

27 November 2013

Dr John Roseth
Chair, Sydney East Joint Regional Planning Panel
C/- Regional Panels Secretariat
23-33 Bridge Street
SYDNEY NSW 2000

Dear Dr Roseth,

**2013SYE038 – 241 Oxford Street, Bondi Junction (DA-81/2013) –
Submission to the Sydney East JRPP on behalf of Leighton Properties Pty Ltd**

I write in regard to the above development application on behalf of the applicant, Leighton Properties Pty Ltd, which will be determined by the Sydney East Joint Regional Planning Panel on Thursday 28 November 2013.

The intent of this letter is to provide to the JRPP ahead of the determination meeting:

1. A simple architectural diagram and photomontage prepared by Kannfinch Architects, to clarify a key point of contention in the assessment report relating to the setback of the tower form above the podium.
 - The purpose of showing these architectural images is to make clear the inaccuracy in Council's reason No. 3 for refusal that states; "...*the tower building form is not setback from the street edge, or side or rear boundaries*", and that "*the proposal fails to differentiate between the block podium and tower form*"
 - The imagery attached highlights that the tower is setback from the podium by 3.5 metres at the corner of Hollywood Avenue and Oxford Street, and up to 7metres along part of the Oxford Street frontage. The imagery doesn't show the setback of the tower from the rear boundary which ranges from 6.4 metres to 15 metres.
 - The photomontage clearly shows the expression of a separate podium and tower form. Measures such as the physical setback of the tower, material differences, colour changes and variation to the horizontal banding and glazed proportions on the podium all accentuate the two building components.

The project team will specifically address the matters identified in the assessment report as reasons for refusal in presentation to the panel during the determination meeting. Ahead of the meeting, however, we request that the JRPP considers that:

- The setback and form of the tower has been accepted by Council's Design Review Panel as appropriate for the site in its context to deliver distinct podium and tower elements, achieving a high quality design resolution on a challenging site with an appropriate relationship to the local streetscape and the neighbouring residential tower to the south;

- Waverley Council recently resolved to submit a letter to the JRPP in support of the building design as proposal noting the support of the Design Review Panel. They also resolved to support the proposed VPA. A copy of this resolution is attached.
 - Notwithstanding their reasons for refusal, the assessment report has clearly recognised that the environmental and amenity impacts of the development are acceptable, and when weighted against the likely public benefits that would flow from the VPA, it concluded that the impacts in this case would be acceptable (*page 18 of assessment report*).
2. Requested amendments to the proposed Conditions of Consent should the JRPP resolve to approve the development.

Condition 5(a) reads as follows:

The proposal shall be amended as follows:

- (a) *The mechanical plant area on the roof is to be reduced to 20% of the roof area and be setback 2m from the sides of the building.*

We **request that this condition be deleted**. There is no basis to restrict the plant level as proposed. Council has not imposed a like condition on recent comparable projects in Bondi Junction (including the DA before the Panel today) so in our view it's unjust and unreasonable.

The plant area occupies approximately 80% of the roof level, notwithstanding this we have included a communal area to make use of a reasonable part of the roof space. There are multiple other conditions to protect the amenity from noise disturbance so there should be no concern arising from the deletion of this condition.

Condition 21 reads as follows:

All refrigeration motors/units and other mechanical plant are to be installed within the building in an acoustically treated plant room. In this regard, adequate provision is to be made within the confines of the building for any plant and equipment associated with the use of the building.

We request this **condition be amended** as follows:

*All refrigeration motors/units and other mechanical plant are to be installed within the building in an acoustically treated plant room **or by another method to adequately attenuate noise emission**. ~~In this regard, adequate provision is to be made within the confines of the building for any plant and equipment associated with the use of the building.~~*

Conditions 18 and 19 relate to mechanical noise emissions and set numerical requirements to be met. The applicant expects the plant to meet these requirements without having to house it within an "acoustically treated plant room" as currently required by Condition 21. Hence we request this condition provide flexibility.

Condition 68 requires the applicant to prepare an energy efficiency report, which according to the assessment report (page 27) relates to a draft DCP Amendment No.2 that to our knowledge has not been publically exhibited.

The applicant is committed to achieving a green star rating of the development, but further detailed modelling needs to be undertaken. In the absence of clear and measurable policy objectives, **we request this condition be amended to require compliance with the current provisions of Part B2 of Waverley DCP 2012.**

The project team looks forward to presenting to the JRPP on these matters at the meeting on Thursday 28 November.

Yours sincerely,

A handwritten signature in black ink that reads 'Stephen White'. The signature is written in a cursive, flowing style.

Stephen White
Director

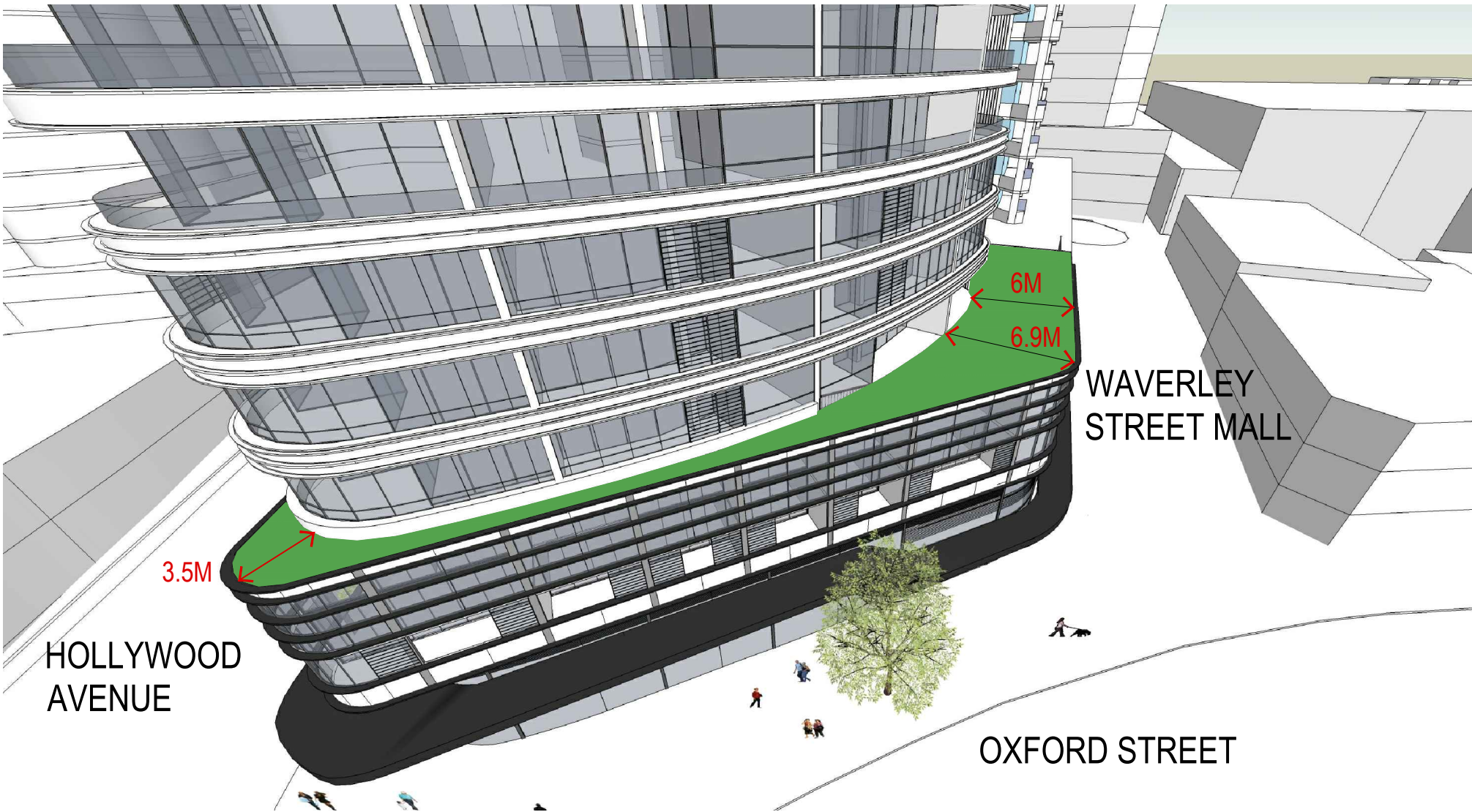
Attachments

- Design diagram and photomontage by Kannfinch Architects
- Extract from Waverley Council minutes on the resolution to support the proposal

Attachment One – Design Diagram and Photomontage

- TOWER SETBACK:
- CORNER OXFORD AND HOLLYWOOD
 - OXFORD STREET
 - WAVERLEY STREET MALL

TOWER SETBACK



TOWER SETBACK

-CORNER OXFORD STREET AND HOLLYWOOD AVENUE

-OXFORD STREET

PODIUM DESIGN:

-ACTIVE STREET EDGE

-HUMAN SCALE



Attachment Two – Extract from Waverley Council Minutes

1311.12.7

241-247 Oxford Street and 2 and 2A Waverley Street, Bondi Junction - Demolition of existing buildings, construction of a mixed use building with basement car park (DA-81/2013)

Report dated 12 November 2013 from the Development and Building Unit.

MOTION (Cusack / Betts)

That Council:

1. Receives the report and notes that it will be forwarded to the Joint Regional Planning Panel for its meeting on 28 November 2013.
2. That Council makes a submission to the Joint Regional Planning Panel advising as follows:
 - (a) Council notes the support of the proposed design from the Randwick/Waverley SEPP 65 Design Review panel and, having regard to the individual circumstances and merits of this case, is also supportive of the building design as proposed and that a Deferred Commencement Consent should be granted in accordance with the draft conditions.

Whilst the proposal does not provide the required 6 metre tower setback in the Waverley DCP 2012, the design takes into consideration the prominent corner location and provides an appropriate visual appearance that achieves a strong built form to the street corner and public domain.

- (b) Council agrees to accept the applicant's proposed Voluntary Planning Agreement should the Joint Regional Planning Panel approve the application.
- (c) Council supports the proposed variations to height and FSR and notes that the assessment report also supports these variations having regard to the limited environmental impacts and the public benefit that will be achieved from the Voluntary Planning Agreement.
- (d) That part of the funds from the Voluntary Planning Agreement will be spent on upgrading the public spaces in Waverley Mall.
- (e) That the applicant be required to install CCTV cameras in consultation with the local police command to improve community safety around the building.

AMENDMENT (Wakefield / Strewe)

That the reduction of the setback of 6 metres is not accepted.

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Kanak, Masselos, Strewe and Wakefield.

Against the Amendment: Crs Betts, Burrill, Clayton, Cusack, Goltsman, Guttman-Jones, Kay and Mouroukas.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION: That the Motion be adopted.

Division

For the Motion: Crs Betts, Burrill, Clayton, Cusack, Goltsman, Kay and Mouroukas.

Against the Motion: Crs Guttman-Jones, Kanak, Masselos, Strewe and Wakefield.

G. Tonnet of Leighton Properties (the Applicant) and Prof. P. Webber (on behalf of the Applicant) addressed the meeting.

1311.12.8

Boot Factory (A08/1326)

Report dated 12 November 2013 from the Director, Corporate & Technical Services updating Council about the Boot Factory building at 27 Spring Street, Bondi Junction.

MOTION / DECISION (Cusack / Betts)

That Council:

1. Receive and note this report.
2. Note that a briefing of Councillors will be organised on the details of the materials prepared for a Development Application for demolition of the Boot Factory prior to lodgment of any DA.
3. Note that a Councillor briefing will also be provided on the benefits or otherwise of augmenting the DA process to allow for consideration of more alternatives for funding and retaining the building in some form.

AMENDMENT (Wakefield / Strewe)

That:

1. Clause 2 of the Motion be deleted.
2. A new Clause 2 be added that reads as follows:
"Council withdraws its application to demolish the Boot Factory."

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division

For the Amendment: Crs Kanak, Masselos, Strewe and Wakefield.

Against the Amendment: Crs Betts, Burrill, Clayton, Cusack, Goltsman, Guttman-Jones, Kay and Mouroukas.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION: That the Motion be adopted.