

Double Bay Residents' Association

Protecting Sydney's Stylish Bayside Village

The General Manager,

Woollahra Municipal Council,

PO Box 61 Double Bay NSW 1360.

13th January 2022

Dear Sir,

DA 68/2021. 20-24 Bay Street (aka 2A, Cooper Street), Double Bay

Woollahra Municipal Council ats Pallas Development Management Pty Limited trading as Fortis Development Group LEC Proceedings no 2021/127724

Our Association's letter of 7th April objecting to the above DA was written prior to the Applicant obtaining leave to amend its plans. We have studied the amended plans and supporting reports. The changes to the building are summarised in the Applicant's "Schedule of Amendments" and include a tiny decrease in the height of the 5 storey building, a reduction in the size of the fifth floor on its western side and the moving of the lift shaft away from the southern boundary. Regrettably, for those of us only able to access the plans in A4 size, the dimensions of things like the fifth floor setbacks have not been provided.

Essentially all of the objections set out in our letter of 7th April 2021 remain notwithstanding the amendments.

We note that the clause 4.6 requests of the Applicant dated November 2021 on "the desired future character of the neighbourhood" issue place great weight on the approval of a six storey structure at 30-36 Bay Street and other more remote developments which like no 30-36 are not in the Bay Street South precinct. They are in precincts with a different character and a different 'desired future character' as set out in the WDCP. No 30-36 anyway has a higher LEP height limit of 18.1m. As to reliance on 21-27 Bay Street that proposed building is recessed from the street even at lower floors. The consent is unlikely to be acted on as the developer has since acquired an adjoining site and has submitted a new as yet undetermined DA.

Of much greater relevance to the issue is that on 17th November 2021 in *Loftex Commercial P/L v Woollahra MC LEC 2021/168854* the Land & Environment Court granted consent to a four storey development on the largest remaining development site in the Double Bay Centre at 294-296 & 298 NSW Road and 2-10 Bay Street. Originally consent was sought in part for a five storey development, but by the consent the developer is required to reduce the height to four floors throughout and set back the fourth floor from Bay Street by 3.5m, substantially thereby complying with the DCP building envelope and "desired future character" description. That property extends down to just three properties away from the subject, occupying at least half of the western side of the Bay Street (South) precinct. We annex a copy of the Court approved elevations, site plan and finishes for the *Loftex* site.

The cl 4.6 request – even ignoring for the moment that this is a heritage building and site – founders on three rocks:

- (a) It is utterly inconsistent with the WDCP description of the “Desired future character” of the Bay Street (South) precinct – see attached copy of D5.4.4 and note particularly the section drawing under Figure 15. On 26 April 2021 Council resolved to include in any Draft Strategy for Double Bay Centre “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 Double Bay Centre with maximum height limits of 4 storeys and some 5 storey corner sites ...*” :
- (b) It is utterly inconsistent with the existing streetscape of the whole of Bay Street (South) which has a maximum street wall height of three storeys as per the DCP. With the exception of the small roof terrace structure on the adjoining 16-18 Bay Street, there is no building in the entire precinct higher than four floors with the majority being 2/3 floors.
- (c) It is utterly inconsistent with the *Loftex* Court consent which precludes any fifth level and requires that fourth level’s 3.5m setback.

When it comes to the heritage issue arising under cl 5.10 (4) and the Burra Charter the alterations in the plans make no difference to the views expressed on pages 8 and 9 of our objection letter.

The proposal is unacceptable for two main reasons:

- (a) The genius of the original Gruzman design at basement and three levels was that it was deliberately low-rise to fit in with the adjoining residential area to the immediate west and with the mainly two storey terrace commercial buildings stepping down Bay Street South. All that is lost in a development which will be seen from most angles as five storeys;
- (b) The viewer’s reading of the heritage building will be lost in the muddle of a fourth storey in similar but not the same appearance as the lower three floors and a fifth storey in entirely different style.

We deplore also the proposed removal of the celebrated original skylight over the circular staircase hopelessly overshadowed as it will by the fifth floor structure.

Yours sincerely,

Malcolm Young OAM

Michelle Palmer M Urb & Regional Planning

Past President

Cc Adriana Kleiss, Lindsay Taylor Lawyers

Double Bay Residents’ Association Inc

PO Box 1684

Double Bay 1360

Tel: 0414 932 818

Email: dbrassoc@gmail.com