

REZONING REVIEW – Briefing Report

Date of referral	2 March 2021 (accepted on 25 March 2021)	
Department ref. no	RR-2021-72	
LGA	Waverley	
LEP to be amended	Waverley Local Environmental Plan 2012	
Address	45-57 Oxford Street, Bondi Junction	
Reason for review	<input checked="" type="checkbox"/> Council notified the proponent it will not support the proposed amendment	<input type="checkbox"/> Council failed to indicate support for the proposal within 90 days, or failed to submit the proposal after indicating its support
Is a disclosure statement relating to reportable political donations under s10.4 of the Act required and provided?	<input type="checkbox"/> Provided <input checked="" type="checkbox"/> Not required Comment: No donations or gifts to disclose.	

1. SUMMARY OF THE PROPOSAL

The Rezoning Review request relates to the planning proposal for 45-57 Oxford Street, Bondi Junction to amend the Waverley Local Environmental Plan 2012 (Waverley LEP 2012) by:

- increasing the maximum building height control from 12.5m to 26m across the site; and
- increasing the maximum floor space ratio (FSR) control from 1.5:1 to 2.5:1.

The existing B4 Mixed Use zoning will remain unchanged.

The planning proposal was supported by a concept development scheme that shows:

- A six-storey mixed-use development
- 24 dwellings
- Approximately 1,800m² of employment floor space, including retail, office and creative start-up (This is based on p. 51 of the planning proposal and aligns with the architectural drawings. However, on p. 45 the employment floor space is stated to be 3,000m². This discrepancy was not explained in the proposal.)
- Public plaza (100m², according to urban design report)

- Through-site links (200m², according to urban design report)
- Retention (to varying degrees) of two heritage items on the site.

The proponent indicates that a draft voluntary planning agreement would be prepared to provide 10% of the residential floor space as affordable housing, according to its letter (dated 5 February 2021) responding to Council's request for additional information.



Figure 1: Computer rendering of the concept development scheme (source: architectural drawing set)



Figure 2: Three-dimensional model of the concept development scheme, looking south-east (source: architectural drawing set)

1.1 Background

The proponent advises that there was no pre-lodgement meeting held with Council. A submission regarding the site was lodged with Council in response to the exhibition of Waverley Local Strategic Planning Statement (LSPS).

The proponent held two community / stakeholder consultation meetings, mainly involving surrounding residents. The proponent advises that feedback from these meetings has been incorporated into the design of the proposal. There were also two meetings with the Bondi and Districts Chamber of Commerce and the Mill Hill Precinct Committee on 11 December 2019.

The Mill Hill Precinct Committee was concerned about overdevelopment, particularly high rise residential replacing commercial space. The Committee indicated it was likely to object to the proposed height and FSR due to pressure on the nearby transport hub. The Chamber of Commerce advised it seeks to ensure that local businesses, especially members, maximise the opportunities of development.

According to the planning proposal, the proponent sought advice from Council in January 2020 about what should be considered as part of the future proposal. Council advised in February 2020 that the proposal should wait until the LSPS was finalised so that it could be used for strategic justification.

The Proponent lodged the planning proposal request with Waverley Council on 3 December 2020.

At its meeting of 16 February 2021, the Waverley Local Planning Panel considered the planning proposal and the officer's report, and advised 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:

- 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);*
- 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*
- 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.

Council's Strategic Planning and Development Committee meeting of 2 March 2021 resolved not to support the planning proposal, and Council notified the proponent on 5 March 2021.

1.2 Locality and context

The subject site is located at 45-57 Oxford Street, Bondi Junction (**Figure 3**). The site is located approximately 300m west of the Bondi Junction transport interchange. It is within walking distance of the station and main shopping centre. The site is located approximately 3.5km east of the Sydney Central Business District (CBD), and is within 400m of Centennial Park, 850m from Queens Park and 2.8km from the Randwick Health and Education Precinct (UNSW, Prince of Wales Hospital).

Bondi Junction centre is of a mixed-use character with residential flat buildings, dwelling houses, commercial office buildings, with business premises, cafes, shops and a major transport infrastructure.

There are a range of development styles, age of construction and density, predominantly high rise and low rise commercial and residential development, with some mid-rise components sparsely located.

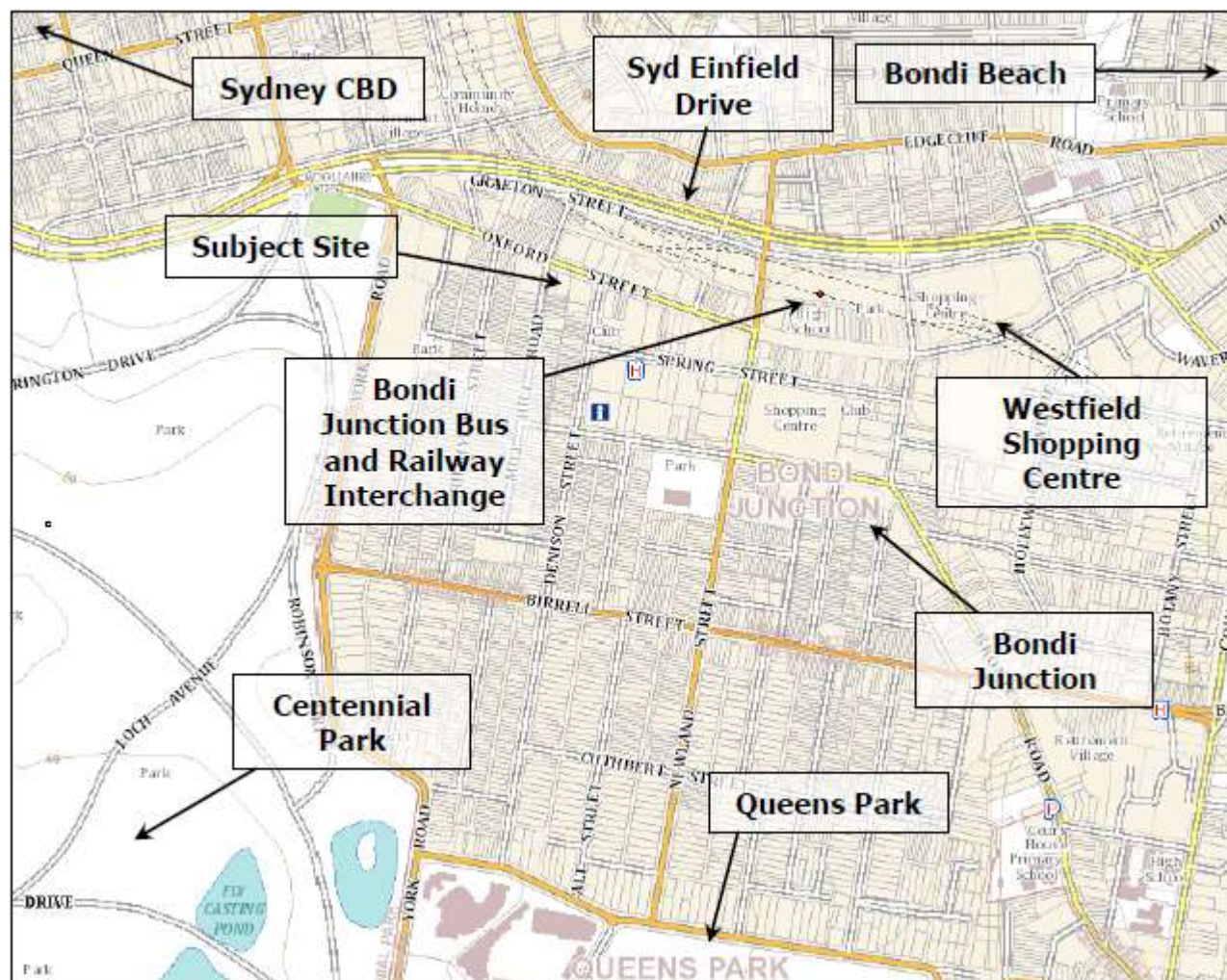


Figure 3: Site context map (source: Six Maps / Planning Proposal)

Development to the east of the site along Oxford Street primarily consists of mixed-use buildings with setback residential towers from 12 up to 15 storeys high (**Figure 4**), with retail and commercial uses at a lower scale. Further to the east is the main commercial and retail shopping area of Bondi Junction.

Development to the north of the site consists of mixed-use buildings (**Figure 5**), including a five-storey commercial building and an eight-storey residential building.

The scale of the built form drops away to the west of the site (**Figure 6**), where the built form is predominantly two and three storeys with a mixture of commercial, retail, residential and mixed-use buildings.

Development to the south consists predominantly of two-storey terrace houses (**Figure 7**) that form the body of the Mill Hill Heritage Conservation Area.

This section of Oxford Street and Denison Street are considered primary shopping streets in Council's Development Control Plan 2012 where ground floor retail with first floor commercial purposes are encouraged.

The site adjoins the Mill Hill Heritage Conservation Area to the south (**Figure 11**). The Conservation Area comprises streetscapes, residential and retail buildings representing the aesthetic character and qualities of late 19th and early 20th Century consolidation of Bondi Junction as a commuter suburb. The street and subdivision patterns are derived from initial land grants of the 1830's-40's.



Figure 4: Mixed-use and residential flat development along Oxford Street to the east of the site, looking east (source: Google Maps).



Figure 5: Commercial and mixed-use development to the north on the opposite side of Oxford Street (right hand side of the photograph, the subject site is to the left) (source: Google Maps).



Figure 6: Mixed development along the southern side of Oxford Street to the west of the subject site, “the Rectory” is seen on the left hand side of the photograph (Source: Google Maps).



Figure 7: Terrace houses to the south of the site on Mill Hill Road (Source: Google Maps).

1.3 Site description

The subject site consists of three properties identified as 45, 47-49 and 53-57 Oxford Street, Bondi Junction, being legally described as Lot 9 DP 741932, Lot 1 DP 626974 and Lot 1 DP 818949.

The site is roughly rectangular in shape with a land area of 2,060m². It has three frontages to Oxford Street to the north, Denison Street to the east and Mill Hill Road to the west. The frontages to Oxford Street, Denison Street and Mill Hill Road are approximately 62m, 30m and 35m respectively.

A cadastral map showing the site is provided at **Figure 8**, and an aerial photograph is shown at **Figure 9**.



Figure 8: Cadastral map with the site bounded in bold line (Source: Near Map, Council Assessment Report).

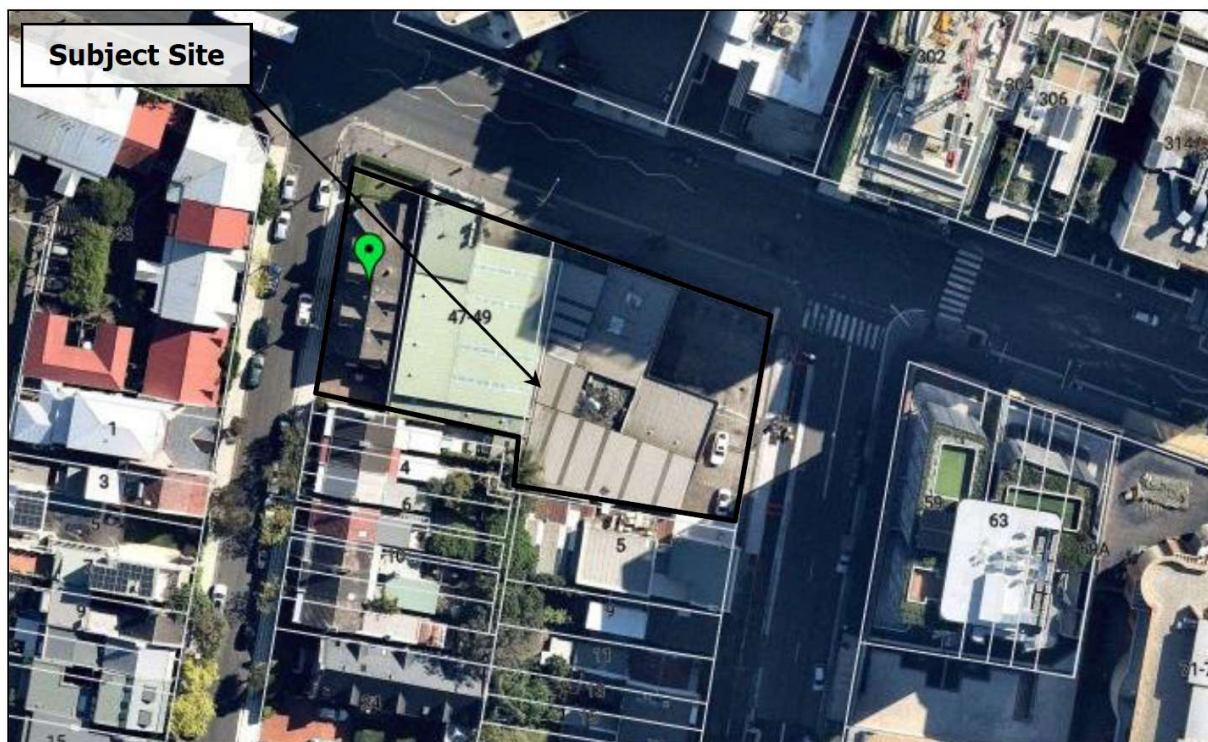


Figure 9: Aerial photograph (Source: Near Map / Planning Proposal).

The existing uses on the site include a single storey with attic dwelling house of brick and tiled roof construction at 45 Oxford Street, known as “the Rectory” (**Figure 10**). It is a listed local heritage item and is proposed to be retained as part of the future development. The Rectory currently has a commercial use.

A two-storey late 19th century commercial building of brick construction and a single-storey weatherboard and concrete building at 47–49 Oxford Street are currently used as a timber and hardware store. The property is also listed as a local heritage item.

The property at 53–57 Oxford Street is occupied by a vehicle repair station comprising a single-storey building, canopy and hard-stand areas.



Figure 10: The subject site as viewed from Oxford Street, looking south-east. From right to left: the Rectory at No. 45, hardware store at No. 47-49, and vehicle repair station at No. 53-57 Oxford Street (Source: Google Maps / Council Assessment Report).

As mentioned above, the subject site contains two listed items of local heritage significance (**Figure 11**) on Schedule 5 of the Waverley LEP 2012, including:

- Dwelling house, “The Rectory”, 45 Oxford Street (Item number I209). The Rectory is significant as a good example of a Federation house, with some individual interest. This is one of the few relatively intact examples in this area. The property has special historical interest for its association with St Barnabas’ Church.
- Timber yard with two-storey building and light industrial sheds, 47-49 Oxford Street (Item number I210). This lot is also listed as an archaeological site for its early industrial archaeological potential (Item number A527). The proposal states that Bondi Junction Timber and Hardware Co. is significant as the facade retains some architectural interest as a late nineteenth century commercial building, in addition to the site's historical and archaeological interest.

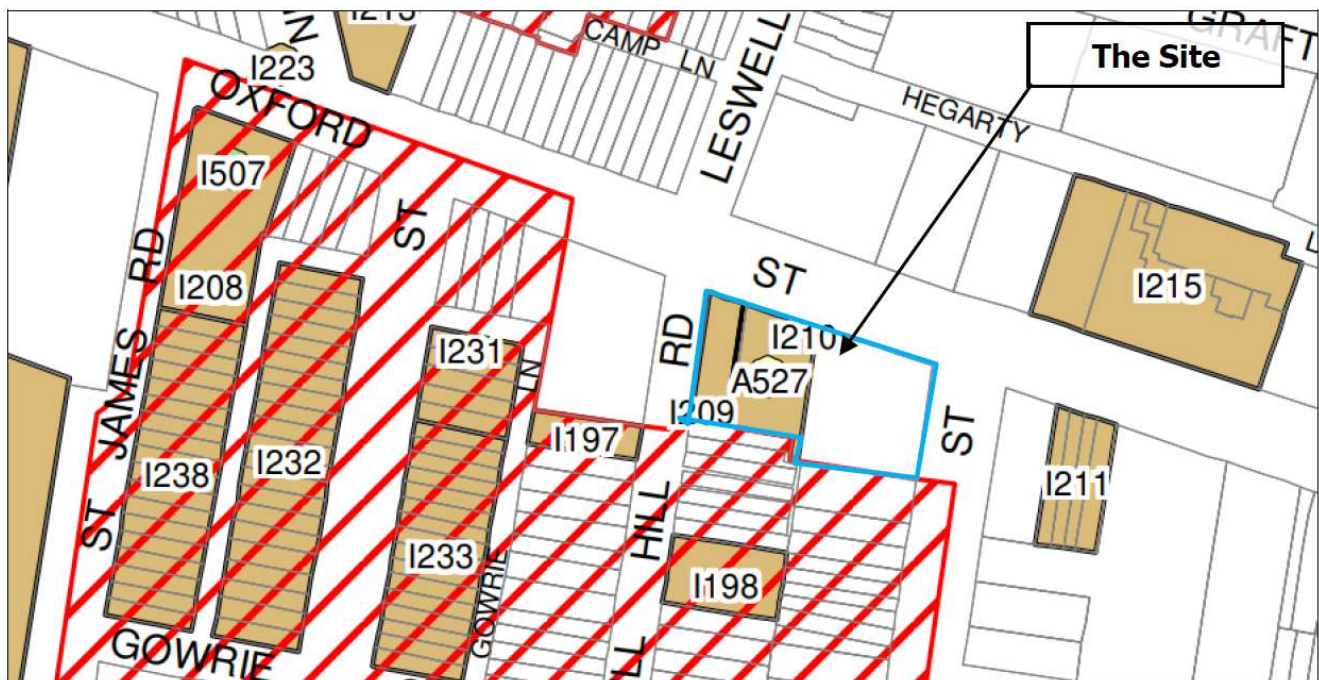


Figure 11: Extract of Waverley LEP 2012 Heritage Map showing heritage items on the subject site and nearby areas, and the adjoining Mill Hill Heritage Conservation Area (Source: NSW Legislation / Planning Proposal).

1.4 Current planning provisions

Under the Waverley LEP 2012, the following controls apply to the site:

- B4 Mixed Use zone (**Figure 12**);
- Maximum building height of 12.5 metres (**Figure 13**);
- Maximum FSR of 1.5:1 across the site (**Figure 14**); and
- Heritage listing – 45 Oxford Street (Item I209), 47-49 Oxford Street (Item I210 and A527) (**Figure 11**).

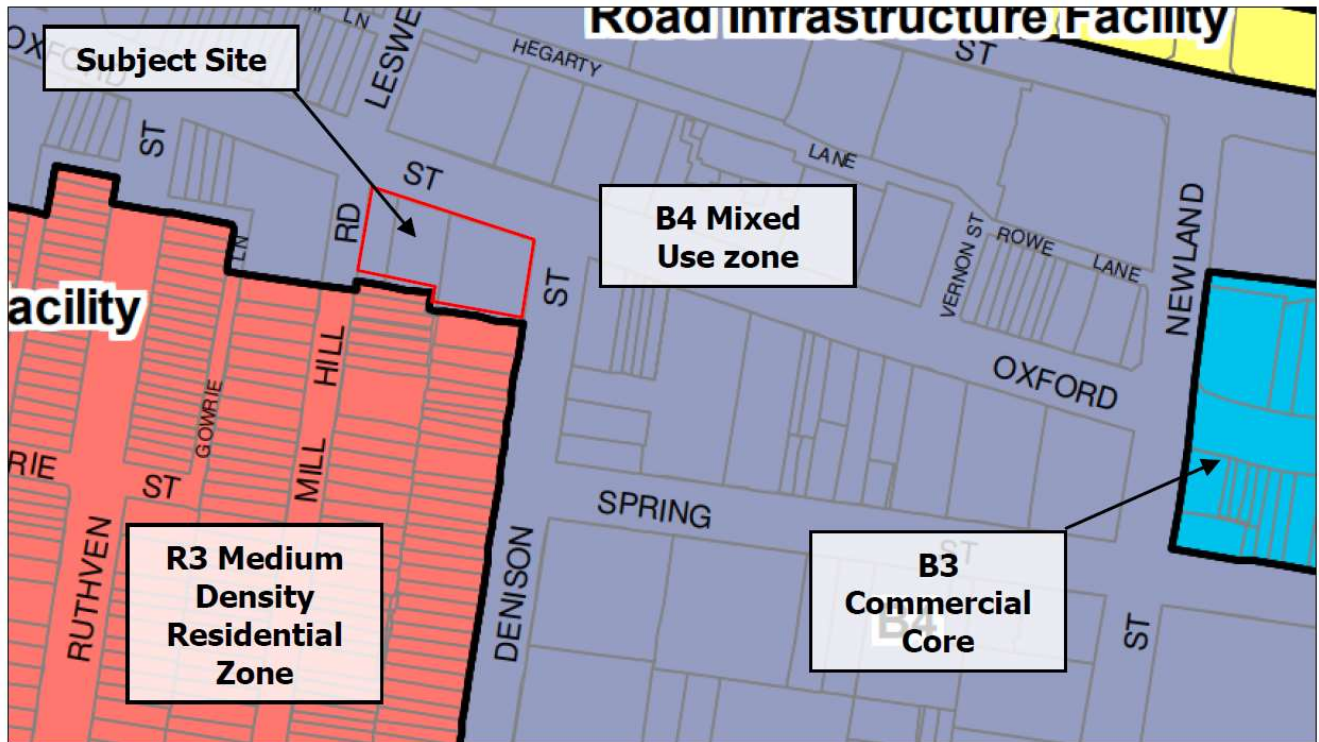


Figure 12: Current Land Zoning Map, with the site outlined in red (Source: NSW Legislation / Planning Proposal).

The B4 Mixed Use zoned site adjoins R3 Medium Density Residential zoned land to the south, with B4 zoned land on all other sides. A range of land uses including all types of commercial premises and shop top housing are permitted with consent in the B4 zone.

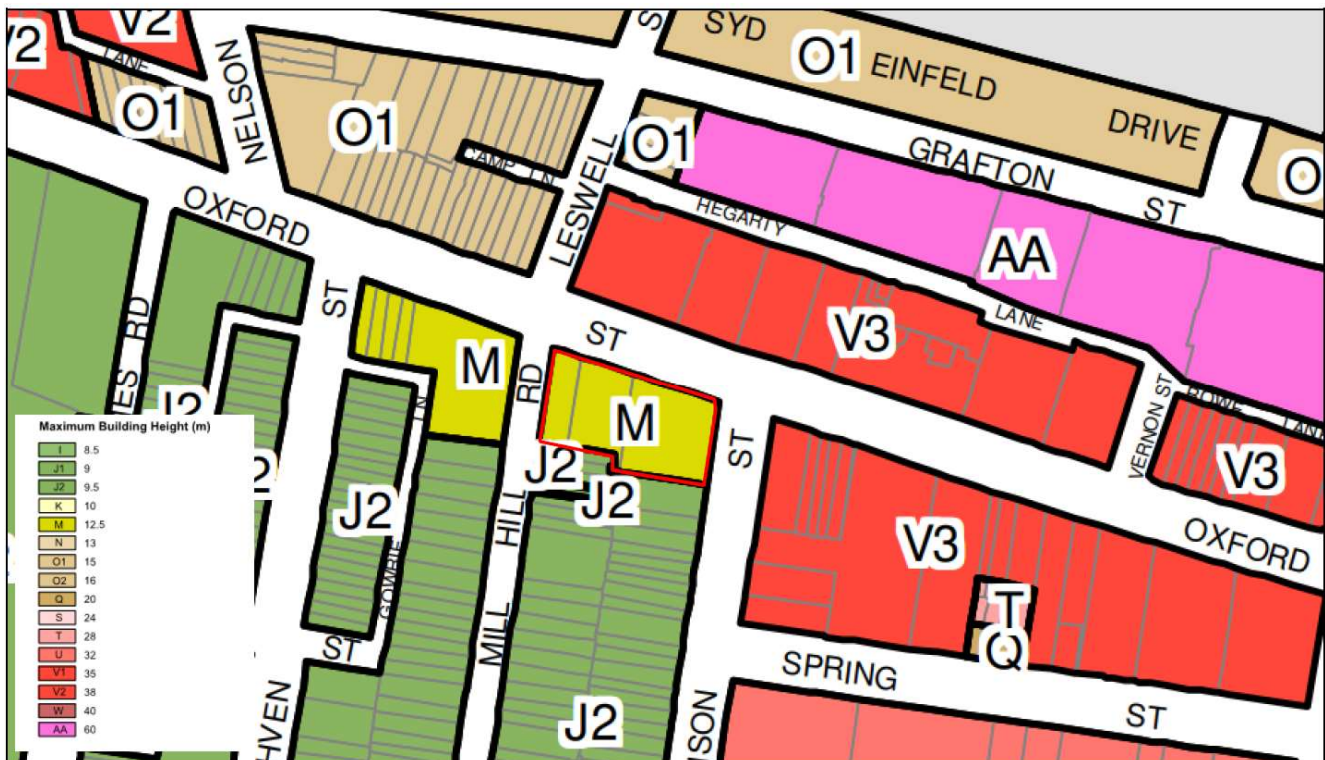


Figure 13: Current Height of Buildings Map, with the site outlined in red (Source: NSW Legislation / Planning Proposal).

The site is designated with a 12.5m height control and adjoins land subjecting to 9.5m height limit to the south and 12.5m to the west. The land to the east and north has a 38m height control.



Figure 14: Current Floor Space Ratio Map, with the site outlined in red (Source: NSW Legislation / Planning Proposal)

The site is subject to a 1.5:1 FSR control. It adjoins land to the south with an FSR of 0.9:1, and land with a 1.5:1 FSR to the west. Land to the north and the east has an FSR of 5:1.

The land is identified on the Key Sites Map, clause 6.9 of Waverley LEP 2012 applies which requires proposals with heights greater than 15m to exhibit design excellence. The site is identified on the Active Street Frontages Map, clause 6.5 applies which requires an active street frontage (*all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises*) along Oxford Street. Clause 6.12 also applies which requires retention of the existing amount of non-residential floorspace when a property is redeveloped.

1.5 Proposed planning provisions

The planning proposal seeks to amend the Waverley LEP 2012 to:

- increase the maximum building height from 12.5m to 26m across the entire site (**Figure 15**); and
- increase the maximum floor space ratio (FSR) from 1.5:1 to 2.5:1 across the entire site (**Figure 16**).

The B4 Mixed Use zoning remains unchanged.

Table 1: Comparison between existing and proposed development controls

Control	Current	Proposed
Zone	B4 Mixed Use	B4 Mixed Use (no change)
Maximum building height	12.5m	26m
Maximum FSR	1.5:1	2.5:1

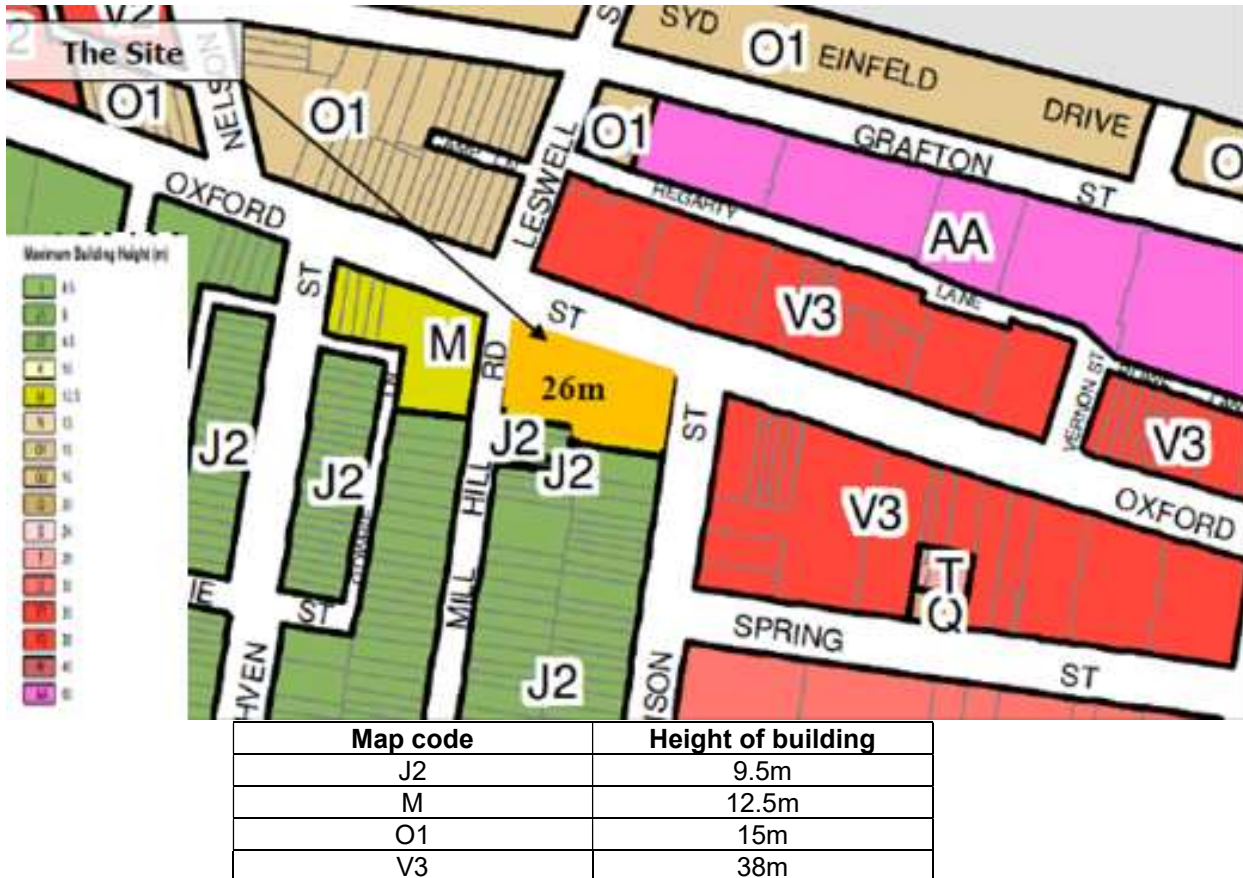


Figure 15: Proposed Height of Buildings Map (Source: NSW Legislation / Planning Proposal).



Figure 16: Proposed Floor Space Ratio Map (Source: NSW Legislation / Planning Proposal).

1.6 Objectives of the proposal

The stated objectives of the proposal are to:

- Provide mixed-use development on the site incorporating ground floor and possibly upper level commercial premises and upper level residential accommodation.
- Achieve a unique mid-rise development that achieve[s] the same GFA as a high-rise development... aligns with Council's visions for Bondi Junction whilst providing a sympathetic response to existing heritage and the expressed views of the community.
- Introduce a transitional development that complements the range of surrounding land uses and particularly the surrounding heritage items and heritage conservation area... responds to the strategic location of the Site and leverages the various forms of both public transport (rail and bus) and road infrastructure.
- Promote the sustainable use of land through appropriate development typologies and scales.
- Augment the amenity of the Site whilst preserving the amenity of adjoining sites, including solar access, natural ventilation, visual impacts and privacy.
- Provide new housing in a highly accessible, established urban area to improve housing choice and affordability in the area and ultimately meet the housing needs of the growing population.
- Preserve and increase employment generating activities on the Site so as to provide jobs and services to support the local population, whilst also ensuring active street frontages... and promote pedestrian traffic...
- Activate the Site and public domain at street level through the provision of active ground floor uses and high-quality architectural design whilst capitalising on the cycleway proposed along the Site frontage of Dennison [sic] and Oxford Street.

1.7 Development concept

A development concept for the site has been prepared to support the proposal (**Figures 17-19**). The scheme features the following:

- A mid-rise, six-storey building with a two-storey podium fronting Oxford Street. The six-storey height reduces to three storeys at the rear to mitigate overshadowing of the neighbouring residential terraces to the south.
- Through site links to improve permeability and walkability.
- Retention of the Rectory (No. 45 Oxford Street) and partial retention of the hardware store building (No. 47-49 Oxford Street).
- A widened footpath / public domain area along Oxford Street.



Figure 17: Ground floor plan of the concept development scheme (Source: urban design report).



Figure 18: North-south cross section of the concept scheme (Source: urban design report).



Figure 19: Computer rendering of the concept scheme illustrating the Oxford Street frontage (Source: architectural drawing set).

The gross floor area of the concept proposal is approximately 4,781m² with 1,813m² of employment / commercial floor space. The key data are outlined in Table 2 below.

Table 2: Key data relating to the conceptual development scheme for the site

Element	details
Site area	2,060m ²
Total gross floor area (GFA)	4,781m ²
Residential GFA	2,967m ²
Non-residential GFA	1,813m ² (commercial 1,156m ² + retail 657m ²)**
FSR – total	2.3:1 (2.5:1 is being sought in the planning proposal)
Height	26m
Total residential units	24 dwellings
Car parking	42 spaces at ground and basement levels

*Data are based on the architectural drawings.

**P. 51 of the planning proposal states that the non-residential GFA is 1,800m². However, on p. 45 the employment floor space is stated to be 3,000m².

The Place Design Justification Report (urban design report) states the following:

- Public plaza (100m²)
- Through-site links (200m²)

The Planning Proposal states that 120 on-going jobs would be created.

2. INFORMATION ASSESSMENT

Does the proposal seek to amend a zone or planning control that is less than five years old?

No. The Waverley LEP 2012 commenced in October 2012.

2.1 Strategic merit test

Consistency with the relevant regional plan outside the Greater Sydney region, district plan within the Greater Sydney region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment.

Greater Sydney Region Plan and Eastern City District Plan

The *Greater Sydney Region Plan - A Metropolis of Three Cities* identifies a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. The Eastern City District Plan is one of five district plans to guide implementation of the Region Plan.

The proponent has not provided specific comments to address the relevant priorities of the *Greater Sydney Region Plan*.

The proponent has provided comments to demonstrate the planning proposal's consistency with the priorities of the *Eastern City District Plan*. Bondi Junction is identified as a 'strategic centre' in the District Plan. The comments in the planning proposal are summarised in the table below.

Table 3: Alignment of the planning proposal with the Eastern City District Plan

Eastern City District Plan - Planning Priority	Proponent's Response
Planning Priority E1 Planning for a city supported by infrastructure	The proposal fronts onto Oxford Street and is located in the Bondi Junction Strategic Centre, and would support the increasing intensity of activity in the centre.
Planning Priority E3 Services and social infrastructure to meet people's changing needs	There is an opportunity for community uses on the site. Existing light industrial uses on the site do not contribute to Bondi Junction's role as a strategic centre.
Planning Priority E4 Fostering healthy, creative, culturally rich and socially connected communities	A subsidised creative start-up hub, new public space, laneway, and public art would reinforce local social activity. (The Department notes that the proposal does not provide details on how a subsidised start-up hub will be delivered, including funding mechanism.)
Planning Priority E5 Providing housing supply, choice and affordability, with access to jobs, services and public transport	Diverse new build-to-rent housing would be created in Bondi Junction's strategic centre only 350m walking distance along Oxford Street from Bondi Junction Station.
Planning Priority E6 Creating and renewing great places and local centres, and respecting the District's heritage	The redevelopment of existing light industrial uses and the retention of heritage features would strengthen the place value of this part of Bondi Junction.
Planning Priority E10 Delivering integrated land use and transport planning and a 30-minute city	This highly walkable location in Bondi Junction supports a 30-minute city for Bondi and for the Harbour CBD.
Planning Priority E11 Growing investment, business opportunities and jobs in strategic centres	A seven-fold increase in jobs and a new subsidised start-up space on the site would create new business opportunities and support Bondi Junction's 2036 job target.
Planning Priority E13 Supporting growth of targeted industry sectors	New day and night time activation of this site would support visitation to Bondi Junction.
Planning Priority E17 Increasing urban tree canopy cover and delivering Green Grid connections	Redevelopment would increase tree canopy cover on site and contribute to active travel and landscape on Oxford Street to reinforce its role in the Green Grid.
Planning Priority E18 Delivering high quality open space	New public space would be created on site, supporting local social activity and helping connect people to nature.
Planning Priority E19 Reducing carbon emissions and manage energy and waste efficiently	Development targets a 6-star Green Star design and As-Built certification in recognition for its environmentally sustainable design features.

Eastern City District Plan - Planning Priority	Proponent's Response
Planning Priority 20 Adapting to the impacts of urban and natural hazards and climate change	Green roof, green wall, tree canopy coverage and water sensitive urban design elements would locally reduce vulnerability to natural hazards.

Consistency with a relevant local strategy that has been endorsed by the Department.

Waverley Local Strategic Planning Statement

The Waverley Local Strategic Planning Statement (LSPS) plans for Waverley's economic, social and environmental needs over the 20 years to 2036. The LSPS identifies priorities to guide land use and infrastructure planning and protection of the environment.

The application states that the planning proposal addresses the general themes of the LSPS as follows.

1. Infrastructure and Collaboration

- *Deliver mixed-use development at an appropriate scale which will be located within 300m of the Bondi Junction Train and Bus interchange.*
- *Provide increased permeability by offering through site links via laneways, open public spaces and enhanced pedestrian accessibility.*

2. Liveability

- *An extensive array of proposed landscaping and increased tree canopy are proposed for the Site.*
- *Sustainable modes of transport will be facilitated through the proposed through site links and the anticipated cycle way which is proposed along both the Denison and Oxford Street frontages.*
- *The Site is located within 300m of the Bondi Junction Interchange which will further discourage private car ownership and enhance more sustainable modes of transport.*
- *The Site will also provide green roof elements, an enhanced active public domain, whilst also benefitting from its proximate location to Centennial Parklands (400m).*

3. Productivity

- *The proposal will enhance and facilitate the local economy by providing creative spaces which will offer flexible workspaces that would support a variety of creative office and creative business functions, including art, technology, production and design sectors.*
- *The redevelopment will provide a direct response to the visions for the Strategic Centre by providing a mix of employment opportunities, affordable and differing housing options via a new innovation [sic] mid-rise model which would present more sympathetically to surrounding heritage whilst achieving similar yields to that of a high-rise development to assist in achieving housing targets. This not only supports a diverse community but creates a lively and engaging centre.*

4. Sustainability

- *The proposal will provide an engaging public domain, which directly correlates with the identified green grid connections and anticipated cycle route.*
- *The location of development in close proximity to the existing asset that is Centennial Parklands will encourage healthy lifestyles, increase opportunities for people to experience*

nature and improve amenity whilst being located at the fore front of increased sustainable connections.

- *Assist in reducing the urban heat island by increasing the amount of tree canopy provided to that currently existing.*

Waverley Community Strategic Plan 2018-2029

The Waverley Community Strategic Plan 2018-2029 (the Waverley Plan) articulates the vision, values, aspirations and priorities of the Waverley community with reference to other local government plans, information and resourcing capabilities.

Waverley community's aspirations for housing are to ensure sustainable growth and development, which protects heritage and avoid high-rise development. The Proposal states that it provides a proportionate mid-rise development considerate of its B4 zoning and adjoining R3 zoning, whilst also retaining existing heritage.

Goal 4.2 of the Waverley Plan is to ensure Bondi Junction continues to have a diverse range of businesses, local jobs and services. The planning proposal states that it will directly respond to this by providing adequate and suitable employment related floor space.

Waverley Local Housing Strategy 2020-2036

The Waverley Local Housing Strategy 2020-2036 is currently under review by the Department but is relevant to the planning proposal.

The Waverley Local Housing Strategy identifies the following five priorities with associated actions, to guide the future of housing in Waverley:

H1: Manage housing growth sustainably and in the right locations.

H2: Encourage a range of housing options to support and retain a diverse community.

H3: Increase amount of affordable rental and social housing.

H4: Improve liveability, sustainability and accessibility through high quality residential design.

H5: Ensure new development is consistent with desired and future character.

The Planning Proposal does not address the Waverley Local Housing Strategy. In the proponent's response to Council's request for additional information, it was stated that a voluntary planning agreement will be prepared to provide 10% of affordable housing.

Responding to a change in circumstances, such as investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.

The proposal notes that across B4 and B3 zones in the Bondi Junction Strategic Centre, there has been a loss of approximately 9,000m² of existing commercial floor space as a result of recent residential developments since 2014. There is forecast to be a further loss of 19,000m² of existing commercial floor space with current and recently approved DAs in the pipeline.

The proposal states it responds to this trend by increasing the employment floor area currently available across the site while facilitating additional residential development.

2.2 Site-specific merit test

The natural environment (including known significant environmental values, resources or hazards).

Biodiversity

The site does not comprise any critical habitats, populations or ecological communities, and is not mapped in the Waverley LEP Terrestrial Biodiversity map.

Contamination

The use of 47–49 Oxford Street for a timber and hardware store and 53–57 Oxford Street for auto repairs provides an indication that there may have been contaminated materials utilised on site. The proposal states that as part of a previous development approval, the site contamination assessment for 47 – 49 Oxford Street identified contaminants on the land from previous land uses, and a site audit statement (SAS) is required to be carried out. An assessment for a previous development application (DA) for 53–57 Oxford Street required a remedial action plan due to the oils and petroleum associated with the mechanical tyre and repair workshops present on site.

The proposal states that the contamination issue would be considered further for any future DA in accordance with the requirements of *State Environmental Planning Policy No 55 – Remediation of Land* (SEPP55).

The contaminated land considerations for rezoning through planning proposals are now contained in Section 9.1 Direction 2.6 *Remediation of Contaminated Land* rather than in SEPP 55. While the land is already zoned for the proposed mixed-use purpose, should the proposal proceed to Gateway, the Department would need to be satisfied that the objective of the Direction could be met and that the land would be suitable for the intended purpose.

Flooding

The site is not identified as a flood planning area as per the Waverley LEP 2012 Flood Planning map.

The existing uses, approved uses and likely future uses of land in the vicinity of the proposal.

Heritage

The site contains the Rectory (45 Oxford Street) and Bondi Junction Timber and Hardware Co (47-49 Oxford Street), which are both heritage items of local significance (I209 and I210 respectively). That part of the site located at 47-49 Oxford Street is also identified as an archaeological site of early industrial archaeological potential and is of local significance (A527). Immediately to the south, the site adjoins the Mill Hill Heritage Conservation Area (C12) (**Figure 11**).

The planning proposal was supported by a Heritage Impact Statement (**Attachment E8**) by NBRs Architecture which concludes that the planning proposal will have an acceptable impact on the significance of the heritage items on the subject site and nearby, as well as the properties located within the adjoining Heritage Conservation Area.

The recommendations of the heritage assessment include:

- Requiring the advice of a heritage consultant during detailed design;
- The Rectory should be retained and conserved;
- The main facade of the Timber and Hardware Co should be retained, protected and conserved; and

- A Schedule of Conservation Works should be prepared for both properties.

Traffic and Transport

The planning proposal was not supported by a transport and traffic assessment.

The proposal states that the site is within walking distance (300m) of the Bondi Junction transport interchange with access to high frequency buses and trains, as well as bus stops on Oxford Street. The area has a high walkability rate given the proximity to existing schools, retail and other services, public transport and Centennial Park.

The proposal states that given only 24 residential units are proposed, the future development would not incur significant impacts. It indicates that a traffic and access study would form part of a future development application. In the scenario where the planning proposal proceeds to Gateway, consideration should then be given to whether a transport and traffic assessment should accompany the proposal.

Urban Design

The planning proposal is supported by a Place Design Justification Report (urban design report) by Roberts Day (**Attachment E5**). The report states that the proposed height and FSR controls would be appropriate having regard to visual outcome, streetscape, surrounding development and amenity.

The report states that the concept design is capable of complying with the key requirements of the Apartment Design Guide (ADG), including building setbacks, building depth, visual privacy, open space, solar access, ventilation, parking, and apartment size, mix and design.

The proposal seeks to accommodate a mid-rise building (six storeys, with a two-storey podium fronting Oxford Street), where it could support activities along Oxford Street and provide a transition from the higher buildings to the east along Oxford Street. The concept scheme reduces the building height to three storeys towards the terrace houses to the south in the Mill Hill Conservation Area. **Figure 20** shows the height interface between the concept development and adjoining buildings.

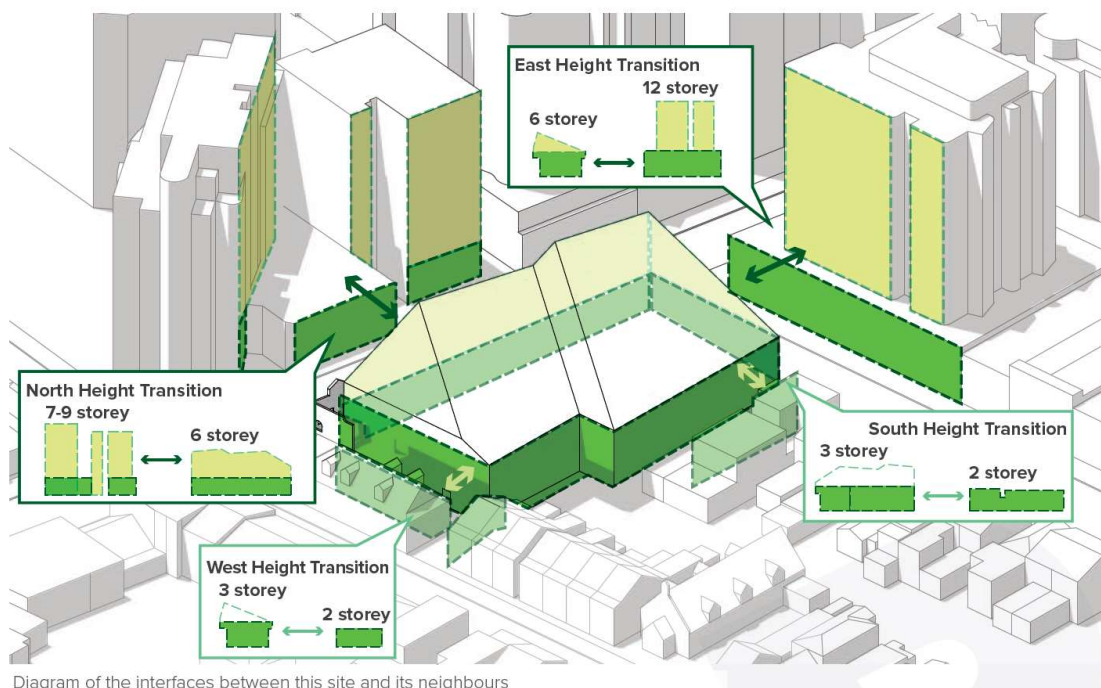


Figure 20: Height interface between the concept development and its neighbours (Source: urban design report).

The urban design report states that “*the massing of the proposed building provides no additional overshadowing impact of its southern neighbours relative to the permissible 3-storey envelope*”, as illustrated in the diagram below (**Figure 21**) which shows the relationship between the sun angle at noon in mid-winter and the proposed massing.

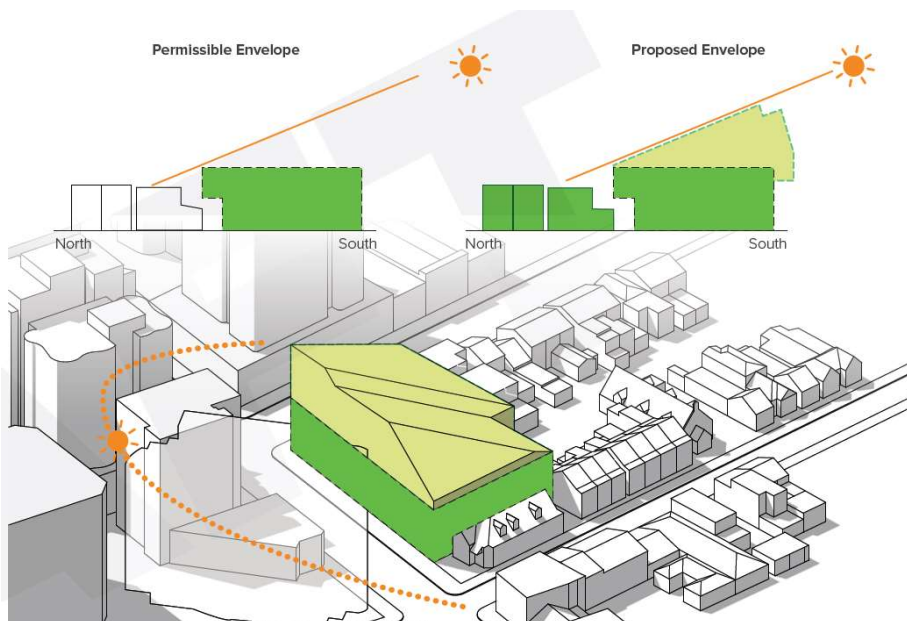


Figure 21 Diagram illustrating shadow impact of the proposed massing as compared to a 3-storey building (source: urban design report), note that the captions for “north” and “south” should be the opposite.

The Department notes that the shadow modelling of the concept development scheme would result in additional overshadowing when compared to the currently “permissible envelope” (**Figure 22**). Although the concept scheme incorporates transitional building height from north to south, the planning proposal seeks to have a maximum height control of 26m with no gradation.



Figure 22 Shadow diagrams comparing the impact at 12 noon, midwinter between the “permissible envelope” (left) and the concept development (right) (source: urban design report).

Other features and benefits as stated in the proposal include:

- Proposed terrace and rooftop gardens would contribute to the urban tree canopy.
- Through site links to promote permeability and walkability across an urban block which is approximately 60m wide.
- Opportunity to “celebrate” the heritage buildings and façade.

- Opportunity to establish a widened north facing footpath to Oxford Street, a public plaza (unclear if this refers to the northern setback), active lanes and arcades.

The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

The proposal states that the existing infrastructure can adequately support increase in residential uses (24 dwellings) and the increased employment floor space.

The urban design report indicates a widened footpath and enhanced public domain along Oxford Street (**Figure 23**); there are no details or written commitment on delivery of this benefit.

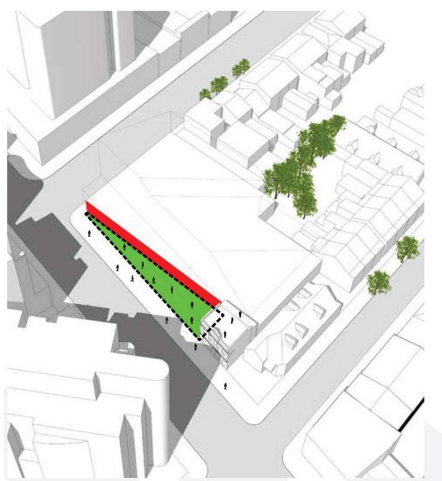


Figure 23 Proposed widened footpath / public space along Oxford Street (source: urban design report)

The proponent indicates that a draft voluntary planning agreement would be prepared to provide 10% of the residential floor space as affordable housing, according to its letter (dated 5 February 2021) responding to Council's request for additional information.

3. COUNCIL VIEWS

On 7 April 2021, the Department wrote to Waverley Council advising of the Rezoning Review request and seeking Council's comments. Council provided a response on 20 April 2021, which is included in full as **Attachment D**.

In this response, Council advised that the Planning Proposal which was submitted for review *"is the same proposal that was considered by Council, however, there are inconsistencies with the documentation submitted to Council and the documentation submitted through the NSW Planning Portal."* The inconsistencies are:

- The *"Place Design Justification Report"* (urban design report) submitted as part of the rezoning review application was dated September 2020 whereas the version submitted to Council was dated November 2020; and
- The *"Stakeholder Engagement Strategy"* submitted as part of the rezoning review application was not submitted to Council at all.

The comments provided by Council include:

"The original request to prepare a planning proposal was not progressed by Council as the proposal lacks site-specific merit, and the proposed 26m 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.*

Council also made their decision to not support the planning proposal with the knowledge that the Waverley Local Planning Panel unanimously recommended that the planning proposal not proceed to Gateway Determination, for the lack of site-specific merit and the same issues listed in (a) through (f) above."

Note: the advice of the Waverley Local Planning Panel dated 16 February 2021 is provided in the Background section of this report.

ATTACHMENTS

Attachment A – Locality Map

Attachment B – Site Map

Attachment C – Currently LEP Maps

Attachment D – Council comments

Attachment E – Rezoning Review application documents

- E1 – Rezoning Review submission form
- E2 – Rezoning Review application form
- E3 – Cover letter – Rezoning Review request
- E4 – Planning Proposal
- E5 – Place Design Justification Report (urban design report)
- E6 – Architectural drawings – concept development scheme
- E7 – Survey plan
- E8 – Heritage Impact Assessment
- E9 – Strategic Merit Test
- E10 – Stakeholder Engagement Strategy
- E11A – Bondi & Districts Chamber of Commercial – meeting notes
- E11B – Mill Hill Precinct Committee – meeting notes
- E12 – Agenda of Strategic Planning and Development Committee – 2 March 2021
- E13 – Minutes of Strategic Planning and Development Committee – 2 March 2021
- E14 – Decision Notice

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