
Addendum

Amended Statement of Environmental Effects

DA 498/2017– “Whitton Place” proposed Mixed Use Development at 87-99 Oxford Street and 16-22 Spring Street, Bondi Junction.

BTG Planning
June 2018



Part 1- Introduction & Background

This document provides a revised Statement of Environmental Effects for a "Mixed Use" development at 87-99 Oxford Street and 16-22 Spring Street, Bondi Junction referred to as "Whitton Lane"

The report has been prepared by BTG Planning on behalf of Lindsay Bennelong Developments (LBD - the Applicant) in conjunction with DJRD Architects in association with Jackson Clements Burrows Architects.

On the 18th April 2018 Waverley Council wrote to LBD deferring further consideration of DA-498/2017 and recommending the submission of amended plans to address a range of concerns.

LBD had a meeting with Council officers on 23rd April 2018 and responded in writing to Council on 3 May 2018 setting out suggested design amendments. Council provided further clarification of some matters on 8 May 2018. The following provides the relevant correspondence and responses in date order for each of the concerns raised by Council (in italics)-

1. ***Building envelope, configuration and internal layout of the development***

This section specifically identifies issues and matters with the building envelope, configuration and internal layout of the proposed development. The resolution of each of the following issues and matters will result in notable design changes to the overall envelope, configuration and internal layout of the development, and therefore amended plans are recommended to be submitted.

Response 3 May:

Council's letter suggested a number of alterations to the proposed building envelope to address overshadowing to the south as well as providing a different urban design outcome. Attached are drawings that further examine the shadow impacts of the current proposal when compared with the existing condition as well as the LEP/DCP envelope.

Also attached is a plan diagram (Whitton Lane Envelope Study) indicating where the envelope may be adjusted to address all concerns.

a. ***Solar access protection of Norman Lee Place***

The planning control envelope and proposed building envelope analysis shown on Drawing No. DA1.003 of the set of architectural plans submitted with the application indicates that the proposed development will slightly overshadow Norman Lee Place more than a shadow

cast by a notional wall of a vertical height of 20m measured along the Spring Street alignment of the site. In this regard, the development, in its current form, cannot be supported given it breaches the terms of clause 6.7 of Waverley Local Environmental Plan 2012 (Waverley LEP 2012). Further, any additional shadow on Norman Lee Place before and after 12 noon on 21 June cast by the development (other than by a development that complies with the height of buildings development standard under Waverley LEP 2012 and street setback controls) will not be accepted. This point is explained in more detail under item 1.b. of this deferral letter.

The contributing factors of the overshadowing must be identified to inform the necessary revisions to the building envelope of the development in order to overcome this issue.

Certification should accompany amended plans to ensure and demonstrate that the development (as revised) does not result in additional overshadowing of Norman Lee Place on 21 June. The certification should also clearly confirm where the shadow line cast by a 20m high notional wall, measured along the southern boundary of the site, falls on Norman Lee Place.

Response 3 May:

With regards to the minor shadow encroachment above the 20m Spring Street wall height control on Norman Lee Place at 12pm on 21 June, the offending balcony creating that shadow breach will be setback as part of this overall redesign to be completely compliant with this LEP control.

In terms of the additional shadow to Norman Lee Place before and after 12pm, it was confirmed at our meeting that this was a merit based assessment and would be based on 'reasonableness'. At our meeting, we tabled drawings and have included them again as part of this submission that shows Norman Lee Place would be in shadow during the majority of the day from a building that strictly complied with the LEP/DCP height and setback controls.

The additional height to our proposed design does not cause any additional shadow, other than a very minor 'slither' of shadow at 11am, which was agreed seemed to meet the 'reasonable' test. It should be noted that the adjustment to the balconies mentioned above should reduce the extent and possibly eliminate the "slither" altogether.

b. ***Siting of tower form of the development***

The volume, massing and vertical proportion of the northern wing of the tower form are substantial and broad when viewed from Oxford

Street. They are therefore inconsistent with the urban form objectives and controls in section 1.2 of Part E1 of Waverley Development Control 2012 (Waverley DCP 2012) that seek to achieve slender tower forms. The front and side setbacks of the northern wing of the tower form of the development are the contributing factors for the substantial bulk and scale of the tower and should be amended to address the following points:

- i. *The side setbacks of the northern wings of the tower form should be increased to a minimum of 3m from the eastern and western boundaries of the site in order to reduce the perceived building bulk and scale of the tower and achieve balanced visual separation between adjacent towers (existing and future). The eastern setback of the northern wing of the tower form between Level 2 and Level 6 can be nil to abut the nil western side setback of the first six storeys of the adjoining building to the east of the site, known as 'The Quest' at 26-30 Spring Street.*
- ii. *The extent and pattern of the street setbacks of the tower form of the development from the Oxford Street boundary of the site will create undesirable urban design and streetscape impacts, and are therefore not supported. Section 1.8 of Part E1 of Waverley DCP 2012 requires that the tower form be set back 6m from the street boundary, which is measured perpendicular to the street boundary (i.e. at 90 degrees).
The tower form should comply with the minimum street setback control of 6m. Alternatively, the Oxford Street setbacks of the tower form can be informed by the street alignments of adjoining and adjacent buildings to the east and west of the site and in a regular and consistent alignment, provided:*
 - *they are a minimum of 3m*
 - *an indented setback is achieved in the mid-point of the northern elevation of the tower to break-up and offset the overall massing of the tower when viewed from Oxford Street.*

Further to the above, necessary changes to the southern setbacks and building alignments of the development are required to ensure the development does not overshadow of Norman Lee Place during anytime on 21 June at any time more than any development on the site that complies with the height of buildings development standard and the minimum street setback control for the tower form (above the required six storey podium/street wall to Spring Street) of 6m.

Response 3 May:

It remains our view that the current proposal exhibits design excellence, but we acknowledge Council's broader planning objectives for the precinct. We have undertaken preliminary planning studies that indicate the scheme can be adjusted to sit within the envelope shown on the attached diagram (Whitton Lane Envelope Study) and achieve the current development goals.

The suggested facade setback and alignments have been utilised in those studies.

As mentioned previously, the existing form does not cause any additional shadow over Norman Lee Place when compared to a fully compliant building. Reducing any southern setbacks to the Oxford Street tower would not change this position in any way.

c. Height of Spring Street wall/podium of the development

The five storey street wall of the development to Spring Street is inconsistent with the urban form and street alignment/front setback controls in Part E1 of Waverley DCP 2012, which specifies a six storey street wall/podium to Spring Street. The five storey street wall is also deemed inappropriate and incompatible with the urban form context of the site, given that the adjoining development to the east of the site (known as 'The Quest' building) and the recently approved tower form development further east at 109-119 and 32-42 Spring Street comprise six storey street walls/podiums to Spring Street.

The development should have a consistent six storey street wall along the full extent of the Spring Street boundary of the site.

Response 3 May:

We acknowledge the five storey street wall of the development is inconsistent with the DCP which specifies a six storey street wall/podium to Spring Street. As discussed at our meeting, the LEP prohibition clause that sets the Spring Street wall height at 20m takes precedence over this DCP control and we have designed our building to be compliant in this sense.

It is not possible to construct six storeys of mixed use and stay under the 20m height limit. The floor to floor heights required for contemporary retail and Level 1 commercial use are tall. The rooftop garden needs soil depth, balustrades and so on which also need to stay below that limit. Consequently, a five storey street wall is proposed. We propose a six storey street wall on the eastern half of the Spring Street facade. It will align with the adjacent Quest and will not impact on the LEP shadow

criteria.

At our meeting, Council undertook to check whether the LEP text was be interpreted as applying to the whole of the Spring Street frontage, or just to the western half that is indicated in the LEP height diagrams. The latter position is the one we are now pursuing.

d. Quantity of solar access received by residential apartments of the development

The overall quality and quantity of solar access achieve to residential apartments of the development are deemed inadequate, and will consequently affect the internal amenity afforded to the apartments.

The solar access diagrams in plan form shown on Drawing No. DA8.201 and the sun views diagrams shown on Drawing No. DA9.200 are conflicting in terms of demonstrating the amount of apartments in mid-winter (i.e. 21 June). The sun views diagrams reveal that the majority of apartments within the southern and central wings of the tower levels of the development will not receive any sunlight, whereas the solar access diagrams show that the eastern-most apartments within the southern wings of all tower levels of the development will receive sunlight. A review of the sun views diagrams against the floor plans of the residential apartments indicate that approximately 30% of all apartments will receive NO sunlight at any time of the day in mid-winter, which is inconsistent with design criterion 3 that restricts a total of 15% of all apartments to not receive any sunlight in mid-winter under Part 4A of the Apartment Design Guide (ADG).

The development should be amended to ensure sufficient sunlight is received that is consistent with the minimum duration and amount of sunlight specified by design criteria 1 and 3 under Part 4A of the ADG. The following suggested amendments should be adopted:

- i. The eastern-most apartments of the southern wing of the tower floor levels of the development (i.e. Levels 5 to 13) should have the living areas of these apartments (and if permitting, private open space areas) orientated to the north and facing the eastern light-well of the development provided a distance of 12m of separation is achieved between the northern and southern wings of the towers of the development (measured in a north-south direction through the eastern light-well).*
- ii. The irregular and stepped setbacks of the tower form of the development from the Oxford Street boundary of the site are considered to hinder the amount of solar*

access received by the north-facing apartments, particularly the deep and narrow balconies.

The setbacks should be informed by the matter raised in Item 2.b of this deferral letter and the depth of the balconies should be reduced to ensure that sunlight can reach the living areas of apartments facing Oxford Street.

- iii. In connection to the suggested increase of the side setbacks of the northern wing of the tower of the development in Item 2.b of this deferral letter, living rooms of apartment son the eastern-most and western-most ends of the northern wing of the tower should be oriented to the respective eastern and western sides of the tower and comprise side window openings. These window openings can act as secondary solar collector points for living rooms of these apartments and bolster the overall quantity and quality of solar access achieve by these apartments.*

Response 3 May:

We concur there was ambiguity in the submission documents with respect to winter lit and unlit apartments. Given there will most likely be significant re-planning of the floor plates, the amended submission will be more explicit in demonstrating compliance.

e. Amenity of certain residential apartments of the development

The outlook of and privacy of certain apartments of the development will be poor, which will consequently affect the level of amenity afforded to these apartments. Design changes are recommended as follows:

- i. The west-facing bedroom windows of the one bedroom apartments identified as Apartments 2G to 13G on the plans (located in the central wing of the tower of the development) face a blank wall. This will achieve a poor outlook from these bedrooms and affect the overall amenity of these apartments. Opportunities should be explored to overcome this issue. One suggestion could be having a window opening or glazed door opening along the northern edge of the balconies of these apartments that serves these bedrooms.*
- ii. Apartments where the bedroom windows are immediately adjacent to the breeze-way are concerning in terms of visual and acoustic privacy protection. Privacy treatment should be explored to ensure sight-lines and noise to these bedrooms are*

screened from the breezeway in order to afford the bedrooms ample visual and acoustic privacy.

Response 3 May:

The concerns raised in this point have been incorporated in the new planning studies and will be overcome in the amended submission.

f. Floor space ratio exceedance

The exceedance of the floor space ratio (FSR) development standard encountered by the proposed development is greater than 15% for the following reasons:

- i. *The diagram showing the calculation of the gross floor area (GFA) of the development on Drawing No. D8.100 is inconsistent with the definition of GFA under Waverley LEP 2012. The diagrams exclude the areas of the toilets (denoted as ACC WC on the plans) on ground floor level and Level 1 of the development, the airlock in the commercial tenancy within the south-eastern corner of development, and the pool and deck area (as it comprises four enclosing walls that are higher than 1.4m above finished floor level) from the overall calculations. These areas constitute GFA and must be included in the calculations. Further, the diagrams do not confirm whether the GFA calculations are the same for each floor level between Levels 2 to 4 of the development.*

The operations of the screens along the breezeways should be further clarified to confirm if they are operable to provide the breezeway is open and does not constitute GFA.

- ii. *The development provides for an excessive amount of resident car parking spaces. The car parking rates listed in the 'high density residential flat building' row and the 'Parking Zone 1' column of Table 2 in Part B8 of the Waverley DCP 2012 are the absolute maximum the development can provide given that the site is within a commercial centre with high accessibility to jobs, amenities and high capacity public transport spaces, and therefore has a surplus of 38 resident car parking spaces based on the car parking rates prescribed by Waverley DCP 2012 (i.e., the development generates a maximum demand for a total of 117 residents spaces). The surplus car parking spaces are counted as part of the calculation of the overall GFA of the development, and in this regard, these spaces cannot be supported.*

The surplus spaces can be converted to

storage space for residential, commercial and retail components of the development and resident visitor car parking spaces to meet the maximum resident visitor car parking spaces specified by Waverley DCP 2012.

The design changes suggested in this deferral letter will inevitably reduce the amount of gross floor area of the development. The overall design changes should be made to ensure the development does not exceed the FSR development standard by more than 15%.

Response 3 May:

It was discussed at our meeting that we would include the retail/commercial accessible toilets and the airlock commercial tenancy on Spring Street, however we do not agree that the pool deck area should be include, given it is partially open to the sky with a 'screen' as one of the walls. In any event, as discussed we have reviewed the pool area holistically and determined the pool to be superfluous.

The new design will remove the pool and convert the enclosed pool area to commercial area, however this commercial tenancy will maintain and outdoor 'terrace' area that is partially overhung and partially open to the sky to provide flexibility and additional amenity to the future operator of this tenancy. This is also in response to Council's preference to maximise the amount of commercial area within Bondi Junction.

In terms of the car parking numbers, we maintain that although above the DCP controls, this is in keeping with the number of spaces recently approved within surrounding development approvals. We note that Council have advised this DCP controls was recently amended following these approvals and a more restrictive position was now being applied by Council. We will review our number of car spaces in line with the amended design.

The total FSR will not exceed the FSR development standard by any more than 15%.

g. Pedestrian entry points and shopfront setbacks

- i. *The residential entry lobby serving the southern-western wing of the development does not have direct access from Spring Street. It should have a direct access point from Spring Street as well as access from the through-site link.*
- ii. *The width of the other residential entry lobbies is narrow and do not*

invite a pleasant sense of place and safety and security as well as encourage social interaction between residents. The lobbies should be re-designed to be wider and shorter and have clear sight lines of the lift within the entry lobbies when entering from the street.

- iii. *The Oxford Street edge of the shopfront of the ground floor level of the development should be amended to be one straight alignment, sited along the Oxford Street boundary of the site and splayed inwards to assist identifying the street entries of residential entry lobbies and the through-site link.*

Response 3 May:

The residential entry lobby serving the southern-western wing of the development does not have direct access from Sprint St, however we are of the view this can be addressed via a 'person-gate' within the through link gates and appropriate signage and undercover access. Notwithstanding this, as part of the re-planning, this lift and lobby may be removed as noted below in Item 1h.

The width of the residential entries have been redesigned in line with the redesign of the tower forms.

In terms of the Oxford Street edge of the Ground Floor shopfront, we conveyed at our meeting the reason these were splayed inwards was to better accentuate the brick piers that created the 6m 'terrace rhythm' as required by the DCP. It was agreed at our meeting that Council would revert back to us on this point to advise which way we were to respond.

It is still our preference to retain the alignment of the Oxford Street retail shopfronts. While being square, the remaining building structure through site link, the shopfronts will have a splay to the Oxford Street boundary. The main reason is to reveal the masonry blades that mark the nominal 6m rhythm along the facade. By bringing the shopfronts flush to the Oxford Street boundary, these blades would appear as shallow piers and be a much weaker design outcome. We understand Council's concern about public safety, but with the recesses being relatively shallow, we ask Council to further consider that position.

h. Through-site link

The current ramp design of the through-site link is inadequate. According to AS1428.1-2009, a 1:20 ramp will require a landing every 15m and hand rails to be considered a compliant ramp.

*The current ramp design is 18.81m long at a 1:20 grade with no handrails (refer to **Figure 1**) and is therefore non-compliant. It is recommended that the levels are adjusted to incorporate appropriate landings and provide a walkway with a gradient shallower than 1:20 from the entrance to avoid handrails and to avoid these non-compliant issues.*

Further, the lockable folding gates should be further detailed in terms of the appearance and materiality of the gates. The gates should be moved closer to the Oxford Street boundary so as to minimise opportunities for concealment during night-time.

Response 3 May:

As part of our planning studies, we intend to delete the lift core serving the southwest corner of the site. Those apartments will be served by an enlarged core at the south east corner. There will be less egress stairs discharging through that facade. Consequently, the available shopfront length will permit a broader residential entry and greater retail exposure.

The current ramp design will be amended to address Council's concerns.

It was agreed at our meeting that the design of the lockable folding gates would be dealt with by way of consent condition.

2. Facade treatment and materiality of the development

- i. *The Oxford Street two storey facade treatment is too expansive and not well articulated. The perforated brick and strip windows create a blank facade. The Oxford Street frontage of the development should reinforce the traditional fine grain (almost 6m) subdivision pattern that is established within the Oxford Street streetscape as envisaged by the objectives and controls under section 1.5 of Part E1 of the Waverley DCP 2012. Change of materiality across the facade to reflect, reminisce and emphasise the fine-grain subdivision pattern of Oxford Street should be employed.*
- ii. *Opportunities should be explored to articulate the party walls through creative architectural means, such as embossing or stencilling plants or trees to reminisce the current use of one of the sites as a nursery.*

There may also be an opportunity to provide Public Art in the form of a mural (even possibly a large scale mural to the entire facade) that

centres on the site's history and connection to the place as a nursery. Given the potential 'short-term' exposure of the eastern and western elevations, there exists an opportunity to explore a bold or innovative or large scale contribution to public art. This is strongly encouraged and would go some way to satisfying Part B11 of the Waverley DCP 2012.

Response 3 May:

The two storey Oxford Street facade treatment will be reviewed and we will take on board Council's comments to emphasise the 6m 'terrace rhythm' as discussed previously. We will also look to incorporate a 'nod' to the Honeysuckle Nursery within this element or even on the eastern and western elevations given the potential short-term exposure. We request that any mural preference by Council be dealt with by way of Condition of Consent.

It is still our preference to pursue a masonry feel to the building to make a strong connection to the civic precinct to the south. That materiality would feature in the permanently exposed portions of the building.

3. Awnings

The lack of an awning along the Spring Street facade and the proposed glazed awning along the Oxford Street facade in the current design are not supported. Both awnings along Oxford Street and Spring Street should be designed in compliance with section 1.18 of Part E1 of Waverley DCP 2012.

Response 3 May:

The amended design will include an awning to the Spring Street facade and both Oxford Street and Spring Street awnings will be in accordance with the DCP guidelines.

Following our meeting, Council was to confirm whether the Spring Street awning was to finish short of the driveway entrance given the height of the entrance to allow for Council's waste collection vehicle or whether the awning was to 'step up' at this juncture, noting it is on the boundary and the awning would not finish as the same height as the adjoining awning on the Quest building.

4. Resubmission requirements

The application, in part, does not contain or is deficient in detail of the level of documentation expected for the proposed development. The following documents and revisions of current documents required to respond to the items identified previously in this deferral letter are recommended to be submitted and made:

- a. *A thorough overshadowing analysis is required to quantify the number of apartments (i.e living and private open space areas of these apartments) in surrounding residential development that will be overshadowed by the proposed development versus a development that complies with the height of buildings development standard on 21 June. This analysis will be important to the assessment of the exceedance of the height of buildings development standard against the matters for consideration under clause 4.6 of Waverley LEP 2012.*
- b. *Revision of schedule of 'apartment areas' currently shown on Drawing No. DA8.300 to quantify the duration of sunlight received by the living and private open space areas of each apartment based on the sun views diagrams and the solar access plan diagrams.*
- c. *Full and clear dimensions on plans to identify building setbacks and size (width and length) of bedrooms and balconies.*
- d. *Indication of relevant services for each retail and commercial tenancies (such as kitchens, mechanical equipment and amenities).*
- e. *Submission of two additional sections across the southern tower wing and south-western portion of development and/or part east, west, south and north elevations showing the interface of the development with the open sky plaza and eastern light-well to detail openings and materiality treatment.*
- f. *Revision of roof plan, detailing the extent of the awnings over the footpaths of Oxford Street and Spring Street and the levels of the roof and its parapets, pergola and lift overrun in Reduced Levels.*
- g. *A revised diagram proving the calculation of the overall gross floor area of the development.*
- h. *A revised 3D digital model to reflect the design changes made to the proposed development.*
- i. *Revised written requests under clause 4.6 to vary development standards under Waverley LEP 2012 to reflect amendments made to the development.*
- j. *A revised energy assessment report in accordance with referral commentary of Council's Green Infrastructure section of the Sustainable Waverley department, which is extracted as follows:*

"Based on the information provided, it is not possible to assess the compliance of the energy consumption reduction of the building with the Waverley Development Control Plan 2012, Section 2.6 requirement for a 30% greenhouse gas (GHG) emissions reduction compared to a reference building.

Section 2.6 specifies 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.

The information which has been provided so far include 2 separate documents:

- *A BASIX certificate showing an BASIX Energy 25 for the residential floors.*
- *An energy efficiency assessment report for the retail and commercial tenancies that show a 30% improvement in terms of GHG emissions compared to a reference building.*

Although the whole building might potentially be compliant with the DCP condition 2.6, the submitted documentation does not enable Waverley Council to assess this compliance.

In order to comply with the requirements set out in DCP condition 2.6, the applicant must resubmit an energy assessment report demonstrating that the proposed development (whole building: residential + retail/commercial) has predicted greenhouse gas emissions reduction of 30%.

The development being a mixed use development, this requirement applies to the whole building and not just to the retail/commercial tenancies."

- k. *A revised waste management plan in accordance with commentary from Council's Sustainable Waste section of Sustainable Waverley department:*

"The applicant's Site Waste Recycling Management Plan (SWRMP) as provide by Elephants Foot requires some amendments.

Due to the size of this property, council recommends the following points for the applicant:

- i. *Ensure that Council's waste and recycling trucks can access the property for onsite collection. Vehicle dimensions and turning circles are listed in Annexure B1-3 of Waverley*

Council Development Control Plan 2012.

- ii. *Provide a comingled recycling service for the entire development to minimise bin numbers. The proposed chute system that offers both a waste stream disposal and comingled recycling stream disposal is sufficient.*
- iii. *Include compaction systems for both waste and comingled recycling streams if possible to minimise bins required for storage.*
- iv. *Assume the highest use for waste and recycling rates (for a food premises) to ensure the longevity of the development should any of the commercial tenants change in the future.*
- v. *Ensure the bulky waste storage room is large enough to accommodate the 120 residential units. The current proposal has only allowed for a minimal storage of 4m³, which is not sufficient.*
- vi. *Bi-weekly collections for both waste and recycling is recommended.*

Based on these points, the applicant will need to revise their waste management plan to increase the waste and recycling waste generation rates to those of a food premises and amend the waste and recycling storage and collection.

All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B, Section 1.2.1, Section 1.2.3 and Section 1.2.4 of Waverley Council Development Control Plan 2012.

Should composting facilities be provided at this development the applicant can refer to Annexure B1-5 of the Waverley Council Development Control Plan. It is recommended that the plans indicate where the composting facilities will be located.

The responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of waste receptacles and storage areas need to be clearly outlined in contracts with cleaners/building managers/caretakers.

Council has a desired outcome to de-clutter its urban environment and improve local amenity by limiting kerbside presentation of mobile garbage bins. Bins should only be presented for collection the night before, and brought into the property immediately following collection. They cannot remain on public land for ex-

tended periods. It is recommended that the applicant commission a contractor or property manager to ensure that this designed outcomes is met.

Additionally, it is recommended that all commercial properties have an assigned building manager/caretaker that ensures the conditions in the SWRMP are met and that this plan is kept on site at all times for reference purposes and to present this information during environmental compliance inspections.

A separate Building Waste Management Plan is recommended for the development that outlines the roles and responsibilities of building managers/caretakers to ensure that the SWRMP for the development is adopted."

I. Revised stormwater plans and submission of additional information in accordance with commentary from Council's Manager, Design in Council's Creating Waverley department, which is extracted as follows:

"The submitted stormwater plans prepared by NORTHROP, Project No. 171102 (Rev 2), dated 15 November 2017, have been checked and considered **not** satisfactory with respect to stormwater details.

The drawings do not comply with the Waverley Development Control Plan 2012 in reference to Waverley Council's Water Management Technical Manual with respect to:

- An engineering design of the proposed stormwater line is required including a Hydraulic Grade Line (HGL) analysis of pipe between the proposed OSD tank to existing Council's Stormwater Drainage Pit (Pit # required). The longsection information to include existing services crossing, existing surface levels; existing Council's pit invert level, pipe invert and obvert levels.
- A plan of reinstatement work of footpath, road and kerb & gutter is required as per council standard drawings R1 and D8 is required (drawings available on request).
- Details of backfilling and road restoration works is required as per Waverley Council's Standard Drawing D7 (drawing available on request).
- Contractor to apply to relevant Footpath and Road Opening Permit prior to commencement of drainage works.

- Updated stormwater management plans including with updated checklist as set out in page 22 of Waverley Council's Water Management Technical Manual are required."

Response 3 May:

The amended design will require a number of documents to be amended and these will be resubmitted as early as possible. The specific documents outlined by Council are commented on below:

- a. This overshadowing analysis was provided as part of the DA submission and was explained at our meeting. Drawing has been attached again as part of this package. There is minimal additional overshadowing to surrounding residential developments and an updated drawing will be provided to suit the amended design. Additional drawings and schedules will be provided to clearly demonstrate the impacts.
- b. A revised apartment area schedule will be provided as designed in Item 4a above.
- c. Updated drawings with dimensioned setbacks and bedrooms and balconies will be provided.
- d. It was discussed at our meeting that it was difficult at this stage to know what future uses might be operating in the retail/commercial tenancies given there is yet to be a DA approved. In saying that we have already shown on our drawings the tenancies that we believe will have potential future food uses and provided provisions for Kitchen exhausts and connections to grease arrestors.
- e. Additional sections though various locations of the building will be provided.
- f. Revised roof plan(s) will be provided including the addition of the awning on Spring Street.
- g. A revised GFA drawing will be provided.
- h. A revised 3D model will be provided.
- i. A revised Clause 4.6 will be provided, although the GFA will remain unchanged.
- j. It was agreed at our meeting that the revised energy assessment was not required as part of this resubmission and would be dealt with by way of condition of consent.
- k. A revised waste management plan will be provided. The current plan already includes comingled recycling service for the

development.

The updated plan can include compaction systems for both waste and comingled recycling streams however we note this does not seem to be common practice and if bi-weekly collections are implemented as recommended in Council's letter, there won't be a need for this. On this basis, we will amend the plan to allow for bi-weekly collection only.

The updated plan will allow for an increased area for bulky waste as well as allowing for a food premises within the 2 retail tenancies that have provision for Kitchen exhaust and grease arrester connection. Refer Item 4d above.

- I. A revised stormwater plan is attached to this letter with the inclusion of a longsection as requested.

The plan of reinstatement work of footpath, road and kerb gutter as well as details on backfilling would normally be dealt with prior to a Construction Certificate has been issued and can be dealt with by Condition of Consent.

Given there are very little changes to this Item, rather just the updated drawings to include the long section, there is also no need to provide an updated checklist.

There are a number of items raised in this letter and at our meeting that required Council to revert back to us on. If you could please confirm Council's position on these points at your earliest convenience, that would be appreciated.

Further to the above, if there are any comments raised within this letter that Council believes is not on the right path to adequately address the items raised within Council's letter, please let us know as a matter of urgency so we can have a discussion prior to finalising and resubmitting our package.

We trust the above information is satisfactory to satisfy the 14 days response and we will now progress to completing this package ready for resubmission within the next 4-5 weeks.

Council Clarification—8 May Email to LBD

1. Street wall/podium to Spring Street

A consistent five storey street wall along Spring Street is preferred (as shown in the current plans for the development).

2. Awning along Spring Street

A continuous awning along Spring Street, which

steps up across the driveway is preferred. Please see attached examples of these types of awnings found in the Sydney CBD.

3. Oxford Street Shopfront alignment

The shopfronts should be built parallel and as close as possible to the Oxford Street boundary to create a consistent and uniform treatment along Oxford Street.

4. Oxford Street setback of tower form

The indent or 'break in facade' shown on the 'Whitton Lane Envelope Study' dated 3 May 2018 should be doubled in width to adequately moderate the massing of the northern tower as viewed from Oxford Street.

5. Solar access diagrams and information

As outlined in the deferral letter, the shadow analysis of the development to address clause 6.7 of Waverley LEP 2012 should be certified by a qualified surveyor or relevant professional to confirm the adequacy and accuracy of the diagram in terms of satisfying the requirement of clause 6.7 of Waverley LEP 2012.

Further, the hourly plan shadow diagrams should delineate the shadow caused by the two uppermost floor levels of the development (these are the levels that are above the height of buildings development standard) from the shadow cast by the remaining part of the development (i.e., the part that is under the height limit). This will aid the assessment of the variation to the height and FSR development standards in terms of clause 4.6 of Waverley LEP 2012.

Further to the above, you indicated in the meeting about replacing the swimming pool with a commercial tenancy that could potentially be occupied by a child care centre. Is this still the case as I note in your letter dated 3 May 2018 that you intend to have open space connected to a commercial tenancy in the same area of the swimming pool?

Part 2– The Amendments

Amended project statistics are provided at Table A and a summary of amendments is at Table B and shown on Figures 1-6 which follow. The overall effect of the amendments is to “simplify” the building envelope by making the building tower form parallel to Oxford Street and by setting it back from its east and west boundaries a minimum of 3m. Other changes include:

- Rationalisation of the arcade floor levels;
- Deletion of the “breezeway” access on the eastern elevation and replanning of lift access;
- Removal of the swimming pool and egress at Level 1 and replacement with commercial space;
- Addition of a street awning to the Spring Street podium;
- General replanning of units where necessary.

These changes are shown in detail on the architectural plans listed at Table C- Amended Drawings Schedule.



Above and below are computer generated images of the proposed Oxford Street frontage.



Above and below are computer generated images of the proposed Spring Street frontage.



Table A—Project Statistics

Site Area	2,295m ²
Proposed GFA	13,196m ²
Proposed FSR	5.75:1
Maximum Building Height	49.85m
No of Apartments	126
Retail GFA	545m ²
Commercial GFA	655m ²
On Site Parking	186
Apartment with ADG Solar Access	70.6%
Apartments with ADG Cross Ventilation	66%
Apartments- no winter solar access	15%
Communal Open Space	52% or 1,191m ²
• Ground	200m ²
• Level 5	263m ²
• Roof	728m ²

Table B – Summary of Amendments

A	Public arcade rationalised to accord with changes to tenancies and floor levels made to comply with disability access requirements between Oxford and Spring Streets.
B	Lobby and pedestrian access to Oxford Street for main tower building enlarged and improved.
C	Lobby to Spring Street residential podium changed to directly connect to Spring Street and made larger. Retail 1 enlarged.
D	Lobby to main tower from Spring Street altered to accommodate twin lifts.
E	Delete gymnasium and open pool deck to Level 1 and replaced with commercial space
F	Amalgamation of commercial space Level 1
G	Western side set back to West Elevation has been increased to 3m minimum
H	Facade to Oxford Street has been made parallel to the Street.
I	A large central recess added to visually break the length of the facade.
J	Position of main tower lobby and lifts altered and design improved.
K	Southern set back increased to a minimum of 3 m and the breezeway access removed.
L	Improved twin lift lobby to replace breezeway access design.
M	Rear balcony facing Spring Street changed.
N	Minor change to depth of Arcade
O	South facade apartments 1201 & 1301 reconfigured to avoid shadow effects.
P	Elevation to Oxford Street altered to accord with revised unit configurations and made more simple.
Q	Ground and level 1 elevation to Oxford St implies 6m wide bays and introduces planting
R	New Eastern side set backs, material and fenestration changes to suit internal planning
S	New Western side set backs, material and fenestration changes to suit internal planning
T	Elevations to Spring Street altered to accord with revised unit configurations and made more simple.
U	Addition of awning to Spring Street frontage



Figure 1– Above, Street Level plan as lodged and below as amended



Figure 2– Above, Level 1 plan as lodged and below as amended

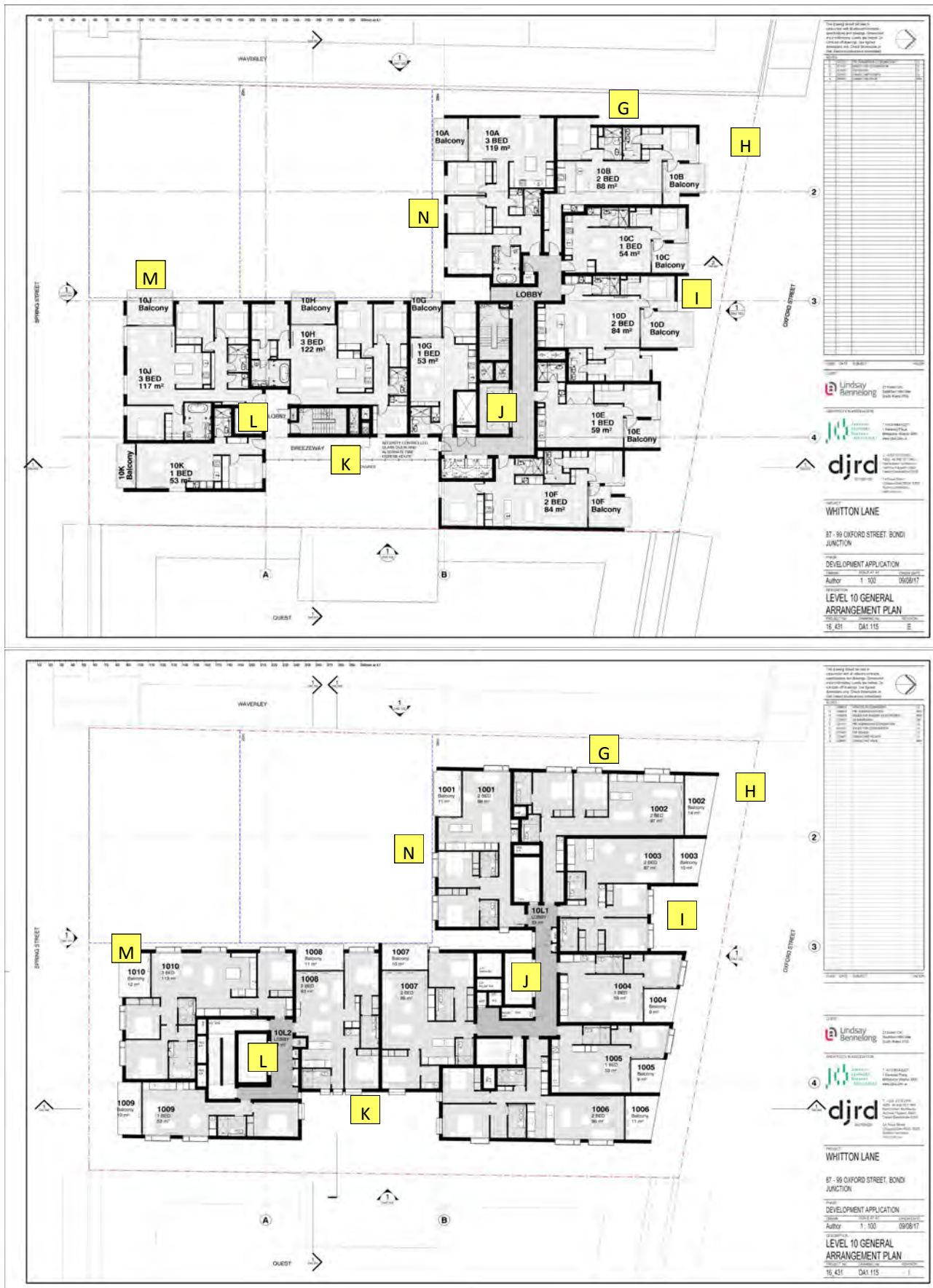


Figure 3– Above, Level 10 plan as lodged and below as amended



Figure 4 – Above, Level 13 plan as lodged and below as amended

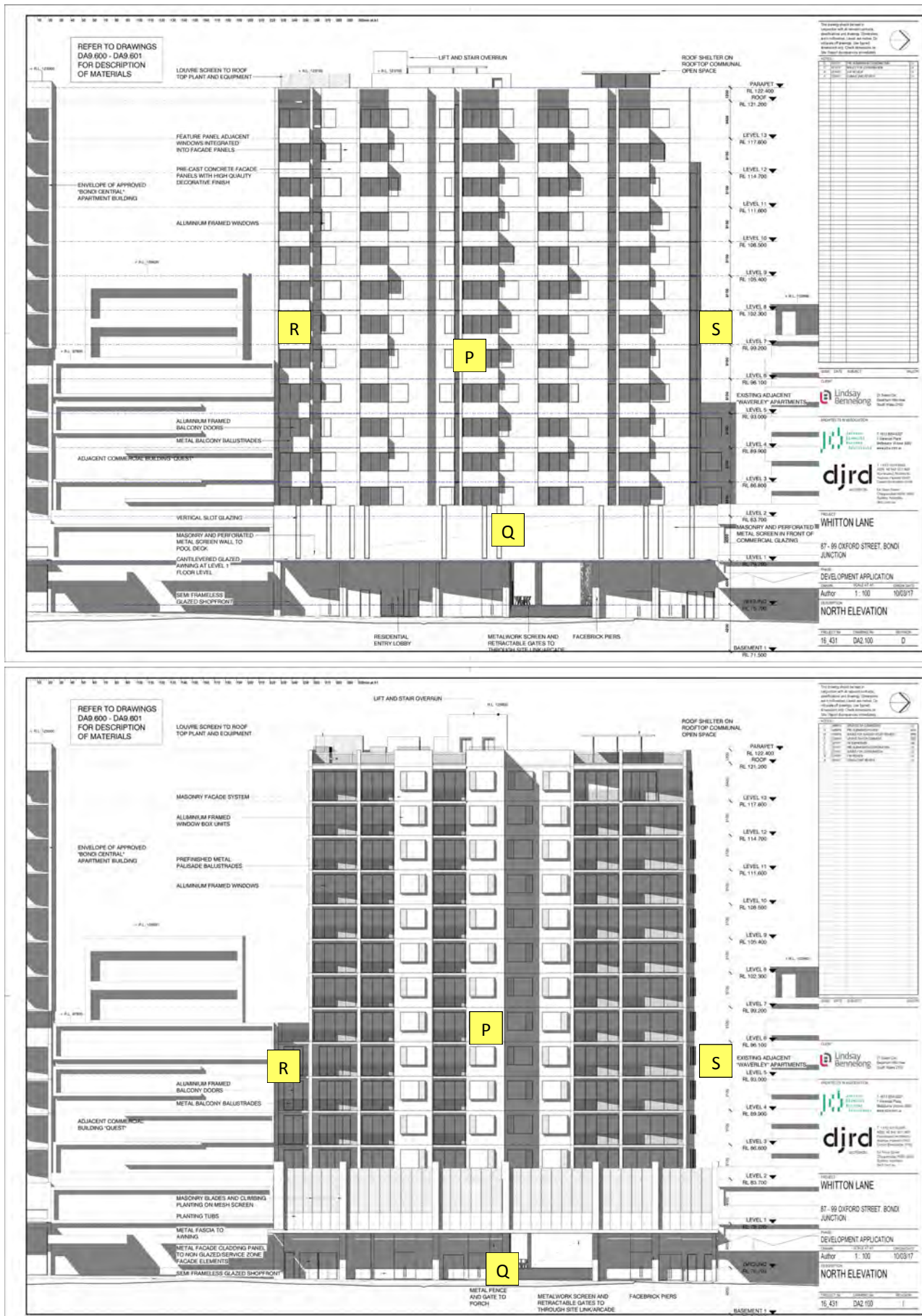




Table C – Architectural Drawings Schedule

Dwg No	Rev	Date	Title
DA0.001	K	18/06/18	COVER PAGE
DA1.001	F	18/06/18	SURVEY
DA1.002	H	18/06/18	SITE ANALYSIS SHEET 1
DA1.003	H	18/06/18	SITE ANALYSIS SHEET 2
DA1.004	E	18/06/18	SITE ANALYSIS SHEET 3
DA1.101	N	18/06/18	BASEMENT 4 GENERAL ARRANGEMENT PLAN
DA1.102	N	18/06/18	BASEMENT 3 GENERAL ARRANGEMENT PLAN
DA1.103	N	18/06/18	BASEMENT 2 GENERAL ARRANGEMENT PLAN
DA1.104	N	18/06/18	BASEMENT 1 GENERAL ARRANGEMENT PLAN
DA1.105	O	18/06/18	GROUND FLOOR GENERAL ARRANGEMENT PLAN
DA1.106	O	18/06/18	LEVEL 1 GENERAL ARRANGEMENT PLAN
DA1.107	I	18/06/18	LEVEL 2 GENERAL ARRANGEMENT PLAN
DA1.108	K	18/06/18	LEVEL 3 GENERAL ARRANGEMENT PLAN
DA1.109	K	18/06/18	LEVEL 4 GENERAL ARRANGEMENT PLAN
DA1.110	J	18/06/18	LEVEL 5 GENERAL ARRANGEMENT PLAN
DA1.111	I	18/06/18	LEVEL 6 GENERAL ARRANGEMENT PLAN
DA1.112	K	18/06/18	LEVEL 7 GENERAL ARRANGEMENT PLAN
DA1.113	K	18/06/18	LEVEL 8 GENERAL ARRANGEMENT PLAN
DA1.114	I	18/06/18	LEVEL 9 GENERAL ARRANGEMENT PLAN
DA1.115	I	18/06/18	LEVEL 10 GENERAL ARRANGEMENT PLAN
DA1.116	I	18/06/18	LEVEL 11 GENERAL ARRANGEMENT PLAN
DA1.117	K	18/06/18	LEVEL 12 GENERAL ARRANGEMENT PLAN
DA1.118	K	18/06/18	LEVEL 13 GENERAL ARRANGEMENT PLAN
DA1.119	K	18/06/18	ROOF GENERAL ARRANGEMENT PLAN
DA2.100	I	18/06/18	NORTH ELEVATION
DA2.101	I	18/06/18	SOUTH ELEVATION
DA2.102	I	18/06/18	EAST ELEVATION
DA2.103	I	18/06/18	WEST ELEVATION
DA2.501	L	18/06/18	SECTION A
DA2.502	L	18/06/18	SECTION B
DA2.503	D	18/06/18	SECTION C
DA8.100	M	18/06/18	SCHEDULES
DA8.200	D	18/06/18	SEPP 65_ADG COMPLIANCE SHEET 1
DA8.201	F	18/06/18	SEPP 65_ADG COMPLIANCE SHEET 2
DA8.202	D	18/06/18	APARTMENT DAYLIGHT ACCESS
DA8.203	D	18/06/18	APARTMENT VENTILATION
DA8.250	F	18/06/18	ADAPTABLE HOUSING
DA8.300	F	18/06/18	APARTMENT AREAS
DA8.400	E	18/06/18	SIGNAGE STRATEGY
DA9.001	G	18/06/18	SHADOW DIAGRAM WINTER SOLSTICE 1
DA9.002	H	18/06/18	SHADOW DIAGRAM WINTER SOLSTICE 2
DA9.003	D	18/06/18	SHADOW DIAGRAM WINTER SOLSTICE 3
DA9.004	H	18/06/18	SHADOW DIAGRAM WINTER SOLSTICE 4
DA9.005	F	18/06/18	SHADOW DIAGRAM WINTER SOLSTICE 5
DA9.201	F	18/06/18	VIEW SHARING STUDY
DA9.600	C	18/06/18	EXTERNAL FINISHES
DA9.601	C	18/06/18	EXTERNAL FINISHES
DA9.602	B	18/06/18	PHOTOMONTAGES

Part 3 – Statement of Environmental Effects and Conclusions

It is considered that the only environmental consequences raised by the proposed amendments that require further consideration are-

- Urban design/built form outcomes,
- Solar access and overshadowing, and
- Traffic and parking

Each is discussed below-

Urban design/built form outcomes

Most of the proposed amendments have either been requested by Council in order to attain their desired built form outcomes for this site or they have come as a result of those requirements.

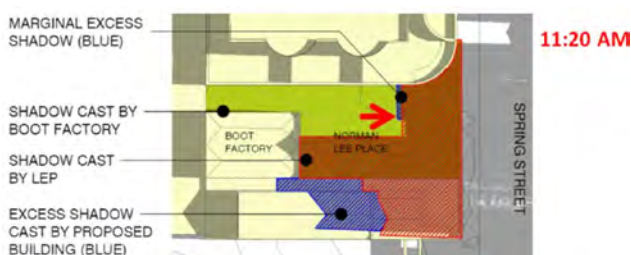
The built form has been simplified and Council appears to be satisfied that with the proposed amendments an acceptable urban design outcome will be achieved for this sites context. In any event the built form is largely a reflection of the very specific planning rules that Council have established for the site.

Solar Access and Overshadowing

New shadow diagrams have been prepared by DJRD Architects and they have been peer reviewed by Mr Steve King an expert in this field who confirms the architects methodology is appropriate and their work is accurate.

The diagrams and review indicate that-

- There is no additional shadow cast on Norman Lee Place at 12 noon mid winter i.e. beyond that permitted by cl 6.7 of the LEP



Above extract- See King Report for more detail

- There is a very minor "sliver" of additional shadow cast on Norman Lee Place at about 11.20 am but this is offset by the fact that the LEP/DCP permissible building envelope would in fact cast more shadow at 11.40 am than the proposal.
- The impact of additional shadow on 17-25 Spring Street does not breach the requirements of the ADG (Apartment Design Guide) design criteria for solar access.

Traffic and Parking

A total of 186 car parking spaces are proposed however, this exceeds the maximum allowable under Councils Amendment No 5 of its DCP by 24 spaces. This is addressed in a revised Traffic and Parking Assessment report prepared by TTPA who conclude as follows:

" p 7.. The parking provisions of Council's DCP 2012 have changed in the most recent Amendments 4 and 5 and it is apparent that the reduced parking allowance for High Density Residential Flat Building reflects the "populist" belief that reduction in car parking provision for residents results in a direct reduction in traffic generation. Council's letter of 18.4.18 in relation to this issue states that the now maximum criteria relates because "the site is within a commercial centre with high accessibility to jobs, amenities and high capacity public transport services". However, the maximum DCP provision for Residential Flat Building (less than 20 dwellings) in Zone 1 remains higher (i.e. than the High Density provisions). A comparison of the parking outcomes under the High Density, Medium Density and Development Desirable are provided...see report p7 and Table below-

Table D Car Parking Requirements

	DCP High Density	DCP Medium Density	Dev. Desired
13 x One Bed Adaptable	13 spaces	13 spaces	13 spaces
22 x One Bed	@ 0.6 13.2 spaces	@ 1.0 22 spaces	@ 1.0 22 spaces
67 x Two Bed	@ 0.9 60.3 spaces	@ 1.2 80.4 spaces	@ 1.2 80.4 spaces
24 x Three Bed	@ 1.4 33.6 spaces	@ 1.5 36 spaces	@ 1.5 36 spaces
Total	120.1 (120)	151 spaces	151 spaces
Visitors	@ 1 per 5 25.2 (25)	@ 1 per 5 25 spaces	@ 1 per 7 18 spaces
Retail 547m ²	10 spaces	10 spaces	10 spaces
Comm. 652m ²	5 spaces	5 spaces	5 spaces
Car Share	2 spaces	2 spaces	2 spaces
Grand Total	162 spaces	193 spaces	186 spaces

Therefore, the number of resident spaces for Development Desired is the same as that permitted under the DCP Medium Density criteria being 31 spaces more than with the High Density criteria applied.

Further they have undertaken a study of peak parking traffic generation of high density apartments near railway stations and conclude:

" p 8...Once again it is apparent that the peak traffic generation of high density apartments near railway stations, shops and employment is not a product of the number of resident parking spaces provided and I am not aware of any published study that demonstrates other otherwise".

The proposed amount of car parking is in line with other approved neighbouring buildings and is less than the medium density requirements of Council.

Conclusions

In November 2017 Lindsay Bennelong Developments (LBD) lodged with Council what was thought to be a well designed and considered project for a very challenging site affected by a significant array of LEP and DCP controls. However, Council have recently suggested certain amendments that it considers would improve the intended built form outcomes for this site even further.

It was originally concluded by BTG that strict compliance with all the LEP, DCP and ADG controls and guidelines would produce a building envelope within which the maximum FSR achievable on this site would range from 4.0-4.3:1. This represented a 12-20% reduction or loss of development potential.

In particular, the variable height controls for the site predetermine the available built form solutions and together with the need to incorporate a 6m wide through site link, that is “partially open to the sky”, the potential GFA was reduced to the point where some alternative design solutions had to be utilised otherwise the project would not be viable.

As highlighted in the original SEE the proposal is in two interrelated parts. The first, a compliant 5.0:1 FSR building that marginally exceeds the maximum building height of 38m by half a storey. This is due to:

- (a) A 1m change in levels across the property and the desire to have uniform RL's for the building floor plates;
- (b) the reduced heights of 20 and 28m over parts of the site; and
- (c) voids required for the double height through site link and associated plaza.

The second, is an application for a Voluntary Planning Agreement (VPA) with Council (within the terms of Council's VPA Policy), for an extra 15% of GFA to offset the cost and development GFA sacrifice associated with the proposed arcade and public plaza and a financial contribution towards town centre infrastructure.

Taken together, the above proposals are intended to deliver a high quality public domain outcome.

The environmental consequences of the proposal as assessed by BTG Planning and DJRD Architects were seen to be acceptable even though there were non-compliances with:

1. FSR—5.75:1 not 5.0:1;
2. New Building Height—49.85m not 38m;
3. Tower form street setbacks—3-6m not 6m;

4. Awnings along Spring Street—not provided.

Councils suggested amendments have now eliminated items 3&4 above and the variation to FSR and height are dealt with separately in revised CI 4.6 variation requests.

It was also concluded in the SEE that the environmental consequences of the proposal were reasonable and acceptable because the proposal would not-

1. Unreasonably affect views from surrounding buildings;
2. Unreasonably affect the overshadowing of surrounding buildings;
3. Negatively or materially impact upon the intended streetscape outcomes for Oxford and Spring Streets; or
4. Produce adverse impacts upon the listed heritage item known as the “Boot Factory”.

Also a thorough SEPP65 analysis had been prepared and the proposal was found to be compliant and acceptable.

Importantly, Council had also recently approved several new high rise developments for the immediate environs of the subject site. Some of these involved very similar requirements for the 15% additional FSR using the VPA mechanism and two (2) additional levels above the 38m height limit.

The proposed VPA is intended to provide a positive and beneficial outcome for the public domain, serve the public interest well and provide a substantial financial contribution to the “Complete Street Projects” and “Affordable Housing” in Bondi Junction.

In all the circumstances, the proposal had few, if any, negative environmental consequences and where they might have existed, they had been effectively minimised by the design approach that was taken. Now with the acceptance of Council's suggested design amendments there should be even less likelihood of any adverse environmental consequences.

The proposal is a suitable form of development for this site and with appropriate development approval conditions, it should be open to Council and the determining authority to approve this amended proposal.

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