



Report to the Sydney Eastern City Planning Panel

Panel Reference	2018SCL052
DA Number	DA-498/2017
LGA	Waverley
Proposed Development	Demolition of existing structures; construction of a new 14 storey mixed use building comprising residential apartments, retail and commercial premises, and three basement levels; and associated planning agreement
Street Address	87-99 Oxford Street and 16-22 Spring Street, Bondi Junction
Applicant/Owner	Lindsay Bennelong Developments Pty Ltd
Date of DA lodgement	Originally submitted 23 November 2017 Amended plans submitted 19 June 2018 and 25 July 2018
Number of Submissions	Six submissions received
Recommendation	APPROVAL
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	General development with a capital investment value (CIV) greater than \$30 million (the CIV of the development is \$64,535,556)
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy 55 - Remediation of Land • State Environmental Planning Policy 65 - Design Quality of Residential Flat Development • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (State and Regional Development) 2011 • State Regional Environmental Plan (Sydney Harbour Catchment) 2005 • Waverley Local Environmental Plan 2012 • Waverley Development Control Plan 2012 • Waverley Planning Agreement Policy 2014
List all documents submitted with this report for the Panel's consideration	<ol style="list-style-type: none"> 1. Amended architectural plans 2. Amended landscape plans 3. Statement of Environmental Effects and addendum 4. Clause 4.6 Exception to height of buildings and floor space ratio development standards 5. Copy of submissions
Report prepared by	Ben Magistrale (Senior Development Assessment Planner, Waverley Council) Reviewed by Mitchell Reid (Executive Manager, Building Waverley, Waverley Council)
Report date	27 November 2018

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
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Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes
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e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

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

Does the DA require Special Infrastructure Contributions conditions (S7.24)?	No
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Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment?	Yes
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Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

1. EXECUTIVE SUMMARY

The application seeks development consent to demolish all existing structures and construct a 14 storey shop top housing development comprised of three levels of basement car parking and services, ground floor retail shops, first floor commercial tenancies and a total of 126 residential apartments on the site known as 87-99 Oxford Street and 16-22 Spring Street, Bondi Junction.

The application has been amended since it was originally submitted with Council in November 2017 to address key matters such as the protection of solar access of the adjacent public space, known as Norman Lee Place, building articulation and setbacks and apartment amenity that were raised by Council in the deferral of the application in April 2018. The amended plans and information submitted in response to Council's deferral of the application have for the most part satisfied the issues arising from Council's preliminary assessment of the application in the form originally submitted.

The proposed development provides for a high quality and architecturally distinct building that responds effectively to the site, site context, surrounding building forms and uses, and more broadly, the desired future character of the Bondi Junction Centre. The retail, commercial and residential uses have been designed to provide a high level of functionality, privacy and amenity that satisfies the relevant aims of Waverley Local Environmental Plan 2012 (Waverley LEP 2012) and the objectives of the applicable B4 Mixed Use Zone.

The proposed development seeks to vary the height of buildings and floor space ratio development standards under Waverley LEP 2012. These variations are considered well founded and acceptable on merit given the acceptable solar access, views and other amenity impacts on surrounding properties, appropriate building separation and setbacks achieved, and the compatibility of the development with the existing and desired built form character of the Bondi Junction Centre. The applicant has offered to enter into a planning agreement with Council to make a development contribution for a material public benefit (i.e. funding of public domain improvements and affordable housing within the Waverley local government area) as a means to offset the variation of the floor space ratio development standard.

The proposed development performs well against the design quality principles of State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development as it provides for a high quality mixed use development that relates to the site context, adjoining buildings and will improve the streetscape and Bondi Junction Centre. Any variation to the Apartment Design Guide is considered satisfactory given the high quality building design and the considerable constraints of the subject site within an infill and high density locality.

The issues raised in public submissions received during notification of the application have been detailed and adequately addressed in this assessment report. The issues raised in the submissions do not warrant further wholesale amendments or refusal of the application.

RECOMMENDATION

That the application, known as DA-498/2017, be approved by the Sydney Eastern City Planning Panel.

2. PREAMBLE

2.1 Site and Surrounding Locality

A site visit was carried out on 28 March 2018.

The site is located within the Bondi Junction Centre. As shown in **Figure 1**, the site is located within the street block bounded by Oxford Street to the north, Newland Street to the east, Spring Street to the south and Denison Street to the west.



Figure 1: Site and locality map (site outlined in red)

The site is currently comprised of nine allotments, which are legally described as follows:

- Lots 1, 3 and 4 in DP 975587
- Lot 9 in DP 656476
- Lot A in DP 312346
- Lot 11 Section S in DP 145
- Lots A and B in DP 401739
- SP 31260.

The site is known as 87-99 Oxford Street and 16-22 Spring Street, Bondi Junction.

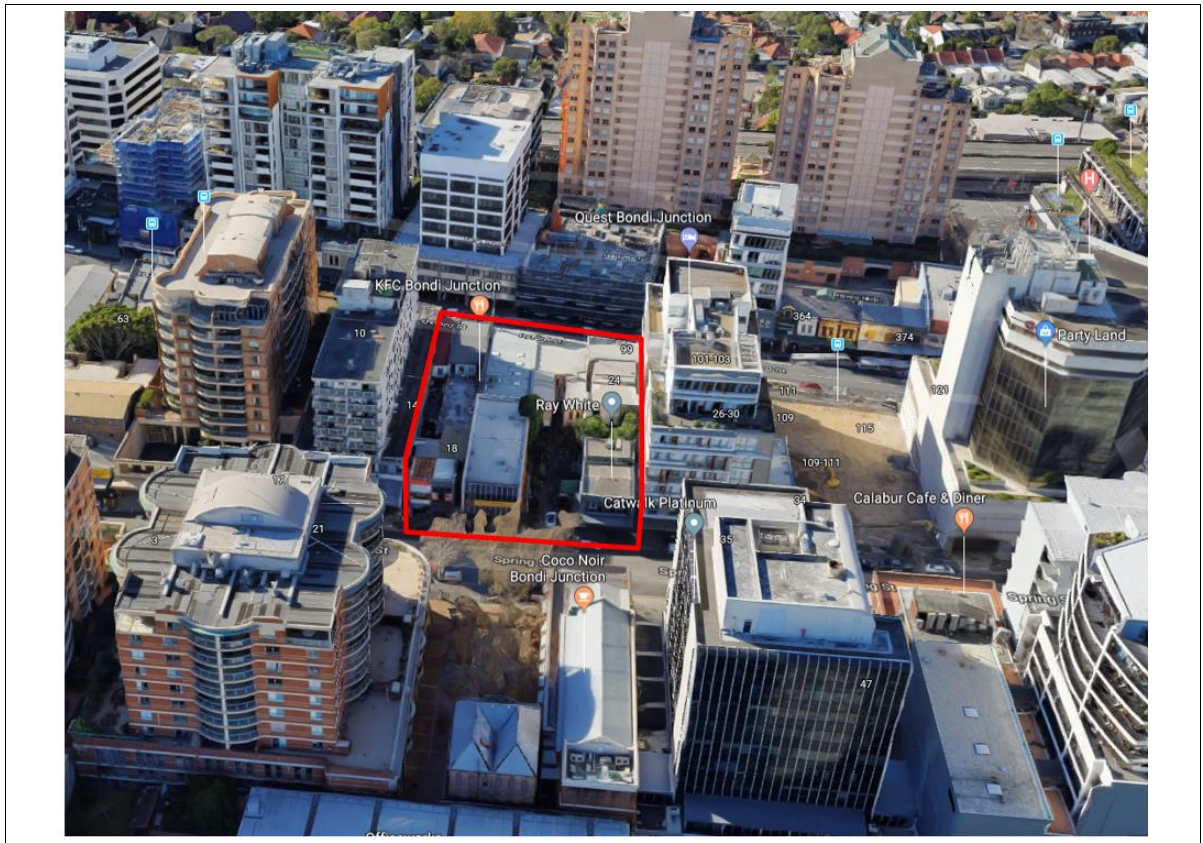


Figure 3: Bird's eye view of the site (outlined in red) and its surrounds, looking north
(Source: Google Maps)

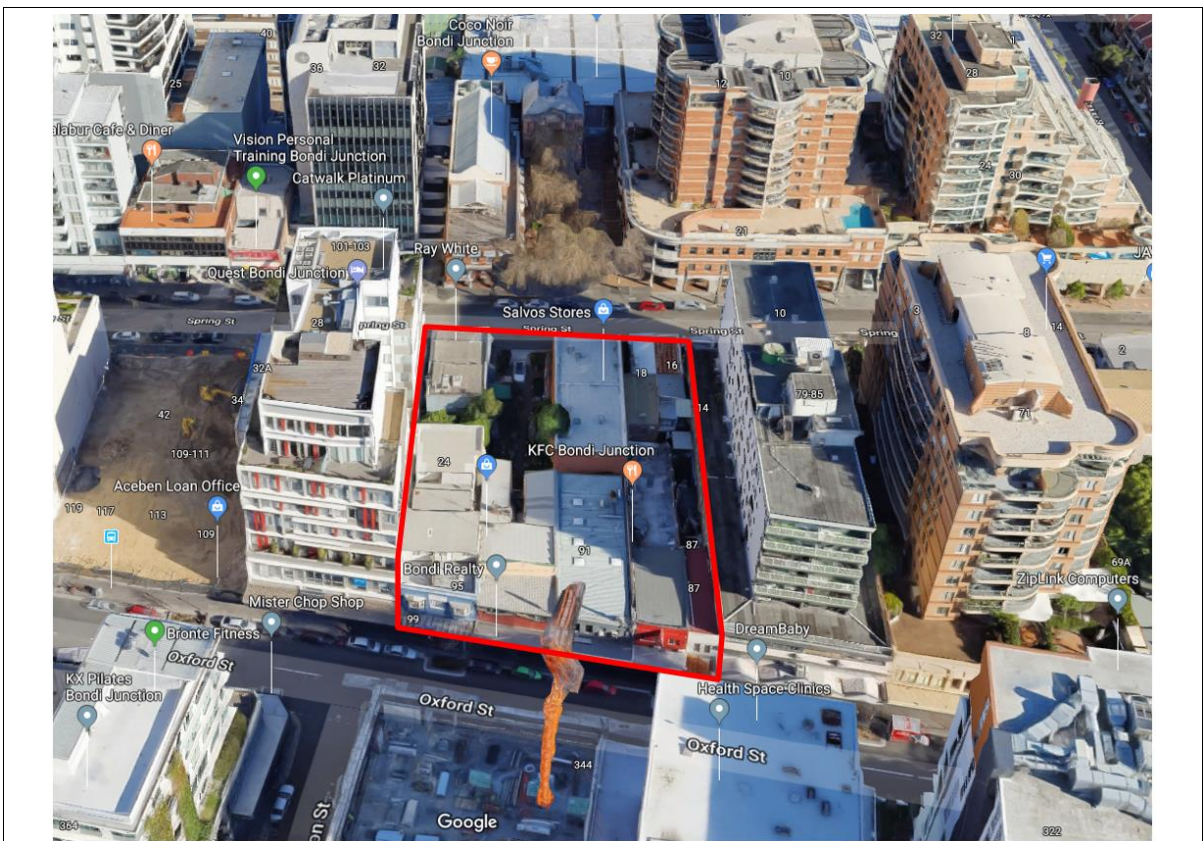


Figure 4: Bird's eye view of the site (outlined in red) and its surrounds, looking south
(Source: Google Maps)

The site is currently occupied by a series of two storey terrace shops with the majority of these terraces having their shopfronts orientated to Oxford Street (see **Figure 5**) and other two storey commercial and retail buildings fronting Spring Street. A hardstand car parking and 'back of house' area is orientated to Spring Street for the only allotment that has a dual street frontage, that is known as 93 Oxford Street. This lot is currently occupied by a garden centre, known as 'Honeysuckle Garden' (refer to **Figure 6**).



Figure 5: Site viewed from Oxford Street, looking south-west



Figure 6: Site viewed from Spring Street, looking north and north-east

The immediate locality of the site is the Bondi Junction Centre, which is characterised by a mix of commercial, retail, residential and recreational uses and high-density building forms of development. The site is adjoined by:

- an eight storey commercial tower comprising predominantly serviced apartments, known as 'Quest Bondi Junction' to the east of the site at 26-30 Spring Street (refer to **Figure 7**)
- an eight storey mixed use tower comprised of commercial development within its podium (first three floor levels) and residential apartments within its tower form, known as 'The Waverley' to the west of the site at 79-85 Oxford Street (refer to **Figure 8**).



Figure 7: 'Quest Bondi Junction' adjoining the site to the east



Figure 8: 'The Waverley' adjoining the site to the west at 73-85 Oxford Street, as viewed from Oxford Street

Directly north of the site and across Oxford Street are:

- an eight storey commercial tower at 332-342 Oxford Street
- a 12 storey mixed use tower comprising predominately residential apartments that is currently being constructed at 344-352 Oxford Street.

Directly south of the site and across Spring Street are:

- Norman Lee Place and the Boot Factory, which are local heritage items listed under Waverley Local Environmental Plan 2012.
- an 11 storey mixed use tower comprising predominately residential apartments at 17-25 Spring Street.

2.2 Background

2.2.1 Relevant History

The numerous buildings and sites that form part of the subject site benefit from a significant amount of approvals relating to a variety of building works and land uses. As the subject application seeks consent to demolish all buildings, the development history of the site is irrelevant to understand the background of the subject application.

Notwithstanding, deferred commencement consent for a new mixed use tower comprising 40 x one bedroom apartments, retail premises on ground floor level and commercial premises on first floor level and a through-site link on the site known as 93 Oxford Street was granted by the Waverley Development Assessment Panel on 28 September 2016. This development application is known as DA-598/2015. The consent has since lapsed as the deferred commencement matters were not satisfied within the 12-month period after the date of determination of the application.

Pre-lodgement advice was given to the same applicant for the subject application on 27 July 2017 on two out of five design concepts submitted in the original lodgement of the pre-DA application (known as PD-28/2017). The advice informed the applicant that the concept that has been designed to be the closest to the principal built form controls would be feasible in terms of being supported (i.e. Concept A). The main points of the advice were as follows:

- built form and apartment amenity considerations under the Apartment Design Guide
- compliance with height of buildings and floor space ratio development standards
- the requirement of retaining solar access to Norman Lee Place (Boot Factory) and its consequence on the built form nature of any redevelopment on the site
- the form of through-site link (i.e. laneway versus arcade)
- land isolation planning principle (the furthest western allotments were not included as part of the overall site at the time of the pre-DA).

2.2.2 Subject application

The subject application was submitted with Council on 23 November 2017. Following the preliminary assessment of the application and discussions with Council's internal Senior Assessment Group on 9 April 2018, the application was deferred on 18 April 2018. The reasons for the deferral were outlined in a letter to the applicant dated 18 April 2018 and are extracted as follows:

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

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

a. Solar access protection of Norman Lee Place

The planning control envelope and proposed building envelope analysis shown on Drawing No. DA1.003 of the set of architectural plans submitted with the application indicates that the proposed development will slightly overshadow Norman Lee Place more than a shadow cast by a notional wall of a vertical height of 20m measured along the Spring Street alignment of the site. In this regard, the development, in its current form, cannot be supported given it breaches the terms of clause 6.7 of Waverley Local Environmental Plan 2012 (Waverley LEP 2012). Further, any additional shadow on Norman Lee Place before and after 12 noon on 21 June cast by the development (other than by a development that complies

with the height of buildings development standard under Waverley LEP 2012 and street setback controls) will not be accepted. This point is explained in more detail under Item 1.b. of this deferral letter.

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

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

b. Siting of tower form of the development

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

- i. The side setbacks of the northern wings of the tower form should be increased to a minimum of 3m from the eastern and western boundaries of the site in order to reduce the perceived building bulk and scale of the tower and achieve balanced visual separation between adjacent towers (existing and future). The eastern setback of the northern wing of the tower form between Level 2 and Level 6 can be nil to abut the nil western side setback of the first six storeys of the adjoining building to the east of the site, known as 'The Quest' at 26-30 Spring Street.*
- ii. The extent and pattern of the street setbacks of the tower form of the development from the Oxford Street boundary of the site will create undesirable urban design and streetscape impacts, and are therefore not supported. Section 1.8 of Part E1 of Waverley DCP 2012 requires that the tower form be set back 6m from the street boundary, which is measured perpendicular to the street boundary (i.e. at 90 degrees).*

The tower form should comply with the minimum street setback control of 6m. Alternatively, the Oxford Street setbacks of the tower form can be informed by the street alignments of adjoining and adjacent buildings to the east and west of the site and in a regular and consistent alignment, provided:

- they are a minimum of 3m*
- an indented setback is achieved in the mid-point of the northern elevation of the tower to break-up and offset the overall massing of the tower when viewed from Oxford Street.*

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

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

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

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

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

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

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

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

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

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

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

e. Amenity of certain residential apartments of the development

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

- i. The west-facing bedroom windows of the one bedroom apartments identified as Apartments 2G to 13G on the plans (located in the central wing of the tower of the development) face a blank wall. This will achieve a poor outlook from these bedrooms and affect the overall amenity of these apartments. Opportunities should be explored to overcome this issue. One suggestion*

could be having a window opening or glazed door opening along the northern edge of the balconies of these apartments that serves these bedrooms.

- ii. Apartments where the bedroom windows are immediately adjacent to the breezeway are concerning in terms of visual and acoustic privacy protection. Privacy treatment should be explored to ensure sightlines and noise to these bedrooms are screened from the breezeway in order to afford the bedrooms ample visual and acoustic privacy.*

f. Floor space ratio exceedance

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

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

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

- ii. The development provides for an excessive amount of resident car parking spaces. The car parking rates listed in the 'high density residential flat building' row and the 'Parking Zone 1' column of Table 2 in Part B8 of Waverley DCP 2012 are the absolute maximum the development can provide given that the site is within a commercial centre with high accessibility to jobs, amenities and high capacity public transport services. The development provides for an overall of 155 resident car parking spaces, and therefore has a surplus of 38 resident car parking spaces based on the car parking rates prescribed by Waverley DCP 2012 (i.e. the development generates a maximum demand for a total of 117 residents spaces). The surplus car parking spaces are counted as part of the calculation of the overall GFA of the development, and in this regard, these spaces cannot be supported.*

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

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

g. Pedestrian entry points and shopfront setbacks

- i. The residential entry lobby serving the southern-western wing of the development does not have direct access from Spring Street. It should have a direct access point from Spring Street as well as access from the through-site link.*
- ii. The width of the other residential entry lobbies is narrow and do not invite a pleasant sense of place and safety and security as well as encourage social interaction between residents. The lobbies should be redesigned to be wider and shorter and have clear sight lines of the lift within the entry lobbies when entering from the street.*
- iii. The Oxford Street edge of the shopfront of the ground floor level of the development should be amended to be one straight alignment, sited along the Oxford Street boundary of the site and*

splayed inwards to assist identifying the street entries of residential entry lobbies and the through-site link.

h. Through-site link

The current ramp design of the through-site link is inadequate. According to AS1428.1-2009, a 1:20 ramp will require a landing every 15m and hand rails to be considered a compliant ramp. The current ramp design is 18.81m long at a 1:20 grade with no handrails (refer to **Figure 1**) and is therefore non-compliant. It is recommended that the levels are adjusted to incorporate appropriate landings and provide a walkway with a gradient shallower than 1:20 from the entrance to avoid handrails and to avoid these non-compliant issues.

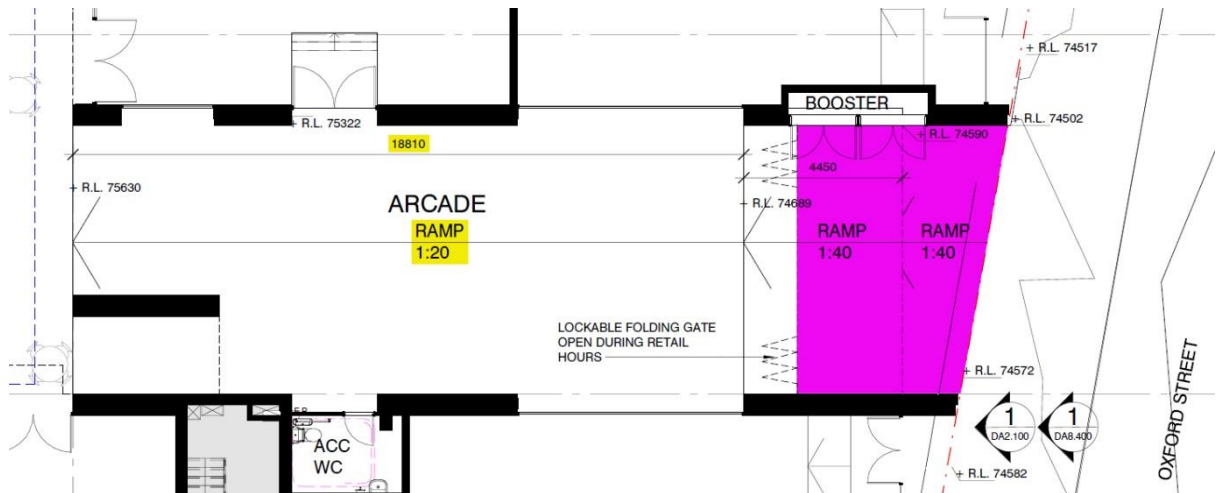


Figure 1: The entrance to the through site link at Oxford Street. The yellow areas highlights the proposed dimensions. The purple area highlights the large and awkward area that does not adhere to CPTED principles.

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

2. Façade treatment and materiality of the development

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

There may also be an opportunity to provide Public Art in the form of a mural (even possibly a large scale mural to the entire façade) that centres on the site's history and connection to the place as a nursery. Given the potential 'short-term' exposure of the eastern and western elevations, there exists an opportunity to explore a bold or innovative or large scale contribution to public art. This is strongly encouraged and would go some way to satisfying Part B11 of Waverley DCP 2012.

3. Awnings

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

4. Resubmission requirements

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

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

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

Section 2.6 specifies that an energy assessment report must accompany a development application for new mixed use and commercial development with a cost of works of \$3 million or greater.

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

- A BASIX certificate showing an BASIX Energy 25 for the residential floors*

- *An energy efficiency assessment report for the retail and commercial tenancies that show a 30% improvement in terms of GHG emissions compared to a reference building.*

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

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

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

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

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

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

- i. *Ensure that Council's waste and recycling trucks can access the property for onsite collection. Vehicle dimensions and turning circles are listed in Annexure B1-3 of Waverley Council Development Control Plan 2012.*
- ii. *Provide a comingled recycling service for the entire development to minimise bin numbers. The proposed chute system that offers both a waste stream disposal and comingled recycling stream disposal is sufficient.*
- iii. *Include compaction systems for both waste and comingled recycling streams if possible to minimise bins required for storage.*
- iv. *Assume the highest use for waste and recycling rates (for a food premises) to ensure the longevity of the development should any of the commercial tenants change in the future.*
- v. *Ensure the bulky waste storage room is large enough to accommodate the 129 residential units. The current proposal has only allowed for a minimal storage of 4m³, which is not sufficient.*
- vi. *Bi-weekly collections for both waste and recycling is recommended.*

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

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

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

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

Council has a desired outcome to de-clutter its urban environment and improve local amenity by limiting kerbside presentation of mobile garbage bins. Bins should only be presented for collection the night before, and brought into the property immediately following collection. They cannot remain on public land for extended periods. It is recommended that the applicant commission a contractor or property manager to ensure that this desired outcomes is met.

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

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

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

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

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

- An engineering design of the proposed stormwater line is required including a Hydraulic Grade Line (HGL) analysis of pipe between the proposed OSD tank to existing Council's Stormwater Drainage pit (Pit # required). The long section information to include existing services crossing, existing surface levels; existing Council's pit invert level, pipe invert and obvert levels.*
- A plan of reinstatement work of footpath, road and kerb & gutter is required as per council standard drawings R1 & D8 is required (drawings available on request).*
- Details of backfilling and road restoration works is required as per Waverley Council's Standard Drawing D7 (drawing available on request).*
- Contractor to apply for relevant Footpath and Road Opening Permit prior to commencement of drainage works.*
- Updated stormwater management plans including with updated checklist as set out in page 22 of Waverley Council's Water Management Technical Manual are required.*

During the course of the deferral of the application, the applicant met with Council officers on one occasion to respond to the design matters of the development raised in the deferral, which principally focused on the Spring Street podium height, the building alignments of the Oxford Street shopfront, the street setbacks of the northern wing of the tower from Oxford Street and the solar access impact on Norman Lee Place. Alternative solutions to some of the design change recommendations outlined in the deferral were agreed upon by Council's Development Building Unit and Council's Urban Designer, such as:

- the street wall to be five storeys instead of six storeys along Spring Street so as to reduce overshadowing impacts on Norman Lee Place
- not orientating all of living rooms of apartments within the southern wing of the tower to the eastern light well of the development so as to capitalise on views and outlook towards the south.

Other matters such as timing for submission of updated technical reports was agreed by Council to be dealt with prior to the issue of a construction certificate for the development.

On 19 June 2018, Council received amended architectural plans and additional information in response to the deferral matters. The applicant responded well to the deferral matters through their submission

of amended plans and additional information, however maintained that the excess of resident car parking spaces provided in the development was appropriate.

Further to the above, a revised list of outstanding matters was provided to the applicant on 13 July 2018, requiring:

- (a) The basement car parking levels of the development shall be redesigned to delete an excess of 36 resident off-street car parking spaces (this is not supported at all). The area and space currently occupied by the 36 excess resident off-street car parking spaces shall be allocated and converted to space to address the following:*
 - (i) An additional seven resident visitor spaces shall be provided so that the development provides for a total of 25 resident visitor car parking spaces*
 - (ii) Adequate space for 109 resident, 11 resident visitor spaces and 8 commercial/retail bicycle spaces*
 - (iii) Five additional motorcycle spaces so that the development provides for a total of 37 motorcycle spaces.*
 - (iv) Adequate space for resident, commercial and retail storage.*
- (b) Plans shall identify, allocate and quantify the volume of storage for each apartment in the basement levels of the development so as to demonstrate the each apartment (including internal and external storage) is afforded with the minimum volume of storage required by the Apartment Design Guide, which is as follows:*
 - (i) One bedroom apartment – 6m³*
 - (ii) Two bedroom apartment – 8m³*
 - (iii) Three bedroom apartment – 10m³.*
- (c) In order to protect the visual privacy of occupants of the development itself and future adjacent development, privacy treatment is required along the outer edges of the courtyards on Levels 2, 5 and 6 of the development and balcony on Level 2 of the northern wing of the development that directly adjoin, face and are oriented over the side boundaries of the site. The privacy treatment shall have a minimum and maximum height of 1.8m measured above respective finished floor levels. Full details of such treatment are to be shown on amended plans, including (but not limited to) the height, length, and materials and finishes. The materials and finishes of the treatment shall be complementary to the overall architectural style of the development.*
- (d) The elevation and section drawings should identify operable windows and show which direction windows open to demonstrate natural cross ventilation.*
- (e) All floor plans should show setbacks from side and street boundaries of the site.*
- (f) Detailing of the materials and profile of the lockable gates on the street ends of the through-site link.*

The applicant subsequently responded to and addressed all matters, including the residential parking surplus, on 25 July 2018 with a brief statement and new set of architectural drawings.

The design amendments to the proposed development are summarised in section 2.3 of this report. The amended plans received by Council on 25 July 2018 form the basis of the development as sought in this application and the assessment of the application is based on these plans.

2.3 Proposal

The application, as amended on 25 July 2018, seeks development consent for the following works:

- demolition of existing structures
- earthworks, specifically excavation and provision of fill
- construction of a 14 storey (above ground level) 'shop top housing' development, comprising:
 - three levels of basement, containing:
 - a total of 150 off-street car parking spaces (a breakdown of spaces is outlined in **Table 1** below)
 - thirty (30) visitor bicycle spaces
 - thirty-two (32) motorcycle spaces
 - Five (5) retail tenancies, a north-south through-site link connecting Oxford Street and Spring Street in the form of an arcade, an open to the sky plaza in the central west portion of the site, three sets of apartment entry foyer/lobbies located at each street frontage, loading dock, plant and servicing on ground floor level
 - Five (5) commercial tenancies on Level 1
 - a tower form divided into two wings (hereafter known as the northern and southern wings) and a central core between Level 2 and 13 to include 126 residential apartments with the following apartment mix:
 - thirty-five (35) x one bedroom apartments
 - sixty-seven (67) x two bedroom apartments
 - twenty-four (24) x three bedroom apartments
 - communal open space on roof level
- vehicular access from Spring Street
- a signage strategy for each street-facing retail premises
- a planning agreement with an offer of \$5,164,236.85 as a development contribution.

In terms of the commercial and retail components of the proposed development, no specific uses or fit-out works are proposed as part of the application. A general signage plan is included nominating areas of proposed future signage.

The amendments as reflected in the amended plans received by Council on 25 July 2018 are summarised in **Table 1** in terms of difference of the numerical aspects between the original and amended forms of the development.

Table 1: Numerical aspects between the original and amended form of the development

Aspect	Original	Amended
Number of apartments	129	126
Apartment mix		
One bedroom	50	35
Two bedroom	48	67
Three bedroom	31	24
Car parking spaces	190 <ul style="list-style-type: none"> • 155 resident spaces (including 14 adaptable spaces) • 19 resident visitor spaces (including one accessible space) • 14 commercial/retail spaces (including one accessible space) • 2 car share spaces 	150 <ul style="list-style-type: none"> • 115 resident spaces (including 15 adaptable spaces) • 18 resident visitor spaces (including one accessible space) • 15 commercial/retail spaces (including one accessible space) • 2 car share spaces
Number of retail tenancies	7 (including linked commercial space above)	5
Number of commercial tenancies	4 (including linked retail space below i.e. Retail 3)	5
Overall building height	RL 125.200 (top of the uppermost lift overrun) 49.85m	RL 125.600 (top of the uppermost lift overrun) 50.25m
Overall floor levels/storeys	<ul style="list-style-type: none"> • 4 levels of basement • 14 floor levels/storeys above ground level 	<ul style="list-style-type: none"> • 3 levels of basement • 14 floor levels/storeys above ground level
Overall gross floor area (GFA)	13,198m ²	13,196m ²
Retail gross floor area	622m ² (5% of overall GFA)	544m ² (4% of overall GFA)
Commercial gross floor area	582m ² (4% of overall GFA)	656m ² (5% of overall GFA)
Site area	2,295m ²	2,295m ²
Floor space ratio	5.75:1	5.75:1

The key design amendments are described as follows:

- The northern wing of the tower form of the development from Level 6 and above has been set back from the eastern side boundary of the site (previously this part of the development was not set back from eastern side boundary). The western side setback of the northern wing has been increased to be a minimum of 3m.
- The Oxford Street building line of the northern wing of the tower has been rationalised to be parallel to the Oxford Street boundary of the site and set back by a minimum of 3m from the boundary. An indent has been incorporated within the Oxford Street building line of the northern wing of the tower.
- The common foyer breezeways of the residential levels have been deleted and the common foyers are enclosed. The number and location of lift cores have been accordingly adjusted.
- The west-facing balconies of the southern wing and central core of the tower that previously protruded from the western building alignment of this section of the development have been reduced in depth to reduce the unaccepted overshadowing of Norman Lee Place.

- Reconfiguration of apartment layouts, including additional window openings to habitable rooms to bolster solar access, natural ventilation and internal amenity.
- The material and finish treatment of the street elevations of the development have been revised, including a rationalised treatment of the façade of the Oxford Street podium/street wall.
- The swimming pool and gymnasium on Level 1 have been deleted and replaced with further commercial floor area and an outdoor space (i.e. terrace) connected to two commercial tenancies, known as 'Commercial 4 and 5' on the plans.
- All residential entry points of the development are directly accessed from both Oxford and Spring Streets and have been widened and orientated in a straight alignment when accessed from the street.
- Regrading of ramping of the arcade.
- A continuous awning along the Spring Street frontage of the site.

Figures 9 to 10 are photomontages that visualise the proposed development, as amended, from two different perspectives.



Figure 9: Photomontage of the proposed development when viewed from Oxford Street, looking south-east (Source: DJRD Architects)



Figure 10: Photomontage of the proposed development when viewed from Spring Street, looking north-west (Source: DJRD Architects)

The applicant wishes to enter into a planning agreement for the part of the overall gross floor area of the proposed development that exceeds the floor space ratio development standard under Waverley Local Environmental Plan 2012. The applicant and Council’s Shaping Waverley department negotiated terms of a draft planning agreement simultaneously during the course of the assessment of the subject application. The agreed-upon development contribution for the Draft Planning Agreement is in the sum of \$5,164,236.85.

The dedications of the contribution in the Agreement for the purpose of providing a material public benefit are yet to be determined; however the current version of the *Waverley Council Planning Agreement Policy 2014* envisages that 10% of the contribution be dedicated to Waverley’s Affordable Housing Program with the remaining amount being dedicated to public domain improvements, in this instance the Bondi Junction Complete Streets Program. The dedications will be formalised prior to the Draft Planning Agreement being publicly exhibited and endorsed by the elected Council.

3. ASSESSMENT

The following matters are to be considered in the assessment of this development application under section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act).

3.1 Planning Instruments and Development Control Plans

The following is an assessment against relevant legislation, environmental planning instruments, including State environmental planning policies (SEPPs), and development control plans.

3.1.1 SEPP (State and Regional Development) 2011

The development application has a capital investment value (CIV) of **\$64,535,556**. Given the CIV of the development exceeds the CIV threshold of \$30 million as specified in matter 2 of Schedule 7 of the SEPP, the proposed development is declared as 'regional development' and the functions of Waverley Council as a consent authority are conferred to the Sydney Eastern City Planning Panel for the determination of the application in accordance with clause 20(1) of the SEPP.

3.1.2 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

The BASIX Certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. A standard condition is recommended ensuring the measures detailed in the BASIX Certificate are implemented.

3.1.3 SEPP 55 Remediation of Land

Clause 7 of the SEPP 55 requires Council to consider whether a site is contaminated. Part of the site is currently used as a garden centre, and on this basis, the site is considered to be potentially contaminated. Therefore, the provisions of SEPP 55 apply to the application.

The application is accompanied by a preliminary Phase 2 Environmental Site Assessment prepared by EIS. The Assessment has been examined by Council's Safe Waverley department and concludes that the site can be made suitable for the proposed development provided that the following recommendations are implement to address data gaps that are as follows:

- undertake a hazardous materials assessment for the existing buildings prior to the commencement of demolition works
- following demolition of the buildings, undertake an additional soil and ground water assessment to address the data gaps identified in section 10.7 of the Assessment
- prepare a remedial action plan (RAP) for the proposed development.

The Assessment has been audited by an accredited NSW Environmental Protection Agency (EPA) auditor, being Tom Onus, who has concluded that the site can be made suitable subject to the abovementioned actions. Based on this level of information, Council is satisfied that the site is, or will be, suitable for the intended uses as part of the proposed development in accordance with clause 7 of SEPP 55, subject to conditions of consent that will in part require the preparation of a RAP to the satisfaction of the appointed NSW EPA accredited auditor and Council prior to the release of a construction certificate for the development.

3.1.4 SEPP 64 Advertising and Signage

In accordance with clause 8 of SEPP 64, Council must not grant development consent unless it is satisfied that the proposed signage is consistent with the objectives of the SEPP and the assessment criteria set out under Schedule 1 of the SEPP. The application does not seek development consent for detailed signage, but rather for a signage strategy for specific occupants of the retail and commercial tenancies of the development that is business identification signage. The signage strategy indicates a series of under awning and wall signs that will be illuminated. The strategy specifies the location and size of these signs. Given it is a strategy, a full assessment against the assessment criteria out under Schedule 1 of the SEPP is not required. Council is satisfied with the number, location and size of the signs being conventional for a mixed use development within a major commercial centre, such as Bondi Junction. The signage strategy is therefore supported and will form part of the approved documentation of the development consent.

3.1.5 SEPP 65 Design Quality of Residential Flat Development

The proposed development is subject to an assessment against SEPP 65. The application is accompanied by a design verification statement by DJRD Architects to confirm that the proposed development has been designed to accord with the nine design quality principles of SEPP 65.

The application was referred to the Waverley Design Excellence Panel on 4 December 2017. The amended form of the development responds to some of the pertinent comment and design recommendations of the Panel that have been agreed upon by Council's Development Assessment officers.

The Panel's comment and recommendations on design improvements to the proposed development, in its original form, are considered in the planning assessment of the development against the nine design quality principles under SEPP 65 as set out in **Table 2** below.

Table 2: Assessment against the Nine Design Quality Principles under SEPP 65

Principle	Consistency
Principle 1: Context and Neighbourhood	Yes
<p>The context and neighbourhood relating to the site are within the Bondi Junction Centre. The Centre is characterised by a mix of high density residential and commercial development. The proposed development responds successfully to the prevailing built environment character and nature of the Centre by the development comprising a mix of retail, commercial and residential uses. The tower form of the development is contextually appropriate in relation to the existing, emerging and desired future character of the Centre. The Panel acknowledges that the built form quality of the development is consistent with the context and neighbourhood.</p> <p>The Panel recognised the traditional form of development on Oxford Street, that being fine-grain and narrow terrace shops. The two storey Oxford Street podium and street wall of the proposed development have been amended to successfully reminisce the fine-grain pattern of terrace shops and subdivision through vertical masonry blades across the façade of the Oxford Street podium of the development.</p>	

Principle	Consistency
Principle 2: Built form and Scale	Yes
<p>The overall built form and scale of the proposed development are commensurate with tower form development in the western precinct of the Bondi Junction Centre. The Panel acknowledged the built form and scale qualities of the development, specifically the two storey podium addressing Oxford Street.</p> <p>The Panel expressed concern on the side setbacks and the breezeways (that formed the common foyer and circulation areas of the residential component of the development) of the tower form of the proposed development in terms of long term effects of privacy and solar access on the future redevelopment of adjoining properties to the east and west of the subject site. The amended form of the development has adequately addressed this concern as the northern and southern wings of the development are sufficiently set back from the side boundaries of the site to provide adequate spatial relief from existing and future development on these adjoining properties. Further, the breezeways have been deleted, which eliminates the Panel's concern of the privacy impacts these breezeways would have on adjoining properties.</p> <p>The Panel also raised concern on the former residential entry lobby for the south-western portion of the development being accessed from the arcade. The amended form of the development has addressed this concern by redesigning this entry lobby such that it is directly accessed from Spring Street.</p> <p>The built form and scale of the proposed development, as amended, is essentially consistent with the existing and desired future character of the Centre and the immediate streetscape. Further discussion on the how the built form and scale of the development are contextually appropriate is provided in section 3.1.8 of this report with regard to the performance of the development against the height of buildings and floor space ratio development standards under Waverley Local Environmental Plan 2012.</p>	
Principle 3: Density	Yes
<p>The proposed development is consistent with the existing and desired future high density built form character of the Bondi Junction Centre. The development comprises sufficiently-sized units that accord with the minimum apartment size requirements under the Apartment Design Guide (ADG), which will afford a high level of amenity to each apartment. The proposed density of the development in terms of the number of residential apartments provided in the development are expected to be sufficiently catered for by existing and proposed physical and social infrastructure, including public transport, and access to employment opportunities within the Bondi Junction Centre. The Panel recognised the former breezeways being excluded from the calculation of overall gross floor area of the development and the poor amenity of these breezeways for upper floor levels due to wind exposure. The amended form of the development does not comprise breezeways, but rather conventional internal common foyer and circulation areas.</p>	
Principle 4:Sustainability	Yes
<p>The design of the proposed development has successfully considered the environmental constraints of the site, which has been acknowledged by the Panel. The amended form of the development improves on the overall amount and duration of sunlight received and natural cross-ventilation facilitated by setting back the eastern and western sides of the upper floor levels of the tower form of the development. The development meets the minimum solar access and natural ventilation design criteria set by the ADG, which demonstrates the commitment of the development to reduce reliance on artificial heating and cooling.</p>	

Principle	Consistency
<p>An energy assessment report (the Report) has been submitted with the application to demonstrate how the proposed development performs against SEPP BASIX and Section J of the Building Code of Australia, as well as Part B2 of Waverley DPC 2012 in relation to energy and water conservation. The Report includes a BASIX certificate, which demonstrates that the proposed development meets the energy and water efficiency and thermal comfort targets. Please refer to sections 3.1.9 of this report on commentary on the adequacy of the Report.</p> <p>The amended form of the development comprises a sufficient amount of soft landscaping, specifically on the roof level, which will improve the thermal comfort of the development and assist in reducing the urban heat island effect of the immediate locality.</p>	
Principle 5: Landscape	Yes
<p>The amended form of the proposed development incorporates a landscape scheme for the ground floor plaza (including a green wall) and communal rooftop gardens. The scheme is documented on the landscape plans prepared by Place Design Group and is considered acceptable in terms of contributing to the environmental and aesthetical aspects of the development. The Panel commended the green wall for the plaza.</p>	
Principle 6: Amenity	Yes
<p>The application, as amended, sufficiently demonstrates that the proposed development meets the relevant solar access, natural ventilation, and apartment size and layout design criteria set out in the ADG that regulate the quality of amenity afforded to the majority of apartments of the development.</p> <p>The Panel raised concern on the proximity of bedroom windows for certain apartments to the common breezeways. The amended form of the development has deleted these breezeways, which resolves this concern. Further concern was raised about some of the bedroom windows of the certain apartments having a poor outlook to blank walls and insufficient natural light and ventilation. The amended form has introduced secondary openings and shifted window openings such that they do not directly face blank walls.</p> <p>The overall aesthetics and architectural style of the development are of a high standard and will positively contribute to the urban fabric of the Bondi Junction Centre. This in turn will also improve the outlook for surrounding residents.</p>	
Principle 7: Safety	Yes
<p>The design of the proposed development is conscious of safety and security considerations of the safety design quality principle. Apartments on the lower floor levels of the development that are part of the podium of the development comprise living and private open spaces that directly face either Oxford Street and Spring Street. Therefore, these apartments will have a clear line of sight to both streets, and will therefore improve on the passive surveillance of the streets.</p> <p>The public and private spaces of the development are successfully delineated and access to these spaces are considered to be well secured and monitored through separate and dedicated entry points from either Oxford Street and Spring Street.</p>	

Principle	Consistency
Principle 8: Housing Diversity and Social Interaction	Yes
<p>The proposed development provides a mix of one and two bedroom apartments. The development responds to the prevailing housing market and social context of the immediate locality and complements the range of existing and future housing stock in the Bondi Junction Centre. The provision of communal rooftop open space areas on the roof level of the main tower and the Spring Street podium encourages social interaction among future residents of the development.</p>	
Principle 9: Aesthetics	Yes
<p>The proposed development is considered acceptable against the aesthetics design quality principle. It will positively contribute to the visual character of the Bondi Junction Centre. The Panel believed the architectural expression of the façade of the Oxford Street podium was not well resolved. The amended form of the development has resolved the articulation of the Oxford Street podium by the vertical masonry blades. The perforated mesh screens remain in the amended form of the development, which are considered acceptable in that they are intended to sustain climbing planting to create a green wall.</p> <p>The Panel commended the materiality of the tower form of the development in terms of providing a considered aesthetic approach. The amended form of the development provides a consistent building alignment for the northern wing of the tower from the Oxford Street boundary of the site and incorporates an indent in the centre of the façade to soften the perceived building bulk and scale of the northern wing of the tower from Oxford Street.</p> <p>The Panel has requested that specific details on the materials and finishes be provided as part of preparation of construction certificate material and for that detail to be considered by the Panel. In this regard, a condition of consent is recommended to this effect.</p>	

The proposed development, in its amended form, and the design change conditions of consent as part of the recommendation of the application are considered to adequately address the comment and recommendations of the Panel and the design quality principles of SEPP 65. The development provides for a high quality and architecturally distinct building that responds effectively to the site, site context, surrounding building forms and uses and more broadly the desired future character of the Bondi Junction Centre. The retail, commercial and residential uses have been designed to provide a high level of functionality, privacy and amenity. Therefore, the amended form of the proposed development satisfactorily addresses the nine design quality principles of SEPP 65.

Apartment Design Guide

SEPP 65 requires the proposed development to consider Parts 3 and 4 of the Apartment Design Guide (ADG). The application is accompanied by a detailed assessment against the Parts 3 and 4 of the ADG which have been considered by the Waverley Design Excellence Panel. Further, clause 6A of SEPP 65 requires that development control plans (DCPs) cannot be inconsistent with the ADG in respect of the following:

- (a) visual privacy
- (b) solar and daylight access
- (c) common circulation and spaces
- (d) apartment size and layout
- (e) ceiling heights
- (f) private open space and balconies
- (g) natural ventilation
- (h) storage.

If a DCP contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect. Waverley DCP 2012 contains provisions in relation to the above criteria and as such, these provisions of the DCP no longer have effect. An assessment against the provisions within the ADG is provided in **Table 3**.

Table 3: Assessment against the Apartment Design Guide

Design Criteria	Consistency	Planning Assessment
Part 3 Siting the development		
3A Site analysis	Yes	The application and proposed development have thoughtfully considered the site, local and wider context.
3B Orientation	Yes	The proposed development has been orientated and designed to relate the shape of the site, location of neighbouring buildings and public domain.
3C Public domain interface	Yes	The proposed development provides a successful interface with the public domain and will improve the character and quality of the streetscape.
3D Communal and public open space <ul style="list-style-type: none"> Minimum communal open space area of 25% of site area 	Yes	The proposed development includes communal open space on the roof level of the Spring Street podium (above Level 5 of the development) and the roof level of the tower form (above Level 13 of the development). The combined trafficable paved area is 670m ² , which equates to 29% of the site area. The communal open space areas comprise sheltered areas by way of covered pergolas. Half of the open space area is expected to receive at least two hours of solar access between 9am and 3 pm on 21 June (mid winter). See detailed discussion below Table 3 of this report on the external impacts of the communal open space on surrounding properties.

Design Criteria	Consistency	Planning Assessment
3E Deep soil zones <ul style="list-style-type: none"> Minimum deep soil zone of 7% of site area 	No (acceptable on merit)	Application of and consistency with the minimum quantum of deep soil zone design criterion is not practicable as the proposed development has a site coverage of 100%, which is conventional for mixed use development in high density localities such as the Bondi Junction Centre. Notwithstanding, soft landscaping is proposed principally within the communal rooftop open space area and fulfils the objectives of the deep soil zones design criteria and guidance.
3F Visual privacy <ul style="list-style-type: none"> Minimum separation distances for buildings over 25m (+9 storeys) of: <ul style="list-style-type: none"> 12m for habitable rooms/balconies 6m for non-habitable rooms. No separation is required between blank walls 	No (see discussion)	The proposed development does not meet the minimum separation distances set out in design criterion 1. See discussion on the inconsistency with the design criterion below Table 3 of this report.
3G Pedestrian access and entries	Yes	All pedestrian access entries of the proposed development are connected to and address the public domain, are easily identifiable and provide a strong connection with the streetscape.
3H Vehicle access	Yes	The vehicular access point of the development is on the Spring Street frontage, which is considered the secondary street frontage of the site and the accepted location for vehicular access for the site. It has been designed and located to maximise safety, minimise pedestrian conflicts, and provide an adequate presentation to Spring Street.
3J Bicycle and car parking	Yes	The proposed development falls within the design criteria of Objective 3J-1 as it is located within 800m of a railway station in the Sydney Metropolitan Area. The resident and visitor car parking requirements set out in the <i>Guide to Traffic Generating Developments 2002</i> by the then NSW Roads and Traffic Authority are applicable to the residential component of the development. The Bondi Junction Centre is classified as a 'metropolitan regional (Central Business District) centre' as it provides high level of local employment as well as access to rail and bus services. The development falls into the category of 'high density residential flat building' as it contained 20 or more dwellings and more than five levels with basement level car parking. The following minimum off-street residential parking spaces

Design Criteria	Consistency	Planning Assessment
		<p>apply to development within metropolitan regional centres:</p> <ul style="list-style-type: none"> • 0.4 resident spaces per one bedroom unit • 0.7 resident spaces per two bedroom unit • 1.2 spaces per three bedroom unit • 1 visitor space per seven units. <p>The residential component of the proposed development generates a minimum off-street car parking demand of:</p> <ul style="list-style-type: none"> • 14 spaces for one bedroom apartments (35x 0.4) • 46.9 spaces for two bedroom apartments (67 x 0.7) • 28.8 spaces for three bedroom apartments (24 x 1.2) • a total of 89.7 or 90 resident spaces • 18 spaces for visitors. <p>The residential component of the development requires a minimum of 108 spaces.</p> <p>The proposed development provides for 115 residents spaces and 18 visitor spaces. The development therefore meets the minimum quantum of off-street car parking required for the development. See discussion in Table 8 of this report on the appropriateness of the total quantum of car parking spaces in the development against the car parking rates set out in Waverley Development Control Plan 2012, which provide a greater amount of car parking than the rates specified by the <i>Guide to Traffic Generating Development 2002</i>. The rates set out in Waverley DCP 2012 are considered the 'maximum' car parking rates and are discussed later in this report.</p> <p>The development will promote the use of other modes of transport by providing parking and storage facilities for motorcycles and bicycles and car share spaces.</p>
Part 4 Designing the building		
Amenity		
<p>4A Solar and daylight access</p> <ul style="list-style-type: none"> • Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm mid-winter 	Yes	<p>The amended form of the application provides better detailed and qualified solar access diagrams to demonstrate how the proposed development meets the design criteria under Part 4A compared to the original form of the application. The diagrams reveal that living rooms and private open space areas of 89 out of 126 apartments, which equates to 70% of all apartments in the development, receive at least two hours of direct sunlight between 9am and 3pm at mid-winter.</p>

Design Criteria	Consistency	Planning Assessment
<ul style="list-style-type: none"> A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter 		The solar access diagrams reveal that 19 out of 126 apartments, which equates to 15% of all apartments in the development, will have no direct sunlight between 9am and 3pm at mid-winter.
4B Natural ventilation <ul style="list-style-type: none"> Minimum of 60% of apartments are naturally cross-ventilated in the first nine storeys of the buildings Apartments at ten storeys or greater are deemed to be cross-ventilated only 	Yes	The depth of habitable rooms of apartments will support natural ventilation and windows and glazed door openings have been appropriately designed to suit the intended use of the rooms. Eighty-nine (89) apartments between Levels 2 and 8 of the development are naturally cross-ventilated, which equates to the first nine habitable storeys of the development. 66% of these apartments are naturally cross-ventilated. All of remaining apartments on Level 9 and above of the development do not comprise balconies that can be fully enclosed, and therefore all of these units are deemed naturally cross-ventilated.
4C Ceiling heights <ul style="list-style-type: none"> Ground and first floor levels in mixed use - 3.3m Restaurant/café uses on ground floor – 4m Habitable rooms – 2.7m Non-habitable rooms – 2.4m 	Yes	<p>The proposed development incorporates the following ceiling heights (measured from finished floor level to finished ceiling level of the same floor level):</p> <ul style="list-style-type: none"> Ground floor retail: 3.8m First floor commercial: 3.6m Residential apartments: 2.9m <p>The specific uses of the ground floor retail tenancies are not known at this stage. Notwithstanding, a ceiling height of 3.6m is deemed ample if the retail tenancies are used for restaurant and café purposes.</p>
4D Apartment size and layout <ul style="list-style-type: none"> Minimum internal area of: <ul style="list-style-type: none"> 50m² for one bedroom apartments 70m² for two bedroom apartments 90m² for three bedroom apartments 	Yes	All apartments comply with the minimum internal area specified in design criterion 1 for one, two and three bedroom apartments. All apartments incorporate high quality internal design that will improve the residential amenity for future occupants without unreasonably impacting on the amenity of surrounding residential buildings and private open spaces.
4E Private open space and balconies <ul style="list-style-type: none"> All apartments provide primary balcony as follows: <ul style="list-style-type: none"> One-bed – 8m² and 2m depth Two bed – 10m² and 2m depth Three bed – 12m² and 2.4m depth 	Yes	All apartments are provided with private open space in the form of a balcony or terrace. Each private open space area is accessed from a living area of individual apartments and generally includes appropriate privacy treatment. Secondary balconies are provided for certain apartments, which are accessed from bedrooms. The area of all of the primary private open space of apartments meet the minimum areas for one, two and three bedroom apartments. All private open space areas have a depth greater than 2m.

Design Criteria	Consistency	Planning Assessment
4F Common circulation and spaces	Yes	The proposed development comprises three circulation cores, one in the northern wing of the tower (including two lifts), one in the south-eastern wing of the tower (including two lifts) and the other in the south-western wing of the tower (including one lift). A maximum of seven apartments are served by each circulation core. The five lifts serving the residential floor levels of the development are considered to sufficiently cater for all 126 apartments of the development.
4G Storage <ul style="list-style-type: none"> Minimum volume of storage for: <ul style="list-style-type: none"> One bed – 6m³ Two bed – 8m³ Three bed – 10m³ 	Yes (by condition)	The apartment areas schedule on Drawing No. DA8.300 (Revision F) quantifies the volume of storage provided inside each apartment. The development for the most part provides at least 50% of the minimum volume of storage inside each apartment, which are contained within cupboards, and the location of storage is shown on the architectural plans. The plans also identify the area of the remaining volume of storage in the basement car park. A condition is recommended to ensure the storage in the basement levels of the development identify, allocate and quantify the volume of storage for each apartment within the basement, consistent with design criterion 1 in Part 4G of the ADG.
4H Acoustic privacy	Yes	The application is accompanied by a through-site analysis that has considered the constraints of the site, conditions and relationship to surrounding buildings and local context. This analysis has considered individual apartments exposure to acoustic privacy impacts and each habitable room has been designed to protect the acoustic privacy of future occupants and acoustic privacy of surrounding buildings. The proposed development has adequately considered and addressed the design guidance requirements in Part 4H of the ADG.
4J Noise and pollution	Yes	The proposed development has appropriately designed individual apartments to minimise impacts from noise and pollution. It is not susceptible to adverse noise from busy roads.
Configuration		
4K Apartment mix	Yes	The proposed development includes one, two and three bedroom apartments that that will support a wide variety of household types and sizes. The apartment mix is considered appropriate taking into consideration the close proximity of the site to public transport options and the development being within a high density urban environment.

Design Criteria	Consistency	Planning Assessment
4M Facades	Yes	The proposed development incorporates high quality architectural design with each façade contributing to the visual interest of the development and character of the local area. A condition of consent has been recommended at the request of the Panel to ensure that all building façade materials and finishes are appropriately described, detailed and reflected on the plans prior to the issue of a construction certificate.
4N Roof design	Yes	The majority of the roof level of the proposed development is devoted to communal open space and landscaped area. The roof level of the development provides a cohesive relationship with the overall building design of the development and will contribute positively to the visual character of the Bondi Junction Centre.
4O Landscape design	Yes	The landscape scheme of the proposed development is diverse and a number of trees and shrubs are proposed. The proposed landscaping will positively contribute to the visual character of the development and provide desirable amenity for the different land uses within the development.
4P Planting on structures	Yes	The landscape plans detail the soil depths for the planters on the roof levels of the development, which range between 300mm (for low ornamental grass) and 1m (for trees with understorey shrub planting) and are considered to be sufficient to sustain the growth of selected plants. The landscape plans address the objectives and design criteria in Part 4P of the ADG.

Design Criteria	Consistency	Planning Assessment
Performance		
4U Energy	Yes	All apartments within the proposed development incorporate passive environmental design, including design elements that seek to retain heat in winter and reduce heat transfer in summer. Considerable natural ventilation is incorporated into almost all apartments reducing the need for artificial cooling and heating.
4V Water management and conservation	Yes	The proposed development includes on-site landscaping, which improves water management and conservation. All standard conditions of consent regarding onsite stormwater management and detention are recommended.
4W Waste management	Yes	The proposed development includes dedicated residential and commercial waste storage rooms that are located within the ground floor level of the building and adjacent and readily accessible to the loading bay accessed from Spring Street. These facilities will enable the effective management and collection of waste from the site. Further, a detailed waste management plan has been submitted and is considered appropriate for the development.
4X Building maintenance	Yes	The proposed development includes a number appropriate building materials and design elements to minimise long term maintenance and improve building resilience. The proposed building maintenance requirements are considered limited and supported.

The following is a detailed discussion of the main issues identified in **Table 3** above in relation to relevant design criteria of the Apartment Design Guide (ADG).

Visual privacy

Part 3F of the ADG seeks to ensure that the visual privacy of the residential apartments of the proposed development and adjacent residential properties are not compromised by the building design. An appropriate response to visual privacy for the development is based on site context, configuration and topography, form and scale of the development and apartment layout. The objectives of the visual privacy design criteria and guidance under Part 3F of the ADG are as follows:

- *Objective 3F-1: Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy*
- *Objective 3F-2: Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.*

The minimum separation distances set out in design criterion 1 are applied to the eastern and western side boundaries of the site. The separation distances set out in design criterion 1 are extracted from the ADG and shown in **Figure 11** below.

Building height	Habitable rooms and balconies	Non-habitable rooms
up to 12m (4 storeys)	6m	3m
up to 25m (5-8 storeys)	9m	4.5m
over 25m (9+ storeys)	12m	6m

Figure 11: Minimum building separation distances set out in design criterion 1 of Part 3F of the ADG (Source: NSW Department of Planning and Environment)

The residential floor levels of the proposed development are divided into two distinct wings and a central core, that being:

- The northern wing of the development addressing Oxford Street between Levels 2 and 13
- The central core of the development between Levels 2 and 13 within the centre of the site
- The southern wing of the development addressing Spring Street that is divided into a five storey podium between Levels 2 and 4 (extending across the full width of the site) and then a tower (within the south-eastern portion of the site) between Levels 5 and 13.

The building separation distances of the residential floor levels of the proposed development are measured from the eastern and western side boundaries of the site and are outlined in **Table 4** below.

Table 4: Building separation distances of the proposed development from the side boundaries of the site

Levels of development	Eastern boundary	Western boundary
Level 2 to Level 4		
Northern wing	Nil	3m
Central core	7.4m	19.3m
Southern wing	Nil	Nil
Level 5		
Northern wing	Nil	3m
Central core	7.4m	19.3m
Southern wing	3m	20.1m
Level 6 to Level 13		
Northern wing	3m	3m
Central core	7.4m	19.3m
Southern wing	3m	20.1m

Further to the above measurements, the residential levels of the northern and southern wings of the proposed development are separated by an approximate minimum distance of 12m across the eastern light-well of the development. The building separation distances outlined in Part 2F of the ADG are used to develop the building setback controls and design criteria in the ADG and indicate the suitability of separation distances in terms of providing and maintaining adequate visual privacy for residential apartments. For the first four storeys, the minimum separation distances are 6-12m, then from five storeys to eight the maximum separation distances are 9-18m, and then from nine storeys and above are 12-24m.

The distance of 12m is acceptable as the northern and southern external walls of the wings on all residential floor levels of this portion of the development that directly face one another comprise window openings that serve bedrooms and ensuite bathrooms of apartments and are off-set and do not directly face one another. Further, the northern and southern wings (between Levels 2 and 4 of the development, as Level 4 of the Spring Street podium is the uppermost floor level of the south-western portion of the development) are separated by an approximate minimum distance of 12.5m across the open air plaza within the central western portion of the site. While there are some window openings across the external northern and southern walls of the wings, these windows serve bedroom and ensuite bathrooms. Given that the distance of 12.5m is consistent with the minimum range of separation distances in Part 2F of the ADG, adequate visual privacy will be afforded to those apartments that directly face one another across the open air plaza.

In terms of the distances of separation between balconies and window openings across the western elevation of the central core and the northern and southern wings of the development, these elements would have oblique views and lines of sight to surrounding openings and balconies. Therefore, adequate visual privacy will be afforded to these apartments that face other apartments across the open air plaza.

Table 4 demonstrates that the proposed development does not meet the minimum separation distances between the development and adjacent buildings. One of the design guides under section 3F of the ADG states that separation between blank walls of buildings is not required. This is the case for the nil setbacks along the eastern boundary of the site between Levels 2 and Level 5 of the proposed development that align with the blank party wall of the adjoining building ('Quest Bondi') to east of the site at 26-30 Spring Street. Therefore, the visual privacy of apartments that adjoin the western boundary of the site between Level 2 and Level 5 of the development will not be affected by the adjoining building despite there being no building separation.

The Spring Street podium of the development has a nil side setback across the western side boundary of the site that abuts the adjoining building to the west of the site ('The Waverley') at 79-85 Oxford Street. The external western wall of the Spring Street podium does not comprise any window opening, and therefore, will not have any consequence on the level of visual privacy of the adjoining building.

The northern wing of the development between Levels 2 and 6 is set back by a minimum of 3m from the western boundary of the site and its western elevation comprise four window openings per each floor level. Two of these openings serve bedrooms while the remaining two serve living rooms. The majority of these windows directly face windows across the eastern elevation of the adjoining residential building ('The Waverley') to the west of the site and are separated by a distance of 7.4m. Most of these windows serve bedrooms, which are passive and rooms of low use. The windows that serve living areas are considered secondary window openings given that these living areas are primarily orientated to either the north or south, which include extensive glazing and balconies orientated to these aspects. In this regard, the west-facing window openings of the northern wing of the development that directly face window openings of the adjoining building are not expected to adversely compromise the visual privacy of those apartments within the adjoining building that have window openings that face the side window openings of the northern wing of the development.

Some of the corner apartments comprise wraparound terraces on the podium levels or where the tower form changes its side setback extend up to the eastern and western boundaries of the site. These terraces originally did not comprise complete screens across its eastern or western side edge that abuts the side boundaries of the site. These terraces that face the adjoining building ('The Waverley') to the west of the site are adjacent to habitable window openings of the adjoining building, and therefore would not have achieved an acceptable reciprocal level of visual privacy. Further, the longevity of visual

privacy afforded to the terraces that have an eastern aspect cannot be assured if the adjoining property to the east of the site (currently comprised of 'Quest Bondi') is redeveloped and/or retrofitted in the future for residential use. The applicant provided amended details in the plans on 25 July 2018 addressing this issue through the provision of 1.6m high walls to the outer face of the offending balconies. This has adequately addressed this issue.

The distances of separation from the other parts of the tower form, which are a minimum of 3m from the eastern and western side boundaries of the site, are deemed reasonable on merit as they are consistent with the objectives of the visual privacy design criteria and guidance. This distance would be expected to be equally reciprocated for any future redevelopment of the adjoining properties to the east and west of the site, which would potentially lead to an approximate distance of 6m of separation between buildings. That distance is considered acceptable to facilitate orderly redevelopment of the adjoining properties within an infill and high density urban context. The privacy treatment and overall configuration of apartment layouts for any future redevelopment of the adjoining properties are not expected to be overly complicated as window openings across the eastern elevation of the development are not considered expansive. Further, apartments of the any future redevelopment would be primarily orientated to the north (addressing Oxford Street) and to the south (addressing Spring Street) with minimal openings across the western sides of the apartments. As such, the proposed development is unlikely to unreasonably compromise access to light, air, outlook and views from habitable rooms and private open space of residential apartments of any future development at the adjoining properties while achieving a reasonable level of visual privacy.

The proposed development is considered to be sufficiently separated from adjacent residential towers to the north and on the northern side of Oxford Street and to the south and on the southern side of Spring Street. Sightlines between these buildings would likely dissipate over distance, which is considered sufficient on that basis. Therefore, the proposed development is not expected to adversely affect the visual privacy of apartments in adjacent residential towers to the north and south of the site.

Despite the proposed development not meeting the minimum distances of separation between buildings outlined in the ADG, the design of the development has appropriately considered how to achieve a reasonable and reciprocal level of visual privacy between the subject development and any future redevelopment of the adjoining properties for residential use.

Communal Open Space

The proposed development comprises communal open space on its roof levels. It is accessed by the lifts, providing adequate level of accessibility for people living with a disability. Given how far it is vertically and horizontally separated from surrounding residential properties, and the general acceptance of roof top communal space in this locality in the DCP, the communal open space is not expected to manifest in adverse visual and acoustic privacy impacts. However, having regard to potential redevelopment of properties immediately adjoining the site (which is anticipated to predominantly comprise residential uses), the use of the terrace should be restricted within acceptable hours of the day to afford and protect adequate residential amenity of future adjoining residential development. A condition of consent is recommended to restrict the hours of operation of the communal open space.

3.1.6 SEPP (Infrastructure) 2007

The site is located outside of land identified as a 'railway corridor', 'railway station' or land affected by SEPP (Infrastructure) 2007.

The site fronts part of Oxford Street that is not deemed a classified road. Further, the proposed development is not considered 'traffic-generating development' in accordance with Schedule 3 of SEPP (Infrastructure) 2007 as it contains less than 300 residential dwellings.

SEPP (Infrastructure) 2007 does not apply to the assessment of the application.

3.1.7 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The Bondi Junction Centre is captured by the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (the SREP) as it is part of land identified within the edged heavy black borders on the Sydney Harbour Catchment Map referred to in clause 3(1) of the SREP. The SREP is a deemed SEPP, and therefore, the matters for consideration under Division 2 of Part 3 of the SREP apply to the assessment of the application.

Given the site is separated by a substantial distance from the immediate foreshores and waterways of Sydney Harbour, the proposed development has no effect on the following matters set out in clauses 21 to 24 and 26 and 27 of the SREP:

- biodiversity, ecology and environment protection
- public access to, and use of, foreshores and waterways
- maintenance of a working harbour
- interrelationship of waterway and foreshore uses
- maintenance, protection and enhancement of views
- boat storage facilities.

The proposed development will be partially visible from the immediate foreshores and waterways of Sydney Harbour and therefore clause 25 of the SREP are to be taken into consideration in the assessment of the application. The majority of the proposed development is obscured by residential and commercial towers to the north and on the southern side of Grafton Street in Bondi Junction. In this regard, the proposed development is expected to have a negligible impact on the visual and scenic qualities of Sydney Harbour, including its islands, foreshores and tributaries. The proposed development is considered acceptable with regards to the relevant matters for consideration under the SREP.

3.1.8 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The relevant matters to be considered under the Waverley LEP 2012 for the proposed development are outlined below:

Table 5: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposed development meets the relevant aims of Waverley LEP 2012.
Part 2 Permitted or prohibited development		
2.6 Subdivision – consent requirements	N/A	The application does not seek consent for Strata subdivision of the proposed development. However, a condition of consent is recommended to consolidate all of the allotments comprising the site into one single allotment.

Provision	Compliance	Comment
Land Use Table B4 Mixed Use Zone	Yes	<p>The broad land use definition of the proposed development is 'shop top housing' as the development comprises one or more dwellings above ground floor 'retail premises' and 'business premises'. 'Shop top housing', 'retail premises' and 'business premises' are permitted uses with development consent in the B4 zone.</p> <p>The development also comprises 'commercial premises' on Level 1 of the development. That use is permitted with development consent in the B4 zone.</p> <p>The proposed development is consistent with the relevant objectives of the B4 zone in that it:</p> <ul style="list-style-type: none"> • is a mixed use development, comprising compatible commercial, retail and residential uses that are permitted in the B4 zone • capitalises on its location within the Bondi Junction Centre by promoting modes of travel other than by vehicle.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> • 38m (majority of the site) • 28m • 20m 	No	<p>The site is subject to three separate height of building development standards. The majority of the site is subject to a height of buildings development standard of 38m. The overall building height of the development is determined by the top of the uppermost lift overrun of the development, which is at RL 125.600, above ground level (existing) of RL 75.350. The overall building height is 50.25m, which exceeds the height of buildings development standard of 38m by 12.25m or 32%. See Table 6 below this table of the report on the measurements of the building height of key elements of the development.</p>
4.4 Floor space ratio <ul style="list-style-type: none"> • 5:1 Site Area: 2,295m ² Max GFA: 11,475m ²	No	<p>The proposed development comprises an overall gross floor area of 13,196m², which achieves a floor space ratio 5.75:1. The proposed development exceeds the floor space ratio by 1,723m² of gross floor area or 15%.</p>
4.6 Exceptions to development standards	See discussion	<p>The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of buildings and floor space ratio development standards. A detailed discussion of the variation to the development standards is presented below this table.</p>

Provision	Compliance	Comment
Part 5 Miscellaneous provisions		
5.6 Architectural roof features	Yes	The applicant does not submit that the proposed development comprises architectural roof features to justify exceeding the height of buildings development standard of Waverley LEP 2012. Therefore, the exceedance will be solely considered under the provisions of clause 4.6 of Waverley LEP 2012.
5.10 Heritage conservation	Yes	<p>The site does not contain any heritage item and is not located within a heritage conservation area. It is in vicinity of the following local heritage items listed under Schedule 5 of Waverley LEP 2012:</p> <ul style="list-style-type: none"> • The 'Boot Factory Building' at the site known as 27-33 Spring Street. The item is identified as I236 in Waverley LEP 2012. • A row of buildings known as the 'Imperial Building' at 356-374 Oxford Street. The item is identified as I216 in Waverley LEP 2012. <p>The proposed development is not expected to have a material impact upon the significance of these surrounding heritage items due to its acceptable building envelope, aesthetics and overall design. The development achieves a two storey shopfront appearance along its Oxford Street façade to maintain the prevailing streetscape character of Oxford Street that is established by heritage listed buildings on Oxford Street, such as the 'Imperial Building' item. Further, the proposed development will not be overly prominent within the immediate curtilage of the 'Boot Factory Building'. The development is therefore acceptable in relation to heritage considerations.</p>
Part 6 Additional local provisions		
6.2 Earthworks	Yes	The proposed development involves earthworks, specifically excavation and provision of fill. The application is accompanied by a geotechnical investigation report, which examines the subsurface conditions of the site and provides for recommendations on the demolition, excavation and construction aspects of the development to minimise disruption on the soil stability of the site and its immediate surrounds.

Provision	Compliance	Comment
		The scope of examination included in the Preliminary Geotechnical Investigation satisfies the matters for consideration under clause 6.2(3) of Waverley LEP 2012. The report will form part of the approved documentation as a condition of consent should the application be approved. Further, conditions of consent are recommended to require dilapidation reports and details of shoring and piling to be provided with any construction certificate application. A separate condition of consent is recommended to control the use and quality of fill.
6.5 Active street frontages in the Bondi Junction Centre	Yes	The site is identified as 'active street frontage' on the Active Street Frontages Map of Waverley LEP 2012. The ground floor level of the development comprises retail premises that either face Spring Street and Oxford Street. The ground floor street façades of the development are designed as conventional shopfronts with appropriate glazed and solid proportions to achieve perceptive active street frontages.
6.7 Solar access to public spaces in Bondi Junction	Yes	<p>The site is directly to the north of and opposite the site known as Norman Lee Place, which is also known as the 'Boot Factory Building' at 27-33 Spring Street. Accordingly, clause 6.7(2)(d) of Waverley LEP 2012 applies to the development, which prohibits any development that would cause an additional shadow impact at 12 noon on 21 June, other than the shadow that would be cast by a notional wall, with a vertical height of 20m located on the southern boundary of any lot that adjoins the northern alignment of Spring Street.</p> <p>The shadow diagrams in plan form shown on Architectural Drawing Nos. DA9.001-DA9.005 prepared by DJRD Architect and dated 18 June 2018 demonstrates that the proposed development will NOT cast additional shadowing of Norman Lee Place greater than a shadow cast by a notional wall of 20m along the southern boundary of the site that adjoins the northern alignment of Spring Street. These diagrams have been prepared using baseline information from the site survey (i.e. north orientation and surface levels in Reduced Levels) and using a program called 'Autodesk Revit 2017'. All of this information has been certified by Tasy Moraitis,</p>

Provision	Compliance	Comment
		Principal of Veris. Therefore, Council is convinced that the proposed development is not contrary to the terms of clause 6.7(2)(d) of Waverley LEP 2012, and therefore, development consent can be granted to the development.

The following is a detailed discussion of the issues identified in the compliance table above in relation to the Waverley LEP 2012.

Exceptions to Development Standards

Council is able to grant consent to a development that contravenes any development standard in Waverley LEP 2012 having regard to the provisions of clause 4.6 of Waverley LEP 2012 and considering a written request by an applicant to vary such development standard. The heads of consideration under clause 4.6 of Waverley LEP 2012 for a development varying a development standard are as follows:

- *Clause 4.6(3) (a) - that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case*
- *Clause 4.6(3)(b) - that there are sufficient environmental planning grounds to justify contravening the development standard*
- *Clause 4.6(4)(a)(iii) - the proposed development will be in the public interest because it is consistent with objectives of the particular development standard and the objectives for development within the zone in which the development is proposed to be carried out.*
- *Clause 4.6(5)(a) - whether contravention of the development standard raises any matter of significance for State or regional environmental planning*
- *Clause 4.6(5)(b) - the public benefit of maintaining the development standard*
- *Clause 4.6(5)(c) – other relevant matters.*

Clause 4.3 Height of buildings

The site is subject to different height of buildings development standards under clause 4.3 of Waverley LEP 2012 as demonstrated in the height plane analysis in the 'Site analysis Sheet 2' submitted with the application. The majority of the site is subject to a height of buildings development standard of **38m** and part of the site that is currently known as 20 Spring Street is subject to height of buildings development standards of **28m** and **20m**, which anticipates the effect of clause 6.7(2)(d) of Waverley LEP 2012 in relation to protecting solar access to Norman Lee Place. **Figure 12** below is an extract from the Height of Buildings Map of Waverley LEP 2012 and identifies where the three height of buildings development standards apply to parts of the subject site.

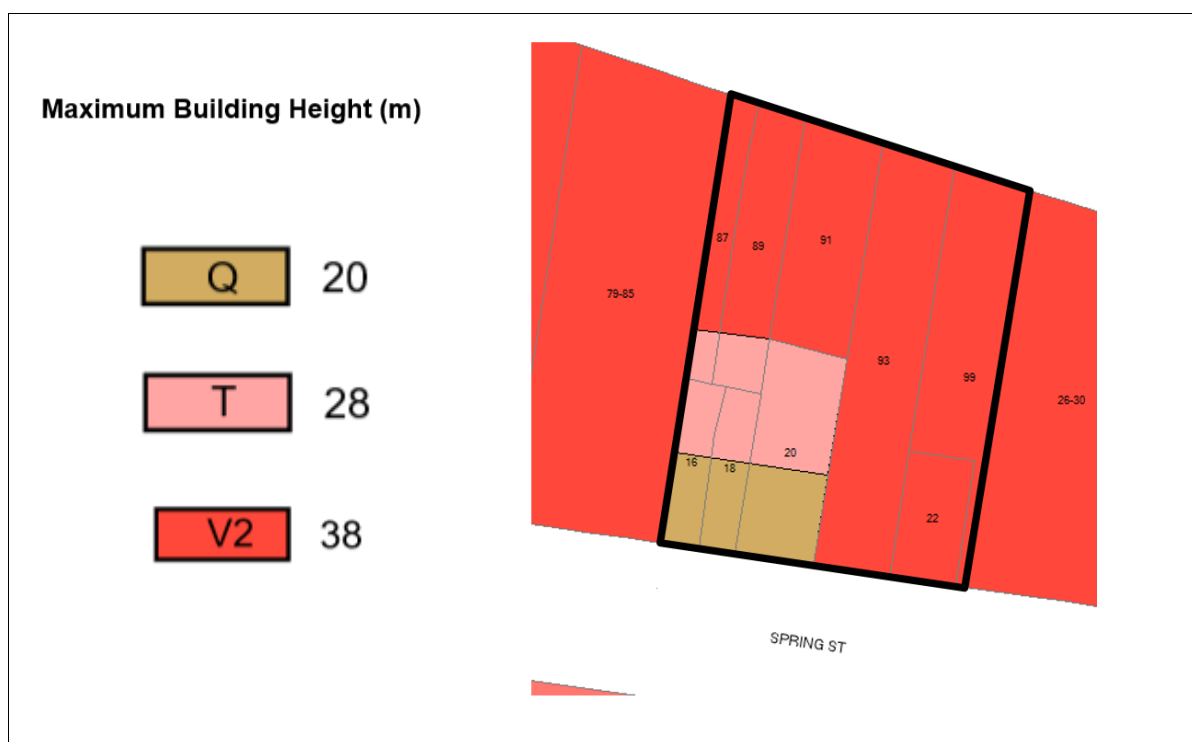


Figure 12: Extract of Height of Buildings Map of Waverley LEP 2012 identifying the three separate height development standards that apply to the site (site is outlined in black)

The proposed development has an overall building height of 50.25m, which exceeds the overall height of buildings development standard of 38m prescribed under clause 4.3 of Waverley LEP 2012 by 12.25m or 32%. Measurements of the building height of key elements of the development are set out in **Table 6** below.

Table 6: Building height measurements of the proposed development

Element of development	Proposed finished level	Ground level (existing) directly below	Building height
Top of uppermost lift overrun and roof plant	RL 125.600	RL 75.350	50.25m
Top of roof shelter above communal open space on roof level	RL 124.325	RL 74.680	49.65m
Top of roof parapet of uppermost part of development	RL 122.400	RL 74.670	47.73m
Roof level of uppermost part of development	RL 121.200	RL 74.670	46.53m
Top of lift overrun of south-western portion of development	RL 97.000	RL 75.700	21.3m
Top of roof parapet of south-western portion of development	RL 94.000	RL 75.200	18.8m
Roof level of south-western portion of development	RL93.000	RL75.200	17.8m

Table 6 above reveals parts of the proposed development that exceed the relevant height of buildings development standards of Waverley LEP 2012. The non-compliance generally occurs across the uppermost floor levels of the northern wing, central core and southern wing of the development. The development effectively exceeds the height of buildings development standard by two full floor levels.

Figure 13 is a snapshot from the Waverley Digital Model to visualise the extent of the proposed development (shown in the centre of the snapshot) that exceeds the height of buildings development standard of 38m (NB. The plane of the height of buildings development standard of 38m is shown in red in the snapshot). The snapshot also shows the immediate context of the site in terms of the height of building development standards applying to adjacent sites (NB. The plane shown in pink represents a height of buildings development standard of 32m). The variation of the height of buildings development standard occurs within the uppermost floor levels of the northern, central and south-eastern portions of the proposed development.

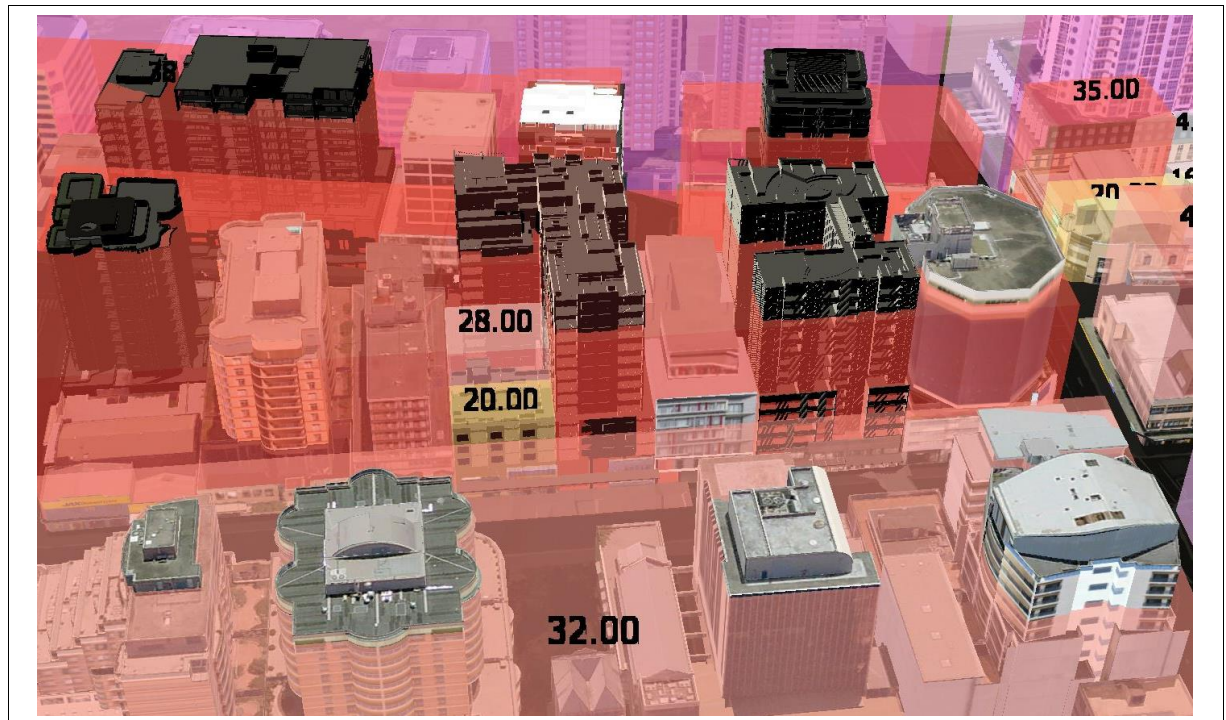


Figure 13: Snapshot from the Waverley Digital Model, looking north above Ebley Street road reserve and showing three dimension planes of height of buildings development standards applying to the site and its surrounds overlaid by models of existing, recently constructed and approved development (subject development in the centre of snapshot)

NB: The red-colourer overlay on sites bounded by the same street block as the subject site indicates a height of buildings development standard of 38m.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- The building height of the development that extends above the height of buildings development standard is unlikely to result in significant adverse impacts upon adjacent properties or the public domain in terms of overshadowing, visual bulk, view loss and privacy impacts.
- The floor layout, orientation of living spaces and private open space and general arrangement and setbacks of the two uppermost floor levels of the development are such that they will not generate any significant privacy impacts upon adjoining development.
- The proposed development will be consistent with the emerging character of the locality, that being one of tall buildings and high density development. The development is of a high design standard and is well articulated with different materials and textures. It will not result in adverse visual impacts when compared to a development that is height and floor space compliant.

- The difference of the extent of overshadowing between the proposed development and a building that is height compliant is relatively minor given a large part of the building volume of the development is positioned to the northern part of the site and the overall building massing, setbacks and alignments are such that the development protects the solar access to Norman Lee Place to the south of the site. The overall shadowing impact of the development is considered acceptable with regard to the high density B4 Mixed Use zone of the site.
- The non-compliance will not manifest in adverse view loss impacts upon surrounding residential properties in the locality.
- The development satisfies the objectives of the zone and the height of buildings development standard.
- Strict compliance with the development standard would result in the development appearing inconsistent with the prevailing building height, bulk and scale of surrounding comparable development within the immediate vicinity of the site, especially recently approved 14 storey development. This represents a poorer urban design outcome than that arising from the proposed development.
- Circumstances of the site are unique in that the site has a large consolidated area with two primary street frontages and three separate height of building development standards. There are sufficient ground to vary the development standard given that:
 - The non-compliance will result in a better urban design outcome at the site.
 - The proposed development is consistent with the character of Oxford Street and Spring Street established by recently approved development.
 - The site is capable of accommodating the proposed density of the development as it is of an intensity and scale commensurate with the evolving character and the prevailing urban conditions and capability of the locality.
 - The height non-compliance is in part a function of the development achieving consistency with the solar access design criteria in the Apartment Design Guide.
 - The proposed development capitalises on its location with excellent access to public transport services.
 - The non-compliance with the standard does not contribute to significant adverse environmental impacts in terms of overshadowing, visual impacts or view loss.
 - An offer from the applicant to enter into a planning agreement with Council presents as a significant public benefit, which will contribute to deliver public infrastructure and affordable housing within the Waverley local government area.
 - The development is considered an orderly and economic use of the site.
- The non-compliance does not raise any issue of State or regional planning significance as it relates to local and contextual conditions.

The arguments presented in the applicant's written request are generally well-founded to justify the proposed development contravening the height of buildings development standard. The applicant has organised their written request based on the then NSW Department of Planning and Infrastructure's *Varying Development Standards: A guide*, which is founded on the principles arising from cases heard by the NSW Land and Environment Court. The written request addresses the following main environmental planning themes central to the argument that the proposed building height is appropriate and has merit to contravene the development standard:

- visual impact
- shadowing impact
- view impact
- other amenity impacts.

These themes are considered and discussed in detail below. The variation is also considered on how it affects the performance of the proposed development against the relevant objectives of the height of buildings development standard. The objectives of the development standard outlined under clause 4.3(1) of Waverley LEP 2012 are extracted as follows:

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

Visual impact

The subject site is within the western precinct of the Bondi Junction Centre that is currently undergoing extensive change to the built form and visual character of the area given recently built, currently constructed, and/or approved tower form developments emerging in the area. The development will be perceived as 14 storeys from both Oxford Street and Spring Street and other public domain areas of the Bondi Junction Centre. **Figure 13** shows recently built and approved tower form developments in the immediate vicinity of the site are 14 storeys and demonstrates that these developments exceed the same height of buildings development standard of 38m that applies to the subject site. These developments are outlined in **Table 7** below.

Table 7: Examples of developments that breach the height of buildings development standard of 38m within close proximity to the subject site

Address	Approval Reference	Overall Building Height <small>*measured to the top of lift overrun</small>	Number of Storeys (above ground level)
344-354 Oxford Street (on northern side of Oxford Street)	DA-101/2014/B	40.5m	12
304-308 Oxford Street (on northern side of Oxford Street)	DA-503/2014/A	48.65m	14
310-330 Oxford Street (on northern side of Oxford Street)	DA-598/2008/E	44.5m	14
109-119 Oxford Street (on southern side of Oxford Street)	DA-569/2015/A	49.45m	14
59-69 Oxford Street (on southern side of Oxford Street)	DA-585/2015/A	47.8m	14
362-374 Oxford Street (on the northern side of Oxford Street)	DA-89/2016	52.29m	14

Figure 13 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 full storeys or additional floor levels above the development standard. In this regard, the overall number of storeys of these examples is 14.

The data outlined above reveal that the overall 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 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.

Shadowing impact

The shadowing impact of the proposed development, specifically the variation to the height of buildings development standard, is considered in terms of how it affects solar access received by adjoining residential developments and the public domain, namely Norman Lee Place.

The shadow diagrams submitted in plan and elevation form and an analysis using the Waverley Digital Model reveal that the proposed development will largely cast shadows over existing commercial development located on to the south of the site and on the southern side of Spring Street between 9am and 3pm during mid-winter (i.e. 21 June). The applicant has engaged Steve King to assess and examine the reasonableness of the overshadowing impact on surrounding residential development as well on Norman Lee Place. The applicant has sufficiently demonstrated that the proposed development will **NOT** cast additional shadowing of Norman Lee Place greater than a shadow cast by a notional wall of 20m along the southern boundary of the site that adjoins the northern alignment of Spring Street. Council is satisfied that clause 6.7 of Waverley LEP 2012 has been met in order for development consent to be granted to the application.

The shadowing impact analysis on the existing residential developments to the south of the site and on the southern side of Spring Street from the Waverley Digital Model is shown in snapshots from the Model, which are included in **Figure 14** below. The analysis is taken between 9am and 11am and 1:30pm and 3pm on 21 June as these periods are when the proposed development affects solar access received by the surrounding residential development.

The shadowing analysis shown in **Figure 14** reveals that the shadowing cast by the proposed development is relatively fast moving given the tower form of the development. The overall overshadowing impact upon these adjoining and adjacent residential properties is not expected to unreasonably reduce the amount and duration of solar access they receive during the winter solstice. The impact is therefore considered to be acceptable, particularly in a dense urban context such as Bondi Junction.

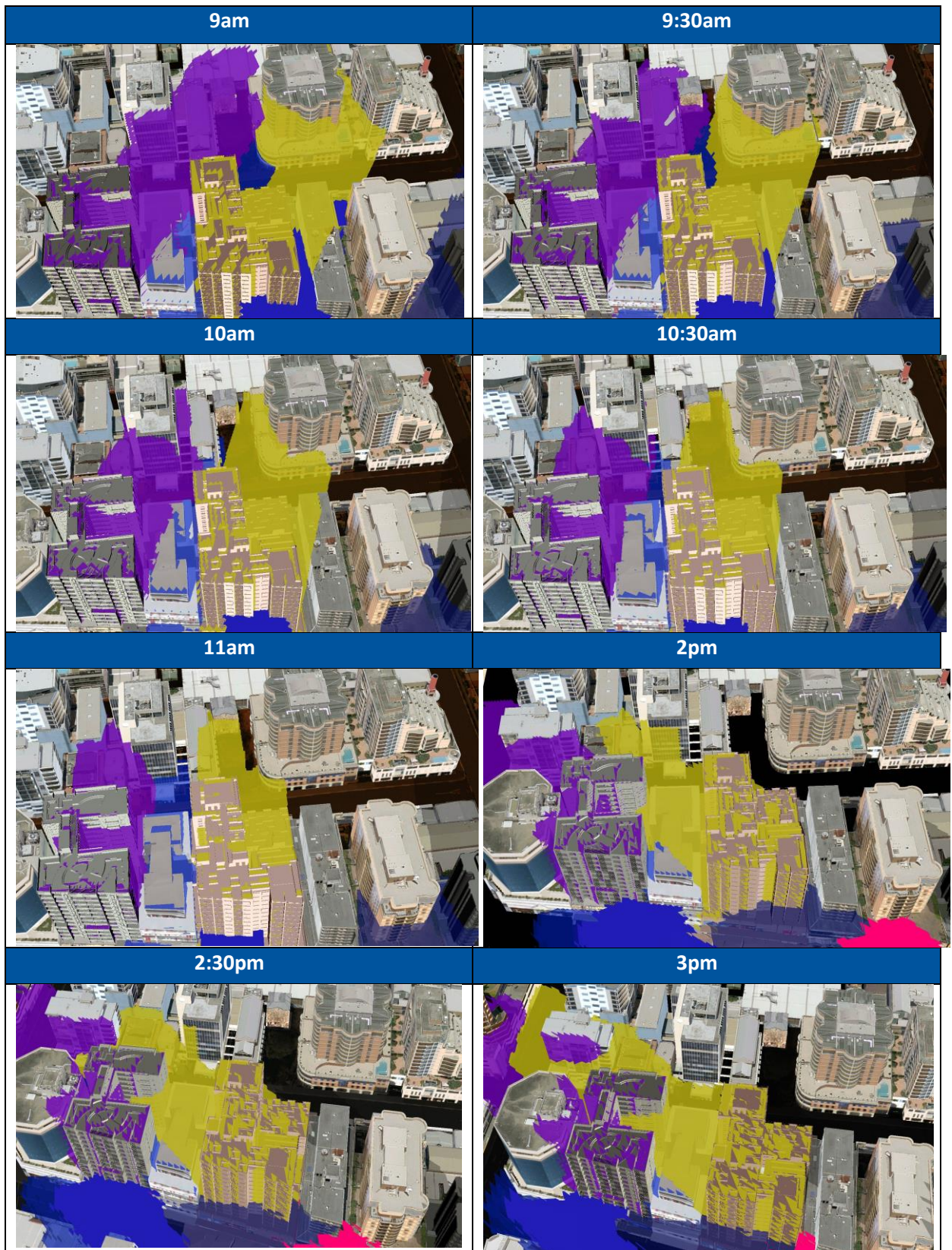


Figure 14: Snapshot from the Waverley Digital Model showing the extent of shadowing impact caused by the proposed development on surrounding residential developments.

NB: The mustard-coloured overlay indicates the overshadowing caused by the proposed development. The purple-coloured overlay indicates the overshadowing caused by the approved development at 109-119 Oxford Street. The blue-colour overlay indicates existing shadowing by other surrounding development. The snapshots are taken at bird's eye view looking south

View Impacts

The submission was received from Unit 1201/8 Spring Street claims the proposed development will affect views enjoyed from this property. The property is two properties west of the subject site. The unit is on Level 12, which is just above the roof level of the adjoining building to the west of the subject site (known as 'The Waverley'). Views eastward across the subject site from Level 12 of the building at 8 Spring Street have been examined in the Waverley Digital Model. Snapshots of the views analysed from the Model are shown in **Figures 15, 16 and 17** below.



Figure 15: Views from Oxford Street facing balcony looking eastward on Level 12 of the building at 8 Spring Street (left snapshot showing existing view and right snapshot showing impacted view)

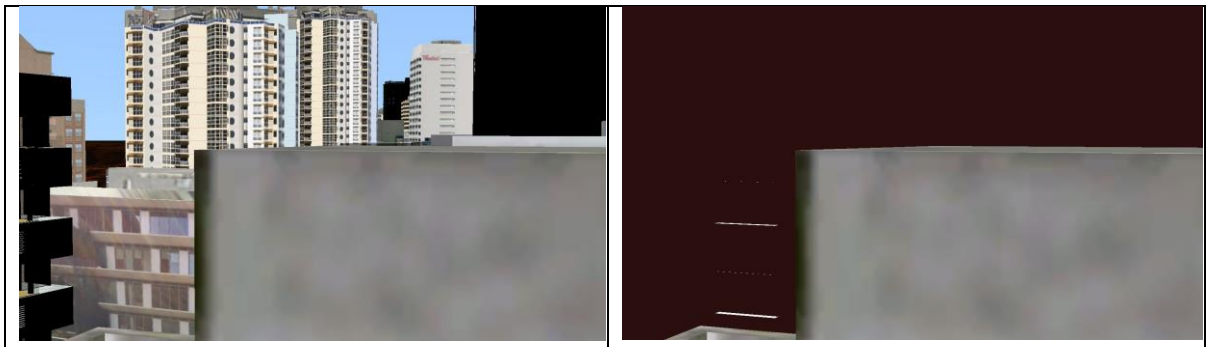


Figure 16: Views from eastern side balconies looking eastward on Level 12 of the building at 8 Spring Street (left snapshot showing existing view and right snapshot showing impacted view)

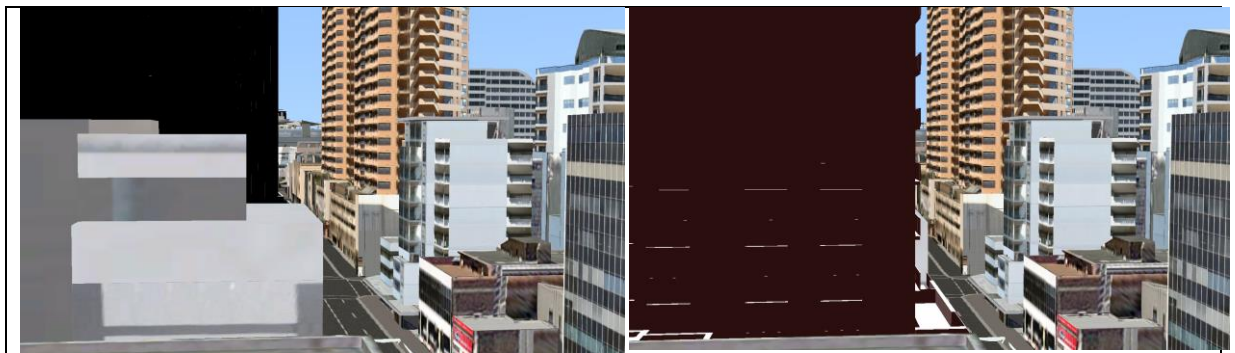


Figure 17: Views from Spring Street facing balconies looking eastward on Level 12 of the building at 8 Spring Street (left snapshot showing existing view and right snapshot showing impacted view)

The analysis finds that the composition of views and outlook across the subject site are of tower development in the Bondi Junction Centre and glimpses of the districts of Bellevue Hill and Rose Bay beyond. There are no views of water and icons that are worthy of protection and retention in accordance with the view sharing planning principle from the NSW Land and Environment Court. Therefore, the proposed development will not result in adverse view loss impact. In any case, the exceedance of the height of buildings development standard is not expected to adversely affect views from surrounding residential properties that are situated higher than the proposed development in the Bondi Junction Centre.

Other amenity impacts

The proposed development is considered to be separated by sufficient distances from balconies and window openings of adjoining and adjacent residential development, specifically 'The Waverley' that adjoins the site to the west at 79-85 Oxford Street. The development is not expected to manifest in adverse visual privacy impacts on surrounding properties. This has been discussed in detail in section 3.1.5 of this report against the objectives and design criteria relating to visual privacy outlined in the Apartment Design Guide.

The applicant has adequately demonstrated that the variation of the height development standard encountered by the proposal satisfies and is consistent with the relevant objectives of the development standard set out under clause 4.3 of Waverley LEP 2012. The variation does not hinder the development performing satisfactorily against the objectives of the B4 Mixed Use Zone. Further, the variation does not raise any matters of significance that would detrimentally affect State or regional planning and is not considered to diminish the integrity and the public interest of maintaining the height of buildings development standard in relation to the subject development.

The proposal is able to contravene the height of buildings development standard given that the variation is consistent with the relevant objectives of the development standard and zone. The applicant has demonstrated that compliance is unreasonable or unnecessary in the circumstances of the case and there are sufficient planning grounds to justify contravening the development standard in the absence of adverse building height, bulk and scale related impacts.

Clause 4.4 Floor space ratio

The proposed development has an overall floor space ratio of 5.75:1, which exceeds the floor space ratio (FSR) development standard of 5:1 prescribed under clause 4.4 of Waverley LEP 2012 by 1,723m² of gross floor area or 15%. The gross floor area calculations diagram provided on Architectural Drawing No. DA8.100 (Revision M) has been reviewed against the terms of the definition of gross floor area under the dictionary section of Waverley LEP 2012 and the review finds the gross floor area of the development has been accurately calculated.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the FSR development standard. The justification presented in the written request to seek contravention of the FSR development standard is similar in content to the justification presented for the exceedance of the height of buildings development standard and therefore will not be repeated in this sub-section of this report.

The environmental impacts arising from the exceedance of the FSR development standard would be similar to that arising from the breach of the height of buildings development standard. These impacts have been previously ascertained, analysed and assessed in detail. The assessment finds the associated

impacts caused by the proposed development exceeding the height of buildings development standard reasonable in relation to the effect of the development on:

- the amenity of surrounding residential properties
- the streetscape and public domain of the immediate vicinity
- the desired future character of the locality.

The same assessment that is made for the height of buildings development standard breach applies to the FSR development standard breach with regard to the associated environmental impacts of the non-compliance with the development standard. In this regard, the proposed development is considered consistent with the objectives of the FSR development standard expressed in clause 4.4(1) of Waverley LEP 2012, which are extracted 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.*

Notwithstanding, the public interest needs to be considered to establish whether there is any public benefit for the proposed development to depart from the FSR development standard.

Bondi Junction has recently experienced a significant uplift in development potential following extensive studies, analysis and community consultation, culminating in Waverley LEP 2012. In some cases, sites have seen a maximum FSR increase of more than double in the past 10 years. The impact from new developments that are compliant with these increased development standards is significantly greater than anticipated by the previous controls, however if the development meets all other relevant standards and controls, these impacts are accepted as being generally anticipated by the controls. The purpose of development standards is to stipulate the maximum development potential of a site and provide certainty to the public and facilitate economic and orderly use of land.

To justify the proposed development, the applicant has offered to enter into a planning agreement with Council for gross floor area that exceeds the maximum gross floor area permitted by the FSR development standard in accordance the *Waverley Council Planning Agreement Policy 2014* (the Policy). The Policy aims to provide a material public benefit that is in the public interest to offset impacts arising from a development contravening a development standard when those impacts are found to be reasonable and non-adverse. The Policy caps the additional gross floor area to enable a developer to enter into a planning agreement to a maximum of 15% in the Bondi Junction Centre. The subject proposal seeks to vary the FSR development standard by 15%, which is consistent with the consistently applied cap of 15% experienced with recently approved tower form developments in the Bondi Junction Centre.

The fundamental principle of the Policy is that any benefit that arises from an agreement to vary *Planning Agreement Policy 2014* development standards is shared between the developer and the community and must be acceptable on environmental impact grounds. Having regard to the Policy, the reasonableness of impacts associated with the additional floor space has been weighted against the likely public interest (i.e. public domain improvements in the area) and it has been concluded that the impacts in this case would be acceptable. This relates to the merits of this case only - the reasonableness of these impacts would have a lesser weight in the absence of a clear public benefit.

It is considered that the proposal is not against the public interest as it complies with the limitations set in the Policy and offers a monetary contribution for public domain work within the Bondi Junction Centre, namely the Bondi Junction Complete Streets Program. If development consent is granted to the application, it is recommended that the in-principle Planning Agreement be accepted by the Sydney Eastern City Planning Panel.

Despite the numerical non-compliances with the height of buildings and FSR development standards, the non-compliances are considered reasonable in this instance as the proposed development does not present as excessive in building bulk and scale, and is consistent with building bulk and scale envisaged for the site and existing surrounding buildings. The non-compliance will also not result in material environmental planning impacts that will adversely affect the amenity of surrounding properties and the public domain. A condition is recommended to require the applicant to enter into a planning agreement for the part of the gross floor area of the proposed development that exceeds the FSR development standard as a development contribution that is anticipated to go towards the Bondi Junction Complete Streets Program and the Waverley Affordable Housing Program subject to the *Waverley Council Planning Agreement Policy 2014*.

3.1.9 Waverley Development Control Plan 2012 - Amendment No 5 (Waverley DCP 2012)

The relevant matters to be considered under the Waverley DCP 2012 for the proposed development are outlined below:

Table 8: Waverley DCP 2012 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste	Yes	<ul style="list-style-type: none"> A waste management plan prepared by Elephant Foot accompanies the application and details the waste management procedures from the demolition and construction phase to the on-going use of the proposed development. Ground floor level of the proposed development includes dedicated storerooms for waste and recycling bins for the residential and commercial aspects of the development. Council's Coordinator, Sustainable Waste has recommended the minimum provision of waste and recycling bins for residential apartments. The provision of commercial bins would be subject to the Waste Management Plan. Conditions of consent are recommended to this effect. The development comprises a chute system within the lift core connected to the waste and recycling bin storeroom in the basement. The chute will provide convenient transportation of waste and recyclables for residents of the development.

Development Control	Compliance	Comment
		<ul style="list-style-type: none"> Waste and recycling collection arrangements are demonstrated on the plans and application. Standard conditions of consent are recommended to regulate the provision of bins required for the development and procedures for collection of bins.
2. Energy and water conservation	Yes	<ul style="list-style-type: none"> A BASIX certificate is submitted with the application, demonstrating compliance with energy, thermal comfort and water efficiency targets set under SEPP BASIX. The overall building design, layout and orientation have regard to the passive energy design and water conservation objectives and controls under sections 2.1 and 2.2 of Part B2 of Waverley DCP 2012. The roof level of the development comprises landscaped area associated with the trafficable communal open space area of the development. The landscaped areas of the communal open space area are not considered to be a 'green roof' for the purposes of assessment under section 2.3 of Part B2 of Waverley DCP 2012. However, the landscaped areas to some degree satisfy the intent and objectives of the controls for green roofs, in terms of improving the environmental and aesthetical performance of the development. The development does not intend to seek Green Star certification. An energy efficiency assessment report has been submitted to address the energy assessment considerations under section 2.6 of Part B2 of Waverley DCP 2012. Council's Sustainable Waverley department reviewed the Report and found it inadequate and inconsistent with criteria under Waverley DCP 2012. A condition of consent is recommended to require the report to be amended to the satisfaction of Council's Sustainable Waverley sub-program prior to the issue of a construction certificate.
6. Stormwater	Yes	<ul style="list-style-type: none"> The stormwater system has been amended to reflect the amendments made to the proposed development. Council's Manager, Design of the Creating Waverley department

Development Control	Compliance	Comment
		<p>does not object to the amended stormwater plans, subject to conditions of consent.</p> <ul style="list-style-type: none"> Waverley LEP 2012 does not identify the site as flood prone.
<p>7. Accessibility and adaptability</p> <ul style="list-style-type: none"> Accessibility <ul style="list-style-type: none"> Adaptable dwellings required: <ul style="list-style-type: none"> 10% of all units = 13 units Unjustifiable hardship 	Yes	<ul style="list-style-type: none"> The development incorporates lifts, ramps and accessible toilets to cater for people living with a disability who will frequent the development. Appropriate conditions of consent are recommended to require the development to demonstrate compliance with relevant requirements under the Building Code of Australia, relevant Australian Standards and the <i>Disability Discrimination Act 1992</i> applying to the development at the construction certificate and on-going use phases of the development. The development provides for 13 adaptable apartments and the application includes post adaptable apartment plans, which shows commitment to providing adaptable units. The applicant does not claim unjustifiable hardship as a result of complying with accessibility requirements.
<p>8. Transport</p> <p>Parking Zone 1 High density residential flat building</p> <ul style="list-style-type: none"> 0.6 for one bedroom unit 0.9 for two bedroom unit 1.4 for three bedroom unit 1 visitor space per 5 units 	Yes	<p>Residential</p> <p>The residential component of the proposed development generates a demand for the following off-street car parking:</p> <ul style="list-style-type: none"> 21 spaces for one bedroom apartments (35 x 0.6) 60.3 spaces for two bedroom apartments (67x 0.9) 33.6 spaces for three bedroom apartments (24 x 1.4) <p>Therefore, the development requires the following:</p> <ul style="list-style-type: none"> a total of 114.9 or 115 resident spaces a total of 25.2 or 25 visitor spaces <p>The proposed development provides for 115 resident spaces and 18 resident visitor spaces. The applicant relies on providing 1 visitor space per 7 units in accordance with the Traffic Generating Developments Guide (in lieu of Council's DCP rate of 1 in 5). On balance this is considered acceptable.</p>

Development Control	Compliance	Comment
<p>Commercial</p> <ul style="list-style-type: none"> Nil (minimum) 0.66 per 100m² of GFA (maximum) <p>Retail</p> <ul style="list-style-type: none"> Nil (minimum) 2 per 100m² of GFA (maximum) <p>Bicycle</p> <ul style="list-style-type: none"> 1 resident space per unit 1 visitor space per 10 units 1 commercial/retail space per 150m² of GFA <p>Motorcycle Spaces</p> <ul style="list-style-type: none"> 3 spaces for every 15 car parking spaces 		<p>Commercial</p> <p>The proposed development comprises 656m² of commercial GFA and generates a maximum of 4.32 or 4 off-street car parking spaces.</p> <p>Retail</p> <p>The proposed development comprises 544m² of retail GFA and generates a maximum of 10.9 or 11 off-street car parking spaces.</p> <p>The proposed development provides for a total of 15 car spaces for both retail and commercial tenancies of the development, which meets the maximum car parking spaces generated by the area of both commercial and retail components of the development.</p> <p>Bicycles</p> <p>The residential component of the development generates a minimum requirement of 109 bicycle parking spaces for residents and 10.9 or 11 spaces for resident visitors and 8 spaces for commercial/retail. The development does not specifically quantify the number of bicycle spaces, however areas in the basement car park and arcade are provided for bicycle parking. A condition of consent ensures areas are set aside specifically for these bicycle parking rates.</p> <p>Motorcycles</p> <p>The development provides for a total of 150 spaces, which requires a total of 30 spaces. Thirty-two (32) motorcycle spaces are provided in the basement car park levels of the development.</p>
9. Heritage	Yes	As discussed in Table 5 in section 3.1.8 of this report, the proposed development is not expected to materially impact on the significance of surrounding heritage items. The development is therefore consistent with the relevant objectives under Part B9 of Waverley DCP 2012.
10. Safety	Yes	The ground floor facades to both Oxford Street and Spring Street are active retail spaces to be greatest extent possible having regard to substation, meter and ramp requirements. The arcade through the site is generously proportioned, has a plaza open to the sky and is casually overlooked by the residential

Development Control	Compliance	Comment
		apartments above. The gates to the arcade are detailed in drawing DA2.803 Rev B. The gates provide sightlines through to the other side even when closed and have been nominated as being kept open during commercial hours, with code/swipe access after-hours. Residential entries are separate to the arcade and have a two-stage system also shown on DA2.803 Rev B. A transparent gate and glazed door provide appropriate sightlines to and from the lobby.
11. Public art	N/A	The applicant states that they do not intend to pursue public art in the private domain. This part of the DCP purely encourages public art and is not obligatory. Notwithstanding, the central plaza will comprise green walls and an LED screen that will somewhat contribute to the activation and visual interest of the plaza.

Part C2 of Waverley DCP 2012 primarily applies to residential flat buildings within areas zoned R3 and R4 in the Waverley local government area. The following sections of Part C2 of Waverley DCP 2012 are irrelevant to the subject application as the matters referred to in these sections are inconsistent with and are addressed by either the Apartment Design Guide and/or Part E1 (Bondi Junction Centre) of Waverley DCP 2012:

- section 2.2 Site, scale and frontage
- section 2.3 Height
- section 2.5 Setbacks
- section 2.6 Length and depth of buildings
- section 2.13 Communal open space
- section 2.15 Solar access and overshadowing
- section 2.17 Visual privacy and security
- section 2.20 Storage.

Despite the above sections of Part C2 of Waverley DCP 2012 not applying to the proposed development, the development generally meets the intent of the objectives of the controls contained in those sections of Waverley DCP 2012. **Table 9** below contains an assessment of the proposed development against relevant sections of Part C2 of Waverley DCP 2012.

Table 9: Waverley DCP 2012 – Part C2 Multi Unit and Multi Dwelling Housing Compliance Table

Development Control	Compliance	Comment
2.4 Excavation		
<ul style="list-style-type: none"> No fill to raise levels 	Yes	<ul style="list-style-type: none"> Limited fill is proposed and does not significantly raise the existing ground levels of the site.
<ul style="list-style-type: none"> Minimum setback of 1.5m from side boundaries 	No (acceptable on merit)	<ul style="list-style-type: none"> The basement level of the development will have nil setbacks along each boundary of the site. The applicant has undertaken a geotechnical investigation (its output is known as Preliminary Geotechnical Investigation prepared by JK Geotechnics) to address the effects of the proposed excavation in terms of soil disturbance of the subject site and its immediate surrounds.
<ul style="list-style-type: none"> Basements no more than 1.2m out of the ground 	Yes	<ul style="list-style-type: none"> All of the basement levels of the development is below existing ground level. The development does not seek to raised existing ground levels greater than 1.2m above existing levels.
2.5 Setbacks – Refer to Part E1 of WDCP 2012		
2.6 Length and depth of buildings – Superseded by ADG controls		
2.7 Building separation		
	Yes (on merit)	<p>The proposed development is consistent with the objectives of this section of Waverley DCP 2012 as it provides adequate visual and acoustic privacy for future occupants, incorporates appropriate massing and space between existing surrounding buildings and allows for the future development of surrounding sites without compromising separation requirements. Achieving the numeric separation distances on this site is not possible given the dimensions of the site and proximity to surrounding buildings. In lieu of strict numerical compliance with the separation distances, the building has been sensitively designed to address the relevant design criteria in the Apartment Design Guide.</p>
2.8 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes 	Yes Yes	<p>The proposed development appropriately responds to the existing and emerging streetscape character of Oxford Street and Spring Street within the western part of the Bondi Junction Centre. The materials and finishes selected for the proposed development are reflective of contemporary architecture and are sympathetic to the appearance of surrounding buildings in the immediate vicinity of the site and overall Bondi Junction Centre.</p>

Development Control	Compliance	Comment
2.10 Vehicular access and parking		
<ul style="list-style-type: none"> Integrated into the design Secondary to pedestrian entrance Maximum of 1 x 2-way driveway From rear of side where possible Pedestrian safety 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	The car parking and vehicular access aspects of the development are integrated within the development. Vehicular access is provided from Spring Street, which is the accepted location for the site. The vehicular access point is sufficiently separated from the pedestrian access points of the development from Spring Street. It will therefore not affect the pedestrian safety of the access point.
2.11 Pedestrian access and entry		
<ul style="list-style-type: none"> Entry at street level Accessible entry Legible, safe, well-lit 	Yes	The proposed development provides three separate pedestrian entries to access the residential component of the development, which are legible and considered safe.
2.12 Landscaping		
<ul style="list-style-type: none"> Minimum of 30% of site area landscaped: 688.5m² 50% of the above is to be deep soil 	<p>No (acceptable on merit)</p> <p>No (acceptable on merit)</p>	<ul style="list-style-type: none"> The proposed development provides for an overall amount of approximately 216.8m² of landscaped area, which is less than the minimum amount of landscaped area required for the site. Despite the non-compliance, the proposed development incorporates landscape elements within some of the private open space areas and the communal rooftop of the development. There are also planters along the outer edge of terraces within the lower floor levels of the development. These plants will enhance the visual quality of the development by softening the dominant built form appearance from the street. The development does not provide for any deep soil on the site, which is acceptable given the size constraints of the site and the expected high density built form for the site envisaged by the zone and applicable development standards under Waverley LEP 2012.
2.14 Private open space - Superseded by ADG controls		
2.15 Solar access and overshadowing - Superseded by ADG controls		
2.16 Views and view sharing		
<ul style="list-style-type: none"> Minimise view loss 	Yes (see previous discussion)	View loss impact has been addressed in section 3.1.8 of this report. The view loss impact has been considered acceptable.
2.17 Visual privacy and security – Superseded by ADG controls		

Development Control	Compliance	Comment
2.18 Apartment size and layout - Superseded by ADG controls		
2.19 Ceiling heights - Superseded by ADG controls		
2.20 Storage - Superseded by ADG controls		
2.22 Acoustic privacy – Superseded by ADG controls		
2.23 Natural ventilation- Superseded by ADG controls		
2.24 Building services		
<ul style="list-style-type: none"> Integrate building services into the design of the development 	Yes	<ul style="list-style-type: none"> The proposed development cohesively integrates building services and plant rooms such that they are not overly conspicuous from the street.
<ul style="list-style-type: none"> Provide letterboxes adjacent to the main entrance 	Yes	<ul style="list-style-type: none"> Letterboxes are provided in an accessible and secure location within the ground floor level of the development
<ul style="list-style-type: none"> Services occupying up to 20% of the roof may project above building 	Yes	<ul style="list-style-type: none"> The lift overrun and roof plant compartment occupy less than 20% of the roof area.
<ul style="list-style-type: none"> Must have a minimum of 2m setback from the building edge 	No (acceptable on merit)	<ul style="list-style-type: none"> The lift overruns and roof plant compartment are set back by a minimum of 2m from the eastern, southern and northern edge of the building, however one of the overruns is aligned with the western edge of part of the building. Its central location on the site generally means it will be appropriately hidden from public domain views and is acceptable. Air conditioning condensers are proposed along the eastern edge of the building at the roof top level and are housed in a louvre screen that is visible from the public domain and will likely provide an unpleasant edge condition to the building that is not represented in the montages or 3D imagery. A condition is imposed requiring these areas to have a maximum height of RL122.4 so that they match the height of the perimeter parapet. This allows for a 1.2m high area for the condensers. There is also what appears to be a drafting error with a notation and dotted areas for 'residential condensers' floating on the eastern side of the building at gridline B on the 'roof general arrangement plan'. A condition requires this notation be deleted for clarity, as condensers are not supported in that location.

Table 10: Waverley DCP 2012 – Part D1 Commercial and Retail Development Compliance Table

Development Control	Compliance	Comment
1.1 Design		
1.1.1 Frontages	Yes	<ul style="list-style-type: none"> Each shopfront of the development comprises sufficiently sized and proportioned glazed openings that will promote active street frontages. The architectural plans do not indicate that roller shutters will be installed across the shopfronts and a condition of consent is recommended to prohibit the installation of roller shutters over the life of the development. The development provides for awnings over the footpath areas of Oxford Street and Spring Street. Refer to detailed discussion on the design of the awnings in Table 11 in this section of this report.
1.1.2 Lighting	Yes	While lighting of the exterior and interior of the proposed development has not been detailed in the application, it is expected that the retail premises will be adequately lit. A condition of consent is recommended to require the underside of the awnings to comprise lights.
1.1.3 Amenity	Yes	The proposed development includes sufficient facilities to cater for the future use of its retail and commercial premises. The commercial and retail premises have adequate space for further mechanical equipment and other facilities to be retrofitted in order to avoid equipment and facilities being installed outside of the building envelope of the development.
1.2 Noise		
	N/A	Operational matters relating to the specific use of the commercial and retail premises of the development would be subject to separate applications in order to assess the noise impacts of the premises of the development upon surrounding properties. On this occasion, section 1.2 of Part D1 of Waverley DCP 2012 does not apply to the subject application.
1.3 Hours of operation		
	N/A	The hours of operation for each of the retail and commercial premises of the development would be subject to separate applications for the use and fit-out of the tenancies.

Development Control	Compliance	Comment
		two shops and the residential entry, the non-compliance is accepted on the condition that a refined architectural package identifying the finishes of the ground floor façade are reviewed by the Council and/or Design Excellence Panel. A similar approach was employed for the development at 59 Oxford Street Bondi Junction (to the west of this site) to allow a dialogue and refinement of the elevation during the excavation period.
1.4 Access and movement		
1.4.1 Arcades, through-site links and squares	Yes	The proposed arcade satisfies the controls as it provides a legible and safe connection through the building connecting Oxford Street and Spring Street (and across to Norman Lee Place). The arcade itself is double height and at its centre opens out to a plaza that is open to the sky. The link is closed outside of business hours.
1.4.2 Vehicular and service access to lots	No (acceptable on merit)	Spring Street is nominated as a Primary Street in the DCP that does not allow vehicular access, however it is noted that the site has an existing vehicular entry from Spring Street. Further, the site's width dictates that a 40 metre long section of Spring Street is interrupted by only one vehicular access point.
1.4.3 Pedestrian overpasses and underpasses	Yes	None proposed.
1.4.4 On-site parking	Yes	The parking is proposed entirely underground and a loading dock area is proposed deep into the site so that it is not visible from the street.
1.5 Subdivision		
Design of buildings is to interpret the small lot subdivision pattern on street i.e. 6m grid	Yes	The Oxford Street and Spring Street podiums of the proposed development employ architectural devices to segment the façade into a rhythm consistent with the small lot subdivision pattern on the street.
1.6 Heritage and buildings of historic character		
1.6.1 Buildings of historic character	N/A	None of the existing buildings are nominated as having historic character nor are they heritage listed.
1.6.2 Street with heritage and buildings of historic character	Yes	Oxford Street is nominated as having historic character and this section of the DCP reaffirms the requirements for an interpretation of the street rhythm as described above in this table (1.5 Subdivision)

Development Control	Compliance	Comment
1.7 Active street frontages		
<p>Not more than 10% of the street frontage on a lot can have blank walls or service areas</p> <p>Commercial and residential lobbies if accompanied by an entry and occupying less than 10% of the buildings street frontage can front the street</p> <p>No less than 90% of the building is to be aligned to the street boundary for ground and first level.</p>	No (acceptable on merit and by condition)	<p>Both Oxford Street and Spring Street are nominated as 'Primary Street frontages' for the purpose of this control.</p> <p>Service areas exceed the frontage control however this can be addressed via a condition of consent (as discussed previously) requiring an architectural resolution of the external finishes.</p> <p>At ground level the retail areas are slightly set in from the street alignment which allows for a pseudo expansion of the public domain and contributes to a more open footpath area. A condition is imposed that the ground condition of these areas is to appear as a continuation of the Council's footpath by matching the paving material, type and size, to Council's satisfaction.</p>
1.8 Street alignment and front setbacks		
<p>Oxford Street frontage:</p> <ul style="list-style-type: none"> • Ground and first floors built to lot boundary • Second floor and above set back 6m from street frontage and parallel to street boundary <p>Spring Street frontage:</p> <ul style="list-style-type: none"> • Six storeys to the lot boundary • Tower beyond setback 6m and as dictated by the solar access plane controls. 	No (acceptable on merit)	See discussion following this table.
1.9 Separation		
<ul style="list-style-type: none"> • Orientated to front and rear • Where neighbouring properties have not been redeveloped, side setback controls apply 	Yes	<ul style="list-style-type: none"> • The proposed development is principally orientated to the Oxford Street and Spring Street boundaries of the site. • The adjoining property to the west of the site has been redeveloped some time ago as a part 8 / part 9 storey building and the adjoining property to the east of the site has been more recently redeveloped as a 6-storey serviced apartments building.

Development Control	Compliance	Comment
		<ul style="list-style-type: none"> The separation controls require 24m of separation between the residential parts of building and the neighbouring properties. This would render the site nearly undevelopable, and instead the built form responds to the streetwall condition of recent buildings along Oxford Street, with a 3m setback on both sides of the building to Oxford Street and a significant western side setback to the tower form on Spring Street. The unit orientation overcomes the lack of separation by providing front (north) facing living areas overlooking Oxford Street and secondary windows to the side of the building.
1.10 Side and rear boundary setbacks		
<ul style="list-style-type: none"> Discourage living areas and window openings across side boundaries 	Yes	Living areas face the street frontages with the exception of themed block apartments that have west facing balconies 19 metres from the side boundary.
1.11 Building footprint		
	Yes	The building footprint of the proposed development is considered an appropriate floor plate that enables good residential amenity (solar access and natural cross-ventilation) and addresses all site frontages. The building footprint of the development has been designed around the open to the sky plaza within the central western portion of the site and the light-well within the eastern portion of the site.
1.12 Building orientation		
<ul style="list-style-type: none"> Block edge to address street No blank walls to public streets. 	Yes	The proposed development is principally orientated to the Oxford Street and Spring Street boundaries of the site, which are its northern and southern elevations, respectively. The development does not comprise any blank wall across these elevations. It adequately protects the privacy and outlook for residential apartments within the development itself and those apartments surrounding the site. The proposed building is also considered to provide a positive streetscape presentation.

Development Control	Compliance	Comment
1.13 Number of storeys		
<ul style="list-style-type: none"> 8 storeys overall 6 storeys block edge form and 2 storeys above 	No (acceptable on merit)	The proposed development comprises 14 storeys overall, excluding its basement levels. The Oxford Street elevation of the development has a two storey street or block edge, which is consistent with the urban form controls under section 1.2 of Part E1 of Waverley DCP 2012. The appropriateness of the overall building height of the development has been dealt with under clauses 4.3 and 4.6 of Waverley LEP 2012. The non-compliance with the control is not a strong indication that the building height of the development is inappropriate given that recently constructed and approved tower form developments surrounding the site are 14 storeys. Therefore, the number of storeys of the development can be supported on merit as they are contextually appropriate.
1.14 View, vista and tree preservation		
<ul style="list-style-type: none"> Oxford Street is identified as a 'view corridor' 	Yes	The proposed development does not impact on existing view and vista corridors within the road reserves of Oxford Street and Spring Street.
1.15 Open spaces at the street front		
<ul style="list-style-type: none"> Not encouraged for private buildings Only for public buildings where appropriate 	No (acceptable on merit)	The proposed development comprises a perceived consistent building alignment along its Oxford Street and Spring Street frontages, which promotes activity at the street front. While private open spaces fronting streets are discouraged for 'private buildings', the private open space areas across the Oxford Street and Spring Street elevations of the development are recessed sufficiently from the street alignments of the site and do not visually affect the perceived street alignment of the development that is established by the shopfronts and street walls of the development.
1.16 Design excellence		
	Yes	The proposed development exhibits a high standard of design excellence and originally in terms of its built form, architectural expression and articulation, and materials and finishes. If built, the development is considered to be a positive catalyst for future tower form developments within the Bondi Junction Centre.

Development Control	Compliance	Comment
1.17 Building elevations		
	Yes	<ul style="list-style-type: none"> The building elevations of the proposed development demonstrate high quality architectural design through use of varied materials and finishes. The building alignments of Oxford Street level of the development are set back between 300mm and 1.4m from the Oxford Street boundary of the site. The recesses and alcoves can be treated as an extension of the public domain, specifically the footpath areas. Therefore, the development satisfies objective (d) under section 1.16 of Part E1 of Waverley DCP 2012.
1.18 Awnings and colonnades		
<ul style="list-style-type: none"> Awnings are required for Oxford Street and Spring Street Height range of 3.2m - 4.2m and should complement the height, depth and form of existing awnings in the street Provide lighting Be consistent in appearance 	Yes	<p>An awning with a consistent appearance is proposed to the entire length of both frontages. The height complements the existing adjacent awning heights, being approximately 4m on Spring Street and 4.3m on Oxford Street.</p> <p>A condition of consent is recommended to require the underside of the awnings to comprise lights.</p>
1.19 Designing buildings for flexibility		
	Yes	The proposed building has been designed for durability with the ground floor retail spaces capable of accommodating a variety of uses, which addresses the objectives of the control.
1.20 Ceiling heights – Superseded by ADG controls		
1.21 External living areas – Superseded by ADG controls		
1.22 Wind mitigation		
<ul style="list-style-type: none"> Wind study required for over 5 storeys UNLESS a wind tunnel study is required Buildings > 9 storeys, wind tunnel study is required 	Yes	A wind report accompanied the application that concluded that winds from all directions will remain below the 23 m/s public safety criterion with the proposed development.
1.23 Reflectivity		
<ul style="list-style-type: none"> Mitigate reflective surfaces to a maximum of 60% of facade surface area above ground level 	Yes (Subject to condition)	A reflectively report accompanied the application which made recommendations for the glazing coefficient of the glazing to mitigate potential impacts. The recommendations in the

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Report required for buildings with high levels of glazing. 		report and the addendum submitted with the amended plans are imposed as a condition of consent.
1.24 Roller shutters		
<ul style="list-style-type: none"> Prohibited on shopfronts 	Yes (reinforced by condition)	The architectural plans submitted with the application do not indicate roller shutters will be installed across each external shopfront of the development that face Oxford Street. A condition of consent is recommended to expressly prohibit roller shutters being installed across the shopfronts of the development over the life of the development.
1.25 Outdoor advertising, signage and structures		
	N/A	No specific advertising or signage is proposed as part of this application.

The following is a detailed discussion of the issues identified in the compliance tables above in relation to the Waverley DCP 2012.

Street alignment and front setbacks

The ground and first floor levels of the proposed development meet the objectives of the street alignment and front setbacks controls set out under section 1.7 of Part E1 of Waverley DCP 2012; however the tower form varies the minimum setback control of 6m.

Level	Oxford Street	Spring Street
Ground to Level 1	1m	1m
Level 2-5	3m to 6m	1m
Level 6 to 13	3m to 6m	3m to 6m

The objectives under section 1.7 of Part E1 of Waverley DCP 2012 as they relate to the tower form of the proposed development that addresses Oxford Street are summarised as follows:

- enhance streetscapes
- create consistent and unified building elevations along streets
- improve the quality of the public domain
- ensure building facades create a human scale to the street
- defined the space of public streets.

The northern (Oxford Street) elevation of the tower form of the proposed development is consistent with these objectives. The street setback of the tower form is similar to that of the tower form of the adjacent existing and approved developments to the east and west of the site. The Oxford Street setback of the nearby commercial development to the east, along with the varied setback of the approval at 109 Oxford Street (under construction) demonstrates the need for a flexible approach to the numerical control. Further, the street setback of the tower form of the development provides appropriate visual relief from the street façade of the row of shops so to not overly affect the perceived human scale felt as a pedestrian walking past the development along the footpaths of Oxford Street. The northern (Oxford Street) elevation of is well articulated through a mix of

high-quality material and finishes, and unified building modulation through consistent horizontal banding and fenestration across the full extent of the tower form of the development. The development will therefore make a positive contribution to and enhance the quality of the streetscape and public domain of the western precinct of the Bondi Junction Centre. In this regard, the street setback of the tower form of the development is considered appropriate given how well the development performs against the relevant objectives under section 1.7 of Part E1 of Waverley DCP 2012.

The setback of the lower section of the building to the Spring Street frontage appropriately aligns with the adjoining setback of buildings to the east (the existing building at 32 Spring Street and the development under construction at 109 Oxford Street) and then modulates to account for the solar access plane controls. The resultant setback of the podium and tower form are appropriate to the desired future scale of Spring Street and comply with the relevant objectives under section 1.7 of Part E1 of Waverley DCP 2012.

Side and rear boundary setbacks

The majority of the objectives of the side and rear boundary setbacks under section 1.9 of Part E1 of Waverley DCP 2012 relate to controlling visual and acoustic privacy and light and outlook between buildings. These factors have been considered in the assessment of the proposed development against relevant design criteria under the Apartment Design Guide. The separation distances of the development relative to existing and future adjacent development have been addressed in section 3.1.5 of this report and are found to be appropriate in terms of protecting privacy, outlook, light, air and general amenity for occupants of the subject development and adjacent existing and future development. In this regard, the side and rear boundary setbacks of the development are considered acceptable on merit despite the setbacks not strictly complying with the numerical setback and separation controls set out in sections 1.8 and 1.9 of Part E1

Objective (a) under section 1.9 of Part E1 of Waverley DCP 2012 relates to urban design considerations. The majority of the tower form of the development is set back by a minimum of 3m from the eastern and western boundaries of the site and that set back is considered to provide adequate visual relief and separation from existing and future buildings on adjoining sites. In this regard, the side setbacks of the development are considered appropriate in the context of an infill and high density urban locality and will not compromise the desired future character of the streetscape and public domain environment of the Bondi Junction Centre.

3.2 Other Impacts of the Development

The proposed development is considered to have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being recommended. The development is also capable of complying with the Building Code of Australia.

The proposed development is not expected to 'isolate' and consequently affect the redevelopment potential of adjoining properties to the east and west of the site given that the proposed development will leave sufficient site area and dimensions for these combined adjoining properties to redevelop in their own right.

3.3 Suitability of the Site for the Development

The site is considered to be suitable for the proposed development.

3.4 Any Submissions

The application was notified for 21 days and a site notice erected on the site, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*.

The Draft Planning Agreement was separately advertised for 21 days, including in the local newspaper, *The Wentworth Courier*.

The amended plans received by Council on 19 June 2018 were publicly notified for seven days and three submissions were received during this notification period. The amended plans received by Council on 25 July 2018 did not prompt additional notification as the impacts were reduced.

A total of six unique submissions were received from the following properties in Bondi Junction:

- 26/17-23 Newland Street
- 6/79-85 Oxford Street (this submission includes three separate signatories with their addresses not identified, but rather the Strata lots they occupy of the Strata scheme of the building. It is treated as one unique submission)
- 20/79-85 Oxford Street
- 23/79-85 Oxford Street
- 606/79-85 Oxford Street
- 1201/8 Spring Street.

The following issues raised in the submissions have been previously addressed and discussed in the body of this report:

- non-compliance with height of buildings development standard, including streetscape and solar access impacts
- view impact
- excessive amount of car parking spaces.

All other issues raised in the submissions are summarised and discussed below:

Issue: *Construction noise and nuisance (one request for developer to provide double glazing to window openings of submitter's property)*

Response: All relevant conditions relating to Construction Noise have been recommended and it is not within Council's control to require the developer to provide double glazing of neighbouring properties.

Issue: *Strain on infrastructure (physical – roads and transport and social – schools)*

Response: The site is being developed to its potential residential yield that was the subject of a strategic planning exercise that identified Bondi Junction as being able to accommodate additional growth.

Issue: *Interface issues with the adjoining 'The Waverley' building (balustrades of development on western side may affect natural light and outlook for occupants of Level 2 of the building)*

Response: Privacy treatments have been included in the amended plans to address this issue. A 1.6m high wall has been proposed along the side facing balconies at the request of the assessment officer.

3.5 Public Interest

It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being imposed.

4. REFERRALS

4.1 Waverley Design Excellence Panel

The application was referred to the Waverley Design Excellence Panel (the Panel) for comment on 4 December 2017. The Panel commented on the proposed development against the nine design quality principles of SEPP 65. That commentary has been considered in section 3.1.5 of the report. A condition of consent is recommended for full details of materials and finishes of the development to be submitted for review by the Waverley Design Excellence Panel prior to a construction certificate being issued for the development.

4.2 Creating Waverley – Traffic and Development

Council's Manager, Traffic and Development in the Creating Waverley department did not object to the application; however made a comment on an apparent oversupply of car parking spaces originally provided by the proposed development. The rate was subsequently reduced by virtue of the amended plans submitted on 25 July 2018 to comply with the DCP controls.

The Referral Officer also recommended a construction vehicle and pedestrian plan of management be prepared and submitted to the satisfaction of the Executive Manager, Creating Waverley prior to a construction certificate being issued for the development. The Officer has also recommended that the existing vehicle crossings from Rowe Lane to be closed. Conditions of consent are recommended to this effect.

4.3 Creating Waverley - Stormwater

Council's Senior Design Team Leader did not object to the stormwater management plans initially submitted with the application, subject to condition of consent.

4.4 Shaping Waverley – Urban Design

The Urban Design and Heritage section of Council's Shaping Waverley sub-program raised a number of issues relating to the original form of the proposed development, including:

- excessive building height
- overall building bulk and scale
- oversized balconies
- apartment amenity.

Council's deferral of the application relayed some of the matters raised above. The amended form of the proposed development has addressed these matters, particularly with regard to the arcade and the building alignment and façade treatment of the Oxford Street elevation of the development. The full gamut of recommendations and matters made by Urban Design and Heritage section of Council's Shaping Waverley department are not sufficient to require full redesign of the development as the public interface of the development is considered acceptable, subject to conditions of consent, as well as the development achieving a high quality architectural design, functional retail spaces and residential dwellings with reasonable internal amenity.

4.5 Sustainable Waverley – Sustainable Energy

Council's Sustainable Waverley department found the Energy Efficiency Assessment Report submitted with the application inadequate in terms of demonstrating whether the development will achieve a predicted greenhouse gas emissions reduction target of 30%. A condition of consent is recommended to require the Report to be amended to the satisfaction of Council's Executive Manager, Sustainable Waverley prior to the issue of a construction certificate of the development. A condition of consent is recommended to this effect.

4.6 Sustainable Waverley – Sustainable Waste

The original and amended forms of the application and waste management plan were reviewed by Council's Acting Co-ordinator, Sustainable Waste and all recommended conditions of consent are adopted in the recommendation for this application.

4.7 Digital Waverley – Land Information

Council's GIS/Land Information Officer has recommended a condition of consent in relation to allocation of street numbers for the primary premises and the sub-premises, including the identification of the retail and commercial tenancies and the residential apartments in the development.

4.8 Safe Waverley – Environmental Health

Council's Senior Environmental Health Officer reviewed the preliminary Phase 2 Environmental Site Assessment and the Site Audit Statement prepared by a NSW EPA accredited site auditor and deems these acceptable in terms of considering whether the site is suitable for the development, subject to a remedial action plan being prepared and approved prior to the release of a construction certificate. The Referral Officer has also recommended environmental health conditions which have been adopted in the Recommendation.

4.9 Clean and Attractive Waverley – Tree Management

Council's Tree Management Officer did not object to the removal of three Avocado trees within part of the site known as 99 Spring Street, Bondi Junction.

4.10 Shaping Waverley – Planning Agreements

This referral relates to the applicants' offer to enter into a Voluntary Planning Agreement in line with the floor space exceedance. The proposal has a gross floor area (GFA) of 13,196m² on a site area of 2,295m². This equates to 1,721m² and is the marginal floor space that forms part of the VPA calculations. The total contribution payable was calculated to be \$5,164,236.85. A condition of consent is imposed in this regard.

5. SUMMARY

The application seeks development consent to demolish all existing structures and construct a 14 storey shop top housing development comprised of three levels of basement car parking and services, ground floor retail shops, first floor commercial tenancies and a total of 126 residential apartments on the site known as 87-99 Oxford Street and 16-22 Spring Street, Bondi Junction.

The application has been assessed within the framework of the matters for consideration under section 4.15 of the *Environmental Planning and Assessment Act 1979*. The main issues in the assessment of the application are as follows:

- inconsistency with the visual privacy design criteria of the Apartment Design Guide
- non-compliance with the height of buildings and floor space ratio development standard under Waverley LEP 2012
- front, rear and side building setbacks.

The main issues arising from the assessment of the application are predominantly acceptable on planning merit. Amended plans were submitted on 16 June 2018 and 25 July 2018 to reduce the number of resident car parking spaces, which were excessive, and to resolve a small number of detailed issues including privacy treatment for the sides of courtyards and balconies of the development at directly adjoin and face the side boundaries of the site in order to afford reciprocal privacy between the subject development and future adjoining developments.

The application attracted six submissions and the issues raised in the submissions have been addressed in the body of the report.

The assessment finds that the proposed development is acceptable with regard to its performance against environmental planning instruments, specifically SEPP 65 and Waverley LEP 2012, and the Waverley DCP 2012. The overall design and architecture of the development are of high quality and originality. The development presents a positive catalyst for future tower form development within the Bondi Junction Centre. The development is deemed to be consistent with the desired future character of the Bondi Junction Centre.

The recommendation to the Sydney Eastern City Planning Panel is that this application be approved.

6. RECOMMENDATION TO THE SYDNEY EASTERN CITY PLANNING PANEL

That the Development Application be **APPROVED** by the Sydney Eastern City Planning Panel subject to the conditions in Appendix A of this report.

Report prepared by:

**Application reviewed and agreed on behalf of
Waverley Council's Development and Building
Unit by:**

Ben Magistrale
**Senior Development Assessment Planner
Waverley Council**
Date: 21 November 2018

Mitchell Reid
**Executive Manager, Building Waverley
Waverley Council**
Date: 27 November 2018

Appendix of this report:

Appendix A –Recommended conditions of consent.