

# Notice of decision

## Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

<b>Application type</b>	State significant development modification
<b>Application number and project name</b>	MP08_0098 Mod 16 Star City Casino Upgrade
<b>Applicant</b>	The Star Entertainment Group Limited
<b>Consent Authority</b>	Minister for Planning

### Decision

The Director under delegation from the Minister for Planning has, under 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (the **Act**), modified the consent subject to conditions and any additional conditions.

A copy of the instrument of modification is available at [here](#).

A copy of the Department of Planning and Environment's assessment report is available at [here](#).

### Date of decision

17 March 2022

### Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the reasons given by the consent authority for the grant of the original consent;
- the objects of the Act;
- all information submitted with the modification application during the assessment and information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report;
- the submissions made concerning the modification; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision. The Department's Assessment Report also identifies additional reasons for making the decision.

The decision maker was satisfied that the modification is of minimal environmental impact and 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).

The key reasons for granting the modification are as follows:

- the modification would simplify the trial periods for extended hours of operation for the outdoor gaming areas and improve outdoor amenity for patrons;
- the modification is permissible with consent;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the conditions of consent. Engagement on the proposed modifications is considered to be in line with the *Undertaking Engagement Guidelines for State Significant Projects* (DPIE 2021), including the community participation objectives outlined in these guidelines.
- weighing all relevant considerations, the modification is in the public interest.

## Attachment 1 – Consideration of Community Views

Once the modification application and modification report was submitted to the Department, it was placed on exhibition from 23 September 2021 until 6 October 2021 (14 days). Three submissions were received, all objecting to the application from residents or special interest groups within 1 kilometre of the site.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include noise impacts from existing operations and the extended trial periods and social impacts from gambling activities. Other issues are addressed in detail in the Department's Assessment Report.

<b>Issue</b>	<b>Consideration</b>
<p><i>Noise impacts</i></p> <ul style="list-style-type: none"> <li>• Cumulative noise impacts from gaming machines in the UGAs</li> <li>• Inconsistency with existing noise management conditions</li> <li>• Request to install glazing</li> <li>• Install permanent live noise monitoring</li> <li>• Additional noise from expanded level 17 balconies</li> <li>• Other operational impacts beyond the modification application.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• The Applicant's assessment concluded noise emissions from patrons using the expanded balcony areas can comply with the inaudibility noise goal at all nearby receivers, subject to operational conditions. Outdoor speakers or music is not proposed for the expanded balconies. No physical enclosure of glazing works are proposed at the UGAs of Jones Bay Road.</li> <li>• The Applicant's acoustic compliance report also concluded all UGAs subject to the operational trial period can meet the inaudibility target at all nearby receivers as part of the cumulative noise assessment under the development consent.</li> <li>• The Department has carefully considered the Applicants supporting noise assessment and the concerns raised in public submissions and is satisfied the new trial periods and balcony areas will not result in adverse noise impacts beyond the approved operation.</li> <li>• The Department is satisfied the Applicant's assessment demonstrates noise emissions from UGAs under Condition F3 can comply with the requirements of MP08_0098 at the most potentially impacted external locations.</li> <li>• Other operational noise concerns including the use of leaf blowers, taxi noise and patron noise as they leave the site are beyond the scope of the modification application, however the Applicant has indicated it would install additional signage to encourage patrons to be considerate of neighbouring properties.</li> <li>• The Department notes the approved and constructed level 3 pre-function space is enclosed with inoperable glazing to minimise impacts to residents along Jones Bay Road.</li> </ul> <p><i>Recommended conditions:</i></p> <ul style="list-style-type: none"> <li>• Require the Applicant to operate the expanded balcony areas in accordance with the recommendations of the noise statement.</li> <li>• Implement updates to complaints handling to direct complaints received to the Department on a bi-annual (six monthly) basis.</li> </ul>
<p><i>Air quality impacts</i></p> <ul style="list-style-type: none"> <li>• Impacts of outdoor smoking areas on Jones Bay Road.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• Public submissions raised concern regarding air quality impacts with a smoking balcony fronting Jones Bay Road.</li> <li>• While the proposal does not relate to smoking areas along Jones Bay Road, the Applicant has advised they are open to installing additional signage in this location to be considerate of nearby dwellings.</li> <li>• The Department notes existing condition F12 requires the development to comply with the POEO Act and Regulations regarding gaseous, vapour, dust or other airborne emissions.</li> <li>• The Department also notes the proposal does not seek to modify the use or operation of the balcony fronting Jones Bay Road, however, supports the Applicant in installing additional signage to assist in patrons being mindful of impacts to nearby dwellings.</li> <li>• This signage could be progressed by the Applicant under the schedule of</li> </ul>

	minor works contained in the existing development consent.
<p><i>Social Impacts</i></p> <ul style="list-style-type: none"> <li>• Concerns regarding the extension of gambling facilities.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• The proposal seeks to expand balcony areas on level 17 of The Star Grand Hotel and extend the operation trial period for UGAs. No new or expanded gaming facilities are proposed.</li> <li>• The Applicant has advised security patrols take place around the site during higher busier times to monitor anti-social behaviour.</li> <li>• The Department is satisfied the proposal would not increase the GFA within the site, expand gambling facilities or introduce new uses which would alter the social impacts of the development.</li> <li>• The Department is therefore satisfied that the existing conditions of consent (F1G, F10 and F14) and licences under the Casino Control Act 1992, Casino Control Regulations 2009 and Security Industry Act 1997 adequately control safety and social issues associated with the operation of development. On this basis, the Department considers the proposal would not result in additional social impacts beyond those previously assessed by MOD 14.</li> </ul>