolidate and strengthen the Randwick specialised centre for education and health
- Achieve a balance of activities to promote Bondi Junction as a major centre
- Support future role of retail centres as a result of the population growth
- Improve housing choice, particularly with regards to the aging population
- Improve east-west public transport access
- Protect and promote scenic quality and tourism.

The Subregional Strategy refines the Metropolitan Strategy targets through the provision of an additional 25,100 jobs and 20,000 dwellings for the region by 2031. Woollahra has an employment capacity target of 300 jobs, and 2,900 additional dwellings and Double Bay is identified as a Town Centre in the strategy, containing a mix of retail, commercial, service and residential uses.

The proposal would assist in contributing to some of the identified dwelling and employment capacity targets for Woollahra LGA and assist in revitalising the Double Bay centre through the provision of new retail space and pedestrian connections.

## 4 PROPOSED DEVELOPMENT

### 4.1 The Proposed Development (Exhibited EA and PPR)

#### 4.1.1 Environmental Assessment (as exhibited)

The proposal as described in the Environmental Assessment sought approval for the demolition of the existing building (to ground floor); retention of the existing basement carpark; construction of a mixed use development (3 - 5 storey podium, 1 x 6 & 2 x 15 storey towers). The proposal consisted of a 66 room hotel, 39 units and 1,375 m<sup>2</sup> of retail area with public piazza/through site links.

#### 4.1.2 Preferred Project Report (PPR)

The Proponent PPR seeks approval as follows (see Table 1):

**Table 1: PPR**

Development	Exhibited EA	PPR	Existing Building	Woollahra DCP/LEP controls	Compliance
Site area	3,675m <sup>2</sup>	3,675m <sup>2</sup>	3,675m <sup>2</sup>		
GFA	19,545m <sup>2</sup> *	19,545m <sup>2</sup> *	13,487m <sup>2</sup> *		
FSR (LEP)	5:32:1*	5:32:1*	3.67:1**	2.5:1	No
Height (DCP)	52.44m or 55.65m AHD	52.15m or 55.55m AHD	22.12m or 25.33m AHD (to roof)	16.5m	No
Carparking	107	135	173	169	Yes (with 50 credit)
Bicycle parking spaces	30	30			
Residential rooms	39	44			
Hotel rooms	66	69	144		
Piazza (open to sky)	670m <sup>2</sup>	670m <sup>2</sup>			

\* Source: the Proponent's EA dated March 2009 and PPR dated August 2009 (Council's resolution of the 14 September 2009 in response to the PPR gives a GFA of 14,112m<sup>2</sup> for the existing building)

\*\* The difference in calculation of GFA and FSR is due to the difference in definitions of GFA between Woollahra LEP 25 (Model Provisions definition) and the current Woollahra LEP 1995 definition.

#### Demolition

Demolition of the existing building and retention of the existing 2 level basement.

#### Building

The construction of a mixed use development including:

- a 3 - 5 storey podium level with 1 x 6 storey tower in north-east corner
- 1 x 14 storey tower plus plant in the south-west corner and 1 x 11 storey tower plus plant in the south-east corner fronting Cross Street to a maximum of 55.55m AHD
- a total gross floor area (GFA) of 19,545 m<sup>2</sup> and FSR of 5:32:1.

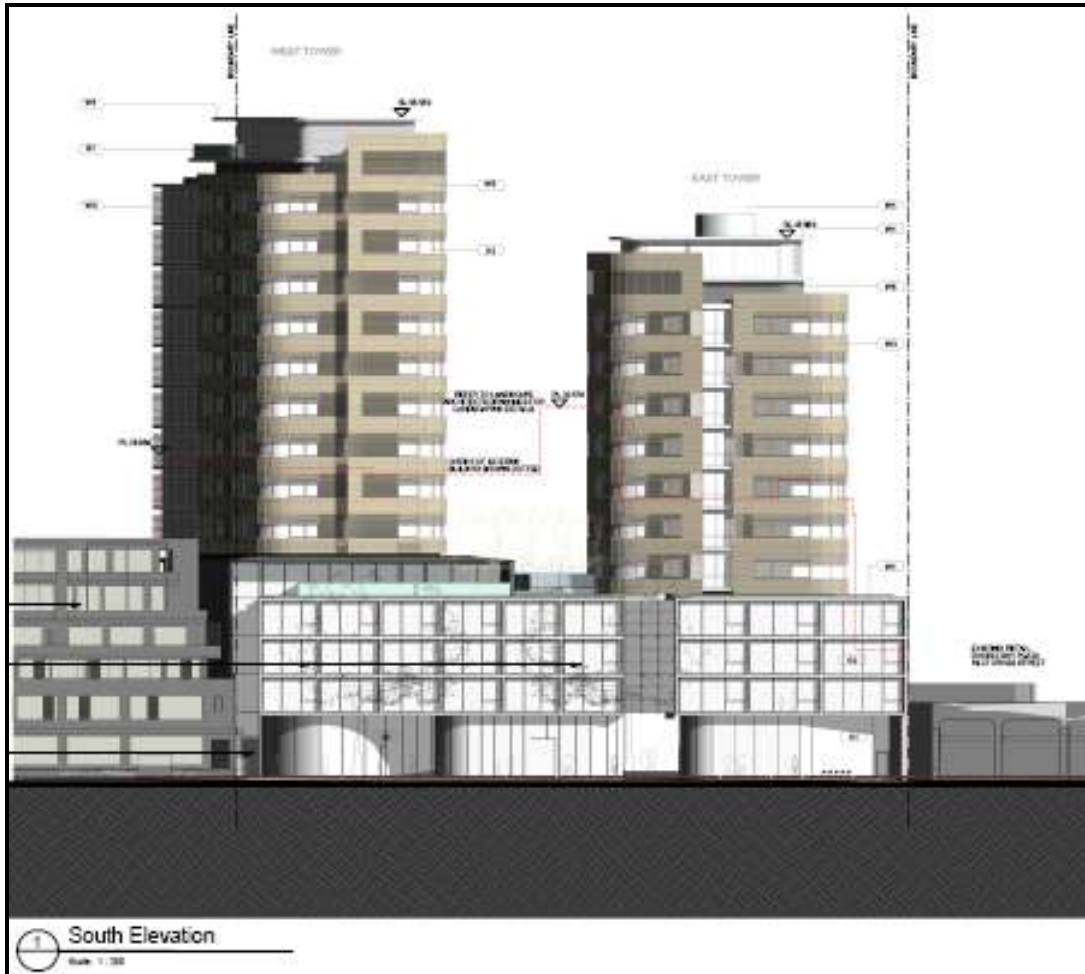


Diagram 3 – Southern Elevation to Cross Street

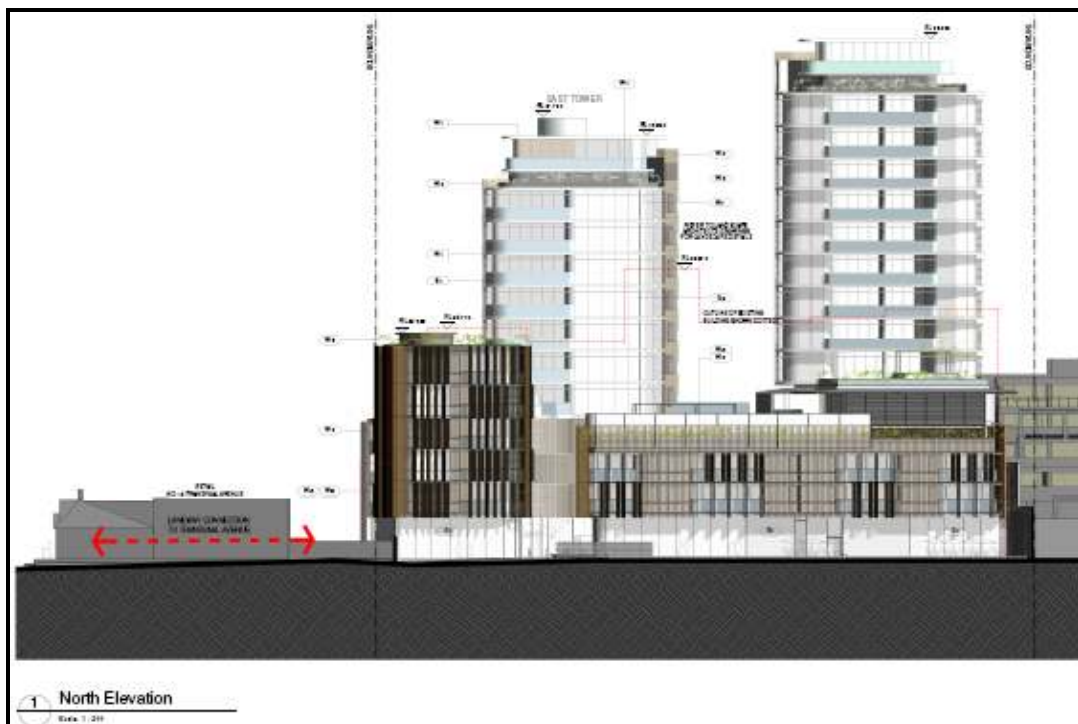


Diagram 4 – Northern elevation to rear of site

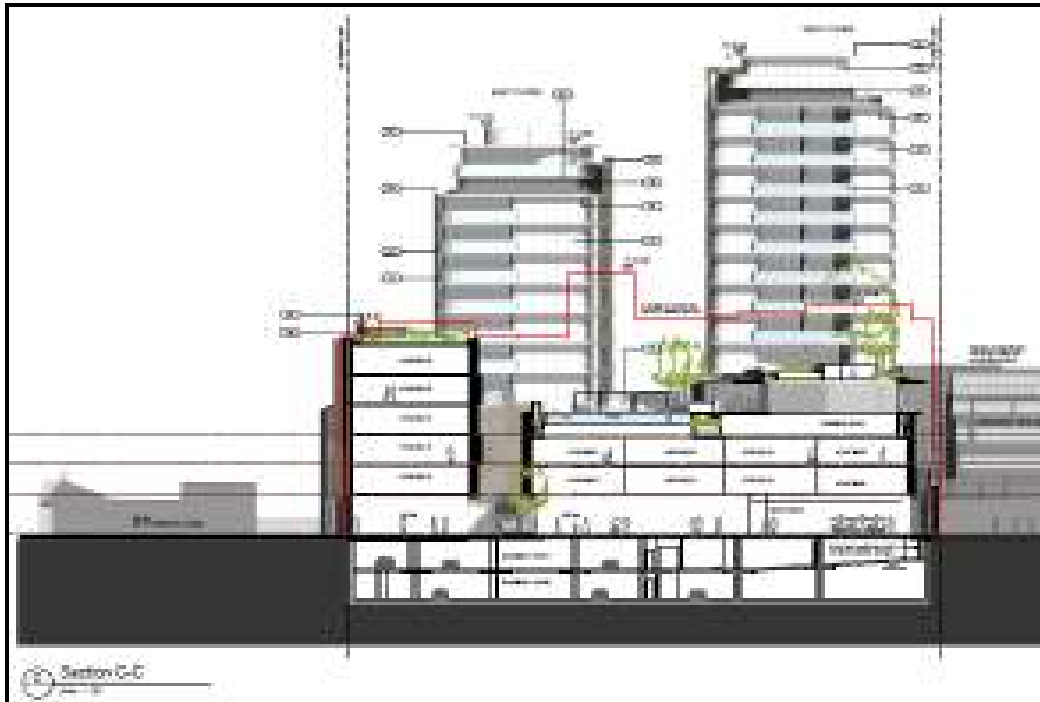


Diagram 5 – East/West cross section (existing building outline in RED)

### Public Domain and Landscaping

- A publicly accessible ground floor open air piazza with pedestrian links through to Cross Street, Georges Centre, Transvaal Avenue and Galbraith Walkway.
- The Cross Street frontage contains a lobby for the hotel and retail uses separated by two covered walkways providing access to the piazza.
- Retention of the existing trees on Cross Street.



Diagram 6 – Cross Street



Diagram 7 – Internal Public Piazza

### Staging

Construction in a single stage over a period of approximately 2 years.

### Uses

#### Hotel

- A 5 star boutique hotel consisting of 69 rooms contained within the podium level.
- Hotel facilities – ground floor restaurant and bar, level 4 restaurant, bar and pool.

### Residential apartments

44 hotel residences in total comprising 8 x 1 bedroom, 12 x 2 bedroom, and 24 x 3 bedroom apartments contained within the podium and tower elements.

### Retail uses

- 1,511m<sup>2</sup> GFA for retail use at the ground floor

### Parking and Access

Car parking for 135 vehicles within 2 levels of existing basement car parking with vehicular access via the existing right-of-way over 44 Cross Street.

## **4.2 Key changes between the exhibited EA and PPR**

Key revisions to the project as described in the PPR include:

- The eastern tower reduced in height by 3 storeys / 7.9 metres (15 storeys to 11 storeys plus plant) and an increase in the setback to Cross Street of 6.3 metres
- The western tower floorplate increased in size by 90m<sup>2</sup>, whilst maintaining the height at 14 storeys plus plant
- increase hotel residences from 39 to 44 units (total - 8x1 bed, 12x2 bed, 24x3 bed)
- increase of hotel rooms from 66 to 69 rooms
- increase carspaces from 107 to 135 (total 32 retail, 68 residential, 35 hotel)
- deletion of the ground level accessible courtyard adjacent to the northern boundary
- limited access to the Galbraith walkway
- amended façade treatments, screening and noise attenuation measures

The PPR forms the basis of the assessment in this report.



## 5 STATUTORY CONTEXT

### 5.1 Major Project declaration

The Director General, as the delegate of the Minister, formed an opinion that the project is a Major Project under Clause 17(b) of Schedule 1 to the MP SEPP as it is a tourist-related facility and employs more than 100 people. The Department requested additional analysis and clarification of the methodology to calculate the tourist-related job numbers. This analysis concluded that the proposal did meet the requirements of Clause 17(b) of the MP SEPP. The opinion was formed by the Director-General, as the Minister's Delegate on 30 June 2008. The Minister is the approval authority.

### 5.2 Permissibility

The site and adjoining land is zoned 3(a) – *Business General* under the Woollahra Local Environmental Plan 1995 and an extract of the zoning map is provided below:

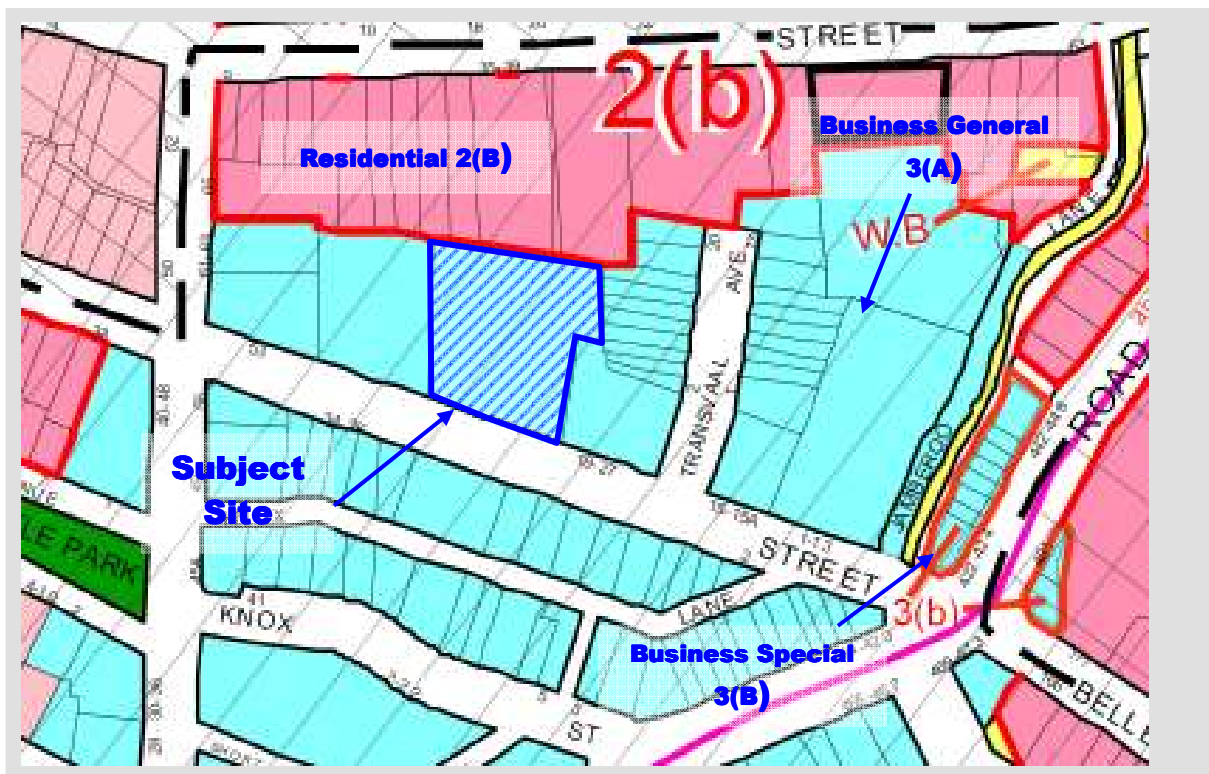


Diagram 8 - Zoning Map – WLEP 1995

The general business zone 3(a) is a broad commercial zone that allows for a diversity of commercial and retail uses and attached residential dwellings. The proposal is permissible in the zone.

### 5.3 Director-General's Environmental Assessment Requirements (DGR's)

On the 28 August 2008, the Director-General issued DGR's pursuant to Section 75F of the *Environmental Planning and Assessment Act 1979* (the Act). The DGR's require the following key issues to be addressed: Architectural, building and urban design impacts; Built form; Environmental and residential amenity from proposed development; Public domain; Transport and accessibility (construction and operational); Noise and lighting impacts; Construction impacts; ESD; Drainage and flooding; Contributions; Utilities; Staging; and Community consultation.

The DGR's have been addressed in the EA lodged and were deemed to be adequate for public exhibition. The DGR's are contained in **Appendix B**.

#### **5.4 Exhibition and Notification**

Under Section 75J of the Act, the Director-General is required to make the EA of a project publicly available for at least 30 days.

After accepting the EA the Department:

- Made it publicly available from 15 April to 5 June 2009 (total of 52 days):
  - On the Department's website
  - At the Department's Information Centre
  - At the Woollahra Council Offices
- Notified landowners in the vicinity of the site about the exhibition period
- Notified relevant State government authorities and Council
- Advertised the exhibition in the Daily Telegraph, Sydney Morning Herald and Wentworth Courier newspapers.

The Project Application; Director-General's environmental assessment requirements; Environmental Assessment; and Response to issues raised in submissions (in Preferred Project Report) were placed on the Department's Website.

This satisfies the requirements in Section 75H (3) of the EP&A Act.

#### **5.5 Other statutory considerations**

Appendix A contains further consideration of the following Statutory Context:

- Objects of the Act
- Statement of Compliance
- Ecologically Sustainable Development
- Environmental Planning Instruments which apply to the proposal



## 6 ASSESSMENT OF ENVIRONMENTAL IMPACTS

The DGR's and following key issues raised during the exhibition period were considered in the Department's assessment of the application:

- Built Form, Height and Urban Design Impacts
- Environmental and Residential Amenity
- View Impacts
- Public Domain
- Heritage Conservation Area
- Traffic, accessibility and carparking
- Other

### 6.1 Built Form, Height and Urban Design Impacts

On 18 August 2009, the Department appointed the NSW Government Architect to undertake an independent expert review of the Proponent's PPR and provide a written report to the Department. The Terms of Reference for the review were:

1. *Review the proponent's preferred development option with regard to:*
  - *The suitability of the proposal having regard to the immediate, local (Double Bay Commercial Centre) and wider contexts;*
  - *The amenity impacts arising from the proposed building form, in particular the effect on views, solar access and privacy;*
  - *Whether the proposal achieves the optimum redistribution of the existing gross floor area of the site;*
  - *The design quality of the proposal.*
2. *Advise what changes (if any) should be made to the proponent's preferred development option in order to manage any impacts on its surroundings and the amenity of adjacent developments and the public domain.*

The Government Architect's Report was submitted on 17 September 2009. The Report is considered to appropriately address the Terms of Reference. A copy of the Report is at **Appendix F**. The issues addressed in the report and the Department's comment is discussed below.

#### 6.1.1 Suitability of the proposal

*Review the proponent's preferred development option with regard to:*

- *The suitability of the proposal having regard to the immediate, local (Double Bay Commercial Centre) and wider contexts;*

#### Government Architect's Review

*"The proposal contributes positively to the immediate context at the ground level. The proposed public square and connections reinforce the intricate pedestrian network of the Double Bay Town Centre and create a public place that will offer a potentially vibrant mix of commercial and retail opportunities. The proposal shows quality materials and landscape elements.*

*The square, open to the sky, adds to the existing urban pattern of the Double Bay Town Centre, reinforcing its village-like atmosphere and continues the fine grain already well established north of New South Head Road.*

*The scale of the podium is appropriate for the streetscape and uses are brought to the street front greatly improving the existing condition and activating the street.*

*The podium has minimum impact to the west and east and is reasonably scaled to the north. It is lower and closer to the northern boundary than the existing building.*

*The towers however have a negative impact on the immediate and wider context.*

#### *Immediate*

*In Cross Street the towers will be the most visual elements, dominating the immediate environs and by so doing dramatically changing the village-like character it currently enjoys.*

*The impact on the heritage precinct of Transvaal Avenue is two fold. Firstly there is the increased visual impact and secondly there is a change of use. The building that currently occupies the site is out of scale, unsightly and has a negative impact on Transvaal Avenue. However although unsightly it is an inactive almost blank façade and so does not attract attention and at night its presence is mute. The proposed towers are however considerably taller and are activated by residential uses, with large areas of glass and balconies, and so will have a greater impact in terms of noise, activity and light at night on this area.*

#### *Local*

*The impact of the proposal on the local context again comes down to the height and bulk of the towers. Their dominance as seen from the surrounding local context is overpowering. This is especially true when viewed from Steyne Park, Bellevue Road and Greenoaks Avenue (views 8, 10, 11 and 12 in the Visual Assessment of the PPR). The view from the corner of William Street and New South Head Road shows how the towers effectively rise above the tree canopy which currently reinforces the plane of the valley floor. As such they are seen as intrusive elements of substantial bulk.*

#### *Wider Context*

*Viewed from the wider context the impact of the towers lessens. From across the harbour the towers are seen as part of the variable cluster of towers in the suburbs surrounding Double Bay. From the surrounding ridges the towers alternately blend into the surrounding backdrop of buildings or vegetation, or sit across long vistas to the harbour. From a distance as individual towers their impact varies from negligible to intrusive, depending on distance and view point.*

#### **CONCLUSION**

*The tower elements due to their bulk and form and particularly their height are intrusive and overpowering to the context of the Double Bay Town Centre and so the proposal is unsuitable in this context. Towers generally are inappropriate in the Double Bay Town Centre.”*

### **Department Comment**

The Department supports the Government Architect's main conclusion that the tower elements of the PPR proposal are inappropriate and intrusive upon the character of the Double Bay Centre. The Department however also acknowledges that the proposal presents many positive features and makes a number of meritorious contributions as follows:

- Central piazza and open space
- Enhanced permeability and cross-site linkages
- High degree of activation to Cross Street
- High quality architecture, materials, and finishes
- Appropriate mix of hotel, retail and residential uses
- Well-mannered height, scale and form of the podium

The Department has considered the Government Architect's review in detail and comments are provided below.

#### *Precinct Analysis/Character*

The Government Architect's Report provides a consideration of the relevant features and character of the Double Bay Centre and locality and emphasised the importance of recognising the differences in the historical development of built form in the Double Bay valley as compared to that evident on the Darling Point/Edgecliff and Bellevue Hill ridgelines.

The Department undertook a separate Building Height Study to assess the distribution of buildings greater than 6 storeys in height (**Diagram 9 below**). This study reveals that most large scale buildings are located along the ridges, while the height and scale of built form in the Double Bay valley is more modest and of consistently lower scale.

The Government Architect has also identified that the existing mature tree canopy prevalent across the valley floor is a dominant feature and emphasises that there a few circumstances were existing built form extends above the height of that canopy within the valley floor. This relationship is markedly different in respect to the larger scale built form on the adjacent ridges which dominates the landscape (**Diagrams 10-12**).

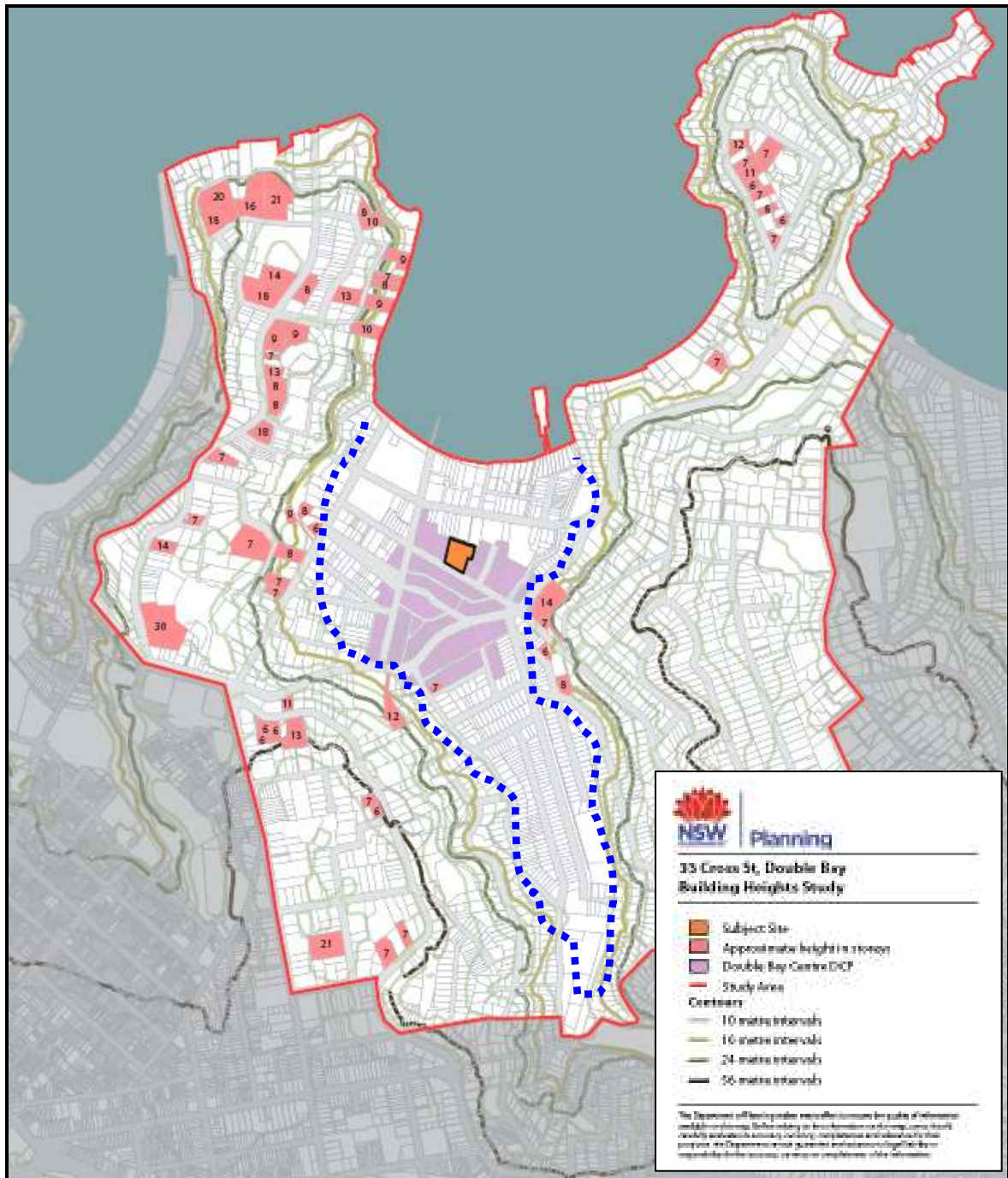


Diagram 9 - Building Height Study detailing the distribution of buildings greater than 6 storeys in height in relation to the extent of the main Double Bay valley floor (in BLUE)

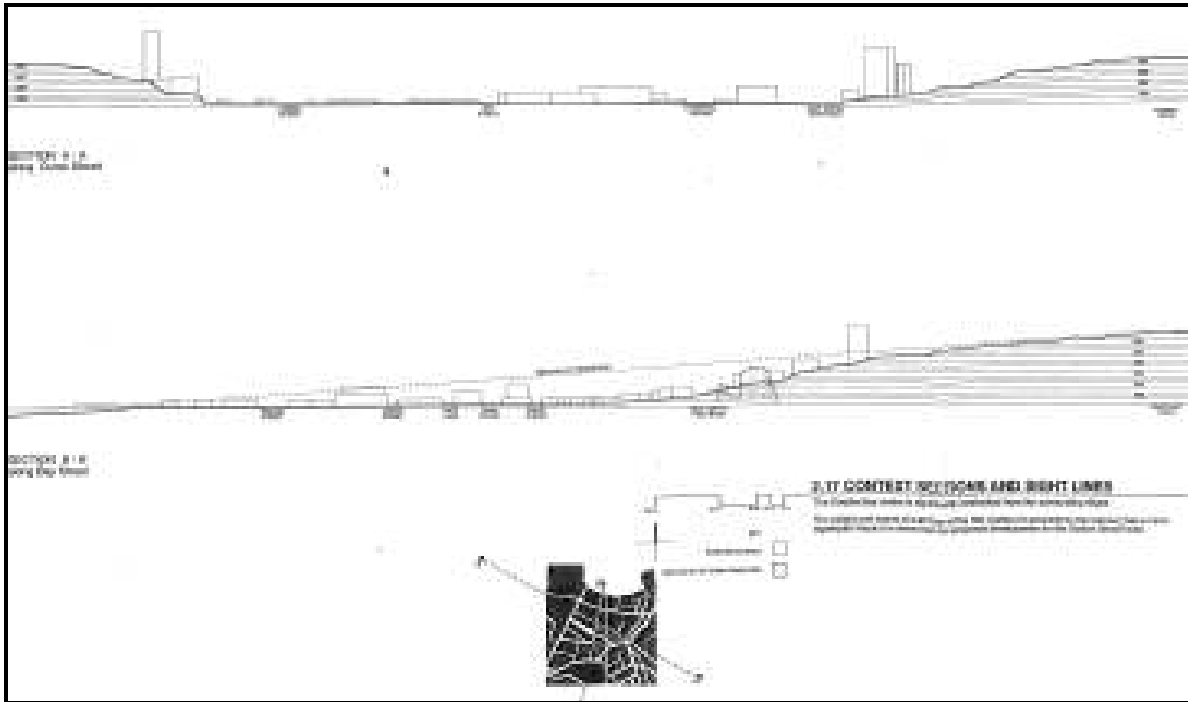


Diagram 10 - Double Bay locality long sections (Source: Double Bay Urban Design Study - Final Report 2002)

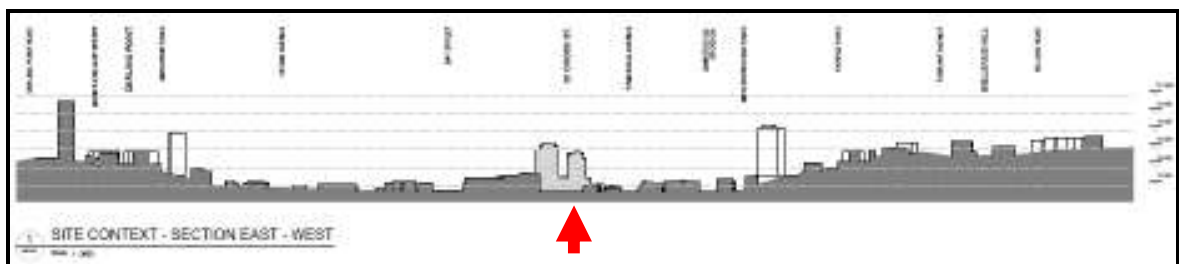


Diagram 11 - Double Bay locality long sections including proposal (RED arrow) (Source: PPR dated August 2009)

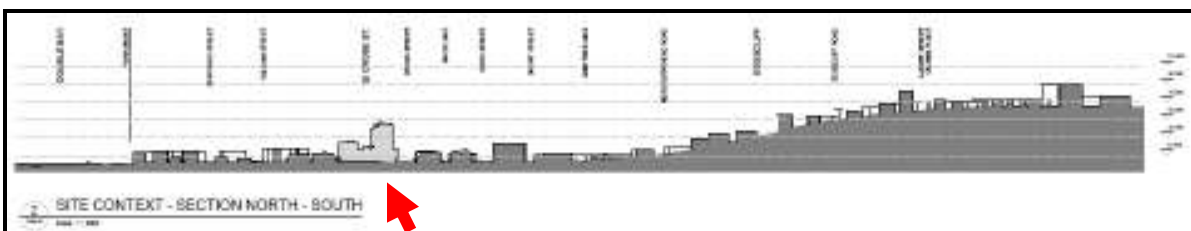


Diagram 12 - Double Bay locality long sections including proposal (RED arrow) (Source: PPR dated August 2009)

The Department supports the conclusion that the location of the Double Bay Centre within the valley floor creates a degree of sensitivity with respect to the impacts from larger scale tower forms. Historically, the Double Bay Centre has developed with restrained building heights across the valley floor and this is one of the attributes that gives the Centre its village character.

The Department notes that it is a stated objective of the DCP controls (Objective 1.5 (viii)) "to ensure that new development is compatible with the existing built form and streetscape and village character".

### Visual Impact Analysis

The Government Architect has identified a number of different visual catchments which present a varying sensitivity to the impact of tower forms, and makes reference to a number of visual assessment diagrams from the Proponent's PPR which are reproduced below for clarity.

- *Immediate context (Cross Street & Transvaal Avenue)*

The Department supports the conclusion that the tower forms present as overscaled and intrusive upon the more immediate visual catchment of Cross Street (**Diagram 13**) and Transvaal Avenue (**Diagram 14**). It is noted that Transvaal Avenue is a listed Heritage Conservation Area under the Woollahra Council LEP 1995.

It is evident that the road alignment of Cross Street and Transvaal Avenue are sufficiently wide to ensure that the full height and scale of the towers are observed by pedestrians using these streets, resulting in the "overpowering" of the public domain by the towers.



Diagram 13 - Montage image from Cross Street (View 18) (Source: PPR dated August 2009)





Diagram 14 - Montage image from Transvaal Avenue (View 14b) (Source: PPR dated August 2009)

Although the Government Architect raised concerns regarding the replacement of the unsightly blank eastern façade with a more activated residential elevation which would introduce light, noise and activity at night time, the Department does not share the same concern. The immediate Transvaal Avenue locality is primarily a retail/commercial precinct, and currently features activity at night time. It is the Department's view that the replacement of the existing eastern elevation (**Diagram 14**) with a well articulated building form with primarily residential uses would be generally appropriate in this location (subject to resolution of the height and scale issues).

- *Local (Double Bay Commercial Centre) context*

The Department supports the conclusion that the tower forms are intrusive from the various identified local catchments of Steyne Park, Bellevue Road (Bellevue Hill) and Greenoaks Avenue (Darling Point). The tower forms extend above the prevailing foreground of built form and mature tree canopy and would inappropriately dominate those important vistas.

In particular, where the towers are highly visible from public areas, such as Steyne Park (**Diagram 15**) or terminate significant vistas such as from Bellevue Road (**Diagram 16**), the intrusive nature of height and scale is emphasised.



Diagram 15 - Montage image from Steyne Park (View 8) (Source: PPR dated August 2009)



Diagram 16 - Montage image from Bellevue Road (View 10) (Source: PPR dated August 2009)



Diagram 17 - Montage image from Greenoaks Avenue (View 11) (Source: PPR dated August 2009)

- *Wider context*

The Department agrees that the potential impact upon the wider visual catchment is less intrusive due to the combination of other larger scale building forms and elements which share most of the wider catchments available in and around the Double Bay valley and its bounding ridgelines.

A typical visual catchment from dwellings on the escarpment of the Edgecliff ridgeline is shown in **Diagram 18** below.

There are certainly a number of vantage points where the towers are expressed above foreground and background, but where this does occur, the impact is generally lesser than that evident from the immediate and local visual catchments as described above, as the tower forms are less prominent in the wider visual catchment.

In this regard, the wider context impacts are generally considered acceptable.



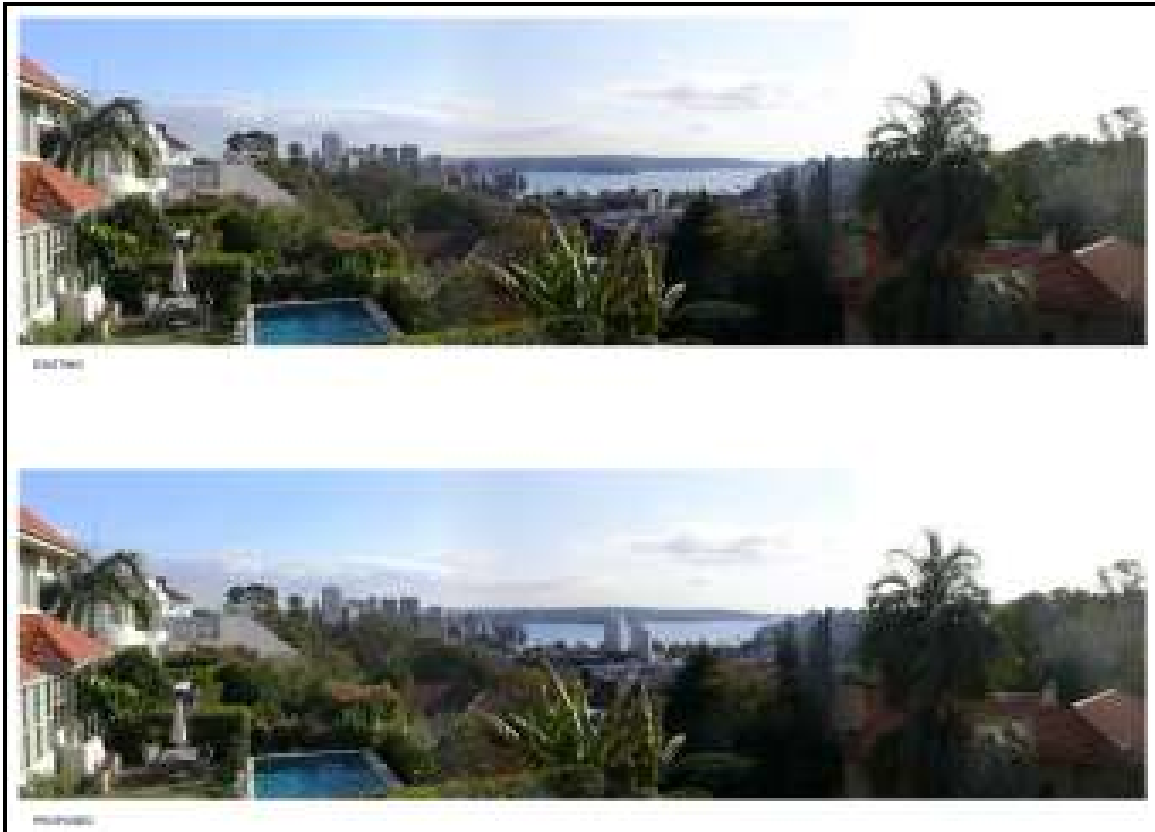


Diagram 18 - Montage image from Edgecliff Road (View 6) (Source: PPR dated August 2009)

### 6.1.2 Amenity

Review the proponent's preferred development option with regard to:

- The amenity impacts arising from the proposed building form, in particular the effect on views, solar access and privacy;

#### Government Architect's Review

*"The amenity impacts of the proposed built form can be considered both internally and externally, i.e. the impacts on the amenity within the proposed development and the amenity impacts created by the development on its surroundings. Both are considered in this report.*

*One impact of the proposed form is on the mix of uses on the site. By clustering retail, hotel (with its associated bars and restaurants) and residential uses around a central square at a reasonably high density there are the potential conflicts of privacy and noise.*

#### *Privacy*

*The design in the PPR goes to considerable detail to provide privacy through the provision of fixed and operable screens to the facades of the podium buildings and the lower northeast tower. Although effective from the outside the views from the inside would be compromised and, as it is expected that these apartments are designed for the high end of the residential market, it is possible that applications to modify these in the future may compromise the privacy offered in the current proposal.*

*The issue of noise and its amelioration is covered in the PPR Environmental Noise Assessment. The impact (internal to the scheme) from ground level activity, or hotel rooms or pool, on the surrounding apartments (e.g hotel balconies directly opposite or adjacent to residential bedrooms) is likely to have amenity impacts. Some apartments, opposite each other but in different buildings, have bedrooms facing each other with less than 3 metres separation.*

*The impact on the privacy of immediate neighbours is difficult to ascertain. It is axiomatic that high residential towers will overlook neighbouring properties. The effect of this impact is conditional on proximity and view lines and will vary from property to property. In this regard*

*the northern boundary presents the most likely impact. Here the podium building is well screened (see discussion above), as is the northeast tower, and noise screens are placed around the pool. There will be overlooking of the properties to the north by the proposed new residences in the north wings and lower northeast tower.*

#### *Views*

*The view impacts on the immediate and distant neighbourhood have been discussed previously (see point 3.2.1a).*

#### *Solar Access*

*The biggest impact on overshadowing by the proposal is on the south side of Cross Street. There is a wide pavement on this side of the street and it is in part occupied by seating for cafés. There are several pavement cafés in the Double Bay Town Centre and with the increasing 'café culture' in Sydney this is likely to increase. Sun access is therefore desirable in the morning and at lunch time in all but the summer months.*

*The shadow diagrams provided in the PPR show that in mid winter there will be a substantial increase to the existing condition in shadows to the south pavement of Cross Street after 1pm. Currently the shadows of the existing building leave the pavement in part by 1pm and totally by 2pm. Substantial shadows cast by the two residential towers in the proposal remain on the southern pavement until well after 3pm. In September the impact is lesser and occurring between 12 noon and 1pm. In summer there will be no impact.*

*The loss of amenity to the pavement is offset by the provision of a new public square open to the sky within the proposed site. In winter this square is nearly totally in shadow with only small areas of sun in the south and east between 12 noon and 2pm. This increases through the equinox until it is fully sunlit by mid summer when it is less desirable.*

#### **CONCLUSION**

*The amenity impacts on privacy from the podium can be managed by noise management policies and screens, but these will have an impact on the internal amenity of the apartments. Adjacency of uses will also have an impact on amenity within the proposed development.*

*Solar access beyond the site is negatively impacted by the shadows cast by the towers on Cross Street. Within the site the square is mostly shaded in the winter."*

### **Department Comment**

#### *Internal Impacts – podium element*

The key issue identified is the mix and proximity of different land uses, in particular the "clustering" of sensitive receptors such as residential dwellings in near proximity to uses such as hotel rooms, bars and restaurants. These uses have the potential to cause disturbance to adjoining residential properties via through noise emissions and light spill.

The mitigation of these types of impacts would require particular consideration and a review of the inter-relationship of uses in the podium. However, it is considered that these issues could be satisfactorily resolved through amended design.

#### *External Impacts – podium and tower elements*

Impacts external to the proposal relate to visual and acoustic privacy impacts, overshadowing and impacts on views/outlook from residential properties.

The key amenity issue raised by the Government Architect relates to the additional overshadowing caused by the towers, which significantly reduces solar access to footpath areas and ground floor facades on the southern alignment of Cross Street. This impact is generally restricted to the mid - winter period between midday and 3.00pm, although there is also an impact evident between midday and 1.00pm at the equinoxes (March & September).

The Department agrees that this situation is undesirable and would seem counter-productive to the objective of creating a vibrant and activated Double Bay Centre.

The issue of the overbearing nature of the tower elements has been addressed above.

The Government Architect notes that a number of amenity issues arise due to the proximal interface between adjacent residential uses and proposed non - residential uses on the subject site, most particularly, rooftop pool areas, and bars and restaurants all present potential noise disturbance impacts. Further, where proposed and existing residential properties are in close proximity, elaborate screening devices are employed to mitigate visual impacts, but do little to control acoustic impacts. The Government Architect is concerned that such screening could be easily removed at a future time.

The Department's view is that the edge conditions of commercial centres need special attention; however development should not be unduly restricted by unreasonable expectations of residential amenity in these locations. In this regard, amenity tensions at the boundary of commercial and residential zones need to be carefully resolved by balancing the growth of the commercial centre against the amenity of the adjoining residential properties.

In summary, it is considered that the resolution of these amenity conflicts could be overcome with further design resolution and increased setbacks.

A separate consideration of amenity impacts is under **Section 6.2** below.

### 6.1.3 Redistribution of Existing Floorspace

*Review the proponent's preferred development option with regard to:*

- *Whether the proposal achieves the optimum redistribution of the existing gross floor area of the site;*

#### **Government Architect's Review**

*"The strategy of redistribution of floor space is based on the "hollowing out" of the current building mass and the redistribution of floor space on this site is logically to upper levels. The PPR proposes this redistributed floor space as towers. This provides accommodation at a higher level with uninterrupted views, and therefore greater value. Clearly this is desirable in terms of return on investment, but not so in terms of impact on the immediate and local environment.*

*It creates an inherent conflict between the premise of the proposal – open courtyard and higher towers - and its immediate context.*

*Any redistribution of floor space would be contingent upon mix of uses, understanding of market conditions, available floor space and functional design decisions to answer the brief defined by them.*

*The premise of the proposal is that the existing GFA on the site is available for distribution. There is some debate about this calculation, but that is outside the brief for this report. A different calculation would obviously make different options available for investigation. This report does not endorse that calculation or otherwise, but simply accepts that the options developed have used it as measure for comparison of like with like.*

*The proponent in developing this proposal has examined three of options in the PPR for floor space distribution on the site. All of these options are developed with towers of various configurations which have been assessed by the proponent with the resulting preferred option (Option 1) progressed as the Preferred Project.*

*The proposal breaks the DCP controls in terms of floor space and height.*

*This report concludes that the towers are intrusive elements and so with that premise the only options available are those that distribute floor space to the podium, or keep and modify the existing building. The PPR proposal demonstrates the value of the courtyard in opening*

*up the site and providing an active open space and in extending the pedestrian network of the precinct. A better more flexible approach is available if the existing building is demolished, but this would need to be weighed against the costs of demolition and redevelopment.*

*Extra height could be acceptable along Cross Street as long as it was set back from the street so as not to increase the visual impact or the winter shadows beyond the current DCP controls (i.e. top 2 levels set back with a total of 7 levels). Extra height could be tolerated to the west and east with set backs similar to the DCP controls.*

*The best design outcome would be to design to a lesser floor space gaining both the advantages of open space and minimum increase in height.*

#### **CONCLUSION**

*The towers are intrusive elements out of scale with the town centre therefore any development which includes the towers is not optimal in terms of impact on the surrounding context."*

#### **Department Comment**

The Proponent has indicated that *"the proposal seeks to redistribute the existing amount of floor space with the objective of delivering improved urban design outcomes."* However, as noted in the Department's Terms of Reference for the Government Architect's review, the retention of the existing GFA is only considered acceptable if there are no adverse impacts arising from the transfer of that floor space into a new building envelope.

The Department agrees with the Government Architect that there are many positive aspects to the proposal and that the ground plane, central open space/piazza and the building podium levels are generally well resolved and compatible with the local neighbourhood in terms of height, bulk, scale and setbacks.

Further, it is clear that the existing floor space area is currently expressed in a building form which is large, bulky and unsympathetic which offers few benefits in the way of public amenities, activation of the public domain or a mix of uses which complement the mixed use village character of the Double Bay Centre (refer Photograph 1 below) . The existing building height is approximately 23 metres above Cross Street to the main roof or the equivalent of 7 - 8 storeys.



*Photograph 1 - Aerial view of the existing Stamford Plaza Hotel building*

The Department agrees with the Government Architect's conclusion that the subject site is "strategic due to its size and location". However, it is not a landmark location which warrants a landmark building. The tower elements can be considered to present as a "landmark" within the context of the Double Bay valley, but as highlighted in the Council's submission, the current proposal presents an unwarranted and unsuitable landmark.

In terms of the redistribution of existing floor space, the issue is the intrusive and uncharacteristic nature of the tower forms and such an outcome is not optimal and is unsustainable in urban design terms. The Department agrees that the location of the Double Bay Town Centre on the valley floor between the Darling Point/Edgecliff and Bellevue Hill ridge lines and its established and desired future "village character" means that the tower forms as proposed cannot be supported in this location.

The Government Architect has expressed a view that the subject site and its context could accommodate a building form comprising a podium, such as that proposed, with an additional 2 storeys of height to a maximum of 7 storeys. The Department is supportive of this approach to achieving more floor space on site subject to the caveats made by the Government Architect that any scheme must present well defined public benefits, in particular, the central public open space and cross site pedestrian linkages.

#### **6.1.4 Design Quality**

*Review the proponent's preferred development option with regard to:*

- *The design quality of the proposal*

#### **Government Architect's Review**

*"The proposal establishes design quality in the aspects of architecture, open space design, finishes and materials. There is sufficient detail to gauge design intent and detail resolution.*

*Minor areas of concern are the terracotta and timber batten screens which will affect internal amenity and views and may therefore be modified as the design develops, and the curved glass window walls shown in both the retail and residential components. These are labelled 'frameless glazing' but not noted as curved. Yet they are shown as curved on the plans and illustrated as curved in the renderings. The design quality would be lessened if these were faceted and not curved.*

*Design quality however also needs to be evaluated on functional as well as aesthetic concerns and in this regard earlier comments (3.2.1b Privacy) on residential and hotel amenity should be noted.*

*Further, the very transparent and glassy towers shown in the renderings could, when occupied, be expected to change as blinds and curtains furnishing the apartments are added for light control and privacy, lessening the clean and uncluttered look.*

#### **CONCLUSION**

*The proposal achieves good design quality in terms of architectural expression and contribution to the public realm.*

*However because the bulk and form are unacceptable, and there are some issues relating to amenity in the apartments, the proposal cannot be seen as meeting design excellence."*

#### **Department Comment**

The Department supports the conclusion that generally the design intent and architectural outcomes presented in the PPR are of a high quality and of merit with the exception of the towers above podium level in this location.

There are a number of amenity issues that would be required to be resolved. The Department also has concerns regarding the separation between the main northern elevations in the podium and the 6 storey building form at the north-eastern corner of the

podium, and, the residential properties to the north. Some further resolution would be necessary to improve the amenity relationship across this northern setback zone.

### 6.1.5 Potential Changes to the Proposal

*Advise what changes (if any) should be made to the proponent's preferred development option in order to manage any impacts on its surroundings and the amenity of adjacent developments and the public domain.*

#### Government Architect's Review

*"This report concludes that the towers are intrusive elements and so the fundamental change is the removal of the towers. We understand that the towers are a major contributor the financial viability to the proposed scheme and so subsequent changes would be far reaching.*

*The DCP for the site allows a 5 level building at Cross Street and so the proposed podium fits within those controls. I believe it is possible to add another 2 levels above the podium along Cross Street as long as it was set back from the street so as to maintain the street height scheduled in the DCP and not increase winter shadows beyond those of the podium (i.e. top 2 levels set back giving a total of 7 levels. It should be noted that this is outside the current controls).*

*It is however unlikely that the current floor space could be achieved (other than accepting the existing building envelope) without impacts on the amenity of surrounding properties. Extra height of up to 7 levels could be tolerated to the west and east (as well as the south) with set backs similar to the DCP controls, but this would need careful modelling and development to achieve an acceptable outcome. The north should remain low to minimize the impact of overshadowing on the central square as well as impact on properties to the north.*

*The extra height, if accepted, should be used to allow the creation of the open space network and pedestrian connections similar to that proposed in the PPR. These public benefits could allow some tolerance in regard to height as long as overshadowing impacts and privacy are managed.*

#### CONCLUSION

*The towers should be removed and the floor space redistributed to the podium. The principles of the square and pedestrian network should be retained."*

#### Department Comment

The Department supports the Government Architect's main conclusion that the tower elements of the PPR proposal are inappropriate and intrusive upon the character of the Double Bay Centre, and should not therefore form any part of a redevelopment scheme for the subject site.

As a matter of principle, it is agreed that the existing building significantly exceeds the Double Bay DCP envelope controls and to contemplate demolition of the existing structure and construction of a DCP compliant building in its place would be uneconomic.

Notwithstanding the envelopes nominated in the Double Bay DCP, it is noted that the Double Bay Urban Design Study acknowledged that the Stamford Plaza site was more likely to be redeveloped with an envelope of greater than 2.5:1 FSR (the current max FSR).

The Department concurs with the Government Architect's assessment that there is the potential to add further height and density to the podium of the current scheme and subject to an appropriate regime of setbacks and building articulation to external boundaries, the potential for an additional height to a total of 7 (or possibly 8 storeys) could be contemplated subject to the resolution of issues raised regarding potential internal impacts upon sensitive uses and overshadowing of the public domain.

The Department is in agreement with the Government Architect that any additional height and bulk to the podium must be offset by the retention of the public square and cross site

pedestrian linkages as making positive contributions to the public domain and character of the Double Bay Centre.

In terms of a way forward, the Department is of the view that it would not be practical or appropriate to modify the current PPR scheme by conditional approval as there would be left unresolved too many issues and consequences, and, the final outcome would lack certainty and is unlikely to result in substantially the same development.

## 6.2 Environmental and Residential Amenity

Amenity impacts on the adjoining properties in relation to privacy, noise and solar access and the internal amenity of the proposal are important issues for consideration. Overall, amenity impacts from the proposal can be mitigated through re-design, increased setbacks and some re-configuration of the podium uses. An analysis of the two key issues of overshadowing and amenity impacts on adjoining properties is discussed below. However, in isolation these issues are not considered sufficient to warrant the refusal of the Project.

### ***Overshadowing and Solar Access***

The existing building currently provides minimal solar access within the ground floor and podium levels of the development. The existing building also overshadows the southern pavement of Cross Street in Mid Winter (June 21) until 2pm (Diagram 19 for 12pm shadows).



Diagram19: Existing building

EA

PPR

Overshadowing to the footpath and building facades on the southern alignment of Cross Street and Knox Lane resulting from the towers has been raised as an issue of concern. It is also noted that the Government Architect also raised concerns with overshadowing of the proposal, particularly on the southern side of Cross Street.

Notwithstanding the Government Architect's Report, overshadowing in isolation is not considered to be a reason for refusal of the Project. It is acknowledged that although the proposal will create additional overshadowing compared with the existing building, the Preferred Project Report has reduced the level of overshadowing between the southern side of Cross Street and Knox Lane when compared to the Environmental Assessment (**Diagram 19**).

Generally, overshadowing to adjoining properties is considered to be acceptable for the following reasons:

- the majority of surrounding residential uses are located to the north, with the properties to the south contained within the Double Bay Centre with limited residential uses
- the southern side of Cross Street already experiences overshadowing from the existing building

- the orientation of the site and the overshadowing impacts of the existing building should be taken into consideration, with the proposed podium 7 metres lower than the existing podium

In relation to the proposed piazza, although the Proponent argues its public benefit to 'offset' the proposed towers, it is mostly shaded in mid winter. Given the orientation of the site, the piazza would require some re-design (i.e. reduction in height of the northern side of the podium) to allow more solar access to this area. This is considered achievable through a revised scheme.

### ***Acoustic and visual privacy of properties adjoining the proposal***

The development proposes a mix of uses including residential, tourist and retail uses with 2 bars/restaurants and associated pool area. The variety of uses encourage a diverse mix of people which contributes to the vibrancy of the area, however the privacy of the residential and hotel components of the development, and surrounding residential properties needs to be carefully considered.

Properties on the northern boundary are considered the most affected by the proposal in terms of amenity and privacy issues. Key issues are discussed below:

- **Bar/restaurant/pool areas on the ground floor and/or level 4**
  - These facilities may result in noise and privacy impacts within the site and on properties adjoining the northern boundary.
  - Although the re-design of the ground floor retail area is considered to address some of these impacts; the noise management measures (detailed in the EA and statement of commitments) for the restaurant and pool on Level 4 are considered an insufficient response to address the northern interface. This will require some re-design to these uses on level 4 above and beyond the screening and management measures in the PPR.
- **Setbacks of the north eastern tower & residential uses on the podium**
  - The existing building presents a 2 storey podium generally 9 metres in height which presents as a blank façade. This is setback generally 3 metres with levels 3 - 6 at an angled setback of up to 12 metres to the northern boundary. It is noted that the Double Bay Centre DCP encourages a stepped design from 3 to 5 storeys to the northern boundary with building elements setback between 6 and 24 metres respectively.
  - The Department raises concern with the impact on the adjoining properties on the northern boundary from the proposed residential uses on the northern part of the podium and the north-east tower.
  - The PPR proposes balconies on 5 levels of the north eastern tower which are setback 3 metres from the northern boundary (9 metres closer than the existing development). In this regard, north facing units and outdoor balcony areas of the proposal may unreasonably impact on the privacy of the existing residences to the north via direct overlooking of living areas.
  - The proposed residential uses in the podium are also setback 3 metres from the northern boundary. This extends for Levels 2 and 3 for a length of 42 metres. This leads to an unreasonable impact on the privacy of adjoining properties. This may be mitigated by further setbacks and internal re-design of uses.

Subject to resolution of the above issues along the northern boundary, the proposed privacy measures such as screens and louvers are generally considered satisfactory in addressing privacy issues to adjoining properties in this location. Impacts on the eastern and western boundaries could be mitigated by re-design of balcony and edge conditions of the proposal, through internal layouts and increased setbacks.



In relation to internal amenity, these are unresolved with potential conflicts of privacy and noise, particularly between residential and hotel uses. This is considered to require amendments to the internal planning of the podium.

### **6.3 View Impacts**

Although the existing Stamford Plaza building dominates the Double Bay Centre, the proposed towers will protrude above the existing skyline when viewed from numerous public and private areas. This will modify the views for a number of properties that enjoy views over the site. A significant proportion of submissions indicated view impacts as a concern. The PPR will be greater in height than the existing building by approximately 22.4 metres in the south east and 30.2 metres in the south west.

The NSW Land and Environment Court case *Tenacity Consulting v Warringah Council* established Planning Principles for the consideration and assessment of view impacts, view loss and view sharing with view sharing defined as follows:

*'The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment.'*

In considering view sharing, the following criteria were adopted:

- What views are affected (i.e. whether or not they are iconic views, water views, obscured etc)
- from what part of the property are the views obtained
- the extent of the impact, and
- the reasonableness of the proposal which is causing the impact

#### **6.3.1 Views which are affected**

The site sits in a flat, low lying area of Double Bay and within this valley area a minimal number of buildings would enjoy land or water views over the existing building. It is only when a property exceeds the existing building height that a portion of their water or land views over the site may be affected by the towers as detailed in the proposal.

In this respect, given the natural valley form of the Double Bay Centre, generally only properties located between 250 - 400 metres from the site start to enjoy water views over the existing building. The majority of properties whose views may be modified by the proposal will be located at some distance from the existing building up to the ridge line around the escarpment.

Given the proposal's location, and the fact that water views are valued more highly than land views (as detailed in *Tenacity Consulting v Warringah Council*), the greatest modification to views that would occur is from properties largely south of the existing site, enjoying views that look north over the site towards the Harbour.

#### **6.3.2 From what part of the property are the views obtained**

The views that may be modified from the majority of properties will be over boundaries in a northerly direction.

#### **6.3.3 Analysis and extent of view impacts**

The Department undertook a view analysis which identified the topography of the locality and approximate locations where land may be affected by the proposal. The analysis also took into consideration the location of existing medium/high rise buildings in the locality.

The analysis concluded that although views and visual impacts was raised in 31% of all public submissions, only a relatively small number of properties would have water views

impacted by the proposal. These properties are located at a reasonable distance from the site and experience district/distance views. A number of properties within this catchment may also currently have their views towards the site obscured by trees and/or by neighbouring buildings.

The analysis also concluded that 2 existing medium density developments may enjoy views over the site with the closest of these being over 300 metres from the site.

Given the relative distances between the proposal and the properties whose views may be modified and taking into consideration the expansive views from these properties over the proposal, the proposed towers will only form a proportion of distant views.

### 6.3.4 The reasonableness of the proposal which is causing the impact (i.e. whether the development complies with existing planning controls and/or whether a better design could alleviate view impacts)

As discussed in Section 6.1, the proposal is not considered reasonable in terms of its impact on the Double Bay Centre and immediate and local context. This is primarily due to the proposed height, bulk and scale of tower elements and their impact on the character of the Double Bay Centre.

### 6.3.5 Conclusion

The analysis of the impact on views / view sharing principles has concluded that the tower elements only intrude into a proportion of the available view catchment from those properties with sufficient elevation on the adjacent ridge lines to see across the Double Bay Centre. The resultant impacts are not considered unreasonable or to be sufficient to warrant refusal of the application.

## 6.4 Public Domain

Generally, the public domain components to the proposal are considered an improvement to the existing situation. The two key components are discussed below:

### *Piazza and pedestrian connections*

The proposal as depicted in the PPR comprises a central 'open air' piazza of 670m<sup>2</sup> (**Diagram 20**) surrounded by ground floor retail and hotel uses. The piazza will be publicly accessible through a series of ground floor pedestrian connections, with the northern connection to Galbraith walkway (closed between 11pm and 8am).

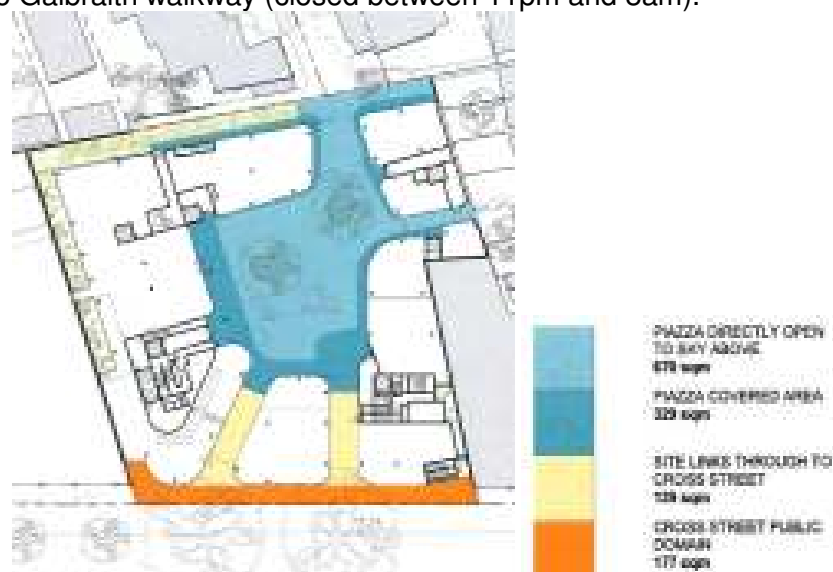


Diagram 20: Piazza open and covered areas

The Department agrees that the piazza and anticipated retail shops, cafes and restaurant that surround the piazza will be an improvement on the existing ground floor environment. Although the piazza will receive access to natural ventilation, the northern podium elements ensures that in winter the piazza remains largely in shadow. This will require some modification to any podium for this site.

#### *Cross Street frontage*

The Cross Street frontage contains a lobby for the hotel and retail uses separated by two covered walkways that provide a unified street presence and improved transition with the public domain. These elevations will be activated during the day and at night, adding to the improvement of the public domain and new pedestrian connections to the Centre.

### **6.5 Heritage Conservation Impacts**

The subject site is located adjacent to a listed heritage area to the east known as the *Transvaal Heritage Conservation Area* under the provisions of the *Woollahra LEP 1995*. The conservation area is characterised by pairs of Federation/Queen Anne semi-detached single storey houses that have been adapted as shops and/or business premises. It is noted that the streetfront elevations are relatively intact with most alterations and additions having been made to the rear of each property.

The provisions of Clause 27 of the *Woollahra LEP 1995* requires that a consideration be given to “.....*the likely effect on the heritage significance ..... of a heritage conservation area.....when determining an application for consent to carry out development in the vicinity.*”

The existing development on the site clearly has an adverse impact on the conservation area presenting a substantial bulk and scale to the east. The existing 7 storey eastern elevation is blank and generally at a zero setback to the boundary and presents a poor built form interface with the heritage conservation area.

Notwithstanding the Government Architect's concerns on the amenity of the conservation area, it is considered that the PPR design expresses a well resolved palette of materials and finishes within an appropriately articulated podium form. Overall, it features contemporary architectural language which complements the traditional materials and building features of the conservation area. However, the height and scale of the towers are imposing and overpowering and have an adverse impact on the significant visual character and rhythm of the heritage conservation area.

### **6.6 Transport, Access and Parking**

#### *Traffic and Access*

The Proponent's traffic impact study indicates that the development will have minimal impact on the operations of the surrounding road network. The Department is satisfied that the proposal would result in minimal impacts to the operation of the surrounding road network and that the existing access to the site sufficient.

#### *Parking*

The existing development contains 2 levels of basement car parking for approx 173 car spaces for both hotel patrons and members of the public. Council previously accepted a monetary contribution in-lieu of 50 spaces on approval of the original hotel development. The proposed parking provision is considered appropriate, as the site is readily accessible by public transport and is in close proximity to the Cross Street Carpark.

## 6.7 Other Issues

### *Construction Impacts*

The proponent has indicated that the development will take approximately 2 years to complete. Demolition and Construction Management Plan and Construction Vehicle Management Plan which would manage issues of including traffic management, noise and vibration management, waste management and dust control.

### *Drainage/flooding*

Water sensitive urban design measures such as integrating stormwater treatment into the landscape are proposed to be incorporated into the design of the proposal.

The proponent's engineering report also indicates that the proposal is not anticipated to be affected by an increase in sea level, with the existing retaining wall being able to withstand an increase in water pressure, and the stormwater system will be designed to cater for any anticipated increase in rainfall.

### *Utilities*

The Department is satisfied the existing infrastructure will supply the utility demands for the proposal, and any required works to the infrastructure could be met by the proponent.

## 7 CONSULTATION

### Public Exhibition Details

Due to the significant interest in the proposal, and requests by Woollahra Council, the major project application was exhibited for an extended period of 52 days from 15 April 2009 to 5 June 2009.

The project was published on the Department of Planning website and the EA was made available to the public in the Department's information centre and at Woollahra Council.

### 7.1 Submissions received on Environmental Assessment

The Department received 5 submissions from public authorities and 950 public submissions including 12 submissions in support, 2 petitions against (with a total of 3013 signatures) and 9 pro-forma letters (in addition to in excess of 100 received after submission of the PPR).

The issues raised are summarised below.

#### 7.1.1 Woollahra Council

Woollahra Council has made a number of submissions indicating strong opposition to the proposal as follows:

- The proposal should not have been declared under Part 3A of the EP&A Act.
- The proposal will set an unacceptable precedent on for high rise development in Double Bay.
- The scale, bulk and height of the development exceeds the objectives and controls of the Woollahra LEP and Double Bay Centre Development Control Plan and is contrary to the communities desire to retain the village character that exists.
- The proposal will result in significant overshadowing of both private and public land and reduce the likelihood of new mixed retail and residential development within the centre.
- The proposal will impact on the views of Sydney Harbour enjoyed by the surrounding residents.
- The proposal will impact on the Transvaal Avenue Heritage Conservation Area.
- The Economic impacts of the proposal remain unresolved and the proposal reduces tourism facilities in Double Bay.
- The proposal will have traffic and parking impacts

#### Hill Thalys Architecture & Urban Projects (provided with Council submission)

Council also submitted a submission from Hill Thalys Architecture & Urban Projects, which contained the following points:

##### *Existing building*

- The Stamford Hotel Building presents unrelieved facades to all frontages and is equivalent to a 7 to 8 storey building
- The existing 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 few pedestrian connections through the block lack any legibility, environmental or urban qualities
- The upper storey's feature large areas of blank and poorly modeled walls, and the bulk of the building is clearly evident from many vantage points
- The existing building is a poor demonstration of past practices of rewarding through floor space and height bonuses, projects which were considered to bring economic benefits

### *The proposal*

- The proposed public domain connections achieves the DCP intent and improves upon the proposed pedestrian connections set out in the DCP
- The street and arcade activation fully achieve the DCP intent
- The tower separations of 13.72m are well below the 24m tower separation provisions of the SEPP 65 residential flat design code and are in breach of all aspects of the DCP
- Do not accept that the proponent has a right to such a quantum of floor area
- Overshadowing, wind effects and privacy are also issues in relation to the proposal
- The boutique hotel constitutes a significant erosion of Double Bay's tourist accommodation, with associated impacts on retail spending and street life, which is compensated to some extent by the additional retail and residential accommodation proposed
- The project is well designed, integrating good amenity throughout with considered architectural, urban and environmental design
- The scale of the tower elements is intrusive and inappropriate in context

### **Sinclair Knight Merz (SKM) (provided with Council submission)**

SKM undertook a review of the transport and traffic component of the proposal for Council, which contained the following points:

- Carparking: deficiencies exist in the analysis of the impact of proposed changes to car parking within the report, as such it is not possible to quantify the overall impact to parking
- More information is required in order to agree that the development has no significant traffic impacts
- There is potential to accommodate a loading zone to facilitate servicing at the front of the development.

### **Additional submissions post exhibition**

On 25 June 2009 Council submitted an addendum to the submission lodged during the exhibition period which further re-iterated the following points:

- Council's current controls were developed in consultation with the community and involved extensive design analysis and modeling.
- Council conducts its own development control functions in a manner which respects the LEP and DCP and community expectations.
- The proposal fails to respect the amenity expectations of Council and the community for Double Bay.
- Ashington should not expect the development to be approved.

On 14 September 2009, Council resolved to make a further submission to the Department in response to the PPR and have raised the following matters:

- The scale, bulk and height of the proposal have not substantially changed from the EA and therefore do not address the key points raised in Council's earlier submissions.
- The view impacts of the proposal.
- The overshadowing impacts of the towers on Cross Street and the viability of potential future mixed use development on the sites between Cross Street and Knox Lane.
- Parking and traffic, in particular the lack of off-street parking and forecast traffic generation calculations.
- The impacts on the Transvaal Heritage Conservation Area.
- The economic impact assessment only considers the impacts of the proposal with no comparison to the existing situation.
- The calculation of GFA for the proposal should be via the same method that was used to calculate the GFA of the 1988 approved hotel (ie Model provisions). If this method was adopted, the proposal would result in 2,722m<sup>2</sup> of additional GFA or an FSR of 4.58:1 (or roughly equivalent to 3 storeys on each tower).

### **Department Comment**

The relevant issues raised by Council are discussed in this Report. Overall, the Department agrees that the proposed towers are inappropriate in this context, given the location of the site which sits in a valley floor currently containing mostly low rise development combined with the street pattern and pedestrian networks that define the character of the Double Bay Centre.

In regard to economic issues, the existing situation is a vacant Hotel, which the Proponent identifies as being of a design and format that does not meet contemporary requirements for a major hotel operator. Accordingly, it is not considered relevant to make comparisons between the previous hotel use and the proposal.

#### **7.1.2 Ministry of Transport (MoT)**

The Ministry supports the proposals reduced on-site car parking provision and indicates that a further reduction should be explored in light of the subject site's proximity to public transport.

The Ministry also makes recommendations regarding other means to encourage public transport such as car share schemes, assistance to employees to access work by public transport, the preparation of a Travel Access Guide to inform staff and visitors to the site of public and active transport options, and the provision of adequate and secure bicycle storage facilities and amenities.

### **Department Comment**

Noted. The PPR however increases the provision of on-site car spaces which is consistent with the car parking controls in the Woollahra Double Bay Centre DCP.

#### **7.1.3 Roads and Traffic Authority (RTA)**

The RTA has raised no objections to the proposal, however note the following:

- The additional traffic generated as a result of the development will have minimal impact on the surrounding road network.
- The RTA provide further comments in relation to how the site will be serviced by trucks or hotel customers, the need for a traffic management and pedestrian management plan, demolition/construction management plan and on-site and street parking arrangements and vehicle movement.

### **Department Comment**

Noted. The Department agrees that even with the additional car spaces provided for in the PPR, the development will have minimal impact on the surrounding road network.

#### **7.1.4 Department of Water and Energy**

DWE have raised no objections to the proposal, however note the following:

- Should the water-table be intercepted as a result of any basement excavation works a dewatering license is required from DWE.
- The proponent will also need to refer to the Acid Sulfate Soil Manual for the identification and appropriate management of the removal of any soil.
- Concerns were also raised regarding the potential effects of disturbed acid sulfate soils on the water quality of the shallow groundwater table.
- DWE also consider that all stormwater management should be designed in accordance with *Managing Urban Stormwater – Soils and Construction Volume 1*.

### **Department Comment**

Noted.



### 7.1.5 Sydney Water

Sydney Water has raised no objections to the proposal, however note the following:

- The site fronts a water main that is undersized for the proposal that will be required to be upsized by the developer.
- Further assessment will be undertaken by Sydney Water when the proponent applies for a section 73 certificate.

### Department Comment

Noted.

### 7.1.6 Public Submissions

The public submissions raised a number of issues which have been broadly categorised within Table 2

*Table 2: Summary of Public Submissions*

Issue	%*	Department Comment
Department should reject the proposal and give back to Council for assessment	51	Noted.
height of the towers	41	The height of the tower elements are considered inappropriate in context with the surrounding development.
adversely affect the village atmosphere	41	The height of the tower elements are considered inappropriate in context with the surrounding Double Bay Centre character.
Loss of views and visual impact	31	The tower elements will only form a proportion of peoples distant views, however will impact on the local, and wider context of the Double Bay Centre
overshadowing impacts	30	On balance, given the existing building and orientation of the site, this is not considered an issue that warrants refusal of the proposal
the proposal is by-passing the controls of Council	25	The Project is a Major Project under Clause 17(b) of Schedule 1 to the MD SEPP as it is a tourist related facility that employs more than 100 people
not in the public interest	23	The podium levels of the proposal improve on the current built form relationship with the Cross Street streetscape, and the new pedestrian connections will contribute to the network of spaces within the centre inclusive of an open air piazza. The proposal is also of high architectural quality, inclusive of materials and finishes. On balance however, with consideration to the impacts of the towers on the existing character of the centre, amenity of the adjoining properties, the proposal is not considered appropriate.
traffic impacts	22	The proposal complies with the car parking controls contained within the Double Bay Centre DCP and that the development will have minimal impact on the surrounding road network
precedent that will be established	21	No other site exists with such a large existing FSR within the centre, so the issue of the current proposal becoming a precedent for other sites to be developed to a similar scale is unjustified.
parking	19	The proposal complies with the car parking controls

		contained within the Double Bay Centre DCP
bulk and scale	18	The height of the tower elements are considered inappropriate in context with the surrounding development.

\*a percentage representing the number of times the issue was raised in individual submissions

A summary table of all submissions received can be found in **Appendix C**. The proponent responded to these submissions in the Preferred Project Report on 21 August 2009 (**Appendix D**).

## 8 CONCLUSION

The Department has assessed the merits of the project taking into consideration the issues raised in public submissions and the NSW Government Architect's Expert Review and is not satisfied that the impacts can be suitably mitigated and/or managed to ensure a satisfactory level of environmental performance, pursuant to Section 75J of the Act.

The PPR is not satisfactory as:

- the height, bulk and scale of the tower elements are incompatible with the character of the Double Bay Centre
- the proposal does not meet the principles of *SEPP 65 – Design Quality of Residential Flat Development* in terms of context with the surrounding development of the Double Bay Centre and adverse amenity impacts on the adjoining properties, particularly adjoining the northern boundary.
- the proposal will have an unacceptable impact on the amenity of the adjoining properties, particularly on the northern boundary of the site
- the proposal will create an unacceptable impact on the *Transvaal Heritage Conservation Area* as identified in the Woollahra Local Environmental Plan 1995
- The proposal does not satisfactorily justify the inconsistencies with the floor space ratio and height controls identified in the Woollahra Local Environmental Plan 1995 and Woollahra Double Bay Centre DCP 2002
- The proposal is not in the public interest

The PPR is not able to be modified by conditional approval as the changes are too significant and would result in uncertainty as to the final form of the project. The Department therefore recommends that the Project Application be refused.

## 9 RECOMMENDATION

It is recommended that the Minister for Planning:

- a) **Consider** all relevant matters prescribed under Section 75J(2) of the *Environmental Planning and Assessment Act, 1979*, including those relevant matters prescribed by 75I(2) as contained in the findings and recommendations of the Director General's report (**TAG B**) and appended documentation;
- b) **Determine** the project referred to in Schedule 1, by refusing to approve the proposal pursuant to Section 75J(1) of the Environmental Planning and Assessment Act 1979 for the reasons outlined in Schedule 2 having considered all relevant matters in accordance with (a) above; and
- c) **Sign** the attached instrument (**TAG A**).

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**Performance**

## APPENDIX A. STATUTORY CONTEXT

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### Objects of the Environmental Planning and Assessment Act 1979 (EP&A Act)

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#### Objects of the Environmental Planning and Assessment Act 1979 (EP&A Act)

The objects provide an overarching framework that informs the purpose and intent of the legislation and gives guidance to its operation. The Minister's consideration and determination of a project application under Part 3A must be informed by the relevant provisions of the Act, consistent with the objects of the Act.

The objects of the Act in section 5 are as follows:

- (a) *To encourage:*
  - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
  - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
  - (iii) *the protection, provision and co-ordination of communication and utility services,*
  - (iv) *the provision of land for public purposes,*
  - (v) *the provision and co-ordination of community services and facilities,*
  - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats,*
  - (vii) *ecologically sustainable development,*
  - (viii) *the provision and maintenance of affordable housing,*
- (b) *To promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *To provide increased opportunity for public involvement and participation in environmental planning and assessment.*

It is considered that on balance, with consideration of the benefits provided for in the proposal such as improved pedestrian connections and additional open space, overall the project application does not promote the social and welfare of the community nor provide a better built form or positive amenity environment. The proposal also does not promote the orderly and economic use and development of the land.

With respect to ESD, the EP&A Act adopts the definition in the *Protection of the Environment Administration Act 1991* including the precautionary principle, the principle of inter-generational equity, the principle of conservation of biological diversity and ecological integrity, and the principle of improved valuation, pricing and incentive mechanisms.

The Department has considered the Objects of the Act, including the encouragement of ESD in the assessment of the Project Application. The balancing of the application in relation to the Objects is provided in Section 5.

#### Statement of compliance

Under Section 75I of the EP&A Act 1979 and Clause 8B of the EP&A Regulation 2000, the Director-General's report is required to include a statement relating to compliance with the environmental assessment requirements with respect to the project.

The Department is satisfied that the environmental assessment requirements have been complied with.

### **Ecologically Sustainable Development Principles (ESD)**

There are five accepted ESD principles:

- (a) *decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations (the integration principle);*
- (b) *if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (the precautionary principle);*
- (c) *the principle of inter-generational equity - that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (the inter-generational principle);*
- (d) *the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (the biodiversity principle); and*
- (e) *improved valuation, pricing and incentive mechanisms should be promoted (the valuation principle).*

The Department has considered the development in relation to the ESD principles and has made the following conclusions:

- (a) **Integration Principle** – The proposal has negative social and environmental impacts and does not provide a positive re-use of the site. These impacts of the development are therefore not appropriately mitigated as discussed in the report. The Department's assessment has duly considered all issues raised by the community and public authorities, and the proposal is recommended for refusal.
- (b) **Precautionary Principle** – There is no threat of serious or irreversible environmental damage as a result of the proposal. The site has a low level of environmental sensitivity and does not contain any threatened or vulnerable species, populations, communities or significant habitats. The site is located on land identified as Acid Sulfate Soils on Council's mapping system however the development only seeks to reconfigure the existing basement levels and therefore will not result in any adverse impacts on Acid Sulfate Soils. Small piles will be drilled, however any spoil will be tested and treated appropriately. No significant climate change risks are identified as a result of this proposal.
- (c) **Biodiversity Principle** – Following an assessment of the EA it is concluded that there is no threat of serious or irreversible environmental damage as a result of the proposal. The proposal does not impact upon biological diversity or ecological integrity. The development site has been previously developed and has a low level of environmental sensitivity.
- (d) **Valuation Principle** – The approach taken for this project has been to assess the environmental impacts of the proposal and identify appropriate safeguards to mitigate adverse environmental effects. The mitigation measures include the cost of implementing these safeguards in the total project cost.

The Proponent has committed to ESD principles and has reinforced this through the Revised Statement of Commitments and the Environmental Assessment which outlines key ESD opportunities including, but not limited to

- centralised HVAC and water systems
- efficient lighting systems
- mixed mode air conditioning
- low flow water fittings and rainwater capture

- natural lighting, ventilation and shading
- the investigation of recycled concrete, steel and aggregate

### Section 75I(2) of the Act

Section 75I(2) of the EP & A Act and Clause 8B of the *Environmental Planning and Assessment Regulation 2000* provides that the Director-General's report is to address a number of requirements. These matters and the Departments response are set out as follows:

<b>Section 75I(2) criteria</b>	<b>Department Response</b>
Copy of the Proponent's environmental assessment and any preferred project report	The Proponent's EA is located on the assessment file (attached).
Any advice provided by public authorities on the project	All advice provided by public authorities on the project application for the Minister's consideration is set out in Section 6 of this report.
Copy of or reference to the provisions of any State Environmental Planning Policy that substantially govern the carrying out of the project	Each relevant SEPP that substantially governs the carrying out of the concept plan application is identified immediately below.
Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division	An assessment of the development relative to the prevailing environmental planning instrument is provided in this report.
Any environmental assessment undertaken by the Director-General or other matter the Director-General considers appropriate.	The environmental assessment of the project application is this report in its entirety.
A statement relating to compliance with the environmental assessment requirements under this Division with respect to the project.	The environmental assessment of the project application is this report in its entirety. The proposal adequately complies with the DGR's.
<b>Clause 8B criteria</b>	<b>Department Response</b>
An assessment of the environmental impact of the project	An assessment of the environmental impact of the proposal is discussed in this report.
Any aspect of the public interest that the Director-General considers relevant to the project	The public interest is discussed in this report.
The suitability of the site for the project	The uses are permitted under the existing zone however the height of the development is not considered to be suitable for site.
Copies of submissions received by the Director-General in connection with public consultation under section 75H or a summary of the issues raised in those submissions.	A summary of the issues raised in the submissions is provided in this report.

Table 3 – Section 75I (2) requirements for Director-Generals Report

### Environmental Planning Instruments (EPI's)

#### APPLICATION OF EPI'S TO PART 3A PROJECTS

To satisfy the requirements of section 75I(2)(d) and (e) of the EP&A Act, this report includes references to the provisions of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the assessment of the Concept Plan. An assessment of compliance with the relevant EPI's is provided immediately below which concludes that the proposal complies with these documents.

The primary controls guiding the assessment of the proposal are:

- State Environmental Planning Policy (Major Development) 2005
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy 65 – Design Quality of Residential Flat Development
- State Environmental Planning Policy No. 55 - Remediation of Land
- Woollahra Local Environmental Plan 1995.

Other planning controls to be considered in the assessment of the proposal are:

- Draft East Subregional Strategy
- Double Bay Centre DCP.

The provisions, including development standards of local environmental plans, and development control plans are not required to be strictly applied in the assessment and determination of major projects under Section 75R(3) Part 3A of the Act. Notwithstanding, these standards and provisions are relevant considerations for this application as the DGR's and Section 75I (2) (e) of the Environmental Planning and Assessment Act 1979 require the Proponent to address such standards and provisions and the Department to duly consider them.

The Department has considered the proposed Project Application against the objectives and aims of these instruments, and is not satisfied that the proposed project is consistent with the provisions of all of these instruments. Assessment of each of these is considered as follows:

#### **COMPLIANCE WITH PRIMARY CONTROLS**

##### **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

SEPP - BASIX aims to establish a scheme to encourage sustainable residential development across New South Wales. The current targets of BASIX for Residential Flat Buildings commenced on 1 July 2006.

SEPP BASIX requires all new residential dwellings in NSW to meet the specified sustainability targets of a 20% reduction in energy use and 40% reduction in potable water

BASIX certificates have been submitted for the residential components of the proposal. The Certificates indicate that each building will satisfactorily meet the BASIX targets with a 33% reduction in energy use and a 48% reduction in potable water.

##### **State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development**

SEPP 65 seeks to improve the design quality of residential flat development through the application of a series of 10 design principles. An assessment against these principles is given in table 4.

A Design Verification Statement has been provided by Architectus stating that the subject development has been designed having respect to the design quality principles.

<b>Key Principles of SEPP 65</b>	<b>Department Response</b>
Principle 1: Context	The proposed towers are considered to be inappropriate when considered in context with the scale of the surrounding buildings contained within the Double Bay Town Centre.
Principle 2: Scale	The height/scale of the towers is considered to be inappropriate when considered in context with the scale and character of the surrounding buildings contained within the Double Bay Town Centre.



Principle 3: Built Form	The proposed towers form an imposing wall of building on the northern side of Cross Street and the tower elements are considered an inappropriate built form outcome for the site.
Principle 4: Density	<p>The site is contained within a mixed use zone, which provides for the integration of a mixture of uses inclusive of residential, commercial and retail uses.</p> <p>The proposal exceeds the density controls as stipulated in the Double Bay Centre DCP which govern the future development of the site and seeks to re-distribute the existing GFA into a development containing tower elements that is out of character with the surrounding area.</p>
Principle 5: Resource, Energy and Water Efficiency	The proposal incorporates a number of measures to ensure the working sustainability of the development incorporating efficient use of natural ventilation and energy and water use.
Principle 6: Landscape	<p>The proposal consists of a ground floor open area piazza with a series of public connections to the north, south, east and west.</p> <p>Together with the ground floor retail and hotel uses, retention of the street trees, upgrading of the footpath and removal of the existing vehicle entry point the landscape treatment and integration and of the site with the existing double bay centre will be improved when compared to the existing environment.</p>
Principle 7: Amenity	<p>Additional overshadowing impacts result from the proposal south of the site between Cross Street and Knox Lane.</p> <p>Noise and privacy amenity impacts also exist, mainly between the proposal and properties adjoining the northern boundary.</p>
Principle 8: Safety and Security	<p>The ground floor public connections and sightlines in the northern, southern, eastern and western directions allow for the safety and security of the piazza and other ground floor uses to be achieved through the movement of pedestrians and associated activation and passive surveillance.</p> <p>The podium hotel and residential units, associated tourist and residential movement and overlooking from balconies also contribute to the passive surveillance of the proposal, and therefore security of the area.</p> <p>The hotel will also be providing a 24hr concierge that will contribute to the surveillance of the ground floor area.</p> <p>The residential and hotel lobbies will have secure access arrangements in place and CCTV will be provided for the basement levels.</p>
Principle 9: Social Dimensions and Housing Affordability	The development does not contain residences that will meet the requirements of housing affordability as defined in SEPP 65
Principle 10: Aesthetics	The articulation of the buildings, materials, finishes and alignments are considered to be well done, however the tower elements are not considered appropriate for the Double Bay Town Centre

Table 4. – Key Principles - SEPP 65 Assessment.

The proposal is not considered to meet the principles of SEPP 65. The development is out of context with the surrounding development of the Double Bay Centre, with have adverse

additional overshadowing impacts south of the development and adverse amenity impacts on the adjoining properties, particularly adjoining the northern boundary.

In this regard, it is considered that the proposal does not display an acceptable level of consistency with the principles of SEPP 65.

**State Environmental Planning Policy No. 55 – Remediation of Land**

SEPP 55 requires a consent authority to consider whether the land is contaminated, and if so, whether the land will be remediated before the land is used for the intended purpose.

The proposal does not involve excavation, other than material resulting from piers that will be drilled through the lower basement level.

Any spoil from the piers will be tested and treated appropriately.

**Woollahra Local Environmental Plan 1995**

An assessment against the key principles of the WLEP 1995 relevant to the development is provided below:

Zoning

The site is zoned 3(a) Business General. The zone is a broad commercial zone allowing a diversity of commercial and retail uses. The zone also permits dwellings attached to commercial and retail buildings.

The proposal is permissible within the zone.

Floor Space Ratios (Clause 11)

A maximum FSR of 2.5:1 is permitted under this zone (see Table 5). The proposed development seeks a FSR of 5.32:1 (19,545m<sup>2</sup>/ 3,675m<sup>2</sup>)

Control	Proposed	Required	Compliance
FSR	5.32:1	2.5:1	No

Table 5: Floor Space Ratio

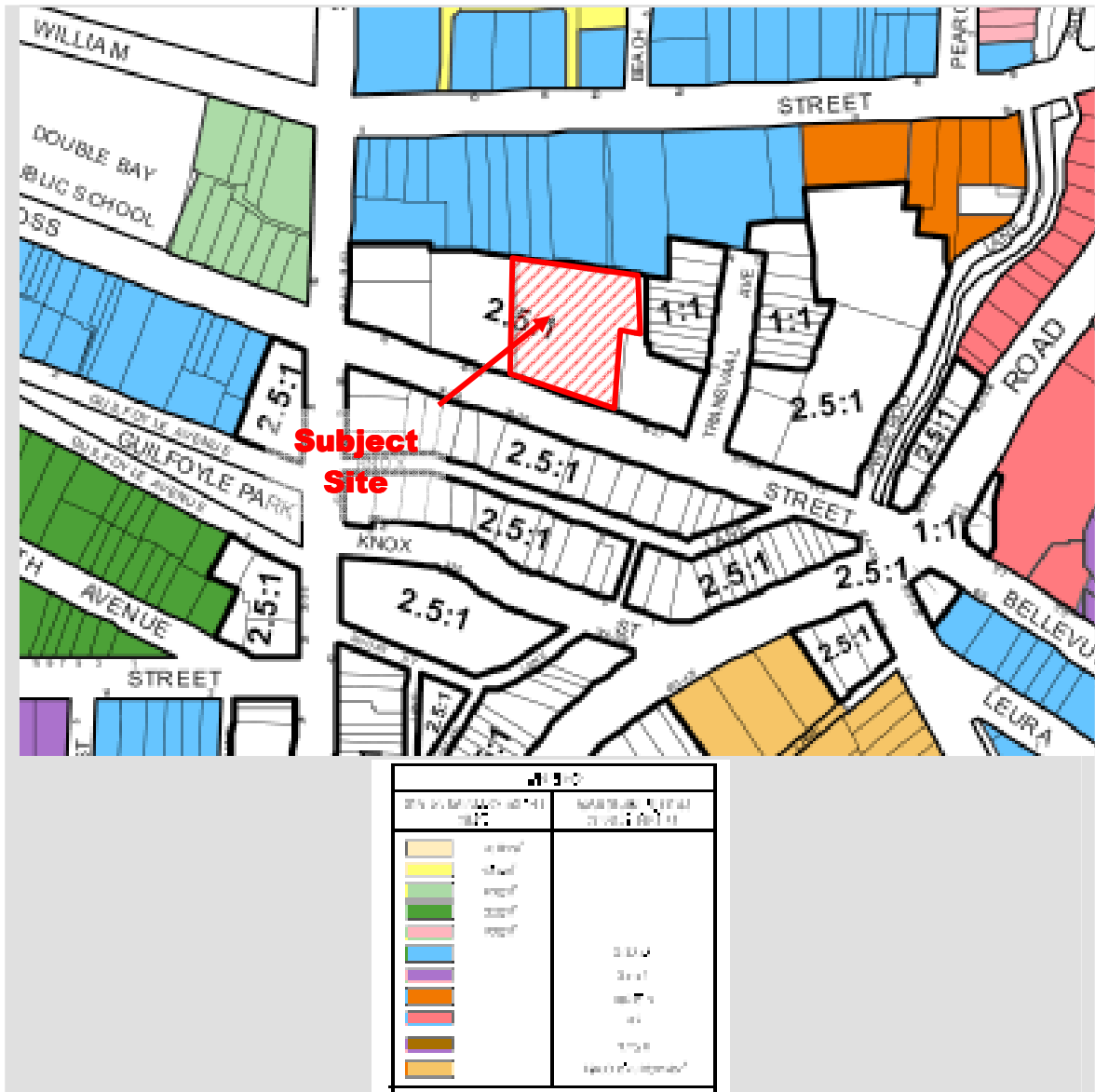


Diagram 21: Extract from WLEP 1995 - Density Map

Height of Buildings (Clause 12)

No height limit is specified for the site within WLEP 1995.

Excavation of Land (Clause 18)

The proposed development seeks to demolish the existing building including the ground floor slab and retain the two existing basement levels. A Construction Management Plan would detail the mitigating measures to control noise, vibration, and dust during the development of the site.

Development in the harbour foreshore scenic protection area (Clause 19)

The site is located within the Harbour Foreshore Scenic Protection Area. In relation to the visual impact when seen from Sydney Harbour, and the impact on natural landform and topography, these matters are addressed under section 6.1 of this report.

In particular is noted that the tower elements of the PPR will have an adverse impact on the character of the Double Bay valley floor which is considered to be a significant landform feature in this locality.

Water, wastewater and stormwater systems (Clause 25)

Sydney Water advise that the site fronts a water main that is undersized for the requirements of the proposal, which would require upsizing by the proponent, which would be determined during the processing of the section 73 certificate.

Any amplification and/or changes that are applicable to the existing system would also be determined by Sydney Water during this process.

Development on land identified on Acid Sulfate Soils Planning Map (Clause 25D)

The site is located within land identified on Council's Acid Sulfate Soils Planning Map as being within an area that any works below the existing ground level are likely to lower the water table.

The proposal however does not involve excavation, other than material resulting from piers that will be drilled through the lower basement level. Any spoil from the piers would be tested and treated appropriately.

Development in the vicinity of heritage items, heritage item groups, heritage conservation areas, archaeological sites or potential archaeological sites (Clause 27)

The proposal adjoins the Transvaal Avenue Conservation Area, as shown in Diagram 22.

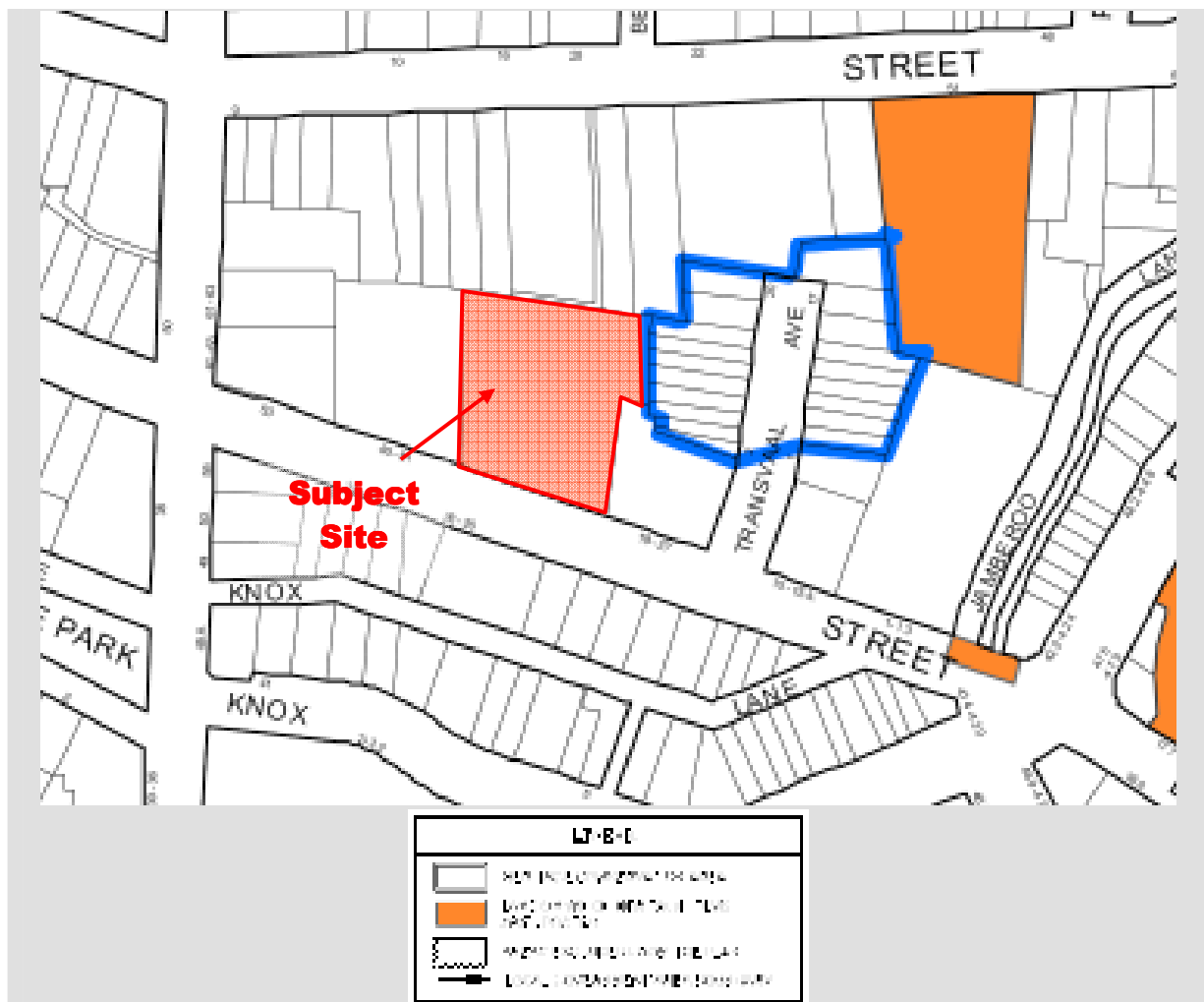


Diagram22: Heritage Map – WLEP 1995

The PPR design expresses a well resolved palette of materials, finishes and colours within an appropriately articulated podium form. Overall, it features a contemporary architectural language which complements the traditional materials and building features of development in the conservation area. However, the height and scale of the towers are imposing and

overpowering and have an adverse impact on the significant visual character and rhythm of the heritage conservation area.

## COMPLIANCE WITH OTHER CONTROLS AND POLICIES

### Double Bay Centre DCP

The site is located within the area identified in the DCP as the Double Bay Centre. The DCP outlines a number of key objectives/controls to consider with regards to any new development. An assessment has been made against the key objectives/controls as follows:

#### Built Form Envelopes

The DCP specifies a maximum height of 5 storeys (16.5m) for the subject site (see table 6). Council also permits a height of up to 5 storeys adjoining the heritage conservation area to the east (car park), and adjoining the site to the west, fronting Cross Street.

	Existing	PPR Proposal	DCP control	Compliance
Maximum Building Height	6 & 7 storeys 22.12m or 25.33m AHD	15 storeys 52.15m or 55.55m AHD	5 storeys (16.5m)	No
Carspaces	173 (plus 50 via section 94)	135	119 (169-50 credited via section 94)	Yes (with 50 credit)

Table 6: Double Bay Centre: Development Control Plan 2002

#### Cross Street Character

The large buildings on the northern side of Cross Street are defined as “*generally coarsely modelled and articulated*”, with the future urban design criteria being for the “*unification of the street on the north side with street wall buildings*”.

In this respect the DCP sketches show a potential vision for the southern side of Cross Street, with the potential form of buildings on the northern side of up to 5 storeys in height, with the 5<sup>th</sup> storey setback 3.5m.

The tower elements are not considered to be consistent with the future character of Cross Street.

#### Use

*To retain the range and intensity of existing uses in Double Bay and increase the level of activity in the centre by introducing residential developments.*

The development contains a mix of uses inclusive of residential, retail and a new hotel and associated bar/restaurant areas which is consistent with this principle.

## APPENDIX B. DIRECTOR-GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

### Director-General's Requirements

#### Section 75F of the *Environmental Planning and Assessment Act 1979*

<b>Application number</b>	<b>MP 08_0100</b>
<b>Project</b>	Project application for demolition of the existing Stamford Plaza hotel and the construction of a new mixed use hotel, residential and retail development.
<b>Location</b>	33 Cross Street, Double Bay, Sydney.
<b>Proponent</b>	Ashington Management Pty Ltd
<b>Date issued</b>	28/08/08 - <i>If the environmental assessment is not exhibited within 2 years after this date, the applicant must consult further with the Director General in relation to the preparation of the environmental assessment.</i>
<b>Key issues</b>	<p>The Environmental Assessment must address the following key issues:</p> <ol style="list-style-type: none"> <li><b>1. Relevant EPI's policies and Guidelines to be Addressed</b>            Planning provisions applying to the site, including permissibility and the provisions of all plans and policies including:           <ul style="list-style-type: none"> <li>• SEPP 55, 65, 66, Infrastructure 2007, BASIX 2004;</li> <li>• Eastern Subregional Metropolitan Strategy (Draft)</li> <li>• Woollahra LEP 1995, Double Bay Centre DCP</li> <li>• Nature and extent of any non-compliance with relevant environmental planning instruments, plans and guidelines and justification for any non-compliance.</li> </ul> </li> <li><b>2. Architectural, Building and Urban Design Impacts</b> <ul style="list-style-type: none"> <li>• The EA shall address the visual impact of the project in the context of adjoining development, impact on adjacent conservation area and if heritage item (on-site, adjoining and adjacent the site) and its setting and building mass as viewed from public areas.</li> </ul> </li> <li><b>3. Built Form</b>            The Department has concern regarding the proposed height of the development in particular the hotel residences on the north east corner of the site and the length/height of the hotel residences on the western edge. The EA shall address the appropriateness of the height, bulk and scale of the proposed development within the context of the surrounding development and mitigate potential impacts relating to loss of sunlight, privacy and views at neighbouring properties. The EA shall provide the following documents:           <ul style="list-style-type: none"> <li>• Comparable height study to demonstrate how the proposed height relate to the height of the existing development surrounding the subject site;</li> <li>• View analysis to and from the site from key vantage points and;</li> <li>• Options for building massing shall be provided.</li> </ul> </li> <li><b>4. Environmental and Residential Amenity (proposed development)</b>            The EA shall address solar access, acoustic privacy, visual privacy, view loss, and</li> </ol>

	<p>wind impacts and achieve a high level of environmental and residential amenity including measure for crime prevention</p> <p><b>5. Public Domain</b></p> <ul style="list-style-type: none"><li>• Interface of proposed development and public domain (where applicable);</li><li>• Relationship to and impact upon existing public domain;</li><li>• Provision of linkages with and between other public domain spaces including access rights, openness to the sky, legibility and “safer by design issues”.</li></ul> <p><b>6. Transport and Accessibility (Construction and Operational)</b></p> <ul style="list-style-type: none"><li>• The EA must demonstrate the provision of sufficient on-site car parking for the proposal having regard to local planning controls and RTA guidelines. The EA shall also provide a Transport &amp; Accessibility Impact Study prepared in accordance with the RTA’s Guide to Traffic Generating Developments, considering traffic generation, any required road / intersection upgrades (including Cross St &amp; New South Head Road, Cross St and Ocean Avenue &amp; Bay Street and William St), access, loading dock(s), car parking arrangements, measures to promote public transport usage and pedestrian and bicycle linkages.</li></ul> <p><b>7. Noise and Lighting Impacts</b></p> <ul style="list-style-type: none"><li>• Demonstrate that the proposal will be designed, constructed, operated and maintained so that there is no unacceptable level of noise impacts (including traffic noise) on amenity in the locality.</li></ul> <p><b>8. Construction Impacts</b></p> <ul style="list-style-type: none"><li>• Address measures to ameliorate potential impacts arising from the construction of the proposed development.</li></ul> <p><b>9. Ecologically Sustainable Development (ESD)</b></p> <ul style="list-style-type: none"><li>• The proposal is to be designed to incorporate ESD principles in the design, construction and ongoing operation phases; and</li><li>• Provide an assessment of the new hotel building against industry best standards sustainability initiatives (i.e. the Department of Environment and Climate Change’s <i>NABERS Energy and Water Rating for Hotels</i>).</li></ul> <p><b>10. Drainage/Flooding</b></p> <ul style="list-style-type: none"><li>• The EA shall address drainage/flooding issues associated with the development/site, including: stormwater, the potential effects of climate change, sea level rise and an increase in rainfall intensity, drainage infrastructure and incorporation of Water Sensitive Urban Design measures.</li></ul> <p><b>11. Contributions</b></p> <ul style="list-style-type: none"><li>• The EA shall address provision of public benefit, services and infrastructure having regard to the Council’s Section 94/94A Contribution Plan and/or details of any Voluntary Planning Agreement.</li></ul> <p><b>12. Utilities</b></p> <ul style="list-style-type: none"><li>• In consultation with relevant agencies, address the existing capacity and requirements of the development for the provision of utilities including staging of infrastructure works.</li></ul> <p><b>13. Staging</b></p> <ul style="list-style-type: none"><li>• The EA must include details regarding the staging of the proposed development (if proposed)</li></ul> <p><b>14. Consultation</b></p>
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	<ul style="list-style-type: none"> <li>Undertake an appropriate and justified level of consultation in accordance with the Department's <i>Major Project Community Consultation Guidelines October 2007</i>.</li> </ul>
Deemed refusal period	60 days.

## Plans and Documents to accompany the Application

<p><b>Plans and Documents of the development</b></p>	<p>The following plans, architectural drawings and diagrams of your proposal as well as the relevant documents will be required to be submitted for your application:</p> <ol style="list-style-type: none"> <li>The <b>existing site survey plan</b> is to be drawn to 1:500 scale (or other appropriate scale) and show: <ul style="list-style-type: none"> <li>the location of the land, the measurements of the boundaries of the land, the size of the land and north point;</li> <li>the existing levels of the land in relation to buildings and roads;</li> <li>location and height of existing structures on the site; and</li> <li>location and height of adjacent buildings and private open space.</li> <li>all levels to be to Australian Height Datum.</li> </ul> </li> <li>A <b>Site Analysis Plan</b> must be provided which identifies existing natural elements of the site (including all hazards and constraints), existing vegetation, property dimensions, footpath crossing levels and alignments, existing pedestrian and vehicular access points and other facilities, slope and topography, utility services, boundaries, orientation, view corridors and all structures on neighbouring properties where relevant to the application (including windows, driveways, private open space etc).</li> <li>A <b>locality/context plan</b> drawn to 1:500 scale (or other appropriate scale) should be submitted indicating: <ul style="list-style-type: none"> <li>significant local features such as parks, community facilities and open space and heritage items;</li> <li>the location and uses of existing buildings, shopping and employment areas;</li> <li>traffic and road patterns, pedestrian routes and public transport nodes</li> </ul> <p>The existing site plan and locality plan should be supported by a written explanation of the local and site constraints and opportunities revealed through the above documentation.</p> </li> <li>The <b>Environmental Assessment</b> in accordance with the Director-General's Environmental Assessment Requirements as outlined in The Key Issues.</li> <li>The <b>Architectural drawings</b> (where relevant) are to be drawn to scale and illustrate the following: <ul style="list-style-type: none"> <li>the location of any existing building envelopes or structures on the land in relation to the boundaries of the land and any development on adjoining land;</li> <li>detailed floor plans of the proposed buildings;</li> <li>sections and elevations including detailed sections of the proposed building;</li> <li>the location and size of vertical and horizontal circulation of lifts, stairs and corridors;</li> <li>fenestrations, balconies and other features;</li> <li>communal facilities and servicing points;</li> <li>accessibility requirements of the Building Code of Australia and the Disability Discrimination Act;</li> <li>the height of the proposed development in relation to the land;</li> <li>any changes that will be made to the level of the land by excavation, filling or</li> </ul> </li> </ol>
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	<p>otherwise;</p> <ul style="list-style-type: none"> <li>• the level of the lowest floor, the level of any unbuilt area and the level of the ground;</li> <li>• parking arrangements, where vehicles will enter and leave the site, and how vehicles will move about the site;</li> <li>• pedestrian access to, through the retail arcade and within the site.</li> </ul> <p>6. <b>Visual aids</b> such as a photomontage and or models must be used to demonstrate visual impacts of the proposal in particular having regard to the siting and design, bulk and scale relationships, appropriate use of materials.</p> <p>7. The <b>shadow diagrams</b> showing solar access to the site and adjacent properties at summer solstice (Dec 21), winter solstice (June 21) and the equinox (March 21 and September 21) at 9.00 am, 12.00 midday and 3.00 pm.</p> <p>8. The <b>Other plans including (where relevant):</b></p> <ul style="list-style-type: none"> <li>• <b>Stormwater Concept Plan</b> - illustrating the concept for stormwater management from the site to the Council drainage system and include a detailed site survey. Where an on-site detention system is required or being provided, the type and location must be shown and must be integrated with the proposed landscape design. Site discharge calculations should be provided and the must include details of all major overland flow paths;</li> <li>• <b>Erosion and Sediment Control Plan</b> – plan or drawing that shows the nature and location of all erosion and sedimentation control measures to be utilised on the site;</li> <li>• <b>View analysis</b> - artists impression, photomontages, etc of the proposed development in the context of the surrounding development, including from the harbour;</li> <li>• <b>Coloured elevations</b> - of the proposed buildings drawn to the same scale as the architectural drawings. The elevations are to indicate height and key datum lines, building length and articulation, materials and finishes, the composition of the façade and roof design, existing buildings on the site, building entries (pedestrian, vehicular and service), and profile of buildings on adjacent properties;</li> <li>• <b>Landscape Concept Plan</b> – plan or drawing that shows the basic detail of planting design and plant species to be used, listing botanical and common names, mature height and spread, number of plants to be utilised and surface treatments (i.e. pavers, lawn etc).</li> </ul>
<p><b>Documents to be submitted</b></p>	<ul style="list-style-type: none"> <li>• 12 hard copies of the Environmental Assessment;</li> <li>• 12 sets of architectural and landscape plans to scale, including one (1) set at A3 size (to scale); and</li> <li>• 1 copy of the Environmental Assessment and plans on CD-ROM (PDF format), not exceeding 5Mb in size (see below).</li> <li>• If the Environmental Assessment is bulky and lengthy in volume, you will be required to package up each Environmental Assessment ready for distribution by the Department to key agencies.</li> </ul>
<p><b>Electronic Documents</b></p>	<p>Electronic documents presented to the NSW Department of Planning for publication via the Internet must satisfy the following criteria:</p> <ul style="list-style-type: none"> <li>• Adobe Acrobat PDF files and Microsoft Word documents must be no bigger that 1.5 Mb. Large files of more than 1.5 Mb will need to be broken down and supplied as different files;</li> <li>• File names will need to be logical so that the Department can publish them in the correct order. Avoid sending documents that are broken down in more than 10 files;</li> </ul>

- Image files should not be bigger than 2Mb. The file names will need to be clear and logical so the Department can publish them in the correct order;
- Graphic images will need to be provided as [.gif] files;
- Photographic images should be provided as [.jpg] files;
- Large maps will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each;
- Images inserted into the document will need to be calibrated to produce files smaller than 1.5Mb. Large images will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each. The file names will need to be clear and logical so the Department can publish them in the correct order.

Alternatively, these electronic documents may be placed on your own web site with a link to the Department of Planning's website.

## **APPENDIX C. ENVIRONMENT ASSESSMENT**

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**Refer to attached disk.**

## **APPENDIX D. SUMMARY OF SUBMISSIONS**

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## APPENDIX E. PREFERRED PROJECT REPORT

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Refer to **attached** disk

## **APPENDIX F. NSW GOVERNMENT ARCHITECT REPORT**

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## APPENDIX G. STATEMENT OF COMMITMENTS

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insert

## APPENDIX H. HEIGHT ANALYSIS STUDY

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Insert map at A3