

Modification of Major Project Approval

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

I, the Minister for Planning, modify under section 75W of the *Environmental Planning and Assessment Act 1979*, the Project Approval referred to in Schedule 1 in the manner set out in Schedule 2.



The Hon. Kristina Keneally MP
Minister for Planning

Date:

1 Dec 2009

MP 08_0098 MOD 4

SCHEDULE 1

Project approval for the construction of alterations and additions to Star City Casino Complex, Pymont & New Hotel on the Switching Station Site (MP 08_0098) granted by the Minister for Planning on 27 January 2009, comprising:

- 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 3,000 car parking spaces across the whole site, to be accessed via the existing Casino complex car park;
- Re-development of the retail arcade through the ground floor level of the complex, linking Pymont Bay park to the intersection of Union and Pymont Streets, and to Jones Bay Road;
- The redevelopment of the eastern (Pirrama Road) frontage of the Casino building currently occupied by large external stairs, to contain additional restaurants, retail outlets, gaming space, other entertainment and tourist related facilities, a new entry and a driveway providing a new vehicular drop-off to the Casino; and
- Works to the exterior of the existing Casino tower buildings.

SCHEDULE 2

The above approval is modified as follows:

1. Condition A2 Development in Accordance with Plans

- a. Delete the following words "The development will be undertaken in accordance with the Environmental Assessment dated September 2008 prepared by Urbis, subsequent Preferred Project Report dated December 2008 prepared by Urbis and the following drawings prepared by The Buchan Group, Cox Richardson Architects and Tract Consultants;" and replace with the following words "The development will be undertaken in accordance with the following drawings:".
- b. Insert after the following words "and Tract Consultants" the following words "and Fitzpatrick + Partners".
- c. Delete the following drawing references:

Drawing No.	Revision	Name of Plan	Date
DA-AC.153	02	Perspective Rendering View-Pirrama Road Entry Daytime	02/12/08
DA-AC.199	00	Perspective View of Pirrama Road	02/12/08
DA-AC.200	01	Level Basement B05 Floor Plan	02/12/08
DA-AC.201	02	Level Basement B04 Floor Plan	02/12/08
DA-AC.202	02	Level Basement B03 Floor Plan	02/12/08
DA-AC.203.1	00	Level B02 – Pirrama Road & Entry Water Front Works	02/12/08
DA-AC.203	03	Level B02 – Pirrama Road & Entry Water Front Works	02/12/08
DA-AC.204	03	Level B01 – Pirrama Road & Entry Water Front Works	02/12/08
DA-AC.205	03	Level 00 Pymont Street Floor Plan (Retail)	02/12/08
DA-AC.206	03	Level 01 Floor Plan (Main Gaming)	02/12/08
DA-AC.207	03	Level 02 Floor Plan (Terrace)	02/12/08
DA-AC.208	02	Level 03 Covered Deck & Roof Plan	02/12/08
DA-AC.401	02	Pirrama Rd Street Elevations	02/12/08
DA-AC.404	00	Pirrama Road Rendered Elevations	02/12/08
DA-AC.500	02	Sections A-A & B-B	02/12/08
DA-AC.501	02	Section C-C	02/12/08
DA-AC.160	02	External Materials and Finishes	02/12/08

- d. Insert the following drawing references:

Drawing No.	Revision	Name of Plan	Date
DA-002	1	Level Basement B05 Floor Plan	14/08/2009
DA-003	2	Level Basement B04 Floor Plan	19/11/2009
DA-004	2	Level Basement B03 Floor Plan	19/11/2009
DA-005	2	Level B02 – Pirrama Road & Entry Water Front Works	19/11/2009
DA-006	1	Level B02 – Pirrama Road & Entry Waterfront Works	14/08/2009
DA-007	1	Level B01 – Pirrama Road & Entry Water Front Works	14/08/2009
DA-008	2	Level 00 Pymont Street Floor Plan (Retail)	19/11/2009
DA-009	3	Level 01 Floor Plan (Main Gaming)	19/11/2009
DA-010	3	Level 02 Floor Plan (Terrace)	19/11/2009
DA-011	2	Level 03 Covered Deck & Roof Plan	19/11/2009

DA-012	1	Pirrama Rd Street Elevations	14/08/2009
DA-014	2	Sections A-A & B-B	19/11/2009
DA-015	2	Section C-C	19/11/2009
DA-016	1	Perspective Rendering Pirrama Rd Entry_Daytime	14/08/2009
DA-017	1	Perspective View of Pirrama Road	14/08/2009
DA-019	1	External Materials and Finishes	14/08/2009
DA-020	1	Pirrama road façade Details	19/08/2009

e. Amend the following drawing reference:

Drawing No.	Revision	Name of Plan	Date
DA-L.201	F	Landscape & Urban Design Landscape Plan Streetscape & Roof Terraces	19.08.09

2. Condition A3 Development in Accordance with Documents

At the end of the condition add the following words:

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

- (1) Architectural Drawings prepared by Fitzpatrick + Partners, various dates.
- (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.
- (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."

3. Insert the following conditions:

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.

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.

D18 Public Domain Works Deposit

In accordance with Council's adopted Schedule of Fees and Charges, a performance bond for a sum to be determined by Council, in the form of an unconditional bank guarantee, must be provided in favour of Council, to be held as security against performance of the approved public domain works. This bond must be provided in addition to any fee or bond payable as part of any applications for approval of structures (including erection of a hoarding) and must be provided to Council prior to a Road Opening License for public domain works on the public way being issued.

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.

4. Condition E1 Noise Control – Plant and Machinery

Insert after the following words "ARUP, September 2008" the following words "and addendum provided by Acoustic Logic Consultancy, 14 August, 2009".

5. Insert the following conditions:

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
- (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.

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

The hardscape works constructed on the public way must be maintained by the developer for a period of 12 months.