

# Double Bay Residents' Association Inc

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The General Manager,  
Woollahra Municipal Council,  
PO Box 61,  
DOUBLE BAY NSW 1360.

26th March 2021

Dear Sir,

## **Strategic and Corporate Committee meeting 29 March 2021 – Item R2 Draft Double Bay Centre – Planning and Urban Design Strategy**

Our Association has a membership of some 300 Double Bay residents, all of whom are affected by the changes proposed in the draft strategy. Many of them live in the Centre itself. Although we have had only a few days notification of this meeting and its agenda, there has been a clear response of utter dismay at the proposal to increase the height limits for most of the undeveloped sites in the Centre from four storeys (14.7m) to six storeys (21.5m) or put simply a **50% height increase**.

Developers almost invariably and often successfully seek a floor or two more than the height limit. Examples of this being approved are many: 16-18 Cross Street (6 storeys approved against an LEP maximum of 4 storeys), 20-26 Cross Street (again 6 against a 4 storey limit), 28-34 Cross Street (6 storeys approved by the L & E Court against a 4 storey limit because Council was held to have abandoned its controls for this stretch of the south side of Cross Street – the very thing DBRA warned of in its objections to nos 16-18 and 20-26) and 30-36 Bay Street (6 storeys approved against a 5 storey limit).

Accordingly, history tells us what you will get if the Height control is altered as proposed. It is likely to mean buildings of seven and even eight storeys.

We residents and visitors to the Centre treasure what is left of a low-rise Double Bay Centre where people can stroll in the sunshine through the network of streets and lanes with their interesting mix of individual retailers and pavement cafes. All that attraction will be lost if the Centre becomes, via this misconceived strategy, another Bondi Junction. Go and stand this winter in the oppressive gloom in Knox Lane behind the two new developments at 16-18 and 20-26 Cross Street if you want to see the future.

The argument of the staff author seems to be that a perfectly good and popular set of controls should be changed because “the Centre has been increasingly under pressure from development applications that are seeking approval for buildings that exceed the existing planning provisions in Woollahra LEP 2014” (p21 of Agenda). That is what developers invariably do. It is no justification for abandoning controls. They say that many of the DA’s were Court approved – the only one was the aforementioned 28-34 Cross Street. Where Council has not abandoned its controls, the Court has rejected six storeys as in its recent refusal of the DA for 49-53 Bay Street.

The height control changes proposed by the Draft Strategy are inappropriate for the Double Bay Centre for the following reasons:

### **1. Loss of village character**

In its Double Bay Place Plan 2019 Woollahra Council states its vision for the Double Bay Centre as:

*“Double Bay is Sydney’s stylish bayside village”*

The high rise implicit in the 50% height limit increases is the antithesis of the village character that attracts people to Double Bay.

### **2. Contrary to planning principle**

It is a trite planning principle that you do not erect your high-rise in low-lying, harbour fronting locations but rather on hills and ridges where harbour views, such as from the amphitheatre that surrounds Double Bay, can be maintained. This is particularly true of development in the northern part of the Centre. Annexed is a photograph taken from the writer’s study. It was recently annexed to a DBRA objection to a part 7/part 6 storey development on the corner of Bay and Cross Streets showing the view loss caused if the DA were approved. It is a view shared by dozens of residences on the amphitheatre. It graphically makes the point that the impact on views of six or seven storey development in the northern part of the Centre is more extreme than in the case of a similar size development say on New South Head Road. Heights should moderate closer to the harbour both from the point of view of preserving views from the amphitheatre and from the harbour. The impact of greater building heights on views from the amphitheatre is ignored by the Strategy.

### **3. High water table/ Stormwater issues**

The Centre is former marsh land with an extraordinarily high water table which fluctuates with the seasons but can be as little as a few inches below the natural ground surface. When any substantial excavation is made in the Centre pumping out of the excavation is required 24/7.

The Centre and the shops in it are subject to flooding to the point where developers are required either to raise ground floor levels above existing ground floor levels and/or to put flood barriers in to ground and basement floors. Council has recently obtained an interim hydrogeological study for the Centre which it has kept confidential. We applied under the GIPA Act to see it but by its eventual response Council has not given us or the public access to this report. It is outrageous that the Council wants to proceed with planning changes like this to which hydrogeological issues are germane and at the same time wants to prevent the public from finding out what the experts said on this key issue. We ratepayers after all ultimately paid for the report. We should know what they say about the consequences of the widespread construction of basement parking floors beneath the aquifer that flows under the Centre.

### **4. The Acid Sulphate Soil problem**

99% of the Centre is underlain by acid sulphate soils – see the Acid Sulphate Soils Maps that accompany the Woollahra LEP 2014 and clause 6.1 of the WLEP. Any excavation below ground surface in almost all of the Centre requires generally an ASS management plan prior to the grant of consent. The 50% increase in Height limits proposed means obviously an increased demand for parking and thus more excavation in potential acid sulphate soils. Acid sulphates are dangerous on exposure to both adjoining property and human health.

## **5. Traffic is already at capacity/ Public transport deficiencies**

Double Bay already suffers from severe traffic problems, placed as it is across the single artery – New South Head – that connects all the suburbs to its east and north east with the City of Sydney. Regularly traffic is backed up at peak times up the hill to the Council chambers and up towards the Edgecliff lights. The rat runs via William Street and Court Road/ Manning Road are regularly blocked. In addition, Double Bay has an acute shortage of both on-street and off-street parking. Residents are in the crazy situation of not being able to park in the street in which they live with acute problems for visitors and tradesmen. The last thing we need is to add the extra traffic that is implicit in the extra heights.

Any suggestion that the Double Bay Centre is well served by public transport deserves heavy qualification. The bus service is only good if you want to get to Edgecliff or the midtown part of the City (i.e. along Park Street where the buses go west to Walsh Bay). The bus service to Bondi Junction is a half hourly joke – its route so serpentine and indirect it takes for ever to get there. The Centre is not close to Edgecliff station – who in summer wants to toil up the hill and arrive in a sweat soaked shirt? Ferries are improving but still inadequate.

## **6. The argument that extra height is needed to encourage development is a myth**

The errors in the Hill PDA report on valuation issues (relying on analysis of six sites for which addresses were not provided) were exposed by the report obtained by DBRA from Mr David Collier, valuer and co-founder of Colliers, the international property consultants, of 16 June 2016 provided to Council. One only has to reflect on the spate of DA's that have come forward in the past few months (see below – a number of them are for less than 6 storeys) to realise that it is a nonsense to suggest that the present controls are inhibiting redevelopment:

294-296, 298 New South Head Road and 2, 4-10 Bay Street;

14 Bay Street;

21, 23-25 and 27 Bay Street;

20-24 Bay Street (aka 2A, Cooper Street);

30-36 Bay Street (modification);

55, Bay Street;

10, Cross Street;

14, Cross Street;

19-27, Cross Street;

53, Cross Street;

28-34, Cross Street (modification);

357-359 New South Head Road;

426-432 New South Head Road;

384, New South Head Road;

374, 376-382 New South Head Road (modification).

### **The Planning and Urban Design Strategy is plainly incomplete and not ready for community consultation**

There are two key controls in our LEP governing the size of development on any particular site. The first is the Height of buildings control which is in clause 4.3 and its cognate Height Maps. The second is the bulk or Floor Space Ratio ("FSR") controls which are in clause 4.4 and the cognate Floor Space Ratio maps.

The Strategy document does not define what if any changes are to be made to the current FSR control of 2.5:1 (with a few corner sites having a qualified chance to get to 3:1). Yet this bulk control is absolutely crucial and must be defined before the Strategy is put out to the public. The only reference we can find is a short paragraph on p44 (Agenda page 529) where this terrifyingly vague passage appears:

*"Having considered our fine-grain detailed built form study, we anticipate that each of the review sites will achieve a (sic) FSR ranging from 2.6:1 to 4.6:1. However, the appropriate FSR for each site within this range will be further investigated once the built form elements have been subject to initial community engagement."*

Firstly, it is terrifying to think that the author is contemplating an 84% increase in the maximum bulk control. Secondly, Council must define this key element of the proposed controls before rather than after it consults – otherwise one is consulting in a vacuum. Both the individual built forms and the proposed maximum FSR should be put before the public so that they can consider them.

### **Community Consultation proposals totally unsatisfactory**

If, contrary to our submission, Council was to proceed with community engagement, it should be at public meetings where all residents of Double Bay both within and around the Centre would be entitled to attend and be heard. Our Association remembers with bitterness a resolution to consult with the community on the future of the Cross Street car park (before one of the parties to the secret Heads of Agreement withdrew). Not a single resident of Double Bay was consulted. "Targeted workshops with key stakeholders" and "Letters to owners and businesses" on page 29 of the Agenda all sounds like staff are being given the right to pick who they will consult with. From those quoted words it does not include Double Bay residents but rather those likely to approve the proposed changes.

We ask that these views of the residents be carefully weighed by councillors.

Yours faithfully,

DOUBLE BAY RESIDENTS ASSOCIATION INC – per Malcolm Young, President.