

Dear Madam/Sir

We write to object to SSD-77175998 and urge you to reject this excessive proposal. While we support affordable housing, such proposals must comply with the law. This is not an appropriate site for a development of this scale and the requisite planning tests have not been met to permit such extreme design control exceedance.

The proposal is fundamentally incompatible with the local area's character. Westgate has failed to demonstrate that height-limit compliance is unreasonable and unnecessary, or that there are sufficient environmental planning grounds to justify the contravention. As such, consent cannot be granted.

Save West Bondi Junction is a group of concerned residents. This submission outlines our concerns which relate to the proposal's impact on Centennial Park, local heritage, amenity, traffic and safety. We are very concerned by the precedent that approval of such an excessive development would set, and the compounding effect this would have.

We also have serious concerns relating to process, including:

- The proposal does not meet the requirements for state significant development (SSD) and hence the Department does not have power to deal with it. It should refer the matter to Waverley Council.
- Concurrent with this application, Westgate has submitted development applications to Waverley Council to remove the heritage listed Norfolk Pine and to amalgamate apartments within the same development, thereby reducing the number of apartments delivered by this proposal. Neither DA is mentioned, despite them contradicting the EIS and various appendices.
- The EIS and appendices include serious errors. Not only do they seek to downplay the impact of the proposed development on the local area, they include serious errors of fact. These are sufficiently serious as to warrant action by the Department under section 10.6 of the EP&A Act.

These issues are detailed below.

### **SSD APPLICATION DOES NOT MEET THRESHOLD FOR SSD**

The threshold for SSD is \$75m. The estimated cost of the current proposal is \$79m but this includes the cost of building the ten residential floors that were previously approved in 2022. This is double counting and is in breach of section 6(2)(b) of the Environmental Planning & Assessment Regulation.

The cost of the original ten floors could be included in the estimated development cost but only if the development allows for an additional 40 dwellings: section 26A(1A)(b)(i) of the SEPP (Planning Systems) 2021. This proposal involves only 15 additional dwellings and hence does not meet this test (or 9 additional dwellings, if you take into account the latest DA to reduce apartment numbers by 6 – see next section).

The Department of Planning does not have power to deal with this proposal since it does not meet the threshold for SSD. It should reject the proposal and refer the matter to Waverley Council. The question of how this proposal is treated is important because, if the proposal is assessed as SSD, it will not be subject to important controls (eg in relation to parking) in the Waverley DCP. These are designed to mitigate impacts on the local area and should not be

“switched off” through wrongful use of the SSD pathway. To allow this proposal to proceed on this basis would lead to disorderly planning and be contrary to the public interest.

## **WESTGATE IS FORUM SHOPPING**

On 21 May 2025, local residents learned that Westgate has now lodged yet another DA with Waverley Council (DA-400/2021/D) under which it seeks approval to amalgamate several apartments, converting 2br apartments into 3br apartments and reducing total apartment numbers by 6. The SSD application to the Department of Planning talks about boosting housing but this DA proposes to reduce it.

The developer appears to be forum shopping by splitting the requests in this way. The latest DA to Council does not even acknowledge the SSDA, talking about 70 apartments, rather than 85, and a height of 38m rather than a height of 56.6m. Council cannot consider this DA in any meaningful way when it relates to a proposal that is in the process of being fundamentally altered via another application and approval pathway. The DA reflects a development that the developer no longer wishes to pursue, as evidenced by the crane heights which are designed for the taller towers contemplated in the SSDA.

The two applications must be considered together. The Department of Planning should reject the SSDA and refer it to Waverley Council to deal with alongside DA-400/2021/D.

Earlier this year, Westgate also submitted another DA to Waverley Council (DA-400/2021/E) to remove the heritage-listed Norfolk Pine which is ailing because of a lightning strike. (Meanwhile, the SSD application states that this tree will be protected in accordance with the recommendations in the Heritage Impact Statement.) Submissions on this DA have already closed but the material exhibited in connection with the SSDA does not mention this DA.

## **IMPACT ON CENTENNIAL PARK**

The proposal is atop a ridge, adjacent to Centennial Park and located on a highly constrained site. The proposed additional floors will result in tower heights of 43.8m and 56.6m<sup>1</sup> which is **57% higher than the 36m permitted under Waverley Local Environment Plan** and **nearly double the 30% height “bonus”** contemplated, but not automatically given, under the Housing SEPP.

The Waverley DCP includes the following built form control at paragraph 6.1(f):

No additional height or floorspace ratio above the LEP controls will be considered for these sites [i.e. the subject site].<sup>2</sup>

This provision was included out of recognition that further height increases were not appropriate on this site. Apart from being tightly constrained by surrounding roads, the site is also opposite Centennial Park which is listed on the national heritage list as having

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<sup>1</sup> These tower heights are from Appendix F, the Clause 4.6 Variation Request. The figures in the EIS are not accurate as they do not take into account the plant overrun and fire stairs, despite using the maximum height of the existing towers (37.54m, which includes the plant overrun) for comparison purposes.

<sup>2</sup> WAVERLEY DEVELOPMENT CONTROL PLAN 2022, p399

outstanding significance. The Department of Planning should respect this intent and preserve the current LEP height limit.

While the developer has focussed on limiting overshadowing in line with planning controls, the towers will have a huge visual impact which is a separate issue to overshadowing. It would be a bitter irony if, to mitigate overshadowing on the Park's perimeter, the resulting built form increased visual encroachment of the Park.

The developer's own consultant says the proposal will be "highly visible" from Federation Valley and "the impact of change of the proposed development from this viewpoint is considered to be moderate-high". (Appendix M, p25) This is of great concern given that this location is the site of the Commonwealth's proclamation in 1901.

As the national heritage website says:

"Centennial Park occupies a special place within the story of Australia. The park has outstanding heritage value to the nation as the site chosen for the 1901 inauguration of the Commonwealth of Australia. The inauguration event held at Centennial Park was a defining moment in Australia's progress to a unified Commonwealth ...

As a publicly accessible 'People's Park' established in 1888, Centennial Park was considered the ideal choice as a symbol of a democratic space. The natural amphitheatre of the park, surrounded by rocky ledges and grassy hills, formed a gallery that allowed hundreds of thousands of ordinary members of the public to witness the inauguration ceremony alongside the dignitaries."

"Why should oaths have been administered and the proclamation read within the close shut walls of any building when Nature has endowed the people with this fine park commemorating the foundation of Australia?"

From: First Governor-General Lord Hopetoun's Inauguration of the Commonwealth of Australia speech, 1 January 1901, Centennial Park.

If approved, this proposal and the dangerous precedent it sets will privatise views for the wealthy few and socialise the loss of amenity and heritage values for everyone else. This is contrary to Centennial Park's Conservation Management Plan which states:

"Centennial Parklands needs an appropriate physical and visual curtilage including its skyline. It is important that new structures and landscape elements erected in the vicinity of the Centennial Parklands do not negatively impact on the historic precinct, nearby heritage streetscapes/ areas, the setting of Centennial Parklands and views to and from Centennial Parklands."

The Plan states that planners are "to ensure the protection of an appropriate physical and visual curtilage to Centennial Parklands. These instruments are to provide a consistent approach by the adjoining local government areas with respect to building heights, density and planning policies."

Height limits of 9.5m to 11m apply to all other land around the Park. (These are set out in the LEPS of the City of Sydney, Randwick, Woollahra and Waverley, with the exception of the site the subject of this SSDA). The site of this proposal was previously subject to a height limit of 15m but Westgate's planning proposal resulted in that changing to 36m. Allowing a

further increase to 56.6m is excessive and unacceptable - and the site's location atop a ridge makes the impact even greater.

### **IMPACT ON LOCAL AMENITY AND HERITAGE VALUES**

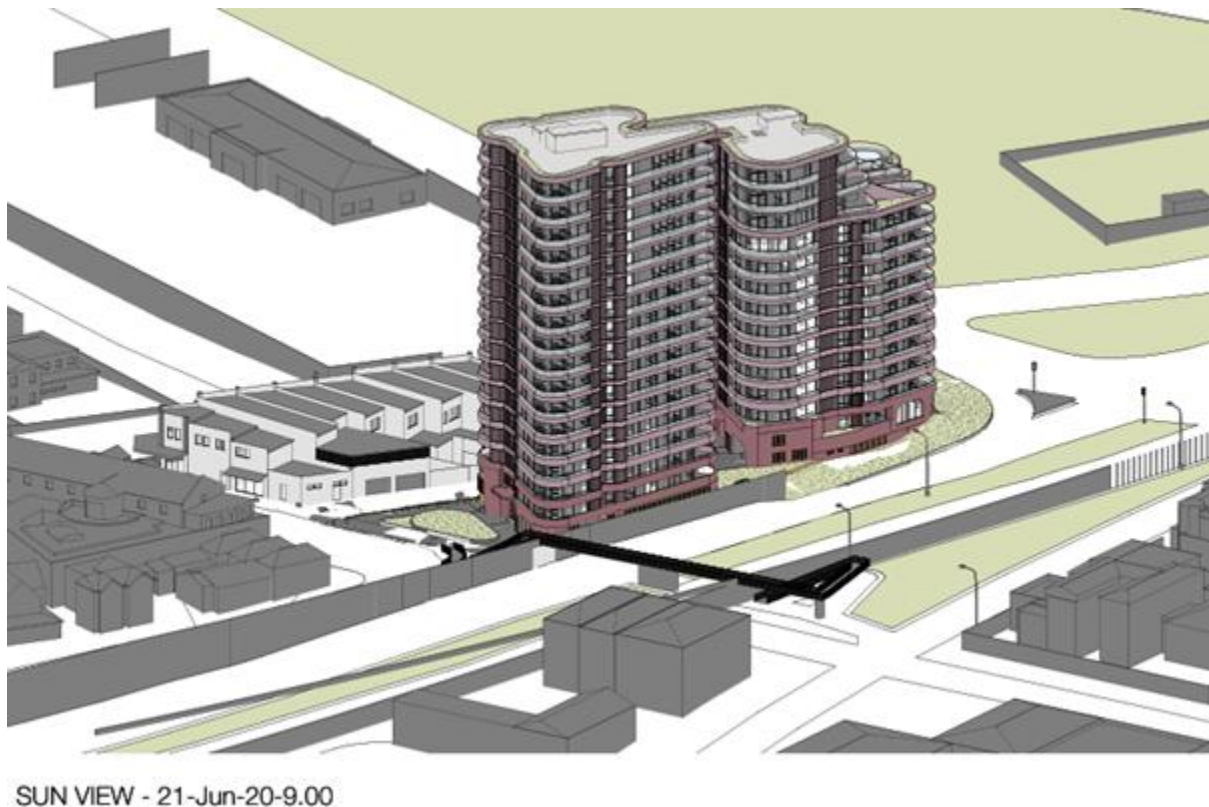
Under the Housing SEPP: "Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development [including the "bonus" floors] is compatible with—

- (a) the desirable elements of the character of the local area, or
- (b) for precincts undergoing transition—the desired future character of the precinct."

The previously approved ground floor retail + ten storey towers will already dominate the streetscape, with height and bulk that is wholly incompatible with the low-rise, heritage-rich nature of the area. This area includes the Mill Hill heritage conservation area, Woollahra heritage conservation area, the heritage listed Nelson Hotel (and many other heritage listed homes) and Centennial Park.

Allowing six additional floors to be added will significantly worsen these impacts, further blocking sunshine, dominating the streetscape, casting shadows, reducing privacy and eroding heritage values. This is contrary to the objectives of the Waverley Local Environmental Plan (WLEP).

The architectural drawings (Appendix B to the EIS) include the diagrams below. They show how out of character with surrounding low-rise buildings this proposal will be, especially with an additional 3/6 storeys.





Four hundred submissions opposed the proposal to increase the height limit to 36m. Allowing a further height increase is not appropriate on this site. The proposal is highly incompatible with this area and the criteria in the Housing SEPP are not met. The proposal must be rejected.

### **PROPOSAL IS CONTRARY TO LEP OBJECTIVES**

To get approval to exceed the LEP height limit by 57%, Westgate must demonstrate that—

- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
- (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

In deciding whether to agree to the exceedance, the consent authority must also consider the public interest.

The WLEP height limits are designed to:

- ensure building heights preserve the environmental amenity of neighbouring properties and public spaces;
- establish a transition in scale between [the Bondi Junction town centre] and adjoining zones to protect local amenity;
- maintain satisfactory solar access to existing buildings and public areas; and



- establish building heights that are consistent with the desired future character of the locality.

This proposal does not meet these objectives.

### **LEP HEIGHT TRANSITION OBJECTIVE IS APPLICABLE**

Appendix F to the EIS is the "Clause 4.6 Variation Request", which argues for a 57% increase in building height, as opposed to the 30% contemplated by the Housing SEPP. The request considers the objectives underpinning the LEP's height standard (set out in clause 4.3 of the WLEP) and asserts that the transition objective in clause 4.3(1)(b) is not applicable. That objective is "to accommodate taller buildings on land in Zone E2 Commercial Centre and establish a transition in scale between adjoining zones to protect local amenity".

This objective remains highly applicable and relevant. This proposal runs counter to that objective and should not be approved, particularly when the impact on Centennial Park and surrounding heritage areas is considered. In terms of planning considerations, the site is atop a ridge (a feature which is emphasised in the marketing materials) which makes it all the more important that the current building height control remains unchanged to avoid adverse impacts on amenity and heritage.

The black and white aerial image on the developer's website (below) clearly shows the transition in building heights from the Bondi Junction town centre and the fact that all buildings on Centennial Park's perimeter are low rise. A 37.54m building on this site, atop a ridge, will stand out terribly and create a dangerous precedent. A 56.6m building must not be allowed.

We note that the DCP also includes the following built form objective, paragraph (d): "To ensure development does not adversely impact on the significance of the neighbouring heritage buildings, landscape and conservation areas." Approving this proposal will create adverse impacts in breach of this objective.



Source <https://thecentennialcollection.com.au/locale/>

The EIS, Appendix F, argues that the added height will improve the look of the proposal and will not result in negative visual impacts - but this is contradicted by the visual assessment report (Appendix M) which says the visual impact on Federation Valley will be "moderate-high". Appendix F does not mention this impact, instead saying "visual impact [on Centennial Park] is perceivably minimal". This misrepresents the impact and ignores the consultant's assessment that the additional storeys will make the proposal "highly visible" from Federation Valley (whereas the 10 storey towers would be far less visible).

The principle that building heights should transition from the town centre towards Centennial Park remains important, as evidenced by the DCP clause saying no more height increases should be allowed on this site. (Appendix F refers to the DCP but does not mention this clause.) This principle is consistent with the Centennial Park conservation management plan. The Department of Planning should not ignore this objective. If it does and this proposal is approved, developers will seek to build tall buildings on other sites around Centennial Park, as well as all along west Oxford Street and this area is already at capacity.

### **WAVERLEY DCP PROVISION RE. NO MORE HEIGHT INCREASES**

Approving any increase in height on this site would also be contrary to the site-specific Waverley Development Control Plan which was developed for the site with input from residents. Paragraph (f) of the DCP states: "No additional height or floorspace ratio above the LEP controls will be considered for these sites".

The proponent has included several references to the DCP in the EIS but there is no mention of this clause. This clause reflects the high level of concern about the impact of allowing further heights increases on this site, which is directly opposite Centennial Park and surrounded by heritage conservation areas to the north and south. While the site previously had a height limit of 15m, the control is now set at 36m. Allowing a further increase to a maximum height of 56.6m is absolutely excessive (particularly given the location on top of a ridge) and should not be approved.

We note:

- the actual maximum height is proposed to be 56.6m not 54m, as outlined in the EIS;
- the proposed height increase constitutes a 57% exceedance of the LEP limit of 36m (nearly double the 30% contemplated under the Housing SEPP);
- the proposed increase will mean the building is "highly visible" from Federation Valley and will have "moderate to high" visual impacts (a fact omitted from the EIS);
- increasing visual encroachment on Federation Valley is contrary to the Centennial Park conservation management plan;
- the impact is sufficient to trigger the need for assessment under the EPBC Act, as confirmed to us by DCCEEW (Cth);
- the proposal is contrary to the LEP height objectives as well as paragraphs (d) and (f) of the site specific DCP.

## VISUAL IMPACTS

The EIS seeks to downplay the impact on the local area. The picture below is the only one in the report that shows the view looking west along Oxford St - it does not even show the top of the eastern crane/tower. The report concludes that the proposal will have a "limited visual impact" (p34).



Figure 27 Viewpoint 4 – existing view (Source: Keylan)



Figure 28 Viewpoint 4 –proposed view (Source: SJB)

We reject the suggestion that the impact of this proposal is "moderate" and that the increased height of the towers will improve their visual impact.

If approved, this development will set a terrible precedent, thereby compounding the adverse effects of this proposal. Westgate has already expressed interest in developing the Bus Depot site which is also across the road from Centennial Park, and towers on this site would also be highly visible from Federation Valley. Other developers will no doubt want to build similar towers around the Park, maximising views and profits while eroding heritage values and amenity, and further congesting overloaded streets and infrastructure. As you know, it is very difficult for consent authorities to reject future proposals when a similar proposal has already been approved.

We note that Bondi Junction is already one of the most densely populated suburbs in Australia and local roads and infrastructure are already at or above capacity. This proposal is excessive and must be refused.

## PARKING

Even though the Design Integrity Panel recommended "no net increases in parking" (EIS, p73), Westgate proposes to increase parking by 64% (more than 3 times the 21% increase in the number of apartments). The proposed level of parking exceeds the maximum set out



in the Waverley DCP by 40% and the level set out in the Housing SEPP by 16%. It is excessive and will worsen traffic.

We note that there is no increase in carshare spaces and that bike spaces have reduced by 15%. This is contrary to ESD principles and the recommendation of the Design Integrity Panel. The Panel's position should be respected and the proposed increase in private parking should be rejected.

Bikes spaces should increase, at least in line with the 21% increase in apartment numbers, not decline by 15%. EV charging should be provided in far more spaces (if not all spaces), consistent with the conditions of consent imposed in 2022 (which were designed to future proof the development) and the high value nature of the market offering.

If there is to be any increase in parking spaces, this should be for carshare spaces (the carshare spaces referred to are located some distance from the site and are unlikely to be used). Some additional visitor parking could also be provided to avoid overflow effects on local streets, which are already above capacity in terms of parking.

To reinforce the condition of consent imposed in 2022 (which stated that onstreet parking permits would not be available to residents of the towers), we ask that a condition of consent be imposed to require Westgate to inform prospective purchasers, via a provision in the contract for the sale of land, that onstreet parking permits will not be available to owners or tenants. This approach is adopted by the City of Sydney and is an equitable and enforceable way of ensuring that such developments do not exacerbate pressure on local parking.

## **TRAFFIC AND SAFETY**

The site is surrounded by congested roads which are already at capacity. We are very concerned that Westgate has used traffic data from April 2021 when many were working from home due to covid and traffic, and hence accidents, were well down on normal levels. Applying an annual 1.5% increase is not sufficient to give an accurate picture of current traffic levels. It does not take into account the construction of several large residential towers in the area, nor does it recognise road changes to accommodate a bike lane. Based on that extrapolated data, they argue the traffic impact will be acceptable. However, even this data says the intersection of Oxford St and Nelson St is at capacity. (Appendix U, p8)

To comply with the SEARs, the developer must provide CURRENT traffic data and examine the performance of nearby intersections. Only two intersections have been examined (Nelson St/Oxford St and York Rd/Oxford St). While all vehicles leaving the site must travel east along Grafton St, there is no analysis of impacts on the steep and dangerous Leswell St/Oxford St intersection, or the Grafton St/Newland St intersection. Nor is there any discussion re the operation of the Ruthven St and Mill Hill Rd intersections. No decision can be made on this proposal – by the Department or any other consent authority - without comprehensive, up to date analysis of traffic impacts. The Department must do independent analysis of current traffic and the capacity of the local road network.

## **CONCERNS RE EIS**

We are very concerned that the developer's consultants have sought to downplay the impacts of the proposal to a misleading degree. The EIS includes images that do not show the extent of the impact. For example, the only image of the view looking west along Oxford

St crops out the top of the eastern crane/tower (pictures 22-23 on p88 of the EIS – see above). Other images are highly selective and not representative of this area which is rich in local heritage. The EIS cannot be relied to demonstrate that there are grounds on which to override the relevant planning controls. The Department needs to make its own assessment as the EIS and its appendices are misleading and do not serve to demonstrate that such exceedances should be permitted.

Further concerns are outlined below.

- The EIS states the maximum height will be 42.5 (western tower) and 54m (eastern tower): see extract below from p52. However Appendix F to the EIS says the heights are (western tower) 42.3m to roof level and 43.8m to the lift overrun, and for the eastern tower, 54m to the roof level and 56.6m to the fire stair. This is 2.6m more than the figure included in the EIS - a difference of 4.8%.
- Given that the proponent uses the current lift run heights for comparison purposes (see table below: p52 of the EIS), it is not correct and a significant underestimate to suggest in the EIS that the maximum building height is 54m. This figure should be 56.6m.
- A height of 56.6m is 57% more than the 36m height limit included in the LEP. This is nearly double the 30% height bonus contemplated (but not automatically given) by the affordable housing provisions in the Housing SEPP.

### **Impacts on Centennial Park are downplayed**

The EIS and appendices are full of inconsistencies and omissions and it is evident that the developer is seeking to downplay the impact on Centennial Park, particularly the view from Federation Valley. The Visual Impact Assessment (Appendix M) states at p25 that the towers will be "highly visible" and "the impact of change of the proposed development from this viewpoint is considered to be moderate-high." But by the next page (p26) the findings are expressed thus: "Given the proposed development is not visible, it is considered there is moderate from Viewpoint 3." (sic)

It is clear that the word "impact" is missing from this sentence and that this sentence makes no sense: if the development is not visible, why is the impact moderate? Of course, the statement that the development is not visible is just wrong. The preceding paragraphs on the same page state: "the presence of trees will partially screen and soften the visual impacts of the new development from this viewpoint." There is no factual basis for the suggestion that the development is not visible from this viewpoint. It is reasonable to surmise that the findings of the analysis have been edited to weaken the initial conclusion that the impact of the development on this nationally significant site is moderate-high.

There are other statements which are not supported by the facts: eg. "The proposal generally aligns with the built form approved for the site" in 2022 (p25). This is just not true (the original built form was ten storeys; now it is 13 and 16 storeys) and is contradicted two paragraphs down: "The photomontages indicate the overall design including façade articulation and stepped upper levels assist in breaking up the built form, which provides visual relief."

This trend continues in the Appendix F Clause 4.6 Variation Request, an important document which argues the case as to why the development should be permitted to exceed the

WLEP's 36m height limit by 57%. This is nearly double the 30% height bonus contemplated (but not automatically given) by the Housing SEPP.

### **Finding re moderate-high impact on Centennial Park disappears from summary docs**

Despite the findings in the Visual Impact Assessment (VIA - Appendix M) re "moderate to high" impacts on Centennial Park, Appendix F describes the impact on Centennial Park as "perceivably minimal" (p12). In support of this conclusion it asserts:

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 perceivably 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.

### **Clause 4.6 Variation Request ignores VIA findings and uses the wrong viewpoint map**

There is no mention in the Clause 4.6 Variation Request **of View 3, which is the only viewpoint discussed in the VIA that is actually within Centennial Park. Views 1 and 2** are outside the Park: View 1 is on the north side of Oxford St (which makes sense when you read the text above and its discussion of the north-western aspect of the development, an aspect which cannot be seen from Federation Valley!). View 2 is in York Rd. There are further inconsistencies. The map of viewpoints that is included in Appendix F (on p13) is different to the map included in both Appendix M (which is the VIA: see p18) and the EIS (see p.86). This is very concerning.

The lack of any discussion of viewpoint 3 in the Clause 4.6 Variation Request means that request ignores a critical consideration that is centrally relevant in determining whether it is appropriate to allow a 57% exceedance of the WLEP height limit.

### **EIS omits key sentences to downplay impacts**

Also concerning is that the EIS quotes many parts of the VIA verbatim but omits key sentences. For example, drawing from the paragraph below which is on p25 of the VIA, the EIS (on p88) includes the first two sentences *but omits the final (bolded) sentence*. This misrepresents the findings of the analysis in the VIA.

Although the proposal will be visible, it is noted this would also be the case for the existing DA approved at the site, which was deemed acceptable. The proposal generally aligns with the built form approved for the site and the elements that extend outside of the approved envelope will have a limited visual impact. **When assessed in this context the impact of change of the proposed development from this viewpoint is considered to be moderate-high.**

The NSW State Significant Development Guidelines, March 2024 say at p20:

The information required to be provided under the Registered Environmental Assessment Practitioner Guidelines are that the EIS:

... contains an accurate summary of the detailed technical assessment of the impacts of the project as a whole...

There are multiple inconsistencies and omissions in the EIS and its appendices which do not provide an accurate summary of the project's impact. We urge the Department to review the documents closely - particularly the failure to acknowledge in the EIS that the proposed additional floors will have a "moderate-high" impact on an item of outstanding national heritage significance.

### **Concerns re Heritage Impact Statement**

The Heritage Impact Statement for the twin towers (Appendix CC to the EIS) is inadequate and contains critical errors.

1. Its primary focus is on the Norfolk Pine (which they have sought permission to remove via a DA to Waverley Council: this is not mentioned).
2. It ignores the impacts on Centennial Park and states that the EPBC Act is not applicable and no other approval is required (which is wrong).
3. It fails to mention the Woollahra Heritage Conservation Area and the many heritage listed items which are just north of the site.
4. It absolutely downplays the impact of the proposal on the Mill Hill Heritage Conservation Area

### **Centennial Park is ignored**

Urbis' Heritage Impact Statement (HIS) totally fails to assess the impact on Centennial Park, even though Appendix M to the EIS (the Visual Impact Assessment) acknowledges that there is "moderate to high" impact on Federation Valley and the towers will be "highly visible" from there, the site where the Commonwealth was proclaimed in 1901. Despite there being a requirement to discuss views to and from heritage items (in accordance with DPE's Heritage Guidelines), this impact is not even mentioned. Nor is there any actual analysis of the impact on several items within Centennial Park which are listed on p17 of the HIS but are not subsequently analysed - AT ALL.

On page 14, the HIS says that the Commonwealth Heritage List under the Cwlth Environment Protection and Biodiversity Conservation Act 1999 is not applicable. This is plainly wrong. Centennial Park is listed on the National Heritage List as acknowledged in the EIS at p86 (it states: "The Centennial Park is identified as a National heritage item (106153)"). This information is readily available: see <https://www.dcceew.gov.au/parks-heritage/heritage/places/national/centennial-park>

On page 27, the HIS includes the following question: "Has the applicant checked if any other approvals or a separate process to evaluate the potential for impacts is required?" The response to this is N/A. However, it is clear that assessment under the EPBC Act is required in accordance with the Matters of National Environmental Significance - Significant impact guidelines, available at [https://www.environment.gov.au/system/files/resources/42f84df4-720b-4dcf-b262-48679a3aba58/files/nes-guidelines\\_1.pdf](https://www.environment.gov.au/system/files/resources/42f84df4-720b-4dcf-b262-48679a3aba58/files/nes-guidelines_1.pdf) .

They state on page 21:

An action is likely to have a significant impact on historic heritage values of a National Heritage place if there is a real chance or possibility that the action will: ... involve the construction of buildings or other structures within, adjacent to, or within important sight lines of, a National Heritage place which are inconsistent with relevant values,

Approving the current proposal would have significant adverse impacts on the heritage values of the Park, which is a national heritage place, and as such should be referred to the Commonwealth Minister under the EPBC Act. The HIS completely fails to acknowledge this.

The Heritage Impact Statement says at p27: "The proposed works will not affect the heritage significance of any adjacent heritage items, as the subject site where the development is occurring is not directly adjacent to lots containing any heritage items or conservation areas." (p27) This is inconsistent with the EIS which correctly notes that Centennial Park is adjacent to the site - see p24 which states "The site is adjacent to Centennial Park and near St James Reserve Park to the south." Clearly the EIS considers Centennial Park to be an adjacent item, but the Heritage Impact Statement ignores it, despite the fact that the Design Integrity Panel was particularly concerned to ensure that visual impacts of the taller towers on Centennial Park was examined: see EIS p72.

### **Woollahra Heritage Conservation Area and its many heritage listed items are not mentioned**

The HIS also omits any mention of the Woollahra HCA or the many heritage listed items in that HCA which are just north of the site: see Woollahra LEP Heritage Map sheet OO3C, available

here: [https://eplanningdlprod.blob.core.windows.net/pdfmaps/8500\\_COM\\_HER\\_003C\\_002\\_20240325.pdf](https://eplanningdlprod.blob.core.windows.net/pdfmaps/8500_COM_HER_003C_002_20240325.pdf)

The towers will visually dominate the Woollahra HCA: see pictures 26-27 on p89 of the EIS which show how the towers will impact Woods Ave, Woollahra. (Note this appears in the EIS but this area is not mentioned in the HIS.)

The HIS also makes a number of statements that are not well founded - eg on p28: "The proposed works will not notably impact the integrity of the streetscape of any heritage conservation areas, as the subject site does not contain, or directly interface with, any heritage conservation areas."

This is clearly wrong. The impact on local heritage areas is obvious to all who have actually visited the area (which it appears the authors have not: the photos used come from google street view or archival material).

The EIS and other appendices all seek to downplay the impacts on local HCAs. There are no pictures from Ruthven St or St James Rd looking toward the site. If there were, they would show how the towers will completely dominate this area. The EIS claims that the image from viewpoint 2, next to the bus depot on York Rd, represents the "indicative view from the Mill Hill HCA" (top of p86, EIS). This is absolutely wrong. This viewpoint is on the western edge of the HCA, and well down the hill from Oxford St. It totally misrepresents the impact on the Mill Hill HCA.



### **Focus is on protecting Norfolk Pine - which developer has applied to remove**

The HIS' discussion of heritage impacts focuses primarily on the heritage listed Norfolk Pine on Nelson St. It omits to mention that Westgate has submitted a development application to remove the pine, even though the only photo in the document that is up to date is one of the pine which shows that it is ailing following the lightning strike. Despite this, the discussion is all about retaining and protecting the tree. The sole recommendation at the end of the report concerns the tree. It states (p29):

A tree management plan is to be developed for the ongoing upkeep of the Norfolk Island pine (LEP # I506) on site, in consultation with an Arborist.

The Norfolk Island pine (LEP # I506) should be protected during all phases of construction using protective fencing or similar, in consultation with an Arborist. No works are to be undertaken in the vicinity of the Norfolk Island pine until the tree is suitably protected.

This should be incorporated into the works as a condition of consent. Following the implementation of the above mitigation measures, the remaining impacts are appropriate and acceptable.

The report is dated March 2025. The request to remove the tree (which is not completely dead) runs counter to this recommendation.

At the very least, this report should have been updated to reflect the proposal to remove the tree prior to the SSDA being put on exhibition in April. As it is, the Department of Planning now has before it a document which is misleading.

### **EIS FAILS TO RECOGNISE THAT EPBC ACT IS APPLICABLE**

The SEARS included the following:

"Any development likely to have a significant impact on matters of National Environmental Significance will require approval under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). This approval is in addition to approvals required under NSW legislation. It is your responsibility to contact the Australian Government Department of Climate Change, Energy, the Environment and Water to determine if you need approval under the EPBC Act." (<https://www.dcceew.gov.au/> or 6274 1111)

The only reference to the EPBC Act in the EIS relates to biodiversity. The EIS states at p115: "no Matters of National Environmental Significance (MNES) listed under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) are likely to be affected by the development." We disagree.

The Matters of National Environmental Significance - Significant impact guidelines state on page 21 that: "An action is likely to have a significant impact on historic heritage values of a National Heritage place if there is a real chance or possibility that the action will: ... involve the construction of buildings or other structures within, adjacent to, or within important sight lines of, a National Heritage place which are inconsistent with relevant values".

Approving the current proposal would have significant adverse impacts on the heritage values of the Park, which is a national heritage place, and as such must be referred to the Commonwealth Minister under the EPBC Act. It is clear from the EIS that this has not

occurred. The Heritage Impact Statement even states that the national heritage list is not applicable, despite the fact that Centennial Park is on it. This is not good enough. Accurate information about impacts must be considered before a decision is made.

### **Conclusion:**

In summary, the proposal is:

- far too tall, with excessive height and bulk that casts shadows and dominates the streetscape
- completely out of character with the surrounding low rise area, destroying the elements of the area that residents love
- will have excessive impacts on heritage and amenity, especially of Centennial Park - this means approval under the EPBC Act is required
- is on a very constrained site surrounded by congested roads

The nature of this site means that compliance with the LEP development standard is entirely reasonable and necessary, and there are many environmental planning grounds to justify rejection of this proposal, including because the site is:

- on top of a ridge
- opposite an item of outstanding national heritage significance
- surrounded by low rise heritage conservation areas
- surrounded by congested roads, with access and egress severely limited
- subject to a number of environmental planning objectives designed to protect local heritage values and amenity.

At 37.54m, these towers will already be too big. They should NOT be allowed to get 57% taller than the Waverley LEP permits. If this great an exceedance of the rules is allowed, planning outcomes will deliver huge profits to developers and huge impacts to residents - these will be locked in forever, while affordable housing is only provided for 15 years.

The affordable housing tenants will be asked to leave after 15 years but the towers will remain, as will the precedent they set. The planning system has guardrails that seek an appropriate balance between the need to boost housing and the need for proper planning. Approving this proposal would promote bad planning.

We support affordable housing but it must be done in accordance with the planning framework. This site, on top of a ridge, opposite nationally significant heritage and surrounded by congested roads, is not appropriate. The proposal must be rejected.

Yours sincerely,

SAVE WEST BONDI JUNCTION