

15 February 2021

General Manager  
Waverley Council  
55 Spring Street  
BONDI JUNCTION NSW 2022

Attention: Ms Kylie Lucas, Senior Development Assessment Planner

Dear Ms Lucas

**Amended shop-top housing development (DA-482/2017), 59-75 Grafton Street, Bondi Junction**  
**ADDITIONAL INFORMATION: OVERSHADOWING**

**1) Preliminaries**

This letter has been prepared by Robinson Urban Planning Pty Ltd (**RUP**) on behalf of Clygen Pty Limited. It accompanies a package of information on the above development application that responds to Waverley Council's email dated 8 December 2020 which requested the following additional information:

*After further discussion with the DBU, an analysis of the shadow impacts needs to be provided. This should include an analysis of whether the additional overshadowing will result in non-compliances with the ADG provisions for the affected apartments (ie, less than 2 hours to living rooms and private open spaces at mid-winter). I have reviewed the solar access diagrams however I cannot fully appreciate the impact upon the apartments individually therefore I need this further information.*

This letter considers the overshadowing impact of the Section 4.55(2) proposal as previously submitted to Council (November 2020) and describes proposed amendments that will ensure that the modification application complies with the relevant Apartment Design Guide (**ADG**) overshadowing objective and design guidance.

The amended information accompanying this letter comprises the following:

- a) Architectural plans, schedules, photomontages, compliance plans and shadow diagrams, by Cottee Parker JPRA (plot date 11/02/2021)
- b) Amended Landscape Plans, by Umbaco (11 February 2021)
- c) Amended BASIX certificate and Report, by Windtech (to follow under separate cover).

**2) ADG overshadowing provisions**

Relevant to Council's request for information, Objectives 3B-2 and 4A-1 of the ADG state the following in relation to overshadowing of neighbouring properties:

**Objective 3B-2**

*Overshadowing of neighbouring properties is minimised during mid winter*

**Design guidance**

*Living areas, private open space and communal open space should receive solar access in accordance with sections 3D Communal and public open space and 4A Solar and daylight access*

*Solar access to living rooms, balconies and private open spaces of neighbours should be considered*

*Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%*

*If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in section 3F Visual privacy Overshadowing should be minimised to the south or down hill by increased upper level setbacks*

*It is optimal to orientate buildings at 90 degrees to the boundary with neighbouring properties to minimise overshadowing and privacy impacts, particularly where minimum setbacks are used and where buildings are higher than the adjoining development*

*A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings*

#### **Objective 4A-1**

*To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space*

- 1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas...*
- 3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter*

### **3) Section 4.55(2) Proposal as lodged**

Based on the shadow studies by Cottee Parker (13 August 2020), s. 6.2.2 of the Statement of Environmental Effects by RUP (dated August 2020) notes that the additional two levels proposed by the Section 4.55(2) proposal will overshadow three apartments in the mixed use building to the south-east at 350 Oxford Street (at Levels 8 and 9) such that they would receive less than 2 hours of solar access to living rooms and balconies or have their solar access reduced by more than 20% if they already receive less than 2 hours (contrary to Objectives 3B-2 and 4A-1 of the ADG).

### **4) Proposed amendment to the Section 4.55(2) Proposal**

#### ***Amendments to the plans***

To eliminate the ADG non-compliance described above, Cottee Parker has amended the design of proposed additional Levels 18/19, the communal roof terrace and the roof plan (see attached package of architectural and landscape plans). The proposed amendments comprise the following:

- Reduced footprint in the north-east corner and replanning of apartments (reduction of two units)
- Replanning of the rooftop communal open space and roof above to retain the area and amenity of the communal area.

**Figures 1 to 4** compare the Section 4.55(2) plans (as lodged in November 2020) and as now amended for:

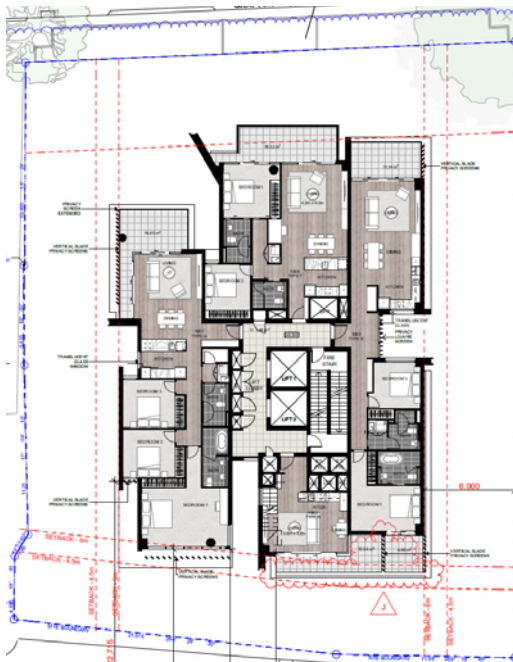
- Level 18
- Level 19
- Communal Roof Terrace
- Roof.

The comparison plans illustrate the significant reduction in building footprint in the north-east corner of the proposed additional levels.

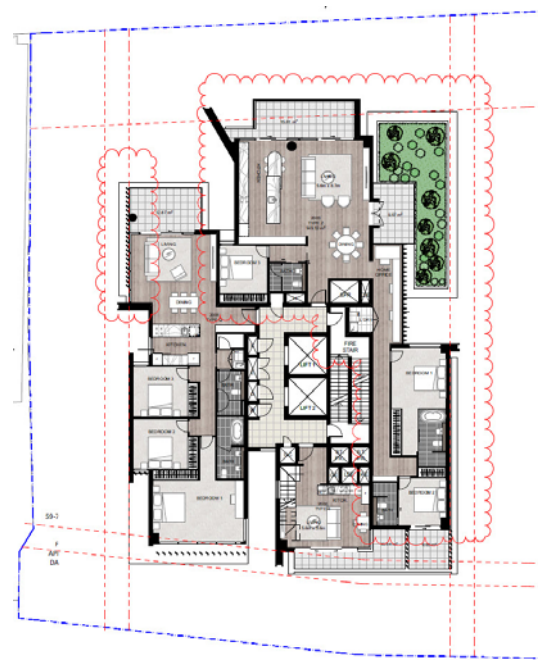
**Table 1** compares the gross floor area (GFA), floor space ratio (FSR), number/mix/amenity of apartments and communal open space area proposed by the Section 4.55(2) application as lodged (and previously amended) and as now amended.

**Table 1: Section 4.55(2): As Lodged and As Amended to Reduce Overshadowing**

	Section 4.55 proposal		Difference
	As lodged (20/11/2020)	As amended (February 2021)	
GFA (m <sup>2</sup> )	8,686	8,664	-22
FSR	6.78:1	6.76:1	0.02:1
Departure from WLEP 2012 FSR standard of 6:1	13%	13%	
<b>Apartments</b>	85	83	2
• Studio	7	7	0
• One bed	27	27	0
• Two bed	36	32	-4
• Three bed	15	17	+2
<b>Total apartments</b>	<b>85</b>	<b>83</b>	<b>-2</b>
Solar access (at least 2 hours)	78%	77%	
Natural cross ventilation	76%	76%	
Communal open space (m <sup>2</sup> )	341	343	+2



As Lodged (20/11/2020)

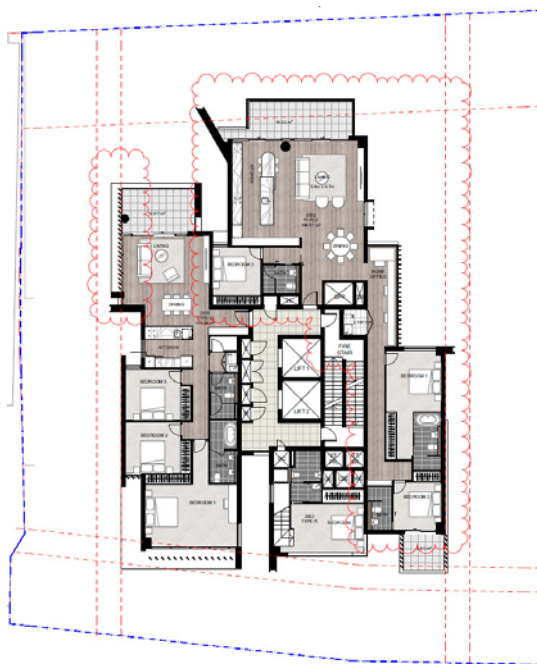


As Amended to reduce overshadowing

**Figure 1: Level 18 comparison**

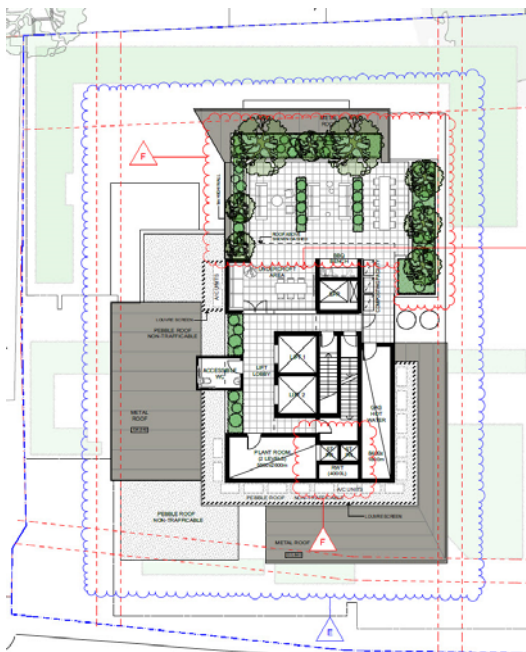


As Lodged (20/11/2020)

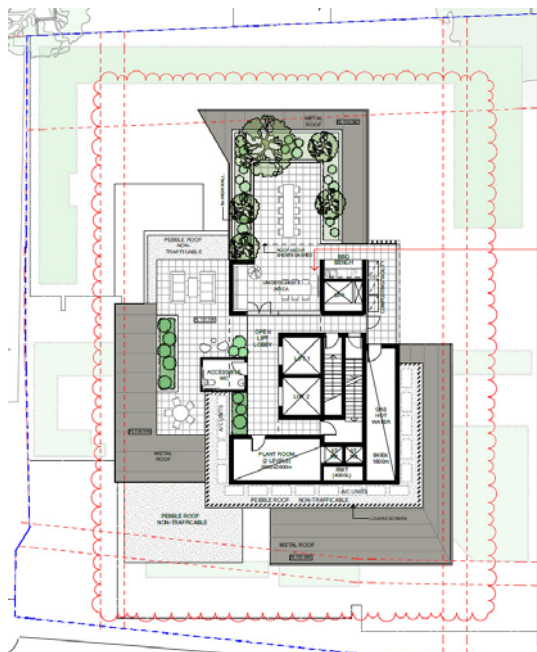


As Amended to Reduce Overshadowing

**Figure 2: Level 19 comparison**



As Lodged (20/11/2020)



As Amended to Reduce Overshadowing

**Figure 3: Roof terrace comparison**

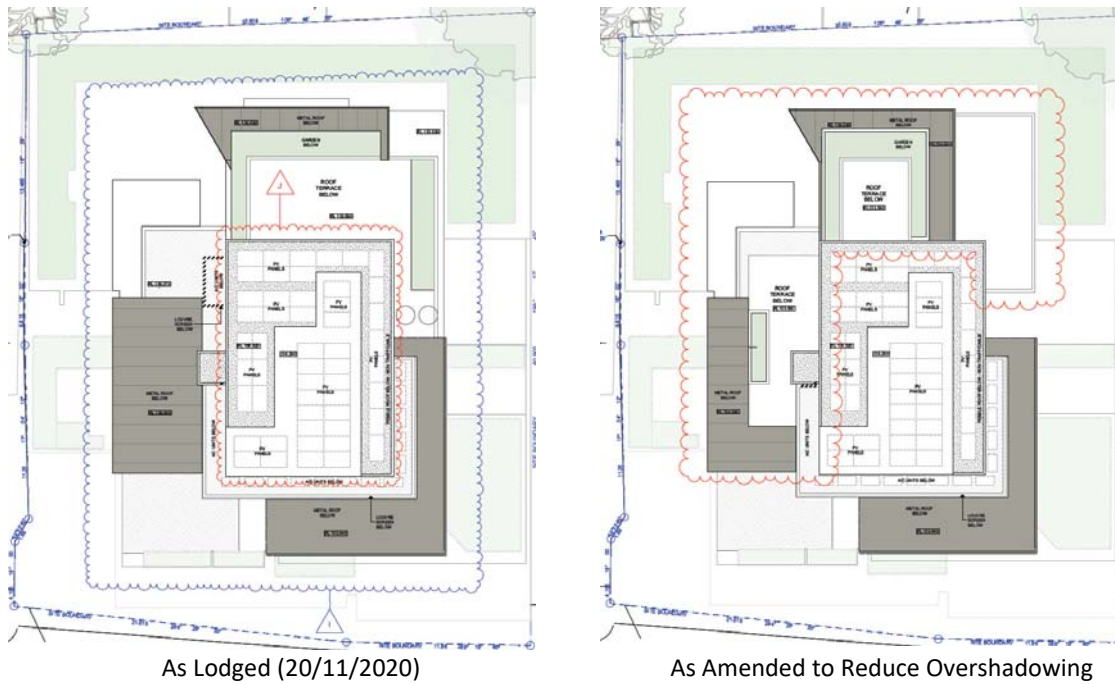


Figure 4: Roof comparison

### Modification of the conditions of consent

The amended Section 4.55(2) Proposal seeks consent to modify Conditions 1, 2, 31 and 36 in the Notice of Determination for DA-482/2017. The proposed modifications, as amended by the plans attached to this letter, are set out below (showing deleted words in ~~strikethrough~~ and new words in **red**).

### 1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by Cottee Parker JPRA including the following:

Drawing No.	Drawing Name	Drawing Revision & Date	Drawing (Plot) Date
DA0000	COVERPAGE	<del>B-01/08/18</del> <b>H 11/02/2021</b>	<del>26/10/18</del> <b>11/02/2021</b>
DA1100	Site Plan	<del>E-01/04/19</del> <b>G 10/02/2021</b>	<del>07/12/18</del> <b>20/11/2020</b>
DA2100	Lower Ground Floor Plan	<del>E-01/04/19</del> <b>M 20/11/2020</b>	<del>03/04/19</del> <b>20/11/2020</b>
DA2101	Upper Ground Floor Plan	<del>E-01/04/19</del> <b>K 20/11/2020</b>	<del>03/04/19</del> <b>20/11/2020</b>
DA2102	Level 1 Plan	<del>E-01/04/19</del> <b>J 20/11/2020</b>	<del>29/03/19</del> <b>20/11/2020</b>
DA2103	Level 2 Plan	<del>E-01/04/19</del> <b>J 20/11/2020</b>	<del>29/03/19</del> <b>20/11/2020</b>
DA2104	Level 3 Plan	<del>E-01/04/19</del> <b>J 20/11/2020</b>	<del>29/03/19</del> <b>20/11/2020</b>
DA2105	Level 4 Plan	<del>E-01/04/19</del> <b>K 20/11/2020</b>	<del>29/03/19</del> <b>20/11/2020</b>
DA2106	Level 5 Plan	<del>F-02/04/1</del> <b>K 10/02/2021</b>	<del>02/04/19</del> <b>20/11/2020</b>
DA2107	Level 6 Plan	<del>D-01/04/19</del> <b>H 10/02/2021</b>	<del>29/03/19</del> <b>20/11/2020</b>



Drawing No.	Drawing Name	Drawing Revision & Date	Drawing (Plot) Date
<del>DA2108</del>	<del>Level 7 Plan</del>	<del>D 01/04/19</del>	<del>29/03/19</del>
DA2109	<del>L8, L10, L12, L14, L16 Plans</del> <del>L7, L9, L11, L13, L15, L17 Plans</del>	<del>D 01/04/19</del> K 10/02/2021	<del>29/03/19</del> 20/11/2020
DA2110	<del>L9, L11, L13, L14, L15 Plans</del> <del>L8, L10, L12, L14, L16 Plans</del>	<del>D 01/04/19</del> K 10/02/2021	<del>29/03/19</del> 20/11/2020
DA2110A	Level 18 Plan	A 10/02/2021	20/11/2020
DA2110B	Level 19 Plan	A 10/02/2021	20/11/2020
DA2111	<del>Level 17 Plans</del> Roof Terrace Plan	<del>E 29/04/19</del> G 10/02/2021	<del>29/04/19</del> 20/11/2020
DA2112	<del>Roof Terrace Plan</del> Plant Level	<del>G 29/04/19</del> O 10/02/2021	<del>29/04/19</del> 20/11/2020
DA2113	<del>Plant Level</del> Roof Level	<del>D 22/11/18</del> K 10/02/2021	<del>07/12/18</del> 20/11/2020
<del>DA2114</del>	<del>Roof Plan</del>	<del>B 22/11/18</del>	<del>07/12/18</del>
DA2200	Section A	<del>C 22/11/18</del> H 10/02/2021	<del>07/12/18</del> 20/11/2020
DA2201	Section B	<del>D 01/04/19</del> I 10/02/2021	<del>29/03/19</del> 20/11/2020
DA2300	North Elevation	<del>E 29/04/19</del> J 10/02/2021	<del>29/04/19</del> 20/11/2020
DA2301	South Elevation	<del>F 29/04/19</del> K 10/02/2021	<del>29/04/19</del> 11/02/2021
DA2302	East Elevation	<del>D 29/04/19</del> H 10/02/2021	<del>29/04/19</del> 20/11/2020
DA2303	West Elevation	<del>D 22/11/18</del> H 10/02/2021	<del>07/12/18</del> 11/02/2021
DA2402	Unit Type Plans (Podium)	<del>E 29/04/19</del> H 13/08/2020	<del>29/04/19</del> 11/02/2021
DA2403	Unit Type Plans (Podium)	<del>D 01/04/19</del> G 20/11/2020	<del>29/03/19</del> 11/02/2021
DA2404	Unit Type Plans (Podium)	G 20/11/2020	13/08/2020
DA2405	Unit Type Plans (Tower)	I 10/02/2021	20/11/2020
DA2405A	Unit Type Plans (Tower)	A 10/02/2021	20/11/2020
DA2406	Adaptable Unit Type Plans	<del>E 29/04/19</del> G 13/08/2020	<del>29/04/19</del> 13/08/2020
DA2407	Adaptable Unit Type Plans	<del>C 01/04/19</del> H 20/11/2020	<del>29/03/19</del> 20/11/2020
DA2408	Adaptable Unit Type Plans	<del>C 01/04/19</del> H 20/11/2020	<del>29/03/19</del> 13/08/2020
DA2409	Ventilation/Acoustic Slot Detail	<del>B 01/04/19</del> F 20/11/2020	<del>29/03/19</del> 20/11/2020
<del>DA9004</del> DA9003	Building Setback and Building Separation	<del>C 22/11/18</del> F 13/08/2020	<del>07/12/18</del> 13/08/2020
DA9006	External Finishes North	<del>C 22/11/18</del> I 10/02/2021	<del>07/12/18</del> 20/11/2020
DA9007	External Finishes South	<del>C 22/11/18</del> H 20/11/2020	<del>07/12/18</del> 20/11/2020
DA9008	External Finishes West	<del>C 22/11/18</del> G 20/11/2020	<del>07/12/18</del> 20/11/2020
DA9009	External Finishes East	<del>B 22/11/18</del> H 10/02/2021	<del>07/12/18</del> 20/11/2020
DA9010	External Finishes Stencil Pre-Cast	<del>B 22/11/18</del> E 13/08/2020	<del>07/12/18</del> 13/08/2020

AMENDED BY SYDNEY EASTERN CITY PLANNING PANEL 2/5/2019

- (b) Landscape Plan prepared by Umbaco, Revision F L, dated ~~14.12.18~~ 11.2.2021;
- (c) BASIX and NatHERs Certificates prepared by Windtech;
- (d) Acoustic Report by Acoustic Logic [Reference No. 20161621.1/2607A/R3/JL] dated 7 December 2018;

- (e) Preliminary Soil Investigation Report prepared by CETEC Professional Scientific Solutions [Project no CN180814] dated August 2018;
- (f) Pedestrian Wind Environment Study prepared by Windtech - WC949-02F03(REV1)- WE REPORT dated 31.07.18 ~~and WC949-04F01(rev0) - WS Memo dated 12.4.19~~ **and Pedestrian Wind Statement Memo WC949-07F02(rev0) - WS Memo dated July 16, 2020;**
- (g) Site Waste Management Plan (SWRMP) prepared by Senica **dated 14 August 2020;**
- (h) Energy Efficient Report and Sustainability Initiatives, prepared by RENZI, dated August 2018 (to be updated by a condition within this consent);

Except where amended by the following conditions of consent.

Note: References in this consent that refer to Council means 'Waverley Council' not the Principal Certifying Authority

## **2. GENERAL MODIFICATIONS**

~~(a) DELETED BY SYDNEY EASTERN CITY PLANNING PANEL 2/5/2019~~

~~\*However drawings DA2113, DA2114 and DA1100 must be updated to reflect the amendments reflected in Level 17, drawing DA2111, Level 17, as endorsed by the Panel.~~

~~(b) The architectural plans as amended are to be stamped by the Accredited NatHERS assessor.~~

~~(c) The reference to the bin stand at the front of the site is to be deleted from the plans. All waste collection is to be from within the site.~~

~~The amendments are to be approved Council's Executive Manager, Building Waverley (or delegate); prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.~~

## **31. ADAPTABLE HOUSING**

At least ~~8~~ **9** Adaptable dwellings are to be provided within the development. The number of adaptable dwellings provided is to comply with the requirements of accordance with the Waverley Development Control Plan 2012 and are to be certified to comply with the relevant Australian standards by an independent, suitably qualified person.

Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

## **36. BICYCLE PARKING**

At least ~~89~~ **95** bicycle parking spaces are to be provided, allocated in the following manner:

- ~~78~~ **83** spaces for residents
- ~~8~~ **9** spaces for visitors
- 3 spaces for commercial/retail

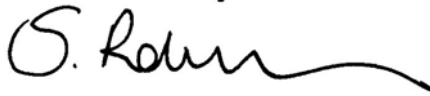
Such spaces are to be provided by way of a secure lockable area, individual lockers or suitable bicycle racks and are to be located within the ground floor foyer or adjacent within any forecourt or within the basement car parking area.

This is to be detailed in the construction certificate plans prior to the issue of the relevant Construction Certificate

As the proposed changes described in this letter reduce the size of the modified development and the amenity impacts for nearby residents; there is no need to renotify the application.

Please do not hesitate to contact the undersigned if you require any additional information.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Robinson', with a long, sweeping horizontal line extending to the right.

Sandra Robinson BTP (Hons) MPIA  
*Director*

Enc: See above