

**DEPARTMENT OF PLANNING**  
*Development Assessment*

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**PARTIAL ENCLOSURE OF ROOF DECK ADJOINING 'SOVEREIGN ROOM TO THE  
CASINO COMPLEX AND HOTEL DEVELOPMENT LEVEL 3, 80 PYRMONT STREET,  
PYRMONT  
MP 08\_0098 MOD 8**

**PURPOSE**

To determine a modification request for the Star City project approval (MP08\_0098 MOD 8).

**BACKGROUND**

The major project application for alterations and additions to the casino complex and hotel development on the Switching Station site (refer to **Figure 1**) 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;
- Re-development 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;
- 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; and
- Works to the exterior of the existing Star City Casino tower buildings.

Since that time, a number of modifications to the approved development have been sought. They are;

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 on what constitutes external art work and lighting to include video signage, 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.

MP 08\_0098 MOD 3 was approved under delegation on 6 April 2009, to amend Condition B4 – Sydney Metro Authority to allow a staged agreement process with Sydney Metro Authority in relation to excavation works in the vicinity of the rail tunnel easement.

MP 08\_0098 MOD 4 was approved by the Minister on 1 December 2009, for modifications relating to alterations and additions to the existing casino building on the Pirrama Road frontage.

MP 08\_0098 MOD 5 was approved under delegation on 20 July 2010, for modifications relating to alterations and additions to the casino complex and hotel development.

MP 08\_0098 MOD 6 was approved 9 September 2010, and involved the deletion of the top most floor level 13 and increasing the floor to ceiling heights of levels 11 and 12. The proposal also changed the number of suites comprised within levels 6 to 12 from fourteen (14) single rooms to seven (7) suites on each floor. The Level 12 suites (4) are to be provided with their own private gaming rooms. The total number of hotel rooms will be decreased from 252 to 173 rooms or suites.

MP 08\_0098 MOD 7 is currently under assessment for modifications comprising expansion of the approved ballroom and pre-function area on Level 3 of the Star City Casino building to create a Multi-Use Entertainment Facility to replace the existing ballroom facility adjoining the base of the northern tower. The proposed facility will accommodate a seated capacity of 3,000 persons or a standing capacity of 4,000 persons.

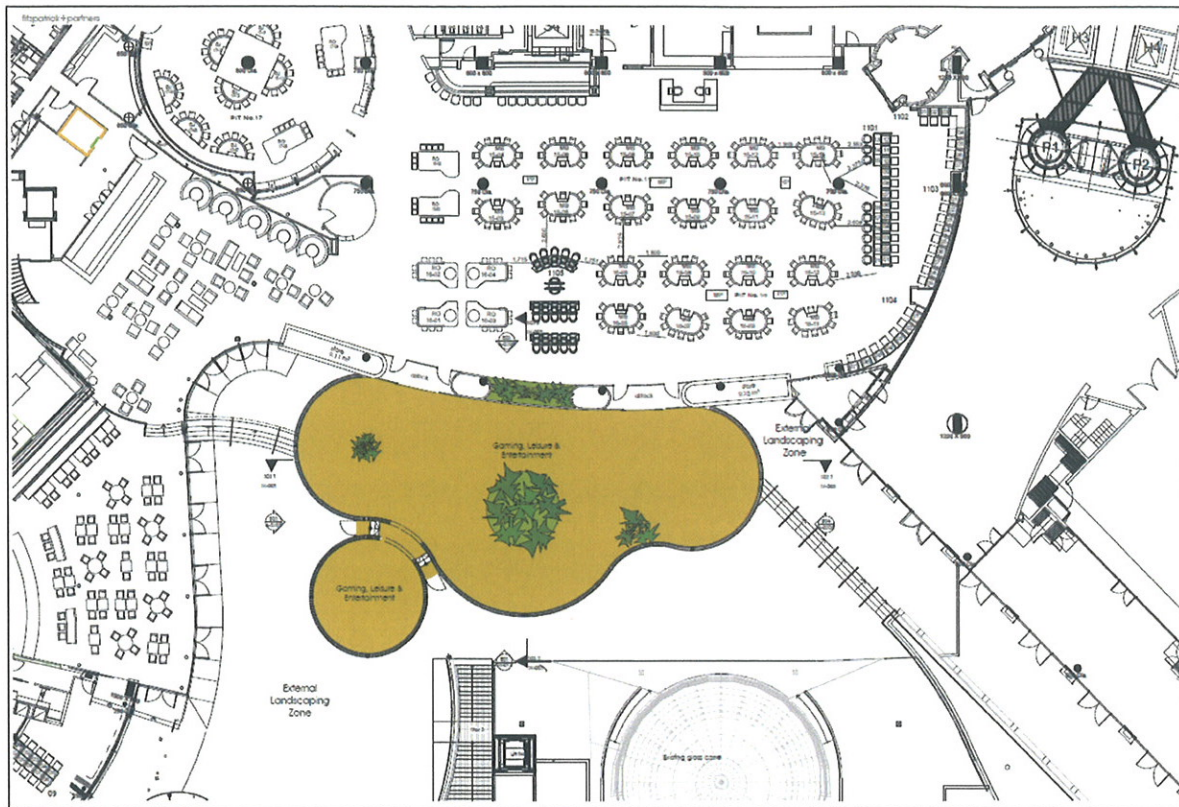


Figure 1 – Site Location

#### PROPOSED MODIFICATION

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 (refer to **Figure 2**).





**Figure 2: Level 3 Floor Plan of outdoor terrace**

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 (refer to **Figures 3 and 4**).

The proposed area will occupy 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.

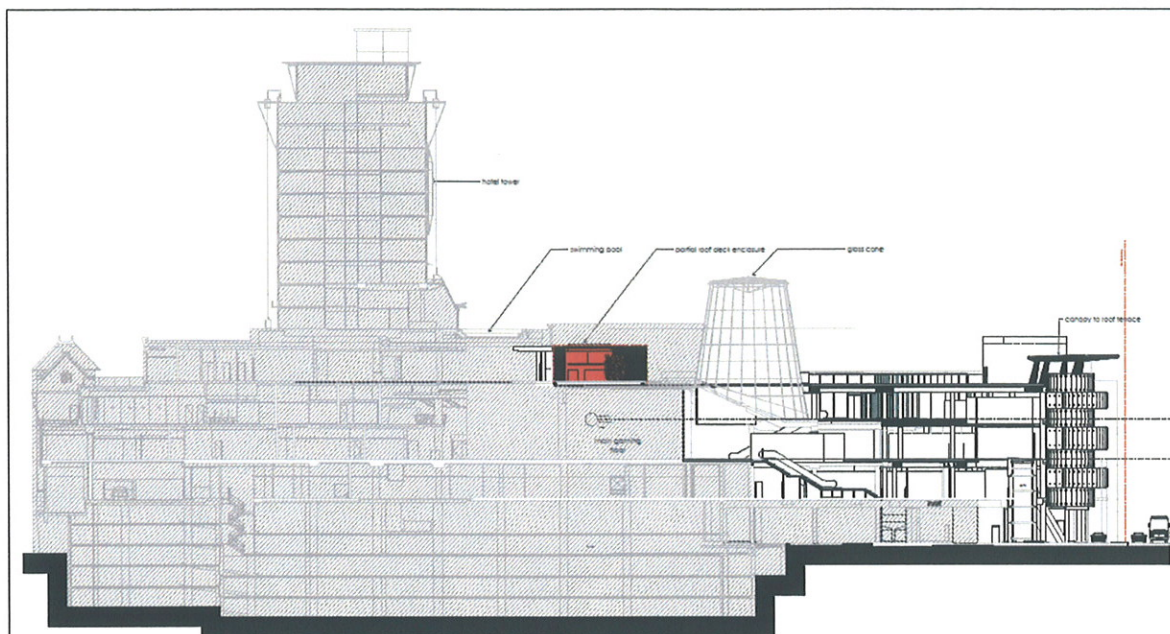
The area within the proposed structure will continue to be used for gaming, leisure and entertainment purposes in association with the adjacent Sovereign Room and remaining outdoor terrace area.

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 concrete with white pebbles. Overall, the structure will read as a covered outdoor area, screened by light-weight and permanent glass blades.

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.

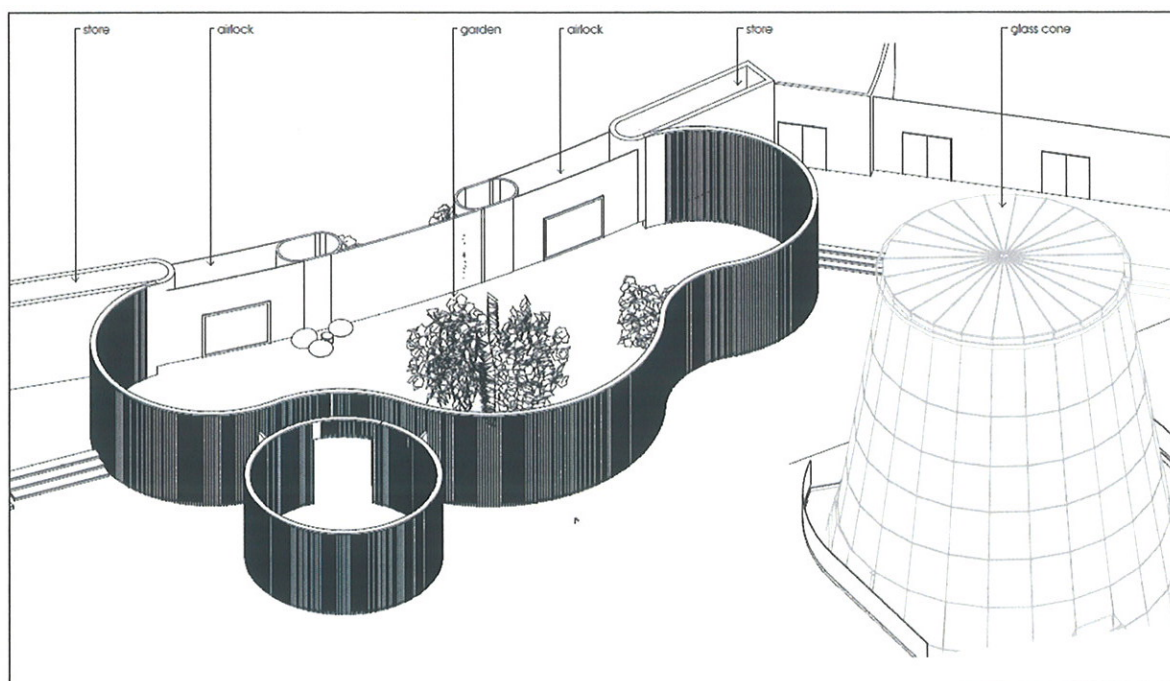
The demolition of the planter boxes will necessitate the relocation of the mature trees currently planted there. The proposal therefore includes the relocation of those trees off site to suitable nursery storage and replanting at a later stage.





**Figure 3:** Building section looking west.

The objective of the proposal is to create a covered and partially unenclosed environment as a transition between the indoor, air conditioned space of the Sovereign Room and the adjoining open terrace (refer to **Figure 4**).



**Figure 4:** The enclosure of the Sovereign room without roofing.

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 Department has reviewed the proposed works and is of the opinion that the partial enclosure of roof deck adjoining the Sovereign Room and ancillary works, will not pose any visual impacts from the public place or adjoining properties as the structure is surrounded by the main Casino building and associated buildings, such as the glass 'Cone'.

## **STATUTORY CONTEXT**

### **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.

### **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 the Department has considered the issues raised in the proponent's EA dated 16 September 2010.

## **ENVIRONMENTAL ASSESSMENT**

The following environmental assessment matters have been considered by the proponent in association with the relevant matters identified in the DGRs for the project application.

### **Statutory Compliance**

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

- Environmental Planning and Assessment Act 1979
- State Environmental Planning Policy (Major Projects) 2005
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007

The Department is satisfied that the proponent has given the above EPIs the relevant consideration. The proposed modifications do not compromise these EPIs.

### **Noise**

The proposal will result in an improvement to noise emissions at this location due to the proposed works including the enclosure of 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 louvres which will deflect noise, and thereby potentially reduce noise emissions from the Sovereign Room area.

The Department is satisfied that the proposed enclosure will not exacerbate noise emanating from the outdoor gaming area. The new partially enclosed area will generally contain noise as a result of the provision of fixed glass louvres and solid pebbled roof.

### Visual impact

The proposed area will sit towards 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 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 Barangaroo, the structure itself will be largely obscured by the glass cone of the casino in the foreground and will light weight and discrete.

### Gross Floor Area

The proposed modification will not result in any increase to the approved gross floor area.

### CONSULTATION

Due to the minor nature of the proposed modification, the application was not publically exhibited. The modification referred to City of Sydney Council who raised no objections via correspondence dated 18 October 2010.

### DELEGATED AUTHORITY

On 25 January 2010, the Minister delegated his powers and functions under section 75W of the EP&A Act to Directors in the Major Projects Assessment Division in cases where there are less than 10 public submissions (not including submissions from public authorities) in the nature of objections in respect of the modification request. As only one submission was received from City of Sydney and no submissions received from the public, the Director may determine the modification request under delegated authority.

### KEY ISSUES

There are no key issues with the modification. The work will be carried out as required by the Building Code of Australia under the supervision of a registered Principal Certifying Authority.

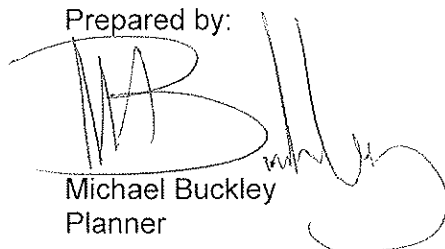
Overall, the Department is satisfied that the proposed modification will not compromise the original project approval and will not adversely impact on the external appearance of the building.

### RECOMMENDATION

It is RECOMMENDED that the A/Director, Government Land & Social Projects:


- note the information provided in this briefing;
- approve the modification request under section 75W of the EP&A Act; and
- sign the attached modifying instrument.

Prepared by:



Michael Buckley  
Planner

Approved by:



Daniel Cavallo  
A/Director  
Government Land and Social  
Projects

17/4/10

# Modification of Minister's Approval

## Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed on 25 January 2010, I approve the modification of the project application referred to in Schedule 1, subject to the conditions in Schedule 2.



**Daniel Cavallo**  
**A/Director**  
**Government Land and Social Projects**

Date: 17 NOVEMBER 2010

### SCHEDULE 1

<b>Project Approval:</b>	<b>MP08_0098</b> granted by the Minister for Planning on 27 January 2009.
<b>For the following:</b>	The construction of alterations and additions to Star City Casino Complex, Pyrmont and New Hotel on the Switching Station Site.
<b>Modification:</b>	<b>MP08_0098 MOD 8</b>  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.

## SCHEDULE 2 CONDITIONS

### 1. Condition A2 Development in Accordance with Plans

a. Insert the following drawing references:

Drawing No.	Revision	Name of Plan	Date
SK-001	C	Level 3 Existing	07.08.2010
SK-002	K	Level 3 Floor Plan	07.08.2010
SK-003	K	Level 3 Floor Plan	07.08.2010
SK-004	E	Building Section	07.08.2010
SK-005	E	Sections	07.08.2010
SK-006	D	External Perspectives	07.08.2010
SK-007	E	Bird's View Axo – no ceiling	07.08.2010
SK-010	D	Roof Plan	08.09.2010
SK-012	D	Extent of Proposed Work	07.08.2010
SK-013	B	Elevations	07.08.2010
SK-014	B	Design Statement	07.08.2010

### 2. Condition A3 Development in Accordance with Documents

At the end of clause (20) insert the following paragraph:

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

- (1) Architectural Drawings prepared by Fitzpatrick + Partners, dated 7 August 2010 and 8 September 2010.*
- (2) BCA Capability Statement prepared by Phillip Chun & Associates Pty Ltd, dated 9 September 2010."*



**CONSOLIDATED CONSENT FOR INFORMATION****9 September 2010****ALTERATIONS AND ADDITIONS TO CASINO COMPLEX AND HOTEL  
DEVELOPMENT ON THE SWITCHING STATION SITE****UNION STREET/PIRRAMA ROAD, PYRMONT****MP 08\_0098 MOD 8****(FILE NO. S08/00820)**

[AS MODIFIED BY MOD 1 – 3 MARCH 2009]  
[AS MODIFIED BY MOD 2 – 25 MARCH 2009]  
[AS MODIFIED BY MOD 3 – 6 APRIL 2009]  
[AS MODIFIED BY MOD 4 – 1 DECEMBER 2009]  
[AS MODIFIED BY MOD 5 – 5 JULY 2010]  
[AS MODIFIED BY MOD 6 – 9 SEPTEMBER 2010]  
[AS MODIFIED BY MOD 8 – 15 NOVEMBER 2010]

**SCHEDULE 1****PART A—TABLE**

<b>Application made by:</b>	Sydney Harbour Casino Properties Pty Ltd
<b>Application made to:</b>	Minister for Planning
<b>Major Project Application:</b>	MP 08_0098
<b>On land comprising:</b>	Lot 121 DP 828957, Lots 300, 301 and 302 in DP873212, Lot 1 DP 867854 and Lot 201 DP 867855
<b>Local Government Area</b>	Sydney City Council
<b>For the carrying out of:</b>	<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 Station site;</li> <li>• 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;</li> <li>• Re-development 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;</li> <li>• The 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</li> <li>• Works to the exterior of the existing Casino tower buildings.</li> </ul>
<b>Estimated Cost of Works</b>	\$344,509,000
<b>Type of development:</b>	Major Project
<b>S.119 Public inquiry held:</b>	No
<b>Determination made on:</b>	

Date approval is liable to lapse:	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the Act.
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## PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 08-0098

### ***Responsibility for other consents / agreements***

The Proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

### ***Legal notices***

Any advice or notice to the approval authority shall be served on the Director-General.

## PART C—DEFINITIONS

In this approval,

**Act** means the *Environmental Planning and Assessment Act, 1979* (as amended).

**Advisory Notes** means advisory information relating to the approved development but do not form a part of this approval.

**BCA** means the Building Code of Australia.

**Certifying Authority** has the same meaning as Part 4A of the Act.

**Council** means Sydney City Council.

**CPI** means Consumer Price Index.

**Department** means the Department of Planning or its successors.

**Director-General** means the Director-General of the Department.

**Environmental Assessment** means the Environmental Assessment and all its appendices prepared by Urbis, September 2008.

**Minister** means the Minister for Planning.

**MP No. 08-0098** means the Major Project described in the Proponent's Environmental Assessment.

**PCA** means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

**PPR** means Preferred Project Report and its appendices prepared by Urbis, December 2008

**Proponent** means Sydney Harbour Casino Properties Pty Ltd or any party acting upon this approval.

**Regulation** means the *Environmental Planning and Assessment Regulation 2000* (as amended).

**RTA** means the Roads and Traffic Authority, NSW.

**Subject Site** has the same meaning as the land identified in Part A of this schedule.

**SCHEDULE 2**  
**RECOMMENDED CONDITIONS OF APPROVAL**  
**MAJOR PROJECT NO. 08-0098**

**PART A—ADMINISTRATIVE CONDITIONS**

**A1 Development Description**

(1) Development approval is granted only to carrying out the development described in detail below:

- 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 3000 car parking spaces across the whole site, to be accessed via the existing Casino complex car park;
- Re-development 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;
- 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; and
- Works to the exterior of the existing Casino tower buildings.

(2) Development must be carried out consistently with the Statement of Commitments (attached Schedule 3) except as amended by the conditions of approval.

**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 2010 prepared by Urbis, and the following drawings prepared by, Fitzpatrick + Partners The Buchan Group, Cox Richardson Architects and Tract Consultants:

**[MOD 8 – 15.11.10]**

**The development will be undertaken in accordance with the following drawings:**

Architectural (or Design) Drawings prepared by The Buchan Group, Cox Richardson Architects and Tract Consultants and Fitzpatrick + Partners			
Drawing No.	Revision	Name of Plan	Date
DA-AC-153	02	Perspective Rendering View Pirrama Road Entry Daytime	02/12/08
DA-AC-199	00	Perspective View of Pirrama Road	02/12/08
DA-AC-200	04	Level Basement B05 Floor Plan	02/12/08
DA-AC-204	02	Level Basement B04 Floor Plan	02/12/08
DA-AC-202	02	Level Basement B03 Floor Plan	02/12/08
DA-AC-203.1	00	Level B02— Pirrama Road & Entry Water Front Works	02/12/08



DA-AC.203	03	Level B02 – Pirrama Road & Entry Water Front Works	02/12/08
DA-AC.204	03	Level B01 – Pirrama Road & Entry Water Front Works	02/12/08
DA-AC.205	03	Level 00 Pymont Street Floor Plan (Retail)	02/12/08
DA-AC.206	03	Level 01 Floor Plan (Main Gaming)	02/12/08
DA-AC.207	03	Level 02 Floor Plan (Terrace)	02/12/08
DA-AC.208	02	Level 03 Covered Deck & Roof Plan	02/12/08
<u>DA-002</u>	<u>1</u>	<u>Level Basement B05 Floor Plan</u>	<u>14/08/2009</u>
<u>DA-003</u>	<u>2</u>	<u>Level Basement B04 Floor Plan</u>	<u>19/11/2009</u>
<u>DA-004</u>	<u>2</u>	<u>Level Basement B03 Floor Plan</u>	<u>19/11/2009</u>
<u>DA-005</u>	<u>2</u>	<u>Level B02 – Pirrama Road &amp; Entry Water Front Works</u>	<u>19/11/2009</u>
<u>DA-006</u>	<u>1</u>	<u>Level B02 – Pirrama Road &amp; Entry Waterfront Works</u>	<u>14/08/2009</u>
<u>DA-007</u>	<u>1</u>	<u>Level B01 – Pirrama Road &amp; Entry Water Front Works</u>	<u>14/08/2009</u>
<u>DA-008</u>	<u>2</u>	<u>Level 00 Pymont Street Floor Plan (Retail)</u>	<u>19/11/2009</u>
<u>DA-009</u>	<u>3</u>	<u>Level 01 Floor Plan (Main Gaming)</u>	<u>19/11/2009</u>
<u>DA-010</u>	<u>3</u>	<u>Level 02 Floor Plan (Terrace)</u>	<u>19/11/2009</u>
<u>DA-011</u>	<u>2</u>	<u>Level 03 Covered Deck &amp; Roof Plan</u>	<u>19/11/2009</u>
DA-AC.209	02	Level 04 Covered Deck & Roof Plan	02/12/08
DA-AC.210	02	Level 05 Roof Level Plan	02/12/08
DA-AC.211	02	Level Roof Plan	02/12/08
DA-AC.401	02	Pirrama Rd Street Elevations	02/12/08
<u>DA-012</u>	<u>1</u>	<u>Pirrama Rd Street Elevations</u>	<u>14/08/2009</u>
DA-AC.402	02	Jones Bay Rd – Pymont Street Elevations	02/12/08
DA-AC.403	02	Edward – Union Street Elevations	02/12/08
DA-AC.404	00	Pirrama Road-Rendered Elevations	02/12/08
DA-AC.500	02	Sections A-A & B-B	02/12/08
DA-AC.501	02	Section C-C	02/12/08
DA-AC.160	02	External Materials and Finishes	02/12/08
<u>DA-014</u>	<u>2</u>	<u>Sections A-A &amp; B-B</u>	<u>19/11/2009</u>
<u>DA-015</u>	<u>2</u>	<u>Section C-C</u>	<u>19/11/2009</u>
<u>DA-016</u>	<u>1</u>	<u>Perspective Rendering Pirrama Rd Entry Daytime</u>	<u>14/08/2009</u>
<u>DA-017</u>	<u>1</u>	<u>Perspective View of Pirrama Road</u>	<u>14/08/2009</u>
<u>DA-019</u>	<u>1</u>	<u>External Materials and Finishes</u>	<u>14/08/2009</u>
<u>DA-020</u>	<u>1</u>	<u>Pirrama Road façade Details</u>	<u>19/08/2009</u>
DA-L.201	D E	Landscape & Urban Design Landscape Plan Streetscape & Roof Terraces	01.12.08 <u>19.08.09</u>
DA-1500	00	Existing Tower Facades	27.6.2008

DA-1002	00	Site Plan	27.06.2008
DA-1011	00	Basement Level 1 Plan	27.6.2008
DA-1012	00	Basement Level 2 Plan	27.6.2008
DA-1013	00	Basement Level 3 Plan	27.6.2008
DA-1014	00	Basement Level 4 Plan	27.6.2008
DA-1020	01	Ground Floor Plan	01.07.2008
DA-1021	01	Level 1 Floor Plan	01.07.2008
DA-1022	01	Level 2 Floor Plan	01.07.2008
DA-1023	01	Level 3 Floor Plan	01.07.2008
DA-1024	00	Level 4 & 5 Floor Plan	27.06.2008
DA-1025	00	Level 6 & 7 Floor Plan	27.06.2008
<u>DA-1025</u>	<u>01</u>	<u>Level 6 &amp; 7 floor plan</u>	<u>02.07.2010</u>
DA-1026	00	Level 8 & 9 Floor Plan	27.06.2008
<u>DA-1026</u>	<u>01</u>	<u>Level 8 &amp; 9 floor plan</u>	<u>02.07.2010</u>
DA-1027	00	Level 10 & 11 Floor Plan	27.06.2008
<u>DA 1027</u>	<u>01</u>	<u>Level 10 &amp; 11 floor plan</u>	<u>02.07.2010</u>
DA-1028	00	Level 12 & 13 Floor Plan	27.06.2008
<u>DA-1028</u>	<u>02</u>	<u>Level 12 &amp; Roof plan</u>	<u>17.08.2010</u>
DA-1030	00	Roof Plan	27.06.2008
DA-3001	04	Edward/Pymont Street Elevations	02.07.2008
<u>DA-3001</u>	<u>04</u>	<u>Edward/Union Street Elevations</u>	<u>12.08.2010</u>
DA-3002	04	Union Street Elevation	02.07.2008
<u>DA-3002</u>	<u>04</u>	<u>Edward/Union Street Elevations</u>	<u>12.08.2010</u>
<u>DA-4001</u>	<u>01</u>	<u>Section A-A</u>	<u>01.07.2008</u>
<u>DA-4002</u>	<u>01</u>	<u>Section B-B</u>	<u>01.07.2008</u>
<u>DA-4003</u>	<u>01</u>	<u>Section C-C</u>	<u>01.07.2008</u>
<b><u>SK-001</u></b>	<b><u>C</u></b>	<b><u>Level 3 Existing</u></b>	<b><u>07.08.2010</u></b>
<b><u>SK-002</u></b>	<b><u>K</u></b>	<b><u>Level 3 Floor Plan</u></b>	<b><u>07.08.2010</u></b>
<b><u>SK-003</u></b>	<b><u>K</u></b>	<b><u>Level 3 Floor Plan</u></b>	<b><u>07.08.2010</u></b>
<b><u>SK-004</u></b>	<b><u>E</u></b>	<b><u>Building Section</u></b>	<b><u>07.08.2010</u></b>
<b><u>SK-005</u></b>	<b><u>E</u></b>	<b><u>Sections</u></b>	<b><u>07.08.2010</u></b>
<b><u>SK-006</u></b>	<b><u>D</u></b>	<b><u>External Perspectives</u></b>	<b><u>07.08.2010</u></b>
<b><u>SK-007</u></b>	<b><u>E</u></b>	<b><u>Bird's View Axo – no ceiling</u></b>	<b><u>07.08.2010</u></b>
<b><u>SK-010</u></b>	<b><u>D</u></b>	<b><u>Roof Plan</u></b>	<b><u>08.09.2010</u></b>
<b><u>SK-012</u></b>	<b><u>D</u></b>	<b><u>Extent of Proposed Work</u></b>	<b><u>07.08.2010</u></b>
<b><u>SK-013</u></b>	<b><u>B</u></b>	<b><u>Elevations</u></b>	<b><u>07.08.2010</u></b>
<b><u>SK-014</u></b>	<b><u>B</u></b>	<b><u>Design Statement</u></b>	<b><u>07.08.2010</u></b>

[MOD 4 – 01.12.09]

[MOD 6 – 09.09.10]

[MOD 8 – 15.11.10]

### **A3 Development in Accordance with Documents**

The development will be undertaken in accordance with the following documents:

- (1) *Environmental Assessment Report* prepared by Urbis on behalf of Sydney Harbour Casino Properties Pty Ltd, September 2008;
- (2) Architectural Plans prepared by Cox Richardson and The Buchan Group, various dates;
- (3) Preferred Project Report prepared by Urbis dated December 2008;
- (4) Transport Impact of Star City Redevelopment prepared by Arup dated September 2008 and supplementary report dated December 2008;
- (5) Limited Phase 1 Contamination Assessment prepared by Douglas Partners dated June 2008;
- (6) Heritage Impact Statement prepared by Urbis dated September 2008;
- (7) Visual Impact Assessment prepared by GM Urban Design & Architecture Pty Ltd dated September 2008;
- (8) Pedestrian Wind Environment Statement prepared by Windtech Consultants Pty Ltd dated September 11, 2008;
- (9) Crime Prevention Through Environmental Design report prepared by Urbis dated June 2008;
- (10) Traffic Impact of Star City Redevelopment prepared by ARUP dated September 2008;
- (11) Acoustic Assessment Report prepared by Arup Acoustics dated September 2008;
- (12) Assessment of Reflected Solar Glare from Glazed Façade Pirrama Road prepared by Bassett Consulting Engineers dated 8 September 2008 and supplementary report dated 12 December 2008;
- (13) Environmentally Sustainable Report prepared by Cundall dated September 2008;
- (14) Social Impact Assessment of Project Star prepared by Urbis dated 27 June 2008;
- (15) Economic Impact Assessment prepared by Urbis dated 30 June 2008;
- (16) Accessibility Review prepared by Morris-Goding Accessibility Consulting dated 10 September 2008;
- (17) Preliminary Construction Management Plan prepared by APP Corporation Pty Limited dated September 2008;
- (18) Building Services Report prepared by Bassett Consulting Engineers dated 1 August 2008;
- (19) Hydraulic Services Report prepared by Steve Paul & Partners dated 25 June 2008; and
- (20) BCA Capability Statement prepared by Philip Chun & Associates dated 11 September 2008 and further amended by BCA Review prepared by Philip Chun dated 10 August 2010.

[MOD 6 – 09.09.10]

As amended by Section 75W letter prepared by Urbis dated 19 August 2009 and the following documents:

- (1) Architectural Drawings prepared by Fitzpatrick + Partners, various dates.
- (2) Landscape & Public Domain Design prepared by Tract Consultants, dated 12 August 2009.
- (3) Wind Environment Statement prepared by Windtech Consultants, dated 12 August 2009.



- (4) Addendum to CPTED Assessment prepared by Urbis, dated 10 August 2009.
- (5) Traffic Report Addendum prepared by ARUP, dated 11 August 2009.
- (6) Acoustic statement for Pirrama Road Façade Alternative Design Proposal prepared by Acoustic Logic Consultancy, dated 14 August 2009.
- (7) Assessment of Reflected Solar Glare from the Glazed Façade Facing Pirrama Road prepared by AECOM Australia, dated 13 August 2009.
- (8) Project Star ESD Revised Scheme Statement prepared by Cundall, dated 12 August 2009.
- (9) Accessibility Statement prepared by Morris Goding Accessibility Consulting, dated 12 August 2009.
- (10) BCA Capability Statement prepared by Philip Chun & Associates Pty Ltd, dated 13 August 2009.
- (11) Impact on Fire Safety Engineering v3 Statement prepared by AECOM Australia, dated 19 August 2009.

[MOD 4 – 01.12.09]

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

- (1) Architectural Drawings prepared by Fitzpatrick + Partners, dated 7 August 2010 and 8 September 2010.
- (2) BCA Capability Statement prepared by Phillip Chun & Associates Pty Ltd, dated 9 September 2010.

[MOD 8 – 15.11.10]

#### **A4 Inconsistency between documents**

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.

#### **A5 Lapsing of Approval**

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.

#### **A6 External Signage**

Proposed external signage, including video signage, does not form part of this approval and is to be subject to a separate development application lodged with Council.

[MOD 1 – 03.03.09]

### **PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

#### **B1 External art work and lighting**

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 a 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. [MOD 1 – 03.03.09]

#### **B2 Hotel Height**

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, over-

runs, cladding and handrails but excluding plant and lift over-runs) does not exceed RL 152.8 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.

[MOD 2 – 25.03.09]

### **B3 Car Parking**

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

### **B4 Sydney Metro Authority**

- ~~(1) The Proponent is to enter into an Agreement with Sydney Metro Authority to address the potential impacts of the approved development on the CBD Metro prior to the issue of a Construction Certificate involving excavation works.~~
  - ~~(2) The location of any building footings must be determined in consultation with Sydney Metro Authority prior to the issue of a Construction Certificate involving excavation works to ensure the structural integrity of the CBD Metro.~~
  - ~~(3) 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, details to be provided to the Certifying Authority prior to the issue of a Construction Certificate for excavation works.~~
- (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 95.9 RL, or of constructionto address the potential impacts of the approved development on the CBD Metro prior to the issue of a Construction Certificate in respect of each of the above stages.
  - (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 95.9 RL to ensure the structural integrity of the CBD Metro.
  - (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 95.9 RL.

[MOD 3 – 06.04.09]

### **B5 Noise Management Plan**

A Noise Management Plan is to be prepared in consultation with the City of Sydney, addressing the following.

- (1) Further mitigation measures and treatments including additional acoustic – absorptive finishes and alternative perimeter treatments to the outdoor gaming and terrace areas.
- (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.

The Noise Management Plan is to be submitted to the Department for approval prior to issue of a Construction Certificate for above ground works.

**B6      *Noise Attenuation Measures***

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.

**B7      *Wind impacts***

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.

**B8      *Reflectivity***

Reflectivity measures, including vertical glazing and glass characteristic, as recommended in the Assessment of Reflected Solar Glare from Glazed Façade 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%.

**B9      *Public Domain***

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 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.

[MOD 1 – 03.03.09]



## **B10 Traffic Management**

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.

## **B11 Sydney Water**

- (1) An application is to be submitted to Sydney Water for the discharge of trade waste into the sewerage system.
- (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.
- (3) The appropriate level of backflow prevention containment on the drinking water services and fire services supplying the property is required to be installed.
- (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.
- (5) The development is to implement best practice urban stormwater management using Water Sensitive Urban Design including:
  - (a) Treat stormwater runoff to NSW EPA draft practice treatment objectives:
    - (i) 80% reduction in Total Suspended Solids
    - (ii) 45% reduction in Total Phosphorus
    - (iii) 45% reduction in Total Nitrogen
  - (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.
- (6) A Section 73 Certificate is to be obtained from Sydney Water. A Notice of Requirements is to be obtained from Sydney Water prior to the issue of a Construction Certificate for any new useable floor area.

Plans and details demonstrating compliance with ~~B8(1) – (6)~~ B11(1) – (6) are to be submitted to the Certifying Authority prior to issue of a Construction Certificate.

[MOD 1 – 03.03.09]

## **B12 Developer Contributions**

A contribution under section 94 of the *Environmental Planning and Assessment Act 1979* must be paid in accordance with the following:

### **Cash contribution required**

- (a) In accordance with the adopted "*Ultimo Pyrmont Contributions Plan 1994*" a cash contribution must be paid to Council in accordance with this condition.

**Amount of contribution**

(b) The amount of the contribution is \$2,617,590.80

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

Note: the contribution will be indexed annually, see paragraph (f) below. The final contribution amount may alter dependent upon the final number of hotel rooms / GFA as a result of condition B2 and will be required to be recalculated by Council as set out at (d) below.

**Purposes for which Contribution Required**

(c) The contribution is required, and must be held and applied in accordance with the Act and the *Ultimo Pyrmont Contributions Plan 1994*, for the purposes, and in the proportions, set out as follows:

1. Open Space – 64%
2. Community Facilities – 9.5%
3. Roads and Associated Infrastructure – 26.2%
4. Administration – 0.3%

**Certification of Contribution**

(d) Certification of the Section 94 Contribution calculation, including verification of final number of hotel rooms / gross floor area, and indexation of the contribution in accordance with the *Ultimo Pyrmont Contributions Plan 1994* must be submitted to and approved by Council prior to the issue of the first Construction Certificate. If the Construction Certificate is to be issued by a private Certifying Authority, they must seek Council's endorsement of the calculation prior to its issue.

**Timing of payment**

(e) The contribution must be paid prior to the issue of the first Construction Certificate, to the City of Sydney Council. Personal or company cheques will not be accepted.

**Indexing**

- (f) The contribution rate in the "*Ultimo Pyrmont Contributions Plan 1994*" will be adjusted in accordance with clause 19 of the Plan being not less than annually.
- (g) If the contribution rate is adjusted between the date on which this consent is granted and payment of the contribution, then the figure in paragraph (b) tho this condition will be indexed and calculated according to the then current contribution rate.
- (h) Please contact Council staff to confirm the amount payable, prior to payment.

**B13 Affordable Housing Contribution**

The Affordable Housing Contribution is as follows:

- (a) Prior to the first Construction Certificate being issued, and pursuant to *Sydney LEP 2005* and the adopted City West Affordable Housing Program, the applicant must provide evidence to Council that a monetary contribution towards the provision of affordable housing has been paid. The contribution is \$803.960 based on 24,114m<sup>2</sup> of additional proposed 'commercial' gross floor area. Note: the final contribution amount may alter dependent upon the final number of hotel rooms / GFA as a result of condition B2 and will be required to be recalculated by Council as set out at (c) below.