

- (f) In breach of 5.6.5.3 Control C2 ("Car parking should be located under the building footprint to maximise deep soil landscaped areas") car parking is located at 1st floor level. See also the breach of 5.6.8.1 On-site parking to similar effect. Indeed, the original DA had basement parking. D 5.6.8.3 says:

"Where basement car parking is not possible, first floor car parking may be permitted"

There is no evidence basement parking is impossible here.

- (g) In breach of Control C3 in D5.6.2:

*"Design for retail, commercial and community uses at ground **and first floor levels**"*

Less than half the ground floor is given over to these uses and none of the first floor.

4 Issues with proposed parking

There are a number of issues with the proposed parking at first upper floor level. It is contrary to the DCP which at 5.6.8.3 which provides:

"Where basement car parking is not possible, first floor parking may be permitted."

There is no evidence that basement car parking is "not possible". Indeed, basement car parks not only exist in the Centre but two separate basement car parks, each of two storeys, are under construction presently at respectively 16-18 Cross Street and 20-26 Cross Street.

Secondly, the parking layout involves eight cars being tandem parked which is "not preferred by Council but will be considered ... in exceptional circumstances" (DCP E1.9.3). Exceptional circumstances have not been demonstrated.

Thirdly, the first floor plans are completely unsatisfactory in terms of what is to be built. They appear to show a wall between the parking areas on that floor and a "Void/Plenum" which immediately adjoins the external wall of the building for most of its Bay Street frontage and about 60% of its Guilfoyle Avenue frontage. If this is the correct interpretation of drawing DA02A then the parking floor has no natural ventilation at all. In those circumstances as the BCA Assessment report acknowledges then a mechanical ventilation system would be required under the relevant Australian standard (paragraphs 29 and 70). However, no ventilation system is shown in the drawings or otherwise referred to in the Applicant's material. It would certainly require a plant room for the machinery and then ducting leading to the outside of the building. One searches the drawings in vain for either such plant room, ducting or the external vent housings for expelling the fumes.

Indeed, this problem similarly applies to the ground floor parking area which is to be enclosed by a roller shutter door. It too will need to be mechanically ventilated, but the plans show nothing in that regard.

We referred in the paragraph commencing "Thirdly" above to the mysterious "Voids/ Plenums" shown on the first floor plans. There is no internal access to these areas, meaning that the adjoining windows cannot be cleaned or accessed. These are shown with the notation "New louvres to existing openings, sills lowered, new fins". If these areas are to be accessible that would mean that the FSR would exceed the claimed 3:1, which sits on the LEP's maximum – see above.

Fourthly, the proposed car lift is itself discouraged by the DCP which provides at E1.15.1:

“Mechanical parking installations such as car lifts ... are generally not desirable, and will only be considered in exceptional circumstances.”

Given what we have said about the availability of basement parking as well as the alternative of a ramp **no exceptional circumstances have been shown.**

5 Other deficiencies in the plans – no toilets shown to ground floor retail

As is noted in the BCA assessment at 63 the ground floor retail will require one accessible toilet, one male and one female toilet. It is utterly unsatisfactory to seek development consent not showing the location of any of these toilets, but merely to add a note “future retail amenities by tenant”. This may be impossible for the tenants to achieve, particularly in the case of the Guilfoyle Avenue fronting tenant since the plumbing stack such as is shown on the plans on the second upper floor and above is remote from that tenancy in vertical terms. One would not consider granting consent to residential or office use without the sanitary facilities being shown and the same should apply to the retail floor.

6 Possible combustibility of old external cladding and other BCA issues

This first issue relating to the external cladding is raised but not answered in the BCA assessment. In the light of recent tragic events it surely is reasonable to require at the consent stage a report to the effect that the materials have been tested by an approved laboratory and found to have a level of fire resistance that meets the relevant Australian standard.

Similarly, as is noted in 29 of the BCA assessment, the maximum distances on all six floors exceed the maximum 20m distance to the fire exit. It is simply not good enough to suggest that this can all be left to CC stage or to be dealt with subsequently. What if a deemed-to-satisfy solution cannot be found after consent has been granted?

7. Specific amenity impacts – Loss of views, Loss of privacy, Overshadowing, Oppressiveness and Noise

Most of these impacts have been mentioned above.

The units on the Bay Street frontage of the Cosmopolitan Centre opposite will suffer view loss, loss of privacy, some overshadowing in the afternoon and an oppressive 6 storey structure right in their face. It does not have the setbacks of upper floors that the Cosmopolitan Centre has. They will also suffer increased noise in what is already a noisy area at night because of the nearby bars and restaurants, because the 6 storeys will create an echoing canyon.

The residential properties to the immediate south west of the site (South Avenue and Cooper Street) will suffer hugely – a 6 storey wall being built to their north east leading to loss of views, loss of privacy (note the overlooking from the second upper floor terrace where the DCP requires landscaping), overshadowing, oppressiveness, noise as well as the loss of the cooling summer nor'easterly.

Double Bay Residents' Association Inc

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The General Manager,
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11th August 2020

For the attention of Mr B. McIntyre

Dear Sir,

DA 289/2019/3 30-36 Bay Street, Double Bay

We have inspected the drawings and reports filed in support of this s4.55 application to modify the existing consent for this development. Our some 300 members include many who will be affected by the changes if this modification is approved. Accordingly, we oppose consent being granted for the following reasons:

- 1. Inadequate parking**
- 2. Breach of the FSR development standard under the Woollahra LEP**
- 3. The building will not be adequately provided with passenger lifts**

1. Inadequate parking

We already regarded the parking provision in the approved development to be inadequate. This modification application **increases** the parking demand to be generated by the development by substantially increasing the area of ground floor retail (in lieu in part of a substation which would not have generated any parking demand) but **reduces** the number of parking spaces to be provided in the building from 19 to 15.

There is hardly an issue of more concern to all our members than the dire shortage of parking (either on-street or day-long parking stations) in Double Bay Centre and the residential streets surrounding it. It has long since got to the point where residents cannot park on the streets where they live, still less their visitors and trades persons.

Assuming that the Traffic and Parking Statement filed with this application has got the numbers right (and we notice they have not got the DA reference right at the beginning), the floor areas now proposed are:

Retail	402m2 (up from 301m2)
Commercial	2155m2 (up from 2000m2)

Applying the minimums set out in the Woollahra DCP 2015 (which are based on an estimate of the minimum traffic to be expected from such uses) at E1.5.1 Table 2 we calculate that minimum parking provision to be at least 67 spaces x the discount under Table 3 of 0.6 = 40.2 spaces with the DCP requiring that be rounded up to 41. This is applying Table 2's rates of 3.3 spaces per 100m² for retail gross floor area and 2.5 spaces for office GFA. Accordingly, the modified proposal has a shortfall of some **26 spaces compared to the minimum required by the DCP.**

The suggestion that this sort of desperate insufficiency in provision of parking will somehow be made up for by providing changing rooms for walkers and cyclists is laughable. These are offices in the heart of one of Sydney's wealthiest areas where people will come to work or come to shop (or conduct a retail business) by car. The public transport system serving Double Bay is not particularly good, and it is a very long and uphill walk from this site to Edgecliff Station and a fair walk to the nearest bus stop.

We also note that the modifications include removing the handicapped parking space from the ground floor where it would be reasonably convenient for the wheelchair bound retail customer to a location on the 1st floor remote from the now proposed single lift. What happens to that handicapped person in the event of fire with the single lift and car lift unable to be used?

2. Breach of the FSR development standard under the Woollahra LEP

This is another example of the Applicant sacrificing proper amenity for both occupants and the community in presumably a chase for more rental return – viz inadequate parking and lifts. This building as now redesigned could not have been approved by the WLPP in its now altered form without a written request under clause 4.6 of the LEP. It is conceded that, in terms of the FSR development standard under clauses 4.4 and 4.4A, the gross floor area is now increased from 3.00:1 (the absolute maximum available with bonus if the consent authority were satisfied of its compatibility with "the desired future character of the zone in terms of bulk and scale") to 3.33:1.

No request under clause 4.6 has been filed in support of this modification application.

We submit that the development's true FSR limit is 2.5:1 as its bulk and scale is not "compatible with the amenity of the surrounding residential area", which is 3 storey maximum with ample setbacks and deep soil landscaping compared to this 6 storey hulk with negligible setbacks or landscaping. Nor does it achieve the desired future character of this neighbourhood as set out in the DCP at D5.4.5 where it is hopelessly inconsistent with the height, setback and landscaped provisions. Nor is it true that the modifications do not alter the approved building envelope – pergolas and fins are added increasing the perceived bulk.

3. The building will not be adequately provided with passenger lifts

We are not expert in the relevant Australian Standard (AS 1735) and any relevant parts of the BCA to the issue, but it seems to us that the deletion of one of the two passenger lifts leaves the building dangerously under-provided with lifts to serve its five upper office floors. According to page 2 of the Applicant's Traffic and Parking Statement the upper floor commercial space has a gross floor area now of 2155m². We note that the Property Council of Australia Guide to Office Building Parameters (that being a publication by a developers' body) advises to allow in lift design for 1 person per 12m² of Net Lettable Area. Even if Net Lettable Area would be a little less than 2155m² – say 2000m², that 2000m² divided by 12 = 167 persons occupying the building's upper floors. In a fire alarm or emergency situation