

# Notice of Modification

## Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning under delegation dated 16 February 2015, I modify the Project Approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Anthony Witherdin  
**Acting Director**  
**Regional Assessments**

Sydney 29 July 2015

---

### SCHEDULE 1

<b>Project Approval:</b>	<b>MP 06_0265</b> granted by the Minister for Planning on 23 January 2008
<b>For the following:</b>	Construction of a youth hostel building 3-4 storeys in height with accommodation for 106 ensuite bedrooms and 354 beds with ground floor retail space, single storey Archaeological Education Centre, metal interpretive screens, and associated infrastructure works.
<b>Proponent:</b>	YHA Ltd
<b>Consent Authority:</b>	Minister for Planning
<b>The Land:</b>	110-128 Cumberland Street, The Rocks (Lot 2 DP 777656)
<b>Modification:</b>	<b>MP 06_0265 MOD 3:</b> modification to extend the hours of operation of the Level 3 rooftop terrace fronting Gloucester Street to allow it to be used from 5:00 am to 11:00 pm, seven days a week.

---

The above approval (MP06\_0265) is modified as follows:

### SCHEDULE 2

- (a) Schedule 2 Part A – Administrative Conditions. Condition A3 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the words/numbers as follows:

#### **A3 Development in Accordance with Documents**

The development will be undertaken in accordance with the following documents:

- (1) Environmental Assessment Report prepared by Design Collaborative Pty Limited on behalf of the YHA NSW LTD July 2007;

- (2) Architectural Plans prepared by Tzannes Associates dated 30 November 2007;
  - (3) Architectural Design Statement prepared by Tzannes Associates, undated;
  - (4) Heritage Assessment and Heritage Impact Statement prepared by Godden Mackay Logan dated June 2007;
  - (5) *Recommendations for Protection of Archaeological Remains During Construction, June 2007 and Proposed Conservation Works to the Archaeological remains during Development, July 2007* prepared by International Conservation Services;
  - (6) Tree Report prepared by Treescan Urban Forest Management, dated November 2007;
  - (7) Traffic & Parking Report prepared by Terraffic Pty Ltd dated June 2007;
  - (8) Assessment of Noise Impacts prepared by Acoustic Logic Consultancy dated June 2007 **and as amended by the Noise Emission Assessment – YHA, The Rocks Proposed Extension of Hours of Use of Level 3 Roof Top Terrace prepared by Acoustic Logic, dated 20 March 2015;**
  - (9) ESD Report prepared by Team Catalyst Pty Ltd dated July 2007;
  - (10) Report on Access and DD Issues prepared by WHP Architects dated June 2007;
  - (11) Waste Management Plan prepared by McNally Management dated June 2007;
  - (12) Operations and Management Plan prepared by YHA NSW Ltd, undated
  - (13) Fire Report prepared by Fire Engineering Design Pty Ltd dated June 2007;
  - (14) BCA Assessment Report prepared by Steve Watson & Partners dated August 2007;
  - (15) Construction Management Plan prepared by McNally Management dated June 2007;
  - (16) Structural Design Report prepared by Taylor Thomson Whitting dated June 2007;
  - (17) Building Services reverse Brief prepared by ITC Group Pty Ltd dated June 2007;
  - (18) Sydney Harbour YHA – External Finishes Board.
  - (19) Preferred Project Report prepared by Design Collaborative Pty Limited dated 30 November 2007 titled 'Response to Submissions' and 'Preferred Project Report'.
- (b) Schedule 2 Part G – Post Occupation and On Going Operational Conditions. Condition G3 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the words/numbers as follows:

**G1 Level 1 and 3 Terrace areas**

- (1) Music on the Level 1 Terrace area is to cease at 6.00PM and background music is to cease by 10.00PM. The Level 1 Terrace area is not to be used after 10.00PM.
- (2) The Level 3 Terrace area is not to be used **before 5:00AM and** after 10.00PM **11.00PM** and only background music is permitted on this terrace level.

**(3) The use of the Level 3 terrace is subject to the following requirements:**

- i. **The use of the terrace must comply with the Site Specific Plan of Management For The Level 3 Rooftop Terrace – Sydney Harbour YHA (The Big Dig Site) dated 16 July 2015.**
- ii. **Only background music is permitted (not exceeding 60dB(A)<sub>L10</sub> when measured at the eastern or southern edges of the terrace) and no live entertainment or amplified music without prior approval from SHFA.**

- iii. No more than 200 patrons are to be on the terrace between 7.00AM and 11.00PM.
  - iv. No more than 40 patrons are to be on the terrace between 5:00AM and 7:00AM.
  - v. Any activities between 5:00AM and 7:00AM are restricted to passive activities such as viewing the sunrise and photography.
  - vi. Noisy behaviour (shouting or similar) is prohibited on the terrace. A sign is to be installed on the terrace to this effect and management protocols in place to remove noisy patrons.
  - vii. At 10.45PM staff must turn off the background music and request patrons to take any bottles and glasses with them so that the terrace is vacant by 11.00PM, including staff.
  - viii. No cleaning is to be undertaken after 11:00pm or before 7:00AM the following day.
- (3) **(4)** A maximum of 6 special events per calendar year, including Christmas and New Year, are permitted at which time access to and use of both terrace areas may be extended until 1.00PM. Any additional events to this are to be subject to a separate approval by SHFA.

**End of Modification**