Addendum to Statement of Environmental Effects

109 – 119 Oxford Street and 34 – 42 Spring Street, Bondi Junction

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1 Introduction

1.1 General

This document is provided as an addendum to the Statement of Environmental Effects (SEE), submitted to Waverley Council for a mixed use development fronting 109 – 119 Oxford Street and 34 – 42 Spring Street, Bondi Junction. The development application reference No is: DA-569/2015.

The proposal comprises an iconic and modern 12 storey development that is generally in compliance with the relevant provisions of the LEP and DCP. It is consistent with the zoning objectives and the desired future character of the area, which is to provide a mix of residential, commercial and retail uses. The proposal contains:

» retail tenancies at ground level

» shop top housing - residential apartments above ground level within 11 stories

» car parking facilities on five basement levels

» dual pedestrian access from both Oxford Street and Spring Street

» separate vehicular access from Spring Street.

This application also seeks approval for the demolition of all existing buildings located on the site and the carrying out of earthworks associated with the building construction.

The DA seeks approval under Part 4 of the Environmental Planning and Assessment Act 1979 (the Act) and this SEE addresses the heads of considerations under Section 79C of the Act.

Accompanying this addendum are the following plans and supporting technical information:

1. Amended Clause 4.6 submission, prepared by Elton Consulting
2. DCP Compliance Checklist, prepared by Elton Consulting
3. Submission relating to the "non-isolation" of the adjoining site at 32 Spring Street
4. Amended architectural design package prepared by Daryl Jackson Robin Dyke
5. SEPP 65 verification and apartment design guide compliance report
6. Amended landscape plan for the central arcade at ground level and rooftop terrace, prepared by Place Design Group
7. Addendum to acoustic report, prepared by Vipac Engineers and Scientists
8. Addendum to the wind study, prepared by Vipac Engineers and Scientists
9. Waste Management Plan, prepared by Elephants Foot Recycling Solutions
10. Energy assessment, prepared by Vipac Engineers and Scientists
11. Revised BASIX certificate
12. Wind tunnel study (to be provided under separate cover).

The following reports, submitted as part of the original DA submission, remain unchanged:

1. Assessment of traffic and parking implications, prepared by Transport and Traffic Planning Associates
2. Stormwater drainage design, prepared by Green Arrow
3. Geotechnical desktop assessment, prepared by Environmental Investigations Australia
4. Preliminary site investigation, prepared by Environmental Investigations Australia
5. Site survey, prepared by Eric Scerria Associates.

1.2 Letter of deferral

Council provided a letter of deferral dated 20 March 2016, requesting that a number of matters be addressed. Kay matters to be addressed are summarised as follows:

» Isolation of adjoining site

» Provision of building envelopes for potential redevelopment of adjacent isolated site

» Building form

» Unit mix

» SEPP 65 Design Review Panel Recommendations

» Additional information (Energy Assessment and wind mitigation).

In response to the above, a revised design package was submitted to Council on 12 May 2016.

2 Site description

2.1 Description of site

The subject land remains consistent with that detailed in the original development application package and comprises a compilation of landholdings located within Bondi Junction with frontage to both Oxford Street and Spring Street.

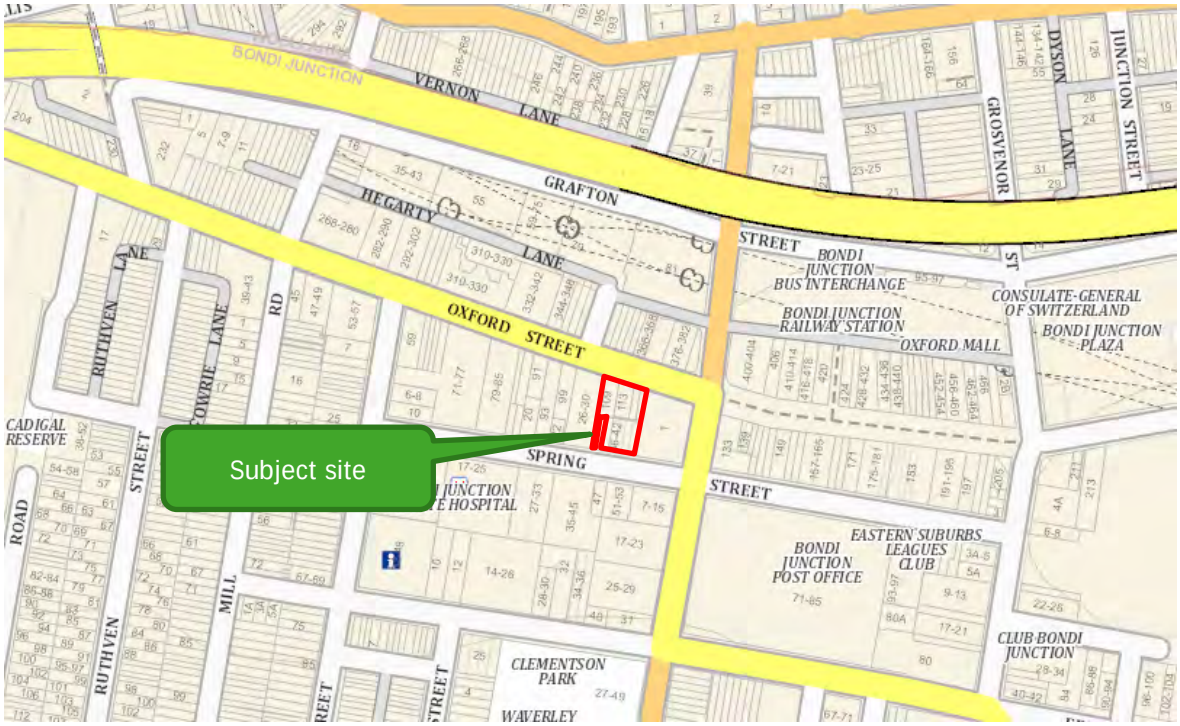
Bondi Junction is readily accessed by public transport including regular train and bus services, with the Bondi Junction railway station and bus interchange located less than 150m from the site.

The proposed development is located within the area described as 109 – 119 Oxford Street and 34 – 42 Spring Street, Bondi Junction. The land is described in the table and below and is shown in Figure 1 and Figure 2.

Table 1 Site description

Address	Property description	Area (m^2)	Existing development
109 - 111 Oxford Street, Bondi Junction	Lot 1 DP575911	1318.5m^2	2 storey commercial development with retail at ground level
113 – 115 Oxford Street, Bondi Junction	Lot A DP 448076		2 storey commercial development with retail at ground level
117 Oxford Street, Bondi Junction	Lot 2 DP581271		2 storey commercial development with retail at ground level
119 Oxford Street, Bondi Junction	Lot 1 DP581271		2 storey commercial development with retail at ground level
97-99 Oxford Street, Bondi Junction	Lot A DP401739		2 storey commercial development with retail at ground level
42 Spring Street Bondi Junction	Lot 12 DP747297		2 storey commercial development
40 Spring Street Bondi Junction	Lot 3 DP14097		
38 Spring Street Bondi Junction	Lot 4 DP14097		
36 Spring Street Bondi Junction	Lot 5 DP14097		
34 Spring Street Bondi Junction	Lot 6 DP14097		2 storey commercial development with retail at ground level

Figure 1 Site locality



(Six maps 2015)

Figure 2 Aerial image of site

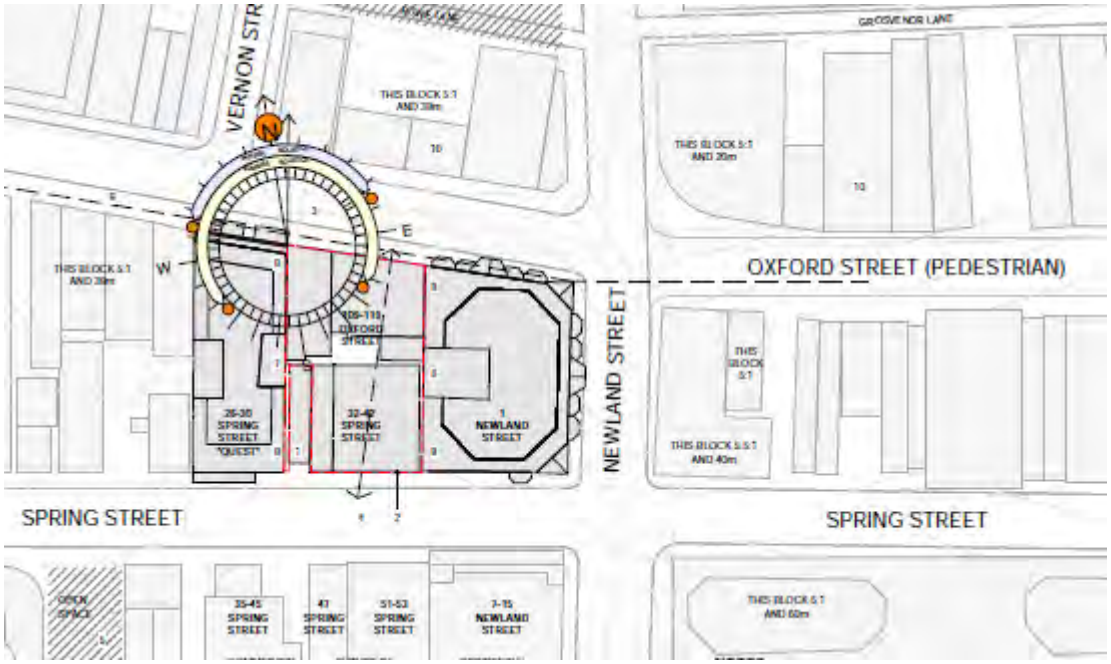
(Nearmap 2015)

2.2 Surrounding land uses

Surrounding development to the north, east and west contains predominately a mix of commercial and residential buildings of varied height with an inconsistent street presentation.

A site analysis is provided in Figure 3 below. This is also included as part of the architectural design package included within Appendix D.

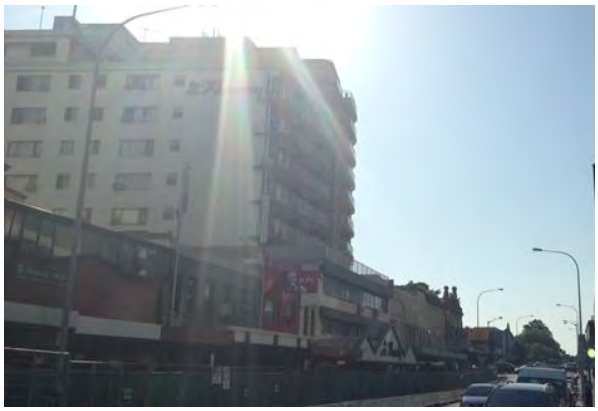
Figure 3 Site analysis



(Daryl Jackson Robyn Dyke)

The following figures illustrate the surrounding development form.

Oxford Street (southern side)



Oxford Street (southern side)

Spring Street (northern side)

Spring Street (southern side)

2.3 Opportunities and challenges

The key planning and design opportunities presented by the site have been used to guide the development design and are set out below:

The site is:

» centrally located within Bondi Junction in a location that is well serviced by public transport (rail and bus)

» directly accessible to existing, social, community, medical and education facilities and retail and commercial uses as well as employment , leisure and other opportunities

» of a size that can accommodate a high quality development that contributes to the both commercial and housing supply

» currently underutilised in terms of density and yield, providing the opportunity for redevelopment.

The key planning and design challenges presented by the site which have been addressed through the development design are as follows:

» accommodating a design strategy that enables adjoining land to be redeveloped in the future, in isolation and complimentary to the subject site

» the need to ensure an internal layout that provides for the amenity of the future residents of the building

» minimising any negative impacts (overshadowing, noise, privacy) on surrounding properties.

3 Description of the proposal

3.1 Proposal details

The DA seeks approval under Part 4 of the EP&A Act.

The applicant is Daryl Jackson Robyn Dyke.

The estimated total development cost is $24.71 million + GST. As the development value exceeds $20 million, the determination authority is the Joint Regional Planning Panel.

3.2 Proposal description

The revised design responds to matters raised in Council's letter dated 20 March 2016 and remains substantially the same development with the original proposal.

The revised development application seeks approval for a 12 storey mixed use development comprising:

- retail tenancies at ground level
  - shop top housing – 98 residential apartments above ground level within 11 stories, comprising:
    - 66 x 1 bedroom apartments
    - 31 x 2 bedroom apartments
    - 1 x studio apartment.
- car parking facilities on five basement levels
- demolition of existing structures located across the site.
- associated site works and landscaping.

The development achieves a floor space ratio of 5:1 and has a GFA of 6,606m^2.

The residential apartments are a total floor space of 5,916m^2.

3.2.1 Land use definitions

The applicable land uses are defined within the Waverley LEP 2012 as follows:

> ***commercial premises*** *means any of the following:*
>
> *(a) business premises,*
>
> *(b) office premises,*
>
> *(c) retail premises.*
>
> ***restaurant or cafe*** *means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, takeaway meals and drinks or entertainment are also provided.*

Note. Restaurants or cafes are a type of food and drink premises.

shop *means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises.*

Note. Shops are a type of retail premises.

mixed use development *means a building or place comprising 2 or more different land uses.*

shop top housing *means one or more dwellings located above ground floor retail premises or business premises.*

3.3 Urban design principles

The vision for the project is to create an iconic and modern development that offers quality amenity and residential accommodation within a centralised and highly accessible location.

The following objectives and principles have been considered in the design of the proposed development:

- The scale of the proposed building is to be consistent with the existing and emerging scale of buildings in the Bondi Junction Town Centre
- Maintaining the diversity in shop front activity along streets is an important aspect for creating a diverse and lively Centre
- Provision of a through site link with high visibility and direct connectivity to both Oxford and Spring Streets
- Ensuring the design contributes toward the maintenance of an active and vibrant commercial area.

The emerging character of the precinct tends to follow Council's prescribed massing principles for a 6 storey podium and setback tower.

The Oxford Street retail frontage is expressed as a two storey elevation in line with Council's desire to recall the terrace scaled buildings that once lined the street. The façade has subtle divisions that draw on the residential façade above while approximating the nominal 6 metre rhythm of the original streetscape. To Spring Street, the podium form is brought down to Level 1 and separated from the Ground Floor retail by a continuous awning. The through site connection is one bay of this rhythm and is announced with a skylight in the awning.

The podium is expressed as a six storey element that includes the retail components described above. It draws its alignment from the neighbouring Quest building that has adopted the Council's model for the emerging character of the precinct. The podium levels are expressed as a composition of louvered, open and solid wall elements that denote the uses behind. The texture and colour variance is intended to break down the perceived mass of this part of the building that will be quite prominent when viewed from street level.

The material selections are conventional and readily installed and maintained. The sliding balcony screens will add variety to elevation as residents choose to place, open or close the screens depending on their need for privacy and sun control.

The tower form continues the language of the podium. It is setback from below and uses the horizontal "slot" expression at Level 6 to visually separate and lighten the tower form from its base. The parapet of the tower steps to provide tall wall for wind protection to the landscaped roof garden and breaking down the scale of the tower silhouette.

The east and west walls which abut adjoining properties will be clearly seen in this proposal. Patterned materials and random windows will that draw on the language of the rest of the building will be an appropriate, authentic and consistent treatment for these otherwise blank walls.

The material palette is a variety of monochromes ranging from deep grey to gloss white. All are made from prefabricated, refinished materials including metal panel and ceramic tiles. Level 1 on Oxford Street will be painted render to evoke the masonry precedent and contrast with the material above.

3.4 Development summary

A description of the proposed development is provided in **Table 1**.

Table 1 Development schedule

Level	Description
Five basement levels	131 car parking spaces including 11 accessible spaces 26 motorbike parks 111 bike storage 98 storage areas waste store plant and equipment
Ground level	Three commercial premises » Retail area 1 - 100m^2 » Retail area 2 - 92m^2 » Retail area 3 - 75m^2 » Retail area 4 – 82m^2 » Retail area 5 – 74m^2 » Retail area 6 - 41m^2 The above areas are approximate only and will be subject to future strata subdivision. Open landscaped foyer with pedestrian access from Oxford Street and Spring Street, seating, tables and communal area. Substation Vehicular access from Spring Street Residential access from Spring Street and Oxford Street.
Level 1	8 residential apartments » 6 x 1 bed » 1 x 2 bed » 1 x studio

Level	Description
Level 2	9 residential apartments » 6 x 1 bed » 3 x 2 bed
Level 3	9 residential apartments » 6 x 1 bed » 3 x 2 bed
Level 4	9 residential apartments » 6 x 1 bed » 3 x 2 bed
Level 5	9 residential apartments » 6 x 1 bed » 3 x 2 bed
Level 6	9 residential apartments » 6 x 1 bed » 3 x 2 bed
Level 7	9 residential apartments » 6 x 1 bed » 3 x 2 bed
Level 8	9 residential apartments » 6 x 1 bed » 3 x 2 bed
Level 9	9 residential apartments » 6 x 1 bed » 3 x 2 bed
Level 10	9 residential apartments » 6 x 1 bed » 3 x 2 bed
Level 11	9 residential apartments » 6 x 1 bed » 3 x 2 bed
Rooftop	Landscaped gardens Plant and equipment

3.4.1 Building height

A maximum building height of 38m is permitted on the site. Variation to the maximum building height is requested as follows:

Table 2 Proposed variation to maximum building height

Building feature	Proposed building height variation
Ceiling height level 11	38.7m
Building height (excluding plant and equipment)	42.2m
Height of plant and equipment	42.2m – 43.5m

It is noted that the excess building height, parapet and rooftop terrace were supported in principle during Pre-DA consultation and SEPP 65 review.

A revised submission under Clause 4.6 Exceptions to development standards is included within Appendix A, seeking variation to the maximum building height development standard.

3.4.2 Gross floor area

The development has a gross floor area of 6,606m^2. A breakdown of the floor area of is provided in Appendix D.

3.4.3 Setbacks

Sections 1 and 2 included in the architectural design package demonstrate the varied setbacks from Oxford Street and Spring Street.

The proposed podium level responds to adjoining sites. The design intent is to continue the urban scale and massing of the adjacent buildings.

The front and rear setbacks vary to integrate where possible with the adjoining buildings.

3.4.4 Materials and finishes

The external building elevations are well articulated in terms of modelling and variety in façade treatment. These elements will:

» enhance the visual quality of the proposed development

» add richness to the façade

» reduce the potential appearance of adverse bulk or scale

» provide a positive response to the character of surrounding areas

» contribute to a visually interesting skyline.

The building will be finished with high quality materials that enhance the streetscape presentation to both Oxford and Spring Street. The finishes will be compatible with existing development surrounding the site.

A schedule of external finishes is included within the architectural design package.

3.4.5 Landscaping

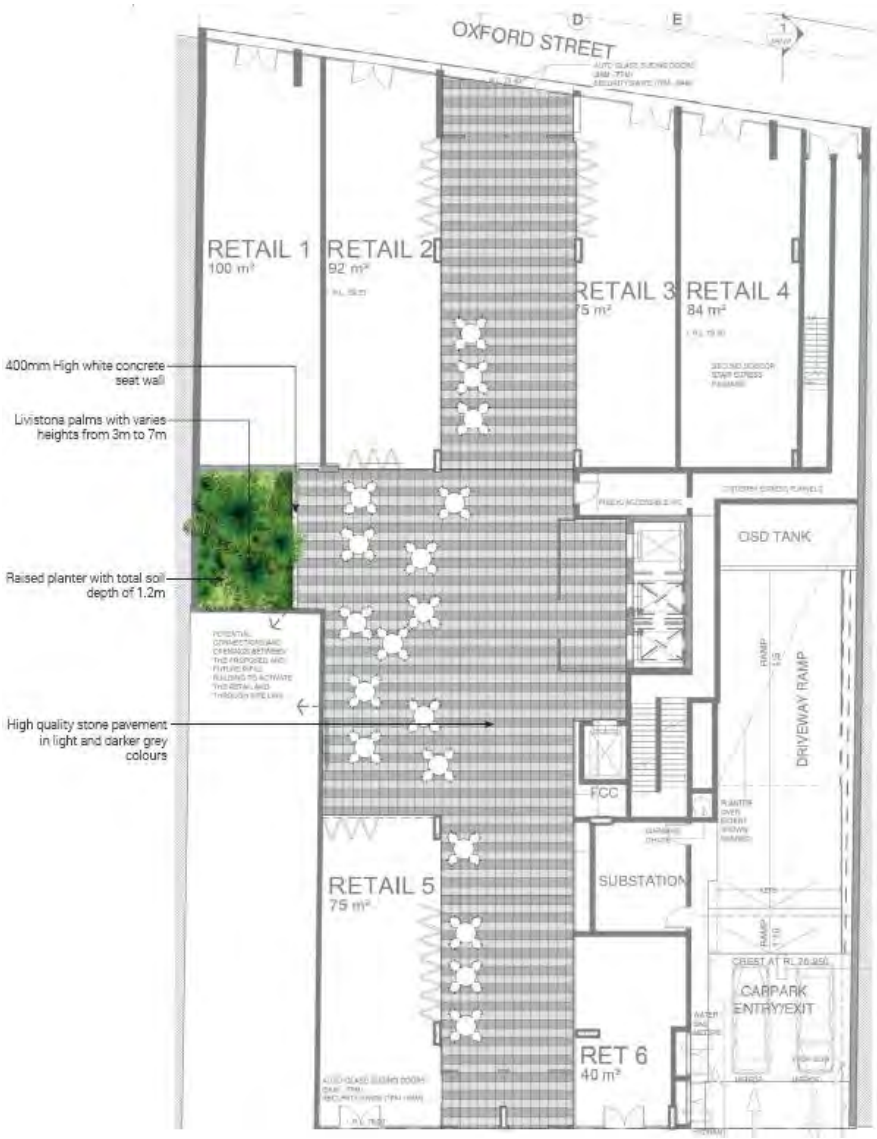
A Landscape Report has been prepared by Place Design Group to accompany the application. The report establishes a design strategy for the development and focuses on two key landscaping components, comprising the roof garden and atrium space / public though link at ground level.

The Landscape Report is included within Appendix F. An extract of the communal rooftop and atrium design is included within Figure 4 and Figure 5.

Figure 4 Landscape plan - communal rooftop

(Place Design Group)

Figure 5 Landscape plan - Atrium



(Place Design Group)

3.4.6 Access and parking

Pedestrian access

Pedestrian access is available to the site from both Oxford Street and Spring Street with a publicly accessible through site link provided to ensure connectivity between both streets and access to the retail tenancies at ground level and residential apartments above.

There is a separate lobby and entrance to the residences provided from Spring Street.

Fire stairs are provided separate to these entry points.

Vehicle access

Vehicle access to the site will be provided from Spring Street via a shared entry / exit driveway ramp connecting to the basement level parking.

Parking

A summary of parking proposed for the development is provided below.

Table 3 Car parking provision

Description	Council standard	Proposal details	Required for proposed development	Proposed
Residential	Maximum Studio – 1.0 per unit 1 bed – 1.0 per unit 2 bed – 1.2 per unit 3 bed – 1.6 per unit	3 x studio apartments 67 x one bed apartments 28 x two bed apartments **Total 98 apartments**	3.0 67.0 33.6 **Total 103.6 spaces (104)**	**104**
Accessible	1 per 10 units		11	11
Visitors	No spaces for the first 12 units and thereafter, 1 per 4 units		21.5	21
Car share / car wash				1
Retail	1.6 spaces per 100m^2 GFA	396m2	6.3	5
Total			**131.4**	**131** (including 11 accessible)

Table 4 Motorcycle and bicycle parking provision

Description	Council standard	Proposal details	Required for proposed development	Proposed
Bicycle				
Residential	1 per unit	98 apartments	98	98

Description	Council standard	Proposal details	Required for proposed development	Proposed
Visitors	1 per 10 units		10	10
Retail	1 per 150m^2	396m2	3	3
TOTAL			**111**	**111**
Motorcycle				
Motorcycle	3 spaces per 15 car spaces	131 spaces	26.2	26

3.4.7 Housing choice

The proposal comprises a total of 98 residential units in the following unit mix:

» 1 bedroom - 66 (67%) of these 10 units can be adaptable units

» 2 bedroom - 31 (32%) of these 10 units can be adaptable units

» studio - 1 (1%)

20% of the apartments are capable of being adaptable, however 10% of the apartments will be adaptable when built.

3.4.8 Waste management

A Waste Management Plan has been prepare by Elephants Foot Recycling Solutions and addresses the ongoing management of waste generated by the proposed development. The waste management plan has three key objectives:

» ensure waste is managed to reduce the amount of waste and recyclables to land fill by assisting residents to segregate appropriate materials that can be recycled; displaying signage to remind and encourage recycling practices; and through placement of recycling and waste bins in the retail precinct to reinforce these messages

» recover, reuse and recycle generated waste wherever possible

» compliance with all relevant codes and policies.

3.4.9 Stormwater

Stormwater drainage plans have been prepared detailing the proposed stormwater management and sediment controls measures for the proposed development.

The stormwater plans were included within the original development application package.

3.4.10 Demolition

It is proposed that all buildings and structures be demolished from the site. A management plan and dilapidation report will be prepared prior to demolition to ensure the safe demolition of buildings and removal of materials and the maintenance of the structural integrity of adjacent and neighbouring buildings.

3.4.11 Excavation

Earthworks will be required to excavate for the basement component of the development.

Bulk excavations down to RL60.000 are proposed for basement level parking.

A geotechnical desktop study has been prepared by Environmental Investigations Australia. This report was included within the original development application package.

The submission of additional geotechnical reports and a dilapidation report can be a condition of consent required prior to the issue of a Construction Certificate or prior to works commencing.

3.4.12 Strata

It is not proposed to strata the building as part of this application. A detailed strata survey plan will be provided at Construction Certificate stage.

3.4.13 32 Spring Street, Bondi Junction

During the acquisition of the subject land, the applicant approached the owner of the adjacent parcel of land located at 32 Spring Street, Bondi Junction requesting the purchase of the land for incorporation into the overall development. The subject sites relationship to the neighbouring development is shown in Figure 6.

Figure 6 Relationship to 32 Spring Street

(Nearmap 2015)

It was determined that the best approach to move forward was to proceed with the development based on current land holdings and provide a design that achieves the following:

» could be incorporated into the proposal at a later time (in the event that the owner of 32 Spring Street changed his mind); and

» allows for future infill development of the neighbouring site on its own.

The resultant design allows potential for an internal connection at ground level. This indicatively shown within the 3D Views included within the architectural design package, an extract of which is shown in Figure 7.

Figure 7 Future infill development at 32 Spring Street

(Daryl Jackson Robyn Dyke)

A detailed submission relating to this matter is included within Appendix C.

3.5 Commonwealth legislation

There are no elements of the proposed development that trigger any Commonwealth legislation.

3.6 State Environmental Planning Policy

3.6.1 Environmental Planning & Assessment Act 1979

The relevant state planning legislation for NSW is the *Environmental Planning and Assessment Act 1979 (EP&A Act).* The EP&A Act institutes a system of environmental planning and assessment in NSW. It is administered by the Department of Planning and Environment (DP&E) and is largely implemented by Councils.

Under Part 4 (Section 76A) of the Act, consent is required for the purpose of carrying out the proposed development.

The information provided in this SEE supports the proposal and demonstrates how it achieves the objectives of the *EP&A Act.*

Key sections of relevance to this SEE are addressed below.

Matters for consideration (Section 79C)

The following table provides a summary of the matters for consideration that Council is required to take into account when considering the proposal, under Section 79(C) of the EP&A Act.

Table 5 Matters for consideration (Section 79C)

EP&A Act section and legislative requirement	Comment
(1) **Matters for consideration—general** In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:	
(a) the provisions of:	
(i) any environmental planning instrument	This SEE provides an assessment against the relevant environmental planning instruments including State Environmental Planning Policies (SEPPs) and the Waverley Local Environmental Plan (LEP) 2012.
(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)	There no draft environmental planning instruments or relevant development controls plans that affect the proposed development at the time of preparing this SEE.
(iii) any development control plan	The SEE takes into account the comprehensive Waverley Development Control Plan (DCP). Refer to section 4.4 below.
(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F	There are no known voluntary planning agreements that have been proposed or entered into by the applicant or owner of the land.
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)	The relevant matters under the Environmental Planning and Assessment Regulation 2000 (the EPA Regulation) that relate to the proposed development have been considered. Refer Section 4.6 of this report.
(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),	The proposed development is not located within a coastal zone and therefore is not subject to a coastal zone management plan.
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	A full environmental assessment of the proposed development has been undertaken in Section 4.7 of this SEE. This includes a consideration of the proposed development with regard to the natural and built environments, as well as the socioeconomic impacts on the locality.
(c) the suitability of the site for the development	The site is considered to be an appropriate location for the proposed development for the

EP&A Act section and legislative requirement	Comment
	following reasons: » Existing underutilised and aged development » Development will contribute to housing and commercial supply » Centrally located within the Bondi Junction urban centre » Serviced by public transport (rail and bus) » Within close proximity to existing, social, community and medical facilities and retail and commercial uses as well as employment , leisure and other opportunities. Refer Section 4.7.9 of this report.
(d) any submissions made in accordance with this Act or the regulations	It is anticipated that the development application for the proposed development would be notified and placed on public exhibition in accordance with this requirement. It is also understood that Council would consider any submission received on the proposed development.
(e) the public interest.	The proposed development is considered to be in the public interest. Refer Section 4.7.11 of this report.

Integrated development

Division 5 of the EP&A Act contains procedures for Integrated Development. Part 4 of Division 5 (clause 91) states that Integrated Development is development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent and at least one approval, permit, licence authority or consent under certain provisions of the following legislation:

» Fisheries Management Act 1994

» Heritage Act 1977

» Mine Subsistence Compensation Act 1961

» National Parks and Wildlife Act 1974

» Petroleum (Onshore) Act 1991

» Protection of the Environment Operations Act 1997

» Roads Act 1993

» Rural Fires Act 1997

» Water Management Act 2000

There are no approvals required under the provisions of the above legislation outlined in Division 5 of the EP&A Act.

4 Assessment

The following section provides an assessment against under Section 79(C) of the EP&A Act.

4.1 Commonwealth legislation

There are no elements of the proposed development that trigger any Commonwealth legislation.

4.2 State Environmental Planning Policies (SEPP's)

4.2.1 SEPP (BASIX) 2004

The provisions of SEPP (BASIX) 2004 apply to the proposed development.

All new dwellings must comply with the BASIX scheme, in order to encourage sustainable residential development across NSW.

A BASIX Certificate has been submitted which confirms the development achieves a pass target of 40 points for water, a pass target for thermal comfort and the pass target of 20 points for energy.

For further details see the BASIX Certificate.

4.2.2 SEPP Affordable Rental Housing

No part of the development is proposed as low cost rental housing and consequently, the provisions of this SEPP are not applicable.

4.2.3 SEPP 32 Urban Consolidation (Redevelopment of Urban Land)

The provisions of SEPP 32 are applicable to the development.

SEPP 32 Urban Consolidation generally seeks to ensure that any redevelopment of urban land for multi-unit housing and related development will result in an increase in the availability of housing within a particular locality or a greater diversity of housing types within a particular locality to meet the demand generated by changing demographics and household needs.

In determining an application for consent to development, the following should be considered:

(a) the effect of the development on:

  (i) the existing streetscape, and

  (ii) the privacy of adjoining landowners, and

  (iii) the availability of sunlight to adjoining owners, and

(b) the noise likely to be generated by the development, and

(c) whether adequate provision can be made for car parking on, access to and servicing of the site.

The development will provide a significant and positive impact on the streetscape and will contribute to local amenity through the introduction of a high quality mixed use development with ground level activation, supporting neighbouring development.

Shadow diagrams have been prepared and are included within the architectural design package within Appendix D.

An acoustic report has been prepared and is included within Appendix G.

Adequate car parking vehicular access and site servicing is demonstrated within the Assessment of Traffic and Parking Implications, submitted as part of the original development application package.

4.2.4 SEPP 55 – Remediation of Land

The provisions of SEPP 55 – Remediation of Land apply to the subject site.

The objective of this SEPP is to provide a State-wide planning approach for the remediation of contaminated land. It provides that a consent authority must consider contamination and remediation of land in determining a development application (Clause 7).

» Potential presence of contaminated fill / top soils on-site.

» Possible soil contamination resulted by war and weathering of exposed paint surfaces, metallic objects and potential asbestos-containing materials.

» Possible soil contamination from potential on-site use of herbicides and pesticides.

» Hazardous building products contained within the existing structures.

The assessment concluded that site contamination is unlikely to prevent the site from being redeveloped for the proposed commercial and residential uses. Prior to site demolition, a Hazardous Materials Survey will be carried for the existing structures on-site to identify potentially hazardous building products.

4.2.5 SEPP 65—Design Quality of Residential Apartment Development

This SEPP applies to all residential flat buildings in NSW with a height of three (3) or more storeys and which contain four (4) or more dwellings. The SEPP aims to improve the design quality of residential flat development.

This Policy aims to improve the design quality of residential apartment development in New South Wales.

It recognises that the design quality of residential apartment development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design.

It aims to improve the design quality of residential apartment development as follows:

(a) to ensure that it contributes to the sustainable development

  (i) by providing sustainable housing in social and environmental terms, and

  (ii) by being a long-term asset to its neighbourhood, and

  (iii) by achieving the urban planning policies for its regional and local contexts, and

(b) to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and

(c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities, and

(d) to maximise amenity, safety and security for the benefit of its occupants and the wider community, and

(e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions, and

(f) to contribute to the provision of a variety of dwelling types to meet population growth, and

(g) to support housing affordability, and

(h) to facilitate the timely and efficient assessment of applications for development to which this Policy applies.

In determining a development application for consent to carry out development to which this Policy applies, a consent authority is to take the following into consideration:

(a) the advice (if any) obtained from the design review panel, and

(b) the design quality of the development when evaluated in accordance with the design quality principles, and

(c) the Apartment Design Guide.

The development application will be referred to the Design Review Panel for comments as part of the assessment process.

Consistency with the design quality principles and consideration with the Apartment Design Guide is demonstrated within the SEPP 65 Verification and Apartment Design Guide compliance report, included within Appendix E.

4.2.6 Waverley Local Environmental Plan 2012

Consideration of the relevant Clauses set out in the Waverley Local Environmental Plan 2012 are provided below.

Clause 1.2 Aims of Plan

The Waverley LEP aims to make local environmental planning provisions for land in Waverley in accordance with the relevant standard environmental planning instrument under section 33A of the Act.

Compliance with the particular aims of the Waverley LEP is demonstrated in the table below.

Table 6 Compliance with the particular aims of the Waverley LEP

Aims of the Waverley LEP	Compliance
(a) to promote and co-ordinate a range of commercial, retail, residential, tourism, entertainment, cultural and community uses to service the local and wider community,	The proposal comprises a mixed use development with both retail and residential components.
(b) to maintain and reinforce Bondi Junction as the primary commercial and cultural centre in Sydney's eastern suburbs,	The proposal will directly support the role of Bondi Junction through employment and commercial offerings and provision of centralised housing to support local business.

Aims of the Waverley LEP	Compliance
(c) to provide for a range of residential densities and range of housing types to meet the changing housing needs of the community,	The development incorporates a range of housing options.
(d) to provide an appropriate transition in building scale around the edge of the commercial centres to protect the amenity of surrounding residential areas,	The development is consistent in height and scale with neighbouring development.
(e) to protect, maintain and accommodate a range of open space uses, recreational opportunities, community facilities and services available to the community,	The development will provide an increase in demand for open space, community facilities or services to the public. Developer contributions will be applicable to ensure that the range and quality of facilities and services are maintained.
(f) to enhance and preserve the natural environment through appropriate planning, protecting the integrity of natural systems and by protecting existing trees,	It is proposed to remove one street tree from Spring Street. This is considered likely to have only a minor impact on the local environment.
(g) to identify and conserve the cultural, environmental, natural, aesthetic, social and built heritage of Waverley.	The existing structures on the site are not considered to be of any heritage or cultural value. Nonetheless, the proposed design will to some extent, replicate the historic subdivision layout.

Clause 1.7 Maps

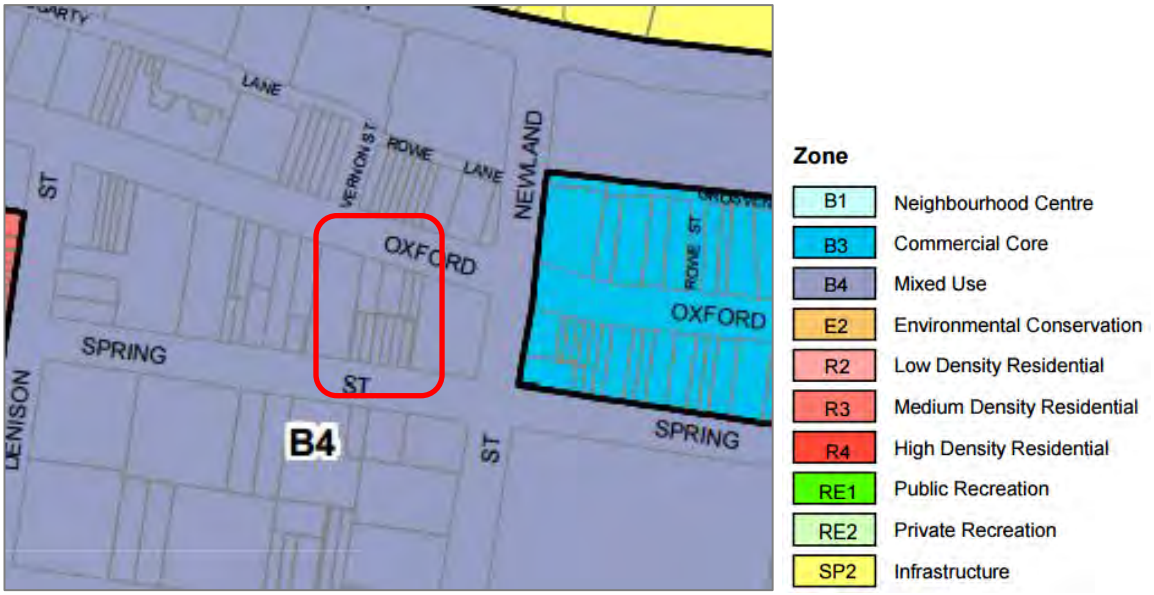
This assessment has given consideration to LEP maps.

Clause 2.1 Land use zones

The subject land is zoned B4 Mixed Use and is bordered by land with the same zoning.

The proposed development would be defined as 'mixed use development' comprising 'commercial premises' and 'shop top housing', each of which are permissible land uses within the B4 Mixed Use zone.

Figure 8 Site zoning



(legislation.nsw.gov.au)

Compliance with the objectives of the B4 Mixed Use zone is demonstrated below.

Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To encourage commercial uses within existing heritage buildings and within other existing buildings surrounding the land zoned B3 Commercial Core.

The proposed development meets the objectives of the B4 Mixed Use zone as follows:

- delivers a diverse range of housing (1 and 2 bedroom and studio apartments) in a convenient location, easily accessed by road and transport links (bus and rail) so as to maximise public transport and encourage walking and cycling
- delivers a development that is compatible with surrounding development.
- provides opportunities for commercial uses on the ground floor that will service future residents, the local and wider community. These uses will activate the street frontage encouraging an interesting and safe pedestrian environment
- offers a well-designed building in a commercial setting that improves public amenity.

Clause 2.7 Demolition requires development consent

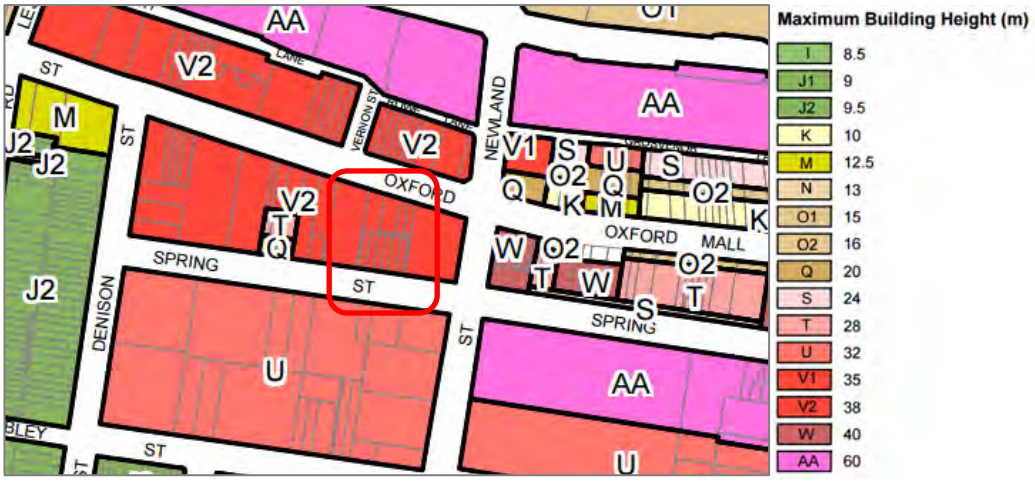
The demolition of a building or work may be carried out only with development consent.

This application seeks approval for the demolition or all buildings and structures on the site.

Clause 4.3 Height of buildings

Clause 4.3 of the LEP establishes the planning controls for the height of buildings. The maximum height limit permissible under the clause is 38 metres as shown in Figure 9.

Figure 9 Maximum building height map



(legislation.nsw.gov.au)

'Building height' is defined in the LEP. The definition is as follows:

> *building height (or height of building) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

Inclusive of the lift overrun of the proposed development, the elevations demonstrate that the building height is 42.3 metres. Although the development exceeds the 38m maximum building height development standard, variation is sought in this instance to facilitate the establishment of a quality roof top garden and allow a development that is compatible in height and scale with its neighbouring buildings.

This in in keeping with the objectives of this clause, which are as follows:

(a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties,

(b) to increase development capacity within the Bondi Junction Centre to accommodate future retail and commercial floor space growth,

(c) to accommodate taller buildings on land in Zone B3 Commercial Core of the Bondi Junction Centre and provide an appropriate transition in building heights surrounding that land,

(d) to ensure that buildings are compatible with the height, bulk and scale of the existing character of the locality and positively complement and contribute to the physical definition of the street network and public space.

A variation to this development standard is sought under Clause 4.6 Exceptions to development standards. It is noted that the proposed building height is compatible with adjacent development and no additional environmental impacts will arise as a result of the height exceedance. There will be no adverse shadow impacts on development on the southern side of Spring Street which is predominately occupied by retail and commercial development.

Clause 4.4 Floor space ratio

Clause 4.4 establishes the Floor Space Ratio (FSR) controls for the Waverley LGA. The objectives are as follows:

(a) to ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs,

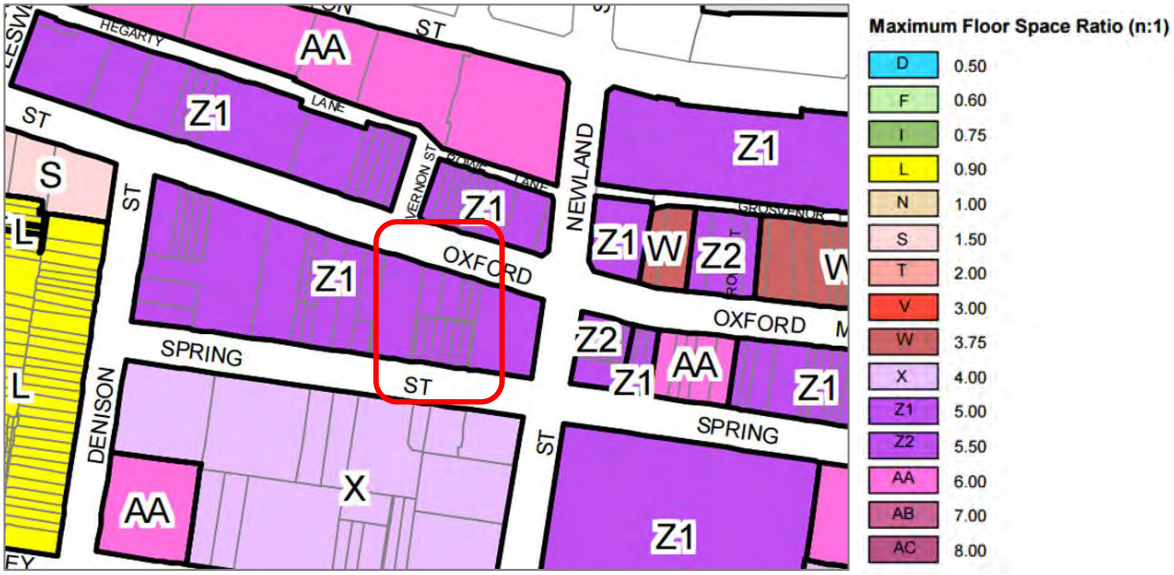
(b) to provide an appropriate correlation between maximum building heights and density controls,

(c) to ensure that buildings are compatible with the bulk, scale, streetscape and existing character of the locality,

(d) to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality.

The maximum permissible FSR is 5:1 as shown in Figure 10.

Figure 10 Maximum permissible FSR



(legislation.nsw.gov.au)

The proposed development has a site area of 1318.5m^2.

Based on a building GFA of 6,592.5m^2, a FSR of 5:1 is achieved for the proposed development. This is consistent with the FSR development standard.

Clause 4.6 Exceptions to development standards

Clause 4.6 provides flexibility in applying certain development standards to particular development in order to achieve better outcomes for and from development.

A detailed submission is included within Appendix A seeking to vary the maximum building height development standard set out in Clause 4.3. The submission is made on the grounds that compliance with the development standard is unreasonable or unnecessary in the circumstances of this case and that there are sufficient environmental planning grounds to justify contravening the development standard.

5.6 Clause 6.2 Earthworks

Development approval is sought under Clause 6.2 to carry out earthworks associated with the proposed development.

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:

(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,

(b) the effect of the development on the likely future use or redevelopment of the land,

(c) the quality of the fill or the soil to be excavated, or both,

(d) the effect of the development on the existing and likely amenity of adjoining properties,

(e) the source of any fill material and the destination of any excavated material,

(f) the likelihood of disturbing relics,

(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

A Geotechnical Desktop Study and Preliminary Site Investigation have been prepared for the site and were included as part of the original development application package.

Clause 6.5 Active street frontages in the Bondi Junction Centre

This clause is applicable to both frontages of the subject site and aims to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B4 Mixed Use in the Bondi Junction Centre. Refer to Figure 11.

Figure 11 Active street frontage map

(legislation.nsw.gov.au)

The proposed development activates both street frontages through the provision of retail tenancies at ground level and a central atrium space / public through linkage providing a direct pedestrian linkage through the site.

4.3 Proposed Environmental Planning Instruments

There are no relevant draft environmental planning instruments that affect the proposed development at the time of preparing this SEE.

4.4 Development Control Plans

The Waverley DCP 2012 is a non-statutory document which supplements the LEP by providing guidance to a consent authority and to people who are proposing to undertake development on land to which the DCP applies.

The DCP includes more comprehensive planning controls to provide a framework and guidance about development matters across the LGA. The proposed development has been designed in accordance with the relevant controls of the DCP. Specifically, the following parts:

Table 7 Part B General Provisions

Control	Comment
Part B1 Waste	The proposal provides for a residential and retail waste storage room at ground level. Waste management and collection has been detailed within the Waste Management Plan included within Appendix I.
Part B8 Transport Bondi Junction	The car park entry is proposed via a shared ingress / egress from Spring Street. The basement levels incorporate the required car parking spaces (including accessible parking), motorcycle parking and bike storage.

Table 8 Part C2 Multi Unit and Multi Dwelling Housing

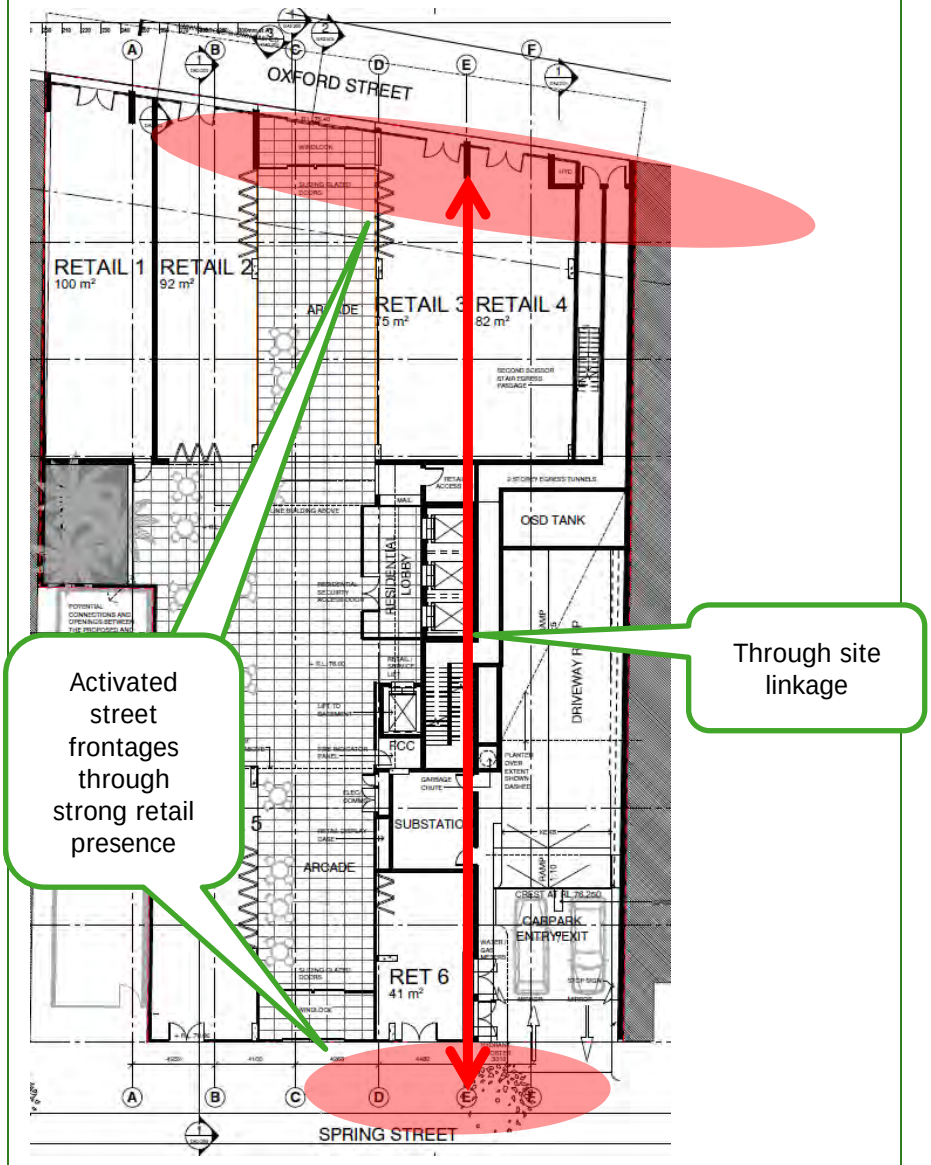
Control	Comment
2.12 Landscaping	A landscape report accompanies this application and is included within Appendix F.
2.13 Communal Open Space	Communal open space is proposed on the roof top within a landscaped environment. Additional opportunity for communicable gathering can occur at ground level within the atrium, making use of the commercial premises and likely food and drink premises.
2.15 Solar Access and Overshadowing	Shadow diagrams included with the architectural design package show the impact of mid winter shadow on neighbouring buildings. The buildings on the south side of Spring Street receive considerable shadow in existing conditions. The shadow diagrams support at least 70% of proposed apartments receiving 2 hours mid winter light to balcony / Living / sitting rooms.
2.16 Views and View Sharing	The proposed development is not considered likely to impact on public domain views or vistas.

Control	Comment
2.17 Visual Privacy and Security	The development has been designed to ensure: » adequate visual privacy for residents and neighbours. » maximise outlook and views without compromising visual privacy. » ensure buildings are safe and secure for residents and visitors.
2.18 Apartment Size and Layout	The criteria set out within the Apartment Design Guide are satisfied.
2.19 Ceiling Heights	The criteria set out within the Apartment Design Guide are satisfied.
2.20 Storage	Adequate, well designed storage is provided in each apartment.
2.22 Acoustic Privacy	An acoustic assessment has been completed for the proposed development and is included within Appendix G
2.23 Natural Ventilation	The open breezeway access to all apartments provides opportunity for access to natural light and ventilation.
2.24 Building Services	Building services are integrated into the rooftop design. Refer to the architectural design package include within Appendix D.

Table 9 Part E1 Bondi Junction

Control	Comment
1.2 Urban Form Controls	The building design is consistent with the desired future urban form for Bondi Junction Centre which is block edge building forms with tower buildings above. Sections 1 and 2 demonstrate the varied setbacks from Oxford Street and Spring Street and responds to development on adjoining sites. The design intent is to continue the urban scale massing of the adjacent buildings. The front and rear setback vary to integrate where possible with the adjoining buildings. The tower has been design to where possible, achieve the following: » cross ventilation » high quality amenity to future residents » allow for solar access to neighbouring buildings » differentiate between the podium and tower elements.
1.3 Building Use	The ground floor has been designed for retail purposes. Residential entries do not take up more than 15% of the frontage. A lower percentage of retail frontage along Spring Street arises due to the need to respond to vehicular access requirements. Spring Street is considered the most appropriate street to accommodate this form and is

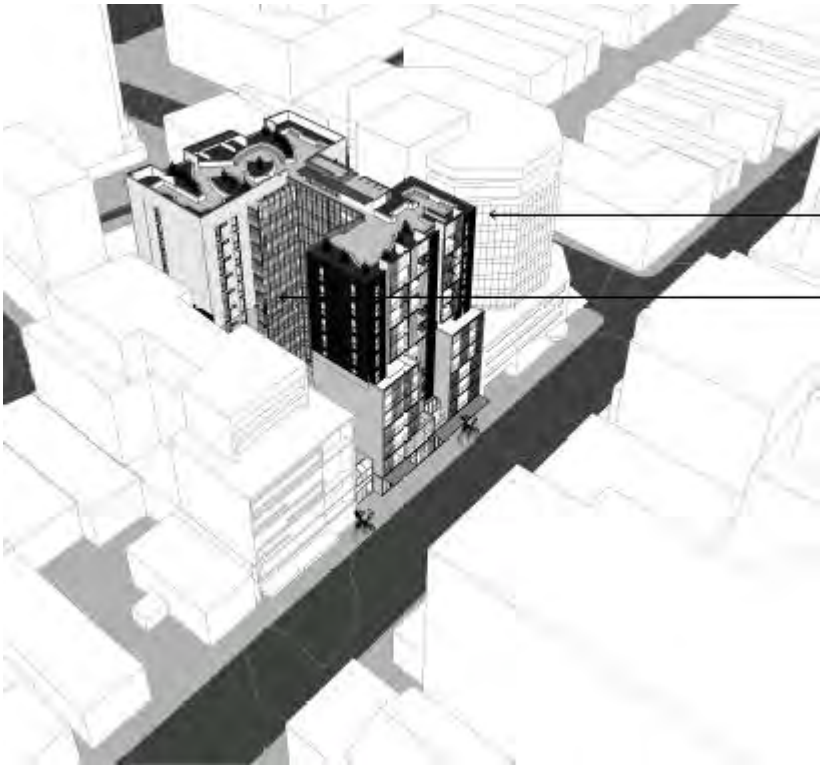
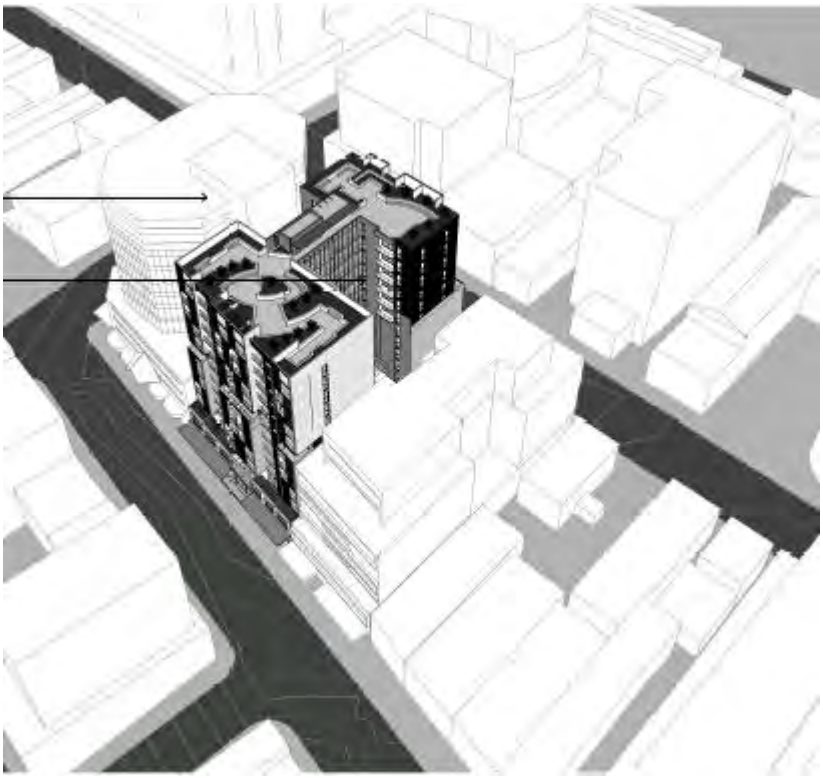
Control	Comment
	considered a secondary retail destination. The through site link is principally designed for retail uses. The first floor has been designed for residential purposes and not for commercial purposes. The proposal is for a mixed use development, comprising ground floor retail (shops) and shop top housing above. Residential accommodation (which comprises all types of residential uses) is prohibited in the B4 Mixed Use zone, with the exception of shop top housing. Shop top housing is defined as follows: *"shop top housing means one or more dwellings located above ground floor retail premises or business premises."* If the proposal was to include commercial uses on the first floor, the residential accommodation would have to be defined as a "residential flat building" or another type of "residential accommodation" both of which are prohibited in the mixed use zone. Consequently, under the existing planning scheme, commercial development on the first floor cannot lawfully be provided where residential uses are proposed. Notwithstanding, the spaces have been designed with acoustically complying light weight, non-load bearing stud walls capable of conversion / removal, to maintain flexibility in the long term use of the first floor. Further, there is opportunity to combine units into larger apartments to accommodate changing demands in unit mix requirements.
1.4 Subdivision	The grid pattern form that is currently shown along the site frontages is reinforced in the building design through vertical expression and apartment separation. Refer to the photomontage included within the architectural design package.
1.5 Heritage and buildings of historic character	The site is not listed as containing an item of heritage value and is not located within a heritage conservation area. A grid pattern has been reflected vertically in the building form to indicatively reflect the historic building forms.
1.6 Active Street frontages	An active street frontage is promoted through the retail presence at ground level and the presence of a strong through site link. Increased retail presence and straightening of the through site link is encouraged. The above is demonstrated in Figure 12.

Control	Comment
	Figure 12 Active street frontages 
1.7 Street alignment and front setbacks	The front elevations are aligned to the street boundary with setbacks consistent with adjacent development. Refer to section 1.2 above for further details.
1.8 Separation	Separation distances between the windows of living areas of the residential buildings and the windows of working areas of neighbouring commercial buildings.
1.9 Side and rear boundary setbacks	The Quest building to the west has residential (albeit short term BCA Class 3) accommodation, there are windows in the internal alcove that abut the subject site. The proposed building acknowledges these openings and does not compromise privacy for these existing windows. The shaped tower plan of the proposed building maintains the sense of

Control	Comment
	space and access to daylight to the existing windows. In addition, the proposed development does not have any living areas of bedroom windows facing side boundaries. All openings face toward the road frontages to the north or south.
1.10 Building footprint	The building footprint gives consideration to the location and alignment of the proposed and future development in relation to the street layout, block and lot size and site location. A centralised light well is proposed that is open to the sky to achieve additional daylight and assist with ventilation. All residential spaces have at least two external walls. Being breezeways, all lobbies have high natural light and ventilation. Where possible, the residential tower apartments are designed to achieve a dwelling depth no greater than 8m from a source of sunlight (not including service areas and non-habitable rooms).
1.11 Building orientation	The block edge building forms are oriented to address both street frontages and face away from adjoining properties to maintain residential privacy. There are no blank walls fronting the streets. Where possible, bathrooms, laundry and other ancillary room windows have been oriented to the side boundaries.
1.12 Number of storeys	A variation to the maximum building height of 38m is proposed in order to allow for the establishment of a quality communal rooftop garden, given no adverse environmental impacts. Further, variation to the maximum of 10 stories specified in the DCP is also requested to ensure compatibility with neighbouring development and align with the desired future character of Bondi Junction. Services have been centrally sited on the rooftop so as not to be visible from street level and are compatible in height with adjacent development. The development will meet the applicable design objectives in that it will: » ensure buildings create a human scale to the street » encourage development and redevelopment potential » reduce the incidence of high winds at street level (see wind assessment) » provide a transitional scale between commercial and residential » strengthen the Bondi Junction Town Centre form with consistent heights along this section of Oxford and Spring Streets.
1.13 Views, Vistas and tree preservation	The proposal will not impact on existing view corridors as shown in the Figure below.

Control	Comment
	 The development will result in the loss of one street tree along Spring Street.
1.15 Design excellence	It is submitted that the proposal exhibits design excellence and high architectural integrity. This is achieved through both design and materials, with respect to the proposed colours and finishes. A schedule of external finishes is included within the architectural design package. The form and external appearance of the development will improve the quality and amenity of the public domain through high quality street presentation and the provision of a through site link. The design gives consideration to: » the suitability of the land for development, » existing and proposed uses and use mix » streetscape constraints » relationship of the development to existing and opportunity for future neighbouring development » bulk, massing and modulation of buildings » street frontage heights » environmental impacts » pedestrian, cycle, vehicular and service access, circulation requirements. The design gives strong consideration to future development opportunities for the adjacent property adjoining the western boundary of the site along Spring Street, allowing for ground floor commercial and 6 levels above. This will substantially enhance its retail value due to the

Control	Comment
	through site link and atrium as well as to permit future development to the maximum permissible FSR of 5:1. Street presentations are shown in the figures below. For further details, please refer to the architectural design package. **Figure 13 Street view from Oxford Street**  (Daryl Jackson Robyn Dyke) **Figure 14 Street view from Spring Street**  (Daryl Jackson Robyn Dyke)

Control	Comment
	Figure 15 Aerial view - Spring Street  (Daryl Jackson Robyn Dyke) **Figure 16 Aerial view - Oxford Street** 

Control	Comment
	(Daryl Jackson Robyn Dyke)
1.16 Building elevations	The building facades are well articulated and integrate well with neighbouring development. Openable windows are incorporated at all residential levels. The material palette is cohesive at all levels of the development. A three dimensional model and photomontages have been prepared for the proposal and accompany the development application.
1.17 Awnings and colonnades	Awnings are proposed along both street frontages. Refer to the architectural design package.
1.19 Designing buildings for flexibility	The first floor has a ceiling height of 3.2m and has been designed with light weight, non-load bearing partition walls and load bearing columns to provide flexibility in its long term use, with opportunity for it to be adapted between commercial and residential uses.
1.20 Ceiling heights	The criteria set out within the Apartment Design Guide are satisfied.
1.21 External living areas	Balconies range in size with a minimum of $8m^2$ proposed. Balcony sizes are detailed in the area calculations sheet included as part of the architectural design package. A number of balconies fall short of the minimum $12m^2$ required within the DCP, but are considered to offer good amenity for future residents. Rooftop communal open space is proposed to extend and supplement the shortfall in external living areas. In general, all balconies are located adjacent to the main living areas and predominately clear balustrading is proposed to allow views and casual surveillance of the street
1.22 Wind mitigation	A wind impact assessment has been completed for the proposed development and is included within Appendix H.
1.23 Reflectivity	High quality building design, finishes and materials have been employed to ensure that the building is not overly reflective.
1.26 Access and movement	The proposed through site link provides clear sightlines in space that is activated by three retail tenancies. A secure segregated access to the residential lobby is proposed from Spring Street. Vehicular access is proposed from Spring Street. Vehicular access arrangements are addressed within the Assessment of Traffic and Parking Implications.

4.5 Planning Agreements

There are no known voluntary planning agreements that have been proposed or entered into by the applicant or owner of the land under section 93F of the EP&A Act.

4.6 Environmental Planning and Assessment Regulation

The relevant matters under the Environmental Planning and Assessment Regulation 2000 (the EPA Regulation) that relate to the proposed development are contained within Part 6 (procedures relating to development applications). It is understood that Council would undertake assessment of the proposed development in accordance with this component of the EPA Regulation.

4.7 Impacts of the proposed development

4.7.1 Natural environment

Vegetation

The site is fully developed and will not result in the loss of native vegetation from the site.

One street tree will be removed from Spring Street to accommodate vehicular access to the site.

A landscaping program is currently being carried out along Oxford Street with further plans for street refurbishment along Spring Street. These works are expected to complement the proposed development.

Site contamination

Environmental Investigations Australia carried out a Preliminary Site Investigation for the subject land and this report was submitted as part of the original development application package. This report remains applicable to the revised design.

The assessment concluded that site contamination would be unlikely to prevent the site from being redeveloped for the proposed commercial and residential uses.

Prior to demolition, it is recommended that a Hazardous Materials Survey be completed for the existing structures on-site to identify potentially hazardous building products. Any material being removed from the site is to be classified for off-site disposal in accordance with WPA Waste Classification Guidelines.

Geotechnical

Environmental Investigations completed a Geotechnical Desktop Study for the site and this report was submitted as part of the original development application package. This report remains applicable to the revised design.

The assessment determined that a number of factors may influence development of the site including:

» basement excavatability

» basement excavation retention to prevent potential lateral deflections and ground loss as a result of excavations

» depth to rock quality for foundation design

» depth of groundwater.

Further geotechnical design and input are required during the detailed design phase prior to and during construction.

Sustainability

Quality built form with amenity features adds to the character of the modern built form. Solar access and energy and water efficiency measures promote environmental efficiency.

4.7.2 Built form

Surrounding development

The proposed development is located in an area that is developed with a range of commercial buildings and mixed use developments, varying considerably in height and scale.

The scale of the proposed building has been designed to ensure consistency with the existing and emerging scale of buildings in the Bondi Junction Town Centre. Its built form, appearance and finishes are contemporary and compatible with its commercial setting.

A digital model and photomontage are included as part of the amended DA package.

The proposed development has been designed to meet the requirements of Council's planning controls while providing a development that respects the surrounding streets, that is high quality design and attractive from a market perspective.

The proposed development has been designed to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development in the vicinity.

Heritage

The proposed development is not located on a site of local or state heritage significance, or within a heritage conservation area as recognised under Schedule 5 of the LEP.

Internal residential amenity

The internal amenity of the apartments has been assessed against SEPP 65 to ensure residents have adequate levels of amenity through features such as visual and acoustic privacy, ventilation and solar access.

All the apartments have appropriate storage and effective floor plan layouts with private open space in the form of a balcony.

The building is designed to provide sufficient acoustic attenuation to external noise sources.

Communal areas including open space at both ground and roof top level provide areas for active and passive recreation that contributes to the health and well-being of residents.

4.7.3 Traffic and parking

Transport and Traffic Planning Associates prepared an Assessment of Traffic and Parking Implications for the proposed development and this report was submitted as part of the original development application package. This report remains applicable to the revised design.

The traffic, transport and parking concludes that the development will:

» not present any unsatisfactory traffic capacity, safety or environmental related implications

» incorporate a suitable and appropriate parking provision

» incorporate suitable vehicle access, internal circulation and servicing arrangements

» make appropriate provision for cyclists, pedestrians and disabled drivers.

Road network

The road network serving the site comprises:

» the State Road and arterial routes of Bondi Road, Old South Head Road and Syd Einfeld Drive

» the centre circulation route of Ebley Street, Newland Street, Grafton Street and Adelaide Street/Hollywood Avenue

» the centre access roads of Bronte Road and Oxford Street and Spring Street is an access road some 13m wide which connects through the centre between Bronte Road and Denison Street. Oxford Street is closed (Oxford Mall) in the section between Grosvenor Street and Newland Street while sections of Bronte Road and Oxford Street have access restrictions (Buses Only).

Transport services

Public transport services operating in close proximity to the development site include:

» the high frequency arterial bus services which operate along Bondi Road, Old South Head Road and Oxford Street

» Bondi Junction Railway Station on the Eastern Suburbs Line located immediately to the north with adjacent bus interchange

Traffic

The resultant traffic movements will only be of a minor magnitude and will not present any adverse traffic capacity, safety or environmental related consequences particularly as they will be dispersed on multiple approach and departure routes (due to the nature of the traffic management measures on the road system) and discounted in relation to the existing traffic generation. The additional volumes will be of such a minor nature that they will not impact on the operational performance of the intersections in the vicinity of the site and are consistent with the traffic management, which underlies redevelopment of the area.

Access

Vehicle access will be provided by combined ingress/egress driveway on the Spring Street frontage where excellent sight distances will be available on the straight and level section of the road.

To ensure suitable awareness of pedestrians, a STOP sign, speed hump and mirror will be provided at the carpark egress as a sight line splay cannot be provided for egressing drivers due to the adjoining building. Bicycle access will be separated from the vehicle access conflict as specified in Councils DCP.

Internal circulation

Suitable and appropriate ramp grades/widths, aisle widths and parking bay dimensions are provided for in the carpark design. The two-way circulation system will be quite flexible and there are generous provisions for manoeuvring. The overall design provisions accord with AS 2890.1 and AS 2890.2.

Servicing

Refuse will be collected from the street front by Council while retail deliveries by vans will be able to utilise the tenant or visitor spaces. Service personnel and maintenance vehicles etc will be able

to use the visitor parking spaces while occasional larger delivery vehicles will be reliant on on-street parking in the area.

4.7.4 Acoustic

Vipac Engineers and Scientists have prepared a revised acoustic assessment associated with the proposed development. The assessment is included within Appendix G.

The assessment considers potential impact for any adverse noise impacts on the community, external noise sources that may impact the proposed development, evaluates inter-tenancy noise isolation and provides noise mitigation measures that will be incorporated into the proposed design to control noise impacts.

The proposed development is expected to comply with the relevant standards and criteria.

4.7.5 Wind

Vipac Engineers and Scientists have prepared a revised wind impact assessment associated with the proposed development. The assessment is included within Appendix H. The following findings are applicable:

» The development would be expected to generate wind conditions in the ground level footpath areas within the walking criterion.

» The development would be expected to generate wind conditions in most building entrance areas within the standing criterion.

» The development would be expected to generate wind conditions within the arcade within the recommended standing and sitting criterion, as applicable by closing the airlocks.

» The development is not expected to generate adverse wind conditions in the central breezeway void

» The apartment balconies would be expected to have wind conditions within the walking criterion. Educating occupants about wind conditions at open terrace / balcony during high-wind events and fixing the loose lightweight furniture on the terrace are highly recommended.

4.7.6 Social

The subject site is located within 150m of the Bondi Junction Railway Station and bus interchange.

The area is well served by physical and social infrastructure including a number of primary and secondary schools, library, shopping, employment, entertainment and other services and utilities.

There is also a variety of parks and recreational areas within close proximity.

It is likely that an expected incoming residential and worker population to the site will generate further demand for infrastructure and services, public open spaces and retail and commercial premises in the area.

The proposed development is not expected to create any adverse social impacts and redevelopment of the site has the potential to have a positive impact on the area. The proposed development will provide an increase in much needed residential accommodation in a low supply area, where people have quality access to public transport, employment, goods and services as well as lifestyle amenity. Further, the proposed mix of apartments will contribute to housing and social diversity.

Design of the proposed development has taken into account:

» visual impact, loss of privacy and loss of solar access to existing development in the vicinity

» pedestrian accessibility

» desired future character of the area.

4.7.7 Economic

The proposed development may act as a catalyst for renewal stimulating development by attracting investment in the area.

There will be an increase in the amount and choice of dwellings, retail and commercial spaces, activating and generate demand in the area. Furthermore, the new population will support existing businesses and facilities within the Bondi Junction urban precinct.

Further, the construction phase will provide opportunity for employment and contribute to the local economy.

4.7.8 Crime Prevention Through Environmental Design (CPTED)

Consideration has been given to the potential crime risk that may occur from the proposed development and to the identification of proactive and preventative building design measures to minimise opportunities for criminal behaviour.

The principles of Crime Prevention Through Environmental Design (CPTED) have been considered with particular regard to:

» Territoriality

The proposal clearly delineates private space from semi-public and public spaces, and creates a sense of ownership. This is particularly applicable at ground level and on the roof top.

» Natural Surveillance

The proposed development achieves natural surveillance at ground level and on the rooftop to create an environment where there is plenty of opportunity for people engaged in their normal behaviour and to observe the space around them.

» Access Control

The design provides access control limits and increases natural surveillance to restrict criminal intrusion. Restricted access is provided to the residential tower, communal open space on the roof top and servicing areas. Out of hours access will also be restricted at ground level.

» Activity Support

The provision of a through site access and retails components at ground level will encourage the natural surveillance system.

» Maintenance (space management)

Ongoing maintenance of landscaping, lighting treatment and other features will facilitate the principles of CPTED, territorial reinforcement, natural surveillance and natural access control throughout the site.

4.7.9 Suitability of the site

The site is considered to be an appropriate location for a mixed use development for the following reasons:

» consistent with the aims and objectives of the Waverley LEP 2012, Waverley DCP 2012

» strategically located within the commercial core of Bondi Junction

» contribute to housing and commercial supply

» serviced by public transport (rail and bus) and within close proximity to existing, social, community and medical facilities and retail and commercial uses as well as employment , leisure and other opportunities

» provides a modern building that positively contributes to the streetscape and reflects the desired future character of the area.

4.7.10 Submissions

It is likely that any DA for the proposed development would be notified and placed on public exhibition in accordance with this requirement. It is also understood that Council would consider any submission received on the proposed development.

4.7.11 The public interest

The proposed development is considered to be in the public interest for the following reasons:

» the proposal meets the land use objectives of the B4 Mixed Use zone

» consistent with the desired future character of the area

» increases housing and commercial supply

» provides additional housing choice for the local community

» serviced by physical and social infrastructure

» within close proximity to existing, social, community and medical facilities and retail and commercial uses as well as employment, leisure and other opportunities.

5 Conclusion

The proposed development provides for the redevelopment of land to accommodate a 12 storey mixed use development with ground level retail, 11 storeys of residential apartments (shop top housing) and five (5) basement levels.

This SEE adendum has been prepared with regard to the relevant planning provisions of the EP&A Act including an assessment against all relevant SEPPs and Council's LEP and DCP and is considered satisfactory.

The development provides for a high density mixed use development in close proximity to excellent public transport links, employment and other facilities and provides good internal amenity to future residents of the building and as such, is considered highly desirable and in the public interest.

The development is compliant with floor space ratio standards, however it does seek a minor exceedance in building height standards. This will allow for the establishment of a communal roof top garden and a building form that is compatible with adjacent development, adjoining zonings and future desired character of Bondi Junction, whilst ensuring shadow impacts upon neighbouring (predominately commercial) development is minimised.

The assessment included in this SEE addendum demonstrates that the proposal is appropriate for the site and is worthy of support and approval subject to standard conditions.

Appendices

A	Amended Clause 4.6 submission
B	DCP Compliance Checklist
C	Submission relating to the "non-isolation" of the adjoining site at 32 Spring Street
D	Amended architectural design package
E	SEPP 65 verification and apartment design guide compliance report
F	Amended landscape plan for the central arcade at ground level and rooftop terrace
G	Addendum to acoustic report
H	Addendum to the wind study
I	Waste management plan
J	Energy assessment
K	Revised BASIX certificate

A Amended Clause 4.6 submission

Clause 4.6 Request for Variation to Development Standard (Clause 4.3 Height of buildings)

34 – 42 Spring Street and 109 – 119 Oxford Street, Bondi Junction

Client:

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2 June 2016

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Reviewed by	Deb Barr
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Version	Final for lodgement

Contents

FIGURES

1 Introduction

1.1 Purpose

This report is submitted pursuant to Clause 4.6 of the Waverley Local Environmental Plan (LEP) 2012. Written justification is provided to demonstrate that compliance with development standard Clause 4.3 Height of Buildings is unreasonable or unnecessary in the circumstances of the proposed mixed use development at 34 – 42 Spring Street and 109 – 119 Oxford Street, Bondi Junction.

This report specifies the grounds of that objection and has been prepared in accordance with:

» Clause 4.6 of the LEP

» Varying development standards: A Guide August (2011) (The Guide).

1.2 Clause 4.6 exceptions to development standards

Clause 4.6 Exceptions to development standards of the LEP states:

(1) The objectives of this clause are as follows:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

i. the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

ii. the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for

development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Secretary has been obtained.

(5) In deciding whether to grant concurrence, the Secretary must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note. *When this Plan was made it did not include Zone RU3 Forestry or Zone RU6 Transition.*

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(c) clause 5.4, (ca) clause 6.1, 6.2, 6.6, 6.7, 6.16, 7.7, 7.17, 7.21 or Part 9.

1.3 Land and Environment Court – 'five part test'

Pursuant to the Guide, there are 5 considerations when assessing a variation to a standard, based on Land and Environmental Court (LEC) cases. These include:

1. Objectives of the standard are achieved notwithstanding non-compliance with the standard
2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is not necessary
3. The underlying objective of the purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable
4. The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the stand and hence compliance with the standard is unnecessary and unreasonable

5. The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land that is, the particular parcel of land should not have been included in the zone.

Each of these considerations has been addressed as part of this request for variation to a development standard.

2 Variation to the controls relating to the maximum building height

2.1 Background

This application seeks to vary the controls relating to Clause 4.3 Height of Buildings of the Waverley LEP 2012 which applies to the site.

The request proposed to vary the maximum building height for the development.

Clause 4.3 (2) of the LEP requires that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

Figure 1 Maximum building height map

(legislation.nsw.gov.au)

2.2 Explanation of development standard variation

The proposed development is located within Zone B4 Mixed Use under the Waverley LEP 2012. The objectives of the B4 Zone are as follows:

» *To provide a mixture of compatible land uses.*

» *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

» *To encourage commercial uses within existing heritage buildings and within other existing buildings surrounding the land zoned B3 Commercial Core*

The proposed variations are summarised in the table below.

Building height permitted in Clause 4.3	Building feature	Proposed	Variation
38m	Roof	38.7m residential	2%
	Building height (excluding plant and equipment)	42.2m non-habitable	10%
	Building height (including plant and equipment)	42.2m – 43.5m non-habitable	13%

2.3 Relevant clauses and definitions

Clause 4.3 in the LEP contains the controls for Height of Building. Clause 4.3 states:

(1) The objectives of this clause are as follows:

(a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties,

(b) to increase development capacity within the Bondi Junction Centre to accommodate future retail and commercial floor space growth,

(c) to accommodate taller buildings on land in Zone B3 Commercial Core of the Bondi Junction Centre and provide an appropriate transition in building heights surrounding that land,

(d) to ensure that buildings are compatible with the height, bulk and scale of the existing character of the locality and positively complement and contribute to the physical definition of the street network and public space.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

In addition, we note that the LEP defines 'building height (or height of building)' as follows:

means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

2.4 Justification for development standard

Clause 4.6(4) of the LEP allows the consent authority to consider a contravention to a development standard providing the following can be demonstrated:

» that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

» that there are sufficient environmental planning grounds to justify contravening the development standard, and

» the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

» the concurrence of the Secretary (formerly the Director-General) has been obtained. In May 2008 the Planning Circular PS08-003 advised councils that arrangements for the Director General's concurrence can be assumed. Notwithstanding this following matters outlined in Clause 4.6(5) have been given consideration in the justification:

  > whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

  > the public benefit of maintaining the development standard, and

  > any other matters required to be taken into consideration by the Director-General before granting concurrence.

The following section provides a justification for the proposed exceedance of the height of building limit, based on the above mentioned matters.

How is strict compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

The subject site is located within the heart of Bondi Junction within a mixed use zone.

The proposal provides for a high quality development that recognises the sites proximity and accessibility to public transport, educational establishments and nearby recreational opportunities without detrimentally impacting on the amenity of surrounding development. The quality of the built form will make a positive contribution to the visual amenity and character of the streetscape, making appropriate use of this accessible site and utilising existing infrastructure.

The rooftop communal area is in the public benefit and lift access to this area will result in the proposed development exceeding the permitted building height. The provision of the communal area at roof level provides opportunities for a through site link to be provided at ground level, supported by retail premises that encourage activation of the street frontages, contributing to the public realm.

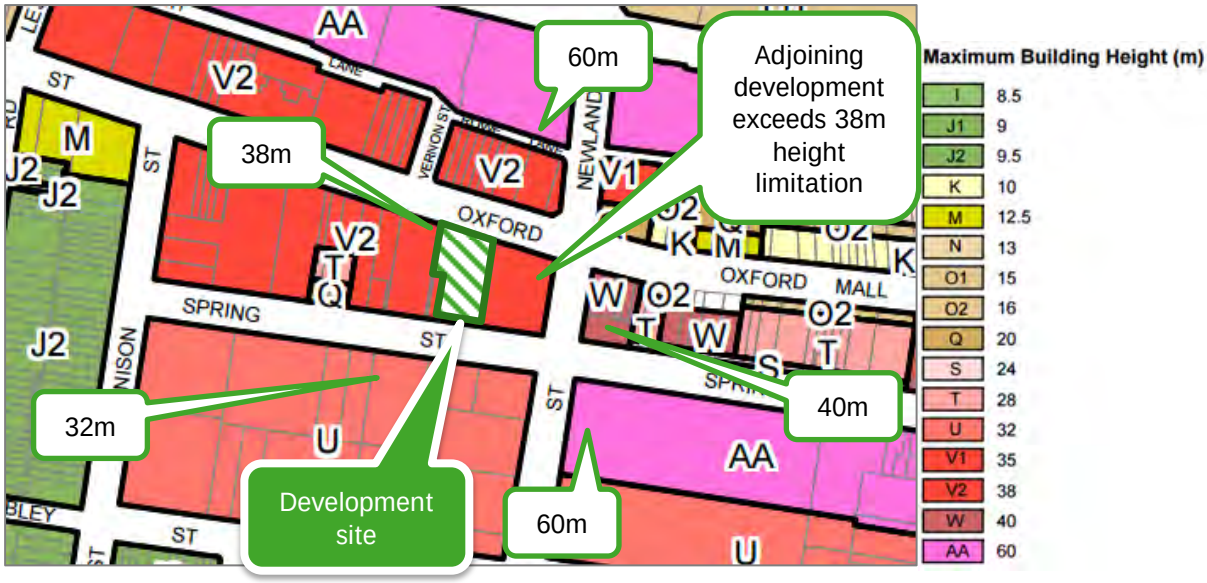
Building heights

An excerpt of the maximum heights of buildings map is illustrated in **Figure 2**.

The map shows that land adjacent the development site is affected by the maximum building height of 38m. Building height limitations increase up to 60m toward the south east and north of the site.

The development has been designed to complement adjacent development, of which, the existing adjacent development located at 125 Oxford Street exceeds the 38m building height limitation.

Figure 2 Maximum building height map and relationship to adjoining development



(legislation.nsw.gov.au)

Streetscape

The scale of the proposed building is to be consistent with the existing and emerging scale of buildings in the Bondi Junction Town Centre.

The project architects, Daryl Jackson Robyn Dyke have prepared 3D views and a photomontage to indicate how the proposed building will appear within the existing streetscape.

The emerging character of the precinct tends to follow Council's prescribed massing principles for a 6 storey podium and setback tower.

The Oxford Street retail frontage is expressed as a two storey elevation in line with Council's desire to recall the terrace scaled buildings that once lined the street. The façade has subtle divisions that draw on the residential façade above while approximating the nominal 6 metre rhythm of the original streetscape. To Spring Street, the podium form is brought down to Level 1 and separated from the Ground Floor retail by a continuous awning. The through site connection is one bay of this rhythm and is announced with a skylight in the awning.

The podium is expressed as a six storey element that includes the retail components described above. It draws its alignment from the neighbouring Quest building that has adopted the Council's model for the emerging character of the precinct. The podium levels are expressed as a composition of louvered, open and solid wall elements that denote the uses behind. The texture and colour variance is intended to break down the perceived mass of this part of the building that will be quite prominent when viewed from street level.

Figure 3 - Figure 6 demonstrate the relationship of the proposed development with neighbouring sites.

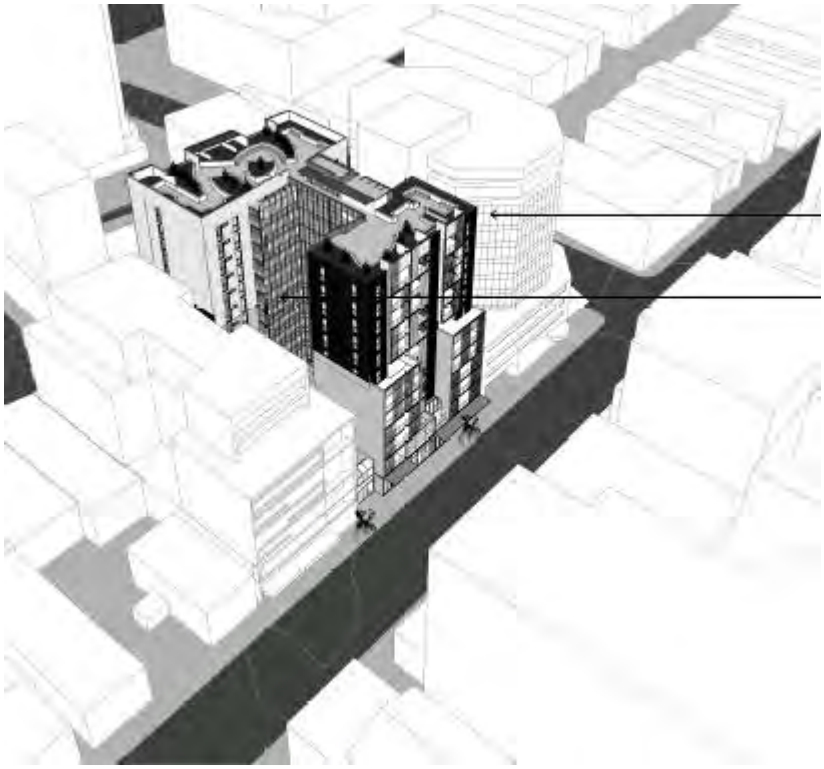
Figure 3 View toward Oxford Street elevation

Daryl Jackson Robyn Dyke

Figure 4 View toward Spring Street elevation

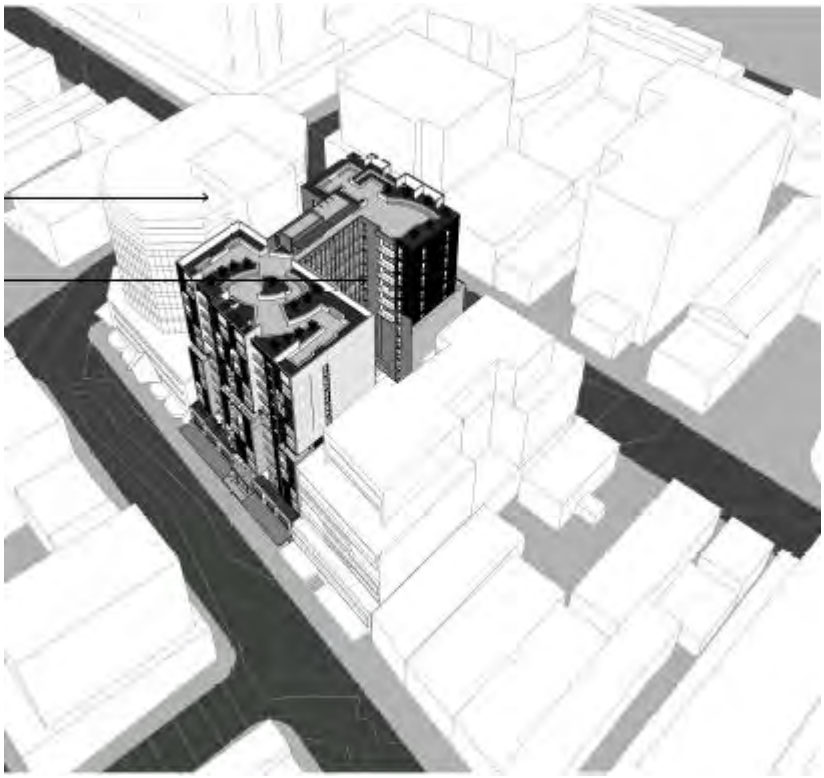
Daryl Jackson Robyn Dyke

Figure 5 Aerial View - Spring Street



Daryl Jackson Robyn Dyke

Figure 6 Aerial view – Oxford Street



Daryl Jackson Robyn Dyke

Solar analysis

Detailed solar analysis studies have been undertaken and form part of the architectural drawings prepared by Daryl Jackson Robyn Dyke. These studies highlight the proposed overshadowing resulting from the proposed variation. These figures, included within Appendix A, clearly indicate that there is an acceptable impact from any additional overshadowing onto residential properties.

Is the proposed development consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out?

The proposal meets the objectives of Clause 4.3 Height of Buildings, in that it:

» Is of a height that is compatible with neighbouring development and forms an appropriate transition between the adjoining buildings

» Preserves the amenity of neighbouring development through the minimisation of shadow and acoustic impacts. It is noted that development along the southern side of Spring Street is predominately occupied by commercial / retail development

» Provides a high quality, well-articulated building form that is suitable for mixed use development, with retail at ground level and residential uses above

» Provides quality communal open space at the roof top level, however, lift access is required to ensure this area is fully accessible. This will result in an exceedance in building height for the lift overrun, although the lift housing would not be visible at street level

» The roof top communal open space provides opportunities for a through site link to be provided at ground level, supported by retail premises that encourage activation of the street frontages, contributing to the public realm

» The proposed building height will not result in additional environmental impacts.

How would strict compliance with the development standard will hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the *Environmental Planning and Assessment Act 1979*?

The proposal meets the objects of Section 5(a)(i) and (ii) of the EP&A Act by:

» Enabling the development of the site without affecting natural and artificial resources

» Promoting the social and economic welfare of the community by offering opportunities to adaptively reuse the ground and first floors of the buildings if residential uses cease

» Providing an opportunity to construct residential development in close proximity to public transport, employment prospects and health and community facilities

» Promoting and co-ordinating the orderly and economic use and development of the site

» Permitting accessible access to rooftop communal area via a lift access with a lift overrun.

Does the contravention of the development standard raise any matter of significance for State or regional environmental planning?

The proposal would not have any potential state or regional environmental impact.

What is the public benefit of maintaining the development standard?

Density controls are intended to ensure that a consistency of bulk and scale of development is maintained in a locality in accordance with the existing and desired future character of the area and the floor space ratio (FSR) for the development complies with applicable standards.

The public benefit is achieved through providing additional housing with sufficient access to public transport, employment, an emerging commercial centre and quality recreational facilities.

Are there any additional matters to support the variation to the development standard?

The development achieves a compliant FSR.

2.5 LEC 'five part test'

The following table sets out a response to the questions in the five part test.

Table 2 LEC Five Part Test

LEC five part test	Response
Objectives of the standard are achieved notwithstanding non-compliance with the standard	Yes, refer to discussion above
The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is not necessary	N/A
The underlying objective of the purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable	N/A
The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the stand and hence compliance with the standard is not unnecessary and unreasonable	N/A Whilst Council has not abandoned the standard, the adjoining building to the east, constructed approximately 30 years ago exceeds current building height controls. The proposed development will provide an acceptable transition to this adjoining building. It is also noted that during pre-DA discussions, advice has indicated that if the exceedance of height does not result in a full/partial extra level of habitable area then this exceedance is likely to be acceptable. It is also noted that there are a number of examples of developments that have been approved with two extra floors above permissible height (with a voluntary planning agreement). These include developments at: » 310-330 Oxford St, BJ (Forum) » 241 Oxford St, BJ (Aqua) » 253-255 Oxford St, BJ (Capitol) » 370-380 Oxford St, BJ (Vue).
The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land that is, the particular parcel of land should not have been included in the zone	N/A

3 Conclusion

This objection to the development standards satisfies the matters of consideration under clause 4.6 of Waverley LEP 2012. While the proposed development does not strictly comply with the height of building control in Clause 4.3, it does:

» Satisfy the stated and underlying objectives of that development standard

» Attain the objects of the EP&A Act and the LEP

» Meet the LEC five part test.

Furthermore, this document has demonstrated that the variation to the height control is appropriate in the circumstance of the site.

The proposal provides for a high quality development that recognises the sites proximity and accessibility to public transport, educational establishments and nearby recreational opportunities without detrimentally impacting on the amenity of surrounding residential development. The quality of the built form will make a positive contribution to the visual amenity and character of the streetscape, making appropriate use of this accessible site and utilising existing infrastructure.

The departure from the development standard is relatively minor and Clause 4.6 of the LEP provides for a degree of flexibility in applying certain development standards to particular development; and to achieve better outcomes for design and from development by allowing flexibility in particular circumstances.

It is reinforced that the development achieves the following:

» compliant with FSR requirements

» is in the public interest as it provides an accessible communal rooftop open space which requires lift access and contributes the exceedance in height.

» provides flexibility of uses. The ceiling height of the retail and first floor levels are designed to allow for commercial uses which contributes to the exceedance in building height

» impacts arising on residential properties with regard to overshadowing and privacy are considered acceptable.

Compliance with the development standards is, therefore, unnecessary and unreasonable in the circumstances of the case.

As the objection is well founded, it is recommended that pursuant to Clause 4.6 (2) Waverley LEP 2012, that the proposed variation to the development standard be supported.

Appendices

A Solar analysis

A Solar analysis

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C Submission relating to the "non-isolation" of the adjoining site at 32 Spring Street

Planning considerations relevant to property at No.32 Spring Street, Bondi Junction

This submission supports a development application proposing a mixed use development fronting 109 – 119 Oxford Street and 34 – 42 Spring Street, Bondi Junction.

The proposal comprises an iconic and modern 12 storey development in compliance with the relevant provisions of the LEP and DCP, as well as SEPP 65 and the Apartment Design Guide. It is consistent with the zoning objectives and the desired future character of the area, which is to provide a mix of residential, commercial and retail uses. The proposal contains:

» retail tenancies at ground level

» shop top housing - residential apartments above ground level within 11 stories + rooftop garden

» car parking facilities on five basement levels

» dual pedestrian access from both Oxford Street and Spring Street into central retail arcade

» separate vehicular access from Spring Street.

The proposed development does not include the property located at 32 Spring Street (an existing strata subdivided building), located to the south west of the development site and shown in **Figure 1**.

A lengthy process of acquisition and amalgamation of individual properties was carried out over the past two years, which eventually resulted in the delineation of the proposed development site.

During this timeframe, the owners of the adjacent parcel of land located at 32 Spring Street, Bondi Junction were also approached many times by the developer, requesting the purchase of the land for incorporation into the overall development. One of the lot owners had agreed to sell, but eventually sold to the other lot owner within the strata plan, who has now gained control over the entire building and chooses not to sell.

Over many friendly discussions, the owner acknowledged that the adjoining development may proceed without him and has indicated his support for the renewal / regeneration of the surrounding properties as being good for the area, but simply does not want to sell as he operates his Dentist Surgery at this location.

It was determined that the best approach to move forward was to proceed with the development based on current land holdings and provide a design that:

a) could incorporate No.32 Spring St into the proposal at a later time (in the event that the owner of 32 Spring Street changed his mind); or alternatively,

b) allows for future infill development of the neighbouring site on its own.

The owner of the now entire lot at 32 Spring Street has acknowledged his support for the proposal in its current form during various discussions with the developer. This is reinforced by him not having lodged any objection to Council when the development application was placed on public notification.

Figure 1 Relationship to 32 Spring Street

(Nearmap 2015)

This submission gives consideration to current planning principles established through the findings of relevant Land and Environment Court cases, namely:

- Melissa Grech v Auburn Council [2004] NSWLEC 40
- Cornerstone Property Group Pty Ltd v Warringah Council [2004] NSWLEC 189

The above cases established planning principles relevant to the isolation of a site by redevelopment of adjacent site(s) and where intensification of development is anticipated. As the proposed development does not include No 32 Spring Street, the above cases are considered relevant to ensure that due consideration has been given to the potential isolation of this land.

An assessment of the main principles that apply to a proposal, where it may result in the isolation of land through redevelopment is provided below:

Table 1 Assessments of relevant planning principles

Planning principle	Applicants response
Melissa Grech v Auburn Council [2004] NSWLEC 40	
1. Where a property will be isolated by a proposed development and that property cannot satisfy the minimum lot requirements then negotiations between the owners of the properties should commence at an early stage and prior to the lodgement of the development application.	It is noted that minimum lot requirements do not apply to land at 32 Spring Street. There is no minimum frontage or site area requirement in the LEP / DCP that prevents future development within the B3 Mixed Use Zone on the property. Permissible development may be retail, commercial and / or residential uses. There are many examples in Bondi Junction of developments on single lots such as this. Spring Street, and the larger area being the commercial core immediately to the east, all exhibit a range of these

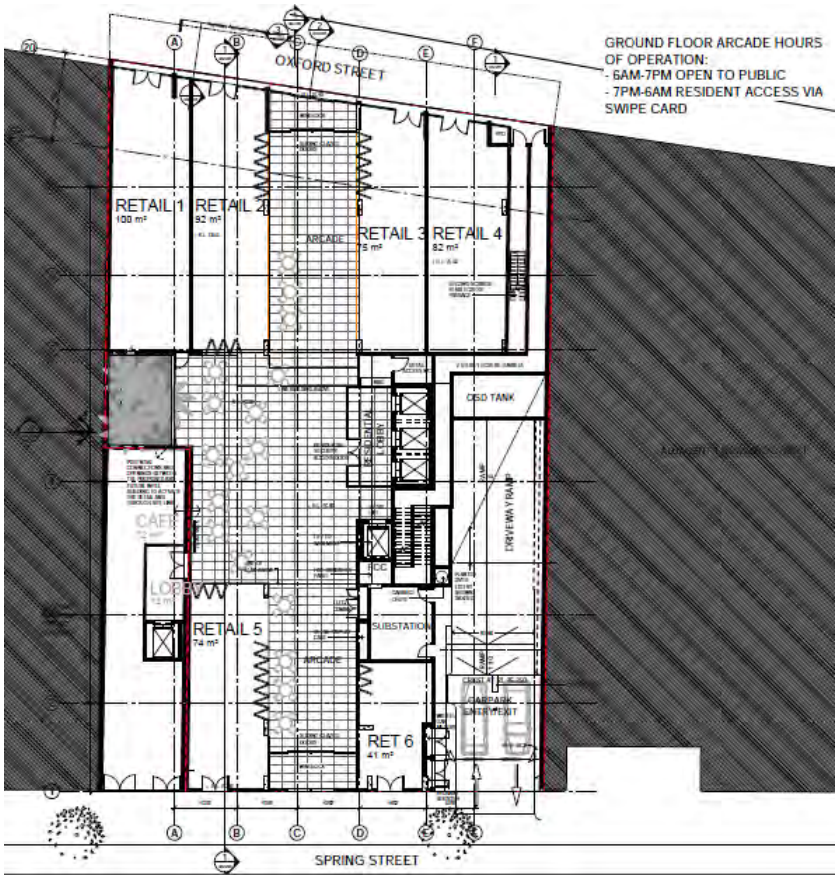
Planning principle	Applicants response
	uses, with varying heights and scale. Also, given the proximity of public transport (rail link and bus services within approx. 100m), there is no minimum requirement to provide off street parking and hence a future development would be in compliance with this. A design showing how an in-fill development is possible is attached to this statement. Notwithstanding this, negotiations relating to the acquisition of No 32 Spring Street commenced in 2014 and were pursued prior to, during and following lodgement of the development application. Please see discussion below.
2. Where no satisfactory result is achieved from the negotiations, the development application should include details of the negotiations between the owners of the properties. These details should include offers to the owner of the isolated property. A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property.	Approaches were made to both lot owners in the strata plan at 32 Spring Street spanning over 2 years. The developer was successful in obtaining a contract for the purchase of lot 2 in the strata scheme with a view towards purchase and amalgamation. However, this purchase was blocked by the owner of lot 1/32 Spring Street who then himself purchased the said lot and now owns the entire building at 32 Spring Street. After numerous meetings, emails, offers and telephone conversations held directly between the developer and owner of lot 1 (now the owner of the whole building), as well as approaches through a local real estate agent, Ray White, it became clear that the owner of 1/32 Spring Street was not interested in selling the property and simply wanted to continue his dental surgery business from the premises. At the time of sale of lot 2 the developer had negotiated a price of $1,025,000 (before it was purchased by the other lot owner) which was considered substantially above ($200,000 or approx. 22%) above market value (see Richardson & Wrench BJ appraisal letter attached) for a ground floor retail shop in that location. In addition, an offer to the upstairs (dental surgery) lot owner was made at $1,500,000 plus relocation to another premises in the area, which was approximately 2.5 times the value of the property (see Richardson & Wrench BJ appraisal letter attached). This was not accepted on the basis that the owner simply did not wish to sell but, rather, wanted to continue with the operation of his business from the premises. Price was never in dispute and no counter offer was ever forthcoming from the owner. A summary of events relating to negotiations to purchase No. 32 Spring Street is provided within **Appendix A.**
3. The level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The amount of weight will	Repeated requests have been put forward to the property owner of 32 Spring Street by the developers and their agents, seeking the opportunity to discuss the potential sale of this land. To date, these negotiations have been unsuccessful and the owner has expressed

Planning principle	Applicants response
depend on the level of negotiation, whether any offers are deemed reasonable or unreasonable, any relevant planning requirements and the provisions of s 79C of the *Environmental Planning and Assessment Act 1979*.	an unwillingness to pursue discussions on the basis that he would like to maintain operation of his Dental Surgery business from the premises. He has acquired the other lot in the strata plan and now has full ownership/control of the whole building. As detailed review of the matters identified in Section 79c of the *Environmental Planning and Assessment Act 1979* is included within the Statement of Environmental Effects that accompanies the development application.
Cornerstone Property Group Pty Ltd v Warringah Council [2004] NSWLEC 189	
1. Is amalgamation of the sites feasible?	No. Amalgamation of the sites could be considered feasible should the adjoining property owner of 32 Spring Street agree to sell, or participate in the development in any other way. At present, the adjoining property owner wishes to continue operation of his business from the premises and consequently, the amalgamation option cannot be pursued. The applicant is able to demonstrate that the adjacent site can be developed independently of the proposed development as shown on schematic drawings prepared by Daryl Jackson Robin Dyke, included within **Appendix B.**
2. Can orderly and economic use and development of the separate sites be achieved if amalgamation is not feasible?	Yes. Both sites can achieve a development that is consistent with existing planning controls within both the Waverley Local Environmental Plan 2012 and its Development Control Plan. A floor space ratio of 5:1 can be achieved, within six stories, which is the desired podium height along Spring Street, or with additional stories (if so desired) setback similar to the adjacent Quest building to the west (eight stories). This would sit well and be consistent with the height of the six story podium of the proposed development where it sits adjacent the eastern boundary of 32 Spring Street and the eight storey adjacent Quest development, adjoining its western boundary. The schematic drawings prepared by Daryl Jackson Robin Dyke allows for six levels of retail/commercial similar to other fully commercial buildings in Spring St. This is considered most suitable for the site taking into account its southern orientation. Residential floors/serviced apartments would be more suited to a scheme where they are accommodated at the top/higher levels where residential amenity is somewhat improved, similar to the adjoining Quest building. It is noted that Council recently (in their LEP) reduced the permissible height of No. 20 Spring Street to step down to 20m, maintaining the same FSR at 5:1, contemplating/resulting in a similar design outcome to the schematic design of 32 Spring Street prepared by DJRD.

Planning principle	Applicants response
	Hence, both sites would be able to achieve a development of appropriate urban form and with an acceptable level of amenity. To demonstrate the above, a schematic drawing has been prepared by Daryl Jackson Robin Dyke, included within **Appendix B.**

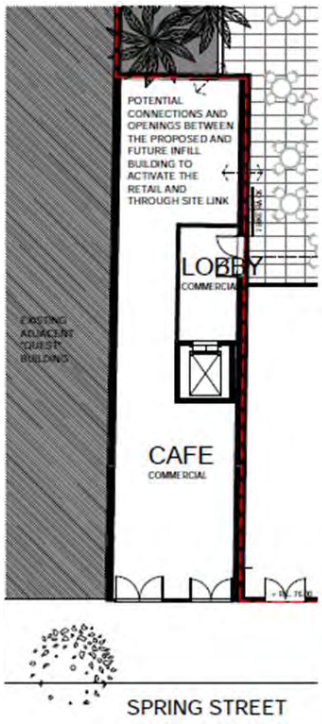
Figures 2 – 5 below demonstrate how future development within 32 Spring Street would integrate with the proposed development and existing development in the locality. Additional schematic drawings are included within **Appendix B.**

Figure 2 Ground level floor plan showing relationship to 32 Spring Street



(Daryl Jackson Robyn Dyke)

Figure 3 **Potential connectivity and enhanced retail value of 32 Spring Street at ground level arising from the complementary design of a central arcade within the proposed development which could be accessed by the neighbour**

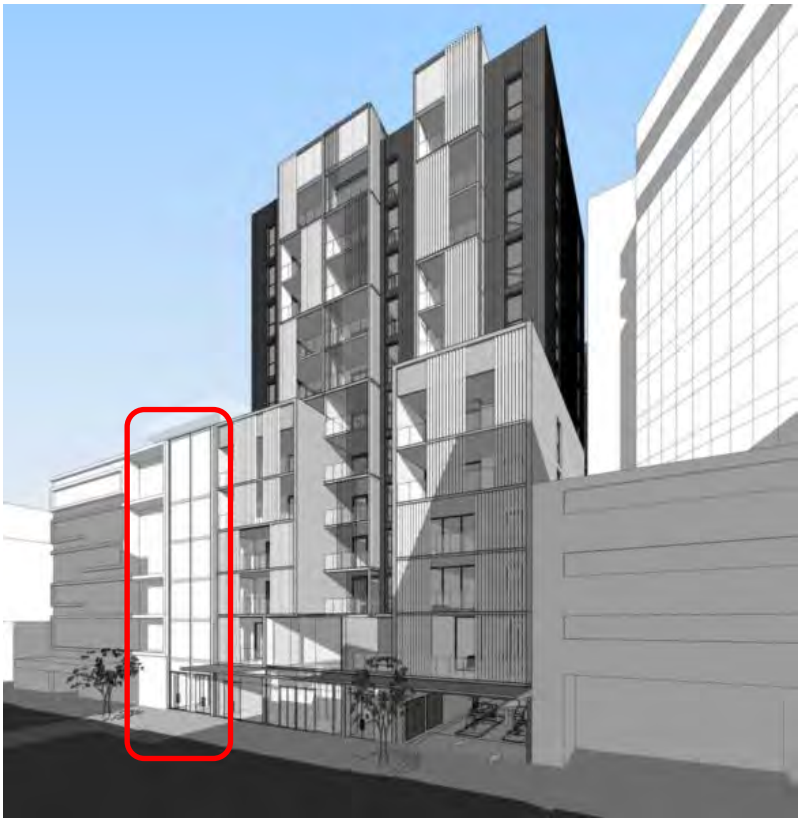


(Daryl Jackson Robyn Dyke)

Figure 4 **Development site showing existing development at 32 Spring Street**

(Daryl Jackson Robyn Dyke)

Figure 5 Development site showing future infill development at 32 Spring Street



(Daryl Jackson Robyn Dyke)

This submission demonstrates that the development potential of 32 Spring Street has been preserved and would be likely to achieve the maximum permissible floor space ratio of 5:1. This would allow for the orderly and economic use and development of each site to be achieved.

A timeline of correspondence and offers is included within **Appendix A.**

A schematic drawing, demonstrating future development opportunities for 32 Spring Street is included within **Appendix B.**

Copies of the relevant documentation are within **Appendix C.** It is noted that some minor sections of the correspondence have been blacked out only where they contain personal information. This has been carried out to protect privacy and enable their distribution into the public domain. The developers have indicated their willingness to show Council staff the original documentation for clarification, at Council's request.

Summary

The following summarises the key points may within this submission:

» There is no minimum frontage, site area requirement or minimum parking requirement that would prevent redevelopment of 32 Spring Street to its maximum potential.

» A retail / commercial development is considered the most suitable development option for 32 Spring Street given its southern orientation. This is permitted in the zoning and will add to the desired future character of the area and the adjoining commercial core to the east.

» The developer has exhausted all possibilities to attract the owner of 32 Spring Street into selling his site. The owner has advised that he does not wish to sell and intends to continue to operate his business from the premises and does not object to the proposed development proceeding without him.

Appendix A. Timeline of correspondence and offers

An overview of correspondence relating to the attempted purchase of 32 Spring Street is provided below:

Date	Form of correspondence
11 November 2014 – 7April 2015	Text messages between Marcello Bo (Sales Manager at Ray White Projects) and the owner of 1/32 Spring Street.
7 April 2015	Copy of letter from Ray White confirming negotiations with both strata lots at 32 Spring Street.
15 April 2015	Market appraisal for 32 Spring Street
17 April 2015	Copy of letter from Ray White confirming and offer of $1,500,000 plus relocation costs has been submitted for 1/32 Spring Street.
20 April 2015	Copy of letter from Ray White to the applicants solicitors confirming negotiations to purchase 1/32 Spring St for the sum of $1,025,000 where concluded and a sales advice was issued. A copy of the sales advice is included.
04 May 2015	Email from Solicitor on behalf of the owner of 1/32 Spring Street advising that they were instructed to sell the property to the adjoining owner in the Strata Plan.
12 May 2015	Copy of letter from Ray White to confirm that several offers had been put forward to the owner of 1/32 Spring Street. The letter advised that the property owner was not interested in selling the land or willing to engage in further communications regarding this matter.
19 June 2015	Email to property owner 32 Spring St regarding to negotiations to purchase. Email requested further discussions should they be interested in selling the property.
23 June 2015	Email to property owner 32 Spring St regarding to negotiations to purchase. Email requested further discussions should they be interested in selling the property.
26 June 2015	Copy of letter from the applicant's solicitors confirming that the vendor for 1/32 Spring Street in fact did sell to the owner of the other strata lot (2/32 Spring Street).
02 July 2015	Copy of email advising of phone discussion with the owner of 32 Spring St. The owner indicated he had no wish to sell and had no concerns with the development progressing adjacent to his site.

Appendix B. 32 Spring Street - Development opportunities

GROUND FLOOR ARCADE HOURS OF OPERATION:
- 6AM-7PM OPEN TO PUBLIC
- 7PM-6AM RESIDENT ACCESS VIA SWIPE CARD

OXFORD STREET

AWNING ABOVE SHOWN DASHED

ADJACENT 26-30 SPRING STREET

ADJACENT 1 NEWLAND STREET

SPRING STREET

RETAIL 1
100 m²

RETAIL 2
92 m²

RETAIL 3
75 m²

RETAIL 4
82 m²

RETAIL 5
74 m²

RET 6
41 m²

ARCADE

CAFE
72 m²

LOBBY
13 m²

FCC

SUBSTATION

OSD TANK

CARPARK ENTRY/EXIT

DRIVEWAY RAMP

RAMP 1:5

RAMP 1:10

+ R.L. 75.40

+ R.L. 59.55

+ R.L. 75.50

+ R.L. 76.00

WINDLOCK

SLIDING GLAZED DOORS

HYD

SECOND SCISSOR STAIR EGRESS PASSAGE

UP

RETAIL ACCESS WC

2 STOREY EGRESS TUNNELS

MAIL

LINE BUILDING ABOVE

RESIDENTIAL SECURITY ACCESS DOOR

RESIDENTIAL LOBBY

POTENTIAL CONNECTIONS AND OPENINGS BETWEEN THE PROPOSED AND FUTURE INFILL BUILDING TO ACTIVATE THE RETAIL AND THROUGH SITE LINK

7 BIKE RACK

RETAIL LIFT

LIFT TO BASEMENT

LINE OF SLAB ABOVE

FIRE INDICATOR PANEL

PLANTER OVER EXTENT SHOWN DASHED

GARBAGE CHUTE

ELEC/ COMMS

RETAIL DISPLAY CASE

KERB

CREST AT RL 76.250

CARD READER

WATER / GAS METERS

STOP SIGN

MIRROR

MIRROR

HYDRANT BOOSTER 3318

EXISTING ADJACENT "QUEST" BUILDING

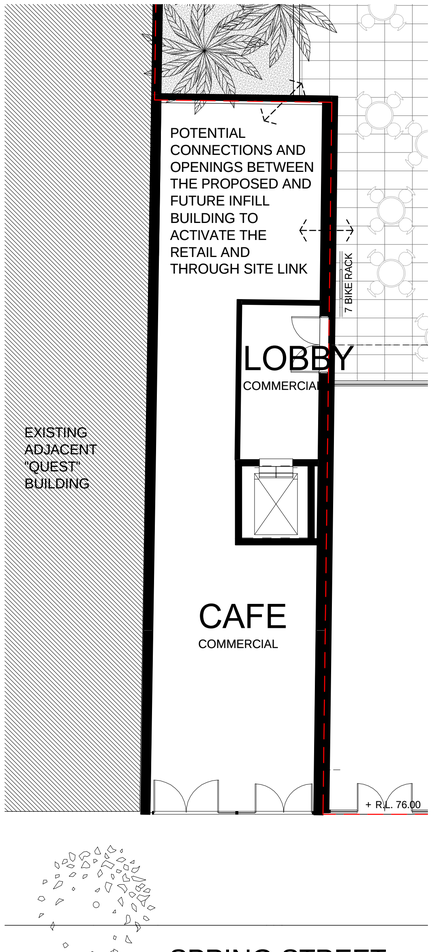
20 21 7 6 5 4 3 2 1

A B C D E F

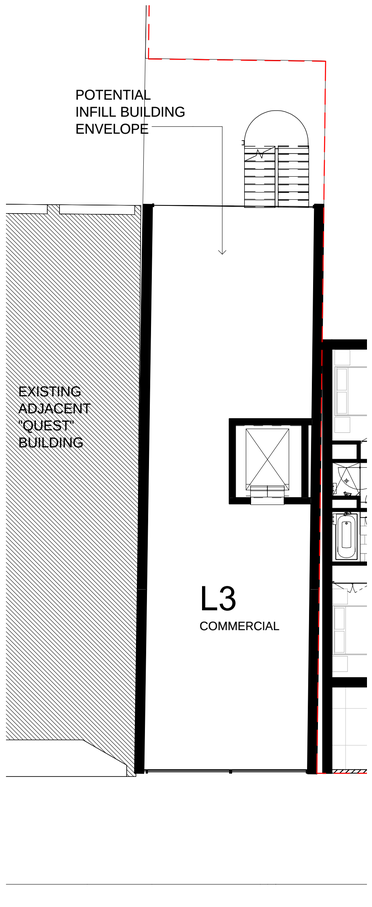
6000 6000 5000 5000 6000 6000 5000

4232 4100 4268 4482

10 20 30 40 50 60 70 80 90 100 110 120 130 140 150 160 170 180 190 200 210 220 230 240 250 260 270 280 290 300mm at A1



1 DA2.010 GROUND LEVEL ISOLATED SITE
1 : 100



2 DA2.010 LEVELS 1 - 5 ISOLATED SITE
1 : 100

BASE SITE AREA = 113.8SQM

POTENTIAL FSR (5:1) = 569SQM

GFA - ISOLATED SITE		
Number	Area	Name
CAFE	102 m²	COMMERCIAL
LOBBY	13 m²	COMMERCIAL
L1	90 m²	COMMERCIAL
L2	90 m²	COMMERCIAL
L3	90 m²	COMMERCIAL
L4	90 m²	COMMERCIAL
L5	90 m²	COMMERCIAL
Grand total: 7	567 m²	

This drawing should be read in conjunction with all relevant contracts, specifications and drawings. Dimensions are in millimetres. Levels are metres. Do not scale off drawings. Use figured dimensions only. Check dimensions on Site. Report discrepancies immediately.

N

2	09.05.16	UPPER LEVELS REVISED	ARH
1	09.05.16	GROUND FLOOR LOBBY REVISED	ARH
A	22.04.16	SCHEME UPDATE	ARH

ISSUE	DATE	SUBJECT	VALID'N.

PLANNER
ELTON CONSULTING
T 9387 2700 www.elton.com.au

CLIENT
MERCURY 21 PTY LTD

ARCHITECT, INTERIOR DESIGNER
DJRD
DARYL JACKSON ROBIN DYKE
64 Rose Street Chippendale, NSW 2008 T +612 9319 2955 F +612 9698 1116 | Robin Dyke NSW Registration No 3739
www.djrd.com.au | ABN:48 942 921 969

PROJECT
MIXED USE DEVELOPMENT
109-119 OXFORD / 34-42 SPRING STREET
BONDI JUNCTION, NSW 2022

PHASE
REVISED SCHEME

DRAWN	SCALE AT A1	ORIGIN DATE
ARH	1 : 100	04/20/16

DESCRIPTION
32 SPRING STREET

PROJECT No	DRAWING No	REVISION
15 407	DA8.200	2

10/05/2016 2:09:31 PM

Appendix C. Correspondence and offers

19 Nov 2014, 1:51 PM

Thnx Marcello. Will let u know Friday.

26 Nov 2014, 10:16 AM

Hi Noel. U free to meet today

Out of town till arvo. Txt at1

Ok no probs

Can we make it 3.30pm at Maroubra?

Ok. I have a 2.30 meeting at BJ so should make it. Will text u if I'm running 10

text u if I'm running 10 late. Where?

K

Where we meeting in Maroubra?

At Phils

Ok mate.

26 Nov 2014, 3:01 PM

On my way

Same

1 Dec 2014, 12:00 PM

Do u have a number for me??

for me??

6 Feb 2015, 1:07 PM

Hi mate. Need to talk. When are you free for quick coffee?

Ok. Costas?

13 Feb 2015, 9:01 AM

Hi mate. Any update on your situation? We have until Friday to let them know what we are doing.

15 Feb 2015, 9:57 AM

Elia Leis EL >

In 5 mins

K

15 Feb 2015, 9:34 AM

Txt me Ilyas mob #

Ok

10 Mar 2015, 11:17 AM

U. Th

??

Will c when i get t wk

Sorry Don't understand shorthand

15 Feb 2015, 9:57 AM

Elia Leis EL >

17 Feb 2015, 6:19 PM

Did u call Elia ?

10 Mar 2015, 11:11 AM

Hi mate. Are u free to meet today?

iMessage
7 Apr 2015, 2:28 PM

Hi Noel. U free for a coffee?

Delivered

Driving. Will c when i get t work

Ok

10 Mar 2015, 2:01 PM

Anything?

10 Mar 2015, 4:11 PM

Not free. Try again tmorrow arvo mayb

12 Mar 2015, 11:39 AM

How we looking?

16 Mar 2015, 12:24 PM

Something??

Something??

Get bak t u

Noel I'm trying my best to arrange a meeting for your property. I'm really busy and can't keep chasing. Leave it up to you from here on

K

7 Apr 2015, 5:37 PM

Hi Noel. Next door is tied up. Last chance to get this done.

14 Apr 2015, 11:24 AM

Ray White

Ray White Bondi Junction
32 Spring Street
Bondi Junction NSW 2022
T 02 9365 1100
F 02 9389 1199

Ray White Coogee
100 Coogee Bay Road
Coogee NSW 2034
T 02 9315 6666
F 02 9665 8145
sales@raywhitebj.com.au
raywhitebj.com.au

7th April, 2015

Dear Elia, Andrew,

Re: 32 Spring Street, Bondi Junction NSW 2022

Following the meeting with yourselves and my colleague Mr Robert Carrabs, we believe that lot 2/32 Spring Street can be purchased in the vicinity of $950,000 - $1,000,000 through Ray White Bondi Junction. This strata lot has 52% of unit entitlements and gives majority voting.

In relation to the other strata lot (lot 1) we are still communicating with the owner to establish a purchase price. Hopefully we will be in contact soon with some good news.

If you require any further information, please do not hesitate to contact the undersigned on 0425 343 406.

Yours faithfully,
Ray White Project Sales

Marcello Bo
PROJECT SALES MANAGER

R&W

Richardson&Wrench Commercial
Level 1, 19-23 Hollywood Avenue,
Bondi Junction NSW 2022
PO Box 198, Bondi Junction NSW 1355
Telephone 02 9387 2422
Facsimile 02 9369 3796
www.rwbj.com.au

15 April 2015

Mercury 21 Pty Ltd & Estate of The Late Peter Murphy
Mr Elia Leis
109-119 Oxford St
Bondi Junction NSW 2022

Dear Elia,

RE: PROPOSED ACQUISITION OF 2 STRATA LOTS 32 SPRING STREET ALSO KNOWN AS LOT 1 + 2 IN SP32186

We refer to the subject matter and as per your request we hereby submit the following appraisal of market value for your consideration:

The property is located on the northern side of Spring St Bondi Junction and comprises of a two level strata building with a ground level shop front of approx. 92sqm and a first floor commercial office of approx. 80 sqm.

Based on comparable sales and rental evidence in the area in our opinion the following market values would apply to the property as follows:

Lot 1 Dental Surgery
- Commercial (upstairs owner/occupier)
- Unit entitlement 48%
- Internal area = 80sqm approx.
- Rental opinion approximately $450/psqm per annum gross plus gst
- Expected rental per annum = $36,000
- Expected yield about 6% net
- Sales Opinion $600 000

Lot 2 Retail Shop
- Retail Ground Floor
- Unit entitlement 52%
- Internal area approx. 92sqm
- Rental opinion $600/psqm per annum
- Expected rental per annum $55 200 p.a gross plus gst
- Expected yield about 6% net
- Sales Opinion $920 000

Total combined sales opinion of 32 Spring Street = $1,520,000

R&W

We would be pleased to assist you with your acquisition and if you require any further information please do not hesitate to call or email me.

Yours faithfully
RICHARDSON & WRENCH COMMERCIAL EASTERN SUBURBS

VICTOR NEGRINE
Director Commercial Sales & Leasing

Ray White

Ray White Bondi Junction
22 Spring Street
Bondi Junction NSW 2022
T 02 9383 1100
F 02 9383 1183

Ray White Coogee
190 Coogee Bay Road
Coogee NSW 2034
T 02 9315 6666
F 02 9065 8048
sales@raywhitebj.com.au
raywhitebj.com.au

17th April, 2015

Dear Elia, Andrew,

Re: 1/32 Spring Street, Bondi Junction NSW 2022

Following our meeting at Bondi Expresso Bar on Spring Street with Mr Noel Elmowy we confirm, as per your instructions, that we have submitted an offer to him to purchase the above property at $1.5 Million plus paying for his relocation costs.

This is somewhat approximately 50% in excess of market value and is also well above the price of the adjoining lot below.

We look forward to advising you of a favourable response shortly.

If you require any further information, please do not hesitate to contact the undersigned on 0425 343 406.

Yours faithfully,
Ray White Project Sales

Marcello Bo
PROJECT SALES MANAGER

Ray White.

20 April 2015

Ray White Bondi Junction
22 Spring Street
Bondi Junction NSW 2022
T 02 8383 1100
F 02 8383 1183

Ray White Coogee
190 Coogee Bay Road
Coogee NSW 2034
T 02 9315 6666
F 02 9665 8946
sales@raywhitebj.com.au
raywhitebj.com.au

& Legal
Level 1,376-382 New South Head Rd
Double Bay NSW 2028

Dear John,

Your Client: **Mercury 21 Pty Ltd**
Ppty: **Ground Floor 32 Spring St Bondi Junction**

We write to confirm negotiation of the sale of the abovementioned property for the sum of $1,025,000.00

We enclose a copy of sales advice for your information.

Should you require any further information, please contact the writer who will be pleased to assist you.

Yours faithfully,
Ray White Bondi Junction Commercial

Robert Carrabs
Licensed Real Estate Agent

p. 8383 1100
m. 0418 441 455
e. robert@raywhitebj.com.au

Sales Advice Note

Property: Ground Floor 32 Spring St Bondi Junction

Contract Price: $1,025,000.00

Date: **20 April 2015**

Vendor:

Name: **G J & P Winston & P A Winston**

Address: PO Box 107
Waverley NSW 2024

Vendor's Solicitor

Name: M Jassy Lawyers
Address: PO Box 2006
BONDI JUNCTION NSW 2022

Phone: 02 9387 1622
Fax: 02 9387 1655

Refer To: Michael Jassy Email:mjassy@bigpond.net.au

Purchaser:

Name: **Mercury 21 Pty Ltd**

Address: W1107/310-330 Oxford St
BONDI JUNCTION NSW 2022

Purchaser's Solicitor

Name: **& Legal**
Address: Level 1,376-382 New South Head Rd
DOUBLE BAY NSW 2028

Phone: 9328 2944
Fax

Refer To: **John Denes Email:**

Special Conditions:

1) 2 year Option Contract
2) $25,000 Non Refundable Option Fee

Email Transmission – attached file

Michael Jassy and Associates

Solicitors Attorneys and Conveyancers

Address:	Level 5, Suite 508 1 Newland Street BONDI JUNCTION NSW 2022	Address for Post:	Michael Jassy & Associates PO Box 2006 BONDI JUNCTION NSW 1355
		Telephone No.:	(02) 9387 1622
		Facsimile No.:	(02) 9387 1655
		Email address:	mjassy@mjassylawyers.com.au

Date:	4 May 2015		
Our Reference:	15MJ2328; GF		
To:	**& Legal** **John Denes**	Email Address: Number of pages (incl. this page):	info@andlegal.com.au **- 1 -**

TEXT

Dear John,

RE: **Geoffrey J Winston, Alice Winston and Philippa Alexis Winston proposed SALE**

Premises: **Ground Floor, 2/32 Spring Street, BONDI JUNCTION NSW 2022**
Lot – 2 in Strata Plan - 32186

I refer to recent communications between us.

Unfortunately I have been instructed to prepare a Contract For Sale for the sale of the property to the adjoining owner in the Strata Plan and not to your client.

I have also informed the agent accordingly.

Yours sincerely,

Michael Jassy & Associates

ABN: 11 827 294 692

Michael Jassy

Ray White Projects

22 Spring Street
Bondi Junction NSW 2022

T 02 8383 1111
F 02 8383 1184

sales@raywhitebj.com.au

raywhiteprojectsales.com.au

12 May, 2015

To whom it may concern,

Dear Sir/Madam

Re: 1/32 Spring Street, Bondi Junction NSW 2022

We write to advise that several offers have been put forward to the owner of the property Mr Noel Elmowy in relation to purchasing the property over the last three months.

After several meetings it appears that Mr Elmowy is not interested in selling the property and is not prepared to engage in any further communications with us. We have explained that the adjoining amalgamated site will proceed to development application stage immediately.

If you require any further information, please do not hesitate to contact the undersigned on 0425 343 406.

Yours faithfully,
Ray White Project Sales

Marcello Bo
PROJECT SALES MANAGER

eleis@bigpond.com

From: eleis@bigpond.com
Sent: Friday, 19 June 2015 10:47 AM
To: noel@[redacted]
Subject: 32 Spring Street, Bondi Junction

Hi Noel,

Further to our meeting in the coffee shop at Spring St a few months ago, and your various discussons thereafter with Marcello from Ray White Bondi Junction regarding the possible sale of 2/32 Spring Street, he has given me your email address so that we can communicate directly. I hope this is ok.

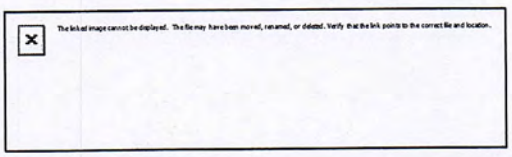
When we last spoke you had indicated some interest in selling [redacted]. You indicated that you needed to get this done first, and suggested we speak after.

Since then Marcello has mentioned you have been busy with the dental practice and have offered very little return communication. We note that you have now purchased the downstairs lot at no.1/32 Spring Street. Congratulations.

Happy to discuss further if you are still interested in selling. Look forward to your reply.

Kind Regards
ELIA LEIS

m 0411 50 70 72
e eleis@bigpond.com
w www.stargateproperty.com.au

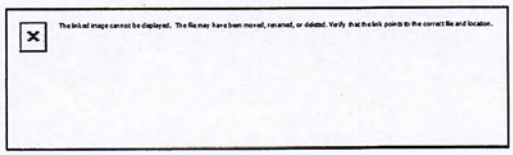


eleis@bigpond.com

From: andrew starr
Sent: Friday, 19 June 2015 10:59 AM
To: elia leis
Subject: FW: Oxford St pre-DA - Isolation of sites
Attachments: logo.JPG; image001.jpg

ANDREW STARR

m 0412 662 120
e mrstargate@bigpond.com
w www.stargateproperty.com.au



From: eleis@bigpond.com [mailto:eleis@bigpond.com]
Sent: Friday, 9 May 2014 9:20 AM
To: Andrew Starr
Subject: Fw: Oxford St pre-DA - Isolation of sites

Kind Regards
ELIA LEIS

m 0411 50 70 72
e eleis@bigpond.com
w www.stargateproperty.com.au

eleis@bigpond.com

From: eleis@bigpond.com
Sent: Tuesday, 23 June 2015 4:08 PM
To: noel@[redacted]
Subject: Re: 32 Spring Street, Bondi Junction

Hi Noel,

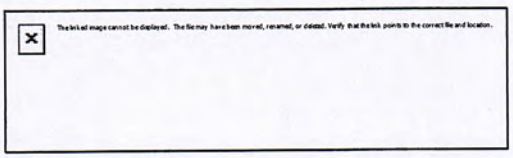
Further to my email last week I have just tried ringing your mobile, but there was no answer.

Please contact me at your earliest convenience if you wish to discuss further the sale of the above property. As you are aware we are well progressed with some architectural concepts and will need to know whether you wish to be included in the amalgamation of the adjoining development site.

Either way please let me know.

Kind Regards
ELIA LEIS

m 0411 50 70 72
e eleis@bigpond.com
w www.stargateproperty.com.au



----- Original Message -----
From: eleis@bigpond.com
To: noel@[redacted]
Sent: Friday, June 19, 2015 10:47 AM
Subject: 32 Spring Street, Bondi Junction

Hi Noel,

Further to our meeting in the coffee shop at Spring St a few months ago, and your various discussons thereafter with Marcello from Ray White Bondi Junction regarding the possible sale of 2/32 Spring Street, he has given me your email address so that we can communicate directly. I hope this is ok.

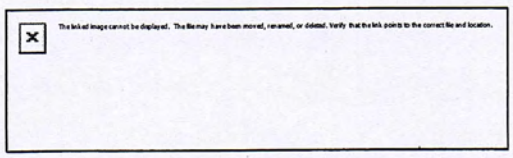
When we last spoke you had indicated some interest in selling [redacted]. You indicated that you needed to get this done first, and suggested we speak after.

Since then Marcello has mentioned you have been busy with the dental practice and have offered very little return communication. We note that you have now purchased the downstairs lot at no.1/32 Spring Street. Congratulations.

Happy to discuss further if you are still interested in selling. Look forward to your reply.

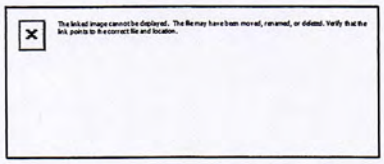
Kind Regards
ELIA LEIS

m 0411 50 70 72
e eleis@bigpond.com
w www.stargateproperty.com.au



eleis@bigpond.com

From: John Denes
Sent: Friday, 26 June 2015 1:03 PM
To: eleis@bigpond.com
Subject: THE COMPANY'S OPTION TO PURCHASE FROM WINSTON 90942
Attachments: 00E874092468481A9408AEAF4C039822.jpg



Our Ref: JD:90942
Your Ref: Andrew Starr

26 June 2015

Mr A Starr & Mr E Leis
Mercury 21 Pty Ltd
PO Box 733
WAVERLEY NSW 2024

EMAIL ADDRESS: BY EMAIL

Dear Andrew/Elia

THE COMPANY'S OPTION TO PURCHASE FROM WINSTON
PROPERTY: GROUND FLOOR/32 SPRING STREET, BONDI JUNCTION

I refer to our telephone conversation.

I spoke to Michael Jassy. He advised that he was expecting to receive the contract signed by the purchaser before 1 PM today and he had instructions to exchange contracts.

Please let me know if I should contact Michael again today and enquire whether contract have been exchanged.

Yours faithfully,
& Legal

John Denes

www.andlegal.com.au

Level 1, 376-382 New South Head Road
DOUBLE BAY
NSW 2028

T +61 2 9328 2944
F +61 2 9328 7324
E info@andlegal.com.au

ABN 88 120 065 170

Liability limited by a Scheme, approved under Professional Standards Legislation

00113093

LEAP Email Reference |F:963001|M:90942| (Please do not delete)

& LEGAL

Our Ref: JD:90942
Your Ref: Andrew Starr

26 June 2015

Mr A Starr & Mr E Leis
Mercury 21 Pty Ltd
PO Box 733
WAVERLEY NSW 2024

EMAIL ADDRESS: **BY EMAIL**

Dear Sirs

THE COMPANY'S OPTION TO PURCHASE FROM WINSTON
PROPERTY: GROUND FLOOR/32 SPRING STREET, BONDI JUNCTION

We refer to the above matter.

We enclose sales advice issued by Ray White dated 20 April 2015. The sales advice confirms that the agent negotiated on behalf of the vendor the grant of a call option for a duration of 2 years at the purchase price of 1,025,000. An option fee of $25,000 was stipulated by the agent.

On 4 May 2015 we received a letter from the vendor's solicitors a copy of which is attached. The vendor apparently changed his mind and decided to sell the property to the owner of the adjoining premises.

We telephoned the vendor's solicitor on 23 June 2015 and he advised us that contracts for the sale of the property were not yet exchanged. He confirmed that the sale of the property was proceeding and that his client decided against selling the property to you because of the extended time period under the proposed call option.

We telephoned the vendor's solicitor today. He advised that he was expecting to receive the contract signed by the purchaser and contracts would be exchanged today.

Please confirm if you require any further information or assistance in this matter.

Yours faithfully,
& Legal

John Denes

www.andlegal.com.au

Level 1, 376-382 New South Head Road
DOUBLE BAY NSW 2028

T +61 2 9328 2944
F +61 2 9328 7324
E info@andlegal.com.au

ABN 88 120 065 170

Liability limited by a Scheme, approved under Professional Standards Legislation

00113117

eleis@bigpond.com

From: eleis@bigpond.com
Sent: Thursday, 2 July 2015 12:09 PM
To: Andrew Starr
Cc: Elia Leis
Subject: 32 Spring St, BJ

Just spoke to Noel.

Said he has had alot going on and apologised for not returning my calls and emails.

I congratulated him on his acquisition last friday of the downstairs lot and said that it was good that he has control over the whole property.

I asked if he wants to pursue discussions about selling any further.
He said no and that he had [redacted] wanted to now just focus on his business and thanked me for meeting with him previously and for my offer.

He said he had no problem with us progressing development next door, only he wanted to ensure his property was not going to be affected structurally as it was elsewhere on some other occassion. I assured him that a delapidation report would be done and we would structurally ensure the integrity of his property during construction.

I advised him that our proposed building was designed by the architect to "slot in" his property if he wishes to come on board the amalgamation, but this decision would have to be made soon given the progress of our proposal, or alternatively he could develop his property on its own at later stage, which he may do.

[redacted]

Kind Regards
ELIA LEIS

m 0411 50 70 72
e eleis@bigpond.com
w www.stargateproperty.com.au

E SEPP 65 verification and apartment design guide compliance report

Mixed use development
109 - 119 Oxford Street / 34 - 42 Spring Street
Bondi Junction

DEVELOPMENT APPLICATION

SEPP 65 Verification and ADG compliance report

October 2016
REVISION “F”

Prepared By:
Daryl Jackson Robin Dyke Pty Ltd
Architects

64 Rose Street
Chippendale NSW 2008
www.djrd.com.au

SEPP No 65 – Design Quality of Residential Flat Development and Architect's verification Statement

The Policy applies to residential flat building developments of three or more storeys comprising 4 or more self-contained dwellings. The policy is a matter for consideration in assessment of development applications for residential flat buildings, which fit those criteria, under Section 79C(1)(a)(i) of the EPA Act, 1979.

The policy aims to improve the design quality of residential flat development in NSW as:

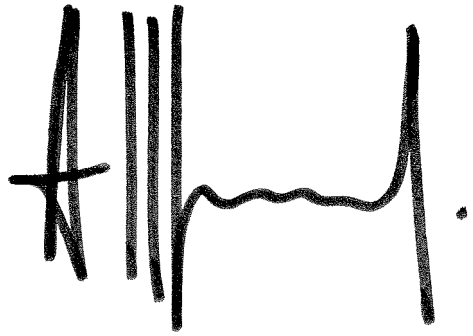
- to contribute to the sustainable development of New South Wales;
- to achieve a better built form and aesthetic of buildings, of the streetscape and the public spaces they define;
- to better satisfy the needs of all members of the community including those with disabilities;
- to maximise amenity, safety and security of the occupants and the community;
- to conserve the environment and to reduce greenhouse gas emissions.

It is considered that this multi-unit housing development is fully consistent with the aims of the policy. It exhibits design excellence, responds to the urban context in terms of alignment, form and scale, enhances the streetscape, and contributes to the public safety. The architect's design verification statement follows:

Design Verification Statement

My name is Andrew Hipwell and I am a registered architect (No.6562). I have been responsible for the preparation of the residential scheme that is the subject of this development application. I have done so in the context and full knowledge of SEPP65 and the Apartment Design Guide. I have prepared the following Table "A" of measurements and compliances with the ADG requirements. This together with the site analysis, plans and photomontages that have also been prepared lead me to conclude that the proposal complies with the ten (10) design quality principles in SEPP 65. This is summarised in Table "B".

Accordingly, I verify that the scheme complies with the requirements and intentions of SEPP65 and where any non-compliances are involved, they do not change my views as expressed above.



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Architect
Date: 31.10.16

Table A – Apartment Design Guide compliance table

ITEM No.	ITEM	Notes
	PART 3 SITING THE DEVELOPMENT	
	This part provides guidance on the design and configuration of apartment development at a site scale. It outlines how to relate to the immediate context, consider the interface to neighbours and the public domain, achieve quality open spaces and maximise residential amenity. It is to be used during the design process and in the preparation and assessment of development applications.	
3A Site Analysis	***Objective 3A-1*** Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context	The scheme complies with the Council FSR and land use controls. It is considered an appropriate functional, streetscape and urban design response. Both north and south street frontages directly address the scale and "build to boundary" characteristics of the adjacent properties. The minor height control excedance is considered acceptable given the height of the adjacent building. The property at 32 Spring Street can be developed to its FSR potential and still deliver the desired urban design outcome.
3B Orientation	***Objective 3B-1*** Building types and layouts respond to the streetscape and site while optimising solar access within the development ***Design guidance*** Buildings along the street frontage define the street, by facing it and incorporating direct access from the street (see figure 3B.1) Where the street frontage is to the east or west, rear buildings should be orientated to the north Where the street frontage is to the north or south, overshadowing to the south should be minimised and buildings behind the street frontage should be orientated to the east and west (see figure 3B.2)	Being a building that fits between two "build to side boundary" buildings, the proposal effectively has two outlooks. Both are required under the planning controls to have a mid rise podium built to the street alignment. The tower component must be set back and parallel with the boundary. The northern boundary is short dimension given the proportion of the site. The east and west elevations are exposed so the facade materials and fenestration have been added to give those sides interest as an appropriate urban design gesture.
	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	Drawings DA3.200, 3.201, 3.202 and 3.205 show the impact of mid winter shadow on neighbouring buildings. The commercial buildings on the south side of Spring Street receive considerable shadow in the existing condition. The dwellings in the residential building 7-15 Spring Street will continue to receive at least 2 hours of mid winter solar access on completion of the proposed building.
3C Public Domain	***Objective 3C-1*** Transition between private and public domain is achieved without compromising safety and	The ground level is entirely retail use. The residential

Interface	security ***Design guidance*** Terraces, balconies and courtyard apartments should have direct street entry, where appropriate Changes in level between private terraces, front gardens and dwelling entries above the street level provide surveillance and improve visual privacy for ground level dwellings (see figure 3C.1) Upper level balconies and windows should overlook the public domain Front fences and walls along street frontages should use visually permeable materials and treatments. The height of solid fences or walls should be limited to 1m Length of solid walls should be limited along street frontages Opportunities should be provided for casual interaction between residents and the public domain. Design solutions may include seating at building entries, near letter boxes and in private courtyards adjacent to streets In developments with multiple buildings and/or entries, pedestrian entries and spaces associated with individual buildings/entries should be differentiated to improve legibility for residents, using a number of the following design solutions: • architectural detailing • changes in materials • plant species • • colours Opportunities for people to be concealed should be minimised	lobby is accessed from within the through site arcade. Security access is provided. Access to the Level 1 commercial space is via the lift and stair in the central courtyard. This is publicly accessible, barrier free access to the commercial tenancies. This solution is based on a successful precedent on a nearby site completed by the same developer
	Objective 3C-2 Amenity of the public domain is retained and enhanced **Design guidance** Planting softens the edges of any raised terraces to the street, for example above sub-basement car parking Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided The visual prominence of underground car park vents should be minimised and located at a low level where possible Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view Ramping for accessibility should be minimised by building entry location and setting ground floor levels in relation to footpath levels Durable, graffiti resistant and easily cleanable materials should be used Where development adjoins public parks, open space or bushland, the design positively addresses this interface and uses a number of the following design solutions: • street access, pedestrian paths and building entries which are clearly defined • paths, low fences and planting that clearly delineate between communal/private open space and the adjoining public open space • minimal use of blank walls, fences and ground level parking On sloping sites protrusion of car parking above ground level should be minimised by using split levels to step underground car parking	The ground level is primarily retail use. A public through site connection is proposed with a landscaped core in the middle of a dramatic central void that is naturally lit and ventilated. The through site arcade is broad, double height and has direct line of sight from street to street. It is obviously public in nature. The central area will be available for spill out use from the retail tenancies some of which may be cafes. It is further activated by the terraces that front the commercial tenancy entries. Significant tree specimens will be planted to give a significant, three dimensional presentation. The specimens will be positioned to permit clear vision through the space from street to street.
3D Communal and public open space	***Objective 3D-1*** An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping *Design criteria* • Communal open space has a minimum area equal to 25% of the site (see figure 3D.3) • Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter) ***Design guidance*** Communal open space should be consolidated into a well designed, easily identified and usable area Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions Communal open space should be co-located with deep soil areas Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies Where communal open space cannot be provided at ground level, it should be provided on a podium or roof Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should: - provide communal spaces elsewhere such as a landscaped roof top terrace or a common room - provide larger balconies or increased private open space for apartments - demonstrate good proximity to public open space and facilities and/or provide contributions to public open space	The roof top communal open space will be heavily planted with high quality landscaping. There will be a mix of shaded and open paved areas to provide a variety of amenity. There will be seating, open standing areas and a BBQ
	Objective 3D-2 Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting ***Design guidance*** Facilities are provided within communal open spaces and common spaces for a range of	As 3C above.

<table>
<tr><td></td><td>age groups (see also 4F Common circulation and spaces), incorporating some of the following elements:
• seating for individuals or groups
• barbecue areas
• play equipment or play areas
• swimming pools, gyms, tennis courts or common rooms
The location of facilities responds to microclimate and site conditions with access to sun in winter, shade in summer and shelter from strong winds and down drafts
Visual impacts of services should be minimised, including location of ventilation duct outlets from basement car parks, electrical substations and detention tanks</td><td></td></tr>
<tr><td></td><td>Objective 3D-3
Communal open space is designed to maximise safety

Design guidance
Communal open space and the public domain should be readily visible from habitable rooms and private open space areas while maintaining visual privacy. Design solutions may include:
• bay windows
• corner windows • balconies
Communal open space should be well lit
Where communal open space/facilities are provided for children and young people they are safe and contained</td><td>Locating the communal open space on the roof will maximise the potential size of the area and attract a variety of different social group sizes. This will optimise the ability for passive surveillance to occur.

Fall hazards are eliminated by high walls and balustrades around the planters at the roof edge.

Tall planting and screens protect users from high wind gusts.</td></tr>
<tr><td></td><td>Objective 3D-4
Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood

Design guidance
The public open space should be well connected with public streets along at least one edge
The public open space should be connected with nearby parks and other landscape elements
Public open space should be linked through view lines, pedestrian desire paths, termination points and the wider street grid
Solar access should be provided year round along with protection from strong winds
Opportunities for a range of recreational activities should be provided for people of all ages
A positive address and active frontages should be provided adjacent to public open space
Boundaries should be clearly defined between public open space and private areas</td><td>The through site link extends the lattice of pedestrian connections around the Bondi Junction CBD. Lining it with retail use will activate the space.

The through site arcade is broad, double height and has direct line of sight from street to street. It is obviously public in nature.

The central area will be available for spill out use from the retail tenancies some of which may be cafes.</td></tr>
<tr><td>3E Deep Soil Zones</td><td>Objective 3E-1

Deep soil zones are to meet the following minimum requirements:

<table><tr><th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr><tr><td>less than 650m^2</td><td>-</td><td></td></tr><tr><td>650m^2 - 1,500m^2</td><td>3m</td><td></td></tr><tr><td>greater than 1,500m^2</td><td>6m</td><td>7%</td></tr><tr><td>greater than 1,500m^2 with significant existing tree cover</td><td></td><td></td></tr></table>
Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality

Design guidance
On some sites it may be possible to provide larger deep soil zones, depending on the site area and context:
• 10% of the site as deep soil on sites with an area of 650m2 - 1,500m2
• 15% of the site as deep soil on sites greater than 1,500m2

Deep soil zones should be located to retain existing significant trees and to allow for the development of healthy root systems, providing anchorage and stability for mature trees. Design solutions may include:
• basement and sub basement car park design that is consolidated beneath building footprints
• use of increased front and side setbacks
• adequate clearance around trees to ensure long term health
• co-location with other deep soil areas on adjacent sites to create larger contiguous areas of deep soil</td><td>Currently the site has no planting of deep soil zone

The proposal has a 100% site coverage. All rainfall permitted to be collected will be filtered through the basement water storage tanks for re-use in the proposed landscaped areas at Ground and rooftop.</td></tr>
</table>

<table>
<tr><td></td><td>Achieving the design criteria may not be possible on some sites including where:
• the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres)
• there is 100% site coverage or non-residential uses at ground floor level
Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure</td><td></td></tr>
<tr><td>3F Visual Privacy</td><td>Objective 3F-1
Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy

Design criteria
1. Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:

<table><tr><th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr><tr><td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table>
Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2)
Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties

Design guidance
Generally one step in the built form as the height increases due to building separations is desirable. Additional steps should be careful not to cause a 'ziggurat' appearance
For residential buildings next to commercial buildings, separation distances should be measured as follows:
• for retail, office spaces and commercial balconies use the habitable room distances
• for service and plant areas use the non-habitable room distances
New development should be located and oriented to maximise visual privacy between buildings on site and for neighbouring buildings. Design solutions include:
• site layout and building orientation to minimise privacy impacts (see also section 3B Orientation)
• on sloping sites, apartments on different levels have appropriate visual separation distances (see figure 3F.4)

Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping (figure 3F.5)
Direct lines of sight should be avoided for windows and balconies across corners
No separation is required between blank walls</td><td>The criteria are satisfied.

The buildings on both adjacent sites are commercial use. Both buildings have blank walls on their adjoining boundaries.

The proposed building has only secondary windows facing east / west and there is no compromise in privacy.

The Quest building to the west has residential (albeit short term BCA Class 3) accommodation, there are windows in the internal alcove that abuts the subject site. The proposed building acknowledges these openings and does not compromise privacy for these existing windows.

The proposed “”H” shaped tower plan of the proposed building maintains the sense of space and access to daylight to these existing windows.</td></tr>
<tr><td></td><td>Objective 3F-2
Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space

Design guidance
Communal open space, common areas and access paths should be separated from private open space and windows to apartments, particularly habitable room windows. Design solutions may include:
• setbacks
• solid or partially solid balustrades to balconies at lower levels
• fencing and/or trees and vegetation to separate spaces
• screening devices
• bay windows or pop out windows to provide privacy in one direction and outlook in another
• raising apartments/private open space above the public domain or communal open space
• planter boxes incorporated into walls and balustrades to increase visual separation
• pergolas or shading devices to limit overlooking of lower apartments or private open space
• on constrained sites where it can be demonstrated that building layout opportunities are limited, fixed louvres or screen panels to windows and/or balconies
Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open circulation space by the apartment’s service areas
Balconies and private terraces should be located in front of living rooms to increase internal privacy
Windows should be offset from the windows of adjacent buildings
Recessed balconies and/or vertical fins should be used between adjacent balconies</td><td>The Living and balconies of all apartments face north and south “out” of the site. Privacy is achieved by balcony dividing walls.

Solar access and ventilation have been maximised.

A number of bedrooms have windows opening to the centre vertical void. Any visual exposure to the common accessways will be screened.

Any windows opening directly onto the breezeway/walkways will have a high sill for privacy and fire separation.</td></tr>
<tr><td>3G Pedestrian access and entries</td><td>Objective 3G-1
Building entries and pedestrian access connects to and addresses the public domain

Design guidance
Multiple entries (including communal building entries and individual ground floor entries) should be provided to activate the street edge
Entry locations relate to the street and subdivision pattern and the existing pedestrian network
Building entries should be clearly identifiable and communal entries should be clearly</td><td>The ground level is entirely retail use. The residential lobby is accessed from within the through site arcade. Security access is provided.

This solution is based on a successful precedent on a</td></tr>
</table>

	distinguishable from private entries Where street frontage is limited and multiple buildings are located on the site, a primary street address should be provided with clear sight lines and pathways to secondary building entries	nearby site completed by the same developer.
	Objective 3G-2 Access, entries and pathways are accessible and easy to identify ***Design guidance*** Building access areas including lift lobbies, stairwells and hallways should be clearly visible from the public domain and communal spaces The design of ground floors and underground car parks minimise level changes along pathways and entries Steps and ramps should be integrated into the overall building and landscape design For large developments 'way finding' maps should be provided to assist visitors and residents (see figure 4T.3) For large developments electronic access and audio/video intercom should be provided to manage access	The two storey arcade entries at both street frontages announces the building entry to all users both retail and residential visitor. Building ID will be sizeable and easily legible from the footpath.
	Objective 3G-3 Large sites provide pedestrian links for access to streets and connection to destinations ***Design guidance*** Pedestrian links through sites facilitate direct connections to open space, main streets, centres and public transport Pedestrian links should be direct, have clear sight lines, be overlooked by habitable rooms or private open spaces of dwellings, be well lit and contain active uses, where appropriate	A through site link is proposed to connect the two street frontages.
3H Vehicle Access	**Objective 3H-1** Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes ***Design guidance*** Car park access should be integrated with the building's overall facade. Design solutions may include: • the materials and colour palette to minimise visibility from the street • security doors or gates at entries that minimise voids in the facade • where doors are not provided, the visible interior reflects the facade design and the building services, pipes and ducts are concealed Car park entries should be located behind the building line Vehicle entries should be located at the lowest point of the site minimising ramp lengths, excavation and impacts on the building form and layout Car park entry and access should be located on secondary streets or lanes where available Vehicle standing areas that increase driveway width and encroach into setbacks should be avoided Access point locations should avoid headlight glare to habitable rooms Adequate separation distances should be provided between vehicle entries and street intersections The width and number of vehicle access points should be limited to the minimum Visual impact of long driveways should be minimised through changing alignments and screen planting The need for large vehicles to enter or turn around within the site should be avoided Garbage collection, loading and servicing areas are screened Clear sight lines should be provided at pedestrian and vehicle crossings Traffic calming devices such as changes in paving material or textures should be used where appropriate Pedestrian and vehicle access should be separated and distinguishable. Design solutions may include: • changes in surface materials • level changes • the use of landscaping for separation	The criteria are satisfied.
3J Bicycle and Carparking	**Objective 3J-1** Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas ***Design criteria*** 1. For development in the following locations: • on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or • on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less The car parking needs for a development must be provided off street ***Design guidance*** Where a car share scheme operates locally, provide car share parking spaces within the development. Car share spaces, when provided, should be on site Where less car parking is provided in a development, council should not provide on street resident parking permits	Car and Bicycle parking are in accordance with Council planning controls.
	Objective 3J-2 Parking and facilities are provided for other modes of transport ***Design guidance*** Conveniently located and sufficient numbers of parking spaces should be provided for motorbikes and scooters Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas Conveniently located charging stations are provided for electric vehicles, where desirable	Motorbike and visitor parking is accommodated in the basement. Resident storage cages are sized to contain bicycles.
	Objective 3J-3 Car park design and access is safe and secure	The criteria are satisfied. Refer to the traffic report.

	Design guidance Supporting facilities within car parks, including garbage, plant and switch rooms, storage areas and car wash bays can be accessed without crossing car parking spaces Direct, clearly visible and well lit access should be provided into common circulation areas A clearly defined and visible lobby or waiting area should be provided to lifts and stairs For larger car parks, safe pedestrian access should be clearly defined and circulation areas have good lighting, colour, line marking and/or bollards	
	Objective 3J-4 Visual and environmental impacts of underground car parking are minimised ***Design guidance*** Excavation should be minimised through efficient car park layouts and ramp design Car parking layout should be well organised, using a logical, efficient structural grid and double loaded aisles Protrusion of car parks should not exceed 1m above ground level. Design solutions may include stepping car park levels or using split levels on sloping sites Natural ventilation should be provided to basement and sub basement car parking areas Ventilation grills or screening devices for car parking openings should be integrated into the facade and landscape design	The criteria are satisfied. There is one vehicle driveway located to the side of the Spring Street elevation. The driveway is incorporated in to the composition of ground floor and podium elevation.
	Objective 3J-5 Visual and environmental impacts of on-grade car parking are minimised ***Design guidance*** On-grade car parking should be avoided Where on-grade car parking is unavoidable, the following design solutions are used: • parking is located on the side or rear of the lot away from the primary street frontage • cars are screened from view of streets, buildings, communal and private open space areas • safe and direct access to building entry points is provided • parking is incorporated into the landscape design of the site, by extending planting and materials into the car park space • stormwater run-off is managed appropriately from car parking surfaces • bio-swales, rain gardens or on site detention tanks are provided, where appropriate • light coloured paving materials or permeable paving systems are used and shade trees are planted between every 4-5 parking spaces to reduce increased surface temperatures from large areas of paving	N/A
	Objective 3J-6 Visual and environmental impacts of above ground enclosed car parking are minimised ***Design guidance*** Exposed parking should not be located along primary street frontages Screening, landscaping and other design elements including public art should be used to integrate the above ground car parking with the facade. Design solutions may include: • car parking that is concealed behind the facade, with windows integrated into the overall facade design (approach should be limited to developments where a larger floor plate podium is suitable at lower levels) • carparking that is 'wrapped' with other uses, such as retail, commercial or two storey Small Office/Home Office (SOHO) units along the street frontage (see figure 3J.9) Positive street address and active frontages should be provided at ground level	N/A
	PART 4 DESIGNING THE BUILDING	
	This part addresses the design of apartment buildings in more detail. It focuses on building form, layout, functionality, landscape design, environmental performance and residential amenity. It is to be used during the design process and in the preparation and assessment of development applications.	
4A Solar and daylight access	**Objective 4A-1** To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space ***Design criteria*** 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 2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter 3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter ***Design guidance*** The design maximises north aspect and the number of single aspect south facing apartments is minimised Single aspect, single storey apartments should have a northerly or easterly aspect Living areas are best located to the north and service areas to the south and west of apartments To optimise the direct sunlight to habitable rooms and balconies a number of the following design features are used: • dual aspect apartments • shallow apartment layouts • two storey and mezzanine level apartments • bay windows To maximise the benefit to residents of direct sunlight within living rooms and private open spaces, a minimum of 1m2 of direct sunlight, measured at 1m above floor level, is achieved for at least 15 minutes	The shadow diagrams support 75% of apartments receiving 2 hours mid winter light to balcony / Living / sitting rooms. Less than 15% of the dwellings will not receive mid winter light between 9am and 3pm. This is considered acceptable as these south facing dwellings: - have glazing area maximised; high lux factor - have the advantage of the street outlook. - have larger external living areas On balance, the optimum outcome has been achieved without resorting to multi level dwellings. Less than 15% of dwellings (those in the south east corner) will receive winter daylight to their rear bedrooms.

	Achieving the design criteria may not be possible on some sites. This includes: • where greater residential amenity can be achieved along a busy road or rail line by orientating the living rooms away from the noise source • on south facing sloping sites • where significant views are oriented away from the desired aspect for direct sunlight Design drawings need to demonstrate how site constraints and orientation preclude meeting the design criteria and how the development meets the objective	
	Objective 4A-2 Daylight access is maximised where sunlight is limited ***Design guidance*** Courtyards, skylights and high level windows (with sills of 1,500mm or greater) are used only as a secondary light source in habitable rooms Where courtyards are used : • use is restricted to kitchens, bathrooms and service areas • building services are concealed with appropriate detailing and materials to visible walls • courtyards are fully open to the sky • access is provided to the light well from a communal area for cleaning and maintenance • acoustic privacy, fire safety and minimum privacy separation distances (see section 3F Visual privacy) are achieved Opportunities for reflected light into apartments are optimised through: • reflective exterior surfaces on buildings opposite south facing windows • positioning windows to face other buildings or surfaces (on neighbouring sites or within the site) that will reflect light • integrating light shelves into the design • light coloured internal finishes	Refer 4A-1
	Objective 4A-3 Design incorporates shading and glare control, particularly for warmer months ***Design guidance*** A number of the following design features are used: • balconies or sun shading that extend far enough to shade summer sun, but allow winter sun to penetrate living areas • shading devices such as eaves, awnings, balconies, pergolas, external louvres and planting • horizontal shading to north facing windows • vertical shading to east and particularly west facing windows • operable shading to allow adjustment and choice • high performance glass that minimises external glare off windows, with consideration given to reduced tint glass or glass with a reflectance level below 20% (reflective films are avoided)	Given the orientation of the building and proportion of the balconies, the overhang protection of the balconies above should block mid summer exposure to Living Room glazing. It is considered unnecessary to add screens to the balconies as this would only serve to diminish access to winter daylight. Windows in facade walls have folded metal sunhoods to block mid summer solar gain
4B Natural ventilation	**Objective 4B-1** All habitable rooms are naturally ventilated ***Design guidance*** The building's orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms Depths of habitable rooms support natural ventilation The area of unobstructed window openings should be equal to at least 5% of the floor area served Light wells are not the primary air source for habitable rooms Doors and openable windows maximise natural ventilation opportunities by using the following design solutions: • adjustable windows with large effective openable areas • a variety of window types that provide safety and flexibility such as awnings and louvres • windows which the occupants can reconfigure to funnel breezes into the apartment such as vertical louvres, casement windows and externally opening doors	The criteria are satisfied. ALL apartments are exposed to high levels of environmental acoustic load. It is not possible to provide a recommended level of internal “quietness” with the windows open. Strategies for delivering fresh air with the windows closed will be implemented.
	Objective 4B-2 The layout and design of single aspect apartments maximises natural ventilation ***Design guidance*** Apartment depths are limited to maximise ventilation and airflow (see also figure 4D.3) Natural ventilation to single aspect apartments is achieved with the following design solutions: • primary windows are augmented with plenums and light wells (generally not suitable for cross ventilation) • stack effect ventilation / solar chimneys or similar to naturally ventilate internal building areas or rooms such as bathrooms and laundries • courtyards or building indentations have a width to depth ratio of 2:1 or 3:1 to ensure effective air circulation and avoid trapped smells	The criteria are satisfied. Refer 4B-1
	Objective 4B-3 The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents ***Design criteria*** 1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed 2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line ***Design guidance*** The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths	The criteria are satisfied. Refer 4B-1

	In cross-through apartments external window and door opening sizes/areas on one side of an apartment (inlet side) are approximately equal to the external window and door opening sizes/areas on the other side of the apartment (outlet side) (see figure 4B.4) Apartments are designed to minimise the number of corners, doors and rooms that might obstruct airflow Apartment depths, combined with appropriate ceiling heights, maximise cross ventilation and airflow	
4C Ceiling heights	**Objective 4C-1** Ceiling height achieves sufficient natural ventilation and daylight access ***Design criteria*** 1. Measured from finished floor level to finished ceiling level, minimum ceiling heights are: Habitable rooms 2.7m Non-habitable 2.4m For 2 storey apartments 2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area Attic spaces 1.8m at edge of room with a 30 degree minimum ceiling slope If located in mixed used areas 3.3m for ground and first floor to promote future flexibility of use These minimums do not preclude higher ceilings if desired ***Design guidance*** Ceiling height can accommodate use of ceiling fans for cooling and heat distribution	The criteria are satisfied.
	Objective 4C-2 Ceiling height increases the sense of space in apartments and provides for well proportioned rooms ***Design guidance*** A number of the following design solutions can be used: • the hierarchy of rooms in an apartment is defined using changes in ceiling heights and alternatives such as raked or curved ceilings, or double height spaces • well proportioned rooms are provided, for example, smaller rooms feel larger and more spacious with higher ceilings • ceiling heights are maximised in habitable rooms by ensuring that bulkheads do not intrude. The stacking of service rooms from floor to floor and coordination of bulkhead location above non-habitable areas, such as robes or storage, can assist	The criteria are satisfied.
	Objective 4C-3 Ceiling heights contribute to the flexibility of building use over the life of the building De***sign guidance*** Ceiling heights of lower level apartments in centres should be greater than the minimum required by the design criteria allowing flexibility and conversion to non-residential uses (see figure 4C.1)	The criteria are satisfied.
4D Apartment size and layout	**Objective 4D-1** The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity ***Design criteria*** 1. Apartments are required to have the following minimum internal areas: Studio 35sqm 1 bed 50sqm 2 bed 70sqm 3 bed 90sqm The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m2 each A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m2 each 2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms ***Design guidance*** Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry space) A window should be visible from any point in a habitable room Where minimum areas or room dimensions are not met apartments need to demonstrate that they are well designed and demonstrate the usability and functionality of the space with realistically scaled furniture layouts and circulation areas. These circumstances would be assessed on their merits	The criteria are satisfied.
	Objective 4D-2 Environmental performance of the apartment is maximised ***Design criteria*** • Habitable room depths are limited to a maximum of 2.5 x the ceiling height • In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window ***Design guidance*** Greater than minimum ceiling heights can allow for proportional increases in room depth up to the permitted maximum depths All living areas and bedrooms should be located on the external face of the building Where possible: • bathrooms and laundries should have an external openable window main living spaces should be oriented toward the primary outlook and aspect and away from noise sources	The criteria are satisfied. The exception is the podium “A” stack. This is considered acceptable in order to push the Living Room glazing forward to admit light to the interior rather than just the balcony. The impact of the deep room is offset by through ventilation. And available “relief” via the light entering the bedroom behind.

	Objective 4D-3 □ Apartment layouts are designed to accommodate a variety of household activities and needs ***Design criteria*** Master bedrooms have a minimum area of 10m2 and other bedrooms 9m2 (excluding wardrobe space) Bedrooms have a minimum dimension of 3m (excluding wardrobe space) Living rooms or combined living/dining rooms have a minimum width of: 3.6m for studio and 1 bedroom apartments 4m for 2 and 3 bedroom apartments The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts ***Design guidance*** Access to bedrooms, bathrooms and laundries is separated from living areas minimising direct openings between living and service areas □All bedrooms allow a minimum length of 1.5m for robes □The main bedroom of an apartment or a studio apartment should be provided with a wardrobe of a minimum 1.8m long, 0.6m deep and 2.1m high □Apartment layouts allow flexibility over time, design solutions may include: - dimensions that facilitate a variety of furniture arrangements and removal - spaces for a range of activities and privacy levels between different spaces within the apartment - dual master apartments - dual key apartments □*Note: dual key apartments which are separate but on the same title are regarded as two sole occupancy units for the purposes of the Building Code of Australia and for calculating the mix of apartments* - room sizes and proportions or open plans (rectangular spaces (2:3) are more easily furnished than square spaces (1:1)) - efficient planning of circulation by stairs, corridors and through rooms to maximise the amount of usable floor space in rooms	The criteria are satisfied.
4E Private Open Space and Balconies	**Objective 4E-1** Apartments provide appropriately sized private open space and balconies to enhance residential amenity ***Design criteria*** 1. All apartments are required to have primary balconies as follows: Dwelling type - Minimum Area / Minimum depth Studio apartments 4sqm / - 1 bedroom apartments 8sqm / 2m 2 bedroom apartments 10sqm / 2m 3+ bedroom apartments 12sqm / 2.4m The minimum balcony depth to be counted as contributing to the balcony area is 1m For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m2 and a minimum depth of 3m ***Design guidance*** Increased communal open space should be provided where the number or size of balconies are reduced Storage areas on balconies is additional to the minimum balcony size Balcony use may be limited in some proposals by: • consistently high wind speeds at 10 storeys and above • close proximity to road, rail or other noise sources • exposure to significant levels of aircraft noise • heritage and adaptive reuse of existing buildings In these situations, juliet balconies, operable walls, enclosed wintergardens or bay windows may be appropriate, and other amenity benefits for occupants should also be provided in the apartments or in the development or both. Natural ventilation also needs to be demonstrated	The criteria are satisfied.
	Objective 4E-2 Primary private open space and balconies are appropriately located to enhance liveability for residents ***Design guidance*** Primary open space and balconies should be located adjacent to the living room, dining room or kitchen to extend the living space Private open spaces and balconies predominantly face north, east or west Primary open space and balconies should be orientated with the longer side facing outwards or be open to the sky to optimise daylight access into adjacent rooms	The criteria are satisfied
	Objective 4E-3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building ***Design guidance*** Solid, partially solid or transparent fences and balustrades are selected to respond to the location. They are designed to allow views and passive surveillance of the street while maintaining visual privacy and allowing for a range of uses on the balcony. Solid and partially solid balustrades are preferred Full width full height glass balustrades alone are generally not desirable Projecting balconies should be integrated into the building design and the design of soffits considered Operable screens, shutters, hoods and pergolas are used to control sunlight and wind Balustrades are set back from the building or balcony edge where overlooking or safety is an	The criteria are satisfied. Electricity point and light fitting only to balconies.

	issue Downpipes and balcony drainage are integrated with the overall facade and building design Air-conditioning units should be located on roofs, in basements, or fully integrated into the building design Where clothes drying, storage or air conditioning units are located on balconies, they should be screened and integrated in the building design Ceilings of apartments below terraces should be insulated to avoid heat loss Water and gas outlets should be provided for primary balconies and private open space	
	Objective 4E-4 Private open space and balcony design maximises safety ***Design guidance*** Changes in ground levels or landscaping are minimised Design and detailing of balconies avoids opportunities for climbing and falls	The criteria are satisfied
4F Common circulation and spaces	**Objective 4F-1** Common circulation spaces achieve good amenity and properly service the number of apartments ***Design criteria*** 1. The maximum number of apartments off a circulation core on a single level is eight 2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40 ***Design guidance*** Greater than minimum requirements for corridor widths and/ or ceiling heights allow comfortable movement and access particularly in entry lobbies, outside lifts and at apartment entry doors Daylight and natural ventilation should be provided to all common circulation spaces that are above ground Windows should be provided in common circulation spaces and should be adjacent to the stair or lift core or at the ends of corridors Longer corridors greater than 12m in length from the lift core should be articulated. Design solutions may include: • a series of foyer areas with windows and spaces for seating • wider areas at apartment entry doors and varied ceiling heights Design common circulation spaces to maximise opportunities for dual aspect apartments, including multiple core apartment buildings and cross over apartments Achieving the design criteria for the number of apartments off a circulation core may not be possible. Where a development is unable to achieve the design criteria, a high level of amenity for common lobbies, corridors and apartments should be demonstrated, including: • sunlight and natural cross ventilation in apartments • access to ample daylight and natural ventilation in common circulation spaces • common areas for seating and gathering • generous corridors with greater than minimum ceiling heights • other innovative design solutions that provide high levels of amenity Where design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed. Visual and acoustic privacy from common circulation spaces to any other rooms should be carefully controlled	The criteria are satisfied. While 9 apartments are served by a 3 lift cluster, the open breezeway access to all apartments permits passive surveillance. Being breezeways, all lobbies have high natural light and ventilation. Glazed louvres are proposed on the outer edge of the access ways to adequately shield from gusty wind and rain.
	Objective 4F-2 Common circulation spaces promote safety and provide for social interaction between residents ***Design guidance*** Direct and legible access should be provided between vertical circulation points and apartment entries by minimising corridor or gallery length to give short, straight, clear sight lines Tight corners and spaces are avoided Circulation spaces should be well lit at night Legible signage should be provided for apartment numbers, common areas and general wayfinding Incidental spaces, for example space for seating in a corridor, at a stair landing, or near a window are provided In larger developments, community rooms for activities such as owners corporation meetings or resident use should be provided and are ideally co-located with communal open space Where external galleries are provided, they are more open than closed above the balustrade along their length	The criteria are satisfied. Incidental spaces in communal lobbies are provided in the interest of safety and security. Being open breezeways, there is ample surveillance. The communal open space is seen as the preferred venue for resident interaction and both ground and roof levels.
4G Storage	**Objective 4G-1** Adequate, well designed storage is provided in each apartment ***Design criteria*** 1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: At least 50% of the required storage is to be located within the apartment Dwelling type Storage size volume Studio apartments 4m3	The criteria are satisfied

	1 bedroom apartments 6m3 2 bedroom apartments 8m3 3+ bedroom apartments 10m3 ***Design guidance*** Storage is accessible from either circulation or living areas Storage provided on balconies (in addition to the minimum balcony size) is integrated into the balcony design, weather proof and screened from view from the street Left over space such as under stairs is used for storage	
	Objective 4G-2 Additional storage is conveniently located, accessible and nominated for individual apartments ***Design guidance*** Storage not located in apartments is secure and clearly allocated to specific apartments Storage is provided for larger and less frequently accessed items Storage space in internal or basement car parks is provided at the rear or side of car spaces or in cages so that allocated car parking remains accessible If communal storage rooms are provided they should be accessible from common circulation areas of the building Storage not located in an apartment is integrated into the overall building design and is not visible from the public domain	The criteria are satisfied
4H Acoustic privacy	**Objective 4H-1** Noise transfer is minimised through the siting of buildings and building layout ***Design guidance*** Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses (see also section 2F Building separation and section 3F Visual privacy) Window and door openings are generally orientated away from noise sources Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources The number of party walls (walls shared with other apartments) are limited and are appropriately insulated Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms	The central void space will generate resident pedestrian noise on the accessways and retail at ground level. While the Level 1 commercial space provides some vertical separation to the residences, the glazed panels above First Floor will go a long way to attenuate noise rising from the Ground level. However, environmental acoustic load from outside the site remains the primary noise source. The size, height, variation in profile of each floor will break down sound reflection to the point where the sound level will be satisfactory in the bedrooms opening onto the void. Refer to the acoustic report.
	Objective 4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments ***Design guidance*** Internal apartment layout separates noisy spaces from quiet spaces, using a number of the following design solutions: • rooms with similar noise requirements are grouped together • doors separate different use zones • wardrobes in bedrooms are co-located to act as sound buffers Where physical separation cannot be achieved noise conflicts are resolved using the following design solutions: • double or acoustic glazing • acoustic seals • use of materials with low noise penetration properties • continuous walls to ground level courtyards where they do not conflict with streetscape or other amenity requirements	The criteria are satisfied The apartment layouts are driven by outlook, privacy etc. Inter-tenancy acoustic attenuation/isolation is provided by code compliant construction.
4J Noise and pollution	**Objective 4J-1** In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings ***Design guidance*** To minimise impacts the following design solutions may be used: • physical separation between buildings and the noise or pollution source • residential uses are located perpendicular to the noise source and where possible buffered by other uses • non-residential buildings are sited to be parallel with the noise source to provide a continuous building that shields residential uses and communal open spaces • non-residential uses are located at lower levels vertically separating the residential component from the noise or pollution source. Setbacks to the underside of residential floor levels should increase relative to traffic volumes and other noise sources • buildings should respond to both solar access and noise. Where solar access is away from the noise source, non- habitable rooms can provide a buffer • where solar access is in the same direction as the noise source, dual aspect apartments with shallow building depths are preferable (see figure 4J.4) • landscape design reduces the perception of noise and acts as a filter for air pollution generated by traffic and industry Achieving the design criteria in this Apartment Design Guide may not be possible in some situations due to noise and pollution. Where developments are unable to achieve the design criteria, alternatives may be considered in the following areas:	

	• solar and daylight access • private open space and balconies • natural cross ventilation	
	Objective 4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission ***Design guidance*** Design solutions to mitigate noise include: • limiting the number and size of openings facing noise sources • providing seals to prevent noise transfer through gaps • using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens) • using materials with mass and/or sound insulation or absorption properties e.g. solid balcony balustrades, external screens and soffits	ALL apartments are exposed to high levels of environmental acoustic load. It is not possible to provide a recommended level of internal “quietness” with the windows open. Strategies for delivering fresh air with the windows closed will be implemented.
4K Apartment mix	**Objective 4K-1** A range of apartment types and sizes is provided to cater for different household types now and into the future ***Design guidance*** A variety of apartment types is provided The apartment mix is appropriate, taking into consideration: • the distance to public transport, employment and education centres • the current market demands and projected future demographic trends • the demand for social and affordable housing • different cultural and socioeconomic groups Flexible apartment configurations are provided to support diverse household types and stages of life including single person households, families, multi-generational families and group households	The mix is considered appropriate for the site anticipated demographic.
	Objective 4K-2 The apartment mix is distributed to suitable locations within the building ***Design guidance*** Different apartment types are located to achieve successful facade composition and to optimise solar access (see figure 4K.3) Larger apartment types are located on the ground or roof level where there is potential for more open space and on corners where more building frontage is available	There is an appropriate mix of 1, 2 and 3 bed apartments. It should be noted that there is potential at every level to combine dwellings to form 3 or 4 bedroom dwellings
4L Ground floor apartments	**Objective 4L-1** Street frontage activity is maximised where ground floor apartments are located ***Design guidance*** Direct street access should be provided to ground floor apartments Activity is achieved through front gardens, terraces and the facade of the building. Design solutions may include: • both street, foyer and other common internal circulation entrances to ground floor apartments • private open space is next to the street • doors and windows face the street □Retail or home office spaces should be located along street frontages □Ground floor apartment layouts support small office home office (SOHO) use to provide future opportunities for conversion into commercial or retail areas. In these cases provide higher floor to ceiling heights and ground floor amenities for easy conversion	N/A At Level 1, there is a higher ceiling for the commercial use.
	Objective 4L-2 □ Design of ground floor apartments delivers amenity and safety for residents ***Design guidance*** □Privacy and safety should be provided without obstructing casual surveillance. Design solutions may include: - elevation of private gardens and terraces above the street level by 1-1.5m (see figure 4L.4) - landscaping and private courtyards - window sill heights that minimise sight lines into apartments - integrating balustrades, safety bars or screens with the exterior design □Solar access should be maximised through: - high ceilings and tall windows - trees and shrubs that allow solar access in winter and shade in summer	N/A
4M Facades	**Objective 4M-1** Building facades provide visual interest along the street while respecting the character of the local area ***Design guidance*** Design solutions for front building facades may include: • a composition of varied building elements • a defined base, middle and top of buildings • revealing and concealing certain elements • changes in texture, material, detail and colour to modify the prominence of elements Building services should be integrated within the overall facade Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale. Design solutions may include: • well composed horizontal and vertical elements • variation in floor heights to enhance the human scale • elements that are proportional and arranged in patterns • public artwork or treatments to exterior blank walls • grouping of floors or elements such as balconies and windows on taller buildings Building facades relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights Shadow is created on the facade throughout the day with building articulation, balconies and deeper window reveals	The design intent is to continue the urban scale massing of the adjacent buildings. This is consistent with the Council’s planning controls for character, height and FSR. The primary compositional idea is a solid base with horizontal emphasis. The tower is to be read as a simple, contrasting form of continuous metallic cladding. The Oxford Street facade at Ground and Level 1 has features and openings that recall the original terrace shop rhythm. The height of the podium

		levels match the height of the adjacent Quest building podia are consistent with the Council's objectives for the emerging character of the precinct
	Objective 4M-2 Building functions are expressed by the facade ***Design guidance*** Building entries should be clearly defined Important corners are given visual prominence through a change in articulation, materials or colour, roof expression or changes in height The apartment layout should be expressed externally through facade features such as party walls and floor slabs	The criteria are satisfied
4N Roof design	**Objective 4N-1** Roof treatments are integrated into the building design and positively respond to the street ***Design guidance*** Roof design relates to the street. Design solutions may include: • special roof features and strong corners • use of skillion or very low pitch hipped roofs • breaking down the massing of the roof by using smaller elements to avoid bulk • using materials or a pitched form complementary to adjacent buildings Roof treatments should be integrated with the building design. Design solutions may include: • roof design proportionate to the overall building size, scale and form • roof materials compliment the building • service elements are integrated	The visual impact of the roof has been minimised by having the upper storey integrated into the tower form. Plant and equipment and the landscape pergolas re setback from the edge and will not be seen from street level.
	Objective 4N-2 Opportunities to use roof space for residential accommodation and open space are maximised ***Design guidance*** Habitable roof space should be provided with good levels of amenity. Design solutions may include: • penthouse apartments • dormer or clerestory windows • openable skylights Open space is provided on roof tops subject to acceptable visual and acoustic privacy, comfort levels, safety and security considerations	There is some roof top plant and equipment, but all the remaining area is given to high quality landscaped communal open space. That space permits standing, seating in open and shaded areas together with a BBQ.
	Objective 4N-3 Roof design incorporates sustainability features ***Design guidance*** Roof design maximises solar access to apartments during winter and provides shade during summer. Design solutions may include: • the roof lifts to the north • eaves and overhangs shade walls and windows from summer sun Skylights and ventilation systems should be integrated into the roof design	The roof top communal open spaces has planters and paving on insulation. This provides a high level of thermal insulation to the top floor apartments.
4O Landscape design	**Objective 4O-1** Landscape design is viable and sustainable ***Design guidance*** Landscape design should be environmentally sustainable and can enhance environmental performance by incorporating: • diverse and appropriate planting • bio-filtration gardens • appropriately planted shading trees • areas for residents to plant vegetables and herbs • composting • green roofs or walls Ongoing maintenance plans should be prepared Microclimate is enhanced by: • appropriately scaled trees near the eastern and western elevations for shade • a balance of evergreen and deciduous trees to provide shading in summer and sunlight access in winter • shade structures such as pergolas for balconies and courtyards Tree and shrub selection considers size at maturity and the potential for roots to compete (see Table 4)	The objectives are satisfied
	Objective 4O-2 Landscape design contributes to the streetscape and amenity ***Design guidance*** Landscape design responds to the existing site conditions including: • changes of levels • views • significant landscape features including trees and rock outcrops Significant landscape features should be protected by: • tree protection zones(seefigure4O.5) • appropriate signage and fencing during construction Plants selected should be endemic to the region and reflect the local ecology	N/A
4P Planting on structures	**Objective 4P-1** Appropriate soil profiles are provided ***Design guidance*** Structures are reinforced for additional saturated soil weight Soil volume is appropriate for plant growth, considerations include: • modifying depths and widths according to the planting mix and irrigation frequency	The criteria are satisfied

	• free draining and long soil life span • tree anchorage Minimum soil standards for plant sizes should be provided in accordance with Table 5	
	Objective 4P-2 Plant growth is optimised with appropriate selection and maintenance ***Design guidance*** Plants are suited to site conditions, considerations include: • drought and wind tolerance • seasonal changes in solar access • modified substrate depths for a diverse range of plants • plant longevity A landscape maintenance plan is prepared Irrigation and drainage systems respond to: • changing site conditions • soil profile and the planting regime • whether rainwater, stormwater or recycled grey water is used	The criteria are satisfied
	Objective 4P-3 Planting on structures contributes to the quality and amenity of communal and public open spaces ***Design guidance*** Building design incorporates opportunities for planting on structures. Design solutions may include: • green walls with specialised lighting for indoor green walls • wall design that incorporates planting • green roofs, particularly where roofs are visible from the public domain • planter boxes Note: structures designed to accommodate green walls should be integrated into the building facade and consider the ability of the facade to change over time	The criteria are satisfied
4Q Universal design	**Objective 4Q-1** Universal design features are included in apartment design to promote flexible housing for all community members ***Design guidance*** Developments achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features	The 7 core design elements to achieve the Silver level are provided to at least 20% of dwellings. Note that the Council places a cap on carparking spaces so not every apartment has a car complying with Element 3.
	Objective 4Q-2 A variety of apartments with adaptable designs are provided ***Design guidance*** Adaptable housing should be provided in accordance with the relevant council policy Design solutions for adaptable apartments include: • convenient access to communal and public areas • high level of solar access • minimal structural change and residential amenity loss when adapted • larger car parking spaces for accessibility • parking titled separately from apartments or shared car parking arrangements	2 of the dwellings (1 x 1 bed and 1 x 2 bed) on each level are capable of adaptation in accordance with AS4299
	Objective 4Q-3 Apartment layouts are flexible and accommodate a range of lifestyle needs ***Design guidance*** Apartment design incorporates flexible design solutions which may include: • rooms with multiple functions • dual master bedroom apartments with separate bathrooms • larger apartments with various living space options • open plan 'loft' style apartments with only a fixed kitchen, laundry and bathroom	All apartment floors will be constructed of concrete column and slab framing. All partitions will be lightweight and non loadbearing to permit convenient modification. Adjacent dwellings can be combined by the removal of the common wall to create 3 and 4 bedroom dwellings.
4R Adaptive reuse	**Objective 4R-1** New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place ***Design guidance*** Design solutions may include: • new elements to align with the existing building • additions that complement the existing character, siting, scale, proportion, pattern, form and detailing • use of contemporary and complementary materials, finishes, textures and colours Additions to heritage items should be clearly identifiable from the original building New additions allow for the interpretation and future evolution of the building	N/A
	Objective 4R-2 Adapted buildings provide residential amenity while not precluding future adaptive reuse ***Design guidance*** Design features should be incorporated sensitively into adapted buildings to make up for any physical limitations, to ensure residential amenity is achieved. Design solutions may include: • generously sized voids in deeper buildings • alternative apartment types when orientation is poor • using additions to expand the existing building envelope Some proposals that adapt existing buildings may not be able to achieve all of the design criteria in this Apartment Design Guide. Where developments are unable to achieve the design criteria, alternatives could be considered in the following areas: • where there are existing higher ceilings, depths of habitable rooms could increase subject to demonstrating access to natural ventilation, cross ventilation (when applicable) and solar and daylight access (see also sections 4A Solar and daylight access and 4B Natural ventilation) • alternatives to providing deep soil where less than the minimum requirement is currently available on the site	N/A

	• building and visual separation–subject to demonstrating alternative design approaches to achieving privacy • common circulation • car parking • alternative approaches to private open space and balconies	
4S Mixed use	**Objective 4S-1** Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement ***Design guidance*** Mixed use development should be concentrated around public transport and centres Mixed use developments positively contribute to the public domain. Design solutions may include: • development addresses the street • active frontages are provided • diverse activities and uses • avoiding blank walls at the ground level • live/work apartments on the ground floor level, rather than commercial	The criteria are satisfied
	Objective 4S-2 Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents ***Design guidance*** Residential circulation areas should be clearly defined. Design solutions may include: • residential entries are separated from commercial entries and directly accessible from the street • commercial service areas are separated from residential components • residential car parking and communal facilities are separated or secured • security at entries and safe pedestrian routes are provided • concealment opportunities are avoided Landscaped communal open space should be provided at podium or roof levels	The criteria are satisfied
4T Awnings and signage	**Objective 4T-1** Awnings are well located and complement and integrate with the building design ***Design guidance*** Awnings should be located along streets with high pedestrian activity and active frontages A number of the following design solutions are used: • continuous awnings are maintained and provided in areas with an existing pattern • height, depth, material and form complements the existing street character • protection from the sun and rain is provided • awnings are wrapped around the secondary frontages of corner sites • awnings are retractable in areas without an established pattern Awnings should be located over building entries for building address and public domain amenity Awnings relate to residential windows, balconies, street tree planting, power poles and street infrastructure Gutters and down pipes should be integrated and concealed Lighting under awnings should be provided for pedestrian safety	The criteria are satisfied
	Objective 4T-2 Signage responds to the context and desired streetscape character ***Design guidance*** Signage should be integrated into the building design and respond to the scale, proportion and detailing of the development Legible and discrete way finding should be provided for larger developments Signage is limited to being on and below awnings and a single facade sign on the primary street frontage	Signage is to future detail and will comply.
4U Energy efficiency	**Objective 4U-1** Development incorporates passive environmental design ***Design guidance*** Adequate natural light is provided to habitable rooms (see 4A Solar and daylight access) Well located, screened outdoor areas should be provided for clothes drying	Balcony balustrades have screens to permit and conceal clothes drying on low level portable racks
	Objective 4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer ***Design guidance*** A number of the following design solutions are used: • the use of smart glass or other technologies on north and west elevations • thermal mass in the floors and walls of north facing rooms is maximised • polished concrete floors, tiles or timber rather than carpet • insulated roofs, walls and floors and seals on window and door openings • overhangs and shading devices such as awnings, blinds and screens Provision of consolidated heating and cooling infrastructure should be located in a centralised location (e.g. the basement)	Major glazing faces south and north. The north facing glazing is protected by balcony overhangs. East facing glazing is minimal and is protected from summer exposure by the adjacent commercial building. The area of west facing glazing is optimised.
	Objective 4U-3 Adequate natural ventilation minimises the need for mechanical ventilation ***Design guidance*** A number of the following design solutions are used: • rooms with similar usage are grouped together • natural cross ventilation for apartments is optimised • natural ventilation is provided to all habitable rooms and as many non-habitable rooms, common areas and circulation spaces as possible	ALL apartments are exposed to high levels of environmental acoustic load. It is not possible to provide a recommended level of internal “quietness” with the windows open. Strategies for delivering fresh air with the windows closed will be implemented.
4V Water management and	**Objective 4V-1** Potable water use is minimised ***Design guidance***	The criteria are satisfied

conservation	Water efficient fittings, appliances and wastewater reuse should be incorporated Apartments should be individually metered Rainwater should be collected, stored and reused on site Drought tolerant, low water use plants should be used within landscaped areas	
	Objective 4V-2 Urban stormwater is treated on site before being discharged to receiving waters ***Design guidance*** Water sensitive urban design systems are designed by a suitably qualified professional A number of the following design solutions are used: • runoff is collected from roofs and balconies in water tanks and plumbed into toilets, laundry and irrigation • porous and open paving materials is maximised • on site stormwater and infiltration, including bio-retention systems such as rain gardens or street tree pits	The criteria are satisfied (re-use in irrigation)
	Obje**ctive 4V-3** Flood management systems are integrated into site design ***Design guidance*** Detention tanks should be located under paved areas, driveways or in basement car parks On large sites parks or open spaces are designed to provide temporary on site detention basins	The criteria are satisfied
4W Waste management	**Objective 4W-1** Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents ***Design guidance*** Adequately sized storage areas for rubbish bins should be located discreetly away from the front of the development or in the basement car park Waste and recycling storage areas should be well ventilated Circulation design allows bins to be easily manoeuvred between storage and collection points Temporary storage should be provided for large bulk items such as mattresses A waste management plan should be prepared	The criteria are satisfied
	Objective 4W-2 Domestic waste is minimised by providing safe and convenient source separation and recycling ***Design guidance*** All dwellings should have a waste and recycling cupboard or temporary storage area of sufficient size to hold two days worth of waste and recycling Communal waste and recycling rooms are in convenient and accessible locations related to each vertical core For mixed use developments, residential waste and recycling storage areas and access should be separate and secure from other uses Alternative waste disposal methods such as composting should be provided	The criteria are satisfied
4X Building maintenance	**Objective 4X-1** Building design detail provides protection from weathering ***Design guidance*** A number of the following design solutions are used: • roof overhangs to protect walls • hoods over windows and doors to protect openings • detailing horizontal edges with drip lines to avoid staining of surfaces • methods to eliminate or reduce planter box leaching • appropriate design and material selection for hostile locations	The criteria are satisfied
	Objective 4X-2 Systems and access enable ease of maintenance ***Design guidance*** Window design enables cleaning from the inside of the building Building maintenance systems should be incorporated and integrated into the design of the building form, roof and facade Design solutions do not require external scaffolding for maintenance access Manually operated systems such as blinds, sunshades and curtains are used in preference to mechanical systems Centralised maintenance, services and storage should be provided for communal open space areas within the building	The systems need development, but the facade is capable of relatively convenient, external maintenance access
	Objective 4X-3 Material selection reduces ongoing maintenance costs ***Design guidance*** A number of the following design solutions are used: • sensors to control artificial lighting in common circulation and spaces • natural materials that weather well and improve with time such as face brickwork • easily cleaned surfaces that are graffiti resistant • robust and durable materials and finishes are used in locations which receive heavy wear and tear, such as common circulation areas and lift interiors	The criteria are satisfied

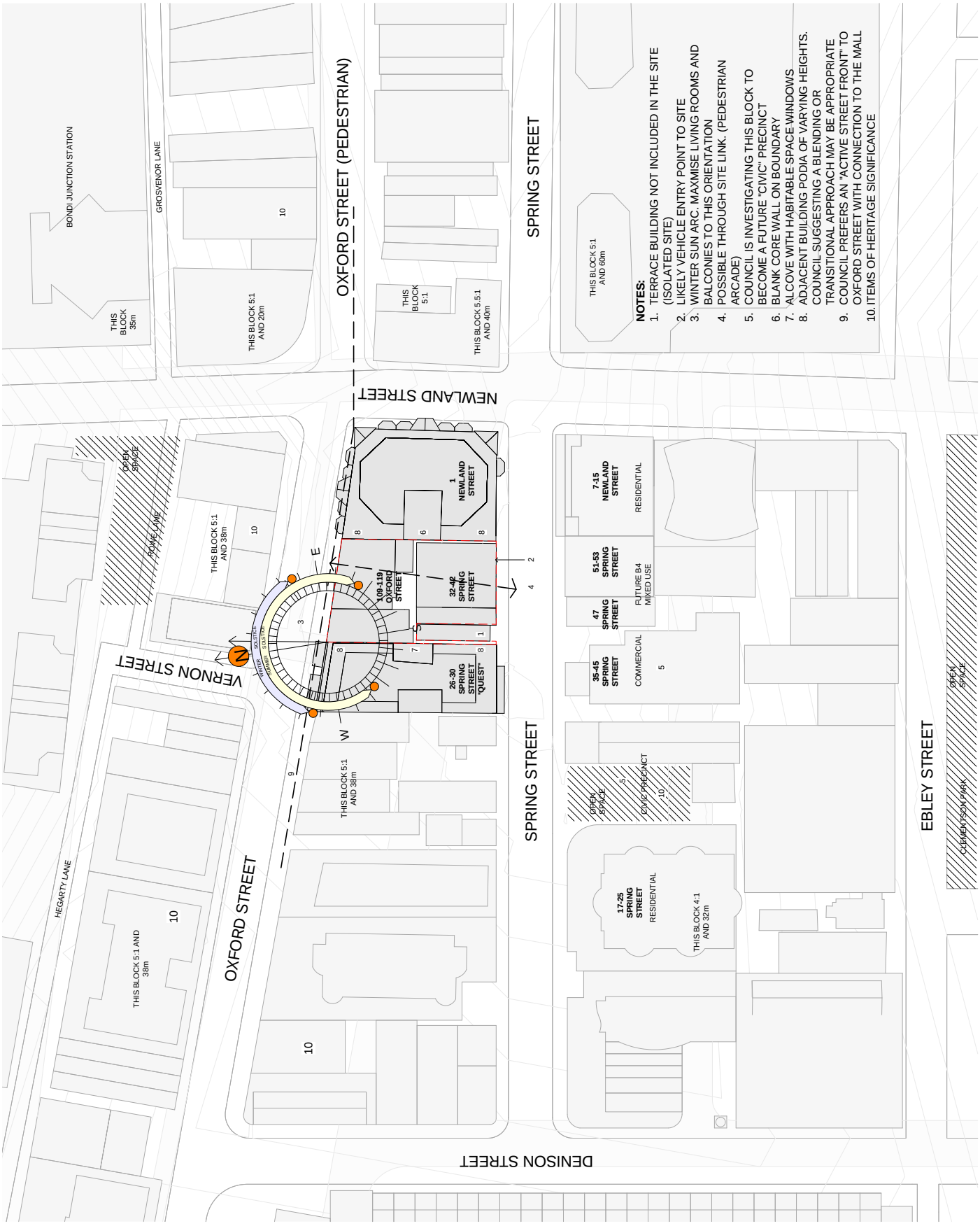
TABLE B: SEPP65 PRINCIPLES

Design Quality Principles

PRINCIPLE	EVALUATION	CONSISTENCY
Principle 1: Context and neighbourhood character Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.	The site is part of a dense urban block that is undergoing transition to and urban residential and retail precinct. The mix, scale and quality of the proposal are appropriate to the context and consistent with that objective. An underpinning principle of the proposed scheme is the continuation of the street wall scale developed by the adjacent buildings. This applies to the podium component, but the tower will be set in from the side boundaries and read as an independent form nestled between the adjacent towers. The material pallette and element composition of the facades will be different from its neighbours adding to the sense of individual identity.	Yes
Principle 2: Built form and scale Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook. area.	As noted above, the scale of the building directly addresses the existing and emerging streetscape character. The elevation materials and composition make the building read as an individual, self-defined building capable rather than relying on the massing and alignments of its neighbours. This will permit the changing of neighbouring buildings without impacting on the integrity of the subject site. All habitable space is effectively below the height limit. The parapet and landscaped communal open space of the building breach the 38m height control. This is considered a preferable alternative to a lower rise building with a more dense typical floor plate as the resident amenity will be compromised. Note that eventhough the building will exceed the 38m height plane, it will still be than the adjacent Newland Street office building.	Yes
Principle 3: Density Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.	The Council has determined an appropriate floor space ratio for the site and this is seen to be consistent with the desired future planning outcomes for the locality and the metropolitan planning outcomes being sought. The building mass and dwelling density are appropriate to the site.	Yes
Principle 4: Sustainability Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal	The development proposal is accompanied by waste management and resource consumption efficiency reports.	Yes

design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.		
Principle 5: Landscape Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks. Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.	A high quality landscape design is proposed for the roof top communal open space. A variety of planting types, soft and hardscapes offer residents choices in how they occupy the communal open space. The Ground floor retail through site link will have a high quality landscape installation to make use of the central breezeway with surrounding seating and tables.	Yes
Principle 6: Amenity Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.	This will be a quality development with excellent public domain and access outcomes. An appropriate mix of Retail and Commercial tenancies is provided with good public access. The apartment breezeways and rooftop garden are designed ample surveillance and potential for incidental and communal interaction.	Yes
Principle 7: Safety Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.	Secure access to the basement parking, direct access to the ground floor entry lobby combined with ample surveillance opportunity to the breezeway accessways provides good secure access to the building. The landscaped rooftop communal open space has secure, controlled access and is sizeable enough to permit multiple groups to simultaneously use the space	Yes
Principle 8: Housing diversity and social interaction Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.	The proposed mix is considered appropriate. The majority of internal walls are non-loadbearing stud framed permitting their demolition/reconfiguration. Some adjacent apartments can be combined with the removal of the party wall.	Yes

Principle 9: Aesthetics Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.	High quality building design, finishes and materials have been employed. A distinctive appearance is desired to give a sense of individual identity to the development. The verticality of the historic terraces on Oxford street is recalled with the nominal 6m rhythm of the ground floor shopfronts and the solid, cellular form of the podium apartments.	Yes



Site analysis

Project Statistics

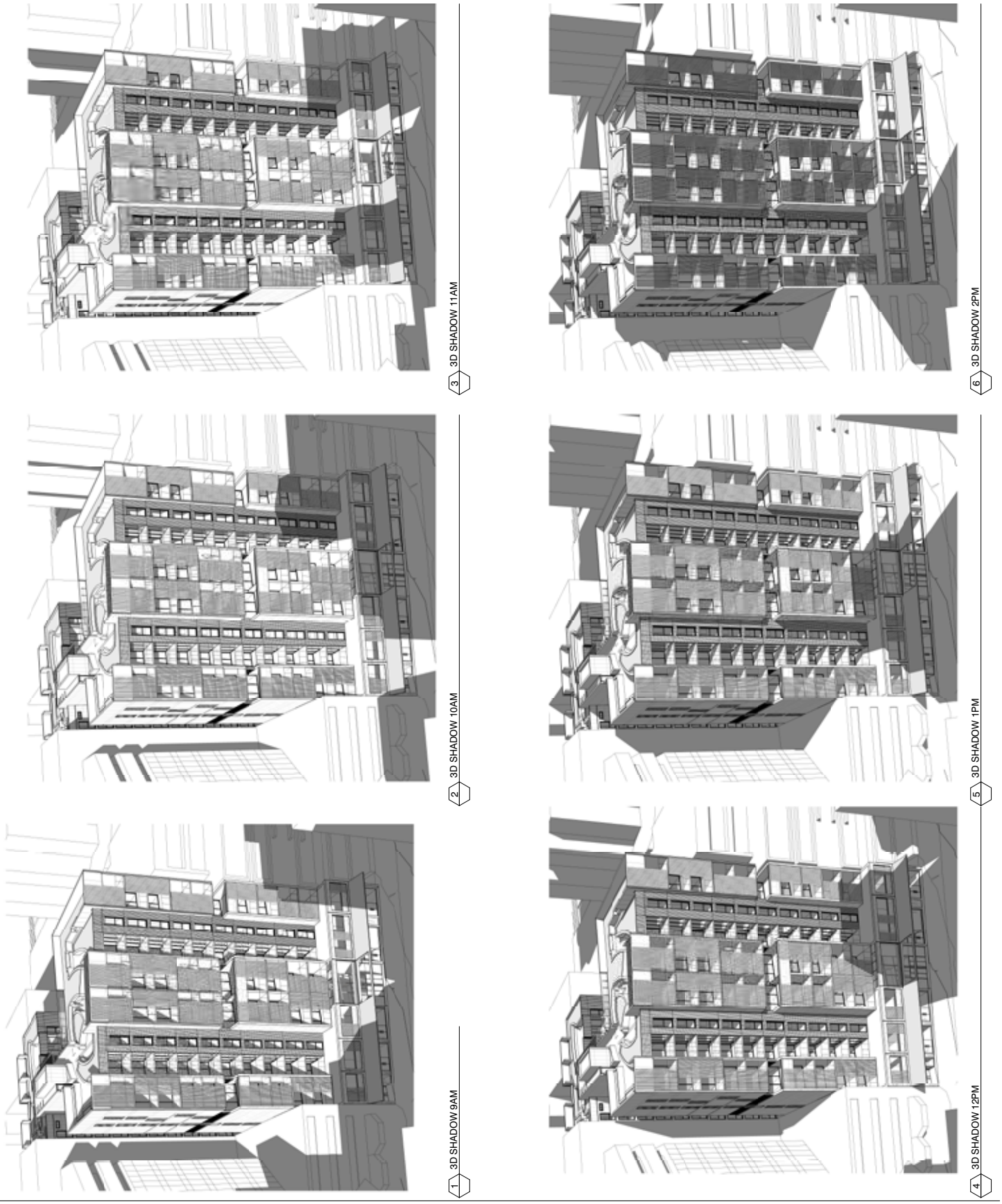
	1 bed	2 bed	3 bed
Level 1 - Commercial	0	0	0
Level 2, 3, 4, 5	6	1	2
Level 6, 7, 8, 9, 10, 11	6	3	
Total	56	22	8
as % of 86 apartments	65%	26%	9%

Summary of primary ADG statistics

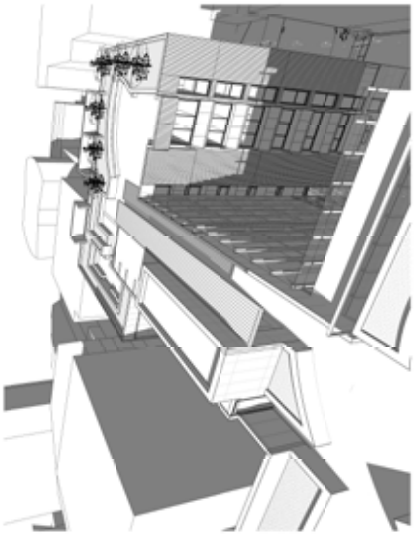
	Adaptable	Mid winter natural light to Living areas and balconies	Natural through or cross ventilation	
Level 2, 3, 4, 5	2	6	6	
Level 6	2	6	6	
Level 7, 8, 9, 10, 11	2	7	6	
Total	10			
as % of 86 apartments (Potential 20%. Actual will be 11%)	20%			
Total		65		
as % of 86 apartments (min 70%)		75%		
Total			60	
as % of 86 apartments (min 60%)			69%	

SCHEDULE OF RESIDENT STORAGE

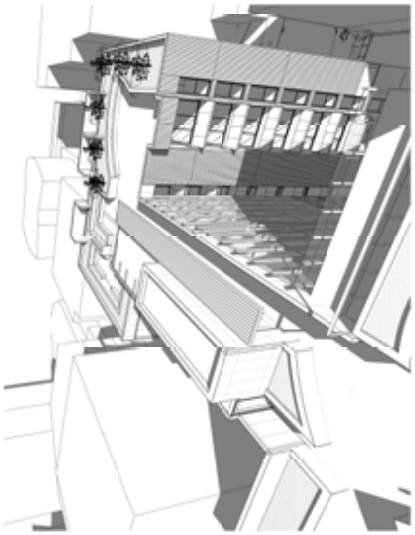
	BEDS	CUBIC METRES OF STORAGE IN APARTMENT	CUBIC METRES OF STORAGE IN BASEMENT	TOTAL	ADG COMPLIANT
2 - 5A	2	4.0	4.0	8.0	Y
2 - 5B	1	3.0	4.0	7.0	Y
2 - 5C	1	3.0	4.0	7.0	Y
2 - 5D	1	3.0	4.0	7.0	Y
2 - 5E	1	3.0	4.0	7.0	Y
2 - 5F	1	3.0	4.0	7.0	Y
2 - 5G	3	5.0	5.2	10.2	Y
2 - 5H	3	5.0	5.2	10.2	Y
6 - 11A	2	4.0	4.0	8.0	Y
6 - 11B	1	3.0	4.0	7.0	Y
6 - 11C	1	3.0	4.0	7.0	Y
6 - 11D	1	3.0	4.0	7.0	Y
6 - 11E	1	3.0	4.0	7.0	Y
6 - 11F	1	3.0	4.0	7.0	Y
6 - 11G	2	4.0	4.0	8.0	Y
6 - 11H	1	3.0	4.0	7.0	Y
6 - 11J	2	4.0	4.0	8.0	Y



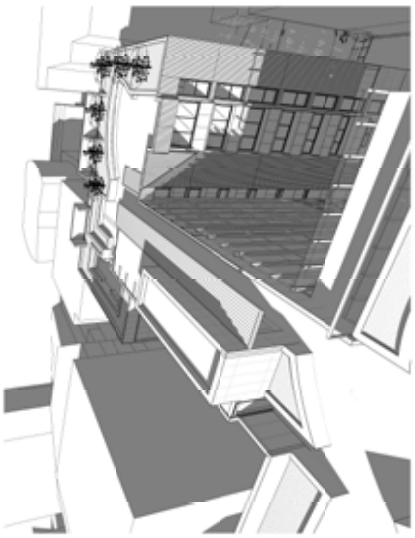
North facade winter shadow study



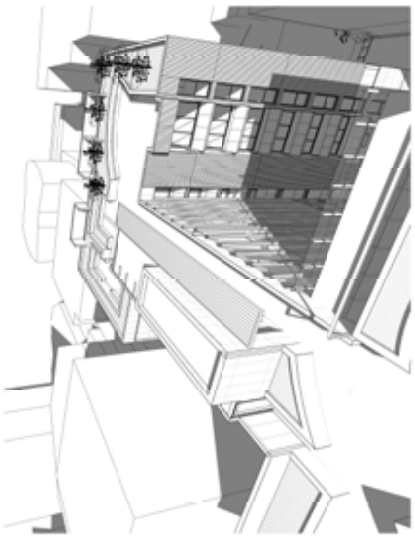
3 SHADOW TEST 11am



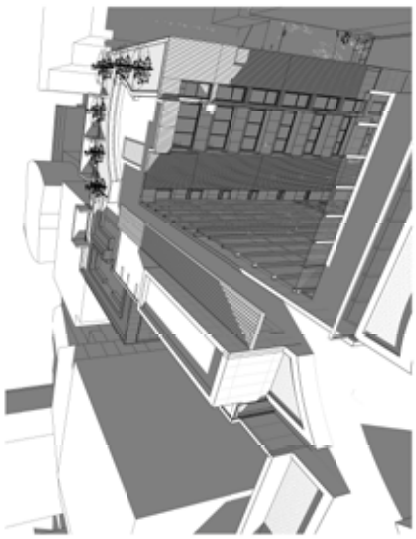
6 SHADOW TEST 2pm



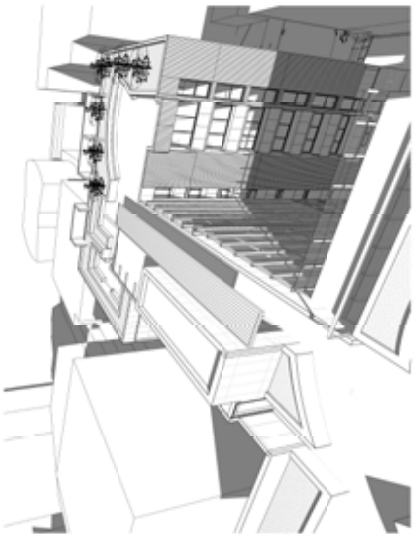
2 SHADOW TEST 10am



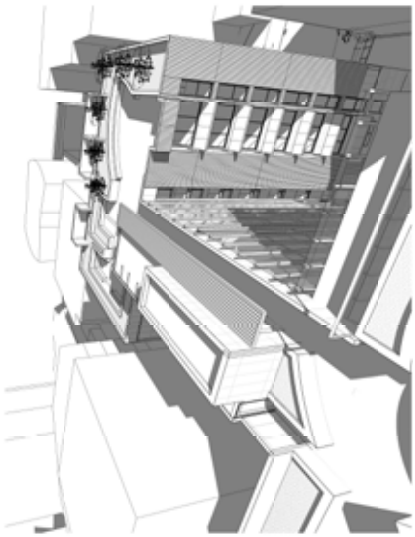
5 SHADOW TEST 1pm



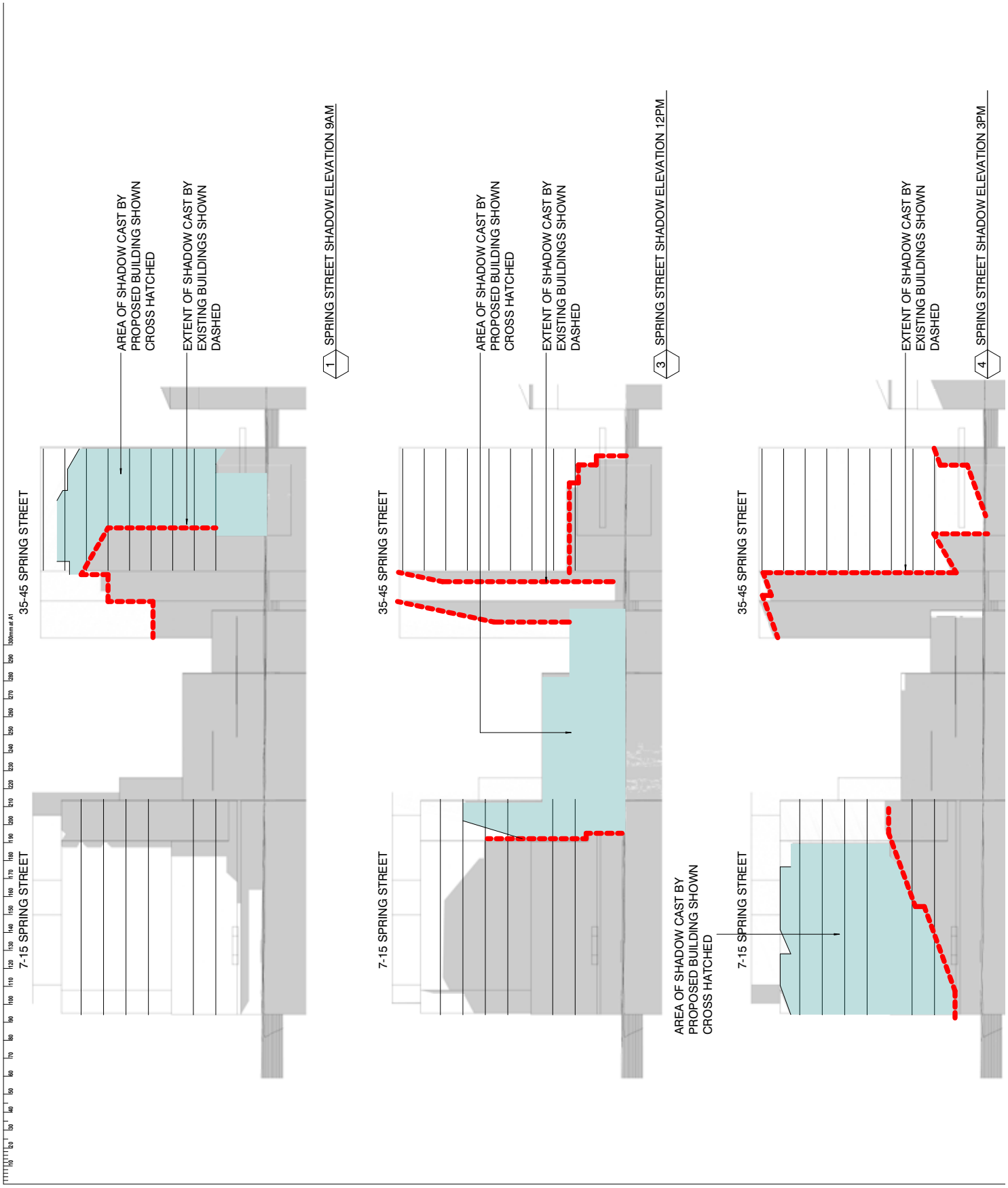
1 SHADOW TEST 9am



4 SHADOW TEST 12pm

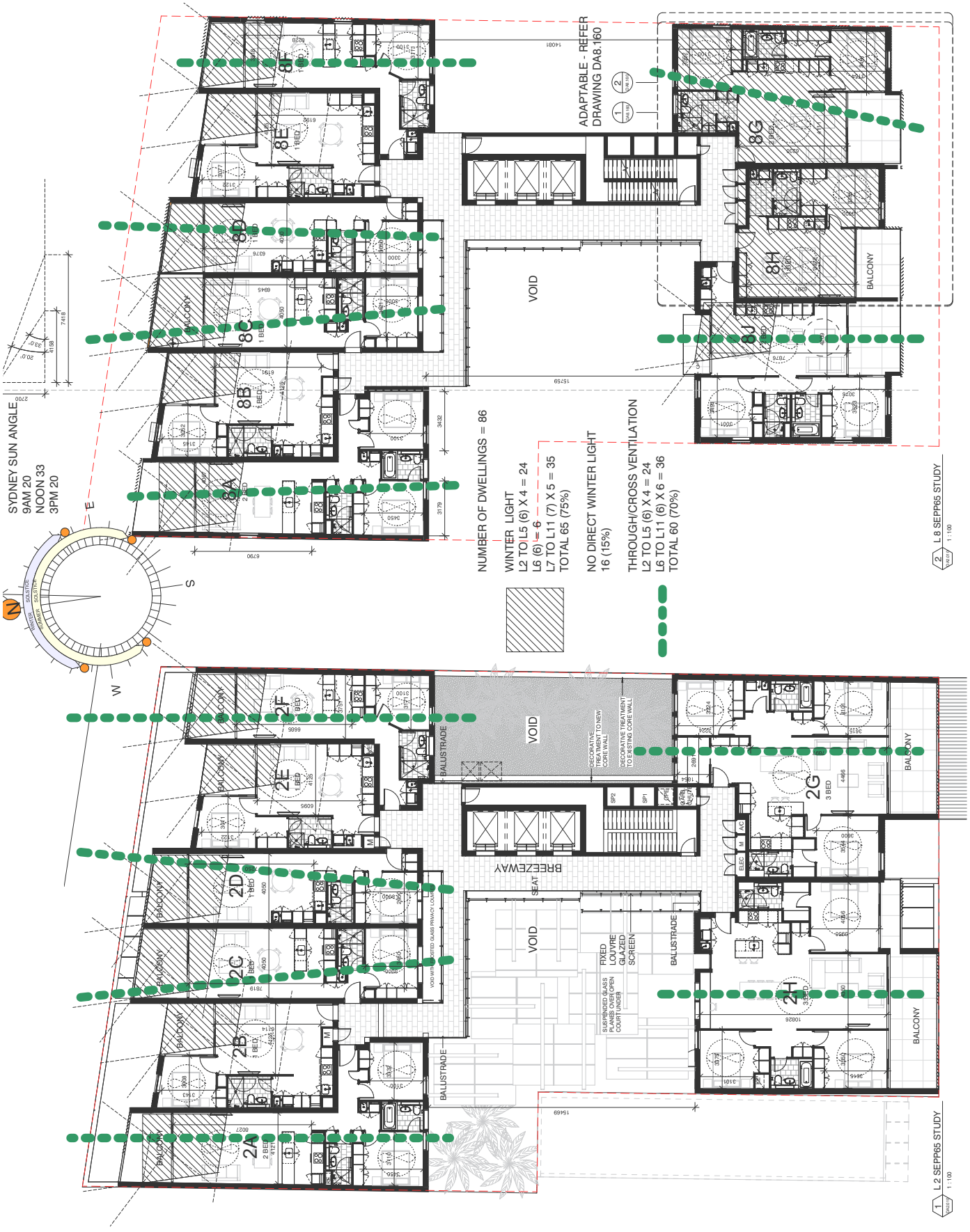


Spring Street wing north facade winter shadow study



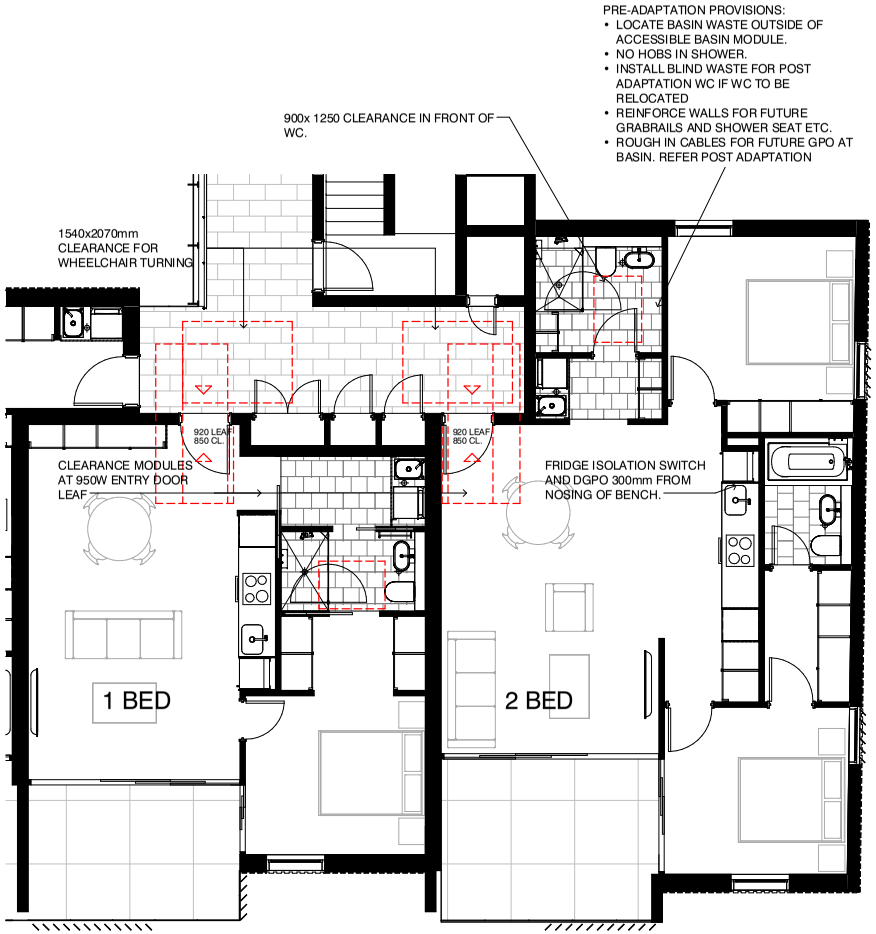
Spring Street south side neighbours

Spring Street south side neighbours

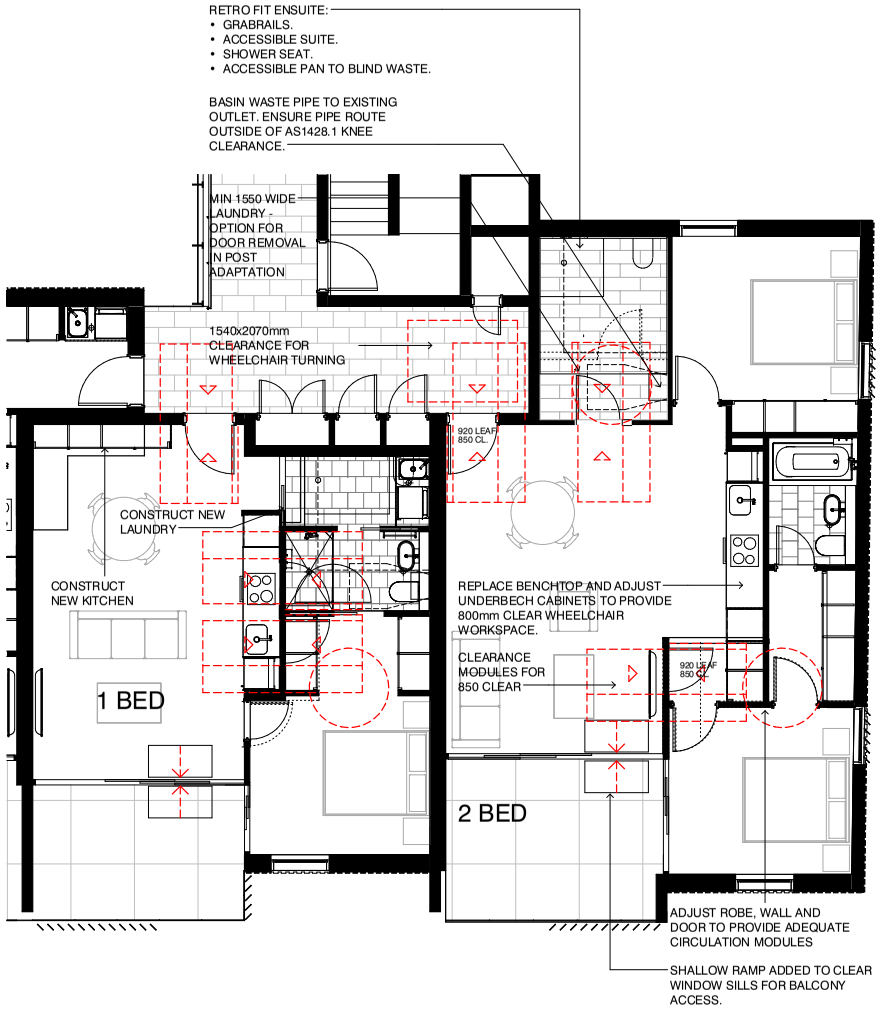


Ventilation and Winter light study

Adaptable dwellings



PRE ADAPTATION WORKS:



POST ADAPTATION WORKS:

THE BCA HAS NO PRESCRIPTION FOR THE QUANTITY OF DWELLINGS TO MADE ADAPTABLE. AS4299 IS NOT REFERENCED BY THE BCA.

GUIDANCE IS TAKEN FROM THE SEPP65 AND ACCOMPANYING APARTMENT DESIGN GUIDE (ADG). THEY REQUIRE:
- 20% OF DWELLINGS SHOULD ACHIEVE SILVER LEVEL COMPLIANCE WITH THE LIVABLE HOUSING GUIDELINE
- A VARIETY OF DWELLINGS TO BE AS4299 COMPLIANT (NO QUANTITY SPECIFIED)

A TARGET OF 10% (10 DWELLINGS) HAS BEEN ADOPTED.

ALL ADAPTABLE APARTMENTS HAVE STRATA TITLED CARSPACES THAT ARE ACCESSIBLE

WORKS SHOWN IN PRE-ADAPTATION ARE TO BE UNDERTAKEN BY THE BUILDER (IE DURING CONSTRUCTION). WORKS NOTED AS "POST ADAPTATION" INDICATE WORKS THAT WOULD BE CARRIED OUT BY THE RESIDENT TO RETRO FIT THE APARTMENT.

GENERALLY:
- THE APARTMENT IS TO BE PROVIDED WITH ADEQUATE POWER TO ENABLE THE INSTALLATION OF LIGHT FITTINGS CAPABLE OF GENERATING 300LUX IN THE LIVING ROOM, MAIN BEDROOM, KITCHEN, BATHROOM AND LAUNDRY.
- ALL LIGHT SWITCHES ARE TO BE BETWEEN 900-1100 ABOVE FLOOR.
- ROUGH IN GPOS WITH ADEQUATE SLACK IN THE CABLE TO PERMIT RELOCATION TO 600 ABOVE FLOOR.
- SHOWER TAP POSITIONED FOR EASY REACH TO ACCESS SIDE OF THE SHOWER VERTICAL SLIDING RAIL AS REQUIRED BY AS 4299.
- PROVIDE DGPO IN EACH LAUNDRY IN ACCORDANCE WITH AS 4299.
- MAKE PROVISION FOR FUTURE DGPO BESIDE EACH BATHROOM BASIN IN ACCORDANCE WITH AS 4299.
- AS1428.1 COMPLIANT DOOR HANDLES ARE TO BE RETRO FITTED IN POST ADAPTATION.
- INSTALL PLYWOOD BEHIND BATHROOM SHEET LINING FOR CONVENIENT FIXING OF GRABRAILS TO PAN AND SHOWER.
- PROVIDE SLIP RESISTANT TILES TO KITCHEN, LAUNDRY AND BATHROOMS TO RATING 'X' (WET PENDULUM TEST)
- PROVIDE THERMOSTATIC MIXING VALVE OR SIMILAR TO LAUNDRY TO ALLOW RESTRICTION OF THE WATER TEMPERATURE IN ACCORDANCE WITH AS 4299.

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