Completion Date: 9 June 2021
REFERRAL RESPONSE
URBAN DESIGN

FILE NO:	Development Applications/ 321/2020/1
ADDRESS:	19-27 Cross Street DOUBLE BAY 2028
PROPOSAL:	Demolition of existing structure and construction of a shop top housing development
FROM:	N Vandchali
TO:	Mr W Perdigao

Information

Architectural drawings:

DRAWING LIST

DA_00	cover sheet
DA_01	site analysis
DA_02	plan - site + roof
DA_03	plan - basement 2
DA_04	plan - basement 1
DA_05	plan - ground floor
DA_06	plan - level 1
DA_07	plan - level 2
DA_08	plan - level 3
DA_09	plan - level 4
DA_10	plan - level 5
DA_11	plan - roof terrace
DA_12	plan - roof
DA_13	section AA
DA_14	elevations - south
DA_15	elevations - east
DA_16	elevations - north
DA_17	elevations - west
DA_18	GFA diagrams
DA_19	adaptable apartment layout
DA_20	ventilation diagram
DA_21	ADG diagrams
DA_22	exterior finishes
DA_23	photomontage
DA_24	shadow diagrams 9am
DA_25	shadow diagrams 12pm
DA_26	shadow diagrams 3pm
DA_27	solar analysis 9am
DA_28	solar analysis 10am
DA_29	solar analysis 11am
DA_30	solar analysis 12pm
DA_31	solar analysis 1pm
DA_32	solar analysis 2pm
DA_33	solar analysis 3pm

SITE DETAILS

address : 19-27 Cross St, Double Bay, NSW 2028
property : Lot 100, DP 617017
site Area : 1334 sqm

BASIX CERTIFICATE

The applicant must comply with the requirements of the BASIX certificate

FINISHES & NOTATIONS LEGEND

DP	-	down pipe
(e)	-	existing
EGL	-	existing ground line
EOC	-	expressed off-form concrte
EX	-	existing
FB	-	face brickwork
GL	-	clear glass
GU	-	gutter
HWU	-	hot water unit
MR	-	metal roofing
P	-	paint finish
PV	-	photovoltaic panels
R+P	-	render with paint finish
RT	-	roofing tiles
RWH	-	rainwater head
SK	-	skylight
SH	-	shutters
SMH	-	sewer man hole
ST	-	stone
W	-	window
WO	-	window obscure glazing

The architectural plans dated 4 June 2021

Statement of Environmental Effects: GSA Planning August 2020

Survey:

Background

This urban design referral has been prepared to assess the amended plans against my original urban design referral dated 12 October 2020. In preparing this assessment, I have reviewed the amended architectural plans and associated documents including the urban design peer review by Atlas Urban, schedule of changes and response to Council assessment reports by GSA Planning.

The proposed built form amendments

The proposed key built form amendments include:

- Overall reduction in GFA of 136m2 (from 4,796m2 to 4,660m2), and FSR from 3.59:1 to 3.49:1
- Reduction in building height by maximum 2.00m (to maximum RL 24.75 AHD) from 23.5m to 21.5m
- Reconfiguration of the lift overrun - contained entirely within roof
- Reconfiguration of retail floor space at ground floor, including additional setback on the north-eastern building line by 2m.
- Increased southern setback by 1 m at Level 4, and approximately 1.8 m at Level 5
- Removed roof terrace level

Key Controls

- State Environmental Planning Policy No. 65 (SEPP 65): Apartment Design Guide (ADG)
- Woollahra Local Environment Plan 2014 (WLEP 2014)
- Woollahra Development Control Plan 2015 (WDCP 2015)

Compliance

The following is an assessment of the proposal against the SEPP 65 Principles.

Principle	***Statement***	**Assessment**	**Complies**
Principle 1: Context and Neighbourhood Character	*Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.* *Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.*	Despite the proposed amendments, the proposed bulk and scale does not respond to the desired future character of the Centre. It does not provide a sympathetic response to the Transvaal Avenue HCA. The proposed additional 2m setback on the ground level does not result in built form reduction towards the single storey heritage items, as the upper levels above the ground level (with no change) are still projected toward the northern boundary. The amended setbacks on the upper levels facing Cross Street aim to provide a 4 storey street wall height similar to the evolving character of Cross Street-south. However, the proposed 1.7 m upper-level setback on Level 4 (the fifth level) is not sufficient to mitigate the perceived bulk and scale of the upper levels. I am still concerned about the proposed 6 storey street wall height at the corner facing Transvaal Avenue. It is excessive and does not respond to the desired future character of the area. The proposed setbacks are still inconsistent with	**NO**

		WDCP 2015 D5.5.7.	
Principle 2: Built Form and Scale	*Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.* *Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.*	In addition to my comments on Principle 1, the proposed bulk and scale exacerbates the overshadowing impacts on the public domain and the neighbouring sites. The proposed dominant horizontal articulation increases the perceived bulk and scale of the proposed building. This does not respond to the existing fine-grain vertical articulation of the HCA.	**NO**
Principle 3: Density	*Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.* *Appropriate densities are consistent with the area's existing or projected population.* *Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.*	Please refer to my original urban design referral.	**YES**
Principle 4: Sustainability	*Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater*	Please refer to my original urban design referral.	**YES**

	recharge and vegetation.		
Principle 5: Landscape	*Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.* *Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long term management.*	Please refer to my original urban design referral.	**YES**
Principle 6: Amenity	*Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.* *Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.*	Please refer to my original urban design referral.	**YES**
Principle	*Good design optimises safety and*	Please refer to my original	**YES**

7: Safety	*security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.* *A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.*	urban design referral.	
Principle 8: Housing Diversity and Social Interaction	*Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.* *Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.*	Please refer to my original urban design referral.	**NO**
Principle 9: Aesthetics	*Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.* *The visual appearance of well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.*	In terms of the built form proportion, bulk and scale, the proposal does not positively respond to the requirements of this principle.	**NO**

The following is an assessment of the proposal against the relevant requirements of the ADG.

Standard	Required	Proposed	Complies
Part 3: Siting the development			
3D - Communal and public open space	*Minimum communal space area 25% of site area* *Minimum 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter)* *Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions*	The proposal does not provide any communal open space for the proposed 18 residential units.	**NO**
3E – Deep soil zones	*Deep soil zones that allow for and support healthy plant and tree growth* *Site area* / *Minimum dimension* / *Deep soil zone (% of the site area)* *Less than 650m²* / *-* / *7%* *650 m² – 1,500m²* / *3m* *Greater than 1,500m²* / *6m* *Greater than 1,500m2 with significant existing tree cover* / *6m*	The proposed development has not provided any deep soil area on the site. This is acceptable due to the location of the subject site in B2 Zone, and the amount of landscaped space on the ground level.	**YES**
3F – Visual privacy	*Adequate building separation between neighbours to achieve reasonable external and internal visual privacy.* *Minimum separation distances from buildings to side and rear boundaries:*	Please refer to my original urban design referral.	**YES**

	Building height / *Habitable rooms and balconies* / *Non-habitable rooms* *Up to 12m (4 storeys)* — *6m* — *3m* *Up to 25m (5-8 storeys)* — *9m* — *4.5m* *Generally one step in the built form as the height increases due to building separations is desirable. Additional steps should be careful not to cause a 'ziggurat' appearance* *Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping*		
3G – Pedestrian access and entries	*Building entries and pedestrian access connects to and addresses the public domain* *Access areas clearly visible from public domain* *Multiple entries (including communal building entries and individual ground floor entries) should be provided to activate the street edge*	Please refer to my original urban design referral.	**YES**
3H – Vehicle access	*Vehicle access points designed and located to achieve safety* *Car park access should be integrated with the building's overall facade.* *The width and number of vehicle access points should be limited to the minimum* *Designed to minimise conflict with pedestrians and vehicles* *Create high quality streetscapes*	Please refer to my original urban design referral.	**YES**
Part 4: Designing the Building ***<u>Amenity</u>***			

4A – Solar and daylight access	*Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter in the Sydney Metropolitan Area* *A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid -winter*	Please refer to my original urban design referral.	**YES**
4B – Natural ventilation	*At least 60% of apartments are naturally cross ventilated in the first 9 storeys* *Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line*	Please refer to my original urban design referral.	**YES**
4C – Ceiling heights	*Measured from finished floor level to finished ceiling level, minimum ceiling heights are:* *Apartment* — *Minimum ceiling height* *Habitable rooms* — *2.7m* *Non-habitable* — *2.4m* *Attic spaces* — *1.8m with 30° minimum ceiling slope* *Minimum floor to floor height 3.1m (4C.5).*	Please refer to my original urban design referral.	**YES**
4D – Apartment size and layout	*Apartments are required to have the following minimum internal areas:* *Apartment type* — *Minimum internal area* *Studio* — *35m2* *1 bedroom* — *50m2* *2 bedroom* — *70m2* *3 bedroom* — *90m2* *Note: minimal areas include only one (1) bathroom. Additional bathrooms*	Please refer to my original urban design referral.	**YES**

	increase the minimum internal area by 5m². *Every habitable room must have a window in an external wall with a total minimum glass area of at least 10% of the floor area of the room.* *Habitable room depths are limited to a maximum of 2.5 x the ceiling height* *In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window* *Master bedrooms have a minimum area of 10m2 and other bedrooms 9m2 (excluding wardrobe space)* *A window should be visible from any point in a habitable room* *Bedrooms have a minimum dimension of 3m (excluding wardrobe space)* *Living rooms or combined living/dining rooms have a minimum width of:* *Apartment type — Minimum width* *1 bedroom — 3.6m* *2 bedroom — 4m* *3 bedroom — 4m* *The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts*		
4G – Storage	*In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:* *Dwelling type — Storage size volume* *1 bedroom — 6m3* *2 bedroom — 8m3* *3+ bedrooms — 10m3* *Studio — 4m2* *Note: At least 50% of the required storage is to be located within the*	Please refer to my original urban design referral.	**YES**

	apartment		
Configuration			
4M – Facades	*Building facades provide visual interest along the street while respecting the character of the local area* *Entries are clearly defined* *Building services should be integrated within the overall facade*	Please refer to my original urban design referral.	**NO**
4N – Roof design	*Roof treatments are integrated into the building design and positively respond to the street*	Please refer to my original urban design referral.	**YES**

Proposal's response to WLEP 2014

Height

Despite the proposed height reduction by approximately 2m to 21.5m, the proposed 6 storey development does not provide appropriate responses to the following objectives of WLEP 2014 Cl 4.3-Height of the building:

(a) to establish building heights that are consistent with the desired future character of the neighbourhood
(b) to establish a transition in scale between zones to protect local amenity
(d) to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion

The proposed height adjacent to the single-storey HCA does not provide a sympathetic or gradual transition.
The proposed 6 storey corner element exacerbates the overshadowing impacts on the public domain and neighbouring sites on the southern side of Cross Street. It also blocks the existing view line from Goldman Lane to the HCA in Transvaal Avenue.

The applicant refers to *the Draft Double Bay Planning and Urban Design Strategy 2021*. I note that on 26 April 2021, Council resolved (in part):

> *1. asserts control of its Double Bay Centre Planning Controls*
> *2. Revises the Draft Double Bay Centre Planning and Urban Design Strategy to:*
>
> > *a. Include a statement reaffirming its commitment to the 2015 DCP, and the desired future character of Sydney's Stylish Bayside Village as defined therein, for the bulk of the Double Bay Centre with maximum height limits of 4 storeys and some 5 storey corner sites (and one rezoned 6 storey site at 376-382 New South Head Road).*

b. In light of the LEC ruling on 28-34 Cross Street regarding the desired future character of Cross Street being defined by adjoining properties, focus the new Strategy on Cross Street (south side between Knox Lane and Bay Street) with a fine grained, site by site review of each site in order to integrate the remaining sites with recently completed developments on Cross Street and with the existing adjacent streets and pedestrian corridors and being mindful of view sharing opportunities for existing developments south of Cross Street.

c. Ensure that the desired future character of the Double Bay Centre as per (2a) and (2b) above is also reflected in the WLEP.

Therefore, any future development in the Centre (except for the block on the southern side of Cross Street, which will be subject to a fine-grain urban design study) must be consistent with the current applicable controls under WLEP 2014 and WDCP 2015.

The proposed built form is not supported because it is inconsistent with the WLEP 2014 height objectives.

FSR

The proposed FSR of 3.49:1 does not comply with the maximum FSR of 2.5:1 for the subject site under the WLEP 2014. The proposed GFA results in a built form outcome that does not respond to the existing or the desired future character, as discussed in this report.

WLEP 2014 Cl 4.4 Floor Space Ration, Objective b:
(b) for buildings in Zone B1 Neighbourhood Centre, Zone B2 Local Centre, and Zone B4 Mixed Use—to ensure that buildings <u>are compatible</u> with the desired future character of the area in <u>terms of bulk and scale</u>.

The proposed built form is not supported because it is inconsistent with the WLEP 2014 FSR objectives.

Proposal's response to WDCP 2015

I have reviewed Chapter D5 of WDCP 2015, which is the most relevant chapter to my urban design assessment.

WDCP 2015 D5.5.7 provides detailed built form recommendations to guide the future built form characteristics. The proposal does not respond to the following:

- On Transvaal Avenue, WDCP 2015 requires a two-storey street wall height. The proposal provides a six-storey corner element. However, the subject site has not been identified as a corner element under WLEP 2014 or WDCP 2015.
- The proposal provides less than a 1m setback on the street, facing Transvaal Avenue. This is less than the minimum 3m setback required by the WDCP 2015 D5.5.7.

I recommend that the proposal increases the setbacks on this frontage to continue the view line from Goldman Lane to the HCA and the proposed plaza entry on Transvaal Avenue.

- Above Level 1 on this frontage, the WDCP 2015 requires 1.8m setbacks (as an articulation zone).
- On Cross Street, the first two lower levels are to provide a minimum of 3 m setbacks. The proposed built form encroaches into the setback area on Level 1.
- Above Level 2, the proposed balconies can project 1.2m into the setback area.

The proposed amendments have not responded to the above recommendations by Woollahra DCP 2015.

Urban Design Review and Recommendations

Overall, the proposal does not respond to the existing and the desired future character (under Woollahra LEP 2014 and DCP 2015).

The applicant states that the proposal aims to respond to the evolving character of Cross Street. However, it should also consider its sensitive location at the intersection with the Transvaal Avenue HCA.

Despite having some positive aspects, such as adequate internal residential amenity and a new public plaza on the ground level, the proposed bulk and scale is excessive, compromises the amenity of the public domain and does not provide a sensitive response to the existing single-storey context to the north.

The proposal has relied on the evolving character of the southern side of Cross Street and the corner character of the subject site to maximise its proposed density. However:

- The site is not identified as a significant corner site in WLEP 2014 or WDCP 2015. The site's proximity to the HCA is of higher importance than the relationship to the street corner.
- Despite the evolving character of Cross Street on the southern side, the northern side of Cross Street has an established character with a higher sensitivity due to its proximity to a low-density HCA.
- The built form volume on the subject site is not comparable to the InterContinental Hotel as the Hotel is located farther from the HCA compared to the subject site.

Therefore, I do not support the amended development application from an urban design perspective.