

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

The Independent Planning Commission (the Commission), as the declared consent authority under clause 8A of the *State Environmental Planning Policy (State and Regional Development) 2011* and section 4.5(a) of the *Environmental Planning and Assessment Act 1979* approves the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development

Member of the Commission

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Sydney

2019

File: EF19/4600

SCHEDULE 1

Application Number:

SSD 7693

Applicant:

Mulpha Pty Ltd

Consent Authority:

The Independent Planning Commission

Site:

115-119 Macquarie Street and 99-113 Macquarie Street, Sydney (Lot 3 DP 785393, Lot 40 DP 41315 and Lot 4 DP 785393)

Development:

InterContinental Hotel Concept development application (Stage 1) to:

- establish building envelopes to facilitate external alterations and additions, including
 - additions to the northern and eastern elevations of the Intercontinental Hotel (including new plant enclosure and wellness centre at Levels 8 to 9 and a grand ballroom at Levels 10 to 12) extending over part of Transport House and the existing hotel podium, including the former NSW Treasury building
 - alterations to the roof of the hotel tower, including expansion of the club lounge and terrace at Levels 31-32
 - internal alterations and upgrade works to the Intercontinental Hotel (for areas listed as a State Heritage item).

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Mulpha Pty Ltd, or any person carrying out any development to which this consent applies.
Application	The development application and the accompanying drawings plans and documentation described in Condition A3.
Certifying Authority	A person who is authorised by or under section 6.17 of the EP&A Act to issue Part 6 certificates
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.
Council	City of Sydney Council
Department	NSW Department of Planning, Industry and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising construction and operation of the private hospital, as modified by the conditions of this consent.
Environmental Impact Statement	The Environmental Impact Statement titled <i>Environmental Impact Statement State Significant Development Staged Development Application Department of Planning and Environment Reference: SSD 7693</i> prepared by BBC Consulting Planners, dated August 2017, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Heritage Division	Heritage Division of the Department of Premier and Cabinet (former Heritage Division of the Office of Environment and Heritage)
Minister	Minister for Planning and Public Spaces (or delegate)
NCC	National Construction Code
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
Planning Secretary's approval, agreement or satisfaction	A written approval from the Planning Secretary (or nominee/delegate). Where the Planning Secretary's approval, agreement or satisfaction is required under a condition of this consent, the Planning Secretary will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Planning Secretary may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the Applicant to respond in writing will be added to the one month period.
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Response to submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
Response to Submissions (RtS)	Response to Submissions titled <i>Response to Submissions Staged Development Application Department of Planning and Environment Reference: SSD 7693</i> prepared by BBC Consulting Planners, dated May 2018
Response to Submissions Addendum (RRtS)	Response to Submissions Addendum titled <i>Addendum to Response to Request for additional information</i> prepared by BBC Consulting Planners, dated 1 March 2019
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility
Subject Site	115-119 Macquarie Street and 99-113 Macquarie Street, Sydney (Lot 3 DP 785393, Lot 40 DP 41315 and Lot 4 DP 785393)

TfNSW

Transport for NSW

Transport House Building Envelope

Rooftop addition above Transport House, extending over part of the western parapet of the former NSW Treasury Strong Room Building and rooftop addition on the podium of the hotel immediately east of the existing hotel tower between the cortile roof and western façade of the Strong Room.

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.

DETERMINATION OF FUTURE DEVELOPMENT APPLICATIONS

A2. In accordance with section 4.22(1) of the EP&A Act all development under the concept development application is to be the subject of a subsequent development application(s).

A3. The determination of a future development application(s) are to be consistent with the terms of development consent SSD 7693 as described in Schedule 1 and subject to the conditions in Part B and Part C, Schedule 2.

TERMS OF CONSENT

- A4. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) in accordance with the EIS and RtS and RRtS;
 - (d) in accordance with the approved plans in the table below:

Architectural (or Design) Drawings prepared by Woods Bagot			
Dwg No.	Rev	Name of Plan	Date
ST1-DA_001	D	SITE PLAN	23/05/19
ST1-DA_208	B	LEVEL 08/08A – PLANT ROOM FLOOR PLAN SHOWING NEW ELEMENTS	25/01/19
ST1-DA_208A	B	LEVEL 08/08A – PLANT ROOM FLOOR PLAN SHOWING NEW ELEMENTS	25/01/19
ST1-DA_209	B	LEVEL 09 – PLANT ROOM FLOOR PLAN SHOWING NEW ELEMENTS	25/01/19
ST1-DA_210	B	LEVEL 10 – PLANT ROOM FLOOR PLAN SHOWING NEW ELEMENTS	25/01/19
ST1-DA_211	B	LEVEL 11 – PLANT ROOM FLOOR PLAN SHOWING NEW ELEMENTS	25/01/19
ST1-DA_212	B	LEVEL 12 – PLANT ROOM FLOOR PLAN SHOWING NEW ELEMENTS	25/01/19
ST1-DA_213	B	LEVEL 13 – PLANT ROOM FLOOR PLAN SHOWING NEW ELEMENTS	25/01/19
ST1-DA_214	B	LEVEL 14-17 – PLANT ROOM FLOOR PLAN SHOWING NEW ELEMENTS	25/01/19
ST1-DA_218	B	LEVEL 18-20 – PLANT ROOM FLOOR PLAN SHOWING NEW ELEMENTS	25/01/19
ST1-DA_221	B	LEVEL 21-28 – TYPICAL TOWER FLOOR PLAN FLOOR PLAN SHOWING NEW ELEMENTS	25/01/19
ST1-DA_229	B	LEVEL 29 – TOWER FLOOR PLAN FLOOR PLAN SHOWING NEW ELEMENTS	25/01/19
ST1-DA_230	B	LEVEL 30 – TOWER FLOOR PLAN FLOOR PLAN SHOWING NEW ELEMENTS	25/01/19
ST1-DA_231	B	LEVEL 31 – TOWER FLOOR PLAN FLOOR PLAN SHOWING NEW ELEMENTS	25/01/19
ST1-DA_232	C	LEVEL 32 – EXTENDED CLUB FLOOR FLOOR PLAN SHOWING NEW ELEMENTS	23/05/19
ST1-	B	ROOF PLAN	23/05/19

DA_233			
ST1-DA_502	D	PROPOSED ENVELOPE	26/06/19
ST1-DA_503	D	PROPOSED ENVELOPE	26/06/19

A5. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:

- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
- (b) the implementation of any actions or measures contained in any such document referred to in (a) above.

The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition or in the event of an inconsistency, ambiguity or conflict between any of the documents listed in Schedule 2, condition A4, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Note: For the purposes of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition of consent or direction of the Planning Secretary, and a document, if it is not possible to comply with both the condition or direction, and the document.

INCONSISTENCY BETWEEN DOCUMENTS

A6. If there is any inconsistency between the plans and documentation referred to above the most recent document must prevail to the extent of the inconsistency. However, conditions of this consent prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.

LAPSING OF APPROVAL

A7. This consent will lapse five years after the date of consent unless a development application has been approved and works have physically commenced.

MATTERS NOT APPROVED

- A8. The following matters are not approved and do not form part of this consent.
- (a) internal works not within State Heritage listed areas of the site
 - (b) any demolition
 - (c) any excavation
 - (d) any construction.

LEGAL NOTICES

A9. Any advice or notice to the consent authority is to be served on the Planning Secretary.

BUILDING ENVELOPES

A10. The Transport House Building Envelope must have a 30 m setback from Macquarie Street. From Phillip Street, the Transport House Building Envelope must be part 3 m and part 8.5 m consistent with the approved plans in the table identified in Condition A4 (d). A minor reduction in the 30 m setback from Macquarie Street is permitted as part of a future development application only if a competitive design process has been undertaken and the development exhibits design excellence.

A11. Note refer to Conditions B2-B4 and C1 and C2 in respect to building envelopes, built form and design quality and design excellence.

END OF PART A

PART B CONDITIONS TO BE SATISFIED PRIOR TO LODGEMENT OF FUTURE DEVELOPMENT APPLICATIONS

PLANNING SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

- B1. Prior to the lodgement of future development applications related to this consent, the Applicant must seek Planning Secretary's Environmental Assessment Requirements (SEARs).

DESIGN EXCELLENCE AND COMPETITIVE DESIGN PROCESS

- B2. Prior to the lodgement of the first development application, a competitive design process must be undertaken in accordance with the provisions of Sydney Local Environmental Plan 2012 and the City of Sydney Competitive Design Policy.
- B3. The competitive design process is to be undertaken in accordance with a Design Excellence Strategy prepared in consultation with the Government Architect NSW. The Design Excellence Strategy must have regard to Condition C1 Built form and design quality and Condition C2 Design Excellence, Conditions C3-C5 Heritage, Conditions C6-C8 Structural Design and other relevant conditions in Part C of this consent. The Design Excellence Strategy shall also outline how any minor intrusion into the 30 m Macquarie Street can achieve a better design outcome having regard to heritage, visual and streetscape impacts, than a compliant development.
- B4. The detailed design of the development must exhibit design excellence, as per clause 6.21 of Sydney Local Environmental Plan 2012.

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PART C PART C CONDITIONS TO BE SATISFIED IN FUTURE DEVELOPMENT APPLICATIONS

BUILT FORM AND DESIGN QUALITY

- C1. The future development application(s) must ensure that the development achieves a high-quality design and:
- a) reduces the bulk and scale of the rooftop addition (Transport House Building Envelope) and minimises visual and heritage impacts
 - b) maintains the visual prominence of the existing heritage buildings on the site and Macquarie Street streetscape, and the legibility of their composition, architectural style, form and features
 - c) the architectural expression of the rooftop additions must present as a contemporary and complementary projection of the existing building and be visually subservient to the existing heritage buildings and streetscape
 - d) the materials and composition of the facades are to respect and be submissive to the heritage sandstone facades
 - e) street activation strategies need to minimise physical and visual impacts
 - f) new balustrades within the Cortile arcade spaces should be designed to be reversible
 - g) changes to the Strong Room should be minimised
 - h) final design of the canopy to the existing laneway should be recessive in scale
 - i) includes a view analysis supported by artist's perspectives and photomontages
 - j) considers the impacts of any overshadowing
 - k) a qualified and experienced heritage consultant shall be engaged to provide input into the detailed design resolution to minimise impacts to heritage values and to ensure the detailed design is consistent with the endorsed Conservation Management Plan policies and guidelines.

DESIGN EXCELLENCE

- C2. The future development application(s) must demonstrate design excellence having regard to the following matters
- a) a high standard of architectural design, materials and detailing appropriate to the building type and location
 - b) the form and external appearance of the proposed development to improve the quality and amenity of the public domain
 - c) how the proposed development addresses
 - i) any heritage and archaeological issues and streetscape constraints or opportunities
 - ii. an increased appreciation and integration of heritage values of the site into the design and operation of the development
 - iii. the bulk, massing and modulation of the building within the approved envelope including street frontage heights
 - iv. environmental impacts such acoustic privacy, solar access to buildings and public spaces, noise, wind impacts on surrounding areas and reflectivity
 - v. the achievements of ecologically sustainable development
 - vi. pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network
 - vii. the impact on, and any proposed improvements to the public domain
 - viii. achieving appropriate interfaces at ground level between the building and the public domain
 - ix. innovation in design and delivery

HERITAGE

- C3. The future development application(s) must comply with the Conservation Management Plans (CMPs) for the former NSW Treasury Building endorsed by the NSW Heritage Council and for Transport House endorsed by the City of Sydney. Future development applications must not be lodged until the CMPs have been endorsed.

- C4. The future development application must include a Heritage Impact Assessment, including a schedule of conservation and restoration works to significant spaces and elements of both heritage buildings on the site and a Heritage Interpretation Strategy for the proposed works.
- C5. Prior to the lodgement of the future development application, the Applicant shall consult with the City of Sydney Council and Heritage Division to ensure the proposal is appropriately designed to minimise heritage and visual/streetscape impacts.
- C6. The external refurbishment of the hotel tower should be designed with input from a suitably qualified heritage consultant to ensure that the final design in terms of materiality, reflectivity and colour, mitigate the existing impact of the structure on the heritage buildings and other heritage items in the vicinity by enhancing the setting of these items.

STRUCTURAL DESIGN

- C7. The future development application for new built form must include a detailed structural design report prepared by a Structural Engineer with experience in heritage buildings documenting investigations into the condition and structural performance of the former NSW Treasury building and Transport House to determine the most efficient structural solution to achieving seismic performance, which minimises invasive construction works and impact on the heritage significance of both buildings.
- C8. The structural design report must include details of all construction and building works associated with the preferred solution, and a detailed strategy for structural, fire safety and building services upgrades and the alternatives considered and initiatives applied to minimise disturbance to the historic fabric both internally and externally to both heritage buildings.
- C9. The structural design report shall be accompanied by a detailed Heritage Impact Assessment prepared by a suitably qualified heritage consultant (see condition C3) in consultation with the NSW Heritage Council and Council.

INTERNAL WORKS

- C10. Detailed guidelines for necessary upgrades to comply with the National Construction Code shall be developed in consultation with the NSW Heritage Council prior to the detailed design of the new built form.

ENVIRONMENTAL PERFORMANCE

- C11. Future development application(s) must demonstrate the incorporation of Ecological Sustainable Development principles in the design, construction and ongoing operation phases of the development in accordance with the ESD report prepared by Energy Action dated 24 October 2016.

TRAFFIC AND TRANSPORT

- C12. Future development application(s) shall provide bicycle access and servicing in accordance with Sydney Development Control Plan 2012.
- C13. Future development application(s) shall include a Loading Management Plan prepared in consultation with the Sydney Coordination Office within TfNSW to manage loading and servicing that will detail servicing requirements including:
 - a) forecast freight and servicing traffic volumes by time of day
 - b) management of competing demands between the function space and hotel
 - c) management of incidents at the access to the loading dock.
- C14. Future development application(s) shall include a draft porte-cochere management plan prepared in consultation with the Sydney Coordination Office within TfNSW to manage vehicles accessing the hotel (both hotel and function guests) to ensure that queuing does not occur to Phillip Street that will detail:
 - a) forecast traffic volumes accessing the porte-cochere by time of day
 - b) the details on how the area within the porte-cochere will be used to accommodate the forecast demand.

CONSTRUCTION IMPACTS

- C15. Future development application(s) shall provide analysis and assessment of the impacts of construction and include:
 - a) a Construction Transport Management Plan, addressing traffic and transport impacts during construction
 - b) cumulative Construction Impact Assessment (i.e. arising from concurrent construction activity)

- c) a Noise and Vibration Impact Assessment, addressing noise and vibration impacts during construction
- d) a Community Consultation and Engagement Plan, addressing complaints during construction
- e) a Construction Waste Management Plan, addressing waste during construction
- f) an Air Quality Management Plan, addressing air quality during construction
- g) Water Quality Impact Assessments and an Erosion and Sediment Control Plan (including water discharge considerations) in accordance with 'Managing urban stormwater, soils and construction (Landcom 2005)'.

The plans referred to above may be prepared as part of a construction environmental management plan, which is prepared and implemented under the conditions of any consent granted by future development applications.

TRAFFIC, ACCESS AND CAR PARKING

- C16. Future development application(s) shall be accompanied by a detailed assessment of parking, traffic and transport impacts within the site and to the surrounding road and pedestrian networks. The assessment is to include mitigation measures and recommendations on intersection and infrastructure upgrades where this is deemed necessary.
- C17. Future development application(s) shall be accompanied by **Green Travel Plan** that promotes the use of public transport and other sustainable modes of transport by employees.
- C18. Future development application(s) shall be accompanied by a draft **Construction Traffic Management Plan** including, but not limited to, the following:
 - a) cumulative construction impacts of all projects adjacent to the site;
 - b) assessment of traffic and transport impacts during construction and how these impacts will be mitigated for any associated traffic, pedestrians, cyclists and public transport operations; and
 - c) vehicle routes, number of trucks, hours of operation, access arrangements and traffic control measures for all construction activities.

NOISE IMPACT ASSESSMENT

- C19. Future development application(s) shall include a **Noise Impact Assessment** that identifies background noise levels, noise impacts, vibration impacts, and affected sensitive receivers and includes appropriate modelling and required mitigation/management measures for construction and operation of the development. The NIA must be undertaken by a suitably qualified acoustic consultant and generally be in accordance with the provisions of the EPA's *Noise Policy for Industry, Interim Construction Noise Guideline* and *Assessing Vibration: A Technical Guideline*.
- C20. The recommendations of the *Intercontinental Hotel Sydney Noise Impact Assessment*, prepared by Acoustic Logic and dated 16 November 2016 are to be incorporated into the design detail in the future development application for the design and construction of the future addition within the building envelope.

WASTE MANAGEMENT

- C21. Future development application(s) shall include a **Waste Management Plan**.

END OF PART C

ADVISORY NOTES

APPEALS

AN1 The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the EP&A Act and the EP&A Regulation (as amended).

RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS

AN2 The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

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