

# Double Bay Residents' Association

Protecting Sydney's Stylish Bayside Village

Address by Anthony Tregoning, President.

Double Bay Residents' Association annual general meeting, 12 April 2022

At last year's meeting, I set out three objectives for the following year. These were to:

- Delegate responsibility for specific areas of activity to individual committee members so we could take full advantage of their expertise;
- Increase engagement with the council in the hope that residents' views would influence council decisions; and
- Pivot our activity more towards major strategic issues, while continuing to oppose development applications and other proposals which were not in residents' interests.

I'll now summarise our progress towards these three objectives.

First, our committee. Sascha Ettinger, who is taking the minutes this evening, is responsible for our website and social media presence. During the year, she has restructured and redesigned our website which is continuing to evolve. We hope you find it a useful source of reference on your association's activities.

Barbara Mortimer is responsible for member communication and coordinating our response to DAs. I know many of you are in touch with her regularly and hope you will continue to regard her as the first port of call when you have a query.

Mary Fisher is responsible for hydrogeological and geotechnical issues and a key part of our commercial centre working party. I'll read her brief report on the hydrogeological challenges facing Double Bay.

Many of our members are concerned about the extent of recent excavation and dewatering in low lying areas of the Double Bay basin and the associated damage to surrounding properties and the environment.

Last year, following a report from GHD Consulting, the Council amended its development controls, ostensibly to strengthen them; minimise the impacts of groundwater drawdown; and ensure there are no adverse hydrogeological impacts on surrounding properties during and after construction.

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Your association's submission to the Council at the time pointed out that the proposed amendments did not meet their aims and didn't go much further than existing provisions. Importantly, they didn't address the key issues at the heart of our members' concerns which were, and remain:

- First, The council's preparedness to recommend approval of a DA based on inadequate, misleading and incomplete hydrogeological and geotechnical reports provided by the applicant; and
- Second, Council staff's failure to scrutinise these flawed technical reports properly and identify accurately the adverse environmental impacts from proposed excavations.

In the past, the Council has said it doesn't have engineering staff with the technical expertise to investigate the likely adverse impacts of a DA's excavation and dewatering. If this is the case, we would like to know why it recommends approval of any DA which involves excavation.

A key recommendation of GHD Consulting's report was that excavation and dewatering in Double Bay's most impacted vulnerable zones, being much of the commercial centre, should be prohibited. We urged the Council to adopt this as a matter of priority.

Subsequently, the council produced a map that showed that the prohibitions applying to the commercial centre would not apply to the Cross Street car park site. It now seems that the Council has chosen to ignore altogether this key recommendation as its urban design strategy refers to the GHD report but makes no mention of any prohibition on excavation. We suggest this is irresponsible.

Residents have also complained to the Council and the Environment Protection Authority about the Council's apparent lack of enforcement of DA controls and EPA regulations prohibiting discharge of groundwater containing sludge from acid sulphate sites into the stormwater network.

We do not understand how recent amendments to the controls prohibiting groundwater discharge into the Council's stormwater network make any difference if the Council continues to permit this discharge by developers under its EPA powers.

Now to Michele Wearn who is a member of the Council's safety committee and looks after safety issues raised by our members. As she too can't be with us this evening, I'll summarise our activities in this area.

For some years, Michele and some of our members have been lobbying for changes to parking restrictions in three places in Wallaroy Road where parked cars restricted drivers'

sight of oncoming traffic. I'm very pleased to report that parking is now prohibited in two of these.

Recently, one of our members raised with us the danger to pedestrians crossing Suttie Road between Lough Playing Fields and Cooper Park and I'm pleased to report that the Council is considering making changes to slow down traffic.

A third potential success was a Council resolution to close Kiaora Lane to traffic an hour earlier at 9am, although this seems to have hit a hurdle due, we understand, to complaints by retailers.

A major disappointment was the Council's decision to ignore our detailed report questioning the safety of the proposed cycleway along New South Head Road to Rose Bay and proposing alternative options. Construction has now begun following the defeat of a motion to defer the start which your association was asked to draft.

We emphasise that we were not opposed to building a cycleway along New South Head Road, but believed there were safer options which should have been investigated. We support steps to improve cyclists' safety, but the safety of pedestrians is equally important and we were surprised when 12 out of 15 councillors ignored our plea to take steps to protect them. The section between William Street and the Council chambers will be particularly dangerous, with cyclists, walkers, runners, prams and dogs in both directions sharing a three metre wide path. We hope our concern is misplaced, but encourage you to report any accident or near miss to the Council, copying us so we can keep a log.

Another dangerous spot is the crossing at the junction of Kiaora Road and New South Head Road by the post office. Michele proposed moving the crossing to opposite Kiaora Lane, but this has been considered impractical. Meanwhile, the state government authority which controls New South Head Road has changed the timing of the traffic lights which hopefully will reduce the danger to pedestrians.

Now to our other two committee members.

Bruce Forster, a qualified surveyor and former professor and visiting professorial fellow at the University of NSW, has re-joined our committee following his return to Double Bay. Charlotte Stanfield, who has a degree in town planning and real estate and extensive experience of transport infrastructure, has also joined the committee. Both live in the Double Bay centre and their experience is very relevant to the major issues we are facing. Together they are leading our response to the draft Double Bay Centre Planning and Urban Design Strategy and Bruce will talk about this later in the meeting.

Meanwhile, I draw your attention to the list of recently approved, pending and completed DAs. Looking at this, one wonders what will be left of Double Bay village.

Two members left the committee during the year – Merrill Witt when she became a candidate for the Vacluse ward, and subsequently was elected, and Peter Breed who went overseas for an extended time. We thank them both for their contributions.

Last year, Malcolm Young reported that 2020 had been the association's busiest year he could remember. 2021 and the beginning of 2022 have been even busier with a total of 32 submissions to the council last year and 12 so far this year. This has placed considerable strain on your committee members and I would like to thank them for the significant time they have spent. As I have mentioned in our newsletters, we need to spread the load with more members volunteering to join one of our working parties or the committee. I hope we'll have some volunteers this evening or suggestions of people we could approach. Our effectiveness depends on the time you, our members, are willing to contribute.

Our second objective for 2021 was to increase engagement with the Council.

Both Susan Wynne and Craig Swift-McNair have been very generous with their time, listening to our concerns at length, and we're grateful to them both. Craig and the new Director of Planning and Place, Scott Pedder, spent half a day in November walking around Double Bay with your committee which enabled us to explain what we love about the village and our concerns about over-development.

Much of our focus this evening will be on issues we have with council policies, particularly related to planning. We mustn't forget, however, the achievements of Craig and his team in keeping essential services operating smoothly in very difficult circumstances during much of the past year. We owe them a big thank you for this.

Many of you attended the candidates' forum we arranged before the election to give residents an opportunity to meet and question candidates. We expected 30 to 40 to attend, optimistically arranged 60 chairs and were delighted when more than 130 arrived. There was vigorous debate, which at times became heated, demonstrating the strength of residents' feelings about many of the changes imposed on Double Bay, especially over-development. A resident emailed afterwards: 'It's exciting to see so many people so passionate about local politics. It augurs well for the future.'

We did not endorse any particular candidates in the election, but we recommended members to consider who would be most likely to support policies which would protect the residential amenity and local character of the area in which we live.

Since the election, we've met or spoken with a majority of Woollahra councillors, including four of the six representing Double Bay and Cooper wards from the three political groups. All discussions have been friendly and, on the surface, constructive and we thank them for their time.

We are delighted that Cooper ward's three councillors are with us this evening. Disappointingly, however, only one of the Double Bay ward councillors, Mark Silcocks, has been prepared to engage with us since the election. The other two have rejected our overtures and one of them has been heard to say that your association doesn't represent the views of the majority of Double Bay residents so can be ignored. But I haven't met one resident who approves of six-storey buildings throughout the centre. Have you?

We are perplexed by the two Double Bay councillors' reluctance to engage with us as the New South Wales Office of Local Government website states: 'As a councillor you are expected to represent the views of the community while making decisions in their interests.'

Our hope, as I mentioned earlier, was that – with increased engagement with the Council – residents' views would have greater influence on Council decisions. Regrettably, this does not seem to have happened. Indeed, I am sorry to report that our views have been dismissed with minimal discussion on the motions we have considered most likely to have adverse impact on residents' lives.

I wish I could report otherwise, but we've received no assurance that residents' submissions will carry more weight in future or that all Double Bay's elected councillors will represent residents' views. Sometimes it seems we are living in an autocracy.

Our third objective was to increase our focus on major issues, mainly planning-related, while continuing to support residents on development applications which affected them.

I won't go through all the DAs we – and you – have opposed during the past year. Instead, I'll focus on the crazy planning system the state government has imposed on us, removing any semblance of democracy.

The state government has stripped local councils of their planning powers, creating undemocratic planning panels dominated by so-called experts who don't have councils' local knowledge. This resulted in three unelected panel members overruling the Council's planning staff and two Woollahra councillors to approve a six-storey tower which will overshadow Transvaal Avenue and eliminate the plaza in front of Oscar and Friends. The process which led to this decision was a disgrace.

We are only allowed to address these panels if there are 10 separate objections. If an objection is signed by ten people or comes from a body corporate or association, it counts as one. However, we've been told by the Department of Planning that 10 objections by one person count as ten. It's bonkers, but this is part of the system imposed on us by the state government. Malcolm was hoping to address the panel on the Transvaal Avenue corner development application, but was refused permission as there hadn't been 10 separate objections.

Your letters, therefore, are very important and can make the difference between approval and refusal.

Double Bay has become a honeypot for developers, offering them big profits if they can increase a building's height and floor space, especially if they can gain harbour views. As a result, they can afford to spend large sums on legal costs which can be hard for the Council to match. If a developer doesn't like a panel's decision, it goes straight to the Land and Environment Court, incurring more costs for the Council. The state government system is biased in favour of developers and against residents.

One of many examples of developers wearing down – some would say bullying – residents and the Council was an application for a five-storey development in New South Head Road. The Council insisted on removal of the fifth storey. The planning panel agreed it should be removed. A conciliation conference was inconclusive. The developer appealed to the Land and Environment Court which turned it down too. Finally, following very minor amendments which failed to satisfy nearby residents, the Council appointed an independent town planner who reached agreement with the developer. The developer's legal costs would have been insignificant compared with the value created by the additional floor, but the cost to the Council would have been substantial.

This is not a problem for Woollahra alone. As you may have read in the Sydney Morning Herald last August, Liberal, Labor and Greens councillors across Sydney have been critical of the state's planning system and Susan Wynne was quoted prominently saying that it had significantly reduced the democratic process.

There is talk of a state-wide campaign before next year's state election to back candidates prepared to support changing the system. Let's hope it gets off the ground.

I'm very grateful to Malcolm for drafting the association's submissions and appearing at hearings for the major development applications with which he was involved when he was president. The most recent of these have been the application for a mammoth development proposed for 19-27 Bay Street as well as the draft Double Bay Centre Planning and Urban Design Strategy, about which more later.

One of the issues of great concern to residents is the redevelopment of the Cross Street car park, owned by the Council on ratepayers' behalf. The Council has been progressing a project to redevelop the site in secret without consulting residents on their wishes or giving us any information on what is proposed.

The Council held a meeting in February to enter into heads of agreement with a developer, which eventually was deferred. During the initial, brief open session, we called on the council to be transparent with residents and to show us documents which wouldn't

prejudice negotiations with developers. Since then, I'm glad to say, some documents have been released to the public which we've forwarded to members.

In refusing so far to consult residents on our wishes for the site – which ultimately is our property – we believe the Council is abrogating its duty to residents, on whom the impact of any development will be significant. We regard this as another example of its autocratic approach to residents – 'We'll decide what's best for you and you'll have to lump it'.

We understand a motion was passed last night to enter into an agreement with Fortis Group – still without any consultation with residents. I suggest that this is a betrayal of residents by councillors who pledged to oppose over-development during the election. Is it too much to expect one or more councillors who supported the motion to do the right thing for Double Bay and try to regain residents' trust by backing a rescission motion to place the agreement on hold?

Based on what we know of a previous, equally secret, proposal a few years ago, we suspect this agreement is for a public-private partnership to develop an underground car park offering no additional spaces, a cinema complex and some 80 residential apartments. The development is likely to breach current height and excavation controls. As both regulator and development partner, the Council will have a conflict of interest. Why, one asks, is the Council allowed to breach its own controls, especially as it has treated with disdain GHD's recommendations on the prohibition of excavation in the vulnerable areas of the commercial centre?

As, ultimately, ratepayers are likely to have some liability, we believe we should see a cost-benefit analysis of the project. We would like an assurance that we won't be saddled with paying compensation for any damage caused by the excavation. We also ask how businesses on the north side of Double Bay will survive without a nearby car park for up to three years during construction. Is parking on Steyne Park being considered again?

We are very unhappy with the Council's secrecy and intransigence on this. What moral right does it have to proceed with a development which locks up forever one of the municipality's most valuable assets without any consultation with us, the ultimate owners?

Another issue of concern has been the Knox Street pedestrianisation project. While in principle we are in favour of pedestrian plazas, we felt that community consultation and planning were poorly handled. Problems, especially traffic, were not identified and resolved before the plan was exhibited, with the result that there has been considerable opposition with which we sympathise. We understand that the project is in limbo.

There are two other issues I should mention. The first is noise and unacceptable behaviour, especially during weekend evenings and nights. Control of unruly behaviour is a matter for the police, but enforcing noise controls is the responsibility of the Council, and we

recommend that members also register complaints with the Council. It was the Council which permitted bars and restaurants – sometimes with loud music – alongside residential buildings and so cannot escape responsibility. We would like to see a Council ranger in the village centre at peak party times and this will only happen if there are enough complaints.

The second matter is heritage, and we urge the Council to exclude more buildings from any increase in height controls which result from the draft Double Bay planning strategy. Before becoming an election candidate, Merrill Witt wrote a detailed submission to the state government's review of the Heritage Act on your association's behalf. She also was invited to speak at the Parliamentary Inquiry into the act.

The biggest threat to Double Bay at present is the Council's draft Planning and Urban Design Strategy which proposes a six-storey height limit for the village. Bruce Forster will now talk about this.

Thank you, Bruce.

Malcolm has written a detailed analysis of the strategy on behalf of your association, and I strongly recommend you read this before submitting your own comments to the Council. Copies are available on the registration desk; please take one home with you. It's also available on our website.

One further point I would make. Please encourage your friends throughout the Eastern Suburbs who enjoy Double Bay's low-rise village character to make submissions too. As Double Bay's population represents only 10% of Woollahra's, there is a risk that our objections could be considered unrepresentative of the municipality. Double Bay could then become another soulless suburb, indistinguishable from many others, against the wishes of its residents.

We now have an opportunity for any member who would like to ask a question or make an additional point to do so. After this, we'll break so we can talk to our guests and among ourselves over a drink.