

Giovanni Cirillo  
Managing Director, Planning Lab  
Level 24,  
Three International Towers,  
300 Barangaroo Avenue,  
Sydney NSW 2000  
p. 0447755799

27 October 2017

NSW Department of Planning and Environment  
320 Pitt St, Sydney  
NSW 2000  
Email: karl.fetterplace@planning.nsw.gov.au  
ATTN Karl Fetterplace

Dear Sir

**Submission in relation to Stage 1 development application no. SSD 16/7693 for a ballroom addition and comprehensive hotel upgrade for the InterContinental Hotel  
Property: 99-113 and 115-119 Macquarie Street, Sydney**

We have been instructed by Stamford Property Services Pty Ltd (Stamford) to review and, if considered appropriate, prepare an objection to development application no. SSD 16/7693 (Mulpha DA) lodged by BBC Consulting Planners on behalf of Mulpha Australia Limited (Mulpha) on 6 June 2016. The DA seeks development consent for a new ballroom addition, additions to the roof lounge and comprehensive hotel upgrade to the Intercontinental Hotel, Sydney (Development).

Sir Stamford At Circular Quay (2000) Ltd<sup>1</sup>, as trustee of Sir Stamford At Circular Quay (2000) Trust<sup>2</sup>, is the owner of Sir Stamford Hotel on Lot 12 under DP1197140 (corner of Macquarie and Albert Streets) (**Stamford Property**). The Stamford Property adjoins Transport House to the south. The Intercontinental Hotel is located further south of our client's property on the corner of Bridge and Macquarie Streets.

The Department of Planning and Environment (DPE) has placed the DA on exhibition until 27 October 2017. This letter constitutes our client's submission to the DA and incorporates, as Attachment A, a submission from Brian McDonald, heritage expert, DFP Planning Consultants (Heritage Submission).

Our client objects to the DA on the grounds set out below.

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<sup>1</sup> Formerly known as Logan Capital Limited. Documentation to change the name at the Land Titles Registry is being undertaken.

<sup>2</sup> Formerly known as Logan Trust. Documentation to change the name at the Land Titles Registry is being undertaken.

## **1 The Development must be assessed having regard to imminent proposed redevelopment of the Stamford Site**

Enclosed with our submission at Attachment B is a letter from Stamford informing DPE about the status of redevelopment of the Stamford Property. This letter and attached architectural plans form part of our submission to DPE.

As the lodgement of the development application in respect of the Stamford Property is imminent, we submit that it is appropriate and necessary that DPE considers and takes into account the Stamford development in its assessment of the DA, including any cumulative impact.

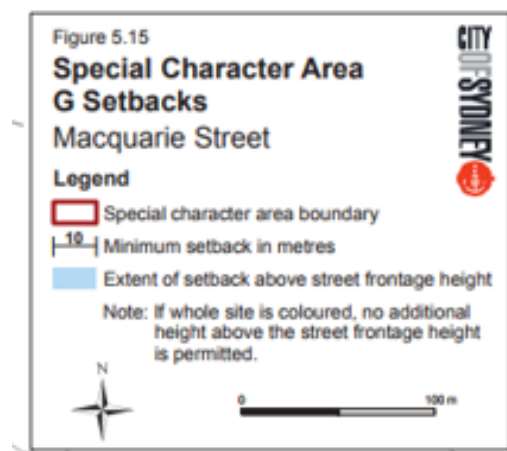
Such consideration demonstrates that there are aspects of the Development which may necessarily impact upon Stamford's proposed residential use of the Stamford Property, including in particular the:

1. new ballroom and pool;
2. the three new suites which are proposed as part of the podium additions; and
3. the 7 new roof terraces that are to be constructed on the roof of the ballroom adjoining suites 20 to 26 on Level 13.

As such, we request that DPE consider these proposed DA elements in light of the proposed development scheme on the Stamford Property. We consider that DPE should assess the DA against both the existing and proposed built forms on the Stamford Property, and that the assessment of the Development should in no way pre-determine the acceptability or otherwise of the proposed development on the Stamford Property.

## **2 Failure to comply with 30m setback to Macquarie Street**

The DA does not comply with the site specific 30-metre setback control contained in *Sydney Development Control Plan 2012* (DCP 2012) applicable to the Macquarie Street Special Character Area (Special Character Area G) as set out below:



Section 5 of DCP 2012 requires that setbacks of 30m be provided above street wall height, being the height of the existing building. In this case, the existing building is Transport House, which is listed as a heritage item under *Sydney Local Environmental Plan 2012* (LEP 2012):

Macquarie Street	G	45m for sites without heritage items; or the street frontage height of the heritage item on the site; and for 93 – 97 Macquarie Street, the street frontage height of the highest heritage item on the same side of the street block in which the site is located.	45m for sites without heritage item; or the street frontage height of the heritage item on the site.	As per Figure 5.15
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Section 5.1.3 of DCP 2012 provides that:

***Street frontage heights and setbacks for Special Character Areas***

*Sydney LEP 2012 identifies a number of special character areas that significantly contribute to the quality of the public domain and the distinctiveness of Central Sydney.*

*Development in Special Character Areas can reinforce and enhance the existing character by responding to the nominated street frontage heights and setbacks.*

***Objective***

*(a) Enhance and complement the distinctive character of Special Character Areas with compatible development.*

***Provisions***

- (1) Minimum and maximum street frontage heights and front setbacks for buildings in or adjacent to a Special Character Area must be provided in accordance with Table 5.1 and as shown in Figures 5.12 to 5.19. Where the figure shows the entire site as shaded, additional storeys above the street frontage height is not permitted.*
- (2) For development within a Special Character Area where the setback is not illustrated in Figures 5.12 to 5.19, setbacks above the street frontage height are to be a minimum of 8m. Smaller or weighted average setbacks are not acceptable.*
- (3) For sites adjacent to a Special Character Area with a maximum building height of 55m, the street frontage height is to be 45m with a setback to the maximum building height as shown in Figure 5.12. Note: For the street frontage height setback for special character areas refer to Figures 5.12 to 5.19.*
- (4) The street frontage height of any new development within a Special Character Area, or part thereof, not specified in Table 5.1 must comply with Section 5.1.1 Street frontage heights*

In this instance, the reduced setback of approximately 20m to Macquarie Street will result in an approved development that is incompatible with the streetscape and will impact significantly on the distinctive character of the Macquarie Street Special Character Area.

The reduced setback (in comparison to the explicitly considered and consistently applied 30m DCP 2012 requirement) will impact upon the Macquarie Street streetscape, the heritage significance of Transport House and upon immediately surrounding buildings such as The Sir Stamford Hotel which is immediately adjacent to the Property on Macquarie Street.

The Secretary's Environmental Assessment Requirements (SEARs) specifically required the EIS to address the provisions of DCP 2012. In this regard, the EIS provides that:

*Although less than 30m, this 20m setback is sufficient to ensure that no significant or unreasonable streetscape or heritage impacts will arise. The proposed 20m setback still maintains and reinforces the urban character and scale of this section of Macquarie Streets, which is part of the Macquarie Street Special Character Area.*

We submit that the above is a poor and insufficient justification, and does not adequately analyse the built form or streetscape impacts with sufficient competence or the necessary rigour for a matter of such significance to the DA, in particular, in respect of the heritage implications for Macquarie Street.

The Heritage Submission points to the fact that the overall external form of Transport House along Macquarie Street is rated as being of 'exceptional significance'. In fact, the Heritage Submission states that:

*The addition of more intrusive building bulk to an already intrusive building cannot enhance the setting of the heritage items contributing to the Macquarie Street Special Character Area, no matter whether the existing tower has updated facades or how clever the design of the new built forms (p. 12).*

In addition, the EIS in its "Sydney Development Control Plan 2012 Key Development Controls Review" falsely states that the proposal complies with DCP 2012. While we acknowledge that, as SSD, the Development is not strictly required to comply with all provisions of DCP 2012, from a merit assessment perspective, the non-compliance with the setback control will affect the urban character and scale of Macquarie Street as a heritage streetscape, and will impact upon the built edge definition to the western side of the Royal Botanic Gardens. Further, the additional bulk along the Macquarie Street frontage will have an adverse impact on the heritage significance of Transport House.

### **3 Failure to comply with 10m setback to Phillip Street**

DCP 2012 provides that:

#### ***5.1.2 Building setbacks Front setbacks***

*Buildings over 45m high that are built to the street alignment can overshadow streets and lower levels of buildings create unpleasant wind conditions and overwhelming sense of enclosure and affect growing conditions for street trees.*

*Setting back higher elements of buildings preserves reasonable levels of daylight to the street level, helps minimise wind problems, creating a comfortable street environment.*

A 10m setback doubles the amount of sky seen on an average 20m street in Central Sydney and reduces wind impacts.

The provisions below set reasonable minimum setbacks based on Council's comprehensive site testing.

*Side and rear setbacks Side and rear setbacks allow ventilation, daylight access, view sharing, increased privacy and help reduce adverse wind effects.*

## **Objectives**

(a) Enhance amenity in terms of daylight, outlook, view sharing, ventilation, wind mitigation and privacy in residential buildings and serviced apartments.

(b) Enhance the quality of the public domain in terms of wind mitigation and daylight access.

*Definition For the purpose of this Section, commercial buildings means all non-residential buildings, including hotels and principal window or balcony means the main window or balcony of a living room and main bedroom of a dwelling unit.*

### *Provisions 5.1.2.1*

#### *Front setbacks*

(1) Buildings must be set back a minimum weighted average of 8m above the required street frontage height. This setback may be reduced in part by up to 2m provided that the weighted average setback from the street frontage alignment is 8m as shown in Figures 5.4 to 5.6. **No part of the building is to be setback less than 6m.**

(2) The weighted average setback may be reduced on secondary or minor pedestrian streets, provided that an average weighted setback of **at least 8m** is maintained on north-south streets and major pedestrian streets.

(3) New buildings or additions above a heritage item must have a **setback of at least 10m from the street frontage** as shown in Figure 5.7 Minimum setback above a heritage item. However, a conservation management plan required as part of the development application **may require a greater setback.**

The Development does not comply with the 10m setback control in DCP 2012 along the Phillip Street elevation. In DCP 2012, setbacks above street wall height is to be 6m for east-west oriented streets, 8m for north-south oriented streets (such as Phillip Street) and a further 2m setback above Heritage Items (such as Transport House).

Instead, the ballroom and pool addition as proposed, extends entirely to the street frontage above Phillip Street (i.e. a nil setback). As with the Macquarie Street non-compliance, the SEARs specifically required the EIS to address the provisions of DCP 2012. In our view, the EIS has failed to provide adequate justification why a departure from these controls has been sought.

The justification provided in the EIS is insufficient, and does not adequately analyse the heritage, built form or streetscape impacts with sufficient competence or the necessary rigour for a matter of such significance to the Development and surrounding neighbourhood character more broadly.

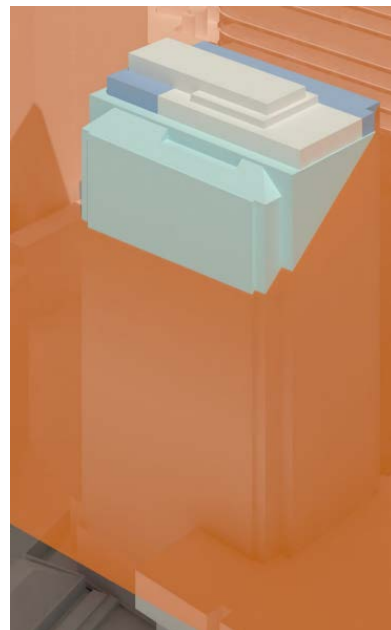
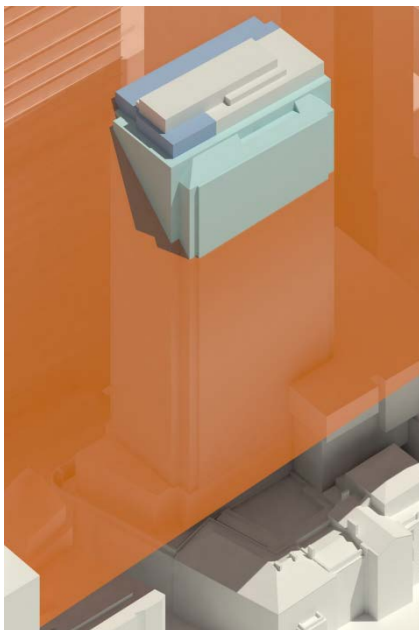
This clear disregard for the DCP 2012 is particularly severe, given that no attempt has been made to provide any setback whatsoever above Transport House. No attempt has been made to have any regard to the significance of the subject heritage item. In particular, the Heritage Submission concludes that:

*An integral aspect of the composition of the Phillip Street façade is that it emphatically expresses the top of the building to read as the skyline. The proposed addition flush with the face, and on top of the significant turret elements, would completely negate this important quality of the design (p. 7).*

No regard has been had to the reasonable and relevant planning and design objectives of DCP 2012 to “(a) enhance amenity in terms of daylight, outlook, view sharing, ventilation, (and) wind mitigation or (b) Enhance the quality of the public domain in terms of wind mitigation and daylight access.”

#### **4 Breach of Sun Access Plane Controls**

The Development does not comply with the sun access plane controls in clause 6.17 of LEP 2012, as shown in the extracts from Appendix 4E to the EIS. In addition, the Development is contrary to the objectives of clause 6.17 and clause 4.3 (height of buildings).



LEP 2012 states:

##### ***6.17 Sun access planes***

(1) *The objective of this clause are:*

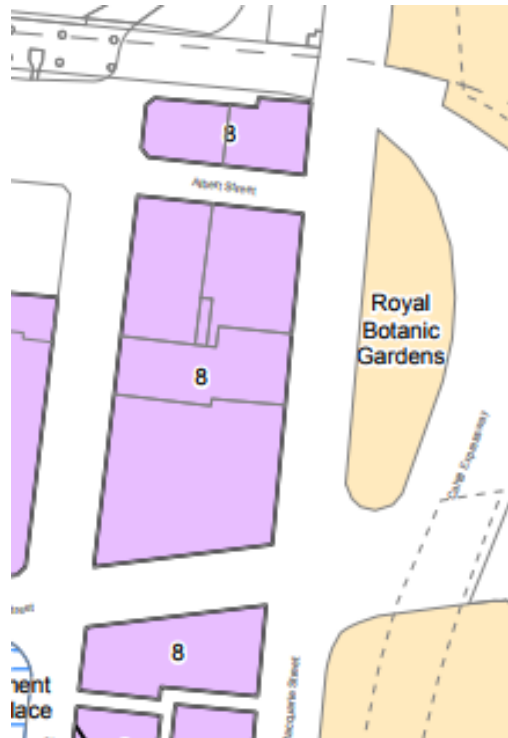
- (a) *to ensure that buildings maximise sunlight access to the public places set out in this clause, and*

- (b) *to ensure sunlight access to the facades of sandstone buildings in special character areas to assist the conservation of the sandstone and to maintain the amenity of those areas.*
- (2) *The consent authority must not grant development consent to development on land if the development will result in any building on the land projecting higher than any part of a sun access plane taken to extend over the land under this clause.*

## Sun Access Protection Map - Sheet SAP\_014

### Land affected by Sun Access Planes

1A	Belmore Park 1A
1B	Belmore Park 1B
1C	Belmore Park 1C
2A	Hyde Park North 2A
2B	Hyde Park North 2B
3	Hyde Park West 3
4	Macquarie Place 4
5A	Martin Place 5A
5B	Martin Place 5B
6A	Pitt Street Mall 6A
6B	Pitt Street Mall 6B
7	The Domain 7
8	Royal Botanic Gardens 8
9A	Wynyard Park 9A
9B	Wynyard Park 9B



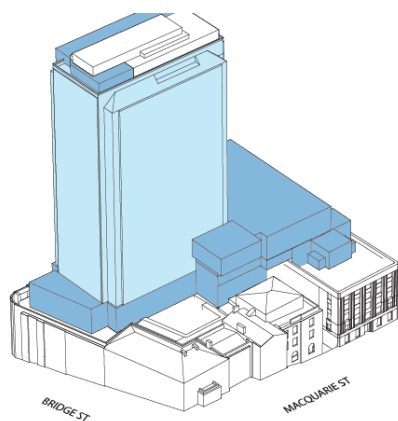
We consider that this provision is a prohibition rather than a development standard and as such, a consent authority is unable to grant consent if the development will result in any building on the land projecting higher than the sun access plane. Because the Development is SSD, the consent authority can grant consent where a partial prohibition arises. However, from a merits perspective, the applicant should provide strong and sufficient justification as to why a departure from the sun access plane controls should be accepted.

The EIS justifies this non-compliance by arguing that *“the changes to the roof club lounge on the rooftop does not result in increased overshadowing of the Royal Botanic Gardens”*. We consider this justification to be insufficient. Where the tower element of the Development already substantially breaches the LEP 2012 height control and towers above the Botanic Gardens sun access plane, the addition of further bulk and massing to the tower is unacceptable and contradicts the built form which the LEP 2012 attempts to achieve through the use of controls such as the sun access plane.

## 5 Inaccurate Photomontages

The photomontages misrepresent the design and do not match the architectural plans and axonometric diagrams lodged with the application. Specifically, the podium additions are not accurately shown above Transport House.





The photomontages misrepresent how any future building could be constructed and clearly do not accurately reflect with any reasonable competence, the necessary structural engineering required to support the proposed building. The building represented in the photomontages fundamentally cannot be built in this manner and to represent that it can, is both misleading and unacceptable.

As such, the photomontages are likely to confuse and potentially mislead the community as the photomontage may be relied upon by general members of the public more readily than architectural plans.

In addition, the Heritage Submission provides that a photomontage should be provided to justify the Macquarie Street setback:

*The setback is in line with the east face of the Macquarie Street lift over-run and positioned to provide the floor area required for the ballroom. It is about 22 metres and not 30 metres as required by Section 5.1.3 of Sydney DCP 2012 recognising the Macquarie Street Special Character Area. The photomontages and 3D images accompanying the Stage 1 SSD application do not include a view that demonstrates the visibility of the proposed addition above the parapet of the Macquarie Street facade of Transport House(p. 10).*

## **6 Absence of structural engineering detail**

The absence of any structural engineering detail misrepresents the extent of significant and intrusive building works required to be carried out to Transport House to support the building.

Particularly from a heritage perspective, we submit that the absence of this information is unacceptable where the DA asserts that minimal intrusion is required to the external and internal fabric of Transport House to support the additional floors that will extend over Transport House. The Heritage Submission states that:

*If structural strengthening is required, the policy relies on investigation of appropriate strengthening methods and detailed heritage advice. It then goes on, without any testing of the likely consequences of increased structural loading on the existing structure, to accept that additional floors above the building are permissible subject to a structural response that enables the retention of the heritage item and does not compromise the significant fabric. This contradicts the previous unsupported assertions that structural intervention would not be necessary. This part of the policy framework*



*does not anticipate the possibility of the degree of structural intervention to be found to be unacceptable and contrary to the rest of the policy framework, when such investigations are carried out. By leaving this matter to Stage 2 of the State Significant Development process, or later, it would be too late to arrest the momentum of the project. The water in the swimming pool alone, assuming it measures 15 x 6 metres and assuming only one metre deep as scaled from the drawings, would weigh 90,000 kilograms. This factor should prompt a degree of caution in drawing any premature conclusions about structural intervention and the unknown consequences (p. 8).*



## **7 Design Excellence**

The proposed development does not comply with Section 6.21(4)(b)(c)(d)(i)(iii)(v)(vi) (vii) and (xi) of LEP 2012 as set out below. The development has significant potential for adverse heritage and streetscape impacts, and has unacceptable bulk and massing as set out above.

### **6.21 Design excellence**

- (1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.
- (2) This clause applies to development involving the erection of a new building or external alterations to an existing building on land to which this Plan applies.
- (3) **Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.**
- (4) In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:
  - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
  - (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,
  - (c) whether the proposed development detrimentally impacts on view corridors,
  - (d) how the proposed development addresses the following matters:
    - (i) the suitability of the land for development,
    - (ii) the existing and proposed uses and use mix,

*(iii) any heritage issues and streetscape constraints,*

(iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,

*(v) the bulk, massing and modulation of buildings,*

*(vi) street frontage heights,*

*(vii) environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,*

(viii) the achievement of the principles of ecologically sustainable development,

(ix) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network,

(x) the impact on, and any proposed improvements to, the public domain,

*(xi) the impact on any special character area,*

(xii) achieving appropriate interfaces at ground level between the building and the public domain,

(xiii) excellence and integration of landscape design.

We submit that the Development does not meet the above design excellence provisions, in particular, the additional levels which sit on top of Transport House in relation to heritage impacts. In particular, our Heritage Submission provides that, even if design excellence can be achieved, the degree of design excellence cannot compensate for a structure that should not be there in the first place because of its unacceptable heritage impacts.

We further submit that, in accordance with clause 6.21(5) of LEP 2012, the Development should be the subject of a competitive design process. We do not consider that the applicant has provided any justification that such competition would be 'unreasonable or unnecessary' in the circumstances. In particular, the adverse impacts of the proposed Development on the heritage value of Transport House and the Macquarie and Philip Street heritage streetscapes, as outlined in more details below, demonstrates the need for the Development to be the subject of a competitive design process.

## **8 Unacceptable Heritage Impacts**

As previously noted, the Property contains heritage items, including Transport House and the hotel tower itself, both of which are listed as heritage items under LEP 2012. In addition, there are a number of heritage items within the vicinity of the Property.. DCP 2012 requires that future development consider the following matters:

### **3.9.5 Heritage Items**

(3) *Alterations and additions to buildings and structures and new development of sites in the vicinity of a heritage item are to be designed to respect and complement the heritage item in terms of the:*

***(a) building envelope;***

***(b) proportions;***

***(c) materials, colours and finishes; and***

**(d) building and street alignment.**

(4) Development in the vicinity of a heritage item is to minimise the impact on the setting of the item by:

**(a) providing an adequate area around the building to allow interpretation of the heritage item;**

**(b) retaining original or significant landscaping (including plantings with direct links or association with the heritage item);**

(c) protecting, where possible and allowing the interpretation of archaeological features; and

**(d) Retaining and respecting significant views to and from the heritage item**

### **3.9.6 Heritage conservation areas**

Buildings and sites within heritage conservation areas are identified on the Building contributions map as being contributory, neutral or detracting to the character and heritage significance of the heritage conservation area.

The contribution of these buildings is based on studies carried out by heritage consultants for the City. New development in heritage conservation areas **must be designed to respect neighbouring buildings and the character of the area**, particularly roofscapes and window proportions.

Infill development **should enhance and complement existing character** but not replicate heritage buildings.

The proposed development is not **designed to respect neighbouring buildings and the character of the Macquarie Street Special Character area**, and clearly breaches Council's articulated controls for heritage items. The additions to the heritage item do not respect the existing significant building envelope, extant building proportions or views enjoyed from the neighbouring heritage item across the subject site.

Attached to this letter at Annexure A is a copy of our Heritage Submission, prepared by DFP Planning Consultants. In summary, the proposed structure to be constructed above Transport House has an unacceptable impact on the heritage values of Transport House. There is also too much uncertainty about the visual and physical impacts of the Development on the heritage significance of the external form and fabric and interior of Transport House, the Macquarie Street façade and the former Treasury Building.

The Heritage Submission concludes that the following impacts are unacceptable and should be addressed as part of the Stage 1 DA:

1. it is improper to draw a conclusion that additional floors were intended above Transport House when the building was constructed, and are therefore acceptable now;
2. there is no consideration in the conservation management plan (CMP) or DA more generally regarding likely impacts and acceptability should it be found that physical impacts on Transport House are necessary to structurally support the glass structure which will sit above it;
3. the CMP states that, because of the exceptional significance of Transport House, changes should be minimal and retain significant values of the fabric. The Heritage Submission

concludes that the proposed changes are not minor – the existing overall massing and architectural expression of Transport House is a complete composition and as such, the types of changes to its built form would affect the profile of the building against the skyline and require junctions that would obscure the clarity of the definition of the top of the building;

4. the proposed development is not in any way necessary to preserve the building. In fact, Transport House has already undergone an extensive programme of conservation works;
5. any proposed use should be compatible with the nature and significance of the building. In fact, the Development is an extension of the hotel and adds nothing to the commercial use of Transport House;
6. the CMP provides that any future adaptation of the interior should be reversible and should not involve alterations to exceptional or highly significant fabric. The DA does not provide any evidence that the existing structure would not need to be augmented by interventions that could possibly not be reversible;
7. an integral aspect of the composition of the Phillip Street façade is that it emphatically expresses the top of the building to read as the skyline. The proposed addition flush with the façade, which is in breach of the setback controls in DCP 2012, will completely negate this important quality of the design;
8. the new built form on top of Transport House will have a visually intrusive effect on the exceptionally significant built form of Transport House;
9. the hotel tower adversely impacted on the setting of the exceptionally significant heritage items in the precinct when it was first built. Dressing the tower in a “new suit of clothes” will not change this situation and adding a substantial volume of built form over Transport House will further degrade the setting;
10. the former Treasury Building is a State heritage item, listing number 00355. The heritage status of the building warrants much more certainty at the Stage 1 DA rather than waiting until a later stage to discover and assess the impact.
11. proposed building elements will overlap the northern part of the Treasury Building. There is no information to indicate whether there would be impacts to the significant interiors below;
12. a serious omission is the absence of any discussion about how the development proposal might affect the area nominated and mapped for the Colonial Sydney National Heritage list. The Property is within that area;
13. the proposed activation proposals for Macquarie Street must involve some form of physical intervention and change of appearance. No other information or heritage guidelines are provided in the DA or the Heritage Impact Statement which accompanies the DA **(HIS)**;
14. section 3.9.4 (1)(c) of DCP 2012 would, if the application was not for SSD, trigger the requirement under subsection (2) for Council to appoint a committee that includes heritage professionals to examine and advise on the merits of the proposal. This implies that an independent expert assessment is required and in our view, should be required; and

15. section 3.9.5(1)(a) of DCP 2012 requires the extent of change to significant fabric, elements or spaces to be minimised. A roof-top addition of effectively five stories cannot be regarded as a minimal change, particularly when the consequences for the interior of the building are not known.

## **9 Bulk and massing of the podium additions**

The Development includes the construction of a rooftop addition on the podium of the 1980s hotel building immediately to the east of the hotel tower. This addition includes three new lifts, lift over-run, administration areas, ballroom lobby and three enlarged hotel suites with balconies/terraces facing Macquarie Street on levels 11 and 12.

The HIS recommends that (in relation to the Podium Additions) “with regard to the volume of the associated podium additions, it is however recommended that the options for reduction of these forms are explored rigorously as part of the Stage 2 SSD application and development should not extend to the full envelope”.

This statement is inconsistent with numerous statements throughout the HIS that the DA is seeking approval for the overall form and massing of the Development. Once approval for the built form envelope is sought as part of Stage 1, any Stage 2 DA must be consistent with that approval. Any subsequent reduction in massing would require a section 96 application.

We therefore submit that this issue must be adequately addressed as part of the Stage 1 DA and should not be deferred until Stage 2, particularly where the bulk and massing has an unacceptable heritage impact on Transport House and Macquarie Street more generally.

## **10 Conclusion**

In summary, Stamford objects to the DA for the following reasons:

1. DPE (on behalf of the Minister for Planning) should consider the proposed Stamford development scheme as part of its assessment of the DA;
2. the proposed addition above Transport House does not comply with the site specific 30-metre setback control contained in DCP 2012 applicable to the Macquarie Street Special Character Area. This results in unacceptable impacts on the heritage streetscape value of Macquarie Street;
3. the proposed addition above Transport House does not comply with the 10m setback control in DCP 2012 in relation to the Phillip Street elevation. Instead, the ballroom and pool addition as proposed extends entirely to the street frontage above Phillip Street (i.e. a nil setback). This results in unacceptable impacts on the heritage streetscape value of Philip Street and the heritage value of Transport House itself;
4. if the Development was not SSD, the consent authority could not grant development consent if the development resulted in any building on the land projecting higher than any part of a sun access plane. However, because the DA is SSD, consent can still be granted despite this partial prohibition. Despite this, we submit that the merit impacts of this exceedance are unacceptable, where the tower element of the Development already

substantially breaches the LEP 2012 height control and towers above the Botanic Gardens sun access plane, the addition of further bulk and massing to the tower is unacceptable and contradicts the built form which LEP 2012 seeks to achieve through the use of controls;

5. the proposed development does not comply with Section 6.21(4)(b)(c)(d)(i)(iii)(v)(vi) (vii) and (xi) of LEP 2012 and does not achieve Design Excellence. Further, we submit that even if design excellence can be achieved, the degree of design excellence cannot compensate for a structure that should not be there in the first place because of its unacceptable heritage impacts; and
6. in relation to heritage impacts:
  - a) the Development has significant potential for adverse heritage and streetscape impacts, particularly on Transport House, along Macquarie Street and in relation to nearby heritage items. The Development has unacceptable bulk and massing as set out above;
  - b) the Development is not designed to respect neighbouring buildings and the character of the Macquarie Street Special Character Area, and clearly breaches Council's articulated controls for heritage items;
  - c) the additions to Transport House do not respect the existing significant building envelope, extant building proportions or views enjoyed from the neighbouring heritage items across the Property;
  - d) the absence of structural adequacy of the addition on top of Transport House is unacceptable where the DA asserts that minimal intrusion is required to the external and internal fabric of Transport House to support the additional floors;
  - e) The HIS recommends that (in relation to the Podium Additions) "with regard to the volume of the associated podium additions, it is however recommended that the options for reduction of these forms are explored rigorously as part of the Stage 2 SSD application and development should not extend to the full envelope". This issue must be adequately addressed as part of the Stage 1 DA and should not be deferred until Stage 2, particularly where the bulk and massing has an unacceptable heritage impact on Transport House and Macquarie Street more generally; and
  - f) the DA gives rise to numerous heritage impacts which are of such a magnitude that the DA should be rejected in its entirety.

Please contact me when this matter is to be referred to the PAC for determination so that I may speak in objection to the DA.

Yours sincerely



Giovanni Cirillo  
Director, Planning Lab  
giovanni@planninglab.com.au  
0447755799

## **ATTACHMENT A – HERITAGE SUBMISSION**



**ATTACHMENT B – LETTER TO DPE FROM STAMFORD**