

REFERRAL RESPONSE URBAN DESIGN

FILE NO: Development Application: 489/2024/1

ADDRESS: 33 Cross Street, Double Bay, NSW

PROPOSAL: Demolition of an existing 6 storey mixed use (retail and hotel) building, and construction of a new eight storey mixed use building with 29 apartments, a three screen cinema, a 39 room hotel, ground floor retail, commercial floorspace and associated landscaping. The existing two level basement car park (proposed 142 spaces) is retained.

ASSESSMENT: Complex, SEPP (Housing) & ADG

FROM: Stephen McMahon, Director Inspire Planning

TO: Anne White

Information

Architectural drawings: Cox Architects Project No. 224055, A-DA 1001 – 91700 Rev A

Landscape Plan: Dangar Barin Smith, Drawings LP01- LP14 D5924, Rev A, 10.10.24.

Statement of Environmental Effects: GSA Planning, Job 24326, November 2024

Survey: Not provided

Part 1: Site and Context

1.1 The Site and Existing Development

The site is described as 33 Cross Street (The Intercontinental Hotel Site) and comprises one lot (Lot 1 in DP793535). No survey has been provided. The Statement of Environmental Effects ('SEE', GSA, November 2024) notes that the site as an area of 3,674 sqm. The site is generally square in shape. The site boundaries as noted in the SEE are:

- Southern frontage 52.26 metres (to Cross Street);
- Northern rear boundary of 63.19 metres to No. Nos 27, 31-33 and 35-39 William Street;
- Eastern side boundary 70.235 metres to No.s 19-27 Cross Street and No.s 2 – 16 Transvaal Avenue; and
- Western side boundary of 59.55 metres to No. 45-51 Cross Street.

An aerial photograph and views are presented in **Figure 1** below and elevated views are presented in **Figure 2** that follows.



Figure 1: Aerial Photograph (source www.six.nsw.gov.au) and **Place Views of Site and Neighbours:**

- (Top): west along Cross Street with site frontage to right of view.
- (Middle): east along Cross Street with site frontage to left of view.
- (Bottom): North west to eastern side boundary wall with Transvaal Ave (View to wall to be obscured by adjoining development in No. 19-27 Cross Street - under construction)

The site is generally flat with a variation in landform of approximately 0.24 metres (east – west) to 0.58 metres (north south).

Existing development and site details below have been sourced or estimated from the information provided.

The site currently accommodates a large scale hotel complex. The following characteristics are relevant to this urban design review:

1. The hotel building comprises six storeys and has a nominated maximum height of 28.65 metres.
2. The gross floor area is nominated as 19,545 sqm, which equates to a nominated FSR of 5.32:1. (The calculation of GFA/site area results in an FSR of 5.31:1).
3. The building exhibits a perimeter block form with hotel rooms in a tower above a podium generally built to (or close to) all four property boundaries. The tower wraps around an open landscaped courtyard that commences in the podium at Level 1.
4. The podium accommodates the hotel front of house, ground floor lobby, back of house, function areas and commercial and retail spaces including café / restaurants and a gym. Activities are setback from Cross Street and generally separated from the footpath by the hotel driveway / porte cochere and building colonnade.
5. Podium height details are not provided. However on-site observations suggest the podium to have an equivalent height of 3 storeys (internally floor to ceiling heights may vary and a three storey form may not extend across all of the podium level).
6. With the exception of the Cross Street frontage, the podium presents a bank wall to its side and rear boundaries. The eastern side boundary wall extends upwards to include the hotel room tower.
7. The perimeter hotel room tower above the podium has a height of four stories plus a rooftop pool / bar and recreation area. The north, south and west elevations of the tower comprise hotels rooms with balconies projecting from the building wall overlooking neighbouring properties. There are minimal windows and no balconies in the eastern building wall addressing the eastern side boundary as noted above.
8. Pedestrian access to the building is available via the formal entrances from the hotel porte cochere addressing Cross Street and via a secondary pedestrian entrance to a network of 'mid-block' links/ pathways identified as the 'Galbraith Walkway' that connects to William Street and Transvaal Avenue.
9. Basement on-site parking for 158 cars is accessed via an offsite entrance at No. 45 Cross Street to the west.
10. A loading bay with turntable is located at the rear of the porte cochere in the colonnade addressing Cross Street.
11. The hotel building was constructed in the late 1980s / early 1990s. It displays a distinctive mock 'regency era' architectural style. The Statement of Environmental Effects describes it as "an architectural landmark and a crucial component of Double Bay's social and cultural heritage" (p.10). However, the demolition report that has been provided with the development application (Weir Phillips, October 2024) does not assign any heritage significance to the building.
12. The building's setbacks are not available due to the absence of the survey and the description in the Statement of Environmental Effects is incomplete. However, the following is noted:
 - Podium setbacks to the side and rear vary. They range from zero to a uniform approximate rear setback of 2.0 metres.

- The podium is setback from the Cross Street frontage by approximately 4.5 metres.
 - Hotel tower setbacks above the podium also vary. At Cross Street the setback to the balcony edges is approximately 5.8 metres. At the rear the balconies are setback from 2 to 10 metres. Along the western side balconies setbacks range from zero to 4.3 metres.
13. Windows and hotel rooms are located in the building's elevations addressing the northern, southern and western side boundaries and look into the neighbouring properties.
 14. There is no vegetation within the site. However, there is a notable tree canopy comprising mature Moreton bay Fig trees within the verges in Cross Street in front of and directly adjoining the site. According to the arborist report (Lee Hancock Arborist, 15 October 2024) no tree is proposed to be removed. However, some pruning is proposed.
 15. The vegetation provides some measure of privacy protection between windows in the building in the site, the street footpath and opposing windows in Cross Street.
 16. The presence of the trees results in the building not being visually prominent when viewed from the street frontage and within the Cross Street streetscape generally.

1.2 The Locality

The Site is located on the north side of Cross Street within the Double Bay Centre. The Double Bay Centre is a mixed-use centre distinguished by a wide range of building forms, heights, densities and architectural styles. Recent redevelopment has taken place in the immediate vicinity of the Site, along both sides of Cross Street opposite and adjoining the site, which has established an evolving and consistent 6 storey height building envelope.

1.3 Adjoining Road

Cross Street is a comparatively quiet local road in the Centre's hierarchy at this location and accommodates a wide pedestrian footpath with on-street parallel parking. There is an extensive, established tall street canopy present. Trees are planted in the road pavement.

1.4 Adjoining Development

To the West: To the west is a six-storey mixed-use (shop top) development (No. 45 to 51 Cross Street). The driveway access to its basement car park provides vehicle access to the basement car park within the site. Beyond that is the site of a four-storey mixed-use development that has development consent to be redeveloped with a six-storey commercial building with 2 levels of basement parking (DA 58/2021).

To the north:

To the north of the site development comprises low rise one and two storey low and medium density residential uses comprising detached cottages and town house / multi-unit housing addressing William Street.

Within the block there is a network of mid-block' links/ pathways comprising 'Galbraith Walkway' that connects to William Street and Transvaal Avenue.

To the east:

Adjoining the site, a six-storey shop top housing development has been approved at 19-27 Cross Street (DA321/2020) and has commenced construction. To the west of this development is the Transvaal Avenue shopping precinct. It is distinguished by a cluster of single storey Federation style / era cottages occupied by shops and commercial uses. It is a recognised heritage conservation area.

To the south:

On the opposite side of Cross Street, there are a series of recently constructed buildings, approved redevelopment sites and buildings under construction that comprise what is commonly known as the "Cross Street Block." The majority of properties in the block have been, or are approved to be, redeveloped for 6-storey shop top housing developments. By address these include Nos. 16-18, 20-26 and 28-34 Cross Street. They establish a consistent streetscape in terms of uses, design, built form character, setbacks, scale and height.

Part 2: The Proposal

The proposed development comprises the demolition of the existing hotel building within the site with the exception of the basement car park levels and street access via the existing driveway in 45-51 Cross Street and construction of a new eight storey mixed use building.

Of relevance to this assessment:

Building Envelope

1. The retained basements are proposed to be reconfigured including provision of a new ramp between levels and capped with a transfer slab to address the different structural characteristics of the basement and the new building above. No works are proposed to the car park entry driveway via No. 45 – 51 Cross Street.
2. The configuration of the proposed building footprint at the ground floor and levels 1 and 2 essentially follows that of the existing podium. It includes an indoor central atrium enclosed by a glazed roof around which the building wraps in a perimeter form;
3. At the upper levels (levels 3 to 7) the setbacks to the sides and rear of the site are generally consistent; while at the Cross Street the building generally addresses the street with increased upper level setbacks;

Setbacks

4. At the outset, many of the setback measurements shown in the architectural plans are incorrect, adopting building line locations for measurement purpose behind wall features such as fin walls, planter box edges, window alcoves and other protrusions. Setbacks of relevance comprise:

To the rear:

- (i) At the western end of the site the ground floor rear setback is reduced to zero and at level 2 is 0.6 metres to the edge of a planter box at the edge of a balcony of a residential Unit (No. 2.01). The ground floor setback at the eastern end is consumed by a bike rack. This effectively reduces the width of Galbraith Laneway at the rear of the site to a minimum of 1.6 metres (approx.);
- (ii) The setback to the rear (northern boundary) is increased in the centre of the site to 12.8 metres (ground floor) to accommodate an outdoor licensed courtyard. The setback decreases to 9.4 metres for all levels above (1 to 7) measured from the edge of the planter boxes;

- (iii) The minimum rear setback for the east and west components of the building at levels 2 to 7 are setback approximately 2.0 metres from the balcony edge.

To the east:

- (i) At the north eastern side boundary, a 2.1 metre setback is established at ground level to form a new pedestrian link. The link is enclosed and has no connectivity with the broader path network;
- (ii) Above the ground floor to Level 6 there is no side setback to any part of the eastern side boundary;
- (iii) At level 7 there is a varied side setback from zero to approximately 2.6 metres.

To Cross Street:

- (i) At Cross Street the building wall setback at ground level and levels 1, 2 and 3 is 3.0 and 4.1 metres to match the building lines established by buildings to the east and west);
- (ii) Above Level 3 at Cross Street, the building wall setback increases to 6.1 metres approx. (Levels 4 to 7);
- (iii) At Level 2 the architectural plans note a “potential deck” is proposed and will be ‘subject to separate DA.’

To the west:

- (i) At the north western side boundary there is no setback at ground level. Above ground level at this location there is a varied setback to a maximum of 3.2 metres that continues to Level 7;
- (ii) At the south western side boundary there is no setback from ground level to Level 7 with the exception of a recessed area where the eastern side boundary meets the Cross Street boundary on levels 3 to 6;
- (iii) At level 7 there is a varied side setback from zero to approximately 3.0 metres.

Proposed Uses

- 5. The building includes a mix of uses comprising:

Ground Floor:

- (i) At Cross Street the ground floor frontage includes two large retail tenancies (with suggested subdivision potential) addressing the street, access to a public pedestrian through site link via the atrium, the hotel lobby and a loading dock;
- (ii) The through-site link is gated at both ends and unavailable for public use “after hours” (times are not specified);
- (iii) The existing loading dock location at the building frontage to Cross Street is retained and brought forward to the ground floor building frontage and gated. It is small and only allows for service with a small truck, It serves separate commercial and residential waste rooms behind it and a ‘BOH’ (back of house’) area with lift. It is unclear what use the ‘BOH’ serves as it is not connected to any specific use. It is assumed that it must serve all uses as the lift connects the basement levels with the varied uses on the levels above. No operational waste management plan has been provided, and the frequency of use is unknown;
- (iv) Internally, the atrium provides access to the commercial lobby and two separate residential lobbies, the two large retail tenancies and a three screen cinema with a ‘pavilion’ (that may or may not be a bar to serve the licensed outdoor seating area. The uses are uncertain in this location);
- (v) The cinema and retail tenancies are located internally at the rear of the ground floor accessed via the atrium; They have no exposure to the street;

- (vi) The cinema includes a large toilet area that appears to be reserved for the cinema use. No other toilet facilities are provided for the retail tenancies;

Level 1:

- (i) Level 1 comprises 14 separate commercial tenancies with a total net lettable area of 2,000 sqm. Common toilets are provided together with a shared office area.
- (ii) The tenancies have outlook to the front and rear of the building and wrap round the atrium void.

Level 2:

- (i) Five residential apartments are located at the northern rear part of the building. Apartments comprise a mix of 1, 2 and 3 bedroom. Two spaces of two units rely on outlook to the internal atrium void (which increases in size). The spaces are partly enclosed and include an ensuite bathroom. It would be a simple task to convert these spaces into bedrooms.
- (ii) Windows to bedrooms and living rooms in two apartments are built to the side boundary of the site and will have to be fixed and fire protected. Overlooking to neighbours is addressed by the provision of privacy louvres or planter boxes. The planter boxes located directly on the side boundary will be difficult to maintain;
- (iii) Apartments are accessed by two separate and unconnected lift cores;
- (iv) A wellness centre is located at the southern front part of the building. It includes, but has no access to, the “potential deck subject to separate DA” noted above. The use of this deck space is unclear;
- (v) In the south west corner, there is a room of 48sqm identified as ‘hotel staff’ It has no windows, toilets or apparent function. It has poor connectivity with the hotel use that is located on Level 3 above.

Level 3:

- (i) Five residential apartments in a similar configuration and location to those in Level 2 below are provided in the northern rear part of the building;
- (ii) The balance of level 3 comprises 13 hotel rooms located at the southern front part of the building with 1.2 metre wide balconies and a non-trafficable landscaped planter box overlooking Cross Street.

Levels 4 and 5:

- (i) Four residential apartments, generally in the same location as those in Levels 2 and 3 below, are provided in the northern rear part of the building;
- (ii) Similar to the apartments in lower levels, the rear spaces of two apartments rely on internal light from the atrium and windows to bedrooms in two apartments are built to the side boundary of the site and will have to be fixed and fire protected;
- (iii) The balance of each level comprises 13 hotel rooms located at the southern front part of the building overlooking Cross Street similar to level 3 (to a total of 39 rooms). However, they have no balconies or landscaped planter box.

Level 6:

- (i) Level 6 comprises eight residential apartments with a mix of 1, 2 and 3 bedrooms;
- (ii) Two spaces of two units rely on outlook to the internal atrium void. The spaces are partly enclosed and include an ensuite bathroom. It would be a simple task to convert these spaces into bedrooms;

- (iii) Similarly, two spaces of two units are internal with no window or other external outlook. The spaces are partly enclosed and include an ensuite bathroom. It would be a simple task to convert these spaces into bedrooms;
- (iv) Windows to bedrooms and living rooms in two apartments are built to the side boundary of the site and will have to be fixed and fire protected. Overlooking is addressed by the provision of privacy louvres or planter boxes. The planter boxes located directly on the side boundary will be difficult to maintain;
- (v) Apartments are accessed by two separate and unconnected lift cores;

Level 7:

- (i) Level 7 comprises three north facing 'penthouse' residential suites with a mix of 1 and 4 bedrooms. Two of the penthouse apartments have terrace gardens with lawn and swimming pools.
- (ii) Three spaces of two units rely on outlook to the internal atrium void.
- (iii) Two spaces of two units rely on outlook to the internal atrium void. The spaces are partly enclosed and include an ensuite bathroom. It would be a simple task to convert these spaces into bedrooms;
- (iv) The floor space in the southern part of the floor addressing Cross Street accommodate residential space that is not clearly defined. The space appears to comprise 6 hotel rooms, two shared lounge rooms and a further independent lounge room with ensuite bathroom and walk in robe. These rooms are only accessible from the residential lifts and have no access to the hotel lobby and hotel lifts. All have access to shared balconies. They are not identified in the description of proposed development in the Statement of Environmental Effects.

Roof top:

- (i) The roof includes the atrium skylight. It is inaccessible and non-trafficable. It is proposed to accommodate solar panels and AC plant.
- (ii) The design does not indicate locations of any lift overruns in an area that is suggested to be partly sunken (i.e. the gravel area surrounding the skylight described as "roof void, natural light to level below").

Communal Space and Deep Soil

- 6. No communal open space areas or facilities are proposed. No deep soil areas are proposed.

Building Height

- 7. The maximum proposed height of the building is nominated in the Statement of Environmental Effects as 35.57 metres to existing ground level (below existing basement 2) or 28.65 metres (to the natural ground level). Thus, the proposed building is located above the maximum LEP height limit of 18.1 metres.
- 8. Floor to floor heights shown in the architectural plans comprise 3.8 and 3.7 metres for ground and first floor level commercial uses respectively, and 3.3 metres for hotel and residential uses at level 2 to 6 and 3.5 metres for level 7.

Gross Floor Area and FSR

- 9. The proposed GFA is nominated as 17,009.24 sqm in the development application. However, no gross floor calculations are provided in the architectural plans. (They are shown in images in the Clause 4.6 request).
- 10. With a site area of 3,674 sqm, the development has a proposed FSR of 4.63:1. This is above the maximum FSR standard of 2.5:1.

Architectural Design and Presentation

11. The architectural design displays a modern aesthetic with prominent voids, columns and horizontal spandrels. The distinctive vertical elements in the façade design that project from the building wall and extend, uninterrupted, to the ground break up the mass and width of the facade enabling it to be read as a series of narrower facades rather than one broad wall when viewed from the street.
12. The columns are proposed to comprise glass with internal vertical LED light tubes. They are intended to be visually prominent and illuminate the public domain and streetscape in the vicinity of the site.
13. The design of the building wall façade to the Cross Street frontage comprises a three storey wall with the addition of a projecting elevated horizontal portal that frames the level 4 terrace and generally obscures and nullifies the benefit of the setback. A six storey wall presents to the properties to the north at the rear setback and is recessed in the centre as described above.
14. The dominant materials and colours comprise terrazzo / sand coloured panels to the northern and southern elevations to level 6; while the top floor adopts a different approach to colours and materials using bronze coloured steel cladding. Thus, the building presents as a distinctive 'bottom' and recessed 'top'. The western and eastern elevations to the side boundaries adopt terrazzo / sand coloured panels.
15. A public art strategy is proposed where opportunities exist. The strategy is illustrative, somewhat aspirational and provides no specific detail.

Landscaping

16. Landscaping is minimal given the build form and façade character described above. Small planter boxes are proposed at the terrace and balcony edges of the development.

Part 3: Controls and Compliance

The proposal is assessed against the urban design components of the following pieces of legislation:

1. Chapter 4 of State Environmental Planning Policy (housing) 2021 (*formerly No. 65 — Design Quality of Residential Apartment Development (SEPP 65)* & Apartment Design Guide (ADG)
2. Woollahra Local Environment Plan 2014 (Woollahra LEP 2014)
3. Woollahra Development Control Plan 2015 (Woollahra DCP 2015)

The following is an assessment of the proposal against the relevant controls above.

3.1 SEPP (Housing) 2021 Chapter 4

Environmental Planning and Assessment Regulation 2021

Part 3 Clause 29 Design Verification Statement,	Comment	Complies
(1) A development application that relates to residential apartment development must be accompanied by a statement by a qualified designer. (2) The statement must— (a) verify that the qualified designer designed, or directed the design of, the development, and (b) explain how the development addresses— (i) the design principles for residential apartment development, and (ii) the objectives in Parts 3 and 4 of the Apartment Design Guide.	The Design Verification Statement provided in the development application is dated 31 October 2024, and addresses the submitted plans dated 11 October 2024. The Statement and accompanying ADG Compliance Table address the objectives in Parts 3 and 4 of the Apartment Design Guide.	Yes.

Assessment Against Schedule 9 Design Principles

Schedule 9 Principle & Statement	Comment	Complies
Principle 1: Context and Neighbourhood Character (1) Good design responds and contributes to its context, which is the key natural and built features of an area, their relationship and the character they create when combined and also includes social, economic, health and environmental conditions. (2) Responding to context involves identifying the desirable elements of an area's existing or future character. (3) Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. (4) Consideration of local context is important for all sites, including sites in the following areas— (a) established areas, (b) areas undergoing change, (c) areas identified for change.	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.	No.

Schedule 9 Principle & Statement	Comment	Complies
Principle 2: Built Form and Scale (1) Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. (2) Good design also achieves an appropriate built form for a site and the building's purpose in terms of the following— (a) building alignments and proportions, (b) building type, (c) building articulation, (d) the manipulation of building elements. (3) Appropriate built form— (a) defines the public domain, and (b) contributes to the character of streetscapes and parks, including their views and vistas, and (c) provides internal amenity and outlook	The proposed development sits higher in the site than the existing recent development and its building envelope scale, bulk and height are greater than the existing building. The building envelope height is not consistent with those of surrounding buildings, 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. The building provides a good address and contribution to the public domain within the confines of its infill siting. However, potential improvements are evident. The approach to the architectural design is an appropriate response to the streetscape character of the road. Configuration of living areas provides mixed internal amenity and outlook, much of which is borrowed from neighbouring properties.	No.
Principle 3: Density (1) Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. (2) Appropriate densities are consistent with the area's existing or projected population. (3) Appropriate densities are sustained by the following— (a) existing or proposed infrastructure, (b) public transport, (c) access to jobs, (d) community facilities, (e) the environment	Most apartments are dual aspect, enjoy good solar access and ventilation and have generous balcony sizes. The site is accessible to services and facilities. The proposed density is higher than that in the locality. The proposed FSR exceeds the maximum standards in the WLEP. This is discussed in Part 3.3 below.	Yes.
Principle 4: Sustainability (1) Good design combines positive environmental, social and economic outcomes. (2) Good sustainable design includes— (a) use of natural cross ventilation and sunlight for the amenity and liveability of residents, and (b) passive thermal design for ventilation, heating and cooling, which reduces reliance on technology and operation costs. (3) Good sustainable design also includes the following—	The proposal adopts a number of measures that facilitate a good response to the need for sustainability. Apartments enjoy good solar access and cross ventilation. Facilities for rainwater reuse and provision for roof top solar are proposed. Recycling of demolition waste is proposed.	Yes.

Schedule 9 Principle & Statement	Comment	Complies
(a) recycling and reuse of materials and waste, (b) use of sustainable materials, (c) deep soil zones for groundwater recharge and vegetation.		
Principle 5: Landscape (1) Good design recognises that landscape and buildings operate together as an integrated and sustainable system, resulting in development with good amenity. (2) A positive image and contextual fit of well-designed development are achieved by contributing to the landscape character of the streetscape and neighbourhood. (3) Good landscape design enhances the development's environmental performance by retaining positive natural features that contribute to the following— (a) the local context, (b) co-ordinating water and soil management, (c) solar access, (d) micro-climate, (e) tree canopy, (f) habitat values, (g) preserving green networks. (4) Good landscape design optimises the following— (a) usability, (b) privacy and opportunities for social interaction, (c) equitable access, (d) respect for neighbours' amenity. (5) Good landscape design provides for practical establishment and long term management.	The Landscape Plan proposes an appropriate approach to site landscaping. However, many of the landscape planter boxes located in the side elevations are impractical and will be difficult to maintain.	No.
Principle 6: Amenity (1) Good design positively influences internal and external amenity for residents and neighbours. (2) Good amenity contributes to positive living environments and resident well-being. (3) Good amenity combines the following— (a) appropriate room dimensions and shapes, (b) access to sunlight, (c) natural ventilation, (d) outlook, (e) visual and acoustic privacy, (f) storage, (g) indoor and outdoor space, (h) efficient layouts and service areas, (i) ease of access for all age groups and degrees of mobility.	The design of each floor plan in many locations does not offer a good standard of internal amenity. 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. Furthermore, the use of many of these rooms is ambiguous and / or poorly resolved. Some rooms appear unnecessarily large for their purpose and / or the uses that are proposed are superfluous or superficial. 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.	No.

Schedule 9 Principle & Statement	Comment	Complies
	Pedestrian access to the development is convenient and accessible from Cross Street. However, the function of Galbraith Walkway and public use of the nominated through-site link is compromised by building siting and security respectively.	
Principle 7: Safety <i>(1) Good design optimises safety and security within the development and the public domain.</i> <i>(2) Good design provides for quality public and private spaces that are clearly defined and fit for the intended purpose.</i> <i>(3) Opportunities to maximise passive surveillance of public and communal areas promote safety.</i> <i>(4) A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</i>	The proposed development effectively addresses the public domain. 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. Pedestrian and vehicle entrances enjoy good exposure, are legible and will be comfortable to use.	No, but potentially resolvable.
Principle 8: Housing Diversity and Social Interaction <i>(1) Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</i> <i>(2) Well designed residential apartment development responds to social context by providing housing and facilities to suit the existing and future social mix.</i> <i>(3) Good design involves practical and flexible features, including—</i> <i>(a) different types of communal spaces for a broad range of people, and</i> <i>(b) opportunities for social interaction among residents.</i>	The proposed development offers a good variety of apartment sizes.	Yes.
Principle 9: Aesthetics <i>(1) Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure.</i> <i>(2) Good design uses a variety of materials, colours and textures.</i> <i>(3) The visual appearance of well-designed residential apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</i>	The subdued modern architectural style displays a suitable aesthetic.	Yes.

3.2 Apartment Design Guide Assessment

Part 3: Siting the Development

This part provides guidance on the design and configuration of apartment development at a site scale. It is to be used during the design process and in the preparation and assessment of development applications.

Requirement Objective or Guidance	Comment	Complies
3A – Site analysis <i>Responsive to opportunities and constraints of site conditions and streetscape</i>	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.	No, for the reasons described above.
3B – Orientation <i>Responsive to streetscape character while optimising solar access within the development. Overshadowing of neighbouring properties in minimised during mid-winter. Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%. If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums. A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings.</i>	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.	No.
3C – Public domain interface <i>Transition between private and public domain is achieved without compromising safety and security. Upper level balconies and windows should overlook the public domain. Amenity of the public domain is retained and enhanced. Length of solid walls should be limited along street frontages. Terraces, balconies and courtyard apartments should have direct street entry, where appropriate. Opportunities for people to be concealed should be minimised. Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view. Where development adjoins public parks, open space or bushland, the design positively addresses this interface.</i>	The ground floor retail tenancies and through-site link improve the public domain quality. 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.	No.
3D - Communal and public open space <i>Minimum communal space area 25% of site area.</i>	No communal open space is proposed Appropriate solar access is provided.	No.

Requirement Objective or Guidance	Comment	Complies												
Minimum 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter). Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions. Communal open space should be consolidated into a well-designed, easily identified and usable area. Where communal open space cannot be provided at ground level, it should be provided on a podium or roof.														
3E – Deep soil zones Deep soil zones that allow for and support healthy plant and tree growth. <table border="1"> <thead> <tr> <th>Site area</th><th>Min Dim.</th><th>Deep soil zone (% of site area)</th></tr> </thead> <tbody> <tr> <td>< 650m²</td><td>-</td><td rowspan="4">7%</td></tr> <tr> <td>650 m² – 1,500m²</td><td>3m</td></tr> <tr> <td>> 1,500m²</td><td>6m</td></tr> <tr> <td>> 1,500m² with significant existing tree cover</td><td>6m</td></tr> </tbody> </table>	Site area	Min Dim.	Deep soil zone (% of site area)	< 650m ²	-	7%	650 m ² – 1,500m ²	3m	> 1,500m ²	6m	> 1,500m ² with significant existing tree cover	6m	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.	No.
Site area	Min Dim.	Deep soil zone (% of site area)												
< 650m ²	-	7%												
650 m ² – 1,500m ²	3m													
> 1,500m ²	6m													
> 1,500m ² with significant existing tree cover	6m													
3F – Visual privacy Minimum separation distances from buildings to side and rear boundaries: <table border="1"> <thead> <tr> <th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr> <tr> <td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr> <tr> <td>Over 25 m (+9 storeys)</td><td>12m</td><td>6m</td></tr> </tbody> </table> New development adjacent to existing buildings should provide adequate separation distances to the boundary in accordance with the design criteria. Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties. For residential buildings next to commercial buildings, separation distances should be	Building height	Habitable rooms and balconies	Non-habitable rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25 m (+9 storeys)	12m	6m	The building has a height of 8 storeys for this assessment. 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.	No.
Building height	Habitable rooms and balconies	Non-habitable rooms												
Up to 12m (4 storeys)	6m	3m												
Up to 25m (5-8 storeys)	9m	4.5m												
Over 25 m (+9 storeys)	12m	6m												

Requirement Objective or Guidance	Comment	Complies
measured as follows: for retail, office spaces and commercial balconies use the habitable room distances. Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping. Communal open space, common areas and access paths should be separated from private open space and windows to apartments, particularly habitable room windows. Windows should be offset from the windows of adjacent buildings.		
3G – Pedestrian access and entries Building entries and pedestrian access connects to and addresses the public domain. Access areas clearly visible from public domain. Multiple entries (including communal building entries and individual ground floor entries) should be provided to activate the street edge. The design of ground floor and underground car parks minimise level changes along pathways and entries. Pedestrian links should be direct, have clear sight lines, be overlooked by habitable rooms or private open spaces of dwellings, be well lit and contain active uses, where appropriate.	The proposed development offers a good level of connectivity, entry, access and visibility with Cross Street.	Yes.
3H – Vehicle access Vehicle access points designed and located to achieve safety. Car park access should be integrated with the building's overall facade. The width and number of vehicle access points should be limited to the minimum. Car park entry and access should be located on secondary streets or lanes where available. Garbage collection, loading and servicing areas are screened. Designed to minimise conflict with pedestrians and vehicles. Create high quality streetscapes.	The proposed development adopts a thoughtful approach to vehicle access. Streetscape and pedestrian impact from access is minimised.	Yes.
3J – Bicycle and car parking Car parking needs of the development provided off-street. Protrusion of car parks should not exceed 1m above ground level. Design solutions may include stepping car park levels or using split levels on sloping sites.	The proposed development provides undercover bicycle and bike storage. It is hidden from view.	Yes.

Part 4: Designing the Building

This part addresses the design of apartment buildings in more detail. It focuses on building form, layout, functionality, landscape design, environmental performance and residential amenity. It is to be used during the design process and in the preparation and assessment of development applications.

Requirement	Comment	Complies										
4A – Solar and daylight access <i>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter in the Sydney Metropolitan Area.</i> <i>A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid-winter.</i>	Achieved.	Yes.										
4B – Natural ventilation <i>At least 60% of apartments are naturally cross ventilated in the first 9 storeys.</i> <i>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</i>	The majority of apartments are corner or dual aspect and offer good opportunities for cross ventilation.	Yes.										
4C – Ceiling heights <i>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</i> <table><tr><td><i>Apartment</i></td><td><i>Minimum ceiling height</i></td></tr><tr><td><i>Habitable rooms</i></td><td><i>2.7m</i></td></tr><tr><td><i>Non-habitable</i></td><td><i>2.4m</i></td></tr><tr><td><i>Attic spaces</i></td><td><i>1.8m with 30° minimum ceiling slope</i></td></tr></table> <i>Minimum floor to floor height 3.1m (4C.5).</i>	<i>Apartment</i>	<i>Minimum ceiling height</i>	<i>Habitable rooms</i>	<i>2.7m</i>	<i>Non-habitable</i>	<i>2.4m</i>	<i>Attic spaces</i>	<i>1.8m with 30° minimum ceiling slope</i>	The nominated floor to floor height is 3.3 or 3.5 metres which will achieve the 2.7 metre floor to ceiling height once floor materials and possible plumbing or ceiling AC ducting is installed.	Yes.		
<i>Apartment</i>	<i>Minimum ceiling height</i>											
<i>Habitable rooms</i>	<i>2.7m</i>											
<i>Non-habitable</i>	<i>2.4m</i>											
<i>Attic spaces</i>	<i>1.8m with 30° minimum ceiling slope</i>											
4D – Apartment size and layout <i>Apartments are required to have the following minimum internal areas:</i> <table><tr><td><i>Apartment type</i></td><td><i>Minimum internal area</i></td></tr><tr><td><i>Studio</i></td><td><i>35m²</i></td></tr><tr><td><i>1 bedroom</i></td><td><i>50m²</i></td></tr><tr><td><i>2 bedrooms</i></td><td><i>70m²</i></td></tr><tr><td><i>3 bedrooms</i></td><td><i>90m²</i></td></tr></table> <i>Every habitable room must have a window in an external wall with a total minimum glass area of at least 10% of the floor area of the room.</i> <i>Habitable room depths are limited to a maximum of 2.5 x the ceiling height.</i> <i>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</i> <i>Master bedrooms have a minimum area of 10m2 and other bedrooms 9m2 (excluding wardrobe space).</i> <i>A window should be visible from any point in a habitable room.</i>	<i>Apartment type</i>	<i>Minimum internal area</i>	<i>Studio</i>	<i>35m²</i>	<i>1 bedroom</i>	<i>50m²</i>	<i>2 bedrooms</i>	<i>70m²</i>	<i>3 bedrooms</i>	<i>90m²</i>	All apartments achieve and excessively exceed the minimum area. However, apartments are poorly configured and exhibit an inefficient use of space. 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. For example: U3.04, a two bedroom unit, has an internal area of 241sqm; while U4.01, a three bedroom unit has an area of 336sqm. Both examples are well over minimum size. Some habitable rooms do not have visibility to a window.	No.
<i>Apartment type</i>	<i>Minimum internal area</i>											
<i>Studio</i>	<i>35m²</i>											
<i>1 bedroom</i>	<i>50m²</i>											
<i>2 bedrooms</i>	<i>70m²</i>											
<i>3 bedrooms</i>	<i>90m²</i>											

Requirement	Comment	Complies												
Bedrooms have a minimum dimension of 3m (excluding wardrobe space). Living rooms or combined living/dining rooms have a minimum width of: <table><tr><td>Apartment type</td><td>Minimum width</td></tr><tr><td>1 bedroom</td><td>3.6m</td></tr><tr><td>2 bedrooms</td><td>4m</td></tr><tr><td>3 bedroom</td><td>4m</td></tr></table> The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	Apartment type	Minimum width	1 bedroom	3.6m	2 bedrooms	4m	3 bedroom	4m	Maximum habitable room depth exceeds 8.0 metres from a window in many units.					
Apartment type	Minimum width													
1 bedroom	3.6m													
2 bedrooms	4m													
3 bedroom	4m													
4E – Private open space and balconies All apartments are required to have primary balconies as follows: <table><tr><td>Apartment type</td><td>Min. width</td><td>Min. depth</td></tr><tr><td>1 bedroom</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bedroom</td><td>12m²</td><td>2.4m</td></tr></table> For apartments at ground level, a private open space area shall be provided instead of a balcony with minimum area of 15m² and minimum depth of 3m.	Apartment type	Min. width	Min. depth	1 bedroom	8m ²	2m	2 bedroom	10m ²	2m	3+ bedroom	12m ²	2.4m	All balconies meet the minimum area and depth requirements.	Yes.
Apartment type	Min. width	Min. depth												
1 bedroom	8m ²	2m												
2 bedroom	10m ²	2m												
3+ bedroom	12m ²	2.4m												
4F – Common circulation and spaces Maximum number of apartments off a circulation core on a single level is eight (8). Daylight and natural ventilation should be provided to all common circulation spaces that are above ground. Longer corridors greater than 12m in length from the lift core should be articulated. Design solutions may include: a series of foyer areas with windows and spaces for seating; wider areas at apartment entry doors and varied ceiling heights.	The circulation core (essentially the lift lobby area) on each floor provides access to less than eight apartments.	Yes.												
4G – Storage In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <table><tr><td>Dwelling type</td><td>Storage size volume</td></tr><tr><td>Studio</td><td>4m³</td></tr><tr><td>1 bedroom</td><td>6m³</td></tr><tr><td>2 bedroom</td><td>8m³</td></tr><tr><td>3+ bedrooms</td><td>10m³</td></tr></table> Note: At least 50% of the required storage is to be located within the apartment.	Dwelling type	Storage size volume	Studio	4m ³	1 bedroom	6m ³	2 bedroom	8m ³	3+ bedrooms	10m ³	Storage for apartments is proposed internally within units. However, no locations are shown beyond suggestions that lounge room and kitchen cupboards, hallways and laundries will suffice. This is inconsistent with the objective.	No.		
Dwelling type	Storage size volume													
Studio	4m ³													
1 bedroom	6m ³													
2 bedroom	8m ³													
3+ bedrooms	10m ³													
4H – Acoustic Privacy Noise transfer is minimised through the siting of buildings and building layout. Noise impacts are mitigated within apartments through layout and acoustic treatments.	A noise assessment is provided. The potential source of any external noise issues would most likely be from the traffic using Cross Street, the loading dock, internal plant and	Unknown, subject to peer review and consideration												

Requirement	Comment	Complies
<i>Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses (see also section 2F Building separation and section 3F Visual privacy).</i>	the ground floor outdoor licensed area at the rear. The assessment concludes that there will be no impact on receivers. Given the observed use of the road, no concerns are apparent. The Acoustic study treats the space as an F&B / café and notes the presence of a 4.5 metre noise screen along the northern edge of the courtyard to ameliorate noise impact. 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. Regarding the loading dock, the Acoustic study is based on it accommodating only a small vehicle. No operational waste management plan has been provided, and the frequency of use is unknown. However given the scale of development, the scale and mix of uses and the small, constrained nature of the dock it has to be assumed that it will be high. The onsite loading dock will require application of a management plan and conditions to ensure that noise impacts are minimised. Apartment sizes are large and separation between apartments is high minimising internal noise transmission between apartments.	of further information.
4J – Noise and Pollution <i>The impacts of external noise and pollution are minimised through careful siting and layout of buildings.</i>	No air quality assessment is provided. The potential source of any air quality and external noise	Yes.

Requirement	Comment	Complies
Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.	issues would most likely be from the traffic using Cross Street. Given the observed use of the road, together with the setback of the proposed building from the road, no air quality concerns are apparent.	
4K – Apartment mix A range of apartment types and sizes is provided.	The proposal offers a mix of housing sizes and variety.	Yes.
4L – Ground floor apartments Street frontage activity is maximised where ground floor apartments are located. Apartments deliver amenity and safety for residents. Direct street access should be provided to ground floor apartments	N/A	N/A
4M – Facades Building facades provide visual interest along the street while respecting the character of the local area. Entries are clearly defined. Building services should be integrated within the overall façade.	The approach to the design of the building façade respects the character of the area. Building services are generally not visible from the public domain.	Yes.
4N – Roof design Roof treatments are integrated into the building design and positively respond to the street	The roof is not trafficable, and rooftop plant is proposed to be integrated into the building design. No lift overruns are shown, and the roof design appears unresolved.	No.
4O – Landscape design Landscape design is viable and sustainable. Landscape design contributes to the streetscape and amenity.	Minimal landscaping is proposed given the urban character of the proposed development. However, the approach to the planter boxes in the east and west walls needs revision. This is discussed elsewhere.	No.
4P – Planting on structure Appropriate soil profiles are provided. Plant growth is optimised with appropriate selection and maintenance. Planting on structures contributes to the quality and amenity of communal and public open spaces	Some planting is proposed on the roof top. Soil profiles and depth details are provided for these locations.	Yes.
4Q – Universal design Universal design features are included in apartment design to promote flexible housing for all community members. A variety of apartments with adaptable designs are provided. Apartment layouts are flexible and accommodate a range of lifestyle needs. Developments achieve a benchmark of 20% of the total apartments incorporating the Liveable Housing Guideline's silver level universal design features.	The private open space areas, vertical access, apartment sizes and layout and amenity of each unit generally provide a high level of flexibility to evolve as households evolve.	Yes.

Requirement	Comment	Complies
4R – Adaptive reuse <i>New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.</i> <i>Adapted buildings provide residential amenity while not precluding future adaptive reuse.</i>	The application is for a new development.	N/A
4S – Mixed use <i>Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.</i> <i>Residential levels of the building are integrated within the development, and safety and amenity are maximised for residents.</i>	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.	No.
4T – Awnings and signage <i>Awnings are well located and complement and integrate with the building design.</i> <i>Signage responds to the context and desired streetscape character.</i>	Awnings at street level are proposed.	Yes
4U – Energy efficiency <i>Development incorporates passive environmental design.</i> <i>Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.</i> <i>Adequate natural ventilation minimises the need for mechanical ventilation.</i>	The proposed development offers high levels of natural ventilation and there are opportunities for rooftop solar provision. The proposal satisfies the relevant objectives or design criteria prescribed by this Part.	Yes.
4V – Water management and conservation <i>Potable water use is minimised.</i> <i>Urban stormwater is treated on site before being discharged to receiving waters.</i> <i>Flood management systems are integrated into site design.</i>	The Stormwater Plan provides information to demonstrate appropriate rainwater collection and reuse.	Yes.
4W – Waste management <i>Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.</i> <i>Domestic waste is minimised by providing safe and convenient source separation and recycling.</i>	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.	No.
4X – Building maintenance <i>Building design detail provides protection from weathering.</i> <i>Systems and access enable ease of maintenance.</i> <i>Material selection reduces ongoing maintenance costs.</i>	While no information has been provided with regards to the building maintenance, I consider the proposed materials selected, will not require excessive maintenance. No access to some planter boxes for maintenance is evident.	No.

3.3 Woollahra Local Environment Plan 2014 (WLEP2014)

The proposed development is assessed against the relevant provisions of WLEP 2014 in the table below.

	Clause Objective / Control	Assessment	Complies
Zoning	E1 Local Centre Objectives • To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area. • To encourage investment in local commercial development that generates employment opportunities and economic growth. • To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area. • To encourage business, retail, community and other non-residential land uses on the ground floor of buildings. • To provide for development of a scale and type that is compatible with the amenity of the surrounding residential area. • To ensure development is of a height and scale that achieves the desired future character of the local centre. • To encourage development that is compatible with the local centre's position in the centre's hierarchy. • To ensure development provides diverse and active ground floor uses to contribute to vibrant and functional streets and public spaces. • To maximise public transport patronage and encourage walking and cycling.	The proposed use is permissible, and it can meet the following objectives of the zone: • It provides floor space suitable for a range of retail and business uses that serve the needs of people who live in, work in and visit the area. • It will encourage employment opportunities and economic growth. • It has the potential to attract new business and commercial opportunities. • It will provide active ground floor uses to contribute to vibrant and functional streets and public spaces. • It will be a development that is compatible with the local centre's position in the centres' hierarchy. • It will maximise public transport patronage and encourage walking and cycling. The proposed development is not consistent with the balance of the relevant objectives as follows: • To provide for development of a scale and type that is compatible with the amenity of the surrounding residential area. In my opinion the proposed development is of a height and scale that will not achieve the desired future character of the centre. I will	No.

	Clause Objective / Control	Assessment	Complies
		elaborate on this opinion in further discussion below.	
Clause 4.3 Height of Buildings	<i>Objectives:</i> (a) <i>to establish building heights that are consistent with the desired future character of the neighbourhood,</i> (b) <i>to establish a transition in scale between zones to protect local amenity,</i> (c) <i>to minimise the loss of solar access to existing buildings and open space,</i> (d) <i>to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,</i> (e) <i>to protect the amenity of the public domain by providing public views of the harbour and surrounding areas.</i>	Maximum height limit is 18.1 metres. The maximum proposed height is 35.37 (or 28.65) metres. The maximum exceedance encompasses levels 3 to 7 or 5 to 7 depending on definition. The application includes a Clause 4.6 written request to vary the standard. I have reviewed the justification to vary the height standard in the request. I do not support the variation in this instance as the proposed height is inconsistent with the objectives of the E1 zone and Clause 4.3 (Height). I will elaborate on this opinion in further discussion below.	No.
Clause 4.4 Floor Space Ratio	<i>Objectives:</i> <i>for buildings in ..., Zone E1 Local Centre, ...—to ensure that buildings are compatible with the desired future character of the area in terms of bulk and scale.</i>	The maximum FSR is 2.5:1 The proposed FSR nominated in the development application is 4.36:1. I have reviewed the justification to vary the FSR standard. I do not support the variation as the proposed resulting floor space would be consistent with the objective. I will elaborate on this opinion in further discussion below.	No.
Clause 4.4E Floor Space Ratio	<i>The maximum FSR for a dual occupancy, dwelling house or semi-detached dwelling in zones R2 & R3</i>	N/A	N/A
Clause 5.10 Heritage	<i>Clauses 5.10 (4) and (5) require Council to consider the effect of a proposed development on the</i>	The property is not heritage listed, is not identified as a contributory item and is	Unknown.

	Clause Objective / Control	Assessment	Complies
	<i>heritage significance of a heritage item or conservation area.</i>	within the vicinity of a heritage item. I defer to heritage experts on this matter. However, I note that the visual prominence, and intrusion of the proposed development compared to that which exists will be greater.	
Clause 6.4 Limited development on foreshore area	<i>The Foreshore Building Line (FBL) provisions contained in Clause 6.4 require a setback of 30m from the MHWM.</i>	N/A	N/A
Clause 6.9 Tree Canopy Cover in Zones R2 and R3	<i>Clause 6.9 requires development in R2 and R3 zones to plant trees and retain and minimise; disturbance and adverse impacts on existing canopy trees which are to be retained. (The Clause does not apply to certain HCAs)</i>	N/A	N/A

The proposal includes a request for a variation to the height and FSR standards in WLEP 2014. I will discuss these below.

3.3.1 Height Variation

The application includes a request for a variation to the height standard in the LEP. It nominates 'Test 1' established in *Wehbe v Pittwater Council* as the basis upon which the request is founded.

Wehbe's Test 1 seeks to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.

I have reviewed the key aspects of the request and note that:

1. The desired future character for the site is identified and defined by:
 - The height and FSR controls;
 - The objectives of the zone; and
 - Existing developments and recent developments / approvals.
 - The Desired Future Character Statement in WDCP 2015.
2. The height of surrounding buildings has evolved to be a consistent 6 stories. This is a recent outcome (and legacy) from numerous recent previous development consents;
3. There have been no approvals within Cross Street above 6 stories and no evidence has been provided that support a change in character and resulting variation to the prevailing six storey building form;

4. The proposed height variation will be visually apparent from numerous viewpoints and will appear out of context with the existing neighbouring streetscape character within Cross Street and the townscape character of double Bay broadly. Thus, it is inconsistent with Objective 1a of Clause 4.3 of WLEP 2014;
5. The site directly adjoins an R3 zone. It will incur many impacts including visual privacy, visual intrusion, reduced quality and function of the established pathway network and potentially acoustic impact. Thus, it is inconsistent with Objectives 1b and 1(d) of Clause 4.3 of WLEP 2014;
6. The proposed variation incurs additional shadow impact on the ground floor and public domain of neighbours to the south. Thus the proposal is inconsistent with Objective 1(c) of Clause 4.3 of WLEP 2014; and
7. No comprehensive visual impact analysis has been provided. The assessment (Urbis October 2024) is selective and completely ignores potential impacted properties in the centre of Double Bay. I am not able to determine, what, if any, impacts are there by way of the presence of an 8 storey building form in front of properties on Knox Street and lower level in surrounding apartment buildings (among other potential locations in and adjoining Double Bay). In other words, I cannot conclude that the proposed variation does not cause any unreasonable visual impact or visual intrusion from points to the south. Thus it may be inconsistent with Objective 1(e) of Clause 4.3 of WLEP 2014.
8. The economic and social benefits of the proposal can be equally enjoyed (and the objectives achieved) by a fully compliant development with a height and scale that is consistent with the desired future character for the area.
9. No additional urban design benefits are offered by the proposed additional levels of the building that, in my opinion, sufficiently informs or justifies the variation. Any urban design benefits identified could be achieved by a complying better designed development.
10. The Draft Double Bay Centre Planning & Urban Design Strategy does not provide any guidance on the future development of the site. The Desired Future Character for the site is identified as the existing development.

I consider that the written request is not well founded. It has not satisfactorily demonstrated that:

1. compliance with the development standard is unreasonable and unnecessary; and
2. there are sufficient environmental planning grounds to support the request.

In conclusion I consider the request for a variation to the height standard to be not well founded and the variation is not supported.

3.3.2 FSR Variation

The application includes a request for a variation to the FSR standard in WLEP 2014. It nominates 'Test 1' established in *Wehbe v Pittwater Council* as the basis upon which the request is founded.

Wehbe's Test 1 seeks to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.

For the sake of efficiency, I have not summarised the key aspects of the FSR request as it relies on the same material and justifications as presented in the Height variation request discussed above.

As with the height request, at the heart of the FSR request is the position that non-compliance by the proposed development with the applicable FSR development standard is consistent with the desired density and character of the area. The precedent established by previous approvals in the Double Bay Centre that have included similar large magnitudes of variations to the FSR control establishes a trend that has resulted in the DFC for the site evolving and the proposed variation to the FSR control in this instance is consistent with the evolved DFC.

I consider the request for a variation to the FSR standard to be similarly not well founded, for the same reasons as discussed above.

3.4 Woollahra Development Control Plan 2015 (WDCP 2015)

The proposed development is assessed against the relevant provisions Chapter D5 'Double Bay Centre' of WDCP 2015 in the table below.

Control	Objective / Control Summary	Assessment	Complies
D5.1.3 Objectives	The relevant objectives of Part 5 are: O1 ... O2 To develop the particular qualities of different parts of the Double Bay Centre. O3 To encourage a diverse mix of uses in the Double Bay Centre and maintain retail uses at ground level. O4 To conserve and enhance the visual and environmental amenity of all buildings and places of heritage significance in the Double Bay Centre. O5 To enhance the way development contributes to a sense of place. O6 To ensure a high standard of architectural and landscape design in any new developments within the Double Bay Centre. O7 To preserve and enhance the diversity of uses in 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. O10 To ensure new development is designed to be compatible with the heritage significance of listed heritage items.	The proposal achieves the majority of the objectives, with the exception of the following for the reasons discussed through this review: - 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.	No.
D5.4.7 Street Character	The DCP does not have one overarching Desired Future Character (DFC) for the Centre.	The proposal achieves Point (a).	Yes.

Control	Objective / Control Summary	Assessment	Complies
	Rather, it has individual street specific DFCs. The site is located in the Cross Street character area and has the following desired future character: a) Unify the street on the north side by building to the street boundary.		
D5.5 Built Form Envelopes: Control Drawings			
D.5.5.7 Control Drawing 3	i) A five storey height limit that transitions to four stories and a building envelope separated into two wings by a two storey internal space applies to the site	The setbacks, building heights and articulation sought by the Control Drawing are not achieved by the proposed development.	No.
D5.6 Development Controls			
D5.6.2 Use	A mix of uses with ground and first floor retail / commercial and upper storey residential is encouraged. Consider design solutions that promote retail, commercial use at first floor level such as galleried arcades. Access to residential uses should not occupy more than 20% of the ground floor frontage. The maximum retail frontage at street level for individual premises identified on the diagram above must correspond with current lot widths. Other lots must not exceed 15m for each street frontage. The architectural resolution of buildings on amalgamated small lots identified in Figure 19 must express existing lot widths.	Generally, achieved with the exception of possibly acoustic impact.	Unknown.
D5.6.3 Urban Character	i) <i>Habitable rooms should generally achieve a minimum floor to ceiling height of 2.7m.</i> ii) <i>Level 3-5 building depth is limited to 15.6m including the articulation zones.</i> iii) <i>Development must comply with the building envelope and setback controls in the DCP.</i> iv) <i>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.</i>	Achieved Not achieved The building envelope controls are not achieved as noted above. Not achieved. Not achieved.	Yes. No. No. No. No.

Control	Objective / Control Summary	Assessment	Complies
	v) <i>The minimum floor to floor height for ground floor retail is 4 metres and commercial office is 3.4 metres.</i> vi) <i>Promote buildings of articulated design and massing, with building facades that contribute to the character of the street, and provide useable external spaces.</i> vii) <i>Side setbacks must protect privacy to adjoining buildings; and protect access to natural light and ventilation to adjoining buildings and residential areas.</i> viii) <i>Architectural Resolution ensures that development enhances the visual quality and identity of the centre through well considered design, high quality materials and facade colours that do not dominate the street.</i> ix) <i>Richly articulate facades to express the different levels of the building and/or its functions.</i> x) <i>All rooms above ground floor level, including kitchens and bathrooms, are to have windows or skylights.</i> xi) <i>Roof design must form a coherent part of the whole building and be articulated.</i>	Not achieved Not achieved Achieved Not achieved to Side boundaries Not achieved. Not achieved.	No. No. Yes. No. No. No.
D5.6.4 Relationship to Public Domain	i) <i>Encourage consistent awning design throughout the centre. Awning cover should be within 5° of horizontal, with a minimum soffit height of 3.2m</i> ii) <i>Arcades must have a minimum width of 3m; and ceiling height of 3.6m</i> iii) <i>Arcades must, to the extent possible, provide a clear sightline from one end to the other for surveillance and accessibility.</i> iv) <i>A minimum of 75% active frontage to lanes, measured as a linear ratio across the width of a lot, is generally required.</i> v) <i>Vehicle access points and building entrances must be separate and clearly defined to avoid pedestrian and vehicular conflicts.</i> vi) <i>Ensure service areas are unobtrusive and have minimal lane presence. Preferably orientate service areas within</i>	Awning design is acceptable. Achieved. Achieved. N/A This is achieved. This is achieved.	Yes. Yes. Yes. N/A Yes. Yes.

Control	Objective / Control Summary	Assessment	Complies
	<i>the building envelope, perpendicular to lane frontage.</i> <i>vii) Services, such as garbage areas and electrical substations, should not dominate the laneway frontage or otherwise unreasonably reduce the opportunity to establish an active frontage to the laneway.</i> <i>viii) the provision of public art in significant or large-scale developments.</i> <i>ix) Retail, restaurant, cafe shopfronts should be glazed and able to be opened and/or provide through shop/lot visibility.</i>	This is achieved. This can be is achieved. This can be is achieved.	Yes. Potentially Yes. Potentially Yes.
D5.6.5 Amenity	<i>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.</i> <i>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.</i>	Not achieved for the reasons described elsewhere in this review.	No.
D5.6.6 Solar Access and Natural Ventilation	<i>Preserve solar access to ... the footpath on the south side of ... Cross Street between 12 noon and 2pm on 21 June</i> <i>The maximum building depth of development for levels 3-5 is 15.6m to achieve buildings that are substantially naturally lit and ventilated.</i> <i>Skylights that provide the sole source of daylight and ventilation to habitable rooms are not permitted.</i>	Not achieved for the reasons described elsewhere in this review.	No.
D5.6.8 Parking and Site Facilities	<i>i) Ensure the impact of car parking on the site and streetscape is handled discretely.</i> <i>ii) Ensure the design of on-site car parking is safe and efficient, and integrated with the overall site and building design.</i> <i>iii) Consolidated parking areas are preferred below ground level where possible and concentrated under building</i>	Generally achieved (except loading).	Yes.

Control	Objective / Control Summary	Assessment	Complies
	<i>footprints to maximise the area for landscaping areas.</i> <i>iv) Vehicular access to a building is only permitted via a rear lane or rear right of way where possible.</i> <i>v) If loading facilities are provided, they must be located in a rear lane or side street.</i> <i>vi) First floor car parking is not permitted to address street fronts. Parking space must be located in the middle of blocks or toward the rear of the allotment. Facades screening car parks from the street must be high quality and allow natural lighting and ventilation.</i> <i>vii) Site facilities, particularly garage areas, are to be visually integrated with the development to minimise their visibility from the street.</i> <i>viii) Hydraulic fire services such as fire hydrants and booster installations are concealed.</i> <i>ix) Buildings are designed to accommodate venting from ground floor uses to avoid potential impacts from exhaust and odour such as cooking smells.</i> <i>x) Air conditioning units and other plant equipment should not be readily visible from the public domain.</i>	Site facilities are generally well considered.	

Part 4: Urban Design Review

4.1 Summary

The proposed development represents the redevelopment of an existing large hotel building in the centre of Double Bay with a new, much larger, mixed use building. The proposal seeks to capitalise on the redevelopment opportunity offered by the form of the existing development including its poor relationship with its neighbours to the north, east and west.

I do not consider that the design of the proposal has made full use of the site's attributes, characteristics and opportunities and has relied too much on the existing building envelope, complete with its shortcomings and impacts.

Rather than remedy these shortcomings and impacts, essentially the proposal seeks to fill the building envelope established by the existing building and inflate its gross floor area by adding two stories and absorbing some of the existing lower level floor setbacks.

The concerns with this approach are manifest in a number of areas.

The proposal exhibits an inefficient use of internal floor area particularly the upper level residential uses which, despite the inflated size of units, fail in multiple instances to achieve the Design Principles in the Housing SEPP (Chapter 4) and guidance in the Apartment Design Guide.

At the ground floor the provision of large and somewhat bespoke retail and entertainment spaces and uses, that are effectively hidden at the back of development and obscured from the commercial exposure to Cross Street, have potential to create amenity impacts on neighbours if not carefully and skilfully used and managed.

The two additional floor levels raise particular concerns regarding potential view and privacy loss, and solar loss to Cross Street's high quality public domain and streetscape character.

Regarding the proximity of the existing dwellings to the north, the proposal fails to acknowledge the presence of the buildings and, rather than maintain or increase building separation, seeks a reduction in separation such that privacy and visual intrusion is further impacted. The proposal seeks to borrow the amenity of its neighbours to reinforce and support its own amenity.

Finally, there are also numerous inconsistencies with the requirements of the WLEP 2014 and the WDCP 2015.

Overall, given the numerous concerns raised above, I do not support the proposed development.

Furthermore, I experienced difficulties in this review with the poor documentation, errors or lack of detail in the architectural plans, obvious gaps in the accompanying environmental assessments and lack of survey detail that accompanied the development application. The shortcomings are numerous and are identified in the review above. For brevity I will not repeat them here.

4.2 Recommendation

Taking a simplistic approach to the conclusion above would dismiss the significant opportunity that a successful redevelopment of the site may offer to the economic and social vibrancy, and character and function of Double Bay.

The site is the largest and last remaining site after the Kiaora Lands (completed) and the Council Cross Street car park (currently being investigated). The three sites are within comfortable walking distance of each other. They could function in a complementary fashion, collaboratively and via multiplier benefits of agglomeration of activities, elevating Double Bay, reinforcing its long term future.

The development of the site is a major opportunity that warrants similar attention and design development that was afforded to the Kiaora Lands development and that can deliver an equally good outcome.

To capitalise on the possible increased development potential that may result from this process, the focus must not be on residential use. Whilst increased housing supply is important, it cannot be the sole reason for supporting an increase in the scale of development on the site as this would squander the opportunity (and possibly the last opportunity) for the development of a mixed use building to deliver more wide ranging benefits to Double Bay. These include increased employment and access to new retail, commercial, hospitality and entertainment uses that are currently absent from Double Bay (and may be so due to a lack of appropriate space). Any increase in gross floor area should include a cap on residential floor space.

Thus, my recommendation is not simply one of refusal or redesign, it is one where Council and the developer work together to find new appropriate use(s) and a form of development for the site via the preparation of an agreed site specific design outcome. This would be accompanied by a suite of site specific development controls in the DCP and a site specific spot rezoning of the site that may increase height and floor space ratio controls. The DCP and LEP controls should aim to improve both the site's contribution to the function of Double Bay and the amenity of existing adjoining / neighbouring uses.

Council has successfully achieved this on a number of sites within the Woollahra Municipality and that success is a testimony to the potential offered by the process.

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