

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Yes**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **No**

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

EXECUTIVE SUMMARY

The proposal seeks consent to demolish all existing buildings and construction of a 12 storey shop top housing development comprising of 5 levels of basement car parking and services, ground floor retail shops, first floor commercial tenancies and a total 86 residential apartments (56 x 1 bedroom, 22 x 2 bedroom and 8 x 3 bedroom) and site amalgamation.

The amended proposal provides for a high quality and architecturally distinct building that responds effectively to the site, site context, surrounding building forms and uses, and more broadly the desired future character of the Bondi Junction centre. The retail, commercial and residential uses have been designed to provide a high level of functionality, privacy and amenity, that satisfies the provisions of the WLEP 2012 clause 1.2 'Aim of plan' and zone B4 Mixed Use objectives by providing a high quality shop top housing development in the evolving Bondi Junction centre.

The proposal provides a compliant Floor Space Ratio (FSR) and seeks an acceptable variation to the height development standard in the WLEP 2012, which is considered well founded and acceptable on merit given the acceptable solar access impacts on adjacent buildings and uses, appropriate building separation and setbacks, and overall height of many existing and recently approved buildings with the Bondi Junction centre.

The amended proposal in many instances exceeds the minimum requirements of the SEPP 65 providing for a high quality mixed use development that relates to the site context, adjoining buildings and will improve the streetscape and Bondi Junction centre. Any variations to the Apartment Design Guide are considered satisfactory given the high quality building design and the considerable site constraints.

The public submissions received during notification of the original and amended proposals have been detailed and issues adequately addressed as part of this assessment. The issues raised in the submissions do not warrant amendment or refusal of the application.

It is recommended that the application be approved subject to conditions.

RECOMMENDATION

That Development Application No. DA-569/2015 for demolition of all existing buildings, and construction of a 12 storey shop top housing development comprising of five levels of basement car parking and services, ground floor retail shops, first floor commercial tenancies and a total 86 residential apartments (56 x 1 bedroom, 22 x 2 bedroom and 8 x 3 bedroom) and site amalgamation be approved subject to the conditions of consent detailed in Appendix A of this report.

1. PREAMBLE

1.1 Site and Surrounding Locality

The subject sites comprise of the following properties and buildings:

Oxford Street

- 109-111 Oxford Street (Lot 1 DP 575911) containing a two storey retail/commercial use building;
- 113-115 Oxford Street (Lot A DP 448076) containing a two storey retail/commercial use building;
- 117 Oxford Street (Lot 2 DP 581271) containing a two storey retail/commercial use building; and
- 119 Oxford Street (Lot 1 DP 581271) containing a two storey retail/commercial use building;

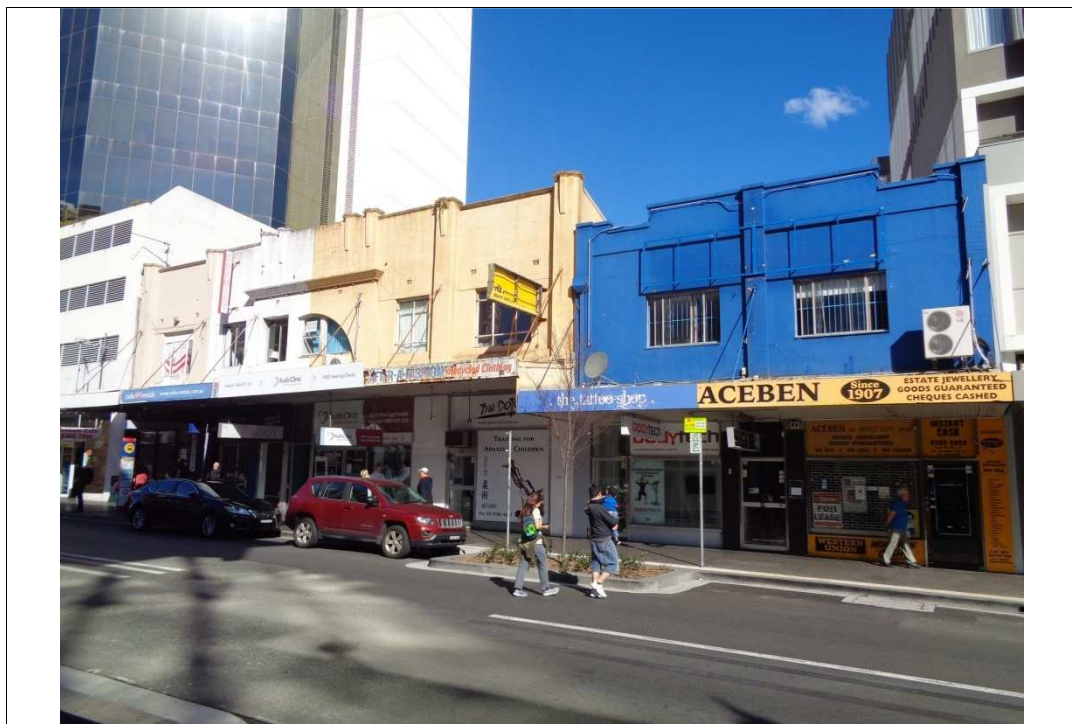
Spring Street

- 34 Spring Street (Lot 12 DP 747297) containing a two storey retail/commercial use building; and
- 36-42 Spring Street (including Lot 12 DP 747297, Lots 3, 4, 5 and 6 in DP 14097) existing on the sites are two storey retail/commercial use buildings.





Figure 2: Survey of subject sites and partial survey of surrounding sites (source: Eric Scerri & Associates Pty Ltd).



Photograph 1: Existing two storey commercial buildings at 109 to 119 Oxford Street as viewed from Oxford Street looking south.



Photograph 2: Existing two storey commercial use buildings from 34 to 38 Spring Street, as viewed from Spring Street looking north.

The locality is characterised by retail and commercial use buildings and mixed use (retail/commercial and residential use) buildings of varying architectural style, height, scale, bulk and density. To the north of the site across Oxford Street are a mixture of two storey and multi-storey retail/commercial use buildings while located further are a number of large mixed (retail/commercial and residential use) building, adjoining the site on the east side is a multistorey retail and commercial use building at 1 Newland Street. Located to the south across Spring Street are a variety of buildings ranging from two to multi-storey buildings uses including mixed retail and commercial uses to mixed retail/commercial and residential use buildings. Adjoining the site on the west side is 32 Spring Street comprising of a two storey commercial building and 26-30 Spring Street consisting of an eight storey commercial building with associated on-site vehicular access from Spring Street and basement car parking.



Figure 3: Aerial imagery of subject sites and surrounding sites.



Photograph 3: Multi level commercial building at 1 Newland Street, Bondi Junction as viewed from the intersection of Spring and Ebley Street.



Photograph 4: Eight storey retail/commercial use building at 26-30 Spring Street as viewed from the Oxford Street.



Photograph 5: Eight storey retail/commercial use building at 26-30 Spring Street as viewed from Spring Street.



Photograph 6: Two Storey retail/commercial use building as viewed from Spring Street.

The immediate locality and more broadly the Bondi Junction centre is transitioning from modest scale and density retail/commercial buildings to a much higher density urban environment. The change to the urban density and scale is a direct response to the relatively recent uplifts to the height and floor space ratio development standards in the Waverley Local Environmental Plan 2012.

1.2 Relevant History

The numerous buildings and sites that form part of the amalgamated site, have had a significant amount of applications and approvals relating to a variety of building works and land uses. As the proposal seeks consent to demolish all buildings the historic approvals are not relevant to this application. Detailed below is the recent history related to the proposed development.

Pre- DA Application

A Pre-DA application was submitted for the subject sites and advice was provided by Council in August 2015.

Current DA

The subject DA was lodged on 10 December 2015 and after preliminary assessment of the proposal the application was deferred on 20 March 2016. The deferral matters are detailed below:

Isolation of adjoining site

1. *The proposed development is likely to result in the isolation of the adjoining site at 32 Spring Street, Bondi Junction. It is understood that a number of discussions and offer/s have been made to the owner/s. To satisfy Council that all reasonable attempts have been made to acquire the adjoining site, the three step/tests in paragraph 51 of Melissa Grech v Auburn Council [2004] NSWLEC 40 (file number 10984 of 2003) (see Attachment A) Isolation of adjoining site planning principle must be addressed in the form of an additional information letter with detailed evidence of discussions, offer/s and responses from the adjoining land owner/s. As this information may contain privileged or sensitive information, ensure the documentation has been reviewed and approved for public release by your solicitor. **Note** – All information on DA files is publicly accessible.*
2. *Revise and submit future building envelope/s for the potential redevelopment of the isolated site at 32 Spring Street, Bondi Junction. This analysis must include the potential land uses taking into consideration the impacts from the amended building form.*

Building form

3. *The proposed podium and tower form of the building is to be amended generally in accordance with the draft plans discussed and subsequently emailed to Council on 15 April 2016 (see Attachment B). The key amendments to the building form include:*
 - *6 storey Spring Street podium with a recessed central bay to break up building mass and articulate the Spring Street frontage.*
 - *2 storey nil and setback 4 storey Oxford Street podium.*
 - *Reduction to the tower setback to Spring and Oxford Street enabling for:*
 - *Separated north and south towers;*
 - *Genuine central east and west building voids; and*
 - *Communal circulation breezeway for residential access.*

While the draft building form is supported in principle, the following matters must be addressed in the amended building form and design:

Podium

Ground floor

- a) *Clause 1.3 Building Use control (c) requires at least 85% of the building frontage to be associated with retail uses, the amended proposal does not meet this control.*
- b) *The amended proposal has reduced the extent of ground floor retail from 399m² to 353m², and reduced the extent of retail frontages to Oxford and Spring Street. The reduction to retail spaces and retail frontages is not supported and must be increased.*
- c) *The splayed retail 2 space limits the width of the retail frontage and is not supported.*
- d) *Retail spaces must be constructed to the sites front boundaries to Oxford and Spring Street (not recessed).*
- e) *The amount of building services (substations, etc) are excessive and needs to be redesigned and reduced to increase the sites active frontage.*
- f) *The location and size of the ground floor garbage room is inadequate for the retail and residential uses. Separate retail and residential garbage rooms must be provided. Retail garage rooms should be readily accessible for future retail/commercial tenants.*
- g) *The residential lobby is a long narrow space which is unlikely to address the relevant design criteria in the Apartment Design Guide.*

Oxford Street

- a) *The success of the 2 storey podium will rely upon a mostly solid building form and design that is reflective of the historic Oxford Street character. The 2 storey Oxford Street podium must present as strong building form that is easily distinguished from the setback 4 storey podium above. Presently the 2 storey podium does not achieve this goal and must be amended.*
- b) *The first floor of the Oxford Street podium is to be amended to either retail space connected to the ground floor or separated commercial space/s. The First floor over the arcade/walkway should be provided as a void to improve the amenity and usability of the arcade/walkway.*

Spring Street

- a) *The Spring Street arcade/walkway should be 2 storeys.*
- b) *A dedicated residential entry/lobby should be provided at the sites Spring Street frontage.*
- c) *Roofing to the central courtyard must be transparent and at least 50% open for the area not be counted as gross floor area. Consideration must be given to reducing visual and acoustic privacy on the residential units above.*

Tower

- a) *Walls on side boundaries must be adequately articulated to reduce large blank walls to neighbouring buildings and the public domain.*
- b) *Residential units require design development to improve utilisation of the east and west voids of the building.*

Unit mix

4. *To address the relevant provisions SEPP 65, WLEP 2012 and WDCP 2012 the unit mix must be amended to improve the diversity of household types within the proposed development.*

SEPP 65 Design Review Panel Recommendations

5. *The comments and recommendations provided by the SEPP 65 Design Review Panel (see Attachment B) must be considered and addressed in the amended design. The panel has indicated that the aesthetics of the building are underdeveloped and requires considerable design development and detailing to satisfy the panel. In this regard details schedule of materials and finishes should be provided for the key elements of the building.*

Additional Information

6. *The following reports/studies are required to satisfy the relevant provisions of the Waverley Development Control Plan 2012:*

- a) Clause 2.6 Energy Assessment in Part B2 Energy and Water Conservation requires the submission of an Energy Assessment Report see page 31 of the WDCP 2012; and*
- b) Clause 1.22 Wind Mitigation control (c) in Part E1 Bondi Junction requires the submission of a wind tunnel study see page 258 of the WDCP 2012.*

On 13 May 2016 the applicant submitted additional documentation and amended plans, while the additional information addressed some of the requirements of the deferral letter, the amended proposal failed to address all deferral matters. Further discussions were held with the applicant and on 21 October 2016 amended plans were submitted addressing the deferral matters and a number of recommendations provided by the Joint Waverley/Randwick SEPP 65 Design Review Panel. A summary of the amendments included as part of the plans submitted on 21 October 2016 is provided below:

- Provision of a loading bay to basement level 1, refinements to the garbage rooms, modified ramp design to accommodate a small rigid truck measuring 6400 x 2300 x 3000, reconfigure basement car parking to account for loading bay;
- Amendments the ground floor retail shops, waste management (garbage bin holding room) adjacent to the driveway on the ground floor and other minor internal amendments;
- Refine and improve ground floor retail shop facades and entries, and the central arcade to both Oxford and Spring Street;
- Delete first floor (level 1) residential apartments and replace with first floor commercial tenancies;
- Delete one bedroom room 'H' units from levels 2 to 6 on the southern podium to Spring Street. Provide two 3 bedroom units on levels 2 to 6 on the southern podium to Spring Street;
- Minor amendments to the internal unit planning and design;
- Provide ceiling fans to residential apartments;
- Specify building RLs on all parapets, planter boxes, lift over runs and service; and
- Other minor internal reconfigurations to satisfy the request of Council.

The additional information and amended plans submitted on 21 October 2016 are the subject of this assessment report. In summary the additional information and amended plans address the deferral matters raised by Council.

1.3 Proposal

The proposal seeks consent to demolish all existing buildings and construction of a 12 storey shop top housing development comprising of ground floor retail shops, first floor commercial tenancies and a total 86 residential apartments (56 x 1 bedroom, 22 x 2 bedroom and 8 x 3 bedroom), 5 levels of basement including 114 car parking spaces, loading bay, motorcycle parking, bicycle storage, garbage rooms and residential storage cages. A more detailed description of the proposed development is provided below and montages of the building are detailed in figures 4 and 5:

- Five basement levels containing:
 - Total of 114 car parking spaces (93 residential, 13 visitor, 5 retail and 3 commercial) with 11 spaces provided for accessible parking, 30 motor cycle spaces, 7 bicycle spaces, residential storage rooms (containing a total of 52 storage cages)
 - Loading/unloading bay for small rigid truck (measuring 6400 x 2300 x 3000)

- Service and plant rooms (sprinkler and hydrant pump room, main switch, communications room, substation room, hot water plant and grease arrestor room etc), 21 residential storage rooms (which include bike storage) and associated lift access and fire stairs; and
- Retail/commercial garbage room, residential garbage room with garbage chute, retail and commercial sanitary facilities, bulky goods waste storage room.
- Ground floor containing:
 - 7 retail shops of varying shape and area;
 - Central two storey open arcade providing a public through site link/access between Spring and Oxford Street;
 - Soft landscaping to the west side of the pedestrian arcade;
 - Open style residential lobby and mail area;
 - Stair providing access to the first floor commercial spaces;
 - Waste management room (garbage bin holding room) to enable effective onsite waste management and collection; and
 - Two way vehicular access driveway at the sites frontage to Spring Street and providing access the 5 basement levels.
- Level 1 containing:
 - 4 commercial tenancies;
 - Open terraces and breezeways providing access to each commercial tenancy; and
 - Soft landscaped area to the east side of the lift and stair core.
- Oxford Street building – Levels 2 to 11 each level contains:
 - 5 x 1 bedroom units
 - 1 x 2 bedroom units
 - Total of 6 units per floor
- Spring Street building – Levels 2 to 5 each level contains:
 - 2 x 3 bedroom units
 - Levels 6 to 11 each level contains:
 - 1 x 1 bedroom units
 - 2 x 2 bedroom units
- Roof level with north and south open communal terraces with associated landscaping, seating and facilities, stair and lift access, and plant rooms.
- Amalgamation of all lots and sites.



Figure 4: Photomontage of the proposal building as viewed from Oxford Street (montage does not include minor to amendments to plans dated 21.10.16).

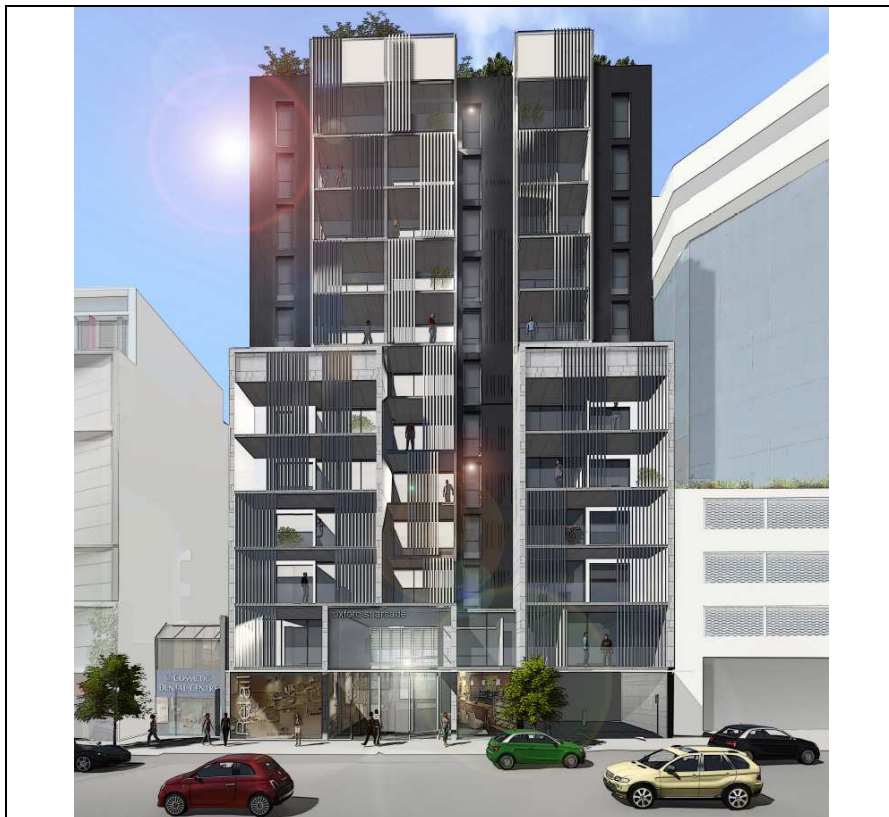


Figure 5: Photomontage of the proposed building as viewed from Spring Street (montage does not include minor to amendments to plans dated 21.10.16).

2. ASSESSMENT

The following matters are to be considered in the assessment of this development application under section 79C of the *Environmental Planning and Assessment Act 1979* (the Act).

2.1 Section 79C (1)(a) Planning Instruments and Development Control Plans

The following is an assessment against relevant legislation, environmental planning instruments, including State environmental planning policies (SEPPs), State Regional Environmental Plans (SREPs), Local Environmental Plans (LEPs) and non-statutory plans such as Development Control Plans (DCPs).

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

The application has been assessed against the requirements of *State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004*. The proposal is accompanied by a BASIX Certificate for the proposed units and is considered satisfactory for the residential component of the building. The BASIX Certificate lists measures to satisfy BASIX requirements are to be incorporated into the proposal. A standard condition is recommended ensuring the measures detailed in the BASIX Certificate are implemented.

2.1.2 SEPP 32 – Urban Consolidation (Redevelopment of Land)

The application has been assessed against the requirements of *State Environmental Planning Policy – Urban Consolidation (Redevelopment of Land)*. The relevant objective of the SEPP is 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. The provisions of the SEPP are generally aimed at accommodating additional residential accommodation within urban areas with good infrastructure. The proposed development achieves this objective and satisfies the relevant provisions of SEPP 32.

2.1.3 SEPP 55 Remediation of Land

The application has been assessed against the requirements of *State Environmental Planning Policy 55 – Remediation of Land*. The application has been assessed against the Clause 7(1) of SEPP 55 requires Council to assess whether the land considered in determining a development application is contaminated. A Stage 1 Preliminary Site Investigation report for 34-42 Spring Street and 109-119 Oxford Street, Bondi Junction has been prepared by Environmental Investigations Australia (Report E22764 AA) dated 9 November 2015, and concludes that site contamination is unlikely to prevent the site from being redeveloped for the proposed commercial and residential uses. The preliminary site investigation report is considered to satisfy the relevant provisions of SEPP 55 as site contamination is considered unlikely and all standard conditions of consent regarding land remediation and decontamination are included in Appendix A of this report.

2.1.4 SEPP 65 Design Quality of Residential Flat Development

The application has been assessed against the requirements of *State Environmental Planning Policy 65 – Design Quality of Residential Flat Development*. The SEPP provides for design principles to improve the design quality of residential flat development and for consistency in these types of developments across the State. The proposed development constitutes a shop top housing or mixed

use development with a residential component and therefore the provisions of SEPP 65 and the Apartment Design Guide are applicable to the application.

The applicant has submitted a “Design Verification Statement” prepared by a qualified Architect stating how the proposed development achieves the design principles of SEPP 65 and the design objectives in the Apartment Design Guide. The original proposal and amended proposal (13 May 2016) were referred to the Joint Waverley/Randwick SEPP 65 Design Review Panel for consideration and comment. The SEPP 65 Design Review Panel provided a number of recommendations regarding the amended proposal (13 May 2016) and the amendments submitted on 21 October 2016 are considered to address the key matters raised by the panel. These matters are discussed in the following compliance table.

Table 1: Assessment against the 9 Design Quality Principles under SEPP 65

Principle	Compliance
1. Context & Neighbourhood	Yes
<p>Comment:</p> <p>The amended proposal incorporates a good design that responds to and will contribute to its context, and importantly the desired future character of the Bondi Junction centre. The amended building form and envelope responds to and relates well with adjacent sites, streetscape and the Bondi Junction centre. The panel indicates that the <i>“facade treatments are suitably articulated however the colours and materials are only generically described. Actual materials and colour samples should be provided for review.”</i> A general modification condition of consent is imposed requiring further materials and colour details prior to the issue of a construction certificate. The amended building addresses Principle 1 of SEPP 65.</p>	
2. Built form & Scale	Yes
<p>Comment:</p> <p>The amended proposal incorporates a scale, bulk and height appropriate to the existing and desired future character of the street, surrounding buildings and Bondi Junction centre. At the directions of the SEPP 65 Design Review Panel the building form has been amended to comprise of two separate building forms (Oxford and Spring Street) and separated by considerable central voids (east and west sides) that are connected by a central lift and stair core with open breezeway residential corridors. The amended proposal has removed residential apartments from the first floor that are replaced by commercial tenancies and 4 single aspect south facing units on levels 2 to 5 of the Spring Street building are deleted. The amendments to the residential apartments within the building now achieve compliance with the solar and daylight access and ventilation requirements in the Apartment Design Guide.</p> <p>Although the proposed building height is noncompliant, the proposed height is comparative to the height of a number of existing and approved buildings within the locality, for further discussion regarding the building height refer to section 2.1.6 WLEP 2012 – clause 4.3 and 4.6 of this report. Notwithstanding the height variation the proposed building is well articulated, achieves a scale consistent with the desired outcome for the area, with proposed building setback and separation distances responding to the location of surrounding buildings, site constraints, appropriate relationship with the public domain, and improves the internal amenity and outlook for the uses within the building.</p>	

Principle	Compliance
3. Density	Yes
<p>Comment:</p> <p>The proposed building incorporates a density that is consistent with the size of the site, its context, and can be readily accommodated by the availability of infrastructure, public transport options, community facilities and access to jobs within the Bondi Junction centre. The amended proposal generally addresses the requirements of the Apartment Design Guide with individual residential apartments provided with a high level of amenity by the functional building design and liveable internal layout of apartments. The proposal is accompanied by a series of detailed landscape plans that provide an appropriate landscape setting for the building and its land uses. The amended proposal submitted on 21 October 2016 addresses Principle 3 of SEPP 65.</p>	
4. Sustainability	Yes
<p>Comment:</p> <p>The amended proposal incorporates a well considered and high quality design that will achieve a number of positive environmental, social and economic outcomes. The amended proposal has increased that number of cross ventilated units by deleting a number of single orientation units, while the poor residential amenity units to the first floor have been replaced by commercial tenancies. Furthermore the amended plans include more refined apartment layouts with ceiling fans that will improve the amenity and liveability apartments as well as reducing reliance upon energy for heating and cooling.</p> <p>The applicant has provided a BASIX certificate for the residential component of the development, as well as an Energy Assessment Report in accordance with the WDCP 2012. The Energy Assessment Report has been independently reviewed and whilst the report indicates that the development can achieve a 30% reduction, it lacks supporting evidence of the modelling used and references good practice principles, which have not been included in the DA documentation. A condition of consent is recommended to ensure that the 30% greenhouse gas reduction is achieved. The amended proposal satisfies the sustainability principle of SEPP 65.</p>	
5. Landscape	Yes
<p>Comment:</p> <p>The application is accompanied by an integrated landscape concept and plans that will result in an attractive development with good amenity for the retail, commercial and residential uses. The site is located in a high density mixed use urban environment and provision of well considered landscaping to such sites can represent a challenge. The landscape design enables building usability, encourages opportunities for social interaction and provides an appropriate landscape setting for the site. The proposal addresses the landscape principle in SEPP 65.</p>	

Principle	Compliance
6. Amenity	Yes
<p>Comment:</p> <p>The proposed apartments are thoughtfully designed with appropriate room dimensions and layouts to maximise the amenity for future residents. The amended proposal incorporates good design for achieving solar access, natural ventilation and acoustic privacy. The amended proposal has replaced the low quality first floor residential apartments with commercial tenancies and removed 4 single aspect 1 bedroom apartments from the lower levels of the Spring Street building. All units are provided with balconies accessed from living areas and privacy is provided by appropriate design and orientation. All apartments are provided with internal storage and a condition of consent is recommended requiring additional residential storage cages be provided within the basement levels of the building. The amended building achieves a high level of amenity for both residents of the proposed apartments and protects the amenity of users of surrounding buildings.</p>	
7. Safety	Yes
<p>Comment:</p> <p>The amended proposal has been skilfully designed to accommodate a mixture of retail, commercial and residential uses within the building. The double height central arcade, open corridor breezeways for residential apartments will maximise passive surveillance and promote safety for all users. The design of shop fronts and windows to both Oxford and Spring Street will considerably improve passive surveillance of the public domain.</p>	
8. Housing Diversity and Social Interaction	Yes
<p>Comment:</p> <p>The amended proposal submitted on 21 October 2016 has both reduced the number of residential apartments within the building and improved the diversity in apartment mix. The proposed building now has a mix of 56 x 1 bedroom, 22 x 2 bedroom and 8 x 3 bedroom apartments. Furthermore residential apartments on the first floor (level 1) have been deleted and replaced with commercial tenancies. The amended proposal incorporates an appropriate mix of apartments that will provide diverse housing choice for different demographics and living needs. The proposed development also encourages social interaction through the design of common areas and the communal roof terrace. The amended proposal addresses Principle 8 of SEPP 65.</p>	
9. Aesthetics	Yes
<p>Comment:</p> <p>The amended proposal has significantly improved the detail and in general the materials and finishes for the proposed building. However the SEPP 65 Design Review Panel requests further clarifications should be provided to ensure the overall aesthetics of the building are adequately detailed in the DA plans and reflect the desired future character of the streetscape and Bondi Junction centre. Accordingly a SEPP 65 General Modification condition is imposed relating to the aesthetics issues outlined above.</p>	

The amended proposal submitted on 21 October 2016 and the general modification condition in Appendix A of this report are considered to adequately addresses the comments and recommendations of the SEPP 65 Design Review Panel and Design quality principles in SEPP 65. The amended proposal provides for a high quality and architecturally distinct building that responds effectively to the site, site context, surrounding building forms and uses and more broadly the desired future character of the Bondi Junction centre. The retail, commercial and residential uses have been designed to provide a high level of functionality, privacy and amenity. The amended proposal addresses the 9 Design Quality Principles in SEPP 65.

SEPP 65 - Apartment Design Guide

Amendment No. 3 to SEPP 65 requires the proposed development to consider Parts 3 and 4 of the Apartment Design Guide (ADG). The application is accompanied by a detailed assessment against the Parts 3 and 4 of the ADG which have been considered by the SEPP 65 Design Review Panel. The following table sets out the proposals compliance with the ADGs.

Table 2: Assessment against the Apartment Design Guide

Design Criteria	Compliance	Planning assessment
Part 3 Siting the development		
3A Site analysis	Yes	The application and proposed building has thoughtfully considered the site, local and wider context.
3B Orientation	Yes	The proposed building has been orientated and designed to relate the shape of the site, location of neighbouring buildings and public domain.
3C Public domain interface	Yes	The proposed building provides a successful interface with the public domain and will improve the character and quality of the streetscape.
3D Communal and public open space	Yes (on merit)	The proposal includes a communal roof terrace which equates to 18% of the site area. The roof terrace will receive solar access between 9am and 3 pm on 21 June (mid winter). Although the proposal fails to comply with the 25% communal open space requirement, the communal open space is considered appropriate given the site zoning, site constraints and location within the Bondi Junction centre.
3E Deep soil zones	Yes (on merit)	As the proposed building contains ground floor retail and first floor commercial uses, compliance with the deep soil zone control is not practical as the building has almost 100% site coverage. Despite the site constraints, soft landscaping is proposed to the east and west sides of the central voids and the communal residential roof terrace. The extent of the deep soil zones are acceptable for the site, development type and locality.
3F Visual privacy	Yes (on merit)	See discussion section following this table.
3G Pedestrian access and entries	Yes	All pedestrian access entries are connected to and address the public domain, are easily identifiable and provide a strong connection with the streetscape.
3H Vehicle access	Yes	The vehicular access point at the sites Spring Street frontage has been designed and located to maximise

Design Criteria	Compliance	Planning assessment
		safety, minimise pedestrian conflicts, and provide a high quality streetscape.
3J Bicycle and car parking	Yes (conditioned)	<p>The proposed development falls within the design criteria of Objective 3J-1 and the resident and visitor car parking requirements set out in the Guide to Traffic Generating Development 2002 are applicable to the residential component of the building.</p> <p>The residential apartments generate a minimum requirement for 64.4 spaces and 17.2 visitor spaces. The proposal provides for 93 residential spaces and 12 visitor spaces within the basement levels of the building. As the proposed residential parking exceeds the minimum car parking requires and the visitor parking falls short of the 17 spaces required a condition of consent is imposed requiring a minimum of 17 residential visitor car parking spaces.</p> <p>A total of 30 motorcycle parking spaces are provided within the basement levels along with a bicycle storage rack, which promotes the use of other modes of transport.</p>
Part 4 Designing the building		
Amenity		
4A Solar and daylight access	Yes (on merit)	See discussion section following this table.
4B Natural ventilation	Yes	All habitable rooms to apartments are naturally ventilated with either a primary frontage to either Oxford or Spring Street. The depth of rooms will support natural ventilation and windows have been appropriately designed to suit the intended use of the rooms. A total of 60 apartments or 69% of the residential apartments are cross ventilated. Those units that are not afforded cross ventilation have been designed to maximise internal airflow by incorporating minimal apartment depths. The apartments address the natural ventilation requirements in 4B of the Apartment Design Guide.
4C Ceiling heights	Yes	<p>The proposed building incorporates the following ceiling heights:</p> <ul style="list-style-type: none"> • Ground floor retail 3.8m – 4.3m • First floor commercial 3.1m • Residential apartments 2.7m <p>Ceiling fans are detailed in all apartments for cooling and heat distribution.</p>
4D Apartment size and layout	Yes	All apartments comply with the minimum internal area specified in 1 of the design criteria. All apartments incorporate high quality internal design that will improve the residential amenity for both future occupants

Design Criteria	Compliance	Planning assessment
		without unreasonably impacting on the amenity of surrounding residential buildings and private open spaces.
4E Private open space and balconies	Yes	All units are provided with private open space in the form of a balcony. Each private open space area is accessed from a living area of individual apartments includes appropriate privacy treatments and orientations, with many units having balconies off bedrooms. All balconies have been designed with regard to the sites exposure to the impacts of wind and noise, and to improve the aesthetic appeal of the building.
4F Common circulation and spaces	Yes (on merit)	Levels 2 to 5 have a total of 8 apartments accessed via the central core and levels 6 to 11 have a total of 9 apartments accessed via the central core. Despite levels 6 to 11 exceeding the design criteria the building form has been separated into north and south side apartments that are connected by a central corridor which has been designed as an open breezeway that is serviced by three lifts and fire stairs. The design of the common circulation spaces provides for a high quality residential environment. The proposal addresses the common circulation design criteria and guidance on merit.
4G Storage	Yes	The amended proposal indicates storage cupboards will be provided to each of the apartments. While the area of the storage spaces is not provided and is below the numeric control, a condition of consent is recommended requiring additional storage within the basement levels of the building. Accordingly, the storage provided to each apartment is considered satisfactory and supported with regards to 4G of the ADG.
4H Acoustic privacy	Yes	The amended proposal is accompanied by a thorough site analysis that has considered the constraints of the site, conditions and relationship to surrounding buildings and local context. This analysis has considered individual units exposure to acoustic privacy impacts and each habitable room has been designed to protect the acoustic privacy of future occupants and acoustic privacy of surrounding buildings. The amended proposal has adequately considered and addressed the design guidance requirements in 4H of the ADG.
4J Noise and pollution	Yes	The amended proposal has appropriately designed individual apartments to minimise impacts from noise and pollution. The proposal is acceptable with regards to 4J of the ADG.
Configuration		
4K Apartment mix	Yes	The proposal includes 1, 2 and 3 bedroom units that that will support a wide variety of household types and sizes.

Design Criteria	Compliance	Planning assessment
		The apartment mix is considered appropriate taking into consideration the sites proximity to public transport options and the high density urban environment.
4M Facades	Yes (condition)	The proposed building incorporates high quality architectural design with each façade contributing to the visual interest of the building and character of the local area. Furthermore conditions of consent have been imposed at the request of the SEPP 65 Design Review Panel to ensure that all building façade materials and finishes are appropriately reflected on the plans prior to the issue of a construction certificate.
4N Roof design	Yes	The proposed roof design and materials provides a cohesive relationship with the overall building design, streetscape and Bondi Junction centre.
4O Landscape design	Yes	The proposed landscaping to the site is diverse and a number of trees and shrubs are proposed. The proposed landscaping will improve character of the building and provide amenity for the different land uses within the building.
4P Planting on structures	NA	The landscape plans and architectural plans include considerable soil depths for the landscaping to the east and west building voids and roof terrace. The comprehensive landscape concept plans address the objectives and design criteria in 4P of the ADG.
Performance		
4U Energy	Yes	All apartments within the building incorporate passive environmental design, including design elements that seek to retain heat in winter and reduce heat transfer in summer. Considerable natural ventilation is incorporated into almost all apartments reducing the need for mechanical ventilation and climate control.
4V Water management and conservation	Yes	The amended proposal includes onsite landscaping improving water management and conservation. All standard conditions of consent regarding onsite stormwater management and retention are included in Appendix A of this report.
4W Waste management	Yes	The amended proposal includes a number of waste storage rooms located within the basement of the building and waste management room on the ground floor adjacent to the driveway. These facilities will enable the effective management and collection of waste from the site. Furthermore a detailed waste management plan has been submitted and is considered appropriate for development.
4X Building maintenance	Yes	The amended proposal includes a number appropriate building materials and design elements to minimise long term maintenance and improve building resilience. The proposed building maintenance requirements are considered limited and supported.

The following is a discussion of the matters identified in the above table.

3F-1 Visual Privacy

Part 3 F Visual privacy seeks to ensure that the visual privacy of the proposed residential apartments and adjacent properties are not compromised by the building design. When considering the appropriate response to visual privacy the adjacent context, site configuration, typography and scale of the development and apartment layout all need to be considered. The design criteria in objective 3F-1 stipulate a variety of building separation distances.

As outlined in site and surrounding locality section of this report, the subject site is flanked by a large multi-level retail and commercial use building on the east side 1 Newland Street, while located on the west side is a small two storey retail and commercial use building at 32 Spring Street and eight storey retail and commercial (serviced apartments) building at 26-30 Spring Street. The variety of building forms surrounding the site presented challenges to design of the residential apartments and at the direction of the SEPP 65 Design Review Panel the building form has been amended to comprise of two separate building forms (Oxford and Spring Street) separated by considerable central voids and connected by a central lift and stair core with open breezeway residential corridors. The building form and location of surrounding buildings is readily identifiable in the figure 6 below.

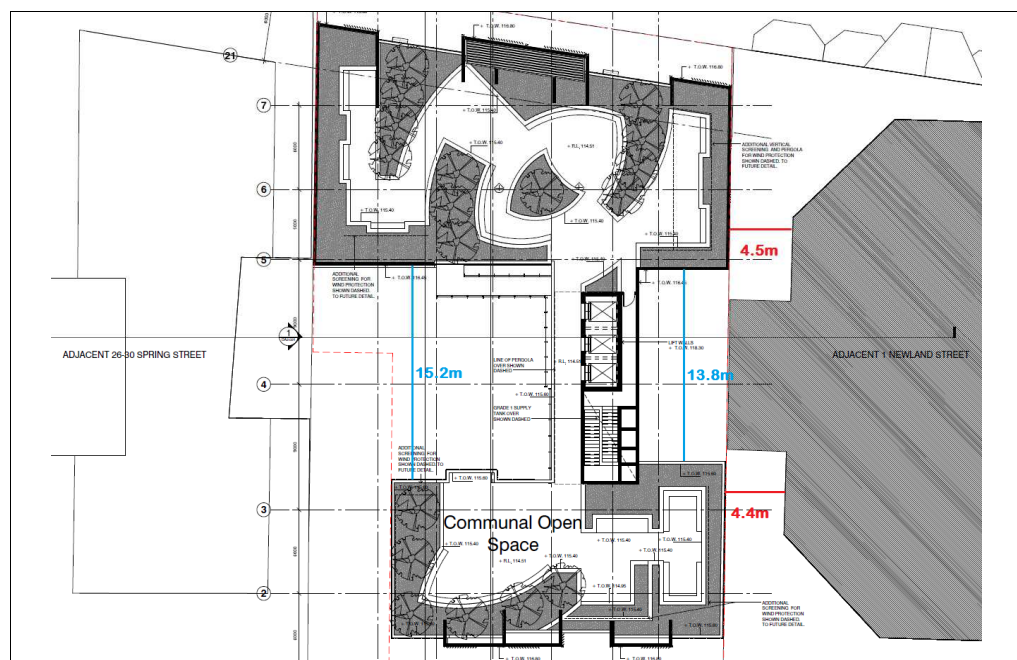


Figure 6: Roof plan of proposed building and relationship with adjacent buildings (source: Da1.118, DJRD).

The amended building form incorporates compliant building separation distances of 15.2 and 13.8 metres between the Oxford Street and Spring Street building forms, as well as addressing the visual privacy separation distances the central voids considerably increase the solar access and natural ventilation to individual apartments. In addition, all apartments have primary orientation towards the sites street frontages or either Oxford or Spring Street and windows/openings orientated towards the central void. The orientation of apartments will maximise apartment outlook and effectively mitigates visual privacy impacts on neighbouring buildings.

The partial nil east and west side boundary setbacks fails to comply with the building separation distances specified in 3F-1. Despite the noncompliant building separation distances it is noted that

all surrounding buildings contain either retail or commercial buildings and therefore the reduced separation distances will not unreasonably compromise solar access, ventilation and privacy to those uses. Furthermore the proposed building form has been appropriately designed to relate to that of adjacent buildings, with the central void providing a consistent relationship with the east side void to 26-30 Spring Street. Accordingly, the merits of the variation sought to the building separation distance is considered reasonable and appropriate given characteristics of the site, location and design of surrounding buildings and visual privacy design treatments.

4A Solar and daylight access

Objective 4A1 of the Apartment Design Guide seeks to ensure residential apartments receive adequate sunlight to habitable rooms, primary windows and private open spaces. Access to solar and daylight access is a high priority for residential apartment as it improves residential amenity and reduces reliance upon electricity for lighting and heating.

The amended proposal indicates that of the 86 apartments a total of 65 (75%) will receive a minimum of 2 hours direct sunlight between 9am and 3pm mid winter in the Sydney Metropolitan Area. A total of 5 (5.8%) of apartments will receive some solar access in mid winter and the remaining 16 (15%) of apartments will receive no direct sunlight between 9am and 3pm at mid winter. Although the proposal technically complies with the solar and daylight access requirement it is noted that many units on the lower levels of the Spring Street building will receive limited or no solar access. To address the solar and daylight access requirement the amendments submitted on 21 October 2016 deleted residential apartments from the first floor of the building and removed the single orientation 1 bedrooms units from levels 2 to 5 within the Spring Street building.

The width and length of the amalgamated site and north/south site orientation has given rise to difficulties in providing solar access to all apartments. However the amended building design which incorporates separated Oxford and Spring Street building forms with large central voids has improved solar access to the greatest number of apartments within the building, bearing in mind the site constraints. Furthermore the internal amenity of apartments is improved by well considered internal layout and design, and availability of private and communal open spaces. Accordingly, the proposed building and solar access to individual apartments are considered to address the objective of 4A-1 and design guidance in Part 4 of the Apartment Design Guide.

Summary

The amended proposal has been thoroughly assessed against the 9 Design Quality Principles in SEPP 65 and objectives, design criteria and design guidance in Part 3 and 4 of the Apartment Design Guide. The amended proposal in many instances exceeds the minimum requirements of the SEPP 65 providing for a high quality mixed use development that relates to the site context, adjoining buildings and will improve the streetscape and Bondi Junction centre. Any variations to the Apartment Design Guide are considered satisfactory given the high quality building design and the considerable site constraints. Accordingly, the application is supported with regards to SEPP 65 and Apartment Design Guide and the amended proposal is recommended for conditional approval.

2.1.5 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The relevant matters to be considered under the Waverley LEP 2012 for the proposed development are outlined below:

Table 3: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposed development addresses the provisions of clause 1.2 aims of plan by promoting a range of commercial, retail and residential uses within one building, providing a range of residential housing types that will meet the changing needs of the community. The proposal is recommended for conditional approval.
Part 2 Permitted or prohibited development		
Land Use Table B4 Mixed Use Zone	Yes	The proposal is defined as 'shop top housing' with the development consisting of retail, commercial and residential uses all of which are permitted with consent in the B4 Mixed Use zone. The proposed land use and development is consistent with the zone objectives.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 38m 	No	The proposed building has a maximum height of 42.3 metres, which breaches the height development standard by 4.3 metres or approximately 11.3%. For further assessment regarding the proposed building height see discussion – Clause 4.3 and 4.6 following this compliance table.
4.4 Floor space ratio <ul style="list-style-type: none"> 5:1 (6592.5m²) 	Yes	The development has a gross floor area of 6600m ² equating to a compliant maximum FSR of 5:1. This excludes the open central breezeway corridors which are not fully enclosed and provided with a mixture of fixed open louvres and balustrades.
4.6 Exceptions to development standards	Yes (see discussion)	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height development standard. For further assessment regarding the building height and merits of the exception to the development standard see discussion – Clause 4.3 and 4.6 following this compliance table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	None of the sites contain heritage listed buildings and the sites are not located within a heritage conservation area. However the site is located opposite heritage listed buildings at 356-374 Oxford Street and the proposed building will provide a cohesive relationship with those items. Accordingly the proposal is supported with regards to the provisions of clause 5.10.

Provision	Compliance	Comment
Part 6 Additional local provisions		
6.2 Earthworks	Yes	The proposal satisfies the provisions of clause 6.2 as the earthworks are not considered to have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. The application is accompanied by a geotechnical investigation report and all standard conditions of consent regarding earthworks and dilapidation reports for neighbouring buildings are included in Appendix A of this report. Accordingly, the proposed earthworks on the site are considered to address the relevant provisions of clause 6.2 Earthworks in the WLEP 2012.
6.5 Active street frontages in the Bondi Junction Centre	Yes	The proposal satisfies the provision of clause 6.5 providing street frontages which contribute to a vibrant Bondi Junction Centre. The amended proposal has retail frontages to both Oxford Street and Spring Street with a central double height arcade providing a link between both street frontages. The amended proposal provides active street frontages which positively interact with the public domain and address the provisions of clause 6.5.
6.7 Solar access to public spaces in Bondi Junction	NA	The proposed building will not result in solar access impacts on the nominated areas at 12 noon 21 June.

The following is a discussion of the matters identified in the above table.

Exceptions to Development Standards

Council is able to grant consent to a development that contravenes a development standard of Waverley LEP 2012 having regard to the provisions of clause 4.6 of Waverley LEP 2012 and considering a written request by an applicant to vary such development standard. The heads of consideration under clause 4.6 of Waverley LEP 2012 for a development varying a development standard are as follows:

- *Clause 4.6(3) (a) - that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case*
- *Clause 4.6(3)(b) - that there are sufficient environmental planning grounds to justify contravening the development standard*
- *Clause 4.6(4)(a)(iii) - the proposed development will be in the public interest because it is consistent with objectives of the particular development standard and the objectives for development within the zone in which the development is proposed to be carried out.*
- *Clause 4.6(5)(a) - whether contravention of the development standard raises any matter of significance for State or regional environmental planning*
- *Clause 4.6(5)(b) - the public benefit of maintaining the development standard*
- *Clause 4.6(5)(c) – other relevant matters.*

Clause 4.3 Height of buildings

The proposal has an overall building height of 42.3m, which exceeds the height of buildings development standard of 38m prescribed under clause 4.3 of Waverley LEP 2012 by 4.3m or 11.3%.

The building height measurements of the key elements of the development are set out in **Table 4** below.

Table 4: Building Height Measurements of the Proposed Development

Element of development	Proposed/finished level	Ground level (existing) directly below	Building height
Lift overrun and plant	RL 118.30	RL 76.00	42.3m
Top parapets to the north elevation at the sites Oxford Street frontage	RL 116.80	RL 75.230	41.32m
Top parapets to the north elevation at the sites Spring Street frontage	RL 114.690	RL 75.110	40.8m

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is briefly summarised as follows:

- 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 Oxford Street retail frontage is expressed as a two storey elevation in line with Council’s desire to recall the terrace scale buildings that once lined the street. The façade above has subtle divisions that draw on the mixed streetscape rhythm.
- Solar access – Detailed solar analysis studies have been undertaken and form part of the drawings prepared by Daryl Jackson Robyn Dyke and indicate that there is an acceptable impact from any additional overshadowing caused by the height variation onto neighbouring residential properties. The reasons are as follows:
 - The proposed height 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 predominantly occupied by commercial / retail development;
 - Proposed building provides a high quality, well-articulated building form that is suitable for mixed use development with retail, commercial and residential uses;
 - The proposed communal roof terrace in part contributes to the height variation however the structures are largely not visible from the public domain; and
 - The proposed building height will not result in additional environmental impacts.
- Land and Environment Court ‘five part test’ in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 and in *Mecone Pty Limited v Waverley Council* [2015] NSWLEC 1312. The proposed variation is considered against the five tests arising from these court cases.
 - The objectives of the height development standard are achieved notwithstanding non-compliance with the standard;

- While Council has not abandoned the height standard the building adjoining the site to the east (constructed approximately 30 years ago) breaches the current building height control;
 - The PreDA advice indicated that if the height variation does not result in a full/partial extra level of habitable area then the exceedance may be acceptable; and
 - There are numerous recent examples of developments that have been approved with an extra two floors above the height development standard.
- The proposal provides for a height quality development that recognises the sites proximity and accessibility to public transport, educational establishments and nearby recreational opportunities without detrimentally impact 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 applicant has adequately demonstrated that the variation of the height development standard encountered by the proposal satisfies and is consistent with the relevant objectives of the development standard set out under clause 4.3 of Waverley LEP 2012. The variation does not hinder the development performing satisfactorily against the objectives of the B4 Mixed Use Zone. Further, the variation does not raise any matters of significance that would detrimentally affect State or regional planning and is not considered to diminish the integrity and the public interest of maintaining the height of buildings development standard in relation to the subject development.

The proposal is able to contravene the height of buildings development standard given that the variation is consistent with the relevant objectives of the development standard and zones. The applicant has demonstrated that compliance is unreasonable or unnecessary in the circumstances of the case and there are sufficient planning grounds to justify contravening the development standard in the absence of adverse building height, bulk and scale related impacts.

The proposed development provides for a high quality and architecturally distinct building that responds effectively to the site, site context, surrounding building forms and uses, and more broadly the desired future character of the Bondi Junction centre. The retail, commercial and residential uses have been designed to provide a high level of functionality, privacy and amenity. The variation to the height development standard does not result in unacceptable environmental or amenity impacts on surrounding buildings, land uses or the public domain. A component of the noncompliant building height is a result of the parapets to Oxford and Spring Street, these have been provided as an architectural element to vertically articulate the elevations and also perform as safety and wind protection walls to the communal roof terrace. This has been consistently supported within new mixed use buildings in the Bondi Junction centre. Accordingly, the variation to the height development standards is supported with regards to all relevant provisions in the Waverley LEP 2012.

2.1.6 Waverley Development Control Plan 2012 - Amendment No 3 (Waverley DCP 2012)

The relevant matters to be considered under the Waverley DCP 2012 for the proposed development are outlined below:

Table 5: Waverley DCP 2012 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste	Yes (conditions)	The proposed waste storage rooms and waste management process for the development are appropriately located within the building and the application is accompanied by a detailed Waste Management Plan prepared by Elephants Foot Recycling Solutions. The application and Waste Management Plan were internally referred to Councils Waste Management and Minimisation Officer within the Sustainability Waverley Program. The referral comments provided indicate that a number of conditions of consent are required to ensure the proposed waste storage rooms and waste management process adequately addressed the relevant objectives and controls in Part B1 Waste of the WDCP 2012. The application is supported for conditional approval and the recommended waste management and minimisation conditions are included in Appendix A of this report.
2. Energy and water conservation	Yes (conditions)	The applicant has provided BASIX certificates for the residential components of the development, as well as an Energy Assessment Report in accordance with the DCP. The Energy Assessment Report has been independently reviewed and whilst the report indicates that the development can achieve a 30% reduction, it lacks supporting evidence of the modelling used and referencing good practice principles, which have not been included in the DA documentation. A condition of consent is recommended to ensure that the 30% greenhouse gas reduction is achieved.
6. Stormwater	Yes (conditions)	The application is accompanied by a Stormwater Management Plan and the application was internally referred to Council's Creating Waverley Sub Program for comment. The referral comments provided indicate that the proposal is deficient with respect to a number of stormwater details, however the issues raised by the officer are as conditions of consent (see Appendix A). Subject to satisfying the conditions of consent the proposal is considered to satisfy the relevant provisions of Part B6 Stormwater in the WDCP 2012.

Development Control	Compliance	Comment
7. Accessibility and adaptability	Yes	Under the provisions of Part B7, 10% of the units are required to be adaptable dwellings. The architectural plans includes an adaptable dwelling design for 1 and 2 bedroom apartments and indicates that 10% of the apartments can be provided as adaptable units. Furthermore the application is accompanied by an Access report. The proposal is acceptable with regards to objectives and control in Part B7 of the WDCP 2012.
8. Transport <u>Car parking</u> Retail: 505.2m ² Retail spaces: min 0, max 10 spaces <u>Commercial: 494m²</u> Commercial: min 0, max 3.3 (3 spaces) <u>Bicycle Parking</u> Residential: 86 spaces Visitor: 9 spaces Commercial/Retail: 6.66 spaces (7 spaces) <u>Motorcycle Parking</u> 21 motorcycle parking spaces required <u>Loading Bay</u> <u>Urban Design</u>	Yes No (condition) Yes Yes	Basement level 1 of the building includes 5 retail and 3 commercial car parking spaces, complying the DCP requirements. The proposed development generates a requirement for a total of 102 bicycle parking spaces to be provided on site. The amended plans dated 21 October 2016 indicate a bike rack with a capacity of 7 bikes on the basement level 1. The considerable short fall in the bike storage is not supported and a condition of consent is imposed requiring a total of 102 bicycle parking/storage be provided within the basement levels of the building. A total of 30 motorcycle parking spaces are provided across the 5 basement levels of the building. A loading bay has been provided for the development, complying with the DCP, which is required for the retail and commercial gross floor area of the building. The proposal incorporates car parking spaces within the basement levels, with basement access from Spring Street provided via a suitably designed access point. The proposed onsite vehicular access and parking addresses the urban design considerations in Part B8 of the WDCP 2012.
10. Safety	Yes	The building has been designed to provide casual surveillance of both Oxford and Spring Street. The building entrances are visible and will provide a safe environment for all users and residents within the mixed use development. The proposal satisfies Part B10 of the WDCP 2012.

Table 6: Waverley DCP 2012 – Part C2 Multi Unit and Multi Dwelling Housing Compliance Table

Part C2 Multi Unit and Multi Dwelling Housing applies to the proposed shop top housing development and details all objectives and controls relating to the residential apartments within the building. Despite the application of Part C2 of the WDCP 2012, SEPP 65 – Design Quality of Residential Apartment Development clause 6A indicates that Development control plans cannot be inconsistent with the Apartment Design Guide, clause 6A is detailed below:

6A Development control plans cannot be inconsistent with Apartment Design Guide

(1) This clause applies in respect of the objectives, design criteria and design guidance set out in Parts 3 and 4 of the Apartment Design Guide for the following:

- (a) visual privacy,*
- (b) solar and daylight access,*
- (c) common circulation and spaces,*
- (d) apartment size and layout,*
- (e) ceiling heights,*
- (f) private open space and balconies,*
- (g) natural ventilation,*
- (h) storage.*

(2) If a development control plan contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect.

(3) This clause applies regardless of when the development control plan was made.

In accordance with clause 6A of SEPP 65 where any requirements, standards or controls in Part C2 of the WDCP relating to the above detailed matters, Part C2 of the WDCP 2012 are of no effect.

Table 6: Waverley DCP 2012 – Part C2 Multi Unit and Multi Dwelling Housing Compliance Table

Development Control	Compliance	Comment
2.2 Site, scale and frontage		
	Yes	The proposed development provides a compliant FSR of 5:1. It addresses the objectives and controls as an appropriate building form is proposed that provides a high quality streetscape outcome. It does not result in unreasonable amenity impacts on surrounding residential uses or the public domain and encourages the amalgamation of a number of small lots that enables a high quality mixed use building within the Bondi Junction centre.
2.3 Height		
	Yes (on merit)	The proposed development has a non-compliant maximum height of 42.3m metres when measured to the top of the lift core. Despite the numerical noncompliance the proposal also complies with the FSR control, responds the existing and desired scale and character of the streetscape and local area (including the adjoining site to the east), provides good residential amenity for apartments and achieves a high quality design.
2.4 Excavation		
	Yes (on merit)	The proposed excavation associated to the basement levels are supported against the objectives and controls in clause 2.4 as the excavation does not increase the bulk and scale of the development when viewed from Spring and Oxford Street.

Development Control	Compliance	Comment
		Furthermore, the application is accompanied by a Geotechnical Engineers report and all relevant conditions of consent regarding excavation and dilapidation reports are included in Appendix A of this report.
2.5 Setbacks – Refer to Part E1 of WDCP 2012		
2.6 Length and depth of buildings – Superseded by ADG controls		
2.7 Building separation		
	Yes (on merit)	The proposed development has achieved compliance with the objectives of this control as it provides adequate visual and acoustic privacy for residents, incorporates appropriate massing and space between existing surrounding buildings and allows for the future development of surrounding sites without compromising separation requirements. Achieving the numeric separation distances on this site is not possible given the dimensions of the site and proximity to surrounding buildings. In lieu of strict numerical compliance with the separation distances, the building has been sensitively designed to address the provisions of SEPP 65 and the Apartment Design Guide. The proposed building is supported with regards to clause 2.7.
2.8 Building design and streetscape		
	Yes	The proposed building addresses the provisions of clause 2.8 as the building design incorporates a scale and appearance which complements and contributes to the streetscape, while the materials and finishes of the building demonstrate a high degree of architectural merit and quality. Furthermore conditions of consent have been imposed requiring further details regarding the materials and finishes of the building to be provided to Councils SEPP 65 Design Review Panel prior to the issue of a Construction Certificate. The proposed mixed use building addresses the objectives and controls in clause 2.8 of Part C2 of the WDCP 2012.
2.10 Vehicular access and parking		
	Yes	The proposal has provided adequate vehicular access and located on-site parking within basement levels. The vehicular access point at Spring Street is the most appropriate location for pedestrian safety and site functionality. The proposed vehicular access and parking addresses the objectives and controls in clause 2.10 of Part C2 in the WDCP 2012.
2.11 Pedestrian access and entry		
	Yes	The proposal building provides for a strong residential identity for future users at both site frontages, enabling a positive connection with the street and the public domain. The proposal is considered to address the objectives and control in clause 2.11.
2.13 Communal open space		
	Yes (on merit)	The proposal provides for a communal roof terrace accessed via stairs and lifts. The proposed use of the roof as a landscaped communal open space terrace is considered desirable given the location of the site with the Bondi Junction centre and limited

Development Control	Compliance	Comment
		capacity of landscaping on the site and is generally supported by the SEPP 65 Design Review Panel. The proposed communal roof terrace is supported with regards to the objectives and controls in clause 2.13 in Part D2 of the WDCP 2012.
2.14 Private open space - Superseded by ADG controls		
2.15 Solar access and overshadowing		
	Yes (on merit)	The proposed building massing has been carefully designed to promote solar access to individual units throughout the building. The SEPP 65 Design Review Panel has reviewed the Architectural Design Statement and indicates that the proposal will achieve minimum compliance with the solar access requirements. The proposed building will overshadow buildings located to the east, south and west of the site with uses within buildings varying from retail/commercial uses to mixed use (retail/commercial and residential uses). The solar access and overshadowing impacts are consistent with the desired future character of the development for Bondi Junction and site zoning. The amended proposal addresses the objectives and control in clause 2.15 solar access and overshadowing in Part C2 of the WDCP 2012.
2.16 Views and view sharing		
	Yes (on merit)	See discussion section following this table.
2.17 Visual privacy and security		
	Yes	<p><u>Surrounding buildings</u></p> <p>The design of residential units including the location of windows, opening and landscaping are considered to achieve reasonable levels of external and internal visual privacy for future occupants of the building and occupants/uses within surrounding buildings. The thoughtful use of privacy screens, window sizes and orientation of views from balconies has carefully considered the location of surrounding windows.</p> <p><u>Building units</u></p> <p>The visual privacy of units within the building has been maintained by providing adequate separations between windows and private open spaces. The proposed development is considered to address the objectives and controls in clause 2.17.</p>
2.18 Apartment size and layout - Superseded by ADG controls		
2.19 Ceiling heights - Superseded by ADG controls		
2.20 Storage - Superseded by ADG controls		
2.22 Acoustic privacy		
	Yes	The proposal addresses the provisions of clause 2.22 as residential amenity is achieved by locating noisy areas away from quiet areas and adequately separating the retail and commercial uses from the residential units.
2.23 Natural ventilation - Superseded by ADG controls		
2.24 Building services		
	Yes	The building services occupy less than 20% roof and are setback

Development Control	Compliance	Comment
		from the sites side, front and rear boundaries. The proposed building services address the objectives and controls in clause 2.24 building services on merit.

The following is a discussion of the matters identified in the above table.

Views and view sharing

Clause 2.16 in Part C2 detail objectives and controls to be considered to determine appropriate view impacts and view sharing from the public and private domains. The controls also indicate that the NSW Land and Environment Court Planning Principle for view loss should be considered as part of the view loss analysis.

During public notification two submissions were received from individual properties indicating the proposed building will obstruct significant views from the commercial tenancies within the adjoining retail and commercial use building to the east at 1 Newland Street. While other submissions have highlighted view loss impacts from new buildings within Bondi Junction more broadly.

The west side facing windows to the commercial tenancies within 1 Newland Street are likely to obtain view of Sydney City skyline, Opera House, Harbour Bridge and views north to Sydney Harbour. Despite the view loss impacts on surrounding building and land uses, the proposal complies with the WLEP 2012 FSR development standard and the height noncompliance is considered on merit acceptable as it was for adjoining sites. Accordingly, any significant view loss impacts on surrounding building and land uses are considered reasonable and do not warrant the refusal of the application.

The proposed significant view loss impacts have been considered against the various view loss controls in the WDCP 2012 and NSW Land and Environment Court View Loss Planning Principle and the impacts are considered reasonable given the site zoning, density controls and location within the Bondi Junction centre.

Table 7: Waverley DCP 2012 – Part D1 Commercial and Retail Development Compliance Table

Development Control	Compliance	Comment
D1 Commercial and Retail Development		
1.1 Design 1.2 Noise 1.3 Hours of operation	Yes (condition)	While the proposed ground floor retail uses are unknown, the proposed building has been designed to enhance the scenic quality and amenity of the streetscape and public domain. The proposed retail tenancies and central arcade occupy greater than two thirds of the building frontage to Oxford and Spring Street, providing a design and proportions that are consistent with the subdivision pattern and shops within the locality. The proposal satisfies the provisions of Part D1 of the WDCP 2012. A condition shall be imposed that future retail use shall seek separate development consent for their use and operation.

Development Control	Compliance	Comment
D2 Advertising and Signage		
2.1 Design and Location 2.2 Site Specific Controls 2.3 Sign Specific Controls	Yes (condition)	The proposal does not specify the location or design of advertising and signage, accordingly all standard conditions of consent regarding advertising and signage are included in Appendix A of this report.

Table 8: Waverley DCP 2012 - Part E1 Bondi Junction Compliance Table

Development Control	Compliance	Comment
1.2 Urban form		
	Yes (on merit)	The proposal addresses the provisions of clause 1.2 as the proposed building form and massing has been designed to both reflect the varied adjacent buildings and to provide an architecturally distinct building form which is consistent with the desired future character of Bondi Junction. The separated building forms have adequately facilitated cross ventilation, daylight access and will provide for diversity within the Bondi Junction Skyline.
1.3 Building use		
	Yes	The proposal provides retail uses on the ground level to Oxford and Spring Street and first floor commercial tenancies. Both the sites frontage to Spring and Oxford Street are occupied by retail shops and a central arcade.
1.4 Subdivision		
	Yes	The proposal provides an interpretation of the existing small lot subdivision pattern, which is consistent with the contemporary mixed use developments surrounding the site.
1.6 Active street frontages		
	Yes	The proposal promotes pedestrian activity and safety, maximises the amount of active frontage to Spring and Oxford Street and provides public surveillance.
1.7 Street alignment and front setbacks		
	Yes (on merit)	See discussions following this table.
1.8 Separation - Superseded by ADG controls		
1.9 Side and rear boundary setbacks		
	Yes (on merit)	See discussions following this table.
1.10 Building footprint		
	Yes	The building footprint provides an appropriate floor plate that enables good residential amenity (solar access and ventilation) and addresses all site frontages.
1.11 Building orientation		
	Yes	The proposed building orientation adequately protects the privacy and outlook for residential units within the building and those units surrounding the site. The proposed building is also

Development Control	Compliance	Comment
		considered to provide a positive streetscape presentation.
1.12 Number of storeys		
	Yes (on merit)	The number of storeys to the proposed building correlates to the desired future urban form of Bondi Junction providing a positive contribution to the streetscape and locality. While the proposed 12 storeys is 4 more than the numeric control it complies with the numeric FSR control and complies on merit with the height control. The number of storeys control is not an appropriate measure of acceptability in this context. Accordingly, the number of storeys is supported on merit.
1.13 View, vista and tree preservation		
	Yes	The proposed development does not impact on existing public domain views, vistas and trees.
1.14 Open spaces at the street front		
	Yes	The proposed development provides a consistent alignment along the Oxford Street frontage which retains and promotes activity at the street front.
1.15 Design excellence		
	Yes	The proposal exhibits a high degree of design excellence in the proposed building form, materials and finishes. In addition, conditions of consent regarding materials and finishes are imposed in Appendix A of this report.
1.16 Building elevations		
	Yes	The proposed building elevations demonstrate high quality architectural design through use of varied materials and finishes.
1.17 Awnings and colonnades		
	Yes	The proposed awnings have been designed with regard to the adjacent facades at both site frontage to Spring and Oxford Street. It provides for adequate weather protection and a high quality streetscape presentation.
1.18 Public art in the private domain		
	Yes (on merit)	The applicant states that they do not intend to public art in the private domain. This control purely encourages the use public art and therefore the proposal is acceptable on merit.
1.19 Designing buildings for flexibility		
	Yes	The proposed building has been designed for durability with the ground floor retail spaces capable of accommodating a variety of uses, which addresses the objectives of the control.
1.20 Ceiling heights - Superseded by ADG controls		
1.21 External living areas - Superseded by ADG controls		
1.22 Wind mitigation		
	Yes (condition)	A report prepared by 'ViPAC Engineers and Scientists Ltd' was provided to Council assessing the wind conditions which result from the proposed development. The report concludes that with the recommended wind treatments (which include screening, landscaping) the wind conditions for all outdoor trafficable areas within and around the proposed development site are expected to be suitable for their intended uses subject to compliances with the recommendations in the report. The

Development Control	Compliance	Comment
		report is included as part of the conditions of consent in Appendix A.
1.23 Reflectivity		
	Yes (on merit)	The proposed development has incorporated a number of diverse building materials and limited glazing which is not considered to create adverse reflectivity impacts on neighbouring buildings/uses or the public domain.
1.24 Roller shutters		
	Yes (condition)	Roller shutters are not provided to shop fronts and a condition of consent is imposed prohibiting installation of roller shutters.
1.25 Outdoor advertising, signage and structures		
	Yes (condition)	No signage has been proposed however a signage strategy plan will be requested as a condition of consent prior to the issue of an occupation certificate to ensure that signage is sympathetic to aesthetics of the development.
1.26 Access and movement		
	Yes	<ul style="list-style-type: none"> The vehicular access is provided to Spring Street in accordance with the DCP and is separate to the pedestrian access. The vehicle crossing width is to be determined by the Manager of Traffic and Development. Parking is located wholly underground, within the building footprint. Line marking addressed as conditions of consent and accessible parking provided.

The following is a discussion of the matters identified in the above table.

Street alignment and front setbacks, separations, side and rear boundary setbacks and building footprint

Clauses 1.7 Street alignment and front setbacks, 1.8 separations, 1.9 side and rear boundary setbacks, 1.10 building footprint in Part E1 of the WDCP 2012 specify numerous objectives and numeric controls relating to the appropriate location, setbacks and building footprint.

As covered in the SEPP 65 assessment of this report, the subject site is surrounded by a number of noticeably different building forms, scales, locations, design and setbacks. Located immediately east is a large multi-level retail and commercial use building on the east side 1 Newland Street, while located on the west side is a small two storey retail and commercial use building at 32 Spring Street and eight storey retail and commercial (serviced apartments) building at 26-30 Spring Street. Providing an appropriately designed building form has taken some time with considerable direction provided by the Joint Waverley/Randwick SEPP 65 Design Review Panel.

The site characteristics and constraints have also proved difficult to navigate and the proposed building height, bulk, scale and setbacks are a result of considerable site analysis, adapting to the immediate and local context and providing an architecturally distinct building that will improve the diversity of buildings in the Bondi Junction centre. While the tower does not incorporate the nominated separation distances, side and front setbacks specified in the WDCP 2012, the proposed podium and tower forms to both Oxford and Spring Street addresses the objectives of those clauses. The proposed residential units within the tower will not adversely impact on the visual or acoustic privacy of surrounding uses (retail, commercial or residential uses) as the vast majority of

windows and balconies are orientated towards to the sites northern frontage to Oxford Street, central voids and south frontage to Spring Street, with limited window to side boundaries. The proposed east and west side boundary windows are considered reasonable as they will be fixed (not operable) and individual units do not rely on those windows to comply with the provisions of the Building Code of Australia.

The proposed developments podium and tower forms are considered to satisfy the objectives of the building separation and setback controls in the WDCP 2012 and are supported on merit in this instance.

Boundary windows (east and west elevation)

The proposed windows to the sites east and west side boundaries may be partially or wholly blocked and/or covered up by the future redevelopment of the adjoining sites. The proposed boundary windows are not operable and are not required to provide compliance (ventilation and solar access) with the requirements of the Building Code of Australia. The proposed western boundary windows are considered reasonable subject to the imposition of the standard condition of consent which requires boundary windows may be enclosed prior to the construction of any building immediately abutting the west side boundary windows. A Covenant on Title will be required to ensure prospective future owners are aware of the imposition, and this condition of consent is included in Appendix A of this report.

2.2 Section 79C(1)(b) – Other Impacts of the Development

The proposed development is considered to have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being recommended. The development is also capable of complying with the Building Code of Australia.

Notwithstanding the above, the proposed redevelopment of the subject site has the potential to isolate and consequently affect the redevelopment potential of an adjoining site to the west at 32 Spring Street that could be perceived to be ‘sandwiched between’ an already developed site at 26-30 Spring Street (i.e. the Quest Serviced Apartments building) and the proposed development. This matter was raised with the applicant in the pre-development application and Council recommended that the applicant investigate all potential amalgamation options as part of preparing a formal development scheme.

The application as originally submitted indicated that the developer approached the owner of 32 Spring Street to negotiate an amalgamation of this site into the large redevelopment site. The applicant was unsuccessful in negotiating purchase of this site and instead submitted a site concept as part of the original DA. However the original application was not accompanied by details of the negotiations and information addressing the isolated site planning principle from the NSW Land and Environment Court. The application deferred in March 2016 for a number of reasons and further information and assessment was requested regarding the potentially isolated site at 32 Spring Street. On 13 May 2016 the applicant provided a detailed response to the isolated site deferral matter.

The applicant has submitted a basic typical floor plan and block-from concept plan to conceptualise the development potential for the adjoining site west and south at 32 Spring Street. The concept plan is extracted from the documents submitted by the applicant’s planner and shown in **Figures 8 and 9** below.

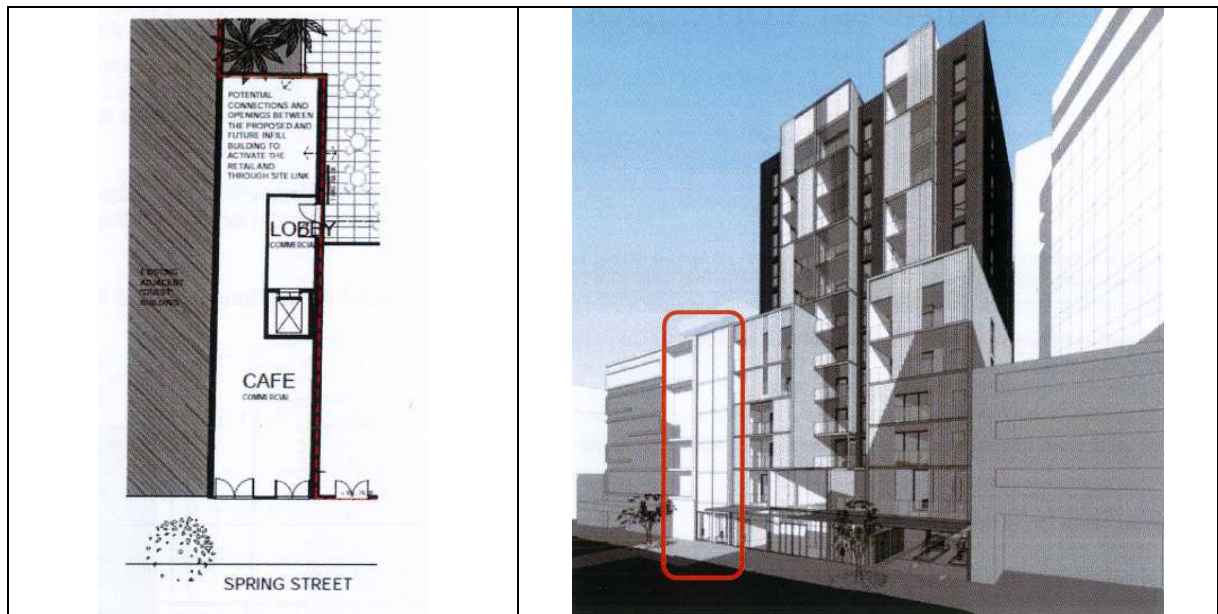


Figure 7: Concept floor plan for 32 Spring Street (Source: Daryl Jackson Robyn Dyke).

Figure 8: Concept Spring Street elevation detailing relationship with surrounding building forms and proposed building (Source: Daryl Jackson Robyn Dyke).

The applicant also submitted details of emails, texts and discussions held between themselves and owners of adjoining property as a record of their attempt to negotiate purchase of 32 Spring Street.

The planning principles for site isolation by redevelopment of adjacent sites arising from the NSW Land and Environment Court cases of *Melissa Grech v Auburn Council* (2004) NSWLEC 40 and *Cornerstone Property Group Pty Ltd v Warringah Council* (2004) NSWLEC 189 are considered in determining whether the impact of the proposed development on the development potential of the adjacent sites is reasonable. The three matters for consideration arising from *Melissa Grech v Auburn Council* (2004) NSWLEC 40 from the judgement of that case are detailed below:

Firstly, 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.

Secondly, and 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.

Thirdly, 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 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.

The judgement of the case of *Cornerstone Property Group Pty Ltd v Warringah Council (2004) NSWLEC 189* added another consideration, which asks whether orderly and economic use and development of separate sites can be achieved if amalgamation is not feasible.

The applicant has demonstrated a considerable level of effort in corresponding and negotiating with the owners of the adjoining property at 32 Spring Street prior to the lodgement of this development application. Written evidence has been provided to demonstrate some of the negotiations and includes details of offers that were made to the owners to purchase the two Strata properties. The evidence provided is considered to satisfy the planning principle and the applicant has sufficiently demonstrated the redevelopment potential of 32 Spring Street through the concept floor plan and elevation shown above in **Figures 7 and 8**. The level of detail of the concept plan sufficiently conceptualises and visualises a building envelope that responds to the principal built form planning controls and the building orientation and footprint of The Quest Serviced Apartments building at 26-30 Spring Street and the proposed development on the subject sites. Therefore, development is considered appropriate with regard to its effect on the development potential of the adjoining site at 32 Spring Street as the applicant has adequately demonstrated that they can successfully redevelop in their own right and without great hindrance posed by the proposed development.

2.3 Section 79C(1)(c) – Suitability of the Site for the Development

The site is considered to be suitable for the proposed development.

2.4 Section 79C(1)(d) – Any Submissions

The original application and amended proposal received on 13 May 2016 was notified in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*. The following submissions were received in response to the original and amended proposals.

Table 2: Summary of property addresses that lodged a submission

Property
Original proposal
1 Newland Street
2202/71-73 Spring Street
2414/83-85 Spring Street
37/17-23 Newland Street
Unknown location objection
Amended proposal
1 Newland Street
32 Spring Street
374 Oxford Street
Unknown location objection

The key issues raised in the objections are detailed and discussed below.

Issue: *Excessive building height which fails to comply with the WLEP height development standard.*

Response: This matter has been discussed in the report.

Issue: Visual impacts, loss of views, privacy and solar access impacts on surrounding buildings and the public domain.

Response: This matter has been discussed in detail in the body of this report.

Issue: Communal roof terrace will have adverse impacts on adjoining properties.

Response: The proposed residential use communal roof terrace has been assessed against all relevant objectives and controls, and is considered reasonable with regards to potential visual and acoustic privacy impacts on neighbouring buildings and necessary for the residential apartments. Furthermore, all standard conditions of consent regarding use of the roof terrace are imposed and included in Appendix A of this report.

Issue: Proposed building provides inadequate retail and commercial uses comparative to the amount of residential apartments.

Response: The proposed building includes ground floor retail shops, first floor commercial and residential apartments on the levels above. The mix between retail, commercial and residential uses is consistent with the B4 Mixed Use zone objectives and consistent with recent approval within the Bondi Junction centre.

Issue: 32 Spring Street will be an isolated site as a result of the development.

Response: Refer to section 2.2 Section 79C(1)(b) Other Impacts of the Development for a discussion of 32 Spring Street.

Issue: Inadequate building setbacks and separation distances with surrounding buildings and sites.

Response: This matter has been discussed in detail in the body of this report.

Issue: Noise from construction and residential uses within the building.

Response: Standard conditions of consent will be imposed regarding noise during construction, including construction hours, and the submission of a noise management plan to ensure that the noise is not above the acceptable limits for construction. Noise from the residential use of the building is not envisaged to result in unacceptable impacts on surrounding sites given the site is appropriately zoned and located with the Bondi Junction centre.

Issue: Traffic and parking congestion issues.

Response: The proposal building vehicular access and car parking has been discussed in the body of this report and is considered satisfactory in relation to the applicable controls.

Issue: Sewerage system cannot accommodate the development.

Response: All standard conditions of consent regarding consulting with all necessary utility providers to ensure adequate services for the site.

Issue: Unacceptable solar access and overshadowing impacts.

Response: This matter has been discussed in the report.

Issue: Construction will disrupt the operation of business in the area.

Response: Standard conditions of consent will be imposed regarding noise during construction, including construction hours, and the submission of a noise management plan to ensure that the noise is not above the acceptable limits for construction, and a construction vehicle plan of management. These conditions seek to reduce impacts on surrounding businesses and uses.

Issue: *Request pedestrian access to 32 Spring Street be unobstructed during construction.*

Response: A condition of consent is imposed requiring pedestrian access to 32 Spring Street be maintained at all times during the construction works.

Issue: *Concern regarding rain water discharge onto the neighbouring buildings roof at 32 Spring Street.*

Response: A condition of consent is included in Appendix A of this report requiring stormwater details to be submitted to the Certifier and adjoining property owner indicating that the building will not discharge additional roof water onto 32 Spring Street Bondi Junction.

2.5 Section 79C(1)(e) – Public Interest

It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being imposed.

3. REFERRALS

3.1 Creating Waverley - Stormwater, Traffic and Parking

Conditions of consent have been recommended by Council's Creating Waverley Department regarding stormwater, traffic and parking. All recommended conditions of consent are included in Appendix A of this report.

3.2 Shaping Waverley - Urban Design and Heritage

The referral from Council's Urban Design and Heritage Program raised a number of issues relating to the proposal. While some of the issues have been addressed in the amended plans and by conditions consent some remain unresolved, these issues include;

- Excessive building height;
- Vehicular access to site not supported;
- Additional retail frontages required;
- Street trees should be investigated along with other works due to commence in the public domain; and
- Use of hard materials and finishes should be minimised to soften the visual impact of the building.

The majority of matters raised have been addressed either by the amended plans or conditions of consent including condition 130 which requires the applicant to liaise with Council's Public Domain Manager to ensure all footpaths are upgraded and any street trees provided in accordance with Council's requirements. Any outstanding matters are addressed in the body of this report.

3.3 Safe Waverley - Contamination, Noise

Council's Health and Compliance Officer has reviewed the acoustic report and site contamination report submitted with the DA and recommended conditions of consent should the application be approved.

3.4 Sustainable Waverley - Water and Energy Assessment

Council referred the submission to an independent consultant to review and provide comments on the criteria used to ascertain compliance with the requirements of section 2.6 Energy Assessment of the DCP.

The review concluded that compliance with the Energy Assessment can be achieved. The predicted energy consumption reduction is estimated to meet the desired 30% greenhouse gas emissions reduction. The recommended conditions are included in Appendix A of this report.

3.5 Sustainable Waverley – Waste management and minimisation

The original application and waste management plan were reviewed by Council's Sustainable Waste Officer and all recommended conditions of consent are imposed in Appendix A of this report, where necessary.

3.6 Digital Waverley – Land Information

Council's GIS/Land Information Officer has recommended conditions of consent in relation to allocation of street numbers for the primary premises and the sub-premises, including the identification of the retail and commercial tenancies and the residential apartments in the building.

4. SUMMARY

The proposal seeks consent to demolish all existing buildings and construction of a 12 storey shop top housing development comprising of 5 levels of basement car parking and services, ground floor retail shops, first floor commercial tenancies and a total 86 residential apartments (56 x 1 bedroom, 22 x 2 bedroom and 8 x 3 bedroom) and site amalgamation.

The amended proposal provides for a high quality and architecturally distinct building that responds effectively to the site, site context, surrounding building forms and uses and more broadly the desired future character of the Bondi Junction centre. The retail, commercial and residential uses have been designed to provide a high level of functionality, privacy and amenity, that satisfies the provisions of the WLEP 2012 clause 1.2 'Aim of plan' and zone B4 Mixed Use objectives by providing a high quality shop top housing development in the evolving Bondi Junction centre.

The proposal provides a compliant Floor Space Ratio (FSR) and seeks an acceptable variation to the height development standard in the WLEP 2012, which is considered well founded and acceptable on merit given the acceptable solar access impacts on adjacent buildings and uses, appropriate building separation and setbacks, and overall height of many existing and recently approved buildings with the Bondi Junction Centre.

The amended proposal in many instances exceeds the minimum requirements of the SEPP 65 providing for a high quality mixed use development that relates to the site context, adjoining buildings and will improve the streetscape and Bondi Junction centre. Any variations to the Apartment Design Guide are considered satisfactory given the high quality building design and the considerable site constraints.

The public submission received during notification of the original and amended proposals have been detailed and issues adequately addressed as part of this assessment. The issues raised in the submissions do not warrant further amendment or refusal of the application. It is recommended that the application be approved subject to conditions.

5. RECOMMENDATION TO JOINT REGIONAL PLANNING PANEL – SYDNEY EAST REGION

That the Development Application is approved by the Joint Regional Planning Panel – Sydney East Region subject to the Conditions in Appendix A:

Report prepared by:

**Application reviewed and agreed on behalf of
the Development and Building Unit
(MR/LK/AF/AR) by:**

Andrew Connor
Senior Development Assessment Planner

Lee Kosnetter
Manager, Development Assessment (South)

Date: 1 November 2016

Date: 3 November 2011

APPENDIX A – CONDITIONS OF CONSENT