Whitton Lane

Statement of Environmental Effects

A “Mixed Use” development at 87-99 Oxford Street and 16-22 Spring Street, Bondi Junction

by

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Report prepared by BTG Planning

in conjunction with

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Above: Computer perspective of development as viewed from Spring Street (east of site). Cover Page: Computer perspective of development as viewed from Oxford Street (west of site).

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1 Introduction and Summary

This document provides the required Statement of Environmental Effects (SEE) to support a development application (DA) to Waverley Council for a major (regional scale) "mixed use" redevelopment of property known as 87-99 Oxford Street and 16-22 Spring Street, Bondi Junction. See Figure 1. In this report the project will be referred to as "Whitton Lane"

The site consists of nine (9) properties (see Table A) that will be amalgamated, for the purpose of this DA. Lindsay Bennelong Developments (LBD), are the applicants and project managers for the development proposal.

The planning controls for this site will theoretically permit a building envelope generally as shown on Figure 2.

The site is zoned B4—Mixed Use under the provisions of the Waverley LEP 2012 (with a maximum FSR of 5.0:1 (Figure 3)). The site has variable height controls and none of the properties are listed as heritage items (Figure 4).

All the existing buildings on the site will be demolished and the combined site, which has an area of 2,295m², will be developed for:

- 129 apartments;
- 582m² of commercial space;
- 622m² of retail space in the form of an arcade and open plaza:
- basement parking for 190 vehicles.

LBD engaged the services of DJRD Architects in collaboration with Jackson Clements Burrows Architects (JCBA) who initially prepared

TABLE A—Subject Properties

Lot	DP /Section	Street Address	Current Use
1	975587	87 Oxford	2 Storey Shops
9	656476	89 Oxford	2 Storey Shops
A	312346	91 Oxford	2- Storey Shops
11	Section S DP 145	93-95 Oxford	2 Storey Shop (Chinese restaurant and massage business)
A	401739	97-99 Oxford	2 Story Shop (Money Lending)
3	975587	16 Spring	2 Storey shops
4	975587	18 Spring	2 Storey shops (Dentist and Salvation Army Shop)
	SP 31260	20 Spring	Garden Centre
B	401739	22 Spring	2 Storey Real Estate Agent

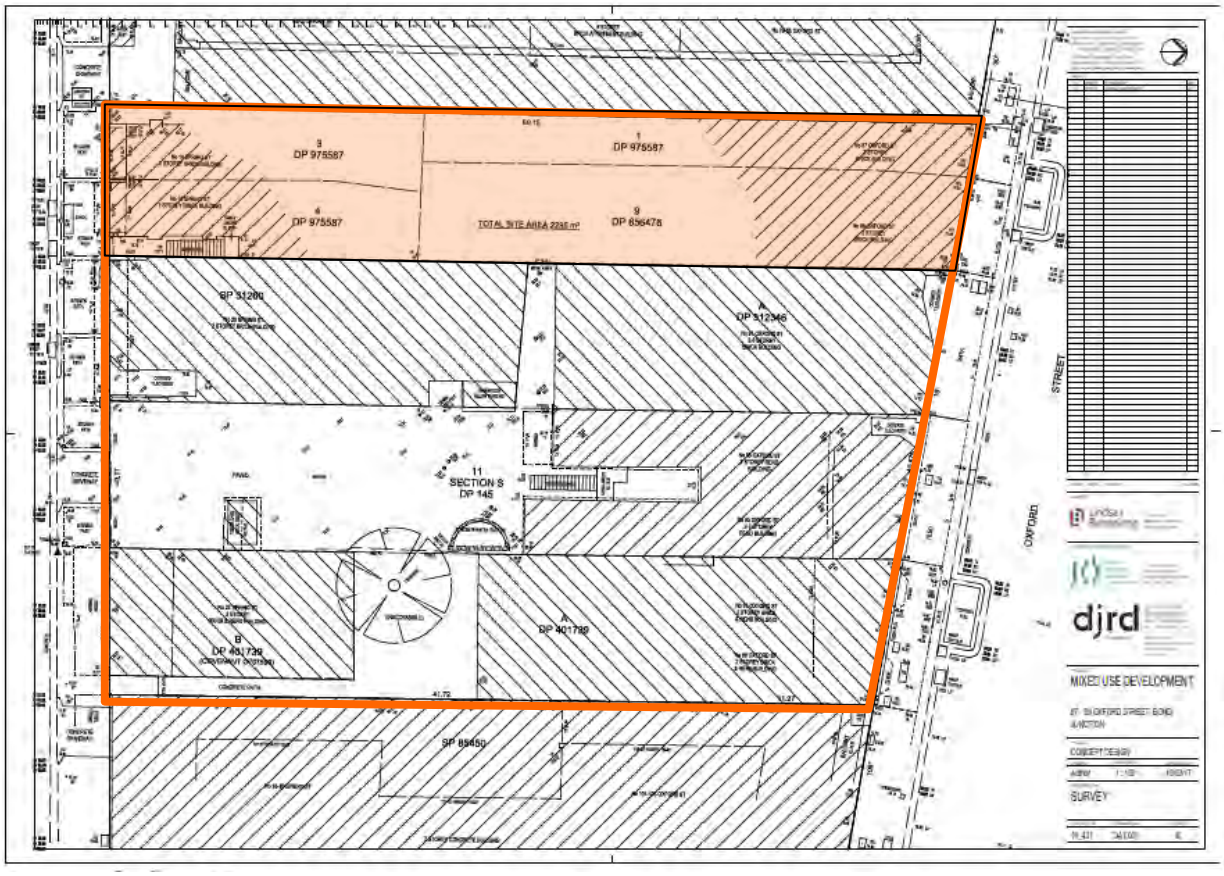


Figure 1-Aerial Photo & Subject Site Titles

Land added after Pre DA response form Council

various site development options for Pre-DA consultations with Council, the details of which are provided at Annexure A. It should be noted, the Pre-DA was for a smaller site that consisted of five (5) properties.

The proposed design (this DA) reflects a number of the "preferred" site development outcomes put forward by Council Officers as subsequently refined by LBD and JCBA/DJRD.

As indicated, the Pre DA involved site planning for only part of the current site as Nos 87-89 Oxford Street and 16-18 Spring Street were not available at the time. It should be noted that Council officers were concerned about site isolation issues so LBD made further endeavours to acquire these properties.

The architects approach and design response for the project is provided in the Architects Design Statement provided at Annexure B and the proposal is illustrated in detail in the DA drawings a reduced scale version of which is provided at Annexure C

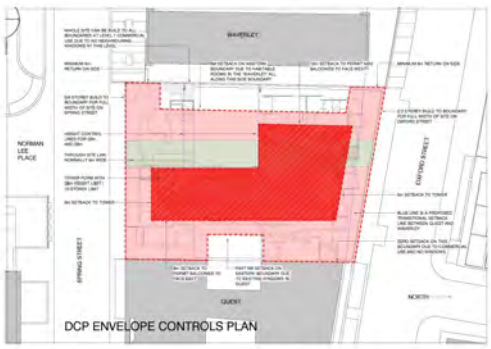
The documentation provided to Council in relation to this DA is listed in Table B and the Schedule of DA drawings at Table D.

An early review of the Waverley DCP detailed controls revealed in particular, that if all the DCP provisions in relation to set backs, Cl 6.7 of the LEP relating to shadow impacts on the "Boot Factory" site (to the south of the development) and requirements for a through site link (open to the sky) were to be strictly adhered to (see Figure 2 below), the maximum FSR for the site could not be achieved and this would put pressure on non-compliances such as height to achieve an acceptable FSR outcome.

It also became apparent that the additional properties could have a very low yield because of these setbacks. However, the alternative of not purchasing the sites meant that Council would have to consider some form of future "non conforming" redevelopment (by others), an example of which was shown in the Pre DA drawings, i.e. a stand alone development of 87-89 Oxford and 16-18 Spring Streets with zero side boundary setbacks. This could be a poorer planning outcome.

The decision was taken to amalgamate the sites and seek an optimum design solution for all the properties even though it was apparent it would inevitably lead to some DCP non compliances.

The proposed development also relies upon the agreement of Council to enter into a Voluntary Planning Agreement with LBD for an additional 15% of gross floor area (GFA). The rationale for the VPA is that the project will provide significant "financial and public domain benefits" over and above that which would ordinarily be required to satisfy the various LEP and DCP requirements as relevant to the subject site. In particular, contribute to the Complete Street Projects and Affordable Housing in Bondi Junction.



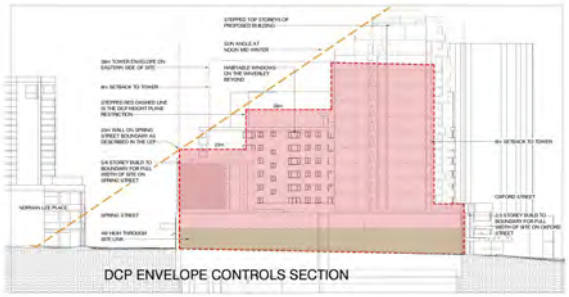


Figure 2-Theoretical LEP/DCP Compliant Building Envelope

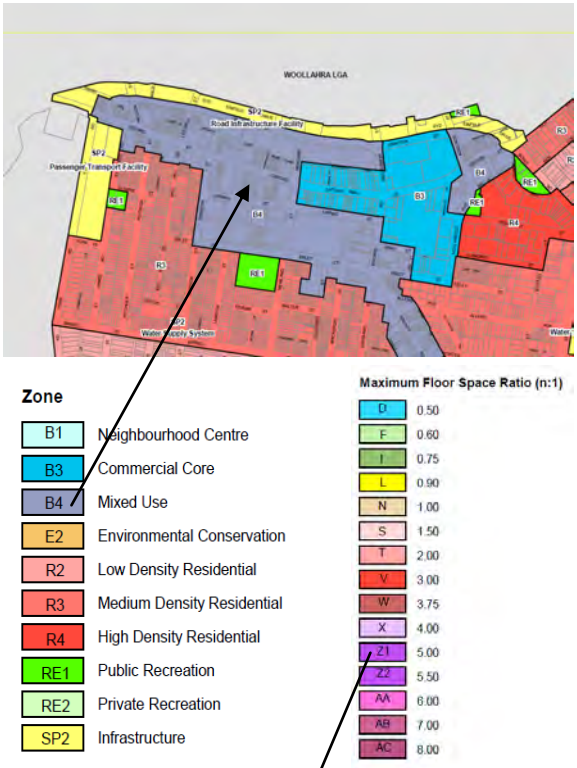
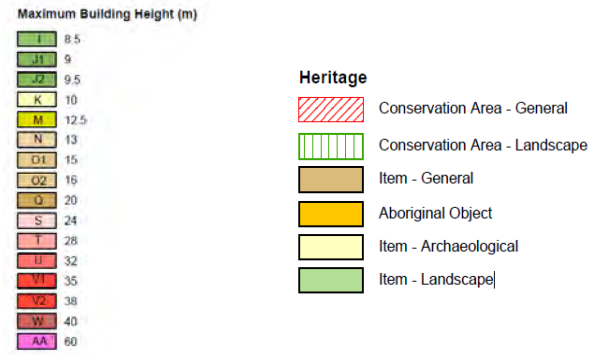


Figure 3-Zoning and FSR Maps

The extracts of the Waverley LEP 2012 maps above show the site having a zoning of B4 Mixed Use and FSR maximum of 5:1



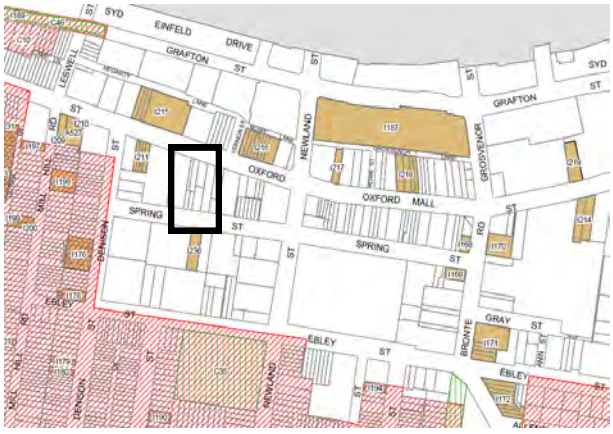


Figure 4-Building Height and Heritage Maps

The extracts of the Waverley LEP 2012 maps above show the site having a variable height max of 38m over most of it and part 28m and 20m for No's 20 & 22 Spring St.

The proposal is largely compliant with the relevant LEP and DCP objectives but breaches some controls. Where this occurs, an alternative design solution providing a well balanced outcome consistent with the objectives of the controls concerned is provided.

The 15% of additional GFA being sought will be provided in two (2) storeys constructed on top of the main building, i.e., Levels 13 and 14. As a generality the VPA (see SD 3) addresses an additional 1,721m² of GFA in return for a substantial monetary contribution to Council (for the Complete Streets Programme and Affordable Housing) as well as about 1,700m² of forgone GFA for the through site pedestrian connection and a public plaza which is open to the sky.

In this process part of level 12 (not part of the VPA) will breach the 38m maximum height standard as will the two additional floors. This is addressed by the cl. 4.6 variation request at SD 4.

TABLE B - Documentation Provided for the DA

Document	Company	Ref Doc
Statement Of Environmental Effects	BTG Planning	
Pre-DA Submission and Council Response		A/A
Architect's Design Statement	DJRD/JCBA	A/B
DA Plans and Schedules	DJRD/JCBA	A/C
SEPP65/Apartment Design Guide and Design Verification Statement	DJRD/JCBA	A/D
Compliance Table	DJRD/JCBA	SD 1
Basix Certificate	SLR	SD 2
Voluntary Planning Agreement	LBD	SD 3
cl 4.6 Variation Request	BTG	SD 4
Traffic and Transport Management Plan	TTMA	SD 5
Preliminary Stage 2 Environmental Site Assessment	EIS	SD 6
Letter from Site Auditor	RAMBOLL	SD 7
Wind Tunnel Study	SLR	SD 8
Reflectivity Study	SLR	SD 9
Acoustic Report	SLR	SD 10
Preliminary Geotechnical Report	JK	SD 11
Energy Efficiency Report	SLR	SD 12
Fire Safety Strategy	CORE	SD 13
Erosion and Sediment Control Plan	NORTHROP	SD 14
Waste Management & Recycling Plan	ELEPHANTS FOOT	SD 15
Stormwater Management Plan	NORTHROP	SD 16
Digital 3D Model	DJRD/JCBA	SD 17
Physical Model	MODELTECH3D	SD 18
Photomontages	DJRD/JCBA	SD 19

Notes:

SD—Supporting Document

A - Annexure

It has been estimated, using Figure 2, that a compliant building envelope for the amalgamated site would only yield a maximum FSR of 4.09:1 which is 20% under the maximum permissible FSR.

Importantly, the theoretical compliant building envelope at Figure 2 is based on some assumptions concerning the side boundary setbacks required by both Council's DCP 2012 and the Apartment Design Guide (ADG). Depending on the detailed design of any proposal, those setbacks could be even larger.

The relevant planning controls for this site and project are extensive and include both statutory development standards and DCP "guideline" controls. The two (2) main statutory controls are FSR and Height and Figure 2 confirms these can both be complied with and the resultant building envelope would be sufficient for a building of 5:1 FSR. However, the guideline DCP and ADG controls further constrain site development in such a way that significantly limits the FSR unless there are non compliances.

On occasions it is argued that the planning controls may be such that on certain sites the full development potential (FSR) may not be achievable. However, this is not the case here as the statutory FSR and Height maximum controls can be reached if for example, the development does not provide the large arcade and plaza as currently proposed and perhaps more so because Council has already approved several major residential tower projects in the vicinity of the site that breach the FSR, Height and setback controls.

The provisions of cl. 74C (5)of the EP&A Act, 1979 (as amended), may also have a role to play in consideration of this DA.

Cl. 74 C(5)states:

> *(5) A provision of a development control plan (whenever made) has no effect to the extent that:*
>
> *(a) it is the same or substantially the same as a provision of an environmental planning instrument applying to the same land, or*
>
> *(b) it is inconsistent or incompatible with a provision of any such instrument.*

It could be argued the provisions of Waverley DCP 2012 that go beyond those in the ADG and are inconsistent or incompatible with the LEP might act to limit the development potential of this site to less than the maximum permissible FSR and Height and are therefore they are inconsistent or incompatible with the FSR and Height provisions of the WLEP 2012.

Relevantly, the provisions of SEPP65—Design Quality of Residential Apartment Development and the ADG apply because the SEPP overrides the WLEP and DCP. However, inconsistent provisions with the ADG have no effect (see SEPP65—Part 1 clause 6(1) and 6A (1) and (2).

Most of the Waverley DCP 2012 controls (as they apply to this site), are the same or similar to the ADG controls and therefore, they will apply but through the ADG mechanism. However, it might be argued the Waverley DCP contains the following additional controls that conflict with the ADG. They are:

1. *The Oxford Street 6m tower form additional street alignment setbacks, and*
2. *The Spring street 6m tower form additional street alignment setbacks.*

For these reasons above (see also Sections 7 & 8 of this SEE), the proposal involves an alternate design solution to these controls.

This project has a construction value of $64,535,556.00 million and is therefore a significant development of regional consequence. As such, the DA must be submitted to Council for initial assessment and input prior to submission to the Central Sydney Planning Panel (CSPP) for determination.

2 Site Context, Constraints and Opportunities

2.1 Site and Context

The site and its immediate context is shown on DA 001(3) - Cover Page and the photographs and figures that follow.

The site has a frontage of about 40m to Oxford and Spring Streets and is on average 55m deep being "landlocked" and positioned between No's 79-85 Oxford Street—"The Waverley" a 6-8 storey residential apartment building on its western boundary and No's 26-30 Spring Street—"Quest Apartments", a serviced apartment "Tourist Development" to the immediate east which is also 6-8 storeys.

Generally speaking, the street block in which the site is located is dominated by 6-8 storey commercial buildings or buildings with retail/ commercial street frontage uses and apartments above.

To the north of the site and across Oxford Street, there are several tall buildings. To the south and along Spring Street are lower scale buildings including the "Boot Factory" which is a listed heritage item in the LEP. The Boot Factory building is unused because of dilapidation issues but its curtilage included "Norman Lee Place" which is a public Plaza.

Existing development on the land is mostly two (2) storey retail buildings (see Table A).

A comprehensive assessment of the local context was provided to Council as part of the Pre -DA documentation and extracts of this documentation are shown at Figures 5 and 6. The detail will not be repeated here. See Annexure A for complete details and description of context.

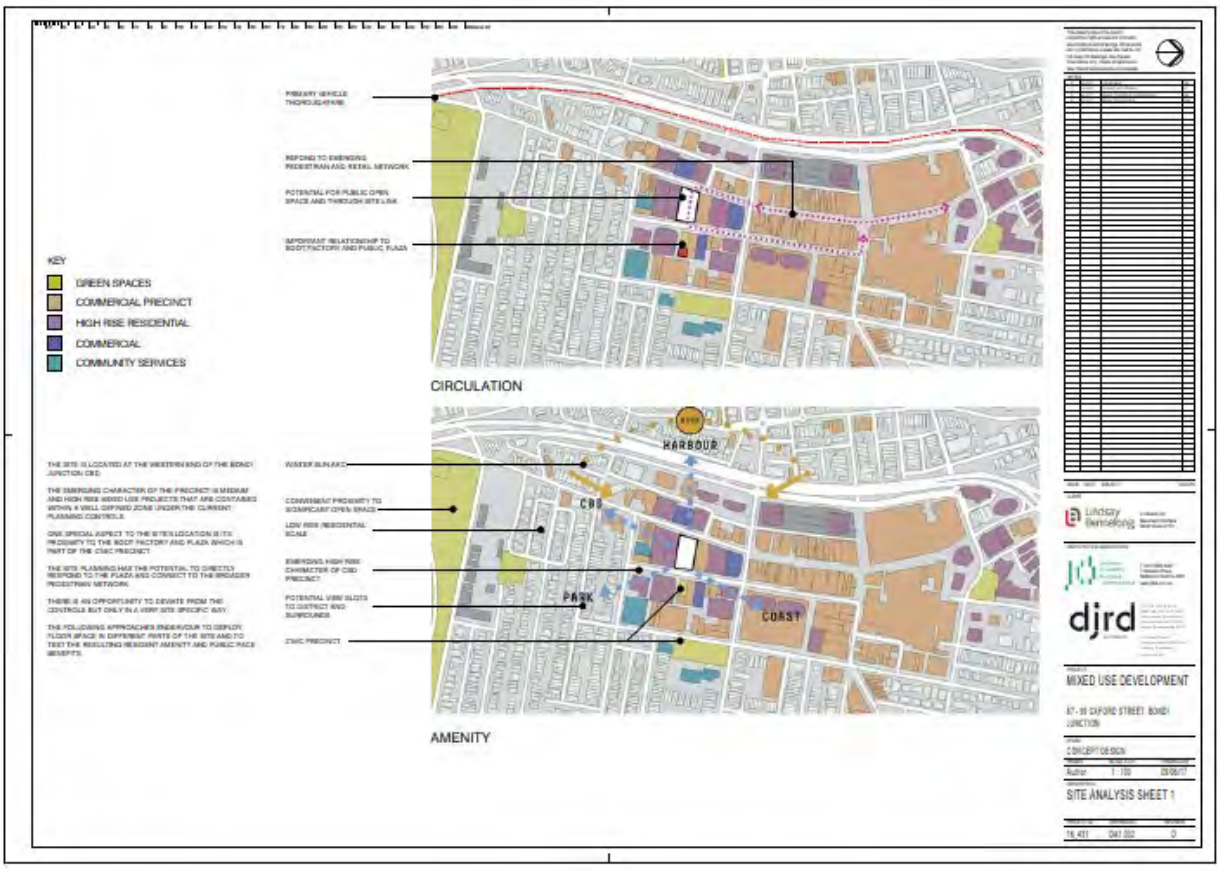


Figure 5 - Site Analysis Extract DJRD in Annexures

2.2 Constraints and Opportunities

As mentioned, Figure 2 is a key diagram for this proposal. It indicates that if all the DCP and LEP controls were strictly applied, then this site could not be developed to its maximum FSR.

Taken further, Figure 7 which follows shows a similar building envelope to Figure 2 but with a much smaller 2m (still non- compliant) building setback to the eastern boundary (the Quest building). This would however, yield a GFA that might reach the maximum FSR of 5.0:1 but again when the GFA and void space is provided for the proposed arcade and open plaza, the FSR maximum is unlikely to be achieved i.e., without breaching setbacks or height.

Figure 8 is the applicant's design response which sets out to achieve the maximum FSR, (i.e. in order for the project to be viable),

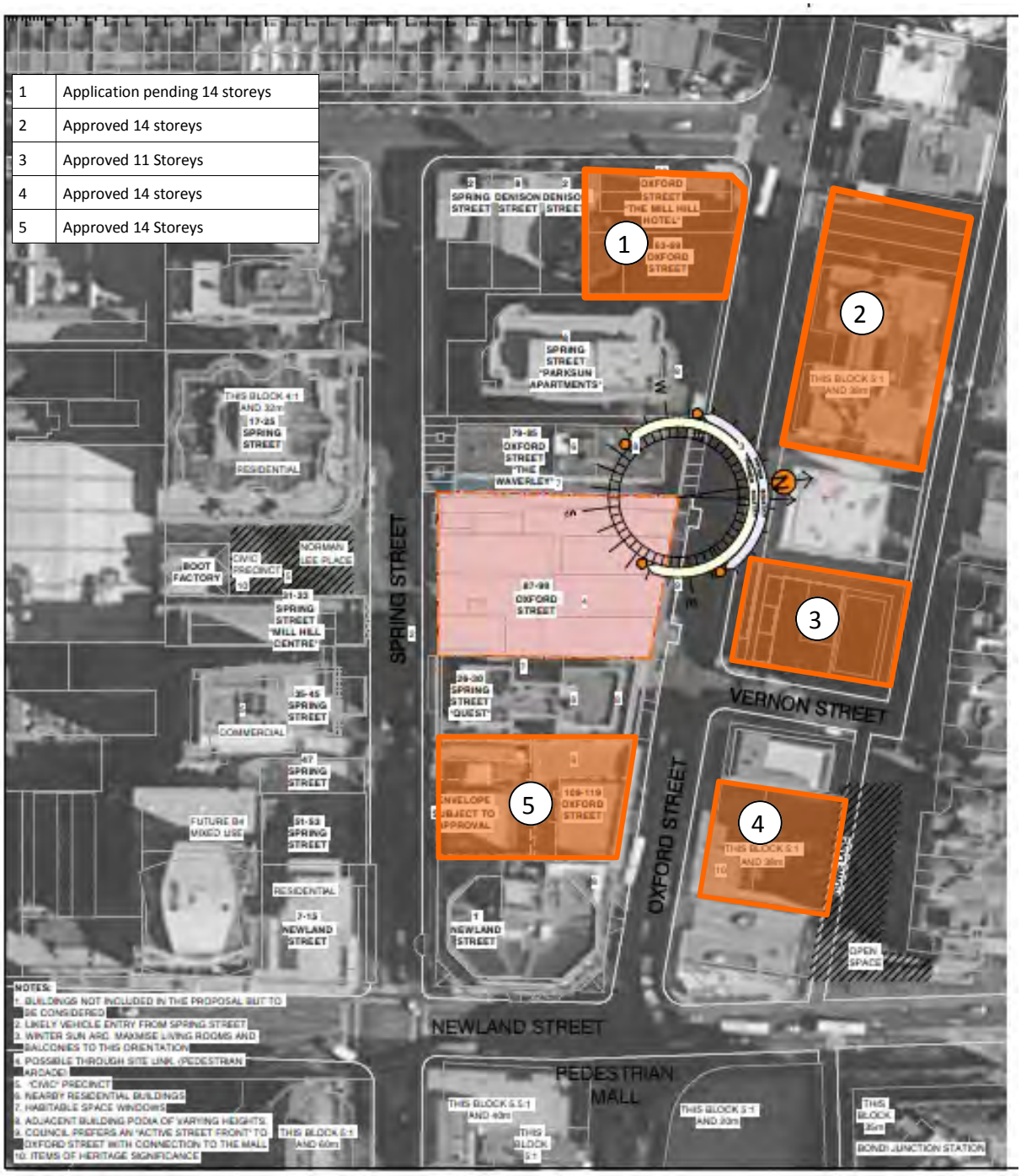


Figure 6 – Site context showing recently approved developments

but in a way that respects the key planning controls and minimises impacts on its surroundings.

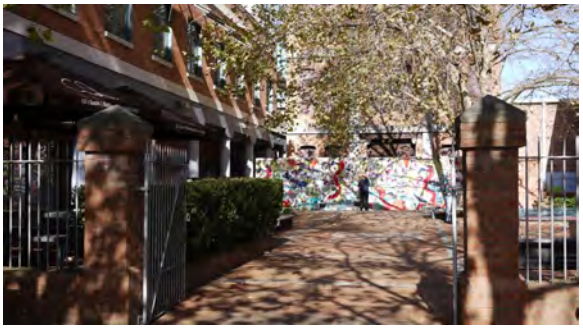
As a summary:

1. The current LEP & DCP controls, particularly the 6m tower setbacks, if strictly complied with are unlikely to produce sufficient GFA to warrant the construction of the double height through site link and open plaza. A variation to certain DCP provisions is therefore necessary.
2. Construction of the through site link is a key element of the WDCP, the cost and development implications of which are clearly matters that would warrant consideration under cl 4.6 of the WLEP.
3. The WDCP 6m tower setbacks are inconsistent with the current and recently approved development site context. There are grounds therefore for the WLEP controls and to be varied.
4. The applicant's proposal will provide a high quality through site link and retail/ dining plaza destination but this relies upon agreement with Council to a VPA for 15% of additional GFA and a breach of the 38m height control.

Subject site Oxford Street buildings

Close view from Oxford Street

Sprint Street site frontage



View of the Boot Factory site

Streetscape in front of the Boot Factory

Photographs of site and surrounds

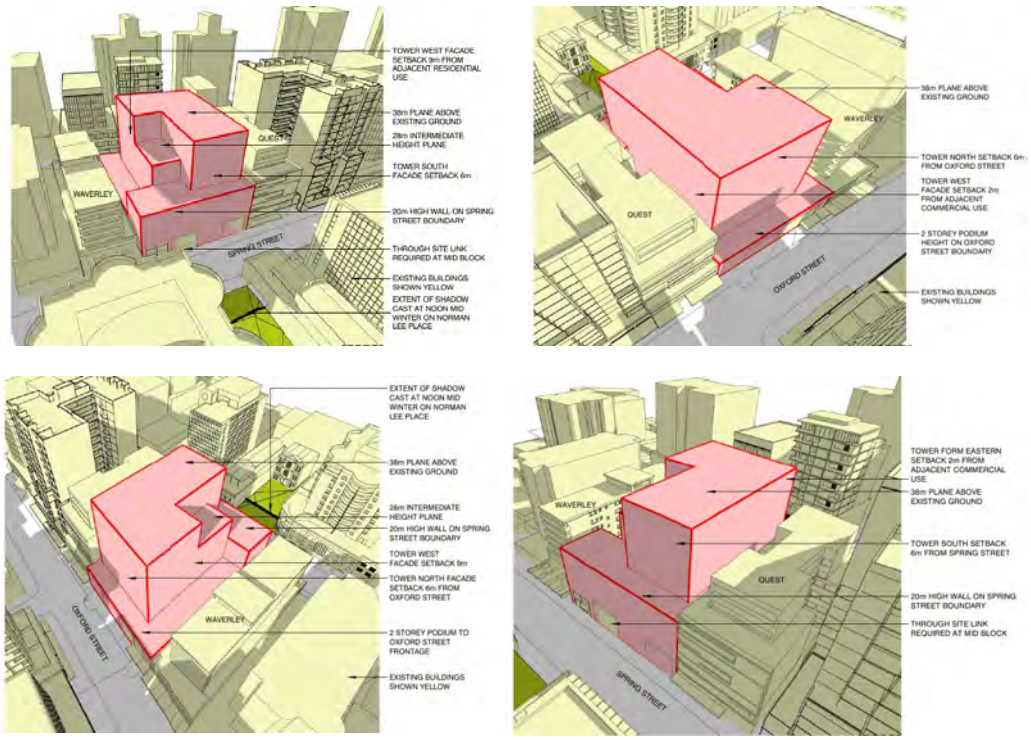


Figure 7– Building envelope diagram assuming reduced set back to the Quest Building

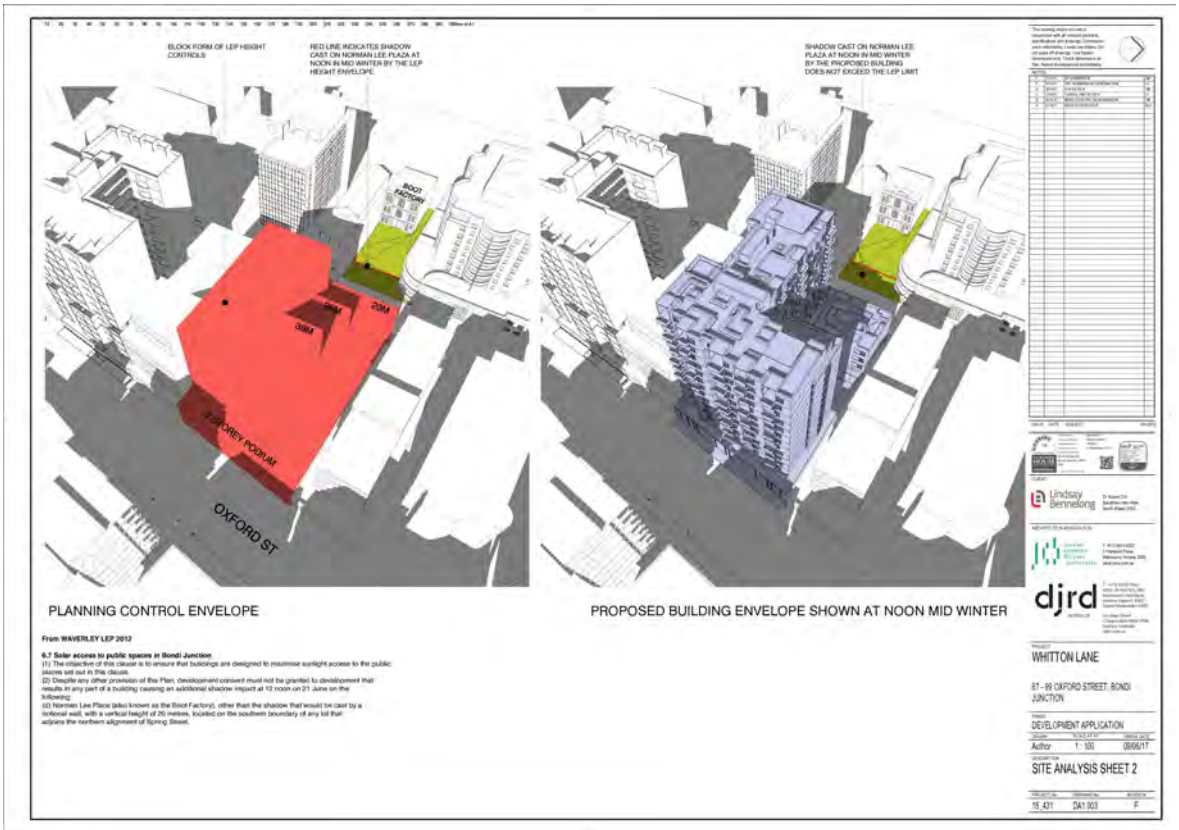
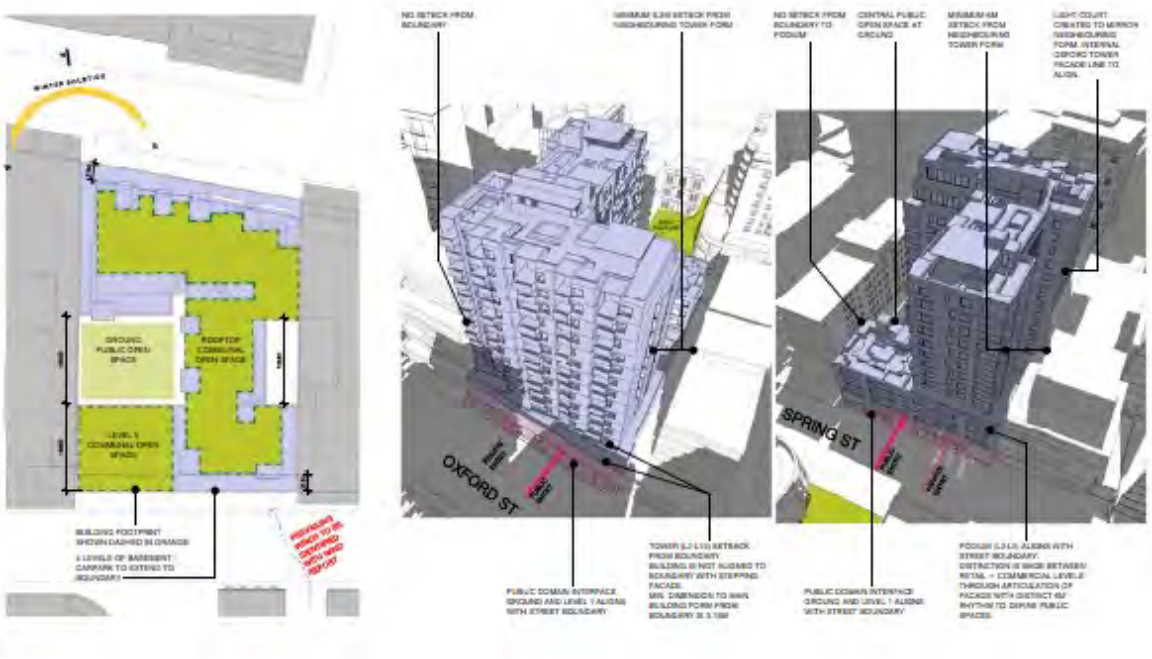


Figure 8- Design response using modified building envelope controls



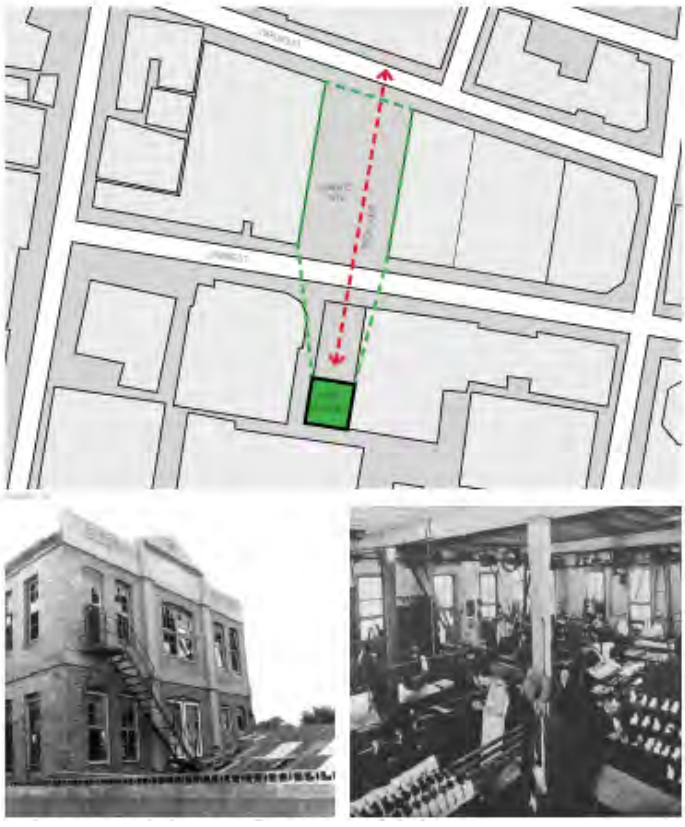


Figure 9-Contextural analysis and link to Norman Lee Place.

3 The Proposal

The proposal involves the redevelopment of land at 87-99 Oxford Street and 16-22 Spring Street, Bondi Junction (see Table A), for the purposes of a mixed use development in the form of high rise residential flat building over two (2) levels of retail/commercial premises. The scheme is shown on the architect's drawings scheduled at Table C.

It is proposed to construct a building of fourteen (14) storeys above Oxford Street with four (4) basement car parking levels (for 190 vehicles). The building has a return to the Spring Street frontage and a smaller five (5) storey section of building across part of that frontage but integrated into the larger built form which is basically an L-shape.

The building expresses a required two storey retail facade abutting Oxford Street with a twelve (12) storey tower building setback a variable 3-6m above and a five (5) storey streetwall podium building facing Spring Street with a nine (9) storey tower on the eastern half of the frontage set back 3 m from the street alignment.

Vehicular access to the building will be from Spring Street accessing both a loading dock area at street level and a ramp to four (4) basement car parking levels below.

There are seven (7) retail occupancies at ground level in the form of a double height "arcade through site connection" from Oxford to Spring Streets with an associated internal "open to the sky plaza". See Figure 10 below

Figure 10– Above and below -The Arcade and Plaza

At Level 1 there will be four(4) commercial suites and a residents gym and pool which is open to the air, see Figure 11 below.

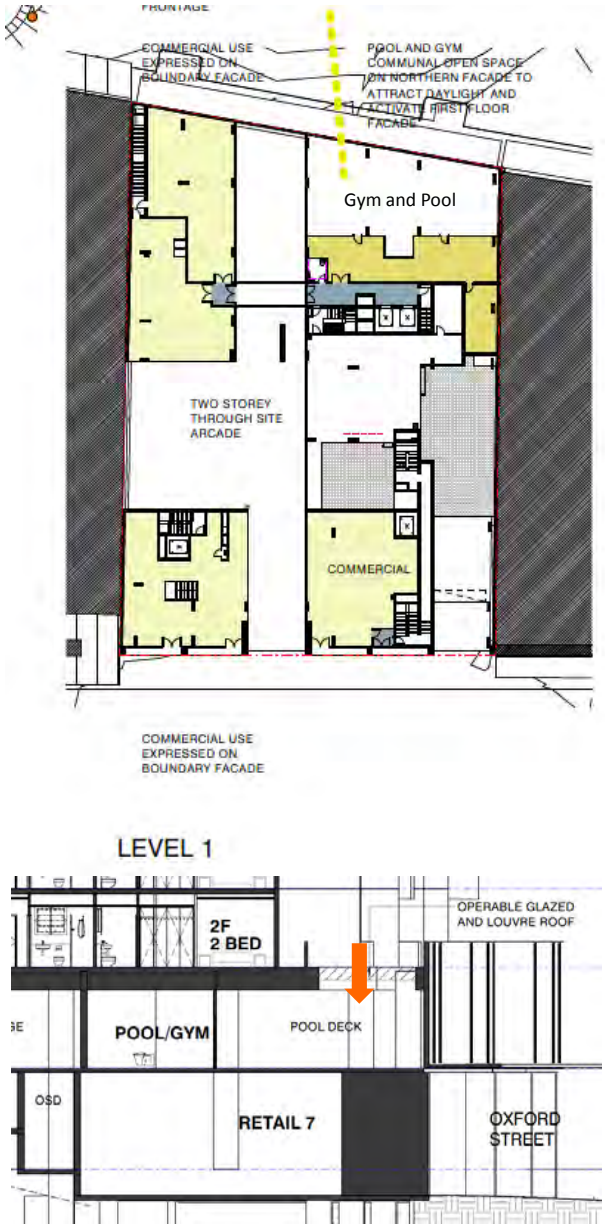


Figure 11 –The pool deck and gym

Levels 2-13 will provide for 129 apartments in a mixed configuration of:

- 50 x 1bedroom;
- 48 x 2bedroom;
- 31 x 3bedroom.

The building will have a total gross floor area (GFA) of 13,196m² which represents a floor space ratio (FSR) of 5.75:1.

The relevant key project statistics follow-

Table B—Relevant Statistics	
Site Area	2,295m2
Proposed GFA	13,196m2
Proposed FSR	5.75:1
Maximum Building Height	49.85m
No of Apartments	129
Retail GFA	622m2
Commercial GFA	582m2
On Site Parking	190
Apartment with ADG Solar Access	70%
Apartments with ADG Cross Ventilation	67%
Apartments with Single Aspect	15.5%
Communal Open Space	46% or 1,052m2

Figure 12-The Spring Street frontage

Figure 13 -The Oxford Street frontage

TABLE D - DA Plans and Supporting Drawings

Dwg #	Rev	Current Revision Date	Drawing Title
DA0.001	I	15/11/17	Cover Page
DA1.001	D	15/11/17	Survey
DA1.002	F	15/11/17	Site Analysis Sheet 1
DA1.003	F	15/11/17	Site Analysis Sheet 2
DA1.004	C	15/11/17	Site Analysis Sheet 3
DA1.101	K	15/11/17	Basement 4 General Arrangement Plan
DA1.102	K	15/11/17	Basement 3 General Arrangement Plan
DA1.103	K	15/11/17	Basement 2 General Arrangement Plan
DA1.104	K	15/11/17	Basement 1 General Arrangement Plan
DA1.105	J	15/11/17	Ground Floor General Arrangement Plan
DA1.106	J	15/11/17	Level 1 General Arrangement Plan
DA1.107	F	15/11/17	Level 2 General Arrangement Plan
DA1.108	H	15/11/17	Level 3 General Arrangement Plan
DA1.109	F	15/11/17	Level 4 General Arrangement Plan
DA1.110	G	15/11/17	Level 5 General Arrangement Plan
DA1.111	F	15/11/17	Level 6 General Arrangement Plan
DA1.112	H	15/11/17	Level 7 General Arrangement Plan
DA1.113	F	15/11/17	Level 8 General Arrangement Plan
DA1.114	F	15/11/17	Level 9 General Arrangement Plan
DA1.115	F	15/11/17	Level 10 General Arrangement Plan
DA1.116	F	15/11/17	Level 11 General Arrangement Plan
DA1.117	G	15/11/17	Level 12 General Arrangement Plan
DA1.118	G	15/11/17	Level 13 General Arrangement Plan
DA1.119	H	15/11/17	Roof General Arrangement Plan
DA2.100	E	15/11/17	North Elevation
DA2.101	E	15/11/17	South Elevation
DA2.102	E	15/11/17	East Elevation
DA2.103	E	15/11/17	West Elevation

TABLE D—Continued			
Dwg #	**Rev**	**Current Revision Date**	**Drawing Title**
DA2.501	H	15/11/17	Section A
DA2.502	H	15/11/17	Section B
DA8.100	I	15/11/17	Schedules
DA8.200	B	15/11/17	SEPP 65—ADG Compliance Sheet 1
DA8.201	D	15/11/17	SEPP 65—ADG Compliance Sheet 2
DA8.300	D	15/11/17	Apartment Areas
DA8.400	C	15/11/17	Signage Strategy
DA9.001	D	15/11/17	Shadow Diagram Winter Solstice 1
DA9.002	D	15/11/17	Shadow Diagram Winter Solstice 2
DA9.200	D	15/11/17	Sun Views
DA9.201	D	15/11/17	View Sharing Study
DA9.400	D	15/11/17	Spring Street South Shadow Study
DA9.401	D	15/11/17	Spring Street South Shadow Study
DA9.600	B	15/11/17	External Finishes
DA9.601	B	15/11/17	External Finishes
DA9.602	A	15/11/17	Photomontages

4 Environmental Planning Framework

The applicable environmental planning framework includes the environmental planning instruments such as SEPPs and Waverley LEPs that may contain development standards, as well as statutory instruments such as the Waverley DCPs that do not contain development standards and non-statutory documents such as policy documents.

Statutory considerations:

- Environmental Planning and Assessment Act, 1979 (EP&A Act);
- Environmental Planning and Assessment Regulation 2000 (EP&A Regulations);
- State Environmental Planning Policy No 55—Remediation of Land (SEPP 55);
- State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (SEPP 65);
- The Apartment Design Guide (ADG);
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP);
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP);
- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP);
- Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005 (Sydney Harbour Catchment SREP);
- Waverley Local Environmental Plan 2012 (WLEP 2012);
- Waverley Development Control Plan 2012, Amendment No 5 (WDCP 2012);
- Draft Waverley Housekeeping Amendments Local Environmental Plan 2016 (Draft Housekeeping LEP 2016);
- Waverley Council Development Contribution Plan 2006 (Development Contribution Plan); and

Non-statutory considerations:

- A Plan for Growing Sydney, 2014; and
- Draft Central District Plan.

The purpose of a Statement of Environmental Effects (SEE) is stated in the Schedule 1 Part 1 Development Applications - Regulation 2 (4) as follows:

(4) A statement of environmental effects referred to in subclause (1) (c) must indicate the following matters:
(a) the environmental impacts of the development,
(b) how the environmental impacts of the development have been identified,

(c) the steps to be taken to protect the environment or to lessen the expected harm to the environment,

(d) any matters required to be indicated by any guidelines issued by the Secretary for the purposes of this clause.

(5) In addition, a statement of environmental effects referred to in subclause (1) (c) or an environmental impact statement in respect of State significant development must include the following, if the development application relates to residential apartment development to which State Environmental Planning Policy No 65--Design Quality of Residential Apartment Development applies:

(a) an explanation of how:
(i) the design quality principles are addressed in the development, and
(ii) in terms of the Apartment Design Guide, the objectives of that guide have been achieved in the development,

(b) drawings of the proposed development in the context of surrounding development, including the streetscape,

(c) development compliance with building heights, building height planes, setbacks and building envelope controls (if applicable) marked on plans, sections and elevations,

(d) drawings of the proposed landscape area, including species selected and materials to be used, presented in the context of the proposed building or buildings, and the surrounding development and its context,

(e) if the proposed development is within an area in which the built form is changing, statements of the existing and likely future contexts,

(f) photomontages of the proposed development in the context of surrounding development,

(g) a sample board of the proposed materials and colours of the facade,

(h) detailed sections of proposed facades,

(i) if appropriate, a model that includes the context.

Waverley Council has DCP requirements for the preparation of SEE's as follows:

An SEE outlines the proposal and addresses all issues for consideration and assessment.

The SEE must:

- *Explain how the proposal has resolved the relevant matters contained within Section 79C of the EP&AA 1979;*
- *The environmental impacts of the development;*
- *How the environmental impacts of the development have been identified;*
- *The steps to be taken to protect the environment or to lessen the expected harm to the environment;*
- *Compliance with the relevant objectives and controls within the LEP and this DCP;*
- *Where any relevant controls are not satisfied justification for the non-compliance must be provided;*
- *If the non-compliance relates to a development standard in WLEP 2012 (e.g. Lot size, building height and floor space ratio) you will need to refer to Clause 4.6 of the WLEP 2012 which sets out how non compliance may be considered.*

Relevantly, Waverley DCP 2012 Part C2—Multi Unit and Multi Dwelling Housing sets out its relationship with SEPP65 and the ADG as follows:

This Part applies to new, alterations and additions or change of use to residential flat buildings, attached dwellings, multi dwelling housing and shop top housing throughout the Waverley Local Government Area (LGA).
State Environmental Planning Policy No 65—Design Quality for Residential Flat Development (SEPP 65) and the associated Apartment Design Guide aim to improve design quality of residential apartment design. The policy applies to development of residential flat buildings, shop top housing and mixed use development of three or more storeys, and containing fur or more self-contained dwellings.

Where SEPP65 applies to a development, any DCP controls relating to the following matters have no effect:

- *Visual privacy,*
- *Solar and daylight access,*
- *Common circulation and spaces,*
- *Apartment size and layout,*
- *Ceiling heights,*
- *Private open space and balconies,*
- *Natural ventilation, and*
- *Storage.*

When considering the Waverley DCP and ADG requirements together, it is relevant to also note the ADG sets out requirements for the preparation of residential building envelope controls in PART B and these include:

2B Building envelopes

A building envelope is a three dimensional volume that defines the outermost part of a site that the building can occupy.

Building envelopes set the appropriate scale of future development in terms of bulk and height relative to the streetscape, public and private open spaces, and block and lot sizes in a particular location. Envelopes are appropriate when determining and controlling the desired urban form in town centres, brownfield sites, precinct plan sites and special sites such as those with heritage, significant views or extreme topography.

A building envelope should be 25-30% greater than the achievable floor area (see section 2D Floor space ratio) to allow for building components that do not count as floor space but contribute to building design and articulation such as

balconies, lifts, stairs and open circulation space.

Building envelopes help to:

- *Define the three dimensional form of buildings and wider neighbourhoods*
- *Inform decisions about appropriate density for a site and its context*
- *Define open spaces and landscape areas*
- *Test the other primary controls to ensure they are coordinated and achieve the desired outcome*
- *Demonstrate the future mass, scale and location of new development.*

BTG Planning Comment

As highlighted on page 8 Section 1 of this SEE, the Council's 6m tower setback provisions may be inconsistent with the WLEP FSR controls but in any event they are inconsistent with existing development nearby and as recently approved by the Council.

In these circumstances, we consider the best urban design outcome is derived from such variations and Council should in particular take a flexible approach to the application of the 6m street front tower setback controls.

5 Environmental Planning Assessment

The following assessment is aimed at identifying the proposal's consistency, or otherwise, with the objectives, development standards and non-statutory controls of the framework established in Section 4.

5.1 Environmental Planning & Assessment Act 1979

5.1.1 Section 5—Objects

The EP&A Act is the principle planning and development legislation guiding development in New South Wales (NSW). As prescribed by Section 5, the objectives of the EP&A Act are to encourage:

i. The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,

ii. The promotion and co-ordination of the orderly and economic use and development of land,

iii. The protection, provision and co-ordination of communication and utility services,

iv. The provision of land for public purposes,

v. The provision and co-ordination of community services and facilities, and

vi. The protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and

vii. Ecologically sustainable development, and

viii. The provision and maintenance of affordable housing, and ...

Response:

The proposal is for a high density mixed-use development which is a permissible land use. The proposal will be substantially compliant with the relevant objectives and development standards but will involve some site specific variations to the LEP and DCP controls.

The proposal has been designed to increase employment and housing opportunities for a range of household types. It adopts contemporary design principles, as well as materials and finishes that will complement the town centre both now and in the future. Measures to minimise environmental impacts are also included, such as responsive urban design, stormwater controls, passive solar design, as well as BASIX measures. Retail and commercial tenancies are included to provide an active frontage for the building and support the commercial viability of the Bondi Junction Commercial Centre.

As stated, due to various site context conditions (Section 2), the proposed design offers several alternative design solutions to those inherent in Council's DCP. These are discussed throughout this report.

TABLE E – Section 79C(1) (a) Considerations

Section	Comment
Section 79(1)(a)(i) Any environmental planning instrument	Consideration of relevant instruments is discussed in Sections 1 and 5.
Section 79C(1)(a)(ii) Any draft environmental planning instrument	Consideration of relevant draft instruments is discussed in Section 5.
Section 79C(1)(a)(iii) Any development control plan	Consideration of relevant development control plan/s is discussed in Section 5.
Section 79C(1)(a)(iiia) Any planning agreement	A Voluntary Planning Agreement (VPA) is proposed.
Section 79C(1)(a)(iv) Matters prescribed by the regulations	Any relevant matters prescribed by the regulations are addressed in Section 5.
Section 79C(1)(a)(v) Any coastal zone management plan	Coastal zone management plans do not apply to the subject site.
Section 79C(1)(b) The proposal's likely impacts	The proposal's likely impacts are evaluated in Section 7.
Section 79C(1)(c) Site suitability	The subject development site's suitability for the proposal is considered in Section 7 &9.
Section 79C(1)(d) Any submissions	Public submissions will follow during the DA Documentation process.
Section 79C(1)(e) The public interest	The proposal is considered with respect to the public interest in Section 8 & 9

5.1.2 Section 79C—Evaluation

Section 79C of the EP&A Act specifies the matters which a consent authority must consider when determining a DA. Those matters in Section 79C of the EP&A Act of relevance to this DA are addressed in Table D above, and elsewhere in this SEE.

5.2 Environmental Planning & Assessment Regulation 2000

5.2.1 Clause 50(1-1AB) - How must a development application be made

This clause of the EP&A Regulations states that a DA for a residential apartment development must be accompanied by a design verification statement from a qualified designer, which confirms:

a) that he or she designed, or directed the design, of the development, and

b) provide an explanation that verifies how the development:

i. addresses how the design quality principles are achieved, and

ii. demonstrates, in terms of the Apartment Design Guide, how the objectives in parts 3 and 4 of the guide have been achieved.

Clause 50(1A) requires that a development application for residential apartment development be accompanied by a design verification statement from a qualified designer which confirms:

(a) verify that he or she designed, or directed the design, of the development, and

(b) provide an explanation that verifies

how the development:

(i) addresses how the design quality principles are achieved, and

(ii) *demonstrates, in terms of the Apartment Design Guide, how the objectives in Parts 3 and 4 of that guide have been achieved.*

Response

A Design Verification Statement has been prepared by DJRD Architects, and accompanies this application, see Annexure D.

In addition, Clause 50 refers to Schedule 1 of the EP&A Regulations, which provides that any DA for residential apartment development to which SEPP65 applies, must also be accompanied by certain information. Architectural plans, landscape plans and other supporting plans are provided at Annexure C.

5.3 State Environmental Planning Policy No 55—Remediation of Land

5.3.1 Clause 2—Object of this Policy

SEPP 55 establishes state-wide provisions to promote the remediation of contaminated land. In particular, the policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:

- By specifying when consent is required, and when it is not required, for a remediation work, and
- By specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and
- By requiring that a remediation work meet certain standards and notification requirements.

5.3.2 Clause 7—Contamination and remediation to be considered in determining development application

This clause requires that a consent authority must not grant consent to a development unless it has considered whether a site is contaminated, and if it is, that it is satisfied that the land is suitable (or will be after undergoing remediation) for the proposed use.

Response

A Phase 2 contamination assessment has been prepared by EIS and a Site Audit letter advising the site can be made suitable for the proposed use. See SD 6 and 7

5.4 State Environmental Planning Policy No 65-Design Quality of Residential Apartment Development

5.4.1 Clause 2—Aims, objectives, etc

SEPP65 aims to improve the design quality of residential apartment development in NSW by:

- Ensuring such buildings contribute to sustainable development;
- Provide sustainable housing in social and environmental terms;
- Achieve better built form and aesthetics of buildings, streetscapes and the public spaces they define;
- Better satisfy the increasing demand, changing social and demographic profile of the community;
- Maximise amenity, safety and security for the benefit of occupants and the wider community;
- Minimise the consumption of energy from non-renewable resources.

To assist with meeting these objectives, the SEPP prescribes nine (9) design quality principles which must be met by any respective DA. As referenced earlier, SEPP65 also prescribes the ADG which provides further detailed measures to assist with satisfying the objectives and design principles.

Response

As stated earlier, this SEE is accompanied by a Design Verification Statement as well as an

ADG compliance table at Annexure D prepared by DJRD Architects.

A short summary follows:

- A total of 1,050 m2 of communal open space is provided, which equates to 46% of the site area (ADG recommended minimum is 20%).
- 90% of the abovementioned communal open space receives a minimum of 2 hours sunlight between 9am and 3pm at June 21 (ADG recommended minimum is at least 50%).

The proposal includes:

- 1 bedroom dwellings with a minimum area of 50m2 (ADG recommended minimum is 50m2).
- 2 bedroom dwellings with a minimum area of 79m2 (ADG recommended minimum is 70m2).
- 3 bedroom dwellings with a minimum area of 108m2 (ADG recommended minimum is 90m2).

The proposal includes:

- 1 bedroom dwellings with a minimum additional storage area of 6m3 (including basement ADG recommended minimum is 6m3).
- 2 bedroom dwellings with a minimum additional storage area of 8m3 (including basement ADG recommended minimum is 8m3).
- 3 bedroom dwellings with a minimum additional storage area of 10m3 (including basement ADG recommended minimum is 10m3).

A variety of dwellings types are provided catering for a variety of household sizes.

The DA drawing package Annexure C also provides sheets DA8.200, 201, 250 and 300 to assist with the SEPP 65 assessment.

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

The aim of this Policy is to establish a scheme to encourage sustainable residential development the BASIX scheme). The BASIX SEPP, together with Schedule 1 of the EP&A Regulations 2000, require the submission of a BASIX certificate for any BASIX affected building/s, which is defined in the EP&A Regulations 2000 as any building that contains one or more dwellings, but does not include a hotel or motel.

Response

The proposal is regarded as a BASIX affected building. The DA includes BASIX certification as provided in SD2 of this SEE. The certificate confirms that the proposal achieves the minimum efficiency targets. As such, the proposal satisfies BASIX requirements as prescribed by the BASIX SEPP and the EP&A Regulation 2000.

5.6 State Environmental Planning Policy (Infrastructure) 2007

5.6.1 Clause 101—Development with frontage to classified road

This clause applies to proposed development with frontage to a classified road. It seeks to ensure development with a frontage to a classified road would not compromise its effective and ongoing operation.

Response

The proposal does not have frontage to a Classified Road.

5.6.2 Clause 102—Impact of road noise or vibration on non-road development

Clause 102 seeks to ensure that any proposed development for the purpose of a residential place of worship, hospital or education establishment land use, on land which is on or adjacent to any road corridor with an annual average daily traffic volume of more than 40,000 vehicles, will achieve suitable internal amenity.

Response

The NSW Roads & Maritime Service's (RMS) Traffic Volume Maps, indicates that this section of Oxford Street does not accommodate an annual average daily traffic volume of more than 40,000 vehicles. As such, clause 102 of the Infrastructure SEPP does not technically apply to this DA.

Whilst the clause may not strictly apply, an assessment was nevertheless undertaken against the noise criteria of clause 102. The results are provided at SD 10 and, in summary, they provide that the proposal can meet the criteria, subject to specific design measures such as minimum glazing thickness and the like. These could be required as a condition of any Development Consent.

6.6.3 Clause 104—Traffic generating Development

Clause 104 requires that before granting consent to development of a type nominated in Schedule 3 of the Infrastructure SEPP, the consent authority must refer the application to the RMS for comment on various matters including:

- The efficiency of movement of people to and from the site and the extent of multi-purpose trips, and
- The potential to minimise the need for travel by car, and
- Any potential traffic safety, road congestion or parking implications of the development.

Response

This provision is not relevant as the proposal although of a type listed in column 3 of Schedule 3, being an apartment or residential flat building with 75 or more dwellings on a site it does not have a connection of less than 90m to a classified road, which in this case is Syd Einfeld Drive.

5.7 State Environmental Planning Policy (State and Regional Development) 2011

5.7.1 Clause 20—Development to which Part Applies

Of relevance to this DA is Clause 20 of the SRD SEPP which, by referencing Schedule 4A of the EPA Act, identifies certain development as Regional Development.

Response

Clause 3 of the Schedule 4A of the EPA& Act lists any development with a CIV or more than $20 million as Regional Development. The proposal would therefore be regarded as Regional Development given its DIV equates to $64,535,556.00.

5.7.2 Clause 21—Council consent functions to be exercised by regional panels

This clause provides that any development to which clause 20 applies, may be determined by a regional planning panel. Based on the CIV, the DA will be assessed by Waverley Municipal Council as the consent authority but determined by the Sydney Central Planning Panel as the determining authority.

Response

See above.

5.8 Waverley Local Environmental Plan 2012

The *Waverley Local Environmental Plan 2012* (WLEP) is the primary local environmental planning instrument that applies to the site.

5.8.1 Clause 1.4 Definitions

This clause, and the corresponding dictionary, defines *"shop top housing"* as *".... one or more dwellings located above ground floor retail premises or business premises".*

A *"dwelling"* is subsequently defined as *" ... a room or a suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domi-*

cile".
"*Retail premises"* are defined as *"a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:*

... (l) shops..."

A *"shop"* is defined as *"premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises".*

"mixed use development" means a building or place comprising 2 or more different land uses.

***Residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.*

Note.
*Residential flat buildings are a type of **residential accommodation**—see the definition of that term in this Dictionary.*

***Commercial premises** means any of the following:*

(a) business premises,
(b) office premises,
(c) retail premises.

Response

Although the proposal provides dwellings, all of which are above shops located on the ground floor of the proposed building, it also has a part floor of commercial space above the retail level and is therefore more consistent with the definition of "mixed use development" than "shop top housing".

5.8.2 Clause 2.2 Zoning of land to which Plan applies

Pursuant to Clause 2.2, the site is zoned B4—Mixed Use, as identified in the extract of the relevant land use zoning map on the following page.

The objectives of the B4 Mixed Use zone are:

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

Response

The proposal is a high density mixed use commercial and residential development. Both these land uses are compatible with existing surrounding commercial and shop-top-housing developments. Bondi Junction's substantial public transport capacity lends itself to accommodating this form of development. The proposal is therefore consistent with the relevant objectives of the subject land use zone.

5.8.3 Clause 4.3 Height of Buildings

Pursuant to Clause 4.3, most of the site is subject to a maximum overall building height limit of 38m. However, No's 20 & 22 Spring Street have two height limits of 20 &28m. Refer to Figure 3.0

Response

The proposal has two street frontages and adopts a maximum RL (top of lift overrun) of 125.20 AHD. This equates to a maximum, non-compliant proposed overall building height of 49.850m i.e. measured from ground level immediately below that point.

An exception is sought to the strict application of the height standard pursuant to

Clause 4.6 of the WLEP 2012 (refer to SD 4).

5.8.4 Clause 4.4 Floor Space Ratio

(1) The objectives of this clause are as follows:

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

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

Response

The relevant site area is 2,295m2. The DA includes a proposed GFA of 13,196m2. As such, the maximum proposed FSR is 5.75:1.

A request to vary this development standard under Clause 4.6 has been prepared and is included at SD 4.

5.8.5 Clause 6.2 Earthworks

This clause states that development consent is required for most earthworks. The clause generally seeks to ensure earthworks are undertaken such that they would not damage adjoining properties, or sensitive natural environments.

Response

The DA includes four (4) basement levels and therefore seeks consent for their excavation. It is expected that the nominated building contractor will undertake excavation works in accordance with relevant standards, technical requirements, and the like. Therefore, it is expected that the proposal can satisfy the clause's objectives, and that consent can be issued for the proposal's related earthworks. Further technical information is provided in the geotechnical report prepared by JK Geotechnical Engineers at SD 11.

5.8.6 Clause 6.5 Active street frontages in the Bondi Junction Centre

The objective of Clause 6.5 is to promote land uses that attract pedestrian traffic along ground floor street frontages identified as an "active street frontage" on the Active Street Frontages Map.

Clause 6.5(3) states that development consent must not be granted to the erection of a building on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection.

Response

Seven(7) retail tenancies are provided in total: three (3) located along Oxford Street and two (2) along Spring Street. Refer to page 14 illustrations of the proposed ground floor.

We consider the proposed retail tenancies will satisfy the objective of Clause 6.5 in that the frontages will have suitably sized shops that support the commercial function of the Bondi Junction Centre while also providing passive surveillance into the public domain.

5.8.7 Clause 6.7 Solar Access to Public Spaces in Bondi Junction

(1) The objective of this clause is to ensure that buildings are designed to maximise sunlight access to the public places set out in this clause.
(2) Despite any other provision of this Plan, development consent must not be granted to development that results

in any part of a building causing an additional shadow impact at 12 noon on 21 June on the following:

(a) Clemenston Park,
(b) Waverley Street Mall,
(c) Eora Park,
(d) Norman Lee Place (also known as the Boot Factory), other than the shadow that would be cast by a notional wall, with a vertical height of 20 metres, located on the southern boundary of any lot that adjoins the northern alignment of Spring Street,
(e) Oxford Street Mall (between Bronte Road and Newland Street), other than the shadow that would be cast by a notional wall with a vertical height that matches the relevant height on the Height of Buildings Map, located on the southern boundary of any lot that adjoins the northern alignment of Oxford Street.
(f) (Repealed)

(3) In this clause ***additional shadow impact*** means any overshadowing caused by the proposed development that is additional to the amount of shadow cast by existing buildings as at the date of commencement of this provision.

Response

The proposal has been designed to ensure compliance with this provision and to also enhance the setting of the Boot Factory by providing a through-site link and plaza that provides better pedestrian access and significantly improved pedestrian experience in the immediate environs of this heritage listed site.

5.9 Draft Waverley Housekeeping Amendments Local Environmental Plan 2016 (Draft Housekeeping LEP 2016)

An environmental planning instrument, the Draft Waverley Housekeeping Amendments Local Environmental Plan 2016, has been the subject of public consultation under the Act, and is now with the NSW DP&E for finalisation. Therefore, the draft environmental planning instrument requires consideration for the purposes of the proposed development.

Of relevance to this proposal is the draft LEP's proposed amendments to objectives for the architectural roof features, height of buildings and floor space ratio clauses. The draft LEP also seeks to introduce a design excellence requirement for developments within Bondi Junction.

Of particular relevance to this proposal is draft *Clause 6.9 Design Excellence*, which states as follows:

(1) The objective is to deliver the highest standard of sustainable, architectural landscape and urban design.
(2) Development consent must not be granted to development involving the construction of a new building or to external alterations to an existing building on land to which this clause applies unless the consent authority considers that the development exhibits design excellence.
(3) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:

(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved, and
(b) whether the building promotes sustainable design principles in terms of Management of the design and building operation processes; Indoor environmental quality; Energy use, Water use and Emission minimisation; Contribution towards sustainable transport; Material selection; Improvement of ecological values; and Innovation, and

(c) the bulk, massing and modulation of buildings, and

(d) whether the form and external appearance of the development will improve the quality and amenity of the public domain and achieve appropriate interfaces at ground level between the proposed building and the public domain, and

(e) the contribution of the proposed development towards the maintenance of a consistent street rhythm particularly in terms of street frontage heights, street walls and the proportions of the street, and

(f) the manner in which pedestrians have been catered for particularly in regard to the development's contribution towards the permeability of the locality and provision of direct access to key locations, and

(g) the ease of movement and circulation of pedestrian, cycle, vehicular and service access, and

(h) whether the development encourages passive surveillance and social activity in public places, streets, laneways and plazas, and

(i) the extent to which the development promotes the sharing of views where existing view corridors will be interrupted, and

(j) whether the development detrimentally impacts on any land protected by solar access controls established in Clause 6.7 and the Waverley Development Control Plan, and

(k) the requirements of the Waverley Development Control Plan, and

(l) the suitability of the land for the proposed development and whether any streetscape constraints have been adequately addressed, and

(m) whether any heritage matters relating to the development site or in the vicinity of the development site have been adequately addressed, and

(n) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, and

(o) the manner in which landscaping has been integrated into the overall design.

Response

The proposal seeks to deliver a high-quality development that responds to the characteristics of the site and its surroundings.

Design excellence has been achieved through the following elements:

- The new residential tower incorporates a design to maximise internal amenity of the residential dwellings through adequate access to sunlight, privacy and cross-ventilation. The presentation of the tower to Oxford Street is varied and aesthetically pleasing;
- The materials palette and colours are tonal colours which integrate with the existing buildings in the locality;
- The building's facade is articulated by the use of balcony detailing and shape;
- The rooftop communal open space equates to 670m2 or 29% of site area as useable paved areas;
- The development provides ground level shops to encourage pedestrian activity and an active frontage along this section of Oxford and Spring Streets;
- The Oxford and Spring Street podium heights are consistent with the rhythm of the existing streetscapes.
- The proposal is of comparable bulk and scale to the surrounding high-density environment. For further discussion regarding bulk and scale impacts, refer to Section 8 of this SEE.
- The proposed communal open space located on the roof , is in the form of a green space and will provide open

space that will increase opportunities for social interaction in a high-quality landscaped setting.

- The proposal is consistent with the desired future character of the area, that is, to provide housing in accessible locations and provision of active frontages encouraging pedestrian traffic and safety along local roads. The proposal will also support the draft Central District Plan by contributing to meeting housing targets for the Central District by 2036.

We consider the proposal, despite non-compliances with the height and FSR development standards, will satisfy the underlying objective of the LEP.

5.10 Waverley Council Developer Contributions Plan 2006

The DA will be subject to Developer Contributions as provided by the Waverley Council Development Contributions Plan 2006 (S94 Plan). The S94 Plan applies a levy of 1% to a proposal's cost of development to determine relevant contributions. It is anticipated that the relevant contributions will be required as part of any Development Consent.

Response

This is a development consent matter and has some relevance to the proposed VPA for additional floor space.

5.11 Waverley Development Control Plan 2012, Amendment No 5 (WDCP 2012)

Council Pre-DA Advice

- Part A2—Development application requirements. A Development Application Checklist is also provided on Council's website.

Response

The DA checklist has been provided.

Part B—General Design Provisions

- Part B1—Waste

Response

Provided—See SD 15

- Part B2—Energy and Water Conservation

Council Pre-DA Advice
The proposal is expected to have a cost of works of at least $3 million. On this basis, an energy assessment report is required to be submitted with any development application. Refer to the criteria set out in section 2.6 of Part B2 of WDCP 2012 for how to prepare the report.

Response

See SD 12

- Part B6—Stormwater
- Part B7—Accessibility and Adaptability
- Part B8—Transport

Council Pre-DA Advice
No details are provided regarding off-street car parking. The development should just meet the minimum amount of off-street car parking required by the applicable rates outlined under 'Parking Zone 1' column of Table 2 in section 8.1.1 of Part B8 of WDCP 2012. It should also provide ample bicycle and motorcycle parking.

Response

Provided—See SD 5 and summarised on pages 36-37 of this SEE.

Council Pre-DA Advice

- Part B9—Heritage Section 1.6 heading.

Response

See Section 7 of this SEE.

- Part B10—Safety

Council Pre-DA Advice

The perceived safety and security of the proposed through-site link aspect of all concept proposals need to be carefully considered so not to cause opportunities for concealment. An arcade form rather than a laneway for the through-site link is preferred given greater security can be afforded to an arcade by locking gates or doors to restrict access to the link to the general public during late night hours and overnight.

Response

An arcade approach has been adopted.

- Part B11—Public Art

Response

A large scale green wall including a electronic screen for displaying local images and community updates is proposed in the open plaza area i.e. where it is envisaged people will congregate for dining. In addition, the open to the sky plaza will have suspended cables with atmospheric lighting. See Landscape plans.

Part C—Residential Development

Council Pre-DA Advice

- Part C2—Multi-unit and Multi dwelling housing

Response

It is considered this document has little relevance to mixed use hi rise development. The ADG is the more relevant set of controls.

Part D—Commercial Development

Council Pre-DA Advice

- Part D1—Commercial and Retail Development
- Part D2—Advertising and Signage

Response

The proposed retail and commercial tenancies will comply with the DCP controls where necessary. A Signage Strategy is provided at DA8.400

Part E—Site Specific Development

Council Pre-DA Advice

- Part E1—Bondi Junction Centre

Section 1.2 Urban form

The controls in this section require the following street wall height requirements that essentially establish the parameters for the podium for any development on the site:

- *A two/three storey shop front facade for Oxford Street*
- *A six storey street wall for Spring Street.*

Concept A appears consistent with these urban form controls; however Concept B is inconsistent given that there is no distinct podium addressing Spring Street. Any new development of the site should have a two storey street wall on Oxford Street and a 20m high street wall across the full extent of the Spring Street boundary of the site, which would equate to an approximate six storey street wall.

Response

The proposal addresses these comments by providing a two (2) storey shop front to Oxford Street and a five (5) storey podium to Spring Street.

Section 1.4 Access and movement

***Council Pre-DA** Advice*
Figure 4 in Section 1.4.1 of Part E1 of Waverley DCP 2012 indicates that the site is earmarked for a future through block or site link. All of the concepts provide for a through-site link in the form of an arcade, laneway and open space that directly connects Oxford Street and Spring Street. An arcade through-site link is preferred over a laneway as expressed in the comment and recommendations made by Council's Manager, Urban Design and Heritage as follows:

- *The proposed mid-block pedestrian link is supported in the form of a through site link rather than a laneway;*
- *Maintain the continuous street wall on both Oxford Street and Spring Street as per Concept Option A;*
- *The link should be approximately 6 metres in width to retain the scale and rhythm of the original fine grain subdivision pattern of Oxford Street, and to ensure the space is functional;*
- *CPTED principles must inform the design including:*
    1. *Ensure pedestrian sightlines are no obstructed.*
    2. *The space should be open to the public between 7am and 10pm and appropriately lit after dark. The space should be securely enclosed outside of these hours.*
    3. *Passive surveillance should be provided to all areas of the link from active frontages on the adjacent ground and first floors.*
- *The through site link should be designed in accordance with the Waverley DCP (E1.4.1 Arcades, Through Site Links and Squares) and including the following features:*
    1. *Open to the sky, naturally lit and ventilated;*
    2. *Double height internal spaces;*
    3. *Active frontages opening out onto the public space with public seating and landscaping; and*
    4. *Maintain visual connections through the entire space from Spring Street to Oxford Street.*

In terms of potential vehicular access to the development, it should be provided through a single crossover on Spring Street. The entry must be designed to minimise the impacts of vehicles on pedestrians along this primary street. Further, the location of the crossover should consider the planned cycleway along Spring Street. Figure 1 below is an extract from the current version of the Bondi Junction Cycleway Design, which may be subject to change. It is advised that you liaise with Council's Manager, Urban Design and Heritage, to check on the status of the cycleway project prior to lodging any development application.

Response

A double height through site link in the form of an arcade with an associated plaza which is open to the sky is proposed. The arcade can be secured outside of business hours. A single vehicular access off Spring Street has been provided and positioned to optimise pedestrian and vehicular safety See SD 5 for more detail.

Section 1.5 Subdivision

Council Pre-DA Advice
The controls in this section of WDCP 2012 encourage new infill buildings to retain the perception of small lot subdivision patterns. This is expected for the Oxford Street frontage and must include an articulated elevation that rein-

forces the 6m subdivision pattern of the streetscape. Fine grain retail frontages should address Oxford Street.

Response

As best can be achieved with the incorporation of the proposed arcade, the remainder of the street frontages along both Oxford and Spring Streets have relatively narrow frontages with a repetitive rhythm. The proposed arcade is 6.7m wide and the retail frontages have similar dimensions.

Section 1.6 Heritage and buildings of historic character

Council Pre-DA Advice
The site is identified as comprising a 'building elevation in streets with heritage character' in Figure 10 in section 1.6.2 of Part E1 of WDCP 2012. Control (a) in this section of the WDCP 2012 requires new buildings to have a two/ three storey street edge/wall form to ensure that the original two and three storey shopfront appearance is retained along Oxford Street. This control reinforces the appropriateness of any development achieving a two storey street wall.

Response

The required two (2) level shop front facade is provided to Oxford Street but this is not required on Spring Street as this is not a nominated "heritage street" in the DCP. Nevertheless, the Boot Factory site is directly opposite the subject site and the proposed arcade. The impact of future development on the Boot Factory site has been specifically addressed by cl. 6.7 of the LEP which requires certain maximum building heights to be adhered to on the subject site. This has been done. The selected colours, materials and finishes will be important to ensure a good fit of the building in the surrounding streetscape and what is proposed should comfortably achieve these objectives. The most important consideration is, however, the height of buildings adjacent to the Boot Factory and in this regard, the proposed building form minimises building bulk in this part of the site.

Section 1.8 Street alignment and front setbacks

Council Pre-DA Advice
The tower form component of any redevelopment is subject to a minimum street setback of 6m above the required podium heights for Oxford Street and Spring Street. Concept A does not appear to entirely reflect this, particularly from the Oxford Street boundary of the site. The tower form of any development on the site should be set back 6m from the street edge/wall of the podium of the development as required by the tower building forms control in section 1.8 of Part E1 of WDCP 2012.

Response

The tower building is not setback the required 6m from Oxford Street or Spring Street. See discussion in Sections 7 & 8 of this SEE.

Section 1.9 Separation and Section 1.10 Side and rear boundary setbacks

Council Pre-DA Advice
Concepts A and B both show the development have a nil side eastern setback with the exception of the centre of the development that reflects and matches the size and dimensions of the western light well for the adjoining development to the east of the site (known as the 'Quest' building). This is considered and would make the development perform well against the relevant objectives under sections 1.9 and 1.10 of Part E1 of WDCP 2012. The separation of the tower form of the development from the western boundary shown in both concepts are considered acceptable in terms of providing adequate visual relief between the tower and the adjacent tower to the west of the site at 79-85

Oxford Street (known as 'the Waverley' building).

Response

The proposed building setbacks to the east (The Quest) are as presented at the Pre-DA and reflect a balance between compliance with the DCP and Apartment Design Guide (ADG) requirements for building separations and the nature of existing development. The setbacks to the west (The Waverley) are different to the Pre-DA as additional intervening properties have been included in the site.

A mix of setbacks have been used to reflect the placement of windows and balconies on adjoining development and the need for habitable rooms and balconies with outlook to these side boundaries.

Section 1.16 Design excellence

Council Pre-DA Advice
Any new infill development in the Bondi Junction Centre is to exhibit design excellence, which certainly applies to this proposal. Refer to section 1.16 of Part E1 of WDCP 2012 about the matters for consideration for design excellence.

Response

See Sections 7 & 8 of this SEE

Section 1.17 Building elevations

Council Pre-DA Advice
The plans submitted with the application do not well detail the articulation and modulation of the street elevation of the building. The first and second floor levels should have regard to the proportion and size of punched openings that are evident in buildings lining Oxford Street.

Response

The elevations to Oxford Street is highly articulated by a stepped facade and protruding balconies.

The elevation to Spring Street has a more simple facade. But this is deliberate in order to take a cue from the window opening sizes of the Boot Factory.

The first and second floors have been designed to accord with the principle of maintaining the size of retail openings along the streets concerned.

Section 1.20 Ceiling heights

Council Pre-DA Advice
This section prescribes minimum ceiling heights measured between finished floor levels. The ceiling heights measured floor to ceiling outlined in the Apartment Design Guide takes precedence and should be adopted for any future development on the site. Notwithstanding, retail uses on ground floor level should have a floor to floor height of 4m and commercial uses on first floor level should have a floor to floor height of 3.5m.

Response

The DCP and ADG recommended floor to ceiling heights have been used.

Section 1.22 Wind mitigation

Council Pre-DA Advice
A wind tunnel study is required for the proposal given that it is greater than nine storeys in building height. Refer to section 1.22 of Part E1 of WDCP 2012 for more details.

Response

See full report at SD 8. Their conclusions follow:

SLR Consulting Pty Ltd (SLR) has been commissioned by Bondi Developments to assess the ground level wind environment within and around the proposed mixed-use development located at 87-99 Oxford Street and 16-22 Spring Street, Bondi Junction NSW, to

support the proposal's Development Application (DA).

The site is bounded by Oxford Street to the north and Spring Street to the south and is surrounded by a mix of low-rise commercial and residential tenancies and mid to high-rise mixed-use properties. To the immediate east and west respectively are the 8-storey Quest Hotel at 26-30 Spring Street, and the 9-storey "The Waverley" at 79-85 Oxford Street.

Existing Wind Environment

The present testing has shown that the site currently experiences elevated wind speeds along both Oxford Street and Spring Street footpaths in the vicinity of the proposal for both westerly winds and southeast winds, the former due to the lack of significant tall buildings upstream of the site (to the west) and the latter due to winds accelerating around some of the taller buildings (eg the Eastgate Towers) to the east of the site. These winds just exceed the standard 16 m/s walking comfort criterion (annual exceedance) but are below the 23 m/s public safety criterion.

Future Wind Environment

In terms of the future wind environment, the following is noted:

- Winds from all directions remain below the 23 m/s public safety criterion with the addition of the proposed development
- In general, at footpath locations surrounding the site, the addition of the proposed development results in modest changes (both up and down) to the peak winds of around ±1 m/sec.
    - At the locations where existing winds exceed the 16 m/s walking comfort criterion, winds are essentially unaffected by the proposed development.
    - There are no locations currently below the 16 m/s walking comfort criterion where the proposed development causes local winds to increase beyond the 16 m/s criterion.
- The internal ground floor arcade and seating/ dining area and Level 5 roof garden of the proposed development are expected to experience localised elevated winds (just exceeding the 16 m/s walking comfort criterion) for both northwest and southerly winds.
- In light of the above, SLR has recommended wind mitigation in the form of ...
    - Additional landscaping along Spring Street (either side of the arcade entry point)
    - Horizontal wind mitigation protecting internal seating/dining areas within the uncovered section of the ground floor arcade, e.g., table umbrellas.
    - Vertical wind mitigation, eg balustrade or planter box (eg 2 m combined planter box and planting height) at the northern and southern perimeters of the Level 5 and Level 14 Roof Gardens
    - Consideration of horizontal wind mitigation options, eg table umbrellas, etc, if there are seating/ dining areas within the two roof gardens specifically designed for long-term seating/dining activities

Other Supporting Documents Conclusions:

Acoustic Report Conclusions SD 10

SLR has assessed noise emissions associated with the proposed development at 87-99 Oxford Street and 16-22 Spring Street in Bondi Junction.

This assessment has identified that the operational noise emissions associated with the development, including noise from mechanical plant, with the adoption of standard mitigation measures, can be expected to comply with the relevant criteria and, therefore, not create adverse noise impacts to surrounding receivers.

This assessment also indicates that standard building constructions are sufficient to achieve the identified internal noise level requirements with windows closed. The design of the ventilation for the apartments should enable occupants to close windows during noisier periods whilst also meeting the venti-

lation requirements of the BCA/NCC at the same time.

Traffic and Transport Management Plan SD 5

The traffic, transport and parking assessment provided in this report for the proposed development scheme at Bondi Junction concludes that the development will:

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

Stormwater Management Report SD 16

The stormwater management design for the proposed development located at 87-99 Oxford Street, Bondi Junction has been designed in accordance with relevant Council standards. The proposed system directs all flows to an OSD tank and connects to Council's existing system on Oxford Street via a new pipeline. The system has been design to cater for storms up to and including the 100 year ARI and outgoing flows have been limited to Council's specified PSD.

Reflectivity Study SD 9

SLR Consulting Australia Pty Limited (SLR) has been engaged by Bondi Developments Pty Ltd to assess the environmental impact of the proposed mixed-use high rise building located at 87-99 Oxford Street in Bondi Junction, NSW with regard to the reflectivity of the facades of the building to support the Development Application (DA).

SLR conducted the reflectivity assessment in three stages:

- Stage 1: excluding the reflection conditions that are "not possible".
- Stage 2: reflection calculations on an assumed 100% glazed façade flush with the building's perimeter.
- Stage 3: refining of calculations taking into account building geometry, glazing design etc.

SLR identified areas that may be affected by adverse glare along Oxford Street and Spring Street as a result of the initial "Stage 2" calculations.

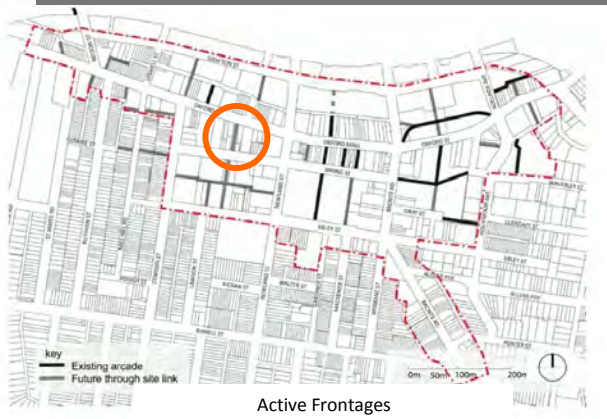
Further analysis assumes that as the design is progressed, a combination of factors outlined in Section 3.3 will reduce the amount of reflective glare impacting on the surrounding areas. It has also been recommended that glazing with a reflectivity coefficient of less than 10% be used for north and south facades, and 20% for all other glazing.

Adverse glare was also calculated pedestrians around the site; however it is likely that this will be reduced from the reasons outlined in Section 3.3. When considering a combination of factors including façade design, surrounding shielding elements and implemented recommendations, it is likely that adverse glare conditions can be reduced to an acceptable level.

Summary of Key DCP provisions

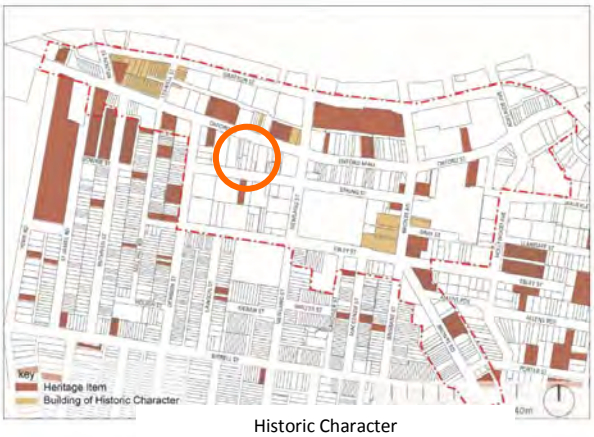
The key DCP planning outcomes are depicted on the group of extracted DCP illustrations provided at Figure 14 that follows.

Figure 14 - Key DCP Diagrams



Active Frontages

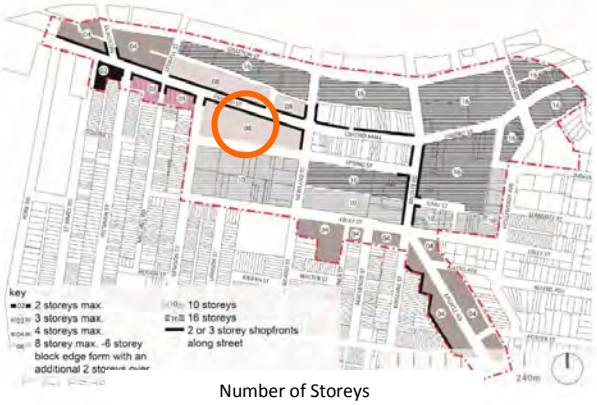
Building Frontages Small Shops Subdivision



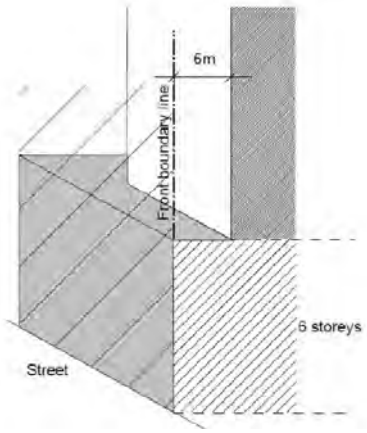
Historic Character

Street Alignment Heights

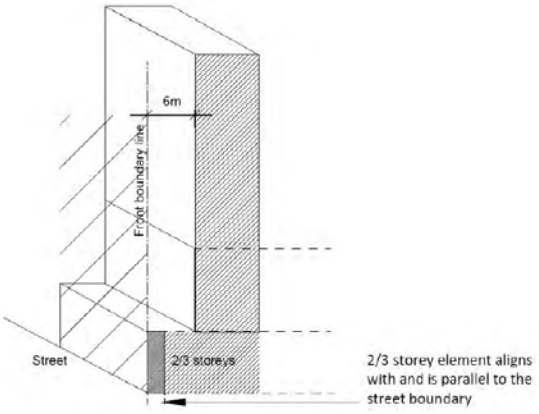
Awnings



Number of Storeys



Non Heritage Street Setbacks



Heritage Street Setbacks

6 Non Statutory Considerations

6.1 A Plan for Growing Sydney (APfGS)

A Plan for Growing Sydney (APfGS) provides key direction and actions to guide Sydney's productivity, environmental management, and liveability—including the delivery of housing, employment, infrastructure and open space over the next 20 years.

APfGS aims to increase Sydney's liveability, employment capacity and quality of housing through the following goals:

- A competitive economy with world-class services and transport;
- A city of housing choice with homes that meet our needs and lifestyles;
- A great place to live with communities that are strong, health and well connected; and
- A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

'A Plan for Growing Sydney' (2014) nominates Bondi Junction as a Strategic Centre expected to accommodate most of metropolitan Sydney's office and/or serviced related employment opportunities. They are also expected to allow for a mix of land uses, as well as a sizeable increase in housing opportunities in close proximity to major employment nodes. The proposal would be consistent with these objectives given it provides retail and commercial tenancies on the ground and first floors. The proposal would also provide additional housing opportunities in close proximity to core employment locations.

Consistent with 'A Plan for Growing Sydney' a combination of commercial and residential land uses (in a mixed-use format) dominate Bondi Junction. The commercial development, includes small individual retail tenancies, the Westfield Shopping Centre, as well as several medium rise office towers concentrated along Oxford Street (south of Adelaide Street), along Grafton Street, Spring Street and Ebley Street (between Hollywood Avenue and Denison Street).

6.2 Draft Central District Plan

The District Plans were released for exhibition in November 2016 and aim to provide further detail and short-term goals to achieve the objectives and direction within APfGS. The site is identified within the Draft Central District Plan. The vision for the Central District to 2036 is for:

- A Productive City;
- A Liveable City; and
- A sustainable City.

The proposal has capacity to provide housing which can assist in achieving the housing targets set in the District Plan for the Central District and employment generating development in the form of retail and commercial tenancies.

BTG Planning Comments-

The proposal is consistent with these policy outcomes. The Bondi Junction Town Centre has regional planning status with considerable urban investment in transport and commercial development. Growing the residential (living) base of the centre has many advantages as it will support current and future development in many forms. Additional employment generating floor space will also be beneficial.

7 Environmental Impact Assessment

7.1 Purpose

Sections 1-4 of this SEE have identified where there are non-compliances with Council's relevant LEP/DCP requirements. The purpose of this section is to identify the environmental consequences that may flow from the proposal as a whole and in particular these non-compliances. Where there are impacts, the SEE addresses any mitigating measures that may be implemented to minimise them.

7.2 The Non-Compliances- Summary

7.2.1 6m Tower Set Backs

The required 6m setback above the two (2) storey Oxford Street facade and the five (5) storey Spring Street facade (podium), is not fully provided for the following reasons:

A. ***Oxford Street***

This section of Oxford Street (apart from the subject site), is fully developed and does not have consistent tower form setbacks. This is illustrated at Figure 9 and on the aerial photograph and survey at Figure 1. The proposal is to provide a setback that mitigates in a meaningful way, between the adjoining buildings and at the same time, provide a facade which is detailed and complex by using variable setbacks of 3-6m. As discussed elsewhere, the effect of cl. 6.7 of the LEP is significant upon the development potential of the site and acts in a way to push the developable envelope towards the Oxford Street frontage.

B. ***Spring Street***

Although being opposite the Boot Factory site, the Spring Street frontage does not have Heritage Street Building Envelope control. It has a six (6) storey podium control but five (5) storeys is proposed. The tower form (over part of the frontage only), will be setback the same 3-6m as the Oxford Street frontage setbacks. Again, this complements the adjoining buildings of "The Waverley" and "Quest", that are also not setback the 6m as suggested by the control.

7.2.1 Floor Space Ratio

The FSR has been increased by 15% in accordance with Council's Policy for Voluntary Planning Agreements. The fundamental basis of the argument for an increase is the absence of environmental harm, provision of substantial financial contributions for public works and material public benefits for a through-site link and open plaza. Together these are considered to outweigh any disbenefits of the additional floor space.

7.2.3 Awning on the Spring Street Frontage

It is not proposed to have an awning on the Spring Street frontage mainly for urban design reasons and to enhance the double height void to the arcade and plaza.

7.2.4 Building Height

Due to the application for a VPA (see previous discussion), an additional two (2) floors are proposed. However, if the VPA is not approved, then the building will still contravene the 38m maximum building height by 2-3m. The latter non compliance could be seen as acceptable as a trade off for providing the double height through site link.

7.2.5 Deep Soil

No deep soil planting is proposed. However, a large roof top garden is proposed. It should be noted the ADG allows exemptions to this requirement for development in "business zones".

7.2.6 Number of Storeys

The DCP specifies a maximum of 10 storeys for this site. From the analysis provided throughout this SEE, it is clear this is not feasible and would further restrict the maximum FSR to about 4.0:1. Also, this provision has

not been complied with in most recent approvals within the Town Centre.

7.3 The Consequences

7.3.1 Streetscape and Built Form

While the proposed tower form does not comply with the 6m Oxford Street and Spring Street setbacks the street block defined by (Oxford/Denison/Spring and Newland Streets) is either already built out to its full potential or new buildings have been approved that also do not comply with this requirement. This includes some of the new developments approved as shown on Figure 6 and located on the northern side of Oxford Street.

It is argued that in this context, strict compliance with the 6m setbacks serves no useful urban design or environmental purpose but would act to discourage the amount of space to potentially be given over to the public domain, i.e., by reduction of potential arcade or plaza space.

The 3D modelling analysis prepared to demonstrate the above can be found at Figures 16 to 18. These show that existing development along Oxford Street near the subject site already substantially contravenes this 6m setback requirement.

Indeed, a recent approval at 362-374 Oxford Street involved non compliant 3m tower set backs, a VPA for an additional 2 floors and 15 % additional GFA. In its assessment report for that proposal the Council used its 3D town centre model to examine the exiting and proposed height non compliances, as shown on the drawings opposite which have been extracted from the Councils Assessment reports. The white arrow on Figure 15 shows the subject site location.

This context also demonstrates that there would be no substantive argument to suggest that the contravention of the 6m setbacks and maximum height on the subject site would create an adverse precedent or set

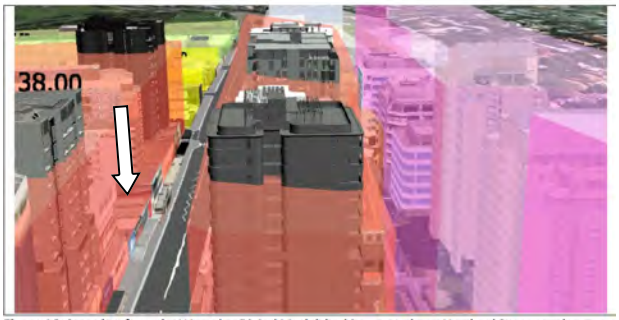


Figure 16: Snapshot from the Waverley Digital Model, looking west above Newland Street road reserve and showing three dimension planes of height of buildings development standards applying to the site and its surrounds overlaid by models of existing, recently constructed and approved development (subject development in the centre of snapshot)

Figure 15– Recent approval at 362-374 Oxford St and approved building height.

new parameters for future development. The Councils Assessment report for 362-374 Oxford St concludes that it is the prevailing height of buildings in storeys that establishes the consistency of local character and in that regard 14 storey is common. See extract below.

Table 7: Examples of developments that breach the height of buildings development standard of 38m

Address	Approval Reference	Overall Building Height *measured to the top of lift overrun
344-354 Oxford Street (on northern side of Oxford Street)	DA-101/2014/B	40.5m
304-308 Oxford Street (on northern side of Oxford Street)	DA-503/2014/A	48.65m
310-330 Oxford Street (on northern side of Oxford Street)	DA-598/2008/E	44.5m
109-119 Oxford Street (on southern side of Oxford Street)	DA-569/2015 DA-569/2015/A*	42.3m 49.45m
59-69 Oxford Street (on southern side of Oxford Street)	DA-585/2015/A	47.8m

*yet to be determined and is before the Sydney Central Planning Panel for determination.

Figure 16 demonstrates that the exceedance of the height of buildings development standard encountered by the majority of the examples outlined in **Table 7** equates to or manifests in these developments being two storeys or additional floor levels above the development standard. In this regard, the overall number of buildings storeys of these examples is 14.

Further to these examples, the adjacent two residential towers to the north of the site at 79-81 Grafton Street, while subject to a height of buildings development standard of 60m, is much greater in building height than the proposed development. These adjacent towers are very much within the visual catchment of the site and are as such are considered as part of assessing the appropriateness of the overall building height of the proposed development.

The data outlined above reveal that the building height of the proposed development is contextually appropriate. While the numerical extent of the variation is significant, the number of building storeys of the proposed development is the main determinant on how the building height of the development is read or perceived from ground level within the surrounding street network and public spaces. The proposed development is perceived as a 14 storey building and is thus consistent with recently constructed and approved tower form developments that are also perceived as 14 storeys and are subject to the same height of buildings development standard of 38m. Further, the overall architecture, aesthetics and design of the proposed development are striking and of a high standard, and therefore assist to offset the extent of visual impacts upon surrounding properties, the surrounding street network and the broader public domain of the Bondi Junction Centre.

The building height of the proposed development is considered suitable with regard to the existing and desired future character of the western precinct of the Bondi Junction Centre. While the proposed development simultaneously exceeds the floor space ratio development standard, the tower form aspect of the proposed development is sufficiently separated and set in from the side boundaries of the site to successfully distinguish it from the podium levels of the development. Further, the front and rear setbacks of the development are reasonable given they align with those setbacks established the adjoining commercial development at 356-360 Oxford Street. On these grounds, the proposed development is considered to be consistent with the objective expressed in clause 4.3(1)(d) of Waverley LEP 2012.

It is clear that Council has determined that in this area of the Bondi Junction Town Centre buildings of the scale and bulk of the subject proposal are appropriate.

It is in this context that the additional FSR and building height of the proposal can be seen as reasonable and be accommodated by varying the planning controls.

These new approvals will substantially inform the shape and future character of the Bondi Junction Town Centre by in any event the proposed design response is to match or create a transition between existing adjoining development. This is shown on Figures 8 and 9 and the resultant streetscape impact is shown on Figures 16-18. What is apparent is that along Oxford Street, the proposal will be generally consistent with existing buildings and along Spring Street, the tower will be positioned behind the build to line of adjacent buildings but also offset by the fact that much of the street frontage will not have a tower form constructed behind it.

7.3.2 Overshadowing

The additional building height will cause very minor additional shadow to buildings to its east, west and south. This impact is shown on the diagrams that follow at Figures 19-21 but is consistent with a compliant building envelope for this site. It is therefore reasonable.

Shadow diagrams have been prepared both in plan form and in elevation i.e. on the facades of the surrounding buildings affected.

The shadows generated are shown as a red line for a mostly compliant 5.0:1 building, i.e., two (2) levels lower than proposed and a blue line for the proposal, i.e., having two (2) additional levels.

The key observations to make are that:

- The additional shadow from the two (2) storey increase is very minor and exists for progressively less than one (1) hour on any of the buildings or sites listed above;
- The shadow cast on the Boot Factory site accords with the requirements of cl. 6.7 of WLEP which requires Norman Lee place to retain sunshine at noon. Any additional shadow from the extra two storeys is on the upper half of the top most windows of the Boot Factory building or its roof;
- The Mill Hill Community Centre is marginally affected;
- The main tower form (apartments of No 17-25 Spring Street), retains full solar access from 10am-3pm;
- The commercial building at 35-45 Spring Street retains a high level of solar access, but this should be a minor consideration for a commercial building.
- The Waverley will lose morning sun to its eastern facade but this will be consistent with a compliant building envelope for the site and the reasonable expectations of the residents of this older style building would be that at some time in the future a building form similar to its own could be constructed on this site.
- The Quest serviced apartments have west facing windows that will be affected by afternoon overshadowing. However, this is a short stay tourist development that has gained the advantage of the subject site with its side facing widows and this is a type of development that does not demand or ordinarily require solar access to its rooms.

7.3.3 View Loss

The DCP and LEP Housekeeping Amendments require an investigation of view loss and this matter is generally assessed using the planning principals established by the Land & Environment Court in a case called “Tenacity”.

There are a number of steps in this process, but before reaching that point, it is first necessary to establish whether there is view loss to consider. In this particular instance, the only views to consider are high level views to

the north towards Sydney Harbour or to the south with district views across Waverley.

Moreover, all the land to the north of the subject site, across Oxford Street, also has a height maximum of 38m and some approved buildings are much taller (see Figure 4). This will have the equivalent effect to the subject building.

Importantly, the only views that can potentially be affected by the proposal will be above the 38m height plane and towards the horizon and these do not involve iconic views of the Harbour Bridge, Opera House as these are to the north east or harbour generally as this would be below the horizon line.

Views to the south are even less iconic or important in these circumstances.

Some existing buildings to the north and south of the site will have their "outlooks" changed by the proposed building. However, these changes are not view losses per se and must be seen in the context of the permissible density, building heights and setbacks that are prescribed for the zone.

Figures 21 and 22 illustrate the proposed buildings envelope as viewed from the ground level near the Boot Factory on Spring St and approximating Level 12 immediately north of the site. The proposed building (blue colour) as viewed from the Boot Factory site will not block views but the stepped building form and proposed building L-shape will provide a reasonable open outlook to the sky (consistent with cl. 6.7). It also shows that when viewed from a height equivalent to Level 12 on the northern side of Oxford Street, the building will not affect any significant views. In addition (Figure 22) demonstrates that from the highest level of No 17-25 Spring Street, distant views are blocked by Level 10 of the proposed building (see horizon line, i.e. blue dotted line, and not the proposed building levels above that.

Figure 16- Tower Building Set Back Planes from Oxford Street

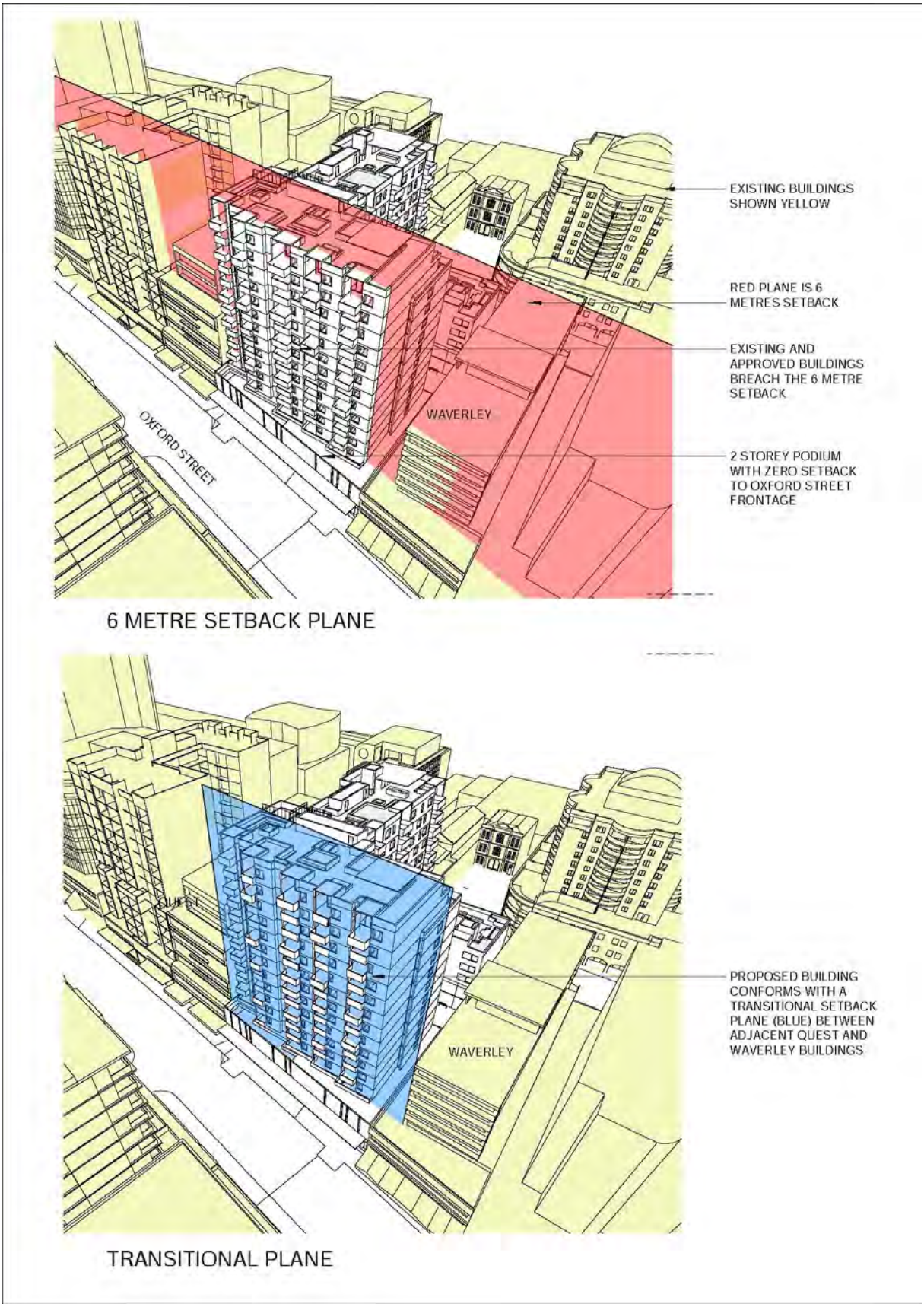


Figure 17-Tower Building Set Back Planes from Spring Street

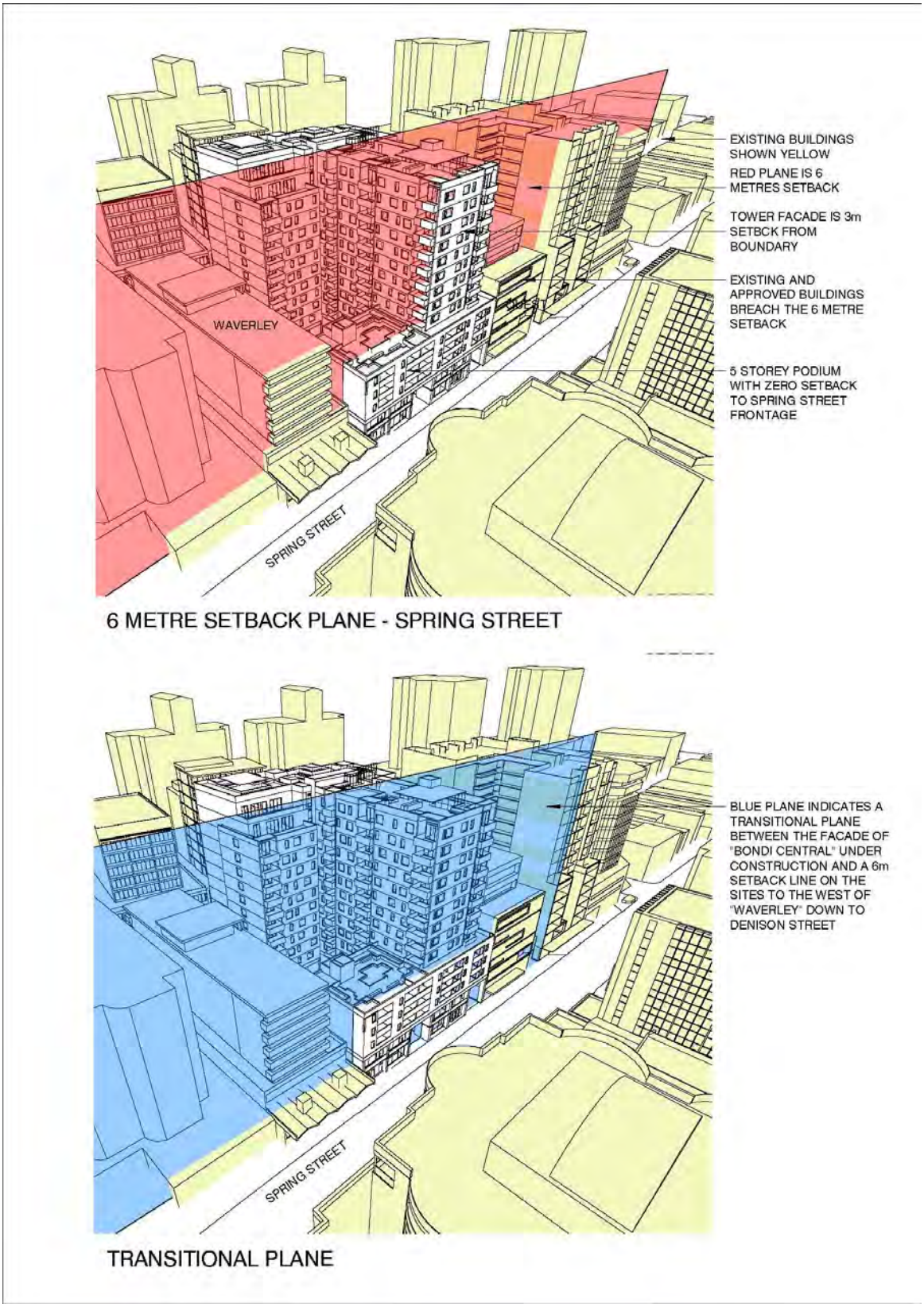


Figure 18- Tower Building Set Backs Street Views

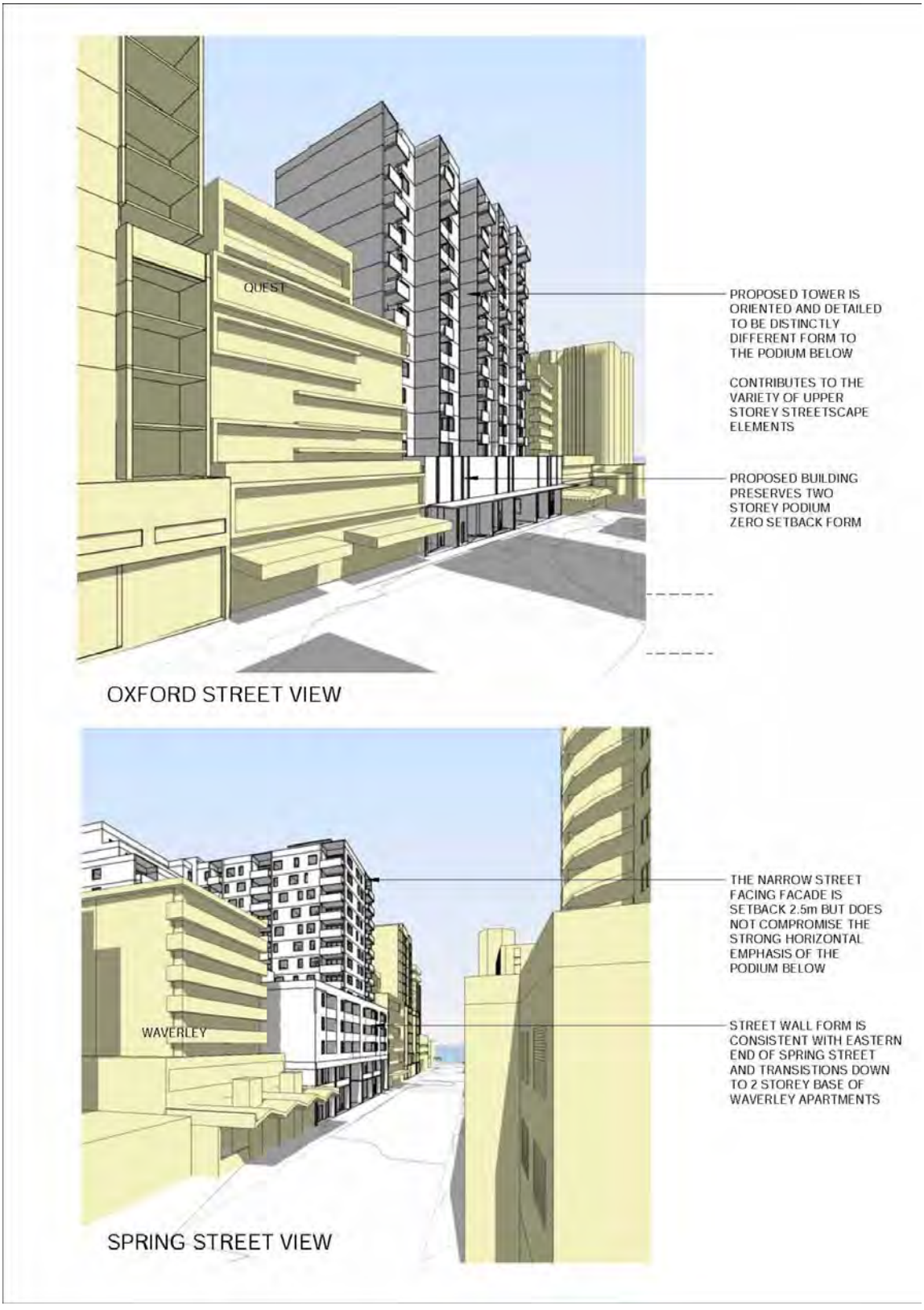
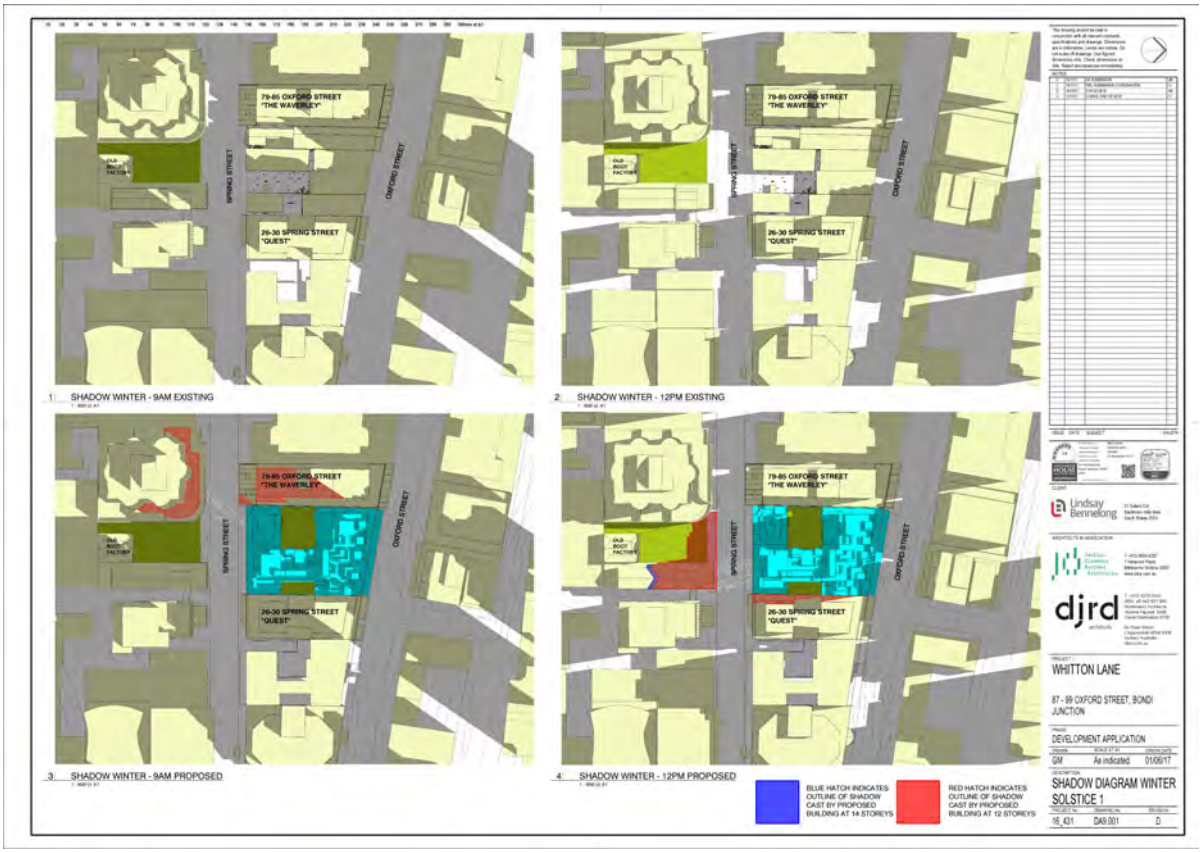


Figure 19 - Shadow Analysis 1



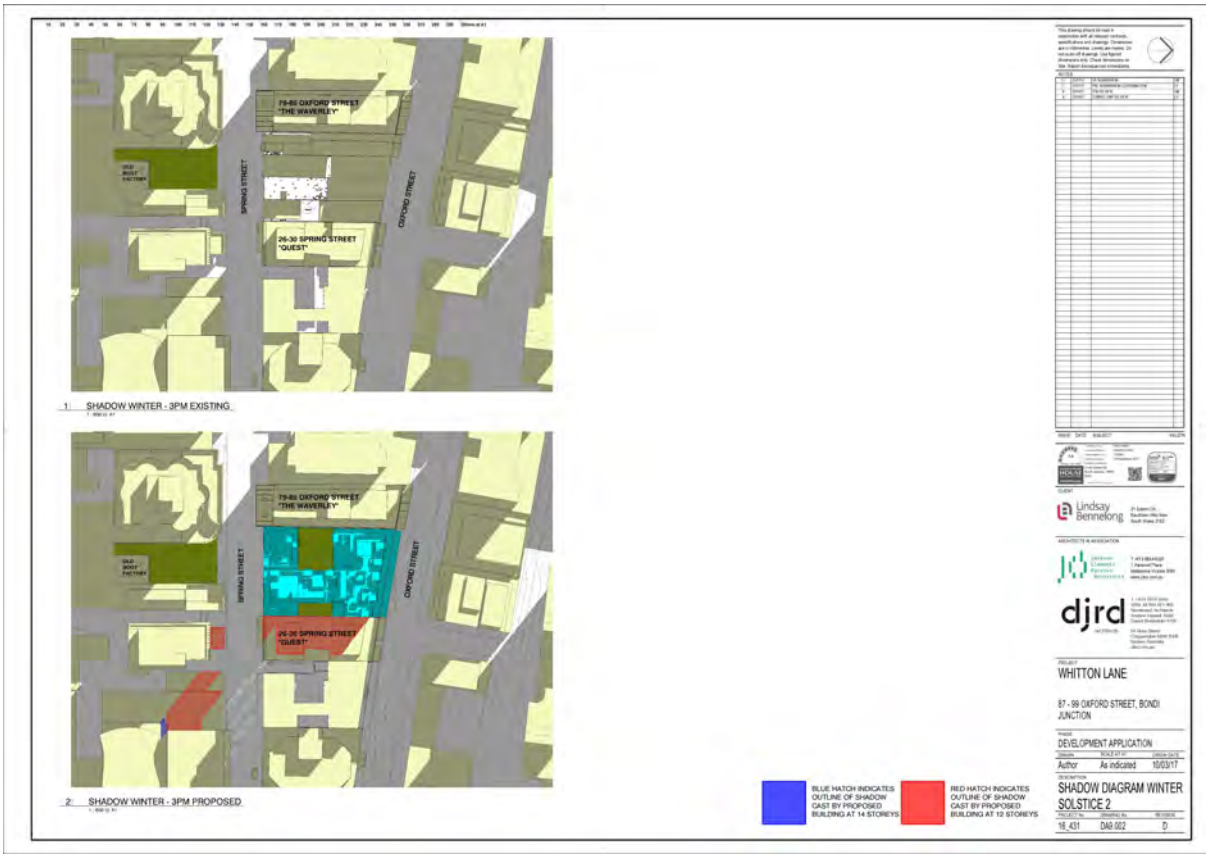
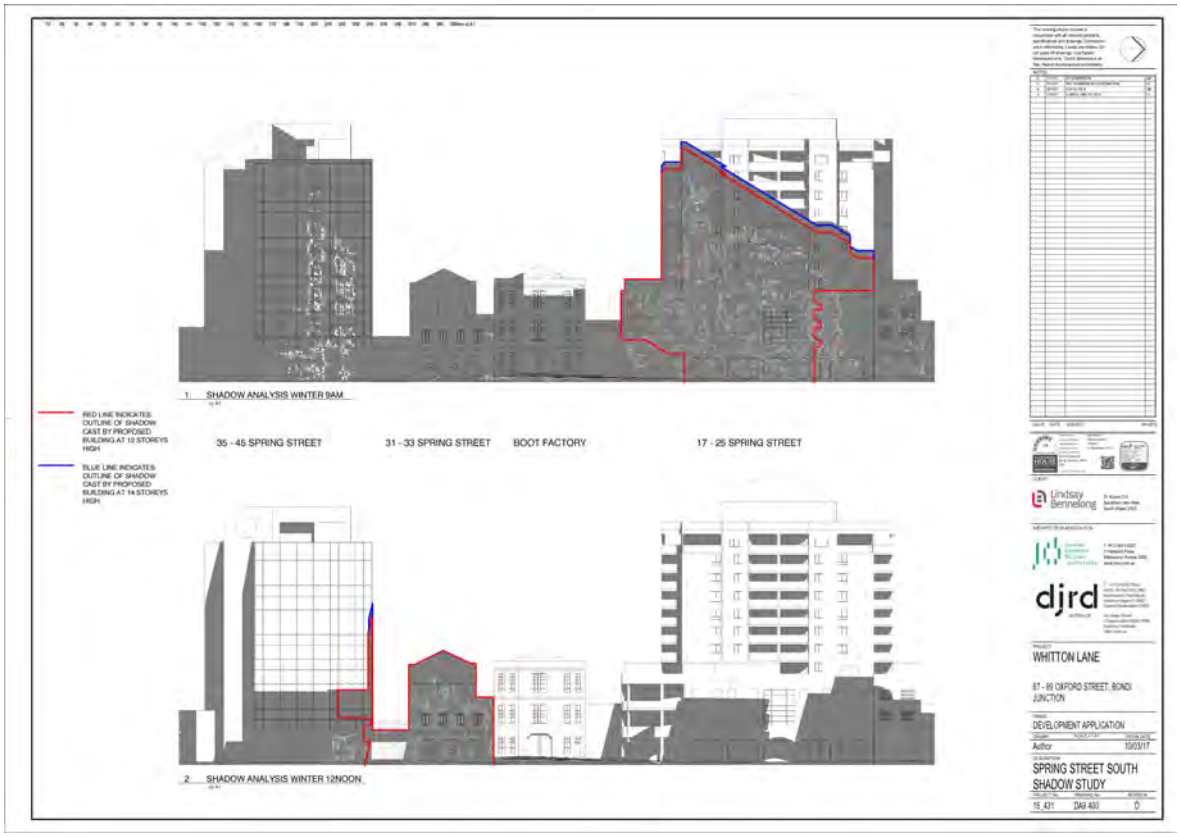


Figure 20- Shadow Analysis 2



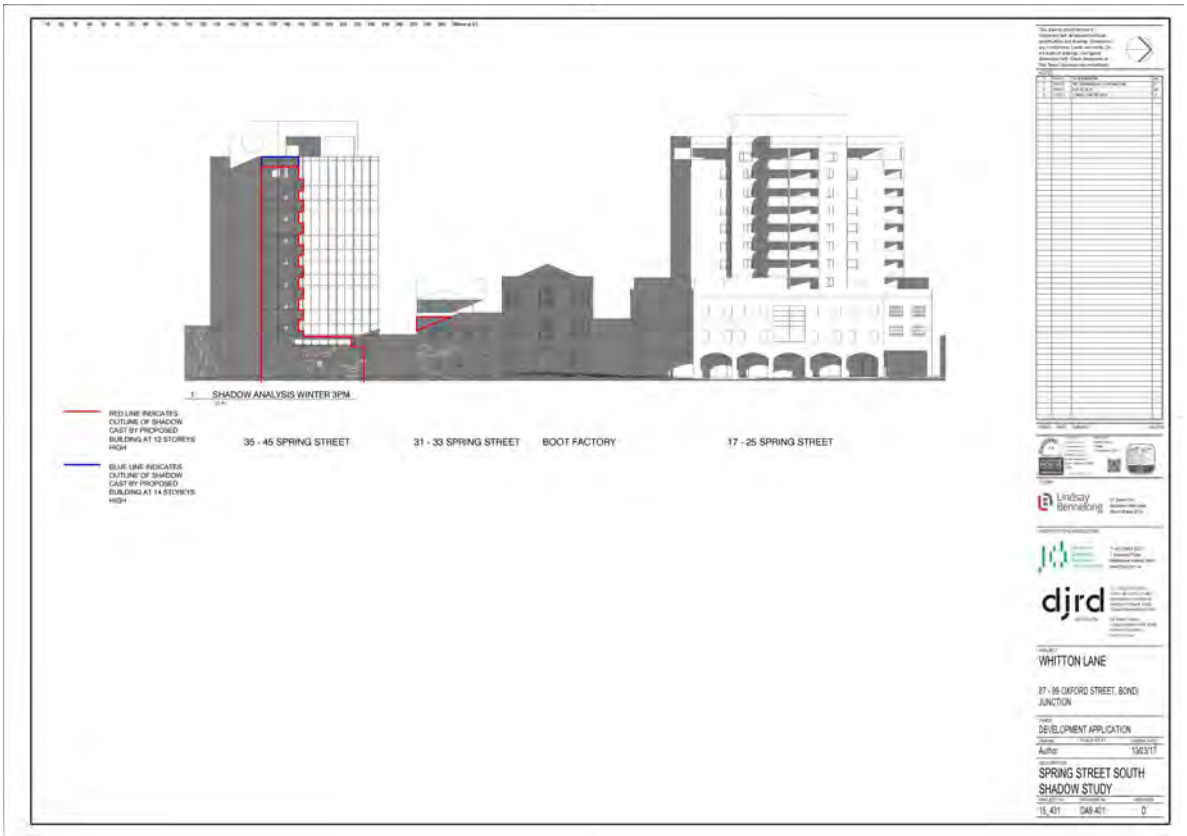


Figure 21 -View Analysis 1

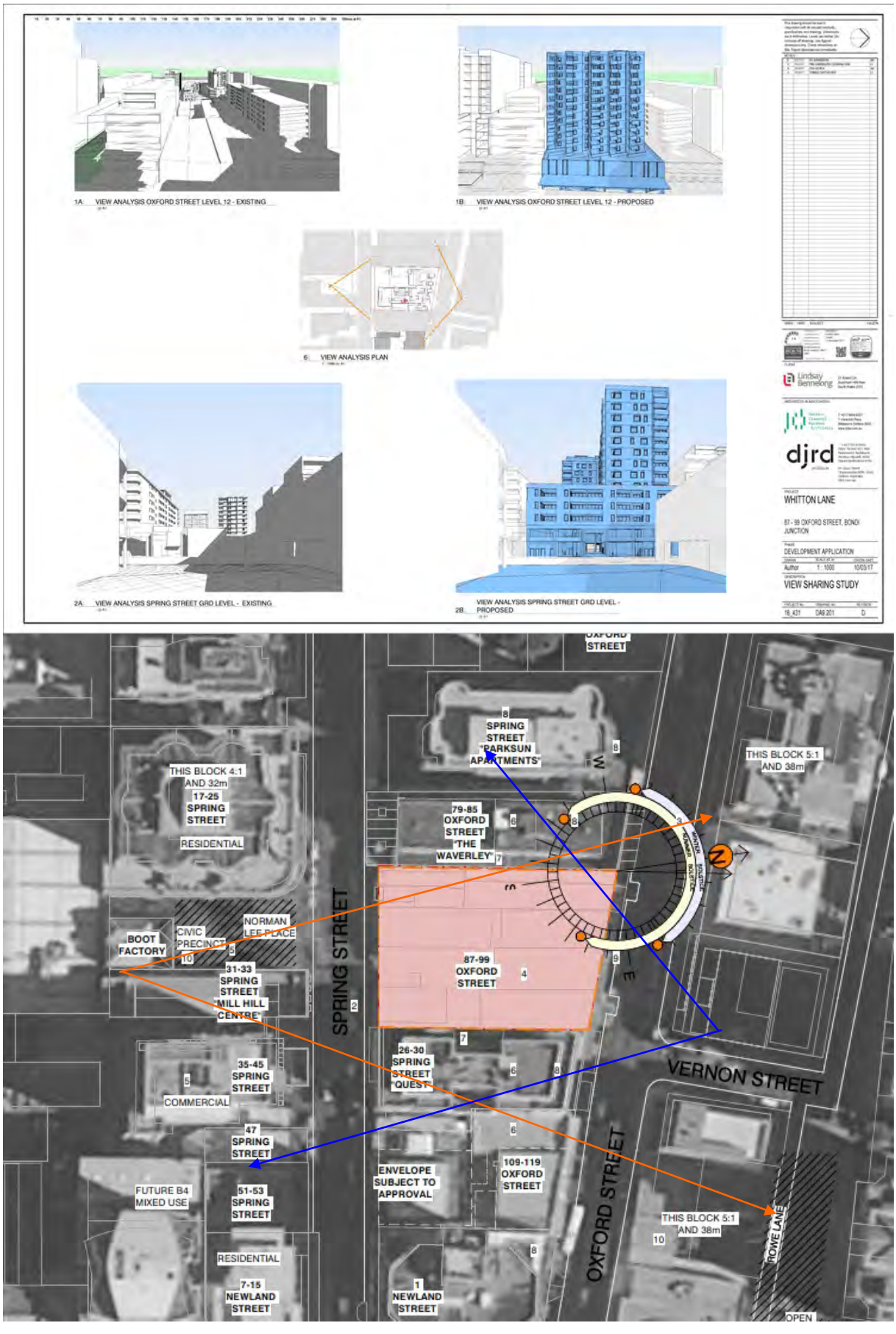
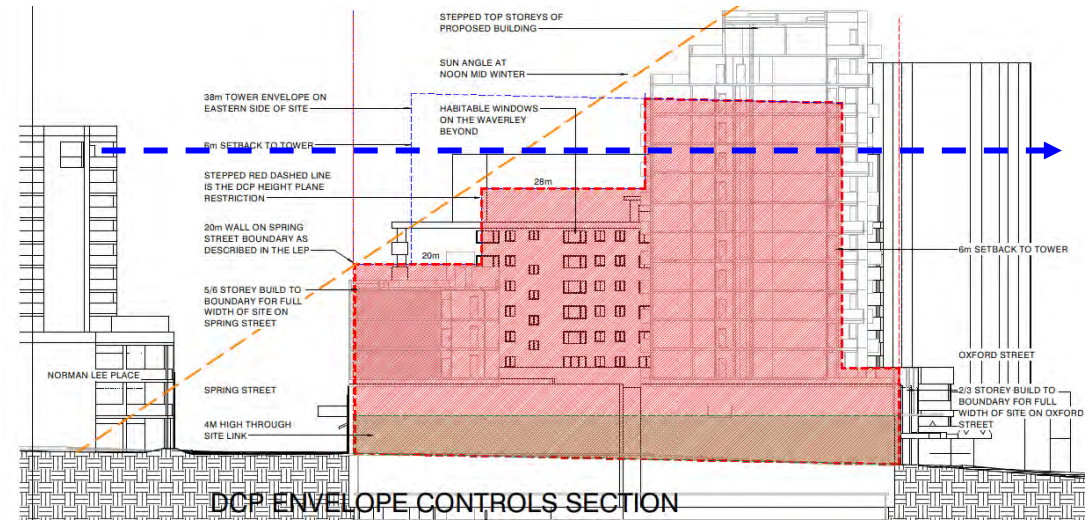
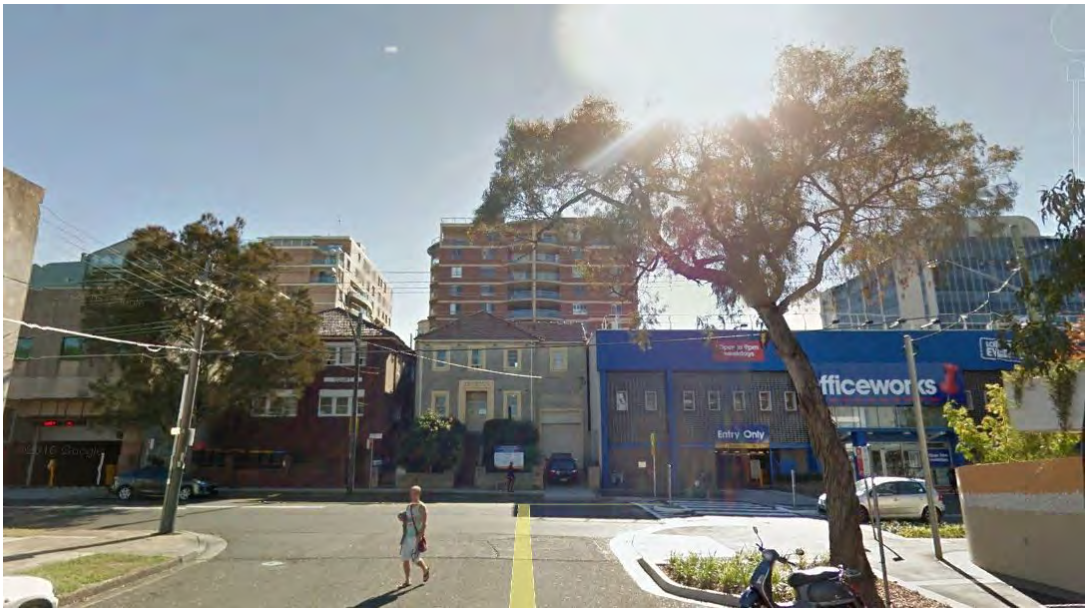


Figure 22- View Analysis 2





8 Conclusions

Lindsay Bennelong Developments (LBD) have presented to Council a well designed and considered project for what is a very challenging site because of the significant array of LEP and DCP controls affecting the design outcomes.

This is not to say the development controls are wrong, only that the particular site circumstances have thrown up challenges that do not exist for other sites with similar zoning and height controls in the Bondi Junction Town Centre.

It has been concluded that strict compliance with all the LEP, DCP and ADG controls and guidelines would produce a building envelope within which the maximum FSR achievable would range from 4.0- 4.3:1. This represents a 12-20% reduction in 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 is reduced to the point where alternative design solutions have to be utilised otherwise the project will not be viable.

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 will result in a development that will deliver a high quality public domain outcome.

The environmental consequences of the proposal have been assessed by BTG Planning and DJRD Architects using their expertise as planners and architects and computer based graphics and simulations. Where necessary, expert sub-consultant reports have been prepared to address specific environmental outcomes, e.g., wind, reflectivity, ground contamination, traffic and geotechnical issues. These form Supporting Documents for the DA application.

The key non-compliances are:

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.

The assessment provided in Section 8 of this SEE establishes that none of these non-compliances:

1. Unreasonably affects views from surrounding buildings;
2. Unreasonably affects the overshadowing of surrounding buildings;
3. Materially impacts upon the intended streetscape outcomes for Oxford and Spring Streets; or
4. Produces adverse impacts upon the listed heritage item known as the "Boot Factory".

The WDCP seeks "Design Excellence" from applicants and in this regard, LBD engaged with Council at a very early stage in the design process. They presented eight (8) design options including one "left field" solution in-

tended to test the planning rules in an effort to strive for this excellence. These options were later narrowed down to an A and B approach with Option A following the current planning rules and Option B, the "Left Field" solution. Council officers expressed a clear preference for Option A. Subsequently, LBD purchased the adjoining properties at 87-89 Oxford Street and 16-18 Spring Street. A decision designed to ensure the outcomes being sought by Council could be achieved in one development solution and without potentially isolating these properties or fragmenting the overall potential of the properties.

A thorough SEPP65 analysis has been prepared and the proposal will be found to be compliant and acceptable.

It is the current planning controls that have dictated much of the design solution for this amalgamated site and the design delivers far more in terms of public domain improvements than envisaged by Council in the relevant DCP provisions and the Pre-DA meetings. In an overall sense and in this context, the proposed design provides ample design excellence.

Importantly, Council has recently approved several new high rise developments for the immediate environs of the subject site. Some of these involve very similar requirements for the 15% additional FSR using the VPA mechanism and two (2) additional levels above the 38m height limit and also involve variations to the street setback controls. Equally important, is the fact that the current building setbacks for adjacent tower forms vary widely. The circumstances exist for the Council to equally consider variations to the WDCP controls for this development proposal.

The proposed VPA will provide a positive and beneficial outcome for the public domain and serve the public interest well as provide money as a contribution to the Complete Street Projects and Affordable Housing in Bondi Junction.

In all the circumstances, the proposal has few, if any, negative environmental consequences and where they may exist, they have been effectively minimised by the design approach that has been taken. The proposal is also a suitable form of development for this site.

With appropriate development approval conditions, it is open to Council to approve this proposal.

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