



Planning &
Environment

**MODIFICATION REQUEST:
Star Casino Complex and Switching
Station
Union Street/Pymont Road, Pymont
MP08_0098 MOD 14**



Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979

September 2017

ABBREVIATIONS

CIV	Capital Investment Value
Commission	Planning Assessment Commission
Council	City of Sydney Council
Codes SEPP	State Environmental Planning Policy (Exempt and Complying Development Codes (2008)
CNVMP	Construction Noise and Vibration Management Plan
CPTMP	Construction Pedestrian and Traffic Management Plan
Department	Department of Planning & Environment
DPI	Department of Primary Industries
EA	Environmental Assessment prepared by Urbis Pty Ltd dated September 2016
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
GFA	Gross floor area
HHR	Harbour heat rejection system
ILGA	Independent Liquor and Gaming Authority
LEP	Local Environmental Plan
MIA	Marine Impact Assessment
Minister	Minister for Planning
NIA	Noise Impact Assessment
RMS	Roads and Maritime Services
RtS	Response to Submissions Statement prepared by Urbis Pty Ltd dated May 2017
Secretary	Secretary of the Department of Planning and Environment, or her delegate
SEGL	Star Entertainment Group Limited
SELS	Sydney Electric Light Station Building
SEARs	Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SIA	Social Impact Assessment
TfNSW	Transport for NSW
TIS	Traffic Impact Statement
UGA	Unenclosed gaming area

Cover Photograph: Source Proponent's EA

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EXECUTIVE SUMMARY

This report is an environmental assessment of a Modification to an existing Major Project Approval at the Star City Casino (Star Casino) at Pymont, pursuant to section 75W of the *Environmental Planning and Assessment Act 1979*.

Star Entertainment Group Limited (the Proponent) is seeking approval for a range of upgrades, including additional gaming floor space, increased retail, food and dining uses, building design changes to the porte-cochere, hotel lobby and transportation drum, as well as various other internal and infrastructure upgrades. The proposal will result in a five per cent increase in floor space and an overall gross floor area of 139,998 square metres.

The proposal also seeks to consolidate, reconcile and update plans for the Star Casino under the Major Project Approval (MP08_0098), incorporating approved and completed works and gaming related consents approved by the City of Sydney Council (Council).

Further, the proposal seeks to enable a range of minor works to the building which would be undertaken without further approval, establish a cumulative noise management framework, allow 24-hour construction for minor internal works, extend trial periods on various gaming areas and use of outdoor speakers and other administrative amendments.

The proposal was exhibited for 30 days from 3 November 2016 until 2 December 2016. The Department received three submissions from the public (one in objection, one proving comments and one in support) and six submissions from public authorities, including Council. Council initially objected to the proposal, but withdrew its objection following refinements to the proposal in the Proponent's Response to Submissions (RtS). An additional five submissions were received from public authorities in response to the RtS.

The key issues raised in submissions include the consolidation of plans and gaming-related consents, the exemption for minor works, amenity impacts, traffic, parking and servicing and social impacts.

The Department has considered the above issues in its assessment along with the issues raised in submissions and the Proponent's RtS.

The proposed consolidation of plans, consents and exemptions for minor works have been reviewed by both Council and the Department to ensure a consistent approach to the management of the site. The Department is satisfied the consolidation of gaming related consents and plans will provide a more transparent planning framework for further clarity to both the Proponent and for future compliance of operations at the site.

The proposed schedule of minor works, which will be undertaken without the need for further approval is reasonable where those minor works are wholly contained within the site, clearly defined and of minimal environmental impact.

The proposed works are largely internal and do not involve any new uses than those already approved and operating on the site. The intensification of uses, including gaming floor area, has been assessed and considered unlikely to cause any significant amenity impacts on the surrounding area. Noise impacts will be measured and managed cumulatively to ensure the overall noise generated by all uses within the site do not adversely affect the surrounding area. The Department notes the existing operational management plan of gaming floor areas is appropriate to effectively manage social impacts associated with the minor increase in patron numbers, due to the additional gaming floor area.

The Department concludes the proposed works will improve the functioning of the Star Casino and ensure the Proponent can deliver and maintain the Casino at a first-class standard. The proposal is in the public interest and the Department recommends it be approved, subject to conditions.

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1. BACKGROUND

1.1 Introduction

The purpose of this report is to provide an assessment of a Section 75W modification application seeking to modify the Major Project Approval for the Star Casino, Pyrmont (MP08_0098).

Star Entertainment Group Limited (the Proponent) seeks approval for alterations to existing facilities including additional gaming floor space, increased retail, food and dining uses, building design changes to the porte-cochere, hotel lobby and transportation drum, as well as various other internal and infrastructure upgrades.

The proposal also seeks to consolidate, reconcile and update plans for the Star Casino under the Major Project Approval and enable a range of minor works to the building which would be undertaken as complying works, without further approval. Further, the proposal seeks to establish a cumulative noise management framework, allow 24-hour construction for minor internal works, extend trial periods on various gaming areas and use of outdoor speakers and other administrative amendments.

1.2 The site

The subject site is located at 20-80 Pyrmont Road on the western side of Darling Harbour and is bound by Edward Street, Pyrmont Street, Union Street, Pirrama Road and Jones Bay Road, Pyrmont (**Figure 1**). The site is located within the City of Sydney local government area.



Figure 1: Site Location (Source: Proponent's EA)

The site is irregular in shape and has a total area of 39,206 m². It comprises Star Casino and the Darling Hotel (**Figure 2**).

The site is legally described as Lot 500 DP 1161507, Lots 301 and 302 DP 873212, Lot 211 DP 870336, Lot 201 DP867855 and Lot 1 DP 867854. The site is leased by a subsidiary of the Proponent

from the Independent Liquor and Gaming Authority (ILGA). The Proponent is the operator of the Star Casino and has a license valid until year 2093.

Existing facilities on the site include a multi-storey entertainment facility, retail, gaming areas, restaurants and bars, the Sydney Lyric Theatre, 480 hotel rooms/serviced apartments across three towers and basement parking for up to 2,845 cars. The site also contains the former Pyrmont Power Station Administration Building (also referred to as the Sydney Electric Light Station Building (SELS)), a local heritage item fronting Pyrmont Street (**Figure 2**).

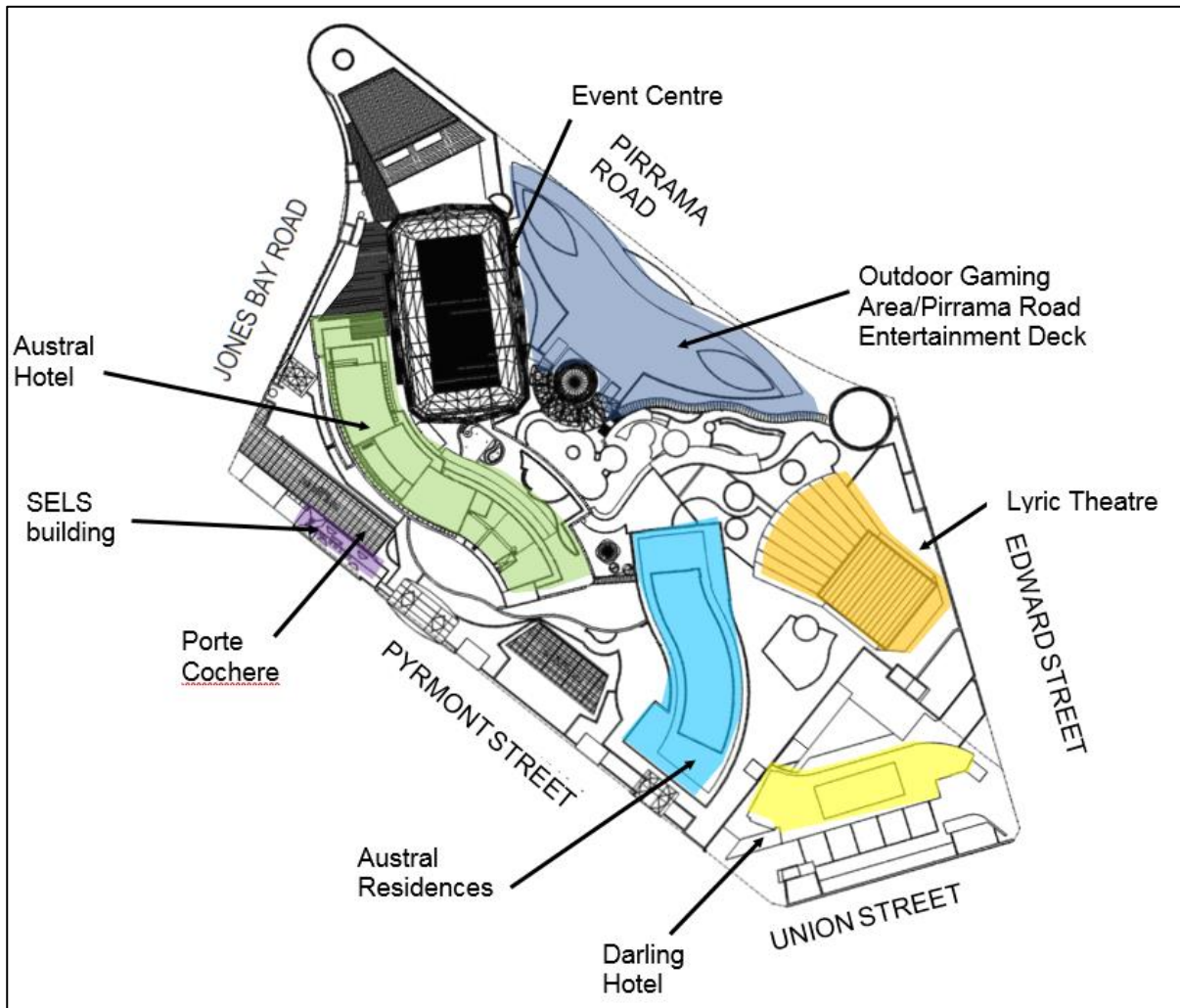


Figure 2: Key elements of the existing development within the Star (Source: Proponent's EA)

1.3 Surrounding development

The immediate locality is varied in terms of land use mix, built form and character. Key features of the immediate and broader locality include:

- mixed use retail and commercial uses (office) on the opposite side of Edward Street to the south-east
- a mix of low scale office buildings, heritage listed pubs and terrace buildings fronting Union Street to the south
- low scale residential buildings within ground level retail/commercial uses fronting Pyrmont and Union Street to the south and west.

The site is located within walking distance of Darling Harbour and the Sydney CBD and accessible via light rail which operates 24 hours/7 days between the Star Casino and Central Station. The site is within the visual catchment of western parts of the Sydney CBD.

1.4 Related approvals and development consents

On 9 December 1994, the then Minister for Planning approved a development application (DA No. 33/94) for a permanent casino and entertainment complex, including a hotel, serviced apartments, theatres, restaurants, bars, car parking and associated facilities.

On 27 January 2009, the then Minister for Planning approved a Part 3A major project application (MP 08_0098) for alterations and additions to the Star City Casino and Entertainment Complex and the Darling Hotel Development. The approval consisted of the following elements:

- the construction of a 10 storey hotel above podium
- additional basement car parking
- redevelopment of the retail arcade through the ground floor level of the complex
- redevelopment of the eastern (Pirrama Road) frontage of the Casino building to contain additional restaurants, retail outlets, gaming space, and a new entry and driveway
- works to the exterior of the existing Casino tower buildings.

The approval has been modified 12 times since 2009, see **Appendix C** for a full list and summary of the previous modifications.

On 9 February 2016, the Department issued Secretary's Environmental Assessment requirements (SEARs) for Modification 13 (MOD 13) which proposes a new hotel and residential tower and associated alterations and additions involving both internal and external works. The Proponent's environmental assessment for MOD 13 has not yet been publicly exhibited.

A range of internal and external alterations and additions to the Star Casino have also been undertaken in accordance with approvals issued by the City of Sydney Council (Council), who has issued a total of 52 development consents since 2009. These approvals relate primarily to minor works and alterations and include:

- temporary events on site
- commercial fit outs
- refurbishment and reconfiguration of internal areas
- replacement of existing signage
- alterations and additions to the Astral Hotel and residence.

2. PROPOSED MODIFICATION

2.1 Modification description

The proposal, as exhibited, originally sought approval to:

- increase the gross floor area (GFA) by 6,633 square metres (m²) (to a total of 139,998 m²) including an expansion to the gaming floor space and pre-function space on Level 3
- modify parts of Levels B4, B2, 00, 1, 4 and 5 to upgrade gaming areas, food and beverage offerings, infrastructure, access and circulation spaces to enhance the operation of the Star Casino
- consolidate existing approved plans and conditions, including development consents granted by Council
- continue 24-hour operation of certain spaces and use of speakers on a permanent basis
- allow 24-hour construction works internal to the building
- allow minor works to be carried out without further approval.

The proposal, as refined in the Proponent's Response to Submissions (RtS), is described in detail below.

2.1.1 Proposed upgrades and internal refurbishment works

The proposal includes upgrades and internal refurbishment works which as outlined in **Table 1** and shown in **Figures 3** and **4**.

Table 1: Summary of Upgrade and internal works proposed

Level	Detail	GFA (+/- m ²)	Total GFA (+/- m ²)
Basement (B1, B2 B4):	<ul style="list-style-type: none"> • Upgrade the harbour heat rejection pumping system, piping, storm water filtration • upgrade diesel storage and replacement of diesel storage tanks • structural works, including eight new columns • addition of 29 bicycle spaces. 	-	-
Ground Floor (Level 00)	<ul style="list-style-type: none"> • Realignment and upgrades to the porte cochere (covered vehicular access facing Pyrmont Street) • upgrades to the Astral hotel lobby and lobby bar • back of house and loading dock upgrades • Astral lobby retail zone, a new retail zone from the Astral lobby to Jones Bay Road • internal refurbishment to the SELS facilities, upgrades to the retail space facing Jones Bay Road and the installation of external lighting • new café (Darling Café) within the existing Darling Hotel Lobby • new escalators from Level 00 to Level 01, walk up bar and entry to back of house. 	+542	26,025
Level 01	<ul style="list-style-type: none"> • Extension to main gaming floor area to provide additional unenclosed gaming area (UGA) through a slab infill over the existing foyer facing Pirrama Road. 	+214	27,040
Level 02	<ul style="list-style-type: none"> • New outdoor smoking terrace adjacent to the Oasis UGA fronting Pyrmont Street and located above the existing access off Jones Bay Road within the porte cochere • removal of glazing sections from existing glass canopy above the smoking terrace and construction of ceiling over a portion of UGA. 	+96	13,208
Level 03	<ul style="list-style-type: none"> • Sovereign Gaming area expansion, including additions to indoor/outdoor gaming areas, food and beverage areas, through an extended roof over the existing entertainment deck. Glazing will be utilized to enclose the space fronting Pirrama Road • works to accommodate a temporary UGA while works are being undertaken on the permanent UGA • event centre – expansion to the existing pre-function space, through enclosing an area on the northwest corner facing Jones Bay Road. 	+6,005	17,509
Vertical Transportation	<ul style="list-style-type: none"> • New escalators from Level 00 to Level 03. 	N/A	
Level 04	<ul style="list-style-type: none"> • Reduction in GFA currently utilised for Jade Salon • refit of the existing administrative offices within Astral Residences tower. 	-285	3511
Level 05	<ul style="list-style-type: none"> • New VIP and Astral residences lobby and check in through conversion of existing spaces. • conversion of a business centre and terrace back to its previous as eight hotel rooms in the Astral Hotel. 	+61	5884
Total		+6,633	139,998

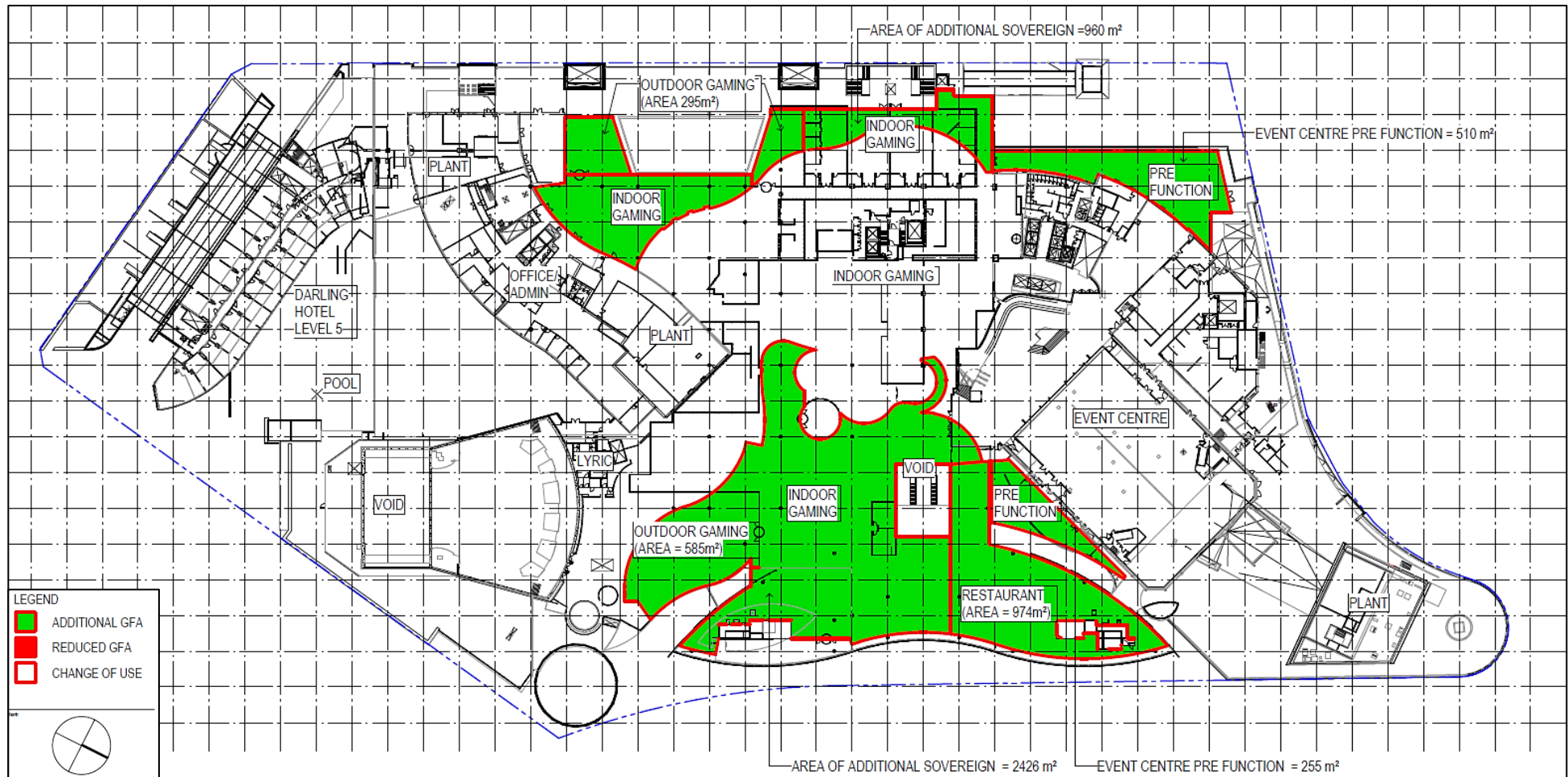


Figure 3: Proposed extended gross floor area (in green) on Level 03 providing additional gaming floor area and food and beverage offerings (Source: Proponent's EA)

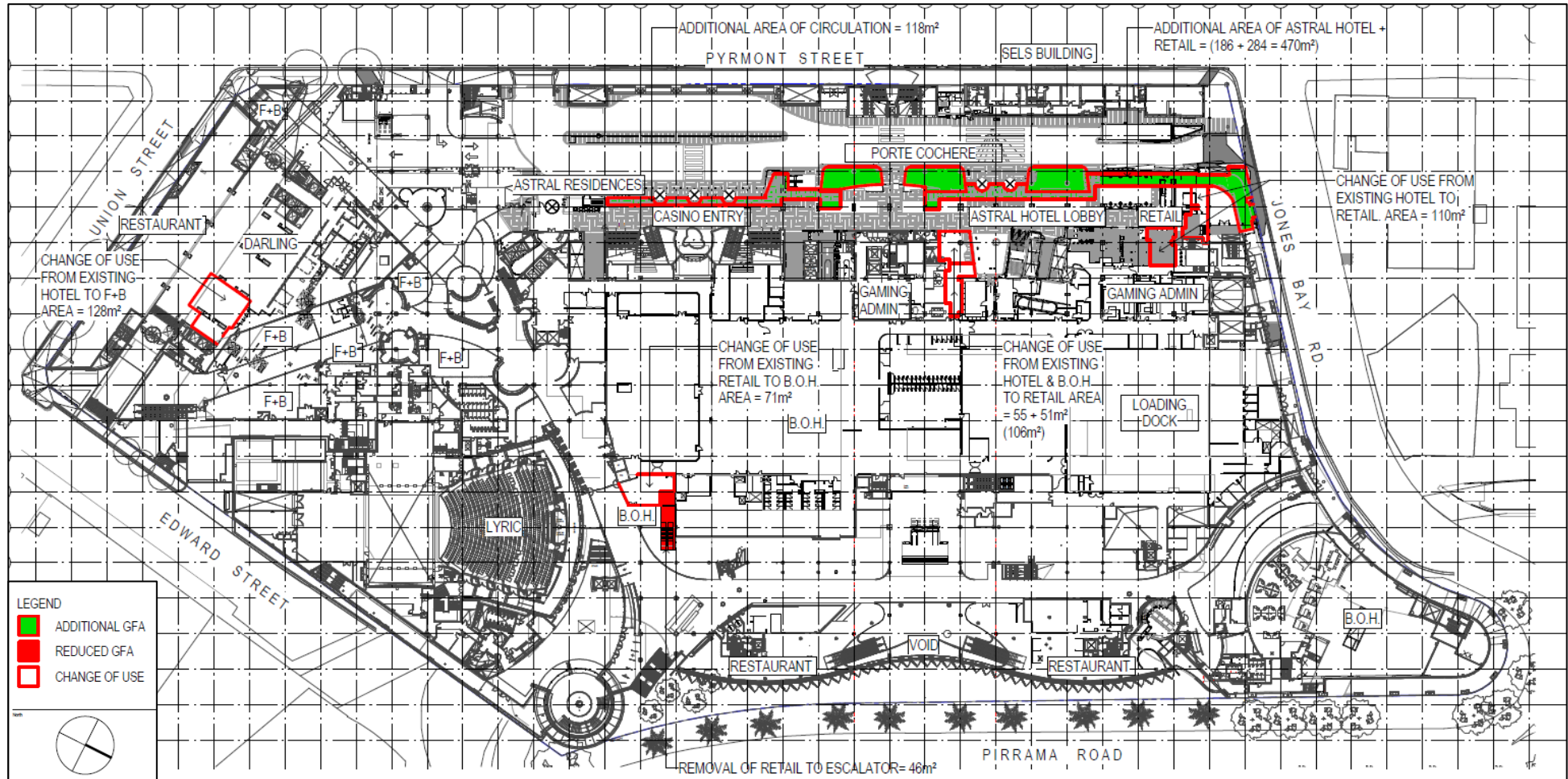


Figure 4: Proposed additional floor area (in green) on the ground floor as a result of an extension to the glass frontage to the porte cochere (Source: Proponent's EA)

2.1.2 Incorporation of Council Consents

The proposal seeks to consolidate the relevant operative provisions of five development consents issued by Council in relation to gaming areas into the Major Project Approval. The existing Council consents are proposed to be surrendered. The five development consents include:

- D/2015/233 – Darling VIP gaming – private indoor gaming rooms and smoking terraces (facing Union Street)
- D/2015/1515 - Northwest gaming works involves extension of gaming area over porte cochere (Pymont Street)
- D/2015/1072 - Oasis unenclosed gaming area adjacent to Pymont Street
- D/2012/843 - Oasis Gaming Room - works to install new glazed partitioning, access doors and reconfigure Oasis Gaming room
- D/2013/1975 - Sovereign room alterations - minor alterations and additions to sovereign room.

Associated operational conditions proposed to be inserted into the Major Project Approval include hours of operation, updated plans of management, maximum patron capacities, requirements for operational management and security.

The modification application also seeks to incorporate a consolidated set of existing plans of the Major Project Approval which identify the development as constructed in accordance with these, and all other consents issued by Council. The effect of this would be to allow the minor works exception (discussed in **Section 2.1.3**) to apply consistently to the whole of the Star Casino.

2.1.3 Exemption for minor works

The Proponent seeks to insert a condition and a 'schedule of minor works' into the Major Project Approval which will allow a range of 'minor works' to be undertaken without further approval including:

- construction of access ramps
- installation of aerials, antennae and communication dishes
- installation of air conditioning units
- construction or installation of awnings, blinds and canopies
- emergency work and temporary repairs
- installation of hot water systems
- landscaping structures, other than a retaining wall
- mobile food and drink outlets
- pathways and paving (internal to the site)
- sculptures and artworks
- water features and ponds
- internal advertising and signage within an area enclosed by any building on-site
- temporary uses and structures including
 - scaffolding, hoardings and construction site fences
 - builders' structures
 - filming, including temporary structures, alterations or additions to buildings for filming purposes
 - tents, marquees or booths used for filming, private functions or community events
 - stages or platforms for private functions or community events
- internal building alterations, including internal retail or food and beverage shop fronts
- minor external building alterations
- installation or alternation of mechanical ventilation systems
- construction of skylights and roof windows
- construction of driveways, hard stand spaces, pathways and paving internally to the site, including the porte cochere, internal service road, drop off areas and car park entries
- demolition of any minor works

- relocation of gaming, hotel, food and beverage and entertainment floor space within the building, with no changes to external spaces, no new openings in the building, no increase in GFA or total gaming floor space and no change to fire egress.

2.1.4 Other amendments

The proposal seeks approval for other amendments including:

- introduce a cumulative noise management criteria (Condition F5)
- 24-hour internal construction works (Condition D11)
- a further trial period of two years for the use of speakers and playing of music on the Level 3 entertainment deck and the Level 1 Pirrama Road UGA (Conditions F1A, F1C and F1D)
- a further trial period of two years for the 24-hour operation of specific gaming areas consolidated into the Major Project Approval from Council's consents
- other administrative changes to conditions including:
 - update the development description and the relevant set of development plans (Conditions A1-A3)
 - update the required development and affordable housing contributions because of increased GFA on the site (Condition B12 and B13)
 - further regulation of mechanical ventilation on site (Condition B16)
 - delete conditions relating to works already completed or no longer planned (Condition A6 and F3).

3. STATUTORY CONTEXT

3.1 Continuing operation of Part 3A to modify Project Approvals

In accordance with clause 3 of Schedule 6A of the EP&A Act, section 75W of the EP&A Act as in force immediately before its repeal on 1 October 2011, and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and the associated regulations and the Minister for Planning (or delegate) may approve or disapprove the modifications under section 75W of the EP&A Act.

3.2 Modification of the Minister's Approval

Section 75W(2) of the EP&A Act provides that a Proponent may request the Minister to modify the Minister's approval for a project. The Minister's approval of a modification is not required if the project, as modified, would be consistent with the original approval. As the proposed modification seeks to amend the approved GFA, uses and layout of the site and alter conditions of approval, the modification requires the Minister's approval.

3.3 Secretary's Environmental Assessment Requirements

Section 75W(3) of the EP&A Act provides the Secretary with scope to issue Environmental Assessment Requirements (SEARs) that must be complied with before the matter will be considered by the Minister. SEARs were not issued for this modification as the Proponent has addressed the key issues that relate to the proposed modification in the modification request.

3.4 Environmental Planning Instruments

The Department has reviewed the relevant environmental planning instruments (EPIs) that apply to the development including:

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy 55 – Remediation of Land
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Code SEPP)

- Sydney Local Environmental Plan 2012 (Sydney LEP 2012).

The Department's review concludes the proposed modification is consistent with the relevant provisions of these EPIs.

3.5 Delegated Authority

In accordance with the Minister for Planning's delegation to determine section 75W applications, signed on 16 February 2015, the Executive Director, Key Sites and Industry Assessments may determine this application as:

- the relevant Council has not made an objection, and
- a political disclosure statement has been made, but only in respect of a previous related application, and
- there are less than 10 public submissions in the nature of objections.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

In accordance with section 75X(2)(f) of the EP&A Act, the Department publicly exhibited the modification for 30 days from 3 November 2016 until 12 December 2016 on the Department's website, at the Department's Information Centre and at Council's offices.

The Department placed a public exhibition notice in the *Central Courier* on 2 November 2016 and notified landowners and relevant State and local public authorities in writing.

The Department received a total of nine submissions in response to the exhibition, including six submissions from public authorities and three from the general public, including one objection. A summary of the issues raised in submissions is provided below.

4.2 Public Authorities

The Department received six submissions from public authorities. A summary of the comments made in submissions is provided in **Table 3**.

Table 3: Summary of public authority submissions to the modification request

City of Sydney (Council)
Council objects to the proposed consolidation of City of Sydney development consents into the Major Project Approval. Council also noted that it did not support the proposed exemptions for future minor works and removal of trial periods. Council also provided comments in relation to: <ul style="list-style-type: none"> • 24-hour internal construction work • landscaping and public domain • traffic, loading and bicycle parking • marine impacts • heritage • other matters including the new retail zone fronting Jones Bay Road, the porte cochere, external lighting, internal demolition works and the water feature.
Transport for NSW (TfNSW)
TfNSW does not object to the modification. However, it requested the following: <ul style="list-style-type: none"> • a detailed Parking and Loading Bay Management Plan, including details on how the Pyrmont Parking Guidance System can be improved • increased parking for large private buses and mechanisms to avoid parking on Pirrama Road • further information on the redesigned porte cochere • a Construction Pedestrian and Traffic Management Plan.

Roads and Maritime Services (RMS)
RMS does not object to the modification. However, it requested a Construction Traffic Management Plan to be reviewed by RMS and the Sydney CBD Co-ordination office.
Sydney Water
Sydney Water does not object to the modification and provided the following comments: <ul style="list-style-type: none"> • approved plans must be submitted to the Sydney Water Tap In service to determine any impact on assets or easements • a Section 73 Compliance Certificate from Sydney Water is required.
Heritage Council
The Heritage Council does not object to the modification but provided comments on the proposed works including: <ul style="list-style-type: none"> • alterations to the SELS building should not compromise the integrity of the façade • external lighting must be consistent with the recommendations of the Heritage Impact Statement and approved by a heritage consultant • glazed balustrade to be clear or dark (not green) • the need for additional information and/or refinement to the design of the glazed roof top addition and the proposed water feature.
Department of Primary Industries (DPI)
DPI does not object to the modification but requested: <ul style="list-style-type: none"> • an assessment of impacts to groundwater hydrology and quality • confirmation of no tunnelling, contamination of groundwater or re-injection of water or waste into acquirers or any aquifer interface.

4.3 Public Submissions

Three public submissions were received, including two submissions from local residents and a submission from the Tourism and Transport Forum Australia:

- one submission objected to the proposed relocation and enclosure of the pre-event function space facing Jones Bay Road, raising concerns of privacy, security, noise and light impacts, lack of information on the operation and use of the proposed space and associated environmental and financial impacts to mitigate these impacts on their property
- one submission raised concerns in relation to the roof finish, noise impacts from the nightclub, restaurant exhaust and odours and future use of the new roof space
- Tourism & Transport Forum Australia supports the proposal noting the contribution the Star Casino makes to the broader tourism industry in attracting visitors and maintaining Sydney's internationally competitive and integrated resort offering.

4.4 Response to Submissions/Preferred Project

The Proponent submitted a Response to Submissions (RtS) which provided the following refinements:

- temporary outdoor gaming space 'sovereign swing space' on Level 03
- conversion of office facilities back to hotel rooms
- additional structural works
- additional bicycle spaces
- amended loading dock plan and traffic assessment
- refinements to the consolidation of council consents and exemption to minor works
- revised landscaping and public domain plans.

The Department placed the RtS on its website and notified Council and all public authorities. Five public authority submissions and no further public submissions were received in response. Comments provided by public authorities are summarised in **Table 4**.

Table 4: Public authority submission to the RtS

Council
Council advised it agreed with the consolidation of gaming related consents and no longer objects to the modification subject to amendment of the Schedule of Minor Works for predominantly internal works only and the proposed reference to the Secretary's consideration be removed. Council also provided comments and recommended conditions of approval in relation to: <ul style="list-style-type: none"> • protection of the heritage fabric of the SELS Building • extension of public domain works • the water rating for urinals • the green roof to be designed in conjunction with Council's ecologist.
DPI
DPI advised: <ul style="list-style-type: none"> • the RtS adequately addresses matters previously raised • a Construction Environmental Management Plan (CEMP) and Operational Environmental Management Plan should be prepared in consultation with DPI.
Heritage Council
The Heritage Council advised all comments raised previously are adequately addressed and recommended the construction management plan be updated to include detailed procedures to protect significant fabric. The protection procedures should be reviewed by a qualified heritage consultant.
Independent Liquor and Gaming Authority (ILGA)
ILGA advised it had reviewed the documents and has been briefed by the Star Casino and has no comment to make on the application.
TfNSW
TfNSW requested the following management plans to be provided in consultation with the Sydney Coordination Office of TfNSW: <ul style="list-style-type: none"> • a Parking and Loading Management Plan • a Private Bus Transport Management Plan • a Porte Cochere Management Plan • a Construction Pedestrian and Traffic Management Plan.

Copies of all submissions can be viewed at **Appendix B**. The Department has considered the comments raised in submissions, and the Proponent's response to these, during the assessment of the application and has given specific consideration to the key issues raised in **Section 5** of this report and/or by way of recommended conditions in the instrument of modification at **Appendix A**.

5. ASSESSMENT

The Department considers the key assessment issues are:

- consolidation of consents and plans
- exemption for minor works
- amenity impacts
- traffic, parking and access

Each of these issues is discussed in the following sections of this report. Other matters taken into consideration during the assessment of the application are discussed at **Section 5.6**.

5.1 Consolidation of consents and plans into the Part 3A Major Project Approval

The Proponent has undertaken numerous minor improvement projects across the site since the Major Project Approval was issued in 2009. While 12 projects have been undertaken as modifications to the Major Project Approval, others have been the subject of development consents issued by Council. Council has issued 52 development consents for the site, of which:

- twenty-two contain operative conditions, including a number which require trial periods for the operation of restaurants, UGAs, outdoor balconies/smoking areas
- ten provide consent for works (now largely completed) on site
- the remainder are temporary approvals for previous specific events that have been held on the site.

The proposal initially sought to consolidate all Council consents into the Major Project Approval, including the relevant operative provisions of Council consents and provide a consolidated set of 'as constructed' plans, including works approved under Council consents.

5.1.1 Consolidation of consents

Council initially objected to the proposal to consolidate Council's consents into the Minister's Major Project Approval and raised concern that the proposal would remove Council's ongoing management and compliance functions over the site. Council also did not support the proposed permanence of approvals which were currently time-limited or subject to a trial period.

Council also noted the consolidation of all consents into the Major Project Approval would give the Proponent scope to modify the consents under section 75W, rather than section 96 of the EP&A Act.

In response to Council's concerns, the Proponent revised the proposal and seeks approval for consolidation of only five consents, which specifically relate to gaming areas as outlined in **Section 2.1.2**.

The Department and Council agree the gaming activities approved within these consents are directly associated and integral to the Major Project Approval and therefore support their consolidation into the operational requirements of the approval.

The Department has undertaken a comprehensive review of the conditions provided under each of the above consents with both Council and the Proponent. All relevant conditions have been incorporated into the recommended instrument of modification at **Appendix A**, including a new condition to ensure security and safety measures comply with the requirements of the *Casino Control Act 1992*, *Casino Control Regulation 2009* and *Security Industry Act 1997*. Further discussion is provided in **Section 5.3.3** and **Appendix D**.

To ensure these consents are effectively consolidated into the Major Project Approval, the Department also recommends the Proponent make an application to Council to surrender the five gaming-related consents within 3 months of the approval of MOD 14.

5.1.2 Consolidation of plans

The Proponent seeks to consolidate a set of plans which it argues will provide a contemporary and comprehensive set of 'as constructed plans' for the premises, including works approved by Council. The consolidation of plans would also allow the Proponent to undertake minor works and relocate GFA between uses internally within the Star Casino without further approval.

Council initially raised concern the incorporation of Council approved plans into the Major Project Approval has implications for modifications and compliance matters.

In response, the Proponent provided a set of plans for information which clearly show the works approved under each Council consent with a note referencing each development application number.

In addition, the Department recommends imposing a new Condition (A7) to provide a limit of the approval in so far as it does not govern the operation of the spaces which are the subject of the City

of Sydney development consents. This will provide certainty that the operation of uses (which include restaurants, bars and the Lyric Theatre) approved by Council do not form part of the Major Project Approval, and Council will maintain its on-going consent authority and compliance role for these uses.

The Department concludes the incorporation of Council approved works on the plans will not supersede any previous assessment process or consent issued by Council, but rather provide a set of contemporary consolidated plans which are easily referenced by all parties for the effective operation and management of the site. The Department therefore supports this element of the proposal.

5.2 Exemption for Minor Works

Large portions of the Star Casino are classified as 'restricted premises' under Sydney LEP 2012 which precludes the Proponent from undertaking minor works which would ordinarily be considered exempt and complying development under the Codes SEPP.

The Proponent initially sought to insert a condition into the Major Project Approval to allow a range of 'minor works' to be undertaken including:

- development that would be exempt and complying development within the Codes SEPP
- relocation of gaming, hotel, food and beverage and entertainment floor space within the Star Casino where there is no change in GFA for each use
- where the Secretary considers the amendments are minor.

Council objected to this aspect of the proposal and raised strong concerns that the scope of minor works was too broad and the requirements too flexible, particularly the relocation of floor space and the overarching power of the Secretary to determine that works are minor.

In response to concerns raised by the Department and Council, the Proponent has refined the scope of the proposed minor works exemption. In particular, the Proponent:

- provided a schedule of minor works which will apply to all internal areas within the Star Casino, including works which have been approved by Council consents, and the porte cochere along Pyrmont Street (as detailed in **Section 2.1.3**)
- refined the relocation of floor space to be within the building, with no changes to external spaces, no new openings in the building, no increase in GFA or total gaming floor space and no change to fire egress
- no longer seeks the Secretary's discretion to consider minor amendments.

Council now supports the refined schedule of minor works, which are predominantly limited to within the building and/or site and will not be visible from the public domain.

However, Council does not support works being undertaken to the SELS building without further approval and will only support the incorporation of driveways, pathways and paving subject to no changes to the driveway or footpath on the Public Domain adjacent to the site which is Council owned land.

The Department considers that the refined schedule of minor works provides clear and definitive criteria to ensure that only works of minimal environmental impact can be undertaken without further assessment and approval. The Department also agrees with Council's concerns about minor works being undertaken to the SELS building without further approval. The Department therefore recommends a condition to exclude the SELS building from the minor works schedule. This will ensure that any works are subject to further assessment and approval in recognition of the heritage value of the building.

The Department has also refined the proposed driveways, pathways and paving standards within the schedule to ensure that no changes to the driveway or footpaths adjacent to Council owned land are allowed.

The relocation of GFA within the building will allow the Star Casino to relocate gaming, hotel, food and beverage and entertainment floor space, provided there is no increase in total gaming floor space and no change to the overall GFA within Star Casino. The Department and Council considers these internal changes will not have any impacts on the amenity of the surrounding area as there will be no changes to external spaces and no new openings in the building.

The Department also notes that a Construction Certificate (CC) will need to be issued by an accredited certifier prior to any minor works being undertaken. The Department recommends a condition that a certifier must ensure that the works are consistent with the development standards in the Schedule of Minor Works, the relevant conditions of the Major Project Approval and the Building Code of Australia.

The Department considers the proposed minor works can be undertaken without impacting on the operation of the Star Casino, in accordance with the conditions of the Major Project Approval, Council consents and the liquor and gaming license requirements imposed by the ILGA.

In conclusion, the Department considers the proposed exemption for minor works provides an appropriate balance between the efficient operation of the Star Casino and realistic limitations to ensure works undertaken without development consent are only those works that will result in minimal environmental impacts.

5.3 Amenity Impacts

The proposal involves an intensification of the existing approved gaming and entertainment uses on the site. The key amenity impacts on the surrounding area, and raised in public submissions, are noise, social impacts, privacy and light spill. The Department has considered these issues below.

5.3.1 Operational Noise

The Major Project Approval and Council consents, proposed to be consolidated into this approval, provide conditions to manage:

- noise from operation of the Star Casino
- hours of operation for certain areas of the Casino, including two-year trial periods for 24-hour operation
- restrictions on use of speakers in outdoor areas.

The proposal seeks to amend the operational noise management conditions for the Star Casino, extend trial periods for both 24-hour operations and the use of speakers in outdoor areas by two-years, and enable additional speakers in existing and proposed outdoor areas.

Each of these issues are considered below.

Operational noise

Condition F5 currently sets the following noise limits for the premises requiring that:

- noise levels must not exceed the background noise level by more than 5 decibels (dB) between 7 am and 12 midnight at the boundary of the nearest affected property
- noise levels must not exceed the background noise level between 12 midnight and 7 am at the boundary of the nearest affected property
- the use must not be audible within any habitable room in any surrounding residential property between 12 midnight and 7 am
- noise must not exceed the background noise level by more than 3 dB within any affected commercial premises (indoors) at all times.

The proposal seeks to utilise the noise management criteria provided by Condition F5 and apply a cumulative noise criteria to all entertainment and patron noise levels from the Star Casino, so that cumulative noise levels at any one receiver must meet the noise criteria set out above.

The Proponent submitted a Noise Impact Assessment (NIA) which analysed noise impacts from both the current and future use of the site (including the proposed internal and external modifications outlined in **Section 2.1.1**) on surrounding sensitive receivers, and found the existing and proposed operation of the Star Casino can comply with the proposed cumulative noise management criteria.

Concerns were raised in public submissions regarding noise from the existing nightclub and the proposed pre-function space and business centre.

In response, the NIA notes the noise impacts from the nightclub will be improved as a result of the Level 3 Sovereign room expansion over the nightclub. The Proponent also notes the roof will be sound proofed which will provide additional acoustic shielding to surrounding residents. In relation to the use of the pre-function space, the NIA confirms that this space will be fully enclosed with inoperable glazing, and will be used for only pre-function mingling with background music, which will limit the noise impacts on surrounding residents. The Proponent has confirmed that conversion of the business centre and terrace back to its previous use as eight hotel rooms in the Astral Hotel will not have any adverse noise impacts on the surrounding area.

The Department has reviewed the existing conditions and notes that if each individual premises generated noise to the upper limits of Condition F5, the noise generated by the Star Casino, cumulatively, could exceed the requirements of Condition F5. This would potentially cause offensive and adverse impacts on the surrounding area while technically complying with the requirements of the Major Project Approval.

The Department has also considered the issue raised in submissions and notes the proposed Level 3 expansion works have been designed to minimise noise impacts on surrounding neighbours. In particular, the pre-function space is fully enclosed noting its close proximity to residents in Pymont Street. The UGAs and outdoor spaces fronting Pymont and Pirrama Road and internally within the site will be subject to trial periods for 24-hour operation and use of speakers as discussed below.

The Department also notes the proposed cumulative noise management framework provides a simplified, but more stringent, approach to noise management of all existing and proposed activities on the site, including the existing nightclub. Where compliance is achieved for cumulative noise emissions, it will effectively satisfy each individual area's noise emission requirement.

The Department recommends monitoring and verification of noise from the Star Casino be undertaken within three months of the date of approval (for all existing outdoor areas) and three months of the issue of an Occupation Certificate (for all proposed outdoor areas). This will allow the Department to confirm that the impacts of the overall operation of the Star Casino are acceptable and within the limits of Condition F5.

The Department concludes the framework provides a more practical and rigorous way to measure noise impacts from the site and ensure the Star Casino operates with minimal impacts on the amenity of the surrounding area.

Hours of operation

The Star Casino operates 24 hours / 7 days. The outdoor areas approved in both the Major Project Approval and Council consents also operate 24 hours / 7 days, subject to trial periods of varying start/finish dates.

The proposal seeks to reconcile the trial periods and provide a single trial period for outdoor areas within the Star Casino. In particular, it is proposed to:

- allow the proposed Level 3 Sovereign Room UGAs and outdoor terraces to operate 24 hours/ 7 days subject to a two year trial period (base hours 7 am to 12 midnight)
- continue the approved 24 hour trial period for an additional two years in the following areas:
 - the Level 1 UGAs fronting Pirrama Road (base hours 7 am to 12 midnight) – Condition F3(2)(b) of the Major Project Approval
 - the Darling VIP terrace (base hours 10 am to 10 pm) – Condition 3(c) of Council consent D/2015/233
 - the Oasis UGA (base hours 7 am to 12 midnight) – Condition 2(b) of Council consent D/2015/1072.

Council does not support permanent 24-hour operation of outdoor areas on the site. However, Council does not object, in principle, to extending trial periods by either one, two or five years which would be determined on the basis of satisfactory performance and compliance with conditions during the preceding trial period.

The Department is not aware of any complaints or issues raised in relation to the operation of these outdoor areas over the last year. Further, no concerns in relation to the current operation of these areas were raised in submissions received from the public, Council, NSW Police or the ILGA.

The existing conditions of approval provide management measures for the operation of these areas, particularly between 12 midnight and 7 am to ensure the noise levels do not exceed the background noise level at the boundary of the nearest affected property and the use is not audible within any habitable room in any residential property.

As noted above, the Department recommends a further review is undertaken to demonstrate compliance with the proposed cumulative noise criteria within three months of the approval of MOD 14. The Department considers both the two-year trial period and the three month review period provide a robust performance management framework to ensure the operation of outdoor areas does not adversely impact on the amenity of the surrounding area. The Department therefore supports the additional two-year trial period for 24-hour operation of outdoor areas and UGAs.

Speakers in outdoor areas

The Major Project Approval controls the use and playing of amplified music via speakers in all outdoor areas of the Star Casino. Condition F1 permits speakers only in the following locations:

- Level 3 outdoor pool deck area of the hotel development (permanent approval)
- Level 3 Pirrama Road entertainment deck (subject to a two year trial period)
- Level 1 Pirrama Road outdoor gaming areas (subject to a two year trial period).

Conditions are also imposed to manage the location and number of speakers, hours which speakers may be used, maximum output levels, monitoring and complaints handling.

The Council consents issued for the Oasis UGA and the Darling VIP terrace prohibit the use of speakers and amplified music.

The proposal seeks to:

- extend the previously approved two-year trial period of speakers in outdoor areas outlined above by two years
- install and use speakers within the Oasis UGA (approved by Council)
- install and use speakers within the proposed Sovereign UGAs within the site and fronting Pirrama Road and Pyrmont Street (subject to a two-year trial period).

The NIA notes the use of speakers in outdoor areas must comply with the proposed cumulative noise assessment criteria and recommends mitigation measures and management strategies to maintain consistency between existing and proposed areas. These include:

- no PA (public address) announcements are permitted between 12 midnight and 7 am
- only low level background music that is below existing ambient noise levels in the relevant area is permitted to be played between 12 midnight and 7 am
- all gaming machines must be turned to half volume between 12 midnight and 7 am.

Although speakers have previously not been permitted in certain areas, the Department considers that the above measures and the overall requirement for noise operation of each area to comply with the requirements of Conditions F5 when cumulatively assessed with other operations at the premises. This will ensure that noise impacts from speakers in outdoor areas do not adversely impact the amenity of the surrounding area. The Department also recommends the use of speakers in all outdoor areas:

- comply with the recommendations and performance parameters in the submitted NIA
- is controlled by an electronic device to ensure the noise output from speakers complies with the requirements of Condition F5
- is subject to a further two-year trial period and that use of speakers beyond this is assessed based on the Proponent demonstrating satisfactory operation and compliance with conditions
- is subject to an acoustic review within three months of operation to verify compliance with the requirements of Condition F5.

On this basis, the Department supports the continuing use of speakers and additional speakers in outdoor areas subject to a further two-year trial period.

5.3.2 Construction noise

The Proponent is seeking to undertake minor internal construction works on a 24-hour per day basis. This would apply to the works proposed in this modification, as well as any works undertaken in accordance with the minor works schedule discussed in **Section 5.2**. Typical internal works would include demolition of lightweight partitions, construction of new partitions, installation of ceilings, and finishing of floor service installation. The NIA submitted with the application supports low impact internal works on a 24-hour basis, as noise would be expected to be confined to the building and would not impact receivers.

Council does not object to the proposed 24-hour construction works. Council, however recommended a Construction Noise and Vibration Management Plan (CNVMP) is in place and that only works minor in nature, low impact and within fully enclosed areas be permitted outside of the approved construction hours.

The Department notes that the Star Casino operates 24-hours a day and has an invested interest in ensuring high levels of amenity for guests and visitors, in particular managing noise impacts. The Department considers the range of construction works which will be undertaken outside of standard hours are low impact works which would typically generate minimal noise.

Notwithstanding, the Department agrees with Council that a CNVMP should be prepared and implemented to ensure that the 24-hour construction works are appropriately managed to mitigate all impacts to any sensitive receivers. The Department recommends that a CNVMP be prepared prior to issue of a CC, and implemented during construction. The CNVMP must be prepared in accordance with the *Interim Construction Noise Guideline* and detail construction methods, noise and vibration criteria, attenuation methods and measures to handle complaints.

On this basis, the Department supports minor internal construction on a 24-hour basis, 7-days-per-week.

5.3.3 Social Impacts

The Proponent has provided a Social Impact Assessment (SIA) to identify the potential benefits and impacts of the proposed increase in gaming floor area on neighbourhood amenity, crime and safety, consumption of alcohol, increased gambling spending and traffic.

A public submission raised concerns in relation to potential safety and security impacts caused by the proposal.

The SIA finds the Star Casino currently implements and closely monitors the responsible service of alcohol (RSA), responsible gambling procedures and safety and security measures. The Star Casino has experience in managing between 25,000 and 50,000 casino guests every night and the existing responsible gambling procedures in place are considered in the SIA sufficient to manage the anticipated 7.5% increase in patron numbers as a result of the proposal.

Specific safety and security measures identified in the SIA include:

- existing safety and security measures, including roving security patrols, security camera coverage on all perimeters, and management at taxi ranks
- a crime prevention through environmental design (CPTED) strategy will be prepared for all casino interfaces with the street
- use of highly trained security processes and procedures to secure entry points and around the premises
- continued close liaison with NSW Police to ensure patrols of publicly accessible internal and external areas address anti-social behaviour
- further additional security staff allocated to taxi ranks, Pirrama Road and the porte cochere to control noise and promote the safe movement of guests in and around the complex.

The Department considers the social impacts associated with the proposed modifications are minor. The works are largely internal works and the 5% increase in GFA predominately relates to expansion to the Sovereign VIP gaming floor area access to which is restricted to members and invited guests only in accordance with gaming practices approved and monitored by the ILGA.

The proposal does not seek approval for new uses or activities to those already approved on the site and the proposed management and operation of gaming floor areas is consistent with the use of the overall development as a casino.

In addition, the Department notes the approval process for the use of the area for gaming is subject to the approval of the ILGA. The ILGA and Gaming NSW regulate gaming and liquor matters, including both licensing and enforcement functions under the *Casino Control Act 1992*, *Casino Control Regulation 2009* and *Security Industry Act 1997*. The ILGA also independently investigates casino patrons relating to the conduct of gaming

The Department notes the concerns raised in the public submission in relation to safety and security. However, it is satisfied that the Star Casino's existing management and monitoring systems are appropriate to manage any negative social impacts such as antisocial behaviour, crime and safety or impacts on the surrounding neighbourhood amenity. The Department recommends a new Condition (F14) to ensure that surveillance (including but not limited to the operation of CCTV cameras), retention of CCTV records, recording and notification of incidents, signage associated with licensed premises and gaming areas and the operation of security at and in the vicinity of the licensed premises complies with the requirements of the *Casino Control Act 1992*, *Casino Control Regulation 2009* and *Security Industry Act 1997*.

5.3.4 Overlooking/privacy

A public submission raised concerns about the visual privacy and light spill impacts caused by the proposed event centre pre-function space at Level 3 on the corner of Pyrmont Street and Jones Bay Road.

In response, the proposal now includes screen planting along the north-western corner of the pre-function space and grey tinted glazing to reduce potential overlooking and light spill from the use of the area. The Department considers the proposed amendments will sufficiently mitigate potential overlooking and light spill impacts from this space on neighbouring residential properties.

5.4 Traffic, parking and access

5.4.1 Traffic generation

The proposal is supported by a Traffic Impact Statement (TIS). The TIS analysed the potential impact on traffic as a result of the increase in overall GFA and associated increases in staff and patronage travel to the site.

The TIS estimates traffic will increase by between 2% and 7% at adjacent intersections. The TIS has modelled the impact on the key intersections surrounding the site and concludes the performance of each intersection will continue to operate at a satisfactory level. The TIS therefore concludes the traffic impact caused by the proposal will be negligible.

The Department notes the proposal does not involve any changes to arrival and departure points to the Star Casino and the minor increases in traffic can be accommodated within the local road network without significant adverse impacts on surrounding intersections. The Department therefore concludes the minor traffic impact will be acceptable.

5.4.2 Car parking

The existing Star Casino complex provides 2,845 car parking spaces. A total of 3,000 spaces are allowed for in accordance with the existing approval, however the Proponent notes that the full car park capacity of 3,000 spaces has not been taken up due to operational and storage requirements.

The proposed increase in GFA generates the need for an additional 44 car parking spaces in accordance with the requirements of Sydney LEP 2012. However, the proposal does not seek to provide any additional car parking, on the basis of the site's access to public transport and the spare capacity (average of 230 parking spaces) typically available on site.

Council supports the provision of no additional parking. The Department also considers the proposed number of car parking spaces is adequate to service the Star Casino, based on the demonstrated parking capacity on site and acknowledging that the site is well serviced by alternate transport options.

TfNSW have requested the Proponent provide a Parking and Loading Dock Management Plan. However, noting that no additional parking is proposed, the Department recommends only the Loading Dock Management Plan is updated in consultation with TfNSW and Council (see **Section 5.4.6**).

The Department further notes the Proponent is proposing to work with TfNSW to upgrade the Pymont Parking Guidance system to simplify and improve the parking information available to drivers wishing to park around Pymont and Darling Harbour. The Proponent contends this will reduce unnecessary circulation of traffic on local roads by providing real-time information on parking availability.

The Department supports the Proponent's commitment to work with TfNSW and Parking Sense (operator of the Pymont Parking Guidance System) and contribute to the cost of upgrading the parking guidance system to improve parking information available to visitors of the Star Casino and other attractions in Darling Harbour and Pymont.

5.4.3 Private bus / coach parking

The TIS notes the proposal is unlikely to increase demand for private bus and coach parking, as most private bus/coach use is associated with bring guests to special events and performances at the Lyric Theatre.

Notwithstanding, TfNSW requested the Proponent investigate effective large coach parking to avoid coaches parking on Pirrama Road.

In response, the Proponent proposes to utilise the eastern side of the service road for bus parking, by exempting coaches from the current 'No Parking' restrictions along the eastern side of the service road exit ramp, in conjunction with footpath widening, a security boom gate to restrict entry and monitoring to prevent illegal parking. The Proponent advises this area would accommodate three to four coaches or five to six mini buses.

TfNSW has further requested a Private Bus Transport Management Plan (PBTMP) to ensure the proposal and the associated bus parking will not impact on the local road network. The Department has included this as a recommended modification to the instrument of approval.

5.4.4 Bicycle parking and end of trip facilities

The Star Casino provides 26 employee bicycle parking spaces and end-of-trip facilities. No formal visitor bicycle parking is provided.

The proposal provides 29 visitor parking spaces at a rate of one space per 300 m² of additional GFA and five employee spaces (at a rate of one space per employee). No changes to end-of-trip facilities are proposed.

In its initial submission, Council suggested that visitor bicycle parking be provided at a higher rate of one space per 40 m² of additional GFA (165 spaces) and improvements be made to the existing end of trip facilities. However, Council has not raised further issues with the 29 visitor spaces proposed nor provided any further comments on the end-of-trip facilities.

The Department considers the proposed employee and visitor bicycle parking is appropriate noting the anticipated increases in staff and visitors to the site. The small increase in staff as a proportion of all staff currently employed at the Star Casino would not generate the need for additional end-of-trip facilities. Accordingly, the Department concludes the proposed bicycle parking and existing end of trip facilities are reasonable and recommends an appropriate condition in the instrument of modification.

5.4.5 Taxi parking

There is an existing taxi rank outside the site along Pirrama Road. The proposal seeks to relocate the taxi rank to the service road, including two pick up bays, two set down bays and a feeder rank for at least 12 taxis. The proposal also proposes a number of improvements to the porte cochere which runs within the site from Jones Bay Road to Pyrmont Street, including formalised taxi set-down areas, valet parking and valet set-down areas.

TfNSW supports the relocation of taxis to address current issues with taxis queuing on Pirrama Road. TfNSW also requested a Porte Cochere Management Plan is required to ensure the operation of the porte cochere does not have a detrimental impact on the surrounding road network.

The Department supports the relocation of the taxi rank and improvements to the porte cochere to formalise and improve arrangements for taxis. The Department has recommended a condition for a Porte Cochere Management Plan, in accordance with TfNSW's comments.

5.4.6 Servicing

The existing approved loading dock facilities servicing the Star Casino are located within the service/bus corridor that runs underneath the Casino and accessed from Pirrama Road and Edward Street.

Council queried if additional loading/servicing is required and requested a Loading/Service Dock Management Plan be prepared. TfNSW has also requested a detailed Parking and Loading Bay Management Plan be prepared to ensure the operation, particularly queuing to enter the car park or loading dock facilities, does not impact on the surrounding road network.

The Proponent submitted a Loading Dock Management Plan (LDMP) in its RtS which concludes the Loading Dock is operating at 80% capacity and has capacity to cater for any increase demand as a result of the proposal. The LDMP does, however identify that the capacity of the current loading dock is constrained by inadequate staging and sorting areas. To address this issue, the Proponent is proposing to undertake additional works within the loading dock to extend the sorting and staging area, relocate the existing dock offices, extend docks, relocate gas cylinders and install beverage and blast chillers. The works will ultimately increase the existing capacity of the loading dock.

The Department supports the upgrades to the loading dock to increase the capacity of the existing facilities. The Department recommends the Proponent update the Loading Dock Management Plan be prepared in consultation with TfNSW.

5.5 Other Issues

5.5.1 Water Quality and Aquatic Ecology

The proposal includes upgrades to the existing harbour heat rejection system (HHR) which has been used to cool the Star Casino since 1998. The proposal will increase capacity of the system by adding three additional pumps (to a total of six) which will allow for an additional 450 litres per second (L/s) to be pumped through the system (total 1,300 L/s).

The Proponent provided a marine impact assessment (MIA) assessing the potential water quality impacts as a result of the increased capacity of the HHR. The MIA finds the upgraded system is unlikely to have any material impact on the physical or ecological environment of the harbour. Specifically, the assessment finds:

- the predicted mean temperature at discharge (less than 3.3°C above ambient water temperature) is not considered to have an adverse impact on the receiving waters in accordance with *Guidelines for Marine and Fresh Water Ecology 2000* (ANZECC guidelines)
- there would be sufficient mixing that the water temperature would return close to ambient in proximity to the outlet area, resulting in negligible impacts to the broader harbour
- the increase in discharge velocity at the outlet pipe will have negligible risk of additional erosion or scouring
- there is no change to the existing fouling management of the system and as such no change to the existing impact on the marine environment
- there is no evidence the existing system has any impact on local marine life or habitat
- the proposed rate of chemical dosing is at the same concentrations as currently used and is therefore unlikely to result in any additional impacts
- mesh will be provided across culvert openings to reduce any potential impingement of fish and biota
- there are no threatened or protected marine species observed within close proximity to the discharge point.

Council supports of the use of a HHR providing there are no additional marine impacts and has requested a peer review of the Proponent's MIA.

The Department is satisfied the findings of the MIA are based on an appropriate analysis to justify the conclusion that the proposed upgrades will not result in material impacts to the existing marine environment. The Department notes the system is currently operating, there are no changes to the existing outlet and inlet locations or the associated infrastructure and the existing management processes remain unchanged. In addition, the analysis predicts minor changes to the temperature of the discharge waters and areas of the plume that are below trigger levels within the relevant ANZECC (2000) Guidelines.

The Department notes Council's concerns, however considers the environmental risk has been analysed appropriately and does not warrant a further peer review of the findings. Furthermore, DPI did not raise any concerns with the proposed changes to the HHR. The Department recommends additional conditions to ensure the proposed mitigation measures identified in the MIA, including the installation of mesh screens at the culvert openings along with existing and ongoing testing, monitoring and cleaning regimes are implemented to effectively minimise and manage any potential marine impacts from the use of the HHR.

5.5.2 Heritage

The site contains the SELS building which is a locally listed item of heritage significance in the Sydney LEP (ID100714 of the Sydney LEP 2012). The proposal seeks approval for works to, and adjacent to, the SELS building including;

- refurbishment of the Level 00 toilets at the southern end of the SELS building to allow for an adjacent lift lobby circulation area
- internal reconfiguration to provide a new arrival lounge
- upgrades and tenancy improvements to the existing retail space at the northern end
- external lighting on the SELS building to Pyrmont Street
- upgrades to the porte cochere and Astral Lobby
- installation of a water feature to the Jones Bay Road entry
- amendments to the pre-function space on Level 03 facing Jones Bay Road.

A Heritage Impact Statement (HIS) has been prepared to assess the potential impact on the heritage significance of the SELS building and its immediate setting. The HIS provided a number of recommendations to protect the heritage fabric of the building but concluded the proposed works would have no adverse impact on the heritage significance of the SELS building.

The Heritage Council has recommended a condition requiring the Construction Management Plan include detailed procedures, reviewed by an appropriately qualified heritage consultant, to protect significant heritage fabric. Council has also recommended a number of conditions to ensure the proposed works will minimise damage and retain the fabric and features of the SELS building.

The Department concludes that, providing the recommendations of the HIS are effectively implemented on the site, there will be minimal impact on the local heritage significance of the SELS building and its setting.

5.5.3 Public domain

The Proponent is proposing to upgrade the footpath paving along Pyrmont Street fronting the Astral lobby entrance (approximately 40 m in length) and Jones Bay Road (approximately 100 m in length).

Council raised concerns about the extent of the upgrades and requested that the paving upgrades be extended by a further 15 m (total 115 m) along Jones Bay Road to connect with the intersection of Pyrmont Street, and by 55 m (total 95 m) along Pyrmont Street to connect with the intersection with Jones Bay Road. Council also noted that the pedestrian crossing on Jones Bay Road requires upgrade to meet current standards.

Council has recommended a condition for submission and approval of a Public Domain Plan prior to issue of a CC. The Department agrees with Council and considers its recommendation reasonable noting the potential for increased pedestrian movements around the site as a result of the proposal. The upgrade of the footpaths connecting to the nearest intersections will ensure a consistent public domain treatment which will complement the future upgrade of the rest of the road. The Department therefore recommends a condition which requires the Proponent to submit an updated public domain plan prior to the issue of a CC.

5.5.4 Ecologically Sustainable Development

The Proponent submitted a Sustainability Report which outlines measures to increase water, waste and energy efficiency and contribute to biodiversity.

The Proponent is proposing a 5,420 m² green roof located on the new Level 5 roof over the Sovereign Gaming Area. Council strongly supports the proposed green roof and considers it could make a real contribution to urban ecology and biodiversity if a diverse array of indigenous plants is utilised. Council recommended a plant list be prepared by the Proponent in consultation with Council's ecologist that includes native planting with low water requirements. The Department supports this recommendation and has incorporated Council's requirements in the recommended instrument of approval.

The Sustainability Report also outlines water, waste and energy efficiency initiatives and demonstrates a general high standard of sustainability. However, the Department and Council consider the proposed water rating 1 star NABERS rating for all new urinals is low. The Department has recommended a condition that all water fixtures have a NABERS star rating of 3 stars or greater.

5.5.5 Section 94 and Affordable Housing Contributions

The additional floor space within the proposed Level 3 Sovereign Room expansion generates the requirement for additional Section 94 and Affordable Housing Contributions.

Council considers the contributions should be paid prior to the issue of any CC. The Proponent, however, notes the requirement to pay the contributions prior to any CC will delay the commencement of a number of smaller projects proposed under this modification, which do not involve additional floor space and would not trigger the contributions.

The Proponent requests to pay:

- the Section 94 contribution prior to issue of a CC for the Level 3 Sovereign Room expansion
- the Affordable Housing Contribution prior to issue of an Occupation Certificate for the Level 3 Sovereign Room expansion, with a bank guarantee to the value of the contribution lodged with the Department prior to issue of any CC.

The Department has considered Council's position and the Proponent's request against the relevant Contributions Plans. The Department notes in cases where a development requires multiple construction certificates, the *City of Sydney Development Contributions Plan 2015* requires payment of Section 94 contributions prior to the release of the first CC that that relates to the development on which the contributions were levied. In relation to Affordable Housing Contributions, the *Revised City West Affordable Housing Program* provides that contributions may be deferred until issue of an Occupation Certificate (OC), subject to lodgement of a bank guarantee with the Department of Planning and Environment to the value of the required contribution.

The Department therefore supports the Proponent's request to defer payment of Section 94 Contributions until prior to issue of a CC for the Level 3 Sovereign Room expansion and Affordable Housing Contributions until prior to issue of an OC, subject to the lodgement of a bank guarantee with the Department prior to issue of any CC.

6. CONCLUSION

The Department has assessed the merits of the proposal taking into consideration the advice provided by public authorities, including Council. Issues raised in public submissions have been considered, as well as the Proponent's RtS, and all environmental issues associated with the proposal have been thoroughly assessed.

The Department has assessed the Proponent's request to consolidate consents and plans into the Major Project Approval, and the exemption for minor works. The Department is satisfied it is appropriate to bring these minor elements into the Approval to provide a more transparent planning framework to ensure the effective operation and management of the site. The extent of minor works that may be undertaken without further approval has been reviewed in detail by the Department and Council and has been refined to ensure it can be applied to areas within the Star Casino without impacts on the surrounding area.

The proposed cumulative noise management framework, continuation of trial periods for 24-hour operation and use of speakers will provide a simplified, but more stringent, approach to the operation of existing and proposed activities on the site. The Department considers that, subject to appropriate review and monitoring, the Star Casino can continue to operate while maintaining a high level of amenity to the surrounding area.

Construction impacts, traffic and access and environmental impacts have been assessed and are acceptable, subject to conditions. The Department also considers the increase in gaming space will not have any additional social impacts on the surrounding area or the community more broadly.

The proposed expansion of the Star Casino and the upgrade of existing facilities will improve the functioning of the Star Casino and ensure the Proponent can deliver and maintain the Star Casino to a first class international standard. The proposal is consistent with the objectives of the *NSW State Plan* in terms of contributing to economic growth and enhancing Sydney's international appeal. The proposal will also contribute to achievement of the priorities of *A Plan for Growing Sydney* in relation to the economy and employment, arts, culture, tourism and entertainment.

The Department is satisfied the impacts of the proposal can be adequately covered both through the exiting conditions of the Major Project Approval, as well as additional conditions as identified. The Department concludes, that with the recommended refinements, the proposal is in the public interest and be approved subject to conditions.

7. RECOMMENDATION

It is recommended that the Executive Director, as delegate of the Minister for Planning:

- (a) **considers** the recommendations of this report
- (b) **approves** the modification application (MP08_0098 MOD 14), subject to conditions under section 75W of the EP&A Act
- (c) **sign** the attached Instrument of Approval (**Appendix A**).

Recommended by:

A. Watson

Amy Watson
Team Leader
Key Sites Assessments

Recommended by:



Cameron Sargent
Acting Director
Key Sites Assessments

DECISION

Approved by:

Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

APPENDIX A RECOMMENDED INSTRUMENT OF MODIFICATION

APPENDIX B SUPPORTING INFORMATION

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

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8041

1. Modification Application
2. Submissions
3. Proponent's Response to Submissions

APPENDIX C PREVIOUS MODIFICATIONS

Modification Number	Approval Date	Approved Modifications
1	3 March 2009	Modifications to Conditions A6 and B1 to provide clarity on what constitutes external artwork, lighting and signage, and alterations to the timing of compliance requirements for a number of conditions.
2	25 March 2009	Modification of Condition B2 to clarify the approved hotel height, and exclude lift overruns from the height limit.
3	6 April 2009	Modification of Condition B4 to allow a staged agreement process between the Sydney Metro Authority and the proponent for excavation within the vicinity of the rail easement tunnel easement.
4	1 December 2009	Modifications to the façade design, consolidation of the porte cochere, reconfiguration of the entry stairs, consolidation of the entry water features to a single water feature, relocation of the gaming entry point, and a 682 m ² extension to the entertainment deck.
5	20 July 2010	Modifications to Conditions A2, A3 and D11 to alter the general project arrangement, reference to revised BCA capability statement, and extend the hours for construction to 3:00pm on Saturdays.
6	9 September 2009	Approved deletion of Level 13 of the hotel, and increased the floor to ceiling heights on Levels 11 and 12 of the hotel. The application also reduced the number of suites on Level 6 to 12 of the hotel from 14 to 7 on each floor, resulting in an overall reduction in the total number of hotel suites from 252 to 173.
7	29 July 2011	Approved the construction of the MUEF on the Level 4 rooftop terrace area.
8	17 November 2010	Partial enclosure of the existing outdoor terrace adjoining the Sovereign Room on Level 3.
9	13 October 2011	Relocation of the night club to the southern end of Level 2 and relocation of the restaurant to the northern end of Level 2.
10	16 December 2011	To change the cladding material on the façade of the MUEF from profiled stainless steel sheeting, as approved under MP 08_0098 MOD 7, to starfire glass.
11	17 October 2012	Amend Condition F1 'No Speakers or Outside Music' to permit the playback of background music and DJ/live band/ amplified music events on the Level 3 Darling Pool Terrace of the Star Casino.
12	14 October 2014	Amendment of Condition F1 to allow for the installation and use of speakers on Level 1 Pirrama Road outdoor gaming area and Level 3 Pirrama Road Entertainment Deck, and amend Condition F3(2) to allow for permanent 24-hours 7 days use of the Level 1 Pirrama outdoor gaming area.
13	SEARs Issued	A proposed new hotel and residential tower and associated alterations and additions involving both internal and external work. Modification 13 will be lodged subsequent to the Modification 14.

APPENDIX D CONSOLIDATION OF GAMING DEVELOPMENT CONSENTS

Council DA	Area and Works approved	Relevant operational conditions Split into specific and general	Amendment to Major Project Approval
D/2015/233	Darling VIP Gaming – private indoor gaming rooms and smoking terraces (facing Union Street)	Hours of Operation: <ul style="list-style-type: none"> Internal private gaming permitted to operate 24-hours Balconies serving private gaming restricted from 10.00 am to 10.00 pm, with a 12-month trial period allowing 24-hour operation. 	Condition F3 - allows 24-hour operation on a two-year trial period, with base hours of 10.00 am to 10.00 pm.
		<ul style="list-style-type: none"> Noise requirements No speakers or music outside 	Condition F5 provides revised Noise Management Framework Condition F1 prohibits use of speakers in outdoor areas (excluding areas specifically mentioned). The Darling VIP terrace is not mentioned, and therefore speakers are not allowed in the Darling VIP terrace.
		General Operational Requirements: <ul style="list-style-type: none"> incident register maintained Operational Plan of Management Waste management 	Condition F14 requires that recording and notification of incidents complies with the requirements of the <i>Casino Control Act 1992, Casino Control Regulation 2009 and Security Industry Act 1997</i> . Condition F10 requires an Operational Plan of Management Condition F15 requires operational waste management
D/2015/1515	Northwest gaming works Involving an extension of the gaming area over the porte cochere (Pyrmont Street)	Hours of the new gaming area to be aligned with the adjoining main gaming floor.	No restriction required – already endorsed to operate 24-hours.
		<ul style="list-style-type: none"> Noise requirements No speakers or music outside 	Condition F5 provides revised Noise Management Framework. Condition F1 prohibits use of speakers in outdoor areas (excluding areas specifically mentioned). The north west

			gaming area is not mentioned, and therefore speakers are not allowed in this area.
		<ul style="list-style-type: none"> No emissions of gas, vapours, dusts or other impurities. 	Condition F12 contains requirements to manage emissions.
		<ul style="list-style-type: none"> Operational Plan of Management Security Staff Incident register maintained. Surveillance Cameras Waste management 	<p>Condition F10 requires an Operational Plan of Management</p> <p>Condition F14 requires that surveillance (including but not limited to the operation of CCTV cameras), retention of CCTV records, recording and notification of incidents, signage associated with licensed premises and gaming areas and the operation of security at and in the vicinity of the licensed premises complies with the requirements of the <i>Casino Control Act 1992, Casino Control Regulation 2009 and Security Industry Act 1997</i>.</p> <p>Condition F15 requires operational waste management</p>
D/2015/1072	Oasis UGA adjacent to Pymont Street. (Pymont Street)	Maximum capacity limited to 91 persons.	Condition F13 outlines maximum capacity of the Oasis UGA.
		<p>Hours of Operation:</p> <ul style="list-style-type: none"> 7.00 am to 12.00 midnight 24-hour operation subject to a 12-month trial period 	Condition F3 - allows 24-hour operation on a two-year trial period, with base hours of 7.00 am to 12.00 midnight.
		<ul style="list-style-type: none"> No speakers or music outside No spruiking noise. Noise entertainment venues requirement Noise general 	<p>Condition E1 and Condition F5 control mechanical plant noise.</p> <p>Condition F1 will allow the use of speakers for a two year trial period. The Department has assessed this issue in Section 5.3 of this report and concludes that the cumulative noise management framework provided by Condition F5 will ensure that noise from the site overall, including any speakers does not adversely impact on the amenity of the surrounding area.</p>

		<ul style="list-style-type: none"> Operational Plan of Management Security Management Plan Incident reporting Surveillance cameras 	Condition F14 requires that surveillance (including but not limited to the operation of CCTV cameras), retention of CCTV records, recording and notification of incidents, signage associated with licensed premises and gaming areas and the operation of security at and in the vicinity of the licensed premises complies with the requirements of the <i>Casino Control Act 1992</i> , <i>Casino Control Regulation 2009</i> and <i>Security Industry Act 1997</i> .
		<ul style="list-style-type: none"> Neighbourhood amenity Waste and recycling management 	Condition F15 requires operational waste management
D/2012/843	Oasis Gaming Room - works to install new glazed partitioning, access doors and reconfigure Oasis Gaming room	<ul style="list-style-type: none"> Noise condition Compliance with acoustic report Renzo Tonin and Assoc (June 21 2013) Noise mechanical plant & Equipment Waste management 	Condition F5 provides revised Noise Management Framework. Condition E1 and Condition F5 control mechanical plant noise. Condition F15 requires operational waste management
D/2013/1975	Sovereign room alterations - Minor alterations and additions to sovereign room Level 03 gaming area	<ul style="list-style-type: none"> Noise condition Waste management 	Condition F5 provides revised Noise Management Framework. Condition F15 requires operational waste management