

ENVIRONMENTAL ASSESSEMENT REPORT
SECTION 75W APPLICATION FOR MODIFICATION (MOD 4)
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 Development No. 45 Pty Ltd

APRIL 2012

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B	Schedule of areas, by Bates Smart
C	Noise impact advice, by Acoustic Logic
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E	Pool section, by Bates Smart

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 by MOD 1, MOD 2 and MOD 3) (the **approval**) pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979 (EPA Act)*.

The modifications described in this EAR (MOD 4) make minor adjustments to the retail levels (mostly in the back of house areas), delete some non-essential hotel windows, internal changes to one apartment, provide a new roof terrace landscape plan for Apartment 7.02 and refine two conditions.

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

Appendix A	- Modified architectural plans, by Bates Smart - Modified landscape plans, by Turf Design Studios Proposed modifications shown in cloud (see Table 1 later)
Appendix B	Schedule of areas, by Bates Smart (which is identical to the MOD 3 schedule)
Appendix C	Noise impact advice, by Acoustic Logic
Appendix D	Statement on new awning design, by Bates Smart
Appendix E	Pool section, by Bates Smart

2.0 THE APPROVAL

Major Project Number	MP 09_0081 granted by the Planning Assessment Commission
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
Date of Modification (MOD 2)	1 November 2011
Date of Modification (MOD 3)	22 February 2012

3.0 PROPOSED MODIFICATIONS

The proposed modifications, shown by clouds on the attached architectural plans prepared by Bates Smart (**Appendix A**), comprise:

1. Minor changes to the lower ground level retail garbage rooms, services amenities and other back of house facilities
2. Minor changes to the ground level including:
 - Deletion of side window to Hotel G.20
 - Minor changes to Retail G.41 (adjusted floor level, delete entry stair and relocate door)
 - Reconfigure canopy over outdoor bar (from rectangular to curved irregular shape) and material changed from glass to masonry to improve the acoustic performance of the canopy
 - Change handrail to tough site link (from concrete balustrade to glass balustrade with timber handrail)
 - Additional amenities provided behind Lift 5 and 6
 - Minor change to Hall Street shopfronts to serviced apartment lobby, G.01 and G.08
3. Minor changes at Level 01 (side window deleted from Hotel 1.35 and 1.44 and opening into G.41)
4. Unit 3.01 reconfigured from two bedroom to one bedroom
5. Modified landscape plan for roof terrace of Apartment 7.02 (Level 07) , including swimming pool (1.44m above timber deck, 350mm above glass balustrade)
6. Minor elevation changes including reconfigured hotel room privacy screens (facing into the site), fire Rated blades to O'Brien façade due to Ausgrid requirements
7. Confirmation of profile of approved solar panels (the location of the panels has already been approved), skylight relocations and provision of stair pressurization duct on Level 4 roof
8. Adjustments to condition F16 – Public Art to improve its operation

The proposed modifications will not appreciably affect the external appearance of the building and will not alter the approved:

- Number of residential apartments (although one unit is changed from a two bedroom to a one bedroom)

- Number or mix of serviced apartments hotel rooms
- Number or distribution of car parking spaces, access or loading arrangements
- Total gross floor area (**GFA**) or mix of uses (see attached schedule of areas by Bates Smart which shows that the total retail GFA does not change as all of the reconfigured back of house areas were included in the approved retail GFA) (see attached Area Schedule (**Appendix B**) which is identical to that which accompanied MOD 3)
- Height, bulk or scale of the project.

Additional information on the modifications follows.

3.1 Modifications to the approved plans

A detailed list of the proposed modifications to the approved plans (by level/drawing) follows in **Table 1**.

Table 1 – Summary of proposed modifications by drawing number (MOD 4)

Drawing number and title	Re v	Proposed amendments
A0.01 – Drawing Schedule	5	No change
A1.01 – Location Plan	5	No change
A2.201 – Level 003 Basement	6	No change
A2.202 - Level 002 Basement	7	No change
A2.203- Level 001 Basement	7	No change
A2.204 – Level 000 (Lower Ground)	6 7	<ul style="list-style-type: none"> - Increased efficiency in garbage room design (660 litre bins changed to 1100 litre bins) - Redundant retail garbage room area (75m²) added to retail tenancy LG.05 - Reconfigure amenities (parent room added) - Minor changes to back of house (new dumb waiter, altered laundry and pool plant) - Minor change to stair accessing through site link at O'Brien Street entry - No change to overall retail GFA
A2.205 – Ground Level/Level 00	7 8	<ul style="list-style-type: none"> - Side window deleted from Hotel G.20 - Minor changes to Retail G.41 (adjusted floor level, large opening) - Reconfigure canopy over outdoor bar (from rectangular to curved irregular shape) and material changed from glass to masonry with skylights - Change handrail to though site link (from concrete balustrade to glass balustrade with timber handrail) - Additional amenities provided behind Lift 5 and 6 - Minor change to Hall Street shopfronts to serviced apartment lobby, G.01 and G.08 - Relocated/larger air supply louvre within southern-eastern setback area - No change to overall retail GFA
A2.206 – Level 01	5 6	<ul style="list-style-type: none"> - Side window deleted from Hotel 1.35 and 1.44 - Modified balcony screens to Hotel 1.01 – 1.06
A2.207 – Level 02	6 7	<ul style="list-style-type: none"> - Modified balcony screens to Hotel 2.01 – 2.06
A2.208 – Level 03	6 7	<ul style="list-style-type: none"> - Reconfiguration of Unit 3.01 from two bedroom approved to one bedroom
A2.209 – Level 04	7 8	<ul style="list-style-type: none"> - Skylight relocations and provision of stair pressurization duct 8m long x 800mm high
A2.210 – Level 05	6	No change
A2.211 – Level 06	6	<ul style="list-style-type: none"> - Unit 6.04 changes from two bedroom to one bedroom

Drawing number and title	Rev	Proposed amendments
A2.212 – Level 07	5 6	- Modified plan for roof terrace of Apartment 7.02, including swimming pool (1.44m above timber deck)
A2.213 – Roof Plan	6	No change
A5.101 – North West Elevation Hall Street	9 10	- Door to Retail 1.44 (ground) relocated and hotel room window to 1.44 (L. 01) deleted - Pool to Apartment 7.02 projects 350mm above glass balustrade - Confirmation of solar panel profile on Level 4 roof
A5.102 – South West Elevation Hall Street	7 8	- Confirmation of solar panel profile on Level 4 roof
A5.103 – North Elevation O'Brien Street	9 10	- Change to stair accessing through site link at O'Brien Street entry - Pool to Apartment 7.02 projects 350mm above glass balustrade - Confirmation of solar panel profile on Level 4 roof
A5.104– South East Elevation	6 7	- Side windows to hotel rooms G.20 and 1.3 deleted (Ground and L.01) - Pool to Apartment 7.02 projects 350mm above glass balustrade
A5.601– Section AA	6 7	- Pool to Apartment 7.02
A5.602– Section BB	7 8	- Confirmation of solar panel profile on Level 4 roof
A5.603 – Section CC	6 7	- Door to Retail 1.44 (ground) relocated and hotel room window to 1.44 (L. 01) deleted - Reconfigure canopy over outdoor bar - Change handrail to though site link (from concrete balustrade to glass balustrade with timber handrail) - Pool to Apartment 7.02 projects 350mm above glass balustrade - Confirmation of solar panel profile on Level 4 roof
A5.604– Section DD	6 7	- Pool to Apartment 7.02
A5.605 – Section EE	7 8	- Reconfigure canopy over outdoor bar - Change handrail to though site link (from concrete balustrade to glass balustrade with timber handrail)
A5.606– Section FF	7 8	- Modified balcony screens to Hotel1.01 – 1.06 and 2.01 – 2.06 - Confirmation of solar panel profile on Level 4 roof
A5.607– Section GG	8 9	- Change handrail to though site link (from concrete balustrade to glass balustrade with timber handrail) - Confirmation of solar panel profile on Level 4 roof

Landscape Plans prepared by Turf Design Studios Pty Ltd

Page 2	A B	Minor change to planter bed at O'Brien Street
Page 3	A B	Street tree design considerations
Page 4	A B	Modifications to Planter Type 2 and 5 planting
Page 5	B	Modifications to Planter Type 1 and 2 planting
Page 6	B	Modifications to Planter Type 3 and 4 planting
Page 7	B	Level 1 – Canopy garden

3.2 Modifications to the conditions of consent

Application is made to modify Condition A2 and F16 as set out below (new words are shown in **red bold** and deleted words in ~~strikethrough~~):

Condition A2 – Approved plans and documentation

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.
- Environmental Assessment for a Section 75W Modification dated December 2011 and prepared by Robinson Urban Planning Pty. Ltd.
- **Environmental Assessment for a Section 75W Modification dated April 2012 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	6	24.06.2011
A2.202	7	24.06.2011
A2.203	7	24.06.2011
A2.204	6 7	24.06.2011 12/4/2012
A2.205	7 8	16.12.2011 12/4/2012
A2.206	5 6	15.12.2010 12/4/2012
A2.207	6 7	20.01.2011 12/4/2012

A2.208	6 7	24.06.2011	12/4/2012
A2.209	7 8	24.06.2011	12/4/2012
A2.210	6	24.06.2011	
A2.211	6	24.06.2011	
A2.212	5 6	06.15.2010	12/4/2012
A2.213	6	24.06.2011	
A5.101	9 10	24.06.2011	12/4/2012
A5.102	7 8	24.06.2011	12/4/2012
A5.103	9 10	24.06.2011	12/4/2012
A5.104	6 7	24.06.2011	12/4/2012
A5.601	6 7	24.06.2011	12/4/2012
A5.602	7 8	24.06.2011	12/4/2012
A5.603	6 7	24.06.2011	12/4/2012
A5.604	6 7	24.06.2011	12/4/2012
A5.605	7 8	24.06.2011	12/4/2012
A5.606	7 8	24.06.2011	12/4/2012
A5.607	8 9	24.06.2011	12/4/2012

Landscape Plans prepared by Turf Design Studios		
Drawing No.	Revision	Date
Page 2	A B	21.12.2010 13/04/12
Page 3	A B	21.12.2010 13/04/12
Page 4	A B	21.12.2010 13/04/12
Page 5	B	13/04/12
Page 6	B	13/04/12
Page 7	B	13/04/12

...

Reason for modification: Condition A2 is to be modified to make reference to this Section 75W EAR and the architectural/landscape plans accompanying this application (MOD 4).

Condition F16 – Public art

F16 Public Art

The applicant shall submit an Arts Plan for the proposed development to Council's Cultural Planner for approval by Council's Public Art Committee. A copy of the Arts Plan is to be provided to the Department.

If Council's Public Art Committee has not approved the Arts Plan within 2 month of its submission to Council, the Director General is to arbitrate an agreement and the parties will be bound by such a written arbitration.

The applicant shall consult with Council's Cultural Planner in the design and execution stages of the Art Plan. The Artwork shall be installed in accordance with the approved Art Plan prior to completion and issue of ~~any interim~~ the final Occupation Certificate.

Reason for modification: Condition F16 in its approved form is unreasonable and could potentially lead to delays in the issuing of an interim occupation certificate for the project. The condition also requires installation of the artworks prior to the issue of any interim Occupation Certificate. This is impractical as the first interim Occupation Certificate could relate to the car park. The proposed modification provides a timeframe for approval of the Arts Plan and introduces an arbitration process if the Arts Plan is not approved within that timeframe. It also requires installation of the artwork prior to the issue of the final Occupation Certificate.

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 for residents on the site

Acoustic Logic (**Appendix C**) has advised that:

The licensed restaurant has been reviewed in the early concept stages for noise emissions. A glass canopy and sliding door arrangement had been specified to control noise emissions to the residential and hotel areas of the Hall Street development. See Appendix One for original acoustic design recommendations.

This letter certifies that the current green roof design and operable glass wall arrangement is consistent with the acoustic design intent of the originally specified glass canopy. In addition, due to the increased density of the green roof, the currently proposed design is marginally more effective in controlling noise breakout.

We note that recommendations regarding door seals and noise limiters should till [sic] be implemented in the design, regardless of the canopy design.

4.2 Light, air and temperature in outdoor bar

Bates Smart (**Appendix D**) has advised that the modified design of the outdoor canopy (modified from a glass roof to a landscaped concrete roof with glass skylights) will:

- Provide a better outlook when viewed the dwellings and serviced apartments above
- Will provide better shading and thermal comfort to patrons underneath the canopy (natural light will be provided from the large skylights)
- Be more easily maintained and cleaned.

4.3 Design and visual impact

The proposed external modifications will not be readily appreciable to passersby in the public domain. Notably, the new swimming pool at Level 7 is setback from the balustrade edges and will not be visible from the public domain, as illustrated by the site sections prepared by Bates Smart (**Appendix E**).

The proposed stair pressurisation duct (8m long by 800mm high) on the Level 4 roof has a low height and is centrally located minimising (or precluding) sightlines to it from the public domain.

Solar panels have already been approved on the roof of Level 4. The elevations/sections accompanying this report simply confirm the profile of the panels. In any event sightlines to the solar panels are likely to be very limited as views from the public domain are interrupted by the building itself, adjoining development to the west and the Hall Street awning along the site's frontage.

4.4 Traffic/parking

The proposed modifications will not alter the traffic generation of the approved project.

Waverley Development Control Plan 2010 sets the following minimum and maximum parking controls for residential apartments:

Residential	Minimum	Maximum
one bedroom	0.3	0.6
two bedroom	0.4	0.8
three bedroom	0.8	1.2

The proposed conversion of Unit 3.01 from a two bedroom unit to a one bedroom unit reduces the minimum parking control by 0.1 space and the maximum control by 0.2 space. This is an extremely minor change and does not warrant any change to the approved car parking arrangements.

5.0 CONCLUSION

The Section 75W application for modification (MOD 4) proposes minor internal and external changes to the project, the need for which has become apparent through detailed planning. As modified, the project is substantially the same as the approval and has very minor and reasonable environmental impacts.

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

APPENDIX A

Modified architectural plans, by Bates Smart and modified Landscape Plans, by Turf Design Studios which cloud the proposed modifications

APPENDIX B

Schedule of areas, by Bates Smart

APPENDIX C

Noise Impact advice by Acoustic Logic

APPENDIX D

Bates Smart statement on new awning design

APPENDIX E

Pool section, by Bates Smart