
Modification of Minister's Approval

Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, under the delegation dated 16 February 2015, I approve the modification of this project application referred to in Schedule 1, subject to the conditions outlined in Schedule 2, the schedule of minor works at Schedule 3 and the Statement of Commitments at Schedule 4.

Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

Sydney

2017

SCHEDULE 1

- Application No:** MP 08_0098
- Proponent:** Star Entertainment Group Ltd (SEGL)
- Approval Authority:** Minister for Planning
- Land:** 20-80 Pyrmont Road, Pyrmont (Lot 500 DP 1161507, Lots 301 and 302 DP873212, Lot 211 DP870336, Lot 201 DP867855 and Lot 1 DP 867854)
- Project:** Construction of a new hotel and podium level extension on the Switching Station site and alterations and additions to the existing casino building.
- Modification:** **MP 08_0098 MOD 14:**
- **Development works** including; an expansion in gaming floor area, enclosing the level 3 terrace, enclosing the level 3 pre-function centre, changes to the Astral Hotel lobby and retail space, reversion of business centre in Astral Hotel to hotel rooms, internal alterations to the Sydney Electric Lighting Building (SELS), upgrades to internal vertical transportation, services and infrastructure.
 - **Consolidation of development consents** including consolidating of existing gaming related development consents.
 - **Amendments to conditions**
 - update references to plans and documents (Condition A2);
 - provide flexibility for minor works and relocation of GFA (Condition A3A);
 - update development contributions (Conditions B12 B13);
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- provide for landscaping and public domain works (Condition B9A and B30);
- rationalise operational requirements for noise management (Conditions F1 – F6); and
- incorporate relevant operational conditions from consolidated consents (Conditions F10 - F18).

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SCHEDULE 2

The approval MP08_0098 is modified as follows:

Part A – Administrative Conditions

1. Condition A1 is amended by the insertion of **bold and underlined** words / numbers as follows:

A1 Development Description

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;
- Works to the exterior of the existing Casino tower buildings; and
- **Alterations and additions, including gaming area expansion, enclosure of the Level 3 terrace to facilitate a new restaurant, indoor and outdoor gaming areas, alterations to the porte cochere, and mechanical upgrades through-out the site**

2. Condition A2 is deleted in its entirety and replaced with the following condition:

A2 Development in Accordance with Plans

The approved development is to be consistent with the following drawings:

<u>Drawing No.</u>	<u>Revision</u>	<u>Name of plan</u>	<u>Date</u>
<u>A90B5</u>	<u>C</u>	<u>Existing Site Plan & GFA Diagram - Level B05</u>	<u>11.11.16</u>
<u>A90B4</u>	<u>C</u>	<u>Existing Site Plan & GFA Diagram - Level B04</u>	<u>11.11.16</u>
<u>A90B3</u>	<u>D</u>	<u>Existing Site Plan & GFA Diagram - Level B03</u>	<u>11.04.17</u>
<u>A90B2</u>	<u>F</u>	<u>Existing Site Plan & GFA Diagram - Level B02</u>	<u>11.04.17</u>
<u>A90B1</u>	<u>E</u>	<u>Existing Site Plan & GFA Diagram - Level B01</u>	<u>11.04.17</u>
<u>A9000</u>	<u>E</u>	<u>Existing Site Plan & GFA Diagram - Level 00</u>	<u>11.04.17</u>
<u>A9001</u>	<u>E</u>	<u>Existing Site Plan & GFA Diagram - Level 01</u>	<u>11.04.17</u>
<u>A9002</u>	<u>E</u>	<u>Existing Site Plan & GFA Diagram - Level 02</u>	<u>11.04.17</u>
<u>A9003</u>	<u>E</u>	<u>Existing Site Plan & GFA Diagram - Level 03</u>	<u>11.04.17</u>
<u>A9004</u>	<u>C</u>	<u>Existing Site Plan & GFA Diagram - Level 04</u>	<u>11.11.16</u>
<u>A9005</u>	<u>E</u>	<u>Existing Site Plan & GFA Diagram - Level 05</u>	<u>16.02.17</u>
<u>A9006</u>	<u>C</u>	<u>Existing Site Plan & GFA Diagram - Level 06</u>	<u>11.11.16</u>
<u>A9007</u>	<u>C</u>	<u>Existing Site Plan & GFA Diagram - Level 07</u>	<u>11.11.16</u>
<u>A9008</u>	<u>C</u>	<u>Existing Site Plan & GFA Diagram - Level 08</u>	<u>11.11.16</u>
<u>A9009</u>	<u>C</u>	<u>Existing Site Plan & GFA Diagram - Level 09</u>	<u>11.11.16</u>

<u>A9010</u>	<u>C</u>	<u>Existing Site Plan & GFA Diagram - Level 10</u>	<u>11.11.16</u>
<u>A9011</u>	<u>C</u>	<u>Existing Site Plan & GFA Diagram - Level 11</u>	<u>11.11.16</u>
<u>A9012</u>	<u>C</u>	<u>Existing Site Plan & GFA Diagram - Level 12</u>	<u>11.11.16</u>
<u>A9015</u>	<u>C</u>	<u>Existing Site Plan & GFA Diagram - Level 15</u>	<u>11.11.16</u>
<u>A9016</u>	<u>C</u>	<u>Existing Site Plan & GFA Diagram - Level 16</u>	<u>11.11.16</u>
<u>A9017</u>	<u>C</u>	<u>Existing Site Plan & GFA Diagram - Level 17</u>	<u>11.11.16</u>
<u>A9018</u>	<u>C</u>	<u>Existing Site Plan & GFA Diagram - Level 18</u>	<u>11.11.16</u>
<u>A9019</u>	<u>C</u>	<u>Existing Site Plan & GFA Diagram – Roof</u>	<u>11.11.16</u>
<u>A07B4</u>	<u>B</u>	<u>Demolition Plan - Level B04</u>	<u>15.09.16</u>
<u>A07B3</u>	<u>B</u>	<u>Demolition Plan - Level B03</u>	<u>15.09.16</u>
<u>A07B2</u>	<u>B</u>	<u>Demolition Plan - Level B02</u>	<u>15.09.16</u>
<u>A07B1</u>	<u>C</u>	<u>Demolition Plan - Level B01</u>	<u>15.09.16</u>
<u>A0700</u>	<u>E</u>	<u>Demolition Plan - Level 00</u>	<u>05.05.17</u>
<u>A0701</u>	<u>D</u>	<u>Demolition Plan - Level 01</u>	<u>05.05.17</u>
<u>A0702</u>	<u>D</u>	<u>Demolition Plan - Level 02</u>	<u>05.05.17</u>
<u>A0703</u>	<u>D</u>	<u>Demolition Plan - Level 03</u>	<u>05.05.17</u>
<u>A0704</u>	<u>B</u>	<u>Demolition Plan - Level 04</u>	<u>15.09.16</u>
<u>A0705</u>	<u>E</u>	<u>Demolition Plan - Level 05</u>	<u>05.05.17</u>
<u>A10B4</u>	<u>D</u>	<u>Proposed Site Plan - Level B04</u>	<u>05.05.17</u>
<u>A10B3</u>	<u>E</u>	<u>Proposed Site Plan - Level B03</u>	<u>15.09.16</u>
<u>A10B2</u>	<u>E</u>	<u>Proposed Site Plan - Level B02</u>	<u>11.04.17</u>
<u>A10B1</u>	<u>E</u>	<u>Proposed Site Plan - Level B01</u>	<u>11.04.17</u>
<u>A1000</u>	<u>F</u>	<u>Proposed Site Plan – Level 00</u>	<u>05.05.17</u>
<u>A1001</u>	<u>E</u>	<u>Proposed Site Plan – Level 01</u>	<u>05.05.17</u>
<u>A1002</u>	<u>F</u>	<u>Proposed Site Plan – Level 02</u>	<u>05.05.17</u>
<u>A1003</u>	<u>F</u>	<u>Proposed Site Plan – Level 03</u>	<u>05.05.17</u>
<u>A1004</u>	<u>E</u>	<u>Proposed Site Plan – Level 04</u>	<u>05.05.17</u>
<u>A1005</u>	<u>F</u>	<u>Proposed Site Plan – Level 05</u>	<u>05.05.17</u>
<u>A2000-1</u>	<u>F</u>	<u>Proposed Floor Plan - Level 00 - Part 1</u>	<u>05.05.17</u>
<u>A2000-2</u>	<u>E</u>	<u>Proposed Floor Plan - Level 00 - Part 2</u>	<u>05.05.17</u>
<u>A2001</u>	<u>D</u>	<u>Proposed Floor Plan - Level 01</u>	<u>05.05.17</u>
<u>A2002</u>	<u>E</u>	<u>Proposed Floor Plan - Level 02</u>	<u>05.05.17</u>
<u>A2003-1</u>	<u>E</u>	<u>Proposed Floor Plan - Level 03 - Part 1</u>	<u>05.05.17</u>
<u>A2003-2</u>	<u>D</u>	<u>Proposed Floor Plan - Level 03 - Part 2</u>	<u>05.05.17</u>
<u>A2004</u>	<u>B</u>	<u>Proposed Floor Plan - Level 04</u>	<u>15.09.17</u>
<u>A2005</u>	<u>D</u>	<u>Proposed Floor Plan - Level 05</u>	<u>11.04.17</u>
<u>A9100</u>	<u>E</u>	<u>Proposed GFA Diagram - Level 00</u>	<u>05.05.17</u>

<u>A9101</u>	<u>D</u>	<u>Proposed GFA Diagram - Level 01</u>	<u>11.04.17</u>
<u>A9102</u>	<u>B</u>	<u>Proposed GFA Diagram - Level 02</u>	<u>15.09.17</u>
<u>A9103</u>	<u>E</u>	<u>Proposed GFA Diagram - Level 03</u>	<u>05.05.17</u>
<u>A9104</u>	<u>B</u>	<u>Proposed GFA Diagram - Level 04</u>	<u>15.09.17</u>
<u>A9105</u>	<u>C</u>	<u>Proposed GFA diagram - level 05</u>	<u>14.02.17</u>
<u>A4010</u>	<u>B</u>	<u>Building Elevations - sheet 1</u>	<u>15.09.16</u>
<u>A4011</u>	<u>D</u>	<u>Building Elevations - sheet 2</u>	<u>05.05.17</u>
<u>A4012</u>	<u>C</u>	<u>Building Elevations - sheet 3</u>	<u>05.05.16</u>
<u>A5010</u>	<u>C</u>	<u>Building Sections - sheet 1</u>	<u>05.05.17</u>
<u>A5011</u>	<u>C</u>	<u>Building Sections - sheet 2</u>	<u>23.01.17</u>
<u>A5012</u>	<u>C</u>	<u>Building Sections - sheet 3</u>	<u>15.09.16</u>
<u>A5013</u>	<u>C</u>	<u>Building Sections - sheet 4</u>	<u>05.05.16</u>
<u>A5014</u>	<u>C</u>	<u>Building Sections - sheet 5</u>	<u>05.05.17</u>
<u>A0010</u>	<u>B</u>	<u>Photomontage & Finishes Schedule</u>	<u>15.09.16</u>
<u>A0011</u>	<u>C</u>	<u>Photomontage & Finishes Schedule</u>	<u>23.01.17</u>
<u>A0012</u>	<u>B</u>	<u>Photomontage & Finishes Schedule</u>	<u>15.09.16</u>
<u>A0013</u>	<u>D</u>	<u>Photomontage & Finishes Schedule</u>	<u>05.05.17</u>
<u>A0014</u>	<u>B</u>	<u>Photomontage & Finishes Schedule</u>	<u>15.09.16</u>
<u>A0015</u>	<u>E</u>	<u>Photomontage & Finishes Schedule</u>	<u>05.05.17</u>
<u>A7010</u>	<u>A</u>	<u>Internal elevations – ELS building and porte cochere</u>	<u>23.01.17</u>
<u>A3000</u>	<u>C</u>	<u>SELS building scope of works</u>	<u>05.05.17</u>
<u>A7018</u>	<u>4</u>	<u>Premium Departure Lounge – floor plan</u>	<u>16.02.17</u>
<u>A7019</u>	<u>2</u>	<u>Premium Departure Lounge – elevations</u>	<u>18.08.16</u>
<u>A6411</u>	<u>3</u>	<u>Water Feature Details</u>	<u>01.02.17</u>
<u>MOD14-A92B2A</u>	<u>A</u>	<u>Existing Site Plan – Level B2</u>	<u>04.06.2017</u>
<u>MOD14-A9200A</u>	<u>A</u>	<u>Existing Site Plan – Level B2</u>	<u>04.06.2017</u>
<u>MOD14-A9201A</u>	<u>A</u>	<u>Existing Site Plan – Level 01</u>	<u>14.09.2017</u>
<u>MOD14-A9202A</u>	<u>A</u>	<u>Existing Site Plan – Level 02</u>	<u>14.09.2017</u>
<u>MOD14-A9203A</u>	<u>B</u>	<u>Existing Site Plan – Level 03</u>	<u>14.09.2017</u>
<u>MOD14-A9204A</u>	<u>A</u>	<u>Existing Site Plan – Level 04</u>	<u>04.06.2017</u>
<u>MOD14-A9205A</u>	<u>A</u>	<u>Existing Site Plan – Level 05</u>	<u>04.06.2017</u>
<u>MOD14-A9216A</u>	<u>A</u>	<u>Existing Site Plan – Level 16</u>	<u>04.06.2017</u>
<u>MOD14-A9217</u>	<u>A</u>	<u>Existing Site Plan – Level 17</u>	<u>14.09.2017</u>

3. Condition A3 is amended by the insertion of **bold and underlined** words / numbers and deletion of the ~~struck-out~~ words / numbers as follows:

A3 Development in Accordance with Documents

The development will be undertaken 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;~~
- (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 Façade 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;
- (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; and
- (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**
- (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~~
- (2) BCA Capability Statement prepared by Phillip Chun & Associates Pty Ltd, dated 9 September 2010.

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 and the Response to Submissions Report dated May 2017;**
- (2) **Traffic Impact Assessment prepared by Mott MacDonald and the Traffic Response to Stakeholders Comments dated 2 March 2017;**
- (3) **Heritage Impact Statement prepared by Urbis dated September 2016 and the Heritage Response dated 3.03.2017;**
- (4) **Noise Impact Assessment prepared by WSP/Parsons Brinckerhoff dated September 2016 and the Supplementary Acoustic Report Revision 4 dated 12.05.2017;**
- (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 and the Comments on DOPE Response to Sustainability dated February 2017;**
- (11) **Marine Impact Assessment prepared by WSP/Parsons Brinckerhoff dated September 2016 the Comments on DOPE Responses to Harbour Heat Rejection System dated February 2017;**
- (12) **Electrical and Hydraulic Services Infrastructure Report prepared by Umow Lai dated September 2016 and the Hydraulic Services Infrastructure Report March 2017;**
- (13) **SELS Heritage Building Façade – External Lighting Design Compliance and Plans prepared by Point of View dated 13 February 2017;**
- (14) **Proponents Statement of Commitments prepared by Urbis dated February 2017;**
- (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;**
- (17) **Loading Dock Management Plan prepared by Mott MacDonald dated 02 March 2017;**
- (18) **Construction Pedestrian and Traffic Management Plan dated 02 March 2017; and**
- (19) **The Star Modification 14 Landscape Design report prepared by Urbis dated 15 May 2017.**

4. Condition A3A is inserted as follows:

A3A *Minor Works*

1. **Works that are consistent with the types of development identified in Schedule 3 may be undertaken pursuant to this approval without the need for any further modification or approval, except on any part of land identified in as an item of environmental heritage in an environmental planning instrument.**
2. **Development shown on the plans approved in Condition A2 may be undertaken pursuant to this approval without the requirement for any further modification or approval where those works relate only to the relocation of gaming, storage, commercial, hotel, food and beverage, and entertainment floor space, internal to The Star Casino and where the relocation internally of those uses does not result in a change to the total gaming floor space, and**
 - (a) **the works do not change fire egress provisions of the approved building;**
 - (b) **there are no changes to any external space;**
 - (c) **there are no new external spaces or openings in the building proposed; and**
 - (d) **there is no increase in GFA on site.**
3. **Prior to any works being undertaken in accordance with this condition, a Construction Certificate supported by all relevant technical assessments (provided by a suitably qualified consultant) must be obtained. Works must be carried out in accordance with relevant Australian Standards, the Building Code of Australia and any separate approvals, including those required outside the *Environmental Planning and Assessment Act 1979*. The Construction Certificate must be consistent with the relevant development standards set out in Schedule 3 and the relevant conditions of this or any other approval.**

5. Condition A6 is deleted in its entirety and replaced with the following condition:

A6 *Sydney Electric Lighting Station – internal fitout*

The fitout to the retail tenancy in the SELS Building does not form part of this proposal and is to be the subject of a future development application.

6. Condition A7 is inserted as follows:

A7 *Limits of this approval*

This approval does not govern the operation of the spaces which are the subject of the City of Sydney development consents identified on Drawing Nos. MOD14-A92B2A, MOD14-A9200A, MOD14-A9201A, MOD14-A9202A, MOD14-A9203A, MOD14-A9204A, MOD14-A9205A, MOD14-A9216A and MOD14-A9217A (prepared by DWP Suters, various dates) as identified in Condition A2 of this approval.

7. Condition A8 is inserted as follows:

A8 *Surrender of consents*

The Proponent shall provide notice to City of Sydney Council of the voluntary surrender of the following development consents in accordance with clause 104A of the *Environmental Planning and Assessment Act 1979* within three months of the approval of Modification 14:

- 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; and
- D/2013/1975 - Sovereign room alterations - Minor alterations and additions to sovereign room.

Part B – Prior to the Issue of Construction Certificate

8. Condition B9A is inserted as follows:

B9A Public Domain Works

(1) Alignment Levels – Public Domain Work Between Gridlines 23 And F

- (a) Proposed building floor levels, basement levels, basement car park entry levels and ground levels shown on the approved plans are indicative only and have not been approved by this consent.
- (b) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work relating to the public domain (whichever is earlier), excluding approved preparatory or demolition work, alignment levels for the building and site frontages must be submitted to and approved by the City of Sydney. The submission must be prepared by a Registered Surveyor, must be in accordance with the City of Sydney's *Public Domain Manual* and must be submitted with a completed Alignment Levels checklist (available in the *Public Domain Manual*) and Footpath Levels and Gradients Approval Application form (available on the City of Sydney's website).
- (c) These alignment levels, as approved by the City of Sydney are to be incorporated into the plans submitted with the application for a Construction Certificate for any civil, drainage and public domain work as applicable under this consent. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by the City of Sydney to reflect these changes prior to a Construction Certificate being issued for public domain work.

(2) 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 used by the public must comply with AS/NZS 4586:2004 (including amendments) "*Slip resistance classification of new pedestrian surface materials*".

(3) Preservation of Survey Marks

All works must ensure the preservation of existing permanent survey marks (a brass bolt, or a lead plug holding a brass tack, covered by a cast iron box). At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City of Sydney's Project Manager Survey / Design Services to arrange for the recovery of the mark.

Prior to the issue of a Construction Certificate for the Level 3 Sovereign Room expansion, a survey plan, clearly showing the location of all permanent survey marks fronting the site and within 5 metres on each side of the frontages must be submitted to City of Sydney.

At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City of Sydney's Senior Surveyor to arrange for the recovery of the mark.

A fee must be paid to the City of Sydney for the replacement of any permanent survey mark removed or damaged in accordance with the City's Schedule of Fees and Charges (Reinstatement of Survey Box).

(4) Protection of Survey Infrastructure

Prior to the commencement of any work for the Level 3 Sovereign Room expansion, a statement prepared by a Surveyor registered under the *Surveying Act 2002* must be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Reservation of Survey Infrastructure. Any Permanent Marks proposed to be or have been destroyed must be replaced, and a "Plan of Survey Information" must be lodged at the Land and Property Management Authority.

(5) Public Domain Plan Between Gridlines 23 And F

- (a) A detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with Council's Public Domain Section and be approved by the Secretary prior to a Construction Certificate being issued for public domain work or above ground building work, whichever is later.
- (b) The Public Domain Plan must provide for the upgrade of:
- i. the paving along Jones Bay Road to connect with the intersection of Pyrmont Street, and along Pyrmont Street to connect with the intersection with Jones Bay Road; and
 - ii. the existing pedestrian crossing on Jones Bay Road to current standards.
- (c) The Public Domain Plan must document all works required to ensure that the public domain complies with the City of Sydney's *Public Domain Manual*, *Sydney Streets Design Code* and *Sydney Streets Technical Specification*, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by City of Sydney to reflect these changes prior to a Construction Certificate being issued for public domain work.
- (d) The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the *Public Domain Manual* before any Occupation Certificate is issued for the Level 3 Sovereign Room expansion.
- (e) A Public Domain Works Deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the *Public Domain Manual*. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.

(f) City of Sydney's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Construction Certificate being issued for the Level 3 Sovereign Room expansion.

(g) The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

(6) Public Domain Works - Hold Points and Handover

(a) Prior to a Construction Certificate being issued for public domain work, including civil, drainage and subsurface works, a set of hold points for approved public domain, civil and drainage work is to be determined with and approved by the City's Public Domain section in accordance with the City of Sydney's *Public Domain Manual* and *Sydney Streets Technical Specification*.

(b) Prior to a Certificate of Completion being issued for public domain works and before the issue of an Occupation Certificate for the Level 3 Sovereign Room expansion (excluding the Sovereign Room Swing Space) or before the use commences, whichever is earlier, electronic works-as-executed (as-built) plans and documentation, certified by a suitably qualified, independent professional must be submitted to and accepted by Council for all public domain works. Completion and handover of the constructed public domain works must be undertaken in accordance with the City of Sydney's *Public Domain Manual* and *Sydney Streets Technical Specification*, including requirements for as-built documentation, certification, warranties and the defects liability period.

(7) Drainage and service pit lids

Drainage and service pit lids throughout the public domain shall be heelguard and bicycle safe, finish flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Pit lids shall be in accordance with the City of Sydney's *Sydney Streets Design Code* and *Sydney Streets Technical Specification*. Details of drainage and service pit lids shall be submitted and approved by Council prior to a Construction Certificate being issued for the relevant stage of work.

9. Condition B10A, B10B and B10C are inserted as follows:

B10A Loading Dock Management Plan

The Proponent shall update the Loading Dock Management Plan dated 2 March 2017 in consultation with the Sydney Coordination Office within Transport for NSW and City of Sydney Council prior to a Construction Certificate being issued for the Level 3 Sovereign Room expansion. The plan will outline all management measures required to ensure the efficient and safe operation of the loading dock.

B10B Private Bus Transport

The Proponent shall prepare a Private Bus Transport Management Plan (PBTMP) in consultation with Sydney Coordination Office within Transport for NSW and City of Sydney Council prior to a Construction Certificate being issued for the Level 3 Sovereign

Room expansion. The Plan shall ensure the bus services can operate in a safe and efficient manner.

B10C Porte Cochere Management

The Proponent shall prepare a Porte Cochere Management Plan in consultation with Sydney Coordination Office within Transport for NSW and City of Sydney Council prior to a Construction Certificate being issued for the Level 3 Sovereign Room expansion. The Plan shall ensure the operation of the porte cochere does not have a detrimental impact on the road network.

10. Condition B12A is inserted as follows:

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

<u>Level</u>	<u>Use</u>	<u>Contribution Use</u>	<u>Additional GFA</u>	<u>Gross Floor Area (m²) per worker</u>	<u>Payable – based on \$1,777 workers contribution rate</u>
<u>Level 00</u>	<u>Astral Luxury Retail Zone</u>	<u>Shops – including neighbourhood shops, excluding supermarkets</u>	<u>284 sqm</u>	<u>57</u>	<u>\$8,853.82</u>
<u>Level 00</u>	<u>Change of use – Hotel to Retail</u>	<u>Shops – including neighbourhood shops, excluding supermarkets</u>	<u>145 sqm</u>	<u>57</u>	<u>\$4,520.44</u>
<u>Level 00</u>	<u>Change of use – Hotel to F&B</u>	<u>Food & Drink Premises – restaurants, cafes & take away premises</u>	<u>128 sqm</u>	<u>21</u>	<u>\$10,831.24</u>
<u>Level 01</u>	<u>Area of slab infill</u>	<u>Entertainment facility</u>	<u>214 sqm</u>	<u>130</u>	<u>\$2,925.22</u>
<u>Level 03</u>	<u>Area of additional Premium Gaming</u>	<u>Entertainment Facility</u>	<u>4266 sqm</u>	<u>130</u>	<u>\$58,312.94</u>
<u>Level 03</u>	<u>Event Centre Pre-Function</u>	<u>Function Centre</u>	<u>765sqm</u>	<u>119</u>	<u>\$11,423.57</u>
<u>Level 03</u>	<u>Restaurant</u>	<u>Food & Drink Premises – restaurants,</u>	<u>974 sqm</u>	<u>21</u>	<u>\$82,418.95</u>

		<u>cafes & take away premises</u>			
				Total	\$179,286.18

Timing of Payment

1. The contribution must be paid prior to the issue of any Construction Certificate for the Level 3 Sovereign Room Expansion to the City of Sydney Council. Personal or company cheques will not be accepted.

Indexing

2. 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.

11. Condition B13A is inserted as follows:

B13A Affordable Housing Contributions – Modification 14

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

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

1. The above contribution is to be paid as follows:
 - a. Prior to the first Construction Certificate being issued for the Modification 14 works, the Proponent 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; or alternatively
 - b. prior to the first Construction Certificate for the Modification 14 works being issued, the Proponent must provide evidence that a bank guarantee in amount of \$288,161.28 (based on 6,822 sqm of additional proposed 'commercial' gross floor area) has been lodged with the Department of Planning and Environment
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 for Modification 14

works being issued (where the contribution is being paid rather than a bank guarantee being lodged).

4. If the Construction Certificate is to be issued by a Principal Certifying Authority, they must seek Council's endorsement of the calculation (in the event the contribution is to be paid rather than a Bank Guarantee lodged) prior to issue of a Construction Certificate for Modification 14 works.
 5. In the event the Proponent elects to satisfy this condition with the lodgement of a Bank Guarantee the Proponent must pay the contribution calculated in accordance with (3) above prior to issue of an Occupation Certificate for the Level 3 Sovereign Room Expansion works. The Proponent must provide evidence to Council that the Affordable Housing contribution has been paid prior to the issue of the Occupation Certificate for the Level 3 Sovereign Room Expansion works.
 6. The Bank Guarantee is to be paid and refunded in accordance with the requirements of the Revised City West Affordable Housing Program (June 2010) prepared by NSW Planning.
12. Condition B16 is amended by the insertion of **bold and underlined** words / numbers as follows:

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.

13. Condition B19 is amended by the insertion of **bold and underlined** words / numbers and deletion of the struck-out words / numbers as follows:

B19 Construction and Traffic Management Plan

Prior to the issue of a Construction Certificate a ~~Construction Management Plan shall be submitted~~ **the Proponent must update the Construction Pedestrian and Traffic Management (CPTMP) in consultation with the Sydney Coordination Office within Transport for NSW and submit it** 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.

14. Condition B21 is amended by the insertion of **bold and underlined** words / numbers and deletion of the struck-out words / numbers as follows:

B21 Construction Noise and Vibration Management Plan

A **Construction** Noise and Vibration Management Plan (**CNVMP**) 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;
- (4) maximum noise levels for internal works to be carried out 24 hours a day;**
- (5) detailed assessment of the construction methods to be used for the works;**

- (6) mitigation treatments, management methods and procedures to be implemented during construction to control noise and vibration;
- (7) measures to inform all potentially impacted residents of the nature of works to be carried out, the expected noise levels and duration, as well as site contact details;**
- (8) ~~(4)~~ noise and vibration monitoring, reporting and response procedures;**
- (9) measures to be implemented to manage complaint handling and reporting; and**
- (10) ~~(6)~~ contingency plans to be implemented where non-compliances occur or noise complaints are received.**

The CNVMP must be prepared in accordance with the *Interim Construction Noise Guideline* and include feasible and reasonable work practices to meet the established construction noise limits.

The construction hours must be in accordance with condition D11 of this approval.

The **CNVMP** Noise and Vibration Management Plan is to be submitted to the Certifying Authority **for endorsement** prior to the issue of a Construction Certificate. **The Proponent shall also submit a copy of the final plan to the Department and the Council.**

15. Insert Condition B21A as follows:

B21A Construction Environmental Management Plan

The Proponent shall prepare a Construction Environmental Management Plan (CEMP) prior to issue of a Certificate Certificate for the Level 3 Sovereign Room expansion in consultation with the Department of Primary Industries (DPI Water).

16. Condition B23 is amended by the insertion of **bold and underlined** words / numbers as follows:

B23 Protection of Trees During Construction

- (1) 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.
- (2) **Where trees are required to be removed during construction those trees are to be replaced by a tree of same species and size in accordance with the approved landscape concept prior to issue of an Occupation Certificate for the Level 3 Sovereign Room expansion (excluding the Sovereign Room Swing Space).**

17. Insert Condition B29 as follows:

B29 Bicycle Parking and End of Trip Facilities

The minimum number of bicycle parking spaces and end of trip facilities to be provided for the development must comply with the table below and the approved plans:

<u>User</u>	<u>Quantity</u>	<u>Requirements</u>
<u>Visitor Parking</u>	<u>29</u>	<ul style="list-style-type: none"> • <u>Levels B1 and B2 as shown on plan Nos. A90B1 and A90B2;</u> • <u>On-grade;</u> • <u>In a visible and easily accessible location.</u>
<u>Staff Parking</u>	<u>5</u>	
<u>End of trip change facilities including showers and change area</u>		<u>Separate male and female facilities at Heart of House on Level 00</u>

The layout, design and security of bicycle facilities must comply with Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Principle Certifying Authority confirming prior to the Construction Certificate being issued.

18. Insert Condition B30 as follows:

B30 Landscaped (Green) Roofs

- (a) **A detailed plan of the green roof, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate for the Level 3 Sovereign Room expansion. The plan must include:**
- (i) **location of existing and proposed structures, services and hard landscaping on the rooftop, roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components;**
 - (ii) **details of earthworks including mounding and retaining walls;**
 - (iii) **details of the location, sizes and numbers of plants used with reference to NATSPEC, with a preference for locally indigenous and drought resistant plants. The proposed green roof plant species are not approved, and must be selected in consultation with the City's ecologist to ensure adequate biodiversity;**
 - (iv) **details of the soil media/substrate type and depth;**
 - (v) **details of installation methodology e.g. safety considerations for working at height, location of maintenance hooks (if applicable) transport materials etc;**
 - (vi) **details of accessible and inaccessible areas on the Green Roof. Where proposed to be inaccessible, Green Roofs are required to remain such during occupation of the property; and**
 - (vii) **details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer (if applicable).**
- (b) **Prior to the issue of a Construction Certificate for the Level 3 Sovereign Room expansion, the following details are to be submitted to and approved by the Principal Certifying Authority:**

- (i) evidence the green roof has been assessed as part of the structural certification provided for the development; and
- (ii) evidence the green roof has been assessed as part of the waterproofing certification provided for the development.
- (c) All landscaping in the approved plan is to be completed prior to the issue of an Occupation Certificate for the Level 3 Sovereign Room expansion.
- (d) Prior to the issue of an Occupation Certificate for the Level 3 Sovereign Room expansion, a maintenance plan is to be submitted and approved by the Principal Certifying Authority. A copy of the maintenance plan is to be kept on site at all times during construction and shall be produced to Council on request following completion. The Maintenance Manual shall include as a minimum:

 - (i) frequency and methodology of different maintenance requirements including the removal of green waste;
 - (ii) details of safety procedures;
 - (iii) laminated copies of 'As Built' drawings;
 - (iv) manufacturer's contact details and copies of manufacturers' typical details and specification;
 - (v) copies of warranties and guarantees relating to all materials and plant used in construction; and
 - (vi) decommissioning procedures.
- (e) Inaccessible green roofs are required to remain inaccessible during occupation of the property.

In Part D – During construction works

19. Condition D11 is amended by the insertion of **bold and underlined** words / numbers as follows:

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 5:30pm, 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;
and
 - 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 minor internal works to the existing building, including but not limited to demolition of light weight partitions, construction of new partitions, installation of ceilings, finishing of floors, engineering services installations, carpet installation, lighting programming, painting, may be undertaken outside these hours in accordance with the submitted Construction Noise and Vibration Management Plan required by Condition B21.

Should noise complaints be received by Council or other State government agencies from a place of different occupancy (including commercial premises) and the complaint being substantiated by a Council Officer or representative of the relevant State agency, the construction works occurring during the approved extended construction hours must cease operation until 'attenuation works' are carried out. Extended construction hours must not commence until compliance with the relevant noise conditions can be achieved.

All heavy demolition and construction works shall be restricted to between the hours of 9:00 am – 4:00 pm Mondays to Saturdays.

20. Insert Condition D17A as follows:

D17A Public Domain Plan – Mod 14 Works

Three copies of a Public Domain Plan must be prepared by an architect, urban designer or landscape architect reflecting the proposed Public Domain Works shown within the Landscape Report prepared by Urbis dated 16 February 2017 include the relevant provisions to address the requirements of condition B9A. The plan must be lodged with Council's Public Domain Section and approved by Council prior to the commencement of the public domain works.

21. Delete Condition D18 in its entirety and replace with the following condition:

D18 Public Domain Damage Deposit

A Public Domain Damage Deposit calculated on the basis of 135 lineal metres of asphalt site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with Council prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier.

The Bank Guarantee will be retained in full until the final Occupation Certificate has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90% of the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.

22. Insert Condition D23 as follows:

D23 Water efficiency

All water fixtures, including toilets, urinals, taps, showers and dishwashers are required to have a NABERS rating of 3 star or greater.

23. Insert Condition D24 as follows:

D24 Heritage

- (1) **General Heritage**

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations, new penetrations/fixings to the significant fabric of the SELS Building, which is listed as a Heritage Item;
 - (b) The fabric and features of the SELS Building to be retained by the proposal must be property protected during the process of demolition and construction;
 - (c) All conservation and adaption works are to be in accordance with the Articles of the Australia ICOMOS Burra Charter 1999;
 - (d) Experienced tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works to the SELS Building;
 - (e) New services to the SELS Building are to be installed with minimum intervention to significant fabric and spaces; and
 - (f) Brickwork/stone must not be rendered, painted or coated.
- (2) Making Good to Existing Building
All new internal and external finishes and works of making good to the SELS Building must match the existing original work adjacent in respect of materials used, detailed execution and finished appearance.
 - (3) SELS Building Lighting
The lighting to Pyrmont Street Facade of the SELS Building is to be installed in accordance with the Lighting Methodology Statement prepared by URBIS dated 16 February 2017.

Part E – Prior to Occupation or Commencement of Use

24. Condition E12 is deleted in its entirety.

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.

25. Insert Condition E1(B) as follows:

E1(B) Operational Environmental Management Plan

The Proponent shall prepare an Operational Environmental Management Plan (OEMP) prior to issue of an Occupation Certificate for the Level 3 Sovereign Room expansion in consultation with the Department of Primary Industries (DPI Water).

Part F – Post Occupation & Ongoing Operational

26. Condition F1 is amended by the insertion of **bold and underlined** words / numbers as follows:

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;
- c) Level 1 Pirrama Road Outdoor Gaming Areas;
- d) **Oasis Outdoor Gaming Area fronting Pymont Street (as shown on Drawing No MOD-A9202A); and**
- e) **Sovereign Level 3 Outdoor Gaming Areas within the site and those fronting Pirrama Road and Pymont Streets (as shown on Drawing No MOD 14-A0703).**

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.

27. Condition F1A is amended by the insertion of **bold and underlined** words / numbers and deletion of the ~~struck out~~ words / numbers as follows:

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(e) **F1(e)** above is subject to a **two-year** trial period which shall commence ~~two years from the date~~ **on grant** of approval of MP08_0098 MOD 12 **MOD 14 or within one month of the issue of an Occupation Certificate for the outdoor areas whichever is the latter.** The Proponent shall notify Council and the Department in writing of the commencement of the trial period **for each of the outdoor areas identified in Condition F1(b) to F1(e) above.** 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.~~

28. Condition F1C is amended by the insertion of **bold and underlined** words / numbers as follows:

F1C Level 3 Pirrama Road Entertainment Deck

Speakers and amplification equipment must be installed/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:

- (a) The use of the Level 3 Pirrama Road Entertainment Deck must comply with maximum allowable noise levels outlined in Section 4.2 (Table 6) of abovementioned report;
- (b) 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 Associates and dated 8 May 2014;
- (c) The use of the speakers for the playing of live or recorded music is limited to between 7.00am and 12.00am;
- (d) There shall be no playing of amplified music or the use of speakers between 12.00am and 7.00am;

- (e) Music noise limits to 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 patrons 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~~
- (f) 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 The Star Ltd and dated 8 May 2014; and
- (g) **Notwithstanding compliance with (a) to (f) above operations on the Level 3 Pirrama Road Deck shall comply with the requirements of Conditions F5 and F6 when cumulatively assessed with other operations at the premises.**

29. Condition F1D is modified by the insertion of **bold and underlined** words / numbers as follows:

F1D Use of speakers in outdoor areas ~~Level 1 Pirrama Road Outdoor Gaming Areas~~

- 1** During the trial period (Condition F1A), speakers and amplification equipment must be constructed and operated at the Level 1 Pirrama Road Outdoor Gaming Area 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:
 - (a) 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;
 - (b) No PA (public address) announcements are permitted between 12 am and 7 am;
 - (c) 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;
 - (d) 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;
 - (e) 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; and
 - (f) Notwithstanding compliance with (a) to (e) above operations within the Level 1 Pirrama Road Outdoor Gaming Area shall comply with the requirements of Conditions F5 and F6 when cumulatively assessed with other operations at the premises.**
- 2** **Any speakers and amplification equipment installed in the Oasis Outdoor Gaming Area, the expanded Level 1 Outdoor Gaming Area, or the Sovereign Outdoor Gaming Areas (internal to the site, fronting Pirrama Road or Pymont Street) must be constructed and operated 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 and the recommendations of the Noise Impact Assessment prepared by WSP/Parsons Brinckerhoff dated September 2016 and Supplementary Report dated February 2017. The use of the equipment must comply with the following:**

- (a) No PA (public address) announcements are permitted between 12 am and 7 am;
- (b) Only low level background music that is below existing ambient noise levels in the relevant area is permitted to be played between 12 am and 7 am;
- (c) 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
- (d) 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; and
- (e) Notwithstanding compliance with paragraphs (a) to (d) above operations within the Unenclosed Gaming Areas shall comply with the following requirements:
 - i. all gaming machines in the unenclosed gaming areas are to be turned to half volume between 12 am and 7 am;
 - ii. the UGA is to be isolated off from the main gaming area via automatic door closers; and
 - iii. operation of each unenclosed gaming area shall comply with the requirements of Conditions F5 and F6 when cumulatively assessed with other operations at the premises.

30. Condition F1E is amended by the insertion of **bold and underlined** words / numbers as follows:

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 **within two weeks of the approval of MP08 0098 MOD 14 or prior to occupation of the areas nominated in Conditions F1 (b) to (e) and F3 (1) and (2) whichever is the sooner** 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 **Conditions F1 (b) to (e) and F3 (1) and (2)** the following acoustic measures must be undertaken:

1. The acoustic consultant must:
 - a) Measure and verify that the **cumulative** noise emanating from the premises complies with the noise criteria in Condition F5 Noise; and
 - b) If necessary, make recommendations to ensure that the **cumulative** noise emanating from the premises complies with the noise.
2. The noise measurements must be:
 - a) Undertaken without the knowledge of the Proponent, manager or operator of the premises;
 - b) Undertaken 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 **cumulative** 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 (1) (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 **(2)(b)** 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.

31. Condition F3 is deleted in its entirety and replaced with the following condition:

F3 Hours of operation – outdoor gaming areas and terraces

- (1) **The hours of operation of the following areas is restricted to between 7.00 am and 12.00 midnight, Mondays to Sunday inclusive:**
 - a. **Level 3 Sovereign Room outdoor gaming areas fronting Pirrama Road and Pyrmont Street;**
 - b. **Level 2 Oasis outdoor gaming area fronting Pyrmont Street; and**
 - c. **Level 1 outdoor gaming areas fronting Pirrama Road.**
- (2) **The hours of operation of balconies serving the private gaming rooms adjacent to Union Street are restricted to between 10:00 am and 10:00 pm, Mondays to Sundays inclusive.**
- (3) **Notwithstanding (1a) above the Level 3 Sovereign Room outdoor gaming areas may operate 24-hours a day Mondays to Sundays (inclusive) for a two-year trial period which shall start on commencement of use of the outdoor terrace.**
- (4) **Notwithstanding (1b). (1c) and (2) above the outdoor areas may operate 24-hours a day Mondays to Sundays (inclusive) for a two-year trial period which shall commence on the date of approval of Modification 14.**
- (5) **The Proponent shall notify Council and the Department in writing of the commencement of the trial period for each of the outdoor areas identified in (1) and (2) above. Email notification to Council of the commencement of the trial period shall be sent to liquor@cityofsydney.nsw.gov.au.**
- (6) **Operation of all outdoor areas shall comply with the requirements of Conditions F5 and F6 when cumulatively assessed with other operations at the premises.**

32. Condition F5 is amended by the insertion of **bold and underlined** words / numbers as follows:

F5 Noise

Cumulative 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 **outside the boundary;**
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.
33. Condition F6 is amended by the insertion of **bold and underlined** words / numbers and deletion of the struck-out words / numbers as follows:

F6 Acoustic Review

Within 3 months **of operation of the approval of MP08 0098 MOD 14, and within 3 months of the issue of an Occupation Certificate for the areas nominated below** ~~in condition F1A (b) to (e) and condition F1AC (1) and (2)~~ **whichever is the sooner**, acoustic review demonstrating compliance with the above conditions is to be submitted to the Department. The reviews are to include specific noise monitoring and testing at relevant times and in accordance with the Star's Noise Management Plan. Areas nominated are:

- **Level 3 Unenclosed gaming area on Pyrmont St side;**
- **Level 3 Unenclosed gaming area and Level 1 Unenclosed gaming area on Pirrama Road side;**
- **Level 3 Pre-function space on Pyrmont St side;**
- **Level 3 Sovereign Room Outdoor Terrace;**
- **Level 1 Pirrama Road Outdoor Gaming Area;**
- **Level 3 Pirrama Road Entertainment Deck; and**
- **Level 2 Oasis Outdoor Gaming Area.**

34. Condition F8 is deleted in its entirety and replaced with the following condition:

F8 Public Domain Works

All works to the public domain, including rectification of identified defects, are subject to a 12 month defects liability period from the date of final completion as provided on the Certificate of Completion for public domain works.

35. Condition F9 is amended by the insertion of **bold and underlined** words / numbers as follows:

F9 Loading Dock Management Plan

The Proponent shall implement the provisions of the **amended** Loading Dock Management Plan prepared **in accordance with Condition B10A.**

36. Condition F10 is inserted as follows:

F10 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. In the event of any inconsistency, the conditions of this major project approval will prevail over the Operational Plan of Management.

37. Condition F11 is inserted as follows:

F11 Signs/Goods in the Public Way

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

38. Condition F12 is inserted as follows:

F12 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; and
- 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.

39. Condition F13 is inserted as follows:

F13 Maximum Capacity of Oasis Unenclosed Gaming Area

- 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; and
- 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.

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.

40. Condition F14 is inserted as follows:

F14 Security and Surveillance

Operations on site must comply with the relevant provisions (as in force at any time) of the following:

- (a) Casino Control Act 1992 (NSW) (Casino Control Act)
- (b) Casino Control Regulation 2009 (NSW) (Casino Control Regulations)
- (c) Security Industry Act 1997 (Security Industry Act)

generally and specifically in relation to the following matters:

- (i) surveillance (including but not limited to the operation of CCTV cameras)
- (ii) retention of CCTV records
- (iii) recording and notification of incidents
- (iv) signage associated with licensed premises and gaming areas
- (v) the operation of security at and in the vicinity of the licensed premises.

Without limiting the above, the CCTV network on site must operate in accordance with any and all approvals granted by the casino regulator (Liquor and Gaming New South Wales) under the Casino Control Act 1992 and Casino Control Regulation 2009.

41. Condition F15 is inserted as follows:

F15 Waste and Recycling Management - Minor

The proposal must comply with the relevant provisions of Council's *Policy for Waste Minimisation in New Developments 2005* which requires facilities to minimise and manage waste and recycling generated by the proposal.

DRAFT

SCHEDULE 3

SCHEDULE OF MINOR WORKS

MP08_0098

DRAFT

1. DEFINITIONS

1.1. PERMITTED DEVELOPMENT

For the purposes of this schedule, permitted development is development undertaken within the site as described for this schedule without the need for further planning approval. Permitted development on site requires a construction certificate.

1.2. THE SITE

For the purposes of this schedule, 'the site' means;

Lot 500 Deposited Plan (DP) 1161507,

Lot 301 DP873212

Lot 302 DP873212

Lot 1 DP867854

Lot 201 DP867855

being Nos. 20-80 Pymont Road Pymont (the site).

1.3. INTERNAL TO THE SITE

For the purposes of this schedule, 'internal to the site' means fully within the boundaries of the site and not visible from any part of the public domain surrounding the site.

1.4. DEFINITIONS

The definition of all land uses throughout the schedule are as defined under the *Sydney Local Environmental Plan 2012*.

2. GENERAL DEVELOPMENT

2.1. ACCESS RAMPS

2.1.1. Specified development

The construction or installation of an access ramp internal to the site.

2.1.2. Development standards

The standards specified are that the development must:

- (a) be not more than 1m above ground level (existing), and
- (b) be located at least 450mm from each side boundary and the rear boundary, and
- (c) not interfere with the functioning of existing drainage fixtures or the natural surface flow of water, and
- (d) Must be consistent with the Heritage Conservation Management Plan if constructed adjacent to the SELS building.

2.2. AERIALS, ANTENNAE AND COMMUNICATION DISHES

2.2.1. Specified development

The construction or installation of an aerial, antenna or a satellite communications dish (including any supporting mast) is development specified for this schedule if the construction or installation does not comprise fire alarm communication link works within the meaning of the *Environmental Planning and Assessment Regulation 2000*.

2.2.2. Development standards

(1) The standards specified for that development are that:

- (a) if the development is attached to an existing building, either by being mounted on the roof or attached to an external wall of a building:
 - (i) the development must not have a diameter of more than 1.8m if installed for any other purpose, and
 - (ii) the development must not be higher than 1.8m above the highest point of the roof of the building.
- (b) if the development is located at ground level (existing), the development:
 - (i) must not have a diameter of more than 1.8m, and
 - (ii) must not be higher than 1.8m above ground level (existing), and
 - (iii) must be located at least 900mm from each lot boundary, and
 - (iv) must resist loads in accordance with AS/NZS 1170.0:2002 *Structural design actions, Part 0: General Principles* and AS/NZS 1170.2:2011 *Structural design actions, Part 2: Wind actions*, and
 - (v) must be anchored by a concrete slab or footing designed in accordance with AS 3600—2009 *Concrete structures*, and

- (c) if the development is a mast or attached to a mast, the mast:
 - (i) must not have a diameter of more than 100mm, if a solid mast or 500mm if constructed as an open lattice frame, and
 - (ii) must not be higher than 10m above ground level (existing) inclusive of the mast and any attachments, and
 - (iii) must be located at least 5m from each lot boundary, if the mast is over 5m in height, and 2m from each lot boundary, if the mast is 5m or less in height, and
 - (iv) must resist loads in accordance with AS/NZS 1170.0:2002 *Structural design actions, Part 0: General Principles* and AS/NZS 1170.2:2011 *Structural design actions, Part 2: Wind actions*, and
 - (v) must be anchored by a concrete slab or footing designed in accordance with AS 3600—2009 *Concrete structures*.
- (2) For subclause (1), there must be:
 - (a) no more than 3 developments per lot, and
 - (b) not more than 1 mast or antenna located at ground level (existing) on the lot.

2.3. AIR-CONDITIONING UNITS

2.3.1. Specified development

The construction or installation of an air-conditioning unit.

2.3.2. Development standards

- (1) The standards specified for that development, are that the development must:
 - (a) not be located on the wall or roof of a building that faces the primary road, or forward of the building line to the primary road, and
 - (b) not be built into any external wall unless the development is more than 3m from each side and rear boundary and 6m from any other building on the lot, and
 - (c) not involve work that reduces the structural integrity of the building, and
 - (d) not reduce the existing fire resistance level of a wall or roof, and
 - (e) be designed so as not to operate:
 - (i) during peak time—at a noise level that is more than 5 dB(A) above the ambient background noise level measured at any property boundary, or
 - (ii) during off peak time—at a noise level that is audible in habitable rooms of adjoining residences, and
- (2) Any opening created by the construction or installation of the development must be adequately waterproofed.

2.4. BLINDS

2.4.1. Specified development

The construction or installation of any of the following structures over a window or door opening within the building or internal to the site is development specified for this schedule.

- (a) a blind (including a storm blind, security blind or sun blind) or similar structure for any purpose.

2.4.2. Development standards

The standards specified for that development are that the development must:

- (a) not have an area more than 10m², and
- (b) if it is connected to a fascia—be connected in accordance with a professional engineer's specifications, and
- (c) not be used for advertising.

2.5. EMERGENCY WORK AND TEMPORARY REPAIRS

2.5.1. Specified development

The temporary repair of any damage to a building or structure caused by an event that constitutes a significant and widespread danger to life or property in any zone in an area declared by an order under section 33 of the *State Emergency and Rescue Management Act 1989* to be an area where a state of emergency exists is development specified for this schedule .

2.5.2. Development standards

The standards specified for that development are that the development must:

- (a) be carried out within 6 months of the declaration being made, and
- (b) not change the configuration of the floor space of the building or structure being repaired, and
- (c) not increase the floor space of the building or structure being repaired, and
- (d) be to make the building or structure weatherproof.

2.6. HOT WATER SYSTEMS

2.6.1. Specified development

The construction or installation of a hot water heater or a hot water storage tank.

2.6.2. Development standards

The standards specified for that development are that the development must:

- (a) not be a solar hot water system, and

- (b) if it uses a heat pump water heater, be designed so as not to operate:
 - (i) during peak time—at a noise level that is more than 5 dB(A) above the ambient background noise level measured at any property boundary, or
 - (ii) during off peak time—at a noise level that is audible in habitable rooms of adjoining residences.

2.7. LANDSCAPING STRUCTURES

2.7.1. Specified development

The construction or installation of a landscaping structure (including a garden arch), other than a retaining wall is development specified for this schedule.

2.7.2. Development standard

- (a) The standards specified for that development are that the development must:
- (b) be not higher than 2.1m above ground level (existing), and
- (c) be not wider than 1.5m, and
- (d) be located at least 900mm from each lot boundary, and
- (e) not comprise masonry construction higher than 1m from ground level (existing).

2.8. MOBILE FOOD AND DRINK OUTLETS

2.8.1. Specified development

The carrying out of the retail sale of food, drinks and related products within the building from a mobile outlet such as a cart or other similar temporary structure is development specified for this schedule.

2.8.2. Development standards

The development;

- (a) Must not obstruct the means of egress from the building in an emergency.
- (b) Must operate in accordance with the Food Act 2003 and NSW food Authority requirements.

2.9. PATHWAYS AND PAVING

2.9.1. Specified development

- (1) The construction or installation of a pathway or paving, including any paving of a deck, pergola, patio or terrace internal to the site is development specified for this schedule.
- (2) Subclause (1) does not include any paving of a driveway, hard stand space or turning or parking area to be used by vehicles for any purpose, including the delivery or loading of goods.

2.9.2. Development standards

The standards specified for that development are that the development must:

- (a) be constructed or installed so that any surface water or runoff is disposed of by a drainage system that is connected to the existing stormwater drainage system, and
 - (i) not require cut or fill more than 1m below or above ground level (existing), and
 - (ii) not reduce any required landscaped area along a boundary with a road or an adjoining lot on which a dwelling is located.
 - (iii) And does not contravene any works approved onsite under MP08_0098.

2.10. SCULPTURES AND ARTWORKS

2.10.1. Specified development

The installation and display of any outdoor sculpture or other form of freestanding artwork is development specified for this schedule.

2.10.2. Development standards

The standards specified for that development are that the development must:

- (a) be approved by the owner of the land on which it is installed or, if it is installed on a public road, be approved by the relevant roads authority (within the meaning of the [Roads Act 1993](#)), and
- (b) be structurally sound and securely fixed with any moveable parts securely attached, and
- (c) not give rise to any noise or other nuisance to any adjoining property, and
- (d) must not more than 6m in height, and
- (e) if installed on land adjoining land in a residential zone—must be wholly located at least 3m from the boundary with that adjoining land.

2.11. WATER FEATURES AND PONDS

2.11.1. Specified development

The construction or installation of a water feature or pond is development specified for this schedule.

2.11.2. Development standards

(1) The standards specified for that development are that the development must:

- (a) not have a water depth of more than 300mm, and
- (b) not have a surface area of more than 10m²,

(2) Despite subclause 1 (a), a pond sump may be placed in a water feature or pond below a water depth of 300mm if the sump is covered with a bolted or anchored grate that is capable of supporting a weight of 150kg.

3. ADVERTISING AND SIGNAGE

3.1. GENERAL REQUIREMENTS FOR ADVERTISING AND SIGNAGE

3.1.1. General requirements

- (1) To be permitted development under this schedule, development specified in this Division must:
- (a) Have the consent in writing of the owner of the land on which the sign is to be located.
 - (b) Be wholly located internal to the site.
 - (c) Not be visible from the public domain.
 - (d) not cover any mechanical ventilation inlets or outlets located on any building on which it is carried out, and
 - (e) Must be in accordance with the Lighting Management Strategy.
- (2) This clause does not affect any other requirement of any other signage approved under MP08_0098 project approval.

3.2. INTERNAL SIGNS

3.2.1. Specified development

The construction, installation or display of advertisements or signs within an area enclosed by any building onsite is development specified for the purposes of this schedule.

3.2.2. Development standards

The standards specified for that development are that the development must:

- (a) not be visible from any public place outside the site of the building concerned, and
- (b) be securely fixed and installed in accordance with:
 - (i) AS/NZS 1170.0:2002, *Structural design actions, Part 0: General principles*, and
 - (ii) AS/NZS 1170.2:2011, *Structural design actions, Part 2: Wind actions*.
- (c) not be illuminated.

4. TEMPORARY USES AND STRUCTURES

4.1. GENERAL REQUIREMENTS FOR TEMPORARY USES AND STRUCTURES

(1) To be permitted development under this schedule, development specified in this Division must:

- (a) have the consent in writing of the owner of the land on which the development is carried out,
- (b) not restrict any car parking required to be provided by a condition of the project approval applying to the land,
- (c) not redirect the flow of any surface water or ground water, or cause sediment to be transported, onto an adjoining property,
- (d) not result in damage to any protected tree growing on the land or on adjacent land,
- (e) if it is the erection of a temporary structure—be erected on a surface that is sufficiently firm and level to sustain the structure while in use,
- (f) if it is the erection of a temporary structure—be able to resist loads determined in accordance with the following Australian and New Zealand Standards:
 - (i) AS/NZS 1170.0:2002, *Structural design actions, Part 0: General principles*,
 - (ii) AS/NZS 1170.1:2002, *Structural design actions, Part 1: Permanent, imposed and other actions*,
 - (iii) AS/NZS 1170.2:2011, *Structural design actions, Part 2: Wind actions*,
- (g) be covered by a policy of insurance taken out by the person carrying out the development that adequately covers the public liability of the person in respect of the carrying out of the development for an amount approved by the owner of the land on which the development is carried out,
- (h) have an approval for the use of the land related to the purpose of the temporary structure.

(2) In this clause, any development standard that specifies a separation distance to a side or rear boundary:

- (a) only applies in respect of a boundary with adjoining land that is under a different ownership, and

- (b) does not apply in respect of adjoining land that is owned by the council or other public authority if the written consent of the council or other public authority has been obtained.

4.2. SCAFFOLDING, HOARDINGS AND TEMPORARY CONSTRUCTION SITE FENCES

4.2.1. Specified development

The construction, installation and removal of a scaffold, hoarding or temporary construction site fence that is used in connection with development that is permitted under this schedule.

4.2.2. Development standards

The standards specified for that development are that the development must:

- (a) enclose the work area, and
- (b) if it is a temporary construction site fence adjoining, or on, a public place—be covered in chain wire mesh that is designed, appropriately fixed and installed in accordance with AS 2423—2002, *Coated steel wire fencing products for terrestrial, aquatic and general use*, and
- (c) be removed immediately after the work in relation to which it was erected has finished if no safety issue will arise from its removal.

4.3. TEMPORARY BUILDERS' STRUCTURES

4.3.1. Specified development

The construction or installation of a building site shed, office or associated amenities structure is development specified for this schedule.

4.3.2. Development standards

The standards specified for that development are that the development must:

- (a) be located on the lot in relation to which the development has been approved under MP08_0098, and
- (b) if it contains plumbing fixtures—have those fixtures connected to an approved waste water treatment device or an approved connection to the sewer, and
- (c) not be used for residential purposes, and
- (d) be removed from the lot immediately after completion of the works for which the development consent was granted.

4.4. FILMING

4.4.1. Specified development

Filming is development specified for this schedule.

4.4.2. Development standards

The standards specified for that development are as follows:

the filming may only be carried out on the subject site if the filming does not involve or result in any of the following:

- (a) the mounting or fixing of any object or article on any part of such an item or area (including any building),
- (b) any changes to the vegetation on, or level of, such an item or area or any changes to any other natural or physical feature of the item or area,
 - (i) the filming must not create significant interference with the neighbourhood,
 - (ii) if the filming is carried out on private land—the filming must not be carried out for more than 30 days within a 12-month period at the particular location,
 - (iii) if the filming is to be carried out for more than 2 consecutive days—a filming management plan must be prepared and lodged with the consent authority for the location at least 5 days before the commencement of filming at the location. The plan must contain the following information and be accompanied by the following documents (without limiting the information or documents that may be submitted):
 - a. the name, address and telephone number of the person carrying out the filming (such as a production company) and of the producer for the filming,
 - b. a brief description of the filming to be carried out (for example, whether it involves a television commercial, a television series, a feature film or a documentary),
 - c. the proposed location of the filming,
 - d. the proposed commencement and completion dates for the filming,
 - e. the proposed daily length of filming,
 - f. the number of persons to be involved in the filming,
 - g. details of any temporary structures (for example, tents or marquees) to be erected or used at the location for the purposes of the filming,
 - h. the type of filming equipment to be used in the filming (such as a hand-held or mounted camera),
 - i. proposed arrangements for parking vehicles associated with the filming during the filming,
 - j. whether there will be any disruption to the location of the filming or the surrounding area and the amenity of the neighbourhood (for example, by the discharge of firearms or explosives, the production of offensive noise or vibrations, disruption to traffic flow or the release of

smells, fumes, vapour, steam, soot, ash, dust, waste water, grit or oil),

- k. whether the filming will involve the use of outdoor lighting or any other special effects equipment,
- l. a copy of the public liability insurance policy that covers the filming at the location,
- m. a copy of any approval given by a public or local authority to carry out an activity associated with the proposed filming, such as the following:

(A) an approval given by Roads and Maritime Services for the closure of a road,

(B) an approval given by a council for the erection or use of a temporary structure, closure of a road or a public footpath, or the restriction of pedestrian access,

(C) an approval given by the Environment Protection Authority for an open fire,

(D) an approval given by the NSW Police Force for the discharge of firearms,

(E) an approval given by the Department of Primary Industries, Crown Land Division, for the use of Crown land,

(xiv) details of any temporary alteration or addition to any building or work at the location for the purposes of the filming,

(iv) if the filming is to be carried out for more than 2 consecutive days—the person carrying out the filming must, at least 5 days before the commencement of filming at the particular location, give notice in writing (by way of a letter-box drop) of the filming to residents within a 50m radius of the location.

The notice must contain the following information:

- (i) the name and telephone number of the person carrying out the filming (such as a production company) and of a contact representative of that person,
- (ii) a brief description of the filming to be carried out at the location and of any proposed disruptions to the location or the surrounding area or the amenity of the neighbourhood,
- (iii) the proposed commencement and completion dates for the filming,
- (iv) the proposed daily length of filming.

4.5. TEMPORARY STRUCTURES AND ALTERATIONS OR ADDITIONS TO BUILDINGS FOR FILMING PURPOSES

4.5.1. Specified development

The construction or installation of a temporary structure (other than a tent or marquee), and a temporary alteration or addition to a building or work, solely for filming purposes is development specified for this schedule.

4.5.2. Development standards

The standards specified for that development are that the development must:

- (a) be erected, used, altered or added to in connection with filming that is permitted development, and
- (b) not be at the location for more than 30 days within a 12-month period, and
- (c) if it is an alteration or addition to a building or work—not remain in place for more than 30 days within a 12-month period, and
- (d) not, in its altered or added to form, be accessible to the public.

4.6. TENTS OR MARQUEES USED FOR FILMING PURPOSES AND PRIVATE FUNCTIONS

4.6.1. Specified development

The construction or installation of a tent or marquee used for filming purposes or a wedding, private party or other private function on the site is development specified for this schedule

4.6.2. Development standards

The standards specified for that development are as follows:

- (a) for all tents or marquees being used at the same time—the development must not have a total floor area exceeding 300m²,
- (b) each tent or marquee must be located at least 3m from any boundary of the land,
- (c) each tent or marquee must be erected so as to provide an unobstructed pedestrian circulation area at least 1.5m wide around the perimeter of the tent or marquee, unless it is attached to or abuts a building with no separation,
- (d) each tent or marquee must have the following number of exits arranged so as to afford a ready means of egress from all parts of the tent or marquee to open space or a road:
 - (i) 1 exit if the tent or marquee has a floor area of not more than 25m²,
 - (ii) 2 exits if the tent or marquee has a floor area of not more than 100m²,

- (iii) 4 exits in any other case,
- (e) if any tent or marquee will include internal seating, stalls, tables or other obstructions, a clear path of travel to any exit no greater than 40m in length must be provided,
- (f) each tent or marquee must have a width for each exit of at least:
- (g) 850mm if the floor area of the tent or marquee is less than 150m², or
 - (i) 1m in any other case,
 - (ii) no tent or marquee can have a wall height exceeding 4m,
- (h) each tent or marquee must have a height, as measured from the surface on which the tent or marquee is erected to the highest point of the tent or marquee, not exceeding 6m,
- (i) no tent or marquee can contain tiered seating,
- (j) any wedding, private party or other private function must take place only during the approved hours of operation under MP08_0098.
- (k) if the development is carried out for the purposes of a wedding, private party or other private function:
 - (i) each tent or marquee must not be erected on the land for more than 7 days, and
 - (ii) the number of days for which a tent or marquee is erected on the land together with the number of days for which tents or marquees have previously been erected on the land for private functions in the same calendar year must not exceed 30 days,
- (l) in any other case—each tent or marquee must not remain on the land for more than 2 days after the function or after the completion of the filming at the location,
- (m) arrangements must be made for the removal of any waste or recyclable materials likely to be generated as a result of the function or the filming activities.

4.7. STAGES OR PLATFORMS FOR PRIVATE FUNCTIONS

4.7.1. Specified development

The construction or installation of a stage or platform used for a wedding, private party or other private function is development specified for this schedule.

4.7.2. Development standards

The standards specified for that development are as follows:

- (a) the stage or platform must not have a floor area exceeding 50m²,
- (b) the stage or platform must be located at least 3m from any boundary of the land,

- (c) the stage or platform must have a height as measured from the surface on which the tent or marquee is erected to the floor of the stage or platform not exceeding 2m,
- (d) a notice indicating the actual distributed and concentrated load for which the stage or platform has been designed must be conspicuously displayed on the stage or platform,
- (e) if it is development carried out on land in a business or special purpose zone:
 - (i) the stage or platform must not be erected on the land for more than 7 days, and
 - (ii) the number of days for which the stage or platform is erected on the land together with the number of days for which stages or platforms have previously been erected on the land for private functions in the same calendar year must not exceed 30 days,
- (f) the stage or platform must not remain on the land for more than 2 days after the function,
- (g) arrangements must be made for the removal of any waste or recyclable materials likely to be generated as a result of the function,

4.8. STAGES OR PLATFORMS FOR COMMUNITY EVENTS

4.8.1. Specified development

The construction or installation of a stage or platform used for a community event is development specified for this schedule.

4.8.2. Development standards

The standards specified for that development are as follows:

- (a) the stage or platform must not have a floor area exceeding 50m²,
- (b) the stage or platform must be located at least 3m from any boundary of the land,
- (c) the stage or platform must be erected at ground level,
- (d) the stage or platform must have a height, as measured from the surface on which the tent or marquee is erected to the floor of the stage or platform, not exceeding 2m,
- (e) a notice indicating the actual distributed and concentrated load for which the stage or platform has been designed must be conspicuously displayed on the stage or platform,
- (f) the stage or platform must not be erected on the land for more than 7 days,
- (g) the stage or platform must not remain on the land for more than 2 days after the event,
- (h) arrangements must be made for the removal of any waste or recyclable materials likely to be generated as a result of the event.

4.9. TENTS, MARQUEES OR BOOTHS FOR COMMUNITY EVENTS

4.9.1. Specified development

The construction or installation of a tent, marquee or booth used for a community event is development specified for this schedule.

4.9.2. Development standards

The standards specified for that development are that:

- (a) each tent, marquee or booth must not have a total floor area exceeding 500m², and
- (b) for all tents, marquees and booths being used at the same time—the development must not have a total floor area exceeding 1,000m², and
- (c) each tent, marquee or booth must be located at least 3m from any boundary of the land unless the land is under the ownership, control or management of a council or public authority and that council or public authority has provided its consent in writing to the temporary use of the land for the erection of the tent, marquee or booth, and
- (d) each tent, marquee or booth must be erected so as to ensure that there is a distance of at least 1.5m from any other tent, marquee or booth that is unobstructed so as to allow for pedestrian circulation unless that other tent, marquee or booth is attached with no separation, and
- (e) each tent or marquee with an area exceeding 300m² must be located at least 6m from any other tent or marquee, and from any booth, to minimise the risk of fire spread, and
- (f) each tent or marquee with an area exceeding 300m² must be provided with a system of emergency lighting and an additional electrical supply capable of providing emergency lighting in the event of a power failure, and
- (g) each tent or marquee must have the following number of exits arranged so as to afford a ready means of egress from all parts of the tent or marquee to open space or a road:
 - (i) if the tent or marquee has a floor area of not more than 25m²—1 exit,
 - (ii) if the tent or marquee has a floor area of not more than 100m²—2 exits,
 - (iii) in any other case—4 exits, and
- (h) if any tent or marquee will include internal seating, stalls, tables or other obstructions, a clear path of travel to any exit no greater than 40m in length must be provided, and
- (i) each tent, marquee or booth must have a width for each exit of at least:
 - (i) if the floor area of the tent, marquee or booth is less than 150m²—850mm, or
 - (ii) in any other case—1m, and

- (j) no tent or marquee can have a height for the walls exceeding 6m, and
- (k) each tent, marquee or booth must have a height, as measured from the surface on which the tent or marquee is erected to the highest point of the tent, marquee or booth, not exceeding 8m, and
- (l) each tent, marquee or booth must resist loads determined in accordance with the following Australian and New Zealand Standards:
 - (i) AS/NZS 1170.0:2002, *Structural design actions, Part 0: General principles*,
 - (ii) AS/NZS 1170.1:2002, *Structural design actions, Part 1: Permanent, imposed and other actions*,
 - (iii) AS/NZS 1170.2:2011, *Structural design actions, Part 2: Wind actions*, and

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5. ALTERATIONS AND ADDITIONS AND NEW WORKS

5.1. BUILDING ALTERATIONS (INTERNAL)

5.1.1. Specified development

(1) An internal alteration to a building on the subject site is development specified for this schedule, including minor internal building alteration for the replacement or renovation of:

- (a) a doorway, wall, ceiling or floor lining, or
- (b) a deteriorated frame member, including stairs and stairwells, or
- (c) a bathroom or kitchen, or
- (d) a built in fixture such as a vanity, a cupboard or a wardrobe, or
- (e) an existing sanitary fixture, such as a grease trap or the like, or
- (f) shelving or racking that is not higher than 2.7m, or
- (g) a work station or counter,
- (h) a shop front of an internal arcade retail or food and beverage tenancy or the like.

(2) The installation of new or replacement insulation material in the ceiling, floor or wall of a building is also development specified for this schedule.

5.1.2. Development standards

The following standards specified for the development are that;

- (a) the current use of the premises must be a lawful use,
- (b) the current use of the premises must not be an existing use within the meaning of section 106 of the Act,
- (c) the alteration must not result in an increase in the gross floor area of any building within which it is carried out, except if the increase is required for the alteration to comply with the Premises Standards,
- (d) the alteration must not involve the conversion of any area that is excluded from the measurement of gross floor area of the building (such as a basement, plant room, car parking space, loading space or void),
- (e) if the alteration involves food and drink premises, the alteration must be carried out in accordance with AS 4674—2004, *Design, construction and fit-out of food premises*,
- (f) the alteration must not relate to the cooking of food at the premises by barbecue or charcoal methods,
- (g) if the alteration involves a loading dock, the alteration must not:
 - (i) reduce the number or capacity of the trucks accommodated, or

- (ii) reduce the area for goods handling, or
- (iii) reduce the area for waste handling (including any recycling area), or
- (iv) reduce the manoeuvring area of the loading dock or access driveway.

The following requirements of the *Building Code of Australia* are also standards specified for that development:

- (a) if the building that is being altered is subject to an alternative solution relating to a fire safety requirement—the alteration must be consistent with that alternative solution,
- (b) if the alteration involves an area of more than 500m² of commercial premises, or an area of more than 1,000m² of premises used for light industry or a warehouse or distribution centre—that area must:
 - (i) comply with the requirements set out in DP2–DP5 of Volume 1 of the *Building Code of Australia*, and
 - (ii) comply with the number of sanitary and other facilities set out in FP2.1, FP2.5 and FP2.6 of Volume 1 of the *Building Code of Australia*, and
 - (iii) comply with the light and ventilation requirements set out in FP4.1–FP4.5 of Volume 1 of the *Building Code of Australia*,

if the building is a mixed-use development that also contains a Class 2, 3 or 4 portion—the altered area must be separated from the Class 2, 3 or 4 portion by building elements that comply with the fire resistance performance requirements set out in CP2 and CP8 of Volume 1 of the *Building Code of Australia*.

5.2. MINOR BUILDING ALTERATIONS (EXTERNAL)

5.2.1. Specified development

A minor external non-structural building alteration, such as the following:

- (a) painting, plastering, cement rendering, cladding, attaching fittings or decorative work,
- (b) the replacement of an external window, glazing areas or a door
- (c) the repair to or replacement of a non-structural wall or roof cladding,
- (d) the installation of a security screen or grill to a door or window or a security door,
- (e) the repair to or replacement of a balustrade,
- (f) restumping or repairing structure foundations without increasing the height of the structure,

is development specified for this schedule.

5.2.2. Development standards

The standards specified for that development are that the development must:

- (a) not comprise the making of, or an alteration to the size of, any opening in a wall or roof, such as a doorway, window or skylight, and

- (b) not reduce the existing fire resistance level of a wall or roof, and
- (c) not affect any existing fire resisting components of the building, and
- (d) not affect the means of egress from the building in an emergency, and
- (e) if it is the installation of a security screen or grill to a door or window or a security door the following applies;
 - (iv) the screen or grill is installed for a door or window that is situated at least 5m from the boundary of any road, or
 - (v) the security door is installed at least 5m from the boundary of any road.

5.3. MECHANICAL VENTILATION SYSTEMS

5.3.1. Specified development

The construction, installation or alteration of a mechanical ventilation system on a building that is used for any purpose is development specified for this schedule.

5.3.2. Development standards

The standards specified for that development are that the development must:

- (a) be located at least 3.5m behind the building line from any lot boundary, and
- (b) be designed so as not to emit noise exceeding an LAeq of 5 dB(A) above background noise when measured at any lot boundary, and
- (c) be located not more than 1m above the ridge of a pitched roof or 3m above a flat roof, and
- (d) not relate to the cooking of food at the premises by barbecue or charcoal methods.

5.4. SKYLIGHTS AND ROOF WINDOWS

5.4.1. Specified development

The construction or installation of a skylight or roof window on a building located within the site boundaries is development specified for this schedule.

5.4.2. Development standards

The development must be constructed or installed so that any opening created is adequately weather proofed.

5.5. DRIVEWAYS, HARD STAND SPACES, PATHWAYS AND PAVING

5.5.1. Specified development

The following development is specified for this schedule if it is carried out internally to the site including, the porte cochere, the internal service road, drop off areas and car park entries;

- (a) the construction or installation of pathways or paving,

- (b) the construction or installation of a driveway associated with access to a hard stand space, carport, loading bay or garage,
- (c) the construction or installation of a hard stand space, whether open or part of a carport.

5.5.2. Development standards

The standards specified are that the development must:

- (a) satisfy the requirements of any applicable development control plan concerning its drainage systems and not interfere with the functioning of existing drainage fixtures or flow paths, and
- (b) not require a cut or fill of greater than 2m from ground level (existing),
- (c) not change a driveway or footpath on the public domain adjacent to the site which is Council land, and
- (d) if it is a driveway or hard stand space:
 - (i) be constructed in accordance with AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking* or AS 2890.2—2002, *Parking facilities, Part 2: Off-street commercial vehicle facilities* and RMS Australian Standard *Supplements, Australian Standard—AS2890, Parking Facilities, Parts 1–6* issued by Roads and Maritime Services, and
 - (ii) be designed to allow all vehicles to turn around within the site and exit in a forward direction, and
 - (iii) be designed and certified by a professional engineer, and
- (e) if it is a driveway—have the consent required for a driveway under section 138 of the *Roads Act 1993* from the appropriate roads authority, and
- (f) if the development is a hard stand space:
 - (i) be associated with a driveway, and
 - (ii) be located at least 3m from any boundary that adjoins a residential zone, and

if it is a pathway or paving area to be used for pedestrian access—be designed or constructed in accordance with AS 1428.1—2009, *Design for access and mobility, Part 1: General requirements for access—New building work*.

6. DEMOLITION

6.1. SPECIFIED DEVELOPMENT AND DEVELOPMENT STANDARDS UNDER THIS SCHEDULE

6.1.1. Specified development

The demolition or removal of any works authorised under Condition A3A of this approval (MP08_0098) is development specified for this schedule.

6.1.2. Development standards

The standards specified for that development are that the development must be carried out in accordance with AS 2601—2001, *The demolition of structures*.

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SCHEDULE 4

**PROPONENT'S STATEMENT OF
COMMITMENTS**

MP08_0098

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PROPONENTS STATEMENT OF COMMITMENTS – MODIFICATION 14

Preparation of a Green Transport Plan

This plan will detail a range of incentive and management options to encourage public transport and other sustainable transport modes to the site by staff and visitors. Options to be considered include:

- Subsidised transport for staff
- Customer buses to and from key metropolitan areas
- Provision of bike racks
- Use of the existing wharf for ferry services

Implementation: Plan to be submitted to the Department of Planning and Environment for approval prior to the commencement of construction of the relevant stage of development and to be implemented prior to the occupation of the relevant stage.

Preparation of a CPTED Strategy

Prepare a CPTED Strategy prepared for the development under MP08_0098. This CPTED Strategy will include a nomination of:

- Lighting key areas such as entry/exit points and ensuring that lighting in all locations is not obscured creating dark spots
- Natural surveillance in all areas of the development, both internal and external
- Use of signage to direct pedestrians around the site and to inform them of security measures
- Access and traffic control for car parking areas
- A plan of management that includes access and crowd control generally and for special events
- Public amenities are in highly visibly areas with regular thoroughfare and natural surveillance.

Implementation: The CPTED Strategy to be submitted to the Department of Planning and Environment, prior to construction works commencing under Modification 14.

Preparation of a Fire Engineering Report

Preparation of a Fire Engineering Report for the site which incorporates the fire life safety principles.

Implementation: The Fire Engineering Report to be submitted to the Department of Planning and Environment prior to the commencement of works for the Sovereign Room Expansion under Modification 14.

Preparation of a Consolidated Operational Plan of Management

A consolidated Operational Plan of Management addressing operational aspects of the approved development to be prepared.

Implementation: The consolidated Operational Plan of Management to be submitted to the Department of Planning and Environment at the release of the Occupation Certificate for the L3 Sovereign Room Expansion.

Pymont Parking Guidance System

SEGL parking managers, Park Assist will work with Parking Sense to agree commercial arrangements for the supply and distribution of parking information.



SEGL will work with TfNSW and Parking Sense to upgrade the Pyrmont Parking Guidance System.

SEGL will provide data feed to Parking Sense, and mobile parking apps, to continually update signage displays. SEGL will contribute to upgrade costs of the system and lead resolution of the proposed signage.

Implementation:

The Parking Guidance system will be implemented prior to the issue of an Occupation Certificate for the L3 Sovereign Room Expansion where practical.

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