

COUNCIL ASSESSMENT REPORT

Panel Reference	2017SCL055
DA Number	DA-245/2017
LGA	Waverley Council
Proposed Development	Demolition of buildings and the construction of a 19 storey mixed use building with basement parking
Street Address	552-568 Oxford Street, Bondi Junction
Applicant/Owner	Honeykent Pty Limited, Denscen Pty Ltd
Date of DA lodgement	Original DA lodgement on 21 June 2017 Amended Plans on 14 December 2017
Number of Submissions	34 to original plans 8 to amended plans
Recommendation	Refusal
Regional Development Criteria (Schedule 4A of the EP&A Act)	Clause 3 – General Development that has a capital investment value of more than \$20 million. The Capital Investment value of the proposal is \$37.5 million
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy 55 - Remediation of Land • State Environmental Planning Policy 65 - Design Quality of Residential Flat Development • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (State and Regional Development) 2011 • State Regional Environmental Plan (Sydney Harbour Catchment) 2005 • Waverley Local Environmental Plan 2012 • Waverley Development Control Plan 2012
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Architectural Plans • Applicant's statement addressing deferral matters • Copy of submissions • Clause 4.6 statement
Report prepared by	Beth Matlawski – Senior Development Assessment Officer Lee Kosnetter – Manager, Development Assessment
Report date	9 February 2018

Summary of s79C matters

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

Legislative clauses requiring consent authority satisfaction

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

Clause 4.6 Exceptions to development standards

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

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **Not Applicable**

Conditions

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

1. EXECUTIVE SUMMARY

Council provided an assessment report to the Sydney Eastern City Planning Panel and it was considered at the public meeting of 30 November 2017.

The application from Denscen Pty Ltd proposes a 19 storey mixed use building at 552 to 568 Oxford Street, Bondi Junction. The building proposed to replace a row of 6 properties each containing one and two storey terrace shops with a mixed use building containing basement parking, 3 commercial spaces, and 90 residential apartments (a mix of studio, 1, 2 and 3 bedroom units). Combined, the area of the site is 1127m² with a 3m RMS road widening to Oxford Street.

Prior to submission of this DA, Council provided advice to the applicant on 2 alternative schemes for the site. The key advice provided related to the urban form of the building in relation to the development controls identified for the site.

The development application submitted deviated from the advice and sought variations to both the FSR and height development standards in the LEP. Also Council raised issues regarding the design of the building in relation to the area specific planning controls for Bondi Junction in Part E1 of the DCP, specifically, the failure to provide the 6 storey street wall for the whole site, diverse retail spaces at ground floor and commercial space at first floor level to activate and create employment opportunities in the Bondi Junction Centre. Council were not supportive of the low 1-2 storey wall to Adelaide Street, excessive plant areas located above ground level, and lack of genuine commercial space to activate the area. Due to the lack of useable space in the podium level, the proposed tower form was considered to have a heavy and wide profile, creating visual, shadowing and view impacts on surrounding towers, as opposed to a more slender tower which would provide view corridors between buildings and more equitable view sharing, and less overshadowing to Waverley Mall.

Other issues raised included apartment amenity, on site garbage collection, car parking, materials and finishes, energy efficiency and the building alignment to the rear lane. 34 submissions were received to proposal and Council did not support of the Clause 4.6 submissions to the height and FSR development standards and recommended that the DA be refused.

At the Sydney Eastern City Planning Panel meeting, the panel resolved to defer determination of the application requesting the applicant submit an amended proposal which;

1. Is based on the design presented at the meeting as Option C, which appears to mediate the DCP's requirement of a six-storey podium to the visual condition of Adelaide Street, which are different from those in Oxford Street;
2. Provides commercial uses on the first floor;
3. Complies with the maximum FSR of 7:1;
4. Relocates the plant room from the ground floor;
5. Includes a 'Sustainability Design Report' that satisfies the requirements of part B2, Cl 5.2 of the DCP; and
6. Includes evidence that demonstrates that the site can be made suitable for the proposed use.

Below is a supplementary report which assesses with the amended proposal against the above requirements. Without prejudice conditions of consent have also been provided.

On Monday 29 January 2018, the applicant filed a Class 1 Appeal against the deemed refusal of the application with the Land and Environment Court. Council recommends the Panel refuses the application and allows the Court to determine the outcome, as this will better facilitate conciliation and resolution of Council's issues.

2. THE AMENDED PROPOSAL

The application as amended proposes a 19 storey mixed use building, defined as shop top housing under the Waverley LEP 2012, including;

- Basement Parking (4 levels and 90 car spaces total) including;
 - 70 residential car spaces
 - 12 visitor car spaces
 - 2 commercial car spaces
 - 5 retail car spaces
 - 1 car share space
 - 17 motorcycle spaces
 - 96 bicycle spaces (86 resident and 10 visitor)
 - 1 bicycle space for retail staff
- Lower Ground and Ground floor retail (349m² GFA)
- First floor Commercial space (407m² GFA)
- Common open space atop the podium, level 6
- 83 residential apartments from levels 2 to 17 including the following mix;
 - 26 x 1 bedroom units
 - 50 x 2 bedroom units
 - 7 x 3 bedroom units

The applicant notes the following modifications to the plans,

- To provide commercial space at Level 1, the number of dwellings has been reduced to 83 from the originally proposed 90;
- As a result of converting Level 1 to commercial land uses, parking provisions have been updated to reflect the commercial floor space provisions of the Waverley Development Control Plan 2014. Specifically, one (1) additional car share space has been included.
- The Oxford Street entry lobby has been reconfigured. It now also includes a dedicated entry for the commercial floor space at Level 1.
- The floor to ceiling clearance of Level 1 has been increased by 200mm (i.e. from 3.3m to 3.5m) to reflect typical commercial floor space expectations.
- As a consequence of increasing the Level 1 floor to ceiling clearance by 200mm, the building's overall height also increases by 200mm (originally 61.5m and now 61.7m). An updated Exceptions to Development Standard's request for the Height has been provided for the Panel's consideration.

3. ASSESSMENT OF DEFERRAL MATTERS

3.1 Design based on Option C

An amended proposal is required which is based on the design presented at the meeting as Option C, which appears to mediate the DCP's requirement of a six-storey podium to the visual condition of Adelaide Street, which are different from those in Oxford Street;

Below are the two photomontages showing the different schemes



Figure 1: Photomontage on the corner of Hollywood Avenue and Oxford Street

The applicant noted the following;

“In Option C, as was presented to the Panel, the façade for levels 1 - 5 adopted materiality changes to match that of the northern and southern elevations, creating a 6-storey expression, in order to mediate Council's expectation for a typical 6 storey street wall, and the significant gradient along Adelaide Street. This additional expression is fully retained within the amended plans accompanying this correspondence. Additionally, the Oxford Street podium has been extended so that it 'turns the corner' to Adelaide Street. This is in response to feedback from the Council Initiated Design Review Panel. The upper level materiality changes, and extended podium are demonstrated in the architectural details”.

As noted in the initial assessment report, the Council disagrees that this is the appropriate scale for the podium to Adelaide Street as it is contrary to the area specific planning controls for Bondi Junction in Part E1 of the DCP which were formulated through the Bondi Junction Urban Design Review, which specifically identified that;

In the Bondi Junction Centre context a 6 storey block edge would be used to define the central commercial area with high density development potential. It is assumed that a mixed use building would have 2 to 6 commercial storeys on the lower levels with residential uses above, either in form of a perimeter block edge or as a slender tower. Viewed from the street level, a 6 storey block edge makes the street wall more dominant than a potential tower above. (Quote: City Plan Urban Design Report 2012)

The material changes proposed are not considered to be sufficient to achieve the 6 storey podium to Adelaide Street anticipated by the controls. Whilst the changes appear in the montage and elevations, there does not appear to be any changes to the floor plans (all tower levels) that demonstrate what the changes are, and the Panel would need to clarify this.

Given the minor nature of the actual changes, it would appear the correction/amendment in floor plan detail is simply a new post on the corner of the balcony and the removal of the louvres. This corroborates Council's position that this is not a substantive design change and does not, as the applicant has suggested, mitigate Council issues with the podium location. This remains the principal point of difference between the Council's controls and the applicant's proposal.

3.2 Provides commercial uses on the first floor

Approximately 407m² Commercial floor space has been provided at first floor level with an outdoor terrace to the rear lane.

As a consequence of increasing the Level 1 floor to ceiling height by 200mm to facilitate commercial uses, the overall height of the building has been increased by 200mm (originally 61.5m and now 61.7m). The applicant has submitted an amended Clause 4.6 for the consideration of the Panel as the consent authority. The justification in the Clause 4.6 submission remains generally the same as the original submission which is discussed in Council's original report to the Panel.

3.3 Complies with the maximum FSR of 7:1;

An assessment of the FSR against the initial scheme versus the amended proposal is below. The GFA drawings are shown at drawings 0940 and 0941.

Part 4 Principal development standards	
<p>4.4 Floor space ratio</p> <ul style="list-style-type: none"> • 7:1 • Site Area: 1127m² • Permissible GFA: 7,889m² (including the area subject to a 3m road widening) 	<p>INITIAL PROPOSAL: Proposed GFA: 8, 010m² Proposed FSR: 7.1:1 Breach of 121m² or 1.5% over the maximum FSR</p> <p>AMENDED PROPOSAL: Proposed GFA: 7, 889m² Proposed FSR: 7:1 Compliant</p>

3.4 Relocates the plant room from the ground floor;

The plans have been amended such that as the following plant equipment has been removed from the ground floor level;

- 2 x 80,000L water tanks - relocated to Basement Level 4; and
- Stormwater detention/rainwater tanks - relocated to Lower Ground level.

The air conditioning condenser units, electrical room and other plant facilities remain on the ground level and plant rooms at the lower ground level.

The applicant notes that:

Although some plant rooms remain above ground, including Ground level, the floor plan and streetscape presentation is appropriate and consistent with expectations. Ground level has, in fact, been amended to now include a total of four (4) retail tenancies facing Oxford Street. Their size and configuration are compatible with the ground floor tenancies currently at the site. Any plant facilities are located on the northern elevation, or face Grafton Lane, such that they do not unreasonably impact on any key public spaces.

Whilst the retail spaces at the ground level have been amended to provide 3 retail tenancies to Oxford Street to replicate the 'fine grain' terraces, by showing 2 internal dividing walls, however the architectural expression remains the same and there is no substantive change as a result.

The retail floor space at ground level has been reduced, providing 309m² at ground level (previously 380m²).

The retail area at the lower ground level has been more than halved (from 95m² to 40m²) and the active frontage previously proposed to Adelaide Street is now 40% shopfront and 60% mechanical air intake louvres. Note - this is more apparent in plan (DWG 0105) and not clear in elevation (DWG 0204).

This is an inferior outcome to the original proposal.

3.5 Includes a 'Sustainability Design Report' that satisfies the requirements of part B2, Cl 5.2 of the DCP;

Council notes that the relevant DCP control is cl 2.6 (not 5.2) following a typographical error in the original report. Regardless, the control requires that an energy assessment report must accompany a development application for new mixed use and commercial development with a cost of works of \$3 million or greater.

Specifically, the control requires that the development be designed to reduce the predicated greenhouse gas emissions by 30% less than those of a reference building. A reference building is a hypothetical building of the same size, shape, floor area and glazing areas as the proposed development, but whose building fabric and building services characteristics are based on the current National Construction Code Section J deemed to satisfy provisions.

A "Sustainability Design Report" report was submitted by the applicant which has been developed by Inhabit Australasia Pty Ltd, however based on the information provided, it is as not possible to determine whether the energy consumption would meet the DCP requirement, noting:

- The report indicates the proposal meets BASIX requirements but does not reference or mention the DCP requirement, nor does it reference greenhouse gas emissions reductions as required;
- The report references the wrong plans (the previous scheme) in Section 2.3;
- The report references the wrong site information (Table 2), eg parking numbers; and
- The reference to there being no fridges or clothes washing in the dwellings (Table 3) requires an explanation.

In order to comply with the requirements set out in DCP and the Panel's request, a more comprehensive energy assessment report demonstrating that the proposed development (whole building: residential+ retail/commercial) has predicted greenhouse gas emissions reduction of 30% is required. Council has attempted to deal with this matter via a condition of consent, to be satisfied prior to the issue of a Construction Certificate for any above ground works, although it is unclear if this can be satisfied or if it requires further design evolution.

Although the whole building might potentially achieve compliance with this section of the DCP, the submitted documentation doesn't validate this and therefore it does not meet the Panel's deferral matter.

3.6 Includes evidence that demonstrates that the site can be made suitable for the proposed use.

The applicant provided within the initial DA submission a Preliminary Site investigation, prepared by Douglas Partners (Project 85822.010) dated June 2017 to address SEPP 55 Remediation of Land.

The report identified that there was previously a dry cleaner in operation on one of the sites and concludes that the site can be made suitable for the proposed development subject to further investigations including;

- Hazardous Building Material Assessment: It is recommended that a hazardous building materials assessment of the existing buildings should be undertaken prior to demolition; and
- Detailed Site Investigation (DSI) incorporating waste classification: A detailed contamination investigation to target the filling and groundwater should be undertaken following demolition of the current site buildings due to site access issues. The DSI will provide information on the contamination status of soils and groundwater, as well as a waste classification required for disposal of surplus soils during basement excavation.

In response to the Sydney Planning Panel's request, the applicant provided an amended report titled "Site Investigation for Contamination" dated December 2017 prepared by Douglas Partners provided to Council on 14 December 2017.

The report concludes the site is suitable for the proposed development, noting the proposal includes the excavation of four basements levels and recommends the following should be implemented prior to and during the excavation:

- Validation of the surface soil within the footprint of the site building following demolition, initially through an inspection by an Environmental Consultant. Following demolition, additional soil, soil vapour and groundwater assessments are required to characterise the risks associated with the dry cleaning business;

- Following demolition, the B(a)P TEQ hotspots will require delineation and ex situ waste classification prior to disposal;
- Preparation and implementation of an unexpected finds protocol which outlines actions to be taken in the unlikely event that a contamination source (e.g. dry cleaner) or indicator (e.g. stained/odorous soils and groundwater) is encountered during civil and construction works; and
- Ex situ (or further in situ) classification of soils as required for off-site disposal.

Given the above, it is recommended that to address SEPP 55, if approved by the Panel, it be subject to a deferred commencement consent requiring the following to be carried out prior to the consent being activated;

1. A site Audit statement prepared by an accredited NSW EPA auditor clearly stating that the site is/or will be suitable for the intended use.

OR

2. A letter/interim advice from an accredited NSW EPA Auditor stating that the RAP is practical and will result in the site being made suitable for the intended use.

4. General Matters for the Panel's consideration

4.1 Submissions

In accordance with the *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*, the amended application was notified for 14 days.

Thirty Four (34) submissions were received to the original DA. Eight (8) submissions were received to the amended proposal from the properties listed in the table below. Two of the submissions were from Planning Consultants representing the Body Corporate of surrounding buildings.

Property
1401/253 Oxford Street Bondi Junction
1303/588 Oxford Street, Bondi Junction
241 Oxford Street, Bondi Junction (The Aqua)
251 Oxford Street, Bondi Junction (Harley Place Building)
253 Oxford Street, Bondi Junction (The Capital Building)
257 Oxford Street, Bondi Junction (Harbour view Building)
570 Oxford Street, Bondi Junction (The Vue building)
2A Hollywood Avenue (The Oscar Building)
1 Adelaide Street, Bondi Junction (The Eclipse)
1605/588 Oxford Street, Bondi Junction
706/588 Oxford Street, Bondi Junction

Issues raised include;

- The amended plans do not make the tower more slender
- The tower has been increased in height to 1.7m above the height limit
- Deterioration in visual aesthetics
- Overshadowing impacts
- Acoustic and visual privacy
- Traffic congestion and parking impacts
- Impacts on residents using Grafton Lane during construction
- Impacts on lifestyle
- Excessive bulk and scale
- Impacts on views and lack of 'skilful design' responding to the DCP controls
- Wind assessment
- Construction nuisances
- Stormwater management
- Site contamination
- Excessive use of glass on the façade
- Concerns regarding the footpath around the development

The submissions are provided to the Panel for consideration. Some of the issues raised are addressed by conditions of consent. The applicant has provided a response to the submissions received which is available for the Panel's viewing.

4.2 Appeal Lodged

On Monday 29 January 2018, the applicant filed a Class 1 Appeal against the deemed refusal of the development application to the Land and Environment Court.

4.3 Outstanding Matters which require design amendment

Waste Collection

Council's initial assessment report raised issues with the applicant's proposal which has not been designed to accommodate Council's Waste Vehicles, (classified as a Medium Rigid Vehicle) for residential waste collection to occur within the site (as oppose to collection of bins within the Lane).

The building has only be designed to accommodate a small rigid vehicle, and therefore it is proposed that residential waste is to be undertaken by a private waste contractor. This is a inferior and unsupported arrangement for a new 19 storey development, as residents of the development will have the financial impost of paying for a separate residential waste service, when Council residential waste collection is structured into their Council rates.

It is likely therefore that the private waste collection arrangement will be abandoned in the future, and there would be insufficient basement loading area to accommodate Council's waste collection service, resulting in bins for 83 residential units being presented for collection, creating unnecessary clutter and congestion to the lane, which is an undesirable outcome. The objectors to the DA have also noted concerns regarding congestion in the lane.

The applicant responded to this issue with the amended plans noting the following;

UP Architects/Kann Finch have studied the implications of accommodating Council's Medium Rigid Vehicle (MRV) on the site. These studies are demonstrated in the sketches accompanying this correspondence. The sketches demonstrate the physical impracticalities of accommodating Council's MRV waste vehicle on the site, which are exacerbated by the narrow dimensions and awkward geometry of Grafton lane. As can be seen by the sketches, the consequences of relying on a MRV for waste collection at the subject site are:

- *The sketch plans are based on turning templates equivalent to Council's standard MRV waste vehicle. The plans not only demonstrate the physical impracticalities of accommodating Council's standard waste vehicles on the subject site, but the inability to accommodate the vehicle within Grafton Lane. That is, Graton Lane is not wide enough to accommodate a MRV waste vehicle expected to undertake a forward entry and exit movement to/from the subject site. The vehicle would be mounting the kerb, which is dangerous to pedestrians and is likely to accelerate damage to the kerb.*
- *Basement Level 01 will likely need to be lowered to achieve sufficient clearance for the large turntable required for Councils MRV and associated structure and pit above. This will therefore lower all basement levels and require significant additional excavation.*
- *Due to the significant swept path of Council's MRV, the Lower Ground Floor Vehicular entry on Grafton Lane would have to be significantly widened to cater for Councils MRV. Lower Ground Floor structure will therefore need to be significantly reworked to provide the internal clear spans required.*
- *Further, by widening the vehicular entry to the building, the position of the garbage and waste areas, as well as the location of the substation and hydrant pump / sprinkler valve room will all need to be reworked and relocated. Because these services require frontage to the street (for access and ventilation), a likely implication will be that retail unit 05 will be significantly reduced*

in size or lost entirely reducing the street activation at the corner of Adelaide Road and Grafton Lane.

- *To achieve the height clearance required by Councils MRV, (4.5m) the resulting floor level of all areas above the loading zone will be approximately 1.5 meters above the Oxford Street level. However, the RL's of Lower Ground and Ground have been fixed to achieve entries, consistent with the adjoining road levels, Grafton and Oxford respectively. To achieve the above, the introduction of a significant step to the Ground floor slab would be required.*
- *As demonstrated in the enclosed sketches, the introduction of said step will severely restrict the depth of the retail units at the Ground Floor fronting onto Oxford Street, thereby limiting the opportunity for meaningful retail units activating the street. Such an outcome would not be consistent with Council's street activation objectives, nor the requirements of the Sydney Eastern City Planning Panel.*
- *As an alternative to the use of an SRV for on-site collection, if Council so chooses, on-street collection with a MRV could be provided. We note, as illustrated in the attached photos, that this is the current method of waste removal from the adjacent 'Eclipse' and 'The Vue' buildings, both on Grafton Lane. We understand that on-street collection also occurs in relation to the nearby Capital, Aqua and numerous other buildings in the vicinity.*
- *Finally we acknowledge Council's concerns that purchasers of apartments in the building be aware that a private contractor is to be engaged for the collection of waste which will result in a cost to owners. It is intended to make purchasers aware of this cost by including an appropriate clause in the Strata Management Statement / By-laws for the building.*

Council's Engineers have reviewed the documentation provided by the applicant has been considered and it is concluded that waste should be collected from within the site at all times for the following reasons:

- (i) To avoid trucks standing on the Grafton Lane carriageway blocking traffic in both directions and access to and from adjoining property driveways in the dead end lane.
- (ii) To reduce noise levels resulting from waste removal and impacting residents of adjoining blocks.
- (iii) To be consistent with waste removal requirements in surrounding new buildings.

With regard to the documents from the applicant, the drawings indicate that access is difficult for a 10.6m long truck, however, Council's Waste Collection vehicle is 9m in length (a medium rigid vehicle-MRV). Council cannot accept the applicant's argument that on site waste collection is unviable on the site. The diagrams should be provided with a swept wheel path for a MRV as described in the Australian Standards. Further, the quoted clearance requirement height of 4.5m is not the Council's benchmark, noting the MRVs are 3.8m high.

In addition to the above, provision should also be made for removalist vehicles up to MRV in size to enter and exit the site, given there is no other opportunity for loading and unloading of removalist trucks due to the "No Stopping" restrictions in Adelaide Street and traffic and parking demand on Oxford Street.

This matter remains unresolved and the building requires further design refinement to accommodate a loading facility within the site for a Medium Rigid Vehicle.

4.4 Matters which are addressed by Condition of consent.

Building Alignment and road dedications

The site is affected by a 3m road widening to Oxford Street therefore the building is appropriately set back, similar to the adjoining building at 570 Oxford Street. However, the proposed building is also setback from the boundary alignment at both the Adelaide Street frontage and Grafton Lane.

This results in ambiguity between the public and private domain and issues for Council related to maintenance, insurance and stormwater management, therefore if the application is approved, it is recommended that any setback area between the proposed building and the boundary alignment be dedicated to Council.

Similarly, proposed kerb re-alignment adjacent to the entry exit driveway on its eastern side of Grafton Lane draining runoff waters into the site is not supported and the new kerb and gutter alignment are the rear requires further resolution and design development with Council's engineers. A condition has been included to address this is the Panel recommends approval.

5. Conclusion / Recommendation

The applicant has in part addressed the deferral matters set by the Sydney Eastern City Planning Panel at its meeting of 30 November 2017, however Council still has concerns regarding two key non-compliances with the Waverley Development Control Plan 2012.


The DCP should be the focal point of any development assessment and although the applicant may disagree with the controls, this is not a sufficient reason to deviate from the urban design controls formulated by the detailed Urban Design Review.

The building envelope and urban form of the building remains unchanged, with the tower remaining the same proportion with a heavy and wide profile, creating visual, shadowing and view impacts on surrounding towers which could be improved by a slimmer profile. Council has always sought that the design be amended to provide a more slender tower to create view corridors between buildings and more equitable view sharing, as well as improving other amenity impacts.

This has not been achieved by the Panel's deferral matters. The tower GFA remains exactly as originally proposed by the applicant and the required floor space reduction has instead come at the expense of retail activation, through reductions at the ground level fronting Oxford Street and the more than halving of the retail area at the lower level to Adelaide Street. The GFA of the commercial level (level 1) is also less than the previous residential GFA at this level. Council maintains this is not a good outcome and there has been little change to the plans.

The matter of on-site waste collection is a practical matter which will impact the function of the area and residents once the development is finalised. The applicant has been made aware of their requirement to provide on-site collection throughout the Pre-DA process and this has not been sufficiently addressed. To address this, the applicant will be required to adjust the design of the lower ground floor plan and as a new building Council cannot see how a more skilful design can be explored to achieve this.

Council's recommendation to the Panel is that the best way to facilitate a meaningful dialogue with the applicant, where there can be real design evolution, improved retail activation, and where the appropriate urban form can be properly debated, is to refuse the application and allow for the progression of the matter through the Land and Environment Court, which includes conciliation. The applicant has lodged a deemed refusal Appeal with the Court already and has in effect commenced proceedings which will deliver this result.

<p>Report prepared by:</p> <p>Beth Matlawski Senior Development Assessment Planner Date: 9 February 2018</p>	
<p>Report prepared and reviewed by:</p> <p>Lee Kosnetter Manager Development Assessment (South) Date: 9 February 2018</p>	