



MODIFICATION REQUEST:

61-79 Hall Street, Bondi Beach

***MP 09_0081 MOD 3 – Modification to convert
two serviced apartment hotel rooms to retail
floor space***

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

February 2012

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1. BACKGROUND

1.1 The site

The site is located at 61-79 Hall Street, Bondi Beach which 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 lies within the Waverley LGA and is located approximately two kilometres from Bondi Junction CBD and Railway Station. The site is also accessible to a number of Sydney bus services. The sites locality is shown in **Figure 1** below:



Figure 1: Site locality

1.2 Previous Approvals

On 10 August 2010, the Planning Assessment Commission 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 a 113 room serviced apartment hotel, 45 residential apartments, 3,448m² of retail/recreation floorspace including a through-site link; and three levels of basement car parking for 184 vehicles, building services and plant area.

Works in accordance with the approval are currently being carried out on the site. The approval was subject to a number of conditions and has been modified as follows:

- **Mod 1** approved by the Director of Metropolitan and Regional Projects South on 11 March 2011 modified 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 of the original approval.
- **Mod 2** approved by the PAC on 1 November 2011 modified internal and external components of the development including 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.

2. PROPOSED MODIFICATION

The application seeks to amend the approved development by converting two serviced apartment hotel rooms to retail space on the ground floor level. No modifications are proposed to the exterior of the building or to the approved gross floor area. A comparison of the approved development details (as modified) and those proposed under MOD 3 are shown in Table 1.

	Approved (as modified)	Proposed	Change
Number and mix of apartments			
One bedroom	18 (40%)	No change	
Two bedroom	17 (38%)	No change	
Three bedroom	19 (22%)	No change	
Total residential apartments	45		
Number and mix of serviced apartments			
Studio	47	46	-1
One bedroom	57	56	-1
Two bedroom	8	No change	
Three bedroom	1	No change	
Total serviced apartments	113	111	-2 rooms
GFA (sq. metres)			
Residential	5,508	5,508	
Hotel	5,901	5,815	-86
Retail / restaurant / recreation	3,511	3,597	+86
Total GFA	14,920		
Parking			
Non-residential spaces	141	No change	
Residential spaces	57	No change	
Residential visitor spaces	4	No change	
Total (including 20 accessible spaces)	202		
Service spaces	Loading dock + 5 spaces	No change	

Table 1: Comparison of the approved details and those proposed under MOD 3

3. STATUTORY CONTEXT

3.1 Continuing Operation of Part 3A to Modify Approvals

In accordance with clause 3 of Schedule 6A of the EP&A 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 proposal is consistent with the original approval.

3.3 Environmental Assessment Requirements

Section 75W (3) of the EP&A Act provides that the Director-General may notify the proponent of environmental assessment requirements (DGRs') with respect to the proposed modification that the proponent must comply with before the matter will be considered by the Minister.

In this instance, following an assessment of the modification request, it was not considered necessary to notify the proponent of environmental assessment requirements pursuant to Section 75W(3) with respect to the proposed modification, as suitable information was provided to the department to consider the application.

3.4 Delegated Authority

The Minister has delegated his functions to determine Part 3A applications to the Planning Assessment Commission (PAC) where an application has been made by persons other than by or on behalf of a public authority.

The application is being referred to the PAC for determination as a political disclosure statement has been made from the proponent.

As the application has been made by a private person, it is able to be determined by the PAC under delegation from the Minister.

4. CONSULTATION AND SUBMISSIONS

In accordance with Section 75X (2) (f) of the EP&A Act, the Director-General is required to make the modification request publicly available. The modification request was made available on the department's website and referred to Waverley Council for comment. Due to the nature of the proposed modification, the modification request was not exhibited by any other means. No public submissions were received on the modification request.

Waverley Council has raised no concerns with the proposed modifications.

5. ASSESSMENT

The proposal seeks to modify the ground floor layout by converting two serviced apartment hotel rooms (one studio and one x one bedroom room) into one retail tenancy of equal floor area (86m²), following an increase in demand for non-residential floor area within the development.

The proponent has advised that the modification does not increase the approved gross floor area and will not appreciably alter the traffic impacts or parking demand. In addition, the internal reconfiguration does not alter the exterior appearance.

The department considers that the modification provides an opportunity for the proponent to provide additional retail floor area to the site, which will support the uses within the site and provide an additional retail outlet to the locality which is predominantly tourist based.

Car parking

Waverley Development Control Plan requires car parking to be provided at a rate of one space per four guest rooms for serviced apartments (0.5 spaces) and one space per 30m² of retail floor area (three spaces). This equates to an additional 2.5 spaces to be provided (-0.5 spaces for the reduction in serviced apartments and an additional 3 spaces for the increase in retail floor area).

The proponent advises that a total of 202 spaces are provided (141 spaces for the hotel and retail areas) and the change as a result in parking demand will not be appreciable. It is considered that the minor additional car parking demand generated by the modification will have minimal impact upon the surrounding road network and could be absorbed within the existing parking provided for the development.

In addition, Council has not raised concern in respect to the car parking provision or traffic generation as a result of the modification.

Overall, the department does not raised concerns with the modification, subject to the applicable modified conditions.

6. CONCLUSION

The department is satisfied that this modification application falls within the scope of Section 75W of the Act. The proposed modification does not change the original assessment as to the site's suitability for this development.

The proposed modification is generally consistent with the terms of the Project Approval (as modified) and is considered to be acceptable. It is therefore recommended that the application be approved subject to the modified condition.

7. RECOMMENDATION

It is recommended that the Planning Assessment Commission:

- **consider** the findings and recommendations of this report;
- **approve** the modification request under delegated authority, subject to conditions; and
- **sign** the attached Instrument of Modification for MP 09_0081 MOD 3.

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APPENDIX A MODIFICATION REQUEST

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5114

APPENDIX B SUBMISSIONS

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5114

APPENDIX C RECOMMENDED MODIFYING INSTRUMENT
