



Strategic & Corporate Committee

Agenda: *Strategic & Corporate Committee*

Date: *Tuesday 25 November 2008*

Time: *7.30pm*

Item: *R1*

Outline of Meeting Protocol & Procedure:

- The Chairperson will call the Meeting to order and ask the Committee/Staff to present apologies or late correspondence.
- The Chairperson will commence the Order of Business as shown in the Index to the Agenda.
- At the beginning of each item the Chairperson will ask whether a member(s) of the public wish to address the Committee.
- If person(s) wish to address the Committee, they are allowed four (4) minutes in which to do so. Please direct comments to the issues at hand.
- If there are persons representing both sides of a matter (eg applicant/objector), the person(s) against the recommendation speak first.
- At the conclusion of the allotted four (4) minutes, the speaker resumes his/her seat and takes no further part in the debate unless specifically called to do so by the Chairperson.
- If there is more than one (1) person wishing to address the Committee from the same side of the debate, the Chairperson will request that where possible a spokesperson be nominated to represent the parties.
- The Chairperson has the discretion whether to continue to accept speakers from the floor.
- After considering any submissions the Committee will debate the matter (if necessary), and arrive at a recommendation (R items which proceed to Full Council) or a resolution (D items for which the Committee has delegated authority).

Recommendation only to the Full Council (“R” Items):

Note: This Committee to function on the basis of referral with considerations to encompass functions and responsibilities from any other Committee.

Principal Considerations:

- Municipal Strategy
- Objectives Setting
- Policies and Codes Development
- Corporate Management
- Corporate Planning
- Woollahra Planning
- Community Services

Committee Membership:

- All Councillors

Quorum:

- The quorum for a committee meeting is 8 Councillors.

WOOLLAHRA MUNICIPAL COUNCIL

Notice of Meeting

18 November 2008

To: His Worship the Mayor, Councillor Andrew Petrie, ex-officio
Councillors Anthony Boskovitz
 Sean Carmichael
 Peter Cavanagh
 Lucienne Edelman
 Nicola Grieve
 Chris Howe
 Susan Jarnason
 Greg Medcraft
 Ian Plater
 Isabelle Shapiro
 David Shoebridge
 Susan Wynne
 Malcolm Young
 Toni Zeltzer

Dear Councillors

Strategic & Corporate Committee Meeting – 25 November 2008

In accordance with the provisions of the Local Government Act 1993, I request your attendance at a Meeting of the Council's **Strategic and Corporate Committee** to be held in the **Committee Rooms, 536 New South Head Road, Double Bay, on Tuesday 25 November 2008 at 7.30pm.**

Gary James
General Manager

Additional Information Relating to Committee Matters

Site Inspection

Other Matters

Meeting Agenda

Session One – Commencing at 7.30pm

Item	Subject	Pages
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**Items to be Submitted to the Council for Decision
with Recommendations from this Committee**

R1	Proposed Redevelopment of the Stamford Plaza Hotel, 33 Cross Street Double Bay * See Recommendation Page 1 * Note: Confidential Report Circulated Under Separate Cover	1
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Item No:	Recommendation to Council
Subject:	PROPOSED REDEVELOPMENT OF THE STAMFORD PLAZA HOTEL, 33 CROSS STREET DOUBLE BAY
Author:	Allan Coker, Director Planning and Development
File No:	900.G Part 4
Reasons for Report:	<ol style="list-style-type: none">1. To advise Council of a proposal, which has been declared to be a State significant development, to demolish the Stamford Plaza Hotel and develop a mixed use residential, hotel and retail development on the site.2. To give the Council the opportunity to determine how it wants to respond to the proposal.

Recommendations

1. That Council advise the Department of Planning that Ashington's preferred option for redevelopment of 33 Cross Street Double Bay is unacceptable and should be rejected for the following reasons:
 - (a) the scale, bulk and height of the development is grossly excessive and does not comply with the objectives or controls of the Woollahra LEP 1995 or the Double Bay Centre Development Control Plan.
 - (b) the scale, bulk and height of the development is contrary to Council's and the community's desire to retain the 'village character' of Double Bay, communicated so strongly to Council during extensive public consultation in 2000 and 2001.
 - (c) the scale, bulk and height of the development will result in significant overshadowing of both public and private land and reduce the likelihood of new mixed retail and residential development within the centre
 - (d) the scale, bulk and height of the development will adversely impact on the views of Sydney Harbour enjoyed by the residents of Double Bay and surrounding suburbs.
 - (e) the scale, bulk and height of the development will be in strong contrast with the lower scale of surrounding development and will contrast with rather than complement the surrounding built form.
 - (f) The proposal does not preserve and enhance the visual and environmental amenity of building and places of heritage significance, in particular the single storey Federation semi-detached cottages in Transvaal Avenue.
 - (g) the proposal does not minimise the adverse environmental effects on the use and enjoyment of surrounding properties.
 - (h) the proposal *reduces* tourism facilities in Double Bay from a building containing 140 hotel rooms, dining room, bar, 9 meeting rooms and ballrooms with a capacity of up to 750 people to a building which has 60% of its floor space for high-end residential and a boutique hotel with only 66 hotel rooms and associated reception and restaurant.
2. The Department of Planning be further advised that:
 - (a) the gross floor area of any new building, if it exceeds the maximum floor space ratio of 2.5:1 permitted under the Woollahra LEP, must be assessed using the proper tests and planning principles under SEPP 1 and there should be no presumption that a floor space ratio greater than what is permitted should form the basis for redevelopment of the site.
 - (b) the final design should derive from a thorough understanding of the site, Woollahra's local planning controls and the views of the community expressed through a wide community consultation program.

- (c) since the planning controls in Double Bay resulted from four years of intensive work from 1998 to 2002 and were prepared with wide community participation they should be given significant weight in the preparation and assessment of the proposal.
 - (d) the final environmental assessment (equivalent to the proponent's DA) should be accompanied by a thorough economic assessment of the impacts that the proposed development will have on the Double Bay commercial centre and that this assessment must include a comparison of the economic impacts of the existing development compared to what is proposed.
 - (e) the proposed piazza, new retail and hotel facilities at ground level with good public access are potentially positive aspects of the proposal.
 - (f) the Part 3A process should not be used to effect changes to local planning controls that would ordinarily be dealt with under Part 3 of the EPA Act.
 - (g) as resolved by resolutions of 8/9/08 and 17/11/08, Council is strongly opposed to the declaration of the project under part 3A of the Act and Part 3A should not be used to grant consent to a proposal which is so obviously in breach of local planning controls.
3. That Council reaffirm its resolution of 17 November 2008 in respect of action to be taken in the event that the proponent submits for approval an environmental assessment (equivalent to a development application), that is:
- “That following the receipt of a Development Application by the Minister, that Council facilitate public meetings to brief our community on the application, its implications and to invite submissions.”*
4. That Council note the legal advice from Lindsay Taylor Lawyers on the lawfulness of the declaration of the project under Part 3A of the EPA Act and endorse the recommendation contained in the confidential report.
5. That, the legal advice referred to in 4. above be made public.
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1. Background

On 1 November 2007 I met with Mathew Bailey, Senior Development Manager of Ashington which is a property development and funds management company. Mr Bailey requested the meeting to introduce the project and the company to Council. He advised that the shareholders of Ashington are Craig Minahan, Craig Anderson and Mark Bouris (Chairman) and that the company is committed to quality boutique high end developments in the most sought after lifestyle locations. He further advised that Ashington had an option to purchase the Stamford Plaza hotel but that the transaction would not be settled until September 2008. Mr Bailey advised that Ashington want to redevelop the site and have examined a number of possible options, including refurbishing the existing building and demolishing the existing building and rebuilding and would like the opportunity to present their options to Council.

In response I organised for Ashington to present their options to a meeting of the Double Bay Liaison Group held on 30 November 2007. At that meeting Architectus which is an architecture, urban design and planning firm presented a PowerPoint presentation. That presentation introduced Ashington and Architectus, described the urban context of the site, provided examples of similar developments in New York and London and illustrated six (6) design options for the site. The design options were:

1. Retain existing building
2. Refurbish the existing building with no additional levels and without a courtyard
3. Retain the existing building and add three new levels with a courtyard
4. Demolish and rebuild with 6-8 level podium with courtyard
5. Demolish and rebuild 4-24 levels with a single building element over podium with courtyard
6. Demolish and rebuild 4-14 levels with three building elements over podium and courtyard

Architectus indicated that option 6 was the preferred option.

A copy of the PowerPoint presentation is attached as **annexure 1**.

The two Councillors present at that meeting were Cr Rundle (Mayor) and Cr Dawson. While they expressed some surprise at the height and bulk of what was contemplated neither Cr Rundle or Cr Dawson indicated a position in relation to the matter but Cr Rundle did indicate that, since he would not be seeking re-election, he would not be on the Council when a decision on the matter would be made and properly declined to commit to a position on the proposals.

On 12 April 2008 Ashington held a community information day. On 2 May 2008 Ashington forwarded to Council the draft record of comments raised during the information day. These are attached as **annexure 2**. Nothing more was heard of the project until we received a letter dated 24 July 2008 from the Department of Planning requesting that we provide our key issues and assessment requirements for the construction of a new mixed use hotel, residential and retail development and associated car parking.

2. Part 3A of the Environmental Planning and Assessment Act 1979

Part 3A of the *Environmental Planning and Assessment Act 1979* (EPA Act) was inserted into the EPA Act and became operational on 1 August 2005 and State Environmental Planning Policy (Major Projects) 2005 became operational on 25 May 2005. Together these laws form the major projects system for NSW. Section 75B of the EPA Act now provides that projects may be declared to be projects to which Part 3A applies by a State Environmental Planning Policy (the major projects SEPP) or by order of the Minister published in the Gazette.

The purpose and operation of the major projects system, including a number of fact sheets are set out on the website of the Department of Planning at: <http://www.planning.nsw.gov.au/assessing/dev/duapsrole.asp>

The relevant documents from this source are attached as **annexure 3**

According to fact sheet 1 the major projects system clearly defines in one policy package, the major projects that will be assessed by the NSW Department of Planning and determined by the Minister. State Environmental Planning Policy (Major Projects) 2005 replaces more than 85 planning instruments gazetted since 1979, which made the Minister the consent authority for certain projects. Schedule 1 of the Major Projects SEPP provides a list of the types of development which can be considered major projects. These include, among other things, residential, commercial or retail projects with a capital investment value of more than \$50million that the Minister determines are important in achieving State or regional planning objectives and tourist, convention and entertainment facilities with a capital investment value of more than \$100 million. Schedules 2 and 3 of the Major Projects SEPP list the types of developments that can be considered major projects because of where they are located. See fact sheet 2 of annexure 3. It is of interest to note that under the major projects SEPP, for residential, commercial or retail projects (clause 13), the Minister *must* form an opinion that the project is “important in achieving State or regional planning objectives.” In

this regard the Department has published *Criteria for declaring development to be a Major Project under Clause 13 of Schedule 1 of the Major Projects SEPP*. The guidelines are attached as **annexure 4**. However, for tourist, convention and entertainment facilities the Minister does not have to form that opinion. If development for this purpose has a capital investment value of more than \$100 million, or employs 100 or more people it is a project to which Part 3A applies.

Part 3A of the EPA Act also provides that a project may be declared to be a critical infrastructure project if the Minister considers it to be essential for the State for economic, environmental or social reasons. Examples of projects so declared include the Kurnell desalination plant, and upgrades for the Hume and Pacific highways. The 33 Cross Street project is not a critical infrastructure project.

The steps in the major project assessment process are set out in detail in fact sheet 3. In summary, these are:

- Step 1. Proponent submits project to the Department of Planning and requests that it be declared to be a project to which Part 3A applies.
- Step 2. The Department (on behalf of the Minister) or the Minister declares the project to be one to which Part 3A of the EPA applies.
- Step 3. The Director General, following consultation with relevant public authorities, including the relevant council, notifies the proponent of his requirements.

Note:

The project for 33 Cross Street is currently at step 3 and the proponent is currently responding to issues raised by the Department. It is therefore probable that the final form of the proposal submitted for step 4 will be different from what the proponent submitted for the Part 3A declaration.

- Step 4. The proponent submits its environmental assessment document. This is the Part 3A equivalent to a development application. It will contain detailed plans of the proposal and a detailed draft environmental assessment.
- Step 5. The Director General exhibits the environmental assessment documentation for a minimum of 30 days for public comment. It is at this stage that Council gets its opportunity to make a submission on the proposal.
- Step 6. The proposal and public submissions are assessed by the Department of Planning. The proponent may be asked to respond to submissions or amend the proposal. It is at this stage that the Minister may also appoint an independent hearing and assessment panel of experts or of officers to provide advice on the project.
- Step 7. The Director General provides an assessment report to the Minister.
- Step 8. The Minister approves or disapproves the carrying out of the project.
- Step 9. The Department monitors the implementation of the project, including compliance with conditions of consent.

Objector merit appeals to the Land and Environment Court are available for some Part 3A projects. However, an objector merit appeal is not available in the subject case since it is not a category of

development that would otherwise be designated development under Part 4 of the EPA Act. See section 75L of the EPA Act.

While the Department's facts sheets make the point that the major projects SEPP replaces provisions making the Minister the consent authority it is also fair to observe that the major projects system gives the Minister the power to deal with a wide range of projects and probably increases the number and categories of projects for which the Minister is the consent authority.

A further consequence of a project being declared under Part 3A is that all planning instruments which would ordinarily apply to the site, except for State Environmental Planning policies, are suspended. This means that Woollahra LEP 1995 and the Double Bay DCP no longer legally apply to the site. Thus, Part 3A provides a lawful mechanism for developers to gain approval for applications that grossly exceed local controls. It is probably for this reason that the proponents have sought to gain consent through the Part 3A process.

3. Declaration of the Stamford Plaza project under Part 3A

The documentation provided by the proponent indicates that the proponent had a meeting with the Department of Planning on 6 March 2008, before the community information day on 12 April 2008. It is likely that the proponent has been in some dialogue with the Department of Planning to have the project declared as one to which Part 3A of Act applies since this time.

By letter of 23 May 2008 Architectus made a request to the Department of Planning for the Minister to declare the project to be one to which Part 3A of the EPA Act applies. That application was accompanied by a detailed submission which included the project background, site description, details of the proposal, an outline of the planning context and regulatory framework and a preliminary environmental assessment. A copy of this submission is attached as **annexure 5**.

The process which then followed is contained in the following chronology:

24/7/08 The Director Urban Assessments, Department of Planning, Michael Woodland wrote to Council requesting that we provide details of key issues and assessment requirements which may be included in the Director General's Environmental Assessment Requirements. This request is attached as **annexure 6**.

24/7/08 E-mail reply from the Director of Planning. This e-mail:

- indicated that the Department had not consulted the Council about a declaration under part 3A
- made the point that the Department's letter did not indicate if a declaration had been made
- indicated that we were informed in response to a telephone enquiry that the Director General on 30 June 2008 had declared the project to be one to which Part 3A applies
- argued that the Department did not follow its own guidelines relating to the declaration of projects under part 3A. (Note that the guidelines only apply to residential, commercial or retail projects)
- it is premature to provide our assessment criteria because we have not been formally advised that the project has been declared under Part 3A
- addressed the Department's criteria for declaring residential, commercial and retail projects and concluded with a strong objection to the declaration on the grounds that we have the skills and resources to properly deal with it, we will deal with it on merit, there is no conflict of interest in Council dealing with it, we are prepared to work with the applicant on an agreed process for determination, we have an

excellent track record in dealing with major DAs and we are committed to the rejuvenation of Double Bay as a vibrant attractive centre.

A copy of this e-mail is attached as **annexure 7**. The Department has not responded to the matters contained in this e-mail.

11/8/08 Following further e-mail requests from the Director of Planning, Josephine Wing, Acting Director, Urban Assessments advised by e-mail that "...I can confirm that the above project has been declared to be a project to which Part 3A of the Act applies, as it meets the criteria set out in Schedule 1, Clause 17 of the Major Projects SEPP". On 12 April the Department further clarified that, "on 30 June 2008 the Director General, as delegate of the Minister for Planning, formed the opinion pursuant to clause 6 of the MP SEPP that the proposal is of a kind described in Schedule 1, Clause 17 of the MP SEPP".

It is of interest to note that since the project has been declared to be a Part 3A project under clause 17 of Schedule 1 of the Major Projects SEPP i.e. as a tourist development, it has not been referred to as a tourist development in any correspondence received from the Department. It is currently listed on the Department's website in the category of residential, commercial and retail. Separate legal advice will be provided dealing with this aspect of the declaration.

15/8/08 In response to a verbal invitation Council's Urban Design Planner Tom Jones nominated as Council's representative on an Urban Design Review Panel.

21/8/08 Council staff, including the Director of Planning and Urban Design Planner met with Ashington and Department staff on site.

27/08/08 A letter was received from the Department inviting Council to nominate a person to participate in an urban design review panel to review the proposal prior to lodgment of the environmental assessment (following and earlier verbal invitation).

8/9/08 Council unanimously adopted the following Notice of Motion:

"That Council write to the Premier and the NSW Minister for Planning objecting strongly to the decision by the State Government to call in for assessment by the Department of Planning the Ashington Development proposal for 33 Cross Street, Double Bay and reminding the Department of the relevant Double Bay Commercial Centre planning controls."

11/9/08 Mayoral letter sent to the Minister for Planning the Hon Kristina Kenneally MP.

15/9/08 Mayoral letter sent to the Premier, the Hon Nathan Rees MP. Copy of this letter is attached as **annexure 8**.

15/9/08 Council provided its response to the Department's request for the provision of key issues and assessment requirements. Copy of this correspondence is attached as **annexure 9**.

16/9/08 1st Urban Design Panel Meeting

- 22/9/08 The Department of Planning provided Council with a copy of the Director General's requirements as issued to the applicant on 28 August 2008. A copy of the requirements are attached as **annexure 10**
- 3/10/08 2nd Urban Design Panel Meeting
- 16/10/08 Ashington briefing to new Mayor and Director of Planning
- 27/10/08 3rd Urban Design Panel Meeting
- 31/10/08 Following discussion with the General Manager we wrote to the Department of Planning informing it that Council is withdrawing its direct membership to the Urban Design Panel. The reasons stated in this letter related to a lack of transparency in the panel process, a potential conflict of interest if Council is seen to participate in formulating the proposal, the fact that the proposal is grossly non-compliant with the Double Bay DCP and Council's resolved opposition to the Part 3A process. A copy of this letter is attached as **annexure 11**.
- 17/11/08 Council adopted the following Notice of Motion:

"That Council:

1. *Strongly condemns the decision of the Minister for Planning to call in the Ashington development in Double Bay for assessment under Part 3A of the EPA Act noting that Part 3A:*
 - a. *Allows for a development to be approved that is grossly in breach of Woollahra's planning controls, controls that have the support of residents and which all other residents and owners in the municipality must comply with;*
 - b. *Takes the planning assessment decision away from locally elected representatives and places it in the hands of a single, distant and discretionary decision-maker in the form of the Minister for Planning;*
 - c. *Takes away the right of residents and owners impacted by the development to be heard by the decision maker for the development; and*
 - d. *Purports to rely on the development being for the purpose of tourist-related facilities when it in fact drastically cuts the number of hotel rooms and deletes all conference facilities from the site.*
2. *That following receipt of an application to the Minister, Council facilitate public meetings to inform the public about the proposal".*

4. The proposal

The development, as currently proposed is described in detail in annexure 5. It comprises the following:

- demolition of the existing hotel, except for the basement parking

- construction of a new high quality boutique hotel containing 66 suites within a four storey podium
- high end fashion retail consisting of 2043m² of retail space at ground level fronting Cross Street and surrounding a new 795m² publically accessible plaza with pedestrian connections to the Gailbraith walkway and laneway connections to Transvaal Ave
- a new type of high-end residential accommodation with 33 hotel residences above the four storey podium contained in three towers of 10, 12 and 14 storeys. The site planning and layout of the proposal is also illustrated in annexure 5.

The total floor space of the preferred proposal is 14,920m² divided into the three primary uses as follows:

Residential	-	9,035m ²	(60%)
Hotel	-	3,843m ²	(25%)
Retail	-	2,043m ²	(15%)
Total	-	14,920m²	(100%)

The proponent states that the floor space of the existing hotel will not be increased but will be redistributed “so that positive urban and economic outcomes can be achieved”. The existing and proposed FSR is stated to be 4.06:1. The maximum FSR permitted for the site under the Woollahra LEP is 2.5: 1.

Proposed building heights are as follows:

4 storey podium	-	RL 17.02	(13m above existing ground level)
10 storey element	-	RL 36.02	(32m above existing ground level)
12 storey element	-	RL 41.02	(37m above existing ground level)
14 storey element	-	RL 47.02	(44m above existing ground level)

The maximum height for the site under the Double Bay DCP is 16.5m above existing ground level.

The proponent states that a number of key principles have driven the design to provide a high quality integrated hotel development with ancillary retail and residential uses which:

- embody a high level of design and amenity
- demonstrate leadership in ecologically sustainable development
- possesses exemplary town centre design that will make a positive contribution to Double Bay.

The positive contributions are stated to be:

- opening up the site to provide a central plaza space with open air entries to the site’s street frontages
- providing a better distribution of floor space providing a finer grain development that opens up the existing enclosed monolithic building
- promoting development that will have positive economic benefits for the Double Bay commercial centre through employment generation and positive spin off effects of local businesses
- retention of the existing amount of floor space to ensure a hotel is sustainable and is supported by adequate retail uses and a mix of apartments in an integrated fashion
- providing a high quality development, that is world class and that will attract tourism expenditure in Double Bay and the broader Sydney region.

It should be noted that it is likely that as a consequence of advice from the Urban Design Panel and the Department and following further community consultation the proposal submitted for environmental assessment may vary from the current proposal.

5. The planning controls for Double Bay

In November 1998 Council engaged a multi-disciplinary project team, co-ordinated by Hill Thallis to undertake an Urban Design Study of the Double Bay Commercial Centre. This study was part of a broadly based planning exercise to update Council's planning instruments to guide future development throughout the Municipality. It was overseen by a community reference group comprising representatives from the Double Bay Chamber of Commerce, local residents, Council staff and the Double Bay ward councilors. The reference group was chaired by the former Mayor Councilor Mairaed Bilmon. The consultants worked with the reference group at a series of workshops and through public meetings.

A broad approach was taken considering the role of Double Bay within the Sydney Greater Metropolitan area to detailed planning controls crafted for local areas of distinct character and detailed public domain improvements.

The principal objective of the Double Bay Urban Design Study was to develop urban design guidelines to guide the future development of the centre including its structure, form and character. These guidelines were underpinned by economic, social, parking, environmental amenity, traffic and transport considerations. The final outputs of the study were the preparation of the Double Bay DCP, a number of LEP amendments and the Double Bay Public Domain Improvements Plan.

5.1 The Double Bay Centre DCP

The Double Bay DCP is based on the Urban Design Study and establishes detailed guidelines and controls for the future built form of the centre. It has a strong focus on design quality and environmentally sustainable outcomes. It takes a fine grained approach and includes highly detailed controls, including building envelopes, heights, setbacks and design requirements tailored block by block. The approach taken in the Double Bay DCP was a significant departure from the more general controls and street setback controls contained in the former 1995 Double Bay DCP. Prior to public exhibition the draft DCP was peer reviewed by Keith Cottier (Allen Jack and Cottier) and Jan McCredie (Director Urban Design Advisory Service). The peer review assessed the proposed controls and building envelopes in detail and strongly endorsed the draft prior to public exhibition. Some of the key changes introduced in the Double Bay DCP are summarised as follows:

Street wall buildings

The former 1995 DCP contained a building height plane which required that all development above 2 storeys be setback behind a 45 degrees "building height plane." This control had resulted in a number of poor urban design outcomes and was replaced with an approach that required "street wall buildings" consisting of a vertical height plane above the building alignment. This was a more traditional approach to built form consistent with the character of most European and Australian commercial centres up until the 1980's. The DCP clearly articulates the desired future character for each street by establishing setbacks and colonnades, zones for building articulation, building lines at ground and upper floor levels and the location of awnings. The issue of solar access to public spaces and in particular to the footpaths on the southern side of Cross Street, Knox Street and New South Head Road was addressed by limiting the height of buildings and in some instances requiring that the uppermost level be set back from the street edge.

Building Height

The Double Bay DCP established new height controls based on the desired future character of each street, the need for solar access to public spaces and an overwhelming community desire to retain the 'village atmosphere' of Double Bay. The original draft proposed height controls of 13.5m to facilitate 4 storey buildings with generous floor to ceiling heights throughout the centre. However it provided for 19.5m or 6 storeys on the south side of New South Head Road and 16.6m or 5 storeys on the north side of New South Head Road. A height of 16.5m was also proposed for some allotments in Knox Street, Cross Street and Bay Street where there was sufficient street width to ensure that there would be no overshadowing of opposite footpaths.

5.2 LEP Amendments

Since a key component of the study was to ensure that the Double Bay centre maintains its commercial viability and competitive position within the Sydney retail market a study of the economic viability of the centre was also undertaken. This study concluded that a FSR of 2.5: 1 would be necessary to encourage an appropriate mix of retail, commercial and residential development. Our urban design staff also analysed the built form impacts of higher FSRs. Following this work amendments were made to the Woollahra LEP 1995 to provide for a general FSR of 2.5:1 and a FSR of 3:1 for corner sites.

5.3 Public Response

On 13 June 2000 Council resolved to concurrently exhibit the Urban Design Study, the proposed amendments to Woollahra LEP 1995, the Draft Double Bay DCP, the draft Double Bay Centre Public Domain Improvements Plan, the Double Bay Centre Traffic and Parking Study and a design scheme for improvements to Knox Lane. These documents were originally placed on exhibition from 19 July to 25 August 2000 but the exhibition was extended until 17 November 2000 to enable more detailed modeling of the proposed envelopes to be undertaken and exhibited.

In response to the exhibition there were a large number of submissions that necessitated detailed review and further consultation. Building heights and scale were the key issues raised in hundreds of submissions. On 5 December 2001 we reported to Council's Strategic and Corporate Committee on the submissions. That report recommended, having regard to the widespread community concern about building height and scale, that the draft DCP be amended to reduce height limits. Consequently, the height and envelope controls in the draft DCP provided for a reduction in heights from 19.5m to 16.5m on the south side of New South Head Road, from 16.5m to 13.5m on the north side of New South Head and from 16.5m to 13.5m on the south side of Cross Street as well as reductions on other nominated sites. The report presented to the committee at that time cited the following advantages of the revised heights:

- a substantial reduction in the height and visual bulk of buildings that may be erected
- acceptable shadowing impacts of critical footway areas
- less abrupt transition in scale between commercial and adjoining residential buildings
- lower heights, in most cases, compared to the 1995 DCP
- built form outcomes that will be more consistent in scale and character with existing development and a community desire to retain village atmosphere
- reduction in public perception that Council is promoting 'high rise'.

These recommendations were supported by detailed analysis of a computer generated shadow model illustrating the effects of different heights, setbacks and building envelopes. To support the changes to the DCP bulk and scale controls the proposed FSR for sites on New South Head Road

was reduced from 3: 1 to 2.5:1. In addition to these changes to the proposed 'bulk and scale' controls a number of other changes were made, including new controls for geotechnology and hydrogeology, additional buildings were identified as contributory and 3.5m front setbacks were introduced for the uppermost levels of street wall buildings.

The amended LEP and DCP were placed on public exhibition from 6 February to 22 March 2001 and submissions reported to a meeting of the Strategic and Corporate Committee on 3 September 2002. Again there were a large number of submissions, most of which reiterated concerns that had been expressed in relation to the original 2000 exhibition. The report to Committee on 3 September 2002 concluded:

“The issues that have been identified following the exhibition of the September 2001 set of documents reiterate many of the concerns expressed with the first set of documents. Many submitters compare the existing scale of the centre with the development that is possible with the draft DCP/LEP, rather than comparing the draft documents with the existing DCP. However, it is appropriate to compare like with like and, in this regard, a very similar scale of development is possible with the existing LEP/DCP. Many of the approved developments within Double Bay over the past five years have a density and scale that is commensurate with the draft DCP/LEP. The main difference lies in the distribution of the building bulk and in the highly detailed controls and fine grained approach that are contained in the draft DCP. It is considered that the draft plans with their focus on high quality design, public domain and environmental sustainability will achieve a far better urban design outcome for the centre than the existing DCP/LEP. For this reason, with the exception of the sections that relate to hydrology, only minor amendments have been made to the September 2001 documents.”

Council on 9 September 2002 accepted the recommendations of the Strategic and Corporate Committee to adopt the LEP amendments, the DCP, the Public Domain Improvements Plan and new Guidelines for the Preparation of Geotechnical and Hydrogeological reports. The LEP amendments and the Double Bay Centre DCP came into force on 6 December 2002.

This history shows that it took four years of intense work and community consultation to get the current planning controls for Double Bay into place. These controls provide for a 4-5 storey scale in keeping with community aspirations to maintain the 'village atmosphere' of Double Bay. Since this time Council has been successful in getting high quality design outcomes appropriate to this centre.

6. Assessment of Proposal against our Planning Controls

Section 75R(3) of the EPA Act provides:

“(3) Environmental planning instruments (other than State Environmental planning policies) do not apply to or in respect of an approved project.”

Section 75A provides:

*“**approved project** means a project to the extent that it is approved by the Minister under this Part, but does not include a project for which only approval for a concept plan has been given.*

***Project** means development that is declared under section 75B to be a project to which this Part applies.”*

The effect of these provisions is that the planning controls contained in the Woollahra LEP and the Double Bay DCP do not legally apply. However the Director General's requirements under section 75F of the EPA Act (annexure 10) require that the environmental assessment by the proponent must address the planning provisions that apply to the site, including Woollahra LEP 1995 and the Double Bay Centre DCP.

6.1 Woollahra LEP 1995

Objectives

The objectives of the Woollahra LEP that are relevant to the proposal are set out in clause 2 of the LEP. These are:

"2(b) in relation to retailing and commerce –

- (i) to zone land for retail and commercial purposes, enabling development at scales and intensities which serve local or broader community needs*

The scale of development is controlled by FSR and by the envelopes contained in the Double Bay DCP. It is evident that the proposal grossly exceeds the scale of development that is envisaged by these controls. Further research is necessary to determine the extent to which the proposal may serve local or broader community needs.

- (ii) to consolidate and improve established centres so that they remain both commercially attractive and viable*

The proponent has with its submission to the Department of Planning included a Preliminary Economic Assessment prepared by HillPDA. This assessment concludes:

Given that the proposal will:

- support Woollahra Council's strategies to attract high quality investment to the Double Bay commercial centre in order to enhance its economic success for a range of businesses and stakeholders;*
- enhance tourist facilities within the centre for a range of businesses and stakeholders*
- enhance tourist facilities within the centre and LGA to the benefit of the local and wider economy;*
- generate new employment opportunities suited to a range of ages and skills;*
- be in keeping with key aspects of the Stakeholder's vision for the centre;*
- have positive economic flow on effects to the wider community; and*
- improve the vitality and character of the subject site to the benefit of Cross Street and the Centre*

the proposed development is supported and considered in accordance with the objectives of the Strategies of the 2007 Double Bay Business Precinct Study. The development is therefore supported on economic grounds.

Based on this analysis it would appear that the proposal would be consistent with objective 2(ii). However, the report does not consider the economic implications of replacing a 140 room hotel with one that contains 66 rooms and no comparison is made in the report between the guest spending in Double Bay associated with the existing hotel compared to what is proposed. Therefore, at this stage it is premature to say whether or not objective 2(ii) would be satisfied.

- (iii) *to ensure that new development in the commercial centres does not unduly affect the amenity of adjoining residential areas by virtue of the use, design, bulk and scale of the development and traffic generation.*

The proposed building containing a 4 level podium and three towers of 10,12 and 14 storeys will have a significantly increased bulk and scale compared to the existing hotel with consequent impacts on views and overshadowing. Shadow diagrams which model existing and additional shadows clearly indicate that:

- at 9.00am on 21 June there would be little additional shadow on public spaces
- at 12 noon on 21 June there would be some additional overshadowing on Cross Street and a small area in Knox Lane
- at 3.00pm there is significant additional overshadowing of Cross Street and Transvaal Avenue.

The taller nature of the building means that shadow impacts will be experienced at 9.00am as far away as 10-12 Cooper Street, at 12noon to 9-11 Knox Street and at 3.00pm to 175 Bellevue Road. Thus the arc of shadow impact will be far greater than currently exists. While it is appropriate that particular attention is paid to the shadow impacts over the public domain, since our planning controls encourage mixed retail, commercial and residential development consideration should also be given to the shadow impacts over private land and the potential amenity impacts they will have on both existing and likely future development.

The building will be highly visible within the commercial centre, from the surrounding landscape and from Sydney Harbour. Being located in a valley there will be impacts on views from surrounding and more distant residential properties, however, the documentation so far submitted is not sufficient to precisely determine the nature and extent of these impacts.

- (iv) *to allow for a diversity of suitable retail uses within the established centres*

The proposal includes a 24 hour publicly accessible piazza of about 1,500m² surrounded by about 1,360m² of new high end retail shops as well as the hotel reception and restaurant areas. This is a positive aspect of the scheme and the mix of hotel, retail and residential uses would be consistent with this objective.

- (v) *to ensure that consideration is given to providing adequate levels of access when alterations and additions to existing buildings and new developments for commercial or retail uses are proposed*

The proposal has the capacity to ensure that all access requirements are satisfied.

- (e) *in relation to public and private open space, recreation and tourism –*

.....

- (v) *to allow for a range of tourist accommodation in the form of hotels and serviced apartments in appropriate locations.*

It is noted that 25% of the proposed floor space will be devoted to a new hotel.

- (h) *in relation to the area's foreshores and the harbour foreshore scenic protection area –*

- (ii) *to encourage development which, through its form, scale and design is compatible with the natural and environmentally acceptable built landform of the foreshore areas as viewed from the water.*

The bulk and scale of the building will be in strong contrast to the generally lower scale surrounding development and will most likely contrast with the surrounding built landform.

- (iv) *to consider the impact of development on the views of Sydney Harbour enjoyed by existing residents and promote the practice of view sharing.*

The proposed building form will adversely impact on the views of Sydney Harbour enjoyed by existing residents.

- (v) *to protect, and where possible, improve the view of Sydney Harbour and its foreshore areas obtained from public land*

While the precise impacts are yet to be determined it is clear that the proposed building form will not improve the view of the harbour from public land.

The conclusion drawn from this preliminary analysis is that the proposal is not consistent with most of the relevant objectives of the Woollahra LEP.

Zoning

The site is zoned 3(a) General Business under Woollahra LEP 1995. This zone accommodates a diversity of commercial and retail uses. The proposed development is categorised as a “mixed development” which is a use permissible with consent. The proposed development is therefore permissible in the 3(a) zone.

However, clause 11 of the LEP provides that a building *shall not* be erected on land to which the plan applies if the FSR would exceed the ratio indicated for that land on the density map. The FSR indicated on the density map is 2.5:1. Since the proposal exceeds that FSR the proposal is not permissible under the Woollahra LEP unless the exceedance is supported by a successful objection under SEPP 1.

It has been established by a series of decisions in the Land and Environment Court that generally in order to maintain an objection that compliance with a standard is unreasonable or unnecessary, it is first necessary to discern the underlying object or purpose of the standard.

To found an objection it is then necessary to satisfy the Court that compliance with the standard is unnecessary or unreasonable in the circumstances of the case. Although the court has urged a generous application of SEPP No. 1 and has repeatedly declined to attempt exhaustively to define the limits of the dispensing power and, in particular, what is embraced by the expression “circumstances of the case”, it is now established that it is not sufficient merely to point to what is described as an absence of environmental harm to found an objection. Furthermore, **an objection is not advanced, by an opinion that the development standard is inappropriate in respect of a particular zoning** (my emphasis).

The Court must assume a development standard in a planning instrument has a purpose. Furthermore, it is now established that although the discretion conferred by SEPP No. 1 is not to be given a restricted meaning and its application is not to be confined to those limits set by other

tribunals in respect of other legislation, **it is not to be used as a means to effect general planning changes throughout a municipality such as are contemplated by the plan making procedures set out in Part III of the Environmental Planning and Assessment Act** (my emphasis).

See *Hooker Corporation Pty Limited v Hornsby Shire Council* (NSWLEC, 2 June 1986, unreported) - <http://www.austlii.edu.au/cgi-bin/disp.pl/au/cases/nsw/NSWLEC/2001/46.html?query=title+%28+%22winten+property+group+limited+v+north+sydney+council%22+%29>

Since the Part 3A declaration has the effect of suspending the operation of Council's planning instruments (and therefore the need to consider SEPP 1) it provides a lawful mechanism to effect general planning changes that are normally contemplated by the plan making procedures set out in Part 3 of the EPA Act.

If there is a planning argument for a greater FSR on the site due to the current exceedance of the FSR control this should be dealt with properly by a proper planning study and, if supported, by appropriate amendments to the Woollahra LEP and Double Bay DCP.

Floor Space Ratio (FSR)

Clause 11AA sets out the objectives of floor space ratio standards. This clause was added to the LEP in August 2001 in response to Council concerns that FSR density standards were not being strictly enough enforced and there was a need to consider all variations under SEPP 1 against a consistent set of objectives.

Clause 11AA provides:

“The objectives of the floor space standards set out in clause 11 are as follows:

- (a) to set the maximum density for new development*
- (b) to control building density, bulk and scale in all residential and commercial locations in the area in order to achieve the desired future character objectives of those localities,*
- (c) to minimize adverse environmental effect on the use or enjoyment, or both, of adjoining properties, and*
- (d) to relate new development to the existing character of surrounding built and natural environment as viewed from the streetscape, the harbour or any other panoramic viewing point.”*

Note: The maximum permissible floor space ratio is not “as of right”. To achieve the maximum permissible floor space ratio, development must satisfy other relevant controls applicable to the land concerned.

In some parts of the proponent's submission it is indicated that it is proposed to redistribute the floor space of the existing building so that floor space will not be increased. In other parts there are references to a proposed FSR of 5.36 : 1. It is understood that the FSR of the existing building is about 4: 1. Either way it is clear that what is proposed is greatly in excess of the FSR of 2.5:1 which is contained in Woollahra LEP 1995.

From the information currently available to us we can conclude that:

- the maximum density for new development under the Woollahra LEP is greatly exceeded
- the building bulk is not consistent with the desired future character of Double Bay

- the proposed FSR does not minimise adverse environmental effects on the use or enjoyment of adjoining properties
- the proposed built form does not relate well to the character of the surrounding built environment.

Clause 11 of the LEP sets out the 2.5:1 FSR applicable to the site.

Height

Clause 12 AA sets out the objectives of maximum building height standards set by clause 12 of the LEP. In this case there is no height control in the LEP. This is because height within the Double Bay commercial centre is controlled by the Double Bay DCP.

Harbour Foreshore Scenic Protection

Clause 19 of the Woollahra LEP applies to development of land within the Harbour Foreshore Scenic Protection Area. The subject site is within this area.

Clause 19 provides:

“(2) The Council shall not grant consent to an application for development on land referred to in subclause (1) unless it has made an assessment of:

- (a) the visual impact when viewed from Sydney Harbour of the design of the proposed development, including the colours, textures, styles and types of materials to be used and the type and form of any roof, and*
- (b) the impact of the proposed development on the natural landform and topography.”*

Since the final design, colours, textures, styles and types of materials are not finalised it is not possible to reach a conclusion in relation to these matters. However, it can be concluded that the proposal will have a very high visual impact when viewed from Sydney Harbour and from surrounding land.

6.2 Double Bay Centre DCP

Section 5 of this report provides the background to the preparation and adoption of the Double Bay Centre DCP. The DCP supports the following vision for the Double Bay Centre:

“A vibrant centre that offers a unique living, working and shopping experience within a pedestrian friendly and attractive urban environment.”

The objectives of the DCP are:

- i. to provide appropriate development control for the future development of the Double Bay Centre*
- ii to retain and enhance through block connections which allow pedestrians to move freely within the Double Bay Centre*
- iii to develop particular qualities of different parts of the Double Bay Centre*

- iv to encourage a diverse mix of uses in the Double Bay Centre and maintain retail uses at ground level*
- v to conserve and enhance the visual and environmental amenity of all buildings and places of heritage significance in the Double Bay Centre*
- vi to ensure a high standard of architectural and landscape design in any new developments within the Double Bay Centre*
- vii to preserve and enhance the diversity of uses in the Double Bay Centre*
- viii to ensure that new development is compatible with the existing built form, and streetscape and village character*
- ix to encourage view sharing and individual privacy*
- x to ensure new development is designed to be compatible with the heritage significance of listed heritage items*
- xi to consider the needs of people with access difficulties”.*

In relation to these objectives it is concluded that the proposal is consistent with objectives ii, iv, vii and has the potential to satisfy objectives vi, x. and xi. However, the proposed built form is clearly inconsistent with objectives iii, v, viii and ix. This is because:

- in relation to objective iii. the built form is not consistent with the desired future character for Cross Street set out in section 4.7 of the DCP
- in relation to objective v. the proposal is over scaled in relation to the scale of the consistent and richly decorated Federation style semi detached cottages in Transvaal Avenue
- in relation to viii. the proposal including three tower elements of 10,12 and 14 storeys is not compatible with the existing built form, streetscape and village character
- in relation to ix. the height and scale of the proposal does not encourage view sharing and individual privacy.

Key Objectives and Strategies

Section 3.2 of the DCP sets out in detail a number of key objectives and strategies for the centre. Comments are provided in relation to each of these strategies:

Enhance and improve the public domain and the provision of public facilities

The proposal includes a new public piazza with adjoining new high end retail and hotel uses. This aspect of the proposal has the potential to provide a new activity point which may enliven and activate the centre. The proposal is consistent with this strategy.

Ensure that the centre maintains its commercial viability and competitive position within the Sydney retail market.

As discussed in section 6.1 the economic assessment has not thus far considered the economic implications of replacing a 140 room hotel with one that contains 66 rooms and no comparison is made in the report between the guest and visitor spending in Double Bay associated with the existing hotel compared to what is proposed. Therefore, it is premature to say whether or not the proposal will or will not support this strategy.

Develop the particular qualities of different parts of the centre

Within this strategy the most relevant part is to retain and enhance the sunlit block of arcades between Knox Street and Cross Street. Unfortunately the submitted material is not sufficient to determine the precise impacts on these links.

Retain and enhance pedestrian access and amenity in an around the centre

The proposal with its new piazza and pedestrian links to the Gailbraith Walkway from William Street and links to Transvaal Avenue and the Georges Centre arcade will be consistent with this strategy.

Improve Double Bay's built form to provide appropriate definition to the public domain

This strategy is about achieving a coherent street scale and compatibility of new development with the existing urban fabric. The proposal is not consistent with this strategy because it has a scale and bulk which is greatly in excess of what exists. The proposal is consistent with other aspects of this strategy relating to active retail frontages.

Promote sustainable design principles and objectives in the development and use of the built environment

The proposal has the capacity to include ESD principles but there is a question about the amount of resources that will be devoted to accommodating in large expensive apartments a relative few number of occupants.

To preserve and enhance the visual and environmental amenity of all buildings and places of heritage significance in the Centre

The issue here is the appropriateness of the relationship between the tower elements and the small federation semi-detached cottages in Transvaal Ave. More expert heritage advice will assist in considering this issue.

Building Form Envelopes: Control Drawings

This section of the DCP contains control drawings which show building envelopes for every site in the Double Bay centre. The envelopes generally establish a four storey street wall heights along streets, two storey wall heights along lanes and limit the depth of buildings above the first floor to achieve high amenity development flexible for residential and commercial uses. This framework has been tailored to each site, taking into consideration its particular characteristics. These include:

- the relationship of buildings to the public domain such as the street, or public park or square
- the desired future character of the street in which the site is situated
- its size and orientation
- the significance of existing buildings and landscape
- its optimum development potential
- managing the impact of its development on adjoining commercial and residential properties.

The DCP explains that this approach to urban form defines the physical outcomes for the centre, while encouraging innovative architectural design within the building envelopes. The control drawings thus illustrate how floor space is to be distributed over each site. The envelopes were designed to have a loose fit with the FSR to encourage building articulation. In other words the FSR determined the *amount* of floor space permitted on each site and the control envelopes

determined how that floor space was to be distributed. The FSR is essentially a density control whereas the relevant control envelope is a building design control.

The control envelope for the 33 Cross Street is illustrated in control drawing 3 of the DCP. It provides for a 5 level building with a street edge frontage to Cross Street with a continuous awning at level one over the footway. Levels 1 and 2 may cover most of the site except for a varying setback of up to 12m from the rear boundary. The floor space within levels 3-5 are intended to be distributed within two north/south building elements to permit good sunlight access and views.

There is, however, a difficulty with the controls for 33 Cross Street because the maximum FSR in the LEP is 2.5:1 and the control envelopes would allow a FSR of about 3:1. Both are less than the existing FSR which has been calculated to be about 4:1. Therefore, these controls will encourage the retention of the existing built form because that form maximises floor space. Put simply, it is unlikely to be feasible for an owner to demolish a building with a FSR of 4:1 and replace it with a building of 2.5:1. For this reason, Council should keep an open mind in relation to the merit of a SEPP 1 objection for a satisfactory development that may be in excess of the 2.5:1 FSR but not in excess of the existing FSR. Alternatively, it could be argued that this case is one where council might consider, a detailed master planning process, to develop a series of options that may result in a better outcome than maintaining the existing controls. The Department is taking a position to support a redistribution of the existing floor space largely for these reasons.

Development Controls

Part 6 of the DCP contains a series of development controls for building and site elements. These deal with a wide range of matters such as use, urban character, height, building articulation, setbacks, corner buildings, architectural resolution, roof design, heritage and contributory buildings, street awnings, colonnades, arcades, outdoor eating, lane frontages, signage and advertising, visual privacy, acoustic privacy, open space, sustainable design principles, geotechnology and hydrogeology. At this stage it is not necessary to provide a detailed analysis of the proposal against these controls since the principal issues relates to form, massing and scale rather than detailed design. In any event, key issues such as use, building envelopes, height and impact on views have already been discussed.

7. Options for Council

The resolution of Council of 17 November 2008 has set out a clear position of opposition to the Part 3A declaration and opposition to the development. Notwithstanding this position consideration should be given as to whether or not the Council should participate with the Department in the process leading up to the submission of the proponent's environmental assessment (equivalent to a DA).

7.1 Participate in the process

On 22 August 2008 the Department of Planning invited Council to put forward a nomination for a representative on an Urban Design Review Panel. The Department advised that the panel will comprise a representative from the Department, a representative nominated by Council and an independent nominated by the Department. We initially accepted this invitation and nominated Council's Urban Design Planner Tom Jones. Mr Jones subsequently participated in panel discussions on 1, 3 and 27 October 2008.

There are no terms of reference for the panel but the Department advised us that its purpose is to provide urban design advice to the applicant and to the Department. It is assumed that this is to

assist the proponent to get to the most desirable outcome for the site. It is assumed that once the proponent submits the environmental assessment (equivalent to a DA) the panel will no longer be involved in the formal assessment process but this has not been clearly stated.

The panel members who have so far been involved are:

- Keith Cottier, from Allen Jack and Cottier as the Department nominated independent member
- Tom Jones, Urban Design Planner, Woollahra Council
- Shannon Truloff, Urban Designer, Department of Planning

The Department, at the 3rd meeting of the panel, requested that the deliberations of the panel not be made available to the press. Mr Jones indicated that the material provided would normally be placed on Council's file and that the public and the press were entitled to view the file. However, the panel members agreed that passing information to the press was not conducive to open discussion.

Shortly after the 3rd meeting of the panel, by letter of 31 October 2008, we formally withdrew from the panel process. (See annexure 11). We did this because:

- We considered that the documentation provided to panel members should go on Council's file and should be available to the public.
- We considered that there was a potential conflict of interest since it may be perceived that Council was participating in a process that we are condoning it
- The proposal is inconsistent with our planning objectives and controls for the Double Bay centre
- The council is strongly opposed to the declaration of this project under Part 3A, as resolved 8 September 2008.

The letter sets out the disadvantages of participation but there are also potential advantages of participation.

These can be summarised as follows:

- A better proposal may result with Council's participation in the process
- Non participation could prematurely put Council into a position of opposition before the final form of the proposal is determined
- Better decisions by the Department of Planning and the Minister are more likely to be made with the input of local knowledge and understanding of history and context.

However, given Council's stated position of opposition to the Part 3A declaration and to the proposal we consider that, for the reasons set out in our letter of 31 October 2008, our decision to withdraw from the process should stand.

7.2 Form an independent position

The 17 November 2008 Council resolution effectively commits Council to an independent position condemning the decision of the Minister for Planning to declare the Ashington development as a project under Part 3A of the EPA Act, noting that Part 3A:

- Allows for development that is grossly in breach of Council's planning controls

- Takes the planning assessment decision away from locally elected representatives
- Takes away the right of residents and owners impacted by the development to be heard by the decision maker (the Minister) for the development
- Purports to rely on the development being for the purpose of tourist-related facilities when it drastically cuts the number of hotel rooms and deletes all conference facilities from the site.

The decision also provides that Council facilitate public meetings to brief our community on the application, its implications and to invite submissions.

8. Conclusion

This report has provided Council with the background to the Ashington Project for 33 Cross Street, a description of the project and of the processes that are being followed by the State Government and Ashington under Part 3A of the EPA Act. It has also provided the background to the planning controls for Double Bay and a preliminary assessment of the project against those controls.

The preliminary assessment of the proposal (as it currently stands) concludes that it is grossly non-compliant with Woollahra's planning controls and that the scale, bulk and height of the proposal will have significant adverse impacts on Double Bay and surrounding residential areas. For these reasons the proposal should be rejected.

Allan Coker
Director Planning and Development

Annexures

1. PowerPoint presentation to the Double Bay Liaison Group 30/11/07
2. Record of comments from Ashington Information Day on 12/4/08
3. Fact Sheets from Department of Planning Website
4. Criteria for declaring development to be a Major Project under Clause 13 of Schedule 1 of the Major Projects SEPP
5. Architectus submission of May 2008 to the Department of Planning
6. Department of Planning letter requesting Council's assessment requirements
7. E-mail of 11/8/08 from Director of Planning to Department of Planning
8. Mayoral letter to the Hon Nathan Rees Premier and Minister for the Arts
9. Council response to key issues and assessment requirements
10. Director General's requirements
11. Council letter dated 31/10/08 withdrawing participation in the Urban Design Panel

POLITICAL DONATIONS DECISION MAKING FLOWCHART FOR THE INFORMATION OF COUNCILLORS

