



MODIFICATION REQUEST:

61-79 Hall Street, Bondi Beach

MP09_0081 MOD 4 – Internal and external design changes and amendment to a condition relating to public art



Director-General's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

July 2012

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1. BACKGROUND

1.1 The site

Toga Development No. 45 Pty Ltd (proponent), has lodged a section 75W application (MP09_0081 MOD 4), seeking to amend a condition of the project approval (Condition F16) and modify the internal and external design of the approved mixed use building located at 61 – 79 Hall Street, Bondi Beach. The site lies within the Waverley Local Government Area (LGA) and is located approximately two kilometres from Bondi Junction. The site is situated on the north-east side of Hall Street, approximately 60 metres south-east of the intersection with O'Brien Street, and approximately 250 metres from Bondi Beach. The site's locality is shown in **Figure 1** below:



Figure 1: Site location

1.2 Approval History

On 10 August 2010, the Planning Assessment Commission (PAC) approved a mixed use serviced apartment hotel, retail, commercial and residential development comprising demolition of existing buildings and structures on site; construction of a part-four and part-eight storey building comprising 113 serviced apartments, 45 residential apartments; 3,448m² of retail/recreation floor space, including a through-site link; three levels of basement car parking for 184 vehicles; building services and a plant area. Works in accordance with the approval are currently being carried out on the site.

A modification (MOD 1) to MP09_0081 was approved by the Director, Metropolitan and Regional Projects South on 11 March 2011. MOD 1 altered the dwelling mix, unit numbers, retail tenancy layout, and increased the retail/recreation area by 63m² and basement car parking from 184 to 202 spaces. The modification included a number of design modifications to address building setback and articulation requirements imposed as part of the original approval.

On 1 November 2011, the PAC approved changes to the internal and external components of the development (MP09_0081 MOD 2). The modifications included reconfiguration of the three

basement car parking levels to accommodate the introduction of escalators, internal reconfiguration of apartments, and provision of additional skylights and metal louvres.

A third modification (MP09_0081 MOD 3) was approved by the PAC on 23 February 2012 for the conversion of two serviced apartment hotel rooms to retail space on the ground floor level.

2. PROPOSED MODIFICATION

2.1 Modification Description

The subject modification (MOD 4) seeks approval to amend Condition F16 relating to the installation of public art, and make various internal and external design changes to the approved mixed use building. The proposed changes are outlined below:

Lower Ground

- Minor changes to the waste room design to allow for greater bin capacity from 660 litre bins to 1100 litre bins;
- Reconfigured amenities to include a parent room;
- Minor changes to back of house facilities to include a new dumb waiter and reconfiguration of the laundry and pool plant;
- Minor changes to service amenities and other back of house facilities; and
- Reconfiguration of the stair accessing the through-site link at O'Brien Street and material changes to the handrail (from concrete to timber).

Ground Level

- Deletion of a side window to hotel room G.20;
- Entry stair to retail area G.41 is to be eliminated and replaced with a large opening. The finished floor level (FFL) is adjusted to the same level as the adjoining space;
- Design changes to the outdoor bar canopy to include a curved irregular landscape roof. The material of the canopy is changed from glass to masonry to improve the acoustic performance of the canopy;
- Additional amenities provided behind Lift 5 and 6;
- Minor changes to Hall Street shopfronts and retail areas G.01 and G.08; and
- Relocation and re-sizing of the small air supply louvre to a larger form situated within the south-east setback area.

Level 1

- Windows deleted in hotel rooms 1.35 and 1.44; and
- Modified hotel room privacy screens to O'Brien Street façade to hotel rooms 1.01 – 1.06 to include fire rated blades due to Ausgrid requirements.

Level 2

- Modified hotel room privacy screens to O'Brien Street façade to hotel rooms 2.01 – 2.06 to include fire rated blades due to Ausgrid requirements.

Level 3

- Unit 3.01 reconfigured to increase floor area of the study by 1.05m², and decrease the size of the bathroom and laundry for functional reasons.
- Skylight relocations and provision of stair pressurisation duct 8m long x 800mm high on Level 3 Roof; and
- Confirmation of solar panel profiles on Level 3 roof (note: the location of the panels were approved under MOD 2).

Level 7

- Modified landscape plan for roof terrace Apartment 7.02, with the addition of a timber deck that is 90mm above the FFL, a garden and an above-ground spa. The spa sits 1610mm above the timber deck and rises 350mm above the roof terrace balustrade (see **Figure 5**).

Landscape Plans

- Addition of a planter bed at the stairs accessing the through-site link on O'Brien Street to improve its visual appearance;
- Modifications to the through-site link planter beds and southern façade screen planting on Ground Level;
- Addition of a poolside planter on the Ground Level;
- Proposed street tree planting along Hall Street; and
- Design changes to the outdoor canopy to include a landscaped roof with 4 skylights to allow natural light to enter into the bar.

Condition F16 Public art

It is proposed to amend the requirement to install public art prior to the issue of a final Occupation Certificate instead of prior to the issue of an interim Occupation Certificate, as required by Condition F16.

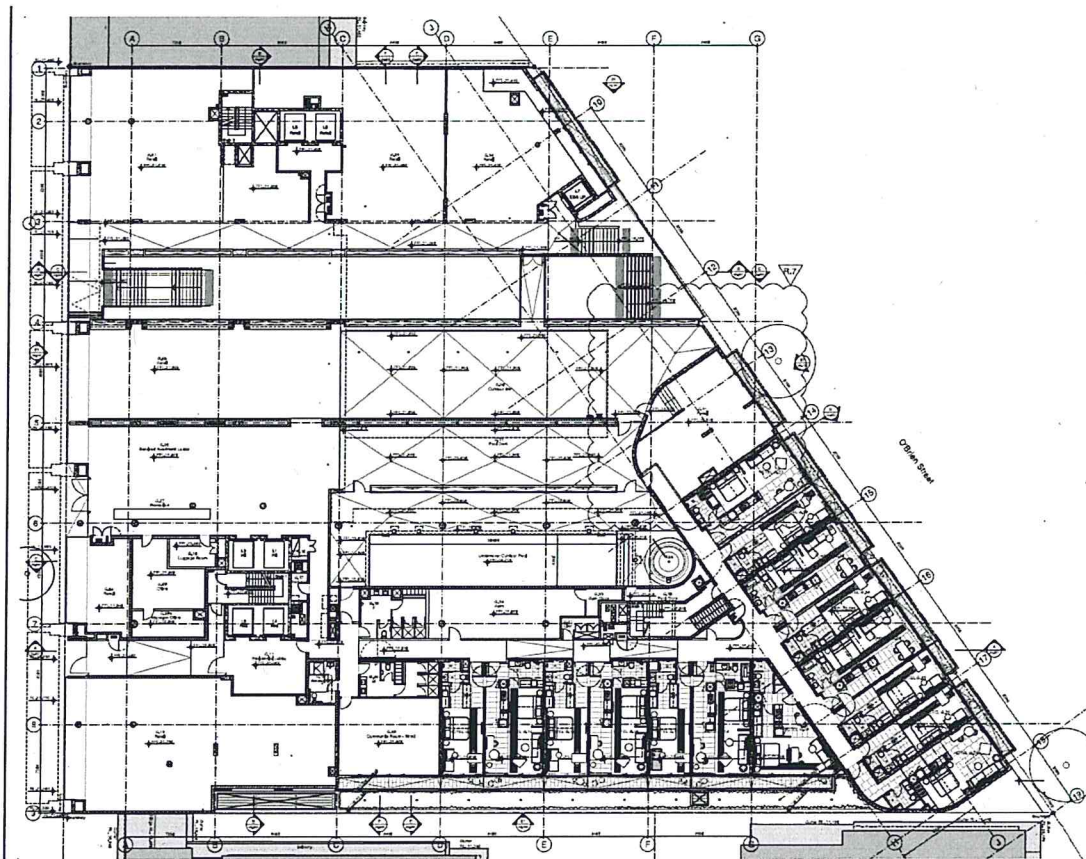


Figure 2: Approved Ground Level Plan

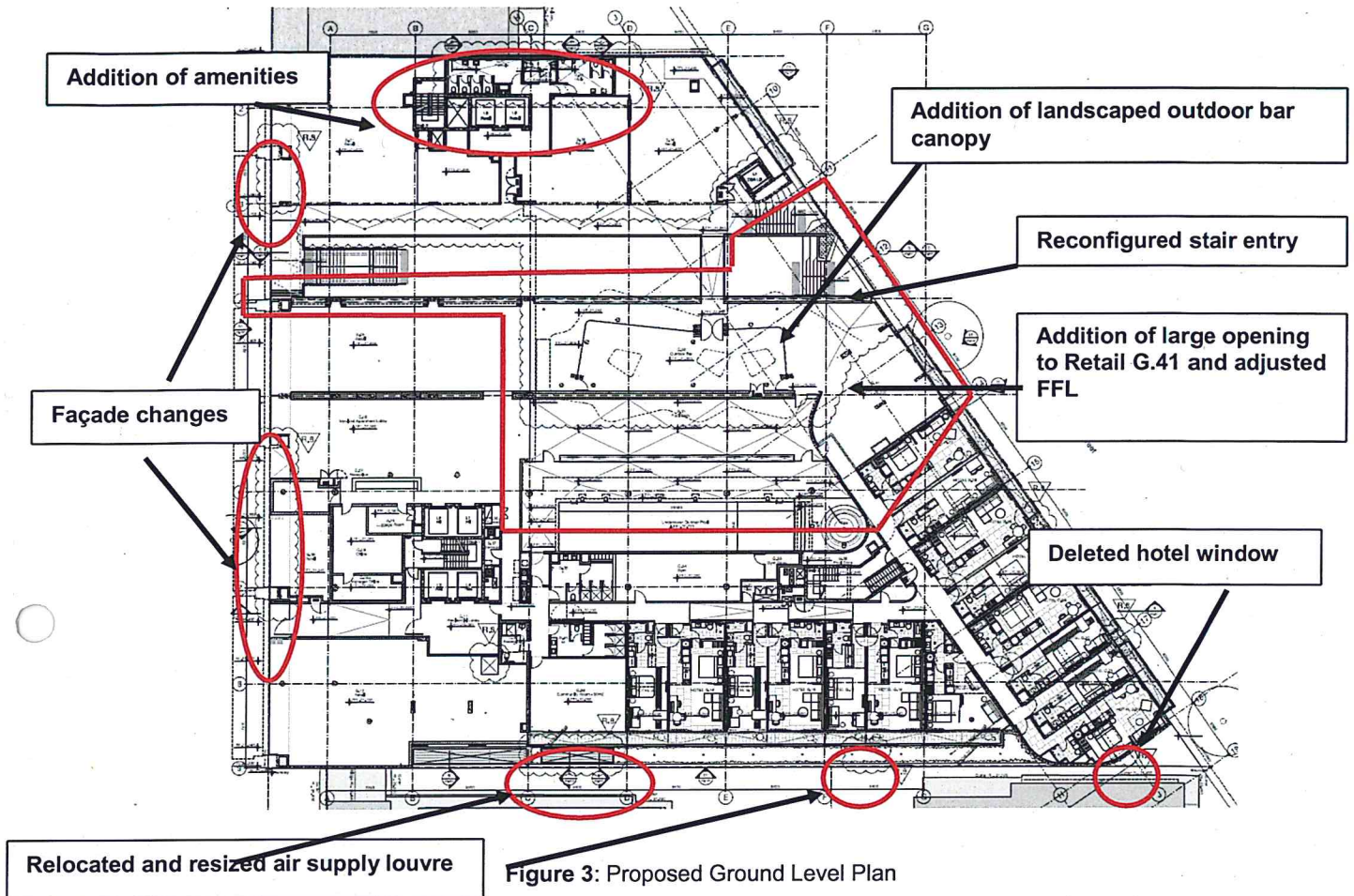


Figure 3: Proposed Ground Level Plan

2.2 Justification for Modification

The proponent is seeking to modify the project approval to improve the visual appearance and functionality of the mixed use building. Specifically, the proposed changes improve the aesthetics and amenity of the roof terrace of Apartment 7.02 (Level 7), by the addition of a spa and garden. The proposed changes also improve the acoustic and visual qualities of the landscaped canopy over the outdoor bar, and the minor internal and external reconfigurations are necessary for improving the functionality of the building, which have become apparent through detailed planning. Condition F16 relating to public art is to be modified to allow the car park or some other areas of the building to be occupied prior to the installation of artwork.

3. STATUTORY CONTEXT

3.1 Changes to Part 3A

In accordance with clause 3 of Schedule 6A of the *Environmental Planning and Assessment Act 1979* (the Act), section 75W of the Act as in force immediately before its repeal on 1 October 2011, and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated Regulations, and the Minister (or his delegate) may approve or disapprove of the carrying out of the project under section 75W of the Act.

3.2 Modification of the Minister's Approval

The modification of the Minister's Approval by way of section 75W of the Act is appropriate because the proposed changes to the building could not be signed-off by a certifier, and

amendments to conditions of approval are requested. The modification is well within the scope of section 75W in terms of the extent of changes proposed.

3.3 Environmental Assessment Requirements

Section 75(3) of the Act provides the Director-General with scope to issue Environmental Assessment Requirements (DGRs) that must be complied with before the matter will be considered by the Minister. DGRs were not issued for this modification as the proponent has addressed the key issues related to the modification request.

3.4 Delegated Authority

The application is being referred to the PAC for determination, under delegation, as a political disclosure statement accompanied the modification request confirming that political donations have been made.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

Under section 75X(2)(f) of the Act and clause 8G of the Environmental Planning & Assessment Regulation 2000, the modification request was made available on the department's website. The department also notified council.

4.2 Submissions by public agencies

Waverley Council raised no objection to the proposed modifications but requested the department give due consideration to the visual bulk and view impacts created by the new spa on Level 7.

4.3 Public Submissions

No submissions were received from the public.

5. ASSESSMENT

5.1 Visual impact of proposed spa

A spa of approximately 2.8m x 4.8m dimensions is proposed to be located on the northern corner of the terrace to Level 7 overlooking O'Brien Street (see **Figure 4**). The spa will be 1610mm above the FFL of the Level 7 terrace and will extend 350mm above the slightly coloured glass balustrade (see **Figure 5**). The setback of the spa deck from the balustrade varies in length due to the curvature of the terrace, from 1.1m at its shortest distance to 2.1m at its longest. **Figure 6** depicts the setback of the mounted spa deck from the balustrade that may be perceived from O'Brien Street.

Council raised concerns that the spa structure may be seen from the street below. The department has considered council's comments and notes that the proposed spa will be adequately obscured from public view due to its setback from the balustrade and the view angle of the spa from O'Brien Street. In addition, the colouration of the glazed balustrade will improve concealing the spa deck from public view. In this regard, the department believes that there would be no detrimental visual impact arising from the proposed spa.

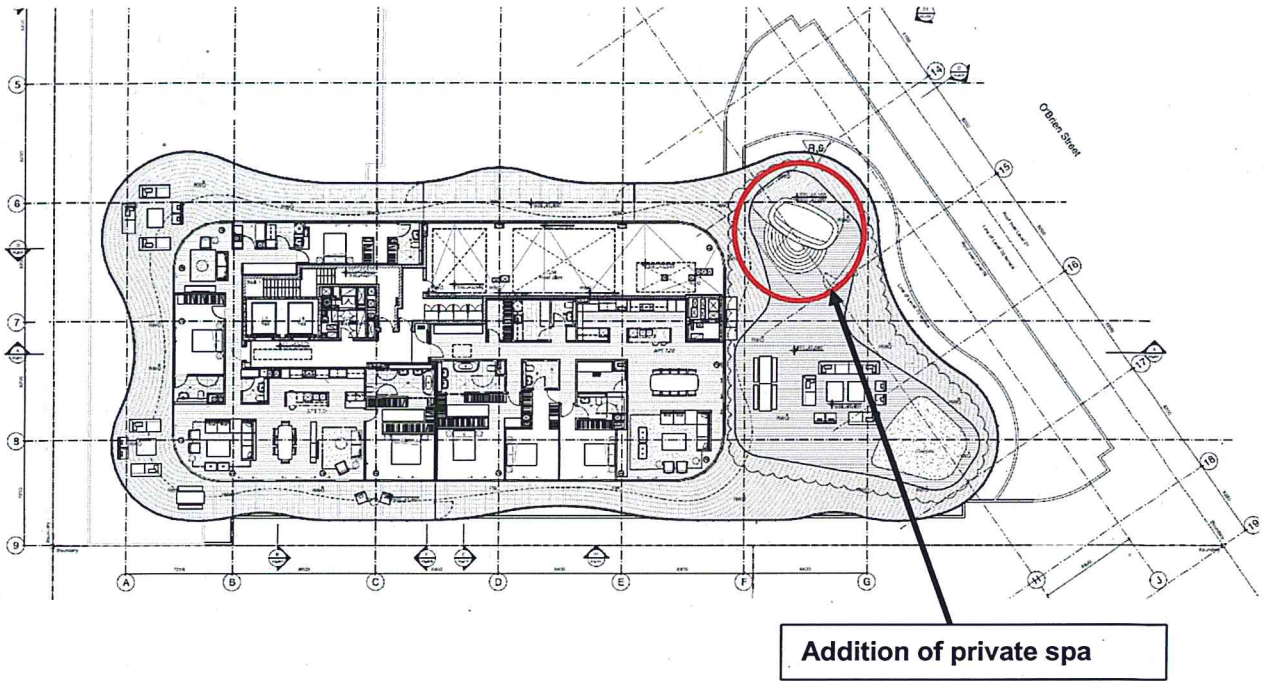


Figure 4: Proposed Level 7 Plan

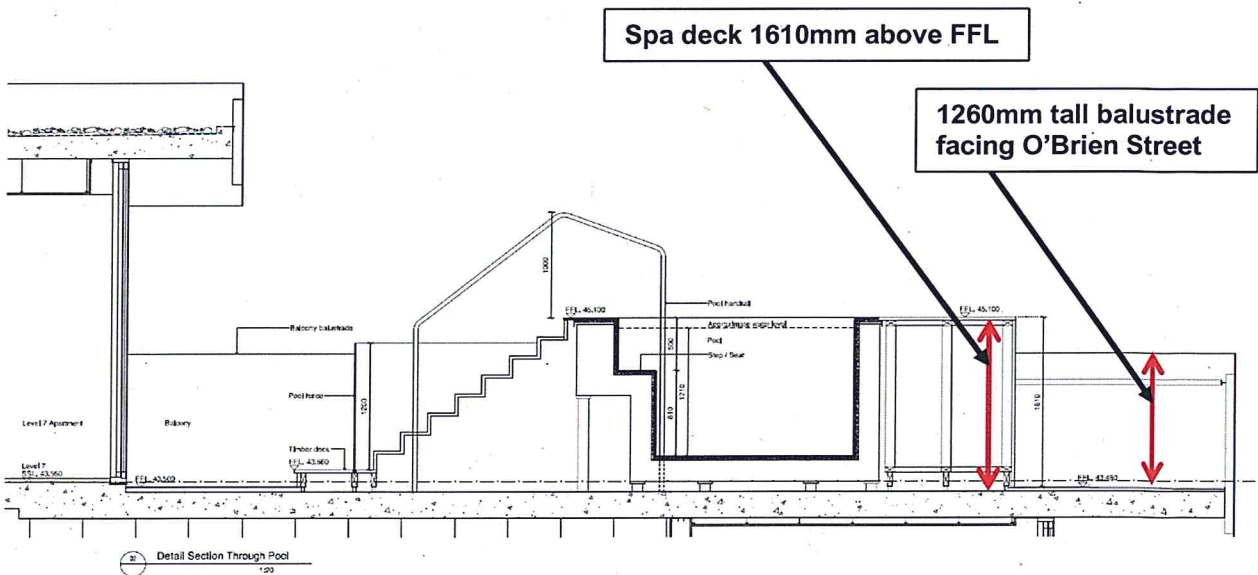


Figure 5: Detailed section of proposed spa on Level 7

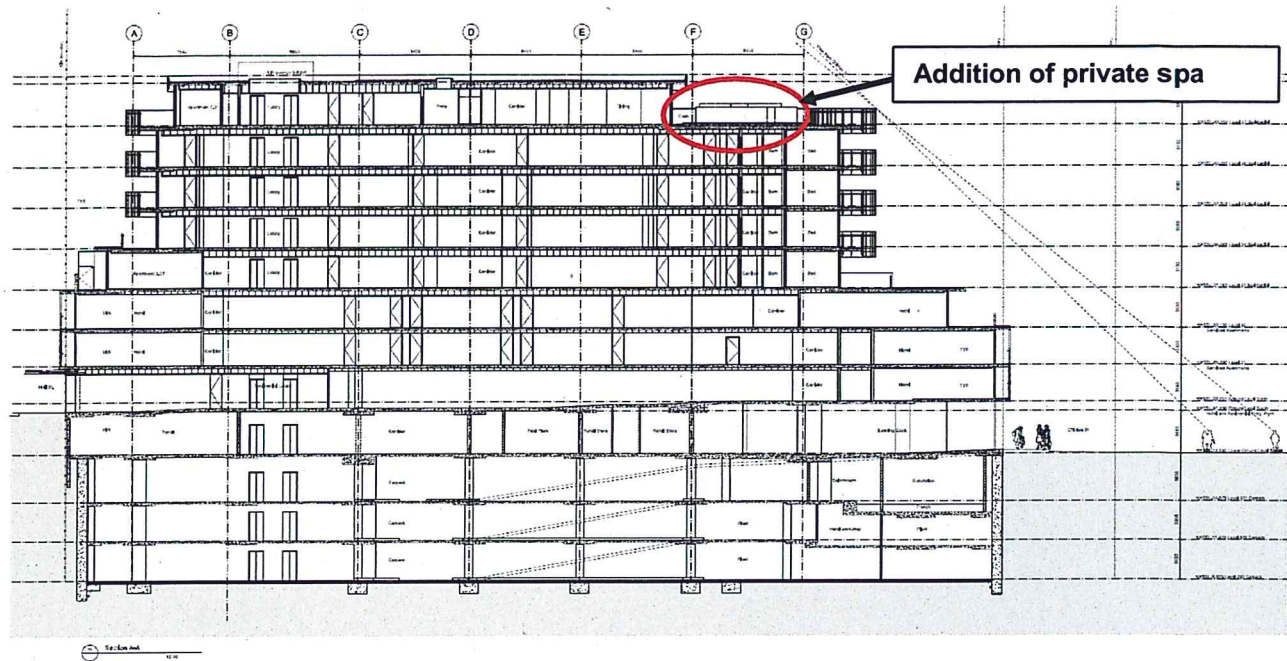


Figure 6: Proposed Section AA showing view line from O'Brien Street

5.2 Visual impact of the stair pressurisation duct and solar panels

The application proposes external modifications to the roof over Level 3 by the addition of a stair pressurisation duct that is 8m long by 800mm high. The department considers that the visual impact of the duct is minor and will be acceptable as it is centrally located on the roof and is low in height.

In regard to the solar panels, the solar panels and their location on the Level 3 roof were already approved under MP09_0081 MOD 2. However, the solar panel profiles did not form part of the approved plans and therefore the modification application seeks to confirm the elevations of the solar panel profiles. There is no issue with the profile of the solar panels as their visual impact is minimal and interrupted by the building itself, adjoining development to the west, and the Hall Street awning along the site's frontage.

5.3 Street tree design considerations

The submitted Landscape Plan proposes street tree planting along Hall Street. It also indicates that the two existing trees along Hall Street may require removal as they do not allow for a clear stem height above the proposed architectural awning.

The department notes that the location of street trees do not fall within the site's boundary. Consequently, any street tree designs and street tree removal require council's approval, and a separate application to council will be required for the removal of the trees.

5.4 Outdoor canopy

Modifications are proposed to the outdoor canopy over the G.30 outdoor bar on ground level. The form of the canopy has been reconfigured from a rectangle to a curved irregular shape and the material has been changed from glass to concrete. The original restaurant noise emission assessment by Acoustic Logic dated May 2011, specifies a glass canopy and sliding door arrangement to control noise emissions to the residential and hotel areas of the development.

A landscaped roof canopy with 3 skylight intrusions to allow natural light is proposed to improve the acoustic performance. A letter by Acoustic Logic dated April 2012, confirms that the proposed landscaped roof design and operable glass wall arrangement will improve noise mitigation marginally over the previous glass canopy due to the increased density of the green roof. The letter certifies that the proposed modifications are consistent with the acoustic design intent of

the originally specified glass canopy. It also recommends the installation of door seals and noise limiters regardless of the canopy design.

The department has considered the acoustic advice offered by the proponent's consultant and deems that the modification to the outdoor bar canopy is acceptable as it will improve its acoustic performance, and will provide better shading and thermal comfort to patrons underneath the canopy.

5.5 Amendment of condition F16 – Public art

As part of the proponent's original Statement of Commitments, they proposed providing public art on the site. The PAC imposed Condition F16 which required an Art Plan to be approved by council, and the artwork to be installed prior to the issue of any interim Occupation Certificate.

When the modification application was originally lodged it sought approval to amend the wording of the condition so that the building can begin to be occupied (car park / retail areas) without the Art Plan being first approved by council and the artwork being installed. However, on 9 July 2012, the proponent confirmed that council has already approved the Art Plan. Hence some of the initial proposed amendments to the condition (i.e. Art Work to be approved by council and introduction of a role for the Director-General to arbitrate) are no longer necessary.

In relation to the remaining issue regarding changes to the timing of the installation of the artwork, the department considers that the timing is not a fundamental, critical element of the development. Notably, council has already approved the Art Plan and has not objected to the proposed changes which will allow the artwork to be installed prior to the issue of a final Occupation Certificate instead of prior to any interim Occupation Certificate being issued. The proposed wording of Condition F16 is recommended to be amended accordingly.

6. CONCLUSION

The department has considered the proposed modifications to the project approval for MP09_0081 (as modified), and they key issues associated with these modifications. The department considers that proposed changes are relatively minor, will not have a detrimental affect on the visual appearance of the building, and will not result in any changes to the overall bulk, scale or height of the building.

It is therefore recommended that the modification application be approved, as outlined in the recommended Instrument of Modification.

7. RECOMMENDATION

It is recommended that the Planning Assessment Commission:

- a) **Consider** the findings and recommendations of this report;
- b) **Approve** the modification, subject to conditions, under section 75W of the *Environmental Planning and Assessment Act, 1979*, and;
- c) **Sign** the attached Instrument of Modification for MP09_0081 MOD 4 (Tag A).


Director
Metropolitan & Regional Projects North


Deputy Director-General
Development Assessment & Systems Performance


Executive Director
Major Projects Assessment

13.7.12

16/7/12