

SECTION 75W REPORT

ACCOMPANYING AN APPLICATION FOR MODIFICATION OF MINISTER'S APPROVAL

For

**Youth Hostel and Archaeological Education Centre
The Big Dig Site
(Major Project No 06-0265)**



At

**Lot 20 in DP1169304
(formerly Part of Lot 2 in DP 777656)
Nos 110-128 Cumberland Street The Rocks NSW 2000**

Prepared for:
YHA Ltd

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LOT 20 DP 1169304 Nos 110-128 CUMBERLAND STREET THE ROCKS NSW 2000

Figure on front cover –

Photograph 1 Panoramic street view of development site from Cumberland Street

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1. INTRODUCTION

1.1. Introduction

This Section 75W Report has been prepared to accompany an application seeking the Minister for Planning's approval to change the terms of the Minister's determination of Major Project No 06-0265 for the Youth Hostel and Archaeological and Education Centre located at Nos 110-128 Cumberland Street, The Rocks, NSW 2000, and known as the Big Dig Site. The application seeks to vary a condition of approval relating to the use of the Level 3 roof top terrace.

This application is being lodged for the Minister's consideration pursuant to Section 75W of the *Environmental Planning & Assessment Act* (EPAA1979) Act by YHA Ltd with the consent of Sydney Harbour Foreshore Authority, who are the registered owners of the subject land.

1.2. Referenced Documents

The application for variation of the condition of approval relies on the plan/documents listed below, and on data and other relevant information provided and/or confirmed by Sydney Harbour YHA.

Table 1 Referenced documents

Plans/ Documents				
Title/ Name:	Drawing No/ Document Ref:	Rev No:	Date:	Prepared by:
Marked-up Floor Plan – Level 3 Roof Top Terrace	-	-	No date	YHA Ltd
Noise Emission Assessment	20150238.1/0320A/R1/TT	1	20.03.2015	Acoustic Logic Acoustic Consultant
Site Specific Plan of Management for the Level 3 Roof Top Terrace			14.05.2015	Sydney Harbour YHA

1.3. Purpose

The purpose of this Section 75W Report is to outline the proposed variation to the condition of approval, consider any environmental effects that may result from the variation being sought and address how these effects can be mitigated.

2. THE SITE

2.1. Site Description and Location

The subject land is legally described as Lot 20 in DP 1169304, Nos 110-128 Cumberland Street, The Rocks, NSW 2000, and is known as the Big Dig Site (refer to **Figures 1 & 2**).

The development site is irregular in shape and has frontages to Cumberland and Gloucester Streets. It immediately adjoins the Australian Hotel to the north, located on the corner of Cumberland and Gloucester Streets, and terraces to south. There are terraces located opposite the development site in Gloucester Street (refer to the aerial photograph in Section 2 of the submitted Noise Emission Assessment).

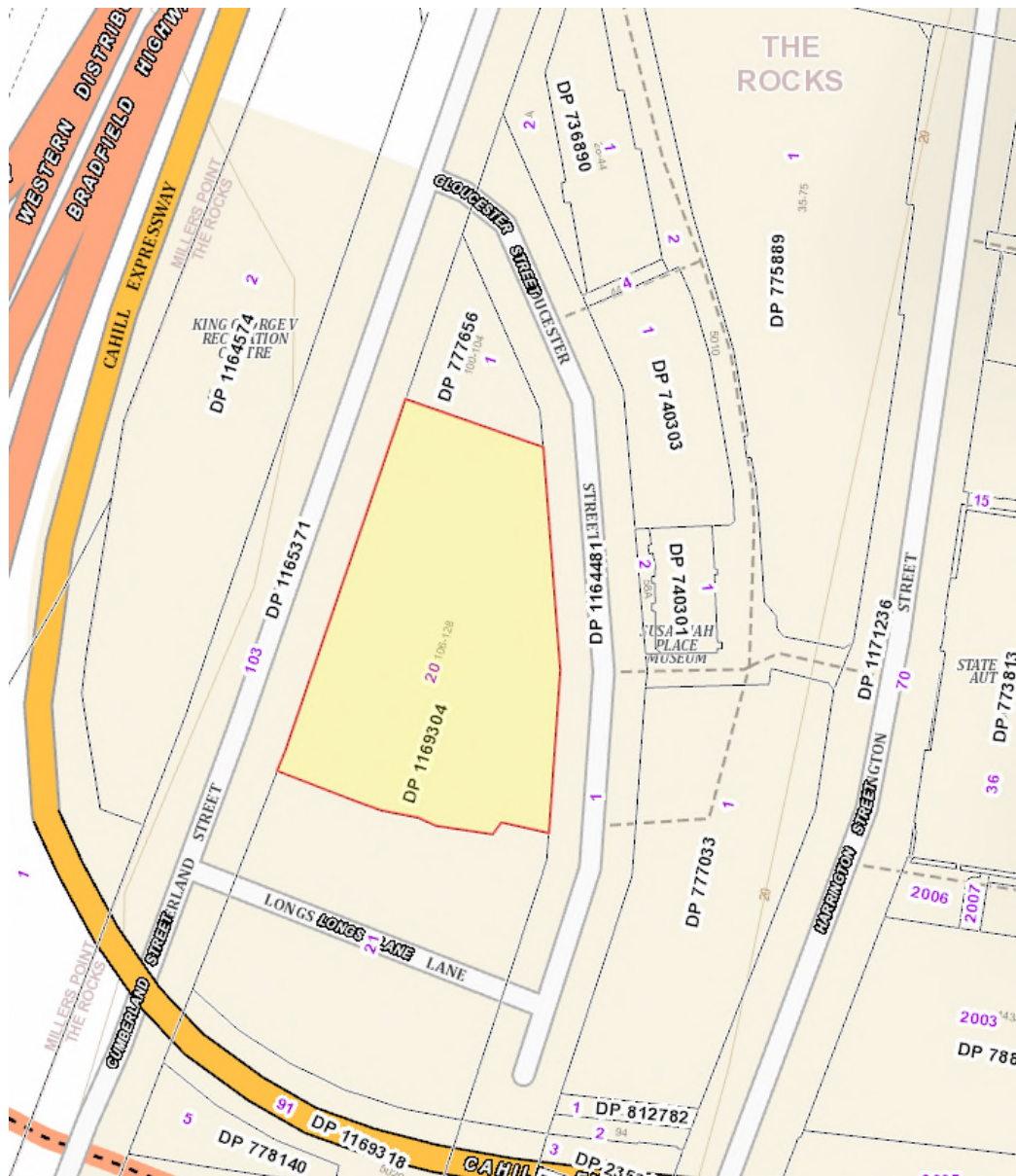


Figure 1 Development site location map (site shown shaded)

(Source: <http://www.google.com.au/maps/>)



Figure 2 Aerial photograph of development site (shown shaded)

(Source: <http://six.maps.nsw.gov.au/>)

2.2. Site Context

The development site contains the Sydney Harbour YHA and The Big Dig Archaeology Education Centre, which was officially opened on 7 April 2010. The proposed variation of the condition of approval relates to the Level 3 roof top terrace located in the northern wing of the Sydney Harbour YHA (refer to **Photographs 2 & 3**).



Photograph 2 View of Level 3 roof top terrace looking north
(Photograph taken by UniPLAN Australia 06.03.2015)



Photograph 3 View of Level 3 roof top terrace looking south
(Photograph taken by UniPLAN Australia 06.03.2015)

The Level 3 roof top terrace enjoys panoramic views of the Harbour Bridge, the Overseas Passenger Terminal, the Opera House and Circular Quay (refer to **Photograph 4**).



Photograph 4 Panoramic view of Sydney Harbour taken from Level 3 roof top terrace
(Photograph taken by UniPLAN Australia 06.03.2015)

3. THE PROPOSED VARIATION

Approval is being sought for the proposed variation of the conditions of approval in the Minister's determination of Major Project No 06-0265 for The Big Dig Site relating to the use of the Level 3 roof top terrace of the Sydney Harbour YHA as set out in the table below.

It is proposed to extend the hours of use of the Level 3 roof top terrace to allow it to be used from 5.00am to 11.00pm every day except for special events, which are covered by a separate condition of approval, for which a variation is not being sought. The extended hours will permit the use of the terrace for social interaction with other guests and as an outdoor break out area for passive recreation.

Table 2 Variation of conditions of approval

Condition of Approval	Variation Sought to Condition of Approval
A3 Development in Accordance with Documents	
(8) Assessment of Noise Impacts prepared by Acoustic Logic Consultancy dated June 2007;	(8) Assessment of Noise Impacts prepared by Acoustic Logic Consultancy dated June 2007, as amended by Noise Emission Assessment – YHA Level 3 Roof Top Terrace prepared by Acoustic Logic Consultancy dated March 2015;
(12) Operations and Management Plan prepared by YHA NSW Ltd, undated;	(12) Operations and Management Plan prepared by YHA NSW Ltd, undated, as amended by Site Specific Plan of Management for the Level 3 Roof Top Terrace dated May 2015;
G3 Level 1 and 3 Terrace areas	
(2) The Level 3 Terrace area is not to be used after 10.00PM, and only background music is permitted on this terrace level.	(2) The Level 3 Terrace area is not to be used after 11.00PM, and only background music is permitted on this terrace level.

3.1. Environmental Implications

3.1.1. Environmental Effects

No physical changes to the existing development will result as a consequence of the variation being sought to the hours of use of the Level 3 roof top terrace. Therefore assessment of the environmental effects from the proposal will be confined to consideration of the potential noise emissions associated with the extended hours of use.

Noise Emission Assessment

A Noise Emission Assessment of the proposal carried out by Acoustic Logic Consultancy has been submitted with the Section 75W application. The assessment considers potential noise impacts from noise sources as a result of the extended hours of use of the terrace, identifies

noise emission controls, and determines acoustic treatments/ management controls as necessary to ensure ongoing compliance with noise emission requirements.

Based on the analysis undertaken in the noise emission assessment, the report concludes that noise from the use of the terrace is capable of complying with noise emission requirements typically imposed by the Office of Liquor Gaming and Racing and the City of Sydney Council.

The assessment recommends the following management controls to be imposed to ensure ongoing compliance:

- Terrace not to be used before 5am or after 11pm.
- Patron numbers not to exceed 200, with management/security to keep control of patron numbers during any special event/party.
- Background music only is permitted on the terrace (not exceeding 65dB(A)_{L₁₀} if measured in the middle of the terrace and not exceeding 60dB(A)_{L₁₀} when measured at the eastern or southern edges of the terrace). In the event that management place a speaker on the terrace, this should be positioned away from the eastern or southern edges of the terrace.
- Hostel Management to prohibit noisy behaviour (shouting or similar), and ensure that any patron that engages in such an activity is immediately requested to leave the terrace. A sign should be placed on the terrace to this effect.

Management and Operation of the Level 3 Roof Top Terrace

The roof top terrace is used mostly by guests staying at the YHA for social interaction with other guests and as an outdoor break out area for passive recreation (alfresco dining, taking photographs, reading, and using electronic media, etc). Guests can consume food on the terrace and are free to consume moderate levels of BYO alcohol, such as a glass of wine or a beer. Special events, such as New Year's Eve, are also held on the terrace throughout the year.

A Site Specific Plan of Management for the Level 3 roof top terrace, endorsed by Sydney Harbour YHA has been submitted with the Section 75W application.

The plan of management sets out rules for the use, management and operation of the Level 3 roof top terrace to minimise environmental effects associated with potential noise emissions and anti-social behaviour. It also incorporates the recommendations of the Noise Emission Assessment report and covers the consumption of alcohol on the terrace.

3.1.2. Conclusion

In view of the above it is considered that the proposed variation will result in environmental impacts that can be mitigated to satisfy applicable regulatory controls and/or be within socially acceptable standards.

4. PLANNING FRAMEWORK

Part 3A of the EPAA1979 was repealed on 1 October 2011, however, it continues to apply to projects approved by the Minister for Planning before or after that date. Consequently projects approved under Part 3A can still be modified under Section 75W of the EPAA1979.

Key planning controls applying to the site are as follows:

- State Environmental Planning Policy (Major Development) 2005
Comment:
The proposal is for variation of conditions of approval under the transitional provisions of the EPAA1979 for projects approved under Part 3A, which has since been repealed. The existing development constituted development of a Part 3A project within the Sydney Harbour Foreshore Sites specified under the previously named State Environmental Planning Policy (Major Projects) 2005. There are no relevant provisions under the current policy that relates to the proposed variation.
- State Regional Environmental Plan (Sydney Harbour Catchment) 2005
Comment:
The proposed variation of the conditions of approval does not have any relevant consideration in terms of the planning principles set out in deemed environmental planning policy.
- Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005
Comment:
The subject development site is located within the Foreshores and Waterways Area, as shown on the map accompanying the development control plan. The plan sets out ecological and landscape assessment guidelines, and land-based design guidelines that will not be impacted by the proposed variation of the conditions of approval.
- Sydney Cove Redevelopment Authority Scheme
Comment:
The proposed variation of the conditions of approval will not impact on the permissibility of the current use or building site controls set out in the scheme.
- NSW Heritage Act 1977
Comment:
The proposed variation of the conditions of approval will not have any impact in terms of the heritage significance of The Big Dig Site or The Rocks Conservation Area.
- City of Sydney Visitor and Tourist Accommodation Development Control Plan 2006
Comment:
No physical changes to the built form are proposed in conjunction with the proposed variation to the conditions of approval and therefore there will be no impact in terms of the general provisions and health, amenity and safety standards set out in the development control plan. There are also no proposed changes to the operation and management of the existing youth hostel on the subject site, as approved under the previous Ministerial determination, other than in relation to the use of the Level 3 roof top terrace for which a Site Specific Plan of Management has been submitted with the Section 75W application for the Minister's consideration.

5. CONCLUSION

It is considered that any potential adverse environmental effects arising from the proposed variation of the conditions of approval to use of the Level 3 roof top terrace in the existing Sydney Harbour YHA development on the subject site can be satisfactorily mitigated taking into account noise, management and operational considerations associated with the proposed extended hours of use. It is therefore requested that the Section 75W application be approved as submitted.