

Double Bay Residents' Association

Protecting Sydney's Stylish Bayside Village

28 July 2021

Dear Member

Since our letter of 22nd June, three of our campaigns against planning applications in the Double Bay commercial centre have been successful, but we have had one major disappointment.

First, the disappointment. A six-storey development on the corner of Transvaal Avenue and Cross Street (19-27 Cross Street) has been approved by the Sydney Eastern City Planning Panel. Three unelected Panel members with no connection to the Double Bay area have overruled Woollahra Council's expert planning staff, whose report recommended refusal, and two Woollahra councillors on the Panel.

They have approved a six-storey tower on this important corner site breaching the height standard in the LEP which restricts the maximum height to four storeys and breaching the floor space control in the LEP by another massive margin. The four-storey limit was placed on this site (unlike some other corner sites in the centre which have five) to protect the adjacent Transvaal Avenue Heritage Conservation area with its charming single storey cottages.

Worse still, the tower has zero setback from Transvaal Avenue – thus shutting off much of the present vista of the Heritage Conservation Area from Cross Street.

This tower will overshadow the south side of Cross Street with the overshadowing extending down Goldman Lane, the busy pedestrian link between Knox Street and Cross Street. In the afternoons it will overshadow the landscaped outdoor dining areas in Transvaal Avenue in front of the popular Indigo café (as well as the café itself).

The Panel majority referred to other buildings on the north side of Cross Street, but failed to note that they all present with a two-storey street wall with upper floors set back. This allows sunshine in winter to reach this busy shopping and dining street – something the approved six-storey monster will preclude for ever.

The process that has led to this approval is a disgrace. Malcolm Young had applied to speak at the hearing on behalf of our association, but the Panel denied us the opportunity to be represented. The applicant was heard, but opposition was silenced! This is an example of the planning system devised by the current NSW State Government that favours developers and denies residents the right to be heard unless there are ten separate objections.

If you agree that the state's planning system must change, we encourage you to write accordingly to our state member of parliament (Gabrielle Upton MP, PO Box 560, Double Bay, NSW 1360) and the state Minister of Planning (Rob Stokes MP, Department of Planning, Industry and Environment, GPO Box 5341, Sydney, NSW 2001).

I am pleased to report that the association was successful in its opposition to three development applications in the Double Bay centre which were considered by the Woollahra Local Planning Panel at

its meeting on 15th July. The grounds for refusal in each case are available in the minutes on the Council's website.

- **21, 23-25 and 27 Bay Street:** A monolithic five-storey retail and office development with three basement parking floors accessed off Gumtree Lane. Malcolm Young addressed the Panel on our behalf.
- **2A Cooper Street** (aka Gaden House and 20-24 Bay Street): A proposed two-storey office addition to this heritage listed, Neville Gruzman-designed modernist building. Merrill Witt addressed the Panel for us.
- **53 Cross Street** (where Bray Jackson's offices are): A proposed enlargement of this four-storey retail and office development at lower levels with the addition of two new upper levels (5th and 6th levels). Malcolm Young addressed the Panel on behalf of both DBRA and himself.

In each of these cases the applicant has already lodged an appeal in the Land & Environment Court, treating the Panel's potential decision with disdain. The battle, therefore, is not over and the developers may use the 19-27 Cross Street decision as a precedent to justify overturning the Panel's decisions. This is another example of the NSW Government's planning process disenfranchising residents and wearing down opposition to development applications. If the Council says no and the Panel says no, developers can appeal to the Land & Environment Court where it can be difficult for us to be heard and which often says yes.

The Panel also approved modification of the consent for 30-36 Bay Street (the Margaret Restaurant) relating to outdoor seating for 50 – despite a well-argued submission by DBRA member, Tom Pongrass.

Heritage conservation in Double Bay

On behalf of the association, Merrill Witt wrote a detailed submission for consideration by the NSW Government during its current review of the Heritage Act. If you missed this and would like to receive a copy, please let us know.

Merrill, who is a candidate for Vaucluse in the coming municipal election, has proposed the designation of more heritage conservation areas in Double Bay to help protect the area from over-development and will be raising this with the Council. She has been invited to speak on behalf of the Better Planning Network at the Parliamentary Inquiry into the Heritage Act next week, when she intends to mention the 19-27 Cross Street decision as an example of what should not happen.

Excavation and groundwater draw-down

As you're probably aware, Double Bay is largely built on reclaimed swamp land, and excavation for recent developments has caused problems for buildings as a result of de-watering. Mary Fisher has been taking great interest in this and we are very pleased that the Council is proposing to amend the Woollahra Development Control Plan 2015 to strengthen existing controls to minimise the impact of groundwater draw-down. We hope that any member interested in this issue will make a submission to Council, copying the association.

Noise in the commercial centre

Members who live in Double Bay's commercial centre tell us that one of their main concerns is noise, particularly at night (loud music, people leaving bars, unruly behaviour, high performance cars, etc). There is a risk that the new restaurants may exacerbate this problem and we intend to explore tighter enforcement of regulations with the Council. Meanwhile, if you are disturbed by noise from licensed premises, there is useful advice on the Council's website: visit the Services section and follow links to Neighbourhood Issues and Noise Disturbance.

Overdevelopment and compliance with development controls

Another issue of concern throughout Woollahra, and especially in Double Bay, is overdevelopment. This is leading to traffic congestion, parking problems, damage to the area's local character and degradation of residents' amenity. Councillor Luise Elsing has written an article in the May 2021 edition of Village Voice, the journal of the Queen Street and West Woollahra Association, in which she explains that Woollahra has already exceeded the state's new dwelling target and pleads for tighter compliance with development controls. Members may find this article interesting and, with thanks to the editor of Village Voice, it is reprinted below. Appropriate articles submitted to us by other candidates in December's municipal election will be circulated to members as they are received.

A key concern of residents is the detrimental effects of overdevelopment including traffic congestion, difficulty parking, contested public parks and recreation facilities, compromised services (garbage collection) and degradation to resident amenity and local character.

The Greater Sydney Commission released a report in 2016 which set out numbers of new dwellings in areas in Sydney. The number in each area was based on the capacity of the area to accommodate new dwellings. For the Woollahra Municipality for the period 2016 to 2021, 300 additional dwellings were identified and recently an additional number of 500 - 600 new dwellings for 2021 to 2026.

Woollahra has already exceeded these new dwelling targets.

Council has approved or had constructed between November 2016 to April 2021 approximately 854 new dwellings. This is 554 additional new dwellings over the target of 300 set for period ended November 2021 (with 6 months to go) and exceeds the target set period ended 2026 (with 5 years to go). Imagine.

These additional dwellings are the reason we are experiencing degradation to our lifestyle and enjoyment of the area.

What can we do to improve the situation? Get involved.

I have successfully advocated that Council implore the State Government to reduce targets for new development in recognition of Woollahra having no capacity for further new development. And we should all make this position known. I have also opposed residential development on public land (Double Bay Carpark), the rezoning of recreational land (Double Bay Bowling Club), amending planning controls to disregard local character and I am against planning strategies designed to increase residential development in Edgecliff and Double Bay.

It is important that we advocate for amendments to planning controls including increased lot sizes for dual occupancies, removal of SEPP senior's development advantages from residential zones and protection of special character areas.

We get the cities we fight for. Another complaint of residents is poor compliance by developers with development controls including during the construction period (IYKYK). We need to keep the pressure on the authorities including private certifiers and construction managers.

Since 2017 the State Government removed Councillors from decision making with respect to development applications. These are now decided by a Government appointed Planning Panel. Residents are rightfully furious that Cooper Ward is not separately represented on Panel. Community voices must be heard in planning decisions. I have initiated the restoration in the Wentworth Courier of notifications of DAs to enable residents to be aware of what is happening around them and make any concerns known to decision makers.

The population increase compromises infrastructure and I have been working on improving footpaths, enhancing access to local open spaces including Cooper Park, enhancing parks and street beautification initiatives including Queen Street Master Plan.

I am a local and independent voice on our Council, and I want to hear from you about your concerns and what we can do together to makes lives better. Please contact me at luise@residentsfirst.org or 0407 417 704.

Local government elections

The local government elections, scheduled for 4th September, have been postponed to Saturday 4th December 2021 due to the Covid-10 lockdown. We will have the opportunity then to choose who will represent us on Woollahra Council for the next four years.

The Double Bay Residents' Association is apolitical; we are prepared to support any candidate who shares our vision for Double Bay and, if elected, is prepared to try to help address our concerns. These may include development decisions out-of-keeping with Double Bay's village atmosphere, lack of parking, development of the Cross Street car park, night-time noise in the commercial centre, maintenance of Cooper Park or other issues which affect our amenity.

Nearer the time, we intend to invite all candidates to send us their views on the issues which concern residents most and we will circulate their answers to members. If there are specific questions you would like us to ask, please let us know.

We also plan to work with other Woollahra residents' associations to encourage candidates to commit to representing residents' interests if they are elected.

Woolworths' car park access

A number of members have received an email about access to Woolworths' car park which refers to our association. If you have received one of these emails and would like to hear the facts, please let us know.

Covid-19

These are challenging times and we hope you avoid the dreaded virus and remain well. If we can help in any way, please let us know. The Council's website home page has useful information on current restrictions and an update on Council services.

Stay safe!

Anthony Tregoning
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