



6 November 2017

Ingrid Berzins

NSW Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Dear Ingrid

**SSD 7014 MODIFICATION 3 – RESPONSE TO SUBMISSIONS
161 SUSSEX STREET, SYDNEY**

GL InvestmentCo has reviewed and considered the comments in the various submissions received on the Department of Planning and Environment website regarding the above proposal and has prepared this Response to Submissions (RTS).

AGENCY SUBMISSIONS

Four submissions have been received to date from government agencies following the public exhibition period. Specifically responses were received from:

Roads and Maritime Services (RMS)

Similarly RMS has no objection "...provided all buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property boundaries and do not compromise the integrity of the Western Distributor." We confirm that continuation of the current approved trading hours, the subject of the modification request, will have no impact on RMS assets in the area.

Transport for NSW

Transport for NSW has no objection to the proposal.

City of Sydney Council

While City of Sydney has raised no objection to the application they have queried whether the continuation of current trading hours is a renewal of the trial period or a permanent approval. Condition A6 uses the term "initial 12 month period" which is subject to a modification approval to enable it to continue. In no way does this wording suggest that the trial is a permanent condition of operation. The hotel operates responsibly and in accordance with its development approval and liquor license conditions. We do not consider an ongoing requirement to regularly seek a modification to operate under our current approved trading hours to be fair and reasonable nor consistent with the intent of the development approval condition.

Liquor and Gaming NSW

Liquor and Gaming NSW has no comment on the proposal. We confirm that a liquor license extension application for the rooftop bar was made in 2016 with approval granted as at 30 November 2016. The approval provides for 24 hour trading to the level 12 rooftop bar. The current license is attached for your records.

GENERAL PUBLIC SUBMISSIONS

Three submissions were received from residents of the surrounding area.

- Letter from Bright and Duggan strata managers on behalf of the owners corporation of SP69136 at 361 Kent Street
- Letter from Arndria Seymour, owner of unit 157, 361 Kent Street
- Anonymous submission with no name or address provided

All three submissions object to the application on the grounds that noise from the venue is currently at unacceptable levels and in the case of the two letters, preventing owners from opening balcony doors or being able to listen to their own TV's and music. Wording in the two letters is generally identical. The anonymous letter is not specific regarding noise impacts but states that extending trading hours to 24/7 will result in unacceptable noise and unsociable behavior.

The diagram below, included in the acoustic assessment report submitted with the project development application, identifies in green the adjacent residential buildings. From the submissions received it would appear that of the five residential buildings included in the green zones the only submissions received were from 361 Kent Street.



Extract from Appendix I – Executive Lounge and Bar Acoustic Assessment for Development Application

Each of the three submissions notes that extending trading hours to 24/7 will create additional noise impacts suggesting that the submission authors do not appreciate that the venue has been trading 24/7 since it opened in late 2016. This is particularly relevant as it demonstrates that the authors are not aware of the bar operating hours as suggested in their advice to the Department

In response to the concerns raised we confirm that, as outlined in our modification application, the comprehensive complaints management process required by condition F10, has been in operation since bar operations commenced and there have been no submissions to date.



We trust that the information detailed in this letter is sufficient to enable the Department to finalise the assessment of SSD 7014 Modification 3. Should you have any queries in relation to this response, please do not hesitate to contact me on 0223 0350 or at jenny@mandlinvestments.com.sg

Sincerely

A handwritten signature in blue ink that reads 'Jenny Watt'.

Jenny Watt
Development Manager

att. Submissions

Independent Liquor and Gaming Authority
Liquor License details as at 30 November 2016
Four Points by Sheraton, Sydney



19 October 2017

RMS Ref: SYD15/00522/02 (A119416281)
Council Ref: SSD 7014 MOD 3

Ingrid Berzins
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

MODIFICATION FOUR POINTS SHERATON HOTEL
161 SUSSEX STREET, SYDNEY

Dear Sir/Madam,

Reference is made to your email dated 10 October 2017 with regard to the abovementioned development proposal, which was referred to Roads and Maritime Services (Roads and Maritime) for comment.

Roads and Maritime has reviewed the submitted application and raises no objection to the subject modification application for Four Points Sheraton Hotel at 161 Sussex Street, Sydney provided all buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property boundaries and do not compromise the integrity of the Western Distributor.

Any inquiries can be directed to Jana Jegathesan by telephone on 8849 2313 or by email at development.sydney@rms.nsw.gov.au

Yours sincerely

A handwritten signature in blue ink, appearing to read 'RNL'.

Rachel Nicholson
A/Senior Land Use Planner
Network Sydney CBD & East Precinct



**Transport
for NSW**

Ms Ingrid Berzins
Student Planner
Modification Assessments
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Dear Ms Berzins

**Notification of Modification Request - Four Points by Sheraton Hotel - Executive Lounge
and Public Bar (SSD 7014 MOD 3)**

Thank you for your letter requesting Transport for NSW (TfNSW) review and comment on the above.

TfNSW has reviewed the submitted information and has no further comment on the development application.

If you require further clarification regarding this matter, please don't hesitate to contact Para Sangar, Senior Transport Planner on 8202 2672.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Mark Ozinga'.

24/10/17

Mark Ozinga
**Principal Manager, Land Use Planning and Development
Freight, Strategy and Planning**

Objective Reference CD17/11387

From: Michael Soo [<mailto:MSoo@cityofsydney.nsw.gov.au>]

Sent: Tuesday, 17 October 2017 4:52 PM

To: Ingrid Berzins <Ingrid.Berzins@planning.nsw.gov.au>

Cc: Natasha Harras <Natasha.Harras@planning.nsw.gov.au>

Subject: RE: Notification of Four Points by Sheraton Hotel SSD 7014 MOD 3

Dear Ingrid,

Having reviewed the proposal, the following comments are provided for the Departments consideration:

- It is assumed that you are separately seeking comments from the NSW Police and the Office of Liquor, Gaming and Racing (OLGR) regarding the performance of the venue during the first trial period.
- It is unclear whether the continuation of 24 hour, 7 days a week trading is proposed on a permanent basis, or on a renewed trial basis. Subject to any public submissions and any Police and/or OLGR comments regarding any history of substantiated complaints and/or non-compliances, should the Department be minded to approve the continuation of late night trading, it is recommended that the extended hours continue to be the subject of a trial period (maybe 2 years). This will enable continual monitoring of the venue and encourage an ongoing commitment to good management by the venue operator. This is consistent with the provisions within Part 3.15 of Sydney DCP 2012.

Regards,

Michael



23 October 2017

The City of Sydney Council
Director, Modifications Assessments
Planning Services – Modification Assessments
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Re: Application no. SSD7014 MOD 3 Four Points Hotel Darling Harbour – Executive Lounge and Public Bar.

As the strata managers of SP69136, 361 Kent St Sydney ("Trafalgar"), we write to you on behalf of the owners corporation who would like to formally express their objection to the above mentioned modification application.

Residents of a west facing apartment in the Trafalgar Building have reported to us that they are having issues with the current level of noise that is already coming off this roof top bar on Friday and Saturday evening, which already goes on until midnight. They have also advised that they can't leave their balcony doors open when they are at home due to the noise and cannot hear their TV or listen to their own music because of the noise emanating from the roof top bar. This is disturbing residents peaceful enjoyment of living in their property. If this is now going to open 24/7, residents will never be able to sit and relax on their balconies in the upcoming warmer months, let alone go to bed and have a quiet nights sleep and leave a window or balcony door open.

The Darling Harbour/Cockle Bay area has always been a family friendly part of the neighbourhood. Encouraging more people to drink and party 24/7 is not responsible in our opinion. It also leaves us open to the issues other buildings are facing that are in close proximity to the Ivy Hotel. We are already experiencing people making a racket when they walk up King Street in the early hours of the morning, not to mention our building's cleaners are constantly cleaning up after intoxicated people who have vomited in front of our building or in our driveway.

We request the council to consider our objection and not approve this modification.

Kind regards



Danny Kabbara
Senior Strata Manager

Arndria Seymour
157/361 Kent Street
Sydney NSW 2000

23 October 2017

The City of Sydney Council
Director, Modifications Assessments
Planning Services – Modification Assessments
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Re: Application No SSD7014 MOD 3 Four Points Hotel Darling Harbour – Executive Lounge and Public Bar

Dear Sir/Madam

I would like to formally express my objection to the abovementioned modification application.

As one of the owners of a west facing sub penthouse apartments in the Trafalgar Building I have an issue with current level of noise that is already coming off this roof top bar on Friday and Saturday evening, which already goes on until midnight. I can't leave my balcony doors open when I am at home as I can't hear my TV or listen to my own music. If this now going to open 24/7 I will never be able to sit and relax on my own balconies in the upcoming warmer months, let alone go to bed before midnight.

The Darling Harbour/Cockle Bay area has always been a family friendly part of our neighbourhood. Encouraging more people to drink and party 24/7 is not responsible in my opinion. It also leaves us open to the issues other buildings are facing that are in close proximity to the Ivy Hotel. We are already experiencing people making a racket when they walk up King Street in the early hours of the morning, not to mention our building's cleaners are constantly cleaning up after intoxicated people have vomited in front of our building or in our driveway.

I request the council to consider my objection and not approve this this modification.

Best regards



Arndria Seymour
arndria@amicii.com.au
Mobile: 0418 160 873

(Name withheld) , of Sydney NSW, made the following submission on the project:

[SSD 7014 MOD 3 - Four Points Hotel Bar/Lounge](#)

Objects to this project

I am against the proposal to allow 24 hour trading 7 days a week at the Four Points Sheraton Hotel in Sussex St. There are many residential apartments in the vicinity and I believe that allowing a 24/7 operation for the service of alcohol and playing music will lead to increased noise and also unsociable behaviour . The residents in my apartment block (and I assume our neighbouring blocks) have already had to suffer with the increased music noise from this venue from when it opened nearly 12 months ago. To allow this to go on 24/7 will make living in this part of town intolerable. If the application is to proceed, then consideration should be given to stopping the music from midnight on a 7 day basis.