

20 May 2026

At 5.00 pm

Local Planning Panel



Agenda

- 1. Disclosures of Interest**
- 2. Confirmation of Minutes**
- 3. Development Application: 50-58 Sir John Young Crescent, Woolloomooloo - D/2026/38**
- 4. Development Application: 51 Buckingham Street, Surry Hills - D/2026/64**
- 5. Development Application: 86-90 Bay Street, Ultimo - D/2026/136**
- 6. Report to the Local Planning Panel - Status of Applications**



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1. Register to speak by calling Secretariat on 9265 9702 or emailing secretariat@cityofsydney.nsw.gov.au before 10.00am on the day of the meeting.
2. Check the recommendation in the LPP report before speaking, as it may address your concerns so that you just need to indicate your support for the recommendation.
3. Note that there is a three minute time limit for each speaker and prepare your presentation to cover your major points within that time.
4. Avoid repeating what previous speakers have said and focus on issues and information that the LPP may not already know.
5. If there is a large number of people interested in the same item as you, try to nominate three representatives to speak on your behalf and to indicate how many people they are representing.

At the start of each LPP meeting, the Chair may re-order agenda items so that those items with speakers can be dealt with first.

LPP reports are on line at www.cityofsydney.nsw.gov.au

Item 1.

Disclosures of Interest

In accordance with section 4.9 of the Code of Conduct for Local Planning Panel Members, all Panel members are required to sign a declaration of interest in relation to each matter on the agenda.

Pursuant to the provisions of Clause 15 of Schedule 4B of the Environmental Planning and Assessment Act 1979, members of the Local Planning Panel are required to disclose pecuniary interests in any matter on the agenda for this meeting of the Local Planning Panel.

Panel members are also required to disclose any non-pecuniary interests in any matter on the agenda for this meeting of the Local Planning Panel.

In both cases, the nature of the interest must be disclosed.

Item 2.

Confirmation of Minutes

Minutes of the following meeting of the Local Planning Panel, which have been endorsed by the Panel Members and Chair of that meeting, are submitted for noting:

Meeting of 6 May 2026

Item 3.

Development Application: 50-58 Sir John Young Crescent, Woolloomooloo - D/2026/38

File Number: D/2026/38

Summary

Date of Submission: 30 January 2026

Applicant: Hamptons Property Services Pty Ltd

Architect/Designer: Sissons

Developer: Pacific House Hostel

Owner: Pitch Properties Pty Ltd

Planning Consultant: Hamptons Property Services Pty Ltd

Heritage Consultant: Touring The Past Pty Ltd

Cost of Works: \$624,415.00

Zoning: MU1- Mixed Use

Proposal Summary: Development consent is sought for alterations to, and the use of, the existing rooftop as an outdoor communal space for the existing backpackers' accommodation known as the Pacific House Hostel.

The proposed maximum patron capacity on the rooftop is 62 people, comprising 50 patrons within the general area and an additional 12 people on the yoga/exercise lawn.

The proposed operating hours are 7:00am to 8:00pm, Monday to Sunday, with an extended one-year trial period allowing operation until 9:00pm.

The application is referred to the Local Planning Panel for determination as the proposal involves contentious development, due to the receipt of more than 25 unique submissions made in objection to the proposal.

The application was notified for 14 days between 2 February 2026 and 17 February 2026 in accordance with

the City of Sydney Community Participation Plan. A total of 99 properties were notified, and 44 submissions in opposition to the proposal were received. Issues raised in the submissions include:

- significant noise impacts
- poor management practices and lack of mitigation measures (historical and ongoing)
- increased risk of anti-social behaviour (including drinking, smoking and risks associated with falling objects)
- safety and security concerns
- over-intensification of communal area
- heritage impact
- privacy and overlooking/view concerns
- potential light pollution

Summary Recommendation: This proposal is recommended for refusal.

Development Controls:

- (i) Environmental Planning and Assessment Act 1979 (EPA Act)
- (ii) Environmental Planning and Assessment Regulation 2021 (EPA Regs)
- (iii) State Environmental Planning Policy (Biodiversity and Conservation) 2021
- (iv) Sydney Local Environmental Plan 2012
- (v) Sydney Development Control Plan 2012

Attachments:

- A. Selected Drawings
- B. Plan of Management
- C. Acoustic Report and Responses
- D. Submissions

Recommendation

It is resolved that consent be refused for Development Application Number D/2026/38.

Reasons for Recommendation

The application is recommended for refusal for the following reasons:

- (A) The applicant has not demonstrated by clause 4.6(3) of the Sydney LEP 2012, that compliance with the height development standard is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify the contravening of clause 4.3 of the Sydney LEP 2012.
- (B) The proposal fails to conserve the heritage significance of the heritage item, including its associated fabric. The proposed acoustic wall and rooftop structures adversely impact significant heritage fabric and visually compromise the historic parapet of the building, contrary to Clause 5.10 of the Sydney LEP 2012 and Section 3.9.5 'Heritage Items' of the Sydney DCP 2012.
- (C) The submitted acoustic report is deficient, the proposed development is likely to result in unreasonable noise and amenity impacts which fails to satisfy Section 4.15(1)(b) of the EPA Act 1979 and Section 4.2.3.11 'Acoustic Privacy' of the Sydney DCP 2012.
- (D) The proposed outdoor communal area is excessive and significantly exceeds the maximum permissible outdoor area by approximately 113%, contrary to Section 4.4.8.4 'Additional provisions for backpacker accommodation' (4)(a) of the Sydney DCP 2012.
- (E) The proposal seeks to intensify the use of the rooftop but fails to provide equitable access to this area, contrary to Section 3.12 'Accessible Design' of the Sydney DCP 2012.
- (F) The submitted Plan of Management does not provide sufficient or enforceable operational controls to adequately mitigate the potential amenity and safety impacts associated with the proposed rooftop use.
- (G) The proposed development fails to exhibit 'design excellence' pursuant to clause 6.21C of the Sydney LEP 2012.
- (H) The development is not in the public interest.

Background

The Reason the Application is Reported to the Local Planning Panel

1. The application is reported to the Local Planning Panel for determination as it is identified in Schedule 3 of the Local Planning Panels Direction of 6 March 2024 as contentious development because it received more than 25 unique submissions by way of objection.

The Site and Surrounding Development

2. The site has a legal description of Lot 1 DP882499, and is known as 50-58 Sir John Young Crescent, Woolloomooloo. It is irregular in shape with an area of approximately 576.7sqm. It has a primary street frontage to Sir John Young Crescent and a secondary street frontage to Crown Street.
3. The site contains a 4-storey backpacker accommodation building known as Pacific House Hostel, with a capacity of 224 persons. The main access to the building is from Sir John Young Crescent. A food and drink premises, known as Il Pacifico, occupies the ground floor at the corner of Sir John Young Crescent and Crown Street.
4. The surrounding area is characterised by a mixture of land uses, predominantly residential. The surrounding developments include:
 - South: 68 Sir John Young Crescent, known as the “Luxe Apartments”, is located immediately south of the site. It comprises a 7-storey residential flat building with approximately 76 units and ground-floor retail premises.
 - North: 22–40 Sir John Young Crescent, known as the “Domain Apartments”, comprise a multi-storey residential flat building located north of the site, across Crown Street.
 - East: Residential terrace houses at 2–34 Crown Street, listed as a local heritage item (I2138) “Bossley Terrace” (including interiors and front fencing), are located to the east of the site, across Crown Street.
 - West: The Domain, and Domain car park, is located to the west of the site, across Sir John Young Crescent. The Domain is listed as a state heritage item (I1653).
5. The site is a local heritage item (I2196) - Former Sydney Eye Hospital. It is located within the Woolloomooloo heritage conservation area (C71). The site is identified as a contributing building.
6. A site visit was carried out on 19 February 2026. Photos of the site and surrounds are provided below:



Figure 1: Aerial view of site and surrounds



Figure 2: Aerial view of site and surrounds (Source: Google Earth)



Figure 3: Site viewed from the Domain looking south-east



Figure 4: Site viewed from the Domain looking north-east



Figure 5: Site viewed from Sir John Young Crescent



Figure 6: Site viewed from Crown Street



Figure 7: Existing roof top looking south-west



Figure 8: Existing roof top looking south-east



Figure 9: Existing rooftop looking north



Figure 10: Existing rooftop looking south - west



Figure 11: Existing rooftop looking north



Figure 12: Existing stair access to the rooftop

History Relevant to the Development Application

Development Applications

7. The following applications are relevant to the current proposal:

- **D/1997/00487** – Development consent was granted by Central Sydney Planning Committee on 26 February 1998 for conservation of the heritage building in the northern portion of the site for use as a hostel/hotel, demolition of the 3-storey building in the southern portion of the site, and the construction of a 7-storey building containing 96 serviced apartments, ground floor café and retail, a gym and one basement level containing 40 car parking spaces. A number of further modifications were made to modify the consent.
- **D/2009/1353** – Development consent was granted on 6 November 2009 for internal works to the reception area and ground floor of an existing hostel/hotel. A number of further modifications were made to amend the consent.
- **D/2009/899** – Development consent was granted on 16 December 2009 for the fit-out and use of ground floor within the Harbour City Hotel as a licensed bistro with footway seating and new signage. A number of further modifications were made to amend the consent.
- **D/2010/1193** – Shortly after lodgement, a development application application for rooftop addition to existing hotel for use as a bistro was rejected on 11 August 2010.
- **D/2025/268** - A development application was withdrawn on 26 May 2025 for alterations to use the rooftop area as a communal recreation space for guests of the existing backpackers' accommodation.

Prior to the withdrawal, the applicant was advised that the application was not supported due to multiple design deficiencies and insufficient documentation, including an inadequate acoustic report, the absence of a required BCA report, an unsuitable and excessive rooftop layout, an inadequate Plan of Management, as well as heritage and landscaping issues.

Compliance Action

8. The site has previously been subject to compliance actions that are now closed. The following matters are relevant to the current application:

- (a) **CDM3223777** - A complaint was received on 28 April 2024 regarding loud music at the premises until 12:30am. The complainant contacted both the owner and NSW Police. Council officers investigated and determined the incident was a one-off event.

- (b) CSM3324866 - A compliant was received on 24 April 2025 regarding late night noise at the Pacific House Hostel. Council officers attended on 3 May 2025 at approximately 11:15pm and observed noise emanating from inside the premises due to a large group in the dining area and karaoke in the lounge. No guests were observed outside the premises. Council later suggested that closing the windows would immediately reduce the noise impact.

The general manager of the Pacific House Hostel responded to the email and explained that the noise was due to a one-off cooking event hosted by an influencer. The hostel has agreed to close the TV room and dining room windows daily from 3pm, look into installing window locks, and add this to staff checklists.

- (c) CSM3457733 - A complaint was received on 17 February 2026 from residents of Luxe Apartments alleging Pacific Hostel guests were gathering on private property to smoke, drink, and socialise at all hours, causing noise and additional cleaning costs. Attempts to resolve the issue with hostel management were unsuccessful.

Council's compliance team conducted a site inspection on 7 March 2026 and observed no antisocial behaviour. On one occasion, people were seen sitting outside the ground entry of the Luxe Apartments, but no excessive or amplified noise was detected. The matter was subsequently closed.

Proposed Development

9. The application seeks consent for alterations to, and use of, the existing roof top as an outdoor communal space for the existing backpackers' accommodation. Details of the proposal are as follows:

Physical works

- a new relaxation lawn located at the northern end and a yoga/exercise lawn in the south-eastern corner
- outdoor furniture and shading comprising fixed umbrellas, tables, and sun lounges installed on the proposed decking, positioned at least 1 metre clear of the parapet edge
- a communal kitchen with parapet above and a new bathroom
- new elevated flooring system positioned 150 mm above the existing roof surface
- new acoustic wall along the southern side of the useable area, extending to 2.1m in height, returning at a 45-degree angle facing north, and constructed of glass for an additional 1m
- new fire stair extended to rooftop level adjacent to the southern boundary, with a new enclosure constructed over the stair
- the rooftop area has a total floor area of 438 sqm, comprising 313 sqm of useable space and 125 sqm of restricted-access area

Operational details

- patron capacity: total of 62 persons (50 persons + 12 persons for exercise space)
- proposed operating hours: 7.00am – 8.00pm Mondays to Sundays, with one-year trial period sought for extended hours until 9.00pm
- no amplified music or speech is permitted
- a staff member is to attend the outdoor area once per hour, during operating hours, to monitor the behaviour of guests

10. Plans and elevations of the proposed development are provided below.

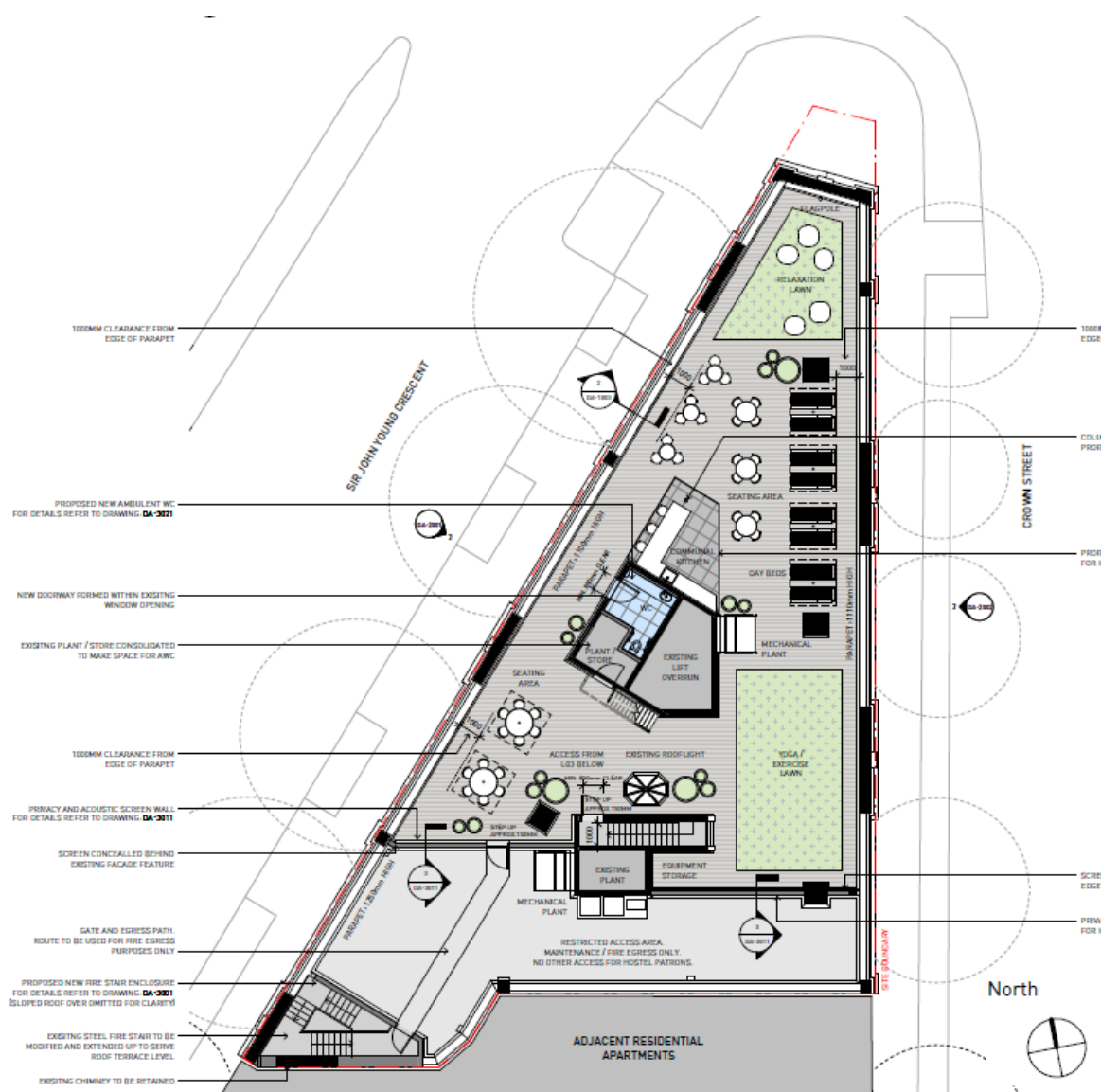


Figure 13: Proposed plan - roof terrace

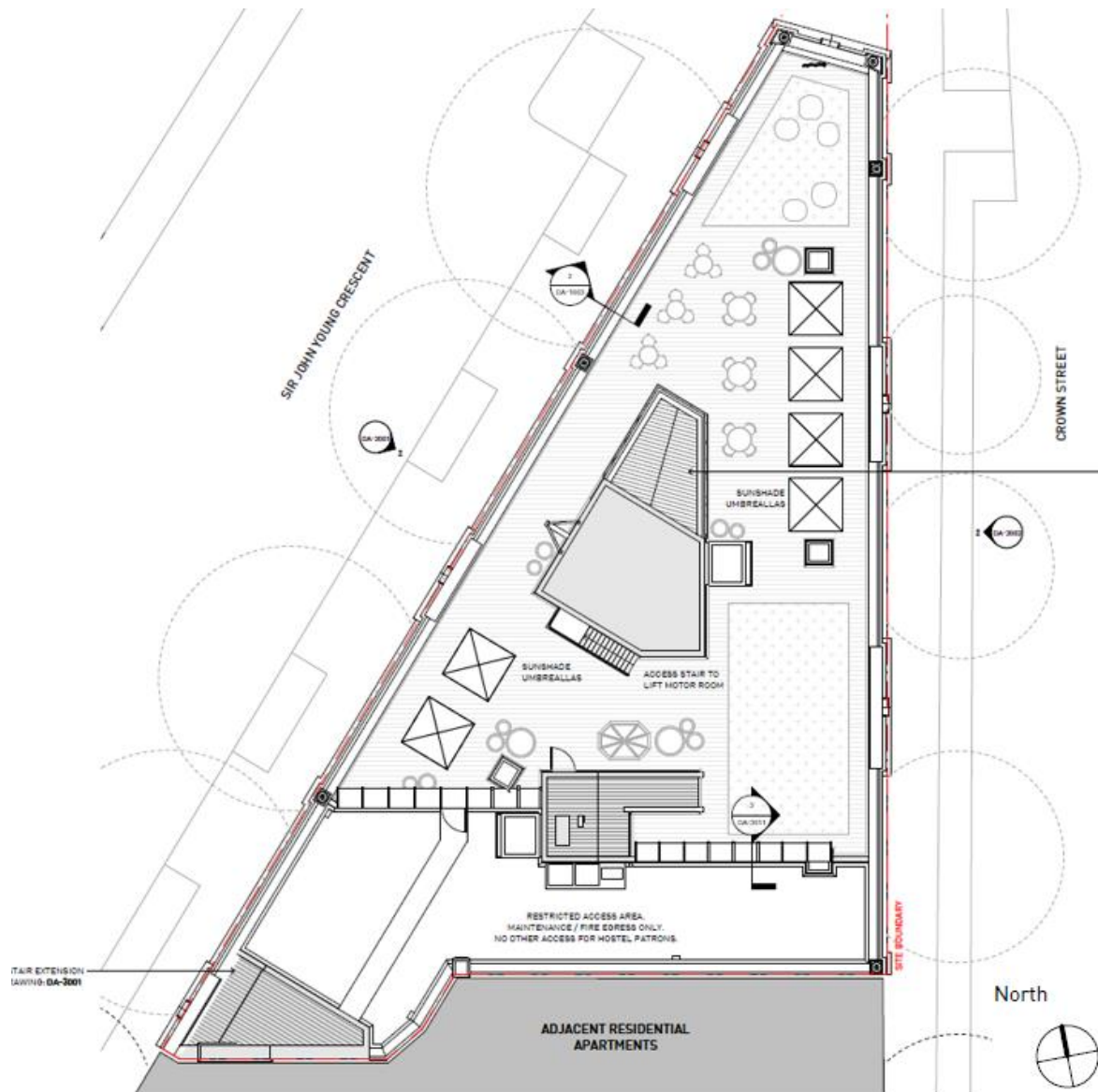


Figure 14: Proposed plan - roof

EXISTING vs PROPOSED KEY:

EXISTING BUILDING

PROPOSED NEW WORKS

**Figure 15:** Proposed west elevation - Sir John Young Crescent

EXISTING vs PROPOSED KEY:

EXISTING BUILDING

PROPOSED NEW WORKS

**Figure 16:** Proposed east elevation - Crown Street

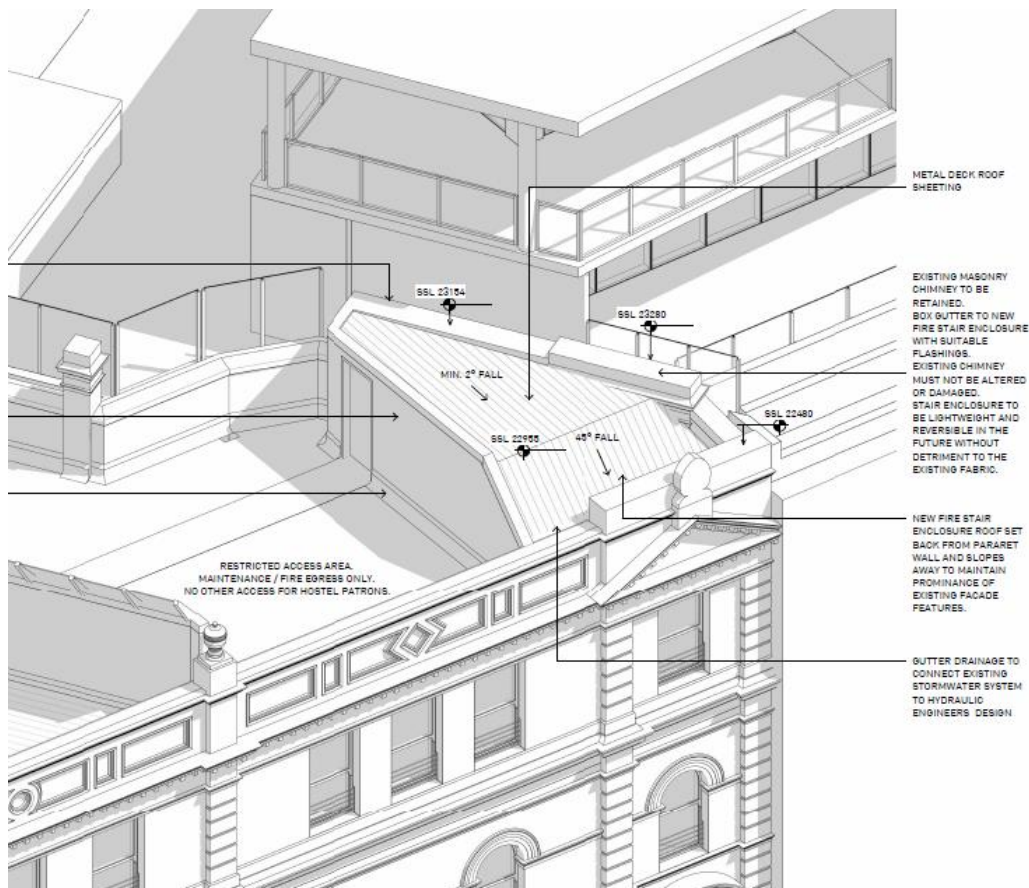


Figure 17: Proposed 3D view - fire stair enclosure

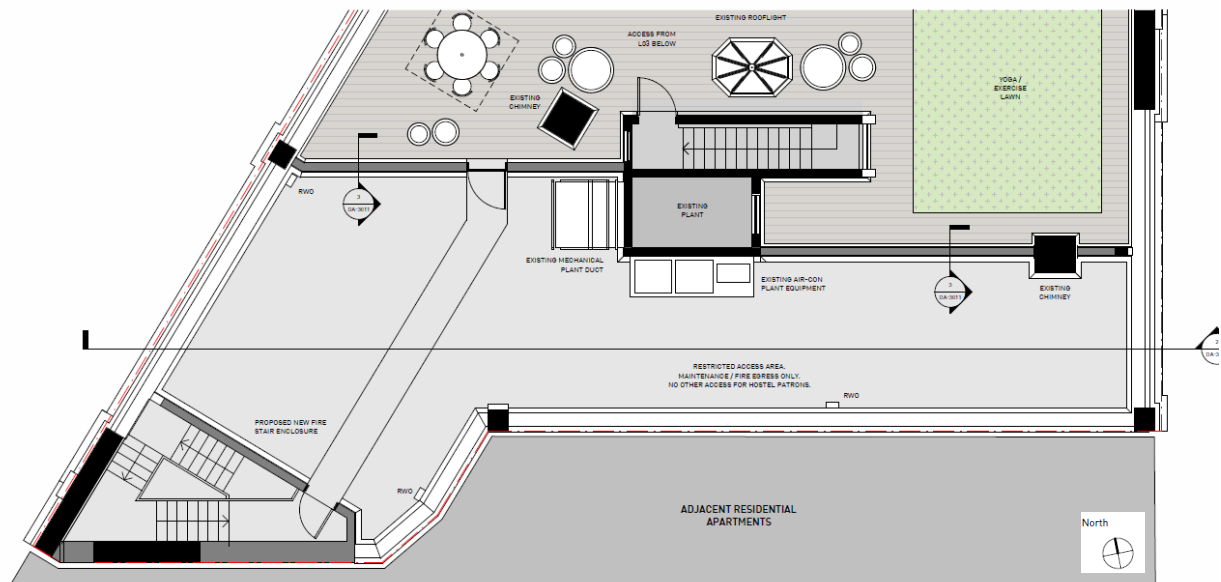


Figure 18: Proposed plan - acoustic screen wall

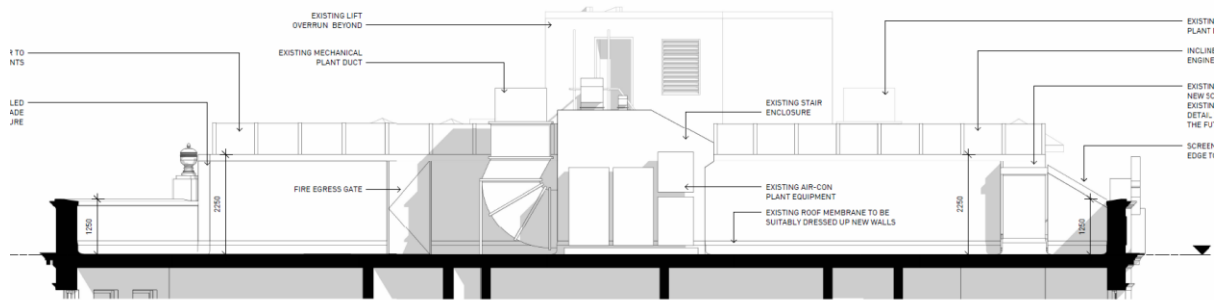


Figure 19: Proposed south elevation - acoustic screen wall

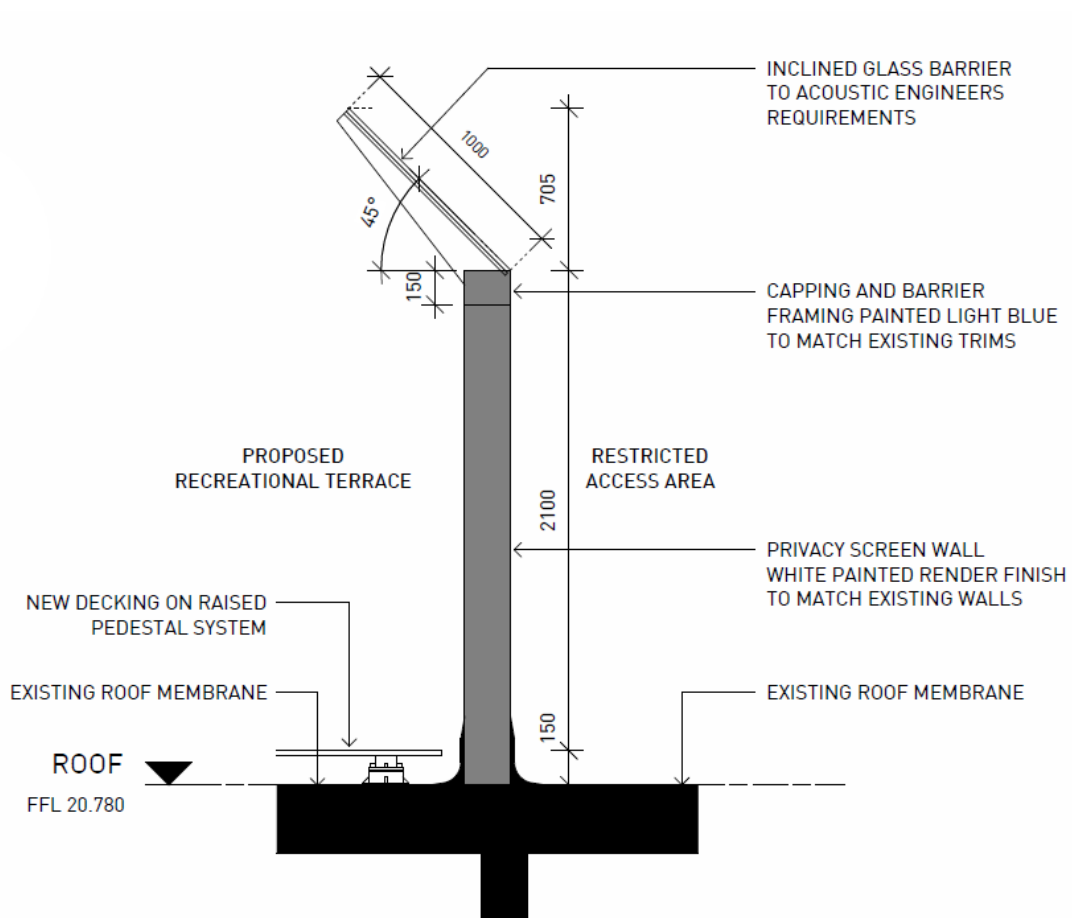


Figure 20: Details of the acoustic screen wall



Figure 21: Proposed 3D view

Assessment

11. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

State Environmental Planning Policies

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6 Water Catchments

12. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SEPP. The SEPP requires the Sydney Harbour Catchment Planning Principles to be considered in the carrying out of development within the catchment.
13. The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SEPP are not applicable to the proposed development.

Local Environmental Plans

Sydney Local Environmental Plan 2012

14. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located within the MU1 Mixed Use zone. The proposed development comprises alterations to an existing backpacker accommodation, which is a form of 'tourist and visitor accommodation' and is permissible with consent in the zone.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	No	A maximum building height of 18m is permitted. A height of 18.8m is proposed. The proposed development does not comply with the maximum height of buildings development standard. No request to vary the height of buildings development standard in accordance with Clause 4.6 has been submitted. See further details in the 'Discussion' section below.
4.4 Floor space ratio	Yes	A maximum floor space ratio (FSR) of 3.5:1 is permitted. The proposed development results in an increase in floor space associated with the proposed toilets, with a total additional area of 6 sqm. This results in an overall FSR of 2.78:1, which complies with the applicable control.
4.6 Exceptions to development standards	No	The proposed development does not comply with the development standard prescribed under Clause 4.3. No request to vary the height of buildings development standard in accordance with Clause 4.6 has been submitted.

Provision	Compliance	Comment
		See further details in the 'Discussion' section below.

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	No	The site is a local heritage item (I2196) - Former Sydney Eye Hospital and is located within the Woolloomooloo heritage conservation area (C71). Several other heritage items are also situated in close proximity to the subject site. The proposed development will detrimental impact on the heritage significance of the heritage item. See further details in the 'Discussion' section below.

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 4 Design excellence		
6.21C Design excellence	No	The proposed development does not demonstrate design excellence. See further details in the 'Discussion' section below.

Development Control Plans

Sydney Development Control Plan 2012

15. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

Section 2 – Locality Statements

16. The site is located within the Cathedral Street locality (Section 2.4.2). The proposed development is not consistent with the unique character or the established design principles of the Cathedral Street locality. In particular, principles (b) and (m) require development to respond to and complement heritage items and contributory buildings within heritage conservation areas, including their associated streetscapes and laneways.

17. The proposed fixed rooftop umbrellas and the poorly resolved acoustic wall would be visible from Sir John Young Crescent and The Domain. Due to their height, scale, and prominent siting, these elements fail to complement the heritage item and would detract from the building's historic character and visual presentation. Accordingly, the proposal does not satisfy the relevant locality principles, as it fails to appropriately respond to and complement the subject site, which is a heritage item.

Section 3 – General Provisions

Provision	Compliance	Comment
3.9 Heritage	No	The site is a local heritage item (I2196) - Former Sydney Eye Hospital and is located within the Woolloomooloo heritage conservation area (C71). Several other heritage items are also situated in close proximity to the subject site. The proposal is not supported due to the conjunction between the proposed acoustic wall to the decorative urn along the western parapet and the fixed umbrellas. See further details in the 'Discussion' section below.
3.12 Accessible Design	No	No accessible design has been provided for the proposed rooftop outdoor communal space. See further details in the 'Discussion' section below.
3.13 Social and Environmental Responsibilities	No	The proposed does not provide adequate passive surveillance. See further details in the 'Discussion' section below.
3.14 Waste	Yes	If the proposal was supported, a condition would be recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.

Section 4 – Development Types

4.2 Residential Flat, Commercial and Mixed Use Developments

Provision	Compliance	Comment
4.2.3 Amenity		
4.2.3.1 Solar Access	Yes	The proposal does not generate any unacceptable overshadowing onto the neighbouring developments.
4.2.3.5 Landscaping	No	The proposed use of synthetic turf and composite timber decking is not supported. The use of hardwood timber and other low heat-retaining materials should be considered if the application was to be supported.
4.2.3.11 Acoustic privacy	No	The proposal was reviewed by Council's Environmental Health Team who does not support the proposal. See further details in the 'Discussion' section below.

4.4 Other Development Types and Uses

4.4.8 Visitor accommodation

Provision	Compliance	Comment
4.4.8.1 General	Yes	The application is accompanied by a Plan of Management and Noise Report.
4.4.8.4 Additional provisions for backpacker accommodation	No	The proposed outdoor space exceeds the maximum 20% of the total communal recreational area and has potential noise impact to surrounding property. See further details in the 'Discussion' section below.

Section 6 – Specific Sites

Provision	Compliance	Comment
6.1.6 50-58 & 60-72 Sir John Young Crescent, Former Sydney Eye Hospital, Woolloomooloo	Yes	The proposal generally complies with the relevant controls in this section.

Discussion

Clause 4.6 Request to Vary a Development Standard

18. The site is subject to a maximum building height control of 18 metres under the Sydney LEP 2012.
19. Prior to the acceptance of lodgement of the application, a request for additional information was issued to the applicant seeking confirmation as to whether the proposal exceeded the LEP height limit and advising that a Clause 4.6 variation would be required should any height exceedance be proposed. On 23 January 2026, the applicant submitted further information stating that the proposal does not exceed the 18-metre height limit.
20. However, as demonstrated in Figure 22 below, both the proposed fixed umbrellas and the proposed canopy above the kitchen area exceed the 18-metre height limit under the Sydney LEP 2012. These structures are not excluded from the LEP definition of 'building height' and therefore must be included in the height calculation. The fixed umbrellas reach a maximum height of 18.8 metres (a 4.4% exceedance), while the canopy reaches 18.5 metres (a 2.7% exceedance).

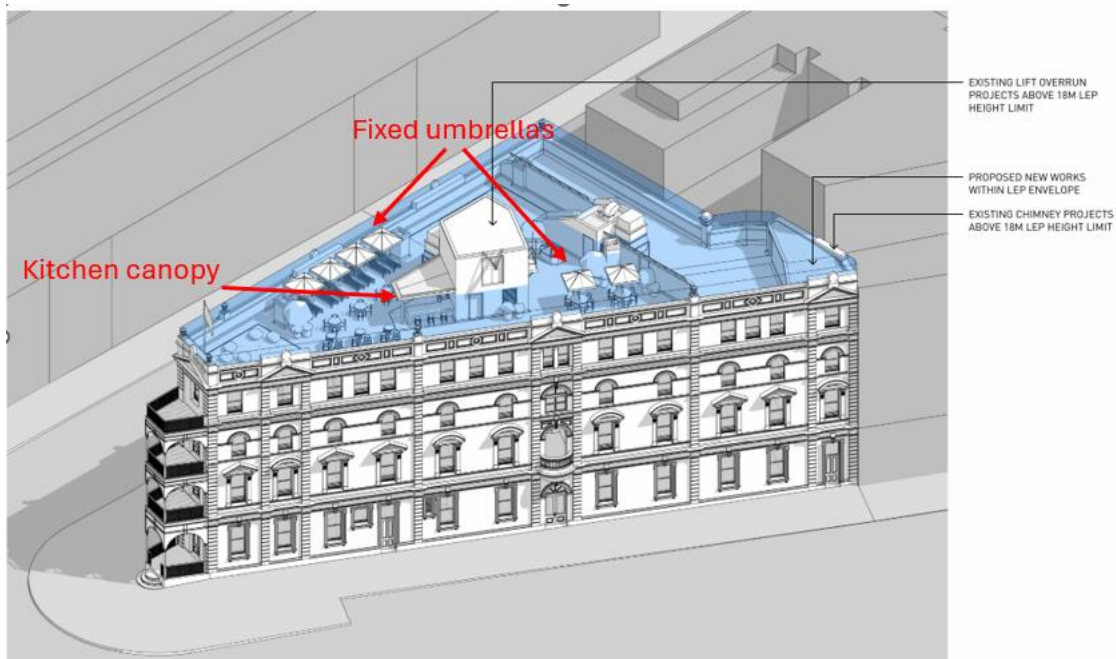


Figure 22: Proposed with 18m height LEP envelope

21. Clause 4.6(3) of the Sydney LEP 2012 provides that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the applicant has demonstrated the following:
 - a. compliance with the development standard is unreasonable or unnecessary in the circumstances, and
 - b. there are sufficient environmental planning grounds to justify the contravention of the development standard.
22. It is noted that the site is also subject to a site-specific provision—Section 6.1.6 '50–58 and 60–72 Sir John Young Crescent, Former Sydney Eye Hospital' under the Sydney DCP 2012, which permits a maximum height of 22 metres for this site.
23. However, notwithstanding the site-specific DCP control, the applicant is still required to demonstrate that strict compliance with the height development standard under the Sydney LEP 2012 is unreasonable or unnecessary in the circumstances, and that there are sufficient environmental planning grounds to justify the variation. This justification has not been provided as part of the current application.
24. Accordingly, the proposed non-compliance with the height development standard cannot be supported, as the applicant has not provided information to adequately address the matters required to be addressed by Clause 4.6(3) of the Sydney Local Environmental Plan 2012.

Heritage and Urban Design

25. The site is listed as a local heritage item (I2196), known as the former Sydney Eye Hospital, and is identified as a contributory item within the Woolloomooloo Heritage Conservation Area (C71). Several other heritage items are located in close proximity to the subject site, including The Domain, which is situated to the west of the site across Sir John Young Crescent and is listed as a state heritage item (I1653).
26. The proposal includes the construction of a 2.1m-high rendered acoustic wall along the southern side of the usable rooftop area, with an additional 1m glazing returning at a 45-degree angle (refer to Figure 23). The parapet ornamentation, including the prominent urn, is a significant architectural feature of the building and must be conserved. The proposed interface between the acoustic wall and the western parapet and decorative urn is not supported, as it would result in an unacceptable impact on the significance of the heritage item (refer to Figure 24).

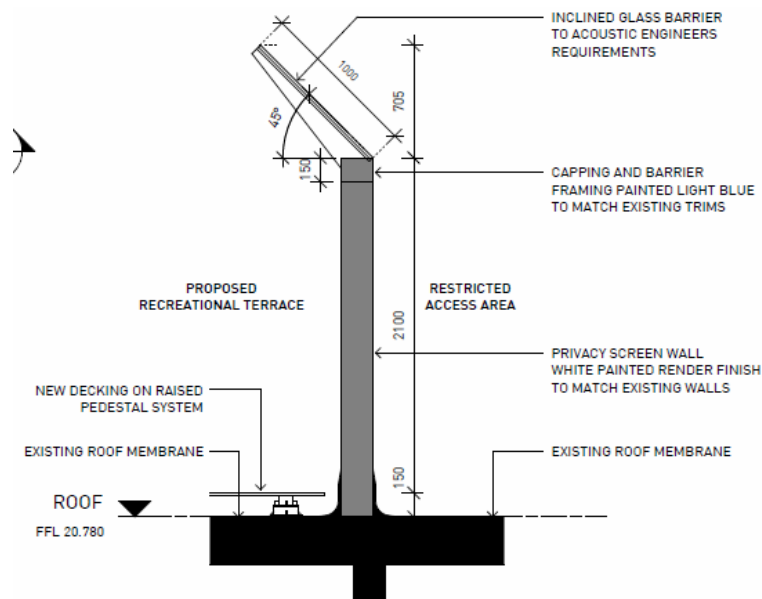


Figure 23: Section of proposed acoustic screen wall



Figure 24: The proposed acoustic screen wall will abut the western parapet immediately adjacent to the decorative urn - existing roof top looking south-west

27. In addition, the proposed rooftop fixed umbrellas and the poorly resolved acoustic wall would be visible from Sir John Young Crescent and The Domain. These elements do not complement the heritage item due to their height, scale, and prominent location, and would detract from the building's historic character and visual presentation.

28. As such, the proposal is not supported as it is inconsistent with Section 3.9.5 of the Sydney DCP 2012, which requires development to protect the heritage significance of heritage items. The proposed acoustic wall and rooftop structures would adversely impact significant heritage fabric and visually compromise the historic parapet of the building. The proposal does not comply with Clause 5.10 of Sydney LEP 2012 and fails to achieve design excellence under Clause 6.21C of the LEP, as the proposed rooftop elements are not sympathetic to the heritage item or its setting and would diminish its appearance when viewed from the public domain.

Acoustic

29. The proposal is accompanied by an acoustic assessment dated 18 December 2025, together with an acoustic response to submissions prepared by Pulse White Noise Acoustics.
30. The acoustic report includes a proposed acoustic screen wall (refer Figure 23 above). The proposed interface of the acoustic screen to the western parapet and the decorative urn is not supported on heritage and design excellence grounds. Any amendment to the acoustic screen to address heritage and design concerns would alter the form, height, or extent of the screen and, as a result, may invalidate or affect the outcomes and conclusions of the submitted acoustic assessment. Accordingly, the acoustic impacts of the proposal cannot be adequately resolved or supported based on the current application.

Inadequate noise monitoring location

31. The acoustic assessment relies on previously completed noise logging undertaken by Renzo Tonin, as documented in the report 50–58 Sir John Young Crescent, Woolloomooloo – Use of Rooftop Terrace dated 6 December 2024 (which was submitted in the previously withdrawn application (D/2025/268)). However, the noise monitoring conducted by Renzo Tonin is not considered appropriate, as the noise logger is located on the north east side of the rooftop (refer to Figure 25).
32. The applicant argues that the noise logger location, including a position to the east of the rooftop, is representative of potential noise impacts, noting that the most affected receivers are multi-storey residential buildings to the south. The applicant further submits that eastern residential receivers are already influenced by traffic noise from Sir John Young Crescent and Crown Street, and that the rooftop logging location is set back from these roads, reducing traffic noise interference.
33. Further, noise-sensitive receivers are located at lower levels, and receivers on one side of the proposed development are shielded from the higher noise exposure experienced at the monitoring location. As a result, background noise levels at street level are expected to be lower at these locations.
34. The report has not provided a comparison of long-term monitoring data with attended measurements undertaken during the same or comparable time periods, nor has it included new long-term background monitoring at a more representative and quieter location.

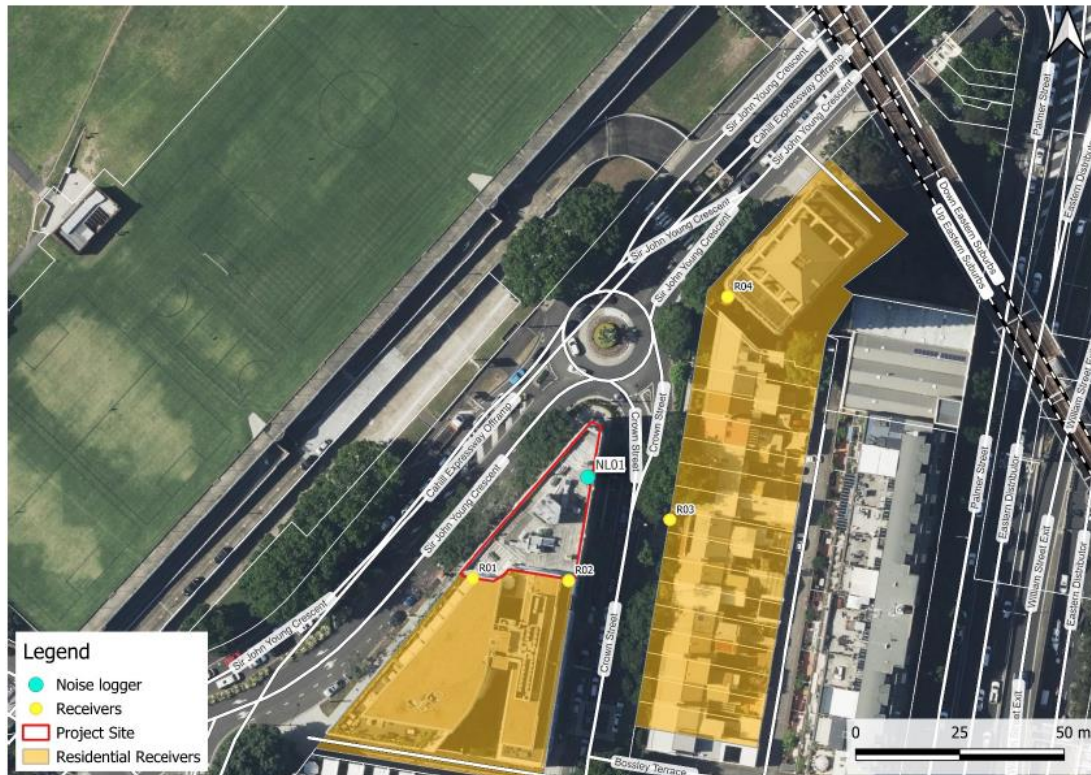


Figure 25: Measurement locations and surrounding receivers

Assessment of Cumulative Noise Impact

35. The assessment considers only noise generated by the operation of the rooftop space and does not include noise from the ground-floor café, which provides entertainment and will generate entertainment noise. The report therefore fails to assess all entertainment noise from the premises, including both current and future patron noise and any music associated with ground-level operations.
36. In the applicant's acoustic response to comments, it is contended that the café operates entirely within the building, with approved hours of operation from 8:00 am to 10:00 pm, Monday to Sunday. The café is located on the ground floor and is separated from the rooftop by approximately 3 storeys, providing substantial distance between potential noise sources. It is also situated near major roads, including Sir John Young Crescent and Crown Street, where higher ambient traffic noise levels prevail. On this basis, the applicant asserts that, with approved internal and external seating and compliance with existing and proposed mitigation measures, cumulative noise from the café and rooftop would comply with relevant noise criteria.
37. However, this justification is not supported by Council's Environmental Health Unit. The assessment has not included the café in the cumulative assessment as has been previously requested. Accordingly, the cumulative noise impacts of the proposal remain unresolved.

Outdoor communal area

38. Section 4.4.8 of the Sydney DCP 2012 contains provisions for visitor accommodation, including backpacker accommodation. In particular, Section 4.4.8.4(3)(a) requires communal recreational areas to be provided at a rate of 0.75 sqm per person, based on the maximum number of guests, and Section 4.4.8.4(4)(a) requires that communal outdoor facilities generally be no more than 20% of the total communal recreational area.
39. The submitted SEE states that the existing backpacker accommodation has a capacity of 224 persons and currently provides a total communal recreational area of 127 sqm, comprising 82 sqm of internal space and 45 sqm of external space.
40. Applying the DCP requirement of 0.75 sqm per person, a total of 168 sqm of communal recreational area is required for 224 persons, with a maximum allowable outdoor area of 33.6 sqm (20%). The proposal includes a total rooftop area of 438 sqm, comprising 313 sqm of usable space and 125 sqm of restricted area.
41. The proposal would result in a total outdoor communal area of 358 sqm (being 313 sqm of proposed usable rooftop space plus 45 sqm of existing outdoor space), which exceeds the maximum allowable outdoor area of 33.6 sqm by approximately 113%, contrary to Section 4.4.8.4(4)(a) of the Sydney DCP 2012.
42. Section 4.4.8.4(4)(b) of the DCP requires that the design and location of communal outdoor areas minimise noise impacts to surrounding properties. The design and location of the proposed rooftop communal space is inconsistent with this provision. The proposed rooftop is deemed to be excessive in scale, and the submitted acoustic report does not adequately demonstrate that noise impacts can be adequately mitigated and the use not adversely impact neighbouring properties.
43. Significant concerns are raised in relation to the scale of the proposed rooftop area, as the usable 313 sqm could easily accommodate all 224 occupants or more at any one time. A reduced useable rooftop space would better manage amenity impacts, including noise, improve equitable access outcomes, and minimise heritage and streetscape impacts. Use of a smaller area would also be more appropriate in terms of ongoing operation and self-management of the facility.

Accessibility

44. Section 3.12 Accessible Design of Sydney DCP 2012 provides controls for designs for people with disability for new and existing buildings. Objective (b) requires developments to provide equitable access and facilities for all people to all new development, as well as to upgraded or intensified uses in existing buildings.
45. The application is accompanied by a Performance based Design Brief prepared by Access Matters. The report concludes that, due to existing building layout, heritage considerations and safety constraints, access to the proposed rooftop terrace is provided via stairs only, with the lift terminating at Level 3.

46. The performance solution relies on the use of existing lift accessible common areas within the building, including balcony terraces on Levels 1 and 2 and a ground level lounge to provide equivalent amenity and function to the rooftop terrace. These measures are supported by tactile and braille warning signage at the rooftop stair, and a Plan of Management identifying accessible alternatives and staff assistance. On this basis, the report concludes that the proposal meets the intent of the NCC performance requirements for safe and equitable access to the degree necessary, without unreasonable safety or heritage impacts.
47. The proposal seeks to intensify use of the rooftop, and equitable access should be provided to this space. Reliance on existing internal common areas does not provide access to the rooftop itself and is not considered an equivalent outcome. The site includes an underutilised and oversized lift overrun, which presents an opportunity to extend lift access to the rooftop without resulting in unacceptable heritage impacts. Should use of the rooftop space proceed, equitable access is strongly encouraged, particularly as the amenities proposed for this space are not replicated within the existing small, accessible balcony areas on Level 1 and 2 of the building.

Plan of Management

48. The application is accompanied by a Plan of Management (PoM) prepared by Hamptons Property Services. This PoM is not supported, as it does not provide sufficient or enforceable operational controls to mitigate the potential amenity, safety, and heritage impacts of the proposed rooftop use.
49. In particular, the following concerns are identified:
 - (a) The proposal relies on a staff member attending the outdoor area once per hour to monitor guest behaviour. Given the significant number of submissions received, and the documented history of poor patron management associated with the operation of the premises (refer to compliance history and public submissions), concerns are raised that the capacity of patrons on the rooftop area could easily exceed the nominated 62 person capacity (based on the overall capacity of guests of the premises). The proposed extent of useable area of the rooftop space creates the potential for a large concentration of occupants, which would likely result in unacceptable noise disturbance and adverse amenity impacts for nearby residential receivers.
 - (b) The PoM states that “the outdoor area is not subject to the provisions of the Liquor Act 2007 and the associated regulations”; however, it does not include any clear provisions or prohibitions in respect of the bringing or consumption of alcohol (BYO) within the rooftop area. In the absence of any express alcohol management controls, the proposal fails to demonstrate how alcohol-related noise, behaviour and safety risks would be effectively prevented or managed.
 - (c) The PoM does not contain any information relating to smoking or vaping controls, nor does it set out any drug management or enforcement measures. Given the close proximity of the rooftop to sensitive residential uses, this omission raises concerns regarding smoke drift, odour, public health, and amenity impacts.

- (d) Concerns are raised regarding safety at the rooftop perimeter. While the proposal includes a 1-metre clearance zone between the parapet and fixed tables and umbrellas, the use of loose furniture such as chairs, together with the potential presence of alcohol-affected patrons on the rooftop, may result in the need for an increased balustrade height above the existing parapet. Any such outcome would have adverse impacts on the heritage significance of the building and has not been adequately addressed by the proposal.
- (e) The acoustic report assumes that no more than 50 people will use the rooftop, that use will only occur up to 9:00 pm, and that people will be confined to specific areas, including a maximum of 12 people in the yoga and wellness area. These assumptions would be critical to keeping noise impacts acceptable. If these limits are not strictly enforced then noise levels are likely to be significantly higher, particularly when combined with the above issues.
- (f) The Plan of Management relies heavily on staff checks, signage, booking conditions, and phone calls from staff or managers to control patron behaviour if an issue arises. However, Council has previously received complaints and submissions about poor patron management associated with the operation of the venue (Refer to compliance history and submissions). To date, the operator has not demonstrated that patron behaviour can be effectively managed in line with the controls proposed.

CPTED Design

- 50. Section 3.13 of the Sydney DCP 2012 requires development to provide a safe environment and to minimise opportunities for criminal and anti-social behaviour. The proposal includes a large area identified on the plans as “restricted access area” toward the southern portion of the rooftop, which raises crime prevention through environmental design (CPTED) concerns.
- 51. In practice, this area may not be restricted, as the fire egress door serving the space must remain unlocked and accessible to occupants using the rooftop. While the drawings indicate a defined path between the acoustic wall and the fire stair, there are no physical, visual, or operational measures to prevent residents from entering the broader restricted area. This area is largely concealed behind the acoustic wall, is not capable of passive surveillance from the main rooftop space, and may facilitate anti-social or noisy behaviour with potential impacts on adjoining properties. Although the plans annotate the area as “restricted access area,” the design does not incorporate any effective mechanisms to enforce this restriction. Consequently, the proposal does not adequately address the objectives of Provision (3) of Section 3.13.1 of the Sydney DCP relating to crime prevention through environmental design.

Insufficient information

52. The rooftop terrace is proposed to operate between 7.00 am and 8.00 pm, with extended use until 9.00 pm sought on a trial basis. However, no lighting strategy has been submitted to demonstrate that safe access, circulation, and use of the space can be achieved during evening hours. A detailed lighting plan would be required to identify fixture types, illumination levels (lux), mounting locations, and measures to prevent light spill and glare onto adjoining properties. Accordingly, the proposal is contrary to Section 3.2.8 'External Lighting' of the Sydney DCP 2012, which requires external lighting to minimise light pollution and not adversely reduce the amenity of residents in the locality.

Design Excellence

53. The proposed development fails to exhibit 'design excellence' pursuant to clause 6.21C of the Sydney LEP 2012 for the following reasons:
- (i) The application fails to appropriately address heritage considerations, contrary to Clause 6.21C(2)(d)(iii), as the proposal does not conserve the heritage significance of the heritage item, including its associated fabric; and
 - (ii) The application fails to adequately address environmental noise impacts, contrary to Clause 6.21C(2)(d)(vii), as the submitted acoustic report is deficient and the proposed development is likely to result in unreasonable noise and adverse amenity impacts.

View Impact

54. Concerns were raised in submissions that the proposed development may impact views from the upper apartments within the Luxe Apartments at 62–68 Sir John Young Crescent, particularly the northern views from Unit 51 and Unit 52. To better understand the potential visual impacts of the proposal, a site inspection was undertaken by the assessing officer on 17 March 2026.
55. In assessing the impact of the proposed development on existing views, consideration has been given to the principles of view sharing established by Senior Commissioner Roseth in *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140 (Tenacity).
56. Unit 51 is located on the top floor of the Luxe Apartments and contains a north and west facing balconies. The apartment enjoys partial harbour views to the north and city views to the west. Figure 26 illustrates the views obtained when standing at the balcony looking north. The proposed acoustic screen generally aligns with the top of the decorative urns along the western parapet of the subject building, and the additional 1-metre-high glazed return angled at approximately 45 degrees sits well below the established harbour viewing corridor. Accordingly, the proposal would not result in any impact on the northerly harbour views from Unit 51, as demonstrated in Figure 26.

57. Unit 52 is located on the sixth floor of the Luxe Apartments and contains 2 balconies: a western balcony that gives city views and partial harbour views to the north, and a central terrace that overlooks the subject rooftop and obtains city views further to the north-west. Figures 27 and 28 show the views obtained when standing at the western balcony and central terrace respectively. The proposal would not obstruct the existing water views when viewed from the western balcony and would have a negligible impact on the city views available from the central terrace.
58. On balance, and having regard for the view-sharing principles in Tenacity, the impact of the proposal on views from Unit 51 and Unit 52 is considered acceptable. Notwithstanding this finding, the application is recommended for refusal for the reasons outlined elsewhere in this report.



Figure 26: Balcony viewed facing north at Unit 51/62-68 Sir John Young Crescent



Figure 27: Western balcony viewed facing north at Unit 52/62-68 Sir John Young Crescent



Figure 28: terrace viewed facing north/west at Unit 52/62-68 Sir John Young Crescent

Consultation

Internal Referrals

59. The application was discussed with Council's:

- (a) Construction and Building Unit
- (b) Environmental Health Unit
- (c) Landscape Unit
- (d) Licenced Premises Unit
- (e) Heritage and Urban Design Unit
- (f) Waste Management Unit

Advertising and Notification

60. In accordance with the City of Sydney Community Participation Plan, the proposed development was notified for a period of 14 days between 2 February 2026 and 17 February 2026. A total of 99 properties were notified and 48 submissions were received (4 in support and 44 objections).

61. The submissions raised the following issues:

- (a) **Issue:** Noise Impact - A significant number of submissions raised concerns regarding noise impacts from the proposed rooftop communal use. Objectors noted that the elevated and open nature of the rooftop would increase noise propagation from conversation, laughter and group activities, particularly during evenings and weekends when background noise levels are lower. Concerns were raised that the proposed operating hours, patron numbers and reliance on behavioural controls would result in unacceptable impacts to nearby residential apartments and adversely affect sleep and amenity.

Response: As discussed in the 'Acoustic' Section above, the noise monitoring location adopted in the assessment is not accepted, and the cumulative noise impacts of all proposed uses on the site, including the café, have not been adequately assessed. In addition, the proposed junction of the acoustic screen to the western parapet and the decorative urn is not supported. Any amendment to the acoustic screen to address heritage and design excellence concerns would likely alter its height, form, or extent and, as a result, may invalidate or affect the outcomes and conclusions of the submitted acoustic assessment. The acoustic report relies heavily on strict operational controls, including maximum patron numbers, defined use areas, and limited hours of operation to maintain acceptable noise levels. Exceedance of these parameters would result in a significant increase in noise impacts. While the PoM relies on staff supervision to enforce these controls, existing complaints relating to site operations indicate that patron behaviour has not been effectively managed to date.

- (b) **Issue:** Compliance and Management Concerns - Numerous submissions referred to existing issues associated with the operation of the backpackers' accommodation, including unmanaged group congregation, noise, antisocial behaviour and limited responsiveness by management to complaints. Submitters expressed a lack of confidence that the proposed Plan of Management would be effectively enforced, noting that the operational measures outlined are similar to those currently in place and perceived as ineffective.

Response: A review of Council's compliance history has confirmed several noise-related complaints (Refer to 'Compliance History' above for further details). The submitted PoM does not contain sufficient or enforceable operational controls to adequately mitigate the amenity, safety and heritage impacts associated with the proposed rooftop use.

- (c) **Issue:** Heritage and visual impacts- A number of submissions raised concerns that the rooftop use may necessitate additional safety measures, such as increased balustrade height or screening, which could detrimentally impact the heritage significance, skyline profile and visual presentation of the building. Concerns were also raised that the proposal would demolish the existing chimney to accommodate the proposed fire stair.

Response: The proposal retains the existing chimney. However, the proposed connection between the acoustic wall and the western parapet and the decorative urn is not supported, as it would result in an unacceptable impact on the significance of the heritage item. In addition, the proposed fixed umbrellas and poorly resolved acoustic wall would be visible from Sir John Young Crescent and The Domain. It is also noted that the proposed fire stair extension would require a box gutter adjacent to the existing parapet. Due to their height, extent and prominent location, these elements would detract from the building's historic character and visual presentation.

- (d) **Issue:** Over-intensification of communal area: Submissions were received stating that the proposal exceeds the maximum 20% control for outdoor space under Sydney DCP 2012.

Response: The proposal provides a total outdoor communal area of 358 sqm (being 313 sqm of proposed usable rooftop space plus 45 sqm of existing outdoor space), which exceeds the maximum allowable outdoor area DCP provision of 33.6 sqm by approximately 113%. This extent of variation is not supported.

- (e) **Issue:** A submission raised concern that the proposal would negatively impact the northern views and outlook from neighbouring apartments to the south.

Response: As discussed in the 'View Impact' section above, the impact of the proposal on views of the neighbouring apartments are considered acceptable.

- (f) **Issue:** Privacy/overlooking - Concerns were raised that the proposed rooftop area would result in direct overlooking of nearby apartments, including balconies and private terraces, leading to a loss of privacy.

Response: The proposed acoustic screen provides a separation distance of approximately 9.5 m to the west and 4.2 m to the east between the usable rooftop area and the southern site boundary. This area is identified as a restricted access area. These separation distances are generally considered acceptable, and it is noted that the north-facing balconies of the adjoining southern apartments also borrowing a degree of visual amenity from the subject site. However, as discussed elsewhere in this report, the effectiveness of the proposed restricted access area is uncertain. The fire egress door serving the rooftop must remain unlocked and freely accessible, which undermines the ability to genuinely restrict access to this area. This raises ongoing concerns regarding amenity and safety impacts.

- (g) **Issue:** Alcohol consumption: Several submissions raised concern that while the premises is not licensed, the proposal does not clearly prohibit the bringing or consumption of alcohol (BYO) on the rooftop. Objectors noted that alcohol consumption is likely to exacerbate noise, antisocial behaviour and safety risks, particularly in an unsupervised rooftop environment.

Response: The PoM states that the rooftop is not subject to the Liquor Act 2007; however, the PoM is considered to be deficient in its current form as it does not clearly prohibit or manage the bringing or consumption of alcohol. This exclusion raises concerns regarding noise, behaviour and safety impacts.

- (h) **Issue:** Safety and security: Submissions raised concerns regarding patron safety at the rooftop perimeter, risks associated with loose furniture, potential for objects to be thrown or dropped from height, and the interaction of alcohol affected patrons with elevated edges. In addition, submitters expressed anxiety about security impacts, including the potential for unauthorised access to neighbouring residential properties and increased concerns by residents entering or exiting their buildings.

Response: Concerns are raised regarding the use of loose furniture as such chairs may create risks of objects falling, or the need to implement an increased balustrade height above the existing parapet (which would have adverse impacts on the heritage significance of the building). The proposal does not adequately address or resolve these risks in its current form.

- (i) **Issue:** Smoking, vaping and drug use - Concerns were raised that the proposed Plan of Management does not adequately address smoking, vaping or drug management. Issues including smoke drift into nearby residences, health impacts, fire risks, and the likelihood of prohibited behaviour occurring without continuous supervision.

Response: The applicant's response to the submissions dated 25 February 2026 states that the proposed rooftop area is a smoke-free area. However, this restriction is not reflected in the submitted Plan of Management, nor does the PoM include any monitoring, enforcement, or compliance measures to ensure smoking or vaping prohibitions are upheld. In addition, the PoM does not address drug use or provide any management or enforcement mechanisms to prevent or respond to such behaviour.

- (j) **Issue:** Potential light pollution - Submissions raised concerns that the use of the rooftop until 9.00 pm would result in light spill into nearby apartments, balconies, and bedrooms. It was noted that the elevated and open nature of the rooftop would make lighting more visible and intrusive, particularly when viewed from adjoining residential properties and the public domain. Concerns were also raised that the proposal lacks detail regarding how light spill and glare would be controlled or minimised.

Response: No lighting strategy has been submitted to demonstrate that safe access, circulation, and use of the space can be achieved during evening hours. The potential impacts of the proposal on neighbouring residential amenity and public domain cannot be adequately assessed.

- (k) **Issue:** Waste Management - Concerns were raised that the inclusion of cooking and communal facilities on the rooftop is not supported by a sufficiently detailed waste management, cleaning or pest control strategy. Submitters noted the potential for rubbish accumulation, odours and vermin impacts affecting surrounding residential properties.

Response: The submitted plans indicate a kitchen with a single sink and no cooking equipment. The proposal was reviewed by Council's Waste Management Unit. In the event that the proposal was supported, a condition could be applied requiring compliance with Council's waste management requirements.

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

62. The City of Sydney Development Contributions Plan 2015 does not apply to the site.

Contribution under Section 7.12 of the EP&A Act 1979

63. The Central Sydney Development Contributions Plan 2020 applies to the site. The estimated cost of the development exceeds \$250,000 and is therefore subject to a development contributions levy under the Central Sydney Development Contributions Plan 2020. A condition requiring payment of this levy would be imposed should the application be recommended for approval.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

64. The proposed development involves alterations to an existing building and will result in the creation of less than 60 square metres of additional gross floor area intended for a non-residential purpose. Accordingly, the development is exempt from a Section 7.13 affordable housing contribution under the provisions of the Sydney Local Environmental Plan 2012.

Housing and Productivity Contribution

65. The development is not subject to a Housing and Productivity Contribution (Base component) under the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.

Relevant Legislation

66. Environmental Planning and Assessment Act 1979.

Conclusion

67. The application has been assessed in accordance with Section 4.15(1) of the Environmental Planning and Assessment Act 1979. The proposed alterations to, and use of, the existing rooftop as an outdoor communal space for the existing backpackers' accommodation are not supported.
68. The applicant has failed to demonstrate, in accordance with Clause 4.6(3) of the Sydney LEP 2012, that compliance with the height development standard is unreasonable or unnecessary, or that there are sufficient environmental planning grounds to justify contravention of Clause 4.3 of the Sydney LEP 2012.
69. The site is a local heritage item. The proposed acoustic wall and rooftop structures would adversely impact significant heritage fabric and visually compromise the historic roofscape. The proposal fails to conserve the heritage significance of the heritage item, including its associated fabric, contrary to Clause 5.10 of the Sydney LEP 2012 and Section 3.9.5 'Heritage Items' of the Sydney DCP 2012.
70. The submitted acoustic report is deficient, and the proposed design of the acoustic wall is not supported. As a result, the proposed development is likely to result in unreasonable noise and amenity impacts, failing to satisfy Section 4.15(1)(b) of the EPA Act and Section 4.2.3.11 'Acoustic Privacy' of the Sydney DCP 2012.
71. The proposed outdoor communal area is excessive and significantly exceeds the maximum permissible outdoor area by approximately 113%, contrary to Section 4.4.8.4 'Additional provisions for backpacker accommodation' (4)(a) of the Sydney DCP 2012, and is not supported.
72. The proposal seeks to intensify the use of the rooftop but fails to provide equitable access to this area, contrary to Section 3.12 'Accessible Design' of the Sydney DCP 2012.
73. The submitted Plan of Management does not provide sufficient or enforceable operational controls to adequately mitigate the potential amenity and safety impacts associated with the proposed rooftop use.
74. The proposal does not include a lighting strategy to demonstrate that safe access, circulation, and use of the space can be achieved during evening hours. The potential impacts of the proposal on neighbouring residential amenity and public domain cannot be adequately assessed.

75. The proposal fails to demonstrate design excellence pursuant to Clause 6.21C of the Sydney LEP 2012, as it does not adequately address heritage considerations, environmental noise impacts, or the integration of landscape design.
76. For the reasons outlined above, the proposed development is not in the public interest and is recommended for refusal.

NICOLA REEVE

Acting Executive Manager Planning and Development

Joe Wang, Specialist Planner

Attachment A

Selected Drawings

50 SIR JOHN YOUNG CRESCENT, WOOLLROOMOOLOO

DEVELOPMENT APPLICATION SUBMISSION

DEVELOPMENT APPLICATION - SHEET LIST			
SHEET No.	SHEET TITLE	REVISION	DATE
DA-0001	COVER SHEET	9	02/02/26
DA-0002	SITE PLAN	6	18/12/25
DA-0501	EXISTING AND DEMOLITION PLANS L00-01	6	18/12/25
DA-0502	EXISTING AND DEMOLITION PLANS L02-03	6	18/12/25
DA-0503	EXISTING AND DEMOLITION PLANS ROOF	6	18/12/25
DA-0601	EXISTING ELEVATION - SIR JOHN YOUNG CRESCENT	6	18/12/25
DA-0602	EXISTING ELEVATION - CROWN STREET	6	18/12/25
DA-1002	PROPOSED PLANS - L03	6	18/12/25
DA-1003	PROPOSED PLANS - ROOF TERRACE	7	18/12/25
DA-1004	PROPOSED PLANS - ROOF	6	18/12/25
DA-2001	PROPOSED ELEVATION - SIR JOHN YOUNG CRESCENT	8	02/02/26
DA-2002	PROPOSED ELEVATION - CROWN STREET	8	02/02/26
DA-3001	PROPOSED FIRE STAIR ENCLOSURE	8	02/02/26
DA-3002	PROPOSED FIRE STAIR ENCLOSURE - DETAIL VIEWS	2	02/02/26
DA-3011	PROPOSED SCREEN WALL	5	18/12/25
DA-3021	PROPOSED WC	6	18/12/25
DA-3031	PROPOSED COMMUNAL KITCHEN	5	18/12/25
DA-3032	PROPOSED COMMUNAL KITCHEN	5	18/12/25
DA-4001	PROPOSED MATERIAL BOARD	9	02/02/26
DA-5001	PROPOSED SHADOW STUDY - WINTER SOLSTICE	6	18/12/25
DA-6001	PROPOSED AREA PLANS	7	18/12/25
DA-7001	EXISTING AND PROPOSED VIEW COMPARISON - SHEET 1	7	02/02/26
DA-7002	EXISTING AND PROPOSED VIEW COMPARISON - SHEET 2	7	02/02/26
DA-7003	EXISTING AND PROPOSED VIEW COMPARISON - SHEET 3	6	18/12/25
DA-8001	DCP ENVELOPE	5	02/02/26
DA-8002	LEP ENVELOPE	2	02/02/26

1. DESIGN RESOLUTION
- 1.1 The drawings show the general architectural intent for the purposes of this Development Application.

1.2 The internal layouts shown are indicative and subject to further detailed design development.

1.3 Dimensions given are general and subject to detailed design resolution

1.4 Landscaping shown is indicative only and subject to further detailed design.

1.5 The location of plant, equipment and services as shown on drawings is indicative only and subject to further detailed design development. Minor elements eg flues, vent pipes, aerials etc have been omitted for clarity
2. GRAPHIC REPRESENTATION
- 2.1 Generic colours have been used on to indicate the design intent and are not accurate representations of the actual colours of the selected materials.

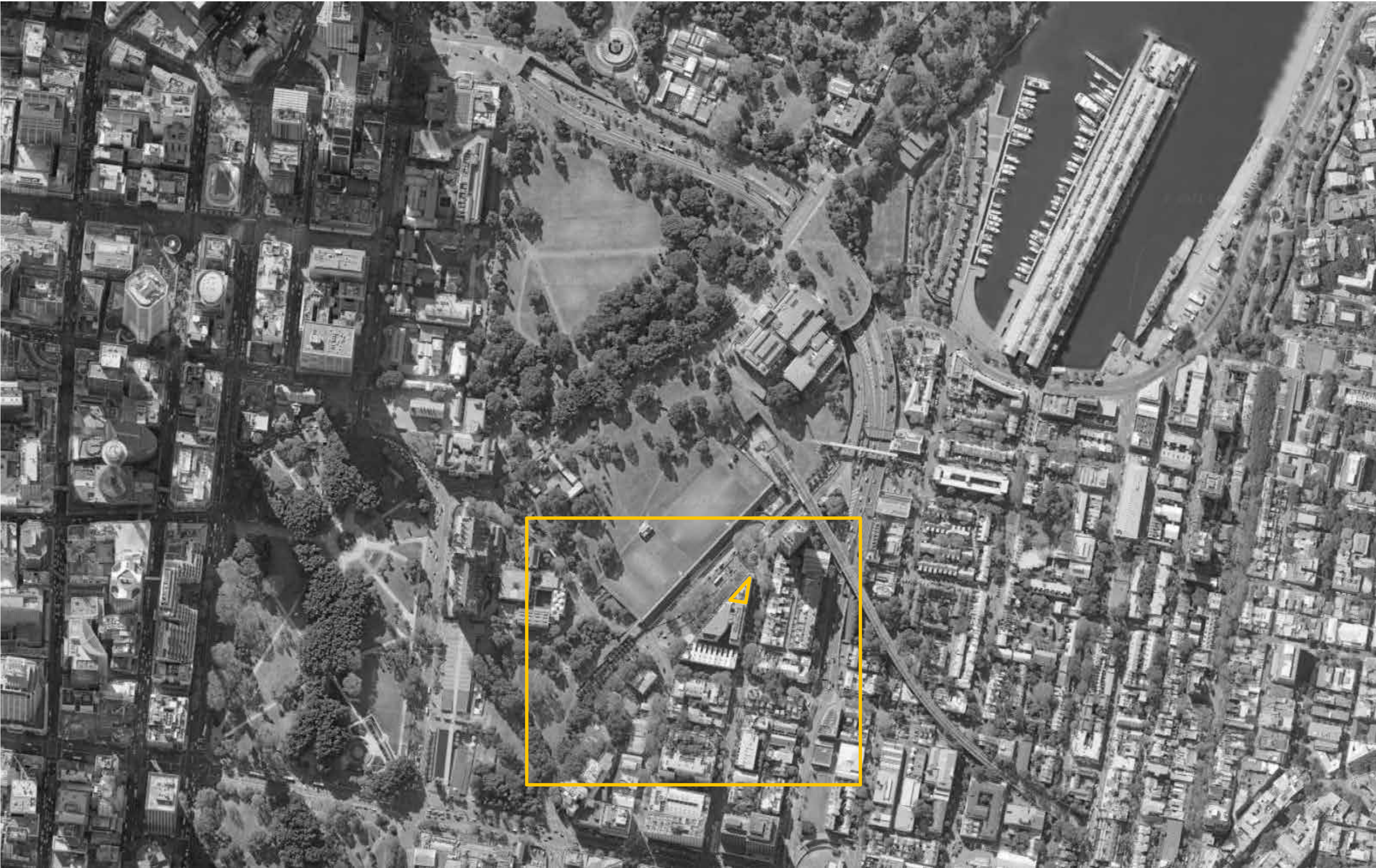
2.2 Colours on plans are used for diagrammatic purposes and do not reflect the colours of the selected materials
3. EXISTING STRUCTURES AND SERVICES
- 3.1 The extent and location of the existing services and structures shown on drawings is based on the survey information provided to date. Final locations are to be determined on site.

3.2 Existing levels shown on the drawings are based upon the existing survey information provided or extrapolated from existing spot levels provided.

3.3 All levels are relative to the Australian Height Datum (AHD)



Architect sissons. a: Level 5, 53 Berry Street, North Sydney, NSW 2060. p: 02 8904 1853 Nominated Architect: Nick Sissons NSW ARB 7210	Client Pitch Properties Pty Ltd		Project 50-58 Sir John Young Crescent, Woollloomooloo				Drawing Title COVER SHEET	
			Project No. 21-001	Issued MH	Check NS	Date 02/02/26	Drawing No. DA-0001	Rev 9



1 AERIAL SITE PHOTO
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2 SITE PLAN
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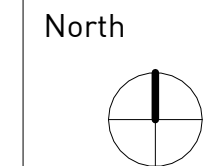
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sissons.
a: Level 5, 53 Berry Street, North Sydney, NSW 2060.
p: 02 8904 1853

Nominated Architect: Nick Sissons NSW ARB 7210

Client
Pitch Properties Pty Ltd

Scale
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1:1000



Project
50-58 Sir John Young Crescent,
Woolloomooloo

Project No.
21-001

Issued
MH

Check
NS

Date
18/12/25

Drawing Title
SITE PLAN

Drawing No.
DA-0002

Rev
6

1 EXISTING - LEVEL 00 (NO CHANGE PROPOSED TO EXSITING LAYOUT)
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2 EXISTING - LEVEL 01 (NO CHANGE PROPOSED TO EXSITING LAYOUT)
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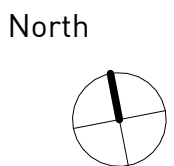


Architect
sissons.
a: Level 5, 53 Berry Street, North Sydney, NSW 2060.
p: 02 8904 1853

Nominated Architect: Nick Sissons NSW ARB 7210

Client
Pitch Properties Pty Ltd

Scale
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1:100



Project
50-58 Sir John Young Crescent,
Woolloomooloo

Project No.
21-001

Issued
MH

Check
NS

Date
18/12/25

Drawing Title
EXISTING AND DEMOLITION PLANS L00-01

Drawing No.
DA-0501

Rev
6



Architect

sissons.

a: Level 5, 53 Berry Street, North Sydney, NSW 2060.
p: 02 8904 1853

Nominated Architect: Nick Sissons NSW ARB 7210

Client

Pitch Properties Pty Ltd

Project

50-58 Sir John Young Crescent,
Woolloomooloo

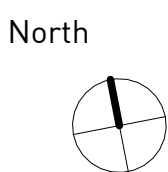
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Project No.

21-001

Issued

MH

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NS

Date

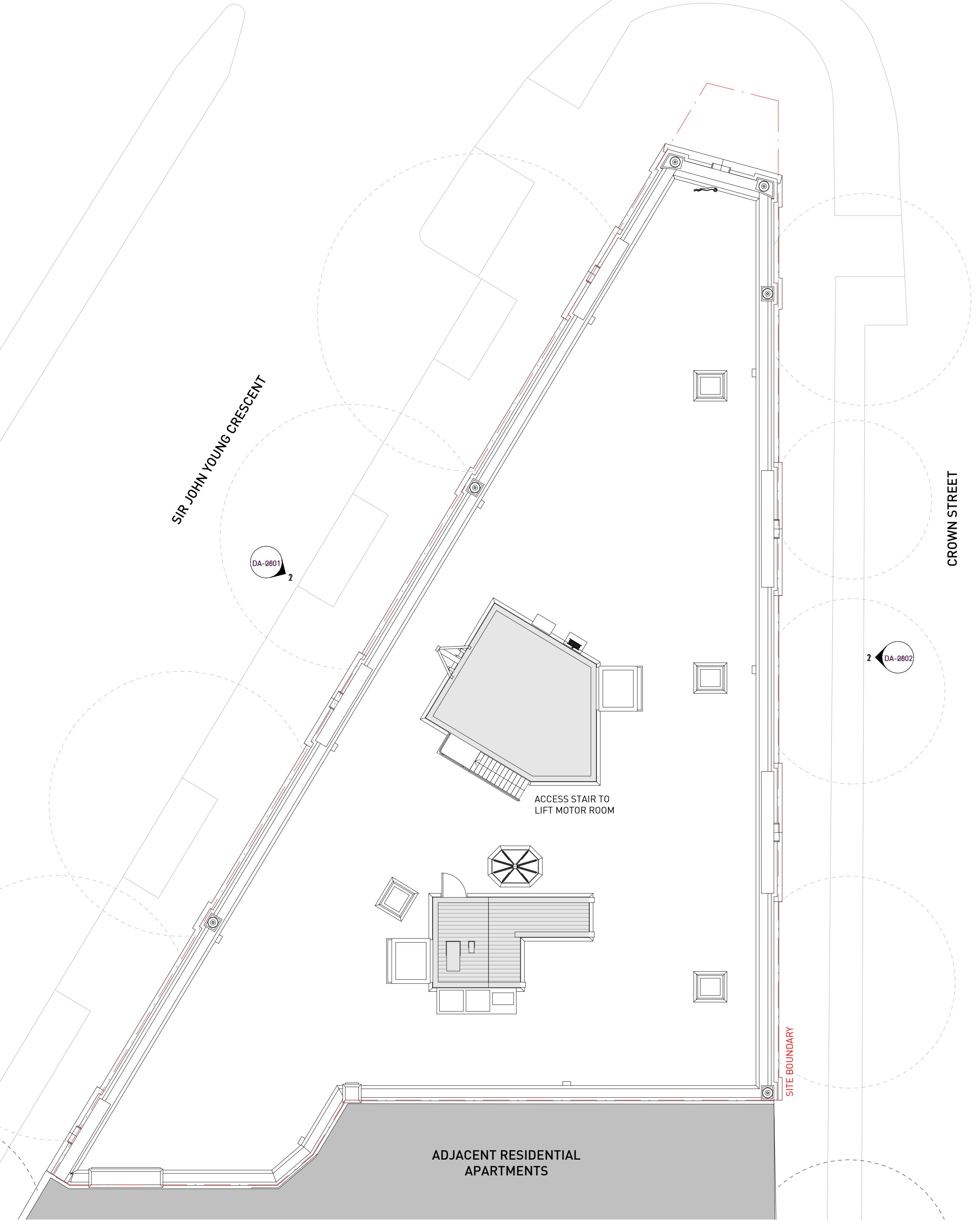
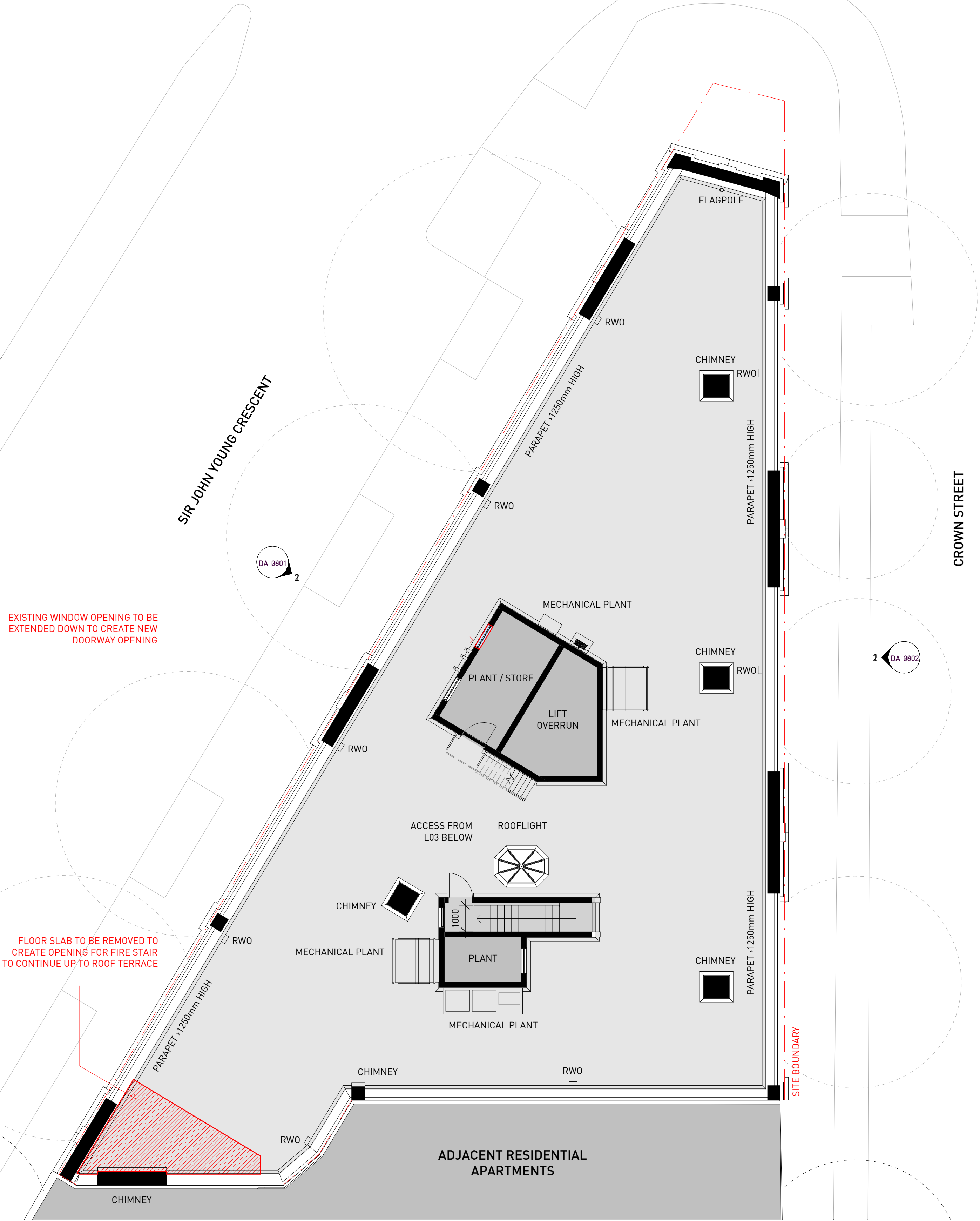
18/12/25

Drawing No.

DA-0502

Rev

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Architect

sissons.

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Nominated Architect: Nick Sissons NSW ARB 7210

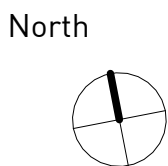
Client

Pitch Properties Pty Ltd

Scale

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1:100



Project

50-58 Sir John Young Crescent,
Woolloomooloo

Project No.
21-001

Issued
MH

Check
NS

Date
18/12/25

Drawing Title

EXISTING AND DEMOLITION PLANS ROOF

Drawing No.
DA-0503

Rev
6



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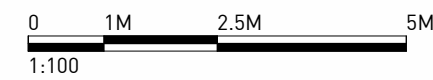
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Architect
sissons.
a: Level 5, 53 Berry Street, North Sydney, NSW 2060.
p: 02 8904 1853

Nominated Architect: Nick Sissons NSW ARB 7210

Client
Pitch Properties Pty Ltd

Scale
1 : 100 @ A1 (Half @ A3)



Project
50-58 Sir John Young Crescent,
Woolloomooloo

Project No.
21-001

Issued
MH

Check
NS

Date
18/12/25

Drawing Title
EXISTING ELEVATION - SIR JOHN YOUNG
CRESCENT

Drawing No.
DA-0601

Rev
6



1 EXISTING - CROWN STREET ELEVATION
1 : 100

REFER TO DRAWING DA-2002 FOR PROPOSED CHANGES

Architect

sissons.

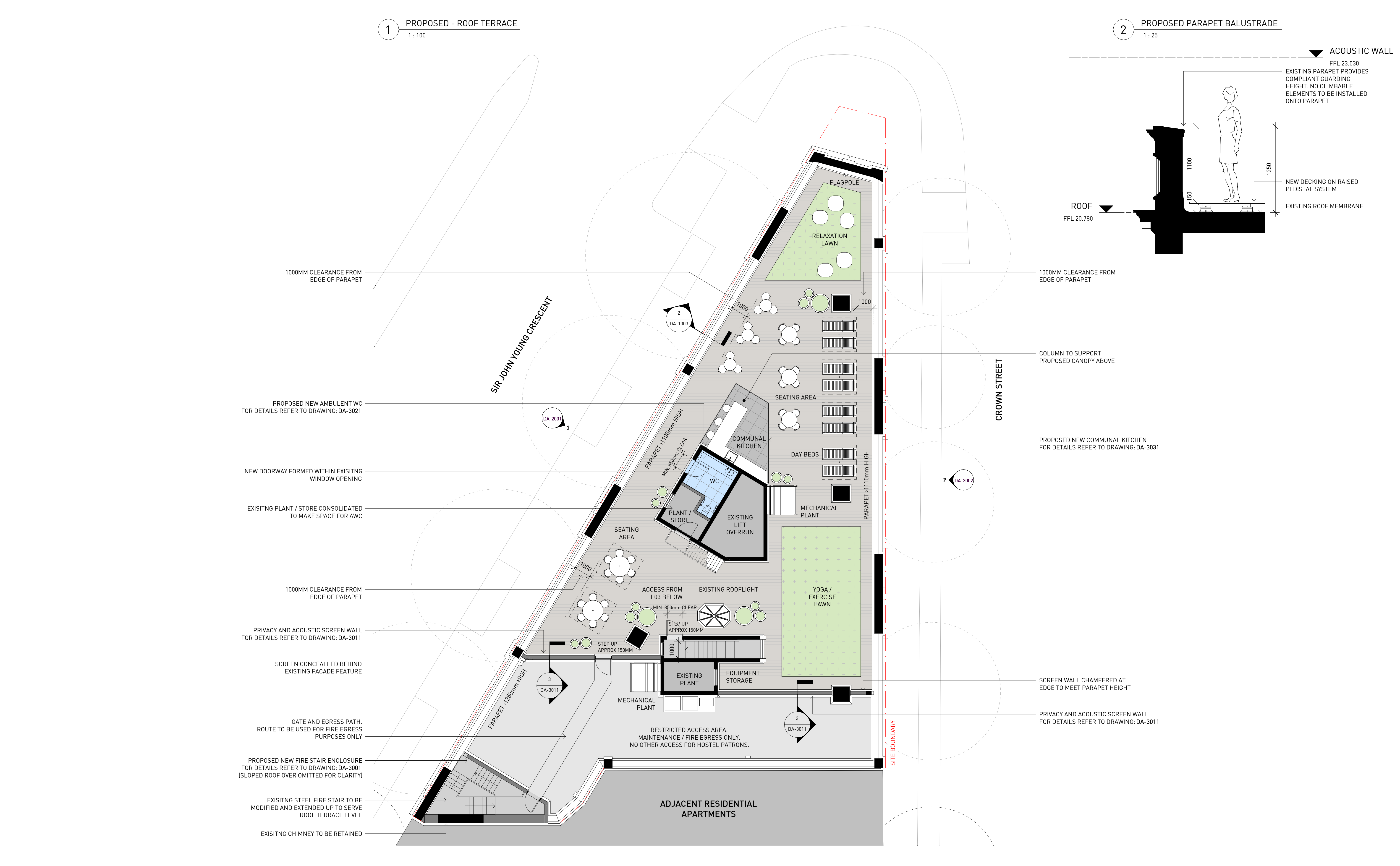
a: Level 5, 53 Berry Street, North Sydney, NSW 2060.
p: 02 8904 1853

Nominated Architect: Nick Sissons NSW ARB 7210

Client Pitch Properties Pty Ltd		Project 50-58 Sir John Young Crescent, Woolloomooloo				Drawing Title EXISTING ELEVATION - CROWN STREET	
Scale 1 : 100 @ A1 (Half @ A3) 01M2.5M5M 1:100		Project No. 21-001	Issued MH	Check NS	Date 18/12/25	Drawing No. DA-0602	Rev 6



Architect sissons. a: Level 5, 53 Berry Street, North Sydney, NSW 2060. p: 02 8904 1853 Nominated Architect: Nick Sissons NSW ARB 7210		Client Pitch Properties Pty Ltd		Project 50-58 Sir John Young Crescent, Woolloomooloo				Drawing Title PROPOSED PLANS - L03	
Scale 1 : 100 @ A1 (Half @ A3) 0 1M 2.5M 5M 1:100		North 		Project No. 21-001	Issued MH	Check NS	Date 18/12/25	Drawing No. DA-1002	Rev 6

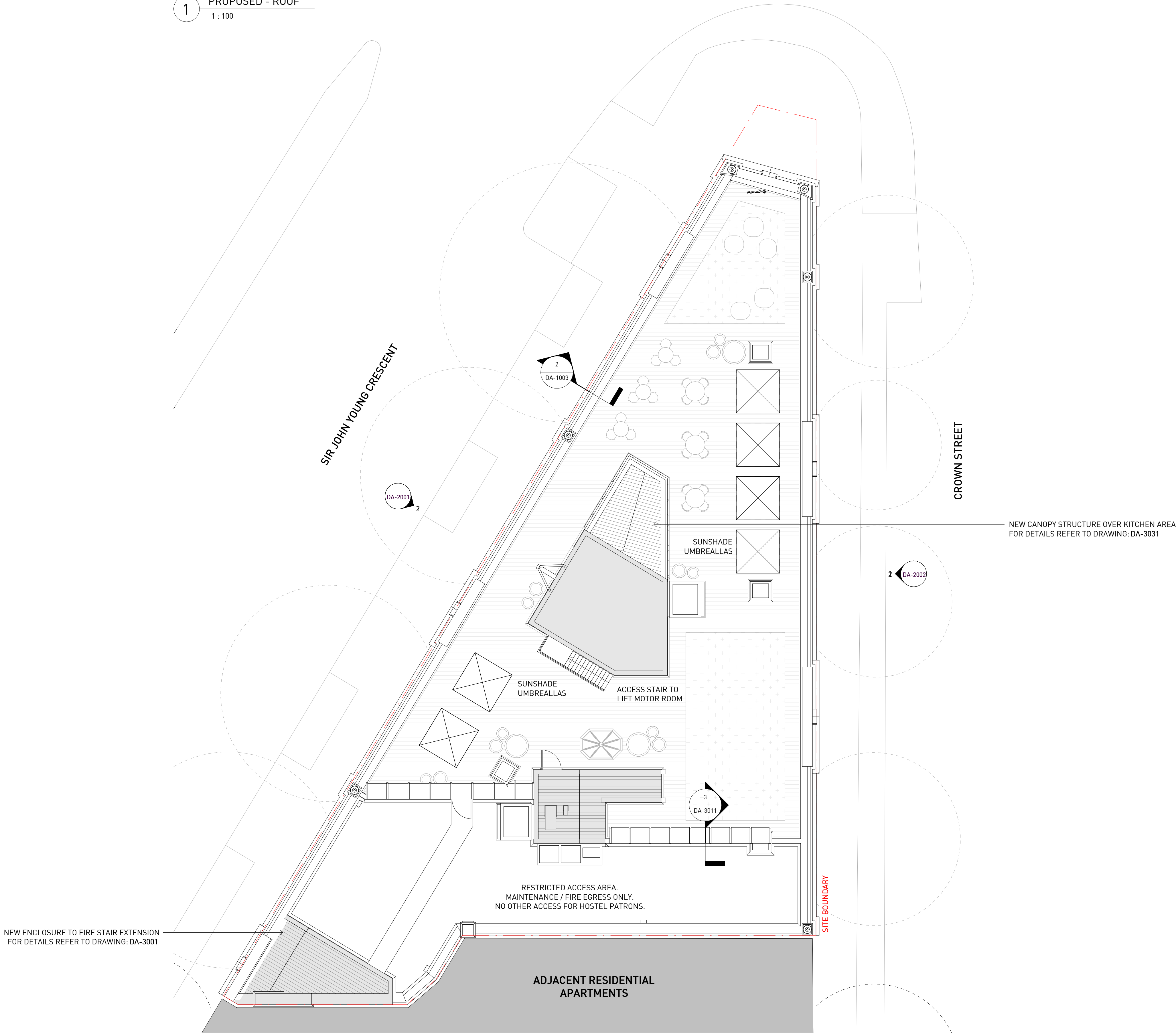


Architect sissons. a: Level 5, 53 Berry Street, North Sydney, NSW 2060. p: 02 8904 1853 Nominated Architect: Nick Sissons NSW ARB 7210		NOTES: — EXISTING WALLS — PROPOSED NEW WALLS		Client Pitch Properties Pty Ltd		Project 50-58 Sir John Young Crescent, Woolloomooloo				Drawing Title PROPOSED PLANS - ROOF TERRACE	
Scale As indicated @ A1 (Half @ A3) 0 1M 2.5M 5M 1:100		North 		Project No. 21-001	Issued MH	Check NS	Date 18/12/25	Drawing No. DA-1003	Rev 7		

1

PROPOSED - ROOF

1 : 100



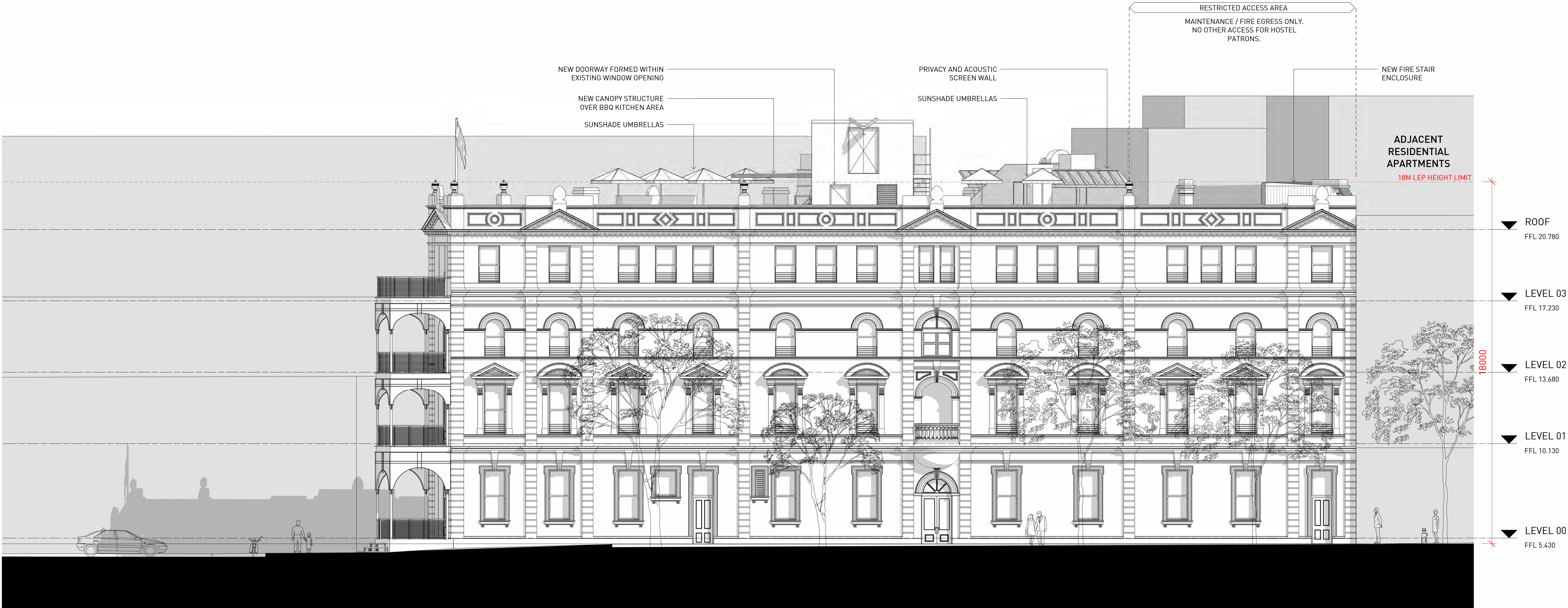
Architect

sissons.

a: Level 5, 53 Berry Street, North Sydney, NSW 2060.
p: 02 8904 1853

Nominated Architect: Nick Sissons NSW ARB 7210

Client Pitch Properties Pty Ltd		Project 50-58 Sir John Young Crescent, Woolloomooloo				Drawing Title PROPOSED PLANS - ROOF	
Scale 1 : 100 @ A1 (Half @ A3)	North	Project No. 21-001	Issued MH	Check NS	Date 18/12/25	Drawing No. DA-1004	Rev 6



1 PROPOSED - SIR JOHN YOUNG CRESCENT ELEVATION
1 : 100



2 KEY - SIR JOHN YOUNG CRESCENT ELEVATION
1 : 200

EXISTING vs PROPOSED KEY:
EXISTING BUILDING
PROPOSED NEW WORKS
NOTE:
TREES AND SHADOWS OMITTED FOR CLARITY

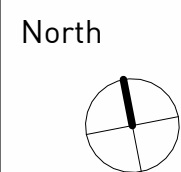
Architect
sissons.
a: Level 5, 53 Berry Street, North Sydney, NSW 2060.
p: 02 8904 1853

Nominated Architect: Nick Sissons NSW ARB 7210

Client
Pitch Properties Pty Ltd

Scale
As indicated @ A1 (Half @ A3)

0 1M 2.5M 5M
1:100



Project
50-58 Sir John Young Crescent,
Woolloomooloo

Project No. 21-001
Issued MH
Check NS
Date 02/02/26

Drawing Title
PROPOSED ELEVATION - SIR JOHN YOUNG
CRESCENT

Drawing No.
DA-2001

Rev
8



1 PROPOSED - CROWN STREET ELEVATION
1 : 100



2 KEY - CROWN STREET ELEVATION
1 : 200

EXISTING vs PROPOSED KEY:
EXISTING BUILDING
PROPOSED NEW WORKS
NOTE:
TREES AND SHADOWS OMITTED FOR CLARITY

Architect

sissons.

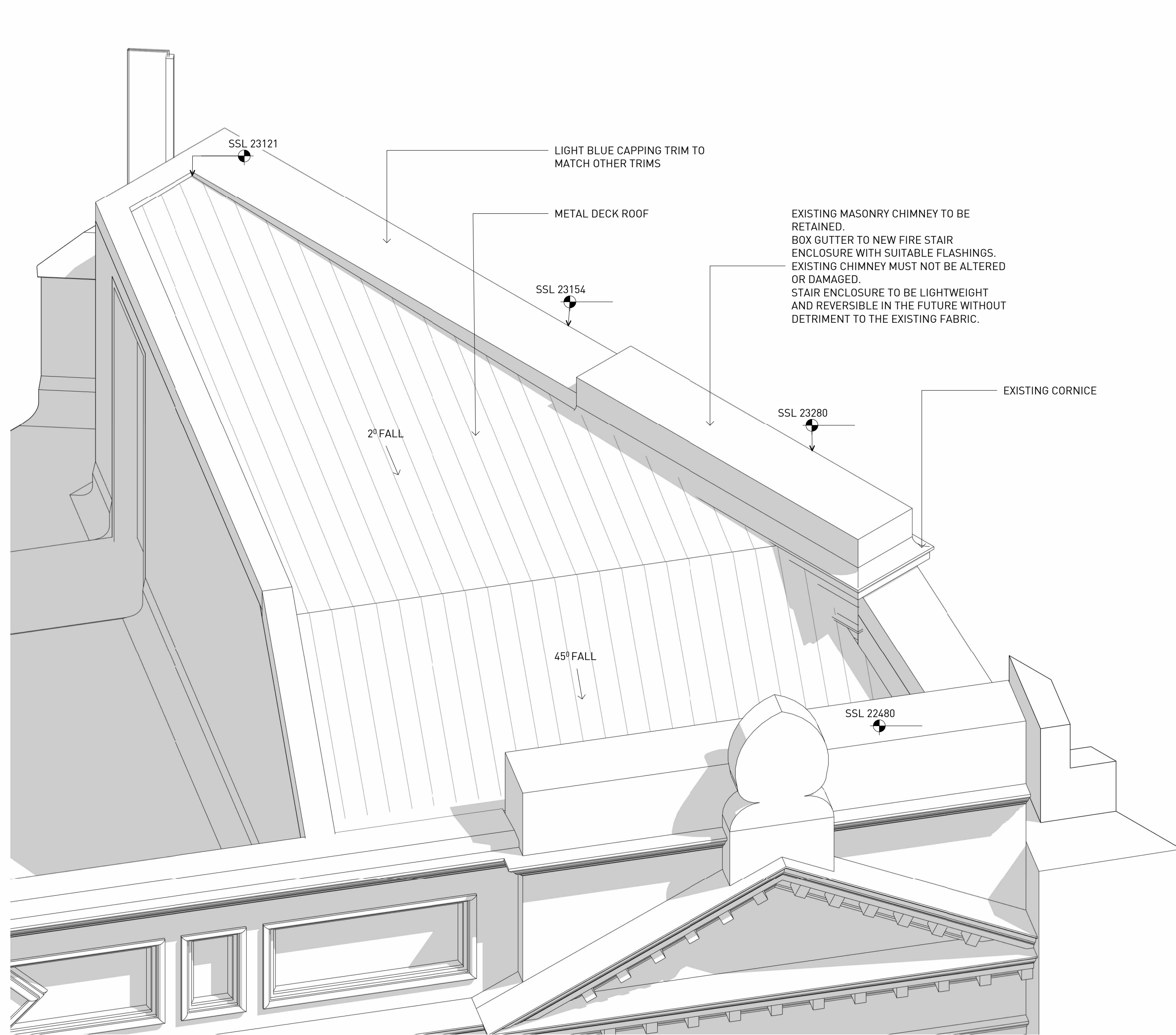
a: Level 5, 53 Berry Street, North Sydney, NSW 2060.
p: 02 8904 1853

Nominated Architect: Nick Sissons NSW ARB 7210

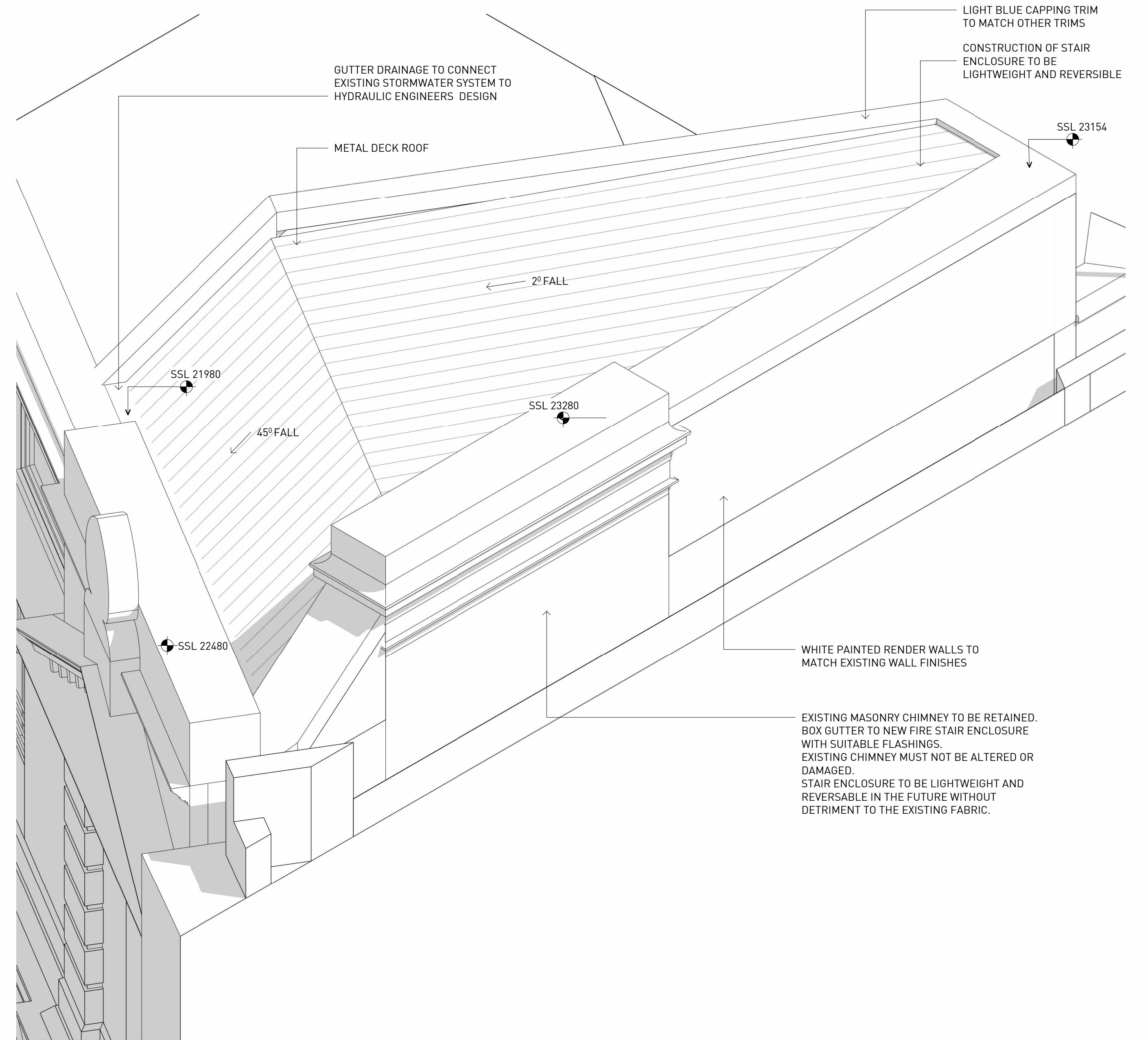
Client Pitch Properties Pty Ltd		Project 50-58 Sir John Young Crescent, Woolloomooloo				Drawing Title PROPOSED ELEVATION - CROWN STREET		
Scale As indicated @ A1 (Half @ A3) 0 1M 2.5M 5M 1:100	North 	Project No. 21-001	Issued MH	Check NS	Date 02/02/26	Drawing No. DA-2002	Rev 8	



A1 0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150 DO NOT SCALE DIMENSIONS FROM DRAWING



1 3D VIEW - FIRE STAIR ENCLOSURE - AXONOMETRIC 1



2 3D VIEW - FIRE STAIR ENCLOSURE - AXONOMETRIC 2

Architect

sissons.

a: Level 5, 53 Berry Street, North Sydney, NSW 2060.
p: 02 8904 1853

Nominated Architect: Nick Sissons NSW ARB 7210

NOTES:

- EXISTING WALLS
- PROPOSED NEW WALLS

Client

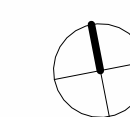
Pitch Properties Pty Ltd

Scale

1 : 50 @ A1 (Half @ A3)

0 1.25M 2.5M
1:50

North



Project

50-58 Sir John Young Crescent,
Woolloomooloo

Project No.

21-001

Issued

MH

Check

NS

Date

02/02/26

Drawing Title

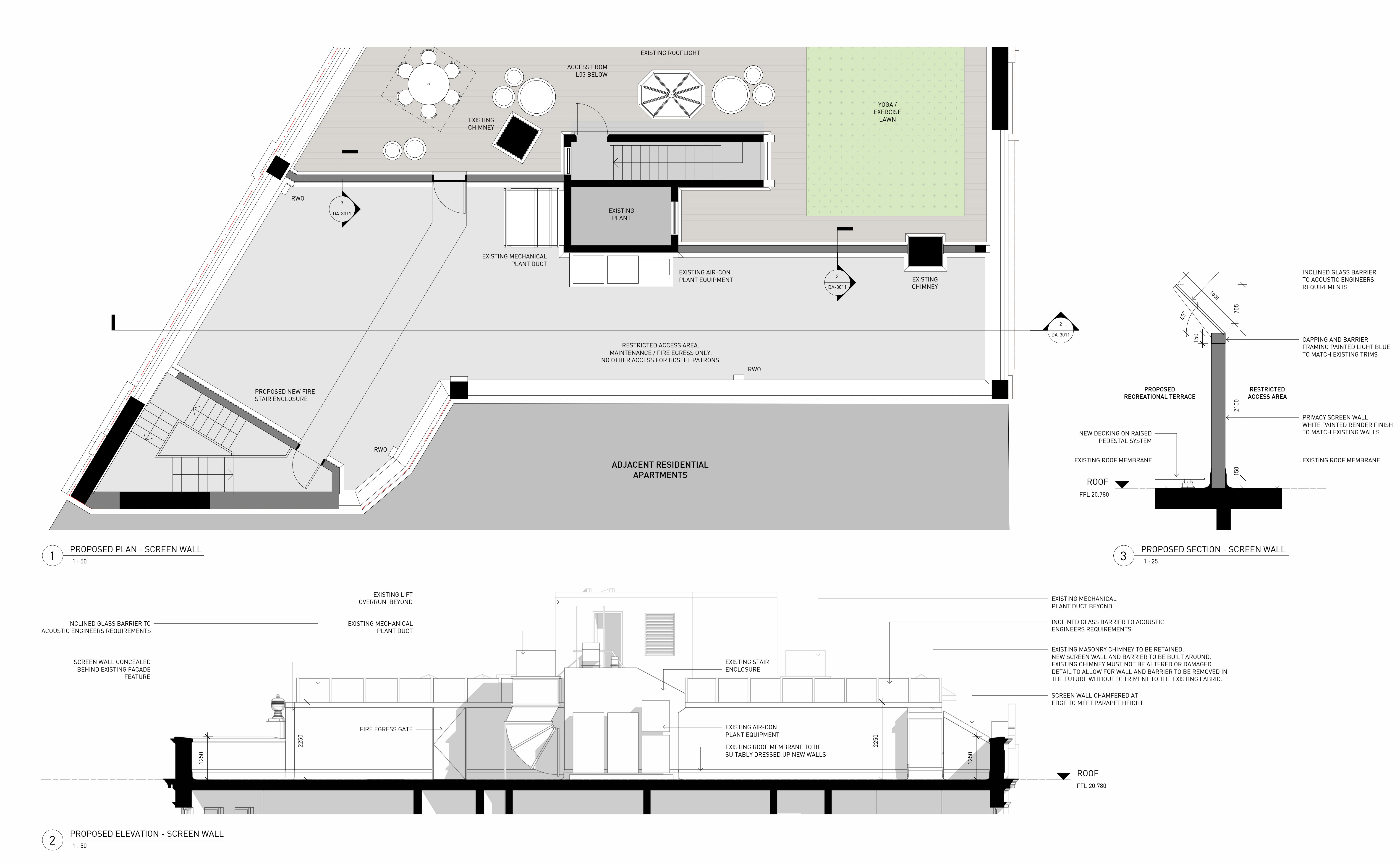
PROPOSED FIRE STAIR ENCLOSURE -
DETAIL VIEWS

Drawing No.

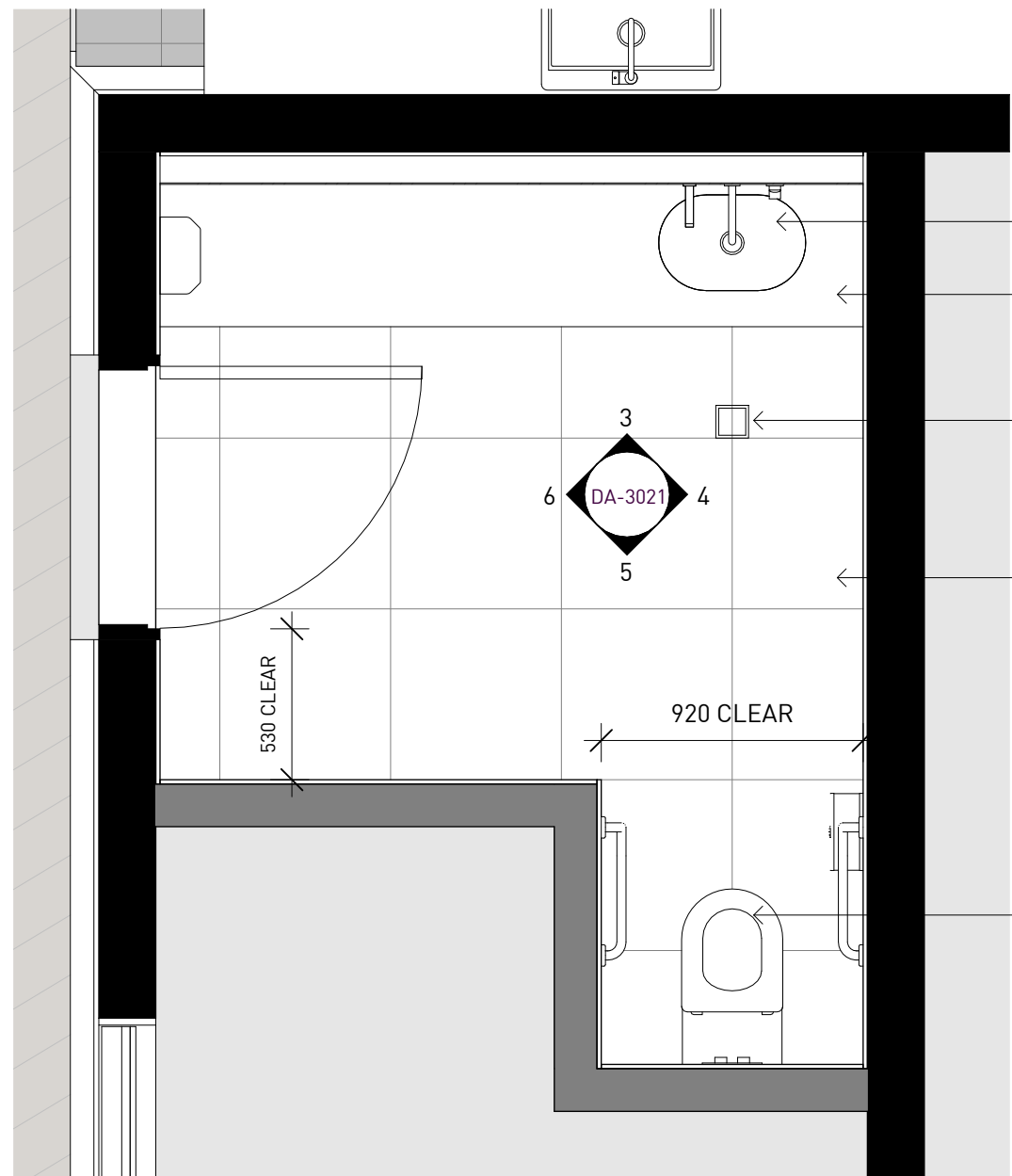
DA-3002

Rev

2



Architect sissons. a: Level 5, 53 Berry Street, North Sydney, NSW 2060. p: 02 8904 1853 Nominated Architect: Nick Sissons NSW ARB 7210		NOTES: EXISTING WALLS PROPOSED NEW WALLS		Client Pitch Properties Pty Ltd		Project 50-58 Sir John Young Crescent, Woolloomooloo				Drawing Title PROPOSED SCREEN WALL	
Scale As indicated @ A1 (Half @ A3) 01.501.25M2.5M		North 		Project No. 21-001	Issued MH	Check NS	Date 18/12/25	Drawing No. DA-3011	Rev 5		



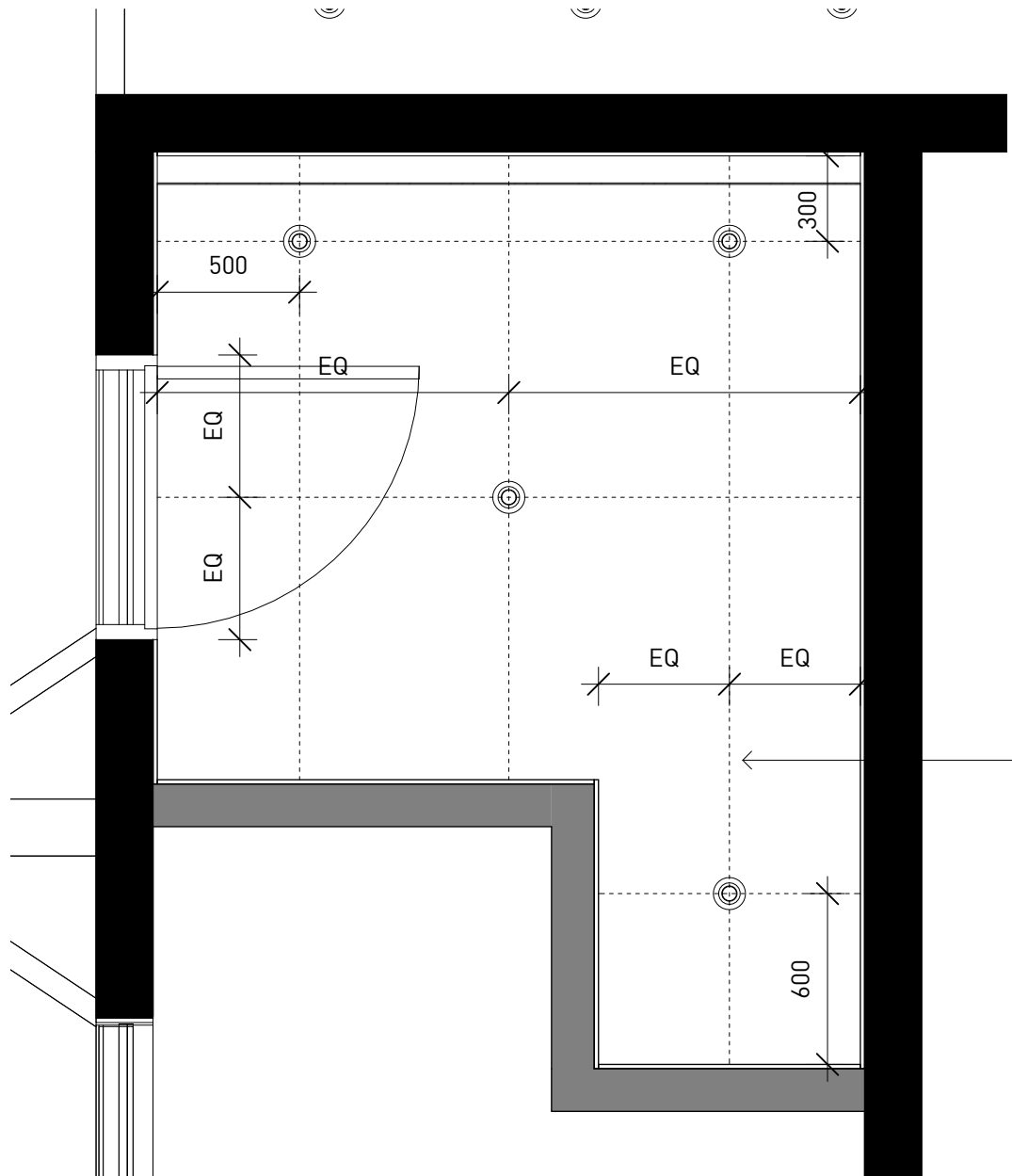
UNDERMOUNT SINK
SUPPLIER: CAROMA
MODEL: LIANO II 58mm PILL
UNDER-COUNTER
COLOUR: WHITE VITREOUS CHINA

CORIAN VANITY BENCHTOP

RECESSED FLOOR WASTE
SUPPLIER: REECE PLUMBING
MODEL: MIZU DRIFT TILE INSERT
FINISH: CHROME
SIZE: 100x100mm

CERAMIC FLOOR TILES
SUPPLIER: DAUGRES TILES EXPO
PRODUCT: CONCRETE ROCK
SIZE: 600x600mm
COLOUR: GREY

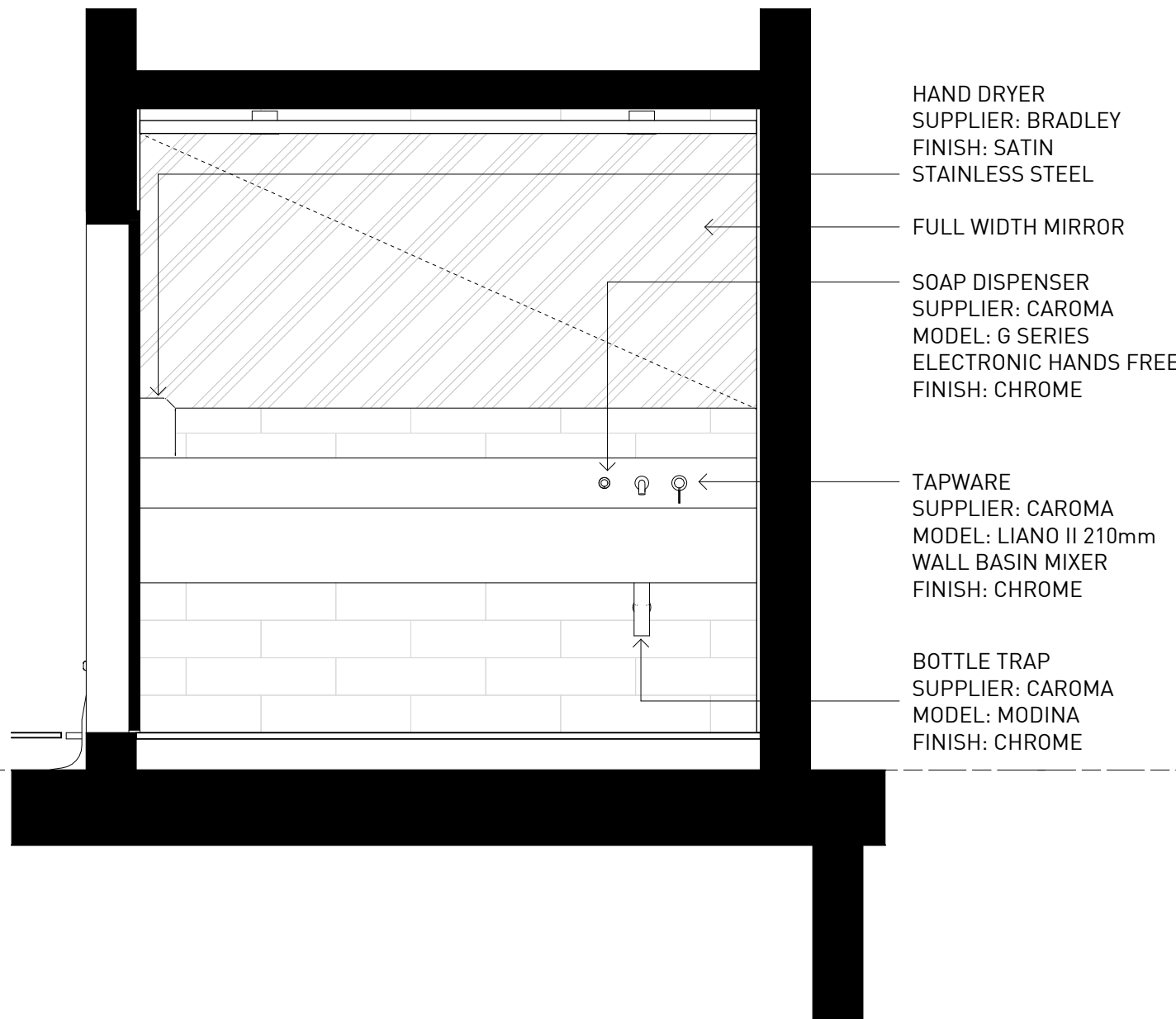
AMBULENT WC PAN
SUPPLIER: CAROMA
MODEL: LIANO CLEANFLUSH INVISI
SERIES II EASY HEIGHT WALL FACED
FINISH: WHITE VITREOUS CHINA



NOTE:
- ALL SUPPLIERS AND PRODUCTS SHOWN ARE INDICATIVE.
- ANY SUBSTITUTIONS MUST MATCH DESIGN INTENT AND BE VERIFIED
FOR COMPLIANCE WITH RELEVANT AUSTRALIAN STANDARDS.
- FITTINGS AND FIXTURES AND LAYOUT TO BE COMPLIANT WITH AS 1428
REQUIREMENTS FOR AMBULENT FACILITIES

1 PROPOSED PLAN - AMBULENT WC
1 : 25

2 PROPOSED RCP - AMBULENT WC
1 : 25



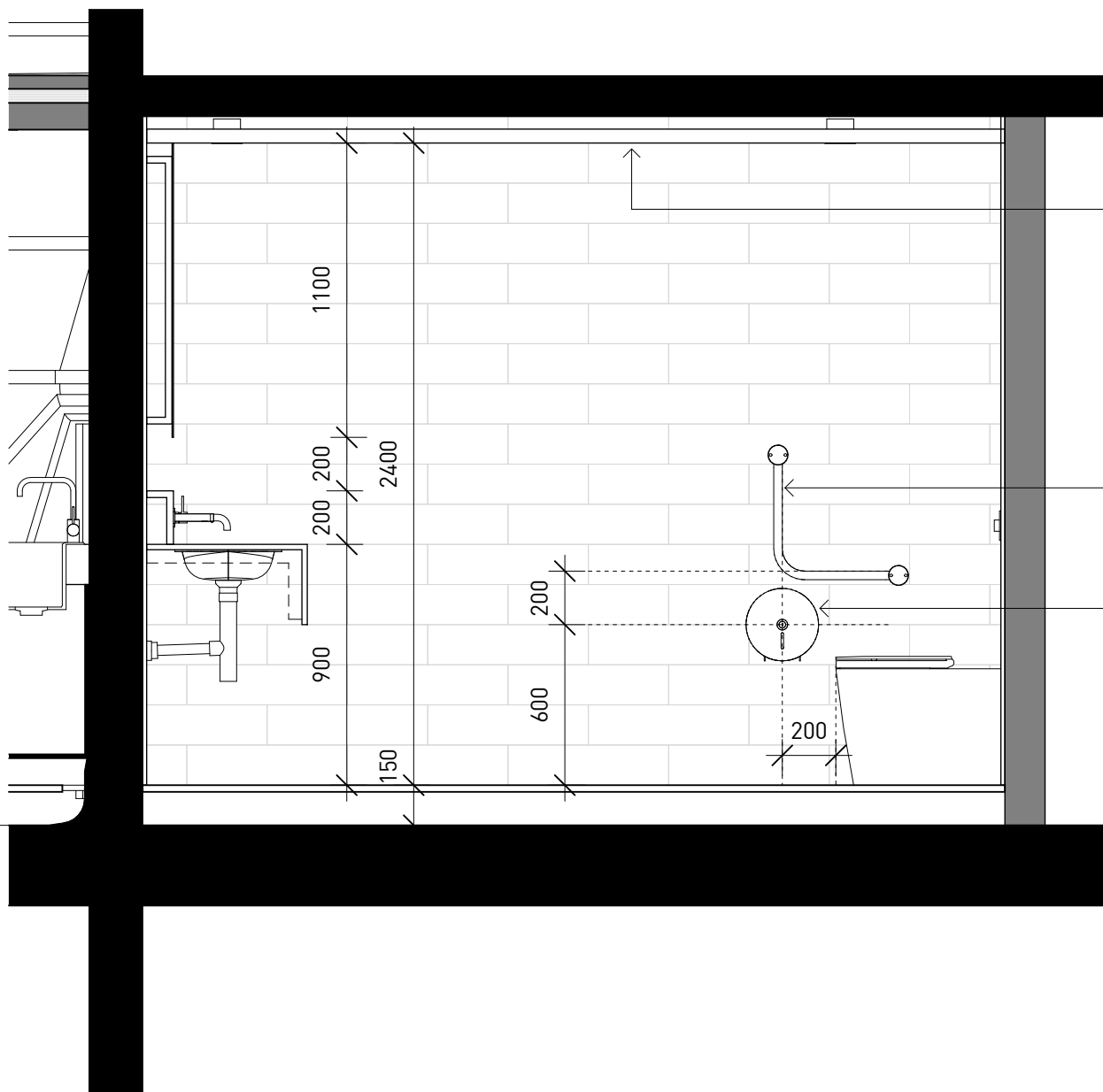
HAND DRYER
SUPPLIER: BRADLEY
FINISH: SATIN
STAINLESS STEEL

FULL WIDTH MIRROR

SOAP DISPENSER
SUPPLIER: CAROMA
MODEL: G SERIES
ELECTRONIC HANDS FREE
FINISH: CHROME

TAPWARE
SUPPLIER: CAROMA
MODEL: LIANO II 210mm
WALL BASIN MIXER
FINISH: CHROME

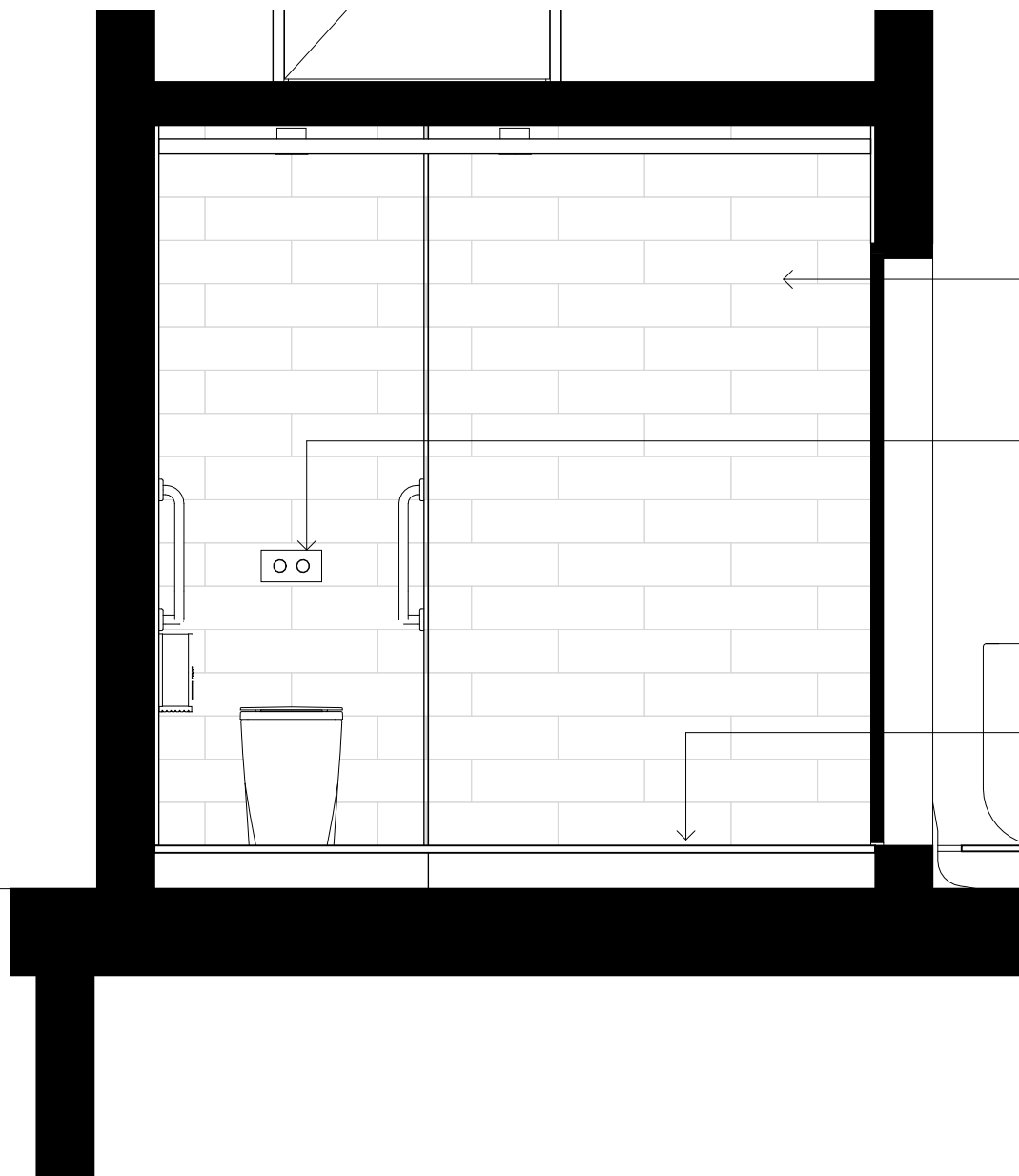
BOTTLE TRAP
SUPPLIER: CAROMA
MODEL: MODINA
FINISH: CHROME



PAINTED PLASTERBOARD
CEILING
SUPPLIER: DULUX
PRODUCT: CEILING WHITE
+PLUS KITCHEN AND
BATHROOM
COLOUR: WHITE

AMBULENT GRAB RAILS
SUPPLIER: RBA GROUP
MODEL: MODULAR
AMBULANT 90° GRAB
RAIL AMBIDEXTROUS
SIZE: 450x450mm
FINISH: SATIN
STAINLESS STEEL

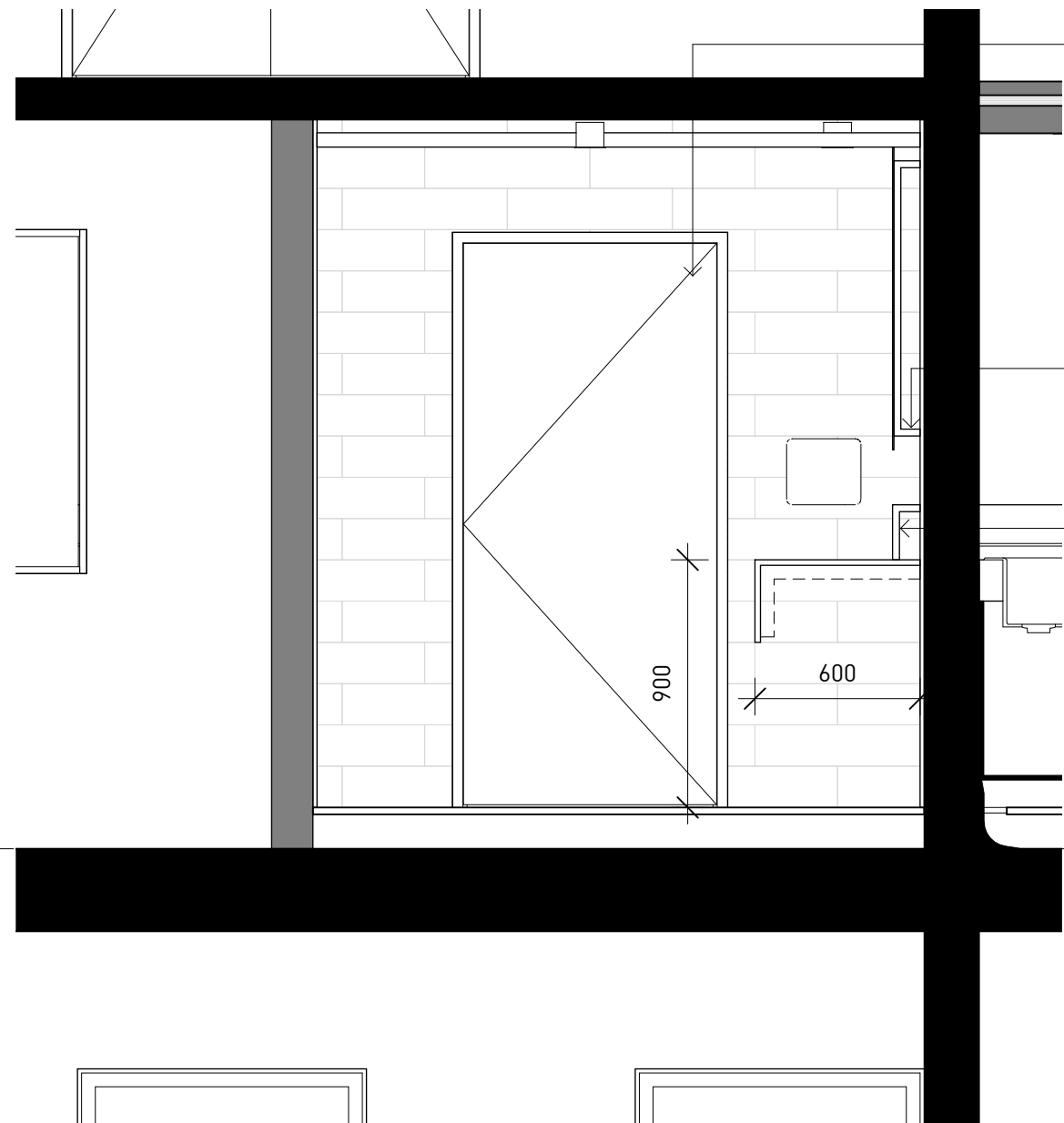
TOILET ROLL HOLDER
SUPPLIER: BRADLEY
FINISH: SATIN
STAINLESS STEEL



CERAMIC WALL TILE
SUPPLIER: BEAUMONT
PRODUCT: SPATIAL TILE
SIZE: 600x150mm
COLOUR: WHITE
FINISH: SATIN
PATTERN: 1/2 STRETCHER

AMBULENT FLUSH PLATE
SUPPLIER: CAROMA
MODEL: INVISI SERIES II
DUAL FLUSH AND RAISED
CARE BUTTONS
FINISH: CHROME

TILE FLOOR TO BE BUILT
UP TO ALIGN WITH
EXTERNAL DECKING



EXISTING
WINDOW TO BE
EXTENDED TO
CREATE NEW
DOORWAY

LED STRIP
LIGHTING TO BE
CONCEALED
BELOW MIRROR
REVEAL

CORIAN
SPLASHBACK TO
CREATE SHELF
AND MOUNT FOR
TAPWARE AND
SOAP DISPENSER

ROOF
FFL 20.780

3 PROPOSED ELEVATION - AMBULENT WC NORTH
1 : 25

4 PROPOSED ELEVATION - AMBULENT WC EAST
1 : 25

5 PROPOSED ELEVATION - AMBULENT WC SOUTH
1 : 25

6 PROPOSED ELEVATION - AMBULENT WC WEST
1 : 25

Architect
sissons.
a: Level 5, 53 Berry Street, North Sydney, NSW 2060.
p: 02 8904 1853

Nominated Architect: Nick Sissons NSW ARB 7210

NOTES:
— EXISTING WALLS
— PROPOSED NEW WALLS

Client
Pitch Properties Pty Ltd

Scale
1 : 25 @ A1 (Half @ A3)

0 1.25M
1:25

Project
50-58 Sir John Young Crescent,
Woolloomooloo

Project No.
21-001

Issued
MH

Check
NS

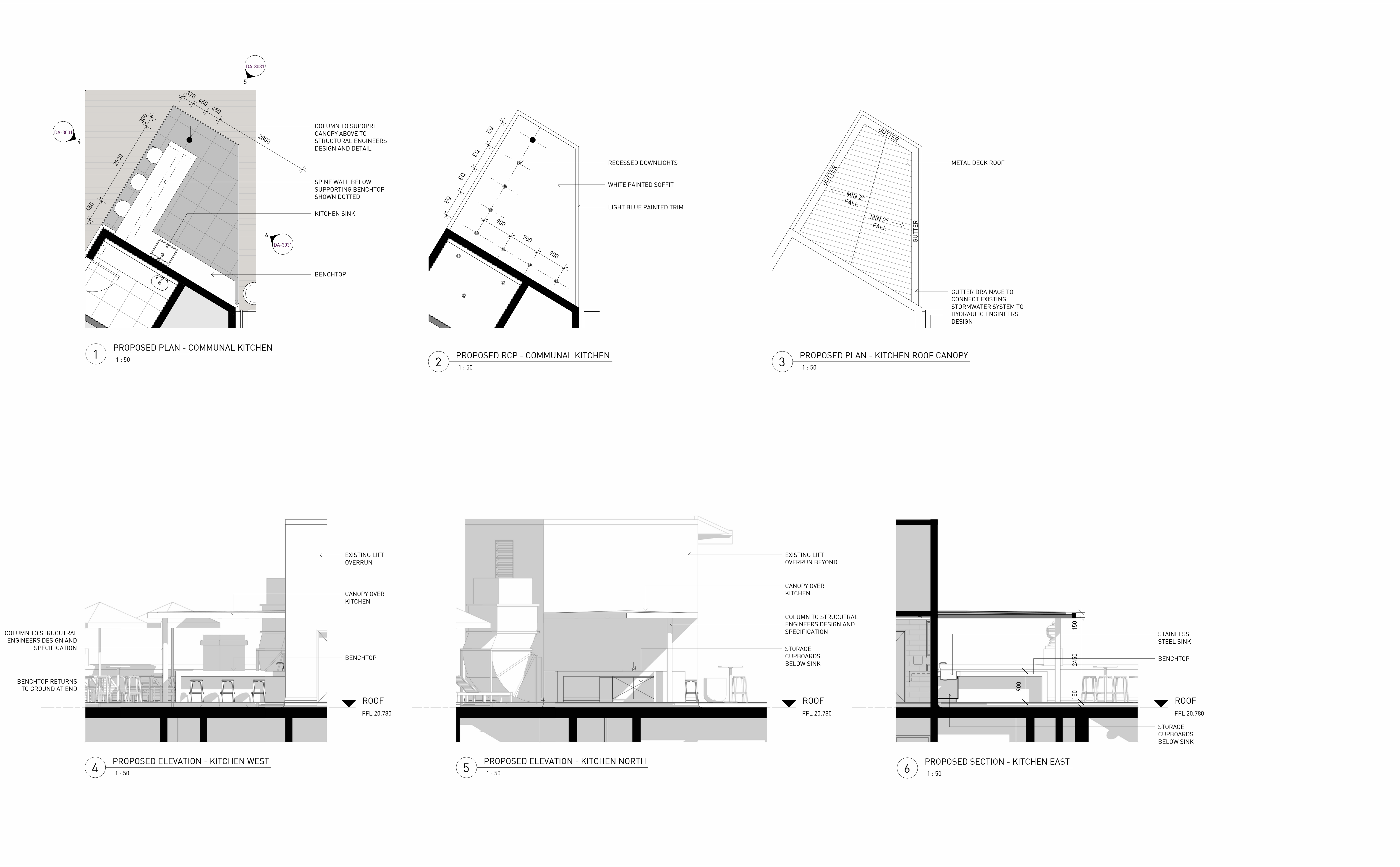
Date
18/12/25

Drawing Title
PROPOSED WC

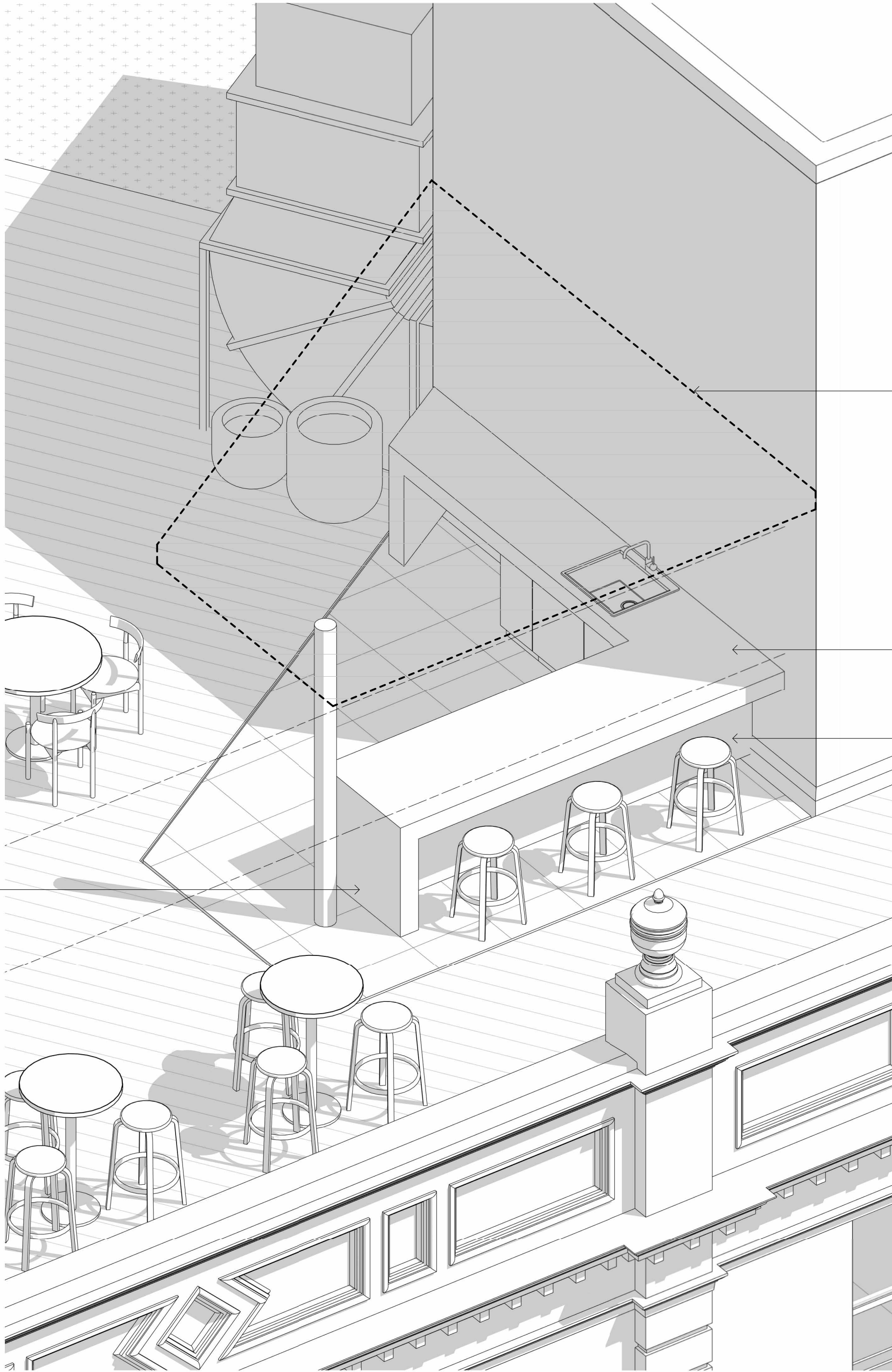
Drawing No.
DA-3021

Rev
6

A1 0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150 DO NOT SCALE DIMENSIONS FROM DRAWING



Architect sissons. a: Level 5, 53 Berry Street, North Sydney, NSW 2060. p: 02 8904 1853 Nominated Architect: Nick Sissons NSW ARB 7210		NOTES: — EXISTING WALLS — PROPOSED NEW WALLS		Client Pitch Properties Pty Ltd		Project 50-58 Sir John Young Crescent, Woolloomooloo				Drawing Title PROPOSED COMMUNAL KITCHEN	
Scale 1 : 50 @ A1 (Half @ A3) 0 1.25M 2.5M 1:50		North 		Project No. 21-001	Issued MH	Check NS	Date 18/12/25	Drawing No. DA-3031		Rev 5	



CANOPY OVER OMITTED
AND SHOWN HATCHED
FOR CLARITY

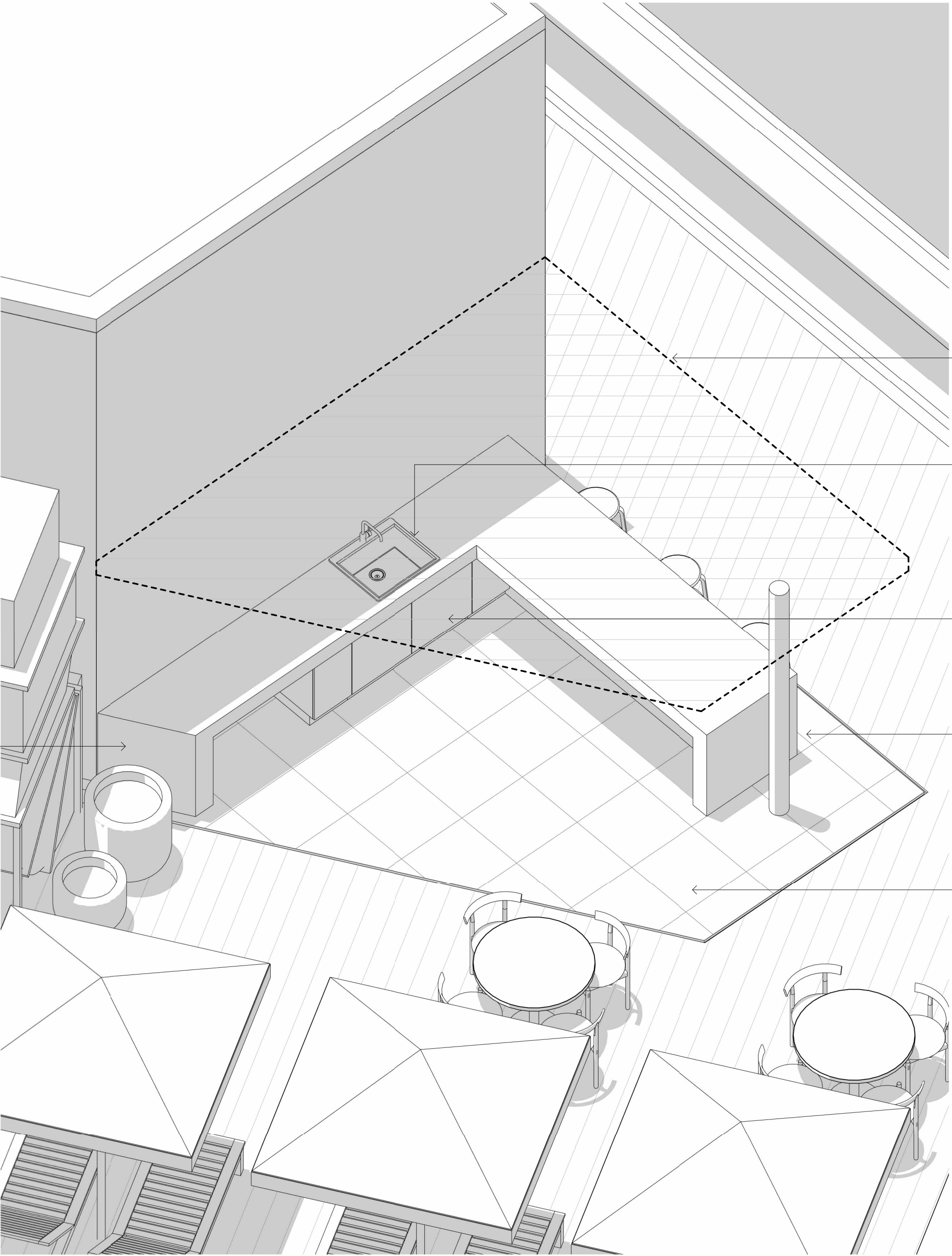
BENCHTOP

CENTRAL SPINE WALL TO
SUPPORT BENCHTOP ABOVE

BENCHTOP TO RETURN TO
GROUND AT END

3

PROPOSED 3D VIEW - COMMUNAL KITCHEN



CANOPY OVER OMITTED
AND SHOWN HATCHED
FOR CLARITY

STAINLESS STEEL SINK

STORAGE CUPBOARDS
BELOW SINK

STEEL COLUMN TO SUPPORT
CANOPY TO STRUCTURAL
ENGINEER'S DESIGN AND
SPECIFICATION

TILE PAVING ON PEDESTAL
SYSTEM TO MATCH LEVEL OF
ADJACENT DECKING

BENCHTOP RETURNS TO
GROUND AT END AND
SPLAYED TO ALIGN WITH
EXISTING ADJACENT WALL

5

PROPOSED 3D VIEW - COMMUNAL KITCHEN REVERSE ANGLE

Architect

sissons.

a: Level 5, 53 Berry Street, North Sydney, NSW 2060.
p: 02 8904 1853

Nominated Architect: Nick Sissons NSW ARB 7210

Client

Pitch Properties Pty Ltd

Project

50-58 Sir John Young Crescent,
Woolloomooloo

Drawing Title

PROPOSED COMMUNAL KITCHEN

Project No.

21-001

Issued

MH

Check

NS

Date

18/12/25

Drawing No.

DA-3032

Rev

5



EXISTING ROOF

PROPOSED ROOF TERRACE



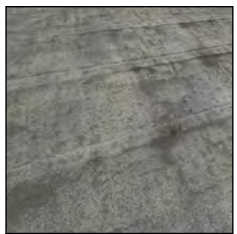
1.01 ECODECK COMPOSITE DECKING ON PEDISTAL SYSTEM
COLOUR: STIRLING
BOARD SIZE: 180mm x 23mm
The product is GreenRate Certified and includes 80% reclaimed and recycled material. There is no requirement for oiling, staining or sealing with chemical maintenance treatment. It is durable and long lasting offering a 10year commercial warranty.



1.02 ENDOTURF WALLABY ARTIFICIAL GRASS
PILE HEIGHT: 40mm
COLOUR: 3 TONE GREEN, LUSH FIBRE
The product is made from 60% renewable materials (Sugar Cane) and is recyclable at the end of life.



1.03 PAVING TILE ON PEDESTAL SYSTEM
SIZE: 600mm x 600mm
COLOUR: MID GREY



1.04 EXISTING ROOF MEMBRANCE
COLOUR: LIGHT GREY



2.01 WHITE PAINTED RENDER TO MATCH EXISTING WALL FINISHES



2.02 LIGHT BLUE TRIM PAINT TO MATCH EXISTING TRIM FINISHES



2.03 METAL DECK ROOFING
PROFILE: KLIP-LOK 700 OR SIMILAR LOW PROFILE RIBBED SECTION
MATERIAL: PRE-FINISHED COLOURBOND
COLOUR: WINDSPRAY
FIXINGS: CONCEALED CLIP SYSTEM - NO EXPOSED FASTENERS



2.04 ACOUSTIC BARRIER
INCLINED GLASS BARRIER TO ACOUSTIC ENGINEERS REQUIREMENTS



2.05 KITCHEN BENCHTOP
MATERIAL: CORIAN OR STAINLESS STEEL



3.01 SUNSHADE UMBRELLAS
FIXED TO GROUND, CLOSED AT NIGHT
COLOUR: WHITE
SIZE: 2x2M



3.02 SUN LOUNGER DAYBEDS
MATERIAL: TIMBER



3.03 BEAN BAG SEATING



3.04 CHAIRS
MATERIAL: TIMBER
COLOUR: BLACK



3.05 TABLES
COLOUR: BLACK BASE / TIMBER SURFACE
FIXED TO FLOOR



3.06 STOOLS



3.07 HIGH TABLES
COLOUR: BLACK
FIXED TO FLOOR



3.08 KITCHEN SINK
MATERIAL: STAINLESS STEEL
TYPE: SINGLE BOWL



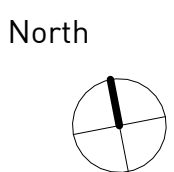
3.09 PLANT POTS
COLOUR: WHITE
SIZES VARY - DIAMETER: ø550mm / ø650mm / ø1100mm
SIZES VARY - HEIGHT: 475mm / 700mm / 800mm

Architect
sissons.
a: Level 5, 53 Berry Street, North Sydney, NSW 2060.
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Client
Pitch Properties Pty Ltd

Scale
@ A1 (Half @ A3)



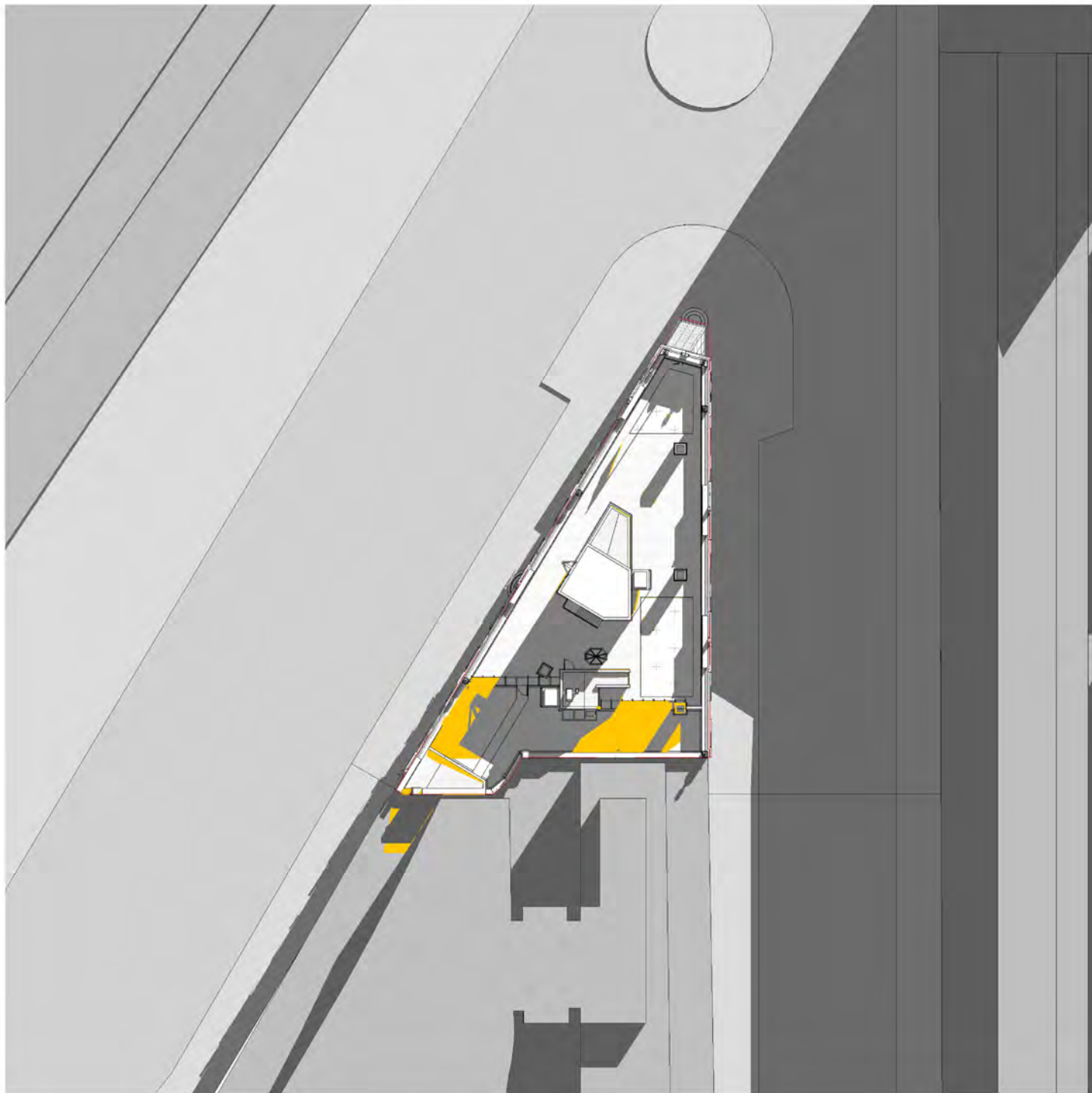
Project
50-58 Sir John Young Crescent,
Woolloomooloo

Project No. 21-001
Issued MH
Check NS
Date 02/02/26

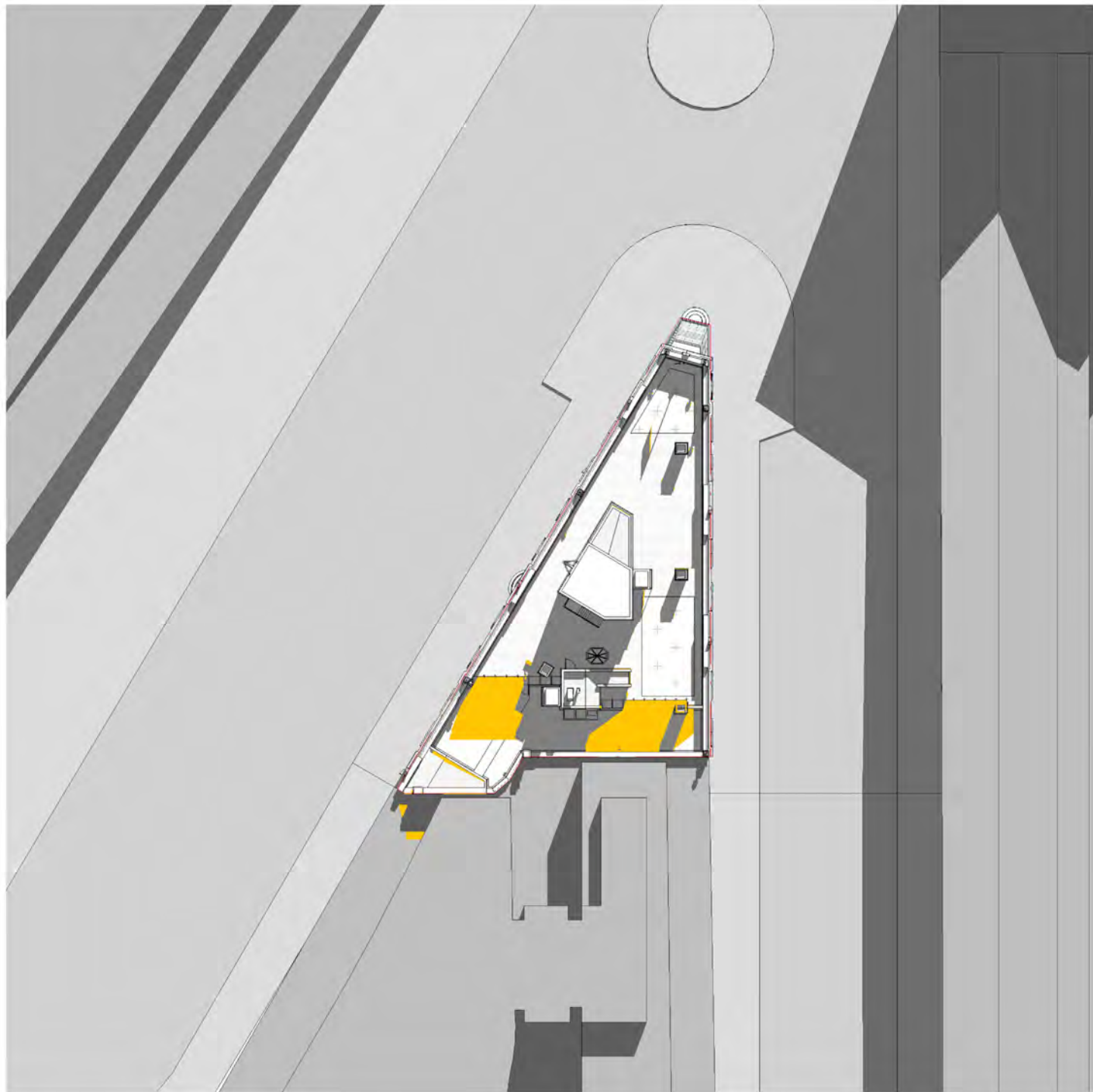
Drawing Title
PROPOSED MATERIAL BOARD

Drawing No.
DA-4001

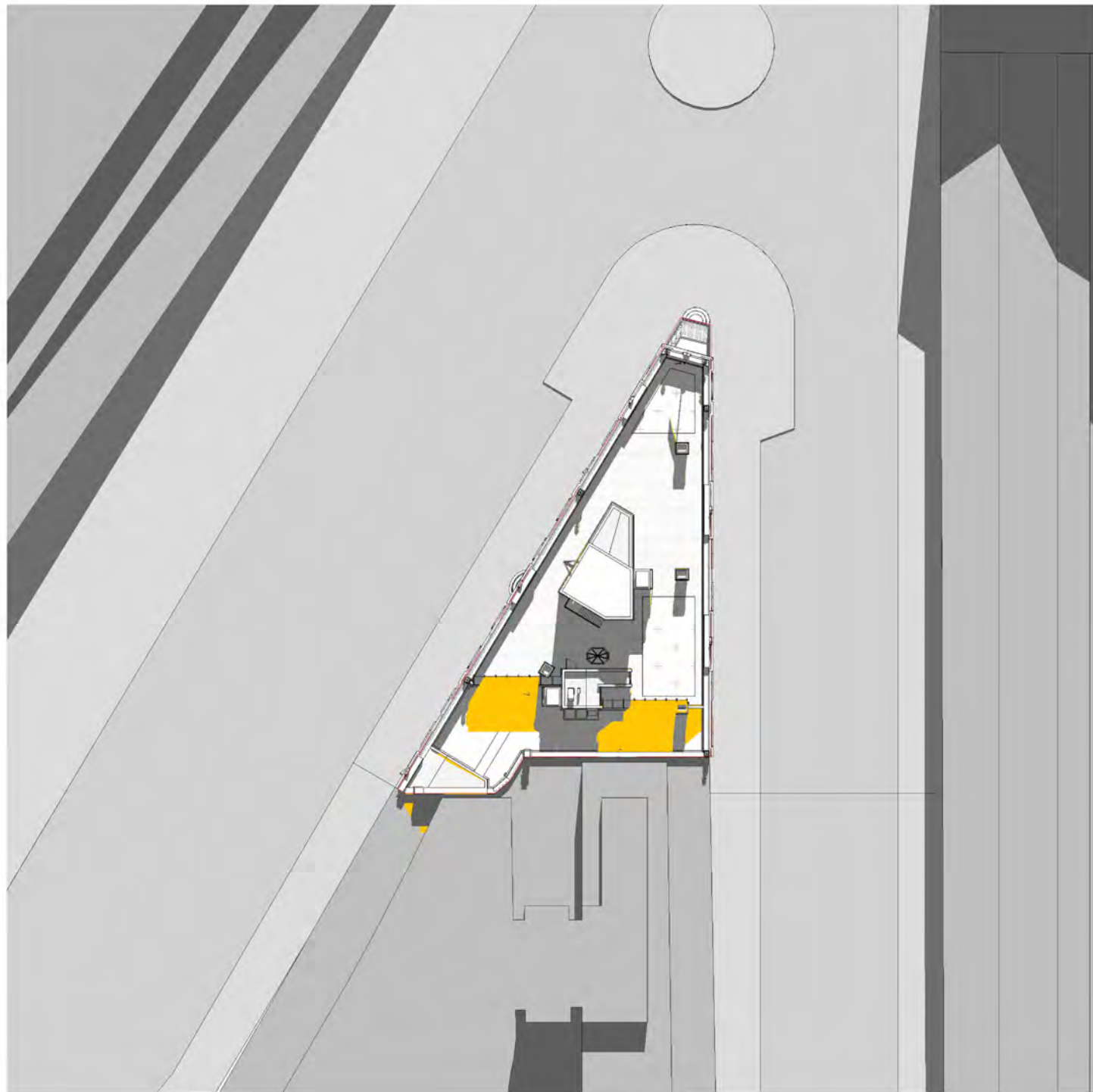
Rev
9



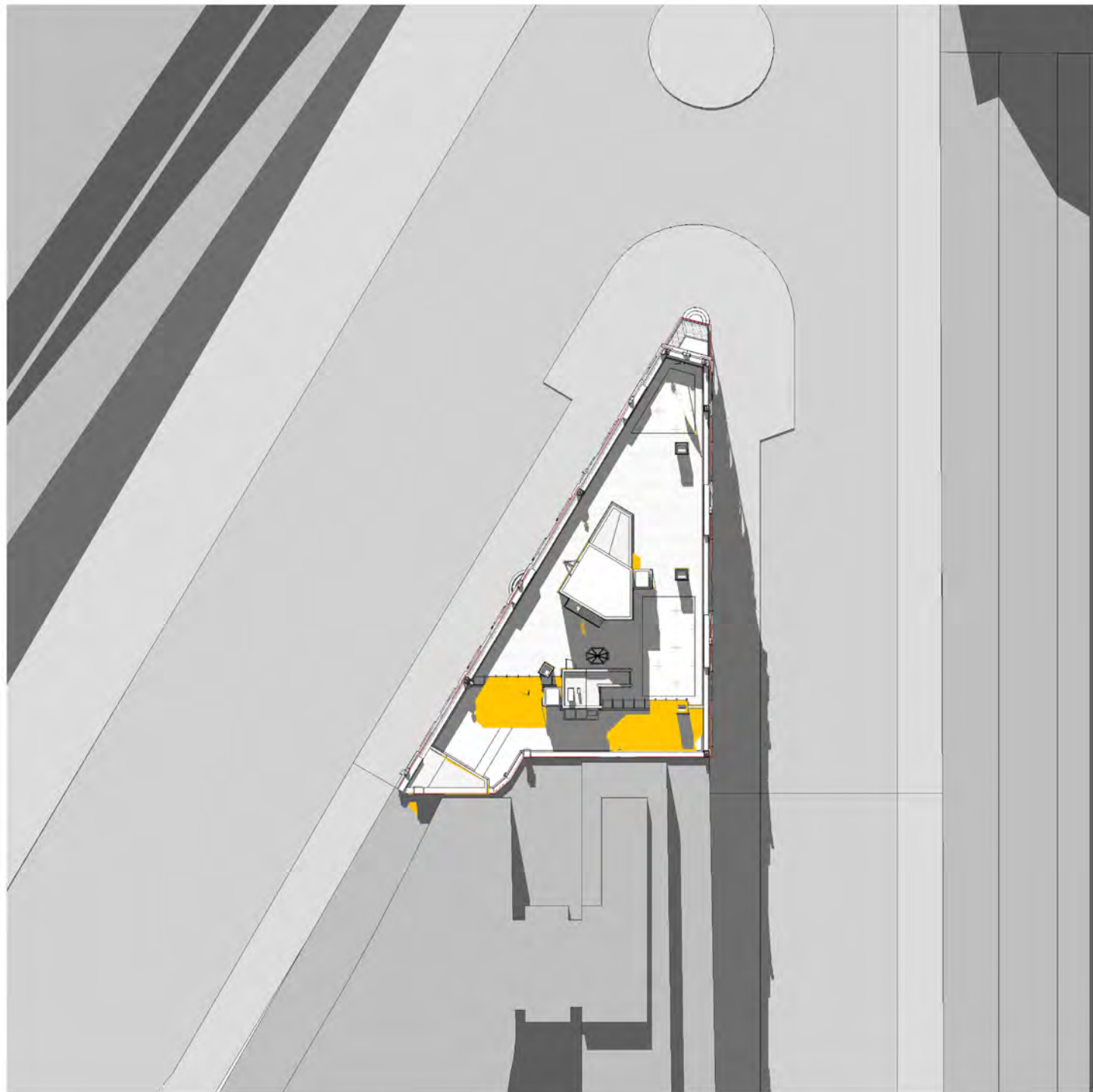
1 WINTER SOLSTICE - 0900
1:500



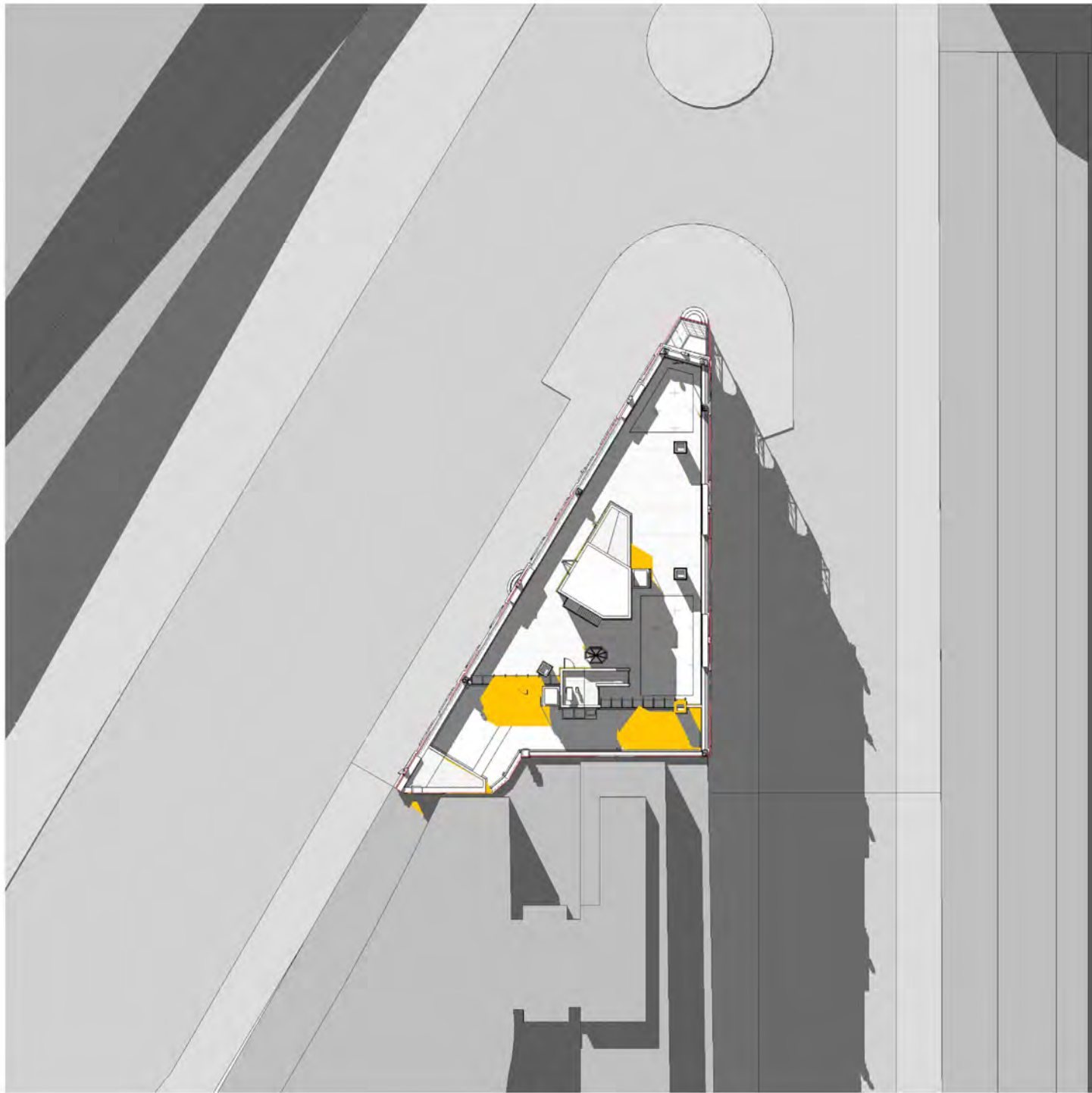
2 WINTER SOLSTICE - 1000
1:500



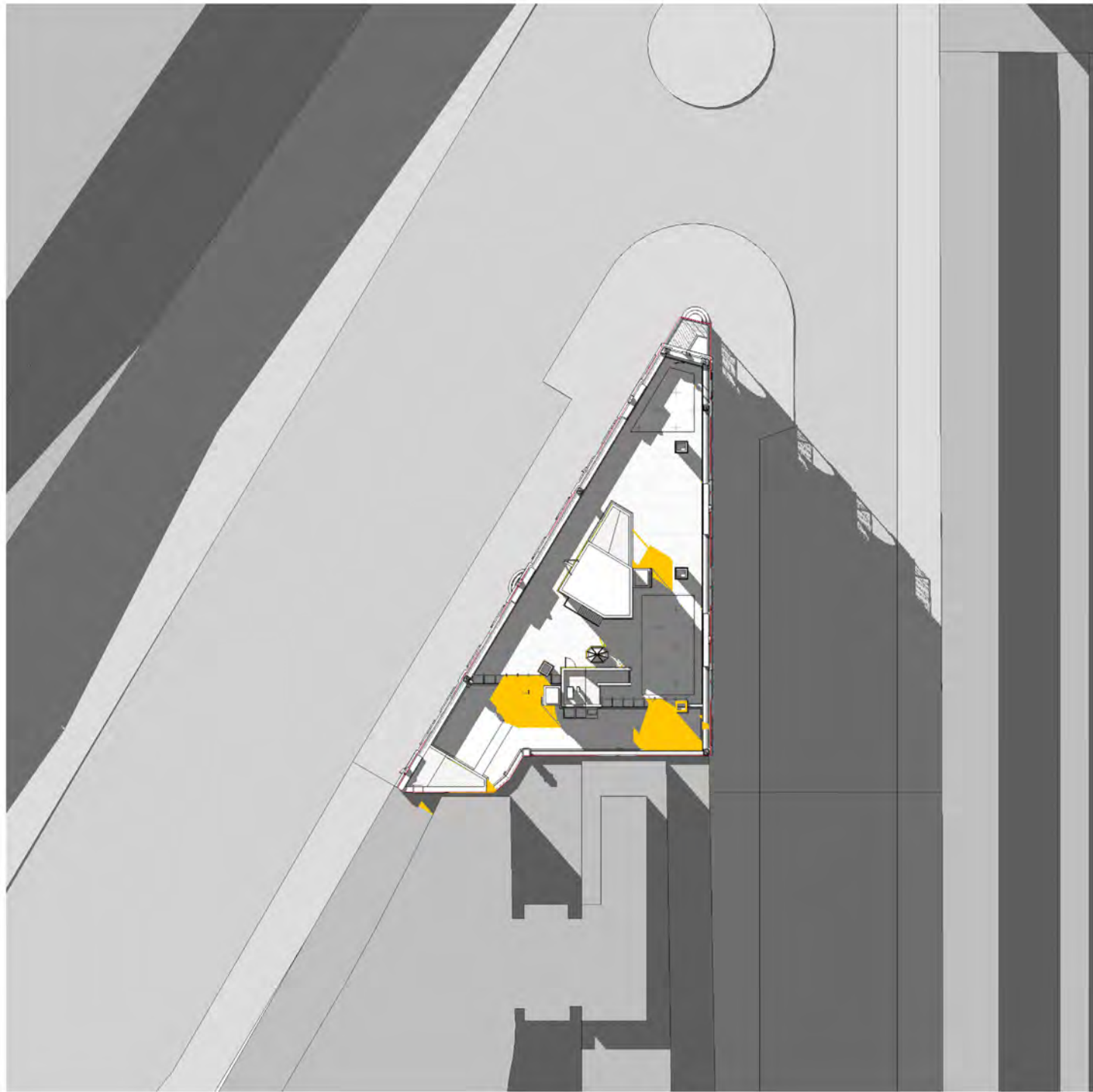
3 WINTER SOLSTICE - 1100
1:500



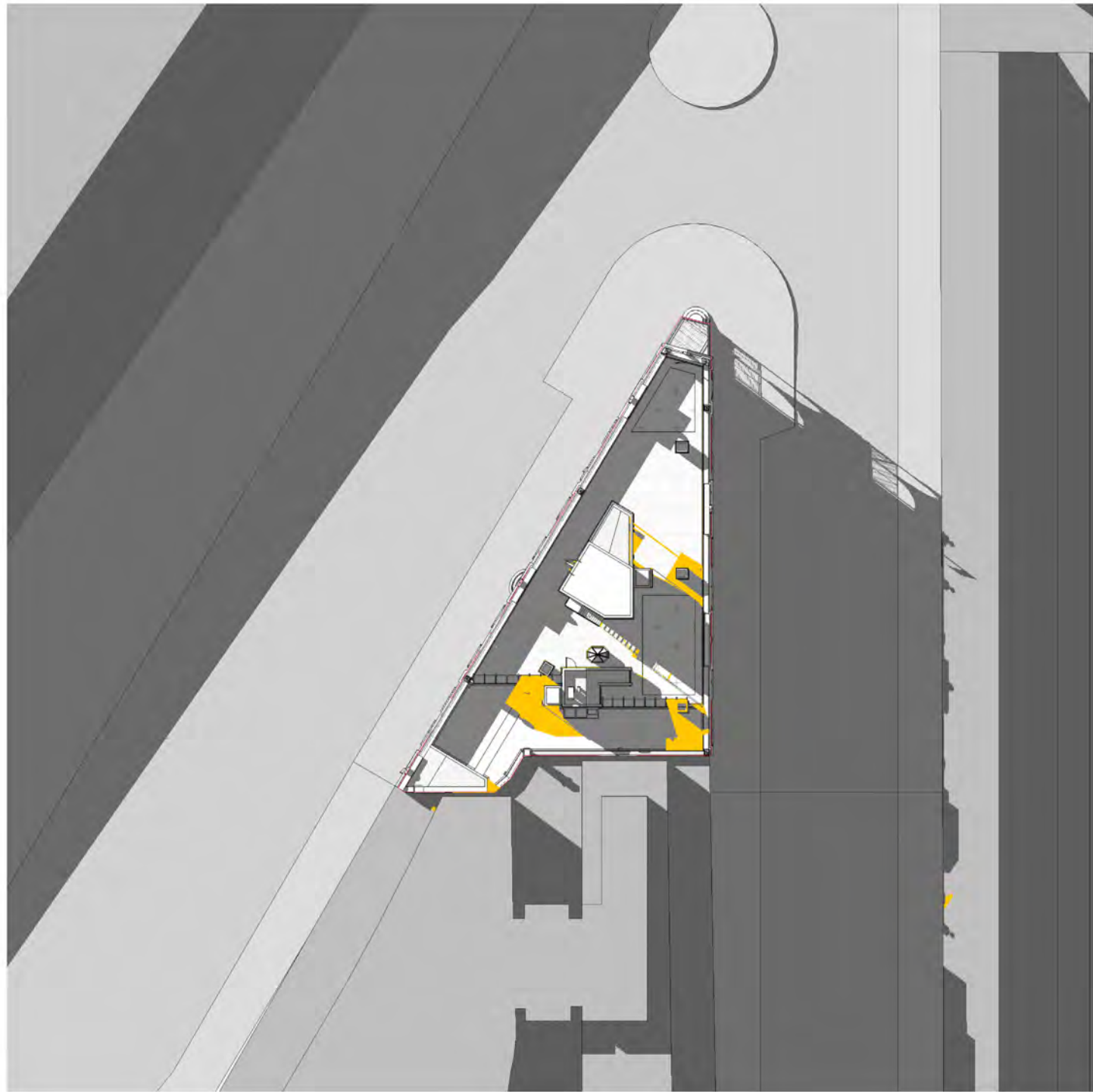
4 WINTER SOLSTICE - 1200
1:500



5 WINTER SOLSTICE - 1300
1:500



6 WINTER SOLSTICE - 1400
1:500



7 WINTER SOLSTICE - 1500
1:500

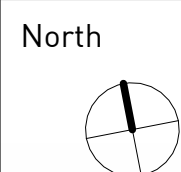
Architect
sissons.
a: Level 5, 53 Berry Street, North Sydney, NSW 2060.
p: 02 8904 1853

Nominated Architect: Nick Sissons NSW ARB 7210

NOTES:
SHADOWS CAST BY EXSITING ELEMENTS
SHADOWS CAST BY PROPOSED NEW ELEMENTS

Client
Pitch Properties Pty Ltd

Scale
1 : 500 @ A1 (Half @ A3)
0 1:500 25M



Project
50-58 Sir John Young Crescent,
Woolloomooloo

Project No.
21-001

Issued
MH

Check
NS

Date
18/12/25

Drawing Title
PROPOSED SHADOW STUDY - WINTER
SOLSTICE

Drawing No.
DA-5001

Rev
6



1 GFA - LEVEL 00
1 : 350



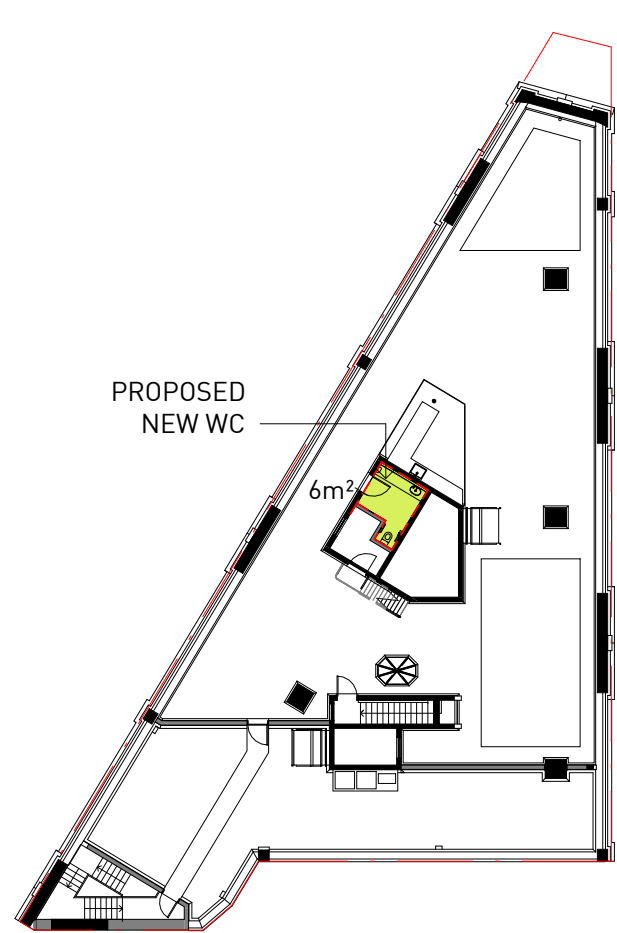
2 GFA - LEVEL 01
1 : 350



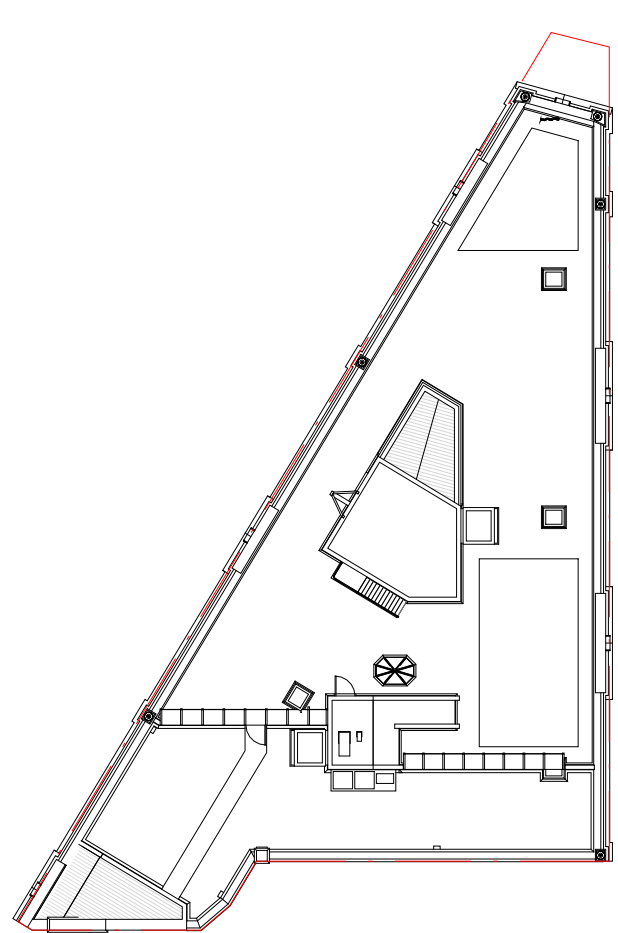
3 GFA - LEVEL 02
1 : 350



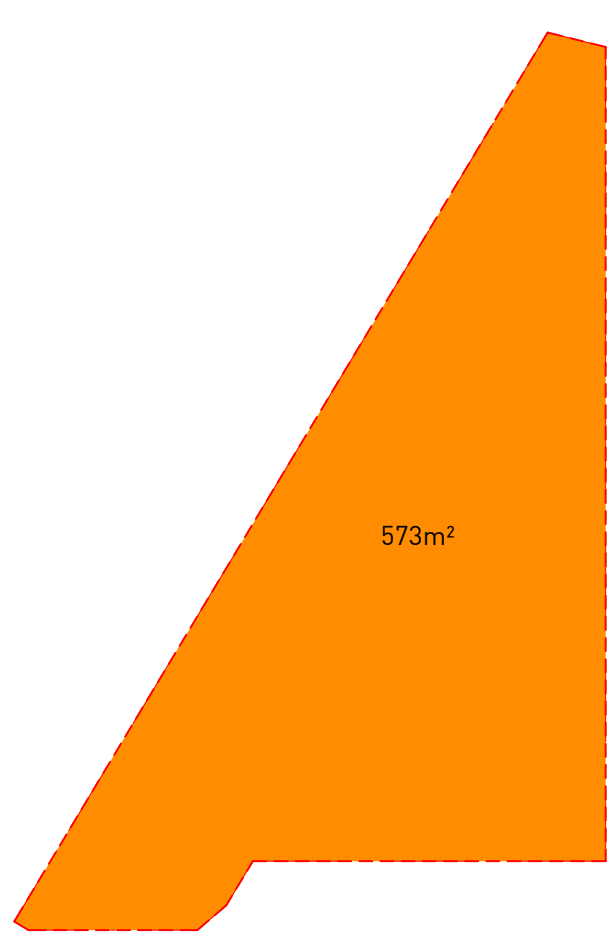
4 GFA - LEVEL 03
1 : 350



5 GFA - ROOF TERRACE
1 : 350



6 GFA - ROOF
1 : 350



7 SITE AREA
1 : 350

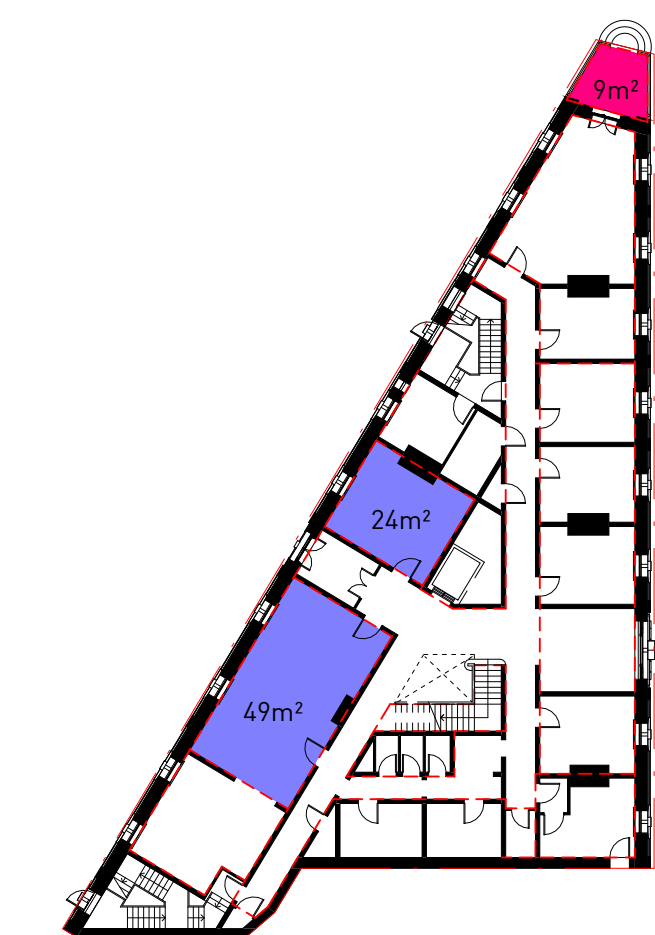
GROSS FLOOR AREA:

EXISTING GFA: 1,573m²
PROPOSED GFA: 1,580m²

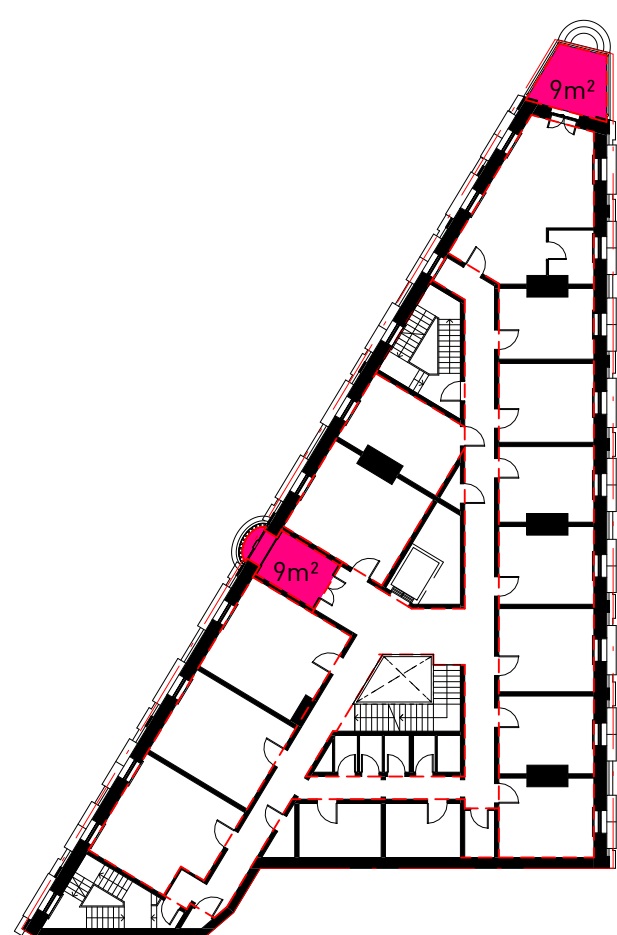
COMMUNAL AREAS:

EXISTING INTERNAL: 82m²
PROPOSED INTERNAL: 82m²

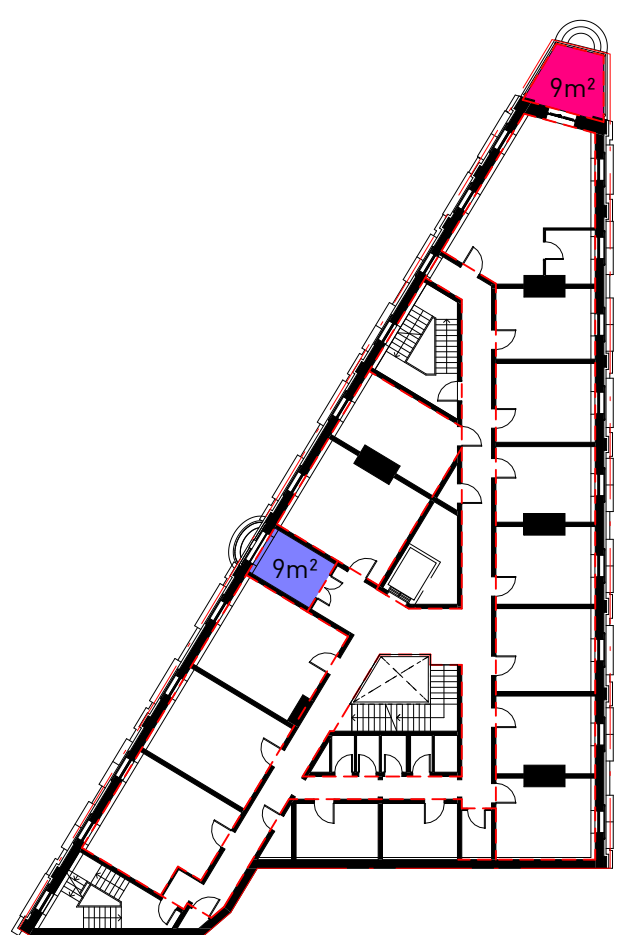
EXISTING EXTERNAL: 45m²
PROPOSED EXTERNAL: 358m²



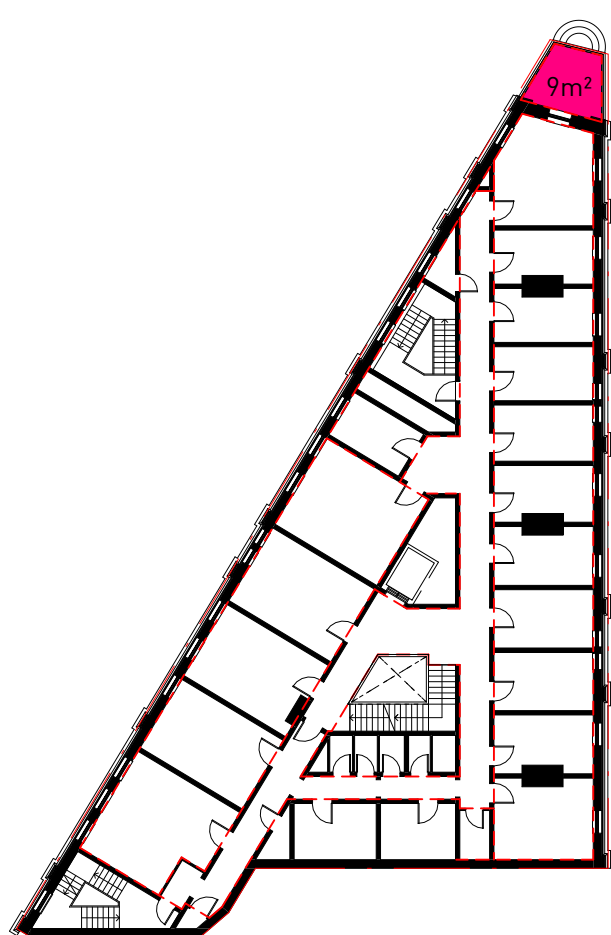
8 COMMUNAL AREAS - LEVEL 00
1 : 350



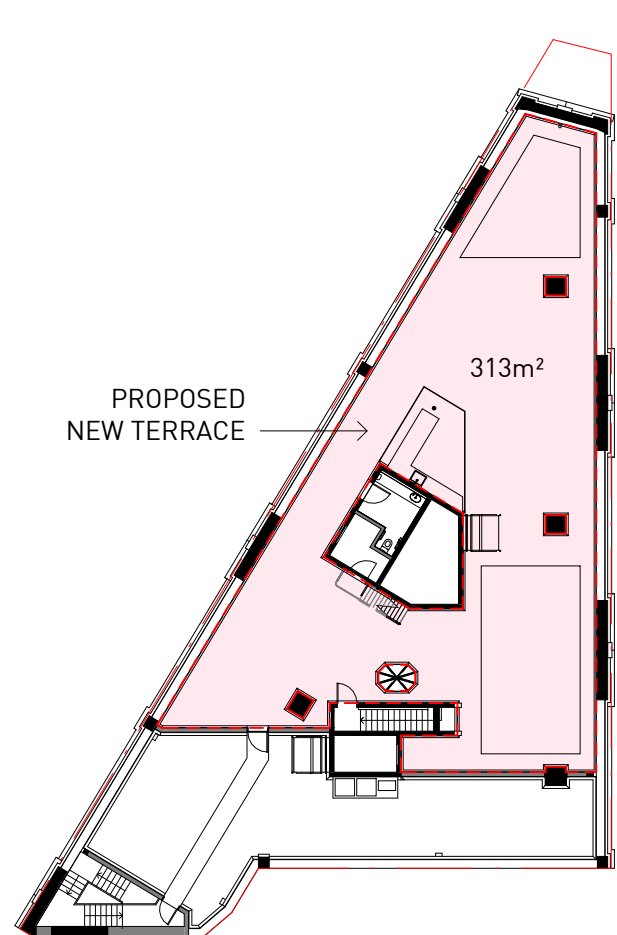
9 COMMUNAL AREAS - LEVEL 01
1 : 350



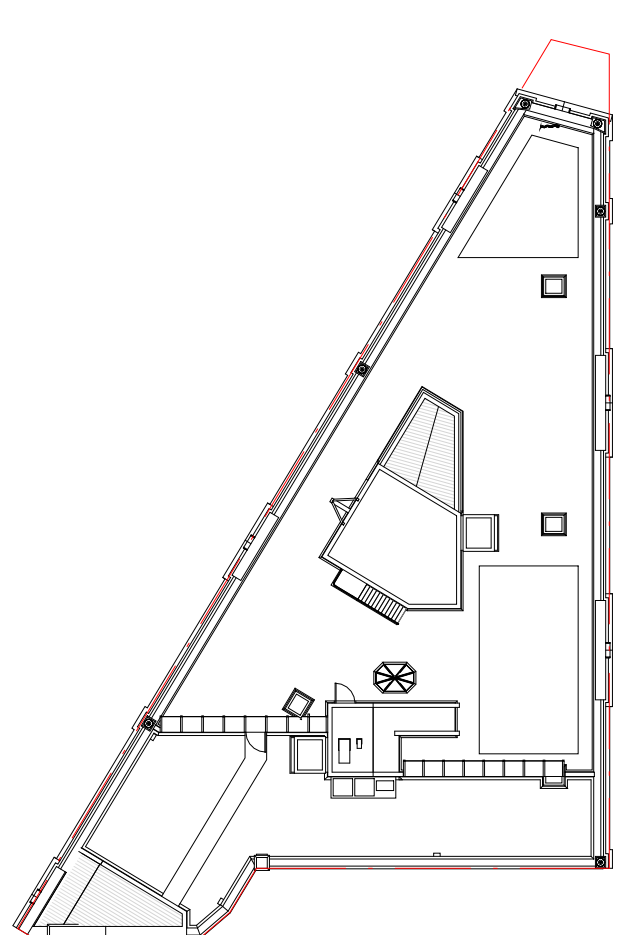
10 COMMUNAL AREAS - LEVEL 02
1 : 350



11 COMMUNAL AREAS - LEVEL 03
1 : 350



12 COMMUNAL AREAS - ROOF TERRACE
1 : 350



13 COMMUNAL AREAS - ROOF
1 : 350

Architect

sissons.

a: Level 5, 53 Berry Street, North Sydney, NSW 2060.
p: 02 8904 1853

Nominated Architect: Nick Sissons NSW ARB 7210

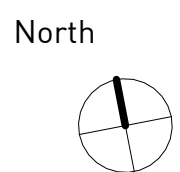
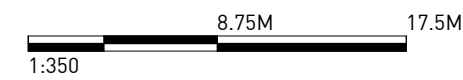
Area Plan Notes:

- ALL AREAS ARE APPROXIMATE ONLY AND SHOULD BE READ IN CONJUNCTION WITH DRAWING ISSUE. AREAS ARE SUBJECT TO DETAILED DESIGN DEVELOPMENT AND AUTHORITY APPROVALS.
- GBA: GROSS BUILDING AREA - AREA OF TOTAL ENCLOSED PERIMETER MEASURED TO OUTSIDE FACE OF EXTERNAL WALLS, FLOOR AND ROOF, INCLUDING EXTERNAL WORKS.
- GFA: GROSS FLOOR AREA - ALL INTERNAL AREA MEASURED TO THE INSIDE FACE OF THE EXTERNAL WALLS. EXCLUDES LIFT SHAFTS, BALCONIES, COMMON VERTICAL CIRCULATION, PLANT, RISERS, LOADING AREAS, PARKING, BASEMENT STORAGE.
- NLA: NET LETTABLE AREA - COMMERCIAL AREA TO PROPERTY COUNCIL METHOD OF MEASUREMENT.

- SITE AREA
- EXISTING GFA
- PROPOSED NEW GFA
- EXISTING INTERNAL COMMUNAL AREAS
- EXISTING EXTERNAL COMMUNAL AREAS BALCONIES/TERRACES
- PROPOSED EXTERNAL COMMUNAL AREAS BALCONIES/TERRACES

Client
Pitch Properties Pty Ltd

Scale
1 : 350 @ A1 (Half @ A3)



Project
50-58 Sir John Young Crescent,
Woolloomooloo

Project No. 21-001
Issued MH
Check NS
Date 18/12/25

Drawing Title
PROPOSED AREA PLANS

Drawing No.
DA-6001

Rev
7

1 VIEW LOCATION A - EXISTING



2 VIEW LOCATION A - PROPOSED



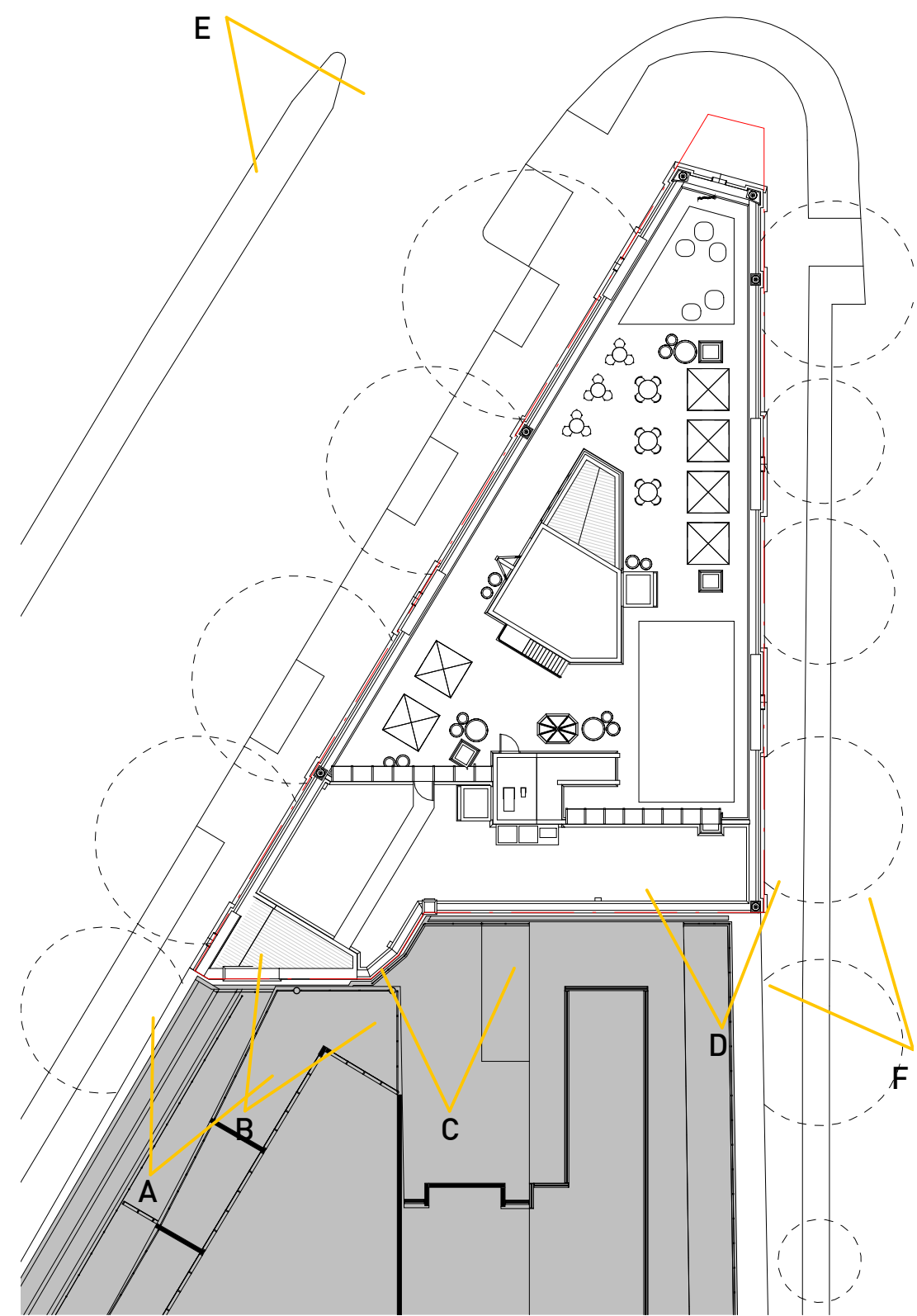
3 VIEW LOCATION B - EXISTING



4 VIEW LOCATION B - PROPOSED



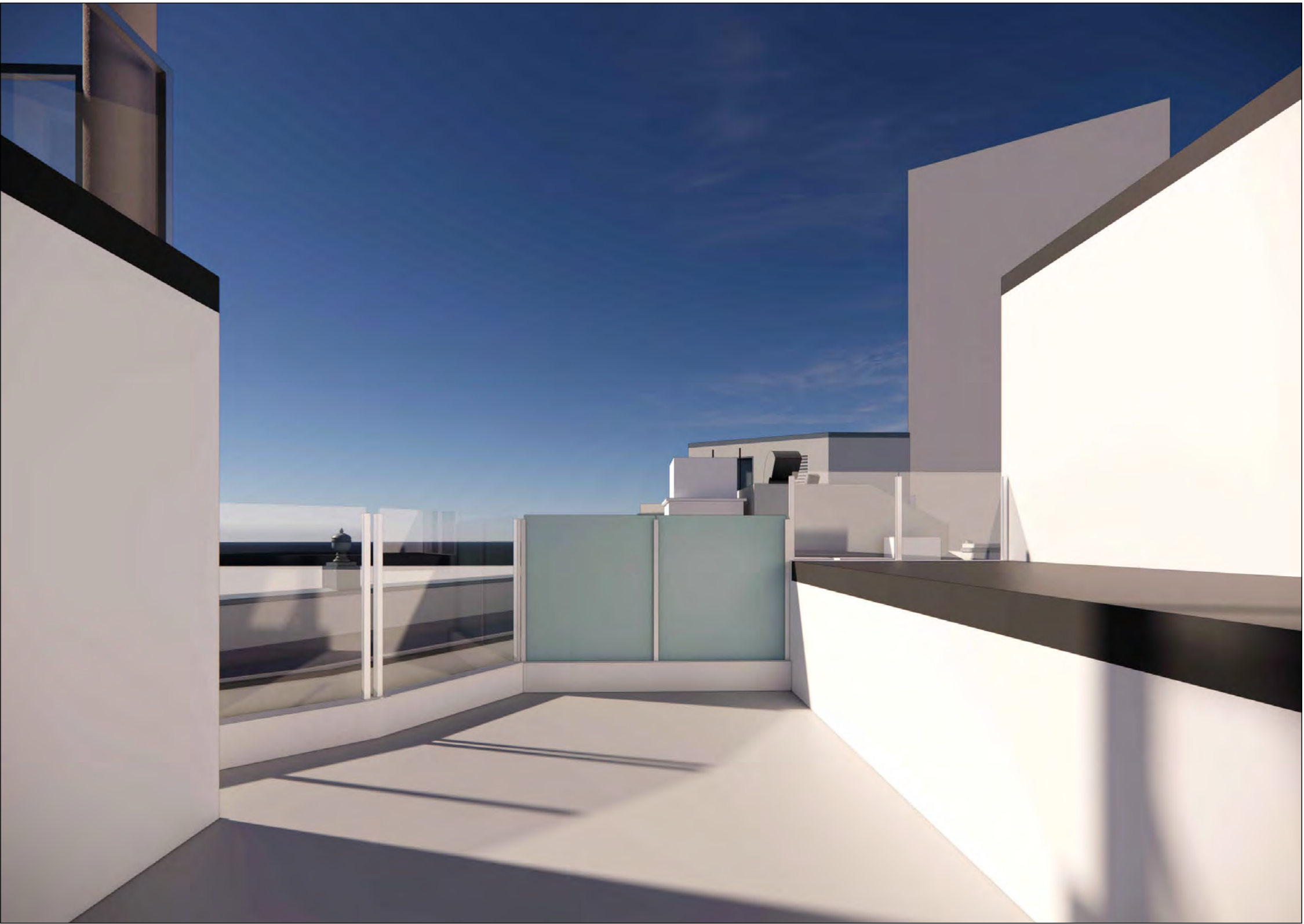
5 KEY PLAN



EXISTING ADJACENT BUILDING MODEL AND EXISTING SITE CONTEXT MODELS ARE BASED ON PUBLICLY AVAILABLE INFORMATION AND OBSERVATIONS/PHOTOS FROM SITE ONLY.
VIEWS ARE REPRESENTATIVE OF EXSITING CONDITION AND PROPOSED SCHEME AND SHOULD BE VERIFIED ON SITE.

Architect sissons. a: Level 5, 53 Berry Street, North Sydney, NSW 2060. p: 02 8904 1853 Nominated Architect: Nick Sissons NSW ARB 7210		Client Pitch Properties Pty Ltd		Project 50-58 Sir John Young Crescent, Woolloomooloo				Drawing Title EXISTING AND PROPOSED VIEW COMPARISON - SHEET 1	
		North 		Project No. 21-001	Issued MH	Check NS	Date 02/02/26	Drawing No. DA-7001	Rev 7

1 VIEW LOCATION C - EXISTING



2 VIEW LOCATION C - PROPOSED



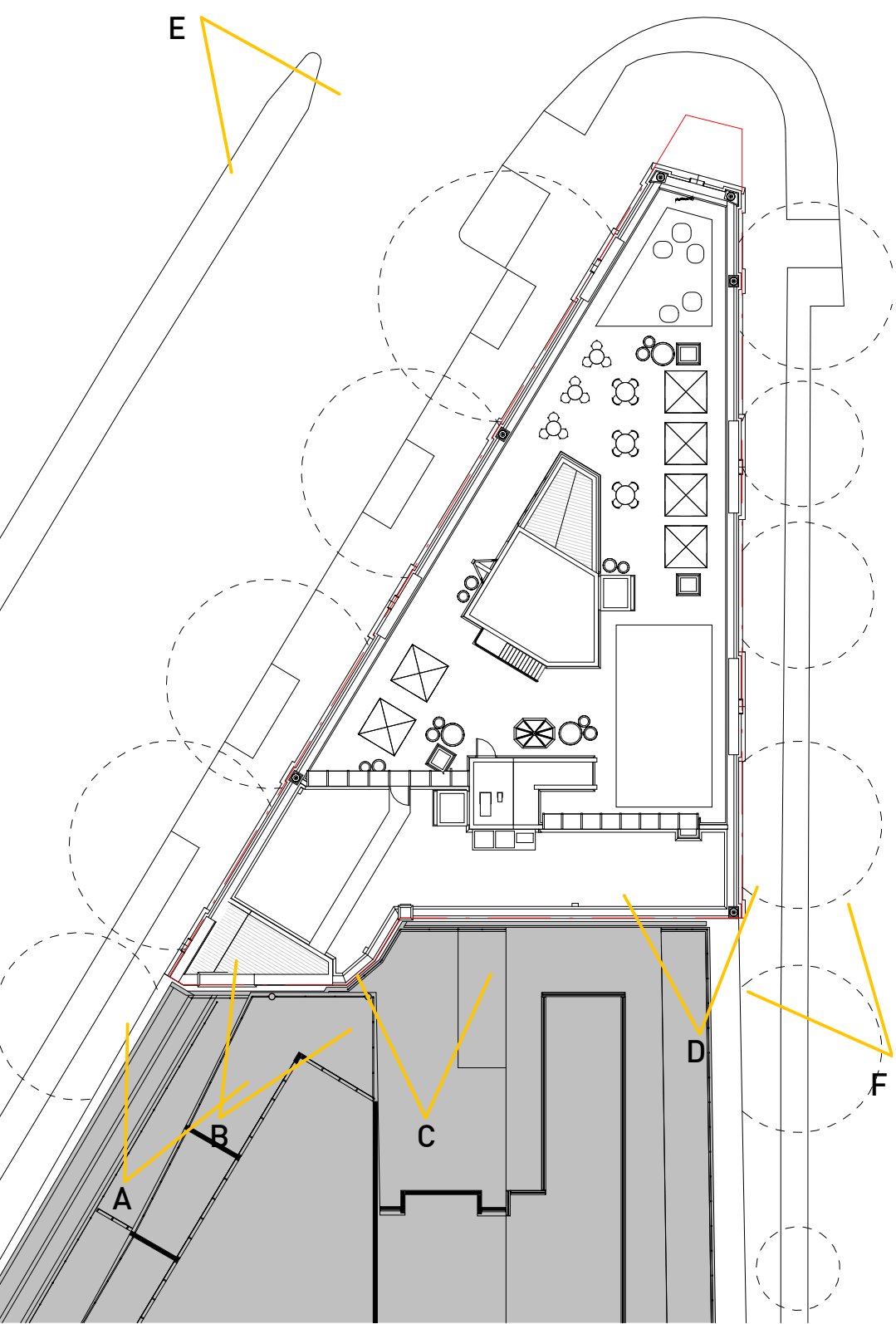
3 VIEW LOCATION D - EXISTING



4 VIEW LOCATION D - PROPOSED



5 KEY PLAN



EXISTING ADJACENT BUILDING MODEL AND EXISTING SITE CONTEXT MODELS ARE BASED ON PUBLICLY AVAILABLE INFORMATION AND OBSERVATIONS/PHOTOS FROM SITE ONLY.
VIEWS ARE REPRESENTATIVE OF EXSITING CONDITION AND PROPOSED SCHEME AND SHOULD BE VERIFIED ON SITE.

Architect

sissons.

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p: 02 8904 1853

Nominated Architect: Nick Sissons NSW ARB 7210

Client Pitch Properties Pty Ltd		Project 50-58 Sir John Young Crescent, Woolloomooloo				Drawing Title EXISTING AND PROPOSED VIEW COMPARISON - SHEET 2	
	North 	Project No. 21-001	Issued MH	Check NS	Date 02/02/26	Drawing No. DA-7002	Rev 7

1 VIEW LOCATION E - EXISTING



2 VIEW LOCATION E - PROPOSED



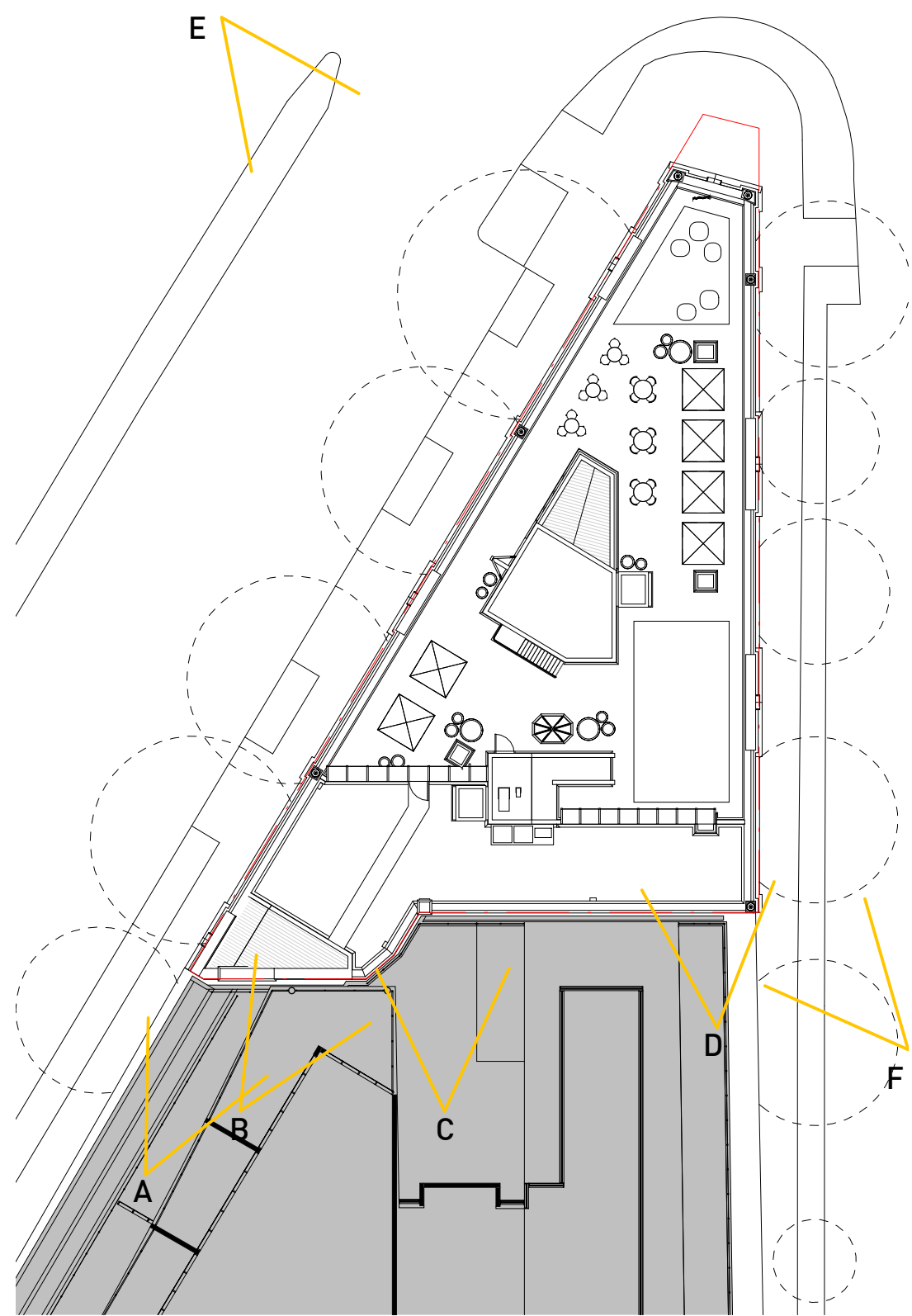
3 VIEW LOCATION F - EXISTING



4 VIEW LOCATION F - PROPOSED



5 KEY PLAN



EXISTING ADJACENT BUILDING MODEL AND EXISTING SITE CONTEXT MODELS ARE BASED ON PUBLICLY AVAILABLE INFORMATION AND OBSERVATIONS/PHOTOS FROM SITE ONLY.
VIEWS ARE REPRESENTATIVE OF EXSITING CONDITION AND PROPOSED SCHEME AND SHOULD BE VERIFIED ON SITE.

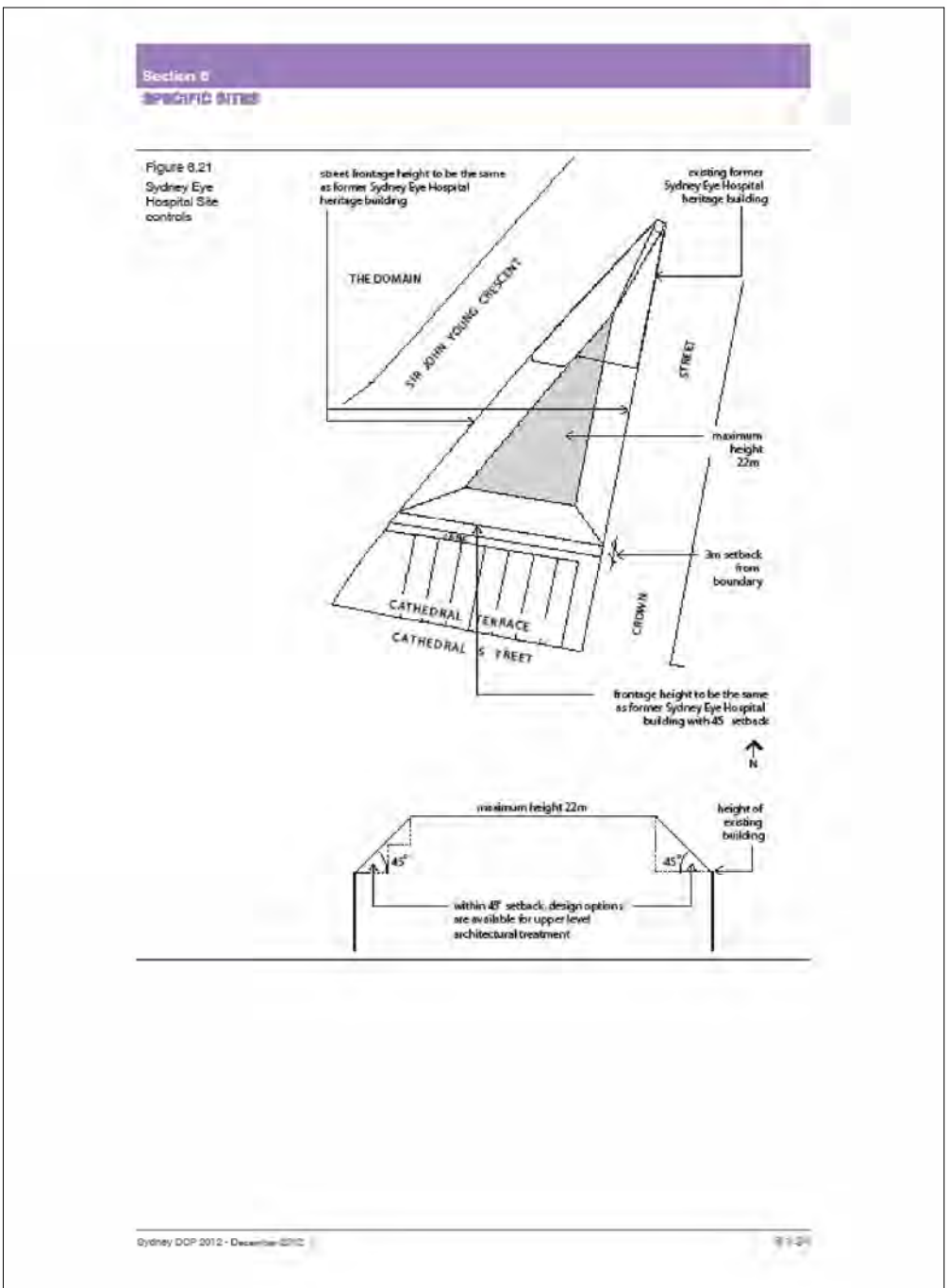
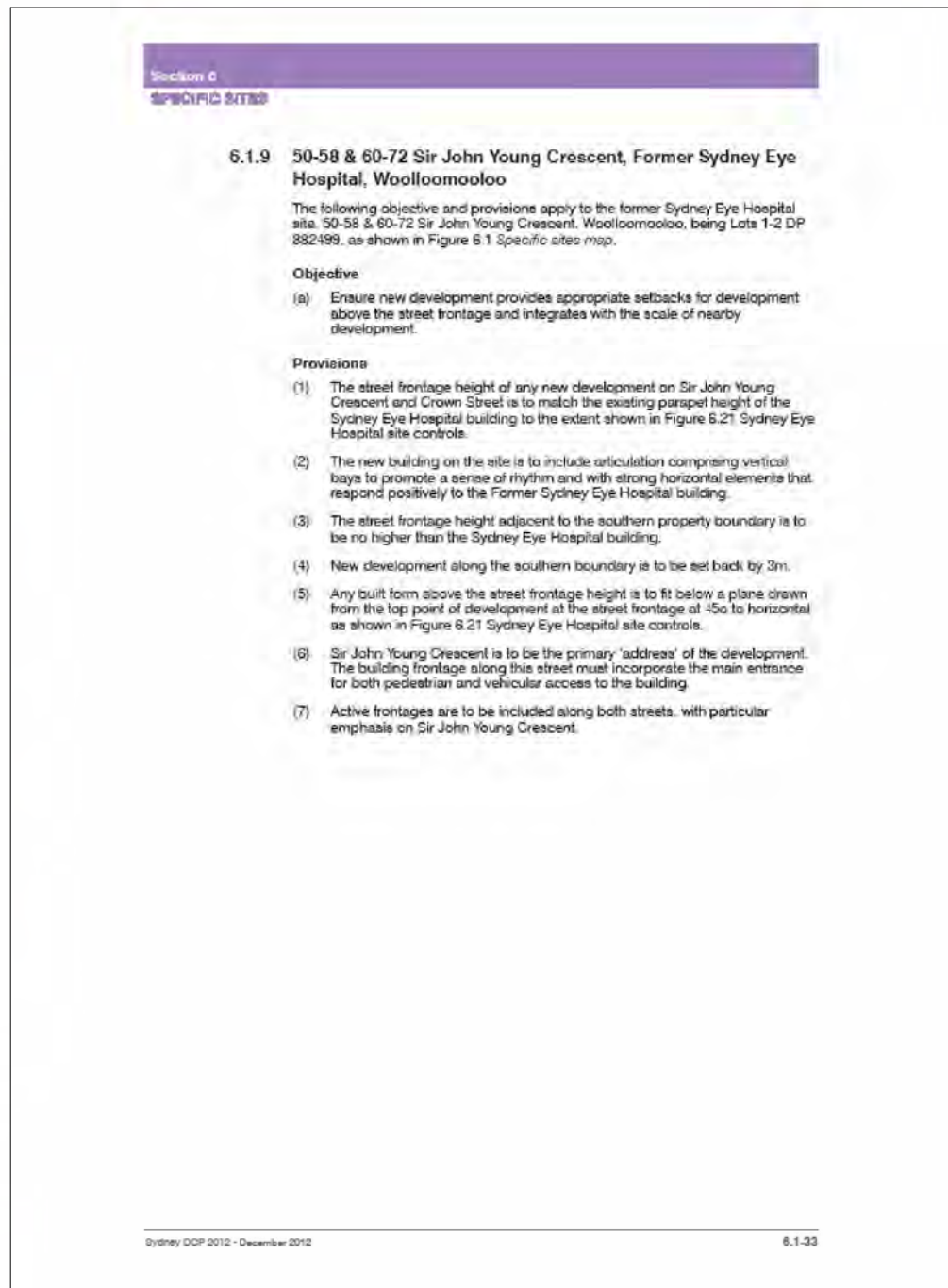
Architect

sissons.

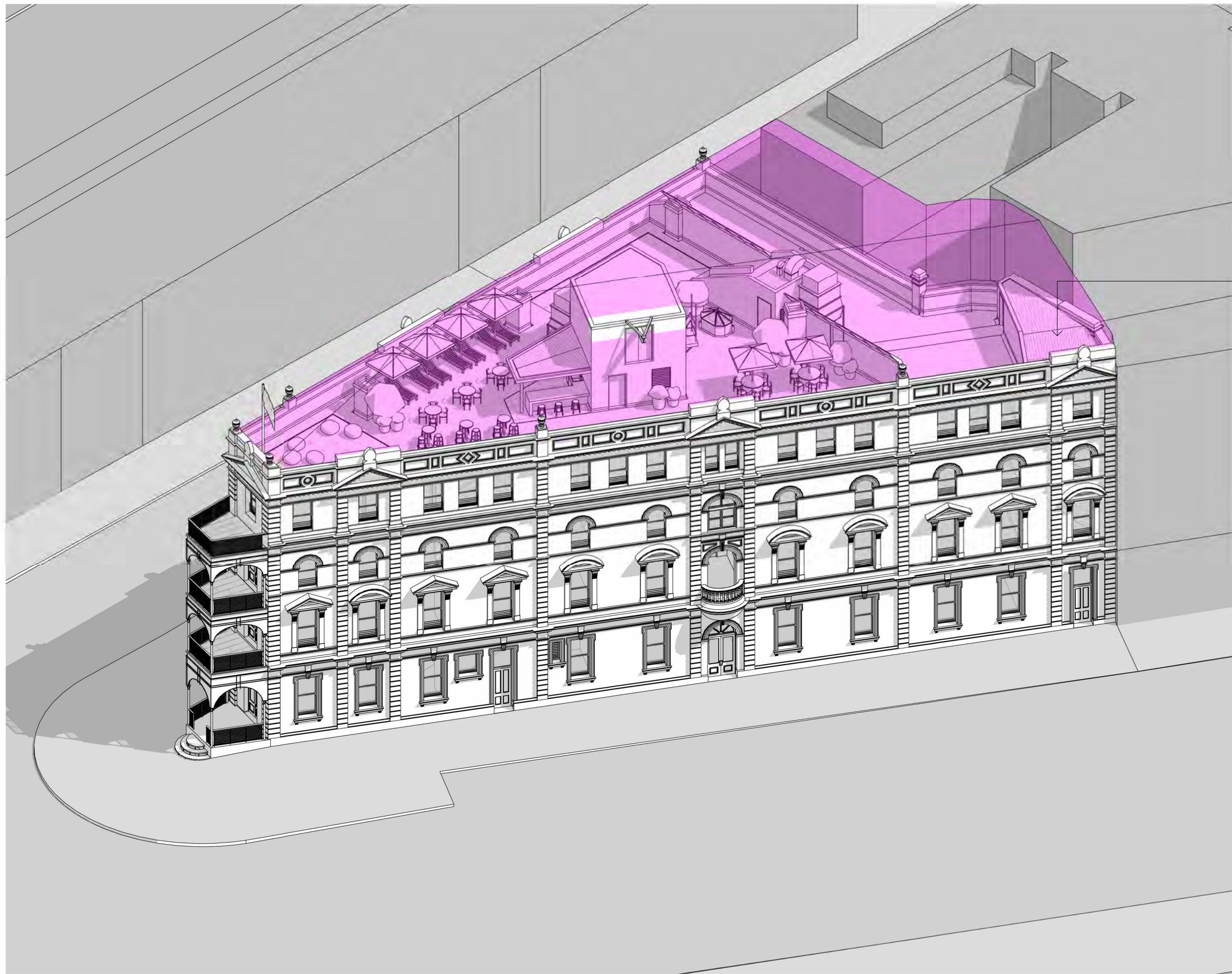
a: Level 5, 53 Berry Street, North Sydney, NSW 2060.
p: 02 8904 1853

Nominated Architect: Nick Sissons NSW ARB 7210

Client Pitch Properties Pty Ltd		Project 50-58 Sir John Young Crescent, Woolloomooloo				Drawing Title EXISTING AND PROPOSED VIEW COMPARISON - SHEET 3	
	North 	Project No. 21-001	Issued MH	Check NS	Date 18/12/25	Drawing No. DA-7003	Rev 6



1 EXISTING WITH DEVELOPMENT CONTROL ENVELOPE



2 PROPOSED WITH DEVELOPMENT CONTROL ENVELOPE

Architect

sissons.

a: Level 5, 53 Berry Street, North Sydney, NSW 2060.
p: 02 8904 1853

Nominated Architect: Nick Sissons NSW ARB 7210

Client

Pitch Properties Pty Ltd

Project

50-58 Sir John Young Crescent,
Woolloomooloo

Drawing Title

DCP ENVELOPE

Project No.	Issued	Check	Date
21-001	MH	NS	02/02/26

Drawing No.

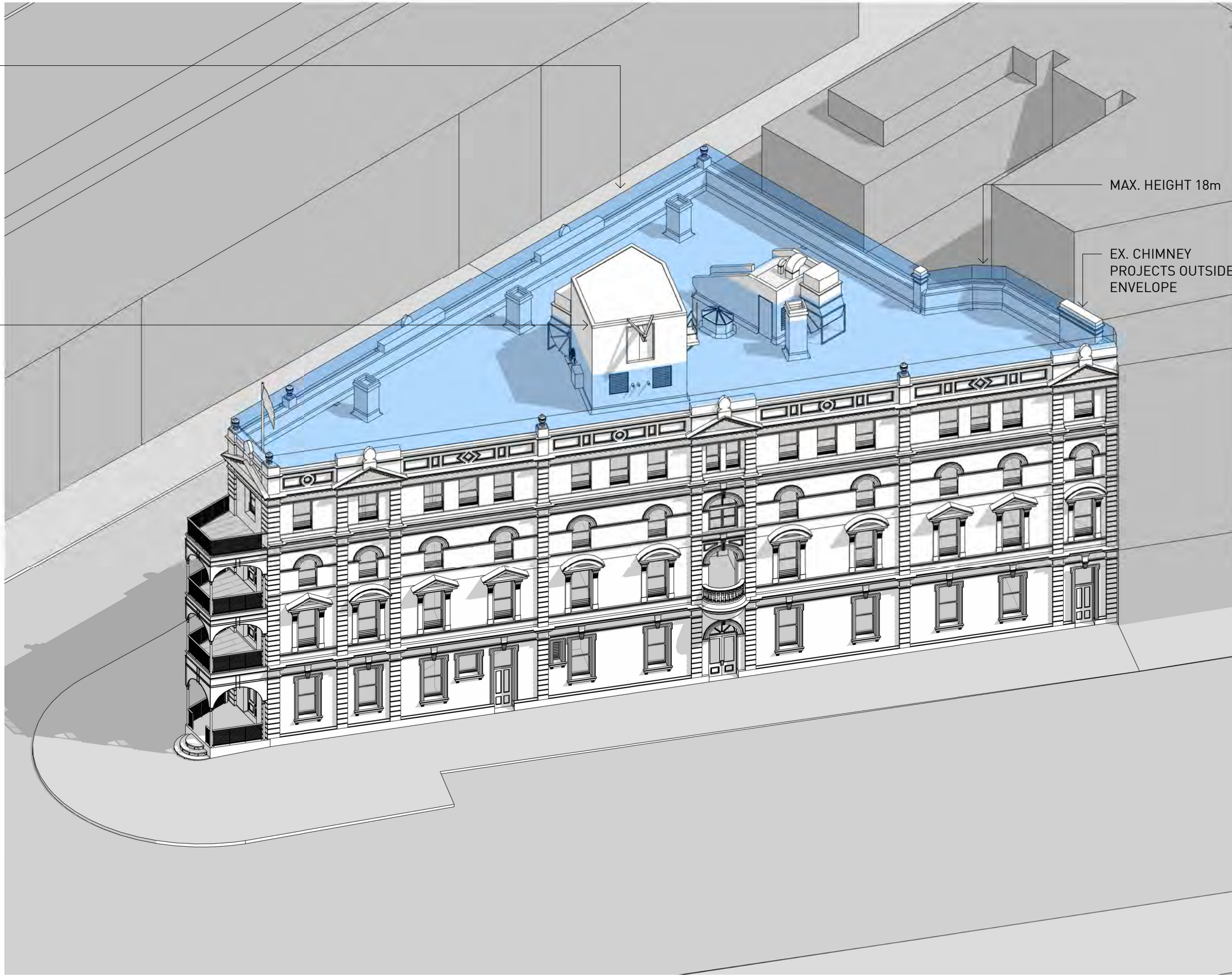
DA-8001

Rev

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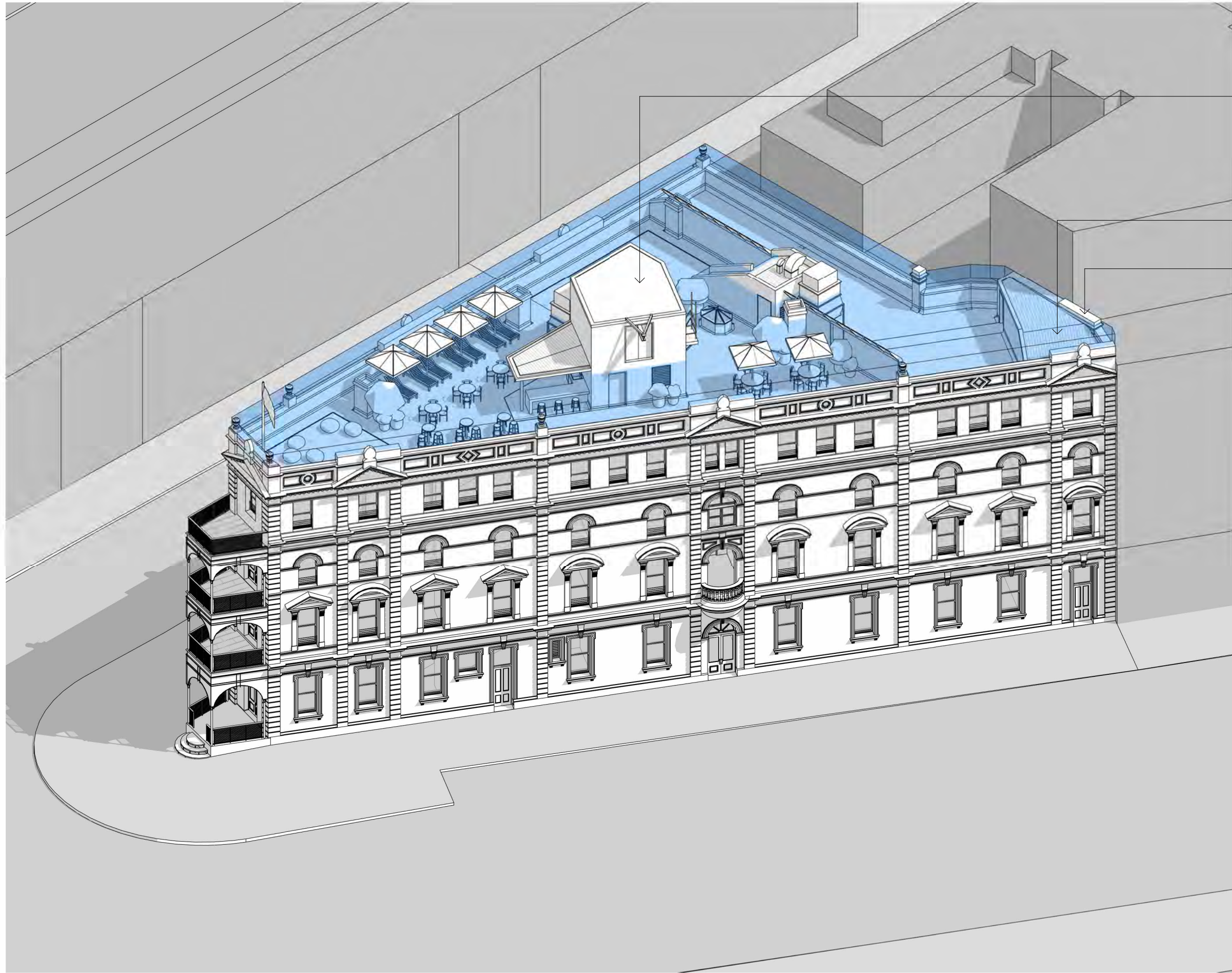
EXISTING LIFT OVERRUN PROJECTS
OUTSIDE OF LEP ENVELOPE



1 EXISTING WITH LEP ENVELOPE

EXISTING LIFT OVERRUN
PROJECTS ABOVE 18M LEP
HEIGHT LIMIT

PROPOSED NEW WORKS
WITHIN LEP ENVELOPE
EXISTING CHIMNEY PROJECTS
ABOVE 18M LEP HEIGHT LIMIT



2 PROPOSED WITH LEP ENVELOPE

Architect
sissons.
a: Level 5, 53 Berry Street, North Sydney, NSW 2060.
p: 02 8904 1853

Nominated Architect: Nick Sissons NSW ARB 7210

Client
Pitch Properties Pty Ltd

Project
50-58 Sir John Young Crescent,
Woolloomooloo

Drawing Title
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Project No.	Issued	Check	Date
21-001	MH	NS	02/02/26

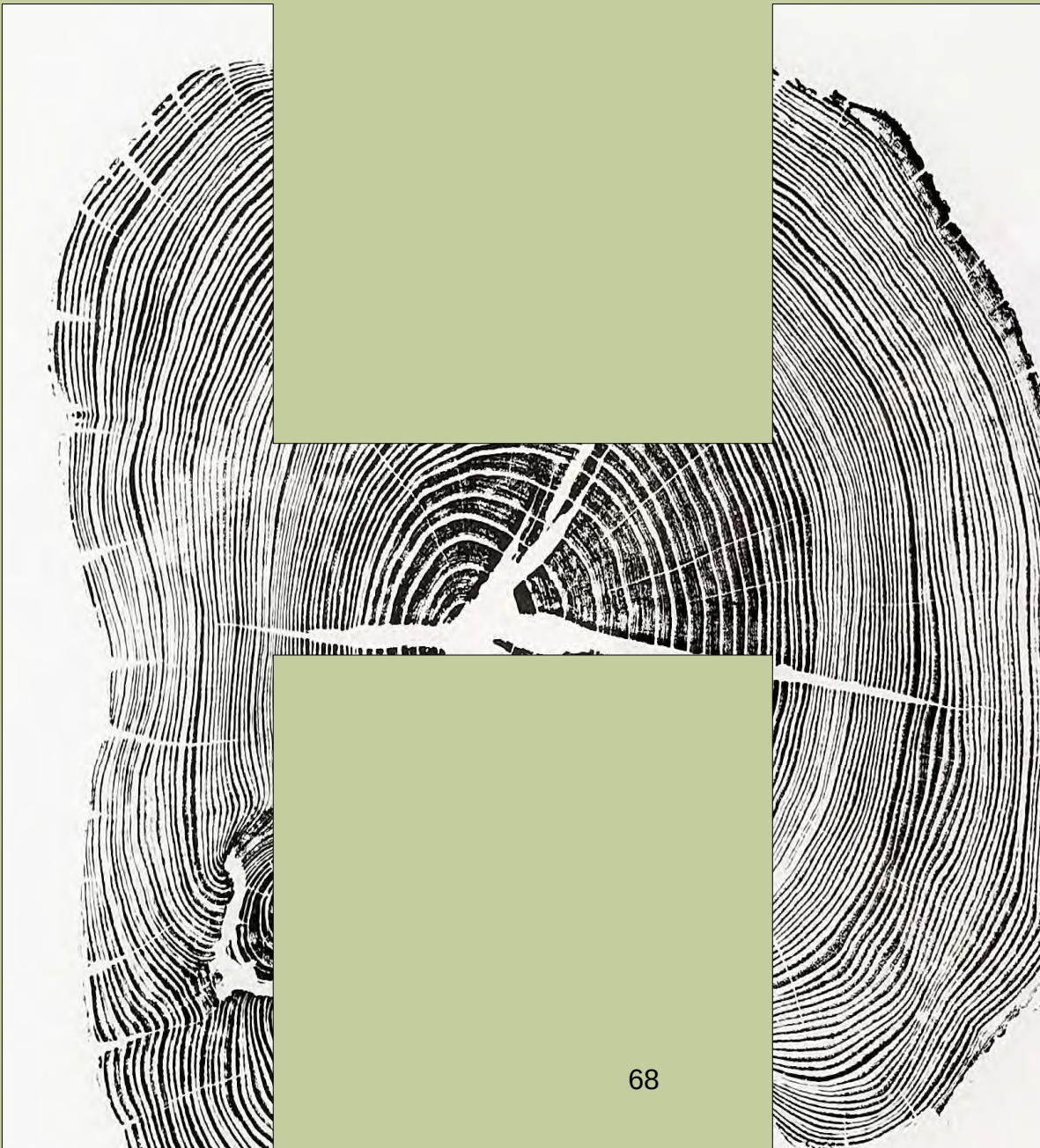
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Rev
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Attachment B

Plan of Management

LEVEL ORIENTATED SECTION



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Project Particulars

Project No.	2022080
Client	Pitch Properties Pty Ltd
Site Address	50-58 Sir John Young Crescent, Woolloomooloo
Document Name	Plan of Management

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INTRODUCTION

This Plan of Management (**PoM**) has been prepared by Hamptons Property Services (**Hamptons**) on behalf of Pitch Properties Pty Ltd (**owner**) for the use of the outdoor rooftop area by guests staying at the premises at 50-58 Sir John Young Crescent, Woolloomooloo (**site**). The purpose of this PoM is to establish operational parameters for use of the outdoor roof top area (herein **outdoor area**).

The outdoor area forms part of the premises known as Pacific House which is an operating backpacker's accommodation.

Purpose of POM

The purpose of this PoM is to govern the use of the outdoor area to ensure that:

- guests of the premises are respectful of each other and neighbouring properties when using this
- guests have an outdoor common open space area which can be utilized as part of their accommodation experience, that complements existing internal and external communal areas
- the community is provided with certainty in relation to the operational aspects pertaining to the use
- good management of the area is promoted from the outset by establishing performance criteria for the operation of this, having regard to the relevant matters in the Environmental Planning and Assessment Act 1979 (**EP and A Act**), the Sydney Local Environmental Plan 2012 (**LEP**) and the Sydney Development Control Plan 2012 (**DCP**).

The PoM and its attachments may be subject to change, based on legislative amendments and/or following further direction from City of Sydney (**Council**) from time to time. Any directed changes will be forwarded to Council and modified against the relevant development consent, as required.

Legislation that does not apply

The outdoor area is not subject to the provisions of the Liquor Act 2007 and the associated regulations.

HAMPTONS

The Site

The site is known as 50-58 Sir John Young Crescent, Woolloomooloo, and is legally described as Lot 1 in Deposited Plan 882499. The site is located at the southern intersection of Sir John Young Crescent and Crown Street, in the Cathedral Street Locality.

Figure 1: Site location and immediate locality (Source: Archistar)



Figure 2: Streetview elevation of the site (Source: Google Maps)

HAMPTONS



The Use

The use of the site is approved as for backpackers' accommodation, which has been in operation since 1998.

Purpose of the Outdoor Area

The outdoor area will:

- provide communal open space area for guests of the backpacker's accommodation in an era of contemporary expectations for outdoor spaces in association with this type of accommodation
- improve guest amenity by providing passive and small-scale active recreation spaces, with generous solar access
- promote social connection between guests in a passive environment
- maintain the heritage values of the site and its setting, particularly by conserving the aesthetic and historical values that are expressed within the building's façade, parapet silhouette and landmark presence within the townscape of Woolloomooloo
- provide a safe environment that is compliant with the requirements of the National Construction Code (NCC)

- maintain amenity for adjoining land uses with nil-negligible offsite arising impacts, principally controlled by limiting the hours of use and number of patrons.

Development Consent

The outdoor area will operate in accordance with Development Consent [insert upon receipt of consent], issued by Council on [insert date]. A copy of the development consent is at Appendix 1.

OPERATIONAL MATTERS

Guest Use and Capacity

Use of the outdoor area is limited to guests staying at the premises.

The outdoor area has a maximum capacity of 50 guests in the general area at any one time.

In addition, the Yoga/ Exercise Area which is to be used for exercise and wellness activities, located on the eastern side of the outdoor area has a maximum capacity of 12 guests at any one time. From time to time this area may be used by an organised group with an instructor coordinated by the operator, up to two times per week.

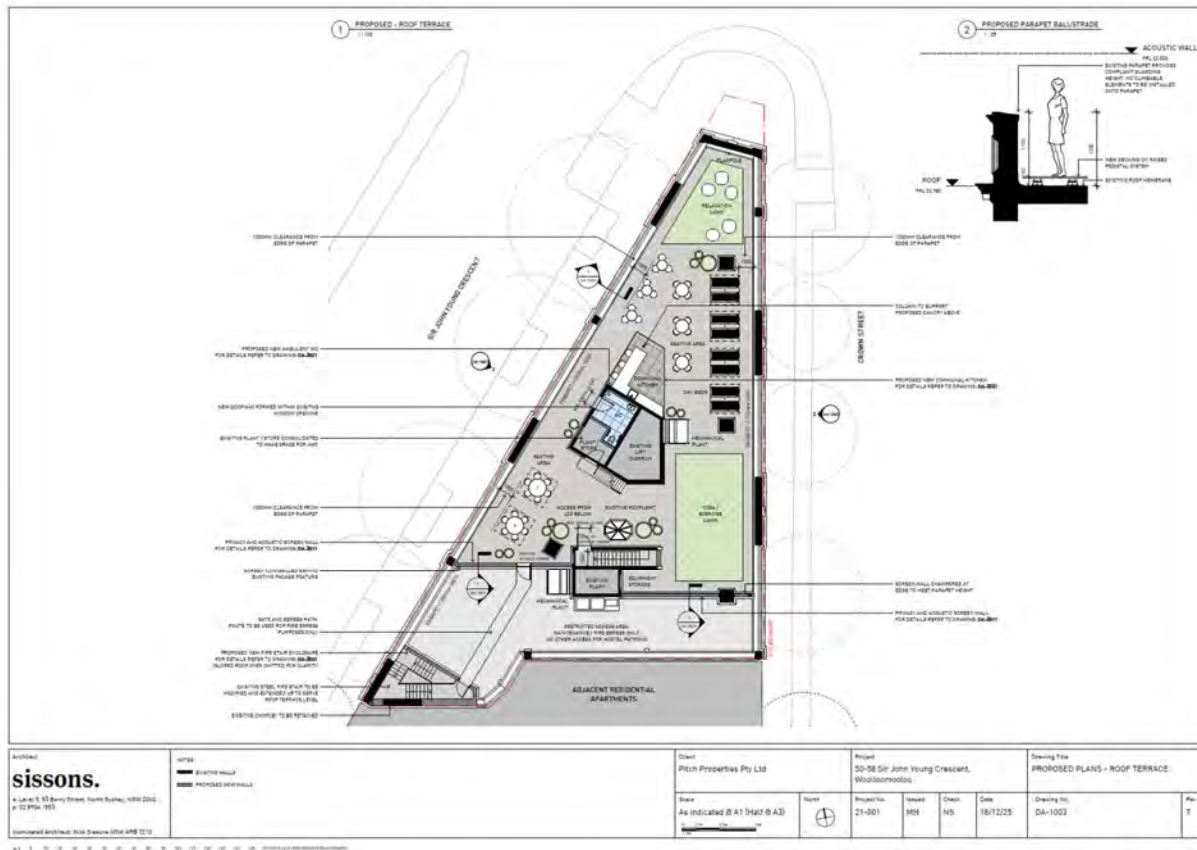
Guests are not permitted to access the southern fire stair, adjacent the edge of the building for general purpose use. This area is to be signposted to ensure that guests do not utilize the Restricted Access Area, other than in the event of an emergency.

Signage is to be placed on the gate at the entry to this area.

The fixed barriers are to always remain in place.

HAMPTONS

Figure 3: Layout of rooftop area (Source: Sissons Architects)



Permitted Hours of Use

The outdoor area is permitted to be used between 7:00am and 8:00pm, with a trial period for one hour until 9:00pm from the date of the Occupation Certificate.

Signage is to be placed around the outdoor area to remind guests of the hours of permitted use, in not less than four locations, one of which is the door leading from the main stairwell to the outdoor area.

Access

Access to the outdoor area is through the existing stairwell.

The door to the stairwell is to remain closed during the hours of permitted use of the outdoor area.

The door is to be locked by management outside of the permitted hours of use.

The umbrellas are to be closed when the rooftop area is not in use.

Tactile and braille identification signage is to be placed adjacent to the step that provides access to the common rooftop and maintained to ensure adequate caution to guests.

Directional tactile signage is to be provided throughout the rooftop area, including at emergency access points and where the exclusion zone is positioned, to ensure sufficient information in relation to exits.

All the above signage is to include braille and tactile text and include the international accessible symbol and be maintained between 1200mm and 1600mm above the floor level.

Tactile surface indicators must also be installed and maintained at the last step of the access stair, to caution occupants.

Tactile identification is to be maintained at all times.

Patrons which require accessible entry and egress to common areas within the building, will be directed to those and assisted by staff as required, noting that all other common areas are accessible within the building. An awareness for this will form part of formal staff training arrangements, including familiarization with this Plan.

GUEST MANAGEMENT

Staff Responsibility Regarding Guest Management

The House Rules displayed through the premises and the Terms and Conditions at the time of booking are to include the maximum number of guests permitted in the outdoor area and the hours of permitted use to ensure that guests have prior and ongoing knowledge of the use of this area.

A staff member is to attend the outdoor area once per hour, during operating hours, to monitor the behaviour of guests.

To minimise potential disruption caused by guests when they leave the outdoor area, fifteen minutes prior to the closing time of the outdoor area, a member of staff is to attend this and advise guests that this will be closing shortly and commence maintenance activities, such as cleaning of the area, to ensure it is left in a tidy manner.

Five-ten minutes prior to closing time, the staff member is to undertake a final walk of the area, asking guests to depart quickly and quietly from this.

Should the staff member not be the manager on duty, and have trouble with guests leaving this area, the staff member must contact the manager on duty *via* phone asking for their assistance in the outdoor area to ensure that all guests are removed from this.

Should a particular guest create difficulties for a staff member or the manager on duty, this is to be recorded in an incident log, detailing:

- the guest's name
- the room they are staying in
- contact phone number
- any complaints received from other guests or neighbours, , including their address and contact details
- any corrective actions undertaken.

Such incidents are to be advised at the next shift changeover to the incoming manager on duty.

Organised Events

Other than use of the yoga/exercise area which, from time to time, may be used by an organised group session, there are to be no organised gatherings or events on the roof top.

Signage

Signage is to be erected and maintained at the entry door to the stairwell and in not less than three additional locations around the outdoor area, displayed in a clear and prominent position, to remind guests to use the area in a respectful manner and be mindful of their neighbours, or wording to that effect.

Signage is also to be placed on the gate to the southern section where access is restricted, advising of this, other than in the event of an emergency.

Noise Management

The use of the outdoor area is to be controlled to ensure that any noise emitted does not create 'offensive noise' as defined in the Protection of the Environment Operations Act 1997, to any affected receiver.

The outdoor area is also to operate in accordance with the NSW Noise Policy for Industry.

Should instances of noise or anti-social behaviour arise, a staff member, or the manager on duty, is to prepare a written record of the complaint in an incident log, detailing:

- the guest's name
- the room they are staying in
- contact phone number
- the complaint received from other guests or neighbours, including their address and contact details
- any corrective actions undertaken.

A 24-hour contact number is to be made available to residents within the immediate vicinity of the site to enable them to make a complaint in relation to the use of the outdoor area. Any staff member taking such a call, must answer this in a polite, sympathetic and courteous manner. Where possible, action shall be taken to address any complaint made, including follow-up action, such as returning the resident's call to let them know what has been done to address the complaint or concern.

All complaints are to be responded to within 48 hours by management.

Closed Circuit Television Cameras

Closed circuit television cameras (CCTV) are to be installed on the outdoor area.

Amplified Music

Amplified music and speech is not permitted on the rooftop.

Amenities

The ambulant amenity provided on the rooftop is to be cleaned on the same cleaning regime as the balance of the building, noting that this is a unisex facility.

Waste Management

Waste and recycling bins are to be placed across the rooftop area as required. The area is to be cleaned at the completion of each day, with all waste removed by management to the existing waste room on the ground floor. This waste will be consolidated with waste from the premises and emptied by private contractor, as per the current practice.

Maintenance of Furniture

In the event that fixed furniture becomes loss, it is to be affixed to the surface as quickly as possible following the issue arising.

EMERGENCY AND EVACUATION PROCEDURES

Prior to commencement of use of the outdoor area, an Emergency Management Plan is to be prepared in accordance with regulation 43 of the Work Health and Safety Regulations. This is to be reviewed on an annual basis, or otherwise, if there is a material change in staff, or after the plan has been tested.

At all times, the Emergency Management Plan is to include, but not be limited to, the following matters:

- how to effectively respond to an emergency

- evacuation procedures from the outdoor area, including an evacuation plan that nominates evacuation routes from the premises
- notifying emergency services organisations, as required, at the earliest opportunity
- medical treatment and assistance
- effective communication between the person authorized to coordinate the emergency response and all people within the outdoor area
- testing of emergency procedures, including frequency of testing, and
- information, training and instruction.

The plan is to cover typical emergencies, including fire, explosion, medical emergency, rescues, incidents with hazardous chemicals, bomb threats, armed confrontations and natural disasters.

The Emergency Management Plan is to include:

- emergency contact details for key personnel who have specific responsibilities under the plan (e.g. fire warden, floor warden, first aid officer)
- contact details for local emergency services
- the mechanism for alerting people to an emergency (e.g. siren, bell alarm)
- evacuation procedures, including special needs assistance
- map of the premises with the location of fire protection equipment, emergency exits and assembly points
- processes for advising adjoining neighbours of an emergency, and
- post incident follow up process.

The Emergency Management Plan is also to include training processes.

APPENDIX 1: DEVELOPMENT CONSENT

Attachment C

Acoustic Report and Responses



50-58 Sir John Crescent,
Woolloomooloo

Roof Top Terrace DA Acoustic Assessment

Pitch Properties Pty Ltd

Report number: 250116-50-58 Sir John Young Cres Woolloomooloo -DA Acoustic Assessment-R2

Date: 18 December 2025

Version: Issue 2



DOCUMENT CONTROL

Project Name	50-58 Sir John Crescent, Woolloomooloo
Project Number	250116
Report Reference	250116 – 50-58 Sir John Crescent, Woolloomooloo
Client:	Pitch Properties Pty Ltd

Revision	Description	Reference	Date	Prepared	Checked	Authorised
0	For Submission	250116-50-58 Sir John Young Cres, Woolloomooloo -DA Acoustic Assessment-R0	24 March 2025	Ben White	Matthew Furlong	Ben White
1	For Submission	250116-50-58 Sir John Young Cres, Woolloomooloo -DA Acoustic Assessment-R1	2 December 2025	Ben White	Matthew Furlong	Ben White
2	For Submission	250116-50-58 Sir John Young Cres, Woolloomooloo -DA Acoustic Assessment-R2	18 December 2025	Ben White	Matthew Furlong	Ben White

PREPARED BY:

Pulse White Noise Acoustics Pty Ltd
 ABN 95 642 886 306
 Suite 601, Level 6, 32 Walker Street, North Sydney, 2060
 1800 4 PULSE

This report has been prepared by Pulse White Noise Acoustics Pty Ltd with all reasonable skill, care and diligence, and taking account of the timescale and resources allocated to it by agreement with the Client. Information reported herein is based on the interpretation of data collected, which has been accepted in good faith as being accurate and valid.

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Pulse White Noise Acoustics disclaims any responsibility to the Client and others in respect of any matters outside the agreed scope of the work.



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1 INTRODUCTION

Pulse White Noise Acoustics Pty Ltd (PWNA) has been engaged by Pitch Properties Pty Ltd to undertake an acoustic assessment for the proposed use of the roof top terrace located on the roof of the existing building at 50-58 Sir John Young Crescent, Woolloomooloo.

This assessment will address the following:

- Potential for noise emissions from the proposed use of the roof top terrace on surrounding receivers.

This report will discuss the relevant acoustic criteria which have been adopted as well as the outcome of the assessment.

A list of acoustic terminology used in this report is included in Appendix A of this report.

1.1 Proposed Project

This development application (DA) includes the proposed activation of the rooftop of 50-58 Sir John Young Crescent, Woolloomooloo to include a roof top terrace.

The development site includes the roof top of the existing building at 50-58 Sir John Young Crescent, Woolloomooloo which is located on the eastern side of Sir John Young Crescent. The site is located within an area which includes existing commercial and residential receivers which neighbour the site. The site location, in relation to surrounding receivers, is detailed in Figure 2 below.

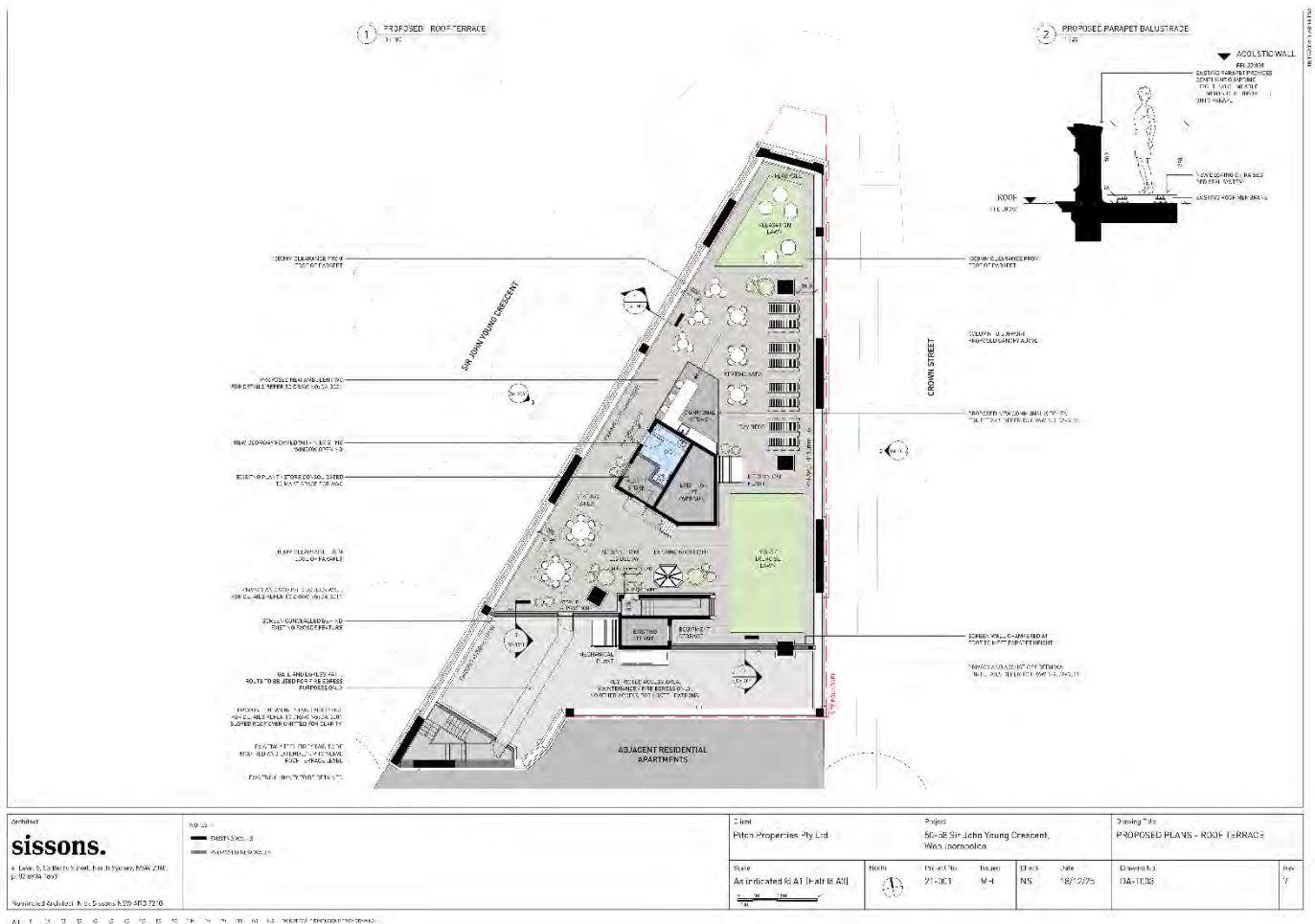
The project includes the design within the Sissons Architects drawings, dated September 2025, including the following:

1. Hours of use including 7:00 am to 8:00 pm on any day of the week.
2. Potential maximum number of people using the area with the following breakdowns:
 - a. Up to 50 people using the general areas of the roof top.
 - b. Up to 12 people using the exercise and wellness activities area (to be used for activities such as yoga, stretching and the like).

The architectural drawings used for this assessment are from Sissons Architects and dated 18/12/25.

Details of the proposed roof top area is included in the Figure below.

Figure 1 Proposed Roof Top Layout



1.2 Site Layout

The project site is located at 50-58 Sir John Young Crescent, Woolloomooloo which includes a mixed use (MU1) area as described in the NSW Planning ePlanning Spatial Viewer Zoning Maps.

The nearest sensitive receivers to the site have been identified below.

- Receiver 1: Residential receivers located to the south within the building at 68 Sir John Young Crescent with facades facing to the west.
- Receiver 2: Residential receivers located to the south within the building at 68 Sir John Young Crescent with facades facing to the east.
- Receiver 3: Residential dwellings within the terrace houses at 2-34 Crown Street and located to the east of the site.
- Receiver 4: Residential dwellings located within the multi story building at 22-40 Sir John Young Crescent to the north of the site.

A map showing the site location, unattended and attended monitoring locations, and the nearest receivers is provided in Figure 2.

Figure 2 Site Map, Measurement Locations and Surrounding Receivers



2 EXISTING ACOUSTIC ENVIRONMENT

This section of the report details the acoustic survey which has been undertaken at the site for the purpose of obtaining existing background noise levels such that noise emissions from the use of the roof top terrace can be assessed.

The ambient noise environment around the site includes the following:

1. Dominant noise levels resulting from road traffic noise on surrounding roadways including Sir John Young Crescent and others within the vicinity of the site which includes the Eastern Distributor to the north.
2. Rail noise resulting from movements along the railway line to the north of the site using the Bondi Junction railway Line
3. General environmental noise level including the use of The Domain which has major public recreational area servicing inner Sydney and is used for a range of activities from passive pursuits, to music concerts and festivals.

2.1 Unattended Noise Monitoring

As part of this assessment previously completed noise logging undertaken by Renzo Tonin and detailed in their report *50-58 Sir John Young Crescent, Woolloomooloo – use of rooftop terrace* dated 6 December 2024 has been used for the basis of existing noise levels on the site.

The Renzo Tonin noise logging was undertaken at the site, including the location detailed in Figure 1 above. Noise logging was conducted at the between the 28th November and 6th December 2022, details of the noise logging is included in Appendix B. The noise logger data undertaken by Renzo Tonin includes that which has been conducted in accordance with AS1055 and the NSW EPA *Noise Policy for Industry*. The charts present each 24-hour period and show the LA1, LA10, LAeq and LA90 noise levels for the corresponding 15-minute periods. This data has been filtered to remove periods affected by adverse weather conditions based on weather information.

This monitor was used to establish criteria for noise emissions (i.e., to determine the noise level representative of the nearest noise sensitive receiver locations to the proposed development).

The location of the noise logger is shown in Figure 2. The noise logger was positioned such that it did not require façade corrections.

Charts presenting summaries of the measured daily noise data are attached to this report in Appendix B. Noise Descriptors & Terminology

Environmental noise constantly varies in level with time. Therefore, it is necessary to measure environmental noise in terms of quantifiable time periods and statistical descriptors. Typically, environmental noise is measured over 15 minute periods and relevant statistical descriptors of the fluctuating noise are determined to quantify the measured level.

Noise (or sound) consists of minute fluctuations in atmospheric pressure capable of detection by human hearing. Noise levels are expressed in terms of decibels, abbreviated as dB or dBA, the “A” indicating that the noise levels have been frequency weighted to approximate the characteristics of normal human hearing. Because noise is measured using a logarithmic scale, ‘normal’ arithmetic does not apply, e.g., adding two sound sources of equal values result in an increase of 3dB (i.e., 60 dBA plus 60 dBA results in 63 dBA). A change of 1 dB or 2 dB in the sound level is difficult for most people to detect, whilst a 3 dB – 5 dB change corresponds to a small but noticeable change in loudness. A 10 dB change roughly corresponds to a doubling or halving in loudness.

The most relevant environmental noise descriptors are the LAeq, LA1, LA10 and LA90 noise levels. The LAeq noise level represents the “equivalent energy average noise level”. This parameter is derived by integrating the noise level measured over the measurement period. It represents the level that the fluctuating noise with the same acoustic energy would be if it were constant over the measured time period.

The LA1, LA10 and LA90 levels are the levels exceeded for 1%, 10% and 90% of the sample period. These levels can be considered as the maximum noise level, the average repeatable maximum and average repeatable minimum noise levels, respectively.

Specific acoustic terminology is used in this assessment report. An explanation of common acoustic terms is included as Appendix A.

2.2 Unattended Noise Monitoring Results

2.2.1 Results in accordance with the NSW EPA Noise Policy for Industry (NPI) 2017 (RBL's)

In order to assess the potential noise impacts of the development on nearby sensitive receivers the measured background noise data was processed in accordance with the Environmental Protection Authority (EPA) *Noise Policy for Industry* (NPI) and the City of Sydney Council DCP.

The Rating Background Noise Level (RBL) is the background noise level used for assessment purposes at the nearest potentially affected receiver. It is the 90th percentile of the daily background noise levels during each assessment period, being day, evening and night. RBL levels LA90 (15minute) and LAeq noise levels are presented in Table 1, which includes the summary of the results included in the Renzo Tonin noise logging previously undertaken at the site.

Table 1 Summary of Noise Logging Undertaken at the Site

Measurement Location	Daytime ¹ 7:00 am to 6:00 pm		Evening ¹ 6:00 pm to 10:00 pm		Night-time ¹ 10:00 pm to 7:00 am	
	LA90 ² (dB(A))	LAeq ³ (dB(A))	LA90 ² (dB(A))	LAeq ³ (dB(A))	LA90 ² (dB(A))	LAeq ³ (dB(A))
Roof Top of 50-58 Sir John Young Crescent, Woolloomooloo	52	57	52	57	47	53
<i>Note 1: For Monday to Saturday, Daytime 7:00 am – 6:00 pm; Evening 6:00 pm – 10:00 pm; Night-time 10:00 pm – 7:00 am. On Sundays and Public Holidays, Daytime 8:00 am – 6:00 pm; Evening 6:00 pm – 10:00 pm; Night-time 10:00 pm – 8:00 am</i> <i>Note 2: The LA90 noise level is representative of the "average minimum background sound level" (in the absence of the source under consideration), or simply the background level.</i> <i>Note 3: The LAeq is the energy average sound level. It is defined as the steady sound level that contains the same amount of acoustical energy as a given time-varying sound.</i>						

The measured spectrum noise levels recorded at the site and included in the Renzo Tonin report are summarised in the table below.

Table 2 Measured Spectrum Noise Levels

Time Period	Parameter	Octave Band Centre Frequency, Hz (dB)									Overall dB
		31.5	63	125	250	500	1k	2k	4k	8k	
Daytime (7:00 am – 6:00 pm)	Measured L _{Z90}	61	60	57	52	49	48	42	33	21	52
Evening (6:00 pm – 8:00 pm)	Measured L _{Z90}	59	59	57	51	49	48	42	33	21	52

The assessment of noise from the use of the roof top has included noise logging previously completed by Renzo Tonin Associates for the site. The noise logger location includes that which is deemed acceptable for the assessment of the site including a location to the east of the roof top, which is screened from Sir John Young Crescent.

Based on the location of the roof top of potentially worst affected receivers include those located within the existing multi-story residential towers to the south of the site and can be seen within the noise modelling included within this report. As such the noise logger location represents a location which is representative for the potential noise impacts resulting from the activity noise resulting from the proposed use of the roof top area.

It is noted that the receiver located to the east of the site, including the residential terraces are located within close proximity to the movement of traffic on the roadways including Sir John Young Crescent and Crown Street. The location of the noise logging included a location on the roof of the building which includes additional distance from the roadways.

3 ACOUSTIC CRITERIA

The acoustic criteria which have been adopted for this assessment are outlined below.

The proposal includes the use of a communal rooftop which does not include a liquor licensed premise. The City of Sydney DCP 2012 does not include specific acoustic requirements for the use of external areas such as that proposed in the application for the roof top of the building at 50-58 Sir John Young Crescent, Woolloomooloo.

Based on previous experience with projects within the City of Sydney Council the application of the entertainment noise level requirements include criteria which would be suitable for the assessment of potential noise emissions resulting from the use of the roof top area. Details of the relevant City of Sydney Council entertainment noise criteria are included in this section of the report.

3.1 Entertainment Noise Emissions Requirements

The criteria for Entertainment Noise level commonly used by the City of Sydney Council are reproduced below. This criterion is applicable for the assessment of activity noise emissions from the use of areas of the proposed roof top area proposed for the 50-58 Sir John young Crescent, Woolloomooloo building.

(1) NOISE - ENTERTAINMENT

- (a) *The $L_{Aeq, 15 \text{ minute}}$ noise level from the use must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) by more than 5dB between 7.00am and 12.00 midnight when assessed at the boundary of any residential accommodation or tourist and visitor accommodation.*
- (b) *The $L_{Aeq, 15 \text{ minute}}$ noise level from the use must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) between 12.00 midnight and 7.00am when assessed at the boundary of any residential accommodation or tourist and visitor accommodation.*
- (c) *Notwithstanding (a) above, the $L_{Aeq, 15 \text{ minute}}$ noise level from the use must not exceed the greater of the following levels between 7am and 12 midnight inside any habitable room of a residential*

accommodation or tourist and visitor accommodation, or at any time in an affected commercial premises:

- (i) The existing internal $L_{A90, 15 \text{ minute}}$ (from external sources excluding the use) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive). Or,
 - (ii) If the $L_{Z90, 15 \text{ minute}}$ background level is below the hearing threshold curve (T_f - Table 1 of ISO 226 : 2003) in an above octave band, the lowest audible sound level (L_p) of the T_f curve in that octave band shall become that octave's $L_{Zeq 15 \text{ minute}}$ noise criteria level.
- (d) Notwithstanding (b) above, the $L_{A1 15 \text{ minute}}$ noise level from the use must not exceed the greater of the following sound pressure levels inside any habitable room between 12 midnight and 7am inside any habitable room of an affected residential accommodation or tourist and visitor accommodation:
- (i) The existing internal $L_{A90, 15 \text{ minute}}$ (from external sources excluding the use) minus 10 dB in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) inside a habitable room of an affected residential accommodation or tourist and visitor accommodation. Or,
 - (ii) If the $L_{Z90, 15 \text{ minute}}$ minus 10 dB level is below the hearing threshold curve (T_f - Table 1 of ISO 226 : 2003) in an above octave band, the lowest audible sound level (L_p) of the T_f curve in that octave band shall become that octave's $L_{Z1 15 \text{ minute}}$ noise criteria level.

Note: L_{eq} , L_{01} , and L_{90} , metrics and 'A' (weightings) are as per the definitions in the standard AS1055-20148. 'Z' means unweighted noise. An internal L_{A90} level must be determined in the absence of noise emitted by the use and be sufficiently representative of the receiver in a low noise level quiet state. External L_{A90} levels for planning must be established as per the long-term methodology in Fact Sheet B of the NPfI unless otherwise agreed by the City's Area Planning Manager.

Reason

To protect the acoustic amenity of surrounding properties.

3.1.1 Project Relevant Entertainment External Noise Emission Criteria

For external noise emissions, octave band spectral criteria for each assessment period have been summarised in Table 3 below. This assessment applies the evening period criteria (the more stringent criteria) for all assessment times.

Table 3 City of Sydney Council Entertainment Noise Emission Criteria – L_{Zeq} (15 minutes) – External Residential Criteria

Time Period	Parameter ¹	Octave Band Centre Frequency, Hz (dB(Z))									Overall dB(A)
		31.5	63	125	250	500	1k	2k	4k	8k	
Daytime (7:00 am to 8:00 pm)	Surrounding Residential Receivers										
	Measured L_{Z90} (15 minute) ¹	59	59	57	51	49	48	42	33	21	52
	Criteria L_{Zeq} (15minute)	59	59	57	51	49	48	42	33	21	52
Note 1: The L_{Z90} noise level is representative of the "average minimum background sound level" (in the absence of the source under consideration), or simply the background level.											

4 ACOUSTIC ASSESSMENT

This section of the report details the assessment of noise emissions from the use of the proposed roof top area including compliance with the relevant project requirements detailed in Section 3 above.

4.1 Entertainment Noise Emissions – Roof Top Area

A detailed assessment of noise emissions resulting from the use of the proposed roof top terrace has been undertaken including noise modelling of the proposed layout included in Figure 1 above.

Details of the assessment of noise resulting from the roof top areas are included in this section of the report.

4.1.1 Assumption Regarding the Proposed Roof Top

As part of the acoustic assessment of the proposed roof top area, the following assumptions have been incorporated regarding the noise sources and source noise levels:

- It is assumed that there are a maximum of people using the rooftop will include the following:
 - o Up to 50 people using the general area, with 1 in 3 talking at any one time and evenly spread over the roof top (totalling 17 people talking at once) in the form of an area source.
 - For the purpose of this assessment, it is assumed that a single person speaking with a raised voice has a Sound Power Level (L_w) of 68 dB(A) for a male voice. This has been formulated in accordance with the published noise levels from Klark Teknik (*The Audio System Designer Technical Reference*, Chapman Partnership);
 - Source height of 1.5 m.
 - o In addition to the point above, up to 12 people using the exercise and wellness activities area (to be used for activities such as yoga, stretching and the like) with 1 in 4 talking simultaneously and evenly spaced over the wellness area (totalling 3 people talking at once) in the form of an area source.
 - For the purpose of this assessment, it is assumed that a single person speaking with a raised voice has a Sound Power Level (L_w) of 68 dB(A) for a normal male voice, including a reduced noise level based on the passive use of the wellness area.
 - Source height of 1.5 m.
- The roof top area is not to include the playing of amplified music or speech.
- The roof top area is not to be used for large gatherings including organised events or the like.
- Access to roof top will include the use of the internal stairs and lift as detailed in Figure 1.
- Noise generating scenarios are modelled on a worst case 15 minute period;

The external noise predictions are inclusive of the recommended mitigation measures (detailed within Section 4.1.4)

The modelled noise source levels are presented in Table 4 below and are illustrated in Figure 3.

Table 4 Noise source levels

Source / description	Octave band frequency, Hz (dB(Z))								
	63	125	250	500	1 k	2 k	4 k	8 k	Overall (dB(A))
Rooftop terrace (50 people (1/3 talking))	68	69	79	81	74	70	66	61	81
Rooftop wellness area (yoga / exercise lawn) (12 people (1/4 talking))	61	62	72	74	67	63	59	54	73

Figure 3 Source layout



4.1.2 Predictive Noise Modelling

Predictive noise modelling in this report was carried out using the ISO 9613 algorithm within Soundplan V9.1. The noise modelling software package was specifically used, as the 3D computational model of the site and surrounding area allows the terrain undulations, building heights and locations and noise source positions to be specifically modelled. In addition to terrain, buildings and noise sources, the noise model also includes ground absorption and receiver locations.

In addition, the following assumptions have been incorporated regarding the noise modelling:

- Noise generating scenarios are modelled on a worst case 15 minute period;
- Terrain has been sourced from the NSW Land and Property Information database Six Maps;
- Ground Absorption has been included in the model with the entire model having an absorption factor of 0, indicative of the surrounding hard surfaces;
- On site and surrounding buildings have been included in the model;
- The assessment for residential receivers has been conducted against the criteria as set out in Table 3, including the proposed hours of use including 7:00 am to 8.00 pm on any day of the week.

4.1.3 Predicted Noise Levels

Noise emission predictions for the cumulative noise from the proposed Rooftop area are provided below. Noise contours of the modelled L_{Zeq} (15 minute) level, including possible maximum capacity simultaneous use of the rooftop. For multilevel receivers (R03 and R04) only the worst affected floor is presented for brevity.

Table 5 Predicted Noise Emission Levels to Receiver 1

Parameter	Octave Band Centre Frequency, Hz dB(Z)									Overall dB(A)
	31.5	63	125	250	500	1k	2k	4k	8k	
Receiver 1 (Residential)										
Predicted L _{zeq} (15 minute) Noise Levels	21	23	24	33	35	28	24	19	11	34
Criteria (L _{Z90} + 0 dB)	59	59	57	51	49	48	42	33	21	52
Compliance ¹	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Note 1: It is assumed that should compliance with the external noise criteria be achieved, then compliance with the internal noise criteria set out in the City of Sydney DCP will be achieved.										

Table 6 Predicted Noise Emission Levels to Receiver 2

Parameter	Octave Band Centre Frequency, Hz dB(Z)									Overall dB(A)
	31.5	63	125	250	500	1k	2k	4k	8k	
Receiver 2 (Residential)										
Predicted L _{zeq} (15 minute) Noise Levels	26	27	28	35	34	25	18	11	<10	33
Criteria (L _{Z90} + 0 dB)	59	59	57	51	49	48	42	33	21	52
Compliance ¹	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Note 1: It is assumed that should compliance with the external noise criteria be achieved, then compliance with the internal noise criteria set out in the City of Sydney DCP will be achieved.										

Table 7 Predicted Noise Emission Levels to Receiver 3

Parameter	Octave Band Centre Frequency, Hz dB(Z)									Overall dB(A)
	31.5	63	125	250	500	1k	2k	4k	8k	
Receiver 3 (Residential)										
Predicted L _{zeq} (15 minute) Noise Levels	20	22	22	31	32	23	17	<10	<10	31
Criteria (L _{z90} + 0 dB) (Level 01)	59	59	57	51	49	48	42	33	21	52
Compliance ¹	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Note 1: It is assumed that should compliance with the external noise criteria be achieved, then compliance with the internal noise criteria set out in the City of Sydney DCP will be achieved.										

Table 8 Predicted Noise Emission Levels to Receiver 4

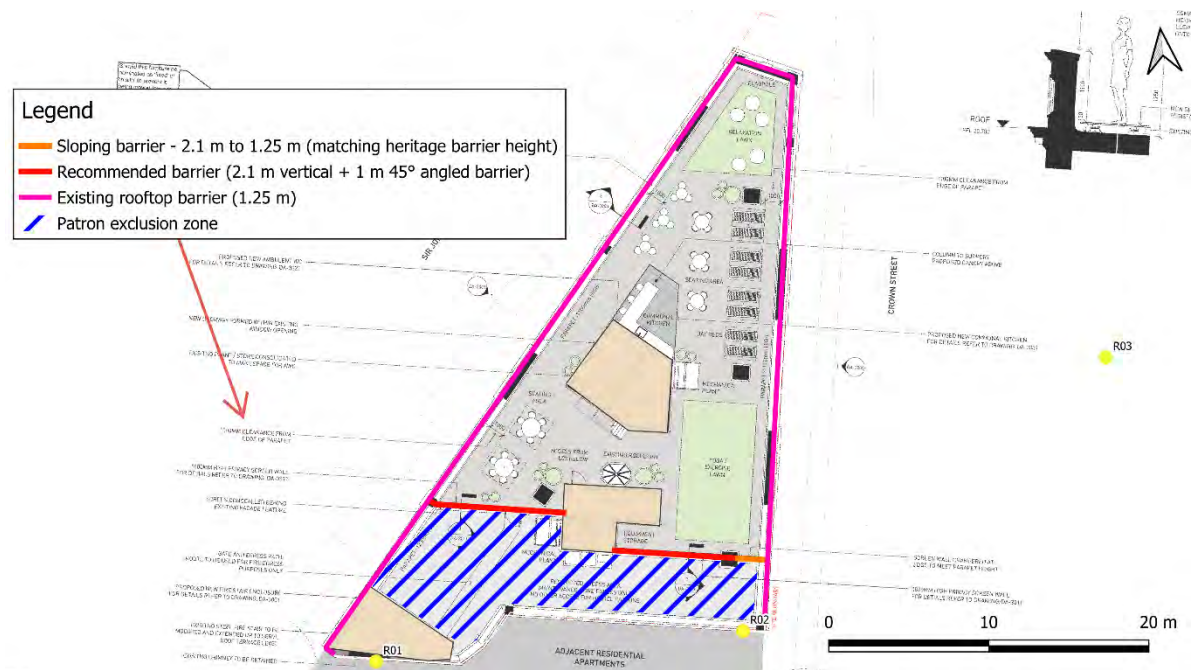
Parameter	Octave Band Centre Frequency, Hz dB(Z)									Overall dB(A)
	31.5	63	125	250	500	1k	2k	4k	8k	
Receiver 3 (Residential)										
Predicted L _{zeq} (15 minute) Noise Levels	13	15	18	29	33	26	22	17	<10	33
Criteria (L _{z90} + 0 dB) (Level 08)	59	59	57	51	49	48	42	33	21	52
Compliance ¹	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Note 1: It is assumed that should compliance with the external noise criteria be achieved, then compliance with the internal noise criteria set out in the City of Sydney DCP will be achieved.										

4.1.4 Operational Noise Control Measures

Noise levels from the proposed use of the roof top, including possible maximum capacity, have been predicted to be compliant at all surrounding residential receivers, provided the following recommendations are implemented:

- The hours of use of the roof top will include 7:00 am to 8:00 pm on any day of the week.
- No playing of amplified music or speech on the roof top at any time.
- The roof top is not to be used for organised gatherings or events.
- Access to the rooftop is to include the stairs detailed within the drawings of the roof top area.
- The use of the southern portion of the rooftop is not to be used, including restriction by a physical barrier in the location detailed in the figure below.

Figure 4 Patron exclusion zone and recommended barrier



- The barrier indicated in Figure 4 above (red), must be 2.1 m high (vertical) and 1 m long at 45° (angled inwards towards the north). The barrier must be constructed of solid construction, this could include 12 mm thick Perspex panel (other suitable materials include: 9 mm FC sheet, 10.38 mm glazing). An example of the angled section is shown in Figure 5 below.
- The barrier indicated in Figure 4 above (orange), must be 2.1 m high sloping down to match the height of the existing heritage barrier. The barrier must be constructed of solid construction, this could include 12 mm thick Perspex panel (other suitable materials include: 9 mm FC sheet, 10.38 mm glazing).

Figure 5 Example of angled barrier section



On the assumption the recommendations outlined are incorporated, compliance with the acoustic project criteria outlined in Table 3 above will be achieved.

4.2 Predictive Noise Modelling Equipment

Predictive noise modelling in this report was carried out using the Soundplan 9.1 noise modelling. The noise modelling software package was specifically used, as the 3D computational model of the site and surrounding area allows the terrain undulations, building heights and locations and noise source positions to be specifically modelled. In addition to terrain, buildings and noise sources, the Soundplan model also includes ground absorption and receiver locations.

Details of the results of the noise modelling resulting from the entertainment noise levels are included in the figure below, which includes the details of the modelling complete during the proposed operational periods.

Figure 6 Rooftop source layout - I

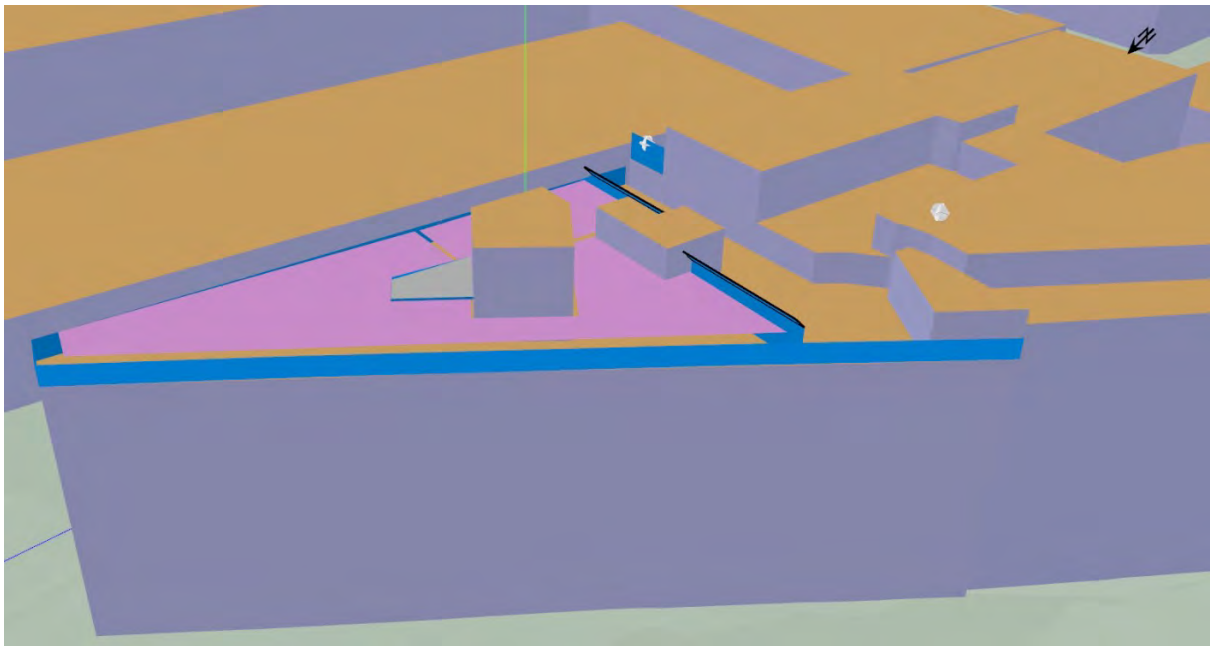


Figure 7 Rooftop source layout - II

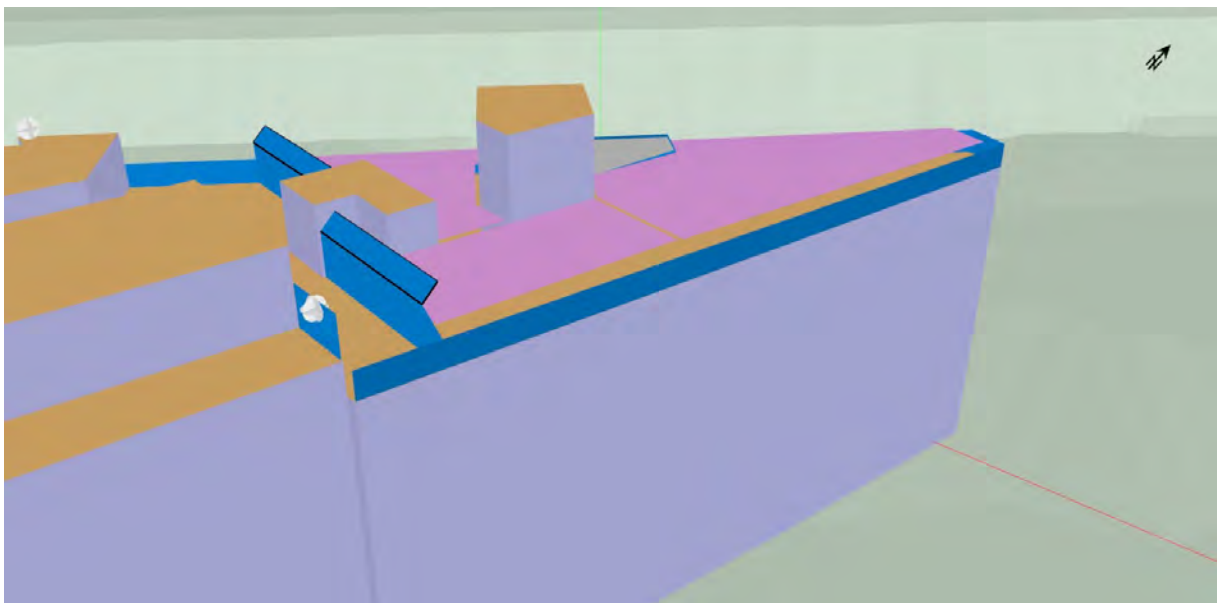


Figure 8 Noise contours (1.5 m above rooftop) – I (broadband A weighted)

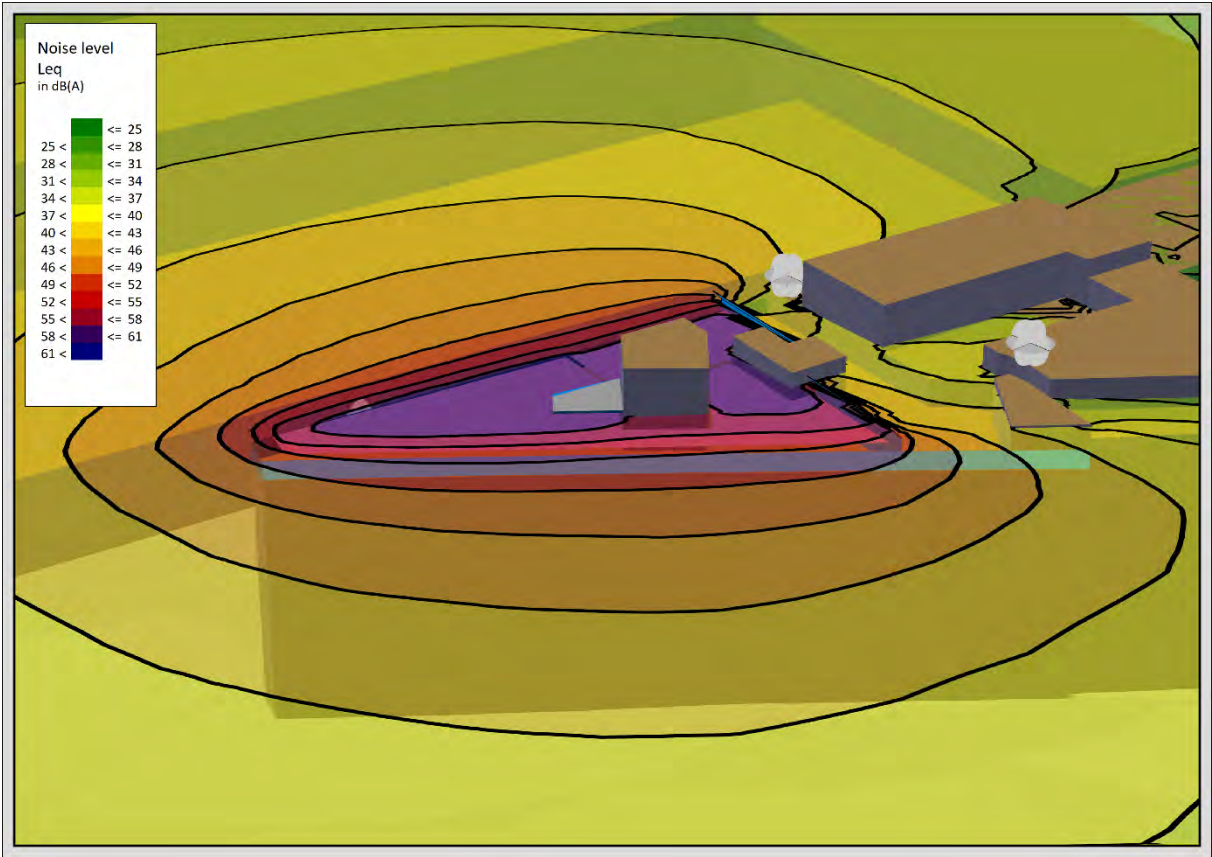


Figure 9 Cross section – I (broadband A weighted)

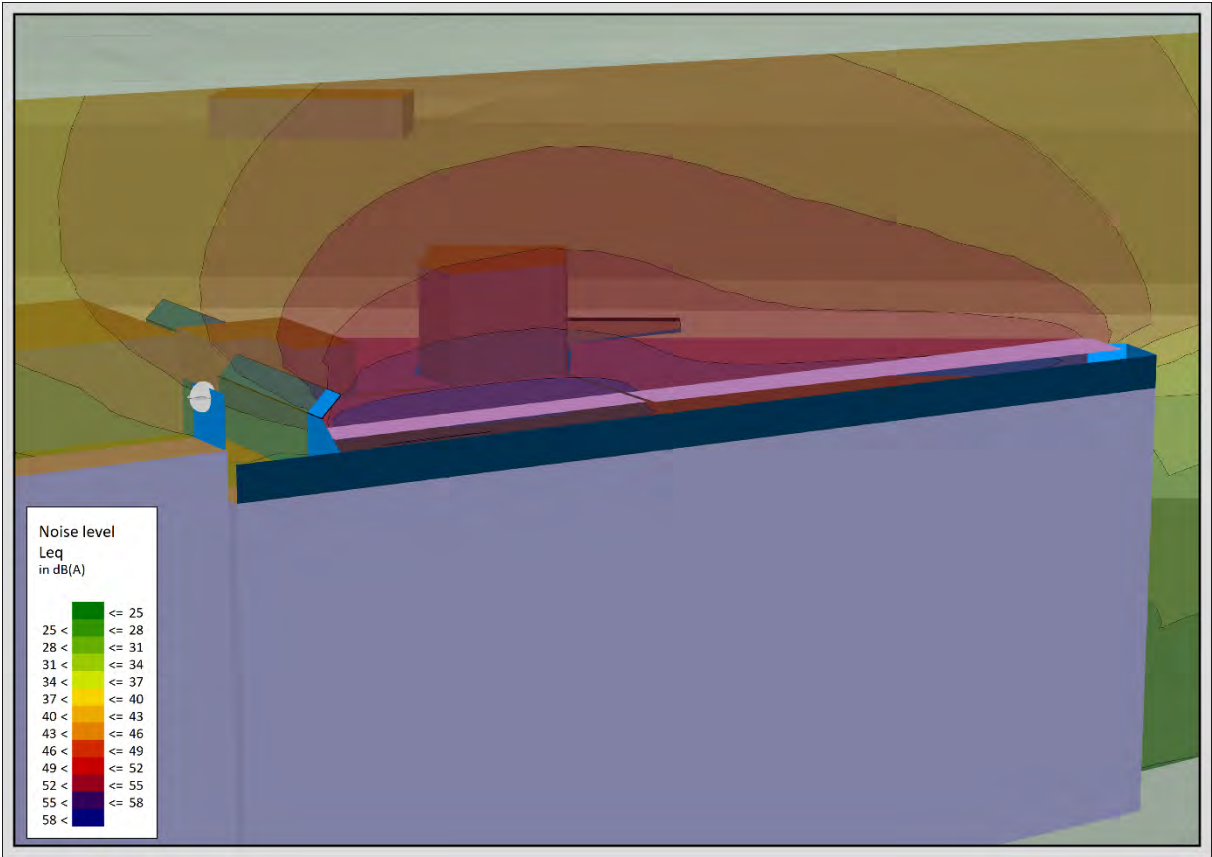


Figure 10 Cross section – II (broadband A weighted)

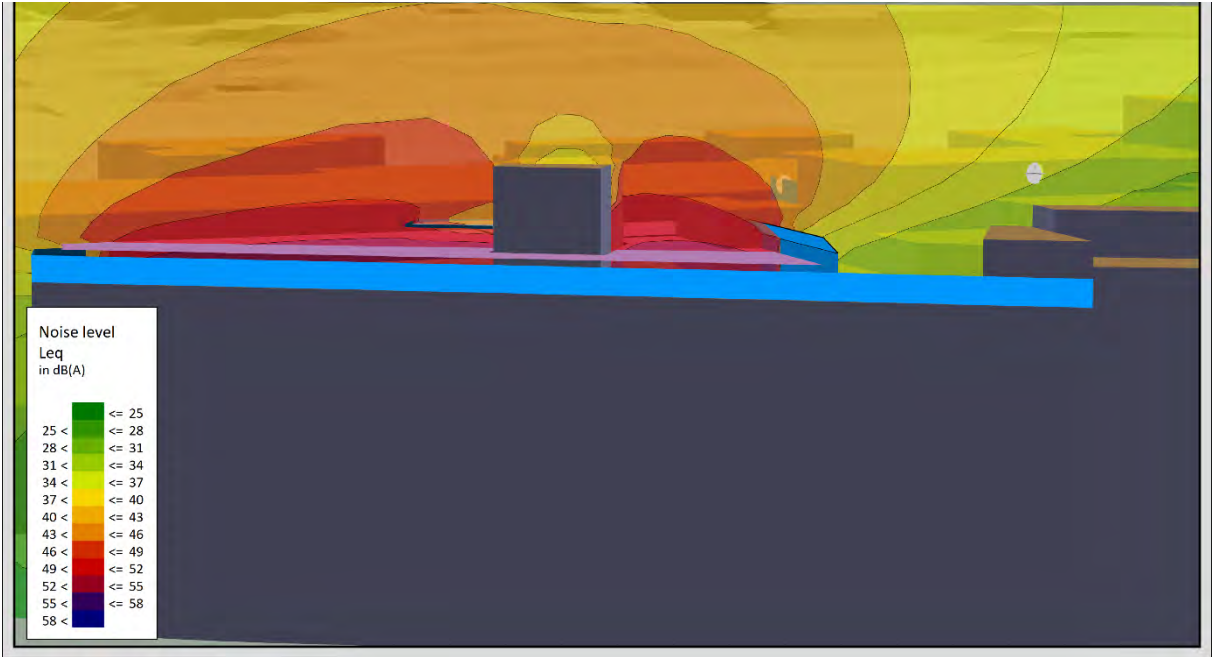
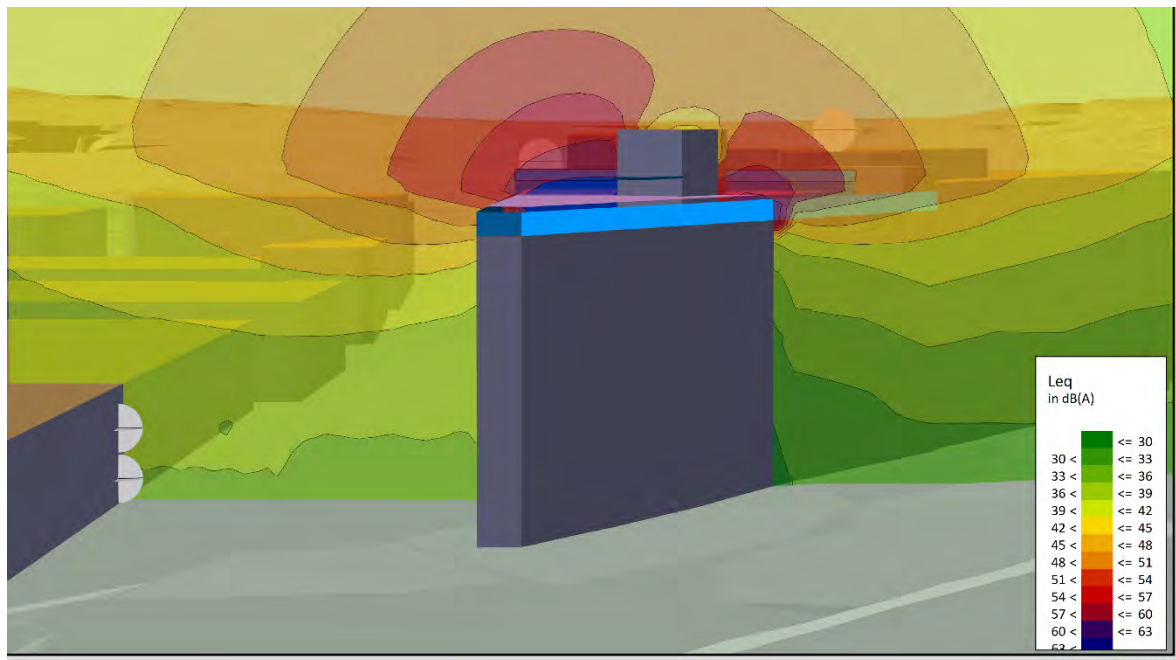


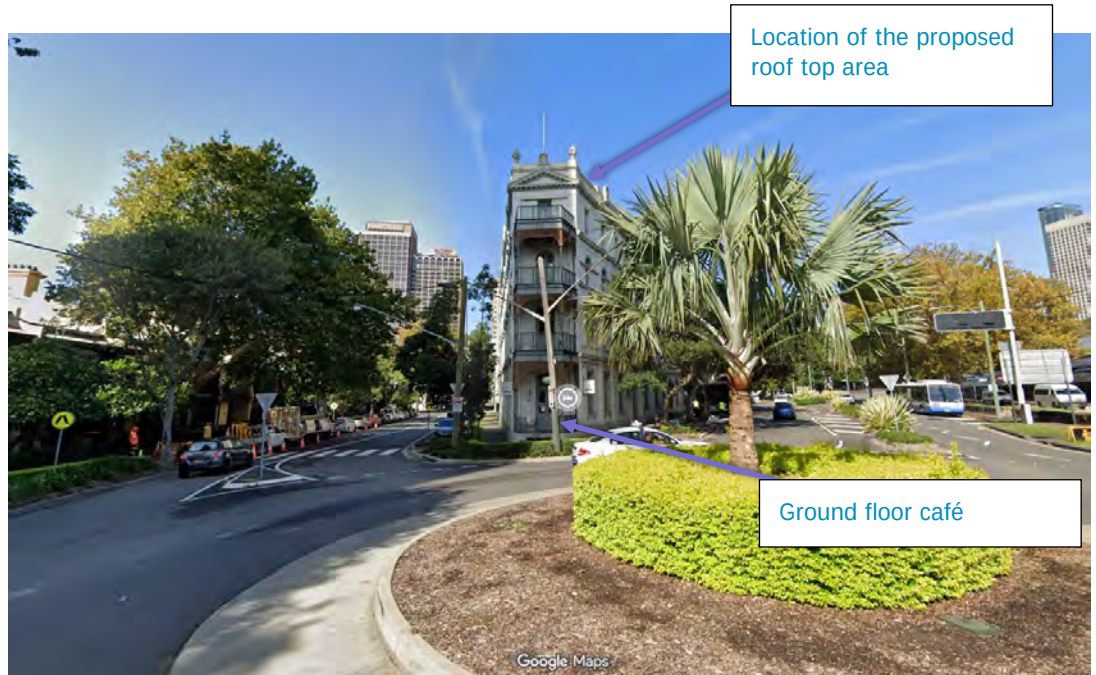
Figure 11 Cross section – III (broadband A weighted)



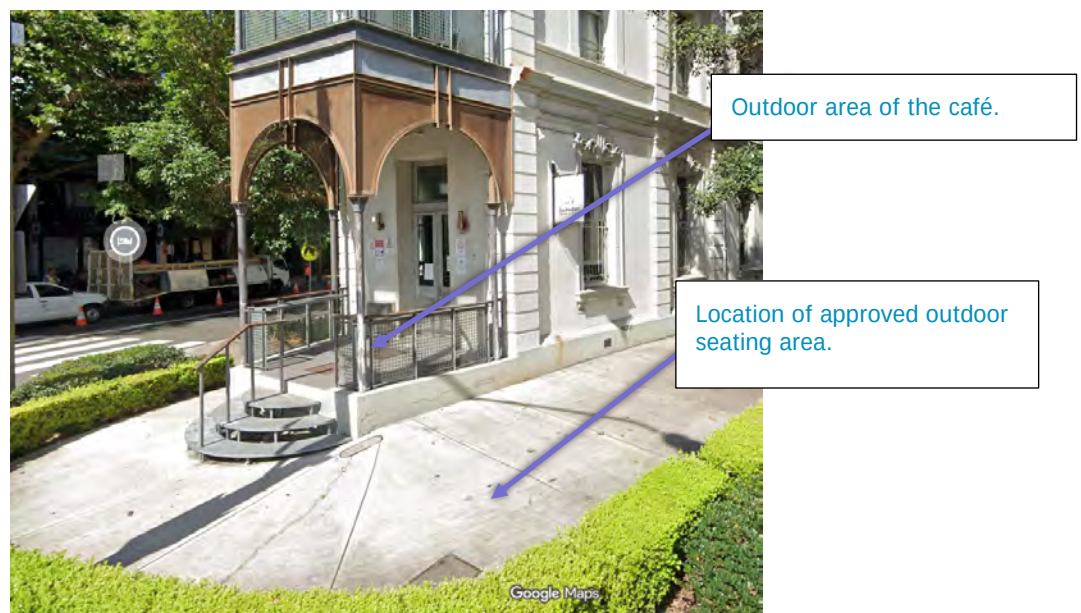
5 CUMULATIVE NOISE LEVELS

An assessment for the potential for cumulative noise levels resulting from the use of the roof top area and the ground floor café has been undertaken.

The café within the building is located on the ground floor of the building on the corner of Sire John Young Crescent and Crown Street, see the figure below.

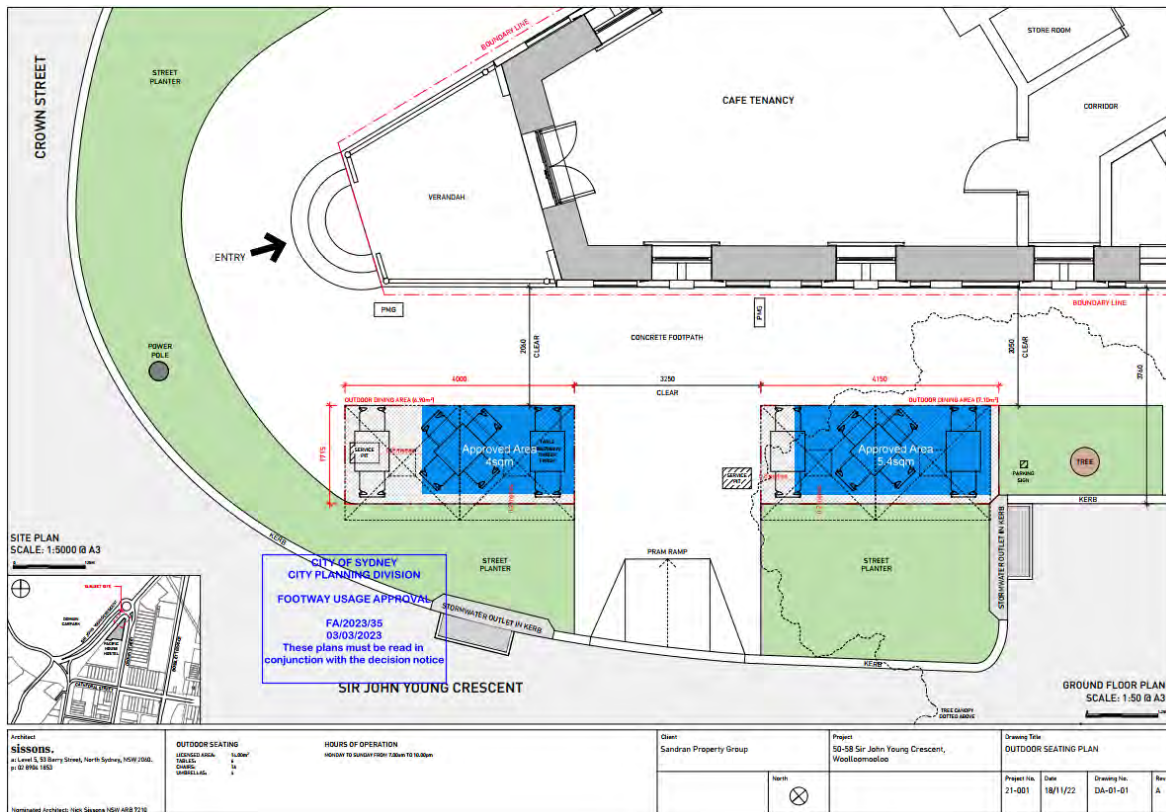


The café includes a small external area, including that detailed in the figure below.



Based on the location of the café and the general operation the following is discussed:

1. The café includes activities and uses which are contained within the building, including that detailed in the figures above.
2. The use of the café includes operations which are operating within current project approvals.
3. The operational hours of the café includes the following:
 - a. 8am to 10pm Monday – Sunday
4. The location of the café includes a separation of 3 stories of the building, resulting is significant distance separations from the potential noise sources.
5. The location of all receivers to the noise sources generated within the café include those which will not result as similar times and providing each source complies with the existing and proposed mitigations within the roof top proposal cumulative noise levels will comply with relevant criteria as required.
6. The café is located on the Ground floor of the project which also includes close proximity to the traffic movements of the roadways, including Sir John Young Crescent and Crown Street.
7. The café includes an approved area for external seating including those including that detailed within the figure below and approved within the *Notice of Determination FA/2023/35*.



Based on the location of the seating the building includes a barrier to the receivers within the vicinity of the building.

The proposed roof top area will not impact the café from complying with the Notice of determination FA/2023/35.

Based on the details included in the assessment the cumulative noise levels of the proposed roof top and the café will be achieved.

6 CONCLUSIONS

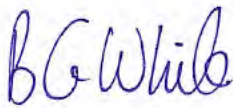
Pulse White Noise Acoustics Pty Ltd (PWNA) has undertaken an acoustic assessment for the proposed roof top area located at 50-58 Sir John Crescent, Woolloomooloo.

As part of the assessment and investigation into the potential for noise emissions resulting from the use of the rooftop terrace has been undertaken, including Soundplan noise modelling.

Based on the details included in this assessment compliance with the relevant noise emission criteria including the City of Sydney Council Entertainment noise level will be achieved.

Based on this assessment the proposed rooftop terrace will be acoustically acceptable and noise emissions will comply with the relevant City of Sydney Council requirements.

Regards,

A handwritten signature in blue ink that reads "Ben White".

Ben White

Director

PULSE WHITE NOISE ACOUSTICS PTY LTD



APPENDIX A: ACOUSTIC TERMINOLOGY

The following is a brief description of the acoustic terminology used in this report.

<i>Sound power level</i>	The total sound emitted by a source																						
<i>Sound pressure level</i>	The amount of sound at a specified point																						
<i>Decibel [dB]</i>	The measurement unit of sound																						
<i>A Weighted decibels [dB(A)]</i>	The A weighting is a frequency filter applied to measured noise levels to represent how humans hear sounds. The A-weighting filter emphasises frequencies in the speech range (between 1kHz and 4 kHz) which the human ear is most sensitive to, and places less emphasis on low frequencies at which the human ear is not so sensitive. When an overall sound level is A-weighted it is expressed in units of dB(A).																						
<i>Decibel scale</i>	The decibel scale is logarithmic in order to produce a better representation of the response of the human ear. A 3 dB increase in the sound pressure level corresponds to a doubling in the sound energy. A 10 dB increase in the sound pressure level corresponds to a perceived doubling in volume. Examples of decibel levels of common sounds are as follows: <table> <tr><td>0dB(A)</td><td>Threshold of human hearing</td></tr> <tr><td>30dB(A)</td><td>A quiet country park</td></tr> <tr><td>40dB(A)</td><td>Whisper in a library</td></tr> <tr><td>50dB(A)</td><td>Open office space</td></tr> <tr><td>70dB(A)</td><td>Inside a car on a freeway</td></tr> <tr><td>80dB(A)</td><td>Outboard motor</td></tr> <tr><td>90dB(A)</td><td>Heavy truck pass-by</td></tr> <tr><td>100dB(A)</td><td>Jackhammer/Subway train</td></tr> <tr><td>110 dB(A)</td><td>Rock Concert</td></tr> <tr><td>115dB(A)</td><td>Limit of sound permitted in industry</td></tr> <tr><td>120dB(A)</td><td>747 take off at 250 metres</td></tr> </table>	0dB(A)	Threshold of human hearing	30dB(A)	A quiet country park	40dB(A)	Whisper in a library	50dB(A)	Open office space	70dB(A)	Inside a car on a freeway	80dB(A)	Outboard motor	90dB(A)	Heavy truck pass-by	100dB(A)	Jackhammer/Subway train	110 dB(A)	Rock Concert	115dB(A)	Limit of sound permitted in industry	120dB(A)	747 take off at 250 metres
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50dB(A)	Open office space																						
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80dB(A)	Outboard motor																						
90dB(A)	Heavy truck pass-by																						
100dB(A)	Jackhammer/Subway train																						
110 dB(A)	Rock Concert																						
115dB(A)	Limit of sound permitted in industry																						
120dB(A)	747 take off at 250 metres																						
<i>Frequency [f]</i>	The repetition rate of the cycle measured in Hertz (Hz). The frequency corresponds to the pitch of the sound. A high frequency corresponds to a high pitched sound and a low frequency to a low pitched sound.																						
<i>Ambient sound</i>	The all-encompassing sound at a point composed of sound from all sources near and far.																						
<i>Equivalent continuous sound level [L_{eq}]</i>	The constant sound level which, when occurring over the same period of time, would result in the receiver experiencing the same amount of sound energy.																						
<i>Reverberation</i>	The persistence of sound in a space after the source of that sound has been stopped (the reverberation time is the time taken for a reverberant sound field to decrease by 60 dB)																						
<i>Air-borne sound</i>	The sound emitted directly from a source into the surrounding air, such as speech, television or music																						
<i>Impact sound</i>	The sound emitted from force of one object hitting another such as footfalls and slamming cupboards.																						
<i>Air-borne sound isolation</i>	The reduction of airborne sound between two rooms.																						
<i>Sound Reduction Index [R] (Sound Transmission Loss)</i>	The ratio the sound incident on a partition to the sound transmitted by the partition.																						
<i>Weighted sound reduction index [R_w]</i>	A single figure representation of the air-borne sound insulation of a partition based upon the R values for each frequency measured in a laboratory environment.																						
<i>Level difference [D]</i>	The difference in sound pressure level between two rooms.																						



<i>Normalised level difference $[D_n]$</i>	The difference in sound pressure level between two rooms normalised for the absorption area of the receiving room.
<i>Standardised level difference $[D_{nT}]$</i>	The difference in sound pressure level between two rooms normalised for the reverberation time of the receiving room.
<i>Weighted standardised level difference $[D_{nT,w}]$</i>	A single figure representation of the air-borne sound insulation of a partition based upon the level difference. Generally used to present the performance of a partition when measured in situ on site.
C_{tr}	A value added to an R_w or $D_{nT,w}$ value to account for variations in the spectrum.
<i>Impact sound isolation</i>	The resistance of a floor or wall to transmit impact sound.
<i>Impact sound pressure level $[L_i]$</i>	The sound pressure level in the receiving room produced by impacts subjected to the adjacent floor or wall by a tapping machine.
<i>Normalised impact sound pressure level $[L_n]$</i>	The impact sound pressure level normalised for the absorption area of the receiving room.
<i>Weighted normalised impact sound pressure level $[L_{n,w}]$</i>	A single figure representation of the impact sound insulation of a floor or wall based upon the impact sound pressure level measured in a laboratory.
<i>Weighted standardised impact sound pressure level $[L'_{nT,w}]$</i>	A single figure representation of the impact sound insulation of a floor or wall based upon the impact sound pressure level measured in situ on site.
C_i	A value added to an L_{nW} or $L'_{nT,w}$ value to account for variations in the spectrum.
<i>Energy Equivalent Sound Pressure Level $[L_{A,eq,T}]$</i>	'A' weighted, energy averaged sound pressure level over the measurement period T.
<i>Percentile Sound Pressure Level $[L_{Ax,T}]$</i>	'A' weighted, sound pressure that is exceeded for percentile x of the measurement period T.

*Definitions of a number of terms have been adapted from Australian Standard AS1633:1985 "Acoustics – Glossary of terms and related symbols"



APPENDIX B: RENZO TONIN UNATTENDED NOISE MONITORING RESULTS

Roof of 50-58 Sir John Young Crescent

Background & Ambient Noise Monitoring Results - NSW 'Noise Policy for Industry', 2017

Periods with insufficient results excluded	L _{A90} Background Noise Levels ⁴			L _{Aeq} Ambient Noise Levels		
Date	Day ¹	Evening ²	Night ³	Day ¹	Evening ²	Night ³
Monday-28-November-2022	-	51	47	-	56	52
Tuesday-29-November-2022	53	51	46	56	55	51
Wednesday-30-November-2022	53	52	47	57	56	52
Thursday-01-December-2022	52	52	48	56	58	53
Friday-02-December-2022	52	53	48	58	58	53
Saturday-03-December-2022	51	54	48	57	59	55
Sunday-04-December-2022	51	52	47	56	57	54
Monday-05-December-2022	53	-	48	57	-	53
Tuesday-06-December-2022	-	-	-	-	-	-
Representative Weekday⁵	53	52	47	57	57	52
Representative Weekend⁵	51	53	47	57	58	54
Representative Week⁵	52	52	47	57	57	53

Notes:

- Day is 7:00am to 6:00pm on all days except Sundays and Public Holidays when it is 8:00am to 6:00pm
- Evening is 6:00pm to 10:00pm
- Night is the remaining periods
- Assessment Background Level (ABL) for individual days
- Rating Background Level (RBL) for L_{A90} and logarithmic average for L_{Aeq}
- L_{Aeq} is calculated in the free field. 2.5dB is subtracted from results if logger is placed at façade
- Number in brackets represents the measured (actual) RBL value, which is below the minimum policy value of 30 dB(A) during the evening or night period or 35 dB(A) during the day period.

Roof of 50-58 Sir John Young Crescent

Road / Rail Noise Monitoring Results (at one metre from façade)

Periods with insufficient results excluded	L _{Aeq} Noise Levels		L _{Aeq 1hr} Noise Levels			
Date	Day ¹	Night ²	Day - Up ⁴	Day - Low ⁵	Night - Up ⁴	Night - Low ⁵
Monday-28-November-2022	-	54	-	-	56	51
Tuesday-29-November-2022	58	54	59	57	56	51
Wednesday-30-November-2022	59	55	60	59	57	52
Thursday-01-December-2022	59	55	60	58	57	53
Friday-02-December-2022	60	56	61	58	59	52
Saturday-03-December-2022	60	57	63	57	61	52
Sunday-04-December-2022	59	56	60	57	60	51
Monday-05-December-2022	59	55	61	57	58	53
Tuesday-06-December-2022	-	-	-	-	-	-
Representative Weekday³	59	55	60	58	57	52
Representative Weekend³	59	57	61	57	60	52
Representative Week³	59	55	60	57	58	52

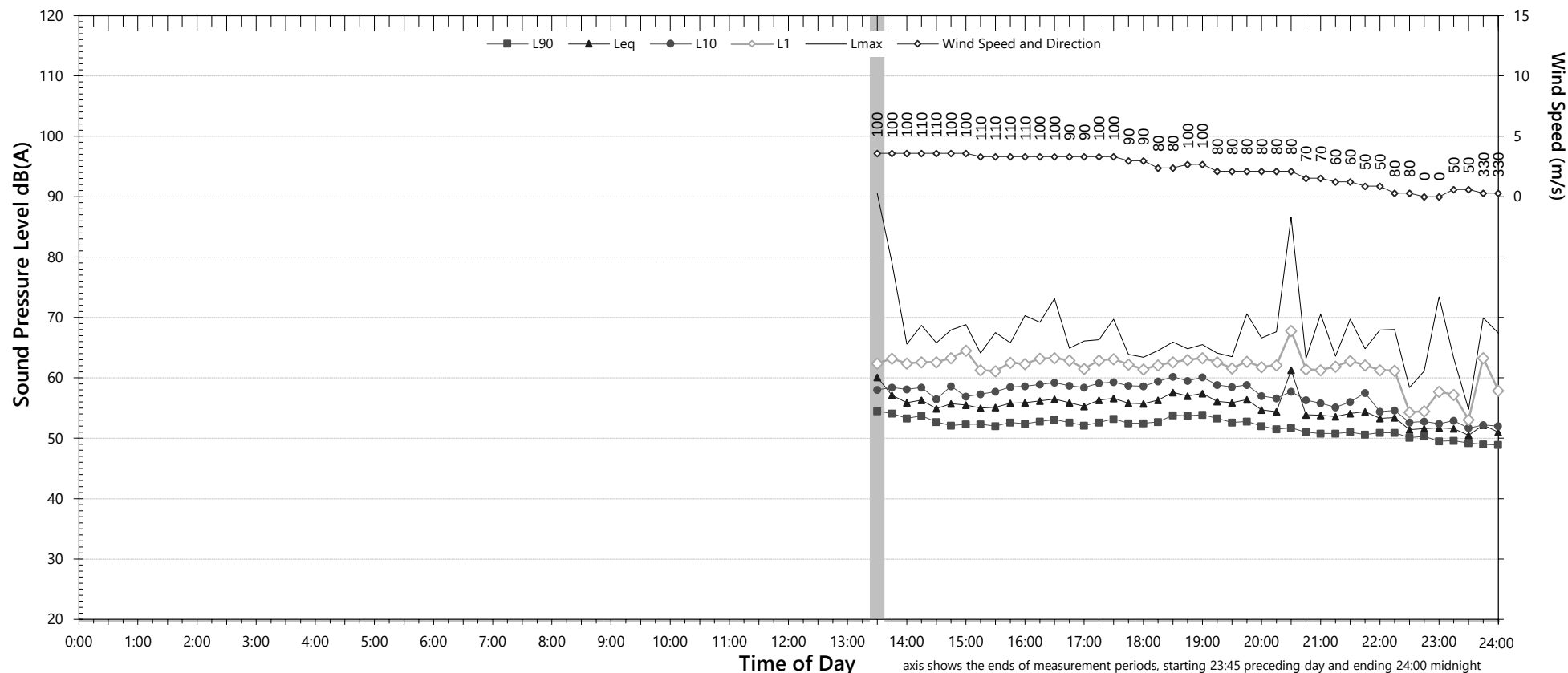
Notes:

- Day is 7:00am to 10:00pm
- Night is 10:00pm to 7:00am
- Median of daily L_{Aeq}
- Upper 10th percentile L_{Aeq 1hr}
- Lower 10th percentile L_{Aeq 1hr}
- Values are calculated at the façade. 2.5dB is added to results if logger is placed in the free field

Unattended Noise Monitoring Results

Roof of 50-58 Sir John Young Crescent

Monday, 28 November 2022



NSW Noise Policy for Industry (Free Field)			
Descriptor	Day ²	Evening ³	Night ^{4,5}
L _{A90} ABL	-	51	47
L _{Aeq}	-	56	52

Night Time Maximum Noise Levels		(see note 7)	
L _{AFMax} (Range)	68	to	74
L _{AFMax} - L _{Aeq} (Range)	18	to	21

Notes:

1. Shaded periods denote measurements adversely affected by rain, wind or extraneous noise - data in these periods are excluded from calculations.

3. "Evening" is the period from 6pm till 10pm

6. Graphed data measured in free-field; tabulated results facade corrected

4. "Night" relates to the remaining periods

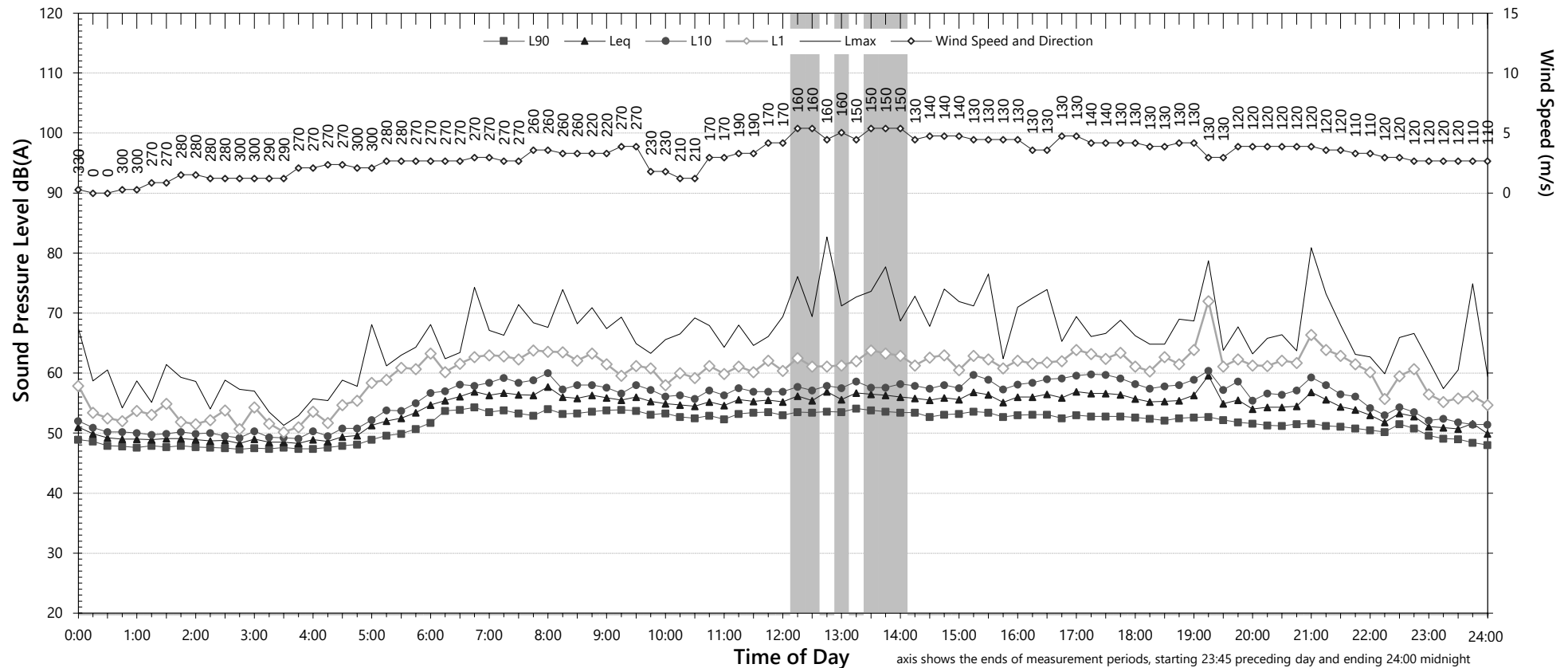
7. 1-hour values for L_{AFMax} are shown only where L_{AFMax} > 65dB(A) and where L_{AFMax} - L_{Aeq} ≥ 15dB(A)

NSW Road Noise Policy (1m from facade) (see note 6)		
Descriptor	Day	Night ⁵
	7am-10pm	10pm-7am
L _{Aeq} 15 hr and L _{Aeq} 9 hr	-	54
L _{Aeq} 1hr upper 10 percentile	-	56
L _{Aeq} 1hr lower 10 percentile	-	51

Unattended Noise Monitoring Results

Roof of 50-58 Sir John Young Crescent

Tuesday, 29 November 2022



NSW Noise Policy for Industry (Free Field)			
Descriptor	Day ²	Evening ³	Night ^{4,5}
L _{A90} ABL	53	51	46
L _{Aeq}	56	55	51

Night Time Maximum Noise Levels		(see note 7)	
L _{AFMax} (Range)	67	to	77
L _{AFMax} - L _{Aeq} (Range)	15	to	24

Notes:

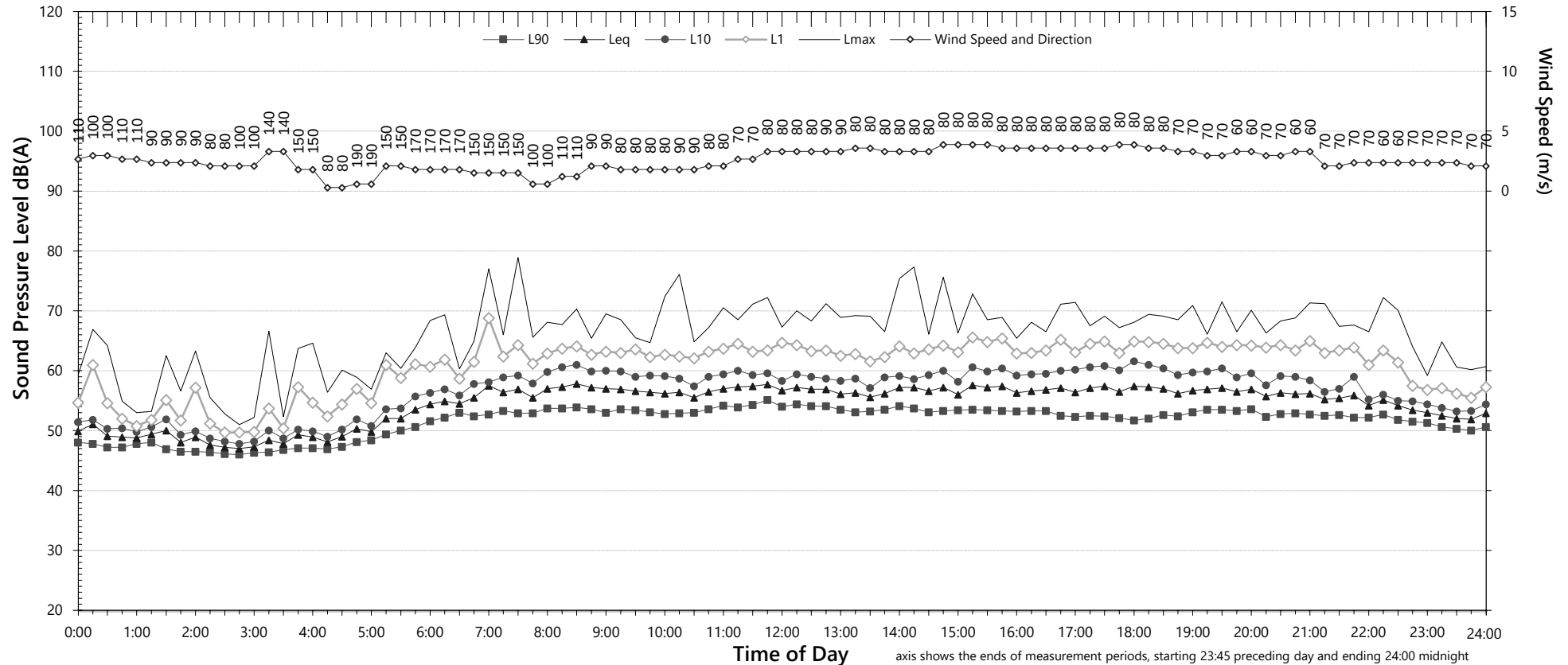
- Shaded periods denote measurements adversely affected by rain, wind or extraneous noise - data in these periods are excluded from calculations.
- "Day" is the period from 8am till 6pm on Sundays and 7am till 6pm on other days
- "Evening" is the period from 6pm till 10pm
- "Night" relates to the remaining periods
- Graphed data measured in free-field; tabulated results facade corrected
- 1-hour values for L_{AFMax} are shown only where L_{AFMax} > 65dB(A) and where L_{AFMax} - L_{Aeq} ≥ 15dB(A)

NSW Road Noise Policy (1m from facade) (see note 6)		
Descriptor	Day	Night ⁵
	7am-10pm	10pm-7am
L _{Aeq} 15 hr and L _{Aeq} 9 hr	58	54
L _{Aeq} 1hr upper 10 percentile	59	56
L _{Aeq} 1hr lower 10 percentile	57	51

Unattended Noise Monitoring Results

Roof of 50-58 Sir John Young Crescent

Wednesday, 30 November 2022



NSW Noise Policy for Industry (Free Field)			
Descriptor	Day ²	Evening ³	Night ^{4,5}
L _{A90} ABL	53	52	47
L _{Aeq}	57	56	52

Night Time Maximum Noise Levels		(see note 7)	
L _{AFMax} (Range)	67	to	76
L _{AFMax} - L _{Aeq} (Range)	17	to	21

Notes:

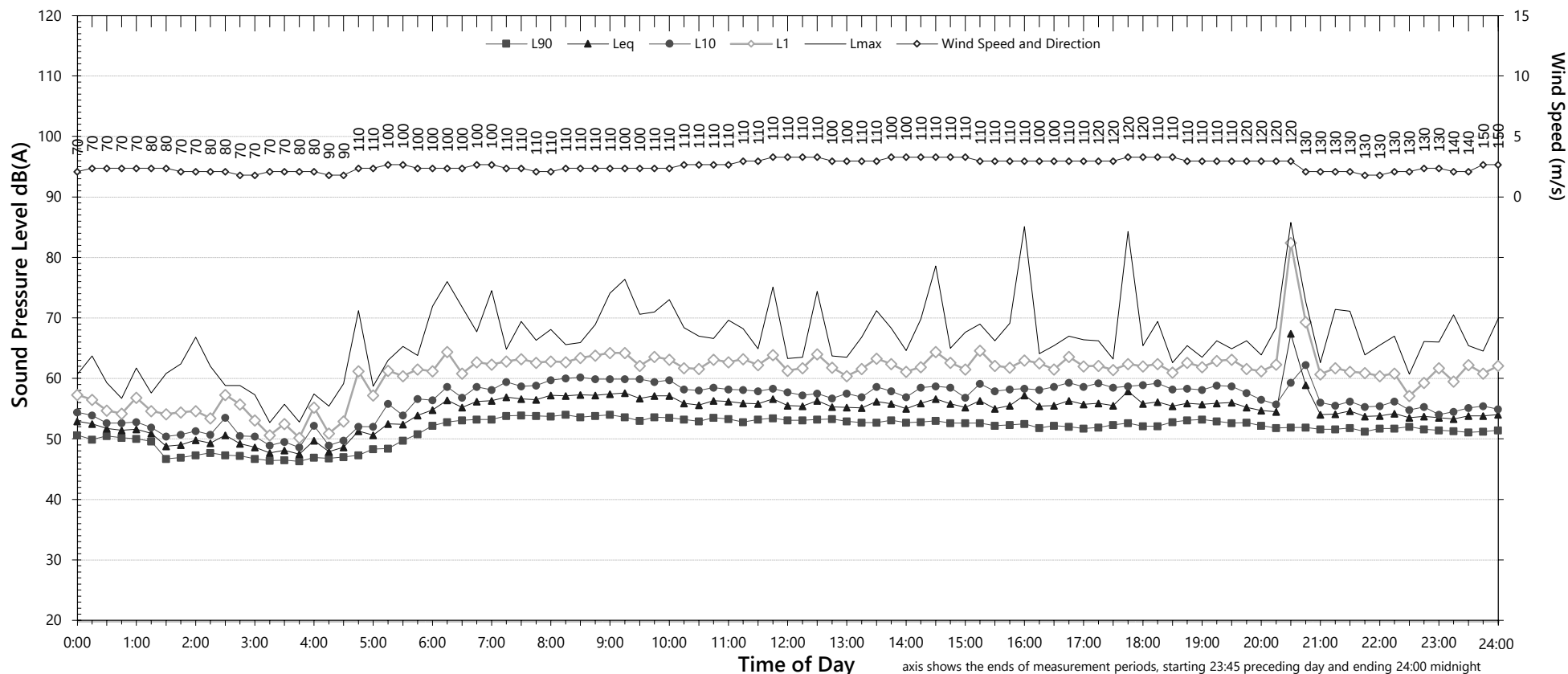
- Shaded periods denote measurements adversely affected by rain, wind or extraneous noise - data in these periods are excluded from calculations.
- "Day" is the period from 8am till 6pm on Sundays and 7am till 6pm on other days
- "Evening" is the period from 6pm till 10pm
- "Night" relates to the remaining periods
- Graphed data measured in free-field; tabulated results facade corrected
- 1-hour values for L_{AFMax} are shown only where L_{AFMax} > 65dB(A) and where L_{AFMax} - L_{Aeq} ≥ 15dB(A)

NSW Road Noise Policy (1m from facade) (see note 6)		
Descriptor	Day	Night ⁵
	7am-10pm	10pm-7am
L _{Aeq} 15 hr and L _{Aeq} 9 hr	59	55
L _{Aeq} 1hr upper 10 percentile	60	57
L _{Aeq} 1hr lower 10 percentile	59	52

Unattended Noise Monitoring Results

Roof of 50-58 Sir John Young Crescent

Thursday, 1 December 2022



NSW Noise Policy for Industry (Free Field)			
Descriptor	Day ²	Evening ³	Night ^{4,5}
L _{A90} ABL	52	52	48
L _{Aeq}	56	58	53

Night Time Maximum Noise Levels		(see note 7)	
L _{AFMax} (Range)	67	to	72
L _{AFMax} - L _{Aeq} (Range)	16	to	21

Notes:

1. Shaded periods denote measurements adversely affected by rain, wind or extraneous noise - data in these periods are excluded from calculations.

3. "Evening" is the period from 6pm till 10pm

6. Graphed data measured in free-field; tabulated results facade corrected

4. "Night" relates to the remaining periods

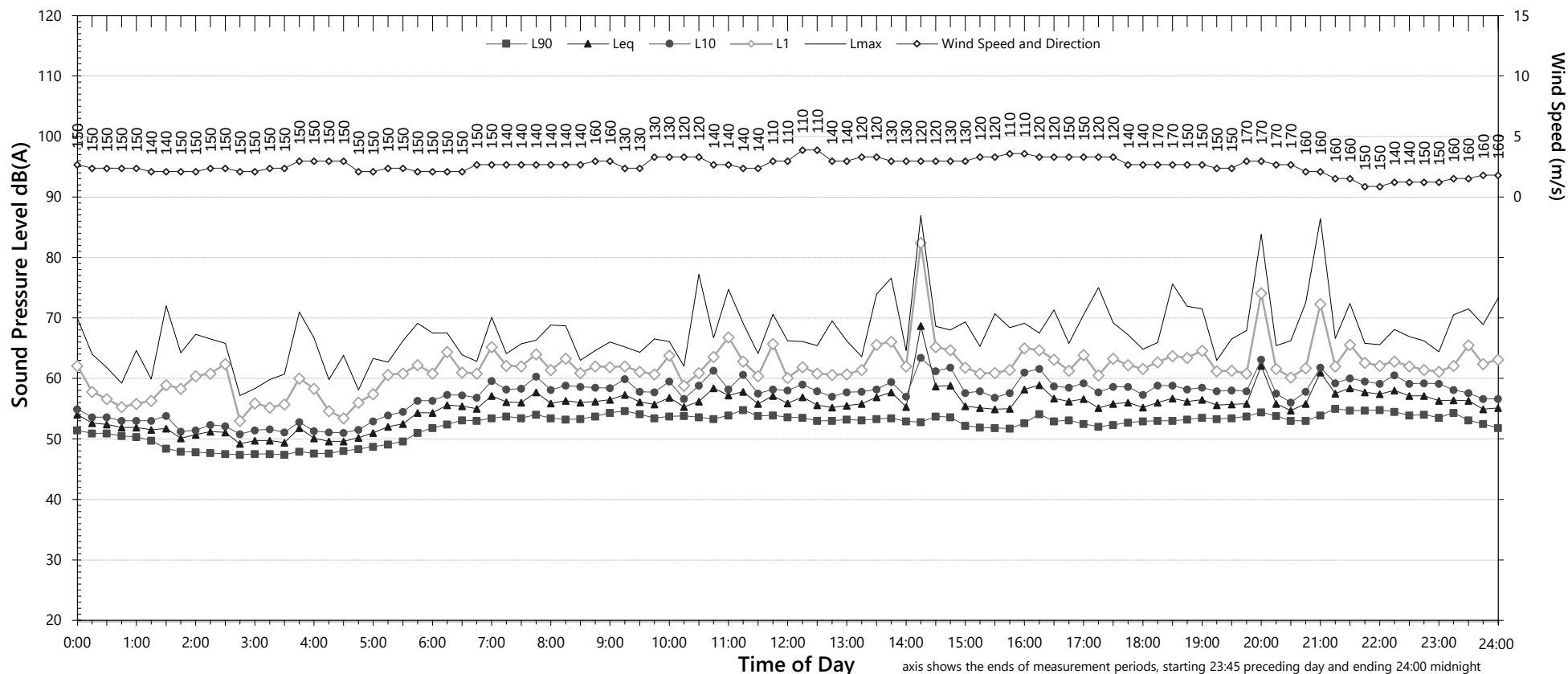
7. 1-hour values for L_{AFMax} are shown only where L_{AFMax} > 65dB(A) and where L_{AFMax} - L_{Aeq} ≥ 15dB(A)

NSW Road Noise Policy (1m from facade) (see note 6)		
Descriptor	Day	Night ⁵
	7am-10pm	10pm-7am
L _{Aeq} 15 hr and L _{Aeq} 9 hr	59	55
L _{Aeq} 1hr upper 10 percentile	60	57
L _{Aeq} 1hr lower 10 percentile	58	53

Unattended Noise Monitoring Results

Roof of 50-58 Sir John Young Crescent

Friday, 2 December 2022



NSW Noise Policy for Industry (Free Field)			
Descriptor	Day ²	Evening ³	Night ^{4,5}
L _{A90} ABL	52	53	48
L _{Aeq}	58	58	53

Night Time Maximum Noise Levels		(see note 7)	
L _{AFMax} (Range)	66	to	73
L _{AFMax} - L _{Aeq} (Range)	17	to	19

Notes:

1. Shaded periods denote measurements adversely affected by rain, wind or extraneous noise - data in these periods are excluded from calculations.

3. "Evening" is the period from 6pm till 10pm

6. Graphed data measured in free-field; tabulated results facade corrected

4. "Night" relates to the remaining periods

7. 1-hour values for L_{AFMax} are shown only where L_{AFMax} > 65dB(A) and where L_{AFMax} - L_{Aeq} ≥ 15dB(A)

NSW Road Noise Policy (1m from facade) (see note 6)		
Descriptor	Day	Night ⁵
	7am-10pm	10pm-7am
L _{Aeq} 15 hr and L _{Aeq} 9 hr	60	56
L _{Aeq} 1hr upper 10 percentile	61	59
L _{Aeq} 1hr lower 10 percentile	58	52

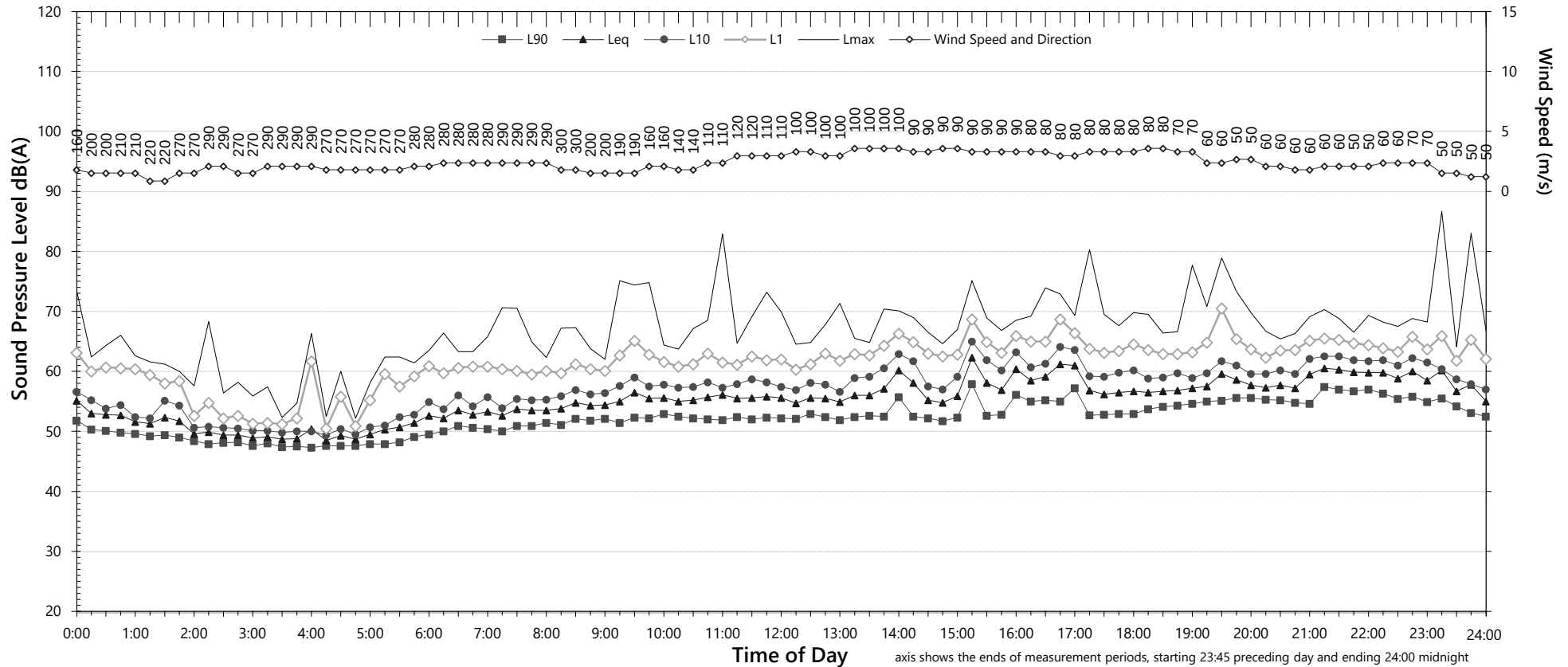
2. "Day" is the period from 8am till 6pm on Sundays and 7am till 6pm on other days

5. "Night" relates to period from 10pm on this graph to morning on the following graph.

Unattended Noise Monitoring Results

Roof of 50-58 Sir John Young Crescent

Saturday, 3 December 2022



NSW Noise Policy for Industry (Free Field)			
Descriptor	Day ²	Evening ³	Night ^{4,5}
L _{A90} ABL	51	54	48
L _{Aeq}	57	59	55

Night Time Maximum Noise Levels		(see note 7)	
L _{AFMax} (Range)	67	to	90
L _{AFMax} - L _{Aeq} (Range)	15	to	34

Notes:

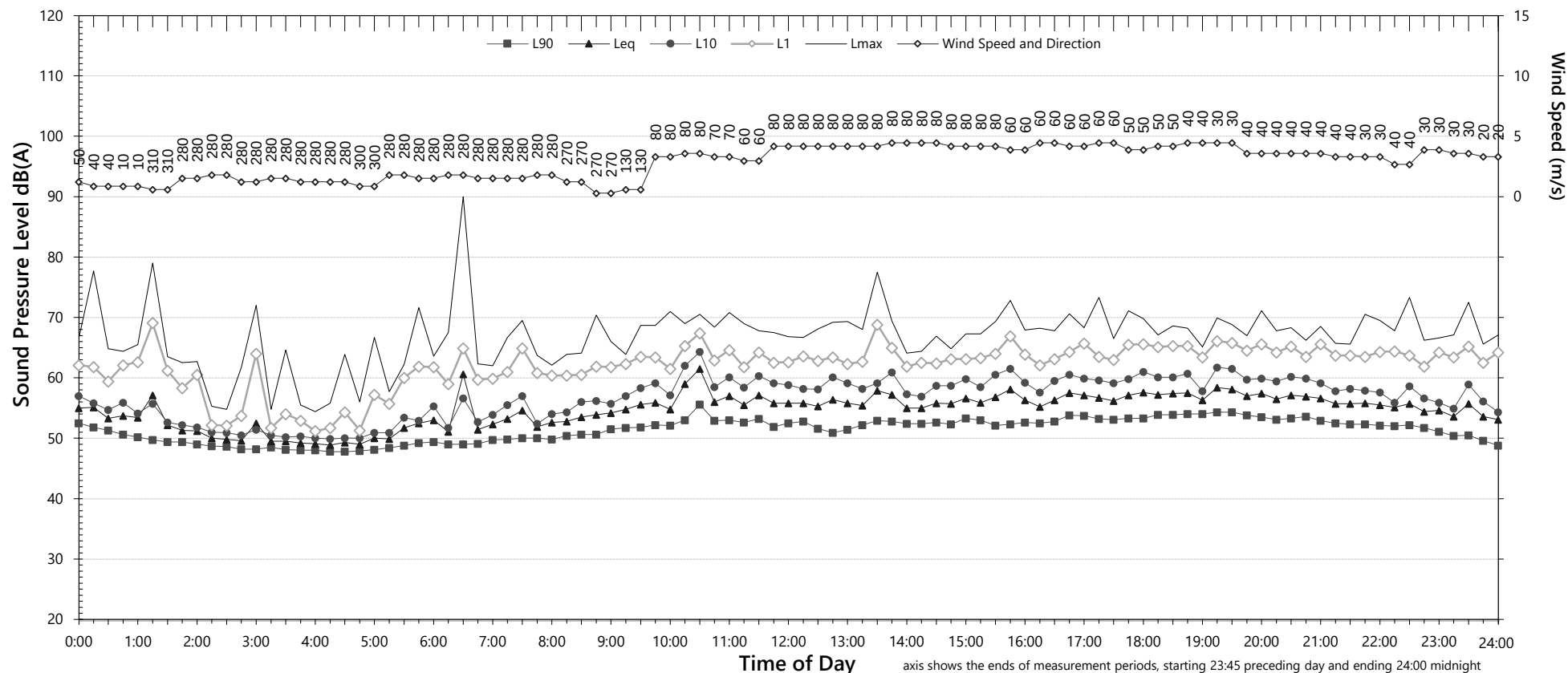
- Shaded periods denote measurements adversely affected by rain, wind or extraneous noise - data in these periods are excluded from calculations.
- "Day" is the period from 8am till 6pm on Sundays and 7am till 6pm on other days
- "Evening" is the period from 6pm till 10pm
- "Night" relates to the remaining periods
- Graphed data measured in free-field; tabulated results facade corrected
- 1-hour values for L_{AFMax} are shown only where L_{AFMax} > 65dB(A) and where L_{AFMax} - L_{Aeq} ≥ 15dB(A)

NSW Road Noise Policy (1m from facade) (see note 6)		
Descriptor	Day	Night ⁵
	7am-10pm	10pm-7am
L _{Aeq} 15 hr and L _{Aeq} 9 hr	60	57
L _{Aeq} 1hr upper 10 percentile	63	61
L _{Aeq} 1hr lower 10 percentile	57	52

Unattended Noise Monitoring Results

Roof of 50-58 Sir John Young Crescent

Sunday, 4 December 2022



NSW Noise Policy for Industry (Free Field)			
Descriptor	Day ²	Evening ³	Night ^{4,5}
L _{A90} ABL	51	52	47
L _{Aeq}	56	57	54

Night Time Maximum Noise Levels		(see note 7)	
L _{AFMax} (Range)	67	to	86
L _{AFMax} - L _{Aeq} (Range)	16	to	28

Notes:

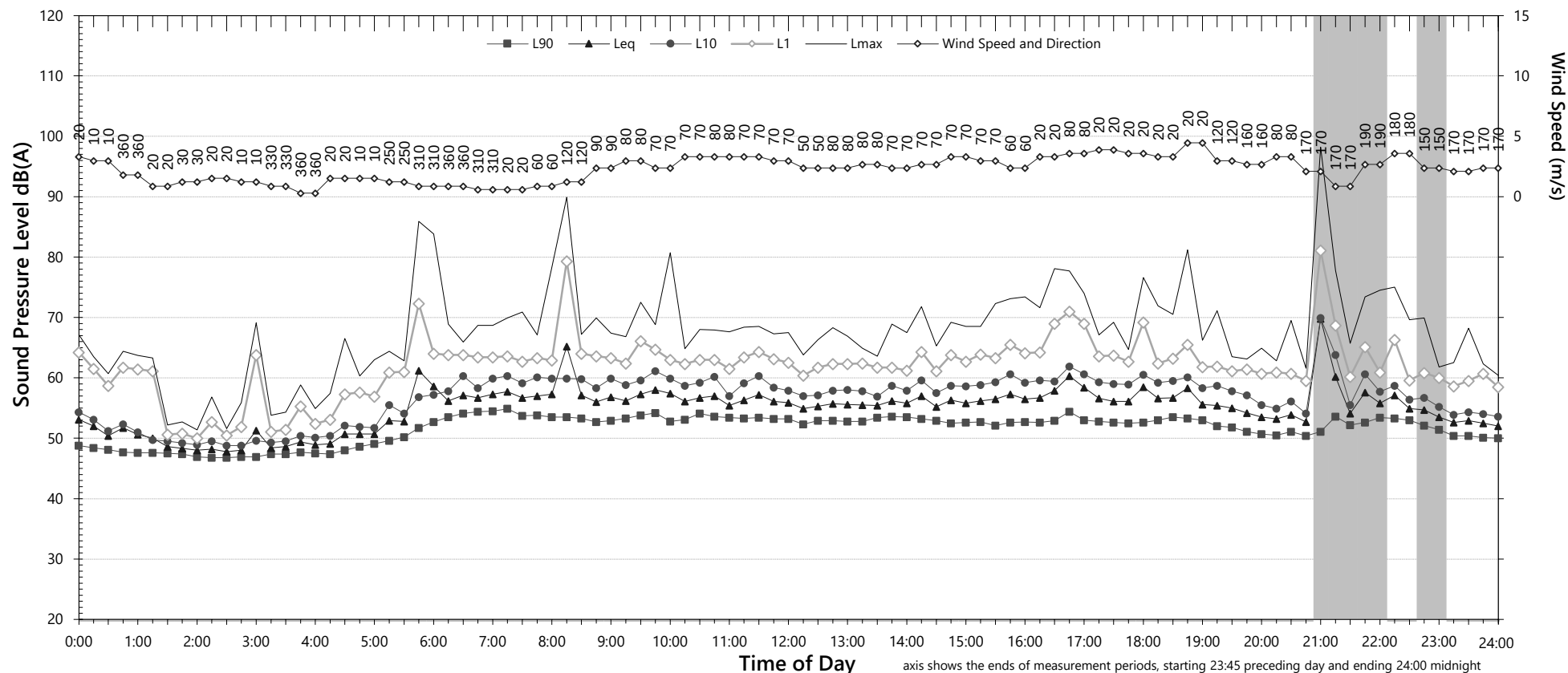
- Shaded periods denote measurements adversely affected by rain, wind or extraneous noise - data in these periods are excluded from calculations.
- "Day" is the period from 8am till 6pm on Sundays and 7am till 6pm on other days
- "Evening" is the period from 6pm till 10pm
- "Night" relates to the remaining periods
- Graphed data measured in free-field; tabulated results facade corrected
- 1-hour values for L_{AFMax} are shown only where L_{AFMax} > 65dB(A) and where L_{AFMax} - L_{Aeq} ≥ 15dB(A)

NSW Road Noise Policy (1m from facade) (see note 6)		
Descriptor	Day	Night ⁵
	7am-10pm	10pm-7am
L _{Aeq} 15 hr and L _{Aeq} 9 hr	59	56
L _{Aeq} 1hr upper 10 percentile	60	60
L _{Aeq} 1hr lower 10 percentile	57	51

Unattended Noise Monitoring Results

Roof of 50-58 Sir John Young Crescent

Monday, 5 December 2022



NSW Noise Policy for Industry (Free Field)			
Descriptor	Day ²	Evening ³	Night ^{4,5}
L _{A90} ABL	53	-	48
L _{Aeq}	57	-	53

Night Time Maximum Noise Levels		(see note 7)	
L _{AFMax} (Range)	68	to	82
L _{AFMax} - L _{Aeq} (Range)	16	to	28

Notes:

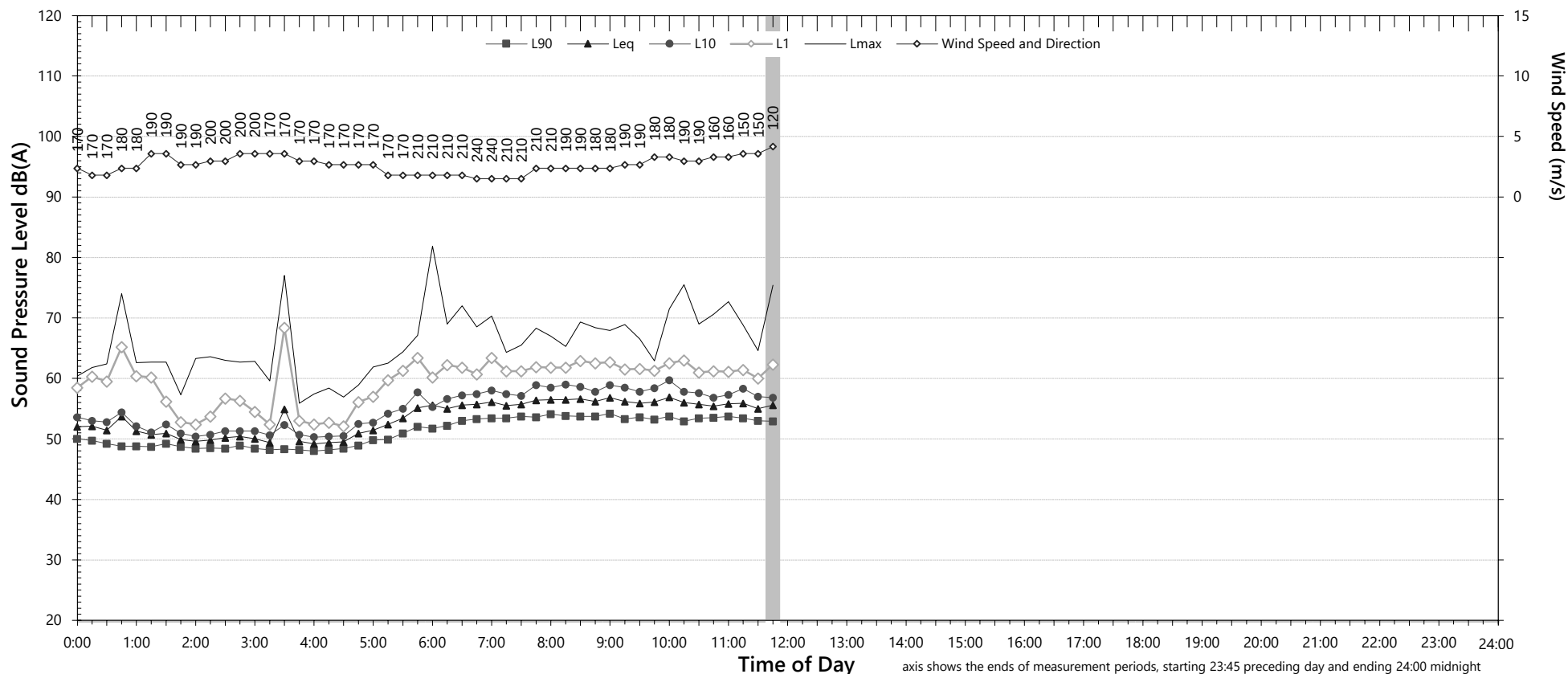
- Shaded periods denote measurements adversely affected by rain, wind or extraneous noise - data in these periods are excluded from calculations.
- "Day" is the period from 8am till 6pm on Sundays and 7am till 6pm on other days
- "Evening" is the period from 6pm till 10pm
- "Night" relates to the remaining periods
- "Night" relates to period from 10pm on this graph to morning on the following graph.
- Graphed data measured in free-field; tabulated results facade corrected
- 1-hour values for L_{AFMax} are shown only where L_{AFMax} > 65dB(A) and where L_{AFMax} - L_{Aeq} ≥ 15dB(A)

NSW Road Noise Policy (1m from facade) (see note 6)		
Descriptor	Day	Night ⁵
	7am-10pm	10pm-7am
L _{Aeq} 15 hr and L _{Aeq} 9 hr	59	55
L _{Aeq} 1hr upper 10 percentile	61	58
L _{Aeq} 1hr lower 10 percentile	57	53

Unattended Noise Monitoring Results

Roof of 50-58 Sir John Young Crescent

Tuesday, 6 December 2022



NSW Noise Policy for Industry (Free Field)			
Descriptor	Day ²	Evening ³	Night ^{4,5}
L _{A90} ABL	-	-	-
L _{Aeq}	-	-	-
Night Time Maximum Noise Levels (see note 7)			
L _{AFMax} (Range)	-	to	-
L _{AFMax} - L _{Aeq} (Range)	-	to	-

Notes:

- Shaded periods denote measurements adversely affected by rain, wind or extraneous noise - data in these periods are excluded from calculations.
- "Day" is the period from 8am till 6pm on Sundays and 7am till 6pm on other days
- "Evening" is the period from 6pm till 10pm
- "Night" relates to the remaining periods
- Graphed data measured in free-field; tabulated results facade corrected
- 1-hour values for L_{AFMax} are shown only where L_{AFMax} > 65dB(A) and where L_{AFMax} - L_{Aeq} ≥ 15dB(A)

NSW Road Noise Policy (1m from facade) (see note 6)		
Descriptor	Day	Night ⁵
	7am-10pm	10pm-7am
L _{Aeq} 15 hr and L _{Aeq} 9 hr	-	-
L _{Aeq} 1hr upper 10 percentile	-	-
L _{Aeq} 1hr lower 10 percentile	-	-

MEMORANDUM



250116-50-58 SJYC, Woolloomooloo -Response to Comments-R1

TO: Kristy Hodgkinson
COMPANY: Hamptons
FROM: Ben White
SUBJECT: 50-58 Sir John Young Crescent, Woolloomooloo
Acoustic Response to comments

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1 Introduction

This report details the acoustic supplementary report which includes the additional information and responses received for the proposed activation of the rooftop located at 50-58 Sir John Young Crescent, Woolloomooloo including the D/2025/268.

This supplementary report has been undertaken in response to the acoustic items, including the following:

1. The PWNA *50-58 Sir John Young Crescent, Woolloomooloo – Roof Top Terrace DA Acoustic Assessment* dated 24th March 2025 (DAAA).
2. The acoustic items included within the Council Responses to the application D/2025/268.

The acoustic responses to the submissions are included in this report.

2 Acoustic Response to Submissions

This section of the report includes the acoustic response to the submissions received from the City of Sydney council, including the follow:

1. Council Items – Deficient acoustic report
 - a. Inadequate noise monitoring location –

The assessment of noise from the use of the roof top has included noise logging previously completed by Renzo Tonin Associates for the site. The noise logger location includes that which is deemed acceptable for the assessment of the site including a location to the east of the roof top, which is screened from Sir John Young Crescent.

Based on the location of the roof top of potentially worst affected receivers include those located within the existing multi-story residential towers to the south of the site and can be seen within the noise modelling included within the DAAA. As such the noise logger location is representative for the potential noise emissions resulting from the use of the roof top area.

It is noted that the receiver located to the east of the site, including the residential terraces are located within close proximity to the movement of traffic on the roadways including Sir John Young Crescent and Crown Street. The location of the noise logging included a location on the roof of the building which includes additional distance from the roadways.

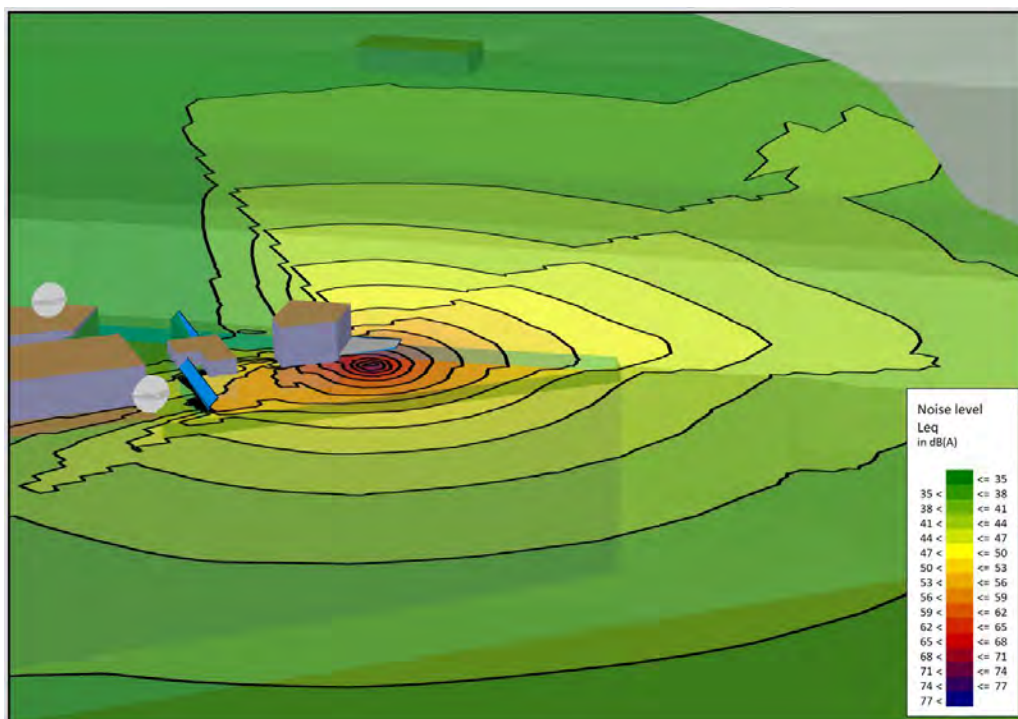
- b. Inadequate noise modelling-

Noise modelling of the roof top has included a plan noise source, including a noise levels spread over the entire roof top as detailed in 4.1.1 of the DAAA.

As part of the assessment noise modelling of the use of the roof top has been undertaken as represented within Figure 4, which clearly depicts the source noise levels located across the entire roof top, see below.



Councils' comments that noise modelling includes a single noise source adjusted to represent 50 persons is incorrect, in the event noise modelling has included a point source level the resulting noise model would have resulted in predictions similar to that in the figure below:



c. Noise criteria –

The acoustic assessment included within the DAAA has included the external noise level criteria.

A revised assessment which applies the internal noise level requirements to the external boundaries of receivers has been undertaken and is included in Revision 1 of the report which has been provided.

In the assumption that internal background noise levels result from ambient noise level ingress into buildings the assessment of internal noise level criteria at the external receiver locations compliance with the City of Sydney Council requirements would be achieved.

Details included within the revised DA Acoustic Assessment (Revision 1) include the assessment using the revised council criteria and the required mitigations such that compliance will be achieved.

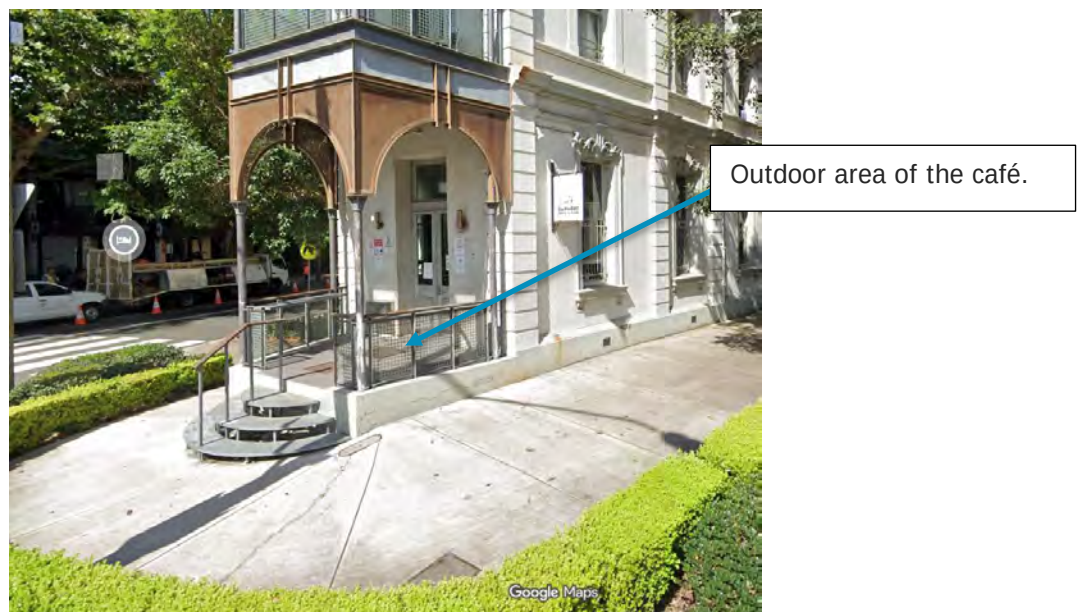
d. Cumulative noise levels

An assessment for the potential for cumulative noise levels resulting from the use of the roof top area and the ground floor café has been undertaken.

The café within the building is located on the ground floor of the building on the corner of Sire John Young Crescent and Crown Street, see the figure below.

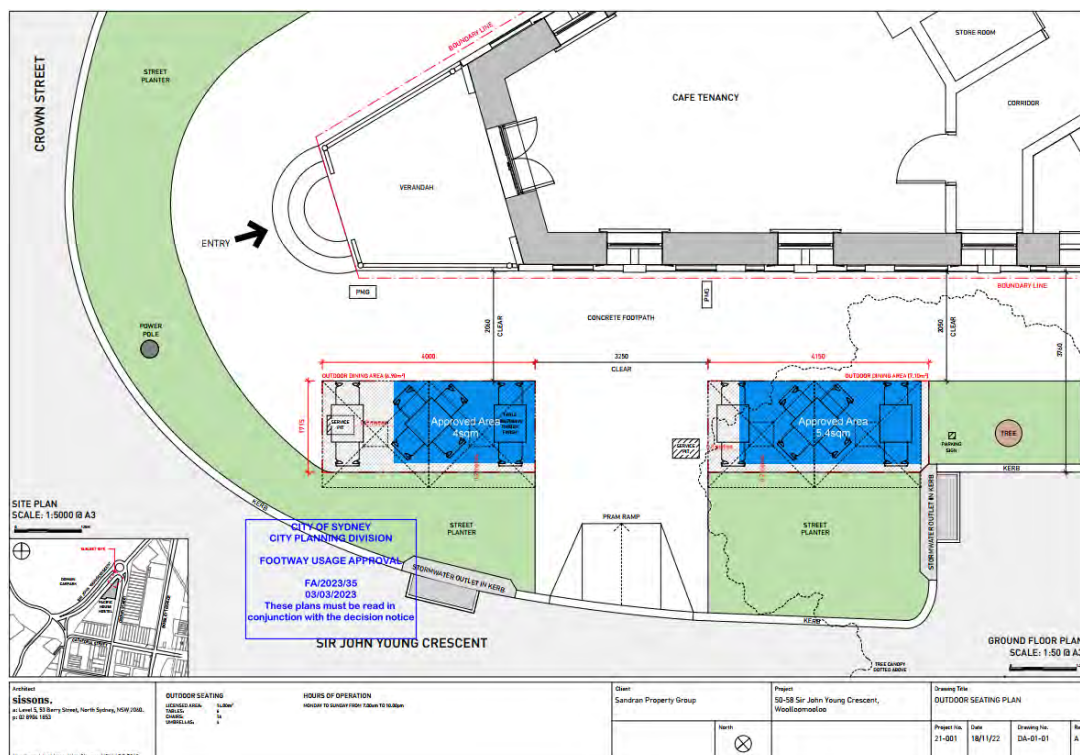


The café includes a small external aera, including that detailed in the figure below.



Based on the location of the café and the general operation the following is discussed:

- i. The café includes activities and uses which are contained within the building, including that detailed in the figures above.
- ii. The use of the café includes operations which are operating within current project approvals.
- iii. The operational hours of the café includes the following:
 - 8am to 10pm Monday – Sunday
- iv. The location of the café includes a separation of 3 stories of the building, resulting is significant distance separations from the potential noise sources.
- v. The location of all receivers to the noise sources generated within the café include those which will not result as similar times and providing each source complies with the existing and proposed mitigations within the roof top proposal cumulative noise levels will comply with relevant criteria as required.
- vi. The café is located on the Ground floor of the project which also includes close proximity to the traffic movements of the roadways, including Sir John Young Crescent and Crown Street.
- vii. The café includes an approved area for external seating including those including that detailed within the figure below and approved within the *Notice of Determination FA/2023/35*.



Based on the location of the seating the building includes a barrier to the receivers within the vicinity of the building.

The proposed roof top area will not impact the café from complying with the Notice of determination FA/2023/35.

Based on the details included in the assessment the cumulative noise levels of the proposed roof top and the café will be achieved.

3 Conclusion

This report details the acoustic review and response to the DA submission for the roof top area of the 50-58 Sir John Young Crescent, Woolloomooloo.

Details in this report include the additional information and comments to all acoustic items which have been raised in the Response to Submissions, noting that a revised acoustic assessment has been undertaken for the project.

If you have any additional questions, please contact the author below.

Regards,

A handwritten signature in blue ink that reads "BG White". The signature is written in a cursive, flowing style.

Ben White
Director

Pulse White Noise Acoustics

4 Appendix A – Glossary of Terms

<i>Ambient Sound</i>	The totally encompassing sound in a given situation at a given time, usually composed of sound from all sources near and far.																				
<i>Audible Range</i>	The limits of frequency which are audible or heard as sound. The normal ear in young adults detects sound having frequencies in the region 20 Hz to 20 kHz, although it is possible for some people to detect frequencies outside these limits.																				
<i>Character, acoustic</i>	The total of the qualities making up the individuality of the noise. The pitch or shape of a sound's frequency content (spectrum) dictate a sound's character.																				
<i>Decibel [dB]</i>	The level of noise is measured objectively using a Sound Level Meter. The following are examples of the decibel readings of every day sounds; <table> <tr><td>0dB</td><td>the faintest sound we can hear</td></tr> <tr><td>30dB</td><td>a quiet library or in a quiet location in the country</td></tr> <tr><td>45dB</td><td>typical office space. Ambience in the city at night</td></tr> <tr><td>60dB</td><td>Martin Place at lunch time</td></tr> <tr><td>70dB</td><td>the sound of a car passing on the street</td></tr> <tr><td>80dB</td><td>loud music played at home</td></tr> <tr><td>90dB</td><td>the sound of a truck passing on the street</td></tr> <tr><td>100dB</td><td>the sound of a rock band</td></tr> <tr><td>115dB</td><td>limit of sound permitted in industry</td></tr> <tr><td>120dB</td><td>deafening</td></tr> </table>	0dB	the faintest sound we can hear	30dB	a quiet library or in a quiet location in the country	45dB	typical office space. Ambience in the city at night	60dB	Martin Place at lunch time	70dB	the sound of a car passing on the street	80dB	loud music played at home	90dB	the sound of a truck passing on the street	100dB	the sound of a rock band	115dB	limit of sound permitted in industry	120dB	deafening
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90dB	the sound of a truck passing on the street																				
100dB	the sound of a rock band																				
115dB	limit of sound permitted in industry																				
120dB	deafening																				
<i>dB(A)</i>	<i>A-weighted decibels</i> The ear is not as effective in hearing low frequency sounds as it is hearing high frequency sounds. That is, low frequency sounds of the same dB level are not heard as loud as high frequency sounds. The sound level meter replicates the human response of the ear by using an electronic filter which is called the "A" filter. A sound level measured with this filter switched on is denoted as dB(A). Practically all noise is measured using the A filter. The sound pressure level in dB(A) gives a close indication of the subjective loudness of the noise.																				
<i>Frequency</i>	Frequency is synonymous to <i>pitch</i> . Sounds have a pitch which is peculiar to the nature of the sound generator. For example, the sound of a tiny bell has a high pitch and the sound of a bass drum has a low pitch. Frequency or pitch can be measured on a scale in units of Hertz or Hz.																				
<i>Loudness</i>	A rise of 10 dB in sound level corresponds approximately to a doubling of subjective loudness. That is, a sound of 85 dB is twice as loud as a sound of 75 dB which is twice as loud as a sound of 65 dB and so on																				
<i>L_{Max}</i>	The maximum sound pressure level measured over a given period.																				
<i>L_{Min}</i>	The minimum sound pressure level measured over a given period.																				
<i>L₁</i>	The sound pressure level that is exceeded for 1% of the time for which the given sound is measured.																				
<i>L₁₀</i>	The sound pressure level that is exceeded for 10% of the time for which the given sound is measured.																				
<i>L₉₀</i>	The level of noise exceeded for 90% of the time. The bottom 10% of the sample is the L ₉₀ noise level expressed in units of dB(A).																				
<i>L_{eq}</i>	The "equivalent noise level" is the summation of noise events and integrated over a selected period of time.																				
<i>Background Sound Low</i>	The average of the lowest levels of the sound levels measured in an affected area in the absence of noise from occupants and from unwanted, external ambient noise sources. Usually taken to mean the L _{A90} value																				
<i>Ctr</i>	A frequency adaptation term applied in accordance with the procedures described in ISO 717.																				
<i>dB (A)</i>	'A' Weighted overall sound pressure level																				

<i>Noise Reduction</i>	The difference in sound pressure level between any two areas. The term "noise reduction" does not specify any grade or performance quality unless accompanied by a specification of the units and conditions under which the units shall apply
<i>NR Noise Rating</i>	Single number evaluation of the background noise level. The NR level is normally around 5 to 6 dB below the "A" weighted noise level. The NR curve describes a spectrum of noise levels and is categorised by the level at 1000 Hz ie the NR 50 curve has a value of 50 dB at 1000 Hz. The NR rating is a tangential system where a noise spectrum is classified by the NR curve that just encompasses the entire noise spectrum consideration.
<i>R_w</i>	Weighted Sound Reduction Index - Laboratory test measurement procedure that provides a single number indication of the acoustic performance of a partition or single element. Calculation procedures for R _w are defined in ISO 140-2:1991 "Measurement of Sound Insulation in Buildings and of Building Elements Part 2: Determination, verification and application of precision data".
<i>R'_w</i>	Field obtained Weighted Sound Reduction Index - this figure is generally up to 3-5 lower than the laboratory test determined level data due to flanked sound transmission and imperfect site construction.
<i>Sound Isolation</i>	A reference to the degree of acoustical separation between any two areas. Sound isolation may refer to sound transmission loss of a partition or to noise reduction from any unwanted noise source. The term "sound isolation" does not specify any grade or performance quality and requires the units to be specified for any contractual condition
<i>Sound Pressure Level, L_p dB</i>	A measurement obtained directly using a microphone and sound level meter. Sound pressure level varies with distance from a source and with changes to the measuring environment. Sound pressure level equals 20 times the logarithm to the base 10 of the ratio of the rms sound pressure to the reference sound pressure of 20 micro Pascals.
<i>Sound Power Level, L_w dB</i>	Sound power level is a measure of the sound energy emitted by a source, does not change with distance, and cannot be directly measured. Sound power level of a machine may vary depending on the actual operating load and is calculated from sound pressure level measurements with appropriate corrections for distance and/or environmental conditions. Sound power levels is equal to 10 times the logarithm to the base 10 of the ratio of the sound power of the source to the reference sound power of 1 picoWatt
<i>Speech Privacy</i>	A non-technical term but one of common usage. Speech privacy and speech intelligibility are opposites and a high level of speech privacy means a low level of speech intelligibility. It should be recognised that acceptable levels of speech privacy do not require that speech from an adjacent room is inaudible.
<i>Transmission Loss</i>	Equivalent to Sound Transmission Loss and to Sound Reduction Index in terminology used in countries other than Australia. A formal test rating of sound transmission properties of any construction, by usually a wall, floor, roof etc. The transmission loss of all materials varies with frequency and may be determined by either laboratory or field tests. Australian Standards apply to test methods for both situations.

Attachment D

Submissions

From: Chris Pearson [REDACTED]
Sent on: Friday, February 6, 2026 8:37:57 AM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Submission - D/2026/38 - 50-58 Sir John Young Crescent WOOLLOOMOOLOO NSW 2011 - Attention Joe Wang

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Hi Joe,

I strongly support this application. I live at Luxe the adjoining building and feel that the backpackers desperately need an outdoor area, so as to remove them from the pavement and the outside of our building.

Kind regards,

Chris Pearson [REDACTED]

36/68 Sir John Young Crescent
Woolloomooloo NSW 2011

From: Patrick Fitzgibbon [REDACTED]
[REDACTED]

Sent on: Friday, February 6, 2026 4:55:10 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2026/38 - 50-58 Sir John Young Crescent WOOLLOOMOOLOO NSW 2011 - Attention Joe Wang

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Sir or Madam,

I am writing to provide feedback on the proposal D/2026/38 - 50-58 Sir John Young Crescent planned alterations to provide a rooftop communal space.

I am currently a resident next door at 68 Sir John Young Crescent and would like to object against the planned rooftop for the reasons below:

- Noise disruption. As it stands currently, the hostel does not effectively police its guests to restricting noise levels in the quiet hours of the night. On numerous occasions we have been woken up in the hours from 12am-6am by loud music from speakers in the hostel. The persistence of this problem tells me that the management are currently very ineffective at dealing with guests who enjoy night time disruption, or they are oblivious to it. There is no reason to believe that a rooftop casual area would improve this, and I believe it is likely to make it worse as it could develop into a party/hangout spot at the end of the day for its guests, which will inevitably creep into the small hours of the morning. Alcohol consumption and licensing should also be brought into account here as well.
- Smoke. The guests currently use the pavement and cross the road to the domain car park when they smoke, which currently is no issue. The introduction of a rooftop casual area will give them a place to smoke on the premises, which could cause the smell to drift into our balcony and windows.

Noise disruption has been the number one issue with the hostel for nearby residents and the addition of a rooftop area is only going to make that worse.

Kind regards,

Patrick Fitzgibbon

From: 孙曼淮 [REDACTED] on behalf of 孙曼淮 [REDACTED] <孙曼淮 [REDACTED]>

Sent on: Thursday, February 12, 2026 4:16:19 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2026/38 - 50-58 Sir John Young Crescent WOOLLOOMOOLOO NSW 2011 - Attention Joe Wang

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

To Whom It May Concern,

My name is Limei Sun and I am a resident of Domain Apartments, Unit 405. I write to formally object to the revised Development Application submitted by Pacific House Hostel seeking approval to convert its rooftop into a gathering space.

As a neighbouring residential building occupant, I have serious concerns regarding the significant acoustic and amenity impacts this proposal would create.

The proposed rooftop space presents inherent and unavoidable noise risks due to its elevated, open air configuration and direct line of sight between the LUX rooftop and Domain Apartments. Sound generated at rooftop level travels further and more clearly than at ground level. Even normal conversation can project across open air without obstruction. When group gatherings or music are involved, this impact would be significantly intensified.

My key concerns are as follows:

1. Amplified Noise Travel

Elevated rooftop spaces allow sound to disperse widely with minimal attenuation. Apartments directly facing the rooftop, including my unit, would be exposed to direct and unobstructed sound transmission.

2. Late Evening and Weekend Disturbance

Rooftop gatherings typically occur during evenings and weekends when ambient background noise is lower. As a result, sound becomes significantly more intrusive inside residential dwellings, directly impacting rest and quiet enjoyment.

3. Reflection and Echo Between Buildings

The hard external surfaces of both buildings create reflective acoustic conditions. Sound will bounce between the structures rather than dissipate, increasing perceived volume inside our apartments.

4. Sleep and Residential Amenity Impacts

Noise intrusion into bedrooms will affect sleep quality, wellbeing, and overall residential amenity. Residents are entitled to reasonable quiet enjoyment of their homes.

5. Limited and Unreliable Mitigation Measures

Open rooftop environments are extremely difficult to acoustically treat. Screens and barriers provide limited containment. Compliance would rely heavily on behavioural control of guests, which is inconsistent and difficult to enforce.

I also note that while the building is not licensed under the Liquor Act 2007, guests may bring their own alcohol. This increases the likelihood of elevated noise levels and prolonged gatherings, further compounding the impact on neighbouring residents.

Domain Apartments is a Class 3 residential building in a residential zone. Residents have a reasonable expectation of a quiet living environment. This proposal poses a direct and foreseeable conflict with that expectation.

Given the acoustic risks, practical limitations of mitigation, and the clear impact on residential amenity, I respectfully request that Council refuse this Development Application.

Thank you for your consideration.

Yours faithfully,

Limei Sun

Unit 405

Domain Apartments

From: Robbie Moore [REDACTED]
[REDACTED]
Sent on: Thursday, February 12, 2026 9:03:29 PM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Submission - D/2026/38 - 50-58 Sir John Young Crescent WOOLLOOMOOLOO NSW 2011 - Attention Joe Wang

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Re: DA Submission for rooftop at 50-58 Sir John Young Crescent

Objection

Dear Joe Wang,

I am the owner of apartment 1205 within the Domain Apartments 22-40 Sir John Young Crescent Woolloomooloo. I would like to formally lodge my objection to the DA submission to utilise the roof top.

My apartment directly faces onto the rooftop of Pacific House.
It's less than 100 yards directly across the street and sits almost directly above the rooftop.

Noise is my main concern.
I have read the relevant submissions and noise reports.

I note the limited usage times and proposed monitoring by the property.
However, despite best efforts or best intentions I believe the noise impact will be excessive and create an ongoing disturbance.

Amplified noise travel: Elevated, open rooftops allow sound to project further and with greater clarity than ground-level spaces. Even normal conversation levels can carry across to neighboring buildings.

Late-evening disturbance: Rooftop gatherings typically occur during evenings and weekends, when ambient background noise is lower and sound transmission is more noticeable inside apartments.

Reflection and echo effects: Hard surfaces on both buildings can reflect and amplify sound, increasing the perceived volume for Domain residents.

Sleep and amenity impacts: Noise intrusion into bedrooms particularly for residents facing the rooftop may affect sleep, comfort, and overall residential amenity.

Lack of effective mitigation: Rooftop spaces are extremely difficult to acoustically treat. Barriers and screens offer limited benefit, and compliance relies heavily on behavioural control, which is inconsistent and difficult to enforce.

Thankyou for you attention to this matter.

Regards



Suite 13, 17 Thurlow Street Redfern NSW 2016

T (02) 80714895 **M** [REDACTED] **W** shotboxfilms.com

This message may contain privileged and confidential information intended only for the use of the addressee named above. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution or reproduction of this message is prohibited. Please delete it from your system, do not use or disclose the information in any way, and notify the sender immediately. No warranty is made that the e-mail or attachment(s) are free from computer viruses or other defects.



From: Rob Prugue [REDACTED]
[REDACTED]

Sent on: Friday, February 13, 2026 11:24:40 AM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2026/38 - 50-58 Sir John Young Crescent WOOLLOOMOOLOO NSW 2011 - Attention Joe Wang

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

To: Joe Wang
City of Sydney
Re: DAD/2026/38 – 50–58 Sir John Young Crescent, Woolloomooloo
13 Feb 2025

Dear Mr Wang,

I write as an owner at 68 Sir John Young Crescent (SP89791), immediately adjacent to the subject property, to lodge an objection to the proposed use of the rooftop as an outdoor communal space associated with the existing backpacker accommodation.

My concern is not with the building itself. It is a well-presented and historically significant structure within a sensitive residential setting. The issue is operational intensity and its foreseeable impact on neighbouring residential amenity.

At present there are recurring instances, particularly after 9 PM, of groups congregating on the steps and entry area of the premises prior to going out for the evening. These gatherings are not threatening, but they do obstruct pedestrian movement and have required repeated informal requests for management to address the issue. In practice, supervision at street level has been limited. This history is relevant because it reflects how patron behaviour is currently managed.

The proposed rooftop activation would materially increase congregation within the building footprint and shift activity vertically toward neighbouring residential windows. Even where framed as a communal space, the behavioural reality of group social use in a backpacker environment, often with guests joined by visitors, creates a predictable increase in sustained vocal noise and late evening dispersal impacts. The acoustic modelling assumptions appear conservative and do not fully account for cumulative conversation noise in an open-air setting, particularly if/where alcohol is served or brought.

I respectfully submit that Council should assess this proposal as an intensification of use rather than a minor ancillary change. In doing so, I ask that careful consideration be given to:

- the existing record of unmanaged congregation at the frontage
- the likely cumulative impact of rooftop gathering on residential amenity
- enforceable supervision and dispersal controls
- clear limits on patron numbers, operating hours, and amplification
- detailed waste and hygiene management provisions

Given the heritage status and visual prominence of the building, rooftop alterations also warrant close scrutiny to ensure that additions remain genuinely minimal and reversible, and that operational equipment, screening, and patron use do not detract from the building's character or surrounding streetscape.

This submission is made in the interest of maintaining reasonable residential amenity while recognising the operator's right to conduct its business within appropriate planning limits. In my humble view, the proposal as currently framed does not yet demonstrate sufficient operational safeguards to justify approval.

Thank you for considering this submission.

Yours sincerely,
Robert Prugue
Owner: Unit 20
SP89791
68 Sir John Young Crescent
Woolloomooloo NSW 2011
Tel [REDACTED]

From: Kelwyn Teo [REDACTED]

Sent on: Friday, February 13, 2026 12:27:43 PM

To: council@cityofsydney.nsw.gov.au

Subject: DA Objection - D/2026/38 - Proposed Rooftop Use - 50-58 Sir John Young Crescent

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear DA Assessor Team,

I write to you as a highly concerned unit owner at 68 Sir John Young Crescent, which adjoins the building (50-58 Sir John Young Crescent) which currently has a DA application for a communal rooftop.

To date, the backpacker accommodation in 50-58 Sir John Young Crescent has introduced a community which does not want to integrate with local residents. Being transient, these backpackers bring with them anti-social behaviour, impacting both the physical location as well as the local resident community.

There have been numerous instances of loud noise, drinking, smoking, urinating from these backpackers, in proximity to our building or in front of our building. When asked by our residents to stop a certain anti-social behaviour, myself / us are always met with intimidation from these backpackers. In short, they do not have a place in our community.

Approving a communal rooftop will just open another avenue for them to further exacerbate these anti-social behaviours, and worse still, these will be unsupervised, unlike on the streets where there is more monitoring, including police patrol.

I strongly urge Council to object to this DA. It does not add positively to the local community, and worse still, makes this particular spot in the city to be highly undesirable.

Objecting to it now will make the current owners of the backpacker facility aware of the negative impacts to the local neighbourhood. This could lead to some improvements to the building and how they manage their short-term stayers. If permanent improvements are shown, there is no reason to review a future DA of a similar nature.

Until that time, there is no place for such unsavoury behaviour in our beautiful city.

Thank you.

Kelwyn Teo
Unit 29, 68 Sir John Young Crescent

From: [REDACTED]
Sent on: Friday, February 13, 2026 1:03:29 PM
To: council@cityofsydney.nsw.gov.au
Subject: Objection to DA D/2026/38 – Proposed Rooftop Use at 50–58 Sir John Young Crescent
Attachments: 260213 Ernest Hunter submission.pdf (110.69 KB)

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Please find attached an objection to the above DA.

Professor Ernest Hunter
48/68 Sir John Young Crescent
Woolloomooloo, NSW, 2011.
February 13, 2026.

Planning Department
City of Sydney Council
council@cityofsydney.nsw.gov.au

re: **DA D/2026/38 – Proposed Rooftop Use at 50–58 Sir John Young Crescent**

I am a resident of the building adjacent to Pacific House – previously Elephant Backpackers (and in the distant past a Temperance Hostel and the Sydney Eye Hospital). I am aware of the transformation of the roof space that is detailed in the DA, for which there was an earlier (withdrawn) submission. I have no doubt that you will receive many objections to the proposed development that instance past and ongoing issues of noise, public nuisance (that has involved the police on at least one occasion last year) and littering on the common property of our residential complex. Those concerns are real and ongoing. However, I would note that the proposal is for a development in an almost exclusively residential neighbourhood (including Pacific House) along Sir John Young Crescent, Crown Street and Cathedral Street. The few commercial properties in this area (with the exception of a licensed pizza restaurant with outside seating within the Pacific House footprint) operate largely through office hours. For residents of this neighbourhood who wish to use licensed venues and other entertainment areas there is an enormous range of facilities nearby – including for residents of Pacific House. I would add that the amenity of all residents in this area is already compromised by frequent public entertainment events held in the Domain. A nearby rooftop entertainment facility will make that situation worse.

Having been on the Committee for our residential complex I am aware of the multiple times that concerns have been raised with past and present proprietors of 50-58 Sir John Young Crescent and the lack of response. I do not feel that assurances regarding responsible hospitality and patron behaviour given now should give any more comfort than was manifestly not the case before. Finally, at the time of the redevelopment and renovations of the Pacific House complex a few years ago, consideration COULD have been given to providing internal spaces for residents to relax. Other than the kitchen/dining area, a small TV room, the entrance foyer and a three very small balconies – such space does not exist. That seems to be a planning fault on the part of the developer for whom capacity (revenue) appears to have trumped resident amenity. I do not think that it is appropriate that their oversight then should be resolved at the expense of neighbours' privacy and amenity now. I recommend that this application be rejected and am happy discuss in person. I can be reached by email [REDACTED] or phone [REDACTED]

Yours

[REDACTED]

From: Alexander [REDACTED]
[REDACTED]
Sent on: Friday, February 13, 2026 1:52:06 PM
To: DASubmissions <dasubmissions@cityofsydney.nsw.gov.au>
Subject: Submission - D/2026/38 - 50-58 Sir John Young Crescent WOOLLOOMOOLOO NSW 2011 - Attention Joe Wang

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

My name is Alexander John Ekert and I live in unit 34/68 Sir John Young Cres. Woolloomooloo 2011. My unit faces Crown Street and as a resident I strongly disagree to this proposal. I have concerns about the acoustics, security and safety of this DA. My unit side wall is only 41cm from the wall of 50-58 and very close to their roof level. it is our experience that their guests congregate on our private property to smoke, drink and socialise 24/7. This is before the opening of a roof top entertaining space. I am aware that in this residential area there are numerous licensed venues to socialise.

I am happy for council to come and inspect my unit and if I am not available will authorise the Building Manager to let you in.

Once again I cannot believe how this DA can be approved taking into account the residential area.

Regards
Alexander John Ekert

From: [REDACTED]

Sent on: Friday, February 13, 2026 2:06:09 PM

To: council@cityofsydney.nsw.gov.au; dasubmissions@cityofsydney.nsw.gov.au

CC: luxemanager <luxemanager@premierfm.com.au>

Subject: Objection - D/2026/38 - 50-58 Sir John Young Crescent WOOLLOOMOOLOO NSW 2011

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Sir/Madam,

I am an owner at SP89791, 68 Sir John Young Crescent, Woolloomooloo NSW 2011. I am writing to formally object to Development Application D/2026/38 relating to the proposed rooftop communal space at 50–58 Sir John Young Crescent.

My objection is based on serious concerns regarding residential amenity, safety, hygiene, and ongoing building management impacts.

Firstly, there is a high likelihood of increased antisocial behaviour. When this proposal was previously submitted, it was opposed due to similar concerns. Currently, guests are required to leave the rooftop at 8pm, and due to limited internal communal areas, large groups frequently gather on the footpath outside residential buildings. This regularly results in loud gatherings, drinking, and disturbances directly impacting residents and increasing building management intervention and associated costs.

Secondly, there are longstanding concerns regarding the management practices of the backpacker accommodation operator. There have been repeated incidents involving vomiting, urination, and disorderly conduct occurring on or near residential property. Noise and nuisance complaints have been frequent, and based on past experience, there is no confidence that the operator can adequately supervise up to 62 guests using a rooftop communal area.

Thirdly, resident safety is a major concern. Residents have reported feeling intimidated when entering or exiting the building due to large groups congregating nearby. There have been incidents where residents requesting trespassers to leave were met with aggressive or physically intimidating behaviour, including unwanted physical contact. Expanding gathering spaces is likely to increase these risks.

Additionally, the proposal includes cooking facilities but fails to provide sufficient details regarding daily cleaning, waste removal, and pest control measures. This creates a significant risk of rubbish accumulation, odours, and vermin that may affect neighbouring residential properties.

The proposal also lacks adequate supervision and enforcement measures for rooftop use. Movable furniture may create physical hazards, and without proper monitoring there is a high risk of overcrowding, unsafe behaviour, and unmanaged conflict.

Noise impacts are another serious concern. The proposed occupancy of 62 people is substantial, and assumptions regarding guest behaviour and noise levels are unrealistic and unenforceable. There is also no effective mechanism preventing additional guests from accessing the rooftop, which is likely to result in ongoing noise disturbance for residents.

Finally, the proposal does not clearly address smoking or vaping. Given the proximity to residential apartments, smoke drift presents both health and fire safety risks and should not be permitted in this location.

For the reasons outlined above, I respectfully request that this Development Application be refused.

Kind regards,
Fred He
Owner – SP89791
68 Sir John Young Crescent
Woolloomooloo NSW 2011

From: [REDACTED]
Sent on: Friday, February 13, 2026 3:09:31 PM
To: DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>; City of Sydney <council@cityofsydney.nsw.gov.au>
CC: [REDACTED]
Subject: DA D/2026/38 – Proposed Rooftop Use at 50–58 Sir John Young Crescent Woolloomooloo
Attachments: c4cc21ddbb803b1cc48ea94b6a82f8a8a67befcd0c4c10c0cf746b1b124.pdf (164.16 KB), Back Packer-council.pdf (410.11 KB)

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Attention: DA Submissions - DA D/2026/38 - Mr Wang

Please treat this email as **confidential**, I don't want my name circulated due to a risk of vendettas.

I own apartment [REDACTED] 68 Sir John Young Crescent Woolloomooloo. Unfortunately, we have a dysfunctional Strata Committee and there are currently cases before NCAT.

I would like to express concern that our Strata Manager, Bright & Duggan along with our Building Manager, Premier FM are instructing owners as to how they should vote in relation to DA D/2026/38 – Proposed Rooftop Use at 50–58 Sir John Young Crescent, Woolloomooloo. Neither party is an owner at Luxe and therefore they are not entitled to influence how owners should vote. Any more than they should instruct owners how to vote at the next Federal Election.

The letter of objection does raise some valid concerns, that in the fullness of your approval process need to be taken into consideration. On 06 February, I completed the online feedback supporting the application by Pacific House.

Pacific House, can accommodate up to 200 guests, however they provide no outdoor spaces for their clientele. As a consequence, the footpath on Sir John Crescent and the front entrance to LUXE are frequently used for street parties, large gatherings, drinking, smoking drugs and on one occasion our front entrance was used by a couple having sex. Simply, the guests at Pacific House have nowhere to go on their own premises for outdoor recreation.

I support the application by Pacific House to assist in removing people from the street and the front of LUXE by providing a well planned and dedicated rooftop area. Any consent must take into account suppression of noise, light and antisocial behaviour.

I reiterate that we have a totally dysfunctional Strata Committee, currently before NCAT and it's evident that a few people are trying to influence and distort how owners at LUXE should reply to City of Sydney. The involvement of Bright & Duggan and Premier FM is borderline corruption.

Thank you for your assistance.

Kind regards, [REDACTED]

[REDACTED]

Begin forwarded message:

From: Luxe Manager <luxemanager@premierfm.com.au>

Subject: Urgent: Objection to DA D/2026/38 – Proposed Rooftop Use at 50–58 Sir John Young Crescent

Date: 13 February 2026 at 11:17:40 AEDT

To: [REDACTED]

Reply-To: luxemanager@premierfm.com.au

13 February 2026

SP89791

68 Sir John Young Crescent

Woolloomooloo NSW 2011

Dear All Residents,

Re: DA D/2026/38 – Proposed Rooftop Use at 50–58 Sir John Young Crescent

Bright & Duggan, as your strata managing agent, write under instruction from the Owners Corporation.

The City of Sydney has issued a notification (dated 2 February 2026) regarding Development Application D/2026/38, which seeks approval for the alteration and use of the existing rooftop as an outdoor communal space for the backpacker accommodation at 50–58 Sir John Young Crescent. Comments on the proposal are invited until **17 February 2026**.

Given the significant potential impact on residents and building operations, the Strata Committee requests all owners to submit an objection to the proposed development. Below is a summary of the key concerns previously raised by the Committee. You are encouraged to reference any or all of these points when lodging your submission.

Key Concerns with the Proposed Development

1. Antisocial Behaviour and Increased Management Burden

When this DA was last submitted, the Strata Committee voted to oppose it due to the expected increase in antisocial behaviour. Pacific House guests are moved off the rooftop at 8pm, and with limited indoor common areas, large groups habitually congregate on the footpath. This leads to:

- Increased building management intervention and associated costs
- Loud gatherings, drinking, and disturbance directly outside our building
- Ongoing amenity impacts for our residents

2. Poor Management Practices by Pacific House

The operator has consistently demonstrated inadequate supervision and control of guests. As a result:

- Episodes of vomiting, urination, and disorderly behaviour have occurred on our property
- Noise and nuisance complaints have been frequent
- No confidence exists in their ability or willingness to supervise up to 62 guests on a rooftop

3. Resident Safety and Intimidation

Residents have reported feeling intimidated when arriving home, often having to pass through large groups drinking on the footpath. There have been instances where residents who asked trespassing backpackers to leave were met with aggressive or physically intimidating responses, including unwanted physical contact. This is a serious safety and harassment concern.

4. Waste, Hygiene, and Vermin Risks

The DA proposes cooking facilities but provides:

- No clear daily cleaning or waste removal plan
- No explanation of how food scraps, rubbish, and BBQ waste will be removed each night
- High risk of vermin from unclean bins or cooking residues

5. Lack of Supervision on the Rooftop

The plan provides no supervision, and movable furniture increases risk:

- Chairs and items becoming hazards
- Conflicts or disorderly conduct going unmanaged
- No control over crowd behaviour or safety

6. Noise Impacts

The proposed occupancy of 62 people is unchanged. The assumption that “one in three people speak at a normal voice” is unrealistic and unenforceable. There is also no mechanism to prevent additional people from accessing the roof, meaning:

- Noise impacts will be significant
- Residents are likely to experience ongoing disturbance

7. Smoking and Vaping

There is no clear statement on whether smoking or vaping will be allowed. Given the proximity to residential windows and the associated fire and health risks, our position is that neither should be permitted and should be strictly monitored.

Submission of Your Objection

We strongly encourage all owners to lodge an objection before the deadline. You can submit your comments by:

Email:

council@cityofsydney.nsw.gov.au

Online portal:

[City of Sydney – Development Comment](#)

Please reference:

- **DA Number:** D/2026/38
- **Address:** 50–58 Sir John Young Crescent, Woolloomooloo NSW 2011

If you would like assistance preparing your objection or wish to discuss the matter further, please contact the Strata Manager, Strata Committee, or Building Management.

Kind regards,

Munassar Ali
Building Manager
Premier FM
Property & Facility Management -
NSW

M + 61 412 097 440

E luxemanager@premierfm.com.au

“At Premier FM we manage all our buildings as though they were our own.”

13/02/2026

All Owners
SP89791
68 Sir John Young Crescent
Woolloomooloo NSW 2011

Dear Owners,

Re: DA D/2026/38 – Proposed Rooftop Use at 50–58 Sir John Young Crescent

Bright & Duggan is your strata managing agent and we write under instruction from the owners corporation.

The City of Sydney has issued a notification (dated 2 February 2026) regarding Development Application D/2026/38, which seeks approval for the alteration and use of the existing rooftop as an outdoor communal space for the backpacker accommodation at 50–58 Sir John Young Crescent.

Comments on the proposal are invited until 17 February 2026.

Given the significant potential impact on residents and building operations, the Strata Committee is asking all owners to submit an objection to the proposed development.

Below is a summary of the key concerns previously raised by the Committee.

You are encouraged to reference any or all of these points when lodging your submission.

Key Concerns with the Proposed Development

1. Antisocial Behaviour and Increased Management Burden

When this DA was last submitted, the Strata Committee voted to oppose it due to the expected increase in antisocial behaviour. Pacific House guests are moved off the rooftop at 8pm, and with limited indoor common areas, large groups habitually congregate on the footpath. This leads to:

- Increased building management intervention and associated costs
- Loud gatherings, drinking, and disturbance directly outside our building
- Ongoing amenity impacts for our residents

2. Poor Management Practices by Pacific House

The operator has consistently demonstrated inadequate supervision and control of guests. As a result:

- Episodes of vomiting, urination, and disorderly behaviour have occurred on our property

- Noise and nuisance complaints have been frequent
- No confidence exists in their ability or willingness to supervise up to 62 guests on a rooftop

3. Resident Safety and Intimidation

Residents have reported feeling intimidated when arriving home, often having to pass through large groups drinking on the footpath.

There have been instances where residents who asked trespassing backpackers to leave were met with aggressive or physically intimidating responses, including unwanted physical contact.

This is a serious safety and harassment concern.

4. Waste, Hygiene and Vermin Risks

The DA proposes cooking facilities but provides:

- No clear daily cleaning or waste removal plan
- No explanation of how food scraps, rubbish, and BBQ waste will be removed each night
- High risk of vermin from unclean bins or cooking residues

5. Lack of Supervision on the Rooftop

The plan provides no supervision, and movable furniture increases risk:

- Chairs and items becoming hazards
- Conflicts or disorderly conduct going unmanaged
- No control over crowd behaviour or safety

6. Noise Impacts

The proposed occupancy of 62 people is unchanged. The assumption that “one in three people speak at a normal voice” is unrealistic and unenforceable.

There is also no mechanism to prevent additional people from accessing the roof, meaning:

- Noise impacts will be significant
- Residents are likely to experience ongoing disturbance

7. Smoking and Vaping

There is no clear statement on whether smoking or vaping will be allowed.

Given the proximity to residential windows and the fire and health risks, our position is that neither should be permitted and should be strictly monitored.

Submission of Your Objection

We strongly encourage all owners to lodge an objection before the deadline.

You can submit your comments by:

Email:

council@cityofsydney.nsw.gov.au

Online portal:

city.sydney/development-comment

or

<https://www.cityofsydney.nsw.gov.au/development-applications/comment-object-development-proposal>

Please reference:

DA Number: D/2026/38

Address: 50–58 Sir John Young Crescent, Woolloomooloo NSW 2011

If you would like assistance preparing your objection or wish to discuss the matter further, please contact the Strata Manager, Strata Committee or Building Management.



Senior Strata Manager

 FR
The Occupier
68 Sir John Young Crescent
WOOLLOOMOOLOO NSW 2011

2 February 2026

Applicant name
HAMPTONS PROPERTY SERVICES PTY LTD

Reference number:
D/2026/38

Site address:
50-58 Sir John Young Crescent , WOOLLOOMOOLOO NSW 2011

Proposed development:
Alterations to and use of the existing roof top as an outdoor communal space for the existing backpackers accommodation

The City of Sydney has received the above application. As part of our assessment, we are notifying surrounding neighbours and property owners to seek their views on the proposal.

We are accepting comments on the proposal until **17 February 2026**. If this date is on a weekend or public holiday, the period is extended to the next working day.

We encourage you to review all documents to understand the details of the proposal.

View the full application and send us your comments by typing city.sydney/find-da in the address bar on your browser.

You can get guidance on preparing your comments and what happens next on the back of this letter, or by typing city.sydney/development-comment in the address bar on your browser.

For more information, contact us on 02 9265 9333.

Bill MacKay
Manager Planning Assessments

CITY OF SYDNEY 
cityofsydney.nsw.gov.au

From: MP Power [REDACTED]

Sent on: Friday, February 13, 2026 4:42:44 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2026/38 - 50-58 Sir John Young Crescent WOOLLOOMOOLOO NSW 2011 - Attention Joe Wang

Urgent: High

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

DA Number: D/2026/38

Address: 50 58 Sir John Young Crescent, Woolloomooloo NSW 2011

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There is no clear statement on whether smoking or vaping will be allowed. Given the proximity to residential windows and the fire and health risks, our position is that neither should be permitted and should be strictly monitored.

From: Amanda Choularton [REDACTED]
[REDACTED]

Sent on: Friday, February 13, 2026 6:10:48 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2026/38 - 50-58 Sir John Young Crescent WOOLLOOMOOLOO NSW 2011 - Attention Joe Wang

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Hi Joe,

We write to express our support of the development proposal one key caveats listed below.

- We request the opportunity to pay to enjoy access to the rooftop yoga classes, if we are going to put up with additional noise/sound then we would also like to enjoy some of the benefits.

We recognise and thank the proponents for the care they have taken in considering neighbouring residents in noise management, including a 24-hour phone number for residents to raise concerns, and the use of the outdoor space. We also thank them for not allowing amplified music and speech. We have some concerns about noise travelling if there is loud speech/yelling and hope that this will be monitored actively by hostel management, in addition to the signage they will be utilising.

Best,
Amanda Choularton & David Hagger
1405, The Domain Apartments

From: Jack Stromland [REDACTED]
[REDACTED]

Sent on: Friday, February 13, 2026 7:02:56 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2026/38 - 50-58 Sir John Young Crescent WOOLLOOMOOLOO NSW 2011 - Attention Joe Wang

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

To Whom It May Concern,

Re: DAD/2026/38

Address: 50-58 Sir John Young Crescent, Woolloomooloo NSW 2011

My name is Jack Stromland and I am a resident of Unit 26, 68 Sir John Young Crescent. I write to formally object to Development Application D/2026/38 seeking approval for the alteration and use of the existing rooftop as an outdoor communal space for the backpacker accommodation at 50-58 Sir John Young Crescent.

I strongly oppose this proposal due to the significant and ongoing negative impacts it will have on residential amenity, safety, hygiene, and building management.

Firstly, previous experience has demonstrated that rooftop guest dispersal at 8pm results in large groups congregating directly outside our building. This regularly leads to loud gatherings, drinking, and antisocial behaviour on the footpath, requiring intervention from building management and causing ongoing disturbance to residents. Approval of this application will only exacerbate these issues.

Secondly, there is a documented pattern of poor supervision and management of guests by the operator. Incidents including vomiting, urination, trespassing, excessive noise, and disorderly conduct have occurred on or immediately adjacent to our property. There is no evidence to suggest that the operator has the capacity or willingness to responsibly supervise up to 62 guests on a rooftop environment, particularly where alcohol and cooking facilities are proposed.

Resident safety is also a serious concern. I and other residents have had to pass through large groups congregating at the building entrance. There have been instances of intimidation and aggressive responses when residents have requested trespassers to leave. This is unacceptable and materially impacts our sense of safety in our own home.

The proposal includes cooking facilities but fails to provide a detailed and enforceable waste management and cleaning plan. There is no clear explanation of how food scraps, rubbish, and BBQ waste will be removed daily. Without strict controls, this presents significant hygiene risks and the likelihood of vermin.

There is also no clear supervision plan for the rooftop area. Movable furniture increases risk of hazards and disorderly conduct, and there appears to be no enforceable mechanism to control behaviour, noise levels, or maximum occupancy. The assumption that only a portion of guests will generate noise is unrealistic and unenforceable in practice.

Finally, there is no clear position regarding smoking or vaping on the rooftop. Given the proximity to residential windows and associated fire and health risks, this presents further concern.

For the reasons outlined above, I respectfully request that Council refuse DAD/2026/38. The proposal poses unacceptable impacts on neighbouring residents and does not adequately address safety, management, noise, hygiene, or amenity concerns.

Thank you for considering my submission.

Kind regards,
Jack Stromland
Unit 26
68 Sir John Young Crescent
Woolloomooloo NSW 2011

From: Helen McNaughton [REDACTED]
[REDACTED]

Sent on: Friday, February 13, 2026 3:47:00 PM

To: council@cityofsydney.nsw.gov.au

Subject: Proposed development reference D/2026/38

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Bill McKay
Manager Planning Assessments
City of Sydney

Re Proposed development reference number D/2026/38

Dear Mr McKay

As a resident of the Luxe Apartments Woolloomooloo, I strongly object to this development proposal at the Pacific House Hostel.

My choice to live in an apartment was heavily influenced by the security offered. I already feel threatened on occasion, when I encounter large groups of Pacific House residents who loiter at the front of our building. At times I have been scared.

I believe that with the roof top terrace and the possibility of external access to my property, that this loss of security will be increased.

I also object on the grounds of smoking/vaping. The number of people who trespass on to the front of our property to smoke/vape, even though it is prohibited, is already a problem. It appears that Pacific House can't control this, nor the rubbish that is left behind. Again, I believe that a rooftop terrace will bring that issue into even closer proximity.

I don't believe that exercise classes should be conducted where they impact other people. I don't want to hear the music nor the exhortations of the instructor when I am in the privacy of my home. These must be conducted in a properly constructed, sound proofed gymnasium, so that there is no impact on those who are not participating.

I strongly object to this proposal by Pacific House on the above grounds and as all that they intend to provide by this rooftop terrace is readily available nearby, and that this is simply an unnecessary duplication.

Yours sincerely
Helen McNaughton

From: John Garran [REDACTED]

Sent on: Monday, February 16, 2026 10:01:11 AM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2026/38 - 50-58 Sir John Young Crescent WOOLLOOMOOLOO NSW 2011 - Attention Joe Wang; In Support

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Good day.

I am a resident of Domain Apartments, 22-40 Sir John Young Crescent, Woolloomooloo. I write in support of the proposal.

- Woolloomooloo is a vibrant polyglot of people with varied social activities and interactions, from the homeless, through an active café culture to international visitors staying at various hostels. Some noise is part of this life. Residents seeking peace and quiet should not locate here.
- The noise palette around the end of Crown Street is significant and varied, from trains passing, the hum of traffic on the Eastern Distributor, noisy vehicles with souped up exhausts leaving the tunnel and irate drivers on Sir John Young Crescent during peak hour traffic jams, to the regular loud events held in the Domain, whose amplified music pervades all apartments until late. Indeed even the bells of St Mary's Cathedral and St James Church impinge on our ears both on weekends and during regular practice.
- It is noted that a conservative management plan is proposed with the terrace operating only until 8.00pm. (This seems very restrictive, given that the East Sydney Hotel is permitted pavement drinking at tables until 10.00pm.)
- There will be no amplified music nor functions permitted. The 50 person maximum limit at dispersed tables is hardly a significant noise risk.
- Note that concerns expressed by some residents about the risk of noise and unruly behaviour by outdoor patrons of the Pacific Place café during the evenings have been proven unfounded. We have observed the patrons to be well behaved and certainly not noisy.
- It is to the benefit of residents to have a quality backpacker hostel, attracting good clientele operating in the area, rather than the run down, cheaper offerings of some other facilities.

The Council should have no hesitation in approving the proposal.

John Garran

Mob [REDACTED]

22-40 Sir John Young Crescent
Woolloomooloo NSW 2011

From: David Smith [REDACTED]
[REDACTED]
Sent on: Saturday, February 14, 2026 3:08:24 PM
To: City of Sydney <council@cityofsydney.nsw.gov.au>
CC: Munassar Ali/ Mark Hayes <luxemanager@premierfm.com.au>
Subject: D/2026/38 DEVELOPMENT APPLICATION - PETITION / 50-58 Sir John Young Crescent, Woolloomooloo 2011

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

TO WHOM IT MAY CONCERN

As a resident at Luxe Apartments (Unit 56) I have concerns about the security, safety and acoustics of this development proposal.

It is our experience that Pacific Hostel guests congregate on our private property to smoke, drink and socialise at all hours of the day and night, disturbing us and the amenity of our Luxe Apartments. That is before the opening of a rooftop entertainment space which, we fear, will amplify such behaviours.

We purchased this property only relatively recently - attracted by its location in a quiet residential precinct. We note that in the immediate vicinity there is currently only residential activity. This development proposal, which will allow, encourage and attract late night antisocial activity, will be to the detriment of our current amenity and that of other residents in the area. We are aware that still within close distance (eg on William St) there are numerous licensed venues nearby that cater to those wanting to socialise until late at night. We believe this gives adequate options to those seeking such activity without disturbing the peace of what is currently a quiet residential area.

We, the concierge and our Building Manager have to deal with anti-social behaviour that causes additional costs for cleaning and dealing with complaints. To date attempts to manage these matters through dialogue with the Hostel management have proven ineffective.

Key Concerns with the Proposed Development

1. Antisocial Behaviour and Increased Management Burden

When this DA was last submitted, the Strata Committee voted to oppose it due to the expected increase in antisocial behaviour. Pacific House guests are to be moved off the rooftop at 8pm, and with limited indoor common areas, large groups habitually congregate on the footpath. This leads to:

- Increased building management intervention and associated costs
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The operator has consistently demonstrated inadequate supervision and control of guests. As a result:

- Episodes of vomiting, urination, and disorderly behaviour have occurred on our property
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- No confidence exists in their ability or willingness to supervise up to 62 guests on a rooftop

3. Resident Safety and Intimidation

I have personally felt have intimidated when arriving home, often having to pass through large groups drinking on the footpath. When raised with backpackers that they are causing problems and not following clear signage to leave or limit activity (eg not smoke near our gas fittings) I was met with aggressive and intimidating responses. This is a serious safety and harassment concern.

4. Waste, Hygiene, and Vermin Risks

The DA proposes cooking facilities but provides:

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The proposed occupancy of 62 people is unchanged. The assumption that “one in three people speak at a normal voice” is unrealistic and unenforceable. There is also no mechanism to prevent additional people from accessing the roof, meaning:

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7. Smoking and Vaping

There is no clear statement on whether smoking or vaping will be allowed. Given the proximity to residential windows and the associated fire and health risks, our position is that neither should be permitted and should be strictly monitored.

We would be grateful to be kept informed of your consideration of our and others’ objections to this development proposal.

Yours sincerely,

David Smith

From: luxemanager <luxemanager@premierfm.com.au> on behalf of luxemanager <luxemanager@premierfm.com.au> <luxemanager <luxemanager@premierfm.com.au>>
Sent on: Monday, February 16, 2026 8:53:46 AM
To: [REDACTED] council@cityofsydney.nsw.gov.au
Subject: Re: D/2026/38 DEVELOPMENT APPLICATION - PETITION / 50-58 Sir John Young Crescent, Woolloomooloo 2011

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Thank you, David.

Can you please resent this to below email.

dasubmissions@cityofsydney.nsw.gov.au

From: David Smith [REDACTED]
Sent: Saturday, February 14, 2026 3:08 PM
To: council@cityofsydney.nsw.gov.au <council@cityofsydney.nsw.gov.au>
Cc: luxemanager <luxemanager@premierfm.com.au>
Subject: D/2026/38 DEVELOPMENT APPLICATION - PETITION / 50-58 Sir John Young Crescent, Woolloomooloo 2011

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We would be grateful to be kept informed of your consideration of our and others’ objections to this development proposal.

Yours sincerely,

David Smith

From: [REDACTED]

Sent on: Saturday, February 14, 2026 9:34:50 AM

To: City of Sydney <council@cityofsydney.nsw.gov.au>

Subject: Submission-DA Number D/2026/38 50–58 Sir John Young Crescent, Woolloomooloo NSW 2011

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Attention:

City of Sydney Council – Planning Department
GPO Box 1591, Sydney NSW 2001

From: Strata Committee Strata Plan no 89791 – 68 Sir John Young Crescent, Woolloomooloo NSW 2011

Re: Development Application D/2026/38 by Hamptons Property Services Pty Ltd
Site: 50-58 Sir John Young Crescent, Woolloomooloo NSW 2011

Proposal: Alterations to permit rooftop use as a communal recreation space for backpacker accommodation guests

As Chairman of the Strata Committee, representing the owners and residents of 68 Sir John Young Crescent, we formally object to the above-referenced development application on legal and planning grounds. The proposed alterations will significantly and unreasonably diminish our 74 owners and their residential amenity in direct contravention of:

The City of Sydney Development Control Plan 2012 (DCP 2012)

The Protection of the Environment Operations Act 1997 (POEO Act) specifically provisions relating to offensive noise

Crime Prevention Through Environmental Design (CPTED) principles

Grounds for Objection

1. Offensive Noise – Section 139, POEO Act

The proposed rooftop communal area presents an unacceptable risk of persistent offensive noise. This constitutes a likely breach of Section 139 of the POEO Act, which prohibits the use of premises in a way that causes or is likely to cause offensive noise impacting neighbouring properties. Further, there is a real risk that Hostel guests will, when the roof is locked and they are asked to vacate the rooftop, move onto the footpath and in front of our building to continue their party. Moving the noise and anti-social behaviour directly in front of our residents' balconies and impeding access into our foyer and all 74 homes.

2. Loss of Privacy and Visual Intrusion

The elevated and open nature of the rooftop will result in direct lines of sight into the residential dwellings of our building. This is a contravention of the amenity protection clauses of the DCP 2012, particularly those pertaining to visual privacy between adjoining properties.

3. Increased Risk of Anti-Social Behaviour

The applicant's stated aim to promote "social connection" in the application must be assessed in light of:

A documented culture of alcohol-fuelled gatherings that our Concierge and building management are required to deal with on a regular occurrence. We would encourage Council to visit our building and review the hours of CCTV footage and photos, complaints register and reports from our building manager that clearly evidences the current anti-social behaviour of the Hostel guests. Whilst we have installed signage, this does not change the Hostel guests' behaviour and subsequently we are required to rely on our Concierge staff to physically move them on. Police have also been called in the past as well. The constant source of complaints from the residents of Luxe over the past 2 years with respect to our entrance facing onto Sir John Young Cres includes (and subsequent photos as evidence):
passive smoke drifting into our residents' balconies from Hostel guests smoking outside our building
anti social behaviour of drinking and loud noises of Hostel guests drinking on the footpath and either intimidating residents as they walk home, impacting on their amenity through offensive noise as they sit in their home, or from the rubbish left behind from a "party".
hostel guests sitting outside our gas mains smoking, ignoring the signs and the inherent risks associated with this behaviour;
hostel guests sitting on our private property in contravention to our signage and often being offended when we ask them to move on.
The absence of licensed supervision or enforceable alcohol consumption policies on the rooftop.

The significant number of rooftop bars within walking distance of the Hostel where guests of the Hostel can engage in social activities with appropriate oversight in line with responsible service of alcohol and appropriately contribute to the Sydney Economy.

This proposal increases the likelihood of unregulated alcohol use and anti-social conduct in a high-risk, elevated environment, contrary to CPTED principles, which prioritise passive surveillance, controlled access, and reduced opportunity for nuisance behaviours.

4. Over-Intensification of Communal Area

The proposal increases total communal space by more than 20% beyond existing approved provision. This is inconsistent with the intent of the DCP 2012, which sets out communal space controls to prevent over-intensification and protect neighbouring residential amenity.

5. Lack of Adequate Mitigation Measures

The acoustic report by Hampton Property as part of the application is founded on assumptions that are not realistically enforceable in a short-term accommodation context. The report's findings should therefore, be considered fundamentally unreliable.

Mitigation strategies relying solely on signage, guest compliance, and hourly checks are insufficient to control rooftop usage in a high-turnover, unsupervised backpacker facility.

6. Failure to Maintain Heritage and Visual Character

The removal of original rooftop structures and the introduction of contemporary elements such as pergolas compromise the heritage values of the site, conflicting with the applicant's own stated objective and breaching heritage preservation clauses under the DCP.

Conclusion and Recommendation

The proposed rooftop use as a communal recreation area is incompatible with the surrounding residential context and will result in unacceptable adverse impacts that cannot be reasonably mitigated. The application fails to meet multiple planning, environmental, and design compliance standards, and is therefore not in the public interest.

Accordingly, the Strata Committee of 68 Sir John Young Crescent urges the City of Sydney Council to refuse Development Application D/2025/268 in its entirety. We also recommend to further support the Council in their decision making that they undertake the following :

Conduct an independent risk and noise impact assessment based on current guest behaviour

Consider the application's conflict with POEO Act provisions

Investigate compliance with CPTED principles and DCP 2012

Engage in further consultation with affected residents

Link to photos as ongoing proof of the anti-social behaviour.

<https://www.dropbox.com/scl/fo/s627ryv5u32s9ohuv3pik/AD64d0zXVA8nZT1muPSzirE/Image%20selection?rlkey=d0sp1jr60k5lxuqs3fexi847c&e=1&st=go4weods&dl=0>

regards



Chairman Strata Committee

NB for privacy reasons please do not display my name on the portal. Just display as the Chairman title only please.

From: Karen Smith [REDACTED]

Sent on: Monday, February 16, 2026 10:33:42 AM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Fwd: D/2026/38 DEVELOPMENT APPLICATION - PETITION / 50-58 Sir John Young Crescent, Woolloomooloo 2011

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Subject: D/2026/38 DEVELOPMENT APPLICATION - PETITION / 50-58 Sir John Young Crescent, Woolloomooloo 2011

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We purchased this property only relatively recently - attracted by its location in a quiet residential precinct.

We note that in the immediate vicinity there is currently only residential activity. This development proposal, which will allow, encourage and attract late night antisocial activity, will be to the detriment of our current amenity and that of other residents in the area. We are aware that still within close distance (eg on William St) there are numerous licensed venues nearby that cater to those wanting to socialise until late at night. We believe this gives adequate options to those seeking such activity without disturbing the peace of what is currently a quiet residential area.

We, the concierge and our Building Manager have to deal with anti-social behaviour that causes additional costs for cleaning and dealing with complaints. To date attempts to manage these matters through dialogue with the Hostel management have proven ineffective.

Key Concerns with the Proposed Development

1. Antisocial Behaviour and Increased Management Burden

When this DA was last submitted, the Strata Committee voted to oppose it due to the expected increase in antisocial behaviour. Pacific House guests are to be moved off the rooftop at 8pm, and with limited indoor common areas, large groups habitually congregate on the footpath. This leads to:

- Increased building management intervention and associated costs
- Loud gatherings, drinking, and disturbance directly outside our building
- Ongoing amenity impacts for our residence

2. Poor Management Practices by Pacific House

The operator has consistently demonstrated inadequate supervision and control of guests. As a result:

- Episodes of vomiting, urination, and disorderly behaviour have occurred on our property
- Noise and nuisance complaints have been frequent
- No confidence exists in their ability or willingness to supervise up to 62 guests on a rooftop

3. Resident Safety and Intimidation

I have personally felt have intimidated when arriving home, often having to pass through large groups drinking on the footpath. When raised with backpackers that they are causing problems and not following clear signage to leave or limit activity (eg not smoke near our gas fittings) I was met with aggressive and intimidating responses. This is a serious safety and harassment concern.

4. Waste, Hygiene, and Vermin Risks

The DA proposes cooking facilities but provides:

- No clear daily cleaning or waste removal plan
- No explanation of how food scraps, rubbish, and BBQ waste will be removed each night
- High risk of vermin from unclean bins or cooking residues

5. Lack of Supervision on the Rooftop

The plan provides no supervision, and movable furniture increases risk:

- Chairs and items becoming hazards
- Conflicts or disorderly conduct going unmanaged
- No control over crowd behaviour or safety

6. Noise Impacts

The proposed occupancy of 62 people is unchanged. The assumption that “one in three people speak at a normal voice” is unrealistic and unenforceable. There is also no mechanism to prevent additional people from accessing the roof, meaning:

- Noise impacts will be significant
- Residents are likely to experience ongoing disturbance

7. Smoking and Vaping

There is no clear statement on whether smoking or vaping will be allowed. Given the proximity to residential windows and the associated fire and health risks, our position is that neither should be permitted and should be strictly monitored.

We would be grateful to be kept informed of your consideration of our and others’ objections to this development proposal.

Yours sincerely,

Karen Smith

From: Don Smith [REDACTED]

Sent on: Sunday, February 15, 2026 12:10:45 PM

To: City of Sydney <council@cityofsydney.nsw.gov.au>

Subject: DA Number D/2026/38 - 50-58 Sir John Young Crescent Woolloomooloo NSW 2011

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

To Whom it May Concern

I am writing to formally object to the proposed use of the backpacker rooftop area for guest amenities adjoining our property at 68 Sir John Young Crescent Woolloomooloo

My concerns relate primarily to the likely impact this change will have on the surrounding residents and the broader community. Rooftop amenity spaces in hostel settings commonly attract gatherings that generate significant noise, particularly during evening and late-night hours. Given the elevated position of the rooftop, sound is likely to travel further and more directly into nearby residential properties, creating an ongoing disturbance.

There is also a strong concern that the space will encourage alcohol consumption and associated disorderly behaviour. Past experience with the premises indicates a pattern of insufficient supervision by management, which has previously resulted in disruptive conduct, poor compliance with house rules, and a lack of timely intervention when issues arise.

Additional concerns include:

- **Smoking:** Increased smoking activity on the rooftop may create nuisance from smoke drift into neighbouring dwellings and raise fire safety risks.
- **Waste management and hygiene:** Rooftop social areas often lead to litter, food waste, and sanitation issues if not strictly managed, which may attract pests and create unpleasant conditions.
- **Supervision and compliance:** The historic lack of effective oversight by management raises serious doubts about their ability to responsibly control noise, behaviour, safety, and cleanliness in an open rooftop environment.

Given these factors, I respectfully request that the proposal be refused

Thank you for considering this objection. I trust these concerns will be taken into account to protect the amenity, safety, and wellbeing of neighbouring residents.

Don Smith
64/68 Sir John Young Crescent
Woolloomooloo NSW 2011

Email. [REDACTED]

From: Maggie Johns [REDACTED]
Sent on: Monday, February 16, 2026 12:05:58 PM
To: dasubmissions@cityofsydney.nsw.gov.au
CC: [REDACTED] <luxemanager@premierfm.com.au>
Subject: Fwd: Objection to Development Application D/2026/38 – 50–58 Sir John Young Crescent, Woolloomooloo

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Sent from my iPhone

Begin forwarded message:

From: luxemanager <luxemanager@premierfm.com.au>
Date: February 16, 2026 at 12:01:23 PM GMT+11
To: [REDACTED]
Subject: Objection to Development Application D/2026/38 – 50–58 Sir John Young Crescent, Woolloomooloo

Dear Assessment Officer,

I write to formally object to Development Application **D/2026/38** concerning 50–58 Sir John Young Crescent, Woolloomooloo.

Owner: Maggie John

Strata Plan number :89791

Unit number: 75, Lot Number 76.

Email: maggsiejohns@yahoo.com.au

My concerns are outlined below.

1. Noise and Residential Amenity Impacts

The proposal will significantly increase late evening noise associated with rooftop use. The cumulative impact on neighbouring residential properties has not been adequately addressed. An occupancy of 62 people is substantial, and assumptions regarding guest behaviour and noise levels are unrealistic and unenforceable. There is no effective mechanism preventing additional guests from accessing the rooftop, creating a high likelihood of ongoing disturbance to surrounding residents.

2. Street-Level Congregation and Crowd Management

There are existing street-level congregation issues in this area. The proposal does not demonstrate adequate supervision, monitoring, or crowd management strategies. Large groups gathering adjacent to residential entry points present safety, access, and security concerns.

3. Absence of a Clear Operational Management Plan

The application fails to provide a detailed and enforceable operational plan addressing:

- Rooftop supervision and enforcement measures
- Waste removal procedures
- Hygiene controls and cleaning schedules
- Pest management measures

The inclusion of cooking facilities without comprehensive details regarding daily cleaning, waste storage, and pest control presents a significant risk of rubbish accumulation, odours, and vermin affecting neighbouring residential properties.

4. Safety Risks

Movable furniture may create physical hazards. Without consistent and active supervision, there is a high risk of overcrowding, unsafe behaviour, and unmanaged conflict.

5. Smoking and Vaping Controls

There is no clarity regarding smoking or vaping restrictions in close proximity to residential windows, raising further amenity and health concerns.

6. Heritage and Visual Impact

The proposed rooftop alterations may adversely impact the heritage character and visual integrity of this sensitive historic streetscape. The application does not adequately assess or mitigate these impacts.

For the reasons outlined above, the proposal presents unacceptable impacts on residential amenity, safety, and neighbourhood character. I respectfully request that City of Sydney refuse the application, or at minimum require substantial amendments and enforceable management conditions to address these concerns.

Best Regards,

Maggie Jhons,

Mob: [REDACTED]

[REDACTED]

From: [REDACTED] <leif@premierfm.com.au> on behalf of Leif Golder <leif@premierfm.com.au> <Leif Golder <leif@premierfm.com.au>>
Sent on: Monday, February 16, 2026 11:59:57 AM
To: dasubmissions@cityofsydney.nsw.gov.au; City of Sydney <council@cityofsydney.nsw.gov.au>
Subject: Submission - D/2026/38 and D/2025/268 - 50-58 Sir John Young Crescent WOOLLOOMOOLOO NSW 2011 - Attention Joe Wang
Attachments: Plan of management.PDF (2.06 MB), Site plan.PDF (911.36 KB), c4cc21ddbb803b1cc48ea94b6a82f8a8a67befcd0c4c10c0cf746b1b124.pdf (164.16 KB), Back Packer-council.pdf (410.11 KB)

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Attn:
Bill MacKay and Joe Wang
City of Sydney Council
GPO Box 1591, Sydney NSW 2001
Email: dasubmissions@cityofsydney.nsw.gov.au

Subject: Formal Objection to D/2026/38 and previously DA D/2025/268 – Rooftop Recreation Space at 50–58 Sir John Young Crescent, Woolloomooloo

Dear MacKay and Mr Wang,

I write on behalf of concerned neighbouring residents and stakeholders to formally object to Development Application D/2026/38 and D/2025/268, which seeks consent for alterations to an existing backpackers' accommodation by adding a rooftop communal recreation area operating between 7.00am and 9:30pm daily.

We respectfully request that the City of Sydney Council refuse this application for the reasons outlined below, which relate to planning non-compliance, community amenity impacts, acoustic privacy violations, and breach of the intended low-scale residential character of Woolloomooloo under the Sydney Development Control Plan 2012 (DCP) for the following reasons:

1. Incompatibility with Locality Objectives (Woolloomooloo Locality Statement – Section 2.4.3)

The site lies within the Cathedral Street locality and falls under the Woolloomooloo locality statement, which prioritises maintaining a “low-scale residential character below the tree canopy,” and protecting the “amenity of the surrounding neighbourhood”. A rooftop recreational terrace, hosting up to 50 patrons daily until 9:30pm, directly undermines this objective by introducing noise, visual intrusion, and intensified transient activity incompatible with the heritage streetscape and surrounding quiet residential properties.

2. Amenity Impacts – Noise, Privacy, Overlooking

Despite the applicant's assertion in the Plan of Management (PoM) that the area will maintain “nil-negligible offsite arising impacts”, the proposal fails to address the acoustic implications of prolonged rooftop use. The Sydney DCP 2012 (Section 4.2.3.11) explicitly requires a Noise Impact Assessment where acoustic privacy is likely to be compromised. None has been provided in this case, despite the rooftop area being elevated, hard-surfaced, and directly overlooking sensitive residential buildings. The DCP mandates noise levels must not exceed 45dB in open conditions and 35dB internally for bedrooms during the evening (10pm–7am).

Even at 9:30pm closure, reverberating human voices and general rooftop activity will severely affect acoustic privacy for residents adjacent and opposite the site, particularly in terrace and multi-storey dwellings situated on narrow street frontages.

3. Unreasonable Intensification of Use

While the underlying use is approved for backpacker accommodation, the proposed development constitutes a significant intensification by creating a rooftop venue with dual-use areas (recreation and wellness) accommodating 62 persons. This exceeds the operational character of the existing facility and introduces an active entertainment space that is visually and acoustically dominant in a sensitive low-rise locality.

The DCP (Section 3.15.3) warns against proliferation of intensified late-night activity in predominantly residential

areas and insists upon thorough scrutiny of operational context, proximity to residents, and dispersal behaviour after closing hours. This application fails to meet these thresholds.

4. Late Night Trading Provisions – Contravention

This proposal seeks extended rooftop hours to 9:30pm under the guise of trial periods. However, the DCP's Late Night Trading Guidelines make it clear that extended hours will not be supported in City Living Areas where there is "a predominantly residential character" and where adverse impacts are "difficult to manage".

This area is not designated as a late-night precinct. Outdoor use in a non-licensed venue must demonstrate negligible impact, especially when on a rooftop adjacent to sensitive dwellings. The proposed trial period introduces the very uncertainty the DCP seeks to avoid.

5. Plan of Management – Inadequate Safeguards

While the applicant's Plan of Management includes procedural protocols such as CCTV, signage, and complaint logs, these measures are reactionary and do not proactively prevent adverse impacts. Notably:

- There is no provision for independent acoustic monitoring.
- "Staff supervision" is undefined and unenforceable.
- A contact number and log are not substitutes for real-time enforcement or complaint rectification.
- There is no onsite manager dedicated solely to the rooftop use.

The DCP requires a robust Plan of Management with enforceable mechanisms. This document reads as aspirational and unfit for the complexity of ongoing rooftop crowd activity in a residential zone.

6. Conflict with Built Form and Urban Design Controls

Section 4.2.3.7 of the DCP requires rooftop recreation spaces to demonstrate acoustic and visual privacy, and to "not significantly impact surrounding properties". In this case, the rooftop area fails to meet the criteria for appropriate screening, visual buffering, or spatial separation from adjoining buildings, many of which have habitable room windows and balconies within direct line of sight.

7. Precedent, Cumulative Impact & Streetscape Character

Approving this application risks setting a precedent for similar backpacker facilities in the inner city to convert rooftops into entertainment zones. In doing so, it incrementally erodes the fine grain residential streetscape of Woolloomooloo, which the DCP describes as being "under pressure" due to mixed development types and lot fragmentation.

Conclusion

In light of the above, we urge the City of Sydney to refuse Development Application D/2026/38 and D/2025/268 in full. The proposal breaches core planning instruments including Sydney DCP 2012 Sections 2.4.3, 3.15, and 4.2.3, and fails to adequately protect the residential character, privacy, and amenity of neighbouring occupants. The proposed rooftop activation is ill-suited to the local context, represents an intensification of use, and lacks sufficient safeguards to mitigate offsite harm.

We trust this objection will be considered with the full weight it merits.

Yours sincerely,

Leif Golder

General Manager - Director

Premier FM

Property & Facility Management -

NSW

M +

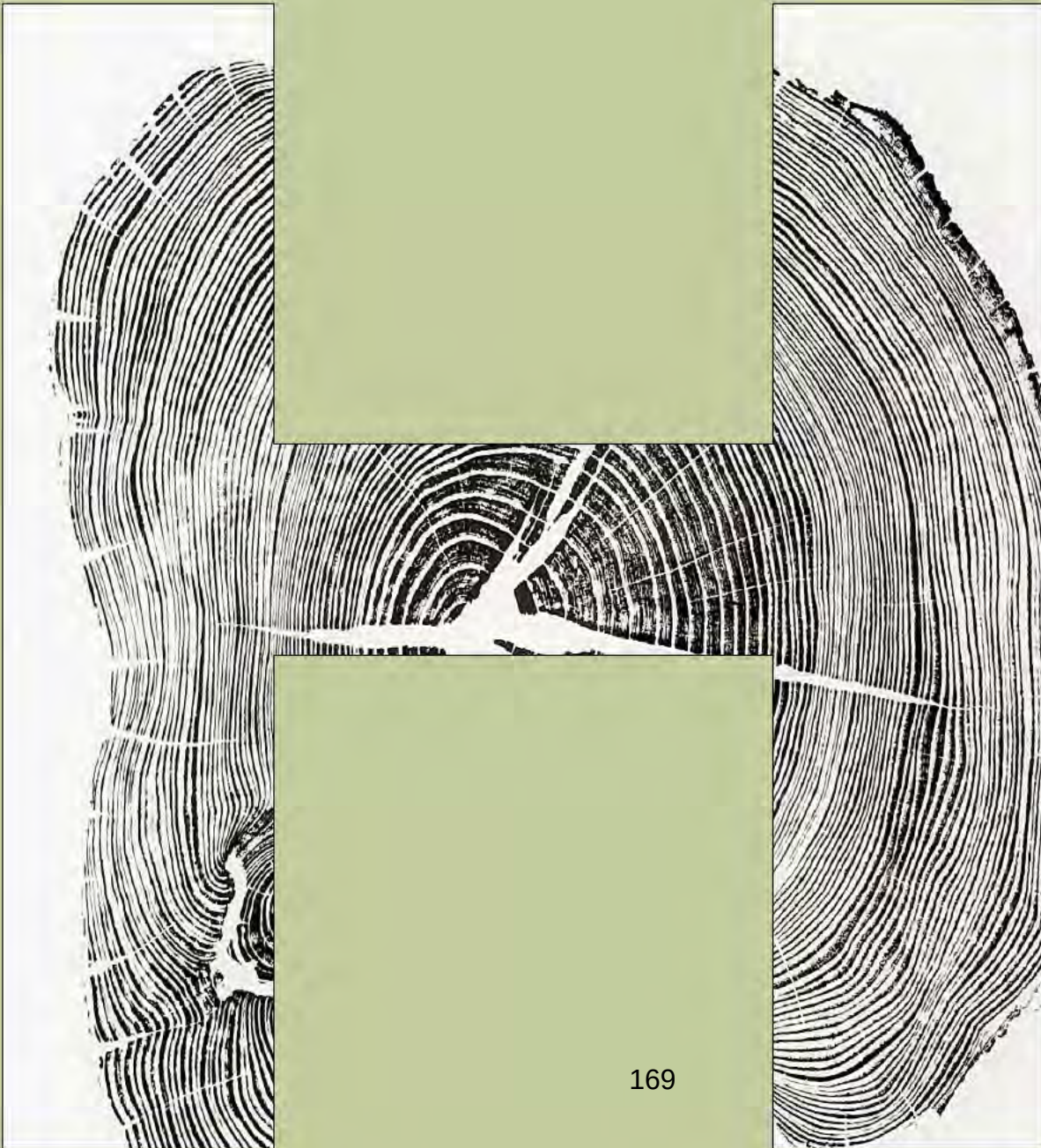
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W premierfm.com.au



“At Premier FM we manage all our buildings as though they were our own.”

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Project Particulars

Project No.	2022080
Client	Pitch Properties Pty Ltd
Site Address	50-58 Sir John Young Crescent, Woolloomooloo
Document Name	Plan of Management

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INTRODUCTION

This Plan of Management (PoM) has been prepared by Hamptons Property Services (Hamptons) on behalf of Pitch Properties Pty Ltd (owner) for the use of the outdoor rooftop area by guests staying at the premises at 50-58 Sir John Young Crescent, Woolloomooloo (site). The purpose of this PoM is to establish operational parameters for use of the outdoor roof top area (herein outdoor area).

The outdoor area forms part of the premises known as Pacific House which is an operating backpacker's accommodation.

Purpose of POM

The purpose of this PoM is to govern the use of the outdoor area to ensure that:

- guests of the premises are respectful of each other and neighbouring properties when using this
- guests have an outdoor common open space area which can be utilized as part of their accommodation experience
- the community is provided with certainty in relation to the operational aspects pertaining to the use
- good management of the area is promoted from the outset by establishing performance criteria for the operation of this, having regard to the relevant matters in the Environmental Planning and Assessment Act 1979 (EP and A Act), the Sydney Local Environmental Plan 2012 (LEP) and the Sydney Development Control Plan 2012 (DCP).

The PoM and its attachments may be subject to change, based on legislative amendments and/or following further direction from City of Sydney (Council) from time to time. Any directed changes will be forwarded to Council and modified against the relevant development consent, as required.

Legislation that does not apply

The outdoor area is not subject to the provisions of the Liquor Act 2007 and the associated regulations.

HAMPTONS

The Site

The site is known as 50-58 Sir John Young Crescent, Woolloomooloo, and is legally described as Lot 1 in Deposited Plan 882499. The site is located at the southern intersection of Sir John Young Crescent and Crown Street, in the Cathedral Street Locality.

Figure 1: Site location and immediate locality (Source: The Palms Design and Trade)



HAMPTONS

Figure 2: Site location and immediate locality (Source: The Palms Design and Trade)



Figure 3 Subject building, including view of the rooftop the subject of this application (Source: The Palms Design and Trade)



The Use

The use of the site is approved as for backpackers' accommodation.

Purpose of the Outdoor Area

The outdoor area will:

- provide an outdoor communal open space area for guests of the backpacker's accommodation
- improve guest amenity by providing passive and small-scale active recreation spaces, with generous solar access
- promote social connection between guests
- enhance visual amenity of the hardstand rooftop by landscape softening and screening
- maintain the heritage values of the site and setting
- maintain amenity for adjoining land uses with nil-negligible offsite arising impacts, principally controlled by limiting the hours of use and restricting capacity.

Development Consent

The outdoor area will operate in accordance with Development Consent [Insert upon receipt of consent], issued by Council on [insert date]. A copy of the development consent is at Appendix 1.

OPERATIONAL MATTERS

Guest Use

Use of the outdoor area is limited to guests staying at the premises.

Guest Capacity

The outdoor area has a maximum capacity of 50 guests in the general area at any one time.

In addition, the Recreational Area which is to be used for exercise and wellness activities, located on the eastern side of the outdoor area has a maximum capacity of 12 guests at any one time.

HAMPTONS

Landscape Plan

Key

1. Communal outdoor kitchen
2. Recreational area; used for exercise and wellness activities
3. Services + storage area
4. Toilets
5. Rooftop entrance/ exit
6. Fire escape
7. Pots and plants
8. Gym equipment storage
9. Existing building facilities
10. Communal seating area to socialise, eat, relax and work
11. Existing skylight

Legend

- Scope boundary
- Timber decking
- Timber furniture
- Concrete
- Artificial lawn
- Pots + plants
- Existing street level trees
- (F) = Fixed object
- (L) = Loose object



60 Sir John Young Crescent | DA Report

Prepared by The Palms Sydney | Issue 04 | March 26 2025

02

Guests are not permitted to go through the gate located to the south of the fire stair (labelled as 5, above) other than in the event of an emergency, where access to the fire stair is required.

Signage is to be placed on the gate at the entry to this area.

Permitted Hours of Use

The outdoor area is permitted to be used between 7:00am and 8:30pm, with a trial period for one hour until 9:30pm.

Signage is to be placed around the outdoor area to remind guests of the hours of permitted use, in not less than four locations, one of which is the door leading from the stairwell to the outdoor area.

Access

Access to the outdoor area is through the existing stairwell.

The door to the stairwell is to remain closed during the hours of permitted use of the outdoor area.

The door is to be locked by management outside of the permitted hours of use.

GUEST MANAGEMENT

Staff Responsibility Regarding Guest Management

The House Rules displayed through the premises and the Terms and Conditions at the time of booking are to include the maximum number of guests permitted in the outdoor area and the hours of permitted use to ensure that guests have prior and ongoing knowledge of the use of this area.

A staff member is to attend the outdoor area once per hour, during operating hours, to monitor the behaviour of guests.

To minimise potential disruption caused by guests when they leave the outdoor area, fifteen minutes prior to the closing time of the outdoor area, a member of staff is to attend the area and advise guests that this will be closing shortly and commence maintenance activities, such as cleaning of the area, to ensure it is left in a tidy manner.

Five-ten minutes prior to closing time, the staff member is to undertake a final walk of the area, asking guests to depart quickly and quietly from this.

Should the staff member not be the manager on duty, and have trouble with guests leaving this area, the staff member must contact the manager on duty *via* phone asking for their assistance in the outdoor area to ensure that all guests are removed from this.

Should a particular guest create difficulties for a staff member or the manager on duty, this is to be recorded in an incident log, detailing:

- the guest's name
- the room they are staying in
- contact phone number
- any complaints received from other guests or neighbours, including their address and contact details
- any corrective actions undertaken.

Such incidents are to be advised at the next shift changeover to the incoming manager on duty.

Signage

Signage is to be erected and maintained at the entry door to the stairwell and in not less than three additional locations around the outdoor area, displayed in a clear and prominent position, to remind guests to use the area in a respectful manner and be mindful of their neighbours, or wording to that effect.

Signage is also to be placed on the gate to the southern section where access is restricted, advising of this, other than in the event of an emergency.

Noise Management

The use of the outdoor area is to be controlled to ensure that any noise emitted does not create 'offensive noise' as defined in the Protection of the Environment Operations Act 1997, to any affected receiver.

The outdoor area is also to operate in accordance with the NSW Noise Policy for Industry.

Should instances of noise or anti-social behaviour arise, a staff member, or the manager on duty, is to prepare a written record of the complaint in an incident log, detailing:

- the guest's name
- the room they are staying in
- contact phone number

- the complaint received from other guests or neighbours, including their address and contact details
- any corrective actions undertaken.

A 24-hour contact number is to be made available to residents within the immediate vicinity of the site to enable them to make a complaint in relation to the use of the outdoor area. Any staff member taking such a call, must answer this in a polite, sympathetic and courteous manner. Where possible, action shall be taken to address any complaint made, including follow-up action, such as returning the resident's call to let them know what has been done to address the complaint or concern.

All complaints are to be responded to within 48 hours by management.

Closed Circuit Television Cameras

Closed circuit television cameras (CCTV) are to be installed on the outdoor area.

EMERGENCY AND EVACUATION PROCEDURES

Prior to commencement of use of the outdoor area, an Emergency Management Plan is to be prepared in accordance with regulation 43 of the Work Health and Safety Regulations. This is to be reviewed on an annual basis, or otherwise, if there is a material change in staff, or after the plan has been tested.

At all times, the Emergency Management Plan is to include, but not be limited to, the following matters:

- how to effectively respond to an emergency
- evacuation procedures from the outdoor area, including an evacuation plan that nominates evacuation routes from the premises
- notifying emergency services organisations, as required, at the earliest opportunity
- medical treatment and assistance
- effective communication between the person authorized to coordinate the emergency response and all people within the outdoor area
- testing of emergency procedures, including frequency of testing, and
- information, training and instruction.

The plan is to cover typical emergencies, including fire, explosion, medical emergency, rescues, incidents with hazardous chemicals, bomb threats, armed confrontations and natural disasters.

The Emergency Management Plan is to include:

- emergency contact details for key personnel who have specific responsibilities under the plan (e.g. fire warden, floor warden, first aid officer)
- contact details for local emergency services
- the mechanism for alerting people to an emergency (e.g. siren, bell alarm)
- evacuation procedures, including special needs assistance
- map of the premises with the location of fire protection equipment, emergency exits and assembly points
- processes for advising adjoining neighbours of an emergency, and
- post incident follow up process.

The Emergency Management Plan is also to include training processes.

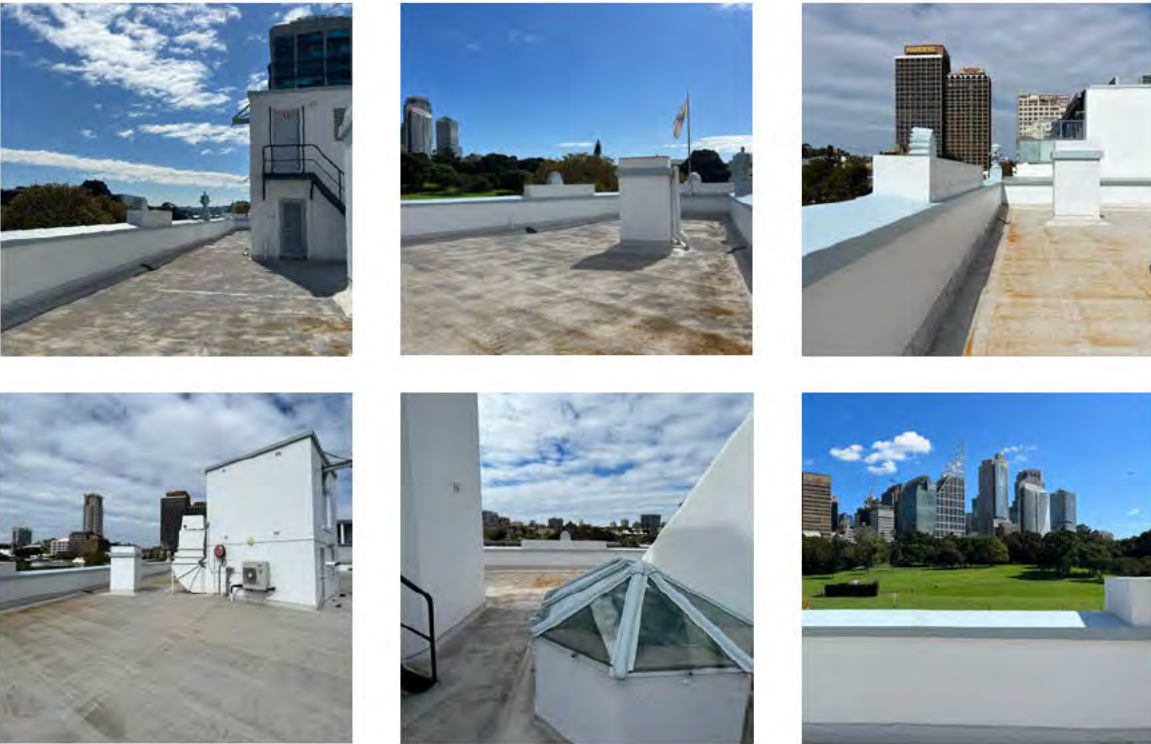
APPENDIX 1: DEVELOPMENT CONSENT

Site Context

The site is located on the corner of Sir John Young Crescent and Crown Street in Woolloomooloo, Sydney. The building functions as a Hostel. The scope of works for this development application consists of the rooftop area of the building.



Existing building and rooftop



Existing site images of rooftop



Aerial image of Site Context

N

13/02/2026

All Owners
SP89791
68 Sir John Young Crescent
Woolloomooloo NSW 2011

Dear Owners,

Re: DA D/2026/38 – Proposed Rooftop Use at 50–58 Sir John Young Crescent

Bright & Duggan is your strata managing agent and we write under instruction from the owners corporation.

The City of Sydney has issued a notification (dated 2 February 2026) regarding Development Application D/2026/38, which seeks approval for the alteration and use of the existing rooftop as an outdoor communal space for the backpacker accommodation at 50–58 Sir John Young Crescent.

Comments on the proposal are invited until 17 February 2026.

Given the significant potential impact on residents and building operations, the Strata Committee is asking all owners to submit an objection to the proposed development.

Below is a summary of the key concerns previously raised by the Committee.

You are encouraged to reference any or all of these points when lodging your submission.

Key Concerns with the Proposed Development

1. Antisocial Behaviour and Increased Management Burden

When this DA was last submitted, the Strata Committee voted to oppose it due to the expected increase in antisocial behaviour. Pacific House guests are moved off the rooftop at 8pm, and with limited indoor common areas, large groups habitually congregate on the footpath. This leads to:

- Increased building management intervention and associated costs
- Loud gatherings, drinking, and disturbance directly outside our building
- Ongoing amenity impacts for our residents

2. Poor Management Practices by Pacific House

The operator has consistently demonstrated inadequate supervision and control of guests. As a result:

- Episodes of vomiting, urination, and disorderly behaviour have occurred on our property

- Noise and nuisance complaints have been frequent
- No confidence exists in their ability or willingness to supervise up to 62 guests on a rooftop

3. Resident Safety and Intimidation

Residents have reported feeling intimidated when arriving home, often having to pass through large groups drinking on the footpath.

There have been instances where residents who asked trespassing backpackers to leave were met with aggressive or physically intimidating responses, including unwanted physical contact.

This is a serious safety and harassment concern.

4. Waste, Hygiene and Vermin Risks

The DA proposes cooking facilities but provides:

- No clear daily cleaning or waste removal plan
- No explanation of how food scraps, rubbish, and BBQ waste will be removed each night
- High risk of vermin from unclean bins or cooking residues

5. Lack of Supervision on the Rooftop

The plan provides no supervision, and movable furniture increases risk:

- Chairs and items becoming hazards
- Conflicts or disorderly conduct going unmanaged
- No control over crowd behaviour or safety

6. Noise Impacts

The proposed occupancy of 62 people is unchanged. The assumption that “one in three people speak at a normal voice” is unrealistic and unenforceable.

There is also no mechanism to prevent additional people from accessing the roof, meaning:

- Noise impacts will be significant
- Residents are likely to experience ongoing disturbance

7. Smoking and Vaping

There is no clear statement on whether smoking or vaping will be allowed.

Given the proximity to residential windows and the fire and health risks, our position is that neither should be permitted and should be strictly monitored.

Submission of Your Objection

We strongly encourage all owners to lodge an objection before the deadline.

You can submit your comments by:

Email:

council@cityofsydney.nsw.gov.au

Online portal:

city.sydney/development-comment

or

<https://www.cityofsydney.nsw.gov.au/development-applications/comment-object-development-proposal>

Please reference:

DA Number: D/2026/38

Address: 50–58 Sir John Young Crescent, Woolloomooloo NSW 2011

If you would like assistance preparing your objection or wish to discuss the matter further, please contact the Strata Manager, Strata Committee or Building Management.



Senior Strata Manager

 FR
The Occupier
68 Sir John Young Crescent
WOOLLOOMOOLOO NSW 2011

2 February 2026

Applicant name
HAMPTONS PROPERTY SERVICES PTY LTD

Reference number:
D/2026/38

Site address:
50-58 Sir John Young Crescent , WOOLLOOMOOLOO NSW 2011

Proposed development:
Alterations to and use of the existing roof top as an outdoor communal space for the existing backpackers accommodation

The City of Sydney has received the above application. As part of our assessment, we are notifying surrounding neighbours and property owners to seek their views on the proposal.

We are accepting comments on the proposal until **17 February 2026**. If this date is on a weekend or public holiday, the period is extended to the next working day.

We encourage you to review all documents to understand the details of the proposal.

View the full application and send us your comments by typing city.sydney/find-da in the address bar on your browser.

You can get guidance on preparing your comments and what happens next on the back of this letter, or by typing city.sydney/development-comment in the address bar on your browser.

For more information, contact us on 02 9265 9333.

Bill MacKay
Manager Planning Assessments

CITY OF SYDNEY 
cityofsydney.nsw.gov.au

From: Steve Broughton [REDACTED]

Sent on: Monday, February 16, 2026 11:42:37 AM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2026/38 - 50-58 Sir John Young Crescent WOOLLOOMOOLOO NSW 2011 -

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear City of Sydney Assessment Team,

I am writing to formally object to Development Application D/2026/38 concerning the proposed communal rooftop use at 50–58 Sir John Young Crescent, Woolloomooloo.

I am both an owner-occupier and an investor within the neighbouring building, and my apartment directly faces Sir John Young Crescent and the areas where backpackers currently congregate. As a result, I already experience the existing impacts associated with antisocial behaviour in this location, and I am concerned that approval of this proposal will materially worsen those impacts.

My primary concern is the likely increase in noise and general disturbance. A rooftop communal area designed for social use by a large number of occupants will inevitably generate elevated noise levels, particularly in the evening. Noise from group conversation and activity travels significantly in this urban setting, and in practical terms it is extremely difficult to monitor or enforce assumptions about “normal” behaviour once large groups are involved. This will further reduce residential amenity for surrounding apartments.

I am also concerned about the lack of clearly defined operational controls. The application does not provide sufficient detail regarding active supervision, enforcement of occupancy limits, or behavioural management. Based on existing conditions at street level, where guests often gather after the rooftop closes, it is reasonable to expect that expanding rooftop use will increase congregation and overflow into surrounding areas, placing additional pressure on neighbouring residents and shared public space.

Resident safety and comfort is another key issue. As someone who regularly enters and exits the building through these areas, I have observed situations where large groups create an environment that feels uncomfortable and at times intimidating. The proposal risks amplifying these issues without demonstrating adequate mitigation.

In addition, the inclusion of cooking and communal facilities raises unresolved questions around waste handling, cleaning practices and ongoing hygiene management. Without clear and enforceable processes, there is a real risk of odour, cleanliness issues and vermin attraction that will affect nearby residents.

In summary, the proposal as presented does not adequately address the likely impacts on residential amenity, safety, and day-to-day liveability for neighbouring properties. I respectfully request that the City of Sydney refuse the application, or alternatively require substantial revisions and enforceable management conditions that genuinely mitigate these risks.

Thank you for your consideration of this submission.

Kind regards,

Steven Broughton
65/68 Sir John Young Crescent Woolloomooloo NSW 2011
[REDACTED]

From: Nicole Darmanin [REDACTED]
[REDACTED]

Sent on: Monday, February 16, 2026 11:44:21 AM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2026/38 - 50-58 Sir John Young Crescent WOOLLOOMOOLOO NSW 2011 -

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Hi,

I am a resident of Unit 61 within the Luxe Apartments, neighbouring the proposed development plans.

Regarding those proposed development plans, I'd like to bring light to the existing disturbances from Il Pacifico as is. Given their guests drink at the venue until all hours of the night, it is a regular occurrence for them to be shouting and yelling incessantly at night which keeps me and my partner awake. Further to this, there is also an increased amount of loitering and rubbish surrounding the premises which makes for quite an uncomfortable and unpleasant environment in what is otherwise a calm and quiet residential only area.

To add fuel to the fire per se of expanding Il Pacifico's operation would no doubt significantly affect Luxe Apartments ability to retain tenants as I'm sure there are very few people who would deal with an increased amount of disturbances and loitering - I for one, would certainly find this too difficult.

Please feel free to contact me if you wish any further information.

Regards,
Nicole Darmanin

From: Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au> on behalf of Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au> <Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au>>
Sent on: Monday, February 16, 2026 12:39:53 PM
To: DAsubmissions <DAsubmissions@cityofsydney.nsw.gov.au>
Subject: FW: Objection to DA D/2026/38 – Proposed Rooftop Use at 50–58 Sir John Young Crescent

-----Original Message-----

From: DAsubmissions <DAsubmissions@cityofsydney.nsw.gov.au>
Sent: Monday, 16 February 2026 12:04 PM
To: Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au>
Subject: FW: Objection to DA D/2026/38 – Proposed Rooftop Use at 50–58 Sir John Young Crescent

-----Original Message-----

From: [REDACTED]
Sent: Monday, 16 February 2026 11:56 AM
To: DAsubmissions <DAsubmissions@cityofsydney.nsw.gov.au>
Subject: Objection to DA D/2026/38 – Proposed Rooftop Use at 50–58 Sir John Young Crescent

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.
To the City of Sydney,

Re: Objection to DA D/2026/38
Proposed Rooftop Use at 50–58 Sir John Young Crescent
Applicant: Hamptons Property Services Pty Ltd

I write to formally object to Development Application D/2026/38 concerning the proposed rooftop use at 50–58 Sir John Young Crescent.

Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979, Council is required to consider, amongst other matters, the likely impacts of the development, including environmental impacts on both the natural and built environments, social impacts in the locality, and the suitability of the site for the proposed development. Council must also consider the public interest.

In my respectful submission, the proposal fails to adequately address these statutory considerations, particularly in relation to residential amenity, public safety, and social impacts.

Existing Antisocial Behaviour and Increased Management Burden Under the current operation of the backpacker accommodation, guests routinely congregate on surrounding footpaths and directly outside neighbouring residential buildings.

These gatherings frequently involve:

- Drinking alcohol
- Smoking and vaping
- Loud conversations and shouting
- Loud music
- Late night socialising

These activities occur without visible or effective management or supervision from backpacker staff and are inconsistent with local amenity expectations and City of Sydney compliance standards.

As a result, residents experience:

- Ongoing disturbance directly outside the building entrance
- Increased building management intervention and associated costs
- Regular disruption to quiet enjoyment of their homes

Police attendance has, on multiple occasions, been required to manage escalating behaviour. This reflects an existing pattern of inadequate operational control.

Approval of rooftop access for up to 62 guests is highly likely to intensify this behaviour, particularly before and after rooftop operating hours, resulting in cumulative noise and disturbance impacts.

Direct Overlooking, Terrace Access and Security Risks My property directly overlooks the proposed rooftop area. Rooftop occupants

would have clear and direct sightlines into my residence and private outdoor spaces.

Critically, the rooftop has direct access to our terrace area. This presents significant and foreseeable risks, including:

- Potential unauthorised access to private residential property • Increased risk of trespass • Loss of privacy due to direct overlooking • Compromised residential security • Ongoing loss of quiet enjoyment of our home

The proposed intensification materially increases these risks and represents an unreasonable and unacceptable impact on residential amenity within the meaning of Section 4.15.

Poor Management Practices by Pacific House The operator has demonstrated ongoing deficiencies in supervision and behavioural management of guests. Documented impacts include:

- Episodes of vomiting, urination, and disorderly behaviour occurring on neighbouring property • Frequent noise and nuisance complaints • Trespassing within adjacent buildings and common property

Given this history, there is no reasonable basis to conclude that the operator can adequately supervise a rooftop space accommodating up to 62 persons.

Resident Safety and Intimidation

Residents have reported feeling intimidated when entering or exiting their homes due to large groups congregating on the footpath. There have been instances where residents requesting trespassing guests to leave were met with aggressive or physically intimidating responses, including unwanted physical contact.

These are not minor amenity issues. They are public safety and personal security concerns that Council is obliged to consider under Section 4.15, particularly in assessing social impacts and the public interest.

Waste, Hygiene and Vermin Risks

The application proposes cooking facilities yet fails to provide:

- A clear daily cleaning and waste removal plan • Details regarding removal of food scraps, rubbish and barbecue waste • Adequate pest management controls

Absent enforceable waste management measures, the proposal introduces foreseeable hygiene risks and vermin attraction in close proximity to residential dwellings.

Lack of Supervision on the Rooftop

The proposal does not provide for active, dedicated supervision of rooftop activities.

Movable furniture increases risks including:

- Items becoming safety hazards
- Escalation of disorderly conduct
- Inability to manage crowd behaviour effectively

An unsupervised rooftop accommodating 62 people, particularly in a backpacker context, presents clear and foreseeable safety risks.

Noise Impacts

The proposed maximum occupancy remains at 62 persons.

The acoustic modelling assumption that one in three people will speak at normal voice levels is unrealistic and unenforceable in a social rooftop environment where alcohol consumption is anticipated.

There is also no credible mechanism to prevent overcrowding beyond the nominated capacity.

The likely outcome is:

- Significant noise impacts
- Ongoing disturbance to surrounding residents • Erosion of residential amenity

The proposal does not demonstrate that acoustic impacts can be effectively controlled in practice.

Smoking and Vaping

The application does not clearly address whether smoking or vaping will be permitted.

Given proximity to residential windows and associated fire and health risks, smoking and vaping should not be permitted. If Council is minded to approve the application, strict prohibition and active enforcement conditions must be imposed.

Conclusion

When assessed against the mandatory considerations under Section 4.15 of the Environmental Planning and Assessment Act, the proposal:

- Fails to protect residential amenity
- Creates foreseeable public safety and security risks • Generates unacceptable social impacts in the locality • Imposes additional financial and management burdens on neighbouring strata • Is not in the public interest

The proposed rooftop use represents an unreasonable intensification of activity in a sensitive residential context and is unsuitable for the site.

I respectfully request that Council refuse Development Application D/2026/38.

Kind regards



Privacy and Confidentiality

This submission contains personal information relating to my residence, safety and security concerns. I respectfully request that my personal details, including my name, address and contact information, remain confidential and be accessed only by authorised Council officers for the purpose of assessing this development application. I do not consent to the public disclosure of my personal contact details or any information that may compromise my safety or residential security. I trust Council will handle this submission in accordance with its obligations under applicable privacy and data protection legislation.

From: Chris Gregory [REDACTED]

Sent on: Monday, February 16, 2026 12:38:23 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2026/38 - 50-58 Sir John Young Crescent WOOLLOOMOOLOO NSW 2011

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As a resident at Luxe Apartments (Unit 42, 68 Sir John Young Crescent, Woolloomooloo) we have concerns about the acoustics, security, and safety of the DA. It is our experience that Pacific Hostel guests congregate on our private property to smoke, drink and socialise all hours of the day and night, disturbing us and the amenity of Luxe Apartments. That is before the opening of a rooftop entertainment space which, we predict, will amplify such behaviours. We are aware that in this residential area there are numerous licensed venues nearby that cater to those wanting to socialise until late at night. Our concerns not only relate to disturbances, but to the security risks for our entire building community, particularly as this development enables direct access to residents' living areas and, consequently, throughout the building.

We, the concierge and our Building Manager have to deal with anti-social behaviour that causes additional costs for cleaning and dealing with complaints. To date our attempts to manage these matters through dialogue with the Hostel management have proven ineffective.

Yours sincerely,

Christopher Gregory

From: <leif@premierfm.com.au> on behalf of Leif Golder <leif@premierfm.com.au> <Leif Golder <leif@premierfm.com.au>>
Sent on: Monday, February 16, 2026 11:59:57 AM
To: dasubmissions@cityofsydney.nsw.gov.au; City of Sydney <council@cityofsydney.nsw.gov.au>
Subject: Submission - D/2026/38 and D/2025/268 - 50-58 Sir John Young Crescent WOOLLOOMOOLOO NSW 2011 - Attention Joe Wang
Attachments: Plan of management.PDF (2.06 MB), Site plan.PDF (911.36 KB), c4cc21ddbb803b1cc48ea94b6a82f8a8a67befcd0c4c10c0cf746b1b124.pdf (164.16 KB), Back Packer-council.pdf (410.11 KB)

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Attn:
Bill MacKay and Joe Wang
City of Sydney Council
GPO Box 1591, Sydney NSW 2001
Email: dasubmissions@cityofsydney.nsw.gov.au

Subject: Formal Objection to D/2026/38 and previously DA D/2025/268 – Rooftop Recreation Space at 50–58 Sir John Young Crescent, Woolloomooloo

Dear MacKay and Mr Wang,

I write on behalf of concerned neighbouring residents and stakeholders to formally object to Development Application D/2026/38 and D/2025/268, which seeks consent for alterations to an existing backpackers' accommodation by adding a rooftop communal recreation area operating between 7.00am and 9:30pm daily.

We respectfully request that the City of Sydney Council refuse this application for the reasons outlined below, which relate to planning non-compliance, community amenity impacts, acoustic privacy violations, and breach of the intended low-scale residential character of Woolloomooloo under the Sydney Development Control Plan 2012 (DCP) for the following reasons:

1. Incompatibility with Locality Objectives (Woolloomooloo Locality Statement – Section 2.4.3)

The site lies within the Cathedral Street locality and falls under the Woolloomooloo locality statement, which prioritises maintaining a “low-scale residential character below the tree canopy,” and protecting the “amenity of the surrounding neighbourhood”. A rooftop recreational terrace, hosting up to 50 patrons daily until 9:30pm, directly undermines this objective by introducing noise, visual intrusion, and intensified transient activity incompatible with the heritage streetscape and surrounding quiet residential properties.

2. Amenity Impacts – Noise, Privacy, Overlooking

Despite the applicant's assertion in the Plan of Management (PoM) that the area will maintain “nil-negligible offsite arising impacts”, the proposal fails to address the acoustic implications of prolonged rooftop use. The Sydney DCP 2012 (Section 4.2.3.11) explicitly requires a Noise Impact Assessment where acoustic privacy is likely to be compromised. None has been provided in this case, despite the rooftop area being elevated, hard-surfaced, and directly overlooking sensitive residential buildings. The DCP mandates noise levels must not exceed 45dB in open conditions and 35dB internally for bedrooms during the evening (10pm–7am).

Even at 9:30pm closure, reverberating human voices and general rooftop activity will severely affect acoustic privacy for residents adjacent and opposite the site, particularly in terrace and multi-storey dwellings situated on narrow street frontages.

3. Unreasonable Intensification of Use

While the underlying use is approved for backpacker accommodation, the proposed development constitutes a significant intensification by creating a rooftop venue with dual-use areas (recreation and wellness) accommodating 62 persons. This exceeds the operational character of the existing facility and introduces an active entertainment space that is visually and acoustically dominant in a sensitive low-rise locality.

The DCP (Section 3.15.3) warns against proliferation of intensified late-night activity in predominantly residential

areas and insists upon thorough scrutiny of operational context, proximity to residents, and dispersal behaviour after closing hours. This application fails to meet these thresholds.

4. Late Night Trading Provisions – Contravention

This proposal seeks extended rooftop hours to 9:30pm under the guise of trial periods. However, the DCP's Late Night Trading Guidelines make it clear that extended hours will not be supported in City Living Areas where there is "a predominantly residential character" and where adverse impacts are "difficult to manage".

This area is not designated as a late-night precinct. Outdoor use in a non-licensed venue must demonstrate negligible impact, especially when on a rooftop adjacent to sensitive dwellings. The proposed trial period introduces the very uncertainty the DCP seeks to avoid.

5. Plan of Management – Inadequate Safeguards

While the applicant's Plan of Management includes procedural protocols such as CCTV, signage, and complaint logs, these measures are reactionary and do not proactively prevent adverse impacts. Notably:

- There is no provision for independent acoustic monitoring.
- "Staff supervision" is undefined and unenforceable.
- A contact number and log are not substitutes for real-time enforcement or complaint rectification.
- There is no onsite manager dedicated solely to the rooftop use.

The DCP requires a robust Plan of Management with enforceable mechanisms. This document reads as aspirational and unfit for the complexity of ongoing rooftop crowd activity in a residential zone.

6. Conflict with Built Form and Urban Design Controls

Section 4.2.3.7 of the DCP requires rooftop recreation spaces to demonstrate acoustic and visual privacy, and to "not significantly impact surrounding properties". In this case, the rooftop area fails to meet the criteria for appropriate screening, visual buffering, or spatial separation from adjoining buildings, many of which have habitable room windows and balconies within direct line of sight.

7. Precedent, Cumulative Impact & Streetscape Character

Approving this application risks setting a precedent for similar backpacker facilities in the inner city to convert rooftops into entertainment zones. In doing so, it incrementally erodes the fine grain residential streetscape of Woolloomooloo, which the DCP describes as being "under pressure" due to mixed development types and lot fragmentation.

Conclusion

In light of the above, we urge the City of Sydney to refuse Development Application D/2026/38 and D/2025/268 in full. The proposal breaches core planning instruments including Sydney DCP 2012 Sections 2.4.3, 3.15, and 4.2.3, and fails to adequately protect the residential character, privacy, and amenity of neighbouring occupants. The proposed rooftop activation is ill-suited to the local context, represents an intensification of use, and lacks sufficient safeguards to mitigate offsite harm.

We trust this objection will be considered with the full weight it merits.

Yours sincerely,

Leif Golder

General Manager - Director

Premier FM

Property & Facility Management -

NSW

M + [REDACTED]

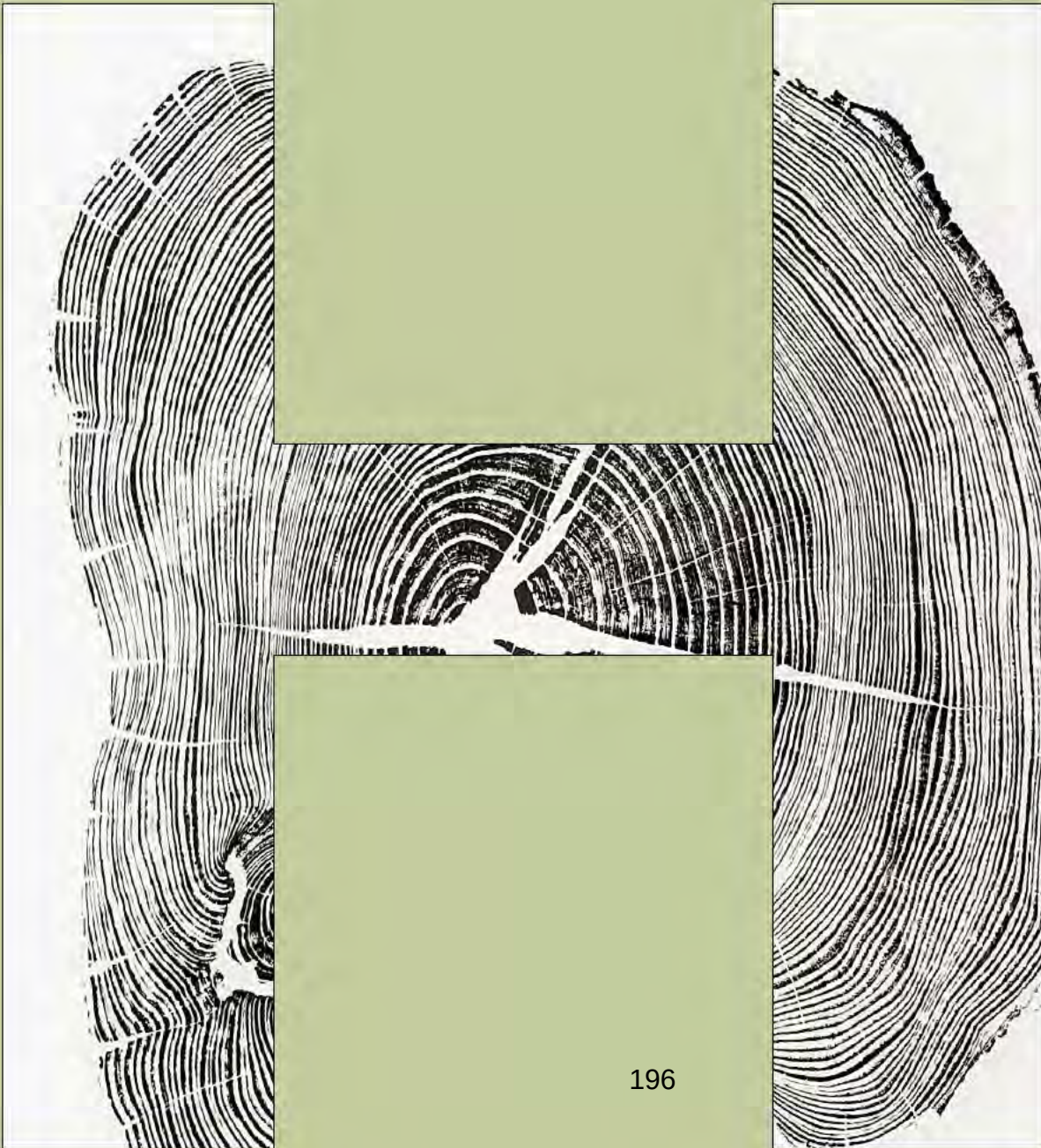
E [REDACTED]

W premierfm.com.au



“At Premier FM we manage all our buildings as though they were our own.”

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Project Particulars

Project No.	2022080
Client	Pitch Properties Pty Ltd
Site Address	50-58 Sir John Young Crescent, Woolloomooloo
Document Name	Plan of Management

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INTRODUCTION

This Plan of Management (PoM) has been prepared by Hamptons Property Services (Hamptons) on behalf of Pitch Properties Pty Ltd (owner) for the use of the outdoor rooftop area by guests staying at the premises at 50-58 Sir John Young Crescent, Woolloomooloo (site). The purpose of this PoM is to establish operational parameters for use of the outdoor roof top area (herein outdoor area).

The outdoor area forms part of the premises known as Pacific House which is an operating backpacker's accommodation.

Purpose of POM

The purpose of this PoM is to govern the use of the outdoor area to ensure that:

- guests of the premises are respectful of each other and neighbouring properties when using this
- guests have an outdoor common open space area which can be utilized as part of their accommodation experience
- the community is provided with certainty in relation to the operational aspects pertaining to the use
- good management of the area is promoted from the outset by establishing performance criteria for the operation of this, having regard to the relevant matters in the Environmental Planning and Assessment Act 1979 (EP and A Act), the Sydney Local Environmental Plan 2012 (LEP) and the Sydney Development Control Plan 2012 (DCP).

The PoM and its attachments may be subject to change, based on legislative amendments and/or following further direction from City of Sydney (Council) from time to time. Any directed changes will be forwarded to Council and modified against the relevant development consent, as required.

Legislation that does not apply

The outdoor area is not subject to the provisions of the Liquor Act 2007 and the associated regulations.

HAMPTONS

The Site

The site is known as 50-58 Sir John Young Crescent, Woolloomooloo, and is legally described as Lot 1 in Deposited Plan 882499. The site is located at the southern intersection of Sir John Young Crescent and Crown Street, in the Cathedral Street Locality.

Figure 1: Site location and immediate locality (Source: The Palms Design and Trade)



HAMPTONS

Figure 2: Site location and immediate locality (Source: The Palms Design and Trade)



Figure 3 Subject building, including view of the rooftop the subject of this application (Source: The Palms Design and Trade)



The Use

The use of the site is approved as for backpackers' accommodation.

Purpose of the Outdoor Area

The outdoor area will:

- provide an outdoor communal open space area for guests of the backpacker's accommodation
- improve guest amenity by providing passive and small-scale active recreation spaces, with generous solar access
- promote social connection between guests
- enhance visual amenity of the hardstand rooftop by landscape softening and screening
- maintain the heritage values of the site and setting
- maintain amenity for adjoining land uses with nil-negligible offsite arising impacts, principally controlled by limiting the hours of use and restricting capacity.

Development Consent

The outdoor area will operate in accordance with Development Consent [Insert upon receipt of consent], issued by Council on [insert date]. A copy of the development consent is at Appendix 1.

OPERATIONAL MATTERS

Guest Use

Use of the outdoor area is limited to guests staying at the premises.

Guest Capacity

The outdoor area has a maximum capacity of 50 guests in the general area at any one time.

In addition, the Recreational Area which is to be used for exercise and wellness activities, located on the eastern side of the outdoor area has a maximum capacity of 12 guests at any one time.

HAMPTONS

Landscape Plan

Key

1. Communal outdoor kitchen
2. Recreational area; used for exercise and wellness activities
3. Services + storage area
4. Toilets
5. Rooftop entrance/ exit
6. Fire escape
7. Pots and plants
8. Gym equipment storage
9. Existing building facilities
10. Communal seating area to socialise, eat, relax and work
11. Existing skylight

Legend

- Scope boundary
- Timber decking
- Timber furniture
- Concrete
- Artificial lawn
- Pots + plants
- Existing street level trees
- (F) = Fixed object
- (L) = Loose object



50 Sir John Young Crescent | DA Report

Prepared by The Palms Sydney | Issue 04 | March 26 2025

02

Guests are not permitted to go through the gate located to the south of the fire stair (labelled as 5, above) other than in the event of an emergency, where access to the fire stair is required.

Signage is to be placed on the gate at the entry to this area.

Permitted Hours of Use

The outdoor area is permitted to be used between 7:00am and 8:30pm, with a trial period for one hour until 9:30pm.

Signage is to be placed around the outdoor area to remind guests of the hours of permitted use, in not less than four locations, one of which is the door leading from the stairwell to the outdoor area.

Access

Access to the outdoor area is through the existing stairwell.

The door to the stairwell is to remain closed during the hours of permitted use of the outdoor area.

The door is to be locked by management outside of the permitted hours of use.

GUEST MANAGEMENT

Staff Responsibility Regarding Guest Management

The House Rules displayed through the premises and the Terms and Conditions at the time of booking are to include the maximum number of guests permitted in the outdoor area and the hours of permitted use to ensure that guests have prior and ongoing knowledge of the use of this area.

A staff member is to attend the outdoor area once per hour, during operating hours, to monitor the behaviour of guests.

To minimise potential disruption caused by guests when they leave the outdoor area, fifteen minutes prior to the closing time of the outdoor area, a member of staff is to attend the area and advise guests that this will be closing shortly and commence maintenance activities, such as cleaning of the area, to ensure it is left in a tidy manner.

Five-ten minutes prior to closing time, the staff member is to undertake a final walk of the area, asking guests to depart quickly and quietly from this.

Should the staff member not be the manager on duty, and have trouble with guests leaving this area, the staff member must contact the manager on duty *via* phone asking for their assistance in the outdoor area to ensure that all guests are removed from this.

Should a particular guest create difficulties for a staff member or the manager on duty, this is to be recorded in an incident log, detailing:

- the guest's name
- the room they are staying in
- contact phone number
- any complaints received from other guests or neighbours, including their address and contact details
- any corrective actions undertaken.

Such incidents are to be advised at the next shift changeover to the incoming manager on duty.

Signage

Signage is to be erected and maintained at the entry door to the stairwell and in not less than three additional locations around the outdoor area, displayed in a clear and prominent position, to remind guests to use the area in a respectful manner and be mindful of their neighbours, or wording to that effect.

Signage is also to be placed on the gate to the southern section where access is restricted, advising of this, other than in the event of an emergency.

Noise Management

The use of the outdoor area is to be controlled to ensure that any noise emitted does not create 'offensive noise' as defined in the Protection of the Environment Operations Act 1997, to any affected receiver.

The outdoor area is also to operate in accordance with the NSW Noise Policy for Industry.

Should instances of noise or anti-social behaviour arise, a staff member, or the manager on duty, is to prepare a written record of the complaint in an incident log, detailing:

- the guest's name
- the room they are staying in
- contact phone number

- the complaint received from other guests or neighbours, including their address and contact details
- any corrective actions undertaken.

A 24-hour contact number is to be made available to residents within the immediate vicinity of the site to enable them to make a complaint in relation to the use of the outdoor area. Any staff member taking such a call, must answer this in a polite, sympathetic and courteous manner. Where possible, action shall be taken to address any complaint made, including follow-up action, such as returning the resident's call to let them know what has been done to address the complaint or concern.

All complaints are to be responded to within 48 hours by management.

Closed Circuit Television Cameras

Closed circuit television cameras (CCTV) are to be installed on the outdoor area.

EMERGENCY AND EVACUATION PROCEDURES

Prior to commencement of use of the outdoor area, an Emergency Management Plan is to be prepared in accordance with regulation 43 of the Work Health and Safety Regulations. This is to be reviewed on an annual basis, or otherwise, if there is a material change in staff, or after the plan has been tested.

At all times, the Emergency Management Plan is to include, but not be limited to, the following matters:

- how to effectively respond to an emergency
- evacuation procedures from the outdoor area, including an evacuation plan that nominates evacuation routes from the premises
- notifying emergency services organisations, as required, at the earliest opportunity
- medical treatment and assistance
- effective communication between the person authorized to coordinate the emergency response and all people within the outdoor area
- testing of emergency procedures, including frequency of testing, and
- information, training and instruction.

The plan is to cover typical emergencies, including fire, explosion, medical emergency, rescues, incidents with hazardous chemicals, bomb threats, armed confrontations and natural disasters.

The Emergency Management Plan is to include:

- emergency contact details for key personnel who have specific responsibilities under the plan (e.g. fire warden, floor warden, first aid officer)
- contact details for local emergency services
- the mechanism for alerting people to an emergency (e.g. siren, bell alarm)
- evacuation procedures, including special needs assistance
- map of the premises with the location of fire protection equipment, emergency exits and assembly points
- processes for advising adjoining neighbours of an emergency, and
- post incident follow up process.

The Emergency Management Plan is also to include training processes.

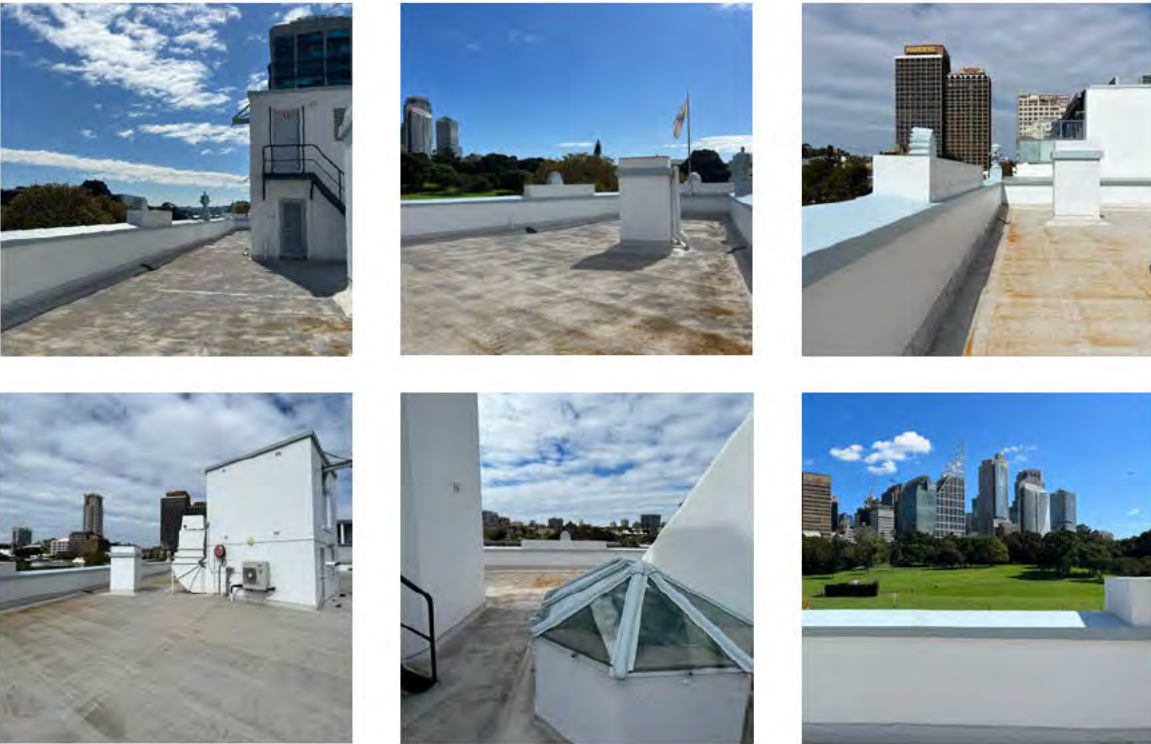
APPENDIX 1: DEVELOPMENT CONSENT

Site Context

The site is located on the corner of Sir John Young Crescent and Crown Street in Woolloomooloo, Sydney. The building functions as a Hostel. The scope of works for this development application consists of the rooftop area of the building.



Existing building and rooftop



Existing site images of rooftop



Aerial image of Site Context

N

13/02/2026

All Owners
SP89791
68 Sir John Young Crescent
Woolloomooloo NSW 2011

Dear Owners,

Re: DA D/2026/38 – Proposed Rooftop Use at 50–58 Sir John Young Crescent

Bright & Duggan is your strata managing agent and we write under instruction from the owners corporation.

The City of Sydney has issued a notification (dated 2 February 2026) regarding Development Application D/2026/38, which seeks approval for the alteration and use of the existing rooftop as an outdoor communal space for the backpacker accommodation at 50–58 Sir John Young Crescent.

Comments on the proposal are invited until 17 February 2026.

Given the significant potential impact on residents and building operations, the Strata Committee is asking all owners to submit an objection to the proposed development.

Below is a summary of the key concerns previously raised by the Committee.

You are encouraged to reference any or all of these points when lodging your submission.

Key Concerns with the Proposed Development

1. Antisocial Behaviour and Increased Management Burden

When this DA was last submitted, the Strata Committee voted to oppose it due to the expected increase in antisocial behaviour. Pacific House guests are moved off the rooftop at 8pm, and with limited indoor common areas, large groups habitually congregate on the footpath. This leads to:

- Increased building management intervention and associated costs
- Loud gatherings, drinking, and disturbance directly outside our building
- Ongoing amenity impacts for our residents

2. Poor Management Practices by Pacific House

The operator has consistently demonstrated inadequate supervision and control of guests. As a result:

- Episodes of vomiting, urination, and disorderly behaviour have occurred on our property

- Noise and nuisance complaints have been frequent
- No confidence exists in their ability or willingness to supervise up to 62 guests on a rooftop

3. Resident Safety and Intimidation

Residents have reported feeling intimidated when arriving home, often having to pass through large groups drinking on the footpath.

There have been instances where residents who asked trespassing backpackers to leave were met with aggressive or physically intimidating responses, including unwanted physical contact.

This is a serious safety and harassment concern.

4. Waste, Hygiene and Vermin Risks

The DA proposes cooking facilities but provides:

- No clear daily cleaning or waste removal plan
- No explanation of how food scraps, rubbish, and BBQ waste will be removed each night
- High risk of vermin from unclean bins or cooking residues

5. Lack of Supervision on the Rooftop

The plan provides no supervision, and movable furniture increases risk:

- Chairs and items becoming hazards
- Conflicts or disorderly conduct going unmanaged
- No control over crowd behaviour or safety

6. Noise Impacts

The proposed occupancy of 62 people is unchanged. The assumption that “one in three people speak at a normal voice” is unrealistic and unenforceable.

There is also no mechanism to prevent additional people from accessing the roof, meaning:

- Noise impacts will be significant
- Residents are likely to experience ongoing disturbance

7. Smoking and Vaping

There is no clear statement on whether smoking or vaping will be allowed.

Given the proximity to residential windows and the fire and health risks, our position is that neither should be permitted and should be strictly monitored.

Submission of Your Objection

We strongly encourage all owners to lodge an objection before the deadline.

You can submit your comments by:

Email:

council@cityofsydney.nsw.gov.au

Online portal:

city.sydney/development-comment

or

<https://www.cityofsydney.nsw.gov.au/development-applications/comment-object-development-proposal>

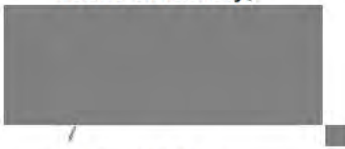
Please reference:

DA Number: D/2026/38

Address: 50–58 Sir John Young Crescent, Woolloomooloo NSW 2011

If you would like assistance preparing your objection or wish to discuss the matter further, please contact the Strata Manager, Strata Committee or Building Management.

Yours sincerely,



Jordan Biddle
Senior Strata Manager

 FR
The Occupier
68 Sir John Young Crescent
WOOLLOOMOOLOO NSW 2011

2 February 2026

Applicant name
HAMPTONS PROPERTY SERVICES PTY LTD

Reference number:
D/2026/38

Site address:
50-58 Sir John Young Crescent , WOOLLOOMOOLOO NSW 2011

Proposed development:
Alterations to and use of the existing roof top as an outdoor communal space for the existing backpackers accommodation

The City of Sydney has received the above application. As part of our assessment, we are notifying surrounding neighbours and property owners to seek their views on the proposal.

We are accepting comments on the proposal until **17 February 2026**. If this date is on a weekend or public holiday, the period is extended to the next working day.

We encourage you to review all documents to understand the details of the proposal.

View the full application and send us your comments by typing city.sydney/find-da in the address bar on your browser.

You can get guidance on preparing your comments and what happens next on the back of this letter, or by typing city.sydney/development-comment in the address bar on your browser.

For more information, contact us on 02 9265 9333.

Bill MacKay
Manager Planning Assessments

CITY OF SYDNEY 
cityofsydney.nsw.gov.au

From: Jan Lofts [REDACTED]

Sent on: Monday, February 16, 2026 7:53:51 PM

To: council@cityofsydney.nsw.gov.au

Subject: My Comments Applications on Exhibition Reference D/2026/38

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

To Whom it may Concern,

With regards to Application # D/2026/38

I have owned an apartment in The Domain, 22 Sir John Young Cres, Woolloomooloo, for the last 30 years.

The property referenced in this Application is diagonally opposite 'The Domain Apartments', which is a 15 storey, 115 apartment, fully residential apartment block.

I own an apartment on the 5th Floor which faces Sir John Young Crescent, and therefore in eye sight and earshot of this Backpackers Hostel. This roof top area almost aligns with my apartment, but being across the road.

I have no objections to this building being run as a "backpackers" establishment with a small cafe attached, as this has been in place for many years. But, I do object to this proposal to open the existing rooftop as a mostly Unsupervised Recreational and Fitness area.

My main concerns is Excessive Extra Noise, especially at night when my windows are often open to the breezes from the park. I'm also concern that any supervision will be superficial, time lines not adhered too and the possibility of alcohol induced fights and dangerous antics possibly occurring.

The ACOUSTIC REPORT states it has NOT BEEN ASSESSED in relation to AMPLIFIED MUSIC, eg as used by most fitness classes and young people when hanging out together. I'm reasoning because, if it was it would be showing a much different outcome i.e. The Noise level could be very uncomfortable for neighbouring properties and residents. The proposed strictly adhered to opening hours (?) are showing to be mainly at night and this means when most residents are at their homes.

I have used the cafe on many occasions and note that many of the staff within the building are not Australians, so assume are working backpackers themselves (again, no issue, as I did this in my youth in the UK). But, their ability to supervise, take control and handle any and every possible problem arising, is questionable i.e short time on the job and frequently changing new staff members, would prove hard to train fully. This lack of experience, coupled with doing their official "job description" duties, whilst watching who is on the roof etc is totally unrealistic.

With Reception and the Cafe at street level. Most likely, the paid employees would therefore be based on the ground floor, with this Roof Area being 3 floors above by stairs (Lift?)

I also have been advised, that if a neighbour did want to lodge a Noise Complaint, it would have to be to the ACTUAL PERSON MAKING THE NOISE, probably a transient overseas visitor, who likely would not still be around for any hearing! In other words the owner of the building can't be held responsible for the noise caused by individual people, on this roof. Leaving local residents with no further legal chance to control this possible NOISE situation, if it was approved.

The reality with backpackers is, they are usually younger, non working adults, on holidays away from home, may not speak English (any signage, unless in many languages will be useless) and therefore keeping very irregular hours and are wanting to have a good time in Australia. I did the same thing in my youth, therefore have no objections to the buildings usage, as is, even if on occasions there are ground level noise, scuffles, signs of drunkardness etc. But this

small rooftop area, shared with a Fitness Class business has no way of functioning smoothly, without full time supervision by paid staff, which obviously would make it unprofitable. The scenario of fitness classes with their own music and paying customers, juggling with holiday makers eating, drinking and hanging out, probably with their own music and conversations, in such a small open space is unlikely to always go smoothly!

Regards,

Ms Janette Lofts

505 / 22-40 Sir John Young Crescent, Woolloomooloo, NSW 2011



From: martin lynn [REDACTED]
Sent on: Tuesday, February 17, 2026 12:37:53 AM
To: DASubmissions <dasubmissions@cityofsydney.nsw.gov.au>
Subject: Submission - D/2026/38 - 50-58 Sir John Young Crescent WOOLLOOMOOLOO NSW 2011 - Attention Joe Wang

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Mr Wang

I am writing to provide commentary on the application by Hamptons Property Services to allow use of the roof top of 50-58 Sir John Young Crescent Woolloomooloo, as a communal space.

I am an owner of a unit in the neighbouring apartment building at 68 Sir John Young Crescent.
I am deeply concerned with the application submitted and its effect on my building.

1. NOISE POLLUTION

My main objection is on the grounds of noise produced by congregations, both during the allotted time and for the hours that follow soon thereafter.

When groups of people gather in social situations, they tend to be loud and enjoy themselves. This is inevitable. The customers of the back packers are generally younger people, many from overseas, who wish to enjoy themselves. They are here for a short time and tend to stay up later and enjoy social situations. They are on holidays.

The application proposal is to allow groups of people to gather in an outdoor area right next to my residential building until 9pm in the evening. The reality of gatherings is that they will generate noise which does carry a long way during the night. It is much more disruptive than the sound of traffic which has a steady monotone sound as a vehicle passes.

Groups of people produce constant sound which fluctuates wildly and unexpectedly. This is extremely disruptive and the proposal puts the point of creation of the sound, right next to many of the apartments in our building.

The application refers to limiting the volume of sound and music. This is in reality paying lip service to fulfil the need for an application. The business does not employ staff to constantly monitor the level of sound especially into the nighttime. It would be impossible for the business to monitor the sound and enforce rules every night. It is also impossible to force groups of people to stop enjoying themselves. In reality on many occasions the sound will be loud which will impact our residency with little hope of having it stopped.

It is not reasonable to expect if we complain during an evening time, that the business will respond immediately to stop the noise. They have limited staff and are a large building.

Having lived here for a number of years, I am regularly disturbed by noise from their lodgers gathering outside, on many occasions until after midnight. The lodgers want to socialise outside in this weather and congregate on the opposite side of the street on the footpath. The sound of their laughter and talking penetrates the night air very strongly. This is in contrast to when the lodgers are inside the building. I rarely hear any noise coming from inside the building. The noise pollution only comes from when they congregate outside. There is an immense difference.

This proposal will enhance the noise pollution as a larger area will be made available to the building outside. The gatherings will be louder.

2) POLICING THE NOISE AND GATHERINGS

The reality of the backpackers is that they are running a business based on high quantity of customers with low margins. They need volume and cannot have a number of staff enforcing rules against social gatherings that are

unpopular with their guests.

If groups of 50 people for example are formed and enjoying themselves on the roof and are drinking, it is impossible to effectively control and supervise. The Backpackers business I cannot imagine will employ staff to manage groups like this.

More importantly, there is no effective way to supervise how many people have gathered and enforce the limit allowed. Larger groups will form and noise pollution will be significant.

Even though gatherings are not permitted on the street, they still happen regularly. It is inevitable and they are not curtailed or controlled.

On the night of Thursday 12th February for example, a smaller group spent many hours socialising on the opposite side of street of the building, until around 12.30am. I have the video of this if it is needed. It was only a smaller size but is indicative of what happens a few nights a week. Groups of people want to spend time together and outdoors is their preferred place. No one ever stops these gatherings as it is too difficult and sometimes dangerous to do so.

So there is a history of gatherings on the street causing noise late into the night. There is a history of it not being policed. And the danger with this proposal is that the rooftop area will be attractive to guests and likely large groups will form. It will be an attractive place to gather and to be honest, enjoy a few alcohol drinks. Even if the business actively shuts off access at 9pm (which is extremely unlikely to be managed effectively) the groups will be created and want to continue on. If they are forced to leave the rooftop at 9pm, there will be a high chance of them gathering outside the building to continue to socialise and drink. I feel this is inevitable and will lead to larger groups forming at a nighttime. Once a social group has gathered, it is very difficult to disperse, especially if it is only 9pm and they are enjoying themselves.

3) SAFETY

The consequence of larger groups forming more often, is that anti-social behaviour will increase. I am already nervous about our daughter coming home at night time from work, when there are groups gathered outside.

This proposal only increases the likelihood of gatherings being larger and occurring more frequently. When groups gather (and especially if they are drinking), they do intimidate those nearby and never take kindly to being asked to stop.

4) SMOKING

When groups gather to socialise and drink, there will always be a percentage that smoke. I can't see where the proposal discusses if it is allowed.

Even if not permitted, it also will be impossible to monitor and stop smoking. It is not a supervised and policed area so people will smoke. And this is at very close proximity to my building and the residents living right near the rooftop.

So please consider how damaging this proposal would be to myself and the tenants of 68 Sir John Young Crescent, and the risk to the noise levels we would suffer.

This proposal will promote large groups of people on holidays to gather unsupervised, in an outdoor area, where noise will be generated. This outdoor area is extremely close to the living areas of my building. Promoting groups to gather will be very difficult to stop at the allotted time. Even if they are stopped, there is a large likelihood they will simply move to the street area. There is already an ongoing history of these groups forming outside and not being stopped.

I understand why their proposal is being made as it improves their likelihood for profit from holiday makers. But it will come at a significant cost to ourselves as long term residents of 68 Sir John Young Crescent.

Please contact me if there is anything further needed

Best Regards

Martin Lynn



Unit 73/68 Sir John Young Crescent

Woolloomooloo

Lot 70 SP 89791

From: Prad Southi [REDACTED]

Sent on: Monday, February 16, 2026 11:47:28 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Objection to DA D/2026/38 – Proposed Rooftop Use at 50–58 Sir John Young Crescent

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Our names are Pradith and Alexandra Southi owner of 69/68 Sir John Young Crescent, WOOLLOOMOOLOO, NSW 2010

We want to submit our objection to the proposed rooftop use. Our basis are:

1. Antisocial Behaviour and Increased Management Burden

When this DA was last submitted, the Strata Committee voted to oppose it due to the expected increase in antisocial behaviour. Pacific House guests are moved off the rooftop at 8pm, and with limited indoor common areas, large groups habitually congregate on the footpath. This leads to:

- Increased building management intervention and associated costs
- Loud gatherings, drinking, and disturbance directly outside our building
- Ongoing amenity impacts for our residents

2. Poor Management Practices by Pacific House

The operator has consistently demonstrated inadequate supervision and control of guests. As a result:

- Episodes of vomiting, urination, and disorderly behaviour have occurred on our property
- Noise and nuisance complaints have been frequent
- No confidence exists in their ability or willingness to supervise up to 62 guests on a rooftop

3. Resident Safety and Intimidation

Residents have reported feeling intimidated when arriving home, often having to pass through large groups drinking on the footpath. There have been instances where residents who asked trespassing backpackers to leave were met with aggressive or physically intimidating responses, including unwanted physical contact. This is a serious safety and harassment concern.

4. Waste, Hygiene, and Vermin Risks

The DA proposes cooking facilities but provides:

- No clear daily cleaning or waste removal plan
- No explanation of how food scraps, rubbish, and BBQ waste will be removed each night
- High risk of vermin from unclean bins or cooking residues

5. Lack of Supervision on the Rooftop

The plan provides no supervision, and movable furniture increases risk:

- Chairs and items becoming hazards

- Conflicts or disorderly conduct going unmanaged
- No control over crowd behaviour or safety

6. Noise Impacts

The proposed occupancy of 62 people is unchanged. The assumption that “one in three people speak at a normal voice” is unrealistic and unenforceable. There is also no mechanism to prevent additional people from accessing the roof, meaning:

- Noise impacts will be significant
- Residents are likely to experience ongoing disturbance

7. Smoking and Vaping

There is no clear statement on whether smoking or vaping will be allowed. Given the proximity to residential windows and the associated fire and health risks, our position is that neither should be permitted and should be strictly monitored.

Regards

Pradith and Alexandra Southi

From: Virginia Lees [REDACTED]
Sent on: Monday, February 16, 2026 6:32:15 PM
To: dasubmissions@cityofsydney.nsw.gov.au
CC: Maria Giannos <maria@lifestylepropertyagency.com>; Virginia Lees <virginia.lees@gmail.com>
Subject: Submission- D/2026/38-50-58 Sir John Young Crescent Woolloomooloo

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Virginia Anne Lees
Unit 57 Strata Plan No 89791

I am strongly objecting to the above submission on the following grounds

1. There is already a problem with guests at the backpacker Hotel congregating on the pavement to drink, smoke and socialise causing concern, disruption, noise and inconvenience to our and nearby residents.

The planned rooftop use would make this markedly worse and increase safety and hygiene concerns.

2. The current behaviour of hostel guests is not properly supervised and difficult for neighbours to influence. This would become even worse.

3. The rooftop is immediately adjacent to several Luxe apartments and noise, smoke and unsupervised behaviour would be a major nuisance.

4. The proposed rooftop use is not in keeping with the existing heritage appeal of the area and the high density of residential properties there.

Yours sincerely,

Virginia

Sent from my iPhone

From: Edward Grieve [REDACTED]

Sent on: Monday, February 16, 2026 3:22:02 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2026/38 - 50-58 Sir John Young Crescent WOOLLOOMOOLOO NSW 2011

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

To: Bill McKay
Manager Planniong Assessments
City of Sydney

Dear Mr McKay,

I write to formally raise concerns regarding the proposed and/or increased rooftop use at [property address / development reference], and the associated impacts on neighbouring residential amenity and safety.

In particular, we are concerned about the following matters:

- **Increased late evening noise** generated from rooftop use, including the cumulative impact on surrounding residential dwellings and overall neighbourhood amenity.
- **Existing street-level congregation issues**, with uncertainty as to whether adequate supervision and crowd management measures are in place to manage patron behaviour effectively.
- **Absence of a clear operational management plan**, specifically addressing waste removal, hygiene controls, and structured management of rooftop activities.
- **Potential safety implications** arising from large groups congregating adjacent to residential entry points, which may compromise resident access, security, and general wellbeing.
- **Lack of clarity regarding smoking and vaping controls**, particularly in close proximity to residential windows and private open spaces.
- **Heritage and visual impacts** associated with rooftop alterations within what is a sensitive and historically significant streetscape.

Given the above, we respectfully request that Council carefully consider these issues in its assessment and require clear, enforceable management measures to ensure residential amenity, safety, and heritage values are appropriately protected.

We would appreciate confirmation that this submission has been received and advice on any next steps in the assessment process.

Please do not hesitate to contact me should you require any further information.

Kind regards,

Edward Grieve.
Apartment 19/68 Sir John Young Crescent
Woolloomooloo NSW 2011
SP 89791

16th February 2026

From: Rob Tuckwell [REDACTED]
[REDACTED]
Sent on: Tuesday, February 17, 2026 8:47:50 AM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Formal objection to D/2026/38
Attachments: Formal objection to D202638.pdf (9.84 MB)

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Please find attached a formal objection to this proposed DA

D/2026/38
Hamptons Property Services
50-58 Sir John Young Crescent
Woolloomooloo NSW 2011

Yours Sincerely,

Robert & Susan Tuckwell
52/68 Sir John Young Crescent
Woolloomooloo NSW 2011

Regards
Rob

Formal objection to the following development application.

Applicant name HAMPTONS PROPERTY SERVICES PTY LTD

Reference number: D/2026/38

Site address:50-58 Sir John Young Crescent, WOOLLOOMOOLOO NSW 2011

Proposed development: Alterations to use the rooftop area as a communal recreation space for guests of the existing backpackers' accommodation.

Proposed trading hour are between 7.00am and 9:00pm

We, Robert and Susan Tuckwell of apartment 52/68 Sir John Young Crescent, Woolloomooloo NSW 2011 object to the development proposal on the following grounds.

As the immediate southern neighbour to the proposed rooftop development on the western side within the building 68 Sir John Young Crescent our front and rear terraces adjoin the rooftop of the Pacific House Hostel. We have direct line of sight views to the areas specified in the DA.

We have serious concerns regarding the impact this rooftop use will have on residential amenity, safety, noise levels, and public order. Our concerns are informed by both lived experience and principles established under NSW planning frameworks, City of Sydney Development Control Plan 2012, the Protection of the Environment Operations (POEO) Act 1997 and CPTED (Crime Prevention Through Environmental Design).

The key areas where we will experience Loss of residential amenity include:

Privacy Intrusion

Impacts of anti-social behaviour

Noise pollution

Security

Privacy Intrusion.

A major concern for us is the construction of fire stairs adjacent our northeastern terrace and the pergola above.

Firstly, there currently exists an original chimney which is very much in keeping with the heritage elements of the building. This chimney, which is easily visible from the Domain, would need to be demolished in order to build what is falsely described in the plans as “existing fire stairs”

Secondly, this substantial chimney affords us privacy and also acts as a sound barrier.

Our apartment has direct sight lines onto the backpacker’s rooftop and as such our privacy will be compromised.

Security.

The hostel rooftop offers direct access to our private property via our front and back terrace, and then all other apartments via our garden beds. This is a serious concern for all residents of our building. Not only is access easy, intruders would be hidden by the “physical barrier and screen”

The current application does not address any of our security concerns.

Noise and Anti-social behaviour.

Under the Protection of the Environment Operations Act 1997, offensive noise is defined as any sound that unreasonably interferes with the comfort or repose of a person. The rooftop proposal, if approved, would likely result in:

- Anti-social gathering of groups of residents/guests, drinking alcohol and talking and conversing at elevated noise levels impacting on a range of residents but most significantly to us as the southern neighbour sharing the boundary.
- Regular noise spillover into neighbouring dwellings due to open rooftop acoustics,
- Repeated breaches of quiet enjoyment, as a result of the movement of the current and consistent anti-social behaviour that occurs at the front of the Pacific House Hostel building and our building, 68 Sir John Young Cres, onto the rooftop.

The application will result in offensive noise in line with the stated definition outlined in the Protection of the Environment Operations Act (POEO)1997(NSW) Section, which defines “Offensive noise” as:

(a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances,

- is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
- interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises, and

(b) that is not trivial or negligible in nature.

As part of the Application process, Hamptons Property Services has provided an acoustic report by Pulse White Noise Acoustics Pty dated 18/12/2025. This report is flawed as the assumptions that the report was based on are not the lived experience of the behaviours and noise of the residents, further any management plan required to mitigate the noise are flawed based on current experience of both guests' behaviours and management's ineffectual behavioural management plans.

We would strongly recommend that Council do not accept the results and recommendation of the report. Further we recommend that Council undertake a noise study based on the current anti-social behaviours observed regularly on the footpath outside the Pacific House Hostel and also inside the current communal areas. According to review of social channels and reviews of Pacific House Hostel, the hostel is known for its high noise levels and "party scene" This is reinforced by the Hostel's marketing focusing on images throughout its website and social channels of alcohol and group/social drinking of both wine and beer.

The development fails to address CPTED principles.

The current proposal fails to address key CPTED principles, particularly those outlined by NSW Police and the NSW Department of Planning. Specifically:

- **Access Control:** Rooftop access lacks clear restriction mechanisms (e.g., controlled access, staff supervision and mechanisms to ensure adequate distribution of residents and management of numbers entering and exiting the area). The current application outlines no active measurement of the number on the roof or active real time oversight and supervision of both numbers, noise or behaviours. Rather, in line with its attached Management Plan, it relies on signage and once hourly "checks" of the area to ensure rooftop numbers, spread of guests and noise levels of guests.
- **Natural and Mechanical Surveillance:** Rooftops inherently reduce surveillance from the street level and increase the likelihood of unmonitored or anti-social behaviour. Currently the guests of Pacific House Hostel engage in consistent anti-social behaviour such as smoking in non-smoking areas, urinating on our building, smoking illegal drugs and engaging in "party scenes" on the footpath. This behaviour will be moved to the rooftop and therefore fails to address CPTED principles. Premier FM Building management have hours of video footage and photographs of anti-social behaviour which should be reviewed by Council to gain an understanding of the consistency of the anti-social behaviour as well as the current offensive noise.
- **Territorial Reinforcement:** The rooftop's use for social purposes may lead to blurred boundaries between private and semi-public space, fostering a "party zone" atmosphere without clear oversight. As noted, the application indicates that their oversight is an hourly check of behaviour and no active management of numbers or

behaviour. The movement of anti-social behaviour from the footpath and in front of 68 Sir John Young Cres to the rooftop will likely cause an increase in anti-social behaviours. Further review of the Pacific Hostel social media presence, the Hostel is presented as a “party hostel”.

- Space Management: The ongoing challenge of managing transitory hostel guests’ behaviours across multiple cultural norms and groups adds to the likelihood of poor rooftop use such as throwing items, drinks, rubbish etc over the balcony to the footpath below, wind blowing unsecured umbrellas and lack of accountability. Again, without any oversight or real time supervision from a security guard the residents will be allowed to “free roam” the roof top, engage in antisocial behaviour. With signage as the only deterrent, the numbers will be able to quickly surge to well in excess of 50 in the general-purpose area and 12 in the wellness area.

The Pacific Hostel note in their application that the new outdoor rooftop facilities will exceed the existing total communal area for the allotment. That is there is currently inadequate space for communal activities within the building and this application does not meet CPTED principles.

Pacific House Hostel management are in our experience incapable of mitigating anti-social and disrespectful behaviour. The Strata committee, our building managers Premier FM and individual residents have constantly requested the Hostel have patrons refrain from using our private podium area and adjacent footpath as a gathering point to drink, smoke and congregate in numbers both large and small.

This behaviour occurs all day. Clearly once the party has been moved from the rooftop at 9.30 pm it will shift to the front of our building.

There is well documented evidence depicting the hostel as a party house with images on social media channels and the hostel website showing people drinking alcohol.

The application to use the rooftop does not address the increased risks and noise associated with guests drinking alcohol on a rooftop. Moving these patrons onto an unmonitored, unsecured roof is a significant risk to both local residents and the guests.

There are strong and well documented records of anti-social behaviour observed by both our residents and with our Strata Building Management with respect to the guests of Pacific House Hostel. The monthly building report from FM Premier Building Services notes the numerous incidents of smoking and drinking on our premises, refusal to move away from sitting on our private area, drinking alcohol and dumping rubbish outside our building, smoking illegal substances and smelling it from residents’ balconies, urinating on our private property and sexual interactions.

It is recommended that the Council work with Premier FM Building Services and review the numerous hours of video footage from our CCTV and our incident reports to understand the level of anti-social behaviour that occurs from Pacific House Hostel.

Photographs in support of objection:

Figure1. View from Domain

Figure 2. Western Terrace and heritage chimney

Figure 3. Western Terrace

Figure 4. Western Terrace

Figure 5. Heritage Chimney where “existing fire stairs located”

Figure 6. Access from roof to Western Terrace

Figure 7. Party scene at Luxe podium

Figure 8. Party scene at Luxe podium

Figure 9. Clean up

Figure 10, 11, 12. Smaller gathering, drinking smoking on our property

Figure 13 – 15. Urinating on our steps. These individuals were identified as backpacker residents.



Figure 1



Figure 2



Figure 3



Figure 4



Figure 5



Figure 6

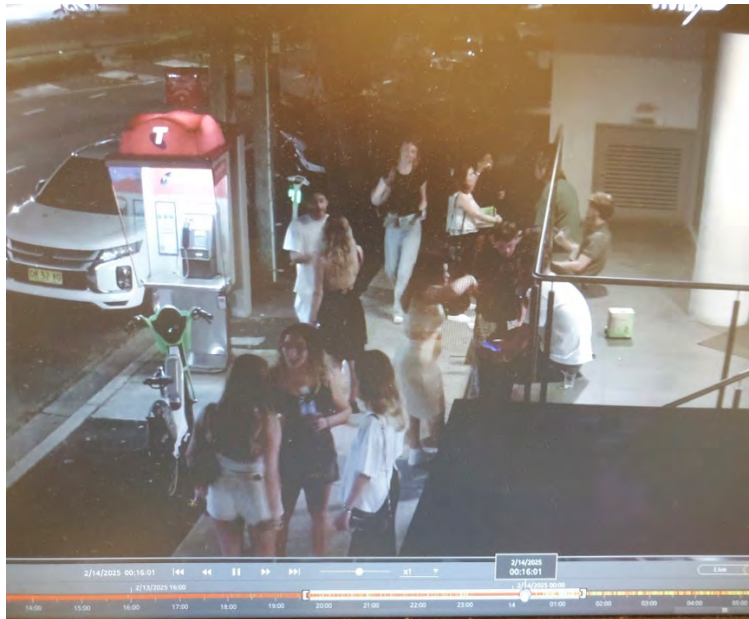


Figure 7



Figure 8



Figure 9



Figure 10



Figure 11



Figure 12

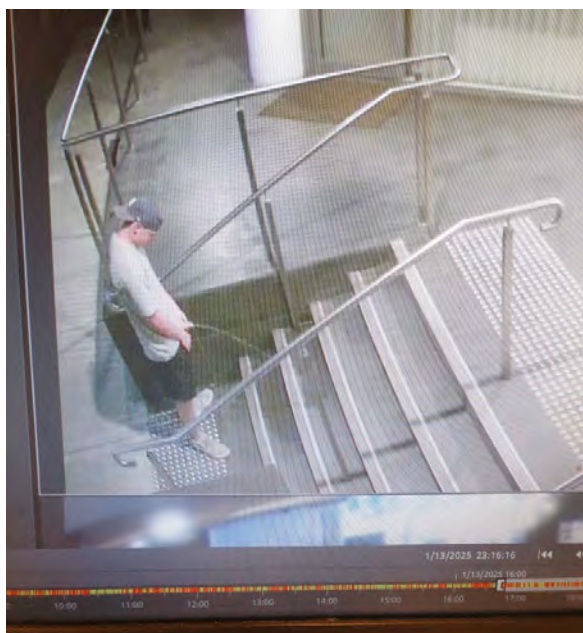


Figure 13



Figure 14



Figure 15

Conclusion

The use of the rooftop by short-term or transient hostel guests poses an unreasonable risk to:

- Neighbouring amenity and peaceful enjoyment of homes in line with the POEO Act 1997, Section 4 & 139,
- Community safety and public order,
- Urban design principles required under CPTED.

For these reasons, we respectfully request that the application be refused or significantly amended to exclude rooftop use in its current application.

We urge the Council to complete a full impact assessment inclusive of risk assessment and noise study before any further consideration the application. We further urge the Council to complete a site visit whereby you can see at any time of the day the failure of management to adequately control their residents/guests.

Further considering the significant impact, we request further community consultation where the Council work collaboratively with the Owners of 68 Sir John Young Cres and their building management to find a solution that works for all parties.

Yours Sincerely,

Robert and Susan Tuckwell

52/68 Sir John Young Crescent

Woolloomooloo NSW 2011

From: [REDACTED]
Sent on: Monday, February 16, 2026 11:10:56 PM
To: City of Sydney <council@cityofsydney.nsw.gov.au>
CC: [REDACTED]
Subject: Objection to D/2026/38, 50-58 Sir John Young Crescent, Woolloomooloo NSW 2011
Attachments: Objection to D202638 by Unit 71 Luxe .pdf (15.06 KB)

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Please find attached an objection to the above DA by an owner of an apartment in the adjoining building.

My name is [REDACTED] the Luxe complex at 68 Sir John Young Crescent, W [REDACTED] n the 6th floor overlooking Sir John Young Crescent. I would like my name, unit and contact details withheld for privacy reasons please.

I'm objecting to the proposal to create a rooftop recreation space for the backpacker residents of 50-58 Sir John Young Crescent, Woolloomooloo (the Hostel) described in D/2026/38.

The amenity of living at Luxe apartments is already compromised by the anti-social activities of the Hostel guests. Luxe residents often come home to an entrance that has been littered with bottles, rubbish and sometimes the stench of urine or vomit. Loud groups congregate on the pathways outside drinking and smoking. At the moment, residents can at least go up the lifts to the peace of their apartment. However, if the Hostel residents are allowed onto the rooftop this significantly affects the peaceful enjoyment of residents' homes, especially the higher ones like my apartment. What also greatly concerns me is the significant security risk as the Hostel rooftop enables access to the Luxe apartments. When Luxe first opened there was a significant problem combatting intruders which has mostly been addressed. However this threat would be introduced all over again. I'm very concerned about the direct impact of noise and security on my apartment.

I would also question the ability of the management of the Hostel to limit the use of the rooftop space to the parameters described. There seems to be little control of Hostel guest activities at the moment. It is not clear from the proposal how the number of guests would be controlled, how they would be limited to resident guests and not wider groups for parties, how the playing of music would be prevented, how access times would be enforced, and particularly how the guests would be restricted to the north end of the rooftop with only an unlocked gate preventing them accessing our neighbouring building. The controls described in the proposal's management plan seem woefully inadequate and/or unrealistic. The space prescribed is also very large given the claim that it will only be used by 50 people plus 12 exercising. There is the capacity to have many multiples of this number in this space and insufficient controls to stop this happening.

There are also serious safety concerns about moving the revellers up to the roof. If items are dropped or thrown from this height there could be fatal consequences for pedestrians below. In high winds, items can be blown unintentionally off the roof. There is a further safety concern to the guests themselves due to their demographic and propensity to become inebriated.

The location of the Hostel gives their residents ample outdoor space for recreation, socialising and solar access. Within minutes they can be in the Domain grounds, Hyde Park or the Botanical Gardens. The surrounding suburbs are well endowed with licenced premises to socialise with better controls for appropriate behaviour and patron safety. The Hostel itself has large open balconies on each level at the northern end. The nature of backpacking is to travel and explore new places. It is difficult to understand how this is a necessary or desirable development when it has limited incremental benefit and would cause a significant loss of amenity to the long term residents of the area.

I hope Council will consider these issues in the context of planning controls and decline the application.

Regards,

[REDACTED]

[REDACTED]

From: Tess Shannon [REDACTED]
[REDACTED]
Sent on: Monday, February 16, 2026 4:02:59 PM
To: City of Sydney <council@cityofsydney.nsw.gov.au>
Subject: Objections to DA Number: D/2026/38
Attachments: JT Pacific House Hostel Development submissions 2026.pdf (1.8 MB), DA Objection.pdf (613.63 KB)

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

ATTENTION: MR JOE WANG

Dear Mr Wang,

Please find attached our objections to the DA Number D/2026/38, 50-58 Sir John Young Crescent Woolloomooloo, Backpackers Hostel.

We are residents of 68 Sir John Young Crescent Woolloomooloo, direct neighbours of the Backpackers Hostel.

We look forward to your consideration of our objections and look forward to hearing from you.

Yours sincerely,

Tess Shannon and Jennifer Westacott.



Objection to City of Sydney development application D/2026/38

Address

50-58 Sir John Young Crescent WOOLLOOMOOLOO NSW 2011

Applicant

HAMPTONS PROPERTY SERVICES PTY LTD

Description

Alterations to use the rooftop area as a communal recreation space for guests of the existing backpackers' accommodation. Proposed trading hour are between 7.00am and 8.00pm Monday to Sunday.

Introduction

We are residents of 68 Sir John Young Crescent, Woolloomooloo, and we are writing to lodge our formal objection to Development Application D/2026/38 submitted by Hamptons Property Services Pty Ltd. The application proposes the conversion of the rooftop at 50–58 Sir John Young Crescent (Pacific House) into a communal recreation area for backpacker accommodation guests.

As a next-door neighbour sharing a terrace with the adjoining property that directly borders the proposed rooftop area, we will be significantly impacted by the introduction of an elevated communal social space. While we do not have direct sightlines into the rooftop itself, the sound and activity from this elevated, open-air space will carry clearly and consistently into our shared terrace and internal living spaces. These disruptions are of serious concern and pose an unreasonable threat to residential amenity.



Key Issues of Concern



1. Noise Pollution

The rooftop sits just metres away from our home and terrace. Although the proposed hours are from 7:00am to 8:00pm, 7 days a week, any noise from guests talking, laughing, playing music, or engaging in social activities will be amplified and projected across the shared rooftop and into our apartment.

This level of disturbance is incompatible with peaceful residential living, especially in a densely populated area.

Noise particularly during early mornings and evenings, will have a direct and ongoing impact on our ability to relax, rest, and enjoy our home.



2. Privacy Intrusion

From the proposed rooftop, guests will have direct access to our private terrace. The loss of privacy is immediate and significant.

We will no longer feel comfortable using our outdoor space, knowing that groups of strangers will be able to access into our home.

This is not a minor inconvenience it is a daily invasion of privacy.



3. Anti-Social Behaviour

Pacific House has a long-standing reputation for promoting a party-oriented environment.

This is evident in their promotional materials, which frequently feature groups drinking alcohol, and in online reviews referencing loud, late-night gatherings.

Shifting this culture to the rooftop, an uncontrolled, elevated environment exponentially increases the risk to guests, neighbours, and the community.

Without the oversight of licensed premises, unregulated alcohol use and rowdy behaviour become not just likely, but inevitable.



Additional Concerns with the DA

Claimed Benefit by Applicant

- Provide communal space for guests
- Improve guest recreation opportunities
- Promote social connection
- Enhance visual appeal with landscaping
- Respect heritage values
- Minimise offsite impacts through limited hours

Resident Reality

- Increases communal areas by 20%, in breach of the City of Sydney guidelines, and contributes to daily noise and disruption.
- The Domain parklands are directly opposite and more than adequate for passive and active recreation without intruding on residential space.
- The hostel already fosters a strong social scene, often fuelled with alcohol. Relocating this to a rooftop without regulation poses serious risks.
- Irrelevant for residents without a direct view while the negative impacts of noise, smells, and crowd activity remain unavoidable.
- The addition of modern umbrellas undermines the character of the area.
- Even with restricted hours, the impact will be daily, intrusive, and unavoidable due to close proximity to neighbouring homes.

Flaws in the Application

1



The acoustic report submitted as part of the application is based on assumptions that do not reflect the current behaviour or social culture of the hostel. Without practical enforcement mechanisms, these findings are meaningless and do not offer adequate protection for residents.

2



The development fails to comply with multiple planning and safety frameworks, including the City of Sydney Development Control Plan 2012, the Protection of the Environment Operations Act 1997, and Crime Prevention Through Environmental Design (CPTED) principles.

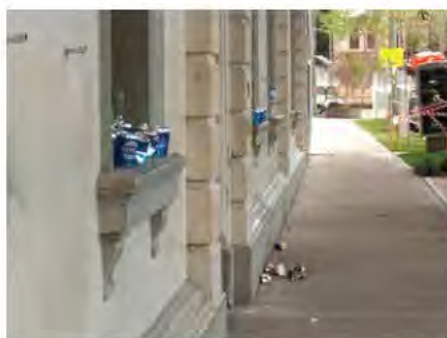
3



Transferring Pacific House's social dynamic to the rooftop will exacerbate existing issues, not mitigate them. This environment is ill-suited for unsupervised gatherings in such close proximity to family residences.



Guests can't follow simple management request.



Ongoing rubbish in streets

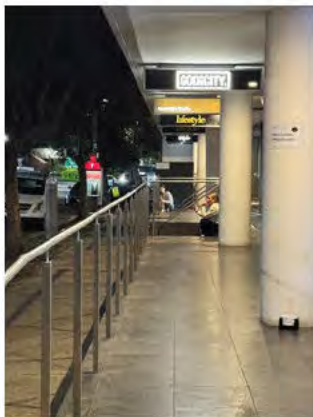
Additional Images to support objection



Urenating on stairs



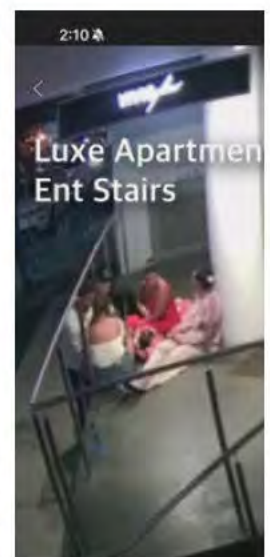
Regular late night gatherings on the street outside hostel and Luxe with music.



Stairs used for video calls with loud voices disturbing residents



Regular late night gatherings on our entrance way stairs



Request

We strongly urge the Council to reject this application in its current form. Before any further consideration is given, we respectfully request the following actions be taken:

- A realistic noise assessment, grounded in existing guest activity and behaviours, not hypothetical assumptions.
- A thorough risk assessment, particularly regarding rooftop safety and nuisance behaviour.
- Genuine engagement with local residents, including those sharing walls, terraces, and courtyards with the proposed development.
- Council to advise why the CoS ALCOHOL FREE ZONE signs outside the Pacific House Hostel and on Sir John Young Cres have been removed. Can you also advise who polices' this policy?

The nature and frequency of disturbance this development will bring is incompatible with the expectations of a safe and liveable residential community.

As someone directly affected, we urge Council to prioritise the wellbeing of its residents and decline this application.

Thank you for your consideration.

Sincerely

Tess Shannon & Jennifer Westacott

Residents, 68 Sir John Young Crescent Woolloomooloo 2011

Objection to DA Number: D/2026/38

16/02/2026

Dear Mr Wang,

I am a resident of 68 Sir John Young Crescent Woolloomooloo. I am very distressed to see the resurfacing of a DA proposal from Hamptons Property Services for 'Alterations to and use of the existing roof top as an outdoor communal space for the existing backpackers accommodation.' DA D/2026/38.

I live in a top floor apartment with another woman. We are in our 60s and 70s. We have lived at this address since 2014. A big attraction for us to buy this apartment was the security the building afforded us. There is a concierge, a key fob system and a secure garage.

The Backpackers Hostel has always been a difficult neighbour. This is because the clientele are young travelling people who naturally want to have a good time. But this comes at the expense of our safety and security. For many years now we have endured drunken anti-social behaviour from the patrons of the Backpackers Hostel. More often than not this has been the result of alcohol fuelled behaviour. The Hostel management does little to control this poor conduct. Furthermore, they use the front steps of our building and the outside entrance to sit, smoke and gather in groups. This makes it difficult to get into the building. They often smoke right next to the gas main notwithstanding there are signs warning of the danger.

As I said, we live on the top floor. There is a wide ledge on our balcony that protrudes out on the Crown Street side out past our balustrades. This ledge runs all the way up the side of the building past our neighbours and finishes next to the Backpackers Hostel. If they were to have an outdoor communal space on the roof patrons could easily jump onto this ledge and walk past or into our apartment. We are concerned for our safety and also concerned about robberies.

Whatever assurance the management of the Hostel gives as part of their application around management of unruly behaviour, you can dismiss as a false and a misleading claim. We have endured years of non-complying behaviour such as drinking in alcohol free zones, excessive noise, dumping of rubbish and used bikes on the street. Any extension of the footprint of this Hostel will have a seriously negative effect on our quality of life.

Our apartment building has balcony no smoking policy. Any commitment the Hostel management make about controlling smoking on the rooftop would be breached, as all past actions and commitments they have made have been breached. Any commitment to control or disallow alcohol on the rooftop will be breached as all past actions and commitments around the consumption of alcohol on the street have been breached. In addition, our fear is, that they will not comply with any time curfews on the roof and noise, smoking, unruliness and poor behaviour will destroy our right to a peaceful and safe life.

We are happy to meet and talk with you and the planning committee at any time.

Yours Sincerely,



Tess Shannon and Jennifer Westacott.

Residents 68 Sir John Young Crescent Woolloomooloo NSW
Mobile Tess Shannon 

From: [REDACTED]
Sent on: Monday, February 16, 2026 11:40:02 PM
To: City of Sydney <council@cityofsydney.nsw.gov.au>
Subject: Objection to D/2026/38 - 50-58 Sir John Young Crescent, Woolloomooloo NSW 2011
Attachments: D202638 submission - [REDACTED] Luxe.pdf (1.51 MB)

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Please find attached a DA objection as described.

Objection to D/2026/38, 50-58 Sir John Young Cres, Woolloomooloo

My name is [REDACTED] and I am submitting an objection to the proposed rooftop works at 50 Sir John Young Crescent, Woolloomooloo ("Backpackers' Hostel") as described in D/2026/38 on behalf of my family who own and reside at [REDACTED] Sir John Young Crescent, Woolloomooloo which directly overlooks the rooftop area from [REDACTED] our terrace and internal living areas. I [REDACTED]

My family is very concerned to read about the proposed development as it would have a highly detrimental effect on the amenity of our apartment and hence our enjoyment of our home. Our primary concerns are the loss of privacy, acoustic disturbance, compromised security, light pollution, kitchen cooking smells, cigarette smoke and conflict stress that the proposal would inflict on our family and our everyday lives.

We believe the proposal's management plan contains measures that seem completely inadequate or unenforceable so do not address either our concerns or those of our building's community generally. Historically, the Backpackers' Hostel management has had little influence on the behaviour of its residents at street level. The transient nature of the Backpackers' Hostel's guests do not allow an enduring arrangement of protocols and respect to be established.

The abundant opportunities in the immediate area for outdoor recreation and solar access (Domain, Hyde Park & Botanical Gardens), visits to rooftop bars and socialisation preclude the argument for any exception to the planning rules, especially when the proposal would impact long term resident families that permanently add to the vibrancy of inner Sydney and rely on Sydney City Council support to maintain the amenity of their homes in an inner city environment. The Backpackers' Hostel's guests should not be discouraged from frequenting local licenced premises to socialise as this supports local businesses and allows the consumption of alcohol to occur in an appropriate setting with RSA trained staff, security and supervision to ensure the safety of all.

On this basis we respectfully submit that the proposal does not carry sufficient merit to justify the significant impact on long term residents in the adjacent apartments and surrounding buildings and should be denied.

More details of our concerns are as follows:

Concerns directly affecting our home

- 1) Visual privacy. There is a direct line of sight from the rooftop to our terrace and into our living room. Having a large gathering of backpackers congregating on the roof on any day of the week for up to 14.5 hours a day is highly intrusive to our privacy and would result in our family losing the option of relaxing on our terrace which forms a significant portion of our living area. We would have to lower the blinds to our living room to maintain privacy which would significantly affect the ambience of our living space. The top of the stairs to the raised structure in the centre of the rooftop has a line of sight all the way through our apartment to the bedroom corridor. Please find photos from living areas in appendix. The impact on our privacy would prohibit the approval of this open space use as per Sydney DCP 2012 4.2.3.8 (7)(c).
- 2) Acoustic disturbance. The noise levels from revelling backpackers would make enjoying our outdoor space or having our living room sliding doors open to enjoy the outdoors and a cool breeze no longer an option. The DA states that amplified music would not be allowed but this is unlikely to be policed and portable amplifiers are commonplace. We think this is likely to be an ongoing cause of conflict. There is also no realistic method of controlling numbers on the roof under the proposed maintenance plan. Under the proposal's acoustic report the noise at our apartment is predicted to exceed the acceptable level documented in Sydney DCP 2012 4.3.2.11 Acoustic Privacy, even in the unlikely event that the 50 person cap is maintained.
- 3) Compromised security. Opening the rooftop to a large number of transient backpackers significantly impacts the security of our apartment and the safety of our family. Our building had been plagued by security issues when it first opened due to criminals accessing the

windows and balconies on lower floors. We still live in a vulnerable area from a security perspective. Allowing unfettered access to the rooftop will provide the opportunity for ill-intentioned parties to access our terraces and those of our neighbours. Putting signs up saying revellers aren't allowed through the unlocked gate to the restricted southern area is completely ineffective. Once they have access, it is possible to travel along the terraces of adjacent apartments further from the rooftop and drop onto terraces below. The construction of a structure over the newly constructed fire stairs effectively provides a launch platform onto our terrace. We are also concerned about the fire stairs themselves which provide a new form of access to the rooftop, compromising the security of residents of our adjacent building.

- 4) Light pollution. We have experienced problems with light pollution into our apartment in the past when lights on the rooftop have been left on and shine directly into our home. If the area is lit to accommodate so many backpacker residents the light pollution into our apartment will be significant and would occur every night due to the 7 day a week opening of the space.
- 5) Kitchen cooking smells, vermin and fire risks. From reviews it seems the hostel has inadequate kitchen facilities causing significant wait times for residents. It seems the intention is to have a second kitchen on the rooftop but there doesn't seem to be plans for extraction of smoke and odours. Unregulated cooking is likely to create a vermin risk and there needs to be an assessment of a fire plan depending on the fuel source for the cooking. We should not be subject to drifting cooking smells from an unsupervised kitchen on the rooftop or the associated vermin and fire risk.
- 6) Conflict stress. The inevitable ongoing conflict originating from the concerns above will create unnecessary stress for our family in having to continuously ask for the Backpackers' Hostel's management to deal with transgressors. This is already occurring in interactions with the hostel residents at the bottom of our building. We should be able to enjoy the peaceful occupation of our apartment without continually having to defend our basic enjoyment of our home. These negative interactions take a significant toll on the mental well being of those involved.

Broader concerns affecting residents of Luxe apartments

- 1) Building amenity. Currently the Backpackers' Hostel residents show little respect for the residents of our building. They drink and smoke pot on the street outside both the Backpackers Hostel and our building. We frequently witness anti-social behaviour towards our residents both verbally and through physical acts like urinating on the stairs or trying to intercept our food deliveries. We are extremely concerned about this anti-social behaviour being replicated on the rooftop in an unsupervised context.
- 2) Building security. Allowing a constant stream of itinerant backpackers access to the roof increases the security risk of the building as it is easier to trespass onto the building or assess opportunities for criminal activity.
- 3) Safety. Allowing a large number of guests onto the rooftop where many will be intoxicated presents safety risks to the guest themselves from falling as well as risks to pedestrians below, including residents accessing our building, from falling or thrown objects.
- 4) Wind effects. The rooftop is highly exposed to strong winds and presents a hazard from unsecured permanent and guest transported objects blowing down to the streets below.
- 5) Communal Area exceeded. The proposed area exceeds the 20% limit prescribed in the Common Open Space provisions. Furthermore the area is so large it could accommodate several hundred people and with the lack of policing of the space that is highly likely so all the concerns mentioned above and particularly the acoustic impact on our building would be considerably amplified. There is already open balcony space on each level of the Backpackers' Hostel for socialisation of its guests.

Concerns regarding the proposed Plan of Management

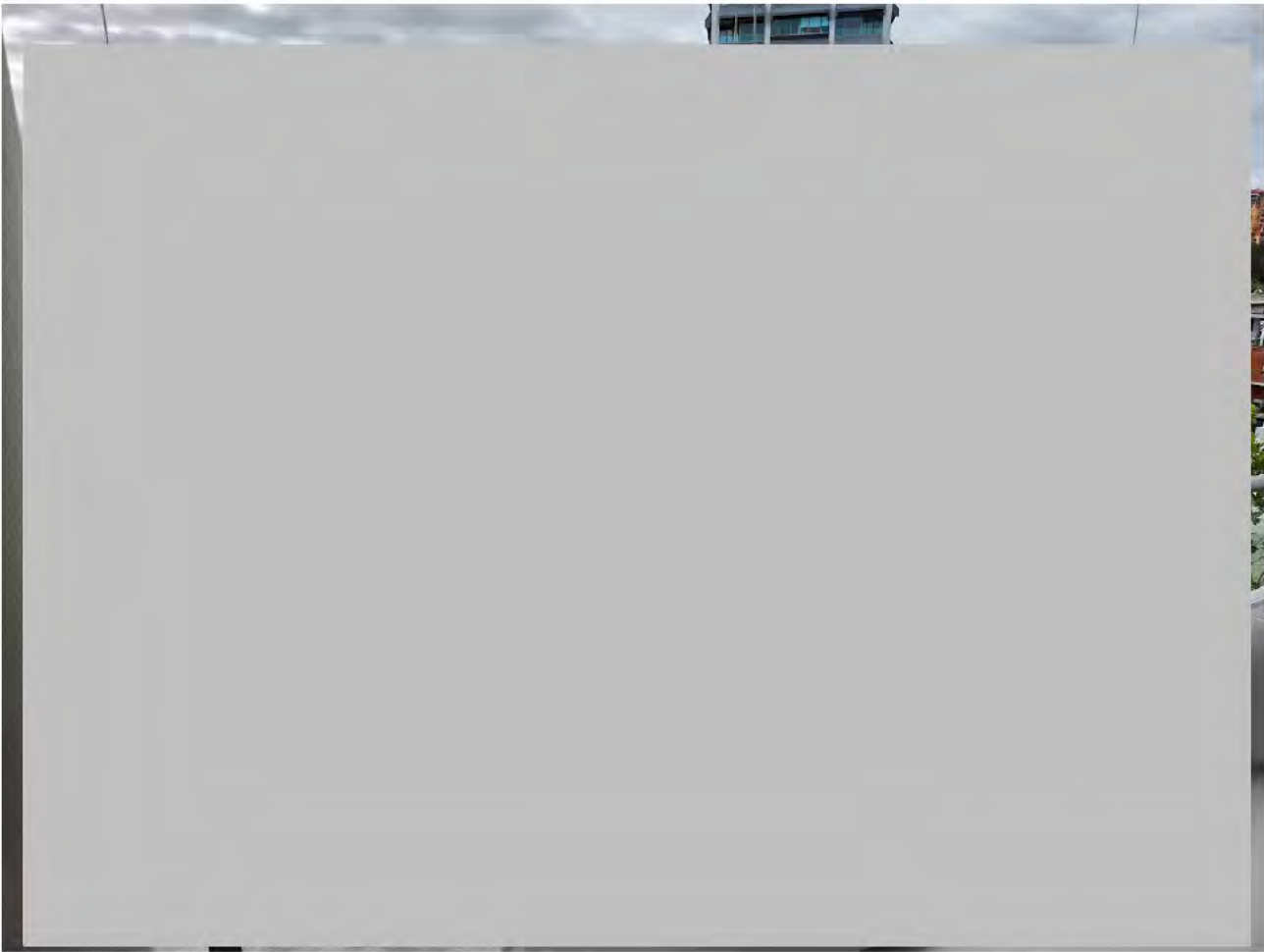
- 1) Guest use. The proposal claims guests are limited to 50 plus 12 but this is not enforceable due to an absence of controls addressing who enters the building or controls as to who accesses the roof. Expecting the backpackers to self police due to signage is an inadequate control and the roof area prescribed has the capacity for several hundred people.

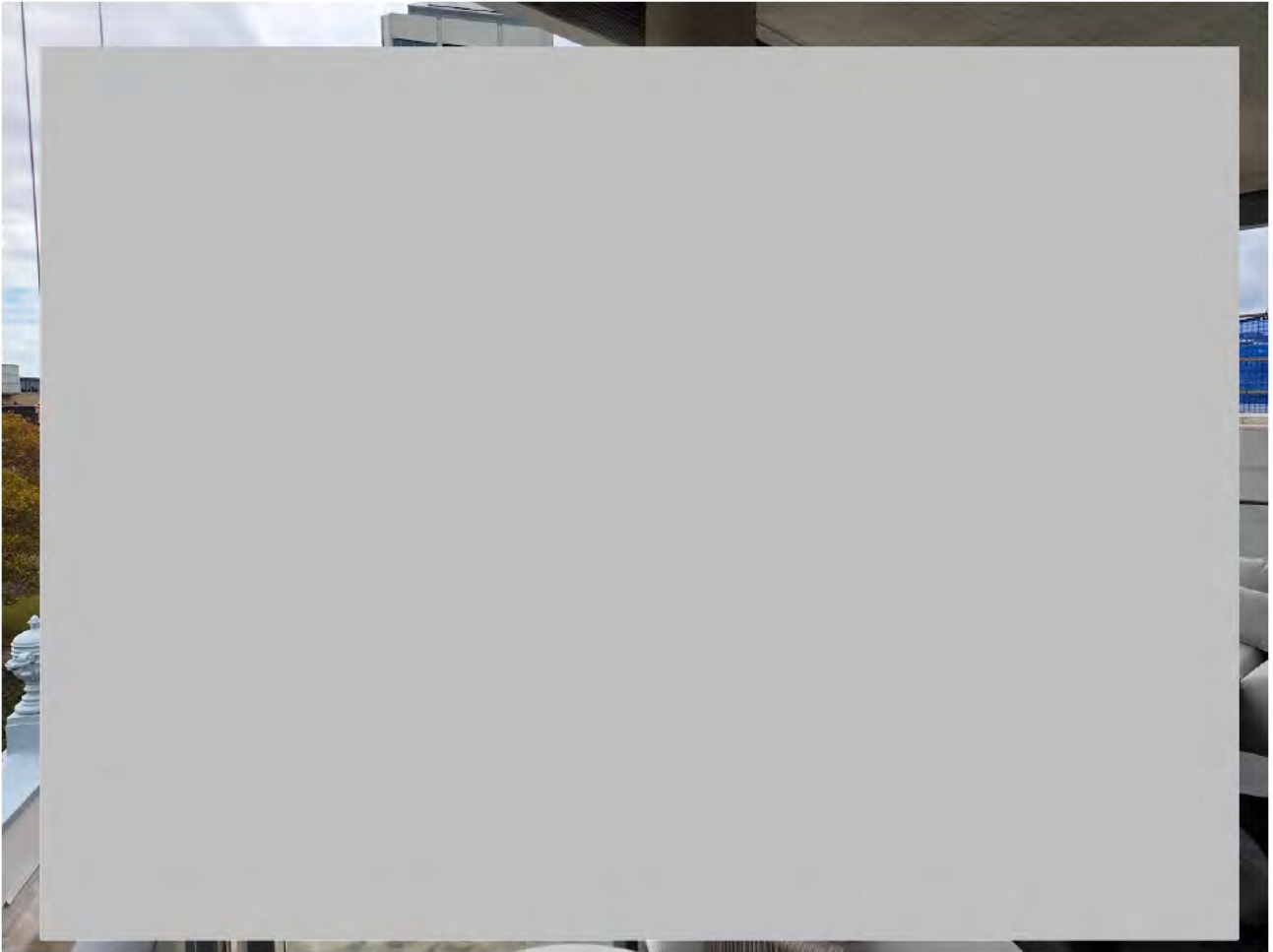
- 2) Access to southern portion of rooftop. There is nothing to stop backpackers entering the southern end directly adjoining residential apartments. Signage at an unlocked gate is a completely inadequate control, even if the guests were not intoxicated. This has serious privacy, security and safety implications for the residents of these apartments. There is no solution to this problem due to the proposal of new fire stairs at the southern end which must be accessible.
- 3) Permitted hours of use. This is proposed to be controlled by signage which is an ineffective control. It is also stated the rooftop access will be locked on closing but the Backpackers' Hostel does not employ staff in the evening, but rather engage a night manager from amongst one of the backpacker guests. This person will not have the training or skills to manage the departure of a large number of rowdy people and little incentive to enforce the rules due to their own transient situation.
- 4) Management not on site. There is no management presence at critical times such as the evening to deal with Luxe' residents concerns or anti-social behaviour that occurs on the rooftop or the street below. This creates a situation that is likely to foster serious conflict as bad behaviour goes unchecked.
- 5) Repercussions for breaches. The repercussions described for breaches of behaviour by guests on the rooftop are an inadequate deterrent. Realistically the rooftop policies will be unenforceable, especially due to the transient nature of the guests.

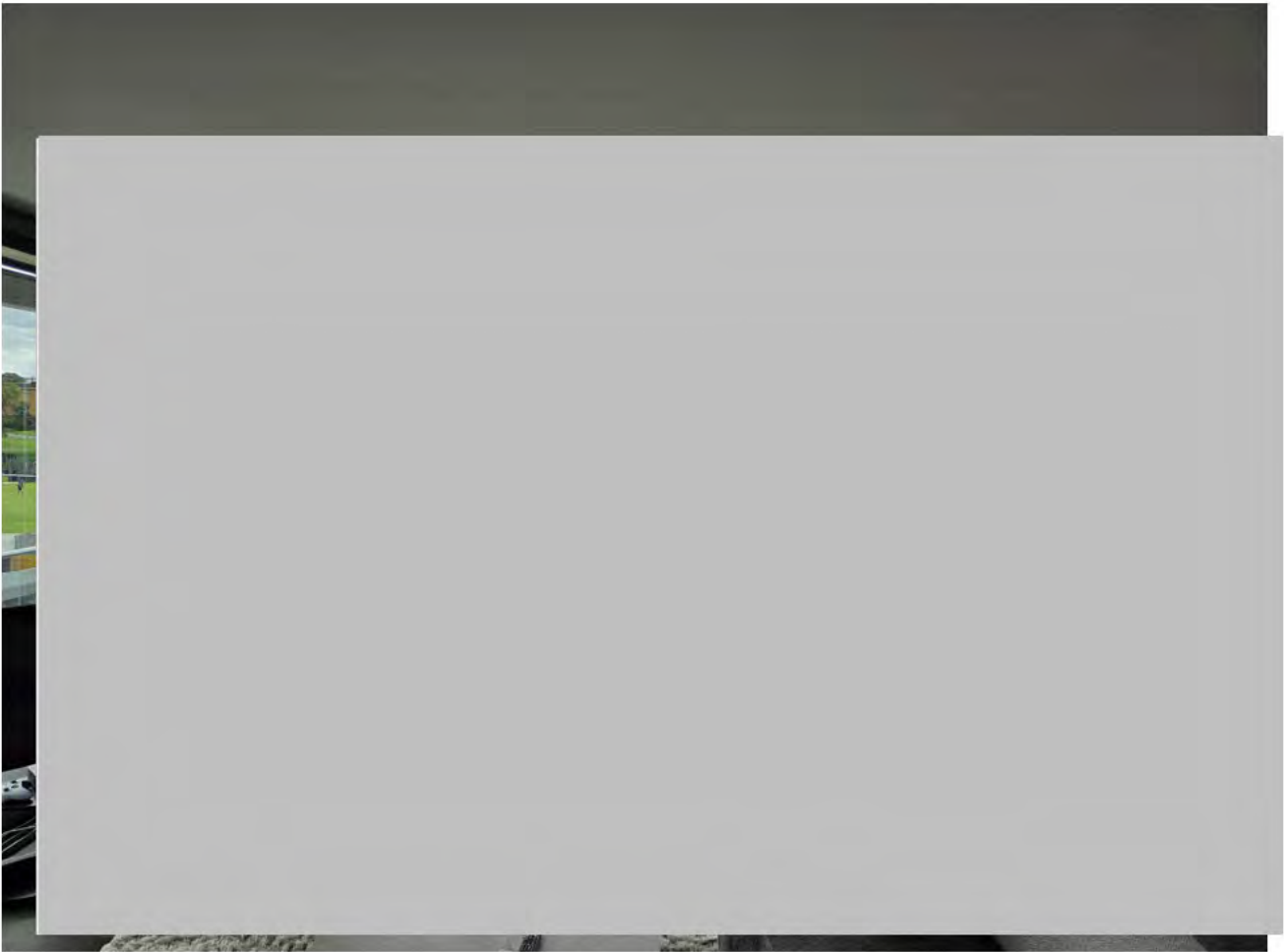
Thank you for your consideration of my submission.

Regards,









From: Victor De Baets [REDACTED]
[REDACTED]

Sent on: Monday, February 16, 2026 4:43:36 PM

To: council@cityofsydney.nsw.gov.au

Subject: D/2026/38: 50–58 Sir John Young Crescent, Woolloomooloo NSW 2011: Existing roof top use as outdoor communal space for backpackers accommodation

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Sir/Madam,

As the owner of an apartment in the adjoining Luxe building (68 Sir John Young Crescent), I hereby wish to voice my strong objection to the proposed use of the backpacker's accommodation roof top as an outdoor communal area. The main reasons for my objection are:

1. Antisocial Behaviour and Increased Management Burden

When this DA was last submitted, the Strata Committee voted to oppose it due to the expected increase in antisocial behaviour.

Pacific House guests are moved off the rooftop at 8pm, and with limited indoor common areas, large groups habitually congregate on the footpath.

This leads to:

- Increased building management intervention and associated costs
- Loud gatherings, drinking, and disturbance directly outside our building
- Ongoing amenity impacts for our residents

2. Poor Management Practices by Pacific House

The operator has consistently demonstrated inadequate supervision and control of guests.

As a result:

- Episodes of vomiting, urination, and disorderly behaviour have occurred on our property
- Noise and nuisance complaints have been frequent
- No confidence exists in their ability or willingness to supervise up to 62 guests on a rooftop

3. Resident Safety and Intimidation

Residents have reported feeling intimidated when arriving home, often having to pass through large groups drinking on the footpath.

There have been instances where residents who asked trespassing backpackers to leave were met with aggressive or physically intimidating responses, including unwanted physical contact.

This is a serious safety and harassment concern.

4. Waste, Hygiene, and Vermin Risks

The DA proposes cooking facilities but provides:

- No clear daily cleaning or waste removal plan
- No explanation of how food scraps, rubbish, and BBQ waste will be removed each night
- High risk of vermin from unclean bins or cooking residues

5. Lack of Supervision on the Rooftop

The plan provides no supervision, and movable furniture increases risk:

- Chairs and items becoming hazards
- Conflicts or disorderly conduct going unmanaged

- No control over crowd behaviour or safety

6. Noise Impacts

The proposed occupancy of 62 people is unchanged. The assumption that “one in three people speak at a normal voice” is unrealistic and unenforceable.

There is also no mechanism to prevent additional people from accessing the roof, meaning:

- Noise impacts will be significant
- Residents are likely to experience ongoing disturbance

7. Smoking and Vaping

There is no clear statement on whether smoking or vaping will be allowed. Given the proximity to residential windows and the associated fire and health risks, our position is that neither should be permitted and should be strictly monitored.

Thank you for considering these objections. If you wish to discuss any of this in further detail feel free to contact me on 0417109200.

Thank you and best regards,

Victor De Baets



From: Larry Dwyer [REDACTED]
Sent on: Tuesday, February 17, 2026 11:25:38 AM
To: dasubmissions@cityofsydney.nsw.gov.au
CC: [REDACTED]
Subject: Submission - D/2026/38 - 50-58 Sir John Young Crescent WOOLLOOMOOLOO NSW 2011 - Attention Joe Wang

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Good morning Bill Mackay,

After considering the documentation submitted to install an "Outdoor Communal Space" on the roof top situated at 50-58 Sir John Young Cres Woolloomooloo NSW, I consider it essential that the noise barrier to be extended along the area of the roof facing Crown St .

My daughter lives in one apartment facing directly opposite the proposed site, and my partner and I also live in another apartment (we own both apartments) facing Sir John young Cres.

The noise pollution study while very thorough is based on a criteria of very basic assumptions. Many young people reside in the project building.

When relaxing and talking the noise level, particularly with male and female laughter and voices will impose upon the noise level in our apartment block.

Evidence of such noise drift is based on the sports venue on top of the Domain Carpark situated on Sir John young Cres, opposite the project building. It only takes a small group of young men playing soccer and their voice noise travels across into the apartments along Crown St and Sir John Young Cres.

The project needs to extend the noise wall, at least along Crown St.

Best regards

Libby Carroll. Units 1001 and 807 Domain Apartments. Tel 0408110425

Professor Larry Dwyer PhD
UN Tourism Ulysses Laureate
Visiting Research Professor, Business School, University of Technology, Sydney
Adjunct Professor, Faculty of Economics, University of Ljubljana, Slovenia
Elected Fellow and past President, International Academy for the Study of Tourism
Advisory Board, International Association for Tourism Economics
Telephone/Whatsapp: [REDACTED]
[REDACTED]

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From: Joanna Y [REDACTED]
Sent on: Monday, February 16, 2026 9:45:26 PM
To: dasubmissions@cityofsydney.nsw.gov.au
CC: Bowen Fox <bowenfox@bigpond.com>; Joanna Y <joannajyue@gmail.com>
Subject: Submission - D/2026/38 - 50-58 Sir John Young Crescent WOOLLOOMOOLOO NSW 2011 -

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Council,

We are writing to make a submission regarding Development Application D/2026/38 for the property at 50-58 Sir John Young Crescent, Woolloomooloo.

Name: Bowen Fox & Joanna Yue
Unit: 33
Strata Plan: SP89791

We are residents of the building directly neighbouring this development. We are concerned that, if the Council approves this DA, it will have a negative impact on our enjoyment of our apartment and our safety.

At present, the backpackers who stay at the hostel in 50-58 Sir John Young Crescent are a constant fixture at our building. They congregate at the front entrance of the building at all hours of the day and night. This is the main entrance to the building, and the way we come and go each day. They often leave traces of smoking and vaping behind (disregarding the rules of the building, which are clearly signposted), as well as other rubbish.

This is intimidating to us and other residents, who simply wish to come and go from our homes safely and in peace. Many of the residents of the building are retired or have children.

At present, there appears to be no plan from the Council to address these existing problems.

The addition of a rooftop, which would draw large evening crowds, would only compound this problem. Each night when the rooftop is shut at 8pm, large numbers of those staying at the hostel will be evicted from the rooftop, with nowhere to go. They will likely congregate under cover on the stairs at the front of our building until late in the evening. At present, there is nowhere else for those staying at the hostel to go - the building is far from venues on Crown Street and surrounded on several sides by large highways and the Domain carpark.

It is unclear to us how the Council will address these issues related to: (i) noise, (ii) waste, (iii) health and safety concerns relating to vaping and smoking on the premises and intimidation of residents.

Yours sincerely
Bowen and Joanna

From: Liliana Tyler [REDACTED]

Sent on: Friday, February 13, 2026 1:48:55 PM

To: council@cityofsydney.nsw.gov.au

Subject: Re: DA D/2026/38 – Proposed Rooftop Use at 50–58 Sir John Young Crescent

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Councillors,

I write to **formally object** to the proposal to establish a rooftop communal space at the existing backpacker accommodation adjoining my residential building.

While the backpacker accommodation already operates next door, the addition of a rooftop communal area represents a significant intensification of use that will directly impact neighbouring residents, including myself.

My primary concerns relate to:

- Increased noise transmission from an elevated outdoor gathering area
- Late-night social activity and amplified voices carrying into neighbouring residences
- Loss of residential amenity and quiet enjoyment of our homes
- Potential overlooking and loss of privacy from rooftop users
- Cumulative impacts associated with a high-turnover, 62-person accommodation facility

Rooftop communal areas, by their very nature, amplify sound and reduce natural acoustic buffering. Noise generated at roof level travels further and is more difficult to contain than activity at ground level. Given the scale of the existing backpacker accommodation, the likelihood of ongoing group gatherings and social activity is high, particularly during evening hours.

The surrounding area is predominantly residential in character. Planning principles seek to protect neighbouring properties from unreasonable noise, disturbance, and privacy impacts. In my view, this proposal would materially diminish residential amenity and is incompatible with the reasonable expectations of adjoining residents.

I respectfully request that Council give careful consideration to the potential noise, privacy, and amenity impacts of this rooftop activation and refuse the proposal in its current form.

Thank you for considering my submission.

Yours faithfully,

Rosa Liliana Tyler
Resident of Luxe
68 Sir John Young Crescent
Woolloomooloo

From: Rob Tuckwell [REDACTED]
Sent on: Friday, February 13, 2026 1:17:24 PM
To: council@cityofsydney.nsw.gov.au
Subject: Formal objection to D/2026/38
Attachments: Formal objection to D202638.pdf (9.84 MB)

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To Jo Wang,

Dear Jo et al,

Please find attached a formal objection to this proposed DA

D/2026/38
Hamptons Property Services
50-58 Sir John Young Crescent
Woolloomooloo NSW 2011

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- I have obtained the consent of people where the submission, comment or attachment contains their personal information
- any submission, comment or attachment I make is not obscene, offensive or otherwise defamatory
- any attachments I have submitted comply with the City of Sydney's digital requirements.

I acknowledge and agree that the City of Sydney is not responsible for the content and accuracy of my submission, comment or attachment.

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Yours Sincerely,

Robert & Susan Tuckwell
52/68 Sir John Young Crescent
Woolloomooloo NSW 2011

Formal objection to the following development application.

Applicant name HAMPTONS PROPERTY SERVICES PTY LTD

Reference number: D/2026/38

Site address:50-58 Sir John Young Crescent, WOOLLOOMOOLOO NSW 2011

Proposed development: Alterations to use the rooftop area as a communal recreation space for guests of the existing backpackers' accommodation.

Proposed trading hour are between 7.00am and 9:00pm

We, Robert and Susan Tuckwell of apartment 52/68 Sir John Young Crescent, Woolloomooloo NSW 2011 object to the development proposal on the following grounds.

As the immediate southern neighbour to the proposed rooftop development on the western side within the building 68 Sir John Young Crescent our front and rear terraces adjoin the rooftop of the Pacific House Hostel. We have direct line of sight views to the areas specified in the DA.

We have serious concerns regarding the impact this rooftop use will have on residential amenity, safety, noise levels, and public order. Our concerns are informed by both lived experience and principles established under NSW planning frameworks, City of Sydney Development Control Plan 2012, the Protection of the Environment Operations (POEO) Act 1997 and CPTED (Crime Prevention Through Environmental Design).

The key areas where we will experience Loss of residential amenity include:

Privacy Intrusion

Impacts of anti-social behaviour

Noise pollution

Security

Privacy Intrusion.

A major concern for us is the construction of fire stairs adjacent our northeastern terrace and the pergola above.

Firstly, there currently exists an original chimney which is very much in keeping with the heritage elements of the building. This chimney, which is easily visible from the Domain, would need to be demolished in order to build what is falsely described in the plans as “existing fire stairs”

Secondly, this substantial chimney affords us privacy and also acts as a sound barrier.

Our apartment has direct sight lines onto the backpacker’s rooftop and as such our privacy will be compromised.

Security.

The hostel rooftop offers direct access to our private property via our front and back terrace, and then all other apartments via our garden beds. This is a serious concern for all residents of our building. Not only is access easy, intruders would be hidden by the “physical barrier and screen”

The current application does not address any of our security concerns.

Noise and Anti-social behaviour.

Under the Protection of the Environment Operations Act 1997, offensive noise is defined as any sound that unreasonably interferes with the comfort or repose of a person. The rooftop proposal, if approved, would likely result in:

- Anti-social gathering of groups of residents/guests, drinking alcohol and talking and conversing at elevated noise levels impacting on a range of residents but most significantly to us as the southern neighbour sharing the boundary.
- Regular noise spillover into neighbouring dwellings due to open rooftop acoustics,
- Repeated breaches of quiet enjoyment, as a result of the movement of the current and consistent anti-social behaviour that occurs at the front of the Pacific House Hostel building and our building, 68 Sir John Young Cres, onto the rooftop.

The application will result in offensive noise in line with the stated definition outlined in the Protection of the Environment Operations Act (POEO)1997(NSW) Section, which defines “Offensive noise” as:

(a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances,

- is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
- interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises, and

(b) that is not trivial or negligible in nature.

As part of the Application process, Hamptons Property Services has provided an acoustic report by Pulse White Noise Acoustics Pty dated 18/12/2025. This report is flawed as the assumptions that the report was based on are not the lived experience of the behaviours and noise of the residents, further any management plan required to mitigate the noise are flawed based on current experience of both guests' behaviours and management's ineffectual behavioural management plans.

We would strongly recommend that Council do not accept the results and recommendation of the report. Further we recommend that Council undertake a noise study based on the current anti-social behaviours observed regularly on the footpath outside the Pacific House Hostel and also inside the current communal areas. According to review of social channels and reviews of Pacific House Hostel, the hostel is known for its high noise levels and "party scene" This is reinforced by the Hostel's marketing focusing on images throughout its website and social channels of alcohol and group/social drinking of both wine and beer.

The development fails to address CPTED principles.

The current proposal fails to address key CPTED principles, particularly those outlined by NSW Police and the NSW Department of Planning. Specifically:

- **Access Control:** Rooftop access lacks clear restriction mechanisms (e.g., controlled access, staff supervision and mechanisms to ensure adequate distribution of residents and management of numbers entering and exiting the area). The current application outlines no active measurement of the number on the roof or active real time oversight and supervision of both numbers, noise or behaviours. Rather, in line with its attached Management Plan, it relies on signage and once hourly "checks" of the area to ensure rooftop numbers, spread of guests and noise levels of guests.
- **Natural and Mechanical Surveillance:** Rooftops inherently reduce surveillance from the street level and increase the likelihood of unmonitored or anti-social behaviour. Currently the guests of Pacific House Hostel engage in consistent anti-social behaviour such as smoking in non-smoking areas, urinating on our building, smoking illegal drugs and engaging in "party scenes" on the footpath. This behaviour will be moved to the rooftop and therefore fails to address CPTED principles. Premier FM Building management have hours of video footage and photographs of anti-social behaviour which should be reviewed by Council to gain an understanding of the consistency of the anti-social behaviour as well as the current offensive noise.
- **Territorial Reinforcement:** The rooftop's use for social purposes may lead to blurred boundaries between private and semi-public space, fostering a "party zone" atmosphere without clear oversight. As noted, the application indicates that their oversight is an hourly check of behaviour and no active management of numbers or

behaviour. The movement of anti-social behaviour from the footpath and in front of 68 Sir John Young Cres to the rooftop will likely cause an increase in anti-social behaviours. Further review of the Pacific Hostel social media presence, the Hostel is presented as a “party hostel”.

- Space Management: The ongoing challenge of managing transitory hostel guests’ behaviours across multiple cultural norms and groups adds to the likelihood of poor rooftop use such as throwing items, drinks, rubbish etc over the balcony to the footpath below, wind blowing unsecured umbrellas and lack of accountability. Again, without any oversight or real time supervision from a security guard the residents will be allowed to “free roam” the roof top, engage in antisocial behaviour. With signage as the only deterrent, the numbers will be able to quickly surge to well in excess of 50 in the general-purpose area and 12 in the wellness area.

The Pacific Hostel note in their application that the new outdoor rooftop facilities will exceed the existing total communal area for the allotment. That is there is currently inadequate space for communal activities within the building and this application does not meet CPTED principles.

Pacific House Hostel management are in our experience incapable of mitigating anti-social and disrespectful behaviour. The Strata committee, our building managers Premier FM and individual residents have constantly requested the Hostel have patrons refrain from using our private podium area and adjacent footpath as a gathering point to drink, smoke and congregate in numbers both large and small.

This behaviour occurs all day. Clearly once the party has been moved from the rooftop at 9.30 pm it will shift to the front of our building.

There is well documented evidence depicting the hostel as a party house with images on social media channels and the hostel website showing people drinking alcohol.

The application to use the rooftop does not address the increased risks and noise associated with guests drinking alcohol on a rooftop. Moving these patrons onto an unmonitored, unsecured roof is a significant risk to both local residents and the guests.

There are strong and well documented records of anti-social behaviour observed by both our residents and with our Strata Building Management with respect to the guests of Pacific House Hostel. The monthly building report from FM Premier Building Services notes the numerous incidents of smoking and drinking on our premises, refusal to move away from sitting on our private area, drinking alcohol and dumping rubbish outside our building, smoking illegal substances and smelling it from residents’ balconies, urinating on our private property and sexual interactions.

It is recommended that the Council work with Premier FM Building Services and review the numerous hours of video footage from our CCTV and our incident reports to understand the level of anti-social behaviour that occurs from Pacific House Hostel.

Photographs in support of objection:

Figure1. View from Domain

Figure 2. Western Terrace and heritage chimney

Figure 3. Western Terrace

Figure 4. Western Terrace

Figure 5. Heritage Chimney where “existing fire stairs located”

Figure 6. Access from roof to Western Terrace

Figure 7. Party scene at Luxe podium

Figure 8. Party scene at Luxe podium

Figure 9. Clean up

Figure 10, 11, 12. Smaller gathering, drinking smoking on our property

Figure 13 – 15. Urinating on our steps. These individuals were identified as backpacker residents.



Figure 1



Figure 2



Figure 3



Figure 4



Figure 5



Figure 6

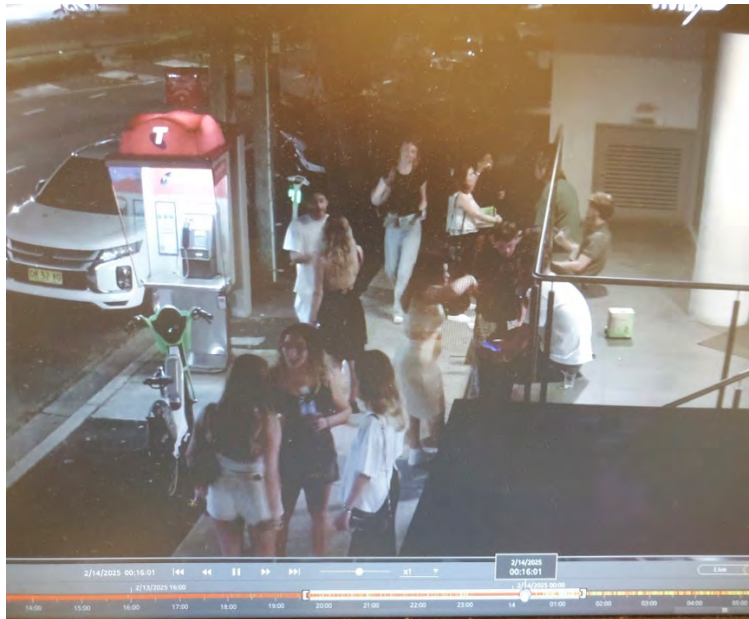


Figure 7



Figure 8



Figure 9



Figure 10



Figure 11



Figure 12

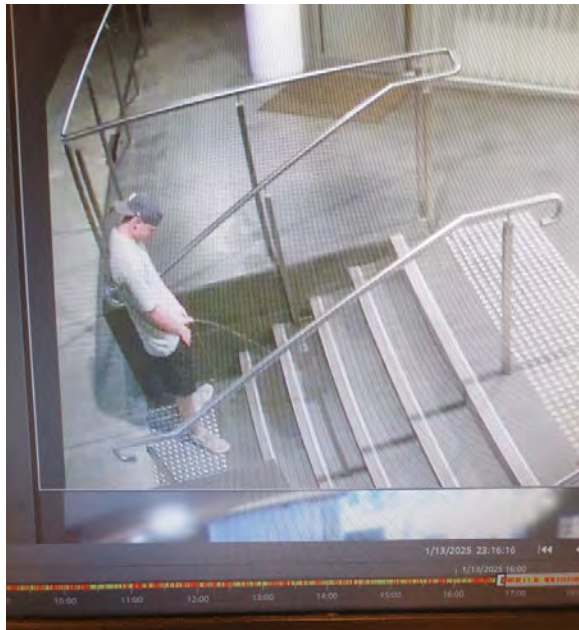


Figure 13

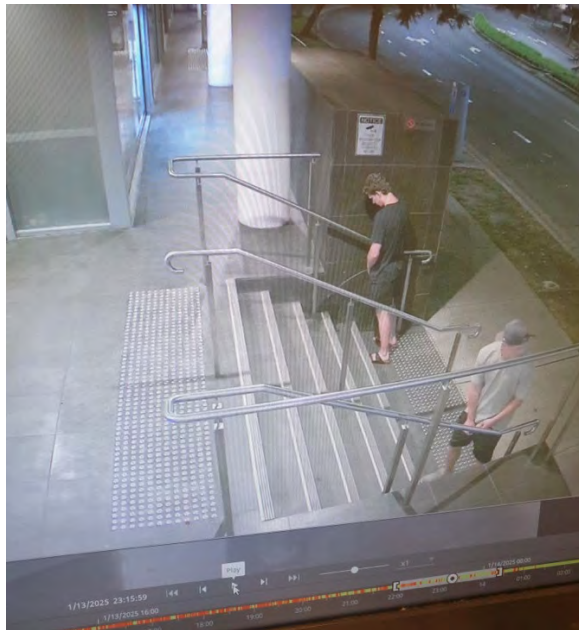


Figure 14



Figure 15

Conclusion

The use of the rooftop by short-term or transient hostel guests poses an unreasonable risk to:

- Neighbouring amenity and peaceful enjoyment of homes in line with the POEO Act 1997, Section 4 & 139,
- Community safety and public order,
- Urban design principles required under CPTED.

For these reasons, we respectfully request that the application be refused or significantly amended to exclude rooftop use in its current application.

We urge the Council to complete a full impact assessment inclusive of risk assessment and noise study before any further consideration the application. We further urge the Council to complete a site visit whereby you can see at any time of the day the failure of management to adequately control their residents/guests.

Further considering the significant impact, we request further community consultation where the Council work collaboratively with the Owners of 68 Sir John Young Cres and their building management to find a solution that works for all parties.

Yours Sincerely,

Robert and Susan Tuckwell

52/68 Sir John Young Crescent

Woolloomooloo NSW 2011

From: Anne Waters [REDACTED]

Sent on: Monday, February 16, 2026 4:48:18 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2026/38 - 50-58 Sir John Young Crescent WOOLLOOMOOLOO NSW 2011

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Submission from Anne Marie Waters, owner and resident of Unit 45, 68 Sir John Young Crescent, Woolloomooloo NSW 2011, Strata Plan number SP89791.

I am writing to object to the development application proposal from HAMPTONS PROPERTY SERVICES PTY LTD (D/2026/38), which seeks approval for the alteration and use of the existing roof top as an outdoor communal space for the backpacker accommodation at 50–58 Sir John Young Crescent, WOOLLOOMOOLOO NSW 2011.

The building I live in is next door to the backpacker accommodation. I believe that the roof top development would have a significant negative impact on our building as well as on neighbouring dwellings due to privacy, noise and safety issues.

The specific reasons for my objection are:

- The proposed roof top development will result in reduced privacy for residents in our building as well as residents in the Domain Apartments and neighbouring terraces on Crown Street.
- The proposal that hostel staff will check the roof top outdoor area hourly during its hours of operation is not adequate. Staff should constantly be in attendance on the roof top during the hours of use to control and monitor noise, safety and antisocial guest behaviour. This is particularly important given that 62 guests could be on the roof top at any one time.
- Should security guards also be employed to supervise and control guest behaviour on the roof top during the hours of use?
- The proposal does not clearly state who, or how, noise levels on the roof top during its hours of operation will be assessed or monitored.
- The groups of backpacker guests who currently congregate on Sir John Young Crescent are extremely noisy but hostel management and staff are unable to control or manage this behaviour even when neighbouring residents complain.
- The acoustic assessment concluded that noise emissions from the roof top are predicted to be within acceptable limits for surrounding residential areas, and that the development will not adversely affect the acoustic amenity of the neighbourhood. However, to my knowledge, no consultation was undertaken with neighbouring residents regarding this acoustic testing.
- I note that amplified music and speech will not be allowed in the outdoor area, however, there is no specific information in the proposal about how this will be monitored or controlled.
- The proposal does not include any information about who will decide whether the trial extension of hours to 9pm will become permanent or not.
- The proposal provides no specific information about how management will ensure that the roof top area is only accessed and used by guests.
- The proposal provides no specific information about how management will monitor and control the number of guests on the roof top at any one time.
- The use of alcohol, smoking and vaping on the roof top have not been addressed in the proposal at all.
- The proposal provides no information about how management and staff will ensure that furniture that is not fixed, bottles, rubbish and other objects are not thrown off the roof top. This is a major safety concern, particularly for people and/or drivers on Sir John Young Crescent or Crown Street.

Yours sincerely

Anne Marie Waters

Unit 45, 68 Sir John Young Crescent
Woolloomooloo NSW 2011

From: John Sharp <[REDACTED]>
[REDACTED]
Sent on: Friday, February 13, 2026 3:30:11 PM
To: City of Sydney <council@cityofsydney.nsw.gov.au>
Subject: Objection to DA Number D/2026/38 attached herewith
Attachments: CCF_000151.pdf (627.08 KB)

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Bill MacKay

Manager Planning Assessments

City of Sydney

Re Proposed Development Reference Number D/2026/38 at 50 – 58 Sir John Young Crescent,
Woolloomooloo, NSW 2011

Dear Mr MacKay,

I write to register with you my objection to this proposed development by the applicant Hamptons Property Services Pty Ltd.

My interest in this matter is I am an owner and resident in Luxe Apartments at 68 Sir John Young Crescent which is immediately adjacent to the proposed development site.

In the interests of efficiency, I will try to keep my comments short and in point form.

- 1) Smoking and vaping in the area of the proposed development would impinge on our property particularly at the rooftop level of Pacific House. We already experience this at ground level from the guests of Pacific House and it continues despite our efforts to control it. We find this to be grossly objectionable.
- 2) Trespassing on our property by Pacific House guests is a daily problem for us despite our efforts to control it. We can provide photographic evidence of this if required. At street level they sit on our property and smoke, vape, carry out telephone conversations and other matters. In the past they have held parties on our ground floor balcony. Apart from the direct impact of these activities, on many occasions when they are asked to move away, their response has been in the negative and, on occasion very intimidating. This is a great difficulty for us as we are regularly confronted by this type of behaviour. Our concern is that the proposed development will place more people in this area particularly at the closing time of the proposed development area and these trespassing issues will increase.
- 3) Loss of security – one of the main reasons I live in an apartment is for security. There are direct areas of access between our building and the area of the proposed development at the rooftop level of Pacific House. Should this development proceed our personal and building security would be completely compromised.
- 4) General antisocial behaviour will increase – we already have experience with rubbish being left on our property, urinating on our property, blockage of the street in front of our property (both with E-Bikes, Share Bikes and people) – this will certainly be exacerbated if the proposed development proceeds.
- 5) There will be increased noise and light which will directly impinge on our property. Also, the proposed exercise regimes to be held on the roof will certainly be heard clearly by our residents.
- 6) As Pacific House currently makes very little effort to control the impact of their guests on our amenity, we severely question their intention and ability to control what their guests will do in respect of interaction with our right to privacy and quiet enjoyment of our homes. Pacific House has little interest in our circumstances and because their guests are largely transient (mainly backpackers who stay for a few days) there is very little regard shown to us, their neighbours and our property about anything.

In summary, we strongly believe that the granting of this DA to Hampton Property Services would have numerous and significant negative and unpleasant impacts on us and our neighbourhood in general.

Yours sincerely

John Sharp - phone [REDACTED]

From: Monica & Wayne [REDACTED]
[REDACTED]

Sent on: Wednesday, February 18, 2026 9:37:35 AM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2026/38 - 50-58 Sir John Young Crescent WOOLLOOMOOLOO NSW 2011 - Attention Joe Wang

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As an owner resident of The Domain Apartments I would like to oppose this DA by the Pacific House Hostel.

The primary concern for Domain residents, especially those whose apartments face Crown Street and overlook the rooftop of the Pacific House Hostel, is the significant acoustic impact that rooftop gatherings would create.

The hostel guests are primarily young (<25 years of age) tourists who are visiting on holidays. Their gatherings are mainly large groups of 15 or more, often spilling onto the street and late at night until 2-3 am. I have had to place multiple noise complaints with Kings Cross police over my 10 years of residence in the Domain apartments. I have also witnessed multiple attendances by NSW Ambulance to the building. A recent one where a young woman was semi conscious on the front steps, clearly affected by drugs and/or alcohol. Given these existing problems, it is unlikely that the management of the Pacific House Hostel will be able to control and restrict access to the rooftop and limit the noise level from their partying.

Due to the height, open-air design, and direct line-of-sight between the two buildings, noise generated on the rooftop will travel unobstructed toward Domain apartments.

Key acoustic considerations include:

- **Amplified noise travel:** Elevated, open rooftops allow sound to project further and with greater clarity

than ground-level spaces. Even normal conversation levels can carry across to neighbouring buildings.

- **Late-evening disturbance:** Rooftop gatherings typically occur during evenings and weekends, when

ambient background noise is lower and sound transmission is more noticeable inside apartments.

- **Reflection and echo effects:** Hard surfaces on both buildings can reflect and amplify sound, increasing the perceived volume for Domain residents.

- **Sleep and amenity impacts:** Noise intrusion into bedrooms—particularly for residents facing the rooftop—may affect sleep, comfort, and overall residential amenity.

- **Lack of effective mitigation:** Rooftop spaces are extremely difficult to acoustically treat. Barriers and screens offer limited benefit, and compliance relies heavily on behavioural control, which is inconsistent and difficult to enforce.

Many thanks,

Monica Bell

Unit 1404, 22-40 Sir John Young Crescent, Woolloomooloo

Mobile: [REDACTED]

From: [REDACTED]

Sent on: Wednesday, February 18, 2026 11:24:16 AM

To: council@cityofsydney.nsw.gov.au

Subject: re D/2026/38 - High Importance -from Judith Pohlen, 22-40 Sir John Young Cres, Woolloomooloo

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Dear Council,

Reference number: D/2026/38

Site address: 50-58 Sir John Young Crescent , WOOLLOOMOOLOO NSW 2011

Proposed development: Alterations to and use of the existing roof top as an outdoor communal space for the existing backpackers accommodation

I live at The Domain building, 22-40 Sir John Young Cres, Woolloomooloo. While I am currently in a unit facing the domain park itself I have lived in several of the units in this building, including opposite the backpackers and can certainly attest to noise issues.

Most recently, late at night, after the ? cafe has closed, the backpackers gather around the lawn/ footpath opposite my apartment, and are joined by others (on motorbikes) and drink, play music and make significant noise well into the night. There is smashed glass on the footpath/ area that has been there for many months, kicked into the foot of the sandstone wall - I walk right past this near daily and can simply observe no-one at the City of Sydney has any interest in our area or maintaining it.

With particular regard to the proposal re roof terrace I can state that as a healthcare worker, with shift work, and truly needing my sleep I have definitely been adversely affected by the current arrangements - I have had to contact King Cross Police in recent months pleading for help with a rowdy gathering across the road - I don't call for help lightly or often - maybe twice in last 8 years - but really the issue is way more frequent than my reaching out for help would indicate. .

Obviously this will be a much bigger issue with further development - clearly they can claim a closing time but reality is: the crowd just move outside, across the road with all the bad effects on adjacent residents: there are > 100 units in this building alone. It is a very cruel situation.

There are plenty of places in this area, also the Cross and the City that cater to such entertainment - why further smash a residential area?

Is it possible that although alcohol is not being served the individuals may take it up there to consume - there is no proposed constant staff rooftop presence/ monitoring.

We are constantly under pressure in this area, please help us with this,

Sincerely
[REDACTED]

From: [Gallagher, Luke @ Sydney](#)
To: [REDACTED]
Subject: Query: D/2026/38 - 50-58 Sir John Young Crescent WOOLLOOMOOLOO NSW 2011
Date: Friday, 6 March 2026 12:46:15 PM
Attachments: [img-0c61170a-0b40-419c-a831-160e657a5f60](#)

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To whom it may concern,

I am writing in support of Development Application D/2026/38 for the proposed rooftop communal space at 50–58 Sir John Young Crescent, associated with Pacific House backpackers accommodation.

I live nearby at 1 Boomerang Place in Woolloomooloo and regularly spend time walking through the neighbourhood. In my experience, Pacific House contributes positively to the local atmosphere. The travellers staying there bring a friendly and welcoming presence that adds life to what can otherwise feel like a quiet pocket of the area.

As a local resident, I am very familiar with the everyday background noise of inner-city Sydney. Traffic along Sir John Young Crescent and the Eastern Distributor, activity from nearby pubs, events in the Domain, and general street movement are all part of daily life here. Compared with these typical urban sounds, the hostel has never been noticeable as a disturbance.

Within this context, the proposed rooftop space feels like a sensible and well-considered improvement. Backpackers are naturally social travellers, and providing a dedicated outdoor area within the building gives guests an appropriate place to relax and spend time together.

The rooftop setting is particularly suitable as it keeps activity within the property while offering an enjoyable outdoor environment. It provides a comfortable space designed for casual use, allowing guests to unwind and socialise without impacting the surrounding streets.

Pacific House is also uniquely positioned to enjoy impressive views across Sydney. Making use of the rooftop is a natural extension of the building's function and enhances the experience for visitors staying in Woolloomooloo. For many travellers, the opportunity to spend time outdoors and appreciate the cityscape is a memorable part of their stay.

From a neighbourhood perspective, I believe this addition will complement the area. It provides a well-managed space for guests while maintaining the existing character of the street.

More broadly, Pacific House plays a valuable role in the local community. The presence of international visitors adds vibrancy and supports nearby cafés, small retailers, and other local businesses. Woolloomooloo has long been a diverse inner-city neighbourhood, and accommodation that welcomes travellers is part of that identity.

Overall, the rooftop proposal represents a thoughtful enhancement to the existing building. It offers a practical and enjoyable amenity for guests while remaining consistent with the surrounding residential environment.

For these reasons, I strongly support approval of Development Application D/2026/38.

Kind regards,

Luke Gallagher (he/him)

ESG Advisor

CBRE | Property Management - IFM Investors

Committee Member, National ESG Reporting Frameworks, Property Council of Australia

Level 2, 345 George Street | Sydney, NSW 2000



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I acknowledge Aboriginal and Torres Strait Islander peoples as the First Australians and the Gadigal people of the Eora Nation as Traditional Custodians of the lands where we live, learn and work. I pay my respects to their Elders, past and present.

[Image](#)



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From: Steve Broughton [REDACTED]
[REDACTED]

Sent on: Friday, February 13, 2026 7:26:12 PM

To: council@cityofsydney.nsw.gov.au

Subject: Objection to Development Application D/2026/38 – 50–58 Sir John Young Crescent, Woolloomooloo NSW 2011

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Dear City of Sydney Assessment Team,

I am writing to formally object to Development Application D/2026/38 concerning the proposed communal rooftop use at 50–58 Sir John Young Crescent, Woolloomooloo.

I am both an owner-occupier and an investor within the neighbouring building, and my apartment directly faces Sir John Young Crescent and the areas where backpackers currently congregate. As a result, I already experience the existing impacts associated with antisocial behaviour in this location, and I am concerned that approval of this proposal will materially worsen those impacts.

My primary concern is the likely increase in noise and general disturbance. A rooftop communal area designed for social use by a large number of occupants will inevitably generate elevated noise levels, particularly in the evening. Noise from group conversation and activity travels significantly in this urban setting, and in practical terms it is extremely difficult to monitor or enforce assumptions about “normal” behaviour once large groups are involved. This will further reduce residential amenity for surrounding apartments.

I am also concerned about the lack of clearly defined operational controls. The application does not provide sufficient detail regarding active supervision, enforcement of occupancy limits, or behavioural management. Based on existing conditions at street level, where guests often gather after the rooftop closes, it is reasonable to expect that expanding rooftop use will increase congregation and overflow into surrounding areas, placing additional pressure on neighbouring residents and shared public space.

Resident safety and comfort is another key issue. As someone who regularly enters and exits the building through these areas, I have observed situations where large groups create an environment that feels uncomfortable and at times intimidating. The proposal risks amplifying these issues without demonstrating adequate mitigation.

In addition, the inclusion of cooking and communal facilities raises unresolved questions around waste handling, cleaning practices and ongoing hygiene management. Without clear and enforceable processes, there is a real risk of odour, cleanliness issues and vermin attraction that will affect nearby residents.

In summary, the proposal as presented does not adequately address the likely impacts on residential amenity, safety, and day-to-day liveability for neighbouring properties. I respectfully request that the City of Sydney refuse the application, or alternatively require substantial revisions and enforceable management conditions that genuinely mitigate these risks.

Thank you for your consideration of this submission.

Kind regards,

Steven Broughton
65/68 Sir John Young Crescent Woolloomooloo NSW 2011
[REDACTED]

Item 4.**Development Application: 51 Buckingham Street, Surry Hills - D/2026/64****File Number:** D/2026/64**Summary****Date of Submission:** 3 February 2026

Amended plans received 3 March 2026

Applicant: L.G.S. Enterprises Pty Ltd**Architect:** Jeff Madden & Associates**Owner:** L.G.S. Enterprises Pty Ltd**Cost of Works:** \$432,300.00**Zoning:** MU1 Mixed Use zone - The 'commercial office' use is proposed to be retained and is permissible with consent in the zone.**Proposal Summary:** Alterations and additions to Cleveland House including the demolition and construction of a new WC block, new cellar doors and changes to windows, doors and internal partition walls. The application is Integrated Development requiring the approval of Heritage NSW under the Heritage Act 1977.

This application is referred to the Local Planning Panel as the proposal seeks a variation of the height of building development standard under the Sydney Local Environmental Plan 2012 by 10% or more. The proposed height variation is 31.7%.

The application was notified between 4 February 2026 and 7 March 2026. Two submissions were received. One submission was in objection to the proposal, and one was in support.

Summary Recommendation: The development application is recommended for approval, subject to conditions.**Development Controls:** (i) Environmental Planning and Assessment Act, 1979

- (ii) Heritage Act, 1977
- (iii) SEPP (Resilience and Hazards) 2021
- (iv) SEPP (Sustainable Buildings) 2022
- (v) SEPP (Biodiversity and Conservation) 2021
- (vi) Sydney Local Environmental Plan 2012 (Sydney LEP)
- (vii) Sydney Development Control Plan 2012 (Sydney DCP)

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Clause 4.6 Variation - Height of Buildings
- D. Submissions

Recommendation

It is resolved that

- (A) the variation requested to Clause 4.3 'Height of buildings' in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld; and
- (B) consent be granted to Development Application Number D/2026/64 subject to the conditions set out in Attachment A of the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposed development is consistent with the objectives of the MU1 Mixed Use zone and the retention of the existing commercial office use is permissible with consent in the zone.
- (B) The proposed development satisfies the relevant objectives, aims and provisions of the Sydney LEP and the Sydney DCP.
- (C) The proposed development satisfies the heritage conservation requirements under the Heritage Act 1977, Sydney LEP, Sydney DCP for the building and surrounding site curtilage which are listed on the state heritage register, as a heritage item under the Sydney LEP and as a contributing building to the Cleveland Gardens heritage conservation area (C62) under the Sydney LEP.
- (D) The proposed development exhibits design excellence having considered the matters in Clause 6.21C of the Sydney LEP.
- (E) Based upon the material available to the Panel at the time of determining this application, the Panel is satisfied that the applicant has demonstrated that compliance with the maximum 'height of buildings' development standard under Clause 4.3 of the Sydney Local Environmental Plan is unreasonable or unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify the contravention of the development standard in accordance with the requirements of Clause 4.6(3) of the Sydney LEP.
- (F) The proposal is in the public interest as it is consistent with the objectives of the MU1 Mixed Use zone.

Background

The Reason the Application is Reported to the Local Planning Panel

1. The application is reported to the Local Planning Panel for determination as it is identified in Schedule 3 of the Local Planning Panels Direction of 3 March 2024 as being within the following category:
 - (a) Departure from Development Standards by 10% or more
2. This development application proposes a 31.7% variation to the maximum height of building development standard stipulated by the Sydney LEP.
3. A near identical proposal under D/2019/1163 was approved by the Local Planning Panel on 25 November 2020. Several design amendments were made as part of condition satisfied matters submitted to Council and subsequent modification applications. These design amendments have been reflected in the subject proposal.
4. This development application and subsequent modifications lapsed on 25 November 2025.

The Site and Surrounding Development

5. The site has a legal description of Lot 1 in DP 788696 known as 51 Buckingham Street, Surry Hills. It is rectangular in shape with a site area of approximately 742 sqm.
6. The site is located on the southwestern corner of the intersection of Buckingham Street and Bedford Street. The site contains a 2-storey building which is used as an office and was originally a dwelling house. The building has undergone many changes of use over time.
7. It is one of the earliest remaining buildings that was constructed in Surry Hills. Cleveland House is considered to be of exceptional historical significance as it is a rare and surviving example of an Old Colonial Georgian style dwelling.
8. The site is listed on the state heritage register and is known as 'Cleveland House Including Interior and Surrounding Grounds' (SHR 00065). The site also contains a local heritage item under the Sydney LEP (Item 1462) known as 'Cleveland House including interior and surrounding grounds'. The site is located within the Cleveland Gardens heritage conservation area (C62) and is a contributing building.
9. The site is within the Prince Alfred Park East (2.11.8) locality. The site is not identified as being prone to flooding.
10. The surrounding area is characterised by a mixture of land uses, primarily being residential and commercial premises. Directly north of the site is the Bedford Street pedestrian thoroughfare from the corner of Buckingham Street and Bedford Street, which connects to Chalmers Street.

11. North of the Bedford Street pedestrian area is 47-49 Buckingham Street which contains a 4-storey residential flat building, which was formerly a church. South of the subject site at 156-164 Chalmers Street are 2 residential flat buildings, known as 'Princes Gardens'. The eastern building of the Princes Gardens complex which is closest to Cleveland House is eight storeys in height and the western building is ten storeys in height. An open lawn area also bounds the site to the west which is owned by the Princes Gardens site. A portion of this open area also forms part of the curtilage of the Cleveland House item under the state heritage register. To the site's east are 3 to 5-storey buildings which contain mixed residential and commercial uses.
12. A site inspection was carried out on 27 February 2026. Photos of the site and surrounding area are provided below.

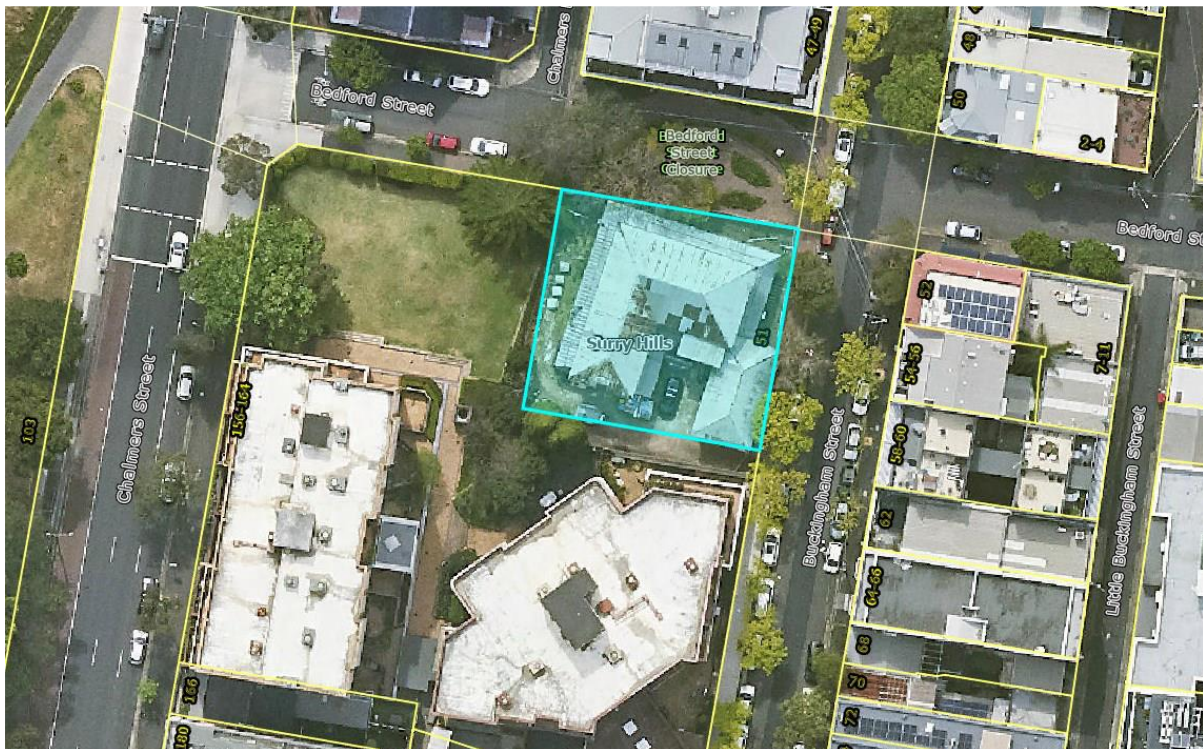


Figure 1: Aerial view of the site and surrounding area



Figure 2: Front of Cleveland House viewed from Bedford Street facing south



Figure 3: Side and rear viewed from Buckingham Street at the south-western corner of the site



Figure 4: Rear wing at the south-western corner



Figure 5: Courtyard facing north

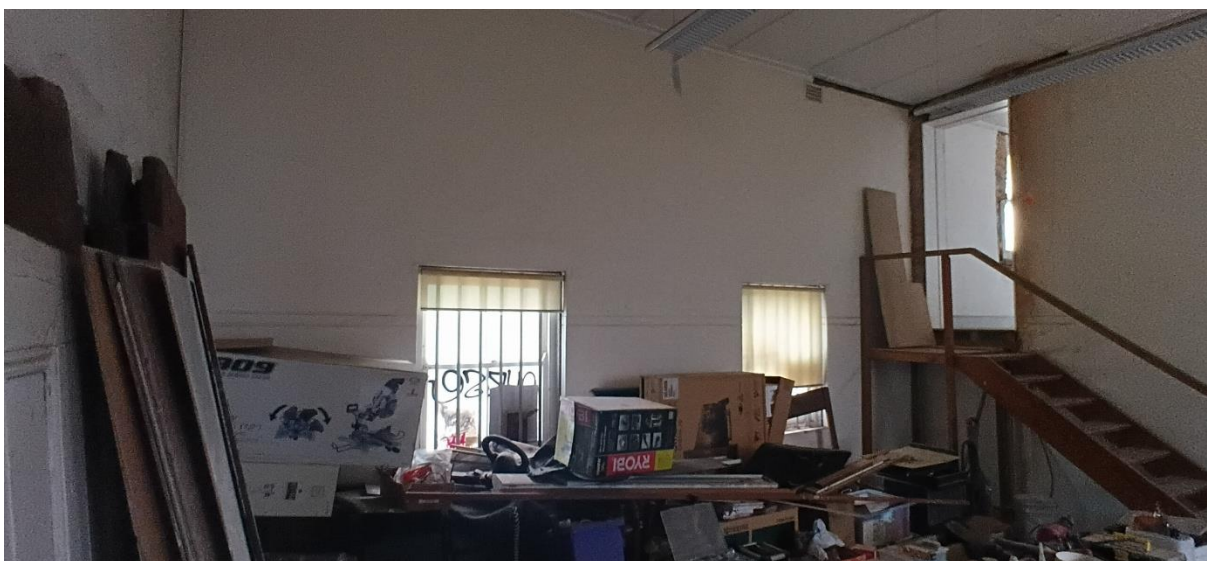


Figure 6: Ground floor storage space within the south-eastern wing



Figure 7: Ground floor storage space at the far end of the south-eastern wing

History Relevant to the Development Application

Development Applications

13. The following applications are relevant to the current proposal:

- Heritage NSW granted approval to a Section 60 application under the Heritage Act, 1977 **2015/S60/151** on 1 February 2016 for the replacement and reconstruction of 2 chimneys, the roof and gutters.
- Development consent **D/2019/1163** was granted consent by the Local Planning Panel on 25 November 2020 for alterations and additions to the state heritage listed item known as Cleveland House, including the construction of a new toilet block at the rear of the property. 'Modification A' of this consent and the condition satisfied requirements obtained approval for the same materials, colours and finishes proposed as part of the subject development application before the Local Planning Panel.
- Development consent **D/2025/1270** was refused on 19 March 2026 for the removal of the render from the exteriors of the building to expose the face brickwork beneath the render, and for the removal of in-fill at the north-eastern corner of the building which was to be replaced with the extension of the existing veranda. This was an integrated development application where Heritage NSW resolved not to grant General Terms of Approval (GTAs).

Amendments

14. The following amendments were requested by Council and Heritage NSW and were provided by the applicant:

- accurate labelling of all new works that are proposed in this development application
- weatherproofing details for the cellar doors

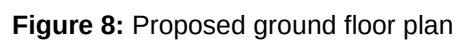
- a material and colours schedule of the proposed works
- a survey by a registered surveyor

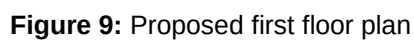
Proposed Development

15. Development approval is sought for the following alterations and additions:

- Construction of a 2-storey WC block at the south-western corner of the building with the demolition of part of a wall for internal access and concrete footings. The addition comprises new south-facing opaque windows, a Mist Green metal downpipe, tung oil timber siding for the toilets with ventilated doors, and clear glass treatment for the exterior walls of the fire stair component.
- Extend existing verandas on both sides of the south-western WC block extension with shake roofs, decorative columns and stonework to match the designs of the existing verandas.
- Demolition of the first floor toilet block that is located above the south-facing veranda to instead install new walls, windows and veranda roofing to make good and match the surrounding built form.
- Demolition, construction and installation of selected internal walls, doors, concrete floors and windows.
- Demolition and installation of 2 staircases in the ground floor storeroom to provide access internally to the new bathrooms and provide improved access to the proposed first floor office area.
- Internal alterations at ground floor level to provide new bathrooms and a new garbage room.
- Install new granite paving to the rear courtyard.
- Install new basement cellar doors, new stone arch and walls to the cellar entrance.

16. Plans and elevations of the proposed amended development are provided below.





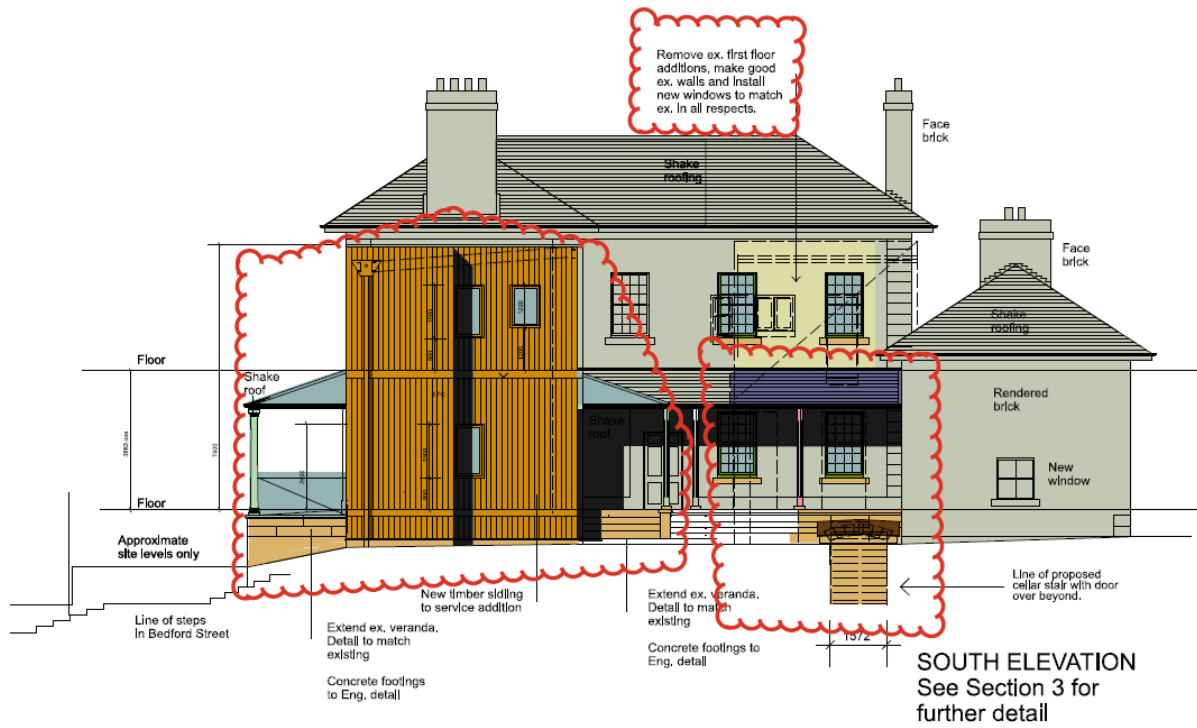


Figure 11: South elevation

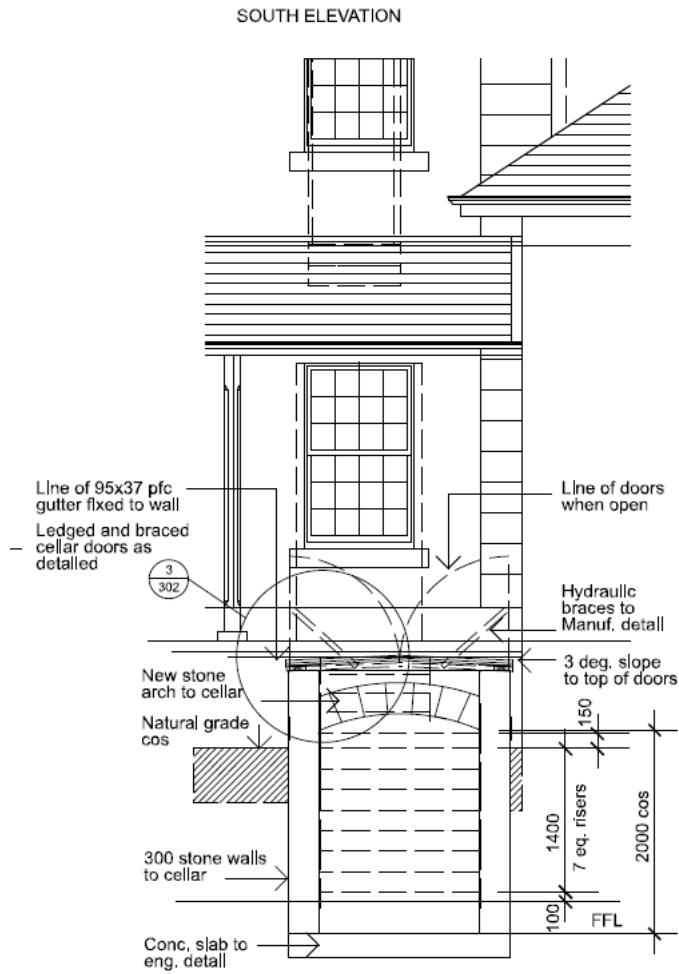


Figure 12: Detailed part of the south elevation where the cellar door is proposed

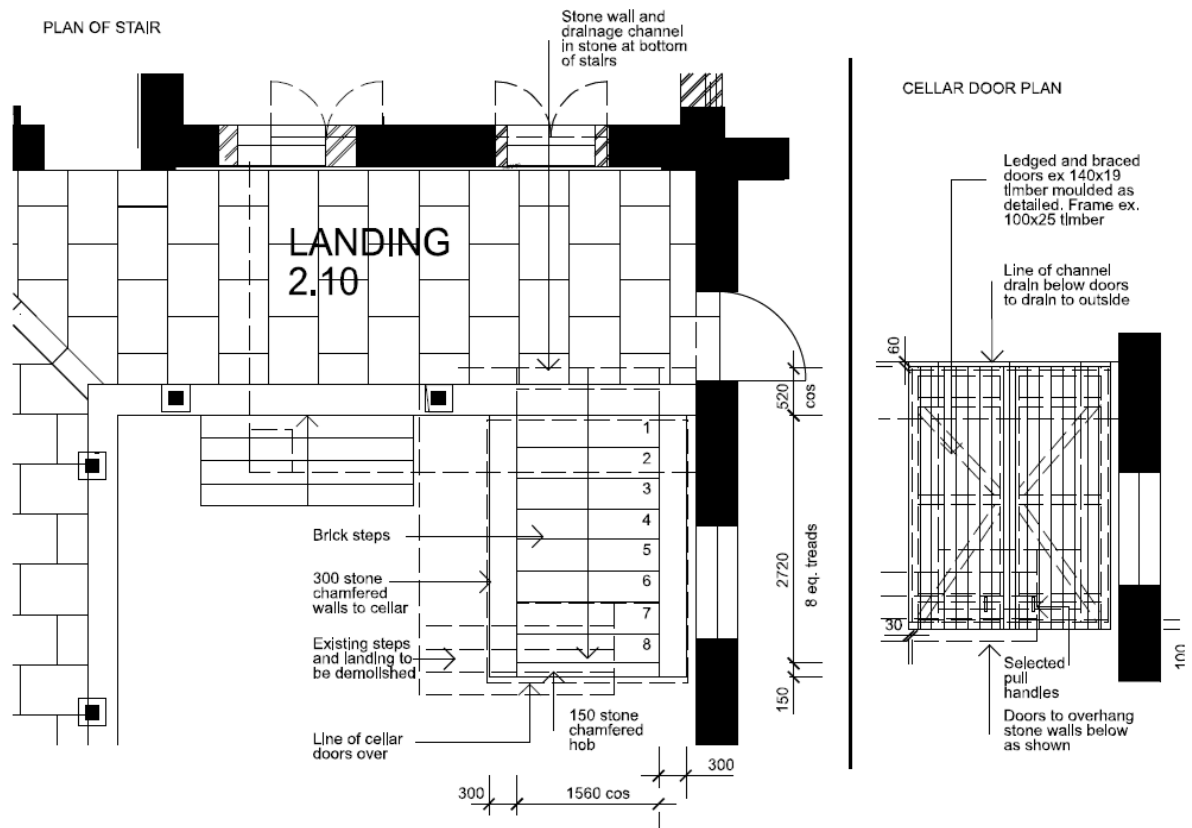


Figure 13: Courtyard plan extract (on left) and cellar door details (on right)

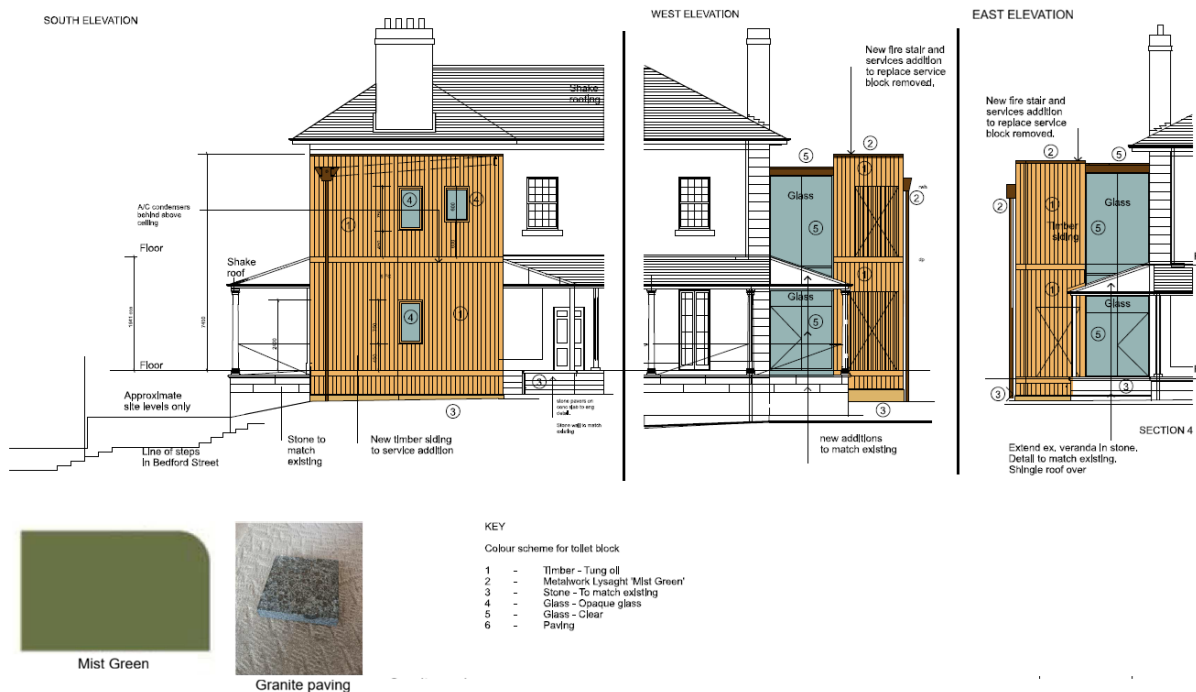


Figure 14: Colours, materials and finishes schedule

Assessment

17. The proposed amended development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Heritage Act 1977

18. The subject site is listed on the State Heritage Register under the Heritage Act 1977 and is known as 'Cleveland House', register number SHR 00065).
19. As Integrated Development requiring approval under the Heritage Act 1977, a copy of the application was referred to the Heritage Council on 13 February 2026 seeking general terms of approval in accordance with Section 42 of the Environmental Planning and Assessment Regulation 2021.
20. Following the completion of the notification period on 10 March 2026, the Heritage Council were provided copies of the 2 public submissions.
21. The Heritage Council resolved to issue General Terms of Approval on 31 March 2026. These are included in Schedule 2 of the recommended conditions.
22. As the General Terms of Approval have been granted, any consent granted by the Local Planning Panel is required to remain consistent with the General Terms of Approval of Heritage NSW. Also, as General Terms of Approval have been issued the application cannot be refused on heritage grounds.

State Environmental Planning Policies

State Environmental Planning Policy (Resilience and Hazards) 2021 - Chapter 4 Remediation of Land

23. The aim of SEPP (Resilience and Hazards) 2021 is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
24. Clause 4.6(1) of the SEPP requires the consent authority to consider whether land is contaminated prior to the consent of development on that land. Given that the long-term use of the site has been for residential, boarding school and commercial uses, it is unlikely that the site is contaminated, and further investigation is subsequently not considered necessary in this instance. The application is also not proposing a change of use.

State Environmental Planning Policy (Sustainable Buildings) 2022 – Chapter 3 Standards for Non-Residential Development

25. Chapter 3 of the SEPP does not apply to this non-residential development, as it involves alterations, the enlargement of, and extension of an existing building that has an estimated development cost of less than \$10 million.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6 Water Catchments

26. The site is subject to the provisions of this SEPP as it is located within the designated hydrological catchment of Sydney Harbour and eventually drains into Sydney Harbour.

The SEPP requires the Sydney Harbour Catchment Planning Principles to be considered in the carrying out of development within the catchment.

27. As the site is not located in the Foreshores Waterways Area and is not adjacent to a waterway, the objectives of the SEPP, with the exception of the objective of improved water quality, are not applicable to the proposed development.

Local Environmental Plans

Sydney Local Environmental Plan 2012 (Sydney LEP)

28. An assessment of the proposed amended development against the relevant provisions of the Sydney LEP is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located in the MU1 Mixed Use zone. The development is proposed to retain its existing commercial office use, which is permissible with consent in the zone and is consistent with the objectives of the zone.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	Acceptable, Clause 4.6 supported.	A maximum building height of 6 metres is permitted. The highest point of the proposed development is 7.9 metres. This constitutes a 31.7% variation from the stipulated development standard. The highest point of the existing building, defined as 'building height' under the Sydney LEP, is the roof ridge which is at a height of 11.4 metres. It is noted, the 2 chimneys are higher at 13 metres but do not count in the calculation of the definition of 'building height' under the Sydney LEP definition. A variation to the height of buildings development standard in accordance with clause 4.6 has been submitted in response and is supported. Refer to further information under the 'Discussion' section.

Provision	Compliance	Comment
4.4 Floor space ratio	Yes	The proposed development has a floor space ratio (FSR) of 0.625:1 (or 463.9 sqm). The existing FSR is 447.3 sqm (0.603:1). This is a 16.6 sqm increase to the gross floor area and remains compliant with the maximum FSR of 1:1 (742.1 sqm).
4.6 Exceptions to development standards	Yes, refer to discussion section	As discussed above, a Clause 4.6 variation has been submitted in response to the exceedance of the height of building development standard and is supported. Refer to further information in the Discussion section.

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes, subject to conditions	Refer to further details under the 'Heritage Conservation' heading of the Discussion section.

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 4 Design excellence		
6.21C Design excellence	Yes	The proposed development is of a high standard and uses materials and detailing compatible with the existing development along the street and will contribute positively to the character of the heritage significant building and the area. The toilet block addition is setback significantly from the street and no works other than a window change are proposed along the Buckingham and Bedford Street frontages. The development achieves the principle of ecologically sustainable development and has an acceptable environmental impact with regard to the amenity of the future occupants of the site and surrounding sites. The development therefore achieves design excellence.

Development Control Plans

Sydney Development Control Plan 2012 (Sydney DCP)

29. An assessment of the proposed amended development against the relevant provisions within the Sydney DCP is provided in the following sections.

Section 2 – Locality Statements

30. The proposed development is in keeping with the unique character and design principles of the Prince Alfred Park East locality (2.11.8) as follows:
- (a) The visual relationship between Cleveland House, Prince Alfred Park and surrounding gardens and open spaces are maintained.
 - (b) The existing commercial and mixed-use nature of the area remains unchanged.
 - (c) The proposed development, subject to conditions, responds to and complements Cleveland House which is listed as a heritage item and is located within a heritage conservation area.

Section 3 – General Provisions

Provision	Compliance	Comment
3.5 Urban Ecology	Yes	The proposed development does not involve the removal of any trees and will not have an adverse impact on the local urban ecology. Appropriate conditions are recommended to ensure the protection of nearby trees on private property and the street. The deep soil planting provisions require 15% (or 111 sqm) of the site area to allow for tree canopy coverage. Given the existing footprint of the heritage building and right of carriageway, there is no viable location for an additional large tree without significantly impacting the useability of the site or detracting from the heritage significant built form. Due to these circumstances, this is acceptable for this site. This position is also supported by the City's Tree Management team in this instance.
3.9 Heritage	Yes	Refer to further details in the 'Heritage conservation' section of the Discussion below.
3.10 Significant Architectural Building Types	Not applicable	The building was built as a residential dwelling. As a result, Section 3.10 does not apply despite some earlier uses of the building for community purposes.

Provision	Compliance	Comment
3.11 Transport and Parking	Yes	No change.
3.14 Waste	Yes	A condition has been recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development and a commercial waste collection contract is entered into.

Section 4 – Development Types

4.2 Residential Flat, Non-Residential and Mixed Use Developments

Provision	Compliance	Comment
4.2.1 Building height	Yes	The site is permitted a maximum building height of 2 storeys. The proposed development is 2 storeys in height and complies.
4.2.2 Building setbacks	Yes	There are no predominant setback alignments applying to the site. The setbacks of the building are retained on the north, west and east elevations. The proposed rear addition is considered acceptable as it maintains the setting of the heritage item and is setback from the neighbouring residential buildings to the south.
4.2.3 Amenity	Yes	As demonstrated below, the proposed development will have acceptable residential amenity and will not have unreasonable impacts on the residential amenity of neighbouring properties.
4.2.3.1 Solar access	Yes	Solar diagrams were submitted as part of D/2019/1163 which demonstrated minor additional overshadowing impacts to the private open space of the neighbouring residential development to the south. The same bulk is proposed in this development application was approved as part of D/2019/1163. Refer to further details in the 'Discussion' section below.
4.2.3.10 Outlook	Yes	All apartments of the neighbouring residential building at 156-164 Chalmers

Provision	Compliance	Comment
		Street, Surry Hills will maintain a pleasant outlook with the proposal. Refer to the 'View Impacts' section of the Discussion heading below for further information.
4.2.6 Waste and recycling management	Yes	A condition has been recommended to ensure the proposed commercial development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development. A garbage room has been proposed.
4.2.9 Non-residential development in the B4 Mixed Uses zone (now known as MU1 Mixed Use zone)	Yes	The development will not adversely impact the amenity of neighbouring residential properties through noise or similar impacts, subject to compliance with the recommended conditions. Visual privacy is maintained as the proposed southern elevation windows facing towards neighbouring residential apartments are proposed to have translucent glazing which is recommended for approval.

Discussion

31. Contravention of a development standard pursuant to clause 4.6 of the Sydney LEP
The site is subject to a maximum height of buildings development standard of 6 metres under Clause 4.3 of the Sydney LEP.
32. The proposed development at its highest point has a height of 7.9 metres, which represents a variation of 31.7% from the development standard. It is noted the highest point of the building as defined under the 'building height' definition of the Sydney LEP is currently 11.4 metres being the heritage-significant roof ridge.
33. Pursuant to the requirements of Regulation 35B of the Environmental Planning and Assessment Regulation 2021, the application has been accompanied by a document setting out the grounds on which the applicant seeks to demonstrate:
 - (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
 - (b) That there are sufficient environmental planning grounds to justify contravening the standard;

:

Applicant's regulation 35B document

34. The applicant seeks to justify the contravention of the height development standard on the following basis:

- (a) Strict compliance with the height of building development standard is unreasonable and unnecessary in this case as the maximum height of building development standard is already exceeded.

That there are sufficient environmental planning grounds to justify contravention of the standard:

- (b) The addition is not greatly visible from the public domain and is significantly setback from Buckingham Street and Bedford Street.
- (c) The proposed addition and extent of bulk of the rear toilet block at the south-western corner of the building where the exceeded height is proposed has previously been supported and approved under D/2019/1163/A (with minor design amendments to the materials, colours and finishes). The subject application is consistent with the previously approved development (as modified by the details that were required to be satisfied as a condition of development consent).
- (d) The proposed rear toilet block addition is in a modern contemporary style that can be clearly discerned from the original building with its height designed to be subservient to the roof of the original building.
- (e) The proposal will not have detrimental impacts on the state heritage item and allows for the relocation of bathrooms from the main building. This will alleviate heritage damage and intrusiveness into heritage significant walls for plumbing purposes.
- (f) The proposed use is consistent with the objectives of the MU1 Mixed Use zone and the objectives of the development standard for the height of building which includes the provision of flexibility to result in better heritage and environmental planning outcomes.

Precondition to granting consent where a development standard has been contravened

35. Development consent must not be granted unless the consent authority is satisfied that the applicant has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard.

Conclusion

36. For the reasons provided above the variation to the height development standard is supported as the applicant has demonstrated the matters required to be addressed by cl 4.6 of the Sydney LEP.

Heritage Conservation

37. The site is a state heritage item on the State Heritage Register, a local heritage item under the Sydney LEP and a contributing building in the Cleveland Gardens heritage conservation area.

38. The local heritage item consists of the 51 Buckingham Street site which includes Cleveland House and its immediate surroundings. The listing on the state heritage register comprises both 51 Buckingham Street and the open space to the east, which is part of the adjacent site at 156-164 Chalmers Street, Surry Hills.
39. The proposed development will not have unacceptable impacts on the significance of the heritage item and the heritage conservation area subject to the recommended conditions in the Notice of Determination. The colours and materiality proposed have been clarified by amended plans which are consistent with the approval under D/2019/1163, as amended. These have also been supported by the City's Heritage Specialist and Heritage NSW.
40. It is noted the demolition of internal walls of Rooms 2.4, 2.5, 2.6, 3.9 and 3.10 are not approved by Condition 2 of Heritage NSW's General Terms of Approval with the reason cited as being the applicant advised Heritage NSW that they are no longer proposing the demolition of these walls. As required by the Environmental Planning and Assessment Act, an appropriate condition is recommended under Schedule 2 of the Notice of Determination as per the wording of Heritage NSW, along with the other General Terms of Approval.

Solar Access

41. The proposed dimensions of the alterations and additions for the toilet block were approved as part of previous development consent for the site under D/2019/1163/A. Solar diagrams submitted as part of D/2019/1163 demonstrate that additional shadows would be cast to the private open space of the neighbouring site (containing an 8-storey residential flat building) at 156-164 Chalmers Street, particularly between 12pm and 3pm.
42. The balconies, living spaces and private open spaces of the neighbouring residential apartments will maintain adequate solar access for the remainder of the day and meet the minimum requirement under the Sydney DCP of 2 hours of direct sunlight between 9am and 3pm during the mid-winter solstice to 50% of the required minimum area of private open space.
43. At 3pm, the proposal results in minor overshadowing to one balcony of the neighbouring building. However, this balcony receives adequate solar access in the morning during the mid-winter solstice, and is therefore, the proposal would be compliant with the solar access requirements under the Sydney DCP.

View Impacts

44. Whilst the proposed addition at the rear would have some impact on views/outlook, it should be noted that the proposed addition is replicating the previously approved built form in this location under development consent D/2019/1163/A. As such, the associated impacts on views and outlooks from neighbouring developments have previously been considered and the impacts assessed as acceptable.
45. Notwithstanding this, the impact of the additions on views and outlook have been assessed against the planning principles identified under Tenacity Consulting v Warringah Council [2004] (NSW LEC).



Figure 15: View from north facing living room of apartment on second floor of Princes Gardens apartment building, looking north-west. View impact assessment completed as part of D/2019/1163



Figure 16: View from balcony of apartment on second floor of Princes Gardens apartment building, looking north-west. Inspection undertaken as part of D/2019/1163.

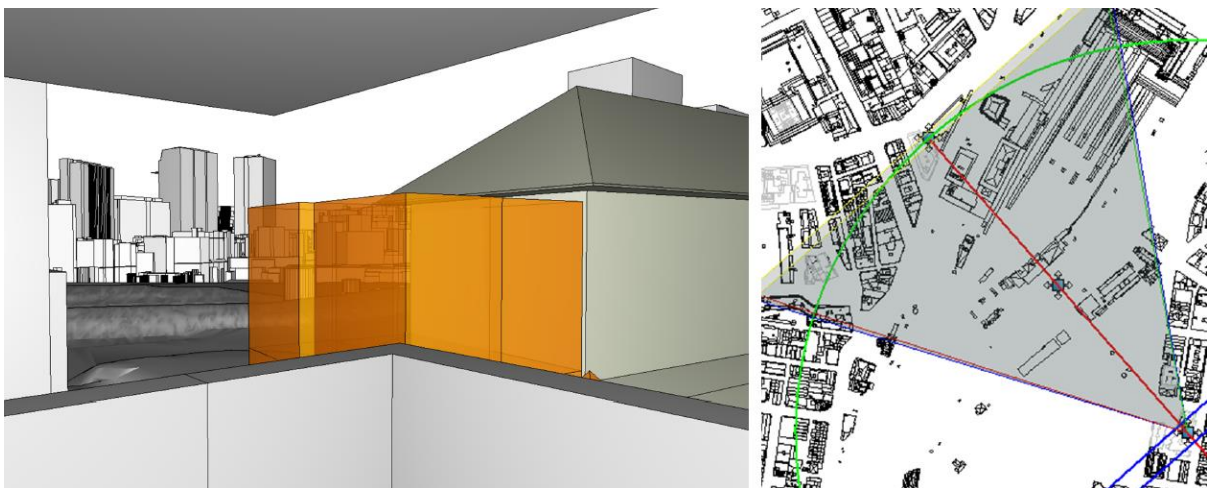


Figure 17: View analysis by the City of Sydney Model Team from the neighbouring residential balcony of the apartment on the second floor

- (a) Views to be affected
 - (i) The view in question is a keyhole view between the Princes Gardens 'Residence A' building and the south-west section of Cleveland House. The view is of the lawn and gardens at Princes Gardens, Chalmers Street, Prince Alfred Park and some city buildings beyond. Refer to Figures 15 to 17 above with view impact imagery which were verified by the City's Model team.
 - (ii) The abovementioned views are not water views nor iconic views (e.g. of the Opera House or the Harbour Bridge). It is also a partial district view or outlook, rather than a whole view of the Sydney skyline. Therefore, the view/outlook in question has minimal value compared to water or iconic views or a wider panoramic view of the Sydney skyline being affected.
 - (b) From what part of the property the views are obtained
 - (i) The view is at an oblique angle and is across numerous side boundaries, which is more difficult to protect. As noted in the relevant LEC judgement, the expectation to retain side views is often unrealistic and difficult to protect.
 - (c) Extent of the impact
 - (i) The view is obtained from a balcony and living room. It is acknowledged the impact on views from living areas and balconies is considered more significant than from bedrooms or service areas.
 - (d) Reasonableness of the proposal that is causing the impact
 - (i) The proposal is supported from a heritage perspective with regard to the overall impact on the state heritage item that is in need of repairs and requires maximum retention of heritage fabric. The proposed exceedance from the maximum height of buildings development standard is supported as it is well below the height of the existing roof ridge of the building which is nearly double the height control. Refer above to the Clause 4.6 heading within the discussion section for further height calculations.
46. Given the above, the proposed view impacts are considered reasonable in this instance.

Tree Protection

47. Several conditions have been recommended by the City's Tree Management Team to ensure 6 trees, including 4 near the site and 2 street trees which may be impacted by construction vehicles are properly protected during and after the construction of the site. This includes the requirement for additional tree information to be submitted and approved by Council prior to the issue of a construction certificate.

Right of Carriageway

48. The survey documentation demonstrate the proposed 2-storey addition would not protrude onto or impede access along the right of carriageway which runs along the southern boundary of the property. Appropriate conditions of consent are recommended to ensure that all new structures are contained within the property boundary including the need for a final identification survey to ensure appropriate details of the proposed works in relation to the boundaries are submitted and any easements that may be required are finalised prior to the issue of an occupation certificate.

Consultation

Internal Referrals

49. The application was discussed with Council's:
- (a) Heritage Specialist;
 - (b) Surveyor;
 - (c) Model Team; and
 - (d) Tree Management Unit.
50. The above advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Notice of Determination.

External Referrals

NSW Heritage Council

51. Pursuant to Section 42 of the Heritage Act 1977, the application was referred to NSW Heritage Council on 13 February 2026 for concurrence.
52. Copies of public submissions made to the City of Sydney during the notification period were forwarded to the NSW Heritage Council on 10 March 2026.
53. General Terms of Approval were issued by NSW Heritage Council on 31 March 2026 and are included in the recommended conditions of consent.

Advertising and Notification

54. In accordance with the City of Sydney Community Participation Plan 2025, the proposed development was notified for a period of 28 days as it is integrated development, between 4 February 2026 and 7 March 2026. A total of 657 properties were notified and 2 submissions were received. One submission was in support of the proposal and one other submission was in objection.
55. The following issues were raised in the submission objecting to the proposal:

- (a) **Issue:** The proposed toilet block will be highly visible from the northern and western vistas of the site which is also visible for rail commuters around Central railway station with significant amounts of glass and wood added to the view. As such, the 7.9 metre height variation request should not be supported.

Response: The proposed development will not be visible from the front elevation and will be set back from the public domain along Buckingham Street. The site is significantly set back from the view of the rail corridor. See further information under the View Impacts in this report.

- (b) **Issue:** The 7.9-metre-height variation request from the height control should not be supported due to the proposal's detrimental impacts to the heritage conservation area.

Response: A Clause 4.6 variation has been submitted and is supported for the reasons outlined in this report. The heritage impacts and scale of the addition were assessed as acceptable by Heritage NSW.

- (c) **Issue:** The floor-to-ceiling heights of the toilet block extension can be reduced so it does not match the remainder of the building which would reduce the height and bulk.

Response: A reduction in floor to ceiling heights is not considered necessary and would result in inconsistent window heights. The proposed addition remains subservient to the first floor ceiling height of the original building.

- (d) **Issue:** A dilapidation report should be submitted for the neighbouring property known as 156-164 Chalmers Street, Surry Hills.

- **Response:** A dilapidation report is recommended as a condition of consent for the relevant directly adjacent parts of the neighbouring development at 156-164 Chalmers Street, Surry Hills.

•

- (e) **Issue:** Internal areas should be repurposed for toilets instead and the roof repairs should be a priority as opposed to new toilets.

Response: This alternative proposition would require intrusions into the internal heritage fabric of the building and would require several internal plumbing changes that would be difficult to navigate with the deep heritage significant walls.

- (f) **Issue:** Solar access for the neighbouring Princes Gardens apartment development will be impacted by the proposal.

Response: The proposed sunlight access levels are compliant with the Sydney DCP. See the 'Solar Access' heading under the discussion section above for further information.

- (g) **Issue:** A balcony of the neighbouring Princes Gardens apartment development will have its views impacted by the proposal.

Response: An assessment of impacts of views is included in this body of this report. The proposed impacts on views and outlooks are not considered to impact on any iconic views and the impacts assessed as acceptable against the Land and Environment Court planning principle of *Tenacity Consulting v Warringah Council* [2004]. Refer to the 'view impacts' discussion above for further information.

Financial Contributions

Levy under Section 7.12 of the Environmental Planning and Assessment Regulation 2000

56. The Central Sydney Development Contributions Plan 2020 does not apply as the site is not located in Central Sydney.

Contribution under Section 7.11 of the EP&A Act 1979

57. The City of Sydney Development Contributions Plan 2015 applies to the site. The development is subject to a section 7.11 local infrastructure contribution under this Plan.
58. Credits have been applied for the most recent past use of the site for the addition of 17 sqm of office floor space.
59. A condition relating to this local infrastructure contribution has been included in the recommended conditions of consent in the Notice of Determination. The condition requires the contributions to be paid prior to the issue of a construction certificate.

Contribution under Section 7.13 of the Sydney LEP 2012

60. The site is located within the residual land affordable housing contribution area. As the development is development for purposes other than residential accommodation that will result in the creation of less than 60 square metres of gross floor area, the development is excluded and not subject to a Section 7.13 affordable housing contribution.

Housing and Productivity Contribution

61. The development is subject to a Housing and Productivity Contribution (Base component) under the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.
62. The site is located within the Greater Sydney region, the development is a type of commercial development to which the Housing and Productivity Contribution applies, and the development is not of a type that is exempt from paying a contribution.
63. A condition relating to the Housing and Productivity Contribution has been included in the recommended conditions of consent calculated at \$32.44 for every square metre of new gross floor area calculated at the 1 January 2026 indexed base rate for commercial developments in Greater Sydney.

Relevant Legislation

64. Environmental Planning and Assessment Act 1979.

65. Heritage Act 1977.

Conclusion

66. The application seeks approval for alterations and additions to a building listed on the State Heritage Register, as well as identified as a local heritage item and a contributing building within a heritage conservation area under the Sydney LEP.
67. The variation requested to Clause 4.3 Height of Buildings development standard, in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan is supported.
68. The proposal comprises an appropriate bulk and scale within the context of the subject site and streetscape, consistent with what has previously been approved under the recently lapses development consent D/2019/1163 (as amended). The development will result in a positive heritage outcome and Heritage NSW have granted General terms of Approval to the application.
69. The proposed office use is permissible with consent in the zone and would continue to have an acceptable level of amenity impact, subject to the recommended conditions.
70. The proposal will not result in unreasonable adverse impacts in terms of overshadowing or visual privacy, subject to the recommended conditions.
71. The proposed development exhibits design excellence in accordance with the provisions of Clause 6.21C of the Sydney LEP.
72. Subject to conditions, the development is in the public interest and is recommended for approval.

NICOLA REEVE

Acting Executive Manager Planning and Development

Costa Dantos, Planner

Attachment A

Recommended Conditions of Consent
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SCHEDULE 1

CONDITIONS OF CONSENT

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out in Schedules 1, 2 and 3.

PART A - GENERAL

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application D/2026/64 lodged on 3 February 2026 and the following amended drawings prepared by Madden Associates that have been stamp approved by Council:

Drawing Number	Drawing Name	Revision
783B – DA – 142K	Proposed Ground Floor Works	September 2018
783B – DA – 143J	Proposed Second Floor Works	December 2025
783B – DA – 211E	Proposed South Elevation	April 2025
783B – DA – 212C	Proposed West Elevation	April 2025
783 – WD – 300A	Cellar Access Door Details	February 2026
783B – WD – 301	Detail Sections 1 & 2	November 2020
783B – WD – 302	Detail Sections 3 & 4	November 2020
783B – WD – 305H	Toilet Block Details	October 2025
358B – 308A	Window Details	July 2025
783B – WD – 306C	Stair Details	April 2025
783B – WD – 309	Stair Details	March 2025
783B – WD – 310C	Kitchen Block – Ground Floor Plan	March 2025
783B – WD – 311A	Kitchen Stair Detail	March 2025
378B – Col – Col Sch 2	Colour scheme for toilet block	July 2025

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

Reason

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

(2) DESIGN AMENDMENT – NEW SOUTH-FACING WINDOWS

The ground and first floor rear elevation (south-facing) windows of the toilet block extension shall be fitted with translucent glazing and not opaque glazing.

Details illustrating compliance with this condition shall be submitted to and approved by Council's Area Planning Manager or Area Planning Coordinator by way of amended plans prior to the issue of any Construction Certificate.

Reason

To ensure an acceptable level of privacy treatment is maintained.

(3) SECTION 7.11 CONTRIBUTIONS PAYABLE - CONTRIBUTION TOWARDS PUBLIC AMENITIES – CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2015 – EAST PRECINCT

Council has identified the development will increase demand for public amenities and facilities. Pursuant to Section 7.11 of the Environmental Planning and Assessment Act, 1979 (as amended), and the City of Sydney Development Contributions Plan 2015 the following monetary contributions are required towards the cost of public amenities.

<u>Contribution Category</u>	<u>Amount</u>
Open Space	\$832.76
Community Facilities	\$784.66
Traffic and Transport	\$130.55
Stormwater Drainage	\$0.00
Total	\$1,747.97

The City of Sydney will index the above contribution for inflation at the time of payment using the following formula.

$$C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$$

Where:

C_{payment} = Is the contribution at time of payment;

C_{consent} = Is the contribution at the time of consent, as shown above;

CPI_{payment} = Is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment; and

CPI1consent = Is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being a Base CPI value of 100.38 for the December 2025 quarter.

The contribution must be paid prior to the issue of any Construction Certificate in relation to this development.

Please contact Council's Planning Administration staff at planningsystemsadmin@cityofsydney.nsw.gov.au to request a letter confirming the indexed contribution amount payable.

Once the letter confirming the indexed contribution is obtained, payment may be made at any of Council's Neighbourhood Service Centres or the One Stop Shop at Town Hall House. Acceptable payment methods are EFTPOS (debit card only), cash (up to 10K only), Credit Card (up to 50K only) or a bank cheque made payable to the City of Sydney. Personal or company cheques will not be accepted.

Reason

To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development.

(4) HOUSING AND PRODUCTIVITY CONTRIBUTION

Before the issue of any Construction Certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made.

Housing and productivity contribution	Amount (indexed as of 1 January 2026)
Housing and productivity contribution (base component)	\$551.48
Transport project component	\$0.00
Total housing and productivity contribution	\$551.48

The HPC must be paid using the NSW Planning Portal.

At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order).

The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the Environmental Planning and Assessment Act 1979 agrees.

The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the HPC Order exempts the development from the contribution.

The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2026.

Reason

To require contributions towards the provision of regional infrastructure.

(5) GENERAL HERITAGE

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the original fabric of the existing building.
- (b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction. The protection measures are to be specified in the construction management plan.
- (c) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013.
- (d) New services are to be installed with minimal impact to heritage fabric and significant spaces. Where possible new services are to use existing service runs.
- (e) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (f) The new windows and doors on the existing building must match the original material, which is timber joinery.
- (g) The face brickwork/stone/tiles must not be rendered, painted or coated.
- (h) Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.

Reason

To ensure that the development does not result in adverse heritage impacts.

(6) REPAIRS AND WORKS FOR MAKING GOOD

All new repairs and works for making good of existing building fabric are to be carried out on a like for like basis and match the existing in terms of materials, colours, finishes, sizes, profiles and properties.

Reason

To ensure repairs and works for making good are appropriate.

(7) DILAPIDATION REPORT - MINOR

Subject to the receipt of permission of the affected landowner, a dilapidation report is to be prepared by an appropriately qualified practising structural engineer. The dilapidation report shall be limited to the parts of the adjoining building at 156-164 Chalmers Street, Surry Hills, that are directly adjacent to the shared boundary where the works are proposed. Any dilapidation report prepared shall be submitted for the approval of the Registered Certifier prior to the issue of any construction certificate.

Reason

To ensure that dilapidation reports are prepared and to identify any damage to adjoining/nearby properties resulting from building work on the development site.

(8) TREES THAT MUST BE RETAINED

The trees detailed in the table below, which the City of Sydney has determined to be important landscape elements, must be retained and protected in accordance with the conditions throughout development works.

Table 1 – Tree Retention:

Tree Number	Species	Location
1	Cupressus sp (Cypress Tree)	156-164 Chalmers Street (Neighbour's tree located in right of way)
2	Cupressus sp (Cypress Tree)	156-164 Chalmers Street (Neighbour's tree located in right of way)
3	Cupressus sp (Cypress Tree)	156-164 Chalmers Street (Neighbour's tree)
4	Magnolia grandiflora (Bull Bay Magnolia)	156-164 Chalmers Street (Neighbour's tree)
5	Robinia pseudoacacia 'Frisia' (Golden Robinia)	Front of 51 Buckingham street (street tree opposite 58-60 Buckingham Street)
6	Robinia pseudoacacia 'Frisia' (Golden Robinia)	Rear of 156-164 Chalmers Street (street tree opposite 62 Buckingham Street)

Reason

To identify the trees that cannot be removed and must be retained and protected.

BUILDING WORK

PART B - BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

(9) PROTECTION OF TREE PROTECTION ZONES, PLANS AND SPECIFICATIONS

- (a) Tree Protection Zones, Plans and Specifications, prepared by a qualified Arborist (minimum AQF Level 5) and in accordance with the Australian Standard 4970 Protection of Trees on Development Sites, must be submitted and approved by the City's Tree Management Team prior to the issue of any Construction Certificate. The documentation must include:
 - (i) Tree Protection Zones (Trees 1-6), that:
 - a. are tailored to the site and the work being undertaken; and
 - b. incorporates into the TPZ an area equivalent to the encroachment to avoid a net loss of soil area and volume, unless the project arborist demonstrates that the tree will remain viable.
 - (ii) Tree Protection Specifications must:
 - a. specify, using a logical and sequential process, the measures by which the trees will be protected and managed throughout the development works; and
 - b. state any prohibitions that may be required due to the lack of detail or documentation (e.g. no trenching is allowed within the TPZ where a services plan does not exist); and
 - c. document critical stages.
 - (iii) Tree Protection Plan, including a scale or dimensions, must show:
 - a. TPZs for trees being retained, considering the matters referred to in Section 3 of AS 4970:2025 Protection Trees on Development Sites; and
 - b. the location of specified tree protection devices.
- (b) There must not be any incursion into a trees' Structural Root Zone (SRZ) or an incursion into an NRZ of any tree that exceeds 10% (a minor incursion as defined by the AS 4970:2025 Protection Trees on Development Sites). Design amendments will be required in the event any incursion enters the SRZ or this exceeds this amount, to ensure the health and condition of all trees to be retained remains viable in the long term.

- (c) Construction access and the location of the works zone must be planned to avoid adversely impacting any tree to be retained. Alternative work zone locations must be provided, and suitable size cranes/machinery/equipment utilised to minimise tree pruning requirements. Only minor pruning works will be approved by the City's Tree Management Team including to those trees to be retained including trees greater than a 40mm diameter.
- (d) Any approved pruning must be carried out by a qualified Arborist (minimum AQF Level 3) in accordance with Australian Standard 4373 'Pruning of Amenity Trees' and the SafeWork's Code of Practice - Amenity Tree Industry.

Reason

To ensure the development appropriately protects existing trees, ensuring their structural stability and long-term viability.

(10) TREE PROTECTION ZONE (PRIVATE PROPERTY AND STREET TREES)

- (a) The TPZ's are to be established in the location and manner outlined in the Tree Protection Specifications and/or Tree Protection Plan reviewed and approved, by the City's Tree Management Team, prior to the issue of any Construction Certificate.
- (b) The following works must be excluded from within any TPZs:
 - (i) Soil cultivation, disturbance or compaction.
 - (ii) Stockpiling, storage or mixing of materials, washing and repairing of tools.
 - (iii) The parking (except existing on street parking) of vehicles, equipment and machinery.
 - (iv) The disposal of liquids and refuelling.
 - (v) The disposal of building materials.
 - (vi) Any action leading to an impact on tree health or structure.
- (c) Tree protection fencing (1.8m steel mesh fencing, secured and fastened to prevent movement) must be installed at the perimeter of the TPZs or as per the approved Tree Protection Plan and Tree Protection Specification prior to the commencement of the development works. Roots must not be damaged during the establishment or maintenance of the fencing.

- (d) Where tree protection fencing (or sections of) cannot be installed due to site constraints, written approval must be obtained from a qualified Arborist (minimum AQF Level 5) and trunk and ground protection installed as per AS4970. Compliance with this condition must be addressed in the Tree Protection Compliance Certificate prepared by the Arborist.
- (e) Tree protection fencing must not be moved or relocated unless written approval is obtained from a qualified Arborist (minimum AQF Level 5) and alternate protection measures are installed to ensure the trees the viability of the tree(s) is not impacted. Compliance with this condition must be addressed in the Tree Protection Compliance Certificate prepared by the Arborist.
- (g) Where site sheds cannot be installed outside of the TPZs due to site constraints, written approval must be obtained from a qualified Arborist (minimum AQF Level 5) and appropriate tree protection measures installed as per AS4970. Compliance with this condition must be addressed in the Tree Protection Compliance Certificate prepared by the Arborist.
- (h) Signage identifying the TPZs must be attached to the tree protection fencing. Signage must be placed in a visible position in remain in place throughout the development works.
- (i) Ground protection in accordance with AS4970 must be installed if construction access is required within the TPZs. Existing pavements and hard stand areas can be used as ground protection.
- (j) All approved work undertaken within the TPZs must be supervised by a qualified Arborist (minimum AQF Level 5).
- (k) A final Tree Protection Compliance Certificate, prepared by a qualified Arborist (AQF Level 5) demonstrating that all Tree Protection Compliance Reports have been submitted at each scheduled inspection and key milestone listed above must be completion to the satisfaction of the accredited certifier.

Note: The work within the TPZ and installation of tree protection measures is only applicable within the subject development site.

Reason

To ensure the protection and ongoing health of trees for the duration of the development.

(11) TREE PROTECTION ZONES FOR STREET TREES

Table 2 – Street Trees:

Tree no.	Species	Tree Location	TPZ radius(m) from trunk	SRZ radius(m) from trunk
5	<i>Robinia pseudoacacia</i> 'Frisia' (Golden Robinia)	Front of 51 Buckingham street (opposite 58-60 Buckingham Street)	3.7	2.2
6	<i>Robinia pseudoacacia</i> 'Frisia' (Golden Robinia)	Rear of 156-164 Chalmers Street (Opposite 62 Buckingham Street)	3.2	2.1

- (a) Tree trunk and major branch protection must be installed prior to the issue of any Construction Certificate and maintained for the duration of all construction work, and must include:
- (i) tree trunk(s) and/or major branches to a height of 2 metres protected by wrapped thick underlay carpet or similar padding material to limit damage.
 - (ii) timber planks (50mm x 100mm) placed around tree trunk(s). The timber planks must be spaced at 100mm intervals and must be fixed against the trunk with tie wire, or strapping. The thick carpet underlay or padding material and timber planks must not be fixed to the tree in any instance, or in any fashion.
 - (iii) young street trees protected by the installation of three (3) wooden stakes around the edge of the tree pits or a minimum of 1 metre from the base of the trunk. Hessian must be wrapped around the stakes. If existing stakes or a metal tree guard are already in place, these suffice as tree protection.
 - (iv) tree trunk and major branch protection must remain in place for the duration of the development works and be removed at the completion of the development works.
- (b) Materials or goods, including sheds, must not be stored or placed:
- (i) around or under the tree canopy or;
 - (ii) within two (2) metres of tree trunks or branches or any street trees.
- (c) Temporary signs or any other items must not be fixed or attached to any street tree.
- (d) Where installed, hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree pits. Supporting columns must not be placed on exposed tree roots.

- (e) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the City of Sydney Tree Team.
- (f) Any trenching works for services / hydraulics / drainage etc must not be undertaken within any Tree Protection Zone (TPZ). Alternative installation methods for services, such as directional boring/drilling, or redirection of services shall be employed.
- (g) Any damage sustained to street tree(s) as a result of any construction activities (including demolition), must be immediately reported to the City of Sydney Tree Management Team on 9265 9333. Any damage to street trees as a result of any construction activities may result in prosecution under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.
- (h) Compliance with this condition must be addressed in the Tree Protection Compliance Certificate prepared by a qualified Arborist (minimum AQF Level 5).

Note: Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

Reason

To ensure the protection and ongoing health of the street trees.

(12) BUILDING WORKS TO COMPLY WITH NCC BCA – HERITAGE BUILDINGS AND BUILDINGS WITHIN CONSERVATION AREAS

Any building works required to ensure compliance with the NCC (previously known as BCA) or new building standards not specified in the submitted/ approved plan must not damage existing fabric and building features. If such upgrading works have impact or potentially have impact on existing fabric and features, details of the works must be submitted and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to the issue of any Construction Certificate.

Reason

To ensure an appropriate heritage outcome.

PART C - BEFORE COMMENCEMENT OF BUILDING WORK

(13) APPLICATION FOR HOARDINGS AND SCAFFOLDING INSTALLED ON OR ABOVE A PUBLIC ROAD AND OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD

- (a) Where a hoarding and/or scaffolding (temporary structures) are proposed to be installed on or above a road reservation (footway and/or roadway), a separate application under Section 68 of the *Local Government Act, 1993* and Sections 138/139 of the *Roads Act, 1993* must be submitted to and approved by Council for such structures.
- (b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's *Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding*; and the conditions of approval (Permit) granted including:
 - (i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
 - (ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
 - (iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);
 - (iv) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);
 - (v) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);
 - (vi) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
 - (vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
 - (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
 - (ix) ensuring all required signage, artwork or historic images are provided and fully maintained to Council's requirements (Clauses 3.4, 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

If it is proposed to operate a hoisting device including a building maintenance unit above a public road which swings, hoists material/equipment and/or slews/wind vanes any part of the device over the public road, a separate application under Section 68 of the *Local Government Act, 1993* and Sections 138/139 of the *Roads Act, 1993* must be made to Council to obtain approval.

Note: 'Building maintenance unit' means a power-operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (*Work Health and Safety Regulation, 2017*).

Reason

To ensure relevant applications are made for construction works.

(14) COVERING OF LOADS

All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

Reason

To ensure loads are managed appropriately and do not impact local amenity.

(15) HAZARDOUS AND INDUSTRIAL WASTE

Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the NSW Work Cover Authority pursuant to the provisions of the following:

- (a) *Protection of the Environment Operations Act 1997*
- (b) *Protection of the Environment Operations (Waste) Regulation 2005*
- (c) *Waste Avoidance and Resource Recovery Act 2001*
- (d) *Work Health and Safety Act 2011*
- (e) *Work Health and Safety Regulation 2017.*

Reason

To ensure hazardous/ industrial waste is managed appropriately.

(16) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on-site, where possible.
- (b) If, it is not feasible for loading and unloading to take place on-site, a Works Zone on the street may be considered by Council.

- (c) A Works Zone may be required if loading and unloading is not possible on-site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate application under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993 must be submitted to and approved by Council.

Reason

To protect the amenity of the public domain.

(17) NO OBSTRUCTION OF PUBLIC WAY

Unless otherwise approved by Council, the public way must not be obstructed by any materials, vehicles, waste receptacles, skip-bins or the like. Non-compliance with this requirement may result in the issue of a notice by Council to stop all work on the site.

Reason

To protect the amenity of the public domain.

(18) WORKS REQUIRING USE OF A PUBLIC PLACE

Where construction/building works require the use of a public place including a road or footpath, a separate application under Sections 138/139 of the *Roads Act, 1993* must be submitted to and approved by Council prior to the commencement of work. Details of any barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

Reason

To protect the amenity of the public domain and obtain relevant approvals.

(19) SYDNEY WATER CERTIFICATE (TAP-IN)

- (a) The approved plans must be submitted to Sydney Water's "Tap-in" online service to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Sydney Water's "Tap-in" online service is available at www.sydneywater.com.au, (see Plumbing, Building & Development and then Sydney Water "Tap-in").
- (b) The Consent Authority or a Principal Certifier must ensure that Sydney Water has appropriately stamped the plans before the commencement of work.

Reason

To ensure the development satisfies Sydney Waters requirements.

PART D - WHILE BUILDING WORK IS CARRIED OUT

(20) HOURS OF WORK AND NOISE – OUTSIDE CBD

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.
- (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Team, prior to works proceeding.

The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

Reason

To protect the amenity of the surrounding area.

(21) EROSION AND SEDIMENT CONTROL - LESS THAN 250SQM

Where less than 250 square metres are being disturbed, no formal plan is required however, the site is to be provided with sediment control measures and these must be implemented so that sediment, including soil, excavated material, building material or other materials cannot fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways.

Reason

To ensure that appropriate erosion and sediment control measures are put in place during construction to protect the environment.

PART E - BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

(22) PHOTOGRAPHIC ARCHIVAL RECORDING

A photographic archival recording must be prepared prior to the commencement of works / during works / at the completion of works. A copy of the photographic archival recording prepared in accordance with the Heritage NSW publication 'Guidelines for preparing archival recordings of heritage items as a condition of consent' (2025) is to be submitted for approval by the Area Planning Manager/Heritage and Urban Design Manager prior to issue of an Occupation Certificate.

Reason

To ensure appropriate archival documentation of the building.

(23) WASTE AND RECYCLING MANAGEMENT - GENERAL

The proposal must comply with the relevant provisions of the Sydney Development Control Plan 2012 and Council's *Guidelines for Waste Management in New Developments 2018*, which requires facilities to promote the safe and efficient storage, separation, collection and handling of waste to maximise resource recovery.

Reason

To ensure that waste and recycling is appropriately managed throughout all phases of the development.

(24) WASTE AND RECYCLING COLLECTION CONTRACT - COMMERCIAL

Prior to the issue of an Occupation Certificate or commencement of the use, whichever is earlier, the commercial building owner / commercial tenant is to ensure they are entered into a contract with a licensed waste service provider for the removal of all waste and recycling stream(s). A copy of the commercial waste and recycling contract and invoices are to be made available upon request by an authorised Council officer at any time.

Reason

To ensure arrangements are in place to manage commercial waste without reliance on public place or residential waste bins.

(25) ASBESTOS REMOVAL WORKS

All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with SafeWork NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal Licence which ever applies.

A copy of the relevant licence must be made available to any authorised Council officer on request within 24 hours.

Reason

To ensure that the handling and removal of asbestos from the site is appropriately managed.

(26) STORMWATER AND DRAINAGE

The drainage system is to be constructed in accordance with Council's standard requirements as detailed in the City of Sydney's Stormwater Drainage Manual. The development is to be designed so that the flow of pollutants from the site due to stormwater is reduced.

Reason

To ensure stormwater and drainage meet relevant requirements.

PART F - OCCUPATION AND ONGOING USE

(27) OCCUPATION CERTIFICATE TO BE SUBMITTED

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

Reason

To ensure the site is authorised for occupation.

(28) ENCROACHMENTS – NEIGHBOURING PROPERTIES

No portion of the proposed works can encroach onto the adjoining properties.

Reason

To ensure the proposed works do not encroach onto neighbouring properties.

(29) ENCROACHMENTS – PUBLIC WAY

No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach over the public way.

Reason

To ensure the proposed works do not encroach onto the public way.

(30) SURVEY

All footings, walls and floor slabs adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report, prepared by a Registered Surveyor, must be submitted to the Principal Certifier indicating the position of external walls in relation to the boundaries of the allotment. Any encroachments by the subject building over adjoining boundaries or roads must be removed prior to continuation of building construction work.

Reason

To ensure all proposed works are contained within the property boundaries of the subject site.

(31) SURVEY CERTIFICATE AT COMPLETION

Prior to the issue of any type of Occupation Certificate for the building, a Final Identification Survey prepared and signed by a Surveyor registered under the Surveying & Spatial Information Act 2002 must be submitted at the completion of the building work certifying the location of the building and showing offsets in relation to the boundaries of the allotment.

Any encroachments of the building including gutters and downpipes over the side boundaries or rear lane that are not approved in the DA must be removed, or where approved, appropriate easements under Section 88B of the Conveyancing Act 1919, with terms to the satisfaction of Council, must be lodged with the office of NSW Land Registry Services, and evidence of lodgement provided to the Principal Certifier prior to the issue of any type of Occupation Certificate. Encroachments upon public roads must, if supported, be approved by Council's Area Planning Manager prior to the issue of any type of Occupation Certificate.

Reason

To ensure that either the building does not encroach, or that any encroachments are formalised on title.

SCHEDULE 2

TERMS OF APPROVAL

The Terms of Approval for Integrated Development as advised by the Heritage Council of NSW are as follows:

APPROVED DEVELOPMENT

(1) Development must be in accordance with:

(a) Architectural drawings, prepared by Madden Associates as listed below:

Project Name: Cleveland House

Dwg No	Dwg Title	Date	Rev
783B-DA-142K	Proposed Ground Floor works	1/26	K
783B-DA-143J	Proposed Second Floor works	12/25	J
783-WD-300	Cellar Access Door Details	Nov 2020	
783B-WD-301	Details Sections 1 & 2	Nov 2020	
783B-WD-302	Details Sections 3 & 4	Nov 2020	
783B-WD-305H	Toilet Block Details	10/25	H
783b-WD-306C	Stair Details	4/25	C
783b-WD-310C	Kitchen Block – Ground floor plan	3/25	C
783b-WD-311A	Kitchen Stair Detail	3/25	A
358B-308A	Window Details	7/25	A
783-WD-309	Stair Details	3/25	

(b) Engineering drawings, prepared by Shreeji consultant as listed below:

Project Name: Cleveland House

Dwg No	Dwg Title	Date	Rev
11.28.02	Building Plan		
11.28.03	Typical Verandah Footing		
11.28.04	Toilet Block Details		
11.28.05	Toilet Block Details		
11.28.06	Details		
11.28.07	Details		
11.28.08	Typical Sections		

(c) Report: SOHI, prepared by Jeff Madden and Associates, dated 2026

(d) Report: SoEE, prepared by Jeff Madden and Associates, dated 12/01/2026

(e) Supplementary Materials board drawing, dated February 2026, unauthored.

EXCEPT AS AMENDED by the General Terms of Approval:

Works not Approved

- (2) Modifications to the internal walls of Rooms 2.4, 2.5, 2.6, 3.9 and 3.10 are not approved as part of this application.

Reason: The applicant provided clarification that these works are not proposed as part of the current application and therefore they have not been assessed.

Heritage consultant

- (3) A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

Reason: So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.

Specialist tradespersons

- (4) All work to, or affecting, significant fabric shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods.

Reason: So that the construction, conservation and repair of significant fabric follows best heritage practice.

Site protection

- (5) Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

Reason: To ensure significant fabric including vegetation is protected during construction.

Heritage Interpretation Plan

- (6) An interpretation plan must be prepared in accordance with the Heritage NSW publication 'Interpreting Heritage Places and Items Guidelines' (2005) and submitted for approval to the Heritage Council of NSW (or delegate) prior to the issue of a Construction Certificate/ Government certification.
- (7) The interpretation plan must detail how information on the history and significance of name of item will be provided for the public, and make recommendations regarding public accessibility, signage and lighting. The plan must identify the types, locations, materials, colours, dimensions, fixings and text of interpretive devices that will be installed as part of this project.
- (8) The approved interpretation plan must be implemented prior to the issue of an Occupation Certificate.

Reason: Interpretation is an important part of every proposal for works at heritage places.

Photographic Archival Recording

- (9) A photographic archival recording (if necessary, specify elements or parts of structure/complex to be recorded) must be prepared prior to the commencement of works /during works /at the completion of works. This recording must be prepared in accordance with the Heritage NSW publication 'Guidelines for preparing archival recordings of heritage items as a condition of consent' (2025). Only the digital copy of the archival record must be submitted electronically to Heritage NSW. The required format and specifications of the record are published on the Heritage NSW website.

Reason: To capture the condition and appearance of the place prior to, and during, modification of the site which impacts significant fabric.

Unexpected finds

- (10) The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics or any other buried fabric, are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Reason: All significant fabric within a State Heritage Register curtilage should be managed according to its significance. This is a standard condition to identify to the applicant how to proceed if historical archaeological relics, or other unexpected buried discoveries such as works are identified during the approved project.

Aboriginal objects

- (11) Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with the National Parks and Wildlife Act 1974. Works affecting Aboriginal objects on the site must not continue until Heritage NSW has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the National Parks and Wildlife Act 1974.

Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.

Compliance

- (12) If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

Reason: To ensure that the proposed works are completed as approved.

Section 60 application

- (13)** An application under section 60 of the Heritage Act 1977 must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.

Reason: To meet legislative requirements.

SCHEDULE 3

Prescribed Conditions

The applicant must comply with all relevant conditions contained in Part 4, Division 2, Subdivision 1 of the *Environmental Planning and Assessment Regulation 2021* which apply to the development:

Refer to the NSW State legislation for full text of the clauses under Part 4, Division 2, Subdivision 1 of the *Environmental Planning and Assessment Regulation 2021*. This can be accessed at: <http://www.legislation.nsw.gov.au>

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the *Conditions of development consent: advisory notes*: <https://www.planning.nsw.gov.au/sites/default/files/2023-07/condition-of-consent-advisory-note.pdf>. The consent should be read together with the *Conditions of development consent advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means the City of Sydney.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by Section 2.7 of the EP&A Act.

Local planning panel means the City of Sydney Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under Section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to the collection of stormwater, the reuse of stormwater, the detention of stormwater, the controlled release of stormwater, and connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

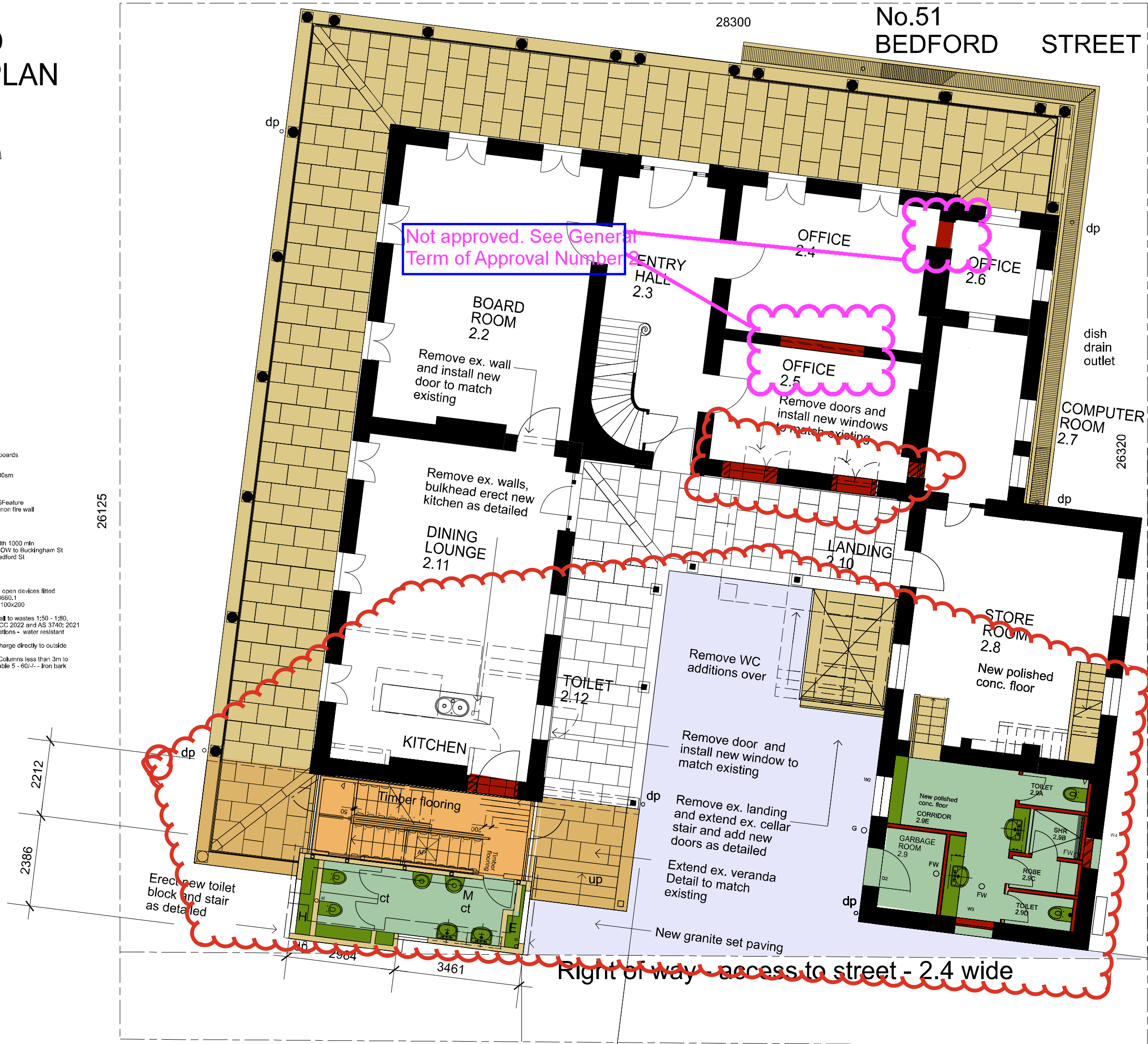
Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Attachment B

Selected Drawings

- 1 **Make good all ex. windows, doors and frames to match existing as necessary.**
- 2 **New doors and windows are to match in detail and material selected existing doors and windows on site, or where no existing model exists, windows and doors as detailed.**
- 3 **Install new stairs in the kitchen block as detailed.**
- 4 **After the removal of walls as nominated, make good to match adjoining finishes as necessary.**
- 5 **All Internal skirtings are to be made good and where selected replaced to match selected profile**

- Fire extinguishers
 - Class AE and E - emergency switchboards
 - Class F - Kitchens
 - Class B - Flammable liquids
 - Class A - compartments less than 500sm
with no hose reels.
- New addition external walls
- Changed to conc block 90/90/90
- Protection of openings - less than 3m to FSFeature
 - C4D5 - Escape stair - not required - non fire wall
 - Windows - Fixed -60-
- Cyltchboard
 - D3D14 - less tan 500sm - not required
- Paths of exits
 - D2D15
 - Stair and passageways - width 1000 mm
 - Passage from rear exit via ROW to Buckingham St
 - Passage from front exit to Bedford St
 - D3D18 - Balustrades to be 1000 high
 - D3D19 - Handrails to be 900 high
 - opening to be less than 150
 - Barriers are solid doors
 - D3D25 - Floor less than 200sm - hold open devices fitted
 - F1D6 - Termite barriers to AS/ANZ 3660.1
 - F1D8 - Climate zone C - 4 off vents 100x200
 - F2D3 - Floors concrete to AS3740.
 - Waterproofing to Spec 262, Fall to wastes 1:50 - 1:80,
 - Water stops at junctions to NCC 2022 and AS 3740; 2021
 - F6D6 - Floors, junctions and penetrations - water resistant
 - F6D7 - Nil - fixed windows
 - F8D4 - Exhaust flow rate 25L/s discharge directly to outside connected to flight switch
- C1.1
 - Fire resisting construction - Columns less than 3m to FSFeature - single storey - Table 5 - 60/-L - Iron bark to eng. calculation



Existing
switchboard

BUCKINGHAM STREET

K J	Courtyard paving altered Minor amendments	1226	JM
--------	--	------	----

K	Courtyard paving altered
J	Minor amendments
E	Office areas 2.6.2.7 shown as their removal not incl. in this proposal
D	Front stair and removal of offices not incl. in this proposal
C	

B Kitchen altered C Kitchen altered A collar strip modified WC altered in kit block	No. AMENDMENT	SCALE 1:100		JM
		DATE	AUG 2018	
		DRAWN:		JM
		CHECKED:		

PROJECT	TITLE
CLEVELAND HOUSE COMBINED APPLICATION	PROPOSED GROUND FLOOR WORKS

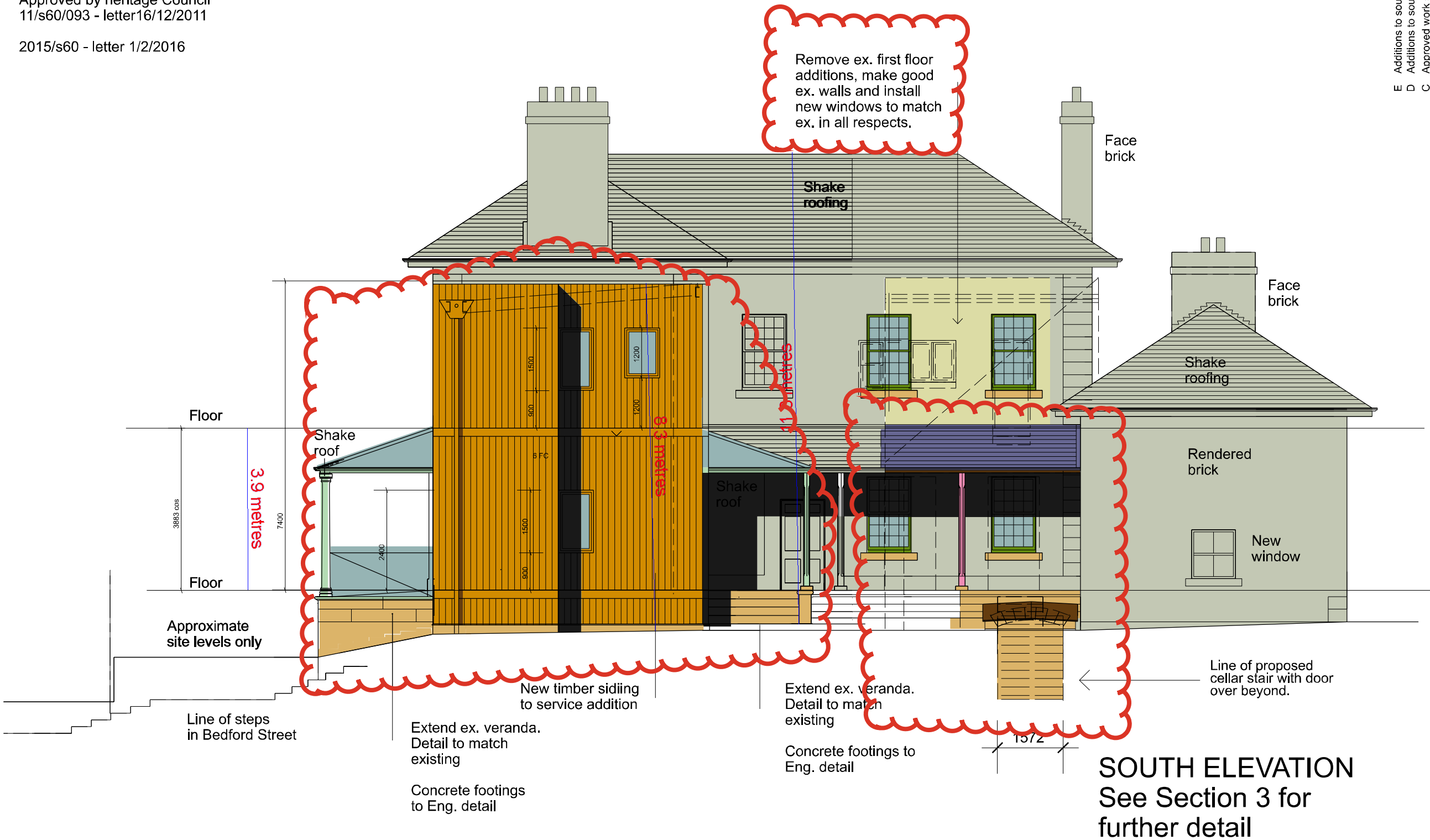
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PHONE 02 9555 9077
FAX 02 9555 9503



ASSOCIATES

Approved by heritage Council
11/s60/093 - letter 16/12/2011

2015/s60 - letter 1/2/2016



E	Additions to south altered	JM	4/25	A	Window relocated	JM	8/18
	D	Additions to south altered	JM		condenser space added	JM	
	C	Approved work shown	JM		West fence removed. A/C	JM	
	B	Cellar stair altered	JM		Stair alterations	JM	
				AMENDMENT			
				No.	SCALE	DATE	CHK
				1:100	AUG 2018	JM	
				DRAWING NO.			
				783B - DA - 211E			
				PROJECT			
				CLEVELAND HOUSE			
				COMBINED APPLICATION			
				TITLE			
				PROPOSED SOUTH			
				ELEVATION			

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2015/s60 - letter 1/2/2016



WEST ELEVATION

Site levels are approximate only and need to be verified on site.

C General alterations		4/25	JM
B South additions		6/20	JM
A altered			
shown		11/19	JM
No. AMENDMENT		DATE	CHK
SCALE 1:100		DRAWN: JM	
DATE AUG 2016		CHECKED:	
DRAWING NO.			
783B - DA - 212C			
PROJECT		TITLE	
CLEVELAND HOUSE		PROPOSED WEST	
COMBINED APPLICATION		ELEVATION	
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		MADDEN ASSOCIATES	

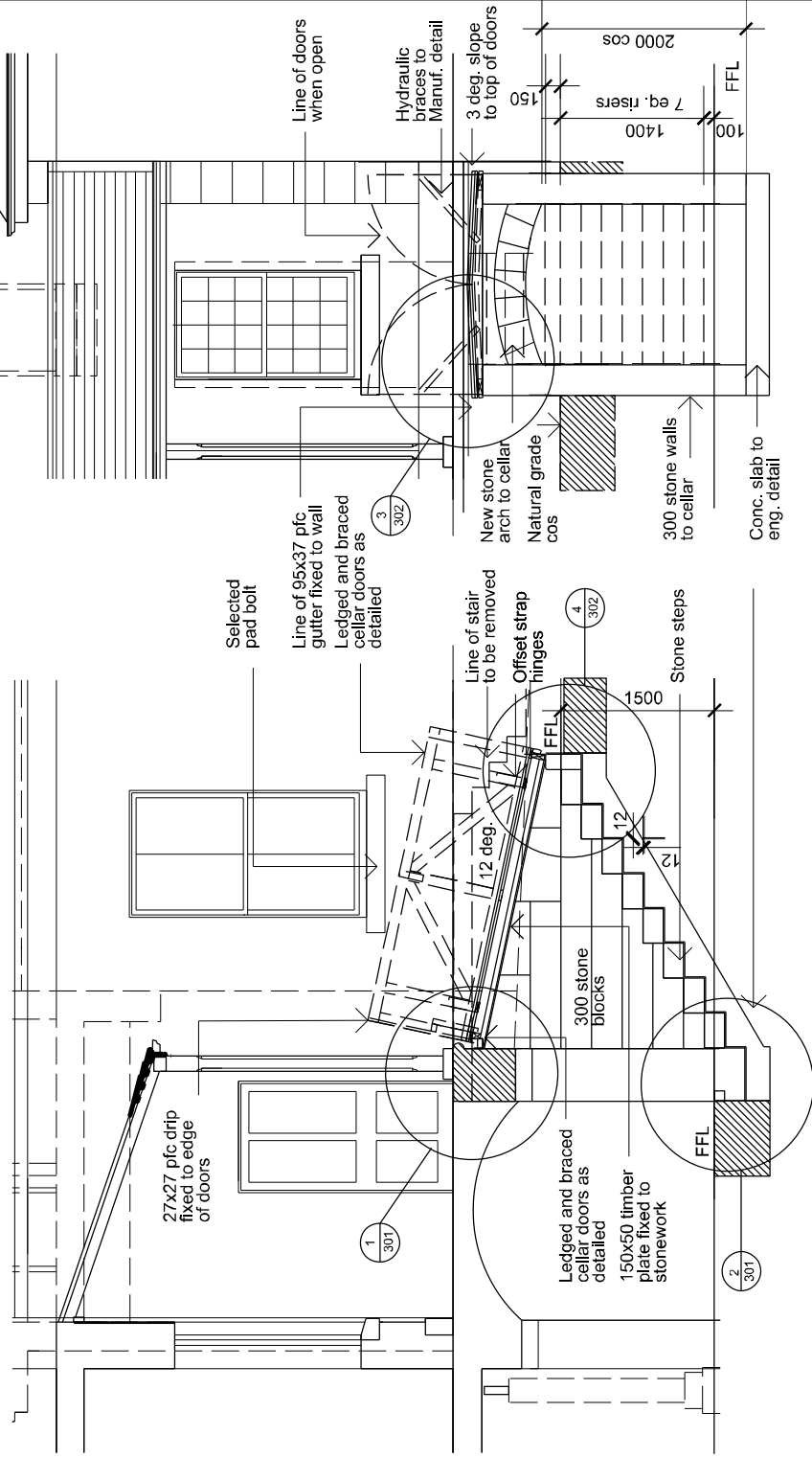
SOUTH ELEVATION

NOTE

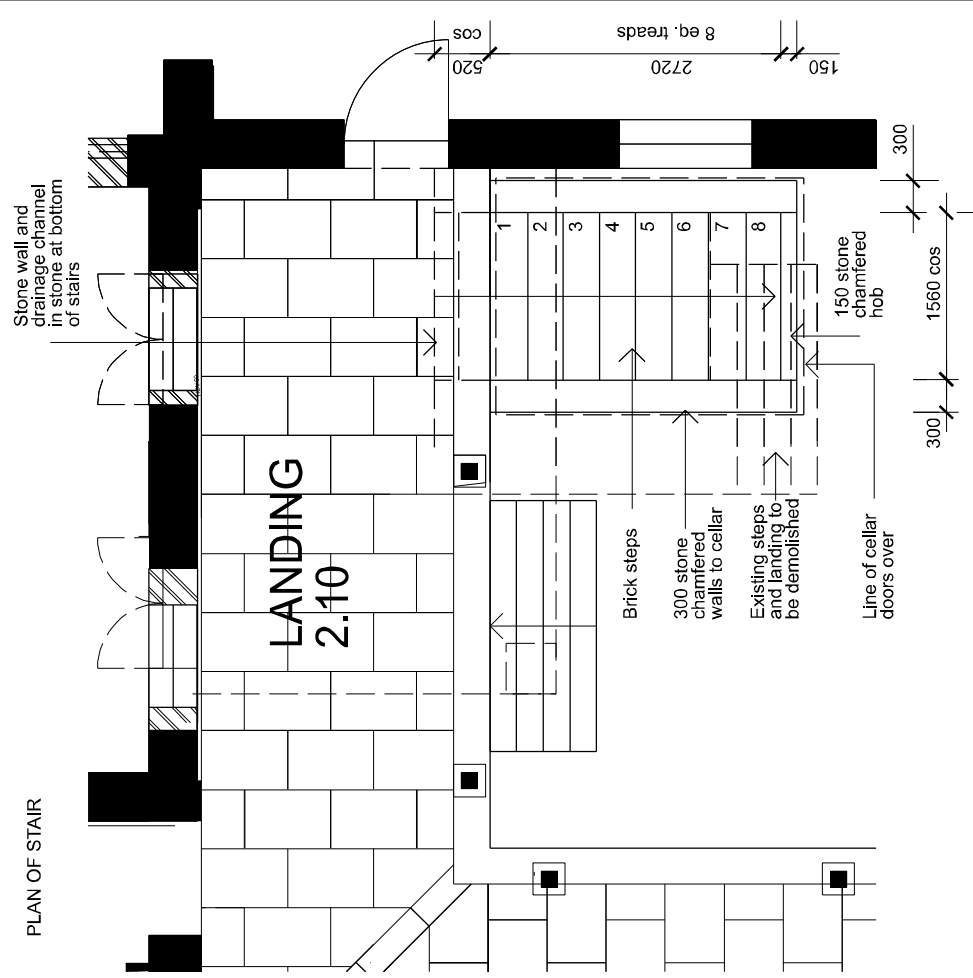
Provide neoprene seals on doors, and door overlap to form a waterproof seal.

Overall the slope of the doors will provide quick runoff of any water and there will be no locations where ponding can occur

WEST ELEVATION



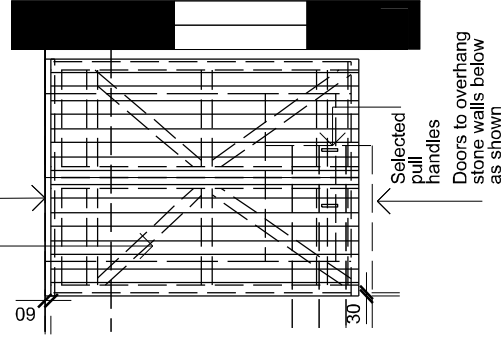
PLAN OF STAIR



CELLAR DOOR PLAN

Ledged and braced doors ex 140x19 timber moulded as detailed. Frame ex. 100x25 timber

Line of channel drain below doors to drain to outside



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ALTS AND ADDS
CLEVELAND HOUSE

CELLAR ACCESS DOOR
DETAILS

A	Neoprene seals added	2/26	JM
No.	AMENDMENT	DATE	CHK
SCALE	1:50	DRAWN	JM
DATE	NOV 2020	CHECKED:	
DRAWING NO.			
783 - WD - 300A			
Ref: H2_783/Cad/WD/3783-206.dgn			

27x27 angle fixed to edge of door as a drip

Hydraulic brace fixed to door

Ledged and braced door ex.100x25 frame and 140x19 moulded lining boards to face of door with moulded cap fixed to one door to overlap adjoining door

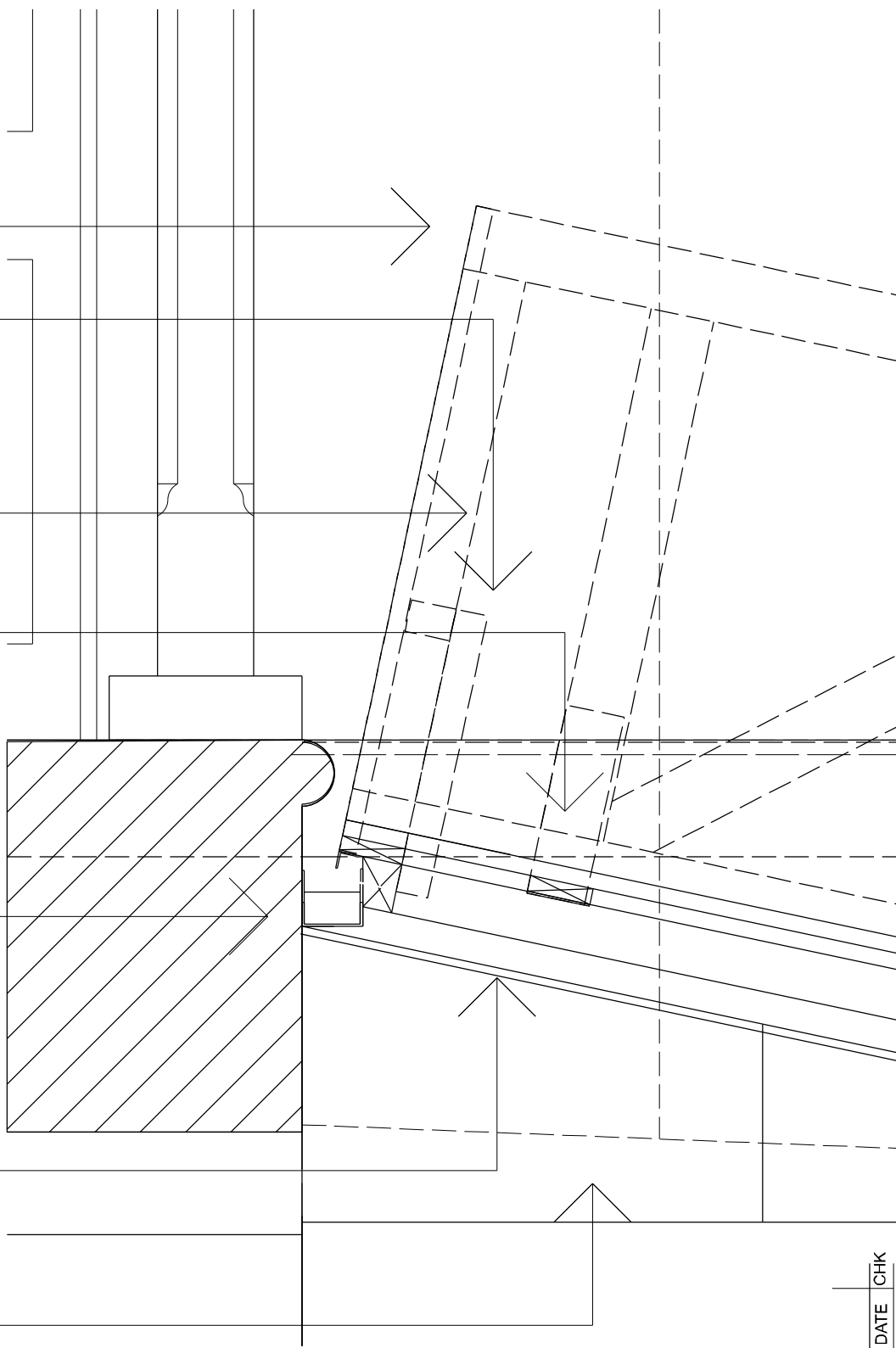
Offset selected strap hinges top and bottom

95x37 pfc galvanised gutter secured to stone wall with a mastic seal

Ex 125x150 timber trim to support hydraulic brtace

Ex 150x50 plate secured to chamfered stone upstand on a mastic bed

Stone wall to stair
Angle to doors 12 degrees



DETAIL SECTION 1

Existing stone wall

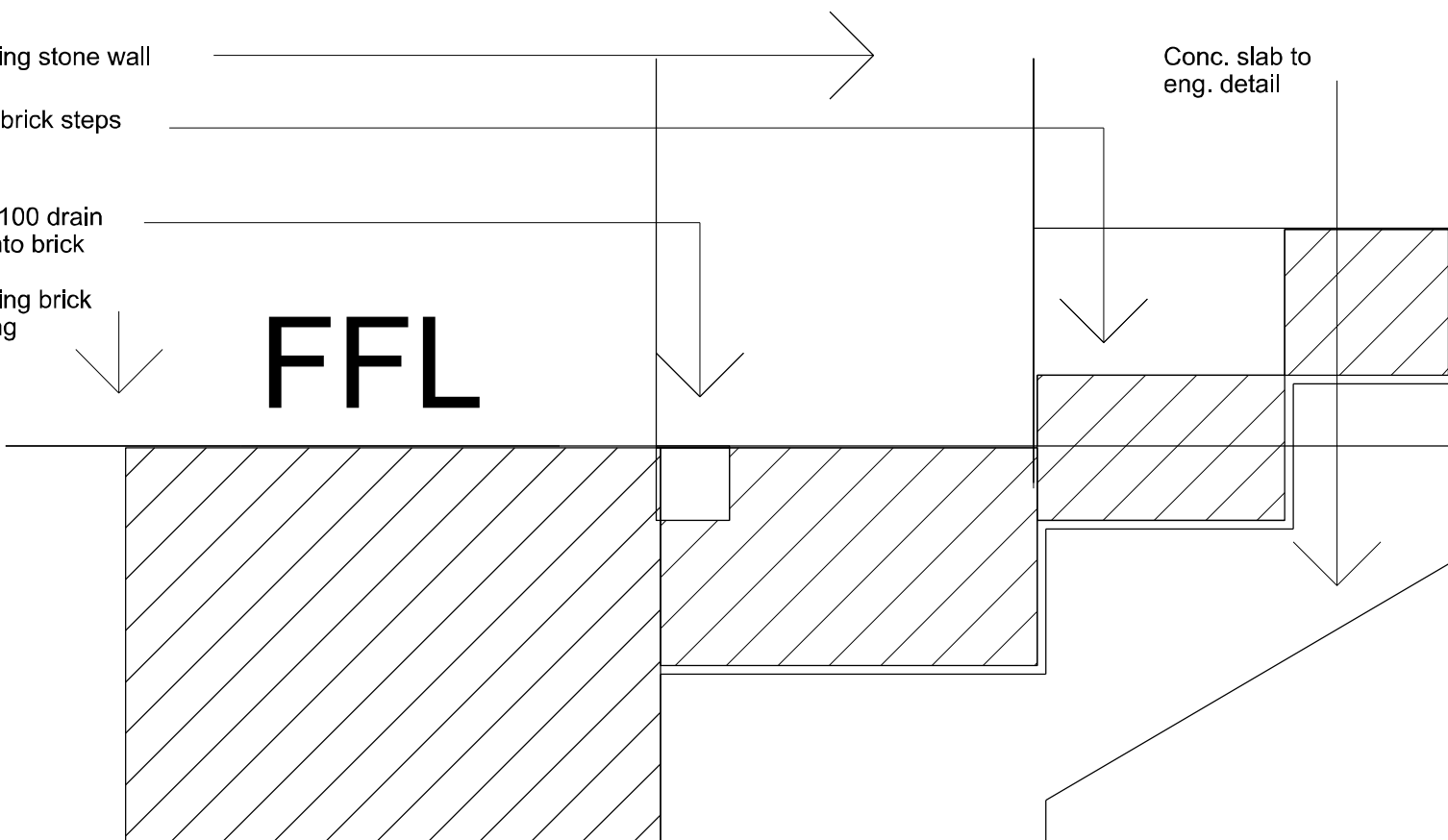
New brick steps

100x100 drain cut into brick

Existing brick paving

FFL

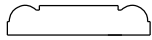
Conc. slab to eng. detail



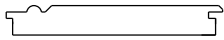
DETAIL SECTION 2

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			SCALE	1:5	DRAWN: JM	
			DATE	Nov2020	CHECKED:	
			DRAWING NO.		783B - WD - 301	
PROJECT		TITLE				
ALTS AND ADDS TO CLEVELAND HOUSE		Detail sections 1 & 2				

EX 75X19



EX140X19



Line of nosing to veranda behind

Line of doors in open position

Hydraulic brace secured to ex. 125x150 timber fixed to pfc

Ledged and braced doors. Panelling to be ex 140x19 DAR as shown above and frame to be ex. 100x50 timber

Offset strap hinge as selected

Ex. 150x50 plate secured to top of stone on a mastic bed

Stone walls to cellar. Provide 12 chamfer to edge of stone

Arched entrance to cellar by stone mason

3deg. slope

Ledged and braced dors as noted above

Line of steps to be removed

Line of strap hinge

Ex. 250x50 tapered strip to base of door to close gap

Ex. 150x50 timber plate secured to top of stone, bedded in mastic

Ex. 150 high by 159 wide3 chamfered kerb at top of stair

Conc. slab to eng detail

FFL

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			SCALE 1:5		DRAWN: JM		
			DATE Nov2020		CHECKED:		
			DRAWING NO.				
PROJECT ALTS AND ADDS TO CLEVELAND HOUSE		TITLE Detail sections 3 & 4					

SOUTH ELEVATION

DP1 and spreader

DP A

Shake roof

Fall

Glass roof

Shake roof

New service block as detailed

Metal deck roofing

Fall 5 deg. pitch

300 mm

Architectural drawing of the first floor plan. The plan shows a central corridor (Fem ct) and a shower room (Shr ct). A new service block is shown on the left, connected to the existing building. The drawing includes dimensions and labels for various components like 'Shake roof', 'Metal and glass floor', and 'dp' (down pipe). A note indicates: 'New service block as detailed'.

[illegible]

- Building is commercial (Class 5)
- Building is less than 1.5m to boundary and of 2 stories (Type C construction, 90/90/90 or 90 blockwork to AS 3700 Table 3 faced with 19 shiplap boarding on 25 timber battens).
- Flooring to be 150 concrete slab set 50 below external floor levels to accept ceramic tiles to falls.
- Windows in accordance with C4D5 of the NCC to have a fire resistance of ~/60/-
- All water supply piping is not to be chased into existing stone or brickwork.
- Existing services below grade are to be connected to new external services without disturbance to original fabric.

Approximate site levels only

Line of steps in Bedford Street

Extend ex stone walls, paving columns and roof to match existing

SECTION 1

SECTION 3

VOID

siding

VOID

21 EOC RISERS

28

1025

112

1041

Glass wall

12

50

50

81

900

Glass wall

packer as req'd

2212

New fire stair and services addition to replace service block removed.

SECTION 4

Timber siding

Ex. fan

Glass

Glass

Approximate site levels only

Line of site

Extend ex. veranda in stone. Detail to match existing. Shingle roof over

Left hand side original door to new Kitchen

New fire stair and services addition to replace service block removed.

Timber siding

Ex. fan

Glass

Glass

Floor

Approximate site levels only

Line of site

SECTION 4

Left hand side original door to new Kitchen

Exterior env. veranda in stone. Detail to match existing. Shingle roof over

New fire stair and services addition to replace service block removed.

Timber siding

Bathroom exhausts top and bottom

New ventilated doors as detailed

Glass

Glass

new additions to match existing

New column to match existing

New ventilated doors as detailed

Architectural section drawing of a building, likely a conservatory or sunroom, showing a glass roof structure and internal staircase. The drawing includes dimensions and labels for various components.

Labels and Dimensions:

- Channels to detail** (pointing to the roof edge)
- 2760** (vertical dimension on the left)
- 2090** (horizontal dimension for 4 EQ panels)
- 1550** (horizontal dimension for 3 EQ panels)
- 500** (vertical dimension for the staircase)
- 12 EQ TREADS** (pointing to the staircase treads)
- 210** (vertical dimension for the staircase riser)
- 220** (vertical dimension for the staircase landing)
- 3685 c/c** (vertical dimension for the staircase structure)
- 27 in. fibers** (pointing to the staircase structure)
- the pavers on conc. slab to eng.** (pointing to the base of the staircase)
- Strip footing to Eng. detail** (pointing to the base of the staircase)
- Shake roof** (pointing to the roof of the adjacent building)
- Glass roof** (pointing to the roof of the conservatory)
- Glass wall** (pointing to the wall of the conservatory)
- stone pavers on conc. slab to eng detail** (pointing to the base of the conservatory)

Text:

Install new stair to first floor in location of ex. opening. Detail to match ex.

SECTION 2

AMENDMENT	DATE
Wall, floor and windows changed	10/25
Clear coat and rollers removed	8/25
Plaster note added	8/25
Exterior site altered	8/25
General amendments	3/25
General amendments	11/24
No.	2/24

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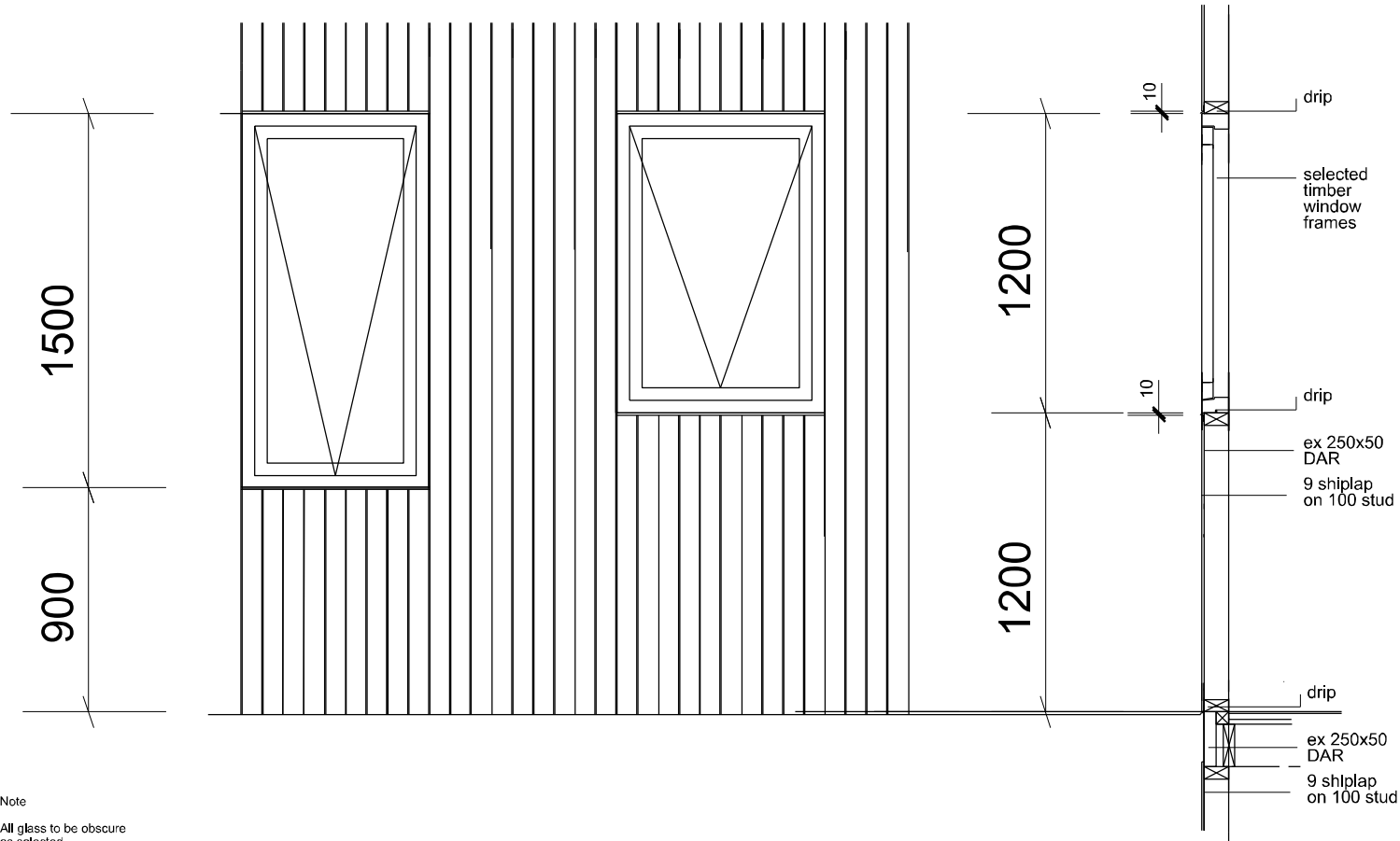
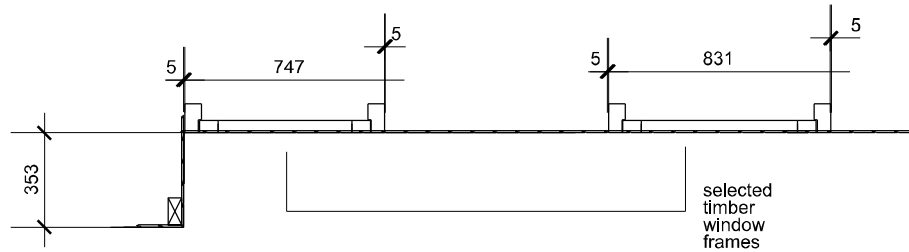


PROJECT
PROPOSED ALTERATIONS
TO CLEVELAND HOUSE
JERRY HILLS

TOILET BLOCK DETAILS

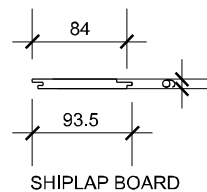
E 1:50	DRAWN	JM
4 JULY 2023	CHECKED	

WING NO. B - WD - 305H



Note

All glass to be obscure as selected



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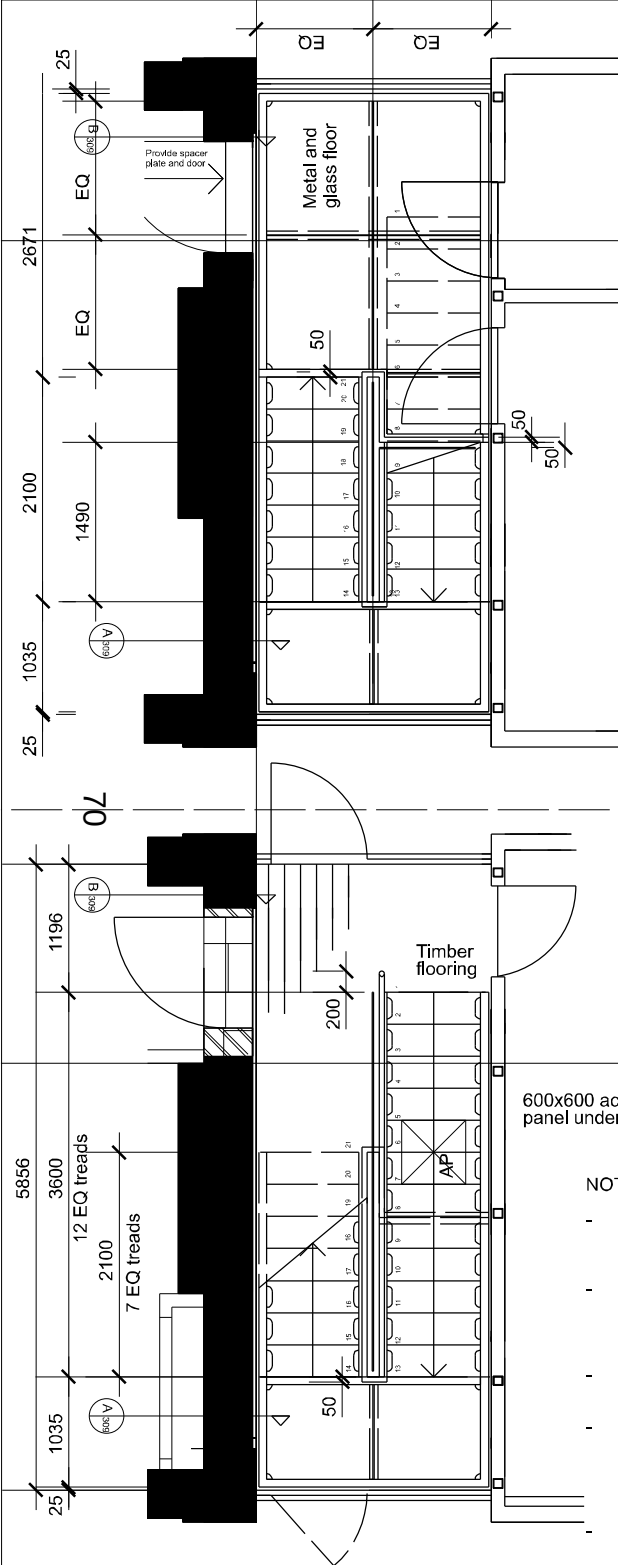
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PROJECT
CLEVELAND HOUSE
COMBINED APPLICATION

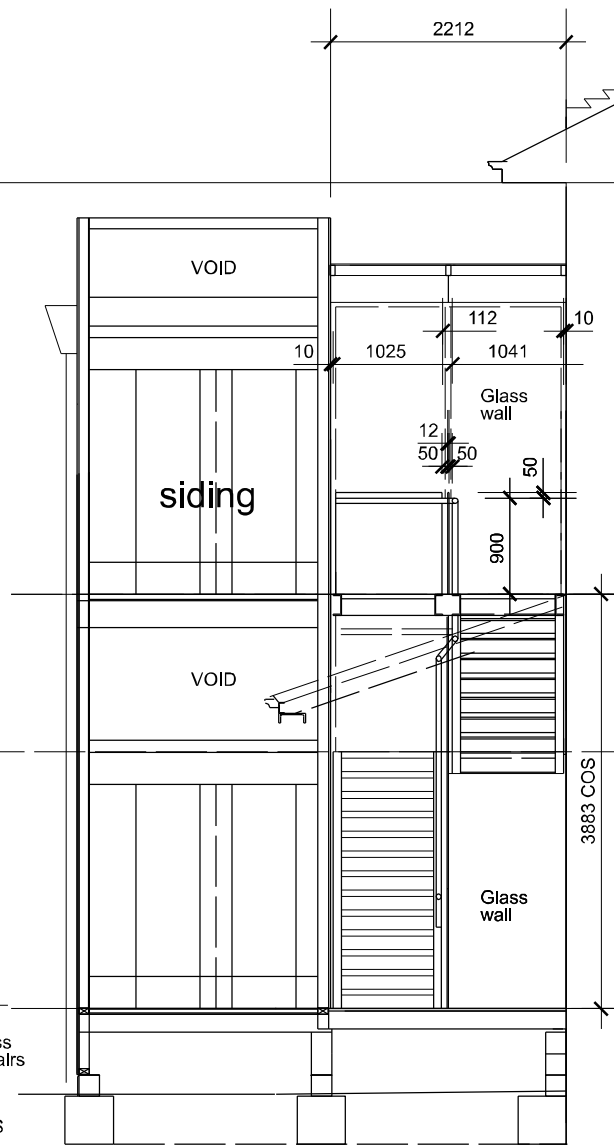
TITLE
WINDOW DETAILS

A	Glass note added	7/25	JM
NO.		DRAWN: DATE	CK
SCALE		DATE	
1:20		NOV 2024	
DRAWING NO.			
358B - 308A			



NOTES

- Fabricate stair from 200 pfc. Landing divisions to be ex 152x76 rhs set below glass which is to be supported on welded lugs as shown with silican joints between panels.
- Secure stair to surrounding brick walls with chemical anchors through the strings at the existing building and on columns built into the walls elsewhere to Eng. detail. At the base secure with an steel plate to Eng. detail.
- Handrails to be 50 ss secured to a 12 lam glass balustrade
- Glass treads and landings to be 60 laminated glass with lam. glass strip to the leading edge to reduce the gap between treads to be less than 125mm, or as advised by the Eng with a non slip finish pin fixed to lugs set flush with the top of the glass.
- All dimensions are subject to site verification.
- See also Dwgs. 305 and detail sheet 309



NOTES

- Stair to be a rigid structure to carry glass to both east and west.
- There is to be no connecting point to the quoins. A 10 space is to be between the quoins and the glass is to be followed top to bottom.



11 BIRCHGROVE ROAD
BALMAIN NSW 2041
PHONE 02 9555 9077
FAX 02 9555 5503

MADDEN
ASSOCIATES

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PROJECT

CLEVELAND HOUSE

TITLE

STAIR DETAILS

C	Structural alterations	4/25	JM
B	Stair and glazing altered	3/25	JM
A	Stair altered	1/24	JM

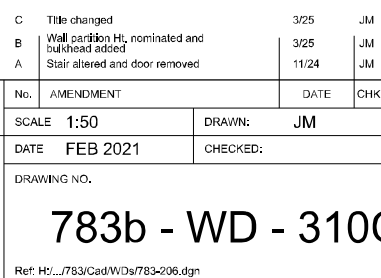
No.	AMENDMENT	DATE	CHK
1:50		AUG 2023	

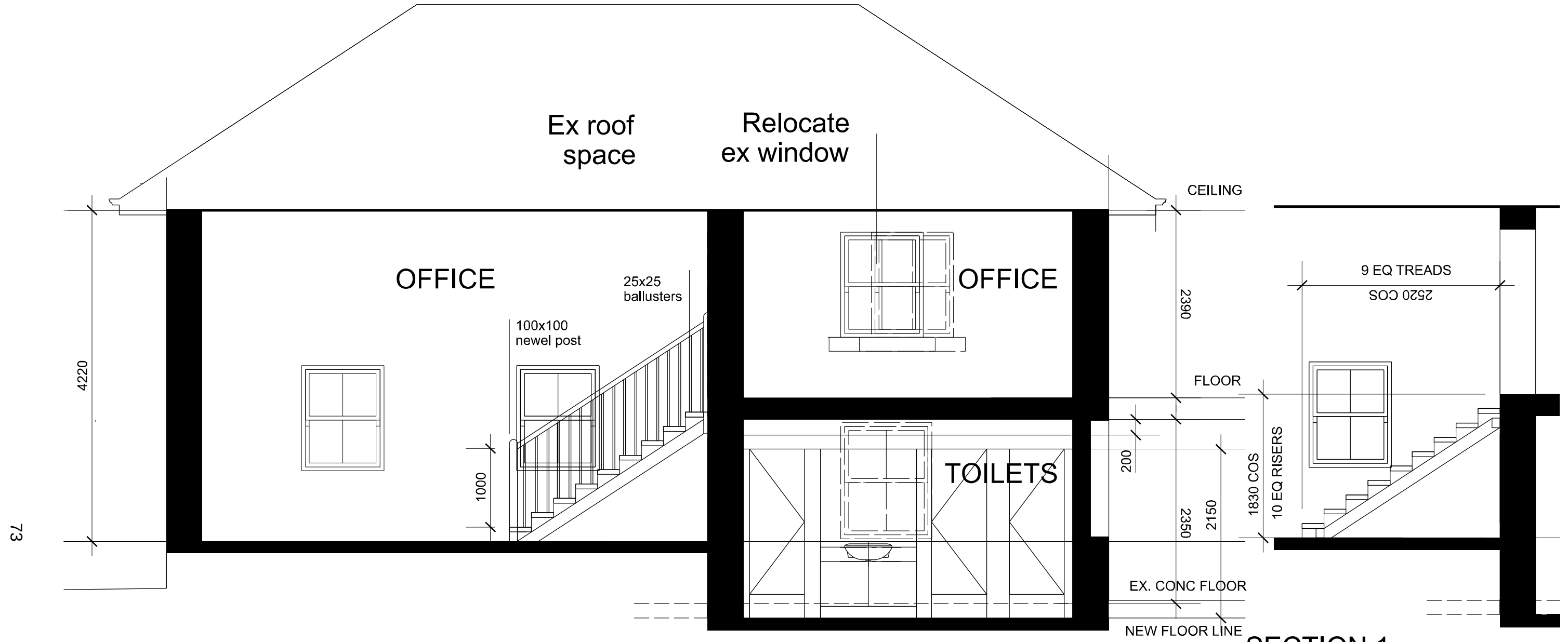
DRAWING NO.	CHECKED:
783B - WD - 306C	

Ref: H:\...350\Cad\WDs\350-130.dgn



- Floor to ceiling shelving
to be installed

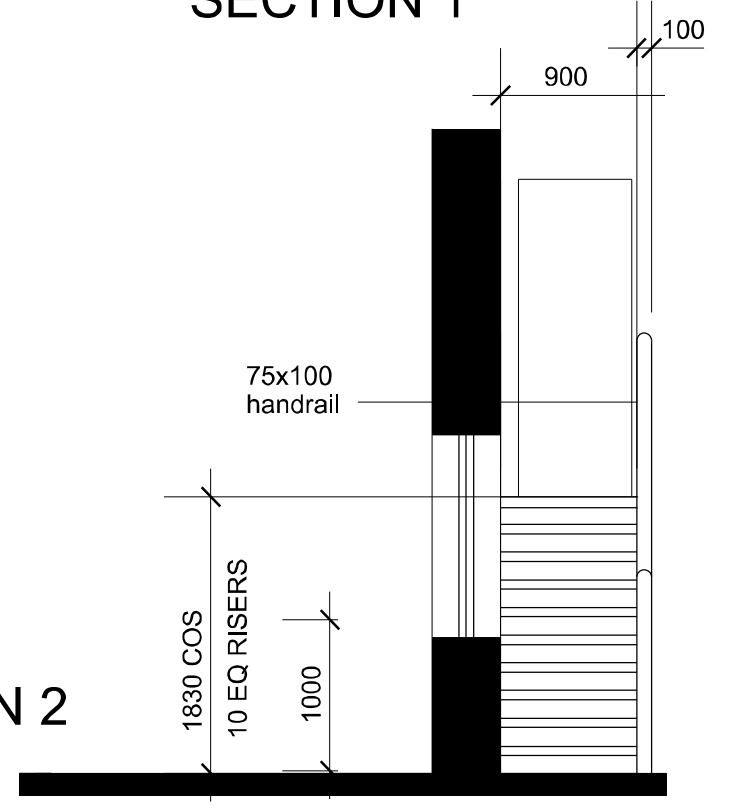




STAIR ELEVATION
Section 3

NOTE
All partitions to be 2150 high
Bulkhead to be 300 by 200
deep to east ceiling

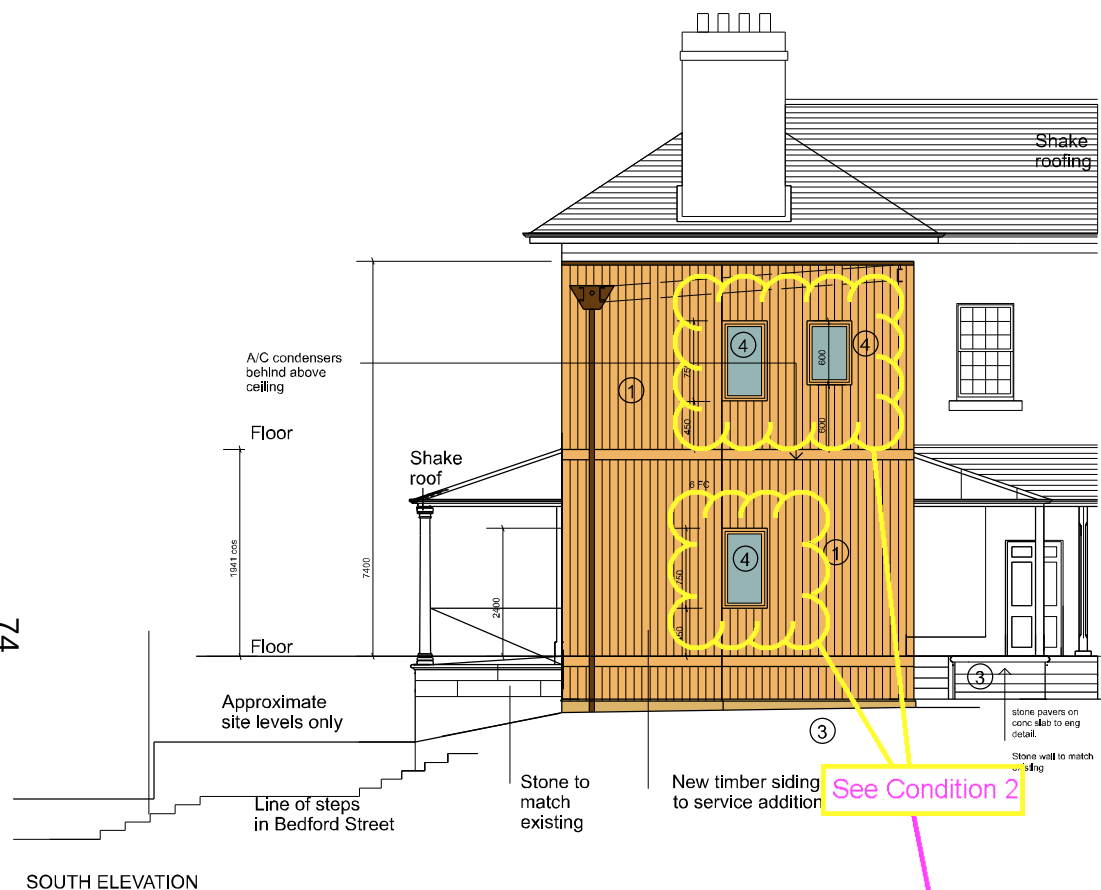
SECTION 1



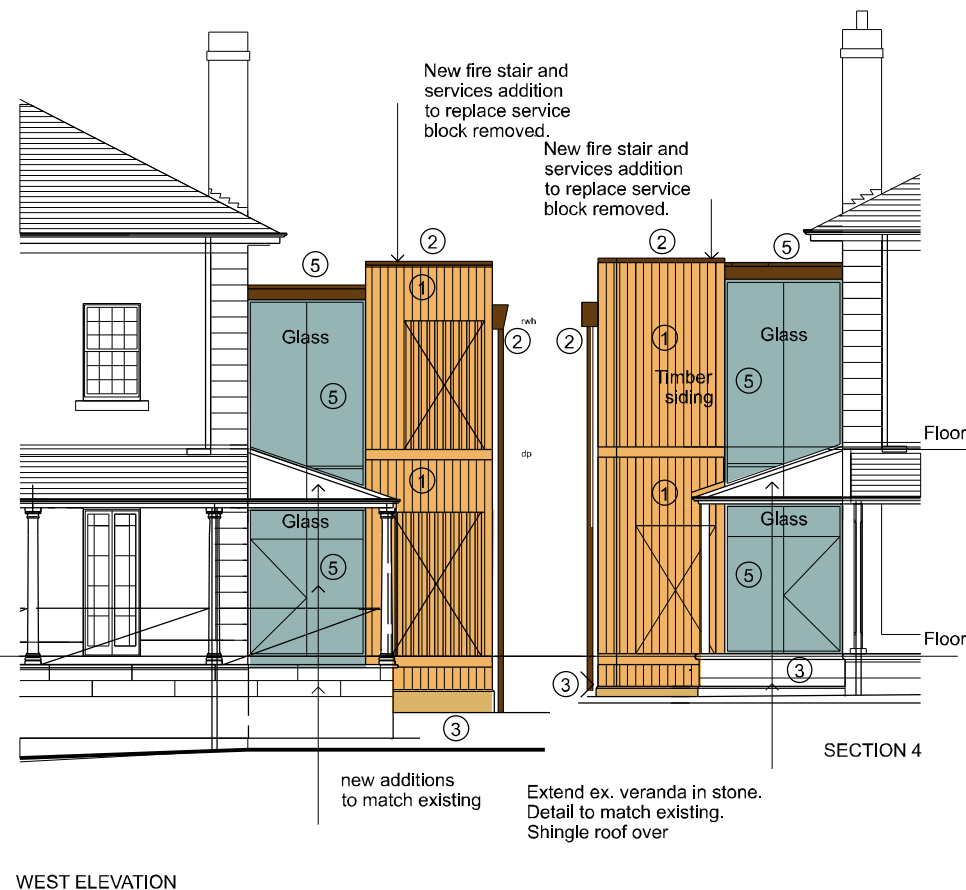
SECTION 2

A		3/25	Partitions added		JM
CHK	DATE		AMENDMENT		No.
JM		DRAWN:	1:50		SCALE
CHECKED:		NOV 2024		DATE	
DRAWING NO.					
783B - WD - 311A			KITCHEN STAIR DETAIL		ALTS AND ADDS CLEVELAND HOUSE
Ref: H:_783\Cad\WDs\783-206.dgn					
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			TITLE		PROJECT
			NOV 00		
			36 MORT STREET BALMAIN NSW 2041 PHONE 02 9555 9077 FAX 02 9555 9503		
			MADDEN ASSOCIATES		

74



SOUTH ELEVATION



WEST ELEVATION

KEY

Colour scheme for toilet block

- 1 - Timber - Tung oil
- 2 - Metalwork Lysaght 'Mist Green'
- 3 - Stone - To match existing
- 4 - Glass - Opaque glass
- 5 - Glass - Clear
- 6 - Paving



Mist Green



Granite paving



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11 BIRCHGROVE RD.
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FAX 02 9555 9503



PROJECT

CLEVELAND HOUSE
RENOVATIONS

TITLE

Colour scheme for
toilet block

No. AMENDMENT DATE CHK

SCALE 1:25 DRAWN JM

DATE JULY 2025 CHECKED:

DRAWING NO.

378B - col - col sch
02

Ref: H2...350/Cad/WDa/350+130.dgn

Attachment C

Clause 4.6 Variation – Height of Buildings

REQUEST TO VARY A DEVELOPMENT STANDARD

FOR DEVELOPMENT APPLICATION AT 51 BUCKINGHAM STREET, SURRY HILLS NSW

1 Standard for which exemption is sought :

Maximum height shown on Height of Buildings Map HOB16 of the City of Sydney LEP 2012. The height map denotes the site as “E” being a maximum of 6 metres.

The proposed development has a maximum height of 7.9m and the existing building has a maximum height of 11.84m. The proposed development is within the B4 Mixed Use zone of the City of Sydney LEP 2012.

2 Underlying object or purpose of the Standard is as follows -

- (a) to ensure the height of development is appropriate to the condition of the site and its context,
- (b) to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas,
- (c) to promote the sharing of views,
- (d) to ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas,
- (e) in respect of Green Square—
 - (i) to ensure the amenity of the public domain by restricting taller buildings to only part of a site, and
 - (ii) to ensure the built form contributes to the physical definition of the street network and public spaces.

3 Request

The applicant hereby requests Council in accordance with Clause 4.6(3)(a) and (b) of the Sydney LEP 2012 to vary the above standard by demonstrating:

- a. That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;
- b. That there are sufficient environmental planning grounds to justify contravening the standard;
- c. The proposed development will be consistent with the objectives of the zone; and
- d. The proposed development will be consistent with the objectives of the standard.

4 Applicants Written Request - Clause 4.6(3)(a) and (b)

a Clause 4.6(3)(a)

We believe a compliance with the Standard would be unreasonable and unnecessary in this case as -

- i The proposed height of the rear roof extension is below the height of the existing historic building, which exceeds the height development standard, but is appropriate to the condition of the site and its context and compatible with objectives of the Standard as noted above;
- ii The proposed works are only visible from the rear of the property and are not visible from the public domain or Bedford Streets and only of negligible visibility from Buckingham Street.
- iii The height limit to the immediate east of the subject property is "J" (9 metres, to the immediate west is "T2" (27 metres) and north and south is "R" (22 metres), so that non-compliance with the development standard would not contravene the overall objectives of the Standard as stated above and unjustly penalise development on the subject site;.
- iv The height limit placed on the subject property given the height limitations on surrounding properties is unreasonable and inappropriate in the surrounding context;
- v The existing building establishes and respects notions of transition in built form and land use intensity. It is part of a group with a high quality relationship to private built form and public space void. Thus it contributes to streetscape and character;
- vi The proposal will be compatible with the existing historic building on its site and will have minimal impact on its compatibility with the adjoining 'modern' buildings. There is no change proposed to land use; the existing usage is compatible with the usage of surrounding B4 Mixed Use zone properties and its integration within the local community.
- vii The height of the proposed works are above the height standard but they are respectful of its heritage context, being both subservient to the original roof and the bulk of the original building and is in keeping with the original character.
- viii The proposed additions are 200mm below the height of the existing 1940's services which are to be demolished and replaced as proposed in the subject development application.

b Clause 4.6(3)(b)

The height of the new amenities block will exceed the LEP 6 metre height limit by 1.9 metres.

We believe the contravention of the Standard is acceptable as -

- i The proposed rear roof extension is located at the rear and has minimal visibility from the public domain;
- ii The proposed rear roof extension is below the existing maximum height of the existing building;
- iii There is no change to the front elevation of the building;
- iv The proposal will not result in adverse environmental impacts to surrounding properties.
- v There is no significant loss of views which are shared with the subject property and the adjoining building to the south which is marginally and only partially affected by the proposal;
- vi There is no significant additional overshadowing to the adjoining building to the south with the proposal which is marginally affected by the proposal;
- vii The proposal allows for the continuance of habitable, appealing and adaptable use of the subject premises and which is consistent with the objectives for the B4 Mixed Use zone enabling integration of suitable business, office, residential and other development by promoting public transport patronage and to encourage walking and cycling consistent with existing local practices.
- viii The proposal involves resolution of historic issues associated the relocation of the intrusive toilet block which will assist the preservation of important conservation fabric.

JEFF MADDEN AND ASSOCIATES

NOVEMBER 2020

Attachment D

Submissions

From: Brian & Sue Hartmann <[REDACTED]> on behalf of Brian & Sue Hartmann
<[REDACTED]> <Brian & Sue Hartmann <[REDACTED]>
Sent on: Monday, February 9, 2026 3:45:03 PM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Submission - D/2026/64 - 51 Buckingham Street SURRY HILLS NSW 2010 - Attention Costa Dantos

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

I refer to the above development application I am the owner of Lot 13, 47-49 Buckingham Street, Surry Hills which is adjacent to the subject building. I wish to support the application and have no objections to the proposed work. I am very pleased to see some substantial remedial work and restoration of this historically significant building is finally taking place.

Regards

Brian Hartmann

From: Ian Sefton <[REDACTED]> on behalf of Ian Sefton <[REDACTED]> <Ian Sefton <[REDACTED]>
Sent on: Saturday, March 7, 2026 5:34:21 PM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Submission - D/2026/64 - 51 Buckingham Street SURRY HILLS NSW 2010 - Attention Costa Dantos
Attachments: Ian Sefton Submission DP Cleveland House D-2026-64.pdf (544.99 KB)

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Hi Costa Dantos,

Please find attached my comments for Submission - D/2026/64 - 51 Buckingham Street SURRY HILLS NSW 2010.

Yours sincerely,

Ian Sefton
[REDACTED]

Ian Sefton
72/156 Chalmers St
Surry Hills NSW 2010
[REDACTED]

7 March 2026

RE: Integrated Development Proposal D/2026/64

Dear Mr MacKay,

I object to the Cleveland House Integrated Development Proposal (ref: D/2026/64) which is for a Heritage property of State significance at the address 51 Buckingham St, Surry Hills NSW 2010.

I live in and own a unit at Princes Gardens which is an apartment complex comprising 103 units neighbouring Cleveland House on the western and southern boundaries. Princes Gardens is the owner of the right of footway land to the west and the right of carriageway land to the south of Cleveland House.

I have lived in close proximity to Cleveland House now for 24 years and have resided at Princes Gardens for the past 10 years. In this time I have watched Cleveland House fall into a sad state of disrepair. Any renovation work appears to be largely by Brian Vincent, owner and occupant of Cleveland House. Over the last few months I have watched and listened to Brian as he hammers away at the south facing wall of the house removing the cement render in preparation for the new extension.

My objections to the integrated development proposal are as follows:

1. The Heritage Council has stated that the western and northern vistas of Cleveland House are the most important. It is the western vista that most Sydneysiders see when they see Cleveland House which is visible from Chalmers St, Prince Alfred Park, from trains as they approach Central Station and the many tall buildings beyond.

The to-be-demolished 1940's bathroom extension is not visible from the northern or western vista and has approximately 2 square metres of wall visible from the less significant eastern vista. Consideration is displayed in the development of this bathroom with respect to public views of the house.

The proposed two storey toilet block extension will be highly visible from the public domain and will have a detrimental impact on the heritage area. I estimate the extension will add 30 square metres of glass and wood construction to the western vista.

2. I think the development should adhere to the development standard maximum height of 6 m and that the 7.9 m variation request be denied so as to reduce the negative impact that it will have on the western vista.

Modern developments typically have 2-2.5 metre high ceilings. Having the floor levels of the toilet block match the floor levels of the house is unnecessary and adds significant height to the extension. The stairs between the house and the extension could easily accommodate the floors being at different levels and the overall height of the extension could be significantly reduced without impacting the amenities.

3. This proposal seeks to partition the currently occupied residential house into a residential space and a separate commercial space. I think that this should be given low priority and that attention should first be given to the roof which is in desperate need of repair.

4. If the present owner would repurpose existing rooms within the house for toilets then there would be less demand for toilets and the external presentation of the house would not be compromised.

5. This development proposal shows no consideration whatsoever for the unit owners at Princess Gardens. The two storey toilet block addition will block views from many neighbouring apartments and will reduce property values. The ground floor apartments will also suffer reduced sunlight as a result of the development and yet no shadow diagrams have been provided. At no point has Brian Vincent reached out to the owners at Princes Gardens to discuss the development.

I note that this proposal appears to supersede Intergrated Development Proposal D/2019/1163. The Notice of Determination for D/2019/1163 has the following condition of consent:

(13) DILAPIDATION REPORT

Subject to the receipt of permission of the affected landowner, dilapidation report/s of adjoining buildings, the right of way, infrastructure and landscaping are to be prepared by an appropriately qualified practising structural engineer and submitted for the approval of the Accredited Certifier:

(a) prior to the commencement of demolition/excavation works; and

(b) on completion of construction demolition/excavation works.

I request that this condition of consent be extended to Integrated Development Proposal D/2026/64.

Thank you for taking the time to review my submission.

Yours sincerely,

Ian Sefton

Item 5.**Development Application: 86-90 Bay Street, Ultimo - D/2026/136****File Number:** D/2026/136**Summary****Date of Submission:** 17 February 2026.**Applicant:** Urbis**Architect:** Fitzpatrick & Partners**Developer:** HBB Property**Owner:** The Owners - Strata Plan No 21479**Planning and Heritage Consultant:** Urbis**Design Advisory Panel (Residential Subcommittee):** The application was referred to the City's Design Advisory Panel Residential Subcommittee on 7 April 2026. The Panel did not support the development proposal.**Cost of Works:** \$45,461,997**Zoning:** The site is zoned MU1 - Mixed Use under the Sydney Local Environmental Plan 2012. The proposed mixed-use development provides for residential accommodation (co-living housing) and commercial premises (retail). Both are permissible with consent in the zone.**Proposal Summary:** The application seeks approval for the demolition of an existing 4 storey commercial office building and for the construction of an 8-9 storey mixed use building containing co-living housing (137 units) above a ground floor retail tenancy.

A partial basement level is proposed, containing plant rooms, bicycle and car parking and a communal laundry. A communal courtyard and communal living area are proposed at the ground level. Additional outdoor and indoor communal spaces are proposed at a Level 6 terrace.

The development departs from two development standards by more than 10%. As such, the development application is referred to the Local Planning Panel for determination.

The proposal seeks to vary the Clause 4.3 Height of Buildings development standard by 34% (7.45 metres) due to the upper level of the building exceeding the 22 metre SLEP 2012 envelope.

The proposal seeks to vary the Clause 4.4 Floor Space Ratio development standard by 64% (1,770sqm), proposing a FSR of 4.5:1 where the control allows for 2.75:1 inclusive of a 10% bonus for affordable housing under the Housing SEPP 2021.

The City's Design Advisory Panel Residential Subcommittee considered the application on 7 April 2026. The Panel provided advice that they did not support the development proposal for a number of key reasons. Primarily, they are of the view that the development fails to provide high amenity for future residents of the site and neighbouring sites.

For the reasons set out in the report below, the applicant has failed to justify that in this instance, compliance with the relevant development standards is unreasonable and unnecessary, nor that there are sufficient environmental planning grounds to justify contravening the standards. As such, it is recommended the Local Planning Panel reject the variations requested and refuse the application.

The application was notified for 21 days between 18 February 2026 and 12 March 2026. A total of 1,167 properties were notified and no submissions were received.

The proposal fails to respond appropriately to surrounding development and fails to provide a desirable built form within the Mountain Street Locality.

The development fails to achieve the aims of the Sydney Local Environmental Plan 2012 and provides a standard of architectural design that fails to exhibit design excellence in accordance with Clause 6.21C of the Sydney Local Environmental Plan 2012.

Summary Recommendation: This proposal is recommended for refusal.

Development Controls: Environmental Planning and Assessment Act 1979 and associated Regulation 2021;
State Environmental Planning Policy (Housing) 2021;

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land;

State Environmental Planning Policy (Transport and Infrastructure) 2021 (SEPP Transport and Infrastructure 2021);

State Environmental Planning Policy (Sustainable Buildings) 2022 (SEPP Sustainable Buildings 2022);

Sydney Local Environmental Plan 2012 (SLEP 2012);

Sydney Development Control Plan 2012 (SDCP 2012);

Sydney Landscape Code Volume 2: All Developments Except for Single Dwellings 2012;

City of Sydney Interim Floodplain Management Policy 2023;

City of Sydney Guidelines for Waste Management in New Developments;

City of Sydney Public Art Policy 2011 and City of Sydney Public Art Strategy 2011; and

City of Sydney Community Engagement Strategy and Participation Plan 2024.

Attachments:

- A. Selected Drawings
- B. Clause 4.6 Statement - Height of Buildings
- C. Clause 4.6 Statement - Floor Space Ratio
- D. Clause 4.6 Statement - Building Separation (ADG)

Recommendation

It is resolved that consent be refused for Development Application Number D/2026/136.

Reasons for Recommendation

The application is recommended for refusal for the following reasons:

- (A) The application fails to sufficiently justify that compliance with the Height of Buildings and Floor Space Ratio development standards is unreasonable or unnecessary in the circumstances, and that there are sufficient environmental planning grounds to justify departures from the standards, with consideration of Clause 4.6(3) of the Sydney Local Environmental Plan 2012.
- (B) The proposal is contrary to the relevant Aims of the Sydney Local Environmental Plan 2012, which are to enhance the amenity and quality of life of local communities (Aim (h)), to achieve a high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities (Aim (j)).
- (C) The development fails to exhibit design excellence pursuant to clause 6.21C of the Sydney Local Environmental Plan 2012 for the following reasons:
 - (i) the development fails to provide a high standard of architectural design, materials and detailing appropriate to the building type and location, contrary to Clause 6.21C(2)(a) and fails to provide a building with a suitable bulk, massing and modulation, contrary to Clause 6.21C(2)(d)(v);
 - (ii) the development fails to demonstrate acceptable environmental impacts, including sustainable design, solar access, visual and acoustic privacy, contrary to Clause 6.21C(2)(d)(vii);
 - (iii) the development has failed to demonstrate the principles of ecologically sustainable development can be achieved and fails to provide excellence and integration of landscape design, contrary to Clause 6.21C(2)(d)(viii) and 6.21C(2)(d)(xiii); and
 - (iv) the development provides bike parking in an area that is difficult to access and has failed to demonstrate adequate pedestrian, cycle, vehicular and service access and circulation requirements, contrary to Clause 6.21C(2)(d)(ix).
- (D) The proposed development offers an unsatisfactory level of residential amenity and is inconsistent with the Building Separation measures of the NSW Apartment Design Guide, which is a consideration in accordance with the State Environmental Planning Policy (Housing) 2021.

- (E) The development fails to respond to a key design principle for the Mountain Street locality, which is that buildings should respond to more generous floor to ceiling heights where they are provided by neighbouring buildings. In providing insufficient ceiling heights, the application fails to satisfy a key objective of the MU1 Mixed Use zone, which is to encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- (F) The application does not adequately address flood risk and does not demonstrate the proposal incorporates appropriate measures to manage risk to life in the event of a flood under clause 5.21 of the Sydney Local Environmental Plan 2012.
- (G) In failing to provide bike parking in an area that is convenient to access, the application is contrary to the provisions of Section 3.11.3 of the Sydney Development Control Plan 2012 relating to bike parking and associated facilities.
- (H) The proposed entry from St Barnabus Street and laundry location present poor design in relation to safety with a lack of passive surveillance. A manager's office is not shown on architectural drawings lodged with the application. The application is therefore contrary to the relevant, adopted controls for co-living housing at Section 4.4.1.6 and 4.4.1.7 7 of the Sydney Development Control Plan 2012.
- (I) The application does not adequately provide for consolidated heating and cooling infrastructure and does not provide letterboxes, contrary to the requirements for residential and mixed use developments in the Sydney Development Control Plan 2012.

Background

The Reason the Application is Reported to the Local Planning Panel

1. The application is reported to the Local Planning Panel for determination as it is development proposing Departures from Development Standards, as per Schedule 3 of the Local Planning Panels Direction of 3 March 2024.
2. The development application falls within the category of Departure from Development Standard as
 - (a) the proposal seeks to vary the Clause 4.3 height of buildings development standard by 34% and
 - (b) the proposal seeks to vary the Clause 4.4 floor space ratio development standard by 64%

The Site and Surrounding Development

3. The site is identified as SP21479 and is located at 86-90 Bay Street, Ultimo. It is located on the eastern side of Bay Street between Smail Street to the north and Broadway to the south. The site has a primary frontage of 18.3m to Bay Street, a side secondary frontage of 18.3m to St Barnabas Street and a site area of 1,011sqm.
4. Footpath levels along Bay Street fall from south to north by approximately 800mm. There is a level difference between the Bay Street and St Barnabas Street frontages of approximately 3.5m. This results in a partial basement beneath the site and the presentation of an additional storey at St Barnabus Street.
5. Surrounding development includes a mixture of land uses that are commercial and residential in character. These include
 - (a) to the north at 76-84 Bay Street, Ultimo: a heritage listed four storey commercial building known as the Reader's Digest Building
 - (b) to the north-east at 1-3 Smail Street, on the opposite side of St Barnabus Street: a former warehouse building, which is currently being developed as co-living housing
 - (c) to the south and east at 185-211 Broadway is located the 'Uni Lodge' building, which is the heritage listed former Grace Brothers Homewares building approved containing student accommodation over ground floor retail tenancies
 - (d) to the west, on the other side of the street at 121 Bay Street, Glebe: the multi storey Broadway shopping centre complex
6. The site is located within the Mountain Street Locality. It contains a 1960s era commercial office building that is identified as a detracting building within the Mountain Street Heritage Conservation Area. The site is identified as being subject to flooding at the Bay Street boundary.
7. A site visit was carried out on 2 March 2026. Photos of the site and surrounds are provided below.



Figure 1: Aerial view of site and surrounds



Figure 2: Site viewed from Bay Street, looking east



Figure 3: Site viewed from Bay Street, looking south-east



Figure 4: Site (dashed line) viewed from St Barnabus Street, looking south-west



Figure 5: Ground level foyer, remnant original offices and basement parking area

History Relevant to the Development Application

Development Applications

8. The following applications are relevant to the current proposal:

- (a) D/2023/445 – Development consent was granted by the Local Planning Panel on 11 October 2023 for the redevelopment of the site for a six storey commercial building including a ground floor retail tenancy.
- (b) PDA/2025/187: on 22 October 2025, Council's officers provided pre-lodgement advice in relation to a scheme that is similar to the subject development application. Whilst the applicant has responded positively to some of the issues raised in the pre-lodgement advice, the following key issues remain:
 - (i) Advice was provided that additional height beyond that approved under development consent D/2023/445 was not supported.
 - (ii) Noting a new building is proposed, ceiling heights should be increased for commercial and residential floors to meet SDCP 2012 minimums. Rooms should be widened to meet draft SDCP 2012 widths (3.5m) and beds should be able to be easily accessed from the end and at least one side as a minimum.
 - (iii) The courtyard is small in relation to the density and building height, and is fully overshadowed during winter. The courtyard amenity would be improved with setbacks to the upper levels and balconies removed on upper floors (fifth storey and up) to deliver more daylight to the courtyard.
 - (iv) The Level 6 communal living area does not receive 3 hours of sun in winter between 9:00am and 3:00pm. Design changes should be made to ensure compliance with the sun access control.
 - (v) Planting needs to be carefully considered to ensure that species will thrive in this shaded environment. The courtyard should be fully irrigated, and documented in any future DA. Landscape planting on ground floor will need the slab capacity to carry the appropriate soil volume.

- (c) D/2024/984 - Neighbouring site 1-3 Smail Street, Ultimo (north-east of the subject site): On 3 April 2025, the Central Sydney Planning Committee granted consent for alterations to a warehouse building to provide co-living housing (167 units).

Compliance Action

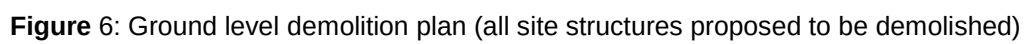
- 9. The site is not subject to any ongoing compliance actions.

Amendments

- 10. Noting the proposal does not address key issues identified in advice provided prior to lodgement, amendments were not requested during assessment.

Proposed Development

- 11. The application seeks consent for the demolition of an existing 4 storey commercial office building and for the construction of a new 8 storey building containing a 137 unit co-living housing development including car parking and a ground floor retail tenancy.
- 12. The various levels of the building are proposed to contain:
 - (a) basement: waste storage rooms, substation, parking for three service vehicles, two car share spaces and one accessible space, plant rooms, bike parking, laundry and store rooms;
 - (b) ground level: retail tenancy facing Bay Street, internal common area, external landscaped communal courtyard, 9 x residential units and services;
 - (c) Levels 1-5: 21 x residential units and services;
 - (d) Level 6: internal common area, external communal terrace, 11 x residential units;
 - (e) Level 7: 12 x residential units, services and non-trafficable green roof; and
 - (f) Roof: solar panels, air-conditioning condensers and lift overruns.
- 13. Plans and elevations of the proposed development are provided below.



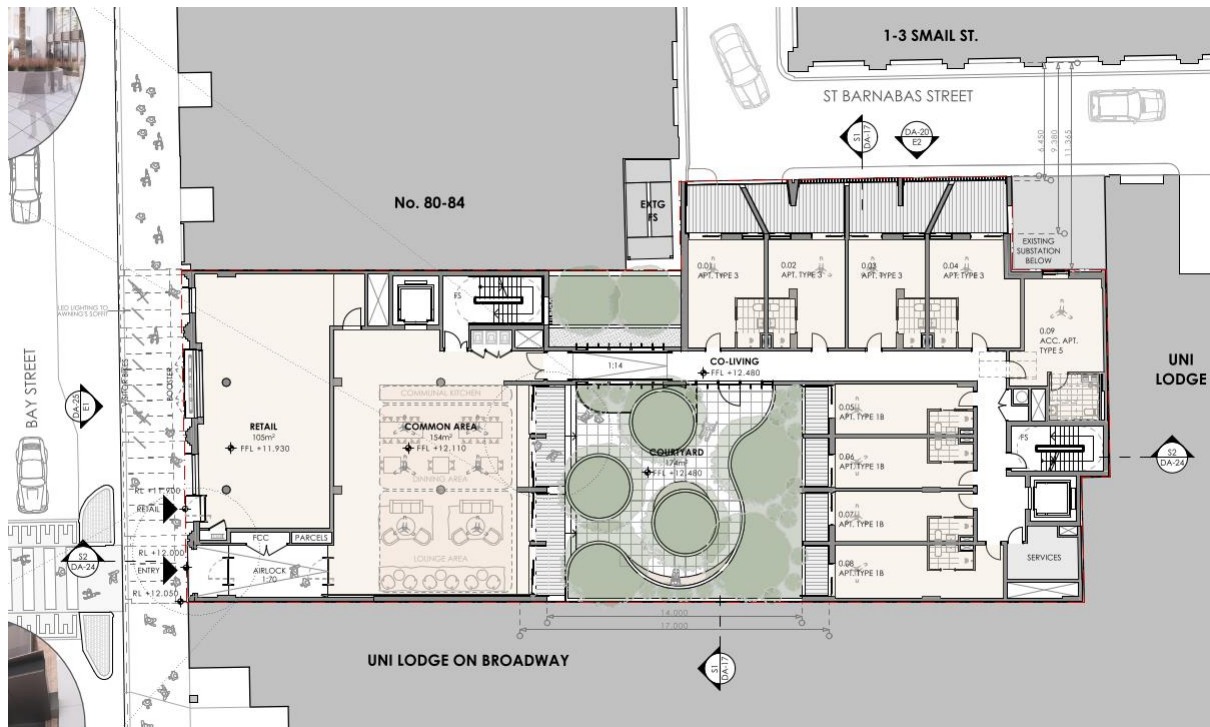


Figure 8: Ground floor plan

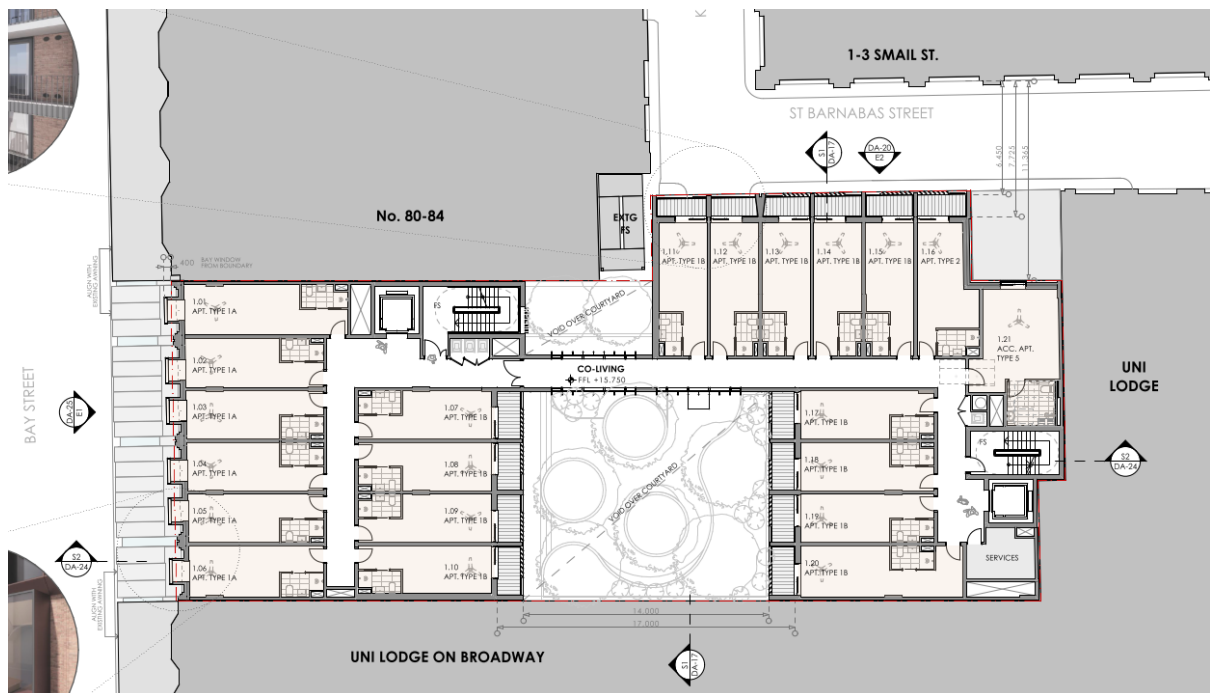


Figure 9: Level 1 floor plan

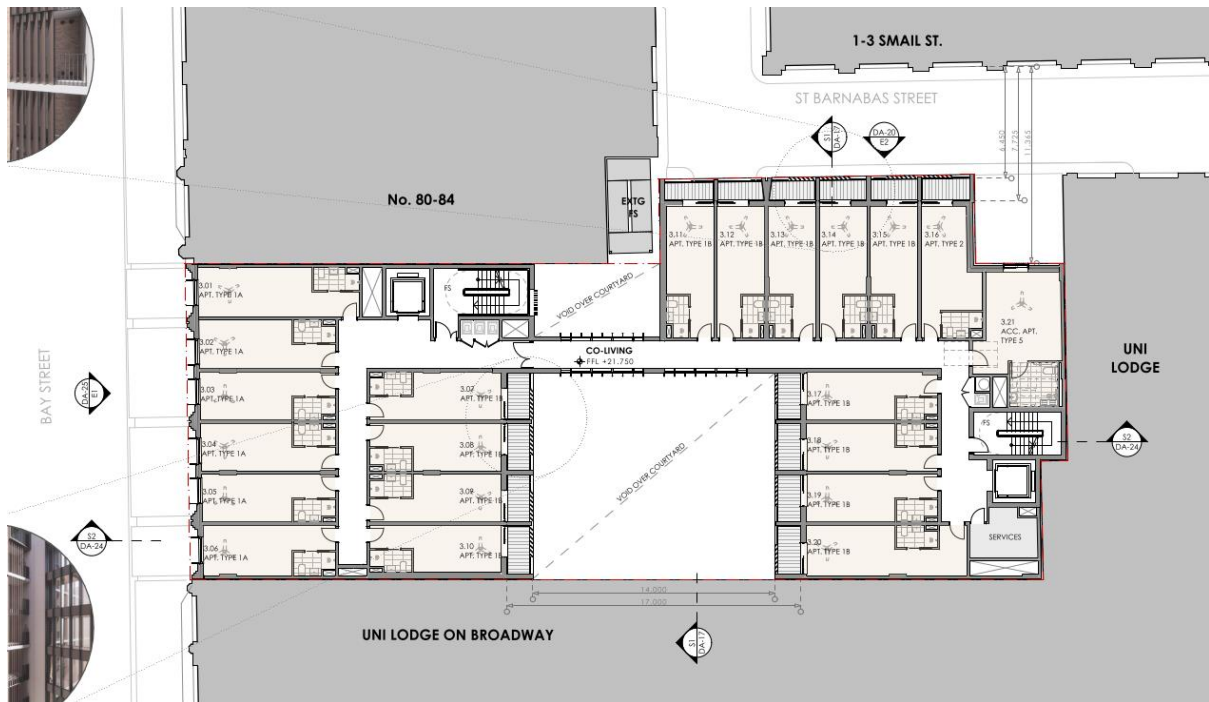


Figure 10: Level 2-5 floor plan

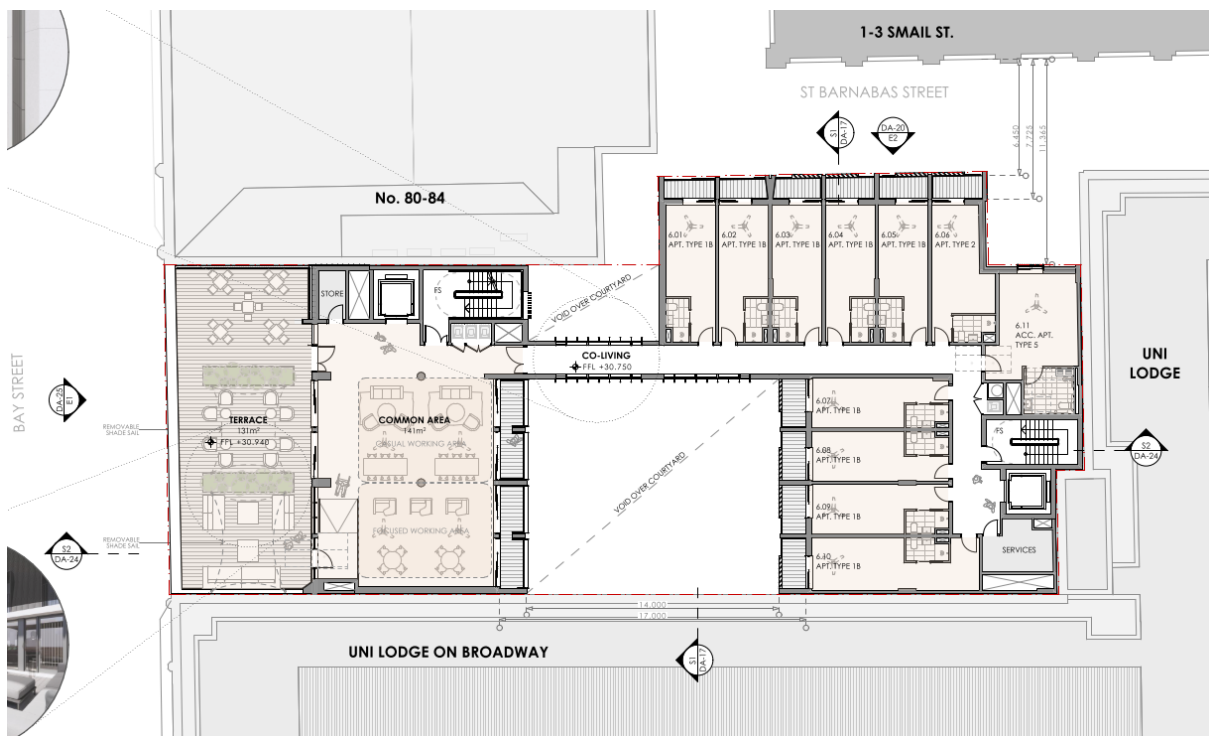


Figure 11: Level 6 floor plan

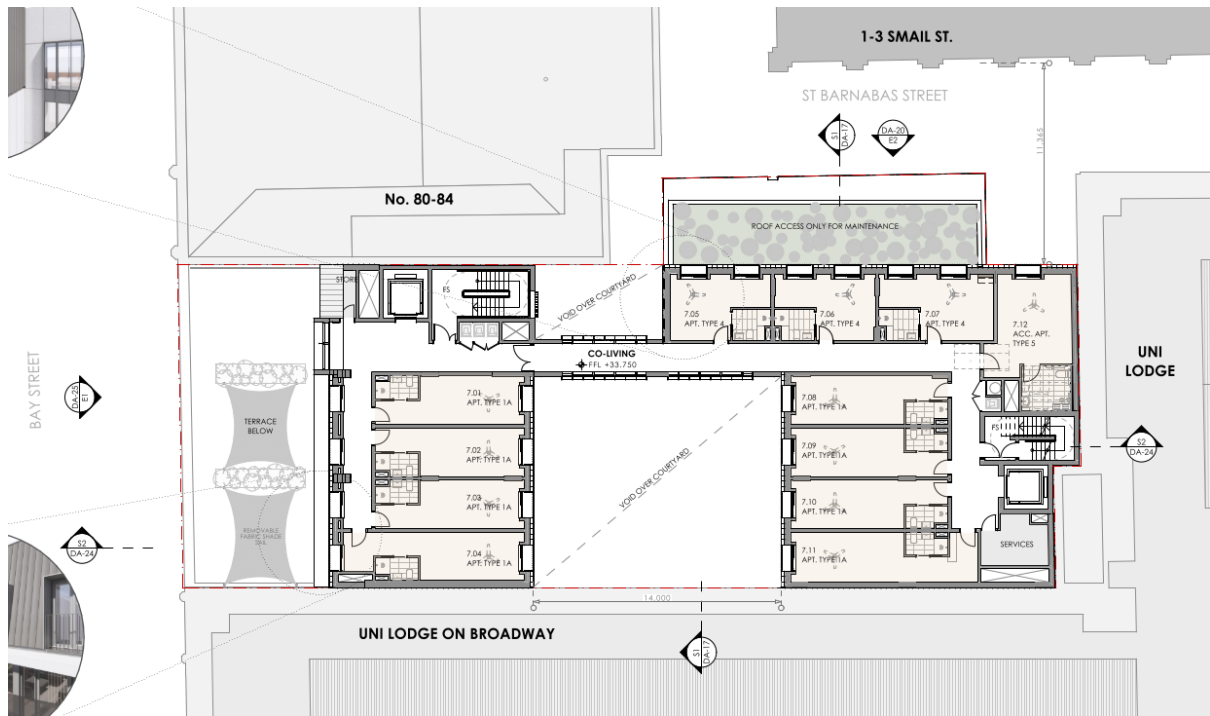


Figure 12: Level 7 floor plan

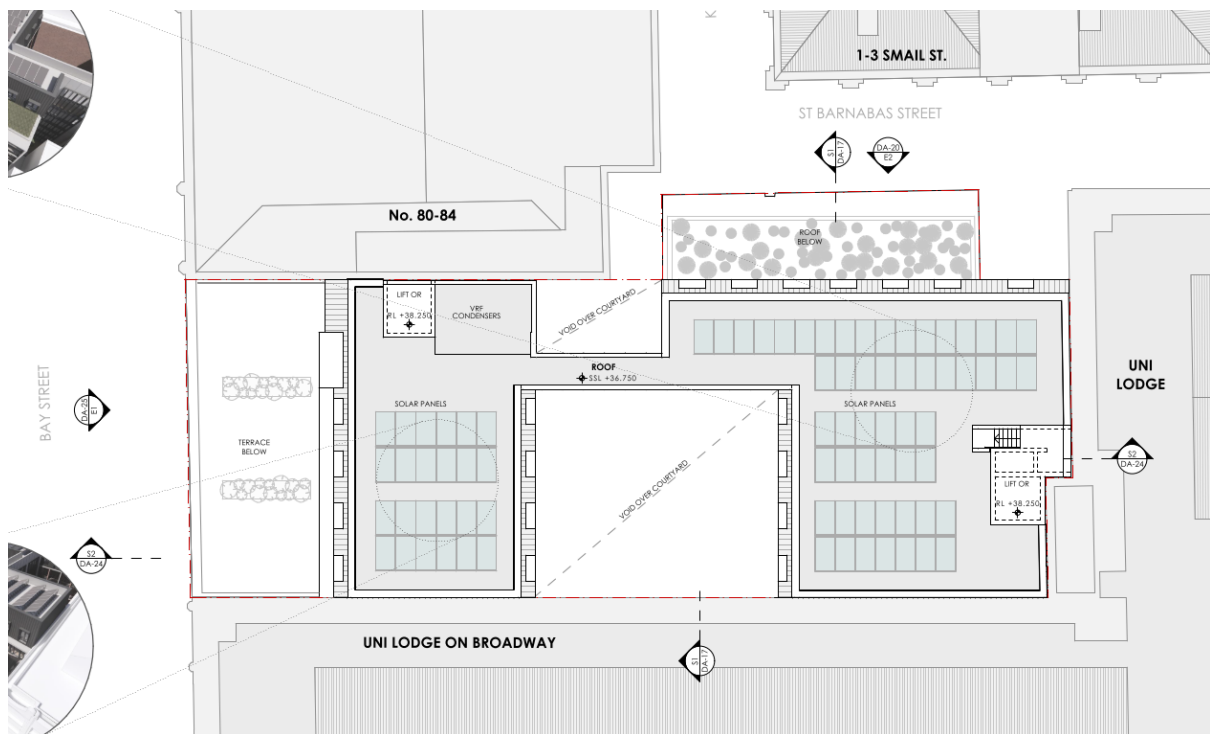


Figure 13: Roof plan

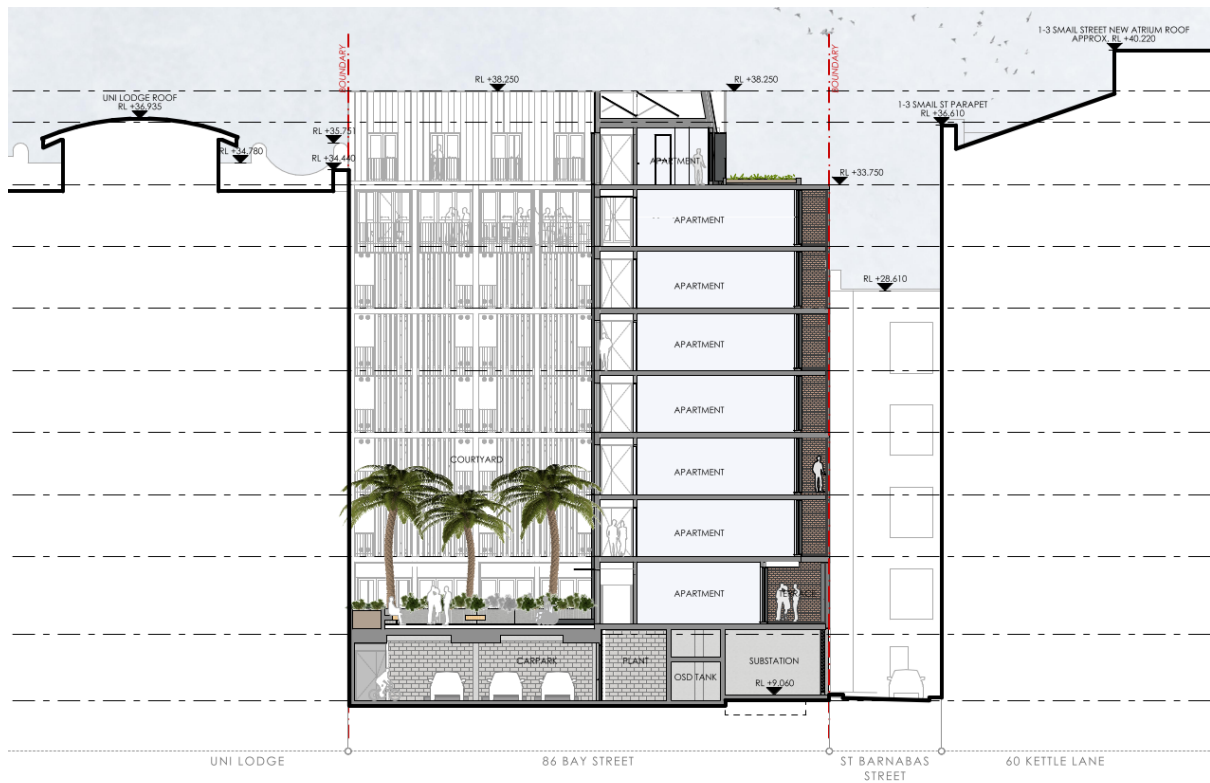


Figure 14: North-South section plan

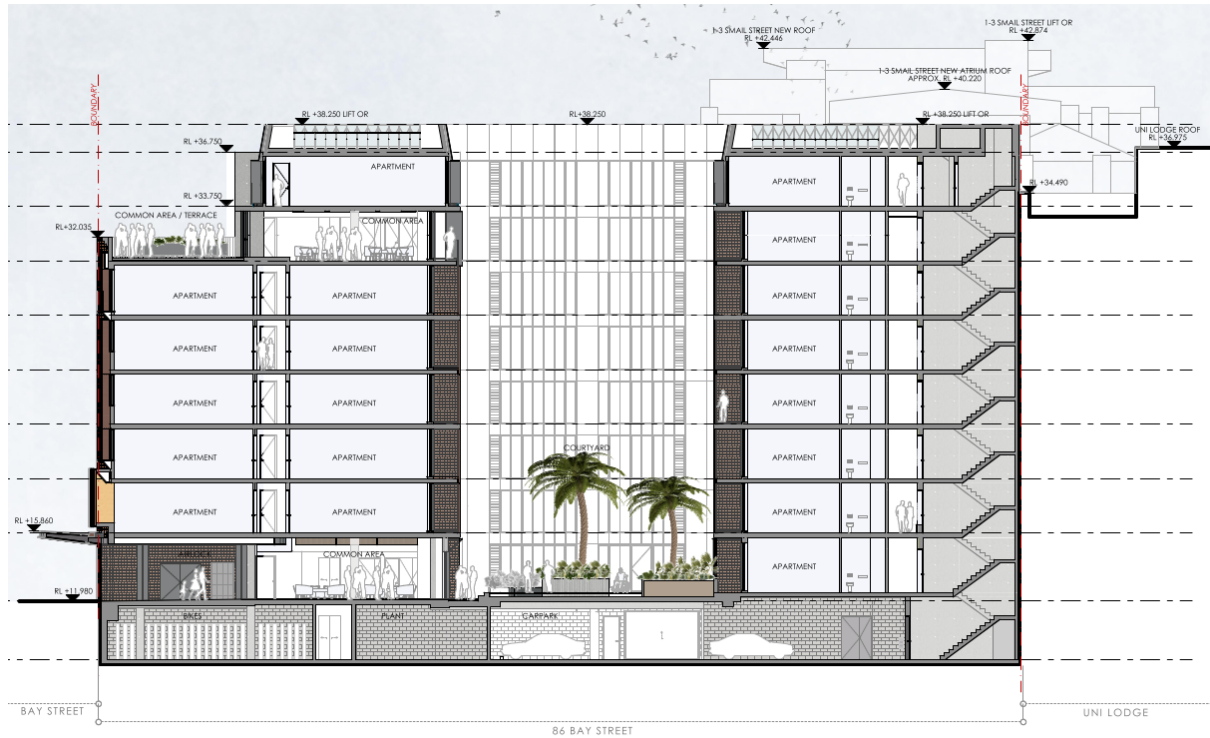


Figure 15: East-West section plan

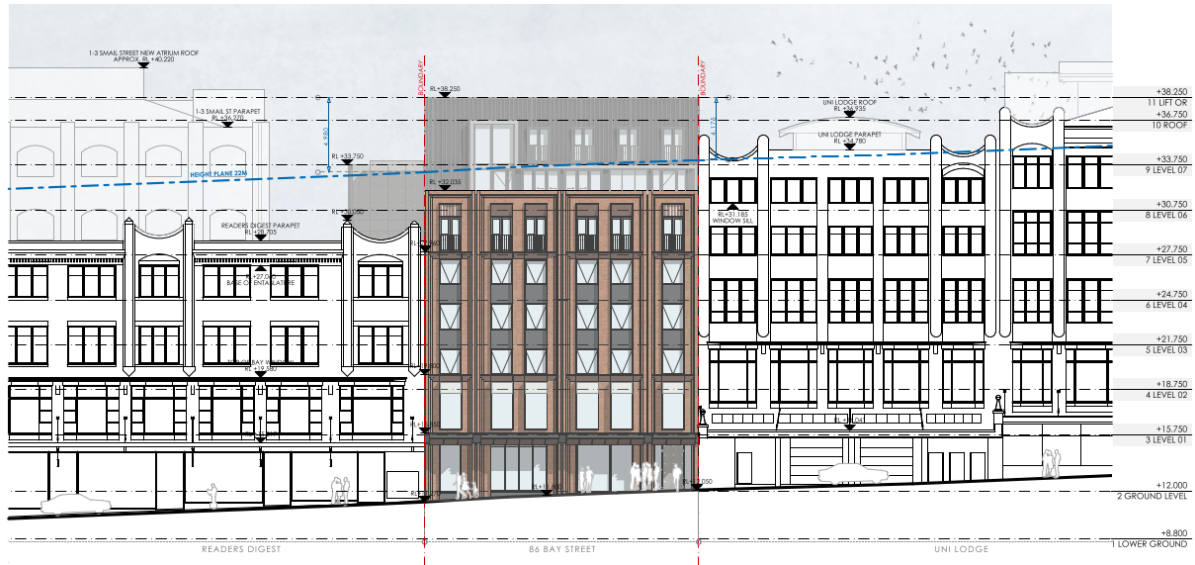


Figure 16: West elevation plan (Bay Street)



Figure 17: North elevation plan and materials (St Barnabus Street)

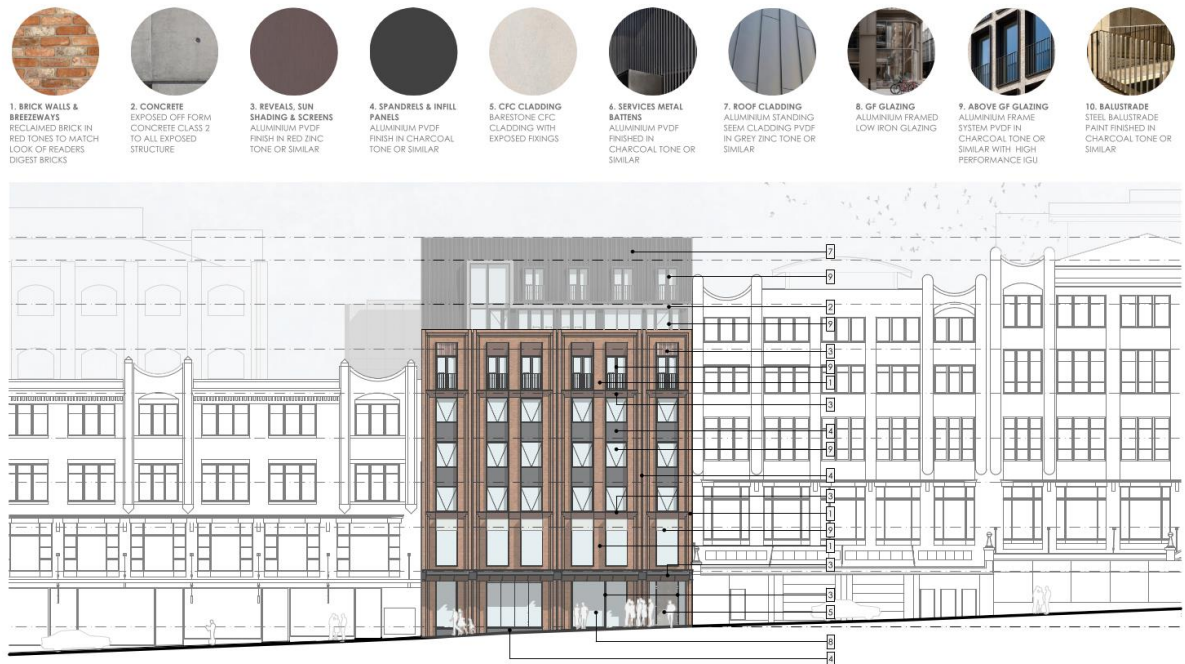


Figure 18: Materials (Bay Street)

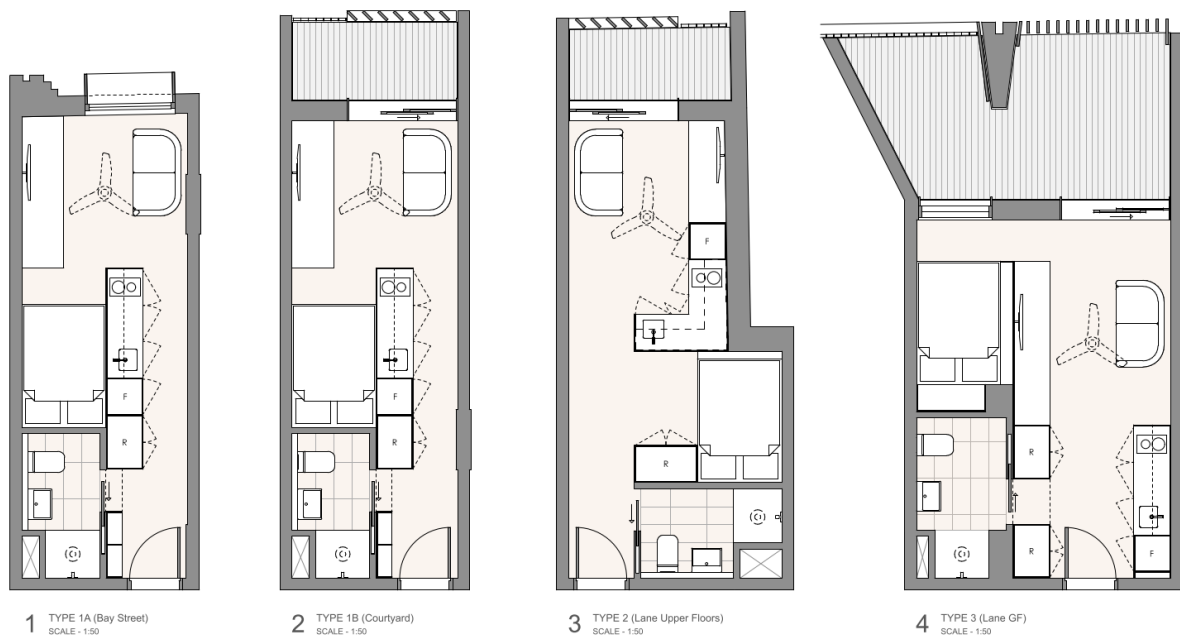


Figure 19: Apartment layout plan

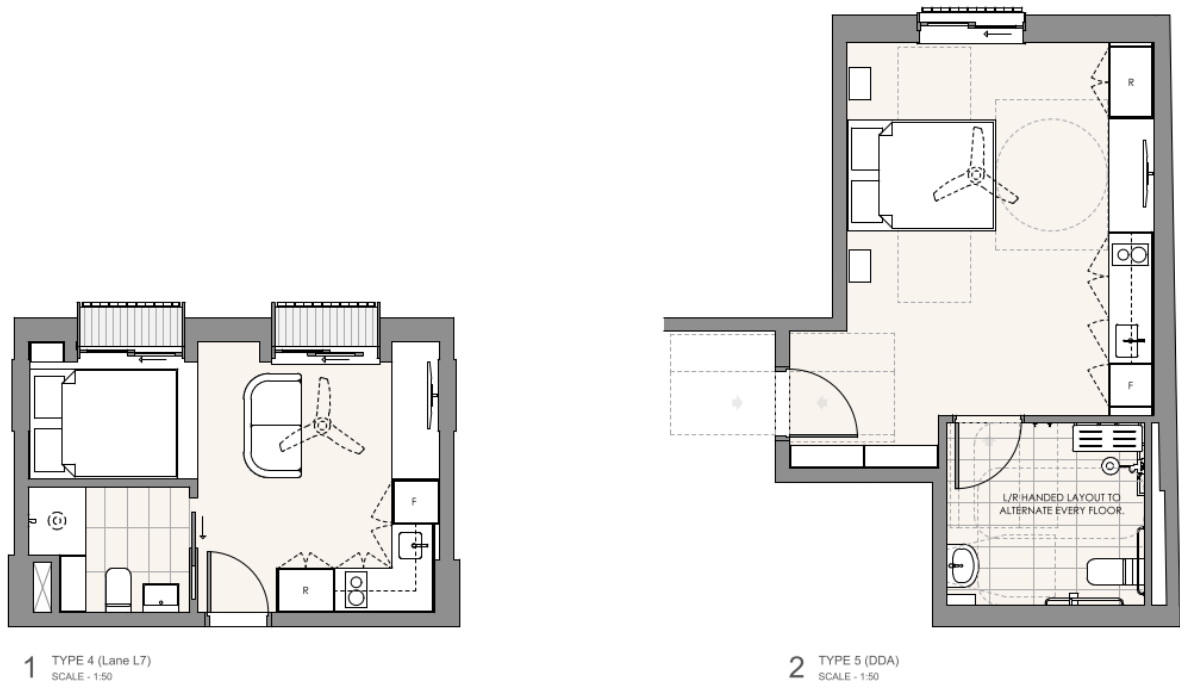


Figure 20: Apartment layout plan (alternative)

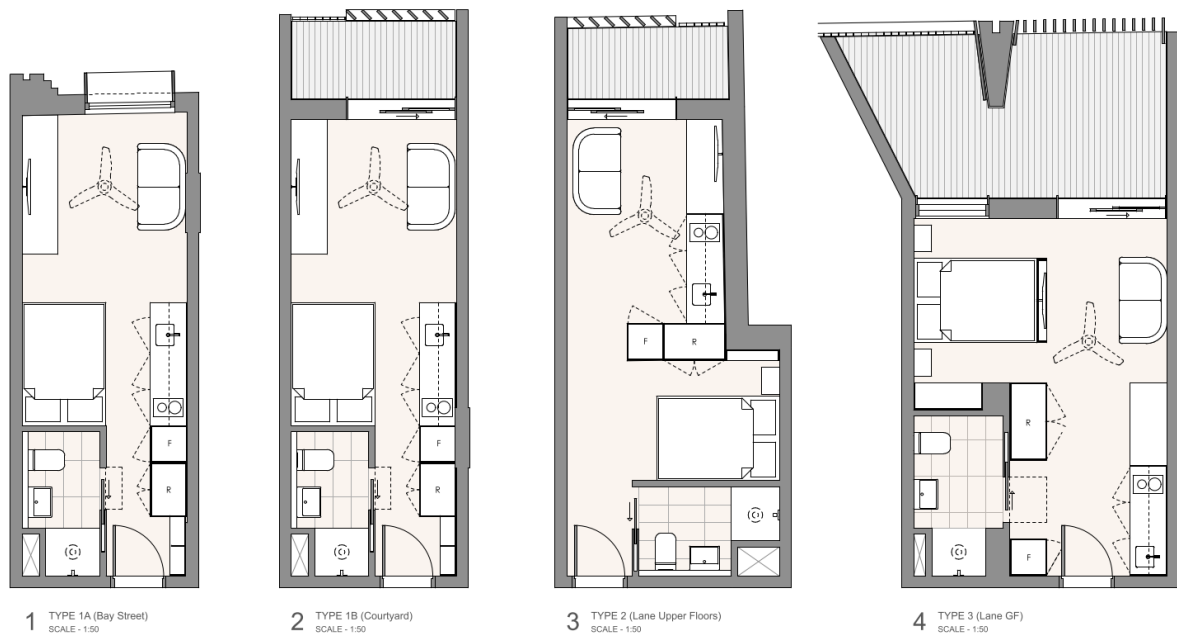


Figure 21: Apartment layout plan (alternative)



Figure 22: Proposed photomontage

Assessment

14. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Design Advisory Panel Residential Subcommittee (DAPRS)

15. The application was referred to Council's Design Advisory Panel Residential Subcommittee (DAPRS) on 7 April 2026.
16. An overview of the issues raised by DAPRS is provided below:
- (a) The proposal exceeds the height and FSR controls resulting in an overdevelopment of the site with reduced amenity for residents.
 - (b) Minimum building separation distances under the Housing SEPP should be met. The proposed staggered privacy screens and window arrangements are not appropriate.
 - (c) The ground floor ceiling height is insufficient and should be increased to a minimum of 4.5m, particularly to support the amenity of the communal space. Apartment floor-to-floor heights should be minimum 3.6m at Level 1 and 3.2m for levels above.

- (d) The current ground level courtyard functions as an atrium, with adjacent rooms reliant on it for light and ventilation. Its size should be increased and an opening provided to the laneway (St Barnabus Street) to increase light, air movement, and dissipate sound transmission.
- (e) The courtyard is undersized relative to the building's density and height and is fully overshadowed in winter. This limits daylight to lower levels, therefore the proposed additional height is not supported.
- (f) Courtyard amenity should be improved by adjusting the size and layout to provide increased access to natural light and air. Currently all bathroom, kitchen, and air conditioning vents exhaust directly into this tall, narrow space.
- (g) The ground-level courtyard should be designed for 'soil on structure' without the need for high planter bed walls. The courtyard should primarily function as a landscaped garden for outlook and privacy to ground level rooms. The courtyard should be fully irrigated with irrigation tanks.
- (h) The roof top west-facing communal deck appears undersized for the building population, particularly given the privacy and amenity issues of the internal courtyard. The potential for additional communal open space at the rooftop should be investigated with raised PV panels designed to provide shade structures.
- (i) Minimum room widths should be 3.5m, in accordance with Council's Draft DCP, improving adaptability, amenity, and long-term resilience. Beds should be accessible from the end and at least one side. While the architects noted that layouts are indicative only, this reinforces the need for wider, more flexible room dimensions.
- (j) Impact sound insulation must be provided where concrete floors are proposed without ceilings below as the acoustic report does not address this issue. Sections should clearly identify all exposed slabs and proposed dropped ceilings, which must align with the fixed furniture layouts.
- (k) Balcony set-downs should be provided to eliminate the step up and improve waterproofing.
- (l) In-room air-conditioning units are not supported. A centralised rooftop system is preferred to reduce heat load in the courtyard and mitigate urban heat impacts. Spatial requirements for rooftop plant equipment should be clearly defined.
- (m) Maintenance access to the northern Level 7 planted rooftop should be resolved.
- (n) Detailed design of acoustic trickle vents (Level 1 Bay Street windows) should be provided for review. Sun studies for the Bay Street façade are also required, to determine the amount of sunshading required to minimise afternoon summer solar exposure.
- (o) Ceiling fans should be provided in all apartments and clearly shown in DA drawings.
- (p) Relocation of the laundry from the basement should be considered to improve amenity. Communal laundry facilities should be located adjacent to shared spaces and have access to natural light.

State Environmental Planning Policies

State Environmental Planning Policy (Housing) 2021

17. Consideration has been given to a number of guiding principles in Chapter 1 of the SEPP (Housing) 2021, against which the proposed development performs poorly. These include:
- (a) Principle (c): the proposed development fails to provide residents with a reasonable level of amenity, with regard for small room sizes, a compromised courtyard at the centre of the site and compromised privacy outcomes caused by proximity to approved neighbouring co-living housing development; and
 - (b) Principle (f): the proposed co-living housing fails to reflect and enhance its locality as it proposes inadequate ceiling heights and unacceptable proximity to approved neighbouring co-living housing development on the opposite side of St Barnabus Street.

Chapter 3 Diverse Housing

Part 3 Co-living housing

Clause 68 – Non-discretionary development standards

18. In accordance with Clause 68 of the SEPP (Housing) 2021, non-compliance with the following standards may be used as reasons to refuse consent for co-living housing.
19. For clarity, this section of the SEPP (Housing) 2021 is intended to identify development standards that if complied with, prevent the consent authority from requiring more onerous standards.
20. An assessment of the proposed co-living housing against each standard is provided in the table below.

Provision	Compliance	Comment
Density and scale expressed as floor space ratio A floor space ratio that does not exceed the maximum permissible floor space ratio for residential accommodation on the land. In addition, an additional 10% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of co-living housing.	No	The proposal is permitted a maximum FSR (including a bonus 10%) of 2.75:1 (2,780sqm). This is based on a maximum permissible FSR of 2.5:1 (2,528sqm) in accordance with Clause 4.4 of SLEP 2012 and an additional 10% of the maximum permissible FSR as the site is located within the MU1 Mixed Use zone and additional GFA is proposed only for the purpose of co-living. The application proposes a floor space ratio of 4.5:1 (4,550sqm) and does not comply with the maximum permitted FSR.

Provision	Compliance	Comment
Communal living area A total of at least 30sqm of communal living area plus at least a further 2msq for each private room in excess of 6 private rooms and minimum dimensions of 3m for each communal living area.	Yes	For a total of 137 rooms, an area of 292sqm is required. 295sqm is provided, including 154sqm at the ground level and 141sqm at level 6. The ground level communal area has low amenity due to low ceiling heights being provided and low natural light penetration from the courtyard and Bay Street.
Communal open space Communal open spaces with a total area of at least 20% of the site area, and each with minimum dimensions of 3m.	Yes	20% of the site equates to an area of 201sqm. A total area of 305sqm is provided, including 174sqm in the ground level courtyard and 131sqm on the level 6 terrace. Whilst the minimum quantum of communal open space is provided, the ground level courtyard is assessed as providing low amenity for future residents. The courtyard is surrounded by 8 storeys of structure and has impractical dimensions, less than 3m due to raised planter beds. See discussion section below.
Parking Unless a relevant planning instrument specifies a lower number, 0.2 parking spaces for each private room for development on land in an accessible area.	Yes	Part 7, Division 1 of SLEP 2012 does not set out a minimum or maximum number of car spaces for co-living accommodation. The proposed development proposes parking for three service vehicles, two car share spaces and one accessible space, plant rooms, bike parking, laundry and store rooms.
Landscaping In R2 and R3 zones the minimum landscaping requirements for multi dwelling housing under relevant planning instruments, and in R4 zone the minimum landscaping requirements for	N/A	The site is not located within an R2 Low Density Residential, R3 Medium Density Residential, or R4 High Density Residential zone.

Provision	Compliance	Comment
residential flat buildings under a relevant planning instrument		

21. The proposed development does not comply with relevant provisions of clause 68 and is recommended for refusal.

Clauses 69(1) – Standards for co-living housing

22. Clause 69(1) states development consent must not be granted unless the consent authority is satisfied of the following matters.
23. An assessment of the proposed co-living housing against each standard is provided in the table below.

Provision	Compliance	Comment
1(a) No private room is to have a gross floor area (excluding private kitchen or bathroom facilities) of more than 25sqm and less than 12sqm for a single occupancy or 16sqm otherwise.	Yes	All rooms are provided with private kitchen and bathroom facilities. When these are excluded, the larger private rooms do not exceed 25sqm in area. All rooms are proposed to be single occupancy and are provided living areas of greater than 12sqm when private kitchen and bathroom facilities are excluded.
1(b) The minimum lot size for co-living housing must not be less than 800sqm.	Yes	The site area is 1,011sqm.
1(c) in the R2 zone or equivalent, the co-living housing will not contain more than 12 private rooms and will be in an accessible area.	N/A	The site is not within an R2 Low Density Residential or equivalent zone.
1(d) the co-living housing will contain an appropriate workspace for the manager, either within the communal living area or in a separate space	No	The SEE and plan of management lodged with the application refer to a manager's office being provided on the ground floor. However, this is not shown on architectural drawings.
(1e) for co-living in a business zone no part of the ground floor that fronts a street is to be used for residential purposes unless another environmental	Yes	A retail tenancy is proposed against the Bay Street frontage.

Provision	Compliance	Comment
planning instrument permits the use		
1(f) adequate bathroom, laundry and kitchen facilities will be available within the co-living housing for the use of each occupant	Yes	All rooms are provided with private kitchen and bathroom facilities. A communal laundry is proposed within the partial basement level.
1(g) each private room will be used by no more than 2 occupants	Yes	All rooms are proposed to be single occupancy.
1(h) the co-living housing will include adequate bicycle and motorcycle parking spaces.	Yes	142 bike parking spaces are proposed, providing one space per unit and additional visitor and staff parking.

Clauses 69(2) – Standards for co-living housing

24. Clause 69(2) states development consent must not be granted for development for the purposes of co-living housing unless the consent authority considers whether the following matters have been satisfied.
25. An assessment of the proposed co-living housing against each standard is provided in the table below.

Provision	Compliance	Comment
2(a) in R2 or R3 zones the front, side and rear setbacks are no less than those required for multi dwelling housing in another relevant planning instrument, and in R4 zone, no less than those required for residential flat buildings under a relevant planning instrument.	N/A	The site is not located within the specified R2 Low Density Residential, R3 Medium Density Residential, or R4 High Density Residential zones.
2(b) if the co-living has at least 3 storeys the building complies with the minimum building separation distances in the Apartment Design Guide.	No	The development proposes a new co-living housing building with north-facing balconies proposed on the boundary, within 6.4m of south-facing windows for co-living units within 1-3 Smail Street (across St Barnabus Street). The development fails to satisfy the aims of section 2F of the ADG, which are to ensure new development is appropriately scaled to support the

Provision	Compliance	Comment
		desired future character with appropriate massing and spaces between buildings and to provide high residential amenity for residents of both buildings, including visual and acoustic privacy, sunlight, daylight access and an outlook. A statement addressing the provisions of Clause 4.6 of SLEP 2012 was lodged with the application, justifying the departure from the development standard. See discussion section below.
2(c) at least 3 hours of solar access must be provided between 9.00am and 3.00pm at mid-winter in at least one communal living area.	No	The communal living area at level 6 will receive two hours of solar access between 1:00pm and 3.00pm at mid-winter. The ground level communal living area receives no solar access at the winter solstice.
2(f) the design of the building must be compatible with the desirable elements of the character of the local area. If within an area undergoing transition, the design of the building must be compatible with the desired future character of the precinct.	No	The building does not provide adequate ceiling heights and fails to provide for future mixed commercial uses. Further, as outlined above, the proposed development fails to provide adequate separation distances between co-living housing developments

26. Clause 70 provides that development consent must not be granted for the subdivision of the co-living housing. Notwithstanding this, the application is recommended for refusal.

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6 Water Catchments

27. The site is located within the Blackwattle Bay catchment which is a designated hydrological catchment of Sydney Harbour. The development is subject to the provisions of the SEPP, which requires the Sydney Harbour Catchment Planning Principles be considered in the carrying out of development within the catchment.
28. The proposal is not anticipated to have any adverse impacts on stormwater quality and runoff from the site. Notwithstanding this, the application is recommended for refusal.

State Environmental Planning Policy (Sustainable Buildings) 2022

29. The aims of this Policy are as follows—
- (a) to encourage the design and delivery of sustainable buildings,
 - (b) to ensure consistent assessment of the sustainability of buildings,

- (c) to record accurate data about the sustainability of buildings, to enable improvements to be monitored,
 - (d) to monitor the embodied emissions of materials used in construction of buildings,
 - (e) to minimise the consumption of energy,
 - (f) to reduce greenhouse gas emissions,
 - (g) to minimise the consumption of mains-supplied potable water,
 - (h) to ensure good thermal performance of buildings.
30. The application includes design features such as electrification, passive design in line with Section J of the BCA/NCC, water storage and energy efficient systems.

Chapter 2 Standards for residential development - BASIX

31. A BASIX Certificate is not required for the subject development. The Environmental Planning and Assessment Regulation 2021 define a "BASIX building" as a building containing at least 1 dwelling but not including co-living housing that accommodates more than 12 residents, or that has a gross floor area exceeding 300 square metres.
32. The development contains some retail component and has responded to the provisions of Chapter 3 of the SEPP, which applies to non-residential development involving the erection of a new building with an estimated development cost of \$5 million.
33. Council's ESD specialist has advised that insufficient information was lodged with the application to complete their assessment. Details have been provided in an outdated format, and whilst water harvesting has been highlighted within ESD reporting, a water tank is not shown for irrigation.

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land

34. The aim of SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
35. The proposed works include excavation for a lower ground floor slab and partially deeper excavation zones for lift pits and a substation. No remediation works are proposed.
36. Documents lodged with the application include a preliminary site investigation and detailed site investigation. These conclude the site has a low risk of contaminants being present including fill material, asbestos and lead paint residue.
37. The reports, which have been reviewed by Council's health and building specialists, conclude the site is suitable for proposed residential and commercial land uses, and do not require further investigation.

State Environmental Planning Policy (Transport and Infrastructure) 2021

38. The provisions of SEPP (Transport and Infrastructure) 2021 have been considered in the assessment of the development application.

Clause 2.48 Determination of development applications – other development

39. The application is subject to Clause 2.48 of the SEPP as the development will be carried out immediately adjacent to an electricity substation.
40. As such, the application was referred to Ausgrid for a period of 21 days. No response was received.

Local Environmental Plans**Sydney Local Environmental Plan 2012**

41. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is zoned MU1 - Mixed Use. The proposed mixed-use development provides for residential accommodation (co-living housing) and commercial premises (retail), which are permissible with consent in the zone. Despite this, the application fails to satisfy a key objective of the MU1 Mixed Use zone, which is to encourage business, retail, community and other non-residential land uses on the ground floor of buildings. This is on the basis low ceilings are proposed at the ground level of the building where a future commercial tenancy is proposed. The low ceilings will limit daylight access and do not allow for flexible (future) uses of the tenancy. See discussion below - SDCP 2012 discussion.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	No	A maximum building height of 22m is permitted. The applicant states the proposed development has a maximum height above existing ground levels of RL 29.45m to the top of the lift overrun and RL 29.12m to the building parapet,

Provision	Compliance	Comment
		exceeding the development standard by 7.45m (34%). Council's assessing officers are of the view the building will exceed this height, noting a services report lodged with the application refers to a higher lift overrun being required. This results in a building with a maximum building height of approximately RL 30.25m, exceeding the development standard by 8.25m (38%). A request to vary the height of buildings development standard in accordance with Clause 4.6 has been submitted. See further details in the 'Discussion' section below.
4.4 Floor space ratio	No	The site is subject to a maximum Floor Space Ratio (FSR) development standard of 2.75:1 (2,781sqm), inclusive of a 10% bonus component in accordance with the SEPP (Housing) 2021. The applicant seeks consent for a development with a FSR of 4.5:1 (4,550sqm), exceeding the control by 64% (1,770sqm). A request to vary the floor space ratio development standard in accordance with Clause 4.6 has been submitted. See further details in the 'Discussion' section below.
4.6 Exceptions to development standards	No	The proposed development seeks to vary two non-discretionary development standards prescribed under Clauses 4.3 and 4.4 of SLEP 2012 (height of buildings and FSR). The applicant has not sufficiently justified the requested variations to the relevant clauses and the application is recommended for refusal. See further details in the 'Discussion' section below. The applicant has provided a third request, per clause 4.6 of SLEP 2012, to vary a development standard provided in

Provision	Compliance	Comment
		Clause 69(2) of the SEPP (Housing) 2021 (minimum building separation distances specified in the Apartment Design Guide). Council's officers are of the view that the third Clause 4.6 request is not required. However, consideration has been given to the substance of the Clause 4.6 request. See discussion section below.

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Partial compliance	The subject building is listed as a detracting item within the Mountain Street heritage conservation area. During a site visit, it was observed that some remnant, original 1960s offices are still in place. Notwithstanding this, the site is listed as a detracting building in Council's SDCP 2012 maps. Two heritage listed buildings adjoin the northern and southern boundaries, including the Reader's Digest Building (76-84 Bay Street, Ultimo) and the former Grace Brothers Homewares building (185-211 Broadway). Council's heritage officer raises no major concerns regarding the proposal to demolish the existing site building, however requested additional information in relation to the protection of the existing footings of the neighbouring heritage items. No further information has been requested during assessment on the basis the application is recommended for refusal.
5.21 Flood planning	No	A flood assessment report lodged with the application has been reviewed by Council's specialists.

Provision	Compliance	Comment
		They advise the report fails to meet the City's standards as it has not been based on site-specific hydraulic modelling. The report does not demonstrate the driveway crossing and internal ramp to the below ground car park level have been designed to comply with required 'belowground car park outside floodplain' levels, which must be at a minimum of 0.3 m above the surrounding surface along St Barnabas Street.

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 4 Design excellence		
6.21C Design excellence	No	The proposed development fails to demonstrate design excellence as required by Clause 6.21C and is recommended for refusal. See further details in the 'Discussion' section below.
6.21D Competitive design process	Acceptable	Changes to Clause 6.21D of SLEP 2012 have been adopted by Council and are in the process of being gazetted by Parliamentary Counsel. The changes have the effect of increasing the relevant height from 25m to 35m, above which development consent must not be granted unless a competitive design process has been held in relation to the proposed development.

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
Other land uses	Yes	Division 1 of SLEP 2012 does not provide a maximum number of car parking spaces for co-living housing. The proposed development includes parking for three service vehicles, two car share spaces and one accessible space.
Division 3 Affordable housing		
7.13 Contribution for purpose of affordable housing	Yes	The application is recommended for refusal. Notwithstanding this, it would be subject to a contribution for the purpose of affordable housing if it were to be approved.
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	The site is Class 5 land and is immediately adjacent to Class 2 land. Council's health and building specialist has not recommended any conditions requiring the preparation of an Acid Sulfate Soils Management Plan.
7.20 Development requiring or authorising preparation of a development control plan	Acceptable	Changes to Clause 7.20 of SLEP 2012 are have been adopted by Council and are in the process of being gazetted by Parliamentary Counsel. As per changes to Clause 6.21D above, the changes have the effect of increasing the relevant height from 25m to 35m, above which development consent must not be granted unless a development control plan has been prepared for the land.
7.26 Public art	No	Public art is proposed for the development. Council's specialist has indicated additional information would be required to support the application. Notwithstanding this, the application is recommended for refusal and no

Provision	Compliance	Comment
		additional information has been requested prior to reporting the matter to the Local Planning Panel.

Development Control Plans

Sydney Development Control Plan 2012

42. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

Section 2 – Locality Statements

43. The site is located within the Mountain Street locality. The proposed development provides a commercial use at the ground level, which is appropriate.
44. Notwithstanding this, the proposed development scheme fails to respond to a key design principle for the locality, which is that buildings should respond to the floor to ceiling heights of neighbouring heritage buildings, the proportion of their bays and the design of horizontal elements.
45. Neighbouring heritage buildings provide higher ceiling heights at the ground level (4m+), allowing for adaptability of commercial uses where the proposal includes a proposal for 3m ceiling heights. This also affects the residential amenity of a proposed communal area behind the retail space.
46. Council's specialists and Design Advisory Panel (Residential Subcommittee) do not agree with the applicant's justification for the lower ceilings, which are that they are a response to the datums established by adjacent heritage buildings. Changes could be made to increase the ground level ceiling heights without significantly impacting their interaction with neighbouring buildings visually.

Section 3 – General Provisions

Provision	Compliance	Comment
3.1 Public Domain Elements 3.1.5 Public art	Yes	Council's specialists advise that a preliminary public art strategy lodged with the application is generally acceptable, subject to minor changes. No amendments have been requested during assessment as the application is recommended for refusal.
3.2. Defining the Public Domain 3.2.3 Active frontages	Yes	Whilst not a requirement of the SDCP 2012 Active frontages map, the development provides an active frontage at the Bay Street frontage.

Provision	Compliance	Comment
		Similarly, whilst not a requirement of the SDCP 2012 Footpath Awnings and Colonnades map, the development provides a footpath awning at the Bay Street frontage.
3.3 Design Excellence and Competitive Design Processes	No	See discussion above in SLEP 2012 section.
3.5 Urban Ecology 3.5.2 Urban vegetation	No	The proposed development does not involve the removal of any trees. The provisions of section 3.5.2 specify that at least 15% canopy coverage of the site must be provided within 10 years from the completion of works. The proposal does not include any significant tree planting although the ground level courtyard proposes the use of tree ferns. Council's Design Advisory Panel (Residential Subcommittee) has provided advice that the landscaped space within the ground courtyard should be constructed with landscaped plantings at grade (requiring deeper basements to provide soil volume) rather than as raised planter beds. The raised planter beds currently provided divide the ground level space by dividing the space into small spaces. The courtyard comprises an area of approximately 145sqm and if planted with canopy trees at grade, would comprise 14% of the site area.
3.6 Ecologically Sustainable Development	Yes	Refer to SEPP (Sustainable Buildings) and discussion section.
3.7 Water and Flood Management	No	The site is identified as being on flood prone land. See discussion under section 7.15 above.
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	The proposal does not include subdivision.
3.9 Heritage	No	See comments above.

Provision	Compliance	Comment
3.11 Transport and Parking	Partial compliance	The quantum of bike parking provided meets the minimum specified by SDCP 2012. However, the partial basement has been designed to give priority to centralised plant rooms over bike storage rooms, which are located deep in the basement area. To access bike storage rooms from St Barnabus Street, riders would be required to go through two roller shutters and three sets of swinging doors, effectively discouraging bike use. Noting up to 140 bikes will be stored in the partial basement, the provision of only one small lift from the Bay Street entry would further discourage bike use.
3.12 Accessible Design	Yes	The proposed development is generally designed to provide equitable and accessible access.
3.13 Social and Environmental Responsibilities	Yes	The proposed development is generally designed in accordance with the CPTED principles.
3.14 Waste	Yes	If approval were recommended, conditions would be applied to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.
3.15 Late Night Trading Management	Yes	The premises is located within a City Living late night management area. The tenant of a proposed retail premises within the site is not specified.
3.16 Signage and Advertising	Yes	If approval were recommended, conditions would be applied requiring the preparation of a signage strategy for the site.

Section 4 – Development Types

4.2 Residential Flat, Commercial and Mixed Use Developments

Provision	Compliance	Comment
4.2.1 Building height		
4.2.1.1 Height in storeys and street frontage height in storeys	No	The site is permitted a maximum building height of 5 storeys. No street frontage height is specified by the SDCP 2012 map. The proposed development is 8 storeys as viewed from Bay Street and 9 storeys as viewed from St Barnabus Street and does not comply. The development provides decreased residential amenity for future occupants of the subject site and a site to the north, and fails to satisfy the objective of the clause, which is to reinforce the future neighbourhood character. See discussion section below.
4.2.1.2 Floor to ceiling heights and floor to floor heights	No	The proposed development does not achieve the minimum floor to floor heights specified by SDCP 2012 and in not doing so, fails to satisfy the objective of the clause, which is to promote daylight access into the building interior and contribute to the flexible future use of the building. See discussion section below.
4.2.2 Building setbacks	No	The proposed development extends to all site boundaries, consistent with the existing site condition. This presents issues in relation to building separation and visual privacy.
4.2.3 Amenity		
4.2.3.1 Solar access	No	As discussed above, insufficient solar access is provided to a Level 6 communal area.

Provision	Compliance	Comment
4.2.3.2 Lightwells	No	The central courtyard also constitutes a lightwell in that it provides light and ventilation for residential units. SDCP 2012 outlines that while daylight may be provided by a lightwell, it should be consistent with the minimum building separation distances between units (section 2F of the ADG). It should not be the only source of daylight to a habitable room and should provide a reasonable outlook. It should not be co-located with exposed services. As outlined below in the Issues section, the proposed lightwell fails to provide sufficient residential amenity with regard for separation distances required by the ADG minimums. It should also be noted that air-conditioning units are proposed within the lightwell, directly ventilating into the lightwell and resulting in impacts in relation to heat and noise.
4.2.3.3 Internal common areas	No	Refer to discussion below - co-living housing section.
4.2.3.4 Design features to manage solar access	No	No details are provided in relation to west-facing co-living room windows and whether fixed shading devices will be required.
4.2.3.5 Landscaping	No	Landscape plans lodged with the application show the ground level courtyard provides raised planter beds that subdivide the space without providing useful areas for socialising. A roof terrace at Level 6 provides no significant landscaping contribution and is undersized noting the minor contribution of the ground level area. A green roof is proposed at the northern edge of the building at Level 7 of the building. No parapet is provided,

Provision	Compliance	Comment
		meaning ropes and anchor points will be required for its maintenance. Architectural drawings lodged with the application do not provide for water tanks required for irrigation of landscape.
4.2.3.6 Deep Soil	Acceptable	10% of the site (101sqm) is required to be dedicated deep soil area with minimum dimensions of 3m, under SDCP 2012 controls. The existing commercial office building occupies the entire site and provides no capacity for deep soil. This is consistent with neighbouring sites within the Mountain Street locality. If approval were to be recommended, it would be possible to support a development that provides no additional deep soil, noting the basement level provides required services and waste management areas.
4.2.3.7 Private open space and balconies 4.2.3.8 Common open space 4.2.3.9 Ventilation 4.2.3.10 Outlook	No	Refer to section 4.4.1 discussion below - Draft DCP Controls for Co-living housing. The amenity of proposed balconies is diminished by deck levels being raised above internal floor heights.
4.2.3.11 Acoustic privacy	No	Co-living rooms are located close to approved development to the north of the site. Rooms facing the internal courtyard are compromised by noise from communal areas and by services and air-conditioning units exhausting into the courtyard.
4.2.3.12 Flexible housing and dwelling mix	Yes	Refer to section 4.4.1 discussion below - Draft DCP Controls for Co-living housing.
4.2.3.14 Apartments with setback bedrooms	Yes	All rooms are single aspect.

Provision	Compliance	Comment
4.2.4 Fine grain, architectural diversity and articulation	Yes	The building has an acceptable presentation to Bay Street.
4.2.6 Waste and recycling Management	No	Refer to comments above.
4.2.7 Heating and cooling infrastructure	No	All dwellings are proposed to have individual air-conditioning units, contrary to the control that specifies heating and cooling infrastructure is to be consolidated into a centralised location.
4.2.8 Letterboxes	No	No letterboxes are provided within the lobby of the building although a parcel area is shown. A condition could be applied in the event the application were recommended for approval.
4.2.9 Non-residential development in the B4 Mixed Uses Zone	Yes	Future uses of a proposed retail space could be subject to conditions were recommended for approval.

4.4 Other Development Types and Uses

4.4.1 Boarding houses and student accommodation and Draft DCP Controls for Co-living housing

47. Following the public exhibition of documents, Council's Central Sydney Planning Committee (CSPC) resolved on 19 June 2025 to adopt 'housekeeping' amendments to SLEP2012 and SDCP 2012. The adopted changes to SLEP 2012 are currently with the Department of Planning Housing and Infrastructure for review and are expected to be published in the short term. The changes to SDCP 2012 will take effect alongside the 'housekeeping' amendments to SLEP 2012 and have been considered as a guide to assessment.
48. The table below includes an assessment of the application against the provisions of Section 4.4.1 of SDCP 2012 relating to co-living housing, inclusive of adopted 'housekeeping' amendments that are soon to be published.
49. In summary, the development includes co-living rooms throughout the development that are assessed as providing low amenity with consideration of room dimensions, access to natural light, visual and acoustic privacy.

Provision	Compliance	Comment
4.4.1.1 Subdivision	Yes	The application does not propose subdivision.
4.4.1.2 Private rooms	No	All rooms are intended to be single occupancy, not exceeding 2 adult residents. Room areas are consistent with the minimum and maximum areas, which are reflective of SEPP (Housing) 2021. Indicative room plans show kitchens provided with dimensions of 2.9sqm including 600mm clear space. Bathrooms exceed 2.1sqm including 0.8sqm for a shower. The majority of rooms have minimum dimensions of 2.7m, and do not meet the minimum 3.5m specified. The dimensions do not allow for furniture layouts that are suitable, with beds accessible from only one end. Wardrobe spaces are undersized (0.8sqm), not meeting the required 1.5sqm, noting some storage is able to be provided in TV cabinets. Rooms are provided with access to natural light from windows although as outlined below, louvres for privacy reduce natural light into rooms and some ground level rooms will have low amenity. Ceiling fans are provided in all rooms and ceiling heights of 2.7m can be provided. The provisions specify that 30 % of all private rooms (41 rooms) are to have access to private open space with a minimum area of 4sqm in the form of a balcony or terrace area. 80 rooms are provided with balconies (58%). However, only 4 rooms (3%) have balconies exceeding 4sqm. The remainder have balconies with areas of approximately 3.3sqm.
4.4.1.2 Communal kitchen, bathroom, laundry and drying areas	Yes	A communal kitchen is provided at the ground level. Laundry facilities are provided, consisting of 14 locations for automatic

Provision	Compliance	Comment
		washing machines and domestic dryers (28 if double stacked). This exceeds the requirements for 137 residents, which would be 11 (one per 12 residents), which could indicate more than 137 residents can be accommodated. Concerns are raised in relation to safety and passive surveillance around the laundry area. See discussion below.
4.4.1.3 Communal living areas	No	The development provides two areas for communal living and satisfies the minimum, including 292sqm at the ground level and 295sqm at Level 6. Concerns are raised that the ground level area has low amenity due to insufficient ceiling heights and natural light. See discussion below. As above, the Level 6 communal area receives 2 hours' solar access between 9:00am and 3:00pm and the ground level area receives no solar access.
4.4.1.4 Communal open spaces		The control specifies that communal open space should be provided, equating to 20% of the site area (201sqm). The development provides communal open space at the ground level (174sqm) and at the Level 6 terrace (131sqm), equating to 30% of the site area. While meeting the minimum dimensions, concerns are raised that the ground level area has low amenity with raised planter beds preventing useable area for residents. As such, the Level 6 terrace provides the only useful space, equating to approximately 17% of site area.
4.4.1.5 Bathroom, laundry and drying facilities	Yes	The DCP requires more one 5kg capacity automatic washing machine and one domestic dryer for every 12 residents. 14 of each may be provided if double stacked within the basement laundry.

Provision	Compliance	Comment
		Notwithstanding this, the location of the laundry
4.4.1.6 Amenity, safety and privacy 4.4.1.6 Managing local amenity impacts	No	For the reasons outlined in this report, the proposed development provides low residential amenity for future residents and those of approved development on a neighbouring site to the north. Drawings do not show a roller shutter at the entry from St Barnabus Street, which if not provided, would provide a deep area of private space that is accessible to the public and would provide for antisocial behaviour and possible ambush points for residents. The location of the laundry close to this location and in an area without passive surveillance is a concern in relation to safety. The adopted SDCP 2012 controls for co-living housing include a section stating that for development of 3 storeys or greater, the building is to comply with the minimum building separation distances specified in the NSW Government's Apartment Design Guide. This issue is addressed below.
4.4.1.7 Plan of Management	No	A plan of management was lodged with the application. It states a manager's office is provided as a first point of contact for residences during the hours of 8am to 5pm, however as above, the manager's space is not shown on architectural drawings.

Discussion

Clause 4.6 Request to Vary a Development Standard - Height of Buildings

50. In accordance with Clause 4.3 of SLEP 2012, the site is subject to a maximum Height of Buildings development standard of 22m.
51. The applicant states the proposed development has a maximum height above existing ground levels of RL 29.45m to the top of the lift overrun and RL 29.12m to the building parapet, exceeding the development standard by 7.45m (34%).

52. Despite this, the services report lodged with the application refers to a lift overrun being required with 5.3m of headroom. Council's Urban designer notes that the recommended headroom has not been modelled in architectural drawings. If it were to be included, this would result in a building with a maximum building height of approximately RL 30.25m, exceeding the development standard by 8.25m (38%).

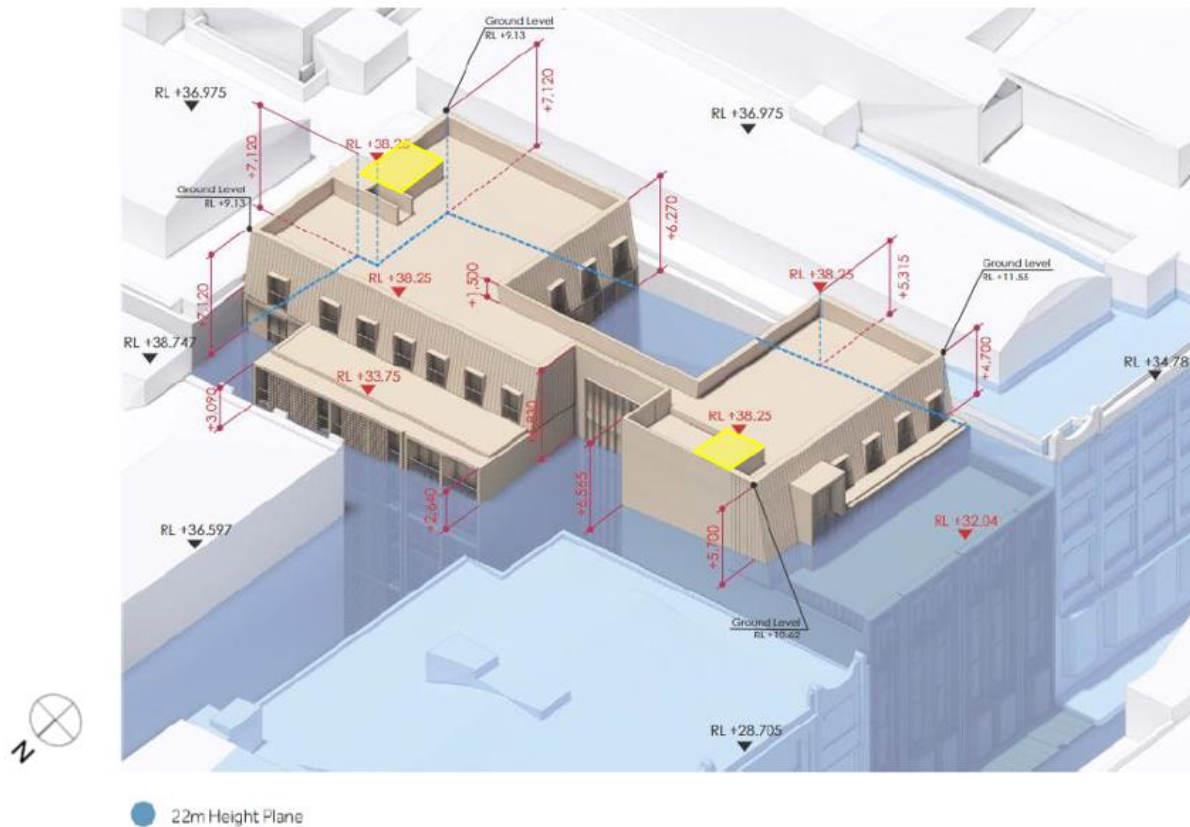


Figure 23: Applicant's height plane analysis, showing SLEP 2012 height plane (blue shading. Lift overruns have not been modelled correctly (highlighted yellow).

53. Pursuant to the requirements of Regulation 35B of the Environmental Planning and Assessment Regulation 2021, the application has been accompanied by a document setting out the grounds on which the applicant seeks to demonstrate:
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
 - (b) that there are sufficient environmental planning grounds to justify contravening the standard.

Applicant's Regulation 35B document

54. The applicant seeks to justify the contravention of the Height of Buildings development standard for the reasons set out below.
- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

- (b) The applicant considers the proposal to be consistent with objective (a) of the height of buildings standard, which is to ensure the height of development is appropriate to the condition of the site and its context, and to ensure an appropriate height transition between new development and heritage items. In particular that:
- (i) the development has been purposefully sited, with higher elements located to the east, setback 8m from the street boundary. This ensures the Bay Street elevation is compliant and contextually appropriate when viewed from the public domain;
 - (ii) the building to the north of the site is 0.97m higher than the proposed building, and the 185 Bay Street building to the south is 2.31m lower than the proposed building. As such, the development is 'filling of the gap', creating a balanced and improved sightline;
 - (iii) the western side of Bay Street contains commercial buildings that are taller than the proposed building. Additionally, these buildings are consistent with the 0m setback along the street, resulting a greater bulk and scale impact than the proposed building which has a setback of 8m on Level 7 and a punched in windows as part of the built form. As such the existing building does not currently read in context with the surrounding area and the proposed height will provide a conclusively more appropriate built form outcome;
 - (iv) there will be an acceptable overshadowing impact and negligible adverse impacts to the surrounding area because of the proposed development. The largest shadow is proposed to only take up 4.8% of the communal rooftop area at 3:00pm at 185 Bay Street (Uni Lodge); and
 - (v) an analysis of the surrounding context demonstrates that the height of the existing building (compliant) creates an unsightly gap in the high density area. As such, the surrounding buildings almost all exceed the 22m height of building control, representing the changing needs of the community and outdated nature of the development standard. The proposed building seeks to close the gap between the Readers Digest and 185 Bay Street (Uni Lodge student accommodation) improving the consistency of context within the streetscape.
- (c) The applicant considers the proposal to be consistent with objective (b) of the height of buildings standard, which is to ensure an appropriate height transition between new development and heritage items. In particular:
- (i) the proposed development will assist in creating a more appropriate transition of 'old' and 'new' and overall improve the compatibility and consistency along the Bay Street streetscape;
 - (ii) the built form responds to the adjoining heritage buildings to the north and south of the site by proposing a matching 0m setback along Bay Street (to level 5) and the installation of a continuous stepped down awning at level 1. The proposed awning will reflect the existing heritage expression appropriately across the frontage from Broadway to Smail Street;

- (iii) the built form responds to the heritage items along the Bay Street frontage by proposing a landscaped terrace at Level 6 and pulling back the bulk of the development from this edge by 8m. This setback allows for the adjoining heritage items to remain prominent along the frontage, soften views to the items and minimise overshadowing;
 - (iv) the development is further managed by reflecting appropriate materials and colours that are evident within the HCA and its federation warehouse style heritage buildings. The proposed building includes pilasters which vertically modulate the façade and respond to the rhythm of façade detailing along Bay Street; and
 - (v) the highest point of the building is largely due to the slope of the site. The lift overrun is centrally located from the northern and southern boundaries on the site and well set back from the more heritage streetscape to the west.
- (d) The applicant considers the proposal to be consistent with objective (c) of the height of buildings standard, which is to promote the sharing of views outside Central Sydney. In particular:
- (i) due to the heights of the surrounding buildings, the site topography and site location the site currently does not benefit from any district views or views of significance. The site provides an aspect onto Bay Street, Broadway Shopping Centre to the west and along Kettle Lane to the north;
 - (ii) the proposed development will not adversely impact key views from the public domain to important public spaces and will not impact views from neighbouring buildings;
 - (iii) the proposed building is set back 5m along the northern façade at Level 7 and 8m at Level 6 along the Bay Street façade which minimise bulk and scale visual impacts from the neighbouring properties; and
 - (iv) this objective has limited relevance to the site given the substantial distance of the site from Central Sydney and height being contextually comparable to adjoining developments. The proposed maximum 29.45m in height does not obstruct any views to Central Sydney.
- (e) The applicant considers the proposal to be acceptable on the basis there are sufficient environmental planning grounds to justify contravention of the standard. In particular:

Visual Impact

- (i) Whilst a significant portion of the site sits well below the height limit, the highest point of the building has been positioned appropriately to align with the lower ground level points at the rear of the site. From an urban design and heritage perspective, the building height on Bay Street has been purposely designed to take cues from the heritage items to the north and south. The building setback allows for an upper level terrace that provides increased amenity to the building's occupants. The elements in exceedance of the control, including the 1.5m parapet screen the rooftop plant, solar panels, the lift core, a green roof, and 12 apartments.

- (ii) These exceedances assist in creating a high quality and complete design for the building that leads to a more cohesive streetscape height plane that is in line with the adjoining heritage listed developments to the north and south of the site and following the streets natural topography.
- (iii) The current building is detracting from the heritage conservation area. The proposed building design has been carefully considered to be consistent with the existing character of the adjoining buildings along Bay Street and heritage conservation area.
- (iv) A building height plane diagram has been prepared, (Figure 24 above), demonstrating the non-compliances facing the sites frontage are significantly setback from the site boundaries.
- (v) Buildings along the western frontage of Bay Street from Broadway to Greek Street exceed the proposed building height at the site. The cross fall of the site has an 800mm drop and a 3m fall at the rear of St Barnabas Street. Reflective of the slope of the land, the proposed height is balanced and consistent with sites to the north, east, south and west.

Loss of Privacy

- (vi) The non-compliant elements of the building are limited to the upper portion of the building, at the rear of the site and have been designed to maintain the privacy of adjacent buildings, as well as the relationship between the two adjoining buildings. If strict compliance with the maximum building height were to be enforced, the privacy impact on neighbouring properties would remain largely unchanged due to the tight footprint. Mitigation measures for building separation include reducing glazing, offsetting apartments where necessary and introducing breezeways and screening.

Solar Access

- (vii) The proposed form above the height control is consistent with the height of 1-3 Smail Street and 185 Bay Street. The built form of the proposed at the upper levels are pulled back by 5m from St Barnabas Street and 8m from Bay Street, minimising potential bulk and scale impacts.
- (viii) The building elements that are proposed to exceed the height limit do not cause any adverse additional overshadowing to neighbouring properties or the public domain. Although additional shadowing will fall onto the 185 Bay Street rooftop the most significant shadows will be cast at 3pm and will only take up a 4.8% of the area which is considered minimal.

View Loss

- (ix) The proposed development's non-compliance with the height limit will not result in any significant loss of views or outlook compared to a compliant building. Importantly, neighbouring properties or the public domain do not currently enjoy any significant views across the subject site due to nature of the streetscape. Despite the additional height of the proposed buildings, the development remains consistent with this objective.

Design Excellence and Urban Design

- (x) The City of Sydney is encouraging the activation and greening of rooftops, through a draft Planning Proposal, and as such the proposed development provides spaces for informal seating and landscaping this contributes to this policy position without any undue impacts. This draft policy is allowing some flexibility of maximum building height controls to accommodate green roofs and ancillary structures as part of communal open space.
- (xi) The proposal results in a built form that responds positively to the surrounding urban context, particularly the development immediately to the west which is the dominating building form in the immediate context. From the street, the proposed development presents as an 8-storey building consistent with the existing character of the locality and immediate development.
- (xii) The roof top solar panels, plant and lift overruns are a fundamental component to the proper functioning of the residential building. The proposed development has made provision for the parapet to meet the height of these elements to block them from public view and provide clean sightlines.
- (xiii) Level 7 comprises 12 apartments (incl. 1 accessible apartment) which ensures the feasibility of the project and in turn greater housing provision in the area. As level 7 has been pulled back by 5m, the apartments on the northern facade have views to the green roof below.

Precedent Study

- (xiv) The applicant provides a precedent study of development approved by Council including the previous consent (D/2023/445), stating these have successfully demonstrated merit for variance against the development standard.

Precondition to granting consent where a development standard has been contravened

- 55. Development consent must not be granted unless the consent authority is satisfied that the applicant has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard.
- 56. The applicant has not adequately demonstrated that compliance with the standard is unreasonable or unnecessary in the circumstances, given the overbearing impact of the building on the residential amenity of approved co-living housing to the north of the site (within 1-3 Smail Street).
- 57. The development proposes ceiling heights that are insufficient to provide for high residential amenity within the site and that are not suitable for proposed retail uses at the ground level. Further, lift overruns have not been suitably modelled in architectural drawings. Providing for these elements would result in a building that is even higher than that proposed.
- 58. In this regard, the design of the proposal fails to satisfy objective (a) of the height of building development standard, which is to ensure the height of development is appropriate to the condition of the site and its context.

Conclusion

59. For the reasons provided above the requested variation to the height of buildings development standard is not supported as the applicant has not demonstrated the matters required to be addressed by Clause 4.6(3) of the Sydney Local Environmental Plan 2012.

Clause 4.6 Request to Vary a Development Standard - Floor Space Ratio

60. The site is subject to a maximum Floor Space Ratio (FSR) standard of 2.75:1 (2,781sqm of gross floor area), inclusive of a 10% bonus component in accordance with the SEPP (Housing) 2021.
61. The applicant seeks consent for a development with a FSR of 4.5:1 (4,550sqm), exceeding the floor space ratio development standard by 64% (1,770sqm).
62. Pursuant to the requirements of Regulation 35B of the Environmental Planning and Assessment Regulation 2021, the application has been accompanied by a document setting out the grounds on which the applicant seeks to demonstrate:
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
 - (b) that there are sufficient environmental planning grounds to justify contravening the standard;

Applicant's Regulation 35B document

63. The applicant seeks to justify the contravention of the FSR standard for the reasons set out below.
- (a) The applicant considers the proposal to be consistent with objective (a) of the FSR standard, which is to provide sufficient floor space to meet anticipated development needs for the foreseeable future. In particular:
 - (i) The strategic context of the site encourages greater housing supply, which is diverse, affordable and has access to jobs, services and public transport. The proposal utilises the existing building footprint and provides 137 co-living apartments with retail at the ground floor, and an end of journey facility on the lower ground floor.
 - (b) The applicant considers the proposal to be consistent with objective (b) of the FSR standard, which is to regulate the density of development, built form and land use intensity and to control the generation of vehicle and pedestrian traffic. In particular:
 - (i) the proposed design is consistent with the prevailing and emerging character of developments of a similar scale within the locality. The proposed alterations and additions to the existing commercial building complement the heritage significance of the existing building and the character of the Heritage Conservation Area;
 - (ii) the proposed built form is in keeping within the density and surrounding context of surrounding development within the Mountain Street Heritage conservation area and adjoining heritage items;

- (iii) the proposal will result in a reduction in vehicle traffic noting the proposal seeks to reduce the current car parking provision. The proposed development provides one accessible car park and 3 car share spaces thereby significantly reducing the number of private car spaces within the building. Further, the proposal seeks to incorporate 156 bicycle spaces;
 - (iv) the site is well serviced by nearby buses and within walking distance to metro, heavy rail, and light rail services to most of Greater Sydney. The proposal would result in increased pedestrian traffic to this part of Ultimo which is considered a positive for the area and local businesses;
 - (v) the built form exhibits a high level of amenity as the design includes a biophilic designed open air courtyard that runs through the centre of the building. The central courtyard provides the apartments located around the core access to natural light and improved ventilation. An additional common area and communal open space on level 6 increases the residential amenity to the 137 apartments and residents.
- (c) The applicant considers the proposal to be consistent with objective (c) of the FSR standard, which is to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure. In particular:
 - (i) the location in a dense urban area means the site is well serviced from existing utility and social/community infrastructure. Despite that, the proposed development provides 295sqm of communal living. The proposal exceeds the 20% provision of communal open space, by providing 305sqm;
 - (ii) the proposed development is in line with the capacity of existing and planned infrastructure for the locality. Future occupants will have low impact on the road infrastructure as the existing site is highly accessible being well serviced by public transport, existing utility and social/community infrastructure(d) to ensure that new development reflects the desired character of the locality in which it is located and minimises adverse impacts on the amenity of that locality;
 - (iii) the proposal positively responds and complements the heritage conservation area character by removing a detracting element in the HCA and providing a building form and character that is complementary to the Bay Street streetscape;
 - (iv) the proposed FSR variation responds to and reinforces the scale of a number of buildings in the immediate context, including 1-3 Smail Street and 185 Bay Street resulting in acceptable additional bulk and scale;
 - (v) as the proposed is setback at different levels, the potential visual impact is minimised. Additionally, the proposal fills the existing and detracting gap between the two adjoining heritage buildings, resulting in a coherent sightline along Bay Street;

- (vi) there will be an acceptable overshadowing impact and negligible adverse impacts to the surrounding area as a result of the proposed development. The largest shadow is proposed to only take up 4.8% of the communal rooftop area at 3PM at 185 Bay Street. At other times, the shadowing will be significantly reduced down to 2.8;
 - (vii) the Bay Street façade aligns with the character of the heritage conservation area with the design of its Bay windows at level 2 and vertical pilasters throughout;
 - (viii) the ground floor façade has no setback to reflect the alignments of adjoining properties and broader Bay Street. The development proposes a stepped down awning along Bay Street in line with the sloping street and surrounding buildings;
 - (ix) the building façade has a grid like pattern tying in with its immediate heritage surroundings of federation style warehouses with brick masonry walls. The proposed building incorporates brick as its primary material used and detailed modular frames with pigmented zinc, and red reveals throughout; and
 - (x) the built form is proposed to be lower than the parapet by 1.5m. The height of the parapet is proposed to screen the solar panels, plant and lift core to result in a consolidated view from the street.
- (d) The applicant considers the proposal to be acceptable on the basis there are sufficient environmental planning grounds to justify contravention of the standard. In particular:
- (i) the FSR variation provides a development that can provide alternative options to the private residential market and can therefore provide a diversity of housing choice, affordability, and opportunities catering to the demographics of the locality. This aligns with the aims of the Housing SEPP to facilitate the effective delivery of new well-located housing;
 - (ii) the proposed development aims to remove a detracting item within the heritage conservation area which is considered supportable from a heritage outcome;
 - (iii) the proposed development lessens the traffic and parking impact at the site, whilst contributing positively to the housing needs of the community. The design is carefully considered to be consistent with the future character of the area, as demonstrated by compliance with the objectives of the MU1 zone;
 - (iv) significant amounts of landscaped and communal open spaces are provided to enhance the amenity for residents of the site;
 - (v) the development forms a consistent character with adjoining heritage buildings along Bay Street by use of contextual materials and design inclusive of a continuous stepped down awning. The development therefore forms part of a broader character area and is suitable in context of the heritage conservation area within which it is located; and

- (vi) potential solar impacts to the neighbouring residential amenity are minimal. At the worst case scenario the overshadowing will be 4.8% at 3:00pm to the rooftop at 185 Bay Street.

Precedent Study

- (vii) The applicant provides a precedent study of development approved by Council including the previous consent (D/2023/445), stating these have successfully demonstrated merit for variance against the development standard.
- (viii) The applicant states the prescribed FSR for the area has been consistently varied in this immediate precinct given the established built form character associated with its gentrification. In particular, FSR and height of building standard variations have been approved as part of additions or for new development for immediately surrounding sites.

Precondition to granting consent where a development standard has been contravened

- 64. Development consent must not be granted unless the consent authority is satisfied that the applicant has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard.
- 65. The applicant has failed to adequately demonstrate that compliance with the standard is unreasonable or unnecessary in the circumstances, given the compromised residential amenity provided for the future occupants within the subject site and neighbouring approved co-living housing development to the north (1-3 Smail Street).
- 66. The development proposes residential accommodation with balconies located within 6.4m of windows for approved co-living housing development to the north in locations that fail to satisfy the minimum separation distances established by the Apartment Design Guide (see Clause 4.6 discussion below). Measures proposed to mitigate visual privacy concerns result in residential rooms with low natural light as windows are located behind fixed louvres.
- 67. The proposed density is reflective of a development that will provide low amenity for future residents. In this regard, the proposal fails to satisfy objective (d) of the standard, which is to ensure that new development reflects the desired character of the locality in which it is located and minimises adverse impacts on the amenity of that locality.

Conclusion

- 68. For the reasons provided above the requested variation to the floor space ratio development standard is not supported as the applicant has not demonstrated the matters required to be addressed by Clause 4.6(3) of the Sydney Local Environmental Plan 2012.

Clause 4.6 Request to Vary a Development Standard - Building Separation (Section 2F of the Apartment Design Guide - ADG)

- 69. The applicant has provided a request, per section 4.6 of SLEP 2012, to vary a development standard at section 69(2)(b) of the SEPP (Housing) 2021. The standard at section 69(2)(b) requires the building to comply with the minimum building separation distances specified in the Apartment Design Guide.

70. Despite a 4.6 request being lodged with the application, Council's officers are of the view that the request would not necessarily be required. This is on the basis the provisions within section 69(2) of the Housing SEPP are not development standards (as opposed to the provisions in section 69(1) which are).
71. The minimum building separation distance requirements specified in section 69(2)(b) of the ADG are required to be considered. However, where they are not met, no Clause 4.6 request is required. As such, the suitability and substance of the applicant's Clause 4.6 request have been considered as a guide to assessment rather than as a strict requirement.
72. Section 2F of the ADG requires that the minimum separation distances for habitable rooms and balconies must be 18m for buildings with a height of five to eight storeys. The proposed co-living development has a height of eight storeys, excluding a 'partial' basement level which presents as an additional storey as viewed from St Barnabus Street.
73. North-facing balconies are proposed on the northern boundary at St Barnabus Street. The balconies are located within 6.4m of the south-facing windows for units within an approved co-living housing development at 1-3 Smail Street (Figure 25 below). Within the development, proposed eastern and western balconies are separated by approximately 14m, which constitutes a non-compliance of 4m (22%).
74. St Barnabus Street is approximately 6m wide. To comply with the standard, north-facing balconies of the development are required to be setback by 6m from the northern property boundary. This measurement consists of 3m (as measured from the centreline of St Barnabus Street, which is 6m wide) and an additional 6m to provide for the minimum 9m site 'shared' contribution required by the standard - half of 18m.

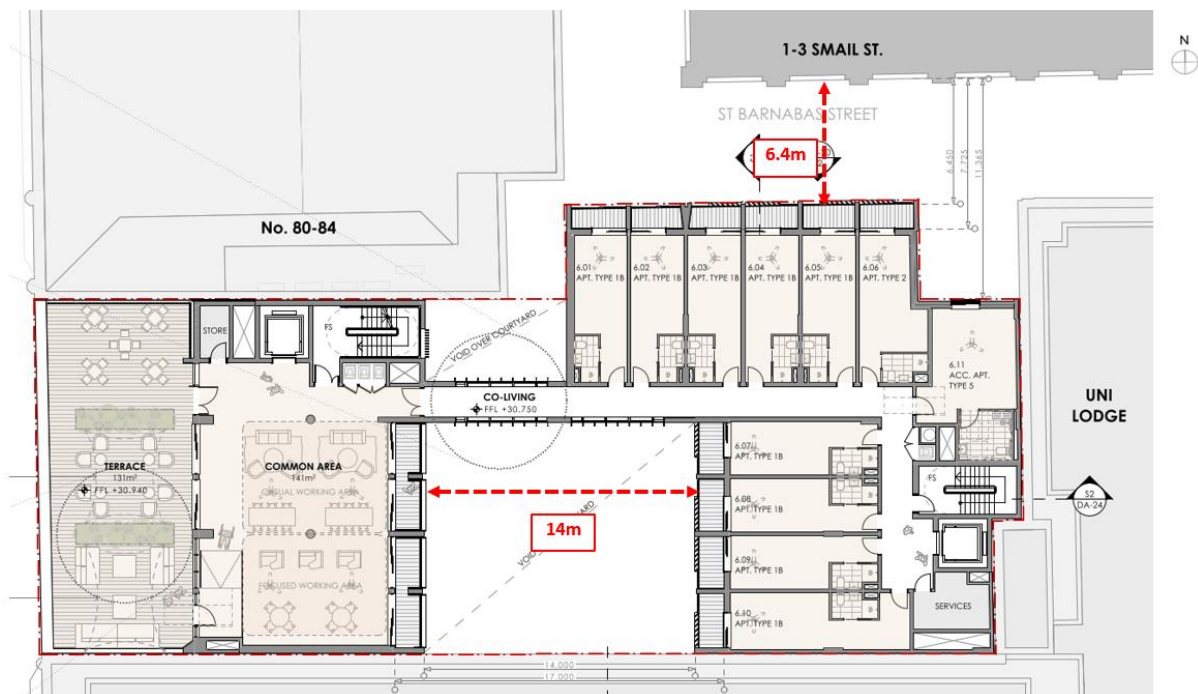


Figure 24: Separation distances between approved co-living housing to the north (6.4m to 1-3 Smail Street) and within the central courtyard (14m).

75. The applicant seeks to justify the contravention of the Building Separation development standard on the following basis:
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case because the aims of the development standard are achieved notwithstanding the non-compliance.
 - (b) With regard for the first aim of section 2F of the ADG, which is to ensure that new development is scaled to support the desired future character with appropriate massing and spaces between buildings:
 - (i) the strategic context of the site and context encourages greater housing supply, that is diverse, affordable and is located with access to jobs, services and public transport. The proposal utilises the existing building footprint and provides 137 co-living apartments with retail at the ground floor, and an end of trip facility on the lower ground floor;
 - (ii) the distribution of mass has been purposefully sited, with recessed top floor and higher elements located to the east, ensuring the Bay Street elevation when viewed from the public domain is compliant and contextually appropriate;
 - (iii) the massing has been pulled back from the north and the west on the upper levels to reduce potential bulk and scale impacts to the streetscape and adjoining developments and provide as much space between buildings to the north as possible, and solar access to the west; and
 - (iv) the ADG requires a 12m separation for buildings up to 4 storeys and 18m for 5 to 8 storeys. The proposed courtyard provides an increased distance for the first 4 floors and for the last 4 floors offers 14m between balconies and 17m between glazed faces. Along the northern face of the building, the proposal is constrained to provide 6m of building separation only. Strict compliance with the Housing SEPP would negate the redevelopment of the site for housing purposes.
 - (c) With regard for the second aim of section 2F of the ADG, which is to assist in providing residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook:
 - (i) externally, by providing a street façade built to the boundary on St Barnabas with recessed balconies screened by a brick breezeway provides robust privacy to and from the northern property at 1-3 Smail Street. To further mitigate, glazed areas have been reduced to 2/3 of the room's overall width and the breezeway to the full extent of the glazed areas;

- (ii) internally, as the site is within a dense urban environment with obstructed natural light to the south and east and reduced existing separation to the north, the creation of an internal courtyard open to the weather provides a biophilic design principles. This courtyard approach allows for natural light and air into the units. A minor non compliance internally does not reduce the internal amenity. Further mitigation measures (against the non compliance) have been incorporated to the last 4 levels of offsetting the rooms on each side of the courtyard, reducing the glazing and adding in a fixed screen. This ensures privacy is maintained and a good level of amenity if also resulting. Internally, if a complaint building setbacks were proposed, this would involve the removal of the internal balconies which is viewed as a sub standard outcome; and
 - (iii) The proposed setbacks provide a green roof at level 7 and a landscaped level 6 terrace. These outdoor spaces minimise additional bulk and scale, increase building separation where possible and improve visual and acoustic amenity (level 6 terrace is along Bay Street façade not adjoining neighbours).
- (d) With regard for the third aim of section 2F of the ADG, which is to provide suitable areas for communal open spaces, deep soil zones and landscaping:
 - (i) the building footprint tightly fits within a dense urban area of Ultimo and is surrounded by existing developments that reduce access to natural light. The built form however has responded to this setting through the inclusion of communal open space via the internal courtyard that is open to the sky allowing natural light and ventilation into the development and on the level 6 terrace. In accordance with the open space provision under the Housing SEPP, the proposal seeks consent for a total of 4.5% of landscaping (not including the green roof) across the site, 35m² in the courtyard and 11m² on level 6. This level of open space is compliant.
- (e) That there are sufficient environmental planning grounds to justify contravention of the standard:
 - (i) By implementing mitigation measures where the proposal does not comply with the numerical building separation guidelines in the Apartment Design Guideline, the co-living housing development will provide alternative options to the private residential market and therefore provide a diversity of housing choice, affordability, and opportunities catering to the demographics of the locality. This aligns with the aims of the Housing SEPP to facilitate the effective delivery of new well-located housing.
 - (ii) The proposed development aims to remove a detracting item within the heritage conservation area which is considered supportable from a heritage outcome.
 - (iii) The proposed development lessens the traffic and parking impact at the site, whilst contributing positively to the housing needs of the community. The design is carefully considered to be consistent with the future character of the area, as demonstrated by compliance with the objectives of the MU1 zone.
 - (iv) Significant amounts of landscaped and communal open spaces are provided to enhance the amenity for residents of the site.

- (v) The development forms a consistent character with adjoining heritage buildings along Bay Street by use of contextual materials and design inclusive of a continuous stepped down awning. The development therefore forms part of a broader character area and is suitable in context of the heritage conservation area within which it is located.
- (vi) The Apartment Design Guidelines for Building Separation are unreasonable to comply with at the site due to the highly dense area and tight footprint. Specifically, to the northern neighbours at 1-3 Smail Street. Compliance with the Building Separation guidelines would make the proposal unfeasible, so considering this the new co-living scheme is built with recessed balconies screened by a brick breezeway offering robust privacy to and from the property across the street. To further mitigate the issue the glazed areas have been reduced to 2/3 of the room's overall width and the breezeway to full extent of the glazed areas. Therefore, the potential privacy impacts are mitigated to an acceptable level.
- (vii) The creation of an internal courtyard allows the residents to enjoy a high level of residential amenity whilst living in a dense, central location. The courtyard provides residents with access to high quality open space. As the courtyard is open to the weather and is designed with biophilic design principles natural light and air will be able to penetrate the units.

Precondition to granting consent where a development standard has been contravened

- 76. In accordance with Section 69(2)(b) of SEPP (Housing) 2021, development consent must not be granted for development for the purposes of co-living housing unless the consent authority considers whether the building will comply with the minimum building separation distances specified in the Apartment Design Guide.
- 77. The applicant has failed to adequately demonstrate that the building separation distances proposed are appropriate, given the compromised residential amenity provided for the future occupants within the subject site and neighbouring approved co-living housing development to the north (1-3 Smail Street).
- 78. Balconies are proposed within 6.4m of south-facing windows for approved co-living units within 1-3 Smail Street and within 14m in the central courtyard of the development. The proximity of proposed units to approved units within the adjoining site results in low residential amenity, including lack of visual and acoustic privacy and low daylight access.
- 79. Measures proposed to mitigate the above impacts include installing fixed louvres across doors and windows, however these results in rooms with no outlook and with severely compromised access to natural light, requiring lights to be on at all times of the day.
- 80. The lack of building separation results in a development that will provide low residential amenity for future residents. In this regard, the proposal fails to satisfy the objectives, which are to ensure new development is scaled to support the desired future character with appropriate massing and spaces between buildings, and to provide residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook.

Conclusion

81. For the reasons provided above and noting a Section 4.6 request is not required, the requested variation to the Building Separation (Section 2F of the Apartment Design Guide - ADG) development standard has failed to demonstrate the matters required to be addressed by Clause 4.6(3) of the Sydney Local Environmental Plan 2012 when used as a guide to assessment.

Design Excellence

82. The provisions of section 6.21C of SLEP 2012 state that development consent must not be granted to development unless, in the opinion of the consent authority, the proposed development exhibits design excellence.
83. The development provides low residential amenity for future residents of the subject site with regard for low ceiling heights for ground level communal spaces, insufficient room widths and insufficient separation distances between co-living housing units, both within the site and externally to the site for approved units at 1-3 Smail Street.
84. The amenity of rooms is compromised with regard for their width, noting 122 rooms (89%) have a width of 2.7m, less than the 3.5m specified by adopted SDCP 2012 controls. Beds are shown as being only accessible from one end and not from the side. While layouts are indicative only, this reinforces the need for wider, more flexible room dimensions.
85. Proposed units at the ground and lower levels of the site will not receive any direct sunlight for most of the year as they are surrounded by eight storeys of structure. Reflected natural light may be available within the courtyard, however landscape plantings further reduce the ability for these units to achieve high amenity. Further, all bathroom, kitchen, and air conditioning vents exhaust directly into this tall narrow space.
86. In addition, units are located within close proximity to communal areas and subject to noise from communal areas in the internal courtyard. The amenity of units is compromised by windows having no outlooks other than to the reverse side of fixed angled louvres that are designed to prevent overlooking of opposite windows. It is noted that there is no set down rather a step-up to balconies and exposed ceilings that are not detailed.
87. For the above reasons, the development fails to satisfy objective (a) of Clause 6.21C, which is to provide a high standard of architectural design, materials and detailing appropriate to the building type and location.
88. With regard for its proximity to approved co-living housing units in 1-3 Smail Street, the development fails to provide suitable building massing and modulation, as required by Clauses 6.21C(2)(a) and 6.21C(2)(d)(v). The development fails to deliver suitable outcomes with regard for solar access, visual and acoustic privacy and noise, as required by Clause 6.21C(2) d)(vii) of SLEP 2012.
89. The ground level courtyard has been designed with raised planter beds rather than with planting at grade. The planter beds divide the space into small spaces that are not useful for communal activities (Figure 26 below). As such the Level 6 terrace would be expected to carry much of the communal open space burden of the development.

90. The space is undersized for 137 units. Further, water harvesting and reuse is proposed, however no tanks are shown for irrigation with only an OSD tank provided. As such, the design fails to satisfy Clause 6.21(2)(d)(xiii) with regard for excellence and integration of landscape design.

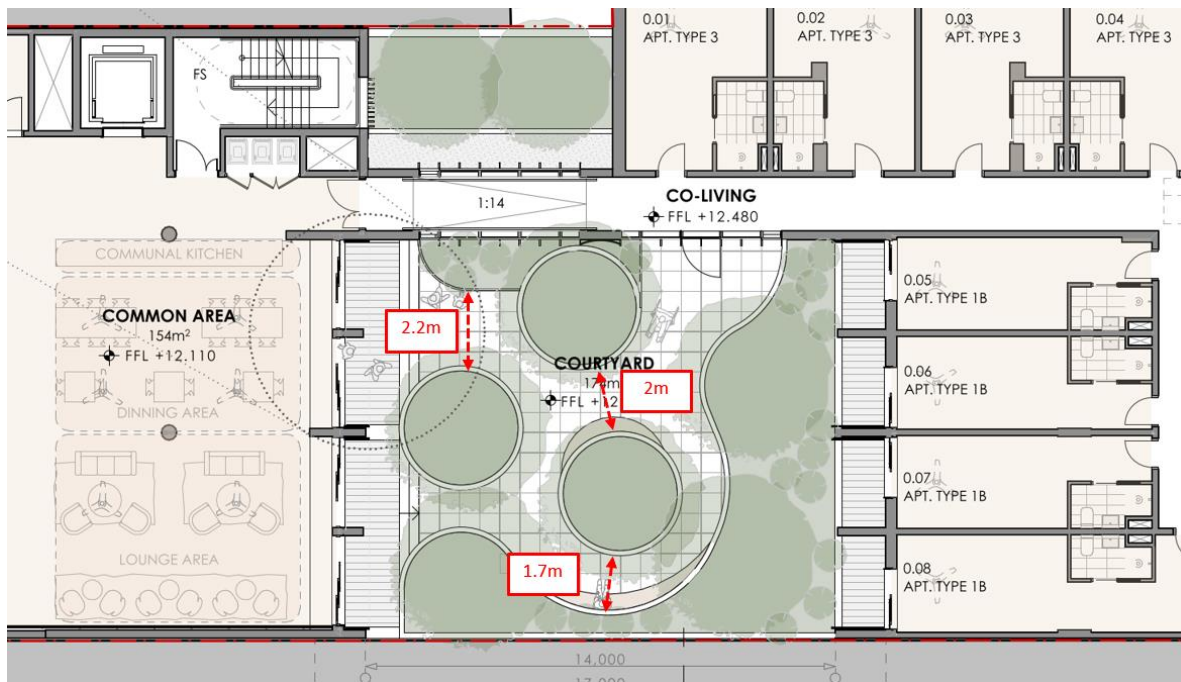


Figure 25: Raised planter beds limit useful spaces within the ground level communal courtyard.

Waste servicing

91. The operational waste management plan lodged with the application (OWMP) states that Council will be engaged to collect residential general waste, recycling and food and organic waste (FOGO), twice weekly.
92. Whilst the collection of residential waste from St Barnabas Street can be supported on the basis 10.6m trucks can access St Barnabas Street, the proposal to collect waste streams twice weekly is not supported.
93. The applicant has not demonstrated there is sufficient space for the storage of waste bins sufficient for once weekly collection from the site for general waste and recycling streams, and twice weekly collection of food scraps. Further, it has not been demonstrated the maximum 30m travel distances have been provided for (for FOGO bins), in accordance with the City's Guidelines.
94. As such, the application has failed to demonstrate the development can comply with the relevant provisions of section 3.11.13 of SDCP 2012 - Design and location of waste collection points and loading areas.

Design Advisory Panel Residential Subcommittee advice

95. As discussed above, the proposal was discussed with the City's Design Advisory Panel (Residential Subcommittee) on 7 April 2026. The Subcommittee found the proposal to be unsatisfactory on a number of grounds.

Consultation

Internal Referrals

96. The application was discussed with Council's
- (a) Building Services Unit
 - (b) Environmental Health Unit
 - (c) Heritage and Urban Design Unit
 - (d) Public Domain Unit
 - (e) Transport and Access Unit
 - (f) Tree Management Unit
 - (g) Waste Management Unit
97. Issues raised by Council's specialists are discussed above in this report.

External Referrals

Ausgrid

98. Pursuant to Section 2.48 of the SEPP (Transport and Infrastructure) 2021, the application was referred to Ausgrid for comment. No response was received.

Water NSW

99. Pursuant to Section 78 of the Sydney Water Act 1994, the application was referred to the Sydney Water Corporation for comment. A response was received that no objection was raised to recommended conditions of consent.

Advertising and Notification

100. In accordance with the Community Engagement Strategy and Community Participation Plan 2025–2029, the application was notified for 21 days between 18 February 2026 and 12 March 2026. A total of 1,167 properties were notified and no submissions were received.

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

101. If approval were to be recommended, the development would be subject to a section 7.11 local infrastructure contribution under the Plan.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

102. The site is located within the Residual Lands affordable housing contribution area.

103. The application is not recommended for approval, however a condition of consent could be imposed requiring payment of the condition if the application was considered for approval.

Housing and Productivity Contribution

104. The application is not recommended for approval, however a condition of consent could be imposed requiring payment of a Housing and Productivity Contribution if the application was considered for approval.

Relevant Legislation

105. Environmental Planning and Assessment Act 1979.
106. Sydney Water Act 1994
107. Water Management Act 2000

Conclusion

108. The application fails to satisfy key Height and Floor Space Ratio development standards and provisions of the Sydney Local Environmental Plan 2012, the Sydney Development Control Plan 2012, and the relevant State Environmental Planning Policy (Housing) 2021.
109. With consideration of the matters required to be addressed by Clause 4.6(3) of the Sydney Local Environmental Plan 2012, the application fails to sufficiently justify requested variations from the Height of Buildings and Floor Space Ratio development standards provided by the Sydney Local Environmental Plan 2012. Further, Council's assessing officers consider the development to be inconsistent with the minimum building separation distances specified in the Apartment Design Guide, as enlivened by the State Environmental Planning Policy (Housing) 2021.
110. The proposal seeks to greatly exceed the maximum development floor space available under the City's floor space ratio development standard and by the State Environmental Planning Policy (Housing) 2021, to the detriment of residential amenity within the site and neighbouring sites.
111. The overdevelopment of the site is demonstrated by non-compliance with residential amenity measures of the NSW Apartment Design Guide, activated by the State Environmental Planning Policy (Housing) 2021 and the Sydney Development Control Plan 2012, including solar access, ceiling heights, room widths and visual privacy measures.
112. The development provides low residential amenity for future residents of the subject site and neighbouring site with regard for low ceiling heights for ground level communal spaces, insufficient room widths, low access to natural light and insufficient separation distances between co-living housing units. Landscaped areas have been designed with little useful communal area and no irrigation tanks are provided for irrigation. Accordingly, the proposal cannot be considered to satisfy the Aims of the Sydney LEP 2012 or to exhibit design excellence in accordance with Clause 6.21C of the Sydney LEP 2012.

113. The City's Design Advisory Panel Residential Subcommittee raised substantial concerns regarding residential amenity and design quality that were communicated to the applicant prior to lodgement of the application. These concerns remain unresolved. The proposed development would have significant impacts on approved co-living housing units located on neighbouring properties in relation to visual and acoustic privacy and would provide low residential amenity for future residents within the development.
114. For these reasons, the proposed is recommended for refusal.

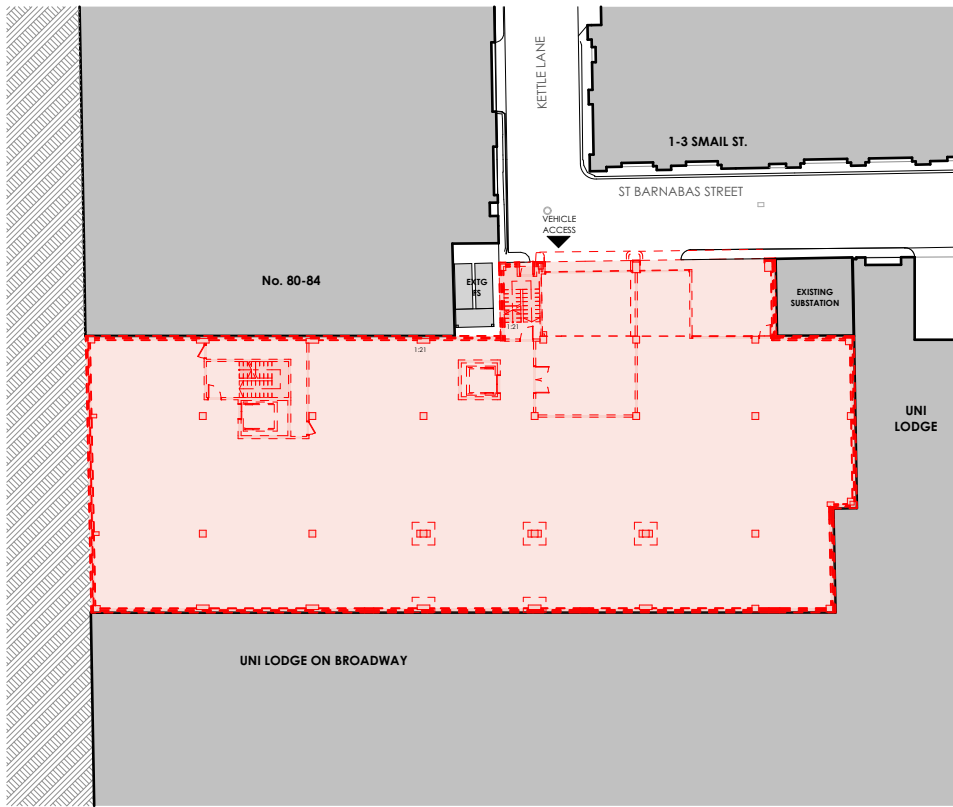
NICOLA REEVE

Acting Executive Manager Planning and Development

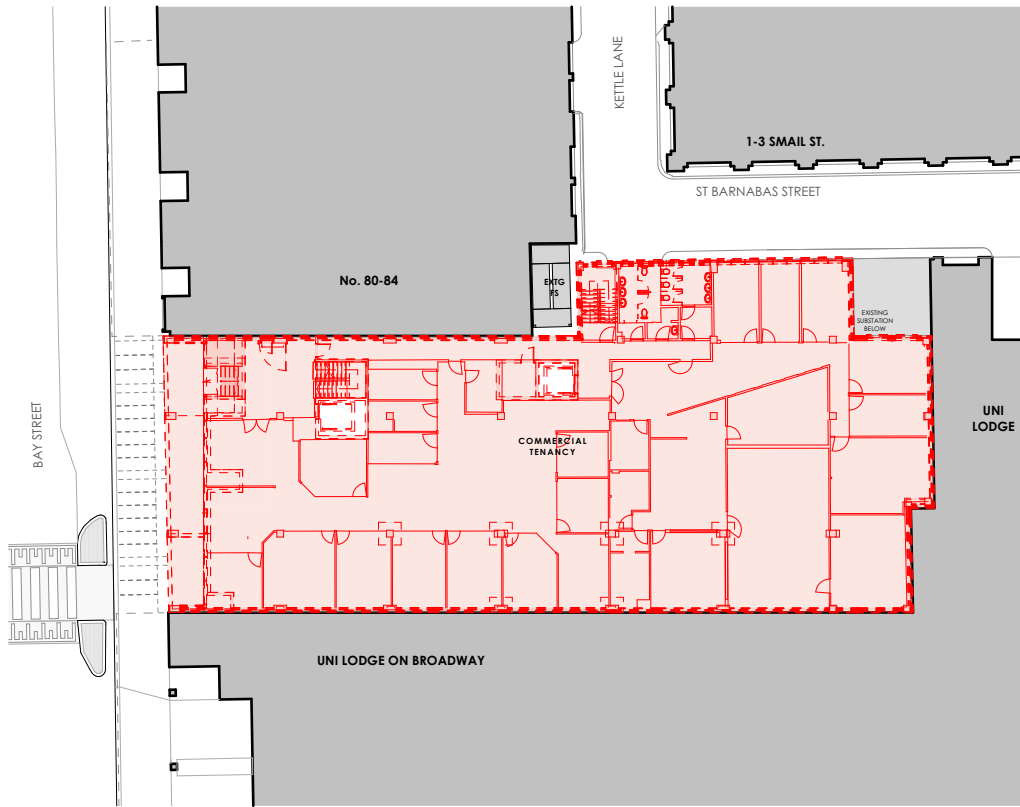
Adrian McKeown, Senior Planner

Attachment A

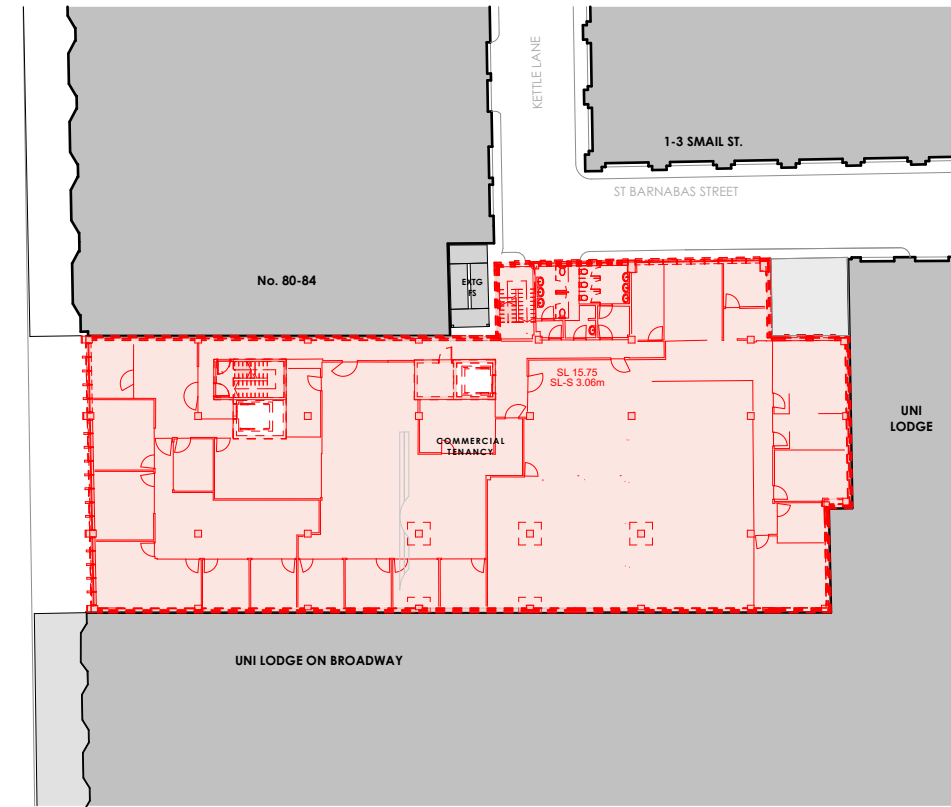
Selected Drawings



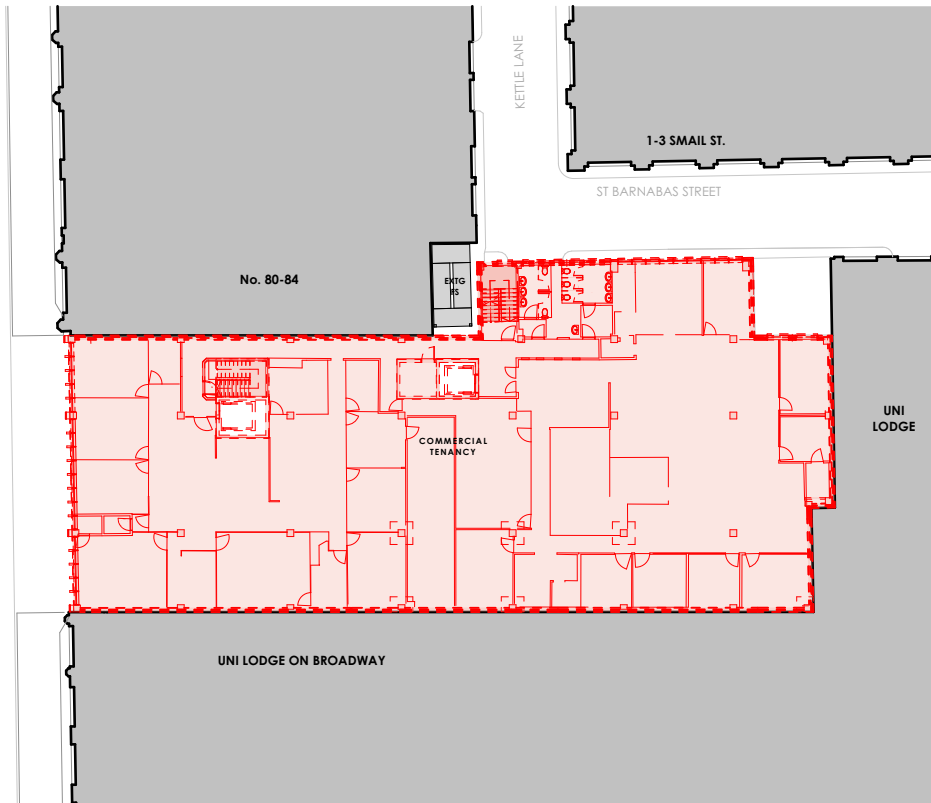
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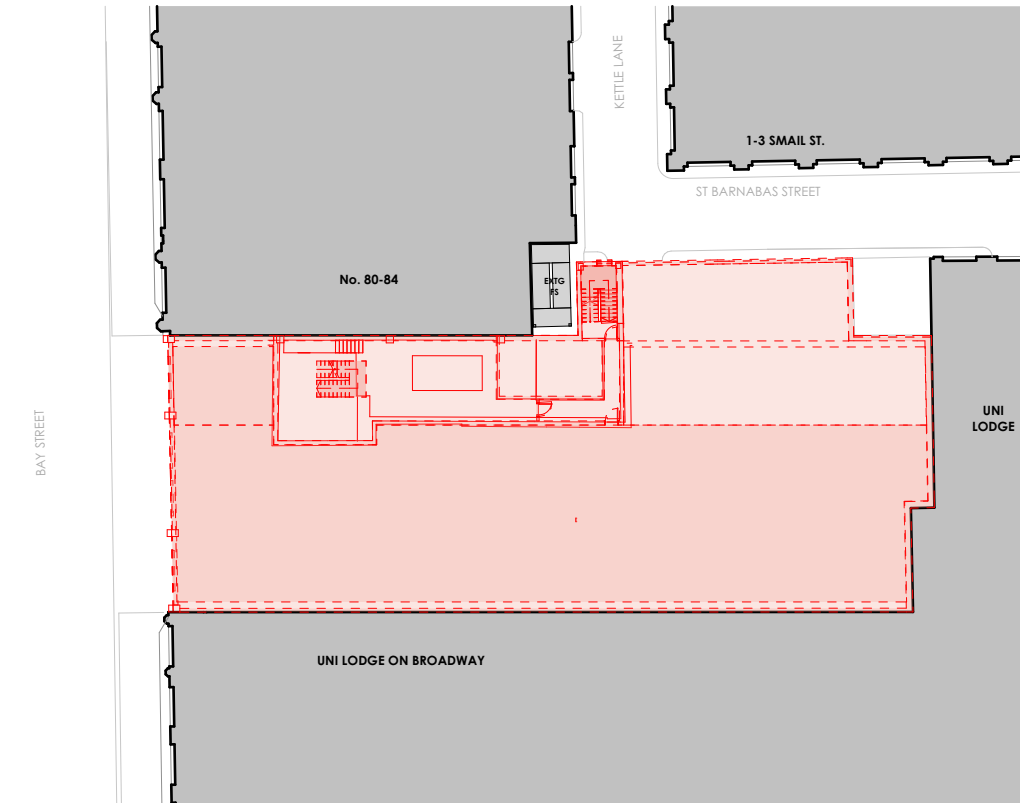
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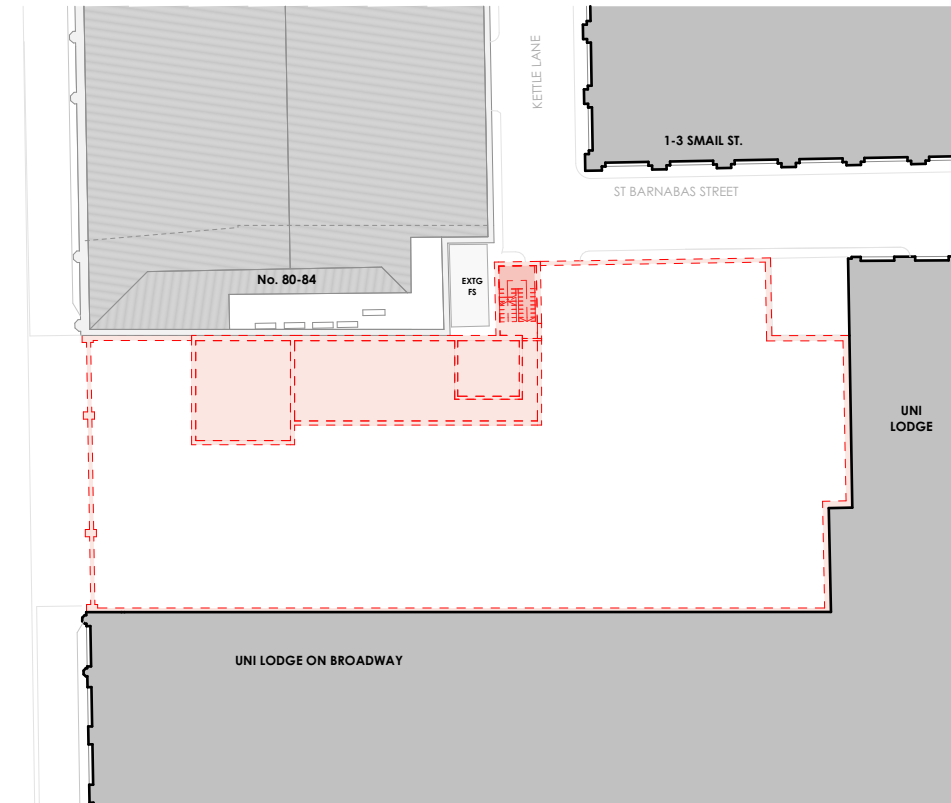
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4. LEVEL 02 - DEMOLITION PLAN
SCALE - 1:500



5. LEVEL 03 PLANT + ROOF - DEMOLITION PLAN
SCALE - 1:500



6. ROOF - DEMOLITION PLAN
SCALE - 1:500



AMENDMENTS		DESCRIPTION	CHK
REV.	DATE		
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01	20/06/2025	DA SUBMISSION	SMA

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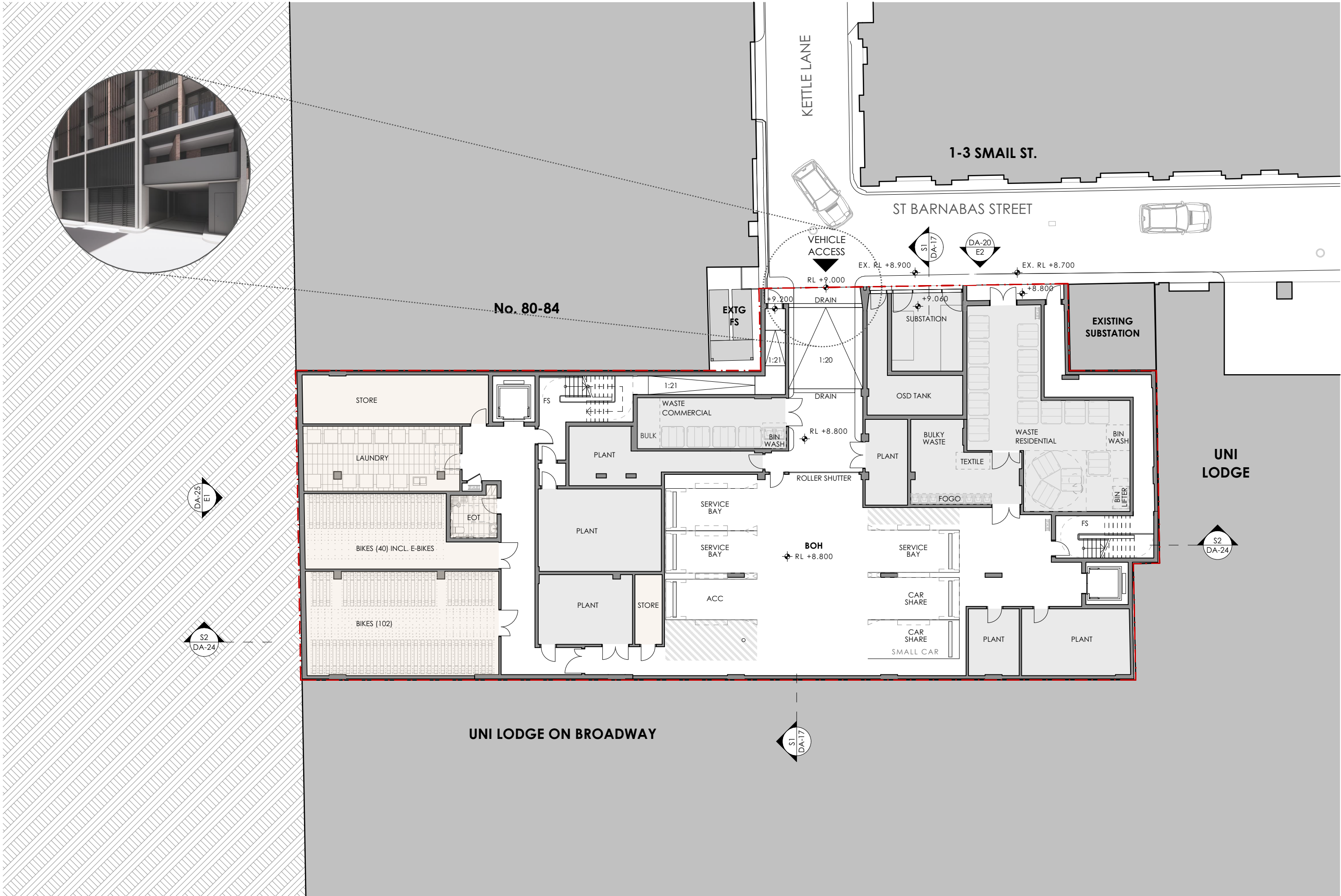
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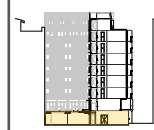
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22412	DA-09
PRINT DATE	ISSUE
17/12/2025	02



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PROJECT
86 BAY STREET, ULTIMO NSW 2007

CLIENT
DEXUS & HBB PROPERTY



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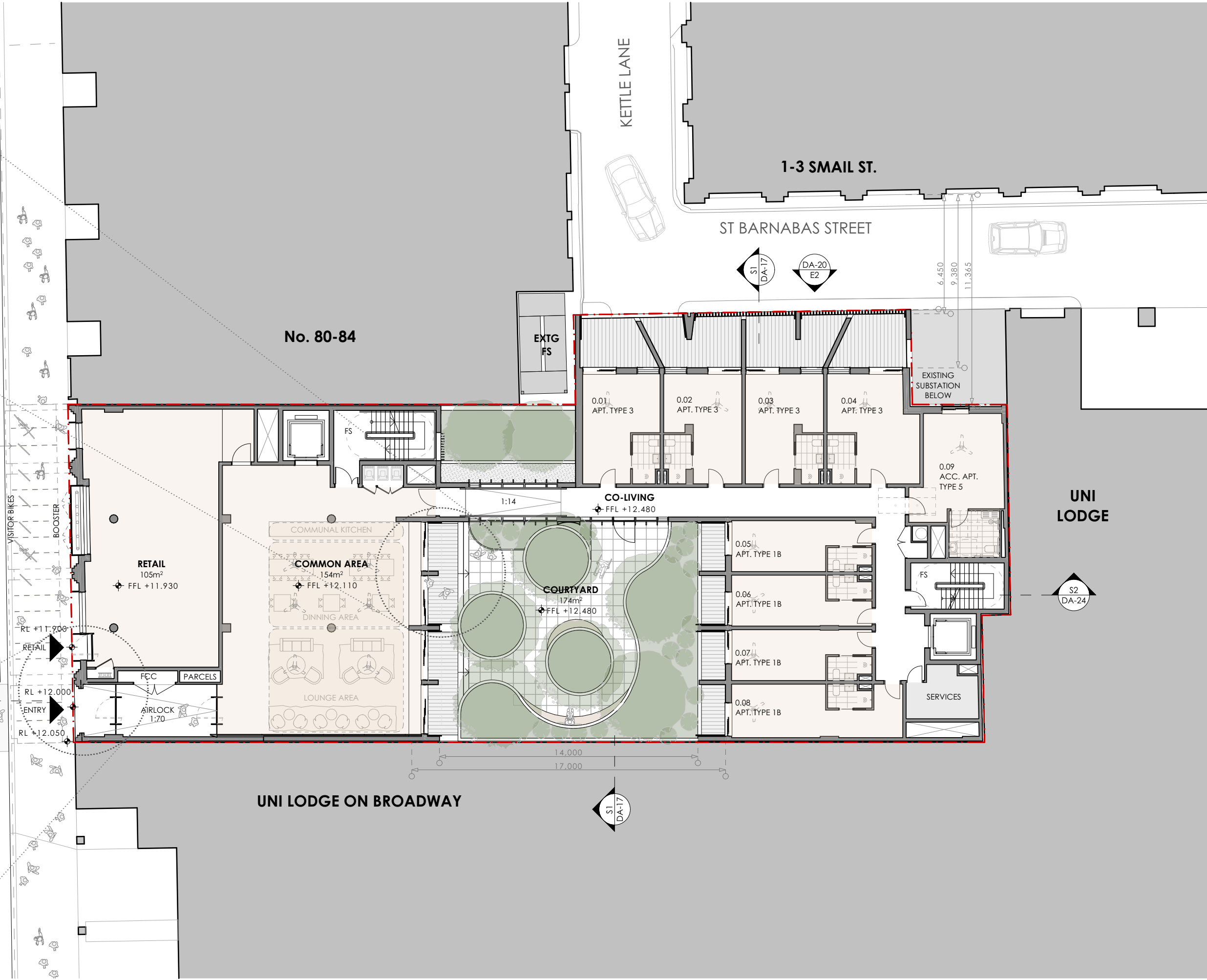
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PROJECT NO.
22412

PRINT DATE
17/12/2025

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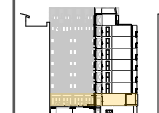
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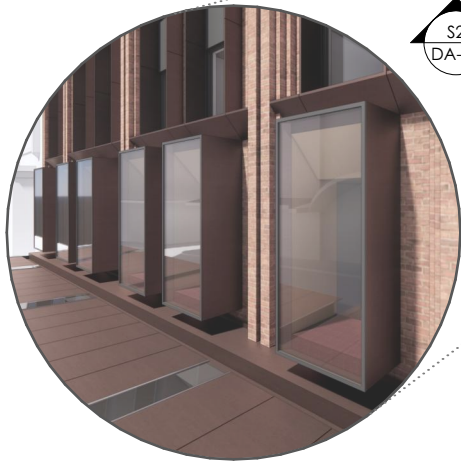
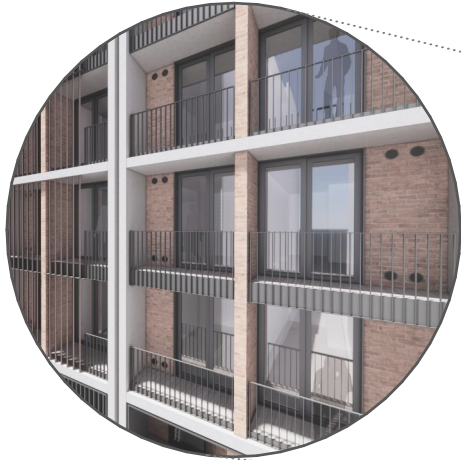
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PROJECT NO.
22412

PRINT DATE
17/12/2025

DRAWING NO.
DA-11

ISSUE
02



BAY STREET



ALIGN WITH
EXISTING AWNING

ALIGN WITH
EXISTING AWNING

No. 80-84

EXTG
FS

VOID OVER COURTYARD

CO-LIVING
FFL +15.750

VOID OVER COURTYARD

UNI LODGE ON BROADWAY

UNI
LODGE

1-3 SMAIL ST.

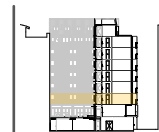
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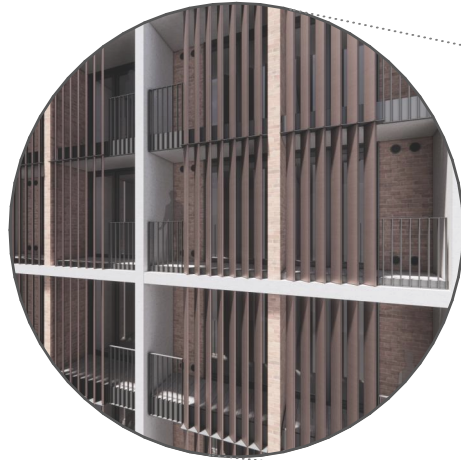
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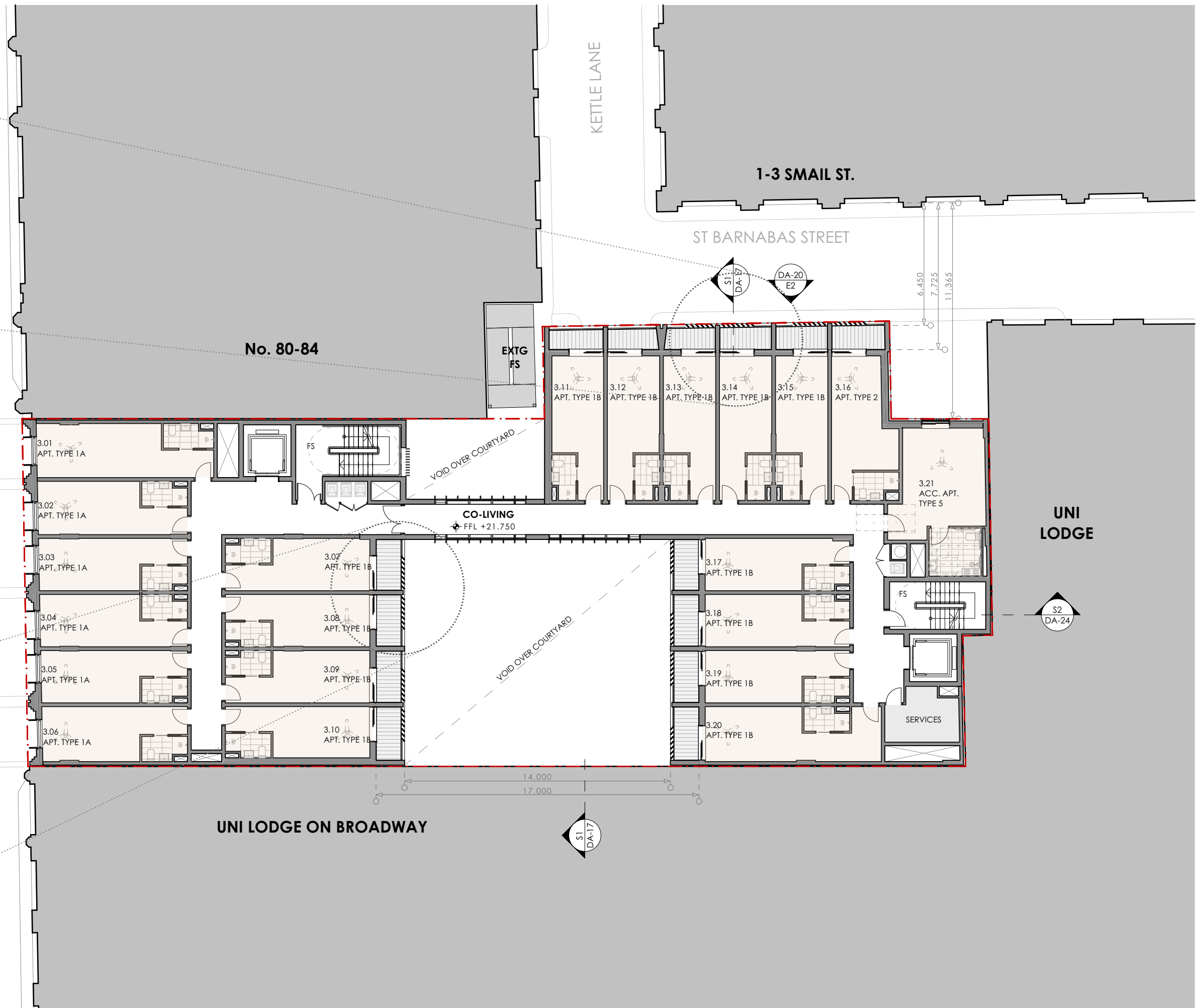
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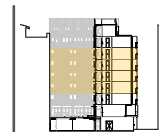


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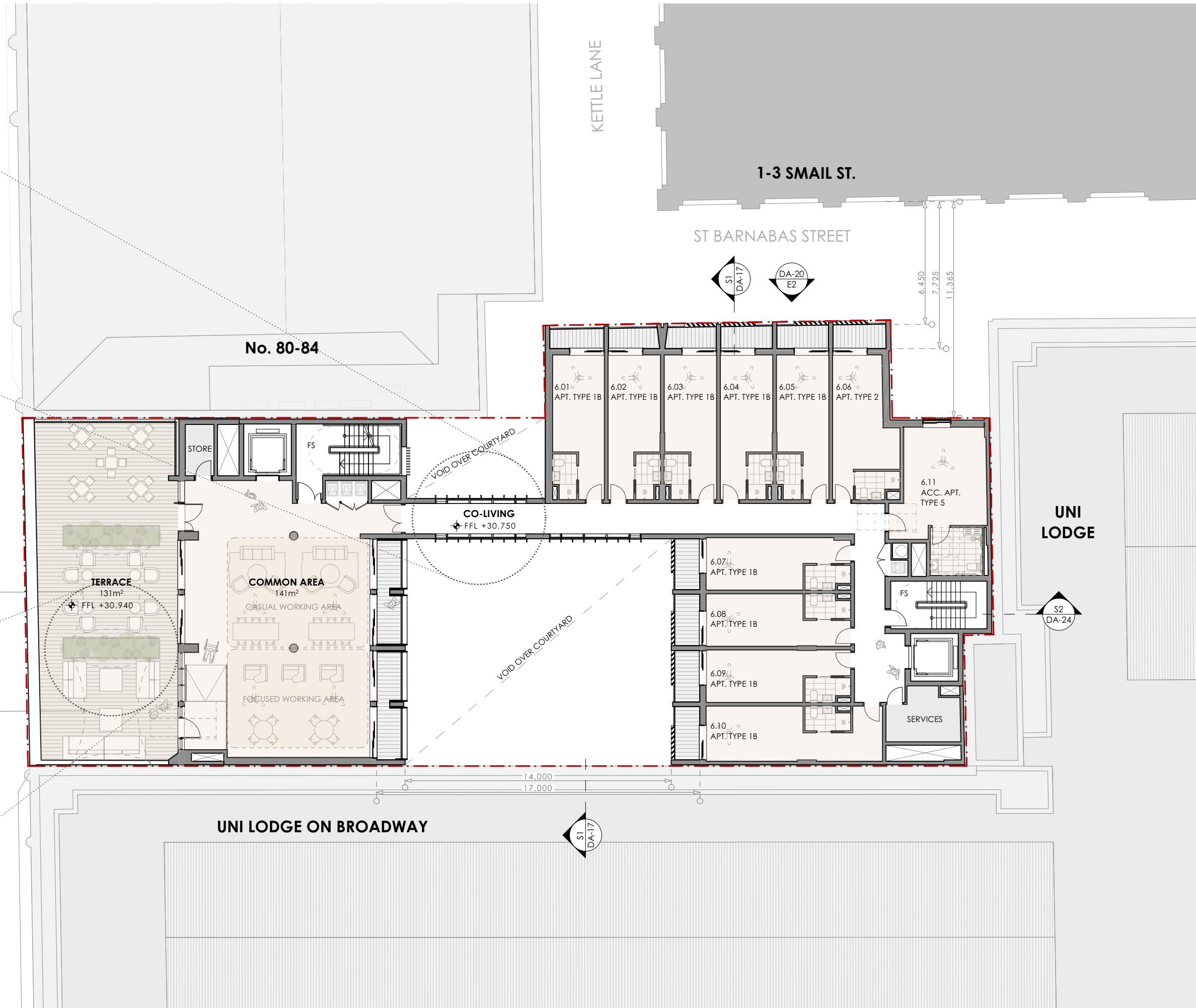
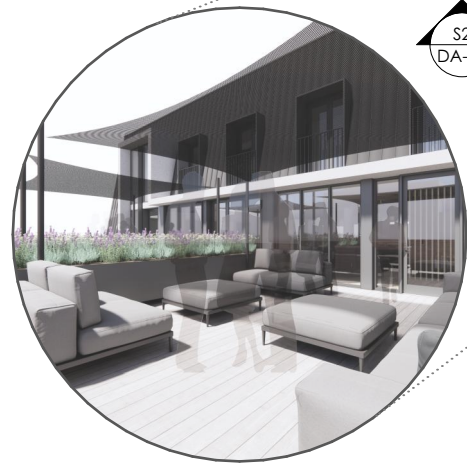
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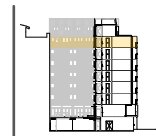
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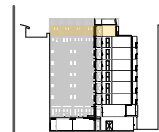
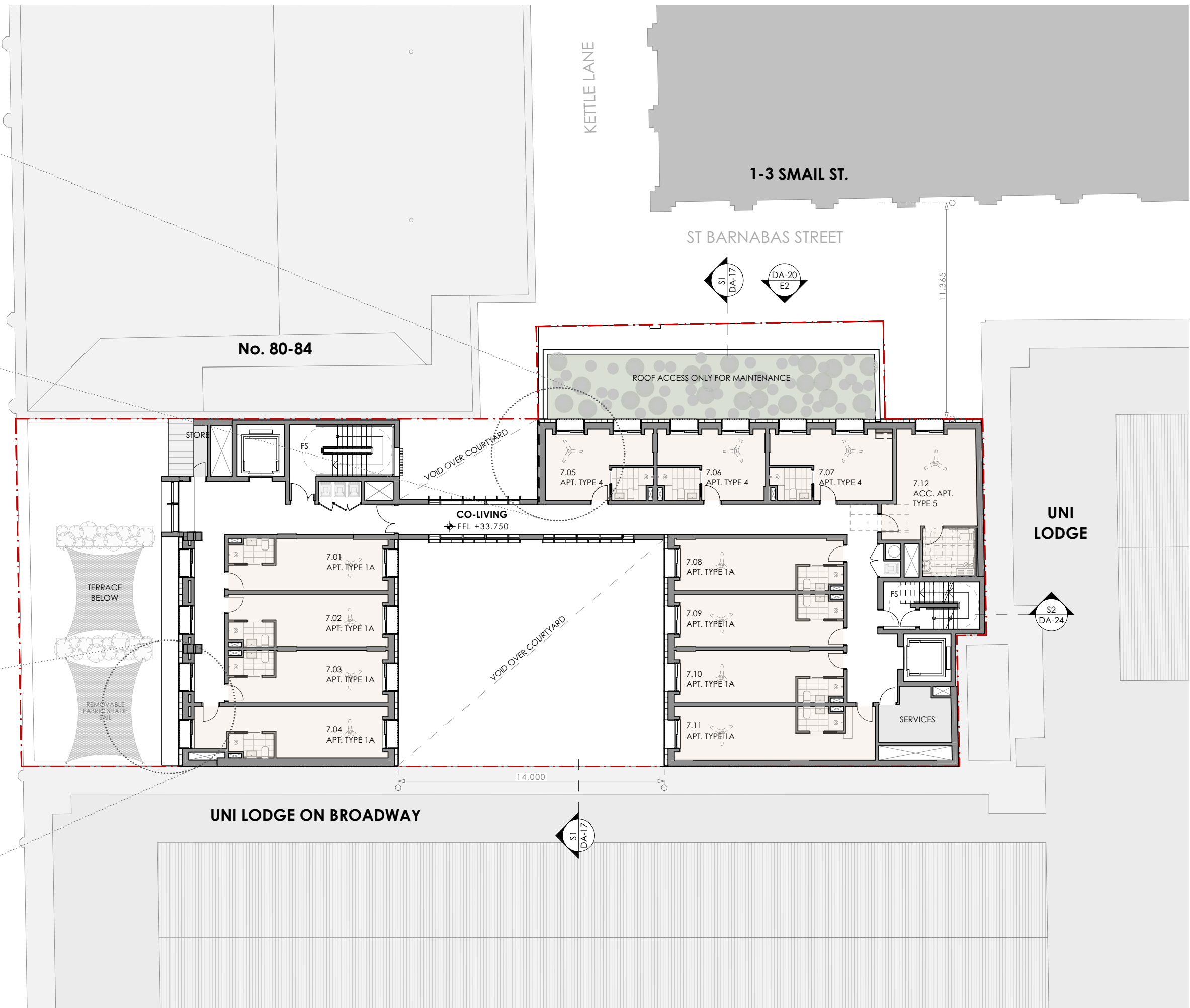
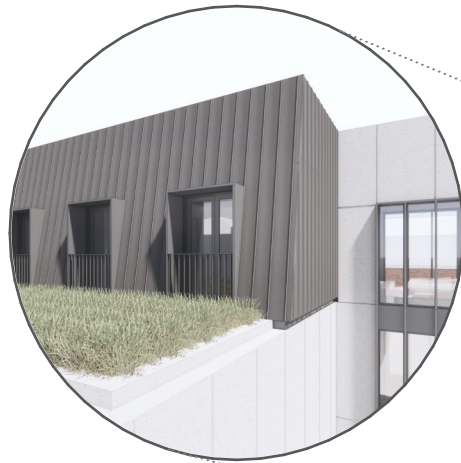
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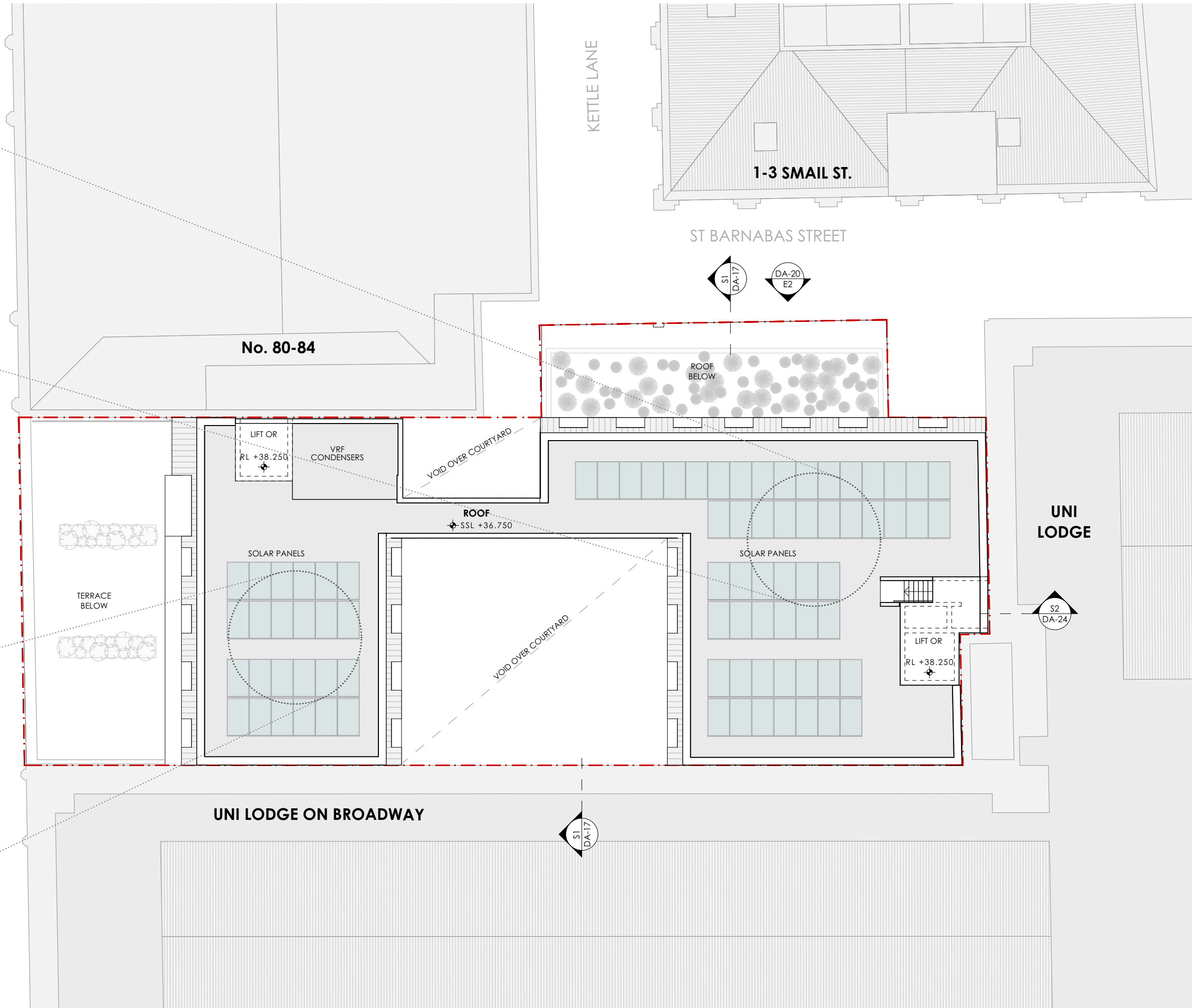
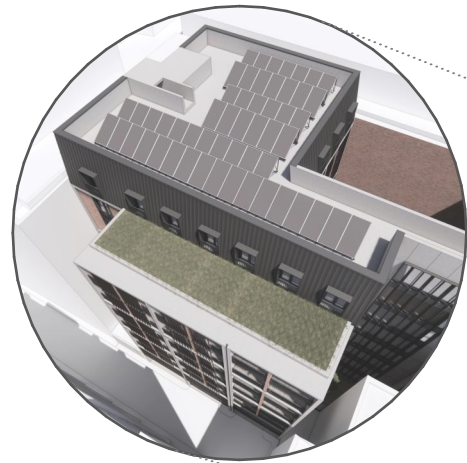
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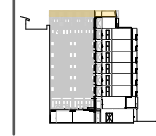




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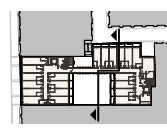
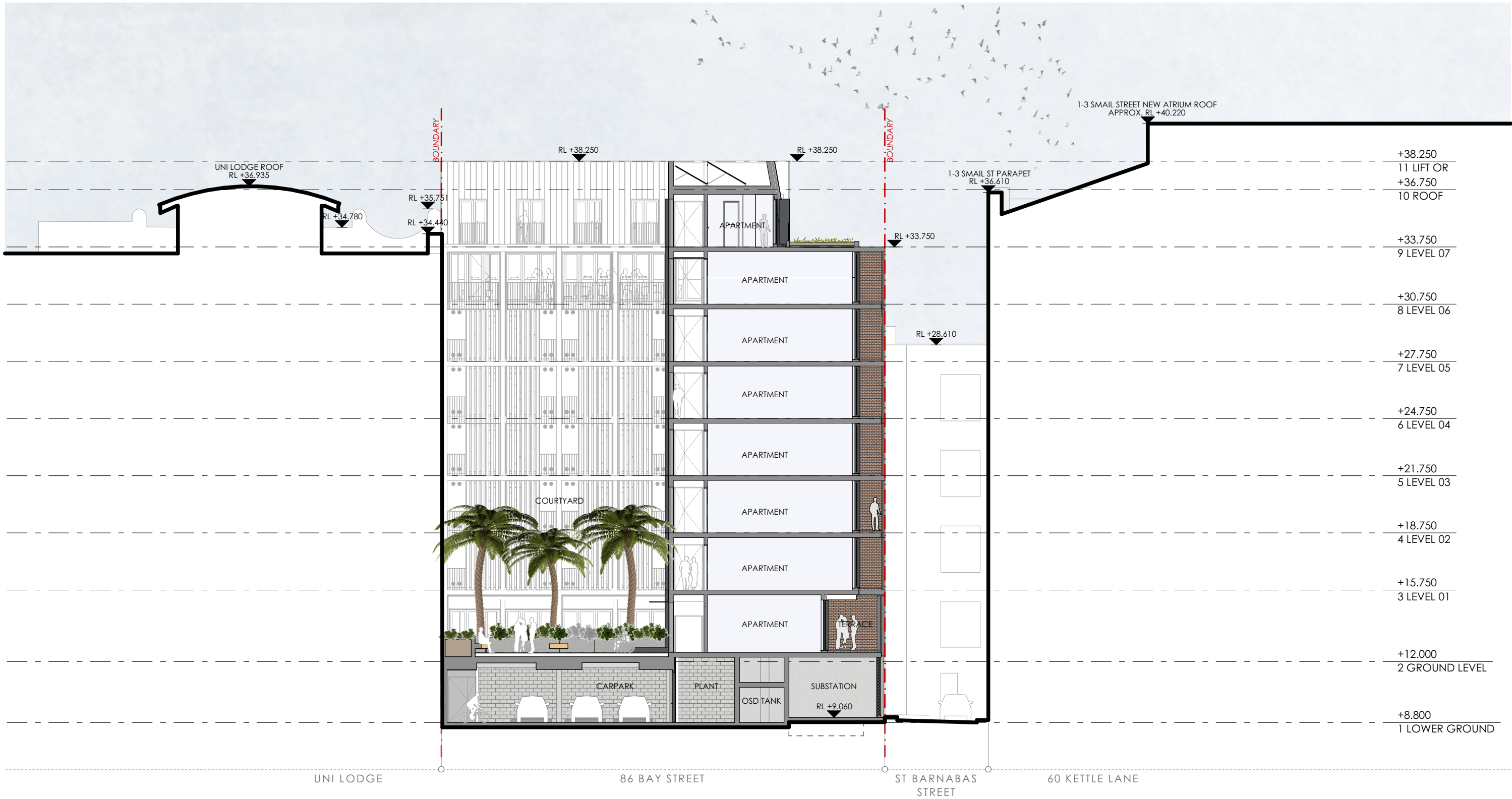


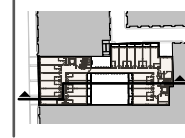
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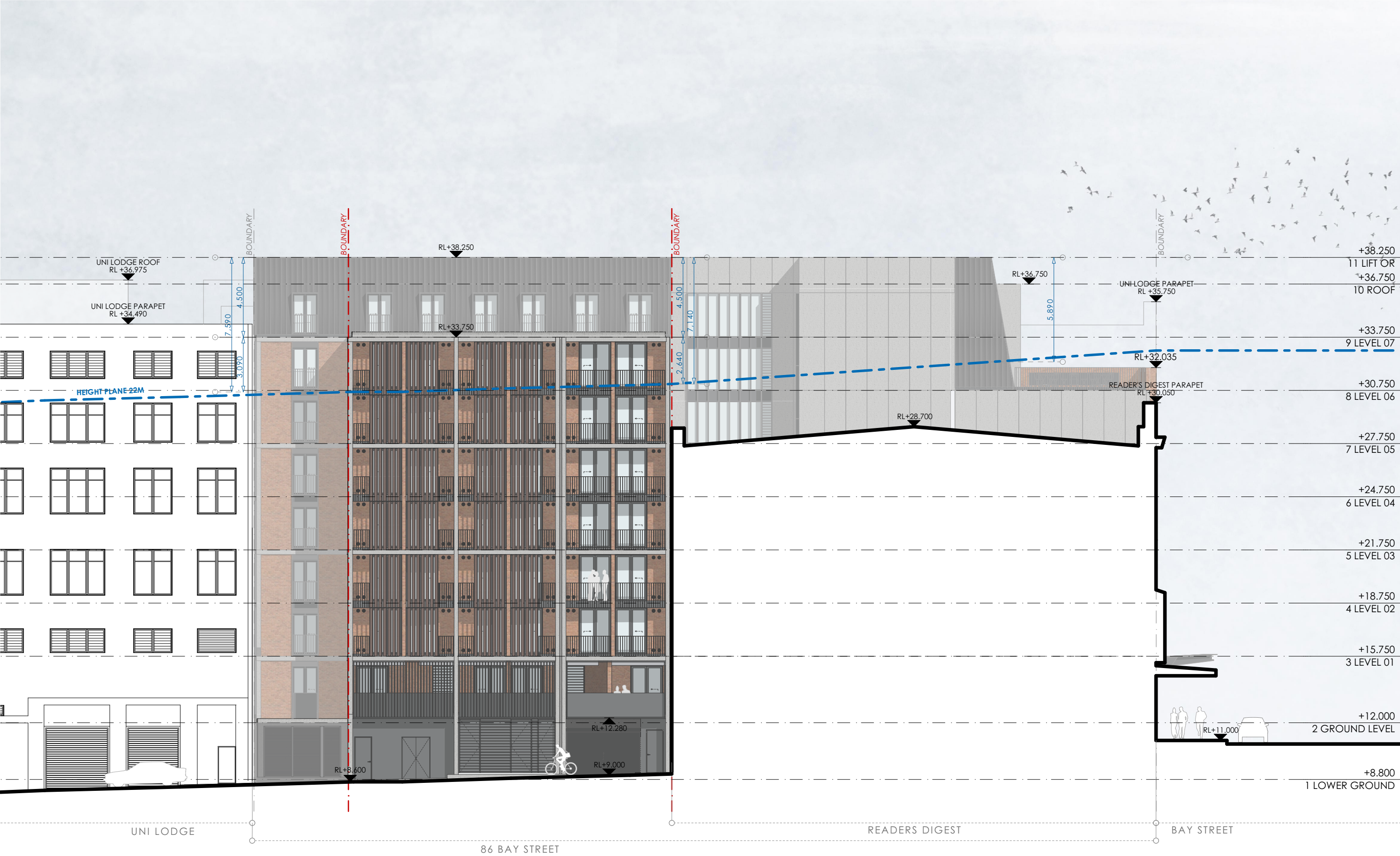
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PROJECT NO. 22412	DRAWING NO. DA-16
PRINT DATE 17/12/2025	ISSUE 02





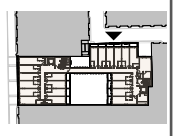




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01	20/06/2025	DA SUBMISSION	SMA

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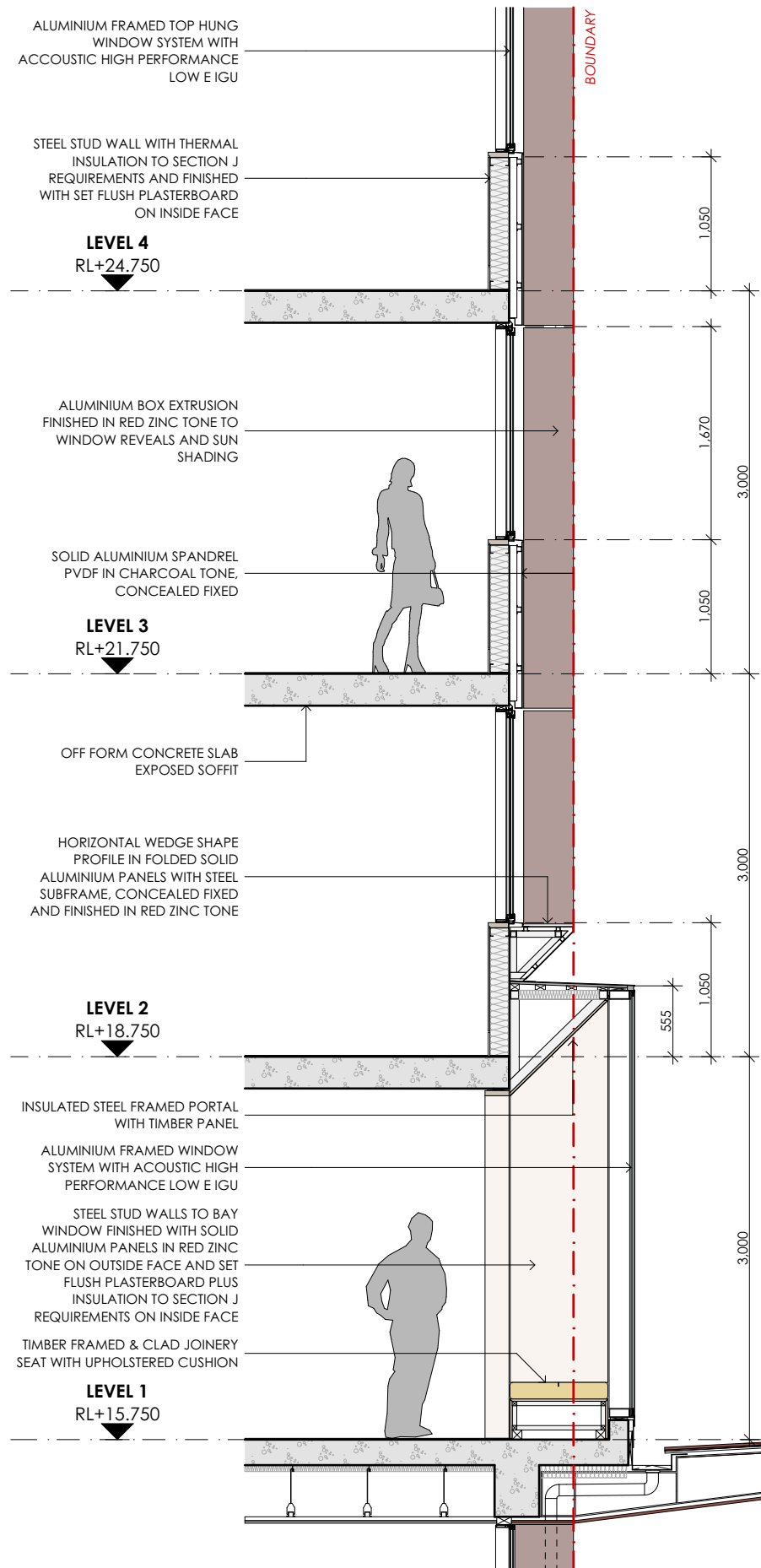
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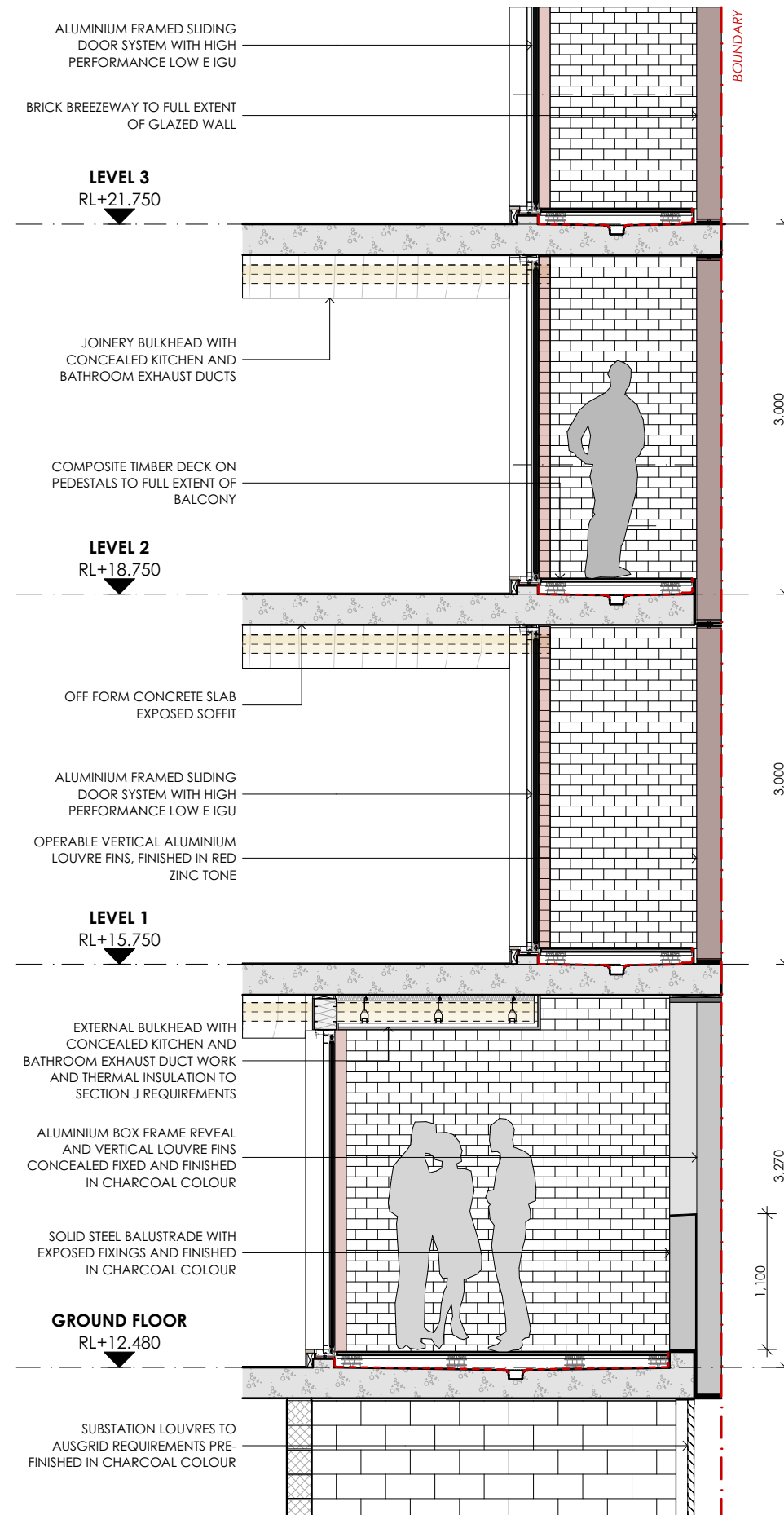
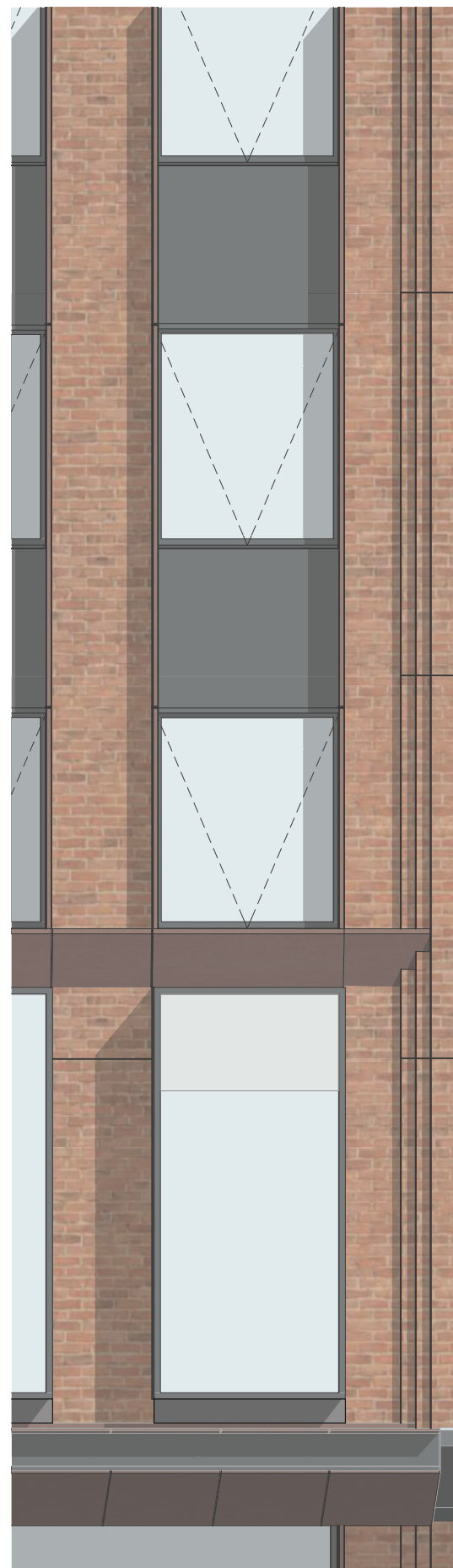
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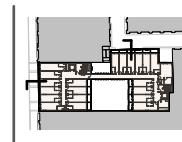
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22412	DA-20
PRINT DATE	ISSUE
17/12/2025	02



BAY STREET FACADE DETAILS
SECTION + ELEVATION



ST BARNABAS STREET FACADE DETAILS
SECTION + ELEVATION





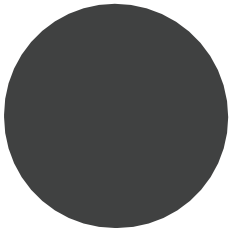
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RECLAIMED BRICK IN RED TONES TO MATCH LOOK OF READERS DIGEST BRICKS



2. CONCRETE
EXPOSED OFF FORM CONCRETE CLASS 2 TO ALL EXPOSED STRUCTURE



3. REVEALS, SUN SHADING & SCREENS
ALUMINIUM PVDF FINISH IN RED ZINC TONE OR SIMILAR



4. SPANDRELS & INFILL PANELS
ALUMINIUM PVDF FINISH IN CHARCOAL TONE OR SIMILAR



5. CFC CLADDING
BARESTONE CFC CLADDING WITH EXPOSED FIXINGS



6. SERVICES METAL BATTENS
ALUMINIUM PVDF FINISHED IN CHARCOAL TONE OR SIMILAR



7. ROOF CLADDING
ALUMINIUM STANDING SEEM CLADDING PVDF IN GREY ZINC TONE OR SIMILAR



8. GF GLAZING
ALUMINIUM FRAMED LOW IRON GLAZING



9. ABOVE GF GLAZING
ALUMINIUM FRAME SYSTEM PVDF IN CHARCOAL TONE OR SIMILAR WITH HIGH PERFORMANCE IGU



10. BALUSTRADE
STEEL BALUSTRADE PAINT FINISHED IN CHARCOAL TONE OR SIMILAR

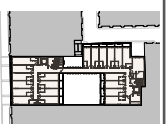
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01	20/06/2025	DA SUBMISSION	SMA

PROJECT
86 BAY STREET, ULTIMO NSW 2007

CLIENT
DEXUS & HBB PROPERTY



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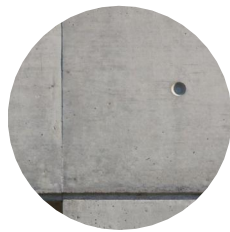
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(BAY STREET)

PROJECT NO. 22412	DRAWING NO. DA-22
PRINT DATE 17/12/2025	ISSUE 02



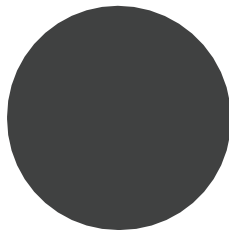
1. BRICK WALLS & BREEZEWAYS
RECLAIMED BRICK IN RED TONES TO MATCH LOOK OF READERS DIGEST BRICKS



2. CONCRETE
EXPOSED OFF FORM CONCRETE CLASS 2 TO ALL EXPOSED STRUCTURE



3. REVEALS, SUN SHADING & SCREENS
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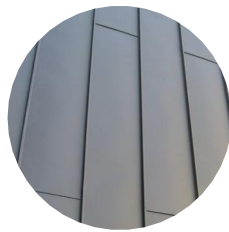
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5. CFC CLADDING
BARESTONE CFC CLADDING WITH EXPOSED FIXINGS



6. SERVICES METAL BATTENS
ALUMINIUM PVDF FINISHED IN CHARCOAL TONE OR SIMILAR



7. ROOF CLADDING
ALUMINIUM STANDING SEAM CLADDING PVDF IN GREY ZINC TONE OR SIMILAR



8. GF GLAZING
ALUMINIUM FRAMED LOW IRON GLAZING



9. ABOVE GF GLAZING
ALUMINIUM FRAME SYSTEM PVDF IN CHARCOAL TONE OR SIMILAR WITH HIGH PERFORMANCE IGU



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STEEL BALUSTRADE PAINT FINISHED IN CHARCOAL TONE OR SIMILAR

76



fitzpatrick
+partners

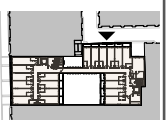
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a. LEVEL 6, 156 CLARENCE STREET, SYDNEY 2000, AUSTRALIA

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AMENDMENTS		DESCRIPTION	CHK
REV.	DATE		
02	17/12/2025	DA SUBMISSION	SMA
01	20/06/2025	DA SUBMISSION	SMA

PROJECT
86 BAY STREET, ULTIMO NSW 2007

CLIENT
DEXUS & HBB PROPERTY



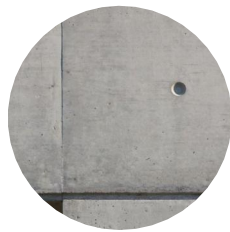
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25mm ON ORIGINAL

DRAWING
MATERIALITY NORTH ELEVATION
(ST BARNABAS STREET)

PROJECT NO.	DRAWING NO.
22412	DA-23
PRINT DATE	ISSUE
17/12/2025	02



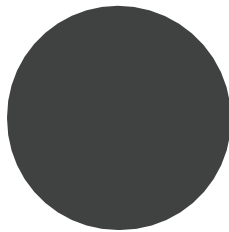
1. BRICK WALLS & BREEZEWAYS
RECLAIMED BRICK IN RED TONES TO MATCH LOOK OF READERS DIGEST BRICKS



2. CONCRETE
EXPOSED OFF FORM CONCRETE CLASS 2 TO ALL EXPOSED STRUCTURE



3. REVEALS, SUN SHADING & SCREENS
ALUMINIUM PVDF FINISH IN RED ZINC TONE OR SIMILAR



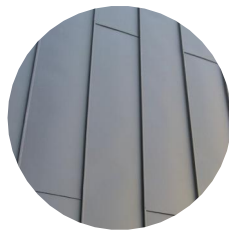
4. SPANDRELS & INFILL PANELS
ALUMINIUM PVDF FINISH IN CHARCOAL TONE OR SIMILAR



5. CFC CLADDING
BARESTONE CFC CLADDING WITH EXPOSED FIXINGS



6. SERVICES METAL BATTENS
ALUMINIUM PVDF FINISHED IN CHARCOAL TONE OR SIMILAR



7. ROOF CLADDING
ALUMINIUM STANDING SEAM CLADDING PVDF IN GREY ZINC TONE OR SIMILAR



8. GF GLAZING
ALUMINIUM FRAMED LOW IRON GLAZING

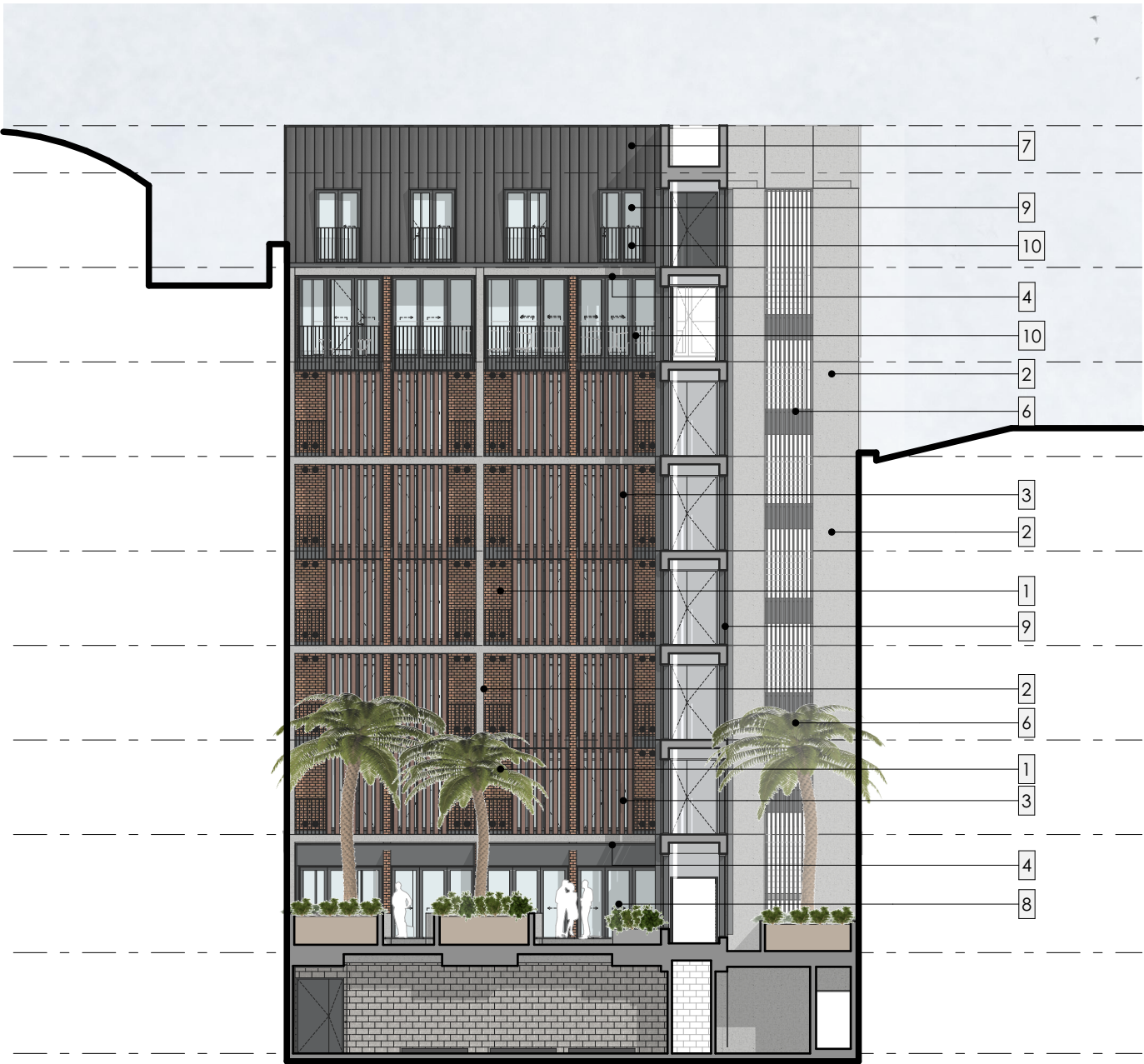


9. ABOVE GF GLAZING
ALUMINIUM FRAME SYSTEM PVDF IN CHARCOAL TONE OR SIMILAR WITH HIGH PERFORMANCE IGU



10. BALUSTRADE
STEEL BALUSTRADE PAINT FINISHED IN CHARCOAL TONE OR SIMILAR

77



COURTYARD WEST FACADE
ELEVATION



COURTYARD EAST ELEVATION
ELEVATION

fitzpatrick
+partners

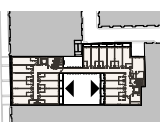
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01	20/06/2025	DA SUBMISSION	SMA

PROJECT
86 BAY STREET, ULTIMO NSW 2007

CLIENT
DEXUS & HBB PROPERTY

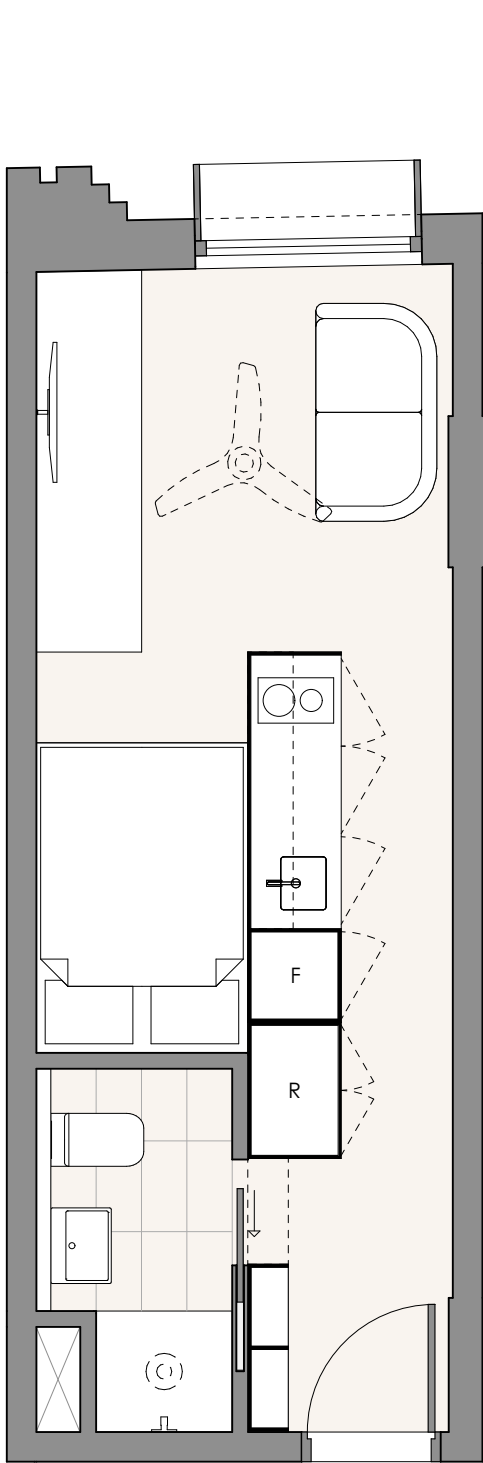


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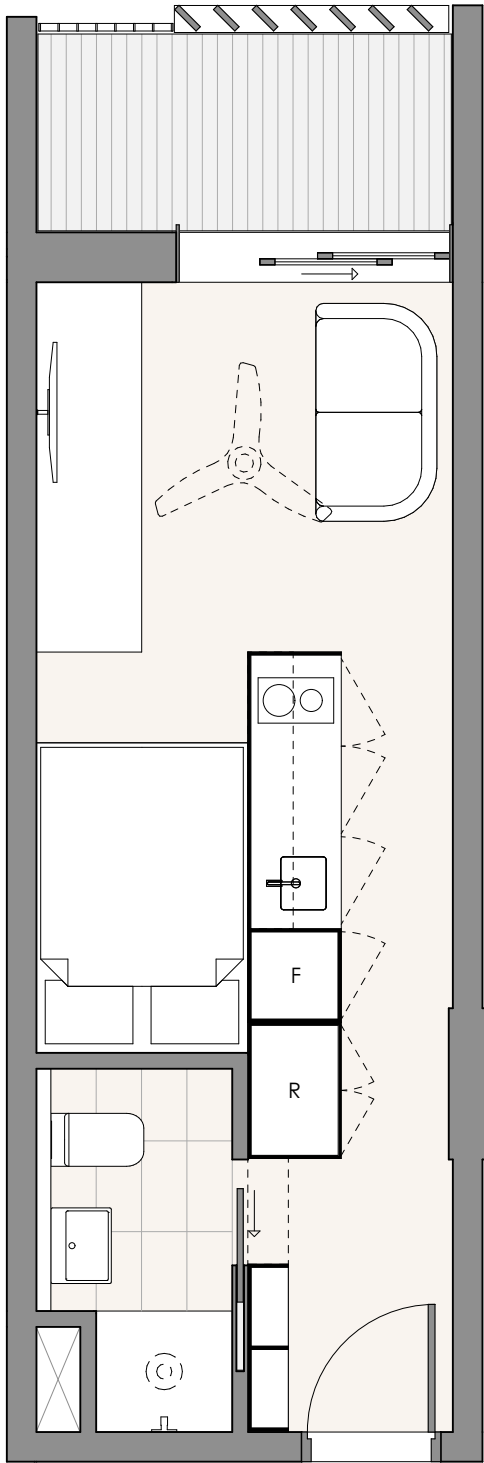
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MATERIALITY COURTYARD

PROJECT NO.
22412
PRINT DATE
17/12/2025

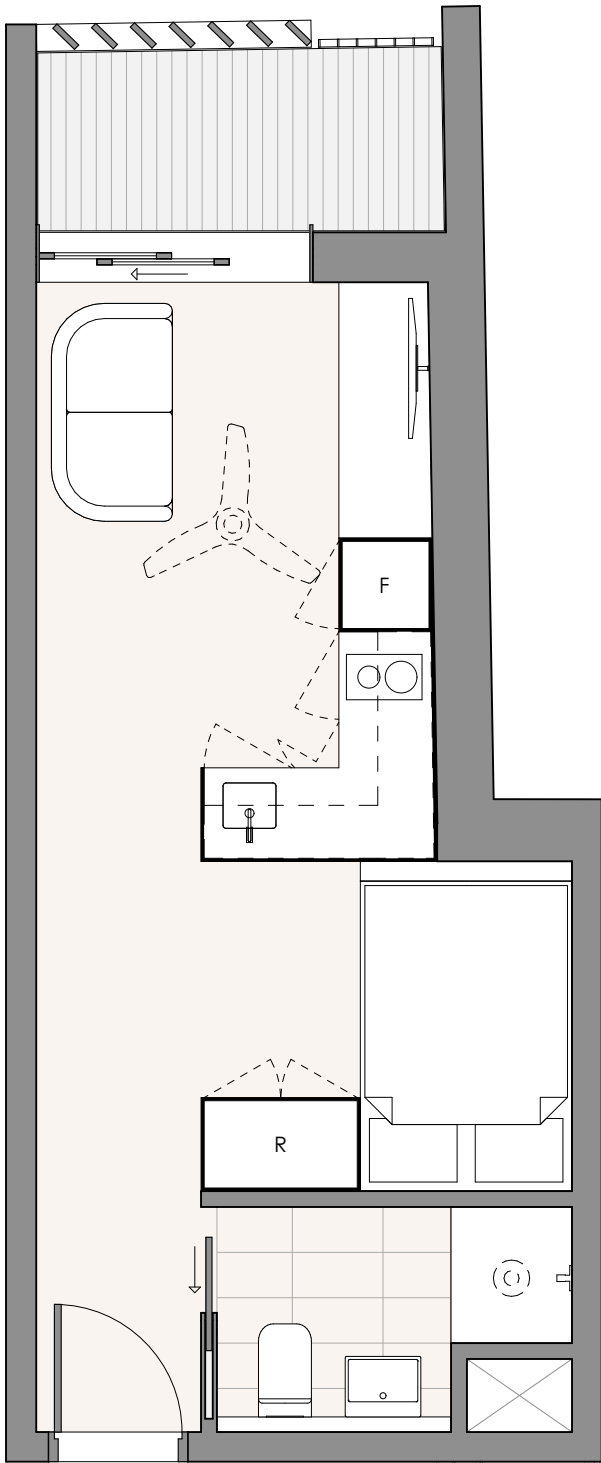
DRAWING NO.
DA-24
ISSUE
02



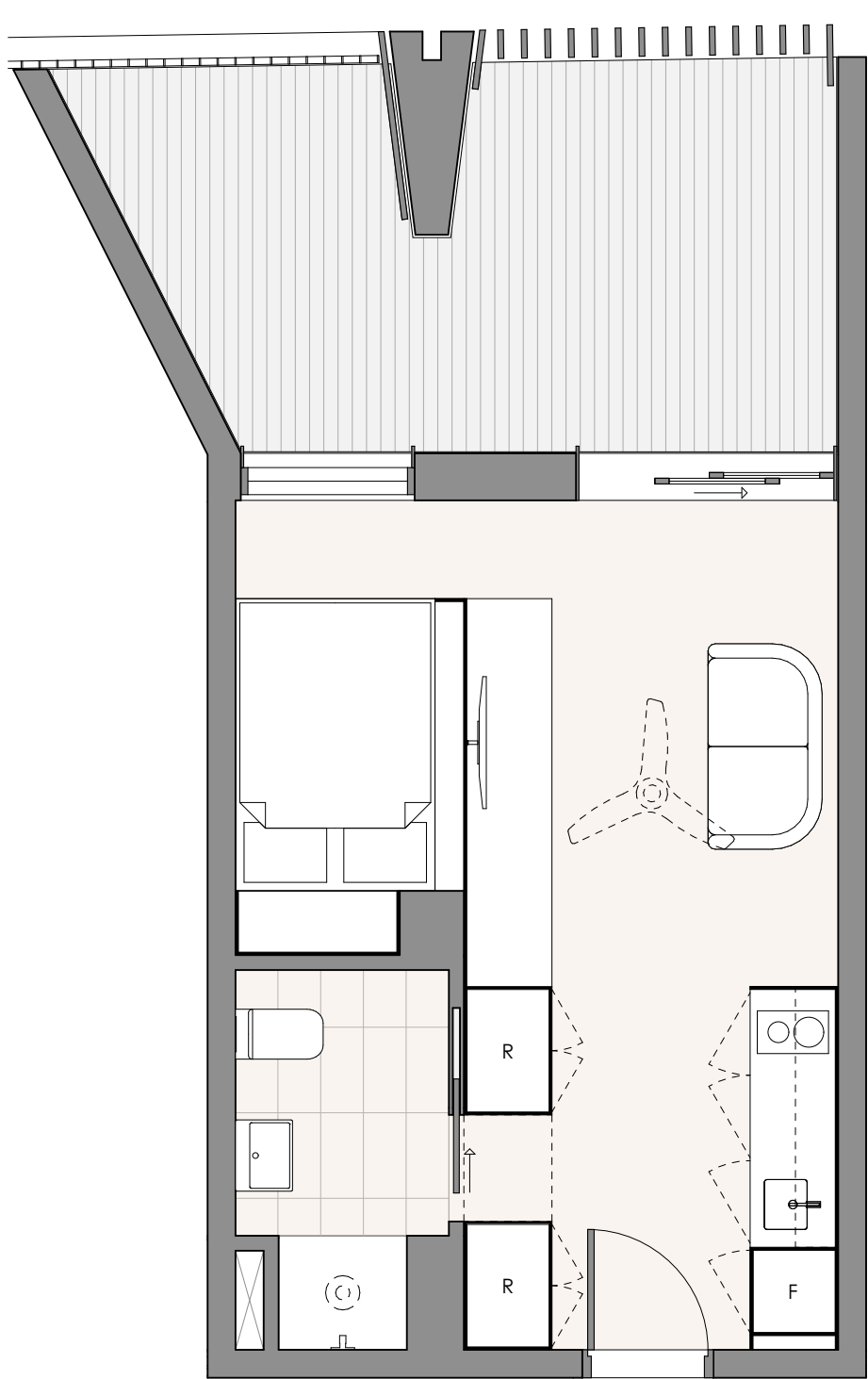
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SCALE - 1:50



2 TYPE 1B (Courtyard)
SCALE - 1:50



3 TYPE 2 (Lane Upper Floors)
SCALE - 1:50



4 TYPE 3 (Lane GF)
SCALE - 1:50

NOTE: ROOM LAYOUTS ARE INDICATIVE ONLY

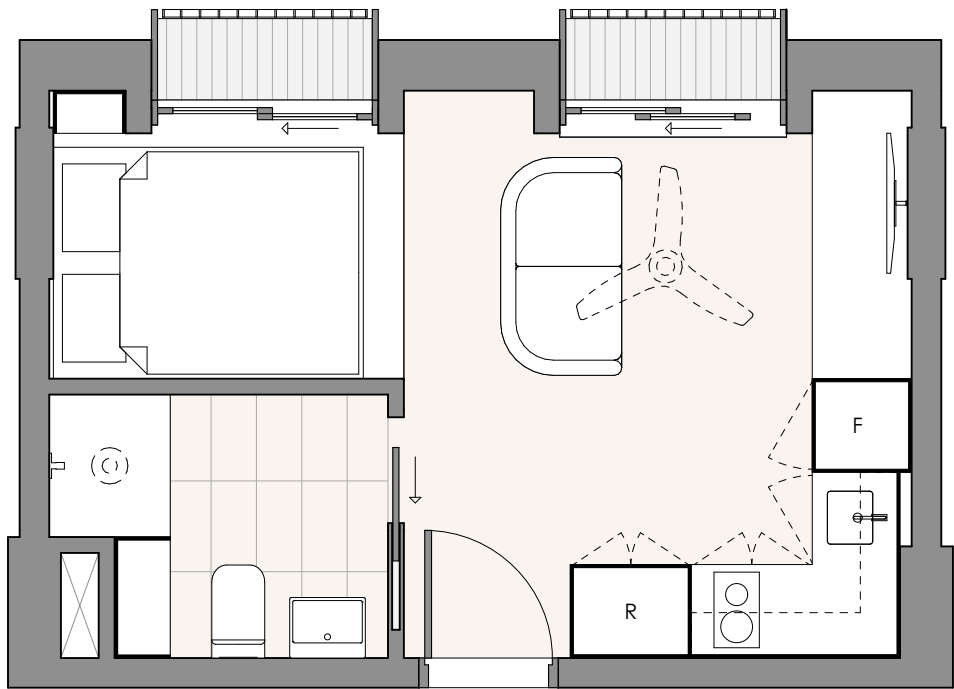
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REV.	DATE		
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PROJECT	86 BAY STREET, ULTIMO NSW 2007
CLIENT	DEXUS & HBB PROPERTY

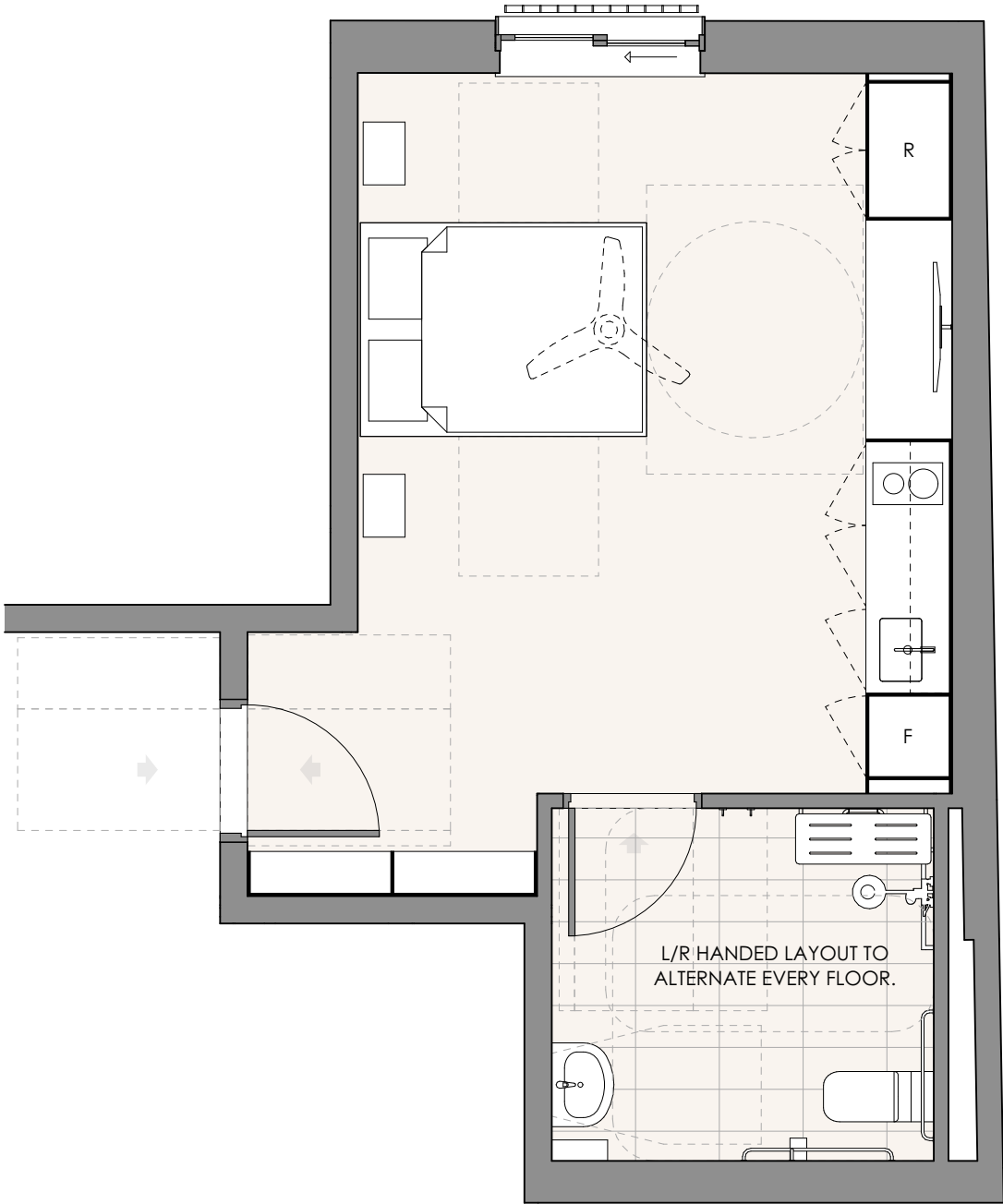
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DRAWING	APARTMENT LAYOUTS (1 OF 2)
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PROJECT NO.	DRAWING NO.
22412	DA-32
PRINT DATE	ISSUE
17/12/2025	02



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2 TYPE 5 (DDA)
SCALE - 1:50

NOTE: ROOM LAYOUTS ARE INDICATIVE ONLY

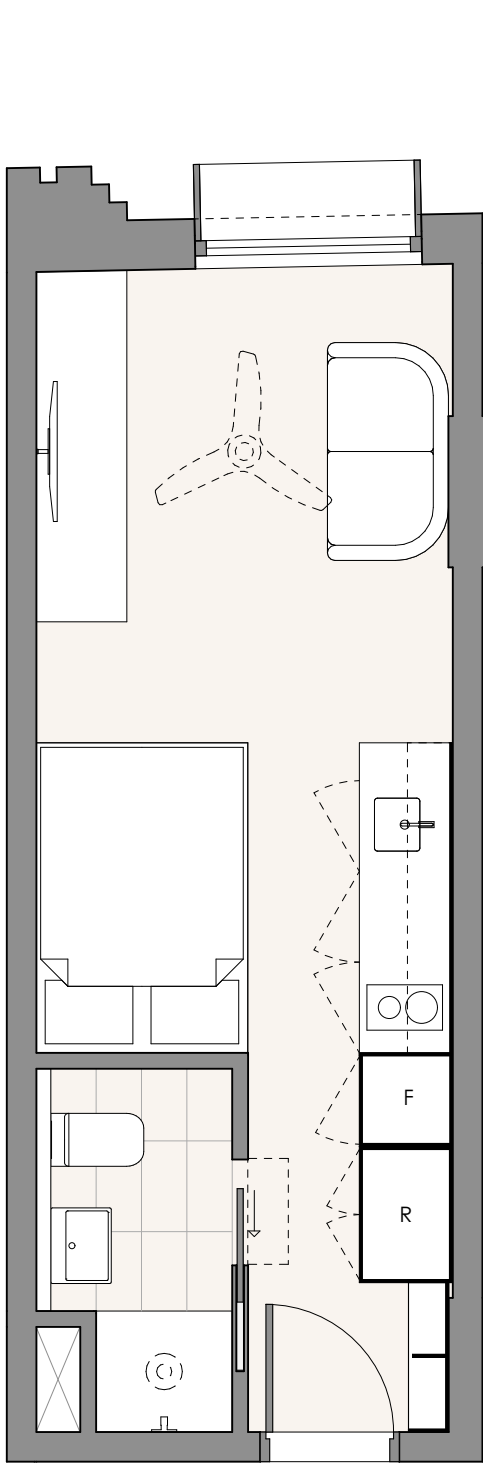
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REV.	DATE	DESCRIPTION	CHK	
02	17/12/2025	DA SUBMISSION	SMA	
01	20/06/2025	DA SUBMISSION	SMA	

PROJECT	86 BAY STREET, ULTIMO NSW 2007
CLIENT	DEXUS & HBB PROPERTY

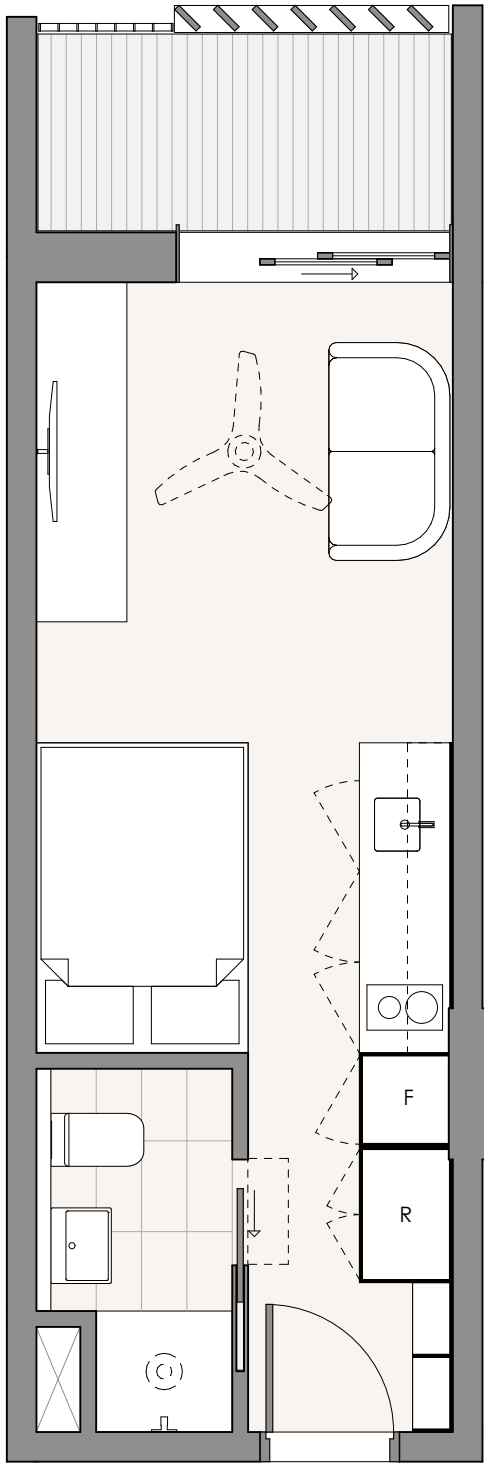
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DRAWING	APARTMENT LAYOUTS (2 of 2)
---------	----------------------------

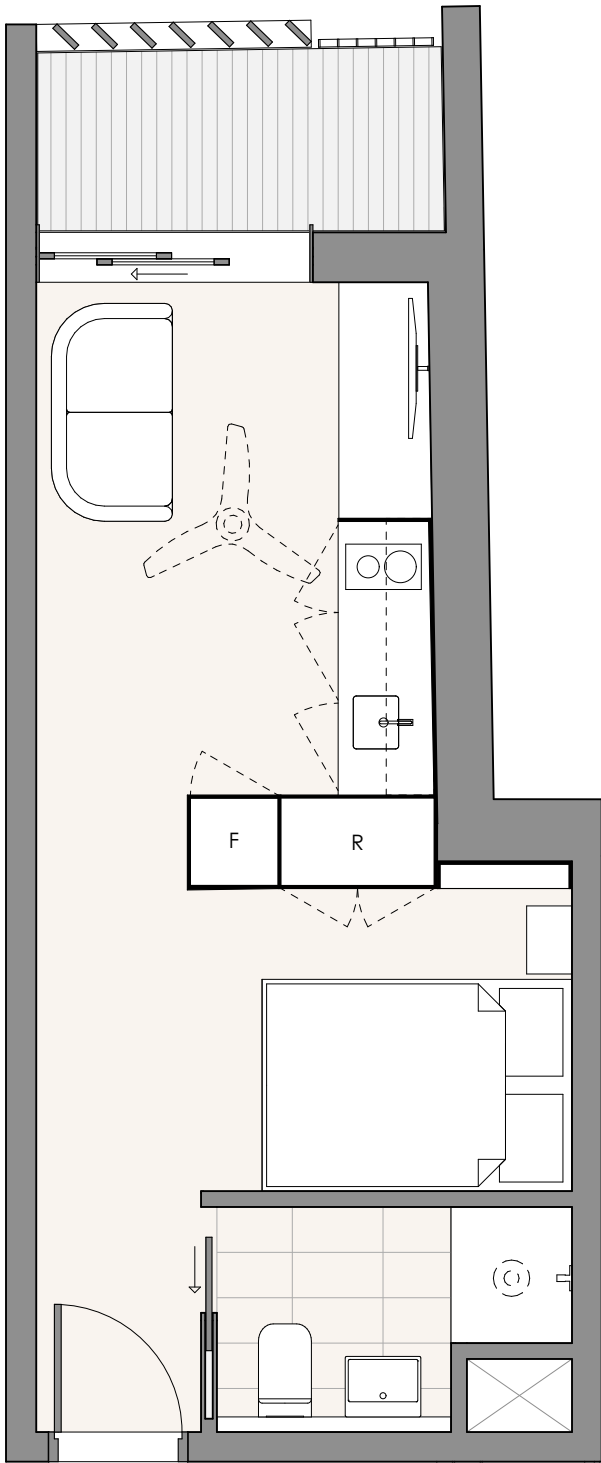
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22412	DA-33
PRINT DATE	ISSUE
17/12/2025	02



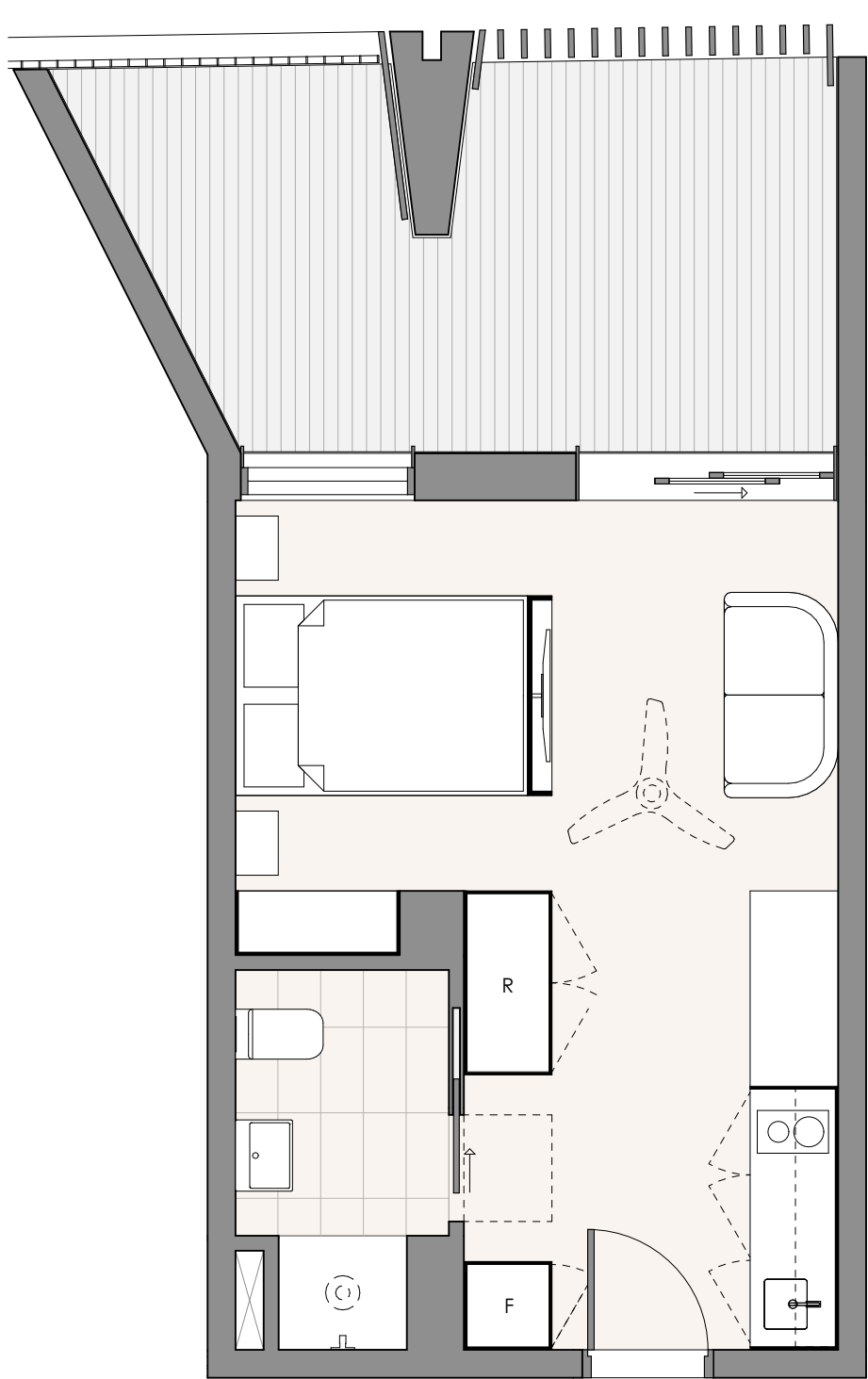
1 TYPE 1A (Bay Street)
SCALE - 1:50



2 TYPE 1B (Courtyard)
SCALE - 1:50



3 TYPE 2 (Lane Upper Floors)
SCALE - 1:50



4 TYPE 3 (Lane GF)
SCALE - 1:50

NOTE: ROOM LAYOUTS ARE INDICATIVE ONLY

AMENDMENTS		DESCRIPTION	CHK
REV.	DATE		
01	17/12/2025	DA SUBMISSION	SMA

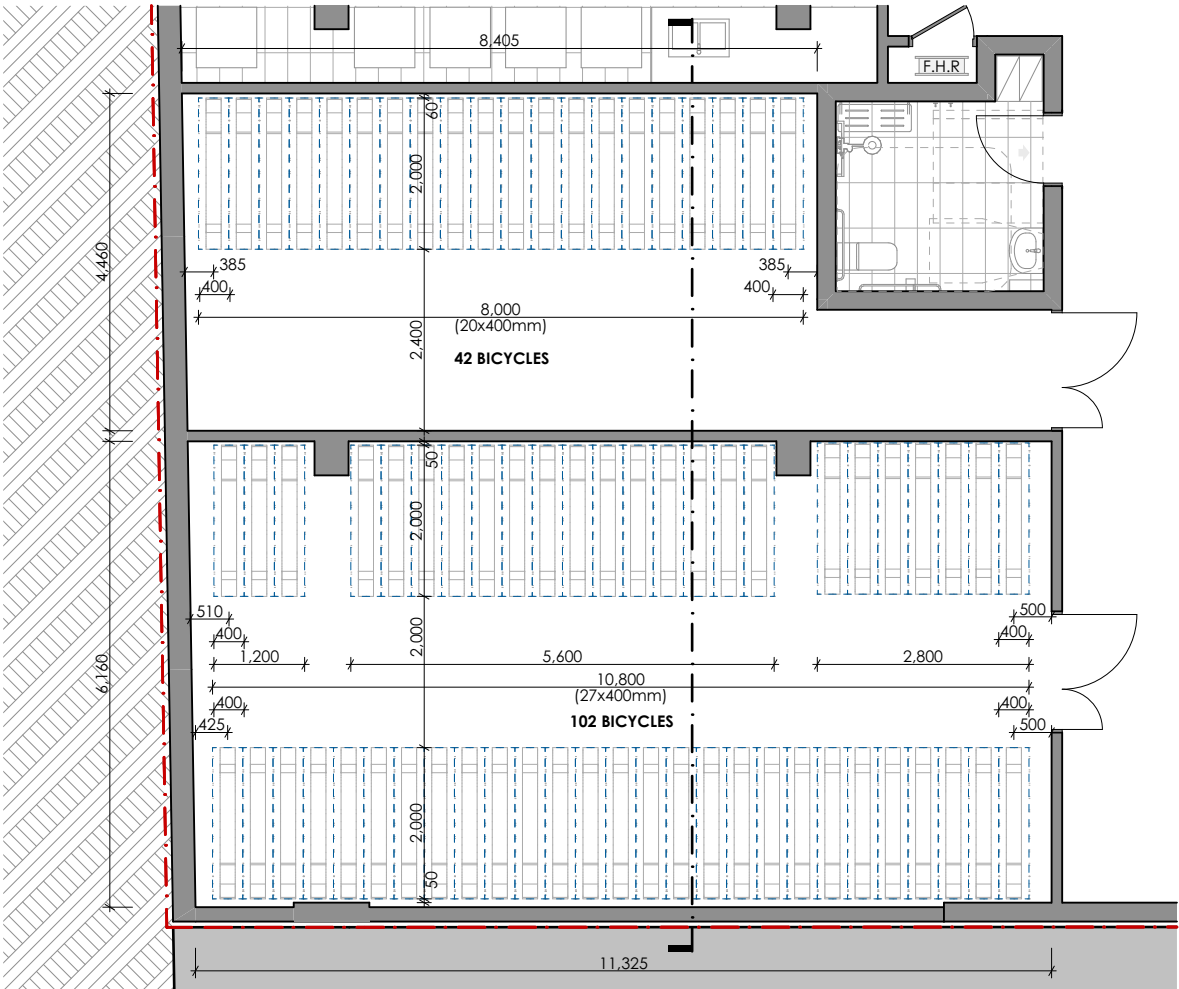
PROJECT	86 BAY STREET, ULTIMO NSW 2007
CLIENT	DEXUS & HBB PROPERTY

PROJECT NORTH	SCALE
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DRAWING	APARTMENT ALTERNATIVE LAYOUTS
---------	-------------------------------

PROJECT NO.	DRAWING NO.
22412	DA-34
PRINT DATE	ISSUE
17/12/2025	01

1 Bicycle Storage PLAN



Material

Mild steel base with powder coated black hammertone finish

Mill finish aluminium carriage

Lock Bars, handle and lower wheel catcher standard powder coat colour yellow (custom colours available, minimum order 20)

Specification

(X) Aisle

AUS Standard (2890.3) 2000mm (6' 7")

Manufacturer 2000mm (6' 7")

Minimum Requirement

(Y) Centre Spacing

AUS Standard (2890.3) 400mm (1' 3 3/4")

Manufacturer 400mm (1' 3 3/4")

Minimum Requirement

San Francisco (CA) Standard 430mm (1' 5")

(Z) Ceiling Height Minimum

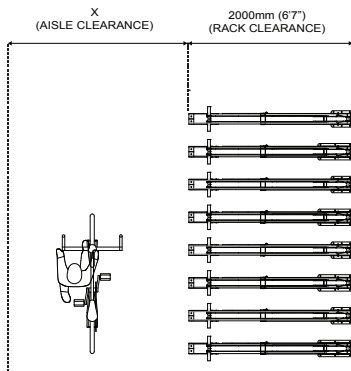
AUS Standard (2890.3) 2700mm (8' 10")

Manufacturer 2600mm (8' 6")

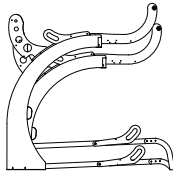
Minimum Requirement



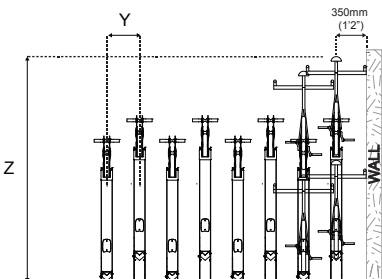
TOP VIEW



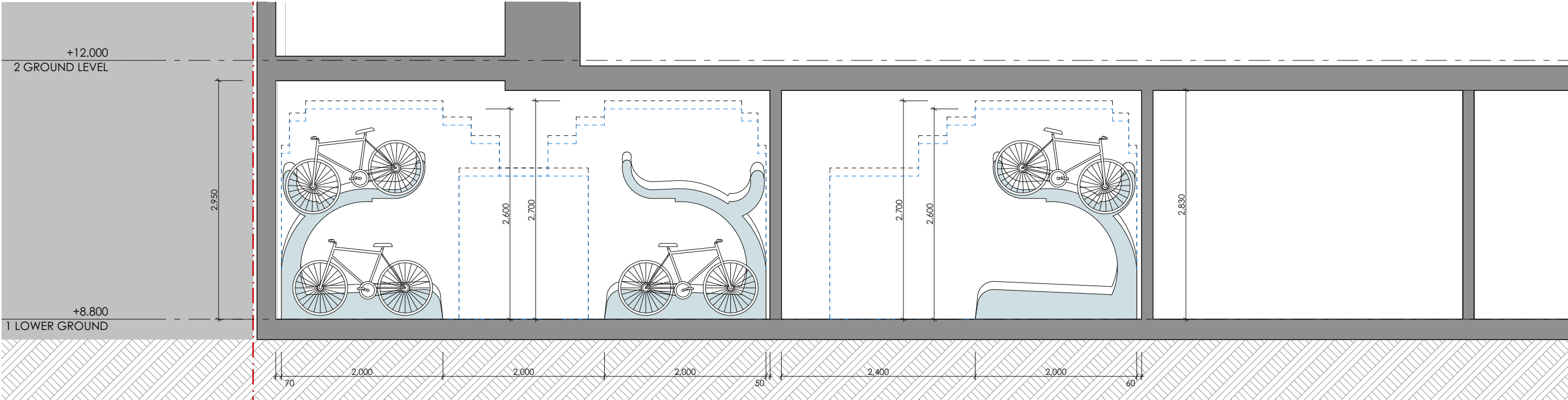
SIDE VIEW



FRONT VIEW



2 1.3_Arc_Spec-Sheet BICYCLE RACK DETAILS INFORMATION



3 BICYCLE STORAGE SECTION

Attachment B

Clause 4.6 Statement - Height of Buildings

The logo for URBIS, featuring the word "URBIS" in a bold, sans-serif font. The letters "B" and "I" are partially enclosed by a white square frame that is open on the right side.

URBIS

CLAUSE 4.6 - HEIGHT OF BUILDING

86-90 Bay Street, Ultimo

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	Tim Blythe
Associate Director	Naomi Daley
Consultant	
Project Code	P0043774
Report Number	Final



Acknowledgement of Country

Urbis acknowledges the Traditional Custodians of the lands we operate on.

We recognise that First Nations sovereignty was never ceded and respect First Nations peoples continuing connection to these lands, waterways and ecosystems for over 60,000 years.

We pay our respects to First Nations Elders, past and present.

The river is the symbol of the Dreaming and the journey of life. The circles and lines represent people meeting and connections across time and space. When we are working in different places, we can still be connected and work towards the same goal.

Title: Sacred River Dreaming
Artist Hayley Pigram
Darug Nation
Sydney, NSW

All information supplied to Urbis in order to conduct this research has been treated in the strictest confidence. It shall only be used in this context and shall not be made available to third parties without client authorisation. Confidential information has been stored securely and data provided by respondents, as well as their identity, has been treated in the strictest confidence and all assurance given to respondents have been and shall be fulfilled.

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REQUEST TO VARY A DEVELOPMENT STANDARD

REQUEST TO VARY CLAUSE 4.3 HEIGHT OF BUILDINGS IN THE SYDNEY LEP 2012

Address: 86-90 Bay Street, Ultimo

Date: 6 February 2026

SITE AND PROPOSED DEVELOPMENT

1. Site Description

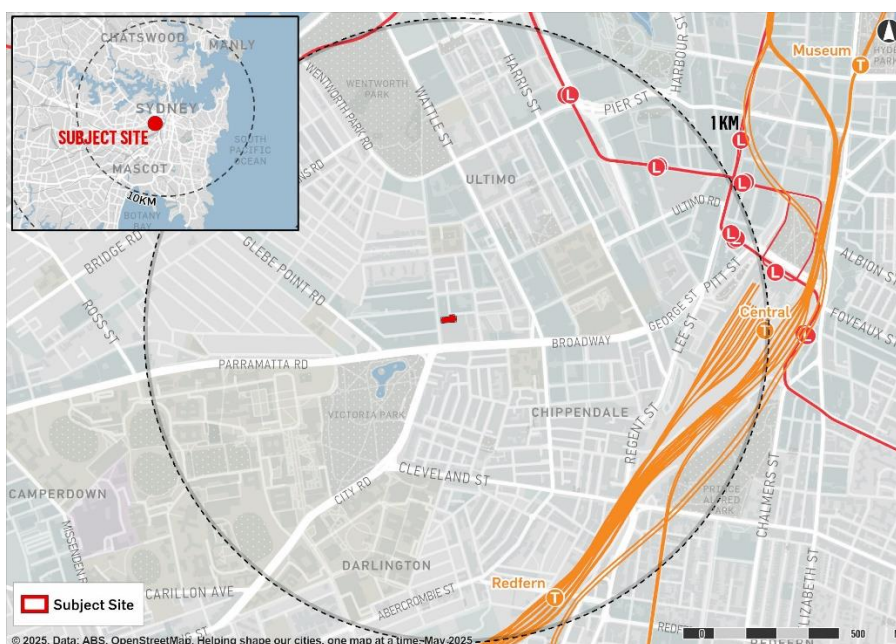
The key features of the site are summarised in the following table.

Table 1 Site Description

Site Characteristic	Description
Country	Gadigal Country
Address	86-90 Bay Street, Ultimo
Legal Description (Title Particulars)	CP/-/SP21479
Zoning	MU1 – Mixed Use
Existing Use / Structures	86-90 Bay Street contains a four-storey commercial building with a partial lower ground floor and below ground carpark accessed via St Barnabas Street. Due to the existing building's scale and architecture, it is noted to contribute negatively to the Bay Street, streetscape and considered detracting by the City of Sydney Development Control Plan SDCP 2012.
Site Area	1,011m ²
Existing GFA	2,685m ²
Site Frontages	The site frontage is on Bay Street and a side secondary frontage to St Barnabas Street
Topography	There is a cross fall of 800mm along Bay Street and a 3m fall to the back lane St Barnabas Street.
Vegetation	The site contains no existing vegetation.
Flooding/Overland Flow	The site is not located within a flood planning area.
Heritage	The site is identified as a detracting building within the Mountain Street Heritage Conservation Area. To the north of the site is heritage listed 4 storey building Reader's Digest and to the south is 5 storey Uni Lodge (student accommodation), which has been recently refurbished.
Vehicular Access	Vehicle access for parking and waste collection via St Barnabas Street.
Adjacent land uses North	The land uses directly to the north of the site consist of mixed-use developments, including shop top housing and residential flat buildings

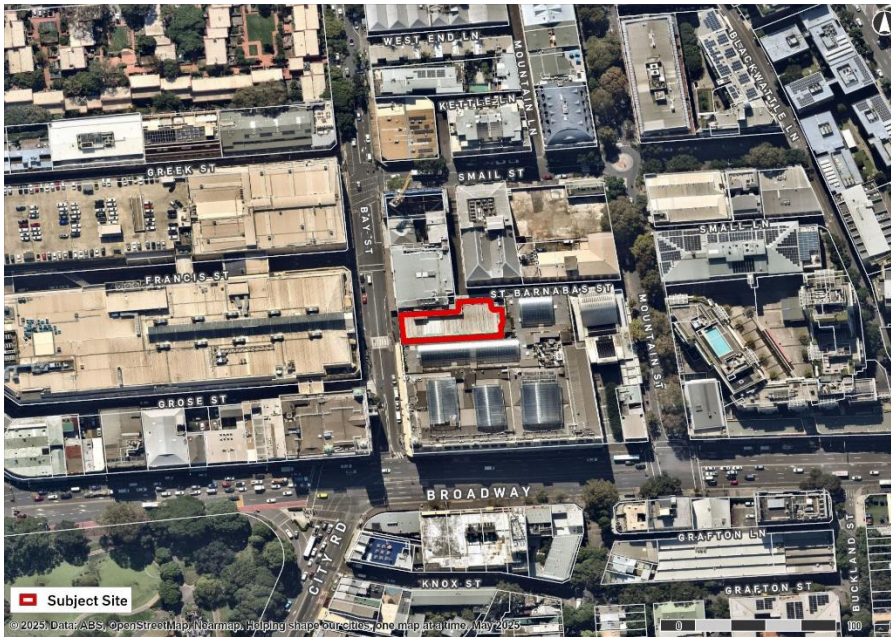
Site Characteristic	Description
	including a recent approval for co-living. The International Grammar School is approx. 400m to the north of the site.
Adjacent land uses East	Land uses directly to the east of the site include mixed use developments, including shop top housing and residential flat buildings. Developments range between 2 and 7 storeys. The site is approx. 700m away from Wattle Street, a classified road. Further east includes significant tertiary education facilities, including both Tafe NSW Ultimo and the University of Technology Sydney, Ultimo campus.
Adjacent land uses South	The south of the site consists of mixed-use developments, including residential, commercial and retail development adjoining Broadway. St Barnabas' Anglican Church is situated across the road from the south boundary of the site. Broadway is located 75m south of the site and is a classified road and a major artery of the Sydney Road network.
Adjacent land uses West	The land uses to the west of the site include an E1 – Local Centre zone which encompasses Broadway Shopping Centre and local neighbourhood shops along Broadway and Glebe Point Road. Further west includes Victoria Park and the University of Sydney, a significant tertiary education facility.
Public Transport	The site is proximate to buses on City Road, Broadway, and Glebe Point Road that connect to the Inner West and CBD. The site is within walking distance or short bus ride to Central railway station which provides metro, heavy rail, and light rail services to most of Greater Sydney.
Open Space	There is currently no open space on the site. The site is proximate to Victoria Park, Chippendale Green, and Wentworth Park.

Figure 1 Regional Context Map



Source: *Urbis2025*

Figure 2 Aerial Photograph



Source: *Urbis2025*

Photographs of the existing development and surrounding context are provided below.

Figure 3 Site Photos



Picture 1 View of the site looking northeast.

Source: *Urbis, 2025*



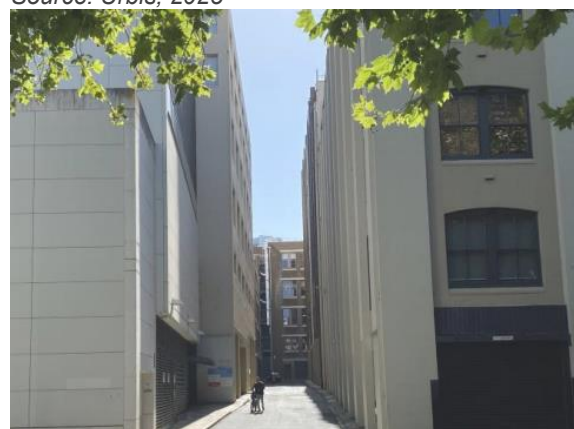
Picture 2 View of the façade along Bay Street

Source: *Urbis, 2025*



Picture 3 View of the site and Bay Street looking north.

Source: *Urbis, 2025*



Picture 4 View of St Barnabas Street located on the northern boundary of the site looking west.

Source: *Urbis, 2025*

2. Proposed Development

The key features and details of the proposed mixed use co-living development at 86-90 Bay Street, Ultimo for which consent is sought as per below:

- Demolition of a 4 storey detracting building.
- Construction of a new 8 storey (maximum 29.45m) building comprising:
 - 137 apartments across levels 1-7
 - Lower ground floor parking with 3 loading bays, 1 accessible car parking space and 2 car share spaces
 - Landscaped terrace with seating on level 6
 - Communal area on level 6
 - Landscaped central courtyard with seating on the ground floor
 - Ground Floor Retail along Bay Street
 - End of Trip Facilities on the lower ground floor

The development proposes an FSR of 4.5:1 across the site with a total GFA of 4,550m²

The proposal is in accordance with the Architectural Plans and Design Report prepared by Fitzpatrick + Partners that accompany this DA. The following sections provide additional details on specific aspects of the proposal.

PLANNING INSTRUMENT, DEVELOPMENT STANDARD AND PROPOSED VARIATION

3. What is the planning instrument you are seeking to vary?

Sydney Local Environmental Plan 2012.

4. What is the site's zoning?

MU1 Mixed Use zone.

5. What is the development standard to be varied?

Clause 4.3 Height of Buildings.

6. Type of development standard?

Numerical Development Standard is capable of being varied under Clause 4.6 of SLEP 2012.

7. What is the numeric value of the development standard in the environmental planning instrument?

22 metres.

8. What is the difference between the existing and proposed numeric values? What is the percentage variation (between the proposal and the environmental planning instrument)?

A review of the proposal's exceedance in proportion (percentage variation) is detailed below.

Table 2 Percentage variation of exceedance

Building element	Maximum height measured from existing ground level and height (in metres) exceedance	Variance from the standard (m)	Percentage variation from the standard (%)
North East	29.12m (RL38.25-RL9.13)	7.12m	32.36%
North West (roof of L7)	26.83m (RL38.25-RL9.42)	4.83m	21.95%
South East (roof of L7)	29.12m (RL38.25-RL9.13)	7.12m	32.26%
South West	26.70m (RL38.25-RL11.55)	4.70m	21.34%
Lift overrun	29.45m (RL38.25-RL8.8/basement)	7.45m	33.86%

It is noted that a 1.5m parapet screens the rooftop plant, solar panels, the lift core, a green roof, and 12 apartments.

The Bay Street façade is at RL32.04 and is below the 22m height control (being 20m in the south west (with ground level RL12.05) and 20.77m in the north west (with ground level RL11.27)).

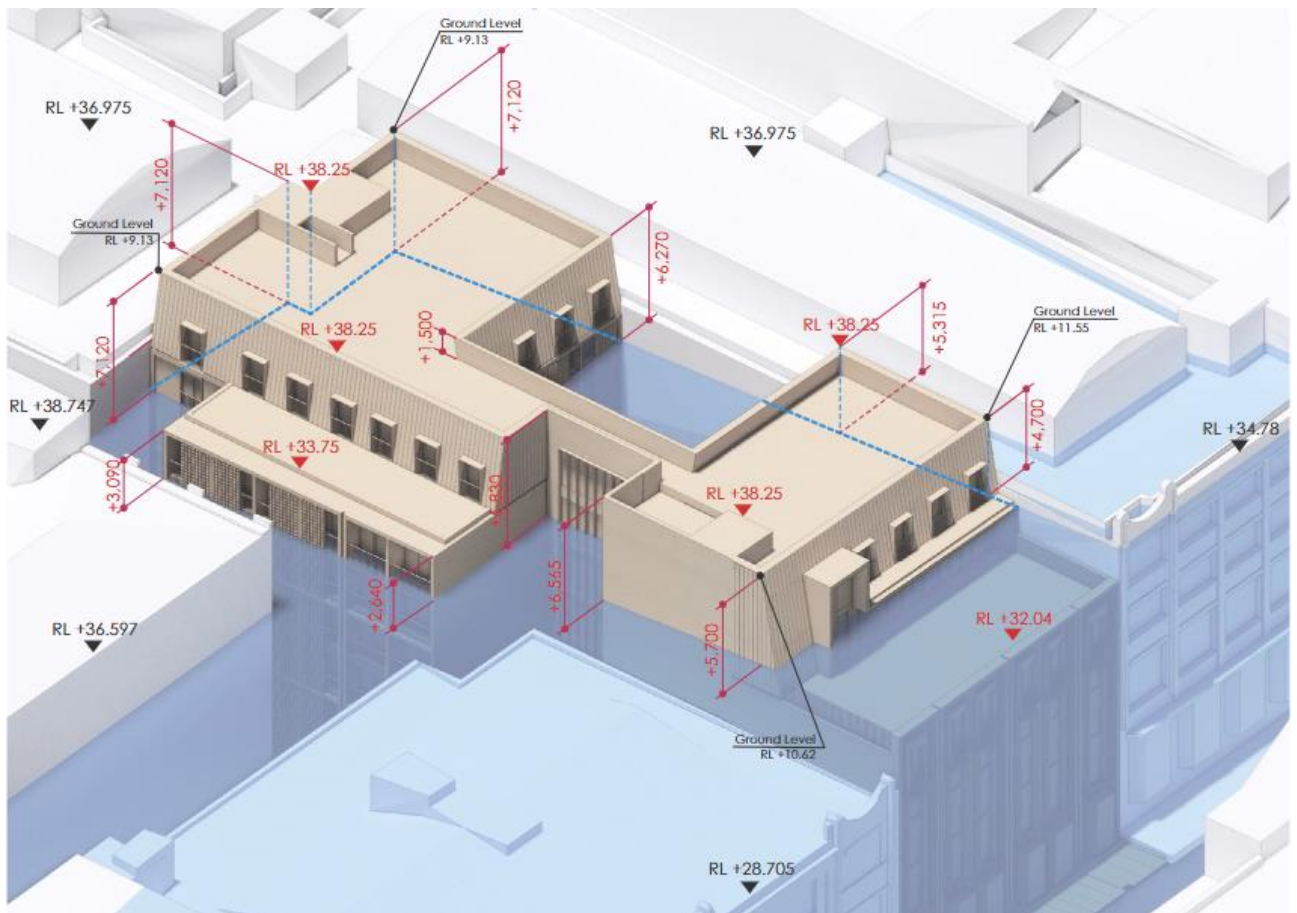
9. Visual representation of the proposed variation

Figure 4 Bay Street Elevation (West) with 22m height control line



Source: Fitzpatrick + Partners 2025

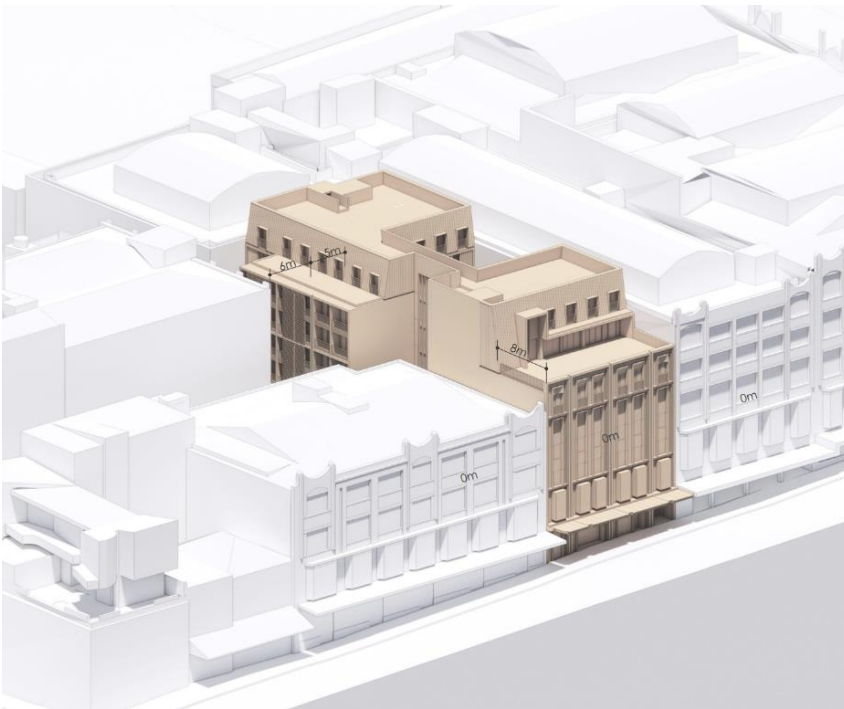
Figure 5 Height Plane Analysis



● 22m Height Plane

Source: Fitzpatrick + Partners 2025

Figure 6 Setbacks

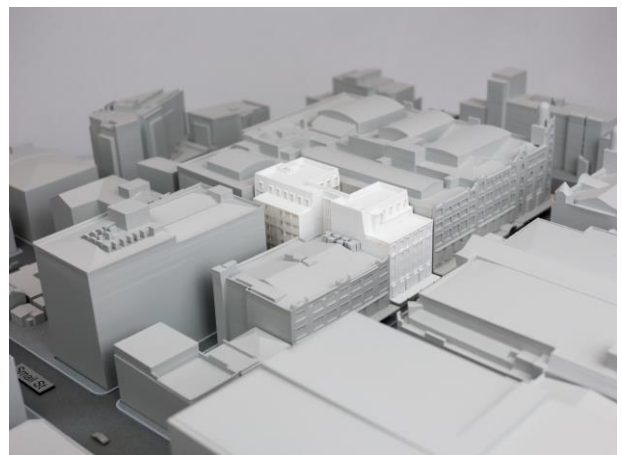


Source: Fitzpatrick + Partners 2025

Figure 7 Massing Study



Picture 5 View from the west



Picture 6 View from the north



Picture 7 View from the north



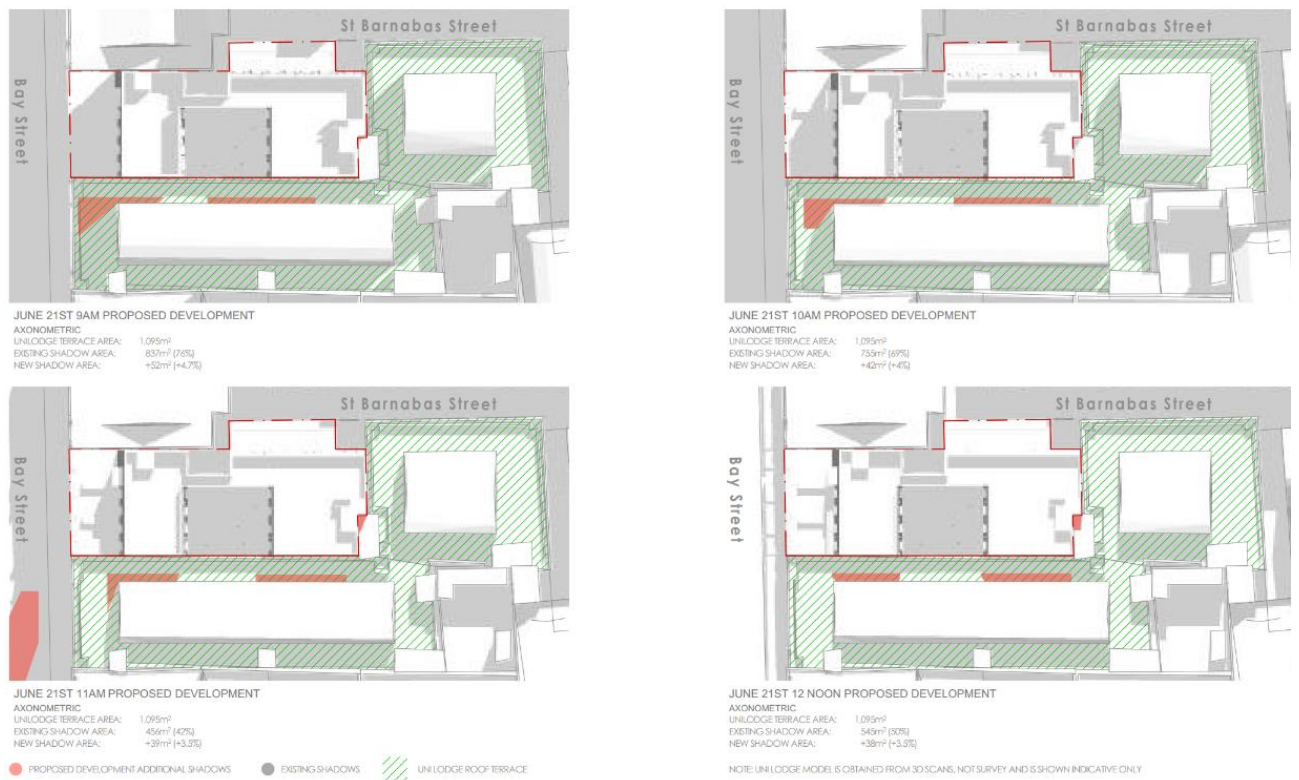
Picture 8 View from the east

Extract of Physical Model

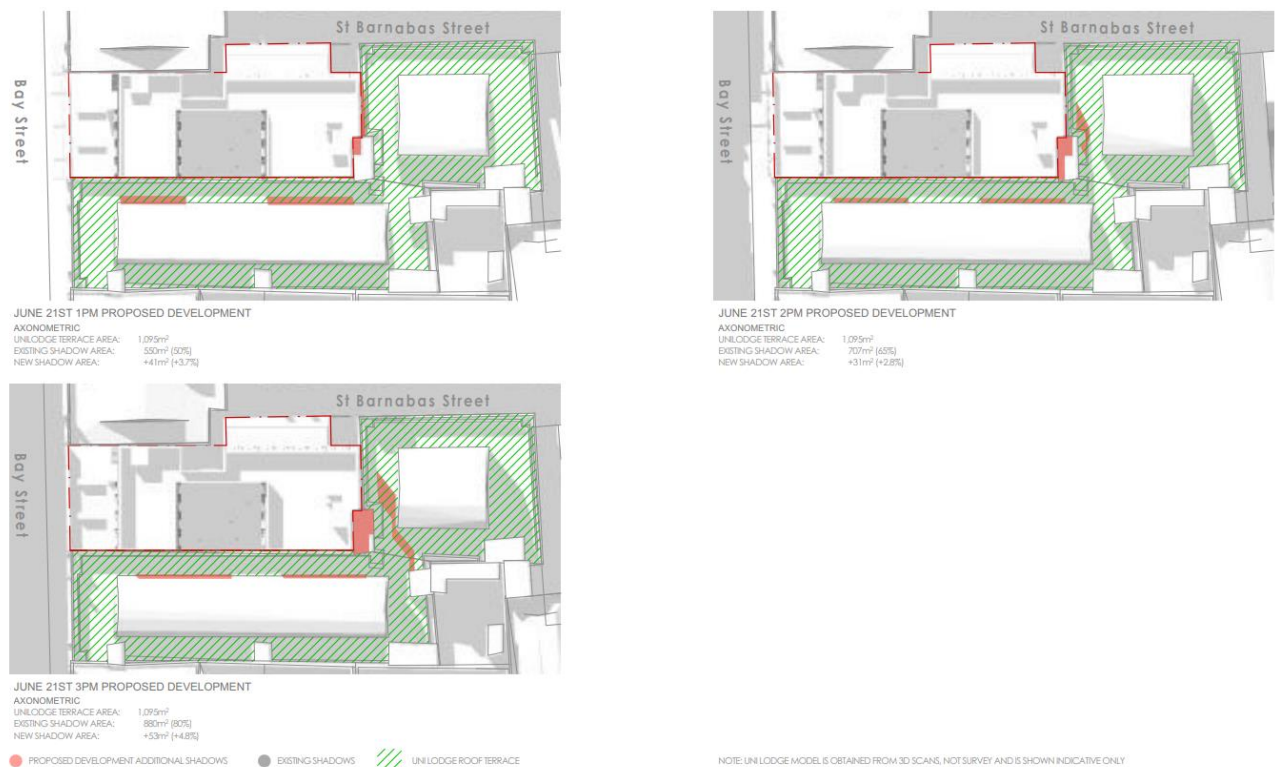


Source: Fitzpatrick + Partners 2025

Figure 8 Shadow Diagrams



Picture 9 Shadow Diagram between 9AM – 12 Noon



Picture 10 Shadow Diagram between 1PM – 3PM

Source: *Fitzpatrick + Partners 2025*

JUSTIFICATION FOR THE PROPOSED VARIATION

10. How is compliance with the development standard unreasonable or unnecessary in the circumstances of the particular case?

There are 5 common ways that compliance with a development standard may be demonstrated to be unreasonable or unnecessary (as transposed in items a to e the Table below). An applicant must satisfy at least one. In relation to the subject development contravention, the table below addresses the first key question.

Key Questions	Response
a) Are the objectives of the development standard achieved notwithstanding the non-compliance?	In response to the <i>Height of Buildings</i> development standard objectives, we make the following comments: ▪ <i>to ensure the height of development is appropriate to the condition of the site and its context</i> The proposed built form is appropriate for the context as: An analysis of the surrounding context demonstrates that the height of the existing building (compliant) creates an unsightly gap in the high density area. As such, the surrounding buildings almost all exceed the 22m height of building control, representing the changing needs of the community and outdated nature of the development standard. The proposed building seeks to close the gap between the Readers Digest and 185 Bay Street (student accommodation) improving the consistency of context within the streetscape. – The distribution of mass has been purposefully sited, with recessed top floor and higher elements located to the east, ensuring the Bay Street elevation when viewed from the public domain is compliant and contextually appropriate. – To minimise the non-compliance at the street edge and to ensure the UniLodge northern corner is appreciated, the massing of the top floor has been reduced by setting it back 8m from the street boundary. – The roofline of 1-3 Smail Street to the north of the site is 0.97m higher than the proposed building, and the 185 Bay Street building to the south is 2.31m lower than the proposed building. Accounting for these differences of height alongside the site's cross fall of 800mm and 3m at the rear, the proposed height results in the "filling of the gap", creating a balanced and improved sightline as demonstrated in Figure 7. – The western side of Bay Street contain commercial buildings which when measured from ground floor are taller than the proposed building. Additionally, these buildings are consistent with the 0m setback along the street, resulting a greater bulk and scale impact than the proposed building which has a setback of 8m on Level 7 and a punched in windows as part of the built form. As such the existing building does not currently read in context with the surrounding area and the proposed height will provide a conclusively more appropriate built form outcome. – There will be an acceptable overshadowing impact and negligible adverse impacts to the surrounding area as a result of the proposed development. The largest shadow is proposed to only take up 4.8% of the communal rooftop area at 3pm at 185 Bay Street. At other times, the shadowing will be significantly reduced down to 2.8%.

Key Questions	Response
	– These additional shadows move from the east to west between 9am to 3pm minimising shadowing in one area. The shadowing to the rooftop of 185 Bay Street is considered marginal.
	▪ <i>to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas,</i> – Currently the existing building is a detracting item that is lower and inconsistent in bulk and mass that the adjoining developments. The proposed new development will assist in creating a more appropriate transition of 'old' and 'new' and overall improve the compatibility and consistency along the Bay Street streetscape. – The built form responds to the adjoining heritage buildings to the north and south of the site by proposing a matching 0m setback along Bay Street (to level 5) and the installation of a continuous stepped down awning at level 1. The proposed awning will reflect the existing heritage expression appropriately across the frontage from Broadway to Smail Street. – The built form responds to the heritage items along the Bay Street frontage by proposing a landscaped terrace at Level 6 and pulling back the bulk of the development from this edge by 8m. This setback allows for the adjoining heritage items to remain prominent along the frontage, soften views to the items and minimise overshadowing. – The development is further managed by reflecting appropriate materials and colours that are evident within the HCA and its federation warehouse style heritage buildings. The proposed building includes pilasters which vertically modulate the façade and respond to the rhythm of façade detailing along Bay Street. – The highest point of the building is largely due to the slope of the site. The lift overrun is centrally located from the northern and southern boundaries on the site and well set back from the more heritage streetscape to the west. ▪ <i>to promote the sharing of views outside Central Sydney,</i> – Due to the heights of the surrounding buildings, the site topography and site location the site currently does not benefit from any district views or views of significance. The site provides an aspect onto Bay Street, Broadway Shopping Centre to the west and along Kettle Lane to the north. – The proposed development will not adversely impact key views from the public domain to important public spaces and will not impact views from neighbouring buildings. – The proposed building is set back 5m along the northern façade at Level 7 and 8m at Level 6 along the Bay Street façade which minimise bulk and scale visual impacts from the neighbouring properties. – This objective has limited relevance to the site given the substantial distance of the site from Central Sydney and height being contextually comparable to adjoining developments. The proposed maximum 29.45m in height does not obstruct any views to Central Sydney. ▪ <i>to ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas.</i> – This is not of relevance to the site given the substantial distance of the site from Central Sydney and Green Square Town Square.

Key Questions	Response
	– Overall the proposed massing with its recessed top floor fits within the built form of the surroundings and contributes positively to the street scape of Bay Street by creating a stepped parapet line that is in keeping with the parapet lines of the adjoining properties.
b) Are the underlying objectives or purpose of the development standard not relevant to the development? (Give details if applicable)	Not replied upon
c) Would the underlying objective or purpose be defeated or thwarted if compliance was required? (Give details if applicable)	Not replied upon
(d) Has the development standard been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard?	Not replied upon
e) Is the zoning of the land unreasonable or inappropriate so that the development standard is also unreasonable or unnecessary?	Not replied upon

11. Are there sufficient environmental planning grounds to justify contravening the development standard?

The Land & Environment Court judgment in *Initial Action Pty Ltd v Woollahra Council* [2018] NSWLEC 2018, assists in considering the sufficient environmental planning grounds. Preston J observed:

“...in order for there to be 'sufficient' environmental planning grounds to justify a written request under clause 4.6, the focus must be on the aspect or element of the development that contravenes the development standard and the environmental planning grounds advanced in the written request must justify contravening the development standard, not simply promote the benefits of carrying out the development as a whole; and

...there is no basis in Clause 4.6 to establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development”

There are sufficient environmental planning grounds to justify contravening the development standard, given the following:

Visual Impact

- Whilst a significant portion of the site sits well below the height limit, the highest point of the building has been positioned appropriately to align with the lower ground level points at the rear of the site. From an urban design and heritage perspective, the building height on Bay Street has been purposely designed to take cues from the heritage items to the north and south. The building setback allows for an upper level terrace that provides increased amenity to the building's occupants. The elements in exceedance of the control, including the 1.5m parapet screen the rooftop plant, solar panels, the lift core, a green roof, and 12 apartments.
- These exceedances assist in creating a high quality and complete design for the building that leads to a more cohesive streetscape height plane that is in line with the adjoining heritage listed developments to the north and south of the site and following the streets natural topography.
- The current building is detracting from the heritage conservation area. The proposed building design has been carefully considered to be consistent with the existing character of the adjoining buildings along Bay Street and heritage conservation area.

- A building height plane diagram is provided in Figure 4 and shows the location and amount of exceedance above the 22m height control. Figure 5 demonstrates the non-compliances facing the sites frontage are significantly setback from the site boundaries.
- As evident by the visual representation in the massing study prepared by Fitzpatrick + Partners in Figure 7 and based on our site analysis, buildings along the western frontage of Bay Street from Broadway to Greek Street exceed the proposed building height at the site.
- The cross fall of the site has an 800mm drop and a 3m fall at the rear of St Barnabas Street. Reflective of the slope of the land, the proposed height is balanced and consistent with sites to the north, east, south and west.

Loss of Privacy

The non-compliant elements of the building are limited to the upper portion of the building, at the rear of the site and have been designed to maintain the privacy of adjacent buildings, as well as the relationship between the two adjoining buildings. If strict compliance with the maximum building height were to be enforced, the privacy impact on neighbouring properties would remain largely unchanged due to the tight footprint. Mitigation measures for building separation include reducing glazing, offsetting apartments where necessary and introducing breezeways and screening.

Solar Access

- The proposed form above the height control is consistent with the height of 1-3 Smail Street and 185 Bay Street. The built form of the proposed at the upper levels are pulled back by 5m from St Barnabas Street and 8m from Bay Street, minimising potential bulk and scale impacts.
- The building elements that are proposed to exceed the height limit do not cause any adverse additional overshadowing to neighbouring properties or the public domain. Although additional shadowing will fall onto the 185 Bay Street rooftop the most significant shadows will be cast at 3pm and will only take up a 4.8% of the area which is considered minimal.

View Loss

The proposed development's non-compliance with the height limit will not result in any significant loss of views or outlook compared to a compliant building. Importantly, neighbouring properties or the public domain do not currently enjoy any significant views across the subject site due to nature of the streetscape. Despite the additional height of the proposed buildings, the development remains consistent with this objective.

Design Excellence and Urban Design

- The City of Sydney is encouraging the activation and greening of rooftops, through a draft Planning Proposal, and as such the proposed development provides spaces for informal seating and landscaping this contributes to this policy position without any undue impacts. This draft policy is allowing some flexibility of maximum building height controls to accommodate green roofs and ancillary structures as part of communal open space.
- The proposal results in a built form that responds positively to the surrounding urban context, particularly the development immediately to the west which is the dominating building form in the immediate context. From the street, the proposed development presents as an 8-storey building consistent with the existing character of the locality and immediate development.
- The roof top solar panels, plant and lift overruns are a fundamental component to the proper functioning of the residential building. The proposed development has made provision for the parapet to meet the height of these elements to block them from public view and provide clean sightlines.
- Level 7 comprises 12 apartments (incl. 1 accessible apartment) which ensures the feasibility of the project and in turn greater housing provision in the area. As level 7 has been pulled back by 5m, the apartments on the northern façade have views to the green roof below.

Precedent Study

The prescribed maximum height limit of the site should be considered in the context of other development that has similarly demonstrated merit for variance against the development standard. Approvals have been granted for variations in building height standards for sites within the Mountain Street Heritage Conservation

Area, whether for new development or additions. The following table provides a summary of the approved variations and existing non-compliant structures in the vicinity.

Table 4 Examples of Approved Heights within the Mountain Street Heritage Conservation Area Site

Site	LEP Maximum Height (metres)	Variation to Height	Approved Height (metres)
86 Bay Street, Ultimo (D/2023/445)	22m	+18.2%	26m
1-3 Smail Street, Ultimo (D/2024/984)	22m	+60.09%	35.22m
44 Mountain Street, Ultimo (D/2020/1288)	18m	+22.89%	22.12m
35-39 Mountain Street (D/2013/2004)	18m	+24.83%	22.47m
41&43-49 Mountain Street (D/2005/1562)	18m and 22m	+53.8% and +25.09%	27.7m
11 Smail Street (D/2009/2200)	22m	+21.84%	24.93m

In the course of evaluating the aforementioned applications, it was recognised that the surrounding buildings exhibit a notably higher density than the height and Floor Space Ratio (FSR) limits stipulated in the area. As a result, consideration was given that exceeding the maximum building height of 22m may be warranted based on a contextual assessment of the vicinity.

Moreover, the evaluations also took into account that such exceedances would not establish an unfavourable precedent and were generally appropriate in light of the former commercial/industrial warehouse typology prevalent in the area. It is evident based on this development history, acknowledgement that the prescribed height development standards are incongruous with the existing context of the Mountain Street heritage conservation area.

Based on the above, it has been demonstrated that there are sufficient environmental planning grounds to justify the proposed height of buildings standard non-compliance in this instance.

12. Is there any other relevant information relating to justifying a variation of the development standard? (If required)

Alignment with Zone Objectives

The site is zoned MU1 Mixed Use under SLEP 2012 and the objectives are:

To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.

To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.

To minimise conflict between land uses within this zone and land uses within adjoining zones.

To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.

To ensure land uses support the viability of nearby centres.

To integrate suitable business, office, residential, retail and other land uses in accessible locations that maximise public transport patronage and encourage walking and cycling.

- The proposal is consistent with the land use objectives of the MU1 Mixed Use zone and the proposed variation to the maximum private room size development standard does not hinder the proposal's ability to satisfy the objectives as:
- The proposal incorporates co-living and retail land uses integrated across the site, to provide vibrancy and activity within the site while allowing for the successful operation of each. The proposal will serve the workforce, visitors, and the wider community.
- It will provide for redevelopment of a detracting heritage item, delivering ground floor retail and an active frontage to Bay Street.
- It will provide for housing spaces for people that suit various price points and alleviates retail pressures on the private housing market.
- The proposal clearly delineates public and private domain and encourages a high amenity outcome for future residents, whilst not impacting on the current amenity enjoyed by neighbouring residents.
- The provision of additional residents living and working in Ultimo will see economic benefits to local retail centres such as Broadway and Central and create an active community along Bay Street.

Public Benefit

The proposed development achieves the objectives of the Height of Building development standard and the land use zoning objectives despite the non-compliance, and the contravention has been demonstrated to be appropriate and supportable in the circumstances of the case. There would be no public benefit in maintaining the development standard in this case.

DISCLAIMER

This report is dated 6 February 2026 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of HBB Property (**Instructing Party**) for the purpose of Clause 4.6 variation request (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.



Attachment C

Clause 4.6 Statement - Floor Space Ratio

URBIS

CLAUSE 4.6 – FLOOR SPACE RATIO

86-90 Bay Street, Ultimo

Prepared for
HBB PROPERTY
6 February 2026

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	Tim Blythe
Associate Director	Naomi Daley
Consultant	
Project Code	P0043774
Report Number	Final



The river is the symbol of the Dreaming and the journey of life. The circles and lines represent people meeting and connections across time and space. When we are working in different places, we can still be connected and work towards the same goal.

Title: Sacred River Dreaming
Artist Hayley Pigram
Darug Nation
Sydney, NSW

Acknowledgement of Country

Urbis acknowledges the Traditional Custodians of the lands we operate on.

We recognise that First Nations sovereignty was never ceded and respect First Nations peoples continuing connection to these lands, waterways and ecosystems for over 60,000 years.

We pay our respects to First Nations Elders, past and present.

All information supplied to Urbis in order to conduct this research has been treated in the strictest confidence. It shall only be used in this context and shall not be made available to third parties without client authorisation. Confidential information has been stored securely and data provided by respondents, as well as their identity, has been treated in the strictest confidence and all assurance given to respondents have been and shall be fulfilled.

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You must read the important disclaimer appearing within the body of this report.

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REQUEST TO VARY A DEVELOPMENT STANDARD

REQUEST TO VARY CLAUSE 4.4 FLOOR SPACE RATIO IN SYDNEY LEP 2012

Address: 86-90 Bay Street, Ultimo

Date: 6 February 2026

SITE AND PROPOSED DEVELOPMENT

1. Site Description

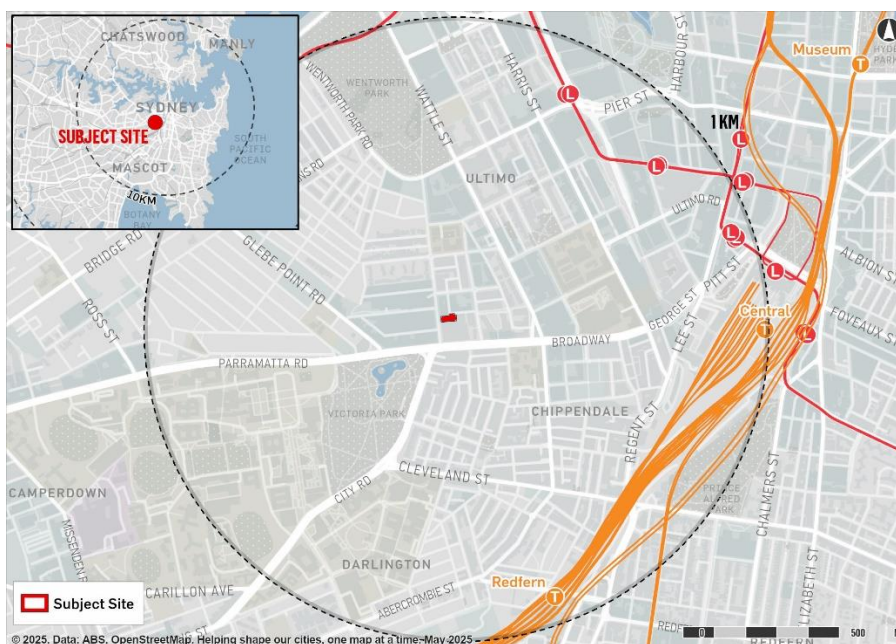
The key features of the site are summarised in the following table.

Table 1 Site Description

Site Characteristic	Description
Country	Gadigal Country
Address	86-90 Bay Street, Ultimo
Legal Description (Title Particulars)	CP/-/SP21479
Zoning	MU1 – Mixed Use
Existing Use / Structures	86-90 Bay Street contains a four-storey commercial building with a partial lower ground floor and below ground carpark accessed via St Barnabas Street. Due to the existing building's scale and architecture, it is noted to contribute negatively to the Bay Street, streetscape and considered detracting by the City of Sydney Development Control Plan SDCP 2012.
Site Area	1,011m ²
Existing GFA	2,685m ²
Site Frontages	The site frontage is on Bay Street and a side secondary frontage to St Barnabas Street
Topography	There is a cross fall of 800mm along Bay Street and a 3m fall to the back lane St Barnabas Street.
Vegetation	The site contains no existing vegetation.
Flooding/Overland Flow	The site is not located within a flood planning area.
Heritage	The site is identified as a detracting building within the Mountain Street Heritage Conservation Area. To the north of the site is heritage listed 4 storey building Reader's Digest and to the south is 5 storey Uni Lodge (student accommodation), which has been recently refurbished. .
Vehicular Access	Vehicle access for parking and waste collection via St Barnabas Street.
Adjacent land uses North	The land uses directly to the north of the site consist of mixed-use developments, including shop top housing and residential flat buildings including a recent approval for co-living. The International Grammar School is approx. 400m to the north of the site.

Site Characteristic	Description
Adjacent land uses East	Land uses directly to the east of the site include mixed use developments, including shop top housing and residential flat buildings. Developments range between 2 and 7 storeys. The site is approx. 700m away from Wattle Street, a classified road. Further east includes significant tertiary education facilities, including both Tafe NSW Ultimo and the University of Technology Sydney, Ultimo campus.
Adjacent land uses South	The south of the site consists of mixed-use developments, including residential, commercial and retail development adjoining Broadway. St Barnabas' Anglican Church is situated across the road from the south boundary of the site. Broadway is located 75m south of the site and is a classified road and a major artery of the Sydney Road network.
Adjacent land uses West	The land uses to the west of the site include an E1 – Local Centre zone which encompasses Broadway Shopping Centre and local neighbourhood shops along Broadway and Glebe Point Road. Further west includes Victoria Park and the University of Sydney, a significant tertiary education facility.
Public Transport	The site is proximate to buses on City Road, Broadway, and Glebe Point Road that connect to the Inner West and CBD. The site is within walking distance or short bus ride to Central railway station which provides metro, heavy rail, and light rail services to most of Greater Sydney.
Open Space	There is currently no open space on the site. The site is proximate to Victoria Park, Chippendale Green, and Wentworth Park.

Figure 1 Regional Context Map



Source: Urbis2025

Figure 2 Aerial Photograph



Source: *Urbis2025*

Photographs of the existing development and surrounding context are provided below.

Figure 3 Site Photos



Picture 1 View of the site looking northeast.

Source: *Urbis, 2025*



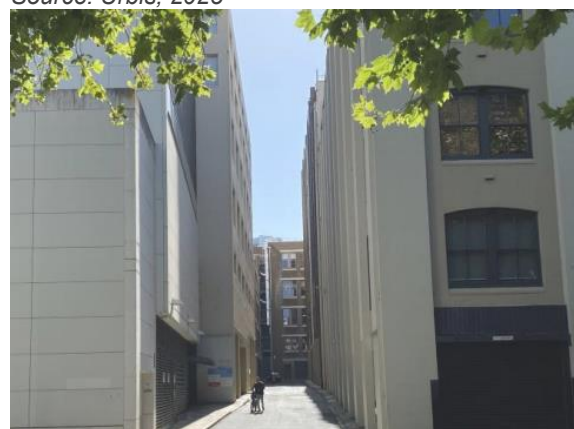
Picture 2 View of the façade along Bay Street

Source: *Urbis, 2025*



Picture 3 View of the site and Bay Street looking north.

Source: *Urbis, 2025*



Picture 4 View of St Barnabas Street located on the northern boundary of the site looking west.

Source: *Urbis, 2025*

2. Proposed Development

The key features and details of the proposed mixed use co-living development at 86-90 Bay Street, Ultimo for which consent is sought as per below:

- Demolition of a 4 storey detracting building.
- Construction of a new 8 storey building comprising:
 - 137 apartments across levels 1-7
 - Lower ground floor parking with 3 loading bays, 1 accessible car parking space and 2 car share spaces
 - Landscaped terrace with seating on level 6
 - Communal area on level 6
 - Landscaped central courtyard with seating on the ground floor
 - Ground Floor Retail along Bay Street
 - End of Trip Facilities on the lower ground floor

The development proposes an FSR of 4.5:1 across the site with a total GFA of 4,550m²

The proposal is in accordance with the Architectural Plans and Design Report prepared by Fitzpatrick + Partners that accompany this DA. The following sections provide additional details on specific aspects of the proposal.

PLANNING INSTRUMENT, DEVELOPMENT STANDARD AND PROPOSED VARIATION

3. What is the planning instrument you are seeking to vary?

Sydney Local Environmental Plan 2012.

4. What is the site's zoning?

MU1 Mixed Use zone

5. What is the development standard to be varied?

Clause 4.4 Floor Space Ratio.

6. Type of development standard?

Numerical Development Standard is capable of being varied under Clause 4.6 of SLEP 2012.

7. What is the numeric value of the development standard in the environmental planning instrument?

2.5:1

As the development is prepared pursuant to the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP), Section 68(2)(a)(ii) applies an additional 10% floor space for the purposes of co-living housing.

8. What is the difference between the existing and proposed numeric values? What is the percentage variation (between the proposal and the environmental planning instrument)?

A review of the proposal's exceedance in proportion (percentage variation) is detailed below. This is based on a site area of 1,011m².

Table 2 Percentage variation of exceedance

Building element	Permitted FSR (inclusive of 10% additional FSR under the Housing SEPP)	Proposed FSR	Percentage variation from the standard (%)
86 Bay Street, Ultimo	2.75:1 (amounting to 2,780.25sqm of GFA)	4.5:1 (amounting to 4,550sqm of GFA)	63.7%

9. Visual representation of the proposed variation

Nil.

JUSTIFICATION FOR THE PROPOSED VARIATION

10. How is compliance with the development standard unreasonable or unnecessary in the circumstances of the particular case?

There are 5 common ways that compliance with a development standard may be demonstrated to be unreasonable or unnecessary (as transposed in items a to e the Table below). An applicant must satisfy at least one. In relation to the subject development contravention, the table below addresses the first key question.

Key Questions	Response
a) Are the objectives of the development standard achieved notwithstanding the non-compliance?	The proposed development achieves the objectives of the development standard as outlined below: <i>(a) to provide sufficient floor space to meet anticipated development needs for the foreseeable future,</i> - The strategic context of the site encourages greater housing supply, which is diverse, affordable and has access to jobs, services and public transport. The proposal utilises the existing building footprint and provides 137 co-living apartments with retail at the ground floor, and an EoT facility on the lower ground floor. <i>(b) to regulate the density of development, built form and land use intensity and to control the generation of vehicle and pedestrian traffic, The proposed development prioritises a high level of amenity over maximising residential density within the site, through:</i> - The proposed design is consistent with the prevailing and emerging character of developments of a similar scale within the locality. The proposed alterations and additions to the existing commercial building complement the heritage significance of the existing building and the character of the Heritage Conservation Area. - The proposed built form is in keeping within the density and surrounding context of surrounding development within the Mountain Street Heritage conservation area and adjoining heritage items - The proposal will result in a reduction in vehicle traffic noting the proposal seeks to reduce the current car parking provision: - o The proposed development provides one accessible car park and 3 car share spaces thereby significantly reducing the number of private car spaces within the building. Further, the proposal seeks to incorporate 156 bicycle spaces. - o The site is well serviced by nearby buses and within walking distance to metro, heavy rail, and light rail services to most of Greater Sydney. - The proposal would result in increased pedestrian traffic to this part of Ultimo which is considered a positive for the area and local businesses. - The built form exhibits a high level of amenity as: - o The design includes a biophilic designed open air courtyard that runs through the centre of the building. The central courtyard provides the apartments located around the core access to natural light and improved ventilation. - o An additional common area and communal open space on level 6 increases the residential amenity to the 137 apartments and residents.

Key Questions	Response
	<i>(c) to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure,</i> - The location in a dense urban area means the site is well serviced from existing utility and social/community infrastructure. Despite that, the proposed development provides 295m² of communal living which totals a surplus of 3m² under the Housing SEPP. The proposal also exceeds the 20% provision of communal open space, by providing 305m². The proposed development is in line with the capacity of existing and planned infrastructure for the locality. As outlined above, the occupants will have low impact on the road infrastructure as the existing site is highly accessible being well serviced by public transport, existing utility and social/community infrastructure(d) to ensure that new development reflects the desired character of the locality in which it is located and minimises adverse impacts on the amenity of that locality. - The proposal positively responds and complements the heritage conservation area character by removing a detracting element in the HCA and providing a building form and character that is complementary to the Bay Street streetscape. - The proposed FSR variation responds to and reinforces the scale of a number of buildings in the immediate context, including 1-3 Smail Street and 185 Bay Street resulting in acceptable additional bulk and scale. - As the proposed is setback at different levels, the potential visual impact is minimised. Additionally, the proposal fills the existing and detracting gap between the two adjoining heritage buildings, resulting in a coherent sightline along Bay Street. - There will be an acceptable overshadowing impact and negligible adverse impacts to the surrounding area as a result of the proposed development. The largest shadow is proposed to only take up 4.8% of the communal rooftop area at 3PM at 185 Bay Street. At other times, the shadowing will be significantly reduced down to 2.8%. - The Bay Street façade aligns with the character of the heritage conservation area with the design of its Bay windows at level 2 and vertical pilasters throughout. - The ground floor façade has no setback to reflect the alignments of adjoining properties and broader Bay Street. The development proposes a stepped down awning along Bay Street in line with the sloping street and surrounding buildings. - The building façade has a grid like pattern tying in with its immediate heritage surroundings of federation style warehouses with brick masonry walls. The proposed building incorporates brick as its primary material used and detailed modular frames with pigmented zinc, and red reveals throughout. - The built form is proposed to be lower than the parapet by 1.5m. The height of the parapet is proposed to screen the solar panels, plant and lift core to result in a consolidated view from the street. In summary, the objectives of the development standard are achieved notwithstanding non-compliance with the standard.
b) Are the underlying objectives or purpose of the development standard not relevant to the development? (Give details if applicable)	Not replied upon

Key Questions	Response
c) Would the underlying objective or purpose be defeated or thwarted if compliance was required? (Give details if applicable)	Not replied upon
(d) Has the development standard been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard?	Not replied upon
e) Is the zoning of the land unreasonable or inappropriate so that the development standard is also unreasonable or unnecessary?	Not replied upon

11. Are there sufficient environmental planning grounds to justify contravening the development standard?

The Land & Environment Court judgment in *Initial Action Pty Ltd v Woollahra Council* [2018] NSWLEC 2018, assists in considering the sufficient environmental planning grounds. Preston J observed:

“...in order for there to be 'sufficient' environmental planning grounds to justify a written request under clause 4.6, the focus must be on the aspect or element of the development that contravenes the development standard and the environmental planning grounds advanced in the written request must justify contravening the development standard, not simply promote the benefits of carrying out the development as a whole; and

...there is no basis in Clause 4.6 to establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development”

There are sufficient environmental planning grounds to justify the proposed variation to the development standard, including the following:

- By allowing the inclusion of the FSR variation for co-living housing, development on the site can provide alternative options to the private residential market and can therefore provide a diversity of housing choice, affordability, and opportunities catering to the demographics of the locality. This aligns with the aims of the Housing SEPP to facilitate the effective delivery of new well-located housing.
- The proposed development aims to remove a detracting item within the heritage conservation area which is considered supportable from a heritage outcome.
- The proposed development lessens the traffic and parking impact at the site, whilst contributing positively to the housing needs of the community. The design is carefully considered to be consistent with the future character of the area, as demonstrated by compliance with the objectives of the MU1 zone.
- Significant amounts of landscaped and communal open spaces are provided to enhance the amenity for residents of the site.
- The development forms a consistent character with adjoining heritage buildings along Bay Street by use of contextual materials and design inclusive of a continuous stepped down awning. The development therefore forms part of a broader character area and is suitable in context of the heritage conservation area within which it is located. Potential solar impacts to the neighbouring residential amenity are minimal. At the worst case scenario the overshadowing will be 4.8% at 3PM to the rooftop at 185 Bay Street.
- The increased FSR allows for the incorporation of a retail tenancy on the ground plane, this retail tenancy will provide activation along Bay Street.
- The prescribed FSR of 2.5:1 (notwithstanding the proposed end of journey facilities) for the subject site is only adequate for the existing three storey building on site which is built to the boundary and currently

already exceeds the prescribed FSR. Similarly, the prescribed FSR for immediately surrounding sites within the heritage conservation area of FSR of 2.0-2.5:1 does not reflect the existing context which comprises predominantly historical warehouse buildings built to all boundaries and originally built of a three to six storey height (not including any later additions).

- Compliance is not possible as it would require partial demolition of the existing former commercial building. In addition, the prescribed rate or mapped FSR is inappropriately low in this locality. In this regard, the underlying object or purpose of the FSR standard would be defeated if compliance were required and therefore compliance is unreasonable. Further, it would not allow for achievement of the 22m height requirement prescribed for the area.
- The prescribed FSR for the area has been consistently varied in this immediate precinct given the established built form character associated with its gentrification. In particular, FSR and height of building standard variations have been approved as part of additions or for new development for immediately surrounding sites.

Precedent Study

The prescribed FSR for the site should be considered in the context of other development that has similarly demonstrated merit for variance against the development standard. Approvals have been granted for variations in FSR standards for sites within the Mountain Street Heritage Conservation Area, whether for new development or additions. **Table 3** below provides a summary of the approved variations and existing non-compliant structures in the vicinity.

Table 3 Examples of approved FSR within the Mountain Street Heritage Conservation Area

Site	LEP Maximum FSR	Variation to FSR	Approved FSR
86-90 Bay Street, Ultimo (D/2023/445)	2.5:1	+83%	4.73:1
1-3 Smail Street (D/2024/984)	2.5:1	+108.98%	5.75:1
44 Mountain Street, Ultimo (D/2020/1288)	2.0:1	+102.1%	4.04:1
35-39 Mountain Street (D/2013/2004)	2.0:1	+132.5%	4.65:1
41 & 43-49 Mountain Street (D/2005/1562)	2.0:1 & 2.5:1	+ >90%	4.43:1
11 Smail Street (D/2009/2200)	2.5:1	+36%	3.4:1

The prescribed FSR of 2.5:1 (notwithstanding proposed end of journey facilities) for the subject site is deemed insufficient for the existing three-storey building on site, which is constructed up to the boundary and currently exceeds the prescribed FSR. Similarly, the prescribed FSR for the surrounding sites within the Heritage Conservation Area, ranging from 2.0-2.5:1, does not accurately reflect the existing context. The context primarily consists of historical warehouse buildings that were originally built to all boundaries and had a height of three to six storeys (excluding later additions). These warehouses, in their original state, would have similarly exceeded the prescribed maximum FSR, even with approved later additions, as highlighted within Table 3. The non-compliance with the FSR standard is acknowledged in the assessment of similar additions, recognising it as a common characteristic of buildings in this locality.

Compliance with the prescribed FSR is not feasible without partial demolition of the existing former commercial building, which is not a practical solution. Moreover, the prescribed FSR is inadequately low for the locality, requiring compliance would defeat or prevent the underlying objective or purpose of the FSR standard.

Further, the proposed building form does not create any significant adverse impacts on the immediate surrounding area from the perspective of bulk and scale, traffic, heritage, or operation. Therefore, there is sufficient environmental planning grounds to justify contravening the development standard.

12. Is there any other relevant information relating to justifying a variation of the development standard? (If required)

Alignment with Zone Objectives

The site is zoned MU1 Mixed Use under SLEP 2012 and the objectives are:

To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.

To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.

To minimise conflict between land uses within this zone and land uses within adjoining zones.

To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.

To ensure land uses support the viability of nearby centres.

To integrate suitable business, office, residential, retail and other land uses in accessible locations that maximise public transport patronage and encourage walking and cycling.

- The proposal incorporates co-living and retail land uses integrated across the site, to provide vibrancy and activity within the site while allowing for the successful operation of each. The proposal will serve the workforce, visitors, and the wider community.
- It will provide for redevelopment of a detracting heritage item, to a coherent and architecturally appropriate building within the Heritage Conservation Area. The proposal will also deliver ground floor retail and an active frontage to Bay Street.
- The proposal clearly delineates public and private domain and encourages a high amenity outcome for future residents, whilst not impacting on the current amenity enjoyed by neighbouring residents.
- The provision of additional residents living and working in Ultimo will see economic benefits to local retail centres such as Broadway and Central and create an active community along Bay Street.

Public Benefit

The proposed development achieves the objectives of the FSR development standard and the land use zoning objectives despite the non-compliance, and the contravention has been demonstrated to be appropriate and supportable in the circumstances of the case. The precedent study of surrounding developments (outlined above) show the development standard is thwarted and abandoned and as such the numerical control has little relevance. A contextual built form response, as proposed, is an appropriate way to prescribe the proposed FSR. There would be no public benefit in maintaining the development standard in this case.

DISCLAIMER

This report is dated 6 February 2026 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of HBB Property (**Instructing Party**) for the purpose of Clause 4.6 variation request (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

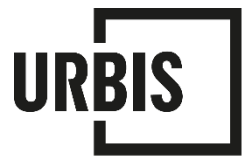
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Attachment D

Clause 4.6 Statement - Building Separation (ADG)
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URBIS

CLAUSE 4.6 - BUILDING SEPARATION

86-90 Bay Street, Ultimo

Prepared for
HBB PROPERTY
6 February 2026

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

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Consultant	
Project Code	P0043774
Report Number	Final



The river is the symbol of the Dreaming and the journey of life. The circles and lines represent people meeting and connections across time and space. When we are working in different places, we can still be connected and work towards the same goal.

Title: Sacred River Dreaming
Artist Hayley Pigram
Darug Nation
Sydney, NSW

Acknowledgement of Country

Urbis acknowledges the Traditional Custodians of the lands we operate on.

We recognise that First Nations sovereignty was never ceded and respect First Nations peoples continuing connection to these lands, waterways and ecosystems for over 60,000 years.

We pay our respects to First Nations Elders, past and present.

All information supplied to Urbis in order to conduct this research has been treated in the strictest confidence. It shall only be used in this context and shall not be made available to third parties without client authorisation. Confidential information has been stored securely and data provided by respondents, as well as their identity, has been treated in the strictest confidence and all assurance given to respondents have been and shall be fulfilled.

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REQUEST TO VARY A DEVELOPMENT STANDARD

REQUEST TO VARY CLAUSE (2) (B) OF SECTION 69 IN THE HOUSING SEPP 2021

Address: 86-90 Bay Street, Ultimo

Date: 6 February 2026

SITE AND PROPOSED DEVELOPMENT

1. Site Description

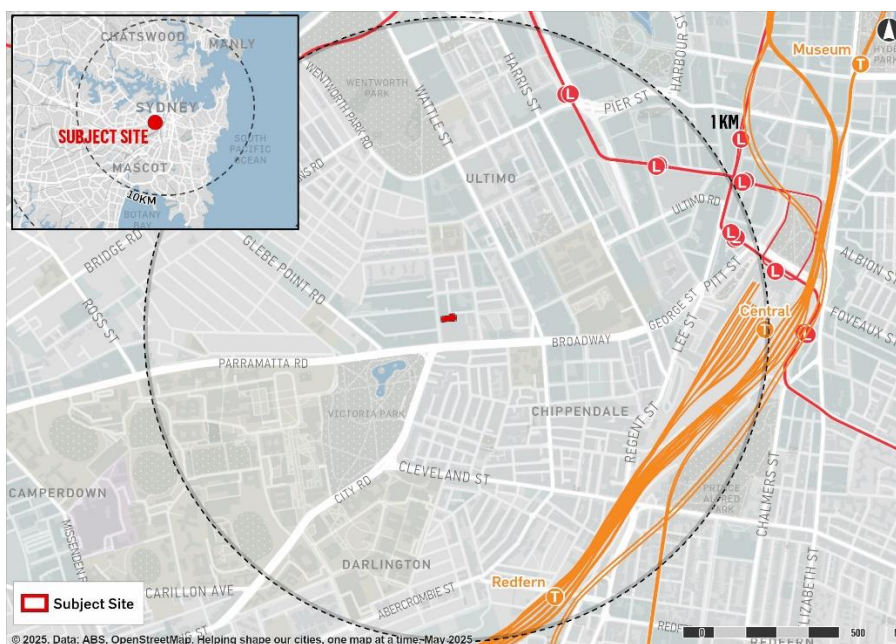
The key features of the site are summarised in the following table.

Table 1 Site Description

Site Characteristic	Description
Country	Gadigal Country
Address	86-90 Bay Street, Ultimo
Legal Description (Title Particulars)	CP/-/SP21479
Zoning	MU1 – Mixed Use
Existing Use / Structures	86-90 Bay Street contains a four-storey commercial building with a partial lower ground floor and below ground carpark accessed via St Barnabas Street. Due to the existing building's scale and architecture, it is noted to contribute negatively to the Bay Street, streetscape and considered detracting by the City of Sydney Development Control Plan SDCP 2012.
Site Area	1,011m ²
Existing GFA	2,685m ²
Site Frontages	The site frontage is on Bay Street and a side secondary frontage to St Barnabas Street
Topography	There is a cross fall of 800mm along Bay Street and a 3m fall to the back lane St Barnabas Street.
Vegetation	The site contains no existing vegetation.
Flooding/Overland Flow	The site is not located within a flood planning area.
Heritage	The site is identified as a detracting building within the Mountain Street Heritage Conservation Area. To the north of the site is heritage listed 4 storey building Reader's Digest and to the south is 5 storey Uni Lodge (student accommodation), which has been recently refurbished.
Vehicular Access	Vehicle access for parking and waste collection via St Barnabas Street.
Adjacent land uses North	The land uses directly to the north of the site consist of mixed-use developments, including shop top housing and residential flat buildings including a recent approval for co-living. The International Grammar School is approx. 400m to the north of the site.

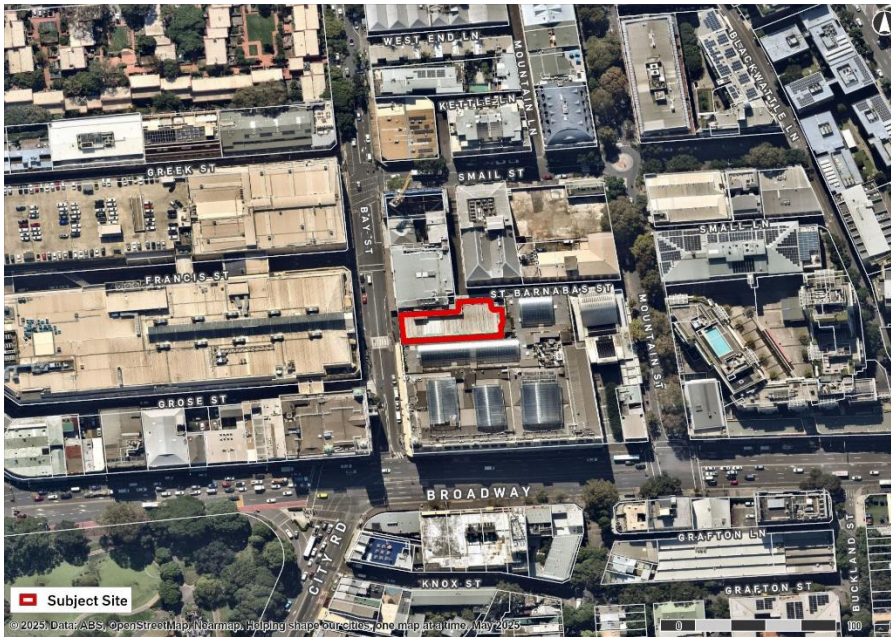
Site Characteristic	Description
Adjacent land uses East	Land uses directly to the east of the site include mixed use developments, including shop top housing and residential flat buildings. Developments range between 2 and 7 storeys. The site is approx. 700m away from Wattle Street, a classified road. Further east includes significant tertiary education facilities, including both Tafe NSW Ultimo and the University of Technology Sydney, Ultimo campus.
Adjacent land uses South	The south of the site consists of mixed-use developments, including residential, commercial and retail development adjoining Broadway. St Barnabas' Anglican Church is situated across the road from the south boundary of the site. Broadway is located 75m south of the site and is a classified road and a major artery of the Sydney Road network.
Adjacent land uses West	The land uses to the west of the site include an E1 – Local Centre zone which encompasses Broadway Shopping Centre and local neighbourhood shops along Broadway and Glebe Point Road. Further west includes Victoria Park and the University of Sydney, a significant tertiary education facility.
Public Transport	The site is proximate to buses on City Road, Broadway, and Glebe Point Road that connect to the Inner West and CBD. The site is within walking distance or short bus ride to Central railway station which provides metro, heavy rail, and light rail services to most of Greater Sydney.
Open Space	There is currently no open space on the site. The site is proximate to Victoria Park, Chippendale Green, and Wentworth Park.

Figure 1 Regional Context Map



Source: Urbis2025

Figure 2 Aerial Photograph



Source: *Urbis2025*

Photographs of the existing development and surrounding context are provided below.

Figure 3 Site Photos



Picture 1 View of the site looking northeast.

Source: *Urbis, 2025*



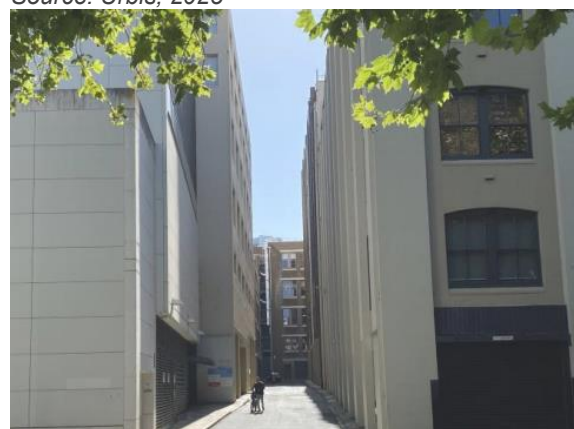
Picture 2 View of the façade along Bay Street

Source: *Urbis, 2025*



Picture 3 View of the site and Bay Street looking north.

Source: *Urbis, 2025*



Picture 4 View of St Barnabas Street located on the northern boundary of the site looking west.

Source: *Urbis, 2025*

2. Proposed Development

The key features and details of the proposed mixed use co-living development at 86-90 Bay Street, Ultimo for which consent is sought as per below:

- Demolition of a 4 storey detracting building.
- Construction of a new 8 storey building comprising:
 - 137 apartments across levels 1-7
 - Lower ground floor parking with 3 loading bays, 1 accessible car parking space and 2 car share spaces
 - Landscaped terrace with seating on level 6
 - Communal area on level 6
 - Landscaped central courtyard with seating on the ground floor
 - Ground Floor Retail along Bay Street
 - End of Trip Facilities on the lower ground floor

The development proposes an FSR of 4.5:1 across the site with a total GFA of 4,550m²

The proposal is in accordance with the Architectural Plans and Design Report prepared by Fitzpatrick + Partners that accompany this DA. The following sections provide additional details on specific aspects of the proposal.

PLANNING INSTRUMENT, DEVELOPMENT STANDARD AND PROPOSED VARIATION

3. What is the planning instrument you are seeking to vary?

State Environmental Planning Policy (Housing) 2021

4. What is the site's zoning?

MU1 Mixed Use zone

5. What is the development standard to be varied?

Part 3 Co-living housing, Section 69, (2)(b) if the co-living housing has at least 3 storeys—the building will comply with the minimum building separation distances specified in the Apartment Design Guide.

6. Type of development standard?

Numerical Development Standard

7. What is the numeric value of the development standard in the environmental planning instrument?

Minimum building separation distances specified in the Apartment Design Guide *Part 2 Developing the controls 2F Building separation* are outlined below. The distances of relevance are indicated by a red box.

Building Height	Separation Distance
Up to 8 storeys (approximately 25m)	9-18m of which: • 18m between habitable rooms/balconies • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms
Up to 4 storeys (approximately 12m)	6-12m of which: • 12m between habitable rooms/balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms

It is noted that this development standard has been applied both internally on site (between the two 'buildings' on site) and externally (between 86-90 Bay Street and adjoining developments).

8. What is the difference between the existing and proposed numeric values? What is the percentage variation (between the proposal and the environmental planning instrument)?

A review of the proposal's exceedance in proportion (percentage variation) is detailed below.

Table 2 Percentage variation of exceedance

Building element	Permitted distance	Proposed distance	Percentage variation from the standard (%)
5-8 storeys (internal facing)	18m between balconies	14m	22.22%
5-8 storeys (external facing)	18m between habitable rooms	11.365m	38.89%

5-8 storeys (internal facing)	18m between balconies	14m	22.22%
5-8 storeys (external facing) (levels 5-6)	18m	6.45m	65.56%
Up to 4 storeys (external facing)	12m	6.45m	48.33%
5-8 Storeys (external facing) (7-8)	18m	11.365m	36.11%

9. Visual representation of the proposed variation 9.1 Internal Visual Representation

Figure 4 Courtyard section – internal separation distances

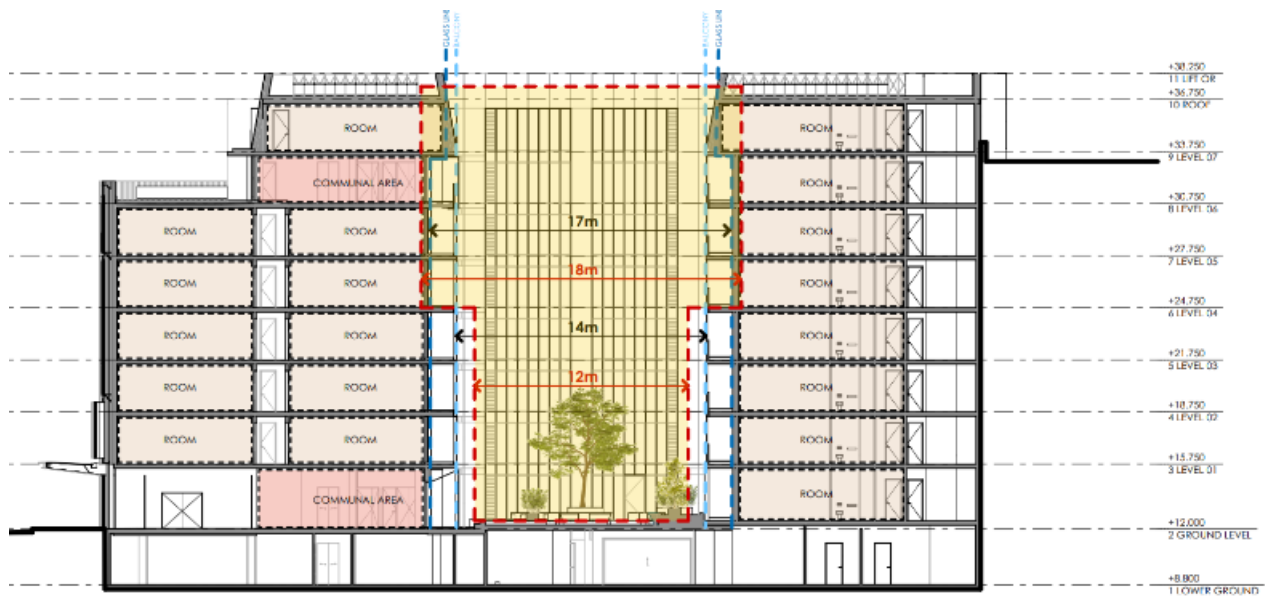
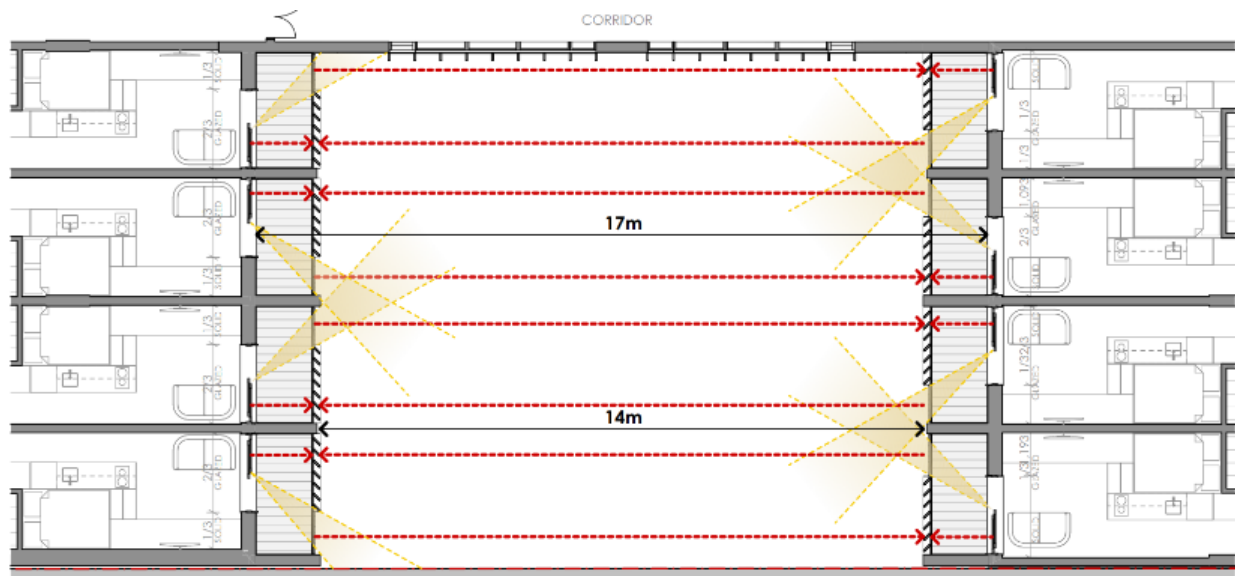
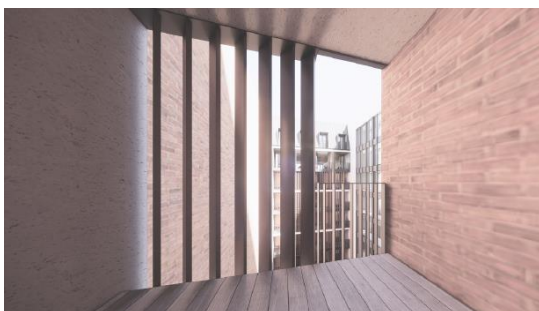


Figure 5 typical courtyard – internal separation between units



- > Blocked Views
- Views from Balcony

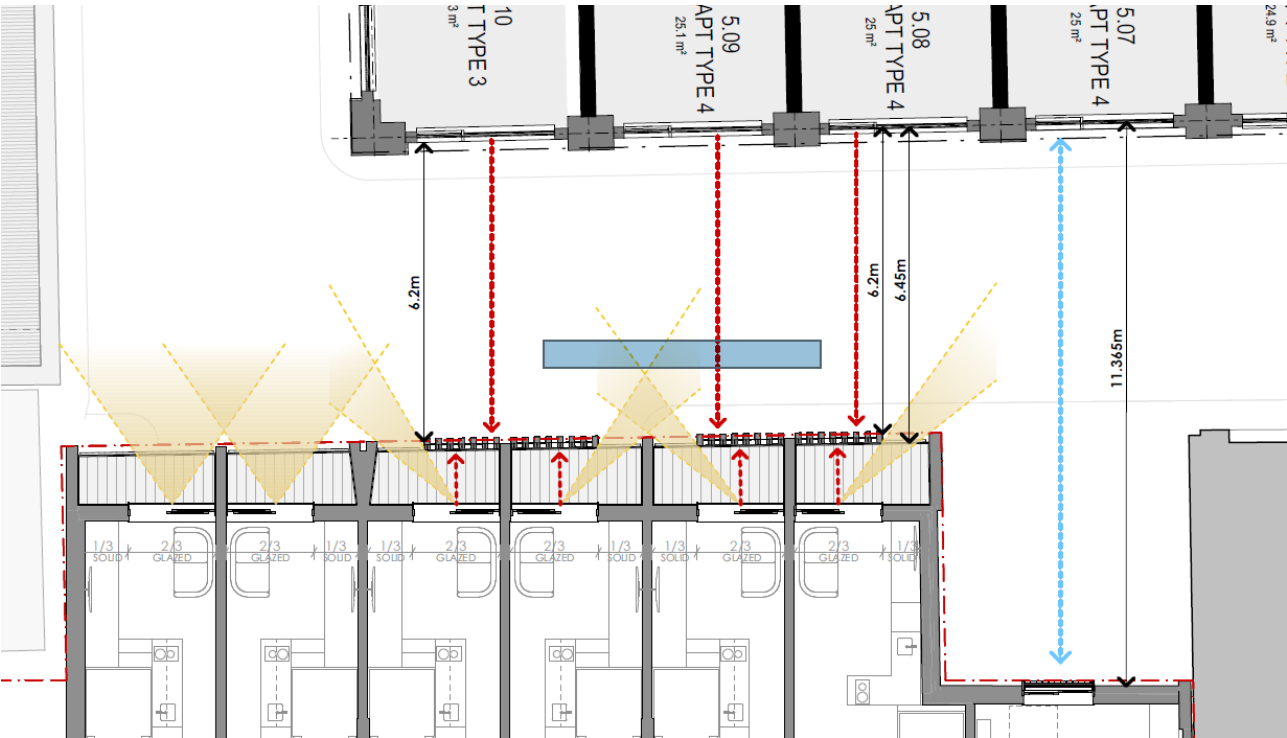
Figure 6 Typical view from courtyard balconies



Source: Fitzpatrick + Partners

9.2 External Visual Representation

Figure 7 Separation distances from 1-3 Smail Street



Source: Fitzpatrick + Partners 2025

Figure 8 Detail view of block breezeway to affected apartments



Source: Fitzpatrick + Partners 2025

Figure 9 Typical living room view towards brick privacy measure



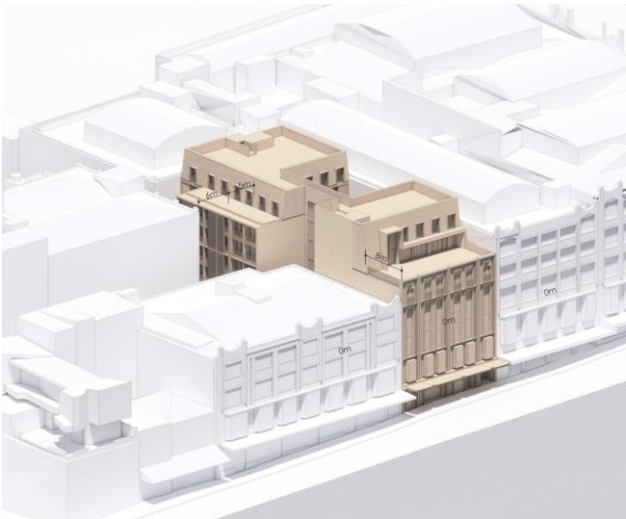
Source: *Fitzpatrick + Partners* 2025

Figure 10 View from 1-3 Smail Street, Ultimo



Source: *Fitzpatrick + Partners*

Figure 11 Building separation between 1-3 Smail Street, Ultimo



Source: *Fitzpatrick + Partners 2025*

JUSTIFICATION FOR THE PROPOSED VARIATION

10. How is compliance with the development standard unreasonable or unnecessary in the circumstances of the particular case?

There are 5 common ways that compliance with a development standard may be demonstrated to be unreasonable or unnecessary (as transposed in items a to e the Table below). An applicant must satisfy at least one. In relation to the subject development contravention, the table below addresses the first key question.

Key Questions	Response
a) Are the aims of the development standard achieved notwithstanding the non-compliance?	▪ <i>Ensure that new development is scaled to support the desired future character with appropriate massing and spaces between buildings.</i> - The strategic context of the site and context encourages greater housing supply, that is diverse, affordable and is located with access to jobs, services and public transport. The proposal utilises the existing building footprint and provides 137 co-living apartments with retail at the ground floor, and an EoT facility on the lower ground floor. - The distribution of mass has been purposefully sited, with recessed top floor and higher elements located to the east, ensuring the Bay Street elevation when viewed from the public domain is compliant and contextually appropriate. - The massing has been pulled back from the north and the west on the upper levels to reduce potential bulk and scale impacts to the streetscape and adjoining developments and provide as much space between buildings to the north as possible, and solar access to the west. - The ADG requires a 12m separation for buildings up to 4 storeys and 18m for 5 to 8 storeys. The proposed courtyard provides an increased distance for the first 4 floors and for the last 4 floors offers 14m between balconies and 17m between glazed faces. Along the northern face of the building, the proposal is constrained to provide 6m of building separation only. Strict compliance with the Housing SEPP would negate the redevelopment of the site for housing purposes. ▪ <i>Assist in providing residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook.</i> - Externally, by providing a street façade built to the boundary on St Barnabas with recessed balconies screened by a brick breezeway provides robust privacy to and from the northern property at 1-3 Smail Street. To further mitigate, glazed areas have been reduced to 2/3 of the room's overall width and the breezeway to the full extent of the glazed areas. - Internally, as the site is within a dense urban environment with obstructed natural light to the south and east and reduced existing separation to the north, the creation of an internal courtyard open to the weather provides a biophilic design principles. This courtyard approach allows for natural light and air into the units. A minor non compliance internally does not reduce the internal amenity. Further mitigation measures (against the non compliance) have been incorporated to the last 4 levels of offsetting the rooms on each side of the courtyard, reducing the glazing and adding in a fixed screen. This ensures privacy is maintained and a good level of amenity if also resulting. Internally, if a complaint building setbacks were proposed, this would involve

Key Questions	Response
	the removal of the internal balconies which is viewed as a sub standard outcome. - The proposed setbacks provide a green roof at level 7 and a landscaped level 6 terrace. These outdoor spaces minimise additional bulk and scale, increase building separation where possible and improve visual and acoustic amenity (level 6 terrace is along Bay Street façade not adjoining neighbours).. ▪ <i>Provide suitable areas for communal open spaces, deep soil zones and landscaping.</i> - The building footprint tightly fits within a dense urban area of Ultimo and is surrounded by existing developments that reduce access to natural light. The built form however has responded to this setting through the inclusion of communal open space via the internal courtyard that is open to the sky allowing natural light and ventilation into the development and on the level 6 terrace. In accordance with the open space provision under the Housing SEPP, the proposal seeks consent for a total of 4.5% of landscaping (not including the green roof) across the site, 35m2 in the courtyard and 11m2 on level 6. This level of open space is compliant.
b) Are the underlying objectives or purpose of the development standard not relevant to the development? (Give details if applicable)	Not replied upon
c) Would the underlying objective or purpose be defeated or thwarted if compliance was required? (Give details if applicable)	Not replied upon
(d) Has the development standard been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard?	Not replied upon
e) Is the zoning of the land unreasonable or inappropriate so that the development standard is also unreasonable or unnecessary?	Not replied upon

11. Are there sufficient environmental planning grounds to justify contravening the development standard?

The Land & Environment Court judgment in *Initial Action Pty Ltd v Woollahra Council* [2018] NSWLEC 2018, assists in considering the sufficient environmental planning grounds. Preston J observed:

"...in order for there to be 'sufficient' environmental planning grounds to justify a written request under clause 4.6, the focus must be on the aspect or element of the development that contravenes the development standard and the environmental planning grounds advanced in the written request must justify contravening the development standard, not simply promote the benefits of carrying out the development as a whole; and

...there is no basis in Clause 4.6 to establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development"

There are sufficient environmental planning grounds to justify the proposed variation to the development standard, including the following:

- By implementing mitigation measures where the proposal does not comply with the numerical building separation guidelines in the Apartment Design Guideline, the co-living housing development will provide alternative options to the private residential market and therefore provide a diversity of housing choice, affordability, and opportunities catering to the demographics of the locality. This aligns with the aims of the Housing SEPP to facilitate the effective delivery of new well-located housing.
- The proposed development aims to remove a detracting item within the heritage conservation area which is considered supportable from a heritage outcome.
- The proposed development lessens the traffic and parking impact at the site, whilst contributing positively to the housing needs of the community. The design is carefully considered to be consistent with the future character of the area, as demonstrated by compliance with the objectives of the MU1 zone.
- Significant amounts of landscaped and communal open spaces are provided to enhance the amenity for residents of the site.
- The development forms a consistent character with adjoining heritage buildings along Bay Street by use of contextual materials and design inclusive of a continuous stepped down awning. The development therefore forms part of a broader character area and is suitable in context of the heritage conservation area within which it is located.
- The Apartment Design Guidelines for Building Separation are unreasonable to comply with at the site due to the highly dense area and tight footprint. Specifically, to the northern neighbours at 1-3 Smail Street. Compliance with the Building Separation guidelines would make the proposal unfeasible, so considering this the new co-living scheme is built with recessed balconies screened by a brick breezeway offering robust privacy to and from the property across the street. To further mitigate the issue the glazed areas have been reduced to 2/3 of the room's overall width and the breezeway to full extent of the glazed areas. Therefore, the potential privacy impacts are mitigated to an acceptable level.
- The creation of an internal courtyard allows the residents to enjoy a high level of residential amenity whilst living in a dense, central location. The courtyard provides residents with access to high quality open space. As the courtyard is open to the weather and is designed with biophilic design principles natural light and air will be able to penetrate the units.

The resultant building form does not create any significant adverse impacts on the immediate surrounding area from the perspective of visual privacy. Therefore, there is sufficient environmental planning grounds to justify contravening the development standard.

12. Is there any other relevant information relating to justifying a variation of the development standard? (If required)

ADG as a guideline document

The ADG is not intended to be, and should not be applied as, a set of strict development standards.

Planning Circular PS 17-001 states that if it is not possible to satisfy the design criteria, the consent authority is to consider how, through good design, the objective can be achieved. Design guidance can be used to assist in this process. This has been demonstrated in the design response (detailed above) as the proposal minimises privacy impact and increases amenity by offsetting the rooms on each side of the internal courtyard, reduced the glazing width and adding fixed screens and a bricked breezeway element on the part of the northern elevation.

Public Benefit

The proposed development achieves the aims of the Apartment Design Guideline despite the non-compliance, and the contravention has been demonstrated to be appropriate and supportable in the circumstances of the case. There would be no public benefit in maintaining the development standard in this case.

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Item 6.**Report to the Local Planning Panel - Status of Applications**

File No: X019228

Summary

The purpose of this report is to inform the Local Planning Panel (LPP) of;

- (a) the current applications under assessment that are to be reported to the LPP for determination
- (b) appeals relating to LPP applications
- (c) applications that have been previously determined by the LPP and have been subject to modification applications

Recommendation

It is resolved that the subject report be received and noted.

Attachments

- Attachment A.** Applications to be Reported to the Local Planning Panel
- Attachment B.** Appeals Related to the Local Planning Panel
- Attachment C.** List of Modification Applications Lodged on Local Planning Approvals

Background

1. Attachment A shows there are currently 9 applications lodged with the City of Sydney that are to be considered and determined by the LPP. The application list is sorted by target meeting date.
2. Attachment B details Land and Environment Court appeals that relate to LPP decisions or applications that were to be determined by the LPP but are subject to a deemed refusal appeal. There are 5 current appeals; 4 are appeals related to applications determined by the LPP and one is a deemed refusal appeal made during assessment and prior to the application being reported to the LPP.
3. Attachment C lists modification applications, lodged in the third quarter of 2025/26, relating to LPP approvals.

NICOLA REEVE

Acting Executive Manager Planning and Development

James Farrar, Information and Systems Officer

Attachment A

**Applications to be Reported to the Local
Planning Panel**

Applications to be Reported to the Local Planning Panel

Application number	Address	Lodgement date	Description	Meeting target	Reason for LPP determination
D/2026/136	86-90 Bay Street ULTIMO NSW 2007	17/02/2026	Demolition of the existing 4 storey building and the construction of a new 8 storey building for a 137 unit co-living housing development including end of trip facilities, car parking, ground floor retail, internal courtyard, and communal spaces on the ground floor and rooftop terrace.	20/05/2026	Departure from development standards
D/2026/38	50-58 Sir John Young Crescent WOOLLOOMOOLOO NSW 2011	30/01/2026	Alterations to and use of the existing roof top as an outdoor communal space for the existing backpackers accommodation	20/05/2026	Contentious development
D/2026/64	51 Buckingham Street SURRY HILLS NSW 2010	03/02/2026	Demolition of WC block and construction of new WC block, extension of verandah, new cellar doors and changes to windows, doors and internal partition walls. The application is Integrated Development requiring the approval of Heritage NSW under the Heritage Act, 1977.	20/05/2026	Departure from development standard
D/2025/1198	16-22 Cooper Street SURRY HILLS NSW 2010	02/12/2025	Demolition of existing building, construction of an eight storey mixed-use building comprising ground floor retail tenancies, upper level apartments, basement car parking, and Stratum Subdivision.	10/06/2026	Sensitive Development SEPP (Housing) Ch 4
D/2026/262	41 Albion Street SURRY HILLS NSW 2010	27/03/2026	Incorporation of Existing Sex Services Premises into the Adjoining Premises	10/06/2026	Sensitive development. Restricted premises

Application number	Address	Lodgement date	Description	Meeting target	Reason for LPP determination
D/2026/208	14 Hickson Road DAWES POINT NSW 2000	23/03/2026	Construct a 4-storey mixed use development comprising a ground level office tenancy and 6 residential units above, excavation for 3 levels of basement parking, provision of a temporary and permanent substation, conservation works and stratum subdivision. The proposal is Integrated Development requiring approval under the Heritage Act, 1977.	01/07/2026	Sensitive Development SEPP (Housing) Ch 4
RD/2025/1053/A	4-6 York Street SYDNEY NSW 2000	29/04/2026	Section 8.2 review of determination regarding a hand painted advertising mural on the northern elevation of the existing building	01/07/2026	Review of LPP determination
D/2025/1026	107-109 Darlinghurst Road POTTS POINT NSW 2011	27/10/2025	Alterations/additions to mixed use development consisting of a backpackers' accommodation and some small retail tenancies at street level arcade	12/08/2026	Departure from development standards
D/2026/409	17 Randle Street SURRY HILLS NSW 2010	04/05/2026	Alterations and additions to change use to a new two storey dwelling at level 5 and 6 of the building.	12/08/2026	Departure from development standards

List is current as at 06/05/2026

Attachment B

Appeals Related to the Local Planning Panel

Appeals Related to the Local Planning Panel

New LPP appeals filed				
Application number	Address	Description	Appeal date	Status
D/2025/585	212-214 King Street , NEWTOWN NSW 2042	Alterations and additions for use as takeaway food and drink premises with associated signage. Proposed operation for 24 hours, 7 days a week.	14/04/2026 Appeal 181 days after LPP refusal	Listed for directions on 13 May 2026.

Ongoing appeals				
Application number	Address	Description	Appeal date	Status
D/2024/1218	153 Redfern Street , REDFERN NSW 2016	Alterations to the existing building for use as a take away food and drink premises with hours of operation of 24 hours, 7 days per week. The works include a new awning and signage.	13/11/2025 Appeal 183 days after LPP refusal	Section 34 conciliation conference adjourned to online court on 12 May 2026.
D/2025/646	770-772 George Street HAYMARKET NSW 2000	Substantial redevelopment of the site, including partial demolition of existing structures, excavation at 678 George Street to create an expanded basement level covering the entire site, and construction of a 13/14-storey mixed-use hotel and residential development with ground-floor food and beverage uses and rooftop amenities, including hotel rooftop bar. The proposal includes 83 hotel rooms, 30 residential apartments, two ground-floor food and drink premises, a shared loading dock, and waste, plant, end-of-trip facilities, and servicing areas within the basement.	13/11/2025 Appeal on day 100 of assessment	Listed for directions on 13 May 2026 to fix a hearing date.

Ongoing appeals				
D/2024/1237	89 Macleay Street POTTS POINT	Substantial demolition of existing contributory building and construction of a 6-storey mixed use development comprising retail and residential uses on the ground floor, with 5 levels of residential above and rooftop communal open space and pool.	20/06/2025 Appeal 30 days after LPP refusal	Listed for hearing on 25 and 26 June 2026.
D/2023/700	58-60 Selwyn Street PADDINGTON 62-64 Selwyn Street PADDINGTON	Alterations and additions to residential development, involving change of use of an existing boarding house to convert to four attached dwellings and associated subdivision of the site from two lots into four lots.	27/11/2023 Appeal 19 days after LPP refusal	s65a appeal filed against Commissioner's decision. Listed for hearing on 3-4 June 2026.

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Completed appeals				
Application number	Address	Description	Appeal date	Status
D/2025/114	310A Botany Road ALEXANDRIA	Partial demolition of an existing building and the construction of a new part 2 part 3 storey addition and use the premises as a licensed pub, with trafficable rooftop, new basement level and associated signage.	17/04/2025 Appeal on day 63 of assessment. Reported to LPP 30 April 2025 Refused.	Appeal upheld 17/04/2026

List current as at 12/05/2026

Attachment C

List of Modification Applications Lodged on Local Planning Panel Approvals
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List of Modification Applications lodged on Local Planning Panel Approvals

Application number	Address	Description	Lodgement date	Status	Decision date
D/2022/831/C	349 Liverpool Street DARLINGHURST NSW 2010	Section 4.56 modification of consent to modify conditions of consent for construction certificate staging	06/01/2026	Withdrawn	12/03/2026
D/2023/902/B	610 Crown Street SURRY HILLS NSW 2010	Section 4.55 (2) modification of consent to an approved commercial development. Proposed modifications comprise detailed design amendments and removal and replacement of the tree within the rear courtyard.	06/01/2026	Approved with Conditions	27/02/2026
D/2020/1397/B	262 Liverpool Street DARLINGHURST NSW 2010	S4.55(1A) modification of the approval to ensure consistency with the separate approval of D/2025/707 for the same site.	14/01/2026	Approved with Conditions	20/02/2026
D/2025/89/A	1 Onslow Place ELIZABETH BAY NSW 2011	Section 4.55(1A) application to modify the consent to allow all conditions to be called into the base development consent D/2022/456	15/01/2026	Approved with Conditions	02/02/2026
D/2024/947/B	171-173 Victoria Street POTTS POINT NSW 2011	Section 4.55(2) application to amend the extent of demolition and structural retention at the Piccadilly Hotel, amend the vertical circulation and internal layout, and amend the excavation to allow for boundary wall support, temporary works and Victoria St facade retention.	22/01/2026	Approved with Conditions	22/04/2026
D/2020/926/C	1 Toxteth Road GLEBE NSW 2037	Section 4.55(2) modification to include a new plunge pool on rear terrace.	28/01/2026	Approved with Conditions	19/02/2026
D/2021/729/A	7 Franklyn Street GLEBE NSW 2037	Section 4.55(2) modification for internal and external amendments to approved boarding house.	12/02/2026	Approved with Conditions	24/04/2026
D/2022/1005/A	50 Bridge Street SYDNEY NSW 2000	Section 4.55(2) application to renew extended trading hours of the general bar license premises "Martinez".	12/02/2026	Approved with Conditions	10/03/2026

D/2020/1409/O	634 Botany Road ALEXANDRIA NSW 2015	Section 4.55(1A) modification to amend 28 conditions of consent relating to the staging of occupation certificates (OC), and 1 condition related to the signage strategy	17/02/2026	Approved with Conditions	30/03/2026
D/2023/403/A	545-549 South Dowling Street SURRY HILLS NSW 2010	Section 4.55(2) modification of consent for a new residential flat building. Proposed changes are to remove 2 street trees, prune 4 street trees, and change the timing of the provision of an acoustic statement of coordination and a public domain lighting upgrade plan.	24/02/2026	Approved with Conditions	26/03/2026
D/2022/1251/D	95 Macleay Street POTTS POINT NSW 2011	Section 4.55(2) modification of existing consent including external and internal changes.	04/03/2026	Being Assessed	
D/2024/947/C	171-173 Victoria Street POTTS POINT NSW 2011	Section 4.55(1A) application to amend the alterations and additions to the dwellings at 90-98 Brougham Street, including revised demolition and excavation, adjustments to the internal layouts, minor changes to the facades, and revised landscaping.	19/03/2026	Being Assessed	
D/2023/727/G	21C Billyard Avenue ELIZABETH BAY NSW 2011	Section 4.55(2) modification of existing consent including changes to boundary walls, landscaping and addition of a bedroom and car space, and changes to conditions.	26/03/2026	Being Assessed	