



30 August 2017

Anthony Witherdin
Director of Modification Assessments
Department of Planning and Environment
GPO Box 39
Sydney NSW 20012

Dear Sir

RE: SSD 7014 - MODIFICATION TO MAINTAIN APPROVED OPERATING HOURS

This application is submitted to the Department of Planning and Environment ('the Department') in support of a Section 96(1A) to modify State Significant Development consent SSD 7014 relating to the Four Points Hotel by Sheraton at Darling Harbour (more recently the Hyatt Regency). Specifically it seeks to retain the approved 24/7 operating hours for the rooftop bar beyond the initial 12 months period as stipulated in Condition of Consent A6 – Hours of Operation – Level 12 Rooftop Bar.

The original consent involved the construction of a new executive lounge and public bar over two levels on the existing rooftop of the north tower of the Four Points by Sheraton Hotel, and for that area to operate 24 hours a day, 7 days a week. SSD 7014 is one of a number of active consents relating to the site. We note that the hotel is now operating as the Hyatt Regency operated by Hyatt since 1 December 2016.

The rooftop bar occupation certificate was issued on 21 December 2016 and the bar has been operational since that time. Accordingly we require approval of this modification to enable the bar operation to continue beyond midnight. We confirm that the bar has been operating in accordance with the approved Plan of Management and the hotel's LLGA conditions. The attached letter confirms that there have been no complaints in relation to noise or disturbance during the bar's operation.

The Hyatt Regency hotel is located at 161 Sussex Street, Sydney on the western edge of the Sydney CBD, overlooking Darling Harbour. The site has an area of 11,223m² and fronts Sussex Street.

The site is legally described as Lots 101 and 102 in DP 1009697 and sits within the boundary of lands controlled by the Sydney Harbour Foreshore Authority (SHFA).

There are a number of items adjoining and within the site listed on the State Heritage Register in accordance with the Heritage Act 1977, including:

- The Corn Exchange Building;
- The Dundee Arms Hotel Building;
- Central Warehouses at 139-151 Sussex Street; and
- Commercial Building at 121-127 Sussex Street.

Consent for SSD_7014 was granted under delegation from the Minister for Planning on the 26th of February 2015 for the construction of a new executive lounge and public bar over two levels on the existing rooftop of the north tower of the Four Points by Sheraton Hotel, and for that area to operate 24 hours a day, 7 days a week.



This application included:

- 452m2 GFA for an executive lounge at Level 11;
- 475m2 GFA for a public bar at Level 12;
- Associated amenities including bar store and kitchen; and
- A plant room.

Condition 6 of the approval requires submission of a modification by the applicant to enable the approved 24/7 operation of the bar to extend beyond the first 12 months of operation, that date being 21 December 2017. Accordingly we are seeking the required modification to the consent to enable the bar to continue operation consistent with the current development approval and LLGA approved hours of operation.

We note that management procedures stipulated in the approved Plan of Management and the extended Liquor License conditions of consent have been an integral part of the bars operation since opening. In particular we note the following requirements extracted from the Plan of Management (approved in satisfaction of condition E12) in relation to complaints management:

COMPLAINTS MANAGEMENT

Complaints management in accordance with condition F10 of the consent will be managed utilising the following:

- *A publicly advertised direct telephone number, to be answered by the on site manager during operating hours, will be made available for the executive bar and lounge*
- *A publicised postal address will be made available for receipt of mailed complaints*
- *An dedicated email address will be made available for receipt and registration of electronic complaints*

Wherever possible, appropriate remedial action will be implemented immediately and the licensee or duty manager is to contact the complainant within 24 hours to confirm details of action taken.

A Complaints Register will be established to record all details of all complaints received through the means listed above. The register will be kept up to date recording as a minimum the following:

- *The date and time, where relevant, of the complaint*
- *The means by which the complaint was made (telephone, mail or email)*
- *Any personal details of the complainant provided*
- *The nature of the complaint*
- *Any actions taken by the hotel operator in relation to the complaint, including and follow-up contact; and*
- *If no action was taken by the hotel operator in relation to the complaint, the reason(s) why no action was taken.*

The Complaints Register will be made readily available for inspection by the Department, Council, NSW Police, SHFA and OLGR at all times.

To assist in your determination of this application we attach the following documentation:

- Completed application form
- Land owner's consent
- Plan of Management (reference condition E12 approved by P&E 28/11/16)
- Letter from Hyatt Regency confirming there have been no complaints in relation to noise or



disturbance since commencing operation in the bar.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request. Should you have any queries about this matter, please do not hesitate to contact me on 9223 0350 or jenny@mandlinvestments.com.sg

Sincerely

A handwritten signature in black ink, appearing to read 'Jenny Watt', with a stylized flourish at the end.

Jenny Watt
Development Manager
For GL InvestmentCo