



**TOWER 2, LEVEL 23
DARLING PARK, 201 SUSSEX ST
SYDNEY NSW 2000**

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17 July 2018

The General Manager
Waverley Council
PO Box 9
Bondi Junction NSW 1355

Attention: Peter Monks/Jo Zancanaro

Dear Sir/Madam,

BONDI JUNCTION RSL REDEVELOPMENT REF 533/2017 - (PANEL REF: 2018SCL028 DA)

As Council would be aware, the Sydney Central Planning Panel (the "Panel") is scheduled to consider the above-mentioned Development Application at its meeting of 19 July 2018. From a review of the assessment report, it is our view that there a number of technical matters that would benefit from clarification to ensure that the Panel has comprehensive and accurate information when determining the application. It is in this context that this submission is provided to the Council and the Panel for your consideration.

Updated plans

As you would appreciate, amended plans were provided to Council on 3 July 2018. The amended plans represent a positive response to a number of the comments offered by the Design Excellence Panel at its meeting of February 2018. Matters such as the overall built form, visual bulk, building aesthetic, ventilation performance are among the matters that have been addressed in the amended plans. In addition, further technical advice has been sourced in respect of thermal performance, vertical transport and ventilation.

Due to the timing of reporting and panel meeting, the assessment report clearly has not taken into the account these matters. We do understand that the amended plans and supporting technical information have subsequently been circulated to the panel.

Opportunity to clarify matters

The assessment report has identified a number of matters that required clarification for the panel to give proper consideration to the proposal on its merits. Despite numerous requests, the project team was offered no technical feedback on the proposal nor provided the opportunity to clarify any matters and/or submit additional information. Many of the matters identified in the assessment report could arguably have been readily addressed through a level of engagement with the project team. It is therefore dissapointing to become aware of various matters for the first through the assessment report.

Points of clarification

- **Public submissions** – the report states of the 51 submissions received during the notification period, 27 submissions were in support – being from members of the club residing out of the immediate locality. From a further review of the submissions, a total of 29 submissions were in support of the proposal and of those only 8 were from financial club members.
- **Planning proposal v DA pathway** – The report suggests that the development proposal should have been advanced through a planning proposal pathway in the first instance. It is should be clarified that the project team did actually present a preliminary planning proposal to Council staff for initial review and at that time, it was agreed that the DA pathway (with an associated C14.6 submission) was the proper pathway for the proposed development to be considered on its merits.
- **Building depth** – The design is for an L-shaped planned tower with legs of varying depths discussed with Council staff, in order to minimise potential overshadowing of the surrounding area. There are no cross-through or cross-over apartments to comply with design criteria of 18m being the maximum depth. This is not an area of non-compliance.
- **Sustainability/BASIX** - The assessment report references a curtain wall system. Whilst being predominantly glass, the proposed design does not include a curtain wall. The strict ESD controls relating to energy efficiency in residential design have been satisfied and the original design was informed by an appropriately accredited professional in this field. The amended scheme has since introduced more external sun shading to the Northern façade and has only improved on an already complying design.
- **Apartment design guide** – an updated and comparative ADG assessment table has been prepared and is provided for ease of reference by Council and the panel members. The revised design is now either compliant or remains compliant with the respect to:
 - (a) visual privacy,
 - (b) solar and daylight access,
 - (c) common circulation and spaces,
 - (d) apartment size and layout,
 - (e) ceiling heights,
 - (f) private open space and balconies,
 - (g) natural cross ventilation, and
 - (h) storage.

A full updated SEPP 65 assessment table has been provided.
- **Ceiling heights contributing to flexibility** – To be clear, this is not design criteria of the ADG and is provided for guidance only. That said, the structural design across all of podium roof is the same and there is opportunity for higher ceiling heights to be realised in this area if it were to be converted to commercial use. The design guidance has been satisfied.
- **Common circulation and space** - The original design and submitted amended design have appropriate servicing from a lifting perspective. A professional and suitably qualified engineer has provided an assessment, which was submitted as part of the revised material and

demonstrates lifting technology will ensure waiting times are not compromised and will provide good residential amenity. This is not considered to be an area of non-compliance.

- **Building Facades** – The assessment report suggest that this is an area of non-compliance. The ADG provides guidance but not design criteria in this section. To state that there is a non-compliance is incorrect. There are subjective opinions about the original design, however this does not trigger a non-compliance as implied in this table.
- **SEPP55** – the assessment report has noted that as a condition of approval, it is recommended that a site audit statement be provided stating that the site will be suitable for the intended use. Notwithstanding, the recommendation to the panel include this as a reason for refusal. A preliminary site investigation was prepared for the prepared for the site (prepared by Aargus Pty Ltd and date June 2016) is provided for Council's records, confirming the suitability of the site for residential purposes.
- **Ebley Street road widening** - it has been confirmed with RMS that there are no plans to widen Ebley Street. The information submitted with the application has identified the alignment of existing and potential future services – clear of the covenant area.
- **Reflectivity** – the assessment report suggests in the reasons for refusal that the proposal will have unacceptable reflectivity to pedestrians or motorists in the area, or to occupants of neighbouring buildings. To suggest this is an area of non-compliance is incorrect. The assessment report has concluded that the proposed will not cause any adverse solar glare effects. There are specific design assumptions that have been identified for the normal building documentation and construction stage, including for example choice of glazing material.

From here

We trust that the enclosed matters of clarification assist in both Council's and the Panel's consideration of the application on its merits. Should you have any questions or wish to discuss related matters further, please do not hesitate to contact Thomas Zdun of Capital Bluestone on 8702 4700

Yours sincerely,



Simon Wilkes
Associate Director

CC Sydney Central Planning Panel, Attention: Megan Parker



Apartment Design Guide Summary Assessments – Original and Amended Proposal

DESIGN CRITERIA		COMPLIANCE	COUNCIL'S COMMENT	COMPLIANCE	APPLICANT RESPONSE
		ORIGINAL PROPOSAL		AMENDED PROPOSAL	
3F Visual Privacy	Min separation distances from side boundaries				
	4 storeys – 6m (or 3m non-habitable)	No	The podium has predominantly no setback to the boundaries, following the urban design guidance of the DCP.	Yes	The podium has no setback to the one shared boundary, presenting a blank wall to the adjacent property, and aligning with the urban design guidance of the DCP Levels 2-4 comply with the 6m setback.
	5-8 storeys – 9m (or 3m non-habitable)			N/A	The design combines colourback glass and is heavily louvred presenting the effect of a blank wall to the Eastern boundary. Under the ADG guidelines, a blank wall does not have the same setback constraints.
	9+ storeys –12m (or 6m non-habitable)	No	The tower form does not comply with the setback from the side and rear boundaries.	N/A	The adjacent property is not developable above level 5. However, the design combines colourback glass and is heavily louvred presenting the effect of a blank wall to the Eastern boundary. Under the ADG guidelines, a blank wall does not have the same setback constraints.
3G Pedestrian Access + Entries	Building entries should be clearly identifiable and communal entries clearly distinguishable from private	Yes	The main pedestrian access to the apartments is from Gray Street via a legible door fronting the street. Separate entries are also proposed to the retail tenancies and RSL fronting Bronte Road.	Yes	The main pedestrian access to the apartments is from Gray Street via a legible door fronting the street. Separate entries are also proposed to the retail tenancies and RSL fronting Bronte Road.
3H Vehicle Access	Integrated into the building's façade	Yes	Vehicular access provided from Gray Street	Yes	Section 3H does not have Design Criteria as implied. However, the design is aligned with the design guidance of the ADG in this section. Car Park entry is concealed with the podium of the building.
	Located on secondary streets or lanes			Yes	Vehicular access provided from Gray Street
W3J Bicycle + Car Parking	The applicable minimum car parking rates are as follows (using RMS Guide):	Yes	Basement parking provides for 172 car spaces including;	Yes	As per the original proposal.
	0.4 spaces per one-bedroom unit		122 residential spaces (including 14 accessible spaces, 1 car wash bay and 1 service bay)		123 residential spaces (including 14 accessible spaces, 1 car wash bay and 1 service bay)
	0.7 spaces per 2-bedroom unit				
	1.2 spaces per 3-bedroom unit				
	1 visitor space per seven units	Yes	25 visitor spaces	Yes	24 visitor spaces
	Total 77 residential spaces and 18 visitor spaces req.				
	Bicycle: Refer to WDCP below	Yes	153 Bicycle Spaces	Yes	153 Bicycle Spaces
4A Solar + daylight Access	Living rooms and private open spaces of at least 70% of units receive minimum of	Yes	78% of units receive at least 2 hours mid-winter.	Yes	74% of units receive at least 2 hours mid-winter.

DESIGN CRITERIA		COMPLIANCE	COUNCIL'S COMMENT	COMPLIANCE	APPLICANT RESPONSE
	2 hours direct sunlight between 9am-3pm midwinter.				
	A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter.	No	24% of the apartments receive no sunlight between 9am and 3pm at midwinter, which does not comply with the control.	No	26% of the apartments receive no sunlight between 9am and 3pm at midwinter, which does not comply with the control. Whilst the non-compliance has changed slightly, the quantum has not changed. This is result of the drop in total number of apartments.
4B Natural Ventilation	All habitable rooms are naturally ventilated	Yes	All habitable rooms are provided with at least one window for natural ventilation. However, the type or extent of the window operation is not clear on the plans with the exception of the awning windows.	Yes	All habitable rooms are provided with at least one window for natural ventilation.
	60% units within the first 9 storeys to be cross ventilated	Yes	Layout of some of the single aspect apartments provide unacceptable internal amenity impacts in terms of ventilation.	Yes	‘Snorkel’ apartments have been removed from the amended plans.
	60% units within the first 9 storeys to be cross ventilated	No	The applicant’s figures indicate that in the first 9 storeys, 63% of the units are cross ventilate, but this includes the single aspect units which are not considered to be adequately cross ventilated. When those are excluded from the calculations the development does not comply with the standard, being only 39%.	Yes	The amended plans indicate that in the first 9 storeys, 61.3% of the units are cross ventilated. The use of building indentations has been removed. A desktop study by a qualified wind engineer has approved the plan of the revised scheme
4C Ceiling Heights	Habitable rooms – 2.7m	Yes	The building provides a 2.7m floor to ceiling height, however a detailed section of each typical apartment should be provided to demonstrate compliance with this control.	Yes	As before
	Non-habitable rooms – 2.4m	Yes		Yes	All ceiling heights comply with BCA & ADG as a minimum
	Ceiling heights contribute to the flexibility of building use over the life of the building.	No	More generous floor to ceiling heights have not been accommodated in level 1 of the podium level to provide flexibility and for future conversion for non–residential uses as required by the guide. Ceiling height to this level is also unclear.	Yes	Section 4C-3 does not have Design Criteria, but only design guidance. However, the structural design across all of podium roof is the same and there is opportunity for higher ceiling heights to be realised in this area if it were to be converted to commercial use. Only a small portion of level 1 floor above the loading dock entry is restricted to a 2.7m ceiling. This aspect remains as per the previous design.
4D Apartment Size + Layout	The following minimum internal areas apply: <div><div></div><div>+ 1 Bed = 50 m2</div><div>+ 2 Bed = 70 m2</div><div>+ 3 Bed = 90 m2</div><div>+ Add 5m2 for each additional bathroom (above 1)</div></div>	Yes	Apartments meet the minimum requirements.	Yes	Apartments meet the minimum requirements.
	Rooms must have a window 10% of the floor area	No details provided	Although the apartments comply with minimum sizes, no dimensions have been provided on the plans to demonstrate that the room dimensions comply with the following requirements; <div><div></div><div>> minimum glazed area to each habitable room.</div><div>> Bedroom dimensions and area.</div><div>> Robe dimensions.</div></div>	Yes	Minimum room dimensions, ceiling heights, bedroom areas, room widths and glazed area are all compliant.
	Room depths max 2.5 x ceiling height				
	Bedrooms 9m2 or 10m2 depending on master or not				
	Width of living rooms				

DESIGN CRITERIA		COMPLIANCE	COUNCIL'S COMMENT	COMPLIANCE	APPLICANT RESPONSE
4E Private Open Space + Balconies	All apartments provide primary balcony as follows: + 1-bed – 8m ² & 2m depth + 2-bed - 10m ² & 2m depth + 3+bed - 12m ² & 2.4m depth	Partial compliance	Two-bedroom unit 07 on levels 3-8 and 06 on Levels 9-11 have primary balcony at 9m ²	Yes	All balconies sizes and depths comply with the control.
4F Common Circulation + Spaces	Max of 8 units accessed off a circulation core on a single level	No	Up to 12 units accessed off a circulation core on a single level	No	Up to 11 units accessed off a circulation core on a single level
	Maximum 40 units sharing a single lift	No	The building has 124 apartments and there are two lifts proposed. which is insufficient for resident convenience.	N/A	Section 4F Design Criteria 1 and 2, permit a 9-storey building with 8 apartments (totalling 72 apartments) realised from a single lift, and contradicts design criteria in this section. However, the revised design has been supported by a professional in the field of vertical transportation. Similarly to the original design, the design can facilitate lifts with the capacity and speed that will deliver suitable lift wait times.
4G Storage	In addition to kitchens, bathrooms and bedrooms, the following is provided: 1-bed – 6m ³ 2-bed – 8m ³ 3+bed – 10m ³	Insufficient details provided	The architectural design report states that each apartment will achieve adequate storage depending on their type, however the details have not been shown on the floor plans, or in the basement plans to verify that the plans reflect what is noted in the design report.	Yes	The original and amended design exceed the requirements for storage.
4K Apartment Mix		Yes	The proposed development has a mix of one, two and three-bedroom apartments that will support a variety of household types and sizes.	Yes	The amended scheme provides a mix of mix of one, two and three-bedroom apartments that will support a variety of household types and sizes.
4M Facades		No	Inadequate articulation to building facades contributes to visual bulk and massing.	Yes	Section 4M does not have Design Criteria, but only design guidance. The building façade is well articulated. The careful sculpting of the plan has informed a well articulated series of volumes, upon a unified podium that incorporates new & old elements. As a calming backdrop to the heritage & new facades of the podium, the upper level tower presents itself as an elegant grouping of well resolved towers. Vertical blades to the East & West stagger and vary in scale. In contrast to the East & West Facades, the North & South facades of the four towers have a horizontal expression, providing a human or domestic scale. The horizontal elements provide environmental benefit but also a play of shadow throughout the day.
4N Roof Design	Relates to the street Breaking down massing of the roof Roof design proportionate to building bulk Service elements integrated	Yes	Not withstanding the height breach, the stepping form of the roof is an appropriate design response to break up the massing at these levels.	Yes	Section 4N does not have Design Criteria, but only design guidance. The stepping form of the roof is an appropriate design response to break up the massing, and relate to the site topography. The sculpting of the floorplan achieves the objective in providing a strong corner, on a prominent intersection.

DESIGN CRITERIA		COMPLIANCE	COUNCIL'S COMMENT	COMPLIANCE	APPLICANT RESPONSE
					As before, the amended plan utilises the roof top for communal open space.
40 Landscape Design + 4P Planting on Structures		Yes	The proposal incorporates landscaping to common area at Level 12 and to terraces at Level 2. Street tree planting is also proposed.	Yes	The proposal incorporates landscaping to common area at Level 12 and to terraces at Level 2. Street tree planting is also proposed.