

18 August 2021

2200557

Mr Jim Betts
Secretary
NSW Department of Planning, Industry & Environment
12 Darcy Street,
Parramatta NSW 2150

Attention: Amy Watson; Team Leader, Key Sites Assessments

**Section 4.55(1A) Modification Application 16
The Star Casino – Former Part 3A Approval MP08_0098**

Dear Amy,

This application has been prepared by Ethos Urban on behalf of The Star Entertainment Group Limited (The Star), pursuant to section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act) to modify Development Consent, former Part 3A Approval MP 08_0098 relating to 80 Pyrmont Street, Pyrmont (the site).

This application proposes a variety of internal and external modifications which include but are not limited to:

- Extension of trial periods across levels 1, 2 and 3;
- Façade simplification including painting of decorative steel framing to tops of The Star Grand Hotel & Residences and removal of decorative steel framing from The Star Grand Residences Roof; and
- Expansion of Level 17 outdoor balconies.

This application identifies the consent, describes the proposed modifications and provides an assessment of the relevant matters contained in section 4.55(1A) of the EP&A Act. This application is accompanied by Architectural Plans prepared by Design Worldwide Partnership (DWP) (**Attachment A**), an Acoustic Statement prepared by Renzo Tonin & Associates (**Attachment B**) and an Acoustic Compliance Assessment prepared by Acoustic Dynamics (**Attachment C**) that was submitted to the Department of Planning Industry and Environment (DPIE) in June 2021.

1.0 Consent proposed to be modified

The consent proposed to be modified was granted by the then Minister for Planning on 27 January 2009 for alterations and additions to the Star City Casino and Entertainment Complex and the Darling Hotel Development (the **Part 3A Approval**). The Part 3A Approval consisted of the following elements:

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

The Part 3A Approval has since been modified 13 times since 2009 and now comprises the following:

- Maximum height of 74m;

- Total GFA of 140,200sqm, comprising:
 - 34,300sqm hotel GFA (489 rooms: 318 in the Astral Hotel and 171 in The Darling);
 - 33,887sqm gaming GFA;
 - 18,571sqm circulation / back of house GFA;
 - 16,137sqm serviced apartment GFA (117 serviced apartments in the Astral Residences);
 - 14,523sqm food and beverage GFA (including the Sky Terrace rooftop bar on Level 3);
 - 9,403sqm Lyric Theatre GFA (capacity 2,005 patrons);
 - 5,477sqm MUEF GFA (capacity 2,200 patrons);
 - 5,020sqm office/administration GFA;
 - 1,976sqm retail GFA;
 - 906sqm night-club GFA;
- 2,795 basement car parking spaces; and
- The Star light rail station.

On 24 January 2020, the Director of Key Sites Assessments under delegation from the Minister for Planning and Public Spaces, declared the approved project to be State Significant Development (SSD).

Now that the project has ceased to be a transitional Part 3A project, it can be modified under section 4.55 of the EP&A Act. In relation to section 4.55(1A) or (2) modifications which contain a “substantially the same development” test, the consent authority need only be satisfied that the development to which the consent as modified relates is substantially the same development as the development authorised by the consent, **as last modified under section 75W** (clause 3BA(6) of Schedule 2 to the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*).

Modification 15 is currently under assessment with the Department of Planning, Industry and Environment (DPIE). It seeks approval for the installation of signage on the site as well as minor external alterations.

This letter proposes a range of minor external modifications and operational changes which will constitute the 16th modification application to the SSD.

2.0 Proposed modifications to the consent

The proposed modification to the development consent comprises extension of trial periods, façade simplification works and expansion of balconies located on Level 17. The modifications are described in more detail in **Sections 2.1 to 2.3**.

2.1 Extension of trial periods

This modification seeks an extension to the trial periods which relate to the hours of operation for the outdoor gaming areas and terraces as stipulated in Condition F3 of the consent, and replicated below:

Condition F3 Hours of operation – outdoor gaming areas and terraces

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

As outlined above, Condition F3 is subject to two trial periods, each with differing end dates, namely:

- Level 1 outdoor gaming areas, Level 2 Oasis outdoor gaming area, and balconies serving the private gaming rooms: two-year trial period commencing on the date of approval of Mod 14;
- Level 3 Sovereign Room outdoor gaming areas: two-year trial period commencing on the use of the outdoor terrace.

This modification seeks approval for a consistent trial period end date of two (2) years from the date of approval of Modification 16. Provision of a consistent end date will better enable The Star to monitor its compliance obligations.

2.2 Façade simplification

The modification also seeks to simplify the existing façade on The Star site by undertaking the following works:

- Painting decorative steel framing to tops of The Star Grand Hotel & Residences; and
- Removal of decorative steel framing from The Star Grand Residences Roof.

2.3 Level 17 Balconies

A series of upgrades and expansions of Level 17 outdoor balconies also form part of this modification. Locations of the subject balconies are provided in **Figure 1**, with the detailed changes provided in **Table 1**. As per the definition of Gross Floor Area (GFA) under the Standard Instrument, balconies with an outer wall under 1.4m are not considered as floor space and therefore the amendments will not result in an increase of GFA.

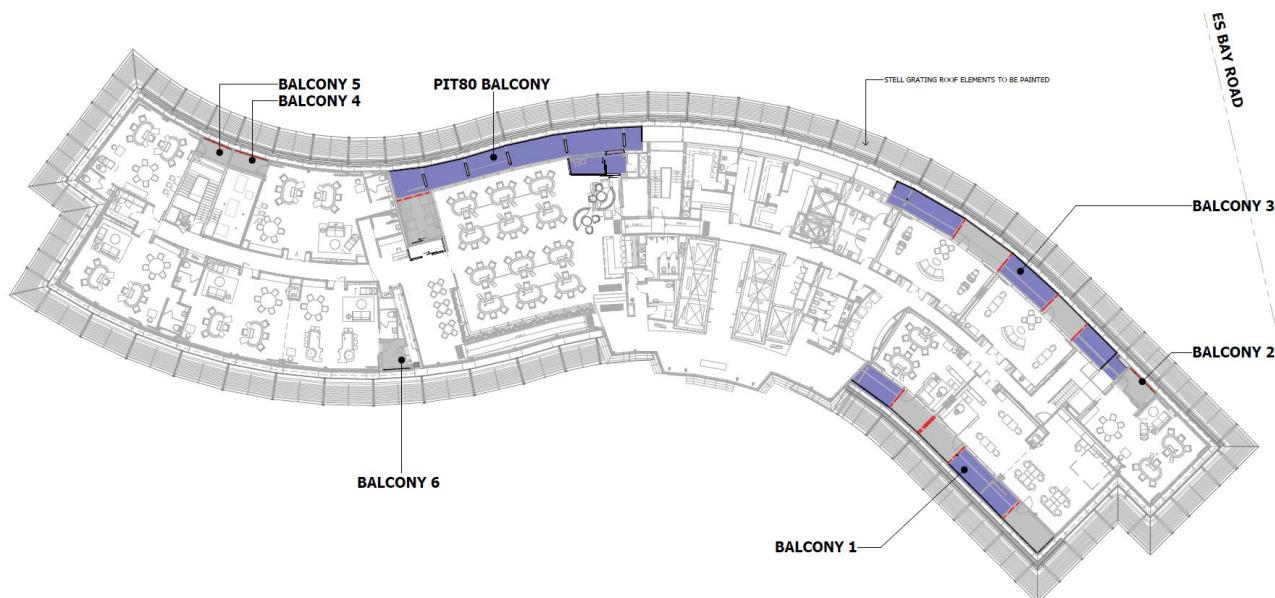


Figure 1 Location of Level 17 balconies subject to modification

Source: DWP

Table 1 Detailed changes to balconies

Balcony	Changes
Balcony 1	<ul style="list-style-type: none"> • New floor infill to match existing balcony levels. • Existing balustrade returns to be removed. • Existing floor to be re-surfaced to match new. • Discrete safety lighting to balcony edge. • New batten screen between VIP rooms. • New solid infill to existing framing for weather protection. • New batten screen between VIP rooms.
Balcony 2	<ul style="list-style-type: none"> • Discrete safety lighting to balcony edge. • New 'window' style opening to existing solid wall to achieve open air requirements. • Glazing panels of existing balustrade to be replaced with perforated metal.
Balcony 3	<ul style="list-style-type: none"> • Discrete safety lighting to balcony edge. • New floor infill to match existing balcony levels. • Existing balustrade returns to be removed. • Existing floor to be re-surfaced to match new. • New floor infill to match existing balcony levels. • New solid infill to existing framing for weather protection. • New batten screen between VIP rooms.
Balcony 4 & 5	<ul style="list-style-type: none"> • Discrete safety lighting to balcony edge. • Glazing panels of existing balustrade to be replaced with perforated metal.
Balcony 6	<ul style="list-style-type: none"> • Balustrade infill to match existing.

Balcony	Changes
Balcony Pit 80	<ul style="list-style-type: none"> • New balustrade around existing framing for head height clearance. • New balustrades. • Existing angled structural framing removed. • Existing balustrades removed. • Existing door to breakout space to be replaced with sliding door. • New airlock and new sliding door. • New floor infill to be flushed with Pit 80. • Discrete safety lighting to balcony edge. • Existing façade removed and setback. • Proposed new glazed wall for airlock. • New airlock with sliding doors. • New façade and balcony flooring.

2.4 Modifications to conditions

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. Words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in ***bold italics***.

Condition A2

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

Drawing Number	Rev	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
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

Drawing Number	Rev	Name of Plan	Date
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	D	Demolition Plan – Level B02	13.08.2021
A07B1	C	Demolition Plan – Level B01	15.09.16
A0700	F	Demolition Plan – Level 00	26.04.2021
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	G	Proposed Site Plan – Level B02	13.08.2021
A10B1	E	Proposed Site Plan – Level B01	11.04.17
A1000	H	Proposed Site Plan – Level 00	13.08.2021
A1001	G	Proposed Site Plan – Level 01	13.08.2021
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	G	Proposed Site Plan – Level 05	26.04.2021
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
A9100	E	Proposed GFA Diagram – Level 00	05.05.17
A9101	D	Proposed GFA Diagram – Level 01	11.04.17

Drawing Number	Rev	Name of Plan	Date
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	14.06.2017
MOD15-A0000	G	Cover Sheet	13.08.21
MOD15-A0001	J	Site Plan	13.08.21
MOD15-A0002	I	Overall Elevations	13.08.21

Drawing Number	Rev	Name of Plan	Date
MOD15-A1010	J	Pirrama Road	13.08.21
MOD15-A1030	I	Edward St Entry	13.08.21
MOD15-A1031	H	Edward St Entry	13.08.21
MOD15-A1040	J	Pyrmont St	13.08.21
MOD15-A1050	G	The Darling Check-In Upgrade	13.08.21
MOD15-A1060	J	Level 5 Plant Room Screening	13.08.21
MOD15-A1061	H	Level 5 Plant Room Screening	13.08.21
MOD15-A1070	G	Building Signage	13.08.21
MOD16-A0001	F	Cover Sheet	29.07.21
MOD16-A0011	F	Site Plan	29.07.21
MOD16-A0012	F	Overall Elevations	29.07.21
MOD16-A1001	F	Level 17 Plan	29.07.21
MOD16-A1002	F	Grand Hotel Elevation	29.07.21
MOD16-A1003	F	Grand Hotel Elevation	29.07.21
MOD16-A1011	F	Type 1 Balcony 1	29.07.21
MOD16-A1012	F	Type 1 – Balcony 3	29.07.21
MOD16-A1013	F	Type 2 – Balcony 2, 4, 5 & 6	29.07.21
MOD16-A1014	F	Type 3 – Pit 80 Balcony	29.07.21

3.0 Substantially the same development

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if “*it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)*”.

The development, as proposed to be modified, is substantially the same development as that originally approved in that:

- the land use mix remains consistent with that of the approved development;
- the modifications proposed are minor in the context of the scale of the building;
- no changes to the approved GFA are proposed; and
- no changes to the approved parking numbers are proposed.

The development, as proposed to be modified is therefore both essentially and materially of the same essence as that of the approved development and is therefore considered to be substantially the same as the approved development. The modification of the Development Consent can therefore be lawfully made under section 4.55 of the EP&A Act.

4.0 Environmental assessment

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if “*it is satisfied that the proposed modification is of minimal environmental impact*”. Under section 4.55(3) the consent Authority must also take into consideration the relevant matters to the application referred to in section 4.15(1) of the EP&A Act and the reasons given by the consent authority for the grant of the original consent.

The Environmental Assessment Report submitted with the original application (MP 08_0098) assessed the potential impacts of the overall development with regard to the following:

- Sydney Metropolitan and Subregional Strategies
- Relevant EPIs & guidelines
- Urban development for Ultimo Pyrmont
- Developer contributions
- Architecture and urban design
- Heritage impacts
- Visual impacts
- Wind effects
- Safety/public areas/pedestrians
- Public domain
- Vehicular access, car parking & traffic impacts
- Noise
- Reflectivity
- Ecologically sustainable development
- Social impact assessment
- Economic assessment
- Accessibility
- Construction management
- Electrical and telecommunications services
- Water, stormwater, sewerage and gas services
- Building Code of Australia
- Fire engineering
- Audit of 1997 Casino Consent

The planning assessment of the proposed modified development remains generally unchanged with respect to the large majority of the above matters. The proposed changes when compared to the scale of the development are minor in nature. The purpose of the changes is to provide greater outdoor amenity to the upper levels of The Star Grand Hotel and to improve the existing development's façade. Importantly, there are little environmental impacts caused by the proposed changes. Matters such as acoustic impacts which warrant further assessment have been outlined below.

The following assessment considers the relevant matters under section 4.15(1) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

4.1 Compliance with Statutory Plans and Policies

An assessment of the proposed changes against the relevant statutory plans, are provided in **Table 2** below.

Table 2 Compliance with Relevant Plans and Policies

Instrument/Strategy	Comments
State Environmental Planning Policy (Infrastructure) 2007	According to Schedule 3 of the State Environmental Planning Policy (Infrastructure) 2007 (ISEPP), the approved development is classified as 'traffic generating development'. Given the minor changes proposed as part of this modification, no additional traffic impacts are expected and so the assessments made previously against the ISEPP continue to apply.
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	According to the Sydney Regional Environmental Plan 2005 (SREP 2005), the site is located within the Foreshores and Waterways Area and therefore subject to the DCP provisions which include design guidelines for development. The aims of the SREP 2012 are: <ul style="list-style-type: none"> (a) <i>to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained—</i> <ul style="list-style-type: none"> (i) <i>as an outstanding natural asset, and</i> (ii) <i>as a public asset of national and heritage significance, for existing and future generations,</i> (b) <i>to ensure a healthy, sustainable environment on land and water,</i> (c) <i>to achieve a high quality and ecologically sustainable urban environment,</i> (d) <i>to ensure a prosperous working harbour and an effective transport corridor,</i> (e) <i>to encourage a culturally rich and vibrant place for people,</i>

Instrument/Strategy	Comments
	<p>(f) to ensure accessibility to and along Sydney Harbour and its foreshores,</p> <p>(g) to ensure the protection, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity,</p> <p>(h) to provide a consolidated, simplified and updated legislative framework for future planning.</p> <p>The proposed modifications are minor and cosmetic in nature. The changes will not detract from the views of Sydney Harbour.</p>
Sydney Local Environmental Plan 2012	<p>The site is zoned as B3 Commercial Core which permits the current uses on the site. The proposed changes will not change any existing uses on the site.</p>
Sydney Development Control Plan 2012	<p>According to Clause 11 of the State and Regional Development SEPP, development control plans do not apply to state significant development, as such the provisions of the SDCP 2012 do not apply to this application. Notwithstanding this, it can be concluded the proposed modifications align with the Pyrmont Point Locality Statement provided in the SDCP 2012 which has been provided below.</p> <p><i>Pyrmont's mixed use character is to be maintained. The area is to function as a combined living and working precinct while protecting historic buildings and topography. The striking cliff faces are important to remain as exposed landmarks visible from within the area and from the Harbour. Views of Central Sydney and surrounding suburbs from the public domain are to be maintained. Active ground floor uses such as shops and cafés and restaurants are encouraged.</i></p> <p>The proposed modifications are also consistent with the principles outlined as part of the Pyrmont Point Locality Statement.</p>

4.2 Acoustic impacts

A Noise Assessment Report has been prepared by Renzo Tonin & Associates and is provided at **Attachment B**. The Report quantifies noise emission from activities associated with the proposed balcony expansions and assesses operational noise on nearby sensitive receivers in accordance with the noise requirements of the SSD consent. The assessment found that the indicated patrons on the Level 17 Outdoor Balconies are able to comply with the established noise goals (inaudibility). The predicted cumulative exceedances were found to be attributed to other operational activities which were set out in the Acoustic Compliance Assessment Report that was submitted to the Department following the approval of modification 14. Provided that all doors leading to the balconies are kept closed at all times, excluding the egress/ingress of patrons, and that the patronage numbers as set out below are not exceeded, the Report found that that the balconies are predicted to comply with the relevant noise criteria as listed under Condition F5 of the SSD consent.

Table 3 Patrons per balcony

Balcony	Patrons
Balcony 1	18 pax, 9 talking
Balcony 2	3-4 pax, 2 talking
Balcony 3	18 pax, 9 talking
PIT80 Balcony with airlock	24 pax, 12 talking
Balcony 4	3-4 pax, 2 talking
Balcony 5	3-4 pax, 2 talking
Balcony 6	3-4 pax, 2 talking

4.3 Compliance with Conditions F5 and F6

Extension of the trial periods referred to in Condition F3 is considered acceptable because of the minimal environmental impacts associated with the use of the relevant outdoor areas. Condition F3(6) of the consent states that operation of all outdoor areas shall comply with the requirements of Conditions F5 and F6 when cumulatively assessed with other operations at the premises. Conditions F5 and F6 state:

Condition F5 Noise

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

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

Condition 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, 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.*

On 22 June 2021, The Star submitted an Acoustic Compliance Assessment prepared by Acoustic Dynamics which provided an assessment of noise emission levels associated with the use and operation of the various areas outlined in Condition F3, in accordance with the noise criteria outlined in Condition F5. The findings from the assessment found that the likely maximum capacity operations and use of the various terrace and outdoor gaming areas on the site would comply with the requirements of Condition F5.

The proposed extension of trial periods will continue to comply with Conditions F5 and F6 as per the Acoustic Compliance Assessment provided at **Attachment C**.

4.4 Reasons given for granting consent

Section 4.55(3) of the EP&A Act requires that the consent authority also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified. In 2009, the Department assessed the merits of the project and were satisfied that the site was suitable for the proposed development and that the project would provide environmental, social and economic benefits to the region.

5.0 Conclusion

The proposed modifications to the approved development, as outlined in **Section 2.0**, comprise external amendments to the framing of The Star Grand Hotel and The Star Grand Residences and to the expansion of balconies on Level 17.

In accordance with section 4.55(1A) of the EP&A Act, the Department may modify the consent as:

- the proposed modification is of minimal environmental impact;
- the consent, as proposed to be modified, is substantially the same development as that originally approved;
- the proposed modification will not change the approved GFA; and
- the development (as proposed to be modified) continues to comply with the relevant statutory plans and policies.

In light of the above, we therefore recommend that the proposed modification is supported by the Department of Planning, Industry and Environment.

- the proposed modification is of minimal environmental impact; and
- substantially the same development as development for which the consent was granted.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request.

Yours sincerely,



Juliet Wittenoom Louw
Urbanist
0438 571 444
jlouw@ethosurban.com

Yvette Carr
Associate Director
0412 050 221
ycarr@ethosurban.com