

Double Bay Residents' Association

Protecting Sydney's Stylish Bayside Village

28 July 2021

The Hon. Gabrielle Upton
PO Box 560
Double Bay NSW 1360

Dear Gabrielle,

The residents of Double Bay are disgusted by the way the Sydney Eastern City Planning Panel has dealt with the DA 321/2020/1 for 19-27 Cross Street, Double Bay.

Firstly, in terms of process, our Association representing some 300 residents registered to address the Panel meeting as soon as we were notified of the matter being before the Panel. We were emailed by the Panel denying us that opportunity. We hear that the applicant developer and its cohort of consultants were heard at length.

This exclusion was not only contrary to the spirit of the planning legislation which emphasises the need for community consultation but also contrary to the "audi alterem partem" principle of administrative law (hear both sides).

The result (by a 3-2 majority) is that three unelected representatives with no connection to the Double Bay area have overruled Woollahra Council's expert planning staff, whose report recommended refusal, and the two elected Woollahra councillors on the Panel, having precluded the representative of 300 residents from addressing them.

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 Double Bay which have five) to protect the immediately 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 and deeply set back upper floors. This allows sunshine in winter to reach this busy shopping and dining street – something the six storey monster approved by the Panel will preclude for ever.

The consent granted by the SECPP may create a disastrous precedent for the three upcoming Land & Environmental Court appeals over the refusal of the DAs for 53, Cross Street (six storeys), 55 Bay Street (six/seven storeys) and 21, 23-25 and 27 Bay Street (five storeys).

The NSW Government's planning process needs to be changed urgently so in future the opinions of residents and other objectors are heard as a balance to developers' claims. I would like to arrange a conversation with you to discuss this. Please let me know when will suit you.

Regards,

Anthony Tregoning – President

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