



5<sup>th</sup> September 2013

Ms Heather Warton  
Director  
Industry, Social Projects and Key Sites  
Department of Planning and Infrastructure  
23-33 Bridge Street  
Sydney  
NSW 2000

Dear Ms Warton

#### **DA 52-03-05 MOD 3 RESPONSE TO SUBMISSIONS**

In May 2013 Doltone House, through its consultant Highgate Management, lodged a Section 96 Modification Application in respect of DA 52-03-05 with the Department of Planning & Infrastructure. There were two public briefings at the subject premises at Jones Bay Wharf, 26-32 Pirrama Road, Pyrmont, one prior to lodgment and one during the exhibition period.

There were over 80 submissions to the Department, some supporting the application but mostly objecting to all or components of the proposal.

From reading the submissions the main issues concerning objectors appear to be:

| <b>Condition</b>                     | <b>Subject</b>                                                                      | <b>Response by Doltone</b>                                                                                                                            |
|--------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| A2                                   | proposal to increase the capacity of patrons                                        | <b>Withdrawn</b> , the capacity remains 580 patrons                                                                                                   |
| B1 (and amendments to associated B6) | proposal to extend the opening hours                                                | <b>Withdrawn</b> (other than proposal to extend opening hours on New Years Day to 2am). The reflected alterations to B6 are therefore also withdrawn. |
| B7 & B8                              | proposal to allow for greater numbers of guests to enjoy the balcony to later times | <b>Withdrawn</b>                                                                                                                                      |
| B10                                  | proposal to alter condition in relation to fireworks                                | <b>Withdrawn</b>                                                                                                                                      |
| B11                                  | proposal to alter the security management                                           | <b>Remains.</b> Doltone designed this primarily to reduce the potential impact upon the nearby residents.                                             |
| B17 & B18                            | Delivery regime                                                                     | <b>Doltone has substantially reverted to</b>                                                                                                          |

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|  |  | <p><b>the wording of its existing consent.</b></p> <p>However, in view of the extent of deliveries to other businesses on the Wharf – businesses that are not fettered in terms of the hours they receive deliveries – Doltone seeks to extend its current delivery hours Monday – Thursday from 7:30am – 6pm to <b>6am – 11.30pm</b>, Friday and Saturday from 7.30am – 6pm to <b>6am – midnight</b>, and on Sundays and Public Holidays from 9am – 5pm to 9am – <b>8pm</b>. Apart from Sundays, the evening hours relate to the closing hours of the establishment. It should be noted that deliveries in the evening periods are most likely to be unscheduled deliveries such as the odd wedding cake, something for a presentation/conference the following day. Foodstuffs will continue to be delivered early in the morning or before 6pm. The wording of B18 now hopefully gives no room for doubt that deliveries cannot take place from the public domain.</p> |
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In drawing up its response Doltone has had regard to Council's submission, amongst others. Council opposed the proposals to increase the capacity of patrons and extend the opening hours. However, whilst expressing the odd concern or seeking clarification on other matters, Council did not overtly object to the remaining proposals. In most occasions Doltone agrees to revised wording suggested by Council. Indeed Council were generally happy with the proposal of B7 (which Doltone has now withdrawn in the light of community objections), B10 (which Doltone has also withdrawn) and commented that there was potential for an extension to the hours in B17.

In relation to Council's opposition to the increased patron numbers and extension to the opening hours, Doltone begs to differ. Nevertheless it is prepared to remove certain emotive proposals if it can safeguard certain improvements that it believes will improve business efficiency/improve amenity for residents.

Attached is set out a more detailed response in regard to the six issues/conditions which appeared to cause most concern from objectors and, specifically, a response to the points made in Council's submission. Also attached is a version of the current consent with proposed alterations in bold.

Doltone notes that NSW Police did not object to its Section 96 application.

Yours Sincerely



Garry Silk  
Director  
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