



MODIFICATION REQUEST:

***Star City Casino and Switching Station
24-28 Union Street Pyrmont***

***MP08_0098 MOD 9 – Modification to the Configuration of the
Night Club and Restaurant Spaces***



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

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1. BACKGROUND

1.1. Original Major Project Application

On 27 January 2009, the then Minister for Planning approved a Major Project application for alterations and additions to the existing Star City Casino complex and a new hotel development on the Switching Station site at 24-28 Union Street, Pyrmont, for:

- 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;
- works to the exterior of the existing Casino tower buildings; and
- expansion of the existing ballroom including adjacent pre-function area.

Works in accordance with the approved Concept Plan are presently being undertaken on the Main Casino site and Switching Station site, shown in **Figure 1** below. The site subject to this modification relates only to the Main Casino site fronting Pirrama Road.

Figure 1: Site Location



1.2 Previous Modifications

- **MP08_0098 (MOD 1)** was approved by the Executive Director, Strategic Sites and Urban Renewal, as delegate for the then Minister for Planning 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.

- **MP08_0098 (MOD 2)** was approved by the Director-General, as delegate for the then Minister for Planning 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.
- **MP08_0098 (MOD 3)** was approved by the Director-General, as delegate for the then Minister for Planning 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.
- **MP08_0098 (MOD 4)** was approved by the then Minister for Planning on 1 December 2009, for modifications relating to alterations and additions to the existing casino building on the Pirrama Road frontage.
- **MP08_0098 (MOD 5)** was approved by the then Acting Director, Government Land and Social Projects, as delegate for the then Minister for Planning on 20 July 2010, for modifications relating to alterations and additions to the casino complex and hotel development.
- **MP08_0098 (MOD 6)** was approved by the then Acting Director, Government Land and Social Projects, as delegate for the then Minister for Planning on 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 of which there are four (4) provided with their own private gaming rooms. The total number of hotel rooms will be decreased from 252 to 173 rooms or suites.
- **MP08_0098 (MOD 7)** was approved by the Planning Assessment Commission, as delegate for the then Minister for Planning on 29 July 2010, 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.
- **MP08_0098 (MOD 8)** was approved by the then Acting Director, Government Land and Social Projects, as delegate for the then Minister for Planning on 17 November 2010, and involved the 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 louvres with a concrete roof and concrete splayed base.

2. PROPOSED MODIFICATION

The proposed modification seeks approval for minor internal reconfigurations to Level 2 of the Main Casino Site as follows:

- relocation of the night club to the southern end and the restaurant to the northern end of Level 2; and
- rationalise the night club, restaurant and section of the central lobby into one single space.

The purpose of the modification is to provide a more flexible and usable entertainment space with integrated amenity and service areas across Level 2. **Figure 2** and **Figure 3** below

illustrate the approved floor layout as amended in Modification 4 and the proposed floor layout of the uses.

Figure 2: Approved Level 2 Floor Layout (as amended in Modification 4)

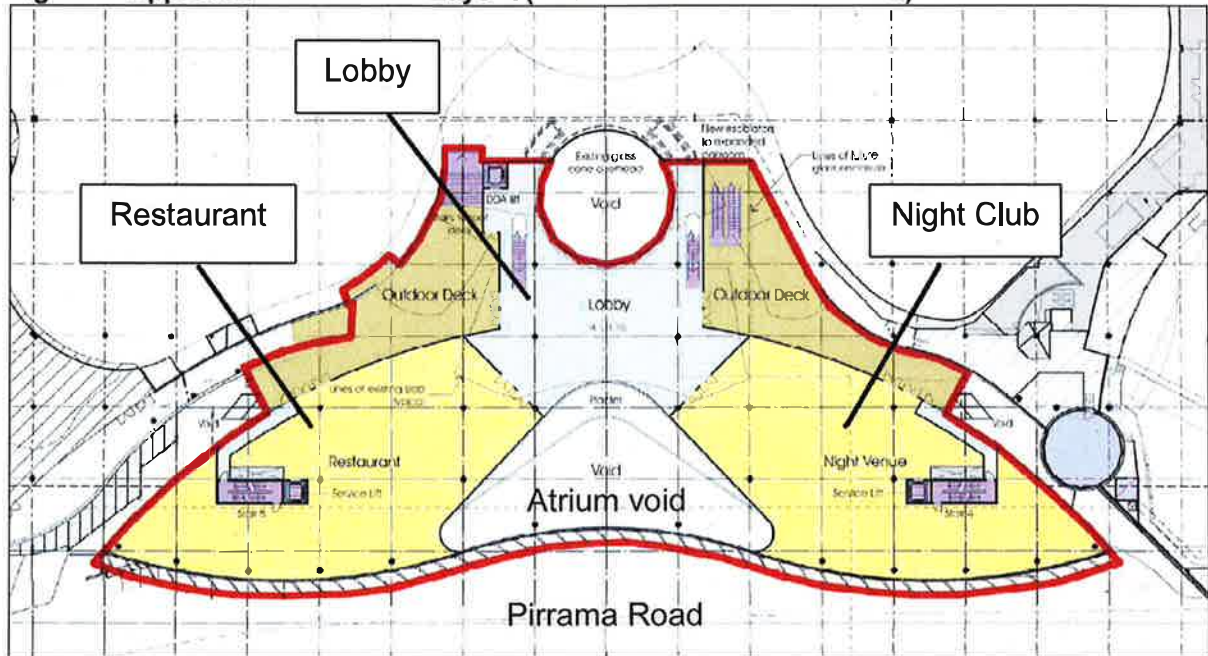
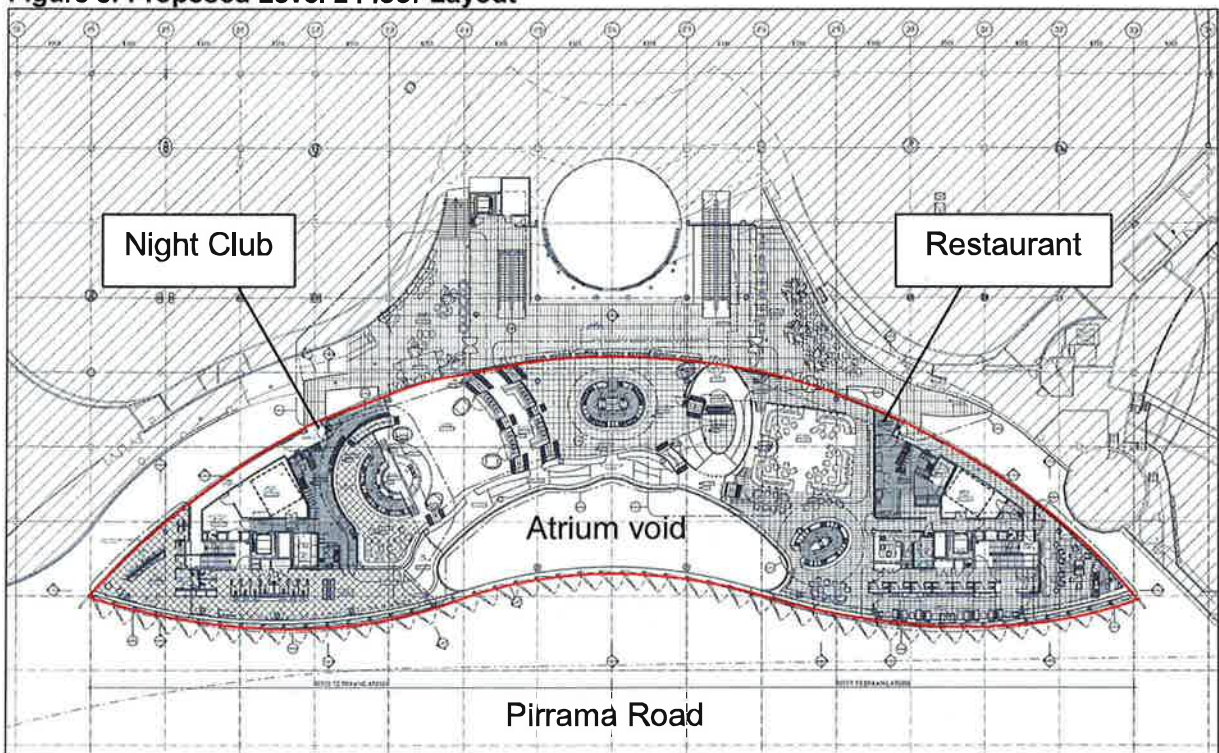


Figure 3: Proposed Level 2 Floor Layout



The Department notes that Modification 5 amended the configuration of the Level 2 atrium void fronting Pirrama Road. The proposed modification will not result in an alteration of floor space of indoor areas including the atrium void and will not change the external appearance of the Main Casino building.

3. STATUTORY CONTEXT

3.1 Modification of the Minister's Approval

The modification application has been lodged with the Director-General pursuant to Section 75W of the 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".

The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval. However, in this instance, the proposal seeks to modify the approved plans, and therefore, approval to modify the application is required.

3.2 Environmental Assessment Requirements (DGRs)

No additional environmental assessment requirements were issued with respect to the proposed modifications, as sufficient information has been provided to the Department in order to consider the application. Further, the issues raised remain consistent with the key assessment requirements addressed in the original DGRs.

3.3 Delegation

On 17 August 2011, the Minister for Planning and Infrastructure endorsed a Departmental policy that the Director-General may determine requests under Section 75W of the *Environmental Planning and Assessment Act 1979* to modify Part 3A approvals where there has been a reportable political donation disclosure lodged only in respect to a previous application, and where:

- there are less than 10 submissions by way of objection by members of the public, and
- where the relevant council has not objected to the modification.

The above criteria apply to this Section 75W request as a reportable political donation was declared in relation to a previous application, however Council did not object to the proposal and no public submissions were received. Further, no reportable political donations were declared in relation to this Section 75W request. The application can therefore be determined by the Director-General under delegated authority.

4. CONSULTATION AND SUBMISSIONS

Under Section 75W of the Act, a request to modify an approval does not require public exhibition. However, under Section 75X (2) (f) of the Act, the Director-General is required 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 application to modify the approval was made publicly available on the Department's website and was referred to City of Sydney Council. Due to the minor nature of the proposed modification, the modification request was not exhibited by any other means.

City of Sydney Council was notified in writing of the proposed modification and raised no objections. No submissions were received from the public.

5. ASSESSMENT

The modification seeks to relocate the night club to the southern end and the restaurant to the northern end of Level 2 and consolidate the night club, restaurant and a portion of the lobby into one single space. Currently, the night club and the restaurant share common escalators and the central lobby.

The purpose of the modification is to provide a more flexible and usable entertainment space with combined amenity and service areas for Level 2.

The Department considers the key issues for the proposed modification to be:

- consistency with the original application (as modified);
- floor space and gaming areas; and
- amenity impacts on surrounding locality.

5.1 Consistency with the Original Application (as modified)

The original approval (MP08_0098) included a night club at the southern end and restaurant at the northern end of Level 2. Modification 4 to the Concept Plan approval amended the floor layout of Level 2 with the restaurant being relocated to the southern end and the night club to the northern end. This application seeks to revert the uses back to the original approved layout.

On this basis, the Department notes that the relocation of the night club and restaurant uses will not result in any significant physical changes to the Concept Plan MP08_0098 approved on 27 January 2009.

The configuration of the access to Level 2 and position of the approved outdoor decks will not change.

5.2 Floor Space and Gaming Areas

The proposed modification will not result in any additional floor space as it involves the consolidation of internal areas of the night club, restaurant and a portion of the central lobby on Level 2 only. The Department considers the changes to be appropriate as they will provide better access to amenities and services and improve circulation within Level 2.

Further, the modification will not result in additional gaming areas.

5.3 Amenity Impacts on surrounding locality

The current land uses adjacent to the night club and restaurant fronting Pirrama Road include a commercial, retail and parkland precinct of Jones Bay Wharf, Darling Island and Darling Harbour Wharf 10 to the north-east and a mixed use residential and commercial building to the south-east.

The Department considers the minor nature of the internal design modifications is unlikely to cause additional noise impacts on neighbouring land uses. The Department considers the current Conditions A3, B5, B6, B21, E1, F1, F3, F5 and F6 relating to noise control and management for the approved use will adequately manage noise impacts.

In particular, Condition F1 maintains speakers and music within the premises must not be placed as to direct the playing of music towards the outdoor areas associated with the premises.

Further, noise level emitted from the approved use must comply with the requirements of Condition F5 relating to the permitted noise levels during the hours of operation between 7.00am to 12.00 midnight and 12.00 midnight to 7.00am.

The Department considers there will be no additional visual impacts upon neighbouring properties as the proposed modification involves minor design amendments to the internal areas of Level 2 only. No external change will be made to the façade of the Main Casino building and the atrium void will remain visible from Pirrama Road. The configuration and floor space of the atrium void will be consistent with the original application (as modified under Modification 5). The proposed modification will not alter the approved outdoor decks.

The Department is satisfied that the proposed modification will not change the external appearance of the Main Casino building and the atrium void will still provide sufficient natural lighting for Level 2 under the proposed changes.

6. CONCLUSION

The Department has assessed the application on its merits and the proposed modification is considered reasonable and will not result in any significant changes to the development as approved.

The Department is satisfied that the uses will be retained and will not impact upon the external appearance of the Main Casino building or amenity of neighbouring properties.

7. RECOMMENDATION

It is recommended that the Director-General:

- (a) **Consider** the findings and recommendations of this report;
- (b) **Approve** the modification under delegated authority, under Section 75W of the *Environmental Planning and Assessment Act 1979*; and
- (c) **Sign** the attached Instrument of Modification for MP08_0098 (MOD 9) (**Appendix B**).

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