

Concept Development Application (Staged Development) for alterations and additions to the InterContinental Hotel and Transport House (SSD 7693) Amended Proposal

The deletion of the proposal for plant on top of the Bridge Street portion of the former Treasury buildings is a welcome reduction in the development envelope.

Objective of the proposal

According to the architect's statement, the objective of the proposal remains unchanged. The initial application stated:

The objective of the proposed development is to reinvigorate the existing InterContinental Hotel to create an integrated and vibrant luxury hotel commensurate with a global city and an iconic location that is recognised on the world stage.

Macquarie Street is a metonym for the NSW government, and the site's former government buildings are of great heritage value. The proposals do not contribute to the conservation of heritage values, have no relation to government and add no other values to the site.

The buildings may well need refurbishment. However, the application gives no explanation of why a new ballroom is necessary to achieve the stated objective. A high-ranking hotel may desire a column-free function space. But how large? For example, the Four Seasons Hotel claims to have "Sydney's iconic pillarless Grand Ballroom"; it is just 683m² in size. The InterContinental's James Cook ballroom is 497m² (with pillars). A large pillarless ballroom would still be achievable with a smaller extension envelope.

Setbacks

The Urbis report acknowledges that the concept proposal does not comply with the Development Control Plan (DCP) setbacks. Development applications often propose variations from DCP standards. Usually there is some justification for a variation in terms of a public benefit. In the case of this DA, there is no public benefit from the concept proposal.

Urbis refers to the 1997 court case *A.P.T. Peddle Thorp & Walker Pty Ltd v. Sydney City Council* (NSWLEC 186) and the NSW Heritage Council resolution that "the Heritage Council believes Transport House could be modestly enlarged with the addition of two or three levels on the condition that they are of sympathetic design". However, it does not follow from these views of the Heritage Council that the applicant does not need to adhere to the DCP setbacks. Moreover, the proposal in *A.P.T. Peddle Thorp & Walker Pty Ltd v. Sydney City Council* that the Heritage Council was commenting on proposed a 3m setback from the northern boundary, whereas this latest proposal has no setback.

According to Urbis:

The proposed ballroom addition to Transport House will not be an extension of the existing heavy masonry form, rather will appear as a 'light' and 'floating' addition with a glazed finish, and will therefore not appear to significantly increase the massing of the current building (refer to the render below).

However, this is a concept development application for approval of a building envelope. Matters that may or not be included in a Stage 2 development application are irrelevant.

Setting

The Urbis report argues that the additions will not detract from the setting of heritage items. This is not credible. The envelope provides insufficient setbacks on Phillip St and on the northern boundary of the site.

Views from The Astor

According to the application documents:

THE ASTOR, 123-125 MACQUARIE STREET - LEVEL 10

View looking towards the harbour, InterContinental Hotel and Transport House from The Astor Level 10 apartment showing proposed building envelope and extent of tower refurbishment. View shows proposed building envelope for ballroom extension over Intercontinental and Transport House has a minor on harbour view. Visual impact assessment – Moderate.¹

In *Tenacity Consulting v Waringah* [2004] NSWLEC 140 (7 April 2004), the Commissioner stated:

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.

This is exactly the situation with the proposal. The moderate view impact proposed by the applicant is unreasonable because it is a consequence of not complying with the 30m setback that the DCP prescribes.

One of the objectives of the height of buildings clause in the LEP is “promote the sharing of views”. The InterContinental Hotel tower took away most of the views that apartments at The Astor had of the Harbour Bridge. Does the applicant seriously consider that it is OK to take away the remainder because the remainder is so small? Any further impact of the InterContinental on views towards the Bridge from apartments at The Astor towards would breach the “sharing of views” principle.

Views of the Bridge from the roof the garden of The Astor featured in the 1929 film *The Cheaters* by the McDonagh sisters. One of the engineers who supervised the construction of the Bridge stayed at The Astor in one of the apartments affected by the InterContinental proposal.

Podium

According to the architect’s statement:

As part of the Stage 2 submission changes will be considered to enhance the setting of the heritage [sic], improve access & operations and actively engage with the surrounding the streets [sic].

However, this is a concept development application for approval of a development envelope. Matters that may or not be included in a Stage 2 development application are irrelevant.

Privacy

The applicant is proposing public access to the tower roof. A condition for allowing this must be that the public cannot overlook the roof garden of The Astor. The roof garden is The Astor’s only

¹ While it is not unreasonable to select an apartment on the 10th floor for analysis, impacts on the views of units on the 7th, 8th and 9th floors would be greater.

“principal private open space” and residents make frequent use of it. The then Premier of NSW opened the garden in 1923.

Public benefits

The applicant must provide better justification for setbacks less than the DCP requires and for impacts on setting. One approach would be proposals for works of public benefit.

The following are possible works of public benefit:

- Public access to the tower roof enshrined in a covenant (but designed such that there is no overlooking of The Astor roof garden).
- A reduction in the number of pavement crossings (there are currently two on Phillip Street and one on Albert Street).
- Rationalisation of the adjoining pavement crossings on Albert street for the Museum, InterContinental Hotel and Sir Stamford Hotel.
- Heritage interpretation.
- Equitable access to the existing outdoor dining area on Bridge Street, or alternatively removal of the dining area
- Activation of the Phillip Street frontages.

Should the applicant propose significant public benefits at stage 2, then it would be reasonable to consider an amendment to the approved building envelope. I would not object to proposals that would provide public benefits that more than offset adverse impacts on settings.