

From: Casey Joshua
Sent: Monday, 2 December 2019 10:32 AM
To: Anthony Witherdin; Cameron Sargent
Subject: RE: Intercontinental Hotel SSD 7693
Attachments: 191128_IN_Heritage NSW_Proposed re proposed amendments.pdf

Dear Anthony and Cameron,

Further to my email below, please see attached correspondence from Heritage NSW dated 28 November 2019 regarding commenting on the Applicant's amendments to the proposed alterations and additions to the Intercontinental Hotel (SSD-7693). This is provided to you to assist with your response to the Commission's letters dated 14 November 2019 and 25 November 2019.

The Commission would be grateful if the Department could provide its written response by COB Friday, 6 December 2019.

Please let me know if you would like to discuss further.

Kind regards,

Casey Joshua | Senior Planning Officer

Independent Planning Commission NSW
Level 3, 201 Elizabeth Street Sydney NSW 2000
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New South Wales Government
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From: Casey Joshua
Sent: Monday, 25 November 2019 1:35 PM
To: Anthony Witherdin <[REDACTED]>; Cameron Sargent <[REDACTED]>
Subject: Intercontinental Hotel SSD 7693

Dear Anthony and Cameron,

Please see attached the following documents regarding the proposed additions and alterations to the Intercontinental Hotel (SSD-7693):

- Letter from the Commission dated 25 November 2019

- Letter from Applicant dated 19 November 2019 summarising proposed amendments
- Correspondence from Sydney Council dated 25 November 2019.

Please let me know if you have any queries relating to the attached documents.

Regards,

Casey Joshua | Senior Planning Officer

Independent Planning Commission NSW

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Our Ref: DOC18/276144

Ms Anna Summerhayes
A/Executive Director
Independent Planning Commission
Level 3, 201
Elizabeth Street
SYDNEY NSW 2000

Email: casey.joshua@ipcn.nsw.gov.au

Dear Ms Summerhayes

RE: Intercontinental Hotel Alterations and Additions (SSD-7693) (Application)

I refer to your letter dated 25 November 2019 forwarding further clarification from the applicant about proposed amendments in relation to a State Significant Development - SSD 7693 for the Concept Development Application (Staged Development) for alterations and additions to the Intercontinental Hotel and Transport House and seeking written response to the Commission by 28 November 2019.

The proposal impacts on two heritage listed properties including the Intercontinental Hotel located at 115-119 Macquarie Street, Sydney, which contains the former Treasury Building identified as a *State Heritage Register* (SHR) listed item under *NSW Heritage Act 1977* (Item 00355), and Transport House located at 99 Macquarie Street, Sydney, which is locally listed under Schedule 5 of the *Sydney Local Environmental Plan (LEP) 2012*. Transport House has also been nominated for listing on the *State Heritage Register* (SHR).

The proposal is in the vicinity of several SHR listed items, including First Government House at 41 Bridge Street, Sydney (SHR No 01309), Conservatorium of Music, Macquarie Street, Sydney (SHR No 01849), Justice and Police Museum at 4-8 Phillip Street, Sydney (SHR no 00673), Former Chief Secretary's Building at 121 Macquarie Street, Sydney (SHR No 00766), Royal Botanic Gardens and Domain (SHR No 01070). The proposal impacts on the *Governors Domain and Civic Precinct*, a draft Study Area under assessment for National heritage listing that includes all these sites.

It is noted that the applicant has made amendments to the proposed development as described in their letter dated 19 November 2019 and Annexure 1 of that letter. The applicant's presentation identified at Annexure 2 of the letter was not received.

Based on this, the following comments are provided:

- The subject site located within a group of State Heritage Register listed (SHR) items including the Justice and Police Museum (SHR No 00726), Transport House (nominated for listing on the SHR) and the Intercontinental Hotel/former Treasury Building (SHR No 00355) forms an important component of the Macquarie Street and Bridge Street precinct.
- The Heritage Division's comments to previous SSD referrals dated 24 May 2018 and 25 June 2019 had raised concerns regarding the proposed rooftop additions behind the 1890s Treasury Building. It is noted that the amendments result in a minor reduction

of the proposed bulk in this location. However, the key concern regarding the bulk of proposed rooftop addition behind the 1890s Treasury Building northern wing extension (Strong Room Building and Link Building) remains unchanged in the revised proposal.

It is noted that the setback, of the proposed lift lobby for the ballroom, from Macquarie Street frontage has also been reduced further from 24.1m to 20.8m.

The roof configuration of the Treasury Building and associated buildings is considered to be of exceptional significance. It is recommended that any approval be subject to a condition requiring the architectural character including style, massing, materiality and solid to void ratio to be sympathetic and subservient to the historic roofscape and the former treasury building.

It is considered that the proposed additions would also have an unacceptable adverse impact on significant views to the site (as identified in the Draft CMP) from several State Heritage items in the vicinity including Royal Botanic Gardens and the Sydney Conservatorium of Music and Chief Secretary's Building (SHR 00766). Furthermore, these additions would not meet the SDCP 2012 minimum upper setback requirements from the Macquarie Street frontage of 30m and would encroach onto the existing setback between the later 1980s hotel development and 1890s Treasury Building northern wing extension, also impacting on the northern view above from the cortile spaces and the former Treasury Building Atrium.

The proposed development will also compromise the integrity of the surrounding historic precinct and Macquarie Street streetscape of exceptional value which comprise World Heritage listed Hyde Park Barracks Convict Site, the draft National Listed Governors' Domain and Civic Precinct and a number of SHR listed sites.

It is, therefore, recommended that the scale and bulk of the rooftop addition be reconsidered and reduced to minimise visual impacts. These additions should be amended to comply with the SDCP 2012 setback requirements (30m) from Macquarie Street frontage to protect the heritage values and setting of the Treasury Buildings and the Macquarie Streetscape within the low-scale historic precinct.

- Although proposed structural loads have been reduced by the deletion of one floor from Transport House additions, it is considered that the information submitted is indicative only and future structural interventions may be required at building stage to realise the proposed development. **It is, therefore, recommended that any approval be on the basis of deferred commencement subject to confirmation that the proposed development can be realised without any structural intrusion (impact on significant fabric) into the Transport House.**
- It is noted that the current proposal is based on a CMP which has not been endorsed by the Heritage Council. The CMP prepared by Urbis, is being reviewed by the Heritage NSW for Heritage Council endorsement concurrently to the SSD application assessment. **It is recommended that any approval should require the detail design proposal to be formulated in accordance with the policies and guidelines of the endorsed CMP.**

- The Heritage Council Approvals Committee has previously considered a development application for the adjoining site (93-97 Macquarie Street, Sydney - SHR No 01912) for a proposed tower block and recommended that:

the Sydney Development Control Plan 2012 planning controls be revised to support only low-scale development between 89-121 Macquarie Street to protect the heritage values of this low-scale precinct. The current street wall height and existing low-scale setting of the precinct should be maintained as the dominant height for the full 30m depth of all sites fronting Macquarie Street from the Chief Secretary's Building (SHR No 00766) through to the Royal Automobile Club (SHR No 00700).

It is also noted that this proposed development at 93-97 Macquarie Street, Sydney incorporating a tower development was refused by the Land and Environment Court. Paragraph 358 of the conclusion of the Court hearing states:

We are not satisfied that cl 7.20(2) of the 2012 LEP is met, or that a site specific development control plan addressing the matters required by cl 7.20(4) (or a Stage 1 DA) is unreasonable or unnecessary in the circumstances. For that reason, consent cannot be granted to the proposed development.

Full transcript of the Order is attached to this letter for your reference.

It is, therefore, recommended that a revised Sydney Development Control Plan be sought prior to the determination of this application in accordance with the Heritage Council's recommendation and Court's conclusion in relation to the proposed development on the adjoining site at 93-97 Macquarie Street to achieve a consistent outcome across the whole block.

If you have any questions regarding the above advice please contact Rajeev Maini, Senior Team Leader, Regional Assessments South, at the Heritage NSW, Community Engagement, Department of Premier and Cabinet, on [REDACTED] or [REDACTED].

Yours sincerely



Pauline McKenzie
Executive Director
Heritage NSW, Department of Premier and Cabinet
As Delegate of the Heritage Council of NSW
27 November 2019