

From: [Denise](#)
To: [Records](#)
Cc: [Michael Dinte](#)
Subject: Draft planning for Cross Street precinct/ SC6552
Date: Tuesday, 30 November 2021 8:57:46 PM
Attachments: [image.jpg](#)
[ATT00001.txt](#)

>> Reference :SC6552 Submissions

>> Re: Draft Cross St Precinct

>>

>> Dear Anne White

>>> We are writing due to major concern

>>> of the bulk and scale of the new draft strategy proposal for buildings on the southern side of Cross Street Double Bay.

>>> We reside at 'The Hunter' 16-18 Cross Street, Double Bay.

>>> Our apartment is on level four on the north east side of the building.

>>> Your proposed changes to the bulk of new buildings will impact us greatly.

>>> The Hunter, 16-18 Cross St, complies with current setbacks.

>>> The new building proposal (as per diagram below) has removed the current setbacks on level 4. The protrusion of a new building next door will take away our privacy and sunlight from our balcony and greatly affect our outdoor amenity.

>>

>>> We ask you to please reconsider and maintain the current setbacks that are currently in place.

>>> If you wish to view our concerns from our premises we can be contacted on mobile below. Diagram below in scenario 3 showing no proposed set back on level 4.

>>

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From: [Nick Juradowitch](#)
To: [Records](#)
Subject: Submission to Cross Street Double Bay Draft Planning & Urban Design Strategy
Date: Monday, 6 December 2021 9:44:30 AM
Attachments: [Submission Letter Final 3 Dec 2021.pdf](#)

Please find attached a submission prepared by Ingham Planning Pty Ltd on behalf of Baytwo Pty Ltd, owner's of 6 Cross Street Double Bay in relation to the Draft Cross Street Planning Strategy currently on exhibition.

Regards Nick Juradowitch Ingham Planning [REDACTED] 6 Dec 2021.

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Our Ref: 21270

3rd December 2021

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

Attention – Director Planning & Place

Dear Sir,

RE: SUBMISSION TO DRAFT CROSS STREET PRECINCT DOUBLE BAY PLANNING AND URBAN DESIGN STRATEGY NOVEMBER 2021 (Your Reference SC6552)

This submission to the Draft Cross Street Precinct Double Bay Planning and Urban Design Strategy (the Cross Street Strategy) is lodged on behalf of our client, Baytwo Pty Limited, owner of No. 6 Cross Street Double Bay. Our client's 2 storey commercial building is located on the southern side of Cross Street, within the eastern sector of the Cross Street Strategy Precinct.

We wish to support Woollahra Council's decision to prepare a place-based strategy for the future redevelopment of the southern side of Cross Street, at Double Bay. The Cross Street Strategy provides for mixed-use urban renewal appropriate for the Cross Street Precinct within Double Bay and may be expected to facilitate new development and improved urban design and public domain outcomes for the precinct.

We support the proposal to encourage suitably designed 6 storey mixed-use development by providing for increased building heights on the southern side of Cross Street. The existing conservative building height control (14.7m) does not reflect the development yield that is available within the 2.5:1 FSR control currently applying to Cross Street. A building height of at least 20m (6 storeys) is necessary to achieve an FSR of 2.5:1 and encourage viable redevelopment.

The Draft Cross Street Strategy identifies potential redevelopment parcels where sites can be amalgamated to provide adequately sized development parcels to successfully accommodate 6 storey mix-use buildings, with basement car parking and vehicular access from Knox Lane. Our client's land is located within the easternmost re-development site, 2-8 Cross Street, at the junction of Cross Street and Knox Lane.

Urban and Regional Planning, Environmental Planning and Statutory Planning

A.C.N 106 713 768
www.inghamplanning.com.au



The Draft Cross Street Strategy provides for ground and first floor retail/commercial uses, with 4 storeys of apartments above and recommends a zero-setback street-wall building form for the first 4 storeys to Cross Street and a 3.5m setback to Cross Street for the 5th and 6th storeys. This is an appropriate urban form and will achieve an integrated and consistent building typology, with an active street frontage to Cross Street.


The Cross Street Strategy includes recommendations relating to public domain improvements and while noting the mature tree lined character of Cross Street and the need for urban greening, does not include specific recommendations regarding street tree planting in Cross Street. Cross Street west of Transvaal Avenue has an attractive and consistent street tree theme, which should be extended east along Cross Street to New South Head Road. The planning controls included within any future Development Control Plan should include public domain provisions and require the same street tree species to be planted along the eastern end of Cross Street, as exists to the west of Transvaal Avenue.

As noted above, our client's property is located within the easternmost redevelopment site identified in the Cross Street Strategy. This redevelopment site is somewhat unique in that it forms a gateway to the proposed Cross Street urban renewal area and is characterised by an angled frontage to Knox Lane adjacent to Cross Street, which results in reduced allotment depth. Applying the same Knox Lane setback controls to the easternmost redevelopment parcel, as recommended for the balance of the land on the southern side of Cross Street, would not be appropriate.

It is recommended that site specific setback controls to Knox Lane be developed for the easternmost redevelopment site comprising 2-8 Cross Street, which would provide for a setback transition from the eastern side of No. 8 Cross Street to the easternmost corner of the redevelopment site, along the angled frontage to Knox Lane. The Strategy nominated 2m setback for the first 2 storeys to Knox Lane, should be reduced to 1m from the eastern side of No. 8, with no parking provided on the northern side of the angled Knox Lane frontage. Similarly, the additional 2.5m setback above the podium should be reduced to 1m (i.e. an overall 2m setback to Knox Lane) from the eastern side of No. 8 Cross Street, for the uppermost 4 storeys.

Site conditions in Cross Street are not conducive to multiple levels of basement car parking. Cross Street is within easy walking distance of high frequency bus services in New South Head Road. There is an opportunity to allow significantly reduced car parking rates so that the number of basement parking levels and associated excavation can be reduced. Such a strategy will also reduce traffic congestion and encourage use of public transport, walking and cycling.

We congratulate Council on its pro-active approach to planning for Double Bay and endorse the direction that Council has taken to encourage urban renewal along the southern side of Cross Street. We look forward to Council's support for our recommendations in relation to street tree planting, site specific building setbacks to Knox Lane and reduced car parking requirements.



Nick Juradowitch
Ingham Planning Pty Ltd

From: [Your Say Woollahra](#)
To: [Emma Williamson](#)
Subject: Janinea completed Share your feedback on the Draft Cross Street Precinct Planning & Urban Design Strategy
Date: Tuesday, 7 December 2021 4:21:01 PM

Janinea just submitted the survey Share your feedback on the Draft Cross Street Precinct Planning & Urban Design Strategy with the responses below.

Would you like to make a submission on the Draft Cross Street Precinct Planning & Urban Design Strategy?

Yes

Your email

[REDACTED]

Your name

Janine Adams

How would you like to make your submission?

Type your submission here

Please type your submission here.

I am not sure I understand why the council is now recommending all of the review sites should go to 6 stories when a few of them have not been approved to that height and SHOULD NOT be approved to that height!!! It was my understanding that the sites left that have not been approved to go to 6 stories would not be recommended for approval. Have these DA's been approved without the knowledge of the Double Bay Community? My views have already been very much affected by the buildings that have already been erected in front of The Intercontinental and it was my understanding that the council was not recommending additional sites go to 6 stories. This Cross Street Precinct Plan is highly undesirable

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From: [Janine Adams](#)
To: [Records](#)
Subject: Draft Cross St Planning and Urban Design Strategy
Date: Tuesday, 14 December 2021 2:54:48 PM

To who it may concern,

I cannot over emphasize how disappointed I am to see the content of the Draft Cross St Planning and Urban Design Strategy.

How is it that 6 story developments at 55 Bay St and 49-53 Bay St are included? I have objected to these developments previously and in fact isn't it so that a 5 story development at 55 Bay St was recently approved and a 6 story development at 49-53 Bay St was denied by the Land and Environment Court? What are 6 story developments doing being included when residents have been arguing against it along with Council!!

I have lost views and privacy from the completed 6 story buildings in Cross St and will lose all of my district views if these Bay St buildings are built to 6 stories.

Aside from height and bulk issues the plan has not addressed parking or traffic issues in the area.

I do not support the abovementioned Cross St Strategy when to me it is just a way of the Council giving developers a green light to build to 6 stories the entire length of Cross St and setting precedents to do the same in Bay St.

I hope someone will take my comments into consideration.

Kind regards.....Janine

Janine Adams
CO-FOUNDER
UNDIVIDED FOOD CO.



WWW.UNDIVIDEDFOODCO.COM

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From: [Your Say Woollahra](#)
To: [Emma Williamson](#)
Subject: Martin Border completed Share your feedback on the Draft Cross Street Precinct Planning & Urban Design Strategy
Date: Tuesday, 7 December 2021 4:33:40 PM

Martin Border just submitted the survey Share your feedback on the Draft Cross Street Precinct Planning & Urban Design Strategy with the responses below.

Would you like to make a submission on the Draft Cross Street Precinct Planning & Urban Design Strategy?

Yes

Your email

[REDACTED]

Your name

Martin Border

How would you like to make your submission?

Type your submission here

Please type your submission here.

I am in favour of the new draft Cross St proposal. As Double Bay needs money spent to improve building quality, new shops, residents and commercial space.

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From: [Your Say Woollahra](#)
To: [Emma Williamson](#)
Subject: Bigglesthecat completed Share your feedback on the Draft Cross Street Precinct Planning & Urban Design Strategy
Date: Wednesday, 8 December 2021 8:54:17 AM

Bigglesthecat just submitted the survey Share your feedback on the Draft Cross Street Precinct Planning & Urban Design Strategy with the responses below.

Would you like to make a submission on the Draft Cross Street Precinct Planning & Urban Design Strategy?

Yes

Your email

[REDACTED]

Your name

Louise

How would you like to make your submission?

Type your submission here

Please type your submission here.

The area desperately needs more commercial offices available to rent or buy - not just co-working spaces. Double Bay has lost so much office space due to all the luxury residential developments which now dominate the area.

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From: [Andrew Woodhouse](#)
To: [Records](#)
Subject: Woollahra Council's Cross and Knox Street proposal to be rejected: killing local businesses
Date: Saturday, 11 December 2021 2:55:02 PM

Mr Craig McNair-Swift
General Manager
Woollahra Council

11th December 2021

Dear Sir

Council reference: SC6552 Submission.

From Friends of Rushcutters Bay Park

We refer to our previous submission which is now revoked.

Please register and acknowledge receipt of our new submission below, thank you.

1.0 Locus standi

This submission is made in the public interest.

It is made in response to advertisements in the Wentworth Courier this week and council's website seeking public comments.

2.0 Council is legally obligated under section 8A Local Government Act to actively consider our views:

"8A Guiding principles for councils

(1) Exercise of functions generally

The following general principles apply to the exercise of functions by councils—

- (a) Councils should provide strong and **effective representation, leadership, planning and decision-making**.
- (b) Councils should carry out functions in a way that provides the **best possible value for residents** and ratepayers.
- (c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision **of effective and efficient services** and regulation to meet the diverse needs of **the local community**.
- (d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and **continuous improvements**.
- (e) Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the **local community**.
- (f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Councils should work with others to secure appropriate services for **local community needs**.
- (h) Councils should act fairly, ethically and without bias in the interests of **the local community**.
- (i) ...

(2) Decision-making

The following principles apply to decision-making by councils ...

- (a) Councils should recognise **diverse local community needs and interests**.
- (b) Councils should consider social justice principles.
- (c) Councils should consider the **long term and cumulative effects of actions on future generations**.
- (d) Councils should consider the principles of ecologically sustainable development.
- (e) Council decision-making should be transparent and **decision-makers are to be accountable for decisions and omissions**.
- (3) Community participation Councils should **actively engage with their local communities**, through the use of the integrated planning and reporting framework and other measures.
[emphases added]

3.0 It is clear the aims of council are to provide for local communities, not just ratepayers or voters as claimed by some councillors.

Members of our group have a communal interest in Rushcutters Bay Park and in the wider council areas making them local community members under the Act.

And many live in Double Bay.

Councillors therefore represent them and are required to consider their best interests.

4.0 inadequate public notice

This project is being advertised in the lead up to Christmas when many are away or now travelling and during the interregnum of council during which council is prohibited from dealing with new initiatives such as this.

Many will not have the opportunity to respond adequately to such a complex multi-million dollar project and its 57-page council report.

Council should not be considering this matter.

We request this matter be deferred and held in abeyance until after the new council meets and advertising now ceases in the public interest.

We refer to council's website for this project: <https://yoursay.woollahra.nsw.gov.au/crossstreet>

5.0 Missing documents

The website information provided is deficient.
It states:

"This Strategy has been informed by:

- Double Bay Centre Public Domain Strategy 2016, prepared by ASPECT Studios
- Double Bay Centre Public Domain Lighting Strategy 2016, prepared by Arup
- Double Bay Centre Feasibility Assessment 2015 & 2018, prepared by Hill PDA
- Double Bay Transport Study 2021, prepared by SCT
- Double Bay Centre Urban Design Strategy 2002, prepared by Hill Thalys Architecture and Urban Projects
- Double Bay Centre Pedestrianisation Study 2020
- Double Bay Centre Hydrogeological Study (Draft) 2020
- Draft Double Bay Centre Commercial Waste Management Study 2020." [page 10/57]

yet only the Double Bay Transport Study is provided from his list.

The information provided is therefore deficient and misleading.

The community therefore cannot form a view which will be helpful to council.

We request all the documents be provided on-line ASAP.

6.0 Scope

The subject site for this project includes two major sites either end of Cross Street and Knox Street and notes:

"In summary, the Draft Strategy recommends permitting six-storey development on the review sites in the Cross Street Precinct, with two levels of non-residential use and four levels of residential apartments above.

This is accompanied by requirements for street level activation, building setbacks, a diverse unit mix and design excellence to facilitate a vibrant street that maintains the village character of Double Bay."

"Key objectives of the Draft Strategy

1. To facilitate development of an integrated streetscape consistent with the **desired future character** of Double Bay.
2. To encourage more **non-residential floor space** to provide employment and economic opportunities.
3. To promote a **fine-grain and human-scale** built form that demonstrates design excellence.
4. To maximise **active frontages** at street level to create a distinctive place identity.
5. To facilitate enhanced **pedestrian connectivity** and opportunities for **active transport**.
6. To encourage a **mix of uses** that foster an economically and socially diverse community.
7. To promote a **residential unit mix** that provides live/work opportunities and more affordable price points.
8. To enhance the Precinct's **village atmosphere** and sense of **community connection**.
9. To facilitate built form designs that incorporate **sustainability** principles.
10. To assist the delivery of the [Woollahra Local Strategic Planning Statement 2020](#) (External link) and [Woollahra Local Housing Strategy 2021](#)."

7.0 Transport study

We have reviewed the transport study by SCT Consulting provided and note page 41 section 5.3:

"Applied to the Cross Street Precinct the commercial development will generate an additional 18 trips / hour during the AM peak and 13 trips during the PM peak hour.

Whilst the total potential uplift in retail, based on the growth scenario, is in the order of 756 sqm, the Cross Street Precinct would provide approximately 4,600sqm of retail space.
The average trip rate for retail precincts, with a total floor area in the area in the range of 20,000 and 30,000 sqm, is 5.9 trips / 100sqm and 7.5 trips / 100 sqm during the PM peak and Saturday peak respectively.

On this basis the total retail trips generated will be 45 trips / hour and 57 trips / hour in the Thursday PM peak hour and Saturday peak hour. The total trip generation associated with **the potential development is summarised in Table 5-3. PM trips peak hours 99 and Sat peak hours 98.**"

Source: https://ehq-production-australia.s3.ap-southeast-2.amazonaws.com/04274387a28bb05e41987bc730847291845b3004/original/1636937452/5fb5198fdc810432d9c1157ae8e2ecc6_Double_Bay_Transport_Study_-_November_2021.PDF?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIAIBJCUCUKD4ZQ4WUUA%2F20211209%2Fap-southeast-2%2Fs3%2Faws4_request&X-Amz-Date=20211209T033037Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=fc537ddb04c7ae4747eeef1178d21852a0777a2a85aa8b01359d557762abe1f3

8.0 The Cross Street Precinct is located toward the northern end of the Double Bay local centre. The study area is defined as the southern side of Cross Street, bounded by Knox Lane to the east and Bay Street to the west and Knox Street.

The public domain of Knox Lane is also included within the study area boundary.
See Figure 2 of study page 9/57 show with wiggly green line.

8.1 General comments

The study has not measured the adverse ripple effects and impacts of Knox and Cross Streets and loss of taxi rank.
These are through-traffic streets.
They provide access for vehicles to other streets and New South Head Road which are crucial for the area's economy, vitality and amenity.
Any scheme to pedestrianise Knox Street will cut it off from Double Bay.

One local beauty shop owner has said, "This will kill my business."

8.2 Survey

We conducted a street survey of Knox Street on Friday 11th December 2021, 3pm to 5pm.

It showed:

- There are 63 car spaces in Knox Street
- There are two, perhaps three, laneway connections to Cross Street
- There are 79 vehicle movements in both directions *per hour* in Knox Street

This illustrates that:

- Knox Street is heavily and readily used: any reduction in vehicle capacity will not increase foot traffic or shopper usage.
- Car spaces are crucial to its micro-economy.
- Vehicles are required for shoppers, police, ambulance, plumbers, strata managers, electricians, deliveries, visitor generally, hotel guests, taxis, uber drivers and other retailers.
- Each passenger vehicle has the potential capacity to bring four shoppers to the area to increase and maintain businesses. Such a loss will cruel the street.
- Such vehicle usage should not be reduced by "pedestrianisation" of Knox Street.

8.3 Knox Street conclusions

Council's traffic report does not justify or corroborate its scheme.

9.0 We have reviewed council's 57-page strategy:

https://ehq-production-australia.s3.ap-southeast-2.amazonaws.com/467bc385b1c8d766ec739279e624b895ac9d3af7/original/1636937355/c10550f8617e4bc3f3cdfdb587c5b47d_Cross_Street_Precinct_Draft_Planning_Urban_Design_Strategy_-_November_2021.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIAIBJCUCUKD4ZO4WUUA%2F20211209%2Fap-southeast-2%2Fs3%2Faws4_request&X-Amz-Date=20211209T034727Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=41ae6e0a03d1cb0d918f1dec0d5148c291a86fa9d4f6f9871a201e963adf020c

9.1 Executive summary council report extract:

"In summary, the Strategy recommends the following:

- Increase maximum building heights up to **six storeys**. Combined with detailed building envelopes, setbacks and transitions, the proposed controls will maintain the Precinct's **human scale** and result in an integrated streetscape presentation along Cross Street
- Facilitate two to four-storey street wall heights with upper storey setbacks. This will provide opportunities for private open spaces and/or communal open spaces, urban greening, and avoid excessive bulk and scale
- Provide the capacity for smaller, and more compact dwellings
- Increase non-residential floor space** to enhance the Precinct's economic function and increase employment opportunities
- Encourage mixed-use development and active frontages throughout the Precinct to increase passive surveillance and foster a night-time economy
- Encourage through-site links, open space and shared laneways to increase **pedestrian permeability**
- Maintain and improve solar access by "moderating" building heights [ie. increasing- AW] and setbacks
- Encourage more flexible and efficient floorplates for a range of non-residential and retail uses through the introduction of a site amalgamation pattern
- Encourage shared driveways and loading areas in the Precinct to reduce the prominence of service functions and increase frontage activation and interest
- Reduce car parking rates for studio and one-bedroom apartments to encourage active transport and a "modal shift" [unclear]
- Increase the potential to improve community liveability outcomes delivered through the Woollahra Voluntary Planning Agreement Policy." [page 4/57]

6.2 "The Strategy provides recommendations for the following elements in the Precinct:

- Maximum building height and street wall height
- Built form envelope controls including building depth, unit mix, setbacks and separation distances
- Land use mix
- Amalgamation pattern
- Active frontages
- Public domain improvements" [page 4/57].

10.0 Increases in floor space ratios [FSR]

The current FSR for the site/s as shown in Cross Street is 2.5:
The proposal seeks additional FSR although it is not clear to what extent.

The scheme is therefore unclear and confusing.

FSR measures the site intensity and overall density. It is the ratio of the floor area of a building to its site area. FSR is one control used to define the size of a building and **control the intensity of development** on a parcel of land.
Increased density brings more uses and higher traffic densities and congestion.

We object to increases in FSR.

11.0 Height controls

The current controls provide for a maximum height of 14.7 metres.
See page 16 of 57.

The proposal seeks a **six-storeys** (approx. 19 metres) limit, **a large 34% increase**.
This is excessive.

We object to such increases.

As council's report notes:

"Jan Gehl identifies that the connection between a building and the street is possible from the lowest **five floors**. Above this height, buildings lose contact with the public domain and the life that is happening in the street." [page 37 of 57]

Council's proposal therefore contravenes its own design excellence guidelines.

An indicative sketch is shown at section 5.3 page 44 of 57 and seems to show infill heights equal to the Intercontinental Hotel in Cross Street opposite and neighbouring sites immediately adjacent.

Increased height limits will have adverse impacts such as:

- Overshadowing
- Increase site density

- Increased traffic
- Imbalance load on municipal services like water supply, sewage, electricity, etc.
- Wind tunnel effects on pedestrians at street level
- Increased air pollution
- Loss of blue-sky views from street level
- Overwhelming open spaces

No wind tunnel study, view loss analysis or shadow diagrammes are provided to support council's scheme.

The Woollahra DCP 2015 establishes the detailed planning and design guidelines for development across the municipality. Chapter D5 of Woollahra DCP 2015 sets out detailed built form controls for the Centre and the Precinct.

The following DCP key built form objectives for the Cross Street Precinct are breached by council scheme, namely, to:

- (O5) Enhance the way development contributes to a sense of place.
- (O6) Ensure a high standard of architectural and landscape design in any new developments within the Double Bay Centre.
- ((O8) Ensure that new development is compatible with the existing built form, and streetscape and village character.
- (O9) To encourage view sharing and individual privacy.

We therefore object to the proposal.

11.0 The Public Domain

The report notes the project aims to "expand the public domain at street level and improve pedestrian amenity." [page 47 of 57]

"Ground floor level setbacks to expand the public domain and improve pedestrian amenity" [page 48 of 57]

"Minimise the number of vehicle and service entrances" [page 49 of 57]

"Consistent with the Double Bay Centre Pedestrianisation Study, this Strategy recommends that Knox Lane provide shared access for pedestrians, vehicles and cyclists." [page 51 of 57]

Figure 59 shows "Pedestrianised Street - Knox Street as per Double Bay Pedestrianisation Study," [page 51 of 57].

We note that no other details or Knox Street plans are provided. Nor is the study referred to or provided in on-line documents. A google search of this study reveals no results. Council is misleading the public.

Council's scheme does not show:

- how many cars space will be lost
- what Knox Street would look like
- how many London Plane trees will be bulldozed
- how long businesses will be required to close for alterations
- what business compensation scheme is proposed

11.2 Conclusion

Council's scheme is wholly inadequate and negligent and does not satisfy S 8A Local Government Act section 1(a),(b)(c)(d) and 2 (d) – see above.

Council's schemes is therefore prohibited development.

leotpm,n

11.2 Comments

- Nothing provided indicates how pedestrian amenity is to be improved.
- Nothing provided indicates how and to what extent businesses will improve.
- Minimising service entrances restrict deliveries and impeded business growth and profitability
- On-street bikes with no speed limits and pedestrians do not mix: they are conflicting land uses and will create adverse the pedestrianisation effects and additional ambulance and police call-outs and legal claims for compensation from council.
- No detailed plans for the closing Knox Street are provided, making the proposal unsustainable, unviable and unknown

13.0 General Conclusions and recommendation

1. Council's scheme lacks clarity, certainty and consistency, the Three Cs of good town planning.
2. Corroborating reports on business losses, view losses, overshadowing, wind tunnelling etc are not provided
3. FSR increases are not detailed
4. No social impact study is provided
5. No business impact statement is provided
6. There is no evidence businesses will benefit from council's scheme
7. No detailed street plans of the Knox Street closure are provided.
8. Other reports referred to are not provided
9. There are significant breaches Council's DCP
10. The scheme is prohibited development

The scheme is therefore fundamentally flawed.
Council has not satisfied its balance of proof.

We recommend the scheme be rejected.

Andrew Woodhouse

Friends of Rushcutters Bay Park

[REDACTED]

=====

From: [Mariabradley](#)
To: [Records](#)
Subject: Reject Cross St Planning & Urban Design Strategy
Date: Thursday, 9 December 2021 9:50:21 PM

Please accept the following as my submission as a frequent visitor to Double Bay

I am strongly opposed to the plans to re zone Cross St to allow more density and height increases for 6 storey apartments. It will detract from the character of the area.

The street is over shadowed and will loose any appeal to visit the shops and cafes if the street looses more light and becomes a wind tunnel.

Its difficult to understand why Council would try to destroy a successful shopping strip and ruin small businesses for more unaffordable apartments?

This proposal should be rejected

Maria Bradley



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From: [REDACTED]
To: [Records](#)
Subject: Draft Cross St Precinct--submission to Anne White
Date: Saturday, 11 December 2021 3:11:26 PM

Dear Ms White

I did not register to make a submission on line because I thing the registration requirements are invasive.

I was 12 years an Alderman/Councillor at WMC.

I chaired all the major committees and in 1975 I was briefly Mayor. I was on the Double Bay Planning committee in the early 70s.

The planning emphasis for Double Bay at that time was "To preserve the Village Atmosphere". Things have changed.

I have had a private office in Cross St for over 20 years. I have lived in the 2 houses I built in Kambala Rd (and still live with my wife in the second house) for over 50 years. I run in Bellevue Hill and Double bay every day.

I have looked at the proposed Cross St Draft Precinct Plan and would make the following comments/submission.

- You are understandably under great pressure from developers to increase FSR and retail space in DB. This has always been the case in prime retail locations in Woollahra.
- We need to be careful about correlating developer pressure (and lobbying) with the actual demand for quality tenants that will maintain the reputation of DB.
- Similarly any area that has significant amenity is a developers dream. You are under pressure to increase residential FSR. Is it in the interest of maintaining that amenity? Surfers paradise come to mind, obviously not in DB but the planning process must maintain the quality of standards for the long term.
- I think that residential layers 6 stories high in Cross St would be vastly more acceptable if they were scaled back from footpath frontage as they went higher. Let in some more light, hopefully sunlight.

Good luck

Graham O'Neill

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14 December 2021

Mr Craig Swift-McNair
General Manager
Woollahra Council

Dear Craig,

I am writing to let you know that the photomontages for the [Draft Cross Street Precinct Plan and Urban Design Strategy](#) (the Strategy), currently on public exhibition until Friday 17 December 2021, appear to be out-of-date? They do not reflect the 6 storey DA for 19-27 Cross Street, for example, approved by the [Sydney Eastern City Planning Panel on 23 July 2021](#) and annotated on page 29 of the Strategy document. The images (see below) make the streetscape appear more open and airy than it will be following the construction of the approved 6 storey shop top apartment complex at the western corner of Transvaal Avenue and Cross Street.



Figure 53. View 1 - Artist's impression of Cross Street streetscape (SJB, 2021), p. 47 of Strategy document.

19-27 CROSS STREET, DOUBLE BAY - MIXED USE DEVELOPMENT

DEVELOPMENT APPLICATION

JUNE 2021 - DA MODIFICATIONS



2 - Artist's
impression of
Cross Street
streetscape
(SJB, 2021)

47 STRATEGIES

Figure 54. View 2 - Artist's impression of Cross Street and Goldman Lane streetscape (SJB, 2021), p. 47 of Strategy document. The above image, which shows the proposed outlook from Transvaal Avenue, does not reflect how the western corner of Transvaal Ave and Cross Street will be dominated by the approved 6 storey shop top housing development, as illustrated above.

As you are no doubt aware, most people only skim the documentation, focusing instead on the visuals. I worry that the Council will not receive informed feedback on the Strategy unless the photomontages are corrected to reflect a true picture of the streetscape in light of recent DA approvals.

I'm also not sure how the Strategy complies with the Council resolution of [26 April 2021](#)? I thought that Council affirmed its commitment to the 4 storey height control for Double Bay and noted that:

*In light of the LEC ruling on 28-34 Cross Street regarding the desired future character of Cross Street being defined by adjoining properties, focus the new Strategy on Cross Street (south side between Knox Lane and Bay Street) with **a fine grained, site by site review of each site***

*in order to integrate the remaining sites with recently completed developments on Cross Street and **with the existing adjacent streets and pedestrian corridors and being mindful of view sharing opportunities for existing developments south of Cross Street.*** (my bold for emphasis)

A wall of 6 storey buildings along the whole street will likely rob most of the buildings on Knox Street of their views, especially because of the less than optimal side setbacks for the proposed 6 storey building height along the entire southern side of the street, as shown in Figure 48: *Indicative Building envelope for Review Sites* (see image below). (The 3.5 suggested minimum side setback only applies above two storeys for buildings on either side of the last remaining open-air arcade.)



The above image of the Review sites also doesn't reflect the Desired Future Character and building envelopes for the northern side of Cross Street as expressed in *Chapter D5, Double Bay Centre: Part D Business Centres* (last amended on 6 December 2021). It states the following: "a) Unify the street on the north side by building to the street boundary." Readers need to refer back to *Figure 12: WDCP 2015. D5.5.12 View 2: 3D view of building envelopes* on page 19 to get a sense of the building envelopes proposed for the entire street.

As you are no doubt aware, 5 and 6 storey DAs for 10 and 14 Cross Street, respectively, were [refused by the Local Planning Panel on 22 April 2021](#). Even in light of the Land and Environment Court decision to approve a 6 storey DA for 28 - 34 Cross Street, the majority of the Local Planning Panel did not consider that the 6 storey character extended to the eastern end of Cross Street or that the controls for 4 storeys in this area have been abandoned. Will the public exhibition of the Strategy impact current and potential court proceedings regarding the refusals for these Cross Street DAs?



Photomontage of the proposed shop top housing development (original proposal) as viewed from Cross Street
 Note: A replacement application was submitted which included minor modifications to the Cross Street elevation, mainly to the upper two levels, by the incorporation of additional planter boxes to Apartment at Level 3 and a minor increase in the footprint of Apartments 3 and 4 towards Cross Street



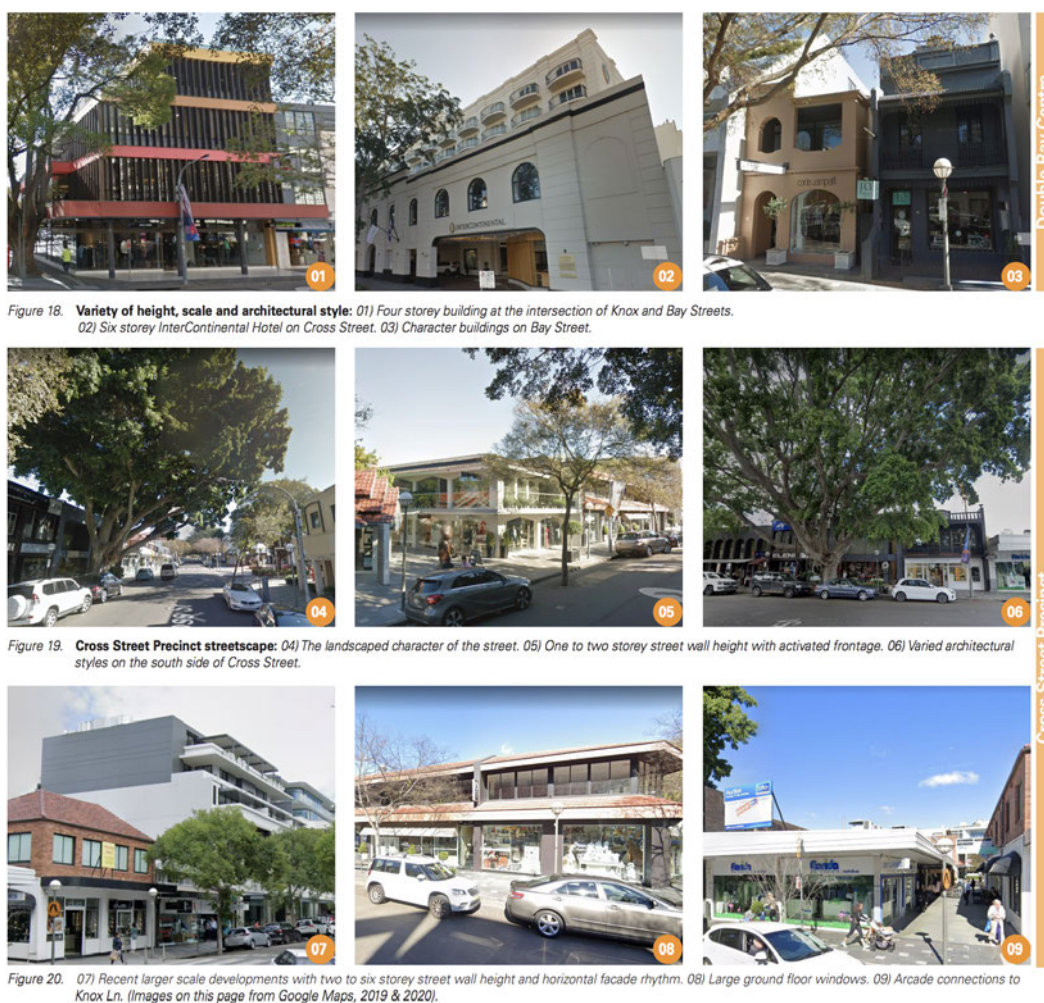
Image 3: Photomontage from Cross Street (Source: Metropoint Group Architects)

Rendering of 10 Cross Street above and 14 Cross Street below, as shown in the documentation for the DAs.

The Strategy also appears to ascribe significant value to preserving a diversity of architectural styles in Double Bay. It notes on page 24, for example, that:

Double Bay has a variety of buildings with different architectural qualities and styles. The height of buildings are mostly between two to six storeys. They have varied forms, scale and facade materials with no particular period dominating. Heritage items and character buildings create an attractive and distinctive streetscape along Transvaal Avenue, Bay and Knox Streets. Figure 18 illustrates some of the varieties of heights, scales and architectural styles in the Centre. The existing streetscape consists of a combination of older fine-grain developments and more recent development with larger footprints.

But, unfortunately, the accompanying suite of photos (see below), which is used to illustrate the above, has no accompanying text to inform readers that most of the buildings in these photographs have been earmarked for redevelopment, with current DAs either already approved or awaiting a final determination.



For example:

03 14 Bay Street, Figure 18, to the right of the Carla Zampatti store. The Planning Panel refused a 6 storey DA for the replacement of the Victorian terrace, listed as a “character” building in the Woollahra DCP 2015. That decision is now being appealed.

05 28 - 34 Cross Street, Figure 19. The building shown in the photo has been demolished and will be replaced by a 6 storey shop top apartment complex with no courtyard space.

06 Cross Street between Knox Lane and 14 Cross Street, Figure 19. The Strategy proposes increasing the height control on lots that are currently home to a Victorian terrace - the Hereford House Annexe - and three other two-storey buildings of arguably special character. They will likely be demolished if a uniform height control of 6 storeys for the whole southern side of Cross Street is approved.

07 10 Cross Street, Figure 20. A DA for a 6 storey building next to 16-18 Cross Street was refused by the Local Planning Panel, but that decision is or will likely be appealed.

08 55 Bay Street, Figure 20. The appeal of a Local Planning Panel refusal for a 6 storey DA was upheld.

09 14 Cross Street, Figure 20. The applicant has appealed against the decision of the Local Planning Panel to refuse a DA for a 5 storey shop top apartment complex.

As you can see, readers of the document will likely be confused about Council's plans for Double Bay and particularly what the Council is proposing for its Desired Future Character.

The [Woollahra Community Participation Plan](#), which was approved by Council in 2019, puts an emphasis on transparency in its "Community Participation Principles and Objectives. Clause (g), for example, states:

g) Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions (including how community views have been taken into account).

I'm sure you would agree that in the interests of being transparent about what has so far been approved or is being planned for the municipality's most significant shopping centre, the community has a right to rely on accurate renderings of what Double Bay will look like if height controls are uniformly increased by 50 per cent on one of its best streets.

As a consequence, I respectfully request that the current Strategy document be withdrawn and that the public exhibition period be renewed after the images and accompanying documentation are updated to reflect more accurately what is being proposed.

Thank you for your urgent attention to this important request.

Regards,

Merrill Witt

[REDACTED]
[REDACTED]

From: [Double Bay Residents' Association](#)
To: [Records](#)
Subject: Draft Cross Street Planning & Urban Design Strategy SC6552
Date: Tuesday, 14 December 2021 3:06:21 PM
Attachments: [Draft Cross Street Planning & Urban Design Strategy MY.pdf](#)
[55_Bay Street View loss20210320_11374056.pdf](#)
Importance: High

Double Bay Residents' Association

Protecting Sydney's Stylish Bayside Village

The General Manager,
Woollahra Municipal Council
PO Box 61
Double Bay 1360

14th December,

Dear Sir,
Please find attached the submission to SC6552 on behalf of the Double Bay Residents' Association to the Draft Cross Street and Urban Design Strategy.
Kind regards,
Anthony Tregoning
President

Double Bay Residents' Association Inc



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Double Bay Residents' Association

Protecting Sydney's Stylish Bayside Village

The General Manager,
Woollahra Municipal Council,
PO Box 61,
Double Bay NSW 1360
14th December 2021

Dear Sir,

DRAFT CROSS STREET PLANNING AND URBAN DESIGN STRATEGY

We have examined the above Strategy which is currently on exhibition and which has caused great concern and distress to residents. We set out below our objections to the Strategy and finish by expressing our view as to the changes that need to be made:

1. The area the subject of the Strategy by including Bay Street properties exceeds the strategy area authorised by Council's resolution of 26 April 2021

The genesis of this Strategy was the decision of the L & E Court in *SJD DB2 P/L v Woollahra Municipal Council (2020) NSWLEC 1112* where the Commissioner found that by approving two 6 storey developments to the east of the subject site (28-34 Cross Street) where the LEP provided a 4 storey maximum height, there had been a localised abandonment by Council of its controls for a "discrete" section of the southern side of Cross Street as far as the Knox Lane corner (see paragraphs 94 and 95).

Council resolution 2b of 26 April 2021, conformably with that ruling, reads:

"In the light of the LEC ruling on 28-34 Cross Street regarding the desired future character of Cross Street being defined by adjoining properties, focus the new strategy on Cross Street (south side between Knox Lane and Bay Street)...and being mindful of view sharing opportunities for existing developments south of Cross Street" (our emphasis).

Accordingly, there was no authority for staff to include in the strategy properties in Bay Street as they have purported to do. 55 Bay Street and 49-53 Bay Street have been included – the latter property having no frontage to Cross Street at all.

Given that the strategy is proposing approximately a 50% increase in the maximum heights under the Woollahra LEP from 14.7m to 21.5m plus "freeboard", this is a totally unauthorised and impermissible exceedance of the remit they were given by the 26 April Council resolution.

Double Bay Residents Association Inc

[Redacted Signature Block]

2. The proposed increase in the maximum height for 49-53 Bay Street to six storeys (21.5m) is contrary to the recommendations of Council's development control planners and the decision of the Land & Environment Court in *Ricola Pty Ltd v Woollahra Municipal Council* (2021) NSWLEC 1047

It is almost as if the urban planner who drafted this design strategy is unaware of the views that Council presented to the Land and Environment Court last January and the findings of Commissioner Gray of that Court in the above case. In that case the applicant sought approval for a six storey development of 21m in height. Council opposed that height and sought to uphold the refusal of consent that had been unanimously resolved on by the Planning Panel on the grounds of excessive height. Commissioner Gray found that at that height the development when combined with the development at 28-34 Cross Street (now under construction) would result in the entire loss of northerly ridgeline views apart from a tiny keyhole from apartment 7C on the top floor of the Cosmopolitan Apartments. She refused consent for that reason. In the light of that case as successfully fought by Council, it seems monstrous that a few months later that the Draft Strategy is proposing an even higher building height (21.5m) than the 21m rejected as excessive by Commissioner Gray.

3. The proposed increase in the maximum height for 55, Bay Street to 6 storeys (21.5m) is contrary to the 5 storey development consent (18.1m) granted for this site by the Land & Environment Court on 6 December 2021 in *Doonside Holdings Pty Ltd v Woollahra Municipal Council* (2021) NSWLEC 1736 following agreement between the parties at a second conciliation conference.

The Applicant had sought approval for a part six/part seven storey commercial building which was as strongly opposed by residents and ourselves as had been the six storey development proposed for 49-53 Bay Street (see 2 above). Council staff's report recommended refusal and it was refused by the Planning Panel unanimously inter alia on the grounds of excessive height and bulk. The Applicant appealed to the Land & Environment Court and this Association in the form of the writer addressed the first s34 conciliation conference but we were not informed of the holding of a second conciliation conference or given an opportunity to address it. At 6/7 storeys it would have had just about as disastrous an impact on views from the north facing apartments in the Cosmopolitan Centre as referred to by the Court in *Ricola (supra)* as well as impacting heavily on The Chancellor opposite and Gallery Apartments at 45 Cross Street. It would have blocked harbour views for many the amphitheatre as shown in the attached photograph from my study window as tendered to both the Panel and the first s34 conference.

The consent orders entered by Commissioner Dickson of the Court on the sixth of this month grant consent to a five storey street wall commercial development which apart from the lift overrun complies with the existing 18.1m maximum height limit for that site though substantially exceeding its FSR development standard. Whilst not entirely happy with the Court consent, we are glad that Council's planning staff at least on height reduced the six/seven storeys to five.

It seems to us extraordinary that at the very time Council and its lawyers were substantially upholding in Court the five storey limit for this site as per our LEP, some other planner was busy

drafting a control which would allow a further 3.5m approx. or another storey on this site. It would be a planning disaster on this tiny site for the reasons set out in the first paragraph under this heading.

4. The proposed inclusion of the above two Bay Street properties in the Strategy as well as being unauthorised by Council's resolution would set a disastrous precedent for Bay Street in the same way that the approvals of six storey development at 16-18 Cross Street and 20-26 Cross Street two storeys over the LEP's four storey height limit led to the *SJD decision on 28-34 Cross Street*.

As is generally acknowledged Bay Street has a character quite distinctive from what Cross Street is fast becoming. Its character is set by its predominance of two and three storey period development and its magnificent canopy of street trees at similar height. Once quite illogically you make just two properties in the street have a six storey height limit whereas almost all the rest of the street has a four storey limit (save for a couple of corner sites with a five storey control), the developers will have a field day with arguing why under cl 4.6 they should have the same six storeys.

5. The fact that a non-complying six storey development was approved by the Court at 28-34 Cross Street does not mean that other sites in the referenced section of the south side of Cross Street have to have a six storey height limit.

The strategy betrays a misunderstanding of the effect of the Court's decision in *SJD DB2 Pty Ltd v Woollahra Municipal Council*. The Commissioner deciding that case is not carrying out a judicial function but an administrative one. It is for that reason that Commissioners of the Court whilst often having planning or allied qualifications are rarely legally qualified. All the judge hearing the appeal from his decision decided was that he had not erred in law in performing that administrative function. Accordingly administrative decisions of the L & E Court are not legal precedents. They are not binding save in respect of that particular site and the development proposed for it.

Just because the Commissioner found for a six storey development at the comparatively wide site at 28-34 Cross Street, that does not mean that such a height is appropriate for other much narrower sites further east adjoining the Goldman Lane arcade and lying opposite the Transvaal Avenue Heritage Conservation Area. This leads us to submission 6 below.

6. The proposed 50% increase in maximum heights is excessive

The properties west from the Knox Lane corner up to and including 14, Cross Street are narrow single shop width lots. Their frontage is much narrower than the two sites to the west, 16-18 Cross Street and 20-26 Cross Street, already redeveloped, and 28-34 Cross Street, presently being redeveloped. They also face the Transvaal Avenue Heritage Conservation Area with its Federation single storey cottages. It is important that heights for these Cross Street properties should blend with both the 4 storey limit applicable to the properties on Cross Street east of Knox Lane and the single storey heritage conservation area. The blanket 6 storey height limit

given to these properties totally ignores the transitional principle. If redeveloped to 6 storeys the properties will have the absurd proportions of a book on end.

14, Cross Street where staff opposed, and the Planning Panel refused, a recent five storey shop top housing proposal, has a frontage of 12.18 metres. Similarly, 10, Cross Street, where staff opposed and the Planning Panel rejected a six storey shop top housing proposal, has an overall frontage of 12.19m. To put six storey development on such narrow fronted sites is absurd. Quite apart from the book on end appearance the Centre will become dominated by high blank concrete side walls.

7. Council's requirement to protect view sharing opportunities has been ignored

Staff have entirely ignored the part of the Council resolution that required them to be "mindful of view sharing opportunities for existing developments south of Cross Street" (see second paragraph of 1 above). What they propose will create an uninterrupted wall six storeys high along the southern side of Cross Street. Obviously, properties to the south, generally limited by the LEP to four storeys height, will have no chance of northerly or harbour views obliterated as they will be by this unbroken line of 6 storey buildings.

8. There are no bulk or FSR controls in the strategy

The draft strategy blithely states at p42 that: "The appropriate FSR for each site will be further investigated once the built form elements have been subject to initial community engagement".

One simply asks how can the community respond to the strategy unless it knows how much bulk is proposed to be allowed on each site?

Conclusion – what should happen

- (a) The two Bay Street properties should be withdrawn from inclusion in the Strategy for the reasons set out in sections 1-4 above. (In no circumstances should the property 55, Bay Street, be proposed to have a height limit higher than the 5 storeys (18.1m) approved this month by the Land & Environment Court following s34 agreement between the parties).
- (b) The proposed maximum height limits for the narrow-fronted properties from the corner of Knox Lane to and including 14, Cross Street should be reduced and effect given to that part of the Council's 26th April 2021 resolution which required view sharing opportunities to be retained for existing developments south of Cross Street. (See sections 5-7 above).
- (c) Maximum floor space ratios for all properties within the legitimate scope of the Strategy should be provided prior to community consultation. See section 8 above.

We trust that we and residents generally will be given reasonable notice of the Strategy coming before Council for consideration as well as the opportunity to address councillors on such an occasion.

Yours faithfully,

DOUBLE BAY RESIDENTS' ASSOCIATION INC

Per Malcolm Young OAM



From: [Your Say Woollahra](#)
To: [Emma Williamson](#)
Subject: Rose G completed Share your feedback on the Draft Cross Street Precinct Planning & Urban Design Strategy
Date: Tuesday, 14 December 2021 2:26:33 PM

Rose G just submitted the survey Share your feedback on the Draft Cross Street Precinct Planning & Urban Design Strategy with the responses below.

Would you like to make a submission on the Draft Cross Street Precinct Planning & Urban Design Strategy?

Yes

Your email

[REDACTED]

Your name

Rose Grunstein

How would you like to make your submission?

Type your submission here

Please type your submission here.

(a) 55 Bay Street, should have a height limit no greater higher than the 5 storeys (18.1m) approved this month by the Land & Environment Court following s34 agreement between the parties. Preferably 4 stories maximum (b) The proposed maximum height limits for the narrow-fronted properties from the corner of Knox Lane to and including 14, Cross Street should be reduced (c) The Village feel of Double bay is almost completely destroyed. There is still time to recoup this. A smart council would look at streets like Transvaal Ave and try and replicate little pockets like this so that Double Bay became a village again. It would attract tourists with its quaint atmosphere. Turning to high rise like everywhere else is destroying it. Not to mention the already hazardous traffic. Getting out of Double bay is already a nightmare. Add more people to the mix and less throughways (Knox St Mall) and the whole bay will be in gridlock. Stop and think before developing.

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From: [Jim Chryss](#)
To: [Records](#)
Subject: DRAFT CROSS STREET PLANNING AND URBAN DESIGN STRATEGY
Date: Tuesday, 14 December 2021 3:40:54 PM

Dear Sir/Ms.

I wish to OBJECT STRONGLY to your above subject matter as there are no bulk or FSR controls in the strategy

The draft strategy blithely states at p42 that: "The appropriate FSR for each site will be further investigated once the built form elements have been subject to initial community engagement".

One simply asks how can the community respond to the strategy unless it knows how much bulk is proposed to be allowed on each site?

Conclusion - what should happen

(a) The two Bay Street properties should be withdrawn from inclusion in the Strategy for the reasons set out in sections 1-4 above. (In no circumstances should the property 55, Bay Street, be proposed to have a height limit higher than the 5 storeys (18.1m) approved this month by the Land & Environment Court following s34 agreement between the parties).

(b) The proposed maximum height limits for the narrow-fronted properties from the corner of Knox Lane to and including 14, Cross Street should be reduced and effect given to that part of the Council's 26th April 2021 resolution which required view sharing opportunities to be retained for existing developments south of Cross Street. (See sections 5-7 above).

(c) Maximum floor space ratios for all properties within the legitimate scope of the Strategy should be provided prior to community consultation. See section 8 above.

We trust that we and residents generally will be given reasonable notice of the Strategy coming before Council for consideration as well as the opportunity to address councillors on such an occasion.....many thanks Mr & Mrs James Chryssochoides, Double Bay Residence

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From: [Amanda Stewart](#)
To: [Records](#)
Subject: Draft Cross Street Planning and Urban Strategy:
Date: Tuesday, 14 December 2021 6:17:18 PM

RE Draft Cross Street Planning and Urban Strategy

Dear General Manager,

We wish to express our strong objection to the current Draft Cross Street Planning and Urban Strategy.

The strategy appears to propose a 50% increase in the maximum heights permitted (from 14.7 m to 21.5m) - a huge increase which would impact the views of our property in Edgecliff Road, permanently affecting its amenity and value. It would also affect the views and amenity of numerous other properties in Double Bay, Edgecliff and Woollahra. The proposed increase for maximum heights contravenes long-established planning principles that larger buildings in the Double Bay 'amphitheatre' should be restricted to the ridge line and not be located in the basin nearer to the harbour. There are very good reasons as to why these principles have remained so long. They are eminently sensible, fair and benefit the local and broader community. Height limits should be maintained at 14.7m.

The inclusion of 55 Bay Street and 49-53 Bay Street is also inappropriate. It would set a terrible precedent (as has already occurred in Cross Street) which could lead to other inappropriately large buildings being proposed in this area, blocking views, stealing sunlight, privacy, affecting local residents' amenity and permanently damaging the village character of this part of Double Bay.

In addition, there are no bulk or FSR controls in this strategy. These should be clearly stated so that the community can respond with clarity and certainty, guided by Council regulations.

These 2 Bay Street properties should be withdrawn from the strategy. Height limits should not be increased from the current 14.7m permitted and maximum floor space ratios for all properties should be supplied by Council prior to community consultation.

Thank you for considering our submission.

Kind Regards,

Amanda Stewart

From: [Tom Pongrass](#)
To: [Records](#)
Subject: Objection to Draft Cross St Planning strategy
Date: Tuesday, 14 December 2021 8:33:29 PM
Attachments: [Strategy.docx](#)

Dear General Manager,

Attached is my objection to the Cross St strategy on exhibition.

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The General Manager,
Woollahra Municipal Council
PO Box 61, Double Bay NSW 1360

15th December 2021

Dear Sir,

DRAFT CROSS STREET PLANNING AND URBAN DESIGN STRATEGY

I strongly object to the strategy on exhibition.

I bought my apartment at 7F 2-22 Knox St Double Bay (Cosmopolitan apartments) in good faith that the LEP of 4 floors and FSR of 2.5 :1 would be observed and maintained. Slowly but surely, over the years that I have lived in Double Bay, this height and FSR limit has been ignored and the village atmosphere of Double Bay is a thing of the past.

I do not want the Cross St strategy to result in another ugly disaster as Council approved at 374 and 376 New South Head Rd and Knox St corner which is not only 6 stories and 4.5:1 FSR and an embarrassing eye sore but 9 metres separation from the Cosmopolitan apartments which took away privacy, views and light from mine and other apartments.

The area included in the strategy exceeds the area authorised by Council's resolution of 26 April this year.

There are no bulk or FSR controls in the strategy which makes no sense.

Cross St has already lost its character with 6 storey apartments. Please do not ruin Bay St as well. 50% over the current 4 storey limit should not be considered. What should be considered is the view sharing of the residents in the Cosmopolitan, the character of Double Bay which is being ruined and the consideration of landowners who bought in good faith that 4 stories and 2.5:1 was the limit.

Yours faithfully,

Tom Pongrass



From: [Wes van der Gardner](#)
To: [Records](#)
Cc: [Thomas Scarf](#)
Subject: SC6552 Submissions - Submission of Support
Date: Wednesday, 15 December 2021 9:40:38 AM
Attachments: [image001.png](#)
[Submission on Draft Cross Street Precinct Planning and Urban Design Strategy.pdf](#)

Hello,

Please find attached.

Kind regards,

WES VAN DER GARDNER
General Manager - Development
ROCHE GROUP PTY LIMITED



Web: rochegroup.com.au
Roche Group Pty Limited



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14 December 2021

Anne White
Manager - Strategic Planning
Woollahra Municipal Council
PO Box 61
Double Bay NSW 1360

SUBMISSION OF SUPPORT ON DRAFT CROSS STREET PRECINCT PLANNING AND URBAN DESIGN STRATEGY – REF SC6552 SUBMISSIONS

We write to express our support for the Draft Cross Street Precinct Planning and Urban Design Strategy.

The building stock in and around the Double Bay Centre is characterised by a variety of built forms reflecting a mix of periods, building types and scale, with no particular scale or period dominating.

Importantly, several properties in the locality are subject to development applications to construct to six storey mixed use developments, with some being issued consents or recently completing construction. This includes an approved six storey development at Nos. 19-27 Cross Street on the northern side of Cross Street, and three approved six-storey, mixed use developments along the southern side of Cross Street, at Nos. 16-18, Nos. 20-26, and Nos. 28-34 Cross Street, two of which have already been constructed and now occupied.

These completed buildings have provide a significant and positive contribution to the Cross Street streetscape and provide a balance of built form to the larger scale buildings on the northern side of Cross Street, including the Intercontinental Hotel which while 6 storeys is of a scale more akin to an 8 storey building. The western end of Cross Street in particular is characterised by larger scale buildings compared with the eastern end. The approval of 19-27 Cross Street continues the trend of larger scale building being able to be accommodated on that side of Cross Street. A DA for a consistent 6 storey scale has been sought on 53 Cross Street (owned by Roche Group at the north western end of Cross Street) which is currently under Appeal in the Land and Environment Court. The Council owned car park site also on the northern side of Cross Street, east of Transvaal Avenue will also likely accommodate a building of 6+ storeys.

An urban design outcome for the southern side of Cross Street, that is consistent with this scale is logical and will provide greater certainty in terms of the establishment of a balanced streetscape for Cross Street, rather than the uncomfortable juxtaposition of

ROCHE GROUP

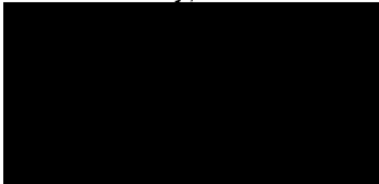
shorter and taller buildings that currently exists, and would remain if other sites not already developed were held to the current planning controls.

The more recent developments on the southern side of Cross Street, that have been approved notwithstanding non-compliance with Council's existing height controls, demonstrate that the current key parameters for development (height and floorspace) are inconsistent with the existing and future character of Double Bay.

The Draft Cross Street Precinct Planning and Urban Design Strategy is more consistent with what seems to be the 'desired future character of the area' and therefore is strongly supported.

Thank you for the opportunity to provide comment on the Draft Cross Street Precinct Planning and Urban Design Strategy. We look forward to the amendment being finalised and adopted.

Yours faithfully,



Wes Van Der Gardner

General Manager - Development

From: [Your Say Woollahra](#)
To: [Emma Williamson](#)
Subject: Cat completed Share your feedback on the Draft Cross Street Precinct Planning & Urban Design Strategy
Date: Tuesday, 14 December 2021 10:15:46 PM

Cat just submitted the survey Share your feedback on the Draft Cross Street Precinct Planning & Urban Design Strategy with the responses below.

Would you like to make a submission on the Draft Cross Street Precinct Planning & Urban Design Strategy?

Yes

Your email

[REDACTED]

Your name

Catalina Febo

How would you like to make your submission?

Type your submission here

Please type your submission here.

There should be a pedestrian crossing to cross Bay st on the corner of Guilfoyle and Knox St. You should consider the amenities for the teenagers of the are as we as locals do not have a lot of recreation for this age group. Maybe considering building a basketball court on Stayne park will help.

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From: [Tom Ecker](#)
To: [Records](#)
Subject: Re: DRAFT CROSS STREET PLANNING AND URBAN DESIGN STRATEGY
Date: Wednesday, 15 December 2021 11:15:45 AM

The General Manager,
Woollahra Municipal Council
Double Bay

Per email

Dear Sir,

I read with dismay some components of the Strategy.

Some of the points of most concern include:

- It seems that some of the planning staff has gone “rogue” as they included two additional properties in the area of the strategy, beyond that of Council Resolution of 26 April 2021. The properties include 28-34 Cross St and 49-53 Bay St. The inclusion of the 49-53 Bay St property is of utmost threat to me and I addressed the Council previously on the subject of this proposed development. I cannot see how staff can just extend the Council’s area of Strategy off their own bat. How can this be allowed? Why has it not been squashed by the Council? The project in question, if allowed to proceed with the increased height limit of six stories drawn from being included in the critical planning area, will have significant deleterious effects on my enjoyment of the precinct. I will lose sunlight and will face a very tall building in the narrowest section of Bay Street. The building will also significantly diminish the character of the village. Is the Council still spruiking maintenance of the “village” character? Well, not believably if this is the direction it takes.
- The inclusion by a rogue planner of two buildings located in Bay St in the Cross Street plan has the ability to destroy the character of Bay Street by surreptitiously sneaking towards a six floor height limit along its length.
- Increasing height limits of narrow frontage Knox Lane sites will lead to overdevelopment. Is this the Council’s wish?
- Staff appears to have ignored view sharing opportunities set by Council resolutions as they suggest allowing a six storey wall along the southern side of Cross Street.
- The Strategy appears to have side-stepped the responsibility for setting bulk and FSR controls. It simply hints at “investigating” once elements of the Strategy have been built. Really? Are we supposed to believe that we will have retrospective say as residents?

I touched on some of the components of most concern. I hope that sanity will prevail and staff is not allowed to ride over Council Resolutions to the detriment of residents. I sincerely hope that at least the inclusion of the two buildings (28-34 Cross St and 49-53 Bay St.) in the Cross St Strategy is reversed. Doing otherwise will be a serious injustice to the residents of the precinct.

Yours sincerely,

Dr Tom Ecker



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From: [Sascha EE](#)
To: [Records](#)
Subject: Submission: DRAFT CROSS STREET PLANNING AND URBAN DESIGN STRATEGY
Date: Wednesday, 15 December 2021 12:48:10 PM

The General Manager,
Woollahra Municipal Council,
PO Box 61,
Double Bay NSW 1360
15th December 2021

Dear Mr Swift McNair,

DRAFT CROSS STREET PLANNING AND URBAN DESIGN STRATEGY

I do not support this strategy due to the precedent it will set - for Cross Street and beyond. Perhaps the horse has already bolted with 6 storeys in Double Bay due to the earlier Cross Street DA approvals but I believe this will only formalise the transition from 4 storeys to 6 storeys in the minds of developers. Already we can see 55 Bay Street and 49-53 Bay Street have been included here – the latter property having no frontage to Cross Street at all. So the sprawl of high-rise will begin everywhere in the Double Bay centre and then be impossible to reign in. And it will end up a gloomy shadowy homogenous wind tunnel.

If the LEP and DCP say 4 storeys, why are developers allowed to argue successfully to grossly exceed that purely for their own profit? It contributes nothing to the community and only destroys the amenity of the area.

It has been brought to my attention that there are also no bulk or FSR controls in the strategy - which can only mean the density will be exploited to the maximum by developers.

I agree with what Malcolm Young has written below regarding ways to ameliorate this plan:

Conclusion – what should happen

(a) The two Bay Street properties should be withdrawn from inclusion in the Strategy for the reasons set out in sections 1-4 above. (In no circumstances should the property 55, Bay Street, be proposed to have a height limit higher than the 5 storeys (18.1m) approved this month by the Land & Environment Court following s34 agreement between the parties).

(b) The proposed maximum height limits for the narrow-fronted properties from the corner of Knox Lane to and including 14, Cross Street should be reduced and effect given to that part of the Council's 26th April 2021 resolution which required view sharing opportunities to be retained for existing developments south of Cross Street. (See sections 5-7 above).

(c) Maximum floor space ratios for all properties within the legitimate scope of the Strategy should be provided prior to community consultation. See section 8 above.

Thank you for considering the views of long term residents

Sascha Ettinger



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From: [anna.waldmann](#)
To: [Records](#)
Subject: draft cross st planning
Date: Wednesday, 15 December 2021 4:35:54 PM
Importance: High

General Manager,
Woollahra Municipal Council,
PO Box 61, Double Bay NSW 1360

15 December 2021

Dear Sir,

DRAFT CROSS STREET PLANNING AND URBAN DESIGN STRATEGY_
Reference **SC6552**

I am writing to object to the current proposal to raise the allowable height of new buildings in Cross Street and Bay Street, Double Bay.
I have read all the documents on your website.
I understand the Council recently agreed to a policy of 4 storey maximum height. There are a couple of buildings that received approval to increase to 5 storeys. You are now proposing a new height limit of 6 stories.
When will this stop? Probably when Double Bay becomes a Hong Kong style suburb of small boxes on top of each other, with little natural light, no open spaces, no character and few trees.

This is already a high-density suburb overwhelmed by huge traffic and inadequate residential parking and public transport. Council is proposing a 50% increase in the maximum heights under the Woollahra LEP from 14.7m to 21.5m. It contradicts its own recent determination. It contradicts its own statements about a "village atmosphere". It makes little sense when it speaks of quality architecture: the new buildings in Cross St are mediocre architecture of no aesthetic quality.

Please do not proceed with the misguided idea that it's always better to have higher buildings and more shops and consider the wellbeing and quality of life of your current residents who are paying your rates and have elected you 10 days ago to ensure Double Bay is where they want to live.

Sincerely

Anna Waldmann

[REDACTED]
[REDACTED]

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The General Manager,
Woollahra Municipal Council,
PO Box 61, Double Bay NSW 1360

15th December 2021

Dear Sir,

DRAFT CROSS STREET PLANNING AND URBAN DESIGN STRATEGY

We have examined the above Strategy which is currently on exhibition and which has caused great concern and distress to residents. We set out below our objections to the Strategy and finish by expressing our view as to the changes that need to be made:

1. The area the subject of the Strategy by including Bay Street properties exceeds the strategy area authorised by Council's resolution of 26 April 2021.
2. The proposed increase in the maximum height for 49-53 Bay Street to six storeys (21.5m) is contrary to the recommendations of Council's development control planners and the decision of the Land & Environment Court in *Ricola Pty Ltd v Woollahra Municipal Council (2021) NSWLEC 1047*
3. The proposed increase in the maximum height for 55, Bay Street to 6 storeys (21.5m) is contrary to the 5 storey development consent (18.1m) granted for this site by the Land & Environment Court on 6 December 2021 in *Doonside Holdings Pty Ltd v Woollahra Municipal Council (2021) NSWLEC 1736* following agreement between the parties at a second conciliation conference.
4. The proposed inclusion of the above two Bay Street properties in the Strategy as well as being unauthorised by Council's resolution would set a disastrous precedent for Bay Street in the same way that the approvals of six storey development at 16-18 Cross Street and 20-26 Cross Street two storeys over the LEP's four storey height limit led to the *SJD decision* on 28-34 Cross Street.

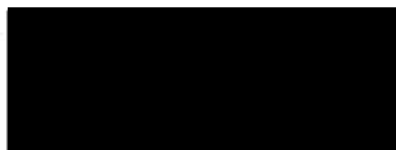
5. The fact that a non-complying six storey development was approved by the Court at 28-34 Cross Street does not mean that other sites in the referenced section of the south side of Cross Street have to have a six storey height limit.
6. The proposed 50% increase in maximum heights is excessive.
7. Council's requirement to protect view sharing opportunities has been ignored.
8. There are no bulk or FSR controls in the strategy.

Conclusion – what should happen ;

- . (a) The two Bay Street properties should be withdrawn from inclusion in the Strategy for the reasons set out in sections 1-4 above. (In no circumstances should the property 55, Bay Street, be proposed to have a height limit higher than the 5 storeys (18.1m) approved this month by the Land & Environment Court following s34 agreement between the parties).
- . (b) The proposed maximum height limits for the narrow-fronted properties from the corner of Knox Lane to and including 14, Cross Street should be reduced and effect given to that part of the Council's 26th April 2021 resolution which required view sharing opportunities to be retained for existing developments south of Cross Street. (See sections 5-7 above).
- . (c) Maximum floor space ratios for all properties within the legitimate scope of the Strategy should be provided prior to community consultation. See section 8 above.

We trust that residents generally will be given reasonable notice of the Strategy coming before Council for consideration as well as the opportunity for residents to address councillors on such an occasion.

Yours faithfully,



Mr & Mrs J Hall

From: [REDACTED]
To: [Records](#)
Subject: OBJECTION TO DRAFT CROSS STREET PLANNING AND URBAN DESIGN STRATEGY
Date: Wednesday, 15 December 2021 6:48:43 PM

As a member of the Double Bay Residents Association and a long term resident of Double Bay I am lodging my individual objection pursuant to the DBRA objection lodged by Malcolm Young on behalf of the DBRA which states in part;

- 1. The area the subject of the Strategy by including Bay Street properties exceeds the strategy area authorised by Council's resolution of 26 April 2021**
 - 2. The proposed increase in the maximum height for 49-53 Bay Street to six storeys (21.5m) is contrary to the recommendations of Council's development control planners and the decision of the Land & Environment Court in *Ricola Pty Ltd v Woollahra Municipal Council (2021) NSWLEC 1047***
- 3. The proposed increase in the maximum height for 55, Bay Street to 6 storeys (21.5m) is contrary to the 5 storey development consent (18.1m) granted for this site by the Land & Environment Court on 6 December 2021 in *Doonside Holdings Pty Ltd v Woollahra Municipal Council (2021) NSWLEC 1736* following agreement between the parties at a second conciliation conference.**
- 4. The proposed inclusion of the above two Bay Street properties in the Strategy as well as being unauthorised by Council's resolution would set a disastrous precedent for Bay Street in the same way that the approvals of six storey development at 16-18 Cross Street and 20-26 Cross Street two storeys over the LEP's four storey height limit led to the *SJD decision* on 28-34 Cross Street**
- 5. The fact that a non-complying six storey development was approved by the Court at 28-34 Cross Street does not mean that other sites in the referenced section of the south side of Cross Street have to have a six storey height limit.**
- 6. The proposed 50% increase in maximum heights is excessive**
- 7. Council's requirement to protect view sharing opportunities has been ignored**
- 8. There are no bulk or FSR controls in the strategy**

Double Bay is turning ugly.. please stop this overdevelopment .

Regards
Deborah Green

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From: [Robin Aram](#)
To: [Records](#)
Subject: Draft Cross Street Planning & Urban Design Strategy
Date: Wednesday, 15 December 2021 9:38:39 PM

To the General Manager

Dear Sir

We have attempted to examine the Strategy and it is causing us great stress for a variety of reasons. It appears that where the Council has previously approved the building of 2 x 6 storey developments at 24-34 Cross Street - where the previous LEP allowed 4 storeys as a maximum height- the Council now wishes to utilize this indiscretion for the entire southern side of Cross Street through to Knox Lane. This disgrace should not be permitted otherwise it sets the awful precedent for all Double Bay Shopping Centre. In short what this does is to increase the maximum height by 50% -from 14.7 metres to 21.5 metres.

Not only does this planning crime include Cross Street but also encompasses a great deal of Bay Street. It proposes an increase in the maximum height at 49-53 Bay Street as well as 55 Bay Street to 21.5 metres - which also exceeds the previously outrageous 5 storey consent. By including these Bay Street properties- this could set a dangerous precedent for all of Bay Street in much the same way that 16-18 Cross Street and 22-26 Cross Street did when they overturned the previous LEP of 4 storeys.

You are not enhancing Double Bay but destroying its character and charm which is a unforgivable disgrace. We can't believe that we have to continuously write to Council because of the disgraceful way they are treating Double Bay. You are definitely not supporting the residents only the developers.

Regards
Robin and Henri Aram

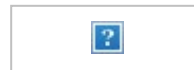
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From: [Ron Grunstein](#)
To: [Records](#)
Subject: Draft Strategy on Exhibition
Date: Thursday, 16 December 2021 6:44:33 AM
Attachments: [objection draft strategy bay street.pdf](#)

Please see attached objection

Ron Grunstein AM FAHMS
Professor of Sleep Medicine and NHMRC Senior Principal Research Fellow,
Senior Specialist Physician, University of Sydney and Royal Prince Alfred Hospital

Sleep and Circadian Group, Woolcock Institute of Medical Research



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Rose and Ron Grunstein

Sydney, Australia

The General Manager,
Woollahra Municipal Council,
PO Box 61, Double Bay NSW 1360

16th December 2021

Dear Sir,

DRAFT CROSS STREET PLANNING AND URBAN DESIGN STRATEGY

We have examined the above Strategy which is currently on exhibition and which has caused great concern and distress to local residents. The objections to the Strategy are listed.

1. The area the subject of the Strategy by including Bay Street properties exceeds the strategy area authorised by Council's resolution of 26 April 2021
2. The proposed increase in the maximum height for 49-53 Bay Street to six storeys (21.5m) is contrary to the recommendations of Council's development control planners and the decision of the Land & Environment Court in Ricola Pty Ltd v Woollahra Municipal Council (2021) NSWLEC 1047.
3. The proposed increase in the maximum height for 55, Bay Street to 6 storeys (21.5m) is contrary to the 5 storey development consent (18.1m) granted for this site by the Land & Environment Court on 6 December 2021 in Doonside Holdings Pty Ltd v Woollahra Municipal Council (2021) NSWLEC 1736 following agreement between the parties at a second conciliation conference.
4. The proposed inclusion of the above two Bay Street properties in the Strategy as well as being unauthorised by Council's resolution would set a disastrous precedent for Bay Street in the same way that the approvals of six storey development at 16-18 Cross Street and 20-26 Cross Street two storeys over the LEP's four storey height limit led to the SJD decision on 28-34 Cross Street.
5. The fact that a non-complying six storey development was approved by the Court at 28-34 Cross Street does not mean that other sites in the referenced section of the south side of Cross Street have to have a six storey height limit.
6. The proposed 50% increase in maximum heights is excessive
7. Council's requirement to protect view sharing opportunities has been ignored

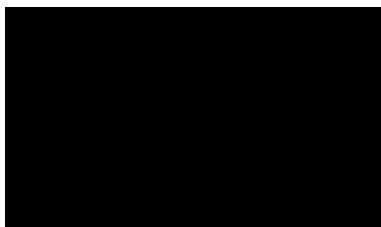
8. There are no bulk or FSR controls in the strategy

We would support the conclusions of the Double Bay residents Association that the following should happen (a) The two Bay Street properties should be withdrawn from inclusion in the Strategy for the reasons set out in sections 1-4 above. (In no circumstances should the property 55, Bay Street, be proposed to have a height limit higher than the 5 storeys (18.1m) approved this month by the Land & Environment Court following s34 agreement between the parties). (b) The proposed maximum height limits for the narrow-fronted properties from the corner of Knox Lane to and including 14, Cross Street should be reduced and effect given to that part of the Council's 26th April 2021 resolution which required view sharing opportunities to be retained for existing developments south of Cross Street. (See sections 5-7 above). (c) Maximum floor space ratios for all properties within the legitimate scope of the Strategy should be provided prior to community consultation. See section 8 above.

The community needs to be given reasonable notice of the Strategy coming before Council for consideration especially at this time of year and given the confusion and chaos caused by the COVID pandemic. We still remember the "strategy" proposed by the Council to turn Steyne Park into a parking lot causing major community action. This whole strategy seems at odds with what we hear about high rise development from Councillors at election time.

We would hope residents and specifically representatives of the Double Bay Residents Association will have the opportunity to address councillors on this issue.

Yours faithfully,

A large black rectangular box redacting the signature of Rose and Ron Grunstein.

ROSE and RON GRUNSTEIN

From: [Virginia Rundle](#)
To: [Records](#)
Subject: DRAFT CROSS STREET PLANNING AND URBAN DESIGN STRATEGY
Date: Thursday, 16 December 2021 9:04:05 AM

General Manager

Dear Sir,

I am objecting to this planning strategy because by including Bay Street in Double Bay, your planners are exceeding the strategy area authorised by the Council resolution of 26 April 2021.

I object to a 6 storey building at 49-53 and 55 Bay street on height alone, as it is contrary to the recommendations of the DCP when the LEP for the area is four storeys in height.

It was a terrible mistake by the Court to approve 28-34 Cross Street as a non complying 6 storey development, a total betrayal of the wishes of the residents of Woollahra and the DCP for the area. This precedent/mistake should not result in developers expecting that the rest of Double Bay should suffer the same fate. It is rather like the eye sore Ranelagh at Edgecliff; a mistake made 50 years ago to allow a skyscraper in what should have been deemed a heritage area, should not result in the surrounding areas expecting the same treatment. Both should be deemed as mistakes and held as examples of overdevelopment and what it does to what should be a low rise area. I would add that many informed residents already consider Edgecliff and Double Bay overdeveloped.

With the knowledge that Woollahra Council is already 3 times over the present target required to meet a demand for extra density from the State Government, a letter to this effect should be written by the next Mayor of Woollahra to the State Government pointing this out, thus revoking any need for any extra density/development demands in Double Bay and Edgecliff.

I would consider these strategy plans most worrying, as is Mr Rob Stokes, NSW Planning Minister, threatening warnings of intervention by means of appointing an Administrator by the State Government to take over Councils such as Ku-ring-gai if they decide against extra density in their Municipalities SMH 16 December. This hostile and aggressive manner is a total disgrace and needs to be seen as an attempt to totally control the planning controls agreed to by the residents of New South Wales after public consultation processes occurred in their Municipalities and Shires.

Yours sincerely
Virginia Rundle

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From: [Tony Johnston](#)
To: [Records](#)
Subject: Draft Cross St Planning & Urban Design Strategy
Date: Thursday, 16 December 2021 10:52:55 AM

Attention: The General Manager, Woollahra Municipal Council

Dear Sir

Draft Cross St Planning & Urban Design Strategy

We are writing to object to the above Strategy on numerous grounds:

1. Bay St properties are included in the Strategy which have no place in a Cross St strategy. It appears staff have exceeded their remit in including them and risk creating a precedent for Bay St which developers will inevitably seek to exploit.
2. The proposed increase in 49-53 Bay St heights appears to be contrary to the expressed view of council which were presented in the Land & Environment Court last January.
3. The proposed increase in height for 55 Bay St is contrary to the development consent granted by the Land & Environment Court on 6 Dec 21
4. The proposed 50% height increase from Knox Lane to 14 Cross St covers narrow properties facing Transvaal Av Conservation Area would create absurd property dimensions and is out of line with applications in the area previously (and correctly) opposed by council staff.
5. The strategy ignores the council resolution requiring the sharing of views with developments on the south side of Cross St.
6. The height increase approved by the Court for 28-34 Cross St has been unjustifiably extrapolated to cover other sites in Cross St.

Regards

Margaret & Tony Johnston



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From: [John Niland](#)
To: [Records](#)
Subject: Objections to Draft Cross Street Planning and Urban Design Strategy
Date: Thursday, 16 December 2021 11:29:11 AM

This email is addressed to the General manager, Woollahra Municipal Council and its purpose is to convey my objections to the draft Cross Street Planning and Urban Design Strategy.

I have visited the sites involved and have read a number of briefing documents on what is proposed. In particular, I find the objection filed by Malcom Young of the Double Bay Residents' Association to be comprehensive and persuasive and I lend my support to that letter of objection.

In particular, I note the following:

1. The area involved, including Bay Street properties, exceeds the strategy area authorised by Council Resolution on 26 April 2021.
2. Allowing a maximum height for 49 – 53 Bay Street to six stories is totally inappropriate and contrary to indications by the Land and Environment Court in a recent case.
3. By increasing the maximum height for 55 Bay Street to six stories the proposal is contrary to the five story development consent emanating from the LEC, and would constitute an further alarming precedent being set for Bay Street.
4. Equally alarming is the proposed 50% increase in maximum height in the area involved. As a former President of the National Trust, I am particularly concerned at the possible dangers laid down for the Transvaal Avenue Heritage Conservation Area.

As to what now should happen, I endorse the three indications given by Malcom Young in his letter of 14 December 2021.

Yours Sincerely,
John Niland AC

John Niland AC
Professor Emeritus

[Redacted signature block]

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From: [Eva](#)
To: [Records](#); [Toni Zeltzer](#); [Susan Wynne](#); [Luise Elsing - External Forwarding](#); [Mark Silcocks](#); [Isabelle Shapiro](#); [Richard Shields](#); [Nick Maxwell](#); [Peter Cavanagh](#); [Harriet Price](#); [Mary-Lou Jarvis](#); [Claudia Cullen](#); [Matthew Robertson](#); [Megan McEwin](#); [Lucinda Regan](#)
Subject: DRAFT CROSS STREET PLANNING AND URBAN DESIGN STRATEGY
Date: Thursday, 16 December 2021 12:53:56 PM
Importance: High

The General Manager,
Woollahra Municipal Council,
PO Box 61,
Double Bay NSW 1360
16 December 2021

Dear Sir,

DRAFT CROSS STREET PLANNING AND URBAN DESIGN STRATEGY

The above Strategy which is currently on exhibition is causing us the residence of Double Bay great distress! It is a disgrace how council is disregarding the council resolution 2b of 26 April 2021!

The strategy proposing increase in the maximum heights under the Woollahra LEP from 14.7m to 21.5m, is absolutely unauthorised and disallowed exceedance of the responsibility given by the 26 April Council resolution.

The proposed increase for 49-53 Bay Street is contrary to the recommendations of Council's development control planners and the decision of the Land & Environment Court in *Ricola Pty Ltd v Woollahra Municipal Council* (2021) NSWLEC 1047

Exactly the same applies to 55 Bay Street! 5 storey development (18.1m) granted by the Land & Environment Court on 6 December 2021 in *Doonside Holdings Pty Ltd v Woollahra Municipal Council* (2021) NSWLEC 1736

The two Bay Street properties should be withdrawn from the inclusion in the strategy for the above reasons. The proposed maximum height limits for the narrow fronted properties from the corner of Knox Lane to and including 14. Cross st should be reduced and effects given to the part of the councils 26 April 2021 resolution which required view sharing opportunities to be retained for existing developments south of Cross St.

As is generally acknowledged Bay Street has a character quite distinctive from what Cross Street is fast becoming. Its character is set by its predominance of two and three storey period development and its magnificent canopy of street trees at similar height. Quite illogically you try to approve buildings that breach the height limit that should be no higher than four storeys, except for some corner sites with a five storey control.

The two Bay Street properties should be withdrawn from inclusion in the Strategy for the reasons set out above. (In no circumstances should the property 55, Bay Street, be proposed to have a height limit higher than the 5 storeys (18.1m) approved this month by the Land & Environment Court following s34 agreement between the parties).

The proposed maximum height limits for the narrow-fronted properties from the corner of Knox Lane to and including 14, Cross Street should be reduced and effect given to that part of the Council's 26th April 2021 resolution which required view sharing opportunities to be retained for existing developments south of Cross Street.

I TRUST that the council takes notice of the residence concerns with this proposed draft Cross street planning and urban design strategy.

Kind regards,

Eva Santo



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From: Michele
To: Records
Subject: Ref-:SC6552 Draft Cross Street Planning and Urban Design Strategy
Date: Thursday, 16 December 2021 12:50:15 PM

The General Manager
Woollahra Municipal Council
16 December, 2021

Dear Sir,

Draft Cross Street Planning and Urban Design Strategy ("the Strategy")

The Strategy which is on Exhibition, if put into effect, will be the absolute end of what has been to me over my life of over 70 years a wonderful, comfortable stylish local village serving and creating the centre of our Suburb in which to shop for all we needed, meet friends for coffee or dinner and wander around along sun drenched streets window shopping and chatting with locals.

It is sadly on the way out now with shop windows dominated by gyms, estate agents, cosmetic treatments, hairdressers and similar. It is evolving into a most unappealing suburb in which to live. It is also being overrun by vehicles.

But we still have the trees and sun. With six storey buildings lining the streets and dominating the built environment it will most likely be the end of the trees and a concrete jungle. A view to the future.

Please reject the Strategy and revisit the proposals for the future remembering people who live in and closely around Double Bay and our lifestyles.

Yours faithfully
Michele Wearn



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From: [Elizabeth Tregoning](#)
To: [Records](#)
Subject: Attention: The General Manager
Date: Thursday, 16 December 2021 1:51:47 PM

Subject: DRAFT CROSS STREET PLANNING AND URBAN DESIGN STRATEGY

To the General Manager
Woollahra Municipal Council

Dear Sir

I am appalled by the Cross Street Planning and Urban Design Strategy currently on exhibition.

The residents of Double Bay have consistently voiced their concerns about the obliteration of the Double Bay village and its low-rise, bayside charm.

Gradually, and by stealth, the Council is caving into the will of developers whose only desire is to make as much money as possible by constructing ever taller and bulkier buildings, completely out of character with the surroundings.

That the Council places on exhibition, just before Christmas when most of the population is distracted by end of year festivities, such a monstrous change to the Council's previous strategy for Cross Street, would have to be one of the more cynical and underhand approaches to pushing through unpopular changes.

The proposed strategy - mandating building heights of six storeys - is in direct contravention to existing policy. View-sharing has been completely ignored - to the massive detriment of purchasers in recent developments in Cross Street and residents in the amphitheatre surrounding the Double Bay valley. In addition, it seems that there are no floor space ratio controls nor restrictions on bulk.

I strongly oppose this strategy and urge the Council to re-think - in line with wishes of the people who live here and for the future viability of Double Bay as a pleasant and attractive bayside village. No-one wants the Gold Coast on the harbour!

Yours faithfully

Elizabeth Tregoning
Double Bay

Sent from my iPad

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From: [Michael Fischer](#)
To: [Records](#)
Cc: [Toni Zeltzer](#); [Susan Wynne](#); [Luise Elsing - External Forwarding](#); [Mark Silcocks](#); [Isabelle Shapiro](#); [Richard Shields](#); [Nick Maxwell](#); [Peter Cavanagh](#); [Harriet Price](#); [Mary-Lou Jarvis](#); [Claudia Cullen](#); [Matthew Robertson](#); [Megan McEwin](#); [Lucinda Regan](#); [dbrassoc@gmail.com](#); [Peter & Megan Benjamin 5](#); [Robin & Henri Aram](#); [Eva Santo](#)
Subject: RE: DRAFT CROSS STREET PLANNING AND URBAN DESIGN STRATEGY
Date: Thursday, 16 December 2021 2:28:16 PM

TO WHOM IT MAY CONCERN:

WOOLLAHRA COUNCIL DRAFT CROSS STREET PLANNING AND URBAN STRATEGY.

As there is an opportunity to express my concerns about the proposed changes to the Cross Street development guidelines – overflowing into Bay Street in Double Bay –both of which will have serious, negative implications on the current LEP for the precinct – and is likely to create an acceptable new benchmark for those involved in planning for Double Bay Centre – but totally unacceptable to me and many other owners and residents.


I have attempted to examine the Strategy and it is causing me great stress for a variety of reasons.

It appears that where Council has previously approved the building of 2 x 6 storey developments at 24-34 Cross Street – where the previous LEP allowed 4 storeys as a maximum height – the Council now wishes to utilise this indiscretion for the entire southern side of Cross Street through to Know Lane. This disgrace should not be permitted otherwise it sets the awful precedent for all of the Double Bay Shopping Centre. In short what this does is to increase the maximum height by 50% - from 14.7 metres to 21.5 metres.

Not only does this planning crime include Cross Street but also encompasses a great deal of Bay Street. It proposes an increase in the maximum height at 49-53 Bay Street as well as 55 Bay Street to 21.5 metres – which also exceeds the previously outrageous 5 storey consent. By including these Bay Street properties – this could set a disastrous precedent for all of Bay Street in much the same way that 16-18 Cross Street and 22-26 Cross Street did when they overturned the previous LEP of 4 storeys.

Come on Councillors – you have been recently elected or re-elected to Woollahra Council and part of your platform was that you were able to control the rapacious developers. Show us that your slogans were more than just false statements.

Michael Fischer



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From: [L A Macpherson](#)
To: [Records](#)
Subject: Attention he General Manager, Woollahra Municipal Council re: CROSS STREET PLANNING AND URBAN DESIGN STRATEGY
Date: Thursday, 16 December 2021 4:51:43 PM

Re: CROSS STREET PLANNING AND URBAN DESIGN STRATEGY

Dear Mr. Swift-McNair,

I am writing to you as a resident in Double Bay for over 50 years.

I am understandably concerned with the proposed strategy on the Council's website and wish to register my objection.

The proposed height of 49-53 Bay St to 6 storeys (21.5m) and 55 Bay St. to maximum height to 6 storeys (21.5m) is inconsistent

with the desired future character of our stylish bayside village, as resolved at the WMC's Double Bay Planning Control meeting on 26 April, 2021

and reaffirming its commitment to the 2015 DCP height of 10.5 for the bulk of the Double Bay Centre

"THAT Council:

<!--[if !supportLists]-->1. <!--[endif]-->asserts control of its Double Bay Centre Planning Controls

<!--[if !supportLists]-->2. <!--[endif]-->Revises the Draft Double Bay Centre Planning and Urban Design Strategy to:

1. Include 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 the Double Bay Centre with maximum height limits of 4 storeys and some 5 storey corner sites, (and one rezoned 6 storey site at 376-382 New South Head Road).

The majority of community also support of the Council's resolution, including more than 300 Double Bay Residents' Association (DBRA) members.

Please confirm receipt of my objection.

Thank you,

Your sincerely,

Leslie Macpherson

[REDACTED]
[REDACTED]
[REDACTED]

For more information please visit <http://www.symanteccloud.com>

MICHAEL GREEN
CHARTERED ACCOUNTANT

ABN: 95 776 042 903

[REDACTED]
The General Manager,
Woollahra Municipal Council,
P.O Box 61
Double Bay

December 16, 2021

Dear Sir,

Re Draft Cross Street Planning & Urban Design Strategy

I refer to a letter forwarded to you from the Double Bay Residents' Association dated 14 December 2021 re the Draft Cross Street Planning & Urban Design Strategy. Without Reiterating the points set out in the letter to which I concur, I think it is important that the conclusions arrived at should be considered and accepted by council.

1. The two properties be withdrawn from the inclusion in the strategy and that in the event of inclusion the height be limited to 5 stories
2. That the height limits on the corner of Knox Lane including 14 Cross Street should be reduced.
3. That maximum floor space ratios relating to all properties should be within legitimate ranges and the ratios be provided prior to community consultation.

Yours faithfully,

[REDACTED]
Michael Green

From: [Neill Macpherson](#)
To: [Records](#)
Subject: CROSS STREET PLANNING AND URBAN DESIGN STRATEGY
Date: Thursday, 16 December 2021 5:28:35 PM
Attachments: [NEILL MACPHERSON OBJECTIONS .pdf](#)

Please see my attached letter . I would be grateful if you would acknowledge receipt of same .
Regards , Neill

Neill T. Macpherson

Barrister at Law



Liability limited by a scheme approved under Professional Standards Legislation

From: [REDACTED]
Date: Thursday, 16 December 2021 at 4:07 pm
To: [REDACTED]
Subject: DRAFT CROSS STREET PLANNING AND URBAN DESIGN STRATEGY

Please email to

records@woollahra.nsw.gov.au

Dear Sir,

Re: CROSS STREET PLANNING AND URBAN DESIGN STRATEGY

I have been a resident of 349 New South Head Road Double Bay for over 25 years.

I am submitting my objection to the Strategy in the PDF attached.

The Draft strategy is inconsistent with the desired future character of the area,

(permissible maximum height of 10.5m in DCP2015z), the community's support of

these current height standards and I am concerned, if approved, it will have a

potential impact on the future village character Double Bay by setting a precedent

for continued height increases.

Thank you for your consideration

Yours sincerely,

Neill Macpherson

[Redacted signature block]

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For more information please visit <http://www.symanteccloud.com>

[REDACTED]

16 December, 2021.

General Manager
Woollahra Municipal Council.
PO Box 61,
Double Bay, NSW 1360

Dear Sir

Re: CROSS STREET PLANNING AND URBAN DESIGN STRATEGY

I have been a resident of [REDACTED] Double Bay for over 25 years.
I am submitting my objection to the Strategy on the WMC website.

My reasons for objecting include the following:

1. **Excessive Height:** The Strategy's area by including the Bay Street properties exceeds the strategy area authorised by Council's resolution of 26 April, 2021:

Resolved

"THAT Council:

1. asserts control of its Double Bay Centre Planning Controls
2. Revises the Draft Double Bay Centre Planning and Urban Design Strategy to:
 1. Include 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 the Double Bay Centre with maximum height limits of 4 storeys and some 5 storey corner sites, (and one rezoned 6 storey site at 376-382 New South Head Road).

[REDACTED]

2. **Re 49-53 Bay St** - the proposed increase to 6 storeys (21.5m) contradicts the WMC's development control planners' recommendations and also the decision of the Land and Environment Court in *Ricola Pty Ltd v Woollahra Municipal Council*(2021) NSWLEC 1047
3. **Re 55 Bay St**. The proposed increase in the maximum height to 6 storeys (21.5m) is contrary to the 5 storey development consent (18.1m) granted for this site by the Land and Environment Court. 6 December 2021 in *Doonside Holdings Pty Ltd v Woollahra Municipal Council (2021) NSWLEC 1736* f allowing agreement between the parties at a second conciliation conference.
4. The Draft strategy is inconsistent with the desired future character of the area (permissible maximum height of 10.5m in DCP2015z), the community's support of these height standards and, if approved, will have a potential impact on the future village character Double Bay by setting a precedent for height increases.

Thank you for your consideration

Yours sincerely,

Neill Macpherson

[REDACTED]

From: [REDACTED]
To: [Records](#)
Subject: Re: DRAFT CROSS STREET PLANNING AND URBAN DESIGN STRATEGY
Date: Thursday, 16 December 2021 8:33:48 PM
Importance: High

Attention: The General Manager,
Woollahra Municipal Council,

Dear Sir,

A draft strategy for the planning and urban design of Cross Street currently on exhibition by Woollahra Council, will have a major impact on the future of Double Bay as it exceeds the strategy area authorised by a Council resolution and would set a disastrous precedent for development in Bay Street.

I therefore endorse the objections made by Malcolm Young who has expressed the great concern and distress conveyed to him by residents/members of the Double Bay Residents' Association, of which I am a member.

My objections follow:

1. The area the subject of the Strategy by including Bay Street properties exceeds the strategy area authorised by Council's resolution of 26 April 2021

The genesis of this Strategy was the decision of the L & E Court in *SJD DB2 P/L v Woollahra Municipal Council (2020) NSWLEC 1112* where the Commissioner found that by approving two 6 storey developments to the east of the subject site (28-34 Cross Street) where the LEP provided a 4 storey maximum height, there had been a localised abandonment by Council of its controls for a "discrete" section of the southern side of Cross Street as far as the Knox Lane corner (see paragraphs 94 and 95).

Council resolution 2b of 26 April 2021, conformably with that ruling, reads:

"In the light of the LEC ruling on 28-34 Cross Street regarding the desired future character of Cross Street being defined by adjoining properties, focus the new strategy on Cross Street (south side between Knox Lane and Bay Street)....and being mindful of view sharing opportunities for existing developments south of Cross Street" (our emphasis).

Accordingly, there was no authority for staff to include in the strategy properties in Bay Street as they have purported to do. 55 Bay Street and 49-53 Bay Street have been included – the latter property having no frontage to Cross Street at all.

Given that the strategy is proposing approximately a 50% increase in the maximum heights under the Woollahra LEP from 14.7m to 21.5m plus "freeboard", this is a totally unauthorised and impermissible exceedance of the remit they were given by the 26 April Council resolution.

2. The proposed increase in the maximum height for 49-53 Bay Street to six storeys (21.5m) is contrary to the recommendations of Council's development control planners and the decision

of the Land & Environment Court in *Ricola Pty Ltd v Woollahra Municipal Council (2021) NSWLEC 1047*

It is almost as if the urban planner who drafted this design strategy is unaware of the views that Council presented to the Land and Environment Court last January and the findings of Commissioner Gray of that Court in the above case. In that case the applicant sought approval for a six storey development of 21m in height. Council opposed that height and sought to uphold the refusal of consent that had been unanimously resolved on by the Planning Panel on the grounds of excessive height. Commissioner Gray found that at that height the development when combined with the development at 28-34 Cross Street (now under construction) would result in the entire loss of northerly ridgeline views apart from a tiny keyhole from apartment 7C on the top floor of the Cosmopolitan Apartments. She refused consent for that reason. In the light of that case as successfully fought by Council, it seems monstrous that a few months later that the Draft Strategy is proposing an even higher building height (21.5m) than the 21m rejected as excessive by Commissioner Gray.

3. The proposed increase in the maximum height for 55, Bay Street to 6 storeys (21.5m) is contrary to the 5 storey development consent (18.1m) granted for this site by the Land & Environment Court on 6 December 2021 in *Doonside Holdings Pty Ltd v Woollahra Municipal Council (2021) NSWLEC 1736* following agreement between the parties at a second conciliation conference.

The Applicant had sought approval for a part six/part seven storey commercial building which was as strongly opposed by residents and ourselves as had been the six storey development proposed for 49-53 Bay Street (see 2 above). Council staff's report recommended refusal and it was refused by the Planning Panel unanimously inter alia on the grounds of excessive height and bulk. The Applicant appealed to the Land & Environment Court and this Association in the form of the writer addressed the first s34 conciliation conference but we were not informed of the holding of a second conciliation conference or given an opportunity to address it. At 6/7 storeys it would have had just about as disastrous an impact on views from the north facing apartments in the Cosmopolitan Centre as referred to by the Court in *Ricola (supra)* as well as impacting heavily on The Chancellor opposite and Gallery Apartments at 45 Cross Street. It would have blocked harbour views for many the amphitheatre as shown in the attached photograph from my study window as tendered to both the Panel and the first s34 conference.

The consent orders entered by Commissioner Dickson of the Court on the sixth of this month grant consent to a five storey street wall commercial development which apart from the lift overrun complies with the existing 18.1m maximum height limit for that site though substantially exceeding its FSR development standard. Whilst not entirely happy with the Court consent, we are glad that Council's planning staff at least on height reduced the six/seven storeys to five.

It seems to us extraordinary that at the very time Council and its lawyers were substantially upholding in Court the five storey limit for this site as per our LEP, some other planner was busy drafting a control which would allow a further 3.5m approx. or another storey on this site. It would be a planning disaster on this tiny site for the reasons set out in the first paragraph under this heading.

4. The proposed inclusion of the above two Bay Street properties in the Strategy as well as being unauthorised by Council's resolution would set a disastrous precedent for Bay Street in the same way that the approvals of six storey development at 16-18 Cross Street and 20-26 Cross Street two storeys over the LEP's four storey height limit led to the *SJD decision* on 28-34 Cross Street.

As is generally acknowledged Bay Street has a character quite distinctive from what Cross Street is fast becoming. Its character is set by its predominance of two and three storey period development and its magnificent canopy of street trees at similar height. Once quite illogically you make just two properties in the street have a six storey height limit whereas almost all the rest of the street has a four storey limit (save for a couple of corner sites with a five storey control), the developers will have a field day with arguing why under cl 4.6 they should have the same six storeys.

5. The fact that a non-complying six storey development was approved by the Court at 28-34 Cross Street does not mean that other sites in the referenced section of the south side of Cross Street have to have a six storey height limit.

The strategy betrays a misunderstanding of the effect of the Court's decision in *SJD DB2 Pty Ltd v Woollahra Municipal Council*. The Commissioner deciding that case is not carrying out a judicial function but an administrative one. It is for that reason that Commissioners of the Court whilst often having planning or allied qualifications are rarely legally qualified. All the judge hearing the appeal from his decision decided was that he had not erred in law in performing that administrative function. Accordingly administrative decisions of the L & E Court are not legal precedents. They are not binding save in respect of that particular site and the development proposed for it.

Just because the Commissioner found for a six storey development at the comparatively wide site at 28-34 Cross Street, that does not mean that such a height is appropriate for other much narrower sites further east adjoining the Goldman Lane arcade and lying opposite the Transvaal Avenue Heritage Conservation Area. This leads us to submission 6 below.

6. The proposed 50% increase in maximum heights is excessive

The properties west from the Knox Lane corner up to and including 14, Cross Street are narrow single shop width lots. Their frontage is much narrower than the two sites to the west, 16-18 Cross Street and 20-26 Cross Street, already redeveloped, and 28-34 Cross Street, presently being redeveloped. They also face the Transvaal Avenue Heritage Conservation Area with its Federation single storey cottages. It is important that heights for these Cross Street properties should blend with both the 4 storey limit applicable to the properties on Cross Street east of Knox Lane and the single storey heritage conservation area. The blanket 6 storey height limit given to these properties totally ignores the transitional principle. If redeveloped to 6 storeys the

properties will have the absurd proportions of a book on end.

14, Cross Street where staff opposed, and the Planning Panel refused, a recent five storey shop top housing proposal, has a frontage of 12.18 metres. Similarly, 10, Cross Street, where staff opposed and the Planning Panel rejected a six storey shop top housing proposal, has an overall frontage of 12.19m. To put six storey development on such narrow fronted sites is absurd. Quite apart from the book end appearance the Centre will become dominated by high blank concrete side walls.

7. Council's requirement to protect view sharing opportunities has been ignored

Staff have entirely ignored the part of the Council resolution that required them to be "mindful of view sharing opportunities for existing developments south of Cross Street" (see second paragraph of 1 above). What they propose will create an uninterrupted wall six storeys high along the southern side of Cross Street. Obviously, properties to the south, generally limited by the LEP to four storeys height, will have no chance of northerly or harbour views obliterated as they will be by this unbroken line of 6 storey buildings.

8. There are no bulk or FSR controls in the strategy

The draft strategy blithely states at p42 that: "The appropriate FSR for each site will be further investigated once the built form elements have been subject to initial community engagement". One simply asks how can the community respond to the strategy unless it knows how much bulk is proposed to be allowed on each site?

Conclusion – what should happen

- (a) The two Bay Street properties should be withdrawn from inclusion in the Strategy for the reasons set out in sections 1-4 above. (In no circumstances should the property 55, Bay Street, be proposed to have a height limit higher than the 5 storeys (18.1m) approved this month by the Land & Environment Court following s34 agreement between the parties).
- (b) The proposed maximum height limits for the narrow-fronted properties from the corner of Knox Lane to and including 14, Cross Street should be reduced and effect given to that part of the Council's 26th April 2021 resolution which required view sharing opportunities to be retained for existing developments south of Cross Street. (See sections 5-7 above).
- (c) Maximum floor space ratios for all properties within the legitimate scope of the Strategy should be provided prior to community consultation. See section 8 above.

Please take my views into account as a concerned resident of the Woollahra LGA, who cares deeply for her area. I also trust that I and residents generally, will be given reasonable notice of the Strategy coming before Council for consideration.

Yours faithfully

Ms Nizza Siano
Bellevue Hill NSW

From: [Greg Stone](#)
To: [Records](#)
Subject: Draft Cross Street Planning and Urban Strategy
Date: Friday, 17 December 2021 7:01:47 AM
Attachments: [Draft Cross Street Planning and Urban Strategy.docx](#)

Dear Sir/Madam,

Please find attached a letter to the General Manager, Woollahra Municipal Council regarding Draft Cross Street Planning and Urban Strategy.

Yours sincerely
Jenni and Greg Stone

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For more information please visit <http://www.symanteccloud.com>

The General Manager,
Woollahra Municipal Council,
PO Box 61,
Double Bay NSW 1360
17th December 2021

Dear Sir,

DRAFT CROSS STREET PLANNING AND URBAN DESIGN STRATEGY

We have examined the above Strategy which is currently on exhibition and which has caused great concern and distress to residents. We set out below our objections to the Strategy and finish by expressing our view as to the changes that need to be made:

1. The area the subject of the Strategy by including Bay Street properties exceeds the strategy area authorised by Council's resolution of 26 April 2021

The genesis of this Strategy was the decision of the L & E Court in *SJD DB2 P/L v Woollahra Municipal Council (2020) NSWLEC 1112* where the Commissioner found that by approving two 6 storey developments to the east of the subject site (28-34 Cross Street) where the LEP provided a 4 storey maximum height, there had been a localised abandonment by Council of its controls for a "discrete" section of the southern side of Cross Street as far as the Knox Lane corner (see paragraphs 94 and 95).

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Accordingly, there was no authority for staff to include in the strategy properties in Bay Street as they have purported to do. 55 Bay Street and 49-53 Bay Street have been included – the latter property having no frontage to Cross Street at all.

Given that the strategy is proposing approximately a 50% increase in the maximum heights under the Woollahra LEP from 14.7m to 21.5m plus "freeboard", this is a totally unauthorised and impermissible exceedance of the remit they were given by the 26 April Council resolution.

2. The proposed increase in the maximum height for 49-53 Bay Street to six storeys (21.5m) is contrary to the recommendations of Council's development control planners and the decision of the Land & Environment Court in *Ricola Pty Ltd v Woollahra Municipal Council (2021) NSWLEC 1047*

It is almost as if the urban planner who drafted this design strategy is unaware of the views that Council presented to the Land and Environment Court last January and the findings of Commissioner Gray of that Court in the above case. In that case the applicant sought approval for a six storey development of 21m in height. Council opposed that height and sought to uphold the refusal of consent that had been unanimously resolved on by the Planning Panel on the grounds of excessive height. Commissioner Gray found that at that height the development when combined with the development at 28-34 Cross Street (now under construction) would result in the entire loss of northerly ridgeline views apart from a tiny keyhole from apartment 7C on the top floor of the Cosmopolitan Apartments. She refused consent for that reason. In the light of that case as successfully

fought by Council, it seems monstrous that a few months later that the Draft Strategy is proposing an even higher building height (21.5m) than the 21m rejected as excessive by Commissioner Gray.

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It seems to us extraordinary that at the very time Council and its lawyers were substantially upholding in Court the five storey limit for this site as per our LEP, some other planner was busy drafting a control which would allow a further 3.5m approx. or another storey on this site. It would be a planning disaster on this tiny site for the reasons set out in the first paragraph under this heading.

4. The proposed inclusion of the above two Bay Street properties in the Strategy as well as being unauthorised by Council's resolution would set a disastrous precedent for Bay Street in the same way that the approvals of six storey development at 16-18 Cross Street and 20-26 Cross Street two storeys over the LEP's four storey height limit led to the *SJD decision* on 28-34 Cross Street.

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14, Cross Street where staff opposed, and the Planning Panel refused, a recent five storey shop top housing proposal, has a frontage of 12.18 metres. Similarly, 10, Cross Street, where staff opposed and the Planning Panel rejected a six storey shop top housing proposal, has an overall frontage of 12.19m. To put six storey development on such narrow fronted sites is absurd. Quite apart from the book on end appearance the Centre will become dominated by high blank concrete side walls.

7. Council's requirement to protect view sharing opportunities has been ignored

Staff have entirely ignored the part of the Council resolution that required them to be "mindful of view sharing opportunities for existing developments south of Cross Street" (see second paragraph of 1 above). What they propose will create an uninterrupted wall six storeys high along the southern side of Cross Street. Obviously, properties to the south, generally limited by the LEP to four storeys height, will have no chance of northerly or harbour views obliterated as they will be by this unbroken line of 6 storey buildings.

8. There are no bulk or FSR controls in the strategy

The draft strategy blithely states at p42 that: "The appropriate FSR for each site will be further investigated once the built form elements have been subject to initial community engagement".

One simply asks how can the community respond to the strategy unless it knows how much bulk is proposed to be allowed on each site?

Conclusion – what should happen

1. (a) The two Bay Street properties should be withdrawn from inclusion in the Strategy for the reasons set out in sections 1-4 above. (In no circumstances should the property 55, Bay Street, be proposed to have a height limit higher than the 5 storeys (18.1m) approved this month by the Land & Environment Court following s34 agreement between the parties).
2. (b) The proposed maximum height limits for the narrow-fronted properties from the corner of Knox Lane to and including 14, Cross Street should be reduced and effect given to that part of the Council's 26th April 2021 resolution which required view sharing opportunities to be retained for existing developments south of Cross Street. (See sections 5-7 above).

3. (c) Maximum floor space ratios for all properties within the legitimate scope of the Strategy should be provided prior to community consultation. See section 8 above.

We trust that we and residents generally will be given reasonable notice of the Strategy coming before Council for consideration as well as the opportunity to address councillors on such an occasion.

Yours faithfully,

Jenni and Greg Stone



From: [diana yeldham](#)
To: [Records](#)
Subject: Comments on the Draft Cross St & Urban Design Strategy
Date: Friday, 17 December 2021 10:58:01 AM

The General Manager
Woollahra Council

Please forward to all Councillors

Dear Councillors I have grave concerns regarding the draft proposal for the Cross Street and Urban Strategy.

My name is Di Yeldham I am a business person who has done many small boutique developments and lived in Double Bay for nearly 60 years.

I have always been supportive of sensitive well thought through changes

Throughout these years I have supported Council where change to Double Bay was not detrimental to the charm and uniqueness of this village.

Progress must always work hand in glove with its existing environment.....Double Bay has always been a stand out and renowned as a village.

Please maintain the LEP of 4 floors in order to maintain the Double Bay Village environment known around the world .

I was absolutely horrified to hear from a councillor that WE have to permit six floor developments as

‘Developers cannot make a profit out of four floors’ !!!!!

I would hope that this is not the thinking of our Council and that their priority is to maintain and improve our village of charm and significance with a

4 floor LEP and not give way to over developed commercialism ?

A four floor Development “IS” financially viable just may not make as much money.

Through out the world there are famous well known fashionable locations that are known for their village type environment where one can stroll ... shop.... dine.... and wine in a stylish exciting atmospherethis is Double Bay. A six floor development creating loss of significant sunlight ... increased shadowingthe loss of view for many many residents and impossible traffic consequences.

May I suggest a camera to be placed on the corner of Cross St. and Bay St. for one month during a non holiday period and for the traffic control authorities to see the dangers and problems with the traffic and the pedestrians.....

A round a bout could be the answer . The extended pavements could be taken back and the pedestrian crossings moved a little.

Curved bays in Cross St from Ocean St would curb the Ferrari type racing that happens in this street.

A 25 kph speed limit for the inner streets would be a safe decision.

The tree lined streets in Double Bay are delightfully village like.... lets not jam them up any more than we already have with further over development.

1. Maintain LEP 4 floors
2. Maintain Sunlight on the streets
3. Maintain the views of existing residents
4. Maintain Traffic control before it is out of control

Thanking you for all your input in working to make and maintain a very unique inner city village. Please keep it

this way.
Kind Regards,
Di Yeldham

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From: [Jennifer Dewar](#)
To: [Records](#)
Subject: Draft Cross Street Planning and Urban Design Strategy
Date: Friday, 17 December 2021 10:37:55 AM

Attention: Mr Craig Swift-McNair, General Manager, Woollahra Municipal Council,

I have read the Draft Cross St Planning and Urban Design Strategy. I have been resident in Double Bay for 20 years; I came here because it was an appealing bayside village, with parks, bookstores, a cinema, delicatessens and a welcoming atmosphere. Rapidly this is changing with massive overdevelopment and highrise sanctioned by Council.

I note that the first Key Objective is to “facilitate development of an integrated streetscape consistent with the **desired future character** of Double Bay”.

I’m unsure whether it is residents, developers or Council who frame which characteristics of Double Bay are “desired” however it seems that developers are prioritised over residents and ratepayers.

1. Although a disturbing precedent has been set in approving 6 storey building, no future buildings with a height greater than 4 storeys should be approved or allowed.
2. It is important that existing views from residential buildings not be compromised by development over 4 storeys.
3. Agreed bulk and floor-space strategies should be complied with.
4. Wide community consultation should be sought with ample time given for response by residents.

With regards, Jennifer Dewar

Jennifer Dewar

[Redacted signature block]

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For more information please visit <http://www.symanteccloud.com>

From: [Roger Muller](#)
To: [Records](#)
Cc: [Roger Muller](#)
Subject: Draft Cross Street Planning and Urban Design Strategy
Date: Friday, 17 December 2021 10:58:17 AM

Dear Sir

I write to express my strongest objection to the proposals outlined in the draft Cross Street Planning and Urban Design Strategy currently on display.

You will perhaps not be surprised by the gist of my objections, which are centred around proposals - once again! - for action that runs counter to Council's previous rulings on height limits - especially the Woollahra LEP which specifies a height limit of 14.7 and various recent decisions of the Land and Environment Court on DAs in Double Bay. There is also the issue of the unauthorised inclusion in the draft Strategy of properties in Bay Street. I am left - so sadly, again - with the over-riding impression that Council is simply unable to understand the concerns of Double Bay citizens to the systematic vandalising of our neighbourhood by Council's blatant breaking of existing limits to building height and scale. As I have had to say too often and on too many occasions in the past, Council should reject proposals that change the very character of the unique Double Bay precinct. Council must remove the 2 Bay Street properties from the draft Strategy, and reduce the proposed maximum height limits on Cross Street properties to that outlined in the Woollahra LEP.

Yours

Roger Muller

[REDACTED]
[REDACTED]

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For more information please visit <http://www.symanteccloud.com>

From: [Peter Benjamin](#)
To: [Records](#)
Subject: DRAFT CROSS STREET PLANNING AND URBAN DESIGN STRATEGY
Date: Friday, 17 December 2021 10:58:55 AM

The General Manager,
Woollahra Municipal Council,
PO Box 61, Double Bay
NSW 1360 15th December 2021

Dear Sir,

DRAFT CROSS STREET PLANNING AND URBAN DESIGN STRATEGY.

We wish to lodge our strong objections to this so-called “draft strategy”, which exceeds and violates many of the existing norms and decisions that have been already been decided upon for the subject area. Why is it that the same matters, previously resoundingly decided, continue to be raised for further debate and objection?? Before proceeding further, we strongly support the cogently-argued objection lodged by the Double Bay Residents’ Association.

Details of our objections are set out hereunder.

1. The area the subject of the Strategy by including Bay Street properties exceeds the strategy area authorised by Council’s resolution of 26 April 2021.

See decision of the Land and Environment Court’s decision in SID DB2 P/L vs Woollahra Municipal Council (2020) NSWLEC 1112, where the Commissioner found that approving two six-storey developments to the east of the site where the LEP allowed for a four-storey height, the Council had abandoned its controls for a “discrete section of the south side of Cross Street as far as the corner of Knox Lane. There was no authority for staff to include Bay Street properties such as 55 Bay Street and 49-53 Bay Street, which has no frontage to Cross Street! The strategy proposes approximately a 50% maximum height increase from the Woollahra LEP from 14.7m to 21.5m. This is totally unauthorised and an impermissible exceedance of what was allowed under the 26 April Council resolution.

2. The proposed increase in the maximum height for 49-53 Bay Street to six storeys (21.5m) is contrary to the recommendations of Council’s development control planners and the decision of the Land & Environment Court in Ricola Pty Ltd v Woollahra Municipal Council (2021) NSWLEC 1047.

Is the urban planner who drafted this design strategy remarkably unaware of the views that Council presented to the Land and Environment Court last January and the findings of Commissioner Gray of that Court in the above case. The applicant sought approval for a six storey development of 21m in height. Council opposed that height and sought to uphold the refusal of consent that had been unanimously resolved on by the Planning Panel on the grounds of excessive height. Commissioner Gray found that at that height the development when combined with the development at 28-34 Cross Street (now under construction) would result in the virtually the entire loss of northerly ridgeline views. She refused consent for that reason. In the light of that case as successfully fought by Council, it seems remarkable that a few months later the Draft Strategy is proposing an even higher building height (21.5m) than the 21m rejected as excessive by Commissioner Gray.

- 3. The proposed increase in the maximum height for 55 Bay Street to 6 storeys (21.5m) is contrary to the 5 storey development consent (18.1m) granted for this site by the Land & Environment Court on 6 December 2021 in Doonside Holdings Pty Ltd v Woollahra Municipal Council (2021) NSWLEC 1736 following agreement between the parties at a second conciliation conference.** The Applicant had sought approval for a part six/part seven storey commercial building which was as strongly opposed by residents and DBRA, as had been the six storey development proposed for 49-53 Bay Street (see 2 above). Council staff's report recommended refusal and it was refused by the Planning Panel unanimously on the grounds of excessive height and bulk. The Applicant appealed to the Land & Environment Court and to DBRA but neither residents nor DBRA were not informed of the holding of a second conciliation conference or given an opportunity to address it. At 6/7 storeys it would have had a disastrous impact on views from the north-facing apartments in the Cosmopolitan Centre as well as impacting heavily on The Chancellor (opposite) and Gallery Apartments at 45 Cross Street. It would have blocked harbour views for many the amphitheatre of Double Bay towards the Harbour. The consent orders entered by Commissioner Dickson of the Court on the sixth of this month grant consent to a five storey street wall commercial development which apart from the lift overrun complies with the existing 18.1m maximum height limit for that site though substantially exceeding its FSR development standard. It seems remarkable and indicative of a total lack of cohesion and planning fore-thought that at the time Council and its lawyers were substantially upholding in Court the five storey limit for this site as per our LEP, some other planner was busy drafting a control which would allow a further 3.5m approx. or another storey on this site. It would be a planning disaster on this tiny site for the reasons set out in the first paragraph under this heading.
- 4. The proposed inclusion of the above two Bay Street properties in the Strategy as well as being unauthorised by Council's resolution would set a disastrous precedent for Bay Street in the same way that the approvals of six storey development at 16-18 Cross Street and 20-26 Cross Street two storeys over the LEP's four storey height limit led to the SJD decision on 28-34 Cross Street.** As is generally acknowledged Bay Street has a character quite distinctive from what Cross Street is fast becoming. Its character is set by its predominance of two and three storey period development and its magnificent canopy of street trees at similar height. Once quite illogically you make just two properties in the street have a six storey height limit whereas almost all the rest of the street has a four storey limit (save for a couple of corner sites with a five storey control), the developers will have a field day with arguing why under cl 4.6 they should have the same six storeys.
- 5. The fact that a non-complying six storey development was approved by the Court at 28-34 Cross Street does not mean that other sites in the referenced section of the south side of Cross Street are required to have a six storey height limit.** The strategy betrays a misunderstanding of the effect of the Court's decision in SJD DB2 Pty Ltd v Woollahra Municipal Council. The Commissioner deciding that case is not carrying out a judicial function but an administrative one. It is for that reason that Commissioners of the Court whilst often having planning or allied qualifications are rarely legally qualified. All the judge hearing the appeal from his decision decided was that he had not erred in law in performing that administrative function. Accordingly administrative decisions of

the L & E Court are not legal precedents. They are not binding save in respect of that particular site and the development proposed for it. Just because the Commissioner found for a six storey development at the comparatively wide site at 28-34 Cross Street, that does not mean that such a height is appropriate for other much narrower sites further east adjoining the Goldman Lane arcade and lying opposite the Transvaal Avenue Heritage Conservation Area. This leads us to submission 6 below.

- 6. The proposed 50% increase in maximum heights is excessive.** The properties west from the Knox Lane corner up to and including 14, Cross Street are narrow single shop width lots. Their frontage is much narrower than the two sites to the west, 16-18 Cross Street and 20-26 Cross Street, already redeveloped, and 28-34 Cross Street, presently being redeveloped. They also face the Transvaal Avenue Heritage Conservation Area with its Federation single storey cottages. It is important that heights for these Cross Street properties should blend with both the 4 storey limit applicable to the properties on Cross Street east of Knox Lane and the single storey heritage conservation area. The blanket 6 storey height limit 4 given to these properties totally ignores the transitional principle. If redeveloped to 6 storeys the properties will have the absurd proportions of a book on end. 14, Cross Street where staff opposed, and the Planning Panel refused, a recent five storey shop top housing proposal, has a frontage of 12.18 metres. Similarly, 10, Cross Street, where staff opposed and the Planning Panel rejected a six storey shop top housing proposal, has an overall frontage of 12.19m. To put six storey development on such narrow fronted sites is absurd Quite apart from the book on end appearance the Centre will become dominated by high blank concrete side walls.
- 7. Council's requirement to protect view sharing opportunities has been ignored.** Staff have entirely ignored the part of the Council resolution that required them to be "mindful of view sharing opportunities for existing developments south of Cross Street" (see second paragraph of 1 above). What they propose will create an uninterrupted wall six storeys high along the southern side of Cross Street. Obviously, properties to the south, generally limited by the LEP to four storeys height, will have no chance of northerly or harbour views obliterated as they will be by this unbroken line of 6 storey buildings.
- 8. There are no bulk or FSR controls in the strategy** The draft strategy blithely states at p42 that: "The appropriate FSR for each site will be further investigated once the built form elements have been subject to initial community engagement". One simply asks how can the community respond to the strategy unless it knows how much bulk is proposed to be allowed on each site?

Please ensure that this absurd "strategy" is consigned to where it belongs – the nearest dustbin!

It is certainly not in the interests of ratepayers but of non-resident and avaricious developers.

Peter and Megan Benjamin,

[REDACTED]
[REDACTED]

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From: [Geoffrey Frumar](#)
To: [Records](#)
Subject: Reference: SC6552 Submission
Date: Sunday, 19 December 2021 10:28:32 AM

Dear Sir

I am an owner of [REDACTED] Double Bay and have been residing at that address since July 2012.

I have now had the opportunity to read the Council's Draft Cross Street Precinct Planning & Urban Design Strategy and I cannot and will not conceal my angst and concern at its contents which, I consider, make a mockery of the Council's claim as to its vision for the future of the surrounding Double Bay Centre area "as a stylish bayside village".

To the contrary, over the years and, more particularly, in recent years, the Council has revealed its determination and focus on removing the Double Bay village atmosphere and environment by encouraging major and large developments which ignore the declared preferences for lower height buildings, more parking facilities, increased infrastructure, less dense residential buildings, avoidance of creeping by stealth of commercial and retail usage into the residential neighbourhoods, more police patrols due to increased street disturbance and continued motor vehicle hoons using the streets as racing car rally events, refuse, litter and lack of security attributable to abuse and ignorance of conditions of approval granted by Council to new and conversion of use sites, not only in Cross Street but also Bay Street, Guilfoyle Avenue and Cooper Street which were, to all intents and purposes, at the core of the "residential village feel" of Double Bay. The outcome of these approvals has been, not so much vibrancy which the Council seems to seek but greater disturbance and interference with the peaceful use and enjoyment of these residential streets suffered by the very people who have moved into this area for no other reason than retention of its former village nature.

Council states that "the Draft Strategy reflects the aspirations and values of our whole community" yet, on no occasion has the Council conducted any type of petition or survey to establish the veracity of its reliance upon this absurd, unjustified and unwarranted mis-statement which contradicts the expressions of discontent that I hear regularly and frequently from other members of the Double Bay residential community. On the Council's own admission, again without any foundation, it states, amongst other reasons, that the draft strategy is intended to "facilitate development of an integrated streetscape consistent with the desired future character of Double Bay", "encourage more non-residential floor space to provide employment and economic opportunities" and enhance the Precinct's village atmosphere and sense of community connection". Where are the proof and evidence of the need for these presently expressed and maintained declarations when it seems to me and others that the Council is intent on damaging, destroying and removing the very village atmosphere which the residents crave without the Council's encouragement and reliance upon more dense development and conversion

of Double Bay into an extension of Sydney's CBD.

Further, I make the following criticisms of the Draft Strategy:

- (i) It exceeds the so-called "strategy area" authorised by the Council's own resolution of 26 April 2021 by including Bay Street together with its proposal for a 50% increase in the maximum height of buildings in Cross Street and Knox Lane as evidenced by its treatment of 49-53 Bay Street and 55 Bay Street;
- (ii) The proposed inclusion of these 2 Bay Street and other properties would constitute an undeniable and totally unacceptable precedent in the same manner that the Council has opted in the past to permit overdevelopment and increased heights beyond limits imposed by the Council's own LEP's and are an express invitation to Developers and Property Owners to follow suit; and
- (iii) There are no bulk or floor space ratio controls which should be prepared and submitted by the Council to the Double Bay community for its legitimate views to be taken into account in conjunction with proper consideration of the Strategy.

Please acknowledge receipt of this letter and reply as a matter of courtesy.

Yours sincerely
Geoffrey C Frumar

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