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Department of Planning, Industry and Environment  
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To whom it may concern,

## **HERITAGE RESPONSE TO SUBMISSIONS - INTERCONTINENTAL ALTERATIONS AND ADDITIONS SSD - 7693 - MOD 2**

### **INTRODUCTION**

This letter has been provided in response to the agency and public submissions regarding the Modification to SSD – 7693 relevant to Intercontinental Hotel Alterations and Additions.

All background and supporting information on the site can be found in the comprehensive Heritage Impact Statement prepared by Urbis (17 December 2021).

The section below outlines each of the issues raised by Heritage NSW in their response dated 24/2/21 and Mecone on behalf of Sir Stamford At Circular Quay dated 11/2/2021). Urbis responses are set out under each of the issues raised which are reproduced in bold text.

Note that this response does not attempt to comment on any other issues except those related to heritage. This is except where the public submission identifies heritage as one of the reasons to validate the requirement for a design competition – the requirement for a design competition is discussed by others.

### **RESPONSE TO SUBMISSIONS**

Some comments provided in the submissions below do not consider that the current application does not relate to physical works. It should be noted that the proposal is for concept envelope only – no physical works are being proposed under this application.

### **HERITAGE NSW**

**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.**

Any contraventions with previous approvals are to be addressed from a planning perspective by others.

This application seeks only consent for the inclusion of a stage in SSD – 7693 and a building envelope. Physical works do not form part of this application. The Heritage Impact Statement prepared as part of the application therefore discusses the type of works that would be facilitated by the Stage 1a application. Details of the setback of the glass balustrade or any other required ancillary structure are not finalised at this stage and consent is not sought for these elements. The plans provided with this response establish that the glass balustrade is to be approximately 2.9m set back from the façade however these details are to be determined via a separate detailed SSDA process. It is not anticipated that there will be any fixed structures on the deck, the detailed SSDA design stage will determine the most appropriate location/design of any such elements with regard for heritage and visual impacts.

This separate SSDA process will provide HNSW with an opportunity to comment on this detailed application which will include a comprehensive design package and a revised visual impact assessment which represents the final design of the proposed works (including the setbacks, materiality and form). The team is further able to commit to consultation with HNSW regarding setbacks and ancillary structures prior to the submission of the detailed SSDA.

**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 physical addition does not form part of this application. The intention is that the proposed building envelope facilitates a single storey space, with a heightened ceiling appropriate to its use as a function space.

Notwithstanding the number of internal floors the HIS prepared by Urbis and the Visual Impact Assessment prepared by AE Design Studio addresses the proposed presentation of the scale and finds that it is much more diminutive than what has been previously approved as a Stage 1 envelope, and has been carefully designed in terms of scale and siting to respond sympathetically to the existing building form of Transport House.

**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.**

Given no physical works are proposed at this stage the team is not able to confirm the construction method beyond the prefabrication. As part of the detailed SSDA the team can commit to outlining the structural works in detail to demonstrate that they enable only a single storey structure and that any interventions are minimal and able to be easily patched/adapted to suit the future 'permanent' scheme.

**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.**

There is no view at this stage regarding how the additional storey will be executed. However, it must be noted that the Conditions of Consent require a Competitive Design Process for all the future works including the original ballroom approval. This process will determine the best possible outcome for the building. If there is an opportunity to adapt the temporary structure while meeting the requirements

and intended outcomes of the CDP then Urbis do not object to the principle of using the temporary structure from a heritage perspective. Any Conditions of Consent should consider the sustainable benefit of reusing part of the temporary structure if it is shown that the scheme can achieve design excellence.

The 10 year time limit on leaving the temporary structure in place in its original form can be imposed in a Condition of Consent.

**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.**

It is not clear which part of the proposed addition is purported to have an unacceptable adverse impact of significant views. The single-story envelope is entirely within the existing approved envelope save a small extension to the south for access. Therefore, the impact of the scale is significantly reduced when compared to the original approval. A detailed design process will be undertaken to ensure that the physical works, which will be subject to a future SSD, are of design quality befitting of the location. HNSW will have the opportunity to be part of this design development process.

It is recognised that there are elements within the 30m setback to Macquarie Street that were not envisaged by or approved in the original consent. However, Urbis does not agree that these amendments will have a major adverse impact on the setting and significant views around the Treasury Building.

The proposed deck itself will not be visible behind the parapet so there is no potential for impacts on the setting or views as stated in the comment. The balustrade would be visible; however, it is a minor element which is likely to be glazed (this materiality can be agreed with HNSW) and which is intended to have a setback of approximately 2.9 metres from the parapet. The existing parapet would remain dominant in the streetscape. The balustrade would likely be difficult to view from the public domain on Macquarie Street and from further away would be so minor that it would not form a key focal points in views. A revised VIA can be provided during the detailed SSD process.

**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.**

Urbis has recent and significant EPBC Act Pre Referral experience in this area, specifically in relation to the introduction of multi storey additions above buildings within the National Listed curtilage. Department of Agriculture, Water and Environment (DAWE) are responsible for the protection of the exceptional values associated with the precinct. The Referral Guidelines prepared in 2021 for this area by DAWE do not require referral for additions to buildings within the curtilage. This is relevant to both buildings listed as part of the National values (which the subject site is not) and otherwise. Therefore, it cannot be assumed that there is any intention to preclude the type of development facilitated by this modification for the purpose of retaining the exceptional values of the precinct.

The proposed rooftop addition will not compromise the integrity of the surrounding historic precinct. There are a number of similar rooftop additions to buildings within this precinct, including buildings

which are listed as contributors to the National values (e.g. the rooftop addition under construction at the Department of Education Building on Bridge Street).

**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 information is appropriately indicative given approval of an envelope only is sought. Confirmation that the proposed development can be realised without any structural intrusion in addition to that approved under the original SSDA can be provided at detailed SSD stage. It should be noted that a structural report was submitted with the application which does not anticipate any additional impacts to the building.

**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.**

The requirement for a revised Sydney Development Control Plan is to be discussed by others. However, it should be noted that there is already an approved envelope in this location which is of a larger scale than that proposed under this application. The reduced impact should be appreciated.

## **MECONE ON BEHALF OF SIR STAMFORD AT CIRUCLAR QUAY**

**The Planning Report submitted with the Modification Application advises that "The proposed external deck will not have any qualitative heritage impacts as it will not be visible from the street nor from the Botanic Gardens." However, the accompanying Heritage Impact Statement (HIS) does not consider this proposed new deck area in its assessment, only the proposed function centre envelope.**

The proposed deck facilitated by the envelope proposed in this application would be entirely obscured by the existing parapet. There is no potential for the deck to have any visual impacts.

Refer to comments in the above section for additional discussion regarding the balustrade.

**It is unclear from the submitted HIS and Visual Impact Assessment (VIA) if due consideration has been given to the temporary function centre corridor link to the hotel and associated heritage or visual impacts.**

The corridor link is substantially set back from the Macquarie Street frontage. It is not likely that the link would be visible at all from the public domain east of the subject site. Even if the link was visible, it would exist in the context of existing, significantly larger development on the site and would be so set back from Macquarie Street that there is no potential for it to dominate the views or detract from any significant fabric.

**The original concept approval required the deletion of the building envelope over Macquarie Lane and the IC Hotel podium, containing the ballroom/lobby access, due to concerns regarding heritage and visual impacts. However, the remaining link between Transport House and the IC Hotel (along with the Transport House Ballroom) was to be subject to a competitive design process which would further address the visual and heritage impacts of this link between the two buildings.**

**As discussed in further detail in Section 6 below, the Modification Application seeks to remove the requirement for a CDP for the Stage 1A component which includes this corridor link. It is unclear if due consideration has been given to the potential heritage and visual impacts of the corridor link or rather if it was inserted as an afterthought to provide physical access to Stage 1A function centre, without proper analysis of the design excellence considerations.**

The remaining link between Transport House and the Hotel is a significantly smaller volume than the originally proposed building envelope which extended over Macquarie Lane. The small link would be recessive in the context of the streetscape and would not visually dominate the airspace over Macquarie Lane. While the link would not be subject to the Competitive Design Process it will undergo significant further design development and visual impact assessment to demonstrate that the quality and detailing is appropriate to the context. The team is able to commit to consultation with HNSW prior to the submission of the detailed SSDA to resolve this element.

## **CONCLUSION**

In conclusion the above finds that the issues raised do not warrant refusal of the application from a heritage perspective. The proposed envelope is diminutive in scale when compared with the previously approved ballroom envelope and the additional proposed elements (approval of which would be subject to a separate application) are minor and would not be easily visible in the context of the streetscape or the Governors' Domain and Civic Precinct generally.

I trust the above assists in the determination of this application. Please do not hesitate to contact the undersigned if you require any further information.

Kind regards,



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