



**Planning &
Infrastructure**

MODIFICATION REQUEST:

***Youth Hostel & Archaeological Education
Centre (MP 06_0265 MOD 2)
110-128 Cumberland Street, The Rocks***



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

November 2011

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1. BACKGROUND

On 4 January 2011, YHA NSW Ltd (the proponent) lodged an application to modify the Minister's approval under section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to permit the construction of a pergola and balcony balustrade. The then Minister for Planning approved the original project application on 23 January 2008 for the construction of a 4-storey youth hostel and archaeological education centre at the 'Dig Site' located at 110-128 Cumberland Street, The Rocks (MP 06_0265).

At the time of lodgement of the modification request, the pergola and balcony balustrade were outside of the permitted height controls for the site under the Sydney Cove Redevelopment Authority Scheme (SCRA). On 10 November 2011, the Minister for Planning and Infrastructure varied the height controls for the site to enable the works to be permissible and allow the section 75W modification application to be determined.

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

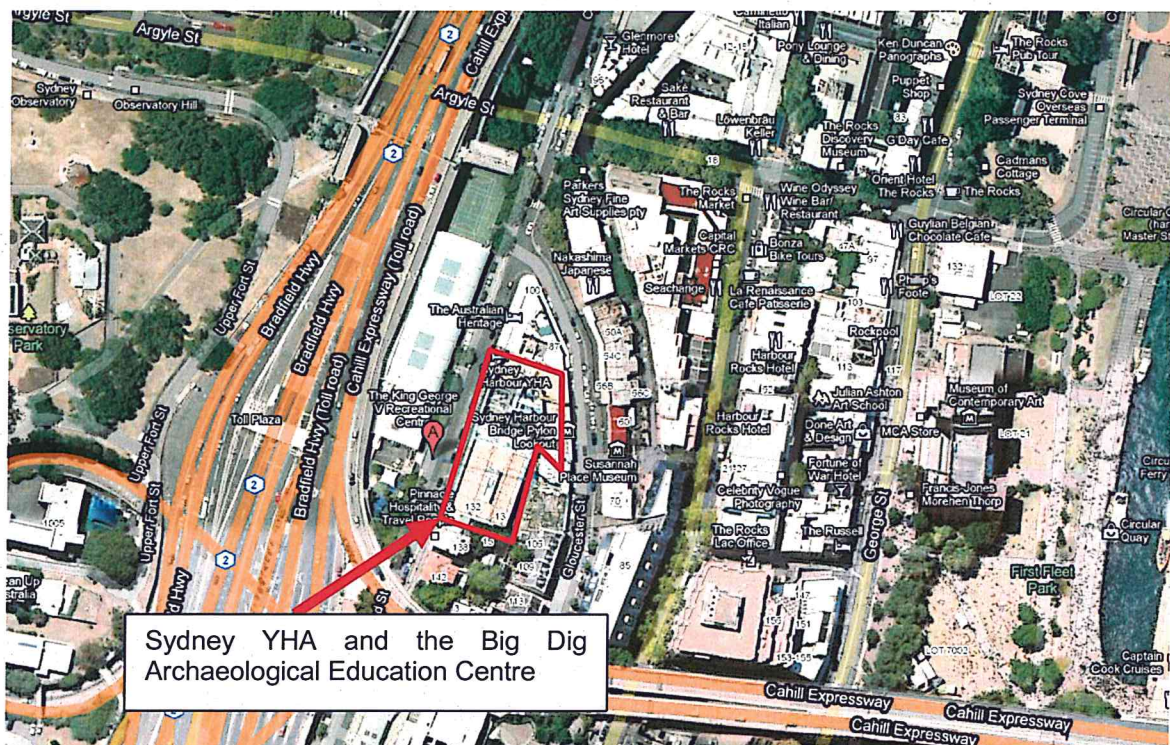
Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove of the carrying out of the project under section 75W of the EP&A Act.

The subject site is located on the western side of Sydney Cove between Cumberland Street and Gloucester Street. The site has an area of approximately 2,675 m², is irregular in shape (see **Figure 1**) and contains the Sydney Harbour YHA and the Big Dig Archaeology Education Centre. The northern boundary of the site adjoins the Australian Hotel, and the southern boundary adjoins the Jobbins terraces, which are listed on the State heritage register. Further south is the Cahill Expressway.

To the east of the site are a number of terrace dwellings and the Susannah Place Museum. To the west of the site is the King George V Recreation Centre and the Harbour Bridge/Cahill Expressway.

Within the site there are two laneways known as Carahers Lane and Cribbs Lane, which are oriented north-south and east-west respectively. Carahers Lane extends further south into Longs Lane, a pedestrian thoroughfare which connects Cumberland and Gloucester Streets.

The site is located within the City of Sydney local government area. The area of land included in the project approval (as modified) is depicted at **Figure 1** below.



Sydney YHA and the Big Dig Archaeological Education Centre

Figure 1: Location Plan

2. APPROVED PROJECT

Project Description

The Youth Hostel and Archaeological Education Centre Project (MP 06_0265) was approved by the then Minister for Planning on 23 January 2008. It provided for the following:

- construction of an elevated part 3 part 4-storey youth hostel building with ground floor retail
- construction of an elevated single-storey building for the purpose of an Archaeological Education Centre
- erection of interpretive metal screens on the Cumberland and Gloucester Street elevations and the site laneways
- construction of access stairs and landings on Cumberland Street and Gloucester Street
- erection of signage associated with the youth hostel and archaeological education centre
- construction of a new ground level water tank on the north-eastern corner of the site.

MP 06_0265 MOD 1

On 26 April 2009, the Director-General, as delegate of the then Minister for Planning, approved MOD 1 for the following changes to the project

- increase rooftop plant heights by up to 1 metre on the north wing and 500mm on the south wing
- introduction of a lift overrun and a reworking of general plant configuration, including the deletion of redundant plant equipment.
- The proposed new heights reached RL 47.7 and 47.1 and were inline with the building envelope maximum height of RL 47.7 imposed on the site by the Sydney Cove Redevelopment Authority Scheme (the SCRA Scheme) 1979.

3 PROPOSED MODIFICATION

3.1 Modification Description

The application (MP 06 0265 MOD 2) proposes to:

- increase the height of the balcony balustrade on the level 3 terrace by 200 mm (up to RL 42.52)
- extend the existing roof over the south-western portion of the level 3 terrace to create a 48m² pergola structure, with an overall height of 2.18 m (up to RL 45)
- install three glazed panels between the balcony balustrade and the roof of the pergola on the southern and eastern elevations.

The proposed modifications are depicted in **Figures 2 to 4** below.

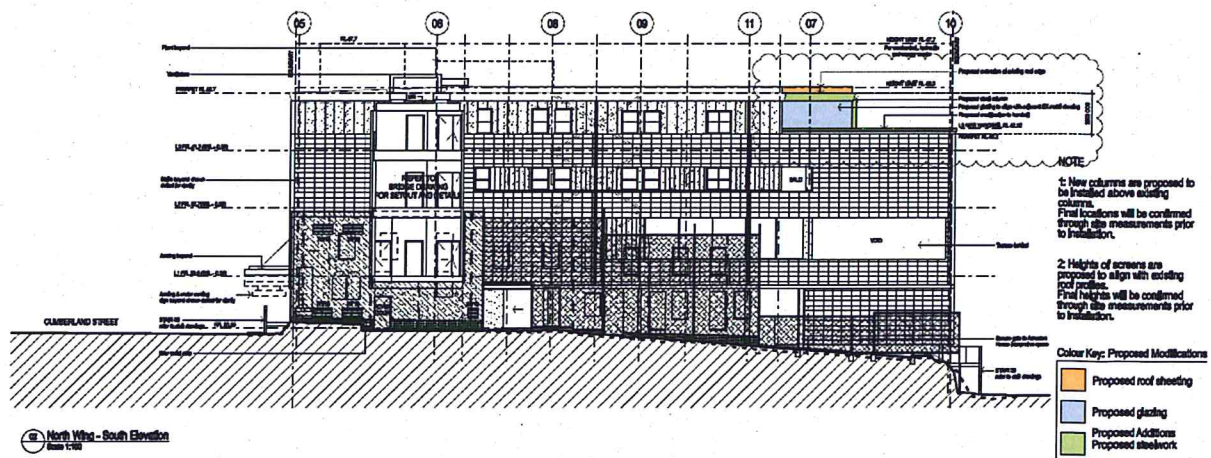


Figure 2: Southern Elevation

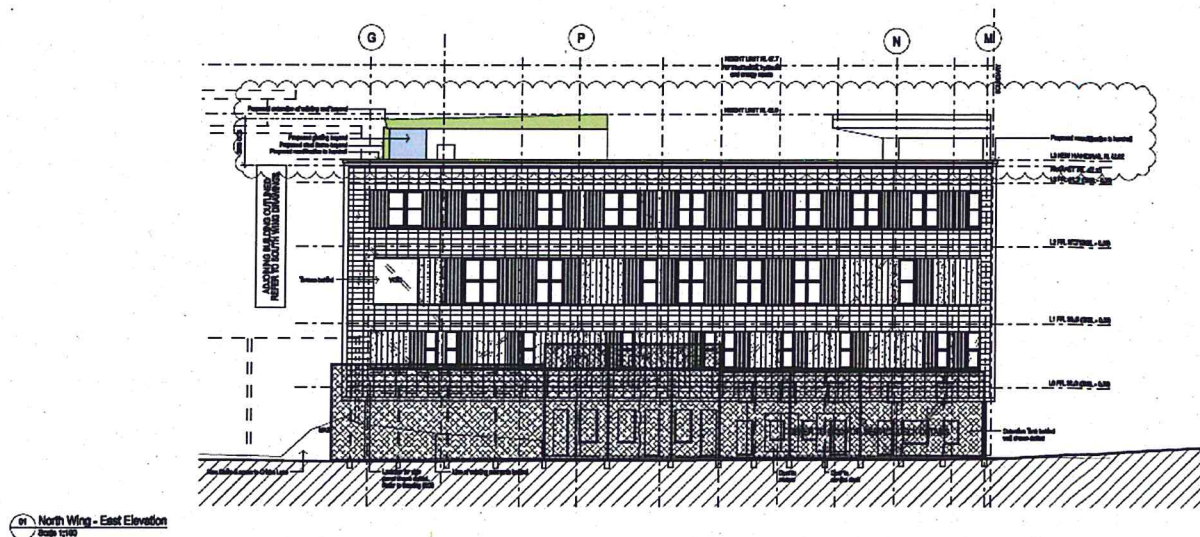


Figure 3: Eastern Elevation

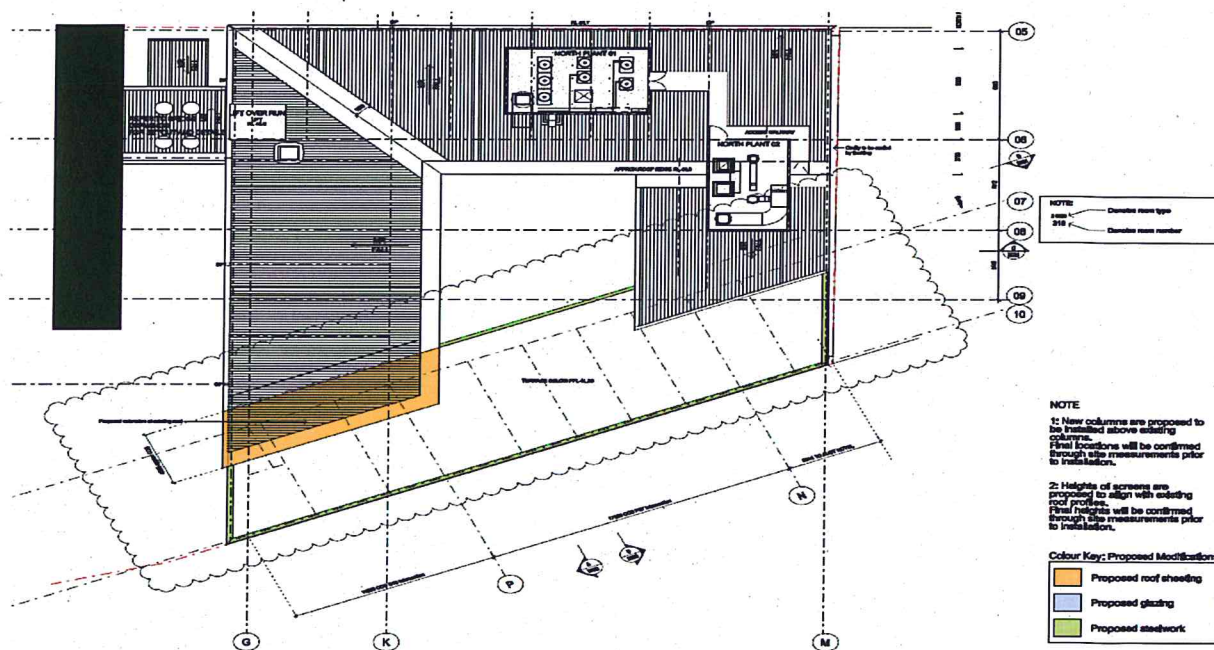


Figure 4: Northern Wing Roof Plan

4 STATUTORY CONTEXT

4.1 Modification of the Minister's Approval

Section 75W(2) of the EP&A Act provides that the proponent may request the Minister to modify the Minister's approval of a project. The Minister's approval of a modification is not required if the approval of the proposed project as modified would be consistent with the original approval. The department is of the view that the proposed changes are not consistent with the original approval and a modification of the Minister's approval is required. The application is considered under section 75W of the EP&A Act given that:

- the modified development will still be for a youth hostel and archaeological education centre
- the additional built form represents a 0.95 per cent increase in the total GFA of the youth hostel
- the proposed increase in the height of the balcony balustrade would result in a negligible increase in the height of the level 3 parapet wall adjacent to Gloucester Street
- the issues that arise from consideration of the modification request are generally consistent with the issues considered during the assessment of the original project application.

4.2 Sydney Cove Redevelopment Authority Scheme

The Sydney Cove Redevelopment Authority (SCRA) Scheme is the principal environmental 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-C, which was amended by the Minister for Planning and Infrastructure on 10 November 2011, applies to the subject site (see **Figure 5**). The Building Site Control Drawing permits residential, commercial and special uses on site. In addition, it permits development up to RL 45 on the level 3 terrace area, and up to a maximum RL of 42.52 for all balcony balustrades on level 3. The proposed modifications comply with the height controls applicable to the site. Given the above, the proposed modification is permissible, subject to approval.

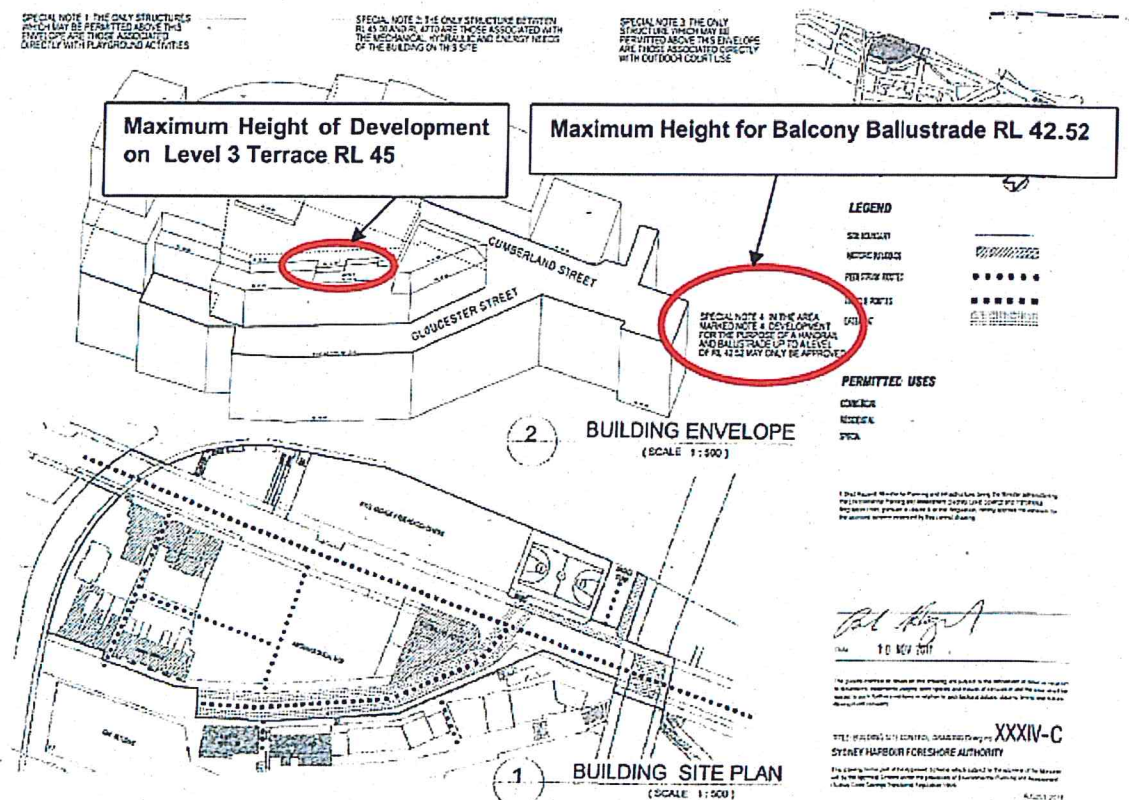


Figure 5: Building Site Control Drawing XXXIV-C

4.3 Environmental Assessment Requirements

In accordance with section 75W(3) of the EP&A Act, the Director-General did not consider that environmental assessment requirements with respect to the proposed modification were required.

5. CONSULTATION AND SUBMISSIONS

5.0 Exhibition

Under section 75X(2)(f) of the EP&A Act, the Director-General is required to make the modification request publicly available. The department:

- publically exhibited the application from 23 March 2011 until 21 April 2011 (30 days) on the department's website and at the department's Information Centre and the City of Sydney Council offices
- advertised the public exhibition in the Sydney Morning Herald and Daily Telegraph on 23 March 2011
- notified relevant landholders, tenants and State and local government authorities in writing.

The department received two submissions during the exhibition period, including one submission from the Heritage Branch, Office of Environment and Heritage, and one submission from the City of Sydney

Council. Neither submission raised an objection to the proposed section 75W modification nor the SCRA Scheme variation.

No submissions were received from the general public or special interest groups.

6. ASSESSMENT

The department considers the key issues for the proposed modification are those outlined below:

- visual impacts
- amenity impacts.

6.1 Visual Impacts

Public Domain

Clause 58B of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP) requires consideration of the impacts of a proposal on views and vistas between the Sydney Opera House and other public places. In this regard, applications must demonstrate that new development:

- will preserve the world heritage value of the Sydney Opera House
- avoids diminution of the visual prominence of the Sydney Opera House when viewed from other public places within that zone.

The department has reviewed the impact of the proposal on views and vistas to and from the Sydney Opera House, and has concluded that the subject site is slightly visible from the forecourt of the Sydney Opera House, however given the distance of the view, the pergola structure would not be discernable from this location. Furthermore, the pergola structure would not interrupt any existing views to the Opera House from the public domain surrounding the site. The department has reviewed the impact of the proposal when viewed from Gloucester Street and has concluded that:

- The pergola would be visible along the south-eastern side of Gloucester Street (see **Figure 6** and **7** below). In order to reduce the visual impact of the proposal, the application seeks to incorporate materials that are currently present on the southern and eastern elevations to ensure a seamless transition between the existing and proposed development. The department considers this to be an appropriate design response.
- The proposed balcony balustrade would be a dark recessive colour (grey) and as such would not be discernable from the public domain.

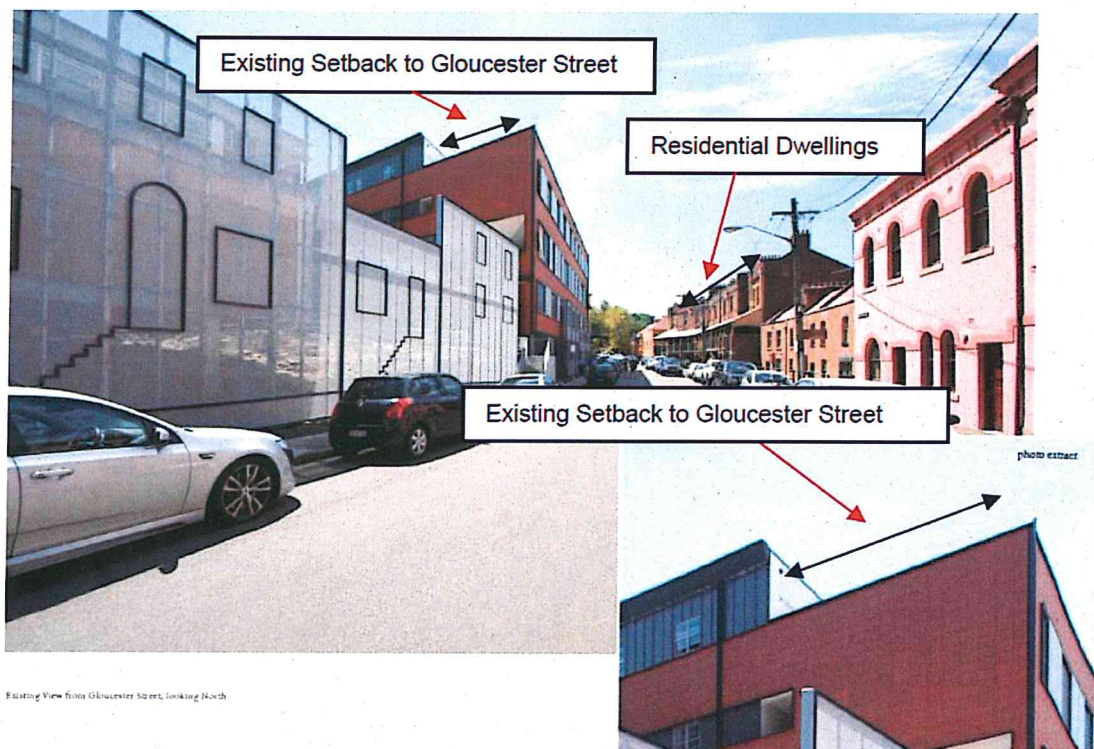


Figure 6: Existing view of subject site from the south-eastern side of Gloucester Street

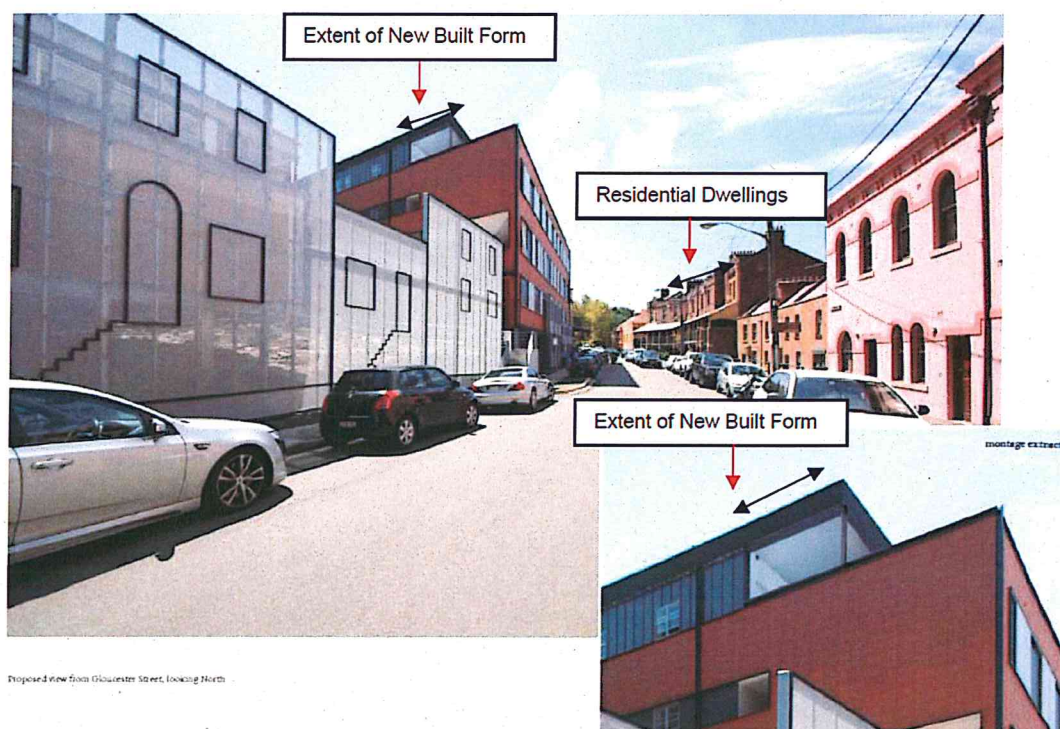


Figure 7: Proposed view of subject site when viewed from the south-eastern side of Gloucester Street

Private Property

- The pergola would not be visible from the residential dwellings to the north-west of the site along Gloucester Street and would not impede any views (see **Figure 7** above).
- The pergola would be visible from the commercial terraces to the south-east of the site at 85 Gloucester Street but would result in a negligible view loss given they are three-storeys below the height of the parapet of the pergola and there are no views to significant landscape or built features from the commercial properties.

6.2 Amenity

Privacy

The application would not increase the size or configuration of the level 3 terrace. Given the terrace area is already in use by patrons of the YHA, the department considers that the application would not cause any additional overlooking impacts.

Overshadowing

The application would result in negligible overshadowing between 12 midday and 3pm on June 21 on adjacent properties as the shadow will be contained within the boundary of the subject site and within the Gloucester Street road reserve.

Construction Impacts

The construction impacts of the pergola are considered to be minor and short-term given that it is a minor structure. The department considers that construction related impacts can be managed through the restriction of construction works which is currently limited to between 7.00 am and 5.30 pm Mondays to Fridays, and 7.30 am and 3.30 pm on Saturdays.

Operational Noise

The application does not seek to increase the floor area of the level 3 terrace and thus the amount of patrons currently using the terrace will remain unchanged. The department considers that Condition G3 of the Instrument of Approval, which prohibits the use of the level 3 terrace after 10 pm 7-days-per-week, is sufficient to maintain the amenity of the residential terraces on the north-western and south-eastern sides of Gloucester Street.

7. DELEGATION

The Minister has delegated his functions to the Director, Metropolitan and Regional Projects North of the department to determine section 75W applications where:

- the council has not made an objection, and
- there are less than 10 public submissions objecting to the proposal, and
- a political disclosure statement has not been made in relation to the application.

No public submissions were received and the council advised that it had no comments in relation to the proposal. There has also been no political disclosure statement made for this application or for any previous related applications,

Accordingly the application is able to be determined by the Director, Metropolitan and Regional Projects North under delegation.

8. CONCLUSION

The department has assessed the merits of the section 75 modification is satisfied that the impacts of the proposal are negligible. The department is also satisfied that the impacts of works and operations can be managed via existing conditions of approval.

All statutory requirements relating to the proposed modification have been met, and the department considers the application warrants support and should be approved, subject to conditions.

9. RECOMMENDATION

It is recommended that the Director, Metropolitan and Regional Projects North:

- a) **consider** the findings and recommendations of this report
- b) **determine** that the proposed modification falls within the scope of section 75W of the EP&A Act
- c) **approve** the modification under section 75W of the EP&A Act
- d) **sign** the attached Instrument of Modification (**Tag A**).



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22/11/11

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Team Leader
Metropolitan and Regional Projects North

APPENDIX A MP 06_0265 ENVIRONMENTAL ASSESSMENT

Provided on disk and on the department's website at:

<http://majorprojects.planning.nsw.gov.au>

APPENDIX B MODIFICATION 1 TO THE MINISTER'S APPROVAL

Provided on disk and on the department's website at:

<http://majorprojects.planning.nsw.gov.au>