

Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Anthony Witherdin
Director
Key Sites Assessments

Sydney: 17 March 2022

SCHEDULE 1

Development consent: MP08_0098 granted by the Minister for Planning on 27 January 2009

For the following: Alterations and additions to Casino Complex and Hotel Development on the Switching Station Site.

Applicant: Star Entertainment Group Limited

Consent Authority: Minister for Planning

The Land: The Star Casino, 20-80 Pyrmont Road, Pyrmont

Lot 500 DP 1161507, Lots 301 and 302 DP 873212, Lot 12 DP 870336, Lot 201 DP 867855 and Lot 1 DP 867854

Modification:

MP 08_0098 MOD 16: Application to:

- extend trial periods for the operation of unenclosed gaming areas on levels 1, 2 and 3 for an additional two years
- minor façade changes on the upper floors of The Star Grand Residences and The Star Grand Hotel towers
- expand balcony areas on level 17.

SCHEDULE 2

- Condition A2 is amended by the insertion of **bold and underlined** words / numbers and deletion of the **bold and struck out words / numbers** as follows:

A2 Development in Accordance with Plans

The approved development is to be consistent 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
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	D	Demolition Plan - Level B02	13.08.21
A07B1	C	Demolition Plan - Level B01	15.09.16
A0700	F	Demolition Plan - Level 00	26.04.21
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	13.08.21
A10B1	E	Proposed Site Plan - Level B01	11.04.17
A1000	H	Proposed Site Plan – Level 00	13.08.21
A1001	F	Proposed Site Plan – Level 01	26.04.21
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	26.04.21
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
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	04.06.17
MOD14-A9200A	A	Existing Site Plan – Level B2	04.06.17
MOD14-A9201A	A	Existing Site Plan – Level 01	14.09.17
MOD14-A9202A	A	Existing Site Plan – Level 02	14.09.17
MOD14-A9203A	B	Existing Site Plan – Level 03	14.09.17
MOD14-A9204A	A	Existing Site Plan – Level 04	04.06.17
MOD14-A9205A	A	Existing Site Plan – Level 05	04.06.17
MOD14-A9216A	A	Existing Site Plan – Level 16	04.06.17
MOD14-A9217	A	Existing Site Plan – Level 17	14.09.17
MOD15-A0000	G	Cover Sheet	13.08.21
MOD15-A0001	J	Site Plan	13.08.21
MOD15-A0002	I	Overall Elevations	13.08.21
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
<u>MOD16-A0011</u>	<u>F</u>	<u>Site Plan</u>	<u>29.07.21</u>
<u>MOD16-A0012</u>	<u>F</u>	<u>Overall Elevations</u>	<u>29.07.21</u>
<u>MOD16-A1001</u>	<u>F</u>	<u>Level 17 Plan</u>	<u>29.07.21</u>
<u>MOD16-A1002</u>	<u>F</u>	<u>Grand Hotel Elevation</u>	<u>29.07.21</u>
<u>MOD16-A1003</u>	<u>F</u>	<u>Grand Hotel Elevation</u>	<u>29.07.21</u>
<u>MOD16-A1011</u>	<u>G</u>	<u>Type 1 – Balcony 1</u>	<u>03.03.22</u>
<u>MOD16-A1012</u>	<u>G</u>	<u>Type 1 – Balcony 3</u>	<u>03.03.22</u>
<u>MOD16-A1013</u>	<u>G</u>	<u>Type 2 – Balcony 2, 4, 5 & 6</u>	<u>03.03.22</u>
<u>MOD16-A1014</u>	<u>G</u>	<u>Type 3 – Pit 80 Balcony</u>	<u>03.03.22</u>

2. Condition A3 is amended by the inserting the **bold and underlined** words / numbers at the end of the condition as follows:

A3 Development in accordance with Documents

As amended by the Section 4.55(1A) Modification Application report prepared for MP08 0098 MOD 16 by Ethos Urban dated 18 August 2021 and as further amended by the Response to Submissions letter dated 13 August 2021 and the letter dated 20 December 2021 prepared by Ethos Urban and the following documents:

(1) **The Star Sydney MP08 0098 Modification 16 Noise Assessment prepared by Renzo Tonin, dated 18 August 2021, revision 2.**

3. Condition F1 is amended by the inserting the **bold and underlined** words / numbers and the deletion of the **bold and struck out words / numbers** as follows:

F1 No Speakers or Outside Music

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) **(b)** Level 1 Pirrama Road Outdoor Gaming Areas.
(d) **(c)** Oasis Outdoor Gaming Area fronting Pyrmont Street (as shown on Drawing No MOD-A9202A); and
(e) **(d)** 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.

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

F1A Trial Use of Speakers and Music Outside

The use of speakers and amplified music in those outdoor areas identified in condition F1(b) to F1(e) (d) above is subject to a two-year trial period which shall commence on grant of approval of MP 08_0098 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) (d) above. Email notification to Council of the commencement of the trial period shall be sent to liquor@cityofsydney.nsw.gov.au.

5. Condition F1C is deleted.

6. Condition F1E is amended by the inserting the **bold and underlined** words / numbers and the deletion of the **bold and struck out words / numbers** as follows:

F1E Monitoring

An appropriately qualified acoustic consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants must be appointed within two weeks of the approval of MP08_0098 MOD 14 or prior to occupation of the areas nominated

in conditions F1 (b) to ~~(e) (d)~~ 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) (d)~~ 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) above; and
 - b) Implemented to the acoustic consultant's and the Council's satisfaction, within one (1) month of the date of the acoustic consultant's report.
4. If the acoustic consultant's recommendations are not implemented in accordance with this condition, the premises must not use/operate speakers in outdoor areas until such time as the recommendations are implemented and verified.
7. F1G is amended by the inserting the **bold and underlined** words / numbers and the deletion of the **bold and struck out words / numbers** as follows:

F1G Complaints Handling

The proponent shall operate a noise complaint handling procedure for the use of all outdoor speaker and amplifications systems **and the unenclosed gaming areas under Condition F3** 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.

The Proponent shall provide a bi-annual (six monthly) register of complaints received by the public to the Department. The register shall detail the date the complaint was received and the actions taken to address the source of the complaint.

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.

8. Condition F3 is amended by the inserting the **bold and underlined** words / numbers and the deletion of the **bold and struck out words / numbers** as follows:

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:
 - a. Level 3 Sovereign Room ~~outdoor~~ **unenclosed** gaming areas fronting Pirrama Road and Pyrmont Street;
 - b. Level 2 Oasis ~~outdoor~~ **unenclosed** gaming area fronting Pyrmont Street; and
 - c. Level 1 ~~outdoor~~ **unenclosed** 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~~ **unenclosed** gaming areas may operate 24 hours per day Mondays to Sundays (inclusive) for a **new** two-year trial period which shall start on **the date of determination of Modification 16.**
~~commencement of use of the outdoor terrace.~~
- (4) Notwithstanding (1b), (1c) and (2) above the ~~outdoor~~ **unenclosed** areas may operate 24 hours per day Mondays to Sundays (inclusive) for a **further** two-year trial period which shall commence on the date of approval of Modification ~~14~~ **16**.
- (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.

9. Condition F6 is amended by the inserting the **bold and underlined** words / numbers and the deletion of the **bold and struck out words / numbers** as follows:

F6 Acoustic Review

Within 3 months of operation of the approval of MP08_0098 MOD 14, and within 3 months of the issue of an occupation certificate for the areas nominated below 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 Terrace **Unenclosed Gaming Area**;
- Level 1 Pirrama Road ~~outdoor~~ **Unenclosed** Gaming Area; **and**
- ~~Level 3 Pirrama Road Entertainment Deck; and~~
- Level 2 Oasis ~~outdoor~~ **Unenclosed** Gaming Area.

10. Condition F7 is deleted.
11. New condition F18 is inserted as follows:

F18 Operation of Expanded Level 17 Balconies

The Applicant shall operate the expanded balcony at Level 17 of The Star Grand Hotel approved under MP08_0098 MOD 16 in accordance with the recommendations of the acoustic statement titled The Star Sydney SSD MP08_0098 Modification 16 Noise Assessment prepared by Renzo Tonin, dated 18 August 2021, revision 2 and the patron limits below:

<u>Balcony Area</u>	<u>Patron limit</u>
<u>Balcony 1</u>	<u>18</u>
<u>Balcony 2</u>	<u>4</u>
<u>Balcony 3</u>	<u>18</u>
<u>Pit 80 Balcony with airlock</u>	<u>24</u>
<u>Balcony 4</u>	<u>4</u>
<u>Balcony 5</u>	<u>4</u>
<u>Balcony 6</u>	<u>4</u>

End of modification

(MP08_0098 MOD 16)