



***Minor design changes to façade and
roof terrace***

Park Hyatt, The Rocks

***Proposed by: Daisho Developments
Sydney c/o Urbis Pty Ltd***



Modification MP 09_0044 MOD 2

Modification of Minister's Approval under section
75W of the *Environmental Planning and
Assessment Act 1979*

November 2011

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1. BACKGROUND

The Park Hyatt Hotel is located at 7 Hickson Road, The Rocks (Lot 2 - DP 804776) within the City of Sydney LGA. The site has an irregular shape, with frontage to Hickson Road of 174 metres. The site and its surrounds are shown in **Figure 1**.

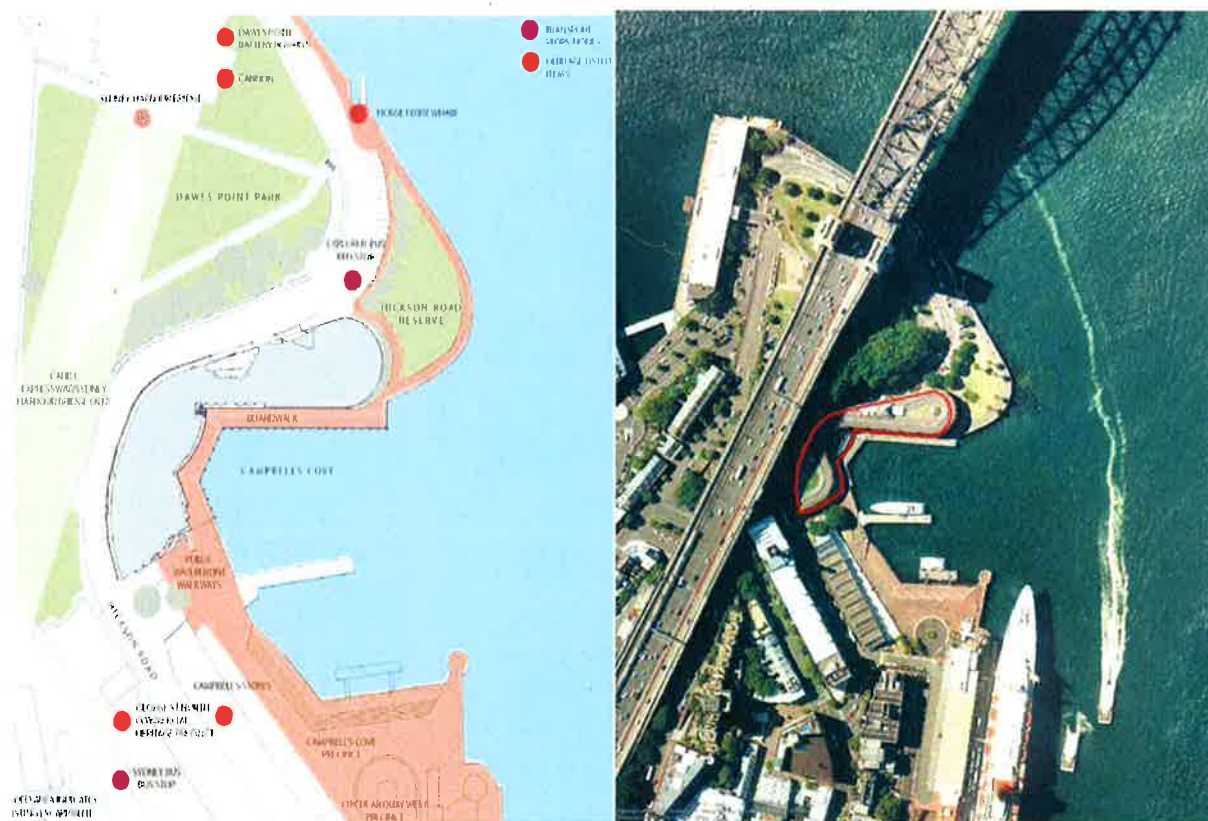


Figure 1: Location Map

The site is owned by the Sydney Harbour Foreshore Authority (SHFA) with a 99 year lease to the proponent.

Original Major Project Approval MP 09_0044

On 3 March 2011, the Minister for Planning approved a Project Application comprising refurbishments to the 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; and
- Signage.

Modification (MOD 1)

On 27 June 2011, an application to modify Condition D1 (Hours of Construction) was approved. The approval permitted 'quiet works' to occur outside general construction hours.

2. PROPOSED MODIFICATION

This application (modification 2) seeks to modify the building façade and the pool terrace area, as follows:

- Reduce the size of the roof top pool terrace by cutting it back 1.2m - 2.5m from its western end. This will necessitate the reconfiguration of the western end of the pool terrace, including relocating the jacuzzi and removing stair 5;
- Raising the finished floor level section of the pool terrace east of the pool by 0.45m (from FFL16.8 to FFL 17.25) to provide a consistent floor level around the majority of the pool terrace level;
- Minor landscape design amendments that reflect the alteration of the pool terrace area, including conversion of a planter area in the north eastern corner of the pool terrace to a timber platform for roof maintenance purposes and removal of a landscaping strip adjacent to the day spa;
- Provision of fixed windows to existing balcony openings of rooms on the northern elevation;
- Change from 4 panel glazed doors to 2 panel glazed doors to the square balconies on the southern, northern and western elevations; and
- Reduction of terracotta screening on the northern elevation.

The modification will need to amend condition A2 (Development in Accordance with Plans and Documents) to reflect the revised plans and reference the Section 75W application.

3. STATUTORY CONTEXT

3.1 Modification of the Minister's Approval

The modification application was lodged with the Director-General pursuant to Section 75W of the Act, which provides for the modification of a Minister's approval including *'revoking or varying a condition of the approval or imposing an additional condition of the approval'*.

In accordance with clause 3 of Schedule 6A of the EP&A Act, section 75W of the Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

3.2 Delegated Authority

On 14 September 2011, the Minister delegated his powers and functions under section 75W of the EP&A Act to the Executive Director in the Major Projects Assessment Division, in cases where there are less than 10 objections, where Council has not objected and where no political donations have been made.

In regards to this application, no public submissions were received, no declarable political donations have been made on this or previous applications and Council does not object. Accordingly the Executive Director, Major Projects Assessment, may exercise his delegations.

4. CONSULTATION AND SUBMISSIONS

Under s75W of the Act, a request for a modification of an approval does not require public exhibition. However, under s75X (2) (f) of the Act, the Director-General is to make publicly available requests for modifications of approvals given by the Minister. In accordance with cl. 8G of the *Environmental Planning and Assessment Regulation 2000* the modification application was published on the Department's website.

Sydney City Council, Sydney Harbour Foreshore Authority, and the Heritage Council of NSW were notified of the proposed modification. These comments are outlined below.

The Heritage Council of NSW

- The proposed reduction in the extent of the pool terrace will result in a better outcome as it will allow for a minor increase in views from the public domain including Dawes Point Park towards the Sydney Opera House.
- Other modifications in general are not considered to have any major adverse impact on the significance of Millers Point or the Dawes Point Village Precinct and the heritage items located within the vicinity of the site.
- The Heritage Branch therefore raises no objections to the proposed modifications.

Department comment

The Department notes the views of the Heritage Council.

City of Sydney

- The proposed modifications to the roof top area are minor and will not have any significant impact to the original design of the building.
- Some concern is raised with regard to the modifications to the façade. In particular, replacing the existing metal balustrade railings on the balcony with glass balustrades, as well as replacing the 4 panel glazing with 2 panels. These modifications have the potential to remove the sense of vertical proportion which is repeated throughout the façade and may be detrimentally affected.
- It is recommended that Ken Woolley (the original architect) be consulted with regards to the alterations to the façade.

Department comment

The views of Council are noted. Issues regarding design are discussed below.

Sydney Harbour Foreshore Authority

No response was received from SHFA.

5. ASSESSMENT

The Department considers the key issues to be:

- Compliance with the Sydney Cove Redevelopment Authority Scheme;
- Urban design and built form;
- Visual impacts; and
- Heritage impacts.

Sydney Cove Redevelopment Authority Scheme

The Sydney Cove Redevelopment Authority Scheme (SCRA) provides the built form framework for development within The Rocks. The SCRA creates a building envelope within which development on this site must occur.

The scheme permits maximum heights for the following roof top elements:

- lift motor room RL22.50;
- guest room suites RL22.35;
- balustrade RL18.45;
- exhaust structure RL18.45; and
- pool terrace RL17.25.

The proposed modifications comply with the SCRA Scheme.

Urban Design and Built Form

The works approved in MP09_0044 modernised the buildings facade. The proposed modifications are consistent with this design approach.

Council expressed a concern that removing the metal balustrades to the balconies and changing the balcony doors from 4 to 2 panels could detrimentally affect the sense of vertical proportion. The removal of the metal balustrades has been previously approved. The change in the number of door panels will result in a change to the patterning in the façade (See Figures 2 and 3 below).

The Department considers that the change is minor and the key elements which create the vertical pattern, being the projecting bays and window openings will remain.

Council expressed a further concern that the proposed changes would alter the buildings fit into the existing heritage area. The NSW Heritage Office is of the opinion that the changes will not have any major adverse impact on the significance of the Millers Point and Dawes Point Village Precinct.

The Proponent believes that they have met their obligations under the *Copyright Amendment (Moral Rights) Act 2000* to consult with the original architects. The Department made the application publicly available in accordance with its legislative requirements for any party to make a submission. No submissions were received.

Visual Impacts

Visual impacts associated with the rooftop and pool terrace area were raised during the exhibition of MP09_0044, particularly regarding view loss from Lower Fort Street and visual impacts from the public domain.

The proposed changes to the roof top terrace will not result in any substantive changes in view impacts from the public or private domain, with no new elements being added into any view corridor. The cutting back of the terrace from its western end will result in a minor improvement in views from the public domain.

Heritage Impacts

The Park Hyatt Hotel is not an item of heritage significance but is situated within historical Dawes Point and in the vicinity of several State Heritage Items, including the Sydney Opera House, Campbell's Stores, Sydney Harbour Bridge and terraces on Lower Fort Street.

The Proponent's heritage statement on design changes to the building's façade states that:

- the building reads as a discrete architectural entity and does not relate to the pattern of surrounding buildings in form, scale or fenestration pattern;
- it has a contemporary design and the proposed simplification of the design elements are in keeping with the contemporary hotel;
- there is no consistency with the fenestration arrangement in the surrounding area, a mix of commercial, industrial and residential properties of varied periods; and
- the building is principally viewed from across water and the proposed fenestration pattern will not impact on the contribution of the building to the areas broader historic setting.

The Department is satisfied that the proposal is unlikely to have any adverse impacts on heritage items in the vicinity of the site. Moreover, the NSW Heritage Office raised no objection to the proposal.

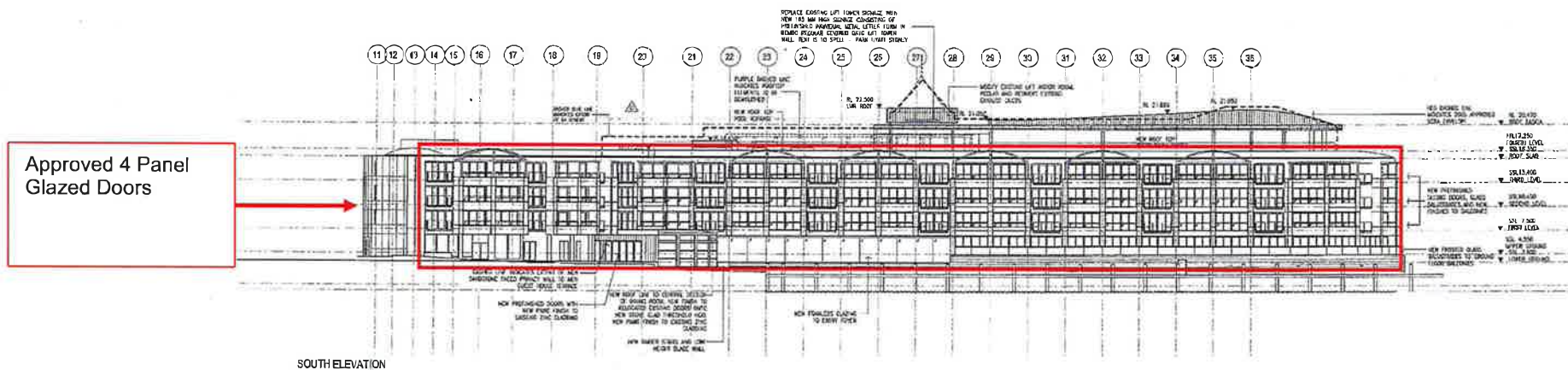


Figure 2 – Approved South Elevational Drawing

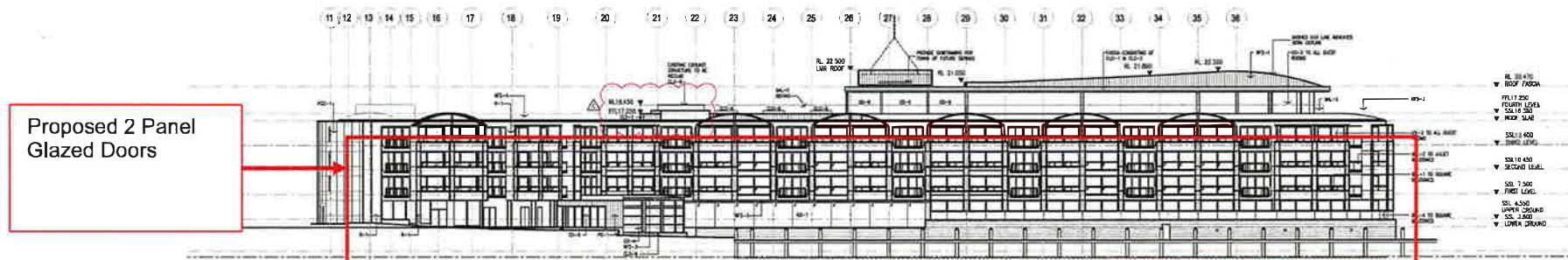


Figure 3 – Proposed Changes to 2 Panel Windows

6. CONCLUSION AND RECOMMENDATIONS

The proposed modification is considered reasonable and will not result in any significant changes to the approved development. It does not change the original assessment of the site's suitability for the approved development. The proposed minor design changes to the building façade and the roof top/pool terrace will not materially change the overall visual appearance of the hotel. The proposal complies with the height limits under the SCRA Scheme.

It is recommended that the Executive Director, Major Projects Assessment, in accordance with the Instrument of Delegation issued by the Minister for Planning and Infrastructure, on 14 September 2011:

- (a) **Consider** the findings and recommendations of this report; and
- (b) **Approve** the modification, subject to conditions, pursuant s75W of the *EP & A Act*; and
- (c) **Sign** the attached Instrument of Modification (Tag 'A').

Endorsed by:



Jodie Leeds
Planning Officer
Metropolitan & Regional Projects South

 22/11/11

Anthony Witherdin
A/ Director
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25.11.11

Chris Wilson
Executive Director
Major Projects Assessment

APPENDIX A MODIFICATION REQUEST

See the Department's website at www.majorprojects.planning.nsw.gov.au

APPENDIX B SUBMISSIONS AND RESPONSE TO SUBMISSIONS

See the Department's website at www.majorprojects.planning.nsw.gov.au

