

Double Bay Residents' Association

Protecting Sydney's Stylish Bayside Village

The General Manager,
Woollahra Municipal Council,
PO Box 61,
DOUBLE BAY NSW 1360.

10 November 2022

Dear Sir,

DA 371/2022/1 49 and 51-53 Bay Street, Double Bay

We have examined the drawings and supporting material for the 6 storey commercial building at 49 and 51-53 Bay Street, Double Bay. Our Association and its over 300 resident members oppose the grant of consent to this DA. If approved it would create a gross overdevelopment in breach of Council's LEP 2014 development standards and the fine-grained set of controls in its DCP 2015. It would be out of keeping with the scale of development in Bay Street and that surrounding Guilfoyle Park. Last year's decision of the Land & Environment Court in *Ricola* refusing consent to a lower and less bulky six storey development on the site under the same planning controls must be followed.

Introduction

The site at 49, 51-53 Bay Street has been subject to a number of Development Applications over the years. The most recent, being Development Application (DA-25/2018) for a seven storey mixed use development rejected by Woollahra Council. An appeal lodged to Land and Environment Court (*Ricola Pty Ltd v Woollahra Municipal Council (2021) NSWLEC 1047*) included a reduction in height to six storeys or 21m. Commissioner Gray refused consent to the six storey development on the site in January 2021. The current DA for the site is higher in height and floor space ratio and would result in a poorer and more unacceptable outcome for the residents of the top floor north facing units in the Cosmopolitan Centre than that the subject of the Commissioner's judgment.

Commissioner Gray in her decision for the site in January 2021 referred to Acting Commissioner Clay in the 28-34 Cross Street Double Bay approval (*SJD DB2 Pty Ltd v Woollahra Municipal Council (2020) NSWLEC 1112 at paragraph (73)*): "as Clay AC expressly found, any abandonment is confined to the block of Cross Street on its southern side and does not apply to Bay Street." Again, Gray specifically states that previous decisions of abandonment do not extend to this site: "the findings of the Commissioner concerning the abandonment do not apply to the site is because the findings are confined to the block of Cross Street, and do not extend to the corner sites that front Bay Street and Knox Lane" (*Ricola Pty Ltd v Woollahra Municipal Council, 2021*). Nevertheless, let us address some of the other developments/approvals mentioned by the applicant.

It is worth bearing in mind that with the sole exception of 36, Bay Street on the corner of Guilfoyle Avenue, recent approvals have limited heights to Bay Street to a maximum of five storeys.

24 Bay Street otherwise known as 2A Cooper Lane applied in DA 463/2019 in December 2019 for a height of 21.63m which was rejected in July 2020. In February 2021 another DA (DA 68/2021) was put forward for the site, was rejected by Council but later approved at the Land and Environment Court on February 2022 on the basis that it carried with it the restoration of a heritage building (*Pallas Development Management Pty Limited trading as Fortis Development Group v Woollahra Municipal Council*). Measured from street level the Court approved height is 17.75m or five storeys, not even close to the height of the applicant's development application.

DA 14/2021 for 21-27 Bay Street was initially rejected but after a conciliation conference with the Land and Environment Court on 6 October 2021 (*Pallas Development Management Pty Limited trading as Fortis Development Group v Woollahra Municipal Council*) a five storey shop top housing scheme DA was approved at a height of five storeys or 17.715m, again a floor less than the subject application. It seems unlikely that that consent will ever be built, as a shop/office DA of five storeys in height has subsequently been lodged for the expanded site of 19-27 Bay Street. It was refused and judgment on the appeal from the refusal has yet to be delivered by the L & E Court.

In February 2021 DA 40/2021 for a 24.97m commercial building at adjoining 55 Bay Street and was refused. The Development Application was then taken to the Land and Environment Court. After amendments made prior to a s34 conference, it was approved at a five storey level with a main roof height of 18.1m as per the LEP height development standard on 6 December 2021 (*Doonside Holdings Pty Ltd v Woollahra Municipal Council*). While numbered to Bay Street, it is important to note that the much longer frontage of 55 Bay Street is to Cross Street.

The large site on the corner of New South Head Road and Bay Street which includes 2 – 10 Bay Street was similarly restricted to five storeys in a post s34 conference approval recently granted by the L & E Court.

The applicant relies on 53 Cross Street (DA 58/2021), on the corner of Bay Street. After the part 6 storey development was initially rejected by council it was later approved by the Court on 20 April 2022 (*Roche Group Pty Limited v Woollahra Municipal Council*). However, it is to be noted that the six storey part of this consent is restricted to the easternmost side of the site and is set back from Bay Street by approximately half the length of the frontage to Cross Street. Essentially it is five storeys to Bay Street. This decision is therefore consistent with the pattern of recent approvals limited to five storeys in Bay Street and six in Cross Street.

We submit that the above consents do not amount to an abandonment of the Height and FSR standards in the Woollahra LEP nor the relevance of the DCP's description of the "desired future character" of this part of Bay Street.

We submit the application should be rejected on the following grounds:

1(a) Excessive Height in breach of clause 4.3 of the Woollahra LEP;

1(b) The cl 4.6 request in relation to the breach of the Height standard should be rejected;

2 (a) Excessive FSR/Bulk in breach of clause 4.4 of the Woollahra LEP;

2 (b) The cl 4.6 request in relation to the breach of the FSR standard should be rejected;

3 Breaches of the Woollahra DCP;

4 Car Parking Issues;

5 Clause 6.2 of the Woollahra LEP – the unacceptable risks of this development both at the excavation/dewatering stage and when completed.

We will deal with those grounds in the above sequence.

1(a) Excessive Height in breach of clause 4.3 of the Woollahra LEP

Under clause 4.3 of the Woollahra LEP and its accompanying Height Map the maximum permitted height is 18.1m for this site. Measured in accordance with the LEP the development has a height of 21.75m (EGL of 3.01 see applicant's survey) or **over 20% exceedance of the maximum permissible height.**

Being above the maximum height allowed, it follows that the consent authority has no power to approve it absent a successful request under clause 4.6 of the LEP.

1(b) The cl 4.6 request in relation to the breach of the Height standard should be rejected

As already related under "Introduction", much play is made in the Applicant's request on the fact that other developments above the LEP height have been approved in Double Bay Centre. The applicant has provided a table in their Clause 4.6 request re Height. However the vast majority of those listed on the table are along Cross Street, not Bay Street. This distinction of location was identified by Commissioner Gray in *Ricola* supra.

In our opinion much assistance in relation to the clause 4.6 objection is to be obtained by the decision in *Ricola Pty Ltd v Woollahra Municipal Council* in which Commissioner Gray refused the previous DA on the site which had a lower height (21m). In particular Gray found the cl 4.6 request had not satisfied the test set out in "(a)" in the paragraph below.

Accordingly, we would submit that this DA being wholly commercial in character falls to be determined de novo by the application of the principles relating to clause 4.6 objections as laid down by the Court in *Four2Five Pty Ltd v Ashfield Council* [2015] and *Initial Action Pty Ltd v Woollahra Municipal Council* [2018]. These decisions have made it clear that an Applicant has to satisfy the consent authority:

- (a) That compliance, (in this case) with the 18.1m height limit, is unreasonable or unnecessary in the circumstances of the case. The first and most commonly invoked way is to prove that notwithstanding the non-compliance the objectives of the development standard are achieved.

This is a double hurdle as explained by the Chief Judge in *Initial Action* at 26. Firstly, the consent authority must be satisfied the applicant has adequately addressed this issue (cl 4.6(3)(a)). Secondly

the consent authority must itself be satisfied that the objectives of the height standard are achieved notwithstanding the non-compliance (cl 4.6(4)(a)(ii)). AND

(b) That there are sufficient environmental planning grounds to justify the contravention – again a double test (cl 4.6 (3)(b) and cl 4.6 (4)(a)(ii)). AND

(c) That the development is consistent with the objectives for development within the relevant zone (cl 4.6(4)(a)(ii)). Again, the focus is on the element of the development which contravenes the standard (Initial Action at 24).

The objectives of the Height standard are set out in clause 4.3 (1) of the LEP.

Objective (a) is:

“to establish building heights that are consistent with the desired future character of the area”.

The desired future character for this site is set out in words and diagrams in the Woollahra Development Control Plan (DCP) 2015 at D5.4.5 Bay Street (centre), D5.4.9 Knox Lane and D5.4.8 The Lanes, along with D5.5.8 Control drawing 4 to be read with 5.6.3 Urban Character on the same page .

The development is inconsistent with the “(a)” of “desired future character” in that it has failed to achieve “lot amalgamations on blocks in proximity to Guilfoyle Park”. It is to be observed that in general the LEP Height limit through Double Bay Centre is 4 storey or 14.7m except for corner sites. This is only a corner site if amalgamated with no 55, Bay Street which was clearly the intent of the planners when giving it the same 18.1m limit. Since strong corner sites are encouraged, it would be absurd for this non-main street corner site to be allowed to go higher than the 5 storeys approved for 55, Bay Street.

The section drawing in D5.4.5 Bay Street (centre) shows a 2.4m deep articulation zone along the east side of Bay Street. Under the DCP that means that on upper levels 1-4 a maximum of 40% of that 2.4m zone can be internal or external space. In breach of this the proposal has almost 100% of this zone as built space.

The proposal is also inconsistent with the “Desired future character’s” call at D5.4.5 to:

“Expand the public domain at street level and improve the civic character with street level building colonnades that face central Bay Street and Guilfoyle Park.”

See also the section drawing in D5.4.5 (east side) with its injunction to “Design colonnades including the size and spacing of the columns integral with the building design and with regard to adjoining colonnades if they exist”. A fine colonnade exists to The Chancellor building directly opposite the subject site yet the applicant has not provided the required colonnade. Further details about colonnades are provided in D5.6.4.2 Colonnades and the controls for colonnades will be discussed further in “Breaches of the Woollahra DCP”.

The proposed development’s frontage along Knox Lane is completely inconsistent with the “desired future character” of Knox Lane set out in D5.4.9:

a) *“Retain and enhance the varied spatial definition of Knox Lane.*

This is reiterated in the Lanes in D5.4.8. The Lanes (D5.4.8) sets out the designed future character as:

“setting buildings back on one side and preserving natural daylight to the lanes.”

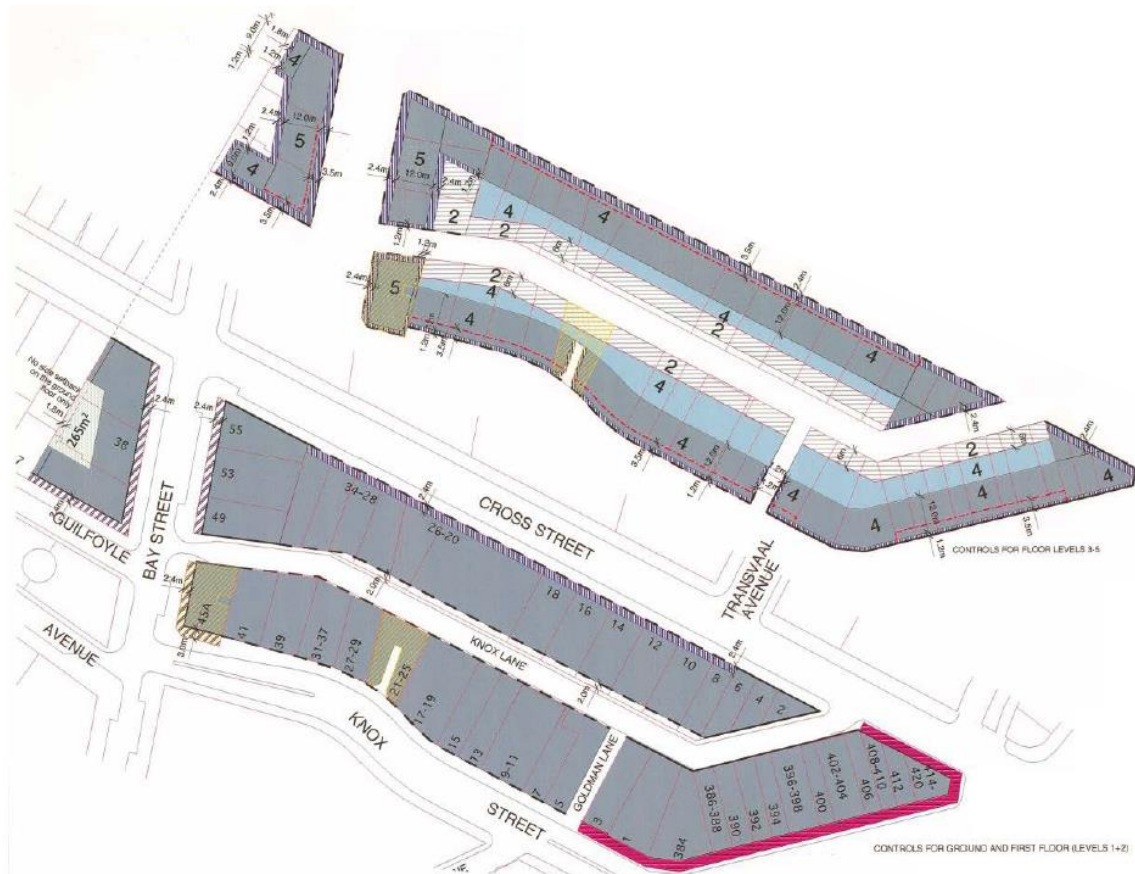
and

“Enhance the spatial definition of lanes with ground and first floor building lines and buildings up to two storeys in height.”

Rather than two storeys along Knox Lane this development has six storeys, casting Knox Lane and neighbours opposite into both shadow and gloom. This is demonstrated by the applicant’s “Amended shadow drawings” which show additional shadow during winter along Knox Lane and neighbouring north facing windows.

Additionally, the building envelope shown in D5.5.8 Control drawing 4 (see image below) requires that the building step down to two storeys or 8m along Knox Lane, 16.8m from the Bay Street boundary to provide an enhanced spatial definition and preserve daylight as discussed above.

As discussed, articulated areas to levels 3-5 as demonstrated by D5.5.8 Control drawing 4 have not been provided. The DCP requires a articulated area of 2.4m along Bay Street, 1.2m facing Knox Lane and 2.4m 14.4m deep from Bay Street on levels 3-5.



(Woollahra Development Control Plan, Chapter D5 Double Bay Centre, D5.5.8 Control drawing 4, 2015)

The proposal is accordingly not consistent therefore with objective (a) of the Height standard.

Objective (c) of the Height standard is:

“to minimise the loss of solar access to existing buildings and open space”.

The proposed six storey development hopelessly fails this objective. Shadow diagrams indicate additional shadow cast along the buildings opposite along Knox Lane, reduced solar access to windows and balconies at The Savoy Double Bay Hotel, 45A Bay Street and 31-37 Knox Street during winter solstice in the morning. The reduction in sunlight reduces winter warmth to the retail areas and the north facing hotel windows/balconies along Knox Lane. It thus would negatively impact and potentially reduce profitability to these small business owners who are such an important part of the Centre’s attraction. Increased shadow in the afternoons along Knox Lane (shown in the applicants’

Amended shadow diagrams) goes against the future desired character of The Lanes as referred to above.

Objective (d) of the Height standard is:

“to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion”.

Nearby properties at 2-22 Knox Street (Cosmopolitan Apartments), 38 Bay Street (The Chancellor), and 45 Cross Street (the Georges Centre) will lose land and district views which would be significantly less impaired by a building complying with the LEP height standard.

First, the adjoining 45A Bay Street to the south is a “character building” as defined in DCP 5.6.3.8. The DCP provides that character buildings along Bay Street are to be retained (see D5.4.4 at “Desired Future Character” “c”). The applicant’s attempts in their view analysis to play down the disastrous impacts their proposed development will have on outlooks from units such as 7A, 7B, 7C and 7D in the Cosmopolitan Apartments by imagining some crass future development of the 45A Bay Street site right up to the street edge should therefore be dismissed.

The four storey character building 45A Bay Street has setbacks throughout. Any development of that property, even if allowed, would have to include these qualities in their design. Therefore, even if its redevelopment were allowed its status as a character building would mean that the impact on views would be far less than indicated by the applicant.

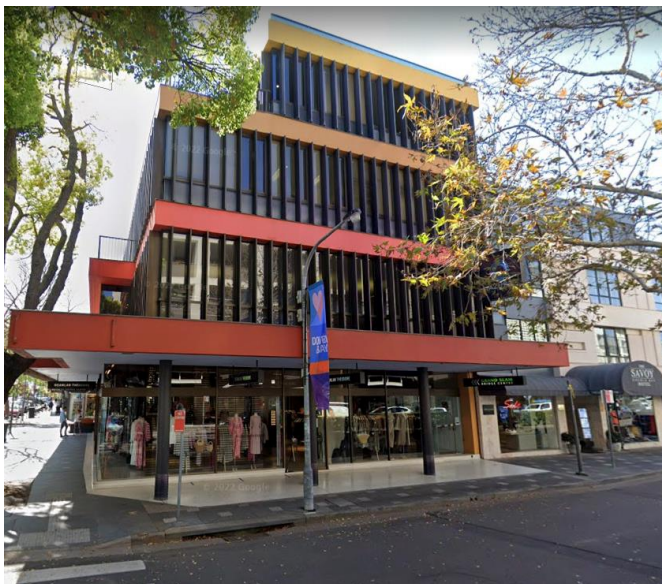


Image of 45A Bay Street Double Bay, (Google Maps, 2021).

The additional height from this DA compared to a compliant one will remove a large percentage of available views left to 7C/2-22 and 7D/2-22 Knox Street.

Accordingly, the consent authority should follow the decision in *Ricola* and find that this design, taller and bulkier than that considered by Commissioner Gray in that decision, has failed “to minimise the impact on (those properties) from disruption of views ... and visual intrusion.” It likewise therefore fails the test of consistency with Objective “(d)” of the Height standard.

We submit there are no sufficient environmental planning grounds to justify the contravention – again a double test (cl 4.6 (3)(b) and cl 4.6 (4)(a)(ii)). As with *Four2Five* offices could be built on a multitude of other sites in the Centre within the LEP’s Height limit.

2(a) Excessive Bulk/FSR in breach of clause 4.4 of the Woollahra LEP

Under cl 4.4 of the LEP the maximum FSR for 51-53 Bay Street part of the site is 2.5:1. It is similarly 2.5:1 for the 49 Bay St part of the site unless the development satisfies clause 4.4A in which case it is increased to 3:1.

Clause 4.4A only permits an increase to 3:1 at 49 Bay Street “if the consent authority is satisfied that the development will be compatible with the desired future character of the zone in terms of bulk and scale”.

We would submit however that this development fails to satisfy at least two of the objectives of the B2 zone and accordingly the no 49 part of the site does not qualify for the 3:1:

“to provide for development of a scale and a type that is compatible with the amenity of the surrounding residential area.”

The surrounding residential area is generally a mixture of 2 storey homes and 3 storey residential flat buildings. The height limits for the surrounding residential lands are three storey (10.5m). That is why the maximum height in the Centre is generally limited to 14.7m with some areas 18.1m and why the FSR is generally a maximum of 2.5:1 – to ensure that compatibility with the surrounding residences. This development on 49 Bay St is conceded to have an FSR of 3.96:1. That is “incompatible” in “scale” and “type” with that surrounding residential amenity on any view.

The other objective of the zone which this development does not satisfy is:

“to ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.”

For reasons canvassed in relation to the similar objective of the Height standard above we say the development is inconsistent with the desired future character of both Cross Street and Knox Lane as respectively set out in the DCP.

Despite this, the developer has proposed a total GFA of 3,199m² or total FSR of 3.98:1, comprising of 1,294m² GFA at 49 Bay Street and 1,905m² at 51-53 Bay Street. **That is 59% over the FSR development standard.** If, contrary to our submission, the consent authority is prepared to grant the clause 4.4A bonus, the development would be 282.16m or **28% over** the 3.1:1 FSR for 49 Bay Street and 712m or **60% over** the 2.5:1 FSR for 51-53 Bay Street.

Absent a successful cl 4.6 objection the application must be refused.

2(b) The cl 4.6 request in relation to the breach of the FSR standard should be rejected

The proposed development has a FSR of 3.98:1 which is significantly higher than the refused FSR on the same site of 3.41:1 (*Ricola Pty Ltd v Woollahra Municipal Council*). Provided that the Council is satisfied that a 3.1 FSR is compatible with the bulk and scale for 49 Bay Street; the overall maximum allowable FSR for the entire site would be 2.7:1. The proposed development does not comply with this with a FSR of 3.98:1 or 45.1% above the allowable limit.

We repeat what we said about the tests to be applied to a clause 4.6 objection under section 1(b) above.

The question then is whether the bulk and scale of this DA fulfils the objective of the development standard.

Under clause 4.4 (1)(b) the objective of the B2 zone in regards to bulk and scale is :

“to ensure that buildings are compatible with the desired future character of the area in terms of bulk and scale”.

As noted in section 1(b) above, the “desired future character” as set out in D5.4.5 for Bay Street (centre) requires:

“Expand the public domain at street level and improve the civic character with street level building colonnades that face central Bay Street and Guilfoyle Park. Provide a built form that responds to the scale and civic importance of Guilfoyle Park.”

The DCP goes further to clarify that this is to be achieved by providing a 2.4m articulation area at ground level for colonnades along Bay Street as well as a 2.4m articulation zone for a maximum of four upper floors. As noted in mid-page 4 above that upper floor articulation zone means that for the first 2.4m only 40% can be occupied by internal or external built space. Both those controls go directly to the issue of oppressiveness and bulk seen from Bay Street. Neither the 2.4m articulation zone nor the colonnade have been provided. The five storey street wall effect provides a sorry contrast to the delightful 38 Bay Street (The Chancellor) opposite and 53 Cross Street (as existing). These two developments show how colonnades can be used to enhance the public sphere, promote corner buildings and respond to the locality.

Turning from the Bay Street frontage to the Knox Lane frontage the situation bulk-wise is even more dire in its non-compliance with desired future character. The DCP desired future character of The Lanes at D5.4.8 requires that development:

“Improve pedestrian amenity by providing adequate footpaths, limiting the width and numbers of vehicle crossovers, setting buildings back on one side and preserving natural daylight to the lanes”(The Lanes D5.4.8) and;

c)Enhance the spatial definition of the lanes with ground and first floor building lines and buildings up to two storeys in height.

If one looks at D 5.4.9 (Knox Lane) and particularly D5.5.8 Control drawing 4 for this site it limits development of almost all of the eastern half of the site to a maximum of two storeys in height with the shading indicating “Possible roof, roof terrace or courtyard below”. This fits in with the note against the north side of the section drawing in D5.4.9 which requires 50% of the Knox Lane frontage to be limited to two storeys. In flagrant disregard of this requirement this application covers what is meant to be two storey with six storeys. The impact on natural daylight in and to Knox Lane and the buildings on its opposite side, particularly the patrons of 45A, Bay Street, is disastrous.

The clause 4.6 request in relation to the FSR breach must be dismissed.

3 Breaches of the Woollahra DCP

In reviewing the non-compliance with the “desired future character” objective of the Height and FSR standards, we have already covered the building’s non-compliance with the envelope controls in the Woollahra DCP – see above. In short it does not comply with:

- The height limit of 18.1m or 5 storeys;
- Maximum 8m height or 2 storeys to the eastern half of the site
- Provision of colonnades along Bay Street (2.4m width and 3.4m soffit height)
- An articulation zone of 2.4m along Bay Street (ground and first level)

- An articulation zone for the upper levels of at least 2.4 along Bay Street and 1.2m to Knox Lane
- The building envelope control (area occupied) with only 40% of façade articulation zone can be occupied with internal or external (i.e. balconies) space.

An indication of just how excessive the bulk of this building is compared to the relevant control drawing at D5.5.8 drawing 4 is that the maximum depth of the upper floor structure in an E-W direction between the two intended articulation zones (which must be 60% air) is there limited to 12m. With the applicant's proposal on all upper floors this depth varies between 28m and 29m approximately with the articulation zone requirements ignored.

This excessive bulk also leads to conflict with D5.6.6 Solar access and natural ventilation for all floors save the impermissible sixth floor (which has the setback from Bay Street that a complying fifth floor should have). Solar access to all these floors is poor. Furthermore, the proposed building depths of between 28 – 29 m grossly exceed the maximum building depth of 15.6m for levels 3 – 5 under Control C1 of D 5.6.6.2 Cross ventilation.

4 Car Parking Issues

The following comments should be seen against the background of our horrendous experience of the unavailability of on-street parking in and around the Centre. Our resident members constantly find that they cannot find parking for themselves in the street where they live, let alone find it for visitors or tradespeople.

Parking provision is insufficient for the Applicant's proposed development. The applicant has proposed only 36 parking spaces for a proposed GFA of 3199m². Based on the applicant's GFA Plan (drawing DA - 501) the proposed development will consist of 414m² in retail space and 2539m² in office space.

Using the calculations provided by the applicant, we therefore assess the following parking rates using WDCP 2015 E1.5.2 Non-residential parking generation rates as follows:

Retail at a rate of 3.3 per 100m² (414m²) = 13.7, including Double Bay B2 multiplier (0.6) = 8.2
Office at a rate of 2.5 per 100m² (2539m²) = 63.5, including Double Bay B2 multiplier (0.6) = 38.1

Therefore, the minimum provision of car parking spaces as set out in Chapter E1.5 of the DCP for the proposed development is 46 spaces.

The **shortfall** between the proposed parking provision of 36 spaces and the minimum required by the DCP is **10 spaces**.

The proposed development fails to provide the required parking outlined in the Woollahra DCP. Only 36 parking spaces are proposed on the site, whereas a minimum of 46 car spaces are required (see Part E1.5.1 of WDCP). This requirement set out in the DCP includes a discount of 0.6 (Double Bay Centre B2 Zone) for being in the Double Bay Centre. The applicant's argument for further discount on the basis of the allegedly satisfactory public transport (which in fact is not good at all) should not be considered. The availability of public transport and such public parking as exists were taken into account when setting DCP parking rates and the 0.6 Double Bay Centre discount.

5 Clause 6.2 of the Woollahra LEP – the unacceptable risks of this development both at the excavation/dewatering stage and when completed.

We annex as Ann A a copy of clause 6.2 to the WLEP, a recent amendment to the LEP following the disastrous damage to homes in Forest Road, Court Road and Epping Road as a result of excavation of a single storey basement to a recent flat development in Patterson Street. 50% of one house was so badly cracked that it had to be rebuilt with new footings.

The objective of the clause is:

“to ensure that earthworks and associated construction dewatering for which development consent is required will not have a detrimental impact on environmental functions and processes ... or features of the surrounding land.”

Under 6.2(3) the consent authority is obliged inter alia to consider:

*“(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
(d) the effect of the development on the existing and likely amenity and structural integrity of surrounding properties”.*

The latest changes to the LEP in this regard were prompted both by the environmental disaster on the south side of the Centre as referred to above and by Council commissioning and receiving the GHD report of 2021 “Double Bay – Hydrogeological Geotechnical Impacts/ Groundwater and Geotechnical Assessment Report”.

In the GHD report the subject property is in Zone A (“Areas which are highly sensitive to drawdown where drawdown of less than 1m can induce total settlement of more than 15mm or substantial differential settlement”). As GHD say in their Executive Summary “In the sandy alluvium generally encountered within the Double Bay valley, the impact of construction dewatering is expected to extend far beyond the excavation footprint. The lateral impact can extend up to some 800m away.” – see also at 10.4.1.

The authors go on to say; “that a 0.2m depth of dewatering can be considered a relatively safe limit to minimise building damages”. That would limit adjoining settlement of buildings to 15mm. We would think adjoining owners would be none too happy with the consequent 15mm cracks in their buildings but that is another point.

The depth of dewatering proposed in the applicant’s Douglas Partners is **30 times** as deep as that safe limit set by the GHD report viz:

“It is expected that the groundwater level may need to be temporarily lowered by approximately 6m, which is 1m below bulk excavation level.” (Douglas Partners letter to the architect of 2/11/2022 at page 7 under the heading “7.1 General”. A virtually identical statement is made on page 2, section 4, last sentence of first paragraph.)

The inevitable conclusion in answer to the issues raised by clause 6.2(3) (a) and (d) as quoted above must be that this proposed dewatering to 30 times the depth that GHD say is safe to restrict cracking of buildings and infrastructure in the area to 15mm is too unsafe to be allowed. No monitoring system in the world can prevent greater damage to surrounding structures.

We would add that the *area* of excavation, right to all four site boundaries, conflicts with the WDCP B3.4 Excavation (Figure 16) which provides:

*“For a residential flat building, multi dwelling housing, attached dwellings **and any other land use not addressed in controls C1 to C2 of section B3.4 Excavation, basement walls can***

be no closer to the boundary than 1.5mMinimum excavation setback 1.5m” (our emphasis)

One’s invariable experience is that excavations right to site boundaries are almost always a source of disputes with neighbours about soil from off-site caving into the excavation. Again, a building that complied with the Height, FSR and other referenced controls would not require so many car parking spaces and therefore so big an excavation.

Conclusion

For all the above reasons our Association says that the subject application should be refused.

We would ask to be given reasonable advance notice of the meeting of the consent authority at which the DA will be considered and the opportunity to address such meeting. We would also ask for the courtesy of an early supply of Council’s staff report.

Yours faithfully,

DOUBLE BAY RESIDENTS ASSOCIATION INC

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