

The logo for URBIS, featuring the word "URBIS" in a bold, white, sans-serif font. The text is partially enclosed by a white L-shaped line that forms the top and left sides of a square frame.

# INTERCONTINENTAL HOTEL

Request for SEARs - Stage 2 SSDA

**URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:**

Director	Andrew Harvey
Senior Consultant	Edward Green
Project Code	P21480
Report Number	Final

All information supplied to Urbis in order to conduct this research has been treated in the strictest confidence. It shall only be used in this context and shall not be made available to third parties without client authorisation. Confidential information has been stored securely and data provided by respondents, as well as their identity, has been treated in the strictest confidence and all assurance given to respondents have been and shall be fulfilled.

© Urbis Pty Ltd  
50 105 256 228

All Rights Reserved. No material may be reproduced without prior permission.

You must read the important disclaimer appearing within the body of this report.

**[urbis.com.au](http://urbis.com.au)**

# CONTENTS

<b>1.</b>	<b>Introduction .....</b>	<b>1</b>
<b>2.</b>	<b>Site Description .....</b>	<b>2</b>
<b>3.</b>	<b>Background .....</b>	<b>7</b>
3.1.	Stage 1 DA – SSD 7693 .....	7
3.2.	Pre-Lodgement Consultation .....	9
3.2.1.	Heritage NSW .....	9
3.2.2.	NSW Department of Planning, Industry and Environment .....	9
3.2.3.	City of Sydney Council .....	9
<b>4.</b>	<b>The Proposal .....</b>	<b>10</b>
<b>5.</b>	<b>Planning Framework .....</b>	<b>12</b>
5.1.	SEPP (State and Regional Development) 2011 .....	12
5.2.	Sydney Local Environmental Plan 2012 .....	12
	CI 4.3 – Height of Buildings .....	13
	CI 4.4 – Floor Space Ratio .....	13
	CI 5.10 – Heritage Conservation .....	14
	CI 6.17 – Sun access planes .....	14
	CI 6.21 – Design excellence .....	15
5.3.	Other Legislation .....	15
5.4.	Sydney Development Control Plan 2012 .....	16
5.5.	Central Sydney Planning Strategy .....	16
<b>6.</b>	<b>Assessment Requirements .....</b>	<b>17</b>
6.1.	Statutory and Strategic Planning Assessment .....	17
6.2.	Consultation .....	17
6.3.	Staging .....	17
6.4.	Built Form and Design Quality .....	17
6.5.	Amenity .....	18
6.6.	Heritage .....	18
6.7.	Traffic, Parking and Access .....	18
6.8.	NCC Compliance .....	18
6.9.	ESD .....	18
6.10.	Construction Impacts .....	18
6.11.	Biodiversity .....	19
<b>7.</b>	<b>Conclusion .....</b>	<b>20</b>
	<b>Disclaimer .....</b>	<b>21</b>

**Appendix A** SSD 7693 Development Consent

**Appendix B** Architectural Plans

**Appendix C** QS Statement

## FIGURES

Figure 1 – Site Location and Context .....	2
Figure 2 – Aerial Photograph.....	3
Figure 3 – Site Locality .....	4
Figure 4 – Site Photographs .....	5
Figure 5 – SLEP 2012 Land Use Zoning Map.....	12
Figure 6 – SLEP 2012 Height of Buildings Map .....	13
Figure 7 – SLEP 2012 Floor Space Ratio Map .....	13
Figure 8 – Heritage Listings.....	14
Figure 9 – Sun Access Protection Map .....	14
Figure 10 – Sydney LEP Special Character Areas .....	16

## PICTURES

Picture 1 – View of the Intercontinental Hotel from the intersection of Bridge and Phillip Streets .....	5
Picture 2 – View of the Site from Bridge Street .....	5
Picture 3 – View of the Site from the Royal Botanic Gardens .....	6
Picture 4 – View of the Site from the West (showing Transport House and the Intercontinental Hotel).....	6

## TABLES

Table 1 – SSD 7693 Conditions to be satisfied prior to lodgement.....	7
Table 2 – Scope of Amendments (Floor by Floor) .....	10

# 1. INTRODUCTION

In accordance with Clause 3 of Schedule 2 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) and Schedule 1, Clause 13(2)(b) of *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP), Mulpha requests the issue of Secretary's Environmental Assessment Requirements (SEARs) for the refurbishment of the Intercontinental Hotel at 115-119 Macquarie Street, Sydney.

Concept State Significant Development approval (SSD 7693) was granted by the Independent Planning Commission (IPC) on 22 January 2020 for a New Ballroom Addition above Transport House (at 99-113 Macquarie Street) and Hotel Upgrades at the Intercontinental Hotel site. This SEARs request is made for a Stage 2 State Significant Development Application (SSDA) for the Intercontinental Hotel site only. The works pertaining to the Transport House site will be progressed via a separate planning application.

The scope of this application includes various refurbishments to the hotel, together with a rooftop addition, in compliance with the approved envelope under Concept SSD 7693.

The proposal qualifies as a State Significant Development (SSD) as the Capital Investment Value (CIV) is in excess of the requisite SSD threshold of \$10 million for tourist related purposes in an 'environmentally sensitive area of State significance'.

This report includes:

- A description of the site and locality.
- An overview of the relevant background information.
- A description of the proposal.
- An explanation of the legislative framework that applies to the proposal/site.
- A preliminary identification of the impacts associated with the proposal; and
- Supporting technical information.

This SEARs request follows pre-lodgement meetings with both the NSW Department of Planning, Industry and Environment (in-person on Tuesday, 10 March 2020) and the City of Sydney Council (via Skype on Monday, 23 March 2020).

The proposal will provide a range of local and regional benefits, because it:

- Facilitates upgrade works to an internationally rated hotel, close to high profile tourist destinations and transport amenity in Sydney CBD.
- Supports the global role of Sydney CBD as a world-renowned tourist destination, contributing to a competitive visitor economy.
- Celebrates, and is sympathetic to, the State heritage listed characteristics of the site. There has been significant investment in the heritage components of the site to ensure their ongoing use and longevity.
- Provides refurbished hotel accommodation, meeting a demonstrated strategic need and the objectives of the Eastern City District Plan.
- Will result in significant employment generation during both the construction and operation phases.
- Includes measures to deliver Ecologically Sustainable Development (ESD); and
- Delivers a quality design outcome, entirely within the 'envelope' parameters set by SSD 7693, negating any additional visual/streetscape impacts that were not considered at the Concept stage.

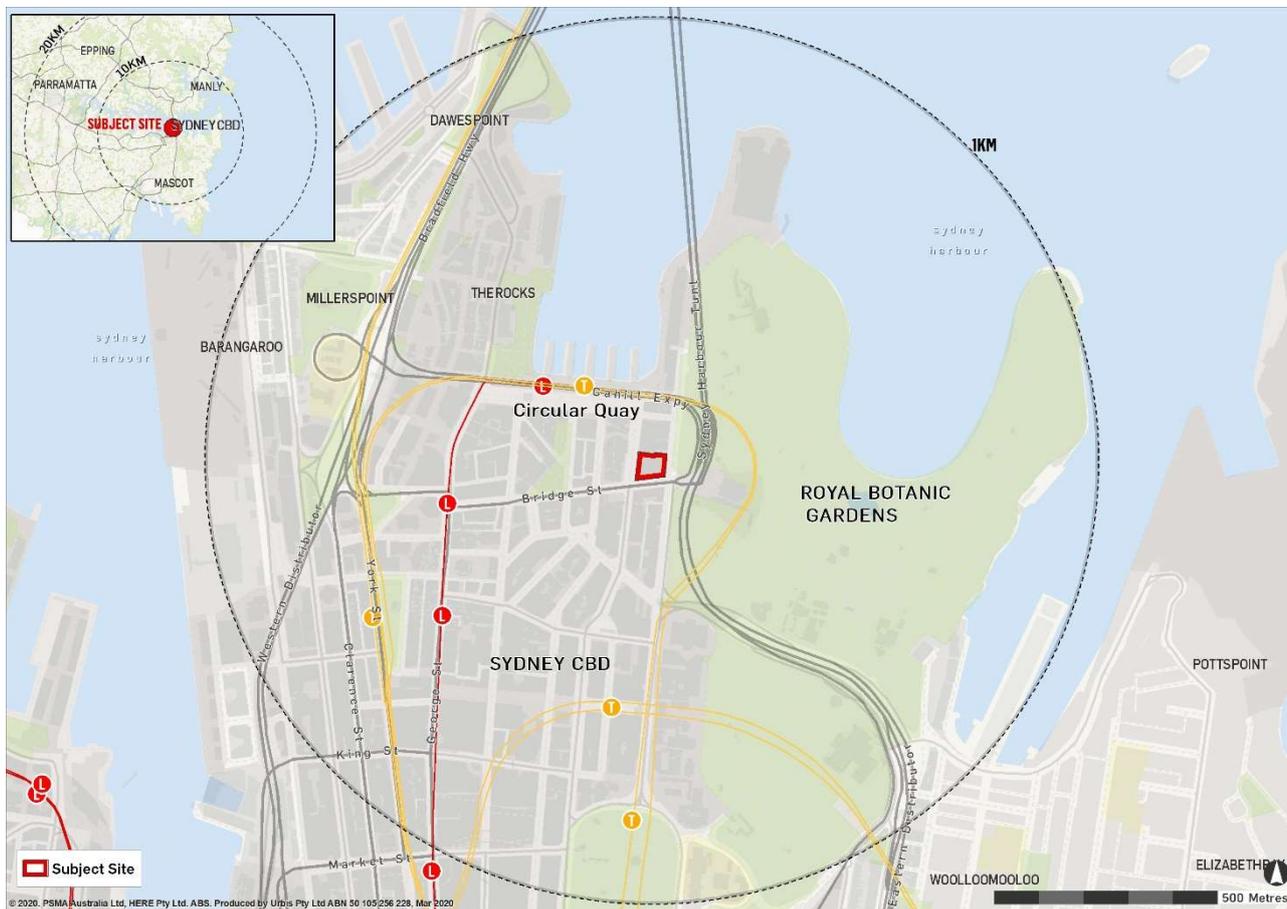
The purpose of this request is to provide a preliminary environmental assessment and other supporting documentation to allow SEARs to be issued to facilitate the preparation of the Environmental Impact Statement (EIS) to accompany the Stage 2 SSDA. The following documentation is provided in support of this request:

- Architectural Plans prepared by Woods Bagot.
- QS Statement prepared by Rider Levett Bucknall.

## 2. SITE DESCRIPTION

The site is located in the north-eastern part of the Sydney CBD and occupies the southern third of the block bound by Macquarie Street, Bridge Street, Phillip Street and Albert Street – see Figure 1 below. The site is located within the City of Sydney LGA in an area characterised by historic Government buildings and streetscapes.

Figure 1 – Site Location and Context



Source: Urbis

The site comprises two allotments containing the Intercontinental Hotel (incorporating the former NSW Treasury Building) at 115-119 Macquarie Street. The legal description of the site is:

- Lot 40 DP 41315; and
- Lot 4 DP 785393,

The site (115-119 Macquarie Street) contains two interconnected buildings that comprise:

- The 32-storey Intercontinental Hotel tower, which is located on the corner of Phillip and Bridge Streets set above a podium. The building was designed by Kann Finch and completed in 1985. The building is characterised by heavy concrete facades, punctuated by half-height windows.

The hotel contains 509 guest rooms and various ancillary hotel facilities (restaurants, basement level ballroom, meeting and conference rooms, retail outlets). The hotel also includes a health club and pool on Level 31 and a Club Lounge on Level 32.

At full capacity, the hotel accommodates 1,000 guests and employs 470 staff. Vehicular access to the basement is provided from Phillip Street. A porte-cochere also operates from Phillip Street, with egress provided via a right-of-way to Albert Street.

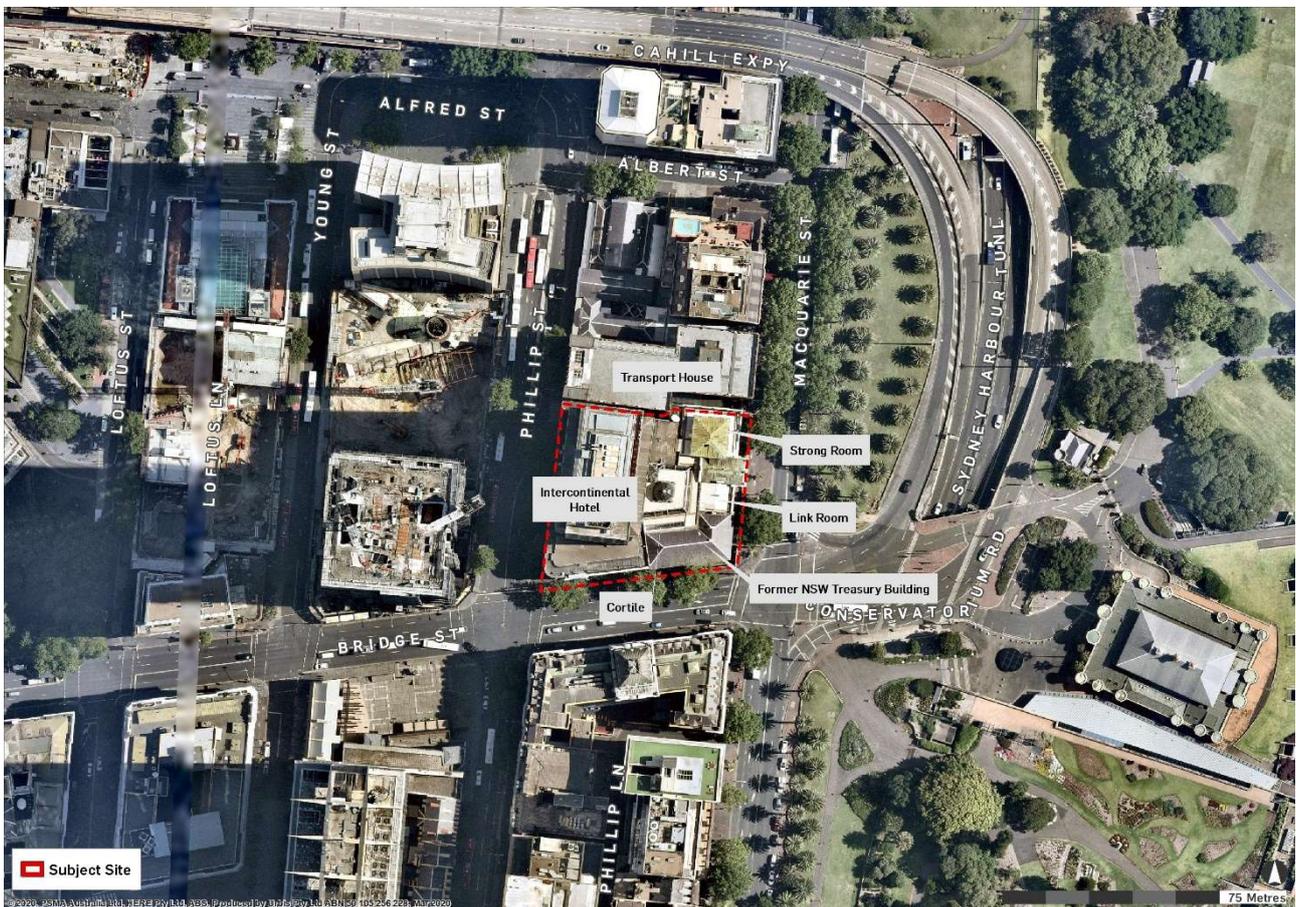
- The State Heritage listed former NSW Treasury Building, which is located on the corner of Macquarie and Bridge Streets. The buildings comprise:
  - The original Treasury Building on the corner of Macquarie and Bridge Streets.
  - The northern wing extension (Strong Room and Link Building).
  - The west wing extension, including highly intact sandstone façade on Bridge Street; and
  - An internal courtyard, which has since been converted into a covered atrium (the Cortile), located between the hotel tower and the Treasury Buildings.

Immediately to the north of the site (99-113 Macquarie Street) is a seven-storey commercial building known as Transport House, which is locally heritage listed. This site was part of the SSD 7693 Concept approval. Works relating to this portion of the Concept SSDA site will be progressed via a separate planning approval/application.

It was built in 1938 for the Department of Roads, Transport and Tramways and has been extensively refurbished. The building has frontages to Macquarie Street and Phillip Street. The building is separated from the Treasury Buildings by a narrow laneway, known as Macquarie Lane.

Refer to Figure 2 below which provides an aerial view of the site and the relationship between the buildings:

Figure 2 – Aerial Photograph

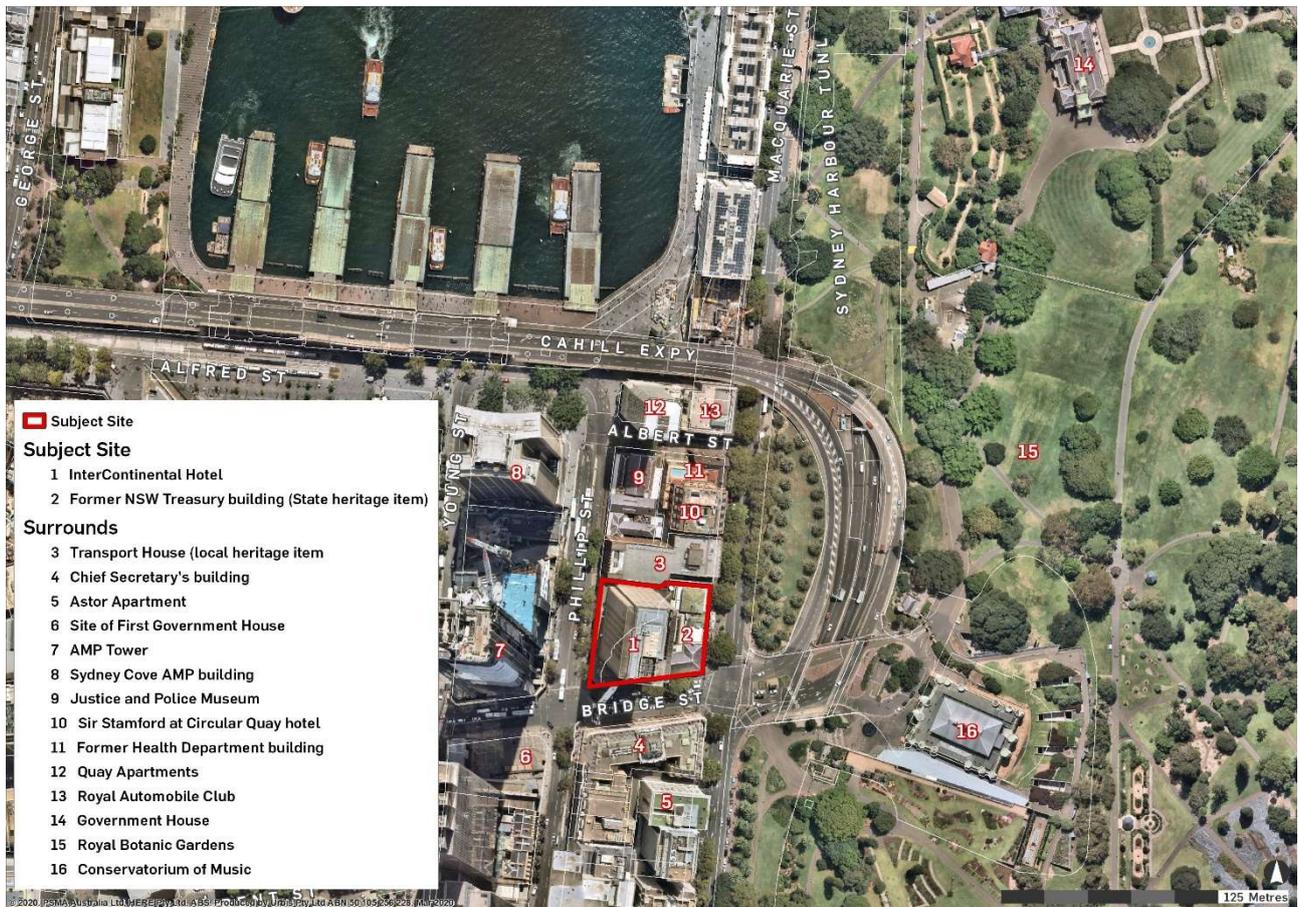


Source: Urbis

The site is surrounded by the following buildings:

- **To the north:** Transport House (as described above) and the Sir Richard Stamford Hotel, fronting Macquarie Street (currently 10 storeys) and the State Heritage listed Justice and Police Museum buildings. It is noted that on Thursday, 12 March 2020 the Central Sydney Planning Committee (CSPC) resolved to approve D/2017/1609 which sought a concept mixed-use building envelope to a height of 55 metres (approximately 16 storeys).
- **To the east:** on the opposite side of Macquarie Street is the Royal Botanic Gardens.
- **To the west:** is the construction site for the AMP 'Quay Quarter' development block. This includes the Quay Quarter tower, which when complete, will be 50 storeys and the Sydney Cove Building, which is locally heritage listed and 26 storeys.
- **To the south:** is the four-storey State Heritage Listed Chief Secretary's Building and a locally listed 13-storey residential tower at 123-125 Macquarie Street.

Figure 3 – Site Locality



Source: Urbis

Figure 4 – Site Photographs



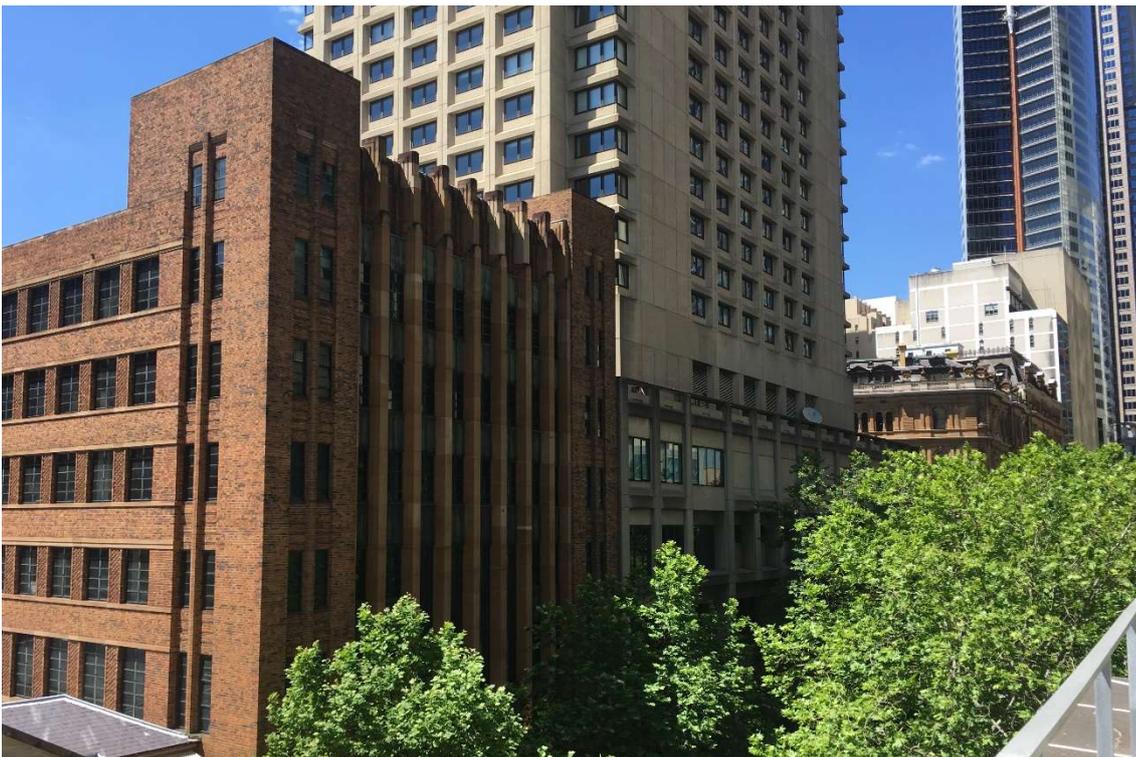
Picture 1 – View of the Intercontinental Hotel from the intersection of Bridge and Phillip Streets



Picture 2 – View of the Site from Bridge Street



Picture 3 – View of the Site from the Royal Botanic Gardens



Picture 4 – View of the Site from the West (showing Transport House and the Intercontinental Hotel)

Source: Urbis

## 3. BACKGROUND

### 3.1. STAGE 1 DA – SSD 7693

On 22 January 2020, the Independent Planning Commission granted development consent for a Stage 1 State Significant Development Application, which establishes building envelopes to facilitate various internal and external alterations and additions.

The key components of this approval are:

- Building envelope above Transport House (maximum RL 48.3m).
- Two building envelopes above the Intercontinental Hotel (maximum RL 114.55m).

SSDA 7693 also sought Concept development approval for:

- Two new awnings (within Macquarie Lane and over the Phillip Street footpath).
- Replacement of hotel cooling towers (on the roof).
- Reglazing of hotel tower windows (within existing building openings).
- Refurbishment of the cortile and adjacent spaces.
- Alterations and upgrade work to entries and internal areas including rooms, corridors, lobbies, bars and restaurants (State heritage listed areas only).

It is noted that the IPC, in their determination, imposed the following conditions which must be satisfied prior to the lodgement of future development applications. Table 1 below provides an overview of these requirements (for completeness, a full copy of the SSD 7693 Development Consent is provided at Appendix A).

Table 1 – SSD 7693 Conditions to be satisfied prior to lodgement

Condition	Comment
<i>B1. Prior to the lodgement of future development applications related to this consent, the Applicant must seek Planning Secretary's Environmental Assessment Requirements (SEARs).</i>	Noted. This document is a request for SEARs in accordance with Condition B1.
<i>B2. Prior to the lodgement of the first development application relating to the Transport House building envelope and/or associated works, 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.</i>	Noted. This SSDA does not propose any works to Transport House. Transport House works (including the competitive design process) will be undertaken via a separate planning application/process.
<i>B3. The competitive design process is to be 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, C1A Transport House Cantilever Over Macquarie Lane and Condition C2 Design Excellence, Conditions C3-C5 Heritage, Conditions C6-C8 Structural Design and other relevant conditions in Part C of this consent.</i>	Noted. See B2 above.

Condition	Comment
<p><i>B4. The detailed design of the development must exhibit design excellence, as per clause 6.21 of Sydney Local Environmental Plan 2012.</i></p>	<p>Noted – the EIS package will demonstrate how the scope of these works exhibits design excellence in accordance with the SSD 7693 consent conditions and clause 6.21 of the SLEP 2012.</p>
<p><i>B5. Prior to the lodgement of the first development application, revised concept proposal drawings shall be submitted to, and approved by, the Planning Secretary that provide for an amended Transport House building envelope that is located solely above the roof of Transport House (except where it connects to the IC Hotel tower northern facade). In this regard the revised concept drawings shall include the following amendments:</i></p> <p><i>a) deletion of the ballroom lobby/access component of the Transport House building envelope that is located above the IC Hotel podium and between the IC Hotel tower eastern façade and rear of the Treasury Buildings Strong Room</i></p> <p><i>b) deletion of the component of the Transport House building envelope that cantilevers over Macquarie Lane, the IC Hotel podium and Treasury Buildings.</i></p> <p><i>Notwithstanding condition B5(b) above, the Transport House building envelope may be permitted to cantilever over Macquarie Lane as part of future development application(s) where the requirements of Condition C1A have been met.</i></p>	<p>Noted – however, given the proposed works do not relate to Transport House, Condition B5 should not inhibit NSW DPIE from issuing SEARs.</p> <p>The drawing/requirement will be discussed with NSW DPIE via a separate forum.</p>

It is also noted that Conditions C3 and C6 require the Applicant to undertake the following, prior to the lodgement of a development application:

- Have the Conservation Management Plans (CMPs) endorsed for the former NSW Treasury Building (by the NSW Heritage Council) and Transport House (by the City of Sydney); and
- Consult with the City of Sydney Council and Heritage Division, to ensure future development applications are appropriately designed.

With regard to these requirements:

- The NSW Treasury Building CMP was relodged to Heritage NSW in November 2019 and is currently under review. It is expected that this CMP will be endorsed imminently.
- It is noted that there is no formal ‘endorsement’ process through the City of Sydney for CMPs, however the Applicant has finalised and sent the Transport House CMP to the City of Sydney in March 2020 for final ‘acceptance’. The NSW DPIE noted that email correspondence indicating the acceptability of the CMP from Council would suffice to satisfy the SSD 7693 condition.

## **3.2. PRE-LODGE MENT CONSULTATION**

### **3.2.1. Heritage NSW**

The Applicant and their heritage consultant (Urbis) have had ongoing dialogue and engagement with Heritage NSW in resolving the SSD 7693 CMPs for formal 'endorsement'. Given the works proposed under this application do not propose any significant impact to State heritage components of the site, pre-SEARs engagement with Heritage NSW was not deemed necessary. However, engagement with Heritage NSW could occur prior to EIS lodgement.

### **3.2.2. NSW Department of Planning, Industry and Environment**

The Applicant met with NSW Department of Planning, Industry and Environment (NSW DPIE) officers Cameron Sargent and Karl Fetterplace on Tuesday, 10 March 2020 for a 'Scoping Meeting'. The meeting comprised a short question and answer discussion, together with a presentation from Ian Lomas of Woods Bagot regarding the scope of this SSDA.

Key points discussed during the meeting included:

- DPIE acknowledged the Applicant's desire to progress the Intercontinental Hotel works first, with the Ballroom extension (and associated design competition) to form part of a separate planning approval.
- Any future SSDA on the Intercontinental site will need to consider D/2017/1609 (the recent Stamford Concept approval) and vice versa.
- It was noted that a Complying Development Certificate (CDC) was being progressed for applicable internal works for the Intercontinental rooms/windows.
- DPIE are open to issuing staged consent conditions, in the event some works at the Intercontinental Hotel were more urgent than others.
- The requirement for the Applicant to have both CMPs 'endorsed' prior to lodgement of this SSDA was confirmed. It was noted that the City of Sydney (unlike the Heritage Council) does not have a formal endorsement process. DPIE advised that email correspondence confirming acceptance of the CMP would suffice to satisfy that component of Condition C3.

### **3.2.3. City of Sydney Council**

The project team conducted a Skype call with City of Sydney Council officers Andrew Rees, Marie Burge, Tony Smith and Hui Wang on Monday, 23 March 2020. The meeting was initially intended to be face-to-face, however for an abundance of caution in light of the ongoing COVID-19 pandemic, it was decided a Skype call was the most appropriate forum.

Key points discussed during the call included:

- The scope of the Application, including an explanation of the limited impacts upon heritage components of the Intercontinental Hotel site.
- The pending 'endorsement' of the Conservation Management Plan (CMP) for locally heritage listed Transport House by the City of Sydney Council (and an explanation of the timing implications of this).
- No planning-related issues were identified by the City of Sydney Planning officers, provided the vertical extensions were within the Stage 1 approved envelope(s).

## 4. THE PROPOSAL

The proposal is a Stage 2 SSDA that seeks approval for:

- Various refurbishments to the Intercontinental Hotel tower.
- Alterations to the roof of the Intercontinental Hotel, including expansion of the club lounge and terrace – in compliance with the approved envelope under SSD 7693.

The proposed land use is ‘tourist and visitor accommodation’ (including ancillary uses), consistent with the existing use and what was considered/approved under SSD 7693.

From a staging perspective, no works will be undertaken to Transport House due to its sensitivity and requirement for more consideration, including a competitive design process. It is also noted that internal fit outs to hotel rooms has been progressed via a Complying Development Certificate (CDC) process.

The proposal would increase the GFA of the Intercontinental Hotel tower by 226sqm, equating to a total GFA of 40,895 sqm (across the whole SSD 7693 site). The proposal also provides a maximum height of building of RL 114.55 (consistent with the envelope approved under SSD 7693).

The design intent is based on limiting works to heritage components, with all original fabric untouched. Works to heritage components have been limited to either the removal of later additions, or reversible upgrades to meet compliance. This will lead to a greater appreciation of the important elements of the Hotel’s fabric.

Level 9 will be converted from office to hotel via a separate approval process. It is noted that this space will be subject of future consideration as part of the access to the (future) Ballroom above Transport House. Accordingly, the works to Level 9 under this application have been kept to a minimum to ensure they are not abortive. For more information, refer to the Architectural Drawings prepared by Woods Bagot at Appendix B.

Table 2 – Scope of Amendments (Floor by Floor)

Level	Scope of Changes
Level 3 (Basement 2)	<ul style="list-style-type: none"> <li>• Upgrade to Garbage, Dirty Linen and House Keeping.</li> <li>• Upgrade to existing offices.</li> <li>• Upgrade of loading and waste.</li> </ul>
Level 4 (Basement 1)	<ul style="list-style-type: none"> <li>• Refurbishment of Laundry to administration offices.</li> <li>• Refurbishment of linen store and housekeeping.</li> <li>• Finishes upgrade to Staff Cafeteria.</li> <li>• Finishes upgrade to female and male lockers, change and WC.</li> </ul>
Level 5 (Ground)	<ul style="list-style-type: none"> <li>• Finishes Upgrade to Porte cochere.</li> <li>• Architectural upgrade to façade entry of Bridge and Phillip Street corner.</li> <li>• Refurbishment to Cortile with introduction of new bar with small change in levels to allow for bar.</li> <li>• Finishes upgrade to lift lobby.</li> <li>• Finishes upgrade to bathrooms.</li> <li>• Compliance upgrade to DDA bathroom.</li> <li>• Refurbishment to Bridge street corner arcade entry, Porte cochere drop off and Macquarie Street entry including concierge, baggage storage and lounge seating.</li> </ul>

<b>Level</b>	<b>Scope of Changes</b>
Level 6	<ul style="list-style-type: none"> <li>• Compliance upgrade to cortile balustrade.</li> <li>• Architectural upgrade to façade entry of Bridge and Phillip Street corner.</li> <li>• Finishes upgrade to cortile arcade and lift lobby.</li> <li>• Refurbishment to restaurant.</li> <li>• Refurbishment to commercial kitchen.</li> <li>• Finishes and compliance upgrade to existing toilets.</li> </ul>
Level 7	<ul style="list-style-type: none"> <li>• Compliance upgrade to cortile balustrade.</li> <li>• Architectural upgrade to façade entry of Bridge and Phillip Street corner.</li> <li>• Finishes and compliance upgrade to existing toilets.</li> <li>• Compliance upgrade to commercial kitchen.</li> </ul>
Level 9	<ul style="list-style-type: none"> <li>• Refurbishment of Conference services, administration offices and Beauty Rooms to a full floor of 26 hotel rooms.</li> </ul>
Level 31	<ul style="list-style-type: none"> <li>• Finishes upgrade to pool area.</li> <li>• Refurbishment of existing restaurant to gym area.</li> <li>• Refurbishment of existing gym to spa treatment rooms.</li> <li>• Refurbishment of existing Male and Female change to Spa change rooms.</li> </ul>
Level 32	<ul style="list-style-type: none"> <li>• Refurbishment of existing club lounge.</li> <li>• Western extension of club lounge to align with building line below.</li> <li>• Extension of eastern club lounge to build new deck and enclosed space over existing roof slab.</li> <li>• New façade to club lounge level.</li> <li>• Enclosed Fire Stair continued from L31 to L32.</li> </ul>
Roof	<ul style="list-style-type: none"> <li>• New roof over extended building line on eastern and western sides of the building.</li> </ul>

# 5. PLANNING FRAMEWORK

## 5.1. SEPP (STATE AND REGIONAL DEVELOPMENT) 2011

Schedule 1, Clause 13 of the SEPP (State and Regional Development) 2011 (SEPP SRD) identifies development for tourist related purposes that has a CIV of more than \$10 million as State Significant Development, if it is located in an ‘environmentally sensitive area of State significance’. The term ‘environmentally sensitive area of State significance’ is defined in Clause 4(h) of the SEPP SRD to mean:

*“(h) land, places, buildings, or structures listed on the State Heritage Register under the Heritage Act 1977”*

The former NSW Treasury Building is retained on the State Heritage Register and qualifies as an ‘environmentally sensitive area of State significance’ under the SEPP SRD.

Accordingly, as the proposal comprises tourist related development with a CIV of more than \$10 million (refer to the QS Statement at Appendix C) in an ‘environmentally sensitive area of State significance’, the proposal is SSD.

It is noteworthy that SSD 7693, Condition B1 states that prior to the lodgement of future development applications related to that consent, the Applicant must seek SEARs. This means that, irrespective of monetary ‘triggers’, future applications at the site are State Significant Development.

## 5.2. SYDNEY LOCAL ENVIRONMENTAL PLAN 2012

The Sydney Local Environmental Plan 2012 (SLEP 2012) establishes the permissibility of the proposal. The site is zoned B8 (Metropolitan Centre) under clause 2.2. of the SLEP. The proposal for ‘*hotel or motel accommodation*’ (a sub-set of ‘*tourist and visitor accommodation*’) is permitted with development consent in the B8 zone.

Figure 5 – SLEP 2012 Land Use Zoning Map



Source: Urbis

### CI 4.3 – Height of Buildings

The site is subject to a maximum height of building above ground level of 55m (for those parts of the site within approximately 30m of Bridge and Macquarie Streets – see Figure 6 below). The maximum building height is also affected by the sun access plane – outlined in Clause 6.17. It is noted that the existing Intercontinental Hotel tower (as built) already exceeds both controls. This proposal will maintain compliance with the Stage 1 envelope approved under SSD 7693 (maximum building height – RL 114.55m), which will not introduce any additional overshadowing of the Royal Botanic Gardens.

Figure 6 – SLEP 2012 Height of Buildings Map



Source: Urbis

### CI 4.4 – Floor Space Ratio

The maximum FSR of 14:1 applies to the site comprising a ‘base’ of 8:1 + 6:1 ‘accommodation floor space’. The proposed additional GFA as part of this SSDA is 226 sqm, equalling a total GFA of 40,895 sqm (across the whole SSD 7693 site) and an FSR of 7.49:1. Therefore, the proposed FSR complies with the ‘base’ 8:1 control and does not rely on any ‘accommodation floor space’.

Figure 7 – SLEP 2012 Floor Space Ratio Map

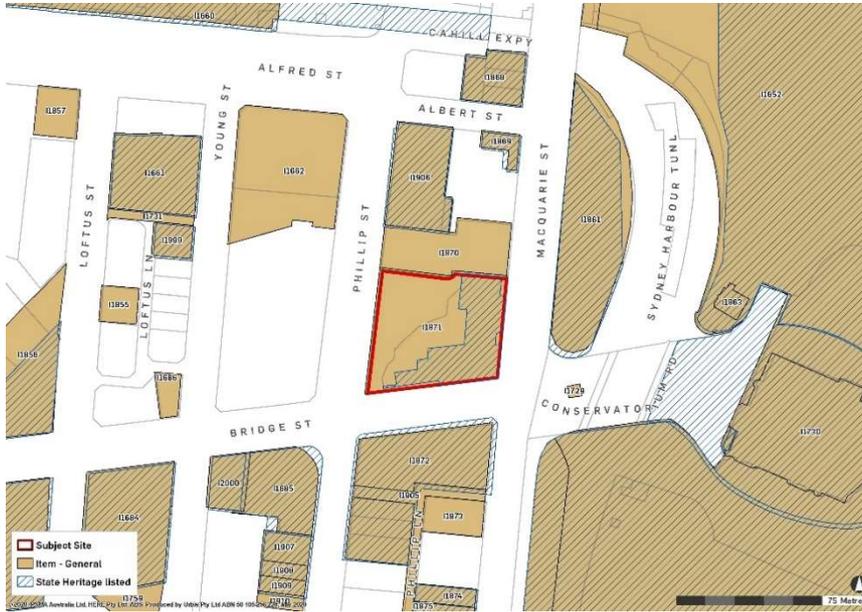


Source: Urbis

## CI 5.10 – Heritage Conservation

The site comprises an item listed in the LEP as heritage listed, being the NSW Treasury Building. The siting, form and height of the proposed building extension, and internal works within have been carefully designed and will be supported by a Heritage Impact Statement as part of the EIS package for this DA. Figure 8 below illustrates both the LEP and State Heritage listings (combined).

Figure 8 – Heritage Listings



Source: Urbis (SLEP + SHR)

## CI 6.17 – Sun access planes

Development consent must not be granted on land if the development will result in any building projecting higher than any part of a sun access plane. It is noted that the (approved) extensions to the roof level of the Intercontinental Hotel extend outside the existing building envelope and above the sun access plane prescribed in the Sydney LEP 2012. This proposal does not extend past the approved envelope and can be approved as it is not wholly prohibited (per Section 4.38(3) of the EP&A Act).

Figure 9 – Sun Access Protection Map



Source: Urbis

## CI 6.21 – Design excellence

Clause 6.21 states that development consent must not be granted to which this clause applies unless the proposal exhibits design excellence. The EIS submitted for this proposal will outline how it achieves the design excellence provisions listed under Clause 6.21(4) of the Sydney LEP 2012.

It is noted that Clause 6.21(5) requires a competitive design process to be held if a building has, or will have, a height above ground level exceeding 55m (on land in Central Sydney).

During the IPC assessment and determination for SSD 7693, it was recognised that a competitive design process applied to, and was required for, the Transport House building envelope. This was largely because of its visual and heritage sensitivities together with the fact that the envelope sought to establish non-compliant setbacks. Accordingly, the determination (Condition B2) requires the Applicant to undertake a competitive design process prior to the lodgement of the first development application relating to the Transport House building envelope and/or associated works – see below:

*B2. Prior to the lodgement of the first development application relating to the Transport House building envelope and/or associated works, 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.*

Because this Application does not propose any works to Transport House or its envelope, a competitive design process is not required (per the SSD 7693 consent).

## CI 7.3 – Car parking spaces not to exceed maximum set out in this Division

The Sydney LEP 2012 sets a maximum provision of car spaces for the site. It is noted that the existing basement structure accommodates 121 car spaces, which exceeds the maximum parking requirement. The parking count is not proposed to change as part of this DA. The non-compliance is considered acceptable because the car parking is existing.

## CI 7.20 – Development requiring or authorising preparation of a development control plan

Clause 7.20 applies to the proposal because it is made on land in Central Sydney and results in a building higher than 55m above ground level. Section 83C of the EP&A Act provides that this obligation is satisfied by the making and approval of a Stage 1 DA (i.e. SSD 7963). Accordingly, a site-specific DCP is not required.

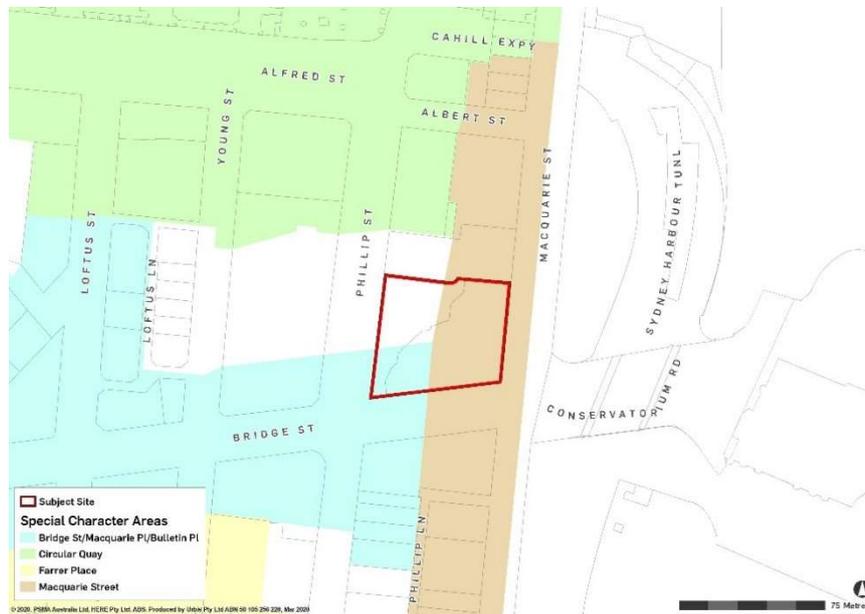
## 5.3. OTHER LEGISLATION

- **SEPP No. 55 – Remediation of Land:** as the proposal does not involve any excavation, the issue of land contamination is not applicable and the site is considered suitable for proposed development.
- **SEPP (Coastal Management) 2018:** while the site is proximate to a coastal environment, there has not been a 'Coastal Vulnerability' map developed for the SEPP at the time of writing. Notwithstanding, the proposal is unlikely to be located in or near a coastal vulnerability area given its CBD context. It is also noteworthy that the site is located outside the nominated 'Coastal Environment' area on the Coastal Management SEPP online mapping tool.
- **SREP (Sydney Harbour Catchment) 2005:** the site is within an area subject to the provisions of SREP (Sydney Harbour Catchment) 2005 (the 'Harbour REP'). Given the scope of the proposal, it is not likely to have an adverse impact upon the scenic quality or ecology of the Harbour.

## 5.4. SYDNEY DEVELOPMENT CONTROL PLAN 2012

Clause 11(a) of the SEPP (SRD) provides that development control plans do not apply to State Significant Development. Notwithstanding, the EIS package will provide an assessment against the relevant chapters of the SDCP, such as the relevant 'Special Character Area' (SCA) statements and heritage provisions. It is noted that the site sits within both the 'Macquarie Street SCA' and the 'Bridge Street / Macquarie Place / Bulletin Place SCA', see Figure 10 below.

Figure 10 – Sydney LEP Special Character Areas



Source: Urbis

## 5.5. CENTRAL SYDNEY PLANNING STRATEGY

It is noted that the Central Sydney Planning Proposal (also known as the 'Central Sydney Planning Strategy'), initiated by the City of Sydney Council, received Gateway determination from the NSW DPIE on 11 March 2020. The determination enables Council to exhibit new and amended planning controls to implement the strategy (which is expected imminently).

Broadly, the Central Sydney Planning Strategy aims to implement 10 key moves:

1. Prioritise employment growth and increase capacity.
2. Ensure development responds to context.
3. Consolidate and simplify planning controls.
4. Provide for employment growth in new tower clusters.
5. Ensure infrastructure keeps pace with growth.
6. Move towards a more sustainable city.
7. Protect, enhance and expand Central Sydney's heritage, public places and spaces.
8. Move people more easily.
9. Reaffirm commitment to design excellence.
10. Monitor outcomes and respond.

The proposal is considered to align with the broad aims and objectives of the Central Sydney Planning Strategy by proposing a visitor and tourist accommodation use, generating employment, protecting heritage and achieving positive sustainability outcomes. The EIS can further elaborate and assess the consistency of the proposal against the Central Sydney Planning Strategy documents, once exhibited.

## **6. ASSESSMENT REQUIREMENTS**

In accordance with Section 4.15 of the EP&A Act, environmental, social and economic impacts upon the locality must be addressed within an EIS. The Applicant anticipates the following assessment requirements, which are likely to form the basis of the SEARs which are issued by NSW DPIE.

### **6.1. STATUTORY AND STRATEGIC PLANNING ASSESSMENT**

This would include a review of compliance and consistency with a range of key relevant legislation, environmental planning instruments, development control plans and NSW Government plans and policies.

### **6.2. CONSULTATION**

Various consultation has already occurred during the preparation, assessment and subsequent IPC approval of SSD 7693. The Applicant has also had ongoing liaison with Heritage NSW and City of Sydney in managing the endorsement of the two separate CMPs for Transport House and the former NSW Treasury Building.

Prior to lodging this SEARs request, the Applicant has also conducted meetings with the NSW Department of Planning, Industry and Environment and City of Sydney Council (Planning and Heritage officers). None of the stakeholders who have been consulted have raised objection to the proposal (as outlined in this SEARs request).

Consultation will be undertaken in preparing the EIS. It is anticipated that the following parties will have an interest in the proposal and will be consulted:

- Heritage NSW.
- City of Sydney Council.
- Heritage Council of NSW; and
- Transport for NSW (the umbrella organisation, which now incorporates RMS).

### **6.3. STAGING**

This EIS will provide details regarding staging of the proposed development, identify the timing of proposed staging of all components of the DA, and any associated cumulative impacts.

### **6.4. BUILT FORM AND DESIGN QUALITY**

The EIS and supporting documentation will outline how the development:

- Maintains the visual prominence of the existing heritage buildings on the site and Macquarie Street.
- Ensures the rooftop addition will present as contemporary and complementary to the existing heritage.
- Minimises physical and visual impacts from street activation strategies.
- Designs new balustrades within the Cortile arcade space to be reversible.
- Provides appropriate awning treatments, if proposed.

The EIS package will also demonstrate how the proposal achieves design excellence in accordance with SSD 7693 Condition C1/C2 and SLEP 2012 Clause 6.21.

## **6.5. AMENITY**

The EIS will demonstrate how the proposal will achieve a high level of environmental amenity and include analysis of:

- Solar access to adjoining buildings and public spaces (i.e. demonstrating compliance with the parameters set under SSD 7693).
- Visual privacy and view sharing (short form assessment demonstrating that the assumptions/parameters set under SSD 7693 have been maintained by the detailed design of the proposal).
- Operational waste management.
- Operational noise impacts.

## **6.6. HERITAGE**

The EIS will include a Heritage Impact Assessment which addresses impacts upon the heritage components of the site and compliance with the endorsed CMP(s). The HIS will also detail a schedule of conservation and restoration works together with a Heritage Interpretation Strategy per the requirements of SSD 7693 Condition C4.

It is noteworthy that the proposal does not comprise any excavation. Therefore, archeologically assessments are not considered relevant to the SSDA.

## **6.7. TRAFFIC, PARKING AND ACCESS**

Because no amendment to traffic, parking or access is proposed as part of the works, no traffic reporting is considered necessary to accompany the EIS.

## **6.8. NCC COMPLIANCE**

Any upgrades required to achieve compliance with the National Construction Code (NCC) will be heritage-sensitive and supported by a report from a qualified BCA consultant, as relevant/necessary.

## **6.9. ESD**

The EIS will demonstrate how Ecological Sustainable Development (ESD) principles have been incorporated within the design, construction and ongoing operation phases of the development, having regard to the ESD report prepared by Energy Action dated 24 October 2016 for SSD 7693.

## **6.10. CONSTRUCTION IMPACTS**

Construction impacts will be assessed with regard to the requirements set out in SSD 7693 Condition C15. This includes:

- Construction Traffic Management Plan.
- Preliminary Construction Management Plan, assessing:
  - Cumulative Impacts.
  - Noise and vibration impacts.
  - Community consultation and engagement.
  - Waste management.
  - Air quality.
  - Water quality (including sediment and erosion control plan).

## 6.11. BIODIVERSITY

We note that the Biodiversity Conservation Act 2016 (BC Act), clause 7.9(2) states:

*“Any such application [SSD] is to be accompanied by a biodiversity development assessment report unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values”*

We have undertaken an assessment of the proposal against the relevant provisions of the *Biodiversity Conservation Act 2016* and *Biodiversity Conservation Regulation 2017* (under separate cover) and are of the opinion that the proposal is unlikely to have a significant impact on the eight biodiversity values (as defined in Section 1.5 of the *Biodiversity Conservation Act 2016* and Clause 1.4 of the *Biodiversity Conservation Regulation 2017*). Therefore, we are of the opinion that a BDAR is not required for this SSDA.

## 7. CONCLUSION

This report accompanies a request for SEARs to guide the development of the Intercontinental Hotel. This request for SEARs is made for a Stage 2 (detailed) DA for various refurbishments, together with minor alterations and additions to the Intercontinental Hotel tower. The proposal is classified as SSD via Schedule 1 Clause 13(2)(b) of *State Environmental Planning Policy (State and Regional Development) 2011*, as it is development for tourist purposes that has a CIV of more than \$10 million and located in an 'environmentally sensitive area of State significance'.

This request has provided an outline of the proposal and identified the key environmental issues to assist the DPIE in the preparation of the SEARs. We would welcome the opportunity to liaise with DPIE if any queries or clarifications are required.

# DISCLAIMER

This report is dated 23 April 2020 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of MULPHA (**Instructing Party**) for the purpose of Request for SEARs (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

