

Rodger Roppolo
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By email: rodger.roppolo@planning.nsw.gov.au

Dear Mr Roppolo

Notice of Exhibition of application for Intercontinental Hotel Alterations and Additions (SSD-7693-Mod-2)

Thank you for your referral dated 28 January 2022 inviting comments from the Heritage Council of NSW on the above State Significant Development (SSD) proposal.

The previous SSD approval included a three-storey (approx. 11m tall) ballroom on top of the Transport House connected to the adjacent intercontinental Hotel. The current modification involves a two-storey (approx. 6.35m) envelope on top of Transport House within the footprint of the previously approved envelope.

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*.

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 the above sites.

The following documents were considered in our assessment:

- *HIS SSD 7693 concept DA Modification for Transport House by Urbis dated 17 December 2021*
- *Section 4.55 (2) modification to SSD-7693 Proposed Transport House Function Centre by Urbis dated December 2021*
- *Legal Advice letter by Addisons dated 7 December 2021*
- *Architectural drawings titled Proposed Additional Stage 1-A envelope by CotteyParker dated 7 February 2022*

As delegate of the Heritage Council of NSW, I provide the following comments:

- The proposed deck, balustrade etc. were not part of the previous approval. The works are within the 20m setback imposed by the Independent Planning Commission and so may be in contravention of the previous approval. These works will have an adverse

heritage impact in terms of view, setting and integrity. There is likelihood of further impact of associated works probable to follow, such as shade structures, lighting, seating, roof top landscaping, etc. In view of the above, the proposed deck is not supported. The drawings do not indicate the setback of the glass balustrade from the existing parapet which needs to be clear.

- The proposal describes the addition as a single storey even though the proposed height is 6.35m. It should be clarified whether the proposed envelope will comprise one or two floors.
- The addition is proposed to be a temporary structure intended to be prefabricated. The proposal should include confirmation that the works will be easily reversible. Any associated structural works should only be to enable a single-storey structure.
- The proposed addition is described as an interim 'stage' so there is a possibility that the original approval is executed by adding another storey atop the temporary structure. There is also a risk that the original approval is not executed and the temporary structure is perpetuated. These will in effect allow bypassing of the conditions of consent. These risks as well as the 10-year time-limit should therefore be addressed through conditions of consent.

The following comments previously provided by Heritage NSW on the original development, also remain valid for the current modification and require consideration as part of the assessment of this modification proposal:

- The proposed addition will also have an unacceptable adverse impact on significant views to the site (as identified in the Draft CMP) from several State Heritage Register items in the vicinity, including the Royal Botanic Gardens and the Sydney Conservatorium of Music and Chief Secretary's Building (SHR 00766). The amended proposal will have major adverse impact on the setting and significant views around the Treasury Building, Transport House and Justice and Police Museum. The proposed setbacks are inadequate in minimising the visibility of the proposed addition. It is recommended that a 30m setback from Macquarie Street frontage be provided which will comply with the SDCP 2012 requirement.
- The proposed roof top addition will 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.
- 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.**
- 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).

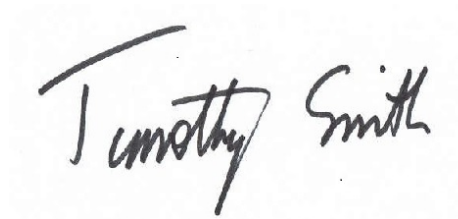
This development was refused by the Land and Environment Court. Paragraph 358 of the conclusion of the Court hearing states:

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.

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 to achieve a consistent outcome across the whole block.

If you have any questions regarding the above advice, please contact Rajat Chaudhary, Senior Assessments Officer, at Heritage NSW on 02 9873 8521 or Rajat.Chaudhary@environment.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink that reads "Timothy Smith". The signature is written in a cursive style with a large, sweeping initial 'T'.

Tim Smith OAM
Director, Heritage Assessments
Heritage NSW
Department of Premier & Cabinet
As Delegate of the Heritage Council of NSW
24/2/2022