



Statement of Environmental Effects – S96(2) Application to modify consent

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

Client:

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Date:

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1 Introduction

1.1 General

This Statement of Environmental Effects (SEE) is submitted to Waverley Council to support a proposed modification to an approved mixed use development fronting 109 – 119 Oxford Street and 34 – 42 Spring Street, Bondi Junction.

Existing development consent DA-569/2015 was approved on 17 November 2016 for the "Demolition of existing buildings and construction of a new 12 storey mixed use building with basement car parking."

Approved development

The approved development comprises an iconic and modern 12 storey development that contains:

- » retail tenancies at ground level
- » commercial tenancies at level 1
- » shop top housing - residential apartments at levels 2 – 11
 - > 84 residential apartments within 12 stories, comprising:
 - 56 x 1 bedroom apartments
 - 22 x 2 bedroom apartments
 - 8 x 3 bedroom apartments
 - Open terraces and breezeways providing access to each tenancy.
- » car parking facilities on five basement levels
- » dual pedestrian access from both Oxford Street and Spring Street
- » separate vehicular access from Spring Street.

The development consent also supports the demolition of all existing buildings located on the site and earthworks associated with the building construction.

Proposed modification

This proposal seeks to modify the existing development consent DA-569/2015 in the following manner:

- » two additional levels of shop top housing:
 - > residential apartments within 12 stories, comprising:
 - 70 x 1 bedroom apartments
 - 32 x 2 bedroom apartments
 - 4 x 3 bedroom apartments
 - Open terraces and breezeways providing access to each tenancy.

- » modifications to level 1 commercial tenancies
- » modifications to the basement levels including provision of one additional level

The proposed modification to development consent DA-569/2015 seeks approval under Section 96(2) of the *Environmental Planning and Assessment Act 1979* (the Act).

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

Table 1 Supporting documentation

Supporting documentation	Consultant	Appendix
Amended Clause 4.6 submission	Elton Consulting	Appendix A
Voluntary Planning Agreement Letter of Offer	N/A	Appendix C
Amended architectural design package	Daryl Jackson Robin Dyke	Appendix D
SEPP 65 verification and apartment design guide compliance report	Daryl Jackson Robin Dyke	Appendix E
Amended assessment of traffic and parking implications	Transport and Traffic Planning Associates	Appendix F
Addendum to acoustic report	Vipac Engineers and Scientists	Appendix G
Addendum to the wind study	Vipac Engineers and Scientists	Appendix H
Wind tunnel study	Vipac Engineers and Scientists	Appendix I
Energy assessment	Vipac Engineers and Scientists	Appendix J
Revised BASIX certificate	Vipac Engineers and Scientists	Appendix K
Waste Management Plan	Elephants Foot Recycling Solutions	Appendix L
Amended geotechnical assessment	Assetgeo	Appendix M

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

1. Stormwater drainage design, prepared by Green Arrow
2. Preliminary site investigation, prepared by Environmental Investigations Australia
3. Site survey, prepared by Eric Scerria Associates.

2 Site description

2.1 Description of site

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

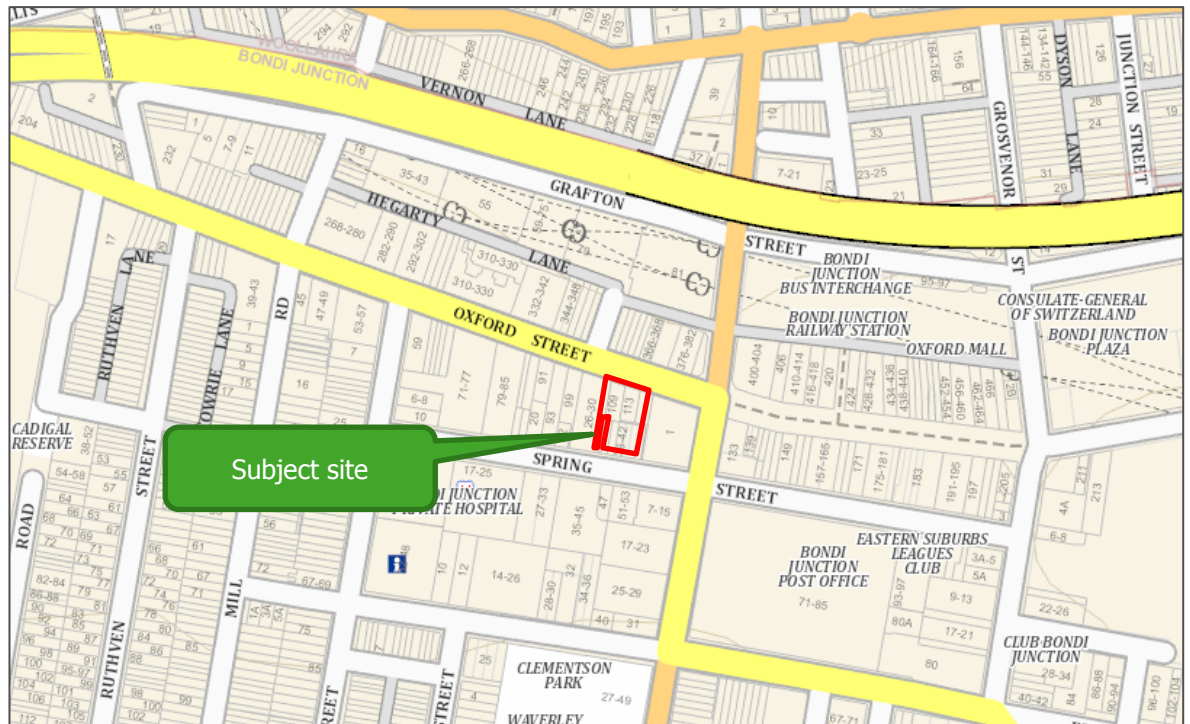
Bondi Junction is readily accessed by public transport including regular train and bus services, with the Bondi Junction railway station and bus interchange located less than 150m from the site.

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

Table 2 Site description

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

Figure 1 Site locality



(Six maps 2015)

Figure 2 Aerial image of site



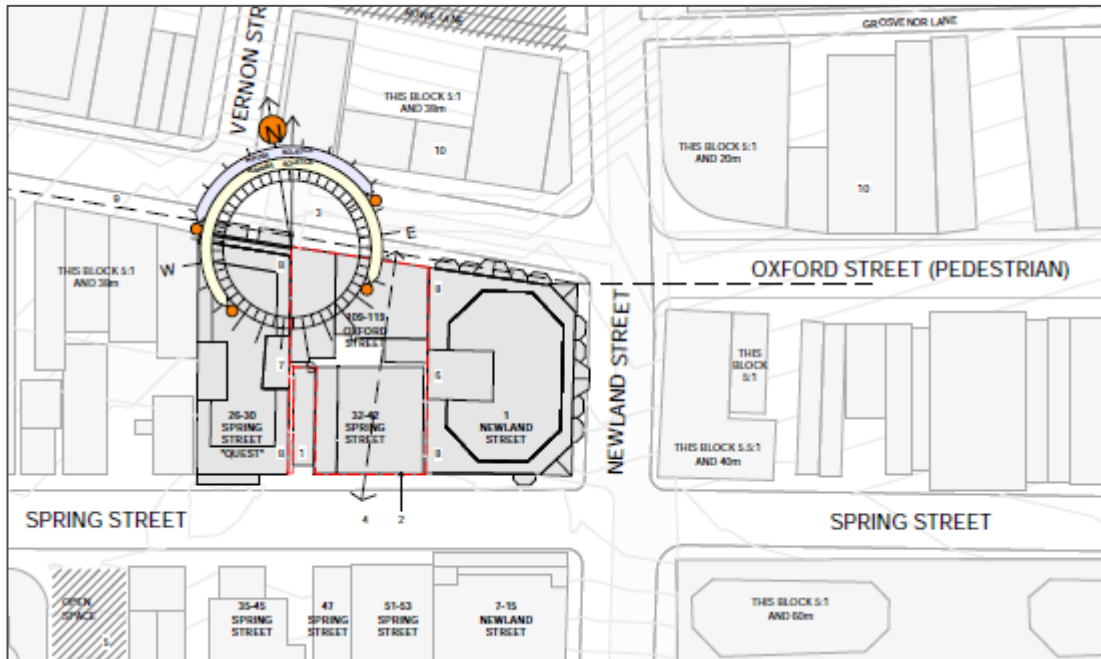
(Nearmap 2015)

2.2 Surrounding land uses

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

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

Figure 3 Site analysis



(Daryl Jackson Robyn Dyke)

The following figures illustrate the surrounding development form.

Oxford Street (southern side)



Oxford Street (southern side)



Spring Street (northern side)



Spring Street (southern side)





2.3 Opportunities and challenges

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

The site is:

- » centrally located within Bondi Junction in a location that is well serviced by public transport (rail and bus)
- » directly accessible to existing, social, community, medical and education facilities and retail and commercial uses as well as employment , leisure and other opportunities
- » of a size that can accommodate a high quality development that contributes to both the commercial and housing supply
- » currently underutilised in terms of density and yield, providing the opportunity for redevelopment.

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

- » accommodating a design strategy that enables adjoining land to be redeveloped in the future, in isolation and complimentary to the subject site
- » the need to ensure an internal layout that provides for the amenity of the future residents of the building
- » minimising any negative impacts (overshadowing, noise, privacy, views) on surrounding properties.

3 Description of the proposal

3.1 Proposal details

The proposed modification seeks approval under section 96(2) of the Environmental Planning and Assessment Act, 1979.

The applicant is Daryl Jackson Robyn Dyke Architects.

3.2 Proposal description

This application seeks to modify development consent DA-569/2015.

The development consent describes the development as:

"Demolition of the existing buildings and construction of a new 12 storey mixed use building with basement car parking"

It is proposed to amend the proposal description to:

*"Demolition of the existing buildings and construction of a new **14** storey mixed use building with basement car parking"*

The proposed amendments include an additional 988.88m² in GFA (15% increase) comprising:

- » two additional levels of shop top housing:
 - > Additional GFA at Level 12 residential = 553m²
 - > Additional GFA at Level 13 residential = 553m²
- » modifications to level 1 commercial units comprising a reduction in GFA of 117.12m²
- » one additional basement level and modifications to the basement configuration.

The revised design will result in a minor impact to the amenity of the locality and will ensure that the modified development is substantially the same as the current approved development.

3.3 Development summary

A description of the approved development and proposed modifications is provided in Table 3.

Table 3 Development schedule

Level	Approved description	Proposed amendment	Proposed description
Basement levels	5 basement levels comprising: <ul style="list-style-type: none">» parking spaces x 123» motorbike parking x 21	1 additional basement level Reorganisation of accessible spaces Relocation of service ramps and sewer	6 basement levels comprising <ul style="list-style-type: none">» parking spaces x 140» Motor cycle parking x 28

Level	Approved description	Proposed amendment	Proposed description
	<ul style="list-style-type: none"> » bicycle storage x 101 » residential storage rooms » loading/unloading bay for small rigid truck » service and plant rooms (sprinkler and hydrant pump room, main switch, communications) » room, substation room, hot water plant and grease arrestor room etc) » associated lift access and fire stairs » retail/commercial garbage room » residential garbage room with garbage chute » retail and commercial sanitary facilities » bulky goods waste storage room. 	<p>Addition of:</p> <ul style="list-style-type: none"> » parking new spaces x 19 » motor cycle parking x 7 » bicycle storage x 37 	<ul style="list-style-type: none"> » bicycle storage x 138 » residential storage rooms » loading/unloading bay for small rigid truck » service and plant rooms (sprinkler and hydrant pump room, main switch, communications) » room, substation room, hot water plant and grease arrestor room etc) » associated lift access and fire stairs » retail/commercial garbage room » residential garbage room with garbage chute » retail and commercial sanitary facilities » bulky goods waste storage room.
Ground level Retail	<p>440.4m² of retail</p> <p>The above areas are approximate only and will be subject to future strata subdivision.</p> <p>Open landscaped foyer with pedestrian access from Oxford Street and Spring Street, seating, tables and communal area.</p> <p>Substation</p> <p>Vehicular access from Spring Street</p> <p>Residential access from Spring Street and Oxford Street.</p>	<p>No amendments proposed</p>	<p>440.4m² of retail</p> <p>The above areas are approximate only and will be subject to future strata subdivision.</p> <p>Open landscaped foyer with pedestrian access from Oxford Street and Spring Street, seating, tables and communal area.</p> <p>Substation</p> <p>Vehicular access from Spring Street</p> <p>Residential access from Spring Street and Oxford Street.</p>

Level	Approved description	Proposed amendment	Proposed description
Level 1 Commercial	<p>4 commercial tenancies</p> <p>Open terraces and breezeways providing access to each commercial tenancy.</p>	<p>Reduced commercial floor area to accommodate potential future child care centre</p>	<p>4 commercial tenancies with an area of 344m² and outdoor area.</p> <p>Open terraces and breezeways providing access to each commercial tenancy.</p> <p>The commercial tenancies have the potential to be reconfigured to accommodate a child care centre.</p>
Levels 2 - 3	<p>8 residential apartments on each level, comprising:</p> <ul style="list-style-type: none"> » 5 x 1 bedroom apartments » 1 x 2 bedroom apartments » 2 x 3 bedroom apartments <p>Open terraces and breezeways providing access to each tenancy.</p>	<p>No amendments proposed</p>	<p>8 residential apartments on each level, comprising:</p> <ul style="list-style-type: none"> » 5 x 1 bedroom apartments » 1 x 2 bedroom apartments » 2 x 3 bedroom apartments <p>Open terraces and breezeways providing access to each tenancy.</p>
Levels 4 - 5 Residential	<p>8 residential apartments on each level, comprising:</p> <ul style="list-style-type: none"> » 5 x 1 bedroom apartments » 1 x 2 bedroom apartments » 2 x 3 bedroom apartments <p>Open terraces and breezeways providing access to each tenancy.</p>	<p>Reconfiguration of 3 bedroom units</p>	<p>9 residential apartments on each level, comprising:</p> <ul style="list-style-type: none"> » 6 x 1 bedroom apartments » 3 x 2 bedroom apartments <p>Open terraces and breezeways providing access to each tenancy.</p>

Level	Approved description	Proposed amendment	Proposed description
Levels 6 - 11 Residential	9 residential apartments on each level, comprising: <ul style="list-style-type: none"> » 6 x 1 bedroom apartments » 3 x 2 bedroom apartments Open terraces and breezeways providing access to each tenancy.	No amendments proposed	9 residential apartments on each level, comprising: <ul style="list-style-type: none"> » 6 x 1 bedroom apartments » 3 x 2 bedroom apartments Open terraces and breezeways providing access to each tenancy.
Levels 12 - 13 Residential	Not applicable	2 additional levels of shop top housing comprising 18 units.	9 residential apartments on each level: <ul style="list-style-type: none"> » 6 x 1 bedroom apartments » 3 x 2 bedroom apartments Open terraces and breezeways providing access to each tenancy.
Rooftop	Landscaped gardens Plant and equipment	No amendments proposed	Landscaped gardens Plant and equipment

3.3.1 Residential unit mix

The approved and proposed residential unit mix is described as follows:

Table 4 Unit mix

	Approved	Proposed modification
1 bedroom	56	70
2 bedroom	22	32
3 bedroom	8	4
TOTAL	86	106

3.3.2 Building height

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

Table 5 Proposed variation to maximum building height

Building feature	Proposed building height variation
Highest habitable point	» 44.54m
Building height excluding plant and equipment » Parapet at Oxford Street » Parapet at Spring Street	» 47.7m » 47m
Height of plant and equipment (not visible from Oxford and Street Street)	» 49.89m

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

3.3.3 Gross floor area

Approved GFA	GFA of proposed amendment
6,592.5m ²	7,581m ² .

A breakdown of the floor area of is provided in within the architectural design package included within Appendix D.

3.3.4 Setbacks

There are no modifications proposed to the building setbacks

Sections 1 and 2 included in the architectural design package included within Appendix D demonstrate that the approved varied setbacks from Oxford Street and Spring Street will be maintained.

3.3.5 Materials and finishes

There are no modifications proposed to the building materials and finishes.

The approved schedule of materials and finishes will apply to levels 12 and 13.

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

- » enhance the visual quality of the proposed development
- » add richness to the façade
- » reduce the potential appearance of adverse bulk or scale
- » provide a positive response to the character of surrounding areas
- » contribute to a visually interesting skyline.

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

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

3.3.6 Landscaping

There are no modifications proposed to the site landscaping.

3.3.7 Access and parking

Access

There are no modifications proposed to the building access

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

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

Parking

Additional parking is to be provided within the proposed Level 6 basement and minor reconfiguration of the other basement levels is proposed to accommodate accessible parking, motor cycle parking and bicycle storage.

A summary of parking proposed for the development is provided as part of the Assessment of Traffic and Parking Implications, prepared by Transport and Traffic Planning Associates, included within Appendix F.

The study concludes that the proposed modification incorporates suitable and appropriate parking provision and makes appropriate provision for cyclists, pedestrians and disabled drivers.

3.3.8 Housing choice

The proposed modification will improve housing choice in the locality comprising a total of 106 residential units. The approved and proposed unit mix is shown in the table below.

Table 6 Unit mix

	Approved	Proposed modification
1 bedroom	56	70
2 bedroom	22	32
3 bedroom	8	4
TOTAL	86	106

19% of the apartments are capable of being adaptable, however 10% of the apartments will be adaptable when built.

General market demand in this locality

Marketing of the development has commenced and current market interest shows that there is little or no demand for 3 bedroom apartments on the lowest levels. The proposed reconfiguration into 1 and 2 bedroom apartments appear to be in higher demand and in any case, are capable of being combined into 3 bedroom units in the event the demand for 3 bedroom units changes in the locality. To facilitate this, the walls will be constructed using a lightweight internal structure capable of conversion.

We note there has been some level of demand for 3 bedroom units at higher levels where views are able to be attained. However, the orientation of the approved and proposed development is not able to meet this demand as it does not achieve any views, due to its location and position in relation to existing development.

3.3.9 Waste management

An amended Waste Management Plan has been prepared by Elephants Foot Recycling Solutions and addresses the ongoing management of waste generated by the proposed development.

All waste generated from within the development shall be stored within designated waste storage areas within the site.

The waste management plan is included within Appendix L.

3.3.10 Stormwater

There are no modifications proposed to stormwater drainage across the site.

Stormwater drainage plans have been prepared detailing the proposed stormwater management and sediment control measures for the proposed development. Condition No 7 of the development consent requires that amended stormwater plans are to be provided to Council.

This condition remains applicable and will be addressed prior to the issue of a Construction Certificate.

3.3.11 Demolition

There are no modifications proposed to the proposed demolition plan.

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

3.3.12 Excavation

Additional earthworks will be required to excavate for the additional level 6 basement proposed as part of the modification.

Bulk excavations down to RL58.2 are proposed for basement level parking. The approved development supports a basement level of RL60.0.

An amended geotechnical desktop study has been prepared by Environmental Investigations Australia and is included within Appendix M.

3.3.13 Commercial tenancies

The commercial tenancies at Level 1 are proposed to be reconfigured to provide opportunity for a child care centre to occupy the entire floor. In the event that this use is successful, it is intended a separate development application be lodged with council to facilitate its use and fitout.

3.3.14 Isolated site

The proposed development adjoins land located at 32 Spring Street, Bondi Junction. During the development application process, extensive consultation was carried out with the owner of this land, including negotiations for its purchase and incorporation into the overall development.

Opportunities for the future redevelopment of this land were considered extensively by Council and the Design Review Panel as part of the assessment of the approved development, during which time, it was adequately demonstrated that:

- » future infill development of the neighbouring site can occur up to 5 levels, in accordance with an FSR of 5:1.
- » internal connectivity can be achieved to the approved development on the subject land at ground level.

The development consent requires that a covenant is to be imposed upon the property to allow access to the rear of No 32 Spring Street via the public arcade between Oxford and Spring Streets.

The proposed modification will not impact on the future development potential of land at 32 Spring Street and will continue to allow opportunity for its future redevelopment. There is no change to the approved development in relation to the isolated site.

The subject sites relationship to the neighbouring development is shown in Figure 4.

Figure 4 Relationship to 32 Spring Street



(Nearmap 2015)

3.4 Commonwealth legislation

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

3.5 State Environmental Planning Policy

3.5.1 Environmental Planning & Assessment Act 1979

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

Under Part 4, Section 96(2) of the Act, a development consent may be modified, as follows:

96 Modification of consents—generally

- (2) **Other modifications** A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:
- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and

- (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) *it has notified the application in accordance with:*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1) and (1A) do not apply to such a modification.

The proposed amendments are considered to adequately address the relevant provisions of section 96(2), as the development remains substantially the same development as that granted in the existing development consent.

Key matters for consideration are summarised as follows:

- » The proposed development footprint remains in accordance with the approved plans.
- » The development at ground level remains in accordance with the approved plans.
- » The building materials remain consistent with the approved plans.
- » The proposed amendments are considered minor in nature and will only result in minor environmental impacts:
 - > Overshadowing
 - Shadow diagrams are included with the architectural design package included within Appendix D.
 - > Views
 - The proposed additional levels are considered unlikely to result in a substantial impact on views.

1 Newland Street

The approved parapet for the development is at RL116.80. The overall height of the adjacent building at No. 1 Newland Street has been surveyed at RL117.16 and the highest door or window head at RL115.2.

Consequently, the proposed additional building height will be above the habitable height of the adjacent building and no loss of views will occur as a result of the proposed amendment.

Key sections of relevance to this SEE are addressed below.

It is anticipated that Council will notify the proposed amendments and consider any submissions as appropriate.

Matters for consideration (Section 79C)

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

Table 7 Matters for consideration (Section 79C)

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

EP&A Act section and legislative requirement	Comment
(c) the suitability of the site for the development	<p>The site is considered to be an appropriate location for the proposed development for the following reasons:</p> <ul style="list-style-type: none"> » Existing underutilised and aged development » Development will contribute to housing and commercial supply » Centrally located within the Bondi Junction urban centre » Serviced by public transport (rail and bus) » Within close proximity to existing, social, community and medical facilities and retail and commercial uses as well as employment , leisure and other opportunities. <p>Refer Section 4.7.9 of this report.</p>
(d) any submissions made in accordance with this Act or the regulations	<p>It is anticipated that the proposed modification would be notified and placed on public exhibition in accordance with this requirement. It is also understood that Council would consider any submission received.</p>
(e) the public interest.	<p>The proposed modification is considered to be in the public interest. Refer Section 4.7.11 of this report.</p>

Integrated development

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

- » Fisheries Management Act 1994
- » Heritage Act 1977
- » Mine Subsistence Compensation Act 1961
- » National Parks and Wildlife Act 1974
- » Petroleum (Onshore) Act 1991
- » Protection of the Environment Operations Act 1997
- » Roads Act 1993
- » Rural Fires Act 1997
- » Water Management Act 2000

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

4 Assessment

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

4.1 Commonwealth legislation

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

4.2 State Environmental Planning Policies (SEPP's)

4.2.1 SEPP (BASIX) 2004

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

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

A BASIX Certificate has been submitted which confirms the proposed development achieves a pass target of 42 points for water, a pass target for thermal comfort and the pass target of 32 points for energy.

For further details see the BASIX Certificate included within Appendix K.

4.2.2 SEPP Affordable Rental Housing

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

4.2.3 SEPP 32 Urban Consolidation (Redevelopment of Urban Land)

The provisions of SEPP 32 are applicable to the development.

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

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

- (a) the effect of the development on:
 - (i) the existing streetscape, and
 - (ii) the privacy of adjoining landowners, and
 - (iii) the availability of sunlight to adjoining owners, and
- (b) the noise likely to be generated by the development, and
- (c) whether adequate provision can be made for car parking on, access to and servicing of the site.

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

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

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

Adequate car parking vehicular access and site servicing is demonstrated within the Assessment of Traffic and Parking Implications, included within Appendix F.

4.2.4 SEPP 55 – Remediation of Land

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

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

- » Potential presence of contaminated fill / top soils on-site.
- » Possible soil contamination resulted by war and weathering of exposed paint surfaces, metallic objects and potential asbestos-containing materials.
- » Possible soil contamination from potential on-site use of herbicides and pesticides.
- » Hazardous building products contained within the existing structures.

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

4.2.5 SEPP 65—Design Quality of Residential Apartment Development

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

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

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

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

- (a) to ensure that it contributes to the sustainable development
 - (i) by providing sustainable housing in social and environmental terms, and
 - (ii) by being a long-term asset to its neighbourhood, and
 - (iii) by achieving the urban planning policies for its regional and local contexts, and
- (b) to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and

- (c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities, and
- (d) to maximise amenity, safety and security for the benefit of its occupants and the wider community, and
- (e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions, and
- (f) to contribute to the provision of a variety of dwelling types to meet population growth, and
- (g) to support housing affordability, and
- (h) to facilitate the timely and efficient assessment of applications for development to which this Policy applies.

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

- (a) the advice (if any) obtained from the design review panel, and
- (b) the design quality of the development when evaluated in accordance with the design quality principles, and
- (c) the Apartment Design Guide.

Advice from the Design Review Panel was provided during assessment of the original application and comments were incorporated into the approved design. The proposed amendments maintain the approved building fabric, in terms of materials and finishes, articulation, accessibility, connectivity and active street frontages.

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

4.2.6 Waverley Local Environmental Plan 2012

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

Clause 1.2 Aims of Plan

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

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

Table 8 Compliance with the particular aims of the Waverley LEP

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

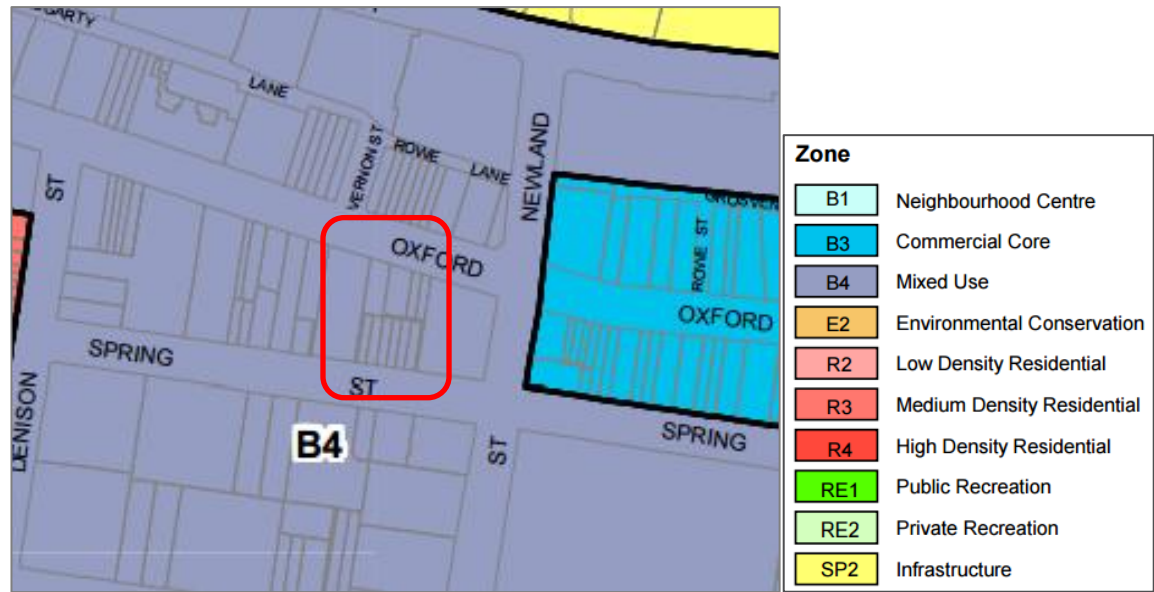
Aims of the Waverley LEP	Compliance
in Sydney's eastern suburbs,	commercial offerings and provision of centralised housing to support local business.
(c) to provide for a range of residential densities and range of housing types to meet the changing housing needs of the community,	The development incorporates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

Clause 2.1 Land use zones

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

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

Figure 5 Site zoning



(legislation.nsw.gov.au)

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

Objectives of zone

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

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

- » delivers a diverse range of housing (1, 2 and 3 bedroom apartments) in a convenient location, easily accessed by road and transport links (bus and rail) so as to maximise public transport and encourage walking and cycling
- » delivers a development that is compatible with surrounding development.
- » provides opportunities for retail uses on the ground floor that will service future residents, the local and wider community. These uses will activate the street frontage encouraging an interesting and safe pedestrian environment
- » provides for future commercial uses at the first floor
- » offers a well-designed building in a commercial setting that improves public amenity.

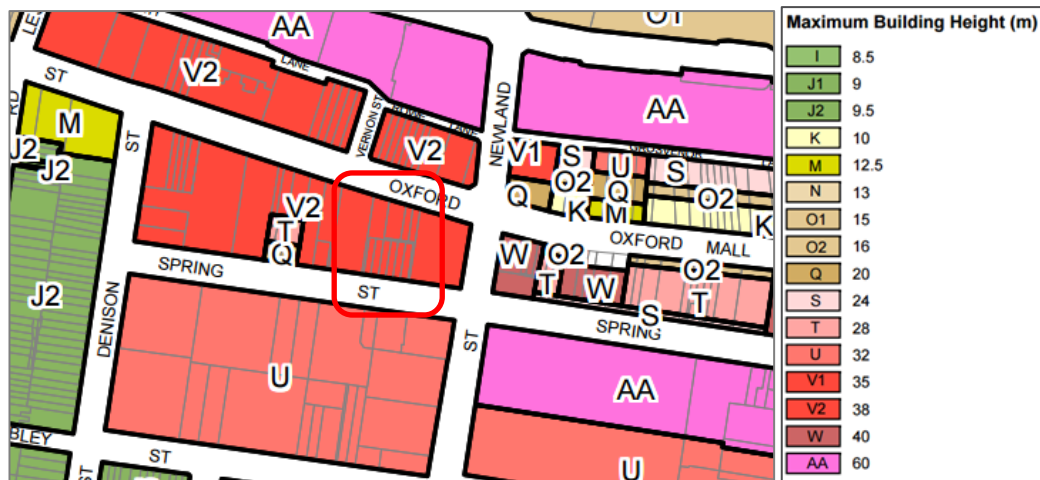
Clause 2.7 Demolition requires development consent

The demolition of a building or work may be carried out only with development consent. The proposed modifications will not amend or impact on the demolition plan for the site.

Clause 4.3 Height of buildings

Clause 4.3 of the LEP establishes the planning controls for the height of buildings. The maximum height limit permissible under the clause is 38 metres as shown in Figure 6.

Figure 6 Maximum building height map



(legislation.nsw.gov.au)

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

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

Inclusive of the lift overrun of the proposed development, the elevations demonstrate that the building height is 49.89 metres. The lift overrun is not visible from street level and the highest habitable level is measured at 44.54m.

The approved building height nominally exceeds the habitable building height of the adjacent premises at 1 Newland Street and consequently the proposed additional levels will not result in any impacts to views from the adjacent building.

The development exceeds the 38 metre maximum building height development standard and variation is sought in this instance to facilitate a high quality development that is consistent with surrounding development. The design provides for a high quality development with appropriate bulk and scale that is not visually imposing and is compatible with the existing streetscape.

The proposal, including the additional levels represents a satisfactory exceedance of the building height control in the context of surrounding development. Further, primary elements of the building that exceed the height control, such as the lift overrun and plant and equipment are well set back from the street and are not visible from the public domain.

The development ensures adequate access to sunlight is achieved for neighbouring residential properties.

It is noted that, directly to north, land along Grafton Street has a maximum building height of 60m with an FSR of 6:1. Any future development of this land that is consistent with the maximum building height which far exceeds the proposed height of the development.

It is also noted that No. 1 Newland Street, directly to the east, also exceeds the 38m height limit and contributes to the varying heights exhibited in Bondi Junction.

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

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

- (b) to increase development capacity within the Bondi Junction Centre to accommodate future retail and commercial floor space growth,
- (c) to accommodate taller buildings on land in Zone B3 Commercial Core of the Bondi Junction Centre and provide an appropriate transition in building heights surrounding that land,
- (d) to ensure that buildings are compatible with the height, bulk and scale of the existing character of the locality and positively complement and contribute to the physical definition of the street network and public space.

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

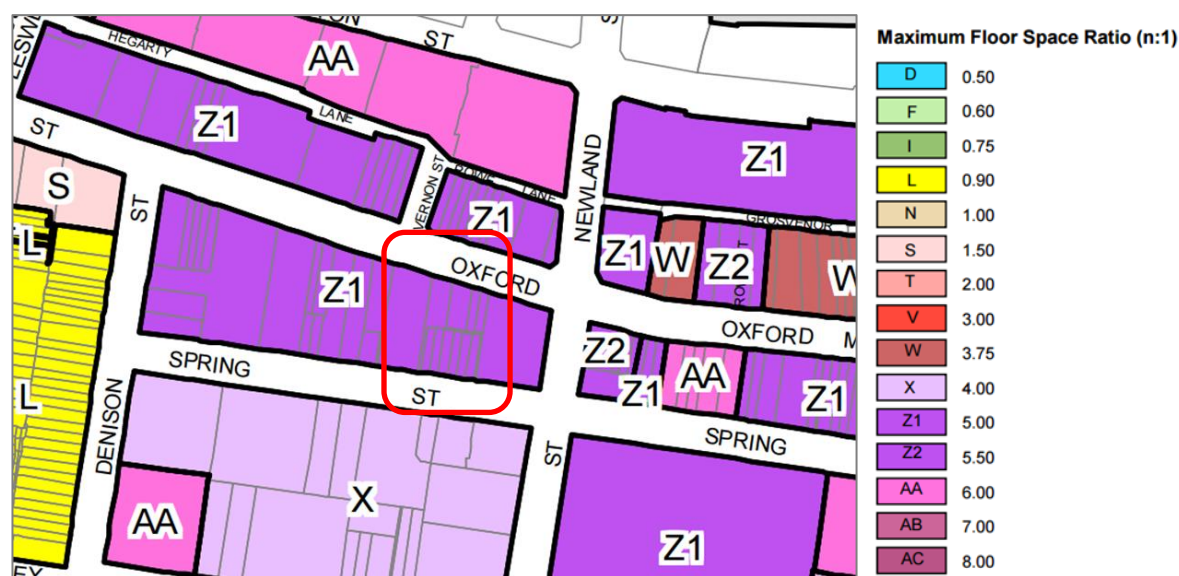
Clause 4.4 Floor space ratio

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

- (a) to ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs,
- (b) to provide an appropriate correlation between maximum building heights and density controls,
- (c) to ensure that buildings are compatible with the bulk, scale, streetscape and existing character of the locality,
- (d) to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality.

The maximum permissible FSR is 5:1 as shown in Figure 7.

Figure 7 Maximum permissible FSR



(legislation.nsw.gov.au)

The proposed development has a site area of 1,318.5m².

Based on a building GFA of 7,581.3m², a FSR of 5.75:1 is achieved for the proposed development. This will result in a minor exceedance to the FSR development standard, but is consistent with FSR variations on other developments, recently approved in Bondi Junction and remains below the 60m / 6:1 development standard directly applicable to the north of the subject land along Grafton Street (AA on map above).

A variation to this development standard is sought under Clause 4.6 Exceptions to development standards.

Clause 4.6 Exceptions to development standards

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

A detailed submission is included within **Appendix A**, seeking to vary the maximum building height development standard set out in Clause 4.3 and the floor space ratio set out in Clause 4.4.

The submission is made on the grounds that compliance with the development standard is unreasonable or unnecessary in the circumstances of this case and that there are sufficient environmental planning grounds to justify contravening the development standard.

Clause 6.2 Earthworks

Earthworks may be carried out only with development consent.

The proposed modifications will result in increased excavation to facilitate the additional basement levels.

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

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

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
- (b) the effect of the development on the likely future use or redevelopment of the land,
- (c) the quality of the fill or the soil to be excavated, or both,
- (d) the effect of the development on the existing and likely amenity of adjoining properties,
- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

An amended Geotechnical Desktop Study and has been prepared for the site and is included within Appendix M.

Clause 6.5 Active street frontages in the Bondi Junction Centre

This clause is applicable to both frontages of the subject site and aims to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B4 Mixed Use in the Bondi Junction Centre. Refer to Figure 8.

Figure 8 Active street frontage map



(legislation.nsw.gov.au)

The proposed modification will not impact on the activation of the Oxford Street or Spring Street road frontages.

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

4.3 Proposed Environmental Planning Instruments

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

4.4 Development Control Plans

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

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

Table 9 Part B General Provisions

Control	Comment
Part B1 Waste	<p>The proposal provides for a residential and retail waste storage room at basement level 1.</p> <p>Waste management and collection has been detailed within the Waste Management Plan included within Appendix L.</p>

Control	Comment
Part B8 Transport Bondi Junction	<p>The car park entry is proposed via a shared ingress / egress from Spring Street.</p> <p>The basement levels incorporate the required car parking spaces (including accessible parking), motorcycle parking and bike storage.</p>

Table 10 Part C2 Multi Unit and Multi Dwelling Housing

Control	Comment
2.12 Landscaping	There are no modifications proposed to the approved landscape plan.
2.13 Communal Open Space	<p>There are no modifications proposed to the approved communal open space.</p> <p>Communal open space is proposed on the roof top within a landscaped environment. Additional opportunity for communicable gathering can occur at ground level within the atrium, making use of the commercial premises and likely food and drink premises.</p>
2.15 Solar Access and Overshadowing	<p>Shadow diagrams included with the architectural design package show the impact of mid-winter shadow on neighbouring buildings. The buildings on the south side of Spring Street receive considerable shadow in existing conditions.</p> <p>71% of proposed apartments will achieve mid-winter light to balcony / living / sitting rooms.</p>
2.16 Views and View Sharing	<p>The proposed additional 2 levels are not considered likely to impact on public domain, views or vistas. The current already approved levels already exceed the habitable building height of the adjacent office building at 1 Newland Street.</p> <p>It is understood that No 1. Newland Street exceeded the maximum building height limit that applied at the time of its construction and also exceeds the current height control of 38 metres.</p>
2.17 Visual Privacy and Security	<p>The development has been designed to ensure:</p> <ul style="list-style-type: none"> » adequate visual privacy for residents and neighbours » maximise outlook and views without compromising visual privacy » buildings are safe and secure for residents and visitors.
2.18 Apartment Size and Layout	The criteria set out within the Apartment Design Guide are satisfied.
2.19 Ceiling Heights	The criteria set out within the Apartment Design Guide are satisfied.
2.20 Storage	Adequate, well designed storage is provided for each apartment.
2.22 Acoustic Privacy	An acoustic assessment has been completed for the proposed amendment and is included within Appendix F.

Control	Comment
2.23 Natural Ventilation	The open breezeway access to all apartments provides opportunity for access to natural light and ventilation.
2.24 Building Services	Building services are integrated into the rooftop design. Refer to the architectural design package include within Appendix D.

Table 11 Part E1 Bondi Junction

Control	Comment
1.2 Urban Form Controls	<p>The proposed modification will continue ensure continued compliance with the desired future urban form for Bondi Junction Centre which is block edge building forms with tower buildings above.</p> <p>Sections 1 and 2 demonstrate the varied setbacks from Oxford Street and Spring Street and responds to development on adjoining sites. The design intent is to continue the urban scale massing of the adjacent buildings.</p> <p>The front and rear setback vary to integrate where possible with the adjoining buildings.</p> <p>The tower has been design to where possible, achieve the following:</p> <ul style="list-style-type: none"> » cross ventilation » high quality amenity to future residents » allow for solar access to neighbouring buildings » differentiate between the podium and tower elements.
1.3 Building Use	<p>There are no modifications proposed at ground level, which has been designed for retail purposes.</p> <p>The amended first floor site plan is proposed to be modified to improve the commercial viability of the proposed tenancies and has been designed to accommodate a child care centre (currently under consideration and subject to a future development application). This proposed use has a requirement for larger outdoor areas.</p> <p>Reconfiguration of levels 2 – 5 remain for residential use.</p> <p>The proposed additional levels 12 and 13 will provide residential accommodation in the form of shop top housing.</p>
1.4 Subdivision	The grid pattern form that is currently shown along the site frontages will continue to be reinforced in the building design through vertical expression and apartment separation.
1.5 Heritage and buildings of historic character	<p>The site is not listed as containing an item of heritage value and is not located within a heritage conservation area.</p> <p>A grid pattern has been reflected vertically in the building form to indicatively reflect the historic building forms.</p>

Control	Comment
1.6 Active Street frontages	There are no modifications proposed at ground level, which will continue to promote and active street frontage through the retail presence at ground level and the presence of a strong through site link.
1.7 Street alignment and front setbacks	Approved street alignment and front setbacks will be maintained. The front elevations are aligned to the street boundary with setbacks consistent with adjacent development.
1.8 Separation	Approved separation distances will be maintained between the windows of living areas of the residential buildings and the windows of working areas of neighbouring commercial buildings and complies with SEPP 65 / Apartment Design Guide.
1.9 Side and rear boundary setbacks	Approved side and rear boundary setbacks will be maintained.
1.10 Building footprint	The approved building footprint will remain unchanged. The approved footprint gives consideration to the location and alignment of the proposed and future development in relation to the street layout, block and lot size and site location. A centralised light well is proposed that is open to the sky to achieve additional daylight and assist with ventilation. All residential spaces have at least two external walls. Being breezeways, all lobbies have high natural light and ventilation. Where possible, the residential tower apartments are designed to achieve a dwelling depth no greater than 8m from a source of sunlight (not including service areas and non-habitable rooms).
1.11 Building orientation	The approved building orientation will be maintained. The block edge building forms are oriented to address both street frontages and face away from adjoining properties to maintain residential privacy. There are no blank walls fronting the streets. Where possible, bathrooms, laundry and other ancillary room windows have been oriented to the side boundaries. All living areas are orientated toward the street frontages and there are no side facing living areas as per DCP standards and recommended by the Apartment Design Guide.
1.12 Number of storeys	A variation to the maximum building height of 38m is proposed in order to allow for two additional residential levels to increase the provision in a range of housing in the locality. Further, variation to the maximum of 10 stories specified in the DCP is also requested to ensure compatibility with neighbouring development (and other recently approved developments in Bondi Junction) and align

Control	Comment
	<ul style="list-style-type: none"> » existing and proposed uses and use mix » streetscape constraints » relationship of the development to existing and opportunity for future neighbouring development » bulk, massing and modulation of buildings » street frontage heights » environmental impacts » pedestrian, cycle, vehicular and service access, circulation requirements. <p>The design gives strong consideration to future development opportunities for the adjacent property adjoining the western boundary of the site along Spring Street, allowing for ground floor commercial and 6 levels above. This will substantially enhance its retail value due to the through site link and atrium as well as to permit future development to the maximum permissible FSR of 5:1.</p> <p>Street presentations are provided within the architectural design package included within Appendix O.</p>
1.16 Building elevations	<p>The building facades are well articulated and integrate well with neighbouring development.</p> <p>As per condition No 8 of the development consent, all windows facing east and west will be fixed. Otherwise, openable windows are incorporated at all residential levels.</p> <p>The material palette is cohesive at all levels of the development.</p> <p>A three dimensional model and photomontages have been prepared for the proposal and accompany the development application.</p>
1.17 Awnings and colonnades	<p>The proposed modification will not impact on approved awnings.</p> <p>Awnings are proposed along both street frontages and are shown in the architectural design package included within Appendix D.</p>
1.19 Designing buildings for flexibility	<p>The development has been designed with light weight, internal partition walls and columns to provide flexibility in its long term use and is capable of being modified to suit market demand. This provides opportunity for it to be adapted between commercial and residential uses or to change the unit mix.</p>
1.20 Ceiling heights	<p>The criteria set out within the Apartment Design Guide are satisfied.</p>
1.21 External living areas	<p>Balconies proposed on levels 12 and 13 are consistent with those approved as part of the existing development consent for levels 2 – 11 and complies with SEPP 65 / Apartment Design Guide.</p>
1.22 Wind mitigation	<p>An amended wind impact assessment has been completed for the proposed development and is included within Appendix H.</p>

Control	Comment
1.23 Reflectivity	The approved high quality finishes and materials will be maintained to ensure that the building is not overly reflective.
1.26 Access and movement	The approved building pedestrian and vehicular access at ground level will be maintained. Vehicular access arrangements are addressed within the Assessment of Traffic and Parking Implications.

4.5 Planning Agreements

The developer is proposing to enter into a Voluntary Planning Agreement (VPA) to facilitate long term public benefit.

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

4.6 Environmental Planning and Assessment Regulation

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

4.7 Impacts of the proposed development

4.7.1 Natural environment

Vegetation

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

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

Site contamination

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

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

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

Geotechnical

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

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

- » basement excavatability
- » basement excavation retention to prevent potential lateral deflections and ground loss as a result of excavations
- » depth to rock quality for foundation design
- » depth of groundwater.

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

Sustainability

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

4.7.2 Built form

Surrounding development

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

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

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

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

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

Heritage

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

Internal residential amenity

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

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

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

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

4.7.3 Traffic and parking

Transport and Traffic Planning Associates prepared an Assessment of Traffic and Parking Implications for the proposed modified development.

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

- » not present any unsatisfactory traffic capacity, safety or environmental related implications
- » incorporate a suitable and appropriate parking provision
- » incorporate suitable vehicle access, internal circulation and servicing arrangements
- » make appropriate provision for cyclists, pedestrians and disabled drivers.

Access

Vehicle access will remain consistent with the approved development consent. This will be achieved via a combined ingress/egress driveway on the Spring Street frontage where excellent sight distances will be available on the straight and level section of the road.

Internal circulation

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

Servicing

Service personnel and maintenance vehicles etc will be able to use the visitor parking spaces while occasional larger delivery vehicles will be reliant on on-street parking in the area.

4.7.4 Acoustic

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

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

The proposed development is expected to comply with the relevant standards and criteria subject to compliance with recommendations stipulated in the assessment.

4.7.5 Wind

Vipac Engineers and Scientists have prepared an amended Wind Assessment and Wind Tunnel Test associated with the proposed modification. The assessments are included within Appendix H and I.

The proposed development is expected to comply with the relevant standards and criteria subject to compliance with recommendations stipulated in the assessment.

4.7.6 Social

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

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

There are also a variety of parks, beaches and recreational areas within close proximity.

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

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

Design of the proposed development has taken into account:

- » visual impact, loss of privacy and loss of solar access to existing development in the vicinity
- » pedestrian accessibility
- » desired future character of the area
- » the demand for housing (1 and 2 bedroom apartments) in an affordable price range, and
- » future employment opportunities resulting from both the construction phase as well as an increasing population and provision of retail / commercial uses at Ground Level and Level 1
- » revitalising the struggling western end of Oxford Street to ensuring compatibility with existing development throughout Bondi Junction.

4.7.7 Economic

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

There will be an increase in the amount and choice of dwellings, whilst providing increased retail and commercial spaces, activating and generating demand in the area. Furthermore, the new population will support existing businesses and facilities within the Bondi Junction urban precinct and help revitalise the struggling western end of Bondi Junction, noting that the centre of Bondi Junction, including the Westfield shopping complex dominates the retail market in this locality.

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

4.7.8 Crime Prevention Through Environmental Design (CPTED)

The proposed modification will not result in any increase in potential crime risk that may occur as a result of the proposed development.

4.7.9 Suitability of the site

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

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

- » strategically located within the commercial core of Bondi Junction
- » contribute to housing and commercial supply
- » serviced by public transport (rail and bus) and within close proximity to existing, social, community and medical facilities and retail and commercial uses as well as employment , leisure and other opportunities
- » provides a modern building that positively contributes to the streetscape and reflects the desired future character of the area.

4.7.10 Submissions

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

4.7.11 The public interest

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

- » the proposal meets the land use objectives of the B4 Mixed Use zone
- » consistent with the desired future character of the area
- » increases housing and commercial supply
- » provides additional housing choice for the local community, predominately 1 bedroom units at the lower more affordable end of the housing spectrum for young couples and first home buyers
- » well serviced by physical and social infrastructure
- » within close proximity to existing, social, community and medical facilities and retail and commercial uses as well as employment, leisure and other opportunities
- » provides a Voluntary Planning Agreement in the form of a monetary contribution that will provide for improvements to local area infrastructure and promote social and cultural development in Bondi Junction
- » will contribute toward the revitalisation of the western end of Bondi Junction to provide commercial and retail stimulation and an increase in the population, which will in turn create employment opportunities and social benefits.

5 Conclusion

The proposed Section 96(2) modification provides for the following:

- » two additional residential floors (levels 12 and 13)
- » reconfiguration of level 1 commercial to provide opportunity for a future child care centre
- » reconfigure of levels 2 – 5 to provide improved unit mix and respond to current market demand
- » reconfiguration of basement levels to accommodate parking for proposed units

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

The development provides for a high density mixed use development of high architectural integrity which meets the standards set out in SEPP 65 and Apartment Design Guide. It is in close proximity to excellent public transport links, employment and other facilities and provides good internal amenity to future residents of the building and as such, is considered highly desirable and in the public interest.

The public interest is enhanced through increased housing supply, promoting housing supply and employment opportunities both during and after construction, promoting and revitalising the struggling retail at the western end of Bondi Junction and providing a Voluntary Planning Agreement to contribute toward ongoing social and infrastructure development.

The proposed modification seeks exceedance in building height standards and floor space ratio, consistent with similar developments recently approved in Bondi Junction. Notwithstanding, the development will remain compatible with adjacent development, adjoining zonings and future desired character of Bondi Junction, whilst ensuring shadow impacts upon neighbouring (predominately commercial) development to the south is minimised.

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

Appendices

A	Existing development consent
B	Amended Clause 4.6 submission
C	Voluntary Planning Agreement letter of offer
D	Amended architectural design package
E	SEPP 65 verification and apartment design guide compliance report
F	Assessment of traffic and parking Implications
G	Addendum to acoustic report
H	Addendum to the wind study
I	Wind tunnel study
J	Energy assessment
K	Revised BASIX certificate
L	Waste management plan
M	Amended geotechnical assessment

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