



NSW GOVERNMENT
Department of Planning

**ALTERATIONS AND ADDITIONS TO
STAR CITY CASINO COMPLEX,
PYRMONT & NEW HOTEL ON THE
SWITCHING STATION SITE**

***Proposed by SYDNEY HARBOUR
CASINO PROPERTIES PTY LTD***

MP 08_0098 (MOD 3)

Modification of Minister's Approval under section 75W
of the *Environmental Planning and Assessment Act*
1979

April 2009



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1. Section 75W Modification Application

This is a report on an application seeking to modify the Project Approval for alterations and additions to the Star City Casino complex and new hotel on the Switching Station site, bounded by Pirrama Road to the north-east, Union Street to the south and Edward Street to the east.

1.1 Major Project Application

Project Application MP 08_0098 was approved by the Minister for Planning on 27 January 2009 and comprised the following:

- Construction of a 10 storey hotel above a 3 storey podium containing ancillary retail, gaming and conference facilities on the currently vacant Switching Station site;
- Additional basement car parking, to a maximum of 3,000 car parking spaces across the whole site, to be accessed via the existing Casino complex car park;
- The redevelopment of the eastern (Pirrama Road) frontage; and
- Works to the exterior of the existing Casino tower buildings.

A copy of the Project Application approval is at **TAG B** and a copy of the assessment report is at **TAG C**.

1.2 Previous Modifications

MP 08_0098 MOD 1 was approved under delegation on 3 March 2009 to make minor amendments to the wording of conditions to provide greater clarity and to alter the timing of compliance requirements.

MP 08_0098 MOD 2 was approved under delegation on 25 March 2009 to amend Condition B2 – Hotel Height, in order to clarify the hotel building height as indicated by survey information and to also include lift overruns as an exclusion to the height limit.

1.3 Proposed Modification

On 6 February 2009, Sydney Harbour Casino Properties Pty Ltd (the Proponent) submitted an application to modify the Part 3A project approval pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (the EP&A Act).

The modification relates to Condition B4 of the Project Approval, which requires engagement and an agreement to be entered into with the Sydney Metro Authority (SMA), and specifically requires the Proponent to consult with SMA in determining the location of building footings and in the design and construction of all structures, to ensure the structural integrity of the CBD Metro, prior to the issue of a Construction Certificate involving excavation works.

The modification application initially sought to amend the condition to enable excavation to commence on the Switching Station site, by only requiring an agreement or approval from SMA for excavation within 5 metres of the proposed CBD Metro rail tunnel.

Following consultation with Sydney Metro Authority (SMA) the application has been amended and now seeks to amend the condition to allow a staged agreement process that will enable the Proponent to commence excavation without impacting on works associated with the CBD Metro rail tunnel. The amended wording as agreed includes a specific RL 95.9, below which excavation cannot commence without agreement and consultation with SMA.

2. STATUTORY CONTEXT

2.1 MODIFICATION OF A MINISTER'S APPROVAL

The modification application has been lodged with the Director General pursuant to s75W of the EP&A Act. Section 75W provides for the modification of a Minister's approval including "revoking or varying a condition of the approval or imposing an additional condition of the approval".

2.2 ENVIRONMENTAL ASSESSMENT REQUIREMENTS (DGR'S)

It is considered unnecessary to notify the proponent of environmental assessment requirements, pursuant to s75W(3) of the EP&A Act with respect to the proposed modification, as sufficient information was provided to the Department to consider the application, and issues are not different to the original DGR's.

2.3 CONSULTATION AND EXHIBITION

Under section 75W of the EP&A Act, a request for a modification of an approval does not require public exhibition. However, under s75X(2) (f) of the EP&A Act, the Director General is to make publicly available requests for modifications of approvals given by the Minister. In accordance with clause 8G of the *Environmental Planning and Assessment Regulation 2000*, the request for the modification was placed on the Department's website.

The modification application was referred to the SMA, who is satisfied with the wording proposed in the amended modification submitted by the Proponent on 9 March 2009.

3. CONSIDERATION OF PROPOSED MODIFICATION

The modification to the terms of Condition B4 so that a staged agreement process can enable excavation works to commence without impacting on the CBD metro rail corridor is considered acceptable as both parties have agreed to the amendment and are currently in the process of finalising agreements. The Condition as now proposed will provide sufficient time for an agreement to be reached between the Proponent and SMA whilst not delaying commencement of other excavation works, above the specified RL.

The intent of the original Condition B4 is maintained whilst enabling the Proponent to commence excavation works without impacting on the structural stability of the CBD Metro rail line in seeking to modify Condition B4. The amendment of Condition B4 will not result in amenity impacts to the surrounding properties, and therefore it was not publicly notified. Nor will it compromise the public benefits achievable under the original approval.

4. RECOMMENDATION


It is recommended that the Director General, as delegate of the Minister for Planning:

- (a) **Consider** the findings and recommendations of this report; and
- (b) **Approve** the modification, subject to conditions, under section 75W of the *Environmental Planning and Assessment Act, 1979*; and
- (c) **Sign** the attached Instrument of Modification Approval (**TAG A**).

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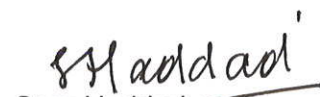
Endorsed by:



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Sam Haddad
Director General 6/4/2009