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URBIS

INFILL AFFORDANCE HOUSING SSDA - STARGATE WEST

Scoping Report - 194-214
Oxford Street & 2 Nelson
Street, Bondi Junction

Prepared for
WESTGATE BJ PTY LTD
18 October 2024

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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.

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

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1. INTRODUCTION

This report has been prepared by Urbis Ltd. on behalf of Westgate BJ Pty Ltd (**the applicant**) to guide the preparation of an Amending State Significant Development Application (**SSDA**) for an infill affordable shop top housing development at 194-214 Oxford Street and 2 Nelson Street, Bondi Junction (**the site**). This scoping report supports an application for an industry specific Secretary's Environmental Assessment Requirements (**SEARs**). The project comprises market and affordable rental housing across two towers above a retail podium.

The site is subject to an existing approval for a shop-top housing development at the site (DA-400/2021, as amended by DA-360/2023) which approved the redevelopment of the site for the purposes of two, 10-storey residential towers built upon ground floor retail. This development approval was the culmination of a decade of planning and design development through a site-specific Planning Proposal, Design Excellence Competition and Development Application processes. The proposed SSDA aims to build upon the extensive planning and design work thus-far, while delivering additional, in-fill affordable housing in response to current market demand within a highly accessible location.

The Amending SSDA will seek approval for the redevelopment of the site, which will retain the key design principles approved under DA-400/2021 (as amended by DA-360/2023), 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 is located within the Waverley Local Government Area (**LGA**) and is zoned MU1 Mixed Use under the provisions of the Waverley Local Environmental Plan 2012 (**WLEP 2012**). Development for the purpose of "shop-top housing" is permissible with consent in the MU1 Mixed Use zone.

The proposal satisfies the definition of State Significant Development (**SSD**) pursuant to Schedule 1, Section 26A of the *State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)* as it is development to which *State Environmental Planning Policy (Housing) 2021*, Chapter 2, Part 2, Division 1 applies that:

- Is not prohibited under an EPI applying to the land.
- Has a residential component that exceeds \$75 Million.
- Meets the locational requirements of the Housing SEPP; and
- Will provide at least 10% of the total Gross Floor Area (**GFA**) as affordable housing for at least 15 years.

This report provides a brief overview of the proposed development and the relevant planning framework for the issuance of the industry specific SEARs which will guide the preparation of a formal EIS for the future development of the site.

2. APPLICANT DETAILS

The applicant details for the proposed development are listed in the following table.

Table 1 Applicant Details

Descriptor	Proponent Details
Full Name(s)	Westgate BJ Pty Ltd
Postal Address	Suite 1, Level 1, 109 Oxford Street Bondi Junction, NSW 2022
ABN	12 601 663 343
Nominated Contact	<u>Vernon Houston:</u> E: vernon@stargateproperty.com.au M: 0412 662 120 <u>Sophy Purton (Urbis):</u> E: spurton@urbis.com.au M: 0404 246 634

3. SITE DESCRIPTION

The site is located at 194-214 Oxford Street and 2 Nelson Street, Bondi Junction within the Waverley LGA. The site is comprised of multiple allotments and is legally described as:

- 194-214 Oxford Street:
 - Lot 10, 11, 12, 13 & 16 / DP 260116,
 - Lot 1 / DP 708295,
 - Lot 1 / DP 79947, and
- 2 Nelson Street:
 - Lot 1 / DP 583228.

The site's location of the site is illustrated in **Figure 1** below and the site's lot layout is illustrated in **Figure 2** below.

Figure 1 Local Context



Source: Urbis

Figure 2 Aerial Photograph



Source: Urbis

The key features of the site which have the potential to impact or be impacted by the proposed development are summarised in the table below. A Site Survey is also provided in **Appendix E**.

Table 2 Key Features of Site and Locality

Descriptor	Site Details
Land Configuration	The subject site land size is 2,481m ² with a northern frontage to Sydney Enfield Drive, an eastern frontage to Nelson Street, a southern frontage to Oxford Street and western frontage to York Road. The site is comprised of two parcels which are separated by Osmund Lane.
Land Ownership	The land is owned by Westgate BJ Pty Ltd, Belosh Pty Ltd and Bell Vue Pty Ltd.
Existing Development	The development site comprises two (2) parcels of land separated by Osmund Lane. It has an existing approval for a shop top housing development (DA-400/2021 & DA-360/2023) comprising ground floor retail and 10 storeys of residential apartments above the retail podium, across two buildings (Oxford Street tower Building 1 and Nelson Street tower Building 2). The existing site has currently been cleared and is subject to site preparation works in accordance with this approval.
Local Context	The surrounding locality is described below: North: Sydney Enfield 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 Enfield Drive. 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

Descriptor	Site Details
	<p>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.</p> <p>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.</p> <p>West: On the opposite side of York Street and Oxford Street, Centennial Park is located to the west and south-west of the site.</p> <p>The surrounding land uses are demonstrated in the site aerial at Figure 3 below.</p>
Regional Context	The site is in proximity to the Bondi Junction shopping and transport hub to the east, comprising Bondi Junction Westfield Shopping Centre, a pedestrian shopping mall, Bondi Junction Train Station. The site is located within the Western Precinct of Bondi Junction.
Infrastructure	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).
Site Access	The approved development (DA-400/2021) 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 Enfield Drive.
Services	The site has services connected to traffic control boxes, electricity boxes and Telstra connection pits.
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 residential and commercial uses. Site preparation works have been initiated at the site in accordance with DA-400/2021.
Stormwater and Flooding	The site is not flood affected.
Bushfire Prone Land	The site is not bushfire prone land.
Flora and Fauna	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 one <i>Araucaria heterophylla</i> , one <i>Cedrus deodara</i> and one <i>Callistemon sp</i> that was approved to be retained and protected. Additionally, there are three other trees adjoining the site that are approved to be retained.

Descriptor	Site Details
Aboriginal Heritage	No aboriginal heritage is identified at the site.
European Heritage	<p>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.</p> <p>The lots at 194-214 Oxford Street are not identified as a containing any heritage items.</p> <p>The site is not located within a heritage conservation area.</p> <p>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.</p>

Figure 3 Site Aerial



Source: Urbis

4. SITE HISTORY

4.1. SITE SPECIFIC PLANNING PROPOSAL

A site-specific Planning Proposal was initially lodged with Waverley Council on 11 March 2015 (PP_2016_WAVER_003_00) to enable the redevelopment of the site for a shop-top housing development. Subsequently, this Planning Proposal received gateway determination on 22 December 2016 published in the WLEP 2012 on 20 December 2019. The Planning Proposal amended the planning controls under the WLEP 2012 including the following:

- increased the height of buildings development standard from 15m to 36m;
- increased the floor space ratio development standard from 1.5:1 to 3.5:1;
- removed local heritage item I1212 under Schedule 5 of Waverley LEP 2012, which related to the four lots of attached terrace dwellings between 194 and 200 Oxford Street;
- corrected a zoning anomaly on the corner of Syd Enfield Drive and York Road by rezoning a portion of the road reserve of Syd Enfield Drive from B4 Mixed Use to SP2 Infrastructure; and
- introduced a site-specific design excellence clause requiring an architectural design competition to be undertaken for any future DA at the site as well as the requirement for the preparation of a site-specific development control plan.

The Planning Proposal was accompanied by a Draft Public Offer Benefit (Planning Agreement). Additionally, a Draft site-specific development control plan was prepared and exhibited with the planning proposal, establishing objectives and controls relating to built form, design excellence, public domain and transport/parking. As part of the planning proposal, a local clause to require a site specific DCP was also published under clause 6.11 of the WLEP 2012

4.2. SITE SPECIFIC DEVELOPMENT CONTROL PLAN

Following the publication of the site-specific Planning Proposal, a site-specific DCP was subsequently prepared in accordance with clause 6.11 of WLEP 2012 and was adopted by the elected Waverley Council on 1 September 2020. It is now known as Part E5 of Waverley DCP 2012. The site-specific DCP includes provisions relating to detailed built form controls, design requirements, delivery of public domain items, waste management as well as vehicular access and parking.

4.3. DESIGN EXCELLENCE COMPETITION

A Design Excellence Competition was undertaken for the development. Three firms competed and the Jury unanimously agreed on 26 October 2020 that the submission prepared by SJB Architects best demonstrated the ability to achieve design excellence in accordance with Clause 6.9 and 6.10 of the WLEP 2012 and was awarded the winner of the design excellence competition.

The process comprised three competitors and was assessed by the Jury composed of three members:

- Dillon Kombumerri (Chair and NSW GA nominee)
- Ken Maher AO (Council nominee)
- Kim Crestani (Proponent nominee)

During the Development Application process (detailed in **Section 4.5** below), Council agreed to maintain the Jury in lieu of Council's Design Excellence Advisory Panel for continuity. The winning Design Excellence Competition was subsequently refined by SJB Architects in response to feedback from the Jury, the final revised design scheme is demonstrated in **Figure 5** below.

Figure 3 Revised Winning Design Excellence Competition Scheme



Source: SJB Architects

4.4. DEVELOPMENT APPLICATION – DA-400/2021

Subsequent to the design excellence competition, a development application (DA-400/2021) was lodged on 30 September 2021 for the following:

“Demolition of existing structures; construction of a shop top housing development, comprising ground floor retail, 10 floors of residential apartments across two buildings (known as Oxford Street tower and Nelson Street tower) and four levels of basement parking; and associated Planning Agreement for public domain works.”

In response to feedback received by Council and the local community, the application was amended on 27 July 2022 and was subsequently issued a deferred commencement consent on 18 August 2022 by the Sydney Eastern City Planning Panel. Of note, the key concerns and challenges resolved under the approved development include:

- The shadow impact on Centennial Park acceptable and the shadow cast by the height exceedance is within an area of the Centennial Park which allows for minor additional overshadowing.
- The building design and placement of towers and their separation will achieve an appropriate entry marker to Bondi Junction Town Centre and will deliver a positive visual outcome, a result of the competitive design process.
- The proposal will result in minimal contribution to traffic on the road network and is highly unlikely to have a material impact of the performance of nearby intersections or roads.
- The development had an overall building height of 37.54m, exceeding the WLEP 2012 standard by 1.54m. The proposal demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

Following the approval of DA-400/2021, two modification applications have been lodged and approved. The first modification application (DA-400/2021) was approved on 23 July 2023, removing the deferred commencement condition relating to the requirement to enter into a Planning Agreement. The second modification (DA-400/2021/B) was approved on 23 October 2023, to specify that the conditioned requirement for a Site Audit Statement is excludes below ground level (existing) and demolition works.

As of the time of writing, the demolition works are completed, and earthworks are being undertaken on the site in accordance with the approved development.

The proposed SSSA aims to align with the design and overall objectives of DA-400/2021. However, it seeks to expand upon the original proposal by incorporating a 30% increase in GFA and building height. This expansion is in response to the new infill affordable housing provisions outlined in the Housing SEPP.

4.5. AMENDING DEVELOPMENT APPLICATION – DA-360/2023

An amending DA was lodged on 29 November 2023 for the following:

“Amending DA for alterations and additions to the basement and ground floor levels of an approved shop top housing development associated with DA-400/2021, including consolidation of basement car parks.”

DA-360/2023 only amended the Basement Levels 4, 3, 2 and 1 and the Ground Floor Level of the approved development under DA-400/2021. The amending DA updated the basement car park so that it is consolidated with connections under part of Osmund Lane. The updated basement car park has a updated total number of parking spaces with a total of 84 car vehicle parking spaces (including a14 accessible, 50 standard residential, 10 visitor and 12 retail parking spaces). Amendments to the ground floor included adjustments to the configuration of public domain, vehicle access, loading, storage areas as well as other detailed design elements.

This amending DA did not result in any changes to the number of apartments, GFA/FSR or the building form above the ground level, and these elements are unchanged from DA-400/2021.

The proposed SSDA aims to deliver the ground level area as approved under DA-360/2023 and deliver the quantum parking spaces to meet the Housing SEPP requirements, within the consolidated basement area.

4.6. PLANNING AGREEMENT

Following the receipt approval of the DA-400/2021, a Planning Agreement has been executed and registered on the site. The terms of the planning agreement were negotiated and agreed by Westgate BJ Pty Ltd and Council on 21 March 2023 and requires the Developer to pay to Council a monetary contribution in the amount of \$6,300,000, as well as deliver a Public Plaza and Through-Site-Link on the site. The planning agreement map was updated in accordance with DA-60/2023, however, terms of the planning agreement remain relevant subject to DA-360/2023. The Public Plaza and Through-Site-Link that form part of the Planning Agreement is demonstrated in **Figure 4** below.

Figure 4 Public Domain Works that form part of the Planning Agreement



Source: SJB

4.7. ENGAGEMENT

DPHI Preliminary Scoping Meeting (28th March 2024)

A preliminary Scoping Meeting was held with the DPHI Industry Assessments team on the 28th March 2024 (held on Microsoft Teams) to discuss a preliminary design of the proposal. As part of this preliminary Scoping Meeting, it was stipulated that consultation with the Centennial Park Trust would be required prior to a formal Scoping Meeting. DPHI also raised that alternative, preliminary designs should be prepared to explore opportunities to minimize overshadowing impacts.

Consultation Centennial Park Trust (9th April 2024)

A consultation session with the Centennial Park Trust (the **Trust**) was held on the 9th April 2024 (held on Microsoft Teams). This consultation allowed the Trust to provide feedback and comments on the preliminary, proposal designs and the potential overshadowing impacts onto the neighbouring Centennial Park. As part of this consultation session, it was raised that there was a:

- The Greater Sydney Parklands Shadow Modelling Study 2022 applies to the site and the Trust requested that the proposal be revised so that there is no additional overshadowing impact within the designated times and areas of “no additional impact” as prescribed under the study.
- The north-eastern edge of Centennial Park is currently underutilised as a large portion of the area is used for the purposes of a fenced off water reservoir and other areas of this edge features vegetation overgrowth. While there are no current plans to revitalize the north-eastern edge of the Centennial Park, the Trust identifies the need to protect the space’s future potential to accommodate open space uses.
- The north-eastern edge of Centennial Park provides visual and amenity benefits and can be used by runners and dog walkers.

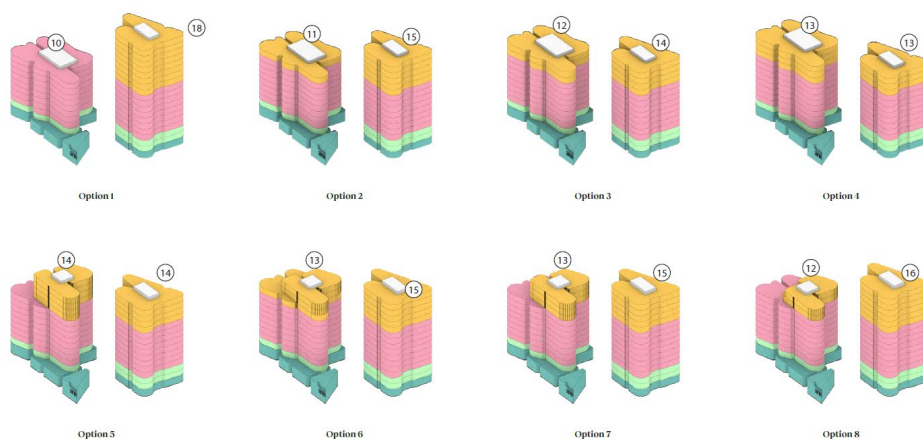
The Trust affirmed a need to prepare and assess alternative built forms to best reduce the overshadowing impact on the Centennial Park.

The protection of solar access to the Centennial Park and the comments provided by the Trust have informed the preparation of an options analysis which seek to balance the delivery of much needed affordable housing, while also minimizing any overshadowing impact to Centennial Park.

DPHI Scoping Meeting (23rd May 2024)

A Scoping Meeting was held with the DPHI Industry Assessments team on the 23rd May 2024 (held on Microsoft Teams). In preparation of this Scoping Meeting, eight (8) options for alternative, proposal designs and were assessed with consideration of the resulting overshadowing impact and built form outcome. **Figure 5** below provides an overview of the eight (8) options which were assessed in preparation for this Scoping Meeting.

Figure 5 Options Analysis



Source: *SJB Architects*

In light of the feedback from the Centennial Park Trust, the DPHI were accepting of alternative, stepped tower form massing that delivered the 30% uplift in FSR, notwithstanding that this may result in one tower exceeding the height limit. The DPHI were of the view that subject to a merit assessment, a clause 4.6 could

be submitted to vary the height limit given that this alternative design allows for protection of solar access to Centennial Park whilst delivering an improved visual outcome and much needed affordable housing.

Heritage New South Wales

High-level engagement has been undertaken with Heritage New South Wales (**Heritage NSW**) to discuss the requirement for an Aboriginal Cultural Heritage Assessment Report (**ACHAR**). The site excavation works, as approved under DA-400/2021, have been significantly progressed. With consideration of the level of site disturbance, a request will need to be made to remove the requirement for an ACHAR from the Industry Specific SEARs.

According to advice received from HNSW, there is preference to have this request, prepared by a suitably qualified heritage consultant, be made to Heritage NSW (via DPHI) as part of the request for SEARs. As such, as part of this SEARs request, a request to remove the ACHAR requirement has been prepared by Urbis Ltd (**Appendix D**).

5. SUMMARY OF DEVELOPMENT

The Amending SSDA will seek approval for the redevelopment of the site, which will retain key design principles of the building approved under DA-400/2021 (as amended by DA-360/2023), whilst introducing new, in-fill affordable housing in accordance with the recently introduced provisions under the Housing SEPP. The proposal seeks to achieve the following objectives:

- Facilitate the delivery of high-quality and high-amenity shop top housing (including affordable housing), at a strategically located site.
- Deliver a development design that aligns with the approved DA-400/2021. The development will continue to demonstrate design excellence and integrates with the desired future character of the area.
- Deliver a built form outcome that will not result in any adverse overshadowing impacts to the neighbouring Centennial Park or any adverse amenity impacts to the neighbouring residences and public domain.
- Deliver affordable housing to help meet the State Government targets.
- Deliver housing and retail offerings in close proximity to bus and train interchanges and the Bondi Junction shopping and transport hub.
- Deliver and dedicate public spaces to the benefit of the local community.

Specifically, the Amending SSDA seeks development consent for new works which will comprise of the upper levels of the buildings which, as programmed, will not yet be constructed under the previous consent at the time this SSDA is determined.

The development of the site has physically commenced pursuant to the Consent with demolition and excavation completed. Certification under the Consent has been obtained and construction is intended to continue for the lower portion of the building (up to Level 9).

Simultaneously with the construction of the lower parts of the building, the proponent seeks approval for new works to the remaining levels of the building (above level 9) as well as the internal fit out and servicing for the levels 4 to level 16.

Specifically, the Amending SSDA seeks development consent 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 RL 122.6
 - Building B (Eastern Tower, Residential Levels 9 -16) – with a maximum height of RL 133.0
 - Communal open space on rooftop (Building A)
 - Plant and lift overrun.
 - Public Domain Works
- Internal fit out of Level 9 -16

Proposed Amendments to Existing Consents

- Internal fit out from level 4 - 9
- The allocation of 1,693m² of affordable housing on Levels 1,2 and 3 of Building A and Building B.
- Additional services to overall development as required

Cumulatively, the project involves the construction of two (2) residential flat buildings on top of a retail podium. The project will include the construction of the building, and ancillary landscaping works. Further to the overshadowing analysis conducted in preparation of this proposal (detailed in **Section 4.6** of this report) and the feedback received from the Trust and DPPI, the applicant and SJB have further refined the

proposed building envelope to produce the best possible outcome to minimise overshadowing, which forms the subject of the SEARs request.

The CIV of the residential component will be greater than \$75 million, which triggers SSD under the Planning Systems SEPP. A letter prepared by Berco Consulting is provided at **Appendix C** which identifies that the as per the Project Scope described above, the remaining EDC excluding works completed under DA-400/2021 (Excluding the Commercial and Retail Space) is estimated as of November 2025 to be \$79,498,872 (excl GST).

Recent legislation gazetted by the NSW Government introduces a State significant development pathway for large-scale residential developments over \$75 million, provided at least 10% of the residential component of the development will be used for affordable housing for a minimum of 15 years. These provisions allow up to a 30% uplift in the maximum permitted height and FSR controls that apply to the land. The proposed development seeks to utilise these incentivised controls and will provide at least 15% of the total dwellings as affordable housing units.

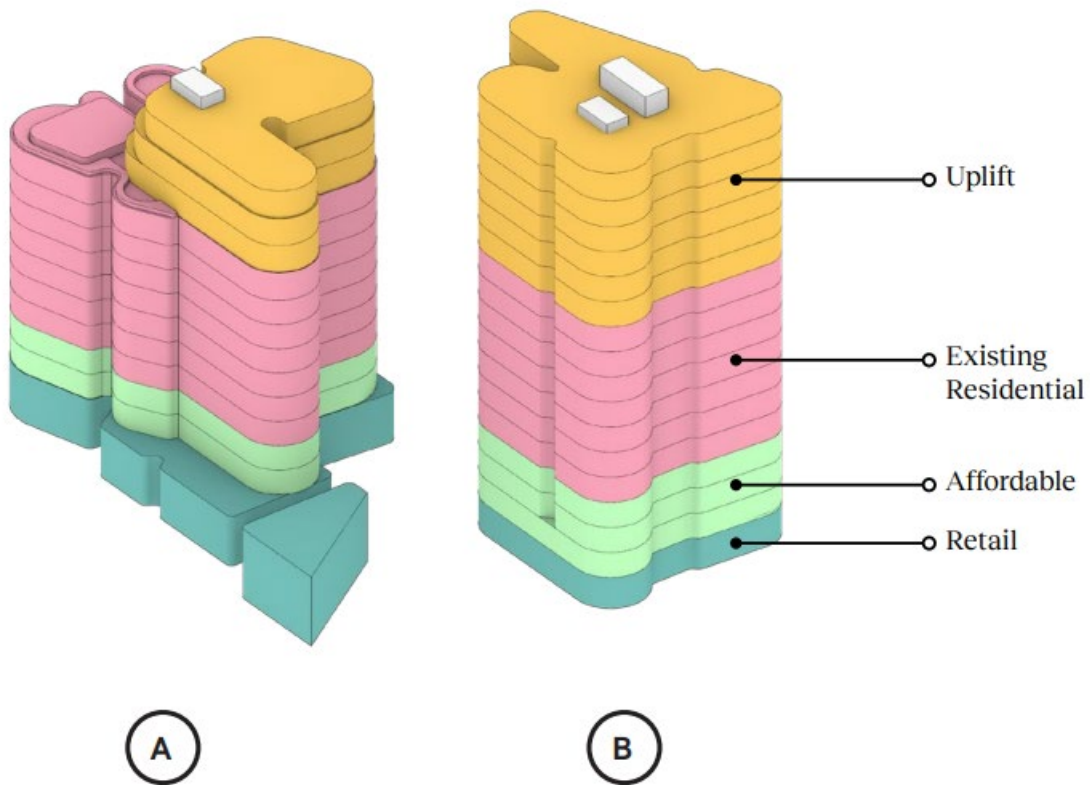
The key components of the cumulative development outcome are listed in the following table. A copy of the architectural concept drawings is submitted at **Appendix A**.

Table 3 Cumulative Development Outcome (Existing Consents and Subject SSDA)

Descriptor	Project Details
Site Area	2,481m ²
Project Description	<p>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.</p> <p><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 demolition works has commenced.</i></p>
Gross Floor Area	<p>Total GFA: 11,288m², including:</p> <ul style="list-style-type: none"> ▪ Retail: 584m² ▪ Residential: 10,704m² <ul style="list-style-type: none"> – Including affordable housing: 1,693m² (15% of total GFA)
Floor Space Ratio (FSR)	4.55:1
Building Height	<p>Maximum Building Height of 53.9m. The RL of the proposed towers is as follows:</p> <ul style="list-style-type: none"> ▪ Building A: RL122.6 (podium + 13 storey tower) ▪ Building B: RL133 (podium + 16 storey tower)
Car parking	<p>Vehicular access will be provided via Osmund Lane (as approved under DA-400/2021 and DA-306/2023).</p> <p>The parking provision at the site will be provided within the basement levels with consideration of the Housing SEPP and the Waverley Development Control Plan 2022 parking rates.</p>
Communal open space	<p>Communal open spaces for residents to meet the relevant demand and the relevant works in consistent with DA-400/2021 Planning Agreement (detailed in Section 4.5). This includes a public plaza at the ground plane of the Nelson Street tower and a through-site link connecting Oxford Street to Osmund Lane, both these spaces to be dedicated to Council.</p>

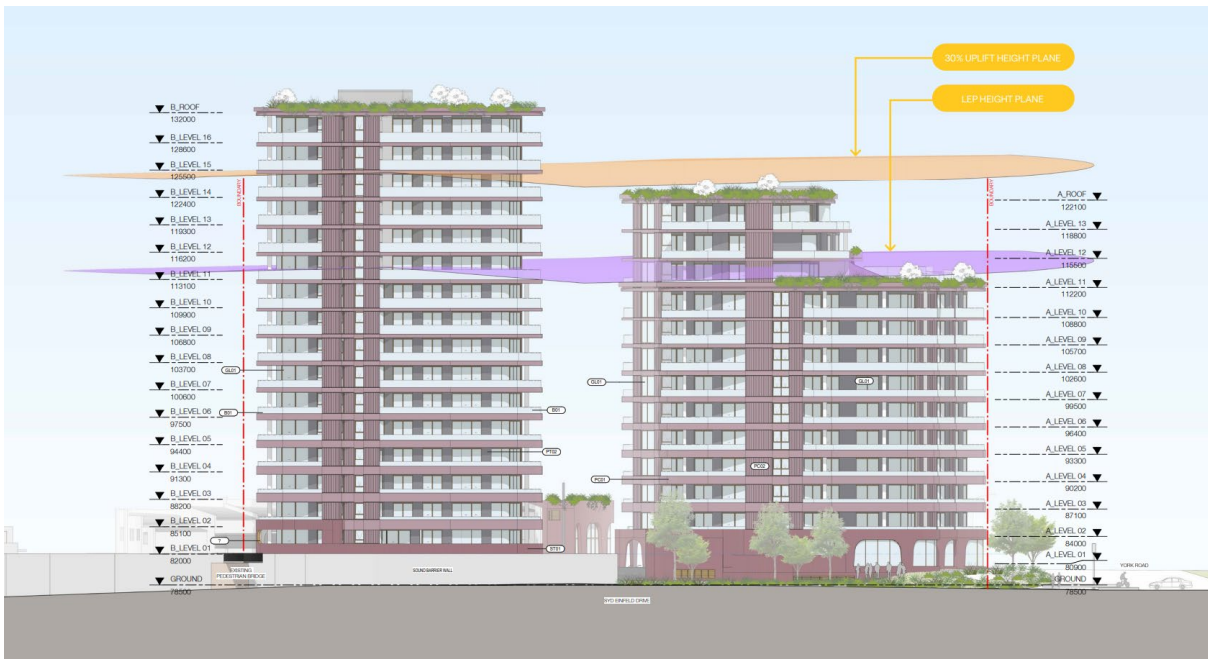
Descriptor	Project Details
	<p>The proposal will also deliver communal space at Level 1 of Building B which includes a swimming pool and communal gym space. The roof at Level 11 of Building B will provide outdoor, communal space and pool.</p> <p>The specific area calculation of communal open space will be detailed and confirmed as part of the EIS package.</p>
Estimated Cost of Development	The CIV of the residential component will be greater than \$75,000,000.

Figure 6 Cumulative Design Envelope



Source: SJB Architects

Figure 7 Proposed Design Elevation



Source: SJB Architects

6. STRATEGIC CONTEXT

This section describes the way in which the project addresses the strategic planning policies relevant to the site. It identifies the key strategic issues relevant to the assessment and evaluation of the project which will be explored in further detail within the future EIS.

- **Greater Sydney Region Plan: A Metropolis of Three Cities**
 - Objective 5 – Benefits of growth realised by collaboration of governments, community and business.
 - Objective 10 – Greater housing supply.
 - Objective 11 – Housing is more diverse and affordable.
 - Objective 14 – A Metropolis of Three Cities – integrates land use and transport creates walkable and 30-minute cities.
- **Eastern City District Plan**
 - Planning Priority E5 – Providing housing supply, choice and affordability with access to jobs, services and public transport.
 - Planning Priority E10 – Delivering integrated land use and transport planning a 30-minute city.
- **Waverley Local Strategic Planning Statement 2020-2036**
 - Direction 6: Facilitate a range of housing opportunities in the right places to support and retain a diverse community
 - Direction 11: Facilitate Bondi Junction as a lively and engaging strategic centre with a mix of employment, entertainment and housing options.
- **Waverley Local Housing Strategy 2020 – 2036**
 - Action 1.1: Continue to facilitate housing development utilising capacity available under current controls.
 - Action 2.1: review bedroom mix for new development in planning controls to promote three-bedroom apartments.
 - Action 3.7: Develop an affordable housing contributions scheme for all new apartment developments. Initial modelling and analysis suggest a levy of 10-15% affordable housing for sites receiving uplift through planning control

The proposed development is located in Bondi Junction approximately 800m from the Bondi Junction Railway Station and bus interchange. Bondi Junction is identified as a strategic centre in the identified strategic planning documents. The proposal will consolidate housing growth around the strategic centre which is serviced and zoned for high density housing. The proposal will include affordable housing which provides a diverse range of housing options while helping achieve Council's affordable housing targets.

The proposal will undergo a design excellence process to ensure a high-quality design outcome that responds to key drivers including heritage, built form and relationship to surrounding development, ecologically sustainable development and overshadowing and wind impacts.

7. STATUTORY CONTEXT

This section of the report provides an overview of the key statutory requirements relevant to the site and the project, including:

- *Greater Sydney Parklands Trust Act 2022*
- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning Assessment Regulation 2000.*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience & Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Housing) 2021*
- *Waverley Local Environmental Plan 2012*
- *Waverley Development Control Plan 2022*

7.1. GREATER SYDNEY PARKLANDS TRUST ACT 2022

The Greater Sydney Parklands Trust Act 2022 (**GSPT 2022**) was established to effectively manage the parklands estate across Greater Sydney encourage the use and enjoyment of the parklands estate by the community.

Relevant to the subject site, Centennial Park is identified to be a Parkland Estate and sits under Category 1: high levels of sunlight access. This means the whole park for most of the year receives high levels of sunlight and therefore is subject to specific objectives based on protecting and maintaining this level of sunlight access. Section 26 of the GSPT 2022 introduces a requirement for any consent authority determining an application for a development that will or may overshadow the Parklands Estate will need to consider the impacts of the potential overshadowing. Clause Section 26(2) of the GSPT 2022 prescribes that:

(2) In making its determination, the consent authority must have regard to the impact of overshadowing on public open space, including the impacts set out in a Greater Sydney Parklands shadow modelling study.

It is acknowledged that the proposal will in future need to address this legislation and provide a detailed assessment of the potential impacts of overshadowing from the site to Centennial Park with consideration of the Greater Sydney Parklands shadow modelling study. A preliminary discussion of the potential overshadowing impacts is discussed in **Section 9.2.3** of this report.

7.2. PRE-CONDITIONS AND MANDATORY CONSIDERATIONS

Table 4 provides an assessment of the preliminary plans against the relevant pre-conditions and mandatory considerations within applicable State Environmental Planning Policies.

Table 4 Pre-Conditions

Statutory Reference	Requirement	Relevance
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	Section 4.6 – Contamination and remediation to be considered in determining development application: It requires a consent authority to assess the potential for land to be contaminated and the works required to	Subject to a PSI and subsequent DSI prepared as part of the approved DA-400/2021 for the site, a RAP has been prepared for the site so that it is made suitable for residential and retail uses.

Statutory Reference	Requirement	Relevance
	remediate the land to ensure it is suitable for its intended use.	The previous investigations and RAP will inform any further contamination assessment in support of the proposed SSDA to demonstrate that the site can be made suitable for the proposed development.
<p><i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></p>	<p>Section 2.11 - Consultation with councils—development with impacts on local heritage</p> <p>(a) is likely to affect the heritage significance of a local heritage item, or of a heritage conservation area, that is not also a State heritage item, in a way that is more than minor or inconsequential.</p>	<p>The site 2 Nelson Street contains a Heritage Item I506 ‘Norfolk Pine-Landscape’.</p> <p>This heritage listing is for existing 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.</p> <p>The proposed development is for an uplift of height and will not increase the footprint of the building on-site. The proposal will continue to retain the heritage listed tree and a Heritage assessment and conservation management plan will be prepared as part of the future SSDA to consider any potential heritage impacts of the proposed development.</p>
	<p>Section 2.119 – Development with a frontage to a classified road: This requires the consent authority to be satisfied the matters listed in clause (2) have been addressed</p>	<p>The site fronts Syd Enfield Drive to the north, which is a state classified road. Vehicular access to the site will be from Osmund Lane and the residential development will be designed to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</p>
	<p>Section 2.122 – Traffic generating development: A public authority, or person acting on behalf of a public authority, must not approve traffic-generating development without written notice of the intention to carry out the development to Transport for NSW (TfNSW) in relation to the development, and taken into consideration any response to the notice that is received from TfNSW within 21 days after the notice is given.</p>	<p>The proposed development is specified as ‘traffic-generated development’ as it comprises more than 50 car parking spaces in accordance with Columns 1 and 3 of Schedule 3 of the SEPP. In this regard, section 2.112 (Traffic-generating development) of the SEPP applies and the DA is required to be referred to Transport for NSW.</p>

Statutory Reference	Requirement	Relevance
<p><i>State Environmental Planning Policy (Planning Systems) 2021</i></p>	<p>Section 26A – In-fill affordable housing: Development to which Chapter 2, Part 2, Division 1 applies if part of the residential development has a capital investment value of more than \$75 million and development is not prohibited under an EPI applying to the land.</p>	<p>The proposed development is permitted with consent as “shop top housing” and “retail premises” are permitted with consent on MU1 – Mixed Use zoned land. The proposed development has a CIV in excess of \$75 million. A letter prepared Berco Consulting is provided at Appendix C which identifies that the as per the Project Scope described above, the remaining EDC excluding works completed under DA-400/2021 (Excluding the Commercial and Retail Space) is estimated as of November 2025 to be \$79,498,872 (excl GST).</p>
<p><i>State Environmental Planning Policy (Housing) 2021</i></p>	<p>Section 15C – Development to which this division applies:</p> <ul style="list-style-type: none"> ▪ The development must be permitted with consent under Chapter 3, Part 4 or another EPI ▪ Affordable housing component is at least 10% ▪ Land must be located in an accessible area. <p>Section 16 – Affordable housing requirements for additional floor space ratio: Maximum permissible FSR on land plus an additional FSR of up to 30% based on minimum 10% affordable housing component.</p> <p>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 of up to 30%, based on a minimum affordable housing component calculated in accordance with subsection</p>	<p>The proposed development:</p> <ul style="list-style-type: none"> ▪ Is permitted with consent as “shop top housing” is permitted with consent on MU1 – Mixed Use zoned land. ▪ Will provide 1,606m² of affordable housing which is 15% of the total residential GFA of the proposed development. ▪ The site is located in an accessible given it is located approximately 800m from the entrance to Bondi Junction railway station and bus interchange. <p><u>Floor Space Ratio</u></p> <p>The site’s maximum permissible FSR under the WLEP 2012 is 3.5:1.</p> <p>The proposal will deliver 15% affordable housing. As such, a bonus 30% FSR is sought under Section 16 of the Housing SEPP (total of 4.55:1).</p> <p><u>Building Height</u></p> <p>The proposed development site has a maximum building height of 36m. In alignment with the bonus 30% FSR, a bonus 30% height is sought under Section 16 of the Housing SEPP (total of 46.8m). However, Building B exceeds the maximum height of 46.8m by 7.1m and thus a Clause 4.6 variation request will be submitted.</p>

Statutory Reference	Requirement	Relevance
	Section 20 – Design Requirements: The consent authority must consider whether the design of the residential development is compatible with the character of the local area.	The proposed design of the residential development has been prepared to be consistent with the design principles of the approved development (DA-400/2021). The development has considered the character of the local area and will align with the continued growth, revitalisation and activation of Oxford Street within Bondi Junction. A design statement will be prepared as part of the SSDA.
	Section 21 – Must be used for affordable housing for at least 15 years: The consent authority must be satisfied that for at least 15 years post occupation certificate the development will include affordable housing and it will be managed by a registered community housing provider	The proponent has experience providing affordable housing on many occasions under the Waverley Council Affordable Housing Policy and dealt with Bridge Housing as the community housing provider (CHP). Once determined, details of the registered CHP chosen for this development will be included as part of the SSDA.
	CHAPTER 4 Development consent must not be granted nor consents modified for certain residential apartment development unless the consent authority considers the principles, the Apartment Design Guide and any advice from a design review panel in accordance with Chapter 4 of the Housing SEPP.	As the detailed design progresses, the proposed development will ensure it considers the relevant provisions from Chapter 4 of the Housing SEPP including the Apartment Design Guide (ADG) and any advice from a design review panel (if determined by the consent authority to be applicable).

7.3. CALCULATION OF BONUS FLOOR SPACE AND HEIGHT

As outlined in **Sections 5** and **7.1.1** above, the proposed development intends to utilise the incentivised height and FSR provisions available under the Housing SEPP. The following section outlines the methodology for calculating the proposed floor space and heights based on the base and uplift controls for accommodating 15% affordable housing in the development.

Table 4 Calculation of FSR and HOB

WLEP Control	WLEP Base Control	30% Control Uplift	Overall Permitted Control	Proposed Development
Clause 4.3 – Height of Building	36m	11.5m	46.8m	Maximum Building Height of 53.9m. The RL of the proposed towers is as follows: <ul style="list-style-type: none"> Building A: 44.8m.

WLEP Control	WLEP Base Control	30% Control Uplift	Overall Permitted Control	Proposed Development
				<ul style="list-style-type: none"> ▪ Building B: 53.9m
Clause 4.4 – Floor Space Ratio	3.5:1	1.05:1	4.55:1	4:55.1
Gross Floor Area	8,683m ²	2,605m ²	11,288m ²	11,288m ²

7.4. WAVERLEY LOCAL ENVIRONMENTAL PLAN 2012

An assessment of the preliminary plans against the principal development standards within the *Waverley Local Environmental Plan 2012* is provided below.

Table 5 Assessment Against Key WLEP 2012 Controls

Development Standard	Control	Comment
Clause 2.2 – Land Zoning	MU1 Mixed-Use Zone	<p>The proposed development is comprised “shop top housing” and will provide retail premises at the ground floor with residential accommodation above it.</p> <p>Both “Shop top housing” are permitted uses in the MU1 zone.</p>
Clause 4.3 – Height of buildings	36m	<p>The proposal seeks to be developed to a maximum building height of 44.8m for Building A and 53.9m for Building B.</p> <p>As outlined, in the Section 7.2 above, the proposal seeks to utilise the incentivised 30% uplift height controls permitted under the Housing SEPP.</p>
Clause 4.4 – Floor Space Ratio	3.5:1	<p>The proposal seeks to be developed to an FSR of up to 4.55:1.</p> <p>As outlined, in the Section 7.2 above, the proposal seeks to utilise the incentivised 30% uplift FSR controls permitted under the Housing SEPP.</p>
Clause 4.6 – Exceptions to development standards	Consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied that the applicant has demonstrated that compliance with the development standard is unreasonable and there are sufficient environmental planning grounds to justify the contravention.	<p>The proposed development seeks approval to exceed the maximum building height provided by the 30% increase in the Housing SEPP. The maximum permitted building height for the site including the 30% Housing SEPP provision is 46.8m. The proposed development will exceed the maximum building height at Building B only:</p> <ul style="list-style-type: none"> ▪ Building A: 44.8m (compliant) ▪ Building B: 53.9m (7.1m exceedance) <p>As detailed in Section 4.7 and Section 5, the proposed height at Building B has been prepared subject to detailed overshadowing and built-form options analysis, as per initial comments received by DPHI and the Trust. The proposed building heights have been prepared to prevent any adverse impact to</p>

Development Standard	Control	Comment
		the Centennial Parklands and a clause 4.6 development standard variation request will be prepared as part of the SSDA.
5.10 – Heritage Conservation	<p>The objectives of this clause are as follows—</p> <p>(a) to conserve the environmental heritage of Waverley,</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(c) to conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p>	<p>The site 2 Nelson Street contains a Heritage Item I506 ‘Norfolk Pine-Landscape’.</p> <p>This heritage listing is for existing 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.</p> <p>There are local and state heritage items in the surrounding area.</p> <p>A Heritage assessment will be prepared as part of the SSDA to consider any potential heritage impacts generated by the proposal.</p>
Clause 6.5 – Active street frontages	The consent authority must be satisfied that the building will have an active street frontage.	The Oxford Street boundary of the site is identified as an active street frontage on the Active Street Frontages Map under Waverley LEP2012. The proposed development includes ground floor retail tenancies to enhance the streetscape activation on Oxford Street.
Clause 6.10 – Design Excellence on certain land in Bondi Junction	<p>This clause applies to the following land in Bondi Junction –</p> <p>(a) 194–200 Oxford Street, being Lots 10, 11, 12 and 13, DP 260116,</p> <p>(b) 202–210 Oxford Street, being Lot 1, DP 79947 and Lot 16, DP 68010,</p> <p>(c) 214 Oxford Street, being Lot 1, DP 708295,</p> <p>(d) 2 Nelson Street, being SP 34942</p>	<p>A Design Excellence scheme was approved as part of the original consent under DA/400/2021. The ‘design excellence’ scheme has been used as the basis for this SSDA, with an additional 30% height and FSR incorporated. A further design integrity review process for the SSDA scheme will be carried out by the competition jury prior to the lodgement of the SSDA/EIS.</p> <p>Given the proposal is largely consistent with the existing approval that has been assessed and considered to satisfy the design excellence provisions we consider the proposed development exhibits design excellence.</p> <p>Notwithstanding, a Design Statement will be included as part of the future SSDA to demonstrate how the proposed design</p>

Development Standard	Control	Comment
		exhibits design excellence in accordance with Clause 6.9 of WLEP 2012.
Clause 6.11 – Development requiring the preparation of a development control plan	Development consent must not be granted for development on land to which this clause applies unless a development control plan that provides for the matters specified in subclause 4 has been prepared for the land	A site-specific development control plan (DCP) has been prepared in accordance with this clause and was adopted by the elected Waverly Council on 1 September 2020. Clause 2.10 of the Planning Systems SEPP states that development control plans (whether made before or after the commencement of this Policy) do not apply to SSD. As such, there is no requirement for assessment of the proposal against the Part E5 of the Waverley DCP 2012 for this SSDA. Notwithstanding this, the provisions of the Site Specific DCP will be considered and addressed as part of the SSDA.
Clause 6.12 – Development in certain land in Bondi Junction	The objective of this clause is to maintain the amount of non-residential floor space on certain land in Bondi Junction in Zone MU1 Mixed Use	The proposed development is for the increase in height and floor space ratio of the two towers facilitated under the Housing SEPP. The proposed development does not seek to change the quantum of non-residential floor space that was approved under DA-400/2021.
Clause 6.14 – Waste minimisation and recycling	In deciding whether to grant development consent, the consent authority must be satisfied that the development takes into account controls designed to ensure waste collection and recycling storage are appropriate to service the development.	The proponent will design the proposal with adequate waste management and collection measures. The upcoming EIS will include comprehensive waste management reporting.
Clause 6.15 – Stormwater management	In deciding whether to grant development consent the consent authority must be satisfied the development is designed to maximise the use of water permeable surfaces on the land, includes, if practicable, on-site stormwater retention, and avoids significant adverse impacts of stormwater runoff.	The proponent will design the proposal with adequate stormwater management measures. The upcoming EIS will include comprehensive stormwater management reporting.

7.4.1. Community Housing Provider

The applicant has experience providing affordable housing on many occasions under the Waverley Council Affordable Housing Policy and dealt with Bridge Housing as the CHP. As such, they are nominated as the preferred community housing provider at this initial stage. Please note, that there are no contractual arrangements in place, and this is an indicative understanding that may change as the development progresses.

8. SUITABILITY OF THE SITE

8.1. STRATEGIC ALIGNMENT

As demonstrated in Section 6, the proposal aligns with the strategic intent for the site and wider region.

8.2. CAPACITY TO ACCOMMODATE HEIGHT AND FSR BONUS

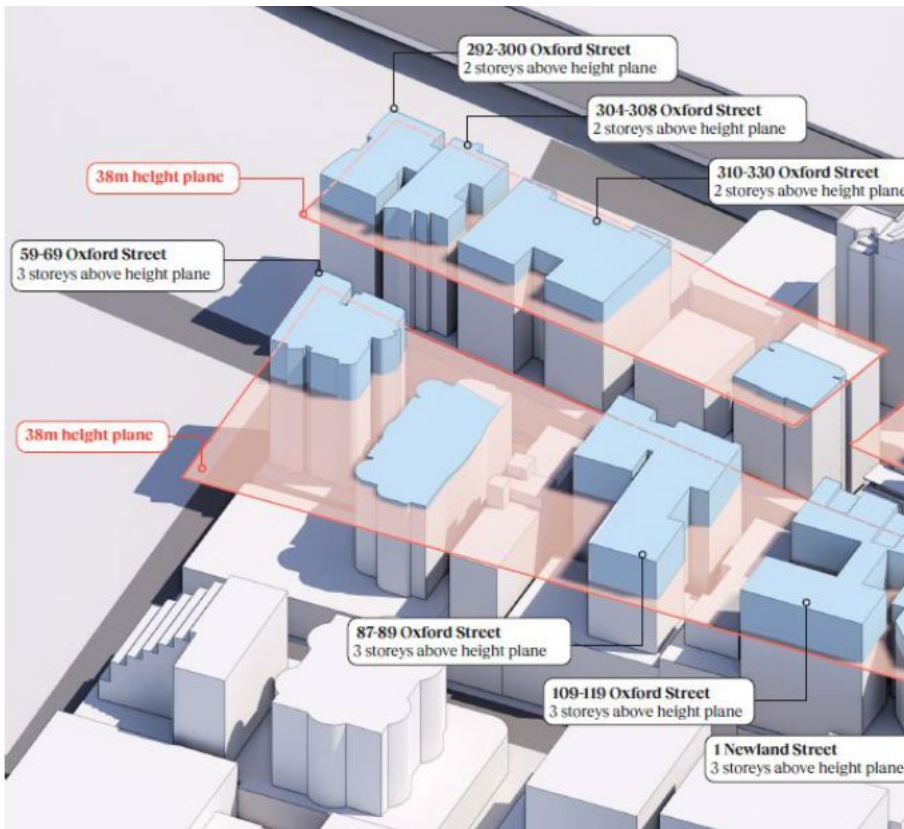
As outlined in **Section 4.6, 5 and 7.3** of this report the proposed development design has been prepared in accordance with a detailed overshadowing analysis, feedback received from the Trust and DPHI, and seeks produce the best possible outcome to minimise overshadowing while providing a high-quality design and built form outcome. The exceedance of the applicable height control (including the 30% bonus) is only at Building B; Building A is well below the maximum building height. It is by providing a stepped height, with the greater height at Building B, that the proposed development footprint is able to mitigate any overshadowing impacts to the Centennial Park, deliver a visually improved design while accommodating the appropriate, affordable housing supply.

The proposed building heights are not considered to have an adverse amenity impact given the surrounding contextual height plane. The site is located at the Western Precinct of the Bondi Junction town centre. The immediately neighbouring lots are predominantly characterised by shop top housing developments and adaptations of 2 / 3 storey existing buildings. This area is currently an under-performing shopping strip of Oxford Street and are out of character with the desired future character of Bondi Junction as envisaged by Council's zoning objectives as well as the State's Metropolitan strategy. The built form uplift that was published under the site-specific planning proposal (refer to **Section 4.1** of this report) was approved to bring the west Bondi Junction precinct into line with the future desired direction of the strategic centre and the gateway location.

It is apparent that the broader Bondi Junction town centre is in a state of transitioning to a high-density strategic centre, the eastern areas of the town centre. Slightly further to the east, there is substantial increases to heights and FSR across the skyline, dominated by mixed use and commercial high rise development along Oxford Street and Grafton Street for the length of Syd Einfeld Drive ranging from 32m to 75m.

The proposal will continue to deliver a shop-top housing development within the Gateway, Western Precinct that reflects the intended upgrades to the town centre. The proposal, including the 30% increase to height and density, will align with the heights and densities that characterise the eastern portions of the Bondi Junction (see **Figure 8**, a contextual height plane prepared by SJB for the development at 362-384 Oxford Street, Bondi Junction).

Figure 8 Contextual Height Plane – Bondi Junction to the East of the Site



Source: SJB

Furthermore, as demonstrated in Section 9.2.3 below, the overshadowing impact is considered acceptable and further detailed design measures in support of the EIS will be prepared to mitigate any overshadowing, reflectivity and wind impacts.

As such, the site is suitable to accommodate the height and FSR bonus whilst maintaining an appropriate scale within the local context and maintaining an appropriate level of amenity.

9. IMPACT OF THE PROPOSAL ON THE SITE AND SURROUNDING AREA

9.1. NON-DISCRETIONARY STANDARDS AND APARTMENT DESIGN GUIDE

In accordance with the *Scoping Meeting Requirements – for Applicants*, a brief review against the non-discretionary standards in Chapter 2 of the Housing SEPP and key controls of the Apartment Design Guide are provided below.

Table 6 Assessment against Housing SEPP key controls.

Control	Assessment	Compliance
Non-discretionary standards - Housing SEPP		
<p><u>Site Area</u></p> <p>minimum site area of 450m²</p>	<p>The proposed site area is 2,481m²</p>	<p>Yes.</p>
<p><u>Landscaping</u></p> <p>a minimum landscaped area that is the lesser of—</p> <ul style="list-style-type: none"> ▪ 35m² per dwelling, or ▪ 30% of the site area, 	<p>The public plaza at the ground plane of the Building B and a through-site link connecting Oxford Street to Osmund Lane will be delivered in accordance with the executed planning agreement. This communal open space will contain landscaping and additional opportunities will be explored through design development.</p> <p>Otherwise, consistent with the approved development design, landscaping across the areas along the east, north and west of the site. We note that the approved development footprint could achieve a minimum landscape area of 260m², consistent with the approved development. and with ample landscaping provided along roof levels as well as planters along the edges of terraces. Similar design solutions will be explored to ensure that the visual quality of the development and objectives for landscaping are achieved under this proposal.</p>	<p>Consistent with previous consent.</p>
<p><u>Deep Soil Zone</u></p> <p>a deep soil zone on at least 15% of the site area, where—</p> <ul style="list-style-type: none"> ▪ each deep soil zone has minimum dimensions of 3m, and ▪ if practicable, at least 65% of the deep soil zone is located at the rear of the site. 	<p>Further to the above, the detailed design work will maximise the provision of deep soil zone in accordance with this non-discretionary standard. The approved development was assessed to deliver 142.2m² of deep soil planting (less than the quantum required).</p> <p>Similarly, the approved development delivered planters and green roof that could be supported by deep soil zones. Similar design solutions will be explored to ensure that the visual quality of the development and objectives for landscaping are achieved under this proposal.</p>	<p>Consistent with previous consent.</p>

Control	Assessment	Compliance
<p><u>Solar Access</u></p> <p>Living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter,</p>	<p>Solar access compliance will be confirmed during detailed design. A preliminary assessment of a typical floor plate concludes that 75% of dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter.</p> <p>Below is a breakdown of each building's solar access and cross ventilation. Further, Figure 9 depicts how the scheme can be made to achieve the solar.</p> <p>Building A:</p> <ul style="list-style-type: none"> ▪ Solar access 2/3 (66%) <p>Building B:</p> <ul style="list-style-type: none"> ▪ Solar access 4/5 (80%) <p>Total:</p> <ul style="list-style-type: none"> ▪ Solar access 6/8 (75%) 	<p>Yes</p>
<p><u>Parking</u></p> <p>The following number of parking spaces for dwellings used for affordable housing—</p> <p>(i) For each dwelling containing 1 bedroom—at least 0.4 parking spaces,</p> <p>(ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,</p> <p>(iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,</p> <p>the following number of parking spaces for dwellings not used for affordable housing—</p> <p>(i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces,</p> <p>(ii) for each dwelling containing 2 bedrooms—at least 1 parking space,</p>	<p>The proposed development will deliver the appropriate quantum of parking in accordance with the non-discretionary parking requirements within the approved basement area. This will be design with consideration of the relevant traffic management measures and will be assessed and adjusted as part of the EIS to ensure that a balanced approach to the parking and traffic requirements are met.</p>	<p>Yes</p>

Control	Assessment	Compliance
(iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,		
Apartment Design Guide		
<p><u>Building Separation.</u></p> <p>Nine storeys and above (over 25m):</p> <ul style="list-style-type: none"> ▪ 24m between habitable rooms/balconies ▪ 18m between habitable and non-habitable rooms ▪ 12m between non-habitable rooms 	<p>The typical floorplate drawings identify a building separation of 15m to 17m between habitable rooms/balconies. The proposed minimum separation between floorplates will be generally consistent with the approved towers under DA-400/2021. It is noted that the approved towers did not strictly meet the minimum separation distances, but the separation distances were concluded to be acceptable due to the balconies having dual or triple aspects, especially with views towards the harbour.</p> <p>The design of the floorplates and balconies prepared as part of the EIS will ensure that the relevant visual privacy and amenity is achieved across the proposed residences.</p>	<p>Consistent with previous consent and Jury endorsed design.</p>

9.2. BUILT FORM AND URBAN DESIGN

The built form across Bondi Junction is evolving with increased density around the town centre. The proposed land uses at the site are consistent with retail and residential being delivered across medium to high residential density development in the area. The proposed development is consistent with the both the existing and desired future character of the area.

The preliminary design report, concept plans and overshadowing analysis prepared by SJB (**Appendix A**) provide an overview of the built form layout, building footprints, building options and envelopes that informed this SSDA. These plans provide a preliminary indication how the additional height and FSR afforded by the Housing SEPP will be integrated into the approved shop-top housing design. It evaluates the massing, scale, and density of the proposed development and considers how the built form aligns with adjacent and future developments while respecting the site context.

The indicative development design features a building height of 43.9m, resulting in an exceedance of the applicable HOB by 7.1m (at Building B only), and any exceedance to the building height as part of the EIS package will be supported by a Clause 4.6. Notwithstanding, the built form has been designed to respond and prevent any additional overshadowing impacts to Centennial Parklands and urban design will be subject to further design development and review to ensure they align with the project's scale and complexity. Further, the proposal will be designed to respond to the unique site opportunities as well as the key environmental constraints and considerations, including:

- **30% Uplift:** the proposal 30% uplift and additional affordable housing in accordance with the Housing SEPP. This uplift is sought to be delivered within a building that retains the high-quality design principles established under the previous design excellence competition and as approved under DA-400/2021.
- **Preserve Character:** The podium form will reflect the scale of the existing retail in the area, adding cohesion to the streetscape. The site's location within the Western Precinct affords it an opportunity to drive the revitalization of the west end of Bondi Junction. The uplift of the site in accordance with the intended future character of the site has been established under the previous planning work and approvals. The proposal seeks to continue to deliver a high-quality development within this Western

Precinct, while protecting the heritage character of the on-site, heritage pine tree as well as the neighbouring built heritage items and conservation areas.

- **Connectivity:** the proposal will continue to deliver the public plaza at the ground plane of the Building B and a through-site link connecting Oxford Street to Osmund Lane will be delivered in accordance with the executed planning agreement. These will provide improved pedestrian connections within the area. Additionally, the proposal will deliver the appropriate parking to respond to the accessibility afforded by the surrounding roads, while also managing traffic implications onto these key roads.
- **Active Ground Floor:** accommodating retail spaces on the ground floor will encourage activation along Oxford Street.
- **Connectivity:** the proposal will continue to deliver the public plaza at the ground plane of the Building B and a through-site link connecting Oxford Street to Osmund Lane will be delivered in accordance with the executed planning agreement.

9.2.1. Traffic, Parking and Access

The development will deliver parking across the four levels of basement to align with the requirements under the Housing SEPP. The original development heavily considered the provision of car, bicycle and bicycle parking and a maximum parking provision was found to ensure that the surrounding road network can accommodate these additional vehicular trips.

Further detailed design and traffic impact assessment will be prepared as part of the EIS to ensure that the traffic impacts as well as the parking requirements for the proposed housing units (both market and affordable) are appropriately delivered.

The site fronts Syd Enfield Drive to the north, which is a state classified road. Vehicular access to the site will be from Osmund Lane and the residential development will be designed to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

9.2.2. Views and Visual Impact

The future SSDA will be accompanied by a Visual Impact Statement (VIA) which will assess the visual effects of the proposed built form on nearby sensitive receivers and public domain views from key locations that surround the site. The VIA will also assess the cumulative impacts of the proposal alongside the other developments proposed in the surrounding area. The nature of the impact is both direct and cumulative and as such consideration will be assessed utilising a details level of assessment within the future EIS.

9.2.3. Solar Access

Centennial Park is located to the west of the site and holds great significance with regard to overshadowing controls and impacts. In accordance with the GSPT Act 2022 and its supporting a Greater Sydney Parklands shadow modelling study, any overshadowing on parklands between 9am-3pm on winter solstice will need to be supported by site specific shadow studies.

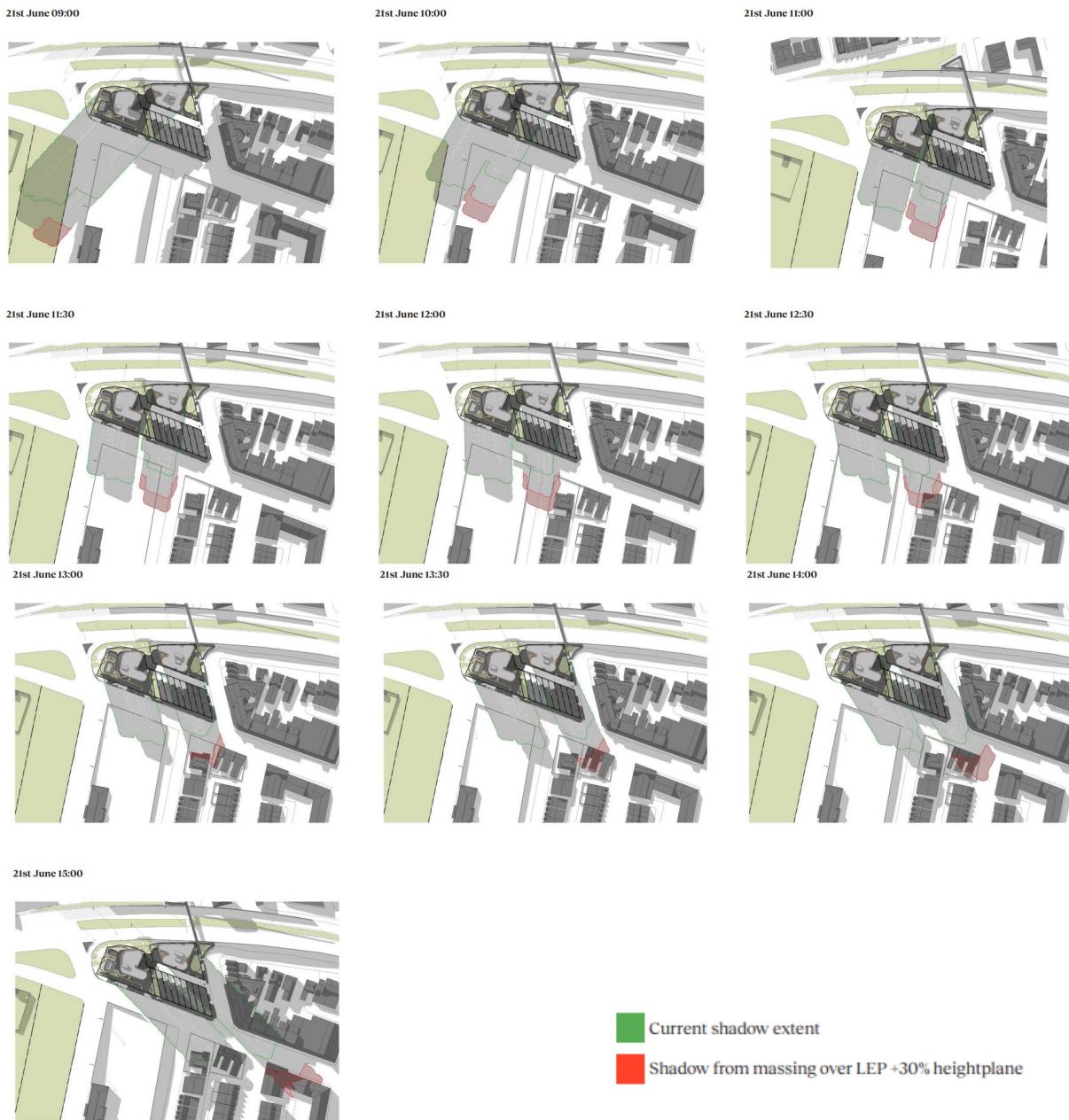
Under the Greater Sydney Parklands shadow modelling study, the north-east edge of the Centennial Park, closest to the site, is identified to be in **AREA 3 Minor Additional Overshadowing Permitted** which allows a degree of overshadowing on park perimeter from 9am-10am for Centennial Park, due to the nature of this location. A detailed overshadowing assessment will be prepared in support of the future SSDA in accordance with the requirements under the GSPT Act 2022 and the Greater Sydney Parklands shadow modelling study.

As per the engagement held with the Centennial Park Trust (detailed in **Section 4.6**), it is acknowledged that there should not be any additional overshadowing impact within the designated times and areas of “no additional impact” as prescribed under the study. It is also noted that while the north-east edge of the Centennial Park features a fenced off water reservoir, this area of the park maintains future active use potential and does provide amenity and space for use by the joggers, dog walkers and the like.

The options analysis prepared in response to the Centennial Park Trust’s feedback, identified that the development designs that best responded to the protection of solar access at the Centennial Park (detailed in **Section 4.6**) and subsequently, the proposed building envelope refines the elements from this options analysis to produce the best possible outcome to minimise overshadowing.

This is as the proposed design would result in no additional overshadowing into the “no additional impact” area within the designated times and areas. This is demonstrated at **Figure 9** below.

Figure 9 Preliminary Overshadowing Analysis



Source: SJB Architects

In accordance with the Greater Sydney Parklands shadow modelling study, the EIS will need to demonstrate whether impacts are acceptable, by considering the potential impact of development on Centennial Parklands and the relevant parameters for assessment. These parameters include consideration of the relevant parkland boundaries, areas of higher value as well as existing and permissible overshadowing.

Site-specific built form testing, and shadow study will be prepared to demonstrate additional overshadowing impact by testing. In preparation of the EIS, and as part of the continued design integrity assessment process, detailed overshadowing analysis will be undertaken to inform the ultimate, development design which will proceed to formal lodgment. This will allow for the impacts to the Centennial Parkland as well as any impacts to the neighbouring properties to be adequately assessed early in the process before a detailed design is progressed.

At a minimum, the further overshadowing analysis in support of the EIS will include:

- A compliant development as permitted under current development controls (including design excellence bonus)

- Hourly assessment of the shadow impacts between 9am-3pm on June 21 indicating
 - Shadow cast by existing built form
 - Extent of maximum possible shadow cast by the permitted built form
 - Additional overshadowing cast compared to the existing shadow from the proposed development.
- Composite site analysis
 - Existing shadows
 - Proposed shadows
 - Comparative difference between the two.
- Analysis of potential overshadowing of residential properties to the south/south-east. The overall impact to these properties will be quantified.

9.3. KEY MATTERS REQUIRING FUTHER ASSESSMENT IN THE EIS

The following section of the report provides a description of the key relevant matters and impacts which will be addressed in detail within the EIS. It outlines the key matters and impacts of particular concern to the community and other stakeholders.

The following matters have been identified as requiring further assessment in the EIS:

- Urban design study
- Visual Impact.
- Contamination
- Acoustic Impact Study
- Infrastructure and services investigation
- Flood and stormwater assessment
- Traffic Impact statement
- Social Impact Assessment
- Heritage Assessment
- Biodiversity Assessment (potentially)
- Waste Management.
- Ecologically Sustainable Development (ESD) Strategy
- Apartment Design Guide (ADG) assessment.

As outlined above, the site is fully developed with an existing building the following exemptions are sought from the SEARs or following issuance of SEARs.

9.3.1. Aboriginal Cultural Heritage Assessment Report

The site excavation works, as approved under DA-400/2021, have been significantly progressed. With consideration of the level of site disturbance, and in accordance with advice received from HNSW, a request to remove the ACHAR requirement is made to Heritage NSW (via DPHI) as part of this request for SEARs.

9.3.2. BDAR Waiver

SSD applications are subject to biodiversity assessment requirements under the Biodiversity Conservation Act 2016 (BC Act).

The BC Act requires that an SSD application be accompanied by a biodiversity development assessment report (BDAR) unless it can be determined that the proposed development is not likely to have any significant impact on biodiversity values.

For the purpose of deciding whether the requirement for a BDAR can be waived, a proposed development could be considered as unlikely to have any significant impact on biodiversity values if it:

- will not clear or remove native vegetation other than:
 - a few single trees with no native understorey in an urban context
 - planted native vegetation that is not consistent with a Plant Community Type (PCT) known to occur in the same Interim Biogeographic Regionalisation of Australia (IBRA) subregion (e.g. street trees, trees in carparks, landscaping)
- will have negligible adverse impacts on threatened species or ecological communities, considering habitat suitability, abundance and occurrence, habitat connectivity, movement, and water sustainability including consideration of any non-natural features, non-native vegetation, and human-built structures
- will have negligible adverse impacts on protected animals because of impacts on flight path integrity.

No native vegetation is proposed to be removed and as such it is anticipated that there will be no potential biodiversity impact resulting from the proposal. A Biodiversity Development Assessment Report waiver request will be sought prior to submission of the EIS.

10. CONCLUSION

The purpose of this report is to request SEARs for the preparation of an EIS for the proposed infill affordable shop top housing development at 194-214 Oxford Street and 2 Nelson Street, Bondi Junction. The proposal meets the requirements for SSD per Schedule 1, Clause 26A of the Planning Systems SEPP. The proposal will provide a high-quality and high amenity shop top housing development (including affordable housing) at a strategically located site.

The applicant is committed to working with key stakeholders including State government agencies and the Waverley Council to deliver a high-quality development. This Scoping Report outlines the approval pathway for the application, the legislative framework, and the key matters for consideration in the assessment of the application. The EIS will demonstrate how the proposal is suitable for the site and the potential environmental impacts can be appropriately mitigated, minimised, and managed to avoid any unacceptable impacts.

We trust that the information detailed in this report is sufficient to enable DPHI to issue SEARs to guide the preparation of the EIS.

DISCLAIMER

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

APPENDIX A

ARCHITECTURAL CONCEPT PLANS

APPENDIX B

SITE SURVEY

APPENDIX C

EDC LETTER

APPENDIX D

ARCHAEOLOGICAL ADVICE

