



Ms Anna Summerhayes
Acting Executive Director
Independent Planning Commission NSW

13 December 2019

By email: casey.joshua@commission.nsw.gov.au

Dear Ms Summerhayes

InterContinental Hotel Alterations and Additions (SSD-7693)

I refer to your correspondence dated 13 and 25 November 2019 about the above SSD application.

It is noted that Mulpha Australia Pty Ltd submitted a revised scheme for the Commission's consideration on 13 November 2019. Key changes to the revised scheme include reducing the height of the proposed building envelope over Transport House by one storey and reducing the setback to Macquarie Street in part from 24.1 m to 20.8 m.

The Department has reviewed the revised scheme and shares the concerns raised by Council and the Heritage Division. The Department considers that whilst the reduction in the height of the envelope reduces the overall bulk and scale of the building envelope, the proposed setbacks from Macquarie Street do not sufficiently mitigate the detrimental heritage and visual impacts of the proposal on Transport House and the streetscape.

The Department therefore maintains its position that a setback from Macquarie Street of 30 m be applied to the proposed Transport House building envelope. As outlined in the Department's assessment report and draft conditions, the Department accepts that a minor intrusion into the setback would potentially be acceptable as part of a future detailed design development application. However, this would need to be informed by a competitive design process, that would be subject to review by the Department, Government Architect NSW, Heritage Division and Council.

The Department has also provided a response to the IPC's questions about the proposal and the Applicant's proposed changes to the recommended conditions at **Attachment A** and **B**.

If you have any questions, please contact Rodger Roppolo, Senior Planning Officer on [REDACTED] or at [REDACTED]

Yours sincerely

A handwritten signature in black ink, appearing to read 'A Witherdin'.

Anthony Witherdin
Director
Key Sites Assessments

Attachment B

The Department's response to the matters raised by the Commission in its letter dated 13 and 25 November 2019 is provided below:

Phillip Street Setback

1. The Commission sought further clarification on how the Department assessed the visual and heritage impact of the Transport House building envelope setback to Phillip Street, in particular part of the building envelope setback between 3 m and 8.5 m from Phillip Street.

The Department carefully considered the potential heritage and visual impacts of the proposed setbacks to Phillip Street in section 6.4 of its assessment report. The Department's assessment carefully considered the information submitted by the Applicant and the comments received in Council, the Heritage Division and public submissions. The Department also undertook a site inspection before finalising its recommendation.

Awning on Macquarie Lane

2. The Commission sought further clarification about the acceptability of providing concept approval for the proposed canopy within Macquarie Lane.

The Department notes the proposed canopy and other minor elements formed part of the concept proposal, consistent with the planning process for staged development applications under the Sydney LEP 2012.

The proposed canopy on Macquarie Lane was identified as part of the EIS drawings and it was assessed as a part of the Concept proposal. The Department considers that the proposed awning is acceptable as it is a minor element which would improve the amenity of the entrance fronting Macquarie Lane. Further, the Department is satisfied it would not result in any significant visual, amenity or heritage impacts, given its location and minor scale. The works would also be subject to further detailed assessment as a part of a future DA.

Concept Proposal

3. The Commission sought clarification as to whether the Department would support a condition(s) requiring amended concept plans (in accordance with setback requirements of proposed condition A10) be submitted for the Planning Secretary's approval prior to lodging subsequent development application(s). The Department would support this approach.
4. The Commission sought clarification on whether the level of detail provided within the architectural drawings is appropriate at the concept stage.

While the level of detail provided in the submitted plans is more than what is normally provided, the Department considers the level of detail provided in the proposed plans is appropriate in this instance given:

- the heritage significance of the building/s and the constraints of the site
- the proposal seeks approval for a specific development/use
- the plans provide a greater understanding of the layout, circulation and space arrangements of the concept.

Clarification was also sought by the Commission on the likely impact on the plans in the event the Commission agrees with the Department's recommendation on the Macquarie Street setback. The Department notes the conditions of approval prevail over the approved plans and the plans would be required to be modified in accordance with condition 10.

5. The Commission sought further clarification on whether the Department considers it necessary to obtain building envelopes for a number of external alterations such as awnings to Philip Street and Macquarie Lane and the proposed replacement of the Cortile roof.

See response above at point 2.

Development Contributions

6. The Commission sought clarification of the Department's consideration of development contribution requirements.

The Department considers contributions are not required to be levied at this stage as the application seeks concept approval only and no physical works would be permitted. The Department is satisfied contributions for the proposal can be levied as a part of development application(s) which seek approval for physical works.

Transport House Roof Void

7. The Commission sought further clarification on the intended use of the Transport House roof void and whether the height of the building envelope above Transport House can be reduced in height. The Department notes that the Applicant's amended drawings demonstrate the height of the building envelope above Transport House can be reduced in height.

The Commission also sought the Department's view on the merit in obtaining a sectional drawing of the building at this location to explain the relationship between the existing structure and proposed additions. The Department considers there would be merit in obtaining a section drawing of the building at this location to assist the Commission with its consideration of the revised building envelope.

Additional Questions (25/11/19)

8. The Commission sought further clarification on whether the revised scheme would have any further impact on the cortile roof. The Department notes the cortile roof will be replaced and expanded. The Department considers the proposal acceptable is as:
 - the cortile roof was part of the 1980s extension to the hotel, has no historic significance and limits the amount of sunlight into the cortile space below
 - the new glazed roof would allow substantially more sunlight into the hotel despite the revised building envelope to the north
 - the proposed glazing would not result in any significant visual or heritage impacts and would allow clear skyward views, which are currently unavailable to hotel patrons
 - no concerns were raised by the Heritage Office or Council.
9. Should the Commission consider the revised proposal has merit, the Department considers the following additional information should be requested from the Applicant:
 - amended plans including a site plan, roof plan, indicative floor plans and a sectional drawing of Transport House and the Transport House building envelope
 - amended building envelope plans including a view from north-east and a view from south-west

Attachment B

The Department's response to the Applicant's proposed amendments to the draft conditions is provided below:

Applicant's Proposed Amendments	Department's Response
<p>Note: amendments shown by the deletion of struck out words and the insertion of red and underlined words</p>	
<p>Condition A10</p> <p>The Transport House Building Envelope must <u>comply with a</u> have a 30 <u>20m</u> setback from Macquarie Street. From Phillip Street, the Transport House Building Envelope must be part 3 m and part 8.5 m consistent with the approved plans in the table identified in Condition A4 (d). A minor reduction in the 30 m setback from Macquarie Street is permitted as part of a future development application only if a competitive design process has been undertaken and the development exhibits design excellence.</p>	<p>The revised scheme as submitted to the Commission on 23 November 2019 proposes a varied setback from Macquarie Street (20m, 20.4m and 20.8m).</p> <p>The Department shares the concerns raised by Council, Heritage Division and in public submissions and concludes the proposed Transport House building envelope, when viewed from the east along Macquarie Street and the Royal Botanic Gardens is not sufficiently setback from the streetscape and would have a detrimental impact on the visual significance of the heritage items on the site and character of the streetscape.</p>
<p>Condition B2</p> <p>Prior to the lodgement of the first development application, <u>the Developer is to establish the Design Review Panel comprising three appointees with experience in redevelopment of heritage buildings and commercial architecture as agreed with the Government Architect NSW (GANSW) to deliver Design Excellence.</u> a competitive design process must be undertaken in accordance with the provisions of Sydney Local Environmental Plan 2012 and the City of Sydney Competitive Design Policy.</p>	<p>The Department has previously advised it does not support the Applicant's proposal to establish a design review panel.</p> <p>The Department maintains that given the sensitive nature of the site and its constraints, a competitive design process should be undertaken prior to the lodgement of a subsequent DA. This is supported by the Government Architect NSW.</p>
<p>Condition B3</p> <p><u>Design Excellence</u> The competitive design process is to be <u>delivered</u> undertaken in accordance with a Design Excellence Strategy prepared in consultation with the Government Architect NSW. The Design Excellence Strategy must have regard to Condition C1 Built form and design quality and Condition C2 Design Excellence, Conditions C3-C5 Heritage, Conditions C6- C8 Structural Design and other relevant conditions in Part C of this consent. The Design Excellence Strategy shall also outline how any minor intrusion into the 30 m Macquarie Street can achieve a better design outcome having regard to heritage, visual and streetscape impacts, than a compliant development.</p>	<p>A Design Excellence Strategy should also be prepared in consultation with the Government Architect NSW.</p> <p>It is also noted the proposal does not meet the requirements for an exemption from the competitive design process under the <i>Sydney Local Environmental Plan 2012</i>.</p>
<p>Condition B4</p> <p>The detailed design of the development must exhibit design excellence, as per clause 6.21 of Sydney Local Environmental Plan 2012.</p>	

<p>Condition C3</p> <p>The future development application(s) must comply with the Conservation Management Plans (CMPs) for the former NSW Treasury Building endorsed by the NSW Heritage Council and for Transport House endorsed <u>accepted</u> by the City of Sydney. Future development applications must not be lodged until the CMPs have been endorsed.</p>	<p>The Department does not support the Applicant's proposed amendment to Condition C3. The Department considers it is appropriate that a CMP be endorsed by Council given Transport House is a local heritage item and to ensure any residual heritage impacts are appropriately mitigated and managed.</p>
<p>Condition C6</p> <p>The external refurbishment of the hotel tower should be designed with input from a suitably qualified heritage consultant to ensure that the final design in terms of materiality, reflectivity and colour, mitigate the existing impact of the structure on the heritage buildings and other heritage items in the vicinity by enhancing the setting of these items.</p>	<p>The Department agrees to the deletion of draft Condition C6, as external refurbishment works to the hotel tower no longer form part of the application.</p>
<p>Condition C10</p> <p>Detailed guidelines for necessary upgrades to comply with the National Construction Code shall be developed in consultation with the NSW Heritage Council prior to the detailed design of the new built form <u>for internal works to heritage areas.</u></p>	<p>The Department agrees to the Applicant's proposed amendment to draft Condition C10 as internal works are only proposed for the Treasury Building.</p>
<p>Condition C12</p> <p>Future development application(s) shall provide bicycle access and servicing in accordance with Sydney Development Control Plan 2012.</p>	<p>The Department does not agree to the Applicant's proposed deletion of draft Condition C12.</p> <p>As part of the substantial alterations and additions to the InterContinental Hotel, there is ability to implement renewed options for bicycle access and servicing to the site in accordance with the Sydney Development Control Plan 2012.</p>