

SJB Planning

# 362-374 Oxford Street, Bondi Junction

Statement of Environmental Effects for Development Application



April | Final – Rev A



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# Executive Summary

This Statement of Environmental Effects (SEE) has been prepared in support of a Development Application for the construction of a mixed use building comprising of a single building containing five (5) retail tenancies at ground floor level fronting Oxford Street, 16 serviced studio apartments on Levels 1 and 2 and 69 residential apartments over Levels 3-13, at 362 -374 Oxford Street, Bondi Junction ("the site").

The application is assessed having regard to the heads of consideration under Section 79C (1) of the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)* and the *Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)*, the provisions of the relevant SEPPs, Waverley Council LEP, DCPs, Codes and Policies.

The site is located at 362-374 Oxford Street, Bondi Junction in the Waverley Council local government area (LGA) and is legally described as Lot 4 DP508369, Lots 5, 6 and 7 DP39086 and Lot 1 DP163647. The site sits mid-block on the northern side of Oxford Street with the nearest cross streets being Vernon Street to the west and Newland Street to the east.

The locality of the site is characterised by mixed use development of various ages, scales and architectural styles. In a geographical sense the site is at the heart of Bondi Junction, an area identified as suitable for significant redevelopment.

The site is currently occupied by a group of heritage listed buildings identified in the Waverley Local Environmental Plan 2012 as being part of the "Imperial Building". A development has already been constructed upon part of the listed site under a previous approval. This current proposal acknowledges the heritage significance of the building facades to Oxford Street and a major component of the proposed development is the retention and restoration of these building facades and the reinvigoration and activation of the retail floor space fronting Oxford Street.

This SEE addresses the relevant heads of consideration listed under section 79C of the *EP&A Act 1979* and provides an assessment of the relevant environmental planning instruments and development control plans that apply to the proposal, including the Waverley Local Environmental Plan 2012 and the Waverley Development Control Plan 2012. The SEE also provides an assessment of the potential environmental impacts of the proposal.

The proposal is consistent with the broad objectives of the Waverley Local Environmental Plan 2012 (WLEP 2012). All elements of the proposed development are permissible within the B4 Mixed Use zone that applies and the development is consistent with the objectives of the zone.

The key controls applying to the site under the WLEP 2012 are a maximum floor space ratio (FSR) of 5:1 and a maximum height of building of 38m. The proposal does not comply with these development standards and therefore formal requests for variations to these standards have been submitted in accordance with Clause 4.6 of the WLEP2012.

An assessment of the potential environmental impacts of the development concludes that the proposal will not give rise to unacceptable impacts in terms of amenity, traffic and parking, noise or other environmental impacts. The proposal will generate positive social impacts by increasing the supply of quality housing within the LGA in close proximity to a major public transport hub. The proposal will result in the provision of improved retail space at ground level and the restoration of heritage significant shop fronts.

Additionally, the inclusion of serviced apartments within the B4 Mixed Use zone is consistent with the objectives of the zone and will provide a valuable service to a core commercial centre within Waverley.

The proposed development will deliver a project of quality architectural design, with a high level of residential amenity that responds to the site's context and surrounds, delivering an appropriate urban form and scale that respects the privacy and solar access of neighbouring properties with minimal impacts on surrounding development.

The proposed development is well located in relation to public transport, employment, shopping, business and community services, as well as recreation facilities. It will deliver an efficient use of the site with well-designed high amenity dwellings.

It is also noted that a Voluntary Planning Agreement (VPA) is proposed for the site under this application. The aim of the VPA is to assist Council in providing additional public infrastructure and affordable housing within the Bondi Junction Precinct Area and will result in a considerable public benefit.

Based on the assessment undertaken, the support of Council for the proposed development is sought.

# 1.0 Introduction

## 1.1 Overview

This SEE has been prepared in support of an application for the redevelopment of 362-374 Oxford Street ("the site") with a development comprising:

- Site preparation and remediation works;
- Excavation works;
- Construction of a single 13 storey building above six (6) basement levels, comprising ground floor retail floor space of approximately 285m<sup>2</sup> GFA and 16 studio serviced apartments on Levels 1 and 2 and 69 residential units over Levels 3-13 above;
- Basement car parking over six (6) levels, accessed via Rowe Lane to the rear of the site, providing for a total of 97 cars and 20 motor bikes and 78 bicycles;
- Public domain works;
- Ancillary landscaping; and
- A Voluntary Planning Agreement (VPA).

The proposed development is located within Waverley Council Local Government Area (LGA), is permissible with consent and approval is sought under Part 4 of the *EP&A Act 1979*.

The CIV of the proposed development is approximately \$24,150,000 and therefore the Development Application will be determined by the Sydney East Joint Regional Planning Panel. See Cost Report from Heymann Cohen (refer to Attachment 1).

## 1.2 Scope and Format of Report

This SEE has been prepared in accordance with the provisions of the *EP&A Act 1979* and the *Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)* and is set out as follows:

- Section 1 provides an overview of the project and report;
- Section 2 describes the site;
- Section 3 describes the proposed development;
- Section 4 outlines the applicable statutory controls and policy, and provides an assessment of the proposed development pursuant to section 79C of the *EP&A Act 1979*; and
- Section 5 outlines the conclusion of the assessment.

The application is supported by a drawing package which includes the following:

- Architectural drawings prepared by SJB Architects;
- Landscape Plan prepared by Black Beetle;
- Survey Plan prepared by Eric Scerri & Associates Pty Ltd; and
- Stormwater Management Plan prepared by IStruct.



The following reports and information are provided as attachments and should be read in conjunction with this SEE:

- Attachment 1: Capital Investment Value (CIV) Letter and Cost Summary Report prepared by Heymann Cohen
- Attachment 2: Assessment of Traffic and Parking Implications prepared by Transport and Traffic Planning Associates
- Attachment 3: Waste Management Plan prepared by Elephants Foot Recycling Solutions
- Attachment 4: Preliminary Site Investigation prepared by Environmental Investigations Australia
- Attachment 5: Design Verification Statement, ADG Compliance Table & Solar Access Study prepared by SJB Architects
- Attachment 6: BASIX Certificate and Copy of Stamped Plans
- Attachment 7: Clause 4.6 Statements – Building Height & Clause 4.6 Statement - FSR
- Attachment 8: Statement of Heritage Impact prepared by NBRS + Partners
- Attachment 9: Geotechnical Investigation prepared by Asset Geotechnical
- Attachment 10: Wind Impact Assessment prepared by Vipac
- Attachment 11: Voluntary Planning Agreement (VPA)

## 2.0 Site Context and Description

### 2.1 Site Context and Locality

The site is located in the heart of Bondi Junction in Sydney's eastern suburbs, approximately 5km south east of the centre of the Sydney CBD. The site is in close proximity to the major public transport hub of Bondi Junction railway station and bus interchange.



Figure 1: Location Map (Source: SIX Maps)

### 2.2 Site Description

The site is known as 362-374 Oxford Street, Bondi Junction and is comprised of the following land parcels:

- Lots 4 DP508369;
- Lots 5, 6 and 7 DP39086; and
- Lot 1 DP163647

The site is currently occupied by a variety of commercial premises. It is bound on the south by Oxford Street and to the north, Rowe Lane. On its eastern boundary is a recently constructed seven (7) storey mixed use building and on its western boundary is a part two/part three storey mixed use building which terminates the Oxford Street frontage with the original building form.

The site is part of an item of heritage as listed in Schedule 5 of the WLEP2012 as the “Imperial Building” which incorporates 356-374 Oxford Street. This matter is discussed in more detail later in this report.

An aerial view of the site is provided in Figure 2.

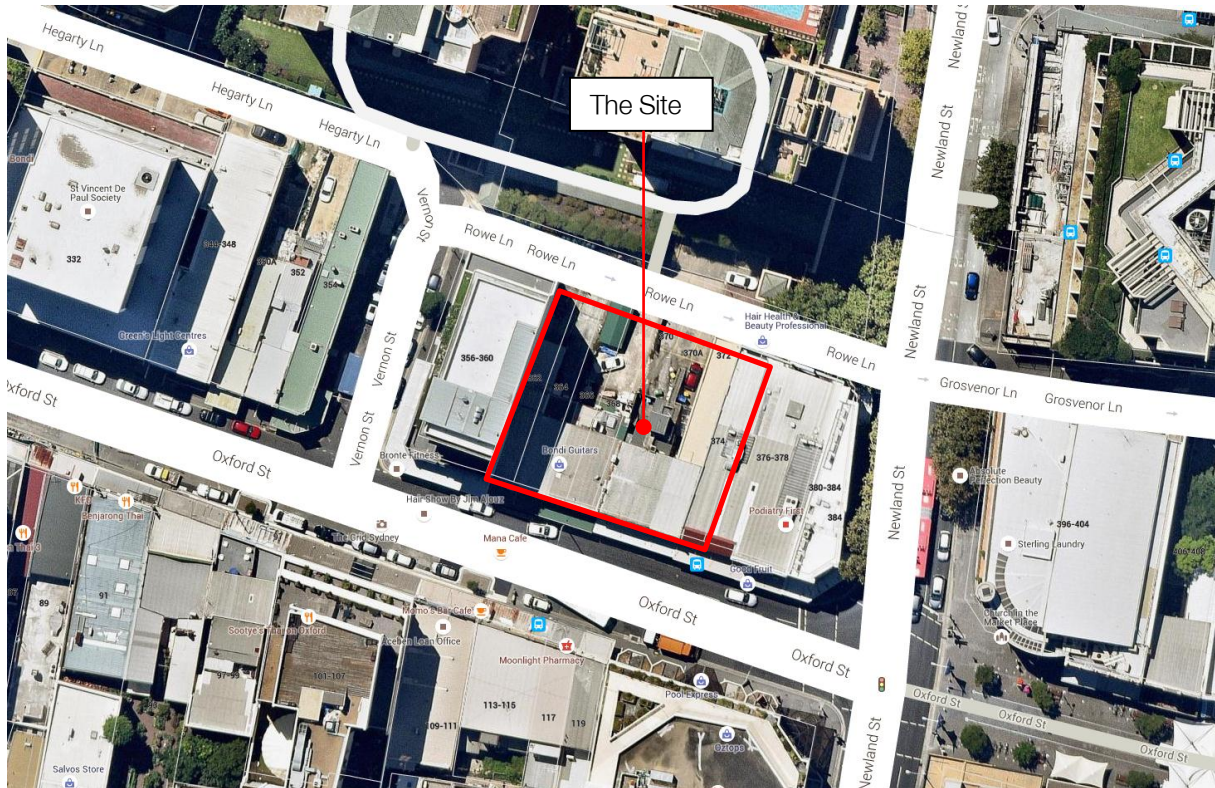


Figure 2: Aerial view of site and locality (Source: SIX Maps)

The site is rectangular in shape with an area of approximately 900m<sup>2</sup> with boundary dimensions of approximately 29m to the north and south and 31 metres to the east and west.

A survey plan has been prepared by Eric Scerri and Associates is submitted with the DA drawings package.

The topography of the site is flat from east to west (across the frontage), however it falls approximately 4 metres from its southern frontage to Oxford Street to its northern frontage onto Rowe Lane.

Photographs of the site are provided in Figures 3 and 4.





Figure 3: View of the site from the intersection of Oxford Street and Newland Street – site outlined in red (Source: Google Maps)



Figure 4: View of the site from Rowe Lane (Source: Google Maps)

## 2.3 Description of the Surrounding Development and Land Uses

The developments adjoining and surrounding the site are a mixture of the old and new as depicted in the following photographs.

Similarly, the land uses are a mixture of high density residential generally above ground and first floor commercial floor space. There are numerous newer multiple storey buildings amongst remaining older

smaller original shop fronts. Street frontages are active. The Oxford Street Mall, a major pedestrian thoroughfare is only 50 metres to the east.

The proposed development will be consistent with the character of the locality in both type and scale of development.



Figure 5: Contemporary mixed use development on Oxford Street diagonally opposite the site (Source: Google Maps)





Figure 6: View towards Oxford Street Mall from the intersection of Newland Street (Source: Google Maps)



Figure 7: Longer view of Oxford Street from west of the site looking east towards the mall (Source: Google Maps)

### 3.0 Proposed Development

#### 3.1 Overview

The proposal seeks consent for the following:

- Excavation and site preparation works;
- Retention of the Oxford Street facades of the heritage listed buildings;
- Construction of a mixed use development comprising of a single building containing:
  - 285m<sup>2</sup> retail space across five (5) tenancies;
  - 16 serviced studio apartments on Levels 1 and 2;
  - 69 residential dwellings in a mix of 1, 2 and 3 bedrooms over Levels 3-13; and
  - Basement car parking on six (6) levels for 97 car spaces and 20 motor bike spaces.
- Associated civil and landscaping works; and
- A Voluntary Planning Agreement.

The following description provides a summary of the proposal and should be read in conjunction with the Architectural Drawings prepared by SJB Architects.

#### 3.2 Key Development Statistics

Plans reflecting the proposed development have been prepared by SJB Architects and are provided within the drawing package submitted with the DA. A summary of the key development statistics is provided in Table 1.

Development Statistics	Proposed
Site Area	900m <sup>2</sup>
Site Dimensions	29m to Oxford Street (south) 29m Rowe Lane (north) 31 to east boundary 31m to west boundary
Total Gross Floor Area (GFA)	5,175m <sup>2</sup>
Retail Floor Area	285m <sup>2</sup>
Serviced Apartments	532m <sup>2</sup>
Residential	4,299m <sup>2</sup>
Floor Space Ratio	5.75:1
Building Height	52.5m
Number of Serviced Apartments	16 (studio apartments)

Development Statistics	Proposed
Total Number of Residential Apartments	69
1 Bedroom	45
2 Bedroom	18
3 Bedroom	6
Total Car Parking Spaces	97
Retail	5
Serviced Apartment Staff	5
Residential	68
Visitor	11
Car Share	1
Disabled spaces	7
Motor Bike	20

Table 1: Key Development Statistics

### 3.2.1 Land Use

#### *Commercial Premises*

The proposal includes 285m<sup>2</sup> of commercial floor space on the ground floor with direct frontage to Oxford Street. This floor space will be allocated to five (5) small tenancies for use as retail premises. Each tenancy is approximately 4 metres wide to retain the original rhythm of the Oxford Street retail frontages. The retail spaces also maintain a double level height of approximately 7 metres, again in recognition of their heritage values. The central tenancies (3 and 4) will have the opportunity to also open onto the residential and serviced apartment lobbies which will further activate these spaces.

#### *Serviced apartments*

The proposal includes 16 serviced apartments located on Levels 1 and 2 immediately above the retail level. They are studio apartments, similar in scale and style to standard hotel accommodation, with a combined living/sleeping space, separate bathroom and storage and utility area. The majority of the apartments are 29m<sup>2</sup> internal floor area with generous 12m<sup>2</sup> north facing balconies. There are two larger apartments (38m<sup>2</sup>) on Level 2 that are provided with 73m<sup>2</sup> courtyards. The apartments will be serviced by a separate lobby off Oxford Street, with reception desk. One of the three lifts within the building will service Levels 2 and 3 in addition to the residential levels above.

#### *Residential flat building*

The proposal includes a total of 69 residential dwellings over 11 residential levels (Levels 3-13) immediately above the serviced apartment levels. The floor plate for Levels 3 and 4 provide for 3 x 3 bedroom units on each floor, while on Levels 5-13 there are 2 x 2 bedroom units and 5 x 1 bedroom units on each floor. There will be two lifts that will service the residential levels of the building from the lobby.

A breakdown of key residential statistics is provided in Table 2.

Element	Description
Dwellings Total	69
Dwelling Mix	45 x 1 Bedroom 18 x 2 Bedroom



Element	Description
	6 x 3 Bedroom
Dwelling sizes	1 bedroom 50m <sup>2</sup> 2 bedroom 75m <sup>2</sup> 3 bedroom 110 - 112m <sup>2</sup>
Adaptable dwellings	10% provided
Private open space	Courtyards (Levels 3 and 4): 20m <sup>2</sup> (min) – 47m <sup>2</sup> (max), Balconies (levels 5 - 13): 8m <sup>2</sup> (min) – 8.8m <sup>2</sup> (max), minimum depth: 1.8m
Communal Open Space	Roof terrace area 305m <sup>2</sup> (33.9% of the site area)
Storage	6m <sup>3</sup> – 16m <sup>3</sup> per dwelling within each dwelling.
Residential car parking	68 spaces plus 7 disabled spaces

Table 2: Residential Statistics

### 3.3 Detailed Description

#### 3.3.1 Demolition Works

The site is currently occupied by small scale, older commercial tenancies. Demolition is required for the majority of the buildings, although as described earlier, the building facades to Oxford Street are to be retained. A Statement of Heritage Impact has been prepared by NBRS Partners to support the demolition works.

A detailed Construction Management Plan has been prepared to address all relevant issues associated with the demolition and construction process to ensure that the heritage conservation objectives of the proposal are met.

#### 3.3.1 Remediation

The site does not have a history that would suggest that site contamination would be present, therefore site remediation is not likely to be required.

#### 3.3.2 Excavation

The site will need to be excavated in order to provide the required basement levels. A Preliminary Geotechnical Investigation prepared by Asset Geotechnical has been submitted to support the Development Application. This includes consideration of the proximity of the Eastern Suburbs Rail Tunnel. Excavation within 30 metres of the outside face of the tunnel wall has been avoided.

This report includes discussion and recommendations relevant to excavation and these can be included as conditions of consent.

#### 3.3.3 Built Form and Siting

The proposed development consists of a single building of 14 storeys. Basement Level 1 and the ground floor form a podium that extends across the whole of the site. The ground floor, which is double height in deference to the heritage values of the original buildings, is built to the Oxford Street frontage behind the retained historical facades. Levels 2 and above constitute the tower element of the building. These levels

have a greater setback from Oxford Street of approximately 3 metres, while at the rear of the site, onto Rowe Lane, the building is built to a minimal setback ranging from 1.6 metres to 2.4 metres. Side boundaries for the tower element vary from nil for the northern element to 3.2 metres on both the east and west boundaries for the southern element.

### 3.3.4 External Materials and Finishes

The proposal incorporates high quality materials and finishes, as detailed in the Material and Finishes schedule prepared by SJB Architects included in the drawings package (Drawing Nos. DA-0501 to 0504).

It is proposed that the existing 'heritage' facades of the existing Oxford Street retail premises be retained and made good.

The finishes and materials of the new building is summarised below:

- The facades of the building incorporate a variety of materials, textures and finishes including:
  - Concrete - Smooth Natural Finish
  - Concrete - Board finish
  - External paint colours equal to Dulux
    - "Natural White"
    - "Raku"
    - "Black"
  - Sliding privacy screen (copper colour)
  - Metal battens (copper colour)
  - Metal 'Supa Battens' (copper colour)
  - Metal Soffit Trim / Slab Edge (copper colour)
  - Metal framed clear glazing to retail (black frame colour)
  - Metal framed clear glazing to residential apartments (black frame colour)
  - Metal framed glass balustrade (black handrail colour)

### 3.3.5 Landscaping Works

#### *Landscaping*

Due to the nature of the proposed development, there is no ground level landscaping. Garden planter beds are provided from ground level above to complement balcony and terrace areas. These give a 'green edge' to the building, particularly from 'spill over' planting to the north. There is a landscaped courtyard at Level 1 and the proposed roof top terrace is extensively landscaped.

Full details are provided in the detailed landscape plans provided by Black Beetle which are included in the DA drawing package.

#### *Communal Open Space*

The proposed roof top terrace provides a total of 305m<sup>2</sup> of communal open space, which represents 33.9% of the site area. The space includes the following elements:

- Mass plantings of shrubs and ground covers;
- Small trees;
- Lawn area;
- Mounded soil to accommodate tree plantings;

- Worm farm and compost bin enclosure;
- Bench seating;
- BBQ area with sink and bench;
- Pavilion areas with seating and screening; and
- Pivoting screens.

This space will be available for residents and their guests as well as being available to people using the serviced apartments.

In addition, further communal open space is provided to the serviced apartments on Level 1 through the provision of courtyards. The courtyards are landscaped (with pots/planters) and include bench seating and loose furniture.

### ***Private Open Space***

All residential dwellings have a private balcony that is contiguous with the indoor living areas. These balconies are all in excess of 8m<sup>2</sup>, with the 3 bedroom units on Levels 3 and 4, having courtyard/balconies of up to 47m<sup>2</sup>.

#### **3.3.6 Accessibility**

The building has been designed so that it is capable of complying with the accessibility requirements upon resolution of detailed design issues.

#### **3.3.7 Traffic and Parking**

A total of 97 on-site car parking spaces are proposed in six basement levels which will be accessed off Rowe Lane at the rear (north) of the site. In addition, the basement provides 20 spaces for motor bikes and space for secure bicycle storage. The basement levels will be serviced by two car lifts – one taking vehicles down and one taking them up. This reduces the required area needed for circulation ramps and allows for a more efficient parking layout. The car lifts have sufficient capacity to ensure that waiting times are acceptable given the estimated trip generation rates from the development.

The site is situated within 200m of the Bondi Junction Railway Station which provides a direct line to the city centre and is within 200 metres of the Bondi Junction bus interchange which ensures a high level of accessibility to the Sydney CBD and other surrounding centres. The site is within walking distance to the Oxford Street Mall. All of these factors contribute to the accessibility of the site and the likelihood that future occupants of the residential dwellings will be less reliant upon private motor vehicles for transport than would be the case in other locations.

An Assessment of Traffic and Parking Implications has been prepared by Traffic and Transport Planning Associates (refer to Attachment 2).

#### **3.3.8 Stormwater Management**

Stormwater Management Plans has been prepared by IStruct Consulting Engineers for the proposed development and these form part of the DA drawing package.

#### **3.3.9 Waste Management**

A Waste Management Plan has been prepared by Elephants Foot Waste Recycling Solutions (Attachment 3) which details the waste management measures to be provided for the ongoing operational phase of the development. The waste and recycling facilities are included on the architectural drawings.

### 3.3.10 Voluntary Planning Agreement (VPA)

The subject site is located within the Bondi Junction Precinct Area under the Waverley Planning Agreement Policy 2014.

In accordance with Part 2(a) of the Planning Agreement Policy, Council will review applications for development up to an additional area of 15% of maximum gross floor area permitted under Clause 4.4 of WLEP 2012. The development proposes a maximum FSR of 5.75:1 which represents a 15% variation to the maximum FSR standard of 5:1 for the subject site. As such a draft VPA has been prepared in accordance with the Planning Agreement Policy and submitted to Council for review (refer to Attachment 11).

The VPA involves a proposed contribution to Council (in addition to contributions otherwise payable in accordance with Council's Section 94A Contribution Plan) for the purpose of providing additional public infrastructure and affordable housing in the locality. It is noted that in accordance with Council's 10% of all planning agreement contributions will form a monetary contribution to Council's Affordable Housing Program fund.

## 4.0 Section 79C Assessment

The assessment of the proposal is outlined below and addresses matters listed under section 79C of the *EP&A Act 1979*. A checklist and summary table is provided for relevant controls.

### 4.1 Overview of Statutory and Policy Controls

#### 4.1.1 Relevant State and Regional Environmental Planning Policies

- State Environmental Planning Policy No.55 Site Remediation (SEPP 55)
- State Environmental Planning Policy No.65 Design Quality of Residential Flat Development (SEPP 65)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007

#### 4.1.2 Relevant Local Environmental Plans

- Waverley Local Environmental Plan 2012 (WLEP 2012)

#### 4.1.3 Relevant Development Control Plans

- Waverley Development Control Plan 2012 (WDCP 2012)

#### 4.1.4 Policies

- The Apartment Design Guide (ADG). This policy is to be considered in conjunction with SEPP 65. In conjunction with the draft amendments to SEPP 65, draft amendments are proposed to this policy.
- Waverley Planning Agreement Policy.

### 4.2 Provisions of Relevant State Environmental Planning Instruments

#### 4.2.1 State Environmental Planning Policy No. 55 - Site Remediation (SEPP 55)

State Environmental Planning Policy No. 55 – Site Remediation (SEPP 55) prescribes a statutory process associated with the development of land that is contaminated and needs remediation.

Clause 7 of SEPP 55 provides the following:

- “(1) A consent authority must not consent to the carrying out of any development on land unless:*
- (a) it has considered whether the land is contaminated, and*
  - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
  - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”*

The site is currently occupied by older commercial buildings. A review of the site history indicates that there is no particular history of uses of the site that are 'high risk' or that would give rise to potential site contamination. Additionally, the site is proposed to be excavated from boundary to boundary.

A Preliminary Site Investigation has been prepared by Environmental Investigations Australia with respect to the proposed development at the site (refer to Attachment 4).

The Preliminary Site Investigation concludes that subject to standard recommendations in Section 6 of the report, the site can be made suitable for the proposed mixed commercial / residential development.

Having regard to above, it is considered that the proposed development is consistent with the requirements of SEPP No. 55.

#### 4.2.2 State Environmental Planning Policy No. 65 Design Quality of Residential Flat Development (SEPP 65)

The Development Application is not a residential flat building for the purposes of assessment under the WLEP2012. It is a mixed use development comprising commercial floor space at the ground level, serviced apartments on levels 1 and 2 and shop top housing on the levels above.

However, the proposed development does fall within the definition of a *residential flat building* as contained within SEPP65, which is designed to capture the residential components of mixed use buildings. The SEPP definition is as follows:

***residential flat building*** means a building that comprises or includes:

- (a) 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and
- (b) 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops),  
but does not include a Class 1a building or a Class 1b building under the Building Code of Australia.

As a result, the provisions of SEPP 65 apply to the proposal.

SEPP 65 requires:

- A design verification from a qualified designer, verifying he/she completed the design of the residential flat development, and that the design quality principles set out in Part 2 of SEPP 65 — Design Quality of Residential Flat Development are achieved; and
- In determining a Development Application for consent to carry out residential flat development, the consent authority is to take into consideration the publication Apartment Design Guide (a publication of the Department of Planning, 2015).

A Design Verification Statement has been prepared by SJB Architects for the proposal (refer to Attachment 5). The Statement verifies that Nick Hatzi of SJB Architects has directed the design of the residential flat development, and that it achieves the design quality principles set out in Part 2 of SEPP 65 — Design Quality of Residential Flat Development.

Table 3 indicates the key ADG best practice guidelines and rules of thumb that the proposal achieves. This is only a summary assessment and reference should be made to the SEPP 65 Design Verification Statement prepared by SJB Architects for further details.

## Apartment Design Guidelines Summary

### Orientation

Buildings respond to the street layout and optimise solar access

Majority of dwellings within the development are orientated to the north with minimal overshadowing of neighbouring sites

### Visual Privacy

Adequate building separation

Complies

### Pedestrian access and entries

Entries connect to the public domain and are easy to identify

Complies. Separate entries provided for residential and serviced apartments

### Vehicular access

Vehicle access points designed to increase safety, avoid conflict with pedestrians and create high quality streetscapes

With vehicular access off Rowe Lane to the rear of the site, traffic safety is maintained, pedestrian conflict is avoided and the streetscape of Oxford St is not impacted

### Bicycle and car parking

Car parking provision is appropriate for a sites proximity to public transport, other forms of transport are catered for (bicycles) and visual impacts of parking areas are minimised

Complies. Parking numbers are compliant with requirements and the basement levels provide space for both motorbikes and bicycles. The parking levels are not visible from Oxford street, which is the critical view.

### Solar and daylight access

Optimise the number of apartments receiving direct sunlight with living rooms and open spaces for 70% of apartments receiving minimum 2 hours between 9am -3pm

Complies.

### Natural Ventilation

Maximise natural ventilation for all units with 60% of all apartments naturally cross ventilated

Complies

### Ceiling heights

3.3m on ground and first floor for mixed use areas to provide maximum flexibility and 2.7m minimum for residential.

Complies

### Apartment size and layouts

Minimum sizes for different apartment types and for rooms within apartments to ensure they are functional, well organised and provide high amenity for residents.

Complies with all requirements. Serviced apartments, which are of a studio apartment design, are 30sqm (rather than the minimum 35sqm), however they have generous outdoor spaces and for temporary accommodation, the slightly smaller size is considered acceptable.

### Private open space and balconies

Minimum size balconies with minimum widths to ensure appropriate spaces are created that are useable and well orientated. They should be adjacent to living areas and should be integrated into the overall form and detail of the building.

Complies with all balcony widths ensuring improved sunlight penetration into the living areas of apartments. Required total balcony area has been achieved. All balconies form an extension of the indoor living area to maximise their useability.

### Acoustic privacy

Minimise noise transfer through building and internal apartment layout

Complies

## Apartment Design Guidelines Summary

### Apartment mix

A range of apartment sizes to cater for different household types

Complies. A range of 1, 2 and 3 bedroom apartments are provided.

### Facades

Building facades provide interest along the street, respecting the character of the local area with the function of the building expressed in the facade

Complies. The heritage facades of the existing buildings will be maintained and enhanced. Individual shop fronts will emphasise the function of the ground floor of the development.

### Universal Design

Flexible and adaptable apartment layouts with at least 20% of apartments achieving the silver level of the Liveable Housing Guideline

Complies with all apartments achieving the Liveable Housing Guideline silver level.

### Adaptive reuse

New development should enhance an areas identity. New development should be clearly identifiable form the original fabric

Complies. The original facades will remain as significant elements in the Oxford Street streetscape, with the new tower element of the development clearly identifiable.

### Mixed Use

Mixed use developments should be in appropriate locations, active street frontages. Residential components of a development should be integrated but provide safety and amenity for residents.

Complies. The development is consistent with the mixed use zoning of the land, is within a precinct already characterised by mixed use development and is within easy access to a range of public transport options. The residential component is well integrated yet provided with its own entrance at ground level and lifts within the building to avoid conflict with the non-residential components.

Table 3: ADG Summary

### 4.2.3 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate has been prepared for the proposed development and demonstrates that the building satisfies the requirements of the BASIX SEPP (refer to Attachment 6).

### 4.2.4 State Environmental Planning Policy (Infrastructure) 2007

SEPP (Infrastructure) 2007 includes provisions relating to development immediately adjacent to rail corridors, in particular the assessment of potential noise and/or vibration impacts on development from rail corridors.

The proposed development is in close proximity to the Bondi Junction Railway Station (Illawarra line) therefore in accordance with the provisions of clause 87 of the SEPP the potential for acoustic and vibration impacts need to be assessed. A Preliminary Geotechnical Investigation Report has been prepared by Asset Geotechnical that addresses this issue. The report has made appropriate recommendations that can be included as conditions of any consent. In brief, the development is of a sufficient distance away from the rail corridor and of an appropriate design to ensure no conflict with the SEPP provisions for noise and vibration.

Further, the development includes the penetration of ground to a depth of at least 2m below ground level (existing) and the site is within 25m (measured horizontally) of the ground directly above an easement for an underground rail corridor (refer to Survey Plan prepared by Eric Scerri and Associates, plan reference 2591/14, Sheet 1 of 2).



As such the application is to be referred to the Rail Authority for concurrence in accordance with the provisions of clause 86 (Excavation in, above or adjacent to rail corridors) of the SEPP.

In deciding whether to provide concurrence, the rail authority is to take into account the following matters:

- “(a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:*
- (i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and*
  - (ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and*
- (b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.”*

Section A, Drawing DA-0601 in the drawing package submitted with the DA demonstrates that the proposed development is well setback from the Eastern Suburbs Train Tunnel and the proposed excavation is outside the zone of influence. Accordingly the proposal is unlikely to have an adverse impact on the safety and structural integrity of the rail infrastructure.

### **4.3 Provisions of Relevant Local Environmental Planning Instruments**

#### **4.3.1 Waverley Local Environmental Plan 2012 (WLEP2012)**

##### ***Zoning and Permissibility***

The proposal is subject to the provisions of the WLEP 2012. The site is zoned ‘B4 Mixed Use’ (refer to Figure 8).

The proposed development is for the construction of a ‘mixed use development’. Under the terms of the WLEP2012, this is defined as follows:

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

The proposed land uses within the development will be ‘commercial premises’, ‘serviced apartments’ and ‘shop top housing’, which are defined as follows:

***“commercial premises*** means any of the following:

- (a) business premises,*
- (b) office premises,*
- (c) retail premises.”*

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

***“serviced apartment*** means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner’s or manager’s agents.”

It is noted that serviced apartments are a type of *tourist and visitor accommodation*.

***“tourist and visitor accommodation*** means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers’ accommodation,*
- (b) bed and breakfast accommodation,*

- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) serviced apartments,

but does not include:

- (f) camping grounds, or
- (g) caravan parks, or
- (h) eco-tourist facilities”

All three of these land use types are permissible with consent in the B4 Mixed Use zone, inclusive of all three types of commercial uses – business, office and retail.

It is noted that the ground floor of the proposed building at the Oxford Street frontage and the Rowe Lane frontage is proposed to be used for retail use and related ancillary services and no residential dwellings are located on the ground level.

The proposed development is permissible with consent.

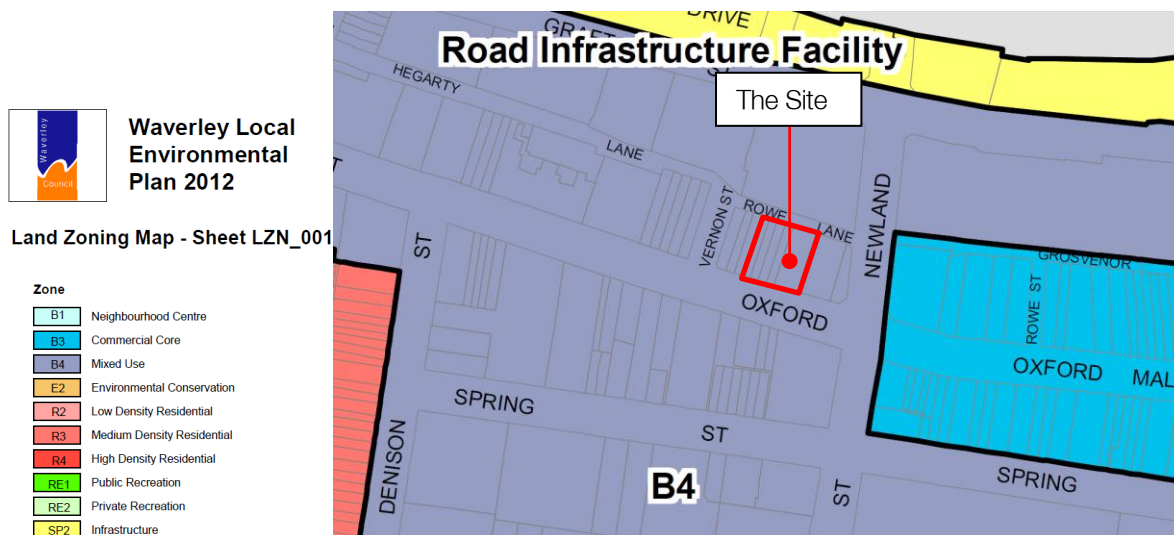


Figure 8: Extract from Land Zoning Map WLEP 2012

The proposal is consistent with the objectives of the ‘B4 Mixed use’ Zone as detailed in Table 4 below.

Objective	Comment
<i>To provide a mixture of compatible land uses.</i>	The proposed development will result in a combination of commercial, tourist accommodation and residential apartments in a configuration where all three uses can co-exist and in a location that is already characterised by mixed use development.
<i>To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.</i>	The site is highly accessible to high frequency public transport in the form of trains and buses. A large range of services and amenities are within easy walking distance.

Objective	Comment
To encourage commercial uses within existing heritage buildings and within other existing buildings surrounding the land zoned B3 Commercial Core.	The proposed development will provide new ground floor retail floor space behind retained heritage building facades

Table 4: 'R1 General Mixed Use' Zone Objectives Assessment

### Clause 4.3 Height of Buildings

Clause 4.3 sets a maximum height of buildings for the site of 38 metres as illustrated in the extract of the Height of Buildings Map included in the Figure 9 below.

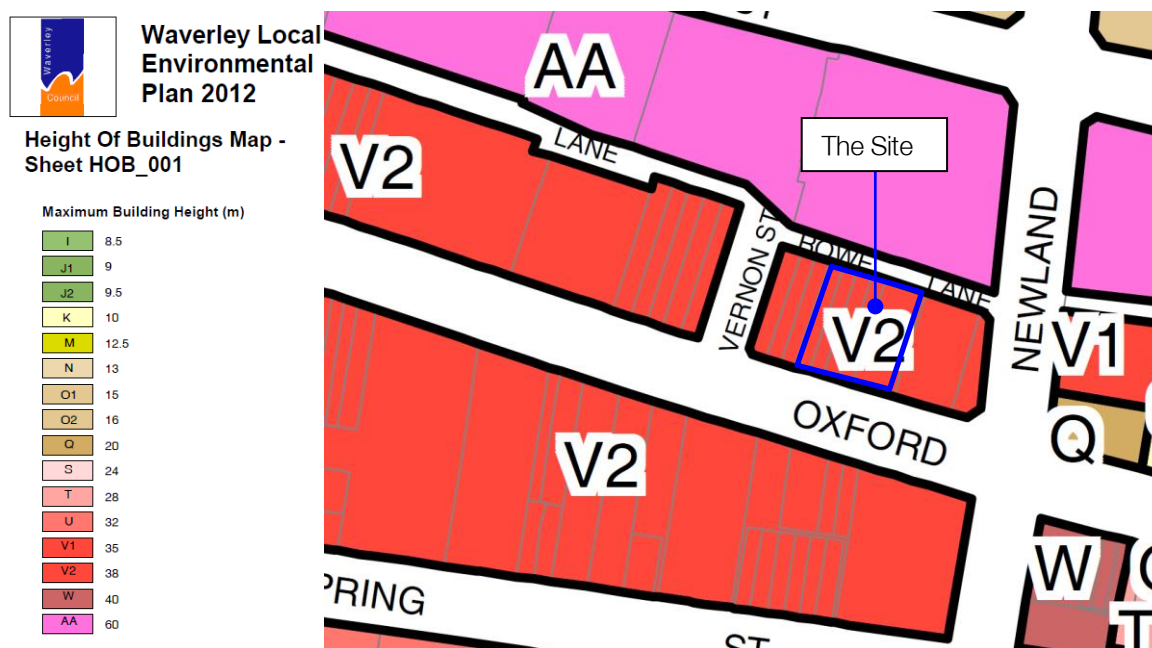


Figure 9: Extract from Height of Buildings Map from WLEP 2012

The proposed development has been designed to a maximum height of 52.5m and therefore does not comply with the maximum height of building development standards applying to the site. As a result, a formal request for variation of a development standard has been prepared to satisfy the requirements of Clause 4.6 of the WLEP2012.

### Clause 4.4 Floor Space Ratio

Clause 4.4 of the WLEP2012 sets a maximum floor space ratio (FSR) of 5:1 for the site as illustrated in the extract of the Floor Space Ratio Map included in Figure 10.

The proposed development will have an FSR of 5.75:1 and therefore does not comply with the maximum Floor Space Ratio development control applying to the site. As a result a formal request for variation of a development standard has been prepared to satisfy the requirements of Clause 4.6 of the WLEP2012.



## Waverley Local Environmental Plan 2012

### Floor Space Ratio Map - Sheet FSR\_001

#### Maximum Floor Space Ratio (n:1)

D	0.50
F	0.60
I	0.75
L	0.90
N	1.00
S	1.50
T	2.00
V	3.00
W	3.75
X	4.00
Z1	5.00
Z2	5.50
AA	6.00
AB	7.00
AC	8.00

Area 1

Note: Floor Space Ratio for dwelling houses and dual occupancies refer to clause 4.4A

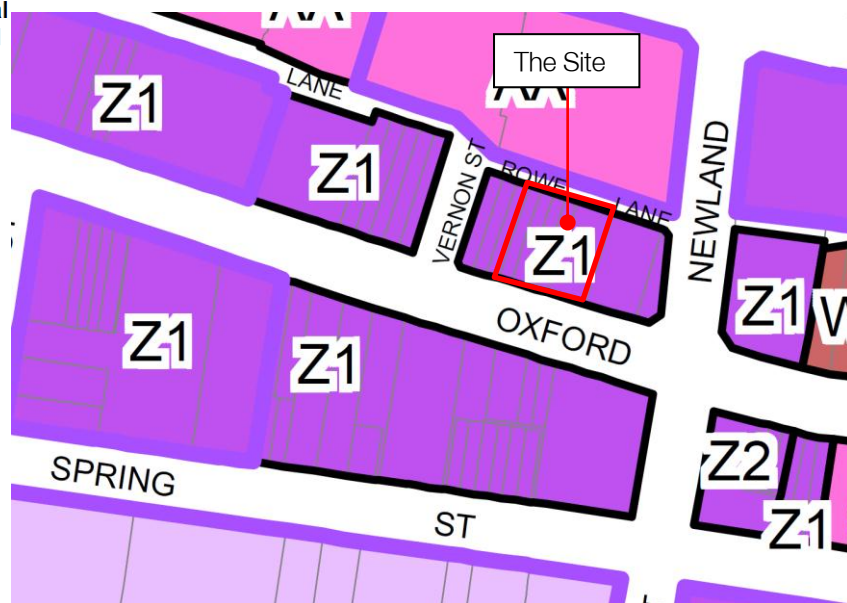


Figure 10: Extract from Floor Space ratio map from WLEP 2012

### Clause 4.5 Calculation of Floor Space Ratio and site area

The floor space ratio of the proposed development has been calculated consistent with the provisions of Clause 4.5 of WLEP2010.

### Clause 4.6 Exceptions to Development Standards

As previously noted, the proposed development seeks variation to two development standards - height of buildings and floor space ratio.

Clause 4.6 of WLEP2012 provides the mechanism for such variations to be considered and in accordance with Clause 4.6 of WLEP2012, the Development Application is supported by two detailed requests for variations in the appropriate format (refer to Attachment 7).

### Clause 5.10 Heritage Conservation

Clause 5.10 seeks to conserve the environmental heritage of Waverley LGA including individual heritage items, nominated conservation areas, archaeological sites and Aboriginal objects and places of heritage significance. Schedule 5 of the WLEP2012 lists individual heritage items and nominates conservation areas.

Situated upon the site is part of a Schedule 5 listed heritage item (I216), which is identified as the "Imperial Building" that is inclusive of 356-374 Oxford Street.

Clause 5.10 (4) requires Council to consider the effects of a development on any listed heritage item. Clause 5.10(5) allows Council to request a heritage management document to assist in its determination of a Development Application.

The Development Application is supported by a Statement of Heritage Impact prepared by NBRSP+Partners (refer to Attachment 8). This report provides the appropriate consideration of the impact of the development upon the existing heritage item.

The report provides a history of the site, examines the existing physical condition of the item, places the site in its contemporary context, analysis of the development proposal, inclusive of its compliance with the

Waverley Development Control Plan 2012 and assesses the impact of the proposal on the heritage values of the site.

The following conclusions and observations within the report are pertinent to the consideration of the impacts of the proposal upon the heritage significance of the existing item:

- *The facades are the only fabric on the site with heritage significance. The facades would be retained. The fabric to be removed behind the facades does not have heritage significance and the removal of this fabric would have very little adverse heritage impact on the heritage resources of Waverley.*
- *The new development would be set back from the retained façade so that the original form of the shops can be interpreted in views from Oxford Street.*
- *The new development seen from Oxford Street would be curved so that there are substantial voids near the retained façade. This curvature and the slim shading/privacy screens on each balcony would have such a different character to the heavy linear quality of the late Victorian façade that the viewer's eye would tend to push the two apart, keeping the retained façade distinct as a streetscape element.*
- *The redevelopment will dominate the retained façade, but the design prevents an intrusive dominance over the retained façade through considered setbacks and voids facing Oxford Street. The curved and filigree development facing Oxford Street does not compete with the retained linear form of the heavy masonry façade.*
- *The design seeks to meet the desired future character of the Oxford Street precinct while conserving the street façade that interprets the late Victorian scale of development along this main street. The careful visual disassociation between the sculpted development, that would rise higher than the retained façade, is a key measure of giving streetscape emphasis to the retained façade. The planting on the second floor terrace behind the parapet of the retained facade would also serve to separate the development from the late Victorian façade.*
- *The proposed works described above meet the desired future character of the streetscape of Oxford Street, while retaining the heritage significance of the retained late Victorian shop facades. There is potential for missing elements of the façade to be reconstructed. I recommend the heritage aspects of this application be approved.*

The proposed development respects the heritage significance of the existing item at the site and is consistent with the provisions of clause 5.10.

#### **Clause 6.2 Earthworks**

Clause 6.2 seeks to ensure that potential impacts of earthworks, which includes excavation, are properly considered. In this case, excavation of the site to a depth of approximately 17metres will be undertaken to provide the necessary basement car park levels.

A preliminary Geotechnical Investigation Report has been prepared by Asset Geotechnical to support the Development Application (refer to Attachment 9). A series of standard recommendations have been made that can be imposed as conditions of development consent.

#### **Clause 6.5 Active Street frontages in Bondi Junction**

The objective of this clause is to promote uses that attract pedestrian traffic along ground floor street frontages in the Bondi Junction Centre. The clause applies to land identified as "Active street frontage" on the Active Street Frontages Map, which includes the Oxford Street frontage of site and therefore the clause applies to the site.

The clause states that consent must not be granted to the erection of a building unless the consent authority is satisfied that the building will have an active street frontage. An “*active street frontage*” is satisfied if the ground floor of the building facing the street is used for the purposes of business premises or retail premises.

The proposed development responds by retaining and significantly improving the existing retail floor space directly onto Oxford Street and therefore the proposal satisfies this requirement.

#### ***Clause 6.7 Solar access to public spaces in Bondi Junction***

The objective of this clause is to ensure that buildings are designed to maximise sunlight access to important public places. It states that development consent must not be granted unless the consent authority is satisfied that there is no additional shadow impact at 12 noon on 21 June on a number of identified spaces, including the Oxford Street Mall.

The Development Application is supported by a set of comprehensive shadow diagrams that demonstrate that the proposal will not increase existing shadowing on Oxford Street Mall and is therefore compliant with Clause 6.7 of the WLEP2012.

#### **4.4 Provisions of Draft Environmental Planning Instruments**

There are no draft planning instruments currently applicable to the subject site.

#### **4.5 Provisions of Relevant Development Control Plans**

##### **4.5.1 The Waverley Development Control Plan 2012 (WDCP2012)**

The WDCP2012 is a comprehensive set of objectives and controls for development within the Waverley LGA.

Part B General Provisions, is relevant to all development, regardless of type and/or location.

Part C Residential Development, is relevant to multi-unit and multi-dwelling housing including requirements for shop-top housing. However, it is put aside by the provisions of Part E of the DCP.

Part D Commercial Development is relevant to the development.

Part E Site Specific Development – E1 Bondi Junction Centre provides more specific requirements for development within Bondi Junction, but nonetheless must be read in conjunction with Part B.

Part F Development Specific deals with serviced apartments and is therefore relevant to the proposal.

The following Sections provide a comprehensive analysis of the proposed development considered against the relevant provisions of the WDCP2012.

#### **Part B General Provisions**

B1 Waste - The objectives of this Section of the DCP are:

- To minimise waste generated during demolition and construction.
- To maximise the re-use of clean excavated material, concrete, bricks and timber.
- To ensure the safe removal and disposal of hazardous building materials.

A comprehensive Waste Management Plan has been prepared by Elephants Foot Recycling Solutions in satisfaction of the DCP (refer to Attachment 3).

B2 Energy and Water Conservation - Refer to the submitted BASIX Certificate that demonstrates the buildings energy and water conservation credentials (Attachment 6).

B3 Biodiversity – Given the site is a previously developed site and is within the densely developed urban centre of the Waverley LGA, the objectives and controls of this Section of the WDCP2012 are of limited applicability.

The site does not accommodate any existing native vegetation, nor is there any vegetation corridor to either retain or create. There is no habitat of any type on the site.

B4 Coastal Risk Management - This section of the WDCP2012 is not applicable to the subject site being outside of the areas mapped under Figures 3 (Coastal inundation risk lots) and Figure 4 (geotechnical risk lots).

B5 Tree Preservation - There are no existing trees on the site and therefore this section of the DCP2012 is not applicable.

B6 Stormwater – The proposal is supported by a detailed Stormwater Management Plan which addresses Council's requirements stormwater requirements including the inclusion of OSD. The Stormwater Management Plan forms part of the DA drawing package.

B7 Accessibility and Adaptability - Buildings should be designed to have regard to both the *Disability Discrimination Act 1992 (DDA 1992)* and the *Access to Premises - Australian Standards*.

The submitted response to Parts 3 and 4 of the Apartment Design Guide demonstrates that the proposed building is compliant with both the DDA and the access standards.

In terms of accessibility, direct at grade access from Oxford Street is available to the commercial floor spaces and to the lobbies for both the residential accommodation and the serviced apartments. Lifts are proposed to service all levels of the building.

A total of seven (7) of the 97 on site car parking spaces are accessible with additional widths provided.

In terms of adaptability, 10% of the proposed apartments are adaptable and all adaptable apartments incorporate the Liveable Housing Guideline's silver level universal design features that ensure that apartments will be adaptable to the changing needs of residents and allow ageing in place to be more comfortable, affordable and therefore more likely.

B8 Transport - Council encourages the use of alternative modes of transport to reduce pressure and reliance on private car use.

The WDCP2012 states that the provision of private (on-site) parking must be managed in an equitable and environmentally sensitive manner that benefits the community as well as the individual.

Section 8.1 provides the parking rates to be applied. Section 8.1.1 sets out car parking rates and identifies four parking zones with differential parking rates.

The subject site falls within the Bondi Junction parking zone (Zone 1), an area characterised by high accessibility to public transport and services and high density development.

Table 2 in Section 8.1.1 provides the parking rates to be applied to various development types within the various parking zones. Based on the requirements of Table 2 the proposed development generates the following requirement:

- Commercial/retail floor space of 285m<sup>2</sup> at maximum of 2 spaces per 100m<sup>2</sup> of GFA = 6 spaces (maximum)
- 0.6 spaces per 1 bedroom dwelling (0.6 x 45) = 27 spaces
- 0.9 spaces per 2 bedroom dwelling (0.9 x 18) = 16.2 spaces
- 1.4 spaces per 3 bedroom dwelling (1.4 x 6) = 8.4 spaces
- 1 visitor space per 5 units = 17 spaces

There is no specified car parking requirement within the DCP for serviced apartments.

Total required by DCP = 74.6 spaces (or 82.6 spaces applying a studio apartment rate of 0.5 spaces per studio for the 16 x serviced apartments).

The total number of on-site parking spaces is 97 (refer to the car parking summary in Table 1 of this SEE).

Five (5) of the proposed spaces are allocated to the commercial floor space which is compliant with the DCP.

In relation to the residential apartments component of the development, it is proposed to allocate more of the available spaces to individual apartments and less to visitors. A significant number of visitor spaces are still provided (11) and this is considered to be suitable for the likely demand. Many visitors will avail themselves of the excellent public transport options in this locality, so it is considered that there is more benefit in providing the maximum flexibility for the allocation of spaces to permanent residents.

Section 8.1.2 deals with bicycle parking and requires the provision of one bicycle space for each residential dwelling. Dedicated bicycle storage spaces have been provided within the Ground Level and basement levels. The number of spaces provided is greater than the minimum required by the DCP.

Section 8.1.3 deals with motor cycle parking and requires 3 motorcycle spaces for every 15 car spaces provided. This equates to a minimum of 7 motorcycle spaces. The proposed development will provide 20 spaces over the various basement levels and is therefore well in excess of the minimum requirement.

Section 8.2 Loading facilities – In satisfaction of the DCP, one loading bay capable of accommodating a medium rigid vehicle (MRV) has been provided directly off Rowe Lane. This is suitable for garbage vehicles and furniture removalists as well as the range of vehicles likely to service the retail tenancies. The width of the bay is such that two smaller service vehicles could use the loading bay at the same time. Vehicles would reverse into the bay and then exit back out onto the lane in a forward direction. This is considered to be the safest and most efficient arrangement.

Section 8.3 Pedestrian/bicycle circulation - The proposed development will utilise Rowe Lane at the rear of the site as the vehicular access point, thus avoiding any potential conflict with the heavy pedestrian traffic on Oxford Street. Rowe Lane is not a busy pedestrian route and the development proposal will not adversely impact upon pedestrian safety and/or convenience.

Section 8.4 Urban Design - This section of the DCP seeks to ensure the provision of off-street parking is subject to considerations of urban design, streetscape and heritage conservation. All parking is within the basement levels to be accessed off Rowe Lane. This is consistent with the DCP requirement. There is no on-street parking loss as a result of the development. The heritage values of the site are not impacted upon by the provision of the basement parking.



Section 8.5 Travel Plans - This section of the DCP requires the submission of a travel plan that aims to maximise the take up of travel modes other than private cars. The submitted traffic and parking assessment report prepared by Transport and Traffic Planning Associates (refer to Attachment 2), includes a Green Travel Plan that suggests a two (2) prong approach, being a Resident Plan and a Tenant/Employee/Visitor Plan.

The emphasis of these plans is to provide relevant information in relation to the public transport options available, encouragement of car pooling and car sharing (noting that the basement provides a space for a car share scheme).

Section 8.6 Traffic and Transport Management Plans - This section of the DCP requires appropriate consideration of the potential traffic and parking impacts of a proposed development. The Development Application is supported with an Assessment of Traffic and Parking Implications prepared by Transport and Traffic Planning Associates in satisfaction of the DCP (refer to Attachment 2).

Section 8.7 Car share - The DCP aims to ensure that new development allows for car sharing schemes to be accommodated. Car sharing is growing in both popularity and importance as an alternative to private transport modes that can have significant impacts on reducing the total demand for car usage and therefore car parking. The DCP requires one car share space for each 90 residential units. The proposed development provides one space on basement level 2 in close proximity to the car lift. This satisfies the requirements of the DCP.

B9 Heritage - The proposed development has properly considered the heritage sensitivities of the site. It is proposed to retain the building facades of the heritage listed buildings fronting Oxford Street, in the same manner as was done successfully on the redevelopment site immediately adjoining to the west.

To support the Development Application, a Heritage Impact Assessment report was prepared by NBRS+Partners (refer to Attachment 8). It has had consideration of the primary issues identified by this section of the WDCP2012 that are of relevance to this particular development, being character, scale and proportion, siting, materials and colour, building facades and commercial properties.

This report concluded that:

*The proposed works described above meet the desired future character of the streetscape of Oxford Street, while retaining the heritage significance of the retained late Victorian shop facades. There is potential for missing elements of the façade to be reconstructed. I recommend the heritage aspects of this application be approved.*

B10 Safety - The proposal satisfies the objectives of providing a safe environment for residents, visitors and workers and minimising the opportunities for criminal and anti-social behaviour through appropriate design. The building will have passive surveillance of both Oxford Street and Rowe Lane due to the orientation of units and provides the opportunity for passive surveillance of these public areas directly from the five (5) retail tenancies fronting Oxford Street. There are no blind corners or recesses that would facilitate concealment.

#### Part C Residential Development C2 Multi Unit and Multi Dwelling Development

It is also noted that while this Section applies to shop top housing which is an element of the proposed development, the majority of the particular controls within this Section relate to the R3 and R4 zones not the B4 Mixed Use zone. Part E Site Specific deals with development within Bondi Junction and for these reasons, assessment of the proposed development against the provisions of Part C of the DCP is not appropriate or necessary.

## Part D Commercial Development

The proposed development includes commercial floor space and therefore Part D of the DCP is applicable in part.

### D1 Commercial and Retail Development

D1.1 Design - A major component of the proposed development is the retention and restoration of the significant elements of the heritage listed commercial properties on the site and their reinvigoration into new retail spaces which will in-turn activate the Oxford Street frontage.

As identified in the attached Statement of Heritage Impact (refer to Attachment 8) the facades of the existing buildings are significant as representatives of late Victorian Free Classical commercial development for shops and shop-top housing. The interiors and rear of the buildings are not significant because they contain no original fittings, fixtures or finishes.

The proposal includes the retention and restoration of the shop facades, while creating five new retail tenancies (and associated “spill out” areas) behind the facades, as well as two entry lobbies into the new development. The suitability of this work has been assessed in the heritage report prepared by NBRS+Partners.

Each of the retail tenancies will have a generous double height space, which responds to the two storey scale of the existing Victorian Free Classical style shop fronts. The tenancies are arranged in a linear orientation, consistent with the dimensions of the existing shop fronts.

The shops will range in size, providing flexibility and variety for future retail uses.

The retail tenancies will be well served with associated back of house facilities including loading bay, waste rooms and car spaces.

The proposed development is compliant with the requirements of Section D1 of the DCP and will provide a significant improvement to the retail offering along this section of Oxford Street.

D1.2 Noise - Appropriate sound insulation of floors, walls and ceilings will be provided and subject to standard conditions of consent.

D1.3 Hours of Operation - The submitted Development Application does not nominate particular end users for the retail spaces. Specific uses can be the subject of initial occupation applications and appropriate conditions of consent can be imposed to regulate the hours of operation of those proposed retail uses within the development.

D1.4 Restricted Premises - Not relevant to this Development Application

### D2 Advertising and Signage

D2.1 Design and Location - Advertising and signage will be restricted to awning and under awning signage associated with the renovated retail spaces, in the main to replace existing signage. The submitted Development Application does not include any detail of advertising or signage, so an appropriate condition of consent could be imposed that details be provided prior to the occupation of any of the retail spaces to demonstrate compliance with the requirements of the DCP and sensitivity to the heritage values of the Oxford Street frontage.

## D2.2 Site Specific Controls

D2.2.5 Mixed development buildings - Refer to comments in 2.1 above.

D2.2.6 Development in excess of 15 metres in height - Building identification signs are likely at the lobby entrances on Oxford Street that will distinguish between the residential entry and the serviced apartment entry.

D2.2.8 Heritage Significant Buildings - Refer to comments in 2.1 above.

D2.3 Sign Specific Controls - Refer to comments in 2.1 above.

D3 Footpath Activity and Seating - With no specific end users identified for the retail spaces within the development, this Section of the DCP is not yet relevant.

## Part E Site Specific

This Part of the DCP is to be read in conjunction with the provisions of SEPP65. Therefore, for many of the design and residential amenity controls, reference will be made to the submitted SEPP 65 Design Verification Statement and Design Report prepared by SJB Architects.

E1 Bondi Junction - This Section of the DCP is designed to provide some specific objectives and controls for development occurring in designated locations within Waverley LGA. Bondi Junction is one such locality and the subject site is within the Bondi Junction area.

This Section of the DCP is relevant to the assessment of the submitted Development Application rather than Section 2 of the DCP which is intended to apply to residential development outside of any of the site specific areas. Assessment against the relevant sections of E1 are outlined below.

E1.1 Introduction - The site falls within the area identified and described as Bondi Junction and therefore Part E of WDCP2012 applies.

E1.2 Urban Form Controls - The proposal is consistent with the objectives of co-ordinating building massing along streets and the retention of the heritage streetscape.

The two (2) storey heritage streetscape building facades are retained with the tower element above and setback from Oxford Street.

Onto Rowe Lane (at the rear of the site), the building is set onto the boundary, consistent with the development to the west.

E1.3 Building Use - The proposal is consistent with the objectives of retaining lower level commercial activity and encouraging mixed uses with tourist accommodation (serviced apartments) and residential development.

The WDCP2012 identifies Oxford Street as a primary shopping street and the proposal provides ground floor retail space consistent with the existing use of the buildings. Continuation of retail activity on Oxford Street is a positive outcome from the proposed development.

Although the DCP encourages commercial activity along laneways where possible, it is not considered appropriate to activate Rowe Lane with commercial or retail frontages. Rowe Lane is not currently an active pedestrian thoroughfare and would not lend itself to accommodating retail uses. Conflict would likely arise in relation to the proposed vehicular access to the site and also with access to other adjoining development. It could also increase the potential for conflict between the residential and non-residential uses within the locality.

E1.4 Subdivision - Through the retention of the historic shop fronts to Oxford Street, the proposal achieves the objectives of reinforcing the expression of small lot subdivision pattern in building form, encourages a human scale in building design and encourages a diversity of shop fronts along the street.

The preferred 6 metre (+/- 2m) grid for frontages is achieved with the conservation of the existing facades.

E1.5 Heritage and Buildings of Historic Character - The site is occupied by a listed item of local significance (I216 The Imperial Building). The proposal satisfies the objectives of retaining (and restoring) the original shop fronts. Reference is made to the heritage report prepared by NBRS+Partners (refer to Attachment 8).

E1.6 Active Street frontages - The proposal achieves the objectives for an active street frontage by providing ground floor retail space directly onto Oxford Street.

As noted in E1.3 above, the DA does not seek to activate Rowe Lane at the rear of the site, which is identified within the WDCP2012 as a potential opportunity to create a secondary shopping street frontage.

Activating Rowe Lane as a pedestrian precinct is likely to increase conflict with vehicular access to the site and adjacent sites, in particular the larger heavy vehicles required to service the development.

E1.7 Street Alignment and front setbacks - The proposal achieves the objectives of enhancing streets as the commercial and civic space for the centre, to provide easy and legible pedestrian access ways and entrances into buildings and to create consistent and unified building elevation along streets. It also ensures building facades create a human scale to the street.

The building will retain its building alignment at street level with increased setbacks for upper levels consistent with adjoining development.

E1.8 Separation - The proposal achieves the objectives of providing amenity and liveability for new buildings, protecting the amenity of existing buildings, facilitating visual and acoustic privacy between buildings and facilitating light and air to buildings. Refer to the SEPP 65 report.

The site is an 'infill' site, with a recent development to the west and a significant building to the east, both of which observe nil side boundary setbacks. As a result the proposal also has nil side boundary setbacks for part of the building, which is orientated, as required, to the front and rear boundaries so that all proposed units have an outlook either north or south.

E1.9 Side and rear boundary setbacks - The proposal achieves the objectives of defining the street space, facilitating visual and acoustic privacy between buildings and facilitating light and outlook (refer to the SEPP 65 Report at Attachment 5). It does this by maintaining a consistent streetscape, providing appropriate side boundary setbacks to upper levels onto Oxford Street and utilising the full width of the site at the rear of the building. This is respectful of the design and orientation of both adjoining developments and ensures that privacy is maintained.

E1.10 Building footprint - The proposal achieves the objectives of reinforcing the street edge, providing amenity in terms of solar access and natural ventilation, flexible commercial or residential uses in the tower components of buildings and ensures that shop fronts line the commercial shopping streets.

E1.11 Building orientation - The proposal achieves the objectives of appropriate setback distances for privacy and outlook, the provision of a frontage and clear entry facing the street, avoids overlooking of neighbouring dwellings and prevents impacts on neighbouring lots in relation to privacy, sunlight access or outlook.

As an infill site, the proposed building orientation can only be north south. The building addresses the street frontages and there are no blank walls fronting the street.

E1.12 Number of Storeys - The maximum number of storeys permitted by the WDCP2012 for this site is 8 storeys. The proposal is for 14 storeys. The development proposes a variation to the maximum height of buildings development standard (within the WLEP 2012) and is supported by the required request for variation pursuant to Clause 4.6 of the WLEP 2012.

Having regard to the particular objectives of this Section of the DCP, the following comments are relevant:

*(a) To ensure buildings create a human scale to the street.*

The retention of the existing heritage building facades maintains the human scale at street level. The tower element is appropriately setback from Oxford Street.

*(b) To encourage development and redevelopment potential.*

The potential of the site to take advantage of its excellent access to services, amenities and public transport, is enhanced by the number of storeys proposed.

*(c) To reduce the incidence of high winds at street level.*

The Development Application has been supported by a Wind Impact Assessment prepared by Vipac Engineers and Scientists. The conclusion of this report is that wind conditions following the construction of the proposed development will be within the desired criteria.

*(d) To provide a transitional scale between commercial and residential.*

The site is within the heart of the Bondi Junction precinct and surrounded by land that is also zoned for mixed use. The site is not sensitive to the transition between a mixed use area and a purely residential area that may be subject to lower height.

*(e) To strengthen the Town Centre form with consistent heights along streets.*

Immediately adjoining to the north across Rowe Lane is a residential development of approximately 18 storeys. Diagonally opposite on the corner of Oxford Street and Newland Street is a 12 storey building. In close proximity there are buildings of 20 or more storeys. The proposed development provides the consistency of height at the street level through the retention of the existing heritage commercial building and provides a slim tower element well within the prevailing range of heights found in the Bondi Junction centre.

E1.13 Views, vistas and tree preservation - The proposal achieves the objectives of recognising the importance of Town Centre or street views. The proposed building does not impact upon any view corridor as identified within Figure 24 of the WDCP2012, nor would it block any longer range views to the north from other development on the southern side of Oxford Street. The existing 18 storey high rise buildings opposite the subject site on the northern side of Rowe Lane are not only higher but also wider than the proposed development and these buildings would likely already impact upon the available views from vantage points south of the subject site.

E1.14 Open spaces at the street front - The proposal is consistent with the objectives of retaining a consistent alignment along streets and retaining activity on the street front. It does this by retaining the heritage building facades and providing the opportunity for street level retail onto Oxford Street rather than providing private open space.

E1.15 Design excellence – It is open for the Council to reach the conclusion that the proposal exhibits design excellence (refer to the architectural design statement prepared by SJB Architects at Attachment 5).

E1.16 Building elevations - The proposal achieves the objectives of promoting a high architectural quality in buildings, responding to environmental conditions and reduced reliance on mechanical heating and cooling. Refer to the SEPP 65 report that confirms the proposals compliance in these key design areas.

E1.17 Awnings and colonnades - The proposal achieves the objective of shelter for public streets to minimise the adverse effects of rain, strong winds, summer sunlight and reflectivity. It does this by providing an awning to the Oxford Street footpath for the width of the frontage, consistent with existing awnings on either side of the site.

E1.18 Public art in the private domain - No public art is proposed.

E1.19 Designing buildings for flexibility - The ground floor retail spaces have double heights internally (7 metre plus), increasing their flexibility for a range of users into the future. The serviced apartments on levels 1 and 2 could readily be adapted to office spaces, being serviced by a separate lobby entrance and lift to the residential component of the development.

E1.20 Ceiling heights - The proposal achieves the objectives of maximising heights in habitable rooms, encouraging use of taller, highlight windows and fan lights, increasing the sense of space in rooms, providing well-proportioned rooms and to promote solar access into all buildings.

The building will provide a floor to floor height of approximately 7 metres for the ground floor retail that will maximise flexibility for those spaces. Thereafter a floor to floor height of 3.1 metres is provided for each residential level.

E1.21 External living areas - The proposal will provide an external living area for each dwelling in the form of a balcony which will enhance the amenity of internal living spaces. All serviced apartments are also provided with external open space to enhance the amenity of those apartments.

These external spaces are contiguous with the internal living areas to maximise the utility of the space and create a seamless transition for indoor/outdoor amenity.

All balconies have a minimum dimension of 2.0m. They vary in total area, ranging from 8m<sup>2</sup> – 10m<sup>2</sup>.

The balconies are all facing predominantly north or east, and utilise a combination of sun screens, shutters and operable walls to control light and wind. Balustrades have been designed to allow views and casual surveillance of the street while providing for safety and visual privacy and are a combination of solid to transparent materials to address site lines from the street, public domain or adjacent development.

E1.22 Wind mitigation - A Wind Impact Assessment prepared by Vipac Engineers and Scientists has been submitted to support the Development Application (refer to Attachment 10). The conclusion of this report is that:

*“With the proposed design:*

- *The development would be expected to generate wind conditions in the ground level footpath areas within the walking criterion;*
- *The development would be expected to generate wind conditions in the main entrance areas within the standing criterion;*
- *The private balconies would be expected to generate wind conditions within the walking criterion.*

*With the recommended wind control measures:*

- *The roof terrace would be expected to generate wind conditions within the walking comfort criterion.”*

E1.23 Reflectivity - The proposal achieves the objectives of mitigating adverse glare from reflective surfaces on street level and ensuring reflectivity does not preclude the functioning of the Town Centre's key uses.

The area of the facades to both Oxford Street and Rowe Lane that are glass, are well within the maximum allowable 60% (refer to the SEPP 65 Report at Attachment 5).

E1.24 Roller shutters - Roller shutters on the heritage listed shop front facades are not proposed.

E1.25 Outdoor advertising signs and structures - Refer to earlier comments in relation to Section D2 of the DCP.

E1.26 Access and movement - The proposal does not detract from the objectives of a comprehensive, compact, easy to follow, safe and accessible pedestrian network. It does not impede convenient ways of moving through the Bondi Junction centre on foot.

The site sits mid block between Vernon Street and Newland Street and has a rear frontage to Rowe Lane and therefore pedestrian accessibility is efficient and suitable. The WDCP2012 does not require any new mid-block pedestrian linkage in this locality. Further penetration between Oxford Street and Rowe Lane is not necessary to improve or maintain pedestrian connectivity within Bondi Junction. The DCP identifies Rowe Lane for mostly vehicular access.

E1.27 Town Square provisions - The site is outside of the identified town square precinct.

#### Part F Development Specific

F2.2 Hotels, Motels and Serviced Apartments - The 16 serviced apartments have been designed with a high level of amenity. All apartments have been provided with generous outdoor private open space ranging from 12m<sup>2</sup> up to 75m<sup>2</sup>.

All but two (2) of the apartments have a northerly aspect. There is also a communal courtyard area on Level 1 for the serviced apartments and visitors will also have access to the roof top terrace open space.

A separate, ground floor lobby with direct access off Oxford Street is provided for use by visitors of the serviced apartments.

The apartments are studio style, suitable for a maximum of two persons at any one time. Bathroom, laundry and cooking facilities are provided. Wardrobe and storage areas are available within each apartment.

It is proposed that the serviced apartments will be operated and managed by a company specialising in such practices. Bookings will primarily be conducted 'online', direct through the management company's office and or through the in-house reception.

The apartments will be serviced as required (i.e. room cleaning, waste removal and the provision of fresh linen as required). Servicing of the rooms will occur between the hours of 7am and 7pm. An on-site laundry is not proposed and linen will be laundered off-site.

Upon registration guests will be issued with a 'security fob' or electronic keycard (or similar) to allow access 24 hours a day, 7 days a week from the secure entry lobby and designated lift.

Guest arriving late (i.e. outside the hours of when the Reception area is 'manned') will be provided with a PIN to enable entry to the serviced apartment lobby from where they will be able to retrieve a 'security fob' or electronic security card for access to the lift and their room.

Guests departing early will be able to leave their fob or keycard in a check out box in the Reception area.

In addition to the designated lift and the Reception area, the apartments will also include considerable back of house facilities including:

- Use of the loading bay;
- Waste room;
- Staff room and staff toilets;
- Store room; and
- Staff parking.

It is expected that the maximum number of staff servicing the apartments at the site at any one time will be five (5), including:

- 1 to 2 reception staff (including Duty Manager);
- 2 cleaning/room servicing staff; and
- 1 maintenance/general duties staff.

#### **4.6 Other Council Policies**

The subject site is located within the Bondi Junction Precinct Area and therefore the Waverley Planning Agreement Policy 2014 is applicable to the proposed development.

In accordance with Part 2(a) of the Planning Agreement Policy, Council will review applications for development up to an additional area of 15% of maximum gross floor area permitted under Clause 4.4 of WLEP 2012. The development proposes a maximum FSR of 5.75:1 which represents a 15% variation to the maximum FSR standard of 5:1 for the subject site. As such a draft VPA has been prepared in accordance with the Planning Agreement Policy and submitted to Council for review.

#### **4.7 Development Contributions**

The Contributions will be levied in accordance with relevant contributions plans at the time of the determination of the application.

#### **4.8 Any Matters Prescribed by the EP&A Regulations 2000**

Demolition works are proposed to remove the existing building and structures on site, accordingly clause 92 of the Regulations applies.

All demolition works will comply with AS2601.

#### **4.9 Any Planning Agreement or draft Planning Agreement**

As discussed above in section 4.6 of this report, a VPA is proposed for the site.

The draft VPA proposes a contribution to Council to enable the provision of additional public infrastructure and affordable housing within the locality of the development site.



## **4.10 The Likely Impacts of the Development**

### **4.10.1 Parking, Access and Traffic**

An Assessment of Traffic and Parking Implications has been prepared by Transport and Traffic Planning Associates to support the DA (refer to Attachment 2). The report indicates that the proposal will have minimal impacts relating to traffic, parking and access as summarised below:

#### *Parking*

Sufficient on-site parking is provided, in excess of the total number required by the DCP but not to the extent that it would undermine the advantages of the sites proximity to public transport options. There are enough on site spaces for each residential unit to be allocated a space, with some visitor spaces.

#### *Traffic*

Peak traffic generation rates from the residential component of the development would be a modest 13 vtpm in the morning peak and 10vtpm in the afternoon. Trips generated by the retail floor space are negligible as are those from the serviced apartments. Trip distribution will be dispersed due to the multiple approach and departure routes available. There will be minimal traffic impact arising from the proposed development.

#### *Access*

Rowe Lane provides the ideal safe site access for the development.

### **4.10.2 Overshadowing**

Shadow Diagrams for the proposed development have been prepared by SJB Architects and form part of the architectural drawing package.

The shadow diagrams demonstrate that properties to the south of the subject site will experience a small increase in overshadowing from the current situation as a result of the proposed development. However, this is so for only part of the day as either morning sun or afternoon sun is retained.

### **4.10.3 Bulk and Scale**

The scale of the development is appropriate for the sites context within the centre of Bondi Junction. There are a number of larger buildings within close proximity, both in terms of their building height and massing. In comparison, the proposed development is a superior balance of height and bulk, with the retained heritage shop fronts providing a human scale at street level and the tower element of the building appearing as a slimmer form above. This allows appropriate building separation to its neighbours and a sense of maintaining view corridors.

### **4.10.4 Construction Impacts**

Construction impacts will be managed through the implementation of a Construction Management Plan to be prepared and submitted to the Private Certifying Authority prior to the commencement of works.

Hours of construction will be undertaken in accordance with Council's requirements, and adjoining properties will be notified prior to commencement of works on site.

### **4.10.5 Social Impacts**

The proposal will not give rise to any adverse social impacts. The proposal will have a positive social impact by increasing the supply of housing within the Bondi Junction precinct. Residential apartments in close

proximity to a variety of public transport modes is a positive outcome. The variety in apartment size is most likely to allow a broader range of household type.

Furthermore, the proposal includes a VPA which will result in the provision of additional public infrastructure and Affordable Housing opportunities within the locality, above the level that would otherwise be applicable under Council's Standard development contributions plan.

#### **4.10.6 Economic Impacts**

The proposal will not adversely impact on the function or role of the Bondi Junction precinct. Indeed the proposed mixed use development will result in a positive economic benefit by increasing the resident population that can take advantage of and will rely upon local shops and businesses.

The proposal will result in a minor increase in employment due to the retention and improvement of existing retail shops and the introduction of the serviced apartments that will be supported by a small number of management and service staff.

#### **4.11 The Suitability of the Site**

The preceding sections of this report demonstrate that the site is suitable for the proposed development. The redevelopment of the site for a mixed use development comprising retail, serviced apartments and residential apartments is consistent with the objectives of the current zone and is compatible with existing and proposed land uses within the Bondi junction precinct. There are no significant natural or environmental constraints that would hinder the proposed development, and accordingly the site is considered suitable.

#### **4.12 The Public Interest**

The redevelopment of the site for a mixed use development comprising of retail, serviced apartments and residential apartments is considered consistent with the zone objectives, and provides additional housing opportunities within close proximity to employment opportunities and public transport nodes. The proposal is in the public interest.

The proposal provides appropriate amenity for the intended occupants and housing opportunities in close proximity to employment, public transport, shops and a range of services and facilities.

Importantly, there will be considerable public benefit resulting from the development through the proposed VPA which will allow Council to provide public infrastructure and affordable housing within the locality in a more timely manner compared to a development that would otherwise not include a VPA as proposed.

The proposal will increase the patronage of the existing public transport facilities, increasing the viability and amenity of such facilities.

## 5.0 Conclusion

The Development Application seeks development consent for the construction of a mixed use development comprising of a single building containing five (5) retail tenancies at ground floor level fronting Oxford Street, 16 serviced studio apartments on Levels 1 and 2 and 69 residential apartments over Levels 3-13, at 362 - 374 Oxford Street, Bondi Junction.

The application seeks development consent under section 78A of the *EP&A Act 1979* and has been assessed against the provisions of section 79C of the *EP&A Act 1979*.

The proposal seeks consent for the following:

- Site preparation and remediation works;
- Excavation works;
- Construction of a mixed use building of thirteen storeys, comprising ground floor commercial floor space of 285m<sup>2</sup> within five (5) tenancies, 16 serviced studio apartments, and 69 residential dwellings;
- Basement car parking over six (6) levels for 97 cars, 20 motorbikes and 78 bicycles, accessed via Rowe Lane to the rear of the site;
- Public domain works;
- Ancillary landscaping; and
- A Voluntary Planning Agreement (VPA).

The proposal is consistent with the objectives of the B4 Mixed Use zone that is applicable to the site under the WLEP 2012.

The site is currently occupied by a group of heritage listed buildings identified in the Waverley Local Environmental Plan 2012 as being part of the "Imperial Building". A development has already been constructed upon part of the listed site under a previous approval. This current proposal acknowledges the heritage significance of the building facades to Oxford Street and a major component of the proposed development is the retention and restoration of these building facades and the reinvigoration and activation of the retail floor space fronting Oxford Street.

The proposed development seeks a variation to the maximum FSR and the height of building development standards applying to the site and formal requests for variations have been submitted in satisfaction of Clause 4.6 of the WLEP2012.

Notwithstanding the variations, the proposal will deliver a building of a bulk, scale and form that is consistent with the existing and desired future character of the area. In terms of land use and building amenity the proposed development satisfies the objectives and requirements of SEPP65, WLEP2012 and WDCCP2012.

The design of the development demonstrates architectural excellence and the proposal will have no significant detrimental impacts on the amenity of surrounding properties. The development will result in the addition of a building of high architectural merit within the Oxford Street streetscape and the cityscape of Bondi Junction.

The proposed building will sit comfortably within the existing and evolving high density urban context of Bondi Junction.

The development site is well positioned in relation to public transport, employment, local shopping, business and community services, as well as recreation facilities. The development represents an efficient use of the site and will deliver retail space, serviced apartments and residential accommodation of high quality and amenity.

The proposal does not result in significant adverse environmental, social, economic or amenity impacts on the broader neighbourhood.

The proposed VPA will also result in considerable public benefit through the provision of public infrastructure in the locality of the site which would otherwise not be delivered or would take considerable longer to deliver.

Based on the assessment undertaken the site is suitable for the proposed development and approval is therefore sought.



## Attachments

Attachment 1: Capital Investment Value (CIV) Letter and Cost  
Summary Report prepared by Heymann Cohen

7404A\_11.2\_SEE RevA\_Final\_160411

## Attachment 2: Assessment of Traffic and Parking Implications prepared by Transport and Traffic Planning Associates

7404A\_11.2\_SEE RevA\_Final\_160411

## Attachment 3: Waste Management Plan prepared by Elephants Foot Recycling Solutions

7404A\_11.2\_SEE RevA\_Final\_160411



## Attachment 4: Preliminary Site Investigation prepared by Environmental Investigations Australia

7404A\_11.2\_SEE RevA\_Final\_160411

## Attachment 5: Design Verification Statement, ADG Compliance Table and Solar Access Study

Provided under separate cover

## Attachment 6: BASIX Certificates and Stamped Plans, ABSA Certificates and NatHERS Certificate

7404A\_11.2\_SEE RevA\_Final\_160411

## Attachment 7: Clause 4.6 Variation Statements – Building Height and Floor Space Ratio

7404A\_11.2\_SEE RevA\_Final\_160411

## Attachment 8: Statement of Heritage Impact prepared by NBRS+Partners

7404A\_11.2\_SEE RevA\_Final\_160411

## Attachment 9: Geotechnical Investigation prepared by Asset Geotechnical

7404A\_11.2\_SEE RevA\_Final\_160411

## Attachment 10: Wind Impact Assessment prepared by Vipac

7404A\_11.2\_SEE RevA\_Final\_160411

## Attachment 11: Voluntary Planning Agreement (VPA)

7404A\_11.2\_SEE RevA\_Final\_160411