

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MAJOR PROJECT NO. 08-0098

(FILE NO. S08/00820)

**ALTERATIONS AND ADDITIONS TO CASINO COMPLEX AND HOTEL
DEVELOPMENT ON THE SWITCHING STATION SITE**

UNION STREET/PIRRAMA ROAD, PYRMONT

I, the Minister for Planning, under Section 75J of the *Environmental Planning & Assessment Act 1979*, approve the major project referred to in the attached schedule 1 subject to the conditions of approval in Schedule 2 and the Statement of Commitments in Schedule 3.

The Hon Kristina Keneally MP
Minister for Planning

Sydney, 27 January 2009

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

SCHEDULE 1**PART A—TABLE**

Application made by:	Sydney Harbour Casino Properties Pty Ltd
Application made to:	Minister for Planning
Major Project Application:	MP 08_0098
On land comprising:	Lot 121 DP 828957, Lots 300, 301 and 302 in DP873212, Lot 1 DP 867854 and Lot 201 DP 867855
Local Government Area	Sydney City Council
For the carrying out of:	• 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 on the Switching Station site to be accessed via the existing Casino complex car park. Note the maximum number of car parking spaces across the whole site is not to exceed 3000; • Re-development of the retail arcade through the ground floor level of the complex, linking Pyrmont Bay park to the intersection of Union and Pyrmont Streets, and to Jones Bay Road; • The redevelopment of the eastern (Pirrama Road) frontage of the Casino building currently occupied by multiple external stairs, to contain additional restaurants, retail outlets, gaming space, other entertainment and tourist related facilities, a new entry and a driveway providing a new vehicular drop-off to the Casino; and • Works to the exterior of the existing Casino tower buildings.
Estimated Cost of Works	\$344,509,000
Type of development:	Major Project
S.119 Public inquiry held:	No
Determination made on:	27 January 2009
Date approval is liable to lapse:	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the Act.

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APPLICATION NUMBER	DETERMINATION DATE	DECIDER	MODIFICATION DESCRIPTION
MOD 1	APPROVED 3 MARCH 2009	EXECUTIVE DIRECTOR	CHANGES TO EXTERNAL SIGNAGE, EXTERNAL ARTWORK AND LIGHTING, PUBLIC DOMAIN WORKS, SYDNEY WATER REQUIREMENTS AND LOT CONSOLIDATION
MOD 2	APPROVED 25 MARCH 2009	DIRECTOR GENERAL	CHANGES TO HOTEL HEIGHT
MOD 3	APPROVED 6 APRIL 2009	DIRECTOR GENERAL	AMENDMENT TO ALLOW STAGED AGREEMENT PROCESS FOR EXCAVATION WORKS
MOD 4	APPROVED 1 DECEMBER 2009	MINISTER	AMEND FAÇADE SIGNAGE, CONSOLIDATE PORTE COHERES, RECONFIGURE ENTRY STAIRS, CONSOLIDATE WATER FEATURES, RELOCATE GAMING ENTRY POINT, INCREASE THE SIZE OF THE ENTERTAINMENT DECK
MOD 5	APPROVED 5 JULY 2010	DIRECTOR	INTERNAL AND EXTERNAL ALTERATIONS AND AMEND HOURS OF WORK
MOD 6	APPROVED 9 SEPTEMBER 2010	DIRECTOR	INTERNAL AND EXTERNAL ALTERATIONS AND ADDITIONS
MOD 7	APPROVED 29 JULY 2011	IPC	BALLROOM EXPANSION INTO MULTI USE ENTERTAINMENT FACILITY AND INTERNAL AND EXTERNAL CHANGES
MOD 8	APPROVED 15 NOVEMBER 2010	DIRECTOR	ENCLOSURE OF PART OF THE SOVEREIGN ROOM
MOD 9	APPROVED 13 OCTOBER 2011	DEPUTY DIRECTOR GENERAL	INTERNAL CHANGES TO LEVEL 2 OF THE CASINO AT THE NIGHT CLUB
MOD 10	APPROVED 16 DECEMBER 2011	DEPUTY DIRECTOR GENERAL	CLADDING CHANGES TO THE MULTI USE ENTERTAINMENT FACILITY
MOD 11	APPROVED 5 OCTOBER 2012	DEPUTY DIRECTOR GENERAL	CHANGES TO PERMIT TO INSTALL AND USE MUSIC SPEAKERS ON THE LEVEL 3 POOL TERRACE OF THE DARLING HOTEL
MOD 12	APPROVED 14 OCTOBER 2014	SECRETARY	INSTALL AND USE SPEAKERS AT THE L1 PIRRAMA ROAD AND L3 PIRRAMA ROAD ENTERTAINMENT AREA AND PERMANENT 24/7 USE OF L1 PIRRAMA ROAD GAMING AREAS
MOD 13	REFUSED 20 NOVEMBER 2019	IPC	NEW HOTEL TOWER AND APARTMENTS
MOD 14	APPROVED 4 OCTOBER 2017	IPC	GFA INCREASES, INTERNAL UPGRADES TO GAMING, FOOD AND BEVERAGE AREAS, ACCESS AND CIRCULATION SPACE, CONSOLIDATE EXISTING APPROVALS AND CONDITIONS, CONTINUE 24 HOUR OPERATION OF CERTAIN SPACES AND SPEAKER USE, ALLOW 24 HOUR INTERNAL CONSTRUCTION WORKS, PERMIT A MINOR WORKS SCHEDULE FOR THE SITE
PROJECT TRANSITIONED TO STATE SIGNIFICANT DEVELOPMENT ON 15 JANUARY 2020			

SCHEDULE 2
RECOMMENDED CONDITIONS OF APPROVAL
MAJOR PROJECT NO. 08-0098

PART A—ADMINISTRATIVE CONDITIONS**A1 Development Description**

- (1) Development approval is granted only to 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 Pyrmont Bay park to the intersection of Union and Pyrmont Streets, and to Jones Bay Road;
 - The redevelopment of the eastern (Pirrama Road) frontage of the Casino building currently occupied by large external stairs, to contain additional restaurants, retail outlets, gaming space, other entertainment and tourist related facilities, a new entry and a driveway providing a new vehicular drop-off to the Casino; and
 - Works to the exterior of the existing Casino tower buildings.
 - **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 throughout the site.**
- (2) Development must be carried out consistently with the Statement of Commitments (attached Schedule 3) except as amended by the conditions of approval.

A2 Development in Accordance with Plans

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

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

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A9007	C	Existing Site Plan & GFA Diagram - Level 07	11.11.16
A9008	C	Existing Site Plan & GFA Diagram - Level 08	11.11.16
A9009	C	Existing Site Plan & GFA Diagram - Level 09	11.11.16
A9010	C	Existing Site Plan & GFA Diagram - Level 10	11.11.16
A9011	C	Existing Site Plan & GFA Diagram - Level 11	11.11.16
A9012	C	Existing Site Plan & GFA Diagram - Level 12	11.11.16
A9015	C	Existing Site Plan & GFA Diagram - Level 15	11.11.16
A9016	C	Existing Site Plan & GFA Diagram - Level 16	11.11.16
A9017	C	Existing Site Plan & GFA Diagram - Level 17	11.11.16
A9018	C	Existing Site Plan & GFA Diagram - Level 18	11.11.16
A9019	C	Existing Site Plan & GFA Diagram – Roof	11.11.16
A07B4	B	Demolition Plan - Level B04	15.09.16
A07B3	B	Demolition Plan - Level B03	15.09.16
A07B2	B	Demolition Plan - Level B02	15.09.16
A07B1	C	Demolition Plan - Level B01	15.09.16
A0700	E	Demolition Plan - Level 00	05.05.17
A0701	D	Demolition Plan - Level 01	05.05.17
A0702	D	Demolition Plan - Level 02	05.05.17
A0703	D	Demolition Plan - Level 03	05.05.17
A0704	B	Demolition Plan - Level 04	15.09.16
A0705	E	Demolition Plan - Level 05	05.05.17
A10B4	D	Proposed Site Plan - Level B04	05.05.17
A10B3	E	Proposed Site Plan - Level B03	15.09.16
A10B2	E	Proposed Site Plan - Level B02	11.04.17
A10B1	E	Proposed Site Plan - Level B01	11.04.17
A1000	F	Proposed Site Plan – Level 00	05.05.17
A1001	E	Proposed Site Plan – Level 01	05.05.17
A1002	F	Proposed Site Plan – Level 02	05.05.17
A1003	F	Proposed Site Plan – Level 03	05.05.17
A1004	E	Proposed Site Plan – Level 04	05.05.17
A1005	F	Proposed Site Plan – Level 05	05.05.17
A2000-1	F	Proposed Floor Plan - Level 00 - Part 1	05.05.17
A2000-2	E	Proposed Floor Plan - Level 00 - Part 2	05.05.17
A2001	D	Proposed Floor Plan - Level 01	05.05.17
A2002	E	Proposed Floor Plan - Level 02	05.05.17
A2003-1	E	Proposed Floor Plan - Level 03 - Part 1	05.05.17
A2003-2	D	Proposed Floor Plan - Level 03 - Part 2	05.05.17
A2004	B	Proposed Floor Plan - Level 04	15.09.17
A2005	D	Proposed Floor Plan - Level 05	11.04.17

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A9100	E	Proposed GFA Diagram - Level 00	05.05.17
A9101	D	Proposed GFA Diagram - Level 01	11.04.17
A9102	B	Proposed GFA Diagram - Level 02	15.09.17
A9103	E	Proposed GFA Diagram - Level 03	05.05.17
A9104	B	Proposed GFA Diagram - Level 04	15.09.17
A9105	C	Proposed GFA diagram - level 05	14.02.17
A4010	B	Building Elevations - sheet 1	15.09.16
A4011	D	Building Elevations - sheet 2	05.05.17
A4012	C	Building Elevations - sheet 3	05.05.16
A5010	C	Building Sections - sheet 1	05.05.17
A5011	C	Building Sections - sheet 2	23.01.17
A5012	C	Building Sections - sheet 3	15.09.16
A5013	C	Building Sections - sheet 4	05.05.16
A5014	C	Building Sections - sheet 5	05.05.17
A0010	B	Photomontage & Finishes Schedule	15.09.16
A0011	C	Photomontage & Finishes Schedule	23.01.17
A0012	B	Photomontage & Finishes Schedule	15.09.16
A0013	D	Photomontage & Finishes Schedule	05.05.17
A0014	B	Photomontage & Finishes Schedule	15.09.16
A0015	E	Photomontage & Finishes Schedule	05.05.17
A7010	A	Internal elevations – ELS building and porte cochere	23.01.17
A3000	C	SELS building scope of works	05.05.17
A7018	4	Premium Departure Lounge – floor plan	16.02.17
A7019	2	Premium Departure Lounge – elevations	18.08.16
A6411	3	Water Feature Details	01.02.17
MOD14-A92B2A	A	Existing Site Plan – Level B2	04.06.2017
MOD14-A9200A	A	Existing Site Plan – Level B2	04.06.2017
MOD14-A9201A	A	Existing Site Plan – Level 01	14.09.2017
MOD14-A9202A	A	Existing Site Plan – Level 02	14.09.2017
MOD14-A9203A	B	Existing Site Plan – Level 03	14.09.2017
MOD14-A9204A	A	Existing Site Plan – Level 04	04.06.2017
MOD14-A9205A	A	Existing Site Plan – Level 05	04.06.2017
MOD14-A9216A	A	Existing Site Plan – Level 16	04.06.2017
MOD14-A9217	A	Existing Site Plan – Level 17	14.09.2017

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;

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- (2) **Document reference deleted.**
 - (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 Acoustics 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; and
 - (20) BCA Capability Statement prepared by Philip Chun & Associates dated 11 September 2008 **and further amended by BCA Review prepared by Philip Chun dated 10 August 2010.**
 - (21) **BCA Capability Statement prepared by Philip Chun & Associates dated 10 May 2010**

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

- (1) **Architectural Drawings nos. DA-005 and DA-006 Issue 1-prepared by Fitzpatrick + Partners, ~~various dates~~ dated August 2009.**
 - (2) **Landscape & 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.**
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- (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.
- (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) Document reference deleted.
- (2) BCA Capability Statement prepared by Phillip Chun & Associates Pty Ltd, dated 9 September 2010.

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

- (1) Architectural Drawings prepared by Fitzpatrick + Partners, dated 17th January 2011
- (2) BCA Review prepared by Phillip Chun & Associates, dated 6th October 2010
- (3) View Impact Assessment prepared by GM Urban Design & Architecture Pty Ltd dated October 2010 and Revised Visual Impact Assessment, prepared by GMU, dated 14th January 2011 (including revised photomontages by Arterra);
- (4) Economic Impact Assessment of Star City's Proposed Multipurpose Venue, prepared by Urbis, dated October 2010;
- (5) Traffic Impact Assessment prepared by ARUP, dated October 2010 and Arup Transport report, dated 14 January 2011;
- (6) Acoustic Assessment prepared by AECOM, dated 7th October 2010
- (7) Crime Prevention Through Environmental Design report prepared by Urbis dated October 2010
- (8) Ecological Sustainable Development Statement, prepared by Cundall, dated 7th October 2010
- (9) Accessibility Report prepared by MGAC, dated 7th October 2010
- (10) Fire Engineering Statement prepared by AECOM, dated 5th October 2010
- (11) Letter of Assessment of Solar Reflection from Facades, prepared by AECOM, dated 7th October 2010
- (12) BCA Capacity Statement prepared by Phillip Chun & Associates, dated 10 May 2010; and

As Amended by Section 75W letter for MP08_0098 MOD 12 prepared by APP Corporation Pty Ltd dated 14 May 2014 and the following documents:

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

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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

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.

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 and environmental planning instrument.

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- (2) Development shown on the plans approved in Condition A2 may be undertaken pursuant to this approval without the requirement for any further modification of 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 the GFA on site.
- (3) Prior to any works being undertaken in accordance with this section, a Construction Certificate supported by all relevant technical assessments (provided by a suitable 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.

A4 Inconsistency between documents

In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, or the Statement of Commitments in Schedule 3 4, the conditions of this approval prevail.

A5 Lapsing of Approval

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

A6 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.

A6 External Lighting - Condition deleted in MOD 14

A7 Limits of this approval

This approval does not govern the operation of the spaces which are subject to 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.

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:

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- 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 ISSUE OF CONSTRUCTION CERTIFICATE

B1 External art work and lighting

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

B2 Hotel Height

The height of the hotel is to be reduced by 3 storeys resulting in a 10 storey tower above a 3 storey podium. A lesser reduction in height may be achieved subject to detailed plans demonstrating that the upper-most structure of the hotel tower (including ceiling level, **over-runs**, cladding and handrails but excluding plant **and lift over-runs**) does not exceed **RL 152.8 RL 153.16**. Note: RLs are to be consistent with RLs identified in the approved documents at condition A2.

Amended plans are to be submitted to the Department for approval prior to the issue of a Construction Certificate for any works on the Switching Station Site.

B3 Car Parking

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

B4 Sydney Metro Authority

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

prior to the issue of a Construction Certificate involving excavation works below 95.9 RL to ensure the structural integrity of the CBD Metro.

- (3) In regard to the agreement for the works in Condition B4(1)(b), all structures proposed for construction and installation must be designed and constructed in consultation with Sydney Metro Authority to ensure the structural integrity of the CBD Metro, and details are to be provided to the Certifying Authority prior to the issue of a Construction Certificate for excavation works below 95.9 RL.

B5 Noise Management Plan

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

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

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

B6 Noise Attenuation Measures

- (1) Prior to issue of a Construction Certificate, the Proponent shall submit to the satisfaction of the Certifying Authority, drawings and documentation demonstrating that the construction and fit out of the building incorporates the recommendations of the Acoustic Assessment Report prepared by ARUP, September 2008 and letter from Bassett Consulting Engineers dated 3 December 2008, and suitable to achieve compliance with condition F5.
- (2) Prior to the issue of a Construction Certificate for the MUEF works approved under Modification 7, the Proponent shall submit to the satisfaction of the Certifying Authority, drawings and documentation demonstrating that the construction and fit out of the building incorporates the recommendations of the Acoustic Assessment Report prepared by AECOM dated 7 October 2010, and suitable to achieve compliance with condition F5.

B7 Wind impacts

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

B8 Reflectivity

Reflectivity measures, including vertical glazing and glass characteristic, as recommended in the Assessment of Reflected Solar Glare from Glazed Façade Pirrama Road prepared by

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Bassett Consulting Engineers dated 12 December 2008, are to be implemented and details submitted to the Certifying Authority prior to commencement of works. Total reflectivity is not to exceed 20%.

B9 Public Domain

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

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 submitted 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 work 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.

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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*

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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.

B10 Traffic Management

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

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 Loading Dock Management Plan

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.

B11 Sydney Water

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

Plans and details demonstrating compliance with **B11(1) – (6)** are to be submitted to the Certifying Authority prior to issue of a Construction Certificate.

B12 Developer Contributions

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

Cash contribution required

- (a) In accordance with the adopted “*Ultimo Pyrmont Contributions Plan 1994*” a cash contribution must be paid to Council in accordance with this condition.

Amount of contribution

- (b) The amount of the contribution is \$2,617,590.80

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

Note: the contribution will be indexed annually, see paragraph (f) below. The final contribution amount may alter dependent upon the final number of hotel rooms / GFA as a result of condition B2 and will be required to be recalculated by Council as set out at (d) below.

Purposes for which Contribution Required

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

Certification of Contribution

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

Timing of payment

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

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Indexing

- (f) The contribution rate in the “Ultimo Pyrmont Contributions Plan 1994” will be adjusted in accordance with clause 19 of the Plan being not less than annually.
- (g) If the contribution rate is adjusted between the date on which this consent is granted and payment of the contribution, then the figure in paragraph (b) of this condition will be indexed and calculated according to the then current contribution rate.
- (h) Please contact Council staff to confirm the amount payable, prior to payment.

B12A Development Contributions – Modification 14

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

Cash Contribution

- 1. In accordance with the adopted "City of Sydney Development Contributions Plan 2015" a cash contribution must be paid to Council in accordance with this condition.**
- 2. The amount The amount of the contribution is \$179,286.18**

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

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Level 03	Event Centre Pre-Function	Function Centre	765sqm	119	\$11,423.57
Level 03	Restaurant	Food & Drink Premises – restaurants, cafes & take away premises	974 sqm	21	\$82,418.95
				Total	\$179,286.18

Timing of Payment

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.

B13 Affordable Housing Contribution

The Affordable Housing Contribution is as follows:

- (a) Prior to the first Construction Certificate being issued, and pursuant to *Sydney LEP 2005* and the adopted City West Affordable Housing Program, the applicant must provide evidence to Council that a monetary contribution towards the provision of affordable housing has been paid. The contribution is \$803.960 based on 24,114m² of additional proposed 'commercial' gross floor area. Note: the final contribution amount may alter dependent upon the final number of hotel rooms / GFA as a result of condition B2 and will be required to be recalculated by Council as set out at (c) below.
- (b) Bank cheques to the value of the required contribution are to be made in favour of 'City West Housing Pty Ltd' and paid to the Department of Planning. Contact the Housing Policy Team at the Department of Planning on Ph: 9228 6111, Fax: 9228 6455 or information@planning.nsw.gov.au for further information and to arrange a time to make the payment.
- (c) Certification of the Affordable Housing Contribution calculations including verification of total area, prepared by a Quantity Surveyor, and indexation of the contribution in accordance with the Affordable Housing Program, must be submitted to and approved by Council, prior to a Construction Certificate being issued.
- (d) If the Construction Certificate is to be issued by a Private Certifying Authority, they must seek Council's endorsement of the calculation prior to issue of the Construction Certificate.
- (e) Prior to issue of an Occupation Certificate or the use commencing, whichever is earlier, the applicant must provide evidence to Council that the bank guarantee referred to in (a) above has been redeemed as payment of this contribution. If the contribution is paid after 30 June of the year in which this consent is granted, the amount of the contribution must be indexed in accordance with the adopted City West Affordable Housing Program.

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B13A Affordable Housing Contributions - Modification 14

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

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

1. The above contribution is to be paid as follows:
 - a. Prior to the first Construction Certificate being issued for the Modification 14 works, the applicant must provide evidence to Council that a monetary contribution towards the provision of affordable housing has been paid. The contribution is \$288,161.28 based on 6,822 sqm of additional proposed 'commercial' gross floor area; or alternatively
 - b. prior to the first Construction Certificate for the Modification 14 works being issued, the applicant 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 Private 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.**

B14 Structural Details

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

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

B15 Disabled Access

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

B16 Mechanical Ventilation

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

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

B17 Consolidation of allotments – Condition Deleted

B18 Outdoor Lighting

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

B19 Construction and Traffic Management Plan

Prior to the issue of a Construction Certificate ~~a Construction Management Plan shall be submitted~~ the proponent must update the Construction Pedestrian and Traffic Management (CPTMP) in consultation with the Sydney Coordination Office within

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Transport for NSW and submit it to the satisfaction the Principal Certifying Authority. The construction hours however must be in accordance with condition D11 of this approval.

The Proponent shall also submit a copy of the final plan to the Department and the Council.

B20 Compliance with BCA

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

B21 Noise and Vibration Management Plan

A **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) noise and vibration monitoring, reporting and response procedures
- (9) measures to be implemented to manage complaint handling and reporting; and**
- (10) contingency plans to be implemented where non-compliances 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** 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.**

B21A Construction Environmental Management Plan

The proponent shall prepare a construction environmental management plan (CEMP) prior to issue of a construction certificate for the level 3 Sovereign Room expansion in consultation with the Department of Primary Industries (DPI Water).

B22 Environment Protection – Water And Sediment Control

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

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

During the works:

- (4) Erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
- (5) Erosion and sediment control signage available from the relevant Authority must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of demolition; and
- (6) Demolition operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

The Water and Sediment Control Plan is to be submitted to the Certifying Authority prior to the issue of the first Construction Certificate.

B23 Protection Of Trees During Construction

- (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).**

B24 Security Management Plan

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

B25 Construction Waste Management Plan

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

B26 Footpath Damage Bank Guarantee

Prior to a Construction Certificate being issued the owner of the site must provide a bank guarantee for the sum to be determined based on the City of Sydney's Schedule of Fees and Charges as security for rectification of any damage to the public way.

Note: The bank guarantee required by this condition does not need to be provided if a separate bank guarantee is lodged as part of an approval for a hoarding over the public way. However, neither bank guarantee will be released until all development works are complete to the satisfaction of Council, including rectification of damage to the public way. You should contact Council to determine the bank guarantee amount prior to payment.

B27 Design of Service Link

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

B28 Emergency Evacuation

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

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:

User	Quantity	Requirements
Visitor Parking	29	• Levels B1 and B2 as shown in plan Nos. A90B1 and A90B2 • On-Grade • In a visible and easily accessible location
Staff Parking	5	
End of trip change facilities including showers and change area	Separate male and female facilities at Heart of House on Level 00	

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.

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

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- 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.
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PART C—PRIOR TO COMMENCEMENT OF WORKS**C1 *Barricade Permit***

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

C2 *Vehicle Cleansing*

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

C3 *Utility Services*

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

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

C4 *Design Standards*

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

C5 *Hoarding*

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

C6 *Contact Telephone Number*

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

PART D—DURING CONSTRUCTION**D1 *Loading and Unloading During Construction***

A Works Zone is required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council prior to commencement of the work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the

day to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

D2 *No Obstruction of Public Way*

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

D3 *Covering of Loads*

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

D4 *Erosion and Sedimentation Control*

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

D5 *Disposal of Seepage and Stormwater*

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

D6 *Stormwater Pits*

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

D7 *Setting Out of Structures*

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

D8 *Approved Plans to be On-Site*

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

D9 *Site Notice*

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

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

D10 Dust Control Measures

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

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

D11 Hours of Work

1. The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:
 - a) between 7:00 am and 5.30 pm, Mondays to Fridays inclusive;
 - b) between 8:00 am and 3.00 pm, Saturdays;**
 - c) between 9:00 am and 3.30 pm, Mondays to Fridays for mechanical rock blasting;
 - d) no work on Sundays and public holidays.
2. Works may be undertaken outside these hours where:
 - a) the delivery of materials is required outside these hours by the Police or other authorities;
 - b) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
 - c) residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of the works; and
 - d) the work is approved by the Director-General or his nominee.
- 3. Notwithstanding conditions 1 and 2 above 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 B 21B.

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 9:00am – 4:00pm Mondays to Saturdays.

D12 Signage

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

D13 Sydney Metro Authority

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

D14 Work on Site to Cease

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

D15 Associated Roadway Costs

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

D16 Paving Materials

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

D17 Public Domain Plan

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

The Public Domain Plan must be prepared in accordance with Council's Public Domain Manual, Sydney Streets Design Code and must be undertaken in consultation with Council officers. The works to the public domain are to be completed in accordance with the approved plan and the Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier and prior to the release of the Public Domain Works Deposit.

The Public Domain Plan must address the following:

- (i) Public domain works to Union Street and adjacent to Union Street must be compatible with the materials, finishes and details documented on Dwg. Nos 208008 LDCD 09 and 208008 LDCD 10 provided by Council.
- (ii) Footways surrounding the site are to be asphalt or other paving treatment agreed by Council, designed and constructed in accordance with Council's Sydney Streets Design Code.
- (iii) Pedestrian kerb ramps must be designed and constructed at pedestrian crossing points in the footway in accordance with the Council's Sydney Streets Design Code, and must be orientated to suit the path of travel.
- (iv) New kerb works surrounding the site are to be stone, designed and constructed in accordance with Council's Sydney Streets Design Code. Existing serviceable stone kerbstones are to be retained. Infill kerbstone types are to match existing. Gutters are to be concrete, constructed in accordance with the Sydney Streets Design Code.
- (v) All entry and exit driveways on the public way are to be designed and constructed in accordance Council's Sydney Streets Design Code, (including drop kerb), with finished to be consistent with adjacent footway paving and kerb materials agreed by Council. The footway and driveway are to be at one continuous level, with no kerb return.
- (vi) Lighting on the public way must comply with the requirements of AS1158.3.1 Category P1. Complying lighting designs, prepared by a practicing lighting engineer, must be submitted for approval by the Council prior to the issue of a Road Opening License for public domain works on the public way.

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.

D18 Public Domain Works 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.

D19 Road Opening License

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

D20 Alignment Levels

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

D21 Street Trees

- (i) 14 existing large Cabbage Tree Palms (*Livistona australis*) located on Council's footpath in the Pirrama Road frontage of the site must be removed intact, must be retained and maintained, and must be replanted in the Pirrama Road frontage of the site during construction of the public domain works in locations to be agreed with Council officers.
- (ii) Where intact removal of palms in the footpath is difficult or not possible due to the site constraints, other palms of the same species and comparable height and health may be substituted as replacements on a 'one for one' basis. All such substitutes are subject to approval by Council's Arborist.
- (iii) It is noted that the Weeping Figs (*Ficus benjamina*) in Council's footpath differ from the species selected for replanting (*Livistona australis*). Any Fig trees approved for removal, pending Council's nominal notification period and the issue of relevant permits, are to be replaced with Cabbage Tree palms during the public domain works. The height and vigour of all such substitutes are to match other palms to be replanted as closely as possible.
- (iv) The new locations for transplanted trees are to be agreed by Council, conforming to the Sydney Streets Design Code and Street Tree Master Plan where possible (refer to Council's Street Tree Master Plan for guidelines on spacing and appropriate placement of street trees).
- (v) All transplanting works are to conform to the work method detailed in the report 'Tree Transplanting Methodology Statement' dated August 2009, drafted by Dave Dooley. The proponent shall engage and retain a qualified arborist (AQF5) to undertake and complete all stages of the transplanting work in accordance with the approved transplanting plan.
- (vi) In the event that one or some of the trees for retention die (despite best practices conforming to the approved transplanting plan), the developer must replace the lost palms on a one for one basis, with the same species of a similar height and health, prior to the release of the public domain works deposit.

- (vii) All trees to be retained must be protected from mechanical damage due to hoardings erection or other construction activities. This protection includes the wrapping of trunks with several layers of hessian and fixed with tape or tie wire (not nailed or screwed) to and height that exceeds the eventual height of the hoardings; as well as judicious placement of the feet of the hoardings to keep them a minimum distance of 1 metre from any trunk. No excavation, demolition or other potentially negatively impactful activities are to be undertaken within 5 metres of any tree to be retained.

D22 Railcorp HV (11kV) Cable

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

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.

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 properly 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.
- (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 Façade 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

E1 Noise Control – Plant and Machinery

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

- (1) Transmission of “offensive noise” as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy.
- (2) A sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute.
- (3) Notwithstanding compliance with (1) and (2) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential property between the hours of 12.00 midnight and 7.00am.

Prior to issue of any Occupation Certificate a report is to be prepared and submitted by a qualified acoustic engineer confirming that the development has been constructed in accordance with the recommendations in the Acoustic Assessment Report prepared by ARUP, September 2008 **and addendum provided by Acoustic Logic Consultancy, 14 August 2009.**

E1 (A) Certification of Noise Mitigation Measures

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

- (a) The Acoustic Assessment Report prepared by ARUP, September 2008;
- (b) Addendum Report prepared by Acoustic Logic Consultancy dated August 2009; and
- (c) Acoustic Assessment Report prepared by AECOM dated 7 October 2010 as may be relevant to the completed works.

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).

E2 Accessibility

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

E3 Fire Safety Certificate

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

E4 Annual Fire Safety Statement

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

E5 Road Damage

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

E6 Waste Management

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

E7 Food Premises

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

E8 Consolidation of Allotments

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

E9 Sydney Water

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

E10 Traffic Management**(1) Left In Left Out Only**

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

(2) Signage at Vehicle Egress

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

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

E11 Public Domain Works Completion

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

E12 Loading Dock Management Plan – Condition Deleted

E13 GFA Certification

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

PART F—POST OCCUPATION & ON GOING OPERATIONAL CONDITIONS

F1 No Speakers or Music Outside

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

- (a) Level 3 Outdoor Pool Deck area of the hotel development;
- (b) Level 3 Pirrama Road Entertainment Deck; and
- (c) Level 1 Pirrama Road Outdoor Gaming Areas.
- (d) Oasis Outdoor Gaming Area fronting Pyrmont 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 Pyrmont 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.

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 MP 08_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.

F1B Level 3 Outdoor Pool Deck

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

- (a) The maximum allowable speaker output for playback of background music is to comply with the recommendations identified in the AECOM Noise Emissions Assessment dated 6 June 2012;
- (b) The speakers that are permitted to be installed to the Level 3 Outdoor Pool Deck area of the hotel development are limited to twelve Meyer Sound Miniature speakers (MM-EXP) and two subwoofers. The location of the speakers is illustrated in plan titled "Darling Pool Terrace";
- (c) An Extended Level Integrated Active System (ELIAS) consisting of two speakers is permitted to be used for DJ/live band/amplified music events. The twelve MM-EXP and subwoofer system will only be used for announcements of no longer than 1 minute in any 15 minute period during these types of performances; and
- (d) Management/administrative measures to assist in reducing operational noise impacts are to comply with the Operational Noise Management Plan required by AECOM and dated 6 June 2012, and includes but is not limited to the following:
 - i. restricting the number of patrons permitted on the pool deck to 200 in the 'Night-time' (midnight- 7:00am) period;
 - ii. The ELIAS system is not to be used during the 'Night-time' (midnight to 7:00am) period;
 - iii. No announcements are to be made during the 'Night-time' (midnight to 7:00am) period, except in the case of an emergency; and
 - iv. No DJ/live band/amplified music events are to commence during the 'Night-time' (midnight to 7:00am) period.

F1C Level 3 Pirrama Road Entertainment Deck

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

- (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 shall be controlled using a sound-pressure measurement/limiter device (e.g. CESVA LRF-04 and LRF-05 or APEX Argos and HERA) so that music noise levels will be controlled dependant 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 MediaMatrox 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*

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Entertainment Deck, The Star, prepared by Pure Projects 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.

F1D Use of speakers in outdoor 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 Areas in accordance with all recommendations and performance parameters contained in the report entitled *The Star – Pirrama Road Level 1 Unenclosed Gaming Areas Speakers and Music Assessment*, prepared by Renzo Tonin and Associates and dated 8 May 2014. The use of the equipment must comply with the following:
 - (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 12:00am and 7:00am;
 - (c) Only low level background music that is below existing ambient noise levels in the Level 1 Pirrama Road Outdoor Gaming Area is permitted to be played between 12:00am and 7:00am;
 - (d) The noise levels of the speakers and amplification equipment shall 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) so that all noise emissions comply with the requirements of Condition F5; and
 - (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 Pyrmont 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;

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- (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.

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 criteria.
2. The noise measurements must be:
 - a) undertaken without the knowledge of the applicant, manager or operator of the premises;
 - b) taken on at least three different occasions on three different days of the week (excluding Monday, Tuesday and Wednesday) for the 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 to satisfy condition (a)(ii) above, those recommendations must be:
 - a) Submitted to the City of Sydney Council, Health and Building Area Manager (West) with the noise measurements as required in 2(b) (ii) above; and

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- b) Implemented to the acoustic consultant's and the Council's satisfaction, within one (1) month of the date of the acoustic consultant's report.
4. If the acoustic consultant's recommendations are not implemented in accordance with this condition, the premises must not use/operate speakers in outdoor areas until such time as the recommendations are implemented and verified.

F1F Noise Limiters

Use of all of the amplification equipment must comply with the following:

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

F1G Complaints Handling

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

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

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

F2 Transport and traffic

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

F3 Hours of Operation Outdoor Casino Areas / Outdoor Terraces

- (1) The hours of operation of the following areas is restricted to between 7.00 am and 12.00 midnight, Mondays to Sunday inclusive:
- Level 3 Sovereign Room outdoor gaming areas fronting Pirrama Road and Pyrmont Street;
 - Level 2 Oasis outdoor gaming area fronting Pyrmont Street; and
 - 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 per 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 per 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.

F4 Mechanical Plant and Equipment

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

- Transmission "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any affected receiver.
- A sound pressure level at any affected receiver that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS 1055.

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

F5 Noise

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

- 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**
-

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

F6 Acoustic Review

Within 3 months of operation of the approval of MP08_0098 MOD 14, and within 3 months of the issue of an occupation certificate for the areas nominated below whichever is the sooner, an 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.

F7 Pirrama Road External Entertainment Deck

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

- a. 1,000 patrons between 7.00 am and 12.00 am; and
- b. 600 patrons between 12.00 am and 7.00 am.

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.

F9 Post Occupation & On Going Operational Conditions

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

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.

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.

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.
- 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.

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.
- 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.

F14 Security and Surveillance

Operations on site must comply with the relevant provisions 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:

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- (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 and Casino Control Regulations.

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.

ADVISORY NOTES

AN1 Use of Mobile Cranes

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

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

AN2 Movement of Trucks Transporting Waste Material

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

AN3 Noise Generation

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

AN4 Disability Discrimination Act

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

SCHEDULE 3

SCHEDULE OF MINOR WORKS

MP08_0098

See MOD 14 Instrument of Modification:

<https://www.planningportal.nsw.gov.au/major-projects/project/23516>

FOR INFORMATION

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 Pyrmont Road Pyrmont (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.

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,
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- (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:
 - (i) 850mm if the floor area of the tent or marquee is less than 150m², or
 - (ii) 1m in any other case,
- (g) 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

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- (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 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), and
 - (c) if it is a driveway or hard stand space:
-

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-
- (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
 - (d) 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
 - (e) 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**MP 08-0098****ALTERATIONS AND ADDITIONS TO CASINO COMPLEX AND HOTEL
DEVELOPMENT ON THE SWITCHING STATION SITE****UNION STEET, NEWCASTLE****LOT 121 DP 828957, LOTS 300, 301 and 302 in DP873212,
LOT 1 DP 867854 and LOT 201 DP 867855****PROPONENT'S STATEMENT OF COMMITMENTS**

Introduction

Star City Casino and Hotel, the proponent of the Major Project application for alterations and additions to Start City hotel make the following commitments in association with that application.

Preparation of an External Lighting Management Plan

This plan will provide full details of all external lighting associated with the proposed development. It will provide technical details of all external lighting devices including their type (i.e. LED, incandescent, neon etc), intensity and colour. The report will address:

- The hours of all lighting.
- The Lux (intensity) of all proposed lighting
- Potential traffic and navigation hazard.
- Potential amenity impacts upon surrounding properties, with particular attention to residences.
- Pedestrian safety, security and amenity

Implementation: Plan to be submitted to the Department of Planning for approval prior to the installation of any external lighting.

Preparation of a Sustainability Plan

This plan will provide full details of all measures proposed to target a 4 Star rating in the NABERS Energy for Hotels scheme. The plan will include consideration of cogeneration / trigeneration and/or onsite renewables. Other measures that will be addressed include:

Green Star Category	ESD Initiatives – Hotel.
Management	▪ Environmental Management Plan during construction and operation ▪ Building user guide
Indoor Environmental Quality	▪ Increased fresh air supply ▪ Carbon dioxide sensors ▪ Avoidance of Volatile Organic Compound emissions ▪ High levels of daylight atrium lobby ▪ High frequency electronic ballasts ▪ Efficient Air conditioning

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Green Star Category	ESD Initiatives – Hotel.
	▪ Maximise External Views
Energy Conservation	▪ Energy monitoring ▪ Room air conditioning linked to point of sale system ▪ Mixed mode ventilation ▪ High performance facade
Transport	▪ Good public transport links ▪ Transportation and Travel Guide ▪ Provision of cyclist facilities for staff
Water Conservation	▪ High Efficiency fittings ▪ Alternative Sources – rainwater storage, grey water and black water
Materials	▪ Preference for environmentally responsible materials ▪ Low embodied energy & high recycled content ▪ Minimise Volatile organic compounds ▪ Dedicated waste recycling room
Emissions	▪ 100% of all refrigerants will have an Ozone Depletion potential of zero. ▪ Integrated refrigerant leak detection ▪ Filtered stormwater runoff

Green Star Category	ESD Initiatives – Casino
Management	▪ Environmental Management Plan during construction and operation ▪ Building user guide ▪
Indoor Environmental Quality	▪ Increased fresh air supply ▪ Carbon dioxide sensors ▪ Avoidance of Volatile Organic Compound emissions ▪ High levels of daylight atrium lobby ▪ High frequency electronic ballasts ▪ Efficient Air conditioning ▪ Maximise External Views
Energy Conservation	▪ Energy monitoring ▪ Room air conditioning linked to point of sale system ▪ Mixed mode ventilation ▪ High performance facade
Transport	▪ Good public transport links ▪ Transportation and Travel Guide ▪ Provision of cyclist facilities for staff
Water Conservation	▪ High Efficiency fittings ▪ Alternative Sources – rainwater storage, grey water and black water ▪ recycling systems

Green Star Category	ESD Initiatives – Casino
Materials	▪ Preference for environmentally responsible materials ▪ Low embodied energy & high recycled content ▪ Minimise Volatile organic compounds ▪ Dedicated waste recycling room
Emissions	▪ 100% of all refrigerants will have an Ozone Depletion potential of zero. ▪ Integrated refrigerant leak detection ▪ Filtered stormwater runoff

Implementation: To be certified by an accredited auditor prior to the commencement of each stage of construction.

Preparation of a Noise and Vibration Management Plan – Construction

This plan will be prepared by an accredited acoustic consultant and will involve a process of consultation with affected stakeholders. It will detail administrative or engineering measures proposed to assist in reducing construction noise and vibration impacts in accordance with AS2346 and BS5228.

The following control measures will be considered:

- Providing acoustic screens and/or enclosures for stationary equipment, such as compressors; or constructing a solid hoarding (of at least 15 kg/m² surface density construction) on the site boundary to act as a noise barrier.
- Providing mobile acoustic screens and/or enclosures for construction equipment and activities, or temporary acoustic screens at noise-sensitive receivers, where possible.
- Selecting low noise plant and equipment. Noise levels of plant used on site should not exceed those given in "Schedule 1" of the City of Sydney Code of Practice for Construction Hours/Noise within the Central Business District.
- Regular maintenance of plant and equipment.
- Keeping engine covers and access hatches to equipment closed, e.g. compressors, etc.
- Use of alternative construction methods to minimise noise and vibration.
- Development of a construction works methodology to minimise the effect of direct line of sight (for noise) to affected receivers.
- Position access ways for major plant and trucks at the lowest grade practicable
- Scheduling noisy construction activities during times when noise impact on residents of sensitive receivers is likely to be lowest.
- Introducing respite periods during the day or at weekends where no noisy construction work can take place. These periods are to be determined through consultation and negotiation with affected stakeholders.

Regular community communication to advise residents of impending noisy activities.

Vibration levels will be measured at sensitive internal and external receivers at the beginning of each stage of construction/demolition, and work practices modified accordingly to minimise the vibration impact from the works. Consultation with affected receivers should be followed, and if necessary vibration monitoring could be conducted to assist in controlling the vibration and/or structureborne noise impact of the works.

Control of vibration and structure borne noise from construction and demolition activities will include the following measures:

- Conduct a site dilapidation survey to determine the vibration sensitivity of the nearest receivers, particularly heritage buildings on Union and Pymont Street.
- Use of trenches to block the propagation path of surface vibration
- To mitigate the effects of structure borne noise and vibration, any sections of the existing structure to be demolished should be separated from the remainder of the complex by cutting slots in slabs etc, subject to the confirmation of the temporary stability of the structure to be demolished.
- Vibration levels at the nearest receivers should be measured by a qualified acoustic consultant when works commence. Site-specific vibration limits should be established based on vibration measurements and the findings of the site dilapidation surveys.
- Smaller or hand-driven equipment, such as jackhammers, should be used where possible when working in vibration sensitive areas (such as near the Lyric Theatre or heritage buildings).

The principles of 'Best Management Practice' (BMP) and 'Best Available Technology Economically Achievable' (BATEA) will be applied at all times.

Implementation: No construction works will be commenced until a Noise and Vibration Management Plan for the relevant stage of works has been submitted to the satisfaction the Department of Planning.

Preparation of a Noise and Vibration Management Plan – Operation

This plan will be prepared by an accredited acoustic consultant and will involve a process of consultation with affected stakeholders. It will detail administrative or engineering measures proposed to assist in reducing operational noise impacts upon surrounding properties. The following control measures will be considered:

Noise control treatments will be incorporated into the design of the mechanical systems so that the industrial noise criteria are met at all noise sensitive receivers. The detailed design of these systems, noise control measures, such as acoustic enclosures or louvres and attenuation, will be incorporated where necessary to ensure that the industrial noise criteria for noise from these systems are met.

- Engineering and administrative noise control measures to reduce the noise generation in the new hotel porte-cochère including:
 - Encouraging drivers and hotel staff to minimise noise by not slamming doors or boots
 - Incorporating a road surface in the porte-cochère with sufficient roughness to provide additional slip resistance (which reduces the incidence of wheel squeal noise)
- Measures to mitigate noise from entertainment venues operating after midnight including:
 - Incorporating acoustic separation to restaurants
 - Restaurants opening onto the arcade, not directly onto Jones Bay Road
 - Operable windows or doors of the night venue and conference centre being kept closed when amplified music is played in these venues.

Given the presence of noise-sensitive receivers in the Star City locality, all venues will be managed so that noise emission from the venue is controlled. Management measures that may be considered to control entertainment venue noise levels include:

- Restricting the hours of operation of venues

- Keeping operable doors or windows closed when noisy activities are underway within the venue (especially night venue and conference centre, and particularly after midnight); this might include closing or restricting access to outdoor areas of the venues.
- Designing venues to control noise emission, including construction of external partitions, internal acoustic treatments, and physical separation between noisy areas and sensitive receivers

Implementation: Plan to be submitted to the Department of Planning for approval prior to occupation of the proposed buildings **under the relevant stage of development.**

Preparation of a Pedestrian Safety Management Plan

NSW Police and the City of Sydney will be consulted in the preparation of this plan, which will inform the operational management and detailed design resolution of all street edge public domain areas and the retail arcade, with particular regard to:

- Pedestrian / vehicular conflict.
- Night lighting
- Detailed design of pedestrian crossings and thresholds.
- The safety of crowds gathered at the Pirrama Road entry during events.
- Potential distraction of pedestrians and motorists on Pirrama Road, with particular regard to lighting effects, events and video screens.

Implementation: Plan to be submitted to the Department of Planning for approval prior to the occupation of any building.

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 occupation of the **relevant stage proposed buildings.**

Preparation of a Reflectivity Mitigation Plan

This plan will provide analysis of a detailed façade design confirming the full extent of potential rogue reflections resulting from the proposed glazed façade to Pirrama Road. It will have particular regard to ensuring that no unreasonable solar reflections impact upon locations OP2, OP4 and OP5 (see Section 6.14 and Appendix S of the Environmental Assessment).

Implementation: Plan to be submitted to the Department of Planning for approval prior to construction certification of the Pirrama Road façade.

Works to Pyrmont Bay Park

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In consultation with the Sydney Harbour Foreshore Authority, the proponent will undertake improvement works to a value of \$2,948,060.80 to Pirrama Road, Pyrmont Bay Park and surrounding public domain spaces, in lieu of monetary contributions generated under the City of Sydney Section 94 Contributions Plan – Ultimo Pyrmont 1994.

Implementation: Such agreement is to be in place prior to the issue of an occupation certificate for each relevant stage of construction.

PROPONENTS STATEMENT OF COMMITMENTS IN RELATION TO MODIFICATION 14

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: Until the CPTED Strategy has been submitted to the Department of Planning and Environment, no construction works to be commenced 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 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 Construction Certificate for works under Modification 14.

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