

Response to City of Sydney Submission

Author	Comment	LL Response
1.0	Insufficient fit-out details	
	The submitted drawings do not provide any details of fit-out works, and merely illustrate the spatial layout of the various hotel functions. Detail is required to assess the proposal against the BCA, Food Standards Codes, and Australian Standards, and to determine if the proposed fit-out is fit for the intended purpose. To assist the Department, the following aspects are noted as deficient: - Detail showing kitchen and service areas, cool stores, servicing arrangements, mechanical ventilation, and the like must be included to ensure compliance with the BCA, Food Standards Codes, and relevant Australian Standards. - The maximum capacity configuration of each area where food and beverages are served must be illustrated to demonstrate compliance with the Building Code of Australia. - Maximum capacities must be nominated for all licensed areas, including restaurants, cafes, the pre-function area, ballroom, club lounge, general bar, pool bar, and the like. - Details showing the number of pans, basins, urinals, showers, and lockers in each bathroom/change room are required to demonstrate compliance with the Building Code of Australia. - Details showing the general furniture layout, reception, concierge, seating areas in the Ground Floor lobby are required. - General furniture layouts of the Level 1 Meeting Centre are required. - Rooms located in the southern portion of the podium on Level 1B are colour coded as voids; however the doors and partitions shown on the drawings suggest these areas may be floor space. The use of these rooms should be identified and detailed fit-out drawings provided accordingly. - A furniture layout should be provided to ensure the Level 2 employee facilities are appropriate for the estimated number of employees. It is recommended that secure personal lockers for staff be included in this area. - General furniture layouts for the Level 2 offices are required. - Details showing reception desk, gym equipment, showers, and the general furniture layout of the Level 4 gym are required. - Detailed fit-out drawings for the hotel guest rooms and suites are required. As a minimum, layouts for each room type should be provided.	Compliance with the BCA, Food Standards Codes, and relevant Australian Standards can be ensured through appropriate conditions of consent. As above. Licencing and other statutory requirements will be satisfied through separate future processes. Compliance with the BCA can be ensured through appropriate conditions of consent. The level of detail provided in the architectural fit-out drawings is consistent with similar SSDA applications. Refer to covering Response to Submissions Letter for further discussion. As above. As above. As above. As above. As above. Indicative room fit-out drawings have been provided at Attachment B to provide an indication of the potential fit-out options. These drawings are provided for information purposes and are not intended to form any part of an approval for the SSDA.
2.0	Hours of Operation of Licensed Areas	
	The applicant needs to specify proposed hours of operation of the licensed areas of the Hotel. The City notes hours of operation for the licensed areas have not been proposed and development consent SSD 6116 did not approve hours of operation.	All areas in the Hotel will be operated by the Hotel Operator and designed principally for the use of hotel guests and their visitors for a period of 24 hours, seven days a week. This approach is consistent with standard practices of hotels and is critical in achieving international competitiveness for the ICC Hotel and surrounding core exhibition and entertainment infrastructure. Some areas will also be available to members of the public, such as the restaurants, bars and cafés. Certain areas of the Hotel will be able to be used by both Hotel guests and the general public. The Hotel operator will manage access to these areas depending on guest requirements, bookings, meetings and events. This will change regularly depending on Hotel demand. The ICC Hotel operator will be seeking a 24 hour operating licence, with licensing and other statutory regulations to be gained via separate future processes.
	If the consent authority was to grant approval for hours of operation for the licensed areas, it should be noted that the site is in a 'City Living Area'. Indoor and outdoor hours of operation must only be granted in accordance with Table 3.7: 'late night trading hours' provided in the Sydney DCP 2012.	The Sydney DCP 2012 does not apply to the proposed development and therefore generic restrictions on the hours of operation or trial period recommendations are not relevant or necessary.
	Any hours beyond base hours must be subject to a trial period to enable ongoing review of the operational management of the premises. The initial trial period should be for one year only, and not exceed two hours beyond the base. If hours of operation for the licensed areas are not to be approved under this application, a separate DA will be required.	As above, the Sydney DCP 2012 does not apply.

	24 hour operations in line with the accommodation component of the hotel are not to be assumed, and are unlikely to be supported.	As above, the Sydney DCP 2012 does not apply and the City of Sydney Council is not the consent authority for the subject SSDA.
3.0	Plan of management	
	Hours of operation for the licensed areas after 10.00pm require a detailed Plan of Management to be prepared and submitted for approval. The proposed operational details of the gym need to be confirmed.	It is noted that the Sydney Development Control Plan 2012 (Sydney DCP 2012) does not apply to the proposed development. The management of licenced areas will fall under the wider ICC Hotel management procedures. No specific plan of management for these uses is required.
	A Plan of Management may be required for the gym if it is publicly accessible after 10.00pm. Compliance with any relevant Plan of Management must be required as a condition of consent.	The gym included within the ICC Hotel will be directly associated with the hotel operations and will not be open to the general public. As such, no plan of management is required to regulate the operation of the gym as the management of the facility will fall within the wider management procedures of the ICC Hotel.
4.0	External Lighting	
	The accompanying lighting report from ARUP does not consider the proposal's potential contribution to 'sky glow', which could result in adverse effects to astronomical observations.	The Australian Standards do not specify a benchmark to compare sky glow, which is cumbersome to accurately measure the impact on the existing environment. Despite this, Arup has calculated the sky glow and the results are included in the façade lighting addendum letter (refer to Attachment C). The analysis of sky glow confirms that the proposed façade lighting will have a peak 12 lux (sky glow) and will therefore not adversely impact upon the current conditions.
	It is understood that Sydney Observatory has in the past expressed strong objections to luminaires with blue colour light sources, and these should be avoided. In consideration of these issues, the proposal should be referred to Sydney Observatory for comment.	The Sydney Observatory is not a statutory referral body and had an opportunity to comment on the proposal during the exhibition period of the SSDA. The ICC Hotel is located in Darling Harbour, approximately 1.5 kilometres from the Sydney Observatory. The façade display is not in direct line of site from the Observatory, with buildings at Millers Point and Barangaroo in between. Furthermore, Sydney Observatory is also located in close proximity to one of the greatest light sources in Sydney, being the Sydney Harbour Bridge. As such, it is not considered that there will be any adverse impact on the operations of the Sydney Observatory.
	It is considered that animated lighting will have an adverse impact on residential amenity and the appreciation of vistas by visitors. Moving lights are not supported.	The peak of 12 lux (sky glow) is low and in reference to the nearest residential buildings (Peak Apartments, 318 Harris St, Bullecourt Apartments, 18-20 Allen St and Oaks Goldsborough Apartments), the conclusion of Arup is that there will be no adverse impacts to these buildings. It is a common practice internationally for entertainment precincts to use curated lighting and animation to create vibrancy and heighten ambiance. Darling Harbour is one of the Australia's most visited precincts and is key tourist destination in the city. In consideration of this and the fact that the ICC Hotel is located in Darling Harbour, Sydney's premier tourist and entertainment precinct, the proposed approach to lighting and animation is considered appropriate and complementary. As noted in the Arup Façade Lighting Review Report submitted with the exhibited EIS, on Sunday to Thursday, the lighting will be monochromatic, gentle, subtle colour and movement.
	Luminaires should be fitted with dimming control systems so that intensity of luminaires can be reduced on request by council. It is noted that the calculated vertical luminance of 22.2 lux at 100m from the hotel site appears close to 25 lux maximum permitted under AS4282.	The external Façade is controlled via a DMX control system. The DMX system is able to both dim and change colour of the light source (RGB LED). RGB lights contain three primary colour source LEDs (Red, Green & Blue) being each addressed/controlled individually. Combinations of these three colours (variations in intensity) provide black, white and any colour in between (16.7 million colours in total). DMX controllers have the ability to create 256 different steps or levels of colour (intensity/dimming steps). The levels vary from 0 to 255, which is black (the light is off) to full intensity or pure red, green or blue. This provides an extensive level of dimming control to enable the lighting to respond appropriately to different occasions. Light emittance and lux levels have been addressed in detail in the façade lighting addendum letter prepared by Arup (refer to Attachment C).

	Vertical luminance calculations along the boundaries of the adjacent residential properties must be undertaken. The calculation assumptions confirmed by site measurement of prototypes and/or actual luminaires installations. The certified measurements must be submitted for Council review.	Arup has undertaken a supplementary illuminance calculation in the façade lighting addendum letter (refer to Attachment C). The intent of these calculations is to clarify in further detail the potential worst case illuminance that may reach residential properties. Given the large scale of the site, it has been appropriate to investigate the illuminance delivered at a typical distance of 100m. Furthermore, the same residential buildings included in the photomontages submitted with exhibited EIS have been utilised in the updated calculations to provide consistency. The schematic calculation model results show that in each case the vertical illuminance that may reach a residential building is well below the maximum permissible during curfew (refer to Attachment C). Whilst the ICC Hotel facade lighting is visible from a small number of residential buildings, the analysis detailed in this report demonstrates that the intensity from the fixtures and the resultant illuminance reaching these buildings is lower than the recommended limits as stated within the relevant Australian Standard.
	The proposed hours of operation for the external lighting are not supported due to the potential impact of light pollution to nearby sensitive receivers. External light displays should cease at 11.00pm on Sunday to Thursday and at 12.00 midnight on Friday and Saturday. Separate approvals must be obtained for special events.	The ICC Hotel is situated within Australia's premier tourist and entertainment precinct, and will sit alongside Australia's largest convention exhibition and entertainment facilities. In order to compete on a global scale, this location is considered to be one which needs to be activated day and night. The success of the ICC Hotel and the core exhibition and entertainment facilities will be critical in Sydney maintaining the status of a global city and increasing the range of international business tourism. In addition to the above, the calculation results provided by Arup confirm that there will be no significant impact on residential amenity. In light of the lack of any adverse impacts and the need for the ICC Hotel to contribute to the character of Darling Harbour as Sydney's premier tourist and visitor precinct, the proposed hours of operation are considered appropriate. In regards to special events, there is precedence established where separate approvals are not required. In particular, the approved Darling Quarter development has façade lighting, which encompasses great light spread, and separate special event approvals are not required. Special event days are limited to 20 days within any calendar year.
5.0	Subdivision and public road access	
	The lot being created that will contain the hotel does not appear to have any formal access to a public road. Even though it appears that new roads and access ways will be created and built in the future, it is considered that an easement should be created as part of this subdivision plan providing such access, even if it is of a temporary nature.	It is the standard practice of SHFA to not create easements on any lots given that long-term leases are provided to tenants and SHFA remains the freehold landowner. As such, this practice is not proposed to be altered. Further discussion on this issue is provided in the covering Response to Submission Letter.
6.0	Condition	
	Based on the supporting documentation provided, it is difficult for the City to comment and for the Department to assess and determine the application. The City is unable to recommend conditions of consent in relation to the fit-out at this time. The Applicant's intentions regarding fit-out detail and operational aspects should be confirmed. Further comments, for example from the City's Licenced Premises and Health and Building Units, can only be made once additional detail has been provided. It is recommended that the application be re-exhibited following receipt of the appropriate and necessary information. NSW Police (Sydney City Local Area Command) must be provided an opportunity to review any Plan of Management.	As outlined above and in the covering Response to Submissions Letter, sufficient details have been provided and re-exhibition is unnecessary.

Response to Heritage Council Submission

Item	Comment	Response
1.0	Fitout	
	An Interpretation Plan must be prepared in accordance with the Guidelines issued by the Heritage Council of NSW for the approval of the Director- General, Department of Planning & Infrastructure. The interpretation plan should: A) Be informed by the results of archaeological fieldwork, documented histories of the site and other historical sources B) Incorporate interpretation of the site's history and significance, historical value of the site and Darling Harbour precinct to future visitors as part of the proposed fit out and be completed prior to the formal occupation of the building.	A Heritage Interpretation Plan covering the whole of the SICEEP site has been prepared by TKD Architects in accordance with the Heritage Council of NSW Guidelines and in conjunction with Darling Harbour Live Public Realm – Interpretation (2014) report prepared by Hassell. This plan incorporates the findings of previous archaeological investigations. The plan was developed for the whole precinct, to ensure that all opportunities for the site's interpretation were explored. In addition to the SICEEP Heritage Interpretation Plan, a site-specific ICC Hotel Interpretation Plan has been developed (refer to Attachment E). This plan explores some of the key themes of the site such as: • Steaming ahead – the industrial revolution comes to Sydney. • Getting the goods – how roads, rail and shipping connected Darling Harbour to the world. • Decline and rebirth – Darling Harbour's transformation from port and industrial area to leisure and tourism precinct. • Indigenous influence – gatherer and hunter. • The natural history of Darling Harbour – its ecology, topography, foreshores, flora and fauna prior to European settlement.

Response to Transport for NSW Submission

Item	Comment	LL Response
1.0	External Lighting	
	Transport and Road Safety assessment report be prepared and that this report includes the following: A) Clear description of the technical and operational specifications for all relevant advertising signage and lighting displays B) Clear plans and images as how they would be seen from the light rail corridor if these signs and lighting displays are visible from the light rail corridor. C) All the requirements for signage in accordance with State Environmental Planning Policy No. 64 - Advertising and Signage. D) Safety assessment for all signage and lighting displays visible from a road and light rail corridors on road and light rail safety, including consideration of location, illumination and dwell/transition times. E) Mitigation measures to address any adverse impacts of the signage and lighting displays on the safety of light rail operation and road users in the adjoin transport network based on the results of the safety assessment.	A meeting between LL and TfNSW/Transdev was conducted on 30 July and additional information has since been provided. Meeting notes provided at Attachment D confirm that TfNSW/Transdev have no further comment on the proposal and the issues raised in the submission have been adequately addressed. In light of this endorsement, there is no longer a requirement for Transport and Road Safety assessment report to be prepared.

Response to Roads and Maritime Services Submission

Item	Comment	LL Response
	Roads and Maritime Services has reviewed the development application and raise no objection to the Application.	Noted.

Response to Sydney Airport Submission

Item	Comment	LL Response
	At this site the Obstacle Limitation Surface (OLS) is 156.0m AHD and lies outside the Civil Aviation Safety Authorities (CASA) Building Code Regulation area. Sydney Airport therefore has no comments on the proposed development at a maximum height of RL 50.3.	Noted.

Response to Environment Protection Authority Submission

Item	Comment	LL Response
	The EPA will not be providing comments on SSD6831 other than to note that all construction activities associated with the proposal should be undertaken in accordance with relevant guidelines.	Noted. The construction activities will be undertaken in accordance with the relevant guidelines.