

18 April 2011

Ms Anna Patton
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Dear Anna,

Section 75W Modification to MP 09_0044 – Minor Design Changes to Façade and Terrace

Park Hyatt Hotel, The Rocks

1 Introduction

This letter accompanies a request to modify Major Project No. 09_0044 pursuant to Section 75W of the Environmental Planning and Assessment Act, 1979 (the Act). The proposed modification relates to minor changes to the approved façade and minor changes to the pool terrace level.

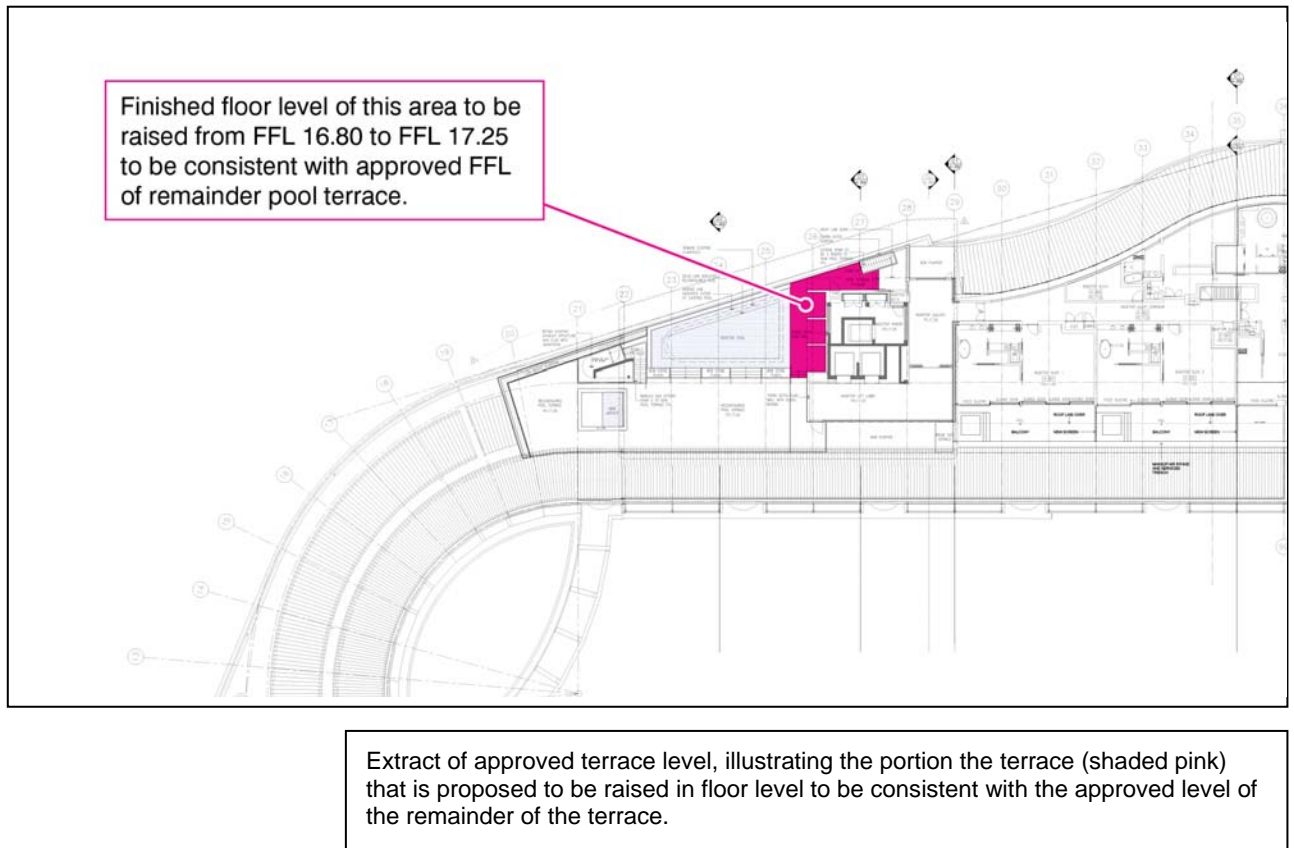
This letter provides:

- A brief background to the existing development
- A summary of the existing development and site context
- Details of the proposed modification
- An Environmental Assessment and justification for the proposed modifications.

The application is accompanied by updated architectural drawings of the design changes by HASSELL (**Appendix A**) and the revised landscape drawings (**Appendix B**).

In summary, the proposed modification includes:

- Change to pool terrace design by reducing the extent of the pool terrace by some 1.2m to 2.5m at its western end level. This results in a reconfiguration of the layout of the western end of the pool terrace including relocation of the Jacuzzi and deletion of Stair 5.
- The raising of the finished floor level of the pool terrace level in the north-eastern area, east of the pool by 0.45m (from FFL 16.80 to FFL 17.25) to provide a consistent floor level to the approved FFL level of 17.25 over the majority of the pool terrace level, as illustrated in the diagram below.



- Minor landscape design amendments that reflect the alteration to the reduced pool terrace area; the conversion of a planter area in the north eastern corner of the pool terrace to a timber platform for roof maintenance purposes; and the removal of strip landscaping adjacent to the day spa.
- Provision of fixed window to the existing balcony apertures of rooms on the northern elevation and deletion of balcony railings.
- Change from 4 panel glazed door system to 2 panel glazed door system of the square balconies as shown on the southern, northern and western elevations.
- Reduction of terracotta screening on the Northern Elevation, which will increase the visibility of the glazing elements behind.

2 Background

On 3rd March 2011, Major Project (MP 09_0044) for alterations and additions to, and the refurbishment of the existing hotel was approved. The development approved under MP00_0044 is summarised as follows:

“Refurbishment to Park Hyatt Hotel including:

- *New roof top level, including executive suites;*
- *Reconfiguration of roof top pool terrace area*
- *New stair access to promenade*
- *Internal and external works, including reconfiguration of internal layout and porte cochere and room refurbishment;*
- *Signage.”*

A Section 75W application to modify the approved construction hours, Condition D1 was lodged on the 24 March 2011 with the Department of Planning. The modification seeks to extend the approved construction hours to permit “quiet”, internal construction works beyond the approved construction hours.

3 The Site and Context

3.1 REGIONAL CONTEXT

The site is situated within the City of Sydney LGA and is located within the historic ‘Rocks’ precinct of Sydney Cove. The ‘Rocks’ has international tourism recognition and is a major tourism draw card for Sydney in both the international and domestic tourism markets.

The Park Hyatt Sydney is recognised as Sydney’s leading hotel on the basis of the standard of facilities the hotel offers, the unrivalled waterfront location and the unsurpassed views of Sydney Harbour.

Importantly, the Park Hyatt Sydney not only has regional significance within the Sydney context, but is viewed as an important asset in ensuring that Sydney as a whole retains its status as a major destination and gateway into Australia. The Hotel plays a major role in providing world class accommodation and facilities that enhance the image of Sydney, NSW and Australia as a whole.

3.2 LOCAL CONTEXT AND SURROUNDING PROPERTIES

The site is relatively isolated from adjacent developments, being bound by Hickson Road and the Sydney Harbour Bridge to the west and Dawes Point Park to the north. The site directly abuts the waterfront promenade that extends along the western edge of Sydney Cove, providing pedestrian access from Dawes Point to Circular Quay. Please refer to Local Context Plan at Figure 1.

FIGURE 1 – LOCAL CONTEXT PLAN



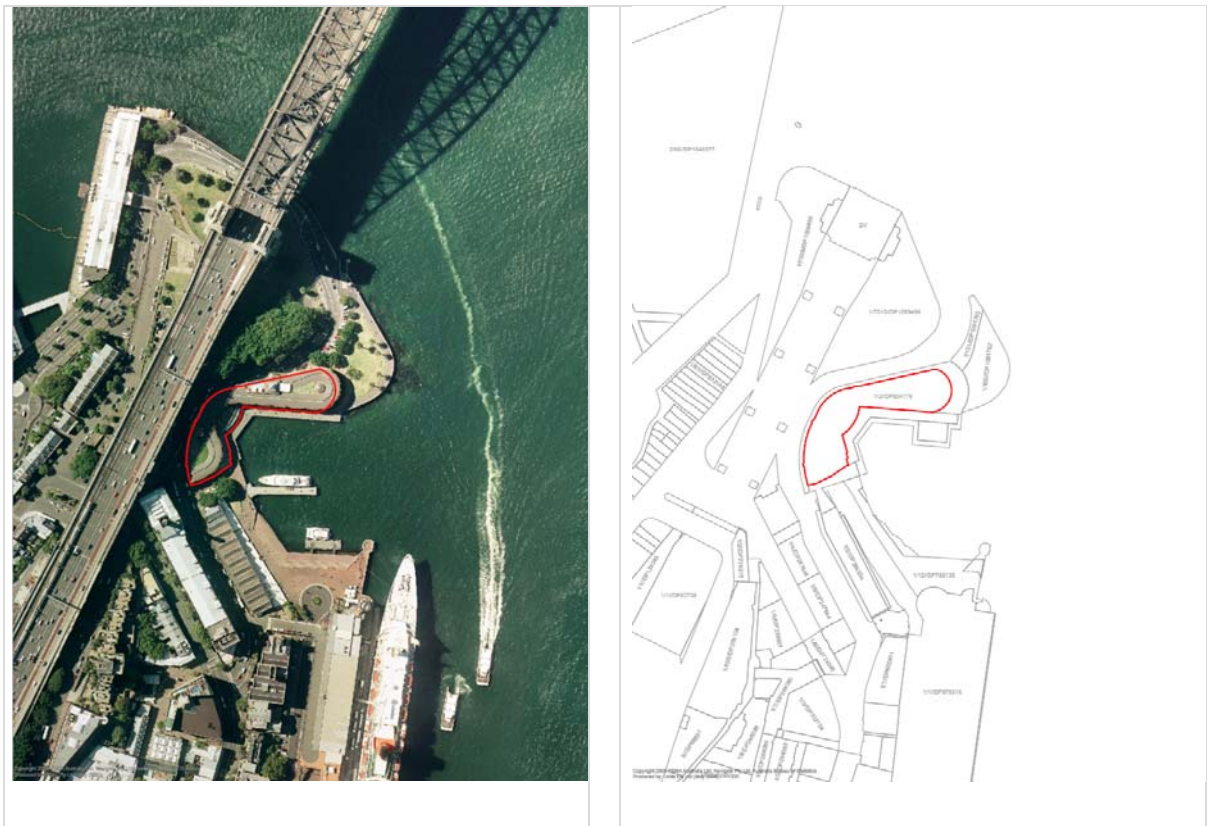
The principal features of the local context include:

- To the north is Dawes Point Park, a small recreational open space area that forms the focal space below the southern portion of the Sydney Harbour Bridge.
- To the east a public promenade abuts Sydney Harbour, providing connections between Dawes Point Park and Circular Quay.
- To the south of the site is Campbell's Storehouse. The ground floor of the building is used for the purpose of restaurants fronting the promenade. The building has significant heritage value and is a heritage listed item.
- The western boundary of Hickson Road is formed by a high concrete wall associated with the Bradfield Highway and the Sydney Harbour Bridge.

3.3 SUBJECT SITE

The Park Hyatt Sydney is located at 7 Hickson Road, The Rocks, as illustrated in the aerial photo and locality plan at Figure 2. The subject site is legally described as Lot 2 in DP 804776. It is an irregular shaped allotment with a frontage to Hickson Road of 174 metres and a total site area of 4,592 square metres. The curvilinear configuration of the site has dictated the serpentine building footprint of the existing hotel which follows the northern curvature of Campbells Cove.

FIGURE 2 – AERIAL PHOTO AND LOCALITY PLAN



The development of the site was the result of a competition for architectural design and for land tenure in 1986, and culminated in a 4 storey international hotel with 158 rooms (Figure 3). The hotel includes restaurants, bars, recreational facilities, parking and service facilities.

The site is owned by the Sydney Harbour Foreshore Authority (SHFA) with a 99 year leasehold in operation.

FIGURE 3 – SITE CONTEXT PHOTOS



PICTURE 1 – VIEW OF SITE FROM EAST CIRCULAR QUAY



PICTURE 2 – VIEW OF SITE FROM CIRCULAR QUAY ON SYDNEY HARBOUR



PICTURE 3 – VIEW OF SITE FROM THE SOUTH ALONG PUBLIC PROMENADE



PICTURE 4 – VIEW OF SITE FROM THE NORTH ALONG HICKSON ROAD

FIGURE 4 – SITE ANALYSIS PLAN



4 Proposed Modifications

The purpose of the proposed modifications to the pool terrace design is to enable:

- A consistent floor level to the pool terrace to improve accessibility;
- To rationalise the pool terrace design at the western end as a result of the reduction in area;
- Maintenance access to the roof top.

The purpose of the proposed façade changes is to:

- Improve the amenity of guest rooms by providing enclosed balconies to 18 rooms on the north elevation;
- Reinforce the inside/outside concept of guestrooms with box balconies and allows guests more flexibility of use for balconies and access to surrounding views by incorporating a 2 panel door system.
- Enhance views from the Northern rooms by reducing the extent of terracotta screening, whilst maintaining adequate privacy from Dawes Point Park by retention of remainder screening.

To facilitate the proposed design changes, the Project Approval will require:

- Amendment to *Condition A2. Development in Accordance with Plans and Documents* to reflect the revised plans and reference to the additional specialist reports associated with this Section 75W application.

4.1 AMENDMENT TO CONDITION A2 DEVELOPMENT IN ACCORDANCE WITH PLANS AND DOCUMENTS

The wording of Condition A2 will require reference to the modified plans; this letter and the accompanying reports. As such it is proposed to replace current text with the following (changes to text are bold for ease of reference):

The development shall be in accordance with the following plans, documentation and recommendations made therein:

A. Environmental Assessment Report and Appendices A to W prepared by Urbis Pty Ltd on behalf of Daisho Developments Sydney, dated September 2010.

B. Preferred Project Report and Appendices A to H prepared by Urbis Pty Ltd, dated December 2010.

C. Statement of Commitments prepared by Urbis Pty Ltd on behalf of Daisho Developments Sydney, contained within Section 5 of the Preferred Project Report, dated December 2010 and contained in

Schedule 3.

D. Section 75W letter prepared by Urbis Pty Ltd on behalf of Daisho Developments Sydney, dated 14 April 2011 and Appendices A to B.

E. Architectural Drawings prepared by Hassell

<i>Drawing No.</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
A-100	C	Site Plan	14/12/10
A-200	B	Ground floor Existing/Demolition	14/12/10
A-201	B	Level 1 Existing/Demolition	14/12/10
A-202	B	Level 2 Existing/Demolition	14/12/10
A-203	B	Level 3 Existing/Demolition	14/12/10
A-204	B	Roof Existing/Demolition	14/12/10
A-205	C	Ground level proposed works Sheet 1 of 2	14/12/10
A-206	C	Ground level proposed works Sheet 2 of 2	14/12/10
A-207	C	Level 1 proposed works Sheet 1 of 2	14/12/10
A-208	C	Level 1 proposed works Sheet 2 of 2	14/12/10
A-209	D	Level 2 proposed works Sheet 1 of 2	14/12/10
A-210	D	Level 2 proposed works Sheet 2 of 2	14/12/10
A-211	D	Level 3 proposed works Sheet 1 of 2	14/12/10
A-212	D	Level 3 proposed works Sheet 2 of 2	14/12/10
A-213	F	Proposed rooftop works Sheet 1 of 2	08/04/11
A-214	F	Proposed rooftop works Sheet 2 of 2	08/04/11
A-215	F	Proposed roof plan sheet 1 of 2	08/04/11
A-216	E	Proposed roof plan sheet 2 of 2	08/03/11
A-217	B	Basement level proposed works sheet 1 of 2	14/12/10
A-300	F	Elevations South & North	08/04/11
A-301	F	Elevations East & West	08/04/11

A-302	C	Section at Grid 15 and 24	14/12/10
A-305	B	Section at Grid 29	14/12/10
A-306	B	Section at Grid 35	14/12/10
A-307	C	Section at Grid C	14/12/10
A-308	E	Detailed elevational sections	08/04/11
A-309	C	Detailed elevational studies 2	14/12/10

Except for:

- (1) any modifications which are 'Exempt and Complying Development' or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; or
- (2) otherwise provided by the conditions of this approval.

5 Statutory Context

5.1 PART 3A OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT

Part 3A of the EP&A Act relates to projects that are identified in a State Environmental Planning Policy (SEPP) or are considered by the Minister to have State or Regional Significance.

On 9 March 2009, the Director General, as delegate to the Minister for Planning declared the proposal to be Major Project under the terms of SEPP (Major Projects) 2005. The Minister approved Major Project application (MP 09_0044) on 3rd of March 2011.

5.2 SECTION 75W MODIFICATION OF PROJECT APPROVAL

Section 75W of the Environmental Planning and Assessment Act 1979 allows the proponent to request the Minister to modify approval for a project.

Section 75W also provides for the Director-General to notify the proponent of specific environmental assessment requirements with which the application must comply. For the purposes of assessing this 75W application we have considered the relevant issues raised in the Director General's Environmental Assessment Requirements (DGRs) dated 4 June 2010.

6 Environmental Assessment

The following environmental assessment addresses the relevant matters raised in the DGRs for the project application.

6.1 STATUTORY COMPLIANCE

The proposed modification to the construction hours do not result in any changes to the proposals compliance with the:

- State Environmental Planning Policy (Major Development) 2005;
- Sydney Cove Redevelopment Authority Scheme;
- Sydney Cove Savings and Transitional Regulations;
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- State Environmental Planning Policy No.55 – Remediation of Land; and
- State Environmental Planning Policy No.64 – Advertising and Signage

In particular, the proposed modification relative to the above statutory instruments and the relevant provisions are as follows:

- The changes to the pool terrace level will be within the recently approved Building Site Control Drawing XXV-B(4), dated 3 March 2011 and therefore the proposed modification complies with the Sydney Cove Redevelopment Authority Scheme.
- The proposed design changes do not materially alter the approved external façade design. The installation of glazing to the existing balcony apertures and the removal of handrail associated with 18 guestrooms on the north elevation will not significantly change the appearance of the approved works. Similarly, the proposed 2 panel glazing elements are minor built elements in the context of the existing hotel and as such, the proposed façade changes will not impact on the visual and scenic qualities of Sydney Harbour and will meet the visual and scenic amenity provisions of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.
- The inclusion of a glazing within the approved terracotta screening along the northern elevation of the penthouse level will reflect the linear architectural styling of the building and provide added visual interest to the approved addition.
- The proposed design changes will not affect the heritage value of the Sydney Opera House due to the minor nature of the design changes. Similarly, there will be no impact to the heritage values of nearby heritage items and the Millers Point and Dawes Point Village Precinct.
- The portion of the terrace that is proposed to be increased in floor level to match the approved finished floor level of the terrace is related to a minor section of the approved terrace. The extent of the proposed modification will not extend beyond the approved building envelope of the SCRA scheme and will not affect the findings of the view impact assessments related to the approved scheme.

- The reduction in the extent of the pool terrace by some 1.2m to 2.5m at its western end level will result in a minor reduction to the approved building envelope at the western end.

6.2 SYDNEY HARBOUR FORESHORES AND WATERWAYS AREA DEVELOPMENT CONTROL PLAN 2005

The consent authority is to have regard to the Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005. The proposed design changes will not affect the previous assessment of the proposal relative to the built form guidelines of the DCP. The proposed façade changes will not impact on the visual and scenic qualities of Sydney Harbour. The proposed changes to the roof terrace will be within the approved SCRA building envelope and therefore will not have any additional visual impact to Sydney Harbour.

6.3 DEVELOPMENT CONSENT DA 122-05-2005

The assessment provided in the Major Project approval which presented the changes scheme relative to development consent DA 122-05-2005 will not be altered due to the minor extent of changes proposed in the modification.

6.4 URBAN DESIGN AND BUILT FORM

The architectural merit of the exterior masonry façade will not be affected by the proposed design changes. The implementation of glazing elements to the northern elevation and proposed 2 panel glazed door system represent minor changes and will be appropriate in terms of urban design and built form.

Although the proposal includes glazing to some existing balcony apertures, overall the building will retain building openings and balcony forms acknowledging the artistic value of the original external design and maintaining the strong horizontal masonry form of the building.

In particular, HASSELL has provided an architectural statement in relation to the proposed amendments as follows:

“The proposed changes from approved design include:

- *Reduction of Pool Terrace extent, reduction and relocation of Jacuzzi*
- *Increased extent of Planters on western and southern terrace edge*
- *4 Panel glazed door system of Box Balconies to 2 Panels*
- *Demolition of North facing Parkview rooms balustrades/balconies, installation of new window in existing aperture.*

The scope of these changes can be considered negligible in terms of view impacts, size and bulk. There will be no changes to previously approved materials and increased extent of planters will provide both visual relief from rooftop terrace activities and amenity for hotel guests. Proposed changes to Box Balcony window doors is a simplification of the approved 4 panel system to a 2 panel system which will provide additional amenity to hotel guests. Proposed windows for North facing Parkview rooms will be installed in existing apertures and provide additional amenity to hotel guests.”

Revised landscape plans illustrate:

- Landscaping that reflects the revised western end of the pool terrace, which includes a wider landscape edge to the west and an additional landscape area along the southern edge of the pool terrace;
- The removal of the landscape planter previously proposed at the north-eastern corner of the pool terrace; and
- Removal of the Level 2 spa room planter behind the proposed screen along the northern edge due to the inability to achieve sufficient soil depth to sustain growth.

The revised landscape scheme will appropriately complement the rooftop addition and the Sydney Harbour landscape.

6.5 VISUAL AND VIEW IMPACTS

The reduction in the extent of the pool terrace by some 1.2m to 2.5m at its western end will result in a minor reduction to the extent of building envelope at the western end and will have no adverse impacts to view loss to Sydney Harbour and the Sydney Opera House from Lower Fort Street terraces and the public domain, including Dawes Point Park. This design change will result in a minor increase in views beyond the Park Hyatt due to the “shortening” of the pool terrace.

The proposed change in finished floor level to the northern area of the pool terrace will not impact on the approved building envelope. The proposed finished floor level of the subject terrace area is to be the same as the approved finished floor level, RL 17.25 of the remainder of the approved terrace area. In this regard, there will be no associated view or visual impacts as a result of the proposed modification.

6.6 HERITAGE

The architectural merit of the exterior masonry façade is retained as the proposed works will not entail reducing the extent of masonry proportions of the building and on this basis, the proposed works will not impact on the heritage significance of the conservation area and nearby heritage items. In this regard the proposed alterations and additions and the proposed modifications are designed to ensure it is complementary to the Rocks and neighbouring heritage buildings.

7 Summary and Conclusion

The proposed modification is considered to be acceptable as the proposed design changes are minimal elements to the overall approved scheme and are therefore able to be determined under the Section 75W provisions of the EP& A Act.

- The proposed glazing and changes to glazing design will not materially affect the overall visual appearance of the approved scheme; and
- The proposed alteration to the pool terrace level will not be associated with any view impacts relative to the approved scheme. The reduced extent of the western end of the terrace will reduce the building envelope of the terrace at its western end and contribute towards a minor increase in views beyond the Park Hyatt from the approved scheme.

The scheme will therefore continue to provide an optimum balance between providing upgraded and improved hotel accommodation to reaffirm Park Hyatt Sydney as a hotel of international standing, as well as respecting the site's setting within a historic and highly visible harbour setting. Based on the above, we recommend the approval of the requested modifications.

Yours sincerely,



Audrey Chee
Senior Consultant