



5 October 2018

RJC:15-166

The Secretary
Department of Planning and Environment
320 Pitt Street
Sydney NSW 2000

Attention: Thomas Mithen
Planner Key Site Assessment – Industry and Infrastructure Assessments

Dear Thomas,

Re: SSD 7693 – Intercontinental Hotel
Response to request for additional information

Thank you for your email of 27 August 2018 (4.21 pm) in relation to the SSD application for the Intercontinental Hotel and Transport House.

We have set-out below each of the matters in your further information request, with our responses inter-posed as appropriate. Several of our responses refer to attachments containing more details such as explanatory diagrams and plans.

1. Plans

- (a) the application includes DA drawings including detailed floor plans, elevations and sections. Clarify the plans you are seeking approval for as part of Stage 1 concept DA.*

The Applicant seeks consent for the plans identified in Drawing List 1 on sheets ST1-DA_000 and ST1-DA_000.1 as part of the Stage 1 Concept DA. Drawing list 1 is provided in **Attachment 1**.

Please note, with a view to assisting you in your assessment of this SSD DA, the project architect has consolidated all drawings, the view analysis, existing floor plans, envelope studies, shadow studies etc. into a single drawing set with unique drawing numbers, revisions and dates. Each drawing in the set is nominated as being either “For Stage 1 DA” or “For Information”. This full drawing package is provided in a separate file and can be provided in hard copy, if required.

- (b) the setback diagram showing the proposed building envelope from the north-east and south west in the RtS should be dated and include a reference numbers. The north-east diagram should include an RL at the roof of Transport House and the Strong*

Room/hotel podium and also dimensions showing the height of the proposed building envelope.

The requested revised setback diagram (Site Plan ST1-DA_001) showing the required details, is provided in **Attachment 1B**.

2. Non-compliance with setbacks

- (a) *provide a plan showing the proposed building envelope relative to the setback control lines at all 3 street frontages and include dimensions showing the extent of non-compliance. The diagrams ST1-DA-301 & 302 submitted with the EIS should also be updated*

The setback plan is provided in **Attachment 1B**.

Plans ST1-DA_301 and 302 have been renumbered to ST1-DA_250 and 251 and updated as part of the consolidated set of drawings. The requested building envelope plan is provided in **Attachment 2**.

- (b) *provide the proposed average setback distance to Macquarie Street across the entire site, noting the existing tower exceeds the 30m setback requirement*

The requested average setback plan is provided in **Attachment 1B**.

3. View impacts from the Astor

- (a) *provide view impact analysis from Levels 8 and 9 (referred to in the public submissions) and an assessment against the Tenacity principles. Clarify where on the northern elevation the views are from?*

In response to the Department of Planning and Environment's previous request, The Astor Administration was approached with a request for access to apartments on Levels 8,9, 10 and to the roof top common area of the building.

A visual assessment was subsequently provided demonstrating the impact from an apartment living room on Level 10 and from the roof top common area. Both views were assessed as having moderate visual impact (see previously submitted but now augmented Amended Visual Impact drawings in **Attachment 3**). At that time, only access to the apartment on Level 10 and roof top common area was permitted.

Following the Department's most recent request to assess the visual impact from Levels 8 and 9, The Astor Administration was approached again to permit access so that this task could be carried out. As per our prior emails to you, we understood that access would be granted however, The Astor Administration ultimately advised that access would not be given to the apartments with a view towards the Opera House and Harbour on these levels.

Notwithstanding the above, an assessment of the visual impact from Level 10 and the roof top common area, against the Tenacity view sharing principles, has been

undertaken adopting the four step approach in *Tenacity Consulting v Warringah Council* (2004) NSWLEC 140 as follows.

Step 1:- Assessment of Views to be Affected

“Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured” (Op. cit. Clause 26).

Comment:- Partial water views interfacing with built form in Circular Quay adjacent to The Quay apartment building are obscured to a minor extent when viewed from Level 10 and roof top common area of The Astor. At Levels 8 and 9 of The Astor, the extent of view loss is anticipated to be marginally greater to Circular Quay adjacent to The Quay apartment building. However, this impact does not extend beyond this location and views to the Opera House and Harbour are unaffected.

Step 2:- From Where are the views obtained.

“For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic” (Op. cit. Clause 27).

Comment:- The views are from standing positions from the living room of an apartment on Level 10 and the roof top common area facing to the north. The portion of the view which is obscured is minimal given that the broader vista (from Circular Quay across the Harbour and out to Sydney Heads) is unaffected by the proposal.

Step 3:- Assess the extent of the impact.

“This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating” (op. cit Clause 28).

Comment:- As indicated in Step 3 and as shown in the Amended Visual Impact assessment the extent of impact on the whole property is minor.

Step 4:- Assess the reasonableness of the proposal causing the impact.

“A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a

result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable” (Op. cit. Clause 29).

Comment:- The Concept Development Application seeks a variation to the relevant DCP setback (for elements above the nominated street frontage height) from Macquarie Street which is 30m to between 19.7m - 24.1. Within this still significant setback, existing roof structures on the Treasury Building and Transport House are retained and the view impact from The Astor is considered to be minimal.

On this basis, the impact of the proposal on views is considered to be reasonable.

4. Former NSW Treasury Building

- (a) *provide a plan clearly showing the extent of encroachment of the proposed envelope above the Treasury building and include dimensions, noting that Figure 196 in the HIS appears to show greater encroachment compared to the proposed building envelope*

Please see drawing Proposed Envelope ST1-DA_502 which is provided in **Attachment 4**.

5. Overshadowing

- (a) *there will be some minor additional shadow to the open space between Macquarie Street and the Cahill Expressway at winter solstice. Confirm the status of the affected land. Is it part of the RBG?*

The Royal Botanic Garden has confirmed that this land is owned by The Royal Botanic Gardens and Domain Trust.

- (b) *The EIS states there is no increase in afternoon overshadowing of the RBG from the club lounge extensions on the roof of the tower. Confirm the additional shadow is cast by Transport House and not the additions above the sun access plane*

The overshadowing drawing for “Proposed Envelope Winter Solstice 3.00pm” shows that the shadow is cast by the envelope of the proposed ballroom over Transport House and not by the Club Lounge extensions. This shadow partly extends over existing trees and the road surface of the northbound lanes leading to the Cahill Expressway (see **Attachment 5**).

6. Draft CMPs

- (a) *provide a copy of the latest Heritage Council comments in relation to the draft CMPs and estimated timeframe for completion of 3D scanning of the buildings and provision of responses to heritage Council comments*

See correspondence from Urbis provided in **Attachment 6**.

7. Internal Amenity

- (a) provide analysis in relation to daylighting impacts to the glazed cortile roof in light of the future addition to the north*

Shadow diagrams submitted with our last Response to Submissions show the extent of over-shadowing across the Cortile roof for the existing situation and following the proposed development.

The existing Cortile roof comprises a mostly non-transparent steel roof with supporting structure and clear glass inserts in the roof of the Cortile dome with clear side windows positioned on the outer edge of the roof (see **Attachment 7A**).

The existing structure significantly restricts light penetration with approximately 52% of the roof preventing any direct sunlight entering the internal space.

In the proposal, the Cortile roof is to be replaced with a transparent glazed roof with fritting to reduce direct glare. This will result in approximately 100% of the roof being transparent thus allowing a greater level of natural daylight penetration, even when the Cortile is subject to overshadowing from the proposal (see **Attachment 7B**).

The table in **Attachment 7B** shows that the most significant overshadowing impact from the proposed ballroom envelope occurs at 12.00 noon in mid-winter.

As shown by the Intercontinental Cortile Photos in **Attachment 7A**, daylight penetration is currently restricted by a 52% roof solid coverage. This will be substantially altered by the proposed refurbishment of the Cortile with replacement of the existing roof with a transparent roof. This will overcome any adverse overshadowing impact from the envelope of the ballroom and significantly improve daylight penetration into the existing Cortile space.

By way of reference, photos of the existing Cortile space are shown in comparison to the glazed finish to the roof of the central part of the ground floor of The Establishment Hotel in George Street, Sydney. This is to illustrate the likely benefit of the proposal in overcoming any shadow impact from the proposed ballroom.

8. Tower façade

- (a) noting the indicative design includes extension to the slabs by 600mm for the tower façade, it is not clear whether the external building envelope will be increased compared to existing. Please confirm.*

Detail design has resulted in windows being positioned within the existing recessed building façade and no extension to the slabs is now required.

9. GFA

- (a) *include the existing GFA in the table submitted with the RtS to enable a comparison with the existing GFA at each level and confirm the existing and proposed FSR*

Plan ST1-DA_252 shows existing and proposed GFA (see **Attachment 8**).

10. Swimming pool

- (a) *what is the intention for a swimming pool for guests now that it has been deleted?*

The swimming pool has been deleted from the proposed building envelope addition above the roof of Transport House. An alternative location for the pool will be considered in the Stage 2 Development Application.

11. Traffic

- (a) *section 2.3 of TTA refers to Young Street – is that an error?*
- (b) *section 3.4 of TTA – clarify how the additional cars generated by events (weekday (50 cars) and evening/weekend (100-150)) was established*
- (c) *address concerns regarding cumulative parking impacts associated with other development sites*
- (d) *clarify whether the nearby parking stations have sufficient capacity to accommodate demand during events in light of closing times and lack of public spaces in the evening?*

Each of the above matters (a) – (d) has been addressed in correspondence from Arup provided in **Attachment 9**.

12. Privacy Impacts

- (a) *provide analysis in relation to visual privacy impacts by identifying the potentially affected land uses/buildings on adjoining properties and proximity to the site, including the proposed development under assessment (now on hold) on the Stamford site*

Visual privacy impacts have been assessed by applying the Land and Environment Court's Visual Privacy Impact Planning Principles having regard to density, separation, use and design in relation to the proposed ballroom envelope and adjacent development (see **Attachment 10**).

This assessment shows that the visual privacy impact is minor, notwithstanding the density of development, building separation, the proximity of commercial (non-residential) uses, and design issues relating to window orientation, screening and size, which when combined ameliorate any adverse impact.

With regard to the nearest residential building, namely Quay Apartments, consultation on privacy resulted in no concerns being raised about the proposed ballroom which is unsurprising given the very substantial separation distance.

In relation to the Stamford, and noting the 3m setback from Transport House, the west-facing window and balcony orientation of accommodation rooms results in only oblique views to windows in the northern façade of Transport House. Having regard to the commercial day-time office use of Transport House and the commercial hotel use of Stamford, privacy issues are not significant either presently or will be once the proposed ballroom is constructed.

Stamford has prepared an “Indicative Reference Scheme” for redevelopment of their site. Acknowledging that we have objected to the Stamford DA, please nevertheless note that the supporting assessment for the Stamford DA states:-

“The Indicative Reference Scheme in Appendix 4 has demonstrated that by placing the core adjacent to the southern boundary, the proposed development can orientate apartments so that a blank wall treatment to the boundary adjoining Transport House is provided. This allows a 3m separation to be maintained between the buildings without impacting on the privacy of users of either building” (Statement of Environmental Effects – 93-97 Macquarie Street, p.7 November, 2017).

Clearly this indicates that the owners of the Stamford site believe that their privacy can be accommodated insofar as Transport House is concerned and the same can be said for the proposed ballroom building envelope.

13. Plant room

- (a) *Where is the previously proposed plant area to be accommodated now that it was removed from above podium at Level 8?*

The plant room which was previously proposed on the podium (at Level 8) on the Bridge Street frontage has been relocated to Level 8 of the Macquarie Street frontage at the base of the tower and not visible from Macquarie Street.

14. DA/02/00739 -Transport House

- (a) *What works have been carried out that implemented the consent?*

A review of approved staged plans and site works shows that the following works have been undertaken in respect to DA/02/00739:-

- Transport House Sub-Basement - Internal stairs
- Transport House - Level 5 Ground Floor – Internal Stairs and columns
- Treasury – Level 5 - Ground Floor – Restaurant services and amenities
- Transport House – Level 6 Double Glazing and Heritage works
- Treasury – Level 6 – Internal works

- Transport House – Level 7 - Double Glazing and Heritage works
- Treasury – Level 7 – Internal Works
- Transport House - Level 7a – Double Glazing and Heritage works
- Transport House – Level 8 - Double Glazing and Heritage works
- Transport House - Level 8a – Fire Stair and Lift Over-run works
- Treasury – Level 28 – New Guest Rooms
- Treasury – Level 31 – Stairs and Lift works
- Treasury – Level 31a – Stair and Lift works
- Treasury – Level 32 – External and Internal refurbishment

15. Further Action

Once you have had an opportunity to review this response to your request further information, please could you let me know the next steps and the timeframes associated therewith.

Yours faithfully
BBC Consulting Planners



Robert Chambers
Director
Email bob.chambers@bbcplanners.com.au