

13553  
28 January 2015

Ms Lisa Foley  
Panel Secretariat  
Sydney East Joint Regional Planning Panel  
23-33 Bridge Street  
SYDNEY NSW 2000

Dear Ms Foley,

**18-22 OCEAN STREET NORTH AND 30 WELLINGTON STREET, BONDI  
PANEL REFERENCE 2014SYE115**

We refer to the Development Application (DA) submitted by Mirvac Projects Pty Ltd for a high density residential development at the above site. Following the initial Panel hearing on 18 December 2014, Mirvac has met with Council to discuss and resolve a number of the matters that were originally raised. Mirvac received Council's revised conditions of consent on 28 January 2015, and is generally supportive of the changes that have been made.

This letter summarises the outcome of that discussion, and details those conditions which Mirvac would like the Panel to amend.

**1.0 SUMMARY OF DISCUSSIONS WITH COUNCIL**

A meeting was held with Council officers on 14 January 2014. At this meeting, a number of matters were resolved, with Council and Mirvac agreeing to delete and / or amend several of the draft conditions.

It was also agreed that the deferred commencement conditions would be deleted, subject to Mirvac submitting revised plans and a Site Audit Statement prior to the Panel hearing. The amended plans were submitted to Council on 22 January 2015, and the Site Audit Report and Site Audit Statement were submitted on 21 January 2015. Whilst no agreement could be reached on the deferred commencement condition relating to the substation location, it was agreed that this could be an operational condition. Based on the above, the deferred commencement conditions have now been removed.

In addition to resolving the deferred commencement conditions, Mirvac and Council have agreed:

- To delete condition 4(d) requiring the installation of ceiling fans;
- To delete condition 4(e) requiring the provision of clerestory windows;
- To delete condition 5(c), enabling the opening on Wellington Street to be retained;
- To delete condition 12 relating to amended landscaping plans;
- To amend condition 102, to allow for a clear kerb length of 7.5m, rather than 11m as originally proposed;
- To amend condition 113 to be consistent with the updated tree retention plan; and
- To amend condition 114 to be consistent with the updated tree removal plan.

In light of the above, the only matters that remain outstanding and require resolution are:

- Condition 4 relating to the location of the substation; and
- Condition 5(a) relating to the screening of roof top plant.

These matters are discussed below.

## 2.0 REMAINING MATTERS FOR THE JRPP'S CONSIDERATION

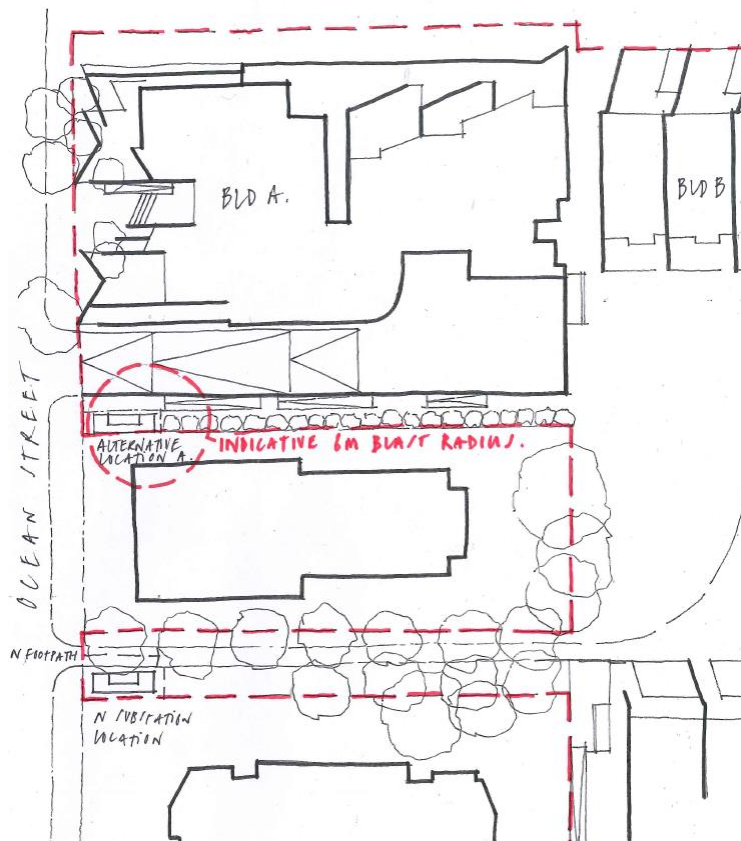
### Condition 4 - Substation Location

The Council Officer's report recognises Mirvac's previous response, and the justification that has been submitted to support the proposed location of the substation at the Ocean Street North entry to the through-site link.

Council has also acknowledged that the JRPP may resolve to allow the substation in its current location, subject to receiving the concurrence of Ausgrid.

Mirvac maintains that the proposed location is the only suitable location for the proposed substation. This is supported by the statement prepared by Integrated Group Services (IGS) (submitted at Appendix H of the Amended DA submission, and **attached** for reference). IGS has been liaising with Ausgrid since before Mirvac acquired the site. IGS has reviewed the substation location, and in consultation with Ausgrid, has confirmed that the proposed location is the only suitable location for the substation for the following reasons:

- The 11kV high voltage network does not extend any further north past the existing kiosk substation located at 26 Ocean Street North and there is no high voltage network on Wellington Street. The proposed location has been carefully assessed and negotiated with Ausgrid's Contestability Manager to ensure the site can be adequately serviced from Ausgrid's Network. This is evidenced by the Deed prepared by Ausgrid (attached to IGS's letter) which shows the design of the substation on Ocean Street North.
- Mirvac were advised during due diligence that the substation was required to be located behind the property boundary on ground that is within a few hundred millimetres of the level of the existing road. There are only two locations on the site that meet this requirement, being the proposed location on Ocean Street North and the southern boundary of the site on Wellington Street. The southern boundary location has been discounted as it would require extensive trenching which would interfere with the Structural Root Zone of the heritage listed Norfolk Island Pine.
- The proposed location provides unobstructed level access for installation and ongoing maintenance in accordance with Ausgrid Network Standards.
- Options to incorporate the substation into the building were also discounted due to the adverse impact it would have on the design and architecture of the buildings as a result of Ausgrid's access requirements and the need to provide adequate blast proofing. Relocating the substation to the walkway alongside Building A was considered, however for safety reasons, the substation and any building openings to habitable space are required to be separated by more than 6m, which is not achievable in this location due to the proximity of the neighbouring property. The sketch at **Figure 1** indicates the 6m blast radius and the impact it would have on the neighbouring building. In addition, the opportunities to provide landscaping to screen the substation are more limited adjacent to the driveway entry. An example of the type of poor design outcome that would result from locating the substation adjacent to Building A is provided in **Figure 2**.
- Ausgrid's Contestability Manager has confirmed that the kiosk substation can be screened by hedges, shrubs, climbing plants and / or fences up to 2 metres tall to reduce the visual impact on the streetscape and through-site link, provided gates are supplied to provide adequate access. IGS has had a preliminary discussion with Aspect Studios and believe that an appropriate solution can be reached. An image indicating the type of screening that can be achieved has been prepared by Aspect Studios, and is provided at **Figure 3**.



**Figure 1 – Extent of the 6m blast zone if the substation is located adjacent to Building A**



**Figure 2** – Example of the poor design outcome achieved when a substation is placed in front of a building, requiring a 6m blast zone



**Figure 3** – Indicative screening of the proposed substation, looking down the through-site link from Ocean Street North

#### **Condition 5(a) - Screening / Enclosures around Roof Plant**

In response to public submissions received around view loss from neighbouring buildings (primarily from some residents in 22-28 Wellington Street, which overlooks Building D), Condition 5(a) requires that the screening / enclosures around the plant on the roofs of Buildings A, D and E be deleted.

Mirvac maintains that it is good and standard practice to provide screens / enclosures around roof top plant, providing important visual and acoustic mitigation. In summary:

- The screens will be more aesthetically pleasing than seeing condensers / pipe runs. As detailed below, the screens are no higher than the top of the condensers / lift overruns and do not result in additional unnecessary height.
- The screens will provide acoustic benefits to properties at and below the level of the condensers, both on and off the site.
- Whilst Mirvac has explored the possibility of fully enclosing the plant (to provide further visual and acoustic mitigation) this would require the plant enclosures to be approximately 2m tall to provide adequate clearance for access.

Based on the above, Mirvac is seeking to retain the plant screening / enclosures. The screens are proposed at a height of up to 1.2m (above the topmost parapet level) to align with the approximate height of the condensers / lift overruns. However in response to the issues raised, the extent of the roof top plant zones on Buildings A, D and E has been significantly reduced to limit adverse view impacts. This is reflected on the revised plans (Roof Plan - Rev C) issued to Council on 22 January 2015.

It is noted that following submission of the amended plans, access has been granted to the key properties at 34 and 35 / 22-28 Wellington Street, and a view impact analysis has been undertaken to assess the impact on views from these apartments. In response to the view impact analysis, the plant on Building D has been further rationalised.

At the time of submitting this response, Smart Design Studio is working to finalise the view impact analysis for presentation to the Panel ahead of the meeting. The view impact analysis, in conjunction with advice from the project's mechanical engineer, will be used to determine the minimum extent of roof top plant on Building D, and the location of this plant in order to further minimise view impacts to the



north. Whilst the view impact analysis is yet to be finalised, preliminary modelling demonstrates that the relocation of the plant to the eastern and western ends of Building D will enable a view corridor to the north to be maintained from these two apartments. The analysis also demonstrates that the proposed roof design results in a markedly improved outcome over the original scheme, where the condensers (whether screened or unscreened) would block this view corridor.

Based on the above, it is requested that Condition 5(a) be amended to reflect the revised Roof Plan, as outlined in Section 3.0 below.

### 3.0 SUMMARY OF PROPOSED CHANGES TO CONDITIONS

A summary of the proposed changes to Conditions 4 and 5(a) is provided below. Words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in ***bold italics***. A justification for the proposed amendments is provided above.

Original Condition	Proposed Condition
<p><b>Condition 4 Substation Location</b></p> <p>The substation on Ocean Street shall be relocated to within the front setback of Building A (Ocean Street). The substation shall be suitably screened from the street through landscaping and/or built screening and details shall be provided.</p> <p>Note: Should the JRPP resolve to support the substation in the proposed location, then concurrence is required of the electricity supply authority for the area (Ausgrid).</p>	<p><b>Condition 4 Substation <del>Location</del> Screening</b></p> <p><del>The substation on Ocean Street shall be relocated to within the front setback of Building A (Ocean Street).</del> The substation shall be suitably screened from the street and through site link through landscaping and/or built screening and details shall be provided.</p> <p><del>Note: Should the JRPP resolve to support the substation in the proposed location, then</del> Note: Concurrence is required from the electricity supply authority for the area (Ausgrid).</p>
<p><b>Condition 5 (a) Screening / enclosures</b></p> <p>The screening / enclosures around the roof plant on the roofs of Buildings A, D and E shall be deleted.</p>	<p><b>Condition 5 (a) Screening / enclosures</b></p> <p><del>The screening / enclosures around the roof plant on the roofs of Buildings A, D and E shall be deleted rationalised.</del></p> <p><b><i>Screening / enclosures shall be provided around the roof plant on the roofs of Buildings A, D and E, consistent with plan number A110 Roof Plan D.</i></b></p>

We thank the Panel for the opportunity to provide input on the draft conditions for the above application, and would implore the Panel members to support the recommendation put forward by Council's professional planning staff.

Mirvac and Council have resolved a number of the conditions since the first Panel hearing in December 2014, with only two matters now requiring consideration by the Panel. We look forward to discussing this further with the Panel.

Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or ktudehope@jbaurban.com.au.

Yours faithfully,



Kate Tudehope  
Senior Planner