

## **Peer Review Report (Revision 1)**

### **Application for a Mixed-Use development containing cinemas, retail and residential 33 Cross Street Double Bay NSW**

**August 30th, 2011**

#### **1.0 BACKGROUND**

- 1.1 This report (Revision 1) has been prepared by Dr Stephen Collier, Director of STEPHEN COLLIER ARCHITECTS (see attached Curriculum Vitae) on behalf of Woollahra Municipal Council in relation to a Development Application for Scarborough Pacific Group. The property is located at 33 Cross Street, Double Bay.

#### **QUALIFICATIONS OF THE AUTHOR**

- 1.2 Dr Stephen Collier is an urban designer and architect with over 20 years of local and international experience. He was awarded his Doctor of Philosophy from RMIT University in 2009 and has a Masters of Large Scale Architecture (Urbanism) from the esteemed Universitat Politecnica of Catalunya in Barcelona. He has worked for the internationally renowned Spanish architect and urbanist Manuel de Solá-Morales. He established Stephen Collier Architects Pty Ltd in 2005 prior to which he was the Senior Urban Designer at the City of Sydney Council. Collier is the recipient of the 2006 Lysaght Research Scholarship, 2002 Byera Hadley Travelling Scholarship for Registered Architects, Universitat de Catalunya International Scholarship and the 1995 Byera Hadley Post-Graduate Travelling Scholarship.
- 1.3 The assessment has been carried out with regard to the following documentation:
- Development Application Documentation
  - Double Bay Centre Development Control Plan 2001
  - Woollahra Local Environment Plan 1995
  - Stanford Plaza Ashington Urban Design Opinion
- 1.4 I visited the site on the 27<sup>th</sup> August 2011.
- 1.5 This report states my independent professional opinion.
- 1.6 Revision (1) of this report was undertaken in response to additional information that was provided by the Applicant to Woollahra Council in early September 2011. Additional supporting information has also been added to section 2.0 by the author.
- 1.7 The proposal has been reviewed against the Double Bay Centre Development Control Plan and what are considered to be the most relevant principles of State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development. These include Principles 1, 2, 3, 5, 6 and 7.

#### **2.0 COMPLIANCE WITH DOUBLE BAY CENTRE DEVELOPMENT CONTROL PLAN**

The built form controls for the Double Bay Centre are set out in the Development Control Plan (DCP).

#### **Part 1 Preliminary**

Part 1.5 of the DCP sets out eleven (11) objectives:

- i) To provide appropriate development control for the future development of Double Bay Centre;
- ii) To retain and enhance through block connections which allow pedestrians to move freely within the Double Bay Centre;
- iii) To develop the particular qualities of different parts of the Double Bay Centre;
- iv) To encourage a diverse mix of uses in the Double Bay Centre and maintain retail uses at ground level;
- v) To conserve and enhance the visual and environmental amenity of all buildings and places of heritage significance in the Double Bay Centre;
- vi) To ensure a high standard of architectural and landscape design in any new developments within the Double Bay Centre;
- vii) To preserve and enhance the diversity of uses in the Double Bay Centre;
- viii) To ensure that new development is compatible with the existing built form and streetscape and village character;
- ix) To encourage view sharing and individual privacy;
- x) To ensure new development is designed to be compatible with the heritage significance of listed heritage items;
- xi) To consider the needs of people with access difficulties.

Of the 11 objectives listed the proposal is deemed to meet (ii,iii,iv,vii, ix & xi). These mainly relate to the preservation and enhancement of through block connections, and encouraging the diversity and mix of uses within the Double Bay Centre. Objectives (v) & (x) relate to heritage items, of which (x) is considered of less relevance to this proposal as I would interpret this to apply to only those sites that include or abut a listed heritage item. The objective of item (v) is to “conserve and enhance...buildings and places of heritage significance”. Whilst it is my opinion that it would be appropriate to measure the proposal against this objective (given that adjacent buildings to the south form part of the “Transvaal Avenue Conservation Area”) strict reference to the DCP would seem to preclude this. (See compliance with Item 5 below). The other objectives can be addressed by asking if approval of the scheme would:

- Provide appropriate development control for the future development of Double Bay Centre;
- Ensure a high standard of architectural and landscape design?

And whether the proposal is:

- Compatible with the existing built form and streetscape and village character?

## **Part 2 Understanding the Context**

The DCP highlights the particular topographic conditions of the centre. This is explained at the beginning of Part 2, which states that the centre is located “*in a large natural amphitheatre close to, but visually separated from the harbour foreshore. It sits at the base of a valley, cradled between the two ridges of Darling Point / Edgecliff and Bellevue Hill.*”

The buildings to the south of Cross Street are of a relatively consistent height. The buildings along the north of Cross Street are lower at the corner of Bay Street and step up towards 33 Cross Street (the subject site). The existing building is the most visually dominant within the Centre. The architect Philip Thalys, author of the DCP and the Ashington Urban Design Opinion, describes the immediate context in the following way: “*The existing Stamford Plaza Hotel (formerly the Ritz Carlton) is the largest building in the Double Bay Centre, in terms of both height and overall bulk. Located on the north side of Cross Street, it largely occupies its full site area, presenting unrelieved facades to all frontages. Whereas most existing buildings in Double Bay Centre are between two and five storeys in height (there are also two six storey buildings, not including others that are approved but not constructed), the existing Hotel is the equivalent of a 7 to 8 storey building. The bulk of the existing Hotel is clearly evident from many vantage points in the public and private domain, as viewed from parts of Darling Point, Edgecliff, Bellevue Hill, Bondi Junction, Double Bay and the harbour.*”

At the northern and eastern edges of the existing site, there is a dramatic change in scale between the building and the 1-2 storey terraces and townhouses that surround it.

Part 2 provides a descriptive analysis of the building stock and topography of the centre. The site's location in the centre, located as it is the valley between two ridges (to the east and west) make it highly visible. The particular character and form of this natural context is therefore an important factor when assessing the impact of any new development in the area.

It is also worth noting the following description of the building stock. *"The built form of the centre reflects a mix of periods, building types and scale... The recent amalgamation and redevelopment of some sites along the north side of Cross Street have created buildings of different height and bulk."*

### **Part 3 Urban Structure**

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

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

Part 3.2 sets out "Key Objectives and Strategies" for the Double Bay Centre. These are summarized under the following headings:

- 3.2.1 Enhance and improve the public domain and the provision of public facilities
- 3.2.2 Ensure that the centre maintains its commercial viability and competitive position within the Sydney retail market
- 3.2.3 Develop the particular qualities of different parts of the centre
- 3.2.4 Retain and enhance pedestrian access and amenity in and around the centre
- 3.2.5 Improve Double Bay's built form to provide appropriate definition to the public domain
- 3.2.6 Promote sustainable design principles and objectives in the development and use of the built environment
- 3.2.7 To preserve and enhance the visual and environmental amenity of all buildings and places of heritage significance

It is my opinion that the proposal technically satisfies most of the objectives of Part 3.2. However there are areas of non-compliance in relation to 3.2.5 (vi), which relate to the proposed building envelope, height and "build to" lines. This is reflected in the principles of 3.1.2 and 3.1.7 (as noted above).

### **Part 4 Street Character**

Part 4.7 sets out the future street character for Cross Street. The strategy is to "Unify the street on the north side with street wall buildings".

The proposal accords with Part 4.

### **Part 5 Built Form Envelopes**

Part 5 sets out the applicable building envelopes. These envelopes describe a five storey street wall height to Cross Street, with thin five storey wings (or 'fingers') set perpendicular and extending northward over a two storey podium. Setbacks varying between 6.5 and 12 metres apply to the rear (north) boundary at all levels. The overall proposed urban form for the centre is described in 5.3 and 5.4 in plan, and 5.12 and 5.13, which represent the envelopes in 3-dimensions. The site is covered by Control Drawing 3 (also noted as 5.7 Control Drawing 7). This drawing shows a continuous frontage to

Cross Street with full site coverage over the 1st two levels (Ground and First) and a maximum building depth (or “occupiable area” as it is referred to in the DCP) of 12m for Levels 3-5. For Levels 3-5, the control drawing also permits the creation of the two ‘finger’ buildings branching off to the north behind the Cross Street frontage. Similarly these have a maximum building depth of 12m. There is an additional allowance of between 1.2 & 3.5m for “building articulation”. On Cross Street, the maximum allowable height is 5 storeys. This allowance extends halfway to two-thirds along the length of these fingers before stepping down to 4 storeys and then 3 storeys within the building articulation zone.

The height and density of the proposal does not comply with the DCP in this regard. This is noted in the Executive Summary of the Statement of Environmental Effects which states that the “*proposal does not satisfy the height and FSR provisions*” in the Woollahra Local Environment Plan (WLEP) and the Development Control Plan (DBDCP).

The following areas of non-compliance are identified:

Height: The proposal does not comply with the numeric controls on height or “*occupiable area*”. The proposal exceeds the height provisions of the DCP by 4-5 storeys.

Setback: The proposal does not comply the 3.5m setback of the “uppermost floor level”, which as noted in the DCP is “either level 4 or 5”. Nor does the proposal comply with the 25m setback from the rear boundary.

The proposal does not comply with the 12m building depth (“occupiable area”) either for the section of the building running parallel with Cross Street nor for the “fingers” that project perpendicular to the north. The DCP also restricts the height and bulk of development along the southern side of the site (where it fronts the “Transvaal Avenue Conservation Area”) by having a straight and continuous building alignment on the southern façade. The proposal contradicts this by following the property alignment and stepping round to the south (in plan).

The reason advanced by the Applicant for non-compliance is that the proposal is a “considerable improvement to the existing structure”. Whilst this is true, it is my opinion that the current proposal should be measured against the specific height and density objectives in the DCP and SEPP 65 and not against the deficiencies of the current building. This should not preclude a qualitative assessment being made of the merits of the current proposal and the degree to which it improves upon the existing building. However key aspects of the building’s bulk should be given greater scrutiny in order to establish a better outcome.

The bulk is most apparent in the deepest centre of the building between Levels 2&5 (approximately 50m boundary to boundary in an east west direction and 35m in a north south direction) and has the effect of compressing the planning and distribution of internal and external space to the east and west of the central lift core. The bulk and height of the northern “fingers” also become apparent when the building is viewed from certain vantage points on the slopes and higher ridges to the west and east of the centre as well as from the more immediate area to the north. The impacts from the distant north (when viewed from the water in Double Bay or in Steyne Park) are considered negligible. However the proposal will have a greater impact on the immediate vicinity to the north when seen from Galbraith Walkway. Along with this viewpoint, the most significant impacts of the building’s proposed height and bulk will be felt from the surrounding neighbourhoods to the east and west where the building is noticeably higher than its surroundings. The thing that is most noticeable from these two prominent vantage points is not so much the height but the fact that at the top most levels the building maintains a continuous parapet and roof height. This extends around the perimeter of a footprint that is considerably larger than the one permitted in the DCP. This has the effect of accentuating the bulk especially when it is seen obliquely. The proposal could go somewhat towards ameliorating this by stepping the building down (and setting it back from) the north boundary in a way that is consistent with the control drawing.

No Heritage Listed or Contributory Buildings are noted for the site although attention is drawn to Appendix 1: Transvaal Avenue Conservation Area which states (A1.5 Management Policy) that *“...the significance of proposed development on individual buildings, on the character of the streetscape and on the overall significance of the area must be considered as part of the assessment of development applications in the area.”*

Whilst I think that this is an omission, it is my opinion that this clause is only intended to cover buildings specifically identified within the area and for this reason it has no bearing on the subject site.

## **Part 6 Development Controls**

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

### **3.0 COMPLIANCE WITH STATE ENVIRONMENTAL PLANNING POLICY NO 65**

#### **PRINCIPLE 1: CONTEXT**

The through-site link is a very positive outcome of the proposal and the applicant is to be applauded for the sensitive and considered way in which it has been designed. However the reasons for its alignment within the building are not entirely clear. From Cross Street, it is not apparent why the doorway into the building is located towards the west. The location of the cinema seems to be the determining factor to the north but (not-with-standing the constraints that are imposed by this issue) it would be preferable if the end of Galbraith Walkway could run into the north-eastern corner of the courtyard (rather than be terminated on a blank wall). The integration of this walkway into the material and landscape palette of the proposed courtyard and through site link would help to anchor the project into its location.

#### **PRINCIPLE 2: SCALE**

The scale of the building is better at the lower public levels. The size and scale of the through site link, its relationship to Cross Street and its relationship to the north facing courtyard are all considered as very positive elements. With the right level of design resolution, this should produce a very successful sequence of spaces and provide a significant addition to the public domain of the town centre.

As noted above, the DCP establishes a five storey street wall height to Cross Street with thin five storey wings stepping down towards the north over a two storey podium. The proposal exceeds this provision with an additional four storeys on Cross Street, a total of nine storeys to the east and fatter plans on both flanks or wings.

The amenity of a residential apartment is most often a measure of how thin a building is. This is to allow an even distribution of light, with a moderate chance that some of this light might at certain times of the stage reach the deepest parts of the plan, and ensures adequate natural ventilation. The proposal exceeds the 12m building depth noted in the DCP.

#### **PRINCIPLE 3: BUILT FORM**

The building is comprised of 3 distinct components. Each component is given a slightly different architectural treatment.

- i). Lower: This comprises the 1- 4 levels (Ground-Level 3) on the south (Cross Street) elevation and the 1- 2 levels (Ground-Level 1) on the north side
- ii). Middle: This comprises Levels 4-7 on the south (Cross Street) elevation and Levels 2-7 on the north side

### iii). Top: Level 8 Penthouse

With the exception of Levels 2 and 3 on the south (Cross Street) elevation, these three components respond to the particular uses and/or hierarchy of accommodation. The lower part defines the retail and cinemas; the middle defines the main block of residential units, and; the top defines the penthouse. Whilst the logic of these distinctions is understood and accepted in general architectural terms I feel that there could be a greater effort to unify the distinct components across all 3 zones. The aim of this should be to give a common identity to the whole building whilst at the same time retaining the distinct character of each part within it.

There is a difference in geometry and alignment between the stepped walls, planted edges and balcony reveals of the middle section and the single storey orthogonal built forms of the penthouse. Seemingly modest in scale, the top has a distinct architectural treatment of vaulted roofs. When seen from above (from a distance) this gives the appearance of a low-rise residential building on top of a much larger and bulkier base. A greater degree of either attachment (combining the architectural treatment and alignments of the middle and top) or detachment (more strongly differentiating between the middle and top as very distinct elements) would be encouraged as a way to improve the building's identity.

The relationship between the lower and middle sections on the northern side (in the courtyard) would benefit from more detailed design consideration. This should seek to resolve the discrepancy between podium and building. This relates to architectural character as well as amenity (noise & privacy issues between the public areas on the ground and the private residential units above). The resolution of the curved arc (defining the cinema foyer below) and the northern edge of apartments above could also be improved: either the balconies come forward to the edge of the arc and embrace this form across the middle section above or this curved section is given greater definition as something distinctly belonging to the lower cinema functions below. At the moment it sits somewhere uncomfortably between the two.

#### PRINCIPLE 4: DENSITY

The permissible FSR on the site in accordance with Council's LEP is 2.5:1. The revised proposal has a GFA of 18,210sqm. The FSR exceeds the permissible FSR.

#### PRINCIPLE 5: RESOURCE, ENERGY & WATER EFFICIENCY

The ESD principles and strategies of the scheme are all highly commended.

#### PRINCIPLE 6: LANDSCAPE

The landscaping strategy seems to place too much emphasis on the idea of screening with planting strategies that seek to hide the building and provide privacy from balconies. This is compounded by the lack of deep soil planting. It would be preferable to approach the landscaping with a more enduring design strategy; one that has a chance of enhancing the long-term landscape character of the immediate area. The inclusion of a few large trees in the northern courtyard for example would provide better amenity for the apartments and help to integrate the space more with the surrounding area. The use of soft and hard landscape to camouflage the carpark exhaust is also unfortunate, when it would seem relatively easy to integrate these exhausts into the northern walls of the cinemas (making better use of the green walls) and thereby freeing up this edge of the courtyard.

#### PRINCIPLE 7: AMENITY

##### DESIGN QUALITY

Locating all three residential lobbies at the centre of the building within close proximity to each other is supported. It provides a clear way for residents and visitors alike to locate themselves in the building. The connection between the public and residential areas of the building is also commended.

#### 4.0 CONCLUSION

It is my opinion that the proposal technically satisfies most of the objectives of Part 3.2 of the DCP. However there are areas of non-compliance in relation to 3.2.5 (vi), which relate to the proposed building envelope, height and “build to” lines. This is an important factor given the scale and bulk of the proposal and its visual dominance in the Double Bay centre.

The proposal should be able to unequivocally affirm the following questions (identified in Part 1.5 of the DCP):

- 1). Would approval ensure a high standard of architectural and landscape design?
- 2). Is it compatible with the existing built form and streetscape and village character?
- 3). Would approval of the scheme provide appropriate development control for the future development of Double Bay Centre?

In response to the 1st question, it is my opinion the lower levels of the project (encompassing the public areas of the retail and cinema) are well designed and will provide a significant public addition to the Centre. The cross ventilating apartments above this, incorporate good amenity with considered architectural, urban and environmental design. The lower level apartments on the south side (Cross Street) up to and including Level 3 provide an appropriate scale and frontage to the street. The revised building proposal improves the address to Cross Street by providing deeper setbacks to Levels 7-8. This is especially apparent when viewed from the level of Cross Street and is therefore supported as a welcome improvement. These aspects indicate that there are clear architectural and landscape merits to the proposal. I do however suggest that several improvements could be made to specific aspects of the public domain and landscape strategies for the lower public areas as well as the architectural articulation of the whole building.

In response to the last two questions, it is my opinion that there are still aspects relating to the bulk and height of the upper residential levels that are of concern. The applicant contends that “the existing building on the site creates a particular circumstance” to justify non-compliance with the numeric controls in the DCP. I am not entirely convinced of this argument given the egregious effect that the existing building has on the Double Bay Centre and because the DCP controls have been established with regard to a centre wide strategy for the whole of Double Bay. As Part 5 of the DCP illustrates this is based on a uniform 5 storey building height along Cross Street. Some of these issues might be addressed if the proposal were lowered in height or have the top most levels reduced in area, so as to be more in keeping with the “occupiable areas” and setbacks shown in the DCP. But the issue is not necessarily one of height so much as the degree to which the proposal has a more extensive site coverage at these upper levels than that allowed in the DCP and does not provide a sufficiently noticeable lowering in height along the northern boundary. The DCP indicates three successive drops in height (from 5 to 4 to 3 storeys) extending north towards this boundary. Given the increased height of the proposal, the intended transition in scale between the height of the site and the neighbouring buildings to the south and north is lost. Either one of these modifications would result in a less intrusive building bulk especially when viewed from the east and west. They would also result in a more compatible built form and a more appropriate form of development for the area.

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