

## 16. THE SUITABILITY OF THE SITE

The proposed use of the site conforms to the uses permitted under the WLEP zoning table for the Business General zone no. 3(a).

The land is flood prone, contains some contamination and acid sulphate soils. These conditions have been evaluated as part of this assessment. Reports have been provided with the DA from specialists regarding each of these conditions and these reports have been reviewed and commented upon by the relevant Council referral officers.

Measures have been incorporated into the development to address flooding and remediation works are proposed to deal with contamination in accordance with the relevant guidelines as provided for in a remedial action plan. Acid sulphate soils are to be treated in accordance with a management plan.

Where necessary, conditions have been recommended to enforce the measures required to resolve the site conditions.

Subject to the conditions contained in the recommendation of this report the site is considered to be suitable for the proposed development.

## 17. SUBMISSIONS

In accordance with Parts 3 and 4 of the Woollahra Advertising and Notification DCP, the application was originally notified and advertised from 7/12/11 to 15/2/12. This advertising and notification process is also consistent with cl.13 of SEPP 55 – Remediation of land, and cl.89(3)(a) of the *Environmental Planning and Assessment Regulation 2000* for *nominated integrated development*.

Notification of the DA involved 2,574 letters being sent to property owners in the locality. The proposal was advertised in the Wentworth Courier on a weekly basis for the duration of the notification and advertising period. In addition to the approval and referral bodies that required notification under planning legislation the following public agencies/utilities were also notified:

- Telstra
- Sydney Water
- Jemena
- Energy Australia
- Land and Property Management Authority

A total of 49 submissions were received. Of these 42 raised objections and 7 expressed support for the proposal.

The amended plans (replacement DA) were renotified to those people who were originally notified of the DA and to those people who made submission relating to the original DA. Seven (7) additional objections were received following notification of the amended plans. The majority of these objections relate to the redevelopment generally rather than to the specific amendments.

### 17.1 Objections

The objections to the proposal are discussed in the following table. Those marked with an asterisk (\*) denote objections received in response to the notification of the amended plans.

## Objections table

Name and property	Objection	Response
*Architectus, on behalf of Tanert Pty Limited	<p>The submission concludes that the redevelopment of Kiaora Lands represents significant opportunities for Double Bay. However, the proposed development is out of character with the locality. Under the draft East Subregional Strategy Double Bay is a Local Centre whereas the proposed supermarket will be bigger than supermarkets in Bondi Junction, a Major Centre. This is not justified in the Economic Impact Assessment submitted with the DA.</p> <p>The Architectus submission is a detailed submission which questions the manner and content of planning controls recently introduced to facilitate the redevelopment of the Kiaora Lands.</p> <p>It also raises issues of the development's non-compliance with controls relating to bulk and scale, heritage, pedestrian links, trees, pedestrian circulation, overshadowing (proposed public plaza and adjoining residential properties, inadequate parking, lack of public art and traffic.</p>	<p>This submission raises matters generally associated with the proposed redevelopment rather than issues directly related to the amended DA.</p> <p>Essentially it is beyond the scope of the DA process to revisit those controls or to achieve an outcome that is inconsistent with those controls.</p> <p>The relevant planning controls and the specific provisions of Double Bay Centre DCP have been discussed earlier in this report.</p> <p>This assessment report concludes that the proposed development is, subject to conditions, consistent with the relevant planning controls.</p>
Anita Austin 8/11 Manning Road, Double Bay	<p>Traffic implications:</p> <ul style="list-style-type: none"> <li>• Court Road "rat run"</li> <li>• Manning Road difficult to negotiate</li> </ul>	<p>Issues relating to traffic are discussed in part 15 – Impacts, of this report.</p>
Martin Border 21-25 Knox Street, 17-19 Knox Street & 401-407 New South Head Road, Double Bay	<p>In favour of development but concerned about the loss of parking from the existing Kiaora Lane car park during the long construction period.</p> <p>Council is implored to consider:</p> <ul style="list-style-type: none"> <li>• Ensure the Ritz Carlton car park is not removed until Woolworth car park is fully operational</li> <li>• Woolworths maintain some parking in Kiaora Lane during construction</li> <li>• Creating some reserved car spaces at the Cross Street car park</li> </ul>	<p>Issues relating to traffic are discussed in part 15 – Impacts, of this report.</p>
Alex Bosansky and Kerry Klemm Halo Hair Salon Suite 4 Lingate House 409-411 New South Head Road, Double Bay	<p>Signage and loss of leafy aspect.</p>	<p>The plans show a window sign that is partly off-set from the objector's property. Also, the landscape plan provides for a tree to be planted in Kiaora Ln directly opposite the salon.</p> <p>The outlook from the salon will change significantly with the removal of existing established trees in Kiaora Lane and the introduction of a</p>

		building on the existing 'undeveloped' carpark. However, the impacts are not considered to be undue.
Alex Brown 2/11 Manning Road Double Bay	Excited about the development and hopes it will re-invigorate the suburb.  Mainly concerned with traffic impact on Manning Road. Increased noise, lights and safety hazard.	Issues relating to noise and traffic are discussed in part 15 – Impacts, of this report.  11 Manning Road is located opposite the intersection of Patterson Street. It has garages at ground level on the street front and the lower level units are elevated in relation to the street. Allowing for the grade in Patterson Street, the impact of headlight glare is likely to be minimal.
Patricia and Gary Burg 21 Court Road Double Bay	They believe the development will ultimately improve the neighbourhood. However, are concerned about potential negatives and support Bruce Forster's comments	Their property is on the south side of Court Road, near the corner of Kiaora Road.  Refer to the response to Bruce Forster's objection.
*Econlegal, on behalf of George, Paul and Vivienne Coubmis 453-457 New South Head Road Double Bay	Impact on the physical appearance, structural integrity of the building and the economic and financial effects (long term tenants intend to vacate). The submission also states: <i>Please be on notice that we reserve all existing and future legal rights on behalf of our clients.</i>	This submission raises no issues directly related to the amended DA.  453-457 New South Head Road is to the east of the existing Woolworths supermarket (i.e. the 'Kidzone' building).  The setting of the appearance of that building will be enhanced by the replacement of the existing façade of the Woolworth building that lacks architectural merit and by the substantial upgrading of Kiaora Lane.  The application, if approved, will be conditioned to require the work to be carried out with regard to the structural integrity of surrounding properties and structures, including the preparation of dilapidation reports.  The economic and financial effects of the development on the business centre are considered to be positive overall.
Robin Edwards 1/8 Kiaora Road Double Bay	Objections relate to noise, i.e. Kiaora Road is a local road: construction noise and 24 hour operation; traffic, i.e. traffic report is based on only 1 day assessment; and construction management, i.e. location of workers facilities.	8 Kiaora Road is on the western side of the street. Its north side and western rear boundaries abut the development site.  Noise and traffic issues are discussed in part 15 – Impacts, of this report.  The Construction Management Plan shows the site accommodation occupying the southern part of the site to the west of Anderson Street and not immediately adjacent to 8 Kiaora Road.

<p>*Tanya Excell 4/158 Bellevue Hill Road Bellevue Hill</p>	<p>The shade cover to the roof should be in a neutral colour.</p> <p>It is suggested that the roof should be planted with vegetation. Vegetated roofs have many advantages, i.e. stormwater, air filter, noise proofing and visual.</p>	<p>The shade structure will be a light beige colour which is considered to be neutral. A sample was provided by the applicant. A condition is recommended regarding reflectivity (see <b>condition D.22</b>) otherwise the material is considered to be satisfactory.</p> <p>Whereas it is accepted that vegetated roofs have certain environmental qualities, changing the design is a matter for the applicant to consider. The structure is light-weight changing the design to accommodate a vegetated roof would require a substantial redesign/change of materials.</p>
<p>Alex Feher Royal Arcade New South Head Road Double Bay Feherco Pty Ltd t/a Quietspace</p>	<p>Loss of public parking during construction for small businesses.</p>	<p>The Royal Arcade backs onto the northern side of Kiaora Lane.</p> <p>Issues relating to parking are discussed in part 15 – Impacts, of this report.</p>
<p>Bruce Forster, Jan Forster, Kate Forster and Michael Walshe 1 and 2/ 14-16 Court Road Double Bay</p>	<p>Compliments the Council and Woolworths on changes particularly on the southern boundary.</p> <p>They express concern regarding:</p> <ul style="list-style-type: none"> <li>the acoustic report, i.e. focus on closest receivers, classification of roads as sub-arterial, construction time to 6pm rather than 5pm, daytime noise levels being given as 7am to 10pm is excessive and should be 7am to 7pm, acoustic barriers are not proposed on the western side, the following comments in the acoustic report: <i>The site is located in the CBD and current residential neighbours have chosen to live in this location knowing they would be exposed to noise from nearby commercial businesses and more than likely most businesses would have existed when they purchased their property. They have therefore chosen to expose themselves to occasional periods of high noise, and would be aware that this proposal will be less intrusive than the existing shopping centre and carparks, under the improved situation.</i> (p.33);</li> <li>24 hour trading, i.e. Anderson Street should only be an exit;</li> <li>assurance that the southern wall at ground floor and 1<sup>st</sup> floor will not have openings, shutters, etc. opening to the south and adequate soundproofing will be installed;</li> </ul>	<p>14-16 Court Road is on the northern side of the street. Its rear boundary forms part of the boundary with the development site. It is occupied by a 3 storey contemporary apartment building.</p> <p>Issues relating to traffic and noise are discussed in part 15 – Issues, of this report.</p> <p>The proposal does not include openings on the southern side of the building. However, an opening is recommended to the 1<sup>st</sup> floor supermarket in the vicinity of the Anderson Street entry/exit point. This is discussed earlier in the report in connection with <i>Double Bay Centre DCP</i>, A2.3.2.3.</p> <p>The roof level shade structures are in excess of 30m from the building at 14-16 Court Road and vary in height from approximately 2.8m to 3,8m. The floor of the roof top carpark is higher than the upper floor of the objector’s property and the perimeter wall is a further 2m higher. It is likely that a small portion of the closest shade structure may be visible by a person standing on the upper level of 14-16 Court Road. Considering the distance to the shade structures and the difference in levels as related to the objector’s property, they are not considered to represent an unreasonable visual impact.</p>

	<ul style="list-style-type: none"> <li>• visual impact of shade structures on the rooftop carpark;</li> <li>• construction management plan, i.e. the location of a work zone at the rear of their property, main crane location option 2 should not be used; and</li> <li>• air pollution from the increased level of traffic.</li> </ul>	<p>The construction management plan (CMP) shows different crane location options for staged or consecutive construction. The staged construction location for stage 1 shows the crane slew over 14-16 Court Road. The CMP provides for slewing rights to be negotiated with property owners. This is considered to be a matter between the building contractors and the individual property owners.</p> <p>Exhaust from vehicles using the rooftop carpark will discharge directly into the atmosphere. Exhaust from vehicles using the street network is policed by the Environment Protection Authority. Exhaust ventilation from the ground floor carpark is conditioned to comply with AS1668.2-1991, see <b>condition F.16</b>.</p>
<p>Anthony Gow-Gates 14-16 Court Road Double Bay</p>	<p>Appreciative of positive changes which have been made.</p> <p>Expresses concern regarding:</p> <ul style="list-style-type: none"> <li>• acoustic report, i.e. 24 hour operation, appropriate noise levels and impact, acoustic noise barriers and the report's p.33 comment (see Bruce Forster's objection).</li> <li>• Air pollution</li> <li>• Design</li> </ul>	<p>No. 14-16 Court Road is on the northern side of the street. Its rear boundary forms part of the boundary with the development site. It is occupied by a 3 storey contemporary apartment building.</p> <p>Issues relating to noise are discussed in part 15 – Impacts, of this report.</p> <p>Regarding air pollution, see comments in relation to Bruce Forster's objection.</p> <p>The Double Bay Centre DCP contains numerous building design related controls. The Council also engaged an independent urban design consultant, Hassell, to comment on design. A number of changes were made by the applicant in response to the matters raised in the urban design review provided by Hassell. These have been discussed earlier in this report.</p> <p>The proposed design is considered to be consistent with the relevant provisions of the Double Bay Centre DCP and with the comments in the independent urban design review.</p>
<p>A I Gregory 26 Glendon Road Double Bay</p>	<p>Objects to traffic and parking impacts.</p>	<p>No. 26 Glendon Road backs onto Kiaora Road to the south of Forrest Road.</p> <p>Traffic and parking impacts are discussed in part 15 – Impacts, of this report.</p>
<p>Susan Hill Susan Hill + Associates Lawyers Pty Ltd On behalf of Mr Bablis, owner 12 Court Road, Double Bay</p>	<p>The submission endorses the opinions expressed by Mr Shiels (Mr Shiels opinions are commented upon separately in this objections table). It also comments on:</p>	<p>No. 12 Court Road is an older style RFB located on the southern corner with Anderson Street.</p> <p>See comments on Mr Shiels' submission.</p>

	<ul style="list-style-type: none"> <li>Incompatible use, i.e. changes to the existing residential setting</li> </ul>	<p>The change in residential character is consistent with the planning controls which now apply to the site. Those controls include desired future character controls under the Double Bay Centre DCP which have been discussed earlier.</p> <p>The impacts on the existing residential character are considered acceptable given the current planning context.</p>
<p>Susan Hill Susan Hill + Associates Lawyers Pty Ltd On behalf of Babilis Investments, owner 4-8 Patterson Street, Double Bay</p>	<p>The submission endorses the opinions expressed by Mr Shiels (Mr Shiels opinions are commented upon separately in this objections table). It also comments on:</p> <ul style="list-style-type: none"> <li>Incompatible use, i.e. changes to the existing residential setting</li> </ul> <p>It also maintains that the DA should be refused or the zoning of 4-8 Patterson Street should be rezoned.</p>	<p>No. 4-8 Patterson Street is on the southern side of the street. It presently comprises 3 separate freestanding dwellings. The eastern most of the properties, 4 Patterson Street, will abut the development site.</p> <p>Consent was granted for the redevelopment of these properties for the purpose of a 3 storey residential development comprising 7 x 3 bedroom terrace style dwellings and basement carparking for 14 vehicles (DA734/2006). This development has not been carried out but as it was approved in December 2007 it is a valid consent until December this year.</p> <p>See comments on Mr Shiels' submission.</p> <p>The change in residential character is consistent with the planning controls which now apply to the site. Those controls include desired future character controls under the Double Bay Centre DCP which have been discussed earlier.</p> <p>The impacts on the existing residential character are considered acceptable given the current planning context.</p> <p>Refusal of the DA could not be justified and rezoning of 4-8 Patterson Street is beyond the scope of the DA process.</p>
<p>Xenia Hone 4/91 Wolseley Road Point Piper</p>	<p>Preservation of plane trees</p>	<p>Existing London Plane trees, which are a characteristic of this part of Double Bay, are to be retained where they are outside the building envelope and access driveways.</p> <p>One of the London Plane trees included in the Double Bay Centre DCP as being retained is proposed for removal. This tree is located in the proposed driveway of the carpark entry off Patterson Street.</p>

		<p>Removal of this tree is supported by Council's Tree Officer. A replacement London Plane tree is to be planted in close proximity.</p> <p>The preservation of the London Plane trees is considered to be satisfactory in the context of the planning controls which apply to the site.</p>
<p>Dr Ivor Jacobson Suite 10, Lingate House 409 New South Head Road Double Bay</p>	<p>Loss of parking during construction on the existing carpark.</p>	<p>Lingate House is an existing retail/commercial premises which backs onto Kiaora Lane.</p> <p>Parking issues are discussed in part 15 – Issues, of this report.</p>
<p>Alexandra Joel 6 Court Road Double Bay</p>	<p>The following objections are raised:</p> <ul style="list-style-type: none"> <li>• Acoustic report, i.e. comments on p.33 (see earlier quotes), ambient noise criteria, road classification, previous complaints re: reverberation caused by heavy vehicles, “daytime” noise levels to 10pm (should be 6pm), 24 hour operation, and no openings on the south elevation</li> <li>• Traffic, i.e. traffic report is based on limited surveys, existing intersection congestion, the Court Road carpark entry/exit</li> <li>• Construction management plan, i.e. Court Road is unsuitable for truck use, location of workers facilities</li> <li>• Set back (buffer zone), i.e. creation of an easement for residents and, security fencing</li> <li>• Landscaping, i.e. planting of the setback area occur immediately after demolition and, tree 63 be retained</li> <li>• Design, i.e. a sample board of materials is required</li> </ul>	<p>No. 6 Court Road is the 3<sup>rd</sup> property to the west of the intersection of Anderson Street. It is occupied by a 2 storey residential building.</p> <p>Issues relating to acoustics and traffic are discussed in part 15 – Impacts, of this report.</p> <p>The creation of an easement over the buffer zone is not part of this DA and would need to be negotiated by the relevant parties.</p> <p>The plans provide for the retention of existing boundary fences where the rear of the Court Road properties back onto the development site.</p> <p>Demolition of dwelling at the rear of 6 Court Road will be one of the first works undertaken. The practicability of landscaping this area at an early stage would be problematic because of the impact of long term construction that will be taking place in close proximity.</p> <p>Tree 63 is required by conditions recommended by Council's Tree Officer to be retained.</p> <p>Sample boards were submitted with the DA. The Council engaged an independent urban design review of the development that was carried out by Hassell. That review did not raise issue with the quality of materials to be used on the southern elevation.</p>
<p>Mr R Kausae PO Box 1323 Double Bay</p>	<p>Requests that the DA be rejected for reasons related to:</p> <ul style="list-style-type: none"> <li>• Little or no consideration for local residents, i.e. loss of values, traffic pollution, excessive parking, closure of library for Woolworths' greed</li> <li>• Loss of value for Kiaora Road property owners</li> </ul>	<p>Loss of property values is not a relevant matter for consideration in the assessment of a DA.</p> <p>Traffic, parking and noise is discussed in part 15 – Impacts, of this report.</p> <p>Above ground parking is provided for in the recently introduced planning</p>

	<ul style="list-style-type: none"> <li>• Carparking must be underground with entry/exit and loading from/to Kiaora Lane</li> <li>• Noise from 24 hour loading dock operation</li> <li>• Flooding</li> <li>• Traffic management redirects traffic to Kiaora Road</li> <li>• Introduction of Dan Murphys liquor store, i.e. there are currently too many liquor outlets in Double Bay, alcohol consumption is a problem and efforts need to be made to discourage exploiters like Woolworths preying on our young</li> <li>• Development needs to be scaled down</li> </ul>	<p>controls for development of the Kiaora Lands. Undergrounding parking would create other issues for this flood prone site.</p> <p>The planning controls focus on the developing Kiaora Lane as a pedestrian friendly public space. It would be inappropriate for the DA process to result in a planning outcome that was inconsistent with the strategic planning controls.</p> <p>The Dan Murphys liquor store will require licensing under the Liquor Act. A social impact statement as required by the Liquor Act will need to be prepared and considered as part of that process. The granting of development consent is also a part of that process.</p> <p>The scale of development is consistent with the density controls under the WLEP.</p>
<p>Dr A Kausae PO Box 1323 Double Bay</p>	<p>Refer to the objections from Mr R Kausae.</p>	<p>Refer to the earlier comments in relation to Mr R Kausae's objections.</p>
<p>Miss N Kausae PO Box 1323 Double Bay</p>	<p>Refer to the objections from Mr R Kausae.</p>	<p>Refer to the earlier comments in relation to Mr R Kausae's objections.</p>
<p>*R. Kausae PO Box 1323 Double Bay</p>	<p>Expresses concern about alteration to the spelling of Kausae.</p> <p>Reiterates matters raised in the previous objection.</p>	<p>This submission raises no issues directly related to the amended DA.</p> <p>The spelling of Kauase was an administrative error which has since been corrected.</p> <p>Refer to earlier comments in relation to previous objections.</p>
<p>Eliza Lamens 15a Manning Road Double Bay</p>	<p>Main concern is with traffic access and the fact that Patterson Street will be the main ingress and egress point for vehicles.</p> <p>Consideration of alternatives, i.e. Kiaora Road should be the major access point as its wider, mixed use developments, proximity of the open stormwater channel and current traffic issues with Manning Road.</p> <p>The development will result in Patterson Street's environmental road capacity nearing the RTA's maximum before pedestrian amenity starts to deteriorate.</p> <p>Existing problems at the Manning Road/ Patterson Street intersection will become worse.</p>	<p>No. 15a Manning Road is on the western side of the street. Between the intersections of Patterson Street and Court Road. It is occupied by a part 3 storey residential building that is elevated in relation to the street and has garaging at the street frontage.</p> <p>Traffic and noise issues are discussed in part 15 – Impacts, of this report.</p> <p>The mid-block location of 15a Manning Road and the elevation of the existing building mean that headlight glare from vehicles turning into Manning Road from Patterson Street and Court Road are unlikely to be a problem.</p>



	<p>The Halcrow report does not factor in the frequency of 'U'-turns in Manning Road due to turning restrictions off New South Head Road.</p> <p>Noise at the Manning Road/Patterson Street intersection as a result of increased traffic.</p> <p>Head light intrusion from vehicles exiting Patterson Street at night.</p>	
*Catriona Lawson 125/177 Bellevue Hill Road Double Bay	The reflectivity of the roof covering.	The recommendation of this report includes a condition regarding the reflectivity of the roof covering material, see <b>condition C.22.</b>
Dean Letcher 3/4 Manning Road and 6 Manning Road Double Bay (also on behalf of 1/4 Manning Road and 2/4 Manning Road)	Concerned about heavy vehicle movements will damage their properties. Any approval should be conditional upon dilapidation reports being carried out.	No. 4 & 6 Manning Road are on the eastern side of the street between Kiaora Lane and Patterson Street. A condition requiring a dilapidation reports on surrounding properties, including 4 & 6 Patterson Street, is recommended, see <b>condition D.5.</b>
Richard Manning	Supports the development but is concerned with semi-trailer movements associated with the Dan Murphys loading dock.	Semi-trailers will not use the Dan Murphys loading dock. Servicing will be by rigid trucks. The loading dock arrangements will not require trucks to use Forrest Road.
Philip Mason President DBRA On behalf of the Double Bay Residents Association (DBRA)	<p>DBRA supports the overall concept. However, there are some significant concerns to be addressed:</p> <ul style="list-style-type: none"> <li>• Design outcome, i.e. the recommendations of Council's Urban Designer that "an expert design review panel is set up" is supported</li> <li>• Acoustics, i.e. acoustic report's statement p.33 (quoted earlier), confirmation that the ground floor carpark will be fully enclosed, the adopted noise level criteria, acoustic report uses "nearest receivers" and not other residents in the area which is a natural amphitheatre, limitation of acoustic barriers around the rooftop carpark, classification of roads, reverberation impacts of construction vehicles, "daytime noise levels" extending to 10pm (should be 6pm), acoustic report is based on different trading hours than the SEE (7am to 12am as opposed to 24 hour trading), and measures to be taken to deal with noise (e.g. access to the roof top carpark being closed at 10pm)</li> <li>• Traffic, i.e. Council has not appointed an independent traffic consultant, limited surveys to inform the traffic report,</li> </ul>	<p>The Double Bay Centre DCP includes numerous urban design controls. Council also engaged an urban design consultant, Hassell, to review the development. Generally the proposal is consistent with the controls under the Double Bay Centre DCP or conditions are recommended to achieve consistency. The applicant has responded to the Hassell review by incorporating specific design improvements.</p> <p>Acoustic and traffic issues are discussed in part 15 – Impacts, of this report.</p> <p>The matters relating to the setback area have been discussed in relation to earlier objections, see comments in relation to Alexandra Joel's objections.</p> <p>An independent traffic consultant has not been appointed. However, the proposal has been considered by the Sydney Regional Development Advisory Committee. It required the applicant to carry out intersection modelling on a number of occasions.. Council's Development Engineer requested additional information regarding the applicant's Traffic Report. A review of the traffic information provided by the applicant</p>

	<p>intersection performance will be downgraded, the impact of the Anderson Street carpark entry/exit and the possibility to preserve trees</p> <ul style="list-style-type: none"> <li>• Construction management plan (CMP), i.e. a detailed and comprehensive CMP has not been provided, proposed use of Court Road is excessive, Court Road should not be used by heavy vehicles (vibration issues), proposed working hours should be those applicable to residential areas, location of workers sheds, and precautions for the removal of asbestos</li> <li>• Set back area (or Buffer Zone), i.e. possible creation of an easement, and security</li> <li>• Landscaping, i.e. tree planting of the buffer commence at the earliest possible time</li> </ul>	<p>was undertaken by Council's Manager-Engineering Services.</p> <p>The <i>Remediation Action Plan</i> by Douglas Partners submitted with the DA contains contingencies for handling asbestos which may be in the ground. The <i>Hazardous materials survey report</i>, by McNally Management Pty Ltd, confirms asbestos in existing buildings to be demolished. It recommends removal in accordance with the <i>Occupational and safety regulations, 2001</i> and Workplace Australia's <i>Asbestos Code of Practice, 1988</i>. These precautions are considered to be appropriate.</p>
<p>Tony Moody, Moody and Doyle, on behalf of DBRA</p>	<p>Raises the following points for consideration:</p> <ul style="list-style-type: none"> <li>• Height and FSR breaches, i.e. breaches are supportable provided they only relate to the proposed library</li> <li>• Compliance with amendment no. 3, i.e. full compliance should be achieved</li> <li>• Acoustic impact, i.e. these are the same matters raised by Bruce Forster (see the specific matters referred to in relation to his objection)</li> <li>• Traffic, access and parking, i.e. limit of surveys, minor deficiency of parking supply, CMP is not assessed in any meaningful manner, downgrade of the level of performance of intersections, and recommends that Council appoint an independent traffic consultant</li> <li>• Heritage and urban design, i.e. concerns raised by Council's Urban Designer in the preDA minutes, and loss of trees</li> <li>• Drainage, i.e. whether the minimum freeboard recommended by Council's Drainage Engineer is reflected in the plans</li> </ul>	<p>Issues of traffic, parking and noise are discussed in part 15 – Issues, of this report.</p> <p>Breaches of the statutory controls under the WLEP have been assessed in relation to the applicant's SEPP 1 objections. These relate to the height controls for both the New South Head Road and Kiaora Lane buildings.</p> <p>The provisions of the Double Bay Centre DCP have been assessed, see the Double Bay Centre DCP compliance table in this report. The development is considered to be consistent with the DCP's controls subject to specific conditions which have been included in the recommendation of this report.</p> <p>Refer to the earlier comments in relation to the RBRA's objections regarding urban design. The impact on trees is the subject of a referral comment by Council's Trees Officer and his recommendations have been included in this report's recommendation, see annexure 3.</p> <p>The design levels for drainage/flooding have been confirmed by Council's Drainage Engineer as being satisfactory subject to conditions that are included in this report's recommendation, see annexure 2.</p>
<p>Clover Moore, Member for Sydney</p>	<p>Concerns of constituents relating to the Council's Bike Strategy 2009.</p>	<p>These concerns are discussed in the Double Bay DCP compliance table in this report. A2.5.6, C5.</p>

		The recommendation of this report includes an advising regarding the incorporation of end-of-ride facilities into the development, see <b>advising K24</b> .
Marc Newson 6/13 Manning Road Double Bay	Refer to objection from 1/13 Manning Road.	Refer to comments in relation to the objection from 1/13 Manning Road.
Peter O'Donnell Stephen Krulis real estate consultants  Geoff Baker Director Urban Design, DesignInc Sydney	This objection makes reference to: <ul style="list-style-type: none"> <li>Limited uses, i.e. the rezoned land allows mixed-use development but no residential is proposed</li> <li>Diminishment of the public realm, i.e. closure of public streets</li> <li>Excessive scale, i.e. the supermarket building, and horizontal scale</li> <li>Loading dock on Kiaora Road, i.e. the size of the dock and the vehicles using it are not compatible with the street</li> </ul>	These concerns essentially relate to the strategic plans for the site, i.e. the WLEP amendment no. 67 and the Double Bay Centre DCP amendment no. 3.  The changes to the strategic plans are now in effect having gone through the rigorous processes under part 3 of the Act, including extensive public consultation.  The proposed development, as recommended by this report, is generally consistent with the provisions of the relevant strategic plans.  It would be inappropriate for the DA process to produce a planning outcome that was inconsistent with the relevant strategic plans.
Patricia Oswald Marc Newson 1/13 Manning Road Double Bay	Raises the following concerns that the DA documentation does not address: <ul style="list-style-type: none"> <li>Patterson Street's environmental road capacity, i.e. how will Patterson Street's road capacity not exceed the RTA's environmental capacity of 300vph given the Halcrow report's forecast of 283vph?</li> <li>Accidents at the Patterson Street/Manning Road intersection, i.e. the increased traffic volume will increase the accident rate. Suggests making Patterson Street one-way and relocate the Manning Road pedestrian crossing</li> <li>Manning Road is a 'U' turn for New South Head Road residents, i.e. Patterson Street, Kiaora Lane and the driveways of properties in Manning Road are used for 'U' turning because of turning restrictions in New South Head Road – the Halcrow report would not have factored this. Suggests a roundabout be installed</li> <li>Noise intrusion from the Patterson Street/Manning Road intersection, i.e. increased vehicle activity will increase</li> </ul>	No. 13 Manning Road is located on the western side of the street opposite the intersection of Patterson Street. It is occupied by an older style 3 storey RFB, the ground floor of which is elevated in relation to the street with garaging at the street frontage.  Issues relating to traffic, parking and noise are discussed in part 15 – Impacts, of this report.  Headlight glare is not considered to present an unacceptable nuisance given the elevated nature of the flats within the building.

	<p>noise. Suggests compensation for upgrading windows and that Council should be sympathetic to allowing garages at the front of 13 Manning Road</p> <ul style="list-style-type: none"> <li>• Headlight intrusion from vehicles exiting Patterson Street at night</li> <li>• Loss of long and short term parking on Patterson Street. Suggest that residents of 13 Manning Road without parking should be offered access to long term parking in the development.</li> </ul>	
<p>Patricia Oswald Marc Newson 3/13 Manning Road</p>	<p>Refer to objection from 1/13 Manning Road.</p>	<p>Refer to comments in relation to the objection from 1/13 Manning Road.</p>
<p>*Johan Polhem 11/11 Patterson Street Double Bay</p>	<p>Parking</p>	<p>No. 11 Patterson Street adjoins to the west of the development site.</p> <p>This submission raises no issues directly related to the amended DA.</p> <p>Refer to part 15 – Impacts, of this report.</p>
<p>*V Rex 40 Rembrandt Drive East Willoughby</p>	<p>Advises that:</p> <ul style="list-style-type: none"> <li>• there are shops for lease in the entry corridor</li> <li>• shops have been vacant for as much as 20 months</li> <li>• there are too many shops and there should be no more</li> <li>• the entry corridor needs to have an image of vibrancy and vitality</li> <li>• the proposal is insular and detached from the entry corridor</li> <li>• under the proposal the entry corridor will further suffer</li> </ul>	<p>This submission does not raise issue directly related to the amended plans.</p> <p>The objectives for development Kiaora Lands site, as stated in the Double Bay Centre DCP, A2.2, include:</p> <ul style="list-style-type: none"> <li>• <i>to protect and enhance the commercial role of Double Bay Centre both locally and generally throughout Metropolitan Sydney</i></li> <li>• <i>to provide a catalyst for increased business activity and private sector development in Double Bay</i></li> </ul> <p>The proposal is considered to be generally consistent with the planning controls that are intended to achieve these objectives. As such it is considered that the proposal will make a positive contribution to the overall business vitality of the Double Bay commercial precinct.</p>
<p>Gary A Shiels, GSA Planning On behalf of Babilis Investments 12 Court Road Double Bay</p>	<p>The redevelopment will have an unreasonable impact on their client's property for the following reasons:</p> <ul style="list-style-type: none"> <li>• Impact on existing residential character of Anderson Street</li> <li>• Traffic and safety impacts</li> <li>• Amenity impacts, i.e. increased traffic and outlook of driveways will affect land values</li> </ul>	<p>Also refer to the submission from Susan Hill + Associates.</p> <p>No. 12 Court Road is a 2 storey older style RFB on the eastern corner of Anderson Street. The rear boundary abuts the development site.</p> <p>The impact on the character of Anderson Street is considered to be consistent with the desired future character objectives as contained in the Double Bay Centre DCP, A.2.3.2.3 as has been discussed</p>

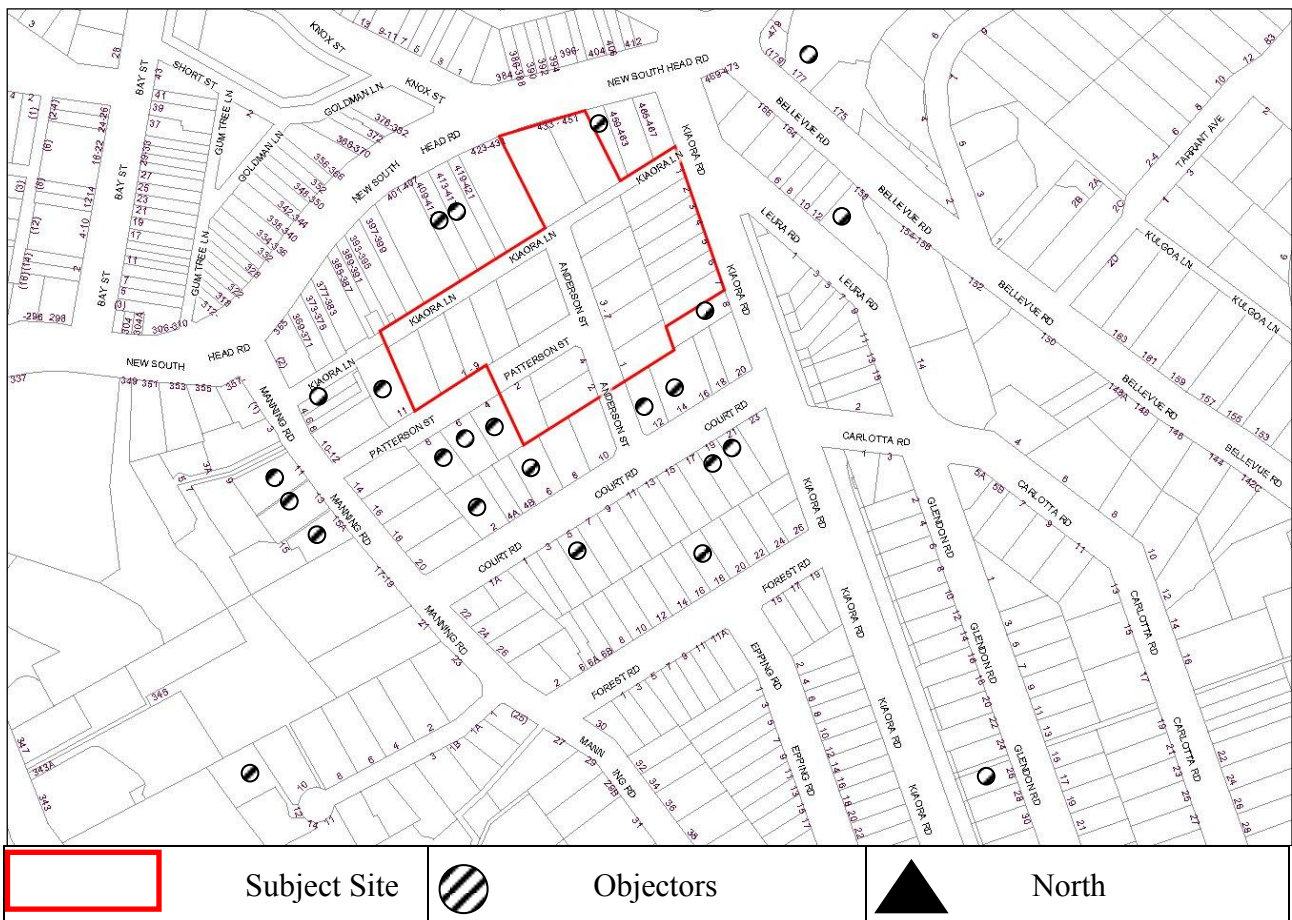
		<p>earlier in this report, refer to the Double Bay Centre DCP assessment table.</p> <p>Traffic issues are discussed in part 15 – Impacts, of this report.</p>
<p>Gary A Shiels, GSA Planning On behalf of Bablis Investments 4-8 Patterson Street Double Bay</p>	<p>The proposal is unreasonable and should be refused. Alternatively Council is requested to rezone their client's property to 3(a).</p> <p>The redevelopment will have unreasonable impacts on their client's property for the following reasons:</p> <ul style="list-style-type: none"> <li>• Impact on existing residential character of our client's property in Patterson Street</li> <li>• Impact on existing and approved development on our client's site</li> <li>• Traffic and safety impacts</li> <li>• Amenity impacts</li> </ul>	<p>Also refer to the submission from Susan Hill + Associates.</p> <p>No. 4-8 Patterson Street is on the southern side of the street and is occupied by 3 free standing dwellings. 4 Patterson Street's eastern side boundary abuts the development site.</p> <p>The rezoning of land is not a matter which can be considered as part of a DA. The owner would need to make a formal approach to Council to consider changing the zoning under part 3 of the Act.</p> <p>The impact on the character of Patterson Street is considered to be consistent with the desired future character objectives as contained in the Double Bay Centre DCP, A.2.3.2.2 as has been discussed earlier in this report, refer to the Double Bay Centre DCP assessment table.</p>
<p>Dana Shimmer</p>	<p>Questions whether construction will result in the closure of Manning Road or New South Head Road at any stage and noise levels.</p>	<p>The impacts of traffic and noise are discussed in part 15 – Impacts, of this report.</p>
<p>Ms Nizza Siano 16 Holland Road Bellevue Hill</p>	<p>This objection raises the same matters as the objection from the RBRA.</p>	<p>See earlier comments in relation to the RBRA objections.</p>
<p>Mark Silcocks and Dale McCarthy 19 Court Road Double Bay</p>	<p>Compliments the Council and Woolworths on changes particularly on the southern boundary and feel that overall the development is going to have a very positive impact.</p> <p>Their only objection is to proposed traffic changes. The change of Court Road from a local road to a sub-arterial road (DA traffic and acoustic reports differ on its classification). Concern is expressed about the following comments in the acoustic report: <i>The site is located in the CBD and current residential neighbours have chosen to live in this location knowing they would be exposed to noise from nearby commercial businesses and more than likely most businesses would have existed when they purchased their property. They have therefore chosen to expose</i></p>	<p>No. 19 Court Road is on the southern side of the street, the 3<sup>rd</sup> property from the corner of Kiaora Road and is occupied by a single storey cottage.</p> <p>Issues relating to traffic and noise are discussed in part 15 – Impacts, of this report.</p>

	<p><i>themselves to occasional periods of high noise, and would be aware that this proposal will be less intrusive than the existing shopping centre and carparks, under the improved situation. (p.33)</i></p> <p>They request the following amendments:</p> <ol style="list-style-type: none"> <li>1) Define Court Road as a local road</li> <li>2) Close Anderson Street and continue to use Kiaora Lane as access to the new carpark</li> <li>3) If (2) is unacceptable, only use Anderson Street as an exit</li> <li>4) Restrict Anderson Street exit to 7am and 7pm</li> <li>5) No heavy vehicles to use Court Road</li> </ol>	
<p>Mrs Eia Stanich Lynam 18 Forrest Road Double Bay</p>	<p>Requests assurance regarding impacts of heavy vehicles; traffic volumes will be too heavy for Forest Road; and, no independent traffic report</p>	<p>The impacts of traffic are discussed in part 15 – Impacts, of this report.</p>
<p>Doris Stewart 2 Court Road Double Bay</p>	<p>Refers to the quote on p.33 of the Noise Report and objects to noise, traffic congestion and pollution.</p>	<p>The impacts of noise and traffic are discussed in part 15 – Impacts, of this report.</p> <p>The recommendation of this report includes a number of conditions aimed at reducing noise, visual, air and water pollution.</p>
<p>Mr G Tollis, Muwupa Pty Ltd 2/13 Manning Road Double Bay</p>	<p>The matters raised in this submission are the same as those discussed earlier from Patricia Oswald and Mark Newson.</p>	<p>Refer to the comments in relation to the submissions from Patricia Oswald and Mark Newson.</p>
<p>Anthony Tregoning 12 Pine Hill Avenue Double Bay</p>	<p>Express the following concerns:</p> <ul style="list-style-type: none"> <li>• Carpark noise, i.e. amphitheatre effect of noise from roof top carpark and requests the extension of acoustic barriers and prohibit the use of the roof between 10pm and 7am</li> <li>• Visual impact relating to the roof top carpark</li> <li>• Increased traffic due to the impact on the intersection of New South Head Road and Manning Road</li> <li>• Dislocation during construction, i.e. the construction management plan should consider the acoustic and traffic impacts during construction</li> <li>• Aesthetic impact, i.e. the development favours functionality over aesthetics, the town square will not be an attractive place, a first-class architect should have been commissioned instead of one used to designing store or</li> </ul>	<p>Noise and traffic impacts are discussed in part 15 – Impacts, of this report.</p> <p>The Double Bay Centre DCP includes numerous urban design controls. Council also engaged an urban design consultant, Hassell, to review the development. Generally the proposal is consistent with the controls under the Double Bay Centre DCP or conditions are recommended to achieve consistency. The applicant has responded to the Hassell review by incorporating specific design improvements.</p> <p>The Double Bay Centre DCP contains specific provisions in part A2.5.7 relating to roof design. These are discussed earlier in the Double Bay Centre DCP assessment table of this report. The roof design is considered to be consistent with these provisions.</p>

	conventional commercial centres, and supports Council's Urban Designer's recommendation that 'an expert design review panel is set up to ensure an exemplary design outcome'.	
*Anthony Tergoning 12 Pine Hill Avenue Double Bay	<p>Reiterates concerns about the amphitheatre effect of carpark noise and requests that the height of the acoustic barrier be increased, the PVC covering be extended to cover the entire roof-top carpark and usage of the roof be prohibited between 10pm and 7am.</p> <p>Increased traffic – i.e. congestion, danger (at the NSH Rd/Manning Rd intersection) and requests an independent traffic consultant be appointed.</p> <p>Aesthetic impact – see above.</p>	<p>This submission relates indirectly to the amended plans.</p> <p>The purpose of the roof cover proposed by the amended plans is not related to noise. However, it is likely to be of some benefit. The carpark management plan allows for the operator to impose restrictions on the use of the roof should nuisances arise and it is recommendation of this report that additional restrictions be incorporated.</p> <p>The need for a roof or extension of acoustic barriers to control noise has not been identified by the applicant's acoustic consultant or by Council's Environmental Health Officer. As it has not been demonstrated that there is a need for such measures it would be unreasonable to require them to be provided.</p> <p>Refer to earlier comments regarding traffic and aesthetics.</p>
Kira Varejes The Roma Arcade 413-417 New South Head Road Double Bay	Concerned with the parking situation during construction.	The impacts of traffic are discussed in part 15 – Impacts, of this report.
Michele Wearn 5 Court Road Double Bay	<p>The traffic report conflicts with the acoustic report in terms of the classification of Court Road.</p> <p>A more comprehensive traffic report needs to be prepared.</p> <p>The validity of the surveys upon which the traffic report is based is questioned.</p>	The impacts of traffic and noise are discussed in part 15 – Impacts, of this report.
Ben Wood Roma Arcade 413-417 New South Head Road Double Bay	<p>Is pleased at the prospect of the development.</p> <p>Concerned with the impact on parking during construction.</p>	The impacts of traffic are discussed in part 15 – Impacts, of this report.
*Ben Wood Roma Arcade	Wants to know what traffic calming is going to be implemented on Manning Road and Patterson Street.	Traffic is discussed in part 15- Impacts of this report.
Mark Worthington BIKEast	The issues raised in the BIKEast's submission are discussed earlier in this report under the Double Bay Centre DCP assessment table, A2.5.6.	The recommendation of this report includes a condition and an advising regarding the incorporation of end-of-ride facilities into the development, see <b>condition F.38 &amp; advising K24</b> .
Gilma Zanin and Cindy Courteille-Zanin 6/11 Patterson Street Double Bay	Request that 2 parking spaces be allocated to them in the new development. Also, the plant rooms may expose dangerous hazards.	Their property is a 3 storey mixed use building which adjoins to the west of the development site.

		<p>Allocation of parking to residents in the development is not supported as the parking is for the use of people shopping and doing business in Double Bay.</p> <p>Parking issues are discussed in part 15 – Impacts, of this report.</p> <p>The plant rooms will be enclosed and do not pose any undue dangers or hazards.</p>
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The following map shows the location of objector’s properties in relation to the development site.



NOTE: not all of the objector’s properties could be shown on the map.

The main issues raised in the objections relate to traffic/parking and noise. These issues are discussed separately in part 15 – Impacts, of this report. Comment on the matters raised in submissions relating to traffic/parking issues is also made in the memorandum from Council’s Manager-Engineering Services, see **annexure 2A**.

The matters raised in the objections have resulted in a number of conditions and advisings being included in the recommendation. However, they are not considered to warrant rejection of the application. Many of the submissions which raise concerns with certain aspects of the development also express support for the development generally.