



NSW GOVERNMENT
Department of Planning

Y09/1197

**106 – 128 CUMBERLAND STREET, THE
ROCKS (YOUTH HOSTEL AND
ARCHAEOLOGICAL EDUCATION CENTRE)
Proposed by YHA NSW Ltd.**

Modification MP06_0265 MOD 1

Modification of Minister's Approval
Section 75W of the
Environmental Planning and Assessment Act 1979

April 2009



Photomontage – Western Elevation (Cumberland Street)

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1. Section 75W Modification Application

This is a report on an application seeking to modify the Project Approval for the construction of a 3-4 storey youth hostel containing 106 ensuite bedrooms, 354 beds and part ground floor retail space, a single storey Archaeological Education Centre, metal interpretive screens and associated infrastructure works at 106 – 128 Cumberland Street, The Rocks. The site is located on the corner of Cumberland and Gloucester Streets, within the City of Sydney Local Government Area.

1.1 Major Project Application

Project Application MP06_0265 was approved on 23 January 2008 and comprised the following:

- 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.
- 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.

A copy of the original consent is at **TAG B** and a copy of the original report is at **TAG C**.

1.2 Proposed Modification

On 6 April 2009, McNally Management Pty Ltd on behalf of YHA NSW Ltd (the Proponent) lodged an application to modify the Part 3A project approval pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (the EP&A Act).

The proponent proposes to increase rooftop plant heights by up to 1 metre on the north wing and 500mm on the south wing as well as the introduction of a lift overrun and a reworking of general plant configuration, including the deletion of redundant plant equipment. These modifications have arisen as a result of detailed services development which has necessitated changes to the placement and size of the rooftop services.

The approved heights of the north wing reached a maximum height of RL 46.7 and the south wing RL 46.6. The proposed new heights will reach RL 47.7 and 47.1 respectively, 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*.

The proponent proposed amendments require modifications to Condition A2 (the approved plans) of the current Conditions of Approval.

2. STATUTORY CONTEXT

2.1 MODIFICATION OF A MINISTER'S APPROVAL

The modification application has been lodged with the Director General pursuant to s75W of the EP&A Act. Section 75W provides for the modification of a Minister's approval including "revoking or varying a condition of the approval or imposing an additional condition of the approval".

2.2 ENVIRONMENTAL ASSESSMENT REQUIREMENTS (DGR'S)

It is considered unnecessary to notify the Proponent of environmental assessment requirements pursuant to s75W(3) of the EP&A Act with respect to the proposed modification, as sufficient information has been provided to the Department to consider the application and the issues presented remain consistent with the key assessment requirements addressed in the original DGR's.

2.3 CONSULTATION AND EXHIBITION

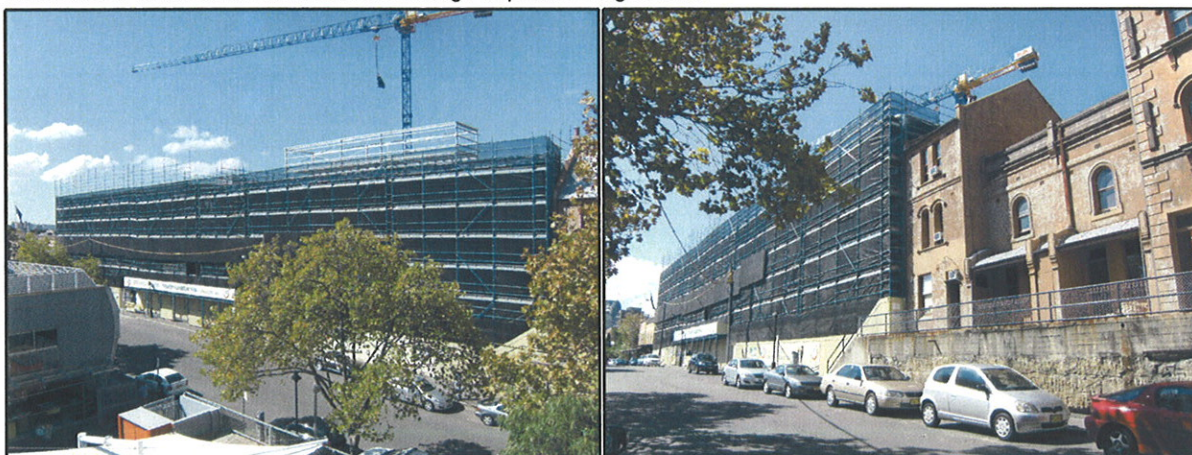
Under 75W of the EP&A Act, a request for a modification of an approval does not require public exhibition. However, under s75X(2) (f) of the EP&A Act, the Director General is to make publicly available requests for modifications of approvals given by the Minister. In accordance with clause 8G of the *Environmental Planning and Assessment Regulation 2000*, the request for the modification was placed on the Department's website.

The modification application was referred to the Dig Site Design Review Panel by the Proponent prior to submission of the application. The Design Review Panel has indicated that they raise no objections to the proposed modifications.

3. CONSIDERATION OF PROPOSED MODIFICATION

The proposed modified plant heights will still remain compliant with the building envelope maximum heights permitted by the SCRA Scheme. There are no significant external impacts arising from the increased height of the plant and the introduction of a lift overrun that detract from the architectural language and form of the building as originally approved. The siting of plant equipment and their setback to the street edge minimise their visibility from the surrounding public domain, allowing the street edge elevations of the building to still read as the dominate architectural feature. The changes proposed would not have any significant additional view impacts given the generally small height increases proposed and the consolidated and minimalist approach taken by the Proponent in the modified layout of plant equipment. The materials and finishes of rooftop plant structures remain consistent with those approved under the original Project. No additional amenity impacts in relation to noise can be expected with the modified plant configurations as setbacks to neighbouring properties are maintained as well as noise attenuation measures approved under the original Project.

Overall, the appearance of the development will be similar to that which has been approved. There will be no significant adverse external impacts associated with the increase in height of the modified structures, the introduction of the lift overrun and the change in plant configuration.



The Rocks Youth Hostel (under construction) - Western Elevation (Cumberland Street) 14 April 2009

4. RECOMMENDATION

It is recommended that the Director General, as delegate of the Minister for Planning:

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

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