

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD 10454 Intercontinental Hotel Stage 2 – Refurbishment and Rooftop addition
Applicant	Bisrita Pty Ltd
Consent Authority	Minister for Planning and Public Spaces

Decision

The Executive Director, Key Sites and Regional Assessments, under delegation from the Minister for Planning and Public Spaces has, under section 4.38 of the *Environmental Planning and Assessment Act 1979 (the Act)* granted consent to the development application subject to the recommended conditions.

Copies of the development consent and conditions and the Department of Planning, Industry and Environment's Assessment Report are available [here](#).

Date of decision

18 December 2020

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the objects of the Act;
- the considerations under s 7.14(2) and 7.16(3) of the *Biodiversity Conservation Act 2016* (NSW);
- all information submitted to the Department during the assessment of the development application;
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The key reasons for granting consent to the development application are as follows:

- the project would provide a range of benefits for the region and the State as a whole, including a capital investment value of \$10.3 million, 50 operational jobs and 35 – 40 construction jobs;
- the project is permissible with development consent, and is consistent with NSW Government policies including the Greater Sydney Region Plan and Eastern City District Plan
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards as identified in the Department's Assessment Report
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed; and
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement for the project from 10 September until 7 October 2020 (28 days) and received seven submissions, including:

- five submissions providing comments from government agencies
- one submission providing comments from Council
- one submission of support from a special interest group.

The Department also undertook the following consultation activities:

- exhibited the application on the Department's website and at Service NSW centres, and notified adjoining landholders
- advertised the application in the Sydney Morning Herald and Daily Telegraph on 9 September 2019.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include materials, wind impacts, bicycle parking and construction management. Other issues are addressed in detail in the Department's Assessment Report.

Issue	Consideration
Materials (Council issue)	<p><i>Assessment</i></p> <ul style="list-style-type: none">• The proposed glass treatment is unlikely to increase bird strikes because it is a minor extension in the context of a predominantly concrete tower and therefore would not provide large areas of uninterrupted glass. It would also not reflect vegetation or sky, and has the benefit of affording greater enjoyment of views.• These matters are further discussed in Section 6. <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none">• No conditions recommended.
Wind impacts (Council issue)	<p><i>Assessment</i></p> <ul style="list-style-type: none">• The Department considers the proposed rooftop balustrade is acceptable as the Applicant has provided drawings indicating it would 1.3 m high, in accordance with the recommendation in its Pedestrian Wind Environment Statement.• The proposal would therefore provide suitable wind conditions at both ground and roof level.• These matters are further discussed in Section 6. <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none">• No conditions recommended.
Bicycle parking (Council issue)	<p><i>Assessment</i></p> <ul style="list-style-type: none">• The Department considers that despite a shortfall of three spaces compared to the recommended thirteen, the additional bicycle parking would adequately cater for expected demand because:<ul style="list-style-type: none">○ it would triple the existing bicycle parking provision, for a 17 per cent increase in staff○ the spaces are within a secure area of the car park and adequate end-of-trip facilities are provided○ the site is adequately serviced by public transport.• These matters are further discussed in Section 6. <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none">• Conditions include a requirement to provide ten additional parking spaces.
Construction management (Council and public issue)	<p><i>Assessment</i></p> <ul style="list-style-type: none">• The Department considers construction impacts, including impacts on the public domain can be adequately managed in accordance with standard conditions and procedures (including those recommended by Council), given the works are relatively minor in nature.• These matters are further discussed in Section 6. <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none">• Conditions include standard construction management conditions and requirements for works to be contained within the site and not impact on the public domain, and all items within the site streetscapes to be retained and protected during construction.