

# Notice of decision

## Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

<b>Application type</b>	State significant development modification
<b>Application number and project name</b>	SSD-6957-Mod-1 Modification 1 - Section 4.55(2) Modification Application - Crown Sydney Hotel Resort (SSD 6957)
<b>Applicant</b>	Crown Resorts Limited
<b>Consent Authority</b>	Minister for Planning and Public Spaces

### Decision

The Group Deputy Secretary under delegation from the Minister for Planning and Public Spaces has, under 4.55(2) of the *Environmental Planning and Assessment Act 1979* (**the Act**), modified the consent subject to the recommended conditions.

A copy of the instrument of modification and conditions is available here:

<https://www.planningportal.nsw.gov.au/major-projects/project/13531>

A copy of the Department of Planning & Environment's assessment report is available here:

<https://www.planningportal.nsw.gov.au/major-projects/project/13531>

### Date of decision

31 October 2019

### Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the objects of the Act;
- all information submitted with the modification application during the assessment and information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report;
- the submissions made concerning the modification; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision

The decision maker was satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted was modified.

The key reasons for granting the modification are as follows:

- *Benefits* - the modification would provide a range of benefits for the region and the State as a whole, including
- *Consistent with NSW Government Policy* - the modification is permissible with consent, and is consistent with NSW Government policies
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent.
- weighing all relevant considerations, the modification is in the public interest.

## Attachment 1 – Consideration of Community Views

The Department exhibited the modification from Thursday 16 June 2019 until Wednesday 26 June 2019 and received 11 submissions, comprising a submission of objection from Council, eight submissions from Government Agencies and two submissions from the general public, one of which objected.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include increased car parking rates, residential amenity, construction noise and vibration impacts. Other issues are addressed in detail in the Department's Assessment Report.

Issue raised	Consideration
Absence of GFA dedicated to key worker housing (Council issue)	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Department considers the absence of key worker housing acceptable, as the requirement for key worker housing as prescribed under Condition 11 of the Concept Plan will be satisfied as part of the development of Block 4 under SSD 6966. As such, additional key worker housing above and beyond the requirements of Condition 11 of the Concept Plan is not required for the development of the CSHR.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>No changes to the conditions are recommended.</li> </ul>
Increase in the number of units (public issue).	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Department considers the increase from 66 to 87 units acceptable as proposal remains consistent with the maximum residential GFA permitted under the Concept Plan. Additionally, all units provide a sufficient level of residential amenity and will not result in adverse operational impacts associated with the increase in units, such as impacts on traffic generation. Additionally. This matter is discussed in Section 6 and Appendix D of the Department's Assessment Report.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>No changes to the conditions are recommended.</li> </ul>
Non-compliances with the ADG (Council issue).	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Department considers inconsistencies with the ADG are minor and will not impede the objectives of the ADG to achieve better design.</li> <li>All proposed residential units will achieve acceptable levels of amenity, with most units achieving high levels of amenity, therefore satisfying the intent of the ADG. These matters are discussed in Section 6 and Appendix C of the Department's Assessment Report</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>No changes to the conditions are recommended.</li> </ul>
Parking (Council issue) <ul style="list-style-type: none"> <li>the amount of car parking is excessive</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Department notes Council's concern that car parking should be provided in accordance with SLEP 2012, however considers the Concept Plan is the relevant instrument regarding car parking rates.</li> <li>The number of proposed residential parking spaces is consistent with the maximum number allowed under the Concept Plan. The number of non-residential spaces is generally consistent with the SSD Approval, with 16 less spaces proposed. This issue is considered in Section 6 of the Department's Assessment Report.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>No conditions recommended.</li> </ul>

Bicycle parking and end of journey facilities (Council issue)	<ul style="list-style-type: none"> <li>The Applicant confirmed that residential bicycle spaces are provided within the general storage cages associated with each residential unit. The Department considers this arrangement acceptable, as sufficient space is provided within the storage cages for the parking of bicycles.</li> <li>Council noted that staff end-of-journey facilities and bicycle parking are separated by a valet ramp, which may pose a safety risk for cyclists, pedestrians and motorists. The Applicant confirmed that appropriate wayfinding signage together with line marking will be provided to ensure a safe path for designated pedestrian movements. The Department considers this arrangement acceptable.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>No conditions recommended.</li> </ul>
Construction noise and vibration impacts, including sleep deprivation (public issue)	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>Construction noise and vibration impacts have been assessed under the original application and was considered reasonable given the circumstances of the site and the distance of the site from sensitive receivers. These works included, remediation, earthworks, basement and above ground works. The modification application does not propose any additional significant construction works.</li> <li>The Department considers the application acceptable in relation to construction noise and vibration subject to compliance with existing conditions.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>No changes to the conditions are recommended, as existing conditions (Conditions D1 to D3, D11 and D12) will ensure noise impacts and vibration are effectively managed and an appropriate level of amenity is maintained to adjoining residents during construction.</li> </ul>
Glass blades (Council issue)	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Department considers the addition of glass blades to the north-west ground floor terrace acceptable and will not result in the enclosure of the outdoor space. The glass blades will be installed at an angle to the terrace and in a staggered formation, ensuring sightlines to and from the public domain is maintained.</li> <li>The applicant has confirmed that the glass blades measure 1.8m in height from the finished floor level of the terrace.</li> <li>This matter is discussed in Section 6 of the Department's Assessment Report</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>No changes to the conditions are recommended.</li> </ul>
Mass gaming (Council issue)	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Applicant confirmed that there is no intention to offer gaming to the general public or seek any alterations to its approved restricted gaming license.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>No changes to the conditions are recommended.</li> </ul>