



NSW GOVERNMENT
Department of Planning

***MAJOR PROJECT ASSESSMENT
Youth Hostel & Archaeological Education
Centre
110-128 CUMBERLAND ST, THE ROCKS
Proposed by YHA NSW Ltd
MP06_0265***

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

December 2007



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1 EXECUTIVE SUMMARY

This is a report on a Project Application seeking approval for development on land for hotel accommodation and educational purposes, at 106-128 Cumberland Street (Lot 2 DP 777656), The Rocks, commonly referred to as "The DIG" site. The site is owned by the Sydney Harbour Foreshore Authority and comprises a total area of approximately 2,675m². The site is currently vacant and is occupied by exposed archaeological remnants.

The Project Application seeks approval for the development of the site for the following key components:

- Construction of an elevated 3-4 storey youth hostel building containing 106 ensuite bedrooms and 354 beds, ground floor retail floor space, and a total floor area of 4,714.3m² (excluding void areas).
- Construction of a single storey Archaeological Education Centre in the south-eastern corner of the site fronting Gloucester Street, with a total floor area of 221.6m².
- Interpretive metal screens providing public viewing to archaeological remnants.
- Simulated archaeological dig site and managed access to archaeological remnants.

The site is listed in *State Environmental Planning Policy (Major Projects) 2005* (MP SEPP) as a Specified Site located within The Rocks to Dawes Point area in Map 9 and being a development exceeding a capital investment (CIV) of \$5 million. The CIV of the proposal is \$13,500,000 million and under the provisions of the MP SEPP the Minister is the consent authority.

The Sydney Cove Redevelopment Authority (SCRA) Scheme is the principal planning instrument applicable to the site. The SCRA Scheme comprises a building envelope control diagram which depicts maximum height controls for the site. The proposal does not comply with the maximum height control in certain parts of the site (minor non-compliance) and therefore seeks a variation to the SCRA Scheme which must be considered by the Minister pursuant to Clause 9(1) and 9(2) of the *Environmental Planning and Assessment (Sydney Cove) Savings and Transitional Regulation 1999*.

The Project Application was placed on exhibition for a period of 30 days between 13 September and 12 October 2007. During the exhibition period the Department received a total of 5 submissions from public authorities and 3 submissions from local residents.

The proponent was issued with copies of the submissions and key issues raised during the exhibition period have been dealt with in the proponent's Preferred Project Report and response to submissions, which are dealt with in this report.

Key issues considered in the Department's assessment include:

- Variation to the SCRA Scheme
- Built Form & Urban Design
- Heritage & Archaeology
- Traffic & Parking Impacts
- Noise & Amenity
- Ecologically Sustainable Development
- Social & Economic Impacts
- The Public Interest

The Department has assessed the merits of the Project Application and is satisfied that the impacts of the proposed development have been addressed via the Preferred Project Report, Draft Statement of Commitments and recommended modifications to the Project Application and that the impacts can be suitably mitigated and/or managed to ensure a satisfactory level of environmental performance. On these grounds, the

Department is satisfied that the site is suitable for the proposed development and that the proposal will provide environmental, heritage, social and economic benefits to the locality. All statutory requirements relating to the Project Application have been met.

The Department recommends that the Project Application be approved, subject to modifications.

CONTENTS

| | | |
|----------|--|-----------|
| 1 | EXECUTIVE SUMMARY | 3 |
| 2 | BACKGROUND..... | 7 |
| | 2.1 THE SITE..... | 7 |
| | 2.1.1 Site context and location..... | 7 |
| | 2.1.2 Existing site features..... | 7 |
| | 2.1.3 Surrounding development..... | 7 |
| | 2.2 SITE HISTORY / BACKGROUND | 8 |
| 3 | PROPOSED DEVELOPMENT | 9 |
| | 3.1 Background..... | 9 |
| | 3.2 The Proposed Development | 9 |
| | 3.3 Project Chronology | 19 |
| | 3.4 Project Amendments..... | 19 |
| 4 | STATUTORY CONTEXT | 19 |
| | 4.1 MAJOR PROJECT DECLARATION | 19 |
| | 4.2 PERMISSIBILITY..... | 19 |
| | 4.3 MINISTER'S POWER TO APPROVE..... | 20 |
| | 4.4 DIRECTOR GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS (DGRS) | 20 |
| | 4.5 OBJECTS OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 | 20 |
| | 4.5.1 ESD Principles..... | 21 |
| | 4.6 Section 75(2) of the Act | 21 |
| | 4.7 ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS) | 22 |
| | 4.7.1 Application of EPIs to Part 3A projects | 22 |
| | 4.7.2 State Environmental Planning Policy (Major Projects) 2005 – Specific Sites | 22 |
| | 4.7.3 State Environmental Planning Policy No. 11 – Traffic Generating Developments..... | 23 |
| | 4.7.4 Draft State Environmental Planning Policy No. 66 – Integration of Land Use and Transport ... | 23 |
| | 4.7.5 Sydney Regional Environmental Plan 2005 – Sydney Harbour Catchment..... | 23 |
| | 4.7.6 NSW Heritage Act 1977..... | 23 |
| | 4.7.7 The Sydney Cove Redevelopment Authority (SCRA) Scheme..... | 23 |
| | 4.8 OTHER PLANS AND POLICIES | 24 |
| | 4.8.1 City of Sydney Visitor and Tourist Accommodation DCP 2006..... | 24 |
| | 4.8.2 Sydney Harbour Foreshores and Waterways Area DCP 2005..... | 24 |
| | 4.8.3 SHFA The Rocks Lighting Policy..... | 24 |
| | 4.8.4 SHFA The Rocks Signage Policy | 24 |
| | 4.8.5 The Conservation Management Strategy and Archaeological & Urban Design Parameters Report..... | 24 |
| | 4.8.6 SECTION 94 CONTRIBUTIONS | 24 |
| 5 | ASSESSMENT OF ENVIRONMENTAL IMPACTS | 25 |
| | 5.1 VARIATION TO THE SCRA SCHEME | 25 |
| | 5.2 BUILT FORM & URBAN DESIGN | 28 |
| | 5.3 HERITAGE & ARCHAEOLOGY | 28 |
| | 5.4 TRAFFIC, PARKING & ACCESS | 29 |
| | 5.4.1 Traffic and Parking | 29 |
| | 5.4.2 Coach/Bus and Taxi Parking | 29 |
| | 5.4.3 Loading and Servicing..... | 31 |
| | 5.4.4 Disabled Access..... | 31 |
| | 5.5 AMENITY..... | 31 |
| | 5.5.1 Acoustic Amenity..... | 31 |
| | 5.5.2 Tree Protection | 32 |
| | 5.6 ECOLOGICALLY SUSTAINABLE DEVELOPMENT | 32 |
| | 5.7 SOCIAL & ECONOMIC IMPACTS..... | 32 |
| | 5.8 PUBLIC INTEREST | 32 |

| | | |
|-------------|---|----|
| 6 | CONSULTATION AND ISSUES RAISED | 33 |
| 6.1 | PUBLIC EXHIBITION DETAILS..... | 33 |
| 6.2 | SUBMISSIONS RECEIVED ON ENVIRONMENTAL ASSESSMENT | 33 |
| 6.2.1 | <i>Ministry of Transport</i> | 33 |
| 6.2.2 | <i>City of Sydney</i> | 33 |
| 6.2.3 | <i>Public submissions</i> | 34 |
| 7 | CONCLUSION..... | 36 |
| 8 | RECOMMENDATION..... | 36 |
| APPENDIX A. | DIRECTOR GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS | 37 |
| APPENDIX B. | SUMMARY OF SUBMISSIONS..... | 43 |
| APPENDIX C. | ENVIRONMENTAL ASSESSMENT..... | 44 |

2 BACKGROUND

2.1 THE SITE

2.1.1 Site context and location

The subject site is located on the western side of Sydney Cove between Cumberland Street and Gloucester Street and is within the local government area of the City of Sydney and the Sydney Harbour Foreshore Authority (SHFA) area of jurisdiction. Adjoining the site to the north is the Australian Hotel and to the south is terrace buildings, including Jobbins terraces heritage buildings. Within the site are two laneways known as Cribbs Lane and Carahers Lane, being in an east-west and north-south orientation respectively. Carahers Lane extends further south and meets Longs Lane, a pedestrian-only lane which connects Cumberland and Gloucester Streets. Further south is the Cahill Expressway (see Figure 1).

The site is known as 106-128 Cumberland Street and 81-101 Gloucester Street, The Rocks. Commonly referred to as 'the Dig site', it is irregular in shape with western and eastern frontages of approximately 70 metres. The northern boundary is about 25 metres and adjoins the Australian Hotel, and the southern boundary is about 49 metres and adjoins residential development. The site is part of Lot 2 in DP 777656 and has an area of approximately 2,675m².

The site is within the historical Rocks precinct of Sydney, with views and access to the Harbour Bridge and Circular Quay.

2.1.2 Existing site features

The site was subject to archaeological excavation in 1994 and has remained as an open archaeological/historic site since the completion of the investigation. The surface of the site exhibits the extent of excavations and is very irregular with sandstone bedrock, together with brick and sandstone footings, cellars and sandstone paved laneways exposed in many areas.

The site falls towards the east from Cumberland Street down to Gloucester Street. The site levels are generally elevated above the level of the adjoining footpaths.

2.1.3 Surrounding development

The area surrounding the subject site is generally characterised by a mix of residential and commercial development.

Directly to the north, adjoining the site, is the Australian Hotel which is listed as an item of State Heritage significance. To the south the site adjoins 130 Cumberland Street, 103 Gloucester Street and a townhouse having frontage to Carahers Lane.

Generally to the south is a residential precinct consisting of 2-3 storey terrace-style buildings facing onto Cumberland and Gloucester Streets, 3 storey residential flat buildings at the southern ends of Cumberland and Gloucester Streets, and 2-3 storey townhouses fronting onto Carahers Lane and Longs Lane. The majority of buildings in the precinct are used for residential purposes with the exception of a bed and breakfast establishment facing Cumberland Street.

Opposite the site on the western side of Cumberland Street is the King George V Recreation Centre which is a 2-3 storey contemporary building and extends the majority of the length of the subject site.

Opposite the site on the eastern side of Gloucester Street are 3 storey residential terrace style buildings and Susannah Place Museum which adjoins Cumberland Place, a pedestrian-only thoroughfare.

2.2 SITE HISTORY / BACKGROUND

The site comprises sections of 2 city blocks originally granted in the 1830s and 1840s as Sections 74 and 75 of the town of Sydney. Research indicates that the site was occupied by Europeans from as early as 1795. During the 1790s and the early part of the 19th Century the site became a focus for settlement by convicts and ex-convicts. The site's subsequent history was characterised by progressive intensification of occupation during the 19th Century.

Following large-scale resumption and clearing by the government between 1902 and 1915, the site was also used for various light industrial and public utility purposes. The site has remained undeveloped since the 1950s, when a concrete slab was laid as the pavement for a bus depot and operated until the early 1970s.

The site was subject to archaeological excavation in 1994, the result of which exposed the remains of a variety of sandstone and brick features, footings and post holes relating to 46 houses and shops and other surfaces across the site. Sandstone rock features, both natural and worked, were also exposed. Over 750 000 artefacts were recovered from the site.

The site has remained as an open archaeological/historic site since the completion of the investigation.

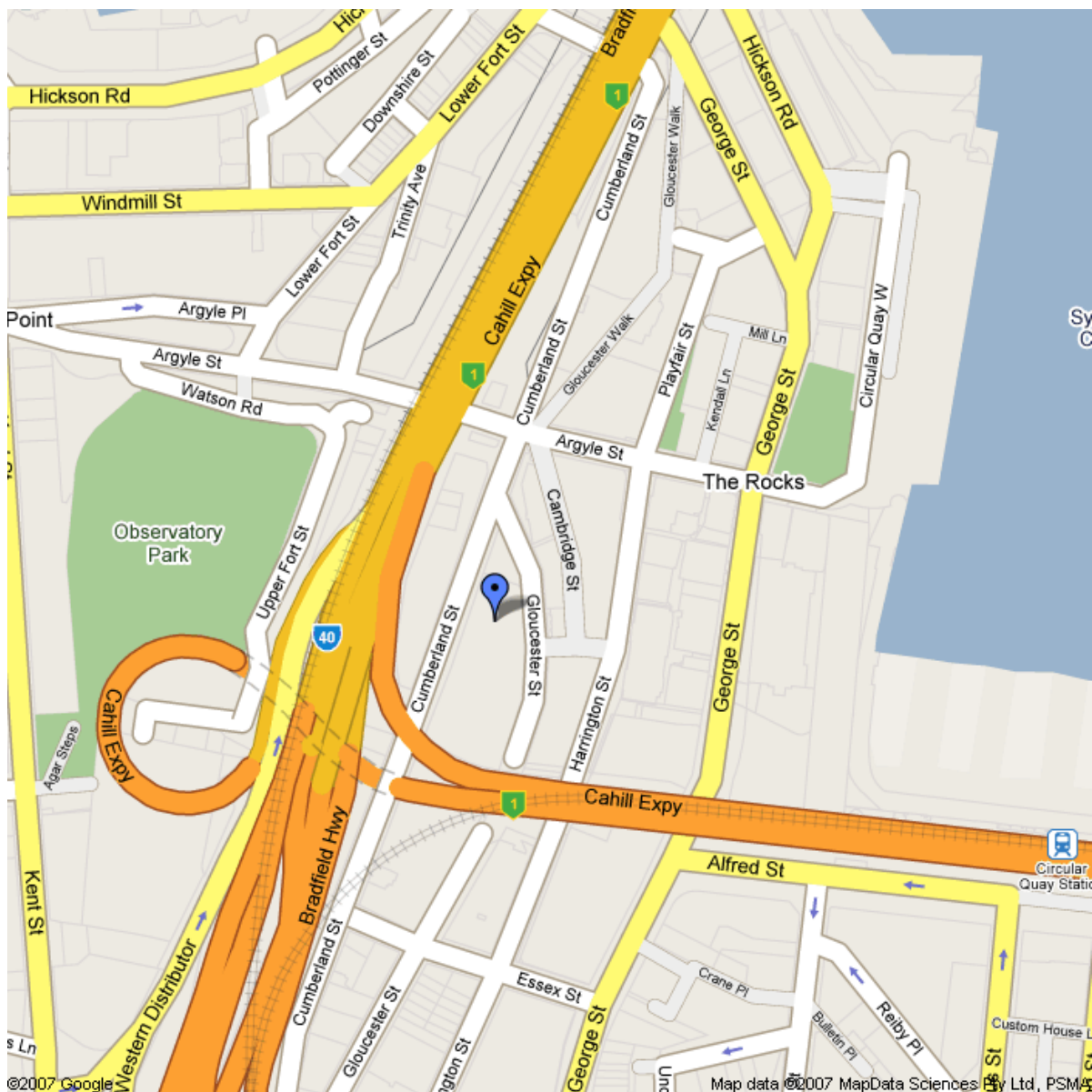


Figure 1 – Site location

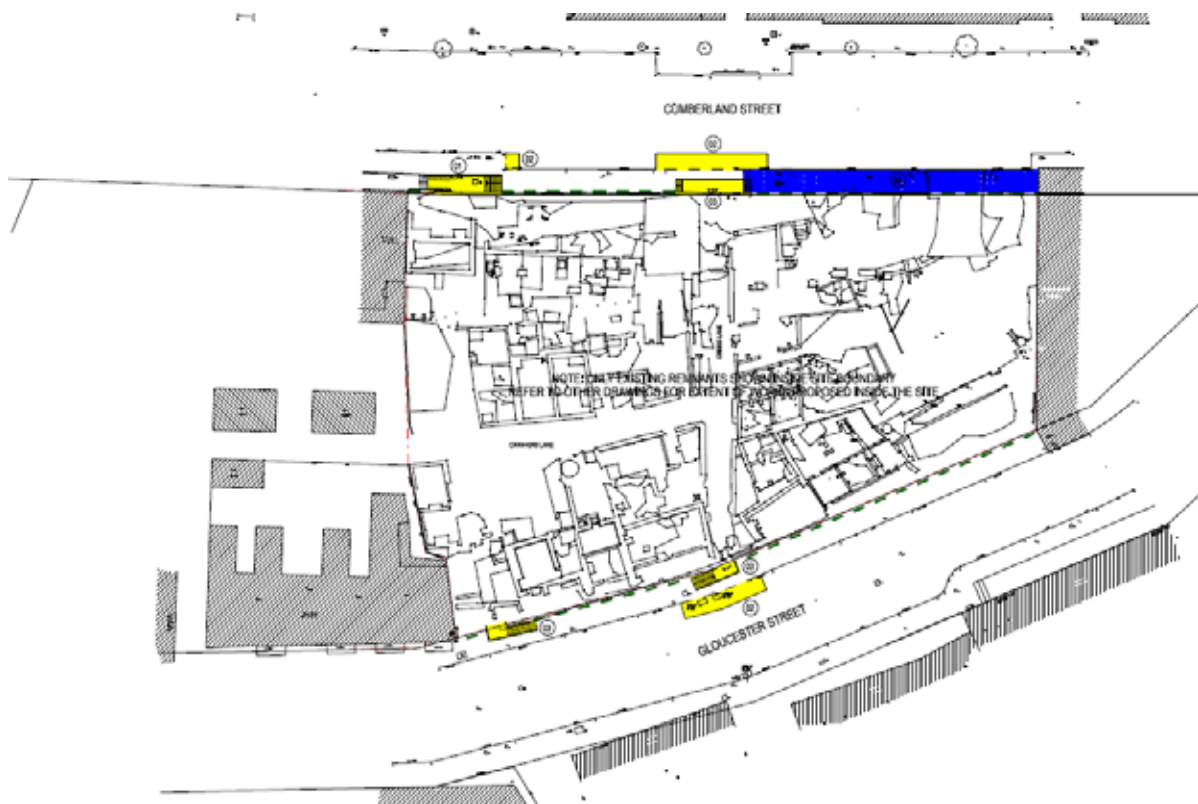


Figure 2 – site plan

3 PROPOSED DEVELOPMENT

3.1 Background

The project site, known as 'The Dig Site', was nominated as a potential development site in The Rocks by the Sydney Harbour Foreshore Authority (SHFA). Two schemes had previously been prepared for the site but did not proceed. In January 2006, proposals were called for the design, conservation, development and delivery of the Dig Site project, and from this process a shortlist of 4 proposals was selected by an expert evaluation panel to participate in a design competition held between April and May 2006. In July 2006 the submission from YHA was announced the preferred proposal for the site. In August 2006 SHFA appointed a Design Review Panel, composed of members from the Department of Planning, Heritage Office and SHFA, to provide support and assist in the design resolution of the proposal.

3.2 The Proposed Development

Approval is sought for following works:

- The erection of an elevated 3-4 storey youth hostel containing 106 ensuite bedrooms and 354 beds and a Cumberland Street level hostel entry foyer and retail shop, occupying the northern and south-western parts of the site (to the north and south of Cribbs Lane). The building presents as 2 separate building forms to Cumberland Street, linked by walkways over the western part of Cribbs Lane at each level.
- Use of central void spaces in the new building to allow for views to the archaeological remains below.

- Elevated single storey archaeological education centre in the south-eastern corner of the site, accessed from Gloucester Street and Cumberland Street.
- Construction of stairs and landings on the Cumberland and Gloucester Street footpaths, at either end of Cribbs Lane, to allow pedestrian access to the existing site levels/remains. Owner's consent has been provided by the SHFA.
- Re-instatement of original laneways to provide access to the site, and made publicly accessible during daylight hours. Access to laneways to be controlled via a gate and to be managed by YHA staff.

Hostel Development

The youth hostel floor space, excluding the void areas, is 4,714.3m² and the retail floor space is 110m². The youth hostel development occupies a total building footprint of 1,532.73m². The hostel development is arranged as follows:

- Foyer entry, retail shop, garbage room and fire services plant located at ground level and accessible from Cumberland Street.
- Hostel bedrooms and common areas elevated above street level and fronting both Cumberland and Gloucester Streets.
- Northern component comprises bedrooms located at the first and third floors above street level and facing Gloucester Street.
- A Groups Area comprising a deck area, kitchen, activities lounge, dining and catered kitchen facilities is located at the second level above Gloucester Street. The deck area at this level has an eastern outlook to Gloucester Street and a southern outlook overlooking the archaeological remains on the site. An Activities Lounge and dining area is also located at this level with an outlook over Cribbs Lane and the archaeological remains below.
- An external terrace area (306m²) with general harbour views and an east/north-easterly aspect is proposed on the fourth level. A communal lounge, TV area and kitchenette are located directly off this terrace area.
- Administrative area of the hostel incorporating the foyer/reception area, staff offices and rooms, storage and toilets, as well as luggage and locker rooms accessed from Cumberland Street.

Archaeological Education Centre

- A free-standing single storey structure with a floor space of 221.6m² and total building footprint of 250m², located in the south-eastern corner of the site facing Gloucester Street to the east and Carahers Lane to the west.
- It is separated from the south-western part of the hostel building by a minimum of 6 metres and the northern part by between 15.7 metres and 19.3 metres, and is aligned with the southern boundary of the site.
- The Centre is designed to be capable of accommodating up to 100 students and teachers and provides a deck area along the northern elevation to view and have managed access to the archaeological site, a simulated dig area in the south-western corner, as well as toilets, kitchenette and storage facilities.

Metal screens

Metal screens are proposed to be located at footpath level on Cumberland and Gloucester Streets, along both sides of Cribbs and Carahers Lanes and vary in height. The metal screens have a lightweight metal mesh infill and are intended to provide security to the remnants and assist with interpretation of previous original buildings which existed on the site. Openings in the screens will reflect original window and door openings, and will provide both interpretive display areas and managed access to the archaeological remnants. The screens will be supported from the structure of the hostel buildings and will not require additional footings on site.

Subdivision

The site the subject of this proposal currently exists on a single allotment of 5,135m² in Lot 2 DP 777656. This allotment also includes the Jobbins Terraces and all development bounded by Cumberland and Gloucester Streets through to the Cahill Expressway flyover to the south of the block. The Jobbins Terraces are at 103-111 Gloucester Street.

The proponent proposes to future subdivide Lot 2 into two allotments, one being 2,675m² to accommodate the new hostel and education building on "The DIG" site and the remaining 2,460m² to accommodate the existing Jobbins Terraces. This application will be subject to a separate development application to the Sydney Harbour Foreshore Authority.

| Development | Proposed | Requirement / Comment |
|--|-----------------------|---|
| Site area | 2675m ² | N/A – existing site |
| Youth Hostel floor space | 4714.3m ² | No maximum allowable floor space |
| Education Centre floor space | 221.6m ² | No maximum allowable floor space |
| Retail floor space | 110.0m ² | No maximum allowable floor space |
| Youth Hostel building footprint | 1532.73m ² | No maximum site coverage |
| Education Centre building footprint | 250m ² | No maximum site coverage |
| Total site coverage | 67.3% | Building elevated above whole site to protect archaeological relics |
| Car parking | 0 | On-site parking not proposed to minimise impacts on archaeological remnants and given the nature of the proposal. No controls for parking apply to the site |
| Youth Hostel | | |
| Maximum roof height | RL 46.7 | Non-compliance in south-western corner of the site under SCRA Scheme which allows maximum height RL 45.0 to Cumberland St |
| Maximum parapet height (Cumberland St) | RL 44.7 | Complies under SCRA scheme |
| Maximum parapet height (Gloucester St) | RL 42.3 | Non-compliance for the length of fourth floor terrace, under SCRA Scheme which allows maximum height RL 41.0 to Gloucester St |
| Archaeological Education Centre | | |
| Roof Height | RL 33.5 | Complies under SCRA Scheme |

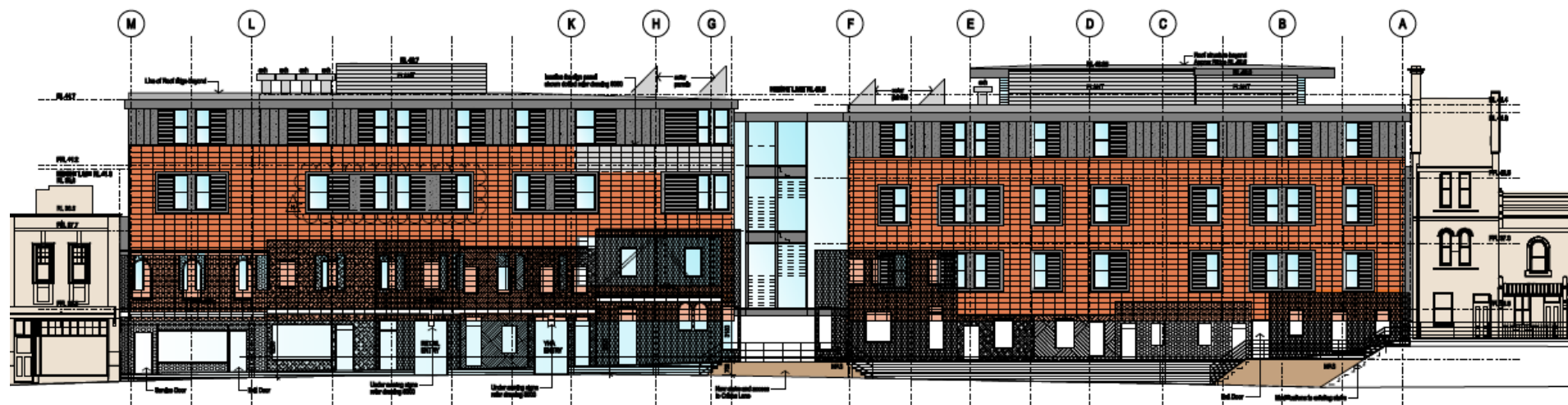
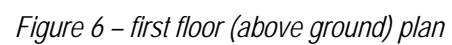


Figure 3 – western elevation





Figure 5 – western and eastern contextual elevations





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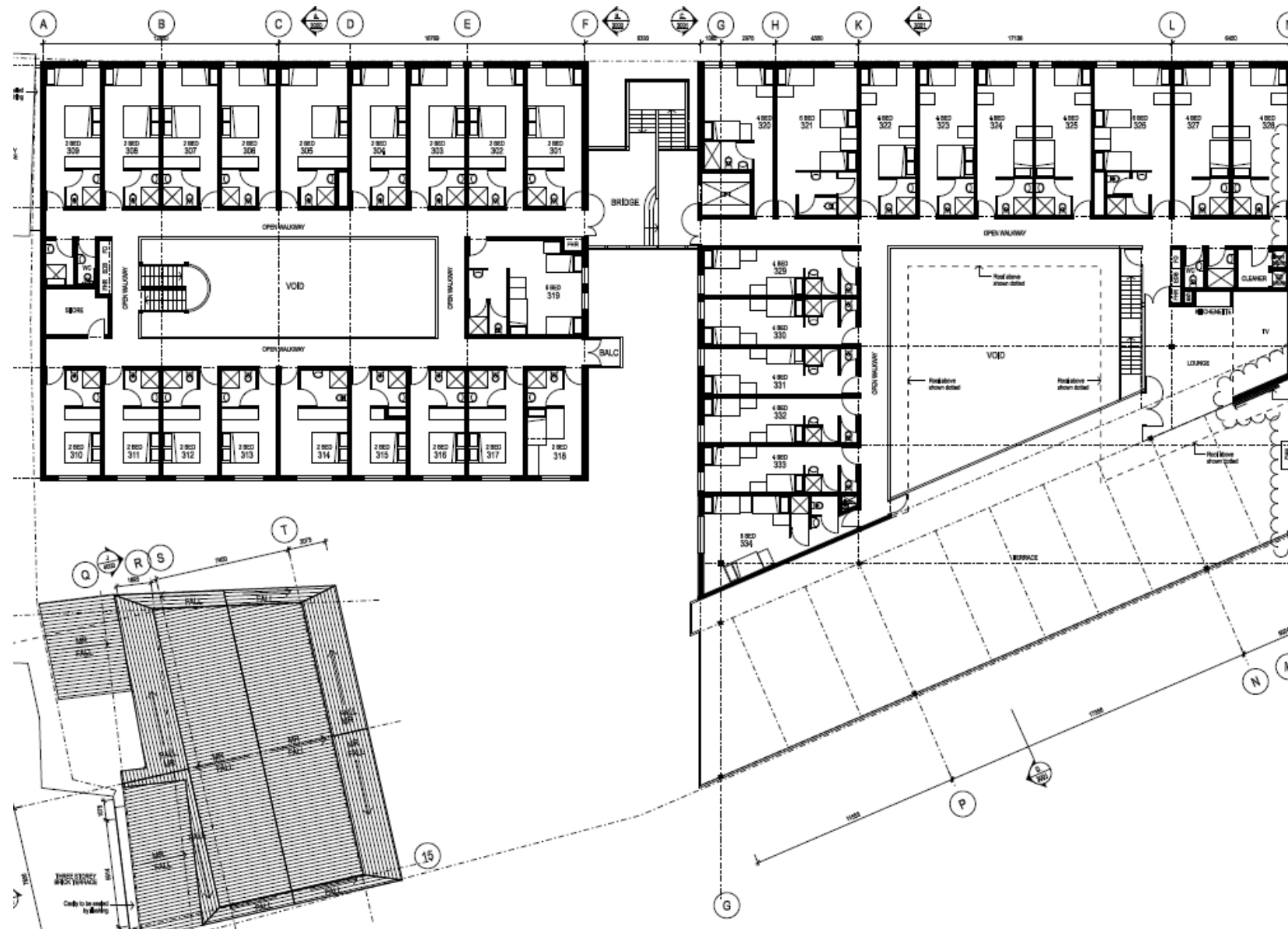


Figure 9 – fourth floor plan

3.3 Project Chronology

- July 2006 – submission from YHA announced as preferred proposal by Minister for Planning.
- 21 September 2006 – request for Clause 6 opinion lodged with the Department.
- 3 October 2006 – Director-General, as delegate for Minister, formed the opinion that the proposal is a Project to which Part 3A of the Act applies.
- 29 November 2006 – Director-General's Environmental Assessment Requirements signed by the Executive Director SSUR, as delegate for the Director-General, and provided to proponent.
- 16 July 2007 – Environmental Assessment (EA) lodged with the Department.
- 8 August 2007 – EA deemed adequate.
- 28 August 2007 – fees received.
- 13 September to 12 October 2007 – EA placed on public exhibition.
- 24 October 2007 – copies of submissions provided to proponent.
- 4 December 2007 - proponent's response to submissions received and preferred project report submitted.

3.4 Project Amendments

A preferred project report was submitted on 4 December 2007 incorporating the following amendments:

- Windows and shutters have been added along the northern elevation to the 3rd floor above Cumberland Street to provide additional articulation
- The height of the north elevation wall to the terrace area on the fourth level above and facing Gloucester Street has been reduced;
- The proportion of windows in the Groups Area facing Gloucester Street and the proportion of windows to bedrooms located on the second level up from Cumberland Street have been reconsidered for consistency with the strongly vertical proportions in the surrounding precinct.

4 STATUTORY CONTEXT

4.1 MAJOR PROJECT DECLARATION

The project is a Major Project under *State Environmental Planning Policy (Major Projects) 2005* as it has a Capital Investment Value of more than \$5 million and is of a kind described in Schedule 2, Part 3A, Clause 10 (Specified Site) located within The Rocks to Dawes Point area in Map 9, as a project to which Part 3A of the *Environmental Planning and Assessment Act 1979* (the Act) applies. The opinion was formed by the Director-General as delegate for the Minister on 3 October 2006 and pursuant to Clause 75F(1) of the Act, authorisation was granted for the Project Application.

4.2 PERMISSIBILITY

Under the MP SEPP, the site is a Specified Site within the Sydney Harbour Foreshore sites. The proposed development is within The Rocks to Dawes Point area as specified in Map 9 for the purpose of providing public access to the foreshore in an area under redevelopment and has a CIV of \$13,500,000 and is therefore permissible subject to the Minister's approval.

The proposal is a permissible use on the land under the provisions of the Sydney Cove Redevelopment Authority Scheme applying to the site as shown on Building Control Drawing XXXIV. The proposal seeks a variation to the SCRA Scheme, pursuant to Clause 4 of the *Environmental Planning and Assessment (Sydney Cove) Savings and Transitional Regulation 1999* to vary the building envelope controls applicable to the site.

4.3 MINISTER'S POWER TO APPROVE

The Department has exhibited the EA in accordance with section 75H (3) of the Environmental Planning and Assessment Act, 1979, as described in section 5, below. The project is permissible and meets the requirements of the Major Projects SEPP. Therefore, the Department has met its legal obligations and the Minister has the power to determine this project.

4.4 DIRECTOR GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS (DGRS)

The DGRs issued on 29 November 2006 required the following issues to be addressed:

- Statutory and General requirements
- Built Form and Urban Design
- Ecologically Sustainable Development
- Heritage and Archaeology
- Traffic impacts
- Noise and Amenity
- Social and Economic Impacts
- Construction impacts
- Operational matters and on-going management

The DGRs are in **Appendix A**

The EA lodged by the proponent on 16 July 2007 was adequate for exhibition.

4.5 OBJECTS OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

The objects of any statute provide an overarching framework that informs the purpose and intent of the legislation and gives guidance to its operation. The Minister's consideration and determination of a project application under Part 3A must be informed by the relevant provisions of the Act, consistent with the backdrops of the objects of the Act.

The objects of the Act in section 5 are as follows:

(a) to encourage:

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) the promotion and co-ordination of the orderly and economic use and development of land,*
- (iii) the protection, provision and co-ordination of communication and utility services,*
- (iv) the provision of land for public purposes,*
- (v) the provision and co-ordination of community services and facilities, and*
- (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
- (vii) ecologically sustainable development, and*
- (viii) the provision and maintenance of affordable housing, and*

(b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and

(c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

Of particular relevance to the assessment of the subject application is consideration of the Objects under section 5(a). Relevantly, the Objects stipulated under section 5(a) (i), (ii), (iv), (v) and (vii) are significant factors informing the determination of the application. The proposal does not raise significant issues with regards to (iii).

With respect to ESD, the Act adopts the definition in the *Protection of the Environment Administration Act 1991* including the precautionary principle, the principle of inter-generational equity, the principle of conservation of biological diversity and ecological integrity, and the principle of improved valuation, pricing and incentive mechanisms.

The Department has considered the Objects of the Act, including the encouragement of ESD in the assessment of the concept application. The balancing of the application in relation to the Objects is provided in Section 5.

4.5.1 ESD Principles

There are five accepted ESD principles:

- (a) *decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations (the integration principle);*
- (b) *if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (the precautionary principle);*
- (c) *the principle of inter-generational equity - that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (the inter-generational principle);*
- (d) *the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (the biodiversity principle); and*
- (e) *improved valuation, pricing and incentive mechanisms should be promoted (the valuation principle).*

The Department has considered the redevelopment in relation to the ESD principles and has made the following conclusions:

- a) Integration Principle – The environmental impacts of the development are appropriately mitigated as discussed in this report. The Department's assessment has duly considered all issues raised by public authorities, and the proposal as recommended for approval will not compromise a particular stakeholder or hinder the opportunities of others.
- b) Precautionary Principle – The proposal presents no threat of serious or irreversible environmental damage to the site or the wider locality. No significant climate change risks have been identified.
- c) Inter-Generational Principle – The proposal represents a sustainable reuse of the site. The redevelopment is for the development of a commercial and education building, which in conjunction with the preserved archaeological site will provide a high quality commercial, educational and public environment.
- d) Biodiversity Principle – Following an assessment of the proponent's EA it is considered with certainty that there is no threat of serious or irreversible environmental damage as a result of the proposal.
- e) Valuation Principle – The approach taken for this project has been to assess the environmental impacts of the proposal and identify appropriate safeguards to mitigate adverse environmental effects. The mitigation measures include the cost of implementing these safeguards in the total project cost.

4.6 Section 75I(2) of the Act

Section 75I(2) of the Act and Clause 8B of the Environmental Planning and Assessment Regulation 2000 provides that the Director-General's report is to address a number of requirements in the Director General Report. These matters and the Department's response are set out as follows:

| <i>Section 75I(2) criteria</i> | <i>Response</i> |
|---|--|
| Copy of the proponent's environmental assessment and any preferred project report | The Proponent's EA is located on the assessment file |
| Any advice provided by public authorities on the project | All advice provided by public authorities on the project for |

| | |
|--|---|
| | the Minister's consideration is set out at Appendix B. |
| Copy of any report of a panel constituted under Section 75G in respect of the project | No statutory independent hearing and assessment panel was undertaken in respect of this project application. |
| Copy of or reference to the provisions of any State Environmental Planning Policy that substantially govern the carrying out of the project | Each relevant SEPP that substantially governs the carrying out of the project is identified immediately below. |
| Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division | An assessment of the development relative to the prevailing environmental planning instrument is provided in section 4.7 of this report. |
| Any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate. | The environmental assessment of the project application is this report in its entirety. |
| Clause 8B criteria | Response |
| An assessment of the environmental impact of the project | An assessment of the environmental impact of the proposal is discussed in section 5 of this report. |
| Any aspect of the public interest that the Director-General considers relevant to the project | The public interest is discussed in section 5.9 of this report. |
| The suitability of the site for the project | The site is identified in the SEPP (Major Projects) as a Specified Site in the Sydney Harbour Foreshore Authority area. The site is suitable for the project. |
| Copies of submissions received by the Director-General in connection with public consultation under section 75H or a summary of the issues raised in those submissions. | A summary of the issues raised in the submissions is provided in section 6.2 of this report. Copies of all submissions received is provided in Appendix B. |

Table 1 - Section 75(2) requirements for Director-General's Report

4.7 ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)

4.7.1 Application of EPIs to Part 3A projects

To satisfy the requirements of section 75(2)(d) and (e) of the Act, this report includes references to the provisions of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the concept application.

The primary controls guiding the assessment of the proposal are:

- State Environmental Planning Policy (Major Projects) 2005 – Specific Sites
- State Environmental Planning Policy No. 11 – Traffic Generating Developments
- Draft State Environmental Planning Policy No. 66 – Integration of Land Use and Transport
- State Regional Environmental Plan 2005 – Sydney Harbour Catchment
- NSW Heritage Act 1977
- The Sydney Cove Redevelopment Authority (SCRA) Scheme
- City of Sydney Visitor and Tourist Accommodation DCP 2006
- SHFA The Rocks Lighting Policy
- SHFA The Rocks Signage Policy
- The Conservation Management Strategy and Archaeological & Urban Design Parameters Report

4.7.2 State Environmental Planning Policy (Major Projects) 2005 –Specific Sites

The project is a Major Project under *State Environmental Planning Policy (Major Projects) 2005* being schedule 2 of the MP SEPP identifies "specific sites" to which Part 3A of the EP & A Act applies. Clause 10 of Schedule 2 identifies the area known as a Sydney Harbour Foreshore Site located within The Rocks to Dawes Point (Map 9) as a site to which Part 3A applies. The opinion was formed by the Director-General as delegate for the Minister on 3/10/2006.

4.7.3 State Environmental Planning Policy No. 11 – Traffic Generating Developments

Part of the proposed development is one that is within Schedule 1 of SEPP 11, being an educational establishment accommodating 50 or more students, and requires referral to the RTA. The RTA has been consulted by the proponent as part of their consultation process and also the Department when preparing the DGRs and EA public exhibition. The RTA is in general support of the proposal subject to conditions of approval.

4.7.4 Draft State Environmental Planning Policy No. 66 – Integration of Land Use and Transport

Draft SEPP 66 aims to ensure that new development achieve the following objectives:

- Improve accessibility to housing, employment and services by walking, cycling and public transport;
- Improving the closure of transport and reducing dependence solely on cars for travel purposes;
- Moderating growth in the demand for travel and distances travelled, especially by car;
- Supporting the efficient and viable operation of public transport services; and
- Providing the efficient movement of freight.

The proposal has been assessed having regard for the above objectives and is determined as being satisfactory as the site is located within walking distance to Circular Quay Railway Station, and future occupants and visitors to the site would be able to walk, cycle or use public transport to access the site, whilst facilities are available for bicycle storage within the complex.

4.7.5 Sydney Regional Environmental Plan 2005 – Sydney Harbour Catchment

The proposal is consistent with the principles for the area in that it will provide for increased public access to an important historic site within the foreshore area, protect, enhance and maintain a site of significant heritage in the foreshore area for existing and future generations, and will achieve a high quality and ecologically sustainable development on the site through its architectural design. The proposal will provide a culturally rich and vibrant place for people, enabling the education and interpretation of heritage significance of the site and enhance an appreciation for the historic Rocks precinct.

The proposed development will not adversely affect the natural assets of Sydney Harbour.

4.7.6 NSW Heritage Act 1977

The subject site is not individually listed on the NSW Heritage Register however it is identified as being part of the curtilage to State Heritage Item No.01553, being the Jobbins Terraces Group at 103-111 Gloucester Street. The site has been nominated by the SHFA to individually list the subject site on the State Heritage Register, upon completion of subdivision of the site.

Formal approvals under the Heritage Act 1977 are not required for this Part 3A application. However, the NSW Heritage Council have provided conditions of approval where applicable, which are included in the recommendation.

4.7.7 The Sydney Cove Redevelopment Authority (SCRA) Scheme

The Sydney Cove Redevelopment Authority (SCRA) Scheme is the principal local planning instrument applicable to the site. The SCRA Scheme comprises a Building Site Control Drawing Key Map and Building Site Control Drawings which illustrate 'building site plans' and 'building envelopes' on land to which the SCRA applies. This Key Map also contains explanatory notes on permitted uses.

Building Site Control Drawing No. XXXIV(1) (amended 16 January 1997) applies to the subject site, and sets out the site plan, envelope controls and permitted uses. The permissible uses are residential, commercial and special uses. The proposed use as a youth hostel and archaeological education centre and retail shop is considered to be a combination of residential, special and commercial uses and is therefore permissible with consent.

The proposal does not comply with the building envelope controls required by Building Site Control Drawing No. XXXIV(1) as it exceeds the maximum allowable height at certain points across the site and as such the proponent is seeking a variation to the SCRA scheme. A detailed assessment is provided in Section 5.1., where it is concluded that the proposed variation to the height limit is acceptable as it will not create adverse impacts to the streetscape or adjoining land uses.

4.8 OTHER PLANS AND POLICIES

The Proposal has been assessed against the following non-statutory document:

4.8.1 City of Sydney Visitor and Tourist Accommodation DCP 2006

The Visitor and Tourist Accommodation DCP applies to all land within the City Of Sydney. The provisions of the DCP apply to the hostel component of the development proposal. The proposed hostel meets the objectives of the DCP by providing a satisfactory level of health, comfort, amenity, facilities, sufficient space for guests to carry out a variety of recreational pursuits, and necessary level of fire safety. The proposal meets the minimum 3.25m² / person requirement for bedroom size by providing bedrooms between 3.3m² and 10.4m² per person with a maximum of 6 guests per bedroom. The hostel will be properly managed to ensure acceptable standards of operation, administration, cleanliness, fire safety and amenity.

4.8.2 Sydney Harbour Foreshores and Waterways Area DCP 2005

The area relevant to this DCP is the Foreshores and Waterways area as defined in the SREP (Sydney Harbour Catchment) 2005. The proposal is consistent with the aims and objectives of the DCP with regard to visual impact, siting of building and structures, built form and signage.

4.8.3 SHFA The Rocks Lighting Policy

The proposal meets the objectives of this Policy by proposing lighting that is of a low level sufficient for way-finding by patrons and for security purposes. The lighting is not proposed to be of a flood lighting form, and will be projected downwards to light pathways and identify access paths to the archaeological site and the hostel.

4.8.4 SHFA The Rocks Signage Policy

The proposal addresses the various signage strategies in this Policy by providing signage that is associated with the development to be low key and designed to be compatible with the heritage qualities of the site. The signage strategy is primarily aimed at identifying the hostel, the site itself, and the education centre, and providing wayfinding signs in the vicinity of the site.

4.8.5 The Conservation Management Strategy and Archaeological & Urban Design Parameters Report

The proposal is considered to be consistent with the intent of the key principles in this Report, with regard to access, interpretation, sustainability, preservation and retention of fabric, consultation, preservation of ruins, authenticity, education, servicing, and compatibility.

4.8.6 SECTION 94 CONTRIBUTIONS

There is no Section 94 Contributions Plan applying to this site.

5 ASSESSMENT OF ENVIRONMENTAL IMPACTS

Key issues considered in the Department's assessment of the Environmental Assessment include the following:

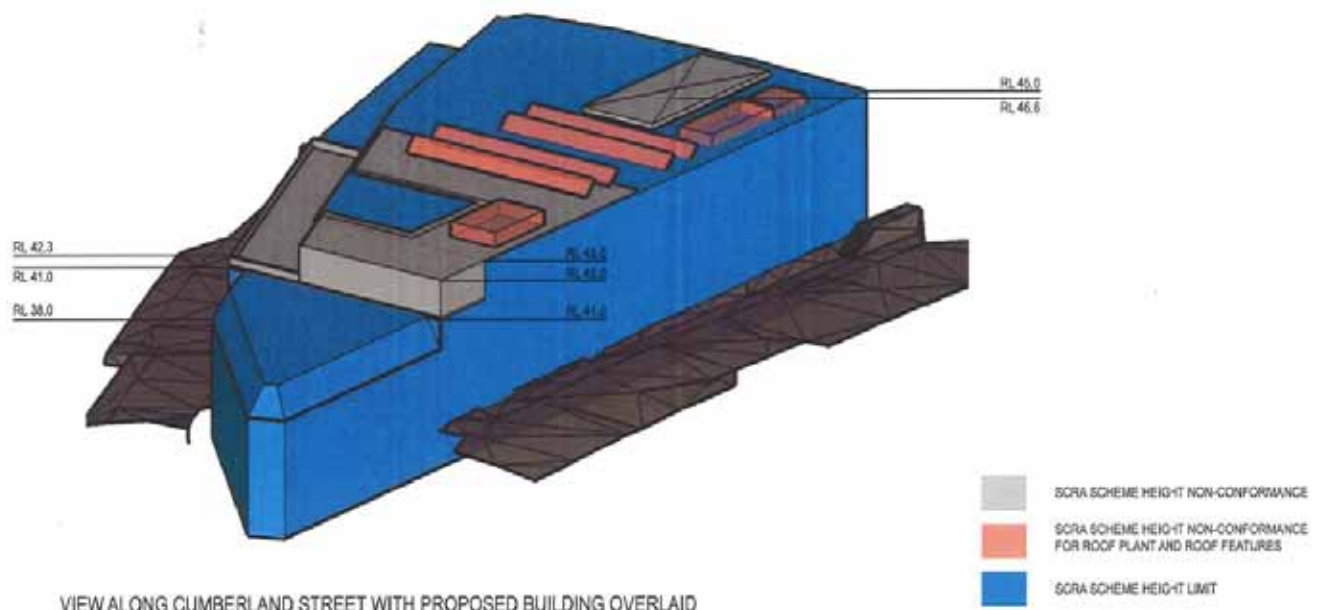
- Variation to SCRA Scheme
- Built Form & Urban Design
- Heritage & Archaeology
- Traffic Impacts
- Noise and Amenity
- Ecologically Sustainable Development
- Social & Economic Impacts

5.1 VARIATION TO THE SCRA SCHEME

The proposal seeks a variation to the SCRA Scheme to facilitate the development of the hostel building, pursuant to Clause 4 of the *Environmental Planning and Assessment (Sydney Cove) Savings and Transitional Regulation 1999*, and is made concurrently with the Project Application. The proponent has requested that pursuant to Clause 5 of the *Environmental Planning and Assessment (Sydney Cove) Savings and Transitional Regulation 1999* the Director-General prepare a draft variation to the SCRA Scheme in accordance with the submission and pursuant to Clause 9 of the *Environmental Planning and Assessment (Sydney Cove) Savings and Transitional Regulation 1999* the Minister make the variation to the SCRA Scheme in accordance with the draft variation.

The proposed building envelope variation is specific to the height of the building at the northern and north-eastern elevations, and roof top features. The Building Site Control Drawing No. XXXIV(1) depicts the maximum permissible building envelope on the site. The building envelope steps back from a height of RL 41 at Gloucester Street to a maximum height of RL 45. A note on the Key map provides that 'small projections such as flagpoles may be approved above the building envelopes'.

The subject proposal seeks a building form which is not consistent with the envelope controls or the overall height control. The proposal has been designed in a manner which exceeds these controls due to an elevated roof form over a void area, roof top plant rooms, roof top solar collectors and elevated vent structures. The building is further heightened due to the need to design the proposal above the archaeological remnants. The extent of the non-compliance, in relation to the maximum controls, is illustrated in Figure 10.



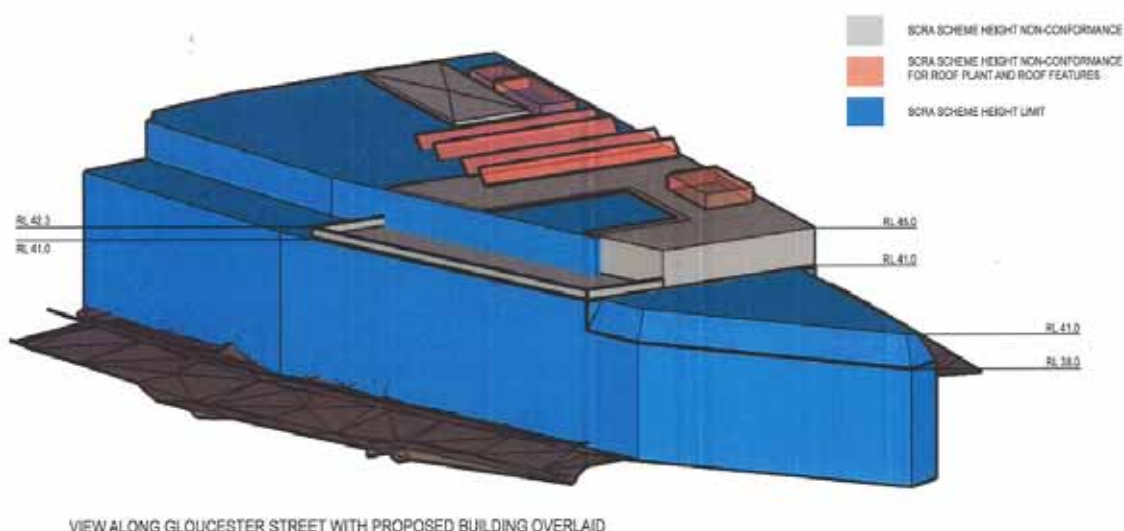


Figure 10 – Building envelope controls under SCRA Scheme

The table below is a summary of the impacts of the proposal to vary the SCRA Scheme, which must be considered by the Minister pursuant to Clause 9(1) and 9(2) of the *Environmental Planning and Assessment (Sydney Cove) Savings and Transitional Regulation 1999*.

| Clause | Provision | Assessment |
|------------|--|--|
| 9(1) | Consideration of all the submissions received. | Refer to Section 6 of this report – Consultation and Issues raised. |
| 9(2)(a)(i) | Whether or not the proposal will adversely affect development on adjoining land. | <p>The proposed design is a 3-4 storey scale building and will have the appearance of being infill development between original terraces and the Australian Hotel.</p> <p>When viewed from Cumberland Street the SCRA Scheme allows a maximum height limit of RL 45.0 down to RL 41.0 at the top of the Australia Hotel site. The proposed hostel building at the northern boundary is at RL of 45.0 for approximately 50% of the length of the common northern boundary and is unlikely to affect the amenity of the adjoining Hotel. The non-compliance does not traverse the entire length of the northern elevation and the projection above the Hotel height will only be partially visible from various elevated sites and is not considered to be an adverse intrusion to the building skyline.</p> <p>The roof plant and roof features are at RL 46.6 which is slightly above the maximum RL 45.0. When viewed from Cumberland and Gloucester Streets the impact of these features is minimal and will not have an adverse impact to the streetscape as they will not be visible from the street.</p> <p>The open terrace area facing Gloucester Street is at RL 42.3, being marginally above the maximum SCRA Scheme RL 41.0 for an approximate area of 306m². The raised terrace may create noise concerns to adjoining residents however, management controls for the operation of the terrace area form part of the recommended conditions.</p> |

| | | |
|--------------|--|--|
| 9(2)(a)(ii) | Whether or not the proposal will adversely affect the heritage significance of buildings, structure or sites in the locality. | <p>The increased building height is mainly along the northern elevation and partially along Gloucester Street and the roof top. The materials used for the northern wall treatment and terrace balustrade are sympathetic to the existing heritage character of the locality, as are the roof top components which are slightly above the maximum height plane.</p> <p>The Heritage Impact Statement submitted with the proposal is supportive of the development as it will positively impact on the historical value of the DIG site and promote the site's significance to all users.</p> <p>The proposal is supported by the NSW Heritage Council and Heritage Office.</p> |
| 9(2)(a)(iii) | Whether or not the proposal will adversely affect the quality of the public domain in the locality. | <p>The scale and form of the proposed development is similar in nature to that envisaged by the SCRA Building Envelope control since 1984. The proposed building is an appropriate response to the site given its location and context and provides opportunities through design for public interaction with the archaeological site.</p> <p>The proposal opens access to laneways that were previously not accessible, enabling greater connections to various parts of The Rocks precinct.</p> |
| 9(2)(b) | Whether the draft variation, if made, will permit development that will have and adverse impact on the natural or built environment or an adverse social or economic impact on the locality. | <p>Potential environmental impacts related to the increase in height at certain parts of the building could be addressed by conditions of approval for the Project Application.</p> <p>The proposed building envelope variation is specific to the height of the building at the northern and north-eastern elevations, and roof top features which all respond appropriately to the character, scale and form of the surrounding built environment. The proposed variation is also a resultant from the need to raise the overall building structure to preserve the archaeological remnants.</p> |
| 9(2)(c) | Whether the variation will conform with the general planning and design principles for the Sydney Cove Redevelopment Area. | <p>The main principles for the Sydney Cove Redevelopment Authority Area have been incorporated into the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.</p> <p>The increased height at certain parts of the building would not have an adverse impact on public access to and on the foreshore. The building design maintains heritage significance of the site and surrounding locality and reinforces the cultural values of The Rocks precinct.</p> <p>The proposal protects, enhances and maintains a site of significant heritage in the foreshore area for existing and future generations, and will achieve a high quality and ecologically sustainable development on the site through its architectural design.</p> |

Overall it is considered that the application to vary the SCRA Scheme adequately describes the draft variation, the reasons for variation, its likely impact (which is considered to be minor), and its compliance with the general planning and design principles of the SCRA Scheme. The proposed variation is therefore supported.

5.2 BUILT FORM & URBAN DESIGN

The hostel building is contained to the northern and south-western part of the site, and has frontages to both Cumberland and Gloucester Streets. The built form presents a unique design response to the site given its high archaeological significance and thus results in an elevated building that is suspended with minimal footings so as not to disturb the historical remnants. The elevated building design also allows for interpretation of the archaeological remains through the use of metal screening that is sympathetic and representative in a two dimensional form of buildings that once previously occupied the site.

The hostel building reads as approximately 3 to 4 storeys above Gloucester and Cumberland Streets and is infill development that has regard for the terrace style development that is typical of buildings in The Rocks precinct, whilst incorporating contemporary elements into its design. Window openings have a strong vertical composition and articulation of the building is representative of the built form style in the historic precinct. The building as a whole presents as a series of vertical modules and responds appropriately to development adjacent to the north and south. The proposed materials and finishes are earthy tones with an emphasis on the terracotta finish, reflecting the 'colonial' style buildings that predominate in the The Rocks precinct (see Figures 3 & 4).

The Archaeological Education Centre is located in the south-eastern part of the site and physically separate from the hostel component of the development. The footprint of the education centre references the historical subdivision and building orientation and allows the area of George Cribb's property to be fully visible.

The subject site, although occupied by an archaeological site, is currently vacant and has been for many years. Thus any new form of development on the site will have a degree of change to the streetscape and visual impact on the locality. The built form and design of the proposed development have been dependent upon conserving the archaeological remnants of the site and making them more widely available for appreciation. As such the proposed development and its response to the site are considered to satisfactorily address the constraints and significance associated with the site.

5.3 HERITAGE & ARCHAEOLOGY

Heritage assessment of the proposal has been undertaken in accordance with the requirements of relevant guidelines set out in the *NSW Heritage Manual 1996* (DUAP and Heritage Office) and incorporates relevant principles and processes of *The Burra Charter: The Australian ICOMOS Charter for places of Cultural Significance 1999*.

The proponent's heritage consultant has undertaken a thorough assessment of the heritage impacts resulting from the proposed development and states that whilst the development introduces new modern elements to the precinct in direct contrast with some historic streetscape elements, it is consistent with other modern built elements nearby and that it also respects the cultural and heritage significance of The Rocks. The Heritage Impact Statement identifies the historical values of the site, the need to preserve and improve access to the site and the long term management measures appropriate to the site.

The proposal will provide extensive public access, both physical and visual, for a wide range of site visitors and users to the significant archaeological remains while ensuring the protection of the historic fabric both during the construction process and beyond.

The site is a place of considerable heritage value, being a potential research resource and, a recognised historic site with interpretative and education potential. The proposal acknowledges these aspects of the site and it is considered that the proposed development is an appropriate response to the site having high regard for the heritage and archaeological significance of the site. The development is compatible with adjacent heritage items and will not detract from these.

The NSW Heritage Council is in general support of the proposal and has provided conditions to be incorporated in the approval to ensure the heritage and archaeological significance of the site is protected throughout the construction phase and on-going management of the site.

5.4 TRAFFIC, PARKING & ACCESS

5.4.1 Traffic and Parking

When seeking expressions of interest for the site, the SHFA required proposals to have regard for the archaeological remnants on the site, keeping in mind that remnants over 50 years of age are identified as archaeology to be protected under the Heritage Act 1977. Given the high heritage and archaeological significance of the site and the SHFA's requirement for minimal disturbance to archaeological remnants, the proposed development does not provide car parking on site.

In the absence of any car parking controls for the site, the proponent undertook a survey of its guests at their Central Sydney and Railway Square hostels to ascertain the various modes of transport used by guests of the hostels. It was identified that approximately only 6% of all guests at the hostels travelled to the hostels by private car, whether as a driver or passenger, 20% walked to the hostels, and the remainder of guests travelled by public or private bus/rail transport. On this basis, and given the subject hostel proposal's location within proximity to Circular Quay and Wynyard railway stations, Circular Quay bus interchange and ferry terminal, it is anticipated that a similar modal travel split will occur at The Rocks hostel when operational.

Assessment of parking requirements reveals that approximately 3% of total guests would drive to the site and that staff employed by the hostel would be encouraged to use public transport during the day whilst night staff would create a demand for up to 3 car spaces. On this basis it is determined that car parking requirements during the day time could be accommodated in the immediate locality.

The proponent's traffic consultant also assessed the servicing of the hostel operation and its impact on the road network capacity surrounding the site. It is anticipated that deliveries to the hostel will average 35-40 per week, which represents less than 6 daily deliveries on average. Deliveries are proposed within a new on-street loading zone off Cumberland Street, which will also service the adjoining Australia Hotel.

One disabled parking space is proposed on Cumberland Street adjacent to the main access point and it is noted that an additional existing disabled parking space is located on the opposite side of Cumberland Street, adjacent to the King George V Recreation Centre.

Consultations with both the RTA and City of Sydney's Traffic Engineer have not raised objections to the proposed traffic arrangements. Further, Council's Traffic Engineer has made suggestions to improve parking and traffic arrangements which have been incorporated by the proponent and illustrated in Figure 9. The proposed parking arrangements have been considered by the Sydney Traffic Committee at its meeting on 19 December 2007 and have been approved subject to conditions.

It is concluded that given that the majority of people will be arriving by public transport or walking, traffic generated by the hostel use will not have an unacceptable effect on the existing road network serving the site and proposed arrangements for car parking are an acceptable response to the site.

5.4.2 Coach/Bus and Taxi Parking

The proponent's traffic assessment report recommends that provision be made for on-street bus parking. A 13 metre long bay is proposed along Cumberland Street which would service the hostel and education centre needs, and revert to residential parallel car parking spaces in the evening until early morning. An additional 18 metre coach/bus drop off zone is proposed alongside the kerb realignment on Cumberland Street, directly outside the entry to the hostel (see Figure 11).

Taxi parking is not proposed as part of the development however, there is opportunity for drop-off/pick-up arrangements in the proposed bus and loading bays when not in use. A taxi rank is within walking distance of the hostel site at the Shangri La Hotel to the south.

The City of Sydney Council is generally supportive of the proposed parking arrangements for the development. The proposal was put forward for recommendation to the Sydney Traffic Committee at its meeting on 19 December 2007. The Committee considered the proposed bus parking arrangements favourably and recommended that the City of Sydney's Traffic Engineer signpost residential parking hours and advise the proponent.

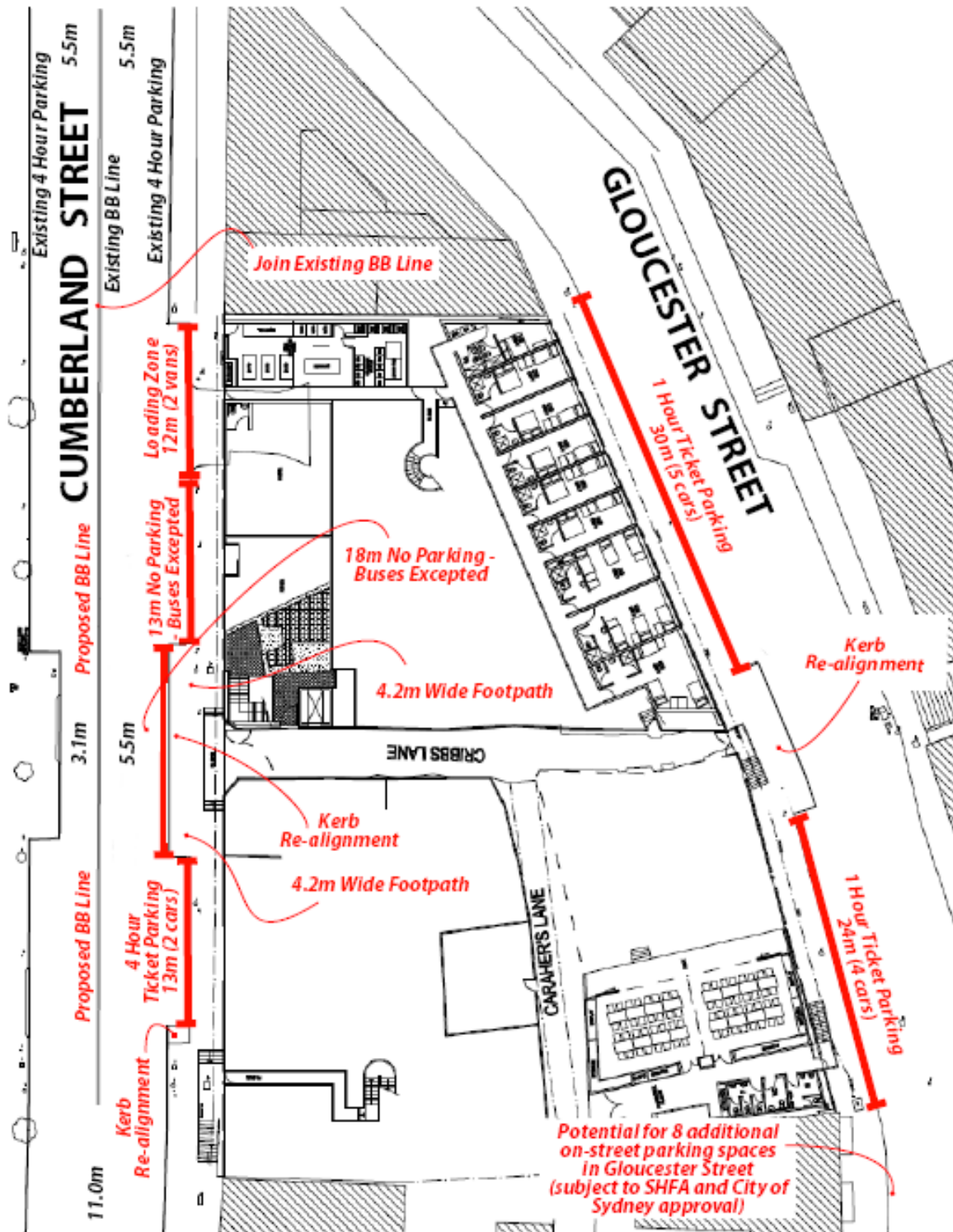


Figure 11 – proposed parking arrangements

5.4.3 Loading and Servicing

Due to the heritage significance of the site loading and servicing areas have been designed to be accommodated on the street. The proponent's traffic assessment report recommends that a No Parking – Buses excepted zone be created on Cumberland Street; a loading zone adjacent to this Bus only zone, which converts to car spaces between 10.00pm and 7.00AM; a kerb realignment in the vicinity of the stairs connecting the Hostel to the Cumberland Street footpath; a disabled parking space on Cumberland Street adjacent to the Hostel main entry; retention of 1x4 hour parking zone on Cumberland Street; 1 hour ticket parking on Gloucester Street; a kerb realignment in the vicinity of the proposed stairs connecting the Hostel to the Gloucester Street footpath. The Sydney Traffic Committee considered at its meeting on 19 December 2007 that loading and servicing arrangements for the proposal were satisfactory and did not raise objection.

It is noted that there is an existing high vacancy rate for street parking overnight in the locality which will adequately cater for the needs of the development without adversely impacting on locality.

5.4.4 Disabled Access

Disabled access to the hostel building is via the Cumberland Street foyer entry and internal lift access to the first floor reception area. This access point then provides connections through to the lower level of the south wing of the hostel and to all three levels of the north wing.

Access to the Archaeological Education Centre is also via the hostel foyer, along the re-graded section of Cribbs Lane and then via Carahers Lane. This access route provides the most efficient and lowest impact on the DIG site, as access for disabled persons.

The proponent's Access consultant has undertaken assessment of the proposed access proposal and is supportive of the proposal. The proposed access arrangements comply with requirements under the BCA and the Disability Discrimination Act, and are considered to be adequately addressed. Further, the Sydney Traffic Committee raises no objections to proposed disabled access parking arrangements.

5.5 AMENITY

5.5.1 Acoustic Amenity

The proponent's acoustic consultant has undertaken an assessment of the existing and proposed noise impacts associated with general traffic along Cumberland and Gloucester Streets, activities associated with the adjoining Australian Hotel, and the general design of the proposed hostel development including roof top plant equipment, open recreational deck areas, patron behaviour and service deliveries.

The findings of the acoustic assessment make recommendations to appropriately treat roof top plant area, Level 1 terrace area not to be used after 10.00PM with amplified music to cease after 6.00PM, Level 3 terrace area to have a 1 metre high imperforate balustrade, not to be used after 10.00PM, with exceptions for special events like New Year, Christmas and the like. It would be a operational requirement of hostel management to supervise use of the terrace and prevent noisy/unacceptable behaviour.

The findings of the Acoustic Report assessment are considered to satisfactorily address acoustic impacts and the measures imposed will provide a reasonable level of residential amenity. A modification to the Project Application requiring the proponent to implement measures to minimise adverse acoustic impacts is provided in the recommendation

5.5.2 Tree Protection

A mature specimen *Celtis australis* (European Nettle-tree) is located in the rear yard of the property adjoining the southern boundary at 130 Cumberland Street. The proponent's tree management consultant has undertaken an assessment of the tree and any impact the proposed development may have on the condition of the species. Assessment concludes that the tree's root system would not be significantly affected by the proposed development due to its confinement by existing structures and the construction method of the proposed development. The tree is in vigorous health and is capable of withstanding a significant level of impact.

Accordingly, recommendations are made in the conditions of approval to ensure appropriate measures are in place prior to construction to protect the tree and its root system.

5.6 ECOLOGICALLY SUSTAINABLE DEVELOPMENT

An ESD report has been prepared as part of the subject proposal with the aim of designing a project having high environmental performance, equivalent to a 5 star GreenStar benchmark. The Office Design tool has been used as a benchmark to try and comply with many credits as possible, and where not appropriate, equivalent measures have been proposed.

Various measures for achieving a high standard of ESD management are recommended and a modification to the Project Application requiring the proponent to implement these measures is provided in the recommendation.

5.7 SOCIAL & ECONOMIC IMPACTS

The proposal will deliver a number of important social and economic benefits, including:

Heritage Conservation – the historical and social importance of the DIG site will be respected and incorporated into the new hostel and education centre through preservation and interpretation of proposed open space.

Accommodation – the provision of low rental accommodation will encourage more visitors to stay in The Rocks precinct thus having wider economic benefits to businesses in the locality.

Public Access – the provision of public access to a previously cordoned off site, and through-site access via previously inaccessible laneways, linking to other parts of The Rocks precinct.

Jobs – new jobs will be created during the construction and on-going operational phase of the development.

The proposed development will generate use on a currently disused parcel of land, which will have positive social and economic impacts to the community as outlined above.

5.8 PUBLIC INTEREST

The proposed development of the DIG site at The Rocks will provide significant benefits to the community, including:

- Employment opportunities through the construction and operational phase of the hostel and education centre development.
- Provision of a new community cultural and educational facility with the development of the archaeological centre and access to archaeological remnants.
- Provision of low cost accommodation.
- Provision of public access through the site by making laneways accessible and connecting to other parts of The Rocks area.

The development also ensures that the heritage significance of the site is retained and interpreted sympathetically, and gives detailed consideration to building form and urban design to ensure that the development will not have any adverse impacts upon the amenity currently enjoyed by the local community.

Accordingly, the proposal is considered in the public interest for the above reasons.

6 CONSULTATION AND ISSUES RAISED

6.1 PUBLIC EXHIBITION DETAILS

The major project application was exhibited from 13 September 2007 to 12 October 2007 for 30 days and was published in the newspaper. The EA was made available to the public in the Department's Information Centre in Sydney, the City of Sydney Council's Town Hall House offices, the Nature Conservation Council offices in Sydney, and the office of The Sydney Harbour Foreshore Authority in The Rocks.

6.2 SUBMISSIONS RECEIVED ON ENVIRONMENTAL ASSESSMENT

The public exhibition of the proposal generated a total of 5 submissions from public authorities and 3 submissions from local residents. The RTA, NSW Heritage Office, Tourism and Transport Australia, and one local resident are generally supportive of the proposed development subject to conditions of approval.

The issues raised by the remaining public authorities (Ministry of Transport and City of Sydney Council) and residents are summarised below.

6.2.1 *Ministry of Transport*

The Ministry of Transport has provided comments with regard to the adequacy of bus access arrangements and consideration for peak hours of demand, dedicated taxi and mini bus zones, local coach parking, preparation of a transport and access guide, provision of walking and cycling infrastructure, and measures for safe pedestrian and cycle access during the construction period.

With regard to the comments made, the Project Application demonstrates in its traffic and parking assessment that a majority of the hostel users will rely on public transport to access the site. As such, the proposal makes provision for parking arrangements that reflect the hostel requirements and, in consultation with the City of Sydney's Traffic Engineer, provides parking arrangements for bus/coach parking and loading zones to service the hostel.

The proponent YHA NSW encourage walking and cycling activities and the location of the premises in The Rocks area, which incorporates a large amount of infrastructure to encourage walking in the area, is ideal in promoting this. Further, the proponent will produce a transport access guide for its guests, similar to arrangements at other YHA premises.

A recommendation is made in the condition of approval to ensure appropriate measures are in place for safe pedestrian and cycle access during the construction period.

6.2.2 *City of Sydney*

The Council has made comments with regard to the interpretive screens and their appropriateness to the site, and concerns about the façade treatment of both Cumberland and Gloucester Street elevations suggesting a redesign of Cumberland Street façade to reduce the bulk of the building, excessive four storey façade to Gloucester Street, increase in height by one storey to the Education Centre, and the lack of activation of street frontages.

The purpose of the metal interpretative screens is to provide scale and an understanding of the buildings which existed on the site prior to their demolition. The screens will include openings to view the archaeological remnants as well as providing a real three dimensional understanding of the site. The second purpose of the screens is to provide security to the remnants on the site. The NSW Heritage Council does not raise objection to the metal interpretive screens.

The proportion of window openings along the Gloucester Street façade has been reconsidered in response to the comments received and a similar approach has been applied to the Cumberland Street elevation. The height of the wall on the northern boundary closer to Gloucester Street has been reduced to minimise scale. The boundary wall on the north elevation at Cumberland Street has been reconsidered and windows and

shutters have been added to provide additional articulation. The use of different materials better articulates the building's bulk and scale.

Increasing the height of the Education Centre by one storey has not been considered as this could require additional footings on the site, which was not favoured by the proponent in light of minimising impacts on the archaeological remnants. Further, this type of Education Centre/building was outside of the proponent's brief and would create additional BCA issues with other spaces surrounding the site. The ground level at this part of the site is considerably elevated above footpath level on Gloucester Street and the interpretative screens continue along Gloucester Street to provide continuity in scale along this boundary. The overall scale of the currently proposed Education Centre, in the context of the total development on the site, is assessed as being compatible with surrounding buildings and of an appropriate scale.

The site in its vacant form currently has people stopping to look at the remnants and the site in general on a regular basis. Upon completion of the proposed development it is expected that frequency in passers-by stopping at the site will increase thus contributing to activation of the street frontage. This will be reinforced with the through site linkages created by existing laneways. Further, general activity from users of the hostel and retail area will increase activity in and around the site.

6.2.3 Public submissions

Public submissions were received from 3 residents living within proximity to the proposed development, including the tenant of the adjoining property at 130 Cumberland Street. Issues raised are as follows:

- Safety

Comment: The operation of the premises will be in accordance with the Operations and Management Plan, which will ensure safety is addressed at all times.

- Quality of accommodation

Comment: YHA is known for providing quality accommodation with affordability being the key driver of their operations. The proponent advises that YHA is a winner of 11 consecutive annual NSW Tourism Awards for the quality of its accommodation.

- Overshadowing

Comment: Shadows cast on neighbouring properties by the proposed development are consistent with shadows anticipated by the building envelope controls that apply to the site. Shadows in the south-eastern part of the site are considerably less given the single storey height of the Education Centre. The south-western part of the site is aligned with the existing north-facing wall of 130 Cumberland Street, which does not have significant openings. The shadows cast are generally acceptable given the context of the site, in a high density locality.

- Loss of views

Comment: The views enjoyed by 130 Cumberland Street have been possible due to the undeveloped nature of the site to date. The proponent has made attempts and has been unsuccessful in obtaining access to the adjoining site to ascertain the extent of views currently available. The immediately neighbouring property has stated that views will be lost from a bathroom window which is of lower importance than a principal living area.

The neighbouring properties have been benefiting from views across this site over the last decade whilst it has been vacant and undeveloped. Given the existing planning controls and SCRA scheme envelope for the site, it is a reasonable expectation for the proponent and the community that the site will be developed to this extent which, will result in some loss of views.

As the subject proposal does not utilise the entire site in accordance with maximum allowable building envelope controls, some views are still possible from adjoining properties and taking all of the above factors into consideration, the impact on views is considered acceptable.

- Loss of privacy

Comment: It is expected that most people would access the site from Cumberland and Gloucester Streets and via Cribbs Lane. The main footpath which leads to the site from the south along Cumberland Street is considerably at a lower level than that section of path immediately adjacent to the adjoining southern property, thus noise impacts would be lessened. Residential uses along Cumberland and Gloucester Streets have taken conventional measures of providing curtains to windows thus reducing any potential loss of privacy from people accessing the hostel and Education Centre.

- Visual impacts

Comment: The visual impact of the proposal has been considered in light of the site's context and immediate locality and discussed in detail in section 5.2 of this report where it was concluded that the proposal is an appropriate response to its context in terms of built form and urban design. The juxtaposition of larger structures against smaller structures is not an uncommon feature of the locality and this is further supported by the allowable building controls that apply to the site. The southern part of the proposal is smaller in bulk and scale thus reducing any perceived adverse visual impacts. The assessment in the body of the report has also concluded that the non-compliances with the SCRA Scheme are minor and acceptable.

- Parking

Comment: As discussed in Section 5.4 above, the proposed parking arrangements are the result of survey undertaken to ascertain parking need and consultations with the City of Sydney's Traffic Engineer and the RTA. The hostel guests for this type of hostel accommodation will rely on public transport and walking to access the site. The low car usage will not result in acceptable parking outcomes for the locality.

- Traffic

Comment: The vehicle trips generated by the proposal during peak times are very low, as stated in the proponent's traffic assessment report, and will not cause unacceptable traffic implications.

- Noise (construction, mechanical plant, hostel premises and immediate surrounds, vehicle)

Comment: The acoustic assessment undertaken for the proposal recommends measures to ensure noise generated from the proposal comply with both EPA and LAB guidelines. Management controls of the hostel will ensure that noise generated from guests using outdoor terrace areas will be minimised. Measures to be implemented are recommended in the conditions of approval.

The proponent has satisfactorily addressed the issues raised during public exhibition in their Preferred Project Report and response to submissions.

7 CONCLUSION

The Department has assessed the EA and considered the submissions in response to the proposal. The key issues raised in submissions relate to traffic and parking, loss of views, noise, loss of privacy, visual impacts, overshadowing, quality of accommodation, and safety. The Department has determined that the proponent's response to key issues in their EA and Preferred Project Report, and their Draft Statement of Commitments will ensure there are minimal environmental impacts as a result of the proposal.

Key features of the proposal include the elevated building design so as to preserve archaeological remnants, void areas to enable views from the hostel building into remnants below, and the proposed Education Centre which incorporates a simulated dig site enabling the public to better understand the significant archaeological site.

The proposal's variation to the SCRA Scheme building envelope controls for the site have been assessed and considered to have minimal adverse impacts to the locality as the variations are minor and contained to specific parts of the site. In the absence of parking controls for the site, the proposal's traffic and parking arrangements have been considered favourably by the RTA, City of Sydney and the Sydney Traffic Committee. The proposal has given adequate consideration to the site's capability to accommodate this type of development.

The Department has determined that the site is suitable for the proposed development and is in the public interest. Accordingly, the Department recommends that the Project Application be approved, subject to the conditions of approval.

8 RECOMMENDATION

For project application:

It is recommended that the Minister:

- (A) consider the findings and recommendations of this Report;
- (B) agree to make a variation to the Sydney Cove Redevelopment Authority Scheme, in accordance with clauses 9(2) and 9(3) of the *Environmental Planning and Assessment (Sydney Cove) Regulations 1999*, consistent with the application and sign and date the attached revised Building Site Control Drawing XXXIV(1) at **Tag A**;
- (C) approve the carrying out of the project, under Section 75J *Environmental Planning and Assessment Act, 1979*, subject to conditions; and
- (D) sign the Instrument of Approval (**tag B**).

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APPENDIX A.DIRECTOR GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Director-General's Requirements

Section 75F of the *Environmental Planning and Assessment Act 1979*

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| Application number | 06_0265 |
| Project | Project application for Construction of Youth Hostel and Archaeological Education Centre |
| Location | 110-128 Cumberland Street, The Rocks |
| Proponent | YHA NSW Ltd |
| Date issued | |
| Expiry date | 2 years from date of issue |
| General requirements | <p>The Environmental Assessment (EA) must include:</p> <ol style="list-style-type: none"> 1. An executive summary; 2. A description of the proposal including: <ul style="list-style-type: none"> - description of the site and surrounds - suitability of the site for the proposed development; - likely environmental, social and economic impacts; - justification for undertaking the project; and - alternatives considered 3. Address the following: <ul style="list-style-type: none"> • consideration of any relevant statutory provisions; • overview of other environmental issues and any relevant provisions arising from environmental planning instruments; • an environmental risk analysis of the project; • a detailed assessment of the key issues specified below; • a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures • a conclusion justifying the project, taking into consideration the environmental impacts of the proposal, the suitability of the site, and whether or not the project is in the public interest; • a signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading. • a quantity surveyor's cost estimate report to verify the capital investment value of the project. |
| Key issues | <p>The Environmental Assessment must address the following key issues:</p> <p>Part A – Heads of Consideration</p> <ul style="list-style-type: none"> • Likely environmental, social and economic impacts; • Justification for undertaking the project; and • The public interest <p>Part B – Relevant EPIs and Guidelines to be addressed</p> <ul style="list-style-type: none"> • All relevant planning provisions applying to the site, including permissibility and the provisions of all plans and policies including, but not limited to, Sydney Regional Environmental Plan – Sydney Harbour Catchment; State Environmental Planning Policy No. 11 – Traffic Generating Development; State Environmental Planning Policy – Major Projects; NSW Heritage Act 1977; The Sydney Cove Redevelopment Authority Scheme; the Conservation Management Strategy and Archaeological & Urban Design Parameters Report for the site prepared by Sydney Harbour Foreshore Authority (SHFA); SHFA The Rocks Lighting Policy; SHFA The Rocks Outdoor Seating Policy; SHFA The Rocks Signage Policy; SHFA The Rocks and Circular Quay |

Telecommunications Policy; City of Sydney Visitor and Tourist Accommodation Development Control Plan 2006.

- Nature and extent of non-compliance with relevant environmental planning instruments, plans and guidelines and justification for any non-compliance;

Architectural, Building and Urban Design Impacts

The assessment is to address the visual impact of the project in the context of adjoining development, impact on any heritage item (on-site, adjoining and adjacent the site) and its setting and building mass as viewed from public areas including the foreshore.

It is also to address:

- Consistency with the character of development in the locality and relative to adjacent buildings including density, street frontage, scale, height, built form including roof form.
- Safety including pedestrian and bicycle movement to, within and through the development.
- Amelioration of visual impacts through design, use of appropriate colours and building materials, landscaping and buffer areas.
- Proposed treatments to the open areas designated for managed public access.
- Analysis of views & vistas and impact of the proposal on these views, particularly the impact of the connecting bridge on views from Cumberland Place and Susannah Place steps.
- Accessibility strategy, including clarification of the design intent for access under the buildings i.e. height clearances.
- Way-finding and building identification signage.
- Decorative and/or feature lighting and its impact on operations of Sydney Observatory.
- Demonstrate that the proposed building siting does not have unacceptable level of impacts on privacy, views and overshadowing of the adjoining sites.

The following documentation and information is required to assist in addressing the above issues:

- Detailed architectural and landscape drawings (1:100 scale)
- Architectural design statement.
- Visual aids such as a scale model and photomontages must be used to demonstrate visual impacts.
- Materials and finishes for the proposed buildings.

Heritage and Archaeological Impacts

The assessment is to provide the following in relation to the heritage and archaeological impacts associated with the project:

- A detailed and specific Heritage Impact Statement which identifies potential heritage impacts of the project on the site, context and existing archaeological relics having regard to the Heritage Office guideline *Assessing Heritage Significance*. The statement is to recommend actions to mitigate any impacts.
- An Archaeological Research Design which discusses and justifies any potential impacts upon the archaeological fabric of the site and recommends actions to mitigate impacts. The report should also provide an indicative schedule of materials conservation for the archaeological remains.
- Construction management and services reticulation (including waste and stormwater disposal) strategies to minimise impact on the site's archaeological remains.

Traffic Impacts (Construction and Operational)

A traffic and transport impact study shall be submitted which assesses the traffic and transport impacts of the project. The study shall address the following issues:

- Daily and peak traffic movements likely to be generated by the proposed development including impact on nearby intersections and the need for associated funding upgrading or road improvement works if necessary.
- Details of the proposed access and the adequacy of the parking provision associated with the proposed development including subsequent compliance with the requirements of the relevant Australian Standards.
- Details on loading and servicing facilities.
- Details of public transport accessibility and issues relating to the appropriate provision for coaches, taxis and shuttle buses, in particular the impact of

- coach access and luggage management on the Cumberland Street frontage.
- The provision of appropriate pedestrian facilities which serve the site.
- Detail measures to be implemented to mitigate any impacts identified;

Noise Impacts

Demonstrate that the proposal will be designed, constructed, operated and maintained so that there is no unacceptable level of noise impacts (including traffic noise) on amenity in the locality. The consideration of noise impacts shall have specific regard to the following

- Noise likely to be generated by the use of the site and the impact of this noise upon the locality.
- The impact of noise generated by the adjoining Australian Hotel upon the amenity of guests residing in the hostel, and how these impacts are to be mitigated.

Construction Impacts

Address measures to ameliorate potential impacts arising from the construction of the proposed development.

Ecologically Sustainable Development

Detail how the development will incorporate ESD principles in the design, construction and ongoing operation phases. Details shall be provided of sediment and erosion control and other measures during construction and water conservation and minimisation practices.

Waste Management

Address demolition and construction wastes that may be generated - likely quantities, proposed disposal destinations and best practices for safe handling and disposal in accordance with WorkCover's Occupational Health and Safety requirements.

Social and Economic Context

Address the social and economic context of the development in terms of infrastructure requirements and access including staging and monitoring of infrastructure works. An economic analysis shall include an investigation of the economic impact of the project upon the hotel and accommodation industry within the locality.

Operational Issues and On-going Management

Provide details regarding the operation and management of the youth hostel and the archaeological education centre. These details shall include the management and interpretive strategy for the archaeological remnants on the site, hours of operation, and address how the two uses will be managed on the one site to ensure each use does not result in a detrimental impact upon the alternate use.

Stormwater

Address Sydney Water's On Site Detention (OSD) policy and comply with requirements to connect to the Sydney Water stormwater system. To determine the OSD requirements the total site area, the existing impervious service and proposed impervious area for each development need to be provided. Sydney Water will use these figures to calculate the site OSD and permissible site discharge. The site drains to Argyle St branch of City Area Catchment 29 (SWC29) before discharging to Sydney Harbour- Southern Foreshores (SWG 05). The City Area 29 Capacity Assessment dated September 1996 indicates that the capacity of the Sydney Water stormwater system downstream of the above property is limited.

Fire Fighting Capacity

Address the fire fighting capacity of the water mains servicing the site including consideration of the fire-fighting capability of surrounding developments to ensure that the general water demand of the proposed development does not adversely impact the fire-fighting capability of surrounding areas.

Building Code of Australia Compliance Report

Address the compliance of the development with the relevant provisions of the Building Code of Australia.

Consultation

During the preparation of the Environmental Assessment, you should undertake an appropriate and justified level of consultation with relevant local, State or Commonwealth government authorities, service providers, community groups or affected landowners. In particular you must consult with;

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| | <ul style="list-style-type: none"> • Sydney Harbour Foreshore Authority; • NSW Heritage Office; • City of Sydney Council; • NSW Roads and Traffic Authority; • Sydney Water; • relevant community organisation contact (s). <p>The consultation process and the issues raised should be described in the Environmental Assessment</p> |
| Deemed refusal period | Under clause 8E(2) of the <i>Environmental Planning and Assessment Regulation 2000</i> , the applicable deemed refusal period is 60 days from the end of the proponent's Environment Assessment period for the project. |

Plans and Documents to accompany the Application

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| Plans and Documents of the development | <p>The following plans, architectural drawings and diagrams of your proposal as well as the relevant documents will be required to be submitted for your application:</p> <ol style="list-style-type: none"> 1. The existing site survey plan is to be drawn to 1:500 scale (or other appropriate scale) and show: <ul style="list-style-type: none"> • the location of the land, the measurements of the boundaries of the land, the size of the land and north point; • the existing levels of the land in relation to buildings and roads; • location and height of existing structures on the site; and • location and height of adjacent buildings and private open space. • all levels to be to Australian Height Datum. 2. A Site Analysis Plan must be provided which identifies existing natural elements of the site (including all hazards and constraints), existing vegetation, property dimensions, footpath crossing levels and alignments, existing pedestrian and vehicular access points and other facilities, slope and topography, natural features such as watercourses, rock outcrops, utility services, boundaries, orientation, view corridors and all structures on neighbouring properties where relevant to the application (including windows, driveways, private open space etc. 3. A locality/context plan drawn to 1:500 scale (or other appropriate scale) should be submitted indicating: <ul style="list-style-type: none"> • significant local features such as parks, community facilities and open space, water courses and heritage items; • the location and uses of existing buildings, shopping and employment areas; • traffic and road patterns, pedestrian routes and public transport nodes • The existing site plan and locality plan should be supported by a written explanation of the local and site constraints and opportunities revealed through the above documentation. 4. The Environmental Assessment in accordance with the Director-General's Environmental Assessment Requirements as outlined in The Key Issues. 5. The Architectural drawings (where relevant) are to be drawn to scale and illustrate the following: <ul style="list-style-type: none"> • the location of any existing building envelopes or structures on the land in relation to the boundaries of the land and any development on adjoining land; • detailed floor plans of the proposed buildings; • the location and size of vertical and horizontal circulation of lifts, stairs and corridors; • accessibility requirements of the Building Code of Australia and the Disability Discrimination Act. • sections and elevations including detailed sections of the proposed facades; • fenestrations, balconies and other features; |
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| | <ul style="list-style-type: none"> communal facilities and servicing points; the height of the proposed development in relation to the land; any changes that will be made to the level of the land by excavation, filling or otherwise; the level of the lowest floor, the level of any yard or unbuilt area and the level of the ground; parking arrangements, where vehicles will enter and leave the site, and how vehicles will move about the site; pedestrian access to, through and within the site. <p>6. The shadow diagrams showing solar access to the site and adjacent properties at summer solstice (Dec 21), winter solstice (June 21) and the equinox (March 21 and September 21) at 9.00 am, 12.00 midday and 3.00 pm.</p> <p>7. The Other plans including (where relevant):</p> <ul style="list-style-type: none"> Stormwater Concept Plan - illustrating the concept for stormwater management from the site to the Council drainage system and include a detailed site survey. Where an on-site detention system is required or being provided, the type and location must be shown and must be integrated with the proposed landscape design. Site discharge calculations should be provided and the must include details of all major overland flow paths; Erosion and Sediment Control Plan – plan or drawing that shows the nature and location of all erosion and sedimentation control measures to be utilised on the site; View analysis - artists impression, photomontages, etc of the proposed development in the context of the surrounding development; Coloured elevations - of the proposed buildings drawn to the same scale as the architectural drawings. The elevations are to indicate height and key datum lines, building length and articulation, the composition of the façade and roof design, existing buildings on the site, building entries (pedestrian, vehicular and service), and profile of buildings on adjacent properties; Landscape Concept Plan – plan or drawing that shows the basic detail of planting design and plant species to be used, listing botanical and common names, mature height and spread, number of plants to be utilised and surface treatments (i.e. pavers, lawn etc); Demolition & Waste Management Plan – where demolition is proposed, a plan which addresses demolition and construction wastes that may be generated including likely quantities, proposed disposal destinations and best practices for safe handling and disposal in accordance with WorkCover's Occupational Health and Safety requirements must be provided; Construction Management Plan – a plan which outlines traffic and pedestrian management during construction |
| Specialist advice | <p>Specialist advice, where required, to support your Environmental Assessment, must be prepared by suitably qualified and practising consultants in relation to issues including, but not limited to, the following:</p> <ul style="list-style-type: none"> Traffic; Landscaping; Geotechnical and/or hydro geological (groundwater); stormwater/drainage; Urban Design/Architectural; BCA compliance; ESD/Sustainability; Accessibility assessment. Heritage |
| Documents to be submitted | <ul style="list-style-type: none"> 12 hard copies of the Environmental Assessment; 12 sets of architectural and landscape plans to scale, including one (1) set at |

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| | <p>A3 size (to scale); and</p> <ul style="list-style-type: none"> • 1 copy of the Environmental Assessment and plans on CD-ROM (PDF format), not exceeding 5Mb in size (see below). • If the Environmental Assessment is bulky and lengthy in volume, you will be required to package up each Environmental Assessment ready for distribution by the Department to key agencies. |
| <p>Electronic Documents</p> | <p>Electronic documents presented to the NSW Department of Planning for publication via the Internet must satisfy the following criteria:-</p> <ul style="list-style-type: none"> • Adobe Acrobat PDF files and Microsoft Word documents must be no bigger than 1.5 Mb. Large files of more than 1.5 Mb will need to be broken down and supplied as different files. • File names will need to be logical so that the Department can publish them in the correct order. Avoid sending documents that are broken down in more than 10 files. • Image files should not be bigger than 2Mb. The file names will need to be clear and logical so the Department can publish them in the correct order. • Graphic images will need to be provided as [.gif] files. • Photographic images should be provided as [.jpg] files. • Large maps will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each. • Images inserted into the document will need to be calibrated to produce files smaller than 1.5Mb. Large images will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each. The file names will need to be clear and logical so the Department can publish them in the correct order. <p>Alternatively, these electronic documents may be placed on your own web site with a link to the Department of Planning's website.</p> |

APPENDIX B. SUMMARY OF SUBMISSIONS

The Rocks DIG site development MP06_0265

Summary of all submissions received for this application

NB. Because of the varying degree of detail provided in public authority submissions from DGRs stage to exhibition stage (ie. some agencies submitted detailed comments at DGRs stage yet did not respond during exhibition), this summary seeks to record all matters raised by agencies as well as provides a Departmental response.

| Date | Agency | Agency comment | Department's response |
|------------------|-------------------------------------|---|------------------------------|
| 11 October 2007 | Ministry of Transport | <ul style="list-style-type: none"> - Adequacy of bus access arrangements and consideration for peak hours of demand need to be considered. - Consider dedicated taxi and mini-bus zones. - Consider arrangements and capacity for coach parking and layover. - Preparation of a transport access guide. - Provision of pedestrian and cycle access. - Safe pedestrian and cycle access during construction. | See section 6.2.1 in report. |
| 11 October 2007 | Tourism & Transport Forum Australia | <ul style="list-style-type: none"> - Strongly supports the proposal. | Section 6.2 |
| 12 October 2007 | City of Sydney | <ul style="list-style-type: none"> - Interpretive screens inappropriate to site. - Insufficient modulation to Gloucester and Cumberland St facades. - Improve articulation to Cumberland Street. - Four storey scale to Gloucester Street excessive. - Increase height of education centre by one storey. - Lack of measures to activate street frontage. | See section 6.2.2 in report. |
| 19 November 2007 | NSW Heritage Office | <ul style="list-style-type: none"> - No objection raised on heritage grounds - Conditions of approval relating to heritage and archaeology provided. | Section 6.2 |
| 28 November 2007 | Roads & Traffic Authority | <ul style="list-style-type: none"> - Any changes to parking restrictions to be considered by the SHFA; - Servicing to take place on site; - Management of construction traffic - Likelihood of backpacker vehicles being 'abandoned' and parked on street. | Section 6.2 |

APPENDIX C. ENVIRONMENTAL ASSESSMENT

To be provided on disk.