

16th September 2010

Director General  
NSW Department of Planning  
23-33 Bridge Street  
SYDNEY NSW 2000

Att: Mr Daniel Cavallo

Dear Daniel,

**Star City Casino – Section 75W Application to Modify Major Project No. 08\_0098**  
**Partial enclosure of Roof Deck adjoining ‘Sovereign Room’**

**1 Introduction**

This letter accompanies a request to modify Major Project No. 08\_0098 pursuant to Section 75W of the Environmental Planning and Assessment Act, 1979 (the Act) on behalf of the Proponent for the project, Sydney Harbour Casino Properties Pty Ltd.

This letter provides:

- A brief background to the existing development
- A summary of the existing development and site context
- Details of the proposed modifications
- An Environmental Assessment and justification for the proposed modifications.

The application is accompanied by the following Attachments:

- A. Landowner's Consent dated 13<sup>th</sup> September 2010 (refer Dept Planning Request to Modify a major project-page 3)
- B. Statement of Political Disclosure dated 3<sup>rd</sup> August 2010
- C. Cost of Works Report dated 23<sup>rd</sup> April 2010
- D. Architectural Drawings prepared by Fitzpatrick Partners dated 7<sup>th</sup> September 2010
- E. Design Statement by Fitzpatrick Partners dated 7<sup>th</sup> September 2010
- F. Colour Copy of Sample Board
- G. BCA Report prepared by Philip Chun Consulting dated 9<sup>th</sup> September 2010
- H. Air Management Statement by Aecom dated 9 September 2010

In summary, the proposed modifications include:

#### Design Amendments

- Demolition of part of the existing outdoor terrace adjoining the Sovereign Room (Level 3) and associated raised planter beds, store room and stairs.
- The partial enclosure of the outdoor terrace with a permeable screened enclosure comprising a series of fixed white glass louvers with a new concrete roof and splayed concrete base. The proposed structure will have a circular design wrapping around the existing Sovereign Room and will be connected by new door openings accessed through an air lock strip.
- Transfer of the mature trees currently located within the existing planter boxes to storage for replanting.

#### Changes to Condition

##### *MP08\_0098*

- Amendment to Condition A2 of MP08\_0098 to include additional plans for reference; and
- Amendment to Condition A3 of MP08\_0098 to include additional documents for reference.

## **2 Background**

On 9<sup>th</sup> December 1994 Development Application 33/94 was approved by the Minister for a permanent casino and entertainment complex including a hotel, serviced apartments, theatres, restaurants, bars, car parking and associated facilities.

Subsequently, on January 27<sup>th</sup> 2009, Major Project (MP 08\_0098) for a new hotel and substantial alterations and additions to the existing Star City Casino was approved. Construction of the project has now commenced.

The development approved under MP08\_0098 is summarised as follows:

- *“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 on the Switching Station site to be accessed via the existing Casino complex car park. Note the maximum number of car parking spaces across the whole site is not to exceed 3000;*
- *Redevelopment of the retail arcade through the ground floor level of the complex, linking Pyrmont Bay park to the intersection of Union and Pyrmont Streets, and to Jones Bay Road;*
- *Redevelopment of the eastern (Pirrama Road) frontage of the Casino building currently occupied by multiple external stairs, to contain additional restaurants, retail outlets, gaming space, other entertainment and tourist related facilities, a new entry and a driveway providing a new vehicular drop-off to the Casino; and*
- *Works to the exterior of the existing Casino tower buildings.”*

The following modifications have been approved since the Major Project Approval on 27 January 2009:

#### *Modification 1 –*

Minor amendments to the wording of conditions to clarify the definition of external lighting and external art to include video signage and to alter the timing of compliance requirements.

#### *Modification 2 –*

The amendment of Condition B2 – Hotel Height, to clarify the proposed hotel height and exclude the height of the lift overrun from the approved height limit.

#### *Modification 3 –*

The amendment of Condition B4 – Sydney Metro Authority, to facilitate a staged agreement with Sydney Metro Authority regarding excavation within the vicinity of the rail tunnel easement.

#### *Modification 4 –*

- An alternative building façade to the Pirrama Road frontage including large operable blades and a defined central entry element
- Replacement of the grand entry stair to Pirrama Road with two perpendicular escalators
- Relocation of the Casino 'blue-line' from the arcade level up to the main gaming level
- Consolidation of the two approved porte cochere traffic lanes into a single drop off point
- Removal of visual obstructions between Pirrama Road and the bus/rail interchange at ground level
- Enlargement of the external entertainment deck by approximately 682m<sup>2</sup>.

#### *Modification 5*

- To replace the approved laundry with a kitchen at Basement Level 1
- Relocation of a door and awning to a retail outlet at the Union Street frontage
- The minor reconfiguration of the retail arcade at Level 00 to include a food and beverage court
- Minor changes to the slab/floor configurations above the Hotel Porte Cochere
- Change of use on Level 2 podium from Conference facility to Day Spa and the reconfiguration of the space
- Relocation of plant room from the southern extent of the main casino building to above the Union Street hotel podium.

Urbis consulted the Department of Planning in relation to the subject 75W modification proposal on the 7th May 2010 and the intended modifications were outlined.

### **3 The Site and Context**

The site comprises the irregularly shaped street block bounded by Edward Street, Pyrmont Street, Union Street, Pirrama Road and Jones Bay Road, Pyrmont. It accommodates the existing Star City Casino, which currently comprises:

- A 10,500m<sup>2</sup> main gaming floor.
- 3,800m<sup>2</sup> of retail space.
- 11 restaurants and 10 bars.
- 2 theatres.
- 480 hotel rooms / serviced apartments.
- A 900 person ballroom / conference facility.
- Basement parking for 2,500 cars.

The site also accommodates the light rail line and the 'Casino' light rail station and bus interchange, which are all housed within the Casino building, adjacent to the Pirrama Road frontage.

### 3.1 Legal Description

The site is legally described as:

- Lot 121 DP828957 (Former Switching Station site).
- Lots 300, 301 and 302 in DP 873212 (Main site).
- Lot 1 DP 867854 and Lot 201 DP 867855 (Driveway which exits near Channel 7).

It is leased by Sydney Harbour Casino Properties Pty Ltd from the Casino Control Authority, and has a total area of 39,206m<sup>2</sup>, including the 4,756m<sup>2</sup> switching station site. The consent of the Casino Control Authority to the lodgement of this application is included at Attachment A.

### 3.2 Local Context

The immediate context of the site is highly varied in terms of its land use mix, built form and character. Historically, Pyrmont's urban pattern has been characterised by smaller residential forms on the ridge, with larger industrial and now commercial building footprints occupying the flatter areas around the shoreline. This is consistent with the role of the Pyrmont precinct as an inner urban mixed use area, providing an immediate transition zone between the high-rise commercial core of the CBD and the suburban expanse to the west.

## 4 Proposed Modifications

This application seeks approval for a minor amendment to the approved scheme entailing the partial enclosure of the existing outdoor terrace adjoining the Sovereign Room (Level 3) , comprising a series of fixed white glass louvers with a concrete roof and concrete splayed base.

The proposed modification is detailed by the drawings prepared by Fitzpatrick and Partners dated July 2010 and included as **Attachment D**.

### 4.1 Objective of the Design Amendment

The objective of the proposal is to create a covered, yet unenclosed environment as a transition between the indoor, air conditioned space of the Sovereign Room and the adjoining open terrace.

### 4.2 Proposed Design Amendment

The proposed structure will occupy Level 3 of the Casino building . It will be located behind the existing glass cone which is well setback from the Pirrama Road street frontage, toward the centre of the site.

The proposed structure will be accessible from the existing Sovereign Room (which is a private gaming area for members only) via new doors along the eastern façade which will provide access through an air lock strip into a "lounge pocket". Access from the Sovereign Room to the roof top terrace below will also be provided via two small passage ways and stairs passing through the proposed structure.

The design of the proposed structure adopts the prevalent theme of the building incorporating a series of circular spaces which wrap around the front façade of the existing Sovereign Room. The proposed area will occupy some 400.16m<sup>2</sup> which will be separated into four circular, "outside" areas accommodating a small lounge and "plant pockets". A vertical garden is also proposed in the centre of the structure.

The outdoor spaces will be screened from the adjoining terrace areas by fixed, vertical glass louvres which will be staggered to provide privacy to the casino patrons while providing for natural air exchange.

The roof of the proposed structure will be covered by white pebbles. Overall, the structure will read as a covered outdoor area, screened by light weight, yet permanent glass blades. A colour copy of the Sample board of materials is included as **Attachment F**.

Patrons within the structure will have views towards the western side of the Sydney CBD and north east toward Sydney Harbour.

#### **4.3 Proposed Use**

The area within the proposed structure will continue to be used for gaming, leisure and entertainment purposes in association with the adjacent Sovereign Room and remaining outdoor terrace area.

#### **4.4 Demolition**

The proposal includes the demolition of the existing covered terrace adjoining the Sovereign Room and the external wall to that area. The demolition of this wall and the terrace will result in the removal of the gaming facilities in that area. The two substantial planter boxes currently adjoining the outdoor terrace will be demolished as well as a small store room and some stairs.

The demolition of the planter boxes will necessitate the relocation of the mature trees currently planted there. The proposal therefore includes the relocation of those trees off site to suitable nursery storage and replanting at a later stage.

#### **4.5 Air Ventilation**

As the proposal includes fixed wall openings the area will be ventilated by fresh air. A supplementary ventilation system will also be provided using the relief (or surplus) fresh air from the adjoining internal Sovereign Room area. This proposed method of ventilation is beneficial in ESD terms and will translate into an energy saving benefit for the casino. A Statement of the proposed air management has been prepared by AECOM and is attached as **Attachment H**.

#### **4.6 Gross Floor Area**

The proposed modifications will not entail any additional gross floor area (GFA).

The structure will be defined by a permeable screen with glass louvres separated at intervals to simultaneously enable exchange of air and provision of privacy from the adjoining terrace.

In accordance with the relevant definition as per Clause 6 of the Sydney LEP 2005, the proposed glass screens will not constitute “*external enclosing walls*” and therefore the area of the proposed covered roof deck is not included as gross floor area.

The relevant definition for Gross Floor Area is as follows:

*“gross floor area of a building within Ultimo-Pyrmont, means the sum of the areas of each floor of the building, where the area of each floor is taken to be the **area within the inner faces of the external enclosing walls** as measured at a height of 1,400 millimetres above each floor level...*

#### 4.7 Changes to the Existing Approval (MP 08\_0098)

The proposed modifications will result in amendments to the following two approval conditions of MP 08\_0098 as shown below (note additional text is underlined).

Amendment to Condition A2 of MP 08\_0098 to include the insertion of the following words:

- *Condition A2 Development in Accordance with Plans*

The development will be undertaken in accordance with the Environmental Assessment dated September 2008 prepared by Urbis, subsequent Preferred Project Report dated December 2008 prepared by Urbis, the Section 75W letter dated 16 September prepared by Urbis, and the following drawings prepared by Fitzpatrick + Partners, The Buchan Group, Cox Richardson Architects and Tract Consultants.

The amendment of Condition A2 of MP 08\_0098 also should include the insertion of the following plan details in addition to the plans listed in the existing table to Condition A2:

Drawing Number	Revision	Name of Plan	Date
<u>SK-001</u>	<u>C</u>	<u>Level 3 Existing</u>	<u>Aug 2010</u>
<u>SK-002</u>	<u>K</u>	<u>Level 3 Floor Plan</u>	<u>Aug 2010</u>
<u>SK-003</u>	<u>K</u>	<u>Level 3 Floor Plan</u>	<u>Aug 2010</u>
<u>SK-004</u>	<u>E</u>	<u>Building Section</u>	<u>Aug 2010</u>
<u>SK-005</u>	<u>E</u>	<u>Sections</u>	<u>Aug 2010</u>
<u>SK-006</u>	<u>D</u>	<u>External Perspectives</u>	<u>Aug 2010</u>
<u>SK-007</u>	<u>E</u>	<u>Bird's View Axo - no ceiling</u>	<u>Aug 2010</u>
<u>SK-010</u>	<u>D</u>	<u>Roof plan</u>	<u>Sept 2010</u>
<u>SK-012</u>	<u>D</u>	<u>Extent of Proposed Work</u>	<u>Aug 2010</u>
<u>SK-013</u>	<u>B</u>	<u>Elevations</u>	<u>Aug 2010</u>
<u>SK-014</u>	<u>B</u>	<u>Design Statement</u>	<u>Aug 2010</u>

- *Condition A3 Development in Accordance with Documents*

In addition, Condition A3 of MP 08\_0098 should be amended to include the addition of the following words at the end of the existing condition:

As amended by the Section 75W letter prepared by Urbis dated 16 September 2010 and the following documents:

(1) Architectural Drawings prepared by Fitzpatrick and Partners, dated August 2010 and September 2010

(2) BCA Capability Statement prepared by Phillip Chun & Associates Pty Ltd, dated 9<sup>th</sup> Sept 2010

## **5 Statutory Context**

### **5.1 Part 3A of the Environmental Planning & Assessment Act**

Part 3A of the EP&A Act relates to projects that are identified in a State Environmental Planning Policy (SEPP) or are considered by the Minister to have State or Regional Significance.

On 27 May 2008, the Minister for Planning formed the opinion that the proposed redevelopment of the Star City site constituted a Major Project under the terms of SEPP (Major Projects) 2005. The Minister approved Major Project application (MP 08\_0098) on 27 January 2009.

### **5.2 Section 75W Modification of Project Approval**

Section 75W of the Environmental Planning and Assessment Act 1979 allows the proponent to request the Minister to modify the approval for a project.

Section 75W also provides for the Director-General to notify the proponent of specific environmental assessment requirements with which the application must comply. For the purposes of assessing this 75W application we have considered the issues raised in the correspondence by the Department of Planning (dated 17 November 2008) and the Director General's Environmental Assessment Requirements (DGRs) (dated 21 November 2009).

## **6 Environmental Assessment**

The following environmental assessment addresses the matters raised in the Department's correspondence as well as the relevant matters identified in the DGRs for the project application.

### **6.1 Statutory Compliance**

The proposed modifications will not result in any changes to the proposal's compliance with the following Environmental Planning Instruments (EPIs) and guidelines:

- Environmental Planning and Assessment Act 1979
- Casino Control Act 1992
- State Environmental Planning Policy (Major Projects) 2005
- State Environmental Planning Policy 41 (Casino Entertainment Complex)
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Sydney Local Environmental Plan (SLEP) 2005.

### **6.2 Urban Development Plan for Ultimo Pyrmont**

Clause 83(2) of SLEP 2005 requires the consent authority to have regard to the Ultimo Pyrmont Urban Development Plan (UDP) endorsed by the Council on 25 March 2004.

The provisions of the UDP relate to design based development criteria and in particular the provisions relevant to this proposal refer to Façade Treatment, View Sharing and Roof Design.

Table 1 outlines and addresses those provisions in the UDP which are relevant to this application:

**Table 1**

UDP Provision	The Proposal	Consistent
<b><i>Façade Treatment</i></b>		
<i>Facades of new development should relate sympathetically to existing buildings in the vicinity, particularly if they have heritage or streetscape value.</i>	<p>The finishes of the proposed structure will be modern, incorporating white glass “fins” or louvres complemented by a concrete roof and base.</p> <p>The proposed structure will read as a light weight, modern addition and the materials used will be consistent with the modern revitalisation of Pyrmont. Notwithstanding, the partial roof deck enclosure itself will not be visible from Pirrama Road and will be largely concealed when viewed from the public domain (namely the adjacent Pyrmont Bay park and the foreshore area).</p>	√
<i>Buildings should be in plan and elevation to develop appropriate rhythm, proportions and depth in facades to articulate street edges.</i>	The proposed structure provides a rhythm of curved elements that echoes the proposed façade of the Pirrama Road frontage. Read as part of the Pirrama Road frontage (although not highly visible) the partial roof deck enclosure will contribute to the distinctly modern and dynamic expression of that frontage which deliberately contrasts with the more rigid expression of traditional buildings in the locality.	√
<p><i>Building treatment must add interest to facades, for example patterned and textured treatment such as string courses, surrounds to openings and masonry detail.</i></p> <p><i>New development must complement existing buildings in the vicinity in materials and colours. Generally, facades should have a masonry or rendered character.</i></p> <p><i>Horizontal elements should relate to existing buildings...;</i></p>	<p>The proposed treatment of the structure will add visual interest to the building façade by providing a series of glass, vertical screen elements configured in a circular pattern around the existing building.</p> <p>The modifications will complement existing buildings in the vicinity by proposing an unobtrusive and light weight structure seen as an annex to the existing building at Level 3.</p> <p>The proposal will not alter the horizontal expression of the approved development.</p>	√
<i>Facades should not contain large unbroken expanses of glass or curtain walling.</i>	Glass façade proposed is articulated by the fixed openings in between the screens.	√
<i>Reflective glass must not be used.</i>	Reflective glass is not proposed.	√
<i>Site identified as a ‘Retail and Leisure’ node.</i>	<p>The site is only one of three such nodes in the Ultimo/Pyrmont locality, the others being the Sydney Fish Markets and Darling Harbour.</p> <p>The proposed improvements to the Star City entertainment complex will reinforce its role as a significant regional retail and leisure node.</p>	√



<b>View sharing from within buildings</b>		
<i>Development must be sited and designed to minimise impact on the views enjoyed by adjoining buildings by matching alignment, height and/or setbacks and appropriate planning measures.</i>	<p>The proposed structure will not impact upon any existing views toward the harbour or foreshore from nearby buildings.</p> <p>The structure will be discretely located at the base of the existing hotel tower and podium and therefore will not intrude into any views toward the foreshore currently enjoyed by the only buildings in question to the north west of the site.</p>	√
<b>Views and vistas from the public domain</b>		
<i>Major existing views and vistas out from the precinct and to the precinct, should be maintained and new vistas and views should be opened up through the urban fabric, as indicated on Map 10.</i>	<p>The proposed partial roof deck enclosure will not reduce any views to the precinct and will not reduce any meaningful views from the precinct.</p> <p>The only potential view loss will relate to a minor reduction in the view facing south toward Darling harbour from a residential flat building located to the north west of the site.</p>	√
<b>Roof design</b>		
<i>Principle; Roofscapes must be attractive, enhance the skyline, and enhance views from adjoining buildings and the foreshore. Roofscapes must not dominate the skyline or be intrusive elements.</i>	<p>The roofscape proposed is an attractive, flat concrete structure featuring white pebbles which will not be intrusive to the skyline in any way. The flat roof proposed will enable the structure to be seen as a discrete and low key building element.</p>	√

### 6.3 Developer Contributions

The proposed modifications do not result in any increase to the approved floor area. The developer contributions contained in Condition B12 of the approval are therefore not altered by the proposed modifications.

### 6.4 Architecture and Urban Design

A design statement has been prepared in relation to the proposed modifications by the project architects, Fitzpatrick + Partners and includes the following description of the architecture and urban design adopted:

*“...The floorplan shows a sequence of circles immediately adjacent to the existing gaming area which accommodate very workable and interesting internal spaces whilst also creating an organic building shape which is responsive to its immediate context.*

*...*

*As the brief required a roofed space to allow for weather protection all openings are applied to the facade which is effectively a screen structure consisting of white glass fins which are dimensioned and spaced to achieve the required opening area.*

*The glass screen is the defining element of the proposal. It is horizontally framed by an exposed concrete roof edge at the top and an exposed concrete splayed wall at the bottom*

*The splayed wall also works as privacy barrier preventing pedestrians on the Level 3 terrace to get into close proximity of the structure.....”*

The Design Statement from Fitzpatrick and partners is included as **Attachment E**.

## **6.5 Noise**

The proposal will possibly result in an improvement to noise emissions at this location, certainly it will not result in any significant increase to the current level of noise emissions.

The proposed works serves as an enclosure to the existing outdoor gaming, leisure and entertainment terrace which adjoins the Sovereign Room. The proposed works will partially enclose the existing terrace and will now be partially screened by fixed glass louvers which will deflect noise and thereby potentially reduce noise emissions from the Sovereign Room area.

In any case, the partial roof deck enclosure will be utilised by a relatively small number of high end patrons who are not expected to generate unreasonable levels of noise.

## **6.6 Reflectivity**

There will be no adverse solar glare or reflectivity issues as the proposed façade will be largely open and will otherwise be screened by white glass louvers fixed at angles.

## **6.7 Visual impact**

The proposed area will sit discretely toward the centre of the rooftop of the main casino building and will be largely concealed by the existing glass cone to the east, the roof top function centre to the north and the existing structure to the south.

The proposed structure will not be visible from Pirrama Road, being setback well behind the Pirrama Road façade. Although the proposed structure will be visible from the adjoining Pyrmont Bay Park and the western foreshore of Darling Harbour and Barrangaroo, the structure itself will be largely obscured by the glass cone of the casino in the foreground and will be a light weight and discrete structure which will not be highly visible (refer Elevation, SK-013 included within Attachment D).

The proposed structure will indeed enhance the appearance of the Casino roof top when viewed from the east by acting as a “step” to the taller hotel podium and tower in the background.

## **6.8 Gross Floor Area / Floor Space Ratio**

The proposed modification will not result in any increase to the approved gross floor area and has been discussed in this regard in Section 4.6 above.

#### **6.9 Building Code of Australia**

Philip Chun Consulting have prepared a BCA Capability Statement addressing the impacts of the proposed modifications (see **Attachment G**). The key finding of this assessment are:

*“We have assessed the architectural building design to date and have reviewed the revised scheme with respect to the Building Code of Australia. The design is at a point where the inherent BCA philosophies have been checked and development consent can be sought. The finer details with respect to BCA 2010 compliance can be finalised prior to the issue of a Construction Certificate.”*

#### **6.10 Matters raised in the Department of Planning's Previous Assessments**

The proposed modifications will not result in any change to the issues raised in the correspondence by the Department of Planning dated 17 November 2008 as previously addressed.

## **7 Summary and Conclusion**

The proposed modifications are minor and can be determined in accordance with the provisions of Section 75W of the EP&A Act. They have been assessed in accordance with the relevant DGRs and the issues raised in the Department of Planning in its letter of correspondence dated 17th November 2008.

The proposed modifications will not result in any increase to the approved GFA, being an unenclosed area, and will result in only minor changes to the approved building envelope. The structure will be a discrete addition with an attractive circular design and will be finished in modern materials including concrete and glass. Overall the proposed modifications will complement and enhance the existing building where visible from the public domain.

The proposal will not create any additional impacts in regard to the DGRs or the issues raised by the Department of Planning in its letter of correspondence dated 17th November 2008.

We therefore recommend approval of the proposed modifications to allow for the continued design development and improvement to this Major Project.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ian Cady', is positioned above the printed name.

Ian Cady  
Associate Director

**ATTACHMENT A - LANDOWNER'S CONSENT – refer Dept Planning Request to modify a major project completed form – page 3 dated 13 Sept 2010**

**ATTACHMENT B - STATEMENT OF POLITICAL DISCLOSURE DATED 3<sup>rd</sup> AUGUST 2009**

**ATTACHMENT C - COST OF WORKS REPORT DATED 23<sup>rd</sup> APRIL 2010**

**ATTACHMENT D - ARCHITECTURAL DRAWINGS PREPARED BY FITZPATRICK PARTNERS  
DATED 7<sup>th</sup> AUGUST 2010**



**ATTACHMENT E - DESIGN STATEMENT BY FITZPATRICK PARTNERS DATED 7<sup>th</sup> AUGUST 2010**



**ATTACHMENT F - COLOUR COPY OF SAMPLE BOARD**

**ATTACHMENT G - BCA REPORT PREPARED BY PHILIP CHUN & ASSOCIATES DATED 9<sup>th</sup>  
September 2010**

**ATTACHMENT H - AIR MANAGEMENT STATEMENT BY AECOM DATED 9<sup>th</sup> September 2010**