

**REPORT**  
**PD/5.4/21.03**

**Subject:** Planning Proposal - 45-57 Oxford Street, Bondi Junction - Pre-Gateway Determination Assessment

**TRIM No:** PP-4/2020

**Author:** Emma Rogerson, Strategic Planner

**Director:** Tony Pavlovic, Director, Planning, Environment and Regulatory Services

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**RECOMMENDATION:**

That Council:

1. Does not support the planning proposal for 45–57 Oxford Street, Bondi Junction, to proceed to Gateway Determination, as the proposal lacks site-specific merit, and the proposed 26 m height and 2.5:1 floor space ratio (FSR) development standards would:
  - (a) Be in conflict with the objectives of the recently adopted Waverley Local Strategic Planning Statement and Bondi Junction Urban Design Review, which identify this portion of West Oxford Street as required to retain a ‘village character’.
  - (b) Overshadow and produce visual bulk/a sense of enclosure and unwarranted noise for southerly neighbours.
  - (c) Be out of scale and character with the surrounding low-density streetscape to the south and west of the site, particularly along Mill Hill Road and West Oxford Street.
  - (d) Diminish the character and amenity of the heritage items on the site, the directly adjoining Mill Hill Heritage Conservation Area and the contributory items within the Area by imposing such an increased scale of development where Denison Street and Mill Hill Road meet Oxford Street.
  - (e) Be unnecessary given the strong merits of DA-127/2013 to achieve the intended outcome of a mixed-use transitional building under current controls.
  - (f) Detrimentially reduce the availability of on-street parking.
2. Notes that the Waverley Local Planning Panel unanimously recommended that the planning proposal not proceed to Gateway Determination, as the proposal lacks site-specific merit for the reasons outlined in the attachment to the report.

**1. Executive Summary**

This report informs Council of the receipt of a planning proposal from Evolve Consulting Pty Ltd (the Proponent) for 45–57 Oxford Street, Bondi Junction. The proponent-led planning proposal (the Proposal) and associated documentation was submitted to Council on 3 December 2020. The planning proposal seeks to amend the Waverley Local Environmental Plan 2012 (WLEP2012) in relation to the subject site by increasing the maximum permissible Floor Space Ratio (FSR) and Height of Building (HOB) as follows:

Table 1. Proposed legislative changes to WLEP 2012.

WLEP2012 Provision	Existing	Proposed
<b>Zone</b>	B4 Mixed Use	B4 Mixed Use
<b>FSR</b>	1.5:1	2.5:1
<b>Height</b>	12.5 metres	26 metres
<b>Heritage</b>	2 x Heritage Items	2 x Heritage Items
<b>Key Sites Map (Design Excellence Provisions applied)</b>	Applicable	Applicable
<b>Additional Local Provisions</b>	<i>Active Street Frontages</i>	<b><i>Active Street Frontages and Minimum commercial floor space of 0.9:1</i></b>

This report also provides an assessment of the Proposal against the criteria in the NSW Department of Planning and Environment's (DPE) *A Guide to preparing Planning Proposals* and *A Guide to preparing Local Environment Plans* and details the assessment of the Proposal by Council's strategic planning, urban design, and traffic officers.

The Proposal intends to facilitate a mixed-use precinct to act as a transition between high density existing development to the east of the site, and the low-density development to the west and south of the site. The proposed height of 26 m would be more than twice the size of the existing maximum permissible height, and almost three times the height of the 9.5 m maximum permitted to the south and west of the development. The maximum floor space ratio proposed is also substantially greater than the existing development and that exhibited on directly adjoining sites. Both of these proposed increases would also introduce additional loss of amenity for neighbours, including but not limited to, overshadowing, sense of enclosure/visual bulk, loss of parking, increase in traffic and more noise.

A previous development application for the subject sites of this Proposal, DA-127/2013, was granted a deferred commencement determination by the Waverley Development Assessment Panel on 5 August 2014 for the 'demolition of existing buildings, alterations and additions to existing heritage items, and construction of a mixed use building.' This DA illustrates how the site can accommodate a suitable mixed-use development within the permissible existing 12.5 m height controls and with a compliant FSR, using the now-repealed clause 4.4B of the WLEP 2012 which granted additional FSR in the event that affordable housing was provided by the proposal. The success of this DA demonstrates that an increase in height and FSR is unnecessary in meeting the goal of a mixed-use transitional site.

As such, the Proposal is deemed unsuitable for Council to support. The Proposal lacks site-specific merit, and the proposed 26 m height and 2.5:1 FSR development standards would:

- Be in conflict with the objectives of the recently completed Waverley Local Strategic Planning Statement and Bondi Junction Urban Design Review which identify this portion of West Oxford Street as required to retain a 'village character'.
- Overshadow and produce visual bulk/a sense of enclosure and unwarranted noise for southerly neighbours.
- Be out of scale and character with the surrounding low-density streetscape to the south and west of the site, particularly along Mill Hill Road and West Oxford Street.
- Diminish the character and amenity of the heritage items on site, the directly adjoining Mill Hill Heritage Conservation Area and the contributory items within the area by imposing such an increased scale of development where Denison Street and Mill Hill Road meet Oxford Street;
- Be unnecessary given the strong merits of DA-127/2013 in achieving the intended outcome of a mixed-use transitional building under current controls.
- Detrimentially reduce the availability of on-street parking.

## 2. Introduction/Background

### Affected land

The subject site of this Proposal is located at 45–57 Oxford Street, Bondi Junction, known as Lot 9 & DP 741932, Lot 1 & DP 626974 and Lot 1 & DP 818949. The three lots combined measure 1,996 sqm by architectural drawing.

Figure 1 below identifies the lots involved in the PP.



Figure 1. Site of the Planning Proposal, 45-57 Oxford Street, Bondi Junction.

### Existing development on the site

Existing development on the site comprises a single-story rendered vehicle repair station at 53–57 Oxford Street, a two-storey double brick building and a single-storey weatherboard and concrete building for use as a timber and hardware store at 47–49 Oxford Street, and a two-storey brick dwelling house with current commercial use at 45 Oxford Street.



Figure 2. Subject site (Google Maps, 2019).



Figure 3. Subject site (Google Maps, 2019).



Figure 4. Subject site (Google Maps, 2019).

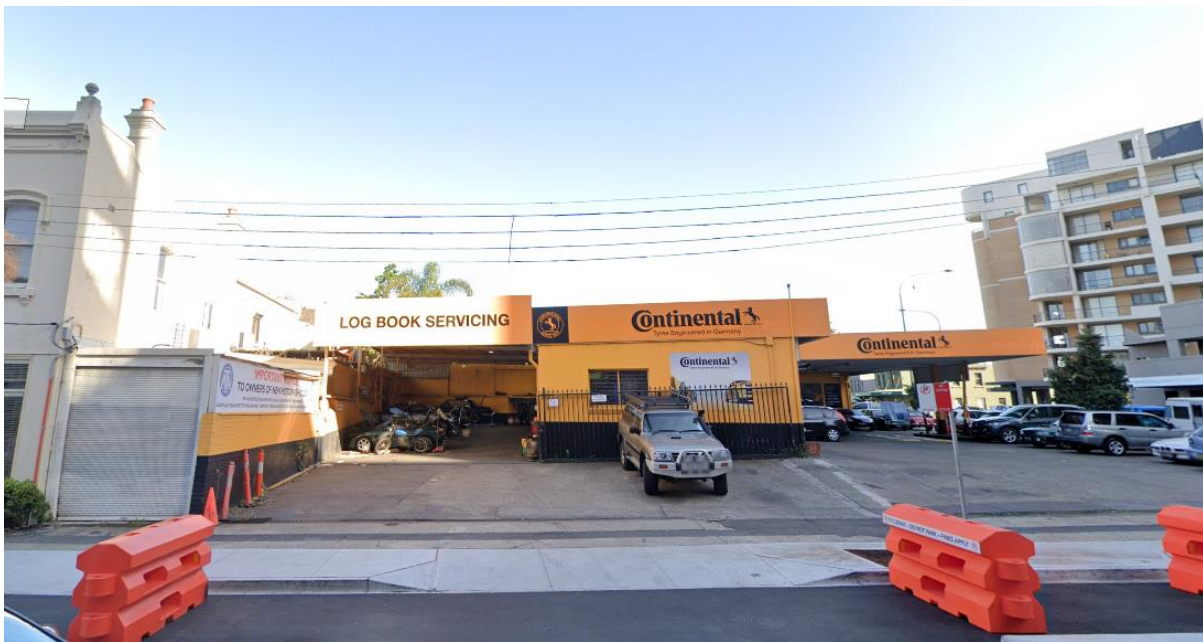


Figure 5. Subject site (Google Maps, 2019).

### 3. Relevant Council Resolutions

Nil.

### 4. Discussion

A planning proposal is the only means of achieving the proposed amendments to the Waverley LEP. The proposed variations to the development standards would result in a 208% increase in height and a 166% increase in FSR. The sizes of these variations are too large to be considered as part of a clause 4.6 variation. As a clause 4.6 variation to development standards would not be considered, the only means of changing the LEP controls on the site would be through a planning proposal.

The intention of creating a mixed-use transitional site can best be achieved on the site under the current controls demonstrated by DA-127/2013. The B4 Mixed Use zoning already allows for a mix of commercial and residential uses that could be developed on the site, whilst the current FSR and maximum height of building controls can reasonably provide for a three–four–storey structure, with basement level(s) that protect the low-density character of West Oxford Street, the Heritage buildings on site and the Mill Hill Heritage Conservation Area (HCA) nearby.

DA-127/2013 provides a mixed-use development that aligns with the findings of the Bondi Junction Urban Design Review 2020 (BJUDR 2020) and the Waverley Local Strategic Planning Statement 2020-2036 (LSPS), which were developed in consultation with the community, and identify the retention of the existing controls to encourage a low-density 'village feel' for West Oxford Street. As such, any increase in development standards for this site is against the strategic vision for the locality and the desire of the community.

Furthermore, the increase in scale proposed will result in additional adverse amenity, heritage and streetscape concerns.

**Heritage**

The overall development Proposal engenders substantially greater impact on the heritage significance of the adjoining Conservation Area and the amenity of adjoining residences than the existing development and DA-127/2013.

The proposed architectural treatment of the development does not serve to mitigate the impacts of additional height and floor space, and the treatment of the Oxford Street frontage fails to provide or enhance the streetscape character of the setting. As such, the Proposal diminishes, rather than conserves, the environmental heritage of Waverley.

**Overshadowing**

The Proposal will overshadow the buildings to the south as it will stand more than double in height of these neighbouring sites. It is acknowledged that the two sites directly to the south, 2 Mill Hill Road 7 Denison Street, are under common ownership as the development sites; however, this not considered adequate justification for reducing the quality of amenity on these sites for the benefit of 45–57 Oxford Street, given the ability for ownership to change in the future. The Proposal does not provide any mechanisms to manage the potential impact on adjacent sites.

**Visual bulk**

The proposed increase in height and bulk will produce adverse visual bulk from all three street frontages and a sense of enclosure for the southern neighbours in particular. The amalgam of architectural elements proposed above the podium level generates a complexity of form that does little to reduce the visual bulk of the Proposal or to achieve a high standard of internal amenity. This raises further concerns that subsequent extensive modification of the Proposal would follow any consent to a height and floor space ratio exceeding current controls.

The ground floor of the demonstration scheme does not incorporate a nil-setback or awnings characteristic of the Bondi Junction retail/commercial streetscape. This results in a lack of unity with the established Oxford Street façade pattern as well as a lack of articulation from a human scale on the ground and first floors. In addition, a similar lack of articulation is present along the rear façade, imposing visual bulk when viewed from the residential dwellings to the south and from Denison Street. The Proposal does not provide any mechanisms to manage the potential impacts.

**Acoustic privacy**

The through site pedestrian link shown under the demonstration scheme is expected to encourage pedestrian activity and given its location along the shared boundary, it is expected to produce substantial noise for the residents located directly to the south. The Proposal does not demonstrate any noise management techniques, nor has an acoustic report been prepared to examine and justify the impact of the through site link on the southern adjoining neighbours.

**Parking and traffic**

The proposed development is expected to increase vehicle and pedestrian traffic as a rise of full-time staff on site from the current 22 persons to potentially 120 is indicated. The additional residents, visitors to commercial/retail sites and general pedestrians drawn to the site will also trigger an increase in both car and foot traffic for the area.

## **Waverley Local Planning Panel**

A Waverley Local Planning Panel meeting was held on 16 February 2021 where the Panel unanimously advised Council that it does not support the Proposal proceeding to Gateway determination, as the Proposal lacks site-specific merit. The minutes of the meeting are attached to this report.

### **5. Financial impact statement/Time frame/Consultation**

#### **Financial impact statement**

There have been no upfront or recurrent costs associated with this planning proposal other than staff costs associated with the administration, assessment and exhibition of the Proposal and these have been provided for within the budget.

#### **Consultation**

This Proposal is not recommended to proceed to public exhibition. If the Proposal was to proceed to public exhibition it would be done so in accordance with any Gateway Conditions.

### **6. Conclusion**

The notion of a mixed-use space in West Oxford Street and the creation of a public space for local residents to enjoy is supported, given the site's excellent transport connections in Bondi Junction and proximity to high amenity surrounds of Centennial Park. However, these positive outcomes can be achieved and improved under the current more appropriate and sensitive built form controls that respect and celebrate the existing character and built form of West Oxford Street. The existing DA-127/2013 exhibits a reasonable solution to providing mixed-uses on this subject site, subject to the satisfaction of the conditions of the deferred commencement determination.

It is recommended that the proposal **not** proceed to Gateway determination.

### **7. Attachments**

1. WLPP - 16 February 2021 - Minutes [↓](#) .

**MINUTES OF THE WAVERLEY LOCAL  
PLANNING PANEL MEETING HELD BY  
VIDEO CONFERENCE ON WEDNESDAY, 16 FEBRUARY 2021**

UNDER SCHEDULE 2, PART 5, ITEM 26 OF THE  
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (NSW)

**PLANNING PROPOSAL: 45-57 Oxford Street, Bondi Junction**

**Panel members present:**

Annelise Tuor (Chair)

Peter Brennan

Jocelyn Jackson

Sandra Robinson (Community Rep)

**Declarations of interest:**

Nil.

**Site visit and briefing**

The Waverley Local Planning Panel (Panel) has independently viewed the site and surrounding area from the public domain and/or electronically and was briefed by the following representatives of Council and representatives of the proponent on the Planning Proposal:

Jaime Hogan	Waverley Council
Emma Rogerson	Waverley Council
Patrick Hay	Waverley Council
Francisco Motta	Waverley Council
Greg Gilyou	Evolve Project Management
Sophie Litherland	Willow Tree Planning
Antonio Pozzi	Hatch (Roberts Day)
Stephen Moore	Hatch (Roberts Day)
Isha Negi	Team2 Architects

Following the briefing the Panel considered the Planning Proposal under Schedule 2, Part 5, Item 26 of the Environmental Planning and Assessment Act 1979.

### **Resolution**

The resolution provided by the Panel as follows was unanimous.

Annelise Tuor

Chair

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### **PP-4/2021 – 45-57 Oxford Street, Bondi Junction**

#### **Reasons**

The Panel has considered an assessment report of the Planning Proposal prepared by Council Officers (the Report), the documentation provided by the Proponent, including a concept design (the Concept), the site view and briefings. For the reasons in the Report, the Panel considers that Council should not support the Planning Proposal in its current form.

#### **Resolution:**

The Panel advises Council that:

1. it does not support the Planning Proposal to proceed to Gateway determination, as the Proposal lacks site-specific merit for the reasons outlined in the Report. In particular, the proposed 26m height and 2.5:1 FSR standards would:
  - a) Overshadow and produce visual bulk/a sense of enclosure and unwarranted noise for southerly neighbours (the Planning Proposal does not propose any Additional Local Provisions or site-specific DCP to require a building envelope that minimises these adverse impacts);
  - b) Be out of scale and character with the surrounding low-density streetscape to the south and west of the site, particularly along Mill Hill Road and West Oxford Street; and
  - c) Adversely impact on the significance of the Heritage Items on the site and their setting, the directly adjoining Mill Hill Heritage Conservation Area and the contributory items.

Furthermore, the approval of DA-127/2013 demonstrates that the intended outcome of a mixed-use transitional building can be achieved under the current controls. The Concept does not provide a better planning outcome than this previous approval that would warrant the increase in the floor space ratio and height standards. In addition, the proposed through-site link does not appear to be necessary given that the site is on the end of a block with three frontages. The Concept's built form, to address overshadowing, is also uncharacteristic in the context of the site.