

Attachment F

Submissions

From: Alex Timms
Friday, June 14, 2024 4:45:16 PM
Sent on: dasubmissions
To: Submission - D/2017/1609/A - 93-97 Macquarie Street SYDNEY NSW 2000 - Attention Jessica
Subject: Symons

Attachments: DA Application Response - 93-97 Macquarie St D_2017_1609_A FINAL.pdf (150.59 KB)

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Good afternoon,
Please find the attached Museums of History NSW review comments for Development Application D/2017/1609/A at 93-97 Macquarie Street SYDNEY NSW 2000.

Kind regards,



Alex Timms
A/Head of Heritage
Strategy & External Relations
Museums of History NSW

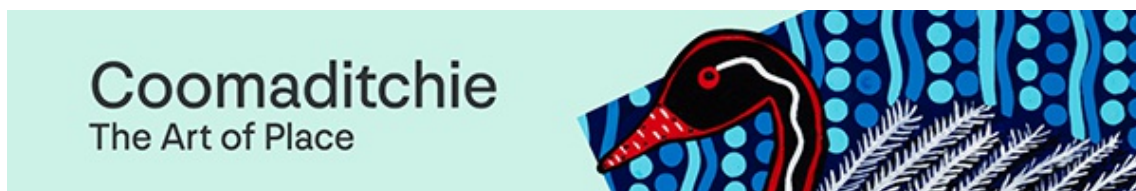
T [REDACTED] M [REDACTED]
E [REDACTED]

The Mint, 10 Macquarie St, Sydney NSW 2000
On Gadigal Country

Western Sydney Records Centre, 161 O'Connell St, Kingswood NSW 2747
On Darug Country

I acknowledge the traditional custodians of the land and pay respects to Elders past and present.

mhnsw.au



14 June 2024
Our Ref: D24/10304

Bill MacKay
Manager Planning Assessments
City of Sydney
council@cityofsydney.nsw.gov.au

Dear Mr MacKay,

RE: Development Application D/2017/1609/A at 93-97 Macquarie Street, Sydney

Museums of History NSW (MHNSW) appreciates the opportunity to comment on Development Applications (DAs) D/2017/1609/A (concept envelope modification) and D/2024/324 (detailed design) for the proposed development at 93-97 Macquarie Street, Sydney. As the owner and manager of the adjacent Justice and Police Museum (JPM), MHNSW has a vested interest in the project.

Unfortunately, we did not receive notification of the detailed design DA (D/2024/324) during its exhibition period, which has now closed, and consultation with the proponent regarding this development has been preliminary. This has prevented MHNSW from providing necessary commentary around the various impacts to our state heritage listed site and museum and commercial operations. Consequently, we include herewith high-level comments on both DAs that are currently under assessment by the City of Sydney Council.

JPM is a commercially active heritage site, housing a museum with significant collections and exhibitions, as well as a historic venue available for hire. JPM is expected to receive approximately 30,000 visitors this financial year, including 2,500 students through our educational programs. The proposed development has the potential to significantly impact our operations, heritage buildings and collections, and general access to our site.

The proposed development is situated between two state heritage listed properties, the Former Health Department Building and the JPM. As outlined in the Burra Charter Practice Note on New Work, any new development should respect the existing context, strength, scale, and character of the surrounding heritage buildings, and not overshadow them. However, the current proposal's scale and bulk significantly dwarf the neighbouring heritage listed buildings, particularly the JPM, which is located downslope to the west. The revised design has further exacerbated the issue by replacing the two stepped setbacks on the western elevation with a single step, thus increasing the podium height adjacent to the JPM. This change, combined with the increased height of the main tower, will result in an overwhelming presence that overshadows the heritage places in the area.

It is understood that roof runoff and other site drainage (courtyard, existing roof, communal outdoor areas, terraces) will be collected via an above-ground network and directed to a rainwater harvesting tank located below ground before connecting to the adjacent Bennelong Drain. The stormwater quality chamber will be equipped with an overflow provision to mitigate blockages. However, the application documentation has identified that detailed design of the drainage systems and overflow provision will be carried out by a hydraulic engineer in a later phase. This presents a major concern for us, as a low-level building, located downslope which the potential to be damaged if overflow isn't managed correctly.

MHNSW has an ongoing easement agreement between JPM and 93-97 Macquarie Street, which includes the use of commercial facilities within the existing basement area of the subject site and allows construction access via the MHNSW Albert Street entrance. The proposed development seeks to amend this easement, resulting in the demolition of MHNSW facilities, the provision of temporary facilities during construction, and rebuilding with an amended easement footprint. MHNSW has not received sufficient information on how temporary facilities will be provided and are concerned about references to amending the easement footprint. Of particular concern is the proposed use of the easement for construction activities at the MHNSW Albert Street entrance. This area is currently used by MHNSW as a loading dock, an accessible entrance for visitors and staff, an assembly point for education programs, and part of the visitor experience, including amenities (toilets), a commercial kitchen,

and a store for venue hire. These works would render this space unusable, resulting in significant disruptions to our ongoing operations.

The ongoing noise, vibrations, and dust from construction activities associated with the proposed development not only pose a significant risk to our daily operations, visitors, and staff, but also risk damaging our heritage buildings and collections. It is concerning that the management reports pertaining to these areas are lacking in detail and have deferred comprehensive mitigation methodologies to future detailed design. As this DA is for detailed design, addressing these issues should form part of this supporting documentation. This would provide assurance to MHNSW and City of Sydney Council that adequate controls and measures have been integrated into the program of works (monitoring, dilapidation reports, respite hours etc).

Overall, this development has the potential to significantly disrupt, or even necessitate the temporary closure of, our operations during the demolition and construction phases. Therefore, we believe that the critical issues listed above should be thoroughly addressed and agreed upon as a matter of urgency. MHNSW would welcome the opportunity for further discussions and review of the proposed mitigation measures to ensure the protection of our heritage assets and operations.

If you have any questions, please do not hesitate to contact Amy Keighran, A/Director, Strategy and External Relations, Museums of History NSW via [REDACTED]

Regards,

[REDACTED]

Mary Darwell
Chief Executive Officer
Museums of History NSW

From: [Michael Watt](#)
To: [DASubmissions](#)
Cc: [Jessica Symons](#)
Subject: Submissions on Stamford Hotel - D/2024/324 and D/2017/1609/A - 93-97 Macquarie Street Sydney
Date: Wednesday, 26 June 2024 3:56:23 PM
Attachments: [fi77h8oj6hzi0lztimg_zf59O2mEWodFz45Av13.jpg](#)
[MAL Final Submission Letter 260624.pdf](#)
[L-CoS-Symons-Final - Modification application.pdf](#)
[L-CoS-Symons-Final.pdf](#)
[TTW 250625 Review of Sir Stamford Hotel Site DA\[B\]_rjm.pdf](#)
[JMT Final 93-97 Macquarie Street Traffic Submission \(220624\).pdf](#)
[IHG Final objection to Stamford development applications 240624.pdf](#)

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Dear Jessica

Please find attached our submission containing letter from Mulpha objecting to these development proposals and supporting submissions from our BBC Planning, TTW Structure and JMT Traffic consultants and InterContinental Hotel management.

Should you have any queries please don't hesitate to contact me.

Regards

MICHAEL WATT

Planning Manager / Mulpha Developments / Mulpha Australia Limited.



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Chief Executive Officer
City of Sydney Council
Town Hall House
456 Kent St
Sydney NSW 2000

26 June 2024

Attention: Ms Jessica Symons

email: dasubmissions@cityofsydney.nsw.gov.au

Dear Ms Symons,

**Submission on Proposed Developments Sir Stamford Hotel (D/2017/1609/A and D/2024/324) –
93-97 Macquarie Street, Sydney NSW**

Mulpha Australia Limited (“Mulpha”) acknowledges receipt of notification from City of Sydney Council and now submits its submission in response to the abovementioned development applications.

These applications propose modification to the current approved development concept, demolition and development of the existing “Sir Stamford Hotel” building, adaptive reuse of the existing Health Building, and construction of a mixed-use development comprising basement car parking, retail and commercial tenancies, residential apartments and a public right of way.

Mulpha owns:-

- The InterContinental Hotel (Former Treasury Building) at 117-119 Macquarie Street, which is an item of State heritage significance; and
- Transport House at 99-113 Macquarie Street, which is an item of local heritage significance, and which adjoins the site subject to the above development.

Having reviewed the applications, Mulpha strongly objects to both development applications on several grounds, notwithstanding Mulpha’s previous objections, that any change to the approved Concept DA on building envelope and height, will impact on shadows and loss of views for the InterContinental Hotel, and heritage character of the precinct.

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Significantly, proposed demolition and development of the Sir Stamford site will directly and adversely impact on the operations of the InterContinental Hotel with removal of the existing exit right of way from the Intercontinental Hotel to Albert Street. Notwithstanding, the integral role this right of way plays in Hotel operations and the benefit provided on title, there has been no representations or consultation made by the proponent to the Intercontinental Hotel in advance of preparing the development application.

In reviewing these applications, Mulpha has sought expert professional assessment of the Applicant's development application and supporting information and found several areas that are deficient (see Attachments).

The proposed development has not properly considered Transport House, or the approved Roof Top function space granted approval by the Independent Planning Commission in January 2020, as modified in December 2022 (SSD7693). This includes building envelopes for external alterations and additions, including additions to the northern and eastern elevations of the InterContinental Hotel extending over part of Transport House and the existing hotel podium, including the former NSW Treasury building and including a new rooftop deck on Transport House including potential bar, retractable awning, and seating. The relationship of this approval and any impacts needs to be addressed by the applicant.

The visual impact assessments accompanying the demolition application and the Modification Application do not assess the view loss from the upper levels of the Intercontinental Hotel rooms. It is not possible to fully assess the impact on views based on the information provided.

The demolition application lacks detail on the nature of access to be provided to the InterContinental Hotel during construction and post construction. These details are necessary and vital to the operations of the InterContinental Hotel and should be provided as part of the development application.

The Geotechnical report submitted with the development application says that there will be basement excavation of up to 5.5 metres. The new lowest basement level is approximately 2 metres below the bottom basement level in the concept approval. The approved concept levels were approximate to the existing basement levels.

Mulpha's advice from TTW Structural considers *"the proposed development of the Sir Stamford Hotel site to pose a high risk to Transport House. We would recommend that independent structural and geotechnical engineers be engaged to peer review the key components of the proposed development"* (TTW Submission Letter to Mulpha, 21 June 2024 – see attached). This letter also sets out key structural impacts which need to be addressed.

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The construction noise impact assessment accompanying the application identifies non-compliances with accepted criteria requiring management practices to be implemented. Any construction noise and vibration management plan needs to be prepared in consultation with the Hotel and needs to provide active noise management during the construction period.

A construction management plan has not been submitted with the application. This is needed to show location of hoardings, timing in place, how access can be maintained for the InterContinental Hotel, light and air during construction for Transport House, construction methodologies, traffic and pedestrian movement, removal of hazardous material and stakeholder engagement.

These are important omissions needed to ensure the impact of development can be managed and that appropriate measures are integral to and incorporated in the development. At this stage these issues haven't been sufficiently detailed or addressed, as part of the proposed development and the documentation should not be relied upon for development approval.

Thank you for the opportunity to make this submission. Assuming you intend to visit the InterContinental Hotel, its porte cochere and the right of way through to Albert Street and Transport House, please let us know when attendance at the Hotel would be convenient and we will co-ordinate a visit.

Should you have any further queries please contact Michael Watt on 0448 076 361.

Your faithfully



Greg Shaw
Chief Executive Officer

Attachments:

1. BBC Submission letter to Chief Executive Officer – D2017/1609/A – 24 June 2024
2. BBC Submission letter to Chief Executive Officer – D2024/324 – 24 June 2024
3. TTW Submission Letter to Mulpha Australia Ltd – 21 June 2024
4. InterContinental Hotel Submission Letter to Chief Executive Officer – 24 June 2024
5. JMT Submission Letter to Chief Executive Officer to City of Sydney Council – 22 June 2024

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26 June 2024

Our ref: RJC:24-129A

Chief Executive Officer
City of Sydney Council
Town Hall House
456 Kent St
Sydney NSW 2000

Attention: Ms Jessica Symons

email: dasubmissions@cityofsydney.nsw.gov.au

Dear Ms Symons,

**re: D/2017/1609/A: Section 4.55(2) Modification Application (“the Modification Application”)
93-97 Macquarie Street (“the site”)
Modification of the concept approval to amend the building envelope to be consistent with the detailed design development application D/2024/324 (“the proposed modification”)**

We write on behalf of our client, Mulpha Australia Limited (“Mulpha”) in relation to the above Section 4.55(2) modification application. Council records will show that we made submissions (dated 16 February 2018, 6 March 2019 and 20 December 2019) in relation to the Concept DA.

Mulpha owns:-

- the Intercontinental Hotel (Former Treasury Building) at 117-119 Macquarie Street, which is an item of State heritage significance; and
- Transport House at 99-113 Macquarie Street, which is an item of local heritage significance and which adjoins the site subject to the modification application.

Before making comment on the Modification Application, we provide the following background as context to our comments. Mulpha objected to the Concept DA (D/2017/1609) in 2018 and 2019 on heritage, urban design, view impact and other merit grounds, and to the reliance by the Applicant on a Concept DA to overcome fundamental inconsistencies with relevant front setback (at the time) provisions in Sydney DCP 2012.

Reference to our prior submission will show that the original Concept DA (now approved) was non-compliant with Sydney DCP 2012 which, on its face, required a 30-metre setback from Macquarie Street for any building component with a height above the “nominated street frontage height”, which is around 22.0 metres in this historic section of Macquarie Street. By contrast, the approved Concept Plan DA provides for a setback from Macquarie Street of only 10 metres to a tower 55.0 metres high.

To ensure you are fully cognisant of past events, we take the opportunity to recall the opinion of the Heritage Council’s Approval Committee which, on 7 March 2018, determined to advise Council that it did not support the original Concept DA for the following reasons: -

“The proposed tower block with a 10m setback from Macquarie Street frontage would have a detrimental impact on the setting of several SHR listed heritage items and the Macquarie Street Special Character Area. The subject site located within a group of State Heritage Register listed (SHR) items including the Justice and Police Museum (SHR No 00726) and the Intercontinental Hotel former Treasury Building (SHR 00355) forms an important component of the Macquarie Street and Bridge Street Precinct.

The State heritage significance of the Former Health Department Building is inextricably linked to its ability to reflect the status of Macquarie and Bridge Streets as a prestige address for many government institutions, becoming an important component of the precinct.” (our emphasis)

The Heritage Council’s Approval Committee further determined to recommend to Council: -

“.....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).” (our emphasis)

Furthermore, the Heritage Council’s “Report for Decision” which was relied upon by the Heritage Council Approvals Committee when it made its decision in relation to the Concept DA on 7 March 2018 contained the following statement: -

“The integrated development application (IDA), if approved, would materially affect the significance of the Health Department Building (former) as an item of the environmental heritage, because the proposed erection of the tower would permanently damage the item’s ability to reflect the status of Macquarie and Bridge Streets as a prestige address for many government institutions and would have major adverse impacts on the setting of the precinct that defines the SHR values of the item.” (our emphasis)

We said in our prior submission in relation to D/2017/1609 dated 20 December 2019 that it could not be clearer that the tower form of the Concept DA would permanently damage Transport House’s setting in Macquarie Street and have a major adverse impact on the setting

of the precinct in which it is located which is, of course, one of the most significant heritage precincts in NSW.

We further recall that the Heritage Council Approvals Committee again considered the Concept DA at its meeting on 4 September 2019 resolving that (inter alia) the Committee: -

*“2. **Provides** the following comments on the proposed development located outside the State Heritage Register (SHR) curtilage of the Health Department Building (former):*

The proposed tower development is not supported for the following reasons:

- a. The proposed tower block with a 10m setback from Macquarie Street frontage would have a detrimental impact on the setting of several SHR listed heritage items and the Macquarie Street Special Character Area. The subject site located within a group of State Heritage Register listed (SHR) items including the Justice and Police Museum (SHR No 00726) and the Intercontinental Hotel former Treasury Building (SHR No 00355) forms an important component of the Macquarie Street and Bridge Street precinct.*
 - b. The State heritage significance of the Former Health Department Building is inextricably linked to its ability to reflect the status of Macquarie and Bridge Streets as a prestige address for many government institutions, becoming an important component of the precinct. The erection of the proposed tower block would have a permanent detrimental impact on the setting of the item and the historic precinct of which it is an important component.*
- 3. Recommends 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).” (our emphasis)*

Like the Heritage Council Approval Committee, our client Mulpha maintained vigorous objection to the original Concept DA. In summary, Mulpha objected to the Concept DA on the following grounds: -

- the 30 metres setback control from the Macquarie Street frontage (above the nominated street frontage height) applied to the tower element and the proposal contained in the Concept DA (now approved) was a gross violation of that control;
- because the 30 metres setback control applied and the Concept DA was in gross violation of that control (i.e. a 55m high tower form within 10 metres of Macquarie Street), the Concept DA should have been withdrawn and rejected;

- the Concept DA failed to comply with the DCP setback requirements for the site's side (southern) and rear (western) boundaries, with its 50m high blank wall 3.0m from Transport House and even greater height immediately adjacent to the Justice and Police Museum;
- the Applicant's reliance on amendments to the DCP which had yet to be formally exhibited (as part of the Central Sydney Strategy Planning Proposal) was inappropriate;
- there was no basis to waive the requirement of Clause 7.20 of Sydney LEP 2012 which required the preparation of a site specific DCP;
- the Concept DA would result in unacceptable heritage impacts;
- the Concept DA was deficient in its urban design and did not exhibit design excellence; and
- the Concept DA would result in unacceptable view impacts.

Mulpha strongly remains strongly of the view, notwithstanding subsequent approval of the Concept DA, that the site is not suitable for a 55-metre high tower (now proposed to be increased to 57.8m) given that the site is bounded by heritage items on all sides and is in a cohesive heritage streetscape which forms part of a Special Character Area (identified in the LEP). As we said in our prior submissions, building of the scale then proposed (now approved) is aggressive, invasive, unsympathetic, out of character, overly dominant in its immediate context, and dramatically different in its height to the lower scale buildings in the historic precinct in which the site is located.

The above background provides the relevant context in which the modification to the Concept DA consent is to be assessed and determined. We now turn to the current Modification Application.

1. The Stage 2 DA should comply with the approved Concept DA

The changes to the approved building envelope are summarized on the approved, proposed and combined building envelope diagrams overleaf.



Figure 8: Approved envelope (BVN)

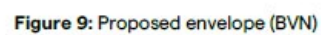


Figure 9: Proposed envelope (BVN)

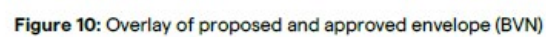


Figure 10: Overlay of proposed and approved envelope (BVN)

Section 4.24 of the Environmental Planning and Assessment Act, 1979 sets out the status of Concept DA's and consents. It states: -

“(1) The provisions of or made under this or any other Act relating to development applications and development consents apply, except as otherwise provided by or under this or any other Act, to a concept development application and a development consent granted on the determination of any such application.

(2) While any consent granted on the determination of a concept development application for a site remains in force, the determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposals for the development of the site.

(3) Subsection (2) does not prevent the modification in accordance with this Act of a consent granted on the determination of a concept development application.” (our emphasis)

Acknowledging Section 4.24(3), one can still reasonably ask why is it that the detailed design in the Stage 2 DA cannot fit within the approved building envelope and comply with the conditions of the Concept DA consent? The answer to this question should not simply be: because the scheme is the winner of an architectural design competition. In this regard, the concept approval, the reference scheme submitted with the concept approval application and the BVN competition winning scheme all complied with this essential element of the concept approval.

In the case of the increased building height for which approval is now sought (i.e. from 55m to 57.8m) it is said in the Statement of Environmental Effects (“SEE”) on page 32 that floor-to-floor levels need to be increased to meet requirements for servicing, insulation and other building tolerances between levels, the height of plant needs to be increased as a result of a “developed mechanical services strategy” and the ground level needs to be raised to respond to the updated flood modelling which (apparently) “demonstrated the need to increase the finished floor level of the ground level above that under the current ground level”. It is the Applicant’s desire to incorporate the maximum number of storeys that triggers the height non-compliance, not any of the above factors.

Indeed, these reasons for non-compliance with the approved building envelope do not stand up to scrutiny. The residential floor to floor heights in the proposed development are the same as in the concept approval at 3.1m. It would seem that the non-compliance with the concept approval (and with the building height development standard in the LEP results from an additional floor in the podium. This is not a sufficient environmental planning ground for not complying with the building height development standard.

Similarly, the street frontage height is proposed to be increased by 2.5m, increasing the non-compliance with the 20m street frontage height control.

2. The Modification Application has not properly considered Transport House

In Section 2.3 of the SEE it describes the surrounding context. In doing so it references Transport House (on page 13) but makes no mention of the approved roof top addition to Transport House. The approval to SSD 7693 granted by the Independent Planning Commission in January 2020, as modified in December 2022, includes building envelopes for external alterations and additions, including additions to the northern and eastern elevations of the Intercontinental Hotel extending over part of Transport House and the existing hotel podium, including the former NSW Treasury building and including a new rooftop deck on Transport House including potential bar, retractable awning, and seating. Impacts from these approved additions need to be considered.

Failure to acknowledge the approved roof top addition results in the analysis of the impacts on Transport House in the SEE and other documents which support the DA (including the Visual Impact Analysis) being inadequate and insufficient.

3. Deletion of Condition 7(e) adversely impacts on Transport House

The Applicant seeks a modification of Condition (7) of the Concept DA consent so as to delete Condition 7(e) which is in the following terms: -

“(e) The south, north and east elevations of the Macquarie Street podium should be substantially glazed at their lower levels (e.g. two floor levels) to allow for views from Macquarie Street through the new residential building to the northern elevation of Transport House and to the (proposed) newly restored reconstructed southern elevations of the former Health Department Building.”

The Applicant’s rationale for this deletion is as follows: -

“Discussion: With regards to condition 7(e), the proposed modifications respond to the competition winning scheme which achieves the objectives of this condition, without maintaining glazed façades for the first two levels. The proposal achieves the intent of this condition as it provides generous setbacks at the ground plane which reveals the surrounding façades.”

We could find no justification anywhere in the documents which accompany the Modification Application for not maintaining glazed facades for the first two levels adjacent to Transport House. The Applicant should be required to comply with Condition 7(e). It should not be modified as proposed by the Applicant.

4. The View Impact Analysis is deficient

The View Impact Analysis submitted in support of the Modification Application does not address the additional view loss from north facing rooms in the Intercontinental Hotel which are at or above the top of the approved building envelope. Furthermore, no consideration has been given in the View Impact Analysis to views from the approved roof top addition on Transport House or to view that will be impacted by the proposed increase in street frontage height when compared to the Concept DA.

5. The plans which form part of the Modification Application do not identify the design amendments

The submitted plans which form part of the Section 4.55 application do not annotate, cloud or otherwise identify the proposed modifications. As a result the plans are unclear. The design amendments should be clearly identified and labelled on the plans.

6. The SEE is unclear

The SEE states (on page 7) that the Modification Application seeks changes to the approved uses within the approved building envelope. It states: -

“This section 4.55(2) modification application is seeking the following changes to the approved Concept building envelope and uses:” (our emphasis)

We could find no detail in the SEE of any proposed use changes and note that the Council’s notification of the Modification Application also makes no reference to use changes describing the proposed modification to the consent in the following terms: -

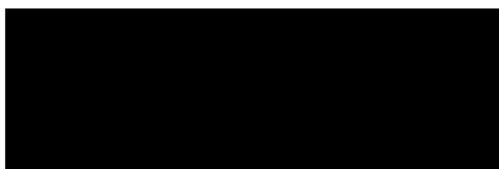
“Section 4.55(2) Modification of Concept approval to amend the building envelope to be consistent with the detailed design development application D/2024/324.”

The Applicant should be requested to clarify whether there are indeed any changes proposed to the approved uses.

7. Further Action

Thank you for the opportunity to make this submission. If you wish to visit Transport House or the Intercontinental Hotel as part of your assessment of the Modification Application, please let us know when attendance would be convenient and we will coordinate with our client in that regard.

Yours faithfully,
BBC Consulting Planners



Robert Chambers
Director

Email 



26 June 2024

Our ref: RJC:24-129

Chief Executive Officer
City of Sydney Council
Town Hall House
456 Kent St
Sydney NSW 2000

Attention: Ms Jessica Symons

email: dasubmissions@cityofsydney.nsw.gov.au

Dear Ms Symons,

re: D/2024/324: Detailed design proposal for demolition of the existing 'Stamford Hotel' building, adaptive reuse of the existing Health Building, and construction of a mixed use development comprising basement car parking, retail and commercial tenancies, residential apartments and a public right of way at 93-97 Macquarie Street

1. INTRODUCTION

We write on behalf of our client, Mulpha Australia Limited ("**Mulpha**") in relation to D/2024/324 which comprises a detailed design proposal for demolition of the existing 'Stamford Hotel' building, adaptive reuse of the existing Health Building, and construction of a mixed use development comprising basement car parking, retail and commercial tenancies, residential apartments and a public right of way ("the **proposal**") at 93-97 Macquarie Street, Sydney ("**the site**"). This DA is dependant on a modification of the concept approval granted to D/2017/1609 on 12 March 2020 for *concept building envelope with a height of up to 55m (RL 70.030m) and the conservation of the existing heritage item with indicative future land uses of retail, commercial and residential* ("the **concept approval**").

We note at the outset that a key aspect of the concept approval is a building envelope with a height of up to 55 metres (RL70.030m). The proposal does not comply with this key aspect of the concept approval.

Mulpha owns:

- the Intercontinental Hotel (Former Treasury Building) at 117-119 Macquarie Street, which is an item of State heritage significance; and

- Transport House at 99-113 Macquarie Street, which is an item of local heritage significance and which adjoins the site.

Before making comment on the proposal, we provide the following background as context to our comments. Mulpha objected to the Concept DA (D/2017/1609) in 2018 and 2019 on heritage, urban design, view impact and other merit grounds, and to the reliance by the Applicant on a Concept DA to overcome fundamental inconsistencies with (at the time) relevant front setback provisions in Sydney DCP 2012.

Reference to our prior submissions will show that the original Concept DA (now approved) was non-compliant with Sydney DCP 2012 which, on its face, required a 30-metre setback from Macquarie Street for any building component with a height above the “nominated street frontage height”, which is around 22.0 metres in this historic section of Macquarie Street. By contrast, the approved Concept Plan DA provides for a setback from Macquarie Street of only 10 metres to a tower 55.0 metres high.

To ensure you are fully cognisant of past events, we take the opportunity to recall the opinion of the Heritage Council’s Approval Committee which, on 7 March 2018, determined to advise Council that it did not support the original Concept DA for the following reasons: -

“The proposed tower block with a 10m setback from Macquarie Street frontage would have a detrimental impact on the setting of several SHR listed heritage items and the Macquarie Street Special Character Area. The subject site located within a group of State Heritage Register listed (SHR) items including the Justice and Police Museum (SHR No 00726) and the Intercontinental Hotel former Treasury Building (SHR 00355) forms an important component of the Macquarie Street and Bridge Street Precinct.

The State heritage significance of the Former Health Department Building is inextricably linked to its ability to reflect the status of Macquarie and Bridge Streets as a prestige address for many government institutions, becoming an important component of the precinct.” (our emphasis)

The Heritage Council’s Approval Committee further determined to recommend to Council: -

“.....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).” (our emphasis)

Furthermore, the Heritage Council’s “Report for Decision” which was relied upon by the Heritage Council Approvals Committee when it made its decision in relation to the Concept DA on 7 March 2018 contained the following statement: -

“The integrated development application (IDA), if approved, would materially affect the significance of the Health Department Building (former) as an item of the environmental heritage, because the proposed erection of the tower would permanently damage the

item's ability to reflect the status of Macquarie and Bridge Streets as a prestige address for many government institutions and would have major adverse impacts on the setting of the precinct that defines the SHR values of the item." (our emphasis)

We said in our prior submission in relation to D/2017/1609 dated 20 December 2019 that it could not be clearer that the tower form of the Concept DA would permanently damage Transport House's setting in Macquarie Street and have a major adverse impact on the setting of the precinct in which it is located which is, of course, one of the most significant heritage precincts in NSW.

We further recall that the Heritage Council Approvals Committee again considered the Concept DA at its meeting on 4 September 2019 resolving that (inter alia) the Committee: -

"2. Provides the following comments on the proposed development located outside the State Heritage Register (SHR) curtilage of the Health Department Building (former):

The proposed tower development is not supported for the following reasons:

- a. *The proposed tower block with a 10m setback from Macquarie Street frontage would have a detrimental impact on the setting of several SHR listed heritage items and the Macquarie Street Special Character Area. The subject site located within a group of State Heritage Register listed (SHR) items including the Justice and Police Museum (SHR No 00726) and the Intercontinental Hotel former Treasury Building (SHR No 00355) forms an important component of the Macquarie Street and Bridge Street precinct.*
 - b. *The State heritage significance of the Former Health Department Building is inextricably linked to its ability to reflect the status of Macquarie and Bridge Streets as a prestige address for many government institutions, becoming an important component of the precinct. The erection of the proposed tower block would have a permanent detrimental impact on the setting of the item and the historic precinct of which it is an important component.*
3. *Recommends 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)." (our emphasis)*

Like the Heritage Council Approval Committee, our client Mulpha maintained vigorous objection to the original Concept DA. In summary, Mulpha objected to the Concept DA on the following grounds:

- the 30 metres setback control from the Macquarie Street frontage (above the nominated street frontage height) applied to the tower element and the proposal contained in the Concept DA (now approved) was a gross violation of that control;

- because the 30 metres setback control applied and the Concept DA was in gross violation of that control (i.e. a 55m high tower form within 10 metres of Macquarie Street), the Concept DA should have been withdrawn and rejected;
- the Concept DA failed to comply with the DCP setback requirements for the site's side (southern) and rear (western) boundaries, with its 50m high blank wall 3.0m from Transport House and even greater height immediately adjacent to the Justice and Police Museum;
- the Applicant's reliance on amendments to the DCP which had yet to be formally exhibited (as part of the Central Sydney Strategy Planning Proposal) was inappropriate;
- there was no basis to waive the requirement of Clause 7.20 of Sydney LEP 2012 which required the preparation of a site specific DCP;
- the Concept DA would result in unacceptable heritage impacts;
- the Concept DA was deficient in its urban design and did not exhibit design excellence; and
- the Concept DA would result in unacceptable view impacts.

Mulpha remains strongly of the view, notwithstanding subsequent approval of the Concept DA, that the site is not suitable for a 55-metre high tower (now proposed to be increased to 57.8m) given that the site is bounded by heritage items on all sides and is in a cohesive heritage streetscape which forms part of a Special Character Area (identified in the LEP). As we said in our prior submissions, building of the scale then proposed (now approved) is aggressive, invasive, unsympathetic, out of character, overly dominant in its immediate context, and dramatically different in its height to the lower scale buildings in the historic precinct in which the site is located.

The above background provides the relevant context in which the proposal is to be assessed and determined. We now turn to the current development application for the proposal.

2. GROUNDS FOR OBJECTION

2.1 The proposal should comply with the approved envelope Concept DA

Section 4.24 of the Environmental Planning and Assessment Act, 1979 sets out the status of Concept DA's and consents. It states:

“(1) The provisions of or made under this or any other Act relating to development applications and development consents apply, except as otherwise provided by or under this or any other Act, to a concept development application and a development consent granted on the determination of any such application.

“(2) While any consent granted on the determination of a concept development application for a site remains in force, the determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposal for the development of the site.

(3) Subsection (2) does not prevent the modification in accordance with this Act of a consent granted on the determination of a concept development application.” (our emphasis)

Acknowledging Section 4.24(3), one can still reasonably ask why is it that the detailed design in the Stage 2 DA cannot fit within the approved building envelope and comply with the conditions of the Concept DA consent? The concept approval, the reference scheme submitted with the concept approval application and the BVN competition winning scheme all complied with this essential element of the concept approval. The proposal should also comply, and as discussed below, there is no compelling reason why not.

In the case of the increased building height for which approval is now sought (i.e. from 55m to 57.8m) the architectural design report provides the following justification:

- *Result of significant coordination with structure and building services and compliance with the requirements of the Design and Building Practitioners Act.*
- *Allowances made for flush thresholds to balconies, integral setbacks to wet areas, acoustic and thermal insulation requirements, coordination of hydraulic services, minimum 2700mm ceilings to habitable spaces in residential areas. Increase in height of plant resulting from developed mechanical services strategy and acoustic attenuation of plant room equipment.*
- *Resulted in an exceedance to the Concept DA envelope which is described in greater detail as part of the Statement of Environmental Effects prepared by The Planning Studio. Note: There remains to be no exceedance to the solar access plane from any part of the building not considered architectural feature.*
- *Retains double height expression of form at the top of the building commended by jury.*

It has not been established that these elements cannot be incorporated within the approved building envelope. The above reasons do not stand up to scrutiny. The residential floor to floor heights in the proposed development are the same as the concept approval at 3.1m. It would seem that the non-compliance with the concept approval (and with the building height development standard in the LEP) results from an additional floor in the podium. This is not a sufficient environmental planning ground for not complying with the building height development standard.

Similarly, the street frontage height is proposed to be increased by 2.5m, increasing the non-compliance with the 20m street frontage height control. This is discussed further below.

2.2 The proposal has not properly considered Transport House

Section 2.3 of the SEE describes the surrounding context. In doing so it references Transport House and the former Treasury Building but makes no mention of the approved roof top addition to Transport House. The approval to SSD 7693 granted by the Independent Planning Commission in January 2020, as modified in December 2022, includes building envelopes for external alterations and additions, including additions to the northern and eastern elevations of the Intercontinental Hotel extending over part of Transport House and the existing hotel podium, including the former NSW Treasury building and including a new rooftop deck on Transport House including potential bar, retractable awning, and seating. Impacts from these

approved additions need to be considered. As discussed below, failure to acknowledge the approved roof top addition results in the analysis of the impacts on Transport House in the SEE and other documents which support the DA (including the Visual Impact Analysis) being inadequate and insufficient.

2.3 The View Impact Analysis is deficient

The View Impact Analysis submitted in support of the proposal does not address the additional view loss from north facing rooms in the Intercontinental Hotel which are at or above the top of the approved building envelope. Furthermore, no consideration has been given in the View Impact Analysis to views from the approved roof top addition on Transport House or to view that will be impacted by the proposed increase in the street frontage height of the building above Macquarie Street when compared to the Concept DA.

The visual impact assessments accompanying the DA and the Modification Application do not assess the view loss from the upper levels of the Intercontinental Hotel rooms. It is not possible to fully assess the impact on views based on the information provided.

The visual impact images submitted with the application (Appendix 41 to the SEE) from the InterContinental Hotel (Viewpoints 1 to 10) are taken from rooms on levels up to about Level 15 of the InterContinental Hotel. This assessment does not consider view loss from the additional height to the building from rooms on higher floors of the Intercontinental Hotel.

It is apparent from the images presented from viewpoints 5 and 10 in Appendix 41 of the SEE accompanying the application that the additional building height will impact on views of the Opera House and of the harbour. This impact needs to be properly quantified. Any additional view loss resulting from the non-compliance of the proposal with the maximum building height development standard is unacceptable.

2.4 The Clause 4.6 variation request should be denied

Clause 4.6(3) of SLEP 2012 says that development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that:

- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
- (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

It is submitted that neither of these requirements has been met. Compliance with the 55 metres maximum building height development standard is reasonable because this is, and has been, a key element of the concept approval. The 55 metre maximum building height control was:

- a key aspect of the concept approval;
- complied with by the reference scheme submitted with the application for concept approval; and
- complied with by the design excellence competition winning scheme.

The design competition included a requirement for the maximum building height to be 55 metres, for there to be a separation from the former Health Department Building of at least 3 metres and for there to be a maximum podium height along Macquarie Street of RL36.00m. The development does not meet these requirements.

There is no reason why these requirements cannot and should not be met. Compliance with the maximum building height control is reasonable and necessary.

In relation to Clause 4.6(3)(b) the DA has not established that there are sufficient environmental planning grounds to justify the contravention of the development standard.

As Case law demonstrates that the focus of the question in Clause 4.6(3)(b) is on the element of the development that contravenes the development standard¹, in this case the additional building height. The environmental planning grounds given in the Clause 4.6 request on which the DA relies are discussed in the table below:

Grounds stated in section 6.3 of clause 4.6 request	Comments
- The proposed variation is the result of extensive design co-ordination with building services, and meeting compliance with the requirements of the Design and Building Practitioners Act. This has required a minor increase to building height beyond that which was approved as part of the Concept DA. Key drivers of this increase are: - the increasing of floor-to-floor levels to meet requirements for servicing, insulation, and other building tolerances between levels. In particular, allowances made for flush thresholds to balconies, integral set downs to wet areas, acoustic and thermal insulation requirements, coordination of hydraulic services, minimum 2700mm ceilings to habitable spaces in residential areas. - an increase in height of plant resulting from developed mechanical services strategy and acoustic attenuation of plant room equipment; and	The residential floor to floor levels have not changed and remain at 3.1m as shown in the concept approval. The ground floor level has been lowered from RL16.80m to RL16.25m and the street frontage (podium) height increased from RL36.00m to RL38.35m (RL39.4m including balustrade articulation zone). This has allowed <u>an extra level</u> in the podium. The roof top plant area has a height of 2.85 metres above the roof level. In this regard, it is noted that a reason for approval of the concept as stated in the Notice of Determination was that: <i>(D) The indicative concept design scheme accompanying the application demonstrate the envelope can accommodate a building which complies with the maximum height of buildings development standard in Clause 4.3 and the</i>

¹ Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118 at [24]

	<i>maximum floor space ratio development standard in Clause 4.4 of the Sydney Local Environmental Plan 2012. Alternative solutions for plant that comply with the concept approval should be found.</i>
o responding to the updated detailed flood modelling, which demonstrated the need to increase the finished floor level of the ground level above that under the current 'existing ground level'.	The concept approved ground floor level is RL16.8m and the proposed ground floor level varies from RL16.25m to RL16.65m. The ground floor level has therefore been reduced, <u>not</u> increased.
• The aspects of the development that are non-compliant with the building height control do not create any additional environmental impacts such as overshadowing, visual or acoustic privacy beyond what a compliant height would create. As detailed in this variation request, the proposed additional overshadowing will occur over existing vehicular carriageways of streets and inaccessible rooftop plant, resulting no impact to amenity beyond a compliant height.	This statement is not supported by any evidence. The impact of the additional height on views from hotel rooms at the InterContinental Hotel has not been modelled. Additional non-compliant building height will impact on views.
• The additional height is incorporated into the overall design of the building, ensuring that design excellence as demonstrated through the successful design competition process is preserved, despite the non-compliance with the numerical standard.	The proposed plant room is not consistent with the scheme put forward by the successful design competition entry.

There are insufficient environmental planning grounds to justify the variation to the maximum building height standard. The matters in Clause 4.6(3) of SLEP 2012 have not been adequately addressed. The variation to the standard should not be allowed.

2.5 Access to the InterContinental Hotel during construction

Appendix 39 of the SEE which accompanies the DA is a *Plan and Summary of Interests Affecting and Appurtenant to Lot 12 in DP 1197140 known as "Sir Stamford Hotel" No.93-97 Macquarie Street, Sydney*. The site is affected by an easement for access in favour of the InterContinental Hotel site providing one way access from the porte cochere of the InterContinental Hotel to Albert Street. Page 10 of Appendix 39 states as follows in relation to this easement: *Easement to be replaced following renovation. Temporary measures under negotiation with the beneficiary*. We are advised by Mulpha that no such negotiations have taken place. The DA does not show how this access is to be maintained nor what arrangements for the management of access during construction will be made. The traffic impact assessment accompanying the DA states that:

The reconstruction of the intercontinental right of way access will maintain the existing width of 3.0 metres and location of the access. (page 23)

The right of way access linking to the Intercontinental provides a maximum ramp grade of 1 in 7 for the first 8.7 metres within the property boundary. This portion of the ramp within the property boundary is an existing condition and will be topped with a 50mm slab as it is structurally integral to the lid of the substation (existing condition).

The internal grades of the Intercontinental right of way provide a maximum gradient of 20% (1 in 5) with sag and summit transitions of 12.5% (1 in 8) respectively. (page 24).

The demolition plans accompanying the DA and forming part of the architectural set of drawings state as follows:

Existing ramp to Intercontinental Hotel to be temporarily relocated during construction. Portion of existing ramp forming substation lid to be retained throughout. Remainder of ramp to be demolished, temporarily relocated during construction and reinstated.

The DA lacks detail on the nature of access to be provided to the InterContinental Hotel during construction and post construction. These details are necessary and vital to the operations of the Hotel and should be provided as part of the DA.

2.6 Non-compliant street frontage height

The street frontage height of the development to Macquarie Street has been increased by 2.35 metres from RL30.00m in the concept approval to RL38.35m. This increases the non-compliance with the 20 metre street frontage control.

The level of the proposed communal outdoor area is to be RL38.35m rather than the concept approved RL36m. The approved level of the outdoor terrace on Transport House is RL37.85m. Outlook and views from this terrace down Macquarie Street will be impacted by the increase in street frontage height of the proposal. The extent of this impact has not been assessed as part of the DA.

The street frontage height of 20 metres applies specifically to the site as a result of a site specific amendment to the Sydney DCP 2012. There is no reason why this control should not be satisfied. The additional street frontage height results in a podium that would dominate Transport House and the former Health Department Building – both heritage items.

2.7 Additional excavation

The Geotechnical report submitted with the DA says that there will be basement excavation of up to 5.5 metres. The new lowest basement level is approximately 2 metres below the bottom basement level in the concept approval. The approved concept levels were approximate to the existing basement levels. The construction noise impact assessment accompanying the DA identifies non-compliances with accepted criteria requiring management practices to be implemented. Any construction noise and vibration management plan needs to be prepared in consultation with the Hotel and needs to provide active noise management during the construction period.

2.8 The DA is deficient

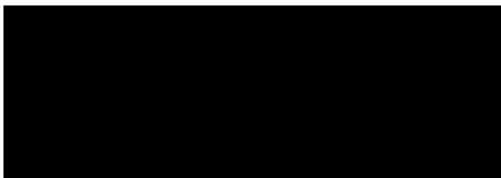
The DA is deficient for the following reasons:

- A construction management plan has not been submitted with the DA. This should (at a minimum) indicate the location of hoardings and how long they will be in place, how access to the InterContinental Hotel is to be maintained during construction, provision of light and air to the adjoining Transport House during construction, demolition, excavation and construction methodologies, location of site accommodation, pedestrian and vehicular traffic management including vehicular access to the InterContinental Hotel, removal of hazardous building materials, and stakeholder engagement.
- The impacts of the additional building height on views from hotel rooms in the InterContinental Hotel have not been assessed.
- The impacts of the additional street frontage height above Macquarie Street in views and outlook from the approved outdoor terrace on the roof of Transport House have not been assessed.
- The location and nature of access to the InterContinental Hotel from Albert Street have not been identified or clarified and no discussions have been held with Mulpha in this regard.

3. FURTHER ACTION

Thank you for the opportunity to make this submission. Assuming you intend to visit the Hotel, its porte cochere and the right of way through to Albert Street, please let us know when attendance at the Hotel would be convenient and we will coordinate with our client in that regard.

Yours faithfully,
BBC Consulting Planners



Robert Chambers
Director

Email 

25 June 2024

241479 SAAA

Mulpha Australia Limited
Level 9, 117 Macquarie Street
Sydney NSW 2000

Attention: Michael Watt

Transport House, 99 Macquarie Street

Review of Adjacent Development of Sir Stamford Hotel Site

Dear Michael,

TTW have reviewed the proposed redevelopment of the Sir Stamford Hotel site at 93-97 Macquarie Street based on the information contained under DA D/2017/1609/A and DA D/2024/324 as presented on the City of Sydney Applications on Exhibition portal. The purpose of this review is to identify risks to the existing Transport House building at 99 Macquarie Street and identify any constraints that may inhibit, restrict or compromise the future operation of the site.

Based on the architectural documentation by BVN, DA Structural Design Brief prepared by SCP Engineers and Development Consultants and the Geotechnical Investigation Report by Douglas Partners, the DA proposal contains the following key elements:

- Demolition of the existing Sir Stamford Hotel building including above ground and basement structures (the existing heritage Department of Health building and existing substation chamber are to be retained).
- Further excavation of the lowest basement level to increase the depth of the basement.
- Reconstruction of the building to form a 16 storey above ground building with 5 levels of basement.

The existing Transport House building consists of concrete encased steel beams and columns supporting reinforced concrete slabs. The façade is formed from non-load bearing masonry and stone. Columns are supported on unreinforced mass concrete pad footings. Existing structural drawings indicate these to be founded on rock. Recent geotechnical investigations and excavations have confirmed the footings to be founded on rock.

As noted in the following sections we would consider the proposed development of the Stanford Hotel site to pose a high risk to Transport House. We would recommend that independent structural and geotechnical engineers be engaged to peer review the key components of the proposed development (as outlined in the following sections).

Impacts on Transport House

Structural impacts on Transport House relate primarily to the proximity of the development to the existing structure. The layout of the site in relation to Transport House can be seen in Figure 1. This shows the new basement structures in close proximity to the northeast corner of Transport House.

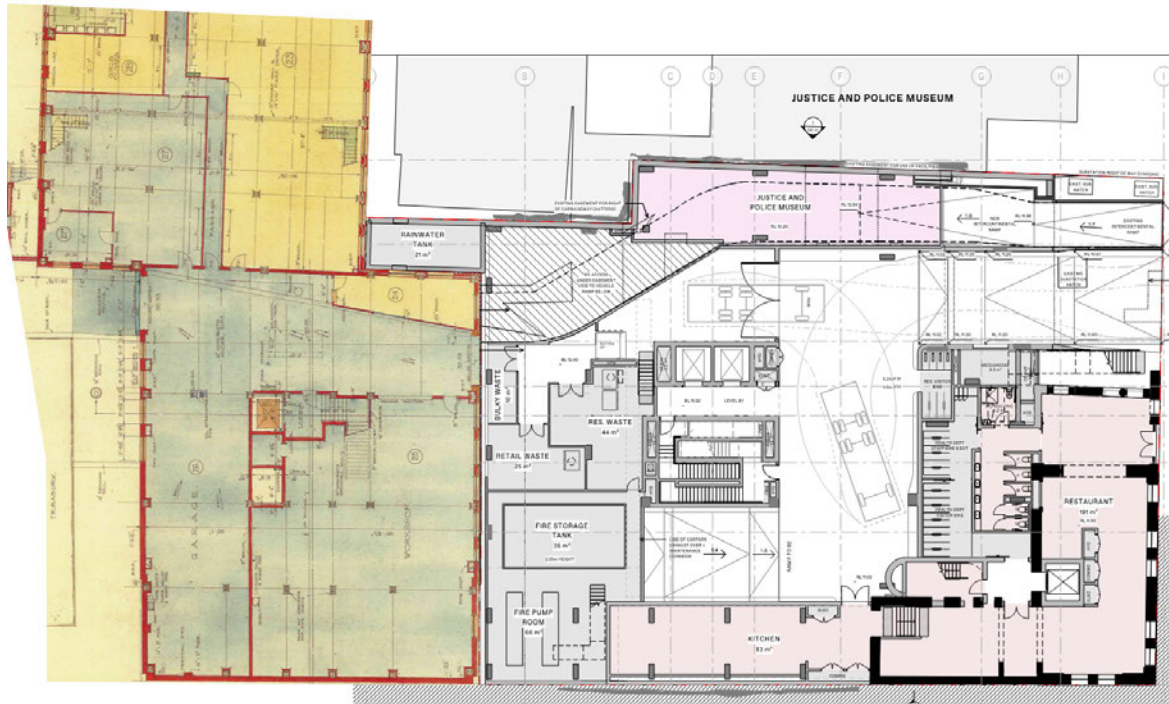


Figure 1 – Relationship between development site and Transport House

Key structural impacts on Transport House from the proposed developed as outlined in DA D/2017/1609/A include:

Vibration from demolition, excavation and construction works. The existing Sir Stamford Hotel basement structures appear to be built on the site boundary therefore against the rock that directly supports the Transport House pad foundations. The heavy demolition of the existing building, excavation of rock at depth and construction activities relating to the new building will likely result in vibrations that could permeate through Transport House. Vibrations could result in movement of Transport House that could cause damage to the brittle masonry façade and finishes within Transport House. It is understood that the refurbishment works carried out in c2000 included pinning of parts of the façade back to the primary structure. It is understood that documentation for this works is not available. Construction borne vibrations would need to be carefully controlled and monitored to ensure damage to Transport House is avoided.

Undermining of existing pad footings. The existing Transport House foundations were constructed as high-level pad foundations with pads supporting edge columns located on the site boundary. We do not have access to the existing structural drawings of the Sir Stamford Hotel but based on the Geotechnical Investigation Report by Douglas Partners there is an existing shoring wall between Ground Floor and Basement B2 that is currently propped by the existing basement floors. It is noted that demolition of these existing floor slabs will leave the shoring wall unsupported, but it is intended to strengthen the retained shoring wall through the installation of rock bolts.

As noted in the Geotechnical Investigation report, it is difficult to confirm the conditions behind the existing shoring wall that directly supports the Transport House pad footings. It would be recommended that further investigations be carried out prior to and during the demolition of the existing building. The stability of the existing shoring wall and unknown conditions beyond would likely cause the highest risk to Transport House and should therefore be addressed accordingly.

The relationship between the Transport House foundations and proposed basement levels can be seen in Figure 2. It is not known whether the existing Transport House pad footings were underpinned or otherwise treated at the time of construction of the Sir Stamford Hotel.



Figure 2 – Section through Transport House with proposed development

Given the close proximity of the basement demolition and excavation to Transport House, and the high-risk nature of the works, it would be recommended that the proposed demolition and construction works be peer reviewed by independent structural and geotechnical engineers on behalf of Mulpha to minimise risks to Transport House.

Anchor/rock bolts to retain ground. The DA Structural Design Brief prepared by SCP suggests that the existing shoring wall that is to be retained between Ground Floor and Basement 2 will be strengthened by the construction of a new shotcrete retaining wall with temporary anchors/rock bolts. The stability of this existing shoring wall will be critical to the stability of Transport House and therefore the design of this system will be critical to ensure ground movements are negligible. Furthermore, temporary ground anchors and rock bolts generally remain in the ground on completion of the works and therefore these can become an obstruction in the ground for future excavations/ground works.

Impacts on structural integrity of Intercontinental Hotel tunnel. Demolition of the existing basement structures will result in loss of support to the existing Intercontinental Hotel tunnel structure. It is noted that BVN demolition drawing AR-DA-21B-04 [04] states that the “existing ramp to Intercontinental Hote to be temporarily relocated during construction. Portion of existing ramp forming substation lid to be retained throughout. Remainder of ramp to be demolished, temporarily relocated during construction and reinstated.”

It is not clear from the DA documentation how this ramp would be temporarily relocated during demolition and construction. As this thoroughfare is a key component of the hotel operations the construction staging and methodology around the hotel ramp easement should be thoroughly documented. It would be recommended that an independent structural engineer peer review the temporary and permanent structural works relating to the hotel ramp on behalf of Mulpha.

Restriction on future development. Current proposals for Transport Hose include the addition of a vertical expansion above the existing roof level. Modification of the existing Sir Stamford Hotel substructure could restrict the opportunity to complete the future expansion if the excavation and substructure works reduce the capacity of the footings below Transport House. Given that the existing shoring wall in the Sir Stamford Hotel site is to be strengthened, the shoring will require to be designed to support the surcharge load from Transport House plus an allowance for the proposed future vertical expansion

It is noted that the Transport House vertical extension was specifically designed to minimise the increase in vertical loads on columns however the increase in footing loads should be considered in the surcharge loads used for the design of the shoring walls within the Sir Stamford Hotel site.

Should you require anything further please contact the undersigned.

Yours faithfully,
TTW (NSW) PTY LTD



ROSS MILLAR
Associate

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Jessica Symons
City of Sydney Council

22 June 2024

Dear Jessica

93-97 Macquarie Street, Sydney (D/2024/324) - Traffic Review

INTRODUCTION

JMT Consulting has been engaged by Mulpha Hotel Sydney Trust ('Mulpha') to assist with a submission to City of Sydney Council in relation to the Development Application for the site at 93-97 Macquarie Street, Sydney (D/2024/324). This submission focuses on the traffic related elements of the proposal, in particular vehicle access impacts of the proposal to the adjoining Intercontinental Hotel.

The Intercontinental Hotel is located at 115-119 Macquarie Street and contains two interconnected buildings that comprise the 32-storey Intercontinental Hotel tower which is located on the corner of Phillip and Bridge Streets and the former NSW Treasury Building, which is located on the corner of Macquarie and Bridge Streets. The site subject to the DA located at 93-97 Macquarie Street which is located on the corner of Albert Street and Macquarie Street.

The respective site context is presented in Figure 1 below.

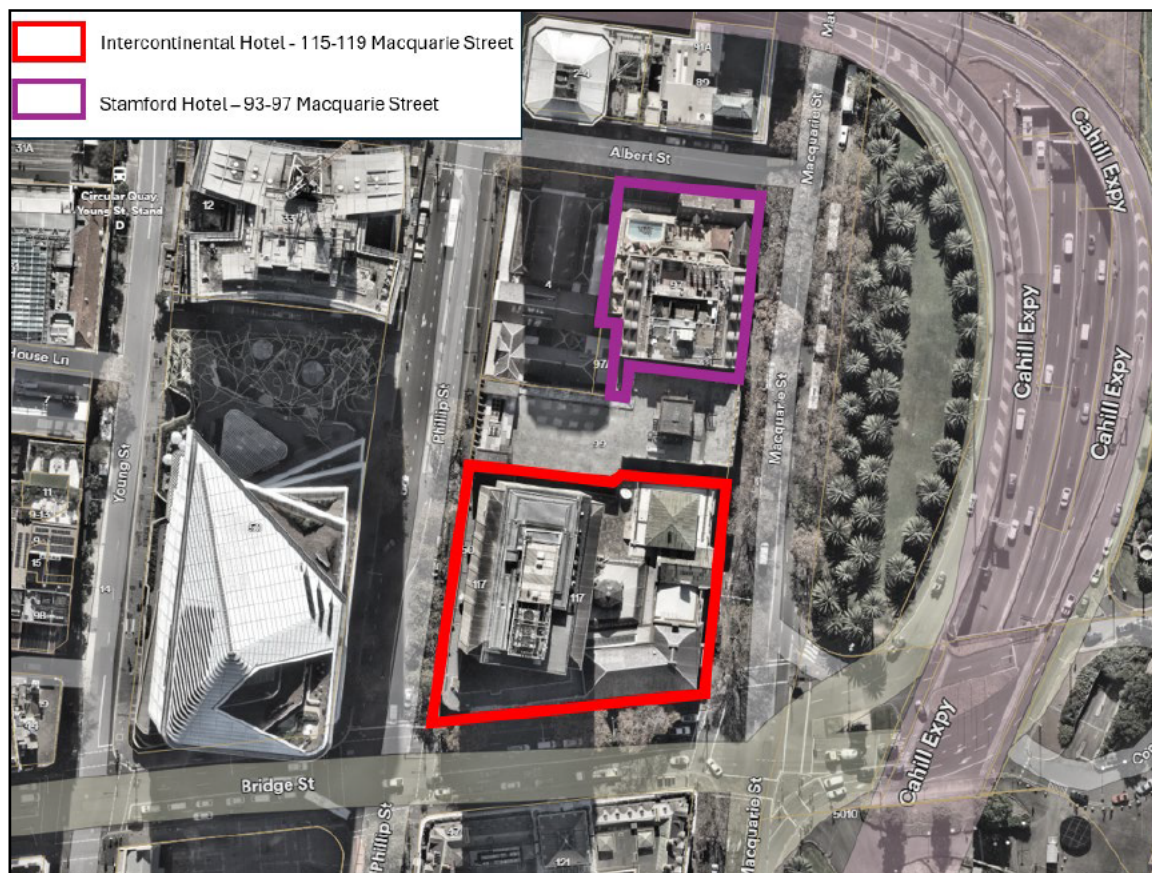


Figure 1 Site context

EXISTING VEHICLE ACCESS ARRANGEMENTS

The Intercontinental Hotel has a vehicle entry off Phillip Street which provides access to both the car park and the loading area. In addition there is a one way roadway to access the Porte Cochere from the southern end of Phillip Street which exits via a right of carriageway to Albert Street which supports egress from the Porte Cochere. These existing vehicle access arrangements are presented in Figure 2 below.

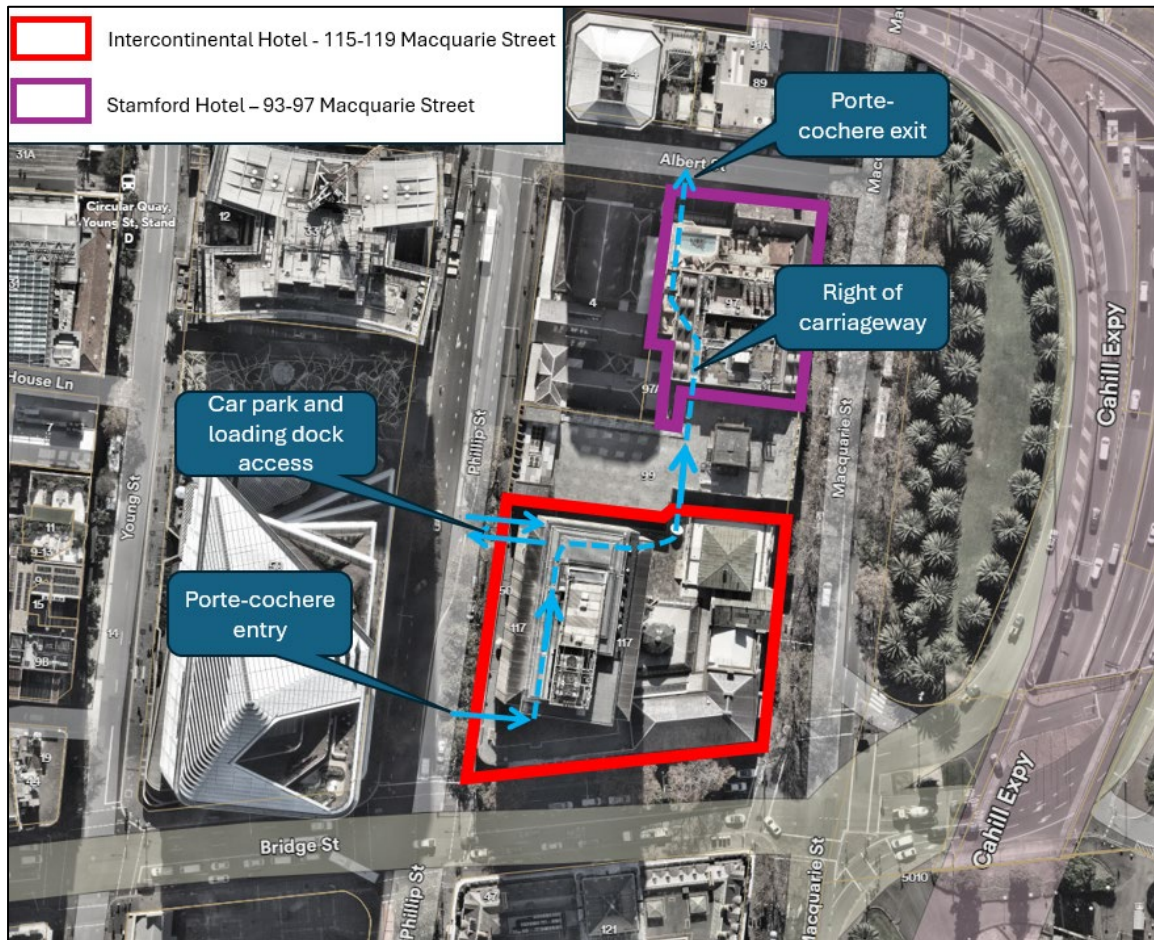


Figure 2 Existing vehicle access arrangements – Intercontinental Hotel

As shown in Figure 3 the existing right of carriageway from the Intercontinental Hotel porte-cochere exits onto Albert Street adjacent to the existing car park entry/exit for the Stamford Hotel.



Figure 3 Existing vehicle egress from right of carriageway

A photograph of the existing right of carriageway through the 93-97 Macquarie Street and connecting with Albert Street is shown in Figure 4.

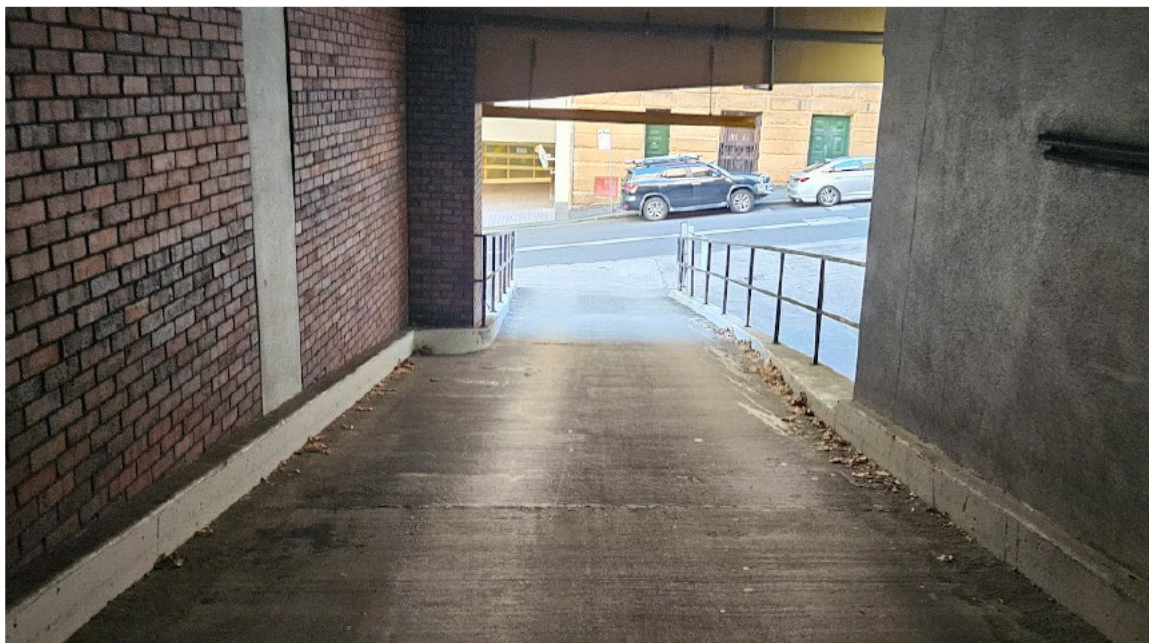


Figure 4 Existing right of carriageway through the 93-97 Macquarie Street

INTERCONTINENTAL HOTEL PORTE-COCHERE

The InterContinental porte-cochere is shown below and can accommodate 4 vehicles along the kerb and 4 additional vehicles in the aisle. At busy times, the area is managed by the hotel staff to permit up to 8 vehicles actively setting down or picking up passengers. The entry ramp from Phillip Street has capacity for an additional 4 vehicles to queue. A taxi rank for 5 taxis is located in Phillip Street which feeds directly into the port-cochere. The porte-cochere operates as a single direction traffic flow system with entry via Phillip Street and exit via Albert Street via the right of carriageway. The porte-cochere is not designed to accommodate two-way traffic movements and the entrance from Phillip Street is wide enough to accommodate only a single vehicle entering (see Figure 7)

The porte-cochere is actively used throughout the day and evening for guest drop off as well as visitors attending functions and other events held at the Intercontinental Hotel.

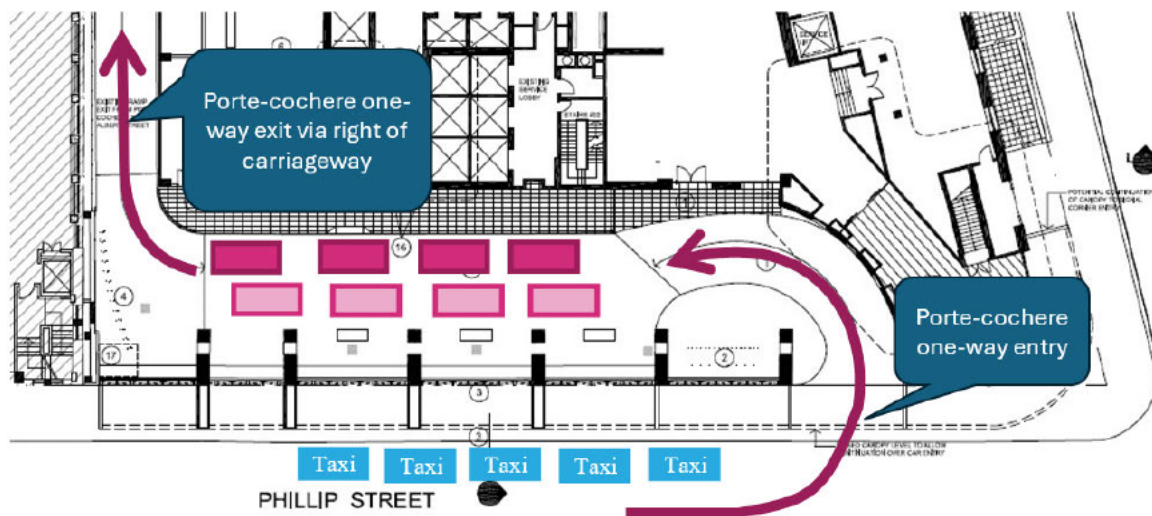


Figure 5 Intercontinental Hotel porte-cochere configuration



Figure 6 Existing porte-cochere servicing the Intercontinental Hotel



Figure 7 Existing one-way vehicle access to porte-cochere via Phillip Street

IMPACTS OF DEVELOPMENT PROPOSAL

The proposed development of the site at 93-97 Macquarie Street under (D/2024/324) would temporarily remove the existing right of carriageway during the construction period. The Applicant proposes to release and/ or replace some easements following “renovation” as stated in the plan of sub-division forming part of the detailed Stage 2 DA.

No discussions have taken place between the Applicant and the Intercontinental Hotel in relation to maintaining suitable access for vehicles at all times of the construction project. As previously noted the porte-cochere for the Intercontinental Hotel totally relies upon the use of the existing right of carriageway with no feasible alternative available for vehicle egress. The porte-cochere is well utilised throughout the day and evening and the Applicant's documents do not identify any suitable interim arrangements during the construction period for 93-97 Macquarie Street. Without a viable form of egress the Intercontinental Hotel porte-cochere can not safely or effectively function which will have a significant detrimental impact on the operations of the hotel.

The applicant has not addressed the traffic impact of closing the right of carriageway benefitting the Intercontinental Hotel or adjoining roads. No assessment has been made for this significant impact in the development application – noting any amendments to current arrangements may have flow on traffic impacts to adjoining roads such as Phillip Street and Bridge Street. It is important that these impacts are addressed prior to receipt of any development approval.

In addition to not identifying any suitable alternate egress arrangements nor traffic impacts, the Applicant's documents do not consider the length of time that the right of carriageway would be unavailable for use. The process for managing and providing this continuity of access during construction is not identified and any temporary arrangements should be included as part of the DA documentation. As the DA documentation is deficient on these grounds it is not suitable for approval by the Council in its current form.

SUMMARY AND RECOMMENDATIONS

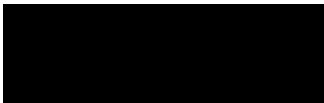
This document summarises the existing vehicle access arrangements for the Intercontinental Hotel and the impacts to vehicle access arising from the proposed development at 93-97 Macquarie Street under D/2024/324. The proposal seeks to temporarily remove the existing right of carriageway which provides the only means of egress for vehicles exiting the porte-cochere serving the Intercontinental Hotel.

It is recommended that Council, not consider this application and the require applicant to

- Identify the expected length of time the right of carriageway will be unavailable during the construction period;
- Determine the traffic impacts of temporarily closing the right of carriageway;
- Work with the owners of the Intercontinental Hotel to identify a suitable alternate vehicle access strategy during the construction period; and
- Develop any other mitigation measures required to offset the impact to the operations of the Intercontinental Hotel during the temporary removal of the right of carriageway.

Please do not hesitate to contact the undersigned should you have any questions in relation to this advice.

Regards



Josh Milston

Director | JMT Consulting

MIEAust CPEng

Chief Executive Officer
City of Sydney Council
Town Hall House
456 Kent Street
Sydney, NSW 200

24 June 2024

By email: dasubmissions@cityofsydney.nsw.gov.au

Attention: Ms Jessica Symons

Dear Ms. Symons

Submission on Sir Stamford Development Proposals – DA2024/324 and DA D/2017/1609 - 93-97 Macquarie Street, Sydney

Mulpha Australia Ltd (Mulpha) is the owner of the InterContinental Sydney Hotel (Hotel) and has engaged InterContinental Hotels Group (IHG) under a long-term hotel management agreement to operate the Hotel under the InterContinental brand.

IHG previously reviewed the proposals for the Sir Stamford Hotel and strongly opposed development plans to substantially increase the height of the building. It was established through internal IHG analysis that the financial loss to the Hotel of that development equated to \$18.5M in revenue and \$16M in profit over a 5-year period. The additional proposed height would further impact on the hotel with an anticipated loss of \$2.8m in revenue and \$2.2M in profit per year.

The following outlines the reasons for the anticipated revenue and profit loss, should the proposal proceed.

- The international brand positioning of the Hotel will be adversely impacted as a globally recognised luxury brand. InterContinental Sydney currently attracts approximately 50% of international visitors. This market will be adversely impacted with a reduced inventory of view rooms, as visitors will seek alternative accommodation. In turn the Hotel will need to change its customer business mix and would have to become heavily reliant on an Australian domestic market which commands a lower price point than international travellers. The domestic hotel segment is more volatile and with an increase in new hotel supply to the market the Hotel will lose its competitive advantage as a result of the loss in premium view rooms.
- The Hotel has built a solid reputation in the international Entertainment, Diplomatic and Government market segments as a premier hotel of choice, generating a high room rate and significant revenue for the Hotel, which is primarily due to the Hotel positioning and availability of premium view rooms. Should the Hotel lose their premium rooms, the Hotel will be disadvantaged and be potentially removed as a preferred hotel. As well, with a new high-rise apartment building facing the Hotel, it will pose – particularly to the Government market who accommodate high level heads of state – significant security concerns and as a result those customers will seek alternative accommodation.

- The Hotel premium view rooms and suites are the most sold category of accommodation and allow the Hotel to drive occupancy in both high and low season and capture a premium room rate. The view obstruction for the proposed development would see the Hotel occupancy also adversely affected with a reduced number of view rooms which would reduce the Hotels competitiveness in the market and result in a displacement of occupancy to alternative city five- star hotels.
- Whilst the visual impact on the DA submission is somewhat misleading as the impact has only been demonstrated from a low level of the hotel whereby the existing Sir Stamford impedes the view, however the visual impact is far greater from levels 12-21 and has not been accurately demonstrated. The visual impact is demonstrated in the submission by Richard Lamb in the Arterra Interactive study and primarily encompasses north-facing rooms on levels 10 to 21.
- The Hotel's 509 guestroom inventory will be materially impacted with reduced daily rates for the affected rooms with the loss of premium views over Sydney Harbour, the Royal Botanic Gardens, Government House, and the iconic World Heritage Sydney Opera House. These rooms will be re-categorised to a lower category of city view rooms which command a lower price point.
- The Hotel is part of all the major global luxury networks and would be removed from this program if the view rooms and suites were impacted and reclassified. We would immediately lose revenue and would not be able to recuperate this loss through other revenue streams.
- Moreover, the significant revenue displacement and loss of profit do not take into consideration a high risk of losing key corporate accounts who have selected the Hotel for their corporate preferred partner programme, due to positioning and availability of rooms with Opera House and Harbour Views.
- IHG is also highly concerned there will be an increase disturbance during the construction phase of the Sir Stamford residential tower that will adversely affect the guest experience and willingness to pay a premium for the product and be affected with significant construction noise causing further financial losses as outlined below.

Anticipated Financial losses during construction phase per annum

- An anticipated revenue loss during the construction phase of Catering and Residential Conferencing revenue of \$14.4m per year. Given the significant impact of demolition and construction noise the hotel would not be able to utilize any of the banqueting rooms located in the main Treasury building due to proximity to the construction site and the inability to host major conferencing business. This would result in a direct loss of \$7.2M in catering and event revenue and the attached residential conference accommodation component of approximately 18,000 room nights with a revenue loss of \$7.23M per year.
- The hotel would not be viable to host government delegation business which currently represents 3000 room nights per year and \$1.27M this business, in addition the hotel would need to disclose the construction to major clients who will not select the hotel due to nearby construction adversely affecting VIP guests and anticipate a reduction in Leisure groups by \$4.4M, Sporting Team groups of \$600k.

- All front facing harbour view guest rooms will be affected by noise and daytime disruption starting early mornings, which is 25% of the hotel's overall guest room inventory and represents \$22.2M in room revenue.

Impact of proposed closure of driveway exit to Albert Street during construction

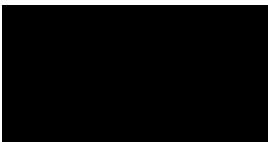
If the proposed construction schedule was to be approved this would significantly impact the hotel's ability to operate with no ability to utilise the hotels main driveway and entrance as this is reliant on vehicles being able to enter the hotel driveway and exit via the tunnel and Albert Street exit.

As the hotel operates as a luxury hotel this is an integral part of the hotel operations and would have a major impact on the overall arrival and departure experience of hotel guests, with the inability to alight directly at the entrance and load and unload guest luggage which is a basic expectation. The hotel would have no ability to offer transportation options for guests such as limousine services, small tour vans or taxi services directly from the hotel premises. In addition, the hotel would not be able to offer a valet parking service directly from the hotel entrance which is a brand and luxury hotel requirement.

The hotel strongly objects to the proposed closure of the driveway exit to Albert Street at any time as this would adversely impact the use of the accessway on the operations, which would impact visitation to the hotel and loss of revenues, particularly to the ease of accessing the hotel not only for hotel guests but patrons frequenting the hotel restaurants and bar.

IHG strongly objects to the proposed amendment to the development of the Sir Stamford hotel site and closure of the hotel driveway exit on Albert Street during construction based on the above financial impact and reputable damage to InterContinental Sydney Hotel reputation and positioning. For these reasons we request the Council to refuse the development proposal by Sir Stamford.

Yours faithfully



Jennifer Brown

AREA GENERAL MANAGER