

PPR Attachment 2

Response to issues raised in submissions

Agencies

The statement of commitments in the PPR incorporates the requested conditions set out in the submissions by:

- NSW Transport & Infrastructure
- NSW RTA
- NSW Office of Water
- Sydney Water

Waverley Council and public submissions

The key issues raised in the submissions (as summarised in the attached table) and the proponent's responses follows:

a) Should not be a Part 3A (flawed job calculation methodology and Council has the experience to deal with large development projects)

Response

Urbis provided has estimated that the project would general a total of 198 jobs, 115 of which are a direct result of tourism (including 69 jobs in the serviced apartment hotel). The Urbis report was reviewed in detail by the DoP and the methodology was found to be sound.

b) Loss of dwellings (EA does not address SEPP 32)

Response

State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land) (**SEPP 32**), gazetted on 15 November 1991, sets out the NSW Government's intention to ensure that urban consolidation objectives are met in all urban areas throughout the State.

The policy:

- Focuses on the redevelopment of urban land that is no longer required for the purpose it is currently zoned or used; and
- Encourages local councils to pursue their own urban consolidation strategies to help implement the aims and objectives of the policy.

In response to this concern (expressed by Waverley Council), the project described in this PPR increases the number of dwellings on the projects (now 45 dwellings compared with 34 dwellings in the exhibited EA).

Notwithstanding this increase, it should be recognized that the site is in Zone No. 3(a) General Business under Waverley Local Environmental Plan 1996 (**WLEP 1996**). In this zone, *residential flat buildings* are actually prohibited, except when in a *mixed development*. There is no mandatory requirement to provide residential uses as part of a development in Zone 3(a).

c) The project should not rely on approved building envelope

Response

As acknowledged in Waverley Council's submission, the approved development (DA 816/2003) has been commenced; therefore the proponent could complete the development without the need to obtain any further approvals. It is therefore entirely reasonable to compare the project with the approved/commenced development.

d) Excess FSR and excess height

Response:

In response to the Key Issues identified by the DoP, the PPR provides a better transition in height and bulk between the project and existing lower densities in O'Brien Street (as detailed at Section 2.0 of the PPR).

In Bondi, there is precedence for the approval of developments with heights and FSRs above that permitted by Waverley Council's controls, particularly when the existing development on the site already exceeded the height and FSR standards (as is the case on the site). Examples include the Bondi Motel and Swiss Grand, as illustrated in **Table A** (which also includes the project to assist with comparison):

Table Precedence for development exceeding height and FSR controls

DA / site location	FSR		Height	
	Permitted	Approved ¹	Permitted	Approved ¹
DA 779/2004 152-162 Campbell Parade Bondi Beach (Bondi Motel)	3:1	4.59:1	15m	Tower: 24.59m Lift: 31.36m Screen: 31.36m
DA 619/2007 180-186 Campbell Parade Bondi Beach (Swiss Grand)	3:1	4.51:1	15m	23m
61-79 Hall Street (the project)	2:1	4.15:1 (proposed)	12m	Tower: 25m Lift: 26m

e) Inconsistent with Villages DCP**Response:**

The proposed podium has been designed to generally comply with Waverley Development Control Plan 2006, Part F5 – Local Villages. In particular, it complies with the four storey height control at Hall Street and exceeds the requirement for a 3m setback at the top level (3.4m proposed). The PPR (at Level 00) also introduces a triangular setback adjoining 8 O'Brien Street (5m at the O'Brien Street frontage). This improves compliance with the Villages DCP (which requires a setback of 3m adjoining 8 O'Brien Street).

The proposed tower (sited on 61-67 Hall Street) has been informed by the existing Hakoah Club building, the approved/commenced development and the requirements of the proponent. Compliance with the Villages DCP on this part of the site is not reasonable or realistic, nor is it warranted given that the project will have an acceptable environmental impact (as detailed in the EA and PPR).

a) Out of character with existing and desired future character of Hall Street and Bondi**Response:**

The former uses on the site; being a members only club in a large building that does not interact with the street, an internet café, Bunga Bar and dress shop; contribute little to the creation of a village atmosphere. In contrast the proposal will make a meaningful contribution to the village

¹ The approved height and FSR may not include all approved modifications

atmosphere of Hall Street by providing active café/retail uses, a through site link between Hall and O'Brien Streets, a retail strategy to encourage tenants that predominantly meet the daily/convenience food needs of the local community (see Loop Strategy at Appendix E of the Original SEE), a swimming pool and community room that will be accessible to the public and a public art program for the site.

b) Impact on residential nature of O'Brien Street

Response:

In response to the Key Issues identified by the DoP, the PPR provides a better transition in height and bulk between the project and existing lower densities in O'Brien Street (as detailed at Section 2.0 of the PPR).

c) Impact on private views to Bondi Beach and ocean has not assessed

Response:

As detailed at Section 3.0 of the PPR, Bates Smart has completed a view impact analysis.

d) Inconsistent with Land and Environment Court planning principles

Response:

The planning merit of the project has been addressed in detail in the EA and PPR.

e) General objection to the project

Response:

The PPR provides detailed response the DoP's key issues and the issues raised in submission.

f) Objects to hotels in this location

Response:

A serviced apartment hotel in this location will provide a positive contribution to the mixed use vitality of Hall Street. Being a Medina Grand, the proposed serviced apartments will also offer a high quality standard of accommodation, with 24/7 on-site management. The provision of 113 serviced apartments will also partially offset recent and future reductions to the amount of visitor accommodation at Bondi Beach.

It is also noteworthy that tourist accommodation occurs elsewhere in or near other Waverley Villages and neighbourhood centres. Examples include the following:

- Bondi Beachhouse YHA, on the corner of Fletcher and Dellview Streets at Tamarama (located within a small neighbourhood centre)
- The Plage Bondi, at 212 Bondi Road, Bondi (located in the Bondi Road Village which is addressed in the Villages DCP)
- Ultimate Apartments Bondi Beach, at 59 O'Brien Street, Bondi Beach (located near the Hall Street Village)
- Serviced apartments, 81 Hall Street, Bondi Beach (located within the Hall Street Village)

g) Parking impacts

Response:

Halcrow has recalculated the minimum and maximum parking spaces allowed on the site pursuant to Waverley Development Control 2006 – Part 11 (PPR, **Attachment 5**). With 182 spaces proposed, the project includes the maximum number of complying parking spaces thereby minimising demand for on-street parking. The provision of any more parking would breach Council's controls and encourage the use of private cars over public transport and bicycles.

The project (and statement of commitments) includes initiatives to encourage travel to the site by bicycle and other modes of transport.

h) Traffic and transport impacts

Response:

Halcrow has prepared a further traffic assessment (PPR, **Attachment 5**) which indicates that the PPR project somewhat reduces traffic generation and that all intersections would work satisfactorily upon completion of the project.

i) Impacts on Chambers Street (noise, traffic, parking, land value)

Response:

Given that the serviced apartment hotel will have a 24/7 security presence, noise impacts from hotel guests is likely to be minimal. Management initiatives to minimise noise impacts from future retail, restaurant and licensed bar uses will be appropriately addressed when applications for use and fitout are prepared and assessed.

Traffic and parking have been addressed above.

Impacts on land value are not a planning consideration.

j) Negative impacts on O'Brien and Roscoe Streets (privacy, noise, shadows, traffic, expansion of retail)

Response:

A number of Roscoe Street and O'Brien Street residents have raised concerns about privacy and noise impacts.

In response to these concerns (and the key issues identified by the DoP), the building envelope at O'Brien Street has been reduced (refer Section 2.0 of the PPR).

Noise and traffic have already been addressed.

Overshadowing is addressed at Section 3.0 of the PPR.

All retail tenancies are to be accessed from the through site link or from Hall Street. The retail tenancies with a frontage to O'Brien Street will be glazed but there will be no doors or openable windows to O'Brien Street.

k) Political donations

Response:

The project will be determined by the Planning Assessment Commission in accordance with the Minister's Instrument of delegation.

l) Construction impacts (noise, dust, parking) and desirability of re-using the existing buildings

Response:

As set out in the Statement of Commitments, a construction traffic management plan would be prepared prior to release of the Construction Certificate. Council's standard construction hours and conditions (including the requirement to prepare dilapidation reports on all adjoining properties) will minimise other impacts of construction.

m) Aboriginal archaeology

Response:

The Statement of Commitments includes a requirement to contact the Heritage Branch of the DoP if any potential archaeological or aboriginal relics are uncovered during excavation and site works.

n) Undesirable architecture, inadequate ESD

Response:

The PPR includes an amended BASIX Report and the Statement of Commitments obliges the proponent to comply with the schedule of commitments in BASIX Certificate.

When Waverley Council exhibited the original DA in 2008, five submissions, including the Bondi Beach Precinct, stated that the design quality of the proposal was commendable. Exhibition of the EA included 12 letters of support.

o) Loss of Hakoah Club and existing community uses on the site***Response:***

The Hakoah Club itself chose to vacate the site. Community benefits included in the proposal are incorporated into the Statement of Commitments.

p) DoP notification/exhibition inadequate***Response:***

The project has been the subject of extensive community consultation including the proponent's community consultation program (coordinated by Elton Consulting prior to and after lodging DA 319/2008), two exhibitions of the DA by Waverley Council and exhibition of the EA by the DoP.

q) Conditions of consent***Response:***

The PPR includes statement of commitments in relation to several matters raised in submissions (eg. Construction management, dilapidation reports, aboriginal archaeology etc).

r) Extend deadline for submissions***Response:***

Given the extensive community consultation completed (see above), an extension for submissions is not warranted.

s) Closure of existing business***Response:***

The closure of an individual business (and any economic impact that may occur) is not a planning consideration.