

19 April 2018

**Project:** Mulpha | Intercontinental Hotel  
**Purpose:** DPE Responses | Response from HASSELL  
**Version:** Final 19 April, 2018

## 1.0 Submission

*Give further consideration to the scale and built form of the rooftop additional to the 1980s podium building and Transport House, noting the comments from the Heritage Council and the City of Sydney Council and having regard to potential heritage impacts on:*

- *Transport House*
- *The former Treasury Buildings*
- *The surrounding heritage listed buildings and heritage streetscape*

## 1.1 Response

### 1.1.1 Transport House

First we will note that the Ballroom addition above transport house does comply with the general City of Sydney (Cos) DCP/LEP rules for streetscapes and podiums – it is lower than 40m and taller than 20m set to the Philip Street boundary alignment. We do understand the CoS LEP/DCP planning control requests a 10m set back from the Philip Street frontage alignment for additions above heritage listed buildings, such as Transport House. However, rather than applying the CoS DCP/LEP planning rules in their simplest interpretation we consciously took a broader view of the visual, massing and street scape impacts.

When testing design options we discovered that when seen more broadly in the context this 10m set back results overall in more 'visual clutter' when seen from the key view looking up Philip Street from Circular Quay (see visual impact analysis). The reason is that it results in having several different street frontage alignments and heights in a very small area;

1. Intercontinental Hotel podium set to the boundary but lower than Transport House,
2. Transport House set to the Boundary but taller than the Hotel podium - and composed of taller corner towers and a lower central section,
3. Hotel Tower set back slightly from the podium and the tallest element,
4. The proposed Ballroom setback further than the Hotel tower but lower with the CoS DCP/LEP 10m setback control applied

From this study we believed the simple application of the CoS DCP/LEP setback did not result in the best overall massing and visual outcome for the proposal. We also believed that the form of Transport House being quite a 'solid and massive' building built 'tight' to all its boundary extremities lent itself to a simpler and more direct solution by continuing the mass up 'tight' to the existing facade alignments. Applying the DCP/LEP set back resulted in an 'odd' relationship with the Ballroom addition and the formal massing of the western end of transport house with the two corner towers.

The intent of the CoS DCP/LEP setback control for additions above heritage buildings is in essence to provide 'visual separation' between the heritage building and new additions to clarify what is old and what is new. For additions horizontally adjacent to heritage buildings a good, and oft employed, solution is to provide a vertical visual separation in the form of a rebate or glazed panel which provides a clear delineation between old-and-new, and the new addition uses materials in contemporary ways but references the original building's key massing elements. In the case of the Ballroom addition our intent is to use this same instrument but in a vertically stacked way. We will provide a horizontal visual separation that delineates old-and-new, uses materials in a contemporary way and reference the key massing elements of the building vertically.

We believe the submitted approach for the reasons outlined above for the Ballroom addition above Transport House provides the best balanced outcome for the project and provides the best visual composition for both overall city mass and scaling, and streetscapes continuity.

### **1.1.2 The Former Treasury Buildings**

We believe there is very minimal impact on the "Former Treasury Buildings" in regards to external appearance as any additions are well set back from their frontages. The visual impact analysis submitted as part of this response we believe demonstrates this quite conclusively.

The replacement of the 'Cortile' roof will greatly improve the experience of the internal space and increased daylight will improve the light rendering of the heritage facades and balcony details.

We are proposing very little to no change internally or externally to the existing heritage building fabrics.

The plant enclosure facing Bridge Street has been removed. The cooling towers have been relocated to the east side, in the space adjacent to the new ballroom lifts, and there is now no encroachment into the 10m setback from the Bridge Street frontage.

### **1.1.3 The surrounding heritage listed buildings and heritage streetscape**

We believe there is very minimal impact by the proposal on the surrounding heritage listed buildings and heritage streetscapes. The visual impact analysis submitted as part of this response we believe demonstrates this quite conclusively. We have addressed specific concern below where relevant;

#### **1.1.3.1 City of Sydney Letter – 26.10.17**

*The City considers that the design, scale and siting of the proposed additions to the former Treasury Building and Transport House would result in significant adverse impacts on items of National, State and local heritage significance, and their settings, in particular;*

*The Former Treasury Building at 115-119 Macquarie Street (State and local heritage item);*

We believe the impact is very minimal as the additions are well set back – refer to section 1.1.2 for more detailed commentary and visual impact analysis.

*Transport House at 99-113 Macquarie Street (local heritage item);*

Please refer to detailed commentary on Transport House above in 1.1.1.

*The Governors' Domain and Civic Precinct (nominated for National Heritage Listing);*

We have endeavored to have a minimal impact and complement the surrounding precinct as much as possible. There are a range of buildings types of differing ages throughout this precinct including the Intercontinental Hotel tower itself from the 1980's. The continual layering of newer additions is a part of a living cities natural growth of which this is the next layer.

*Former Chief Secretary's Building 121 Macquarie Street Sydney (State and local heritage item);*

We believe there is minimal impact on this site as the majority of the proposal is to the north of existing Hotel tower so visually blocked and well setback from Bridge Street.

*Health Department Building 95 Macquarie Street Sydney (State and local heritage item);*

We do not believe there is any impact on this site as the Sir Stamford Hotel physically and visually separates the sites.

*Justice and Police Museum 4-8 Phillip Street Sydney (State and local heritage item);*

Please refer to detailed commentary on Transport House above in 1.1.1.

*First Government House at 41 Bridge Street Sydney (National, State and local heritage item);*

The cooling tower enclosure has now been removed as the cooling towers have been relocated to the east side.

*Royal Automobile Club 89-91 Macquarie Street Sydney (State and local heritage item);*

We believe there is very minimal impact to this site as it sits to the north side of Albert St well distanced from the site and mostly visually blocked by the Sir Stamford hotel.

*Conservatorium of Music, 1 Conservatorium Road (State and local heritage item);*

We believe there is minimal impact on this site as demonstrated by the visual impact analysis.

*Royal Botanic Gardens and Domain (State and local heritage item); and*

We believe there is minimal impact on this site as demonstrated by the visual impact analysis which demonstrates that the proposed building mass integrates into the varied roof forms and heights as seen from the RBG. The strategy is further supported by the response from the RBG themselves who state in their response of 26.10.17;

*The building envelopes in the application, however, suggest the form and scale of these additions would not be visually dominant against the existing city skyline.*

*Government House Lodge and Entrance Gates Conservatorium Road (State and local heritage item).*

We believe there is minimal to no impact on these sites as demonstrated by the visual impact analysis.

*Collectively, these heritage items are within the area considered for inclusion as the 'Governors' Domain and Civic Precinct' on the Australian National Heritage List.*

See commentary above for 'The Governors' Domain and Civic Precinct'.

### **1.1.3.2 City of Sydney Letter – 26.10.17**

#### Visual Impacts

*The proposed five storey addition comprising plant, recreational facilities and the Ballroom will be highly visible above the former Treasury Buildings group, detrimentally impacting on the setting and views of the Macquarie Street, Phillip Street and Bridge Street colonial heritage items and the Royal Botanical Gardens and Domain.*

We believe there is minimal visual impact to Macquarie Street as demonstrated by the visual impact analysis.

There are visual changes to Phillip Street as demonstrated by the visual impact analysis but we believe these have been dealt with appropriately as discussed in the detailed Transport House response in 1.1.1.

We believe there is minimal visual impact to Royal Botanic Gardens and Domain as demonstrated by the visual impact analysis which demonstrates that the proposed building mass integrates into the varied roof forms and heights as seen from the RBG. The strategy is further supported by the response from the RBG themselves who state in their response of 26.10.17;

*The building envelopes in the application, however, suggest the form and scale of these additions would not be visually dominant against the existing city skyline.*

### **1.1.3.3 City of Sydney Letter – 26.10.17**

*The proposal is considered to result in detrimental impacts on three Special Character Areas identified under Sydney Local Environmental Plan 2012, comprising the Macquarie Street Special Character Area, the Circular Quay Special Area and the Bridge Street /Macquarie Place/Bulletin Place Special Character Area as a result of these highly visible additions.*

#### **Macquarie Street Special Character Area**

The majority of the proposal sits outside the Macquarie Street Special Character Area and we believe there is minimal visual impact to Macquarie Street Character Area as any additions are well setback, and when actually visible at a long distance is integrated into the collective background of the range of roof forms and heights as demonstrated by the visual impacts analysis.

Specifically;

*DCP 2012 / Table 5.3 Minimum Street Frontage Heights for Special Character Areas*

We are not affecting street frontage heights.

*(c) Protect and extend mid-winter lunchtime sun access to Hyde Park, the Royal Botanic Gardens and the Domain.*

We are not affecting sun access as demonstrated by the solar studies.

*(d) Improve and enhance the public domain and pedestrian amenity of the street and promote its image as a grand and civic boulevard.*

We are not affecting the public domain and pedestrian amenity of the street.

*(e) Maintain and reinforce the urban character and scale of Macquarie Street and sense of built edge definition to the western side of the Royal Botanic Gardens by requiring new buildings to:*

*i. be built to the street alignment; and*

We are not changing street frontage alignments as experienced from Macquarie Street.

*ii. have street frontage heights and building setbacks above street frontage heights, consistent with the prevailing scale, form and character of buildings nearby.*

We are not changing street frontage heights as experienced from Macquarie Street.

*(f) Emphasise Macquarie Street as the eastern built edge of the City and maintain the stepped building form from it westwards towards the north-south ridge of the City centre.*

We are retaining the stepped building form from east-to-west.

## **Circular Quay Special Character Area**

The proposal site does not sit within the Circular Quay Special Character Area, notwithstanding this we believe we align with the following principals;

*(c) Reinforce the urban character and scale of Circular Quay by requiring new buildings to be built to the street alignment, and to have a transition of building heights from Circular Quay to the maximum building height of the northern area of Central Sydney.*

The Ballroom additional aligns with this principal as it provides a transition to the higher Hotel Tower towards Central Sydney.

*(d) Ensure that any development associated with the important transport interchange provided at Circular Quay is consistent with enhancement of the public domain of Circular Quay.*

The Ballroom addition aligns with this principal as it provides view of the Circular Quay precinct for many persons to enjoy attending events.

*(f) Maintain and enhance views to the water, the Harbour Bridge and the Opera House from various spaces of the Quay, and from the water to the Quay and the City beyond.*

We do not affect views of the Harbour Bridge, Opera House or City.

*(g) Maintain and reinforce the image of the area as a major focal point and its function as a celebratory public space.*

The addition of a Ballroom to this area would reinforce the use of Circular Quay as a focal point and celebratory place.

*(h) Enhance interpretation of the historical development of the area including progressive changes to the natural shoreline and geography including the tank stream and cultural changes from a trading port to civic focus.*

The additional of the Ballroom is in line with the current transition of this part of Sydney from commercial trading and head Government organisations to tourism – such as the Lands and Education Departments being converted to Hotels. We are continuing the transition of Transport House from a Government transport building to Tourism.

## **Bridge Street /Macquarie Place/Bulletin Place Special Character Area**

The majority of the proposal sits outside the Bridge Street /Macquarie Place/Bulletin Place Special Character Area-

### **1.1.3.4 City of Sydney Letter – 26.10.17**

*It is noted that the architect's design statement describes the proposed Ballroom at Level 10 as sitting "above Transport House with unequalled views of Circular Quay and the Harbour Bridge". The proposal would be afforded unequalled views because of its visual prominence within the streetscape.*

This response to the design statement does not make the proposal unacceptable in its design intent – many buildings have 'high quality views' of the Harbour and are much larger on a streetscape.

### **1.1.3.5 City of Sydney Letter – 26.10.17**

*The proposed additions do not meet the objectives of the minimum upper setback requirements under Sydney Development Control Plan 2012 (SDCP 2012) being 10 metres to Bridge and Phillip Streets and 30 metres to Macquarie Street. Due to the consistently low scale of the heritage items within the block bounded by Albert Street, Macquarie Street, Bridge Street and Phillip Street, additional bulk and*

*height forward of these setbacks is not appropriate. Maintenance of this setback is considered crucial in protecting the heritage significance.*

- Bridge Street - We have removed the plant enclosure from Bridge Street and relocated the cooling towers to the east side.
- Philip Street - Please refer to more detailed commentary on Transport House for Phillip Street setback in 1.1.1 above.
- Macquarie Street - We are set a significant distance back from Macquarie Street and no additions are visible from Macquarie Street. Refer visual impact analysis which demonstrates this aspect.
- Albert Street – we don't affect Albert Street as we are well setback from this street

#### **1.1.3.6 City of Sydney Letter – 26.10.17**

*Further visual impacts arise from the proposed highly glazed facade of the additional five-storey mass that is forward of the SDCP 2012 setback which is considered to be unsympathetic within the context of the finely detailed sandstone Treasury buildings, particularly viewed from the Treasury atrium. In addition, the lower Plant Room section of the bulk is likely to be clad with metal louvres that would be incompatible with the sandstone Treasury buildings.*

While these concerns are appreciated this is only a Stage 1 SSD currently applying for the development envelope only. The final design and facade materials are yet to be resolved and forms part of the Stage 2 DA process.

#### **1.1.3.6 City of Sydney Letter – 26.10.17**

*The lack of appropriate setbacks and the height of the proposed addition over Transport House when viewed from the public domain will result in an unacceptable disparity of scale with the Police and Justice Museum and will exacerbate the visual dominance and overbearing of this heritage item. The Statement of Significance for the Justice and Police Museum includes the following:*

*“Together with its neighbour.... these buildings are an extraordinary legacy of late 19th century Sydney enabling an appreciation of urban form and scale now lost in almost all of the parts of the central business district and the buildings form part of a historic precinct within the Sydney Cove area, conspicuous for its sandstone buildings which include significant sites relating to the foundation of colonial government and administration. (Historic Houses Trust 1990:25)*

*The proposal would result in visual impacts on the setting and views of this historic precinct, contrary to key principles of the City's Special Character Areas within the SDCP 2012.*

Transport House does not specifically sit within the Circular Quay Special Character Area which the Police & Justice Museum forms part and no street frontage setbacks are required to the north of the site. Notwithstanding this we have outlined above how the proposal does align with the key principals of the Circular Quay Special Character Area.

#### **1.1.3.7 City of Sydney Letter – 26.10.17**

##### Overshadowing

*The proposal includes development above the Royal Botanic Gardens Sun Access Plane and is prohibited under Clause 6.17 of Sydney LEP 2012. These works include not only the extension of the Club Lounge at the top of the tower, but also the replacement of the tower facades with an extension of the existing slabs by approximately 600mm.*



The extension to the facades only occur within the depth of the existing deeply recessed facade therefore no additional solar impact occurs.

*While the applicant intends to rely upon Section 89 E (3) of the Environmental Planning and Assessment Act 1979 to overcome this prohibition, given the sensitive nature of the site (as detailed within this submission) and given that the proposed works are major and will be prominent, this is all the more reason that the proposal should ensure its impacts in relation to heritage and visual impacts are from a built form with compliant setbacks.*

- Plant enclosure on Bridge St has been relocated and there is now no encroachment into 10m setback.
- The setback for Macquarie Street is significant and contributes no additional solar adverse impacts to the Botanic Gardens.

*Notwithstanding the above comments, the applicant indicates that there is no increase in afternoon mid-winter overshadowing of the Royal Botanic Gardens. In the absence of CAD modelling, the City is unable to verify the accuracy of the analysis of shadows cast by the proposal. Besides the Royal Botanic Gardens, these shadows may also impact on surrounding heritage items. Given that additional bulk is proposed at the upper levels of the existing tower, which exceeds the sun access plane prescribed under the LEP, accurate CAD modelling is essential to enable a proper assessment of the impacts of the proposal.*

This has been undertaken and the shadow casting complies with the controls.

#### **1.1.3.8 City of Sydney Letter – 26.10.17**

*The proposed additional bulk at Levels 8 to 13 has the potential to result in the following adverse impacts:*

- *Overshadowing of the former Treasury building atrium; and*
- *Restricted views of the sky and the City skyline from the former Treasury building atrium.*

The current roof over the Treasury Building Atrium (the Cortile) is predominantly solid and does not allow substantial amounts of light into the space or any view of the sky currently.

*The Statement of Heritage Impact submitted by Urbis fails to conform to the SEARS as it fails to analyse these impacts on the Treasury Building group.*

*The Architect's Design Statement claims that the removal of the existing roof to the atrium, installed in 1985, and its replacement with new contemporary glazed roof would improve daylighting levels in the Cortile and enhance the experience of the space. This is unlikely to be the case as the five-storey bulk immediately to the north above the space would overshadow and inhibit solar access and daylight from the sky into the atrium. However, it is noted that no section has been provided to demonstrate the impacts of the visual bulk and overshadowing on the Treasury building atrium and the Cortile lounge.*

This statement is incorrect. The current roof as stated in the above response is predominantly solid and does not allow substantial amounts of light into the space currently resulting in a dark space where the beautiful detail of the balconies is currently not able to be fully appreciated. Further the amount of daylight entering a space in this circumstance is not a result of direct solar access but in fact the area of sky that is visible so overshadowing is not a concern. Skylights that do not have direct solar access are actually preferred as they have greatly reduced solar gain resulting in over-heating of the spaces below - this is why roof lights on warehouses face south. We will in actuality be improving the overall daylight access to the space by providing a roof with much greatly improved transparency which in turn will result in a much better internal space and better light rendering of the internal heritage facades.

### 1.1.3.9 City of Sydney Letter – 26.10.17

#### Macquarie Street Entry and Awning

*The proposed new canopy over the laneway between Transport House and the Intercontinental Hotel is not supported as it is not demonstrated that it has been carefully designed in order:*

- *to respect the heritage significance of the buildings and their setting and view; and*
- *to avoid the following:*
  - *additional structure attached to the two heritage listed buildings,*
  - *drainage of the canopy towards the two heritage facades and associated potential overflow onto the heritage facades on either side; and*
  - *fixings, chasings and insertions into the facades of the heritage items.*

*All of the above will be difficult to achieve and it is advised that the need for a canopy should be reconsidered.*

Commentary understood and will be taken on board for the future development of the project past Stage 1 SSD. However as this is only a Stage 1 SSD currently applying for the development envelope only. The final design and configurations are yet to be resolved and forms part of the Stage 2 DA process.

### 1.1.3.10 City of Sydney Letter – 26.10.17

#### Ground Plane

*Inadequate information has been provided regarding the proposed terracing, seating and wind shields along Bridge and Macquarie Streets, as part of a new bar, to enable a proper consideration of these aspects of the proposal.*

This is only a Stage 1 SSD currently applying for the development envelope only. The final design and configurations are yet to be resolved and forms part of the Stage 2 DA process.

### 1.1.3.11 City of Sydney Letter – 26.10.17

#### Design Excellence

*The intention to not conduct a competitive design process in accordance with Sydney LEP 2012, but rather have a Design Review Panel is not supported by the City and should not be supported by the Government Architect's Office. The proposal does not meet any of the exemption criteria listed in LEP Clause 6.21 (6)(a) to (d), and therefore the consent authority would be required to find that a competitive design process is unreasonable or unnecessary in the circumstances. Given the sensitive nature of the site, the significant and prominent nature of the proposed works and the fact that the environmental impact of those works on, for example, the Royal Botanic Gardens has been inadequately demonstrated in the application, it is considered that there is no basis on which a consent authority could reasonably find that a competitive design process is unreasonable or unnecessary in this case and properly administer the Sydney LEP 2012.*

The project is essentially an 'alt-and-adds' project and the additional floor-space proportionally to existing is minimal, and further we are not requesting FSR or Height bonuses. There are no benefits of any form of design competition to Mulpha or IHG as there is no development bonuses to be had while at the same time certainty of project costs becomes unknown and difficult to control. The process needed in this circumstance due to the sensitivities of building on top of an existing heritage building and the costs associated is not one seeking 'big gestures' selected from a rendered image,



but a sensitive and considered step-by-step approach tested along the way delivered in collaboration with Mulpha, IHG and the design team to meet both operational needs and budget constraints.

#### **1.1.3.12 City of Sydney Letter – 26.10.17**

*The Architectural Design Report fails to acknowledge some of the positive aspects of the existing facade, including its masonry character consistent with the historic townscape of the area and its level of articulation, including the subtle serration of the tower edges.*

*Further consideration needs to be given to the proposed replacement of the precast tower facades with a curtain wall system to ensure that the materiality and tower design is a sympathetic and contextual fit within this townscape of National, State and local significance. The importance of tower articulation in reducing the perception of visual bulk on such a prominent site also needs further consideration.*

Commentary understood and will be taken on board for the future development of the project past Stage 1 SSD. However as this is only a Stage 1 SSD currently applying for the development envelope only. The final design and configurations are yet to be resolved and forms part of the Stage 2 DA process.

#### **1.1.1.1 Heritage Council Letter – 27.10.17**

*The scale and form of the rooftop additions to the 1980s podium building should be reconsidered and reduced to mitigate visual impacts on the setting of the affected heritage items including SHR listed former Treasury Building.*

Noted: in response the plant enclosure facing Bridget Street has been relocated and no works are proposed on this frontage.

*The proposed external refurbishment of the hotel tower that is located behind and above the former Treasury buildings should be carefully designed with input from the nominated heritage consultant, to ensure that the final design in terms of materiality, reflectivity and colour mitigates the existing impact of the structure on the heritage buildings and other heritage items in the vicinity by enhancing the setting of these items.*

Noted: this is acknowledged and will be addressed in the future design and Stage 2 DA applications.

*Close consultation with City of Sydney council is recommended to mitigate any impacts to local heritage items, and urban design and visual amenities associated with the project.*

Noted: this is acknowledged and will be addressed in the future design and Stage 2 DA applications.

*The proposed form of the addition above the roof-top of the locally listed Transport House should be reconsidered and setback from the building's facade along Phillip Street to minimise visual impacts.*

Please refer to commentary in section 1.1.1 for detailed commentary on the design of the roof-top addition to Transport House.

## **2.0 Submission**

### Visual Impact Assessment

*A detailed Visual Impact Assessment of the full impacts of the proposal on the surrounding streetscape and public domain should be provided. Further details of the requirements of the Visual Impact Assessment are included in **Attachment B***

### **2.1 Response**

We have undertaken a detailed visual impact assessment in accordance with Attachment B – refer to Appendices 5A-B

### 3.0 Submission

#### Overshadowing

*Provide CAD modelling and hourly shadow diagrams labelled with the time and day and confirm whether the entirety of the proposed envelope has been considered in shadow diagrams, including the proposed plant space above the portion of the building on the corner of Bridge and Phillip Streets*

### 3.1 Response

We have undertaken a more detailed solar shadow study as requested – refer Appendix 7

The plant space located above the podium on Bridge Street has been relocated and no works are proposed on this frontage.

### 4.0 Submission

#### Architectural Drawings / Photomontage

#### *4.1 - Provide a proposed roof plan*

Done – refer to updated drawing set issued.

#### *4.2 - Label the second-floor plan showing additional GFA (appears to be level 7)*

Done – refer to updated drawing set issued.

#### *4.3 - Update the photomontages to reflect the architectural drawings*

Done – refer to updated drawing set issued.

#### *4.4 - Clarify the proposed gross floor area of the wellness centre*

DA GFA schedule (rev B) stated a total of **1,758m<sup>2</sup>** for level 09.

This was composed of the following:	Existing L09 area	1,024 m <sup>2</sup>
	Proposed L09 area	734 m <sup>2</sup>
	<b>Total</b>	<b><u>1,758 m<sup>2</sup></u></b>

As a result of the removal of the store room in the north-east corner on top of Transport House, the proposed GFA has now been reduced and the total revised GFA on level 9 is as follows: (please also refer to App\_4\_GFA\_Proposed\_RevC)

Existing L09 area	1,024 m <sup>2</sup>
Proposed L09 area	640 m <sup>2</sup>
<b>Total</b>	<b><u>1,664 m<sup>2</sup></u></b>