11th April 2025

DA 2024/489
33 CROSS STREET DOUBLE BAY
RESPONSE TO SUMMARY OF REFERRAL RESPONSE – INDEPENDENT URBAN DESIGN

1. Introduction and Strategic Planning Context

This report has been prepared in response to the Independent Urban Design Referral from Woollahra Municipal Council regarding DA2024/489 for 33 Cross Street, Double Bay. The proponent acknowledges and appreciates the detailed feedback provided and has undertaken design refinements to directly address key matters raised. These updates not only respond to specific comments but also represent a marked improvement in design quality, public domain interface, and overall amenity when compared to the existing built form on the site.

Where the proponent respectfully disagrees with specific aspects of the feedback, a detailed response is provided within this report, demonstrating the design rationale and its consistency with the relevant planning objectives and controls.

In parallel with the assessment process, the proponent and consultant team have actively participated in an extensive and collaborative Request for Information (RFI) process with Council and relevant referral authorities. To date, eight (8) RFIs have been issued, through which the team has provided comprehensive clarification and supporting information across a range of planning, design, and technical disciplines. This iterative engagement has been instrumental in refining the proposal and ensuring that it responds meaningfully to both site-specific considerations and the broader planning framework.

1.1 Summary of Council Urban Design Comments

The following key matters were identified in the *Summary of Referral Response – Urban Design – DA 2024/489* for 33 Cross Street, Double Bay. These comments are summarised below in no particular order:

- The proposed **building height and floor space ratio (FSR)** exceed existing planning controls and may require further justification against local planning objectives.
- The **overall scale and built form** of the development could be refined to better respond to the surrounding context and align with the desired future character of the Double Bay Centre.
- **Building setbacks** vary from those prescribed in the relevant controls and may warrant further review.
- The proposed development envelope presents a **greater scale and bulk** than the existing building and appears inconsistent with the prevailing character of adjacent developments.
- The **roof design** appears unresolved, with no visible indication of plant or lift overruns.
- The proposed **licensed outdoor courtyard** raises potential concerns regarding **acoustic amenity and privacy** impacts on nearby residential properties.
- The courtyard will require **appropriate management strategies** to ensure a positive and respectful interface with the public domain.
- **Planter boxes** on the side elevations are considered **impractical** and potentially difficult to maintain.
- Some **internal spaces have limited access to natural ventilation and outlook**. In certain cases, fire safety requirements may restrict window operability where located on side boundaries.
- The development **does not propose any dedicated communal open space**.
- **Overshadowing of the southern footpath** on Cross Street is anticipated during midwinter, particularly between 11:00 am and 3:00 pm.

- The **narrowing of Galbraith Walkway** and the introduction of licensed premises may impact its current function and overall pedestrian amenity.
- The **retention of the loading dock** addressing Cross Street is considered an undesirable outcome.
- The proposal **does not include deep soil zones**, limiting opportunities for substantial planting and tree growth.
- Some **habitable rooms exceed 8.0 metres in depth** from a window, which may result in suboptimal levels of daylight and outlook.
- **Storage provision** within individual apartments appears limited.
- **External noise sources**, such as from traffic, mechanical plant, or outdoor licensed areas, may require acoustic mitigation.
- The development's **reliance on a central atrium** for light and ventilation may require further assessment to confirm residential amenity outcomes.

1.2 Alignment with Strategic Policy

1.2.1 Low and Mid-Rise Housing Policy (Stage 2)

The NSW Government's Low and Mid-Rise Housing Policy (LMR Stage 2), introduced in February 2025, aims to increase housing supply and diversity in well-located areas close to town centres, jobs, services, and public transport. Under Stage 2 of the policy, R3 and R4 zoned land within a 400-metre radius of centres, including the Double Bay Town Centre, is permitted to accommodate buildings of up to 6 storeys (22 metres), or 8 storeys where the Affordable Housing Bonus (AHB) is applied.

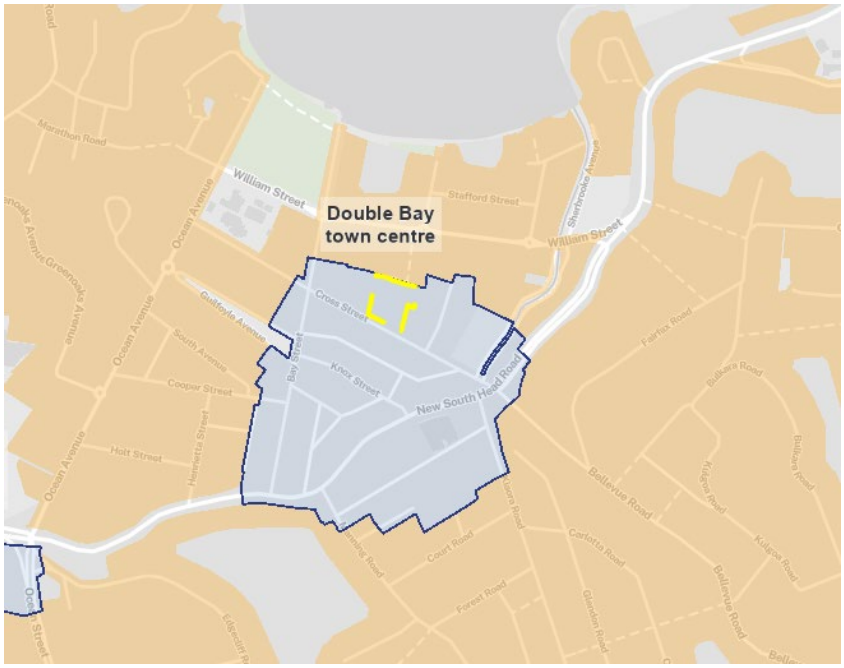

Figure 1: Low and Mid-Rise Housing Policy Stage 2 Map – Double Bay Town Centre

The subject site is located within the Double Bay Town Centre, placing it firmly within a broader strategic growth context. The surrounding R3- and R4-zoned areas now fall within the policy's activation zone and are expected to experience a significant urban transition in the coming years.

The implications of the LMR policy for the site and its context include:

1. **Increased Residential Density:** The policy facilitates mid-rise development of up to 6–8 storeys across adjacent residential zones, introducing greater density in the immediate surrounds.

2. **Evolution of Built Form:** The planning framework now supports more contemporary architectural outcomes, including increased height, articulation, and mixed-use typologies.
3. **Rising Demand for Local Amenity:** As population density increases, there will be greater demand for public open space, retail, employment opportunities, and activated mixed-use precincts. The subject development responds proactively to this need by offering a diverse mix of uses, including hotel, wellness, retail, and residential, supported by strong pedestrian connections and public domain upgrades.

1.2.2 Cross Street Precinct Planning and Double Bay Village Urban Design Strategy (2021)

The Cross Street Precinct Planning and DB Village Urban Design Strategy (2021) emphasises the need to revitalise the mixed-use character of the Double Bay Centre. It notes that recent developments along Cross Street – such as 19–27 Cross Street (DA 2020/321) and 12–26 Cross Street (DA 2020/580) – have predominantly adopted a shop-top housing typology, featuring mostly residential floor space, limited ground-floor retail, and no provision for broader commercial or community uses.

This trend has resulted in a progressive decline in commercial and non-residential floor space within the Centre, undermining its intended role as a vibrant, diverse, and economically resilient precinct.

In contrast, the current proposal presents a substantially more balanced and generous mix of uses, with 46% of the total GFA allocated to non-residential functions as well as six (6) levels of non-residential uses facing Cross Street streetscape. The scheme includes an integrated offering of retail, cinema, hotel, wellness, and community uses, alongside a publicly accessible landscaped courtyard and a 6.3m-wide double-height pedestrian link, which significantly enhances permeability and activation.

This highly activated ground plane delivers tangible public benefits, including daytime activation, employment generation, and an improved pedestrian experience, contributing meaningfully to the long-term economic and social sustainability of the precinct.

The proposal is strongly aligned with the strategic objectives of both the Cross Street Precinct Strategy and the Woollahra Local Strategic Planning Statement (LSPS), both of which advocate for the reinvigoration of the Double Bay Centre as a vibrant, mixed-use, and economically robust urban destination.

1.2.3 Woollahra Local Strategic Planning Statement (LSPS) 2020

The Woollahra Local Strategic Planning Statement (LSPS) sets out Council's 20-year vision for land use planning across the municipality, including the strategic role of the Double Bay Town Centre. The LSPS identifies Double Bay as a key local centre and supports its evolution through the following objectives:

- Reinforcing the economic viability and vibrancy of town centres through a balanced mix of uses
- Encouraging high-quality architectural and urban design that enhances local character and identity
- Improving the public domain and pedestrian experience, including walkability and active street frontages
- Supporting additional housing and community services in well-located, accessible areas

The proposed development at 33 Cross Street responds directly to these strategic directions by delivering a high-quality, mixed-use precinct that enhances the local streetscape and promotes a vibrant and resilient town centre economy. The proposal includes a diverse mix of uses—including hotel, wellness, retail, cinema, and community facilities – integrated with premium residential apartments.

In doing so, it contributes to a more self-sustaining Double Bay Centre, offering local employment opportunities, improved public amenity, and increased service provision for both residents and visitors. The development exemplifies the LSPS's vision for a well-designed, walkable, and economically robust urban environment.

1.2.4 Woollahra Local Environmental Plan and Woollahra Development Control Plan

The proposal is strongly aligned with the planning objectives of the Woollahra Local Environmental Plan (LEP) and Woollahra Development Control Plan (DCP), both of which support the revitalisation and continued evolution of the Double Bay Centre as a vibrant, mixed-use, and economically sustainable urban village.

The Woollahra DCP encourages development that contributes to the economic viability and activation of local centres through high-quality architectural and urban design, a balanced mix of uses, and improvements to the public domain. In particular, the DCP seeks to strengthen Double Bay's role as a key local centre by promoting walkability, active street frontages, and a diverse offering of retail, commercial and residential uses.

The proposed development at 33 Cross Street responds directly to these aims, delivering a high-quality, mixed-use precinct that enhances the streetscape and contributes to a resilient local economy. The proposal integrates hotel, wellness, retail, cinema and community facilities with premium residential apartments—supporting a lively, safe and accessible town centre environment.

1.3 Summary of Key Design Changes in Response to Council Comments

1.3.1 Design changes in response to the Independent Urban Design Referral comments:

The proponent has undertaken a series of targeted design refinements in response to the Independent Urban Design Referral from Woollahra Municipal Council. These changes aim to improve privacy outcomes, increase ground-level activation, and enhance the architectural quality and contextual integration of the proposal.

In summary, the following key changes have been made:

- **Level 2 planters** re-positioned by **600mm**, and **solid balustrades** introduced to improve **visual privacy** for neighbouring properties (*Section 3F – Visual Privacy*).
- A **solid wall extension** on the western boundary and the addition of **privacy louvres** to the eastern and western elevations further enhance privacy (*Section 3F – Visual Privacy*).
- **Western windows reconfigured** to avoid direct lines of sight into neighbouring properties (*Section 3F – Visual Privacy*).

- A **second potential pedestrian link** has been introduced to connect with **Ode Plaza at 19–27 Cross Street** (*Principle 1: Context and Neighbourhood Character*).
- A **4-storey podium** form has been established along Cross Street, with **upper levels recessed** to reduce perceived building height and maintain a consistent massing profile.
- **Operable windows** and **inward-opening sashes** have been introduced on eastern and western elevations to improve maintenance access and address prior concerns with planter practicality (*Principle 5: Landscape*).
- **Inset the windows** on the eastern elevation and increased the planter for additional visual privacy.

1.3.2 Improvements from Existing Built Form

The proposal delivers a substantial uplift in built form quality, public domain contribution, and residential amenity compared to the existing building on site.

Key improvements include:

- **Floor Space Ratio (FSR)** reduced from **5.32:1** (existing) **to 4.63:1**, demonstrating a significant reduction in bulk and scale.
- **Streetscape activation** increased from **3% to 65%** of the ground-level building interface, reducing inactive frontages from 97% to 35% (see *Principle 1: Context and Neighbourhood Character*).
- The existing **2.5m-wide arcade** has been widened to a **6.3m double-height pedestrian laneway**, greatly improving **public access and connectivity** to the town centre (*Section 3C – Public Domain Interface*).
- **All plant and building services** have been relocated to the **basement**, with **lift overruns fully concealed** beneath the roof structure for a streamlined roofscape (*Section 4N – Roof Design*).
- **Northern rear balconies** reduced from **56 (existing)** to **12**, significantly minimising overlooking (*Section 3F – Visual Privacy*).
- **Western balconies** reduced from **20 (existing)** to **4**, aligning with neighbouring character and further reducing amenity impacts (*Section D5.1.3 Objectives*).
- Issues relating to **storage, natural ventilation**, and **acoustics** have been resolved in line with **Apartment Design Guide** standards and are supported by updated expert reporting (refer to relevant sections).

- **Provision of 46% non-residential GFA**, including wellness, hotel, retail, commercial, and community uses—offering a significantly more diverse and activated site compared to the typical shop-top housing along Cross Street.

- **Adoption of a four-storey podium form** to align with the established street wall and consistent massing of neighbouring developments along Cross Street, replacing the existing two-storey podium which is inconsistent with the emerging built form.

- **Removal of the existing porte-cochere**, which currently interrupts the Cross Street frontage, replaced with active retail uses that enhance pedestrian amenity.

These design refinements represent a **significant uplift in planning and urban design outcomes**, ensuring the proposal delivers high-quality built form, improved public domain contribution, and enhanced residential amenity.

Sydney Studio
70 George Street
The Rocks NSW 2000
Australia

T +61 2 9267 9599
coxarchitecture.com.au

COX Architecture Pty Ltd
ACN 002 535 891

Nominated Architects:
Joe Agius No. 6491
Ramin Jahromi No. 10000

2 Response to Independent Urban Design Response DA 2024/489

The following section responds directly to comments made in the Independent Urban Design Response and outlines the specific design changes made in response to issues raised.

2.1 Part 1: SEPP (Housing) 2021 Chapter 4

2.1.1 Principle 1: Context and Neighbourhood Character

Council Urban Designer Comment:

> '*The proposed development is located in a precinct zoned for mixed use development. It enjoys convenient access to a range of facilities within the Double Bay centre.*
>
> *Neighbourhood character is defined by essentially three eras: when the suburb was established post 1900, the 1930s inter war period; and the current era of contemporary redevelopment that has led to an evolution of change to a prevailing six storey building form.*
>
> *The site, being large with an extensive frontage, presents opportunities for responsive site planning. However, this is not capitalised upon. The close proximity of the neighbouring apartment buildings to the rear and side boundaries and the existing pedestrian pathway network have not been considered in site planning and architectural design'.*

Proponent Response:

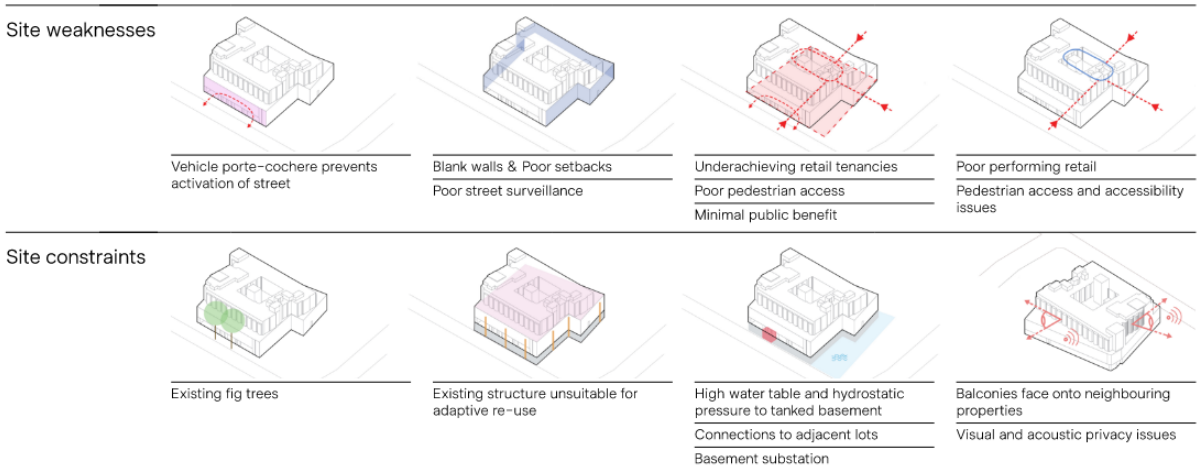

Figure 2: SWOT analysis of existing site prepared by COX

Far from underutilising the site's potential, the proposed development considers the constraints and impacts of the existing development (as shown in figure 3) and seeks to deliver a highly responsive and contextually sensitive design that aligns with Double Bay's evolving character. It leverages the site's size and location to improve urban activation, privacy, and permeability, while enhancing the pedestrian experience and contributing meaningfully to the future vision for the Double Bay Town Centre.

1. Response to Neighbourhood Character and Built Form Context

The proposed development recognises the distinct architectural layers that define Double Bay's character – including its early 20th-century origins, inter-war housing stock, and the more recent emergence of contemporary six-storey mixed-use developments. In this context, the scheme embraces the site's unique opportunity as a former landmark hotel to deliver a high-quality, mixed-use redevelopment that strengthens the identity of the Double Bay Town Centre.

Along Cross Street, the design includes a four-storey activated podium with four recessed upper levels, aligning with the established street wall heights of neighbouring buildings and reflecting the prevailing six-storey character of the precinct. The architectural expression has been refined beyond the previously approved envelope (DA 671/2010), with improved facade articulation, high-quality materials, and integrated landscaping, delivering a more contextually responsive and visually appealing outcome.

Street activation has been significantly improved—from 3% to 65% of the building's ground level interface—reducing the existing building's inactive streetscape from 97% to 35%.

The design reflects the surrounding built form's scale and grain, with setbacks and articulation carefully considered to ensure a respectful transition to neighbouring buildings. Upper levels are recessed to minimise visual impacts and maintain residential amenity.

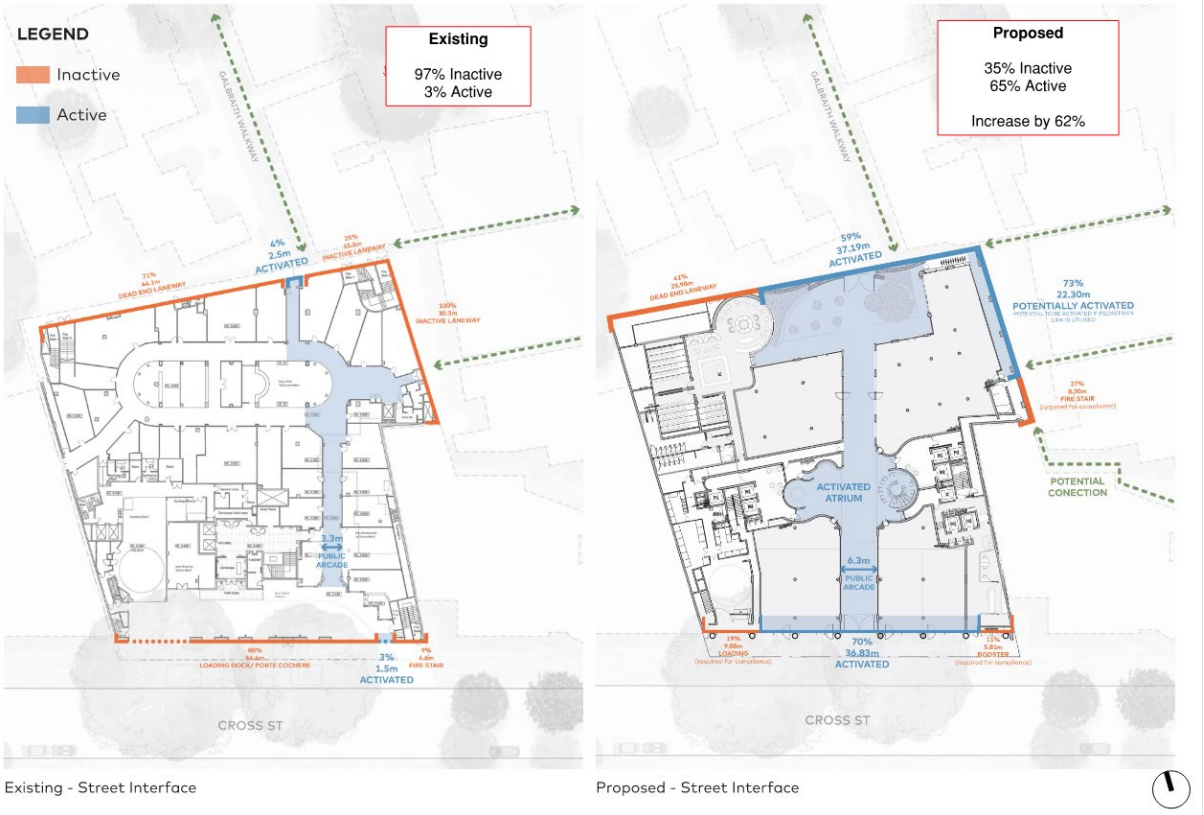

Figure 3: Subject Site Cross Street Activation Comparison (existing vs proposed)

The proposal for a new mixed-use development which includes a mix of retail, office, cinema, wellness centre, hotel and residential uses will contribute to the eclectic mix of permissible uses in the E1 Local Centre Zone. The proposal also meets the zone objectives in Part 2 of the LEP by providing a range of business, retail, community and other non-residential land uses in an area accessible by active and public transport, encouraging new business opportunities and employment, and enabling residential development that contributes to a vibrant and active local centre. Despite the height variation, the proposal has been thoughtfully designed to minimise bulk and scale, reducing any adverse impacts on the surrounding residential neighbourhood. It reflects a height, scale, and form that are compatible with the desired future character of the area.

The proposed eight-storey height is sympathetic to various approved and constructed buildings in the Cross Street precinct, and the previously approved building with an eight-storey volume

within the subject site (DA 671/2010), as well as the recommended building height outlined in the Double Bay Planning and Urban Design Strategy, which informs the desired future character of the neighbourhood.

For further detail, please refer to **Appendix A – Clause 4.6 Height, Section 5.**

The proposal demonstrates sensitive and site-specific planning that responds to each of the site's four frontages:

- **Southern (Cross Street):** A graduated setback strategy ensures a respectful transition to the public domain and neighbouring buildings. Setbacks increase progressively from 4.2m at ground level to 9m at Level 7, mitigating visual bulk and supporting streetscape continuity.
- **Western Boundary:** While no ground-level setback is proposed—consistent with active retail frontages—the development introduces upper-level setbacks of 3.6–3.7m from Levels 1–7, supported by privacy measures including obscure glazing and louvre screening. The removal of 20 existing west-facing balconies further enhances residential amenity for the adjoining property at 45–51 Cross Street.
- **Eastern Boundary:** No setback is proposed, in keeping with the approved zero-lot alignment of the adjacent Ode development (DA 2020/321). The eastern interface is appropriately scaled to the neighbouring Transvaal Avenue heritage items, which are subject to a 7.5m height limit and are not expected to undergo redevelopment.
- **Northern Boundary (Rear):** The proposal maintains setbacks consistent with the approved envelope (DA 671/2010), while significantly improving residential amenity through the introduction of a 345sqm landscaped courtyard and increased building separation.

4. **Improved Pedestrian Connectivity**

   The proposal responds directly to the Double Bay Planning and Urban Design Strategy (2023) and the Double Bay Place Plan by enhancing existing pedestrian connections and introducing new through-site links, including:

   - A new east–west pedestrian link connecting to the plaza of the adjoining Ode development at 19–27 Cross Street
   - A widened and activated 6.3m-wide double-height north–south through-site link connecting Cross Street to Galbraith Walkway and extending through to Double Bay Beach
   - Retention and enhancement of existing pedestrian links from Transvaal Avenue, supporting permeability and access across the precinct

   These interventions significantly improve the legibility, walkability, and public benefit of the site, establishing a network of connected urban spaces that better serve both residents and visitors.

Figure 4: Subject Site Pedestrian Connectivity Comparison (existing vs proposed)

Existing Pedestrian Access to Site from Cross Street	Pedestrian Access to Site from Cross Street (Proposed 6.3m wide double height)

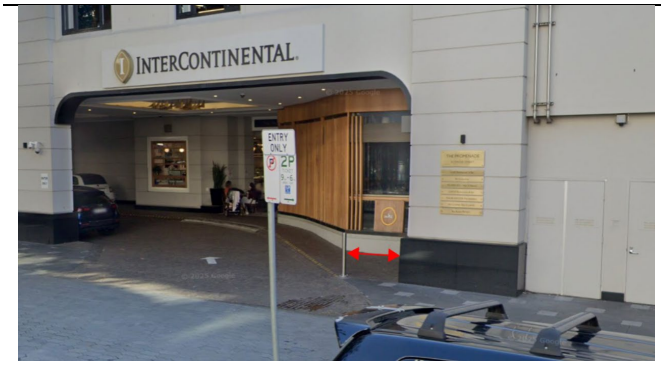

Figure 5: Pedestrian access to site from Cross Street (existing vs proposed)

2.1.2 Principle 2: Built Form and Scale

Council Urban Designer Comment:

'*I have a concern with the bulk and scale established by the proposed height when viewed from the rear (north) and frontage (south) in particular.'*

Proponent Response:

The proponent acknowledges the concern raised regarding the bulk and scale of the proposed development as viewed from both the rear (north) and the primary frontage (south to Cross Street). However, we respectfully submit that the design represents a considered and contextually responsive built form, appropriate to the site's role within the Double Bay Town Centre and consistent with both existing and emerging character.

1. Site Context and Strategic Role

The subject site is the largest privately owned landholding within the Double Bay Town Centre and already accommodates a building that exceeds the height and bulk of surrounding structures. The original approval for the site—DA 671/2010—permitted an 8-storey form at a time when much of the surrounding context was two storeys, reinforcing the site's suitability for a landmark development and setting a precedent for future built form evolution.

In addition, it is noted that the previous approval (DA 671/2010) within the subject site has a height of 26.92m for a mixed-use development that included retail spaces, a cinema complex, and residential units across eight storeys. In the years since, the character of Double Bay has continued to transform, with recent developments such as 19–27 Cross Street (Ode) adopting a more contemporary, six-storey built form. Additionally, the NSW Low and Mid-Rise Housing Policy (Stage 2) now supports building heights of 6–8 storeys within the surrounding R3 zone, further validating the appropriateness of the proposed height in this transitioning precinct.

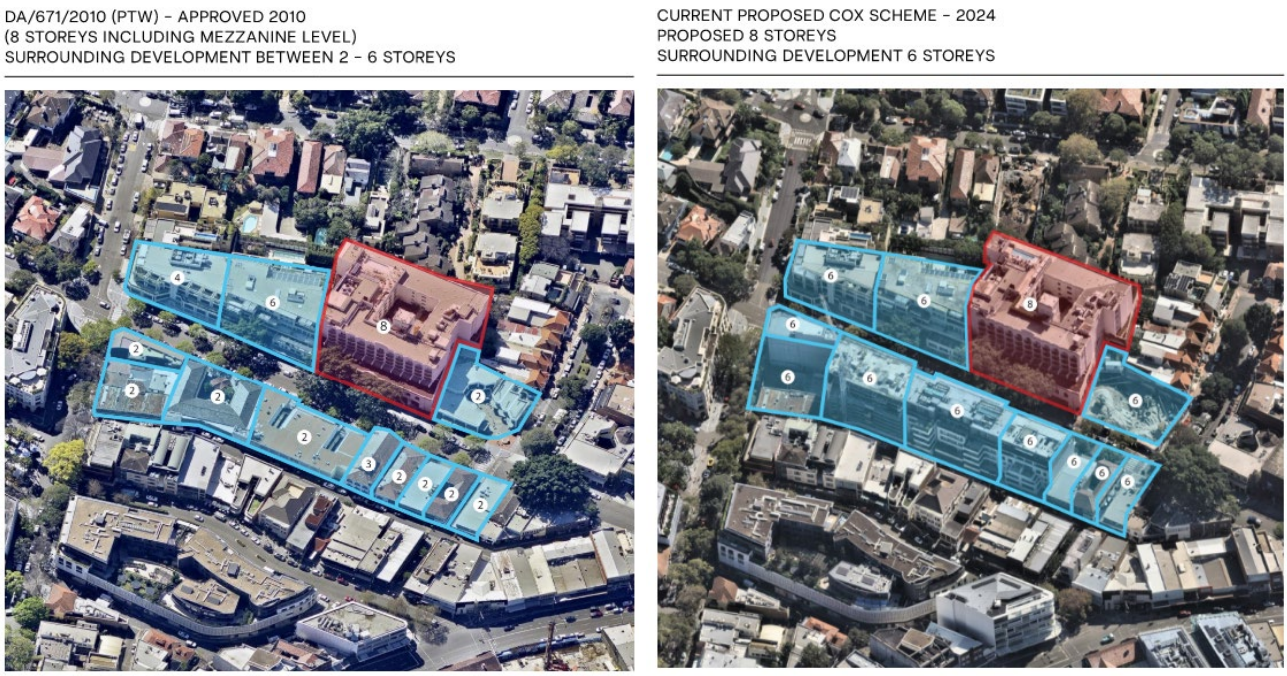

Figure 6: Diagram outlining the urban character of the Double Bay Village then (2010) and now (2025)

For further detail, please refer to **Appendix B – Clause 4.6 FSR.**

2. South (Frontage) – Cross Street Interface and Massing Response
The southern elevation of the proposal has been carefully resolved to respond to the evolving Cross Street streetscape, which is characterised by consistent six-storey frontages and lot widths of around 30 metres. The subject site's wider frontage (over 40 metres) allows the proposal to adopt a unified and symmetrical architectural expression, using:

- A two-storey arcade and engaged column grid to create rhythm and civic scale
- A four-storey podium aligned with neighbouring street wall heights
- Upper-level setbacks that significantly exceed planning requirements, including an 11m setback at Level 7, which dramatically reduces the perceived height and mass of the building from the street

These strategies ensure the development presents a formal, dignified and appropriately scaled composition, which enhances rather than dominates the public realm.

3. North (Rear) – Residential Interface and Mitigation of Bulk
At the northern interface, the development replaces an existing fragmented and visually inconsistent built form with a more cohesive, scaled-back design that includes:

- A 345sqm publicly accessible courtyard, improving open space provision and separation between built elements
- Generous rear setbacks consistent with the approved DA 671/2010, ensuring privacy and visual relief for neighbouring residential properties
- Façade articulation, recessed balconies, and integrated landscaping to break down the scale and soften the building edge when viewed from the rear

In addition, the main glazing line of the proposed topmost level is further recessed from the main building edges, to further minimise the whole building's bulk and scale. The proposed northern setback and its bulk as well as the façade will significantly enhance the locality's amenity when compared to the existing situation. These measures result in a rear elevation that is visually permeable, landscape-integrated, and sensitive to residential amenity.

4. Design Strategies to Reduce Bulk and Scale
The design employs multiple architectural and urban design strategies to mitigate perceived bulk:

- Façade modulation and varied materiality reduce uniformity and visual mass
- Soft landscaping integrated throughout the ground plane and building edges provides a transition between built form and surrounding context
- Increased setbacks—in many cases exceeding DCP controls—help reduce visual dominance
- Trafficable areas of the proposed rear balconies (north-facing) have been recessed and surrounded by planter boxes to minimise overlooking neighbours.
- Sightline distances from the upper levels balconies to the northern residential properties' windows and private open space are more than 12m which will not result in unreasonable privacy issue.

The proposed development is considered to be an appropriate and proportionate response to the site's unique scale, history, and strategic location. While it delivers an 8-storey form, this outcome is not only consistent with existing planning precedents, but it also aligns with current State-led planning directions for the area. The use of upper-level setbacks, façade articulation, and integrated landscaping ensures that the perceived bulk and scale from both Cross Street and the northern interface is minimised, while delivering a high-quality, mixed-use landmark development for Double Bay.

2.1.3 Principle 5: Landscape

Council Urban Designer Comment:

'*However, many of the landscape planter boxes located in the side elevations are impractical and will be difficult to maintain.*'

Proponent Response:

The windows on the western and eastern boundaries have been amended to open inwards with balustrades, allowing for safe access and maintenance of the planters from within the units. This ensures compliance with safety standards while maintaining the visual and environmental benefits of integrated greenery. Additionally, the windows have been inset and the planter has been increased on the eastern boundary for additional visual privacy.

Diagrams prepared by project Architect COX are provided below:

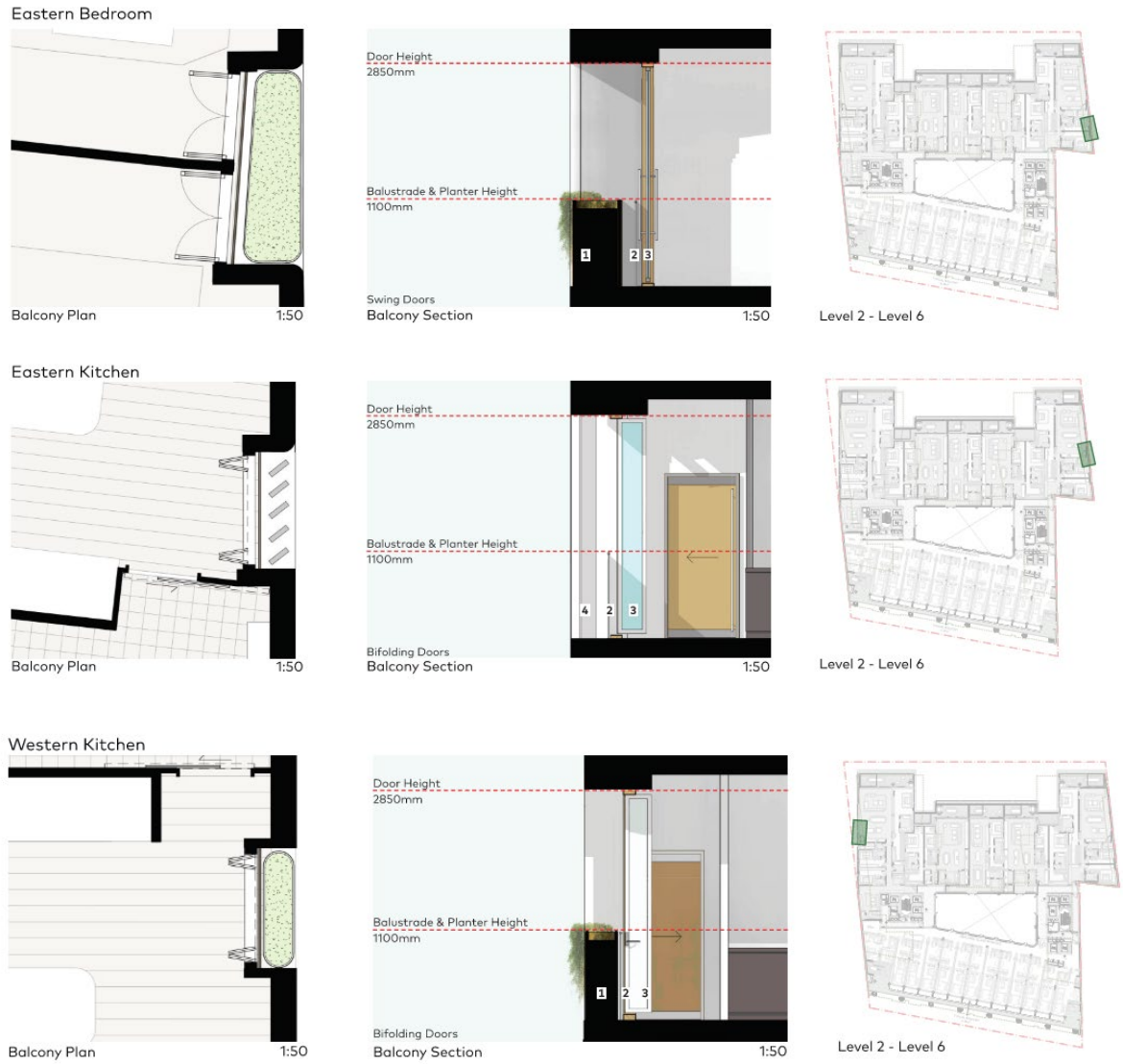

Figure 7: Window and planter design supporting landscape maintenance

Sydney Studio
70 George Street
The Rocks NSW 2000
Australia

T +61 2 9267 9599
coxarchitecture.com.au

COX Architecture Pty Ltd
ACN 002 535 891

Nominated Architects:
Joe Agius No. 6491
Ramin Jahromi No. 10000

2.1.4 Principle 6: Amenity

Council Urban Designer Comment:

'*Many rooms and spaces have no access to windows, outdoor air or outlook. In other rooms, windows on side boundaries will have to be fixed and fire rated. The potential for these rooms and spaces to be converted to sub-standard bedrooms post occupation is high. There is no provision of communal open space. However, the function of Galbraith Walkway and public use of the nominated through-site link is compromised by building siting and security respectively.*'

Proponent Response:

1. Residential Apartment Access to Windows, Natural Ventilation and Outlook
The residential apartments within the proposed development have been carefully and deliberately designed to meet the expectations of the local premium residential market. Contrary to the assertion that "many rooms and spaces have no access to windows, outdoor air or outlook," every habitable room in the development has been designed to optimise natural light and ventilation to the greatest extent possible, consistent with the site's constraints and urban context.

While the Apartment Design Guide (ADG) serves as an important design guide, it is intended to uplift the design quality of smaller-format residential apartments in general housing typologies. The proposed development sits firmly within the luxury residential segment, which demands a different approach to apartment spatial planning. In this case, all units exceed the minimum size standards set by the ADG, with generous internal layouts and private balconies more reflective of the homes the key downsizer demographic is transitioning from.

Windows on side boundaries are not required to be fixed and will be fire-rated. This will be addressed in compliance with relevant building codes during preparation of the construction certificate and construction phases. Importantly, these windows are also generally secondary to primary sources of light and ventilation. The thoughtful design of the apartments - with clear primary living zones located along external facades - ensures that all main living spaces maintain high-quality amenity. As such, the suggestion that rooms might be converted to sub-standard bedrooms post-occupation is misguided.

CALCULATIONS (m2)		
Unit	ADG Area	Additional Area
2.01	12	40
2.02	10	46
2.03	8	21
2.04	10	44
2.05	12	25
3.01	12	34
3.02	10	30
3.03	8	21
3.04	10	29
3.05	12	25
4.01	12	35
4.02	12	42
4.03	12	42
4.04	12	25
5.01	12	35
5.02	12	43
5.03	12	42
5.04	12	25
6.01	12	35
6.02	12	42
6.03	10	26
6.04	8	13
6.05	12	42
6.06	12	25
6.07	10	26
6.08	10	27
7.01	14	176
7.02	14	97
7.03	14	194
Total	328	1307
Site Area	3674	

35.6%
Total area above ADG requirement as a percentage of the site.

44.5%
Total area as a percentage of the site.

Figure 8: Spatial provision and ADG requirement prepared by COX

2. Provision of Communal Open Space

The design deliberately does not include dedicated communal spaces within the residential component of the development. This is a considered and market-driven response based on a strong understanding of the needs and lifestyle preferences of our target demographic—predominantly local downsizers. Both market research and experience from comparable developments consistently show that this buyer group places greater value on private amenity over shared facilities, preferring to entertain and relax within the comfort and privacy of their own homes rather than in communal areas.

To support this preference, the development includes generously sized private outdoor areas, with every apartment offering large, functional balconies that exceed minimum size requirements and are designed to support genuine outdoor living.

In addition, residents will have access to a range of shared wellness amenities, including a gymnasium, integrated within the wellness centre component of the development. These facilities provide high-quality communal offerings tailored to health and lifestyle without the need for traditional outdoor communal courtyards.

Beyond the residential offering, the broader mixed-use precinct delivers 46% non-residential uses, comprising cinemas, retail, commercial suites, hotel accommodation, and a new 345sqm publicly accessible landscaped park on the ground floor. These elements significantly contribute to the open space provision and lifestyle offering of the development, enhancing both resident amenity and community engagement.

The site also benefits from immediate proximity to high-quality public open space, being a short walk to Steyne Park and Double Bay Beach—both of which are widely valued and well-utilised community assets that complement the development's broader open space strategy.

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4.03	12	42
4.04	12	25
5.01	12	35
5.02	12	43
5.03	12	42
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44.5%
Total area as a percentage of the site.

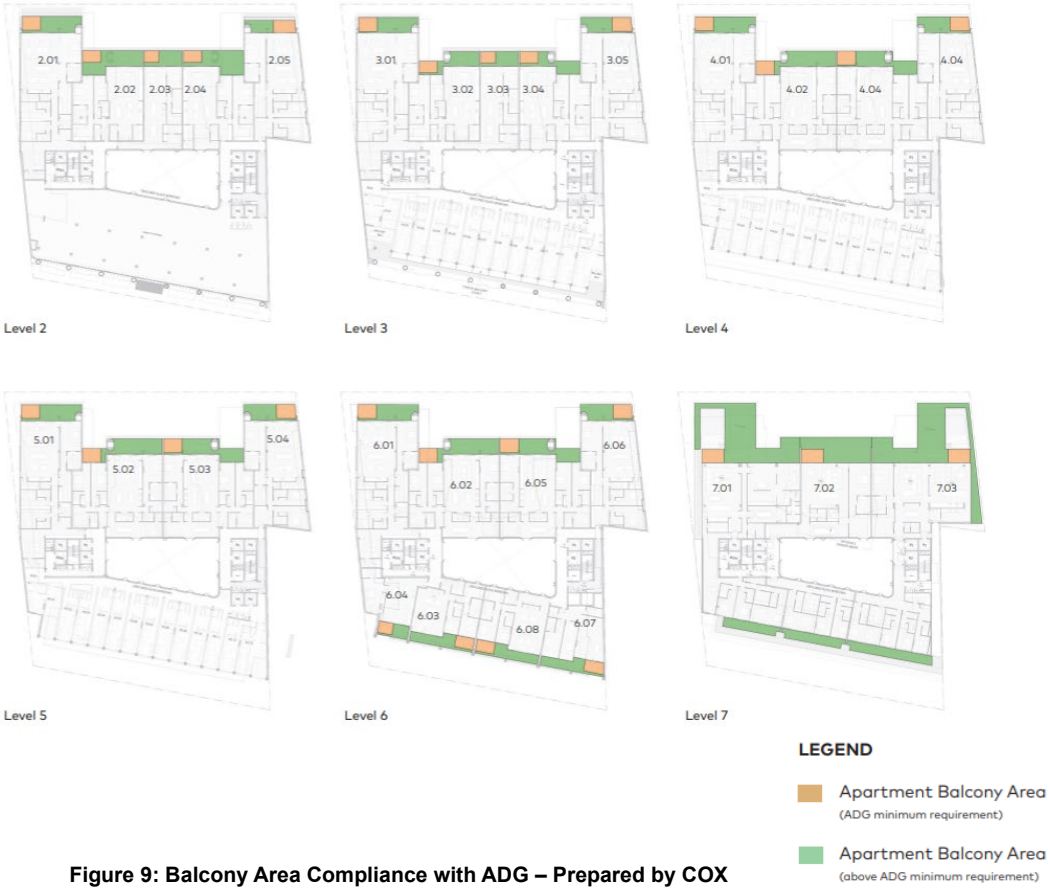


Figure 9: Balcony Area Compliance with ADG – Prepared by COX

3. Galbraith Walkway and Through-Site Link Functionality

The development has been designed to enhance public access and permeability, including a new through-site link that aligns with Double Bay village strategic planning objectives. The positioning of the building has been sighted to balance activation and privacy, and while security considerations are important and have been addressed in the following submitted reports:

- Operational Management Plan prepared by National FM
- CPTED Report prepared by Connley Walker
- Crime Risk Assessment Report prepared by Connley Walker
- Security Management Plan prepared by Connley Walker
- CCTV Specification Plan prepared by Connley Walker
- EACS Specification prepared by Connley Walker

The proposed development in considered to addresses security concerns for a safe, legible, and high-quality pedestrian connection without materially compromising the future pedestrian link's public utility.

2.1.5 Principle 7: Safety

Council Urban Designer Comment:

'*However, the presence of the licensed outdoor terrace at ground level with access to Galbraith Walkway will require careful management to ensure that alcohol induced anti-social behaviour does not spill out into the pathway*.'

Proponent Response:

The development application does not seek approval for the use of the retail tenancies or licensing, as these will be subject to future separate applications. The landscaped courtyard area is not designated as licensed, and there is no outdoor licensing proposed in the courtyard.

The development includes a small outdoor retail strip under the acoustic treated awning, located approximately 1.5m from the retail facades, as shown on the Drawing A-DA-2110 (shown below). A management plan will be developed in consultation with future development applications for the use of the retail tenancies and Council to ensure ongoing safety and amenity.

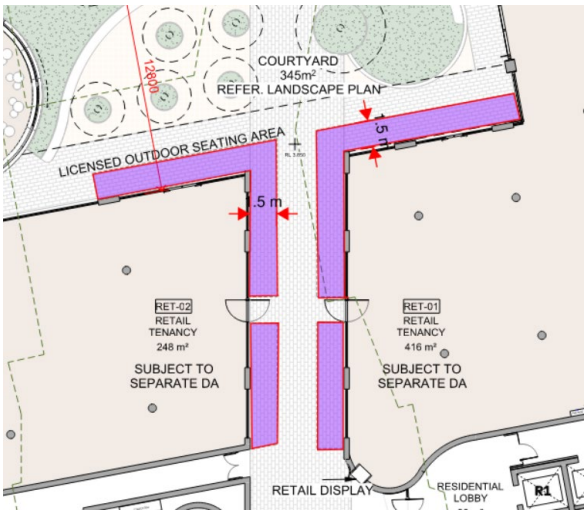


Figure 10: Proposed retail strip located under awning on ground floor

To mitigate any potential risks of alcohol-induced anti-social behaviour, the design includes management measures such as security personnel, 24-hour concierge and facilities services, CCTV surveillance, and the closure of the connecting gate to Galbraith Walkway after an agreed time, in consultation with Council. These measures are in line with the management protocols applied to similar outdoor retail areas within the Double Bay town centre. Please refer to the following reports submitted with the development application that address these matters:

- Acoustic report prepared by Renzo Tonin
- Operational Management Plan prepared by National FM
- CPTED Report prepared by Connley Walker
- Crime Risk Assessment Report prepared by Connley Walker
- Security Management Plan prepared by Connley Walker
- CCTV Specification Plan prepared by Connley Walker
- EACS Specification prepared by Connley Walker

Part 2.2: Apartment Design Guide Assessment

2.1.6 3A – Site analysis

Council Urban Designer Comment:

'*The building siting, bulk/scale and location of uses and windows / balconies does not respond to the characteristics, opportunities and constraints of the site and its context.*'

Proponent Response:

See response in **Principle 2: Built Form and Scale** on page 9.

2.1.7 3B – Orientation

Council Urban Designer Comment:

'*The building design prioritises solar access to, and outlook for, apartments to the north, and essentially turns its back on the neighbouring properties to the east and west, which in principle is an appropriate approach, but is poorly executed in this instance.*

Extensive and unreasonable new shadow is cast on the ground floor level of buildings on the south side of Cross Street and the southern footpath at that location by the proposed additional two levels between 11.00 and 3.00 at the winter solstice'.

Proponent Response:

1. Solar Access to Cross Street

A detailed solar access analysis is provided in Section 6.3.2 of the Statement of Environmental Effects, which includes comparative shadow studies at 9am, 12 noon and 3pm on the winter solstice (21 June). The findings confirm that:

- North-facing windows and private open spaces of nearby residential buildings will continue to receive the minimum required three hours of direct sunlight to windows and two hours to private open space, in full compliance with the Double Bay Development Control Plan (DCP).
- The southern Cross Street footpath will experience some additional overshadowing between 12 noon and 2pm during winter. However, this is comparable to the approved shadowing of the adjacent ODE development at 19–27 Cross Street (DA 2020/321), setting a clear precedent.
- Mature street trees along the footpath currently provide significant shade, meaning much of the area is already partially obstructed from direct sunlight. Furthermore, no outdoor seating or recreational infrastructure is located along this portion of footpath.
- Importantly, winter represents the least favourable solar access period. For the majority of the year, this section of the footpath will continue to receive adequate sunlight.

Given these factors, the proposal's minor additional shadowing is both acceptable and consistent with recent Council-approved developments within the precinct.

The neighbouring Ode development at 19-27 Cross Street, was approved overshadowing the ground floor of the building to the south of Cross Street and the southern Cross street footpath, has set the precedent for acceptable overshadowing in this area. Additionally, the existing mature fig trees already block much of the solar access to the southern side of Cross Street.

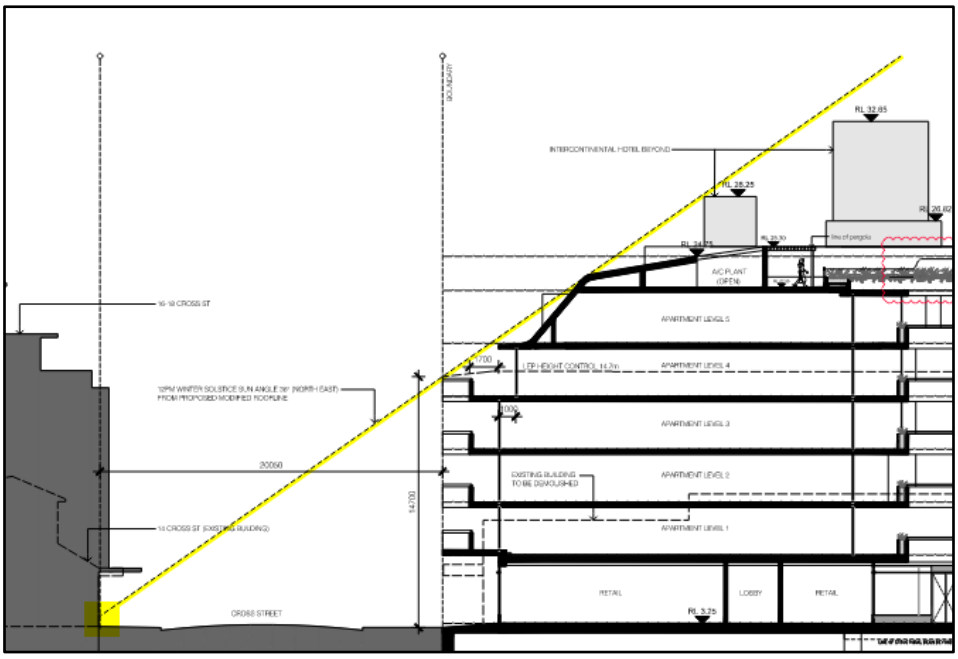


Figure 11: Overshadowing on Cross Street diagram from 19-27 Cross St DA 2020/321 (Ode)

The proposed levels of solar access at 9:00am, 12 noon and 3:00pm will now be discussed:

At **9:00am**, existing levels of solar access are entirely retained to the adjoining developments. Loss of solar access to the lower levels windows and balconies of the new development to the south at No. 16-18 Cross Street, and the proposed development No. 14 Cross Street, occur as a result of the proposal, and some loss of solar access to the roadway and footpath on Cross Street (see **Figures 22 and 23** on the following pages).

At **12 noon**, the proposal maintains existing levels of solar access to neighbouring developments. The only loss of solar access occurs over part of the roadway on Cross Street and the southern side footpath, a small portion of the roadway on Transvaal Avenue and footpath, and to the entry of Goldman Lane. Although there is some minor loss of solar access to a small portion of the footpath on the southern side of Cross Street at 12 noon and 1:00pm, existing levels of solar access are generally retained from 2:00pm to 3:00pm (see **Figures 22 and 23** on the following pages).

At **3:00pm**, the proposal maintains existing levels of solar access to the footpath and development on the southern side of Cross Street, and neighbouring residential development generally, with the only loss of solar access to the retail and commercial building at No. 15 Cross Street to the east, and over a portion of the roadway on Cross Street (see **Figures 22 and 23** on the following pages).

Accordingly, in our opinion, the proposal complies with Council's DCP controls through maintaining adequate solar access to nearby development, and ensuring the extent of additional overshadowing on the public domain and footpath on the southern side of Cross Street is minimised. The proposal also complies with the ADG requirements for solar access to the proposed residential units.

Figure 12: Overshadowing extract of from 19-27 Cross St DA 2020/321 (Ode)

Figure 13: Overshadowing diagrams from 19-27 Cross St DA 2020/321 (Ode)

Sydney Studio
70 George Street
The Rocks NSW 2000
Australia

T +61 2 9267 9599
coxarchitecture.com.au

COX Architecture Pty Ltd
ACN 002 535 891

Nominated Architects:
Joe Agius No. 6491
Ramin Jahromi No. 10000

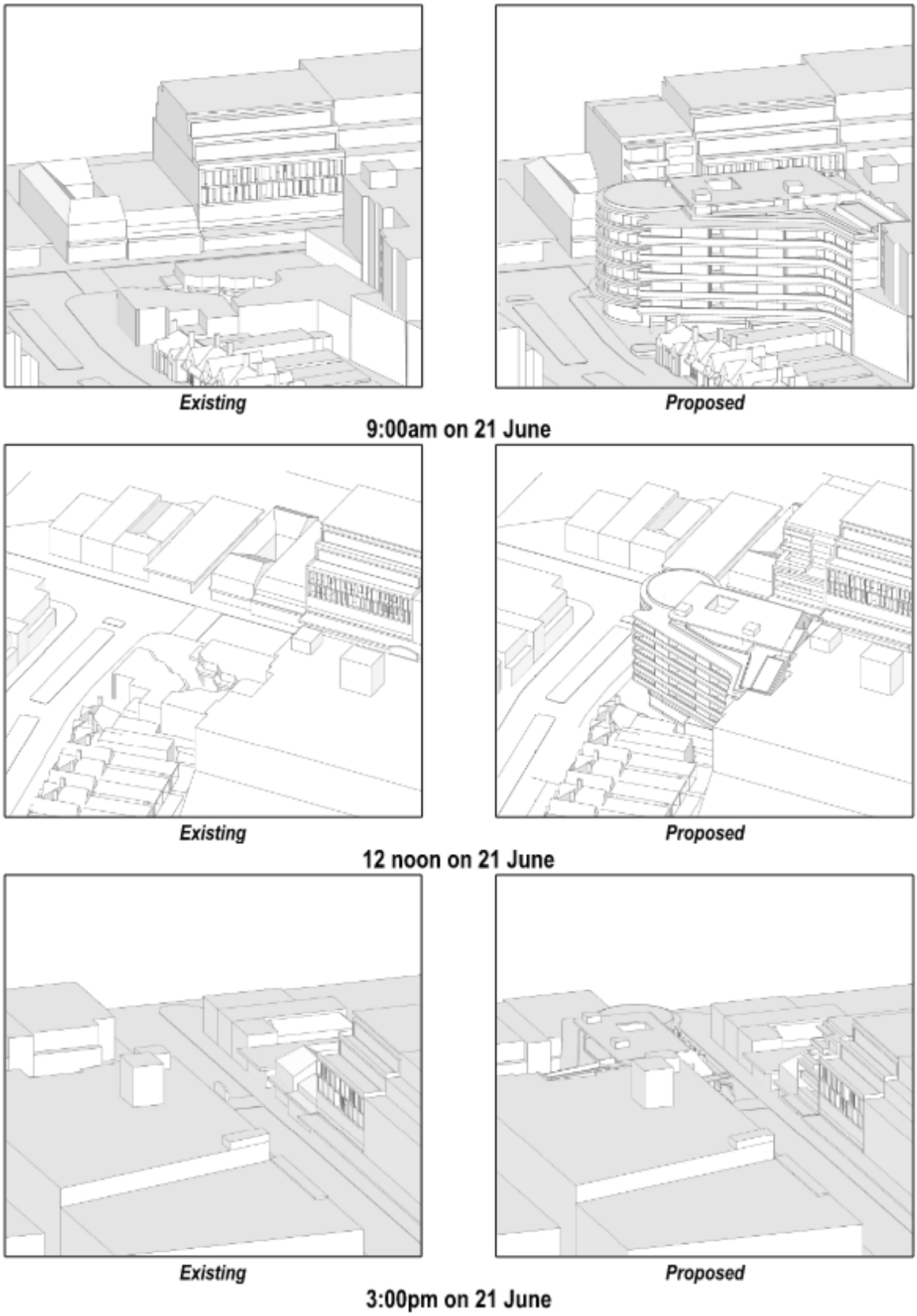


Figure 14: Solar analysis diagrams from 19-27 Cross St DA 2020/321 (Ode)

Sydney Studio
70 George Street
The Rocks NSW 2000
Australia

T +61 2 9267 9599
coxarchitecture.com.au

COX Architecture Pty Ltd
ACN 002 535 891

Nominated Architects:
Joe Agius No. 6491
Ramin Jahromi No. 10000

The current proposal maintains solar access to the buildings south of Cross Street, with only minor reductions in access (this could have been reduced by 20% as noted in the definition) but the proposal maintains solar access, complying with the Double Bay DCP controls for solar access. The overshadowing of the footpath affects a retail area with a double arcade walkway, where no outdoor seating is located.

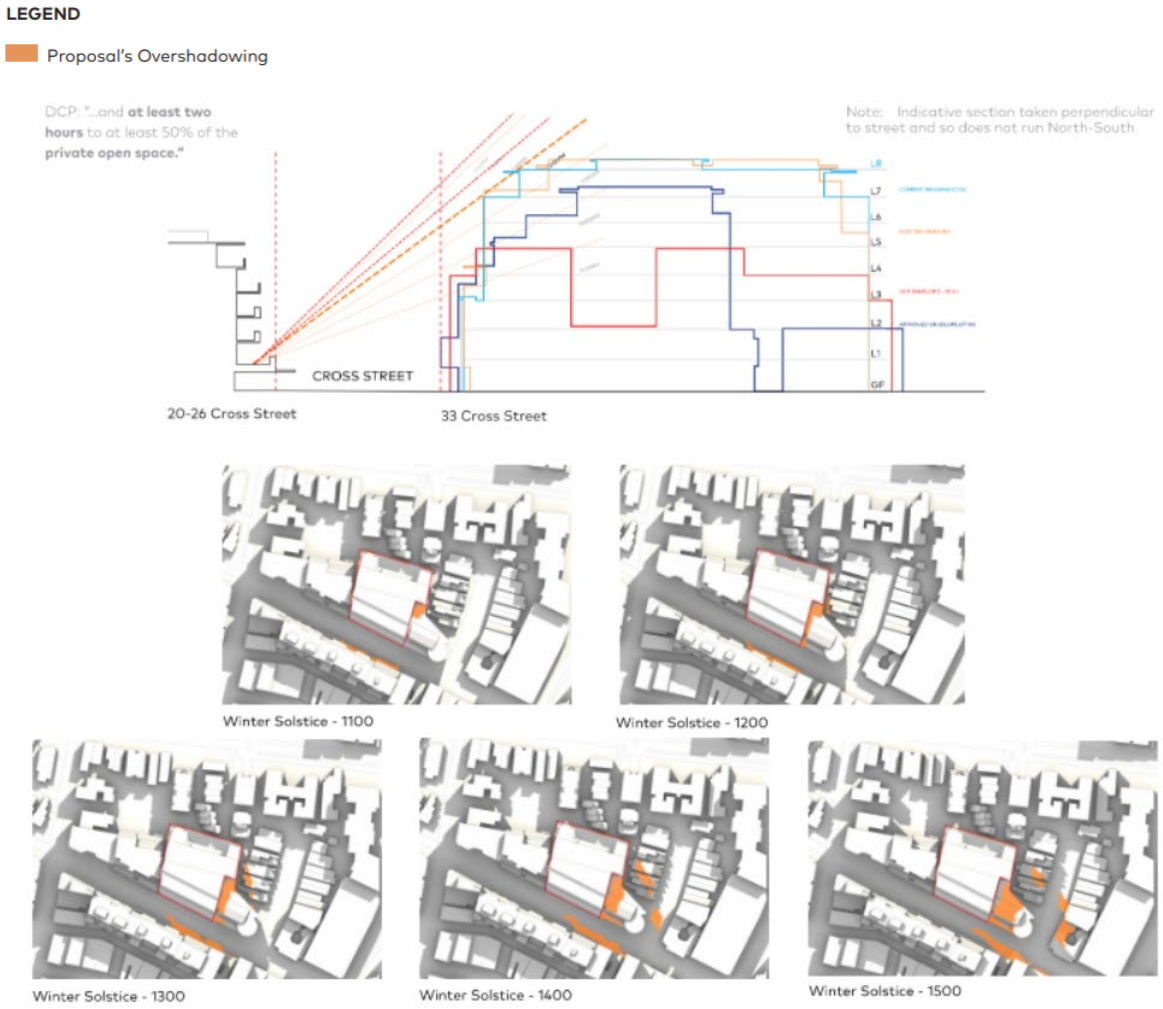


Figure 15: Overshadowing diagram of the proposed development prepared by COX

Figure 16: 19-27 Cross St (Ode) overshadowing diagram prepared by COX

2. Galbraith Walkway – Width and Activation

The design of the Galbraith Walkway is not subject to this development application. Notwithstanding, the proposed ground floor pedestrian connections seek to balance pedestrian permeability, legibility, safety, and activation.

The width of the proposed north-south pedestrian link is 6.5m wide and double height (6.4m) which is consistent with the width of Goldman Lane, is substantially wider than the existing buildings privatised internal retail malls and wider than other pedestrian walkways recently approved and constructed in Cross Street:

- 1788 Project DA 2015/390: 3m wide pedestrian walkways
- Encore Project DA 2017/617: 3m wide pedestrian walkways

The pedestrian widths and activation have been designed in accordance with best-practice urban design principles for scale, passive surveillance, and interface activation:

- The introduction of licensed premises adjacent to the walkway is not intended to detract from its function but rather to contribute to its vitality, supporting a safe and inviting public thoroughfare with extended hours of activity.
- Security, management and interface treatments will be considered further during detailed design to ensure that the walkway remains a welcoming, legible, and publicly accessible space, consistent with its intended function. Refer to previously referenced reports.

Figure 17: Diagram showing public domain interface (Existing vs Proposed)

2.1.8 3C – Public Domain Interface

Council Urban Designer Comment:

> *'However, the Cross Street public domain amenity is compromised by loss of mid- winter solar access to the south side. The quality of Galbraith Walkway amenity and connectivity is reduced by reducing in width and introduced of licensed premises with access to it.*
>
> *The retention of loading dock at ground floor addressing Cross Street is a poor outcome'.*

Proponent Response:

1. Cross Street Solar Access

The proposal has been assessed against the Double Bay DCP solar access controls, as outlined in Section 6.3.2 of the Statement of Environmental Effects. While some additional overshadowing occurs to the southern footpath of Cross Street during the winter solstice (12–2pm), it is important to note:

- This level of overshadowing is consistent with that already approved for the neighbouring ODE development at 19–27 Cross Street (DA 2020/321).
- The existing mature street trees already contribute substantial shade to the area during the day.
- No outdoor seating or active use zones exist along this section of the footpath, meaning the impact to usability is minimal.
- During warmer months and in hours outside of the winter solstice window, solar access is retained to a greater extent.

Accordingly, the proposal maintains a reasonable level of solar access and is consistent with both Council controls and recent precedents in the locality.

2. Galbraith Walkway – Amenity and Connectivity

The current pedestrian connection between Cross Street and Galbraith Walkway is limited to a 2.5m-wide, single-height arcade with a narrow double door at the rear, offering poor amenity, visibility, and safety.

- The proposed development significantly enhances this connection by delivering:
- A 6.3m-wide, double-height pedestrian walkway directly accessible from the Cross Street footpath.
- A landscaped courtyard mid-block to improve wayfinding, openness, and amenity.
- A new northern gateway featuring a curved glass brick wall and generous entry gate, replacing the current dead-end, uninviting masonry wall and undefined entry.
- These interventions promote a more legible, accessible, and vibrant urban link, aligning with broader public domain objectives.

Regarding the inclusion of licensed premises along the walkway: this is a deliberate strategy to activate the space, introducing passive surveillance and street life rather than compromising its amenity. Carefully managed commercial uses of this kind are consistent with contemporary mixed-use precincts and will be supported by appropriate management strategies to ensure safety and comfort.

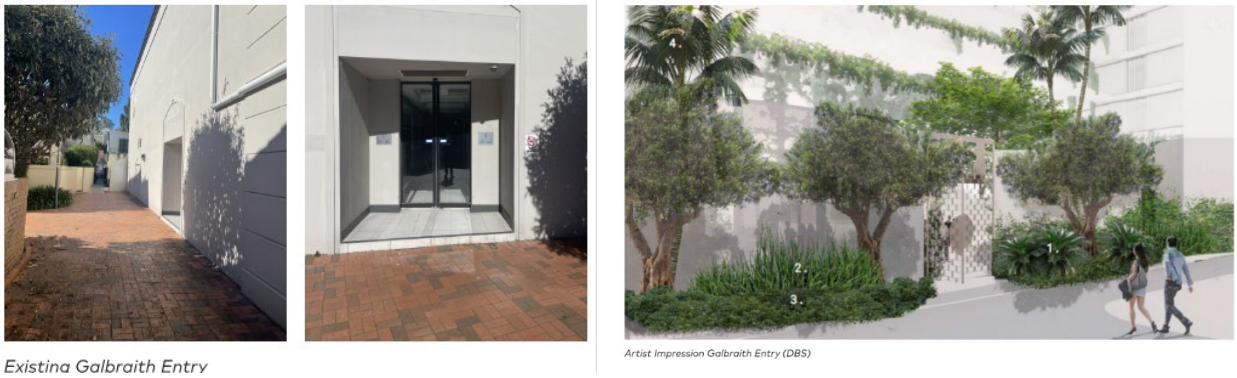


Figure 18: Images of existing Galbraith Walkway and entrance vs proposed entrance, prepared by Dangar Barin Smith

3. Loading Dock Interface to Cross Street

The retention of the loading dock in its current location is necessary and justified for multiple reasons:

- The site is landlocked on three sides, with all vehicular access required from Cross Street.
- The existing basement car park access (via Wilsons) has a height clearance of only 2.1m, making it unsuitable for service vehicles.
- The loading dock provides the only access to an existing Ausgrid substation, which cannot be relocated without significant disruption to the Cross Street frontage.
- A turntable has been incorporated to ensure service vehicles exit the site in a forward direction, improving operational safety and compliance with Council policy.

While the dock remains in place, its design will be substantially improved through refined finishes, architectural integration, and removal of the existing double driveway and porte-cochere, making way for:

- Active retail and hotel lobby frontages
- A clearly defined, pedestrian-prioritised entry
- A substantial uplift in the public domain interface along Cross Street

Without the dock, a new double driveway would be required, creating more vehicular intrusion and reducing active frontage—an outcome clearly at odds with good urban design.

The existing building currently offers no activation along the Cross Street frontage, with a porte-cochère and dual driveways dominating the streetscape. In contrast, the new development will feature active retail frontages, a double-height 6.3 m wide pedestrian walkway entrance, a hotel lobby at street level which significantly improving the public domain interface.

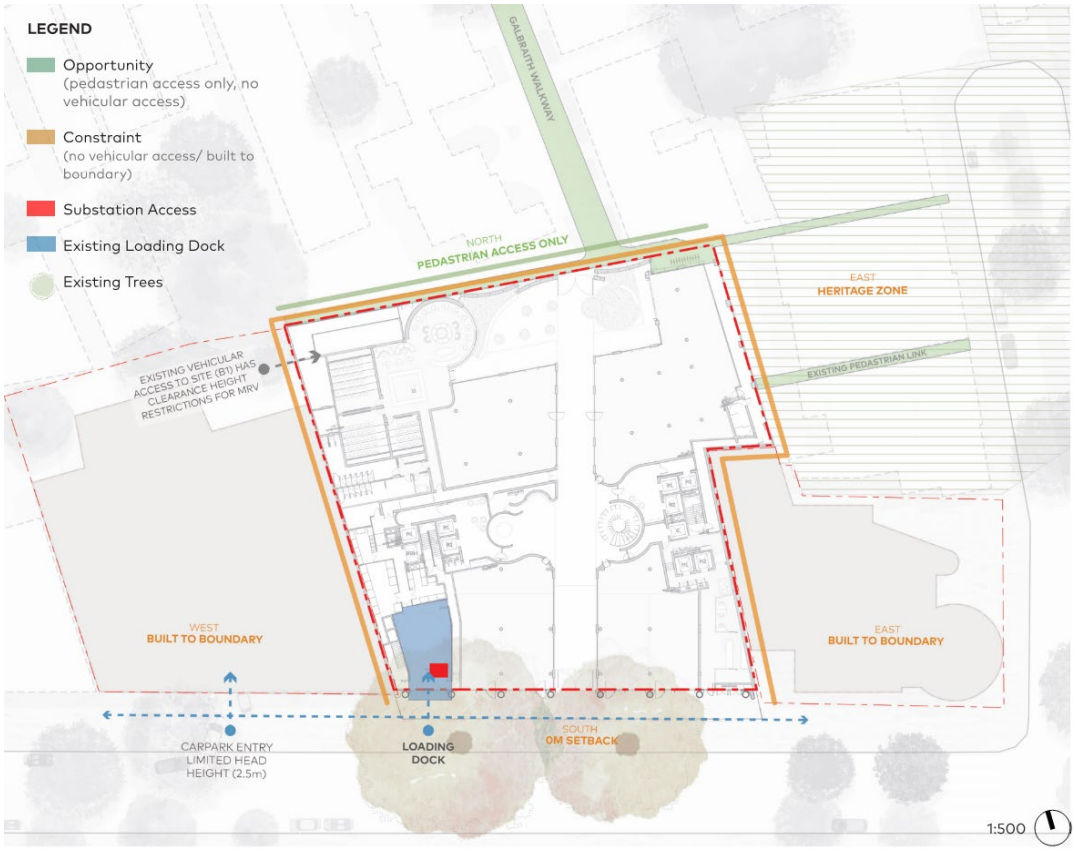


Figure 19: Diagram showing site constraints prepared by COX

4. Proposed Public Domain Upgrades:

The proposed development includes a suite of public domain upgrades that respond directly to the strategic direction for improving pedestrian connectivity and community amenity within the Double Bay Centre. A key initiative is the creation of a continuous pedestrian pathway linking Cross Street to Galbraith Walkway via a new atrium and 345m² courtyard.

This through-site connection will function as a publicly accessible walkway, integrating seamlessly with the existing pedestrian network. The courtyard will feature high-quality landscaping and outdoor seating, significantly enhancing the experience for both locals and visitors. A number of additional public domain improvements will also be delivered to strengthen accessibility, walkability, and the quality of the public realm across the precinct:

- Improvements to Galbraith Laneway, including paving, lighting, planting, public seating, and bike parking
- Upgraded paving to the existing pedestrian link through to Transvaal Avenue
- New through-site pedestrian connection to Ode Plaza at 19–27 Cross Street
- Streetscape enhancements to Cross Street, including new paving, kerb upgrades, pedestrian verge lighting, fig tree planting beds, public seating, and bike parking
- A new mid-block pedestrian crossing on Cross Street between No. 28 and No. 33, including potential Water Sensitive Urban Design (WSUD) elements between fig planter beds for improved street drainage

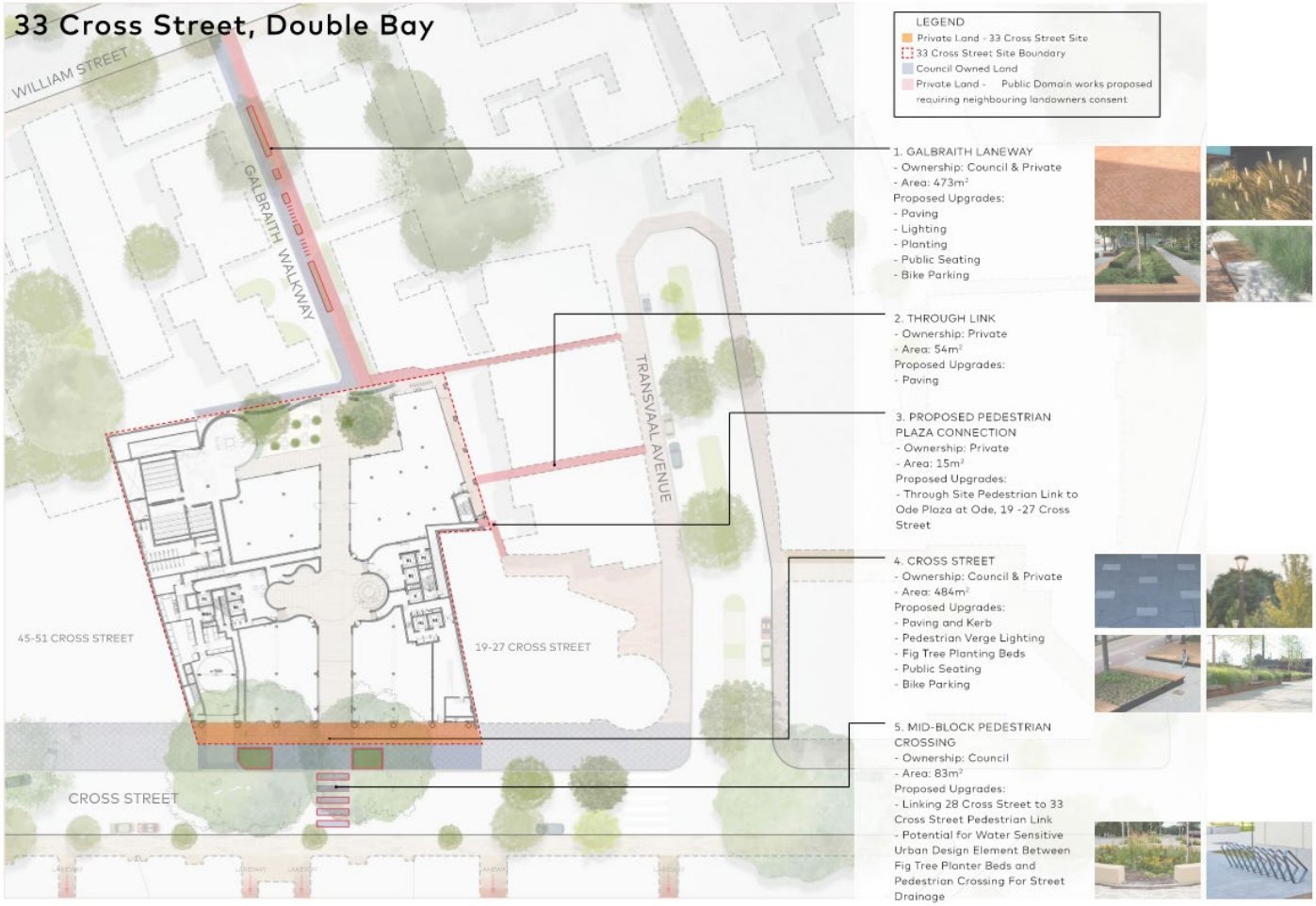


Figure 20: Proposed Public Domain Upgrades

2.1.9 3D - Communal and public open space

Council Urban Designer Comment:

'No communal open space is proposed'.

Proponent Response:

See response in **Principle 6: Amenity** on page 13.

2.1.10 3E – Deep soil zones

Council Urban Designer Comment:

‘*No deep soil is provided, and notwithstanding the urban character of the site (which inhibits the provision of deep soil) opportunities for podium or other above ground opportunities are not taken advantage of*’.

Proponent Response:

Providing deep soil zones is not feasible due to the retention of the existing basement, which covers the full site. The proposal includes large planters featuring mature olive trees and native palms in the courtyard to the north of the site, along with native planting. Tree canopy is further enhanced on-site with the inclusion of these mature tree plantings at ground level, ensuring the provision of significant greenery despite the site constraints.

Landscaping is proposed on the podium level 3 and will be visual from Cross Street to improve Cross Street façade, as shown in Drawing A-DA-2113 and Landscape Drawing LP06-D5924, see below. Landscaping is also proposed in the residential planters along the western and eastern elevation and along the residential balconies across levels 2 - 7. Refer to Landscape Plans prepared by Dangar Barin Smith for all proposed locations of landscaping.

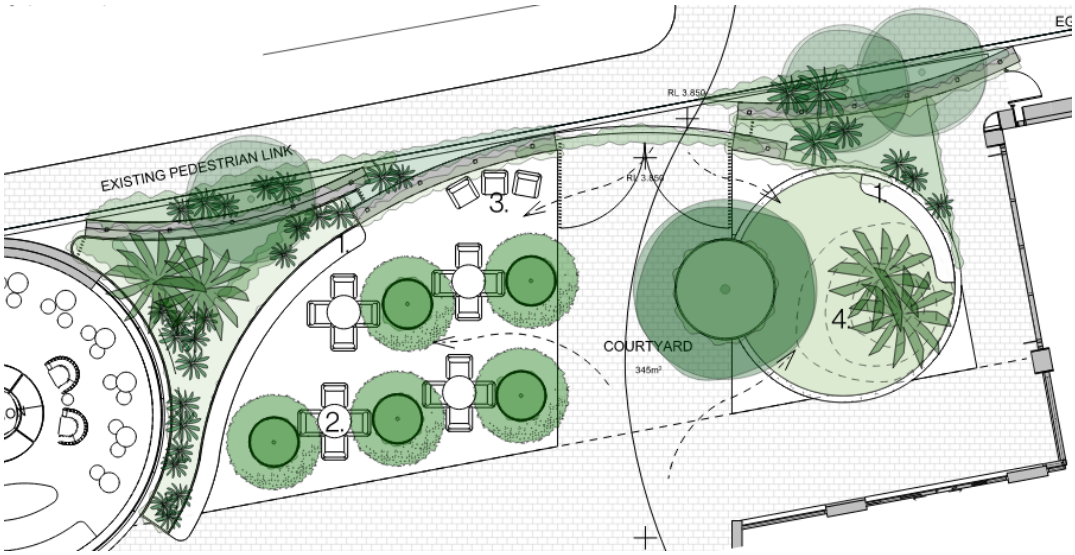


Figure 21: Landscape Courtyard on ground floor, prepared by Dangar Barin Smith

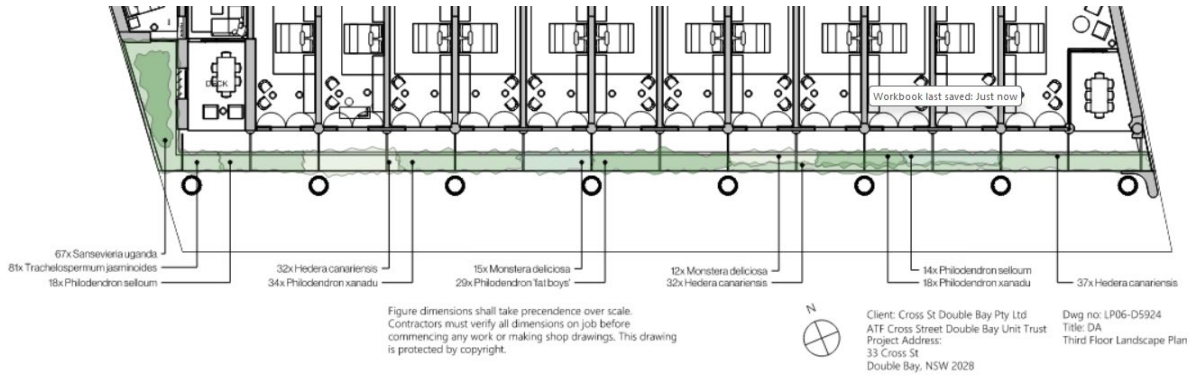


Figure 22: Landscape on Level 3, above podium, prepared by Dangar Barin Smith

Landscaping is also proposed on roof of the pavilion as well as the roof of the site to increase visual amenity from neighbouring properties.

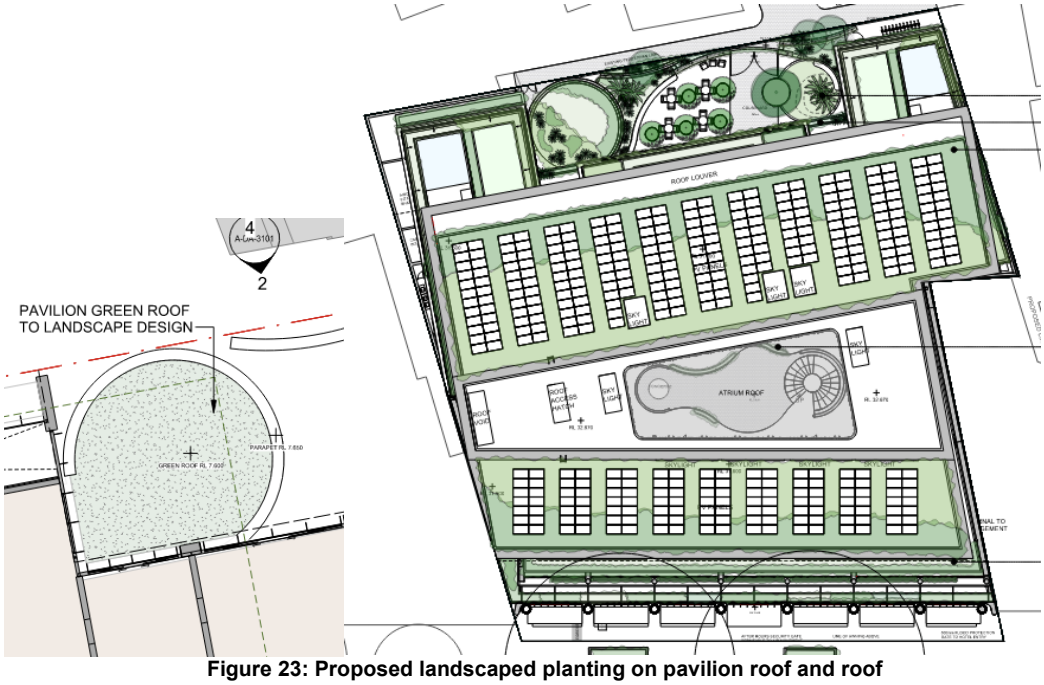


Figure 23: Proposed landscaped planting on pavilion roof and roof

2.1.11 3F – Visual privacy

Council Urban Designer Comment:

'*The locations of the north, east and west facing windows and balconies overlook boundaries and do not achieve the minimum setback and separation distances. The extent of visual privacy impact however cannot be determined due to the lack of provision of a survey'.*

Proponent Response:

A Visual Impact Assessment has been prepared by COX and included with this submission, refer to **Appendix C_VIA Study**, to address the privacy concerns raised. The proposed setbacks are based on this assessment, and several improvements have been incorporated to the architectural design to enhance visual privacy, including:

Western Boundary:

- Extension of the solid wall for improved visual privacy.
- Proposed windows will be screened with louvres.
- Blades will be added to the windows on the western and eastern facades to minimise overlooking.

Eastern Boundary:

- The planter on level 2 is extended by 600mm from the existing structure to further mitigate overlooking and improve privacy.

Northern Boundary:

- A northern setback ranges from to15.3m (measured from the topmost level's rear glazing line to the rear boundary.
- Replacement of the existing solid concrete rear with well-articulated architecturally designed façade.

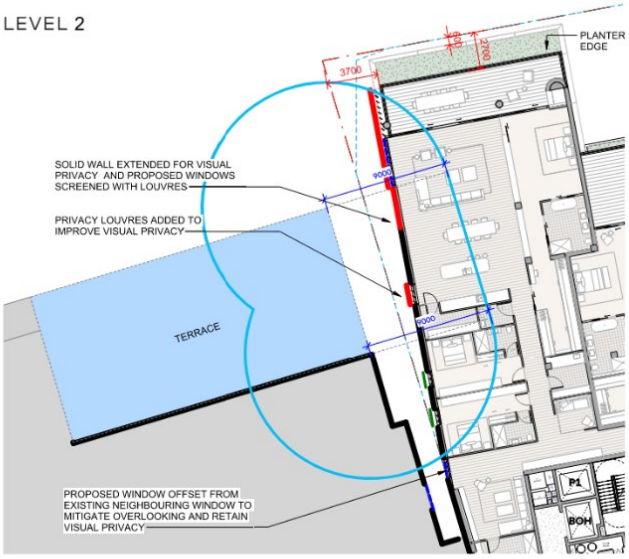
Commercial Facade:

- An obscured glass façade has been proposed to reduce visual impact from the commercial spaces.

LEGEND

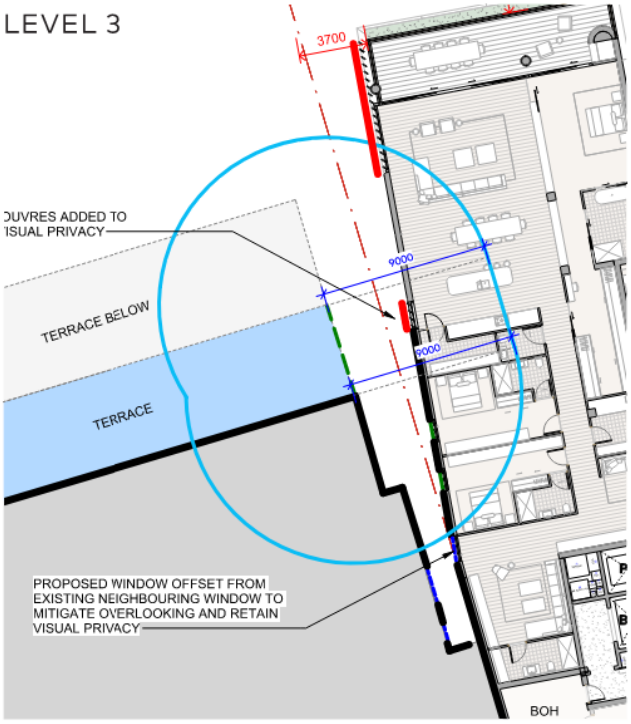
- 9m Radius
- Solid Interface
- Terrace/ Opening
- Window

LEVEL 2

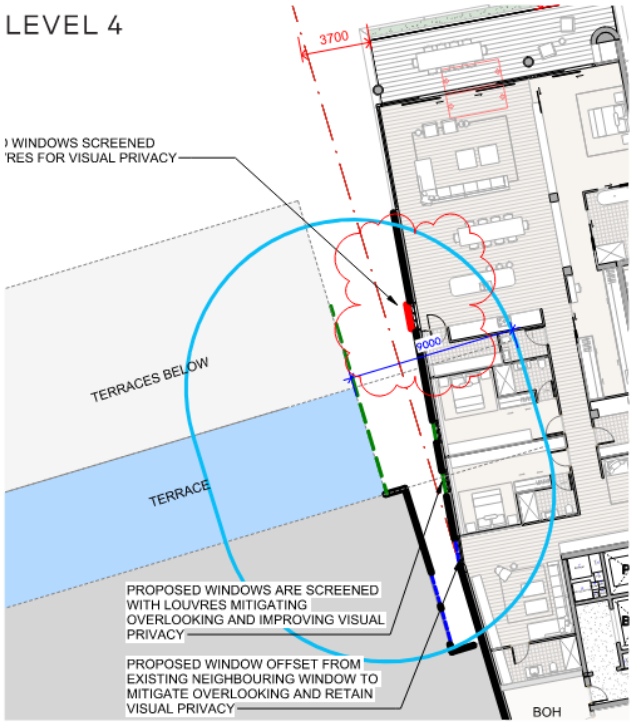


GSA has confirmed that louvred windows and offset windows can comply additional solid wall incorporated to comply

LEVEL 3



LEVEL 4



Sydney Studio
70 George Street
The Rocks NSW 2000
Australia

T +61 2 9267 9599
coxarchitecture.com.au

COX Architecture Pty Ltd
ACN 002 535 891

Nominated Architects:
Joe Agius No. 6491
Ramin Jahromi No. 10000

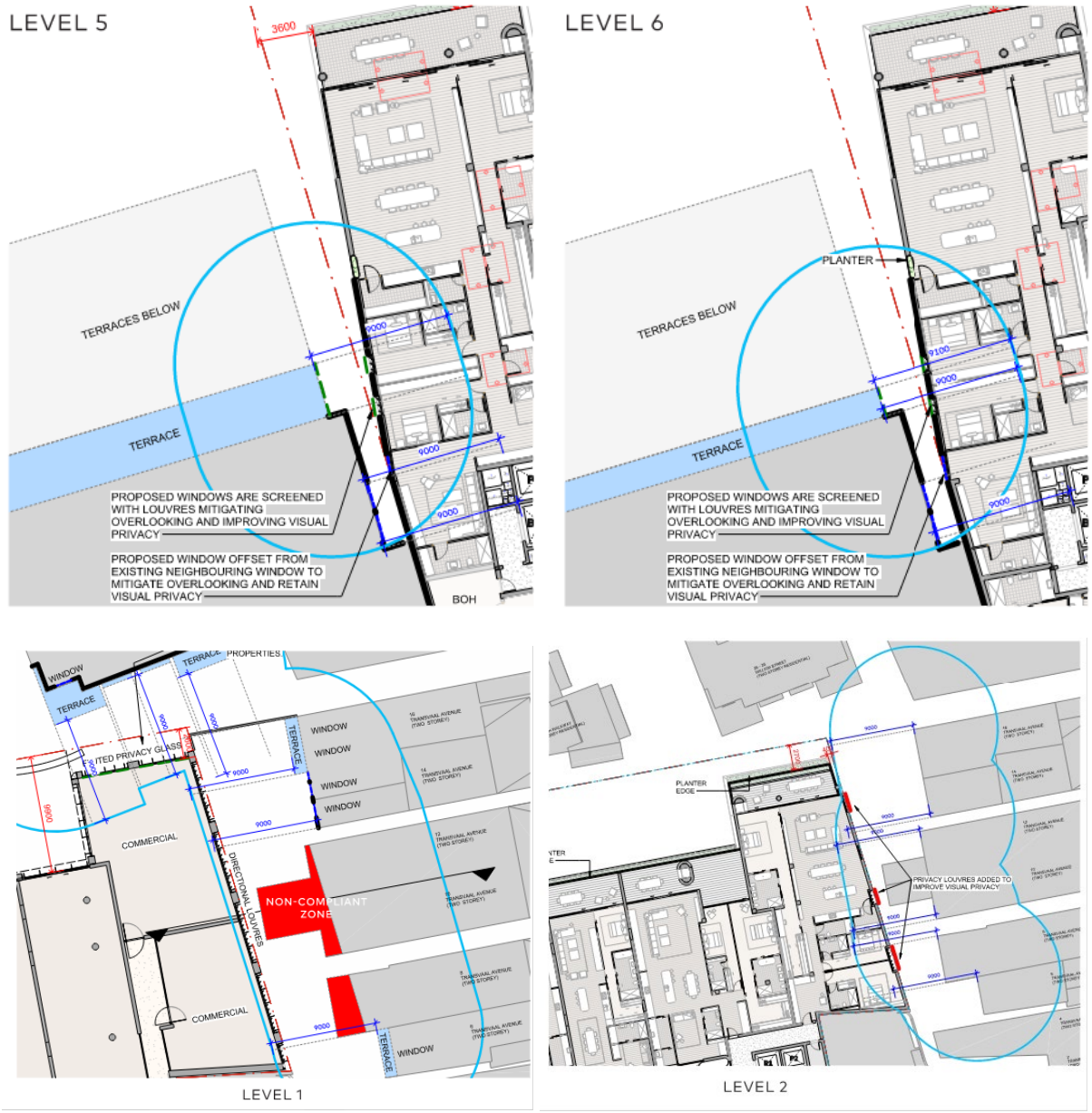


Figure 24: Design improvements on western and eastern boundary to improve visual privacy, prepared by COX

Sydney Studio
70 George Street
The Rocks NSW 2000
Australia

T +61 2 9267 9599
coxarchitecture.com.au

COX Architecture Pty Ltd
ACN 002 535 891

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Joe Agius No. 6491
Ramin Jahromi No. 10000

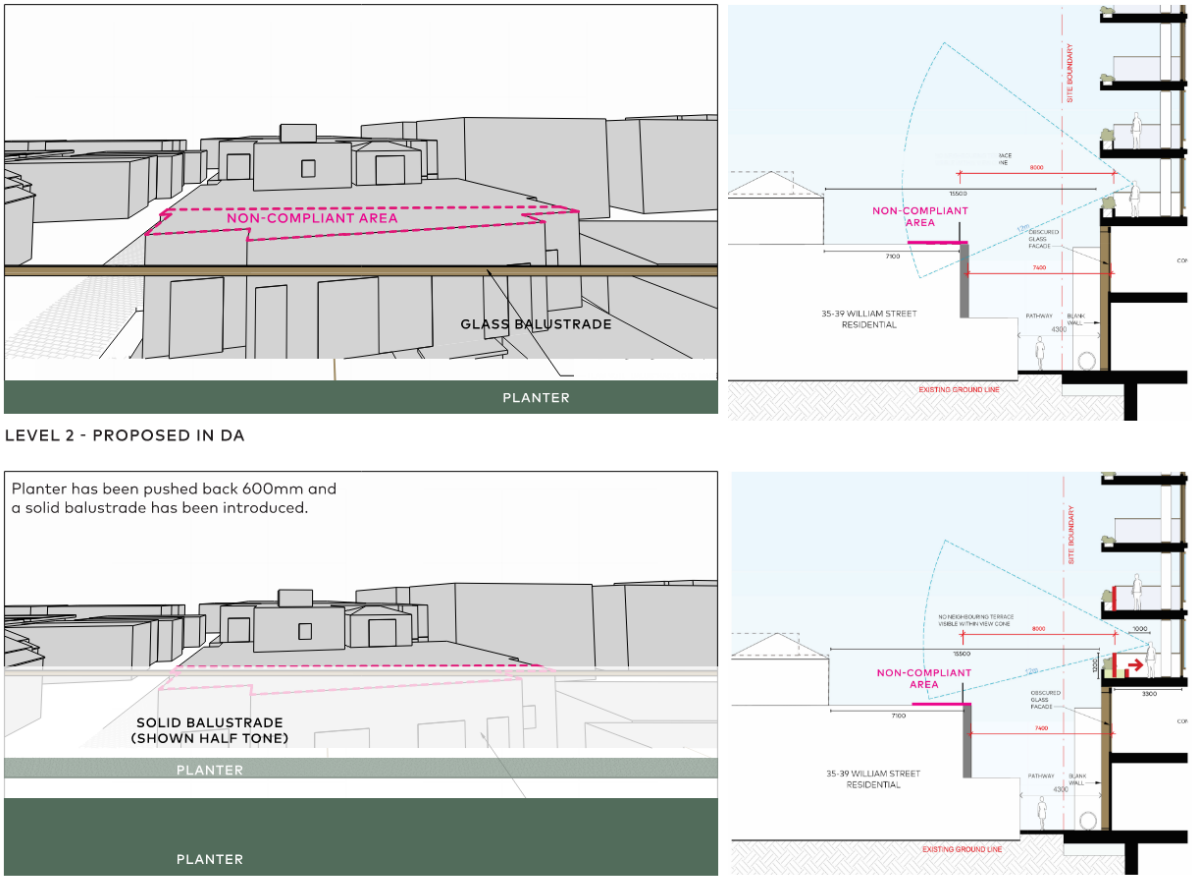
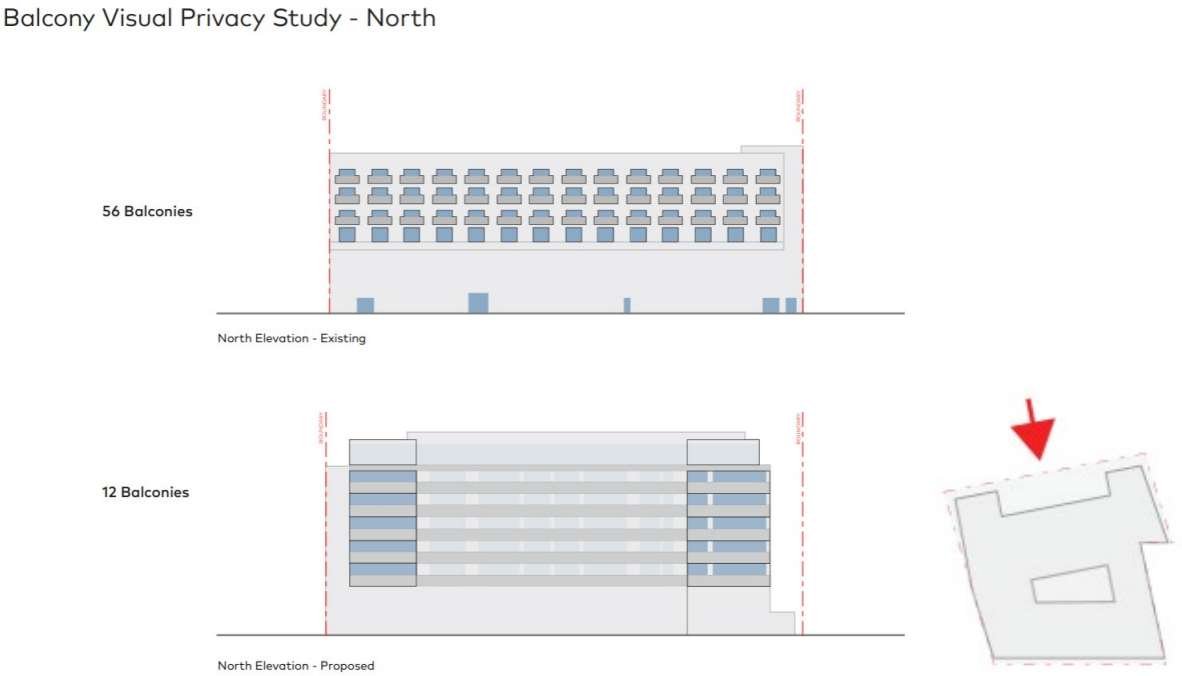


Figure 25: Design improvements on eastern boundary to improve visual privacy, prepared by COX



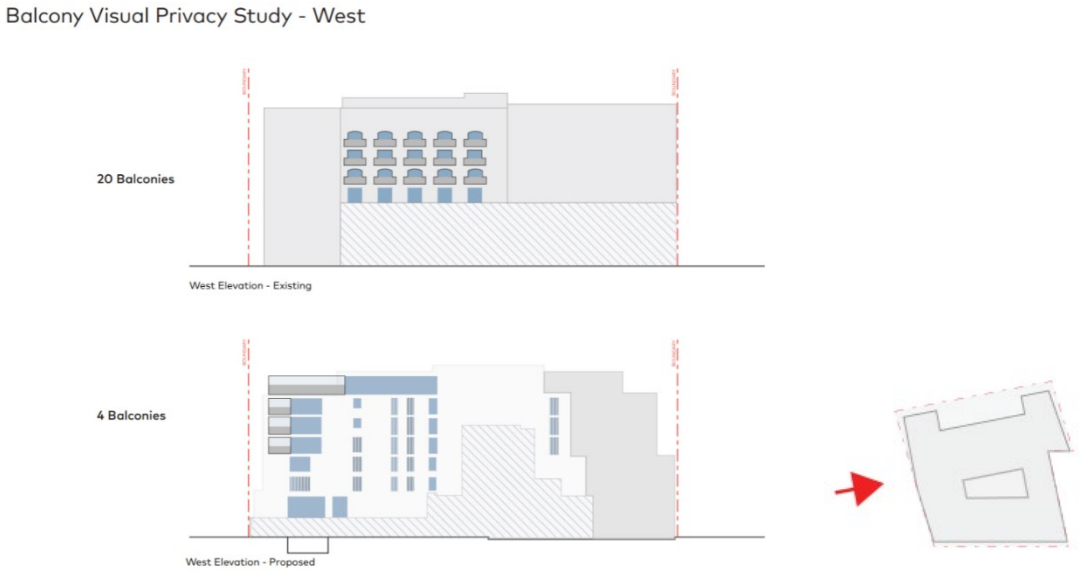


Figure 26: Northern and Western elevation showing reduction in balconies (Existing vs Proposed)

4D – Apartment size and layout

Council Urban Designer Comment:

'*All apartments achieve and excessively exceed the minimum area. Some apartments are unnecessarily large for the number of bedrooms which unnecessarily and unreasonably contributes to an inflated gross floor area, floor space ratio and building bulk and scale. Some habitable rooms do not have visibility to a window. Maximum habitable room depth exceeds 8.0 metres from a window in many units*.'

Proponent Response:

1. Apartment Sizes and Gross Floor Area

The proposed apartments have been intentionally designed to exceed minimum ADG size standards in order to cater to the prevailing downsizer market in Double Bay. This demographic seeks high-quality residences with generous internal spaces that reflect the scale and amenity of their large freestanding homes they are transitioning from.

- The proposal complies with the ADG requirements for natural ventilation and solar access for all units.
- All units exceed the minimum area requirements of the Apartment Design Guide (ADG), including internal living spaces and balconies.
- The size and scale of the apartments are comparable with other approved premium developments in Woollahra LGA, aligning with current market expectations for high-end apartment living.
- These larger floor areas do not reflect inefficiency or excess; rather, they support aging-in-place, circulation, furniture flexibility, and lifestyle needs specific to the target demographic.
- The project has been designed within an FSR envelope supported by the planning framework and does not pursue excessive uplift beyond the controls applicable to the site.

Therefore, the proposed floor space and apartment sizes are appropriate, market-responsive, and justified by the site's context and development objectives.

2. Habitable Room Window Access

All primary habitable spaces, including living rooms and bedrooms, have been designed to achieve access to natural light and ventilation via windows. Where some secondary rooms—such as media rooms, secondary kitchens, or studies—are technically classified as "habitable" under certain definitions, these spaces:

- Are not intended for primary occupancy
- Are not capable of conversion into additional bedrooms due to limitations in layout, access, integration of permanent joinery fittings and services
- Will be fully air-conditioned and cannot be enclosed, ensuring their usage remains consistent with the design intent
- Will undergo further refinement as part of the detailed interior design process

This approach balances the functional flexibility expected in large luxury apartments with compliance with design standards and ensures occupant comfort through a combination of spatial quality and environmental control.

3. Habitable Room Depths and the 8-Metre Guideline

The 8-metre maximum habitable room depth guideline typically applies to single-aspect apartments to ensure adequate daylight and ventilation to all parts of the unit. In this case:

- The majority of apartments are either corner units or cross-through designs, allowing for dual or multiple aspects with excellent access to natural light and ventilation.
- In the few cases where depth exceeds 8m, this typically relates to secondary kitchen or island bench depths, not primary living zones. The front of the kitchen remains within the compliant daylight zone.
- Deeper kitchen and living zones have been deliberately designed with wider counter separations and deeper island benches, in line with accessibility requirements and aging-in-place principles.

These minor exceedances are considered acceptable in the context of the overall design quality, apartment orientation, and daylight performance, particularly in a premium market setting.

CALCULATIONS (m2)

Unit	ADG Area	Additional Area
2.01	12	40
2.02	10	46
2.03	8	21
2.04	10	44
2.05	12	25
3.01	12	34
3.02	10	30
3.03	8	21
3.04	10	29
3.05	12	25
4.01	12	35
4.02	12	42
4.03	12	42
4.04	12	25
5.01	12	35
5.02	12	43
5.03	12	42
5.04	12	25
6.01	12	35
6.02	12	42
6.03	10	26
6.04	8	13
6.05	12	42
6.06	12	25
6.07	10	26
6.08	10	27
7.01	14	176
7.02	14	97
7.03	14	194
Total	328	1307
Site Area		3674

35.6%
Total area above ADG requirement as a percentage of the site.

44.5%
Total area as a percentage of the site.

Minimum ADG Requirement: 100m²
Total Area: 316m²
Typical 3 Bedroom
Unit 4.03
316m²

Minimum ADG Requirement: 100m²
Total Area: 339m²
Typical 3 Bedroom
Unit 5.01
339m²

Minimum ADG Requirement: 75m²
Total Area: 157m²
Typical 2 Bedroom
Unit 6.03
157m²

LEGEND

ADG Requirement

Typical Provision

Figure 27: Diagram showing spatial provision prepared by COX

Figure 28: Diagram showing compliant habitable rooms and window openings prepared by COX

Sydney Studio
70 George Street
The Rocks NSW 2000
Australia

T +61 2 9267 9599
coxarchitecture.com.au

COX Architecture Pty Ltd
ACN 002 535 891

Nominated Architects:
Joe Agius No. 6491
Ramin Jahromi No. 10000

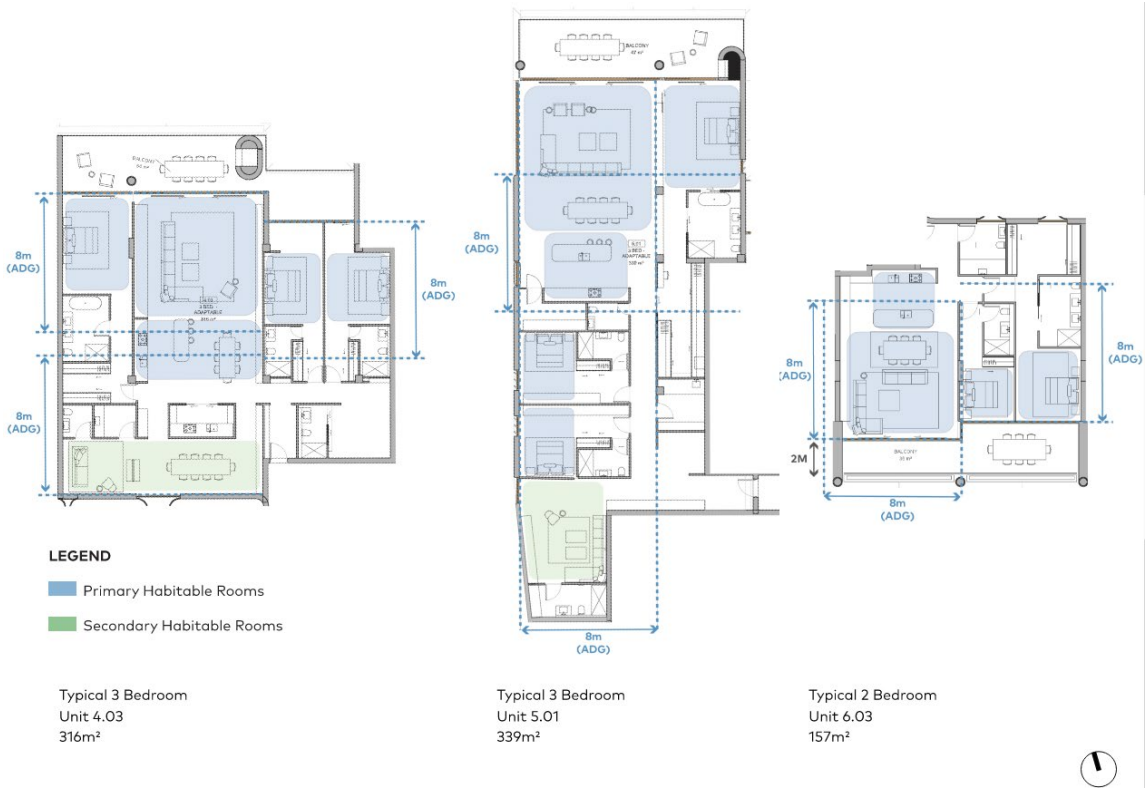


Figure 29: Diagram showing apartment depth requirement prepared by COX

2.1.12 4G – Storage

Council Urban Designer Comment:

'*However, no locations are shown beyond suggestions that lounge room and kitchen cupboards, hallways and laundries will suffice. This is inconsistent with the objective.*'

Proponent Response:

The minimum ADG storage requirements are met in each unit, in addition to the storage units located in the basement. See plan showing additional storage has been prepared by COX below.

Each unit exceeds the minimum ADG requirements, and there are various opportunities and locations for further storage within the interior design development. The storage shown in the DA application represents the minimum required and is positioned in locations where it cannot be removed, ensuring ongoing compliance.

Figure 30: Diagram showing storage requirements prepared by COX

Sydney Studio
70 George Street
The Rocks NSW 2000
Australia

T +61 2 9267 9599
coxarchitecture.com.au

COX Architecture Pty Ltd
ACN 002 535 891

Nominated Architects:
Joe Agius No. 6491
Ramin Jahromi No. 10000

2.1.13 4H – Acoustic Privacy

Council Urban Designer Comment:

'*However, the north elevation drawing indicates the wall height to be 3.8 metres (approx.). I find it difficult to accept that an outdoor licensed seating area of 345 sqm proposed to be open until 10.00pm that is 2.7 metres from an existing two storey townhouse will have no acoustic impact. The basement car park is offsite*.'

Proponent Response:

The development has been carefully designed to mitigate acoustic impacts, avoid unreasonable amenity loss, and ensure compliance with Council policy and environmental standards. There is no proposed licensing of the courtyard, and outdoor seating is both limited in scope and acoustically managed. In our opinion, the concerns raised are adequately addressed through the design response and supporting expert assessments.

Please refer to the following reports submitted with the development application that address these matters:

- Acoustic report prepared by Renzo Tonin
- Operational Management Plan prepared by National FM
- CPTED Report prepared by Connley Walker
- Crime Risk Assessment Report prepared by Connley Walker
- Security Management Plan prepared by Connley Walker
- CCTV Specification Plan prepared by Connley Walker
- EACS Specification prepared by Connley Walker

1. Courtyard Use and Licensing
There appears to be a misunderstanding regarding the function and approval sought for the 345sqm landscaped courtyard:

- This courtyard is not designated as a licensed premises, nor is outdoor alcohol service proposed as part of this Development Application.
- The development includes a modest outdoor retail seating zone located directly adjacent to the building line under an acoustically treated awning, as shown in Drawing A-DA-2110.
- The proposed seating is limited in extent and scale, with the acoustic report assessing up to 30 seats in this area. There is no outdoor music or amplified sound proposed.
- From 10:00pm onward, all hospitality and retail operations will be fully enclosed within the internal tenancies, and no external activity will occur after this time.

The Renzo Tonin Acoustic Report, submitted with the application, confirms that this limited external activation is acoustically compliant and will not result in unreasonable noise impact to adjacent residences.

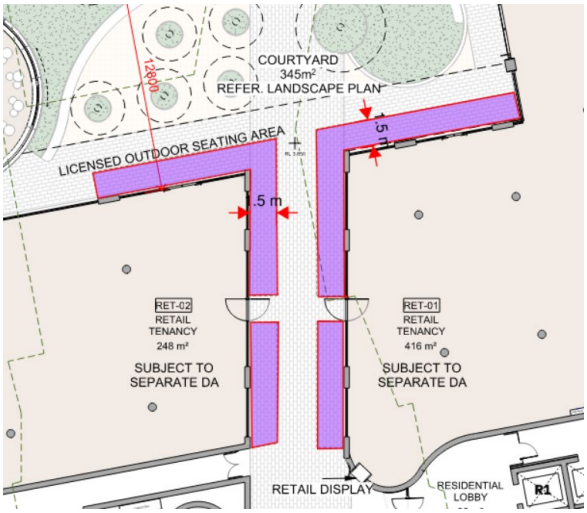


Figure 31: Proposed retail strip located under awning on ground floor

2. Acoustic Wall and Boundary Conditions

The wall along the northern boundary—which separates the development from the adjoining two-storey townhouse—has been specifically designed to mitigate acoustic transmission:

- The wall is 4.5 metres high along the central and eastern interface, stepping down to 3.5 metres on the western end, based on the topography and site interface.
- This variation in wall height has been incorporated into the acoustic modelling, ensuring that sound deflection and absorption meet relevant compliance thresholds.
- The courtyard and outdoor seating areas have been further softened with strategic planting, which also contributes to acoustic buffering and privacy between uses.

2. Acoustic Compliance and Management

Acoustic privacy has been addressed through both the design of the built form and a robust suite of management measures, including:

- A comprehensive acoustic report prepared by Renzo Tonin, which confirms that all predicted noise levels from the proposed development—including evening operation of retail premises—remain within acceptable limits.
- A future Operational Management Plan, to be prepared in consultation with Council, which will govern hours of operation, patron management, and noise minimisation protocols.
- The site will also benefit from a suite of security and crime prevention measures developed by Connley Walker, including:
    - CPTED and Crime Risk Assessments
    - A Security Management Plan
    - CCTV and access control design

These measures collectively ensure that the development can operate safely, responsibly, and without adverse impact to the surrounding residential environment.

4. Car Park and Servicing

While the basement car park is off-site, located within an adjoining structure, this does not detract from the efficacy of the proposed noise management or site servicing strategy. All servicing and patron access functions are appropriately managed to avoid late-night disturbances.

2.1.14 4N – Roof design

Council Urban Designer Comment:

'*No lift overruns are shown, and the roof design appears unresolved*.'

Proponent Response:

Contrary to the suggestion that the roof design appears unresolved, the roof form has been fully resolved as part of a carefully considered architectural approach developed by the consultant team. The design proposes a flat, minimalistic roofline with a clean architectural expression, consistent with the surrounding context and contemporary high-end developments in Double Bay.

- All service plant and equipment have been strategically located within the basement, avoiding visual clutter or bulk above the roof and thereby maintaining the integrity of the building's form.
- Low-level planting is also proposed on the roof to enhance visual amenity and contribute to sustainability outcomes, with the roof forming part of a broader environmental and urban design response.

Lift overruns have been incorporated into the design and are shown on Drawing A-DA-4101, specifically within the East–West section with the central atrium.

- These elements have been positioned beneath the roof structure and are fully concealed within the building envelope, ensuring they do not protrude above the roof or contribute to additional building height or visual bulk.
- Their absence from the roof plan is intentional, as they do not project beyond the roof form and therefore do not affect the visual or spatial outcome of the roof design.

The roof design is both architecturally resolved and functionally efficient, contributing to a high-quality urban form. The integration of lift overruns within the concealed roof space ensures a sleek silhouette without visible service elements, supporting the project's commitment to delivering a refined and contextually appropriate built form.

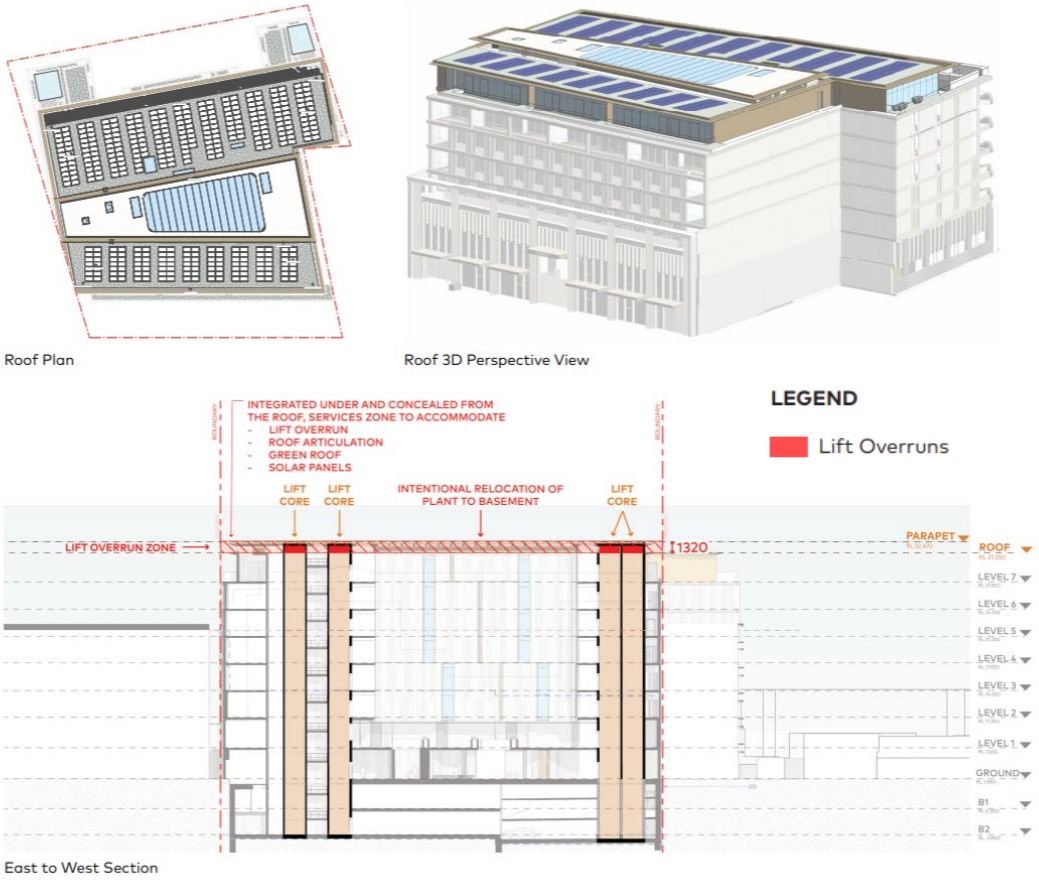


Figure 32: Roof design with concealed lift overruns under roof structure, diagram prepared by COX

2.1.15 4O – Landscape design

Council Urban Designer Comment:

'*However, the approach to the planter boxes in the east and west walls needs revision. This is discussed elsewhere'*

Proponent Response:

Refer to response in **Section Principle 5: Landscape** on page 10 and **3E – Deep soil zones** on page 26.

2.1.16 4S – Mixed use

Council Urban Designer Comment:

'*The reliance by the residential uses on the covered atrium for room amenity is inappropriate and the use of areas on level 7 requires clarification*.'

Proponent Response:

The atrium is a deliberately integrated design element, providing environmental benefits and residential amenity outcomes that are both practical and appropriate for a mixed-use development of this calibre. The Level 7 spaces are fully accounted for within the residential design and contribute to the project's vision for premium, well-ventilated inner-city living.

1. Atrium Design and Residential Amenity

The proposal features a central covered atrium that plays an important role in the design strategy for residential amenity and building performance. Far from being a compromise, the atrium:

- Supports natural ventilation, incorporating an operable roof structure that allows for passive airflow through the building, enhancing indoor air quality and thermal comfort for the adjoining residential units.
- Is a commonly used strategy in high-quality mixed-use developments, particularly where internal circulation spaces need to deliver environmental performance while maintaining protection from weather.
- Has been informed by a detailed wind assessment and supplementary environmental reports, confirming its effectiveness in supporting ventilation outcomes and amenity.

Window placements for all apartments have been carefully planned, with appropriate screening provided where necessary to ensure privacy while still allowing for light and airflow. The design maintains compliance with the intent of SEPP 65 and the Apartment Design Guide, particularly in the context of the site's unique mixed-use and urban setting.

2. Clarification of Level 7 Use

The spaces surrounding the atrium on Level 7 form part of the two penthouse apartments (Units 7.02 and 7.03).

- These areas are internal spaces that include operable windows opening onto the atrium, similar in treatment to units on lower levels.
- These windows take advantage of the atrium's natural ventilation, supported by the operable roof above, ensuring consistent amenity across all levels of the building.
- These internal layouts have been designed to offer premium residential environments, consistent with the target downsizer demographic, while maintaining internal privacy, light, and cross-ventilation opportunities.

Figure 33: Atrium diagram prepared by COX

2.1.17 4W – Waste management

Council Urban Designer Comment:

> '*All uses within the building rely on one small loading dock suitable only for a small vehicle. No operational waste management has been provided. Insufficient Arrangements for waste management are proposed*.'

Proponent Response:

The proposed waste and loading arrangements have been carefully designed, tested, and supported by expert reporting, ensuring operational efficiency without compromising public domain quality or building functionality. The design reflects a realistic and proven solution, based on the site's established performance and informed by industry best practice.

1. Loading Dock Capacity and Functionality

The proposal includes a consolidated loading dock, which has been intentionally and carefully designed to minimise visual impact to the Cross Street frontage while accommodating the building's operational needs.

- The current dock already services a 144-key hotel and retail precinct, and its continued use has been tested and proven to support high-volume operations.
- The design has been informed by specialist input and includes appropriate turning circles, vehicle clearances, and a turntable, ensuring that service vehicles can enter and exit in a forward direction, in accordance with Council requirements.
- While the loading dock is visually modest in scale, it is supported by an efficient back-of-house layout that enables staging, waste movement, and deliveries without compromising pedestrian or public realm amenity.

2. Waste Management Provision

A detailed Operational Waste Management Plan (OWMP), prepared by Elephants Foot, was submitted to Council on 12 March 2025. This report sets out a clear strategy to manage all waste streams generated by the residential, commercial, hotel, and retail components of the development.

- All proposed waste rooms comply with Council's waste design guidelines and are strategically located to support efficient collection and separation.
- The development will be managed by a dedicated building manager, responsible for:
  - Monitoring bin capacities and presentation
  - Coordinating collection schedules
  - Ensuring bins are transferred to the designated pick-up zone efficiently
- The OWMP confirms that waste collection can be accommodated by Council vehicles using the existing loading dock access, with no disruption to public areas or pedestrian movement.

2.1.18 4X – Building maintenance

Council Urban Designer Comment:

> '*No access to some planter boxes for maintenance is evident*.'

Proponent Response:

Refer to response in **Section Principle 5: Landscape** on page 11.

2.2 Part 3: Woollahra Development Control Plan 2015 (WDCP 2015)

2.2.1 D5.1.3 Objectives

Council Urban Designer Comment:

The Proposal Doesn't achieve:

- *O2 To develop the particular qualities of different parts of the Double Bay Centre.*
- *O8 To ensure that new development is compatible with the existing built form, and streetscape and village character.*
- *O9 To encourage view sharing and individual privacy.*

Compliance with the following objectives is unknown:

- *O4 To conserve and enhance the visual and environmental amenity of all buildings and places of heritage significance in the Double Bay Centre.*
- *O10 To ensure new development is designed to be compatible with the heritage significance of listed heritage items.*

Proponent Response:

We acknowledge the concerns raised and provide the following response to clarify how the proposal addresses the planning objectives for the Double Bay Centre, specifically Objectives O2, O4, O8, O9, and O10. The proposed development has been carefully designed to respond to the character, scale, and heritage context of the Double Bay Centre. It aligns with the planning objectives by:

- Enhancing public domain activation and urban design quality
- Respecting view sharing and privacy
- Improving interfaces with heritage items
- Providing a considered built form that contributes positively to the ongoing evolution of the Centre

Objective O2 – To develop the particular qualities of different parts of the Double Bay Centre

The proposal has been purposefully designed to reflect the established character and identity of the Double Bay Centre, while responding to its evolving mixed-use context. The development integrates:

- Active street frontages and improved pedestrian walkways that contribute to the vibrancy of Cross Street and enhance pedestrian experience.
- A fine-grain material palette and architectural detailing that resonates with the local urban fabric, balancing refinement with contemporary design.
- A scale and layout that supports pedestrian connectivity, commercial activity, and high-quality residential living, consistent with the precinct's character and strategic planning intent.

Objective O8 – To ensure new development is compatible with the existing built form, streetscape, and village character

The development has been designed to be highly compatible with the surrounding built form:

- The proposed façade incorporates articulated massing, deep recesses, and soft landscaping, aligning with the rhythm and scale of nearby buildings.
- On the eastern elevation, the proposal reduces the number of windows overlooking neighbouring properties from 20 (existing hotel rooms) to just 7 residential

apartments, each incorporating visual privacy treatments, significantly improving the current interface.

- The built form avoids monolithic expression, delivering a design that is sensitive to the low-scale character and streetscape presentation of Double Bay's core.

Objective O9 – To encourage view sharing and individual privacy

The design has carefully balanced the principles of view sharing and privacy by:

- Minimising overlooking through screening, careful window placement, and thoughtful orientation of balconies.
- Preserving reasonable view corridors and maintaining respectful separation between residential units and neighbouring sites.
- Replacing the existing hotel design—which featured multiple Juliet balconies and unfiltered views—with a more refined residential configuration that enhances privacy and reduces visual intrusion.

Figure 34: Northern and Western elevation reduction in balconies (Existing vs Proposed)

Objective O4 & O10 – Heritage Significance and Compatibility with Heritage Items

The proposal responds positively to the nearby heritage items on Transvaal Avenue through:

- A reimagined interface that replaces an existing poorly constructed and inactive blank wall with a scaled, articulated façade that improves the visual relationship with the heritage context.
- Use of high-quality materials and fine-grain detailing that are sympathetic to the local heritage palette while providing a contemporary architectural expression.
- A design that enhances the visual amenity and environmental setting of adjoining heritage buildings, rather than competing with or detracting from their significance.

Existing View From Transvaal Avenue

Proposed View From Transvaal Avenue

Figure 35: Eastern elevation viewed from Transvaal Avenue (Existing vs Proposed)

2.2.2 D.5.5.7 Control Drawing 3

Council Urban Designer Comment:

'*The setbacks, building heights and articulation sought by the Control Drawing are not achieved by the proposed development.*'

Response:

Refer to response in **Section Principle 1: Context and Neighbourhood Character** on page 5 and **Section Principle 2: Built Form and Scale** on page 9.

2.2.3 D5.6.3 Urban Character

2.2.3.1 ii) Level 3-5 building depth is limited to 15.6m including the articulation zones

Council Urban Designer Comment:

'*Not Achieved'*

Proponent Response:

1. Building Depth and Mixed-Use Functionality
The proposed development has been carefully designed to balance the functional demands of a complex mixed-use program, including residential, hotel, wellness, retail, and commercial uses. As such, strict adherence to a 15.6m building depth (including articulation zones) is not feasible without compromising the integrity and performance of the development.

- The building is organised around two separate vertical cores, divided by a centrally located naturally ventilated atrium.
- This atrium splits the built form into distinct northern and southern elements, effectively reducing the scale of each component while supporting natural light and ventilation for internal spaces.
- Residential uses are concentrated on the northern portion of the site, aligning with the adjacent residential zone and respecting the existing urban grain.
- Non-residential uses are primarily located to the south, addressing Cross Street and reinforcing the commercial character of the town centre.

This separation and functional zoning across the site are critical to achieving both internal amenity and external compatibility with the varied character of the site's interfaces.

2. ADG and Floor Plate Practicalities
While the building exceeds the 15.6m depth control, it is important to note that:

- A fully compliant ADG floor plate of 18m (dual aspect) would also exceed this local control.
- The design, with its central atrium and dual-core structure, exceeds ADG expectations for internal amenity, including access to daylight, cross-ventilation, and circulation space.

The resultant design represents a contextually appropriate and functionally driven solution that cannot achieve strict compliance with this metric due to the complex nature of the use mix.

Figure 36: Diagram showing building depth (level 3) prepared by COX

2.2.3.2 iii) Development must comply with the building envelope and setback controls in the DCP.

Council Urban Designer Comment:

The building envelope controls are not achieved as noted above.

Proponent Response:

Refer to response in Section **Principle 1: Context and Neighbourhood Character** on page 6 and Section **Principle 2: Built Form and Scale** on page 9.

2.2.3.3 iv) To achieve a variety of roof forms the floor level of the uppermost habitable storey must be at least 3.5m below the maximum permissible building height.

Council Urban Designer Comment:

'*Not Achieved*'

Proponent Response:

The proposed roof design responds sensitively to the site's context, existing approvals, and the intent of the control under Clause 2.3.3.3(iv), which seeks to encourage varied roof forms by requiring the uppermost habitable floor to be set at least 3.5 metres below the maximum building height.

In this case, the proposed development's roofline has been designed to align with the height of the existing lift overrun and a previously approved development application, both of which set a clear built form precedent for the site. This has informed the overall height strategy and limited the extent to which the roof form could be further articulated.

Nonetheless, the design incorporates a stepped and articulated roof form, including an elevated central section, and has been conceived as a flat surface with low landscaping to enhance visual appeal and soften the building's massing. The roof slab has been elevated to accommodate this landscaping treatment without breaching height controls. All habitable areas remain fully compliant with the maximum permissible height.

This design approach delivers a visually refined, functional, and contextually appropriate roofline, ensuring a high-quality architectural outcome that integrates seamlessly into the surrounding built environment. While the 3.5m vertical separation is not numerically achieved, the intent of the control—to create varied and interesting roof forms—is met through alternative and considered design strategies.

2.2.3.4 v) The minimum floor to floor height for ground floor retail is 4 metres and commercial office is 3.4 metres.

Council Urban Designer Comment:

'*Not Achieved'*

Proponent Response:

The proposed development has been designed with careful consideration of site constraints, previous approvals, and current regulatory requirements. The existing basement structure is being retained, which fixes the ground level RL and establishes a non-negotiable starting point for the vertical layout of the building.

To accommodate the proposed non-residential uses across multiple storeys, within the approved building envelope, while also allowing for:

- Increased structural depths required to support a fully integrated roof with concealed lift over-runs and green roof
- Compliance with minimum residential floor-to-floor height requirements under the Design and Place SEPP (now incorporated into the DPP Act)
- A non-residential Cross Street interface

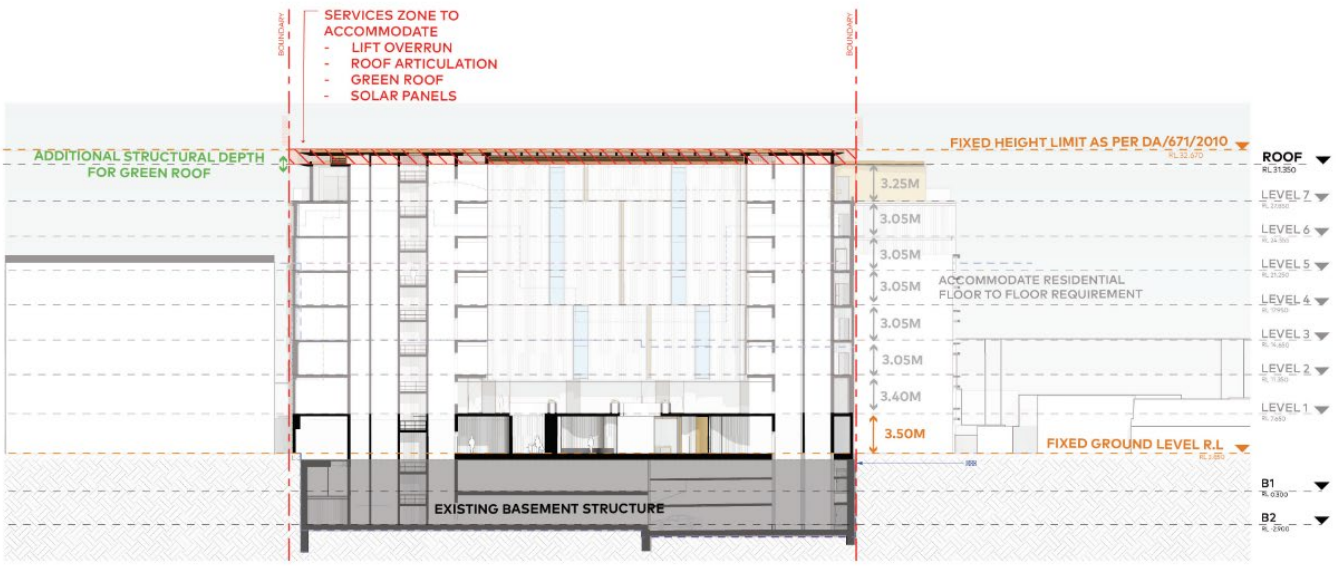
—some adjustments to lower-level floor-to-floor heights have been necessary.

As a result, the retail ground level and commercial level (level 1) floor-to-floor height has been set at 3.5m and 3.4 metres respectively, which still provides an appropriate internal volume for these uses. While the control nominates 4.0 metres for retail, the intended uses do not rely on the same height requirements as ground-floor retail premises such as supermarkets or showrooms.

Importantly, the proposed ground floor retail spaces will still:

- Receive adequate natural light and ventilation
- Maintain strong street engagement and activation
- Deliver functional, flexible, and efficient commercial tenancies

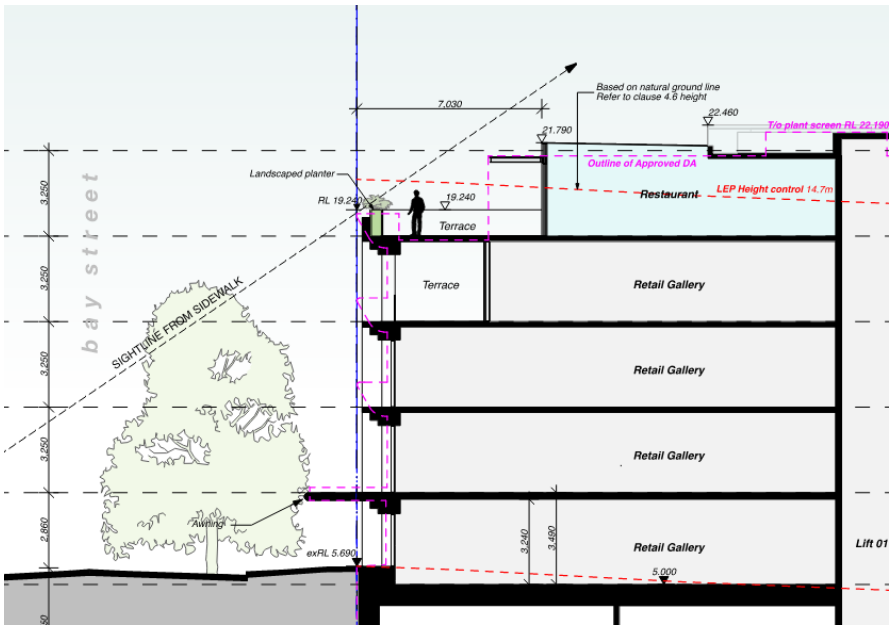
Given the combination of site-specific constraints and design intent, the slight departure from the control remains reasonable and achieves the broader planning objectives related to high-quality mixed-use outcomes.



East to West Section

Figure 37: Diagram showing floor to floors prepared by COX

We also refer to the extract below from the SEE for 19-27 Bay Street, Double Bay (Restoration Hardware), submitted as part of DA 2023/245, approved with a ground floor retail height of 3.49m-4.09m and Level 1 – 4 retail heights of 3.25m.



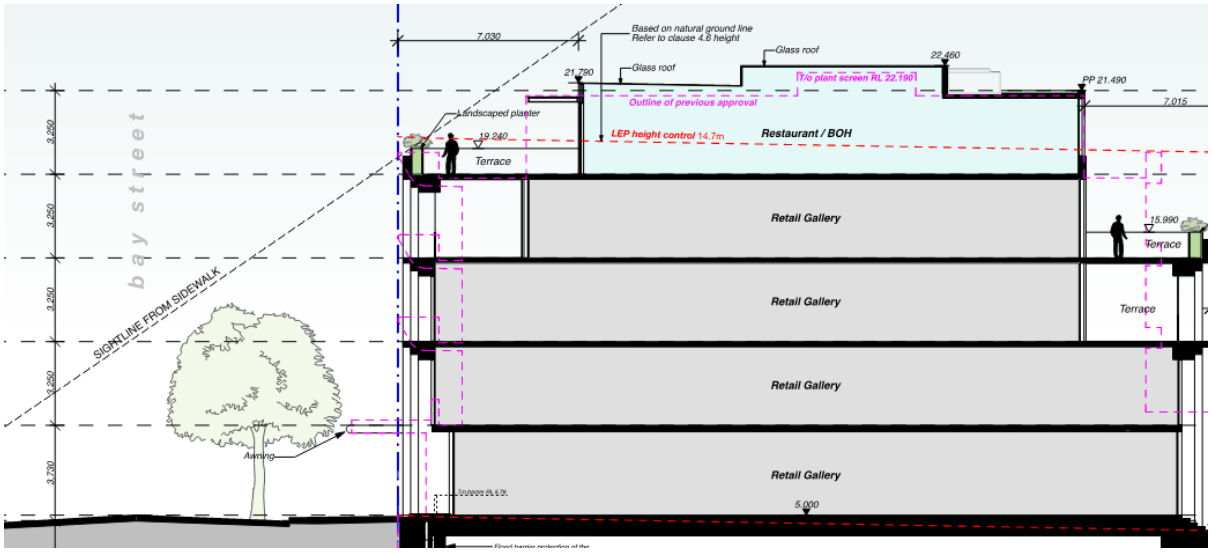


Figure 38: Approved elevations of 19-27 Bay Street, Double Bay (Restoration Hardware) DA 2023/245, with a ground floor retail height of 3.49m-4.09m and Level 1 – 4 retail heights of 3.25m

2.2.3.5 vi) Promote buildings of articulated design and massing, with building facades that contribute to the character of the street, and provide useable external spaces.

Council Urban Designer Comment:

'*Not Achieved* '

Proponent Response:

Refer to response in Section **Principle 1: Context and Neighbourhood Character** on page 6 and Section **Principle 2: Built Form and Scale** on page 9 and Section **Principle 5: Landscape** on page 11.

2.2.3.6 vii) Side setbacks must protect privacy to adjoining buildings; and protect access to natural light and ventilation to adjoining buildings and residential areas.

Council Urban Designer Comment:

'*Not Achieved* '

Proponent Response:

Neighbouring properties still have generous access to light and ventilation. A detailed visual impact statement has been produced by COX which improved privacy measures to the proposed development that demonstrates objectives complied with by the proposed design.

2.2.3.7 ix) Richly articulate facades to express the different levels of the building and/or its functions.

Council Urban Designer Comment:

'Not achieved to side boundaries'

Proponent Response:

The side boundaries have been designed with articulated façades, incorporating soft landscaping and visual privacy elements, along with a mix of solid and operable sections to enhance both aesthetic appeal and functional screening. Each floor, including the upper levels, is articulated with high-quality finishes. These design elements ensure the façades contribute to the overall architectural expression of the building while maintaining privacy and visual interest along the side elevations.

2.2.3.8 *x) All rooms above ground floor level, including kitchens and bathrooms, are to have windows or skylights.*

Council Urban Designer Comment:

'*Not Achieved* '

Proponent Response:

All primary habitable rooms have access to windows.

Figure 39: Diagram showing compliant habitable rooms and window openings prepared by COX

2.2.3.9 *xi) Roof design must form a coherent part of the whole building and be articulated.*

Council Urban Designer Comment:

'*Not Achieved*'

Proponent Response:

See response in Section **4N – Roof design** on page 38.

2.2.4 D5.6.5 Amenity

Visual privacy is an important consideration for residential development within the centre, and neighbours adjacent to the centre, as it is a major determinant of amenity.

Acoustic privacy is an important consideration in relation to the residential component of the centre, and neighbours adjacent to the centre, because it is a major determinant of amenity.

Council Urban Designer Comment:

'*Not Achieved*'

Proponent Response:

The Acoustic Report prepared by Renzo Tonin outlines the acoustic measures and methodologies for the site, ensuring compliance with noise emission requirements. Additionally, the Visual Privacy Assessment prepared by COX, which has been submitted with the DA, demonstrates that the design meets the privacy objectives.

2.2.5 D5.6.6 Solar Access and Natural Ventilation

Council Urban Designer Comment:

Not achieved

Proponent Response:

See response in Section **4S – Mixed Use** on page 39 and Section **3B – Orientation** on page 17.

Sydney Studio
70 George Street
The Rocks NSW 2000
Australia

T +61 2 9267 9599
coxarchitecture.com.au

COX Architecture Pty Ltd
ACN 002 535 891

Nominated Architects:
Joe Agius No. 6491
Ramin Jahromi No. 10000