gsa planning

STATEMENT OF ENVIRONMENTAL EFFECTS

Demolition of Existing Building and Construction of a Shop-top Housing Development at

Nos. 19-27 Cross Street,

Double Bay

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JOB NO. 18005
August 2020

PIA Planning Institute Australia

CPP CERTIFIED PRACTISING PLANNER

This report has been prepared and reviewed in accordance with our quality control system. The report is a preliminary draft unless it is signed below.

Job No: 18005

Document Issue	Date	Details
A	14 August 2020	Initial Review
B	17 August 2020	Director Review
C	24 August 2020	Client Review
D	28 August 2020	DA Lodgement

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Date : 28 August 2020

For and on behalf of

GSA Planning
95 Paddington Street
PADDINGTON NSW 2021

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1.0 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared for Tri-Anta Pty Ltd by Gary Shiels & Associates Pty Ltd (hereafter referred to as GSA Planning). GSA Planning has expertise in Urban Design, Environmental & Traffic Planning.

This SEE is to accompany a development application to Woollahra Council for the demolition of the existing building and the construction of a shop-top housing development at Nos. 19-27 Cross Street, Double Bay on the corner of Transvaal Avenue.

Designed by Luigi Rosselli Architects, the proposal is a contemporary, six-storey shop-top housing development that consists of two levels of basement parking, ground-floor retail/business tenancies, and residential apartments on the upper five levels. A common area swimming pool and plant rooms within the roof space is located on the roof.

The proposal is on a corner site and will provide an appropriate scale with consideration to the multi-storey 'InterContinental Hotel Double Bay' on the western adjacent site, and the approved and new mixed use developments to the southern side of Cross Street. This includes three approved six-storey developments at Nos. 16-18 Cross Street, Nos. 20-26 Cross Street, and Nos. 28-34 Cross Street, essentially transforming the desired future character within the immediate context of the subject site. The proposed building has been sympathetically designed to ensure an appropriate transition to the low-rise shops and businesses to the north and east. The location in the Double Bay Centre is convenient to shops, services, community facilities and public transport, and will provide a development with a mix of retail/business uses and residential accommodation that serves the community's needs. The mix of apartments proposed will support a range of lifestyles and abilities, with the incorporation of adaptable units and parking spaces.

Luigi Rosselli Architects' design philosophy behind the proposed development centres on reinforcing and enhancing the boulevard character through multiple design solutions. The cylindrical corner design with strong horizontal rings will enhance the corner location, whilst providing a bookend to the block to create a taller, stronger and more iconic corner building. External elements, including green separation to heritage buildings through plantings cascading off the apartment balcony planters, and the garden area adjoining the easement, as well as an activated public plaza to improve the connection to the street and adjoining HCA.

The proposed new six-storey development strengthens the site's 'sense of place' in the centre and will enhance the existing public domain with a north-facing public plaza at ground floor level, addressing Transvaal Avenue.

This DA has been considered and supported by a number of expert reports, including an Urban Design Report by GMU; View Analysis Letter by Richard Lamb; Heritage Impact Statement by John Oultram Heritage and Design; Environmental Site Assessment by JK Environments; Preliminary Site Investigation for Contamination and Geotechnical, and Groundwater Investigation by Douglas Partners; Access Report by Morris Goding Access Consulting; Acoustic Report by Acoustic Logic; Arborist Report by Redgum Horticultural; BCA Assessment Report by Building Control Group; Fire Engineering Report by J Squared Engineering; BASIX Certificate ; NatHERS Certificate; Flood Risk Management Plan by Henry & Hymas; Traffic Report by Transport and Traffic Planning Associates; and Waste Management Plan by Elephants Foot.

In our opinion, the proposed development satisfies the relevant zone objectives in the Woollahra Local Environmental Plan (LEP) 2014. The proposal also complies with the majority of controls under the Woollahra Development Control Plan (DCP) 2015. Importantly, the proposal has been carefully designed to maintain streetscape amenity in terms of solar access, on a prominent corner location.

Whilst the proposal has a greater building height and FSR than the development standards of the LEP, in our opinion, it is compatible with existing nearby development and therefore, the desired future character. Two Clause 4.6 Applications to Vary a Development Standard for height of buildings and FSR have been prepared (separately submitted) which demonstrate the proposal is acceptable.

This document is divided into six sections. Section 2 contains a site analysis; Section 3 provides details of the proposal; Section 4 and 5 contains the detailed assessment of the application in accordance with Section 4.15 of the Environmental Planning and Assessment (EP&A) Act 1979; and Section 6 concludes the report.

2.0 SITE ANALYSIS

This section contains a description of the following: The Locality; Site Description; Existing Built Form & Landscaping; and Existing Character and Context.

2.1 The Locality

The subject site is located approximately 2.5km east of the Sydney CBD, and is in the Double Bay Centre, within the Woollahra Local Government Area (LGA) (see **Figure 1**).

Source: SIX Maps, 2020

Subject Site

Figure 1: Location Plan

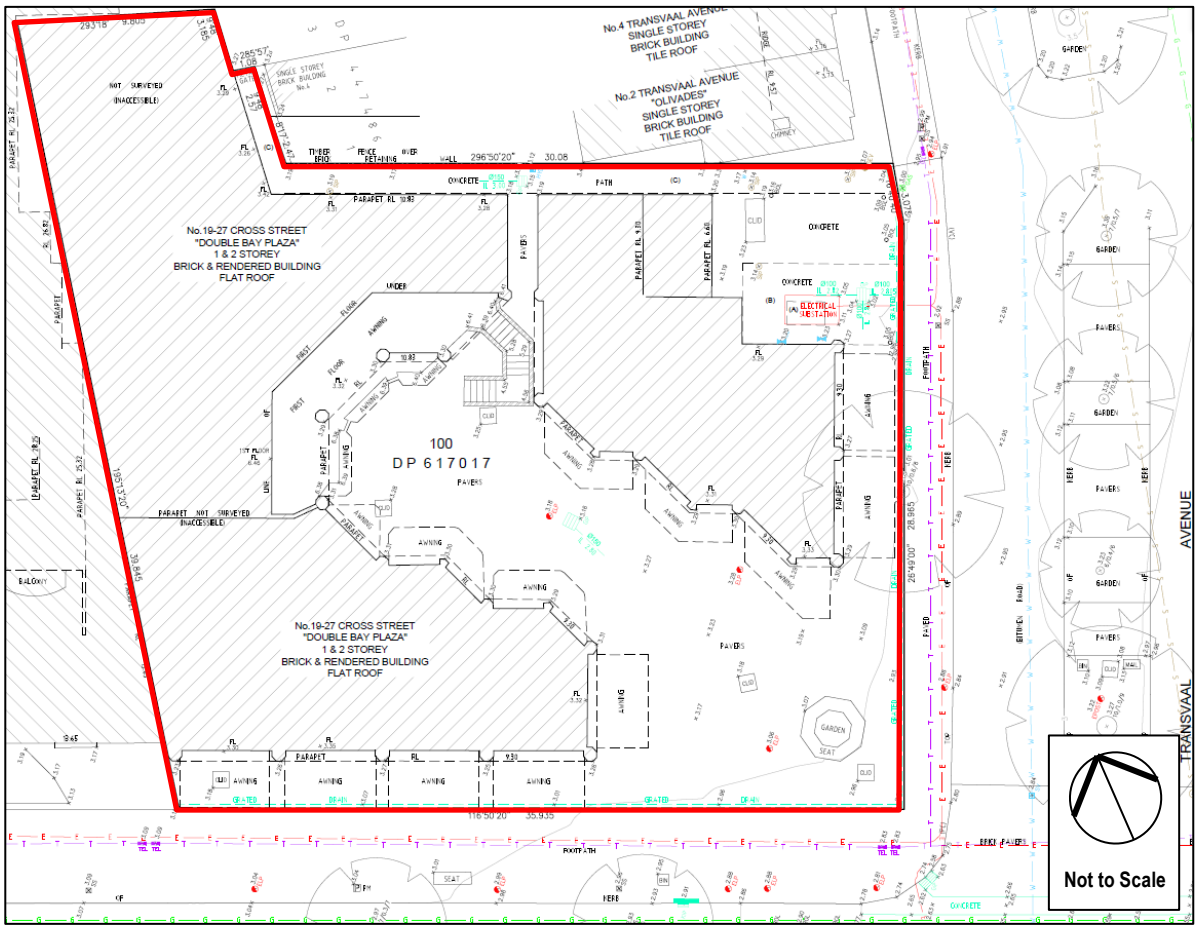
2.2 Site Description

The subject site is located on the north-western corner of Cross Street and Transvaal Avenue and is known as Nos. 19-27 Cross Street, Double Bay, described as Lot 100 in DP617017.

The site is an irregularly shaped parcel of land, with a northern boundary of 49.19 metres, an eastern frontage to Transvaal Avenue of 32.035 metres, a southern frontage to Cross Street of 35.935 metres, and a western boundary of 39.845 metres, providing a total site area of 1,334m2 (see Figure 2 and Survey Plan separately submitted).

The site is burdened by an easement along the northern boundary which provides pedestrian access to the rear of Transvaal Avenue. The easement also includes other services and utilities.

The site is relatively flat, ranging from RL 2.89 AHD at the south-eastern corner to RL 3.29 AHD to the north-western corner.



Source: LTS Lockley

Figure 2: Survey Plan

2.3 Existing Built Form & Landscaping

The site is occupied by a two-storey rendered commercial building known as 'Double Bay Plaza'. The building has a flat roof, awnings, large display windows and multiple shopfronts facing the plaza, and to the eastern and southern street frontages (see **Photograph 1).**

Although there is a driveway layback, no formal parking is provided on the site. A bin/loading area is at the north-eastern corner, accessed via a driveway from Transvaal Avenue (see **Photograph 2**). This is adjacent to a pathway through to the rear of the Transvaal Avenue Heritage Conservation Area buildings.

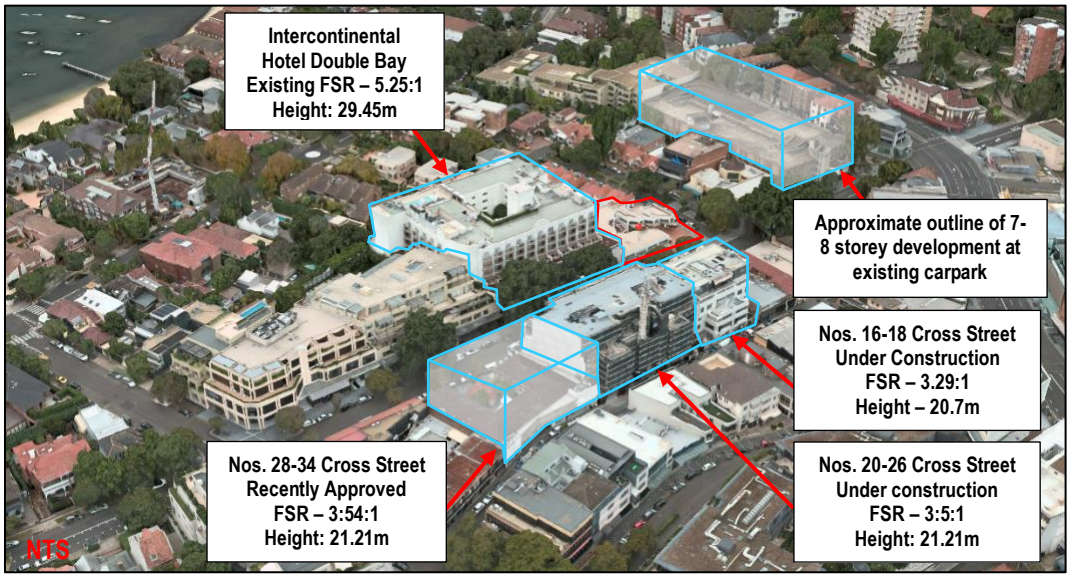
The site has very limited landscaping: a tree at the eastern boundary adjoining Transvaal Avenue, and a small landscape feature at the south-western corner.

Photograph 1: The subject site, (outlined in red), as viewed from the corner of Cross Street and Transvaal Avenue

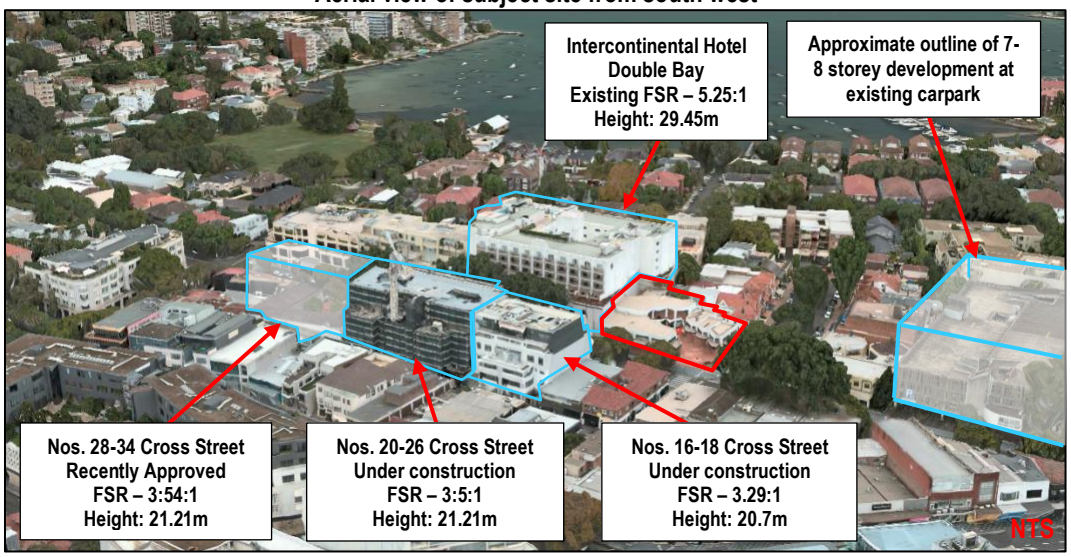
Photograph 2: The subject site (outlined in red), as viewed from Transvaal Avenue

2.4 Existing Character and Context

The Double Bay Centre is characterised by leafy streetscapes, footpath eateries and a cosmopolitan ambience. Existing buildings include multi-storey commercial, mixed use, tourist and visitor accommodation developments, as well as low-rise retail and business premises. Notably, next to the subject site, is the six storey Intercontinental Hotel, which spans across a large section of the northern side of Cross street. Recently, there has been an increase in the approval and construction of six-storey mixed use developments on the southern side of Cross Street, exemplified through **Figure 3**.



Aerial view of subject site from south west



Aerial view of the subject site from the south east

Subject Site

Source: Woollahra 3D Mapping

Figure 3: Aerial View Showing Scale of Development in the Double Bay Centre

Development to the North

To the north is Nos. 2 and 4 Transvaal Avenue, single-storey rendered former dwellings converted to retail/business uses with a tiled gable roof (see **Photograph 3** on the following page). Further to the north are more converted dwellings along Transvaal Avenue (see **Photograph 4** on the following page). The Transvaal Avenue Heritage Conservation Area is dominated by the blank walls of the InterContinental Hotel, as the backdrop.

Photograph 3: Nos. 2 to 8 Transvaal Avenue, as viewed form Transvaal Avenue

Photograph 4: Nos. 4 to 12 Transvaal Avenue, as viewed form Transvaal Avenue

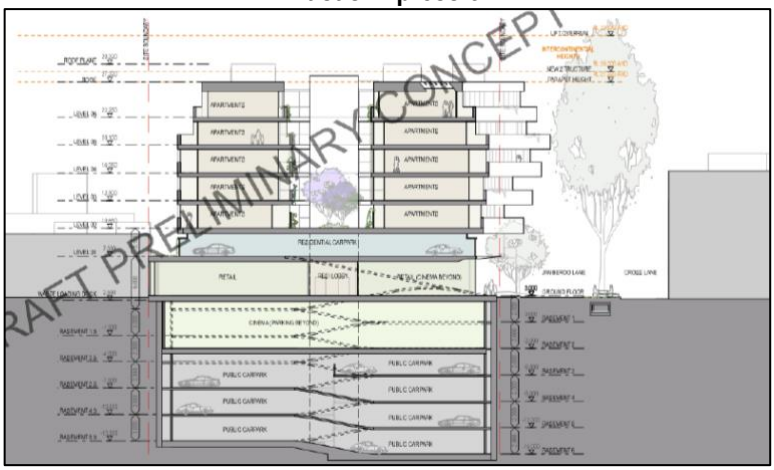
Development to the East

To the east on the opposite side of Transvaal Avenue is Nos. 15-15A Cross Street, a two-storey rendered commercial building with a flat roof, known as 'Chapel Court' (see **Photograph 5**). A café utilises a median strip dining area in the middle of Transvaal Avenue (see **Photograph 6**). Further to the east is Nos. 1-13 Cross Street, a five-storey above-ground public carpark, which is proposed for redevelopment as a seven+-storey development including a cinema complex and residential apartments, with six levels of basement parking (see **Figure 4** on the following page).

Photograph 5: Nos. 15-15A Cross Street, as viewed from the corner of Cross Street and Transvaal Avenue

Photograph 6: The café dining area on Transvaal Avenue, as viewed from Transvaal Avenue

Artist's Impression



Draft Section

Source: Woollahra Council

Figure 4: Proposed Cross Street Car Park Redevelopment

Development to the South

To the south are Nos. 12 and 14 Cross Street, two two-storey rendered commercial buildings (see **Photograph 7**). Also, to the south is Nos. 16-18 Cross Street, currently under construction for a six-storey mixed use building with two-levels of basement parking (see **Photograph 8** and **Figure 5** on the following page).

Photograph 7: Nos. 12 and 14 Cross Street, as viewed from Cross Street

Photograph 8: New development at Nos. 16-18 Cross Street (site of the former Hunters Arcade), as viewed from Cross Street

In addition to Nos. 16-18 Cross Street on the southern side is Nos. 20-26 Cross Street, and Nos. 28-34 Cross Street, which both have consent for a six-storey mixed use development. The development at Nos. 20-26 Cross Street is under construction (see **Figure 5**).

Nos. 16-18 Cross Street (Source: JPRA Architects)

Nos. 20-26 Cross Street (Source: Bates Smart)

Nos. 28-34 Cross Street (Source: Bates Smart)

Figure 5: Photomontages of Approved Cross Street Developments

Development to the West

To the west is No. 33 Cross Street, a six-storey rendered hotel development with retail premises at the ground level, known as the 'Intercontinental Hotel Double Bay' (see **Photograph 9**). The building has been built to the side boundaries, has a two-storey podium, port-cochere with driveway entry and exit, and has a setback to the upper levels of accommodation. Further to the west is Nos. 45-51 Cross Street, a six-storey mixed use development with retail frontages built to the boundary and residential units above (see **Photograph 10**).

Photograph 9: No. 33 Cross Street, as viewed from Cross Street

Photograph 10: Nos. 45-51 Cross Street, as viewed form Cross Street

2.5 Site Constraints

2.5.1 Flood Planning Area

The subject site is listed as Flood Planning Area (see **Figure 6**). Recommendations for flood prevention measures are provided in the Flood Risk Management Plan prepared by Henry & Hymas (separately submitted). Further details about flood planning are also provided in Section 4.1.5 of this SEE.

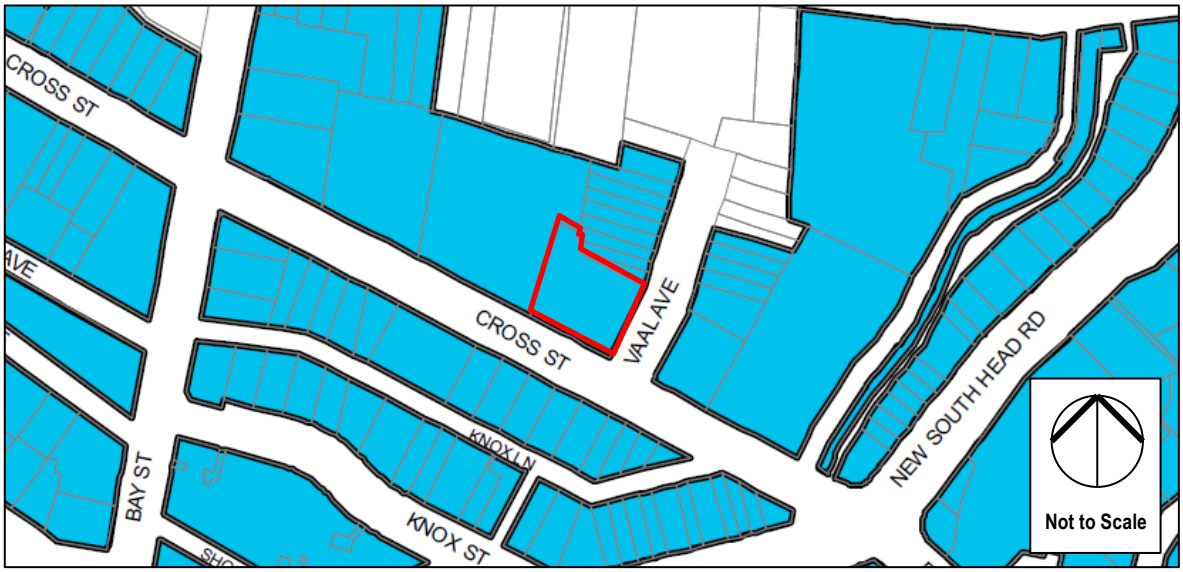


Figure 6: LEP Flood Planning Area Map

3.0 THE PROPOSAL

This section will describe the following: Recent Approvals in the Vicinity; Built Form and Land Use; Height; Gross Floor Area & Floor Space Ratio; Private Open Space & Balconies; Access & Parking; and Operation.

3.1 Recent Approvals in the Vicinity

This proposal responds to a number of recent approvals for similar type and scale, six-storey developments along the southern side of Cross Street. These will each be identified and discussed, as follows:

Nos. 16-18 Cross Street
On 25 July 2016, a Development Application (DA571/2014) was approved by the Woollahra Council Development Control Committee, for demolition of the existing commercial building and construction of a new 6 storey mixed use development, containing 2 basement levels with parking for 18 vehicles, 3 ground floor retail spaces with an arcade, and 7 x three Bedroom, 4 x two Bedroom, and 2 x one Bedroom units on the levels above, at Nos. 16-18 Cross Street.

This resulted in an approved built form with a height of 20.7m and FSR of 3.29:1

Since the original approval, a number of Section 96 and Section 4.55 Modifications have been approved in relation to the development. The approved building has been constructed.

Nos. 20-26 Cross Street
On 12 September 2016, a Development Application (DA390/2015) was approved by the Woollahra Council Development Control Committee, for demolition of the existing buildings and the construction of a new 6 storey mixed development comprising two levels of basement car parking with access from Knox Lane, 6 commercial / retail units and a cafe / restaurant on the ground floor level, and five levels of residential development above containing 34 units at Nos. 20-26 Cross Street.

This resulted in an approved built form with a height of 21.21m and FSR of 3.5:1.

Since the original approval, a number of Section 96 and Section 4.55 Modifications have been approved in relation to the development. The existing building has been demolished, and construction works are currently underway on the site.

Nos. 28-34 Cross Street
On **12 March 2020**, a Development Application (DA390/2015) was approved by the Land and Environment Court (*SJD DB2 Pty Ltd v Woollahra Municipal Council [2020] NSWLEC 112*) for the demolition of the existing buildings and construction of a six storey shop top housing development with retail on ground floor and 21 residential apartments above, and two levels of basement parking with parking for 36 cars and 4 motorbikes, at Nos. 28-34 Cross Street. The application was originally refused by the Woollahra Council Development Control Committee.

The approved built form has a height of 21.21m and FSR of 3.54:1, and is the most recent approval to add to the evolving scale of development along Cross Street, in particular the southern side. In the judgment, Clay AC states at [66]:

> *…the proposal being a continuation of the form of the developments to the east is a better planning outcome than a development on the Site which complies with the controls. A complying development would be discordant in the street he says because the height of development would be reduced from the east to the subject site then increase to the Site to the west when it is redeveloped.*

Further, an appeal was lodged by Woollahra Council against the Commissioner's decision on questions of law, for the approval. This appeal was dismissed on 18 August 2020.

3.2 Built Form and Land Use

The proposed six-storey, contemporary shop-top housing development will accommodate four retail/business units, and a total of 18 apartments above including two x one-bedroom units, one x two-bedroom unit, and fifteen x three-bedroom units (two of which can be made adaptable). The high quality, contemporary residential units each have access to at least one external terrace, oriented to the Transvaal Avenue HCA or to Cross Street.

The ground floor level tenancies to accommodate retail or business uses will address both adjoining streets, and have entries on the southern side from Cross Street, and the eastern side from Transvaal Avenue. This will assist in enhancing the boulevard character along Cross Street. Additionally, the cylindrical design of the built form to the corner of Cross Street and Transvaal Avenue creates a bookend at the eastern end of the block, whilst reinforcing the prominent corner location.

Basement parking is provided for 51 cars, including two adaptable spaces for adaptable units and one accessible space for retail use, four visitor spaces, motorcycle parking and bicycle storage. An open residential lobby is central to the retail lots to provide access to the units above, and the entry ramp to the car lift will provide vehicular access to the basement carpark from Cross Street. Plantings will cascade from the apartment balcony planters, and the proposed garden area in the public plaza will provide green space at ground floor level.

Unit Types are summarised in **Table 1** below, to assist in describing the various unit types:

TABLE 1: SUMMARY OF UNIT TYPES

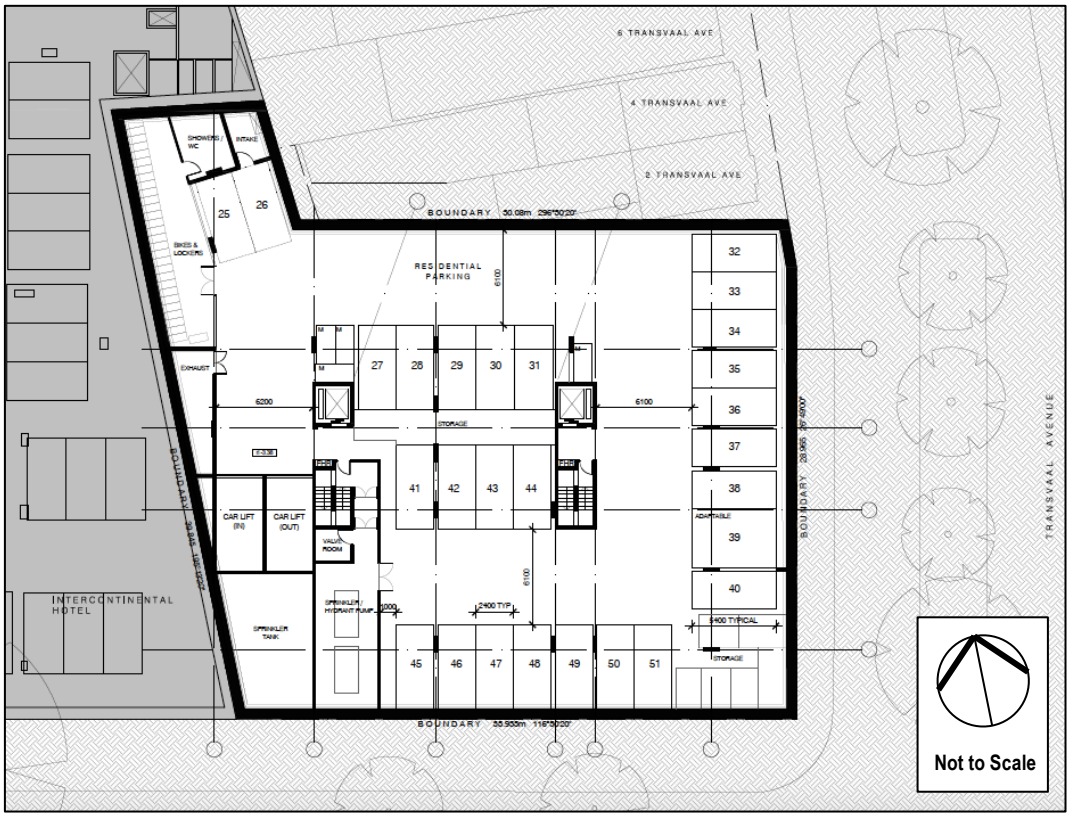
Unit Type	Description	No. of Units
Type 1A	3 Bedroom Unit containing: Bed 1 with en-suite and walk-in robe; Bed 2 and 3 with en-suite; media room; open plan living, dining, and kitchen with pantry; sitting room; laundry; powder room; and two terraces.	4
Type 2A	3 Bedroom Unit containing: Bed 1 with walk-in robe and en-suite; Bed 2 and 3 with en-suite; media room; open plan living, dining, and kitchen with pantry; cellar; laundry; powder room; and two terraces.	3
Type 3A	3 Bedroom Unit containing: Bed 1 with walk-in robe and en-suite; Bed 2 and 3 with en-suite; open plan living, dining, and kitchen with pantry; cellar; laundry; powder room; and a terrace.	3
Type 4A	1 Bedroom Unit containing: Bed 1; open plan living, dining and kitchen; bathroom and laundry; and a terrace.	2
Type 1B	3 Bedroom Unit containing: Bed 1 with walk-in robe and en-suite; Bed 2 and 3 with en-suite; open plan living, dining, and kitchen with pantry; cellar; laundry; powder room; cloak room; and a terrace.	1
Type 2B	3 Bedroom Unit containing: Bed 1 with walk-in robe and en-suite; Bed 2 and 3 with en-suite; open plan living, dining, and kitchen with pantry; cellar; laundry; powder room; cloak room; and two terraces.	1
Type 3B	3 Bedroom Unit containing: Bed 1 with walk-in robe and en-suite; Bed 2 and 3 with ensuite; open plan living, dining, and kitchen with pantry; cellar; laundry; powder room; cloak room; and a terrace.	1
Type 4B	2 Bedroom Unit spanning across two floor levels, containing: A study; open plan living, dining, and kitchen; and laundry at third floor level; and Bed 1 with en-suite and walk-in robe; and Bed 2 with en-suite at fourth floor level. A terrace is accessible from each level.	1
Type 2C	3 Bedroom Unit containing: Bed 1 with walk-in robe and en-suite; Bed 2 and 3 with en-suite; media room; open plan living, dining, and kitchen with pantry; cellar; laundry; powder room; and a terrace.	1
Type 3C	3 Bedroom Unit containing: Bed 1 with walk-in robe and en-suite; Bed 2 and 3 with en-suite; media room and study with bathroom; open plan living, dining, and kitchen with pantry; cellar; laundry; powder room; and a terrace	1

A level by level description of the proposal is outlined in the following pages (see **Figures 6 to 12**), and in the architectural plans submitted separately.

Second Basement Level

The Second Basement Level is at RL -3.38 AHD and includes basement parking for 27 cars including one adaptable parking space for an adaptable dwelling; four motorcycle spaces; and bicycle store/locker area with 30 spaces. Vehicular access is via two 'in and out' car lifts.

This level includes six storage areas; a sprinkler tank; a sprinkler/hydrant pump; valve room; exhaust shaft; intake; and end of trip showers and WC. Access to upper floors is from two lifts and two fire stairs (see **Figure 7**).



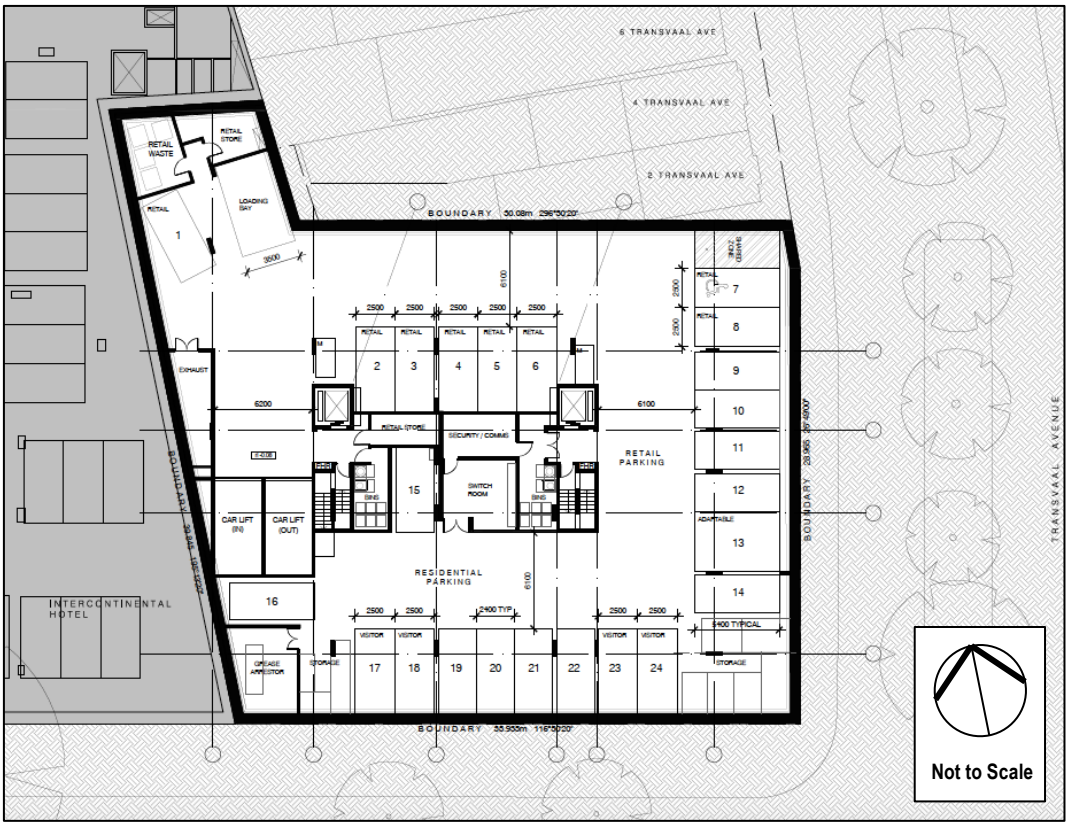
Source: Luigi Rosselli Architects

Figure 7: Second Basement Level Plan

First Basement Level

The First Basement Level is at RL -0.08 AHD and includes basement parking for 24 cars including one accessible space for an adaptable dwelling; eight retail parking spaces including one accessible parking space; four visitor parking spaces, one with an electric charging point; two motorcycle spaces; and a loading bay. Vehicular access is via two 'in and out' car lifts.

This level includes a retail waste room; two retail store rooms; a grease arrestor; two residential bin rooms; eight residential storage areas; switch room; security and communications rooms; and exhaust shaft. Access to upper and lower floors is from two lifts and two fire stairs (see **Figure 8**).



Source: Luigi Rosselli Architects

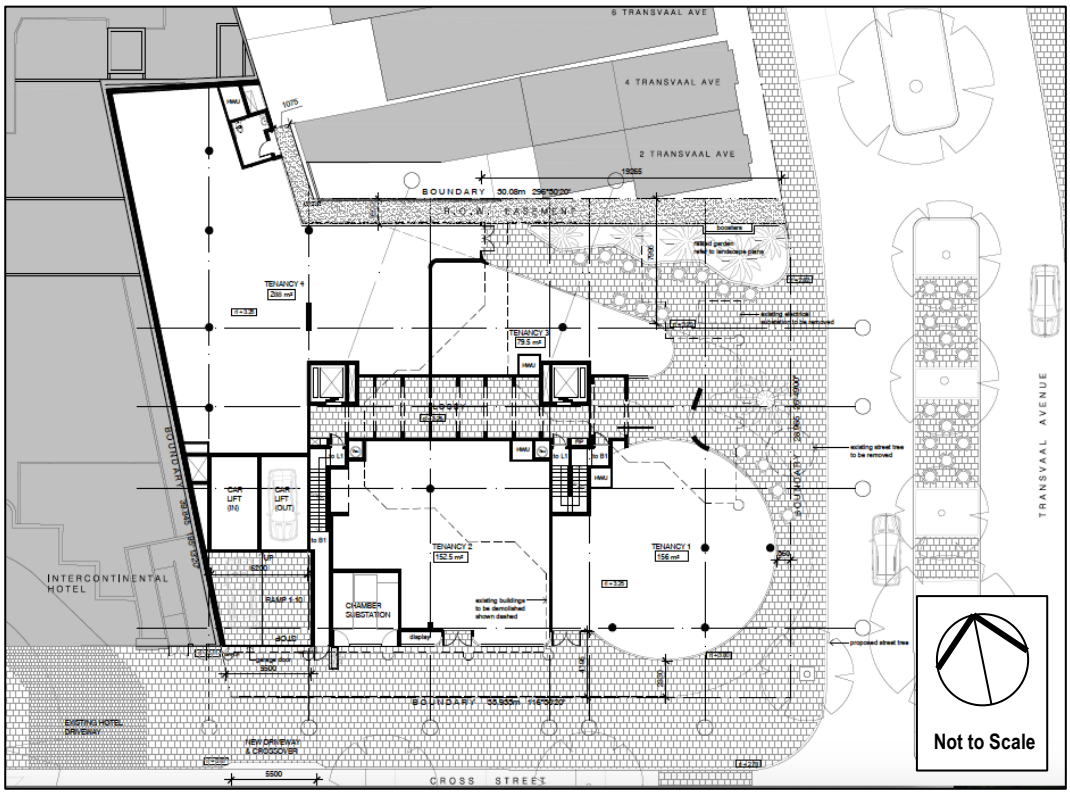
Figure 8: First Basement Level Plan

Ground Floor Level

The Ground Floor Level is at RL 3.25 AHD and includes four retail/business tenancies accessible from either Cross Street or Transvaal Avenue, and an open plaza and seating area adjoining Transvaal Avenue.

Main pedestrian access to the proposed upper residential levels is from the residential lobby, accessible from Transvaal Avenue. Access to upper and lower floors is via two lifts and two fire stairs. Services including boosters incorporated into the raised garden area; residential garbage chutes; and service shafts are also at or pass through this level. A chamber substation is adjacent to the driveway. An external accessible bathroom services the retail tenancies.

Entry to basement parking is from a driveway and two 'in and out' car lifts, accessible from Cross Street at the south-western corner of the site. (see **Figure 9**).



Source: Luigi Rosselli Architects

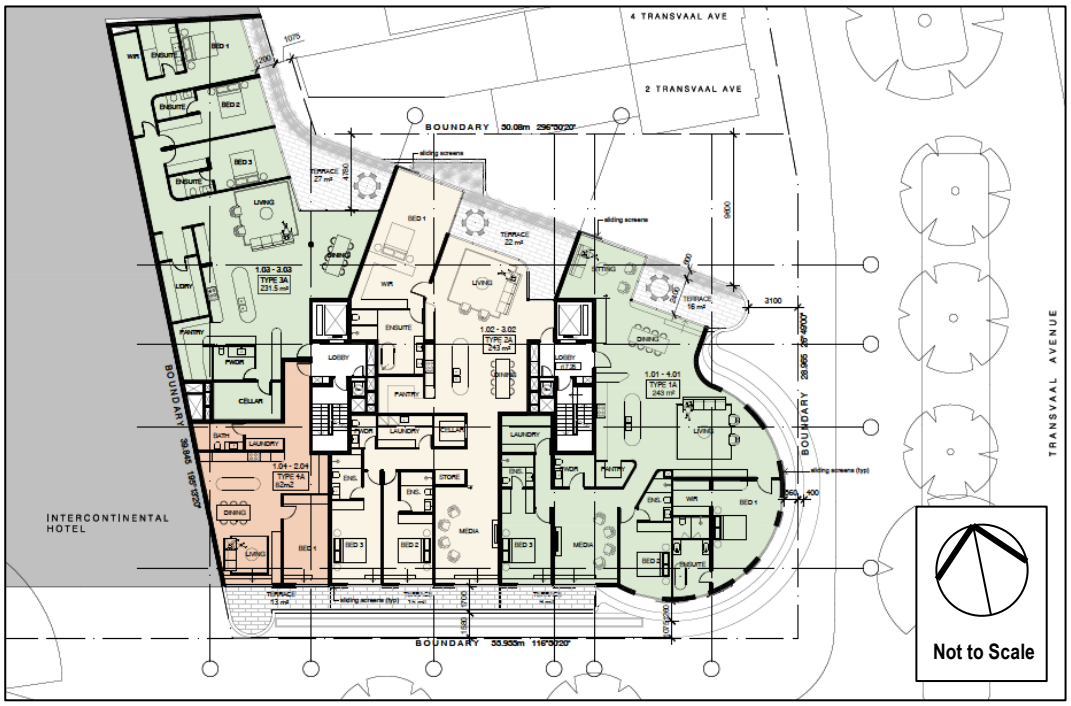
Figure 9: Ground Floor Plan

First and Second Floor Levels

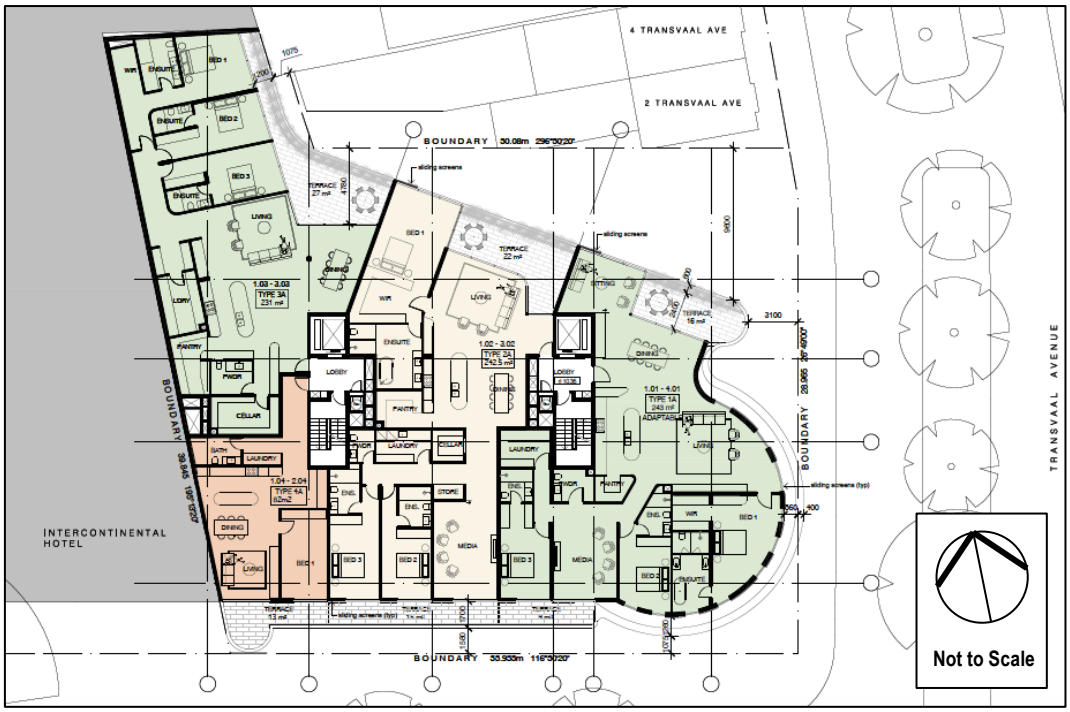
The First and Second Floor Levels are at RL 7.25 AHD and RL 10.35 AHD respectively, and are identical in internal layout. Each level contains three x three bedroom units and one x one bedroom unit.

Units 1.01 and 2.01 are Type 1A Units, with Unit 2.01 being adaptable; Units 1.02 and 2.02 are Type 2A Units; Units 1.03 and 2.03 are Type 3A Units; and Units 1.04 and 2.04 are Type 4A Units.

Access to upper and lower floors is via two lobbies, each with a lift and fire stairs. Garbage chutes are accessed from each lobby. **Figure 10** shows the architectural plans for the first and second floor levels.



First Floor Plan



Second Floor Plan

Source: Luigi Rosselli Architects

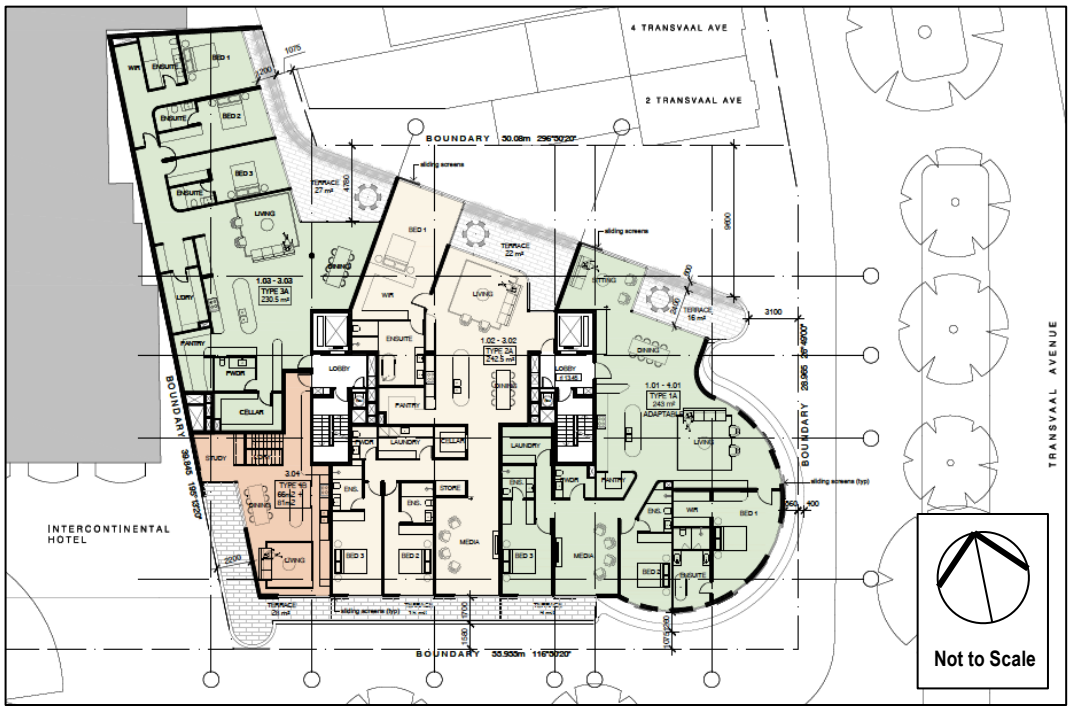
Figure 10: First & Second Floor Plan

Third and Fourth Floor Levels

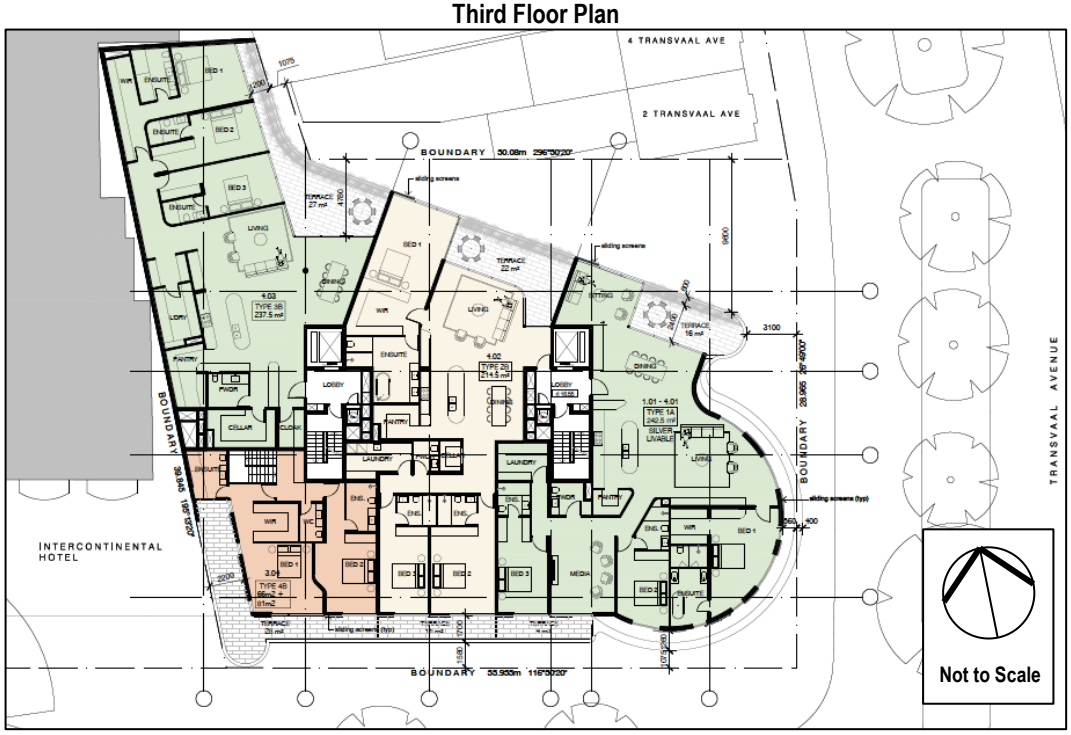
The Third and Fourth Floor Levels are at RL 13.45 AHD and RL 16.55 AHD respectively. Each level contains three x three bedroom units. One split level, two bedroom unit, spans both levels.

Units 3.01 and 4.01 are Type 1A Units, with Unit 3.01 being adaptable; Unit 3.02 is a Type 2A Unit; Unit 3.03 is a Type 3A Unit; Unit 3.04 is a Type 4B Unit; Unit 4.02 is a Type 2B Unit; Unit 4.02 is a Type 2B Unit; and Unit 4.03 is a Type 3B Unit.

Access to upper and lower floors is via two lobbies, each with a lift and fire stairs. Garbage chutes are accessed from each lobby. **Figure 11** show the architectural plans for the third and fourth floor levels.



Third Floor Plan



Source: Luigi Rosselli Architects

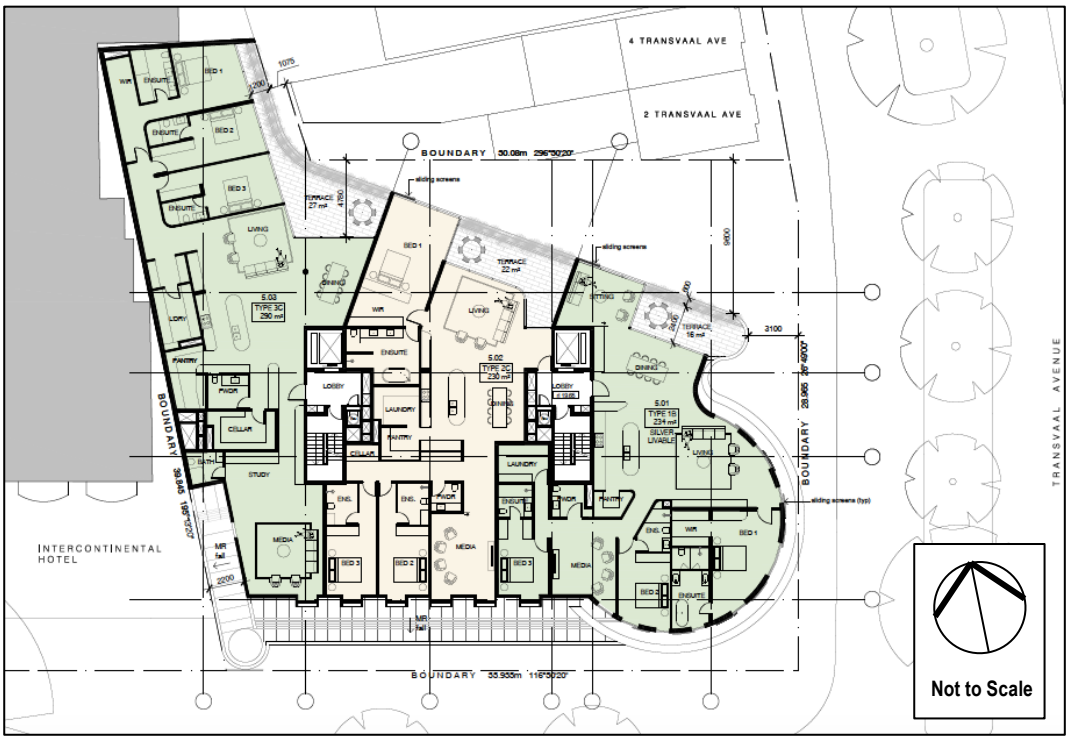
Fourth Floor Plan

Figure 11: Fourth Floor Plan

Fifth Floor Level

The Fifth Floor Level is at RL 19.65 AHD and consists of 3x three bedroom units. This level is within the Mansard roof form facing Cross Street. Unit 5.01 is a Type 1B Unit; Unit 5.02 is a Type 2C Unit; and Unit 5.03 is a Type 3C Unit.

Access to upper and lower floors is via two lobbies, each with a lift and fire stairs. Garbage chutes are accessed from each lobby (see **Figure 12**).



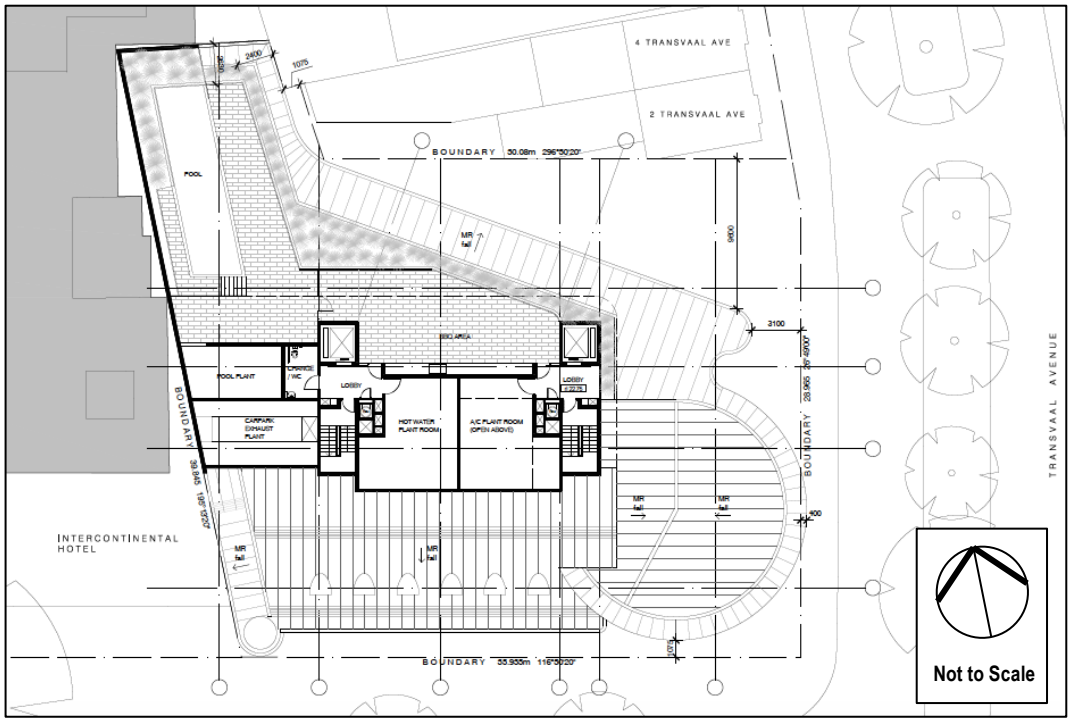
Source: Luigi Rosselli Architects

Figure 12: Fifth Floor Plan

Roof Terrace Level

The Roof Terrace Level is at RL 22.75 AHD and includes the air conditioning plant room (open above); hot water plant room; carpark exhaust plant; and pool plant. Also at this level are two lobbies; a communal BBQ area and swimming pool with planters; and changeroom/WC. This level is within the Mansard roof form facing Cross Street.

Access to upper and lower floors is via two lobbies, each with a lift and fire stairs. Garbage chutes are accessed from each lobby (see **Figure 13**).

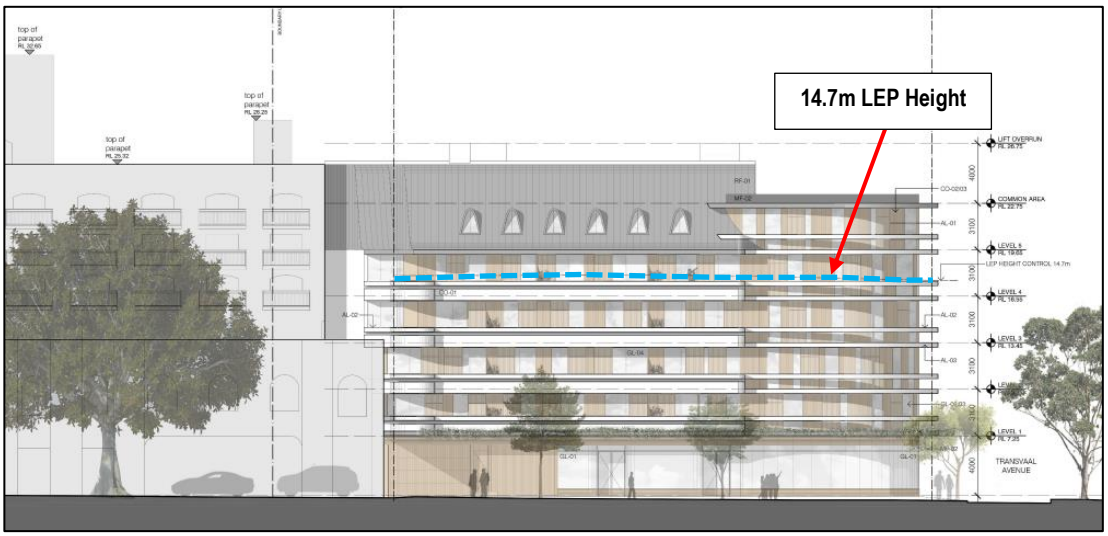


Source: Luigi Rosselli Architects

Figure 13: Roof Terrace Plan

3.3 Height

The proposed six-storey mixed use building will have a building height that ranges from 19.5 metres to a maximum of 23.5 metres (see **Figure 14** below). The maximum building height is measured from the peak of the lift overrun at RL 26.75 AHD to the ground level (existing) immediately below.



Source: Luigi Rosselli Architects

Figure 14: Southern Elevation showing Proposed Height

3.4 Gross Floor Area and Floor Space Ratio

The proposed building has a gross floor area (GFA) of 4,796m2 with a floor space ratio (FSR) of 3.59:1. A summary of the uses on each floor and GFA is described in **Table 2**.

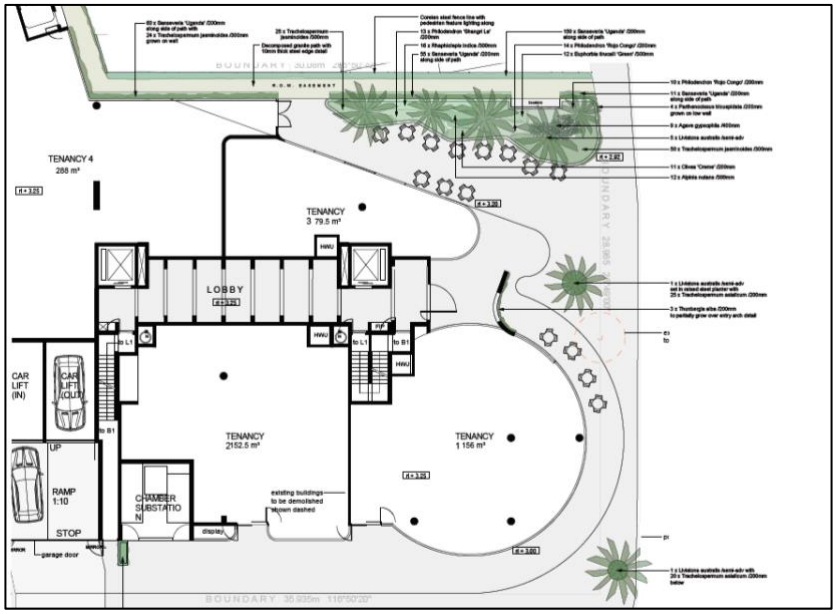
TABLE 2: DETAILS OF THE PROPOSAL

Floor Level	Details by Level	Gross Floor Area
Second Basement Floor (RL -3.38 AHD)	Parking for 27; 4 motorcycle spaces; bicycle store/locker area with 30 spaces; 2 'in and out' car lifts; 6 storage areas; a sprinkler tank; a sprinkler/hydrant pump; valve room; exhaust shaft; intake; end of trip showers and WC; and two lifts and two fire stairs.	N/A
First Basement Floor (RL -0.08 AHD)	Parking for 24; 2 motorcycle spaces; a loading bay; two 'in and out' car lifts; retail waste room; 2 retail store rooms; a grease arrestor; 2 residential bin rooms; 8 residential storage areas; switch room; security and communications rooms; exhaust shaft; and two lifts and two fire stairs.	N/A
Ground Floor (RL 3.25 AHD)	4 retail tenancy lots; residential lobby; accessible bathroom for retail lots; chamber substation and boosters; valve room; garbage chutes; two 'in and out' car stackers; two lifts and two stairways.	751m2
Level 1 (RL 7.25 AHD)	3x three bedroom units; 1x one bedroom unit; 6x terraces; two lifts and two fire stairs.	822m2
Level 2 (RL 10.35 AHD)	3x three bedroom units; 1x one bedroom unit; 6x terraces; two lifts and two fire stairs.	821m2
Level 3 (RL 13.45 AHD)	3x three bedroom units; main living level of 1x two bedroom unit; 6x terraces; two lifts and two fire stairs.	804.5m2
Level 4 (RL 16.55 AHD)	3x three bedroom units; bedroom level of 1x two bedroom unit; 6x private terraces two lifts and two fire stairs.	797.5m2
Level 5 (RL 19.65 AHD)	3x three bedroom units; 3x terraces; two lifts and two fire stairs.	774m2
Roof Terrace Level (RL 22.75 AHD)	2x lobbies; communal BBQ area and swimming pool with planters; changeroom/WC; A/C plant; pool plant; hot water plant; carpark exhaust plant; two lifts and two fire stairs.	26m2
TOTAL	**18 dwellings and 51 car spaces**	**4,796m2**

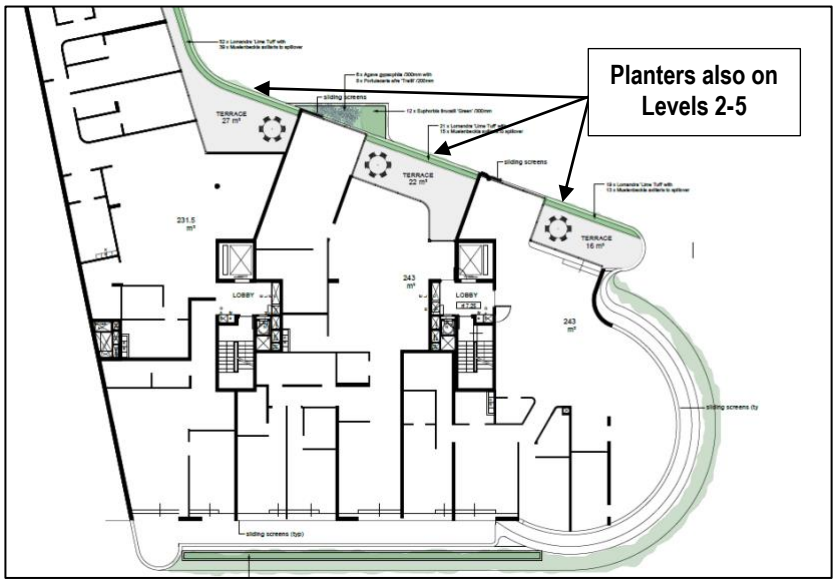
3.5 Landscaping, Private Open Space & Balconies

Each residential unit will have access one or more private terraces, ranging from 9m2 to 27m2. These terraces are oriented to the north-east over Transvaal Avenue, or face Cross Street, and are accessible from either the open-plan living areas, bedrooms, media room, and/or studies of the proposed units. The terraces towards Transvaal Avenue all contain cascading landscape planters, with a planter also proposed on the awning above the ground floor tenancies to Cross Street. A large landscape planter is also proposed at the roof terrace level, adjoining the pool and BBQ area. Details of the proposed landscaping are contained in the Landscape Plan, prepared by Dangar Barin Smith (see **Figure 15** on the following page, which details the ground floor, first floor and roof plans).

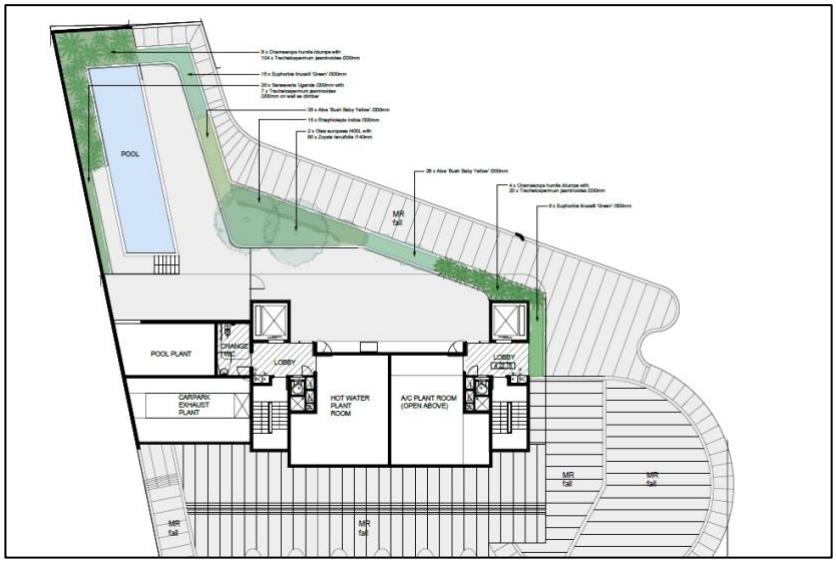
The proposal will retain two existing street trees; and replace one tree on the site's eastern boundary with new plantings to accommodate the proposed built form. The proposal will also provide a new street tree on the south eastern corner of the site, subject to Council approval. Further details of the proposed tree protection methods are in the Arboricultural Impact Assessment and Tree Management Plan, prepared by Redgum Horticulture (separately submitted).



Ground Floor



First Floor



Roof Level

Source: Dangar Barin Smith

Figure 15: Proposed Landscape Plans

3.6 Access and Parking

The site has pedestrian access from both Cross Street and Transvaal Avenue to the retail tenancies, with the main entrance to the residential lobby being from Transvaal Avenue.

The proposed basement car park is accessible via an 'in and out' car lift, and a 5.5m wide crossover and driveway which increases to approximately 6.2m internally. In discussions with Council officers, vehicular access from Cross Street was preferred.

As described previously, there are two levels of basement car parking proposed for 51 cars. Of these, 37 spaces are for residents (including three accessible); four visitor parking spaces including one electrical charging space; and 8 retail/food and beverage parking spaces. There are 30 bicycle spaces and 6 motorcycle spaces, and a loading bay proposed.

Further details about access and parking are contained in the Traffic Report, prepared by Transport and Traffic Planning Associates (separately submitted).

3.7 Operation

The proposed development will involve replacing the existing retail uses with new retail tenancies. The existing businesses operate seven days per week, with the maximum approved operating hours across the lots being 8.30am – 5.30pm Monday, Tuesday, Wednesday and Friday; 8.30am – 9.00pm Thursday; and 9.30am – 4.00pm Saturday and Sunday.

Any retail, and food and beverage lots at ground floor are proposed to operate between 7am-10pm Monday, Tuesday, Wednesday and Thursday; 7am-11pm Friday and Saturday; and 7am-9pm on Sunday.

4.0 PLANNING CONTROLS

Pursuant to Section 4.15 of the EP&A Act 1979, this section assesses compliance with the planning instruments applicable to the site pursuant to the relevant matters for consideration. The relevant planning instruments include:

- Woollahra Local Environmental Plan (LEP) 2014;
- State Environmental Planning Policy (SEPP) BASIX – 2004;
- Sydney Regional Environmental Plan (SREP) – (Sydney Harbour Catchment) 2005;
- State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land;
- State Environmental Planning Policy (SEPP) No. 65 Design Quality of Residential Apartment Development;
- Double Bay Place Plan 2014; and
- Woollahra Development Control Plan (DCP) 2015.

4.1 Woollahra Local Environmental Plan (LEP) 2014

The subject site is zoned B2 Local Centre under the LEP, gazetted on 23 May 2015 (see **Figure 16**). Shops and shop-top housing are permissible with development consent. The site does not contain a heritage item and is not located in a heritage conservation area, however, adjoins the Transvaal Avenue Heritage Conservation Area.

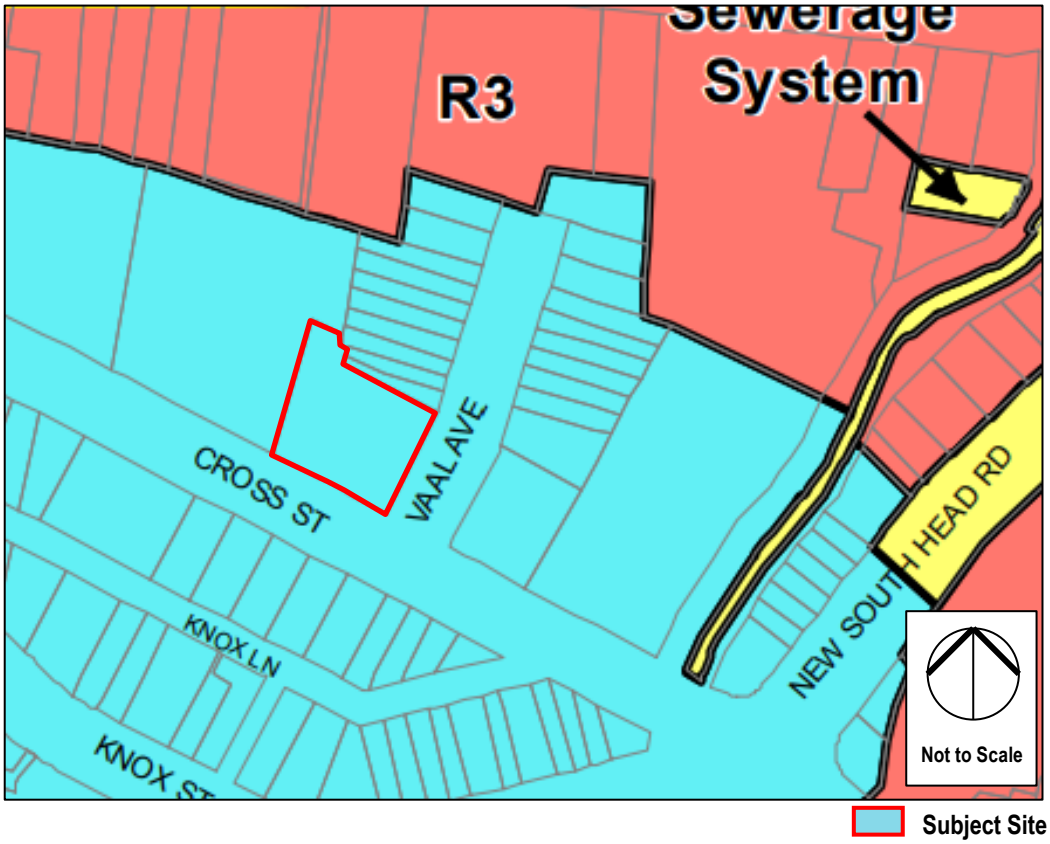


Figure 16: LEP Zoning Plan

4.1.1 Objectives

The LEP Land Use Table contains the objectives for the B2 Local Centre Zone. The relevant objectives are stated below.

Objective: *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*

Response: The ground floor level will provide enhanced contemporary retail/business tenancies, to contribute to the broad range of services in the area.

Objective: *To encourage employment opportunities in accessible locations.*

Response: Employment opportunities are enhanced through the provision of four new, contemporary retail/business tenancies at ground floor level, in a location accessible by public transport, cycling and walking. The ground floor tenancies are at grade, to ensure ease of access for employees and customers of all abilities.

Objective: *To maximise public transport patronage and encourage walking and cycling.*

Response: The proposal is in a highly accessible location on Cross Street, near a range of public transport routes including bus, train and ferry services. The high level of pedestrian amenity in Double Bay encourages walking and cycling to access the proposed retail/business uses and residential units above. Ample bicycle storage at the second basement level encourages cycling for residents.

Objective: *To attract new business and commercial opportunities*.

Response: The busy corner location will be highly attractive for businesses and shops, similar to the existing retail uses at ground floor level on the site.

Objective: *To provide active ground floor uses to create vibrant centres.*

Response: Retail/business tenancies within a new contemporary mixed use building will provide active frontages to both Cross Street and Transvaal Avenue at the ground floor level.

Objective: *To provide for development of a scale and type that is compatible with the amenity of the surrounding residential area*.

Response: The proposal's scale is compatible with a number of existing, approved and recently constructed shop top housing buildings along the southern side of Cross Street. As development immediately to the north, east and west of the site is currently made up of predominantly commercial, hotel, or retail uses, the proposal is unlikely to affect the amenity of low to medium density residential areas further to the north along William Street.

Objective: *To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.*

Response: The proposal will be consistent in height and scale with approved developments spanning from No. 16 to No. 34 Cross Street to the south, and the existing hotel to the west which currently dwarfs the older two storey retail/business building on the subject site. The proposed north-facing public plaza will provide a transition to the adjoining Transvaal Avenue shops, and maintain the established pedestrian network along Cross Street and surrounding streets in the Double Bay Local Centre.

In our opinion, the proposal satisfies the relevant objectives of the B2 Local Centre Zone.

4.1.2 LEP Compliance

A summary of our assessment of the proposed development against the LEP is shown in **Table 3**.

TABLE 3: PROJECT COMPLIANCE – WOOLLAHRA LEP 2014			
Site Area: 1,334m2			
Development Standard	**Requirement**	**Proposal**	**Complies**
Building Height (Max)	14.7m	19.5m – 23.5m	Appropriate on Merit (see Section 4.1.3)
Floor Space Ratio (Max)	2.5 : 1	3.59: 1	Appropriate on Merit (see Section 4.1.4)
LEP Provisions			**Complies / Comments**
Permissibility		B2 Local Centre	Proposal is permissible within the zone
Heritage Item		NO	N/A
Within the vicinity of Heritage Item		YES	Adjoins Transvaal Avenue HCA, however, is not within the HCA. In the vicinity of Heritage Item 227, which is unlikely to be affected due to distance. (see Heritage Impact Statement, submitted separately)
Conservation Area		NO	
Acid Sulfate Soils		Class 2	Acid Sulfate Soil Report prepared (see ASS Report separately submitted, and Section 4.1.5)
Earthworks		YES	Excavation will be undertaken in accordance with Geotechnical Engineer's recommendations. (see Geotechnical Report, separately submitted, and Section 4.1.6)
Flood Planning		Site is identified as flood prone land.	Flood planning considered in the design. (see Flood Risk Management Plan, separately submitted, and Section 4.1.7)

The proposal satisfies the relevant objectives of the LEP, is permissible in the Zone. Separate Clause 4.6s have been prepared regarding the building height and FSR. Acid Sulfate Soils, Earthworks and Flood Planning risks can be managed in accordance with Consultants' recommendations.

4.1.3 Height of Buildings

The LEP height provisions are contained in Clause 4.3 and the accompanying height map. While Council's LEP prescribes a maximum height of 14.7m for the building, the six-storey development proposal has an additional 4.8m – 8.8m, which is similar to the nearby developments opposite and is compatible with the adjacent Intercontinental Hotel. Approved and new developments opposite the subject site, on the southern side of Cross Street, are contributing to the evolution of building heights on this street, with approved developments ranging from 20.7m – 21.21m.

Recently, a six-storey development at Nos. 28-34 Cross Street, on the southern side of Cross Street, was approved at the LEC. Similarly, to the subject site, this site has a height standard of 14.7m, however the approval includes a maximum building height of 21.21m. This contributes to the abandonment of the height of buildings standard on this block of Cross Street, as stated in the Judgement for SJD DB2 Pty Ltd v Woollahra Municipal Council [2020] NSWLEC 1112, as follows inter alia:

> *The Council deliberately and knowingly decided that larger buildings were appropriate in the block of which the Site forms part. That, in my view, amounts to an abandonment of the controls for this part of Double Bay.*

This abandonment of controls on the southern side of Cross Street is an example of the evolving nature of increased building heights and densities in this area of Double Bay along Cross Street, and the changing desired future character.

The proposal uses a Mansard roof to ensure solar access is maintained to Cross Street, and to provide an appropriate scale in the streetscape. The upper level and roof plant areas are hidden by the Mansard roof. The curved element to the corner of Transvaal Avenue and Cross Street is then a feature in the streetscape.

An Application to Vary a Development Standard (Clause 4.6 Variation) has been submitted for the Height non-compliance which is, in our opinion, is well founded. The key arguments contained in the Clause 4.6 Application are stated, inter alia:

- *The proposed height facilitates a development consistent with the planning objectives of the area and density of the B2 Local Centre Zone;*
- *The proposed alterations and additions above the height control will be compatible with nearby and future development;*
- *The increased height will improve the capacity and potential of the site, whilst maintaining amenity for nearby development; and*
- *The proposal improves the site in accordance with Object (c) of the Environmental Planning and Assessment Act 1979, to "promote the orderly and economic use and development of land".*

4.1.4 Floor Space Ratio

The LEP Floor Space Ratio (FSR) provisions are contained in Clause 4.4 and accompanying map and prescribe a maximum FSR of 2.5:1 for the site (3,335m2). The proposal has a GFA of 4,796m² and an FSR of 3.59:1 which is greater than the development standard. Approved and new developments opposite the subject site, on the southern side of Cross Street, are contributing to the evolution of density on this street, with approved developments having FSRs ranging from 3.5:1 to 4.54:1.

The recently approved development at Nos. 28-34 Cross Street has an FSR standard of 2.5:1, however the approval includes a maximum building FSR of 3.54:1. This contributes to the abandonment of the FSR standard on this block of Cross Street, as stated in the Judgement for *SJD DB2 Pty Ltd v Woollahra Municipal Council* [2020] NSWLEC 1112, as follows inter alia:

> *The Council deliberately and knowingly decided that larger buildings were appropriate in the block of which the Site forms part. That, in my view, amounts to an abandonment of the controls for this part of Double Bay.*

This abandonment of controls on the southern side of Cross Street is an example of the evolving nature of increased FSR and densities in this area of Double Bay along Cross Street, and the changing desired future character.

An Application to Vary a Development Standard (Clause 4.6 Variation) has been submitted for the FSR non-compliance which is, in our opinion, is well founded. The key arguments contained in the Clause 4.6 Application are stated, inter alia:

- *The proposed FSR facilitates a development consistent with the planning objectives and density of the area;*
- *The proposed FSR will facilitate a development that is compatible in bulk and scale with nearby and future development;*
- *The additional FSR will improve the capacity and potential for the site, whilst maintaining amenity for nearby development; and*
- *The proposal improves the site in accordance with Object (c) of the Environmental Planning and Assessment Act 1979, to "promote the orderly and economic use and development of land".*

4.1.5 Acid Sulfate Soils

As the site is identified as Class 2 Acid Sulfate Soils (see **Figure 17**), a Preliminary Site Investigation for Contamination by Douglas Partners (separately submitted) has been prepared, and is discussed in further detail in Section 5.1.1 of this SEE.

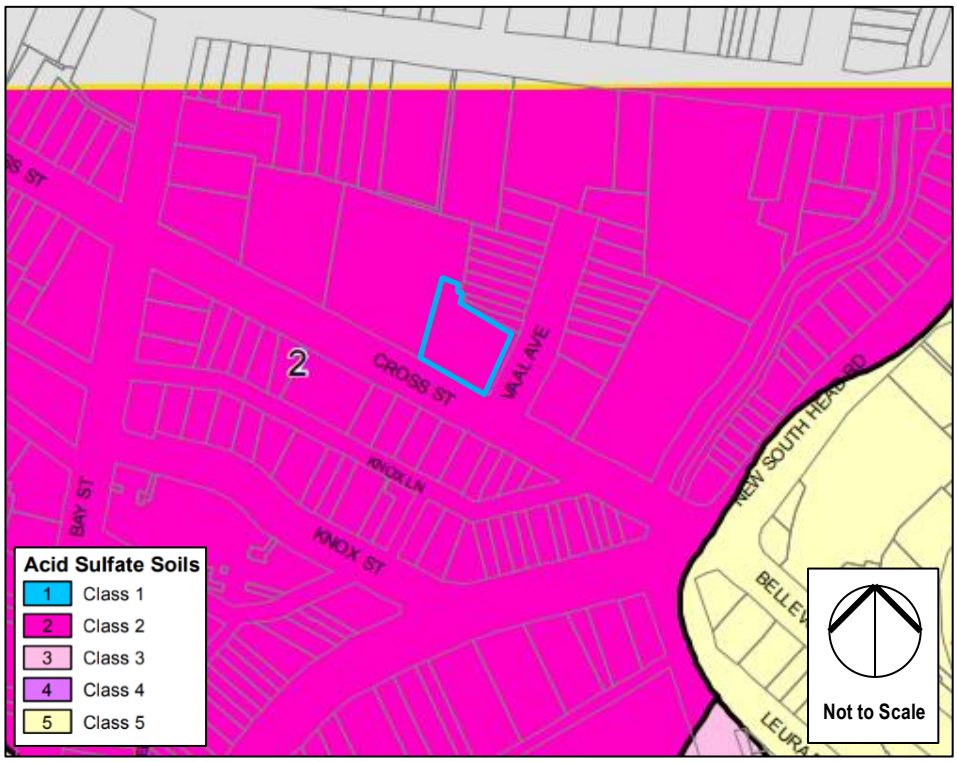


Figure 17: LEP Acid Sulfate Soils Map

4.1.6 Earthworks

The LEP requires the consent authority to consider the effects of earthworks on drainage patterns and soil stability. The Report on Geotechnical and Groundwater Investigation prepared by Douglas Partners (separately submitted) has investigated the existing site conditions and considered excavation and retaining methods to limit effects on nearby residents and developments.

The Flood Risk Management Plan prepared by Henry & Hymas (separately submitted) provides recommendations to minimise potential flood impacts to the proposed basement entrance and levels below the existing ground level. Disposal methods and destinations for excavated material will be outlined in a future Construction Management Plan.

4.1.7 Flood Planning

As flood-prone land identified in the LEP Map (refer to **Figure 5**), the consent authority is required to be satisfied a proposal is compatible with the land's flood hazard; will not adversely affect flood behaviour by increasing potential affectation of other properties; manages risks to life from flood; and is not likely to result in unsustainable social and economic costs to the community from flooding.

A Flood Risk Management Plan prepared by Henry & Hymas concludes the proposal can satisfy the objectives and providing mitigation measures in the event of inundation. These recommendations include the following, in accordance with Woollahra Council DCP 2015 Chapter E2 – Stormwater and Flood Risk Management, inter alia:

> *There are various flood protection measures proposed for the development. The flood protection measures will not require people to be evacuated from within the building since all access points to the building will be protected to 300mm above the 100 year ARI flood level. The flood protection measures are listed below:*

- *Residential access/ open lobby – automatic flood barriers*
- *Driveway basement entrance – automatic flood barriers*
- *Retail tenancies – proprietary watertight glass doors*
- *Stairwells to basement floors – 24/7 fire flash flood door*

A plan showing the location of the various flood protection measures has been marked up and can be found in Appendix A.

Accordingly, multiple flood protection and mitigation measures have been incorporated into the design of the proposed mixed use building.

4.2 State Environmental Planning Policy (SEPP) BASIX – 2004

SEPP (Building Sustainability Index: BASIX) 2004 was gazetted on 26 June 2004, and applies to the subject site. SEPP BASIX requires all new residences in NSW to meet sustainability targets of 40% reduction in potable water consumption, and a 50% reduction in greenhouse gas emissions. In considering the merits of the proposal, it is appropriate to refer to the sustainability targets of the SEPP.

A BASIX Report prepared for the proposed development (separately submitted) shows the proposed shop-top housing dwellings can satisfy the relevant water and energy reducing targets.

4.3 Sydney Regional Environmental Plan (SREP) – (Sydney Harbour Catchment) 2005

Sydney Regional Environmental Plan (SREP) - (Sydney Harbour Catchment) 2005 was gazetted on 28 September 2005 and applies to the subject site. Clause 13 requires the consent authority to consider the planning principles for land within the Sydney Harbour Catchment as follows, inter alia:

> *(f) development that is visible from the waterways or foreshores is to maintain, protect and enhance the unique visual qualities of Sydney Harbour, …*
> *(h) development is to improve the water quality of urban run-off, reduce the quantity and frequency of urban run-off, prevent the risk of increased flooding and conserve water,*

With regard to subclause (f), the existing building is not readily visible from the waterways and foreshores of Sydney Harbour and the proposal is likely to be obscured from waterways by existing buildings in the local centre. The proposal is considered to satisfy the relevant subclause (h) by implementing the proposed Stormwater Plan, prepared by LTS Lockley (separately submitted), and the flood mitigation measures and recommendations proposed.

4.4 SEPP No. 55 – Remediation of Land

SEPP No. 55 – Remediation of Land was gazetted on 28 August 2005 and applies to the whole of the State. Clause 7(1) requires the consent authority to consider whether land is contaminated prior to the consent of development on that land. As identified in the Report on Preliminary Site Investigation for Contamination prepared by Douglas Partners, the site was previously predominantly residential with some minor commercial activities until the current commercial building was constructed around 1979. Douglas Partners investigated potential contamination of the site and found, inter alia:

> *Based on the findings of this PSI, which included only limited sampling and testing, the potential for significant contamination to be present within the site is considered to be low.*
> *…*
> *Based on the observations at the time of sampling and the reported analytical results, the filling within the site is preliminarily classified as General Solid Waste (non-putrescible) (with TCLP) and the natural material is preliminarily classified as VENM as defined in EPA (2014) apart from the area around BH3.*

Douglas Partners recommended further site investigations be undertaken to more broadly assess the contamination status, ASS potential and waste classification of soils following the demolition and removal of existing site features.

4.5 State Environmental Planning Policy (SEPP) No. 65 Design Quality of Residential Apartment Development

SEPP No. 65 Design Quality of Residential Apartment Development was gazetted on 26 July 2002 and applies to the proposed development. A report prepared by GMU has verified the proposal meets the requirements of the Apartment Design Guide.

4.6 Double Bay Place Plan 2014

The Double Bay Place Plan (the Plan) sets out a series of strategies, priorities and actions aimed at achieving a new vision and place story for the Centre. It introduces a place-making approach and has a strong emphasis on centre beautification to ensure the management, future planning and development of the Centre upholds the vision and place story of the area.

Strategy 2.3 of the Plan focusses on making Double Bay a place with vibrant street life. With a north-facing plaza, the proposal will activate the street through providing multiple retail lots along the street frontage of the development. It will contribute to the streetscape through a contemporary architectural design which steps back upper levels to maintain solar access.

Strategy 3.1 of the Plan seeks to make the Centre a place for people to live, work and play by encouraging retail, commercial and residential mixed-use developments. The proposed shop top housing development will provide both retail and residential uses thereby creating a development in which people can live and work.

Strategy 3.2 focusses on providing increased housing opportunities in Double Bay. The design has 18 apartments from one to three bedrooms, including two adaptable apartments. Increasing housing within this growing centre will meet this strategy's goal.

Strategy 3.5 aims to enhance the environment of Double Bay including its streets and buildings. The proposal will provide a contemporary new building within a developing centre. The proposed height and FSR will provide additional space for residential and retails uses, and a well-designed contemporary building which will enhance the amenity of both residential occupiers and retail owners and customers. The exterior elements of the proposed building's façade are sympathetic to the surrounding built form and will blend well with the evolving streetscape.

In our assessment, the proposed shop-top housing development is in accordance with the relevant strategies of the Double Bay Place Plan 2014.

4.7 Woollahra Development Control Plan (DCP) 2015

The DCP came into force on 23 May 2015 and applies to the site and the proposed development. The subject site is located within the Double Bay Centre and Chapter D5 of Council's DCP contains specific controls relating to this Centre. The objectives of this Centre are:

Objective: *To retain and enhance through block connections which allow pedestrians to move freely within the Double Bay Centre.*

Response: The proposal is for an elegant, architecturally-designed building which will respect and complement pedestrian amenity of both Cross Street and Transvaal Avenue by providing a public plaza and continuous awning along both frontages.

Objective: *To develop the particular qualities of different parts of the Double Bay Centre.*

Response: The proposal relates well to the character of the existing and potential development on both sides of Cross Street and Transvaal Avenue. It will provide a built form consistent with the predominantly four storey street wall and six storey character of Cross Street.

Objective: *To encourage a diverse mix of uses in the Double Bay Centre and maintain retail uses at ground level.*

Response: The proposal is a shop-top housing development with future retail or business uses on the ground floor level and residential units above, to provide a mix of uses in the Double Bay Centre. This is supported in the Urban Design Report prepared by GMU, which states, inter alia:

> *The proposal will deliver the desired mix of commercial/retail uses on the ground level with residential above. It will create a sustainable development to support the growth of local business and pedestrian patronage with increased housing supply.*

Objective: *To conserve and enhance the visual and environmental amenity of all buildings and places of heritage significance in the Double Bay Centre.*

Response: Although the proposal is not concerning a heritage item or within a conservation area, it will blend in with the approved neighbouring developments and is sympathetic to the Transvaal Avenue HCA. This is supported through the HIS prepared by John Oultram Heritage and Design, which states, inter alia:

> *The proposed design is a well-considered piece of modern architecture with elegant and well-resolved elevations and, in general terms, will provide for a handsome addition to the Cross Street frontage.*
> *…*
>
> *The proposals are above the 14.7 metre height limit for the site but this is in part a result of the proposed layout that aims to provide a greater setback to the buildings to the west side of Transvaal Avenue using the pedestrian access and landscaping as a buffer between the two.*

Further, the Urban Design Report by GMU supports the design of the proposal with consideration of the adjoining HCA:

> *The quality architectural design with a greater setback to the heritage conservation area reinforces the corner whilst presenting an open space transition to the conservation area.*
> *…*
>
> *The overall curvilinear design of the building creates a visual interest to the streetscape and the view from Goldman Lane. It also lessens the perceivable bulk and scale of the development when viewed from Transvaal Avenue. The provision of a new plaza fronting Transvaal Avenue, between the conservation area and the subject development, will provide enhanced amenity and increased opportunity for outdoor eating and informal gathering areas.*

Objective: *To ensure a high standard of architectural and landscape design in any new developments within the Double Bay Centre.*

Response: The building incorporates modulation in elevations, curved edges, terraces, and a continuous awning at the ground level. The materials, finishes and the silhouette will provide a sophisticated contribution to building styles in the Double Bay Centre. This is discussed in the Urban Design Report by GMU, which states, inter alia:

> *It provides scale transition to the podium height of Intercontinental Hotel to the west through upper-level setbacks and a lower street wall height by having the upper residential level expressed as part of the folded roof form. The corner marker, rising full height from the ground level, forms a strong corner definition to the public domain.*

Objective: *To preserve and enhance the diversity of uses in the Double Bay Centre.*

Response: The proposal will provide both retail/business and residential uses.

Objective: *To ensure that new development is compatible with the existing built form, and streetscape and village character.*

Response: The proposal's building height is consistent with the nearby existing, approved and proposed built form and scale at the street elevations, and positively contributes to established pedestrian areas which contribute to the village character. This is exemplified in the Urban Design Report, prepared by GMU, which states the following:

> *The area presents an important and unique streetscape character in Double Bay's commercial precinct. Council's Public Domain Strategy has recommended applying a 10km/h speed limit on Transvaal Avenue with a raised road pavement at the intersection with Cross Street to ensure that this street is more pedestrian in character with low traffic speeds and movement. The redevelopment of the site offers an opportunity to improve the street interface, contribute additional public space not impacted by traffic movement and provide an open space curtilage to the conservation area.*

Objective: *To encourage view sharing and individual privacy.*

Response: Important iconic views of the harbour to the west are unlikely to be affected due to the scale of surrounding existing and approved buildings. The proposal is not expected to have any detrimental effects on privacy due to its street orientations and the separation distance from surrounding residential uses. The proposal is supported by a View Impact Letter by Richard Lamb and Associates, which concludes, inter alia:

> *The proposed development would not generate any significant negative visual effects in relation to public domain views.*

Objective: *To ensure new development is designed to be compatible with the heritage significance of listed heritage items.*

Response: The proposal will be compatible with nearby listed heritage items, as is demonstrated in the Heritage Impact Statement prepared by John Oultram Heritage & Design and submitted separately. Further, the Urban Design Report by GMU discusses the complementary nature of the proposal with the Transvaal Avenue HCA to the west.

4.7.1 DCP Compliance

A summary of our assessment of the proposed development against the DCP is shown in **Table 4**. Any non-compliances will be discussed in the paragraphs following the table.

TABLE 4: DCP PROJECT COMPLIANCE

Provision	Requirement	Proposal	Complies
Chapter D5 Double Bay Centre – D5.3 Urban Structure			
Structure of the Double Bay Centre	4-5 storey buildings built to the street boundary encouraged along major streets to provide spatial definition	The proposed building is 6 storeys in height and built to the front boundary to provide spatial definition, however, is articulated and setback on the eastern boundary to provide a positive relationship with the public domain and the Transvaal HCA.	YES
	Through block connections not on corner sites	No through block connection proposed.	YES
Key Strategies for the Double Bay Centre	Enhance and improve the public domain and the provision of public facilities	GF shops addressing both street frontages, and awning to both streets	YES

	Ensure that the centre maintains its commercial viability and competitive position within the Sydney retail market	Flexible retail spaces on GF	YES
	Develop the particular qualities of different parts of the centre	Proposal will provide a contemporary development consistent with the size and scale of nearby and approved development in this part of the centre	YES
	Retain and enhance pedestrian access and amenity in and around the centre	Continuous awning proposed on GF for pedestrian amenity, active retail frontages provided	YES
	Improve Double Bay's built form to provide appropriate definition to the public domain	Coherent street scale with approved and proposed neighbouring developments	YES
	Promote sustainable design principles and objectives in the development and use of the built environment	Natural ventilation and lighting enabled by northern orientation and dwelling layout	YES
	To improve parking in the centre	Parking provided at two basement levels accessed by a car lift	YES (see Traffic Report submitted separately)
Chapter D5 Double Bay Centre – D5.4 Street Character			
Cross Street	Relevant desired future character: a) Unify the street on the north side by building to street boundary e) Strengthen built form on corner sites	Setback from the street boundary to align with the front setback of the adjoining property to the west and neighbouring approved developments. Will replace the existing one-two storey building with a thoughtfully designed six storey building that will improve the built form of the corner site.	YES
Chapter D5 Double Bay Centre – D5.6 Development Controls			
Use	Design for a mix of uses within buildings	Mixed use of retail/business and residential	YES
	Design durable and adaptable buildings, spaces and places	Two units are/can be made to be adaptable (Units 2.01 & 3.01)	YES
	Design for retail, commercial and community uses at ground and first floor levels. Consider design solutions that promote retail, commercial use at first floor level such as galleried arcades	Retail uses promoted on GF level.	YES
	Access to residential uses should not occupy more than 20% of the ground floor frontage	Entries to residential lobby occupy <20% of the overall GF level frontage to Transvaal Avenue	YES
	Individual premises must not exceed 15m for each street frontage	Individual premises <15m to each street frontage	YES
Building Envelopes	Habitable rooms should generally achieve a minimum floor to ceiling height of 2.7m	Habitable room floor to ceiling height 2.7m minimum.	YES
	Level 3-5 building depth is limited to 15.6m including the articulation zones	Lv3-5 (2-4F) building depth max approx. 31.3m incl. the articulation zones.	Appropriate on merit (see Section 4.6.2)

	Deep building footprints are permitted at the ground and first floor only	Building footprint at ground floor level, and the floor levels above, are well articulated to minimise the appearance of a deep building footprint.	YES
	Building forms allow for: a) natural day lighting and ventilation; and b) privacy between dwellings or commercial premises	Natural daylight and ventilation provided by ample windows and private open space (see Ventilation Diagram in architectural plans). The commercial premises are on GF level only, to provide separation and privacy between the residential uses.	YES
Height	Buildings should be well designed and achieve the maximum prescribed height along the primary street frontage	Max prescribed height along both street frontages achieved	YES
	The floor level of the uppermost habitable storey must be at least 3.5m below the maximum permissible building height	Floor level of uppermost habitable storey is 1.65m above maximum permissible building height.	Appropriate on merit (see Section 4.6.3)
	Floor to floor heights – GF: Retail: Min 4m Lv1-5: Residential: Min 3.1m	GF(Lv1): Retail: 4m Lv2-5: Residential: 3.1	YES
Building Articulation	On GF up to 100% of the street façade articulation zone can be internal space On Lv2-5 up to 40% of the street façade articulation zone can be occupied with internal or external space	Articulation Zone at GF level occupied largely by awning and pedestrian zone. On Lv2-5, <40% of street façade within articulation zone occupied by internal space. Façade is characterised by large open terraces facing both streets.	YES
Setbacks	Building alignment must comply with the building lines shown on the Built Form Envelopes: Control Drawing 3, Section 5.5.7	Building alignment generally complies with the control drawing at Lv2-5. The 50% building line portion is instead provided on the eastern side, to enable an opening above the ground floor plaza.	Appropriate on merit (see Clause 4.6 for Building Height)
	GF Level: 3m setback to Transvaal Ave 3.5m setback to Cross Street	Transvaal Avenue: 0.86m – 19.27m Cross Street: setback will align with adjoining Intercontinental Hotel and is max. 4.195m, and min. 2.33m at a portion of the circular south-eastern section accommodating Tenancy 1.	Appropriate on merit (see Section 4.6.4)
	Lv2-5: Setbacks to match ground floor **except at the corner of Cross Street and Transvaal Avenue** as illustrated – 1.8m	Compliant with 1.8m setbacks to Cross Street and Transvaal Avenue, with the exception of a portion of the circular eastern section accommodating Units 1.01 – 5.01 which has a minimum setback of 0.86m to Transvaal Avenue.	Appropriate on merit (see Section 4.6.4)
	Lv3-4: Balconies can project 1.2m into front setback	Southern terraces to Cross Street project 1.7m into the front setback, and small curved portion of the end terrace to Unit 3.04 is built to the boundary.	Appropriate on merit (see Section 4.6.4)
	Min 1.8m northern side setback	1.6m setback from external building walls to primary northern boundary (R.O.W. easement)	Appropriate on merit (see Section 4.6.4)

Corner Buildings	Encouraged to achieve the maximum prescribed height along the street edge	Max prescribed height along the street edge achieved	YES
Architectural Resolution	Provide a clear street address to each building. Clearly define pedestrian entries	Clear street addresses and pedestrian entries will be provided	YES
	Provide predominantly glazed shopfronts to ground floor retail areas	Glazed shopfronts at GF level proposed	YES
	New buildings and facades do not result in glare that causes discomfort or threatens safety of pedestrians or drivers, and minimise impact on adjoining land	Limited reflective materials with screens in part	YES
	Materials must be compatible with the existing urban context in street facade design	White render balconies with timber finish vertical flats	YES
	External painting of a building in bright colours, corporate colours or fluorescent colours should be avoided	Earthy tones proposed for painted items	YES
	Design of window and balcony openings must account for streetscape, heritage items, privacy, orientation and outlook	Windows and balconies addressing streets to the north, west and south partly screened; no heritage item in the direct vicinity	YES
	Blank party walls are to be avoided	Blank party walls avoided where possible	YES
	Design commercial space to permit maximum flexibility for future uses	Commercial spaces on GF are open plan	YES
	All rooms above GF are to have windows or skylights	Habitable rooms (e.g. living and dining areas; and bedroom) above GF will have windows	YES
	Residential component must contain a variety of apartment sizes and layouts	1- Bedroom, 2-bedroom & 3-bedroom units proposed, incl. two Units that can be made adaptable	YES
	Vehicular entries must be discrete and minimise conflicts with pedestrians	Single vehicular entry at western end of Cross Street frontage	YES
Roof Design	Must form a coherent part of the whole building and be articulated	Proposed roof is an integral part of the building and blends well with the surrounding approved and proposed developments.	YES
	Permitted roofs: Gabled & hipped roofs with habitable attic spaces, flat roofs & roof decks	Flat roof proposed	YES
	Roof design must minimise building bulk and overshadowing	Only lift overruns and services towards the central part of the roof, min impact on streetscape and solar access	YES
	Air conditioning plant and equipment must be concealed from the exterior and be within the building. When roof plant is proposed it must be screened from neighbours and be integrated with the design of the roof and the composition of the building	Service will be enclosed to integrate with the roof design	YES
Awnings	Continuous awning on Cross St	Continuous awning proposed	YES
	Awning cover within 5 degree of horizontal, with min 3.2m soffit height	Awning will be horizontal with a min. 3.2m soffit height	YES
	Building entrances must have generous cover	Continuous awning proposed, incl. at entries	YES

Visual Privacy	Orientate main living spaces, and their primary openings, to the street or rear garden to avoid overlooking between neighbouring properties. Living areas with primary openings facing the side boundary should be avoided	Main living spaces and their openings orientated towards the streets	YES
	Where openings face the side boundaries of properties, a) providing adequate distance between opposite windows – use 6m between non-habitable rooms, 9m between habitable and non-habitable rooms & 12m between habitable rooms as a guide b) offsetting facing windows of neighbouring dwellings; and c) providing obscure glazing, screening or planting	No proposed windows that face side boundaries of residential properties	YES
Acoustic Privacy	Building siting and layout, particularly with regard to the location of courtyards, terraces and balconies and the like, should minimise the transmission of noise to other buildings and private open space on the site and on adjacent land. The use of openings, screens and blade walls, and the choice of materials, should also be designed to minimise the transmission of noise	Terraces orientated towards the streets or surrounding. Design of northern terraces ensures there is visual separation between apartments. Screening provided to terraces facing Cross Street. Materials used with minimise transmission of noise.	YES
	Locate bedrooms away from noise sources	Bedrooms above GF, not adjacent to classified roads	YES
Landscaped Areas	Plantings over underground structures should have sufficient soil depth to allow sustainable planting	Planters on north eastern corner will be 1m deep, as per the recommendation of the Landscape Architect, to allow sustainable planting.	YES
Private Open Space	Provide at least one balcony, terrace, verandah, loggia, roof terrace or deck for each dwelling, within the area nominated for building articulation. This open space must be accessible from a principal living area	One or two balconies provided for each dwelling within the articulation zone, accessible from open plan living areas	YES
	Min depth: 1.8m	Front terrace min depth 1.7m. Any increase to the minimum depth would result in an increased non-compliance with the front setback control for balconies.	Appropriate on merit
	Min area: 60-90m2 dwelling: 12m2 > 90m2 dwelling: 16m2	Area approx. 13-27m2	YES
Solar Access	Preserve solar access to footpath on south side of Cross St between 12 noon & 2pm on 21 Jun	Solar access is generally retained to southern side of Cross Street	YES (see Section 5.3.2)
	Development should comply with the control drawings in Section D5.5 to ensure adequate solar access is provided to neighbouring properties	Generally complies with control drawings, to permit solar access	YES (see Section 5.3.2)

	Access to sunlight should be achieved for a minimum period of three hours between 9am and 3pm on 21 June to windows of habitable rooms and two hours to private open space of new development	All windows and balconies are north, east or west-facing and will receive adequate sunlight	YES (see Section 5.3.2)
	Locate main living spaces including lounge, dining, kitchen and family rooms toward north where possible	All main living spaces orientated towards north where possible	YES (see Section 5.3.2)
Cross Ventilation	Max building depth of development for Lv3-5 is 15.6m to achieve buildings that are substantially naturally lit and ventilated	Level 3-5 (2-4F) building depth max approx. 31.3m incl. the articulation zones	Appropriate on merit (see Section 4.6.5)
	All dwellings must have windows that can be opened and/or doors in walls with differing orientations by locating windows opposite each other. When this is difficult to achieve on non-rectangular lots with limited street address, at least 80% of dwellings within that development must comply	All dwellings have windows that can be opened and/or doors with different orientations, some opposite each other	YES
Public Art	The public art is installed on the development site or in the immediate vicinity of the site.	The proposal provides two ceramic mural walls in the main lobby within the site.	YES
	The public art is located so that it is not unreasonably inaccessible or obscured by a building element which makes it impossible to see in full by the building occupants and the general public.	The proposed mural on the eastern lift shaft will be visible to the general public from outside the development through the full height frameless glass entry door and glazed sidelight window. The mural at the western lift shaft will be mainly viewed by residents and their guests. Both murals will be illuminated at night, and positively contribute to the vibrancy and village atmosphere of Cross Street and Transvaal Avenue.	YES
Geotechnology & Hydrogeology	Excavation below 1m is accompanied by a geotechnical report and a structural report to demonstrate that the works will not have any adverse effect on neighbouring structures	Refer to Report on Geotechnical and Groundwater Investigation submitted separately	YES (see Section 5.1.1)
On-Site Parking	**Maximum Parking (residential):** 24 resident 4 visitor **Minimum Parking:** Retail 9 spaces Food and Drink 10 spaces	**Residential:** 39 resident spaces (additional provided), 4 visitor spaces (compliant) **Retail and F/D:** 8 spaces	Appropriate on merit (see Section 4.6.6)
	Bicycle Parking: Residential: Min 18 resident & 2 visitor Retail and F/D: Min total 11	Total: 30 bicycle spaces	Appropriate on merit (see Section 4.6.6)
	Motorbike: Min 1 per 10 car spaces (3 spaces)	6 spaces proposed	YES
Vehicular Access	Only permitted via a rear lane or rear right of way where possible	No rear lane or right of way is available. Proposed vehicular access from Cross Street	YES

	Loading facilities must be located in a rear lane or side street	No rear lane or side street available	YES
	Driveway width 3.0 – 6.0m	Driveway width 5.5m at crossover and entrance	YES
	Driveways with minimal visual impact and maximum pedestrian safety, separate and clearly defined pedestrian access	Driveway will be at the western end of Cross Street and have minimal visual impact. Appropriate sight splays and clear pedestrian access will be provided	YES
	Access ways to car parking not in direct proximity to doors/windows to habitable rooms	No habitable room on GF	YES
	Devices may be incorporated to provide access to car parking above and below GF	Two Car Lifts proposed	YES
Site Facilities	Site facilities visually integrated to minimise visibility from the street, preferably within the building envelope, away from openable windows to habitable rooms	Loading zone with minimal street presence within building envelope No habitable room on GF	YES
	Fire hydrants and booster pumps must be integrated into the front of the building façade and enclosed with doors. The enclosure should be clearly identified in a colour that suitably contrasts the façade	Boosters have been appropriately located to blend into the landscape.	YES

As indicated by the table, the proposal complies with a number of the controls contained in Council's DCP, including structure, streetscape character, uses, building articulation, architectural resolution, corner buildings, roof design, privacy, solar access, and geotechnology and hydrology. The numerical non-compliances pertain to building depth, height, setbacks, cross ventilation and on-site parking. These variations are discussed below and on the following pages.

4.7.2 Building Envelope

The DCP prescribes a number of controls relating to building envelopes, including minimum floor to ceiling heights of habitable rooms, building footprints, and the allowance of natural lighting, ventilation and privacy. The proposal complies with all these controls, with the exception of the maximum building depth control, which states that the Level 3-5 building depth is to be limited to 15.6m including the articulation zones. The proposal exceeds this numerical control, providing a maximum building depth of 31.3m.

This departure from the control is largely a result of the depth of the subject site, which ranges from 28.965m – 39.845m. Importantly, majority of residential units within the proposed built form have ample windows and terraces to ensure amenity is maintained for residents

Despite the non-compliance with this control, the proposal remains consistent with the objectives of this control, which are as follows, inter alia:

Objective: *Development should contribute to the desired future character of streetscapes with appropriate and consistent building forms.*

Response: The proposed development presents a highly articulated and contemporary built form that is consistent in height and scale with surrounding building forms, and contributes to the evolving future character of the Cross Street streetscape despite the numerical non-compliance with the building depth control. The design of the proposed development with consideration of the desired future character is supported by the Urban Design Report, which states, inter alia:

The proposed massing and built forms are carefully designed to ensure that it responds to the adjacent developments along Cross Street regarding the podium and overall building heights. The proposed development concentrates bulk and scale to the Cross Street interface, enabling the opportunity to deliver a north-facing plaza as a natural buffer and transition to the heritage conservation area.

The proposed building depth is also less than that of the longest building depth of the Intercontinental Hotel directly to the west.

Objective: *Encourage courtyards and light wells at ground and first floor level of deep blocks to allow natural lighting and ventilation.*

Response: At ground floor level, the proposal has a large plaza space addressing Transvaal Avenue, with majority of retail/business tenancies oriented to Cross Street or Transvaal Avenue. At first floor level, six terraces and ample windows to the residential units ensure natural lighting and ventilation is achieved.

Also see the Ventilation Diagram in the architectural plans (separately submitted) for further details.

Objective: *Enable the provision of through-site links and arcades.*

Response: The proposal retains an existing right of way easement at the north of the site, which provides a through-site link to the rear of Transvaal Avenue properties. The large plaza area at ground floor level could enable a potential connection to the Transvaal Avenue property adjoining the site.

Objective: *Encourage a variety of interior volumes, i.e. split levels, double height spaces and arcades.*

Response: The proposal provides retail/business tenancies of different sizes and composition, as well as a variety of unit types and sizes including a split level, and adaptable, units.

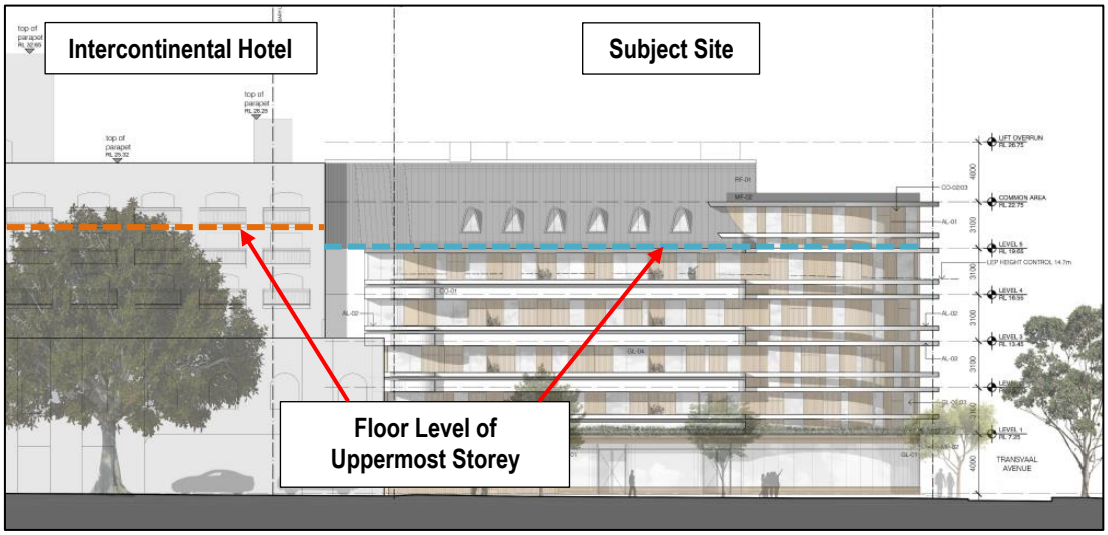
Accordingly, in our opinion, the proposed building depth is acceptable in this circumstance, and the proposal achieves the objectives of the control.

4.7.3 Height

The DCP contains a number of controls relating to building heights, including meeting the maximum prescribed height at the frontage, floor level of uppermost habitable storey minimum 3.5m below the maximum permissible building height, and floor to floor height dimension controls. Although the proposed shop-top housing development complies with the other relevant height controls of the DCP, the proposal has a built form that ranges from 19.5m – 23.5m high, which is greater than the LEP height of building development standard of 14.7m.

Consequently the proposal has a floor level which is 1.65m above the maximum prescribed height control which specifies the floor level of the uppermost habitable storey must be at least 3.5m below the maximum permissible height. The building height proposed is discussed in the Clause 4.6 Application (separately submitted).

Despite the additional height, the proposal's built form will be more consistent with both established and new six storey developments in the vicinity of the site, and in particular the adjoining Intercontinental Hotel. The proposal's built form eliminates the unappealing blank eastern façade of the Intercontinental Hotel, currently visible from Cross Street and Transvaal Avenue. In addition, the floor level of the highest storey of the Intercontinental Hotel is above the uppermost floor level of the proposed development, which is relatively consistent with the hotel's built form, when viewed from the street (see **Figure 18** on the following page).



Source: Luigi Rosselli Architects

Figure 18: The Proposed Height and Intercontinental Hotel

Despite numerical non-compliance with this control, the proposal achieves the relevant building height of objectives which are as follows, inter alia:

Objective: *Encourage buildings to achieve the heights along street and lane frontage described by the control drawings.*

Response: The proposal provides a height and scale consistent with the future character of Cross Street, with many approved and new developments not complying with the now outdated control drawings in the DCP. Nonetheless, the proposal will provide a well-designed built form that responds to the evolving density of Cross Street, and has taken into consideration the articulation zone controls of the control drawings as well as the other general development controls of the Double Bay DCP.

Importantly, the proposed overall height, and height of the floor level of the uppermost storey, is similar to that of adjoining development, and approved and new developments on the southern side of Cross Street (see **Figure 18** above, and **Figure 19** below).

Source: Luigi Rosselli Architects

Figure 19: Elevation showing Proposal and Nearby Existing & Approved Built Forms

Objective: *Provide floor to floor heights that provide amenity to building users and allow adaptable reuse of levels.*

Response: As previously mentioned, despite non-compliance with the uppermost floor level height control, the proposal provides compliant floor to floor heights as per the DCP controls. This provides high levels of amenity to the tenancies at ground floor level, and the residential units above.

Accordingly, in our opinion, the proposal is acceptable in terms of floor level heights to the uppermost level of the building, and complies with the relevant objectives.

4.7.4 Setbacks

The DCP has specific controls relating to setbacks on Cross Street and Transvaal Avenue. These include a 3m setback to Transvaal Avenue and 3.5m setback to Cross Street at ground floor level, and a 1.8m setback to both streets at the upper levels. Balconies must also project no further than 1.2m into the front setback (to Cross Street).

While the proposal does not achieve these numerical controls, the built form and setbacks respond to the existing, new and approved built forms along Cross Street, and the size, shape and context of the corner site, whilst maintaining amenity to surrounding development. Accordingly, the setback controls do not relate to the existing and evolving built form of Cross Street. This is exemplified in the Urban Design Report prepared by GMU, which states, inter alia:

> *The DCP controls set up a number of numeric controls for the desired built form on Cross Street and Transvaal Avenue (see Figure 22). It recommends a 2-storey podium with additional 2 storeys above in 'L' shape on the subject site. It creates a 50/50 height proportion between the taller part of the building and the street wall which could be seen as an unbalanced scale when viewed from pedestrian level. This form and positioning of mass also assume the redevelopment of the hotel. Given the scale of the existing hotel and its current GFA, it highly unlikely that it would be demolished to make way for a 4-5 storey series of L shaped forms.*
>
> *…*
>
> *It should be noted that DCP development pattern and height along Cross Street bears no resemblance to the current built form along Cross Street. The Intercontinental Hotel is a long continuous form and occupies most of the block. It has an approx. 3.1m setback from the street edge with a 2-storey podium and 6-storey long block tower form (approx.10.4m away from the street boundary).*
>
> *The proposal, by contrast, does consider and respond to both the existing built form and the developing new scale and streetscape whilst achieving the objectives apply to the town centre area.*

Despite the numerical partial non-compliances with the setback controls, the proposal will meet the setback objectives, which are as follows, inter alia:

Objective: *Encourage consistent building lines to provide coherent streetscapes.*

Response: The proposal provides a building line consistent with the Intercontinental Hotel to the west, and the incorporation of a curved edge at the Cross Street and Transvaal Avenue intersection will provide improved architectural resolution to address the prominent corner. Appropriate setbacks to buildings along Transvaal Avenue are also achieved through the design.

Objective: *Introduce new setbacks at street level in selected laneways to improve pedestrian amenity.*

Response: N/A

Objective: *Where indicated provide street setbacks to the upper level of development to permit mid-winter sunlight.*

Response: The upper levels are appropriately setback to ensure that compliant levels of solar access to nearby residential uses are achieved during mid-winter, and will maintain appropriate levels of solar access to the public domain.

Accordingly, in our opinion, the proposed setbacks meet the relevant objectives, provides a built form consistent with surrounding buildings, and maintains amenity to pedestrian areas and nearby development.

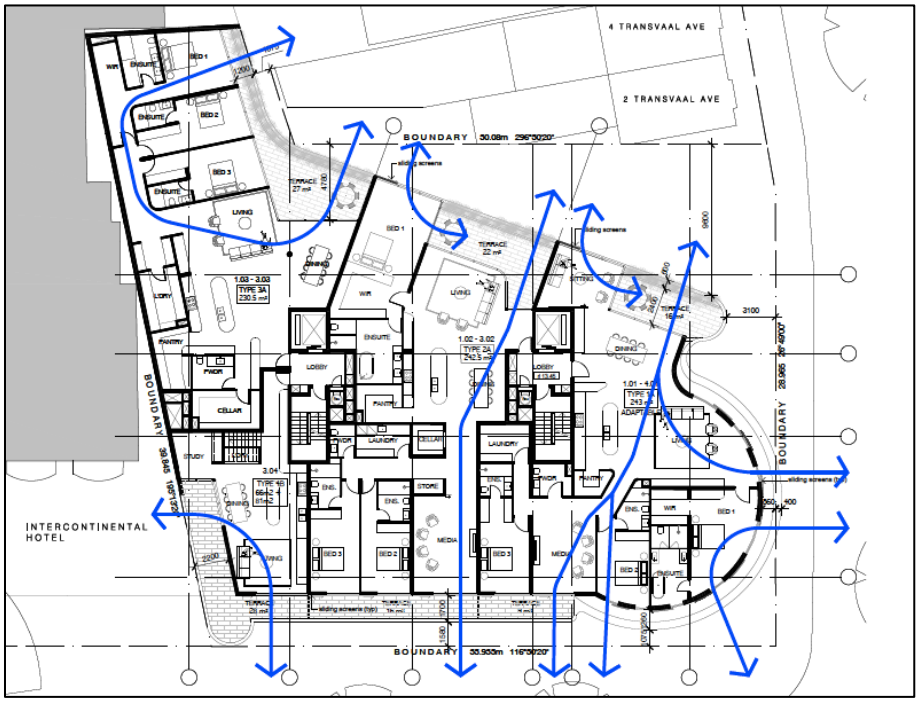
4.7.5 Cross Ventilation

The DCP contains controls relating to building design and configuration, in order to achieve cross ventilation and natural lighting. The proposal complies with one of the two key controls, which requires windows that can be opened, with differing orientations. However there is a numerical non-compliance with the maximum 15.6m building depth for Levels 3-5, which is discussed and justified in Section 4.6.2 of this SEE.

Despite numerical non-compliance with this control, the proposal will provide compliance with the objectives for cross ventilation, as follows, inter alia:

Objective: *All buildings should be designed to achieve natural ventilation.*

Response: The building has been thoughtfully designed to achieve natural ventilation across majority of the residential component, with Levels 1-5 offering a number of openings from windows and doors to multiple terraces (see **Figure 20**).



Source: Luigi Rosselli Architects

Figure 20: Typical Ventilation Diagram

Objective: *Design buildings with naturally lit habitable rooms.*

Response: The proposed shop-top housing development has been designed to maximise naturally lit habitable rooms to residential units, and complies with ADG requirements. This is supported by the Urban Design Report by GMU, which states, inter alia:

> *The maximisation of north-facing units with their main outlook to the water will contribute positively to the overall amenity available to the future residents. All the residential units will achieve an internal height of 2.7m for habitable rooms and 2.4m for wet areas, allowing an acceptable level of natural ventilation and daylight access.*
>
> *11 of 18 units are naturally cross ventilated which meets the ADG requirement.*

Accordingly, in our opinion, the proposal will achieve high levels of cross ventilation to residential units, as well as natural lighting, to meet the objectives of the control.

4.7.6 On-Site Parking

The DCP contains numerical controls for the maximum number of parking spaces for the residential component of a mixed use building; and minimum parking rates apply to retail spaces. A multiplier applies to the allowable number of car parking spaces (as outlined in the Traffic and Parking Report, separately submitted), and is applicable to the proposed development is as follows:

Parking Type	Min/Max. Number of Spaces as per the DCP Control	Proposed Number of Spaces	Compliant
Residential	Resident: Max. 24	39 (including 2 adaptable and 1 accessible space)	Additional provided
	Visitor: Max. 4	4	YES
Retail	Min. 9 spaces	8 spaces total for retail and food/drink	Appropriate
Food/Drink	Min. 10 spaces		

The proposed two level basement garage will provide a compliant number of visitor parking spaces, and total of 39 residential parking spaces, and 8 retail/food and drink spaces. While this is a departure from the maximum residential parking control, and minimum retail and food/drink controls, it has been justified in the Traffic and Parking Report prepared by Transport and Traffic Planning Associates (separately submitted). This report states, inter alia:

> *Whilst the residential provision exceeds the DCP criteria, it is assessed that:*
>
> > *- resident apartment car parking in Double Bay does not have a high traffic generation characteristic because of the "Town Centre" range of facilities within easy walking distance (supermarket, cafés, restaurants, bars, hairdressing/ beauty salons, doctors, chemists)*
> > *- apartment residents often have a recreational vehicle that is seldom used (or used on weekends) or commonly command extra parking so that they can utilise it for storage*
> > *- because it is only proposed to provide 8 spaces for the retail and Food/Beverage tenancies in lieu of the normal minimum requirement of 19 spaces, then there will be a net reduced potential traffic generation*
> > *- while there is a common perception that providing less car parking results in reduced commuter traffic generation there is no known study to support this perception. In fact, TTPA undertook an assessment of the comparative peak traffic generation characteristics of residential apartments at St Leonards which had constrained parking provision (Herbert Street) and apartments which did not have constrained parking provision.*
>
> *All things considered, it is apparent that the proposed parking provision will not be incorporated and will not result in any adverse traffic implications.*

Accordingly, the proposal is acceptable from a parking perspective, as per the Traffic and Parking Report.

4.7.7 Demolition Report

A Demolition Report is required by Woollahra Council for works involving part or total demolition of a building. Council considers the potential heritage significance whether the building is listed or contained within a heritage conservation area. A Report was prepared by John Oultram Heritage & Design for the existing building in accordance with Council's DA Guide. The Report for Nos. 19-27 Cross Street concluded, inter alia:

> *Overall we consider that the proposed development is a well-considered response to the development of a mixed use site and the current planning controls applying.*
>
> *The proposed design is well articulated and scaled and uses appropriate materials and details. It will revitalise the site and provide for a high quality development in a prominent location without impacting on the Transvaal Avenue Heritage Conservation Area.*
>
> *In heritage terms, we consider that the development should be approved.*
> *…*

The Report is considered to allay any Council concerns regarding potential heritage value of the existing building. Based on the Report, Council can be satisfied the existing building can be demolished.

5.0 PLANNING ASSESSMENT

This section will consider the following: The Assessment of the Natural Environmental Impact; the Built Environment Impacts; the Site Suitability; and the Public Interest; in accordance with Section 4.15 of the EP&A Act 1979.

5.1 Assessment of Natural Environmental Impacts

This section will assess the topographic and scenic impacts as well as the water and air quality impacts of the proposed development.

5.1.1 Topography & Scenic Impacts

The Report on Geotechnical and Groundwater Investigation prepared by Douglas Partners (separately submitted) recommends a dilapidation survey; construction methods; excavation conditions; retaining walls; subgrade preparation; foundations; dewatering and tanking methods; seismic loading; and further groundwater investigations that may be required.

The Report notes that the predicted effect of the tanked basement is considered to be within the requirements of the Woollahra Municipal Council guidelines.

With regard to Acid Sulfate Soils, a separate Report on Preliminary Site Investigation for Contamination notes all results identified acidic conditions less than the action criteria. In addition, this Report concludes the following, inter alia:

> *Based on the findings of this PSI, which included only limited sampling and testing, the potential for significant contamination to be present within the site is considered to below. It is considered that the site can be made suitable for the proposed commercial and high density residential development subject to the following:*
>
> 1. *Additional soil investigation once the site becomes more accessible (e.g., following demolition) to more broadly assess the contamination status, ASS potential and waste classification of soils;*
> 2. *If required on the basis of the information obtained from the additional soil investigation, preparation and implementation of a Remediation Action Plan (RAP); and*
> 3. *If required on the basis of the information obtained from the additional soil investigation, preparation and implementation of an acid sulfate soil management plan (ASSMP).*
>
> *As the buildings are to be demolished a pre-demolition hazardous building materials survey of the buildings must be carried out prior to the demolition.*

Accordingly, this report concludes the site can be made suitable for the proposed development provided the report's recommendations are undertaken.

The existing site's building has very minor existing landscaping. The two street trees on Cross Street, and the one existing tree on the eastern boundary within the site, have been assessed in the Arboricultural Impact Assessment prepared by Redgum Horticultural with recommendations for retention, concluding inter alia:

> *9.1 Trees 2 & 3 are to be retained in situ within the site and are to be protected as detailed in 7.5 – 7.6 and Section 14 of part B of this report. Tree protection fences, or works, to be situated in accordance with Site Plan B – Trees to be Retained and Tree Protection Zones (Appendix F). See Tree Protection Plan for additional protection measures for the management of retained specimens.*
> *9.2 Tree 1 is to be removed which is to be undertaken in accordance with 7.7 and Section 13 of Part B of this report.*
> *9.3 Each of the replacement are to be a vigorous specimen with a straight trunk, gradually tapering and continuous, crown excurrent, symmetrical, with roots established but not pot bound in a volume container or approved similar and be maintained by an appropriately qualified and experienced landscape contractor for up to one (1) year after planting, or as appropriate.*

A Tree Management Plan is included in the Arboricultural Impact Assessment Report (separately submitted).

5.1.2 Water & Air Quality Impacts

The proposed development is, in our opinion, unlikely to result in any adverse effects on the locality in terms of water and air quality. Appropriate measures including proposed floodgates and flood doors are to be undertaken in respect of the stormwater and runoff in accordance with the Flood Risk Management Plan (separately submitted).

5.2 Assessment of Built Environmental Impacts: Character and Context

This section will address the impact of the proposed development on the character and context of the area.

5.2.1 Impact on the Area's Character

The building stock in and around Double Bay Centre is characterised by a variety of built forms reflecting a mix of periods, building types and scale with no particular period dominating. In particular, the amalgamation and redevelopment of some sites along the north side of Cross Street have created buildings of different height and bulk to the predominant building stock (Woollahra Municipal Council 2015).

Many of the existing buildings in the locality are subject to development applications to construct five to six storey mixed use developments in Double Bay , with some being issued consents. This includes three approved six-storey, mixed use developments along the southern side of Cross Street, at Nos. 16-18, Nos. 20-26, and Nos. 28-34 Cross Street, all which exceed the height and FSR development standards and contribute to the transitioning density and future character of Cross Street.

In our opinion, the proposal to demolish and redevelop the subject site with a six-storey shop top housing building is compatible with how the locality is growing and evolving, particularly when compared to the older one to two storey retail and commercial building currently occupying the site.

Also important to note is the sheer volume and height of the six plus storey Intercontinental Hotel directly adjoining the subject site. The height and scale of the proposal will provide a built form that eliminates the unappealing blank eastern façade of the Intercontinental Hotel, currently visible from Cross Street and Transvaal Avenue, and replace it with a well-designed contemporary built form with interest, articulation and landscaping.

Luigi Rosselli Architects have designed the proposal to reinforce the boulevard character of Cross Street and enhance the corner location with cylindrical form that addresses the intersection of Cross Street and Transvaal Avenue. The corner structure completes the block. External elements including plantings on apartment balconies, the garden area adjoining the easement, and an activated public plaza at ground floor combine to create a positive connection with the public domain and enhance the appearance of the built form (see **Figure 21** on the following page).

The proposal has been setback further on the northern side to minimise any potential sense of enclosure, and respect the built form, of the low rise development in the adjoining Transvaal Avenue HCA.

The large open plaza at ground floor level, addressing Transvaal Avenue, proposed mix of materials and finishes, articulated facades, and incorporating terraces and planters, will create a built form that is visually appealing when viewed from the street, and architecturally compatible with emerging and new mixed use developments in the locality.

Approved

Proposed

Source: Luigi Rosselli Architects

Figure 21: The Proposal in the Streetscape

The proposal is supported by an Urban Design Report prepared by GMU, which states, inter alia:

> *The building offers a highly sculptured form with the top residential level and roof service/plant rooms contained in a folded roof form which has the benefit of achieving an innovative architectural response whilst also creating a lower street wall height to Cross St and then transitioning into a curved corner form to lead the eye and pedestrian to the conservation area and new public space. The scheme seeks to act as a frame to the conservation area whilst also responding to the existing character of stronger curved corner forms beginning to develop in Double Bay.*

The proposed new north-facing public plaza accessed from Transvaal Avenue and abutting the conservation area will provide separation and provide a visual curtilage to the conservation area. It actually creates a more responsive solution with greater opportunities for appreciation of the heritage terraces than the current DCP.

It also encourages the future integration of the adjacent cottage as part of the plaza space with potential future connections to its commercial courtyard to the rear and also encourages development of a secondary pedestrian laneway network along the rear of the site and the heritage buildings to link into the existing intimate heritage laneway system to the north. The location of the new plaza will also contribute to the existing activity hub at Transvaal Avenue. It presents an increased opportunity as a focal point for potential street festivals and the nighttime economy.

Accordingly, in our opinion, the proposal will present an uplifted, contemporary built form on the site which responds to the desired future character of Cross Street and the Double Bay Centre generally.

5.3 Assessment of Built Environmental Impacts: Privacy and Amenity

This section considers the aural and visual privacy impacts resulting from the proposal and needs to be considered in conjunction with Section 4.6. It will specifically address sunlight access, view and waste management impacts.

5.3.1 Aural and Visual Privacy Impact

Aural and visual privacy is maintained for neighbouring dwellings and the future occupants of the proposed dwelling, by the design and layout of the proposal. The proposal's retail uses on the ground floor, are consistent with the existing ground floor uses, and therefore ground floor uses are unlikely to generate additional noise when compared to the existing.

The proposed residential units at the upper levels, and the proposed rooftop swimming pool and barbeque area, are likely to maintain aural privacy to surrounding dwellings and units, due to their considerable separation distance from these nearby residential or accommodation uses. The proposed units are unlikely to contribute to the existing external noise levels associated with the commercial and mixed use nature of Cross Street, with consideration of the following statement in the Acoustic Report:

The acoustic environment is categorised by moderate background noise levels during the day and evening due to traffic movements along Cross street and Transvaal Avenue along with patrons visiting the surrounding commercial retail outlets…

Noise emissions from mechanical plant equipment will be controlled by implementation of acoustic treatments at the construction certificate stage. This is reiterated in the Acoustic Report prepared by Acoustic Logic (separately submitted), which states, inter alia:

Detailed plant selection has not been undertaken at this stage, as plant selections have not been determined. Detailed acoustic review should be undertaken at CC stage to determine acoustic treatments to control noise emissions to satisfactory levels. Satisfactory levels will be achievable through appropriate plant selection and location and, if necessary, standard acoustic treatments such as duct lining, acoustic silencers and enclosures.

Potential sightlines to residential components of nearby developments are minimised by orientating private open spaces and windows primarily over Cross Street and Transvaal Avenue, which contain mainly commercial and retail uses, with residential uses in the immediate vicinity of the site only on Cross Street. The generous separation distance of >20m from balconies and windows of residential components of nearby mixed-use properties on the opposite side of Cross Street, will contribute to maintaining visual privacy.

Accordingly, in our opinion, the proposal's careful design has minimised any loss of aural and visual privacy.

5.3.2 Solar Access

To assess the proposed development in terms of overshadowing, shadow diagrams have been prepared for 9:00am, 12 noon, and 3:00pm; and sun eye diagrams have been prepared hourly from 9:00am to 3:00pm for the winter solstice (June 21). These diagrams indicate that the proposal will generally provide compliant levels of solar access as per the DCP controls, which are as follows, inter alia:

- *Preserve solar access to footpath on south side of Cross St between 12 noon & 2pm on 21 June.*
- *Development should comply with the control drawings in Section D5.5 to ensure adequate solar access is provided to neighbouring properties.*
- *Access to sunlight should be achieved for a minimum period of three hours between 9am and 3pm on 21 June to windows of habitable rooms and two hours to private open space of new development.*
- *Locate main living spaces including lounge, dining, kitchen and family rooms toward north where possible.*

Although the proposal does not entirely comply with the built form controls in the control drawing, it has been sympathetically designed to ensure adequate solar access to neighbouring properties is achieved. The proposal has also been designed to provide solar access to the proposed residential units and private open space of the new development on the subject site, and complies with ADG requirements. This is further detailed in the Urban Design Report by GMU, which states, inter alia:

> *The proposal includes 18 apartments of which the majority enjoys high levels of amenity achieved through the well considered built form and layout plan. 15 of 18 units (83.3%) achieve the required minimum 2 hours of solar access as per the ADG guidelines. The good levels of daylight access to main living spaces reduce the requirement for artificial lighting and enhances liveability.*

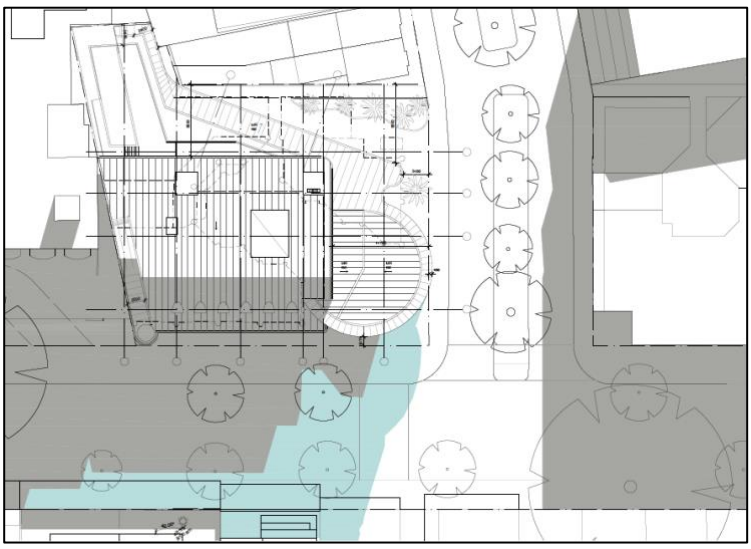
The proposed levels of solar access at 9:00am, 12 noon and 3:00pm will now be discussed:

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).

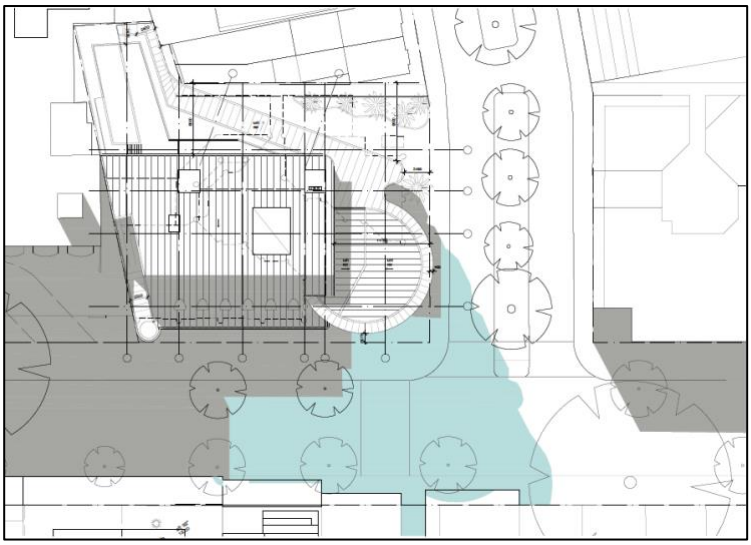
At **12 noon**, the proposal maintains existing levels of solar access to neighbouring developments. The only loss of solar access occurs over part of the roadway on Cross Street and the southern side footpath, a small portion of the roadway on Transvaal Avenue and footpath, and to the entry of Goldman 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).

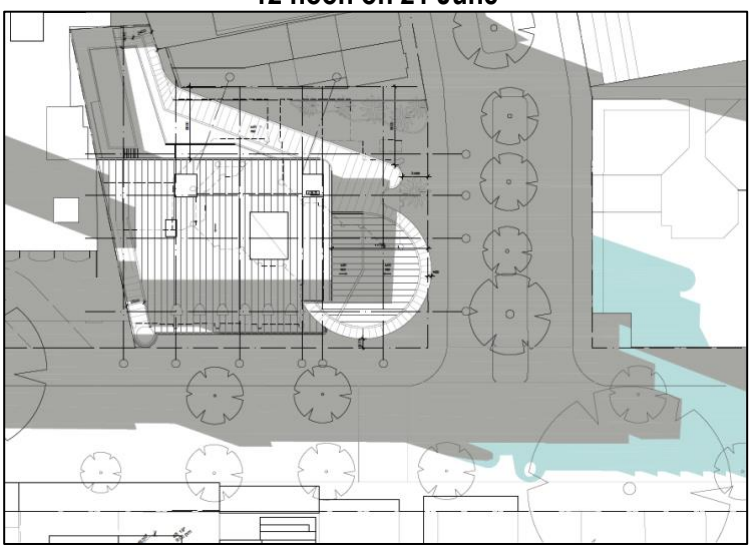
Accordingly, in our opinion, the proposal complies with Council's DCP controls through maintaining adequate solar access to nearby development, and ensuring the extent of additional overshadowing on the public domain and footpath on the southern side of Cross Street is minimised. The proposal also complies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



9:00am on 21 June



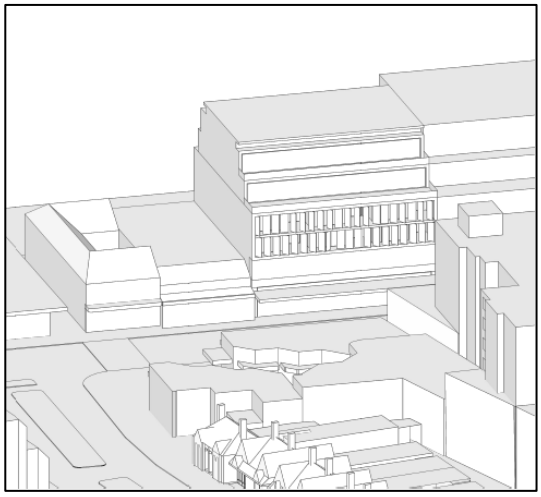
12 noon on 21 June



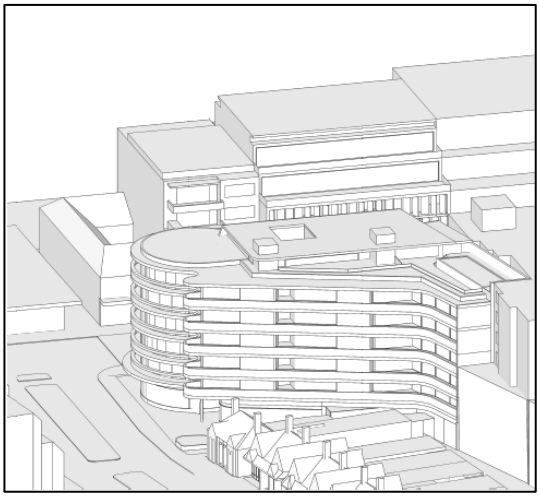
3:00pm on 21 June

Source: Luigi Rosselli Architects

Figure 22: Proposed Shadow Diagrams

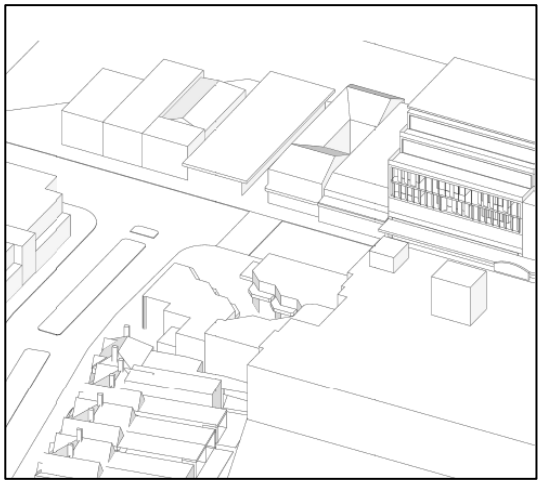


Existing

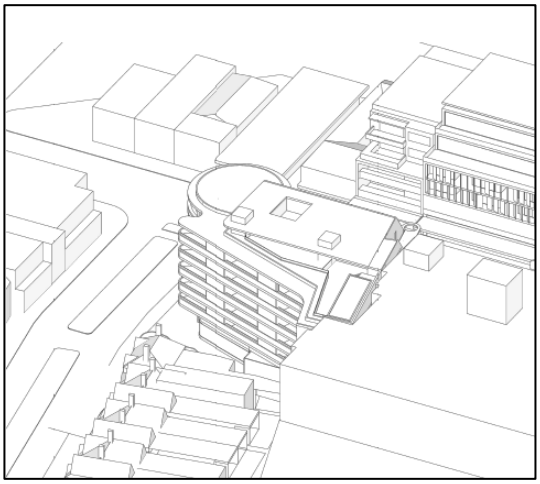


Proposed

9:00am on 21 June

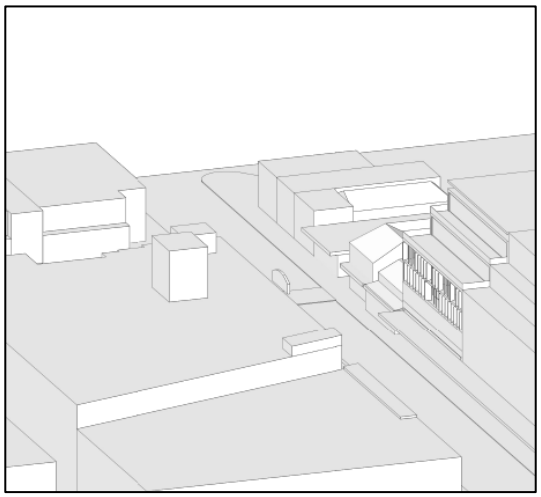


Existing

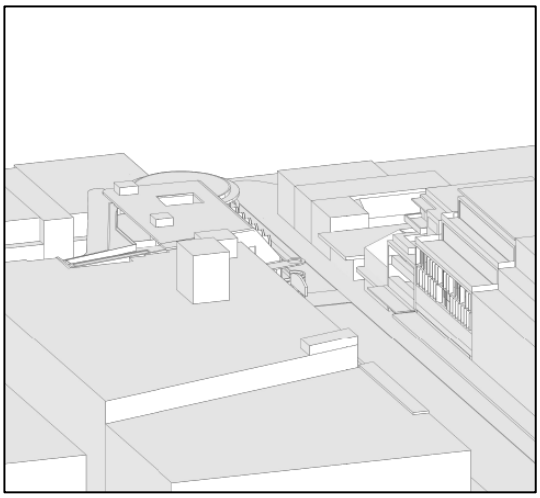


Proposed

12 noon on 21 June



Existing



Proposed

3:00pm on 21 June

Source: Luigi Rosselli Architects

Figure 23: Proposed Sun Eye Diagrams

5.3.3 Views

In the assessment of development applications relating to view issues, the NSW Land and Environment Court rely on the principle of the *Tenacity v Warringah Council* (2004) NSWLEC 140. Our assessment of the proposal against this planning principle is included below. The four steps in assessing view affectation are considered as follows:

- *Assessment of the Views Affected*
- *From What Part of the Property are the Views Obtained?*
- *The Extent of the Impact*
- *The Reasonableness of the Proposal*

It is noted that our assessment is based on an inspection of the surrounds, aerial photography and survey information available at the time of preparing this report.

No significant views appear to be available across the subject site due to local flat terrain. Potential views across the site from distant development in elevated locations are unlikely to be affected by the proposal, which will align with the maximum roof height

> *The private domain visual catchment is limited to the south, south-west and south-east and is unlikely to have access to items that are highly valued in Tenacity terms.*
>
> *The wider private domain visual catchment, that could have access to views beyond the site is limited and isolated to dwellings at high level in residential towers that are some distance from the site. Access to scenic features that are highly valued in Tenacity, are unlikely to significantly affected by the visual effects of the proposed built form or view loss.*
>
> *As a guide, the proposed built form is likely to generate an analogous level of view loss, as the adjacent Intercontinental Hotel, notwithstanding the subject site is smaller and built form proposed is lower overall in relation to it.*
>
> *The proposed development would not generate any significant negative visual effects in relation to public domain views.*
>
> *In summary in our opinion, potential private domain view loss is unlikely to be a significant issue and the planning proposal as reviewed, can be supported on this basis.*

In the majority of private domain views the proposed built form would be visible in the context of the commercial-retail core of Double Bay including the Intercontinental Hotel of the same and greater height.

In our opinion, the proposal is appropriate in terms of *Tenacity* and is expected to maintain views from more distant residential accommodation, which would already have views over the Intercontinental Hotel.

5.3.4 Waste Management

The proposal includes two communal Residential bin storage rooms on Basement Level 1, which are loaded via rubbish chutes from the residential floors. These areas are capable of accommodating the estimated 9x 240 litre mobile garbage bins (MGBs) and 5 x 240 litre compacted storage for general waste, and 9x 240 litre MGBs required for recycling, for the residential lots. Retail garbage rooms are also provided in the Basement, with approximately 7 x 240 litre garbage and 8 x 240 litre recycling bins required, depending on the eventual tenancies. The Operational Waste Management Plan provides the following details and procedures for waste management, inter alia:

> ***Household Waste***
>
> *…*
>
> *2 waste chutes will be installed and fitted with eDiverter systems discharging garbage into 240L MGBs which is compacted, and recycling (comingled) into 240L MGBs which is not compacted. The discharge is located in the waste room on basement level 1.*

Commercial/retail Waste Management
To ensure the proper management and disposal of waste, tenants must be made aware of the following practices:

- *all garbage should be bagged, and garbage bins should be plastic lined;*
- *bagging of recyclables is not permitted;*
- *all interim waste storage is located BOH during operations;*
- *individual recycling programs are recommended for retailers to ensure commingled recycling is correctly separated;*
- *any food and beverage tenant will make arrangements for storing used and unused cooking oil in a bunded storage area;*
- *the operator will organise grease interceptor trap servicing;*
- *a suitable storage area needs to be provided and effectively bunded for chemicals, pesticides and cleaning products;*
- *dry basket arrestors need to be provided to the floor wastes in the food preparation and waste storage areas; and*
- *all flattened cardboard will be collected and removed to the waste room recycling MGB*
- *a suitable storage area needs to be provided and effectively bunded for chemicals, pesticides and cleaning products;*
- *dry basket arrestors need to be provided to the floor wastes in the food preparation and waste storage areas; and*
- *all flattened cardboard will be collected and removed to the waste room recycling MGB*

The bin storage room locations comply with the maximum distance of 75 metres from the storage areas to the collection point on Cross Street. Accordingly, the proposal is acceptable in terms of waste management.

5.4 Assessment of the Site Suitability

This section will consider the proximity of the site to services and infrastructure; traffic, parking and access issues; hazards; and safety, security and crime prevention; and construction.

5.4.1 Proximity to Services and Infrastructure

The site is in the Double Bay Centre and approximately 200m walking distance from public bus transport. The Nos. 323-326 bus services provide regular links between Dover Heights, Edgecliff, Watsons Bay, Walsh Bay and Bondi Junction. Ferry services between Watsons Bay and Darling Harbour operate from the Double Bay Wharf, approximately 400m walking distance from the site.

As the site is within an established area, electricity, telephone, water and sewerage are also readily available.

5.4.2 Traffic Generation and Parking Access

As previously discussed, vehicular access to the site is via two car lifts serving as 'in and out' lifts, and a 5.5m - 6.2m wide driveway adjoining Cross Street. There are two levels of basement car parking proposed, with a total of 51 car parking spaces. Of these, 39 spaces are for residents, including 2 adaptable and 1 accessible parking spaces; 4 visitor parking spaces including 1 electrical charging space; and 8 retail/food and drink parking spaces. There are 30 bicycle spaces and 6 motorcycle spaces proposed.

Traffic generation rates are anticipated as follows, based on the Traffic and Parking Assessment prepared by Transport and Traffic Planning Associates:

> *The TfNSW guidelines specify a peak generation rate for high density residential development (not near railway station) of 0.29 vtph per apartment. The Retail and Food/Drink tenancies will be provided with 8 parking spaces and it is inevitable that some of these spaces will be used by tenants/staff resulting in minimal traffic movements.*
>
> *Accordingly, the potential traffic generation of the proposed development scheme would be:*

	AM	***PM***
18 apartments	*6*	*6*
Retail/Food & Drink 8 spaces	*4*	*6*
Total:	*10 vtph*	*12 vtph*

Thus, the traffic generation consequential to the proposed development scheme will be more than that of the existing use on the site, however the magnitude will be quite minor and it is apparent that there will not be any adverse or unsatisfactory traffic implications.

The additional resident parking spaces are anticipated to be used primarily for garaging lesser-used recreational vehicles, which therefore do not contribute to regular traffic generation rates. In addition, the proposed retail/food and drink parking spaces is below the minimum parking rate control of 9 retail and 10 food and drink parking spaces, which provides lower traffic generation rates. This encourages patrons to use active or public transport to access these services.

Further, the Traffic and Parking Assessment states that the likely parking demand for the proposal can be satisfied through a departure from the numeric parking rate control. The report provides a number of justifications confirming the proposed parking rates are appropriate in this circumstance, which is also discussed in detail in Section 4.6.6 of this SEE.

The Traffic and Parking Assessment has confirmed the design and layout of the basement car park levels complies with the required geometry under AS 2890.1:2004. This allows ease of access, internal circulation, and servicing of car park areas.

In accordance with the Traffic and Parking Assessment, the proposal is suitable from an access, traffic generation and parking point of view.

5.4.3 Hazards

As the site is affected by the 100 year ARI flood event, mitigation measures including floodgates and flood barriers will be incorporated in the proposal. These measures are recommended by Henry & Hymas in the Flood Risk Management Plan submitted separately.

The site is not in an area recognised by Council as being subject to landslip, bushfire or any other particular hazards. The proposed development will not increase the likelihood of such hazards.

5.4.4 Safety, Security and Crime Prevention

The proposal is consistent with CPTED principles of surveillance and access control. The design will enhance safety and security by providing passive surveillance of Cross Street and Transvaal Avenue from the residential apartments' living areas, and from the retail uses at ground floor level. Residents will have security controls on both the pedestrian and vehicular entrances.

5.5 The Public Interest

This section will consider the social and economic effects of the proposal and the public interest.

5.5.1 Social and Economic Impact

The proposal offers additional uses for the Double Bay community. The proposal's additional 18 dwellings, containing a mix of one, two and three bedroom units, will be a social asset in the local centre and LGA. The proposal will be expanding housing choices for a diverse population that caters to young professionals, smaller families, and downsizers wishing to stay in their local area.

The incorporation of retail uses at ground floor level will continue to contribute to the economic viability and village character of the Double Bay Centre. This has been discussed in the judgment for Nos. 28-34 Cross Street (*SJD DB2 Pty Limited*), which approved a similar building to the proposed. Commissioner Clay AC stated at [55], inter alia:

> *The retail component on the site will be enhanced by the provision of higher quality retail space with the capacity to attract a range of retail uses including food, services and boutiques. The increased residential population at the site will also add, at least in a small way, to the vitality of the Centre and the use of retail and commercial facilities.*

In addition, the proposal will provide employment during construction and the maintenance of services once the dwellings are occupied, as well as the commercial occupancy. The new retail and business spaces, and the future residents, will contribute to the local economy in Woollahra.

5.5.2 The Public Interest

The proposal has been designed with consideration of streetscape and nearby resident amenity. It will contribute to a revitalised Cross Street, with activation at ground floor level including retail tenancies, and a plaza area that positively interacts with the established pedestrian areas of Transvaal Avenue.

The proposal satisfies the LEP's B2 Zone objectives, and in our assessment, satisfies the LEP's built form development standard objectives. Additionally, the proposal is considered to achieve the objectives for the Double Bay Centre and the desired future character of Cross Street, under the DCP.

The Urban Design Report by GMU further supports the proposal being designed with consideration of its positive effect on public areas, and being in the public interest, stating, inter alia:

> *The new active uses and the widened footpath with residential units above the ground level provides improved street interfaces and activation as well as passive surveillance to the public domain. The new design enlivens Cross Street and Transvaal Avenue with high-quality retail offerings to complement the centre.*
>
> *…*
>
> *The proposed development provides the opportunity to strengthen the 'sense of place' for the centre. It will enhance the existing public domain with renewed vitality to the intersection of Cross Street and Transvaal Avenue. The carefully designed built form and internal layout will provide high- quality amenity outcomes for future residents and minimal amenity and shadow impacts to the surrounding properties. The proposed maximum scale is comparable with the existing and recently approved development within the centre. It will provide increased residential density and local employment opportunities to support the balanced development of the area and the sculpted curvilinear built form and increased setbacks to the conservation area will create an interesting visual marker to Cross Street without dominating the adjacent lower scale development.*

The proposal will provide a contemporary, stunning shop-top housing development which is a contextually appropriate scale and form for the area. Accordingly, in our opinion, the proposal is a quality development which serves the public interest.

6.0 CONCLUSION

The proposed shop-top housing development at Nos. 19-27 Cross Street, Double Bay has been assessed in accordance with Section 4.15 of the EP&A Act 1979 and Council's planning instruments. The proposal is permissible in the B2 Local Centre Zone under the LEP and in our opinion is consistent with the relevant objectives of the Zone. In our assessment, the proposal is also consistent with the provisions and objectives related to excavation, and heritage conservation in the LEP.

This SEE demonstrates that the proposal for an elegant new infill development on a corner site will maintain the relationship with surrounding development, and contextually fit with the desired character of the locality. The proposed retail spaces will actively address two prominent streets in the Double Bay Centre, and the new mix of residential units have been thoughtfully designed by noted firm, Luigi Rosselli Architects, to enhance the lifestyle of the future residents.

The proposal is consistent in scale, form, proportions and setbacks with nearby developments, including the new approved six-storey developments at Nos. 16-18 Cross Street, Nos. 20-26 Cross Street, and most recently Nos. 28-34 Cross Street. The well-considered design approach to emphasise the iconic corner site, completes this northern block of Cross Street, reinforces the boulevard composition of the street, and enhances the streetscape character.

The building has been carefully designed to ensure a similar height, bulk and scale to existing and emerging development on Cross Street, and in the Double Bay Centre generally, whilst providing an appropriate transition to the low-rise shops and businesses to the north and east. Importantly, the Heritage Impact Statement and Urban Design Report support the proposal which respects the heritage values of the Transvaal Avenue HCA, and contributes to the Cross Street character.

Compliance with majority of controls of the DCP, combined with the sympathetic design and articulation of the proposal, ensures the new building envelope will maintain compliant levels of solar access and adequate privacy to nearby shop-top housing. Where non-compliances with the controls have occurred, the objectives are met. The proposal is also consistent with the Design Quality Principles of SEPP No. 65 and the Apartment Design Guidelines.

While there is a departure from the maximum building height and FSR development standards of the LEP, these have been fully justified in the accompanying Clause 4.6 Applications to Vary a Development Standard. The Clause 4.6 Applications demonstrate the proposal satisfies matters for consideration and achieves the objectives of the planning controls. In our opinion, the application is considered to be well-founded

The SEE is accompanied by a number of supporting documents, including an acoustic report; arborist report; contamination report; flood risk management plan; geotechnical report; heritage impact statement; traffic report; BASIX certificate; SEPP 65 report; urban design report, waste management report, and others. These reports have informed our assessment and confirm the proposal is suitable in the locality and will be a splendid addition to Double Bay Centre.