

The logo for URBIS, featuring the word "URBIS" in a bold, white, sans-serif font. The text is contained within a white square frame that is partially 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 top, intersecting the vertical line and the logo's frame.

**URBIS**

# **CLAUSE 4.6 VARIATION REQUEST (HEIGHT OF BUILDINGS)**

194-214 Oxford Street &  
Nelson Street, Bondi Junction

Prepared for  
**WESTGATE BJ PTY LTD**  
16 April 2025

**URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:**

Director Murray Donaldson  
Associate Director Sophy Purton  
Senior Consultant Andrew Lee  
Project Code P0051573  
Report Number Final



## 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

All information supplied to Urbis in order to conduct this research has been treated in the strictest confidence. It shall only be used in this context and shall not be made available to third parties without client authorisation. Confidential information has been stored securely and data provided by respondents, as well as their identity, has been treated in the strictest confidence and all assurance given to respondents have been and shall be fulfilled.

© Urbis Ltd  
50 105 256 228

All Rights Reserved. No material may be reproduced without prior permission.

You must read the important disclaimer appearing within the body of this report.

[urbis.com.au](http://urbis.com.au)

# CONTENTS

<b>Acknowledgement of Country</b> .....	<b>2</b>
REQUEST TO VARY Part 2, Division 1, Section 16(3) of State Environmental Planning Policy (Housing) 2021 .....	1
<b>SITE AND PROPOSED DEVELOPMENT</b> .....	<b>1</b>
1. Site Description .....	1
2. Proposed Development.....	5
<b>PLANNING INSTRUMENT, DEVELOPMENT STANDARD AND PROPOSED VARIATION</b> .....	<b>8</b>
3. What is the planning instrument you are seeking to vary? .....	8
4. What is the site's zoning?.....	8
5. What is the development standard to be varied?.....	8
6. Type of development standard?.....	10
7. What is the numeric value of the development standard in the environmental planning instrument?.....	10
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)?.....	10
9. Visual representation of the proposed variation (if relevant).....	10
<b>JUSTIFICATION FOR THE PROPOSED VARIATION</b> .....	<b>11</b>
10. How is compliance with the development standard unreasonable or unnecessary in the circumstances of the particular case? .....	11
11. Are there sufficient environmental planning grounds to justify contravening the development standard? .....	16
<b>Disclaimer</b> .....	<b>17</b>

## FIGURES

Figure 1 Local Context.....	3
Figure 2 Site Photos .....	4
Figure 3 WLEP Height of Buildings Map .....	9
Figure 4: 3D height plane .....	11
Figure 5 Viewpoint Location Map .....	13
Figure 6 Winter Solstice Overshadowing Diagrams.....	14

## PICTURES

Picture 1 Site from York Road, off Syd Einfeld Drive .....	4
Picture 2 North eastern corner of site on Syd Einfeld Drive.....	4
Picture 3 Retail offerings near site.....	4
Picture 4 Waverley Bus Depot located opposite to the site.....	4

## TABLES

Table 1 Site Description .....	1
Table 2 Project Summary .....	5
Table 3 Summary of breaches to height plane for Building B .....	10



# 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: 28 February 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																		
<b>Key Site Features</b>																			
Site Name	Stargate West Development																		
Address	194-214 Oxford Street, 2 Nelson Street and part of Osmund Lane, Bondi Junction																		
Legal Description (Title Particulars)	<table border="1"> <thead> <tr> <th>Property Address</th> <th>Title Description</th> </tr> </thead> <tbody> <tr> <td>194 Oxford Street Bondi Junction</td> <td>Lot 10 in DP260116</td> </tr> <tr> <td>196 Oxford Street Bondi Junction</td> <td>Lot 11 in DP260116</td> </tr> <tr> <td>198 Oxford Street Bondi Junction</td> <td>Lot 12 in DP 260116</td> </tr> <tr> <td>200 Oxford Street Bondi Junction</td> <td>Lot 13 in DP260116</td> </tr> <tr> <td>204 Oxford Street Bondi Junction</td> <td>Lot 16 in DP68010 Lot 1 in DP79947</td> </tr> <tr> <td>214 Oxford Street Bondi Junction</td> <td>Lot 1 in DP708295</td> </tr> <tr> <td>2 Nelson Street Bondi Junction</td> <td>Lot 1 in DP583228</td> </tr> <tr> <td>Part of Osmund Lane</td> <td>Lot 1 in DP1300781</td> </tr> </tbody> </table>	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
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 <sup>2</sup> (2,599.1m <sup>2</sup> 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	<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 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>
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.
<b>Surrounding Locality</b>	
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 42.5m
  - Building B (Eastern Tower, Residential Levels 9 -16) – with a maximum height of 54.0m
  - 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 m<sup>2</sup> 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 ( <b>LGA</b> ).

Project Element	Summary
	<p>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.</p> <p>The site has a total area of 2,481m<sup>2</sup> (2,599.1m<sup>2</sup> including the land beneath Osmund Lane). The land that will be physically disturbed within the project area includes the entirety of the 2,599.1m<sup>2</sup> site. No building structures are proposed along the part of Osmund Lane, all above-ground building structures are limited to the area of 2,481m<sup>2</sup>.</p>
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 excavation and construction works has commenced.</i></p>
Gross Floor Area (GFA)	<p><b>Total GFA:</b> 11,288m<sup>2</sup>, including:</p> <ul style="list-style-type: none"> <li>▪ 467m<sup>2</sup> of retail GFA.</li> <li>▪ 85 apartments, equating to a total residential GFA of 10,792m<sup>2</sup> including 1,709m<sup>2</sup> (17 apartments) of affordable housing GFA.</li> <li>▪ 29m<sup>2</sup> GFA for communal amenities, incl. WC, steam room and sauna</li> </ul>
Floor Space Ratio (FSR)	<p>4.55:1</p> <p><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 2,481m<sup>2</sup>.</i></p>
Apartments and Mix	<p>85 dwellings</p> <ul style="list-style-type: none"> <li>▪ 1 bedroom 2 (2%)</li> <li>▪ 2 bedroom 35 (42%)</li> <li>▪ 3 bedroom 48 (56%)</li> </ul>
Affordable Apartments	<p>17 Dwellings</p> <ul style="list-style-type: none"> <li>▪ 1 bedroom: 2</li> <li>▪ 2 bedroom: 10</li> <li>▪ 3 bedroom: 5</li> </ul>
Maximum height	<p>Maximum Building Height of 54m. The height of the proposed towers is as follows:</p> <ul style="list-style-type: none"> <li>▪ Building A: 42.5m (podium + 13 storey tower)</li> <li>▪ Building B: 54.0m (podium + 16 storey tower)</li> </ul>
Setbacks	<ul style="list-style-type: none"> <li>▪ Building A: <ul style="list-style-type: none"> <li>– Front (to Oxford Street): 4m</li> <li>– Side (to Osmund Lane): Nil</li> <li>– Side (to York Road): 8m</li> <li>– Rear (to Syd Einfeld Drive): 6m</li> </ul> </li> <li>▪ Building B: <ul style="list-style-type: none"> <li>– Front (to Nelson Street): 3m</li> <li>– Side (to Osmund Lane): 1.2m</li> <li>– Side (to Einfeld Drive): 1.5m</li> <li>– Rear (to Osmund Lane): 5m</li> </ul> </li> </ul>
Vehicular Access	<p>Vehicular access to the development is provided via Osmund Lane (as approved under the parent consent).</p>
Parking	<p>138 car parking spaces, including:</p> <ul style="list-style-type: none"> <li>▪ 116 residential spaces, including: <ul style="list-style-type: none"> <li>– 28 accessible spaces.</li> <li>– 7 electric vehicle spaces.</li> <li>– 1 carwash bay</li> </ul> </li> </ul>

Project Element	Summary
	<ul style="list-style-type: none"> <li>▪ 12 visitor parking spaces.</li> <li>▪ 9 retail parking spaces.</li> <li>▪ 1 car share spaces.</li> </ul> <p>45 motorcycle parking spaces. 94 bicycle parking spaces.</p>
Communal Space	<p>The proposed development will deliver 746m<sup>2</sup> of communal open space:</p> <ul style="list-style-type: none"> <li>▪ 364m<sup>2</sup> communal open space at ground level.</li> <li>▪ 152m<sup>2</sup> communal space at level 1.</li> <li>▪ 230m<sup>2</sup> of communal space at the roof levels (incl Level 11).</li> </ul>
Deep Soil Area	<p>813m<sup>2</sup> landscape area 175m<sup>2</sup> of deep soil area</p>
Jobs	<p>Construction – 350 Operation – 25</p>
Estimated Development Cost	<p>\$79,968,278</p>

# 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—*

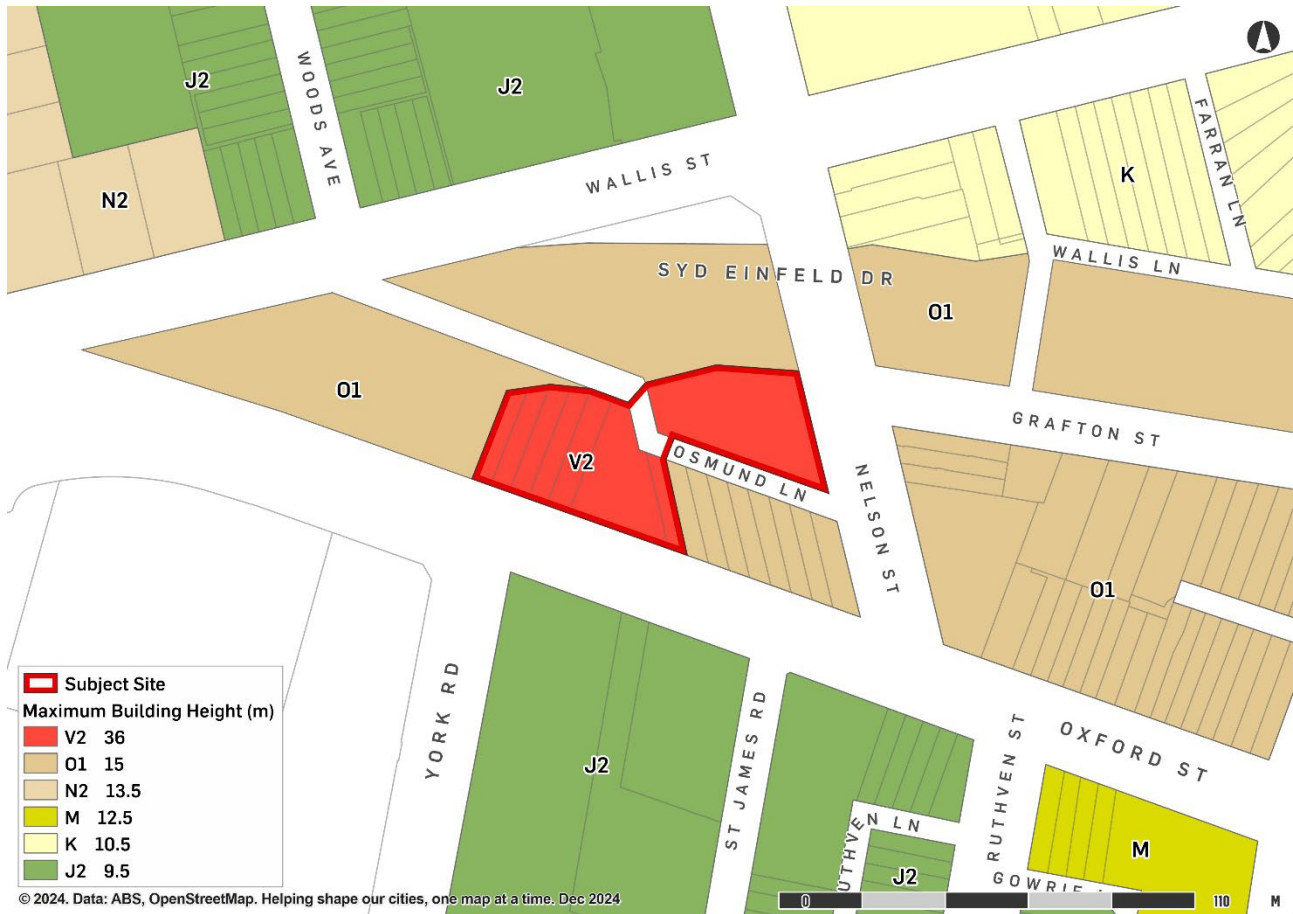
$$\text{affordable housing component} = \frac{\text{additional floor space ratio}}{(\text{as a percentage})} \div 2$$

(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.

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

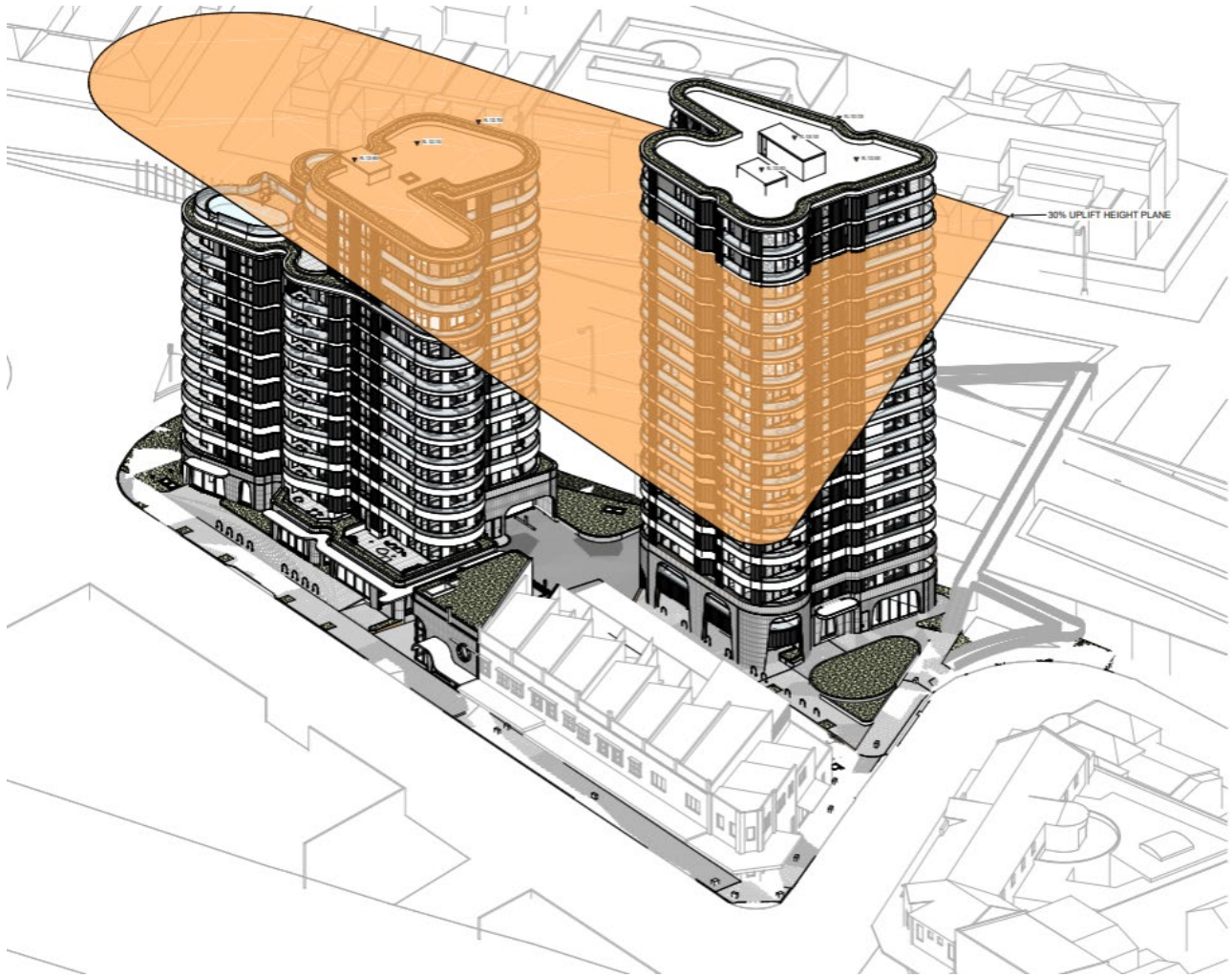
Element	RL	Height in metres	Breach
Roof level	RL133.12	54m	7.2m / 15.3%
Lift over run	RL135.1	55.4m	8.6m / 18.3%
Fire stair core	RL133.9	56.6m	9.8m / 20.9%

## 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
<p>a) Are the objectives of the development standard achieved notwithstanding the non-compliance?</p>	<p>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.</p> <p><b><u>Objective of Part 2, Division 1 of the Housing SEPP</u></b>  <b><i>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.</i></b></p> <p>The proposal dedicates 15% of the total GFA as affordable housing, with equates to 17 apartments.</p> <p>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.</p>

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.

**Objectives of WLEP Clause 4.3**

***(a) to ensure building heights preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,***

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.

Visual Impact

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 proposal is supported for a Visual Impact Assessment (VIA) undertaken by Keylan (**Appendix M**). The visual impacts of the proposal were analysed from key viewpoints within the public domain.

The VIA concluded that the proposal would result in a low-moderate visual impact on the locality. The findings of the VIA demonstrate that while the proposal will have an impact on views from some public spaces, heritage items and areas as well as nearby residential areas, the potential impact is deemed reasonable on the balance of considerations including when comparing the views of the parent consent and the proposed SSDA:

- **View 1 & 2: Centennial Park.** From the heritage listed Centennial Parklands, the visual impact is perceptibly minimal. With the building form curved to its north-western aspect, it softens the perceived visual mass of the building along with its stepped form to reduce shadowing impacts on the north-east corner of the reservoir site to the park.

- **View 3:** Ocean Street / Syd Einfeld Drive Arrival. The offset volumes of the tower with their curved expression to the western facade reduces the impact of shadows to the south and softens the visual connection from the street level on arrival.
- **View 3 & 4:** Shopping Precinct / Eastern Approach. With respect to the DCP envelope, the summation of the podium volume collectively enables high quality retail frontage at a human scale, aligned with the existing street wall and urban fabric. The orientation and setback of the towers both celebrate the podium expression before the tower bookmarks the end of Oxford street retail whilst the building retains its significance as a gateway building.
- **View 5:** Nelson Street / Osmund Lane. The towers' stepped form towards the northern envelope of both sections of the site aid in reducing the impact of shadows to the reservoir and neighbouring residential sites. The setback to Osmund Lane of the building form aids in the delineation of an activated through-site link, marked by retaining the heritage tree and green plaza, both with increased hours of sunlight by the setback.
- **View 5 & 6:** Oxford Street Frontage. The stepped form of the tower and reduction in volume towards the north helps to signify the corner tower as a gateway to the Oxford Street precinct of Bondi Junction. Supported by the podium expression on the ground, the building volume grounds itself at a human-scale whilst supported by the fine-grain materiality and civic presence.

Figure 5 Viewpoint Location Map



Source: SJB

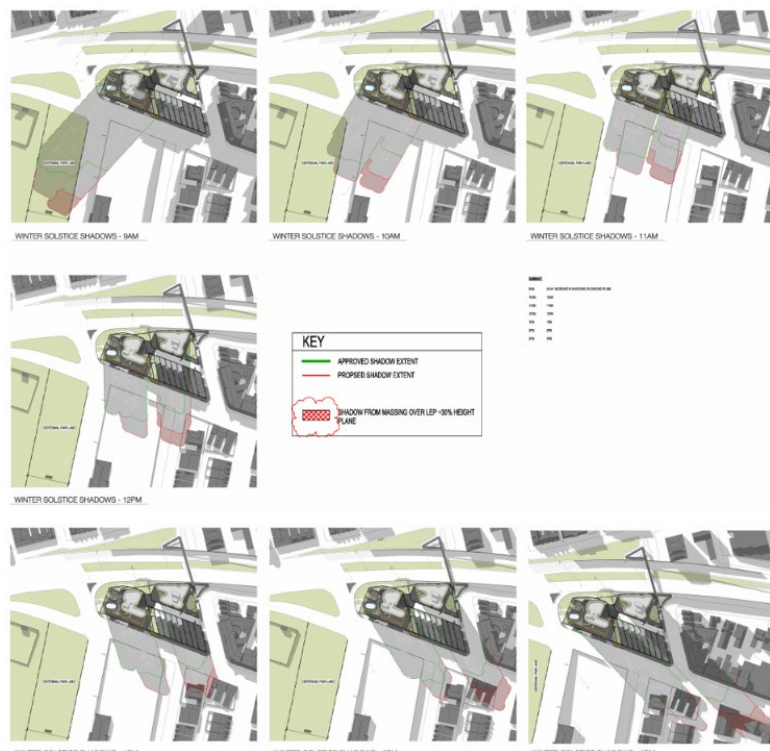
#### Overshadowing / Solar Access

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 6 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

Key Questions	Response
	<p>contained in Section E1 of the WDCP together with the FSR and height of building development standards contained in the WLEP.</p> <p>The site is subject to site-specific built form objectives under the WDCP, which specifically seek:</p> <ul style="list-style-type: none"> <li>▪ <i>To deliver the highest standard of architectural, urban and landscape design.</i></li> <li>▪ <i>To establish building envelopes that minimise overshadowing on Centennial Park and surrounding low scale residential areas.</i></li> <li>▪ <i>To ensure buildings are environmentally innovative particularly with regard to water and energy conservation.</i></li> <li>▪ <i>To ensure development does not adversely impact on the significance of the neighbouring heritage buildings, landscape and conservation areas.</i></li> </ul> <p>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:</p> <ul style="list-style-type: none"> <li>▪ <i>To ensure that Bondi Junction Centre is a vibrant and attractive commercial area.</i></li> <li>▪ <i>To define the desired future character and urban form for Bondi Junction Centre.</i></li> <li>▪ <i>To reinforce the role of Bondi Junction as a Strategic Centre as identified by the NSW Government.</i></li> <li>▪ <i>To promote built form that increases access to natural ventilation and lighting.</i></li> <li>▪ <i>To coordinate building massing along streets and across blocks.</i></li> <li>▪ <i>To ameliorate the effects of existing unevenly scaled and massed buildings.</i></li> <li>▪ <i>To mitigate the visual effect of tall buildings on the street.</i></li> <li>▪ <i>To mitigate environmental effects of tall buildings on existing surrounding low scale residential development.</i></li> <li>▪ <i>To ensure the streetscape setting for heritage buildings and other noteworthy buildings is retained and enhanced.</i></li> <li>▪ <i>To create diversity within the Bondi Junction Skyline.</i></li> </ul>
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.
- 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.

# DISCLAIMER

This report is dated 16 April 2025 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of WESTGATE BJ PTY LTD (**Instructing Party**) for the purpose of Clause 4.6 Variation Request (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

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.

