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28 June 2020

Ross McLeod
General Manager
Waverley Council
PO Box 9
BONDI JUNCTION NSW 1355

Email – info@waverley.nsw.gov.au

Dear Mr McLeod

Bondi Junction Urban Design Review Update 2020

The Property Council welcomes the opportunity to provide Waverley Council with comments on the Bondi Junction Urban Design Review Update (Review document).

As Australia's peak representative of the property and construction industry, the Property Council's members include investors, owners, managers and developers of property across all asset classes. We are pleased to provide the following comments to Council regarding the latest update of the review.

The following table provides a response to each of the twelve (12) recommendations set out in the Review document. We generally support these recommendations however, we do encourage Council to review its positions regarding the LEP planning controls for West Oxford Street, Bronte Road corridor and Ebley Street to allow for urban renewal to proceed. These locations are strategically positioned for additional housing and employment opportunities.

Should you have any questions regarding the content of this submission, do not hesitate to contact Troy Loveday, Senior Policy Adviser, on 0414 265 152 or tloveday@propertycouncil.com.au

Yours sincerely

A handwritten signature in dark ink, appearing to read "Jane Fitzgerald", with a large, stylized loop at the end.

Jane Fitzgerald
NSW Executive Director
Property Council of Australia

Issue	Responses (and any Recommendations)	Property Council Comment
PUBLIC DOMAIN AMENITY RECOMMENDATIONS		
2.1 Develop a Public Domain masterplan to identify key Public Domain Projects.	Response: <u>Recommendation A</u> : Continue to ensure any future developments or upgrades to public domain areas are done in accordance with the BJ Complete Streets Project.	This recommendation is noted.
2.2 Develop a movement strategy that integrates pedestrian and vehicular movements and has a clear focus on the quality of the public domain.	Response: <u>Recommendation B</u> : Continue to ensure any further developments or upgrades to public domain areas are done in accordance with the Complete Streets project and Waverley's People, Movement and Places Strategy.	This recommendation is noted.
2.3 Improve the connection from the rail interchange to Oxford Street and further on to Spring Street.	Response: <u>Recommendation C</u> : Continue to investigate using Rowe Street to link Oxford Street and Spring Street to the Bondi Junction rail interchange.	Council should encourage the development of a pedestrian connection from Spring Street to the railway interchange and ensure that development controls for affected land are aligned to achieve this objective.
2.4 Create through site links.	Response – Continue to support and request provision of through-site links in development applications and planning proposals if they provide a demonstrable benefit.	Not Applicable.
2.5 Improve public domain of Grafton Street and towards and underneath Syd Einfeld Drive.	Response: <u>Recommendation D</u> : Improve public domain of Grafton Street towards and underneath Syd Einfeld Drive in connection with the relevant recommendations of the Open Space and Recreation Strategy & Bondi Junction Night Activation Strategy.	This recommendation is supported.
2.6 Create share zones in parts of Spring Street and Bronte Road.	Response: <u>Recommendation E</u> : Investigate further mechanisms to reduce pedestrian and	This recommendation is supported.

	vehicle conflicts in Spring Street and Bronte Road.	
2.7 Create solar access planes for important public open spaces within the Bondi Junction Centre.	Response – This recommendation has been actioned. No further action required with this recommendation.	Not applicable.
2.8 Prevent midwinter lunchtime overshadowing of Clemenson Park by amending WLEP 2012 height and FSR along the northern side of Ebley Street.	Response – Whilst this specific recommendation has not been actioned, the intent of the outcome has been actioned. No further action is required for this recommendation.	Not applicable.
DEVELOPMENT POTENTIAL RECOMMENDATIONS		
3.1 Improve flexibility in land use by amending the WLEP 2012 to change the zone of the commercial core that lies to the west of Newland Street from B3 Commercial Core to B4 Mixed Use.	Response: <u>Recommendation F</u> : Continue to work with the DPIE to update planning controls so that commercial floor space is retained and grows in Bondi Junction.	We understand that Council has prepared a planning proposal to rezone part of the Bondi Junction town centre from B4 Mixed Use to B3 Commercial Core. It may be too late to try and encourage any further expansion of office development in this area due to the number of predominantly residential apartments (and subsequently strata-titled) developed in the last 5-10 years.
3.2 Consider tall office buildings on the block between Oxford Street, Bronte Road and Gray Street (facilitating the opportunity for A-grade office space in Bondi Junction).	Response – No further action required.	Not Applicable.

<p>3.3 Use potential for additional storeys within LEP height limit at selected locations (at present the number of storeys is limited by the DCP which at some locations does not correspond with the full LEP height potential).</p>	<p>Response: Recommendation G: Investigate this further with assistance from the Development Assessment Team with an aim to resolving this conflict within either the Comprehensive LEP review or DCP review.</p>	<p>This may be irrelevant as the LEP prevails over the DCP in the case of any inconsistency. If a DCP requirement is preventing the LEP building height limit from being achieved, it should be amended so that both planning controls are consistent. Floor to ceiling heights should be determined by the National Construction Code and not the Council's DCP. Notwithstanding this a court would give greater weight to the LEP's building height limit than a DCP floor to ceiling requirement.</p>
<p>3.4 Acknowledge that certain sites may be the subject of acceptable development applications which exceed development controls, if they do not create unacceptable impacts and they meet obligation to improve infrastructure and facilities.</p>	<p>Response - Continue to negotiate VPAs for sites where it is deemed appropriate to exceed development controls.</p>	<p>Not Applicable.</p>
<p>PLANNING POLICY AND DESIGN RECOMMENDATIONS</p>		

4.1 Develop a framework for VPA and (now) S7.11 contributions particularly for sites that might be the subject of a Development Applications significantly over the existing controls.	Response: <u>Recommendation H:</u> Continue to use the Waverley VPA policy for developments and planning proposals that are seeking uplift above their current development standards.	Where a planning proposal is made to Council with an accompanying VPA offer, Council must have regard to the Department of Planning, Industry and Environment's recently issued Practice Note (April 2020) as part of its consideration of the VPA offer. Council should be aware that planning agreements should not be used as a means of general revenue raising or to overcome revenue shortfalls. Planning agreements must not include public benefits wholly unrelated to a particular development and value capture should not be the primary purpose of a planning agreement.
4.2 Require development applications to consider impact on surrounding sites. This may include three dimensional testing of overshadowing.	Response – This recommendation has been actioned. No further recommendation required.	Not Applicable.
4.3 Require development applications to illustrate how neighbouring sites can be renewed or redeveloped adjacent to the proposal.	Response – This recommendation has been actioned. No further recommendation required.	Not Applicable.
4.4 Introduce environmental design into the DCP including passive solar design and natural ventilation.	Response – This recommendation has been actioned. No further recommendation is required.	Not Applicable.
4.5 Permit commercial uses on sites on the south side of Ebley Street between Hollywood Avenue and Denison Street where they face potential overshadowing from development to the north.	Response – No further action required.	Not Applicable.

<p>4.6 Conduct a block by block analysis to assess building massing options for redevelopment sites. This may determine appropriate setbacks in the context of existing building massing, block depth, lot size and access consideration.</p>	<p>Response – No further action required.</p>	<p>Not Applicable.</p>
<p>4.7 Develop a strategic plan of the renewal of the area between Ebley Street and Birrell Street to consider the possible expansion of Bondi Junction southward.</p>	<p>Response – Do not pursue the possibility of expanding the Bondi Junction Strategic Centre southwards to include the area between Ebley Street and Birrell Street, given the existing HCAs and fragmented lot pattern.</p>	<p>Not Applicable.</p>

TREATMENT OF CONTROLS IN EDGE AREAS		
7.1 West Oxford Street	Response: <u>Recommendation I</u> : Maintain the current LEP controls for the West Oxford Street area and do not allow for increased development standards in order to respect the existing low-scale built form and amenity of the area.	We encourage Council to review this decision to allow for further urban renewal of this area to proceed. The West Oxford Street area is strategically positioned for additional housing and employment opportunities.
7.2 Bronte Road	Response: <u>Recommendation J</u> : Maintain the existing LEP controls along Bronte Road.	We encourage Council to review this decision to allow for further urban renewal of this area to proceed. The Bronte Road corridor is strategically positioned for additional housing and employment opportunities.
7.3 Ebley Street	Response: <u>Recommendation K</u> : Maintain the LEP controls on Ebley Street to ensure that development in these edge areas remain transitional to reduce the impact on surrounding areas.	We encourage Council to review this decision to allow for further renewal of this area to proceed. The Ebley Street area is strategically positioned for additional housing and employment opportunities.
BONDI JUNCTION TOWN SQUARE REVIEW 2007		
8.1 Land Use: Land use proposed for the commercial centre – B3 Commercial Core.	Response - No Further action required.	Not Applicable.
8.2 Floor Space Ratio: Rowe Street Development Sites 5:1, Bronka Arcade Development Sites FSR 7:1.	Response - <u>Recommendation L</u> : Ensure that FSRs for sites are compatible with the height of buildings in any changes to the LEP.	We encourage Council to review its maximum FSR and height of building controls within Waverley LEP 2012 to ensure that they are both aligned.