

ENVIRONMENTAL ASSESSEMENT REPORT
SECTION 75W APPLICATION FOR MODIFICATION (MOD 2)
SUBMITTED TO NSW DEPARTMENT OF PLANNING AND INFRASTRUCTURE

Mixed use serviced apartment hotel, residential apartment and retail/recreation building

61-79 Hall Street, Bondi Beach MP 09_0081

Prepared on behalf of
TOGA GROUP

28 JUNE 2011

Table of contents

1.0	Introduction	1
2.0	The approval	2
3.0	Proposed modifications	3
3.1	Modifications to the approved plans	4
3.2	Modifications to the conditions of consent.....	7
4.0	Environmental assessment	9
4.1	Acoustic amenity	9
4.2	Design and visual impact	11
4.3	Residential amenity	11
4.4	Accessibility	12
4.5	Back of house	12
4.6	Fire safety	12
5.0	Conclusion	13

Tables

1	Comparison of approval and Section 75W.....	4
2	Summary of proposed modifications by drawing number	5

Appendix

A	Restaurant Noise Emission Assessment, by Acoustic Logic
---	---

1.0 INTRODUCTION

This Environmental Assessment Report (**EAR**) has been prepared by Robinson Urban Planning Pty Ltd on behalf of Toga Development No. 45 Pty Ltd (the land owner and proponent). It describes an application to modify the approval for Major Project No. 09_0081 (as already modified) (the **approval**) pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**).

The modifications described in this EAR arise as the proponent has received feedback from the residential market and has completed detailed design development on the retail levels (including consultation with prospective retail tenants). The proponent has also completed more detailed work on acoustic performance, fire safety and servicing needs.

This report identifies the relevant aspects of the approval and describes the proposed modifications. It is accompanied by the following plans and information:

Separate Volume Modified architectural plans, by Bates Smart which cloud the proposed modifications (see **Table 2** later)

Appendix A Restaurant Noise Emission Assessment, by Acoustic Logic

2.0 THE APPROVAL

Major Project Number	09_0081
On land comprising	61-79 Hall Street, Bondi Beach
Local Government Area	Waverley Council
For the carrying out of	<ul style="list-style-type: none">– The demolition of existing buildings and structures on site– Excavation for 3 levels of basement carparking– The construction of a mixed use serviced apartment hotel, residential apartment, and retail/recreation building including public through-site link– 3 levels of basement carparking, building services and plant area
Date Approval (by Planning Assessment Commission)	10 August 2010
Date of Modification (MOD 1)	11 March 2011

3.0 PROPOSED MODIFICATIONS

The proposed modifications, shown by clouds on the modified architectural plans prepared by Bates Smart (separate volume), comprise:

1. Retail tenancies (Ground and Lower Ground Levels)
 - a) Installation of escalators from Basement Level B3 through to the Lower Ground Level
 - b) Installation of a glass canopy over the rear terrace to Retail Tenancy G.05 (to achieve acoustic performance standards as detailed later at Section 4.1)
 - c) Reconfiguration of the Lower Ground Floor back of house to meet Waverley Council's waste management requirements to enable Council collection of all residential waste and recycling
2. Serviced Apartment Hotel (Ground Level to Level 03)
 - a) Minor reconfiguration of the serviced apartment hotel room layouts (there is no change to the approved number or mix of serviced apartment hotel rooms)
3. Residential (Levels 4 to 7)
 - a) Reconfiguration of Unit 6.04 (from a 2 bedroom apartment to a 1 bedroom apartment)
 - b) Minor reconfiguration of Apartments 4.08 and 5.08
 - c) Provision of commercial kitchen exhausts, car park exhausts, residential toilet/ kitchen exhausts and additional skylights to the Level 4 roof and Roof Plan
4. External changes (responding to advice from the fire safety engineer)
 - a) Blade walls to Level 3 at Hall Street (east and west) and O'Brien Street (west)
 - b) Deletion of single storey exit at O'Brien Street (east).

Additional information on the modifications follows.

3.1 Modifications to the approved plans

Table 1 compares the principal numeric aspects of the approved and the modified development (proposed). A detailed list of the proposed modifications to the approved plans (by level/drawing) follows in **Table 2**.

Table 1 – Comparison of the approval and Section 75W (MOD 2)

	Approval (as modified)	Proposed Section 75W MOD 2	Change
Number & mix of residential apartments			
– One bedroom	17 (38%)	18 (40%)	+1
– Two bedroom	18 (40%)	17 (38%)	-1
– Three bedroom	10 (22%)	10 (22%)	0
Total residential apartments	45	45	0
Number and mix of serviced apartments			
– Studio	47	No change	
– One bedroom	57		
– Two bedroom	8		
– Three bedroom	1		
Total serviced apartments	113		
GFA (m²)	14,920	No change	
Parking			
– Non residential spaces	141	No change	
– Residential spaces	57		
– Residential visitor spaces	4		
Total (including 20 accessible spaces)	202		
Service spaces	Loading dock + 5 spaces on Level B1	No change	

Table 2 – Summary of proposed modifications by drawing number

Drawing number and title	Rev	Proposed amendments
A0.01 – Drawing Schedule	5	No change
A1.01 – Location Plan	5	No change
A2.201 – Level 003 Basement	5 6	Reconfigured parking layout to incorporate parking spaces misplaced by the new escalator
A2.202 - Level 002 Basement	6 7	New escalator to/from Basement 001
A2.203- Level 001 Basement	6 7	New escalator to/from Lower Ground
A2.204 – Level 000 (Lower Ground)	5 6	New escalator Wider stair from Hall Street to Lower Ground Reconfigured amenities, garbage room and laundry room Reconfigured fire exit to O'Brien Street (eastern boundary)
A2.205 - Level 00	5 6	Glass canopy over outdoor terrace to Tenancy G.05 Minor change to disabled lift arrangement Deletion of stair up from Tenancy LG.09
A2.206 – Level 01	5	No change
A2.207 – Level 02	6	No change
A2.208 – Level 03	5 6	Extension of western side boundary blade walls to Apt 3.10, Apt 3.13, and Apt 3.16 balconies
A2.209 – Level 04	6 7	Additional skylight to Apt 3.12, minor change to orientation/location of approved skylights Commercial kitchen exhaust and car park exhausts (grille rises 100mm above roof slab) Apartment kitchen and toilet exhausts (rising up to 300mm above roof slab) Minor change to entry/kitchen layout to Apt 4.08
A2.210 – Level 05	5 6	Minor change to entry/kitchen layout to Apt 5.08
A2.211 – Level 06	5 6	Reconfiguration to Unit 6.04 from 2 bedroom to a 1 bedroom unit
A2.212 – Level 07	5	No change
A2.213 – Roof Plan	5 6	Apartment kitchen and toilet exhausts (rising up to 300mm above roof slab) Minor change to solar panel and roof plant void location/format
A5.101 – North West Elevation Hall Street	8 9	Amended to reflect changes above
A5.102 – South West Elevation Hall Street	6 7	Amended to reflect changes above
A5.103 – North Elevation O'Brien Street	9	Amended to reflect changes above (Elevation reinserted as MOD 1 appears to have inadvertently omitted it from Condition A2)

Table 2 – Summary of proposed modifications by drawing number (continued)

Drawing number and title	Rev	Proposed amendments
A5.104– South East Elevation	6	Amended to reflect changes above (Elevation reinserted as MOD 1 appears to have inadvertently omitted it from Condition A2)
A5.601– Section AA	6	Amended to reflect changes above (Section reinserted as MOD 1 appears to have inadvertently omitted it from Condition A2)
A5.602– Section BB	6 7	Amended to reflect changes above
A5.603 – Section CC	5 6	Amended to reflect changes above
A5.604– Section DD	5 6	Amended to reflect changes above
A5.605 – Section EE	6 7	Amended to reflect changes above
A5.606– Section FF	6 7	Amended to reflect changes above
A5.607– Section GG	7 8	Amended to reflect changes above
Landscape Plans prepared by Turf Design Studios Pty Ltd		
Page 2	A	No change
Page 3	A	No change
Page 4	A	No change

3.2 Modifications to the conditions of consent

Application is made to modify Conditions A2 and D15 as set out below (new words are shown in **red bold** and deleted words in ~~strike through~~):

Condition A2

A2 Development in Accordance with Plans and Documentation

The development will be undertaken in accordance with MP09_0081 and the:

- Environmental Assessment dated December 2008 prepared by Robinson Urban Planning Pty. Ltd., except where amended by the Preferred Project Report;
- Preferred Project Report dated March 2010 and prepared by Robinson Urban Planning Pty. Ltd.
- Environmental Assessment for a Section 75W Modification dated December 2010 and prepared by Robinson Urban Planning Pty. Ltd.
- **Environmental Assessment for a Section 75W Modification dated June 2011 and prepared by Robinson Urban Planning Pty. Ltd.**
- Amended Design Report dated March 2010 prepared by Bates Smart Architects.
- Crime Prevention Through Environmental Design Report dated June 2010 and prepared by Robinson Urban Planning Pty. Ltd.
- Amended BASIX Certificate No. 352864M_02;
- The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part G1, Waverley DCP 2006; and,
- The following drawings:

Architectural Plans prepared by Bates Smart		
Drawing No.	Revision	Date
A0.101	5	15.12.2010
A1.101	5	15.12.2010
A2.201	5 6	15.12.2010 24.06.2011
A2.202	6 7	04.02.2010 24.06.2011
A2.203	6 7	04.02.2010 24.06.2011
A2.204	5 6	15.12.2010 24.06.2011
A2.205	5 6	15.12.2010 24.06.2011
A2.206	5	15.12.2010
A2.207	6	20.01.2011
A2.208	5 6	15.12.2010 24.06.2011
A2.209	6 7	04.02.2011 24.06.2011
A2.210	5 6	15.12.2010 24.06.2011

A2.211	5 6	15.12.2010 24.06.2011
A2.212	5	06.15.2010
A2.213	5 6	15.12.2010 24.06.2011
A5.101	8 9	02.02.2011 24.06.2011
A5.102	6 7	24.06.2011
A5.103	9	24.06.2011
A5.104	6	24.06.2011
A5.601	6	24.06.2011
A5.602	6 7	04.02.2010 24.06.2011
A5.603	5 6	15.12.2010 24.06.2011
A5.604	5 6	15.12.2010 24.06.2011
A5.605	6 7	04.02.2010 24.06.2011
A5.606	6 7	04.02.2010 24.06.2011
A5.607	7 8	04.02.2010 24.06.2011

Landscape Plans prepared by Turf Design Studios

Drawing No.	Revision	Date
Page 2	A	21.12.2010
Page 3	A	21.12.2010
Page 4	A	21.12.2010

...

Reason for modification: Condition A2 is to be modified to make reference to the Section 75W EAR and the plans accompanying this application. Plans inadvertently omitted from the approved Section 75W modification (MOD 1) are also re-insert.

D15 Service Pipes

Other than exhausts, pipes etc shown on A2.209 (Level 04) and A2.213 (Roof Plan), all plumbing and drainage, including sewerage drainage stacks, ventilation stacks and water service pipes shall be concealed within the building. Plumbing other than stormwater downpipes shall not be attached to the external surfaces of the building.

Reason for modification: Condition D15 is to be modified to enable essential ventilation exhausts within the roof plans.

4.0 ENVIRONMENTAL ASSESSMENT

The key environmental assessment issues that are relevant to the proposed modifications are addressed in this section of the EAR.

4.1 Acoustic amenity

The proposal to install a glass canopy over the outdoor area to Retail Tenancy G.05 reflects the acoustic assessment of Acoustic Logic which found that noise levels to the approved apartments (and hotel serviced apartments) would exceed the relevant noise criterion if the outdoor area is left untreated (refer to the Restaurant Noise Emission Assessment at **Appendix A**). It also ensures compliance with consent Condition G4 which states:

G4 Noise Control – Licensed Premises

The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8 kHz inclusive) by more than 5dB between 7:00am and 12 midnight and 12 midnight to 7:00am at the boundary of any affected residence.

Notwithstanding the requirements of this condition, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 7:00am.

The Acoustic Assessment (**Appendix A**) states:

*For the private apartments (separately titled), noise from the outdoor bar/restaurant should comply with Office of Liquor gaming and Racing (**OLGR**) acoustic requirements (noise not to exceed background levels by more than 5dB(A) when measured in octave bands). The background noise in the evening period (6pm to 10pm) is 48dB(A) L90 which correlates to an allowable noise level of 53dB(A) L10 on private apartment balconies.*

The assessment of noise to the residential areas has been based on the following information:

- *The subject area is a restaurant and bar only, not an area supporting amplified music (although limited background music within the area is acceptable).*
- *The restaurant would have a maximum capacity of 200 people.*
- *The restaurant/bar will need to close at 10pm.*

The predicted outdoor noise level without any treatments at private apartment balconies is 66dB(A) L10, which is 13dB(A) above the 53dB(A) criterion for the privately owned apartments.

Table 1 – Predicted Noise Levels – Untreated Restaurant

Area	Windows	Noise Level dB(A) L₁₀
<i>Residential</i>	<i>Open</i>	<i>56</i>
<i>Hotel</i>	<i>Open</i>	<i>60</i>
<i>Residential</i>	<i>Closed</i>	<i>42</i>
<i>Hotel</i>	<i>Closed</i>	<i>46</i>

In order for the restaurant/bar to comply with the OLGR criteria at the privately owned residential areas, the outdoor area will need to have three building treatments installed:

- *All doors between the restaurant and swimming pool area (between gridline C & F) are to be solid. Any doors between these areas will need to be fitted with full acoustic seals.*
- *There will need to be a solid wall (10mm glass, fc sheet, masonry) wall installed between gridline C & F at the locations shown in Appendix One. As the bar will not always be at full capacity, we suggest that the glass wall made up of operable panels/doors installed on the north-western opening of the restaurant/bar area which are to be closed when the noise level exceeds 70dB(A). In order for staff to be aware of when noise levels reach 70dB(A), a small microphone should be suspended just below the glass canopy which alerts staff via a warning system (a proprietary system, usually has a small red warning light behind bar).*
- *The canopy (10mm glass or similar) will need to be extended to the northeast as shown in Appendix One. The canopy should have the capacity to completely enclose the bar (with no gap between top of wall and canopy) around the entire perimeter with the exception of the south-western corner (below level 1 hotel areas).*

As the restaurant/bar and Hotel areas of the development are not considered to be different occupancies, the OLGR criterion does not apply at these areas. That being said, when the bar is completely enclosed, a noise level of 40dB(A) L₁₀ is predicted at the Hotel which is well below the OLGR criterion. However, if untreated, noise from the bar is likely to be 18dB(A) above the OLGR criteria at the façade/balcony of the hotel/serviced apartment. A summary of the resultant internal noise levels when the restaurant/bar is completely enclosed is presented below:

Table 2 – Predicted Noise Levels – Treated Restaurant

Area	Windows	Noise Level dB(A) L₁₀
<i>Residential</i>	<i>Open</i>	<i>24</i>
<i>Hotel</i>	<i>Open</i>	<i>29</i>
<i>Residential</i>	<i>Closed</i>	<i>13</i>
<i>Hotel</i>	<i>Closed</i>	<i>18</i>

4.2 Design and visual impact

The proposed modifications will not have an appreciable visual impact for the following reasons:

- The proposed exhausts and vents on the roof (shown on A2.209 (Level 04) and A2.213 (Roof Plan)) rise no more than 300mm above the approved roof level and will not be seen from Hall Street, O'Brien Street or any places in the public domain
- The proposed canopy over retail Tenancy G.05 is internal to the site and will not be visible from Hall Street or O'Brien Street
- The proposed escalators are internal to the site and will not be visible from Hall Street or O'Brien Street
- The proposed blade walls at Level 3 (to Hall and O'Brien Streets) will be integrated into the design of the building and will not add to the bulk or scale of the project
- The minor change to the north-east corner of the site will not alter the streetscape of O'Brien Street as a fence will be provided on the boundary to continue the street wall (avoiding the creation of a place for concealment).

4.3 Residential amenity

The proposed modifications retain, or somewhat improve, residential amenity for the affected apartments as:

- The proposed canopy over retail Tenancy G.05 will improve acoustic amenity for residents and guests on the site (and those adjoining)
- The proposed skylight to the Level 4 roof will improve natural lighting to apartment 3.12
- The reconfigured layout for apartments 4.08 and 5.08 retain the approved floor area (internal and external) and amenity performance (solar access and ventilation)
- The reconfigured layout for apartment 6.04 increases the living areas and makes it a very large and high amenity one bedroom apartments (whereas it is two bedrooms in the approved plans)
- The proposed vents and exhausts to the Level 4 roof do not include any roof mounted mechanical plant; therefore they will not generate any appreciable noise emissions for nearby apartments on or adjoining the site.

4.4 Accessibility

The proposed escalators will improve access between the basement parking and Lower Ground Floor retail area for older and less mobile people. Disabled access will remain via the approved lifts.

4.5 Back of house

Following the proponent's liaison with Waverley Council Planners and the Environment Officer - Waste & Recycling, the waste management facilities have been modified to enable Council collection of residential waste and recycling.

4.6 Fire safety

Rawfire (fire safety engineers) advises that the provision of blade walls along the boundaries suitably reduces the view factor of openings in the residential apartments to adjoining properties. The reduction of this factor permits the openings to remain unprotected under the Building Code of Australia through the application of Alternative Building Solution.

5.0 CONCLUSION

The Section 75W application for modification proposes a number of minor changes that respond to design development issues. As modified, the project is substantially the same as the approval and has minor and reasonable environmental impacts.

The Section 75W application therefore has planning merit and is worthy of consent.

APPENDIX A

Restaurant Noise Emission Assessment, by Acoustic Logic

MANAGING DIRECTORS
MATTHEW PALAVIDIS
VICTOR FATTORETTO



DIRECTOR
MATTHEW SHIELDS

2008234.9/1005A/R1/TA

10/05/2011

Toga Development No 45 Pty Ltd
PO Box 1745
STRAWBERRY HILLS NSW 2012

Email: jjondreau@toga.com.au

ATTN: MR JASON JONDREAU

Hall Street Bondi - Restaurant Noise Emission Assessment

This letter details the treatments necessary for the proposed G.05 tenancy outdoor restaurant to be in compliance with noise goals at both the Hotel (serviced apartments) and residential areas of the 61 Hall Street development.

For the private apartments (separately titled), noise from the outdoor bar/restaurant should comply with Office of Liquor gaming and Racing (OLGR) acoustic requirements (noise not to exceed background levels by more than 5dB(A) when measured in octave bands). The background noise in the evening period (6pm to 10pm) is 48dB(A) L_{90} which correlates to an allowable noise level of 53dB(A) L_{10} on private apartment balconies.

The assessment of noise to the residential areas has been based on the following information:

- The subject area is a restaurant and bar only, not an area supporting amplified music (although limited background music within the area is acceptable).
- The restaurant would have a maximum capacity of 200 people.
- The restaurant/bar will need to close at 10pm.

The predicted outdoor noise level without any treatments at private apartment balconies is 66dB(A) L_{10} , which is 13dB(A) above the 53dB(A) criterion for the privately owned apartments.

The Table below presents a summary of internal noise levels at both the residential and hotel areas of the development when the restaurant is left untreated.

SYDNEY
A: 9 Sarah St Mascot NSW 2020
T: (02) 8339 8000
F: (02) 8338 8399

SYDNEY MELBOURNE BRISBANE CANBERRA
LONDON DUBAI SINGAPORE GREECE

www.acousticlogic.com.au
ABN: 11 068 954 343

The information in this document is the property of Acoustic Logic Consultancy Pty Ltd ABN 11 068 954 343 and shall be returned on demand. It is issued on the condition that, except with our written permission, it must not be reproduced, copied or communicated to any other party nor be used for any purpose other than that stated in particular enquiry, order or contract with which it is issued.

Table 1 – Predicted Noise Levels – Untreated Restaurant

Area	Windows	Noise Level dB(A) L₁₀
Residential	Open	56
Hotel	Open	60
Residential	Closed	42
Hotel	Closed	46

In order for the restaurant/bar to comply with the OLGR criteria at the privately owned residential areas, the outdoor area will need to have three building treatments installed:

- All doors between the restaurant and swimming pool area (between gridline C & F) are to be solid. Any doors between these areas will need to be fitted with full acoustic seals.
- There will need to be a solid wall (10mm glass, fc sheet, masonry) wall installed between gridline C & F at the locations shown in Appendix One. As the bar will not always be at full capacity, we suggest that the glass wall made up of operable panels/doors installed on the north-western opening of the restaurant/bar area which are to be closed when the noise level exceeds 70dB(A). In order for staff to be aware of when noise levels reach 70dB(A), a small microphone should be suspended just below the glass canopy which alerts staff via a warning system (a proprietary system, usually has a small red warning light behind bar).
- The canopy (10mm glass or similar) will need to be extended to the northeast as shown in Appendix One. The canopy should have the capacity to completely enclose the bar (with no gap between top of wall and canopy) around the entire perimeter with the exception of the south-western corner (below level 1 hotel areas).

As the restaurant/bar and Hotel areas of the development are not considered to be different occupancies, the OLGR criterion does not apply at these areas. That being said, when the bar is completely enclosed, a noise level of 40dB(A) L₁₀ is predicted at the Hotel which is well below the OLGR criterion. However, if untreated, noise from the bar is likely to be 18dB(A) above the OLGR criteria at the façade/balcony of the hotel/serviced apartment. A summary of the resultant internal noise levels when the restaurant/bar is completely enclosed is presented below:

Table 2 – Predicted Noise Levels – Treated Restaurant

Area	Windows	Noise Level dB(A) L₁₀
Residential	Open	24
Hotel	Open	29
Residential	Closed	13
Hotel	Closed	18

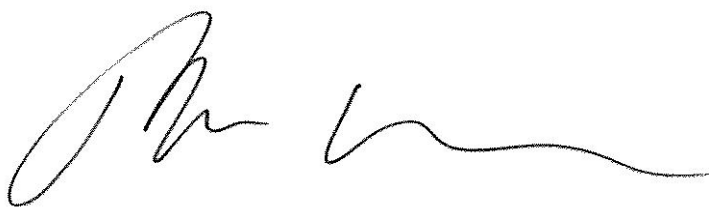
The noise levels presented above represent noise from the restaurant only. Actual noise levels within the rooms would be higher due to other noise sources such as mechanical noise, external noise, etc.

We assume that any proposed restaurant will need to submit a separate DA. At this time, a detailed acoustic assessment should be conducted when seating plans, patron numbers, location of loudspeakers and detailed information about proposed operation is available. Typical recommendations which would be associated with this are presented below:

- Management plan to identify when closure of operable wall surrounding the bar is required.
- All ingress/egress doors to the area must be fitted with automatic closing mechanisms.
- Manage patron departure particularly at night and at closing times to ensure that patrons leave the licensed premises in a prompt and orderly manner.
- Prominent notices shall be placed to remind patrons that a minimum amount of noise is to be generated when leaving the premises.
- All garbage shall be retained within the premises and removed between 7am and 8pm on weekdays and 9am and 5pm on weekends and public holidays.
- Any loudspeakers associated with the restaurant/bar should be vibration isolated from the building structure.
- It is recommended that a register is kept on site by management, and possible noise complaints are registered and what course of remedial action has been taken. This register should be stored on site and be accessible at all times.

We trust this information is satisfactory. Please contact us should you have any further queries.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Thomas Aubusson', written in a cursive style.

Acoustic Logic Consultancy Pty Ltd
Thomas Aubusson

Appendix One – Extent of Canopy and Glass Doors



