

MP 0098 – Consolidated Conditions of Consent

PART A - ADMINISTRATIVE CONDITIONS

A1 Development Description

1. Development approval is granted only to the carrying out the development described in detail below:
 - Construction of a 10 storey hotel above a 3 storey podium containing ancillary retail, gaming and conference facilities on the currently vacant Switching Station site;
 - Additional basement car parking to a maximum of 3000 car parking spaces across the whole site, to be accessed via the existing Casino complex car park;
 - Re-development of the retail arcade through the ground floor level of the complex, linking Pymont Bay park to the intersection of Union and Pymont Streets, and to Jones Bay Road;
 - The redevelopment of the eastern (Pirrama Road) frontage of the Casino building currently occupied by large external stairs, to contain additional restaurants, retail outlets, gaming space, other entertainment and tourist related facilities, a new entry and a driveway providing a new vehicular drop-off to the Casino; and
 - Works to the exterior of the existing Casino tower buildings.
 - Installation of Signage including:
 - Replacement of existing illuminated building identification signage on the north-eastern elevation of The Star lift shaft.
 - Construction of freestanding signage within the Pirrama Road forecourt of The Star. The sign is to be of metal construction consisting of 7 individual letters varying in size between 1.1m and 1.96m in length, each having a width of 0.6m and a height of 2m. The signage zone is to have an area of 14.2m x 0.6m.
 - Street frontage signage for Sokyo Restaurant and tenancy signage for the retail component of The Star building.
 - Construction of freestanding signage within the Pirrama Road forecourt of The Star
 - Building illumination including:

External illumination of three vertical sides of the multiuse entertainment facility (MUEF) building façade (excluding the Jones Bay Road elevation);

- Refurbishment works and minor alterations and additions including:
 - Refurbishment and internal reconfiguration of hotel suites located on levels 15 and 16; and conversion of an existing storage room on level 15 for use as a communications room.
 - Fitout and use of approved restaurants, food premises, and retail court including outdoor seating associated with adjacent restaurant uses.
 - Internal refurbishment of the existing licensed bar areas of the stalls, dress circle and grand circle levels of the 'Sydney Lyric Theatre'.
 - Internal alterations to the existing cage within the main gaming floor on Level 1, and expansion of the existing cage circulation space within the mezzanine level.
 - Internal alterations and facade changes to the Oasis Gaming Area to accommodate an unenclosed gaming area adjacent to Pyrmont Street including new glazed partitioning, access doors and steel/glass louvred screening.
 - Modification to the pool and landscaping on the roof of level 3, modification to the entry ring located on the roof of level 3, extension to existing plantroom at level 6 and erection of new external stairs to the plantroom. External alterations including the enclosure of an existing balcony on level 1 for storage and a new plant room on the level 3 terrace.
 - Removal of existing awning and replacement with new extended awning to Level 3 terrace above Jones Bay Road frontage.
 - Removal of the existing Astral Towers observation lifts from Level 01 to level 17, and installation of works to seal openings. Installation of a new lift and associated lobbies and the construction of a terrace area adjacent to the approved Level 5 VIP guest lounge on the Pyrmont Street side of the Astral Hotel. Conversion of hotel suites on level 5 of the Astral Tower Hotel to be used as a new business centre and VIP check-in and guest lounge.
 - Alterations and additions to level 01 including extension of gaming areas over the Porte Cochere adjacent to Jones Bay Road, alterations to of the Pyrmont Street facade, refurbishment of the adjacent gaming area, and conversion of an existing plant room to toilet facilities.
 - Addition of 4 new lifts within the existing observation lift core within the 'Astral Hotel' serving levels 1, 3 and 5, and the erection of a temporary marquee over the 'Sky Terrace' on level 3 adjacent to Pirrama Road.
- Works associated with Modification 14;
 - Internal alterations and additions contained within the existing building envelope, including gaming area expansion, enclosure of the Level 3 terrace to facilitate a new restaurant, alterations to the porte cochere, fit-out of the SELS building, and mechanical upgrades through-out the site

Reason: Condition A1 as modified includes a summary of all development approved under the various development applications approved by City of Sydney and as shown on the consolidated “as built” drawings as prepared by DWP Suters Architects and referenced in condition A2 below.

2. Development must be carried out consistently with the Statement of Commitments (attached Schedule 3) except as amended by the conditions of approval.

A2 Development in Accordance with Plans

Recommendation: Delete condition A2 in its entirety and replace with the following;

The development will be undertaken generally in accordance with the following drawings:

DRAWING NUMBER	REVISION	NAME OF PLAN	DATE
A0001	B	COVER SHEET	15.09.2016
A90B5	B	EXISTING SITE PLAN & GFA DIAGRAM - LEVEL B05	15.09.2016
A90B4	B	EXISTING SITE PLAN & GFA DIAGRAM - LEVEL B04	15.09.2016
A90B3	B	EXISTING SITE PLAN & GFA DIAGRAM - LEVEL B03	15.09.2016
A90B2	B	EXISTING SITE PLAN & GFA DIAGRAM - LEVEL B02	15.09.2016
A90B1	B	EXISTING SITE PLAN & GFA DIAGRAM - LEVEL B01	15.09.2016
A9000	B	EXISTING SITE PLAN & GFA DIAGRAM - LEVEL 00	15.09.2016
A9001	B	EXISTING SITE PLAN & GFA DIAGRAM - LEVEL 01	15.09.2016
A9002	B	EXISTING SITE PLAN & GFA DIAGRAM - LEVEL 02	15.09.2016
A9003	B	EXISTING SITE PLAN & GFA DIAGRAM - LEVEL 03	15.09.2016
A9004	B	EXISTING SITE PLAN & GFA DIAGRAM - LEVEL 04	15.09.2016
A9005	B	EXISTING SITE PLAN & GFA DIAGRAM - LEVEL 05	15.09.2016
A9006	B	EXISTING SITE PLAN & GFA DIAGRAM - LEVEL 06	15.09.2016
A9007	B	EXISTING SITE PLAN & GFA DIAGRAM - LEVEL 07	15.09.2016
A9008	B	EXISTING SITE PLAN & GFA DIAGRAM - LEVEL 08	15.09.2016
A9009	B	EXISTING SITE PLAN & GFA DIAGRAM - LEVEL 09	15.09.2016
A9010	B	EXISTING SITE PLAN & GFA DIAGRAM - LEVEL 10	15.09.2016
A9011	B	EXISTING SITE PLAN & GFA DIAGRAM - LEVEL 11	15.09.2016
A9012	B	EXISTING SITE PLAN & GFA DIAGRAM - LEVEL 12	15.09.2016
A9015	B	EXISTING SITE PLAN & GFA DIAGRAM - LEVEL 15	15.09.2016
A9016	B	EXISTING SITE PLAN & GFA DIAGRAM - LEVEL 16	15.09.2016
A9017	B	EXISTING SITE PLAN & GFA DIAGRAM - LEVEL 17	15.09.2016
A9018	B	EXISTING SITE PLAN & GFA DIAGRAM - LEVEL 18	15.09.2016
A9019	B	EXISTING SITE PLAN & GFA DIAGRAM – ROOF	15.09.2016

A07B4	B	DEMOLITION PLAN - LEVEL B04	15.09.2016
A07B3	B	DEMOLITION PLAN - LEVEL B03	15.09.2016
A07B2	B	DEMOLITION PLAN - LEVEL B02	15.09.2016
A07B1	B	DEMOLITION PLAN - LEVEL B01	15.09.2016
A0700	B	DEMOLITION PLAN - LEVEL 00	15.09.2016
A0701	B	DEMOLITION PLAN - LEVEL 01	15.09.2016
A0702	B	DEMOLITION PLAN - LEVEL 02	15.09.2016
A0703	B	DEMOLITION PLAN - LEVEL 03	15.09.2016
A0704	B	DEMOLITION PLAN - LEVEL 04	15.09.2016
A0705	B	DEMOLITION PLAN - LEVEL 05	15.09.2016
A10B4	B	PROPOSED SITE PLAN - LEVEL B04	15.09.2016
A10B3	B	PROPOSED SITE PLAN - LEVEL B03	15.09.2016
A10B2	B	PROPOSED SITE PLAN - LEVEL B02	15.09.2016
A10B1	B	PROPOSED SITE PLAN - LEVEL B01	15.09.2016
A2000-1	B	PROPOSED FLOOR PLAN - LEVEL 00 - PART 1	15.09.2016
A2000-2	B	PROPOSED FLOOR PLAN - LEVEL 00 - PART 2	15.09.2016
A2001	B	PROPOSED FLOOR PLAN - LEVEL 01	15.09.2016
A2002	B	PROPOSED FLOOR PLAN - LEVEL 02	15.09.2016
A2003-1	B	PROPOSED FLOOR PLAN - LEVEL 03 - PART 1	15.09.2016
A2003-2	B	PROPOSED FLOOR PLAN - LEVEL 03 - PART 2	15.09.2016
A2004	B	PROPOSED FLOOR PLAN - LEVEL 04	15.09.2016
A2005	B	PROPOSED FLOOR PLAN - LEVEL 05	15.09.2016
A9100	B	PROPOSED GFA DIAGRAM - LEVEL 00	15.09.2016
A9101	B	PROPOSED GFA DIAGRAM - LEVEL 01	15.09.2016
A9102	B	PROPOSED GFA DIAGRAM - LEVEL 02	15.09.2016
A9103	B	PROPOSED GFA DIAGRAM - LEVEL 03	15.09.2016
A9104	B	PROPOSED GFA DIAGRAM - LEVEL 04	15.09.2016
A9105	B	PROPOSED GFA DIAGRAM - LEVEL 05	15.09.2016
A4010	B	BUILDING ELEVATIONS - SHEET 1	15.09.2016
A4011	B	BUILDING ELEVATIONS - SHEET 2	15.09.2016
A4012	B	BUILDING ELEVATIONS - SHEET 3	15.09.2016
A5010	B	BUILDING SECTIONS - SHEET 1	15.09.2016

A5011	B	BUILDING SECTIONS - SHEET 2	15.09.2016
A5012	B	BUILDING SECTIONS - SHEET 3	15.09.2016
A5013	B	BUILDING SECTIONS - SHEET 4	15.09.2016
A5014	B	BUILDING SECTIONS - SHEET 5	15.09.2016
A0010	B	PHOTOMONTAGE & FINISHES SCHEDULE	15.09.2016
A0011	B	PHOTOMONTAGE & FINISHES SCHEDULE	15.09.2016
A0012	B	PHOTOMONTAGE & FINISHES SCHEDULE	15.09.2016
A0013	B	PHOTOMONTAGE & FINISHES SCHEDULE	15.09.2016
A0014	B	PHOTOMONTAGE & FINISHES SCHEDULE	15.09.2016
A0015	B	PHOTOMONTAGE & FINISHES SCHEDULE	15.09.2016

Reason: Condition A2 in its current form is cumbersome and includes plans that supersede discrete elements of previously approved plans. DWP Suters Architects have undertaken an audit of these approvals and others issued by City of Sydney and prepared a consolidated set of drawings that present the approved development. The plans act as the base of the works shown in Modification 14 and future Modification 13.

A3 Development in Accordance with Documents

The development will be undertaken generally in accordance with the following documents:

1. Environmental Assessment Report prepared by Urbis on behalf of Sydney Harbour Casino Properties Pty Ltd, September 2008;
2. ~~Architectural Plans prepared by Cox Richardson and The Buchan Group, various dates;~~

Reason: These plans have been superseded by the architectural plans prepared by DWP Suters referred to in condition A2.

3. Preferred Project Report prepared by Urbis dated December 2008;
4. Transport Impact of Star City Redevelopment prepared by Arup dated September 2008 and supplementary report dated December 2008;
5. Limited Phase 1 Contamination Assessment prepared by Douglas Partners dated June 2008;
6. Heritage Impact Statement prepared by Urbis dated September 2008;
7. Visual Impact Assessment prepared by GM Urban Design & Architecture Pty Ltd dated September 2008;
8. Pedestrian Wind Environment Statement prepared by Windtech Consultants Pty Ltd dated September 11, 2008;

9. Crime Prevention Through Environmental Design report prepared by Urbis dated June 2008;
10. Traffic Impact of Star City Redevelopment prepared by ARUP dated September 2008;
11. Acoustic Assessment Report prepared by ARUP dated September 2008;
12. Assessment of Reflected Solar Glare from Glazed Facade Pirrama Road prepared by Bassett Consulting Engineers dated 8 September 2008 and supplementary report dated 12 December 2008;
13. Environmentally Sustainable Report prepared by Cundall dated September 2008;
14. Social Impact Assessment of project Star prepared by Urbis dated 27 June 2008;
15. Economic Impact Assessment prepared by Urbis dated 30 June 2008;
16. Accessibility Review prepared by Morris-Goding Accessibility Consulting dated 10 September 2008;
17. Preliminary Construction Management Plan prepared by APP Corporation Pty Limited dated September 2008;
18. Building Services Report prepared by Bassett Consulting Engineers dated 1 August 2008;
19. Hydraulic Services Report prepared by Steve Paul & Partners dated 25 June 2008; and
20. BCA Capability Statement prepared by Philip Chun & Associates dated 11 September 2008 and further amended by BCA Review prepared by Philip Chun dated 10 August 2010.
21. BCA Capability Statement prepared by Philip Chun & associates dated 10 May 2010

As amended by Section 75W letter prepared by Urbis dated 19 August 2009 and the following documents:

1. Architectural Drawings nos. **DA-005 and DA-006 Issue 1**-prepared by Fitzpatrick + Partners, ~~various dates~~ **dated August 2009**

Reason: *The above condition references all architectural plans prepared by Fitzpatrick + Partners on various dates. Drawing numbers DA-005 – 006, Issue 1 relate to public domain works. Public domain works do not form part of the subject application, nor are they incorporated into the plans referenced in condition A2. We therefore recommend the retention of drawings DA_005 and DA-006 Issue 1 whilst the remainder of the plan set has been incorporated into the as built plan set prepared by DWP/Suters. Accordingly, the condition is amended to reference the above drawings only which will remain as part of the consent.*

2. Landscape and Public Domain Design prepared by Tract Consultants, dated 12 August 2009;

3. Wind Environment Statement prepared by Windtech Consultants, dated 12 August 2009;
4. Addendum to CPTED Assessment prepared by Urbis, dated 10 August 2009;
5. Traffic Report Addendum prepared by ARUP, dated 11 August 2009;
6. Acoustic statement for Pirrama Road Façade Alternative Design Proposal prepared by Acoustic Logic Consultancy, dated 14 August 2009;
7. Assessment of Reflected Solar Glare from the Glazed Façade Facing Pirrama Road prepared by AECOM Australia, dated 13 August 2009;
8. Project Star ESD Revised Scheme Statement prepared by Cundall, dated 12 August 2009;
9. Accessibility Statement prepared by Morris Goding Accessibility Consulting, dated 12 August 2009;
10. BCA Capability Statement prepared by Philip Chun & Associates Pty Ltd, dated 13 August 2009; and
11. Impact on Fire Safety Engineering v3 Statement prepared by AECOM Australia, dated 19 August 2009.

As amended by section 75W letter prepared by Urbis dated 16 September 2010 and the following documents:

- ~~1. Architectural Drawings prepared by Fitzpatrick + Partners, dated 7 August 2010 and 8 September 2010; and~~

Reason: *These plans have been superseded by the architectural plans prepared by DWP Suters referred to in condition A2.*

2. BCA Capability Statement prepared by Phillip Chun & Associates Pty Ltd, dated 9 September 2010.

As amended by Section 75W letter prepared by Urbis dated 8th October 2010, the Response to Submissions Letter dated 20th January 2011 and the following documents:

1. The supplementary Star City MUEF Architectural Design Statement prepared by Fitzpatrick + Partners dated 8 June 2011;
2. BCA Review prepared by Phillip Chun & Associates, dated 6th October 2010;
3. View Impact Assessment prepared by GM Urban Design & Architecture Pty Ltd, dated October 2010 and Revised Visual Impact Assessment, prepared by GMU, dated 14th January 2011(including revised photomontages by Arterra);

4. Economic Impact Assessment of Star City's Proposed Multipurpose Venue, prepared by Urbis, and dated October 2010;
5. Traffic Impact Assessment prepared by ARUP, dated October 2010, Arup Transport Report, dated 14th January and Arup response to PAC comments on MUEF Loading Dock dated 10 June 2011;
6. Acoustic Assessment prepared by AECOM, dated 7th October 2010;
7. Crime Prevention Through Environmental Design report prepared by Urbis dated October 2010;
8. Ecological Sustainable Development Statement, prepared by Cundall, dated 7th October 2010;
9. Accessibility Report prepared by MGAC, dated 7th October 2010;
10. Fire Engineering Statement prepared by AECOM, dated 5th October 2010 and supplementary letter from AECOM entitled 'Star City - Egress from MUEF' dated 3 June 2011;
11. Letter of Assessment of Solar Reflection from Facades, prepared by AECOM, dated 7th October 2010; and
12. BCA Capability Statement prepared by Phillip Chun & Associates, dated 10 May 2010.

As amended by Section 75W letter for MP 08_0098 MOD 12 prepared by APP Corporation Pty Ltd dated 14 May 2014 and the following documents:

1. The Star - Pirrama Road External Entertainment Deck - Amplified Music Acoustic Assessment, prepared by Renzo Tonin and Associated and dated 8 May 2014;
2. The Star - Pirrama Road Level 1 Unenclosed Gaming Areas Speakers and Music Assessment, prepared by Renzo Tonin and Associated dated 8 May 2014;
3. The Star - Pirrama Road Level 1 Unenclosed Gaming Areas - Condition F3 - Hours of Operation Noise Assessment, prepared by Renzo Tonin and Associated and dated 8 May 2014;
4. The Operation Environmental Management Plan entitled 'The Use of Speakers and Delivery of Music on the Pirrama Road External Entertainment Deck, the Star', prepared by Pure Projects and dated 8 May 2014; and
5. The Operational Environmental Management Plan entitled, 'The Installation and Use of Speakers to Deliver Background Music and Announcements to the Level 1 Unenclosed Gaming Areas, The Star', prepared by Pure Projects and dated 8 May 2014.

Note: The proponent shall obtain the necessary approvals from Council for any lighting scheme associated with the operation of Multi Use Entertainment Facility.

As amended by the Section 75W Environmental Assessment Report prepared for MP08_0098 MOD 14 by Urbis Pty Ltd dated September 2016 and the following documents:

1. Environmental Assessment Report prepared by Urbis Pty Ltd on behalf of Star Entertainment Group limited dated September 2016;
2. Traffic Impact Assessment prepared by Mott MacDonald.
3. Heritage Impact Statement prepared by Urbis dated September 2016;
4. Noise Impact Assessment prepared by WSP/Parsons Brinckerhoff dated September 2016;
5. Economic Impact Assessment of the Star Sydney prepared by PWC dated August 2016;
6. Social Impact Assessment prepared by Urbis dated September 2016;
7. Compliance letter prepared by McKenzie Group dated 16 September 2016;
8. Design Review Accessibility Compliance Statement prepared by McKenzie Group dated 16 September 2016;
9. Fire Life Safety Principles prepared by WSP/Parsons Brinckerhoff dated September 2016;
10. Sustainability Report prepared by WSP/Parsons Brinckerhoff dated September 2016;
11. Marine Impact Assessment prepared by WSP/Parsons Brinckerhoff dated September 2016;
12. Electrical and Hydraulic Services Infrastructure Report prepared by Umow Lai dated September 2016.
13. SELS Heritage Building Façade – External Lighting Design Compliance and Plans prepared by Point of View dated 13 September 2016;
14. Proponents Statement of Commitments prepared by Urbis dated September 2016; and
15. Environmentally Hazardous Chemicals Act, 1985 – Notice Under Section 35 dated 13 May 1994
16. External Lighting Management Plan Revision 2 dated 9 August 2011 prepared by Meinhardt.

Reason: *The above documents incorporate the material relevant to Modification 14 and should be included for reference purposes.*

A3A Minor Works:

1. Works that are consistent with the following development types:
 - (i) Exempt Development under Part 2 of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008; or
 - (ii) Complying Development under Part 5, Part 5A or Part 7 of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008,

may be undertaken pursuant to this approval without the need for any further modification or approval.

2. For the avoidance of doubt, this condition applies to all parts of the development including any parts which may constitute a 'restricted premises' for the purposes of Clause 5.1 of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
3. Amendments to the plans approved in condition A2 may occur pursuant to this approval without the requirement for any further modification or approval:
 - (i) Where those amendments relate only to the relocation of gaming, food and beverage, and entertainment floor space within The Star where there is no change in overall land use GFA portions; or
 - (ii) If the Secretary considers the amendments to be minor.

Reason: *The intent of the condition is to insert a degree of flexibility into the terms of the approval and clarify the available pathways to undertake minor works on site without the need to seek further modification of the Major Project Approval.*

A4 Inconsistency between documents

In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, or the Statement of Commitments in Schedule 3, the conditions of this approval prevail.

A5 Lapsing of Approval

In order that the development as approved is carried out within a defined period of time, the approval shall lapse 5 years after the determination date in Part A of Schedule 1 of this approval.

A6 External Signage and Lift Overrun

~~The proposed replacement of existing lift, lift overrun enclosure, LED lighting scheme and roof signage to hotel does not form part of this approval and is to be subject to a separate application lodged with Council.~~

Reason: *Condition A6 relates to the installation of external signage, replacement of existing lift overruns and associated works and LED lighting scheme and nominates that such works are to be the subject of separate application lodged with the City of Sydney.*

Development consents were issued for signage and replacement of the lifts and associated works. These works have been undertaken and are shown on the drawings referenced in condition A2. The text is deleted to remove any inconsistency.

DA/2012/802 was approved on 30 July 2012 by City of Sydney and gave consent for;

External illumination of three vertical sides of the multi-use entertainment facility (MUEF) building facade (excluding the Jones Bay Road elevation); and alterations and refurbishment to the two external lift cars of the adjacent Astral hotel including the installation of associated internal and external lighting, at "The Star" Casino Entertainment Complex.

This development application was lodged and approved to address the above condition. The condition is therefore no longer necessary and should be deleted.

PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1 External art work and lighting

The Proponent is to commission a reputable and appropriately experienced artist to develop artwork and feature lighting displays to the Pirrama Road frontage. Details are to be approved by the Department prior to the issue of Construction Certificate for any art work and feature lighting works to the Pirrama Road frontage, and any video signage or display proposed on the site.

B2 Hotel Height

The height of the hotel is to be reduced by 3 storeys resulting in a 10 storey tower above a 3 storey podium. A lesser reduction in height may be achieved subject to detailed plans demonstrating that the upper-most structure of the hotel tower (including ceiling level, cladding and handrails but excluding plant and lift over-runs) does not exceed RL 153.16. Note: RLs are to be consistent with RLs identified in the approved documents at condition A2. Amended plans are to be submitted to the Department for approval prior to the issue of a Construction Certificate for any works on the Switching Station Site.

B3 Car Parking

The maximum number of car parking spaces on the whole site (Casino and Switching Station) is not to exceed 3,000. Plans reflecting this are to be submitted to the PCA prior to the issue of a Construction Certificate for basement car parking works.

B4 Sydney Metro Authority

1. The Proponent is to enter into agreements with Sydney Metro Authority for the following stages:
 - a) an Excavation Agreement prior to the commencement of any excavation works; and b) a Construction Agreement prior to commencement of excavation below 95.9RL, or of construction to address the potential impacts of the approved development on the CBD Metro prior to the issue of a Construction Certificate in respect of each of the above stages.
2. In regard to the agreement for the works in Condition B4 (1)(b), the location of any building footing must be determined in consultation with Sydney Metro Authority prior to the issue of a Construction Certificate involving excavation works below 95.9RL to ensure the structural integrity of the CBD Metro.
3. In regard to the agreement for the works in Condition B4(1) (b), all structures proposed for construction and installation must be designed and constructed in consultation with Sydney Metro Authority to ensure the structural integrity of the CBD Metro, and details are to be provided to the Certifying Authority prior to the issue of a Construction Certificate for excavation works below 95.9RL.

B5 Noise Management Plan

A Noise Management Plan is to be prepared in consultation with the City of Sydney, addressing the following:

1. Further mitigation measures and treatments including additional acoustic -absorptive finishes and alternative perimeter treatments to the outdoor gaming and terrace areas.

2. The operation of all gaming and entertainment areas, including the external areas. The Noise Management Plan is to address the Mitigation Measures included in the letter from Bassett Consulting Engineers dated 3 December 2008.
3. In relation to the MUEF Project and the works shown on the drawings approved as part of Modification 7, a separate Noise Management Plan is to be prepared in consultation with the City of Sydney Council. The report shall detail how the noise mitigation measures recommended in the Acoustic Report prepared by AECOM dated 7th October 2010, will be implemented. The Plan is to be submitted to the Department for approval prior to the issue of a Construction Certificate for the MUEF works.

The Noise Management Plan is to be submitted to the Department for approval prior to issue of a Construction Certificate for above ground works.

B6 Noise Attenuation Measures

Prior to issue of a Construction Certificate, the Proponent shall submit to the satisfaction of the Certifying Authority, drawings and documentation demonstrating that the construction and fit out of the building incorporates the recommendations of the Acoustic Assessment Report prepared by ARUP, September 2008 and letter from Bassett Consulting Engineers dated 3 December 2008, and suitable to achieve compliance with condition F5.

Prior to the issue of a Construction Certificate for the MUEF works approved under Modification 7, the Proponent shall submit to the satisfaction of the Certifying Authority, drawings and documentation demonstrating that the construction and fit out of the building incorporates the recommendations of the Acoustic Assessment Report prepared by AECOM dated 7 October 2010, and will comply with condition F5.

B7 Wind Impacts

Mitigation measures as recommended in the Pedestrian Wind Environment Statement prepared by Windtech, are to be implemented and details submitted to the Certifying Authority prior to issue of a Construction Certificate for above ground works.

B8 Reflectivity

Reflectivity measures, including vertical glazing and glass characteristic, as recommended in the Assessment of Reflected Solar Glare from Glazed Facade Pirrama Road prepared by Bassett Consulting Engineers dated 12 December 2008, are to be implemented and details submitted to the Certifying Authority prior to commencement of works. Total reflectivity is not to exceed 20%.

B9 Public Domain

All works associated with the approval which encroach upon or are immediately adjacent to Council's public domain areas are to be designed and developed in consultation with Council. Details to be provided prior to issue of a Construction Certificate for the public domain works. The RLs and alignment, for any works associated with the approval which encroach upon or are immediately adjacent to Council's public domain areas, must be provided to the satisfaction of the Department prior to the issue of a Construction Certificate for the relevant works.

B10 Traffic Management

The proponent is to consult with Sydney Buses, the RTA and Council regarding additional necessary traffic management measures associated with the Pirrama Road vehicular drop off areas, including linemarking, signage, and a raised concrete median to prevent right turns into and out of the porte cochere. Details of the consultation and final design are to be provided to the Certifying Authority prior to the issue of a Construction Certificate for the Pirrama Road frontage works.

B11 Sydney Water

1. An application is to be submitted to Sydney Water for the discharge of trade waste into the sewerage system.
2. Any proposed discharge to the wastewater system from the proposed Membrane Bioreactor and Reverse Osmosis Unit will be required to meet the acceptance standards as specified in Sydney Water's Trade Waste Policy and Management Plan.
3. The appropriate level of backflow prevention containment on the drinking water services and fire services supplying the property is required to be installed.
4. The design of the proposed diversion of stormwater to a stormwater harvesting tank on the Star City Hotel site is to be independently checked, prior to issue of the Construction Certificate, verifying that no significant flow diversions will occur to the detriment of the capacity of any part of the Edward Street stormwater drainage system.
5. The development is to implement best practice urban stormwater management using Water Sensitive Urban Design including:
 - a. Treat stormwater runoff to NSW EPA draft practice treatment objectives:
 - i. 80% reduction in Total Suspended Solids
 - ii. 45% reduction in Total Phosphorus
 - iii. 45% reduction in Total Nitrogen
 - b. Maximise stormwater reuse through integrated water cycle management, which can reduce potable water demand and assist in achieving the above pollutant load reduction objectives.
6. A Notice of Requirements is to be obtained from Sydney Water prior to the issue of any Construction Certificate for any new useable floor area. Plans and details demonstrating compliance with B11(1) - (6) are to be submitted to the Certifying Authority prior to issue of a Construction Certificate.

B12 Developer Contributions

A contribution under section 94 of the Environmental Planning and Assessment Act 1979 must be paid in accordance with the following:

Cash contribution required

1. In accordance with the adopted "Ultimo Pyrmont Contributions Plan 1994" a cash contribution must be paid to Council in accordance with this condition.

Amount of contribution

2. The amount of the contribution is \$2,617,590.80

	Amount	Approved	Total
Gaming and Entertainment	\$123.70/m2 site area	4,756m2	\$588,317.20
Retail and Restaurant	\$113.80/m2 of gross floor area	7,971m2	\$900,954.60
Hotel (based on 5 star)	\$4,721.00/room	239 rooms	\$1,128,319.00
TOTAL			\$2,617,590.80

Note: the contribution will be indexed annually, see paragraph (f) below. The final contribution amount may alter dependent upon the final number of hotel rooms / GFA as a result of condition N2 and will be required to be recalculated by Council as set out at (d) below.

Purposes for which Contribution Required

3. The contribution is required, and must be held and applied in accordance with the Act and the Ultimo Pyrmont Contributions Plan 1994, for the purposes, and in the proportions, set out as follows:
- Open Space - 64%
 - Community Facilities - 9.5%
 - Roads and Associated Infrastructure - 26.2%
 - Administration - 0.3%

Certification of Contribution

4. Certification of the Section 94 Contribution calculation, including verification of final number of hotel rooms I gross floor area, and indexation of the contribution in accordance with the Ultimo Pyrmont Contributions Plan 1994 must be submitted to and approved by Council prior to the issue of the first Construction Certificate. If the Construction Certificate is to be issued by a private Certifying Authority, they must seek Council's endorsement of the calculation prior to its issue.

Timing of Payment

5. The contribution must be paid prior to the issue of the first Construction Certificate, to the City of Sydney Council. Personal or company cheques will not be accepted.

Indexing

6. The contribution rate in the "Ultimo Pyrmont Contributions Plan 1994" will be adjusted in accordance with clause 19 of the Plan being not less than annually.

7. If the contribution rate is adjusted between the date on which this consent is granted and payment of the contribution, then the figure in paragraph (b) tho this condition will be indexed and calculated according to the then current contribution rate.
8. Please contact Council staff to confirm the amount payable, prior to payment

B12A Development Contributions – Modification 14

A contribution under section 94 of the *Environmental Planning and Assessment Act 1979* must be paid in accordance with the following:

Cash contribution

1. In accordance with the adopted "City of Sydney Development Contributions Plan 2015" a cash contribution must be paid to Council in accordance with this condition.

Amount of contribution

2. The amount of the contribution is **\$179,286.18**

Level	Use	Contribution Use	Additional GFA	Gross Floor Area (sqm)	Payable – based on \$1,777 workers contribution rate
Level 00	Astral Luxury Retail Zone	Shops – including neighbourhood shops, excluding supermarkets	284 sqm	57	\$8,853.82
Level 00	Change of use – Hotel to Retail	Shops –including neighborhood shops, excluding supermarkets	145 sqm	57	\$4,520.44
Level 00	Change of use – Hotel to F&B	Food & Drink Premises – restaurants, cafes & take away premises	128 sqm	21	\$10,831.24
Level 01	Area of slab infill	Entertainment facility	214 sqm	130	\$2,925.22

Level 03	Area of additional Premium Gaming	Entertainment facility	4266 sqm	130	\$58,312.94
Level 03	Event Centre Pre-Function	Function Centre	765 sqm	119	\$11,423.57
Level 03	Restaurant	Food & Drink Premises – restaurants, cafes & take away premises	974 sqm	21	\$82,418.95
Total					\$179,286.18

Timing of Payment

- The contribution must be paid prior to the issue of the first Construction Certificate, to the City of Sydney Council. Personal or company cheques will not be accepted.

Indexing

- If the contribution rate is adjusted between the date on which Modification 14 is approved and payment of the contribution, then the figure in paragraph 2 of this condition will be indexed and calculated according to the then current contribution rate.

Reason: Modification 14 will deliver an increase in overall GFA to The Star comprised of increased gaming, entertainment and food and beverage floor space. Consistent with the existing determination a condition should be imposed requiring payment of the relevant section 94 contribution.

B13 Affordable Housing Contributions

The Affordable Housing Contribution is as follows:

- Prior to the first Construction Certificate being issued, and pursuant to Sydney LEP 2005 and the adopted City West Affordable Housing Program, the applicant must provide evidence to Council that a monetary contribution towards the provision of affordable housing has been paid. The contribution is \$803.960 based on 24,114m² of additional proposed 'commercial' gross floor area. Note: the final contribution amount may alter dependent upon the final number of hotel rooms I GFA as a result of condition B2 and will be required to be recalculated by Council as set out at (c) below.

2. Bank cheques to the value of the required contribution are to be made in favour of 'City West Housing Pty Ltd' and paid to the Department of Planning. Contact the Housing Policy Team at the Department of Planning on Ph: 9228 6111, Fax: 9228 6455 or information@planning.nsw.gov.au for further information and to arrange a time to make the payment.
3. Certification of the Affordable Housing Contribution calculations including verification of total area, prepared by a Quantity Surveyor, and indexation of the contribution in accordance with the Affordable Housing Program, must be submitted to and approved by Council, prior to a Construction Certificate being issued.
4. If the Construction Certificate is to be issued by a Private Certifying Authority, they must seek Council's endorsement of the calculation prior to issue of the Construction Certificate.
5. Prior to issue of an Occupation Certificate or the use commencing, whichever is earlier, the applicant must provide evidence to Council that the bank guarantee referred to in (a) above has been redeemed as payment of this contribution. If the contribution is paid after 30 June of the year in which this consent is granted, the amount of the contribution must be indexed in accordance with the adopted City West Affordable Housing Program.

B13A Affordable Housing Contributions – Modification 14

The following Affordable Housing Contribution is payable in relation to Modification 14 as follows:

Level	Use	Contribution Use	Additional GFA	Payables – based on \$42.24 contribution rate
Level 00	Astral Luxury Retail Zone & Astral Hotel Lobby	Commercial	542 sqm	\$22,894.08
Level 01	Area of Slab infill	Commercial	214 sqm	\$9,039.36
Level 03	Sovereign Gaming, Restaurant & Pre-function Space	Commercial	6,005 sqm	\$253,651.20
Level 05	Astral Residences Lobby & Astral VIP Lounge Lobby	Commercial	61 sqm	2,576.64
Total				\$288,161.28

1. Prior to the first Construction Certificate being issued, the applicant must provide evidence to Council that a monetary contribution towards the provision of affordable housing has been paid. The contribution is \$288,161.28 based on 6,822 sqm of additional proposed 'commercial' gross floor area.
2. Bank cheques to the value of the required contribution are to be made in favour of City West Housing Pty Ltd and paid to NSW Department of Planning and Environment.
3. Certification of the Affordable Housing Contribution calculations including verification of total area, prepared by a Quantity Surveyor, and indexation of the contribution in accordance with the Affordable Housing Program, must be submitted to and approved by Council, prior to a Construction Certificate being issued.

4. If the Construction Certificate is to be issued by a Private Certifying Authority, they must seek Council's endorsement of the calculation prior to issue of the Construction Certificate.
5. Prior to issue of an Occupation Certificate or the use commencing, whichever is earlier, the applicant must provide evidence to Council that the Affordable Housing contribution has been paid.

Reason: *Modification 14 will deliver an increase in overall GFA to The Star comprised of increased gaming, entertainment and food and beverage floor space. Consistent with the existing determination a condition should be imposed requiring payment of the relevant contribution towards the provision of Affordable Housing.*

B14 Structural Details

Prior to issue of a Construction Certificate, the Proponent shall submit to the satisfaction of the Certifying Authority, structural drawings prepared and signed by a suitably qualified practising Structural Engineer that complies with:

1. the relevant clauses of the BCA;
2. the relevant development consent;
3. drawings and specifications comprising the Construction Certificate, and
4. the relevant Australian Standards listed in the BCA (Specification A1.3).

B15 Disabled Access

Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the BCA's Access Policy. Prior to the issue of a Construction Certificate a certification of compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.

B16 Mechanical Ventilation

All mechanical ventilation systems shall be designed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

The required operation and performance of any mechanical ventilation, air pressurisation or other smoke control system must not be impaired by the proposed partitioning layout.

Reason: *The intent of this condition is to regulate mechanical ventilation onsite. Condition B16 of MP08_0098 provides standards to be met by the operation of mechanical ventilation across the site. This condition formed part of the City of Sydney development consents and is still relevant to the operation of the site. The condition is to be added to condition B16.*

B17 Consolidation of Allotments

Deleted.

B18 Outdoor Lighting

All outdoor lighting shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B19 Construction and Traffic Management Plan

Prior to the issue of a Construction Certificate a Construction Management Plan shall be submitted to the satisfaction of the Principal Certifying Authority. The construction hours however must be in accordance with condition D11 of this approval. The Proponent shall also submit a copy of the final plan to the Department and the Council.

B20 Compliance with BCA

Evidence demonstrating that the proposal complies with the BCA is to be provided to the satisfaction of the Certifying Authority prior to the issue of a construction certificate.

B21 Noise and Vibration Management Plan

A Noise and Vibration Management Plan is to be prepared detailing:

1. specific activities to be carried out on the site and associated noise sources;
2. identification of potentially affected sensitive receivers;
3. construction noise and vibration criteria specified in the conditions of this approval; noise and vibration monitoring, reporting and response procedures;
4. mitigation treatments, management methods and procedures to be implemented during construction to control noise and vibration; and
5. Contingency plans to be implemented where non-compliances or noise complaints.

The Noise and Vibration Management Plan is to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

B22 Environmental Protection – Water and Sediment Control

A Water and Sediment Control Plan shall be prepared, consistent with the principles and practices set out in Managing Urban Stormwater-Soils & Construction Volume 1 (2004) by Landcom and must include:

1. The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;
2. The procedures to be adopted for the prevention of run-off from the site onto the public way; and
3. The procedures to be adopted for the prevention of loose material and litter from being blown onto the public way.

During the works:

1. Erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
2. Erosion and sediment control signage available from the relevant Authority must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of demolition; and
3. Demolition operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system. The Water and Sediment Control Plan is to be submitted to the Certifying Authority prior to the issue of the first Construction Certificate.

B23 Protection of Trees During Construction

All trees to be retained on and adjacent to the site must be protected at all times during excavation and construction. Details of the methods of protection must be submitted to and approved by the Certifying Authority prior to the issue of the first Construction Certificate. All approved protection measures must be maintained for the duration of works and any tree on the footpath which is damaged or removed during excavation or construction must be replaced.

B24 Security Management Plan

Prior to issue of a Construction Certificate, a Security Management Plan specifying security patrol, surveillance and other security and response methods and security management of the public and private domain within and surrounding the site must be submitted to Council for approval. The approved plan must be implemented at all times during operation of the use.

B25 Construction Waste Management Plan

Prior to the issue of a Construction Certificate, a Waste Management Plan shall be prepared by a suitably qualified person. The Proponent shall submit a copy of the plan to the Department and Council.

B26 Footpath Damage Bank Guarantee

Prior to a Construction Certificate being issued the owner of the site must provide a bank guarantee for the sum to be determined based on the City of Sydney's Schedule of Fees and Charges as security for rectification of any damage to the public way. Note: The bank guarantee required by this condition does not need to be provided if a separate bank guarantee is lodged as part of an approval for a hoarding over the public way. However, neither bank guarantee will be released until all development works are complete to the satisfaction of Council, including rectification of damage to the public way. You should contact Council to determine the bank guarantee amount prior to payment.

B27 Design of Service Link

Prior to the issue of a Construction Certificate, the Proponent shall submit to the satisfaction of the Director-General, design details demonstrating the transparency of the service link is maximised as per the recommendations of the Visual Impact Assessment, Multi Use Entertainment Facility - Star City Casino, prepared by GMU Urban Design and Architecture, dated October 2010.

B28 Emergency Evacuation

Prior to the issue of a Construction Certificate for the Multi Use Entertainment Facility works the Director-General must be satisfied that there is a provision for the safe evacuation of the Multi-Use Entertainment Facility (MUEF) in the case of an emergency.

PART C – PRIOR TO COMMENCEMENT OF WORKS

C1 Barricade Permit

Where construction/building works require the use of a public place including a road or footpath, approval for a Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are to be in accordance with Council's requirements.

C2 Vehicle Cleansing

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site/associated with the construction of the development. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

C3 Utility Services

Prior to commencement of work, to ensure that utility authorities are advised of the development:

1. A survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
2. The Proponent is to negotiate with the utility authorities (eg. Energy Australia, Sydney Water Corporation and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

C4 Design Standard

Car park areas are to comply with the relevant Australian Standard and on-site manoeuvrability is to comply with AUSTROADS.

C5 Hoarding

Any B-Class hoarding erected around the site is to contain graphics (not 3rd party advertising) which activates the public domain and may include some images of the new building.

C6 Contact Telephone Number

Prior to the commencement of the works, the Proponent shall forward to the Department and Council a 24 hour telephone number to be operated for the duration of the construction works.

PART D – DURING CONSTRUCTION

D1 Loading and Unloading During Construction

A Works Zone is required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council prior to commencement of the work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the day to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

D2 No Obstruction of Public Way

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

D3 Covering of Loads

All vehicles involved in the excavation process and departing with spoil or loose matter, must have their loads fully covered before entering the public roadway.

D4 Erosion and Sedimentation Control

Sediment controls, to ensure that no sediment, fines, and like material can enter the waterway or drainage system are to be in place for the duration of the works. The applicant is to carry out works generally in accordance with the Construction Management Plan in respect to environmental management and safeguards. These controls are to be maintained at design level throughout the duration of the works and are to be inspected for this purpose at frequent intervals. Any deficiencies are to be immediately made good. Soil erosion and sediment control measures and methods shall be designed in accordance with the document Managing Urban Stormwater-Soils & Construction Volume 1 (2004) by Landcom. Details are to be complied with prior to Construction.

D5 Disposal of Seepage and Stormwater

Any seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

D6 Stormwater Pits

Any existing stormwater pits that do not comply with AS 3500 are to be upgraded as part of the development.

D7 Setting out Structures

The new works shall be set out by a registered surveyor to verify the correct position of each in relation to property boundaries and the approved alignment levels.

D8 Approved Plans to be On-Site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department or Council.

D9 Site Notice

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the PCA, Builder, the Architect and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:

1. Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
2. The notice is to be durable and weatherproof and is to be displayed throughout the works period
3. The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
4. The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

D10 Dust Control Measures

Adequate measures shall be taken to prevent dust from affecting the amenity of the immediate area during construction. In particular, the following measures must be adopted:

1. Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions;
2. All materials shall be stored or stockpiled at the best locations;
3. The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs;
4. All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material;
5. All equipment wheels shall be washed before exiting the site;
6. Gates shall be closed between vehicle movements and shall be fitted with shade cloth; and
7. Cleaning of footpaths and roadways shall be carried out regularly.

D11 Hours of Work

1. The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:
 - a) between 7:00 am and 5.30 pm, Mondays to Fridays inclusive;
 - b) between 8:00 am and 3.00 pm, Saturdays;
 - c) between 9:00 am and 3.30 pm, Mondays to Fridays for mechanical rock blasting;
 - d) no work on Sundays and public holidays.
2. Works may be undertaken outside these hours where:
 - a) the delivery of materials is required outside these hours by the Police or other authorities;
 - b) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
 - c) residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of the works; and
 - d) the work is approved by the Director-General or his nominee.
3. Notwithstanding conditions 1 and 2 above, works internal to the existing building, including building, demolition and excavation work, in connection with the approved development can be carried out on a 24 hour basis, 7 days per week, with safety inspections being permitted at 7.00am on work days.

***Reason:** The Star operates on a 24 hour basis. Internal works would predominantly be low impact, contained to the interior of the building and would not impact on nearby residents. It is therefore requested that internal works be allowed to occur 24 hours a day.*

D12 Signage

Adequate signage and other protective measures should be erected in the vicinity of the heritage items and in the vicinity of the work site to alert contractors and subcontractors to the existence and fragile nature of these heritage items.

D13 Sydney Metro Authority

Persons authorised by Sydney Metro Authority are to be granted access to inspect the site to enable them to assess whether excavation works and structures have been undertaken according to agreed plans.

D14 Work on site to Cease

If any unidentified historical archaeological remains or deposits are exposed during the works excavation is to cease immediately in the affected areas and the archaeologist is to undertake an evaluation of the potential extent and significance of such relics. The Heritage Council is to be notified in accordance with Section 146 of the NSW Heritage Act, 1977.

D15 Associated Roadway Costs

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the Council's 'Development Specification for Civil Works Design and Construction'.

D16 Paving Materials

The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are to be used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials"

D17 Public Domain Plan

Three copies of a Public Domain Plan must be prepared by an architect, urban designer or landscape architect and must be lodged with Council's Public domain Section and approved by Council prior to a Road Opening Permit being issued for the works on the public way. It is recommended that draft plans should be submitted for comment prior to formal submission for approval.

The Public Domain Plan must be prepared in accordance with Council's Public Domain Manual, Sydney Streets Design Code and must be undertaken in consultation with Council officers.

The works to the public domain are to be completed in accordance with the approved plan and the Public Domain Manual before any Occupation Certificate is issued in respect of the Development or before the use commences, whichever is earlier and prior to the release of the Public Domain Works Deposit.

The Public Domain Plan must address the following:

1. Public domain works to Union Street and adjacent to Union Street must be compatible with the materials, finishes and details documented on Dwg. Nos 208008 LDCD 09 and 208008 LDCD 10 provided by Council.
2. Footways surrounding the site are to be asphalt or other paving treatment agreed by Council, designed and constructed in accordance with Council's Sydney Streets Design Code.
3. Pedestrian kerb ramps must be designed and constructed at pedestrian crossing points in the footway in accordance with Council's Sydney Streets Design Code, and must be oriented to suit the path of travel.
4. New kerb works surrounding the sites are to be stone, designed and constructed in accordance with Council's Sydney Streets Design Code. Existing serviceable stone kerbstones are to be retained. Infill kerbstone types are to match existing. Gutters are to be concrete, constructed in accordance with Council's Sydney Streets Design Code.
5. All entry and exit driveways on the public way are to be designed and constructed in accordance with council's Sydney Streets Design Code, (including drop kerb), with finishes to be consistent with adjacent footway paving and kerb materials agreed by Council. The footway and driveway are to be at one continuous level, with no kerb return.

6. Lighting on the public way must comply with the requirements of AS 1158.3.1 Category P1. Complying lighting designs, prepared by a practicing lighting engineer, must be submitted for approval by the Council prior to the issue of a Road Opening License for public domain works on the public way.

D18 Public Domain Works Deposit

In accordance with Council's adopted Schedule of Fees and Charges, a performance bond for a sum to be determined by Council, in the form of an unconditional bank guarantee, must be provided in favour of Council, to be held as a security against performance of the approved public domain works. The bond must be provided in addition to any fee or bond payable as part of any applications for approval of structure (including erection of a hoarding) and must be provided to Council prior to a Road Opening License for public domain works on the public way being issued.

D19 Road Opening License

A separate Road Opening License must be obtained prior to the approved public domain works commencing on the public way.

D20 Alignment Levels

Cross sections and longitudinal sections demonstrating the existing and proposed gutter, kerb and footway levels and gradients for the site frontages must be prepared by a registered surveyor or qualified practising civil engineer, must be prepared in accordance with the Public Domain Manual and must be submitted to and approved by Council in conjunction with the Public Domain Plan prior to issue of a Road Opening License for public domain works on the public way.

D21 Street Trees

1. 14 existing large Cabbage Tree Palms (*Livistona australis*) located on Council's footpath in the Pirrama Road frontage of the site must be removed intact, must be retained and maintained, and must be replanted in the Pirrama Road frontage of the site during construction of the public domain works in locations to be agreed with Council officers.
2. Where intact removal of palms in the footpath is difficult or not possible due to the site constraints, other palms of the same species and comparable height and health may be substituted as replacements on a 'one for one' basis. All such substitutes are subject to approval by Council's Arborist.
3. It is noted that the Weeping Figs (*Ficus benjamina*) in Council's footpath differ from the species selected for replanting (*Livistona australis*). Any fig trees approved for removal, pending Council's nominal notification period and the issue of relevant permits, are to be replaced with Cabbage Tree palms during the public domain works. The height and vigour of all such substitutes are to match other palms to be replanted as closely as possible.
4. The new locations for transplanted trees are to be agreed by Council, conforming to the Sydney Streets Design Code and Sydney Street Tree Master Plan where possible (refer to Council's Street Tree Master Plan for guidelines on spacing and appropriate placement of street trees).

5. All transplanting works are to conform to the work method detailed in the report 'Tree Transplanting Methodology Statement' dated August 2009, drafted by Dave Dooley. The proponent shall engage and retain a qualified arborist (AQF5) to undertake and complete all stages of the transplanting work in accordance with the approved transplanting plan.
6. In the event that one or some of the trees for retention die (despite best practices conforming to the approved transplanting plan), the developer must replace the lost palms on a one for one basis, with the same species of a similar height and health, prior to the release of the public domain works deposit.
7. All trees to be retained must be protected from mechanical damage due to hoardings erection or other construction activities. This protection includes the wrapping of trunks with several layers of hessian and fixed with tape or tie wire (not nailed or screwed) to and height that exceeds the eventual height of the hoardings; as well as judicious placement of the feet of the hoardings to keep them a minimum distance of 1 metre from any trunk. No excavation, demolition or other potentially negatively impactful activities are to be undertaken within 5 metres of any tree to be retained.

D22 RailCorp HV (11kV) Cable

No works are to take place around the RailCorp HV (11kV) cable located along both Pirrama Road and Jones Bay Road without prior written approval from RailCorp.

PART E - PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

E1 (A) Certification of Noise Mitigation Measures

Prior to the issue of an Occupation Certificate for any stage of the approved development, a report is to be prepared and submitted by a qualified acoustic engineer confirming that the development has been constructed in accordance with the recommendations of:

1. The Acoustic Assessment Report, prepared by ARUP, September 2008;
2. Addendum Report prepared by Acoustic Logic Consultancy dated August 2009; and
3. Acoustic Assessment Report prepared by AECOM dated 7 October 2010 as may be relevant to the completed works.

Reason: this condition to be updated on receipt of the WSP updated report.

E1 Noise Control - Plant and Machinery

Noise associated with the operation of any plant, machinery or other equipment on the site, shall not give rise to anyone or more of the following:

1. Transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.
2. A sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute.
3. Notwithstanding compliance with (1) and (2) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential property between the hours of 12.00 midnight and 7.00am.
4. Prior to issue of any Occupation Certificate a report is to be prepared and submitted by a qualified acoustic engineer confirming that the development has been constructed in accordance with the recommendations in the Acoustic Assessment Report prepared by ARUP, September 2008 and addendum provided by Acoustic Logic Consultancy, 14 August 2009.

Reason: This will be updated on receipt of acoustic report

E2 Accessibility

Prior to issue of an Occupation Certificate a certificate of compliance is to be prepared by an appropriately qualified person and submitted to the Certifying Authority confirming that the development complies with the recommendations in the Access Review Report (Morris Goding Accessibility Consulting, 10 September 2008).

Reason: This report will be replaced with the Accessibility Report prepared by McKenzie Group

E3 Fire Safety Certificate

A Fire Safety Certificate shall be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of the final Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the relevant authority and Council.

E4 Annual Fire Safety Statement

For any essential fire safety equipment, an Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the relevant authority initial Fire Safety Certificate is received.

E5 Road Damage

The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the Proponent/developer prior to the issue of the final Occupation Certificate.

E6 Waste Management

Prior to an Occupation Certificate being issued, the Certifying Authority must ensure that waste handling works have been completed in accordance with the Waste Management Plan; other relevant approval conditions; and any relevant Council policy.

E7 Food Premises

The construction, fit out and finishes or any proposed commercial food premises shall comply with Standard 3.2.3 of the Australian and New Zealand Standards Food Code under the Food Act 2003. All food preparation areas are to be inspected and certified by Council's Environmental Health Officers prior to use.

E8 Consolidation of allotments

The Switching Station allotment (Lot 121 DP 828957) is to be consolidated into the allotments comprising the Casino development. A plan of consolidation prepared by a registered surveyor and six (6) paper copies are to be submitted to Council prior to registration at the Lands and Property Information NSW (Department of Information and Land Management). Evidence of consolidation from the Lands and Property Information NSW shall be submitted to the consent authority and Council or the Principal Certifying Authority prior to the issue of an Occupation Certificate for the podium or hotel, whichever occurs first.

E9 Sydney Water

Prior to the issue of a relevant Occupation Certificate, a Section 73 Certificate is to be obtained from Sydney Water and shall be submitted to Council or the Principal Certifying Authority

E10 Traffic Management

1. Left In Left Out Only

Signage is to be erected to indicate that the porte cochere access and egress driveways are restricted to left in left out movements. The signage is to be erected within the property boundary and maintained in good order. Signage is required prior to the issue of an Occupation Certificate

2. Signage at Vehicle Egress

The following signs must be provided and maintained within the site at the point(s) of vehicular egress requiring drivers to:

- a) Stop before proceeding onto the public way; and
- b) "Give Way To Pedestrians" before crossing the footway; or compelling drivers to "Give Way To Pedestrians and Bicycles" before crossing a footway on an existing or identified shared path route.

E11 Public Domain Works Completion

An inspection of the works constructed on the public way will be undertaken by Council, and all identified defects must be rectified by the developer prior to the release of the Public Domain Works Deposit.

E12 Loading Dock Management Plan

The Proponent shall prepare a Loading Dock Management Plan outlining all management measures required to ensure the operation of the loading dock and loading bay located on Level B2 will not adversely impact on Sydney Bus' operations. This plan shall be prepared in consultation with Sydney Buses and to the satisfaction of the Director-General prior to the issue of an Occupation Certificate for the Multi Use Entertainment Facility.

E13 GFA Certification

A Registered Surveyor is to certify that the Gross Floor Area (GFA) of the Star City Complex prior to the issue of an Occupation Certificate for the Multi Use Entertainment Facility.

PART F - POST OCCUPATION & ON-GOING OPERATIONAL CONDITIONS

F1 No Speakers or Music Outside

Speakers must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain and outdoor terraces/decks/gaming areas, excluding the:

- a) Level 3 Outdoor Pool Deck area of the hotel development;
- b) Level 3 Pirrama Road Entertainment Deck, and;
- c) Level 1 Pirrama Road Outdoor Gaming Areas

Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

F1A Trial Use of Speakers and Music Outside

~~The use of speakers and amplified music in those outdoor areas identified in Condition F1(b) to F1(C) above is subject to a trial period which shall commence two years from the date of approval of MP08_0098 MOD 12.~~

~~The proponent shall notify Council and the Department in writing of the commencement of the trial period. Email notification to Council of the commencement of the trial period shall be sent to liquor@cityofsydney.nsw.gov.au.~~

~~**Note:** A modification application may be lodged to continue the trial period specified in this condition permanently. Provided the application to continue the trial period is lodged no earlier than 120 days before the end of the trial period and no later than 60 days before the end of the trial period, then the activity the subject of the application for extension may continue until such time as the application is determined.~~

Reason: *Speakers and music were installed on Pirrama Road Entertainment Deck and Level 1 Pirrama Road Outdoor Gaming Area under MP08_0098 Modification 12. They have operated under the limitations provided in conditions F1C and F1D. SEGL is not aware of any complaints being lodged with the Department in relation to the operation of these spaces or under condition F1G.*

Modification 14 is seeking to remove the trial period limitation to enable the use of the spaces.

The Noise Impact Assessment prepared by WSP/PB demonstrates the use of the spaces complies with the terms of condition F1C and F1D. The use of the Level 3 Pirrama Road Entertainment Deck and Level 1 Pirrama Road Outdoor Gaming Areas will permanently operate in accordance with conditions F1C and F1D. This condition is no longer relevant and can be deleted.

F1B Level 3 Outdoor Pool Deck

Operation of speakers at the Level 3 Outdoor Pool Deck areas of the hotel must be in accordance with the following:

1. The maximum allowable speaker output for playback of background music is to comply with the recommendations identified in the AECOM Noise Emissions Assessment dated 6 June 2012;
2. The speakers that are permitted to be installed to the Level 3 Outdoor Pool Deck area of the hotel development are limited to twelve Meyer Sound Miniature Speakers (MM-4XP) and two subwoofers. The location of the speakers is illustrated in plan titled 'Darling Pool Terrace';

3. Management/administrative measures to assist in reducing operation noise impacts are to comply with the Operational Noise Management Plan prepared by AECOM and dated 6 June 2012, and includes but is not limited to the following:
 - a) Restricting the number of patrons permitted on the pool deck to 200 in the 'Night-time' (midnight to 7.00 am) period;
 - b) The ELIAS system is not to be used during the 'Night-time' (midnight to 7.00 am) period;
 - c) No announcements are to be made during the 'Night-time' (midnight to 7.00 am) period, except in the case of an emergency; and
 - d) No DJ/live band/amplified music events are to commence during the 'Night-time' (midnight to 7.00 am) period.

F1C Level 3 Pirrama Road Entertainment Deck

~~During the trial period (Condition F1A),~~ Speakers and amplification equipment must be constructed and operated at the Level 3 Pirrama Road Entertainment Deck in accordance with all recommendations and performance parameters contained in the report entitled The Star – Pirrama Road External Entertainment Deck – Amplified Music Acoustic Assessment, prepared by Renzo Tonin and Associates and dated 8 May 2014. The use of the equipment must comply with the following:

1. The use of the Level 1 Pirrama Road Entertainment Deck must comply with maximum allowable noise levels outlined in Section 4.2 (Table 6) of abovementioned report;
2. Sound speaker noise levels from each speaker must comply with Section 5 (Table 7) of the report entitled The Star – Pirrama Road External Entertainment Deck – Amplified Music Acoustic Assessment, prepared by Renzo Tonin and Associated and dated 8 May 2014.
3. The use of speakers for the playing of live or recorded music is limited to between 7 am and 12 am.
4. There shall be no playing of amplified music or the use of speakers between 12 am and 7 am;
5. Music noise limits shall be controlled using a sound-pressure measurement/limiter device (e.g. CESVA LRF-04 and LRF-05 or APEX Argos and HERA) so that music noise levels will be controlled dependent on the overall noise generated by patron and music combined. Where an alternative sound system is proposed, it is recommended that the noise level be controlled by an electronic frequency dependant RMS limiting device (e.g. a Rane HAL, BSS Blu-16, Symetrix Jupiter 8 or MediaMatrix X-Frame 88); and
6. Management/administrative measures to assist in reducing operational noise impacts are to comply with the Operational Noise Management Plan entitled The Use of Speakers and Delivery of Music on the Pirrama Road External Entertainment Deck, The Star, prepared by Pure Projects and dated 8 May 2014.

Reason: *With the deletion of the trial period and condition F1A the reference in this condition to a 'trial period' and condition F1A should be deleted.*

F1D Level 1 Pirrama Road Outdoor Gaming Areas

During the trial period (Condition F1A), speakers and amplification equipment must be constructed and operated at the Level 1 Pirrama Road Outdoor Gaming Areas in accordance with all recommendations and performance parameters contained in the report entitled The Star – Pirrama Road Level 1 Unenclosed Gaming Areas Speakers and Music Assessment, prepared by Renzo Tonin and Associates and dated 8 May 2014. The use of the equipment must comply with the following:

1. The use of the Level 1 Pirrama Road Outdoor Gaming Areas must comply with maximum allowable noise levels outlined in Section 4.2 (Table 6) of the abovementioned report;
2. No PA (public address) announcements are permitted between 12 am and 7 am;
3. Only low level background music that is below existing ambient noise levels in the Level 1 Pirrama Road Outdoor Gaming Areas is permitted to be played between 12 am and 7 am;
4. The noise levels of the speakers and amplification equipment shall be controlled by an electronic dependant RMS limiting device (e.g. a Rane HAL, BSS Blu-16, Symetrix Jupiter 8 or MediaMatrix X-Frame 88) so that all noise emissions comply with the requirements of Condition F5; and
5. Management/administrative measures to assist in reducing operational noise impacts are to comply with the Operational Noise Management Plan entitled The Installation and Use of Speakers to Deliver Background Music and Announcements to the Level 1 Unenclosed Gaming Areas, The Star, prepared by Pure Projects and dated 8 May 2014.

Reason: *With the deletion of the trial period and condition F1A the reference in this condition to a 'trial period' and condition F1A should be deleted.*

F1E Monitoring

An appropriately qualified acoustic consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants must be appointed before the playback of music at the Level 3 Pirrama Road Entertainment Deck and Level 1 Pirrama Road Outdoor Gaming Areas commences and details of that appointment submitted to Council.

During the first 90 days of entertainment and use of outdoor speakers in those outdoor areas identified in Condition F1(a) to F1(c), the following acoustic measures must be undertaken:

1. The acoustic consultant must:
 - a) Measure and verify that the noise emanating from the premises complies with the noise criteria in Condition F5 Noise; and
 - b) If necessary, make recommendations to ensure that the noise emanating from the premises complies with the noise.
2. The noise measurements must be undertaken:
 - a) Undertaken without the knowledge of the applicant, manager or operator of the premises;
 - b) Taken on at least three different occasions on three different days of the week (excluding Monday, Tuesday and Wednesday) for a time period which is deemed suitable by the acoustic consultant to determine if noise emanating from the premises complies with the noise criteria in Condition F5 Noise; and

- c) Submitted to the City of Sydney Council, Health and Building Area Manager (West) within 7 days of the testing.
- 3. If the acoustic consultant recommends that additional treatment or works be undertaken under condition (a) (ii) above, those recommendations must be:
 - a) Submitted to the City of Sydney Council, Health and Building Area Manager (West) with the noise measurements as required in (b)(ii) above; and
 - b) Implemented to the acoustic consultant's and the Council's satisfaction within one (1) month of the date of the acoustic consultant's report.
- 4. If the acoustic consultant's recommendations are not implemented in accordance with this condition, the premises must not use/operate speakers in outdoor areas until such time as the recommendations are implemented and verified.

F1F Noise Limiters

Use of all amplification equipment must comply with the following:

- 1. All amplification equipment used on the pool deck must be controlled by a Root Mean Square (RMS) noise limiter, calibrated by an acoustic consultant in accordance with manufactures specification to ensure that resultant amplified sound complies with the Council's licensed premises noise criteria. The noise limited and any independent output adjustments on the speaker system must be tamper proof and only operable by the acoustic consultant.
- 2. All on-stage and front of house sound equipment must be controlled by noise limitation equipment as detailed in (a) above.
- 3. Access to noise limiter settings must be restricted to the Licensee or manager of the premises. The limiter settings/calibration levels must be available to Council officers upon request.
- 4. The Acoustical consultant must submit Certificate of Compliance to the Council to certify that the limiters are installed and calibrated to satisfy Council's noise criteria for the licensed venues.

F1G Complaints Handling

The Proponent shall operate a noise complaint handling procedure for the use of all outdoor speaker and amplification systems in accordance with the relevant Operational Environmental Management Plan (OEMP) including:

- 1. The OEMP prepared by AECOM and dated 6 June 2012;
- 2. The OEMP entitled The Use of Speakers and Delivery of Music on the Pirrama Road External Entertainment Deck, The Star, prepared by Pure Projects and dated 8 May 2014; and
- 3. The OEMP entitled The Installation and Use of Speakers to Deliver Background Music and Announcements to the Level 1 Unenclosed Gaming Areas, The Star, prepared by Pure Projects and dated 8 May 2014.

Should a noise complaint be received by Council and/or the Department that is substantiated, the speakers are to be decommissioned and music must cease until the noise emissions from the use of all outdoor speaker and amplification systems can comply with the noise criteria of Condition F5.

F2 Transport and Traffic

1. The recommendations of the Transport Impact Report and Supplementary Traffic Report submitted with the PPR are to be implemented including:
 - i. Reviewing and monitoring the performance of the Murray Street / Pyrmont Bridge Road intersection following completion of the project.
 - ii. Retaining and enhancing access to public transport facilities.
 - iii. The operation of the porte cochere is to be managed by staff attendants during special events and at peak times to ensure minimal queuing of vehicles and that pedestrian safety is maximised.

F3 Hours of Operation Outdoor Casino Areas/Outdoor Terraces

- ~~1. The hours of operation of the Level 1 outdoor casino area / unenclosed gaming area fronting Union Street are regulated as follows:~~
 - ~~a) The hours of operation must be restricted to between 7am and 10pm.~~
 - ~~b) Notwithstanding (1)(a) above, the use of the Union Street outdoor casino area may operate between 10pm and 12 midnight for a trial period of 12 months from the date of the Occupation Certificate for this area.~~
 - ~~c) A further application may be lodged to continue the trading hours outlined in (1)(b) above before the end of the trial period. The Department's consideration of a proposed continuation and / or extension of the hours permitted by the trial will include the performance of the operator in relation to the compliance with these conditions of approval, acoustic monitoring at nearby sensitive receptors, compliance with condition F5, any substantiated complaints received and views expressed by the NSW Police.~~
- ~~2. The hours of operation of the Level 1 outdoor casino areas/outdoor gaming areas fronting Pirrama Road are regulated as follows:~~
 - ~~a) The hours of operation must be restricted to between 7 am and 12 midnight;~~
 - ~~b) notwithstanding 2(a) above, the use of these outdoor casino areas/outdoor gaming areas may operate for 24 hours a day for a trial period of two years from the date of approval of MP08_0098 MOD 12.~~

Reason: *The area approved for outdoor gaming while constructed was never occupied for this use. D/2015/233 approved by the City of Sydney on 4 June 2015 provided for the conversion of this space to private indoor gaming rooms and smoking terraces. The above condition is no longer relevant and should be deleted.*

F4 Mechanical Plant and Equipment

Noise associated with mechanical plant and equipment associated with the approved works must not give rise to anyone or more of the following:

1. Transmission "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any affected receiver.

2. A sound pressure level at any affected receiver that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS 1055.

Note: The method of measurement of vibration being carried out in accordance with "Assessing Vibration: Technical Guidelines: - DEC (EPA) AS 1055 for sound level measurements.

F5 Noise

Noise caused by the approved use including music and other activities must comply with the following criteria:

1. The use must not result in the transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.
2. The L10 noise level emitted from the use must not exceed 5dB above the background (L90) noise level in any Octave Band Centre Frequency (31.5 Hz to 8kHz inclusive) between the hours of 7.00am and 12.00 midnight when assessed at the boundary of the nearest affected property. The background noise level must be measured in the absence of noise emitted from the use.
3. The L10 noise level emitted from the use must not exceed the background (L90) noise level in any Octave Band Centre Frequency (31.5 Hz to 8kHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of the nearest affected property. The background noise level must be measured in the absence of noise emitted from the use.
4. Notwithstanding compliance with (1) and (2) above, the noise from the use must not be audible within any habitable room in any residential property between the hours of 12.00 midnight and 7.00am.
5. The L10 noise level emitted from the use must not exceed the background noise level (L90) in any Octave Band Centre Frequency (31.5 Hz to 8kHz inclusive) by more than 3dB when assessed indoors at any affected commercial premises.

F6 Acoustic Review

Within 3 months of operation of the approved development an acoustic review, demonstrating compliance with the above conditions is to be submitted to the Department. The review is to include specific noise monitoring and testing at relevant times.

F7 Pirrama Road External Entertainment Deck

The number of patrons on the Pirrama Road external entertainment deck shall not exceed a maximum of:

1. 1,000 patrons between 7.00am and 12.00am; and
2. 600 patrons between 12.00am and 7.00am

F8 Public Domain Works

The hardscape works constructed on the public way must be maintained by the developer for a period of 12 months.'

F9 Loading Dock Management Plan

The Proponent shall implement the provisions of the Loading Dock Management Plan required under Condition E12 of this approval at all times.

Insert the following operational conditions from City of Sydney Consents

F10 Hours of Operation

- 1. The site operates on a 24hour 7 day per week basis, including the retail, food and beverage uses located within the food court subject to the following restrictions;**
 - a) The hours of operation are restricted to between 11.00am and 12 mid-night daily. ("Kampung" as shown on drawing number MOD14 – A9200 Issue B).
 - b) The indoor hours of operation must be restricted to between 7:00am and 2am the following day Monday to Sunday. ("Golden Century" as shown on drawing number MOD14 – A92B2 Issue B).
 - c) The outdoor hours of operation must be restricted to between 9:00am and mid-night Monday to Sunday. ("Golden Century" as shown on drawing number MOD14 – A92B2 Issue B).

F11 Hours of Operation - Sensitive Uses

The hours of operation must be restricted to between 7am and 12am Monday to Sunday ("Pizzaperta" as shown on drawing number MOD14 – A92B2 Issue B).

F12 Hours of Operation – Reviewable Condition

(Astral Hotel Level 05 Terraces as shown on MOD14 – A9205 Issue B)

The hours of operation for the premises are regulated by a reviewable condition as follows:

- a) The hours of operation of the Level 05 VIP Guest Terrace and Business Conference Terrace are restricted to between 10.00am and 10.00pm the following day Mondays to Sundays inclusive.

Reviewable extended hours

- b) Notwithstanding (a) above, the use may trade between 06.30am and 11.00pm Monday to Sunday subject to review.
- c) The extended hours may be reviewed by Council at any time during the trial period. Such a review will occur in the event that offensive noise as defined under the Protection of the Environment Act 1997 is being emitted from these terraces has occurred and has not been satisfactorily resolved following a written request from Council.

- d) The operator of the premises will be given 14 days written notice that a review of this condition will take place, and in that time may submit to Council any information they wish to be considered to support the continuation of the extended trading hours. Council's review will be notified in accordance with Schedule 1 of the Sydney Development Control Plan 2012 and will consider any submissions received following public notification and/or exhibition.
- e) Following the initial review, further reviews may be undertaken at Council's discretion providing that at least 14 days' notice is provided to the operator.

F13 Hours of Operation – Reviewable Condition

(Astral Hotel Level 05 Terraces as shown on MOD14 – A9205 Issue B)

The hours of operation for the premises are regulated by a reviewable condition as follows:

- a) The hours of operation of the Level 05 VIP Guest Terrace and Business Conference Terrace are restricted to between 10.00am and 10.00pm the following day Mondays to Sundays inclusive.

Reviewable extended hours

- b) Notwithstanding (a) above, the use may trade between 06.30am and 11.00pm Monday to Sunday subject to review.
- c) The extended hours may be reviewed by Council at any time during the trial period. Such a review will occur in the event that offensive noise as defined under the Protection of the Environment Act 1997 is being emitted from these terraces has occurred and has not been satisfactorily resolved following a written request from Council.
- d) The operator of the premises will be given 14 days written notice that a review of this condition will take place, and in that time may submit to Council any information they wish to be considered to support the continuation of the extended trading hours. Council's review will be notified in accordance with Schedule 1 of the Sydney Development Control Plan 2012 and will consider any submissions received following public notification and/or exhibition.
- e) Following the initial review, further reviews may be undertaken at Council's discretion providing that at least 14 days' notice is provided to the operator.

F14 Copy of Consent and Management Plan

A full and current copy of the Major Project Approval MP08_0098 and a current copy of the site wide Operational Management Plan and the Security Management Plan must be kept on-site and made available to relevant agencies upon request

F15 Signs/Goods in the Public Way

No signs or goods are to be placed on the footway or roadway adjacent to the property.

F16 Primary Use

The areas nominated as food and beverage on drawing numbers MOD14-A92B2 - A9200 Issue B, must be operated as a restaurant where the kitchen is to be open and meals to be available to patrons at all times.

F17 Plans of Management

A full and current copy of the Major Project Approval MP08_0098 and a current copy of the site wide Operational Management Plan and the Security Management Plan must be kept on-site and made available to relevant agencies upon request.

F18 Emissions

- a) The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.
- b) Gaseous emissions from the development must comply with the requirements of the Protection of Environment Operations Act, 1997 and Regulations. Uses that produce airborne particulate matter must incorporate a dust collection system.

F19 Ongoing Operation

("Oasis Unenclosed Gaming Area" as shown on MOD14-A9202 Issue B)

- a) All gaming machines in the UGA are to be turned to half volume to ensure compliance with the criteria for 12am to 6am. The sound pressure level in the UGA should not exceed 60dB(A) L10 in the absence of the noise associated with patrons.
- b) No music (apart from that associated with gaming machines) is to be played within the UGA.
- c) The UGA is to be isolated off from the main gaming area via automatic door closers.
- d) All facade elements, other than those that provide access to the UGA, are to be fixed closed.

F20 Ongoing Operation

("Pizzaperta" as shown on drawing number MOD14 – A92B2 Issue B)

- a) The playing of music to Pizzaperta is to include background levels only set to a maximum SPL within the internal restaurant space of 70 dB(A) with speakers facing away from the external dining area as required by the existing conditions of consent.
- b) The operation of Pizzaperta regarding all deliveries and waste removal is to operate within the existing controls and conditions of the Star.

F21 Patron Capacity

("Golden Century" as shown on drawing number MOD14 – A92B2 Issue B)

- a) The patron capacity for the premises shall not exceed 216 patrons, including indoor and outdoor dining areas.

F22 Maximum Capacity of Persons – Signage

("Golden Century" as shown on drawing number MOD14 – A92B2 Issue B)

- a) A sign must be displayed at the main entry point to the building in a prominent position stating the maximum number of persons that are permitted in the restaurant.
- b) The manager/licensee is responsible for ensuring the number of persons in the premises does not exceed that specified above.

Note: Clause 98D of the Environmental Planning and Assessment Regulation 2000 requires a sign specifying maximum number of persons permitted in the building to be displayed in a prominent position for the following types of premises:

F23 Maximum Capacity of Persons – Signage

("Golden Century" as shown on drawing number MOD14 – A92B2 Issue B).

- a) A sign must be displayed at the main entry point to the building in a prominent position stating the maximum number of persons that are permitted in the restaurant.
- b) The manager/licensee is responsible for ensuring the number of persons in the premises does not exceed that specified above.
- c) Note: Clause 98D of the Environmental Planning and Assessment Regulation 2000 requires a sign specifying maximum number of persons permitted in the building to be displayed in a prominent position for the following types of premises:

F24 Occupant Capacity

(The Star Buffet as shown on MOD14 – A9201 Issue B)

In accordance with Clause 98(D) of the Environmental Planning and Assessment Regulation 2000 the following sign, in letters not less than 25mm in height must be fixed alongside the Licensee's name at the main entrance to the premises:-

Maximum Number of Persons Permitted

Lower Ground Floor Level

Restaurant (incl staff) - 505 persons

F25 Maximum Capacity of Persons

(Oasis Unenclosed Gaming Area as shown on MOD14-A902 Issue B)

- a) The maximum number of persons (including staff, patrons and performers) permitted on the unenclosed gaming area at any one time is 91 persons.
- b) The capacity for the unenclosed gaming area shall not exceed the maximum numbers at any given time.
- c) The manager/licensee is responsible for ensuring the number of persons does not exceed that specified above.
- d) A sign in letters not less than 25mm in height must be fixed at the main entry point to the premises alongside the Licensee's name stating the maximum number of persons, as specified in the development consent, that are permitted in the building. Details of the sign are to be submitted to Council's Health and Building Unit for approval prior to issue of a Construction Certificate.

Note: Clause 98D of the Environmental Planning and Assessment Regulation 2000 requires a sign specifying maximum number of persons permitted in the building to be displayed in a prominent position for the following types of premises:

- i. entertainment venue,
- ii. function centre,
- iii. pub,
- iv. registered club,
- v. restaurant.

F26 Occupant Capacity

("Pizzaperta" as shown on drawing number MOD14 – A92B2 Issue B)

In accordance with Clause 98(D) of the Environmental Planning and Assessment Regulation 2000 the following sign, in letters not less than 25mm in height must be fixed alongside the Licensee's name at the main entrance to the premises:-

Maximum Number of Persons Permitted

Lower Ground Floor Level

Restaurant 250 patrons

Modification 14 seeks an extension of time for the marquee to allow for use of the marquee until construction works commence on the sky terrace under Modification 14. There are no additional impacts associated with the use of the marquee which simply acts as weather protection. We propose to modify the condition and incorporate into MP08_0098 as follows;

F27 Maximum Capacity

(Astral Hotel Level 5 Terraces as shown on MOD14-A9205 Issue B)

- a) The maximum occupancy capacity (including staff, patrons and performers) is restricted to:
 - i. VIP Lounge Terrace: 175 persons
 - ii. Business Conference Terrace: 48 persons
- b) The capacity for the terraces shall not exceed the maximum numbers at any given time.
- c) The manager/licensee is responsible for ensuring the number of persons does not exceed that specified above.
- d) A sign in letters not less than 25mm in height must be fixed at the main entry point to the premises alongside the Licensee's name stating the maximum number of persons, as specified in the development consent, that are permitted in the building. Details of the sign are to be submitted to Council's Health and Building Unit for approval prior to issue of a Construction Certificate.

Note: Clause 98D of the Environmental Planning and Assessment Regulation 2000 requires a sign specifying maximum number of persons permitted in the building to be displayed in a prominent position for the following types of premises:

- i. entertainment venue,
- ii. function centre,
- iii. pub,

- iv. registered club,
- v. restaurant.

F28 Use of Temporary Marquee (Over Sky Terrace)

- a) The use of the marquee must remain consistent with the conditions imposed on the use of the Sky Terrace in accordance with the Major Project approval 08_0098, as modified.
- b) The marquee must be removed from the Sky Terrace no later than 30 June 2017 upon commencement of works approved under Modification 14 which allow for the removal of the sky terrace.

F29 Signage

F29 (a) Signage Dimensions:

The length of the artwork/signage is to be a maximum of 14.2m. The individual lettering of the artwork/signage is to be between 1.1m and 1.96m in length, and a maximum width and height of 0.6m and 2.0m respectively

F29 (b) Sign Illumination: (SOKYO)

At no time is the intensity, period of intermittency and hours of illumination of the signs to cause objectionable glare or injury to the amenity of the neighbourhood and as such, must be designed, installed, and used in accordance with AS4282-1997 Control of Obtrusive Effects of Outdoor Lighting and the sign illumination must not flash.

F29 (c) Jones Bay Road Building Illumination: (MUEF and LIFT Car lighting)

Approval is not granted for the illumination of the north western (Jones Bay Road) facade of the MUEF building.

F29 (d) Hours of Operation – (MUEF Building and Lift Cars (Astral Hotel))

- a) The hours of building illumination are restricted to between 5.00pm and 7.00am, Monday to Sunday and between 6.00pm and 6.00am, Monday to Sunday during daylight saving.
- b) The following dimming schedule is to be implemented:

	Vertical Walls	Sloping Ceilings
Monday to Thursday Dimming Levels		
5:00pm – 11:00pm (6:00pm – 11:00pm during daylight saving)	100%	50%
11:00pm – 12:30am	50%	35%
12:30am – 7:00am (12:30am – 6:00am during daylight saving hours)	50%	25%
Friday to Sunday and Public Holidays Dimming Levels		
5:00pm – 11:00pm (6:00pm – 11:00pm during daylight saving)	100%	25%
11:00pm – 12:30am	80%	40%
12:30am – 7:00am (12:30am – 6:00am during daylight saving hours)	65%	33%

F29 (e) Building Illumination: (MUEF Building and Lift Cars)

- a) At no time is the intensity, period of intermittency and hours of illumination of the lighting to cause disruptive glare or injury to the amenity of the neighbourhood and as such must be designed, installed and used in accordance with AS4282-1997 control of obtrusive effects of outdoor lighting.
- b) The colour scheme is to omit colours having a blue wavelength.
- c) The building illumination must not flash. The change in colour scheme must be of a gradual transition.

- d) All luminaries are to be provided with a pre-programmed automatic dimming cycle with a capability of achieving a minimum dimming to 25%. If it is substantiated that the lighting is disruptive to residents in the vicinity of the site, the identified disruptive luminaries are to be further dimmed down to 25% during hours of operation.

F29 (f) Plan of Management: (MUEF Building and Lift Cars)

The use must always be operated/managed in accordance with the External Lighting Management Plan Revision 2 dated 9 August 2011 prepared by Meinhardt.

Reason: This plan of management as approved by the Department as part of Modification 7 and operates onsite. This report has been included in Condition A3 of MP08_0098 Project Approval.

F29 (g) Sign Illumination – (The Star Letters)

At no time is the intensity, period of intermittency and hours of illumination of the sign to cause objectionable glare or injury to the amenity of the neighbourhood and as such must be designed, installed and used in accordance with AS4282-1997 control of obtrusive effects of outdoor lighting.

The signage must not flash.

ADVISORY NOTES

AN1 Use of Mobile Cranes

The Proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding of the site, prior to the commencement of works. In particular, the Proponent shall ensure the following matters are complied with:

- for special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council.
 - a. At least 48 hours prior to the works for partial road closures which, in the opinion of council will create minimal traffic disruptions
 - b. At least 4 weeks prior to works for full road closures and partial road closures which, in the opinion of council, will create significant traffic disruptions
 - c. The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval from council.

AN2 Movement of Trucks Transporting Waste Material

The Proponent shall notify the Roads and Traffic Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

AN3 Noise Generation

Any noise generated during the construction of the development shall not exceed the limits specified in any relevant noise management policy prepared pursuant to the Protection of the Environment Operations Act 1997, or exceed approved noise limits for the site.

AN4 Disability Discrimination Act

This application is to comply with the Disability Discrimination Act 1992. The Proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2,3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.