

ANNEXURE 2

Urban Design

REFERRAL RESPONSE URBAN DESIGN

FILE NO: DA 671/2010/1
ADDRESS: 33 Cross Street DOUBLE BAY 2028
PROPOSAL: Demolition of the existing building from ground floor level, retention of the basement carpark for 154 vehicles, construction of a mixed use development with retail tenancies and a five (5) cinema complex for approximately 600 people which occupies the ground and first floor levels and seven (7) levels of residential above containing 78 units (a mix of one, two and three bedrooms)
FROM: Tom Jones Urban Design
TO: Mr D Lukas

1. Information

Statement of Environmental Effects (SEE): GSA July 2011 Job No 11159
Architectural drawings: By PTW dated 25/07/11

2. Background

33 Cross Street was developed as a hotel in the 1980s replacing inter war residential flat buildings. The hotel was approved with considerably more floor area than that permitted in the controls.

The hotel was recently sold. The hotel use is not considered to be viable and a proposal has been made to demolish and build a mixed development involving two 14 storey residential towers and a limited number of serviced apartments. This proposal was assessed and determined under Part 3a of the EPA Act by the Planning Minister.

This “Ashington” proposal repositioned the existing building bulk into two “high rise” residential towers freeing the ground plan for a “public” space. After considerable resident protest the Minister determined that the development should be refused.

The current proposal is for residential apartments over shops and cinemas at lower levels. The building does not use tower forms and is modelled to generally be a similar bulk to the existing building. The introduction of cinemas responds to the closing of the cinema on New South Head Road in the mid 90s. That cinema was replaced by Greater Union with a complex in Bondi Junction, a move which is widely perceived as having deprived Double Bay of much of its night-time activity.

This current proposal is being assessed by the Woollahra Municipal Council. But will be determined by the joint regional planning panel (JRPP)

3. Proposal

The existing hotel is to be demolished and replaced with seven levels of residential development over retail and five cinemas at street level. The existing basement parking is to be retained.

The building reinforces the street wall to Cross Street. The building’s form is indented to the north to providing better sun access to more apartments. A public through route is provided at ground level linking the Galbraith Walkway with Cross Street. A publicly accessible garden courtyard is provided on the northern part of this link.

4. Controls

State Environmental Planning Policy 65: Design Quality of Residential Flat Development. (SEPP 65)

Woollahra Local Environment Plan 1995 (WLEP)

Double Bay Centre Development Control Plan (DBC DCP)

Woollahra Residential Development Control Plan 2003 (WRDCP)

Access Development Control Plan (ADCP)

Parking Development Control Plan 2011 (PDCP)

Waste Not Development Control Plan (WNDP)

5. Compliance

The compliance of the development is discussed in relation to the above controls.

SEPP 65

1. Context

Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.

Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.

The building has a particular relationship with its context. It is undeniably the largest development in the location. It is also at the transition to residential development on the edge of the Double Bay Centre business zone. The building however responds to and respects the context. The street façade reinforces the street wall, while the northern face is softened by the insertion of the courtyard and considerable planting. The upper levels are setback from the frontages reducing the impact on the side and rear setbacks.

2. Scale

Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.

Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.

The building at nine storeys is of a scale which is not typical to the location. The building is over the five storey desired future character for the location. The existing adjacent buildings are single, two and five storey. However the building is assessed in relation to the existing built form. The design breaks down the proposal's scale, particularly when viewed from the street, by stepping back and dividing the upper levels.

3. Built Form

Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

The proposal provides a solid wall to the street on the lower five levels. The Upper levels are setback and divided reducing their impact on the street. The northern elevation presents a

solid base to the residential neighbours, this wall is used as the structure to a green wall. The apartments above are separated by the central courtyard and step back from the boundary. The side elevations are relatively close to the boundaries, but are highly articulated.

4. Density

Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).

Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality

The proposal accommodates 78 dwellings, 2 large double storey retail outlets and a five theatre cinema complex. The majority of the apartments are generously sized and provide good amenity. The site also provides a considerable amount of well exposed active retail frontage. The infrastructure of the location is suited to this sort of density.

5. Resource, energy and water efficiency

Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction. Sustainability is integral to the design process.

Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.

The development is designed with considerable consideration of thermal comfort issues. A detailed report by Howe and Associate looks at the potential utilisation of storm and grey water for flushing and irrigation. The report appears to say that there is insufficient storage provided at this stage to enable this to happen. The additional capture capacity should be provided.

A report in the SEE by SLR makes recommendations regarding the development, including the provision of cycle parking.

Locations for external clothes drying, required by the SEPP, are not indicated on the plans.

6. Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.

Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.

The deep soil landscape opportunities are severely limited by the presence of the large existing underground car park which occupies almost all the site. However the proposed planting is well positioned in the centre of the site, allowing maximum exposure. The landscape proposal successfully provides an accessible green core to the scheme, while

protecting and contributing to the amenity of the residential properties to the North with the considerable green wall.

7. Amenity

Good design provides amenity through the physical, spatial and environmental quality of a development.

Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.

Over 80% of the apartments achieve the SEPP 65 cross ventilation requirement. Approximately 70% of the apartments meet the solar access requirements of SEPP 65. All units are all well planned and spacious. Those apartments without solar access and cross ventilation are smaller apartments facing Cross Street. These apartments are provided with ample daylight and have relatively wide frontages. This is considered acceptable.

The arrangement of lift cores has resulted in one lobby serving eight apartments per level and another two lift cores serving two apartments each level and two more serving one apartment at each level. There seems little justification for this lopsided distribution.

8. Safety and security

Good design optimises safety and security, both internal to the development and for the public domain.

This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.

The development has addressed issues regarding the access to various parts of the site. There are no concerns regarding this principle.

9. Social dimensions and housing affordability

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.

New developments should optimise provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.

New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.

There is unlikely to be any affordable housing provided by this development. A number of smaller apartments are provided however. The development adds 78 dwellings to Woollahra's housing stock, increasing supply.

10. Aesthetics

Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

The development is designed with a high regard to contextual fit. The building does not attempt to make a strong statement, avoiding high visibility and opting to hide bulk as far as possible. The building's design is a relatively restrained, blending symmetry with the site's contextual constraints. The façade design is successful in breaking down the perceived impact from the street. The street wall responds appropriately to the street facade of the adjacent building to the west and the desired future character of the site to the East. The four upper levels are then setback and split into two forms breaking up the bulk of the form. Although the building bulk is clearly greater than that visualised in the desired future character of the street the massing of the proposed built form respects and integrates with this character.

The northern elevation, facing residential properties in the adjacent 2b zoning, steps back above the solid green wall base, and is softened by cascading planting. The diagonal public path through the building is carefully scaled and planned. The design is generally convincing and appropriate.

Woollahra Local Environment Plan 1995 (WLEP).

Land use: 3a Business General. The control allows mixed development. The proposal is an allowed use.

Density: 2.5:1. The proposal has an FSR of approximately 5.06:1 and does not comply with this control. The existing building is considerably in excess of the allowed FSR.

This exceedence of the WLEP control has an obvious impact on the perceived bulk of the building the impacts of which have been the principle concern of the assessment process. However, given the present development on the site, the proposal's response to the issues is considered to have minimal and acceptable impacts on the objectives of the WLEP. There will be an impact on the public realm to the south side of Cross Street, as a result of increased overshadowing, but the proposal also has considerable benefits, providing high quality on site public realm.

In terms of population density the FSR exceedence is not considered to be relevant, the apartment size is such that the number of units is not excessive and is considerably less than the number of hotel rooms presently on the site. The location is well suited to additional population being very convenient to services and to transport.

Double Bay Centre DCP (DBC DCP)

The maximum height permitted on this site is a part of the building envelope controls in the DBC DCP. The proposed development has a height of nine storeys. The proposal does **not** comply with the five storey height limit for this part of Double Bay Centre in the DBC DCP Part 5.

The development's form generally reflects the building envelope controls in the DBC DCP part 5, with a street wall building and wings out to the north. The development is however considerably in excess of the heights and boundary setbacks permitted. The development intrudes into the rear setback. This has minimal amenity impact given that the development is to the south of adjacent properties. The eastern wing of the proposal particularly, pushes further to the east than permitted by the DBC DCP building envelope drawings (5.7 drawing

3) potentially compromising the solar access onto the site at the corner of Transvaal Avenue and Cross Street.

The heights in the DBC DCP have been generated with the objective of retaining solar access to the public realm. The exceedance of the height control by the proposal **does not mean it overshadows the footpath to the south side of Cross Street. The building's upper levels have been setback from the street edge so that during midday in winter the footpath is not in shadow from the building.**

It is noted that the existing mature fig trees growing in the street mask the visual bulk of this proposal from many of the street locations. The articulation of the building's flank walls is an improvement on the existing condition and does not significantly impact on the village character of the location.

The objectives of the DBC DCP in Part 3 are generally met, particularly regarding the objective (3.2.3 ii) to: *retain and enhancement of the sunlit block of arcades between Knox Street and Cross Street*, the proposal provides visually attractive extensions to the arcades in this area. Other objectives (3.2.1, 3.2.2, 3.2.4 and 3.2.5) regarding high quality pedestrian environments and increased connectivity are clearly met by the proposal.

The proposal generally meets the objectives of Parts 4 and 6 of the DBC DCP particularly the principles regarding; Street Character (4.7.1), Use (6.2), Building envelopes (6.3.1) Height (6.3.2) Articulation (6.3.3) Setbacks (6.3.4) Architectural resolution (6.3.6), Roof design (6.3.7), Arcades, walkways and courtyards (6.4.3), Outdoor eating (6.4.4), and Ground floor active lane frontage (6.4.5).

Woollahra Residential Development Control Plan 2003 (WRDCP)

Control 5.6.10 requires that external clothes drying areas are to be provided.

Access Development Control Plan (ADCP)

The proposal appears to meet the expectations of the Access DCP.

Waste Not DCP (WNDCP)

The JD MacDonald report included in the SEE on waste management discusses towers and a ground level servicing dock, neither is present in this development. The report states that collections would be provided by a private contractor twice weekly. This should not be used as a rationale for reducing the size of storage provided on site for residential waste. Council has no way of requiring that there is a twice weekly collection. The provision of waste quantities does not appear to be based on the waste and recycling regime used in Woollahra outlined in the WNDCP.

6. Urban Design Review

The proposed development of this site is premised on the basis that redeveloping at the existing density and bulk is acceptable. The existing 1980s hotel and retail development greatly exceed the present controls. The existing building has effectively become the building envelope used by the applicant. This position has been considered acceptable by the Government Architect when assessing the previous development proposals on behalf of the Department of Planning. Council have not stated their position, but it is considered that if the urban design outcome is an improvement on the existing condition this is an acceptable position.

The Government Architect in a previous assessment, recognising the existing structure

exceeds the five storey DBC DCP height limit, stated that seven levels would be acceptable if the top two levels were set back. The present proposal is for nine levels with the top level setback. The proposal is still below the height of the present structure, which is set by the large (two storey) lift overrun.

The applicant has decided to increase the building's bulk over and above that which presently exists. The increased height is justified, by the applicant, on the basis that it has no detrimental amenity impact on the location, that the impacts are compensated for by improved amenity and there is a major attractor in the form of a cinema complex being proposed on site.

This Urban Design review concentrates on; the benefits of the proposal and the impacts of the proposal on the existing and desired future character of the context. It is noted however that the existing building is not a reasonable comparison or starting point for the aesthetics or economic activity contribution of the proposal, since any proposal should be providing a considerable improvement on the existing in both these areas. The present building is in poor condition and presents considerable blank walls to the east, it has also been empty for three years and presents no economic activity benefit to the location.

The proposed building is generally two storeys higher than the existing building, although the proposed overall height is within the overall height of the existing buildings lift tower. The increased bulk at high level, has various impacts on the location.

The visual impact can be divided into two parts; the immediate impact experienced in the streets of the centre and the views from outside the centre from public domain and buildings on the slopes of the valley behind Double Bay.

The views from both ends of Cross Street are changed by the presence of the proposal; the additional height is visible, but the proposed elevation treatments are articulated and visually richer than the existing blank walls. The additional storeys add a distinct and considered visual element to the Cross Street view, this is considered acceptable from a streetscape perspective.

The visual impact when seen from afar is minimal. Inevitably the building will block views from some levels of the numerous residential towers that surround Double Bay. However, in no instance could the visual impact be considered significant, since the view blocking would occur to a relatively small portion of the whole panorama of these views.

The height of the proposal impacts on the solar access to adjoining public realm and properties. The footpath on the southern side of Cross Street will not be overshadowed from built form at midday during the winter months. The use of receding forms is appropriate way of reducing both the visual and solar impact. This is considered acceptable from an urban design perspective given the improvements to the solar penetration and the extension of the public realm on the north side of the street.

The additional height and minimum setback on the east flank of the proposal also potentially impacts on future development potential on the site on the corner of Transvaal Avenue and Cross Street. Although this may compromise certain potential development options on this site, it would not make development of that site unviable.

The great attribute from an urban design perspective is the proposal provides Double Bay Centre with significant night time attractor in the form of a cinema complex. The ground level an accessible and quality additions to the public domain. The proposed development would undoubtedly help to put the heart back in the Bay.

7. Recommendation

The existing building on this site is already visually prominent. The proposal slightly increases the visual presence, but the aesthetic quality would be considerably improved. The proposal adds to the quality of the public domain and the activity generated, particularly from the cinemas, would be of considerable benefit to the Double Bay Centre. From an urban design perspective the proposal is considered acceptable.

The urban design recommendation is for approval with the consideration of the following concerns:

1. Drying areas need to be provided for each apartment
2. The residential waste procedure is addressed to ensure residents can meet Woollahra's Waste Not DCP expectations.
3. The sustainability initiatives outlined in the reports are committed to, including: adequate on site stormwater storage capacity to enable an effective irrigation and toilet flushing regime, and bicycle storage.
4. The Council is provided with an assurance that the cinema complex is viable and potentially sustainable in this location.

Tom Jones: Urban Design

ANNEXURE 3

Technical Services (including Traffic Comment)

REFERRAL RESPONSE – TECH. SERVICES

FILE NO: DA 671/2010/1

ADDRESS: 33 Cross Street DOUBLE BAY 2028

PROPOSAL: Demolition of the existing building from ground floor level, retention of the basement carpark for 154 vehicles, construction of a mixed use development with retail tenancies and a five (5) cinema complex for approximately 600 people which occupies the ground and first floor levels and seven (7) levels of residential above containing 78 units (a mix of one, two and three bedrooms)

FROM: Yoram Wise - Development Engineer

TO: Mr D Lukas

I refer to the following documents received for this report:

1. Architectural plans by PTW, Dwgs No. DA 102/B, DA200/C, DA201/C, DA202/B, DA203/A, DA203.3/A, DA203.4/A, DA204/C to DA208/C, DA302/C, DA303/C and DA400/C dated 25/07/2011
2. Survey by Project Surveyors, Dwg No.19103 sheet 1 of 4 to 4 of 4, dated 12/08/2011
3. Statement of Environmental Effects by GSA Planning, dated July 2011
4. Stormwater disposal concept plan prepared by TTW, dated 26/10/2011, Dwgs No. SKC00 to SKC04, Revision P3
5. Flood Study by TTW P/L, dated 23 December 2010, reference 101449
6. Geotechnical report prepared by Douglas Partners P/L Project 11525.04 dated 03/10/2008
7. Traffic and Parking Report by Transport and Traffic Planning Associates, dated July 2011, Reference No. 10180
8. Referral Response from Council's Traffic Engineer, dated 22/09/2011

Comments have been prepared on the following. ***Where Approval is recommended, Conditions of Consent follow at the end of the comments.***

Site Drainage comments

Generally, there are no objections to Stormwater disposal concept plan prepared by TTW, dated 26/10/2011, Dwgs No. SKC00 to SKC04, Revision P3. However, all stormwater discharged from the site is to connect directly to Council's in-ground stormwater system located in Cross Street via a new pit (not to the kerb & gutter).

This concept plan is subject to the submission and approval of Stormwater Management Plan for the site prior to release of the Construction Certificate. Details are to be in accordance with Council's Draft Stormwater Development Control Plan and Local Approvals Policy. This is to ensure that site stormwater is disposed in a controlled and sustainable manner - Conditions applied.

Council's Technical Services Division is satisfied that adequate provision has been made for the disposal of stormwater from the land it is proposed to develop and complies with the provisions of Clause 25 (2) of WLEP 1995

Flooding & Overland Flow comments

The Flood Study by TTW P/L, dated 23 December 2010, reference 101449 have analysed the flooding and determined that flood levels vary between 3.24m at the east and 3.36m AHD westerly. The report determines FPL which includes freeboard for habitable and non-habitable areas at RL 3.41m AHD.

It should be noted that the freeboard allowances adopted are not those adopted by Council which are 150mm and 300mm respectively - Conditions applied

Construction Management comments

As a result of the site constraints, limited space and access a Construction Management Plan is to be submitted to Council. Due to the lack of on-street parking availability a Work Zone may be required from Council during construction and is conditioned accordingly.

Impacts on Council Infrastructure comments

The following works on public road are required by the development at their full cost:

- Redundant driveways:
 - a) Eastern crossing- driveway pavers are to be removed and replaced with same pavers as already exist on the footpath. The layback is to be replaced with barrier kerb
 - b) Western crossing – the existing 8m wide crossing is to be reduced to 4m. The redundant driveway pavers are to be removed and replaced with same pavers and pattern as the existing footpath pavers. The layback is also to be reduced in width.
 - c) The removal and rationalisation of existing crossings will provide additional on street parking spaces which are required.
- Remove planting bay on road shoulder(adjacent to the eastern crossing) and reinstate the road pavement
- Existing signage is to be rationalised (this will require approval of Woollahra Traffic Committee)
- It should be noted that public access past the planting bays around the Fig trees may be restricted with any permanent works on the property boundary. A minimum width of 1.5m for public access may require works on the bays by the applicant to achieve the width

All these works are subject to a S138 Roads Act application

Traffic comments

Council's Traffic Engineer has made the following comments:

"The proposal is generally acceptable with respect to traffic and parking however the following matters are to be noted;

- *There is no provision for offstreet parking associated with the retail/ cinema component. Despite this, parking demand could be accommodated in public parking areas in the Double Bay commercial centre as Engineering Services is aware that there is a good level of parking availability in this area during the evening periods (particularly Cross Street carpark).*
- *Parking restrictions throughout most of the Double Bay area typically extend up to 6pm. As the parking demand of the proposed cinema is reliant upon onstreet parking, there is a possibility Council may need to extend the hours of the restrictions (say, up to 8pm) in neighbouring residential areas to contain this parking demand to the commercial area.*
- *The applicant has noted that a monetary contribution has been made in the past for 50 offstreet parking spaces. Whilst this has not carried any weight in the assessment above, the Planning Department are advised to confirm that this is the case.*

It is considered the development is acceptable in terms of potential traffic and parking elements, subject to the following conditions of consent”.

For full details, refer to the referral response attached at the end of this document.

Geotechnical, Hydrogeological and/or Structural comments

There are no proposed or approved excavations for the site.

RECOMMENDATION

Council’s Development Engineer has determined that the proposal satisfies Technical Services concerns subject to conditions.

Memorandum

Date 24 November 2011

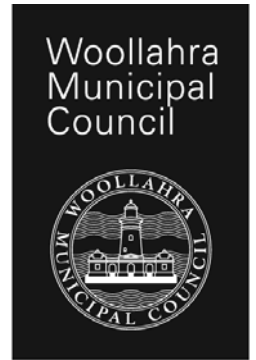
File No. DA 671/2010/1

To Nick Tomkins - Development Engineer Team Leader

CC

From Daniel Pearse – Traffic and Development Engineer

Subject 33 CROSS STREET - DOUBLE BAY
STAMFORD HOTEL SITE



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I refer to the following documents;

1. Traffic and Parking Report by Transport and Traffic Planning Associates, dated July 2011 Ref. No. 10180.
2. Statement of Environmental Effects by GSA Planners dated July 2011

The proposed development involves the demolition of the existing hotel to ground level and construction of a nine storey, mixed use development comprising of 74 units, retail floor areas and a cinema complex of 5 cinemas. The existing two levels of basement car parking are to remain.

Parking

The proposed development incorporates 154 off-street parking spaces on the site which are all dedicated to the residential component. The following table summarises the parking demands of each aspect of the proposal and the resulting surplus/ deficit.

Development Component		Council's Parking Demand rate	Units/ Area	Parking Required (Council DCP's)	Proposed Parking	Surplus/(Deficit)
Residential	One Bedroom	0.5 per unit	19	9.5	24	14.5
	Two Bedroom	1.0 per unit	24	24	47	23
	Three Bedroom	1.5 per unit	31	46.5	78	31.5
	Visitor	1 per 5 unit	(74 Units)	15	5	(10)
Retail		3.5 per 100m ² of	1200m ²	42	0	(42)

	Retail Floor Area				
Cinema	22 per 100m ² of Retail Floor Area	825m ²	182	0	(182)

The parking shortfall related to the retail and cinema complex component is accepted based on the following;

- The Traffic report has noted that some traffic to the venue will comprise of multi-purpose trips whereby the parking demand of either cinema/ retail is combined or the retail component overlapping with existing retail activity in the area.
- It is noted that the retail and cinema component will generally have alternate peak periods of parking demand (retail during the day and cinema during the evening) and therefore the actual parking shortfall at any period is anticipated to be considerably less than the net amount.
- The Traffic report notes that Cross Street carpark is capable of accommodating the parking demand. It anecdotally notes this is not currently fully utilised most of the time. Council's occupancy data for Cross Street carpark indicates that the facility is capable of accommodating additional 20-50 vehicles on a weekday whilst weekend periods range from 150 to 320 spaces.
- The applicant has claimed that the site has paid a monetary contribution in lieu of 50 off-street spaces. The Planning Department is advised to confirm this.

There are 10 accessible units included in the proposal and the Access Development Control Plan requires one disabled car parking spaces per unit. The applicant has provided these spaces in the basement levels of the building and this requirement is satisfied.

Parking availability in the Double Bay commercial area during the evening periods is considered to be satisfactory however there is potential the current restrictions, in effect up to 6pm, may need to be extended if the development were to proceed. Council's Planning Department is advised to note this impact.

With reference to the comments below under "Service and Loading Facility", it is advised that some of the residential parking spaces be allocated as loading/ service bays for the purpose of deliveries.

Traffic Generation

The applicant's Traffic consultant has estimated traffic generation of 27 vehicle trips in the peak hour period (vtph) for the residential component based on the RTA's "Guide to Traffic Generating Developments". The report notes this level of traffic generation is considerably less than that of the previous development application. It is agreed that this level of traffic is not expected to adversely effect the surrounding road network.

The report goes on to state that traffic generation for the retail component will be contained within the 50 off street monetary contribution parking spaces whilst the cinema component will have a peak period after the afternoon peak commute period. Whilst this section is not detailed, it is accepted that these elements are unlikely to impact the surrounding road network such to warrant concern.

Service and Loading Facility

The proposal does not incorporate any service or loading bay areas to accommodate deliveries to the retail, cinema or residential component of the development however an inspection notes there is a section of on-street parking with Loading Zone restrictions fronting the site which could accommodate this.

Recommendation

The proposal is generally acceptable with respect to traffic and parking however the following matters are to be noted;

- There is no provision for offstreet parking associated with the retail/ cinema component. Despite this, parking demand could be accommodated in public parking areas in the Double Bay commercial centre as Engineering Services is aware that there is a good level of parking availability in this area during the evening periods (particularly Cross Street carpark).
- Parking restrictions throughout most of the Double Bay area typically extend up to 6pm. As the parking demand of the proposed cinema is reliant upon onstreet parking, there is a possibility Council may need to extend the hours of the restrictions (say, up to 8pm) in neighbouring residential areas to contain this parking demand to the commercial area.
- The applicant has noted that a monetary contribution has been made in the past for 50 offstreet parking spaces. Whilst this has not carried any weight in the assessment above, the Planning Department are advised to confirm that this is the case.

It is considered the development is acceptable in terms of potential traffic and parking elements, subject to the following conditions of consent.

ANNEXURE 4

Heritage

31 August 2011

REFERRAL RESPONSE - HERITAGE

FILE NO: DA 671/2010/1
ADDRESS: 33 Cross Street DOUBLE BAY 2028
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FROM: Sara Reilly Strategic Heritage Officer
TO: Mr D Lukas

Application documents

The following documentation provided by the applicant has been examined for this referral response:

- Replacement drawing set by PTW Architects, dated 25.7.11, and numbered DA101/B, 102/B, 200?c, 201/C, 202/B, 203.2/A – 203.4/A, 204/B – 208/B, 302/B, 303/B, 400/B, 431/A – 442/A, 445/A, 500/A – 526/A, 601/A – 604/A, 700/A, 701/A, 850/A, 950/A, 980/A, 981/A.
- Heritage Impact Statement by GML Heritage Consultants, dated December 2010
- Statement of Environmental Effects by GSA Planning, dated July 2011
- Demolition Report by GSA Planning, dated December 2010

Research

The following research was undertaken in the preparation of this assessment:

- The site was previously inspected on the 10 February 2011. The locality was inspected.

Review of documents and photographic evidence:

- Review of Council's property system to establish dates of earlier building and development applications for the subject and surrounding properties.
- Review of pre-DA minutes and referral responses.
- Review of Council's photography files relevant to immediate area
- Review of Council's inventory sheets
- Review of Council's aerial photography and mapping database
- Review Google Maps – street view

Statutory and policy documents

The following statutory and policy documents are relevant to the application:

- Woollahra LEP 1995
- Double Bay Centre DCP 2002

Heritage status

- The subject building is not a heritage item.
- The subject building is not in the vicinity of heritage items.

- The subject building is not in a heritage conservation area, but is immediately adjacent the Transvaal Avenue conservation area.
- The subject building is not listed on the State Heritage Register.
- The subject building is not a potential heritage item nor within the vicinity of a potential heritage item.

Significance of heritage conservation area in the vicinity

The Transvaal Avenue conservation area is immediately adjacent to the east of the subject site. This conservation area is identified in the Double Bay Urban Design Study 2002 and in the Double Bay Centre Development Control Plan 2002, where it is described as ‘single-storey Federation semi-detached cottages’.

The character of Transvaal Avenue is formed by a unique relationship between the consistent and richly decorated Federation style semi-detached cottages, the street trees and landscaped central garden, the subdivision pattern which does not allow for carparking on site and its distinctive building form. Each cottage has a steeply pitched terracotta hipped roof with chimneys and a gable with decorative timber barges. Occasionally bays occur at the street frontage. Low roof forms occurring towards the rear are covered in corrugated sheet metal.

A1.4 of the Double Bay Centre DCP sets out the eight points relating to the summary statement of significance for the Transvaal Avenue conservation area:

- 1. The Transvaal Avenue retail strip provides a physical record of a significant historical phase in the evolution of the Double Bay Commercial Centre.*
- 2. The group of buildings provides physical evidence of the working class residential boom at the end of the 19th century by a renowned local developer, Edward Knox Harkness, who was responsible for many fine Federation styled semi-detached cottages within the Double Bay area.*
- 3. The quality and distinction of the architectural decoration of the turn of the century buildings exemplifies the economic boom of the turn of the century and the expansion by residential development after the introduction of the tram service to the City in 1894 and from Rose Bay in 1898.*
- 4. The area provides an historical record of the time through the naming of each of the properties and the avenue after the victories of the British force in the South African Boer War. Transvaal being the alternate name of the South Africa Republic.*
- 5. The consistency and relative intactness of the cottages with their fine Federation but Gothic style brick and tile construction, stucco details and timber fretwork creates a distinctive and aesthetically pleasing character.*
- 6. The uniformity of form and scale within the Harkness development of the single storey brick and tile semi-detached cottages contributes to the unique qualities of the housing group within the Double Bay commercial precinct.*
- 7. The streetscape has high aesthetic value which is enhanced by the closed vistas and the carefully maintained street trees and landscape works at the northern end.*
- 8. The area has social significance to the local community, demonstrated through the involvement of the local community during the 1980s when the area was granted heritage conservation area status after the number of objections raised to the proposed redevelopment of the group.*

A1.5 of the Double Bay Centre DCP states the management policy for Transvaal Avenue. The impact of proposed development upon the individual buildings, character of the

streetscape and overall significance of the area must be considered as part of the assessment of all development applications in the area.

Assessment of heritage impact

Existing building:

The existing building on the subject site is seven storeys high; the higher levels are set back behind the front parapet at Cross St and are not readily apparent when viewed from Cross Street.

There is a large mostly-blank east-facing wall of seven storeys adjacent the Transvaal Avenue conservation area and the immediate vicinity. This eastern elevation is not screened well by any other buildings as the neighbouring buildings to the east are all low scale, thus presents as an unattractive and monotonous wall with odd detailing and an unpleasant blank rendered texture.

The existing building is not of architectural merit such that it is worthy of retention or assessment for listing on Woollahra LEP. Its demolition is not objected to, although it must be noted that there is significant loss of embedded energy and massive waste created by the demolition of such a large building of such recent construction. Strict controls on demolition for recycling and reuse of material should be included in any future approval.

Proposed building:

The proposed building is higher than the previous proposal by approximately two stories. The proposal should be reduced by at least two stories to ensure no further negative impact on the Transvaal conservation area through domination of bulk and scale, and overshadowing of the conservation area. Late afternoon sun is likely to be lost behind the existing bulk; the new building will exacerbate this problem. Overshadowing could make the conservation area a less desirable place to inhabit and thus degrade its character and value.

Relevant statutory and policy documents

The following statutory and policy heritage conservation provisions apply:

Woollahra LEP 1995 Part 1 clause 2(1)(g) and 2(2)(g); Part 4 clause 27

- The new proposal will continue to exacerbate the unpleasant relationship between the one-storey conservation area and the multi-storey development on the subject site.
- Levels 2 to 7 of the proposal provide some minimal setbacks from the conservation area edge, while Level 8 is well setback. These are all positive, however the setbacks to the west elevation are greater than to the east elevation (east being adjacent the conservation area), which is unfortunate for the conservation area. More setbacks are encouraged.
- The eastern elevation is an improvement upon the existing situation, as it is proposed to contain windows, balconies and shading devices which break up the monotony of the current backdrop, which, whilst fairly blank, is unattractive and monotonous.

Conclusion

The application is not acceptable as it does not comply with all the provisions of the relevant statutory and policy documents as shown in the above assessment and would have an unsatisfactory heritage impact.

Whilst some aspects of the development are an improvement on the existing situation, the extra height proposed is not acceptable.

Recommendation

That the applicant be invited to amend the plans in accordance with the following recommendations:

1. The proposal be reduced to fit into the existing envelope, so as not to exacerbate the dissonant relationship between the subject site's bulk and scale, and the adjacent Transvaal conservation area.

ANNEXURE 5

Fire Safety

REFERRAL RESPONSE – FIRE SAFETY

FILE NO: DA 671/2010/1
ADDRESS: 33 Cross Street DOUBLE BAY 2028
PROPOSAL: Demolition of the existing building from ground floor level, retention of the basement carpark for 154 vehicles, construction of a mixed use development with retail tenancies and a five (5) cinema complex for approximately 600 people which occupies the ground and first floor levels and seven (7) levels of residential above containing 78 units (a mix of one, two and three bedrooms)
FROM: Richard Smith - Fire Safety Officer
TO: Mr D Lukas

Application documents

The following documentation provided by the applicant has been examined for this referral response:

- Drawing set by PTW, numbered DA200/C, DA201/C, DA202/B, DA203.2/A, DA203.3/A, DA203.4/A, DA204/B, DA205/B, DA206/B, DA207/B, DA302/B, DA303/B, DA400/B & SK900, dated 25 JULY 2011
- Statement of Environmental Effects by gsa planning, dated JULY 2011
- Fire Safety Report by BLACKETT MAGUIRE + GOLDSMITH planning, dated 27 JULY 2011

Statutory provisions

A Building Code of Australia (BCA) assessment of this development application is required to satisfy the following statutory provisions of the *Environmental Planning & Assessment Regulation 2000*;

☒ Clause 94 – ‘Consent authority may require buildings to be upgraded’

- “(1) This clause applies to a development application for development involving the rebuilding, alteration, enlargement or extension of an existing building where:
- (a) the proposed building work, together with any other building work completed or authorised within the previous 3 years, represents more than half the total volume of the building, as it was before any such work was commenced, measured over its roof and external walls, or
 - (b) the measures contained in the building are inadequate:
 - (i) to protect persons using the building, and to facilitate their egress from the building, in the event of fire, or
 - (ii) to restrict the spread of fire from the building to other buildings nearby.
- (2) In determining a development application to which this clause applies, a consent authority is to take into consideration whether it would be appropriate to require the existing building to be brought into total or partial conformity with the *Building Code of Australia*.
- (3) The matters prescribed by this clause are prescribed for the purposes of section 79C (1) (a) (iv) of the Act.”

BCA Classification

- 6 – shops (retail)
- 9b - Cinema’s
- 2 – Residential apartments

Rise in storeys

9

Effective height

Twenty five (25) metres

Type of construction required

A

Clauses of BCA referenced

- Alternative solutions Clause A08, A09 & A10 of the BCA
- Linings of floor/wall/ceilings Clause C1.10 of the BCA
- Exit & directional signage clauses E4.5, E4.6 & E4.8 of the BCA
- Emergency lighting Clause E3.2 of the BCA
- Main electrical switchboard C2.13 of the BCA
- Signage on doors clause D2.23 of the BCA
- Operation of exit doors clauses D2.20 & D2.21 of the BCA
- Requirements for fire doors Clauses C3.8 & C3.11 of the BCA
- Sprinkler system Clause E1.5 of the BCA
- Travel distances to exits Clause D1.4 of the BCA
- Compartmentation between classification Specification C1.1 of the BCA
- Hose reels clause E1.4 of the BCA
- Smoke detection specification E2.2a Clause 3 of the BCA
- Building occupant warnings system specification e2.2a clause 6 of the BCA
- Distance between alternative exits clause D1.5 of the BCA
- Fire control centre clause E1.8 of the BCA
- Discharge from exits Clause D1.10 of the BCA
- Emergency lifts Clause E3.4 of the BCA
- Stretcher facilities clause E3.2 of the BCA
- Lift motor room clause C2.12 of the BCA
- Disabled access requirements Part D3 of the BCA
- Theatres, stages and public halls Part H1 of the BCA
- Entertainment venues part H101 of the BCA

Recommendation

Approval, subject to conditions.

ANNEXURE 6

Environmental Health Officer

REFERRAL RESPONSE - HEALTH

FILE NO: DA 671/2010/1
ADDRESS: 33 Cross Street DOUBLE BAY 2028
PROPOSAL: Demolition of the existing building from ground floor level, retention of the basement carpark for 154 vehicles, construction of a mixed use development with retail tenancies and a five (5) cinema complex for approximately 600 people which occupies the ground and first floor levels and seven (7) levels of residential above containing 74 units (a mix of one, two and three bedrooms)
FROM: Graeme Reilly, Environmental Health Officer
TO: Mr D Lukas

The following is my combined referral response incorporating my comments and recommendations from my previous responses dated 12 August 2011 and 23 November 2011 and presenting one (1) complete set of recommended conditions separated into the relevant stages of the development as would be presented in any development consent issued by Woollahra Council.

1.0 Proposal:

- The replacement of the existing vacant six (6) storey building and enclosed porte cochere facing Cross Street with a contemporary building form that adopts a street wall approach to Cross Street and a u-shaped building facing north with a central public space to maximise solar access to the public domain and north facing dwellings;
- A mixed use with 4,171m² of retail and cinema floor space, five cinemas that will seat 600 people; and a variety of dwelling sizes including 20 x one bedroom, 28 x two bedroom, 30 x three bedroom apartments providing a total of 78 apartments;
- A double height ground floor podium to provide a sense of arrival and facilitate five cinemas;
- Seven (7) levels residential above the podium level that will have a maximum height of 32.650AHD, which is the same height as the existing stairwell;
- An active street frontage in Cross Street, with the provision of attractive retail activities and / or food providers;
- To retain existing basement level car parking and existing access to avoid excavation and reduce construction time.

2.0 Noise Impact Assessment Report:

A review of the Noise Impact Assessment report undertaken by Acoustic Logic, Document Reference 20110684.1/1507A/RO/BW dated 15 July 2011 is provided below.

The Noise sources investigated within the Noise Impact Assessment Report are as follows:

- Environmental noise impact on the future site, including surrounding traffic noise from surrounding roadways;
- Noise emissions associated with traffic generated from the site;
- Noise emissions from the site including mechanical plant noise to surrounding receivers;

- Noise emissions from the site including the proposed cinemas to existing receivers surrounding the site as well as future residential premises within the development.

Acoustic Logic has used The Department of Environment Climate Change and Water (DECCW) Industrial Noise Policy guidelines for assessing noise impacts from development sites. The recommended assessment objectives vary depending on the potentially affected receivers, the time of day, and the type of noise source. The DECCW's Industrial Noise Policy has two requirements which both have to be complied with, namely an amenity criterion and an intrusiveness criterion. In addition, the DECCW in its Environmental Noise Control Manual states that noise controls should be applied with the general intent to protect residences from sleep arousal.

Woollahra Council's Development Control Plan (DCP) also includes criteria limiting noise impact on surrounding properties which is also assessed in the Noise Impact Assessment Report.

The Noise Assessment Criteria used by the applicant is applicable to this development.

Mechanical Plant Treatment:

The report advises that detailed plant selections have not been conducted at this time; *a detailed acoustic assessment of noise impact cannot be conducted.*

Cinema and Public Areas:

The report advises that design of the future retail and commercial areas within the 33 Cross Street development including cinemas, common areas and public areas will be developed to minimise the acoustic impact to existing and future residential properties such that as a minimum compliance with the noise level criteria detailed in Section 4 of the report is complied with.

The report states that acoustic treatments and controls will be developed in conjunction with the recommended controls detailed within the "Double Bay Centre Development Control Plan 2002" which includes:-

- Treatment of external cinema walls with external masonry and lined internal walls. Walls will be selected such that noise levels at all surrounding receivers comply with criteria detailed in this report. Selected wall types are to be provided as part of the CC submission;
- Airlocks to be installed to the emergency exits from the cinemas to outside areas;
- Experience with similar developments proves that treatment of cinema to surrounding residential developments is both possible and practical;
- Closing of the openable external glass façade on Level 1 of the development to the north after 6pm or during high noise generating events;
- Locating external areas including balconies, courtyards, terraces and the like in a location such that noise transmission is minimised. All terraces associated with bars, lounges or restaurants will be enclosed with fixed glazing;
- Limit deliveries and waste removal to day time hours;
- No playing of recorded music externally to areas.

Internal Cinema Noise:

Noise associated with the operation of the proposed cinemas within the podium levels of the development will be treated such that internal noise within the future residential tenancies complies with the following criteria:

Residential bedrooms (night time) 30dB(A)

Residential Living areas (day time) 35dB(A)

The required acoustic treatments within the cinemas to ensure noise levels comply with the levels detailed above will include the following:

1. Install a vibration isolated ceiling within the cinemas;
2. A decoupled stud wall will be installed with a clear gap to the external masonry construction of the cinemas.
3. In the event a light weight floor is to be installed within the cinemas, floor is to be vibration isolated from the surrounding masonry/concrete building structure;
4. All speakers and subwoofers will be vibration isolated from the building structure using suitable neoprene or spring isolators;
5. All mechanical services will be acoustically treated to ensure the acoustic performances of the surrounding building elements are not reduced.

Acoustic Conclusion:

Acoustically the proposal is considered satisfactory subject to the imposition of the conditions included in the recommendation below.

3.0 General ventilation:

All internal sanitary rooms and laundry facilities not provided with natural ventilation, must be provided with a system of mechanical exhaust ventilation in accordance with Table B1 “Minimum Exhaust Ventilation Flow Rates” of AS 1668.2-1991. Details of any proposed mechanical ventilation system(s) being submitted with the Construction Certificate plans and specifications, required to be submitted to the Certifying Authority demonstrating compliance with AS 1668 Parts 1&2.

4.0 Hazardous Materials:

Prior to the execution of demolishing works, that a Hazardous Building Materials Assessment being undertaken of the building in accordance with NSW WorkCover requirements identifying all hazardous materials forming part of the building structure. Any hazardous materials identified must be reported to Council accompanied with predetermined clean-up objectives for the removal and disposal of such materials.

5.0 Noise Objectives during demolition works:

To assist in managing impacts of noise from the demolishing of the existing dwelling and outbuilding on residences and other sensitive land uses, it is recommended that the *NSW Department of Environment & Climate Change: Construction Noise Guideline* be applied to the site to provide a quantitative and qualitative assessment for evaluating performance and compliance of resultant noise from demolishing works of the existing dwelling and outbuilding. In particular reference is made to Table 2 of the *NSW Department of Environment & Climate Change: Construction Noise Guideline* which sets out management levels for noise at residences and other sensitive land uses.

6.0 Protection of the *Environment Operations Act 1997*:

During demolishing works, no equipment, building materials or other articles are to be used or placed in a manner on or off the site that will cause or likely to cause a 'pollution incident' as defined under the Protection of the Environment Operations Act 1997.

7.0 Food premises:

All food premises are to comply with the *Food Act 2003*, *Food Regulation 2004*; the *Food Standards Code* as published by Food Standards Australia and New Zealand and Australian Standard AS 4674-2004: *Construction and fit out of food premises*.

8.0 Recommendation:

Generally the proposal is considered satisfactory subject to compliance with conditions.

ANNEXURE 7

Open Space and Landscaping

REFERRAL RESPONSE – TREES & LANDSCAPING

FILE NO: DA 671/2010/1

ADDRESS: 33 Cross Street DOUBLE BAY 2028

PROPOSAL: Demolition of the existing building from ground floor level, retention of the basement carpark for 154 vehicles, construction of a mixed use development with retail tenancies and a five (5) cinema complex for approximately 600 people which occupies the ground and first floor levels and seven (7) levels of residential above containing 78 units (a mix of one, two and three bedrooms)

FROM: David Grey - Tree & Landscape Officer

TO: Mr D Lukas

I refer to the following documents received for this report:

- Arboricultural Impact Assessment Report Tree Protection Specification, written by TreeIQ, dated 19 October 2011
- Statement of Environmental Effects, prepared by GSA Planning, dated July 2011
- Survey Plan No.19103 (5 sheets), drafted by Project Surveyors, dated 12 August 2008
- Architectural Drawing No. DA101, DA102, DA201 to DA208, DA302, DA303, DA400, DA 431 to DA442, DA445, drawn by PTW Architects, dated 25 July 2011
- Landscape Design Report, prepared by Oculus, dated 26 July 2011.
- Landscape Plan (10 sheets), prepared by Oculus, dated 27 July 2011

A site inspection was carried out on the following day: 10 November 2011.

ISSUES

- Protection of Council trees

COMMENTS

The supplied arborists report satisfactorily identifies protection measures and pruning requirements to manage the two Hills Figs standing on the Council verge at the front of the site.

The supplied Landscape Plans and Landscape Design Report are of a good standard and are acceptable to Trees and Landscape section.

RECOMMENDATIONS

Council's Tree and Landscape Officer has determined that the development proposal is satisfactory in terms of tree preservation and landscaping, subject to conditions.