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URBIS

BONDI JUNCTION RSL REDEVELOPMENT

Section 4.55(1A) modification

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1. INTRODUCTION

1.1. DOCUMENT PURPOSE

This Statement of Modification has been prepared on behalf of Capital Corporation and the Bondi Junction RSL, for the redevelopment of the existing Bondi Junction RSL Club at 28-42 Bronte Road and 84 Ebley Street, Bondi Junction. This report forms part of a submission being progressed pursuant to *Section 4.55 (1A)* and *Section 4.15* of the *Environmental Planning and Assessment Act 1979*

The **revised** Architectural Plans prepared by Group GSA (dated September 2020) are relied upon in regard to the extent of the proposed works sought. Approval is sought for the modified development in accordance with section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (the EP&A Act).

1.2. APPLICANT

Capital Corporation is the applicant for the proposed development, acting for and jointly on behalf of the Bondi Junction RSL. The parties have entered into a development agreement to redevelop the club's site into a mixed-use venue and residential hub.

For Capital Corporation and Bondi Junction RSL the proposed redevelopment continues to represent an opportunity to:

- Offer a long-term income stream for the club;
- Continue providing employment opportunities for staff;
- Redevelop the site into a revitalised venue; and
- Deliver a high-quality residential development in a prominent location

Bondi Junction RSL have offered their continued support for the proposal.

1.3. PROJECT TEAM

The following technical and design documents have been prepared to accompany this S4.55 application and are provided as Appendices to this SEE as identified in **Table 1**.

Table 1 – Supporting Documents

Document	Consultant	Appendix
Architectural Plans	Group GSA	Appendix A
Design Verification Statement	Group GSA	Appendix B
SEPP65 compliance assessment	Group GSA	Appendix C
Design Excellence Statement	Group GSA	Appendix D
Landscape Plans and Statement	Urbis	Appendix E
Heritage Advice	Oultram Heritage	Appendix F
View loss/sharing	GroupGSA	Appendix G
Traffic Impact Assessment	Ason Group	Appendix H
BCA and access advice	BCA Logic	Appendix I
BASIX assessment	Efficient Living	Appendix J
NatHERS stamped plans	GroupGSA	Appendix K

Document	Consultant	Appendix
Natural Ventillation Statement	WindTech	Appendix L
Pedestrian Wind Report	WindTech	Appendix M
Solar Reflectivity Advice	WindTech	Appendix N
Stormwater Management Report	Intrax Projects	Appendix O
Fire Engineering Report	Intrax Projects	Appendix P
Hydraulic Services Report	Intrax Projects	Appendix Q
Mechanical Services Report	Intrax Projects	Appendix R
Electrical Services Report	Intrax Projects	Appendix S
Waste Management Plan	Elephants Foot	Appendix T
Waste Management Checklist	Capital Corporation	Appendix U
Cost summary Advice	Newton Fisher Group	Appendix V

2. SITE & SURROUNDING CONTEXT

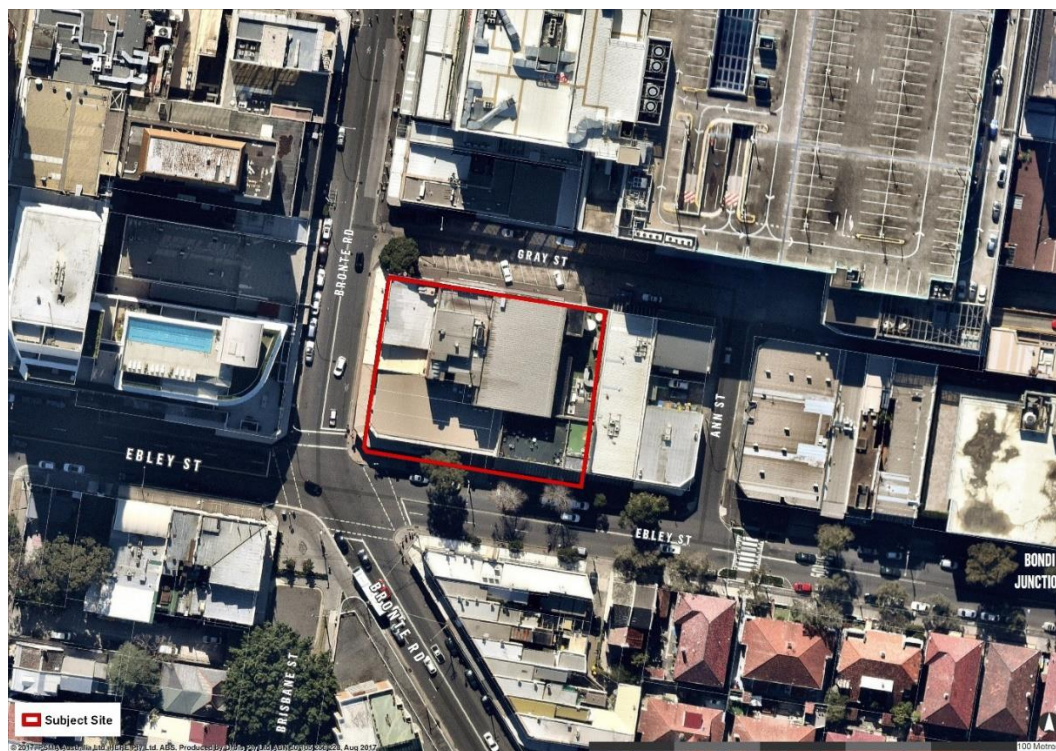
2.1. THE SUBJECT SITE

The subject site is known as 28-42 Bronte Road and 84 Ebley Street, Bondi Junction and is located within the Waverley Local Government Area (LGA). The site comprises 5 land parcels owned by Bondi Junction RSL and is legally described by a series of Lot and Deposited Plan numbers outlined below. The site has a total area of 2,180sqm, and has frontages to Bronte Road, Gray Street and Ebley Street. Vehicular access to the site is available from Gray Street.

Street Address	Lot and DP
84 Ebley Street	Lot 1 in Deposited Plan 735713
1-9 Gray Street, also known as 28-34 Bronte Road	Lot 1 in Deposited Plan 621398
36 Bronte Road	Lot A in Deposited Plan 161158
38 Bronte Road	Lot 1 in Deposited Plan 226425
40-42 Bronte Road	Lot 2 in Deposited Plan 226425 Lot 3 in Deposited Plan 226425

Existing development on the site consists of Club Bondi Junction RSL, a 2-3 storey art-deco building accessed via Gray Street. Along Bronte Road are a series of shop-top houses with small scale retail premises on the ground floor.

Figure 1 – Aerial Photograph



3. PROPOSED MODIFICATIONS

3.1. APPROVED DEVELOPMENT

The proposed development comprises:

- Demolition of existing buildings and structures on a portion of the site, and retention of the existing heritage façade along the part Bronte Road and Gray Street frontage to the site.
- A 10-storey high quality and site responsive mixed-use development
- New club premises for Club Bondi Junction RSL on the ground and first floors, better utilising the current space and opening activity to the facades and streetscapes.
- Relocated ground floor retail tenancies.
- 78 new residential apartments over 8-levels, with associated private open space areas.
- Activated street frontages to Gray Street, Bronte Road and Ebley Street, with a new outdoor dining area to Gray Street.
- Total parking for a total of 118 cars within 3 storeys of basement parking areas, with associated excavation to approximately 9.7m.
- Landscape works including communal open spaces at Level 9, planting along the façade of private terraces, and landscaping and public domain improvements along the Gray Street and Ebley Street façade.
- Eight signage zones.
- The deletion of an existing driveway/crossover to Ebley Street.

Architectural Plans prepared by Group GSA are included at **Appendix A**, and further discussion of the various components of the proposed development are described in the following sections.

3.2. DESIGN UPDATES

As a result of continued design development and refinement for construction purposes, a series of design updates have been made – broadly summarised following:

1. A minor increase in the total apartments from 78 to 81.
2. A corresponding update to apartment layouts, with associated window and door locations.
3. Minor Façade material and finishes updates to reflect changes to apartment layouts.
4. The removal of the pool from the rooftop communal open space area.
5. A street awning design/step location updated to reflect existing consent conditions.
6. Street access updates, resulting from further detailed design coordination.
7. Roof plant area updates, resulting from further detailed design coordination.
8. An additional splay in the faced along eastern elevation.
9. The dividing of retail tenancies, with entry doors added to Bronte Road.
10. Carparking/motorcycle layout updated to reflect Australian Standards and consent conditions.
11. Roller door access to the car parking basement, in lieu of previous boom gate.
12. Updated services areas.
13. An updated storage schedule.

A full detailed schedule of updates to the architectural designs can be found on sheet DA1105 in the architectural plan set at **Appendix A. Figures 2 and 3 overleaf** illustrate that the overall built form for the

proposed development remains largely unchanged.

Figure 2 – Building Elevation/Development Envelope

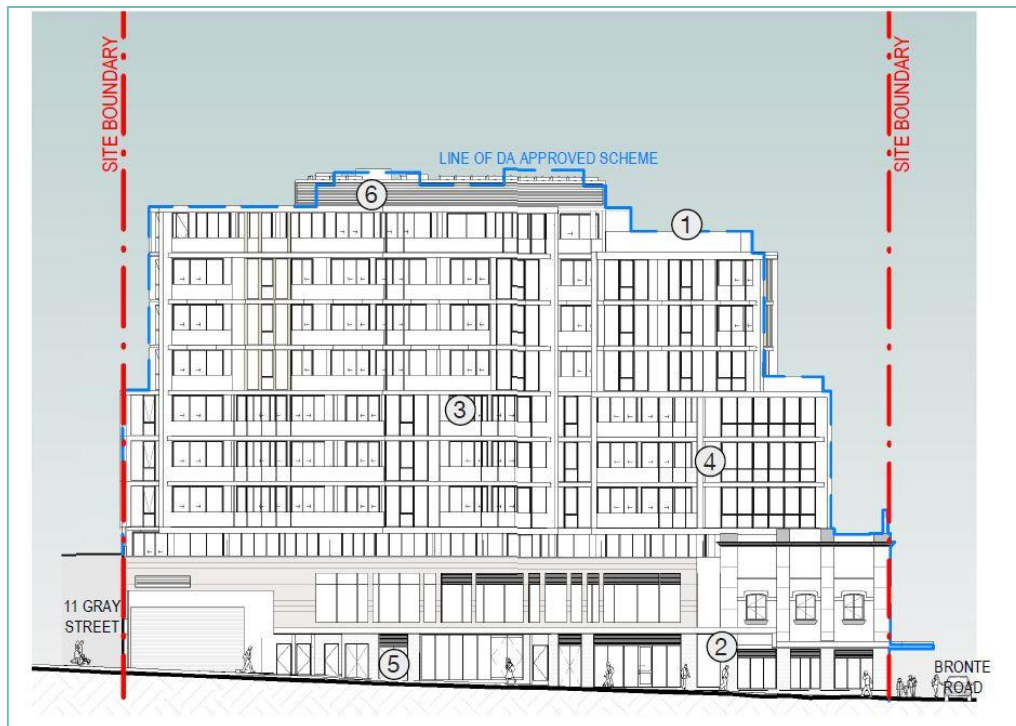


Figure 3 – Building Elevation/Development Envelope



Source: Group GSA source]

3.3. AMENDED CONDITIONS

This section outlines the proposed replacement and/or rewording of the conditions of consent imposed by Council.

Development consent 533/2017/1 included a total of 118 consent conditions. As part of this S4.55 modification it is proposed to update Conditions as follows

Table 2 Scheduled of Conditions

Condition	Update/Comment
1 – architectural plans/drawing list	To reflect the updated architectural plan set
1 – reference to storage schedule	An updated storage schedule is provided at drawing DA8005
2f – amended landscape plan	To reflect the corresponding design updates arising from the updated architectural plan set.
23 – onsite stormwater detention details.	<p>Additional detail is now provided with respect to on-site stormwater detention and resulting from further coordination of access arrangements to the required substation and the achievement of 4m separation requirements.</p> <p>The tank was accordingly re-oriented to allow for required clearance – the storage capacity remains unchanged. Updated plans (H105 and H403) are appended to the stormwater report.</p>

4. SECTION 4.55 APPLICATION

This section assesses the proposed modifications in accordance with section 4.55 of the EP&A Act including a comprehensive assessment of whether the modified proposal is substantially the same as the original approval.

4.1. SUBSTANTIALLY THE SAME DEVELOPMENT

The proposal has been assessed using both a quantitative and qualitative assessment to determine whether the modified development would be substantially the same as the approved development.

Quantitative Assessment

The following table provides a summary of the key features of the approved development and the proposed modifications to assist with the quantitative assessment of the proposed modification

Table 3 Comparison Table

Metric	Approved	Proposed S4.55	Change
Site Area*	2,180sqm	2,180 sqm	No change
Zoning	B4 Mixed Use	B4 Mixed Use	No change
Land Use	<i>Shop top housing, Registered club, Commercial premises</i>	<i>Shop top housing, Registered club, Commercial premises</i>	No change
Gross Floor Area			
Residential	7,115 sqm	7,328sqm	+213
Club area (inc retail)	2,459 sqm	2,428 sqm	-31 sqm
Total	9,647sqm	9,756 sqm	+109 sqm (1.1%)
Floor Space Ratio	4.43:1	4.47:1	0.04:1
Max building Height/ Storeys	RL115.56 /10 storeys.	RL115.56 /10 storeys	No change
Number of Apartments			
1-bedroom	31 (39.7%)	34 (41.9%)	+3
2- bedroom	40 (51.3%)	38 (47%)	-2
3-bedroom	7 (9%)	9 (11.1%)	+2
Total	78 apartments	81	+3
Car Parking			
Residential	78	78	
Residential visitor	16	16	No change
Club Parking	22	22	No change
Car Share	1	1	No change
Total	118	118	No change
Communal Landscape Area	351sqm	351sqm	No change

From a review of the updated project metrics, the development remains 'substantially the same' and thus capable of being determined via a modification to the existing development consent.

Qualitative Assessment

A qualitative assessment also needs to be undertaken, assess the development as proposed to be modified based on the context in which the original DA was approved. The proposed modifications do not substantially change the development for which consent was originally granted for the reasons outlined below:

- The proposed land uses remain unchanged
- The overall built form envelope has received only minor updates
- The impact assessments have confirmed that minimal environmental impacts will result.

Based on the above quantitative and qualitative assessments, the modified proposal is considered substantially the same as the approved development.

4.2. THE PROPOSAL INVOLVES MINIMAL ENVIRONMENTAL IMPACTS

The proposal involves minimal environmental impacts, as follows:

- Traffic – one additional vehicle movement per hour is estimated.
- Shadow impacts – the changes in shadow impacts on surrounding properties/area are negligible.
- Visual impacts – there is no meaningful or measurable impact on views enjoyed from existing surrounding properties and public spaces
- Heritage – the impacts resulting from the design updates are generally neutral to positive.

4.3. CONSULTATION WITH APPROVAL BODIES

Consultation with a Minister, public authority or approval body is not required, noting there were no concurrence conditions or general terms of approval applied to the original development application.

4.4. PUBLIC NOTIFICATION AND SUBMISSIONS

It is understood that the application will likely need to be placed on public exhibition. Any submissions received by Council will need to be considered in the assessment of the proposed modifications.

5. COMPLIANCE WITH RELEVANT STRATEGIC & STATUTORY POLICIES

The following assessment has been structured in accordance with Section 4.15 of the *Environmental Planning & Assessment Act 1979* (EP&A Act). The following statutory planning policies have been considered in the assessment of the proposal:

- Environmental Planning and Assessment Act 1979 (EP&A Act),
- State Environmental Planning Policy 55 – Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development;
- Waverley Local Environmental Plan 2012; and
- Waverley Development Control Plan 2012.

The consistency and compliance of the proposal with the relevant statutory plans and policies is detailed in the following sections.

5.1. STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND

In accordance with the requirements set out in SEPP55, a preliminary site investigation report has been provided with the approved DA. Consistent with the recommendations outlined in the Geotechnical Report, it is anticipated that during the construction phase of the project, any fill imported on to the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Furthermore, it is anticipated that fill imported onto the site shall also be compatible with the existing soil characteristics for site drainage purposes.

Condition 27 of the existing consent sets out obligations including the completion of a Detailed Environment Site Assessment and a Remediation Action Plan (if required, as a result of the Detailed Site Assessment). With this S4.55 modification, no changes are proposed to this condition.

5.2. STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies to the proposal. The proposed development has achieved the recommended BASIX water, thermal comfort and energy targets and scores. An updated BASIX assessment is provided with **Appendix J**. Updated NAtHERs certificates are also provided at **Appendix K**.

5.3. STATE ENVIRONMENTAL PLANNING POLICY NO.64 – ADVERTISING AND SIGNAGE

Condition 104 of the existing consent requires that future signage for the development shall be the subject of a separate development application, as follows:

- “(a) A separate development application is to be submitted seeking approval of a signage strategy for the building. The signage strategy development application must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the buildings.*
- (b) Any signage /signage boards are to be located as to not visually obscure or conceal any original fabric of the heritage listed facades. No advertising signs or notices are to be affixed to the windows of the premises. The use of flashing lights, flashing illuminated signs and the like is prohibited.”*

This condition is not proposed to be updated with the S4.55. An assessment relative to the requirements set out in SEPP64 shall accordingly be provided with a future signage application.

5.4. STATE ENVIRONMENTAL PLANNING POLICY 65 – DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) aims to improve the design quality of residential flat buildings, shop top housing and the residential component of mixed-use developments. It applies to any building that comprises 3 or more storeys and 4 or more dwellings.

In determining a development application for residential flat development, a consent authority is to consider:

- The advice of the relevant design review panel (if relevant);
- The design quality of the development when evaluated in accordance with the design quality principles;
- The Apartment Design Guide.

An assessment of the proposal against the SEPP 65 design quality principles and the Apartment Design Guide has been prepared by Group GSA and is included in the Architectural Design Report. **Table 4** below provides an overview of the performance of the proposal against the relevant design criteria. A full SEPP65/ADG assessment schedule is provided at **Appendix C**. With respect to natural ventilation, a further statement has been prepared and can be founded at **Appendix L**.

Table 4 – Apartment Design Guide – Key Statistics

Design Criteria	Approved	S4.55 modification	Complies/comment
Solar Access (<i>min. 70%</i>) apartments receive a minimum of 2 hours direct sunlight	75%	71.6%	Yes
South Facing Apartments (<i>max 15%</i>)	16 of 78 apartments 20.5%, Variation	21 apartments – 25.9%, Variation.	The variation continues to be justified, with significant district and water views afforded to south facing apartments.
Natural Cross Ventilation (<i>min 60%</i>)	50 of 74 apartments – 67.6%	47 of 76 apartments 61.84%	Yes
Universal Design (<i>min 20%</i>)	20%	20%	Yes
Deep Soil (<i>min 7%</i>)	Variation	Variation	Variation, no change to building footprint
Communal Open Space (<i>min 25%</i>)	351sqm (variation)	351sqm (variation)	Variation, no change
Floor to Floor Levels	Generally.	3.1m typical floor to floor levels remain. Ground level and Level 1 have 4.0m and 4.1m.	Yes.
Apartment Size and Mix			
Each of the apartments meet the required minimum areas outlined in Objective 4D-1 of the ADG (1 bed = 50/m ² , 2 bed = 70m ² , 3 bed = 90m ²)		Yes	Yes

5.5. WAVERLEY LEP

5.5.1. Zoning and Permissibility

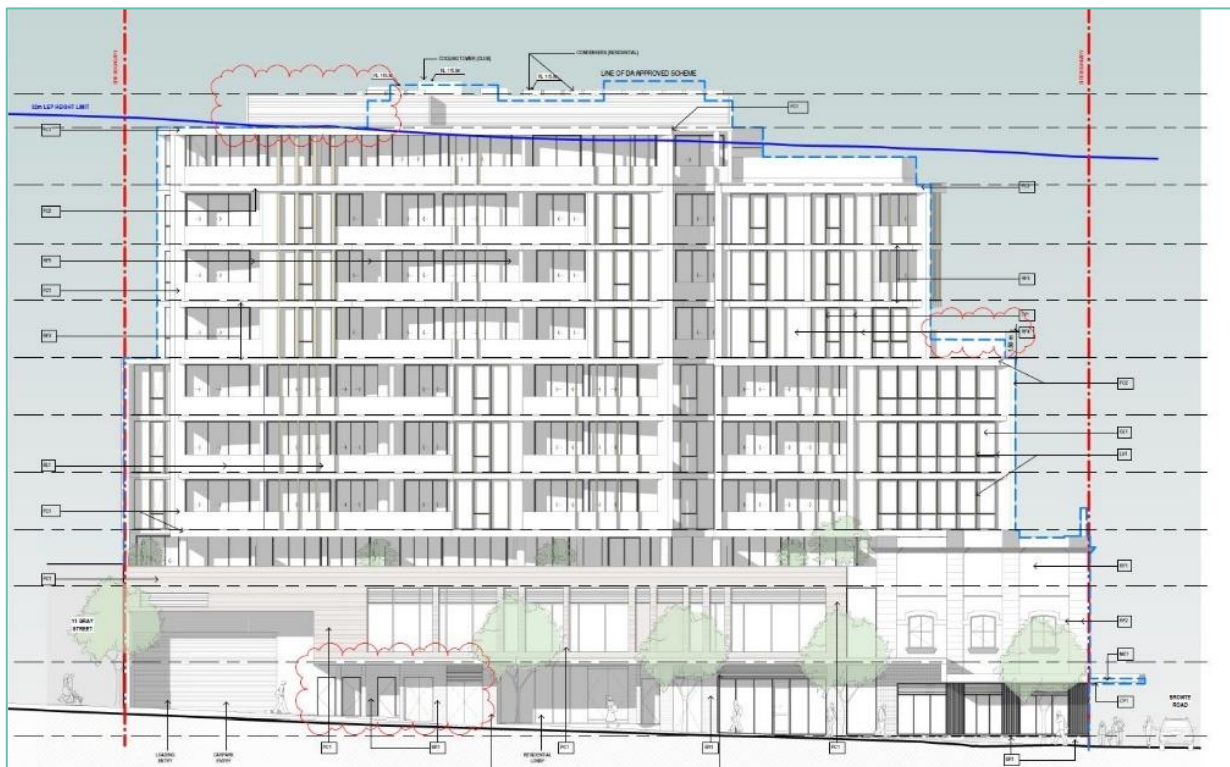
There are no changes to the proposed land uses within the development, all remaining permitted with consent within the zone and associated objectives.

5.5.2. Building Height

The LEP maximum building height control is 32m. The approved building height has been reflected in Condition 45 of the existing consent – with a maximum of RL115.56 to the top of plant and R113 to the roof of level of the building, which marginally exceeds the LEP height control. These maximum heights are not proposed to be altered in this modification.

Figure 4 illustrates the proposed building height, with the blue-dashed outline representing the existing consent. While representing a technical continued variation to the development standard, the updated built form remains appropriate in its context and with the design updates being demonstrated to have limited environmental impacts (as set out in later sections of this report)

Figure 4 - Building Height



Source: GroupGSA.

Table 1 overleaf sets out the height of building calculations for the various 'spot heights' with the proposed development, based on the LEP definition and recognising that the existing site/LEP height plane is 3-dimensional. It is clearly demonstrated that any changes to the building height are negligible.

Table 5 – Summary Table of Building Height for revised design (November 2019 vs September 2020)

Location	LEP (32m)	FFL	Extent of variation (LEP - FFL) refer to section drawing.	Approved % exceedance	S4.55 mod (September 2020)	S4.55 Proposed % exceedance
Bronte Road	111.00m	109.90m (to roof)	Nil	Nil	Nil	Nil
(section 1)						
Eastern boundary (with 86/88 Ebley Street)	113.55m	113.00m (to roof)	Nil	Nil	Nil	Nil
(section 1)						
Spot-heights within building section 1	111.52m to 112.90m	113.00m (to roof of L9apartments)	Max extent of variation = (111.52 - 113.00 = - 1.48m); Minimum extent of variation = (112.90 - 113.00 = - 0.10m)	0.3% to 4.6%	111.75 to 113.01m Max. (111.75 – 113.00 = - 1.25m) Min. (113.01 – 113.00 = .10m)	0% to 3.9%
	111.89 to 112.10m	115.56 (to top of plant)	Max extent of variation = (111.89 – 115.56 = - 3.67m); Minimum extent of variation = (112.10 - 114.80 = - 2.70m)	8.4 to 11.4%	111.83 to 112.90m Max. (112.40 – 115.56 = - 3.16m) Min. (112.90 – 114.80 = -1.90m)	5.93% to 9.87%
	111.58 to 112.49m	115.30 (to top of stair core)	Max extent of variation = (111.58 - 115.30 = - 3.72m); Minimum extent of variation = (112.49 - 115.30 = - 2.81m)	8.7% to 11.6%	112.53 to 112.59m Max. (112.53 – 115.30 = - 2.77m) Min. (112.59 – 115.30 = - 2.71m)	8.46% to 8.65%
Ebley Street	111.96m	109.9m (to roof of L8 apartments)	111.96 - 109.9 = 2.06m	Nil	111.88 – 109.90 = 1.98m	Nil
Gray Street	112.65m (at Gray Street);	115.56 (to top plant)	Max extent of variation = (112.36 - 115.56 = - 3.2m);	8.9% to 10%	112.86(at Gray St) Max. (112.50 –	6.56% to 9.56%

Location	LEP (32m)	FFL	Extent of variation (LEP - FFL) refer to section drawing.	Approved % exceedance	S4.55 mod (September 2020)	S4.55 Proposed % exceedance
	112.36 to 112.46m (to top of stair)		Minimum extent of variation = (112.46 - 115.30 = - 2.84m)		115.56 = - 3.06m) Min. (112.70 – 114.80 = - 2.10m)	
	112.46m to 112.54m (to top of plant)	114.8m (to top of plant)	Max extent of variation = (112.46 - 114.80 = - 2.34m); Minimum extent of variation = (112.54 - 114.80 = - 2.26m)	7.1 to 7.3%	112.38 to 112.70 Max. (112.38 – 114.80 = - 2.42m) Min. (112.70 – 114.80 = - 2.10m)	6.56% to 7.56%
	112.09 to 112.65m (to roof on L9 apts)	113.0 (to roof on L9 apartments)	Max extent of variation = (112.09 - 113.0 = - 0.91m); Minimum extent of variation = (112.65 - 113.0 = - 0.35m)	1.1% to 2.8%	112.03 to 112.86 Max. (112.03 – 113.00 = - 0.97m) Min. (112.86 – 113.00 = 0.14m)	0.43% to 3.03%

5.5.3. Floor Space Ratio

The approval development plans reflect a total GFA of 9,647m² and a corresponding Floor Space Ratio (FSR) of 4.43:1. The updated development plans comprise a minor change in the total GFA to 9,756m² and a corresponding FSR of 4.47:1. The proposed development remains well within the maximum FSR of 6:1 under the Waverley LEP.

5.5.4. Heritage Conservation

Clause 5.10 of the Waverley LEP 2012 details where consent is required for works involving a heritage item or building, work, relic or tree within a heritage conservation area. Schedule 5 identifies the façade from 28-42 Bronte Road as an item of local significance (I171). It is noted only the façade of the building is recognised for its heritage significance. Surrounding heritage items include the Brisbane Street Landscape Area (c27), and Botany Street Conservation Area (c3).

Figure 5 – Aerial Photograph of Heritage Areas



In terms of the existing development consent:

- **Condition 4** of the development consent required the submission of a Schedule of Restoration Works and this has been submitted to and approved by Council. This has been satisfied with the following document: John Oultram Heritage & Design, The Forme W Stone Buildings, 26-36 Bronte Road Waverley, Schedule of Conservation Works, dated July 2020
- **Condition 17** of the consent required that the building be photographically archivally recorded and this has been carried out and submitted to Council.

With the design updates proposed within this S4.55 modification, an updated heritage assessment has been completed. The assessment has confirmed that the proposed amendment is not extensive and relate mainly to the modern tower element with some limited change that will impact positively on the retained façade along Bronte Road.

The proposed amendments do not alter the treatment of the retained facades to the W Stone Buildings and the works to these will be carried out in accordance with the Schedule of Conservation Works. The enclosure of the void over the terrace at the lower section of the W Stone Building is a positive that will prevent daylight being visible through conserved windows in the façade. Overall, we consider that the proposed amendments are neutral or positive in heritage terms and that the revised proposed are effectively the same as the approved design and will have no greater heritage impact

There is a design recommendation set out in the heritage advice, as follows:

We would recommend that the piers be expressed, and the windows be detailed with a tiled spandrel and the apparent 'opening' be full height with a solid section above in a contrasting material (not brick). The same comment would apply to the adjoining entry doors

This recommendation has been incorporated into the architectural plans. A copy of the updated heritage advice is provided at **Appendix F**.

5.5.5. Active Street Frontages

Clause 6.5 of the Waverley LEP 2012 requires active uses along the ground floor street frontages on Bronte Road, Gray Street and Ebley Street, except for entrances and lobbies, access for fire services, and vehicle access. Activation of the street frontages has been a key design consideration in the development of the site. The development remains consistent with the objective as follows:

- **Ebley Street** - The approved development achieves activation on Ebley St to be 93% (inc. outside gaming), or 80% exc. outside gaming. This remains unchanged with the S4.55 modification design updates.
- **Bronte Road** - The proposal provides 100% activation to Bronte Rd. This remains unchanged with the S4.55 modification design updates.
- **Gray Street** – The proposed active frontage is calculated at 53.14% (approx 27.8m), representing a reduction of only 1.6m relative to the approved development. The 50% minimum requirement continues to be achieved. *NB: Separately, the public domain plans for Gray Street are currently being updated, in consultation with Council staff in order to facilitate the outcomes desired under the ‘Complete Streets Project’.*

Vehicular crossovers continue to remain consolidated to the eastern boundary on Gray Street. The consolidation of loading, car park and bicycle access in one 6.5 m crossover continues reduces the impact on the surrounding pedestrian network and minimises the loss of on-street parking.

5.5.6. Design Excellence

There are requirements set out for Design Excellence Set out in Clause 6.9(4) of the LEP, which have been satisfied previously as part of the existing consent. At a broad level, the proposed design updates to the built form are minor in nature and do not alter the achievement of the requirements for Design Excellence. More specifically the proposed development continues to exhibit design excellence in accordance with the requirements of clause 6.9(4) of the Waverley LEP, including by way of the following:

- The design creates a harmonious balance of form/detail, with a focus on the integration of the heritage facades along Bronte Road and Grey Street with the new build two storey podium, clearly articulated and contemporary in expression, taking clear cues from fenestration, proportion, ratios and rhythm
- The podium is very detailed and creates a highly activated interface with the public realm on all three street addresses.
- The forms above the podium have been developed to take into account feedback from the Design Excellence Panel, and now provide a highly sculpted form which reduces the apparent massing and provides an appropriate level of detail and articulation.

An updated Design Excellent Statement, prepared by GroupGSA is provided at **Appendix D**,

5.5.7. Built Form Setbacks

The approved built form specially considered the existing and the future context and a series of urban design principles, including the following:

- The mirroring of the setback and profile of the neighbouring building to the west to provide a southern gateway entry to Bondi Junction Centre
- A reduced setback to the eastern neighbour to provide for the future context via an articulated street wall building.
- The updating of setbacks to Bronte Rd and Ebley St, with particular attention to the Bronte Rd interface to achieve larger setbacks.

The approved development achieved setbacks ranging from 2.4m to 7.2m along Bronte Road, and 5.9m to 13.0m along Ebley Street (from the boundary). The floor (L2) has been further setback to assist in separating the podium from the upper form and to reduce the visual form from the pedestrian views in the surrounding streets. The S4.55 design updates involve a series of minor updated setbacks, as illustrated in the figures below. The fundamental urban design principles however remain unchanged. The proposed setbacks remain entirely appropriate for the proposed development, and consistent with the relevant DCP objectives.

Figure 6 - Proposed building setbacks (Approved Scheme)

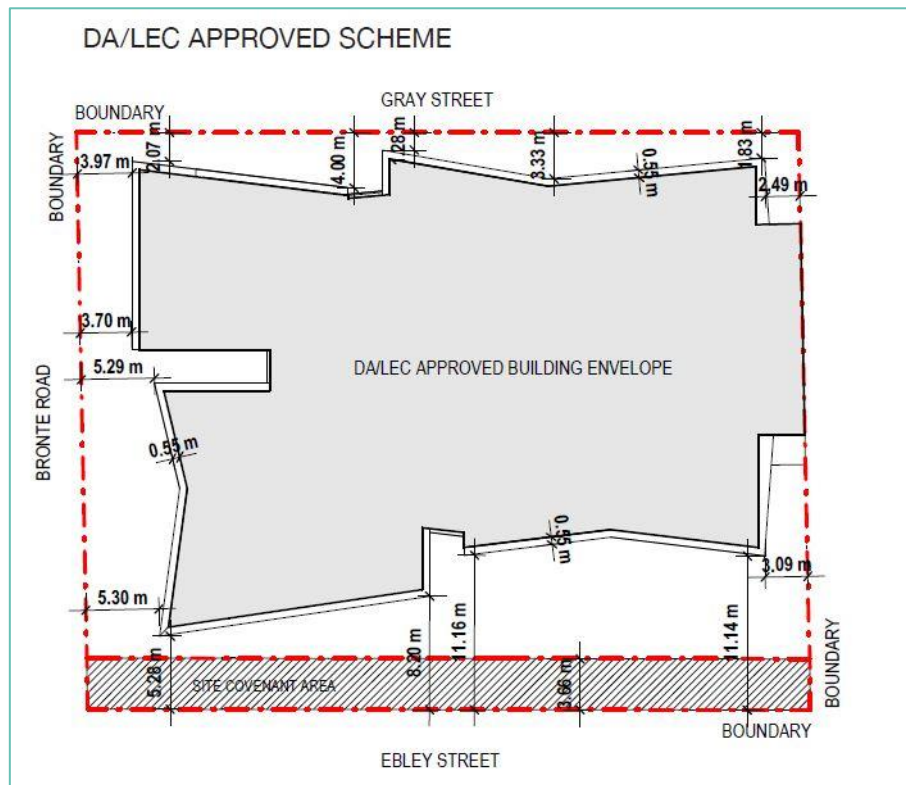
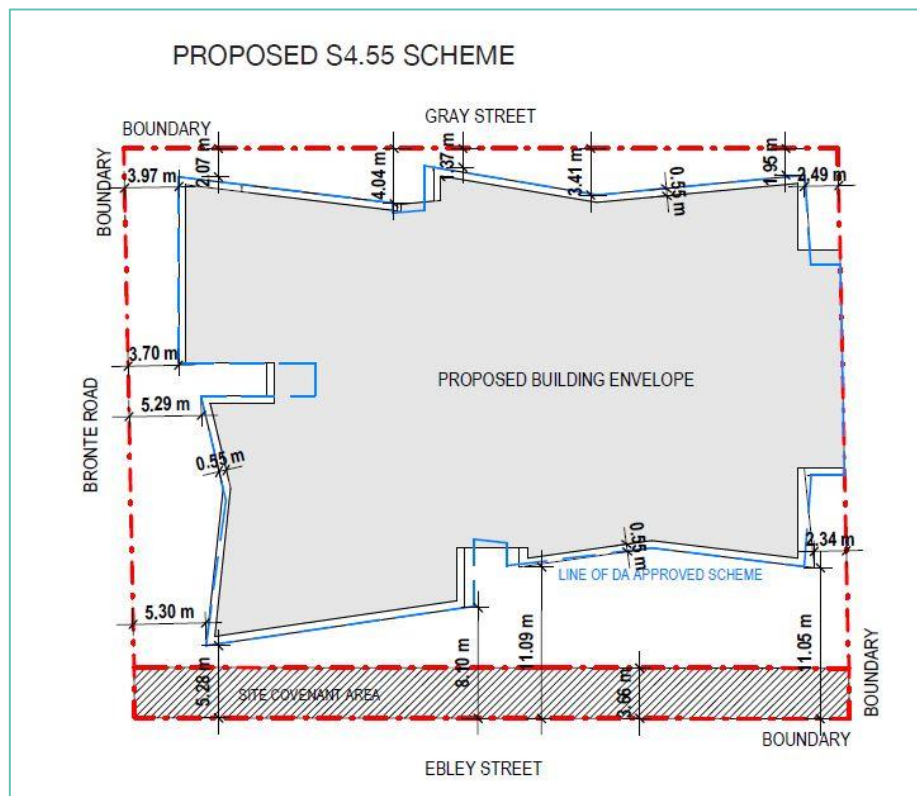


Figure 7 - Proposed building setbacks (S4.55 Scheme)



Source: GroupGSA

5.6. WAVERLEY DCP 2012 ASSESSMENT TABLE

An assessment of the proposed development relative to the requirements set out in the DCP is set out in Table 7 below, including both the approved development and design updates set out in the S4.55 modification.

Table 6 – Waverley Development Control Plan 2012 Assessment Table

Provision	Proposal	Compliance (Approved)	Compliance (Proposed S4.55)
Part B – General Provisions			
<i>B1: Waste</i>			
Demolition and Construction Separate collection bins and waste storage areas provided Storage areas within the property boundary	Construction waste management will be addressed prior to final arrangements for the management of construction. Condition 20 (site waste and recycling management plan) remains unchanged.	YES	YES
1.2 Ongoing management Sufficient space must be provided to accommodate the storage of waste and recycling (in separate containers) likely to be generated on the premises between collections and any associated equipment. Mixed use development: There must be at least two separate centralised waste and recycling storage rooms or areas, one for commercial waste and one for residential waste. Storage rooms be self-contained and have separate keys and locking systems.	A Waste Management Plan informed the existing approval. Updated Waste Management Conditions 25 (access) and 56 remain unchanged. .	YES	YES
B2: Energy and Water Conservation			
2.2 Water Conservation All new development to demonstrate measures proposed to reduce water consumption Rainwater tanks must be installed Premises shall have floor drainage	Water efficiency measures continue to be incorporated with the development. Updated hydraulic advice is provided at Appendix Q	YES	YES
2.4 Active energy Solar hot water systems to be installed For developments with multiple floors, multiple tenants or that are strata subdivided, electrical sub-metering is required All new development shall be designed to include an internal ventilation shaft	Energy efficiency measures continue to be incorporated with the development – refer updated electrical services advice at Appendix S	YES	YES
2.6 Energy assessment Energy Assessment Report required, including Green Building Council of Australia's Green Star Design and As Built	Energy efficiency measures continue to be incorporated with the development.	YES	YES

Energy Calculator Path 2.3 Class 2-9 Reference Building			
B6: Stormwater			
<p>6.1 Stormwater Management</p> <p>Stormwater management plan is required</p> <p>WSUD principles to be integrated into development</p> <p>Minimise disturbance of natural drainage system</p> <p>Applications for roof water and stormwater harvesting and reuse and grey water or black water treatment systems will be assessed on merit in accordance with the WM Technical Manual</p>	<p>Stormwater management continues to be effectively managed for the development – as set out in the updated hydraulic advice</p> <p>(refer chapter 6)</p>	YES	YES
<p>6.2 Flooding</p> <p>Habitable floor levels must be set at a minimum of 150mm above the level of adjacent ground for habitable areas</p>	<p>All habitable floor levels are located within Levels 1 – 9 of the development, above the adjacent ground.</p>	YES	YES
B7: Accessibility and Adaptability			
<p>7.1 Accessibility</p> <p>The siting, design and construction of premises available to the public are to ensure an appropriate level of accessibility</p> <p>Accessible parking for people with a disability must be provided</p>	<p>Updated accessibility advice is provided at Appendix I, confirming the ability of the proposed development (including latest updates) to achieve relevant standards.</p>	YES	YES
<p>7.2 Adaptable dwellings</p> <p>10% of units must comply with provision of a Class A adaptable unit</p> <p>One accessible car parking space is to be provided for every adaptable residential unit and be a part lot in the strata plan.</p>	<p>9 adaptable units are provided within the development, as discussed within the Accessibility.</p> <p>Strata subdivision subject to separate application, compliance is expected.</p>	YES	YES
Part B8: Transport			
<p>8.1 Parking rates</p> <p>Maximum parking rates:</p> <p>1 bedroom: 0.4</p> <p>2 bedrooms: 0.7</p> <p>3 bedrooms +: 1.2</p> <p>Visitor: 1 space per 5 units</p> <p>Retail premises: 2/100sqm maximum</p>	<p>With the additional apartments, an additional 3.7 spaces added to the calculated maximum number of spaces for the development. There are no changes to the actual number of bays proposed with the design updates.</p> <p>Noting that there is no minimum requirement and both resident and — similar to the approved LEC scheme—</p>	Variation	Variation

For developments with more than 50 spaces, a maximum of 2% must be specified as small car spaces	residential visitor parking provisions exceed that of the current DCP, the proposed car parking provision is considered appropriate.		
<p>8.1.2 Bicycle parking rates</p> <p>A total of 82 bicycle spaces required.</p> <p>Access to be a minimum 1.8m wide, accessible via a ramp</p> <p>For retail, provide a minimum 50% of the required bike parking at an accessible location</p> <p>EOTF required for non-residential uses</p>	Condition 87 of the existing consent requires a minimum of 96 bicycle spaces for the development. This will continue to be achieved, with 4 at ground level (in front of residential entry), 42 bicycle racks and 50 bicycle spaces inside residential storage in the basement.	YES	YES
<p>8.1.3 Motorcycle parking</p> <p>Motorcycle parking spaces are to have dimension of 1.1m x 2.5m.</p> <p>3 motorcycle spaces for every 15 car spaces.</p>	Condition 87 of the existing consent requires 35 motorcycle bays to be provided. This remains unchanged with the proposed design updates.	YES	YES
<p>8.2 Loading</p> <p>Loading facilities are to be provided at the following rates:</p> <p>Residential: 1 per 50 dwellings</p> <p>Retail: 1 per 400sqm</p> <p>Other uses: merit assessment</p> <p>Size and layout of area must be designed to facilitate operations relevant to the development</p>	<p>The loading dock is located to the southern portion of the site on the ground level. The loading dock is located adjacent to the RSL back of house and adjacent to the combined service entry for the commercial and residential component.</p> <p>The provision of a turning circle within the loading dock allows for all vehicles to enter and exit the site in a forward direction, enhancing site and pedestrian safety.</p>	YES	YES
<p>8.3 Pedestrian and Bicycle Safety</p> <p>Location of parking spaces is not to obstruct pedestrian and bicycle access to the premises or major pedestrian and cycling routes</p> <p>Safety devices are to be installed</p>	Only minor layout updates are proposed. Appropriate signage and safety devices including bollards, painted lines and speed limit signage will be incorporated into the detailed final design of the car park, to be confirmed at receipt of a construction certificate.	YES	YES
<p>8.5 Travel Plan</p> <p>Green travel plan is mandatory for new developments including 15 units or more</p>	A Green Travel Plan continues to be proposed for the proposed development, no change.	YES	YES
<p>8.6 Traffic and transport management plan</p> <p>Traffic and transport management plan is required for new developments including 15 units or more</p>	Management of construction traffic has been previously set out for the proposed development and is reflected in condition 22 of the existing consent. No changes are proposed.	YES	YES
<p>8.7 Car Share</p> <p>Minimum 1 car share space required for every 90 residential units</p>	1 car share space remains proposed on basement Level 1.	YES	YES

Minimum 1 car share space provided for every 50 commercial parking spaces 1 car share space can be provided in lieu of 3 parking spaces			
B11: Public Art			
Development too incorporate public art in visible areas, and to be integrated into the architectural integrity of the development	Condition 12 of the existing consent sets out requirements for public art. The public art proposal has been approved by Council – along the ground floor façade and wrapping around a portion of Gray Street and Bronte Road. No changes to the proposed delivery of public art are proposed with this modification	YES	YES

Part C – Residential Development <i>C2: Multi unit and Multi dwelling housing</i>			Compliance (Proposed S4.55)
2.2 Site, scale and frontage Maximum FSR: 6:1	The proposal has a total FSR of 4.47:1.	YES	YES
2.3 Height Maximum building height: 32m Council may consider varying the height development standard	Condition 45 establishes a maximum height of RL115.56 and RL113 for roof level of the building. These maximums will continue to be achieved with the design updates, acknowledging that the approved development exceeds the 32m LEP height.	Variation	Variation
2.4. Excavation Where excavation is proposed it is not to occur within a 1.5m setback from side boundaries and shall only occur within the building footprint except where access to a basement car park is required Basement car park to be below natural ground level, maximum protrusion of 1.2m is permissible	No changes to the approved depth of excavation are proposed.	YES	YES
2.5 Setbacks Street setbacks must be consistent with the predominant building line setback along the street.	The proposed setbacks for the development remain appropriate for the site context, with only minor updates to those forming part of the existing approval – refer Section 5.6.1.	Variation	Variation
2.6 Building length Buildings must be articulated to respond to the established pattern of existing building length along the street.	The provision of vertical slots within the building form and the use of a 'recessed' level to separate the tower from the podium provides adequate building articulation to achieve a scale and building bulk appropriate for the character of the streetscape.	YES	YES

Maximum depth of any apartment including balconies is 18m.	N/A		
<p>2.12 Pedestrian access and entry</p> <p>Provide main building entries at street level to respond to patterns in streetscape</p> <p>Provide accessible path of travel from street to front door of all units on ground floor</p> <p>Separate between pedestrian entries and vehicular entries</p>	<p>The primary pedestrian entrance to the RSL component is along Bronte Road, and the primary residential lobby is located on Gray Street. These pedestrian entrances have been separated from the vehicular entries to minimise opportunities for potential conflict.</p> <p>Accessibility requirements have been confirmed as being achieved.</p>	YES	YES
2.13 Landscaping and deep soil planting, A minimum of 30% of the site area is to be provided as landscaped area. Of this a minimum of 50% is to be deep soil zone.	Due to existing site coverage of 90% basement car parking design and street activity requirements, the proposal does not provide any deep soil areas. This is acceptable due to the location of the site in the Bondi Junction mixed-use zone, and the high rates of site coverage within the centre.	Variation, approved	Variation, no change
<p>2.14 Communal open space</p> <p>Minimum dimension of 6m x 6m.</p> <p>At least 30% of the communal area is to receive 3 hours of direct sunlight between 9am and 3pm on June 21.</p> <p>In considering the creation of a roof terrace, Council will consider the magnitude of the impact on both privacy and noise for neighbouring residents</p>	A communal open space area of 351 sqm continues to be proposed, with solar access continuing to be achieved.	YES	YES
<p>2.15 Balconies</p> <p>Balconies are not to visually dominate the façade</p> <p>Minimum 10sqm and minimum depth of 2.5m</p>	All apartments are provided with a balcony or terrace area. Balcony sizes are in accordance with the dimensions outlined in the Apartment Design Guide, Where the building is articulated at the podium and roof level, private terraces are provided for apartments on Level 2 and on Level 12.	YES	YES
<p>2.16 Solar access and overshadowing</p> <p>Living rooms and private open spaces for at least 70% of apartments in a development should receive a minimum of three hours direct sunlight between 9:00am and 3:00pm on June 21.</p> <p>Direct sunlight to north facing windows of habitable rooms and all private open space areas of adjacent dwellings should not be reduced to less than 3</p>	With the design updates, 71.6% of apartments receive a minimum of 2 hours direct sunlight during the required hours.	YES	YES

hours between 9.00am and 3.00pm on June 21.			
<p>2.17 Views and View Sharing</p> <p>Minimise view loss to adjoining and adjacent properties</p> <p>Provide articulation and minimise bulk and scale of roof forms</p>	<p>Where possible, the proposal has been designed to minimise view loss.</p> <p>However, the location of the site within a high-density commercial centre creates an expectation for a degree of view loss as a result of the transitioning urban form. Furthermore, the location of Westfield Shopping Centre to the north of the site obstructs most views.</p> <p>The crown of the building has been articulated to provide architectural interest and to minimise the bulk and scale of the roof. Specific consideration has been given to potential view loss from the nearby Genoa building.</p> <p>The proposed development will not have any meaningful or measurable impact on views enjoyed from existing surrounding properties and public spaces. Also, no building or structure encroaches into or over the view corridors noted in the DCP</p> <p>Also refer section 6.3 and view impact assessment at Appendix G</p>	YES	YES
<p>2.18 Visual privacy and security</p> <p>Dwellings oriented to the street and provide clear sightlines between public and private places</p> <p>Consider CPTED principles</p> <p>Windows and balconies of an upper level dwelling should be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below</p>	<p>All dwellings are oriented to the street to take advantage of the street aspect and streetscape. This provides opportunities for passive surveillance of the surrounding public domain.</p> <p>The architectural form provides shading and privacy protection along all balconies to minimise overlooking of other balconies.</p>	YES	YES
<p>2.17 Roof Areas</p> <p>Fulfil following circumstances for a rooftop terrace:</p> <p>(i) The predominant residential character in the vicinity of the site includes roof terraces;</p> <p>(ii) They will not result in unreasonable amenity impacts such as overlooking and loss of privacy and acceptable noise;</p> <p>(iii) They should not exceed 15sqm in area; and</p> <p>(iv) Satisfy the considerations of the LEC "Super Studio" Planning Principle.</p>	<p>The primary communal open space is located on the rooftop. This is considered acceptable given the trend of rooftop terraces within the Bondi Junction Strategic Centre due to the constrained nature of land supply</p> <p>Access to the rooftop level is provided through the lift access within the main core of the building, and all servicing is located within the Level 10 servicing and lift plant.</p>	YES	YES

(v)	They are provided for casual and infrequent activity and not as an extension of private open space or entertaining areas.			
(vi)	Any access must be provided within the envelope of the main building and there are to be no access hoods or lift overruns proposed above the main roof level. Operable skylights and hydraulic lifts are acceptable where they finish generally flush with the roof level.			
2.18 Apartment size and layout	<p>Internal layout of apartment to be consistent with DCP requirements</p> <p>The following sizes are considered appropriate:</p> <ul style="list-style-type: none"> – Studio – 35sqm – 1 bedroom – 50sqm – 2 bedroom – 80sqm – 3+ bedroom – 100sqm 	All apartment sizes are in accordance with the requirements.	YES	YES
2.20 Ceiling heights	2.7 minimum floor to ceiling height for residential floors	All habitable rooms have a ceiling height of 2.7m.	YES	YES
2.21 Storage	<p>Storage located outside the apartment is to be secure for individual use.</p> <p>Storage facilities within the dwelling at the following rates:</p> <ul style="list-style-type: none"> – Studio and 1 bedroom - 6m³ – 2 bedroom – 8m³ – 3 bedroom - 10m³ 	An updated storage schedule is provided with the architectural plans – refer drawing DA8005.	YES	YES
2.22 Acoustic privacy	Soundproofing by acoustic glazing is required	An acoustic assessment informed the approved development and is referenced in the consent conditions. No changes are proposed.	YES	YES
2.23 Natural ventilation	At least 60% of apartments in a development are to be naturally cross-ventilated.	All apartments have natural ventilation, and with the updated design 61.84% achieve cross ventilation.	YES	YES
2.24 Building services	<p>Ensure building services are integrated into design of buildings</p> <p>Building services must be setback a minimum of 2m from outer walls of building and not visible from street, or impact on public or private views</p>	Building services are located primarily on Basement Level 1, in the loading dock at Ground Level and in the rooftop services at Level 10. The services are concealed in order to reduce visual impact, and do not impact on public or private views.	GENERALLY	GENERALLY, minor updates only.

Part D – Commercial Development D1: Commercial and Retail Development			Compliance (Proposed S4.55)
<p>Design</p> <p>Front windows to promote an active street level frontage and have display function</p> <p>Under awning lighting to be provided</p> <p>Where residential development is located above retail or commercial premises or to the rear, details are to be provided which demonstrate that light is not directed toward the residents of the building.</p> <p>All mixed-use development shall incorporate within building plant rooms any facilities required for future use of the premise</p> <p>Premises shall be designed so that customers cannot be served directly from Council's footpath (i.e. a bar or servery).</p> <p>All new development shall be designed to include an internal ventilation shaft to ensure future alterations do not place the shaft in an unsuitable location.</p> <p>The design of use of the building is to take into consideration any impact on surrounding residential uses and include mitigation measures where necessary.</p> <p>Licensed premises and premises applying for extended trading hours are to provide a Plan of Management</p>	<p>Full length windows are proposed along all street frontages, which will promote an active street level and provide opportunities for passive surveillance of the public domain.</p> <p>Details of under awning lighting will be confirmed upon receipt of a construction Certificate. The light spill of the under-awning light will be directed down onto the public footpath, ensuring no light spill affects the residents.</p> <p>The location of plant and servicing is provided in the Basement Level 1, loading dock at Ground Level and rooftop services at Level 10.</p> <p>Adequate space is provided to ensure the flexibility of land uses in the future. Updated servicing reports confirms this allocation is sufficient for the proposed development.</p> <p>A range of impact assessments have been completed (eg shadow, noise, traffic) in order to demonstrate an appropriate level of amenity for the neighbouring properties. These assessments have informed the building design and intended future operations.</p> <p>The proposed design updates are minor in nature only and have been demonstrated to have negligible impacts.</p>	YES	YES
<p>Noise</p> <p>Acoustic Report may be required</p> <p>Sound insulation must be sufficient</p> <p>Air conditioning units and cool room equipment must be located in a plant room or acoustic enclosure</p>	<p>A Noise Impact Assessment informed the approved development and has been referenced in the consent conditions eg condition 79. No changes are proposed with the design updates.</p>	YES	YES

Part D – Commercial Development D1: Commercial and Retail Development			Compliance (Proposed S4.55)
<p>Hours of Operation</p> <p>Where a DA is received for a refurbishment of existing licensed premises where its hours are not regulated by a condition of consent, a new condition of consent will be imposed in accordance with this Part to regulate trading hours of the premise.</p> <p>Zone B4 Mixed Use general base trading hours:</p> <p>Monday – Saturday: 7am – 11pm</p> <p>Sunday: 7am – 10pm</p> <p>Application for review of extended trading hours to be conducted under merit assessment</p>	<p>Approved hours of operation are set in condition 91 of the existing consent. No changes are proposed.</p>	YES	YES
D2: Advertising and Signage			
<p>2.1 Design and Location</p> <p>Signage is to be integrated into the architectural design of the building, awning or shop front.</p> <p>The colour used in the design of the sign should reflect the colour scheme of the building</p>	<p>The proposed signage is located under the awnings along Bronte Road, and flush along the building façade on Ebley Street and Gray Street. These are in accordance with the architectural design of the façade.</p> <p>The colour scheme of the signage will reflect the colour scheme of the building and will be confirmed upon receipt of a Construction Certificate.</p>	YES	YES
<p>2.1.1 Siting</p> <p>Flush wall sign should not span across window openings or a façade bay</p> <p>Signs should not extend over street boundaries</p> <p>Any sign which will impact traffic lights will not be permitted</p>	<p>The proposed flush wall signs are located above the floor length windows on Gray and Ebley Streets, and parallel to the residential lobby entrance. The signage zones do not conceal any architectural features, and do not extend over street boundaries.</p> <p>No flashing or illuminated lights are proposed, and as such will not impact the safety of drivers, cyclists or pedestrians.</p>	YES	YES
<p>2.1.2 Size and proportion</p> <p>Signs having an area in excess of 20sqm will not be permitted.</p>	<p>Signage to be the subject of separate DAs – per condition 104</p>	N/A	N/A

Part D – Commercial Development D1: Commercial and Retail Development			Compliance (Proposed S4.55)
Signs are to have a maximum total area of 1.1sqm for each metre of frontage (up to a maximum of 20m ²)			
D3: Footpath Activity and Seating			
<p>3.1 Location</p> <p>To be eligible for a footpath seating license the primary function of the premises must be a café or restaurant and must: provide sit down meals or snacks; utilise non-disposable eating utensils; have washing up facilities for all cooking/eating utensils; and provide waiter service for all patrons</p> <p>A minimum setback of 1.5m from the kerb is required</p> <p>The minimum dimensions of 600mm x 600mm per seat and 600mm x 600mm per table is required</p> <p>The minimum width of a clear unobstructed pedestrian footpath is 2.5m. This distance is exclusive of street furniture, bus stops, disabled parking spaces, parking meters, telephone boxes or the like.</p>	<p>Outdoor dining is intended to be provided in conjunction with the club premises along Gray Street. An indicative layout is provided with the landscape drawing.</p> <p>Improvements with the public domain are the subject of separate approvals, in parallel. The proposed design updates do not alter this.</p>	GENERALLY	YES

Part E – Site Specific Development E1: Bondi Junction			S4.55
<p>1.2 Urban Form Controls</p> <p>A lower 2/3 storey shop front façade is required along Oxford Street and Bronte Road, and a 6-storey street wall on all other streets</p> <p>Above the block edge form a tower building form is required, which is to be setback from front, side and rear boundaries</p> <p>Towers must be slender to facilitate cross ventilation, provide high quality amenity, encourage view corridors, provide greater solar access to public spaces and other buildings, clearly differentiate between the podium and tower elements</p>	<p>The proposed built form has been designed to respond to the surrounding urban form, heritage façade and street activation. A 2-storey street wall is provided along Bronte Road, Ebley Street and Gray Street as a response to the heritage facade.</p> <p>Although this is not in accordance with the requirement for a 6-storey street wall on Ebley Street, it is considered acceptable as it continues the design of the built form on all frontages and provides an improved response to the pedestrian amenity at ground level.</p> <p>The form of the tower has been designed to maintain the residential amenity of residents, and to minimise</p>	VARIATION	VARIATION

Part E – Site Specific Development			S4.55
<i>E1: Bondi Junction</i>			
	<p>the environmental impacts of overshadowing and view loss.</p> <p>The proposed design updates represent only minor changes to the building setbacks.</p>		
<p>1.3 Building Use</p> <p>Primary shopping streets (Bronte Road):</p> <p>Ground floor designed for retail purposes</p> <p>First floor designed for commercial purposes but not limited to retail</p> <p>At least 85% of the building frontage is to be associated with retail uses</p> <p>Entries to residential buildings cannot take up more than 15% of the building frontage at ground level</p> <p>Secondary shopping streets (Gray Street and Ebley Street):</p> <p>Ground floor designed for commercial purposes</p> <p>Entries to residential buildings cannot take up more than 30% of building frontage</p>	<p>Activated street frontages are proposed to both Bronte and Gray Streets. Full floor windows are proposed to activate the street frontage and provide opportunities for casual surveillance.</p> <p>The ground floor of the development accommodates a mix of retail premises along Bronte Road, vehicular access on Gray Street and the remainder allocated to club. This vibrant mix of commercial uses ensures both the primary and secondary shopping street is activated and increases the vitality of the pedestrian domain.</p> <p>The street frontages are activated as follows:</p> <p>Bronte Road:</p> <p>Gray Street:</p> <p>Ebley Street:</p>	YES	YES
<p>1.4 Access and Movement</p> <p>No vehicle entries allowed on Bronte Road</p> <p>All car park entries onto streets and laneways are to be enclosed by entry gates or roller doors</p> <p>Vehicle entries to buildings are to cross the footpath at 90 degrees and be a maximum width of 6m</p> <p>Only one vehicular frontage is permitted</p> <p>Separate and clearly differentiate pedestrian and vehicle access and locate vehicle access a minimum of 3m from pedestrian entrances.</p> <p>Provide no more than one 2-way vehicular access point per individual development.</p> <p>The preferred width of driveway crossings and car park and service entries is 3m.</p> <p>Car parks, to be located under street level.</p>	<p>A consolidated vehicular crossing remains proposed with the design updates.</p> <p>Separate pedestrian and vehicle access remains proposed.</p>	YES	YES

Part E – Site Specific Development			S4.55
E1: Bondi Junction			
Consolidate basement car parking areas under building footprints to maximise the area available for soft landscaping. Provide 1–2% readily accessible parking spaces			
<p>1.6 Heritage and Buildings of Heritage Character</p> <p>New development adjacent to heritage items should display proportions of historic character or heritage items should draw on the predominant pattern of the streetscape</p> <p>Ensure there is a positive integration of contemporary prefabricated building materials</p> <p>Building is to have a 2-3 storey façade along the street and built to the street alignment</p>	An updated heritage impact assessment has been provided, confirming that the design outcome represents either neutral or positive outcomes with respect to the heritage values of the site.	YES	YES
<p>1.7 Active Street Frontages</p> <p>Locate ground levels at grade with finished footpath levels</p> <p>First level active street frontages are encouraged</p> <p>Primary shopping streets (Bronte and Ebley Road):</p> <p>Active street frontages along all primary shopping streets</p> <p>One door per preferred 6m length of street frontage</p> <p>Not more than 10% to have blank walls or service areas</p> <p>Commercial and residential lobbies if accompanying by an entry to occupy less than 10% of the frontage</p> <p>No less than 90% of the building is to be aligned to the street boundary for ground and first level</p> <p>Retail uses to have a minimum depth of 10m where measured from the street facade</p> <p>Secondary shopping streets (Gray Street):</p> <p>At least 50% is to be associated with retail uses, and the other 50% commercial uses</p> <p>Not more than 15% of the street frontage can have blank walls or service areas</p>	<p>The full activation of the primary shopping streets has been achieved through openable shop fronts, full level windows, and location of retail and club uses along the key street corner frontages. This remains unchanged with the design updates.</p> <ul style="list-style-type: none"> ▪ Ebley Street - The approved development achieves activation on Ebley St to be 93% (inc. outside gaming), or 80% exc. Outside gaming. This remains unchanged with the S4.55 modification design updates. ▪ Bronte Road - The proposal provides 100% activation to Bronte Rd. This remains unchanged with the S4.55 modification design updates. ▪ Gray Street – The proposed active frontage is calculated at 53.14% (approx 27.8m), representing a reduction of only 1.6m relative to the approved development. 	YES	YES

Part E – Site Specific Development			S4.55
E1: Bondi Junction			
No less than 80% of the building to be aligned to the street			
<p>1.8 Street Alignment and Front Setback</p> <p>Frontage to Bronte Road: 2-3 storeys to be built to the lot boundary with storeys above setback 6m</p> <p>Frontage to Gray and Ebley Street: 6 storeys to be built to the lot boundary with storeys above setback 6m</p> <p>Development in streets with heritage are to include a minimum 6m setback to built form above the street wall</p>	<p>The proposed development comprises a 2-storey street wall incorporating the heritage façade to Gray Street, Ebley Street and Bronte Road. The podium design has been driven by a response to the heritage facade and local context. A two-storey street wall is proposed to be consistent with surrounding buildings, despite the DCP controls allowing up to 6 storeys</p>	Variation, approved.	Variation
<p>1.9 Separation</p> <p>Residential and commercial separation</p> <p>Levels 1-5: 9m</p> <p>Levels 5+: 18m</p>	No changes to setbacks are proposed with the design updates.	YES	No change
<p>1.10 Side and Rear Boundary Setbacks</p> <p>Side setbacks up to Level 5 along street front: 0m for a minimum 8m</p> <p>The block edge building form is to be orientated generally to the front and the rear boundaries</p> <p>Side setbacks Level 6 to above: 12m. Both building setbacks contribute equally to achieving adequate separation</p>	Detailed massing and modelling studies are contained in the Architectural Design Plans. Minor updates to building setbacks are proposed.	Variation	Variation, minor updates only
<p>1.12 Building Orientation</p> <p>Block edge building form oriented to and address the street</p> <p>Where possible orient bathroom, laundry and other ancillary room windows to side boundaries</p>	<p>The building design has been oriented to positively address the north, south and western street frontages.</p> <p>The private open space and communal areas of each apartment have been oriented towards the building frontages, in order to optimise the view corridors to the south and west.</p>	YES	YES
<p>1.13 Number of Storeys</p> <p>Max number of storeys on the site: 10 storeys, with a 2-3 storey shopfront along Bronte Road and corner of Bronte Road and Gray Street</p>	The development proposes 10-storeys, with a 2-storey street wall along Bronte Road, Ebley Street and Gray Street.	Variation re shopfront.	Variation, no change to number of storeys.

Part E – Site Specific Development			S4.55
E1: Bondi Junction			
Lots to the southern side of Ebley Street and Bronte Road are to drop 2 storeys at the rear to achieve solar access			
1.14 Views, Vistas and Tree Preservation View corridors along Bronte Road, Ebley Street and Gray Street to be retained	The site has maintained view corridors along Bronte Road, Ebley Street and Gray Street as no architectural features extend outside of the building envelope.	YES	YES
1.17 Building Elevations Ground floor: May not vary more than 300mm deep from alignment to front boundary First floor: Elevations composed of solid wall with punched openings Horizontal proportions of façade must relate to the ground level shop fronts Facades can have an openness ratio of up to 35% of one bay of a façade, remaining 65% to be solid Second to fifth floor: Solid wall with punched openings Openness of up to 45% of one bay of a faced with remaining 55% solid Above fifth floor, maximum unarticulated wall length is 25sqm	The ground floor building façade is situated along the property boundary. The heritage façade along Bronte Road and part Gray Street has been retained along the ground and first floor. The second level façade consists of a solid wall with punched openings to accommodate window treatments and private terraces on the setback are. This is to capitalise on the panoramic views north across the Bondi Junction centre and south towards Centennial Park, Coogee and Tamarama. An updated Solar Reflectivity Report provided at Appendix N confirms the use of glass is appropriate for the site and surrounds. The built form is articulated through building indentations and slots, material selection and provisions of balconies along the external façade. External shading louvres are provided along the Northern, Eastern and Western facades.	YES	YES
1.18 Awnings and Colonnades Awnings required along all frontages Minimum underside awning height above footpath: 3.1m, and extend across width of footpath to within 0.6m of kerb line	Awnings are proposed along all street frontages. The proposed awning will generally extend 3m across the width of the footpath and have a minimum underside awning height of 3.6m. Refer to condition 2 (e) of the existing consent. No changes are proposed with the design updates.	YES	YES
1.20 Ceiling Heights Ground floor: 4m minimum floor to floor First floor: 3.5m minimum floor to floor	The following ceiling heights are proposed: Ground floor: 4.0m	YES	YES

Part E – Site Specific Development			S4.55
E1: Bondi Junction			
	First floor: 4.1m. First floor and above: 3.1m		
1.21 External Living Areas External living area: minimum size of 12sqm and minimum dimension of 2.5m External living area is to be screened if located less than 4m from a side boundary	External living areas have been provided for all apartments in accordance with the ADG requirements. Consistent with these provisions, not all apartments have a minimum balcony size of 12sqm, however the rooftop communal living space supplements the balcony provision to enhance residential amenity.	GENERALLY	YES
1.22 Wind Mitigation Design outdoor areas to ensure places with high wind level are avoided Buildings shall not create uncomfortable or unsafe wind conditions in the public domain which exceed the Acceptable Criteria for Environmental Wind Locations	An updated wind assessment has been submitted with the design updates, confirm the suitability of the proposed development and that compliance will to be achieved. (refer Appendix M)	YES	YES
1.23 Reflectivity Maximum 60% of the façade to be glass above ground level Reflected solar glare on drivers should not exceed 500 candelas/ sqm All panels and elements on vertical facades are to have a maximum specular reflectivity of visible light from normal angles of incidence of 20% Any surface inclined by more than 20% degrees to the vertical are to have a maximum specular reflectivity of visible light from normal angles of incidence of 10%	An updated solar reflectivity assessment has been submitted with the design updates, confirm the suitability of the proposed development and that compliance will to be achieved (refer Appendix N)	YES	YES

6. IMPACT ASSESSMENT

6.1. HERITAGE IMPACTS

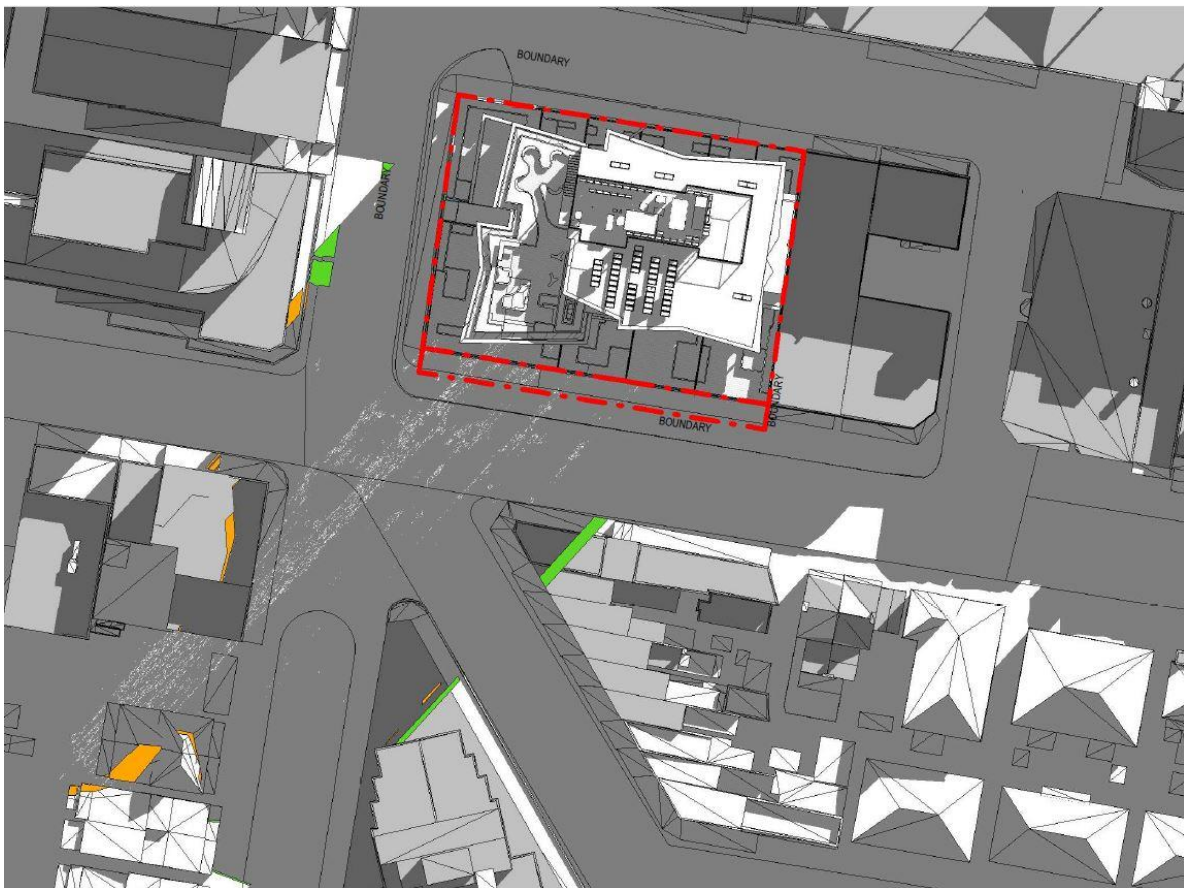
As outlined in Section 5.4.4, there is a need to consider the potential impact on heritage values associated with the site and the proposed development. The assessment concluded that overall, the proposed amendments are neutral or positive in heritage terms and that the revised proposed are effectively the same as the approved design and will have no greater heritage impact. Also refer to **Appendix F** for the updated heritage advice.

6.2. POTENTIAL SHADOW IMPACTS

The approved height and built form will not adversely impact upon solar access enjoyed from existing surrounding properties and public spaces, and in fact improves upon the solar amenity to the POS of 91 Ebley relative to the LEP and DCP 'compliant envelope'. The proposed increased setbacks to Bronte Road and increased articulation of the tower into a greater number of building elements has reduced the degree of overshadowing of the public domain.

An updated assessment of shadow impacts has been prepared with respect to the latest design, with figure 5 below providing relevant extracts for 9am, 12 noon and 3pm at the winter solstice.

Figure 8 Shadow analysis – 9am, winter solstice



Source: GroupGSA]

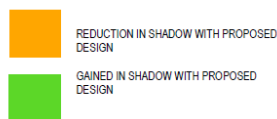
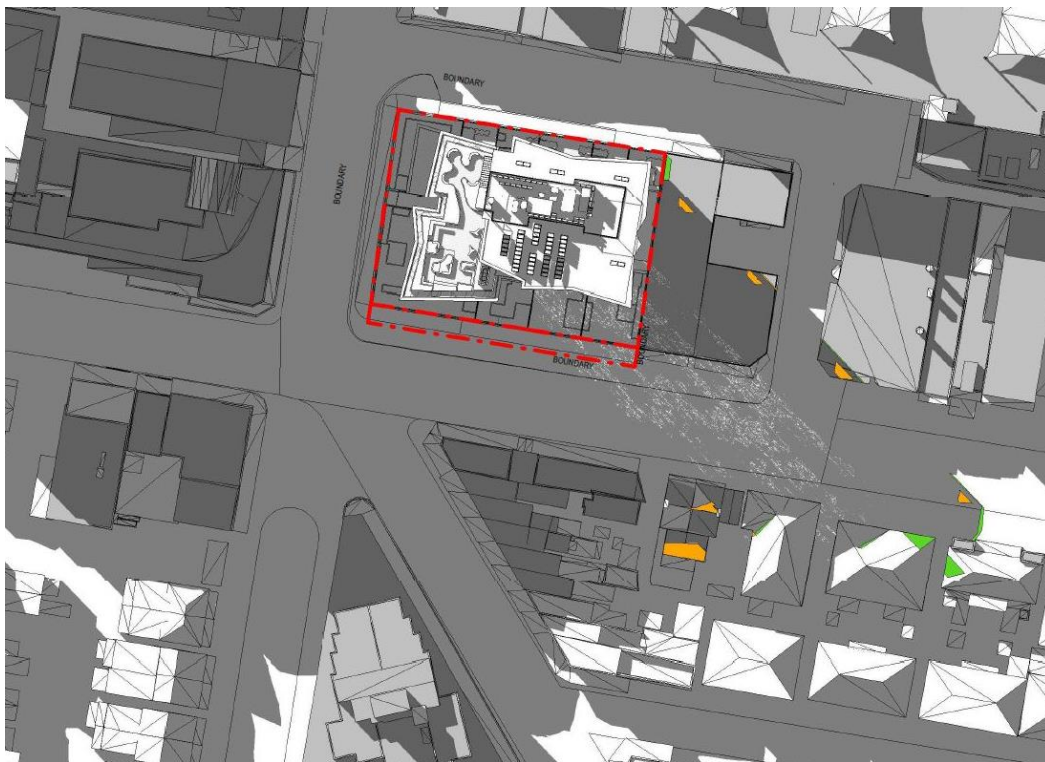


Figure 9 - 12 noon, winter solstice



Figure 10- 3pm, winter solstice.



Source: GroupGSA

Acknowledging that a portion of the building continues to exceed the LEP height of 32m with the proposed design update, it is important consider and to note that the additional height does not result in any increased overall shadow impacts on nearby properties – relative to the approved development.

This is because the additional height in limited in nature and is setback from the Ebley Street frontage. The shadow diagrams provided in Section 5.4 of the architectural design report clearly demonstrate that all shadows resulting from the minor height exceedance are contained within the property.

The proposed envelope continues to have both additional and reduced shadow created by the proposed

scheme in relation to the approved development and in turn a 'DCP compliant envelope'. Overall, an appropriate level of solar access/amenity protection for nearby properties has been demonstrated.

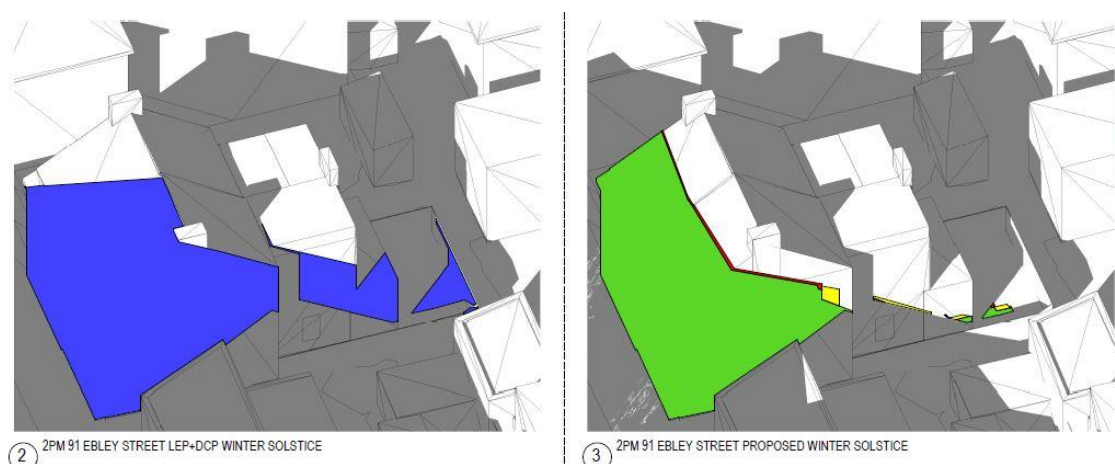
For this project, detailed assessment continues to be provided in respect of 91-95 Ebley Street, as set out in the architectural plan set (refer drawings DA4001-4003 and DA4050-4056). The analysis confirms that there is no change to the shadow impacts between 9am and 12 noon at the winter solstice. At 1pm, 2pm and 3pm any change to shadow impacts are negligible at most.

In the figures below for 2pm and 3pm at the winter solstice:

- the areas illustrated in below represents the shadows resulting from a 'LEP/DCP compliant' envelope.
- the areas illustrated in green represents the shadows resulting from the approved development.
- The areas illustrated in yellow represent a reduced shadow impact from the proposed design updates.
- The areas illustrated in red represent an increased shadow impact from the proposed design updates.

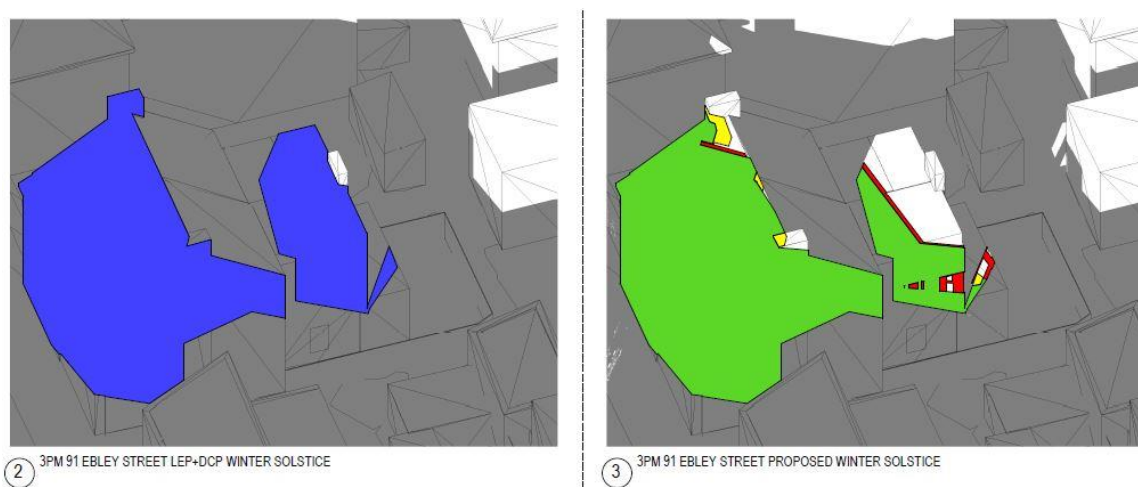
The net change in the overall impact on these properties is clearly negligible at most, particularly when the relative location of major openings is taken into accounts and similarly outdoor living area.

Figure 11 - Shadow Analysis – 91-95 Ebley Street, winter solstice (2pm)



Source: Group GSA]

Figure 12 - Shadow Analysis – 91-95 Ebley Street, winter solstice (3pm)



Source: GroupGSA. Full resolution images can be found within the architectural plan set.

6.3. VIEW LOSS/SHARING

The proposed development largely fosters existing district views of Botany Bay and Centennial Park. Most views to the North are already obstructed by Westfield Shopping Centre. With the proposed development, any view loss will occur on the lower levels of 80 Ebley Street, but this would be expected within a complying scheme – and notwithstanding the proposed design updates. The upper level views from 80 Ebley Street are obscured by the existing pool plant at that property. Further, existing views are only achieved across underdevelopment sites at 15-23 Bronte Road.

To inform consideration of the potential impacts arising from the proposed design updates, a view loss analysis has been completed by GroupGSA and is provided at **Appendix G**. A number of extracts are provided below from various locations, illustrating the relative changes from the design updates. At most, the view loss impacts are considered to be negligible. The requirements set out in the Waverley DCP to establish and assess views and view sharing have accordingly been satisfied.

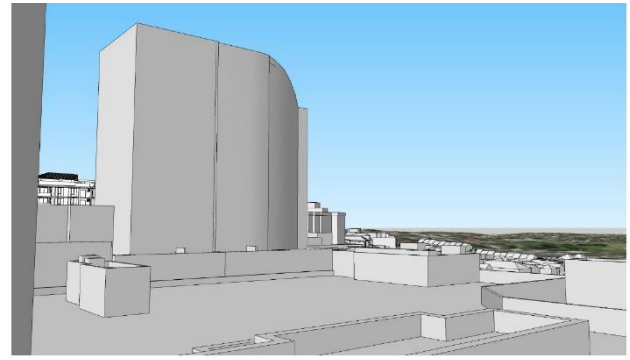
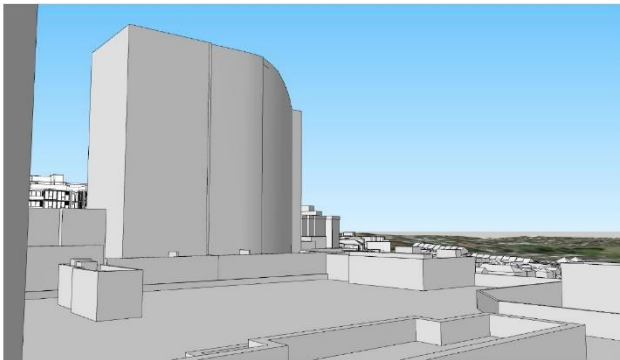


Figure 13 - View from Eastgate West Tower (71-85 Spring Street – RL97.35, standing at podium level)



Figure 14 - View from 80 Ebley Street (Genoa Tower) - RL105.5, standing at mid-tower level



Figure 15 - View from 80 Ebley Street (Genoa Tower) - RL111.2, standing at mid-tower level

A full set of drawings with respect of potential visual loss/view sharing is provided as **Appendix G**.

6.4. PEDESTRIAN WIND

Wind conditions for the trafficable outdoor areas of the development are expected to be suitable for the intended uses. Relative to the previous wind assessments, with the reduced height of the development, and with consideration to the fact that the latest design scheme of the tower component of the development is a little more set-back from the podium edge (which will assist in breaking-up downwash reaching street level), it is expected that there will be an improvement to the wind conditions at the south-western corner of the site at street level and, with the inclusion of the proposed trees along Ebley Street (as shown in the latest architectural drawings), it is expected that suitable wind conditions will be achieved at this corner.

The latest advice provided a specific recommendation as follows:

“The proposed impermeable balustrades for the private balconies and the Level 2 terraces, the taller 1.5m high impermeable balustrades for the Level 9 communal terrace and the Apartment 601 private terrace, and the proposed trees and vegetation for the Level 2 terraces and the Level 9 communal terrace, will also be effective in mitigating the effect of strong winds. Hence these features are recommended to be retained for the final design of the development.”

These recommendations have been incorporated into the updated plans set out in this modification. Continued compliance with the requirements set out in the DCP is demonstrated. An updated wind assessment completed, can be found at **Appendix M**

6.5. SOLAR REFLECTIVITY

WindTech have undertaken an updated reflectivity assessment of the proposal, incorporating the design updates. The results of the study indicate that, to avoid any adverse glare to motorists and pedestrians on the surrounding streets, occupants of neighbouring buildings, and to comply with the abovementioned planning control requirements, all glazing used on the external façade of the development should have a maximum normal specular reflectance of visible light of 20%.

It should be noted that the most reflective surface on the façade of a building is the glazing. Reflected solar glare from concrete, brickwork, timber, etc. is negligible (i.e. less than 1% normal specular reflectance) and hence will not cause any adverse solar glare effects. Note also that, for any painted or powder-coated metallic surfaces on the exterior façade of the development, the maximum normal specular reflectance of visible light for those types of surfaces is in the range of 1% to 5%, which is well within the abovementioned limit.

Incorporating the specific recommendations contained in the reflectivity assessment, the proposal will not cause adverse solar glare to pedestrians or motorists in the surrounding area and will comply with the relevant solar access controls. Continued compliance with the requirements set out in the DCP is demonstrated. An updated solar reflectivity assessment, considering the proposed design updates, can be found at **Appendix N**

6.6. TRAFFIC, PARKING AND ACCESS

A maximum of 78 resident spaces are permitted under the current DA consent. It is evident from the above that the proposed changes would permit an increase of up to 4 car parking spaces, including an additional 3 residential spaces, with no minimum requirement. The proposed design updates the subject of this modification do not result in any change to the actual parking numbers being proposed, set out as follows:

	Approved development	S4.55 modification
Club parking	22	22
Residential	78	78
Residential visitor	16	16
Car sharing	1	1
total	118	118

Noting that there is no minimum requirement and both resident and —similar to the approved scheme— residential visitor parking provisions exceed that of the current DCP, the proposed car parking provision is appropriate.

The assessment of traffic generation rates to the 3 additional units has been determined as equating to an increase of a single vehicle movement per hour during peak periods. With no change to the non-residential (or residential) parking provisions and only a minor increase in floor area, the changes to non-residential uses are not expected to result in any material traffic generation implications. A single additional vehicle movement during peak periods will have negligible impact on the surrounding road network, or operation of the site access or basement car park

There have been minor updates to the layouts of the proposed car parking areas within the basements, however continued compliance with relevant standards is achieved. An updated traffic impact assessment can be found at **Appendix H**

6.7. ACOUSTIC IMPACTS

An acoustic impact assessment was submitted with the DA and forms part of the existing consent. Of relevance are the following consent conditions:

- **Condition 1(f)** - requires the development to be generally in accordance with the Acoustic report of October 2018, though updated to reflect changes required to the architectural plans.
- **Condition 72** – establishes requirements for mechanical plant, ensuring among other matters that mechanical plant must not be audible in any habitable room of any residential premises between 12 midnight and 7am
- **Condition 79** – the requirement for an acoustic verification assessment to be provided prior to occupation certificate.
- **Condition 91** – establishes hours of operation for the RSL club.
- **Condition 102** – requires the closure of wind/door-openings to the club at certain hours

The proposed design updates set out in this S4.55 modification do not seek to alter any these consent conditions. As a result, the proposed design updates do not introduce any acoustic impacts for the surrounding area.

6.8. OTHER MATTERS

6.8.1. Waste Management

There are waste management requirements set out in the DCP and reflected in the existing consent (for example Condition 56 in respect of bin storage requirements). The proposed design updates in this S4.55 modification do not alter these requirements. The waste room for the residential portion of the development has been relocated from Level B2 to the ground floor, adjacent to the load dock/truck collection – this represents an improved outcome.

Updated waste advice can be in **Appendix T**. An updated standard waste management checklist is also provided at **Appendix U**. The DCP requirements will continue to be achieved.

6.8.2. Stormwater Management

There are stormwater requirements set out in the DCP and reflected in the existing consent conditions (eg Condition 23). The proposed design updates in this S4.55 modification do not alter these requirements.

Additional detail is now provided with respect to on-site stormwater detention and resulting from further coordination of access arrangements to the required substation and the achievement of 4m separation requirements. The tank was accordingly re-oriented to allow for required clearance – the storage capacity remains unchanged.

Updated stormwater advice is provided as **Appendix O**. The DCP requirements will continue to be achieved. As outlined in

6.8.3. Public Domain Improvements

In accordance with the existing consent (Conditions 2G, 11 and 14) the public domain works for the project, along the various street frontages, shall not form of the architectural plan set. Rather there are specific requirements set out in the consent conditions and the applicant's project team has continued to work with Council staff to facilitate the realisation of design outcomes, as established through the '*Complete Street Initiatives*'. To the extent shown on the architectural plans, the public domain improvements are provided for information purposes only and to enable the updated architectural plans to be considered in context.

7. SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The following assessment considered the suitability of the site under section 4.15 of the EP&A Act. The assessment within this SEE and attached technical reports confirms that the site remains suitable for the proposed development. In summary, the site continues to remain suitable because:

- The site is zoned B4 Mixed Use Zone under the WLEP 2012, which permits 'residential flat buildings', 'retail premises' and 'registered club'. The proposed modifications result in no change to the land use or building height. The changes to the building envelope form and apartments are considered minor and satisfy the test of substantially the same development
- The site is not within an area recognised as being subject to landslip, bushfires, acid sulphate soils, flooding or other environmental hazards. The proposal will not increase the likelihood of hazards occurring on site or within the surrounding vicinity.
- The proposed changes maintain all the key elements of the building design and external appearance and quality that formed part of the consideration of the original development approval.
- The impacts of the minor modifications have been considered in the context of the original DA assessment, and the current LEP and DCP controls.
- The assessment has concluded that the proposed modifications are consistent with the majority of the applicable DCP controls, and where not specifically meeting a DCP control, the proposal satisfies the intent of the non-statutory DCP provision and therefore considered acceptable.
- The design updates set out in this S4.55 modification do not alter the continued suitability of the site for the development.

8. THE PUBLIC INTEREST

The modified proposal is considered in the public interest for the following reasons:

- The modified proposal is consistent with relevant State and local strategic plans and substantially complies with the relevant State and local planning controls.
- No significant adverse environmental, social or economic impacts will result from the proposal.
- The modified proposal will facilitate a development that positively contributes to the economic and strategic growth of the Bondi Junction centre

Without redevelopment of the site within 5 years, the Bondi Junction RSL will be unable to continue operation and will be forced to close. This follows an industry-wide trend of club closure due to ongoing challenges such as maintaining and growing membership, ensuring financial stability, navigating regulations and remaining relevant to the community. In the surrounding Eastern Suburbs community, 5 clubs have been forced to close in the last 10 years.

9. CONCLUSION

The proposed modifications have been assessed in accordance with section 4.55(1A) and section 4.15 of the EP&A Act and are considered appropriate as summarised below:

- **The proposal is of minimal environmental impact**

The proposal has demonstrated negligible impacts, as follows

- Traffic – one additional vehicle movement per hour is estimated.
- Shadow impacts – the change in shadow impacts on surrounding properties/area is negligible.
- Visual impacts – there is no meaningful or measurable impact on views enjoyed from existing surrounding properties and public spaces
- Heritage – the impacts resulting from the design updates are generally neutral to positive.

- **The proposal is substantially the same development**

The site area and proposed land uses remain unchanged. The built form has the same maximum height and general form, with the overall floorspace increasing by only 1.1% with a total GFA of 9756m². The proposed floorspace ratio (FSR) at 4.47:1 remains considerably less than the 6:1 assigned to the site under the Waverley LEP.

- **The proposal satisfies the applicable planning controls and policies:**

The proposal continues to largely satisfies the objectives of all relevant planning controls. The main design aspect that varies the numerical standards set out in the DCP is in respect of building setbacks. With respect to building setbacks, the propose development remains appropriate in the context of:

- delivering a built form sensitive to the heritage values associated with the existing building façade
- deliberately shifting the built form to the North, assisting with reducing potential shadow impacts; and
- having regard for the potential redevelopment of the adjoining site to the east, including the achievement of Apartment Design Guide requirements for separation distance.

- **The proposal remains suitable for the site**

Consistent the zone and associated objectives, the proposal continues to involve a mixed-use development that will contribute toward the intensity and diversity of land uses intended for the Bondi Junction Centre, with a site-responsive built form.

- **The proposal is in the public interest**

The proposal remains in the public interest as it will deliver a modern venue for the club will ensure that it can continue to benefit over 4,100 members. The redevelopment of the RSL in association with Capital Corporation will ensure the Club does not close within the next few years. It presents an opportunity to reposition the RSL in the current market, meet the changing demographic needs of the community and respond to current trends in the hospitality sector

Having considered all relevant matters, we conclude that the proposed modifications are appropriate for the site and approval is recommended, subject to appropriate conditions of consent.

DISCLAIMER

This report is dated 20 September 2020 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of AOYUAN INTERNATIONAL (**Instructing Party**) for the purpose of Submission to Waverley Council (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

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ARCHITECTURAL PLAN SET

APPENDIX B

DESIGN VERIFICATION STATEMENT

APPENDIX C

SEPP65 COMPLIANCE ASSESSMENT

APPENDIX D

DESIGN EXCELLENCE STATEMENT

APPENDIX E

LANDSCAPE PLANS/STATEMENT

APPENDIX F

HERITAGE ADVICE

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VIEW LOSS ASSESSMENT

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TRAFFIC IMPACT ADVICE

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BCA AND ACCESSIBILITY ADVICE

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APPENDIX T

WASTE MANAGEMENT ADVICE

APPENDIX U

WASTE CHECKLIST

APPENDIX V

COST SUMMARY ADVICE

