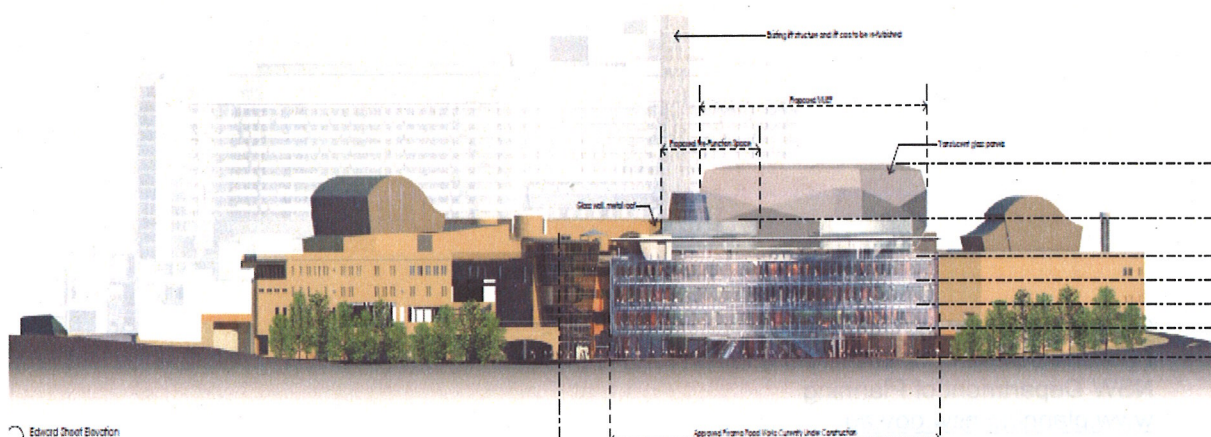




MODIFICATION REQUEST: STAR CITY CASINO AND SWITCHING STATION

***Request to alter the cladding material on
the facade of the Multi Use Entertainment
Facility.***

***(MP 08_0098 MOD 10) 25 – 28 Union Street,
Pyrmont***



Director-General's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

December 2011

MODIFICATION REQUEST, STAR CITY CASINO AND SWITCHING STATION

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1. BACKGROUND

1.1 Statutory Context

On 9 November 2011, Echo Entertainment, as the parent company of Star Harbour Casino Properties Pty Ltd (the Proponent) lodged an application to modify the Minister's approval under section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act), to request a change to the cladding material on the façade of the Multi Use Entertainment Facility (MUEF) approved under MP 08_0098 Mod 7.

The then Minister for Planning approved the original project application (MP 08_0098) on 27 January 2009, for the refurbishment of the existing casino, and development of the adjacent switching site as a 10-storey hotel with ancillary car parking. The project approval has subsequently been modified 9 times. All works approved under MP 08_0098, as modified, with the exception of the MUEF, are now complete. A Construction Certificate for the MUEF works was issued on 18 November 2011, and construction work has commenced.

In accordance with clause 3 of Schedule 6A of the EP&A Act, section 75W of the EP&A Act as in force immediately before its repeal on 1 October 2011, and as modified by Schedule 6A, continues to apply to transitional Part 3A projects. Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove of the carrying out of the project under section 75W of the EP&A Act.

1.2 Site Description

The subject site is located on the western side of Darling Harbour between Pirrama Road, Jones Bay Road, Pyrmont Road, Union Street and Edward Street (see **Figure 1**). The site has an area of 39,206 m², is irregular in shape and contains The Star Casino (formerly the Star City Casino).

Jacksons Landing, Jones Bay Wharf and Darling Island are located to the north of the site. These areas accommodate a mix of medium to high density residential, commercial, retail, and public open space uses.

Darling Harbour Wharf 10 is located to the east of the site. Wharf 10 accommodates the Sydney Heritage Fleet, the Maritime Heritage Centre and commercial and residential uses.

Union Street, on the southern boundary of the site, supports medium density residential development, restaurants, pubs and cafes in remnant terrace buildings. To the south-east is a newly developed street block of 6 to 7-storey mixed use residential/commercial units (fronting Pirrama Road, Edward Street and Union Street), and a mix of lower scale development including commercial, retail, and residential terraces.

Pyrmont Street, on the western boundary of the site, supports a diverse range of building styles, heights and land uses ranging from 6 to 8-storey commercial buildings to heritage listed terrace houses.

The subject site is within the City of Sydney local government area.



Figure 1: Location Plan

2. APPROVED PROJECT

Project Description

Project application MP 08_0098 was approved by the then Minister for Planning on 27 January 2009. It provided for the following:

- construction of a 10 storey hotel, above a 3 storey podium, containing ancillary retail, gaming and conference facilities on the switching station site
- additional basement car parking (500 spaces) on the switching station site to be accessed via the existing casino complex car park
- redevelopment of the retail arcade through the ground floor level of the complex, linking Pyrmont Bay Park to the intersection of Union and Pyrmont Streets, and to Jones Bay Road
- redevelopment of the eastern (Pirrama Road) frontage of the casino building with restaurants, retail outlets, gaming space and other entertainment and tourist related facilities, and construction of a new entry and driveway providing a new vehicle drop off point
- works to the exterior of the existing casino tower.

The project has subsequently been modified 9 times. A summary of the modifications is provided in **Table 1** below.

Table 1: Summary of Modifications

Modification Number	Approval Date	Approved Modifications
1	3 March 2009	Modifications to conditions A6 and B1 to provide clarity on what constitutes external artwork, lighting and signage, and alterations to the timing of compliance requirements for a number of conditions.
2	25 March 2009	Modification of Condition B2 to clarify the approved hotel height, and exclude lift overruns from the height limit.
3	6 April 2009	Modification of Condition B4 to allow a staged agreement process between the Sydney Metro Authority and the proponent for excavation within the vicinity of the rail tunnel easement.
4	1 December 2009	Modifications to the façade design, consolidation of the porte coheres, reconfiguration of the entry stairs, consolidation of the entry water features to a single water feature, relocation of the gaming entry point, and a 682 m ² extension to the entertainment deck.
5	20 July 2010	Modifications to Conditions A2, A3 and D11 to alter the general project arrangement, reference the revised BCA capability statement, and extend the hours of construction to 3:00 pm on Saturdays.
6	9 September 2009	Approved the deletion of level 13 of the hotel, and increased the floor to ceiling heights on levels 11 and 12 of the hotel. The application also reduced the number of suites on levels 6 to 12 of the hotel from 14 to 7 on each floor, resulting in an overall reduction in the total number of hotel suites from 252 to 173.
7	29 July 2011	Approved the construction of the MUEF on the level 4 roof top terrace area.
8	17 November 2010	Partial enclosure of the existing outdoor terrace adjoining the Sovereign Room on level 3.
9	13 October 2011	Relocation of the night club to the southern end of level two and relocation of the restaurant to the northern end of level 2.

3 PROPOSED MODIFICATION

3.1 Modification Description

The application (MP 08_0098 MOD 10) seeks approval to alter the cladding material on the façade of the MUEF from profiled stainless steel sheeting, as approved under MP 08_0098 MOD 7, to starfire glass. A photomontage of the approved project, and samples of the approved and proposed cladding material are provided at **Figures 2 and 3**.

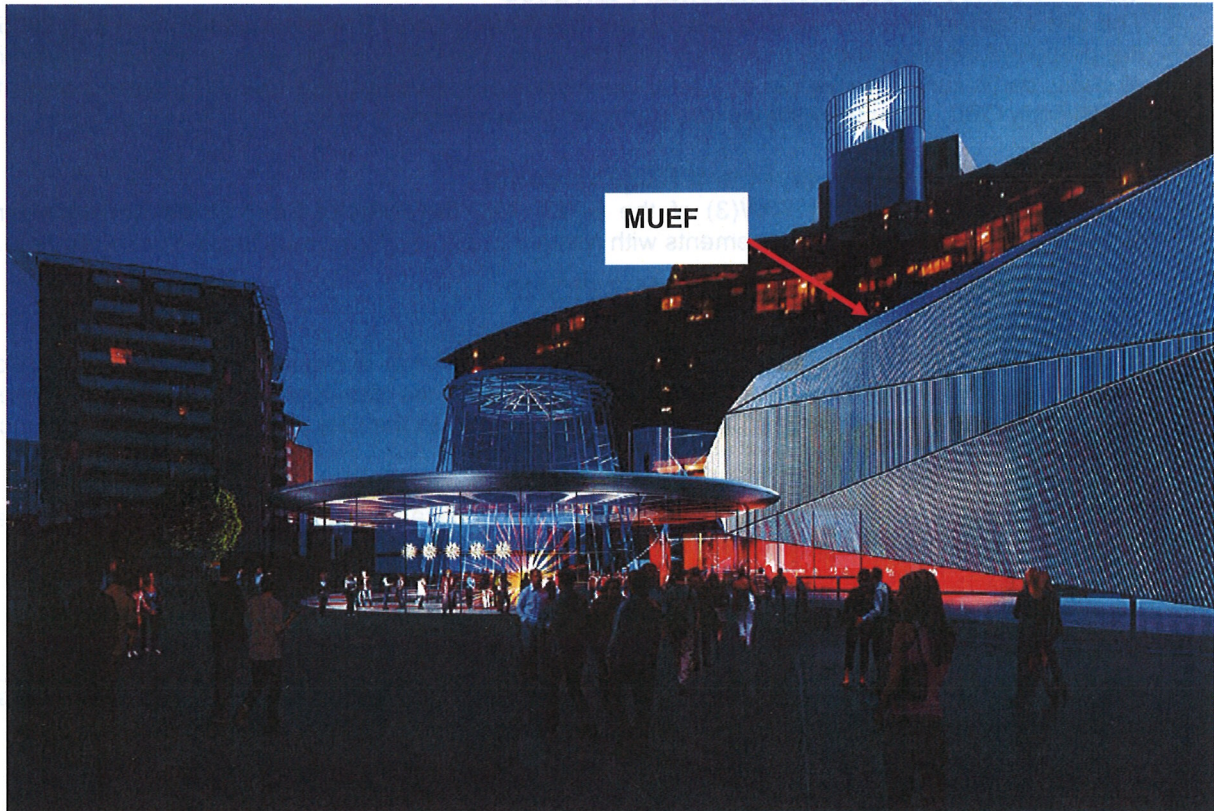


Figure 2: Photomontage of Approved Development

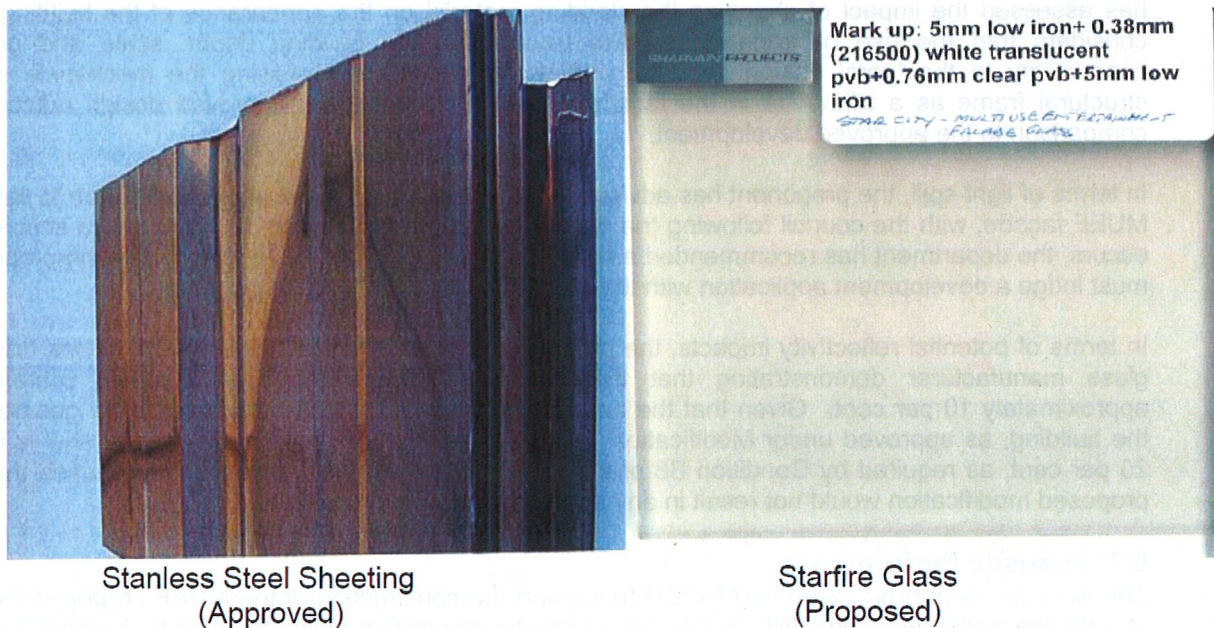


Figure 3: Approved and Proposed Cladding Material

4 STATUTORY CONTEXT

4.1 Modification of the Minister's Approval

Section 75W(2) of the EP&A Act provides that the proponent may request the Minister to modify the Minister's approval of a project. The Minister's approval for a modification is not required if the project, as modified, would be consistent with the existing project approval. In this instance, as the proposal seeks to modify the schedule of approved plans specified in Condition A2 of the project approval, the Minister's approval is required.

4.2 Sydney Local Environmental Plan 2005

The site is zoned 'Residential Business' under the Sydney Local Environmental Plan (LEP) 2005, and the proposed development is consistent with the zone objectives, which seek to promote a wide range of uses, particularly commercial and retail development consistent with Ultimo-Pyrmont's proximity to the Sydney CBD, harbour locations and transport infrastructure.

4.3 Environmental Assessment Requirements

In accordance with section 75W(3) of the EP&A Act, the Director-General did not consider that environmental assessment requirements with respect to the proposed modification were required.

5. CONSULTATION AND SUBMISSIONS

5.0 Exhibition

Under section 75X(2)(f) of the EP&A Act, the Director-General is required to make the modification request publicly available. The application was placed on the department's website on 9 November 2011. In addition, the department referred the application to the City of Sydney Council (council) for comment.

The council advised that it raised no objection to the application, however it was requested that the department consider the light spill and acoustic impacts of the proposal.

No submissions were received from the general public or special interest groups.

6. ASSESSMENT

The department considers the key issues for the proposed modification are visual impacts and acoustic performance.

6.1 Visual Impacts

The potential visual impacts associated with revising the MUEF cladding include the appearance of the building when viewed from the public domain, light spill and increased reflectivity. The department has assessed the impact of changing the cladding material on the appearance of the building, and considers that the use of translucent glass would give the building depth, scale and greater connectivity to the 'gem' design concept, and would assist in expressing the mechanics of the structural frame as a silhouette in the façade, therefore providing an improved design outcome in comparison to the approved development.

In terms of light spill, the proponent has advised that it will lodge a development application to light the MUEF façade, with the council following the determination of Modification 10. In order to ensure this occurs, the department has recommended a modification to Condition A2 to specify that the proponent must lodge a development application with the council for the MUEF lighting scheme.

In terms of potential reflectivity impacts, the proponent has provided technical specifications from the glass manufacturer demonstrating that the reflectivity of the proposed cladding material is approximately 10 per cent. Given that the application does not propose changes to the geometry of the building, as approved under Modification 7, and the reflectivity of the proposed material is under 20 per cent, as required by Condition B8 of the project approval, the department is satisfied that the proposed modification would not result in any adverse reflectivity impacts.

6.2 Acoustic Performance

The Acoustic Report prepared by AECOM to support the construction of the MUEF proposed the use of a double walled envelope with an internal air gap to ensure that noise adjacent to the MUEF would not exceed the external ambient noise level. Furthermore, the Acoustic Assessment noted that the external cladding treatment would not form part of the acoustic mitigation measures for the project.

Given the above, the department is satisfied that the proposed modification would not alter the acoustic performance of the building.

7. DELEGATION

The Minister has delegated his functions to the Deputy Director-General, Development Assessment and Systems Performance of the department to determine section 75W applications where:

- the council has not made an objection
- there are less than 10 public submissions objecting to the proposal
- a political disclosure statement has been made, but only in respect of a previous related application.

No public submissions were received and the council advised that it had no objection to the proposal. Whilst Echo Entertainment has not made a political donation, its subsidiary, Star Harbour Casino Properties Pty Ltd made 5 political donations between 23 September 2008, and 20 July 2009, which covered the period in which the original project application was under assessment. Accordingly, it is recommended that the application be determined by the Deputy Director-General, Development Assessment and Systems Performance under delegation.

8. CONCLUSION

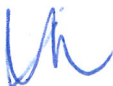
The department has assessed the merits of the section 75W modification and is satisfied that the impacts of the proposal are negligible.

All statutory requirements relating to the proposed modification have been met, and the department considers the application warrants support and should be approved, subject to conditions.

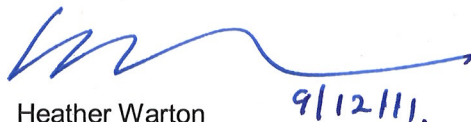
9. RECOMMENDATION

It is recommended that the Deputy Director-General, Development Assessment and Systems Performance:

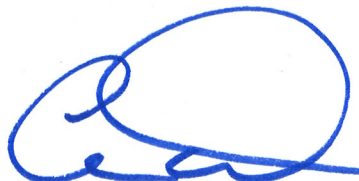
- a) **consider** the findings and recommendations of this report
- b) **determine** that the proposed modification falls within the scope of section 75W of the EP&A Act
- c) **approve** the modification under section 75W of the EP&A Act
- d) **sign** the attached Instrument of Modification (**Tag A**).



Kate MacDonald
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9/12/11.

Heather Warton
Director
Metropolitan and Regional Projects North



Chris Wilson
Executive Director
Major Projects Assessment

9.12.11

APPENDIX A MP 08_0098 MOD 10 ENVIRONMENTAL ASSESSMENT

Provided on disk and on the department's website at:

<http://majorprojects.planning.nsw.gov.au>

APPENDIX B MODIFICATIONS 1 TO 9 TO THE MINISTER'S APPROVAL

Provided on disk and on the department's website at:

<http://majorprojects.planning.nsw.gov.au>

