

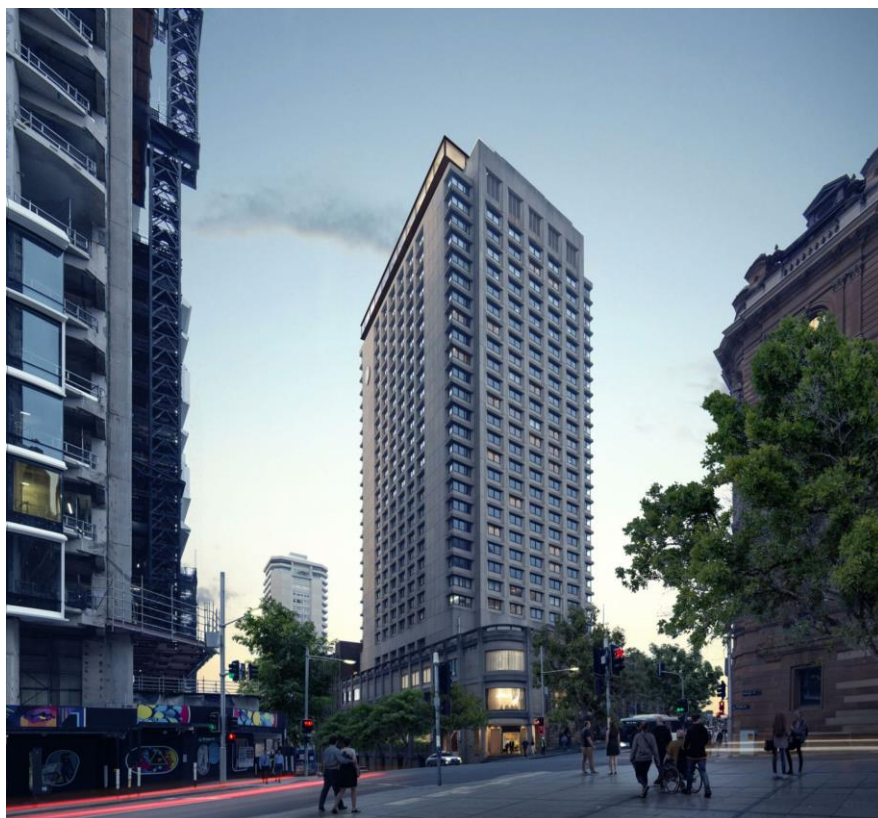


# InterContinental Hotel – Refurbishment and Rooftop Expansion Modification 1

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Amendments to Condition E17  
State Significant Development Modification Assessment  
(SSD 10454 MOD 1)

February 2022



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*Cover image: Approved plans for SSD 10454*

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# Glossary

Abbreviation	Definition
<b>Applicant</b>	Mulpha
<b>CBD</b>	Central Business District
<b>Department</b>	Department of Planning and Environment
<b>EIS</b>	Environmental Impact Statement
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>EPI</b>	Environmental Planning Instrument
<b>ESD</b>	Ecologically Sustainable Development
<b>IC</b>	InterContinental Hotel
<b>LEP</b>	Local Environmental Plan
<b>LGA</b>	Local Government Area
<b>Minister</b>	Minister for Planning
<b>Planning Secretary</b>	Secretary of the Department of Planning and Environment
<b>RBG</b>	Royal Botanic Gardens
<b>SEPP</b>	State Environmental Planning Policy
<b>SRD SEPP</b>	State Environmental Planning Policy (State and Regional Development) 2011
<b>SSD</b>	State Significant Development
<b>TfNSW</b>	Transport for NSW

# Contents

<b>1</b>	<b>Introduction .....</b>	<b>1</b>
1.1	Background .....	1
1.2	Approval history.....	3
<b>2</b>	<b>Proposed modification .....</b>	<b>4</b>
<b>3</b>	<b>Statutory context .....</b>	<b>5</b>
3.1	Scope of modifications .....	5
3.2	Consent authority .....	5
3.3	Mandatory matters for consideration.....	5
<b>4</b>	<b>Engagement .....</b>	<b>6</b>
4.1	Department's engagement.....	6
<b>5</b>	<b>Assessment .....</b>	<b>7</b>
5.1	Amendments to Condition E17 .....	7
<b>6</b>	<b>Evaluation.....</b>	<b>8</b>
<b>7</b>	<b>Recommendation.....</b>	<b>9</b>
<b>8</b>	<b>Determination.....</b>	<b>10</b>
	<b>Appendices .....</b>	<b>11</b>
	Appendix A – List of referenced documents .....	11
	Appendix B – Statutory considerations.....	12
	Appendix C – Notice of modification.....	14

# 1 Introduction

This report provides an assessment of an application seeking to modify the State significant development (SSD) consent (SSD 10454) for the InterContinental (IC) Hotel – Refurbishment and Rooftop Expansion.

The application has been lodged by Mulpha (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

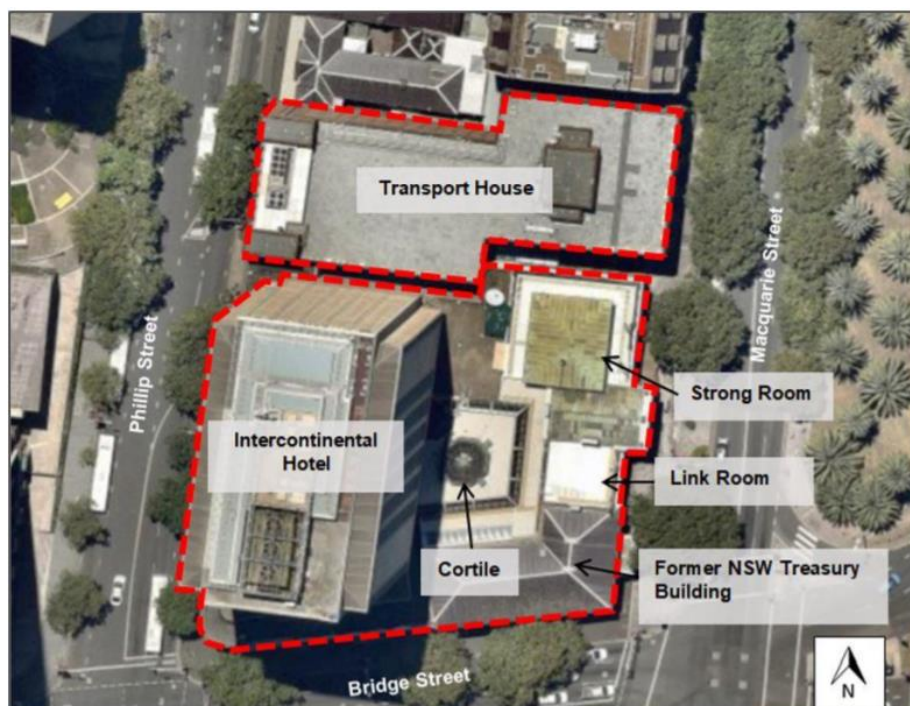
The approved development consists of external alterations, including expansion of the club lounge and terrace on the IC Hotel tower roof and internal refurbishment of State Heritage listed areas of the site and adjoining areas.

The modification application seeks approval to amend Condition E17 of the consent by amending the timing of the approval of the Green Travel Plan.

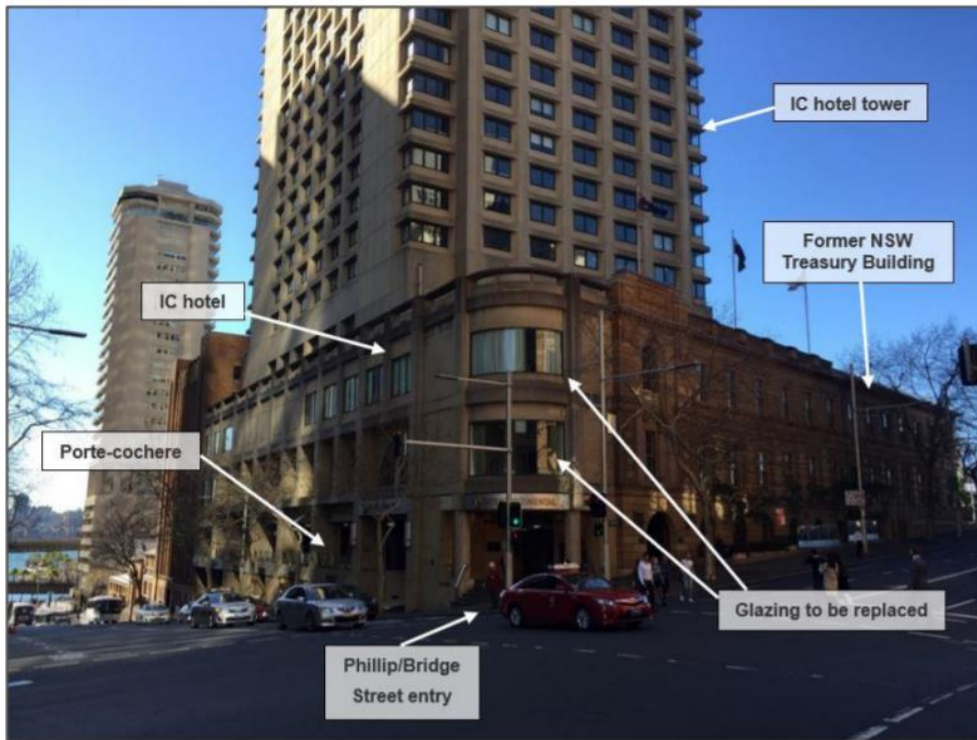
## 1.1 Background

The site is located in the north-eastern part of the central business district (CBD) and is located within the City of Sydney local government area (LGA) (Figure 1 and Figure 2). The site is bounded by Macquarie Street, Bridge Street, Phillip Street and Albert Street and comprises the following three allotments:

- Lot 3 DP 785393 containing Transport House at 99-113 Macquarie Street (a seven-storey commercial building, listed as a local heritage item)
- Lots 40 DP 41315 and 4 DP 785393 containing the IC Hotel, incorporating the State heritage listed former NSW Treasury Buildings at 115-119 Macquarie Street.



**Figure 1 |** Site location (Source: SSD 10454 Department's Assessment Report)

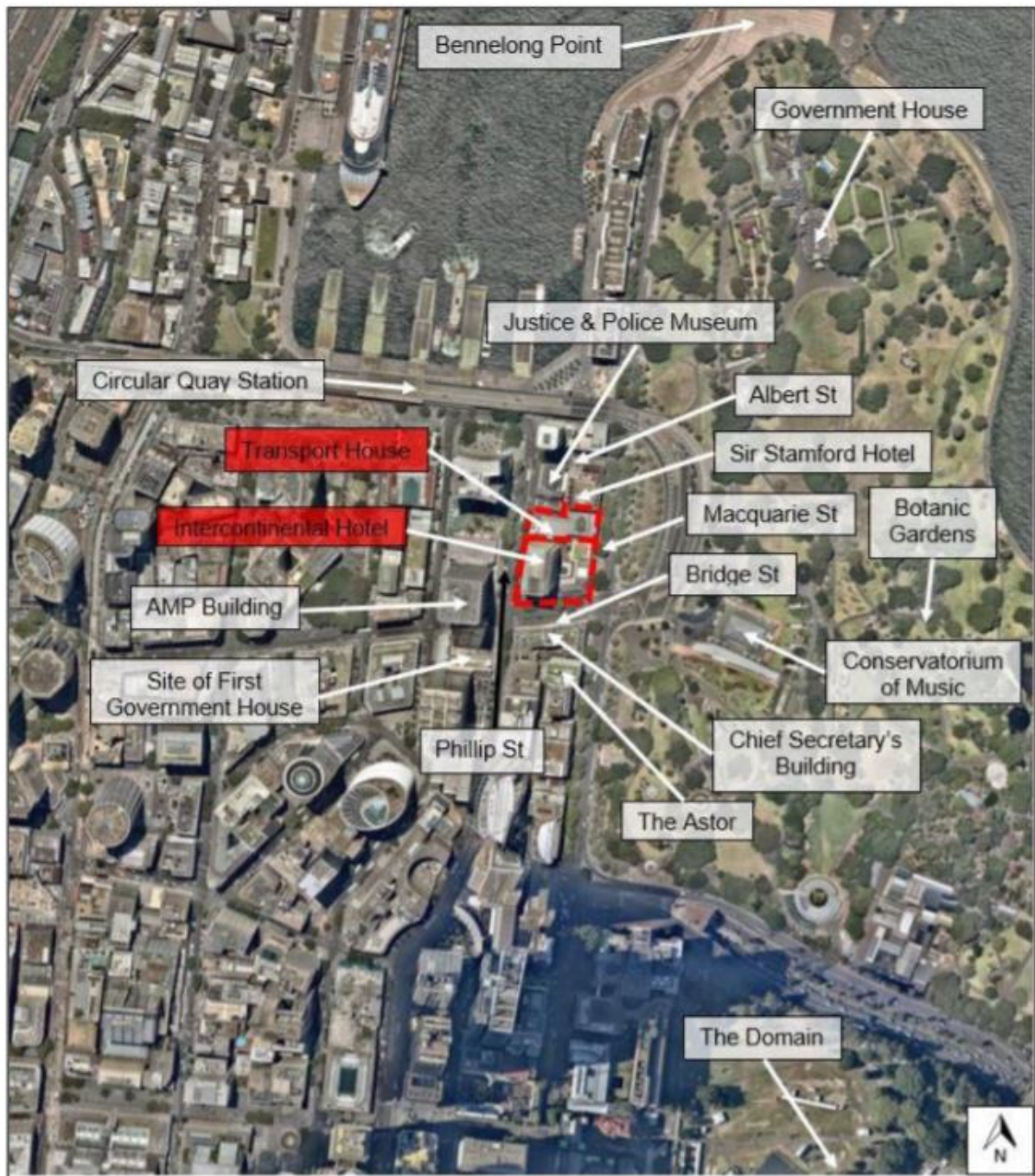


**Figure 2 |** View from corner of Bridge and Phillip Streets (Source: SSD 10454 Department's Assessment Report)

The surrounding site context (**Figure 3**) includes various historic sandstone buildings (some being State heritage listed) including:

- the Justice and Police Museum (including the former Traffic Courts and Phillip Street Police Station) and the 10-storey Sir Stamford at Circular Quay Hotel to the north, which has a concept approval (D/2017/1609) for a mixed-use building envelope to a height of 55 m (approximately 16 storeys)
- Macquarie Street (identified as a Special Character Area under Sydney Local Environmental Plan 2012), the Royal Botanic Gardens (RBG), and Conservatorium of Music to the east
- the Chief Secretary's Building on the southern side of Bridge Street and the Astor residential apartments to the south
- the AMP Tower to the west, approved for a new 50-storey tower commercial and residential tower.





**Figure 3 |** Surrounding site context (Source: SSD 10454 Department's Assessment Report)

## 1.2 Approval history

On 18 December 2020, the Executive Director, Key Sites and Regions, approved Stage 2 of the InterContinental Hotel. The consent included alterations and additions, including a rooftop expansion and internal refurbishment.

The development consent has not been previously modified.

## 2 Proposed modification

The Applicant lodged a modification application (SSD 10454 MOD 1) seeking approval, under section 4.55(1A) of the EP&A Act to amend the timing of the approval of the Green Travel Plan by TfNSW from six months prior to the issue of an Occupation Certificate to prior to issue of an Occupation Certificate.

The Applicant notes that additional time is required to finalise the Green Travel Plan.

The Applicant has requested the following amendments to Condition E17 as shown by the deletion of ~~struck out~~ words and insertion of the **bold and underlined words**:

~~A minimum of six months prior to the issue of an Occupation Certificate, a Green Travel Plan must be approved by the Coordinator General, Transport Coordination, within TfNSW. The Green Travel Plan must be prepared in consultation with the Sydney Coordination Office within TfNSW and shall include, but not limited to...~~ **Prior to the issue of an Occupation Certificate, a Green Travel Plan must be approved by the Coordinator General, Transport Coordination, within TfNSW. The Green Travel Plan must be prepared in consultation with the Sydney Coordination Office within TfNSW and shall include, but not limited to...** [condition continues].



## 3 Statutory context

### 3.1 Scope of modifications

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not increase the environmental impacts of the project as approved
- is substantially the same development as originally approved; and
- would not involve any further disturbance outside the already approved disturbance areas for the project.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application.

Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

### 3.2 Consent authority

The Minister for Planning (Minister) is the consent authority for the application under section 4.5(a) of the EP&A Act. However, the Team Leader, Key Sites Assessments, may determine this application under delegation as:

- a political disclosure statement has not been made
- there are no public submissions (other than Council) in the nature of objections
- the Council has not made an objection.

### 3.3 Mandatory matters for consideration

The following are relevant mandatory matters for consideration:

- section 4.55(1A) of the EP&A Act, including environmental planning instruments or proposed instruments
- EP&A regulation
- likely impacts of the modification application, including environmental impacts on both the natural and built environments, and social and economic impacts
- suitability of the site
- any submissions
- the public interest, and
- the reasons for granting approval for the original application.

The Department has considered all these matters in its assessment of the proposal. The Department has also given consideration to the relevant matters in **Section 5** and **Appendix B**.

## 4 Engagement

### 4.1 Department's engagement

The Department made the modification application available on its website. No public submissions were received.

However, the modification application is accompanied by advice from TfNSW who support the changes to the timing of the approval of the Green Travel Plan.

## 5 Assessment

In assessing the merits of the proposal, the Department has considered:

- the modification application and associated documents
- the Environmental Impact Statement and conditions of approval for the original application (as modified)
- relevant environmental planning instruments, policies and guidelines; and
- the requirements of the EP&A Act and Regulation
- TfNSW advice.

The Department considers the key assessment issue associated with the proposed modification is the change in the timing of the approval of the Green Travel Plan and this is considered below.

### 5.1 Amendments to Condition E17

The proposal seeks to amend the timing of the approval of the Green Travel Plan by TfNSW from six months prior to the issue of an Occupation Certificate to prior to issue of an Occupation Certificate.

The Department considers that proposed amendment acceptable as it would allow the Applicant sufficient time to finalise the Green Travel Plan, would not change the intent of the condition and is supported by TfNSW.

The Department therefore recommends Condition E17 is amended to allow the Green Travel Plan to be approved by TfNSW prior to the issue of the Occupation Certificate.

## 6 Evaluation

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate as it:

- is administrative in nature and would maintain the intent of Condition E17
- is supported by TfNSW
- would maintain the core elements of the approved development
- would remain compliant with relevant statutory provisions in EPIs and the strategic planning context
- is substantially the same development as the approved development and would not result in any adverse environmental impacts.

Consequently, the Department concludes the modification application is in the public interest and should be approved, subject to the recommended modified condition of consent.

## 7 Recommendation

It is recommended that the Team Leader, Key Sites Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 10454 MOD 1 falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modify** the consent SSD 10454
- **signs** the attached approval of the modification (**Appendix C**).

**Recommended by:**



**Minoshi Weerasinghe**  
Senior Planning Officer  
Key Sites Assessments



## 8 Determination

The recommendation is **Adopted** / ~~Not adopted~~ by:

A handwritten signature in blue ink, appearing to read 'CS', is written over the word 'Adopted'.

8/02/2022

**Cameron Sargent**

Team Leader

Key Sites Assessments

as delegate of the Minister for Planning

# Appendices

## Appendix A – List of referenced documents

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

### **Modification Application**

<https://www.planningportal.nsw.gov.au/major-projects/project/43671>

## Appendix B – Statutory considerations

A consent authority may modify the consent if it is satisfied the proposed modification application meets the requirements of section 4.55(1A) of the EP&A Act. An assessment of the proposed modification application against the requirements of section 4.55(1A) of the EP&A Act is included in **Table 1**.

**Table 1** | Consideration of section 4.55(1A) of the EP&A Act

Section 4.55(1A)	Department's consideration
(a) The proposed modification is of minimal environmental impact	<b>Section 5</b> of this report provides an assessment of the impacts associated with the proposal. The Department is satisfied that the proposed modification is minor and relates to the timing of the approval of the Green Travel Plan and therefore will not have any environmental impacts.
(b) The development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified.	The development, as proposed to be modified, is substantially the same development as that originally approved in that: <ul style="list-style-type: none"><li>the proposed use of the site remains the same</li><li>the proposed modification to the approval would not alter the built form or scale or the building</li><li>the proposed modification to the approval comprises of minor changes to the timing of the approval of the Green Travel Plan and would not change the intent of Condition E17</li><li>it would not result in any additional environmental impacts.</li></ul>
(c) The application has been notified in accordance with the regulations.	The modification application has been notified in accordance with the regulations. Details of the notification are provided in <b>Section 4</b> of this report.
(d) Any submission made concerning the proposed modification has been considered.	No submissions were received.

Under section 4.55(3) of the EP&A Act, the consent authority must consider the matters referred to in section 4.15(1) of relevance to the development. **Table 2** identifies the matters for consideration under section 4.15(1) of the EP&A Act that apply to the proposed modification.

**Table 2 |** Consideration of the matters listed under Section 4.15(1) of the EP&A Act

Section 4.15(1) Matters for consideration	Department's consideration
(a)(i) any environmental planning instrument	The modified proposal remains consistent with relevant environmental planning instruments.
(a)(ii) any proposed instrument	The modified proposal remains consistent with relevant draft environmental planning instruments.
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, Development Control Plans (DCPs) do not apply to SSD.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the Environmental Planning and Assessment Regulation 2000, including the procedures relating to applications (Part 6), the requirements for notification (Part 6, Division 6) and fees (Part 15, Division 1AA) (refer to <b>Section 4</b> ).
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	The Department considers the proposed changes to be minor and would not result in any adverse environmental impacts as addressed in <b>Section 5</b> .
(c) the suitability of the site for the development	The site remains suitable for the development.
(d) any submissions	No submissions were received.
(e) the public interest	The Department considers the modified proposal to be in the public interest.

## **Appendix C – Notice of modification**

The Modification Instrument can be found on the Department's website at:  
<https://www.planningportal.nsw.gov.au/major-projects/project/43671>