

The logo for URBIS, featuring the word "URBIS" in a bold, sans-serif font. The letters are white and are partially enclosed by a white square frame that is open on the right side. A thick white vertical line runs down the left side of the page, and a thick white horizontal line runs across the page, intersecting the vertical line and the logo frame.

URBIS

CLAUSE 4.6 VARIATION REQUEST (HEIGHT OF BUILDINGS)

194-214 Oxford Street &
Nelson Street, Bondi Junction

Prepared for
WESTGATE BJ PTY LTD
September 2025

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Project Code	P0051573
Report Number	Final August



The river is the symbol of the Dreaming and the journey of life. The circles and lines represent people meeting and connections across time and space. When we are working in different places, we can still be connected and work towards the same goal.

Title: Sacred River Dreaming
Artist Hayley Pigram
Darug Nation
Sydney, NSW

Acknowledgement of Country

Urbis acknowledges the Traditional Custodians of the lands we operate on.

We recognise that First Nations sovereignty was never ceded and respect First Nations peoples continuing connection to these lands, waterways and ecosystems for over 60,000 years.

We pay our respects to First Nations Elders, past and present.

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REQUEST TO VARY PART 2, DIVISION 1, SECTION 16(3) OF STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

Address: 194-214 Oxford Street, 2 Nelson Street and part of Osmund Lane, Bondi Junction

Date: 30 September 2025

SITE AND PROPOSED DEVELOPMENT

1. Site Description

The key features of the site are summarised in the following table.

Table 1 Site Description

Characteristic	Description	
Key Site Features		
Site Name	Stargate West Development	
Address	194-214 Oxford Street, 2 Nelson Street and part of Osmund Lane, Bondi Junction	
Legal Description (Title Particulars)	Property Address	Title Description
	194 Oxford Street Bondi Junction	Lot 10 in DP260116
	196 Oxford Street Bondi Junction	Lot 11 in DP260116
	198 Oxford Street Bondi Junction	Lot 12 in DP 260116
	200 Oxford Street Bondi Junction	Lot 13 in DP260116
	204 Oxford Street Bondi Junction	Lot 16 in DP68010 Lot 1 in DP79947
	214 Oxford Street Bondi Junction	Lot 1 in DP708295
	2 Nelson Street Bondi Junction	Lot 1 in DP583228
	Part of Osmund Lane	Lot 1 in DP1300781
Zoning	The site is zoned MU1 Mixed-Use	
Existing Use / Structures	The site, in accordance with the parent development consent, has been cleared and excavated with exception for a protected, heritage listed Norfolk Pine tree located at the north-east edge of the site.	
Site Area	The site area is 2,481m ² (2,599.1m ² including the land beneath Osmund Lane).	
Site Frontage	The subject site has a northern frontage to Sydney Einfeld Drive, an eastern frontage to Nelson Street, a southern frontage to Oxford Street and western frontage to York Road. Osmund Lane cross into the site from the east.	
Vehicular/Site Access	The parent consent approved vehicular access to the site through a new driveway at Osmund Lane. Key vehicular connections to Osmund Lane are provided through Grafton Street and Oxford Street which connect to Syd Einfeld Drive.	
Adjacent land uses North	Sydney Einfeld Drive, a 6-lane classified road, borders the north of the site. There is a residential area further to the north, on the opposite side of Sydney Einfeld Drive.	

Characteristic	Description
Adjacent land uses East	East of the site, on the opposite side of Nelson Street, is a mix of commercial, retail (including the heritage listed Nelson Hotel) as well as varied residential dwellings including single dwellings to double storey dwellings and townhouses. The area further east of the site, along Oxford Street, heads towards the Bondi Junction town centre and is being transformed by high density mixed-use developments with activated ground floor uses.
Adjacent land uses South	Oxford Street borders the western lots. Osmund Lane borders the eastern lots, with a row of 2-storey retail and commercial properties located between Osmund Lane and Oxford Street. Further to the south of the site is the State Transit – Waverley Bus Depot.
Adjacent land uses West	On the opposite side of York Street and Oxford Street, Centennial Park is located to the west and south-west of the site.
Topography	The site is located in gently undulating terrain with ground surface slopes less than about 5° to 10°. Locally, the ground surface slopes down to the north east. The site has been excavated in accordance with the parent consent, in response to the topography of the site and surrounds.
Vegetation	As part of the approved development (DA-400/2021), the majority of the existing trees have been removed as part of the site preparation works. There is currently Norfolk Pine (<i>Araucaria heterophylla</i>) located at 2 Nelson Street that was approved to be retained and protected.
Flooding/Overland Flow	The site is not flood affected.
Heritage	The lot at 2 Nelson Street contains local landscape heritage item I506 'Norfolk Pine Landscape'. This heritage listing is for a Norfolk Pine tree (the <i>Araucaria heterophylla</i>) that is located at the eastern end of the site. DA-400/2021 was approved to retain and protect this heritage listed tree. The lots at 194-214 Oxford Street are not identified as containing any heritage items. The site is not located within a heritage conservation area. Surrounding heritage conservation areas include the Grafton Street, Centennial Park and the Mill Hill conservation areas. Neighbouring heritage listed items include the Nelson Hotel to the south-east and the Waverley Bus Depot to the south.
Aboriginal Archaeology	No aboriginal heritage is identified at the site.
Bushfire	The site is not on bushfire prone land.
Biodiversity	There is no significant vegetation located on site. All neighbouring and street trees will be retained and protected. The proposal has been designed to limit impacts to the neighbouring trees located on adjoining properties. The biodiversity offset scheme thresholds are not triggered. There are no known threatened species, ecological communities or habitats located on the site.
Contamination	A Preliminary Site Investigation (PSI) and subsequent Detailed Site Investigation (DSI) was prepared for the site as part of the parent consent. In accordance with the DSI recommendations, a Remediation Action Plan (RAP) has been prepared for the site so that it can be made suitable for residential and commercial uses. Site preparation works have been initiated at the site in accordance with DA-400/2021.
Acid Sulfate Soils	The site is not identified as being affected by acid Sulfate soils.
Contamination	A Preliminary Site Investigation (PSI) and subsequent Detailed Site Investigation (DSI) was prepared for the site as part of the approved DA-400/2021. In accordance with the DSI recommendations, a Remediation Action Plan (RAP) has been prepared for the site so that it can be made suitable for

Characteristic	Description
	residential and commercial uses. Site preparation works have been initiated at the site in accordance with DA-400/2021.
Services	The site has services connected to traffic control boxes, electricity boxes and Telstra connection pits.
Surrounding Locality	
Public Transport	The site is closely located to two (2) bus stops recognised as ID 202260 'Oxford St before York Rd' approximately 57m from the site and ID 202238 'Oxford St after York Rd' approximately 96m from the site. The site is in proximity to the Bondi Junction Train Station being within 800m from the site (5-minute walk).
Major Roads	The site borders Sydney Einfeld Drive, a 6-lane classified road, to the north.
Open Space	The site is adjacent to Centennial Park and near St James Reserve Park to the south.
Social Infrastructure (Schools/Hospitals etc.)	Narby, to the east of the site, are Bondi Junction Private Hospital and Waverley Library. To the north is Woollahra Public School.
Any other key regional characteristic	The site is located at the western end of the Bondi Junction Centre. The site is located at the western end of a commercial strip on Oxford Street which provides a direct connection to the rest of Bondi Junction. Bondi Junction is a strategic centre in the Sydney Metropolitan area for the eastern suburbs of Sydney.

Figure 1 Local Context



Source: Nearmap 2024 + Urbis Markup

Figure 2 Site Photos



Picture 1 Site from York Road, off Syd Einfeld Drive
Source: SJB



Picture 2 North eastern corner of site on Syd Einfeld Drive
Source: SJB



Picture 3 Retail offerings near site
Source: SJB



Picture 4 Waverley Bus Depot located opposite to the site
Source: SJB

2. Proposed Development

The site is subject to an existing approval for a shop-top housing development, approved under DA-400/2021 (herein, referred to as the parent development consent). The DA authorised demolition of existing buildings and the construction of a shop top housing development comprising ground floor retail and 10 storeys of residential apartments above the retail podium, across two tower buildings.

The application seeks development consent for an SSDA which will facilitate the redevelopment of the site, retaining the design principles approved under DA-400/2021 (**the parent development consent**), whilst introducing new, in-fill affordable housing in accordance with the recently introduced provisions under the *State Environmental Planning Policy (Housing) 2021 (Housing SEPP)*.

The site, in accordance with parent development consent, has been cleared and excavated with exception for a protected, heritage listed Norfolk Pine tree located at the north-east edge of the site. A part of Osmund Lane, a local road of which a part has been transferred ownership to the applicant, forms a part of the site and has similarly been cleared and excavated.

This SSDA seeks development consent for new and amending works which will comprise of the upper levels of the shop-top housing development that is under construction under the parent development consent. The proposal will be undertaken in accordance with the Architectural Plans prepared by SJB Architects, the winners of the design excellence competition for the site, as submitted with this SSDA. This SSDA seeks development for:

Proposed New Works:

- Construction of Levels 9 – 16 of the residential towers including Buildings A (Western Tower) and Building B (Eastern Tower) comprising:
 - Building A (Western Tower, Residential Levels 9 -13) – with a maximum height of 43.8m
 - Building B (Eastern Tower, Residential Levels 9 -16) – with a maximum height of 56.6m
 - Communal open space on Level 11 (Building A)
 - Plant and lift overrun
 - Public Domain Works
- Internal fit out of Levels 09 - 16

Proposed Amendments to Existing Parent Development Consent

- Internal fit out from Basement Levels 01 - 04
- Internal fit out from Ground Level to Level 08
- The allocation of 1,709 m² of affordable housing on Levels 1,2 and 3 of Building A and Building B, equating to 17 affordable housing apartments
- Additional services to overall development including an additional plant area at ground floor and an addition of a second substation
- Basement services, including additional parking spaces and updated storage and waste storage areas
- Awning over the ground level retail along Oxford St and addition of a glazing window to create visual continuation from the neighbouring retail.

Cumulative Development

Cumulatively, the parent development consent and the proposed SSDA aims to deliver the development as summarised in **Table 2** below.

Table 2 Project Summary

Project Element	Summary
Site/Project Area	The site is known as 194-214 Oxford Street, 2 Nelson Street and part of Osmund Lane, Bondi Junction and is located in the Waverley local government area (LGA).

Project Element	Summary
	The site is comprised of nine (9) lots and is legally described as Lots 10, 11, 12 and 13 in DP260116, Lot 16 in DP68010, Lot 1 in DP79947, Lot 1 in DP708295, Lot 1 in DP583228 and Lot 1 in DP1300781. The site has a total area of 2,481m² (2,599.1m² including the land beneath Osmund Lane). The land that will be physically disturbed within the project area includes the entirety of the 2,599.1m² site. No building structures are proposed along the part of Osmund Lane, all above-ground building structures are limited to the area of 2,481m².
Project Description	Construction of a shop-top housing development, comprising a podium with ground floor retail, two residential towers (Building A and Building B) as well as four levels of basement parking and associated public domain works. <i>Note: Development consent has been granted for the above works, for a podium and two (2) 10-storey towers above and 4 levels of basement parking. The consent is active, demolition works have been completed and excavation and construction works has commenced.</i>
Gross Floor Area (GFA)	Total GFA: 11,288m², including: 467m² of retail GFA. 85 apartments, equating to a total residential GFA of 10,792m² including 1,709m² (17 apartments) of affordable housing GFA. 29m² GFA for communal amenities, incl. WC, steam room and sauna
Floor Space Ratio (FSR)	4.55:1 <i>Note: the FSR calculation excludes the site area through the part of Osmund Lane as there is no GFA proposed on this part of the site, and therefore there is no FSR to calculate for this part of the site. The site area of the remainder of the site is unchanged from the original consent, being 2,481m².</i>
Apartments and Mix	85 dwellings 1 bedroom 2 (2%) 2 bedroom 35 (42%) 3 bedroom 48 (56%)
Affordable Apartments	17 Dwellings 1 bedroom: 2 2 bedroom: 10 3 bedroom: 5
Maximum height	Maximum Building Height of 56.6m. The height of the proposed towers is as follows: - Building A: 42.5m (podium + 13 storey tower) + 1.5m lift overrun (43.8m) - Building B: 54.0m (podium + 16 storey tower) + 2.4m fire stair roof (56.6m)
Setbacks	- Building A: - Front (to Oxford Street): 4m - Side (to Osmund Lane): Nil - Side (to York Road): 8m - Rear (to Syd Einfeld Drive): 6m - Building B: - Front (to Nelson Street): 3m - Side (to Osmund Lane): 1.2m - Side (to Einfeld Drive): 1.5m - Rear (to Osmund Lane): 5m
Vehicular Access	Vehicular access to the development is provided via Osmund Lane (as approved under the parent consent).
Parking	138 car parking spaces, including: 116 residential spaces, including: 28 accessible spaces. 7 electric vehicle spaces.

Project Element	Summary
	– 1 carwash bay ▪ 12 visitor parking spaces. ▪ 9 retail parking spaces. ▪ 1 car share spaces. 45 motorcycle parking spaces. 94 bicycle parking spaces.
Communal Space	The proposed development will deliver 746m² of communal open space: ▪ 364m² communal open space at ground level. ▪ 152m² communal space at level 1. ▪ 230m² of communal space at the roof levels (incl Level 11).
Deep Soil Area	813m² landscape area 175m² of deep soil area
Jobs	Construction – 350 Operation – 25
Estimated Development Cost	\$79,968,278

PLANNING INSTRUMENT, DEVELOPMENT STANDARD AND PROPOSED VARIATION

3. What is the planning instrument you are seeking to vary?

The application seeks to vary the State Environmental Planning Policy (Housing) 2021.

4. What is the site's zoning?

The site is zoned MU1 Mixed Use under the Waverley Local Environmental Plan 2012 (WLEP 2012).

5. What is the development standard to be varied?

The standard proposed to be varied is the maximum height of building standard under Part 2, Division 1, Clause 16(3) of the Housing SEPP.

Part 2, Division 1, Section 16(3) of the Housing SEPP states:

16 Affordable housing requirements for additional floor space ratio

(1) The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2).

(2) The minimum affordable housing component, which must be at least 10%, is calculated as follows—

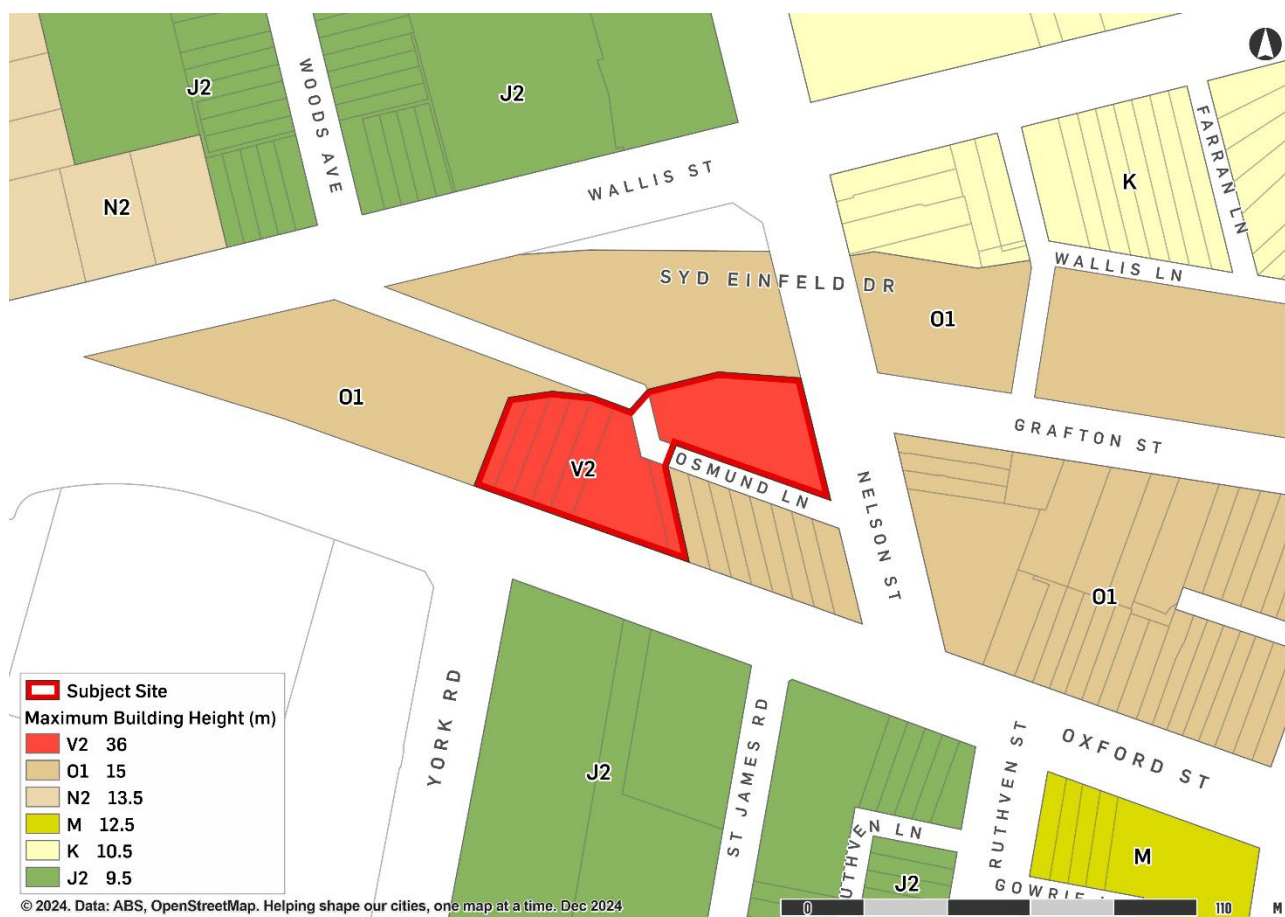
$$\text{affordable housing component} = \frac{\text{additional floor space ratio}}{(\text{as a percentage})} \div 2$$

(3) If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).

(4) This section does not apply to development on land for which there is no maximum permissible floor space ratio

The permissible building height for the land is set out in clause 4.3(2) of the WLEP and shown on the LEP Height of Buildings map below.

Figure 3 WLEP Height of Buildings Map



Source: Urbis

The numerical value of the LEP development standard applicable to the site under clause 4.3(2) of the WLEP is **36 metres**.

Part 2, Division 1, Clause 16(3) development standard of the Housing SEPP permits an additional 30% height bonus on top of the building height (in metres) permissible under clause 4.3 of the WLEP (based on 15% affordable housing provision), resulting in a maximum height of building development standard of **46.8 metres**.

The height of buildings development standard is not excluded from the operation of Clause 4.6 of the WLEP.

The objective of the In-fill affordable housing provisions of the **Housing SEPP** is as follows:

15A Objective of division

The objective of this division is to facilitate the delivery of new in-fill affordable housing to meet the needs of very low, low and moderate income households.

The objectives of the development standard in the **LEP** are as follows:

(1) The objectives of this clause are as follows—

- (a) to ensure building heights preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,*
- (b) to accommodate taller buildings on land in Zone E2 Commercial Centre in the Bondi Junction Centre and establish a transition in scale between adjoining zones to protect local amenity,*
- (c) to maintain satisfactory solar access to existing buildings and public areas,*
- (d) to establish building heights that are consistent with the desired future character of the locality.*

6. Type of development standard?

The request is seeking to vary the numeric height of building control.

7. What is the numeric value of the development standard in the environmental planning instrument?

Under the WLEP, the maximum height of buildings is 36m. With the Housing SEPP incentive provisions, the maximum height of buildings is 46.8m.

The proposal seeks to exceed the maximum building height of 46.8m.

8. What is the difference between the existing and proposed numeric values? What is the percentage variation (between the proposal and the environmental planning instrument)?

The maximum permissible building height is 46.8m. The proposed building height is:

- Building A: 42.3m to roof level and 43.8m to the lift overrun
- Building B: 54m to the roof level and 56.6m to the fire stair roof.

Building A is fully compliant with the maximum permissible height.

The proposed height of the building and compliance with the height plane are described in **Table 3**. Due to the sloping nature of the site, the height varies across both the north-south and east-west axes. To ensure accuracy, the height from the point of greatest exceedance has been measured.

Table 3 Summary of breaches to height plane for Building B

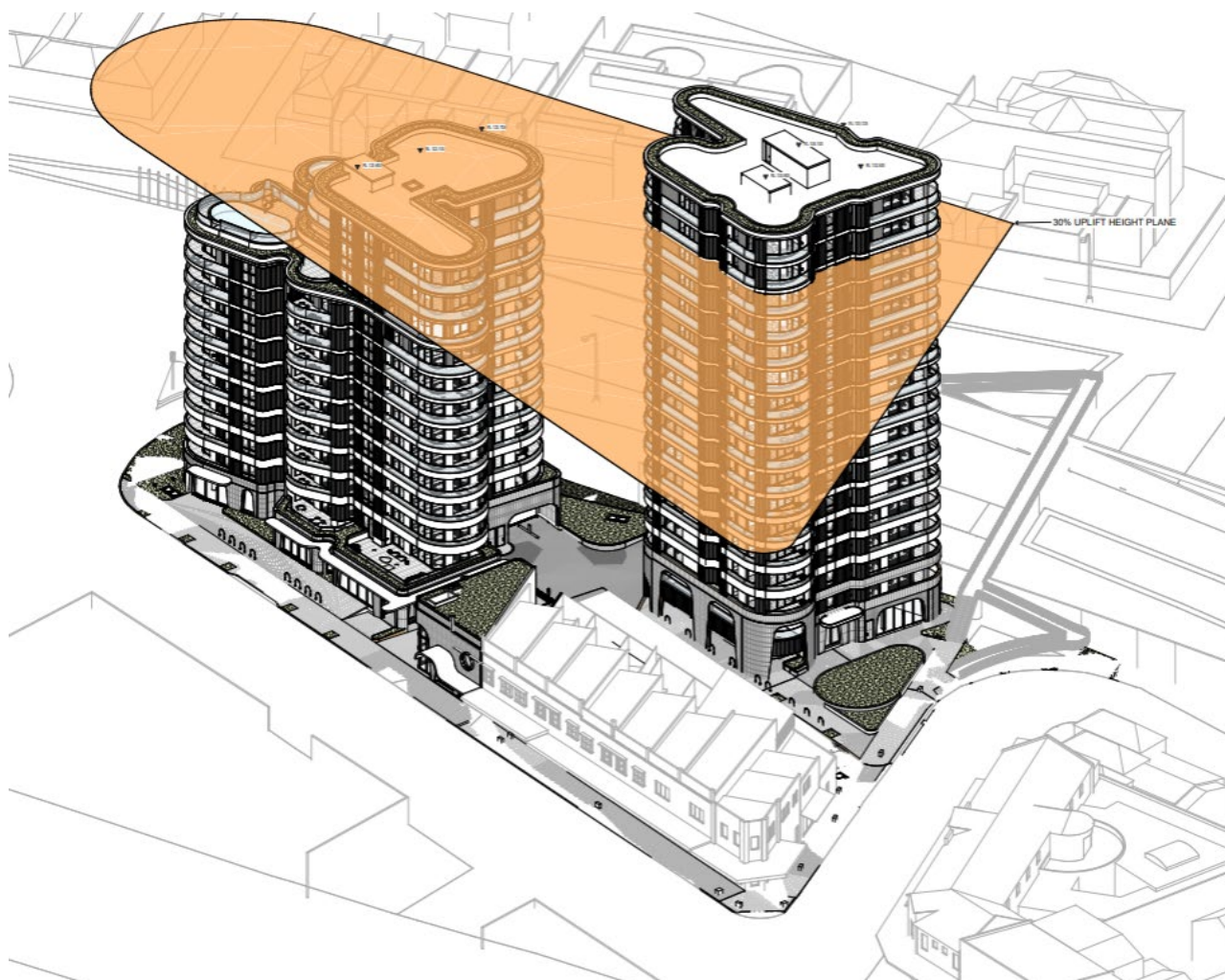
Element	RL	Height in metres	Breach
Roof level	RL132.5	54m	7.2m / 15.3%
Lift over run	RL133.9	55.78m	8.98m / 19.2%
Fire stair roof	RL135.1	56.6m	9.8m / 20.9%

9. Visual representation of the proposed variation (if relevant)

The height plane extrapolated across the site is shown in orange, illustrating that the upper 2 residential levels of Building B exceed the height plane. The exceedance is a result of a rebalancing of building height across the site, transferring height from Building A to Building B.

It must be noted that, due to the sites topography, the roof top structures and upper level of Building B was originally approved with a height variation.

Figure 4: 3D height plane



Source: SJB

JUSTIFICATION FOR THE PROPOSED VARIATION

10. How is compliance with the development standard unreasonable or unnecessary in the circumstances of the particular case?

Key Questions	Response
a) Are the objectives of the development standard achieved notwithstanding the non-compliance?	For completeness, this section addresses both the objective of the infill affordable housing provisions of the Housing SEPP and the objectives of the height of buildings development standard within the WLEP. Objective of Part 2, Division 1 of the Housing SEPP 15A The objective of this division is to facilitate the delivery of new infill affordable housing to meet the needs of very low, low and moderate income households. The proposal dedicates 15% of the total GFA as affordable housing, with equates to 17 apartments. The affordable housing component has been carefully designed to ensure high levels of amenity and a variety of apartment typologies that will meet the expected needs of the future tenants.

Key Questions	Response
	The development facilitates the delivery of new infill affordable housing within direct proximity to jobs, public transport and high levels of amenity which will be managed by a community housing provider. <u>Objectives of WLEP Clause 4.3</u> <i>(a) to ensure building heights preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,</i> The proposal maintains the environmental amenity of neighbouring properties in line with the intent of the WLEP. As outlined below, the development, despite varying the height of buildings standard, does not compromise the preservation of environmental amenity. The proposed size and scale of the lift and fire stair overruns are necessary to provide equitable access to the rooftop as well as address the relevant fire safety design measures. Reducing the height would remove the relevant access to the rooftop and these proposed elements do not result in unreasonable environmental or amenity impacts on the surrounding context, with overshadowing and visual impacts remaining limited. The proposed height is therefore a functional and reasonable response that supports the relevant access to the rooftop area. <u>Visual Impact</u> The proposed development will inevitably increase the built form relative to what is presently approved over the site. Under the site existing consents, the building has an approved maximum height of 10 storeys above podium. The proposed development provides for two towers of part 12, part 13 storeys (Building A) and 16 storeys (Building B) above the podium level. Overall, when compared to the existing approved DA, the proposed development is considered to result in improved visual built form outcomes, through the variation and stepping in building height creating greater articulation and less monogamy in the skyline. This is particularly evident from the western approach, along Oxford Street where Building B now steps out from behind Building A and creates a slender building form as the towers are seen individually rather than a single form. From the eastern approach, along Oxford Street, it breaks up the skyline and creates the appearance of greater separation between the building forms. Importantly, the proposed non-compliant elements of Building B are not in a location or of a scale that would result in visual impacts from neighbouring properties or render the development incompatible within the surrounding context of the Bondi Junction town centre. Most notably, the buildings further east along Oxford Street are of a similar height, bulk and scale to Building B and therefore remain consistent with this broader character. Having regard to the broader character, it is not considered that the non-compliant elements will read inconsistent with the existing and future built form context or will result in negative visual impacts. The latest Visual Impact Assessment provides a visual render analysis for Viewpoints 1 to 6 have been updated to compare the built form of the approved and proposed built form. Extracts of these updated view renders are provided below:

Figure 5 Updated Viewpoint Analysis



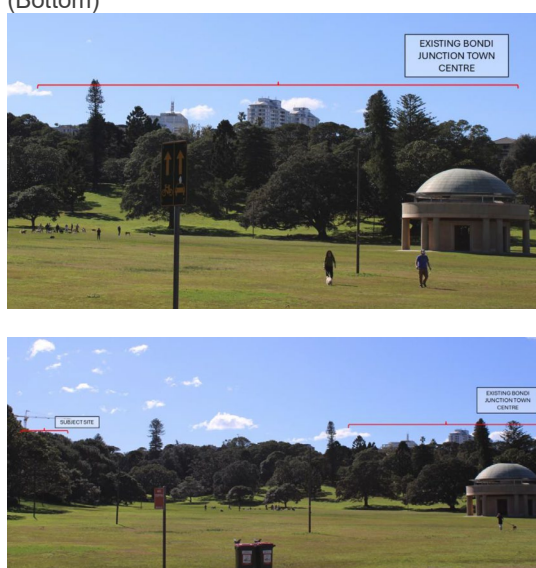
Subject to the updated visual impact assessment, further heritage assessment could be extrapolated as follows:

- **Viewpoint 1:** The view towards the site from the Intersection of Syd Einfeld Drive, Oxford and Wallis Street is of little heritage significance. The proposal will have no additional visual impact on this view. As approved, the proposal was visible, and the increase in built form, while visible, forms part of the wider built form context and will not result in an increased impact.
- **Viewpoint 2:** The view to the north along York Road along the eastern boundary of Centennial Park is of little heritage significance. The proposal will have no additional visual impact on this view. As approved, the proposal was visible, and the increase in built form will not detrimentally impact the views to the north along the eastern boundary of Centennial Park.
- **Viewpoint 3:** The sweeping views across the parklands, including the views to the north-east from Grand Drive, are of exceptional significance. The additional visual impact, as a result of the proposal, will be moderate due the additional storeys which are visible above the tree line. The proposal as approved was visible from this vantage point, and the limited increase in built form therefore results in a moderate additional visual impact on the view from Grand Drive, Centennial Park. It is noted that the visual impact is contributed by the topography of the site, being on the ridgeline of Oxford Street. It is considered that any redevelopment of the site, seeking to maximise the built form would likely be visible from this viewpoint. It is also noted that the proposed, stepped tower form had been designed to protect the solar access to Centennial Park while achieving the target, 30% uplift in FSR and affordable housing provision. In April 2024 during the consultation session, Centennial Park Trust feedback from with Centennial State Trust (the Trust) highlighted the importance of protecting solar access. An options analysis of eight (8) design options were prepared to identify alternative designs that respond to solar access requirements for Centennial Park. These options were presented to DPHI on 23 May 2024, identified the preferred options which result in no additional overshadowing at the 'no additional impact' area, while delivering much needed GFA and affordable housing at the site. Subsequently, this has been further ratified by the submission made by Greater Sydney Parklands (dated 25 May 2025) following the public exhibition which *"confirm that the approach to overshadowing in the application is considered reasonable as it results*

in a minor variation to the current approval and is consistent with the Study".

Additionally, it must be noted that there several other built form structures (namely those forming the Bondi Junction Town Centre) visible from this location in Centennial Park. It is important to note that views and vistas within the Park are not unimpeded. Additionally, it is observed that there are several locations throughout the Park, particularly when looking towards the Federation Monument (101) from Grand Drive, where built form elements are readily visible above the tree line. This is demonstrated in the figure below. Importantly, due to the basin-like topography of Centennial Park, views towards the Bondi Junction skyline are prevalent from various locations. These views may be impeded, obscured, or enhanced at different points within the Park, influenced both by Bondi Junction's ridgeline setting and the varying landscape and tree canopy surrounding the Park.

Figure 6 Existing Buildings Across Bondi Junction CBD Protruding over Tree line (Top) and it's Interface with the Site of the Proposal (Bottom)



Source: Keylan

Additionally, the Bondi Junction CBD is serviced and zoned for high density housing and is anticipated to undergo continued growth and development, the Bondi Junction CBD Vision and Masterplan recently initiating with the intent to support strategic development across the CBD.

- **Viewpoint 5:** This viewpoint is of little heritage significance. The proposal is not visible from this vantage point, and therefore, the additional height as proposed under the SSDA will result in no additional visual impact.
- **Viewpoint 6:** The views towards the subject site from this location are of little heritage significance. The proposal will have a minor, additional visual impact on this view. As approved, the proposal was visible and while the increase in height as part of the SSDA will result in an increase in built form, it forms part of the broader built context of the site, with a minor visual impact on the setting in overall terms.

The visual impact assessment concludes that the proposal results in a low – moderate impact across viewpoints 1 to 6.

In addition to the visual impact assessment, the Architectural Design Report prepared by SJB illustrates that the overall height of the building is suitable in its context and does not significantly reduce any impact from surrounding views due to its alignment with the height datum as evidenced by tall buildings along the Oxford St commercial and mixed-use street wall. The retail street wall to Oxford St is maintained from a heritage standpoint,

and that the building has no major visual impact from most residential dwellings with the surrounding density of the tree lined streets. This demonstrates how, compared to the approved development, the proposal responds and contributes to its context and will continue to enhance the qualities and identity of the area by providing a high-quality gateway development at the western end of Bondi Junction.

Figure 7 Street Interface of Proposal (Top – Approved / Bottom – Proposed)



Overall, the Bondi Junction CBD is serviced and zoned for high density housing and is anticipated to undergo continued growth and development, the Bondi Junction CBD Vision and Masterplan recently initiating with the intent to support strategic development across the CBD.

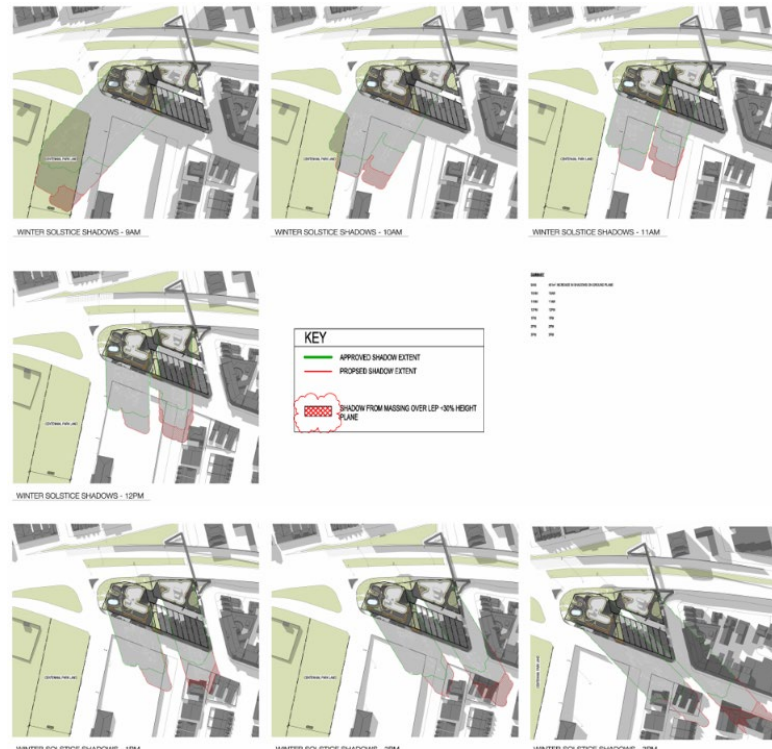
Overshadowing / Solar Access

Following consultation with DPHI and Centennial Park trust, the proposed development was redesigned to ensure no additional overshadowing impact within the designated times and areas of “no additional impact” as prescribed under the Greater Sydney Parklands Shadow Modelling Study 2022.

SJB has prepared a series of shadow diagrams for the winter solstice, autumn equinox, spring equinox and the summer solstice (**Appendix B**), these shadow diagrams providing a clear breakdown of the shadow generated by the parent consent, proposed SSDA and the portions of the SSDA that are proposed to vary the height limit (further detail provided at the accompanying Clause 4.6 variation request, **Appendix F**). An extract of the winter solstice shadow diagrams, which demonstrates the worst case scenario for overshadowing impacts, demonstrate that the proposal:

- Does not result in any additional overshadowing to the “no additional impact” as prescribed under the Greater Sydney Parklands Shadow Modelling Study 2022.
- Predominantly result in additional overshadowing over the bus depot, located to the south side of Oxford Street.
- Does not result in significant increases to overshadowing across public roads and street, beyond the overshadowing generated by the approved parent consent.
- Results in some overshadowing impacts to neighbouring properties to the south, of which a detailed solar heatmap has been prepared to demonstrate continued provision of adequate solar access to these properties. This includes an hour-by-hour 3D overshadowing analysis of each affected block (refer to **Appendix H**) which ultimately confirms that each block will be subject to at least three or more hours of solar access.

Figure 8 Winter Solstice Overshadowing Diagrams



Source: SJB

(b) to accommodate taller buildings on land in Zone E2 Commercial Centre in the Bondi Junction Centre and establish a transition in scale between adjoining zones to protect local amenity,

N/A

(c) to maintain satisfactory solar access to existing buildings and public areas,

The proposal ensures satisfactory solar access, as detailed under objective (a).

(d) to establish building heights that are consistent with the desired future character of the locality.

The desired future character of the site and broader Bondi Junction locality is guided by urban form, building use, access/movement, heritage, active frontages, views, building elevations and wind mitigation provisions contained in Section E1 of the WDCP together with the FSR and height of building development standards contained in the WLEP.

The site is subject to site-specific built form objectives under the WDCP, which specifically seek:

- To deliver the highest standard of architectural, urban and landscape design.
- To establish building envelopes that minimise overshadowing on Centennial Park and surrounding low scale residential areas.
- To ensure buildings are environmentally innovative particularly with regard to water and energy conservation.
- To ensure development does not adversely impact on the significance of the neighbouring heritage buildings, landscape and conservation areas.

Key Questions	Response
	The site is also located at the western end of the Bondi Junction Centre. The urban form control objectives of the WDCP for the broader Bondi Junction Centre seeks: ▪ <i>To ensure that Bondi Junction Centre is a vibrant and attractive commercial area.</i> ▪ <i>To define the desired future character and urban form for Bondi Junction Centre.</i> ▪ <i>To reinforce the role of Bondi Junction as a Strategic Centre as identified by the NSW Government.</i> ▪ <i>To promote built form that increases access to natural ventilation and lighting.</i> ▪ <i>To coordinate building massing along streets and across blocks.</i> ▪ <i>To ameliorate the effects of existing unevenly scaled and massed buildings.</i> ▪ <i>To mitigate the visual effect of tall buildings on the street.</i> ▪ <i>To mitigate environmental effects of tall buildings on existing surrounding low scale residential development.</i> ▪ <i>To ensure the streetscape setting for heritage buildings and other noteworthy buildings is retained and enhanced.</i> ▪ <i>To create diversity within the Bondi Junction Skyline.</i>
b) Are the underlying objectives or purpose of the development standard not relevant to the development? (Give details if applicable)	N/A – see above
c) Would the underlying objective or purpose be defeated or thwarted if compliance was required? (Give details if applicable)	N/A – see above
(d) Has the development standard been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard?	N/A – see above
e) Is the zoning of the land unreasonable or inappropriate so that the development standard is also unreasonable or unnecessary?	N/A – see above

As demonstrated above, the objectives of the infill affordable housing provisions of the Housing SEPP and the WLEP height of buildings development standard are achieved notwithstanding the proposed contravention.

11. Are there sufficient environmental planning grounds to justify contravening the development standard?

There are sufficient environmental planning grounds to justify contravening the development standard:

- The non-compliant building height is a direct result of transferring building height and floor space from one part of the site to another in order to protect solar access to Centennial Park. This is a deliberate move to enable the delivery of affordable housing on the site, whilst protecting amenity to important public places.
- From a built form a visual perspective, the variation in the building height between the towers is considered to achieve a better design outcome as it results in greater transition in the scale of the two towers. As verified by the Design Integrity Panel, “the height difference delivers improved urban design and built form outcomes and is a fundamental element of the design in achieving design excellence. The scale difference between the two towers is to be retained as part of future design development.”

- Further, “the DIP has considered the design in relation to the context of the site and are of the opinion that the 30% density has been applied in a thoughtful and considerate way.”
- The variation to the height limit is limited to the upper two levels of Building B. From a view sharing perspective, the VIA consultant has determined that the variation will not result in adverse or unacceptable view loss impacts.
- SJB have modelled the additional overshadowing associated with the non-compliant component and a detailed analysis of this on the residential properties to the south has been undertaken. This confirms that those properties can still receive 2 hours of solar access mid-winter and therefore, this does not introduce any non-compliances or unacceptable loss of solar.
- The proposed size and scale of the lift and fire stair overruns are necessary to provide equitable access to the rooftop as well as address the relevant fire safety design measures. Reducing the height would remove the relevant access to the rooftop and these proposed elements do not result in unreasonable environmental or amenity impacts on the surrounding context, with overshadowing and visual impacts remaining limited. The proposed height is therefore a functional and reasonable response that supports the relevant access to the rooftop area.
- Overall, it is considered that the variation to the height limit produces a better outcome than that of a compliant development as it:
 - Retains solar access to Centennial Park
 - Provides for diversity in the height of towers which results in a greater transition and improved urban design outcomes
 - Strengthens the sites role as a corner marker, at the western edge of the Bondi Junction town centre
 - Maintains the design integrity elements of the winning design excellence competition
 - Results in limited additional external amenity impacts, beyond that of a compliant envelope.

For these reasons it is deemed that there are sufficient environmental planning grounds to justify the contravention to the development standard.

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