

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development modification
Application number and project name	MP06_0265-Mod-4 Youth Hostel & Archaeological Centre-4
Applicant	YHA LTD
Consent Authority	Minister for Planning and Public Spaces

Decision

The Acting Director under delegation from the Minister for Planning and Public Spaces has, under Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (**the Act**) modified the consent subject to the recommended conditions.

A copy of the instrument of modification and conditions is available [here](#)

A copy of the Department of Planning and Environment's assessment report is available [here](#).

Date of decision

8th September 2023

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's assessment report;
- the prescribed matters under the Environmental Planning and Assessment Regulation 2021;
- the reasons given by the consent authority for the grant of the original consent;
- the objects of the Act;
- all information submitted with the modification application during the assessment and information considered in the Department's assessment report;
- the findings and recommendations in the Department's assessment report;
- the submissions made concerning the modification; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's assessment report were accepted and adopted as the reasons for making this decision. The Department's Assessment Report also identifies additional reasons for making the decision.

The decision maker was satisfied that the development to which the consent as modified relates is substantially the same development as the development authorised by the consent.

The key reasons for granting the modification are as follows:

- the modification is permissible with consent, and is consistent with NSW Government policies
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards. This includes the imposition of a trial period for the extended operating hours of the terraces, noise limit controls and acoustic monitoring after operations commence.
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent.
- weighing all relevant considerations, the modification is in the public interest.

Attachment 1 – Consideration of Community Views

The department exhibited the modification from 25 January 2023 to 7 February 2023 and received 10 submissions, including 7 objections, primarily from residents living within 1 kilometre from the project site.

The key issues raised by the community (including in submissions) and considered in the department's assessment report and by the decision maker include potential noise and amenity impacts. Other issues are addressed in detail in the Department's assessment report.

<i>Issue</i>	<i>Consideration</i>
<i>Noise (Council and community issue)</i> - amenity impacts - sleep disturbance impacts - Compliance with the City of Sydney's noise criteria	<i>Assessment</i> - The Applicant's noise assessment concluded noise emissions from music (i.e: the sound levels of external speakers) and the increased hours of operation for the terraces can comply with the City of Sydney's and NSW Liquor and Gaming's noise emissions criteria. - The Department has carefully considered the Applicant's supporting noise assessment, additional information and the concerns raised in public submissions and is satisfied the proposed changes will not result in adverse amenity or sleep disturbance impacts at surrounding receivers. - The modification now includes a capacity limit for the level 1 terrace, with a prohibition on any music being played on this terrace - The Department notes the development would be subject to a detailed operational management plan, which will include measures to control noise, including patron management, signage, and a complaint handling and management procedure. - The Department further notes that any speakers will face away from residences and be fitted with noise limiters. <i>Conditions</i> - Restrict hours of operations for the bars to be restricted to 10am to 12 midnight Monday to Saturday and 10am to 10pm on Sundays. - Require the Applicant to submit a detailed plan of management, prepared in consultation with Council and approved by the Secretary prior to the commencement of the extended hours of operation. - Impose strict noise limits on the consent that ensure compliance with City of Sydney's and NSW Liquor and Gaming's noise emissions criteria - Require the Applicant to undertake noise monitoring within the first three months of operation of the space to determine its compliance with the noise criteria under the development consent. - Allow the increased sound levels and increased hours of operation for the terraces on an initial 12-month trial period. - Require the Applicant operate the venue in accordance with the recommendations of the noise assessment and the detailed plan of management.
<i>Patron behaviour and Security (Council and community issue)</i> - increased foot traffic - disorderly conduct - Responsible service of alcohol - Managing operational impacts from the terraces	<i>Assessment</i> - The Applicant has provided a robust plan of management that has satisfied both Department and the City of Sydney that the venue can operate with minimal impacts to the surrounds. It is noted that the patron numbers and management of the terraces will be further improved with this consent which should reduce potential impacts. - Consideration was given to the responsible of alcohol. - The Department found that liquor impacts can be managed subject to conditions in the consent, including restrictions on the service alcohol to authorised areas, patron management, and an updated plan of management which includes measures around potential secondary supply, underage supply and RSA training for staff. It is further noted that the applicant must comply with sperate conditions that would address potential impacts from alcohol service, with any liquor licence they later acquire.

	<i>Conditions</i> - the inclusion of a detailed plan of management governing patron behaviour and liquor service prepared in consultation with Council for the endorsement of the Secretary prior to the commencement of the extended hours of operation. - conditioning CCTV and provision of security - conditions governing patron behaviour at entry and exit to prevent queuing, disorderly behaviour and spruiking music - conditions governing waste management including bottle disposal
<i>Heritage</i> impacts to the heritage listed residential dwellings on Cumberland Street	<i>Assessment</i> - The proposal does not include any physical works to the existing hostel, which is not heritage listed. - The proposal is not considered to have any heritage impacts on dwellings on Cumberland Street. <i>Conditions</i> <i>No additional conditions required.</i>