

THE  STAR

# RESPONSE TO SUBMISSIONS

## MODIFICATION 13 TO MP08\_0098

*NOVEMBER 2018*

PREPARED BY



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# 1. INTRODUCTION

## 1.1. BACKGROUND

The Star was originally known as The Star City Casino and was granted approval on 2 December 1994 (DA33/94). The Star City Casino (The Star) began operation in November of 1997.

In 2008, over 10 years after The Star commenced operation a declaration was sought under the provisions of the now repealed, Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) and *State Environmental Planning Policy (Major Projects) 2005* to enable upgrade and refurbishment works.

The Minister for Planning at the time issued a declaration on 27 May 2008 and the Director-General's Environmental Assessment Requirements were issued on 30 June 2008. The Major Project Application (MP08\_0098) was submitted on 12 September 2008 and approved by the Minister for Planning on 27 January 2009.

Since the granting of the Major Project Approval in 2009, a total of 13 modification applications have been lodged and approved. The most recent being Modification 14 which was approved in October 2017.

Modification 13 (Mod 13), the subject of this response to submissions (RtS) report was submitted on 13 August 2018 supported by an Environmental Assessment Report (EAR). The EAR and associated plans and technical reports were placed on exhibition between 22 August 2018 and 18 September 2018. A total of 138 written submissions were made to the Department of Planning and Environment (the Department).

The Star also undertook public consultation during the exhibition period through provision of an on-site drop-in display to provide information to the public in both formal and informal information sessions. A total of 4,935 individuals visited the display during the exhibition period.

This RtS report identifies, discusses and addresses the submissions received by the Department from the exhibition of Mod 13, setting out the final proposal to be assessed by the Department for determination by the Independent Planning Commission (IPC).

This RtS report has been prepared with reference to the now repealed section 75H(6) of the EP&A Act 1979 and encompasses the following:

- a response to the submissions received in relation to the exhibition of the application;
- a preferred project report (PPR) which outlines proposed changes to the project in response to issues raised or arising from design development; and
- a revised statement of commitments.

## 1.2. APPROVAL PATHWAY

As referenced in **Section 1.1** above, The Star was granted Major Project Approval for '*Alterations and Additional to Casino Complex and Hotel Development on the Switching Station Site*' (MP08\_0098) on 27 January 2009.

Part 3A of the EP&A Act 1979 has been repealed by the NSW Government. As part of the repeal process, Schedule 6A of the EP&A Act 1979 was enacted to allow the application of the repealed Part 3A provisions to certain projects that had been approved or were in the process of environmental assessment under Part 3A. These projects are known as '*transitional Part 3A projects*' and such projects may be modified under the modification framework set out in the repealed section 75W of the EP&A Act 1979, as if it were in force.

MP08\_0098 is a '*transitional Part 3A Project*'.

On 23 November 2017 the *Environmental Planning and Assessment Amendment Bill 2017* was assented to and the transitional arrangements for Part 3A were transferred from the EP&A Act 1979 into a new regulation, the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017* (EPA Transitional Regulation).

Section 75W remains in force by operation of clause 3BA of Schedule 2 of the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*. Accordingly, modification of MP08\_0098 is sought under section 75W of the EP&A Act 1979.

In the transition of this legislation, Major Project proponents had until 28 February 2018 to lodge any final requests to modify an approval under the old Part 3A pathway. Proponents that lodged requests by that date had until 1 September 2018 to lodge their environmental impact documentation.

The environmental impact documentation associated with Mod 13 was submitted on 13 August 2018.

### 1.2.1. Section 75W Modification of Project Approval

Section 75W of the EP&A Act 1979 provides a mechanism by which the proponent of a Part 3A Project Approval may request the modification of, and by which the Minister may modify, that project.

Section 75W(2) of the EP&A Act 1979 sets out the right of a proponent to request a modification:

*'The Proponent may request the Minister to modify the Minister's approval for a project. The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval under this Part.'*

Section 75W(4) of the EP&A Act 1979 then provides the Minister of Planning (the Minister) with the power to *modify the approval (with or without conditions) or disapprove of the modification.'*

The Minister has the power to make the proposed modifications to MP08\_0098 requested under Mod 13 because section 75W(4) confers upon the Minister a broad power to modify a Major Project approval. Under the defined terms in section 75W(1), modifying an approval can include **'changing the terms of'** an approval. The EP&A Act 1979 does not set out any express statutory limitation upon the nature or extent of the change that is permitted to be made under section 75W.

As demonstrated in exhibited EAR, the proposed works under Mod 13 have limited environmental impacts beyond those already assessed for the Approved Project. It is open to the Minister to modify the Approved Project under the provisions of the EP&A Act 1979 and associated regulations that preserve the application of section 75W, so as to authorise the proposal as described in the PPR (refer to **Section 2** of this report).

## 1.3. THE EXHIBITED PROPOSAL

The proposal exhibited by the Department is a modification application to an approved Major Project Approval, MP08\_0098, referred to as Mod 13.

Mod 13 primarily relates to the construction and operation of the new Ritz-Carlton Hotel and Residential Tower. The new tower is located in the north-eastern corner of the site, atop an existing podium (to be demolished) on the corner of Pirrama and Jones Bay Roads. The construction of the tower is supported by ancillary works including construction of basement level parking, upper level leisure and recreation spaces at Level 7 known as The Ribbonq infrastructure and service upgrades and transport and access improvements.

As part of Mod 13, it is proposed to upgrade, refurbish and revitalise areas within The Star whilst maintaining 24-hour operation, seven days per week.

The proposed development does not include nor seek approval for any increase or change in the GFA currently permitted for the purposes of a night club or gaming activities. The GFA breakdown submitted and exhibited did identify an additional 167sqm of nightclub related space. This was an enlargement of the back of house (BoH) associated with the existing nightclub. This has been removed as part of the PPR as discussed in **section 3.1.7** of this RtS report.

### 1.3.1. Demolition and Enabling Works

Partial demolition of the existing development at the corner of Pirrama and Jones Bay Road including demolition of the foundations, floor slabs, columns, walls and stairs associated with the existing structures within the northern portion of the site across Level B02 to Level 05.

Mod 13 proposes the demolition of existing office/admin, BoH and food and beverage (F&B) outlets within the existing building footprint of The Star.

### 1.3.2. The Ritz-Carlton and Residential Tower

Mod 13 includes the following works to accommodate the tower:

- In addition to the enabling works there will be demolition of part of the Pirrama Road façade and part of the Jones Bay Road façade.

- Construction of a new tower, 237.0 metres AHD (approximately 232.9 metres above Pirrama Road);
- Residential uses across 35 levels within the tower, comprising:
  - A residential vehicular drop off and lobby on Level B2;
  - A residential lobby on Level 00 to be accessed from Jones Bay Road;
  - Residential communal space on Level 07 (accessed via Level 08); and
  - 204 residential apartments located on Levels 05 and 06 and from Levels 08, 12, 14 to 38, featuring one-bedroom, two-bedroom and three-bedroom unit types

*Note - no Level 13 proposed.*
- Hotel uses across 31 levels, comprising:
  - A hotel arrival lobby on Level B2 to be accessed from the new Ritz-Carlton porte-cochere fronting Pirrama Road;
  - A hotel Sky Lobby for guest check-in on Level 39 and 40, featuring a restaurant, bar and lounge;
  - 220 hotel rooms located from Level 42 to 58 and from Level 60 to 61;
  - A hotel spa and gym on Level 07;
  - A VIP link to the Sovereign Room on Level 04 and Level 04 Mezzanine;
  - A Ritz-Carlton club lounge and terrace on Level 59;
  - Hotel staff end-of-trip facilities on Level B3;
  - Hotel staff arrival point on Level 00; and
  - Hotel BoH and plant on Level 03, 05 and 41.
- A Neighbourhood Centre consisting of a cafe, library, learning / innovation hub and function centre within the podium of the tower;
- A new car-parking stacker system below the Ritz-Carlton Hotel, with a total capacity of 220 spaces, to serve the new hotel and apartments;
- Vertical transport associated with the tower and podium; and
- A new drop-off / pick up area (short-term parking) on Jones Bay Road for the proposed apartments adjacent to the residential lobby.

### 1.3.3. Infrastructure Upgrades

- A new plant room located within the podium over Levels 03, 04, 05 and 06 of the proposed Hotel and Residential Tower;
- Relocation of the current Level 03 cooling towers (adjacent to the MUEF) to the Level 09 plant room above the Level 06 plantroom adjacent to the Astral Hotel;
- New capstone microturbine units and associated flues in the proposed plant room at Level 03 between the Darling Hotel and the Astral Residence Tower;
- New capstone microturbine units and associated flues in the new Level 03 plant room at the base of the Tower;
- Relocation of the existing main switch-room to a new plant room on Level 02, south of the demolition area;
- Relocation of the existing data recovery centre to a new plant room on Level B1 of the Darling Hotel; and
- Relocation of diesel generator flues to the side of the new Level 09 plantroom, adjacent to Astral Hotel.

#### 1.3.4. Level 03 Sovereign Column Façade Treatment along Pirrama Road

- New glazed detail to enclose exposed Level 03 Sovereign columns along the Pirrama Road façade.

#### 1.3.5. Façade Integration Works

- Upgrades to the Pirrama Road and Jones Bay Road façades to integrate the new Ritz-Carlton Hotel and Residential Tower with the existing building.

#### 1.3.6. Level B2 Transport Interchange

- Upgrades to the Event Centre Loading Dock;
- Entry into basement car stacker for the Tower apartments and Ritz-Carlton Hotel;
- New commuter bike parking and hire bike system;
- Upgrade of finishes to light rail station surrounds and removal of existing wall barrier to the Pirrama Road frontage;
- Upgraded taxi-rank arrangements;
- Realignment of kerbs and line-marking; and
- Removal of stairs from Level B2 to level above (that people use to access light rail).

*Note – no works to the Light Rail corridor.*

#### 1.3.7. Tower to Sovereign Link by Escalator and Lift

- Link from the Tower (across Level 04 and Level 04 Mezzanine) to the Sovereign Resort and MUEF at Level 03, connected via Lift G4, Lift VIP 1 and escalators; and
- Extension of the lift service to stop at Level 00, 01 and 05 in addition to Level 03, 04 and 4M.

#### 1.3.8. Transport Improvements – Local Road Works

- Reconfiguration of existing median strips on Jones Bay Road and addition of new median strip on Pyrmont Street, with associated line-marking to enable a new right-hand turning lane into the Astral Hotel Porte-Cochere;
- New Pyrmont Street carpark entry and exit, associated line marking, changes to internal circulation, and reconstruction of the pedestrian footpath along Pyrmont Street; and
- Relocation of existing feeder taxi-rank from Jones Bay Road to the Level B2 transport interchange.

#### 1.3.9. Site Wide Landscape and Public Domain Upgrades

- Upgrades to street frontages along Pirrama Road (for the Hotel Porte Cochere) and Jones Bay Road (for the residential entry);
- Upgrades to street frontage to Pyrmont Street, to provide a new car parking entry; and
- Upgrade to the entry forecourt of former Sydney Electric Lighting Company Offices (SELS) building at the corner of Jones Bay Road and Pyrmont Street. (Note: no work within SELS building is proposed).

#### 1.3.10. Food and Beverage

- Creation of a new destination Restaurant Street at Level 00 including:
  - Incorporating existing F&B premises on Level 00; and
  - Converting existing retail shops into new F&B tenancies, including the new high-end Asian restaurant tenancy at the Jones Bay Road end.
- Pirrama Road and Jones Bay Road F&B:
  - A revised F&B tenancy at the existing Pizzaperta outlet along Pirrama Road;
  - A new F&B tenancy at the Marquee street entry;

- A small café outlet adjacent to the residential lift lobby at Jones Bay Road; and
- A new F&B tenancy accessed off the existing walkway from Jones Bay Road.
- Food and Beverage . Other Locations:
  - Reconfiguration of Harvest Buffet, including new escalators from Level 00 Food Court to Level 01; and
  - Refurbishment of Bistro 80 into the interim high-end Asian restaurant tenancy.

*Note - The high-end Asian restaurant tenancy post construction is proposed to be relocated to the Jones Bay end of L00 – Restaurant Street. This area is currently used as retail.*

- Darling Hotel Corners F&B:
  - Upgrade of the corner plaza at the Union/Edward Street property entry:
    - A new F&B premises on Level 01 and 02;
    - A new entry foyer leading to the Food Court; and
    - A relocated awning enclosure at street level.
  - Upgrade of the corner plaza at the Union/Pymont Street property entry:
    - A new awning enclosure at for the existing café;
    - New revolving door at entry to Darling Hotel;
    - Eight (8) luxury display cases at Darling Hotel car park entry; and
    - Two car display areas at Darling Hotel car park entry.

#### **1.3.11. Level 05 Terrace**

- Three F&B outlets with external areas;
- Completion of the Vertical Transportation drum to connect with Level 05 Terrace;
- Designated event spaces on the Terrace; and
- Landscaping treatment.

#### **1.3.12. Level 05 Astral Hotel and Residences Recreational Facility Upgrade**

- New pool deck, pool, spa, gym and amenities upgrade for Astral Hotel and Residences.

#### **1.3.13. Level 7 ‘The Ribbon’**

- 'Ribbon' element at Level 07 connecting the new Hotel and Residential Tower to the existing building along Pirrama Road, frontage comprising:
  - Two pools and associated pool decks (one for the new Hotel, one for The Star); and
  - Two F&B premises with associated store rooms and facilities;
- Lift access from Level 07 to the Level 05 Sky Terrace below;
- Residential communal open space associated with the new residential apartments, comprising pool and landscaped terrace at the base of the Tower adjacent to Jones Bay Road;
- Gym and associated change rooms and facilities for the residents;
- Gym and associated change rooms and facilities for hotel guests; and
- Landscaping elements.

### 1.3.14. Land Administration - Subdivision

To vertically subdivide existing Lot 500 in DP 1161507 to create five new stratum lots for purpose of dedicating space within the proposed tower and associated ribbon development as follows:

- Lot 1 The Star Sydney;
- Lot 2 Hotel;
- Lot 3 Residential;
- Lot 4 Car park stacker; and
- Lot 5 Back of House.

### 1.3.15. Special Events Lighting

- Approval for fifty-three Special Event lighting nights per year for the use of the permanent Vivid installation of projector lights on the rooftop of the Astral Hotel.

### 1.3.16. Site-Wide Lighting Strategy

A site-wide lighting strategy integrating and improving the existing lighting across the precinct, with new lighting the proposed Tower, Podium and Ribbon, including:

- Internal lighting of Hotel and Residential spaces;
- Illuminated highlights at the Sky Lobby and Club Lounge levels;
- Integrated lighting on the eastern and western vertical façade slots and angled roof profile;
- Podium external illumination from awnings, and under retail and lobby colonnades;
- Landscape lighting on Level 07 open terraces and pool decks;
- Feature lighting accentuating the wing-like profile of the Ribbon and vertical element; and
- Internal and external lighting to F&B outlet at Union/Edward Street corner.

### 1.3.17. Signage Upgrades

Consolidation of existing signage approvals and new signage within a consolidated signage strategy, including:

- Approved signs;
- Wayfinding signs;
- Business identification (including F&B premises); and
- Signage on the Tower and Podium.

### 1.3.18. Stormwater upgrades

Stormwater upgrade works, including increased pit inlets and pipe capacities at the low points along Pyrmont Street and Edward Street.

### 1.3.19. Administration

The surrender of existing consents issued by the City of the Sydney in relation to signage and the operation of several food and beverage premises. The surrender is intended to rationalise and consolidate existing operating consents into the Major Project Approval. The fourteen (14) City of Sydney consents that would be surrendered following the commencement of the Mod 13 works are provided at **Appendix A**.

### 1.3.20. The Neighbourhood Centre

A Neighbourhood Centre consisting of a cafe, library, learning / innovation hub and function centre within the podium of the tower including:

- spaces for community and private use by residents onsite and the Pyrmont locality;



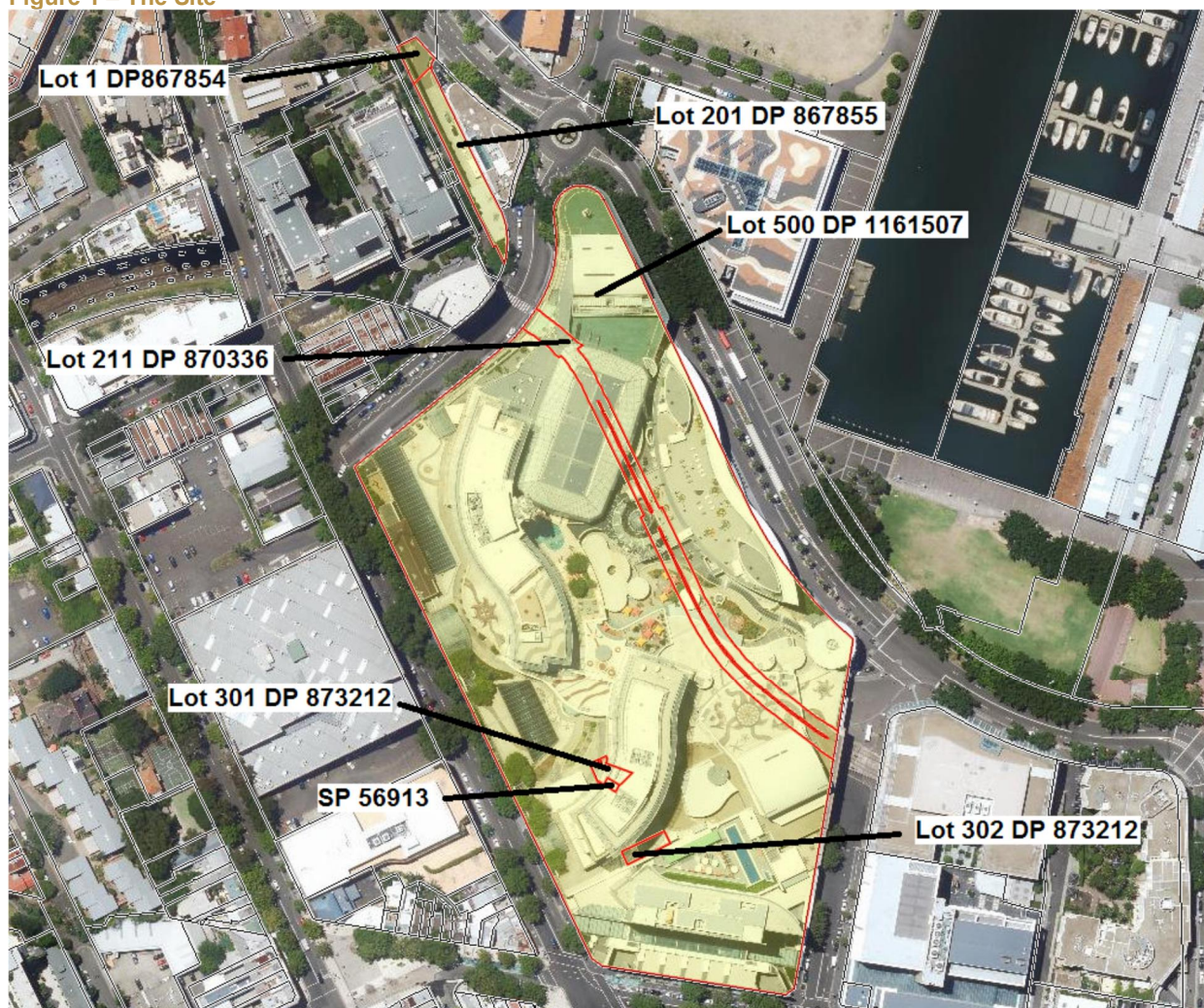
- open plan spaces for casual groups (knit and natterq casual computer training, youth / childrens programs etc) as well as a series of more cellular spaces which can be used for smaller group work and consultations;
- double height function space which can offer space for larger classes, community parties and community ceremonies. A kitchen / banquette will provide similar amenity to the highly popular Surry Hills Neighbourhood Centre where people from diverse backgrounds are brought together by food and cooking classes.

## 1.4. THE SITE

The Star is located at 20-80 Pyrmont Street, Pyrmont and is bound by Pirrama Road to the north-east, Jones Bay Road to the north-west, Pyrmont Road to the south-west, Union Street to the south and Edward Street to the east (refer to **Figure 1**).

The site (excluding Lot 1 in DP 867854 and Lot 201 in DP 867855 to the north), has a developable area of 39,206m<sup>2</sup>. In the context of the overall site, the proposed Mod 13 Ritz-Carlton hotel and residential tower, and podium will be located on a small proportion of the site equating to 3,409m<sup>2</sup> or 8.7% of the overall site area.

**Figure 1 – The Site**



Source: [maps.six.nsw.gov.au](https://maps.six.nsw.gov.au)

## 1.5. SUMMARY OF CONSULTATION PROCESS

### 1.5.1. Public Exhibition

The proposed development was the subject of public exhibition undertaken by the Department in accordance with section 75H of the EP&A Act 1979.

Exhibition commenced on 22 August 2018 and closed on 18 September 2018. Copies of the proposal documentation was available for review at the following locations;

- The City of Sydney, Town Hall . Kent Street Office;
- The Department of Planning and Environment, Sydney Office; and
- The Star, Pyrmont . at the Ritz-Carlton Information Display Centre, located opposite Black Bar and Grill on the site.

The documentation was also made publicly available online at the Department's Major Projects portal, where copies of all plans and technical reports, including the EAR could be viewed and downloaded.

### 1.5.2. Community Engagement

As part of The Star's commitment to open and genuine consultation, during the exhibition period additional engagement activities were undertaken including;

- a briefing session; and
- four (4) community information sessions.

These were held at the Ritz-Carlton Information Display Centre. As detailed in **Table 1**, a total of 129 people formally registered and attended these sessions.

**Table 1 – Summary of Attendees at Formal Information Sessions**

Event	Date/Time	Number of Attendees
<b>Briefing Event</b>	Monday 20 August 2018, 6:00 pm . 7:30 pm	32
<b>Community drop-in session 1</b>	Tuesday 21 August 2018, 6:30 pm . 8:00 pm	26
<b>Community drop-in session 2</b>	Thursday 23 August 2018, 6:30 pm . 8:00 pm	20
<b>Community drop-in session 3</b>	Saturday 25 August 2018, 9:30 am . 11:30 am	21
<b>Community drop-in session 4</b>	Thursday 13 September 2018, 6:30 pm . 8:00 pm	30
<b>Total</b>		<b>129</b>

The Ritz-Carlton Information Display Centre was open to the public from Monday to Saturday, 9:00am . 5:00pm over a five-week period (Friday 17 August 2018 to Saturday 22 September 2018). A total of 4,935 people visited the information display during this time. A summary of the Public Engagement Process is provided at **Appendix DD**.

## 1.6. POST EXHIBITION ENGAGEMENT

In the Department's Request for Response to Submissions to the Proponent dated 23 October 2018, it was recommended that further consultation be undertaken with the City of Sydney and Transport for New South



Wales (TfNSW) in relation to their submissions. Further consultation was undertaken by way of face to face meetings and email exchanges. The meetings were held on the following dates:

- City of Sydney - 31 October 2018; and
- TfNSW - 2 November 2018.

Additionally, briefings were held with:

- The Director of City Planning, Development and Transport at the City of Sydney - 2 October 2018 and 12 October;
- The City of Sydney's Urban Design and Public Domain Team - 25 September 2018;
- Lord Mayor of the City of Sydney - 20 October 2018;
- The City of Sydney Councillors - 5 November 2018; and
- City West Housing - 16 October 2018.

## 1.7. PROJECT AMENDMENTS

The following project amendments are proposed arising from design development, the further information requests from the Department, and in response to the community, Government and agency submissions received:

- Demolition of the legacy Lyric Theatre sloping seating slab and associated elements (directly below the L01 Sports Bar area) and non-structural L03 green roof and associated elements (directly above the Sports Bar) to simplify to improve efficiency of demolition works in the zone. The works result no changes to the façade. While this work will introduce additional F&B floorspace in this location other amendments to the layout by deletion of redundant circulation, BoH and F&B areas result in an overall reduction in GFA from the exhibited proposal of 41sqm.
- Removal of the four capstone microturbine units and associated flues in the new Level 03 plant room at the base of the Tower from the project works.
- A new substation on Level 4 mezzanine to replace the deleted capstone microturbine unit system.
- Deletion of the proposed righthand turn from Jones Bay Road into Astral Porte Cochere and associated works.
- Relocation of bike parking associated with the development from the public domain to be wholly within the boundary of the site.
- Removal of the proposed solar photovoltaic cells from the roof of the MUEF centre.
- A reduction in the size of the building identification sign for the Ritz-Carlton Tower from a 8.2 metre diameter to a 7.9m diameter.
- A reduction in the footprint of the car stacker at Level B2, B3, B4 and B5. *Note: no reduction in car parking numbers.*
- Deletion of outdoor seating for the F&B tenancy fronting Jones Bay Road and the introduction of the acoustic glazing to the Jones Bay Road frontage for that tenancy.
- The inclusion of spandrel grilles to residential apartments to provide additional natural ventilation.

## 1.8. PROJECT BENEFITS

The proposed development marks another evolutionary step in the development of The Star, that is expected to deliver the following benefits:

- A world-class design, that was the result of a robust design excellence process that will contribute positively to the Sydney skyline and enhance the Pyrmont Peninsula;

- Increase the availability of high quality tourist accommodation within proximity to the City and key tourist and conference facilities, in a highly accessible location;
- Contribute an estimated 265 operational and 489 construction jobs expressed in annual average Full Time Employment (FTE).
- Achieve best practice sustainability outcomes for The Star. The tower has been registered with the Green Building Council for certification. The proposed works will improve the energy efficiency capability of The Star;
- Deliver a Neighbourhood Centre which will provide a significant social benefit on the site and for the Pyrmont locality by providing a diverse range of social spaces for use by the local community;
- Incorporation of ~~a~~ Restaurant Street to increase the food and beverage offering to the public and provide a range of high-quality places to interact and engage in social activities;
- Positive economic benefits for the Pyrmont area, and the wider Sydney metropolitan area and NSW generally, and will provide local employment opportunities and greater housing choice.

## 1.9. PURPOSE AND STRUCTURE OF THIS REPORT

This RtS report (incorporating proposed amendments to the development proposal and associated impact assessment) has been prepared in accordance with former section 75H(6) of the EP&A Act 1979.

The RtS report documents and considers the issues raised in the submissions made to the Department during the public exhibition of the EAR and is structured as follows:

- **Section 2: Preferred Project Report.** Details the changes made to the proposal in response to the submissions received, design development and the additional information submitted with this report.
- **Section 3: Further Information Provided.** Details the additional technical investigations undertaken since the EAR in response to the submissions received.
- **Section 4: Overview of Submissions.** Provides an overview of the process that was used to analyse the issues raised in submissions, as well as an overview of key issues raised by the community, government agencies and key stakeholders.
- **Section 5: Response to Government and Agency Submissions.** Summarises the issues raised in government agency and key stakeholder submissions. A submission by submission summary and response matrix is included at **Appendix B**.
- **Section 6: Response to Community Submissions.** Details the key issues raised in community submissions and response these issues. A summary and response matrix is included at **Appendix C**.
- **Section 7: Environmental Assessment and Mitigation Measures.** Provides a review of the Secretary's Environmental Assessment Requirements (SEARs) issued for the project and confirms these have been addressed through the EAR and as required in this RtS report, with references to the relevant sections.
- **Section 8: Proponent Commitments.** Incorporates a complete list of the commitments by the Proponent as part of the modification.
- **Section 9: Amended Draft Conditions.** To reflect the PPR as set out in section 2.
- **Section 10: Conclusion.**

With reference to the Department's Request for Response to Submissions letter dated 23 October 2018, this RtS report provides the following summary of items addressed:

**Table 2 – Quick Reference Table – The Department Request for Response to Submissions**

The Department's Reference	Item No.	Document Reference
<b><u>Schedule 1: Key Issues</u></b>		
Design Excellence	1-4	Section 3.2.2.7
Traffic	5-9	Section 3.2.1.1 and Appendix J
Amenity	10-11 12 13	Appendix H Appendix T Appendix Q
Lighting Impacts	14-15	Appendix U
Wind Impacts	16	Appendix AA and Appendix BB
Infrastructure	17 18	Appendix S Section 3.2.2.3
Landscaping and the Public Realm	19	Sections 3.2.1.4, 5.2.4.3, 5.4 and Appendix K and Appendix L
Construction	20	Appendix T
<b><u>Schedule 2: Additional Information</u></b>		
Update to imagery from page 44-53 of the Architectural Design Statement (ADS) and Figure 66 at page 83 of the Amended Urban Context Report (UCR)	1	Appendix N and Appendix Z
Comprehensive review of Mod 13 drawing list	2	Condition A2, Section 8.0
Update to drawing AF7000 DA01 to include Façade Types materials key	3	Appendix D (page 100)
Confirmation of estimated operational and construction jobs	4	Section 3.1.1
Colour coded GFA plans demonstrating modifications to existing Star buildings	5	Appendix E (pages 19-22)
Electronic Copies of City of Sydney Consents to be surrendered	6	Appendix A

## 2. DESCRIPTION OF PREFERRED PROJECT

The preferred project comprises:

- A new 61 storey tower including a 220-room hotel and 204 residential apartments combined with ancillary and supporting uses to include common facilities for residential uses, leisure and recreation facilities for hotel guests;
- A four-storey Neighbourhood Centre to be managed by the Star Entertainment Group Limited (SEGL) which is open and accessible to all members of the community;
- Refurbishment of and new recreation and entertainment facilities including;
  - a new pool and gymnasium area for use by residents at Level 07;
  - a range of improved F&B offerings for The Star at Level 05 and Level 07, together with a pool at Level 07; and
  - new spa, gymnasium and pool facilities for use by Ritz-Carlton guests at Level 07.
- Upgrade of existing public domain areas;
- Improvement to the existing vehicular access and circulation within and around the site;
- Flood mitigation measures; and
- Upgrade and improvement to existing service utilities.

Architectural Drawings detailing the preferred project are included at **Appendix D** and **Appendix E** of this report.

### 2.1. DETAILED DESCRIPTION

The following sections contain a detailed breakdown of the preferred project. Where elements of the proposal have been amended following exhibition and in response to matters raised by the community, the Department and agencies these amendments are identified as follows:

- Aspects of the proposal that have been deleted are shown in ~~bold and struck through~~; and
- Amendments to the proposed modification are shown **bold and underlined**.

#### 2.1.1. Demolition and Enabling Works

~~Partial~~ Demolition of the existing development at the corner of Pirrama and Jones Bay Road including demolition of the foundations, floor slabs, columns, walls and stairs associated with the existing development within the northern portion of the site across Level B02 to Level 05.

~~Mod 13 will result in the~~ Demolition of existing office/admin, back of house (BoH) and food and beverage (F&B) outlets within the existing building footprint of The Star.

**Demolition of the legacy slab associated with the former Show Theatre below the Sports Bar and deletion of the green roof above the Sports Bar.**

**Remove former theatre stairs and bracing elements to construct level slab and then pier down.**

#### 2.1.2. The Ritz-Carlton Tower

- **Demolition of part of the existing building in the northern portion of the site, including part of the Pirrama Road façade and part of the Jones Bay Road façade.**
- Construction of a new Tower, 237.0 metres AHD (approximately 232.9 metres from Pirrama Road);
- Residential uses across 35 levels, comprising:
  - A residential vehicular drop off lobby on Level B2
  - A residential lobby on Level 00 to be accessed from Jones Bay Road;

- Residential communal space on Level 07 to be accessed via Level 08; and
- 204 residential apartments located on Levels 05 and 06 and from Levels 08, 12, 14 to 38, featuring one-bedroom, two-bedroom and three-bedroom unit types.

*Note - no Level 13 proposed.*

- Hotel uses across 31 levels, comprising:
  - A hotel arrival lobby on Level B2 to be accessed from the new Ritz-Carlton porte-cochere along Pirrama Road;
  - A hotel Sky Lobby for guest check-in on Level 39 and 40, featuring a restaurant, bar and lounge;
  - 220 hotel rooms located from Level 42 to 58 and from Level 60 to 61;
  - A hotel spa and gym on Level 07;
  - A VIP link to the Sovereign Room on Level 04 and 04 Mezzanine;
  - A Ritz-Carlton Club lounge and terrace on Level 59;
  - Hotel staff end-of-trip facilities on Level B3;
  - Hotel staff arrival point on Level 00; and
  - Hotel back-of-house and plant on Level 03, 05 and 41.
- A Neighbourhood Centre consisting of a cafe, library, learning / innovation hub and function centre within the podium of the tower;
- A new car-parking stacker system below the new porte-cochere of the Ritz-Carlton Hotel, with a total capacity of 220 spaces, to serve the new hotel and apartments;
- Vertical transport associated with the tower and podium;
- A new drop-off / pick up area (**5-minute** short-term parking) on Jones Bay Road for the proposed apartments **and Neighbourhood Centre** adjacent to the residential lobby;
- **Thirty-five employee bicycle parking spaces, 62 visitor bicycle spaces and 204 storage / bicycle spaces for use by residents.**

### 2.1.3. Infrastructure Upgrades

- A new plant room located within the podium over Levels 03, 04, 05 and 06 of the proposed Hotel and Residential Tower;
- Relocation of the current Level 03 cooling towers (adjacent to the MUEF) to the Level 09 plant room above the Level 06 plantroom adjacent to the Astral Hotel;
- New capstone microturbine units and associated flues in the proposed plant room at Level 03 between the Darling Hotel and the Astral Residence Tower;
- ~~New capstone microturbine units and associated flues in the new Level 03 plant room at the base of the Tower;~~
- **A substation on Level 4 Mezzanine plant room in the podium facing Jones Bay Road;**
- **Photo voltaic cells on Astral Hotel, Darling Hotel and Lyric Theatre roofs and BIPV cells integrated into the louvres of some sections of the residential portion of tower;**
- Relocation of the existing main switch-room to a new plant room on Level 02, south of the demolition area;
- Relocation of the existing data recovery centre to a new plant room on Level B1 of the Darling Hotel;
- **The inclusion of flood gates at the Edward Street and Pymont Street driveway entrances;** and
- Relocation of diesel generator flues to the side of the new Level 09 plantroom, adjacent to Astral Hotel.

#### 2.1.4. Level 03 Sovereign Column Façade Treatment along Pirrama Road

- New glazed detail to enclose exposed Level 03 Sovereign columns along the Pirrama Road façade.

#### 2.1.5. Façade Integration Works

- Upgrades to the Pirrama Road and Jones Bay Road façades to integrate the new Ritz-Carlton Hotel and Residential Tower with the existing building.

#### 2.1.6. Level B2 Transport Interchange

- Upgrades to the Event Centre Loading Dock;
- Entry into Basement car stacker for the Tower apartments and Ritz-Carlton Hotel;
- **New commuter bike parking and hire bike system located within the boundary of the site;**
- Upgrade of finishes to light rail station surrounds and removal of existing wall barrier to the Pirrama Road frontage;
- Upgraded taxi-rank arrangements;
- Realignment of kerbs and line-marking; and
- Removal of stairs from Level B2 to level above (that people use to access light rail).

*Note – no works to the Light Rail corridor*

#### 2.1.7. Tower to Sovereign Link by Escalator and Lift

- Link from the Tower (across Level 04 and Level 04 Mezzanine) to the Sovereign Resort and MUEF at Level 03, connected via Lift G4, Lift VIP 1 and escalators; and
- Extension of the lift service to stop at Level 00, 01 and 05 in addition to Level 3, 4 and 4M.

#### 2.1.8. Transport Improvements – Local Road Works

- ~~Reconfiguration of existing median strips on Jones Bay Road and addition of new median strip on Pyrmont Street, with associated line-marking to enable a new right hand turning lane into the Astral Hotel Porte Cochere;~~
- New Pyrmont Street carpark entry and exit, changes to internal circulation, and reconstruction of the pedestrian footpath along Pyrmont Street; and
- Relocation of existing feeder taxi-rank from Jones Bay Road to the Level B2 transport interchange.

#### 2.1.9. Site Wide Landscape and Public Domain Upgrades

- Upgrades to street frontages along Pirrama Road (for the Hotel Porte Cochere) and Jones Bay Road (for the residential entry);
- Upgrades to street frontage to Pyrmont Street, due to new car parking entry; and
- Upgrade to the entry forecourt of former Sydney Electric Lighting Company Offices (SELS) building at the corner of Jones Bay Road and Pyrmont Street. (Note: no works within SELS building is proposed).

#### 2.1.10. Food and Beverage

- Creation of a new destination Restaurant Street at Level 00 including:
  - Incorporating existing F&B premises on Level 00; and
  - Converting existing retail shops into new F&B tenancies, **including the new Century tenancy at the Jones Bay Road end;** and
  - **New internal F&B tenancy created as a result of the demolition of the green roof located on Level 03 above The Sports Bar.**

- **Demolish and reconstruct the Sports Bar.**
- Pirrama Road and Jones Bay Road F&B:
  - A revised F&B tenancy at the existing Pizzaperta outlet along Pirrama Road;
  - A new F&B tenancy at the Marquee street entry;
  - ~~A small café outlet adjacent to the residential lift lobby at Jones Bay Road;~~ and
  - **Converting an existing retail shop and admin space to a new F&B tenancy accessed off the existing walkway from at the Jones Bay Road end of Level 00 Restaurant Street.**
- Food and Beverage . Other Locations:
  - ~~Reconfiguration of Harvest Buffet, including n~~New escalators from Level 00 Food Court to Level 01 **adjacent to Harvest Buffet;** and
  - Refurbishment of Bistro 80 into the interim ~~high-end Asian restaurant~~tenancy.
- Darling Hotel Corners F&B:
  - Upgrade of the corner plaza at the Union/Edward Street property entry:
    - A new F&B premises on Level 01 and 02;
    - A new entry foyer leading to the Food Court; and
    - A relocated awning enclosure at street level.
  - Upgrade of the corner plaza at the Union/Pymont Street property entry:
    - A new awning enclosure at for the existing café;
    - New revolving door at entry to Darling Hotel;
    - Eight (8) luxury display cases at Darling Hotel car park entry; and
    - Two car display areas at Darling Hotel car park entry.

### 2.1.11. Level 05 Terrace

- Three Food and Beverage (F&B) outlets with external areas;
- Completion of the Vertical Transportation drum to connect with Level 05 Terrace;
- Designated event spaces on the Terrace; and
- Landscaping treatment.

### 2.1.12. Level 05 Astral Hotel and Residences Recreational Facility Upgrade

- New pool deck, pool, spa, gym and amenities upgrade for Astral Hotel and Residences.

### 2.1.13. Level 7 'The Ribbon'

- 'Ribbon' element at Level 07 connecting the new Hotel and Residential Tower to the existing building along Pirrama Road, frontage comprising:
  - Two pools and associated pool decks (one for the new Hotel, one for The Star); and
  - Two F&B premises with associated store rooms and facilities;
- Lift access from Level 07 to the Level 05 Sky Terrace below;
- Residential communal open space associated with the new residential apartments, comprising pool and landscaped terrace at the base of the Tower adjacent to Jones Bay Road;
- Gym and associated change rooms and facilities for the residents;



- Gym and associated change rooms and facilities for hotel guests; and
- Landscaping elements.

#### **2.1.14. Land Administration – Subdivision**

To vertically subdivide existing Lot 500 in DP 1161507 to create five (5) new stratum lots for purpose of dedicating space within the proposed tower and associated ribbon development as follows:

- Lot 1 The Star Sydney;
- Lot 2 Hotel;
- Lot 3 Residential;
- Lot 4 Car park stacker; and
- Lot 5 Back of House.

#### **2.1.15. Special Events Lighting**

- Approval for fifty-three (53) Special Event nights per year for the use of the permanent Vivid installation of moving projector lights on the rooftop of the Astral Hotel.

#### **2.1.16. Site-Wide Lighting Strategy**

- A site-wide lighting strategy integrating and improving the existing lighting across the precinct, with new lighting the proposed Tower, Podium and Ribbon, including:
  - Internal lighting of Hotel and Residential spaces;
  - Illuminated highlights at the Sky Lobby and Club Lounge levels;
  - Integrated lighting on the eastern and western vertical façade slots and angled roof profile;
  - Podium external illumination from awnings, and under retail and lobby colonnades;
  - Landscape lighting on Level 07 open terraces and pool decks;
  - Feature lighting accentuating the wing-like profile of the Ribbon and vertical element; and
  - Internal and external lighting to F&B outlet at Union/Edward Street corner.

#### **2.1.17. Signage Upgrades**

- Consolidation of existing signage approvals and new signage within a consolidated signage strategy, including:
  - Approved signs;
  - Wayfinding signs;
  - Business identification (including F&B premises); and
  - Signage on the Tower and Podium.

#### **2.1.18. Stormwater upgrades**

- Stormwater upgrade works, including increased pit inlets and pipe capacities at the low points along Pymont Street and Edward Street.

#### **2.1.19. Administration**

The proposed further includes the surrender of existing consents issued by the City of the Sydney in relation to signage and the operation of several food and beverage premises. The surrender is intended to rationalise and consolidate all existing operating consents into the Major Project Approval.



### 2.1.20. The Neighbourhood Centre

A Neighbourhood Centre consisting of a cafe, library, learning / innovation hub and function centre within the podium of the tower including:

- spaces for community and private use by residents onsite and the Pyrmont locality;
- open plan spaces for casual groups (knit and natter, casual computer training, youth / children's programs etc) as well as a series of more cellular spaces which can be used for smaller group work and consultations;
- double height function space which can offer space for larger classes, community parties and community ceremonies. A kitchen / banquette will provide similar amenity to the highly popular Surry Hills Neighbourhood Centre where people from diverse backgrounds are brought together by food and cooking classes.

## 3. FURTHER INFORMATION

### 3.1. CLARIFICATIONS

The following information is provided for clarity on items raised in the submissions, regarding:

- Confirmation of estimated operational and construction jobs;
- Provision of the Archaeological Impact Assessment . Consultation Log;
- Confirmation of terminology including:
  - Building height units as Australian Height Datum;
  - Environmental Assessment Report ~~E~~ARq and
  - ~~R~~esidential open spaceq
- Correction of the error within the Loading Dock Management Plan;
- Confirmation of the reduction in green roof area from that approved (but not constructed) under Modification 14 to that now proposed under Mod 13;
- Confirmation of gross floor area (GFA) and that no increase to the GFA of the nightclub is proposed as part of Mod 13;
- Clarification of general traffic and transport related matters;
- Confirmation of F&B patron numbers, GFA and hours of operation; and
- Confirmation that the Wind Tunnel letter dated 19 March 2018 has been superseded by further analysis provided with the exhibited EAR.

#### 3.1.1. Construction and Operational Jobs

It is confirmed that Mod 13 will contribute an additional 265 operational and 489 construction jobs expressed in annual average Full Time Employment (FTE).

#### 3.1.2. Archaeological Impact Assessment - Consultation Log

The Office of Environment and Heritage and the Heritage Council of NSW identified that the submitted Archaeological Impact Assessment did not include the referenced consultation log, that recorded engagement with local Aboriginal community members. The consultation log was omitted in error from the EAR and is now submitted refer to **Appendix F**).

#### 3.1.3. Building Height

With reference to the proposed building height it is confirmed that the proposed maximum building height of 237 metres relates to Australian Height Datum (AHD) under the Airspace Regulations and is not referenced as above ground level (AGL).

All reference made in the exhibited EAR and associated documents is with reference to AHD.

#### 3.1.4. EAR versus EIS

A number of submissions cited confusion between use of the terms EAR and EIS. An EAR or Environmental Assessment Report was the term use to describe the report required under former Part 3A of the EP&A Act 1979. The term EIS or Environmental Impact Statement relates to the form of environmental assessment required under the EP&A Act 1979 to accompany a development application for State significant development. The function or purposes of an EAR and EIS is the same and that is to assess the potential environmental impact of a proposed development. As the former Part 3A pathway is the relevant pathway for Mod 13, to the relevant environmental assessment was presented in the submitted EAR.

### 3.1.5. Loading Dock Management Plan

An error was identified in the Loading Dock Management Plan provided with the exhibited EAR. The Loading Dock Management Plan has been amended to remove this error and now states that the service road exits at the northern end of the access road into Pirrama Road (opposite the Channel 7 building). The amended report is included as **Appendix G**.

### 3.1.6. Reduction in Green Roof Area: Mod 14 vs. Mod 13

The area nominated as the green roof approved in Modification 14, is the roof of the Sovereign Room expansion located at Level 5. The Sovereign Room expansion was approved in the location of the Level 3 Sky Deck which included outdoor F&B facilities and seating areas. The Level 3 Skydeck was hard paved with some plantings in planter boxes and was used by visitors to The Star as well as for functions and corporate events. The non-accessible Level 5 green roof approved under Modification 14 is proposed to be replaced with the accessible Level 5 terrace which integrates external dining areas, leisure, event and circulation spaces within a landscaped garden setting. The proposed works at Level 5 will result in a reduction of green roof from that approved under Modification 14 of 4,311m<sup>2</sup> to 794m<sup>2</sup>, which is made up of 494m<sup>2</sup> on level 6 and 300m<sup>2</sup> on Level 8 rooftop areas.

### 3.1.7. Gross Floor Area

The exhibited EAR incorrectly reported modifications in the GFA calculation table (Table 5) provided in section 4.2.2, page 39. An amended version of this table is set out in **Table 3** below and an updated GFA schedule is provided in the DWP Drawing Set at **Appendix E** (Drawing AS9110 Issue E).

**Table 3 – Numerical Summary**

Use	Existing Total GFA (including MOD 14)	Proposed change in GFA as part of Mod 13	Final GFA
Back of House	12,702 m2	-776 m2	11,926 m2
F&B Premises	14,523 m2	+5,740 m2	20,263 m2
Office & Admin	5,020 m2	-1,605 m2	3,415 m2
Retail	1,976 m2	-1,402 m2	574 m2
Darling Hotel	13,784 m2	No change	13,784 m2
Astral Hotel	20,516 m2	-617 m2	19,899 m2
Astral Residences	16,137 m2	No change	16,137 m2
Gaming	33,887 m2	No change	33,887 m2
Lyric Theatre	9,403 m2	No change	9,403 m2
Circulation	5,869 m2	+1,013 m2	6,882 m2
Night Club	906 m2	No change	906 m2
Event (MUEF & related)	5,477 m2	No change	5,477 m2

<b>Tower Residential Facilities</b>	-	+435 m2	435 m2
<b>Tower Residential</b>	-	+23,479 m2	23,479 m2
<b>Ritz-Carlton Facilities</b>	-	+2,929 m2	2,929 m2
<b>Ritz-Carlton BOH</b>	-	+2,191 m2	2,191 m2
<b>Ritz-Carlton Hotel</b>	-	+15,686 m2	15,686 m2
<b>Neighbourhood Centre</b>	-	+1,726 m2	1,726 m2
<b>Total GFA</b>	140,200 m2	+ 48,799 m2	188,999 m2

The amended Architectural Drawings provided with this RtS report confirm the above GFA.

The EAR incorrectly indicated that the night club floor area would increase by 167m<sup>2</sup> under Mod 13. The increase in nightclub area nominated in the GFA plans related to the provision of additional nightclub BOH and not operational nightclub space. However, as a result of refinement of internal layouts this BoH has been deleted and as detailed in **Table 3**, there is no increase to night-club floor area as part of Mod 13.

### 3.1.8. Food and Beverage: Patron Numbers, Hours of Operation and Noise

As requested by the Department, **Appendix H** provides confirmation of the proposed patron numbers and hours of operation for the proposed F&B tenancies and the existing F&B tenancies that will continue and are not affected by the Mod 13 works. This schedule includes an explanation of the proposed operation hours and patron numbers which are within the criteria set by the acoustic report.

The schedule informed the acoustic modelling and assessment of noise impacts in the Noise Impact Assessment (NIA) exhibited with the EAR. It is important to clarify the following assumptions made in the NIA:

- The NIA assumes two people per square metre. Of the total number of people present, only one in two are talking. Therefore, where there is an area which is 20m<sup>2</sup>, the noise model assumed 40 people present (with 20 of these people assumed to be talking). Table 11-6 of the NIA consistently applies this assumption for all F&B areas, with the exception of the residential pool area which assumed only one in four people talking due to the different usage of this area compared with a licensed premise. An assumption of one in two people talking is a conservative assumption.
- An assumption of two persons/m<sup>2</sup> of occupied area is also conservative. Due to restaurant rating, table layout, patron comfort etc, the proposed patron density varies between 0.5 to 0.8 persons/m<sup>2</sup> internal and 0.7 to one person/m<sup>2</sup> external. Hence, predicted noise levels presented in the NIA with regard to patron noise are likely to be less, in actual operation of these F&B premises.
- The NIA does not assume that all outdoor areas close before midnight. The model assumes that the outdoor areas (such as the level 05 and level 07 pool deck) operate without amplified music between midnight and 7:00am. Notwithstanding the above acoustic model assumptions, the proposed operating hours is as nominated in **Appendix H**.

### 3.1.9. Traffic and Transport

With regard to traffic and transport, the following is clarified:

- The Proponent supports the recommissioning of the *Pymont Parking Guidance System*, which seeks to co-ordinate and display real-time information on parking availability in Pymont to direct and expedite the parking process during peak times.
- Light rail services operate 24 hours a day between Central Station and the site.

- Any reference to light rail capacity increasing made in the exhibited EAR such as larger rail carriages or extended platforms has been removed from the Traffic Impact Assessment.
- References made to the provision of a potential future Sydney Metro station within the exhibited EAR is identified as a future public transport opportunity only.
- The proposed landscaping at the Pirrama Road frontage will not compromise vehicle site lines or the operation of the relocated Bus Stop.
- The VIP drop off is only to be used during special events associated with The Star and is not a day-to-day drop off for guests to the Ritz-Carlton. The predicted frequency of use for events associated with The Star is approximately 25 times per year. This is not to be confused with special events associated with the overall site including the Lyric Theatre and MUEF which when combined with the 25 special events associated with The Star, totals approximately 100 events annually. This is consistent with the current, pre-Mod 13 operation.

### 3.1.10. Residential Communal Areas

In relation to the residential component of the tower the exhibited Architectural Drawings and the EAR made reference to communal open space. This was incorrectly referenced and should be referred to hereon as residential communal areas. The residential communal areas include recreation areas for designated use by residents including the indoor gymnasium and outdoor landscaped open space and swimming pool at Level 07.

### 3.1.11. Wind Assessment

A number of submissions referenced that a wind assessment *was not provided* with the exhibited EAR. This was in relation to a letter prepared by CPP dated 19 March 2018 Appendix FF(1) to the EAR providing qualitative advice and attached in error to exhibited EAR. The letter referred to a wind tunnel study that was ongoing at the time of writing of the letter. The results of that wind tunnel study are outlined in the CPP report titled Wind Tunnel Study of Pedestrian Wind Environment dated April 2018 (Appendix FF(2) of the exhibited EAR). The test was based on the exhibited Mod 13 development scheme which included the tower.

The letter by CPP appears to have caused the impression that no wind tunnel study was conducted on the proposed Mod13 works, this is not correct.

Subsequent to the above, additional wind modelling and analysis has been undertaken to inform this RtS report and provide additional modelling of current conditions. This is summarised in the Amended Pedestrian Wind Environment Assessment at **Appendix BB**. Updated Technical and additional Information

The comments received from Government agencies and the community raised the requirement for existing information to be updated or additional information to be provided. The following provides a summary of these items:

### 3.1.12. Updated Technical Information

This section provides a summary of the technical information which is to supersede the reports of the same name lodged with the exhibited EAR.

#### 3.1.12.1. Traffic Impact Statement

In response to comments received from the Department, City of Sydney, Roads and Maritime Service (RMS) and TfNSW, the Traffic Impact Statement (TIS) (**Appendix J**) has been updated to address issues and includes:

- Confirmation that:
  - the VIP drop-off is presently used up to 25 times per year, during special events associated with The Star and is managed by the Proponent. Note: The Lyric Theatre, The Star and the MUEF combined hold approximately 100 special events throughout the year. Nearly all occur in off-peak hours. The proposed number of events is not proposed to increase as part of this modification application;
  - the new Pyrmont Road entry provides dedicated access to the Sovereign Club members only. Members are directed to reserved spaces in Basement B1 and if this dedicated area is full the Sovereign Club members can proceed internal to the basement carpark to Level B2 and below

by using their membership swipe card, proceeding through the boom gates separating the dedicated area and the publicly accessible carpark.

- Confirmation that the Ritz-Carlton Porte Cochere has been designed to address potential security issues and includes key design measures to maintain pedestrian safety, including use of bollards, change of paving materials, kerb definition and clear sight lines (refer FJMT drawing AF102 Rev. DA02). In addition, a Ritz-Carlton Porte Cochere Operational Management Plan will be prepared by the Proponent, incorporating NSW Police recommendations prior to release of the occupation certificate.
- The two taxi-zones in Jones Bay Road have been removed as they are redundant with the implementation of the taxi-call up system. This involves:
  - Removal of taxi zone the on southern side of Jones Bay Road near the Astral Port Cochere entry (six spaces), a 1 hour parking zone is proposed (resident permit holders excepted);
  - Removal of taxi zone on southern side of Jones Bay Road near existing pedestrian crossing (three spaces), short term parking (5 min) is proposed to service the residential apartments, and Neighbourhood Centre;
- Mod 13 will be providing the following bicycle parking facilities within the site:
  - 35 x Class 1 spaces, for Star and Hotel employees;
  - 62 x visitor spaces;
  - 20 x rental spaces in the SEGL Pirrama Road forecourt;
  - 13 x bike lockers adjacent to the Light Rail platform;
  - 29 x bike racks located in groups at the major entry points on the SEGL site; and
  - 204 x cycle spaces for tower residents in dedicated apartment storage lockers on Levels B3 and B4.
- The relocation of bicycle parking for visitors being wholly within the site.
- 220 x car parking spaces in the proposed car stacker available only to the Ritz-Carlton Tower.
- Update to Figure 3.4 of the TIA to remove line marking consistent with the advice from the RMS.
- Deletion of references to larger light rail carriages and increased frequency of services.
- Confirmation of the Pirrama Road Bus Stop length, and that the design will be further resolved in consultation with TfNSW as part of the Construction Traffic Management Plan prior to issue of Construction Certificate for above ground works.
- Confirmation regarding the quantum of movements into the Sovereign carpark and usage by Sovereign Club members, together with justification on the distribution of traffic through the inclusion of the new dedicated access point to Pyrmont Street.

### 3.1.12.2. Architectural Drawings (FJMT)

The following lists the amendments to the FJMT Architectural Drawings at **Appendix D**. These plans document in part the preferred project and are to be read in conjunction with the plans by DWP (**Appendix E**) and Urbis Landscape (**Appendix K**):

- A reduction in the building identification sign to Ritz-Carlton tower from 8.2 metre diameter to a 7.9m diameter.
- Adjustment to the footprint of the car stacker at Level B2, B3, B4, and B5 for improved efficiency.
- Amended internal demolition at L00-06 to remove legacy structure associated with the former Show Theatre to improve construction efficiency.
- Amendments to minor elements within The Star resulting in overall decrease of 41m<sup>2</sup> of GFA and no changes to the façade. This has been achieved by deletion of redundant circulation, back of house and other areas which have offset the addition Level 3 F&B area created with the demolition of the legacy structure.

- Deletion of Jones Bay Road small café and its outdoor seating.
- Spatial replanning of F&B tenancy at Level 00 Restaurant Street and the introduction of fixed acoustic glazing to its Jones Bay Road frontage.
- Removal of capstones system and new substation on Level 04 Mezzanine for Mod 13.
- Revised Neighbourhood Centre layout and new detail plans.
- Revised VIP Ritz-Carlton access from Ritz-Carlton hotel lobby.
- Removal of now redundant VIP link along Jones Bay Road frontage to Astral Hotel. This link is redundant because a new link from the Ritz-Carlton lobby to Level 00 Restaurant Street has been provided.
- Revised hotel and residential pavilion planning on Level 07.
- Detailed fit-out plans for F&B tenancies.
- New ADG compliance diagrams.
- New shadow diagrams and sun eye diagrams.
- New residential apartment ventilation diagrams.
- New façade detail plans.

A revised consolidated drawing list is provided in **section 8** of this RtS report under the draft conditions of consent (Condition A2).

### 3.1.12.3. Architectural Drawings (DWP)

The following lists the amendments to the DWP Architectural Drawings at **Appendix E**:

- Updated demolition plans . 700 series.
- Updated site plan showing the outline of proposed works . 1000 series.
- Updated existing site plan . GFA 9100 series.
- New proposed site plan and function use plans . 9500 series.
- Updated GFA schedule showing total proposed 48,799m<sup>2</sup> GFA, net decrease of 41m<sup>2</sup> GFA from the exhibited scheme of 48,840m<sup>2</sup>.
- Amended Level 00 Restaurant Street . minor F&B internal tenancy layout change.
- Amended Level 02 drawing . proposed void infill now deleted (area reverts to approved Mod 14 layout).
- Removal of Mod 13 capstones notation.
- Proposed photovoltaic roof masterplan with no cells proposed for the roof of the MUEF.
- Proposed kitchen exhaust and generator flue discharge masterplan, and kitchen exhaust discharge locations added to elevations.
- Updated building sections.

### 3.1.12.4. Landscaping and Public Domain

In response to comments received from the Department and the City of the Sydney the Landscape Drawings (**Appendix K**) and Landscape Design Report (**Appendix L**) have been updated to include:

- Clear delineation between the site boundary and the public domain (refer L400-402 Rev. A of Urbis Landscape Drawings).
- Further explanation regarding tree removal and tree replacement, including confirmation that replacement planting species proposed are in accordance with the City of Sydney Council's Street Tree Masterplan (refer to Tree Retention Strategy on page 10 of the Landscape Design Report **Appendix L**).



As noted in the amended TIS the planting within Pirrama Road will not impact the operation or function of the Pirrama Road bus stop.

- Planting plans and plant schedule including the provision of local provenance plants within the site landscaping scheme (refer L910 Rev. A of Urbis Landscape Drawings).
- Additional landscape detail showing:
  - proposed planter details, levels for soil depth, soil volume, mulch thickness, edges and soil volume refer plans and sections.
  - materials selection including paving; and
  - plant maintenance and further landscape detail for the green seam, green wall at the Porte Cochere and green roof areas at Level 06 and Level 08.
- Additional construction and planting detail for the green seam (refer Junglify Report - Appendix B of Urbis Landscape Report) and additional Architectural Drawings (refer Western Seam Planter Details AF 8302
- Additional construction and planting detail for the Porte Cochere green wall (refer Junglify Report - Appendix B of Urbis Landscape Report).
- Updated planting schedule and details for green roof areas, including provision of a mix of local provenance species to promote biodiversity across the site (refer Junglify Report - Appendix B of Urbis Landscape Report and Drawing L910 Rev. A of Urbis Landscape Drawings).
- Additional information about the pool design and landscaping on updated landscape plans (refer L200 Rev. A, L471 Rev. A, L472 Rev. A of Urbis Landscape Drawings).
- Additional detail for the Level 59 club lounge updated to match design including the provision of a 2.0 metre high glass balustrade to the perimeter of the terrace in consultation with CPP Wind Consultants (refer L903 Rev. A of Urbis Landscape Drawings).
- Advice and recommendations on the plant establishment and maintenance strategy for public domain, site landscaping and green walls (refer Junglify Report - Appendix B of Urbis Landscape Report).
- Additional landscape details and section of the SELS forecourt (refer L403 . Rev. A. of Urbis Landscape Drawings).
- Additional detail regarding pedestrian safety measures at street level including the provision of bollards adjacent to the Ritz-Carlton Porte Cochere (refer L401 . Rev. B. of Urbis Landscape Drawings).

#### **3.1.12.5. Revised Drawing List**

A revised consolidated Architectural Drawing list with revision numbers is provided at in **Section 8.0** of this RtS report under condition A2. This drawing list will inform the modifications required to condition A2 of the Project Approval.

#### **3.1.12.6. Urban Context and Contextual Analysis Reports**

In response to comments and submissions received from the Department, City of the Sydney, and community submissions the Urban Context Report and Contextual Analysis (**Appendix N** and **Appendix O**) reports have been updated to include the following additional information:

- Additional discussion of the changing urban context and future urban context of the site and locality;
- Additional discussion and consideration of the positive contribution the proposed Ritz-Carlton tower makes to the skyline; and
- Updated images to include urban context views with the currently proposed Harbourside and Cockle Bay development envelopes included.

It is also confirmed that the massing of the Ritz-Carlton tower as detailed in Figure 66 (page 83 of the Urban Context Report) is the same height as what is depicted in the FJMT architectural plans.



### 3.1.13. Additional Information

This section provides a summary of additional information prepared to further inform the Department's assessment of Mod 13. The information provided is in the form of Addenda to previously issued reports which should be read in conjunction with the exhibited EAR.

#### 3.1.13.1. Visual Impact Assessment: Architectus

In response to comments and submissions received from the Department, the City of Sydney and community submissions a Visual Impact Assessment addendum (**Appendix Q**) has been prepared which presents additional information and visual impact analysis including:

- Specific views from the seven privately owned and occupied apartments within the Astral residences (units 752, 851, 852, 1552, 1557, 1561, 1565).
- Updated public view analysis from Martin Place taking into account recently constructed 151 Clarence Street, Sydney.
- Further discussion on key public domain views including those from Martin Place, James Watkinson Reserve and Ways Terrace.
- Updated private view analysis from those properties which provided imagery from their private residence as part of their submissions or the address noted and views discussed in detail in Appendix A of the Visual Impact Assessment addendum.
- Commentary is provided regarding process and assumptions of the Visual Impact Assessment including consideration of strategic growth in the precinct, focal length used in preparing the visual analysis and assessment against the NSW Land and Environment Court Planning Principles.

#### 3.1.13.2. Architectural Design Statement

The Architectural Design Statement has been amended to update the imagery provided at pages 44-53 (**Appendix Z**) to reflect the revised heights and locations of proposed towers at Cockle Bay Wharf and Harbourside Shopping Centre. Further, an Architectural Design Statement (ADS) Addendum is provided at **Appendix R**, which details:

- revised environmentally sustainable development (ESD) commitments to reflect the inclusion of photovoltaic cells.
- additional glazing detail to address items raised with regard to reflectivity.
- compliance with the Apartment Design Guide (ADG) and *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* (SEPP 65), including:
  - Residential communal areas provided in excess of 25 percent of the site area of the tower development footprint.
  - A mixture of natural and mechanical ventilation solutions provided for apartments to achieve natural ventilation to in excess of 60 percent of apartments below Level 10, to achieve the intended outcomes of the ADG.
  - The provision of additional overshadowing assessment where comment was made in submissions relating to the loss of solar access by adjacent properties. The objective of the plans is to show where properties will continue to receive two hours solar access or where they don't currently receive two hours that the reduction in solar access will not exceed 20%.
  - The provision of integrated storage and bicycle storage for the 204 residential apartments, provided at a rate of one bicycle park per apartment.

The following additional investigations were undertaken in response to community submissions where specific analysis was required to inform responses to overshadowing (public and private) and view sharing (public and private) as follows:

- Overshadowing . Public
  - Union Square
  - Pyrmont Bay Park

- James Watkinson Reserve
- Cliff top Walk
- Overshadowing - Private
  - 4A/4 Distillery Drive, Pyrmont
  - 16 Pyrmont Street, Pyrmont
  - 14 Pyrmont Street, Pyrmont
  - 16/1 Murray Street
  - 74/1 Murray St, Pyrmont
- View Sharing - Private
  - Apartments 851 and 852 of Astra Residence
  - 4A/4 Distillery Drive, Pyrmont
  - 16 Pyrmont Street, Pyrmont
  - 14 Pyrmont Street, Pyrmont

The ADS Addendum also provides commentary of the following aspects of the project's design development since formal lodgement:

- Neighbourhood Centre - a set of exploded perspectives and new plans have been included in the ADS Addendum (drawing reference AF2000 . 2004 and AF3100-3104) to convey the proposed use, layout and functionality of the spaces within the proposed Neighbourhood Centre.
- Legacy items & structure . revised internal sports bar demolition to remove legacy items and structure. The developed plans show the modified internal demolition and structural changes. There is an overall decrease in of 41sqm an improved resolution of the façade.
- Jones Bay Road F&B Tenancies - the deletion of the Jones Bay Road small café and associated outdoor seating. Spatial replanning of F&B tenancy.
- Landscape, Green Spine and Green Wall details.
- Revised Ritz-Carlton to Star Resort links with the deletion of the Jones Bay Road VIP link (level 04 Mezzanine), deletion of the Sovereign VIP link (high level 04) and the introduction of a new Hotel Lobby to level 00 link.
- Car stacker foot print modifications.
- Proposed tower signage details.
- Safety and security features within the Ritz-Carlton Porte Cochere.

Additional to the above, it is confirmed that the proposed tower height at Cockle Bay was shown in the ADS and ADS Addendum as RL183m (AHD).

### 3.1.13.3. Air Quality: Mechanical and Air Quality Assessment Report

In response to comments and submissions received from the Department and the community an addendum to the Air Quality and Mechanical Services Report (**Appendix S**) has been prepared to provide greater detail on the proposal and proposed mitigation measures, including:

- Two tri-generation units (Capstones) adjacent the Ritz-Carlton tower which were proposed for Mod 13 have been deleted. As such, no emission impact analysis is required.
- It was recommended by the Department that the height of the proposed cooling tower plantrooms be reviewed to determine if efficiencies could be gained in its design to reduce height and scale required. At this stage, the plantrooms remain unchanged from that shown in the exhibited EAR. The height was reviewed by WSP and an internal peer review undertaken with the objective of identifying alternative

options. This review concluded that the heights were required for the plantroom functions. The plantroom height will be reassessed during the on-going design development to construction of Mod 13 to determine if it can be reduced in height.

- The kitchen exhaust discharges locations are detailed in the addendum to the Air Quality Report (**Appendix S**) and in the following Architectural Drawings:
  - MOD13-AS1003 and MOD13-AS4002. for new Darling, Union and Edward Street F&B;
  - AF1006 and MOD13-AS4001 . for existing L01 MGF F&B, L05 Bistro, New L00 Restaurant Street;
  - AF1008 and MOD13-AS4001 for L05 Sky Terrace F&B, existing L00 F&B and L02 nightclub;
  - MOD13-AS1009 and MOD13-AS4002 for MUEF kitchen exhaust.

To minimise risk of nuisance to users of The Star, neighbouring properties, and the general public, the exhaust discharge has been designed in accordance with the Australian Standard (AS) 1668.1:2015, AS 1668.2: 2012 and AS 3666.1:2011. By incorporating electrostatic filters, water washing and ultraviolet treatment, air emissions will be mitigated. Furthermore, discharge locations will be co-ordinated to ensure an appropriate separation distance to the design footprint, as stipulated by the AS 1668.2: 2012, which will minimise risk of exhaust air affecting local sensitive receptors.

#### 3.1.13.4. Acoustic Assessment (WSP)

An addendum to the Noise Impact Assessment (NIA) (**Appendix T**) has been prepared to include additional information, modelling and analysis including:

- Confirmation that a construction noise and vibration management plan (CNVMP) will be developed with the construction contractor and will include specific and feasible mitigation measures to reduce potential construction noise impacts and comply with approval conditions and the EPA's guidelines.
- A detailed explanation of the Site-Wide Acoustic Noise Monitoring Plan addressing key matters raised in submissions. The NIA Addendum details that:
  - The proposed site-wide cumulative criteria is more stringent than the current conditions and eliminates potential noise creep at sensitive receivers.
  - The Star includes a range of premises onsite with variable operational schedules. Site-wide monitoring provides consistent acoustic limits for each surrounding receiver, whilst enabling operational flexibility.
  - The inclusion of site-wide criteria will assist in standardising and streamlining the assessment process for future planning applications as the site wide criteria provides consistency and can be controlled by the enforcement of conditions of consent.
  - Condition B5 and Condition B5A of Major Project Approval MP08\_0098 require that an Operational Noise Management Plan (ONMP) (and Noise Verification Plan (NVP) be developed by The Star, and must include controls for each licenced premise.
  - Compliance established at receivers uses a combination of near-field attended measurements and calculations, using the site wide 3D noise model.
  - Residential apartments within the Ritz-Carlton tower will achieve natural ventilation to comply with ADG) for habitable rooms, using a combination of either mechanical ventilation and attenuated natural ventilation paths; and
  - Assessment of the Level 5 Terrace impacts on the Astral residences has been undertaken and the predicted increase of approximately 0.5dB(A) is considered to be indiscernible.
  - The small café fronting Jones Bay Road with external seating has been deleted.
  - The external seating associated with the F&B premises fronting Jones Bay Road has been deleted. The façade for the restaurant will be fixed glazing specified to satisfy environmental noise criteria for the intended operating hours.
- The ONMP will include provisions and management strategies to minimise noise from patrons leaving or entering venues from the public streets.

### 3.1.13.5. Lighting Impacts

An addendum to the Site Wide Lighting Management Plan (**Appendix U**) has been prepared to include the following additional information:

- Explanation and information to support the proposed additional 30 special lighting event (SLE) days, including information about the existing operation and management controls for the currently activated 23 nights per year as part of Vivid.
- Confirmation of the location and proximity of new light sources; and
- Commentary regarding the impact of proposed new light sources on existing adjoining residential properties.

### 3.1.13.6. Environmental Performance - Sustainability

In response to submissions an updated Sustainability Technical Report (**Appendix W**) and a Sustainability Addendum Report (**Appendix V**) have been prepared which details:

- A commitment to and the location of proposed of a 165-kilowatt peak sized solar system (Appendix D of the Sustainability Addendum Report).
- BASIX stamped plans at **Appendix X**.
- Updated NatHERS stamped plan set included in Appendix A of the Sustainability Addendum Report.
- Confirmation of average area adjusted heating and cooling loads for Mod 13 (Table 1 of Sustainability Addendum Report) and individual area adjusted heating and cooling average loads for Mod 13 (Table 2 of the Sustainability Addendum Report).
- Confirmation of glazing performance specification (Table 5 of the Sustainability Addendum Report).
- Justification for not pursuing Green Star Design and As Built Rating for the whole of The Star site and existing development as only a minor part of the site is the subject of the refurbishment and new works. Clarification that the most appropriate project boundary for the rating is the foot print of the Ritz-Carlton Hotel and residential tower along with facilities that support the tower or areas which are for the exclusive use of the tower occupants.
- Justification for the Proponent not entering into a formal NABERS Hotels Energy Commitment Agreement with the City of Sydney.

### 3.1.13.7. Design Excellence

#### Design Review Panel

The Department requested that the Design Review Panel (DRP) responsible for awarding design excellence, be reconvened to confirm that the DRP recommendations had been addressed in the exhibited proposal and that the proposal retained design integrity.

As members of the DRP are now located overseas or are undertaking new roles Urbis sought confirmation from the Department that the DRP could be convened electronically, the Department confirmed by email dated 16 October 2018 that this was an acceptable course of action and further that, former Government Architect Peter Poulet) could remain a part of the DRP and that no conflict of interest was foreseen.

The DRP members were contacted by email and telephone and by group email advising of the process and providing access to the following documents to enable them to confer and provide a position of the panel:

- Mod13 animation.
- Mod13 presentation which includes images of physical model, details of the tower and the separate elements including the hotel, residential and neighbourhood centre.
- Architectural Design Statement.
- Architectural Drawings.
- Submitted Environmental Assessment Report.
- Design Excellence Report submitted with Mod 13.

- Mod13 presentation which includes images of physical model, details of the tower and the separate elements including the hotel

The DRP members have advised by return email in the following terms:

- *The current scheme does an excellent job of addressing the DRP's comments. A lot of thought has clearly gone into the Community building, demonstrating Star's commitment to delivering it. There is good flow through, and into, the Ribbon amenities and the complex as a whole. The tower's form remains slim-line, elegant and iconic. This means there is minimal overshadowing of surrounding areas.*

*The tower will be a wonderful addition to Sydney's skyline and the proposed Ritz-Carlton adds a genuine, luxury-standard hotel to the City's lodging supply. In my opinion the current scheme addresses the DRP's comments and displays the sort of design integrity expected of iconic developments of this type.*

- *I have reviewed the proposed submission for Modification 13, including the Ritz-Carlton tower and Ribbon, and can confirm the design as submitted maintains the design integrity of the FJMT design submission as presented to the Design Review Panel in our meeting of 16 March 2017. The FJMT design is of truly international quality and provides an elegant, distinctive and visually striking form that is befitting of its iconic location.*

*In addition, I am satisfied that the proposed design has acknowledged the considerations recommended by the DRP prior to formal submission, in particular with regard to the commitments around the operation of the Neighbourhood Centre and the improvements to the internal site linkages between the new hotel tower and the existing property.*

- *It is clear that the design has maintained the principles of revised form, rationale and key attributes that were integral to the Stage 2 submission award to FJMT, and consistent with the subsequent presentation to the DEP in March last year. In particular, the Neighbourhood Centre and Ribbon have developed in detail well and form an activated public realm and podium integrating well with the tower.*

*It is clear that the DEP's comments have been addressed and incorporated into the design, and I am supportive of the developed design as being consistent with, and continuing to manifest design excellence.*

- *I have had an opportunity to review the comprehensive documentation package sent through for the Star Modification 13 Ritz-Carlton Hotel and Residential tower project.*

*I consider that the detailed design presented in the package demonstrates that the design of the proposal has maintained the design rationale and intent, and built form that were central to the recommended scheme considered by the design excellence panel at it's the meeting in March 2017.*

*The comments and observations of the design excellence panel have been considered and addressed in the submitted scheme. I consider the detailed design is consistent with the design intent of the winning scheme and displays design excellence.*

- *I've reviewed the documents and fly through and have the following comments.*
  - *The overall amended and more detailed design as presented has maintained the design direction and intent, and remains faithful in terms of the forms and planning, as per the recommended scheme from the final DRP meeting.*
  - *In terms of the three key recommendations made by the DRP, i provide the following comments:*

*1. The **Urban Rationale** has been well covered in the additional documentation presented here.*

*The idea of the Pyrmont Peninsula becoming more integrated to the city centre of Sydney is acknowledged in the work of the Greater Sydney Commission and related planning documents.*

*2. **Community Facility:** The second recommendation around ensuring the Community facility is delivered, seems to be an integral part of the scheme. There are however some ambiguous representations of how the community facility meets the street. In some images, there is a sheer wall to the street edge, whilst in others, which may include a change to the road conditions, there is a much more gradual connection from the community facility to the*

*ground plane. I would suggest that a third option might be explored, whereby a better and more integrated connection from the community facility to the street level could be achieved by stepping the frontage of the community facility for at least some of the extent of the frontage. I am sure there will be a solid resolution of this edge, however it would be beneficial if the frontage could be resolved satisfactorily for the base case as well as for the altered roadway scenario.*

**3. Site Linkages/ Legibility:** *The third recommendation around pedestrian connections on Edward Street is obliquely addressed in the additional documentation, whereby some extra retail is proposed on the site, set back from the corner of Union and Edward Street, and an awning connecting to Jones Street is proposed. It is however beyond the scope of this project to address this challenge, given the works are not focused on this part of the site, and also that the relevant agencies were not supportive of changes.*

*Given this problem was raised by the DRP as well as the community, I would recommend however that the Star Entertainment Group should undertake to attempt to improve the connection between Union and Pirrama Rd in conjunction with any significant works in this area of the precinct in the future. Whilst it may not happen for some time, it should however remain as a key objective on the long term agenda for improving pedestrian amenity and connectivity in the precinct. The adjacent laneway connection, between Murray and Edward Streets, solves the level challenge well with a level pathway and set of steps at the end, taking the path over the light rail line.*

- *With the above commentary as notes, I am pleased to confirm that the design remains faithful to that selected as the winner of the Design Excellence Competition.*

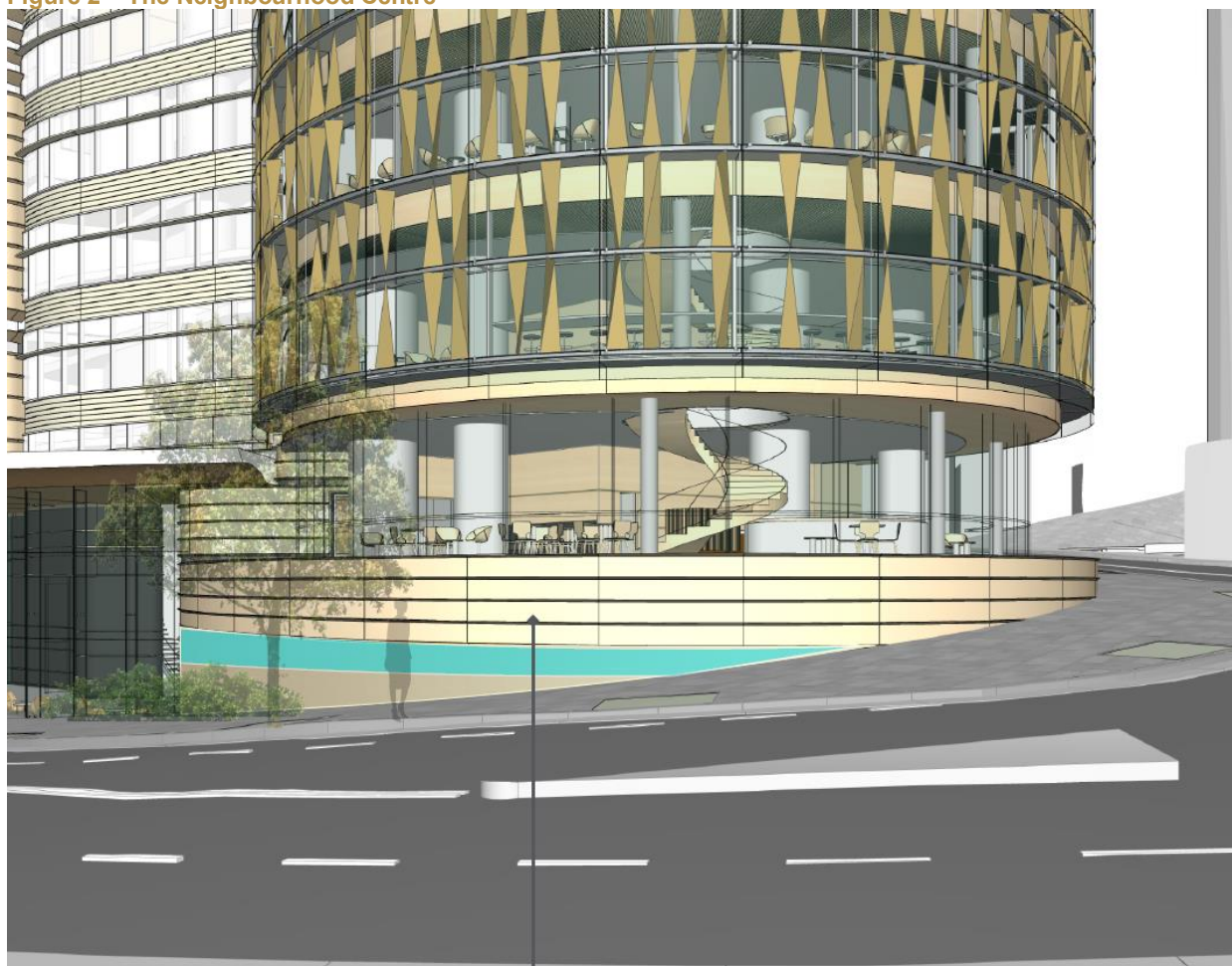
In response to Point 2 of the above comments FJMT was requested to review and respond to the comment. The review confirmed that the footprint of the community centre as supported by the panel in 2017 is the same as that presented in the submitted application. The FJMT competition scheme included stairs at the intersection of Pirrama and Jones Bay Road with an elevated wall travelling down the Pirrama Road frontage. The proposal is unable to incorporate the stairs as earlier presented as they fall within the public domain, beyond the site boundary and were removed from the final design.

FJMT have reviewed the opportunity to provide stairs wrapping around the corner of Pirrama and Jones Bay Road within the site. This would result in a smaller and compromised layout of the café and removal of or significant decrease in the potential to provide planting within the terrace area. Given the slope of the land as it wraps around the corner it will still be necessary to include a wall element wrapping around the corner. The entry to the Neighbourhood Centre remains on the Jones Bay Road, consistent with that shown on all of the earlier schemes separating that entry from the Hotel and Casino entries fronting Pirrama Road and placing it adjacent to the residential lobby entrance of the tower.

To address the concerns regarding presentation and materiality to the intersection FJMT explored to which would soften the presentation to Pirrama Road and maintain the functionality of the café space. This is represented in **Figure 2**.



Figure 2 – The Neighbourhood Centre



Material change - extend sandstone to base.  
Integrated (recessed) display case / signage  
zone as related to neighbour centre

Source: FJMT

The final treatment of this façade can be resolved during design refinement for the construction certificate and a commitment has been included in the Proponent's commitments in **Section 8** of this RtS Report.

In relation to the comment relating to improved accessibility the Proponent's commitments include a commitment to pursue the objective of improving pedestrian amenity and connectivity in the precinct with relevant agencies and future projects.

The DRP member has reviewed the commitments and advised in the following terms:

*'The undertaking will help ensure that there is an active street edge, an appropriate focus and openness to the local area that will help the café trade successfully, and deliver the best outcome for the community in how they engage with their new centre'.*

The five DRP members have confirmed that the exhibited scheme remains faithful to the scheme selected as the winner of the design excellence competition.

### Design Quality Measures

The Department also requested that confirmation be provided on the measures that will be employed to ensure the quality/appearance of the proposed tower glazing, and other proposed materials, will be maintained throughout the detailed design development of the project.

This item has been addressed in the attached ADS Addendum at **Appendix R**, page 36 and additional drawings in the FJMT Architectural Drawing set have been provided. These include detail on the proposed façade systems including glazing, integrated awnings and ventilation grilles and a revised materials board which includes façade tags linked back to the elevations.

As the design continues to develop, the Architect will continue to refine the performance attributes and compile reference component/assembly parts. These will be incorporated in the construction documents (drawings, specifications and reference samples).

### Location of Operable Windows

The Department sought to confirm:

- the location and design of operable windows to apartments and winter gardens within the tower; and
- for the Proponent's Architect to update the perspective images of the tower to provide additional detail on the proposed glazing.

This item has been addressed in the attached ADS Addendum at **Appendix R**, Page 38 and in drawings AF8200 Series.

### Signage

The Department sought that the Proponent consider reducing the size of the roof-level signage on the tower having regard to the proportions of the roof and other comparable roof top signage approvals within Darling Harbour. As detailed in drawing AF4203 Signage Detail Elevation . Tower East and AF4204 Signage Detail Elevation . Tower West of the FJMT Architectural Drawing Set, a reduction in the building identification sign to Ritz-Carlton tower from 8.2 metre diameter to a 7.9m diameter has occurred. Analysis was undertaken by FJMT of other tower signs within Darling Harbour to arrive at this amendment (refer to section 4.7 of the ADS Addendum which provides documentation of this analysis). The Signage Strategy exhibited with the EAR has been amended to reflect this change (**Appendix CC**).

#### **3.1.13.8. Neighbourhood Centre**

In response to the City of Sydney and community submissions, a Proponent Commitment is proposed in **Section 7** of this RtS Report *'to provide a Neighbourhood Centre as part of the Mod 13 works as approved'*. As part of this commitment:

- The tenure of the Neighbourhood Centre is proposed for 30 years.
- Under proposed the Neighbourhood Centre Plan of Management, the usage and relevance of the Centre to the local community will be reviewed after the first 10 years and every 5 years after.
- The Neighbourhood Centre to be operated and managed within the framework of the proposed Plan of Management by the Proponent, in consultation with a Neighbourhood Advisory Panel.
- The Plan of Management outlines the objectives, governance structure, strategies and specifics for the management and operations of the Neighbourhood Centre and is a live document with regular review and update.

Additionally, the FJMT Architectural Drawings have been amended to include internal floor plans detailing layout and fitout of the Neighbourhood Centre (refer Drawings AF3100 Series in the FJMT Architectural Drawing Set). An amended draft Neighbourhood Management Plan is provided at **Appendix I**.

#### **3.1.13.9. Overshadowing Assessment: FJMT**

The City of Sydney as part of their submission requested that overshadowing plan detail be provided at a size and scale that would permit review and assessment. Accordingly, the RtS package is supported by one set of A1 size plans to facilitate assessment by The City of Sydney . refer to **Appendix D**.

#### **3.1.13.10. Surrender of Consents**

As requested by the Department copies of all existing City of Sydney consents to be surrendered are provided at **Appendix A**.

#### **3.1.13.11. Wind Assessment**

In response to comments and submissions received a Wind Response to Submissions (**Appendix AA**) and Amended Pedestrian Wind Environment Assessment (**Appendix BB**) have been prepared providing the following additional information and analysis:

- Comparison of wind speed measurements for existing and proposed Mod 13 development configurations and analysis of the changes in the wind environment. Measurements and comparisons were also included at the following additional locations:



- the pedestrian outdoor seating on Jones Bay Road
- the entrance to 10 Jones Bay Road.
- Pyrmont Bay foreshore, opposite the Pirrama Road entrance/frontage.
- Pyrmont Bay Park and Metcalf Park.
- 16 Pyrmont Street building.
- Additional commentary confirming the proposed Level 59 club lounge terrace will be suitable for its intended purpose, and will pass the distress/safety criterion. Recommendation for temporary or fixed awning along the façade to be incorporated during detailed design development to further protect the area during times when winds are from the south.
- Advice that at location 14 (previously identified as location 6) along Pirrama Rd the proposed landscaping and local vertical screening is expected to improve the wind environment from pedestrian standing to pedestrian sitting.
- Clarification that from a wind perspective a pedestrian can comfortably stand or walk along the investigated locations on the footpaths along Jones Bay Road, Pirrama Road and Pyrmont Street.
- Additional commentary that with wind mitigation measures proposed such as temporary vertical screening and dense landscaping such as the proposed magnolia tree clusters at the two proposed F&B venues on Pirrama Road, wind conditions will be suitable for long-term stationary activities such as café dining.
- Confirmation that the proposed tower would have limited impacts on the Pyrmont Bay Park as it was found in the wind tunnel studies that the wind conditions are very similar in both the existing and proposed configuration.
- Additional commentary that no wind safety issues were found at the investigated locations along the footpaths and roadways surrounding the development site at ground level along Pirrama Road, Jones Bay Road and Pyrmont Street.

### 3.1.13.12. Flooding

In response to comments received from Office of Environment and Heritage (OEH), further consultation was undertaken and advice sought from the City of Sydney with regard to flooding. The following is noted within the Flood Impact Assessment Addenda Report (**Appendix P**):

- Flood planning levels and controls for the development are in accordance with Council's Interim Floodplain Management Policy, as reviewed and confirmed with Council. These controls are applicable to all areas of land below the flood planning level.
- Council confirmed that a merit-based approach can be applied including the use of the flood gates now proposed for the new Pyrmont Street vehicle entrance and existing Edward Street vehicle entrance.
- The proposed flood gates are located above the PMF and 100 year ARI flood level and are only required to provide protection for the freeboard element of the flood planning level.
- Additional details of the proposed flood gates have been included, including that the gate has a 100yr design life, and confirmation that the gates will operate automatically under hydrostatic pressure.
- Confirmation that the flood gates will be installed within the boundary of the development site, and not within Council footpath.
- Confirmation that the operation, maintenance and annual testing requirements will be the responsibility of SEGL.
- Examples of flood gates recently approved by the City of Sydney.

### 3.1.13.13. Electrical Infrastructure

The preferred project does not include the capstone trigeneration units previously proposed. To account for the change in power source, an electrical infrastructure addendum report is provided at **Appendix M**. The report details that a substation on the Level 4 mezzanine together with the proposed solar panels are now proposed to provide power to the Ritz-Carlton tower. The substation, together with high voltage power

modifications around the perimeter of the site have been designed to allow for the required power loadings in consultation with AUSGRID.

## 4. OVERVIEW OF SUBMISSIONS

The proposed development was the subject of a 28-day exhibition period between 22 August 2018 and 18 September 2018. In response to the exhibition of the proposed a development a total of 138 submissions were made to the Department during and following the exhibition period.

A high-level summary of these submissions is provided in **Table 4** below. Submissions raised by the general community as compared to Government and agency were made at a ratio of 4:1. With two thirds made as objections to the proposal.

**Table 4 – Summary of all Submissions**

Nature of submissions	Public	Government and Agency	Total	Percentage of all submissions
Comment	2	12	14	10.15%
Support	25	11	36	26.09%
Objection	83	5	88	63.76%
<b>Total</b>	<b>110</b>	<b>28</b>	<b>138</b>	<b>100%</b>

### 4.1. GOVERNMENT AND AGENCY SUBMISSIONS

A total of 28 submissions were registered under Government and Agency on the Department's website. Two submissions were recorded for the Pymont Action Group, the second being an addendum to the original. Accordingly, in **Table 5**, the number of submissions in this category has been reduced from five to four for the purpose of the analysis.

Of the four submissions raising objection, one was made by a Member of Parliament, two made by organisations namely the Pymont Action Group and The National Trust of Australia, and one by a Government authority, the City of Sydney.

As set out in **Table 5** of the submissions received in this category, four were in objection, 12 were comments and 11 were in support. Of those agencies providing comment, a total four indicated they had "*no comment*", including; the NSW Police, Ausgrid, Independent Liquor and Gaming Authority and the NSW Environmental Protection Authority. A further two providing comment; The Civil Aviation Safety Authority and Sydney Airport Corporation Limited reaffirmed their previous advice.

**Table 5 – Summary of Government and Agency Submissions**

Nature of submissions	Number	Percentage of Government and Agency Submissions
Comment	12	44.4%
Support	11	40.7%
Objection	4*	14.8%
<b>Total</b>	<b>27</b>	<b>100%</b>

\* two submissions were received from the Pymont Action Group. These have been counted as one single submission.

### 4.1.1. Referencing Submissions

Submissions made by Government and agencies were each allocated a unique identifying number by the Department. These submissions have been identified by this number and used in the discussion and identification of issues.

### 4.1.2. Summary of Key Issues: Government and Agency

#### 4.1.2.1. Submissions made as 'Comment'

Of the 12 submissions categorised as 'comments' six included matters for further consideration by the Proponent, a summary of these is provided in the Summary of Submissions Matrix . Government and Agency in **Appendix B**. The 'comments' submissions generally provided further guidance to the Department in the form of recommended conditions, having regard to:

- protection of the light rail corridor which runs through the site and removal of references to the capacity of any future unconfirmed upgrades to light rail capacity / future Metro stations within the amended TIS;
- the provision of management plans for construction, construction traffic, service road and taxi and car management, Porte Cochere management;
- further consultation required with the Sydney Coordination Office (TfNSW) in relation to the above items;
- confirmation that an unexpected finds protocol with regard to archaeology, will be adopted;
- confirmation that a further archaeological assessment is not necessary for stormwater upgrade works;
- the provision of the Aboriginal consultation log (**Appendix F**);
- recommendations regarding water licencing, groundwater and dewatering for the consideration of the Department from the Department of Industry;
- additional detail on the provision of flood gates; and
- the provision of local provenance plants both on-site and in the public domain landscaping schedule.

These items have been reviewed by the Proponent and have either been addressed by way of additional technical information and plans, discussed in the addendum reports accompanying this RtS report or have been integrated into matters that will be addressed under the Proponent's Commitments.

#### 4.1.2.2. Submissions in Objection

With regard to the objections, the four (14.8 percent) Government and agency submissions raising objection to the proposed development have been analysed to determine the distribution of concerns (as summarised in **Table 6**). A total of 29 key issues were raised in these objections. Three key issues were raised across all four objections and 19 of the issues raised were only made by one submitter.

The matters raised by all four objections were:

- The appropriateness of allowing the proposal to be considered under the section 75W modification for Major Projects approved under Part 3A of the EP&A Act 1979;
- Visual impact from public domain i.e. parks, streets or other vantage points; and
- Context and setting including the height, scale or bulk of the proposed tower being inconsistent with existing and/or future character of Pyrmont, Darling Harbour or the Western Harbour Precinct.

Other matters raised by at least three of the four objectors related to visual impact (private views), overshadowing (both public and private). **Table 6** provides a summary of the key issues raised in the four objections.

**Table 6 – Summary of Key Issues: Government and Agency Objectors**

Key Issue	No of objectors raising key issue	% submissions raising key issue (out of 27)
Planning Process (MP modification vs. new DA) or made out of timeeq	4	14.8%
Consistency with environmental planning instrument ( <i>Sydney Local Environmental Plan 2012</i> . height, FSR, B3 Commercial Zone)	2	7.4%
Visual Impact (Private)	3	11.1%
Visual Impact (Public)	4	14.8%
Amenity (wind)	1	3.7%
Amenity (tree loss)	1	3.7%
Landscaping and species selection	1	3.7%
Overshadowing (public)	3	11.1%
Overshadowing (private)	3	11.1%
Social Impacts (crime . night club expansion)	1	3.7%
Traffic (congestion, pedestrian safety, validity of traffic impact assessment)	1	3.7%
Traffic (Right Hand Turn from Jones Bay Road into Porte Cochere)	1	3.7%
Traffic (car and bicycle parking)	2	7.4%
Transport (adequacy)	1	3.7%
Heritage	1	3.7%
Aboriginal Heritage	1	3.7%
Precedent set for tall buildings in Pymont	2	7.4%

Key Issue	No of objectors raising key issue	% submissions raising key issue (out of 27)
No public benefit	1	3.7%
Amenity (reflectivity/glare)	1	3.7%
Context and setting (height or scale or bulk inconsistent with existing character of Pyrmont or Darling Harbour or Western Harbour Precinct)	4	14.8%
Neighbourhood Centre (accessibility by the general public)	2	7.4%
Flooding	1	3.7%
Consultation process and exhibition timeframes	1	3.7%
Contravention of SREP Sydney Harbour Catchment 2005	1	3.7%
Consistency with ADG (natural ventilation and minimum deep soil areas, common open space)	1	3.7%
Environmental Performance	1	3.7%
Acoustics (precinct-wide noise strategy)	1	3.7%
The provision of further detail regarding groundwater licensing etc.	1	3.7%
Validity of Section 7.11 and Affordable Housing contribution calculations	1	3.7%

An issue-by-issue response to these key issues is provided in Section 5 of this RtS report.

#### 4.1.3. Submissions made in Support

**Table 7** provides a summary of the agencies who made submissions in support of Mod 13, and the key reasons for support:

**Table 7 – Summary of Key Issues: Government and Agency in Support**

Agency	Summary of Item in Support					
	Public Benefit	Contribution to tourism + the arts	Reduce pressure on hotel occupancy	Sydney as a Global Cityq	Rejuvenating Western Harbour Precinct	Iconic Architecture & prominent Ritz-Carlton Brand
AFI AACTA		✓				
Destination NSW		✓	✓			✓
TEG		✓			✓	
Foundation Theatres	✓	✓				
International Convention Centre Sydney	✓		✓			
Tourism & Transport Forum	✓	✓	✓		✓	
Business Events Sydney	✓		✓	✓		
Pymont Ultimo Chamber of Commerce	✓				✓	✓
Sydney Business Chamber		✓		✓	✓	✓
Tourism Australia	✓	✓				✓
Urban Task Force Australia	✓	✓		✓	✓	✓
Total	7 (25.9%)	8 (29.6%)	4 (14.8%)	3 (11.1%)	5 (18.5%)	5 (18.5%)

Of those submissions in support it is noted that the most prominent reasons for supporting Mod 13 related to the public benefit in terms of social and economic impacts, and also contribution to tourism and the arts, with 26.9 percent and 30.8 percent of submissions in support referencing these items. The contribution that could the proposal could make to rejuvenating the Western Harbour Precinct and the iconic nature of the proposed architecture and Ritz-Carlton brand were referenced in 19.2 percent of the submissions.



## 4.2. COMMUNITY SUBMISSIONS

The Department received a total of 110 community submissions in response to the exhibition of the proposed development. The distribution of submissions received by location is detailed in **Figure 3**.

**Figure 3 – Distribution of Community Submissions Received by Suburb**



Source: Urbis Pty Ltd

Of the 110 submissions, 15 or 13.9 percent of submissions were identified as proformas, using two different stylistic submission templates and one modified proforma that simply re-arranged the order in which issues were raised but raised no new or altered matters. For the purpose of analysing and identifying issues all proforma and modified proforma submissions have been considered together as a single submission.

Two sets of submissions were identified as duplicates (277364 and 277491 / 278484 and 280954), as such only one of each of these submissions has been included in the total analysis. Two submissions were also identified as having the same unique identifying number (280655) but different content, these have been included as two separate submissions.

One petition was presented by Alex Greenwich, addressed to the Speaker and Members of the Legislative Assembly in NSW, received by the Minister for Planning. The petition contained three A4 pages and an unidentified number of signatures (as the name and number had been redacted) from the copy provided to for the purpose of preparing this RtS report. The petition has been counted as one submission in the analysis. The heading of the petition identified issues which have been incorporated into the overview of submissions.

For the purpose of the analysis there has been assumed to be 108 submissions once the duplicates are removed.

**Table 8 – Overview of Submissions**

Parameter	Number of Submissions Recorded
Total community submissions	110
Submissions in support	25
Submissions in objection	83
Comments on the proposal	2
Proforma submissions	15
Modified proforma submissions	1
Petition	1
Duplicates	2
<b>Total number of submissions considered for analysis</b>	<b>108</b>

#### 4.2.1. Receipt and Referencing of Submissions

Each community submission was assigned an individual number by the Department. If a submission has been specifically referred to in this report, it has been referenced by its individual submission number assigned by the Department rather than by name.

Submitters can contact the Department to obtain their individual submission number or access the Department's website ([http://majorprojects.planning.nsw.gov.au/?action=list\\_submissions&job\\_id=7466&title=EA-WebsiteSubmissions&type=2](http://majorprojects.planning.nsw.gov.au/?action=list_submissions&job_id=7466&title=EA-WebsiteSubmissions&type=2))

The issues raised have been categorised according to key issues (e.g. height, amenity, air quality) and sub-issues (e.g. general, consistency with context and setting). This approach means that while the exact wording of issues raised by community members is not referenced, the intent and issues raised have been identified.

**Section 4.2.2** provides a summary of the key issues and sub-issues raised by the community while **Section 6** of this RtS report provides a detailed discussion of the issues raised and the response.

The EAR was exhibited in accordance with the EP&A Act 1979 and this RtS report seeks to fulfil the submissions reporting and response requirements.

## 4.2.2. Summary of Key Issues: Community

**Table 9 – Summary of Key Issues: Community Objectors**

Key Issue	No. of submissions raising issue	Percentage of submissions raising key issue (out of 108)
Height (promised not to exceed former stacks or previous approvals)	17	15.7%
Height (Consistency of the proposed built form with the local character)	30	27.8%
Bulk and scale	5	4.6%
Heritage Impacts (including, existing heritage of Pymont or lack of connection to former Switching Station)	6	5.6%
Traffic and transport impacts (adequacy and capacity of existing services; road and rail, proposed car parking adequacy, congestion, taxi management and pedestrian safety)	55	45.3%
Economic Impacts - Devaluation of property or business or lack of contribution to local economy	8	7.4%
Social impacts (including; crime and antisocial behavior, inadequacy of existing services and infrastructure and Neighbourhood Centre user pays health and wellbeing, lack of affordable housing)	37	34.3%
	52	48.1%
Amenity impacts (including; overshadowing/solar access, noise, wind, odour, view loss; visual privacy, visual amenity, reflectivity/glare, light spill, construction impacts, general amenity, litter, Pymont noise)	(Note: combined total of all amenity impacts. Refer to <b>section 6.1.3</b> for a breakdown of each per item raised)	
Overdevelopment	9	8.3%
Building matters . Fire Safety	1	0.9%
Precedent (for tall buildings and other)	9	8.3%



Key Issue	No. of submissions raising issue	Percentage of submissions raising key issue (out of 108)
Lack of justification (residential or hotel use)	3	2.8%
Proponent development drivers (competition with Crown at Barangaroo, monetary gain etc, development need)	5	4.6%
General objection (unjustified)	2	1.9%
Environment and sustainability	2	1.9%
Increase to nightclub GFA	3	2.8%
Lack of community benefit	15	13.9%
Capacity of existing infrastructure (utilities and services)	4	3.7%
Privatisation of the Harbour	1	0.9%
Landscape, public domain and tree loss	3	2.8%
Administrative matters:	16	14.8%
- Planning pathway . should have been a new DA; consistency of proposal with original MP approval		
- Consistency with Environmental Planning Instruments . Sydney Local Environmental Plan 2012 and Pyrmont Master Plan	34	31.8%
- Accuracy and independence of assessment, insufficient detail in supporting documents (plans, reports), confusion of term EAR vs EIS and transparency of consultation process.	7	6.5%

### 4.2.3. Submissions Made in Support: Community

Of the 25 submissions made in support, **Table 10** provides a summary of the key reasons for support with the majority citing that Mod 13 will provide a positive community benefit.

**Table 10 – Summary of Key Issues: Community in Support**

Key Issue	No. of submissions raising issue	Percentage of submissions raising key issue (out of 108)
Height (supportive)	5	4.6%
Inclusive engagement process	7	6.5%
Positive community benefit (including; flow on effects such as transport upgrades, tourism, increased F&B offering, urban renewal. Positive social impacts from Neighbourhood Centre.)	24	22.2%
Positive architectural contribution and amenity	16	14.8%

## 4.3. SUMMARY OF SUBMISSION OUTCOMES

Based on the review and analysis of the submissions received the primary issues of concern have been identified as:

- Appropriateness of the section 75W modification pathway.
- Consistency of the proposal with environmental planning instruments, including;
  - Sydney Regional Environmental Plan No 26-City West (SREP 26); and
  - Sydney Local Environmental Plan 2012 (SLEP 2012).
- Context and setting (height / scale inconsistent with existing local character.
- Traffic and transport impacts (adequacy and capacity of existing services; road and rail, proposed car parking adequacy, congestion, taxi management and pedestrian safety).
- Social impacts including; crime and antisocial behaviour, inadequacy of existing services and infrastructure and Neighbourhood Centre user pays health and wellbeing, lack of affordable housing.
- Amenity impacts including; overshadowing/solar access, noise, wind, odour, view loss; visual privacy, visual amenity, reflectivity/glare, light spill, construction impacts, general amenity, litter, Pyrmont wibeq
- Positive community benefit (including; flow on effects such as transport upgrades, tourism, increased F&B offering, urban renewal and positive social impacts from Neighbourhood Centre).

## 5. RESPONSE TO GOVERNMENT AND AGENCY SUBMISSIONS

### 5.1. GENERAL OVERVIEW

This section of the RtS report details the key issues and sub-issues raised in submissions made by Government and agencies during the exhibition period of the EAR.

The content of each government and agency submission has been carefully reviewed and captured. The discussion below sets out the key issues raised by category and provides a response to the submission issues. Where the response relies on the assessment of technical matters by the project team, a summary is provided and the reader is directed to the supporting technical document for a full analysis of the issue.

### 5.2. PLANNING AND LEGISLATIVE FRAMEWORK

#### 5.2.1. Validity of Application – ‘Made out of time’

Submission 284119 has raised concern that the exhibited proposal was ~~made out of time~~ on the basis that the SEARs required exhibition of Mod 13 to commence, two years from the date the SEARs were issued.

This submission asserts that the modification application has been invalidly made given the expiration of the transitional provisions relating to Major Projects approved under the former Part 3A of the EP&A Act 1979.

**Submission Reference:** 284119.

**Response:**

The SEARs do not state that the modification application must be exhibited within two years after the date of the modified SEARs being issued. Rather, the SEARs state that if the modification is not exhibited within two years from the date of the modified SEARs, the Proponent must consult further with the Secretary of the Department.

This further consultation did take place between the Proponent and the Secretary, as a consequence of which the Proponent undertook additional environmental assessment which informed the EAR that was submitted to and exhibited by the Department.

Contrary to the assertion in submission 284119, clause 3BA(4) of Schedule 2 of the EP&A Transitional Regulation only precludes the dealing with a duly lodged section 75W modification application if three criteria are met:

- it has not been determined by 1 September 2018;
- the Secretary is of the opinion that insufficient information has been provided to deal with the application; and
- the Secretary notifies the Proponent in writing that the modification application will not be dealt with under the repealed section 75W of the EP&A Act 1979.

While it is true that the exhibited proposal had not been determined as at 1 September 2018, the environmental assessment submitted accompanying the Mod 13 application is comprehensive, detailed and thorough. In the Proponent's view, there is no basis for contending that insufficient information has been provided, and in the absence of written notification from the Secretary, the proposal continues to be a valid modification application under section 75W of the EP&A Act 1979.

#### 5.2.2. Planning Pathway

A total of four (4) submissions raise the appropriateness of utilising the former section 75W modification pathway for the purpose of facilitating the proposed development. The reasons for this view are summarised as follows:

- The proposal does not comply with the assessment provisions of section 75W of the EP&A Act 1979, which require the proposal to not be significantly different from the approved project or create new impacts;

- Use of the former Part 3A planning pathway does not represent the best public outcome for The Star site . the proposal should be subject to the provisions of SLEP 2012; and
- The proposed development does not satisfy the SEARs in relation to limited environmental impacts and as such should be a new Development Application and not a modification.

**Submission Reference:** 279884, 287014, 280876 and 284119.

**Response:**

The modification application has been made in accordance with the transitional provisions relating to Part 3A projects under the EP&A Act 1979 and the EP&A Transitional Regulation. The modification application is validly made under an available planning approval pathway consistent with the grant of the Major Project Approval and subsequent modifications.

The Minister has a broad power to modify an approval (with or without conditions). Section 75W of the EP&A Act does not include an express limitation on the nature or extent to which an approval may be modified. Modification of an approval means the change of a Minister's approval and includes:

- (a) *revoking or varying a condition of the approval or imposing an additional condition of the approval, and*
- (b) *changing the terms of any determination made by the Minister under Division 3 in connection with the approval.*

The scope to modify a Part 3A approval encompasses the modifications as set out in the exhibited EAR. The EAR addressed the provisions of SLEP 2012 and other relevant EPIs, strategies and plans as required by the SEARs. The EAR demonstrates that the proposed development will have limited environmental impacts beyond those already assessed, in accordance with the requirement of the SEARs.

It is considered that the Ritz-Carlton Hotel and Residential tower, Neighbourhood Centre and upgrades works within The Star have been designed to integrate with the existing site improvements and will deliver a good built form outcome for the site, deliver public benefits to the local and community and broader economic benefits to Sydney and NSW.

### 5.2.3. Strategic Planning Matters

Submission 279884 states that the proposal *"fails to represent any strategic planning for the region..."*

**Submission Reference:** 279884.

**Response:**

The initial development of The Star was the result of detailed strategic planning undertaken by the NSW Government in the early 1990s. Star City as it was then known served as a catalyst development for the revitalisation of the Pyrmont area. The absence of a masterplan or concept plan for the site does not in itself mean that the development that has and continues to occur is *ad hoc*. Without ongoing revitalisation, modernisation and improvement, The Star would diminish in quality and relevance and detract from the area. The modernisation and additional accommodation options proposed under Mod 13 reflects the ongoing evolution of The Star and one that is necessary if Sydney is to compete internationally with other global cities as a destination for visitors and tourists. The scope of the proposal has been subject to extensive investigation and review and makes a demonstrable contribution to the strategic vision for Sydney to be a destination for tourism and Darling Harbour, a major entertainment precinct consistent with the objectives of Eastern City District Plan, 2018.

The design of the Ritz-Carlton Hotel and Residential tower and associated works considered the influence of current approved and constructed development within the surrounding localities Darling Harbour, Barangaroo and the Bays Precinct. These developments have and will continue to, influence the built form character of the area and the Western Harbour into the future.

Section 7 of the EAR addressed the strategic planning directions of the City of Sydney and the Greater Sydney Commission. The proposal is consistent with the strategic vision for the locality as demonstrated below:



**Table 11 – The Eastern City District Plan**

Direction	Planning Priority	Action	Commentary
A city of people . celebrating diversity and putting people at the heart of planning	<p>E3 Providing services and social infrastructure to meet peoples changing needs.</p> <p>E4 Fostering healthy, creative, culturally rich and socially connected communities</p>	<p>Deliver social infrastructure that reflects the needs of the community now and in the future (8).</p> <p>Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities (10).</p>	<p>The Neighbourhood Centre will create a Hub in the heart of Pyrmont and provide services to the community. The centre will provide a place for the community to interact and collaborate, to meet socially or to utilise the tech hubs.</p>
Housing the city . giving people housing choices	E5 Providing housing supply, choice and affordability with access to jobs, services and public transport	Prepare local or district housing strategies (16).	<p>The proposed housing contributes to the housing supply targets identified in the Eastern City District Plan. The targets seek an additional 18,300 dwellings in Sydney LGA by 2020-21 and 46,550 in the Eastern City in total. The longer-term housing target for the Eastern City District is to provide an additional 157,500 dwellings in 20 years.</p> <p>The Proposal will assist in improving housing diversity increasing residential density in a well serviced and connected part of the Harbour CBD.</p>
A city of great places . designing places for people	E6 Creating and renewing great places and local centres, and respecting the Districts heritage.	<p>Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places (18).</p> <p>Identify, conserve and enhance environmental heritage (20).</p>	<p>Public realm upgrades and landscaping improvements will assist in the renewal of the site in its local context.</p> <p>Conservation of a locally significant heritage item; the SELS Building. As discussed in Section 9.21, no adverse impact on heritage items in the locality will arise.</p>

Jobs and skills for the city . creating the conditions for a stronger economy

E7 Growing a stronger and more competitive Harbour CBD

E11 Growing investment, business opportunities and jobs in strategic centres

E13 Supporting growth of targeted industry sectors

Strengthen the international competitiveness of the Harbour CBD and grow its vibrancy by:

- further growing an internationally competitive commercial sector to support an innovation economy
- providing residential development without compromising commercial development
- providing a wide range of cultural, entertainment, arts and leisure activities
- providing a diverse and vibrant night-time economy, in a way that responds to potential negative impacts (24).
- plan for urban development, new centres, better places and employment uses that are integrated with, and optimise opportunities of, the public value and use of Sydney Metro City & South West, CBD and South East Light Rail, and WestConnex as well as other city shaping projects (36).
- consider opportunities to enhance the tourist and visitor economy in the Direct including a coordinated approach to tourism activities, events and accommodation (57).

The Proposal:

- contributes an additional 265 operational and 489 construction jobs expressed in annual average FTE;
- contributes to making the Harbour CBD more economically competitive and stronger, by contributing an additional \$793 million to the NSW economy between FY2017 and FY2030;
- provides job opportunities close to Sydney City and is easily accessible via public transport;
- provides visitor and residential accommodation options in a well-connected and central location; and
- introduces high-end hotel in Sydney, contributing to the range of hotels across different price points. The Ritz-Carlton brand will contribute to Sydney's tourism infrastructure.

An efficient city . Using resources wisely

E19 Reducing carbon emissions and managing energy, water

Support initiatives that contribute to the aspirational objective of achieving net-zero emissions by 2050 (68).

The Proposal incorporates several ESD initiatives including the installation of PV Solar panels, the use of the existing Harbour Heat rejection system and Green Star

## 5.2.4. Statutory Instruments and Matters

### 5.2.4.1. Consistency with EPI (SLEP 2012 – Height, Floor Space Ratio and Zoning)

Two (2) objections made by Government and agency raised the consistency of the proposed development with the key development standards and zoning provisions of SLEP 2012. Key points raised by objectors include the following:

- The inclusion of residential apartments (35 levels, 204 apartments) in the proposed tower development, is characterised as %residential accommodation+under the SLEP 2012 and is prohibited on land zoned B3 Commercial Core.
- The proposed 237 metre tower exceeds the 28 metre SLEP 2012 %Height of Buildings+development standard and the seven-storey height control contained in the associated Sydney Development Control Plan 2012 (SDCP 2012).
- The degree of non-compliance with the SLEP 2012 in relation to land use zoning and development standards should require the submission of a rezoning request to amend the Height of Building and Floor Space Ratio (FSR) applying to the land, as the more appropriate planning mechanism.

**Submission Reference:** 279884 and 284119.

#### Response:

The maximum height of buildings development standard for the site under SLEP 2012 ranges between 28 metres and 65 metres. The location of the tower is on a portion of the site where the maximum control height is 28 metres. The height controls adopted for the site under SLEP 2012 reflect the heights of the development on site at the time SLEP 2012 was gazetted.

Mod 13 relates to an approved Major Project and is made under the former section 75W preserved by the EP&ATransitional Regulation.

Section 75R(3) of the EP&A Act 1979 states that *Environmental planning instruments (other than State environmental planning policies) do not apply to or in respect of an approved project*. SLEP 2012 is **not** a State environmental planning policy (SEPP) and as such the development standards of that planning instrument do not apply to the project.

The ability of the site to accommodate the development proposed under Mod 13 is demonstrated in the exhibited EAR. The EAR demonstrates the merits of the proposal against the criteria set out in the SEARs and generally in terms of site context, built form, suitability of building height, land use permissibility and FSR.

The proposed height of the tower has been considered in detail in Section 9 of the EAR having regard to existing and future built form context, heritage context of the locality, overshadowing, visual and view impacts, reflectivity and wind.

The EAR addressed the provisions of the relevant EPIs applying to the site.

### 5.2.4.2. State Environmental Planning Policy: Building Sustainability Index: BASIX 2004

One submission raised concern regarding detail omitted from the architectural plan set in relation to BASIX commitments, including:

- A specification block that includes all details identified on the BASIX certificate as being required to be shown on the %DA plans+; and
- Details of the proposed solar system, including confirmation of location and suitability of the proposed location atop the MUEF roof, where the solar system will be affected by shadow and the size of the system.

**Submission reference:** 284119.

**Response:**

WSP have provided BASIX stamped plans (**Appendix X**) that include the relevant specification list detailing all commitments required to be shown on the development plans at this stage of the planning approval process.

Details of the proposed solar cell system have been refined and the following is detailed on the FJMT plans (**Appendix D**) and DWP plans (**Appendix E**). No photovoltaic cells are proposed on the MUEF roof as part of the Preferred Project:

- DWP Drawing MOD13-AS1500 details the location and capacity of proposed photovoltaic cells on the roof of the Astral Hotel and Darling Hotel and the Lyric Theatre.
- There are cells on the shade awning louvers on the façade of the tower (refer FJMT Architectural plans AF8300 and AF8301).
- The location of solar PV cells on the roof of the Darling Hotel and the Astral Tower limits the potential for overshadowing by structures within the site and on adjoining properties due to their height above ground and position within the site. The Ritz-Carlton tower is a tall slender tower that will have a fast-moving shadow and limited impact on the PV solar cell installations located adjacent to the tower.

#### **5.2.4.3. State Environmental Planning Policy No.65 Design Quality for Residential Apartment Development**

The submission raised objection based on insufficient information provided to support a complete and thorough assessment of the proposal in accordance with the ADG adopted under SEPP 65. In particular, the following was raised:

- Details of natural ventilation to the proposed residential apartments;
- Apartment floor areas;
- The provision of deep soil and the suitability of providing areas of elevated landscape based on the location and site characteristics; and
- The provision of common open space to support residential recreation opportunities.

The submission also raised that the proposal did not satisfy the deep soil and common open space provisions of the SDCP 2012.

**Submission reference:** 284119.

**Response:**

#### **Natural Ventilation**

Section 13.9 of the ADS Addendum (**Appendix R**) describes the Typical Residential Facade systems being *'a floor-by- floor system, visually consistent with the hotel, but incorporating operable top hung (casement style) windows as well as fixed glazing and a sandstone spandrel or profiled aluminium in a sandstone like finish. Where open private space or 'wintergardens' exist, large panels of the facade will be operable to open the space'*.

Locations of the operable top hung (casement style) and wintergarden windows are indicated and labelled on the AF4100 series drawings (Detail Elevations - Residential and AF8000 series Ventilation diagrams) in **Appendix D**.

With reference to the comment that 70 percent of apartments below level 10 are to be naturally ventilated . this is not an accurate interpretation of the ADG. ADG Objective 4B-3 requires that *At least 60 percent of apartments are naturally cross ventilated in the first nine stories of the building*. As detailed in the AF4100 series and AF8200 drawings in **Appendix D** and the ADS Addendum 60 percent of the apartments below level 10 at least 60% of apartments within the first nine stories are to be cross ventilated - this is achieved through natural cross ventilation of seven apartments and assisted ventilation through a duct and fan system of two apartments. A total of nine apartments from 13 apartment are provided with natural ventilation which represent 69 percent of the apartments below level 10.

#### **Apartment floor areas**

The ADS prepared by FJMT lodged with the exhibited EAR includes typical floor plan layouts for all levels and apartment types within the residential component of the tower and corresponding floor plans. The AF2000 series drawings lodged with the exhibited EAR and the updated AF2000 series drawings (**Appendix D**) provide detail on apartment areas.

### **Deep Soil**

The site area for the purpose of the residential component of Ritz-Carlton Hotel and Residential tower has been calculated as the total tower footprint as shown on FJMT drawing AF8002, with a site area of 2,441.4sqm. Objective 3E-1 of the ADG requires 7% of this, i.e.: 170.87sqm to be deep soil planting (>6m in width). The site is presently 100 percent impervious and compliance with this design criteria is not possible nor practical. The design guidance of Objective 3E-1 states:

*Achieving the design criteria may not be possible on some sites including where:*

- *the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres)*
- *there is 100% site coverage or non-residential uses at ground floor level*

*Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure.*

Stormwater management systems are presently installed on site and they will be modified to accommodate the proposed works. In addition, as detailed in the addendum Sustainability report the proposal incorporates the existing central rainwater tank to collect water for irrigation of on-structure landscaping. **Appendix K** is the revised landscape plans which documents on structure landscaping and plantings within the public domain. The proposal satisfies Objective 3E-1 of the ADG.

Minimum soil depths have been provided in the amended Landscape Drawings (**Appendix K**). These are in accordance with both The City of Sydney Landscape Code Vol 2 and the ADG. The depths are as follows:

- Turf 200mm soil depth;
- Ground Cover 300-450mm soil depth;
- Shrubs 500-600mm soil depth;
- Small Trees (6-8m high) 800mm soil depth;
- Medium Trees (8-12m high) 1000mm soil depth; and
- Large Trees (12-18m high) 1200-1500mm soil depth.

Urbis Landscape have coordinated the above detail with FJMT and confirm soil depth and soil volume at Appendix A of the Landscape Report addendum (**Appendix L**). Soil depths are shown on the plan details to all planters.

### **Residential Communal Space**

With regard to the provision of residential communal space, Mod 13 provides 675.27sqm of outdoor space and 264.31sqm of indoor recreation space for dedicated use by residents only. This is a total of 939.5sqm which constitutes 38.5 percent of the site area (based on the tower footprint site area of 2,441.42sqm). This is detailed in FJMT Drawing AF8002, within the exhibited ADS, and supplementary information in the ADS Addendum (**Appendix R**). The communal areas proposed will provide opportunities for landscaping and recreation and will enhance the residential amenity for residents of the tower within the dedicated communal spaces.

## 5.3. CONTEXT AND SETTING

### 5.3.1. Urban Character

Four submissions suggested that the proposed works in Mod 13 lacked regard to the existing and/or future urban character of Pyrmont and the wider precinct. While the submissions varied in content they all identified that the height, scale or bulk of Mod 13 was inconsistent with existing and future emerging character of Pyrmont, Darling Harbour or Western Harbour Precinct.

**Submission reference:** 284119, 279884, 280714, 280876.

#### **Response:**

The amended Urban Context report and Contextual Analysis prepared by Urbis provides a detailed description of the site's context providing reference to both the Pyrmont Peninsula and the Darling Harbour Waterfront (and expanded Global Waterfront Precinct) as the two contextual settings of the site. In these documents particular reference is made to:

- Pages 25-26: Landform and Urban Morphology Strategic Context which identifies the historical alignment of the foreshore and how this has changed over time.
- Page 29: Site Historical Built Form which identifies previous tall building elements on the site which are also significantly taller than existing surrounding buildings.
- Page 33: Site Development History which provides additional detail about the previous uses on the site and how they related to Darling Harbour uses and built form outcomes as well as those of the Pyrmont Peninsula.
- Page 55 Waterfront Precincts and Markers which demonstrates a built form response that considers and ties together emerging built form outcomes within the Global Waterfront Precinct
- Page 79-87 Architectural Form Strategic Context and detailed investigations which provides consideration of emerging taller building elements in the context of the Global Waterfront Precinct.

The Richard Olsson & Associates Architects report . *Peer Review of Urban Context and Contextual Analysis Reports* (Peer Review) provided endorsement of this methodology and the findings of these Urbis reports and at page 7 and 8, under the heading *Built form of Modification 13* the writer concurred that proposed built form (both tower and podium design):

- Re-establishes the site's presence within Sydney's skyline;
- Respects the heritage context whilst embracing the global city location;
- Completes the city block by filling in the corners with activation;
- Physically marks the arrival into Darling Harbour;
- Completes the emerging built context of Darling Harbour;
- Creates a seamless podium and tower form on the waterfront; and
- Contributes to city scale legibility and wayfinding.

The Peer Review at page 9 identifies that the building creates an architectural marker viewed in the round and that this was a positive outcome. The location of the tower at the northern end of the site was also supported and it was noted that this creates an iconic corner design which signals the northern-eastern end of Darling Harbour. The Peer Review provided further independent analysis of the Ritz-Carlton Tower in its context and identified:

- The creation of iconic corners to Darling Harbour and its consideration in both the Pyrmont and Harbour contexts.
- The separation of towers on the western side of the Harbour as being different to the cluster formation of towers on the CBD side. This point specifically considers whether the prominence and isolation of proposed tower at The Star is necessarily a negative impact. This analysis identifies the emergence of point towers with horizontal building forms on the western side of the harbour. It also identifies the



greater separation between buildings on the western side of the harbour and that the developments have consistency in approach and complement one another.

- The key design principle within Ultimo-Pyrmont built form which considers the importance of Harris Street and the established relationship of Jackson's Landing tower forms with both the central spine street and the proposed response of The Star in relation to this.

Accordingly, the exhibited EAR and supporting documents have considered in detail the amended urban context and provided analysis of the proposal to a high level of detail. The conclusions of the reports detail that the proposed Mod 13 redevelopment of The Star responds to the existing context of both the global waterfront precinct and Pyrmont and will provide a positive contribution to its locality.

### 5.3.2. Building Height

Four agency submissions raised concern with the height of the proposed Ritz-Carlton Tower. These submissions focused on different elements including the following;

- The potential for the development to serve as a precedent for other tall buildings within Pyrmont.
- Alleged historical commitments made to limit the height of any future development on the site to the height of the former Pyrmont Power station stacks.
- The suitability of a Pyrmont Tower.

**Submission reference:** 284119, 279884, 280714, 280876

**Response:**

#### 5.3.2.1. Precedent for Other Tall Buildings

The proposed height of the tower has been considered in detail in section 9 of the EAR having regard to many factors including existing and future built form context, heritage, overshadowing, visual and view impacts, reflectivity and wind.

The approval of the proposed tower, does not in itself set a precedent for the approval or future construction of further tall buildings in Pyrmont or elsewhere in the Western Harbour locality. Any future proposal for other sites would be assessed on its merits and would need to demonstrate compatibility with the site context and appropriate built form.

#### 5.3.2.2. Historical Commitments Limiting the Height of Buildings

The submission suggests that the height of the proposed tower *'betrays a past government promise when the casino was first approved that no development would ever exceed the height of the stacks of the Pyrmont Power Station, which was demolished to make way for the facility'*.

**Submission Reference:** 279884.

**Response:**

Urbis has undertaken an extensive review of all publicly available documentation relating to;

- The former Pyrmont Power Station;
- The original 1994 development approval (DA33/94) for the casino site, including the assessment report and responses to submission made by the Proponent and the Government; and
- All subsequent modification application reports.

Combined with the above, Urbis has undertaken general research to determine if there are any publicly available documents that contain a reference to or direct commitment made by a former operator or Government in relation to the redevelopment of the site prior to 1994.

The research indicates that the former stack underwent modification overtime resulting in incremental height increases, originally around 60.96-67.06 metres in 1903 increasing to 106.48 metres by 1940.

An overview of the stack heights is provided in **Table 12** and shown in **Figure 3** and **Figure 4**.



**Table 12 – Summary of stack height**

Stack Identifier	Height (feet)	Height (metres)
<b>Pyrmont A Station (brick stacks)</b>	200 - 220	60.96 - 67.06 metres
<b>Pyrmont B Station (steel stacks)</b>	350 feet	106.48m

**Figure 3 – Pyrmont ‘A’ Power Station (c. 1922)**

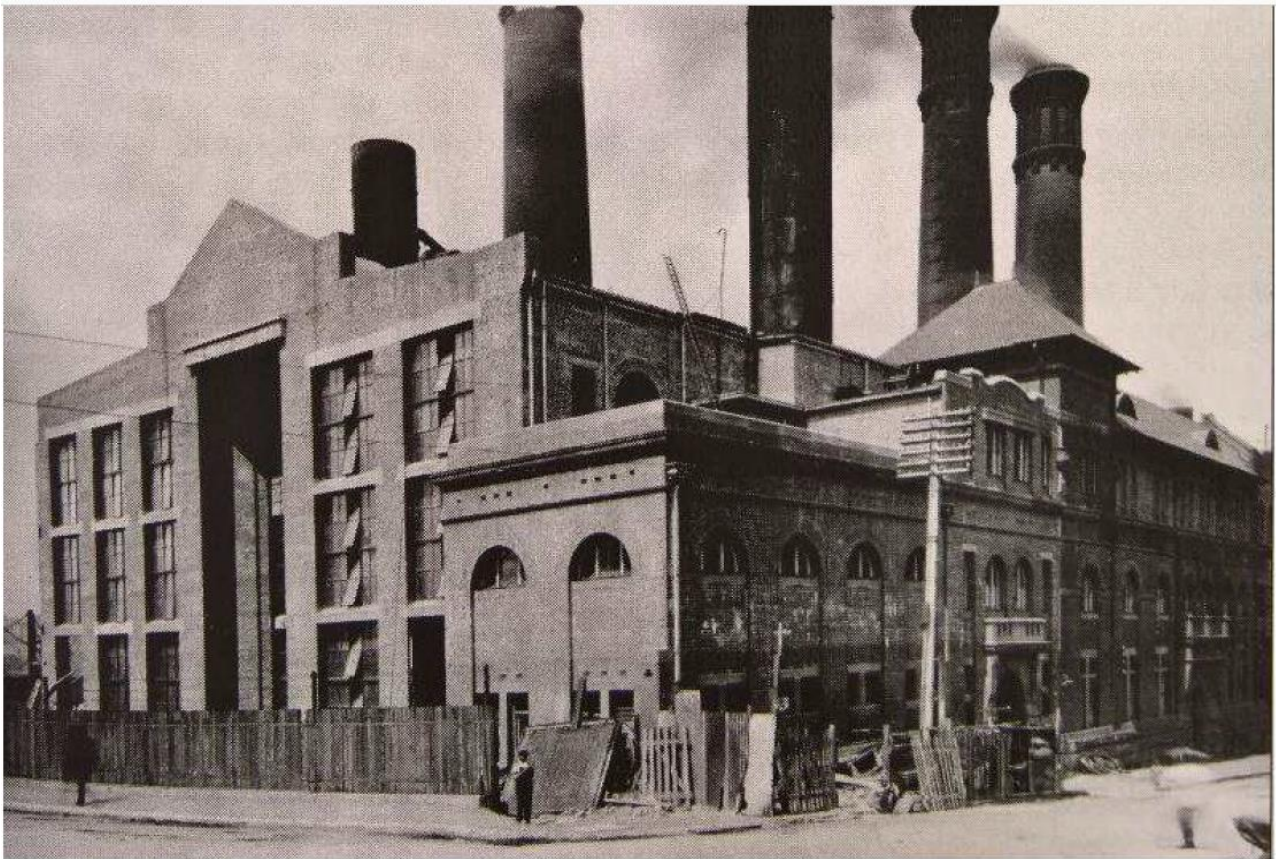
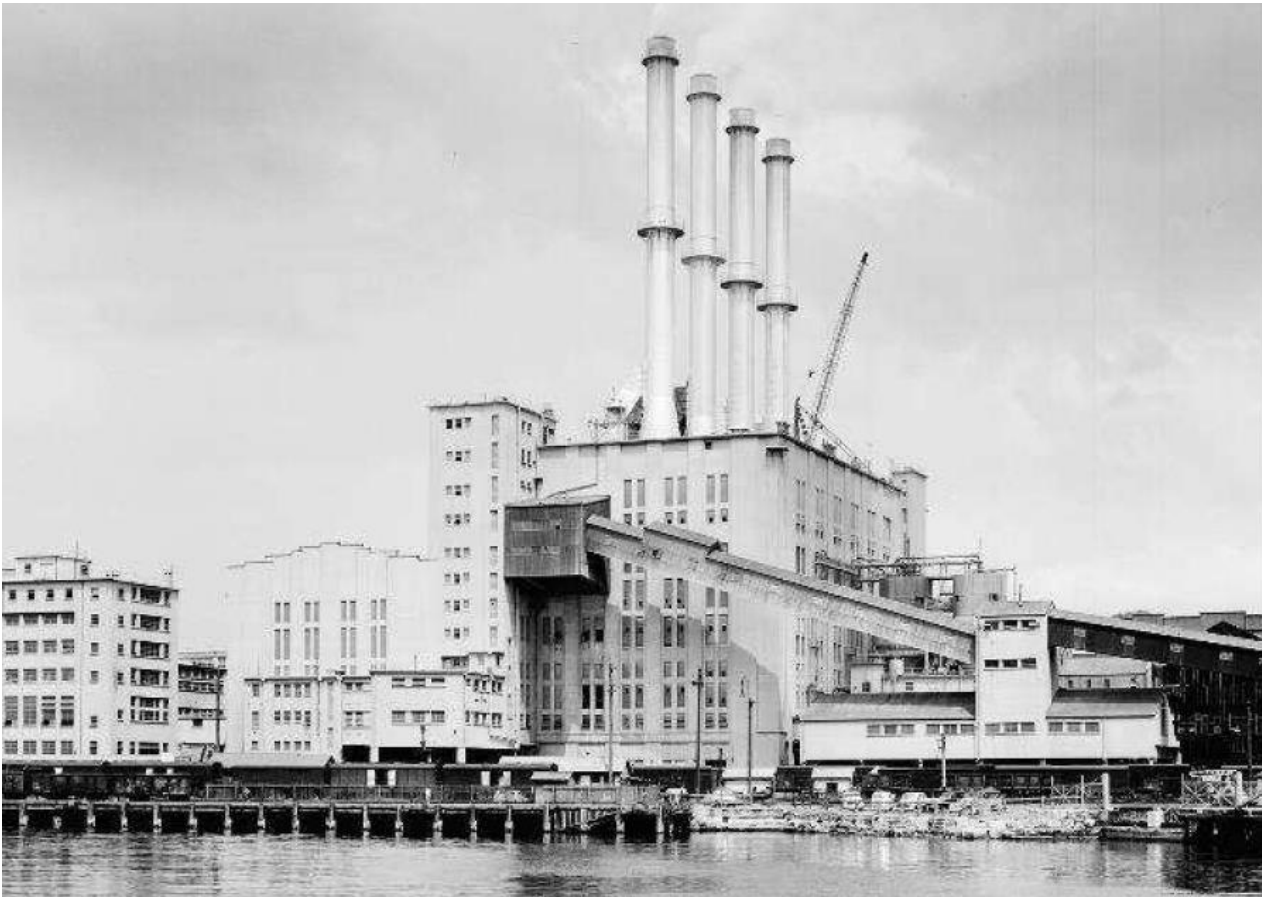


Figure 4 – Pymont 'B' Power Station (c.1952)



The height of the stacks was a relevant consideration in the redevelopment of the site and other significant sites in the Pymont Ultimo Precinct. Clause 15 of Sydney Regional Environmental Plan No. 26 . City West (SREP 26) relates to urban design considerations for the Pymont Ultimo Precinct and includes the following discussion:

...

*Higher buildings may be accommodated:*

- *if they will emphasise existing or former high points in the natural ground level on Distillery Hill, Pymont Point, Darling Island and adjoining the CSR Stables, they will reflect the former vertical smoke-stack elements of the Pymont Point Power Station, or they will provide a suitable axial focal point in the vista down Liverpool Street, and*
- *if they will not compromise the environmental amenity and general scale of development in their locality.*

...

[Underlined emphasis added by writer].

Notwithstanding the above, no reference or commitment could be found in any available documentation which limits the redevelopment of the site or any others within the Pymont Ultimo precinct to the 1952 height of the smoke stack elements. While we are unable to state categorically that ~~no~~ commitment+was made to limit building heights to that of the smoke-stack elements, it is also relevant to note that no evidence has been provided to support the claim.

Section 7 of the exhibited EAR addressed the strategic planning directions of the City of Sydney and the Greater Sydney Commission and as detailed in **Section 5.2.3**, the Proposal is considered to be consistent with the strategic vision for the precinct.

## 5.4. LANDSCAPING AND PUBLIC DOMAIN

### 5.4.1. Public Domain

The submission raised concern that the Mod 13 development would when operational increased wear to the public domain around the site including asphalt footways due to increased pedestrian traffic. It was also cited that Mod 13 construction works i.e. trenching for services will also affect the Council's public domain assets around the site.

**Submission Reference:** 284119.

**Response:**

The Proponent proposes to upgrade to existing asphalt footpaths to a higher quality granite or concrete flagstone paver (pending City of Sydney Approval) on Pirrama Road, and part of Jones Bay Road and otherwise commits to reinstating asphalt footways in accordance with the City of Sydney's standard 'Public Domain related conditions' where disturbed by Mod 13 construction works.

### 5.4.2. Landscaping Documentation

The submission suggested that *'the landscape proposal was too elementary and [did] not reflect the complexity of the landscape proposed throughout the development'*. The submission requested greater co-ordination between the Architectural Drawings and Landscape Drawings to achieve a resolved the landscape design and to provide a greater level of detail.

**Submission Reference:** 284119

**Response:**

As detailed in **Appendix K** the landscape concept and architectural drawings (**Appendix D&E**) have been amended to provide a greater level of detail as requested and to co-ordinate detailing. This includes the provision of a planting schedule, soil depths, materials selection and advice in relation to the design, construction and maintenance of the green wall elements of the proposal.

### 5.4.3. Planting Schedule

Submission 281293 suggested that the planting schedule be amended to provide *'local provenance plants'* within streetscape plantings and at the *'rooftops'*. The submission questioned the inclusion of the five Magnolia Little Gems proposed for the north-eastern forecourt adjacent to Pirrama Road. Submission 284119 also sought a more refined planting schedule with reference to:

- Green Seam
- Green Roof areas to Level 6 and Level 8;
- Green wall . under the Port Cochere;
- Level 6 pool decks and leisure areas; and
- Level 59 Club Lounge.

**Submission Reference:** 281293, 284119.

**Response:**

The amended Landscape Plans and Landscape Report (**Appendix K** and **Appendix L**) provide greater resolution of the proposed landscaping within the site and the public domain. The planting schedule has been revised site-wide to include additional native species which will promote bio-diversity across the site.

The revised planting schedule achieves more local-provenance species and reflect the City of Sydney's planting guidelines.

The Magnolia Little Gems, have been proposed to frame the Pirrama Road entrance by book-ending the existing grove of established Magnolia's to the south of the main entry to The Star from Pirrama Road. These are located wholly within the site's boundaries and will form part of the publicly accessible forecourt to the Pirrama Road frontage of The Star.



#### 5.4.4. Tree Loss

The submission suggests that the development '*should result in a net increase in trees*'.

**Submission reference:** 279884

**Response:**

An Arboricultural assessment of seventy-two trees located in the vicinity of the site was prepared and was Appendix R of the exhibited EAR. The purpose of the report was to assess the potential impact of the Mod 13 works on existing trees surrounding the proposed development.

The proposed works necessitate the removal of four trees of low and very low retention value, four of moderate retention value and sixteen trees of high retention value. The trees of low and moderate value can be replaced with new tree planting in the short term. As such, there will be a relatively minor and temporary loss of amenity resulting from the removal of these trees to accommodate the proposed development.

The trees identified as having high retention value have no special heritage or ecological significance. They are mature specimens that make a positive contribution to the visual amenity of the site and streetscape areas. However, there are no feasible options that can be implemented that would permit the retention of these trees and enable the construction of the proposal. Replacement planting is proposed to compensate for loss of amenity in the streetscape in accordance with the City of Sydney Street Tree Master Plan. The sixteen trees of high retention value that will be removed include:

- Twelve Cabbage Tree Palms; and
- Four Hills Weeping Figs (all located on the Pirrama Road frontage).

The proposed replacement trees *Angophora costata* are nominated in the City of Sydney Tree Master Plan. The Urbis Landscape Report (**Appendix L**) describes that these trees will increase the amenity to pedestrians using this area, in particular increased shade to paved areas. The replacement trees are specified as mature plants at planting.

Tree Protection Measures and a Tree Protection Plan will be implemented to retain and protect the remaining trees surrounding The Star during construction.

Whilst the proposed Mod 13 works do not result in a net increase of trees, it does result in no net loss of trees. It is noted that the replacement plantings of *Angophora costata* are a locally indigenous species and align with the City of Sydney's Street Tree Master Plan and are of local provenance.

### 5.5. TRAFFIC, TRANSPORT AND CAR PARKING

The following key items were raised with regard to traffic, transport and car parking:

- providing additional clarification or justification of the proposed Mod 13 works; and
- exacerbation of existing public transport or road congestion conditions.

Six submissions referenced traffic related items. For each a breakdown is provided and the response follows. The submissions provided by RMS and TfNSW generally cited the need to consult with the City of Sydney and to provide additional management plans. TfNSW also provided a comprehensive list of recommended conditions of approval.

**Submission references:** 284199, 279844.

- pedestrian safety;
- validity of traffic impact statement findings and data;
- clarifications regarding on-street parking, operation of the VIP Porte Cochere during VIP events and taxi-call up system and removal of line-marking from proposal;
- the safety of and need for the proposed right-hand turn from Jones Bay Road into the Pyrmont Street Porte Cochere; and
- the adequacy of car and bicycle parking and the location of bicycle parking within the public domain.

### 5.5.1. Pedestrian Safety

Mott MacDonald have prepared a revised TIS (**Appendix J**) that responds to issues raised in the submissions. In relation to the issue of pedestrian safety the revised TIS and the amended landscape plans (**Appendix K**) identify:

- A change of material from unit pavers to granite sets in the public domain to clearly delineate roadway and footpath.
- Kerb edge definition to accentuate the arc of the roadway in the Ritz-Carlton Porte Cochere as detailed on Landscape Drawing L401/A.
- Bollards within the Ritz-Carlton Porte Cochere following the header course for pedestrian/crash protection at similar spacings to the current taxi port cochere to the south. This defines the transition zone between pedestrian and vehicle access areas.
- Bollards will be used to define the outer edges of the trafficable area of the Port Cochere and prevent errant vehicles from entering the hotel foyer or pedestrian-only areas in the forecourt.
- Paving finishes that can also be modified between roadway and pedestrian zone (e.g. honed for pedestrian and hammered finish for roadway).
- Sight lines that are clear of obstructions (e.g. trees or street furniture) at the Ritz-Carlton Porte Cochere entry and exit in accordance with AS2890.1.

### 5.5.2. Clarifications

The following clarifications are provided with reference to submissions 284199 and 279844. and the summary request for RtS provided by the Department:

#### **Taxi-call up system:**

- With the introduction of the taxi call-up system, the two taxi zones in Jones Bay Road become unnecessary, as taxis will be required to wait in the service road.
- The taxi zone on the southern side of Jones Bay Road near the Port Cochere (six spaces), is no longer required. We propose a one hour parking zone (resident permit holders excepted).
- The taxi zone on the southern side of Jones Bay Road near the pedestrian crossing (three spaces) is no longer required. We propose short-term parking (5-min) to service the Residential Tower, and Community Centre.

#### **VIP drop-off shared space:**

- This existing facility will be removed during the construction of MOD13 and then reinstated after completion of the construction works.
- The VIP drop-off area is currently used up to 25 times per year, during special events and is managed by SEGL traffic management personnel. It should be noted that the site as a whole including the MUEF and Lyric Theatre currently holds approximately 100 events per year. It is proposed to use the VIP drop-off area for 25 of these existing events. There is no change to the number of events being held at the site as a result of Mod 13.
- Access to the VIP area will be managed using removeable bollards that restrict access from Pirrama Road. Separation between pedestrians and vehicles will be achieved using bollards and paving textures to define the interface between pedestrian and shared pedestrian/vehicle zones.

#### **Sovereign Club access:**

It is confirmed that the Pyrmont Road ~~Sovereign Club~~vehicular access provides dedicated access to the Sovereign Club members only. Vehicle access to the general public is not proposed. While there are 300 dedicated Sovereign Club parking spaces that will be accessed from the new Pyrmont Street driveway when these are occupied internal traffic management will direct Sovereign Club members to other parking within the basement. Non-club members will access the basement parking from existing driveways as detailed in the amended TIA (**Appendix J**).

### 5.5.3. Right-hand turn from Jones Bay Road

Objection was raised to proposed right turn from Jones Bay Road into the Pyrmont Street Porte Cochere.

Following further consultation with the City of Sydney and TfNSW the Proponent has deleted the proposed right turn. The amended TIS has been updated to reflect this change.

Submission 281071 noted that the proposed right turn required approval from City of Sydney as the local road authority prior to installation. With the deletion of this element Council's approval is not required.

### 5.5.4. Adequacy of car and bicycle parking

The following car parking is proposed in Mod 13:

- 220 additional car parks within the car stacker for the use of residents of the apartments and visitors to the Ritz-Carlton hotel only. Access to the car stacker will be via security pass only.

The following bicycle facilities are proposed in Mod 13:

- 35 Class 1 spaces for Star and Hotel employees located within the site.
- 62 visitor spaces, located within the site.
- 20 rental spaces located within the site in the Pirrama Road forecourt
- 204 spaces for use by residents located within the individual apartment storage lockers provided on Levels B3 and B4. These apartment storage lockers will provide a minimum of 1.12 cubic metres of space for cycle parking, in addition to the minimum apartment storage requirements to satisfy the ADG storage requirements.

The proposed bicycle parking allocations are consistent with the SDCP 2012 bike parking rates.

### 5.5.5. Congestion and the adequacy of existing transport services

Four submissions cited congestion and the adequacy of existing transport services (road and light rail) to accommodate additional residents and visitors, as an issue.

**Submission references:** 284199, 279844, 280714 and 280876.

#### **Response:**

There are a lot of contributors to existing AM and PM peak traffic congestion in Pyrmont, including:

- Journey to work background movements between residential and employment areas;
- Short term construction activities associated with development activity in Pyrmont, Bays Precinct, Fish Markets and Darling Harbour;
- Freight movements servicing local businesses;
- Traffic signal coordination strategies implemented by RMS, such as dedicated cycle phases and pedestrian protection facilities which are designed to support active transport amenity;
- Unnecessary traffic circulating through the precinct in search of on-street and off-street parking spaces;
- Over-supply of taxis to the precinct; and
- Tourist coach operations servicing local tourist attractions.

The Star's contribution to existing AM and PM congestion in the precinct is limited by the following:

- Over 73 percent of the Star employees are shift workers. Their shifts start at 4:00am, midday and 8:00pm, so most of these employee trips fall outside peak periods;
- Over 48 percent of the Star employees travel to work by non-car modes;
- Most visitor trips to The Star occur outside the traditional AM and PM peak periods. Visitor numbers are low during the day and then grow steadily after 6:00pm, peaking after 11:00pm on a Friday or Saturday evening;

- The Lyric Theatre, The Star and the MUEF combined hold approximately 100 special events throughout the year. Nearly all occur in off-peak hours. The frequency and consent conditions for these are controlled by planning approvals. Up to five special events each year are classified as Class 1-4 special events under RMS special guidelines. The special event traffic management arrangements are all planned, monitored and approved through the relevant road authorities. The proposed number of events is not proposed to increase as part of this modification application;
- The RMS controls the impact of The Star traffic through management of its traffic signal coordination system. After special events and/or performances at the Lyric Theatre, RMS meters the release of cars from The Star carparks by limiting the signal green-times available for exiting vehicles. This practice benefits the wider traffic network by releasing vehicles onto the surrounding street network in stages.

In previous modifications, the Proponent has sought to mitigate its contribution to the existing congestion in the following ways:

- by offering to work with TfNSW to contribute to the reactivation and upgrade of the Pyrmont Parking Guidance System to reduce unnecessary traffic circulation;
- by producing a Draft Green Travel Plan for the site to engage with its staff and develop strategies to encourage them to make more sustainable transport choices when travelling to work. Note: A Green Travel Plan for Mod 13 is provided as Proponent Commitment in section 7.0 of this RtS report;
- by working with the Taxi Council to address taxi driver behavioural issues which have been detailed in the community submissions;
- relocating the Pirrama Road taxi rank into the Service Road to significantly increase on-site storage for taxis. The previous taxi stand could only accommodate two to three taxis before the queue spilled out onto Pirrama Road, blocking through traffic;
- establishing additional coach parking facilities on-site in the service road running under the site;
- undertaking traffic surveys and analysis to assess the capacity of the existing Pyrmont network under observed AM, PM and Off-peak conditions (May 2016 and November 2017). The surveys covered all primary access routes up to and including the interfaces with the arterial road network, and captured traffic data for eight intersections and three mid-block locations on the following access routes:
  - Inbound: Pyrmont Bridge Road, Murray Street, and Darling Street.
  - Outbound: Pyrmont Bridge Road, Pyrmont Street, Murray Street, and Darling Street

The performance of the network was modelled using industry standard intersection analysis software (SIDRA 7.0 Network). The analysis indicated that the intersections on The Star access roads were performing at LOS  $\leq$  C or better in all peaks, under observed traffic flows. This performance equates to an average intersection delay of 42 seconds per vehicle, or less, and is considered acceptable intersection performance.

### 5.5.6. RMS Comments

The RMS submission re-iterated the need to consult with the City of Sydney regarding the proposed right-hand turn from Jones Bay Road and future Construction Management Plan, the removal of inconsistent line-marking shown within the TIA and confirmation that all works/signposting shall be at no cost to RMS.

**Submission reference:** 281071

#### **Response:**

The Proponent notes the above and has undertaken further consultation with both TfNSW and the City of Sydney.

As detailed in **section 3.2** the reference line-marking has been removed from the amended TIA. As discussed above the right turn from Jones Bay Road has been deleted from the proposal

The Proponent commitments from Mod 13 include a commitment to prepare and submit to the Department prior to the release of the construction certificate for Mod 13 works a Construction Traffic Management Plan to be prepared in consultation with City of Sydney and TfNSW CBD co-ordination unit.



### 5.5.7. TfNSW Comments

TfNSW provided recommendations for the consideration of the Proponent including:

- The removal of references to light rail capacity and Sydney Metro West alignment and 2009 station location, within the amended TIS.
- Concerns about potential effect on structural integrity of light rail during construction and operation phases.
- TfNSW also recommended a number of further actions for consideration by the Proponent and the Department as potential conditions of consent.

**Submission reference:** 282839

#### Response:

As discussed in **section 3.2** of this RtS report, references to light rail capacity and Sydney Metro West alignment have been deleted in the amended TIS.

With regard to the recommendations made by TfNSW, a response is provided in **Table 13**.

**Table 13 – Response to TfNSW**

Summary of TfNSW Recommendation	Proponent Response
The Proponent should comply with <i>T HR CI 12080 ST External Developments version 1.0</i> and <i>Development Near Rail Corridors and Busy Roads – Interim Guidelines</i> .	The Proponent will have regard to these guidelines and integrate into the Construction Management Plan for Mod 13 works.
Provision of plans which delineate light rail corridor in relation to construction work site.	These plans will be prepared and provided for TfNSW review and endorsement prior to issue of Construction Certificate.
Loading and Servicing Management Plan	An amended loading dock management plan has been provided with this RtS report (refer <b>section 3.2</b> ).
Provision of a Construction Pedestrian and Traffic Management Plan in consultation with the Sydney Coordination Office	The proposed Construction Pedestrian and Traffic Management Plan will be provided to the Sydney Coordination Office prior to issue of Construction Certificate.
Provision of a Service Road and Taxi and Car Stacker Management Plan in consultation with the Sydney Coordination Office	A Service Road and Taxi and Car Stacker Management Plan will be provided to the Sydney Coordination Office prior to issue of Construction Certificate.
Provision of a Porte Cochere Management and Operation Plan in consultation with the Sydney Coordination Office	A Porte Cochere Management and Operation Plan will be provided to the Sydney Coordination Office prior to issue of Construction Certificate.
Consult with the Sydney Coordination Office regarding the changes to the Pirrama Road bus stop on the western side of Pirrama Road.	The Proponent has undertaken further consultation regarding the changes to the Pirrama Road bus stop on the western side of Pirrama Road. Resolution of the concerns raised are detailed in the amended TIS.

## 5.6. OVERSHADOWING

Three submissions raise concern that overshadowing will occur to the public domain and private residences. Given the specific nature of these submissions, for each item raised, a summary is provided and then the response follows:

### 5.6.1. Scale of Shadow Diagrams

**Submission reference:** 284119

- The scale of the shadow diagrams provided. Given the scale of the proposed modification detailed overshadowing elevation drawings are expected to show views from the sun to understand the impact on apartments in elevation.

**Response:** The shadow diagrams have been formatted for production at A1 format in electronic form and printed copies accompany the hard copy version of this RtS report. Sun Eye views and shadow diagrams are provided in the revised FJMT Architectural drawings (**Appendix D**).

### 5.6.2. Overshadowing (Public)

**Submission reference:** 284119 and 279884.

- Overshadowing to Union Square between 10am and 12pm and overshadowing to Pyrmont Park between 2 and 3pm on 21 June . with reference to provision 3.2.1.1 of SDCP 2012 which requires overshadowing effects of new buildings on publicly accessible open space to be minimised between the hours of 9am to 3pm on 21 June.
- Overshadowing impacts from the proposed tower would be extensive and unacceptable. As a standalone high rise, the tower would cast a long shadow moving through Pyrmont homes, streets, parks and public open space, up to the waters of Darling Harbour, throughout the year with impacts the worst during winter.

**Response:** Section 3.2.1.1 of SDCP 2012 details that; overshadowing effects of new buildings on publicly accessible open space are to be minimised between the hours of 9am to 3pm on 21 June.

As noted in the ADS Addendum the tower's form has been designed to minimise shadow impacts on public spaces such as Union Square and Pyrmont Park. Section 14.12 of the ADS Addendum provides detailed analysis of the impact upon public space Union Square.

The proposal impacts Union Square between 19<sup>th</sup> May and 24<sup>th</sup> July with the largest impact being at mid-winter, i.e. June 21. On this day the solar analysis determined solar access to Union Square between 9.00am and 3.00pm was reduced from 64.4% to 59.8%. This 4.6% reduction represents the largest solar impact to Union Square on a single day and is considered to be a limited environmental impact.

**Submission reference:** 284119

- A proposal compliant with LEP and DCP height controls would not have any impact on Union Square and would have a considerably smaller impact on Pyrmont Park.

**Response:** The shadow analysis provided with Mod 13 has been prepared to take into account the proposal when compared against the existing condition (including approved Modification 14). This is in accordance with SEARs requirements.

Section 75R(3) of the EP&A Act 1979 states that EPIs (other than SEPPs) do not apply to or in respect of an approved project. SLEP 2012 is **not** a SEPP and as such the development standards of the planning instrument do not apply. Building height is the subject of a merit assessment, informed through the SEARS. The proposed height of the tower and resultant shadow impacts has been considered in detail in Section 9 of the EAR.

Detailed overshadowing analysis of public spaces is provided in the ADS in section 14.12 and includes Pyrmont Bay Park and Union Square and is provided in accordance with the Section 3.2.1.1 of Sydney DCP; this states that; overshadowing effects of new buildings on publicly accessible open space are to be minimised between the hours of 9am to 3pm on 21 June. The proposal does not impact Pyrmont Bay Park on June 21 between these hours.

Limited impact occurs on the September equinox between 9.00am and 3.00pm and is quantified as a 9.1% reduction from 100% to 91%. This represents the largest solar impact to Pymont Bay Park on a single day.

**Submission reference:** 279884

- *'Direct sunlight will be blocked from Union Square for 18 per cent of the year'.*
- *'Pymont Bay Park will lose sun throughout the day during and around the equinoxes, cutting close to 10 per cent of direct sunlight'.*
- *'Open space for pedestrians at the Pymont end of the important heritage Pymont Bridge would be shaded in the early afternoon during winter'.*

**Response:** Page 155 of the ADS Addendum details the maximum solar reduction in a single day to Union Square is 4.6 percent, which occurs at mid-winter. This limited impact progressively reduces to nil as we move away from mid-winter. From 24 July to 19 May the tower has nil impact on the solar access to Union Square.

As noted on page 157 of the Architectural Design Statement the maximum solar reduction in a single day to Pymont Bay Park is 9.1 percent. This limited impact progressively reduces as we move away from mid winter. Over a full year the reduction in solar access to 2.8 percent for the full park, and 2.3 percent for the open playing field area. At the equinox, Pymont Bay Park maintains in excess of 5.5 hours of direct solar access per day.

Pages 212 and 213 of the Architectural Design Statement detail that the mid winter shadow does not impact the Pymont Bridge approach until approximately 2.40pm. As per page 221 there is nil shadow impact on the Pymont Bridge approach at equinox.

### 5.6.3. Miscellaneous

**Submission reference:** 279884

- The validity of the exhibited EAR regarding justification of the loss of winter sunlight to private homes with regard to those residences already receiving less than two hours of sunlight in winter. There should be no loss of winter sunlight in homes that already receive less than the minimum standard.
- That the Star Casino should be a good neighbour and not obliterate winter sunlight in adjacent homes for its own private gain
- A lack of information in the exhibited EAR regarding the extent of overshadowing in residences that already receive more than two hours of winter sun.

**Response:** The NSW Apartment Design Guide, Objective 3B-2, Overshadowing of neighbouring properties is minimised during mid winter notes:

*Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20 percent.*

Mod 13 achieves compliance with this requirement.

Detailed overshadowing analysis of residential neighbours is provided in the ADS in sections 14.13 and 14.14. These sections provide comprehensive analysis on adjacent residential dwellings. Of the properties which currently receive less than 2 hours on June 21 (between 9-3pm) only two properties within 102 Miller street have their solar access reduced.

This reduction is limited to one unit being reduced by 4.5% (two minute reduction) and the second unit with a 9.7% reduction from 117 to 105 minutes. This demonstrates Mod 13 compliance with the Apartment Design Guide Objective 3B-2.

## 5.7. VISUAL AMENITY

All four or 15.4 percent of the objecting submissions 284119, 279884, 280714 and the 280876 detail concerns regarding impacts to visual amenity from the public domain. The former three submissions also raised potential to impact views from private residences.

Conversely, of the submissions in support five or 19.2 percent of the Government and agency submissions raised that the proposed Ritz-Carlton tower was supported on the basis of its iconic architecture.

Architectus undertook further analysis on visual amenity from both private and public vantage points. A direct response to each of the above Government and agency submissions is provided in the Architectus Visual Impact Assessment at **Appendix Q**. Where photographs have been provided additional site-specific investigations have been undertaken.

## 5.8. HERITAGE

### 5.8.1. Archaeological Assessment

Submissions 281293 and 281029 indicated that a further archaeological assessment should be undertaken to consider land outside the site, given this land is likely to be disturbed during stormwater upgrade works.

**Submission reference:** 281293 and 281029

**Response:**

Stormwater upgrade works are proposed along Edward and Pyrmont Streets to address localised flooding issues.

The Heritage consultants have reviewed the proposed works and the comments provided by the Heritage Council, and confirm that there are no known historical archaeological sites within the road easement and there are no Aboriginal sites or places located in or within 200 metres of the site.

Furthermore, given the location of the proposed upgrade works on land that has been previously disturbed in the construction and maintenance of the road and associated in ground infrastructure, it is likely that the location of works has experienced significant disturbance. Based on this the potential archaeological potential is considered very low to nil.

Notwithstanding the above, in order to manage the potential for unexpected finds, contractors are to be made aware of the obligations to stop work and notify relevant authorities if artefacts are encountered. In this regard, an unexpected finds protocol has been developed and is provided in the addenda report provided at **Appendix Y**.

### 5.8.2. Aboriginal Consultation and Engagement Log

The Office of Environment and Heritage and the Heritage Council of NSW identified that the submitted Archaeological Impact Assessment did not include the reference consultation log, that recorded engagement with local Aboriginal community members.

**Submission reference:** 281293 and 281029.

**Response:**

The consultation log is now submitted. Refer to **Appendix F**.

## 5.9. NEIGHBOURHOOD CENTRE

Submission 284119 and 280174 both raised queries with regard to the long-term management, governance and operation of the Neighbourhood Centre, suggesting that more detail was required. It is important to acknowledge that the submissions did not object to the Neighbourhood Centre in-principle.

**Submission references:** 284119 and 280714.

**Response:**

With the exhibited EAR, the Proponent lodged a Neighbourhood Centre Plan of Management which provided guidance for the on-going management of the facility. In consultation with the City of Sydney, the Proponent has provided a Proponent Commitment (section 7 of this RtS report) which provides greater clarity on the long-term tenure and management of the facility, together with engagement with the local community to update the Plan of Management. The Proponent's commitment also provides certainty on securing the Neighbourhood Centre for community use for at least 30 years.

In terms of the chosen fitout and internal layout of the facility, the Architectural Drawings prepared by FJMT have been amended to provide greater clarity on the intended spaces within the Neighbourhood Centre

(section 4.0 of the FJMT ADS Addendum provides detail on the resolution of the Neighbourhood Centre design post-exhibition).

As mentioned in **section 5.15** regarding 'Public Benefit', 26.9 percent of Government and agency submissions cited that Mod 13 would provide a positive public benefit on the basis of the Neighbourhood Centre providing much needed community facilities.

## 5.10. ENVIRONMENTAL PERFORMANCE

One submission raised that the main plan set was lacking in several aspects of documentation notation regarding:

- NatHERS stamping and thermal comfort summary title block.
- BASIX specification summarising BASIX commitments including a statement regarding the size of the solar system
- A lack of detail regarding glass types and window openable areas for cross ventilation, the size and location of the proposed solar system
- Clarification regarding the scope of the 5 Star GreenStar Design and As Built rating being targeted i.e. a whole building approach.
- The recommendation that the Proponent enter into a formal NaBERS Hotels Energy Commitment Agreement with the City of Sydney targeting 4.5 stars or better.

**Submission reference:** 284119

### **Response:**

A response to these items raised has been prepared by WSP in the Sustainability Addendum and is attached at **Appendix V**.

The report includes:

- The NatHERS stamped plan set.
- Details regarding the NatHERS thermal comfort summary block
- Reference to the EAR submission where the relevant BASIX information and glazing and window details were provided in the exhibited EAR.
- A plan has been provided and integrated into the Architectural Drawings which details the location and size of the proposed solar system. refer to drawing MOD13-AS1500 Issue 1.

### 5.10.1. GreenStar

With regard to the scope of the target GreenStar rating relating to the proposed new elements only i.e. the tower and not the refurbished sections of The Star. The following was detailed in the WSP report:

*The Green Building Council of Australia's, Green Star Design and As Built includes 'Eligibility Criteria' for the rating tool, one of which is 'Spatial Differentiation'. The specific requirements aim to ensure a distinct project boundary can be drawn, with the aim to rating whole buildings rather than parts of buildings.*

*The Green Star Accredited Professional for the project has interpreted this requirement and applied it to this project to draw the most appropriate project boundary.*

*The whole of The Star facility is not eligible for a Green Star Design and As Built rating as the whole facility is not undergoing a refurbishment.*

*Mod 13 includes refurbishments and alterations which do not have a distinct boundary from the rest of the existing development. As such, the most distinct boundary for the proposal is the residential and hotel tower, along with facilities which support the tower, or areas which are for the exclusive use of the tower occupants (eg basement car stacker, pool and terrace areas for hotel and resident private usage). This is viewed as the most appropriate project boundary for the rating.*

The project has been registered for a rating with the Green Building Council of Australia on this basis.

### 5.10.2. NaBERS Hotels Energy Commitment Agreement

With regard to the recommendation by the City of Sydney for the Proponent to enter into a formal NaBERS Hotels Energy Commitment Agreement targeting 4.5 stars or better, the following extract of the WSP Sustainability Report Addendum is provided:

*The project has taken an approach to benchmark energy efficiency and greenhouse gas emission best practice through third party certification with the Green Building Council of Australia. Green Star awards points for a buildings performance improvement beyond a benchmark 'code compliance' building. Green Star is the industries most recognised and trusted rating tool and as such, has been selected as the most appropriate tool to benchmark and measure energy and greenhouse gas emission performance.*

*Preliminary energy and greenhouse gas emission reporting has been completed for the project and has been provided within the appendix of the sustainability report. The report demonstrates that an excellent energy and greenhouse gas emission performance can be achieved by this development.*

*The project team note that there is no requirement under the Sydney DCP 2012 or any other planning tool which requires the hotel to pursue a NaBERS Energy rating, or to enter a commitment agreement. As such the project will not be entering a commitment agreement.*

## 5.11. VALIDITY OF SECTION 7.11 AND AFFORDABLE HOUSING CONTRIBUTION CALCULATIONS

One submission queried the methods and assumptions made in the calculation of Section 7.11 and Affordable Housing Contributions provided for reference in the exhibited EAR.

**Submission reference:** 284119

### **Response:**

This submission is noted by the Proponent.

The calculation, accuracy and ultimate outcome of Section 7.11 and Affordable Housing Contributions is a determination by the Department. The references made in the exhibited EAR were made for information only and to inform the wider community about the significant contributions likely to be made which will provide public benefit.

## 5.12. CONSULTATION PROCESS AND EXHIBITION TIMEFRAMES

One Government and agency submission sought that an extended public exhibition period be considered by the Department.

**Submission reference:** 280876

### **Response:**

As detailed in **section 3** the Department exhibited the application in accordance with their statutory requirements for a period of 28 days.

As part of its commitment to open and genuine consultation, the Proponent also engaged with the community and affected stakeholders during the public consultation period. Engagement activities included a briefing session and four community information sessions which were held at the Ritz-Carlton Information Display Centre, located opposite Black Bar and Grill on the site.

## 5.13. SOCIAL IMPACTS

Submissions 280714 and 279884 both referenced that the increase in nightclub GFA could lead to an increase in anti-social behaviour in and around Pyrmont. As explained in **section 3.1.7** of this RtS report there is no increase in nightclub GFA proposed as part of Mod 13.



It is noted that 280714 provided an Addendum (283693) to the original submission which removed this reference on the basis of this clarification.

**Submission reference:** 279884, 280714 and 283693.

**Response:**

The basis for these comments related specifically to the expansion of nightclub use, which has now been clarified as not increasing in size or patron capacity. For further detail on patron numbers, the impact to community life and discussion on crime incidence, **section 6.4** of this RtS report, under the Response to Community Submissions, provides a comprehensive summary.

## 5.14. STORMWATER AND FLOOD MANAGEMENT

One agency raised the following matters in relation to the Stormwater Management and Flooding Report prepared by TTW:

- That the Proponent is to confirm the flood planning level with the City of Sydney;
- Following confirmation of the flood planning level, details of the proposed flood gates are to be provided, including:
  - Operational details of the gate;
  - Identify whether the gate is manual or automatic; and
  - Confirm who is responsible for the gate.

The submission stated that the agency was of the view that until the above is undertaken the proposal is non-compliant.

**Submission reference:** 281293

**Response:**

TTW has liaised with the City of Sydney Engineering department in relation to the flooding planning levels relating to the development site and the broader site on which The Star is presently developed. The Senior Engineer (Public Domain City Infrastructure and Traffic Operations) has confirmed that flood planning controls for the proposed car park entrance in Pyrmont Street should be taken as the 100 year ARI level +0.5m freeboard.

The maximum 100-year ARI flood level at the vehicle entrance is 6.94m AHD. The Flood Planning level for this vehicle entrance is therefore 7.44m AHD. The potential flooding impact on the site occurs at proposed new vehicle access on Pyrmont Street which provides access to existing below ground car parking within Star site. Flood gates have been proposed as the appropriate management response in this instance as raising the internal access level, using a crest at the entrance, would reduce the vertical clearance level of the ramp and prevent access. The flood impact assessment exhibited with the EAR also identified flood risk to the existing basement vehicle entrance on Edward Street. No amendments to this entrance are proposed as part of Mod 13, however the provision of flood gates at this entrance reduces future flood risk and provides the required level of flood protection in accordance with City of Sydney Council guidelines.

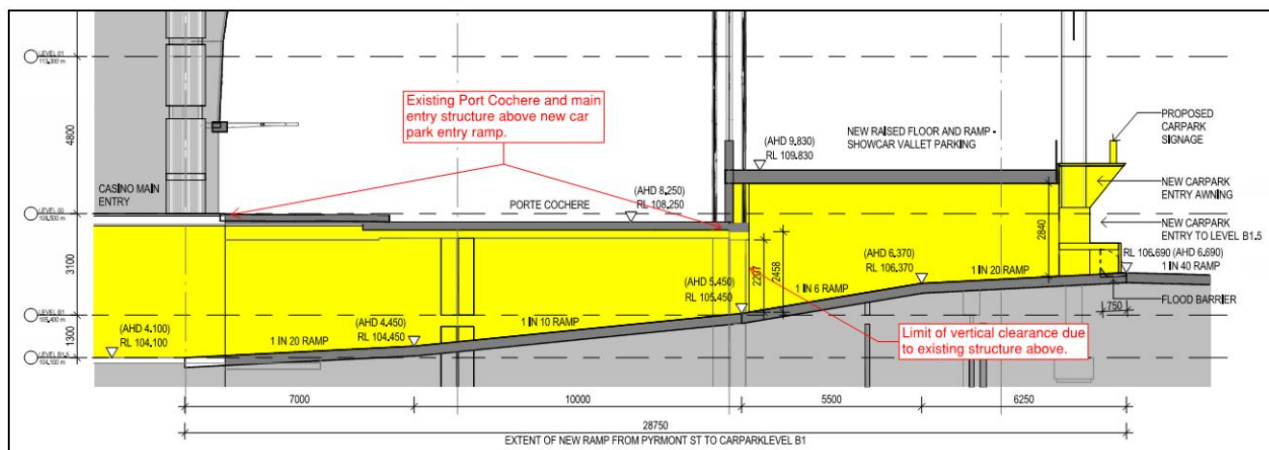
TTW have confirmed that the flood gates will be the Hyflo SFCBTM or similar (self closing flood barrier) by Flooding Solutions Advisory Group. This flood gate operates automatically under hydrostatic pressure, with no manpower or electrical power required, remaining concerned below ground until flood water rises to above the PMF or 100 year Annual Rainfall Interval before it is activated. The flood gate will then continue to rise as the flood water rises, providing protection up to the 100 year ARI flood level + 500mm (7.44m AHD) for Pyrmont Street and (3.17m AHD) for Edward Street.

The flood gate will be installed within the boundary of the development site and not within the Council footpath. The operation and maintenance and testing will be the responsibility of the developer (Star Entertainment Group Limited) and has a 100 year design life and requires minimal maintenance.

Details of the proposed gate combined with an addenda report prepared by TTW are provided in **Appendix P**.



Figure 5 – Proposed new ramp to existing carpark showing internal clearance heights



## 5.15. PUBLIC BENEFIT

One submission raised concern that the proposed Neighbourhood Centre would not be operated for the community but instead would be a user pays facility provided for the benefit of residents and guests of the proposed Ritz-Carlton Hotel and Residential tower. In particular the submission has drawn on the following statements made in the draft Plan of Management that:

- SEGL will “drive and maximise occupancy through promotional materials”; and
- The centre will “be financially responsible and managed as a commercially viable facility”.

**Submission reference:** 280714

### Response:

The Neighbourhood Centre will not be operated as a user pays facility for the benefit of residents and guests, it is intended to be genuine facility operated for the community. Notwithstanding SEGLs commitment to deliver a centre that provides services and infrastructure for community use, the facility will need to be run in a financially responsible manner to ensure that it remains viable. Maximising occupancy of spaces intended to deliver services, such as the proposed café is in the interest of the community as these uses support the vibrant and collaborative community vibe of Pyrmont through providing spaces for residents to meet and relax.

SEGLs commitment to delivering and maintaining the Neighbourhood Centre that meets and responds to the community is reflected in the following Proponents commitments,

- SEGL will provide a Neighbourhood Centre as part of the Mod 13 works as approved
- Tenure of the Neighbourhood Centre is proposed for 30 years. Under the proposed Neighbourhood Centre Plan of Management, the usage and relevance of the Centre to the local community will be reviewed after the first 10 years and every 5 years after.
- The Neighbourhood Centre will be operated and managed within the framework of the proposed Plan of Management by SEGL in consultation with a Neighbourhood Advisory Panel
- The Plan of Management outlines the objectives, governance structure, strategies and specifics for the management and operations of the Centre. The Plan of Management is a live document with regular review and updates.

Contrary to the above submission, 26.9 percent of Government and agency submissions cited that Mod 13 would provide a positive public benefit, reasons noted for the positive outcome had regard to the Neighbourhood Centre providing much needed community facilities, the contribution that The Star has to tourism and the arts (30.8 percent of Government and agency submissions) and the positive flow-on effects that private investment has on the community.

## 5.16. AMENITY IMPACTS

### 5.16.1. Wind

Two Government and agency submissions were received which raised wind and wind impacts. One of these submissions (279884) cited that the exhibited EAR *excluded* a wind assessment. The remaining items relating to wind are summarised as follows:

- The wind assessment does not tell us whether it will be comfortable for people to sit at Pyrmont Bay Park, or walk or stand along the footpaths on a windy day.
- The proposal results in additional wind impacts.
- The design of the roof top private open spaces must address visual and acoustic privacy, safety, security and wind effects.
- Additional wind study analysis is required to provide detail regarding the Level 59 Club Lounge to confirm that the landscaping proposed has been designed to withstand the western aspect and likely wind effects.

**Submission references:** 284119 and 279884.

#### **Response:**

A Pedestrian Wind Environment Assessment was lodged with the exhibited EAR (Appendix FF(2)). Since formal exhibition, further wind modelling and analysis has been undertaken.

A Wind Response to Submissions (**Appendix AA**) and Amended Pedestrian Wind Environment Assessment are provided at **Appendix BB** and this responds to the items raised in the submissions and summarises the result of the further wind modelling. The additional modelling found that:

- The proposed tower had limited impacts on the Pyrmont Bay Park as the wind conditions are very similar in both the existing and proposed configuration of the site. As such, Pyrmont Bay Park can continue to be used comfortably by patrons for recreational activities.
- Under the industry accepted Lawson Comfort and Safety Criteria the measured wind comfort levels along the footpaths on Pirrama and Jones Bay Roads are suitable for both non-stationary and stationary pedestrians, such as those waiting at bus stops, after the addition of the proposed development. No wind safety issues were found at the investigated locations along the footpaths and roadways surrounding the development site at ground level (at the investigated locations) along Pirrama Road, Jones Bay Road and Pyrmont Street.
- Multiple wind tunnel studies were conducted (including the test outlined in CPP report dated April 2018 lodged with the exhibited EAR) to acquire ground level wind speeds surrounding both the existing site and the proposed Mod13 development site to allow comparison of any changes in the wind environment. The measurements are summarised in Table 1 of the Wind Assessment Addendum at **Appendix AA** of this RtS report. Locations in close proximity of the proposed tower experienced slightly windier conditions than in the existing configuration, however wind conditions remain suitable for the intended purposes of these areas. The remaining locations experienced similar wind conditions in both configurations.
- As detailed in **section 3.2.1.4** additional detail for the Level 59 club lounge has been provided including the provision of a 2.0-metre high glass balustrade to the perimeter of the terrace in consultation with CPP Wind Consultants (refer L903 Rev. A of Urbis Landscape Drawings). The balustrade was recommended to mitigate the wind conditions at the Level 59 outdoor area in accordance with advice received from CPP whom have confirmed that this area will be suitable for its intended purpose, and will pass distress/safety criterion.

### 5.16.2. Reflectivity and Glare

One submission raised reflectivity and glare in the context of existing issues (i.e. pre-Mod 13 conditions) being exacerbated. The concern raised was specific to east facing apartments in Pyrmont and the potential to impact these properties. A second submission queried how glare to surrounding properties would be minimised.

**Submission reference:** 280714 and 279884.

## Response:

A Solar Reflectivity Report prepared by CPP was lodged with the exhibited EAR at Appendix GG. With regard to the Ritz-Carlton tower, the Reflectivity Report provided recommendations for the glazing and façade design of the tower to reduce the potential solar glare from the building. These recommendations were adopted in the Mod 13 scheme designed by FJMT.

The Mod 13 proposal commits to reflectivity coefficients in the range of 12-15% for the podium's western façade and glazing to the tower. This is identified in the FJMT plans and is a conservative approach which greatly exceeds the requirements of the SDCP 2012, General Provisions, Section 3.2.7 which seeks that *light reflectivity from building materials used on facades must not exceed 20%*

Further, as detailed within the amended ADS (**Appendix Z**) illumination of the tower will be integrated into the architecture and designed in accordance with Australian Standard 4282-1997 Control of the Obtrusive effects of outdoor lighting. The lighting scheme considers luminance, hue, colour rendering and light distribution.

### 5.16.3. Acoustic Impacts

One Government and agency submission sought further clarification on the noise attenuation methods proposed for the site and clarity regarding the proposed precinct wide noise strategy. It is noted that the submission provided support, in principle, of the site-wide acoustic monitoring strategy (for entertainment noise, mechanical plant and operational noise) however, that they believed the Noise Impact Assessment (NIA) was deficient in providing clarity on this matter.

The submission noted the following:

- further detail is required regarding the precinct-wide noise strategy including:
  - the site-wide noise strategy that gives basis to the cumulative criteria used by both the Department and the City of Sydney must be the same;
  - cumulative noise control levels should be required to be disseminated back to individual premises.
- confirmation of noise control measures;
- confirmation of patron numbers and amplified noise levels;
- comment that the design of roof top private open spaces must address visual and acoustic privacy;
- technical requirements will need to be developed alongside standardised conditions of consents developed specifically for the precinct; and
- The NIA states that all residential windows will need to remain closed with mechanical ventilation relied upon to meet required internal noise levels. This solution does not comply with Objective 4B-1 in the ADG requiring all habitable rooms to be naturally ventilated.

The Department also sought clarification on construction noise impacts, specifically to: *Provide further analysis of construction impacts and potential methods for managing / mitigating noise impacts during construction.*

**Submission reference:** 284119.

## Response:

An Addendum Noise Report (**Appendix T**) has been prepared which addresses this submission in detail. A summary of the response is provided below:

### 5.16.3.1. Precinct-wide noise strategy

For a direct technical response with regard to the precinct-wide noise strategy refer to section 3.1 of the Addendum Noise Report (**Appendix T**).

### 5.16.3.2. ADG Compliance

Section 13.2.3 of the NIA states that ventilation requirements would be met using a combination of mechanical ventilation and attenuated natural ventilation paths. The report does not state that mechanical ventilation will need to be relied upon.

The attenuated natural ventilation paths will be designed to meet natural ventilation requirements in consideration of the ADG and City of Sydney draft guidelines ~~Alternative natural ventilation of apartments in noisy environments~~

In addition, allowances for an attenuated natural ventilation path has been incorporated into the FJMT façade design of the residential tower and detailed in the architectural plan set in **Appendix D** of this RtS report. The proposed design consists of linear spandrel grilles on the façade where acoustically rated fresh air intake paths can be designed and located in detail at the next design stage. Acoustically rated paths can include the following noise reduction design elements:

- Lined convoluted paths;
- Lined plenum; and
- Proprietary noise reduction products such as Silenceair, trickle vents, etc.

#### **5.16.3.3. Construction Noise**

As the construction methodology has not yet been defined to a level of detail for the purposes of a detailed noise assessment. The construction airborne noise assessment in Section 15 of NIA presented noise levels from typical construction equipment. The levels used were conservative.

In Section 15.3 of the NIA and as required by Condition B21 of the Major Project Approval, a construction noise and vibration management plan (CNVMP) is to be developed by the construction contractor. As part of this CNVMP, specific reasonable and feasible mitigation measures will need to be nominated to reduce the potential noise impacts from construction of the proposal.

### **5.17. GROUNDWATER**

One agency submission was received that raised the issue of protection of groundwater and requested the Department give consideration to the imposition of conditions in the assessment of the Mod 13 application.

**Submission reference:** 293180.

#### **Response:**

The conditions suggest a two-phase process for further investigation firstly prior to determination and then identified conditions to be imposed during the construction and operational phases of the works. The submission does not appear to recognise the nature of the site on which The Star is located. The basement car park that has previously been constructed on site has been excavated into sandstone, has the capacity to cater for approximately 2750 car parking spaces, driveways and accessways, light rail station and tracks, loading docks, storage areas, plant room and the like and has been in existence in one form or another since the permanent Casino commenced operation on the site.

The existing basement has been constructed and has operated in accordance with all relevant guidelines and licences for more than 20 years.

The proposed Ritz-Carlton Hotel and Residential Tower includes a basement car stacker as discussed earlier in this RtS report and as described in the exhibited EAR. In order for this to be integrated into the proposal and to operate efficiently and effectively it will be necessary for the car stacker basement to be water tight. The area of proposed excavation is not significant when considered in the context of the existing basement area and depth.

The issues raised in the submission are relevant, however given the nature of the current and future works on site it is appropriate that these matters be dealt with collectively prior to the release of the construction certificate for any excavation on site. The application for a licence for dewatering activity and design for below ground water levels are matters that are appropriately dealt with at construction certificate stage when the proposal has progressed to detailed design. This is reflected in the Proponents commitments.

## 6. RESPONSE TO COMMUNITY SUBMISSIONS

### 6.1. GENERAL OVERVIEW

This section of the RtS report details the key issues raised in submissions made by the community in response to the exhibition of the EAR.

The content of each community submission has been carefully reviewed and captured as detailed in **Appendix B** and **Appendix C**. This section of the report sets out the key issues raised by category and provides a response to the submission issues. Where the response relies on the assessment of technical matters by the project team consultants, a summary is provided and the reader is directed to the supporting technical document for a full analysis of the issue.

### 6.2. PLANNING AND LEGISLATIVE FRAMEWORK

#### 6.2.1. Modification not consistent with Major Project Approval MP08\_0098

Sixteen (16) community submissions have commented on the use of the repealed Part 3A provisions, in particular the use of section 75W modification pathway, for the purpose of seeking approval of the proposed development.

The comments in relation to this aspect of the development include:

- The size and scale of the development warrant a new Development Application; and
- The proposal for new tower development is not consistent with the original Major Project Approval and therefore cannot be considered to be a modification.

**Submission Reference:** 278484\*, 281077\*, 280835, 280655, 280962, 281279, 281138, 281100, 283360, 280678, 279564, 280442, 280518, 279776, 279707 and petition (unknown reference number).

\*indicates proformas

#### **Response:**

There is no statutory requirement under the EP&A Act 1979 for a modification under section 75W to “*not to significantly differ from or create new impacts in comparison to the initial approval and subsequent modifications.*” However, it has been demonstrated throughout the exhibited EAR that the proposed modifications will have limited environmental impacts beyond those already assessed, in accordance with the requirement of the SEARs.

#### 6.2.2. Compliance with EPIs

Thirty-four (34) submissions have raised objection based on the view that the proposal is inconsistent with the various environmental planning instruments including the relevant development standards and controls in SLEP 2012 and SDCP 2012. Inconsistency with the following matters has been raised:

- The proposal does not comply with the SLEP 2012 in relation to the maximum height of buildings, FSR or zoning controls;
- The proposal is prohibited as %esidential accommodation+is not a permitted land use on land zoned B3 Commercial Core under the SLEP 2012;
- The proposal does not comply with SDCP 2012;
- The proposal does not comply with the building height guidelines of the Pymont Master Plan; and
- The proposed does not comply with the provisions of SREP 26 in relation to the maximum building heights and heritage provision.

**Submission Reference:** 279357, 279477, 280442, 279776, 280360, 280669, 280801, 280835, 280686, 280655, 281056, 281279, 290843, 283360\*, 281044\*, 281080\*, 280678, 279989, 281104\*\*, 281077\*\*, 281106\*\*, 280956\*\*, 281114\*\*, 281112\*\*, 281100\*\*, 281136\*\*, 281134\*\*, 281116\*\*, 281118\*\*, 281120\*\*, 281132\*\*, 281130\*\*, 281124\*\*, 281122\*\* and petition (unknown reference number).

\*/\*\*indicates proformas

#### Response:

The provisions of the SLEP 2012 have been considered in section 6.12 of the EAR. However, the operation of section 75R(3) of the EP&A Act 1979 means that EPIs, other than SEPPs do not apply when considering the proposed modification.

SLEP 2012 is **not** a SEPP and as such the development standards of that planning instrument do not apply to the proposal.

SREP 26 (a deemed SEPP) does not apply to the site pursuant to the provisions of clause 2 that states *“this plan does not apply to land to which Sydney Local Environmental Plan 2012 applies”*. The land application map adopted under SLEP 2012 includes the land on which The Star is constructed. Land within Pymont is no longer subject to the provisions of SREP 26, due to the operation of SLEP 2012, as set out in clause 2 of SREP 26.

Similarly, the Pymont Master Plan does not apply to the land as it was developed and adopted under SREP 26.

Clause 7 of State Environmental Planning Policy No 41-Casino Entertainment Complex (SEPP 41), precluded the provisions of SREP 26 and the Pymont masterplan from being used in the assessment of the original application. SEPP 41 was repealed on 13 December 2012.

The appropriateness of the height of the building remains the subject of a merit assessment, informed through the SEARs.

The proposed height of the tower has been considered in detail in Section 9 of the EAR having regard to existing and future built form context, heritage, overshadowing, visual and view impacts, reflectivity and wind.

### 6.2.3. Environmental Impact Assessment

Seven submissions raised various matters relating to the EAR. The matters raised included,

- The application should have been supported by an Environmental Impact Statement/Assessment (EIS/EIA);
- The EAR was prepared on behalf of SEGL (the Proponent) and is therefore lacks independence;
- The exhibited EAR does not adequately address traffic congestion, noise and parking problems; and
- There is insufficient detail in the supporting documents (plans, reports).

**Submission Reference:** 283360, 280622, 281102, 281279, 280663, 279397 and 280442.

#### Response:

The modification application was accompanied by an Environmental Assessment Report as it was known under the former Part 3A framework. Despite the nuance in terminology the EAR presents an assessment of expected environmental impacts.

It is standard practice for an EAR or an EIS to be prepared by a team of appropriately qualified technical experts.

The EAR and its appendices contain information that is relevant to the environmental assessment of the proposed modification and that the information contained therein is neither false nor misleading.

The exhibited EAR was supported by a total of 52 technical reports and plan documentation, including a Traffic Impact Statement (TIS) in relation to existing and likely parking and traffic conditions combined with a site wide acoustic strategy, aimed at managing the various land uses operating within the site.

In response to matters raised through the consultation process by members of the community and Government and agency, measures proposed to be implemented under the TIS aimed at improving traffic around the site of the Star have been amended. The PPR contains details of the project amendments set out in **section 2.4.3** and are considered in detail in relation to environmental impacts in **section 7**.

The Addendum Noise Report together with the NIA address acoustic attenuation for Mod 13 through the provision of a precinct wide noise strategy using cumulative noise criteria. This strategy seeks to manage



and mitigate noise impacts for the site cumulatively. The Addendum noise report (**Appendix T**) concludes that Mod 13 will be managed by the proposed site wide acoustic controls and conditions. Additional detail and mitigation regarding on-site acoustic attenuation is proposed to be further managed through the requirement of the Proponent to provide an On-site Noise Management Plan (ONMP) and Construction Noise Vibration Management Plan (CNVMP), and will not result in significant additional environmental acoustic impact.

#### 6.2.4. Community Engagement and Consultation

Five submissions of objection have raised concern with the public consultation process undertaken by the Proponent and the Department in relation to the proposed modification. The range of matters raised include:

- The adequacy of consultation undertaken by The Star;
- One submitter considered the process of writing and lodging a response a waste of time;
- Community engagement was insufficient and members of the community were unaware of the proposal;
- The period of exhibition for community members to make comment was insufficient; and
- The exhibition centre at The Star was closed during times it was advertised as being open.

**Submission Reference:** 281100, 280826, 280669, 280655, 280663.

##### **Response:**

A comprehensive and coordinated program of communication and engagement regarding Mod 13 has been undertaken by SEGL commencing in October 2016 as part of the Design Excellence Process and continuing to the recent 2018 formal exhibition period undertaken by the Department. This involved providing a range of consultation opportunities to enable feedback and input by the different stakeholders, community groups and individuals.

The consultation was designed to inform and build awareness of the proposed modifications. The program for communication has included:

- **Key stakeholder correspondence** - Correspondence has been sent via post and/or email to identify key stakeholders and community groups. This was also followed up by direct phone calls to some key stakeholders offering a personal briefing.
- **Briefings** - In addition to the statutory consultation with relevant agencies, personal briefings were offered to key stakeholders.
- **Drop in display centre** – Leading up to the commencement of the statutory exhibition of the proposal and up to two weeks post exhibition, The Star operated a community drop in display centre that housed the scale model of the site, and the proposed modification. The centre also included detail of aspects of the development known to be of community interest including overshadowing diagrams combined with a copy of the documentation submitted to the Department for assessment.

**Community information evenings** - Throughout the exhibition period The Star made available to the public key consultants including architects, traffic engineers, urban planners to respond to questions from the public. A total of five evenings were held, and a total of 129 community members registered their details at these evenings and a total of 4,935 people visited the information display during this time.

Details of the consultation undertaken during the preparation of the Mod 13 application was set out in detail in the exhibited EAR.

### 6.3. OVERSHADOWING

#### 6.3.1. Private Property (Unidentified Address)

Fourteen submissions have raised the effect of overshadowing of private properties as a result of the proposed tower but did not provide specific addresses. These submissions commented broadly on the effects of overshadowing to

**Submission references:** 292833, 280818, 279989, 280640, 280518, 281044, 280961, 280360, 280638, 280632, 277364, 280957, 279263, 281100.

**Response:**

Where submitters have raised objection to the proposal on the grounds of overshadowing and elected to withhold their address, the Proponent has been unable to undertake further detailed assessment.

Notwithstanding this, the ADS Addendum (**Appendix R**) contains detailed assessment of overshadowing and solar access matters specifically sections:

- **14.11:** Pyrmont Wide Shadows;
- **14.13:** Sun access impacts on adjacent properties . this section identifies residential properties that currently achieve 2 hours of sun access at the winter solstice (21 June) between 9am and 3pm . and assesses the potential impact of the proposal using sun eye view;
- **14.14:** Sun access impacts on adjacent properties . this section identifies residential properties that currently receive less than 2 hours of sun access to balconies and living spaces that may drop below 2 hours as a result of the tower at the winter solstice (21 June) between 9am and 3pm . this assessment has been done using sun access heat mapping;

The assessment of solar impacts upon existing residential properties contained within the exhibited ADS was undertaken in accordance with the ADG and has demonstrate that the overshadowing impacts resulting from Mod 13 are reasonable and comply with the objectives of the ADG in relation to solar access for adjoining properties

### 6.3.2. Private Property (Identified)

A total of five submissions identified the location of their residence or property and raised objection based on the overshadowing impacts associated with the proposed development on their specific property. These included:

- 4A/4 Distillery Drive, Pyrmont;
- 14 Pyrmont Street, Pyrmont\*;
- 16 Pyrmont Street, Pyrmont\*;
- 16/1 Murray Street, Pyrmont; and
- 74/1 Murray St, Pyrmont.

**Submission references:** 280789, 281273, 279707, 281279 and 281102.

For each of the above residencies, further analysis has been undertaken and the results detailed in the ADS Addendum. In summary:

- Impacts to 4A/4 Distillery Drive, Pyrmont are limited to early morning 6.30-7am August/May and 7-7.30am September/March and fall outside the typical period of 9.00am to 3.00pm where solar impacts from new development are typically considered and assess as required by the SEARs. As such, the analysis highlights that the proposed tower will have nil impact to mid-winter solar access to 4A/4 Distillery Drive, Pyrmont.
- The shadow impact to 14 and 16 Pyrmont Street occurs at Equinox from approximately 9.15am to 11.15am. The property maintains in excess of 2 hours solar access post 11.15am at Equinox. As such, the analysis highlights that the proposed tower will have nil impact to mid-winter solar access to 14 and 16 Pyrmont Street.
- 1 Murray St, Pyrmont has been analysed in detail using sun eye view studies and sun access heat maps as per section 14.13 of the ADS. No apartments receiving more than 2 hours direct solar access at mid winter will have this reduced to less than two hours. No apartments currently receiving less than two hours direct solar access at mid winter are impacted.

### 6.3.3. Public Domain

Thirty-two submissions raise overshadowing of the public domain generally and specifically the following locations:

- Pymont Bay Park;
- Union Square;
- James Watkinson Reserve and Ways Terrace;
- Clifftop Walk in Pymont.

**Submission references:** 277364, 279263, 279989, 279776, 280655, 280640, 281044, 280952, 281080, 280962, 280960, 281056, 281138, 280678, 290843, 281104\*\*, 281077\*\*, 281106\*\*, 280956\*\*, 281114\*\*, 281112\*\*, 281100\*\*, 281136\*\*, 281134\*\*, 281116\*\*, 281118\*\*, 281120\*\*, 281132\*\*, 281130\*\*, 281124\*\*, 281122\*\* and petition (unknown reference number).

\*\*indicates proformas

#### Response:

FJMT has prepared further analysis of the above public spaces with regard to overshadowing. Pymont Bay Park and Union Square formed the subject of the overshadowing analysis undertaken as part of the exhibited EAR. Additional analysis regarding James Watkinson Reserve, Ways Terrace and the Clifftop walk in Pymont are provided in the ADS Addendum (**Appendix R**).

#### 6.3.3.1. Pymont Bay Park

The analysis of Pymont Bay Park provided in the ADS determined that the park currently receives 100% direct solar access between 9.00am and 3.00pm at all times during the year. In contrast to Union Square, the largest impact upon the direct solar access to Pymont Bay Park resulting from the proposed tower and ribbon occurs not at mid winter (June 21) but at the equinoxes.

At the September equinox the solar analysis determined that the direct solar access to Pymont Bay Park between 9.00am and 3.00pm was reduced from 100% to 91%. This 9% reduction represents the largest solar impact to Pymont Bay Park on a single day, and even taken in isolation is considered to be of limited environmental impact.

It is noted that at mid winter when direct solar access to a park is generally desirable, the impact is nil. The impact remains less than 2% between and May 23 and August 1. Additionally, there is a further period during summer from October 17 to February 25 when the impact is less than 2%.

Over the period of a year the current average figure for direct solar access to Pymont Bay Park between 9.00am and 3.00pm is 100%. The additional shadow from the proposed tower and ribbon sees this annual figure reduced to 97.20%, a reduction of 2.8%.

A further analysis was undertaken for the playing field area within Pymont Bay Park. This analysis sees this annual figure reduced to 97.7% for the playing field area, a reduction of 2.3%.

In conclusion, Pymont Bay Park currently benefits from a high degree of direct solar access. The loss in direct solar access as a result of the proposed Ritz-Carlton Tower is minimal and is considered to be of limited environmental impact.

#### 6.3.3.2. Union Square

The analysis of Union Square determined that the square currently receives 92.8% direct solar access between 9.00am and 3.00pm during summer, dropping to 64.4% during mid winter. The solar analysis verified the shadow analysis finding that the tower will have nil impact to Union Square outside the 19 May and 24 July window. During these 66 days, the proposed tower has a limited impact upon the direct solar access to Union Square, with the largest impact being at mid winter, i.e. June 21<sup>st</sup>. On this day, the solar analysis determined that the direct solar access to Union Square between 9.00am and 3.00pm was reduced from 64.4% to 59.8%. This 4.6% reduction represents the largest solar impact to Union Square on a single day, and even taken in isolation is considered to be limited in terms of environmental impact.

The fast moving shadow from the tower passes across Union Square between 10.30am and 11.30am at mid winter. This limited impact on mid winter direct solar access occurs outside the key lunchtime period.

Over a year the current average figure for direct solar access to Union Square between 9.00am and 3.00pm is 82.1%. The additional shadow from the proposed tower sees this annual figure reduced to 81.5%, a reduction of 0.6%.

Union Square currently benefits from a high degree of direct solar access. The loss in direct solar access from the proposed tower is minimal and has been demonstrated to result in a limited environmental impact.

#### 6.3.3.3. James Watkinson Reserve and Ways Terrace

An unnamed submission which did not provide a reference location stated that the proposed tower would overshadow James Watkinson Reserve and Ways Terrace. These public spaces are located north of The Star and the proposed Ritz-Carlton Hotel and Residential Tower and are well clear of the majority of shadow profiles from the tower.

Detailed overshadowing analysis for 9am-3pm June, Equinox and December is provided in the updated FJMT Architectural Drawings.

#### 6.3.3.4. Clifftop Walk in Pyrmont

An unnamed submission stated that the proposed tower overshadows the Clifftop Walk in Pyrmont. The ADS Addendum details that the majority of the walkway is currently in shadow from neighbouring buildings, with no additional impact occurring. The because of the proposed works development at June 9:00am (refer page 21 of the ADS Addendum). The tower shadow impacts the walkway as it connects to Mount Street for a small window from 9am - 9.30am June 21st, and not at all for equinox (March 21st) 9-3pm.

## 6.4. SOCIAL IMPACTS

Ten community submissions commented on potential crime impacts associated with Mod 13, these relate to two aspects:

- That more patrons associated with the development could lead to more crime with reference to:
  - increase hotel and residential patrons; and
  - the error listed in the EAR which incorrectly listed nightclub Gross Floor Area. This lead to an inference that more nightclub patrons may frequent the site.
- That The Star contributes to the increase in crime in Pyrmont, when data on non-domestic assault from the NSW Bureau of Crime Statistics and Research (BOCSAR) is referenced.

These matters are discussed in the following subsections.

**Submissions Reference:** 279357, 280954, 280640, 280686, 277731, 281138, 280678, 280518. Reference in this section is also made to Government and Agency submission from NSW Police (283609) which raised no objection to the proposal.

### 6.4.1. Patron Numbers

Five submissions reference that an increase to capacity at The Star will contribute to an increase in anti-social behaviour or crime in Pyrmont.

**Submission Reference:** 277731, 280640, 279357, 280954 and 280678.

#### Response:

The proposed modification will improve the F&B offerings within The Star as well as see the introduction of the Ritz-Carlton Hotel and Residential Tower and the Neighbourhood Centre. There are a variety of factors that broadly influence anti-social behaviour and crime. Given the complexity of these factors, it is not possible to predict whether increasing visitors and guests to the site would have any impacts, either negative or positive, on crime incidence in the area. It is however important to acknowledge the following;

- The increases in floor area (and inferred increase to patronage) relate primarily to the following uses; residential, hotel, back of house, Neighbourhood Centre and food and beverage uses.
- As per **section 3.1.7** of this RtS report, the GFA associated with the night club was incorrectly stated in the EAR. There is to be no increase to GFA of the existing nightclub and therefore no increase to associated patronage.

- Any increases to F&B patronage where alcohol is to be served would require licensing under the *Gaming and Liquor Administration Act 2007*.
- An increase in residential and hotel patronage should increase opportunities for passive surveillance.

### 6.4.2. Crime Incidence

Three submissions reference statistical BOSCAR data stating that an increase in crime has occurred in Pymont in the last 10 years. These submissions, attribute this increase to changes in NSW liquor and gaming legislation referenced in the submissions as ~~the lockout~~<sup>or lockout laws</sup>. In these submissions, this is also more generally attributed to patronage associated with The Star.

**Submission Reference:** 279357, 280954, 280518.

#### Response:

While there has been a perception in the community that there has been an increase in incidents in Pymont due to the lockouts, this not reflected in the reported statistics. Prior to the relaxation of the lockout provisions in 2017 there was a downward trend in the number of incidents at The Star. There were 64 violent incidents in 2014 and 52 in 2015 - this equated to one alleged assault for every 211,000 visitors. A more recent BOCSAR (2017) study of the impact of the lockouts on areas in the immediate vicinity to the lockout areas of Kings Cross and the CBD indicated that the increase in the number of assaults in Pymont was *'...not statistically significant...'*

In any discussion on statistical analysis, critical mass must be regarded as a factor i.e. the number of customers who visit as opposed to the number of incidents which occur per capita on the premises. This was reflected by the NSW Police in the 2016 Casino Licence Review where it was stated:

*'...Supt Donoghue said that the number of incidents at the Casino need to be understood in the context of the sheer size of the venue. He has responsibility for some 1,000 licensed venues in Sydney. If there are, for example, five incidents at the Casino, as compared with one or none at other venues, although that might seem to be a poor outcome for The Star, such figures need to be understood on a per capita basis, having regard to the many tens of thousands of people who attend the Casino each day.'*<sup>1</sup>

The BOCSAR statistics are raw statistics drawn directly from incidents recorded by Police according to a geographical location without a detailed analysis of location or type of offence other than violent incident recorded as Non-Domestic Assaults.

With regard to comments on the increase in assaults in the 2009 postcode it is noted that the BOCSAR statistics list Pymont as having a 2-year period of stability. Of the 177 assaults as reported by BOCSAR, 45% are attributed to The Star. This number is further reduced after joint analysis is conducted by NSW Police and The Star in determining what class of incident occurred i.e. ~~assault~~<sup>as opposed to</sup> ~~minor~~<sup>offence</sup>

Furthermore, and with reference to the *Independent Review and Analysis of the Liquor and Gaming NSW Report* (November 2016) found as follows:

*"...After the review and analysis of all available data, our review found that:*

- *The Star complies with its legal obligations to report incidents to Police;*
- *The Star complies with its internal guidelines for mandatory notification to Police;*
- *The Star notified Police of incidents over and above its legal obligations to do so;*
- *On occasions where Police were not notified, the appropriate action was taken by Security staff and there was no need for Police attendance; and*
- *The Star Security Management practices are very effective and The Star demonstrates a collaborative approach with both NSW Police and Liquor and Gaming NSW".*

<sup>1</sup> *Independent Liquor and Gaming Authority- The Star Casino: License Review - 2016*. Dr. Horton QC. Sydney NSW, Para 420, page 125.



The Star's focus remains on the *Responsible Service of Alcohol* (RSA) and associated harm minimisation strategies aimed at reducing incidents of violence and other forms of anti-social behaviour. The safety and comfort of guests is their priority and is complemented by the use of more than 2,800 surveillance cameras (500 on the exterior of the property) and Security and Surveillance teams of some 258 personnel.

There is a higher level of surveillance and regulation of The Star than for any other licensed venue in NSW. The Star pro-actively works with NSW Police and Liquor and Gaming NSW (Casino Regulator).

### 6.4.3. Impact on Community Life ('vibe')

Six submissions speak to the existing quality of life and community ~~vibe~~ in Pyrmont and that Mod 13 and the inclusion of the Ritz-Carlton Hotel and Residential Tower will alter the ~~vibe~~ of the community and diminish the quality/quiet enjoyment of the area. One of these submissions also considered that the existing Pyrmont Community Centre would be impacted by the proposed Neighbourhood Centre.

**Submission Reference:** 279989, 280587, 280818, 280663, 280661 and 281080.

#### Response:

There are several factors which influence the quality of life and the sense of community for residents within an area. Some of these factors include visual amenity, noise, air quality and the built environment. The impact of the proposal on these factors has been discussed in detail throughout this RtS report and the exhibited EAR. The proposal has considered all matters listed under the SEARs, inclusive of potential social and economic impacts. Given quality of life cannot be quantitatively analysed, it is considered that all relevant matters potentially impacting quality of life or the sense of community that residents feel have been considered and any potential impacts avoided or managed where possible.

The Neighbourhood Centre is proposed to provide an additional facility for use by the community. Whilst there has not been an additional investigation to quantify the community benefit that such a facility may bring to a community, as detailed in 24 (22.2 percent) of the community submissions received, the Neighbourhood Centre has been welcomed in the anticipation that will provide a positive community benefit.

## 6.5. ECONOMIC IMPACTS

### 6.5.1. Land and Property Values

Five submissions raised the matter of adverse impacts on the property values within the Pyrmont as a consequence of the development.

**Submission Reference:** 277374, 280818, 277599, 279989 and 281080

#### Response:

Impact on property prices and business performance are not a relevant ~~matter~~ for consideration under the provisions of the EP&A Act 1979 or the SEARs.

Notwithstanding this, no evidence has been provided to support the assertion that property prices or existing businesses would be directly influenced or adversely impacted by this proposal. It is worth recognising that the proposal located on the site of an operating tourism facility, in an area characterised by a mix of commercial, retail and residential land uses that continues to evolve in response to its location in close proximity to the central business district of Sydney and key tourism and business hubs.

The proposal will not diminish the amenity of the area by way of unreasonable overshadowing, noise, odour, wind, or adversely alter the character so as to cause a direct and quantifiable impact on local property prices.

## 6.6. PUBLIC BENEFIT

Fifteen submissions raised the matter of public benefits associated with the development, in particular raising concern that:

- the proposed Neighbourhood Centre is insufficient to off-set the perceived impacts of the proposal and that the Proponent intended the facility to operate on the basis of a ~~user-pays~~ system;
- there is no provision for affordable housing, and
- that a variation to planning controls should only be permitted where public benefit is provided.



**Submission Reference:** 279357, 279195, 279477, 279707, 279564, 279989, 280116, 280555, 280737, 280686, 280960, 284218, 281279, 280678, 290843.

**Response:**

The proposal is considered to have merit and provide significant public benefit, including the following:

- The delivery and operation of Neighbourhood Centre that provides for a range of spaces and uses where individuals and groups within the community can gather and interact;
- The proposal will create 489 new construction and 265 operational ongoing jobs (expressed in annual average Full Time Employment (FTE));
- The modification supports the diversification and refurbishment of existing restaurants on the site available to members of the public.

It is noted that seven submissions (280448, 280446, 280905, 280655, 283362, 281603, 281606) had a view to the contrary and suggested that the proposal has potential to offer public benefit.

## 6.7. HERITAGE

A range of heritage matters were raised through the submission period, these include:

- The accuracy of the Heritage Impact Statement (HIS);
- The effect of the proposed building height on heritage values, with particular reference raised by one submitter in relation to items 102, 109 and 129 listed under SREP 26;
- The height of any development be limited to no more than 15 metres to ensure the preservation of the identified heritage items;
- General impacts on the Heritage Value of the area due to the scale and size of the development; and
- The lack of recognition of former use of the site and the surrounding neighbourhood, through interpretive signage or other such measures.

### 6.7.1. Impact on Heritage Items

#### 6.7.1.1. Heritage Impact Statement (HIS)

One submission raised that there are inaccuracies in the HIS regarding the statement that a small terrace row is orientated west away from the subject site.

**Submission Reference:** 281102

**Response:**

The architectural orientation of the frontage of the terrace row is orientated west as stated in the HIS. The submitter's discussion in relation to openings and windows is in relation to environmental factors including noise and increased traffic and emissions. The HIS does not assess these factors and is correct in its description of the frontage and orientation of the properties in relation to heritage.

#### 6.7.1.2. Overshadowing

Two submissions raise that Mod 13 will cause heritage impact by virtue of the overshadowing occurring to their properties.

**Submission Reference:** 284218 and 277374

**Response:**

The impact of overshadowing is not a heritage impact and as such has not been addressed in the HIS. The proposed Ritz-Carlton Hotel and Residential Tower design has been informed by a requirement to limit winter overshadowing of the squares and parks of Pyrmont and private residences. A shadow analysis and solar study was undertaken as part of the design development with the detailed findings included in the ADS (**Appendix Z**) prepared by FJMT and subsequently added to in the ADS Addendum (**Appendix R**).

A detailed sun access impact analysis was undertaken to evaluate the impact of the proposed tower on the sun access on adjacent properties. The analysis sought to identify any apartments that currently achieve two hours of sun access to balconies and living spaces, that may drop below two hours as a result of the proposed tower. Only three instances were identified, none of which were living spaces or balconies. This result emphasises the fast-moving nature of the shadow across Pyrmont and the minimal impact to sun access of adjacent properties.

#### 6.7.1.3. SREP 26

Three submissions raised concern in relation to the potential impact of the proposal of heritage items listed under SREP 26. The submissions raised concern that the Proponent had not duly considered heritage items numbered 102, 109 and 129 and further sought that the development be limited to no more than 15 metres in height to ensure there was no negative impact.

**Submission Reference:** 281104, 281102 and 277374.

#### Response:

The assessment of the development in the EAR was supported by a comprehensive assessment of the heritage value of the area that included the potential impact of the development on individual items of value as well as the heritage context, defined by the conservation area.

A detailed assessment of the potential impact of the development, which includes consideration of the height of the tower and its visibility within the heritage setting, was undertaken. The assessment concluded the following:

*‘The proposed works would not have an adverse impact on The SELS Building or a significant impact on the setting of the heritage items in the vicinity. The proposed works are therefore supported from a heritage perspective’.*

In relation to the identified items of significance listed under SREP 26, the details of these items are outlined in **Table 14** below. For the most part the items in question were assessed as part of the broader context of the site and are noted to have an alternate entry under SLEP 2012 as an individual item or as part of the Pyrmont Conservation Area.

The relevant aspects of the assessment are set out in **Table 14** below.

**Table 14 – Identification and summary of items**

Item	Description	Alternate Listing	Consideration in Urbis Report
102	Escarpment and Fencing, Jones Bay Road	Sydney Local Environmental Plan 2012, schedule 5 I1200	<p>Section 3.3 <i>Setting</i> (pp.19-20) identifies the item as set out below and includes an image at Figure 8, Picture 23 of the report:</p> <p><i>“...Almost halfway along Jones Bay Road to the north of the site there is a heritage listed stone escarpment and palisade fence. The item is minimally visible from Jones Bay Road level given the surrounding development...”</i></p> <p>The item is assessed in section 7 <i>Impact Assessment</i> . as part of a collection of items noted as being on the Foreshore (refer to Table 1, p42) and considered in detail in section 7.4.2 (p.58) and states the development would not detract from heritage items on the foreshore noting the following:</p> <p><i>“...The location of the subject site, setback from the foreshore, means that although the</i></p>

Item	Description	Alternate Listing	Consideration in Urbis Report
			<i>tower would be read in the same context as these items it would not obscure any existing views to these waterfront items from the harbour/public domain...</i>
109	Residence, 238 Bulawara Road	Pymont Conservation Area (C52)	Forms part of the Pymont Conservation Area which has been included in the description of items on. P. 22 of the HIS.
129	Western and Eastern Escarpment and Cliff Face	Western and northern escarpment, sandstone wall and steps, and palisade fence, above Pirrama road (I1201).  Eastern escarpment and palisade fence, above Pirrama Road (I1200).	Forms part of the Pymont Conservation Area which has been included in the description of items on. P. 22 of the HIS.

Further to the above; two of the submissions (277374 and 280669) raised objections relating to potential heritage impact on account of the height and scale of the development. Urbis Heritage undertook additional investigations relating to these two submissions and provided a response in the Heritage Impact Statement Addendum at **Appendix Y**. With reference to these submissions the following was provided:

*The proposed tower would not obscure any identified significant heritage views, rather it would obscure only sections of skyline. Furthermore, the tower has a physical separation from most of the identified proximate heritage items and substantial development of varying scales exists between.*

*Although the tower would be visible in the background of a number of items and may introduce another focal point in some views, it would not preclude an ability to fully appreciate the heritage items as at present. Concentrating the extra floor space in a tower form would ensure that overall the bulk across the balance of the site when viewed at a pedestrian scale would not notably increase.*

*This would ensure that scale of the development down the western boundary of the site would not increase and would continue to generally relate to the scale of the buildings in the Pymont Conservation Area. The tower is proposed a substantial distance from the western boundary of the site (Pymont Street) which currently comprises 3 storey elements relating to the scale of early development along Pymont Street and the lower scale of the central spine of the Pymont peninsula generally which constitutes Harris Street. Furthermore, the reduced floorplate to level approximately a quarter of the height of the building would reduce the visual impact of the scale of the tower when it is viewed in the immediate vicinity in the context of the identified heritage listed items located around the intersection of Pirrama and Jones Bay Roads including the state listed former Royal Edward Victualling Yard. The visibility of the tower is not considered to generate a detrimental heritage impact on the proximate heritage items and conservation area.*

### 6.7.2. Absence of Interpretative Signage

The proforma submission suggested that interpretive signage be provided to enhance linkages of the site to its past and create awareness regarding the herstory of the local area.

**Submission references:** Proforma - 281077, 281080, 281104, 281110, 281136, 281134, 281132, 281130, 281124, 281120, 281118, 281116, 281106, 281114, 281112.

**Response:**

An Interpretation Strategy has been prepared for the site which proposes the way in which the heritage significance of the SELs building would be conveyed to the public. The Interpretation Strategy was proposed as part of Modification 14 to MP08\_0098 (Mod 14). This was outlined in the Heritage Report issued as part of the Mod 14 Response to Submissions.

The Interpretation Strategy seeks to form part of a staged development of interpretation devices at the site with recommendations to include built form interpretation, signage and historic markers, and online publications. A copy of the draft Interpretation Strategy is attached to the Heritage Addendum Report (**Appendix Y**).

## 6.8. INFRASTRUCTURE AND UTILITIES

### 6.8.1. Capacity of Utilities

Several submissions have made comments that the proposed development will place further pressure on existing services and utilities in the area and potentially affect service capacity to existing residents and business.

One submission has raised concern regarding the location of service and utility infrastructure and the absence of detail in relation to services required to be accessed through their property (refer to submission 281102)

**Submission references:** 281102.

**Response:**

The exhibited EAR was supported by the following technical information that has assessed the potential for increased demand on existing infrastructure and utilities, including:

- Electrical Infrastructure report (Appendix AA to the exhibited EAR and **Appendix M** of this RtS report which provided additional detail on the capacity of electrical infrastructure);
- Hydraulic Infrastructure report (Appendix BB to the exhibited EAR);

The above referenced reports include details of existing capacity, increased demand, preliminary discussions with service providers and identification of upgrades where necessary. The outcome of these assessment and negotiations are:

- **Telecommunication Services:** do not require any upgrade works and have sufficient capacity to support the development;
- **Electricity Services:** require an upgrade to support the proposed development, which will involve a staged power increase via new 11 kV feeders from the Darling Harbour Zone Substation.
- **Sewer:** the proposed development will result in an increase load on existing sewer services. The new connection is located in Pirrama Road (western side of the street). Sydney water has confirmed that the wastewater (i.e. sewer) has ~~un~~committed capacity as does the downstream pumping station.
- **Mains water:** the proposed development will increase water demand by 11 l/s and an average of 4,500KL per day, requiring an upgrade to the existing water infrastructure including a new mains connection. The new connection will be on the western side of Pirrama Road. Sydney Water was contacted, a ~~Feasibility Letter~~ issued to the Proponent indicating sufficient capacity in the network.
- **Natural Gas:** The proposed development will require an upgrade to the existing natural gas meter and regular due to increased capacity demand. Jemena, the provider, have confirmed there is capacity to accommodate the increased demand.

All necessary upgrades to existing utilities will be undertaken at cost to SEGL. The location of proposed service connections should not cause disruption to adjacent residential premises. In particular it is not intended to run service lines through the rear yards of adjacent properties such as No. 16 Pyrmont Street, as new connection points are shown in the relevant technical documentation as being provided through the Pirrama Road frontage.

## 6.8.2. Capacity of Social Infrastructure

Ten submissions have raised an objection on the basis that Pyrmont is Sydney's most densely populated suburb and any increase in residential population would add to existing capacity issues experienced by users in relation to social infrastructure provision including;

- Childcare services;
- Schools;
- Hospitals; and
- Public open space provision (e.g. parks).

One submission raised the positive effect that the proposed Neighbourhood Centre would have on alleviating pressure on existing community facilities.

**Submission references:** 278484, 280518, 280818, 280686, 280655, 280640, 281056, 281279, 283360\*, 280678, and 283362.

### Response:

Like many inner-city suburbs of Sydney, Pyrmont has experienced increasing population growth through revitalisation and renewal. The proposal includes 204 residential apartments, ranging in size from one to three bedrooms. Based on the average household size, of 2.12 person (profile id, 2016 data), for Pyrmont the proposed development may contribute approximately 432 new residents to the local area. This represents a potential increase of approximately three percent on the existing population of 12,806 residents (2016, ABS).

Notwithstanding the above, the potential household composition (e.g. families or couples without children) is unable to be determined at this time. As such the potential increase in demand of school and childcare infrastructure cannot be quantified.

The exhibited EAR was supported by a Social Impact Assessment (SIA)(Appendix M of the exhibited EAR), that concluded the introduction of additional residences was unlikely to have a significant impact on the growth of the community or resulting in adverse impacts on the amenity of the area.

The population increase has the potential to increase demand for some community services and facilities. However, noting that the majority of community facilities are not immediately local to the site there is not expected to be an overwhelming impact on demand, and demand may be distributed across a range of areas.

Local and State Government agencies responsible for managing the delivery and augmentation of services and infrastructure, monitor changes in demand and local growth patterns to ensure delivery of these is increased over time to meet anticipated demand.

The proposal incorporates a new Neighbourhood Centre, for use by the local community. The centre does not seek to replace existing social infrastructure such as the established Pyrmont Community Centre. The intent is to provide greater choice and expanded services to the community to not only meet increasing demand but to allow for new community uses within the area.

## 6.9. CONTEXT AND SETTING

### 6.9.1. Consistency with existing local character

Thirty community submissions identified that Mod 13, specifically the tower was out of context or not consistent with the local character of Pyrmont. An additional five submissions suggested that Mod 13 was out of bulk and scale with its surroundings.

**Submissions references:** 277187, 279357, 279195, 279263, 279707, 279564, 280442, 280518, 280632, 280555, 280448, 280446, 280638, 280801, 280688, 280799, 280866, 280835, 280651, 280737, 280686, 280655, 281044, 281051, 280960, 284218, 281056, 280950, 281138, 292833.

### Response:

As detailed at length in **section 5.3.1**, the amended Urban Context report and amended Contextual Analysis (**Appendix N** and **Appendix O**) provides a detailed description of the site's context including reference to both the Pyrmont Peninsula and the Darling Harbour Waterfront (and expanded Global Waterfront Precinct) as the two contextual settings of the site. In these documents particular reference is made to:

- Pages 25-26: Landform and Urban Morphology Strategic Context which identifies the historical alignment of the foreshore and how this has changed over time.
- Page 29: Site Historical Built Form which identifies previous tall building elements on the site which are also significantly taller than existing surrounding buildings.
- Page 33: Site Development History which provides additional detail about the previous uses on the site and how they related to Darling Harbour uses and built form outcomes as well as those of the Pyrmont Peninsula.
- Page 55 Waterfront Precincts and Markers which demonstrates a built form response that considers and ties together emerging built form outcomes within the Global Waterfront Precinct
- Page 79-87 Architectural Form Strategic Context and detailed investigations which provides consideration of emerging taller building elements in the context of the Global Waterfront Precinct.

These reports were independently peer reviewed by Richard Olsson & Associates Architects and the methodology and findings agreed with. Additional commentary was provided from the peer review and the advice appended to the exhibited EAR.

Accordingly, the exhibited EAR and supporting documents have considered in detail the urban context and provided analysis of the proposal to a high level of detail. The conclusions of the reports detail that the proposed Mod 13 redevelopment of The Star responds to the existing context of both the global waterfront precinct and Pyrmont and will provide a positive contribution to its locality.

### 6.9.2. Precedent for other tall buildings

Nine community submissions raised that Mod 13 may set a precedent for tall buildings within Pyrmont.

**Submissions references:** 277187, 279263, 277161, 279989, 280688, 280835, 280818, 280655, 281056

The proposed height of the tower has been considered in detail in section 9 of the EAR having regard to many factors including existing and future built form context, heritage, overshadowing, visual and view impacts, reflectivity and wind.

Approval of the proposed tower, does not in itself set a precedent for the approval or future construction of further tall buildings in Pyrmont or elsewhere in the Western Harbour locality. Any future proposal for other sites would be assessed on its merits and would need to demonstrate compatibility with the site context and appropriate built form.

### 6.9.3. Height (with reference to SLEP or 'height limit')

A total of 19 submissions provided submissions based on the height of the proposed Ritz-Carlton Hotel and Residential Tower exceeding the height of buildings standard / control in the SLEP 2012 or in more general terms breaching the height limit.

**Submission references:** 277364, 277187, 279357, 278484, 279263, 279989, 279776, 280360, 280835, 280686, 280655, 281104, 281080, 281056, 281279, 283360, 280678, 290843, 292833.

#### Response:

As detailed in **section 5.2.4.1**, the maximum height of buildings development standard for the site under SLEP 2012 ranges between 28 metres and 65 metres. The location of the tower is on a portion of the site where the maximum control height is 28 metres. The height of building controls adopted for the site under SLEP 2012 reflect the heights of the development on site at the time SLEP 2012 was gazetted.

Mod 13 relates to an approved Major Project and is made under the former section 75W of the EP&A Act.

Section 75R(3) of the EP&A Act 1979 states that *Environmental planning instruments (other than State environmental planning policies) do not apply to or in respect of an approved project*. SLEP 2012 is **not** a SEPP and as such the development standards of that planning instrument do not apply to Mod 13.



The ability of the site to accommodate the development proposed under Mod 13 is demonstrated in the exhibited EAR. The proposal is assessed against the criteria set out in the SEARs and generally in terms of site context, built form, suitability of building height, land use permissibility and FSR and is considered to be an appropriate response to the context of the site.

The proposed height of the tower has been considered in detail in Section 9 of the EAR having regard to existing and future built form context, heritage context of the locality, overshadowing, visual and view impacts, reflectivity and wind.

The exhibited EAR addressed the provisions of the relevant EPIs applying to the site.

#### 6.9.4. Historical Commitments Limiting the Height of Buildings

Reference was made in 10 submissions regarding a historical commitment made by Government to not exceed the building height of the smoke stacks of the former Pymont Power Station.

**Submission references:** 279564, 280518, 280669, 280799, 280686, 280640, 281279, 280826, 280678 and 290843.

##### **Response:**

A comprehensive summary of the findings of a review of publicly available information regarding this item is provided in **section 5.3.2.2** of this RtS report. This included:

- The former Pymont Power Station;
- The original 1994 development approval (DA33/94) for the casino site, including the assessment report and responses to submission made by the Proponent and the Government;
- All subsequent modification application reports; and
- General research to determine if there are any publicly available documents that contain a reference to or direct commitment made by a former operator or Government in relation to the redevelopment of the site prior to 1994.

Urbis was unable to uncover any reference or commitment in any available documentation which limits the redevelopment of the site or any others within the Pymont Ultimo precinct to the 1952 height of the smoke stack elements. While we are unable to state categorically that ~~no~~ commitment was made to limit building heights to that of the smoke-stack elements, no evidence has been provided to support the claim.

Section 7 of the exhibited EAR addressed the strategic planning directions of the City of Sydney and the Greater Sydney Commission relevant to the site and the precinct and as detailed in **Section 5.2.3** Mod 13 is considered to be consistent with the strategic vision for the precinct in today's context and the precinct's future context.

### 6.10. TREE REMOVAL AND LANDSCAPING

One submission detailed that further ecological assessment including ~~a~~ preclearing survey for trees ~~should~~ be undertaken.

**Submission:** 281102

##### **Response:**

As part of the exhibited EAR, an Arboricultural assessment of seventy-two (72) trees located in the vicinity of the site was prepared. The purpose of the report was to assess the potential impact of works proposed under the Mod 13 on existing trees surrounding the proposed development.

The proposed development necessitates the removal of four (4) trees of low and very low retention value, four (4) of moderate retention value and sixteen (16) trees of high retention value. The trees of low and moderate value can be replaced with new tree planting with growth to reach establishment in the next 10 to 15 years. As such, there will be a relatively minor and temporary ecological loss of resulting from the removal of these trees to accommodate the proposed development.

The trees of high retention value have no special heritage or ecological significance, but they are mature specimens that make a positive contribution to the amenity of the site and streetscape areas. There are no feasible options that can be implemented that would permit the retention of these trees given the design intent. Replacement planting is proposed to compensate for loss of amenity in streetscape areas in accordance with the City of Sydney Council's Street Tree Master Plan. The sixteen (16) trees of high retention value that will be removed include twelve (12) Cabbage Tree Palms and four (4) Hill's Weeping Figs, all located on the Pirrama Road frontage. The proposed replacement trees *Angophora costata* are as per the City of Sydney Tree Master Plan they will increase the amenity to pedestrians using this area, in particular increased shade to paved areas. The replacement trees will be specified as mature plants. Tree Protection Measures and a Tree Protection Plan will ensure the remaining trees surrounding The Star are retained and protected during construction.

As part of this RtS report preparation it was recommended by two of the Government and agency submitters that a larger range of local provenance species be included within the site landscaping scheme. The Landscape Drawings and Landscape Design Report (**Appendix K** and **Appendix L**) have since been amended to reflect this change.

## 6.11. OVERDEVELOPMENT

Nine submissions raised that Mod 13 could lead to an overdevelopment of the site.

**Submission references:** 277187, 277731, 277161, 280688, 280835, 281279, 281275, 283360, 280678.

### Response:

Given the subjective nature of development, architecture and the built form in general it is hard to quantify in explicit terms overdevelopment. As detailed in the exhibited EAR, The Star site is one of the largest contiguous consolidated land holdings in Sydney, far exceeding the size of Quay Quarter (one of the largest developments currently underway in the Sydney CBD). It is noted that the proposed hotel and residential tower will be located on a small footprint within a large site. The tower and podium have a footprint of 3,409m<sup>2</sup> which, equates to 8.7 percent of the overall site area of 39,206 m<sup>2</sup>. The proposed Mod 13 hotel and residential tower will constitute a small proportion of the already approved, large and significant development.

## 6.12. VISUAL AMENITY

### 6.12.1. Public and Private View Impact

Fifteen community submissions raised the matter of visual amenity having regard to:

- Private views; and
- View from public space, including the prospect of visual dominance.

Architectus prepared the Visual Impact Analysis lodged with the exhibited EAR. As part of this RtS report preparation additional view analysis has been undertaken in order to provide considered feedback to the above items raised (refer **Appendix Q** Visual Impact Assessment (VIA) Addendum).

**Submission references:** 277364, 277187, 280442, 280669, 280638, 280818, 280663, 280661, 281051, 280960, 281102, 280960, 281102, 284218 and 292833.

### Response:

The VIA addendum provides a comprehensive review of the above submissions providing a specific response to each. Where unique photographs have been provided by the submitter, a tailored response has also been provided. Reference should be made to the VIA Addendum on the matter of Visual Amenity in terms of public and private view impact.

### 6.12.2. Privacy

Subsequent to the above, five submissions highlighted described that their privacy levels would be diminished as a result of Mod 13.

**Submission references:** 281044, 281102, 284218, 281100, 280638.

### Response:

In the ADS Addendum (**Appendix R**) FJMT Architects provide a summary response to each of the above submissions regarding privacy. **Table 15** provides an extract of this response:

Table 15 . Response to Privacy

Submission	Summary of Submission	Response
281100	<i>Patrons of the proposed uses at the level 5 space will have line of sight with the facades of the Astral Residences (primarily the northern facade) impacting resident's privacy. Mitigation measures are considered unlikely to be able to adequately balance the use of patrons while protecting the privacy and enjoyment of use for the occupants of the Astral Residence.</i>	<p>The Level 7 pool terraces are fully enclosed on the south west to contain noise and views, thus ensuring visual and acoustic privacy for the Astral Residences.</p> <p>Level 5 event spaces are separated from Astral Residences via pavilion structures with green roofs and appropriate landscape buffers.</p>
284218	<i>There will be no privacy when I walk into my yard or in the rear living areas and bedrooms but a feeling of being on display. One only needs to look at the scale of the tower and its close proximity to my home, to imagine the impact and the overwhelming lack of privacy.</i>	The sightlines from the tower to the submitter's property are angled such that there would be limited overlooking to their rear yard.
281102	<i>Note the proponents design for residential apartments require access to natural sun light and private, safe outdoor spaces (Juliet balcony or more) with a view at the cost of our home losing access to natural light and privacy / security.</i>	The proposed tower includes wintergarden spaces rather than outdoor balconies.
281044	<i>The tower will look directly over my apartment and courtyard.</i>	No address supplied. Detailed comment not possible.
280638	<i>The height and overshadow consequence is not appropriate and is directly harmful to our north-eastern orientation for morning sun, and privacy.</i>	Additional overshadowing commentary is provided within the ADS Addendum. With reference to this submission, given no address was supplied detailed comment not possible.

## 6.13. AMENITY

### 6.13.1. Noise

Twenty-nine submissions raised noise as a concern within their submission. The matters raised included:

- Existing operating hours and noise emanating from the site;
- Construction noise;
- The seeking of noise level and operating hours restrictions;
- Noise from special events and live music;
- Noise from vehicle traffic;
- Noise from patrons; and
- Noise from hard surfaces in the public domain.

**Submissions references:** 278407, 279564, 280622, 280248, 280640, 280663, 281104\*\*, 281077\*\*, 281106\*\*, 280956\*\*, 281114\*\*, 281112\*\*, 281100\*\*, 281136\*\*, 281134\*\*, 281116\*\*, 281118\*\*, 281120\*\*, 281132\*\*, 281130\*\*, 281124\*\*, 281122\*\*, 281044, 281080, 281102, 280950, 281297, 281100.

**Response:**

A number of the responses cited existing conditions of the site as an issue and to a degree raised the concern that additional noise would occur as a result of this development. As part of this RtS report additional resolution of the proposed precinct-wide noise strategy has been undertaken. The Noise Impact Assessment (NIA) Addendum at **Appendix T** provides a summary of the management plans proposed to be prepared and recommended conditions to provide the parameters for noise control to the whole of the site during operation.

With regard to construction noise, in Section 15.3 of the NIA and as required by Condition B21, a construction noise and vibration management plan (CNVMP) is to be developed by the construction contractor. As part of this CNVMP, specific reasonable and feasible mitigation measures will be nominated to reduce the potential noise impacts from constructing the proposal.

### 6.13.2. Wind

Ten community submissions raised the item of wind. This was specific to the notion that there would be an increased wind tunnel effect resulting from Mod 13. One of these submissions also cited that no assessment of wind impacts was undertaken.

**Submission references:** 280818, 278484, 279776, 280818, 280686, 280640, 281102, 280954, 281279, 280678.

**Response:**

As clarified in section 3.2, a Wind Assessment was undertaken and exhibited with the EAR. Since this time, additional modelling and analysis has been undertaken to provide greater detail on the modelled wind environment post Mod 13. The outcomes of the additional modelling is provided in the Wind Response to Submissions (**Appendix AA**) and Amended Pedestrian Wind Environment Assessment (**Appendix BB**) which includes:

- Comparison of wind speed measurements for existing and proposed Mod 13 development configurations and analysis of the changes in the wind environment. Measurements and comparisons were also included at the following additional locations:
  - the pedestrian outdoor seating on Jones Bay Road
  - the entrance to 10 Jones Bay Road.
  - Pyrmont Bay foreshore, opposite the Pirrama Road entrance/frontage.
  - Pyrmont Bay Park and Metcalf Park.
  - 16 Pyrmont Street building.
- Advice that at Location 14 (previously identified as location 6) along Pirrama Rd the proposed landscaping and local vertical screening is expected to improve the wind environment from pedestrian standing to pedestrian sitting.
- Clarification that from a wind perspective a pedestrian can comfortably stand or walk along the investigated locations on the footpaths along Jones Bay Road, Pirrama Road and Pyrmont Street.
- Additional commentary that with wind mitigation measures proposed such as temporary vertical screening and dense landscaping such as the proposed magnolia tree clusters at the two proposed F&B venues on Pirrama Road, wind conditions will be suitable for long-term stationary activities such as café dining.
- Confirmation that the proposed tower would have limited impacts on the Pyrmont Bay Park as it was found in the wind tunnel studies that the wind conditions are very similar in both the existing and proposed configuration.

- Additional commentary that no wind safety issues were found at the investigated locations along the footpaths and roadways surrounding the development site at ground level along Pirrama Road, Jones Bay Road and Pyrmont Street.

### 6.13.3. Reflectivity and Glare

Four communality submissions raised reflectivity and glare as a concern. One of these submissions suggested that a reflectivity assessment was not undertaken.

**Submission references:** 280686, 281279, 280686, 280826.

#### Response:

It is noted that a Solar Reflectivity Report prepared by CPP was lodged with the exhibited EAR at Appendix GG.

With regard to the proposed Ritz-Carlton Hotel and Residential Tower, the Reflectivity Report provided recommendations for the glazing and façade design of the tower to reduce the potential solar glare from the building. These recommendations were adopted in the Mod 13 scheme by FJMT.

The Mod 13 proposal incorporates reflectivity coefficients in the range of 12-15% for the podium's western façade and glazing to the tower. This exceeds the requirements of the SDCP 2012, *General Provisions*, Section 3.2.7 which seeks that light reflectivity from building materials used on facades must not exceed 20%.

Further, as detailed within the ADS Addendum illumination of the tower will be integrated into the architecture and designed in accordance with Australian Standard 4282-1997 Control of the Obtrusive effects of outdoor lighting and consider luminance, hue, colour rendering and light distribution.

### 6.13.4. Light Spill

Five submissions raised light spill as an item for consideration within their submissions. These submissions raised the following:

- The frequency of special lighting events;
- Light spill from the Ritz-Carlton Hotel and Residential Tower; and
- Potential nuisance from light spill from the special lighting displays.

**Submission references:** 279397, 279989, 280655, 281273, 290843.

#### Response:

An addendum to the site-wide lighting management plan is provided at **Appendix U**. This Addendum responds to the items raised above in detail. And demonstrates that there is will be no adverse impact on the amenity of the adjacent residential localities.

### 6.13.5. Air Quality

Two community submissions raised the matter of air quality. One of these submissions was prepared on behalf of two dwellings within the Astral towers and concerned the management of air quality within the site having reference to the proposed F&B tenancies. The second submission raised the subject of air quality with specific reference to the location of the diesel generator flues and proximity to their dwelling on Pyrmont Street.

**Submission references:** 281100 and 281102.

#### Response:

An Air Quality addendum report has been provided which addresses the above submissions (**Appendix S**). The following provides a summary:

- Additional annotations detailing the location of kitchen exhaust discharge and diesel generator flue location have been provided on the following Amended Architectural Drawings:
  - For new Darling Union and Edward Streets F&B (DWP drawings, MOD13-AS1003 and MOD13-AS4002)

- For existing Level 01 F&B, Level 05 Bistro, Residential Entrance Level Restaurant (Level 00) and New Restaurant Street Level 00 (FJMT drawing AF1006 and DWP drawing, MOD13-AS4001)
- For Level 5 Sky Terrace Restaurants, Level 7 F&B, existing Level 00 F&B and Level 02 Nightclub (FJMT drawing, AF1008 and DWP drawing MOD13-AS4001)
- For existing MUEF kitchen exhaust and relocated diesel generator flues (DWP drawing, MOD13-AS1009 and MOD13-AS4002).
- The commercial exhaust ventilation system proposed for the F&B tenancies is proposed to be vertically discharged from the ribbon roof level. The exhaust ventilation system is designed in accordance with, AS1668.1:2015, AS1668.2: 2012 and AS3666.1: 2011. Through the incorporation of electrostatic filters, water washing and ultraviolet treatment, air emissions will be mitigated to acceptable level in accordance with the aforementioned Australian Standards.
- The diesel generators are pre-existing and do not form part of Mod 13. Whilst the stack of the diesel generator is being moved the distance to the nearest sensitive receivers remains similar and the emissions are considered to be of the same order of magnitude and frequency to that already approved i.e. the diesel generators only operate as an emergency power supply and are tested monthly as part of their established maintenance program.

## 6.14. TRAFFIC, TRANSPORT AND CAR PARKING

Fifty-five submissions were received from community members regarding traffic. Generally, the submissions related to existing traffic congestion and the concern that Mod 13 would exacerbate the existing traffic conditions. A summary of the traffic items raised is as follows:

- Exacerbation of existing congestion issues around the site at peak times;
- Increased traffic associated with special events;
- Validity of data in the Traffic Impact Statement (TIS) and the validity of the conclusions drawn regarding the impacts;
- Queuing associated with taxi rank blocking intersections in proximity to the site on Pyrmont Bridge Road / Murray Street and capacity of taxi zone;
- Traffic issues should be resolved prior to development;
- Construction traffic;
- Volume of traffic associated with the development;
- General concerns regarding management of vehicles entering and exiting the site;
- The safety of the right-hand turn at Pirrama Road; and
- Adequacy of car parking (both detailing that too many parks are provided and not enough are provided).

**Submission references:** 277187, 277731, 278484, 279263, 277374, 279707, 279564, 280442, 280622, 279784, 279989, 279776, 280460, 280669, 280801, 280941, 280651, 280837, 280737, 280737, 280686, 280655, 280640, 280663, 281104\*\*, 281077\*\*, 281106\*\*, 280956\*\*, 281114\*\*, 281112\*\*, 281100\*\*, 281136\*\*, 281134\*\*, 281116\*\*, 281118\*\*, 281120\*\*, 281132\*\*, 281130\*\*, 281124\*\*, 281122\*\*, 281044, 280952, 281080, 280962, 280960, 281102, 281056, 281279, 281273, 281275, 281297, 281138, 280826, 280678, 290843

\*\* indicates proformas

### Response:

In response to the above submissions and in further discussions with the City of Sydney and TfNSW, the following changes have been made to the Mod 13 proposal in traffic and transport terms following the exhibition of the EAR:

- The righthand turn from Jones Bay Road into the Porte Cochere has been removed from the proposal;



- The Ritz-Carlton Porte Cochere has been designed to address potential security issues and includes key design measures to maintain pedestrian safety, including use of bollards, change of paving materials, kerb definition and clear sight lines (refer FJMT drawing AF102 Rev. DA02). In addition, a Ritz-Carlton Porte Cochere Operational Management Plan will be prepared by the Proponent, incorporating NSW Police recommendations prior to Occupation.
- As a result of the taxi-call up system, the two taxi-zones in Jones Bay Road have been removed:
  - Removal of taxi zone on southern side of Jones Bay Road near the Astral Port Cochere entry (six spaces), a 1-hour parking zone is proposed (resident permit holders excepted); and
  - Removal of taxi zone on southern side of Jones Bay Road near existing pedestrian crossing (three spaces), short term parking (5-min) is proposed to service the Hotel, Residential Tower, Retail and community Neighbourhood Centre.

The following further clarifications are also provided:

- The Proponent supports the recommissioning of the *Pymont Parking Guidance System*, which seeks to co-ordinate and display real-time information on parking availability in Pymont to direct and expedite the parking process during peak times.
- The VIP drop-off is used up to 25 times per year, during special events and is managed by the Proponent. A Ritz-Carlton Porte Cochere Operational Management Plan is recommended in the draft conditions of consent and will be prepared to provide guidance on the management of this access point;
- Mod 13 will be providing the following bicycle parking facilities within the site:
  - 35 x Class 1 spaces, for Star and Hotel employees;
  - 62 x visitor spaces;
  - 20 x rental spaces in the SEGL Pirrama Road forecourt;
  - 13 x bike lockers adjacent to the Light Rail platform; and
  - 29 x bike racks located in groups at the major entry points on the SEGL site; and
  - 204 x cycle spaces for tower residents in dedicated apartment storage lockers on Levels B3 and B4.
- The relocation of bicycle parking for visitors wholly within the site as per the direction from City of Sydney.
- 220 car parking spaces in the proposed car stacker available only to the Ritz-Carlton Hotel and Residential Tower.
- Any reference to light rail capacity increasing made in the exhibited EAR such as larger rail carriages or extended platforms has been removed from the documentation.
- References made to the provision of a potential future Sydney Metro station within the exhibited EAR is identified as a future public transport opportunity only.

An amended Traffic Impact Statement (TIS) (**Appendix J**) is provided with this RtS report.

### 6.14.1. Vehicle Congestion

With regard to road congestion, the Star's contribution to existing AM and PM congestion in the precinct is limited by the following:

- Over 73 percent of STAR employees are shift workers. Their shifts start at 4am, midday and 8pm, so most of these employee trips fall outside peak periods.
- Over 48 percent of STAR employees travel to work by non-car modes
- Most visitor trips to the site occur outside the traditional AM and PM peak periods. Visitor numbers are low during the day and then grow steadily after 6pm, peaking after 11pm on a Friday or Saturday evening.
- The Star holds more than 100 special events throughout the year. Nearly all occur in off-peak hours. Up to five special events each year are classified as Class 1-4 special events under RMS special guidelines.

The special event traffic management arrangements are all planned, monitored and approved through the relevant road authorities.

- RMS controls the impact of The Star traffic through management of its traffic signal coordination system. After special events and/or performances at the Lyric theatre, RMS meters the release of cars from the STAR car parks by limiting the signal green-times available for exiting vehicles. This practice benefits the wider traffic network by controlling demand at these peak times.

The assessment of traffic for Mod 13 should, in planning terms, have regard to any additional vehicle movements proposed and to provide commentary on any contribution to vehicle movements to the existing road network, adequacy of car parking provided and to provide mitigation should it be necessary. As detailed in the amended TIS, Mod 13:

- provides adequate car parking for the additional dwellings, staff and visitors to be contained wholly within the site;
- contributes an additional 1-3 cars in the peak hour.

Cumulatively the additional vehicle movements are not considered to greatly alter the state of the existing congestion given the values are so low. Additionally, Mod 13 offers the following mitigations strategies to assist in alleviating the existing local congestion impacts:

- formalises the service road taxi rank, providing two pick-up bays, two set-down bays and an on-site feeder rank (refer to the section below regarding taxi queuing);
- provides an additional car park access point in Pymont Street to reduce the dependency on the Pirrama Road entrance and encourage a reassignment of Star related traffic away from the critical intersections such as Murray Street, Darling Drive and Union Street
- provides an additional 220 car spaces to accommodate the parking needs associated with the Ritz-Carlton Tower.
- supports the progressive expansion of the Pymont Parking Guidance System as part of Mod 14 and Mod 13. This system will assist in eliminate unnecessary traffic circulation within the precinct by vehicles looking for parking spaces.

### 6.14.2. Light rail Congestion

The community has expressed concern that Mod 13 will over load existing public transport links, specifically the light rail. A study of AM Peak light rail average load patterns undertaken by TfNSW in March 2017 identified that:

- Inbound congestion on the light rail in the AM peak, peaked at Glebe, Wentworth Park and Fish Market stations and then progressively dropped to acceptable levels approaching Central. By The Star, average inbound loadings were 73 percent of maximum capacity (80 seated and 126 standing = 206 passengers) and dropping.
- Outbound congestion on the light rail in the AM peak, peaked at Central, Capitol Square and Paddy Market and then progressively dropped to acceptable levels approaching Glebe. By The Star station, average outbound loadings were 31 percent of maximum capacity and dropping.

The AM peak loading analysis suggests that residents associated with Ritz-Carlton tower, boarding and alighting at The Star, will not experience the highly congested conditions that other sections of the light rail network may encounter, nor will they be contributing to those problem areas.

In the PM peak, the load patterns are reversed, and again, with the tower residents would not experience the levels of congestion prevalent in other parts of the network on their return journey in the afternoon. As such, Mod 13 will not increase congestion on the light rail during the peak travel periods.

### 6.14.3. Traffic Impact Statement

The following was raised by submitters with regard to the TIS:

- The validity of the conclusions drawn regarding the impacts;
- Volume of traffic associated with the development;
- General concerns regarding management of vehicles entering and exiting the site.

As detailed above, the TIS has been amended and is reissued with this RtS report. Further consultation has been undertaken with TfNSW and City of Sydney post the removal of the righthand turn from Jones Bay Road. The volumes of traffic associated with the development have been confirmed however local road works amended in response to agency comments to manage local conditions. A copy of the amended TIS is provided at **Appendix J**.

#### 6.14.4. Traffic Associated with Special Events

The frequency of special events associated with the Lyric theatre and MUEF is not proposed to be increased as part of Mod 13. Rather the works relate to providing on-site accommodation for residents and visitors, and improving the overall integration of the existing entertainment facilities with the site. As such, increased traffic associated with special events, is not likely to be an outcome of Mod 13.

#### 6.14.5. Taxi Queuing

A significant number of the submissions regarding traffic noted that the traffic issues in Pyrmont are caused by queuing associated with the taxi rank blocking intersections in proximity to the site on Pyrmont Bridge Road / Murray Street. and that the designated taxi zone lacks capacity to accommodate taxis.

A number of the traffic related initiatives, including the provision of the taxi-call up system with Mod 13 will improve the traffic conditions on the site by removing vehicles from the street network and into the site. With the introduction of the taxi call-up system, the two taxi zones in Jones Bay Road become unnecessary, as taxis will be required to wait in the service road. The taxi zone on the southern side of Jones Bay Road near the Porte Cochere (six spaces), is no longer required. The TIS proposes that this area would be better utilised as a 1-hour parking zone (resident permit holders excepted). Likewise, the Taxi zone on the southern side of Jones Bay Road near the Crossing (three spaces) is no longer required. The TIS proposes that this area would be better utilised as short-term parking (5-min) to service the Hotel, Residential Tower, and Community Centre. These recommendations are noted, but as the road reserve is not under the ownership of the Proponent, this is subject to further consideration by the City of Sydney.

#### 6.14.6. Construction Traffic

The Proponent commitments from Mod 13 include a commitment to prepare and submit to the Department (prior to the release of the construction certificate for Mod 13 works) a Construction Traffic Management Plan. This plan is to be prepared in consultation with City of Sydney and TfNSW CBD co-ordination unit. The plan will contain a section relating to traffic management associated with the construction phase and will propose the means for controlling any impacts associated with construction related traffic.

#### 6.14.7. Traffic 'Issues' Resolved Prior to Development

It is not the responsibility of the Proponent to fix all existing issues associated with congestion, taxi-rank queuing and public transport and the like, rather it is to demonstrate that Mod 13 will not exacerbate the existing conditions when operational. As mentioned previously, a number of the Mod 13 traffic initiatives seek to improve the existing conditions for users and local residents.

#### 6.14.8. Righthand Turn at Pirrama Road

One submission raised concern regarding the safety of the righthand turn at Pirrama Road into the Ritz-Carlton Porte Cochere. This feature has been designed to allow for the movement of vehicles without conflict. Further detail is provided in the amended TIS (**Appendix J**).

#### 6.14.9. Car Parking

Submissions regarding car parking were contradictory, suggesting that the proposed car parking provided on site was too much (and would lead to more cars on the road). However, it was also asserted that not enough car parking was provided to accommodate the additional residential apartments. Comment was also made that car parking was inadequate to accommodate vehicles associated with special events.

Regardless of whether the site provides enough or too much car parking, The Star currently provides 2,795 off-street parking spaces. The proposed sovereign car park entry ramp from Pyrmont Street will reduce that provision to 2,749 spaces. The new Tower development will provide an additional 220 spaces which will increase the total Star provision to 2,970 spaces. The Major Project Approval limits the maximum car parking on site to 3,000 spaces. As detailed in the amended TIS the proposed additional car parking in Mod 13 is considered to be sufficient in catering for the demand associated with the Mod 13 Ritz-Carlton tower.

## 7. PROPONENT COMMITMENTS

At the request of the Department, the Proponent's statement of commitments as set out in section 13 of the exhibited EAR is to be amended to include only those matters relevant to Mod 13. A revised set of commitments is set out below. These reflect current commitments that remain relevant for Mod 13 and are retained and include additional commitments that reflect recommendation of the technical reports accompanying this RtS report or prepared in response to matters raised in submissions.

### Preparation of a Green Travel Plan

This plan will detail a range of incentives and management options to encourage use of public transport and other sustainable transport models to the site by staff, residents and visitors.

Implementation: Plan to be submitted to the Department of Planning and Environment prior to the commencement of construction of the Ritz-Carlton Hotel and Residential Tower and to be implemented prior to the issue of the Occupation Certificate for the Ritz-Carlton Hotel and Residential Tower.

### Preparation of a Fire Engineering Report

Preparation of a site wide Fire Engineering Report which incorporates the Ritz-Carlton Hotel and Residential Tower and Mod 13 upgrade works.

Implementation: The Fire Engineering Report is to be prepared prior to the release of the Construction Certificate for the Ritz-Carlton Hotel and Residential Tower and the recommendations of the report are to be implemented prior to issue of the Occupation Certificate for the Ritz Carlton Hotel and Residential Tower.

### Preparation of a Service Road, Taxi and Car Stacker Management Plan

Prepare a Service Road, Taxi and Car Stacker Management Plan that describes the relationship between and management and operation of the car stacker for the Ritz-Carlton Hotel and Residential Tower, and access by and use of the service road by buses, service vehicles and taxis as part of the taxi call up system. Measure to be identified to provide co-ordination of uses and prevent queueing into Pirrama Road or delays in vehicles entering the car stacker.

Implementation: The Service Road, Taxi and Car Stacker Management Plan to be prepared and submitted to the Department prior to the first occupation certificate for any Mod 13 works

### Preparation of a Construction Noise and Vibration Management Plan

A construction noise and vibration management plan (CNVMP) will be developed with the construction contractor and will include specific and feasible mitigation measures to reduce potential construction noise impacts and comply with approval conditions and the EPA's guidelines.

Implementation: The CNVMP is to be prepared in consultation with City of Sydney and the Department and be submitted to the Department prior to the Construction Certificate for the Ritz-Carlton Hotel and Residential Tower.

### Preparation of a Consolidated Operational Plan of Management

A consolidated Operational Plan of Management reflecting the development on site incorporating the approved Mod 13 works addressing operational aspects of the approved development is to be prepared. A copy of the Consolidated Operational Plan of Management to include all existing operational aspects and element specific Operational Plans of Management.

Implementation: The consolidated Operational Plan of Management to be submitted to the Department of Planning and Environment prior to the release of the Occupation Certificate for the Ritz-Carlton Hotel and Residential Tower.

### Environmentally Sustainable Development

The Proponent will implement the ESD recommendations in the ADS Addendum prepared by FJMT Architects.

Implementation: The ESD recommendations will be incorporated into the design of the Project and implemented during the construction and operational phase.

## Groundwater Protection

The Proponent to provide to the Department of Industry the following:

- Evidence of adequate water access licenses/shares for the proposed works.
- The design of proposal to demonstrate that the below-groundwater levels and that design and construction of the building can be completely to be watertight to prevent any take or inflow of groundwater after the completion of construction.
- A groundwater dewatering report to be submitted with an application for a water licence for the dewatering activity and the report will:
  - Identify methods of dewatering;
  - Nominate methods of disposal of any contaminated water pumped from the groundwater (sometimes called tailwater+); and
  - Demonstrate that the works comply with the requirements of the Water Sharing Plan for the Greater Metropolitan Region Groundwater Sources 2011.
- All groundwater quality testing data.
- Analysis of the contaminant hydrochemistry of groundwater and the potential impact of dewatering on the quality and quantity of the groundwater source.

The report and assessments are to be prepared by suitably qualified persons with the intent of identifying the presence of any contaminants. A comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose is to be conducted. In the event of adverse quality findings, the proponent must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater.

Implementation: The report shall be prepared and an application for a dewatering licence made prior to the release of a construction certificate for the excavation works.

## Neighbourhood Centre

The Proponent commits to deliver and manage the Neighbourhood Centre as detailed in the Mod 13 Architectural Plans and EAR on the following terms.

- The tenure of the Neighbourhood Centre is proposed for 30 years from the date of issue of the Occupation Certificate for the Neighbourhood Centre.
- Operations and management of the Neighbourhood Centre will be in accordance with the Neighbourhood Centre Plan of Management.
- The usage and relevance of the Centre to the local community will be reviewed after the first 10 years of operation and every 5 years after with an amended Neighbourhood Centre Plan of Management prepared in consultation with the Neighbourhood Advisory Panel.
- The Plan of Management will outline the objectives, governance structure, strategies and specifics for the management and operations of the Neighbourhood Centre.

Implementation: The Neighbourhood Centre will be completed and opened concurrent with the occupation of the Ritz-Carlton Hotel and Residential Tower.

## Neighbourhood Centre Façade and Entrance Detailing

The presentation and materiality of the Neighbourhood Centre façade to the intersection of Pirrama and Jones Bay Road will be further refined by the project architects to soften the presentation to Pirrama Road, maintain the functionality of the café space, emphasise the entrance into the centre from Jones Bay Road and to further activate the street frontage.

Implementation: Architectural plans to be prepared and submitted to the Department of Planning and Environment prior to the construction certificate of the Ritz-Carlton Hotel and Residential Tower and to be certified as being completed by the project architect prior to the issue of the Occupation Certificate for the Ritz-Carlton Hotel and Residential Tower.

## Pedestrian Connectivity

The Proponent commits to seek ways to improve pedestrian connectivity around the site and work with local and State authorities in this regard.

Implementation: Explore opportunities with agencies as part of the ongoing site evolution to improve pedestrian connectivity around the site.



## 8. AMENDED DRAFT CONDITIONS

below sets out the proposed modifications to the conditions of approval for MP08\_0098 (up to and including Mod 14). Inserting text is highlighted in red and text that is proposed to be deleted is shown ~~struck through~~.

MP08_0098 Conditions of Approval (including Mod 14)	Proposed Modifications to Conditions of Consent for Mod 13
Part A – Administrative Conditions	
<p><i>A1 Development Description</i></p> <p>Development approval is granted only to the carrying out the development described in detail below:</p> <ul style="list-style-type: none"> <li>• Construction of a 10-storey hotel above a 3-storey podium containing ancillary retail, gaming and conference facilities on the currently vacant Switching Stationsite;</li> <li>• Additional basement car parking to a maximum of 3000 car parking spaces across the whole site, to be accessed via the existing Casino complex car park;</li> <li>• 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;</li> <li>• 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;</li> <li>• Works to the exterior of the existing Casino tower buildings; and</li> <li>• Alterations and additions, including gaming area expansion, enclosure of the Level 3 terrace to facilitate a new restaurant, indoor and outdoor gaming areas, alterations to the porte-cochere, and mechanical upgrades through-out the site</li> </ul>	<p><i>Condition A1 is amended as follows:</i></p> <p><i>A1 Development Description</i></p> <p>Development approval is granted only to the carrying out the development described in detail below:</p> <ul style="list-style-type: none"> <li>• Construction of a 10-storey hotel above a 3-storey podium containing ancillary retail, gaming and conference facilities on the currently vacant Switching Stationsite;</li> <li>• Additional basement car parking to a maximum of 3000 car parking spaces across the whole site, to be accessed via the existing Casino complex car park (<del>excluding the Car Stacker System, which will be accessed from the internal through road</del>);</li> <li>• 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;</li> <li>• 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;</li> <li>• Works to the exterior of the existing Casino tower buildings; and</li> <li>• Alterations and additions, including gaming area expansion, enclosure of the Level 3 terrace to facilitate a new restaurant, indoor and outdoor gaming areas, alterations to the porte cochere, and mechanical upgrades through-out the site.</li> <li>• <del>Demolition of part of the existing building in the northern portion of the site, including part of the Pirrama Road and Jones Bay façade to enable the construction of the Ritz-Carlton Hotel and Residential Tower including a Neighbourhood Centre, a car parking stacker system, terrace and recreational facilities, internal circulations upgrades, façade integration works, infrastructure upgrades, site wide landscaping and public domain works, Food &amp; Beverage tenancies, and signage.</del></li> </ul> <p><u>Reason:</u> to accurately to describe the proposal.</p>

*A2 Development in Accordance with Plans*

The Approved Project 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

Refer to Appendix EE - Drawing List.

MP08_0098 Conditions of Approval (including Mod 14)					Proposed Modifications to Conditions of Consent for Mod 13
	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	B	Demolition Plan - Level B02	15.09.16	
	A07B1	C	Demolition Plan - Level B01	15.09.16	
	A0700	E	Demolition Plan - Level 00	05.05.17	
	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	E	Proposed Site Plan - Level B02	11.04.17	
	A10B1	E	Proposed Site Plan - Level B01	11.04.17	
	A1000	F	Proposed Site Plan . Level 00	05.05.17	
	A1001	E	Proposed Site Plan . Level 01	05.05.17	
	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	F	Proposed Site Plan . Level 05	05.05.17	

MP08_0098 Conditions of Approval (including Mod 14)					Proposed Modifications to Conditions of Consent for Mod 13				
	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					

MP08_0098 Conditions of Approval (including Mod 14)					Proposed Modifications to Conditions of Consent for Mod 13
	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	04.06.201 7	
	MOD14- A9200A	A	Existing Site Plan . Level B2	04.06.201 7	
	MOD14- A9201A	A	Existing Site Plan . Level 01	14.09.201 7	
	MOD14- A9202A	A	Existing Site Plan . Level 02	14.09.201 7	
	MOD14- A9203A	B	Existing Site Plan . Level 03	14.09.201 7	
	MOD14- A9204A	A	Existing Site Plan . Level 04	04.06.201 7	
	MOD14- A9205A	A	Existing Site Plan . Level 05	04.06.201 7	
	MOD14- A9216A	A	Existing Site Plan . Level 16	04.06.201 7	
	MOD14- A9217	A	Existing Site Plan . Level 17	14.09.201 7	
<p><i>A3 Development in Accordance with Documents</i></p> <p>The development will be undertaken in accordance with the following documents:</p> <ol style="list-style-type: none"> <li>(1) Environmental Assessment Report prepared by Urbis on behalf of Sydney Harbour Casino Properties Pty Ltd, September 2008;</li> <li>(2) Preferred Project Report prepared by Urbis dated December 2008;</li> <li>(3) Transport Impact of Star City Redevelopment prepared by Arup dated September 2008 and supplementary report dated December 2008;</li> </ol>					<p><i>A3 Development in Accordance with Documents</i></p> <p>The development will be undertaken in accordance with the following documents:</p> <ol style="list-style-type: none"> <li>(1) Environmental Assessment Report prepared by Urbis on behalf of Sydney Harbour Casino Properties Pty Ltd, September 2008;</li> <li>(2) Preferred Project Report prepared by Urbis dated December 2008;</li> <li>(3) Transport Impact of Star City Redevelopment prepared by Arup dated September 2008 and supplementary report dated December 2008;</li> </ol>

MP08_0098 Conditions of Approval (including Mod 14)	Proposed Modifications to Conditions of Consent for Mod 13
<p>(4) Limited Phase 1 Contamination Assessment prepared by Douglas Partners dated June 2008;</p> <p>(5) Heritage Impact Statement prepared by Urbis dated September 2008;</p> <p>(6) Visual Impact Assessment prepared by GM Urban Design &amp; Architecture Pty Ltd dated September 2008;</p> <p>(7) Pedestrian Wind Environment Statement prepared by Windtech Consultants Pty Ltd dated September 11, 2008;</p> <p>(8) Crime Prevention Through Environmental Design report prepared by Urbis dated June 2008;</p> <p>(9) Traffic Impact of Star City Redevelopment prepared by ARUP dated September 2008;</p> <p>(10) Acoustic Assessment Report prepared by ARUP dated September 2008;</p> <p>(11) Assessment of Reflected Solar Glare from Glazed Facade Pirrama Road prepared by Bassett Consulting Engineers dated 8 September 2008 and supplementary report dated 12 December 2008;</p> <p>(12) Environmentally Sustainable Report prepared by Cundall dated September 2008;</p> <p>(13) Social Impact Assessment of project Star prepared by Urbis dated 27 June 2008;</p> <p>(14) Economic Impact Assessment prepared by Urbis dated 30 June 2008;</p> <p>(15) Accessibility Review prepared by Morris-Goding Accessibility Consulting dated 10 September 2008;</p> <p>(16) Preliminary Construction Management Plan prepared by APP Corporation Pty Limited dated September 2008;</p> <p>(17) Building Services Report prepared by Bassett Consulting Engineers dated 1 August 2008;</p> <p>(18) Hydraulic Services Report prepared by Steve Paul &amp; Partners dated 25 June 2008;</p> <p>(19) BCA Capability Statement prepared by Philip Chun &amp; Associates dated 11 September 2008 and further amended by BCA Review prepared by Philip Chun dated 10 August 2010; and</p> <p>(20) BCA Capability Statement prepared by Philip Chun &amp; associates dated 10 May 2010</p>	<p>(4) Limited Phase 1 Contamination Assessment prepared by Douglas Partners dated June 2008;</p> <p>(5) Heritage Impact Statement prepared by Urbis dated September 2008;</p> <p>(6) Visual Impact Assessment prepared by GM Urban Design &amp; Architecture Pty Ltd dated September 2008;</p> <p>(7) Pedestrian Wind Environment Statement prepared by Windtech Consultants Pty Ltd dated September 11, 2008;</p> <p>(8) Crime Prevention Through Environmental Design report prepared by Urbis dated June 2008;</p> <p>(9) Traffic Impact of Star City Redevelopment prepared by ARUP dated September 2008;</p> <p>(10) Acoustic Assessment Report prepared by ARUP dated September 2008;</p> <p>(11) Assessment of Reflected Solar Glare from Glazed Facade Pirrama Road prepared by Bassett Consulting Engineers dated 8 September 2008 and supplementary report dated 12 December 2008;</p> <p>(12) Environmentally Sustainable Report prepared by Cundall dated September 2008;</p> <p>(13) Social Impact Assessment of project Star prepared by Urbis dated 27 June 2008;</p> <p>(14) Economic Impact Assessment prepared by Urbis dated 30 June 2008;</p> <p>(15) Accessibility Review prepared by Morris-Goding Accessibility Consulting dated 10 September 2008;</p> <p>(16) Preliminary Construction Management Plan prepared by APP Corporation Pty Limited dated September 2008;</p> <p>(17) Building Services Report prepared by Bassett Consulting Engineers dated 1 August 2008;</p> <p>(18) Hydraulic Services Report prepared by Steve Paul &amp; Partners dated 25 June 2008;</p> <p>(19) BCA Capability Statement prepared by Philip Chun &amp; Associates dated 11 September 2008 and further amended by BCA Review prepared by Philip Chun dated 10 August 2010; and</p> <p>(20) BCA Capability Statement prepared by Philip Chun &amp; associates dated 10 May 2010</p>
<p>As amended by Section 75W letter prepared by Urbis dated 19 August 2009 and the following documents:</p> <p>(1) Architectural Drawings nos. DA-005 and DA-006 Issue 1-prepared by Fitzpatrick+ Partners, dated August 2009</p> <p>(2) Landscape and Public Domain Design prepared by Tract Consultants, dated 12 August 2009;</p> <p>(3) Wind Environment Statement prepared by Windtech Consultants, dated 12 August 2009;</p> <p>(4) Addendum to CPTED Assessment prepared by Urbis, dated 10 August 2009;</p>	<p>As amended by Section 75W letter prepared by Urbis dated 19 August 2009 and the following documents:</p> <p>(1) Architectural Drawings nos. DA-005 and DA-006 Issue prepared by Fitzpatrick+ Partners, dated August 2009</p> <p>(2) Landscape and Public Domain Design prepared by Tract Consultants, dated 12 August 2009;</p> <p>(3) Wind Environment Statement prepared by Windtech Consultants, dated 12 August 2009;</p> <p>(4) Addendum to CPTED Assessment prepared by Urbis, dated 10 August 2009;</p>



MP08_0098 Conditions of Approval (including Mod 14)	Proposed Modifications to Conditions of Consent for Mod 13
<p>(5) Traffic Report Addendum prepared by ARUP, dated 11 August 2009;</p> <p>(6) Acoustic statement for Pirrama Road Façade Alternative Design Proposal prepared by Acoustic Logic Consultancy, dated 14 August 2009;</p> <p>(7) Assessment of Reflected Solar Glare from the Glazed Façade Facing Pirrama Road prepared by AECOM Australia, dated 13 August 2009;</p> <p>(8) Project Star ESD Revised Scheme Statement prepared by Cundall, dated 12 August 2009;</p> <p>(9) Accessibility Statement prepared by Morris Goding Accessibility Consulting, dated 12 August 2009;</p> <p>(10) BCA Capability Statement prepared by Philip Chun &amp; Associates Pty Ltd, dated 13 August 2009; and</p> <p>(11) Impact on Fire Safety Engineering v3 Statement prepared by AECOM Australia, dated 19 August 2009.</p> <p>As amended by section 75W letter prepared by Urbis dated 16 September 2010 and the following documents:</p> <p>(1) BCA Capability Statement prepared by Phillip Chun &amp; Associates Pty Ltd, dated 9 September 2010.</p> <p>As amended by the Section 75W Environmental Assessment Report prepared for MP08_0098 MOD 14 by Urbis Pty Ltd dated September 2016 and the following documents:</p> <p>(1) Environmental Assessment Report prepared by Urbis Pty Ltd on behalf of Star Entertainment Group limited dated September 2016 and the Response to Submissions Report dated May 2017;</p> <p>(2) Traffic Impact Assessment prepared by Mott MacDonald and the Traffic Response to Stakeholders Comments dated 2 March 2017.</p> <p>(3) Heritage Impact Statement prepared by Urbis dated September 2016 and the Heritage Response dated 3.03.2017;</p> <p>(4) Noise Impact Assessment prepared by WSP/Parsons Brinckerhoff dated September 2016 and the Supplementary Acoustic Report Revision 4 dated 12.05.2017;</p> <p>(5) Economic Impact Assessment of the Star Sydney prepared by PWC dated August 2016;</p> <p>(6) Social Impact Assessment prepared by Urbis dated September 2016;</p> <p>(7) Compliance letter prepared by McKenzie Group dated 16 September 2016;</p> <p>(8) Design Review Accessibility Compliance Statement prepared by McKenzie Group dated 16 September 2016;</p> <p>(9) Fire Life Safety Principles prepared by WSP/Parsons Brinckerhoff dated September 2016;</p> <p>(10) Sustainability Report prepared by WSP/Parsons Brinckerhoff dated</p>	<p>(5) Traffic Report Addendum prepared by ARUP, dated 11 August 2009;</p> <p>(6) Acoustic statement for Pirrama Road Façade Alternative Design Proposal prepared by Acoustic Logic Consultancy, dated 14 August 2009;</p> <p>(7) Assessment of Reflected Solar Glare from the Glazed Façade Facing Pirrama Road prepared by AECOM Australia, dated 13 August 2009;</p> <p>(8) Project Star ESD Revised Scheme Statement prepared by Cundall, dated 12 August 2009;</p> <p>(9) Accessibility Statement prepared by Morris Goding Accessibility Consulting, dated 12 August 2009;</p> <p>(10) BCA Capability Statement prepared by Philip Chun &amp; Associates Pty Ltd, dated 13 August 2009; and</p> <p>(11) Impact on Fire Safety Engineering v3 Statement prepared by AECOM Australia, dated 19 August 2009.</p> <p>As amended by section 75W letter prepared by Urbis dated 16 September 2010 and the following documents:</p> <p>(1) BCA Capability Statement prepared by Phillip Chun &amp; Associates Pty Ltd, dated 9 September 2010.</p> <p>As amended by the Section 75W Environmental Assessment Report prepared for MP08_0098 MOD 14 by Urbis Pty Ltd dated September 2016 and the following documents:</p> <p>(1) Environmental Assessment Report prepared by Urbis Pty Ltd on behalf of Star Entertainment Group limited dated September 2016 and the Response to Submissions Report dated May 2017;</p> <p>(2) Traffic Impact Assessment prepared by Mott MacDonald and the Traffic Response to Stakeholders Comments dated 2 March 2017.</p> <p>(3) Heritage Impact Statement prepared by Urbis dated September 2016 and the Heritage Response dated 3.03.2017;</p> <p>(4) Noise Impact Assessment prepared by WSP/Parsons Brinckerhoff dated September 2016 and the Supplementary Acoustic Report Revision 4 dated 12.05.2017;</p> <p>(5) Economic Impact Assessment of the Star Sydney prepared by PWC dated August 2016;</p> <p>(6) Social Impact Assessment prepared by Urbis dated September 2016;</p> <p>(7) Compliance letter prepared by McKenzie Group dated 16 September 2016;</p> <p>(8) Design Review Accessibility Compliance Statement prepared by McKenzie Group dated 16 September 2016;</p> <p>(9) Fire Life Safety Principles prepared by WSP/Parsons Brinckerhoff dated September 2016;</p> <p>(10) Sustainability Report prepared by WSP/Parsons Brinckerhoff dated</p>

MP08_0098 Conditions of Approval (including Mod 14)	Proposed Modifications to Conditions of Consent for Mod 13
<p>September 2016 and the Comments on DOPE Response to Sustainability dated February 2017;</p> <p>(11) Marine Impact Assessment prepared by WSP/Parsons Brinckerhoff dated September 2016 the Comments on DOPE Responses to Harbour Heat Rejection System dated February 2017;</p> <p>(12) Electrical and Hydraulic Services Infrastructure Report prepared by Umow Lai dated September 2016 and the Hydraulic Services Infrastructure Report March 2017.</p> <p>(13) SELS Heritage Building Façade – External Lighting Design Compliance and Plans prepared by Point of View dated 13 February 2017;</p> <p>(14) Proponents Statement of Commitments prepared by Urbis dated February 2017;</p> <p>(15) Environmentally Hazardous Chemicals Act, 1985 – Notice Under Section 35 dated 13 May 1994;</p> <p>(16) External Lighting Management Plan Revision 2 dated 9 August 2011 prepared by Meinhardt;</p> <p>(17) Loading Dock Management Plan prepared by Mott MacDonald dated 02 March 2017; and</p> <p>(18) Construction Pedestrian and Traffic Management Plan dated 02 March 2017.</p> <p>(19) The Star – Modification 14 Landscape Design report prepared by Urbis dated 15 May 2017</p>	<p>September 2016 and the Comments on DOPE Response to Sustainability dated February 2017;</p> <p>(11) Marine Impact Assessment prepared by WSP/Parsons Brinckerhoff dated September 2016 the Comments on DOPE Responses to Harbour Heat Rejection System dated February 2017;</p> <p>(12) Electrical and Hydraulic Services Infrastructure Report prepared by Umow Lai dated September 2016 and the Hydraulic Services Infrastructure Report March 2017.</p> <p>(13) SELS Heritage Building Façade – External Lighting Design Compliance and Plans prepared by Point of View dated 13 February 2017;</p> <p>(14) Proponents Statement of Commitments prepared by Urbis dated February 2017;</p> <p>(15) Environmentally Hazardous Chemicals Act, 1985 – Notice Under Section 35 dated 13 May 1994;</p> <p>(16) External Lighting Management Plan Revision 2 dated 9 August 2011 prepared by Meinhardt;</p> <p>(17) Loading Dock Management Plan prepared by Mott MacDonald dated 02 March 2017; and</p> <p>(18) Construction Pedestrian and Traffic Management Plan dated 02 March 2017.</p> <p>(19) The Star – Modification 14 Landscape Design report prepared by Urbis dated 15 May 2017</p> <p>As amended by the Section 75W Environmental Assessment Report prepared for MP08_0098 MOD 13 by Urbis Pty Ltd dated November 2018 and the following documents:</p> <p>(1) Landscape Design Report prepared by Urbis (Rev 1. 1 November 2018)</p> <p>(2) Urban context Report prepared by Urbis (30 October 2018)</p> <p>(3) Visual Impact Assessment prepared by Architectus (June 2018) and Visual Impact Addendum (6 November 2018)</p> <p>(4) Community Consultation Report prepared by KJA (25 January 2018) and Summary of Public Engagement dated 6 November 2018.</p> <p>(5) Traffic Impact Statement prepared by Mott MacDonald (20 November 2018) Microsimulation videos</p> <p>(6) Noise Impact Assessment prepared by WSP (12 June 2018) and Addendum Report (November 2018)</p> <p>(7) Economic Impact Assessment prepared by PWC (December 2017)</p> <p>(8) Social Impact Assessment prepared by Urbis (28 March 2018)</p>

MP08_0098 Conditions of Approval (including Mod 14)	Proposed Modifications to Conditions of Consent for Mod 13
	<ul style="list-style-type: none"> <li>(9) CPTED Assessment prepared by Urbis (28 March 2018)</li> <li>(10) Aboriginal and Historical Archaeological Assessment prepared by Urbis (13 February 2018)</li> <li>(11) Heritage Impact Statement prepared by Urbis (27 June 2018) and Addendum dated 5 November 2018</li> <li>(12) Conservation Management Plan (19 February 2018)</li> <li>(13) Arboricultural Assessment prepared by Earthscape Horticultural Services (March 2018)</li> <li>(14) Airspace Application and Assessment prepared by Thompson GCS (19 April 2018)</li> <li>(15) Site-wide Lighting Management Plan prepared by WSP (31 January 2018) and Addendum Report (6 November 2018)</li> <li>(16) Sydney Observatory Sky View Loss Assessment prepared by UNSW (27 June 2017)</li> <li>(17) BCA Report prepared by McKenzie Group (30 January 2018)</li> <li>(18) Accessibility Design Review prepared by McKenzie Group (30 January 2018)</li> <li>(19) Fire Protection Assessment prepared by WSP (31 January 2018)</li> <li>(20) Fire Engineering Assessment prepared by WSP (7 January 2018)</li> <li>(21) Sustainability Technical Report prepared by WSP (6 November 2018) and Sustainability Report Addendum (6 November 2018)</li> <li>(22) Electrical Infrastructure Report prepared by Umow Lai (31 January 2018) and connection application dated (19 January 2018).</li> <li>(23) Hydraulic Infrastructure Report prepared by Umow Lai (31 January 2018)</li> <li>(24) Water Management Report prepared by Umow Lai (31 January 2018)</li> <li>(25) Flood Impact Assessment prepared by TTW (31 January 2018) and Flood Impact Assessment Addendum (7 November 2018)</li> <li>(26) Air Quality Report prepared by WSP (18 June 2018) and Air Quality Report Addendum (5 November 2018)</li> <li>(27) Pedestrian Wind Environment Assessment prepared by CPP (April 2018) and Wind Tunnel Addendum (6 November 2018)</li> <li>(28) Solar Reflectivity Assessment prepared by CPP (March 2018)</li> </ul>

MP08_0098 Conditions of Approval (including Mod 14)	Proposed Modifications to Conditions of Consent for Mod 13
	<p>(29) Construction Management Plan prepared by Multiplex (27 June 2017)</p> <p>(30) Waste Management Plan prepared by WSP (31 January 2018)</p> <p>(31) Loading Dock Management Plan prepared by Change Logic (21 September 2018)</p> <p>(32) Mechanical Services prepared by WSP (31 January 2018)</p> <p>(33) Vertical Transportation Services prepared by WSP (1 December 2017)</p> <p>(34) Façade Report prepared by TTW (1 March 2018)</p> <p>(35) Structural Report – Tower prepared by WSP (15 September 2017)</p> <p>(36) Structural Report – Ribbon prepared by TTW (30 January 2018)</p> <p>(37) Geotechnical Assessment prepared by JK Geotechnics (November 2016)</p> <p>(38) Neighbourhood Centre Operational Plan of Management SEGL (7 November 2018)</p> <p>(39) Car Stacker Management Plan prepared by SEGL (14 February 2018)</p> <p>(40) Draft Green Travel Plan prepared by Mott MacDonald (21 August 2017)</p> <p>(41) Contextual Analysis prepared by Urbis dated July 2018</p> <p>(42) Peer Review of Urban Context Report and Contextual Analysis prepared by Olsson and Associates Architects dated (27 June 2018)</p> <p>(43) Peer Review of Visual Impact Assessment prepared by Richard Lamb and Associates (3 July 2018)</p> <p>(44) Signage strategy prepared by Urbis (15 June 2018)</p> <p>(45) Architectural Design Statement (21 June 2018) and Architectural Design Statement Addendum (5 November 2018).</p> <p><u>Reason:</u> to reflect amendments to consultant inputs.</p>
<i>A3A Minor Works</i>	<i>A3A Minor Works</i>

MP08_0098 Conditions of Approval (including Mod 14)	Proposed Modifications to Conditions of Consent for Mod 13
<ol style="list-style-type: none"> <li>1. Works that are consistent with the types of development identified in Schedule 3 may be undertaken pursuant to this approval without the need for any further modification or approval, except on any part of land identified in as an item of environmental heritage in an environmental planning instrument.</li> <li>2. Development shown on the plans approved in Condition A2 may be undertaken pursuant to this approval without the requirement for any further modification or approval where those works relate only to the relocation of gaming, storage, commercial, hotel, food and beverage, and entertainment floor space, internal to The Star Casino and where relocation internally of those uses does not result in a change to the total gaming floor space, and <ol style="list-style-type: none"> <li>(a) the works do not change fire egress provisions of the approved building;</li> <li>(b) there are no changes to any external space;</li> <li>(c) there are no new external spaces or opening in the building proposed; and</li> <li>(d) there is no increase in GFA on site.</li> </ol> </li> <li>3. Prior to any works being undertaken in accordance with this condition, a Construction Certificate supported by all relevant technical assessments (provided by a suitably qualified consultant) must be obtained. Works must be carried out in accordance with relevant Australian Standards, the Building Code of Australia and any separate approvals, including those required outside the <i>Environmental Planning and Assessment Act 1979</i>. The Construction Certificate must be consistent with the relevant development standards set out in Schedule 3 and the relevant conditions of this or any other approval.</li> </ol>	<ol style="list-style-type: none"> <li>1. Works that are consistent with the types of development identified in Schedule 3 may be undertaken pursuant to this approval without the need for any further modification or approval, except on any part of land identified in as an item of environmental heritage in an environmental planning instrument.</li> <li>2. Development shown on the plans approved in Condition A2 may be undertaken pursuant to this approval without the requirement for any further modification or approval where those works relate only to the relocation of gaming, storage, commercial, hotel, food and beverage, <del>and</del> entertainment floor space, <b>residential uses and Neighbourhood Centre uses</b> internal to The Star Casino and where relocation internally of those uses does not result in a change to the total gaming floor space, and <ol style="list-style-type: none"> <li>(a) the works do not change fire egress provisions of the approved building;</li> <li>(b) there are no changes to any external space;</li> <li>(c) there are no new external spaces or opening in the building proposed; and</li> <li>(d) there is no increase in GFA on site.</li> </ol> </li> <li>3. Prior to any works being undertaken in accordance with this condition, a Construction Certificate supported by all relevant technical assessments (provided by a suitably qualified consultant) must be obtained. Works must be carried out in accordance with relevant Australian Standards, the Building Code of Australia and any separate approvals, including those required outside the <i>Environmental Planning and Assessment Act 1979</i>. The Construction Certificate must be consistent with the relevant development standards set out in Schedule 3 and the relevant conditions of this or any other approval.</li> </ol> <p><b>Reason:</b> to account for the residential and Neighbourhood Centre uses to be included in the description of the Modification 13 application.</p>
<p>A4 Inconsistency between documents</p> <p>In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, or the Statement of Commitments in Schedule 3, the conditions of this approval prevail.</p>	<p>No modification proposed as part of Modification 13.</p>
<p>A5 Lapsing of Approval</p> <p>In order that the development as approved is carried out within a defined period of time, the approval shall lapse 5 years after the determination date in Part A of Schedule 1 of this approval.</p>	<p>No modification proposed as part of Modification 13.</p>

MP08_0098 Conditions of Approval (including Mod 14)	Proposed Modifications to Conditions of Consent for Mod 13
<p><i>A6 Sydney Electric Lighting Station – internal fitout</i></p> <p>The fitout to the retail tenancy in the SELS Building does not form part of this Proposal and is to be the subject of a future development application.</p>	<p>No modification proposed as part of Modification 13.</p>
<p><i>A7 Limits of this approval</i></p> <p>This approval does not govern the operation of the spaces which are the subject of the City of Sydney development consents identified on Drawings Nos. MOD14-A92B2A, MOD14-A9200A, MOD14-A9201A, MOD14-A9202A, MOD14-A9203A, MOD14-A9204A, MOD14-A9205A, MOD14-A9216A and MOD14-A9217A (prepared by DWP Suters, various dates) as identified in Condition A2 of this approval.</p>	<p>No modification proposed as part of Modification 13.</p>
<p><i>A8 Surrender of consents</i></p> <p>The Proponent shall provide notice to City of Sydney of the voluntary surrender of the following development consents in accordance with clause 104A of the <i>Environmental Planning and Assessment Act 1979</i> within three months of the approval of Modification 14:</p> <ul style="list-style-type: none"> <li>• D/2015/233 – Darling VIP gaming – private indoor games room and smoking terraces (facing Union Street);</li> <li>• D/2015/1515 – Northwest gaming works involves extension of gaming area of porte cochere (Pymont Street);</li> <li>• D/2015/1072 – Oasis unenclosed gaming area adjacent to Pymont Street;</li> <li>• D/2012/843 – Oasis Gaming Room – works to install new glazed partitioning, access doors and reconfigure Oasis Gaming Room; and</li> <li>• D/2013/1975 – Sovereign room alterations – Minor alterations and additions to sovereign room.</li> </ul>	<p><i>A8 Surrender of consents</i></p> <p>The Proponent shall provide notice to City of Sydney of the voluntary surrender of the following development consents in accordance with clause 104A of the <i>Environmental Planning and Assessment Act 1979</i> within three months of the approval of Modification 14:</p> <ul style="list-style-type: none"> <li>• D/2015/233 – Darling VIP gaming – private indoor games room and smoking terraces (facing Union Street);</li> <li>• D/2015/1515 – Northwest gaming works involves extension of gaming area of porte cochere (Pymont Street);</li> <li>• D/2015/1072 – Oasis unenclosed gaming area adjacent to Pymont Street;</li> <li>• D/2012/843 – Oasis Gaming Room – works to install new glazed partitioning, access doors and reconfigure Oasis Gaming Room; and</li> <li>• D/2013/1975 – Sovereign room alterations – Minor alterations and additions to sovereign room.</li> </ul> <p>The Proponent shall provide notice to City of Sydney of the voluntary surrender of the following development consents in accordance with clause 4.63 of the <i>Environmental Planning and Assessment Act 1979</i> within three months of the commencement of Modification 13 works relevant to the area the subject of the consent or within three months of the approval of Mod 13 where no new works are proposed and the matters are otherwise addressed in the conditions of this approval:</p> <ul style="list-style-type: none"> <li>• D2015/1826 – Addition of 4 new lifts within the existing observation lift core within the 'Astral Hotel' serving level 1, 3 and 5, and erection of a temporary marquee over the 'Sky Terrace' on Level 03.</li> </ul>



MP08_0098 Conditions of Approval (including Mod 14)	Proposed Modifications to Conditions of Consent for Mod 13
	<ul style="list-style-type: none"> <li>• D2012/1006 – Modification to the pool and landscaping on the roof of Level 3, modification to the entry ring located on the roof of Level 3, extension to existing plantroom at Level 6 and erection of new external stairs to the plantroom.</li> <li>• D/2016/48 - Alterations and additions to the licensed premises known as 'The Star Casino', including the installation of a new lift and associated lobbies and the construction of a terrace areas adjacent to the approved Level 5 VIP guest lounge on the Pyrmont Street side of the Astral Hotel.</li> <li>• D/2013/1259 – Change of use and fitout of 'retail space 22' on Pirrama Road to a licensed restaurant, including alterations to the façade, outdoor seating and umbrellas (Pizzaperta).</li> <li>• D2011/19 – Fitout of 185 seat licensed restaurants (on-licence) know as project Canale within Star City Casino (Balla);</li> <li>• D2011/18 – Fitout of 185 seat licensed restaurant (on-licence) known as Project TnT within Star City Casino trading 7.00am to 2.00am daily (Black).</li> <li>• D/2011/862 - Fitout and use of a tenancy fronting Pirrama Road as a restaurant with outdoor seating.</li> <li>• D2014/355 – Change of use to part of Level 1 of The Star to a new licensed restaurant (505 patrons) called 'The Star Buffet'. External alterations including the enclosure of an existing balcony on Level 1 for storage and a new plant room on the Level 3 terrace;</li> <li>• D2015/1187 – Conversion of hotel suites on level 5 of the Astral Tower Hotel to be used as a new business centre and VIP check-in and guest lounge;</li> <li>• D2011/988 – Astral Hotel and Residences Signage;</li> <li>• D2011/987 – The Darling Signage</li> <li>• D2011/986 – Replacement of existing illuminated building identification signage on the north-eastern elevation of the Star City Casino lift shard;</li> <li>• D2012/431 – Sokyo Restaurant Signage;</li> <li>• D2012/802 – Lighting of the MUEF; and</li> <li>• D2015/479 – Installation of free standing steel signage and associated lighting to existing garden bed (THE STAR letters).</li> </ul>

MP08_0098 Conditions of Approval (including Mod 14)	Proposed Modifications to Conditions of Consent for Mod 13
	<u>Reason:</u> to account for additional consents to be surrendered.
Part B – Prior to the Issue of Construction Certificate	
<p>B1 External art work and lighting</p> <p>The Proponent is to commission a reputable and appropriately experienced artist to develop artwork and feature lighting displays to the Pirrama Road frontage. Details are to be approved by the Department prior to the issue of Construction Certificate for any art work and feature lighting works to the Pirrama Road frontage, and any video signage or display proposed on the site.</p>	<p>B1 External art work and lighting</p> <p>All lighting works are to be in accordance with the Site-Wide Lighting Management Plan prepared by WSP dated 31 January 2018 and Light Assessment Addendum dated 6 November 2018. <del>The Proponent is to commission a reputable and appropriately experienced artist to develop artwork and feature lighting displays to the Pirrama Road frontage.</del></p> <p>Details are to be approved by the Department prior to the issue of Construction Certificate for any art work and feature lighting works to the Pirrama Road frontage, and any video signage or display proposed on the site.</p> <p><u>Reason:</u> to account for the Lighting Management Plan being superseded by a newer version.</p>
<p>B2 Hotel Height</p> <p>The height of the hotel is to be reduced by 3 storeys resulting in a 10 storey tower above a 3 storey podium. A lesser reduction in height may be achieved subject to detailed plans demonstrating that the upper-most structure of the hotel tower (including ceiling level, cladding and handrails but excluding plant and lift over-runs) does not exceed RL 153.16. Note: RLs are to be consistent with RLs identified in the approved documents at condition A2. Amended plans are to be submitted to the Department for approval prior to the issue of a Construction Certificate for any works on the Switching Station Site</p>	<p>B2 <del>Darling</del> Hotel Height</p> <p>The height of the <del>Darling</del> Hotel is to be reduced by 3 storeys resulting in a 10 storey tower above a 3 storey podium. A lesser reduction in height may be achieved subject to detailed plans demonstrating that the upper-most structure of the hotel tower (including ceiling level, cladding and handrails but excluding plant and lift over-runs) does not exceed RL 153.16. Note: RLs are to be consistent with RLs identified in the approved documents at condition A2. Amended plans are to be submitted to the Department for approval prior to the issue of a Construction Certificate for any works on the Switching Station Site.</p> <p><u>Reason:</u> to clarify which hotel Condition B2 refers to.</p>
<p>B3 Car Parking</p> <p>The maximum number of car parking spaces on the whole site (Casino and Switching Station) is not to exceed 3,000. Plans reflecting this are to be submitted to the PCA prior to the issue of a Construction Certificate for basement car parking works.</p>	<p>B3 Car Parking</p> <p>The maximum number of car parking spaces on the whole site (Casino, <del>Ritz-Carlton Hotel and Residential Tower car stacker</del> and Switching Station) is not to exceed 3,000. Plans reflecting this are to be submitted to the PCA prior to the issue of a Construction Certificate for basement car parking and <del>car stacker works</del>.</p> <p><u>Reason:</u> to specify the maximum car parking spaces referencing the whole of the site and to include the car stacker.</p>
<p>B4 Sydney Metro Authority</p> <p>(1) The Proponent is to enter into agreements with Sydney Metro Authority for the following stages: a) an Excavation Agreement prior to the commencement of any excavation works; and b) a Construction Agreement prior to commencement of excavation below 95.9RL, or of construction to address the potential impacts of the Approved Project on the CBD Metro prior to the issue of a Construction Certificate in respect of each of the above stages.</p>	<p>No modification proposed as part of Modification 13.</p>

MP08_0098 Conditions of Approval (including Mod 14)	Proposed Modifications to Conditions of Consent for Mod 13
<p>(2) In regard to the agreement for the works in Condition B4 (1)(b), the location of any building footing must be determined in consultation with Sydney Metro Authority prior to the issue of a Construction Certificate involving excavation works below 95.9RL to ensure the structural integrity of the CBD Metro.</p> <p>(3) In regard to the agreement for the works in Condition B4(1) (b), all structures proposed for construction and installation must be designed and constructed in consultation with Sydney Metro Authority to ensure the structural integrity of the CBD Metro, and details are to be provided to the Certifying Authority prior to the issue of a Construction Certificate for excavation works below 95.9RL.</p>	
<p><b>B5 Noise Management Plan</b></p> <p>A Noise Management Plan is to be prepared in consultation with the City of Sydney, addressing the following.</p> <p>(1) Further mitigation measures and treatments including additional acoustic - absorptive finishes and alternative perimeter treatments to the outdoor gaming and terrace areas.</p> <p>(2) The operation of all gaming and entertainment areas, including the external areas. The Noise Management Plan is to address the Mitigation Measures included in the letter from Bassett Consulting Engineers dated 3 December 2008.</p> <p>(3) In relation to the MUEF Project and the works shown on the drawings approved as part of Modification 7, a separate Noise Management Plan is to be prepared in consultation with the City of Sydney Council. The report shall detail how the noise mitigation measures recommended in the Acoustic Report prepared by AECOM dated 7th October 2010, will be implemented. The Plan is to be submitted to the Department for approval prior to the issue of a Construction Certificate for the MUEF works.</p> <p>(4) The Noise Management Plan is to be submitted to the Department for approval prior to issue of a Construction Certificate for above ground works.</p>	<p><b>B5 Noise Management Plan</b></p> <p><del>A Noise Management Plan is to be prepared in consultation with the City of Sydney, addressing the following.</del></p> <p><del>(1) Further mitigation measures and treatments including additional acoustic - absorptive finishes and alternative perimeter treatments to the outdoor gaming and terrace areas.</del></p> <p><del>(2) The operation of all gaming and entertainment areas, including the external areas. The Noise Management Plan is to address measures to achieve the conditions of this approval including Condition F5, address the Mitigation Measures included in the letter from Bassett Consulting Engineers dated 3 December 2008.</del></p> <p><del>(3) In relation to the MUEF Project and the works shown on the drawings approved as part of Modification 7, a separate Noise Management Plan is to be prepared in consultation with the City of Sydney Council. The report shall detail how the noise mitigation measures recommended in the Acoustic Report prepared by AECOM dated 7th October 2010, will be implemented. The Plan is to be submitted to the Department for approval prior to the issue of a Construction Certificate for the MUEF works.</del></p> <p><del>(4) The Noise Management Plan is to be submitted to the Department for approval prior to issue of a Construction Certificate for above ground works.</del></p> <p><u>An Operational Noise Management Plan (ONMP) is to be prepared for the site in consultation with the City of Sydney. The ONMP is to be submitted to the Department prior to issue of a Construction Certificate for above ground works associated with Modification 13 and is to incorporate the following:</u></p> <ul style="list-style-type: none"> <li><u>Location of noise sensitive receivers</u></li> <li><u>Noise emission criteria at noise sensitive receivers</u></li> <li><u>Management strategies</u></li> <li><u>Performance certification protocols</u></li> <li><u>Complaints handling procedures</u></li> </ul> <p><u>Reason:</u> Altered to ensure new ONMP is developed and put in place for the site.</p>

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	<p><b>B5A – Noise Verification Plan</b></p> <p>A Noise Verification Plan (NVP) is to be prepared for the site. The NVP is to be submitted as part of the Operational Noise Management Plan as required by Condition B5.</p> <p>The NVP shall nominate Noise Control Points (NCP) on The Star site. The NCPs should be located where they will be representative of a sound source (or group of sound sources) contributing to the cumulative noise level controlled by Condition F5A at the most exposed off site noise sensitive receivers.</p> <p>The NVP will nominate an L10 octave band sound pressure level Noise Control Level (NCL) at each NCP such that where the sound level satisfies the NCL, it will also satisfy the relevant criteria of Condition F5A at the receiver it represents, taking into account the cumulative total from all relevant noise sources.</p> <p>Condition F5 - Noise (Licenced Premises) is verified if the measured L10 octave band sound pressure levels at the NCP do not exceed the NCL</p> <p>The NVP shall be prepared by an appropriately qualified Acoustic Consultant who has full membership of the Australian Acoustic Society or who is employed by a member firm of the Association of Australasian Acoustical Consultants</p> <p><u>Reason:</u> new condition proposed to ensure ongoing monitoring of noise from licensed premises (Condition F5A).</p>
<p><b>B6 Noise Attenuation Measures</b></p> <p>(1) Prior to issue of a Construction Certificate, the Proponent shall submit to the satisfaction of the Certifying Authority, drawings and documentation demonstrating that the construction and fit out of the building incorporates the recommendations of the Acoustic Assessment Report prepared by ARUP, September 2008 and letter from Bassett Consulting Engineers dated 3 December 2008, and suitable to achieve compliance with condition F5.</p> <p>(2) Prior to the issue of a Construction Certificate for the MUEF works approved under Modification 7, the Proponent shall submit to the satisfaction of the Certifying Authority, drawings and documentation demonstrating that the construction and fit out of the building incorporates the recommendations of the Acoustic Assessment Report prepared by AECOM dated 7 October 2010, and will comply with condition F5.</p>	<p><b>B6 Noise Attenuation Measures</b></p> <p>(1) Prior to issue of a Construction Certificate, the Proponent shall submit to the satisfaction of the Certifying Authority, drawings and documentation demonstrating that the construction and fit out of the building incorporates the recommendations of the <del>Acoustic Assessment Report prepared by ARUP, September 2008 and letter from Bassett Consulting Engineers dated 3 December 2008</del> Noise Impact Assessment prepared by WSP dated 12 June 2018 and Addendum Noise Report dated November 2018, and suitable to achieve compliance with condition F5.</p> <p>(2) Prior to the issue of a Construction Certificate for the MUEF works approved under Modification 7, the Proponent shall submit to the satisfaction of the Certifying Authority, drawings and documentation demonstrating that the construction and fit out of the building incorporates the recommendations of the Acoustic Assessment Report prepared by AECOM dated 7 October 2010, and will comply with condition F5.</p> <p><u>Reason:</u> to account for the Noise Impact Assessment being superseded by a newer version.</p>
<p><b>B7 Wind Impacts</b></p>	<p><b>B7 Wind Impacts</b></p> <p>Mitigation measures as recommended in the <del>Pedestrian Wind Environment Statement prepared by Windtech</del> Pedestrian Wind Environmental Assessment prepared by CPP dated April 2018 and Pedestrian Wind Environment Addendum dated 6 November 2018, are to be</p>

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Mitigation measures as recommended in the Pedestrian Wind Environment Statement prepared by Windtech, are to be implemented and details submitted to the Certifying Authority prior to issue of a Construction Certificate for above ground works.	<p>implemented and details submitted to the Certifying Authority prior to issue of a Construction Certificate for above ground works.</p> <p><u>Reason:</u> to account for the Pedestrian Wind Environment Assessment being superseded by a newer version.</p>
<p>B8 Reflectivity</p> <p>Reflectivity measures, including vertical glazing and glass characteristic, as recommended in the Assessment of Reflected Solar Glare from Glazed Facade Pirrama Road prepared by Bassett Consulting Engineers dated 12 December 2008, are to be implemented and details submitted to the Certifying Authority prior to commencement of works. Total reflectivity is not to exceed 20%.</p>	<p>B8 Reflectivity</p> <p>Reflectivity <del>mitigation measures including vertical glazing and glass characteristic, as recommended in the Assessment of Reflected Solar Glare from Glazed Facade Pirrama Road prepared by Bassett Consulting Engineers dated 12 December 2008</del> recommended in the Solar Reflectivity Assessment prepared by CPP dated 22 March 2018 are to be implemented and details submitted to the Certifying Authority prior to commencement of works. <del>Total reflectivity is not to exceed 20%</del></p> <p><u>Reason:</u> The recommendations and mitigation measures have been superseded by the amended Solar Reflectivity Assessment.</p>
<p>B9 Public Domain</p> <p>All works associated with the approval which encroach upon or are immediately adjacent to Council's public domain areas are to be designed and developed in consultation with Council. Details to be provided prior to issue of a Construction Certificate for the public domain works. The RLs and alignment, for any works associated with the approval which encroach upon or are immediately adjacent to Council's public domain areas, must be provided to the satisfaction of the Department prior to the issue of a Construction Certificate for the relevant works.</p>	No modification proposed as part of Modification 13.
<p><i>B9A Public Domain Works</i></p> <p>(1) Alignment Levels – Major Development Between Gridlines 23 And F</p> <p>(a) Proposed building floor levels, basement levels, basement car park entry levels and ground levels shown on the approved plans are indicative only and have not been approved by this consent.</p> <p>(b) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work relating to the public domain (whichever is earlier), excluding approved preparatory or demolition work, alignment levels for the building and site frontages must be submitted to and approved by the City of Sydney. The submission must be prepared by a Registered Surveyor, must be in accordance with the City of Sydney's <i>Public Domain Manual</i> and must be submitted with a completed Alignment Levels checklist (available in the <i>Public Domain Manual</i>) and Footpath Levels and Gradients Approval Application form (available on the City of Sydney's website).</p>	<p><i>B9A Public Domain Works</i></p> <p>(1) Alignment Levels – Major Development Between Gridlines 23 And F</p> <p>(a) Proposed building floor levels, basement levels, basement car park entry levels and ground levels shown on the approved plans are indicative only and have not been approved by this consent.</p> <p>(b) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work relating to the public domain (whichever is earlier), excluding approved preparatory or demolition work, alignment levels for the building and site frontages must be submitted to and approved by the City of Sydney. The submission must be prepared by a Registered Surveyor, must be in accordance with the City of Sydney's <i>Public Domain Manual</i> and must be submitted with a completed Alignment Levels checklist (available in the <i>Public Domain Manual</i>) and Footpath Levels and Gradients Approval Application form (available on the City of Sydney's website).</p>

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<p>(c) These alignment levels, as approved by the City of Sydney are to be incorporated into the plans submitted with the application for a Construction Certificate for any civil, drainage and public domain work as applicable under this consent. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by the Secretary to reflect these changes prior to a Construction Certificate being issued for public domain work.</p> <p>(2) Paving Materials</p> <p>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".</p> <p>(3) Preservation of Survey Marks</p> <p>All works must ensure the preservation of existing permanent survey marks (a brass bolt, or a lead plug holding a brass tack, covered by a cast iron box). At least forty- eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City of Sydney's Project Manager Survey / Design Services to arrange for the recovery of the mark.</p> <p>Prior to the issue of a Construction Certificate for the level 3 Sovereign Room Expansion, a survey plan, clearly showing the location of all permanent survey marks fronting the site and within 5 metres on each side of the frontages must be submitted to City of Sydney.</p> <p>At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City of Sydney's Senior Surveyor to arrange for the recovery of the mark.</p> <p>A fee must be paid to the City of Sydney for the replacement of any permanent survey mark removed or damaged in accordance with the City's Schedule of Fees and Charges (Reinstatement of Survey Box).</p> <p>(4) Protection of Survey Infrastructure</p>	<p>(c) These alignment levels, as approved by the City of Sydney are to be incorporated into the plans submitted with the application for a Construction Certificate for any civil, drainage and public domain work as applicable under this consent. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by the Secretary to reflect these changes prior to a Construction Certificate being issued for public domain work.</p> <p>(2) Paving Materials</p> <p>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".</p> <p>(3) Preservation of Survey Marks</p> <p>All works must ensure the preservation of existing permanent survey marks (a brass bolt, or a lead plug holding a brass tack, covered by a cast iron box). At least forty- eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City of Sydney's Project Manager Survey / Design Services to arrange for the recovery of the mark.</p> <p>Prior to the issue of a Construction Certificate for the level 3 Sovereign Room Expansion, a survey plan, clearly showing the location of all permanent survey marks fronting the site and within 5 metres on each side of the frontages must be submitted to City of Sydney.</p> <p>At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City of Sydney's Senior Surveyor to arrange for the recovery of the mark.</p> <p>A fee must be paid to the City of Sydney for the replacement of any permanent survey mark removed or damaged in accordance with the City's Schedule of Fees and Charges (Reinstatement of Survey Box).</p> <p>(4) Protection of Survey Infrastructure</p>



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<p>Prior to the commencement of any work for the level 3 Sovereign Room expansion, a statement prepared by a Surveyor registered under the <i>Surveying Act 2002</i> must be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Reservation of Survey Infrastructure. Any Permanent Marks proposed to be or have been destroyed must be replaced, and a "Plan of Survey Information" must be lodged at the Land and Property Management Authority.</p> <p>(5) Public Domain Plan Between Gridlines 23 And F</p> <p>(a) A detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with Council's Public Domain Section and be approved by the Secretary prior to a Construction Certificate being issued for public domain work or above ground building work, whichever is later.</p> <p>(b) The Public Domain Plan must provide for the upgrade of:</p> <ol style="list-style-type: none"> <li>i. The paving along Jones Bay Road to connect with the intersection of Pyrmont Street, and along Pyrmont Street to connect with the intersection with Jones Bay Road; and</li> <li>ii. The existing pedestrian crossing on Jones Bay Road to current standards</li> </ol> <p>(c) The Public Domain Plan must document all works required to ensure that the public domain complies with the City of Sydney's <i>Public Domain Manual</i>, <i>Sydney Streets Design Code</i> and <i>Sydney Streets Technical Specification</i>, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by City of Sydney to reflect these changes prior to a Construction Certificate being issued for public domain work.</p>	<p>Prior to the commencement of any work for the level 3 Sovereign Room expansion, a statement prepared by a Surveyor registered under the <i>Surveying Act 2002</i> must be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Reservation of Survey Infrastructure. Any Permanent Marks proposed to be or have been destroyed must be replaced, and a "Plan of Survey Information" must be lodged at the Land and Property Management Authority.</p> <p>(5) Public Domain Plan Between Gridlines 23 And F</p> <p>(a) A detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with Council's Public Domain Section and be approved by the Secretary prior to a Construction Certificate being issued for public domain work or above ground building work, whichever is later.</p> <p>(b) The Public Domain Plan must provide for the upgrade of:</p> <ol style="list-style-type: none"> <li>iii. The paving along Jones Bay Road to connect with the intersection of Pyrmont Street, and along Pyrmont Street to connect with the intersection with Jones Bay Road; and</li> <li>iv. The existing pedestrian crossing on Jones Bay Road to current standards</li> </ol> <p>(c) The Public Domain Plan must document all works required to ensure that the public domain complies with the City of Sydney's <i>Public Domain Manual</i>, <i>Sydney Streets Design Code</i> and <i>Sydney Streets Technical Specification</i>, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by City of Sydney to reflect these changes prior to a Construction Certificate being issued for public domain work.</p> <p>(d) The works to the public domain are to be completed in accordance with</p>

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<p>(d) The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the <i>Public Domain Manual</i> before any Occupation Certificate is issued for the level 3 Sovereign Room expansion.</p> <p>(e) A Public Domain Works Deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the <i>Public Domain Manual</i>. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.</p> <p>(f) City of Sydney's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Construction Certificate being issued for the level 3 Sovereign Room expansion.</p> <p>(g) The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.</p> <p>(6) Public Domain Works - Hold Points and Handover</p> <p>(a) Prior to a Construction Certificate being issued for public domain work, including civil, drainage and subsurface works, a set of hold points for approved public domain, civil and drainage work is to be determined with and approved by the City's Public Domain section in accordance with the City of Sydney's <i>Public Domain Manual</i> and <i>Sydney Streets Technical Specification</i>.</p> <p>(b) Prior to a Certificate of Completion being issued for public domain works and before the issue of an Occupation Certificate for the Level 3 Sovereign Room expansion (excluding the Sovereign Room Swing Space) or before the use commences, whichever is earlier, electronic works-as-executed (as-built) plans and documentation, certified by a suitably qualified, independent professional must be submitted to and accepted by Council for all public domain works. Completion and</p>	<p>the approved Public Domain Plan and Alignment Levels plans and the <i>Public Domain Manual</i> before any Occupation Certificate is issued for the level 3 Sovereign Room expansion. <b>However, in the event that construction of Mod 13 has commenced, which prevents the completion of these works, a bond or bank guarantee is to be submitted to the Department of Planning &amp; Environmental to the value of \$TBC and the works are to be completed prior to issue of the Occupation Certificate of the Ritz-Carlton Hotel and Residential Tower. The bond is to be released by the Department upon completion of the works.</b></p> <p><b><u>Reason:</u> to account for the staging of construction works associated with Mod 13.</b></p> <p>(e) A Public Domain Works Deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the <i>Public Domain Manual</i>. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.</p> <p>(f) <b>In relation to paragraph (e) above,</b> City of Sydney's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Construction Certificate being issued for the level 3 Sovereign Room expansion.</p> <p>(g) The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.</p> <p>(6) Public Domain Works - Hold Points and Handover</p> <p>(a) Prior to a Construction Certificate being issued for public domain work, including civil, drainage and subsurface works, a set of hold points for approved public domain, civil and drainage work is to be determined with and approved by the City's Public Domain section in accordance with the City of Sydney's <i>Public Domain Manual</i> and <i>Sydney Streets Technical Specification</i>.</p> <p>(b) Prior to a Certificate of Completion being issued for public domain</p>

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<p>handover of the constructed public domain works must be undertaken in accordance with the City of Sydney's <i>Public Domain Manual</i> and <i>Sydney Streets Technical Specification</i>, including requirements for as-built documentation, certification, warranties and the defects liability period.</p> <p>(7) Drainage and service pit lids</p> <p>Drainage and service pit lids throughout the public domain shall be heelguard and bicycle safe, finish flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Pit lids shall be in accordance with the <i>City of Sydney's Sydney Streets Design Code</i> and <i>Sydney Streets Technical Specification</i>. Details of drainage and service pit lids shall be submitted and approved by Council prior to a Construction Certificate being issued for the relevant stage of work.</p>	<p>works and before the issue of an Occupation Certificate for the Level 3 Sovereign Room expansion (excluding the Sovereign Room Swing Space) or before the use commences, whichever is earlier, electronic works-as-executed (as-built) plans and documentation, certified by a suitably qualified, independent professional must be submitted to and accepted by Council for all public domain works. Completion and handover of the constructed public domain works must be undertaken in accordance with the City of Sydney's <i>Public Domain Manual</i> and <i>Sydney Streets Technical Specification</i>, including requirements for as-built documentation, certification, warranties and the defects liability period.</p> <p>(7) Drainage and service pit lids</p> <p>Drainage and service pit lids throughout the public domain shall be heelguard and bicycle safe, finish flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Pit lids shall be in accordance with the <i>City of Sydney's Sydney Streets Design Code</i> and <i>Sydney Streets Technical Specification</i>. Details of drainage and service pit lids shall be submitted and approved by Council prior to a Construction Certificate being issued for the relevant stage of work.</p>
	<p><i>Insert condition:</i></p> <p><i>B9B Public Domain Works – Modification 13</i></p> <p>The Public Domain Works shown in the Landscape Plans prepared by Urbis dated 19 November 2018 and referred to in Condition A2, and the Landscape Design Report prepared by Urbis dated 20 March 2018 Rev A 1 November 2018 and referred to in Condition A3 are to be completed prior to the issue of the Occupation Certification for the Ritz-Carlton tower.</p> <p><u>Reason:</u> It is proposed to insert B9B to reflect the public domain works proposed as part of Mod 13.</p>
<p>B10 Traffic Management</p> <p>The proponent is to consult with Sydney Buses, the RTA and Council regarding additional necessary traffic management measures associated with the Pirrama Road vehicular drop off areas, including linemarking, signage, and a raised concrete median to prevent right turns into and out of the porte cochere. Details of the consultation and final design are to be provided to the Certifying Authority prior to the issue of a Construction Certificate for the Pirrama Road frontage works.</p>	<p>No modification proposed as part of Modification 13.</p>

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<p><i>B10A Loading Dock Management Plan</i></p> <p>The Proponent shall update the Loading Dock Management Plan dated 2 March 2017 in consultation with the Sydney Coordination Office within Transport for NSW prior to a Construction Certificate being issued the level 3 Sovereign Room expansion. The plan will outline all management measures required to ensure the efficient and safe operation of the loading dock.</p>	<p><i>B10A Loading Dock Management Plan</i></p> <p>a) The Proponent shall update the Loading Dock Management Plan <b>prepared by Mott MacDonald</b> dated 2 March 2017 in consultation with the Sydney Coordination Office within Transport for NSW prior to a Construction Certificate being issued the level 3 Sovereign Room expansion. The plan will outline all management measures required to ensure the efficient and safe operation of the <del>loading dock</del> <b>The Star Loading Dock (Jones Bay Road) and Darling Loading Dock (Edward Street)</b>.</p> <p>b) The Proponent shall update the Loading Dock Management Plan prepared by <b>Change Logic Consulting</b> dated 21 September 2017 in consultation with the Sydney Coordination Office within Transport for NSW prior to a Construction Certificate being issued the <b>Ritz-Carlton Hotel and Residential Tower</b>. The plan will outline all management measures required to ensure the efficient and safe operation of <b>The Star Event Loading Dock (Service Road)</b>.</p> <p><u>Reason:</u> to clarify references to Loading Dock Management Plans and related Loading Docks.</p>
<p><i>B10B Private Bus Transport</i></p> <p>The Proponent shall prepare a Private Bus Transport Management Plan (PBTMP) in consultation with Sydney Coordination Office within Transport for NSW and the City of Sydney prior to a Construction Certificate being issued for the Level 3 Sovereign Room expansion. The Plan shall ensure the bus services can operate in a safe and efficient manner.</p>	<p>No modification proposed as part of Modification 13.</p>
<p><i>B10C Porte Cochere Management</i></p> <p>The Proponent shall prepare a Porte Cochere Management Plan in consultation with Sydney Coordination Office within Transport for NSW and the City of Sydney prior to a Construction Certificate being issued for the Level 3 Sovereign Room expansion. The Plan shall ensure the operation of the porte cochere does not have a detrimental impact on the road network.</p>	<p><i>B10C Porte Cochere Management</i></p> <p>The Proponent shall prepare a <b>consolidated</b> Porte Cochere Management Plan in consultation with Sydney Coordination Office within Transport for NSW and the City of Sydney prior to a Construction Certificate being issued for the Level 3 Sovereign Room expansion <b>and Ritz-Carlton Hotel and Residential Tower</b>. The Plan shall ensure the operation of the <b>Jones Bay Road porte-cochere and the Pirrama Road Ritz-Carlton Porte-cochere</b> does not have a detrimental impact on the road network.</p> <p><u>Reason:</u> To account for the management of all pedestrian loading areas.</p>
<p><i>B11 Sydney Water</i></p> <p>(1) An application is to be submitted to Sydney Water for the discharge of trade waste into the sewerage system.</p>	<p>No modification proposed as part of Modification 13.</p>

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<p>(2) Any proposed discharge to the wastewater system from the proposed Membrane Bioreactor and Reverse Osmosis Unit will be required to meet the acceptance standards as specified in Sydney Water's Trade Waste Policy and Management Plan.</p> <p>(3) The appropriate level of backflow prevention containment on the drinking water services and fire services supplying the property is required to be installed.</p> <p>(4) The design of the proposed diversion of stormwater to a stormwater harvesting tank on the Star City Hotel site is to be independently checked, prior to issue of the Construction Certificate, verifying that no significant flow diversions will occur to the detriment of the capacity of any part of the Edward Street stormwater drainage system.</p> <p>(5) The development is to implement best practice urban stormwater management using Water Sensitive Urban Design including:</p> <p>(a) Treat stormwater runoff to NSW EPA draft practice treatment objectives:</p> <ul style="list-style-type: none"> <li>(i) 80% reduction in Total Suspended Solids</li> <li>(ii) 45% reduction in Total Phosphorus</li> <li>(iii) 45% reduction in Total Nitrogen</li> </ul> <p>(b) Maximise stormwater reuse through integrated water cycle management, which can reduce potable water demand and assist in achieving the above pollutant load reduction objectives.</p> <p>(6) A Notice of Requirements is to be obtained from Sydney Water prior to the issue of any Construction Certificate for any new useable floor area. Plans and details demonstrating compliance with B11(1) - (6) are to be submitted to the Certifying Authority prior to issue of a Construction Certificate.</p>	
B12 Developer Contributions	
<p><i>B12A Development Contributions – Modification 14</i></p> <p>A contribution under section 94 of the <i>Environmental Planning and Assessment Act 1979</i> must be paid in accordance with the following:</p> <p>Cash contribution</p> <ol style="list-style-type: none"> <li>1. In accordance with the adopted "City of Sydney Development Contributions Plan 2015" a cash contribution must be paid to Council</li> </ol>	No modification proposed as part of Modification 13.

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<p>in accordance with this condition.</p> <p>2. The amount of the contribution is \$179,286.18</p>											
Level	Use	Contribution Use	Additional GFA	Gross Floor Area (m <sup>2</sup> ) per worker	Payable based on \$1,777 workers contribution rate						
Level 00	Astral Luxury Retail Zone	Shops including neighbourhood shops, excluding supermarkets	284 sqm	57	\$8,853.82						
Level 00	Change of use . Hotel to Retail	Shops including neighbourhood shops, excluding supermarkets	145 sqm	57	\$4,520.44						
Level 00	Change of use . Hotel to F&B	Food & Drink Premises including restaurants, cafes & take away premises	128 sqm	21	\$10,831.24						
Level 01	Area of slab infill	Entertainment facility	214 sqm	130	\$2,925.22						
Level 03	Area of additional Premium	Entertainment Facility	4266 sqm	130	\$58,312.94						



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	Gaming					
Level 03	Event Centre Pre-Function	Function Centre	765sqm	119	\$11,423.57	
Level 03	Restaurant	Food & Drink Premises  restaurants, cafes & take away premises	974 sqm	21	\$82,418.95	
				Total	\$179,286.18	
<p>Timing of Payment</p> <p>1. The contribution must be paid prior to the issue of the Construction Certificate for the level 3 Sovereign Room Expansion, to the City of Sydney Council. Personal or company cheques will not be accepted.</p> <p>Indexing</p> <p>2. If the contribution rate is adjusted between the date on which Modification 14 is approved and payment of the contribution, then the figure in paragraph 2 of this condition will be indexed and calculated according to the then current contribution rate.</p>						

MP08_0098 Conditions of Approval (including Mod 14)	Proposed Modifications to Conditions of Consent for Mod 13				
	<p><i>Insert below condition:</i></p> <p><i>B12B Development Contributions – Modification 13</i></p> <p>A contribution under section 7.11 of the <i>Environmental Planning and Assessment Act 1979</i> must be paid in accordance with the following:</p> <p>Cash contribution</p> <div><div>1.</div><div>In accordance with the adopted "City of Sydney Development Contributions Plan 2015" a cash contribution must be paid to Council in accordance with this condition.</div></div> <div><div>2.</div><div>The amount of the contribution is \$5,667,711.43</div></div>				
	<i>Contribution Use</i>	<i>Additional GFA/Hotel Rooms/ Apartments</i>	<i>GFA(m²) Per worker/visitor</i>	<i>Contribution Rate</i>	<i>Mod 13 Contribution (\$)</i>
	<i>Hotel Rooms</i>	<i>1-2 bed/key: + 187 rooms</i>  <i>3 or 3+ bed/key: +33 rooms</i>	<i>1 or 2 bed/key: 1.3 visitor/key</i>  <i>3 or 3+ bed/key: 0.8 visitor/key</i>  <i>0.4 worker/key</i>	<i>\$7,355per visitor</i> <i>\$1,864per worker</i>	\$2,146,204.50
	<i>Apartments</i>	<i>1 bed – 81 apartments</i>  <i>2 bed – 104 apartments</i>  <i>3 bed – 19 apartments</i>	-	<i>1 bed - \$12,664per unit</i> <i>2 bed - \$18,509per unit</i> <i>3 bed - \$20,000 per unit</i>	\$3,330,720
	<i>Food &amp; Drink</i>	<i>+1,597</i>	<i>21m² per worker</i>	<i>\$1,864per worker</i>	\$141,752.76
	<i>Function Centre (Neighbourhood Centre)</i>	<i>+781m²</i>	<i>119m² per worker</i>	<i>\$1,864per worker</i>	\$12,233.48
	<i>Business</i>	<i>+691m²</i>	<i>35m² per</i>	<i>\$1,864per</i>	\$37,800.69

MP08_0098 Conditions of Approval (including Mod 14)					Proposed Modifications to Conditions of Consent for Mod 13																																		
					Premises		worker	worker																															
								Total	\$5,667,711.43																														
					Timing of Payment <p>3. The contribution must be paid prior to the issue of the Construction Certificate for the Ritz-Carlton Hotel and Residential Tower, to the City of Sydney Council. Personal or company cheques will not be accepted.</p> Indexing <p>4. If the contribution rate is adjusted between the date on which Modification 13 is approved and payment of the contribution, then the figure in paragraph 2 of this condition will be indexed and calculated according to the then current contribution rate.</p> <p>Reason: to provide the required contribution under Section 7.11 of the Environmental Planning and Assessment Act 1979.</p>																																		
B13 Affordable Housing Contributions																																							
<p><i>B13A Affordable Housing Contributions – Modification 14</i></p> <p>The following Affordable Housing Contribution is payable in relation to Modification 14 as follows:</p> <table><tr><td>Level</td><td>Use</td><td>Contribution Use</td><td>Additional GFA</td><td>Payables . based on \$42.24 contribution rate</td></tr><tr><td>Level 00</td><td>Astral Luxury Retail Zone &amp; Astral Hotel Lobby</td><td>Commercial</td><td>542 sqm</td><td>\$22,894.08</td></tr><tr><td>Level 01</td><td>Area of Slab infill</td><td>Commercial</td><td>214 sqm</td><td>\$9,039.36</td></tr><tr><td>Level 03</td><td>Sovereign Gaming, Restaurant &amp; Pre- function Space</td><td>Commercial</td><td>6,005 sqm</td><td>\$253,651.20</td></tr><tr><td>Level 05</td><td>Astral Residences Lobby &amp; Astral VIP Lounge Lobby</td><td>Commercial</td><td>61 sqm</td><td>2,576.64</td></tr><tr><td colspan="4">Total</td><td>\$288,161.28</td></tr></table> <p>1. The above contribution it to be paid as follows:</p> <p>a. Prior to the first Construction Certificate being issued for the</p>					Level	Use	Contribution Use	Additional GFA	Payables . based on \$42.24 contribution rate	Level 00	Astral Luxury Retail Zone & Astral Hotel Lobby	Commercial	542 sqm	\$22,894.08	Level 01	Area of Slab infill	Commercial	214 sqm	\$9,039.36	Level 03	Sovereign Gaming, Restaurant & Pre- function Space	Commercial	6,005 sqm	\$253,651.20	Level 05	Astral Residences Lobby & Astral VIP Lounge Lobby	Commercial	61 sqm	2,576.64	Total				\$288,161.28	No modification proposed as part of Modification 13.				
Level	Use	Contribution Use	Additional GFA	Payables . based on \$42.24 contribution rate																																			
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Total				\$288,161.28																																			

MP08_0098 Conditions of Approval (including Mod 14)	Proposed Modifications to Conditions of Consent for Mod 13		
<p>Modification 14 works, the Proponent must provide evidence to Council that a monetary contribution towards the provision of affordable housing has been paid. The contribution is \$288,161.28 based on 6,822 sqm of additional proposed 'commercial' gross floor area; or alternatively</p> <p>b. Prior to the first Construction Certificate for the Modification 14 works being issued, the Proponent must provide evidence that a bank guarantee in amount of \$288,161.28 (based on 6,822 sqm of additional proposed 'commercial' gross floor area) has been lodged with the Department of Planning and Environment</p> <p>2. Bank cheques to the value of the required contribution are to be made in favour of City West Housing Pty Ltd and paid to NSW Department of Planning and Environment.</p> <p>3. Certification of the Affordable Housing Contribution calculations including verification of total area, prepared by a Quantity Surveyor, and indexation of the contribution in accordance with the Affordable Housing Program, must be submitted to and approved by Council, prior to a Construction Certificate being issued for Modification 14 works being issued (where the contribution is being paid rather than a bank guarantee being lodged).</p> <p>4. If the Construction Certificate is to be issued by a Private Certifying Authority, they must seek Council's endorsement of the calculation (in the event the contribution is to be paid rather than a Bank Guarantee lodged) prior to issue of the Construction Certificate for Modification 14 works.</p> <p>5. In the event the Proponent elects to satisfy this condition with the lodgement of a Bank Guarantee the Proponent must pay the contribution calculated in accordance with (3) above prior to issue of an Occupation Certificate for the Level 3 Sovereign Room Expansion works. The Proponent must provide evidence to Council that the Affordable Housing contribution has been paid prior to the issue of the Occupation Certificate for the Level 3 Sovereign Room Expansion works.</p> <p>6. The Bank Guarantee is to be paid and refunded in accordance with the requirements of the Revised City West Affordable Housing Program (June 2010) prepared by NSW Planning.</p>			
	<p><i>B13B Affordable Housing Contributions – Modification 13</i></p> <p>The following Affordable Housing Contribution is payable in relation to Modification 13 as follows:</p>		
	Contribution Use	Additional Mod 13 GFA	Payable Contribution for Mod 13 (\$43.18/m <sup>2</sup> for commercial &

MP08_0098 Conditions of Approval (including Mod 14)	Proposed Modifications to Conditions of Consent for Mod 13		
			\$30.06/m <sup>2</sup> for residential)
	Commercial	24,215m <sup>2</sup>	\$1,118,434.11
	Residential	23,530m <sup>2</sup>	\$738,262.86
		Total	\$1,856,696.97
	<ol style="list-style-type: none"> <li>1. The above contribution it to be paid as follows: <ol style="list-style-type: none"> <li>a. Prior to the first Construction Certificate being issued for the Modification 13 works, the Proponent must provide evidence to Council that a monetary contribution towards the provision of affordable housing has been paid. The contribution is \$1,856,696.97 based on 25,139 sqm of additional proposed 'commercial' gross floor area and 23,838 sqm of additional proposed 'residential' gross floor area; or alternatively</li> <li>b. Prior to the first Construction Certificate for the Modification 13 works being issued, the Proponent must provide evidence that a bank guarantee in amount of \$1,856,696.97 (based on 25,139sqm of additional proposed 'commercial' gross floor area and 23,838sqm of additional proposed 'residential' gross floor area) has been lodged with the Department of Planning and Environment</li> </ol> </li> <li>2. Bank cheques to the value of the required contribution are to be made in favour of City West Housing Pty Ltd and paid to NSW Department of Planning and Environment.</li> <li>3. Certification of the Affordable Housing Contribution calculations including verification of total area, prepared by a Quantity Surveyor, and indexation of the contribution in accordance with the Affordable Housing Program, must be submitted to and approved by Council, prior to a Construction Certificate being issued for Modification 13 works being issued (where the contribution is being paid rather than a bank guarantee being lodged).</li> <li>4. If the Construction Certificate is to be issued by a Private Certifying Authority, they must seek Council's endorsement of the calculation (in the event the contribution is to be paid rather than a Bank Guarantee lodged) prior to issue of the Construction Certificate for Modification 13 works.</li> <li>5. In the event the Proponent elects to satisfy this condition with the lodgement of a Bank Guarantee the Proponent must pay the contribution calculated in accordance with (3) above prior to issue of an Occupation Certificate for the Ritz-</li> </ol>		

MP08_0098 Conditions of Approval (including Mod 14)	Proposed Modifications to Conditions of Consent for Mod 13
	<p>Carlton Hotel and Residential Hotel. The Proponent must provide evidence to Council that the Affordable Housing contribution has been paid prior to the issue of the Occupation Certificate for the Ritz-Carlton Hotel and Residential Hotel.</p> <p>6. The Bank Guarantee is to be paid and refunded in accordance with the requirements of the Revised City West Affordable Housing Program (June 2010) prepared by NSW Planning.</p> <p><u>Reason:</u> to provide the required contribution for Affordable Housing as adjusted by date.</p>
<p>B14 Structural Details</p> <p>Prior to issue of a Construction Certificate, the Proponent shall submit to the satisfaction of the Certifying Authority, structural drawings prepared and signed by a suitably qualified practising Structural Engineer that complies with:</p> <ul style="list-style-type: none"> <li>(1) the relevant clauses of the BCA,</li> <li>(2) the relevant development consent,</li> <li>(3) drawings and specifications comprising the Construction Certificate, and</li> <li>(4) the relevant Australian Standards listed in the BCA (Specification AI.3).</li> </ul>	<p>No modification proposed as part of Modification 13.</p>
<p>B15 Disabled Access</p> <p>Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the BCA's Access Policy. Prior to the issue of a Construction Certificate a certification of compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.</p>	<p>No modification proposed as part of Modification 13.</p>
<p><i>B16 Mechanical Ventilation</i></p> <p>All mechanical ventilation systems shall be designed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection.</p> <p>Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.</p>	<p>No modification proposed as part of Modification 13.</p>



MP08_0098 Conditions of Approval (including Mod 14)	Proposed Modifications to Conditions of Consent for Mod 13
The required operation and performance of any mechanical ventilation, air pressurisation or other smoke control system must not be impaired by the proposed partitioning layout.	
B17 Consolidation of Allotments  Deleted.	
B18 Outdoor Lighting  All outdoor lighting shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.	B18 Outdoor Lighting  All outdoor lighting shall comply with, where relevant, <del>AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting</del> AS 1158.3.1-2005 Lighting for Road and Public Spaces Pedestrian Areas and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.  <u>Reason:</u> Updating to the current Australian Standard.
<i>B19 Construction and Traffic Management Plan</i>  Prior to the issue of a Construction Certificate the Proponent must update the Construction Pedestrian and Traffic Management (CPTMP) in consultation with the Sydney Coordination Office within Transport for NSW and submit it to the Principal Certifying Authority. The construction hours however must be in accordance with condition D11 of this approval. The Proponent shall also submit a copy of the final plan to the Department and the Council.	<i>B19 Construction and Traffic Management Plan</i>  Prior to the issue of a Construction Certificate the Proponent must update the Construction Pedestrian and Traffic Management (CPTMP) in consultation with the Sydney Coordination Office within Transport for NSW and submit it to the Principal Certifying Authority. The construction hours however must be in accordance with condition D11 of this approval. The Proponent shall also submit a copy of the final plan to the Department and the Council.
	<i><del>B19A Construction and Traffic Management Plan</del></i>  <del>Prior to the issue of a Construction Certificate for the Ritz-Carlton Tower, the Proponent must update the Construction Pedestrian and Traffic Management (CPTMP) in consultation with the Sydney Coordination Office within Transport for NSW and submit to the satisfaction of the Principal Certifying Authority. The construction hours however must be in accordance with condition D11 of this approval.</del>  <del>The Proponent shall also submit a copy of the final plan to the Department and the Council.</del>  <u>Reason:</u> to provide clarity on the intended construction management programme.
B20 Compliance with BCA  Evidence demonstrating that the Proposal complies with the BCA is to be provided to the satisfaction of the Certifying Authority prior to the issue of a construction certificate.	No modification proposed as part of Modification 13.
<i>B21 Construction Noise and Vibration Management Plan</i>	No modification proposed as part of Modification 13.

MP08_0098 Conditions of Approval (including Mod 14)	Proposed Modifications to Conditions of Consent for Mod 13
<p>A Construction Noise and Vibration Management Plan (CNVMP) is to be prepared detailing:</p> <ol style="list-style-type: none"> <li>(1) specific activities to be carried out on the site and associated noise sources;</li> <li>(2) identification of potentially affected sensitive receivers;</li> <li>(3) construction noise and vibration criteria specified in the conditions of this approval;</li> <li>(4) maximum noise levels for internal works to be carried out 24 hours a day;</li> <li>(5) detailed assessment of the construction methods to be used for the works;</li> <li>(6) mitigation treatments, management methods and procedures to be implemented during construction to control noise and vibration;</li> <li>(7) measures to inform all potentially impacted residents of the nature of the works to be carried out, the expected noise levels and duration, as well as site contact details;</li> <li>(8) noise and vibration monitoring, reporting and response procedures;</li> <li>(9) measures to be implemented to manage complaint handling and reporting; and</li> <li>(10) contingency plans to be implemented where non-compliances occur or noise complaints are received.</li> </ol> <p>The CNVMP must be prepared in accordance with the Interim Construction Noise Guideline and include feasible and reasonable work practices to meet the established construction noise limits.</p> <p>The construction hours must be in accordance with condition D11 of this approval.</p> <p>The CNVMP is to be submitted to the Certifying Authority for endorsement prior to the issue of a Construction Certificate. The Proponent shall also submit a copy of the final plan to the Department and the Council.</p>	
<p><i>B21A Construction Environmental Management Plan</i></p> <p>The Proponent shall prepare a Construction Environmental Management Plan (CEMP) prior to the issue of a Construction Certificate for the Level 3 Sovereign Room expansion in consultation with the Department of Primary Industries (DPI Water).</p>	<p>No modification proposed as part of Modification 13.</p>
<p>B22 Environmental Protection - Water and Sediment Control</p>	<p>No modification proposed as part of Modification 13.</p>

MP08_0098 Conditions of Approval (including Mod 14)	Proposed Modifications to Conditions of Consent for Mod 13
<p>A Water and Sediment Control Plan shall be prepared, consistent with the principles and practices set out in Managing Urban Stormwater-Soils &amp; Construction Volume 1 (2004) by Landcom and must include:</p> <ul style="list-style-type: none"> <li>(1) The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;</li> <li>(2) The procedures to be adopted for the prevention of run-off from the site onto the public way; and</li> <li>(3) The procedures to be adopted for the prevention of loose material and litter from being blown onto the public way.</li> </ul> <p>During the works:</p> <ul style="list-style-type: none"> <li>(4) Erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;</li> <li>(5) Erosion and sediment control signage available from the relevant Authority must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of demolition; and</li> <li>(6) Demolition operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.</li> </ul> <p>The Water and Sediment Control Plan is to be submitted to the Certifying Authority prior to the issue of the first Construction Certificate.</p>	
<p><i>B23 Protection of Trees During Construction</i></p> <ul style="list-style-type: none"> <li>(1) All trees to be retained on and adjacent to the site must be protected at all times during excavation and construction. Details of the methods of protection must be submitted to and approved by the Certifying Authority prior to the issue of the first Construction Certificate. All approved protection measures must be maintained for the duration of works and any tree on the footpath which is damaged or removed during excavation or construction must be replaced.</li> <li>(2) Where trees are required to be removed during construction those trees are to be replaced by a tree of similar species and size in accordance with the approved landscape concept prior to issue of an Occupation Certificate for the Level 3 Sovereign Room expansion (excluding the Sovereign Room Swing Space).</li> </ul>	<p><i>B23 Protection of Trees During Construction</i></p> <ul style="list-style-type: none"> <li>(1) All trees to be retained on and adjacent to the site must be protected at all times during excavation and construction. Details of the methods of protection must be submitted to and approved by the Certifying Authority prior to the issue of the first Construction Certificate. All approved protection measures must be maintained for the duration of works and any tree on the footpath which is damaged or removed during excavation or construction must be replaced.</li> <li>(2) Where trees are required to be removed during construction of Mod 14 those trees are to be replaced by a tree of similar species and size in accordance with the approved landscape concept prior to issue of an Occupation Certificate for the Level 3 Sovereign Room expansion (excluding the Sovereign Room Swing Space)</li> </ul>

MP08_0098 Conditions of Approval (including Mod 14)	Proposed Modifications to Conditions of Consent for Mod 13
	<p>(3) Where trees are required to be removed during construction of Mod 13 those trees are to be replaced by a tree of similar species and size in accordance with the approved landscape concept prior to issue of an Occupation Certificate for the Ritz-Carlton Hotel and Residential Tower.</p> <p><u>Reason:</u> to maintain streetscape amenity.</p>
<p>B24 Security Management Plan</p> <p>Prior to issue of a Construction Certificate, a Security Management Plan specifying security patrol, surveillance and other security and response methods and security management of the public and private domain within and surrounding the site must be submitted to Council for approval. The approved plan must be implemented at all times during operation of the use.</p>	<p>No modification proposed as part of Modification 13.</p>
<p>B25 Construction Waste Management Plan</p> <p>Prior to the issue of a Construction Certificate, a Waste Management Plan shall be prepared by a suitably qualified person. The Proponent shall submit a copy of the plan to the Department and Council.</p>	<p>No modification proposed as part of Modification 13.</p>
<p>B26 Footpath Damage Bank Guarantee</p> <p>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.</p>	<p>No modification proposed as part of Modification 13.</p>
<p>B27 Design of Service Link</p> <p>Prior to the issue of a Construction Certificate, the Proponent shall submit to the satisfaction of the Director-General, design details demonstrating the transparency of the service link is maximised as per the recommendations of the Visual Impact Assessment, Multi Use Entertainment Facility - Star City Casino, prepared by GMU Urban Design and Architecture, dated October 2010.</p>	<p>No modification proposed as part of Modification 13.</p>
<p>B28 Emergency Evacuation</p>	<p>No modification proposed as part of Modification 13.</p>

MP08_0098 Conditions of Approval (including Mod 14)	Proposed Modifications to Conditions of Consent for Mod 13																								
<p>Prior to the issue of a Construction Certificate for the Multi Use Entertainment Facility works the Director-General must be satisfied that there is a provision for the safe evacuation of the Multi-Use Entertainment Facility (MUEF) in the case of an emergency</p>																									
<p><i>B29 Bicycle Parking and End of Trip Facilities</i></p> <p>The minimum number of bicycle parking spaces and end of trip facilities to be provided for the development must comply with the table below and the approved plans:</p> <table><tr><th>User</th><th>Quantity</th><th>Requirements</th></tr><tr><td>Visitor Parking</td><td>29</td><td><ul style="list-style-type: none"><li>Levels B1 and B2 as shown on plan Nos. A90B1 and A90B2;</li><li>On-grade;</li><li>In a visible and easily accessible location</li></ul></td></tr><tr><td>Staff Parking</td><td>5</td><td></td></tr><tr><td>End of trip change facilities including showers and change area</td><td colspan="2">Separate male and female facilities at Heart of House on Level 00</td></tr></table> <p>The layout, design and security of bicycle facilities must comply with <i>Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities</i>. The details must be submitted to and approved by the Principle Certifying Authority confirming prior to the Construction Certificate being issued.</p>	User	Quantity	Requirements	Visitor Parking	29	<ul style="list-style-type: none"><li>Levels B1 and B2 as shown on plan Nos. A90B1 and A90B2;</li><li>On-grade;</li><li>In a visible and easily accessible location</li></ul>	Staff Parking	5		End of trip change facilities including showers and change area	Separate male and female facilities at Heart of House on Level 00		<p><i>B29 Bicycle Parking and End of Trip Facilities <b>for Modification 13</b></i></p> <p>The minimum number of bicycle parking spaces and end of trip facilities to be provided for <del>the development</del> <b>Modification 13</b> must comply with the table below and the approved plans:</p> <table><tr><th>User</th><th>Quantity</th><th>Requirements</th></tr><tr><td>Visitor Parking</td><td><del>29</del> <b>62</b></td><td><ul style="list-style-type: none"><li>Levels B1 and B2 as shown on plan Nos. A90B1 and A90B2 <b>for Mod 14;</b></li><li><b>20 rental bikes in the Pirrama Road forecourt;</b></li><li><b>13 bike lockers adjacent to the Light Rail platform in an 32sqm SELG retail space;</b></li><li><b>29 bike racks located in groups at the major entry points of the site;</b></li><li>On-grade; and</li><li>In a visible and easily accessible location.</li></ul></td></tr><tr><td>Staff Parking</td><td><del>5</del> <b>35</b></td><td><b>Class 1 spaces for employees. Employee parking is a 66sqm secure room at the Union Street and Edward Street entry to the food court and Casino escalators.</b></td></tr><tr><td>End of trip change facilities including showers and change area</td><td colspan="2">Separate male and female facilities at Heart of House on Level 00</td></tr></table> <p>The layout, design and security of bicycle facilities must comply with <i>Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities</i>. The details must be submitted to and approved by the</p>	User	Quantity	Requirements	Visitor Parking	<del>29</del> <b>62</b>	<ul style="list-style-type: none"><li>Levels B1 and B2 as shown on plan Nos. A90B1 and A90B2 <b>for Mod 14;</b></li><li><b>20 rental bikes in the Pirrama Road forecourt;</b></li><li><b>13 bike lockers adjacent to the Light Rail platform in an 32sqm SELG retail space;</b></li><li><b>29 bike racks located in groups at the major entry points of the site;</b></li><li>On-grade; and</li><li>In a visible and easily accessible location.</li></ul>	Staff Parking	<del>5</del> <b>35</b>	<b>Class 1 spaces for employees. Employee parking is a 66sqm secure room at the Union Street and Edward Street entry to the food court and Casino escalators.</b>	End of trip change facilities including showers and change area	Separate male and female facilities at Heart of House on Level 00	
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	<p>Principle Certifying Authority confirming prior to the Construction Certificate being issued.</p> <p><u>Reason:</u> to account for amendments to car and bicycle car parking.</p>
<p><i>B30 Landscaped (Green) Roofs</i></p> <p><b>(a)</b> A detailed plan of the green roof, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate for the Level 3 Sovereign Room Expansion. The plan must include:</p> <p><b>(i)</b> Location of existing and proposed structures, services and hard landscaping on the rooftop, roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.</p> <p><b>(ii)</b> Details of earthworks including mounding and retaining walls.</p> <p><b>(iii)</b> Details of the location, sizes and numbers of plants used with reference to NATSPEC, with a preference for locally indigenous and drought resistant plants. The proposed green roof plant species are not approved, and must be selected in consultation with the City's ecologist to ensure adequate biodiversity.</p> <p><b>(iv)</b> Details of the soil media/substrate type and depth.</p> <p><b>(v)</b> Details of installation methodology e.g. safety considerations for working at height, location of maintenance hooks (if applicable) transport material etc.</p> <p><b>(vi)</b> Details of accessible and inaccessible areas on the Green Roof. Where proposed to be inaccessible, Green Roofs are required to remain such during occupation of the property.</p> <p><b>(vii)</b> Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer (if applicable).</p>	<p>B30 Landscaped (Green) Roofs</p> <p><b>(a)</b> A detailed plan of the green roof, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate for the Level 3 Sovereign Room Expansion. The plan must include:</p> <p><b>(i)</b> Location of existing and proposed structures, services and hard landscaping on the rooftop, roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.</p> <p><b>(ii)</b> Details of earthworks including mounding and retaining walls.</p> <p><b>(iii)</b> Details of the location, sizes and numbers of plants used with reference to NATSPEC, with a preference for locally indigenous and drought resistant plants. The proposed green roof plant species are not approved, and must be selected in consultation with the City's ecologist to ensure adequate biodiversity.</p> <p><b>(iv)</b> Details of the soil media/substrate type and depth.</p> <p><b>(v)</b> Details of installation methodology e.g. safety considerations for working at height, location of maintenance hooks (if applicable) transport material etc.</p> <p><b>(vi)</b> Details of accessible and inaccessible areas on the Green Roof. Where proposed to be inaccessible, Green Roofs are required to remain such during occupation of the property.</p> <p><b>(vii)</b> Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer (if applicable).</p>

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<p><b>(b)</b> Prior to the issue of a Construction Certificate for the Level 3 Sovereign Room Expansion, the following details are to be submitted to and approved by the Principal Certifying Authority:</p> <p><u>(i)</u> Evidence the green roof has been assessed as part of the structural certification provided for the development; and</p> <p><u>(ii)</u> Evidence the green roof has been assessed as part of the waterproofing certification provided for the development.</p> <p><b>(c)</b> All landscaping in the approved plan is to be completed prior to the issue of an Occupation Certificate for the Level 3 Sovereign Room Expansion.</p> <p><b>(d)</b> Prior to the issue of an Occupation Certificate for the Level 3 Sovereign Room Expansion, a maintenance plan is to be submitted and approved by the Principal Certifying Authority. A copy of the maintenance plan is to be kept on site at all times during construction and shall be produced to Council on request following completion. The Maintenance Manual shall include as a minimum:</p> <p><u>(i)</u> Frequency and methodology of different maintenance requirements including the removal of green waste.</p> <p><u>(ii)</u> Details of safety procedures.</p> <p><u>(iii)</u> Laminated copies of 'As Built' drawings.</p> <p><u>(iv)</u> Manufacturer's contact details and copies of manufacturers' typical details and specification;</p> <p><u>(v)</u> Copies of warranties and guarantees relating to all materials and plant used in construction; and</p> <p><u>(vi)</u> Decommissioning procedures.</p> <p><b>(e)</b> Inaccessible green roofs are required to remain inaccessible during</p>	<p><b>(b)</b> Prior to the issue of a Construction Certificate for the Level 3 Sovereign Room Expansion, the following details are to be submitted to and approved by the Principal Certifying Authority:</p> <p>(i) Evidence the green roof has been assessed as part of the structural certification provided for the development; and</p> <p>(ii) Evidence the green roof has been assessed as part of the waterproofing certification provided for the development.</p> <p><b>(c)</b> All landscaping in the approved plan is to be completed prior to the issue of an Occupation Certificate for the Level 3 Sovereign Room Expansion.</p> <p><b>(d)</b> Prior to the issue of an Occupation Certificate for the Level 3 Sovereign Room Expansion, a maintenance plan is to be submitted and approved by the Principal Certifying Authority. A copy of the maintenance plan is to be kept on site at all times during construction and shall be produced to Council on request following completion. The Maintenance Manual shall include as a minimum:</p> <p>(i) Frequency and methodology of different maintenance requirements including the removal of green waste.</p> <p>(ii) Details of safety procedures.</p> <p>(iii) Laminated copies of 'As Built' drawings.</p> <p>(iv) Manufacturer's contact details and copies of manufacturers' typical details and specification;</p> <p>(v) Copies of warranties and guarantees relating to all materials and plant used in construction; and</p> <p>(vi) Decommissioning procedures.</p> <p><b>(e)</b> Inaccessible green roofs are required to remain inaccessible during occupation of the property.</p>



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occupation of the property.	<p>(f) Notwithstanding (a) to (e) above, in the event that construction of Modification 13 works has commenced, which prevents the undertaking of the landscaped green roof works, the landscaped green roof will be superseded by the Level 5 terrace works shown in the Architectural Plans prepared by FJMT, dated 2 November 2018 referenced in condition A2 of this approval.</p> <p><u>Reason:</u> to account for the staging of construction.</p>
PART C - PRIOR TO COMMENCEMENT OF WORKS	
<p>C1 Barricade Permit</p> <p>Where construction/building works require the use of a public place including a road or footpath, approval for a Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are to be in accordance with Council's requirements.</p>	No modification proposed as part of Modification 13.
<p>C2 Vehicle Cleansing</p> <p>Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site/associated with the construction of the development. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.</p>	No modification proposed as part of Modification 13.
<p>C3 Utility Services</p> <p>Prior to commencement of work, to ensure that utility authorities are advised of the development:</p> <p>(1) A survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.</p> <p>(2) The Proponent is to negotiate with the utility authorities (eg. Energy Australia, Sydney Water Corporation and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.</p>	No modification proposed as part of Modification 13.
<p>C4 Design Standard</p> <p>Car park areas are to comply with the relevant Australian Standard and on-site manoeuvrability is to comply with AUSTROADS.</p>	No modification proposed as part of Modification 13.

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<p>C5 Hoarding</p> <p>Any B-Class hoarding erected around the site is to contain graphics (not 3rd party advertising) which activates the public domain and may include some images of the new building.</p>	No modification proposed as part of Modification 13.
<p>C6 Contact Telephone Number</p> <p>Prior to the commencement of the works, the Proponent shall forward to the Department and Council a 24-hour telephone number to be operated for the duration of the construction works.</p>	No modification proposed as part of Modification 13.
In Part D – During construction works	
<p>D1 Loading and Unloading During Construction</p> <p>A Works Zone is required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council prior to commencement of the work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the day to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.</p>	No modification proposed as part of Modification 13.
<p>D2 No Obstruction of Public Way</p> <p>The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.</p>	No modification proposed as part of Modification 13.
<p>D3 Covering of Loads</p> <p>All vehicles involved in the excavation process and departing with spoil or loose matter, must have their loads fully covered before entering the public roadway.</p>	No modification proposed as part of Modification 13.
<p>D4 Erosion and Sedimentation Control</p> <p>Sediment controls, to ensure that no sediment, fines, and like material can enter the waterway or drainage system are to be in place for the duration of the works. The applicant is to carry out works generally in accordance with the Construction Management Plan in respect to environmental management and safeguards. These controls are to be maintained at design level throughout the duration of the works and are to be inspected for this purpose at frequent intervals. Any deficiencies are to be immediately made good. Soil erosion and sediment control measures and methods shall be designed in accordance with the document Managing Urban Stormwater-Soils &amp;</p>	No modification proposed as part of Modification 13.

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Construction Volume 1 (2004) by Landcom. Details are to be complied with prior to Construction.	
<p>D5 Disposal of Seepage and Stormwater</p> <p>Any seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.</p>	No modification proposed as part of Modification 13.
<p>D6 Stormwater Pits</p> <p>Any existing stormwater pits that do not comply with AS 3500 are to be upgraded as part of the development.</p>	No modification proposed as part of Modification 13.
<p>D7 Setting out Structures</p> <p>The new works shall be set out by a registered surveyor to verify the correct position of each in relation to property boundaries and the approved alignment levels.</p>	No modification proposed as part of Modification 13.
<p>D8 Approved Plans to be On-Site</p> <p>A copy of the approved and certified plans, specifications and documents incorporating conditions of approval shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department or Council.</p>	No modification proposed as part of Modification 13.
<p>D9 Site Notice</p> <p>A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the PCA, Builder, the Architect and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:</p> <ul style="list-style-type: none"> <li>(1) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;</li> <li>(2) The notice is to be durable and weatherproof and is to be displayed throughout the works period;</li> <li>(3) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and</li> </ul>	No modification proposed as part of Modification 13.

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(4) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.	
<p>D10 Dust Control Measures</p> <p>Adequate measures shall be taken to prevent dust from affecting the amenity of the immediate area during construction. In particular, the following measures must be adopted:</p> <ul style="list-style-type: none"> <li>(1) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions,</li> <li>(2) All materials shall be stored or stockpiled at the best locations,</li> <li>(3) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs,</li> <li>(4) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material,</li> <li>(5) All equipment wheels shall be washed before exiting the site,</li> <li>(6) Gates shall be closed between vehicle movements and shall be fitted with shade cloth, and</li> <li>(7) Cleaning of footpaths and roadways shall be carried out regularly.</li> </ul>	No modification proposed as part of Modification 13.
<p><i>D11 Hours of Work</i></p> <ul style="list-style-type: none"> <li>1. The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows: <ul style="list-style-type: none"> <li>a) between 7:00 am and 5:30pm, Mondays to Fridays inclusive;</li> <li>b) between 8:00 am and 3:00 pm, Saturdays;</li> <li>c) between 9:00 am and 3.30 pm, Mondays to Fridays for mechanical rock blasting; and</li> <li>d) no work on Sundays and public holidays.</li> </ul> </li> <li>2. Works may be undertaken outside these hours where: <ul style="list-style-type: none"> <li>a) the delivery of materials is required outside these hours by the Police or other authorities;</li> </ul> </li> </ul>	No modification proposed as part of Modification 13.

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<p>b) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and</p> <p>c) residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of the works; and</p> <p>d) the work is approved by the Director-General or his nominee.</p> <p>3. Notwithstanding conditions 1 and 2 above minor internal works to the existing building, including but not limited to demolition of light weight partitions, construction of new partitions, installation of ceilings, finishing of floors, engineering services installations, carpet installation, lighting programming, painting, may be undertaken outside these hours in accordance with the submitted Construction Noise and Vibration Management Plan required by condition B21.</p> <p>Should noise complaints be received by Council or other State government agencies from a place of different occupancy (including commercial premises) and the complaint being substantiated by a Council Officer or representative of the relevant State agency, the construction works occurring during the approved extended construction hours must cease operation until 'attenuation works' are carried out. Extended construction hours must not commence until compliance with the relevant noise conditions can be achieved.</p> <p>All heavy demolition and construction works shall be restricted to between the hours of 9:00am – 4:00pm Mondays to Saturdays.</p>	
<p>D12 Signage</p> <p>Adequate signage and other protective measures should be erected in the vicinity of the heritage items and in the vicinity of the work site to alert contractors and subcontractors to the existence and fragile nature of these heritage items.</p>	<p>No modification proposed as part of Modification 13.</p>
<p>D13 Sydney Metro Authority</p> <p>Persons authorised by Sydney Metro Authority are to be granted access to inspect the site to enable them to assess whether excavation works and structures have been undertaken according to agreed plans.</p>	<p>No modification proposed as part of Modification 13.</p>
<p>D14 Work on site to Cease</p> <p>If any unidentified historical archaeological remains or deposits are exposed during the works excavation is to cease immediately in the affected areas and the archaeologist is to</p>	<p>No modification proposed as part of Modification 13.</p>

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undertake an evaluation of the potential extent and significance of such relics. The Heritage Council is to be notified in accordance with Section 146 of the NSW Heritage Act, 1977.	
<p>D15 Associated Roadway Costs</p> <p>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'.</p>	No modification proposed as part of Modification 13.
<p>D16 Paving Materials</p> <p>The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are to be used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials"</p>	No modification proposed as part of Modification 13.
<p>D17 Public Domain Plan</p> <p>Three copies of a 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 the works on the public way. It is recommended that draft plans should be submitted for comment prior to formal submission for approval.</p> <p>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 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.</p> <p>The Public Domain Plan must address the following:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(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.</li> <li>(iii) Pedestrian kerb ramps must be designed and constructed at pedestrian crossing points in the footway in accordance with Council's Sydney Streets Design Code, and must be oriented to suit the path of travel</li> </ul>	No modification proposed as part of Modification 13.

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<ul style="list-style-type: none"> <li>(iv) New kerb works surrounding the sites 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 Council's Sydney Streets Design Code.</li> <li>(v) All entry and exit driveways on the public way are to be designed and constructed in accordance with council's Sydney Streets Design Code, (including drop kerb), with finishes 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.</li> <li>(vi) Lighting on the public way must comply with the requirements of AS 1158.3.1 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.</li> </ul>	
<p><i>D17A Public Domain Plan – Mod 14 Works</i></p> <p>Three copies of a Public Domain Plan must be prepared by an architect, urban designer or landscape architect reflecting the proposed Public Domain Works shown within the Landscape Report prepared by Urbis dated 16 February 2017 include the relevant provisions to address the requirements of condition B9A. The plan must be lodged with Council's Public Domain Section and approved by Council prior to the commencement of the public domain works.</p>	
<p><i>D18 Public Domain Damage Deposit</i></p> <p>A Public Domain Damage Deposit calculated on the basis of 135 lineal metres of asphalt site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.</p> <p>The guarantee must be lodged with Council prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier.</p> <p>The Bank Guarantee will be retained in full until the final Occupation Certificate has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90% of</p>	<p>No modification proposed as part of Modification 13.</p>



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the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.	
<p>D19 Road Opening License</p> <p>A separate Road Opening License must be obtained prior to the approved public domain works commencing on the public way.</p>	No modification proposed as part of Modification 13.
<p>D20 Alignment Levels</p> <p>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 practising 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.</p>	No modification proposed as part of Modification 13.
<p>D21 Street Trees</p> <p>(i) 14 existing large Cabbage Tree Palms (<i>Livistona australis</i>) 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</p> <p>(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.</p> <p>(iii) It is noted that the Weeping Figs (<i>Ficus benjamina</i>) in Council's footpath differ from the species selected for replanting (<i>Livistona australis</i>). 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.</p> <p>(iv) The new locations for transplanted trees are to be agreed by Council, conforming to the Sydney Streets Design Code and Sydney Street Tree Master Plan where possible (refer to Council's Street Tree Master Plan for guidelines on spacing and appropriate placement of street trees).</p> <p>(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</p>	<p>D21 Street Trees</p> <p>(i) 14 existing large Cabbage Tree Palms (<i>Livistona australis</i>) located on Council's footpath in the Pirrama Road frontage of the site must be removed intact, must be <del>retained and</del> maintained, and must be replanted in <del>the Pirrama Road frontage of the site during construction of the public domain works in</del> <del>locations</del> a suitable location (or locations) elsewhere to be agreed with Council officers.</p> <p><u>Reason:</u> These trees are to be removed and protected in consultation with Council to enable construction and maintain the intent of this condition and allow for these trees to be planted elsewhere.</p> <p>(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.</p> <p><del>(iii) It is noted that the Weeping Figs (<i>Ficus benjamina</i>) in Council's footpath differ from the species selected for replanting (<i>Livistona australis</i>). 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.</del></p> <p><u>Reason:</u> The proposed landscaping plan details the provision of Street Trees in accordance with City of Sydney's Street Tree Masterplan.</p> <p>(iv) The new locations for transplanted trees are to be agreed by Council, conforming to the Sydney Streets Design Code and Sydney Street Tree Master</p>

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<p>(AQF5) to undertake and complete all stages of the transplanting work in accordance with the approved transplanting plan.</p> <p>(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.</p> <p>(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.</p>	<p>Plan where possible (refer to Council's Street Tree Master Plan for guidelines on spacing and appropriate placement of street trees).</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>
<p>D22 RailCorp HV (11kV) Cable</p> <p>No works are to take place around the RailCorp HV (11kV) cable located along both Pirrama Road and Jones Bay Road without prior written approval from RailCorp.</p>	<p>No modification proposed as part of Modification 13.</p>
<p><i>D23 Water efficiency</i></p> <p>All water fixtures, including toilets, urinals, taps, showers and dishwashers are required to have a NABERS rating of 3 star or greater.</p>	<p>No modification proposed as part of Modification 13.</p>
<p><i>D24 Heritage</i></p> <p>(1) General Heritage</p> <p>(a) The proposed works are to be carried out in a manner that minimises demolition, alterations, new penetrations/fixings to the significant fabric of the SELS Building, which is listed as a Heritage Item.</p> <p>(b) The fabric and features of the SELS Building to be retained by</p>	<p>No modification proposed as part of Modification 13.</p>

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<p>the Proposal must be property protected during the process of demolition and construction.</p> <p>(c) All conservation and adaption works are to be in accordance with the Articles of the Australia ICOMOS Burra Charter 1999.</p> <p>(d) Experienced tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works to the SELS Building</p> <p>(e) New services to the SELS Building are to be installed with minimum intervention to significant fabric and spaces.</p> <p>(f) Brickwork/stone must not be rendered, painted or coated.</p> <p>(2) Making Good to Existing Building All new internal and external finishes and works of making good to the SELS Building must match the existing original work adjacent in respect of materials used, detailed execution and finished appearance.</p> <p>(3) SELS Building Lighting The lighting to Pyrmont Street Façade of the SELS Building is to be installed in accordance with the Lighting Methodology Statement prepared by URBIS dated 16 February 2017.</p>	
Part E – Prior to Occupation or Commencement of Use	
<p>E1 (A) Certification of Noise Mitigation Measures</p> <p>Prior to the issues of an Occupation Certificate for any stage of the Approved Project, a report is to be prepared and submitted by a qualified acoustic engineer confirming that the development has been constructed in accordance with the recommendations of:</p> <p>(a) The Acoustic Assessment Report, prepared by ARUP, September 2008;</p> <p>(b) Addendum Report prepared by Acoustic Logic Consultancy dated August 2009; and</p>	<p>E1 (A) Certification of Noise Mitigation Measures</p> <p>Prior to the issues of an Occupation Certificate for any stage of the Approved Project, a report is to be prepared and submitted by a qualified acoustic engineer confirming that the development has been constructed in accordance with the <b>conditions of this approval.</b></p> <p><del>recommendations of:</del></p> <p><del>(a) The Acoustic Assessment Report, prepared by ARUP, September 2008;</del></p> <p><del>(b) Addendum Report prepared by Acoustic Logic Consultancy dated August 2009;</del></p> <p><del>and</del></p>

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(c) Acoustic Assessment Report prepared by AECOM dated 7 October 2010 as may be relevant to the completed works.	<del>(c) Acoustic Assessment Report prepared by AECOM dated 7 October 2010 as may be relevant to the completed works.</del> <u>Reason:</u> Altered to ensure continued relevance to the whole site noise limit.
<p><i>E1 Noise Control – Plant and Machinery</i></p> <p>Noise associated with the operation of any plant, machinery or other equipment on the site, shall not give rise to anyone or more of the following:</p> <ol style="list-style-type: none"> <li>(1) Transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.</li> <li>(2) A sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute</li> <li>(3) Notwithstanding compliance with (1) and (2) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential property between the hours of 12.00 midnight and 7.00am.</li> <li>(4) Prior to issue of any Occupation Certificate a report is to be prepared and submitted by a qualified acoustic engineer confirming that the development has been constructed in accordance with the recommendations in the Acoustic Assessment Report prepared by ARUP, September 2008 and addendum provided by Acoustic Logic Consultancy, 14 August 2009.</li> </ol>	<p><i>E1 Noise Control – Plant and Machinery</i></p> <p>Noise associated with the operation of any plant, machinery or other equipment on the site, shall not give rise to anyone or more of the following:</p> <ol style="list-style-type: none"> <li><del>(1) Transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.</del></li> <li>(2) A sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute</li> <li>(3) Notwithstanding compliance with (1) and (2) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential property between the hours of 12.00 midnight and 7.00am.</li> <li>(4) Prior to issue of any Occupation Certificate a report is to be prepared and submitted by a qualified acoustic engineer confirming that the development has been constructed in accordance with <del>the recommendations in the Acoustic Assessment Report prepared by ARUP, September 2008 and addendum provided by Acoustic Logic Consultancy, 14 August 2009</del> conditions of this approval.</li> </ol> <p><u>Reason:</u> Item 1 is deleted as the use will be approved. If the approved use complies with the conditions of approval relating to noise, it can therefore not be considered 'offensive noise'.</p> <p>Item 4 is to be amended to ensure continued relevance to the whole of site noise limits.</p>
<p><i>E2 Accessibility</i></p> <p>Prior to issue of an Occupation Certificate a certificate of compliance is to be prepared by an appropriately qualified person and submitted to the Certifying Authority confirming that the development complies with the recommendations in the Access Review Report (Morris Goding Accessibility Consulting, 10 September 2008).</p>	<p><i>E2 Accessibility</i></p> <p>Prior to issue of an Occupation Certificate a certificate of compliance is to be prepared by an appropriately qualified person and submitted to the Certifying Authority confirming that the development complies with the recommendations in the <del>Access Review Report (Morris Goding Accessibility Consulting, 10 September 2008)</del> Accessibility Design Review (McKenzie Group, 30 January 2018).</p> <p><u>Reason:</u> The recommendations have been superseded by the Accessibility Design Review prepared by McKenzie Group, 30 January 2018.</p>

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<p>E3 Fire Safety Certificate</p> <p>A Fire Safety Certificate shall be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of the final Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the relevant authority and Council.</p>	No modification proposed as part of Modification 13.
<p>E4 Annual Fire Safety Statement</p> <p>For any essential fire safety equipment, an Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the relevant authority initial Fire Safety Certificate is received.</p>	No modification proposed as part of Modification 13.
<p>E5 Road Damage</p> <p>The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the Approved Project, is be met in full by the Proponent/developer prior to the issue of the final Occupation Certificate.</p>	No modification proposed as part of Modification 13.
<p>E6 Waste Management</p> <p>Prior to an Occupation Certificate being issued, the Certifying Authority must ensure that waste handling works have been completed in accordance with the Waste Management Plan; other relevant approval conditions; and any relevant Council policy.</p>	<p>E6 Waste Management</p> <p>Prior to an Occupation Certificate being issued, the Certifying Authority must ensure that waste handling works have been completed in accordance with the Waste Management Plan <b>prepared by WSP dated 31 January 2018</b>; other relevant approval conditions; and any relevant Council policy.</p> <p><b><u>Reason:</u> to account for amendments to the Waste Management Plan</b></p>
<p>E7 Food Premises</p> <p>The construction, fit out and finishes or any proposed commercial food premises shall comply with Standard 3.2.3 of the Australian and New Zealand Standards Food Code under the Food Act 2003. All food preparation areas are to be inspected and certified by Council's Environmental Health Officers prior to use.</p>	No modification proposed as part of Modification 13.
<p>E8 Consolidation of allotments</p> <p>The Switching Station allotment (Lot 121 DP 828957) is to be consolidated into the allotments comprising the Casino development. A plan of consolidation prepared by a registered surveyor and six (6) paper copies are to be submitted to Council prior to registration at the Lands and Property Information NSW (Department of Information and Land Management). Evidence of consolidation from the Lands and Property Information NSW shall be submitted to the consent authority and Council or the Principal Certifying Authority prior to the issue of an Occupation Certificate for the podium or hotel, whichever occurs first.</p>	No modification proposed as part of Modification 13.

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<p>E9 Sydney Water</p> <p>Prior to the issue of a relevant Occupation Certificate, a Section 73 Certificate is to be obtained from Sydney Water and shall be submitted to Council or the Principal Certifying Authority.</p>	<p>No modification proposed as part of Modification 13.</p>
<p>E10 Traffic Management</p> <p>(1) Left In Left Out Only</p> <p>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.</p> <p>(2) Signage at Vehicle Egress</p> <p>The following signs must be provided and maintained within the site at the point(s) of vehicular egress requiring drivers to:</p> <p>(i) Stop before proceeding onto the public way; and</p> <p>(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.</p>	<p>E10 Traffic Management</p> <p>(1) Left In Left Out Only</p> <p>Signage is to be erected to indicate that the <b>Pymont Street</b> 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.</p> <p><del>-(2) Signage at Vehicle Egress</del></p> <p>The following signs must be provided and maintained within the site at the point(s) of vehicular egress <b>of the Pymont Street Porte Cochere</b> requiring drivers to:</p> <p>(i) Stop before proceeding onto the public way; and</p> <p>(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.</p> <p><b><u>Reason:</u> This requirement relates only to the Pymont Street Porte Cochere.</b></p>
<p>E11 Public Domain Works Completion</p> <p>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.</p>	<p>No modification proposed as part of Modification 13.</p>
<p><i>E1(B) Operational Environmental Management Plan</i></p> <p>The Proponent shall prepare an Operational Environmental Management Plan (OEMP) prior to issue of an Occupation Certificate for the Level 3 Sovereign Room expansion in consultation with the Department of Primary Industries (DPI Water).</p>	<p>No modification proposed as part of Modification 13.</p>
<p>E13 GFA Certification</p> <p>A Registered Surveyor is to certify that the Gross Floor Area (GFA) of the Star City Complex prior to the issue of an Occupation Certificate for the Multi Use Entertainment Facility.</p>	<p>No modification proposed as part of Modification 13.</p>

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Part F – Post Occupation & Ongoing Operational	
<p><i>F1 No Speakers or Music Outside</i></p> <p>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:</p> <ul style="list-style-type: none"> <li>a) Level 3 Outdoor Pool Deck area of the hotel development;</li> <li>b) Level 3 Pirrama Road Entertainment Deck,</li> <li>c) Level 1 Pirrama Road Outdoor Gaming Areas,</li> <li>d) Oasis Outdoor Gaming Area fronting Pyrmont Street (as shown on Drawing No MOD-A9202A); and</li> <li>e) Sovereign Level 3 Outdoor Gaming Areas within the site and those fronting Pirrama Road and Pyrmont Streets (as shown on Drawing No MOD14-A0703).</li> </ul> <p>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.</p>	<p>Retain with no changes</p>
<p><i>F1A Trial Use of Speakers and Music Outside</i></p> <p>The use of speakers and amplified music in those outdoor areas identified in Condition F1(b) to F1(e) above is subject to a two-year trial period which shall commence on grant of approval of MP08_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) above. Email notification to Council of the commencement of the trial period shall be sent to liquor@cityofsydney.nsw.gov.au.</p> <p>Note: A modification application may be lodged to continue the trial period specified in this condition permanently. Provided the application to continue the trial period is lodged no earlier than 120 days before the end of the trial period and no later than 60 days before the end of the trial period, then the activity the subject of the application for extension may continue until such time as the application is determined.</p>	<p>Retain with no changes</p>
<p>F1B Level 3 Outdoor Pool Deck</p> <p>Operation of speakers at the Level 3 Outdoor Pool Deck areas of the hotel must be in accordance with the following:</p> <p>(a) The maximum allowable speaker output for playback of background</p>	<p>Retain with no changes</p>



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<p>music is to comply with the recommendations identified in the AECOM Noise Emissions Assessment dated 6 June 2012;</p> <p>(b) The speakers that are permitted to be installed to the Level 3 Outdoor Pool Deck area of the hotel development are limited to twelve Meyer Sound Miniature Speakers (MM-4XP) and two subwoofers. The location of the speakers is illustrated in plan titled 'Darling Pool Terrace';</p> <p>(c) Management/administrative measures to assist in reducing operation noise impacts are to comply with the Operational Noise Management Plan prepared by AECOM and dated 6 June 2012, and includes but is not limited to the following:</p> <ul style="list-style-type: none"> <li>i. Restricting the number of patrons permitted on the pool deck to 200 in the 'Night-time (midnight to 7.00 am) period;</li> <li>ii. The ELIAS system is not to be used during the 'Night-time' (midnight to 7.00 am) period;</li> <li>iii. No announcements are to be made during the 'Night-time' (midnight to 7.00 am) period, except in the case of an emergency; and</li> </ul> <p>No DJ/live band/amplified music events are to commence during the 'Night-time' (midnight to 7.00 am) period.</p>	
<p><i>F1C Level 3 Pirrama Road Entertainment Deck</i></p> <p>Speakers and amplification equipment must be installed/constructed and operated at the Level 3 Pirrama Road Entertainment Deck in accordance with all recommendations and performance parameters contained in the report entitled <i>The Star – Pirrama Road External Entertainment Deck – Amplified Music Acoustic Assessment</i>, prepared by Renzo Tonin and Associates and dated 8 May 2014. The use of the equipment must comply with the following:</p> <ul style="list-style-type: none"> <li>(a) The use of the Level 3 Pirrama Road Entertainment Deck must comply with maximum allowable noise levels outlined in Section 4.2 (Table 6) of abovementionedreport;</li> <li>(b) Sound speaker noise levels from each speaker must comply with Section 5 (Table 7) of the report entitled <i>The Star – Pirrama Road External Entertainment Deck – Amplified Music Acoustic Assessment</i>, prepared by Renzo Tonin and Associates and dated 8 May 2014</li> <li>(c) The use of the speakers for the playing of live or recorded music is limited to between 7.00am and 12.00am;</li> <li>(d) There shall be no playing of amplified music or the use of speakers between 12.00am and 7.00am;</li> <li>(e) Music noise limits to be controlled using a sound-pressure measurement/limiter device (e.g. CESVA LRF-04 and LRF-05 or APEX</li> </ul>	<p>Retain with no changes</p>

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<p>Argos and HERA) so that music noise levels will be controlled dependent on the overall noise generated by patrons and music combined. Where an alternative sound system is proposed, it is recommended that the noise level be controlled by an electronic frequency dependant RMS limiting device (e.g. a Rane HAL, BSS Blu-16, Symetrix Jupiter 8 or MediaMatrix X-Frame 88);<del>and</del></p> <p>(f) Management/administrative measures to assist in reducing operational noise impacts are to comply with the Operational Noise Management Plan entitled <i>The Use of Speakers and Delivery of Music on the Pirrama Road External Entertainment Deck, The Star</i>; prepared by The Star Ltd and dated 8 May 2014; and</p> <p>(g) Notwithstanding compliance with (a) to (f) above operations on the Level 3 Pirrama Road Deck shall comply with the requirements of Conditions F5 and F6 when cumulatively assessed with other operations at the premises.</p>	
<p><i>F1D Use of speakers in outdoor areas</i></p> <p>1. During the trial period (Condition F1A), speakers and amplification equipment must be constructed and operated at the Level 1 Pirrama Road Outdoor Gaming Area in accordance with all recommendations and performance parameters contained in the report entitled <i>The Star – Pirrama Road Level 1 Unenclosed Gaming Areas Speakers and Music Assessment</i>, prepared by Renzo Tonin and Associates and dated 8 May 2014. The use of the equipment must comply with the following:</p> <p>(a) The use of the Level 1 Pirrama Road Outdoor Gaming Areas must comply with maximum allowable noise levels outlined in Section 4.2 (Table 6) of the abovementioned report;</p> <p>(b) No PA (public address) announcements are permitted between 12 am and 7am;</p> <p>(c) Only low level background music that is below existing ambient noise levels in the Level 1 Pirrama Road Outdoor Gaming Areas is permitted to be played between 12 am and 7 am;</p> <p>(d) The noise levels of the speakers and amplification equipment shall be controlled by an electronic dependant RMS limiting device (e.g. a Rane HAL, BSS Blu-16, Symetrix Jupiter 8 or MediaMatrix X-Frame 88) so that all noise emissions comply with the requirements of Condition F5;</p> <p>(e) Management/administrative measures to assist in reducing operational noise impacts are to comply with the Operational Noise Management Plan entitled <i>The Installation and Use of Speakers to Deliver Background Music and Announcements to the Level 1 Unenclosed Gaming Areas, The Star</i>, prepared by Pure Projects and dated 8 May 2014; and</p> <p>(f) Notwithstanding compliance with paragraphs (a) to (e) above</p>	<p>Retain with no changes</p>

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<p>operations on the Level 1 Pirrama Road Deck shall comply with the requirements of Conditions F5 and F6 when cumulatively assessed with other operations at the premises.</p> <p>2. Any speakers and amplification equipment installed in the Oasis Outdoor Gaming Area, the expanded Level 1 Outdoor Gaming Area, or the Sovereign Outdoor Gaming Areas (internal to the site, fronting Pirrama Road or Pyrmont Street) must be constructed and operated in accordance with all recommendations and performance parameters contained in the report entitled The Star – Pirrama Road Level 1 Unenclosed Gaming Areas Speakers and Music Assessment, prepared by Renzo Tonin and Associates and dated 8 May 2014 and the recommendations of the Noise Impact Assessment prepared by WSP/Parsons Brinckerhoff dated September 2016 and Supplementary Report dated February 2017. The use of the equipment must comply with the following:</p> <ul style="list-style-type: none"> <li>(a) No PA (public address) announcements are permitted between 12 am and 7 am;</li> <li>(b) Only low level background music that is below existing ambient noise levels in the Level 1 Pirrama Road Outdoor Gaming Areas is permitted to be played between 12 am and 7 am;</li> <li>(c) The noise levels of the speakers and amplification equipment shall be controlled by an electronic dependant RMS limiting device (e.g. a Rane HAL, BSS Blu-16, Symetrix Jupiter 8 or MediaMatrix X-Frame 88) so that all noise emissions comply with the requirements of Condition F5; and</li> <li>(d) Management/administrative measures to assist in reducing operational noise impacts are to comply with the Operational Noise Management Plan 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; and</li> <li>(e) Notwithstanding compliance with paragraphs (a) to (d) above operations within the Unenclosed Gaming Areas shall comply with the following requirements: <ul style="list-style-type: none"> <li>(i) All gaming machines in the unenclosed gaming areas are to be turned to half volume between 12 am and 7 am.</li> <li>(ii) The UGA is to be isolated off from the main gaming area via automatic door closers.</li> <li>(iii) Operation of each unenclosed gaming area shall comply with the requirements of Conditions F5 and F6 when cumulatively assessed with other operations at the premises.</li> </ul> </li> </ul>	

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<p><i>F1E Monitoring</i></p> <p>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 condition F1 (b) to (e) 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 Condition F1 (b) to (e) and F3 (1) and (2), the following acoustic measures must be undertaken:</p> <ol style="list-style-type: none"> <li>1. The acoustic consultant must: <ol style="list-style-type: none"> <li>(a) Measure and verify that the cumulative noise emanating from the premises complies with the noise criteria in Condition F5 Noise; and</li> <li>(b) If necessary, make recommendations to ensure that the cumulative noise emanating from the premises complies with the noise.</li> </ol> </li> <li>2. The noise measurements must be: <ol style="list-style-type: none"> <li>(a) Undertaken without the knowledge of the applicant, manager or operator of the premises;</li> <li>(b) Undertaken on at least three different occasions on three different days of the week (excluding Monday, Tuesday and Wednesday) for a 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</li> <li>(c) Submitted to the City of Sydney Council, Health and Building Area Manager (West) within 7 days of the testing.</li> </ol> </li> <li>3. If the acoustic consultant recommends that additional treatment or works be undertaken under condition (1) (ii) above, those recommendations must be: <ol style="list-style-type: none"> <li>(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</li> <li>(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.</li> </ol> </li> <li>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.</li> </ol>	<p>Retain with no changes</p>

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<p>F1F Noise Limiters</p> <p>Use of all amplification equipment must comply with the following:</p> <p>(a) All amplification equipment used on the pool deck must be controlled by a Root Mean Square (RMS) noise limiter, calibrated by an acoustic consultant in accordance with manufactures specification to ensure that resultant amplified sound complies with the Council's licensed premises noise criteria. The noise limited and any independent output adjustments on the speaker system must be tamper proof and only operable by the acoustic consultant.</p> <p>(b) All on-stage and front of house sound equipment must be controlled by noise limitation equipment as detailed in (a) above.</p> <p>(c) Access to noise limiter settings must be restricted to the Licensee of manager of the premises. The limiter settings/calibration levels must be available to Council officers upon request.</p> <p>(d) The Acoustical consultant must submit Certificate of Compliance to the Council to certify that the limiters are installed and calibrated to satisfy Council's noise criteria for the licensed venues.</p>	<p>F1F Noise Limiters</p> <p>Use of all amplification equipment must comply with the following:</p> <p>(a) All amplification equipment used on the pool deck <u>or the outside entertainment areas</u> must be controlled by a Root Mean Square (RMS) noise limiter, calibrated by an acoustic consultant in accordance with manufactures specification to ensure that resultant amplified sound <u>level</u> complies with <u>the Council's licensed premises noise criteria condition F5A</u>. The noise <u>limited limiter</u> and any independent output adjustments on the speaker system must be tamper proof and only operable by the acoustic consultant.</p> <p>(b) All on-stage and front of house sound equipment must be controlled by noise limitation equipment as detailed in (a) above.</p> <p>(c) Access to noise limiter settings must be restricted to the Licensee of manager of the premises. The limiter settings/calibration levels must be available to Council officers upon request.</p> <p>(d) The Acoustical consultant must submit Certificate of Compliance to the Council to certify that the limiters are installed and calibrated to satisfy <u>Council's noise criteria for the licensed venues condition F5A</u>.</p> <p><u>Reason: To satisfy the requirements of condition F5A regarding</u></p>
<p>F1G Complaints Handling</p> <p>The Proponent shall operate a noise complaint handling procedure for the use of all outdoor speaker and amplification systems in accordance with the relevant Operational Environmental Management Plan (OEMP) including:</p> <p>(a) The OEMP prepared by AECOM and dated 6 June 2012;</p> <p>(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</p> <p>(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.</p> <p>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 amplification systems can comply with the noise criteria of Condition F5.</p>	<p>F1G Complaints Handling</p> <p>The Proponent shall operate a noise complaint handling procedure for the use of all outdoor speaker and amplification systems in accordance with the relevant Operational Environmental Management Plan (OEMP) including:</p> <p>(a) The OEMP prepared by AECOM and dated 6 June 2012;</p> <p>(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</p> <p>(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.</p> <p>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 <u>all any relevant</u> outdoor speaker and amplification systems can comply with the noise criteria of Condition F5.</p> <p><u>Reason: Retained to ensure methodology is in place to effectively address complaints should they occur. Updated to refer to recommended condition changes.</u></p>

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<p>F2 Transport and Traffic</p> <p>(1) The recommendations of the Transport Impact Report and Supplementary Traffic Report submitted with the PPR are to be implemented including:</p> <ul style="list-style-type: none"> <li>(a) Reviewing and monitoring the performance of the Murray Street / Pyrmont Bridge Road intersection following completion of the project.</li> <li>(b) Retaining and enhancing access to public transport facilities.</li> <li>(c) The operation of the porte cochere 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.</li> </ul>	<p>No modification proposed as part of Modification 13.</p>
<p><i>F3 Hours of operation – outdoor gaming areas and terraces</i></p> <ol style="list-style-type: none"> <li>1. The hours of operation of the following areas is restricted to between 7.00am and 12.00 midnight, Mondays to Sunday inclusive: <ol style="list-style-type: none"> <li>a. Level 3 Sovereign Room outdoor gaming areas fronting Pirrama Road and Pyrmont Street;</li> <li>b. Level 2 Oasis outdoor gaming area fronting Pyrmont Street; and</li> <li>c. Level 1 outdoor gaming areas fronting Pirrama Road.</li> </ol> </li> <li>2. The hours of operation of balconies serving the private gaming rooms adjacent to Union Street are restricted to between 10:00am and 10:00pm, Mondays to Sundays inclusive.</li> <li>3. Notwithstanding (1a) above the Level 3 Sovereign Room outdoor gaming areas may operate 24 hours per day Mondays to Sundays (inclusive) for a two-year trial period which shall start on commencement of use of the outdoor terrace,</li> <li>4. Notwithstanding (1b), (1c) and (2) above the outdoor areas may operate 24 hours per day Mondays to Sundays (inclusive) for a two year trial period which shall commence on grant of approval of Modification 14.</li> <li>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.</li> <li>6. Operation of all outdoor areas shall comply with the requirements of</li> </ol>	<p><del><i>F3 Hours of operation – outdoor gaming areas and terraces</i></del></p> <ol style="list-style-type: none"> <li><del>1. The hours of operation of the following areas is restricted to between 7.00am and 12.00 midnight, Mondays to Sunday inclusive: <ol style="list-style-type: none"> <li>a. Level 3 Sovereign Room outdoor gaming areas fronting Pirrama Road and Pyrmont Street;</li> <li>b. Level 2 Oasis outdoor gaming area fronting Pyrmont Street; and</li> <li>c. Level 1 outdoor gaming areas fronting Pirrama Road.</li> </ol> </del></li> <li><del>2. The hours of operation of balconies serving the private gaming rooms adjacent to Union Street are restricted to between 10:00am and 10:00pm, Mondays to Sundays inclusive.</del></li> <li><del>3. Notwithstanding (1a) above the Level 3 Sovereign Room outdoor gaming areas may operate 24 hours per day Mondays to Sundays (inclusive) for a two-year trial period which shall start on commencement of use of the outdoor terrace,</del></li> <li><del>4. Notwithstanding (1b), (1c) and (2) above the outdoor areas may operate 24 hours per day Mondays to Sundays (inclusive) for a two year trial period which shall commence on grant of approval of Modification 14.</del></li> <li><del>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.</del></li> <li><del>6. Operation of all outdoor areas shall comply with the requirements of Condition F5 and F6 when cumulatively assessed with other operations at the premises.</del></li> </ol>

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<p>Condition F5 and F6 when cumulatively assessed with other operations at the premises.</p>	<p><u>Reason:</u> Approved Condition B5 requires an Operational Noise Management Plan (ONMP) to be prepared for the site in line with cumulative criteria for the site (condition F5). Noise management controls currently in operation (including hours of use) will be incorporated into the ONMP to ensure that such controls continue to be part of the operations of the site.</p>
<p>F4 Mechanical Plant and Equipment</p> <p>Noise associated with mechanical plant and equipment associated with the approved works must not give rise to anyone or more of the following:</p> <ol style="list-style-type: none"> <li>(1) Transmission "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any affected receiver.</li> <li>(2) A sound pressure level at any affected receiver that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS 1055.</li> </ol> <p>Note: The method of measurement of vibration being carried out in accordance with "Assessing Vibration: Technical Guidelines: - DEC (EPA) AS 1055 for sound level measurements.</p>	<p>F4 Mechanical Plant and Equipment</p> <p>Noise associated with mechanical plant and equipment <del>associated with the approved works</del> must not give rise to anyone or more of the following:</p> <ol style="list-style-type: none"> <li>(1) Transmission <del>of</del> "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any affected receiver <u>outside the boundary</u>.</li> <li>(2) A sound pressure level (<del>L<sub>Aeq15 minute</sub></del>) at any affected receiver <u>outside the boundary</u> that exceeds the <del>RBL background (LA90, 15 minute)</del> noise level by more than 5dB(A). The <del>RBL background noise level</del> must be measured in the absence of noise emitted from the use in accordance with <del>the NSW EPA Noise Policy for Industry and</del> Australian Standard AS 1055.</li> </ol> <p>Note: The method of measurement of vibration being carried out in accordance with "Assessing Vibration: Technical Guidelines: - DEC (EPA) AS 1055 for sound level measurements.</p> <p><u>Reason:</u> retained with additional clarification of applicable receivers.</p>
<p><i>F5 Noise</i></p> <p>Cumulative noise caused by the approved use including music and other activities must comply with the following criteria:</p> <ol style="list-style-type: none"> <li>1. The use must not result in the transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy outside the boundary;</li> <li>2. The L10 noise level emitted from the use must not exceed 5dB above the background (L90) noise level in any Octave Band Centre Frequency (31.5 Hz to 8kHz inclusive) between the hours of 7.00am and 12.00 midnight when assessed at the boundary of the nearest affected property. The background noise level must be measured in the absence of noise emitted from the use.</li> <li>3. The L10 noise level emitted from the use must not exceed the background (L90) noise level in any Octave Band Centre Frequency (31.5 Hz to 8kHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of the nearest affected</li> </ol>	<p><i>F5 Noise</i></p> <p>Cumulative noise caused by the <del>approved use including music and other activities</del> <u>licensed premises when measured or assessed outside the boundary</u> must comply with the following criteria:</p> <ol style="list-style-type: none"> <li>1. The use must not result in the transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy outside the boundary;</li> <li>2. The L10 noise level emitted from the use must not exceed 5dB above the background (L90) noise level in any Octave Band Centre Frequency (31.5 Hz to 8kHz inclusive) between the hours of 7.00am and 12.00 midnight when assessed at the boundary of the nearest affected property. The background noise level must be measured in the absence of noise emitted from the use.</li> </ol>



MP08_0098 Conditions of Approval (including Mod 14)	Proposed Modifications to Conditions of Consent for Mod 13
<p>property. The background noise level must be measured in the absence of noise emitted from the use.</p> <p>4. Notwithstanding compliance with (1) and (2) above, the noise from the use must not be audible within any habitable room in any residential property between the hours of 12.00 midnight and 7.00am.</p> <p>5. The L10 noise level emitted from the use must not exceed the background noise level (L90) in any Octave Band Centre Frequency (31.5 Hz to 8kHz inclusive) by more than 3dB when assessed indoors at any affected commercial premises.</p>	<p>3. The L10 noise level emitted from the use must not exceed the background (L90) noise level in any Octave Band Centre Frequency (31.5 Hz to 8kHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of the nearest affected property. The background noise level must be measured in the absence of noise emitted from the use.</p> <p>4. Notwithstanding compliance with (1) and (2) above, the noise from the use must not be audible within any habitable room in any residential property between the hours of 12.00 midnight and 7.00am.</p> <p>5. The L10 noise level emitted from the use must not exceed the background noise level (L90) in any Octave Band Centre Frequency (31.5 Hz to 8kHz inclusive) by more than 3dB when assessed indoors at any affected commercial premises.</p> <p><u>Reason:</u> Retained as this condition forms the basis of the cumulative entertainment noise requirements imposed on the site.</p>
	<p><b>F5A Noise (Other Operational Noise)</b></p> <p>Noise associated with uses other than that defined in condition F5 must not give rise to:</p> <p>Noise associated with uses other than that defined in condition F5 must not give rise to: A sound pressure level (<math>L_{Aeq,15\text{minute}}</math>) at any affected receiver outside the boundary that exceeds the RBL noise level by more than 5dB(A) when considered cumulatively with noise emitted by mechanical plant and equipment the subject of condition F4. The RBL must be measured in the absence of noise emitted from the site in accordance with the NSW EPA Noise Policy for Industry and Australian Standard AS 1055.</p> <p><u>Reason:</u> New condition proposed to satisfy that all noise sources on the site are captured in the conditions.</p>
<p><i>F6 Acoustic Review</i></p> <p>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, 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:</p>	<p><i>F6 Acoustic Review</i></p> <p>Within 3 months of operation of the approval of MP08_0098 <del>MOD 14</del> MOD 13, and within 3 months of the issue of an Occupation Certificate for the areas nominated below whichever is the sooner, 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:</p>

MP08_0098 Conditions of Approval (including Mod 14)	Proposed Modifications to Conditions of Consent for Mod 13
<ul style="list-style-type: none"> <li>• Level 3 Unenclosed gaming area on Pymont St side;</li> <li>• Level 3 Unenclosed gaming area and Level 1 Unenclosed gaming area on Pirrama Road side;</li> <li>• Level 3 Pre-function space on Pymont St side;</li> <li>• Level 3 Sovereign Room Outdoor Terrace;</li> <li>• Level 1 Pirrama Road Outdoor Gaming Area;</li> <li>• Level 3 Pirrama Road Entertainment Deck; and</li> <li>• Level 2 Oasis Outdoor Gaming Area.</li> </ul>	<ul style="list-style-type: none"> <li>• Level 3 Unenclosed gaming area on Pymont St side;</li> <li>• Level 3 Unenclosed gaming area and Level 1 Unenclosed gaming area on Pirrama Road side;</li> <li>• Level 3 Pre-function space on Pymont St side;</li> <li>• Level 3 Sovereign Room Outdoor Terrace;</li> <li>• Level 1 Pirrama Road Outdoor Gaming Area;</li> <li>• <del>Level 3 Pirrama Road Entertainment Deck; and</del></li> <li>• Level 2 Oasis Outdoor Gaming Area.</li> <li>• <u>Level 5 Terrace</u></li> <li>• <u>Level 7 Pool Deck</u></li> <li>• <u>External F&amp;B Locations (union Street, Pirrama Road, and Jones Bay Road)</u></li> </ul> <p><u>Reason:</u> Retained with new outdoor areas included.</p>
<p>F7 Pirrama Road External Entertainment Deck</p> <p>The number of patrons on the Pirrama Road external entertainment deck shall not exceed a maximum of:</p> <p>a. 1,000 patrons between 7.00am and 12.00am; and</p> <p>b. 600 patrons between 12.00am and 7.00am</p>	<p>No modification proposed as part of Modification 13.</p>
<p><i>F8 Public Domain Works</i></p> <p>All works to the public domain, including rectification of identified defects, are subject to a 12 month defects liability period from the date of final completion as provided on the Certificate of Completion for public domain works.</p>	<p>No modification proposed as part of Modification 13.</p>
<p><i>F9 Loading Dock Management Plan</i></p> <p>The Proponent shall implement the provisions of the amended Loading Dock Management Plan prepared in accordance with condition B10A.</p>	<p>No modification proposed as part of Modification 13.</p>
<p><i>F10 Copy of Consent and Management Plan</i></p> <p>A full and current copy of the Major Project Approval MP08_0098 and a current copy of the site wide Operational Management Plan and the Security Management Plan must</p>	<p>No modification proposed as part of Modification 13.</p>

MP08_0098 Conditions of Approval (including Mod 14)	Proposed Modifications to Conditions of Consent for Mod 13
be kept on-site and made available to relevant agencies upon request. In the event of any inconsistency, the conditions of this major project approval will prevail over the Operational Plan of Management.	
<p><i>F11 Signs/Goods in the Public Way</i></p> <p>No signs or goods are to be placed on the public footway or roadway adjacent to the property.</p>	No modification proposed as part of Modification 13.
<p><i>F12 Emissions</i></p> <ul style="list-style-type: none"> <li>a) The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.</li> <li>b) Gaseous emissions from the development must comply with the requirements of the Protection of Environment Operations Act, 1997 and Regulations. Uses that produce airborne particulate matter must incorporate a dust collection system.</li> <li>c)</li> </ul>	No modification proposed as part of Modification 13.
<p><i>F13 Maximum Capacity of Oasis Unenclosed Gaming Area</i></p> <ul style="list-style-type: none"> <li>a) The maximum number of persons (including staff, patrons and performers) permitted on the unenclosed gaming area at any one time is 91 persons.</li> <li>b) The capacity for the unenclosed gaming area shall not exceed the maximum numbers at any given time.</li> <li>c) The manager/licensee is responsible for ensuring the number of persons does not exceed that specified above.</li> <li>d) A sign in letters not less than 25mm in height must be fixed at the main entry point to the premises alongside the Licensee's name stating the maximum number of persons, as specified in the development consent, that are permitted in the building.</li> </ul> <p>Note: Clause 98D of the <i>Environmental Planning and Assessment Regulation 2000</i> requires a sign specifying maximum number of persons permitted in the building to be displayed in a prominent position for the following types of premises:</p> <ul style="list-style-type: none"> <li>(i) entertainment venue,</li> <li>(ii) function centre,</li> <li>(iii) pub,</li> <li>(iv) registered club,</li> <li>(v) restaurant.</li> </ul>	No modification proposed as part of Modification 13.

MP08_0098 Conditions of Approval (including Mod 14)	Proposed Modifications to Conditions of Consent for Mod 13
<p><i>F14 Surveillance Cameras</i></p> <p><i>Operations on site must comply with the relevant provisions (as in force at any time) of the following:</i></p> <ul style="list-style-type: none"> <li>a) <i>Casino Control Act 1992</i> (NSW) (Casino Control Act)</li> <li>b) <i>Casino Control Regulation 2009</i> (NSW) (Casino Control Regulations)</li> <li>c) <i>Security Industry Act 1997</i> (Security Industry Act)</li> </ul> <p>generally and specifically in relation to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Surveillance (including but not limited to the operation of CCTV cameras)</li> <li>(ii) Retention of CCTV records</li> <li>(iii) Recording and notification of incidents</li> <li>(iv) Signage associated with licensed premises and gaming areas</li> <li>(v) The operation of security at and in the vicinity of the licensed premises.</li> </ul> <p>Without limiting the above, the CCTV network on site must operate in accordance with any and all approvals granted by the casino regulator (Liquor and Gambling New South Wales) under the <i>Casino Control Act 1992</i> and <i>Casino Control Regulation 2009</i>.</p>	<p>No modification proposed as part of Modification 13.</p>
<p><i>F15 Waste and Recycling Management - Minor</i></p> <p>The Proposal must comply with the relevant provisions of Council's <i>Policy for Waste Minimisation in New Developments 2005</i> which requires facilities to minimise and manage waste and recycling generated by the Proposal.</p>	<p>No modification proposed as part of Modification 13.</p>
	<p><i>Condition F16 is inserted as follows:</i></p> <p><i>F 16 Operation and Management of the Neighbourhood Centre</i></p> <p>The operation and management of the Neighbourhood Centre Management and Operation shall be in accordance with the draft Neighbourhood Centre Operational Plan of Management referenced in condition A3.</p>

MP08_0098 Conditions of Approval (including Mod 14)	Proposed Modifications to Conditions of Consent for Mod 13
	<u>Reason:</u> to account for the management of the Neighbourhood Centre.
	<p><i>Condition F17 is inserted as follows:</i></p> <p><i>F 17 Retention of Design Architect</i></p> <p>In relation to the Mod 13 tower and Ribbon elements, the design architect is to be retained to be involved in the delivery of design documentation, contract documentation and construction phase of the scheme to deliver consistency with the design of the proposal delivered under the Alternative Design Excellence process. The design architect:</p> <p>(i) is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;</p> <p>(ii) evidence of the design architects commission is to be provided to the Department of Planning and Environment prior to release of a relevant Construction Certificate”</p> <p>It is noted that the design architect may work in association with other architectural practices but is to retain a leadership role over design decisions.</p> <p><u>Reason:</u> to retain access for the design architect in order to deliver the proposal as modified.</p>

## 9. CONCLUSION

This RtS report provides a comprehensive and consolidated response to the Government and Agency and Community submissions received in response to the exhibition of the EAR. During the RtS process the Proponent and the project team have worked with the Department, the City of Sydney and Transport for NSW in seeking to address and resolve matters raised through exhibition and review of the modification documentation.

This RtS report, including the proposed amendments to the project and an assessment of these amendments, have been prepared in response to the submissions to the Department and has resulted in an amendment to the modification as set out in section 2, which forms the PPR in accordance with the provisions of section 75H6 of the EP&A Act 1979.

The key findings and recommendations of this RtS report are underpinned by a suite of technical reports prepared by a specialist consultant team, these are attached as **Appendices A - DD**. The technical reports address the preferred project and provide an assessment of the project amendments to confirm that the modification has limited environmental impacts beyond those of the original Major Project Approval.

This RtS report sets out a comprehensive analysis of the submissions with reference tables (**Appendix B** and **Appendix C**) identifying direct response to each submission within the body of this RtS report, including cross-referencing to the applicable technical appendices.

This RtS and PP report have addressed the issues listed in the SEARs for the modification and provides a complete list of proposed amended conditions and Proponent's commitments, in response to matters raised through exhibition.

The benefits of this proposed modification have been described in detail within this RtS report. These benefits in support of the proposal include:

- Ongoing contribution to the economy of Sydney and NSW through the creation of new job opportunities through construction and operation;
- The delivery of additional quality accommodation within a desirable and accessible location, in close proximity to the Sydney Central Business District and conference facilities;
- Positive contribution to the Sydney Skyline through a world class design,
- Positive contribution to the local community through the delivery and operation of a Neighbourhood Centre that will expand on existing services and operations to meet community needs;
- Through the delivery of increased opportunity and choice in leisure and recreation, with a particular focus on new and improved restaurant offerings across the site;
- Improvement in the public domain through positive street scape activation elements, in particular an improvement to the street level interface.

The Star has been existing onsite since 1994 and contributed to the growth and development of the Pyrmont area. The Star will continue to contribute through taxes, licenses and other contributions. The expansion in floor space will accommodate additional gaming area and restaurant space enhancing local employment opportunities. The proposed modifications will improve and enhance the operations of The Star. The proposed modifications include positive economic benefits for the Pyrmont area, and the wider Sydney and international population. Mitigation measures have been recommended where required and will be implemented through efficient and effective onsite management.

Given the merits of the proposal, we consider the proposal to be in the public interest and warrants the approval of the Independent Planning Commission.

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This report is dated 23 November 2018 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd's (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of The Star (**Instructing Party**) for the purpose of Response to submissions and preferred project report (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.





# **APPENDIX A      CITY OF SYDNEY CONSENTS TO BE SURRENDERED**

## **APPENDIX B**

## **SUMMARY OF SUBMISSIONS MATRIX – GOVERNMENT AND AGENCY**

**APPENDIX C      SUMMARY OF SUBMISSIONS MATRIX –  
COMMUNITY**

## **APPENDIX D      AMENDED ARCHITECTURAL DRAWINGS**

## **APPENDIX E      AMENDED ARCHITECTURAL DRAWINGS**

## **APPENDIX F      ARCHAEOLOGICAL IMPACT ASSESSMENT – CONSULTATION LOG**



## **APPENDIX G      LOADING DOCK MANAGEMENT PLAN**

# APPENDIX H      FOOD & BEVERAGE TENANCY SCHEDULE

# **APPENDIX I      AMENDED NEIGHBOURHOOD CENTRE MANAGEMENT PLAN**

# **APPENDIX J      AMENDED TRAFFIC IMPACT ASSESSMENT**

**APPENDIX K      AMENDED LANDSCAPE PLANS**

# APPENDIX L      AMENDED LANDSCAPE DESIGN REPORT

# **APPENDIX M      ELECTRICAL INFRASTRUCTURE ADDENDUM**



# **APPENDIX N      AMENDED URBAN CONTEXT REPORT**

# **APPENDIX O      AMENDED CONTEXTUAL ANALYSIS REPORT**

# APPENDIX P      FLOOD IMPACT ASSESSMENT ADDENDA

## **APPENDIX Q**

## **VISUAL IMPACT ASSESSMENT ADDENDUM (ARCHITECTUS)**

## **APPENDIX R**

# **ARCHITECTURAL DESIGN STATEMENT ADDENDUM**

## **APPENDIX S**

## **MECHANICAL AND AIR QUALITY REPORT ADDENDUM**

# APPENDIX T      ACOUSTIC ADDENDUM

**APPENDIX U      LIGHTING ASSESSMENT ADDENDUM**



# APPENDIX V      SUSTAINABILITY ADDENDUM

# **APPENDIX W      AMENDED SUSTAINABILITY ASSESSMENT REPORT**

# APPENDIX X      BASIX STAMPED DRAWINGS

## **APPENDIX Y      HERITAGE ADDENDUM**

# **APPENDIX Z      AMENDED ARCHITECTURAL DESIGN STATEMENT**

# APPENDIX AA    WIND ASSESSMENT ADDENDUM

# **APPENDIX BB      AMENDED PEDESTRIAN WIND ENVIRONMENT ASSESSMENT**

## **APPENDIX CC      AMENDED SIGNAGE STRATEGY**



## **APPENDIX DD      PUBLIC ENGAGEMENT STRATEGY**

# APPENDIX EE      DRAWING LIST



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