



qB170986

11/10830

Department Generated Correspondence (Y)

**SUBJECT: MP08\_0098 MOD 7 STAR CITY CASINO  
SUPPLEMENTARY DIRECTOR-GENERAL'S REPORT**

**1. BACKGROUND**

This is a supplementary Director-General's Environmental Assessment Report for Major Project MP08\_0098 Mod 7, which seeks approval to change the use of the approved ball room to a multi-use entertainment facility (MUEF), and increase patron capacity from 1200 seated and 1500 standing (as approved under the original project application) to 3000 seated and 4000 standing.

On 26 May 2011, the Department presented its Director-General's Environment Assessment Report to the Planning Assessment Commission (PAC). Following consideration of the report, the PAC requested that the Department provide the following additional information:

- Final architectural design details for the building;
- Clarification of patron numbers and noise mitigation measures for the level 3 outdoor terrace adjacent to the proposed MUEF;
- Certification that the building can comply with the requirements of the Building Code of Australia (BCA), particularly in relation to emergency egress; and
- Confirmation that the proposed loading arrangements will not compromise the performance of Sydney Buses or the local road network.

**2. ARCHITECTURAL DETAILS**

The Proponent has provided a full set of architectural drawings and a schedule of materials and finishes. The final elevations, sections and materials and finishes are depicted in **Figures 1 to 6**. A full set of architectural drawings is provided at **Attachment A**.

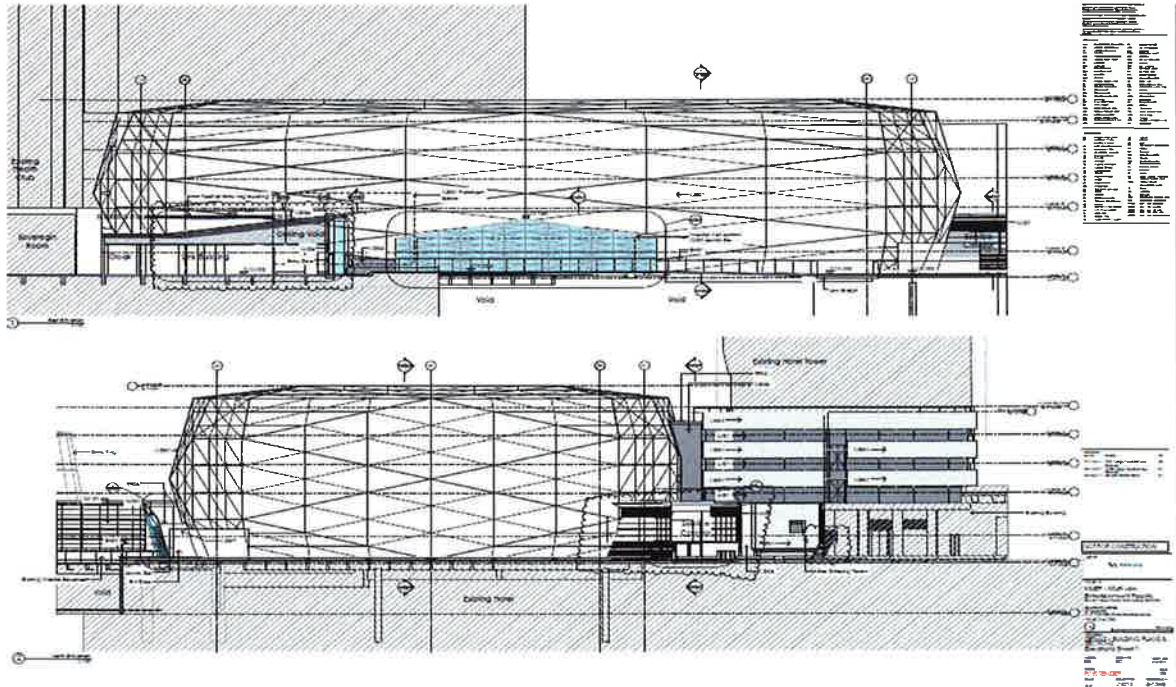


Figure 1: Eastern and Northern Elevations

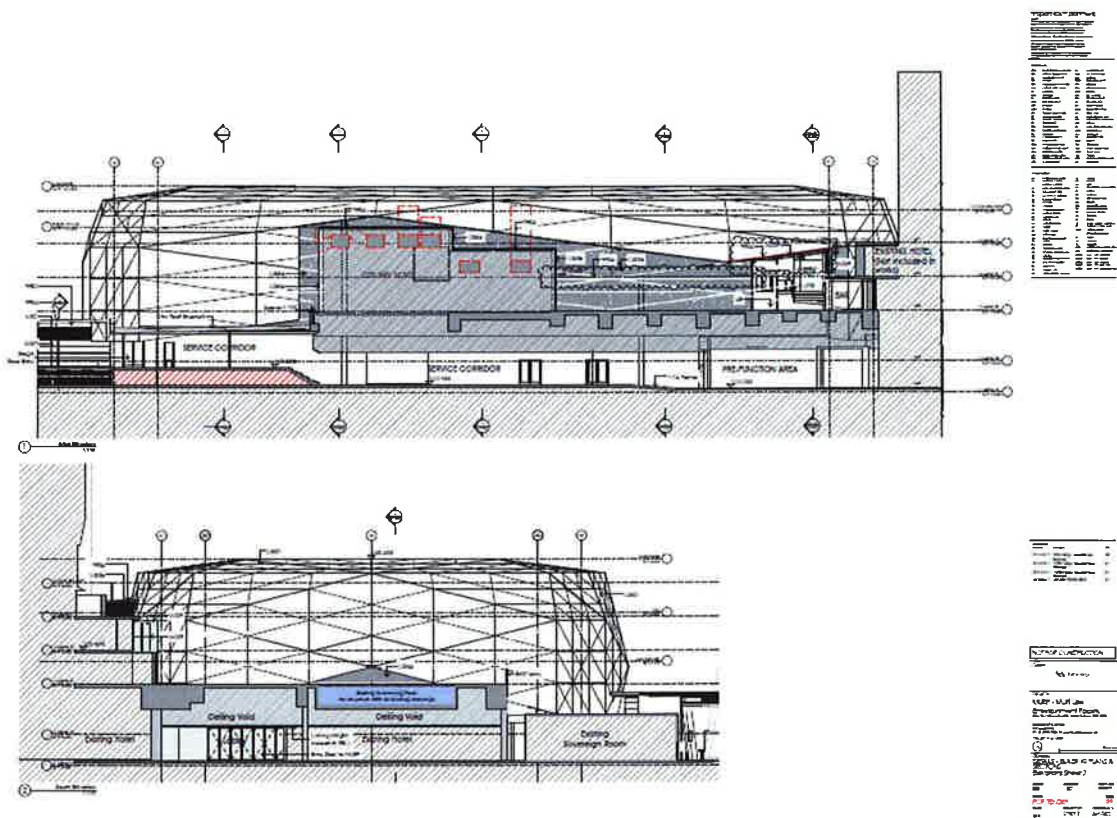


Figure 2: Western and Southern Elevations



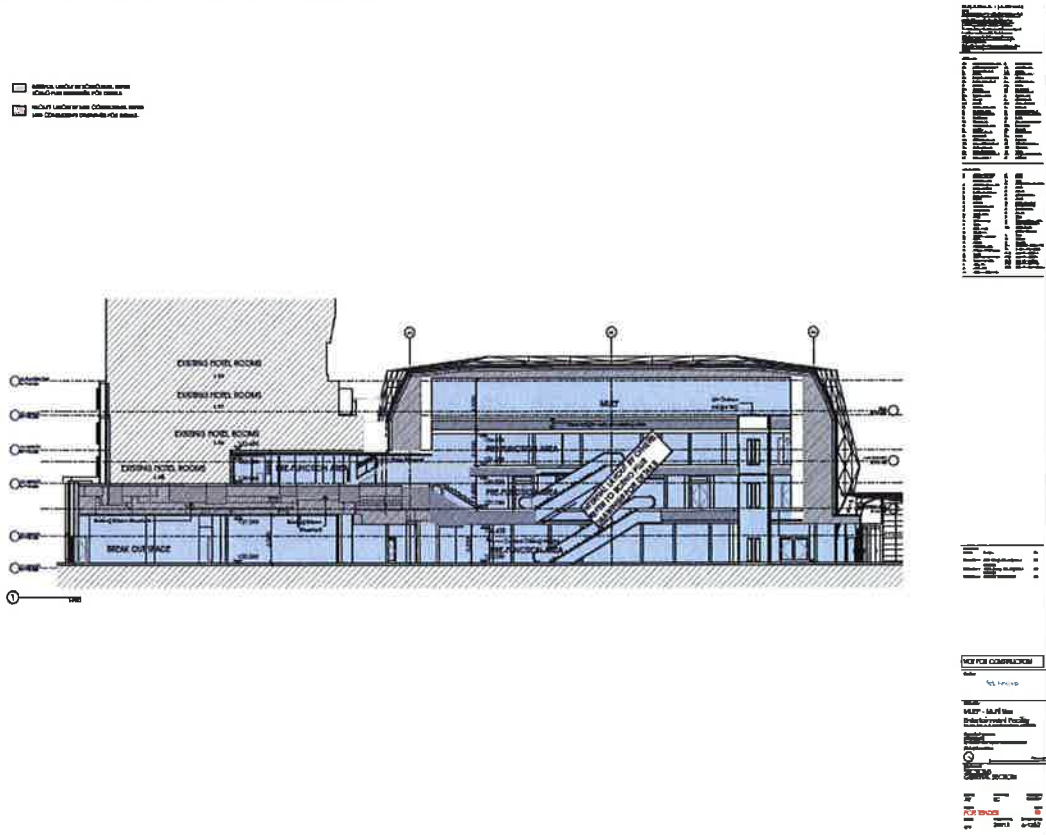


Figure 5: Section 3



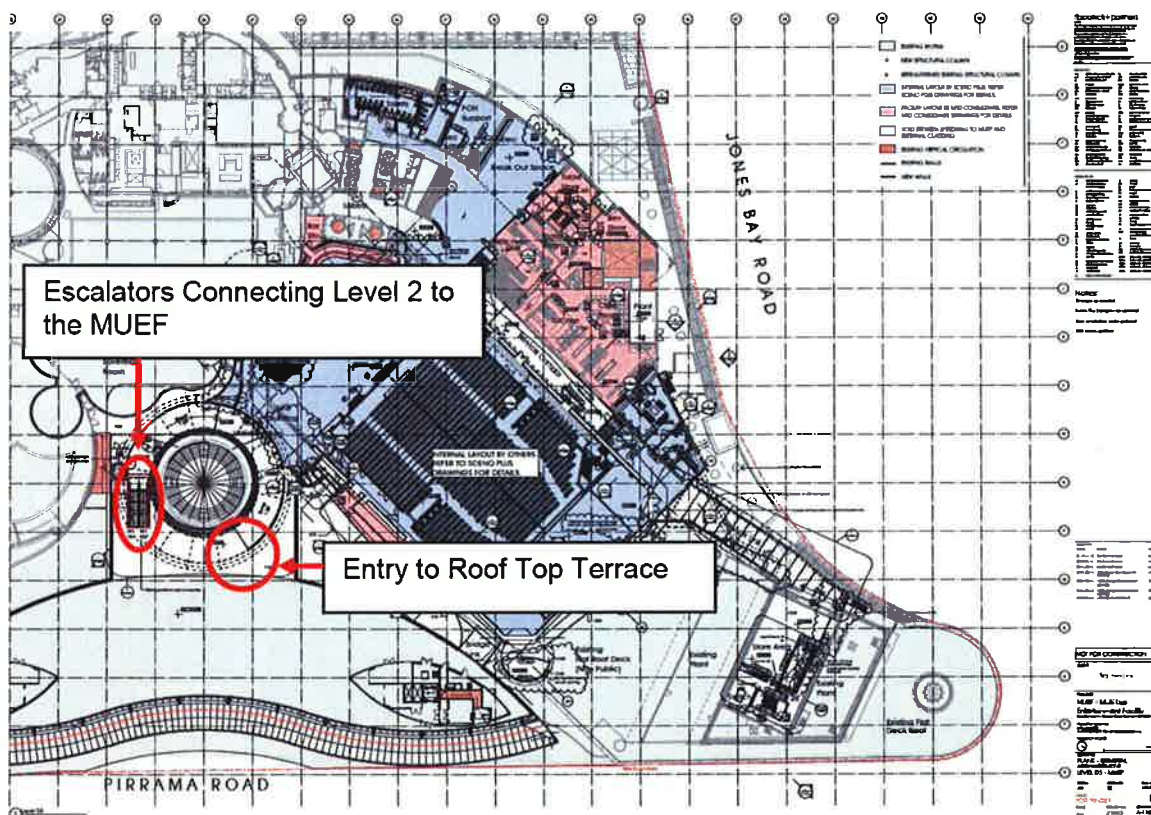
<p>Star City MUEF FINISHES BOARD</p>	<p>1. Stainless Steel (below 20% reflectivity) 2. Clear Glass 3. Metropolis charcoal + steel structural panel</p>
----------------------------------------------	---------------------------------------------------------------------------------------------------------------------------

Figure 6: Materials and Finishes

### 3. NOISE MITIGATION/MANAGEMENT MEASURES

The PAC has requested that the Department clarify whether the level 3 terrace area will be used by patrons to access the MUEF, and if so, how additional noise impacts associated with increased patron numbers will be managed by the Proponent.

The Proponent has submitted architectural drawings that demonstrate that the MUEF can only be accessed from level 2 via the glass cone (see **Figure 7**). The Department notes that the glass cone provides a fully enclosed link to the ticket barriers and pre-function areas of the MUEF.



**Figure 7: Terrace Access Points**

There is an entrance from the eastern side of the glass cone which allows patrons to access the level 3 terrace area. However, the use of the level 3 terrace is regulated by an existing condition (F7) of the project approval, which limits patron numbers to 1000 between 7:00am and 12 midnight and 600 between 12 midnight and 7:00am.

Furthermore, existing Condition B5 of the approval requires the Proponent to operate the terrace in accordance with an approved noise management plan. The Department approved an Operational Noise Management Plan (ONMP) on 20 March 2009. The Proponent has advised that it is not seeking to increase the number of patrons permitted to use the level 3 terrace or alter the provisions of the approved ONMP. Patrons numbers accessing the terrace will be regulated by security staff.

Although the MUEF increases the possible numbers of people in the function facility, the proponent has not sought to vary the Condition, and will be bound by Condition F7.

The Department is satisfied that the existing conditions of approval and the requirements of the ONMP are sufficient to ensure that noise from the outdoor terrace will not exceed the noise limits for the site as specified in Condition F3 and F5 of the current project approval.

#### **4. BCA ISSUES**

The existing ballroom has approval to accommodate 900 persons seated and 1200 persons standing. The original project approval permitted an expansion of the existing ballroom to accommodate 1200 patrons seated and 1500 patrons standing. This component of the project approval has not been constructed.

The section 75W application seeks approval to upgrade the existing ballroom to a multi-use entertainment facility with capacity for 3000 persons seated and 4000 persons standing.

The Proponent has provided a BCA Report prepared by Philip Chun and Associates and a Fire Engineering Statement prepared by Arup to support the section 75W application. These reports specify that the application requires departures from the BCA deemed to satisfy provisions for egress and smoke hazard management. In order to resolve non-compliances with the deemed to satisfy provisions of the BCA, the Proponent has advised that alternate solutions will be provided prior to the issue of a Construction Certificate.

The PAC requested that the Department provide additional documentation demonstrating that the design of the MUEF is capable of meeting the BCA requirements, particularly in relation to the evacuation of 4000 patrons. The Proponent has provided a copy of the Fire Engineering Brief (FEB) prepared by AECOM and dated 2 May 2011, and a supplementary letter from AECOM dated 3 June 2011, to address the issues raised by the PAC.

The FEB itemises the clauses of the BCA for which an alternate (performance based) solution is required. In this regard, of particular relevance is the need for alternate solutions in lieu of:

- increasing the aggregate exit width from the level 3 roof area to accommodate an increase in the number of additional patrons (2800 additional patrons when compared to the existing ballroom facility), and
- the provision of continuous fire stairs that lead directly to the street or open space.

The FEB states that in order to achieve compliance with the egress provisions of the BCA, the MUEF has been designed as a separate fire compartment from the remainder of the Star City complex.

In practical terms, this design will allow patrons to safely exit the MUEF and access a temporary place of safety (the level 3 terrace) prior to utilising the existing emergency exits within the casino building. AECOM has advised that it considers this alternate solution would ensure compliance with the egress provisions of the BCA. Furthermore, the Principal Certifying Authority (PCA), Philip Chun and Associates has raised no objection to the proposed alternate egress solutions.

The Department notes that the FEB does not provide a qualitative or quantitative assessment of acceptable evacuation times in the event of a fire. In order to address this issue, the Proponent submitted a letter from AECOM dated 3 June 2011, which states that evacuation times have been calculated in accordance with the methodology outlined in the FEB and are considered reasonable. Given the above, AECOM's Fire and Risk Branch are confident that the application would not require further modifications to achieve compliance with the egress provisions of the BCA.

The Department has reviewed the supplementary information provided by the Proponent, and is satisfied that sufficient modelling has been undertaken to determine that the proposed modification is capable of complying with the egress requirements of the BCA.

## **5. LOADING ARRANGEMENTS**

The PAC requested the Department provide additional information to demonstrate that loading and unloading during a major event would not compromise the public transport system or the local road network.

In order to address this issue the Proponent provided a supplementary transport report prepared by ARUP dated 10 June 2011. The report specifies that:

- loading facilities associated with the operation of the MUEF will be comprised of one loading dock and one loading bay located adjacent to the bus lane on level B2;
- the loading dock has been designed to accommodate one 12.5m rigid vehicle at a time,
- the loading bay has been designed to accommodate one 19m articulated vehicle at a time;
- the loading dock and loading bay will be operational 24 hours per day, 7 days per week;
- the loading/unloading for events such as conferences and banquets will take place via the loading dock as these events do not typically require the use of large articulated vehicles; and
- the loading/unloading of goods for concert events will take place via the loading dock and the loading bay. Deliveries associated with a concert would typically take 3 to 5 hours to load/unload.

In order to ensure that the use of the proposed loading bay will not interrupt Sydney Buses' operations, or impact on the efficiency of the local road network, the Proponent proposes to implement the following management measures:

- the installation of a purpose built lift to ensure goods can be loaded/unloaded efficiently; and
- all deliveries will be overseen by the loading dock manager, who will ensure that arrivals are timed to avoid conflicts with bus departures, and prevent queuing on site.

In addition, the Proponent has provided the following swept path diagram to demonstrate that a 12.5m single unit bus/truck can pass a 19m articulated vehicle parked in the loading bay:

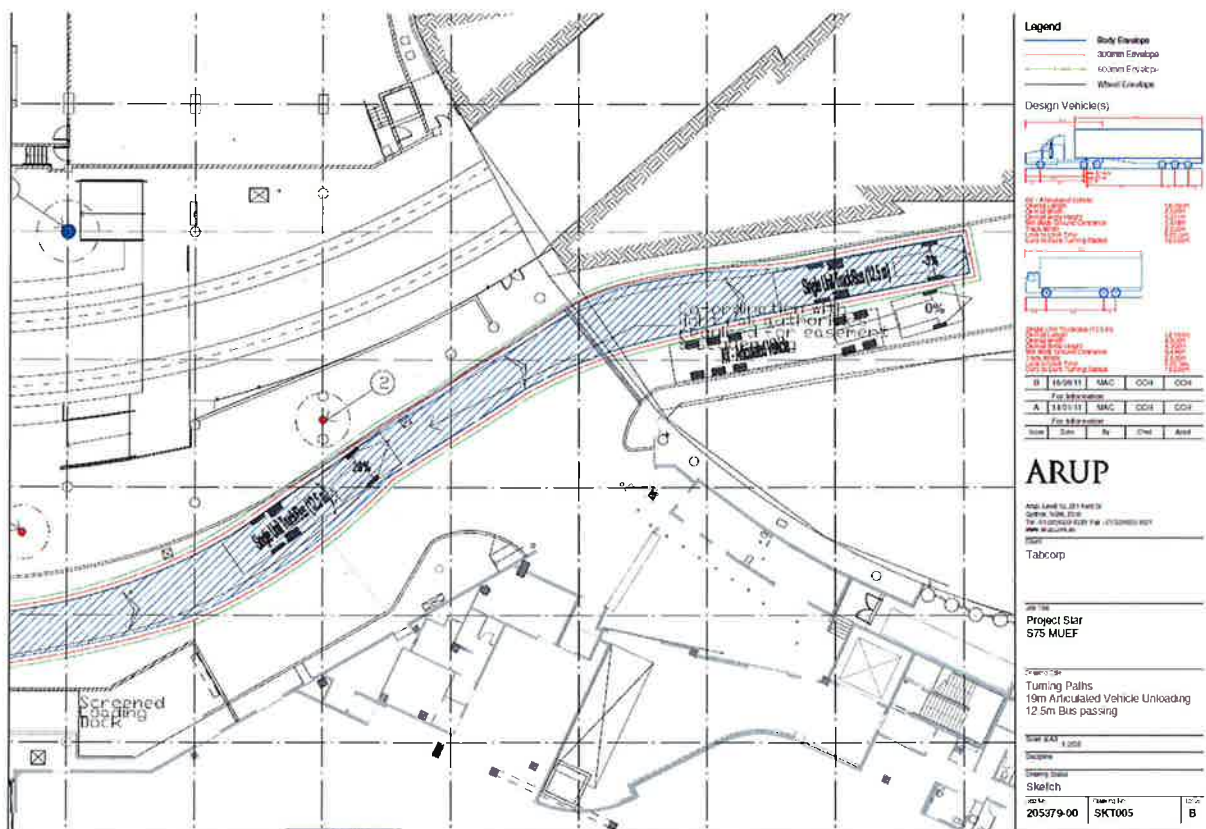


Figure 8: Swept Paths for a 12m Bus/Truck

The Department has reviewed the measures proposed by the Proponent and is satisfied that, subject to the loading dock being operated as per the measures outlined above, the proposed modification would not adversely impact on Sydney Buses' operations or the efficiency of the local road network. In order to ensure that these measures are implemented, the Department has recommended the imposition of Conditions (E12 and F9) requiring the preparation and implementation of a Loading Dock Management Plan.

## 6. DEVELOPER CONTRIBUTIONS

The Modification of the Minister's Approval previously forwarded to the PAC included a modification to Condition B2 to ensure that the Proponent pays developer contributions commensurate with changes in the gross floor area (GFA) approved under the subject application and also under Modifications 5 and 6. The proposed changes to Condition B2 are highlighted in bold and italics below:

### *"B2 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*

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

*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 **Modifications 5, 6 and 7** and will be required to be recalculated by Council, **prior to the issue of a Construction Certificate for the ballroom component of the project as set out at (d) below.**"*

Following the finalisation of the Director-General's Report, the City of Sydney Council (Council) advised that it objected to the wording of Condition B2 for the following reasons:

- it is unclear how the Council is expected to recalculate the section 94 contribution to account for changes to the GFA approved under previous modifications;
- it is the Council's preference that the Department amend the approved areas/rooms outlined in Condition B2(b) to reflect what is currently approved; and
- any new contributions arising from modifications should be imposed as stand alone conditions given that the Proponent paid the total contribution prior to the issue of the first Construction Certificate.

The Department did not recommend modifications to the approved areas/rooms outlined in Condition B2(b) on the basis that the Proponent had not provided certified information on the change in GFA for the gaming/entertainment and retail/restaurant floor space as a result of Modifications 5, 6 and 7. Notwithstanding, the Department notes that at the time of drafting the modification to Condition B2, the Instrument of Approval had not been updated to reflect the reduction in hotel rooms approved under Modification 6 (79 room reduction), which would reduce the total development contribution by \$372,959.00.

The Proponent subsequently provided a survey of the GFA prepared by Hard & Forester Consulting Surveyors which accounts for the proposed/approved changes in GFA as a result of Modifications 5, 6 and 7. The GFA survey demonstrates that the modifications would reduce the amount of approved GFA by 2,585.7m<sup>2</sup>. Given the above, the Department is satisfied that Modifications 5, 6 and 7 would not trigger the need for additional developer contributions. Furthermore, given that developer contributions were paid in full prior to the issue of the first Construction Certificate, the Department sees limited benefit in amending Condition B2(b) to reflect the approved/proposed changes in GFA.

## 7. ADDITIONAL MODIFICATION SOUGHT BY THE PROPONENT

The Proponent has requested that the PAC not retain Condition F2(2) of the existing approval, on the basis that it conflicts with drawing number DA005 Rev 2 dated 19/11/2009 approved under Modification 4. Condition F2 reads as follows:

### ***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*
  - (c) *the operation of the porte cohere 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**
- (2) *Notwithstanding the above, the northern-most porte cohere to the Pirrama Road frontage is only permitted to be used during special events, when it is to be managed by staff attendants. At all times vehicular access is to be restricted by a physical barrier”.*

The Department has reviewed drawing number DA005 Rev 2 and notes that this drawing deletes the northern-most porte cohere area previously approved under drawing number DA-AC.203.1 Rev 00 (see **Figures 9** and **10** overleaf). On this basis the Department recommends that the PAC delete Condition F2(2).





Figure 10: DA005 Rev 2

**RECOMMENDATION**

It is RECOMMENDED that the NSW Planning Assessment Commission:

- **consider** the information provided within the Supplementary Director-General's Environmental Assessment Report, as outlined above; and
- **approve** the modification application, subject to conditions, under section 75W of the EP&A Act, and
- **sign** the Modification of Minister's Approval provided at **Attachment B**.

↑ . 7. 11

Chris Wilson  
Executive Director  
Major Projects Assessment

Contact: Kate MacDonald  
Metropolitan and Regional Projects North  
(02) 9228 6435

*mm*  
24/6/11  
re-signed  
4/7/11

*SHaddad*

Sam Haddad  
Director-General

8/7/2011