



COMPLETED PLANNING AGREEMENTS – BONDI JUNCTION

The following provides a summary of completed planning agreements within Bondi Junction, of which there are 13. The review has sought to identify those which are comparable examples to the proposal at 55 Grafton Street. The following is noted:

- 5 were development applications related to mixed use/residential development seeking additional FSR of between – 2% and 19% (highlighted in blue)
 - Modification – ~2% - equivalent to 2 storeys - 310-330 Oxford Street
 - Modification – 5% - 1 additional storey – 344-354 Oxford Street
 - Modification – 15% - 2 storeys – 304-308 Oxford Street
 - Modification – 15% - 2 additional storeys – 109 Oxford Street
 - Modification – 19% - 59-69 Oxford Street
- The applications which were not less comparable but have been included for completeness.

DA Reference and Site Address	VPA summary	Additional FSR Sought	Consent Authority and Recommendation	Impacts
DA-363/2011/B 50 Waverley Street, Bondi Junction	Additional 2 storeys and basement car parking level to approved 9 storey residential flat building.	~15%	Recommended for refusal. Approved by Waverley Development Assessment Panel on 29 May 2015	Summary – Page 49 <i>“The proposal seeks significant variations to the development standards set for the site. The two additional levels sought under this application result in additional overshadowing impacts and potential view impacts above that of the building approved which already has been afforded a 10% variation to the FSR control.</i> <i>The proposed 36% breach to the FSR control and 18-36% breach to the height control fails to maintain the integrity and credibility of the controls for Bondi Junction and removes the certainty for residents and developers.</i>

				<p><i>Significant variations (those beyond 15%) are more reasonably dealt with via a Planning Proposal process which allows for the appropriate level of scrutiny and public consultation. Varying the GFA development standard by more than 15% via Development Application is not appropriate and undermines the orderly use of land facilitated by the LEP. In this particular, case, the proposal seeks an FSR of 2.73:1, which is almost a 3:1, a significant variant of the maximum 2:1 stipulated in the LEP.</i></p> <p><i>In principle, a 15% additional floor space incentive should only be granted to those development proposal which can adequately satisfy clause 4.6, by having no additional adverse impacts, or where there are some impacts, demonstrate an appropriate public benefit, otherwise the purpose of the development standard is diminished.</i></p> <p><i>This is the same approach adopted for the amending DA-263/2014 for 570-588 Oxford Street, Bondi Junction which seeks a similar significant variation. The application is not considered to be in the public interest and is recommended for refusal.”</i></p> <p>Public Interest – Refer to pages 46 and 47</p> <ul style="list-style-type: none"> - <i>“The impacts identified above, are not considered to be properly dealt with by a Voluntary Planning Agreement, given that at a broader level, the proposal would have a more devastating impact on the integrity of the development standards set in the LEP and this would not pass the public interest test. For these reasons, the DBU considers that the significant variations proposed to the development standards should not be supported.”</i>
DA-490/2015 570 Oxford Street, Bondi Junction	Conversion of approved mezzanine into commercial floor space.	1.8% (in addition to approved 15%)		TBC if available – 19.01.2021

DA-520/2014 6 Edward Street, Bondi Junction	Demolition of existing building and construction of residential flat building with 4 apartments and basement car parking	15%	Recommended for approval by the Waverley Development Assessment Panel (pages 99 – 136)	<p>Public Interest (pages 109 – 110)</p> <ul style="list-style-type: none"> - “Having regard to this policy, the reasonableness of impacts associated with the additional floor space (46.57m2) have been weighted against the likely public interest (ie. public domain improvements in the area) and it has been concluded that the impacts in this case would be acceptable.” <p>Overshadowing (pages 120 – 121)</p> <ul style="list-style-type: none"> - “The proposed development will have an increased solar impact upon the sunlight access to the surrounding properties.” (page 120) <p>Views (pages 121 – 127)</p> <ul style="list-style-type: none"> - “On balance, the proposal is considered to result in a minor view loss impact. The proposal seeks a 3-4 storey (above basement) development that is consistent with the context of the surrounding development. On merit and having regard to the Tenacity Principles, this modified scheme presents less impacts and given that there will be public benefits proffered from the proposed planning agreement, on balance those impacts are considered to be acceptable.” – page 127
DA-184/2013 33-37 Waverley Street, Bondi Junction	Demolition of existing buildings, construction of 9 storey residential flat building with basement car parking	9.10%		TBC if available – 19.01.2021
DA-81/2013 241-247 Oxford Street, Bondi Junction	Demolition of existing building, construction of a 20 storey mixed use building with basement car park.	15%		TBC if available – 19.01.2021
DA-598/2008/E 310-330 Oxford Street, Bondi Junction	Part demolition of existing buildings, construction of 12-13 storey mixed use building with basement car parking.	~2% - Equivalent of 2 storeys	Recommended for refusal by Council officers, however approved by the then Development Control Committee (DCC)	<p>Determined 2/6/2012</p> <p>Commentary regarding consistency with LEP (page 9)</p> <p><i>“It is considered that the proposed development does not satisfy the particular Aims of Waverley Local Environmental Plan (Bondi Junction Centre) 2010 which relate to “improve built form and building design in</i></p>

				<p><i>Bondi Junction Centre, appropriate to a major centre”, as it result in an overdevelopment of the site. In addition, the proposed development does not satisfy the objectives of Waverley Local Environmental Plan (Bondi Junction Centre) 2010 which relate to “provide for commercial and residential uses within new mixed use developments that are compatible with the surrounding development and do not compromise the amenity of surrounding residential areas”. The proposed modification is considered incompatible with the surrounding development and would result in adverse amenity impacts on adjoining properties. The proposal does not improve the approved built form or design and would impact upon the environmental quality of the built and natural environment, as it will result in the overdevelopment of the site.”</i></p> <p>Height (page 11)</p> <ul style="list-style-type: none"> - <i>“In this instance, any non-compliance with the height control within the Bondi Junction Centre is not considered to be acceptable particularly taking into consideration the aesthetic of the proposed building when viewed from a variety of vantage points and the amenity impacts upon surrounding properties, particularly those located to the south. It would be incompatible with the surrounding development and does not improve the approved built form and design. Any unnecessary protrusion above and beyond the permissible height limit is unacceptable and should be refused. It is to be noted that the approved modified mixed commercial / residential development does comply with this core height control of the LEP, and the current scheme which seek to break both the floor space and height maximum standards is not supported.”</i>
DA-184/2013/C 33-37 Waverley Street, Bondi Junction	Conversion of two Lv. 8 apartments into one apartment.	2%	Recommended for approval by the Waverley Development Assessment Panel	<p>Height (pages 185 – 187)</p> <ul style="list-style-type: none"> - <i>“The proposal is considered to be consistent with the objectives of clause 4.3 Height of buildings as the overall height of the development preserves amenity and the buildings will continue</i>

			(pages 172 – 194)	<p><i>to have a compatible height, bulk and scale with the existing character of the locality.” – page 187</i></p> <p>Public Interest (page 187)</p> <ul style="list-style-type: none"> - <i>“Having regard to this policy, the reasonableness of impacts associated with the additional floor space (42m2) have been weighted against the likely public interest (ie. 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 (extra FSR) would have a lesser weight in the absence of a clear public benefit.” – page 187</i>
DA-520/2014/A 6 Edward Street, Bondi Junction	Modification to internal layout & other alts	11..59% (in addition to approved 15%)		TBC if available – 19.01.2021
DA-569/2015/A 109 Oxford Street, Bondi Junction	Demolition of the existing buildings and construction of a new 12 storey mixed use building with basement car parking as modified for approved mixed use development, including provision of two additional floor levels comprising 18 units and an additional basement level	15%	Recommended for approval by the Sydney Central Planning Panel	<p>Shadowing impact (pages 25-26) -</p> <ul style="list-style-type: none"> - <i>“Given the above analysis, the duration and extent of the additional impact are considered reasonable, particularly with regard to the context of Bondi Junction Centre being characterised as a high-density locality. The approved development, as proposed to be modified, will maintain a reasonable amount and duration of sunlight received by the majority of apartments in the affected development between 9am and 3pm on 21 June.” – page 26</i> <p>View impact (pages 26-27)</p> <ul style="list-style-type: none"> - <i>“The proposed additional floor levels are not expected to further affect iconic views and water views that are enjoyed from surrounding residential properties than the view impact caused by the approved development.” – page 26</i> <p>Streetscape and visual impact (pages 27-30)</p> <ul style="list-style-type: none"> - <i>“Figure 8 demonstrates that the difference of perceived building height between the approved and proposed modified forms of</i>

				<p><i>the development is not overly discernible when viewed from street level. Most pedestrians walking past the development would focus their sight directly forward of them at street level rather than directly upwards. In this regard, the proposal is not expected to significantly affect the human scale of the approved development, as proposed to be modified, and any additional visual impact upon the street network and public domain would be minimal.” – page 30</i></p> <p>The public interest (pages 30-32)</p> <ul style="list-style-type: none"> - <i>“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, the majority of which is expected to go towards funding public domain work within the Bondi Junction Centre, namely the Complete Streets Program. If approval is granted, it is recommended that the Draft Planning Agreement be accepted by the Sydney Central Planning Panel.” – page 31</i> - <i>“Having regard to the [VPA] 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 (extra FSR) would have a lesser weight in the absence of a clear public benefit.” – page 31</i>
DA-101/2014/B 344-354 Oxford Street, Bondi Junction	Modification to approved mixed use building including one additional storey.	5%	Recommended for approval by the Waverley Development Assessment Panel – pages 32-62	<p>Solar access and overshadowing (page 44-50)</p> <ul style="list-style-type: none"> - <i>“The net shadowing impact of the proposed additional floor level is minor and will not compromise the amenity of surrounding residential development. Therefore, the breach of the height of buildings development standard will not manifest in adverse</i>

				<p>overshadowing impacts and is accepted in this regard.” – page 50</p> <p>View impact (pages 50-52)</p> <ul style="list-style-type: none"> - “The view loss impact upon the development at 1 Newland Street is characterised as moderate given that the current extent and quality of views are mediocre and the development benefits from clearer views of the Sydney CBD skyline when viewed directly west over the road reserve of Oxford Street, which will not be impacted by the proposal.” – page 52 <p>Streetscape and visual impact (page 52)</p> <ul style="list-style-type: none"> - “Given the evidence shown in Table 5 above, the overall building height of the approved development, as proposed to be modified, will not appear out of character with the prevailing and emerging built form character of the western precinct of the Bondi Junction Centre in that it is lower than that of the examples given in Table 5. In this regard, the additional floor level will not result in discernible streetscape and visual impacts upon the immediate area.” – page 52 <p>The public interest (pages 52-54)</p> <ul style="list-style-type: none"> - “Having regard to the [VPA] 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 (extra FSR) would have a lesser weight in the absence of a clear public benefit.” – page 54 - “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 Complete Street Program. If
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				approval is granted, it is recommended that the Planning Agreement be accepted by the Waverley Development Assessment Panel.” – page 54
DA-503/2014/A 304-308 Oxford Street, Bondi Junction	Modification to approved mixed use building including two additional stories.	15%	Recommended for approval by the Waverley Development Assessment Panel	<p>Solar access and overshadowing – (page 68)</p> <ul style="list-style-type: none"> “The modifications will increase solar access impacts on the public domain including Oxford and Denison Street during the mid winter and summer. The additional shadows are not considered excessive or unreasonable given the shadows cast are similar to that of surrounding building forms.” <p>View loss – pages 68 -72</p> <ul style="list-style-type: none"> “As the proposed building satisfies the context criteria the view loss impacts are considered to be outweighed by contextual appropriateness of the building form in the Bondi Junction area.” – page 72 <p>The public interest – pages 73-74</p> <ul style="list-style-type: none"> “Having regard to this [VPA] policy, the reasonableness of impacts associated with the additional two storeys of residential accommodation (including additional height and FSR) have been weighted against the likely public interest (ie. public domain improvements in the area) and it has been concluded that the impacts in this case would be acceptable.” – page 73 “With regards to view loss, the impacted residential apartment is located on the levels of that building which breach both the height and FSR development standards in the Waverley LEP 2012 and exists only because they were approved subject to the same benefit and public interest test (with a Voluntary Planning Agreement) as is proposed here. <u>It would be an inherently unbalanced and inequitable planning outcome to allow the exceedance to that neighbouring building, only to reject a proposal adjacent to it that seeks the same outcome and impact.</u> As the proposed building satisfies the context criteria the view loss impacts are

				<i>considered to be outweighed by contextual appropriateness of the building form in the Bondi Junction area.” – page 74</i>
DA-585/2015/B 59-69 Oxford Street, Bondi Junction	Partial demolition of existing structures and construction of a new fourteen storey mixed use development with basement car park, pub at ground floor, commercial space and residential units at first floor and residential units on all levels above	19%	Recommended for approval by the Waverley Development Assessment Panel	Height (pages 15-18) - <i>“The building, although slightly higher due to structural requirements, remains to be commensurate with the height, bulk and scale of the mixed use buildings within the vicinity and with other emerging development in the area. Indeed, other new mixed use buildings within the area have allowed for breaches to the height limit for plant equipment, lift overruns and common open space areas. The breach to the height limit in this instance would not be against the public interest because it is consistent with objectives of the development standard and applicable zone.” – page 18</i>
DA-572/2015 89 Ebley Street, Bondi Junction	Demolition of existing dwelling and construction of mixed use building (up to seven storeys) with ground floor retail, residential above, basement car-park and associated landscaping.	5%		TBC if available – 19.01.2021