

Modification of Development Consent

Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*

The Independent Planning Commission (the Commission), as the declared consent authority under clause 2.7 of the *State Environmental Planning Policy (Planning Systems) 2021* and section 4.5(a) of the *Environmental Planning and Assessment Act 1979*, approves the modification application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.



Dianne Leeson (Chair)
Member of the Commission



Adrian Pilton
Member of the Commission



Dr Peter Williams
Member of the Commission

Sydney

24 February 2023

File: EF22/5259

SCHEDULE 1

Development consent:	MP08_0098 granted by the Minister for Planning on 27 January 2009
For the following:	Alterations and additions to Casino Complex and Hotel Development on the Switching Station Site
Applicant:	The Trustee for Foundation Theatres Trust
Consent Authority:	NSW Independent Planning Commission
The Land:	The Star Casino, 20-80 Pyrmont Road, Pyrmont Lot 500 DP 1161507, Lots 301 and 302 DP 873212, Lot 12 DP 870336, Lot 201 DP 867855 and Lot 1 DP 867854
Modification:	MP 08_0098 MOD 18 for alterations and additions to the multi-use entertainment facility within the site for: <ul style="list-style-type: none">• a 1,550 patron Broadway-style and a 1,000 patron comedy and live entertainment theatre• a new fly-tower and rigging loft• a new dressing room complex fronting Jones Bay Road• the refurbishment of internal foyer and pre-event spaces.

SCHEDULE 2

1. Condition A1 is amended by the insertion of **bold and underlined** words / numbers and deletion of the ~~**bold and struck out words / numbers**~~ as follows:

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;
 - Works to the exterior of the existing Casino tower buildings;
 - Alterations and additions, including gaming area expansion, enclosure of the Level 3 terrace to facilitate a new restaurant, indoor and outdoor gaming areas, alterations to the Porte Cochere, and mechanical upgrades throughout the site; ~~and~~
 - Removal and relocation of signage, installation of new signage, new awnings along the Pirrama Road frontage, replacement of external cladding on the crowns of the Grand Star Hotel and the Grand Star Residencies, new plant and equipment screening, landscaping works and internal amendments to The Darling Hotel Porte Cochere; ~~and~~
 - **Alterations and additions to the multi-use entertainment facility, replacing the Events Centre for:**
 - **a 1,550 patron Broadway-style and a 1,000 patron comedy and live entertainment theatre;**
 - **a new fly-tower and rigging loft;**
 - **a new dressing room complex fronting Jones Bay Road; and**
 - **the refurbishment of internal foyer and pre-event spaces.**
2. Condition A2 is amended by the insertion of **bold and underlined** words / numbers and deletion of the ~~**bold and struck out words / numbers**~~ as follows:

A2 Development in Accordance with Plans

The approved development is to be consistent with the following drawings:

Drawing No.	Revision	Name of plan	Date
A90B5	C	Existing Site Plan & GFA Diagram – Level B05	11.11.16
A90B4	C	Existing Site Plan & GFA Diagram – Level B04	11.11.16
A90B3	D	Existing Site Plan & GFA Diagram – Level B03	11.04.17
A90B2	F	Existing Site Plan & GFA Diagram – Level B02	11.04.17
A90B1	E	Existing Site Plan & GFA Diagram – Level B01	11.04.17
A9000	E	Existing Site Plan & GFA Diagram – Level 00	11.04.17
A9001	E	Existing Site Plan & GFA Diagram – Level 01	11.04.17

A9002	E	Existing Site Plan & GFA Diagram – Level 02	11.04.17
A9003	E	Existing Site Plan & GFA Diagram – Level 03	11.04.17
A9004	C	Existing Site Plan & GFA Diagram – Level 04	11.11.16
A9005	E	Existing Site Plan & GFA Diagram – Level 05	16.02.17
A9006	C	Existing Site Plan & GFA Diagram – Level 06	11.11.16
A9007	C	Existing Site Plan & GFA Diagram – Level 07	11.11.16
A9008	C	Existing Site Plan & GFA Diagram – Level 08	11.11.16
A9009	C	Existing Site Plan & GFA Diagram – Level 09	11.11.16
A9010	C	Existing Site Plan & GFA Diagram – Level 10	11.11.16
A9011	C	Existing Site Plan & GFA Diagram – Level 11	11.11.16
A9012	C	Existing Site Plan & GFA Diagram – Level 12	11.11.16
A9015	C	Existing Site Plan & GFA Diagram – Level 15	11.11.16
A9016	C	Existing Site Plan & GFA Diagram – Level 16	11.11.16
A9017	C	Existing Site Plan & GFA Diagram – Level 17	11.11.16
A9018	C	Existing Site Plan & GFA Diagram – Level 18	11.11.16
A9019	C	Existing Site Plan & GFA Diagram – Roof	11.11.16
A07B4	B	Demolition Plan – Level B04	15.09.16
A07B3	B	Demolition Plan – Level B03	15.09.16
A07B2	D	Demolition Plan – Level B02	13.08.21
A07B1	C	Demolition Plan – Level B01	15.09.16
A0700	F	Demolition Plan – Level 00	26.04.21
A0701	D	Demolition Plan – Level 01	05.05.17
A0702	D <u>H</u>	Demolition Plan – Level 02	05.05.17 <u>21.10.22</u>
A0703	D <u>I</u>	Demolition Plan – Level 03	05.05.17 <u>21.10.22</u>
A0704	B <u>H</u>	Demolition Plan – Level 04	15.09.16 <u>21.10.22</u>
A0705	E <u>L</u>	Demolition Plan – Level 05	05.05.17 <u>21.10.22</u>
<u>MOD 18-A0706</u>	<u>B</u>	<u>Demolition Plan – Level 06</u>	<u>21.10.22</u>
<u>MOD 18-A0707</u>	<u>B</u>	<u>Demolition Plan – Level 07</u>	<u>21.10.22</u>
A10B4	D	Proposed Site Plan – Level B04	05.05.17
A10B3	E	Proposed Site Plan – Level B03	15.09.16
A10B2	E <u>J</u>	Proposed Site Plan – Level B02	11.04.17 <u>21.10.22</u>
A10B1	E <u>G</u>	Proposed Site Plan – Level B01	11.04.17 <u>21.10.22</u>
A1000	H <u>K</u>	Proposed Site Plan – Level 00	13.08.21 <u>21.10.22</u>
A1001	E <u>J</u>	Proposed Site Plan – Level 01	05.05.17 <u>21.10.22</u>
A1002	F <u>H</u>	Proposed Site Plan – Level 02	05.05.17 <u>21.10.22</u>
A1003	F <u>I</u>	Proposed Site Plan – Level 03	05.05.17 <u>21.10.22</u>
A1004	E <u>H</u>	Proposed Site Plan – Level 04	05.05.17 <u>21.10.22</u>
A1005	G <u>L</u>	Proposed Site Plan – Level 05	26.04.21 <u>21.10.22</u>
<u>MOD 18-A1006</u>	<u>B</u>	<u>Proposed Site Plan – Level 06</u>	<u>21.10.22</u>
<u>MOD 18-A1007</u>	<u>B</u>	<u>Proposed Site Plan – Level 07 – Gallery Level</u>	<u>21.10.22</u>

<u>MOD 18-A1008</u>	<u>B</u>	<u>Proposed Site Plan – Level 08 – Grid Level</u>	<u>21.10.22</u>
<u>MOD 18-A1009</u>	<u>B</u>	<u>Proposed Site Plan – Level 09 – Roof Level</u>	<u>21.10.22</u>
<u>MOD 18-A1101</u>	<u>C</u>	<u>Proposed Plan – Level 02 – Orchestra Pit</u>	<u>29.11.22</u>
<u>MOD 18-A1102</u>	<u>C</u>	<u>Proposed Plan – Level 03 – Stalls</u>	<u>29.11.22</u>
<u>MOD 18-A1103</u>	<u>C</u>	<u>Proposed Plan – Level 04 – Circle Lobby – Lower Circle</u>	<u>29.11.22</u>
<u>MOD 18-A1104</u>	<u>C</u>	<u>Proposed Plan – Level 05 – Live Room Lobby – Main Auditorium Circle</u>	<u>29.11.22</u>
<u>MOD 18-A1105</u>	<u>C</u>	<u>Proposed Plan – Level 06 – Live Room Upper – Forestage Grid</u>	<u>29.11.22</u>
<u>MOD 18-A1106</u>	<u>C</u>	<u>Proposed Plan – Lower Loading Gallery</u>	<u>29.11.22</u>
<u>MOD 18-A1107</u>	<u>C</u>	<u>Proposed Plan – Upper Loading Gallery and Grid</u>	<u>29.11.22</u>
<u>MOD 18-A1108</u>	<u>C</u>	<u>Proposed Plan – Roof</u>	<u>29.11.22</u>
A2000-1	F	Proposed Floor Plan – Level 00 – Part 1	05.05.17
A2000-2	E	Proposed Floor Plan – Level 00 – Part 2	05.05.17
A2001	D	Proposed Floor Plan – Level 01	05.05.17
A2002	E	Proposed Floor Plan – Level 02	05.05.17
A2003-1	E	Proposed Floor Plan – Level 03 – Part 1	05.05.17
A2003-2	D	Proposed Floor Plan – Level 03 – Part 2	05.05.17
A2004	B	Proposed Floor Plan – Level 04	15.09.17
A2005	D	Proposed Floor Plan – Level 05	11.04.17
<u>MOD 18-A2110</u>	<u>B</u>	<u>Proposed Elevations</u>	<u>21.10.22</u>
<u>MOD 18-A2111</u>	<u>B</u>	<u>Proposed Elevations</u>	<u>21.10.22</u>
<u>MOD 18-A3000</u>	<u>B</u>	<u>Sections</u>	<u>21.10.22</u>
A9100	E	Proposed GFA Diagram – Level 00	05.05.17
A9101	D	Proposed GFA Diagram – Level 01	11.04.17
A9102	B	Proposed GFA Diagram – Level 02	15.09.17
A9103	E	Proposed GFA Diagram – Level 03	05.05.17
A9104	B	Proposed GFA Diagram – Level 04	15.09.17
A9105	C	Proposed GFA diagram – Level 05	14.02.17
A4010	B-D	Building Elevations – sheet 1 <u>Proposed Elevations – Whole Site</u>	15.09.16 <u>21.10.22</u>
A4011	D	Building Elevations – sheet 2	05.05.17
A4012	C	Building Elevations – sheet 3	05.05.16
A5010	C	Building Sections – sheet 1	05.05.17
A5011	C	Building Sections – sheet 2	23.01.17
A5012	C	Building Sections – sheet 3	15.09.16
A5013	C	Building Sections – sheet 4	05.05.16
A5014	C	Building Sections – sheet 5	05.05.17
A0010	B	Photomontage & Finishes Schedule	15.09.16
A0011	C	Photomontage & Finishes Schedule	23.01.17
A0012	B	Photomontage & Finishes Schedule	15.09.16
A0013	D	Photomontage & Finishes Schedule	05.05.17
A0014	B	Photomontage & Finishes Schedule	15.09.16
A0015	E	Photomontage & Finishes Schedule	05.05.17
A7010	A	Internal elevations – ELS building and porte cochere	23.01.17
A3000	C	SELS building scope of works	05.05.17
A7018	4	Premium Departure Lounge – floor plan	16.02.17
A7019	2	Premium Departure Lounge – elevations	18.08.16
A6411	3	Water Feature Details	01.02.17

MOD14-A92B2A	A	Existing Site Plan – Level B2	04.06.2017
MOD14-A9200A	A	Existing Site Plan – Level B2	04.06.2017
MOD14-A9201A	A	Existing Site Plan – Level 01	14.09.2017
MOD14-A9202A	A	Existing Site Plan – Level 02	14.09.2017
MOD14-A9203A	B	Existing Site Plan – Level 03	14.09.2017
MOD14-A9204A	A	Existing Site Plan – Level 04	04.06.2017
MOD14-A9205A	A	Existing Site Plan – Level 05	04.06.2017
MOD14-A9216A	A	Existing Site Plan – Level 16	04.06.2017
MOD14-A9217	A	Existing Site Plan – Level 17	14.09.2017
MOD15-A0000	H	Cover Sheet	05.10.21
MOD15-A0001	J	Site Plan	13.08.21
MOD15-A0002	J	Overall Elevations	05.10.21
MOD15-A1010	J	Pirrama Road	13.08.21
MOD15-A1030	J	Edward St Entry	05.10.21
MOD15-A1031	I	Edward St Entry	05.10.21
MOD15-A1040	J	Pyrmont St	13.08.21
MOD15-A1050	G	The Darling Check-In Upgrade	13.08.21
MOD15-A1060	J	Level 5 Plant Room Screening	13.08.21
MOD15-A1061	H	Level 5 Plant Room Screening	13.08.21
MOD15-A1070	G	Building Signage	13.08.21
MOD16-A0011	F	Site Plan	29.07.21
MOD16-A0012	F	Overall Elevations	29.07.21
MOD16-A1001	F	Level 17 Plan	29.07.21
MOD16-A1002	F	Grand Hotel Elevation	29.07.21
MOD16-A1003	F	Grand Hotel Elevation	29.07.21
MOD16-A1011	G	Type 1 – Balcony 1	03.03.22
MOD16-A1012	G	Type 1 – Balcony 3	03.03.22
MOD16-A1013	G	Type 2 – Balcony 2, 4, 5 & 6	03.03.22
MOD16-A1014	G	Type 3 – Pit 80 Balcony	03.03.22
<u>MOD18-SK05</u>	<u>A</u>	<u>GFA Calculation – L02 – Orchestra</u>	<u>29.11.22</u>
<u>MOD18-SK06</u>	<u>A</u>	<u>GFA Calculation – L03 – Stalls</u>	<u>29.11.22</u>
<u>MOD18-SK07</u>	<u>A</u>	<u>GFA Calculation – L04 – Circle Lobby-Lower Circle</u>	<u>29.11.22</u>
<u>MOD18-SK08</u>	<u>A</u>	<u>GFA Calculation – L05 – Live Room Lobby – Main Auditorium Circle</u>	<u>29.11.22</u>
<u>MOD18-SK09</u>	<u>A</u>	<u>GFA Calculation – L06 – Live Room Upper – Forestage Grid</u>	<u>29.11.22</u>
<u>MOD18-SK10</u>	<u>A</u>	<u>GFA Calculation – Fly Tower and Roof Plan</u>	<u>29.11.22</u>

3. Condition A3 is amended by the insertion of **bold and underlined** words / numbers at the end of the condition as follows:

A3 Development in Accordance with Documents

As amended by the Section 4.55(2) Modification Application report prepared for MP08 0098 MOD 18 by Ethos Urban dated 11 May 2022 and as further amended by the Response to Submissions dated 28 October 2022 prepared by Ethos Urban and the following documents:

- (1) **Revised Design Statement dated 19 October 2022 prepared by Altis Architecture**
- (2) **Revised Visual Impact Assessment dated 31 October 2022 prepared by Ethos Urban**

- (3) Visual Impact and Methodology Report dated 31 October 2022 prepared by Virtual Ideas
- (4) Revised Preliminary Construction Traffic Management Plan dated 19 September 2022 prepared by Traffix
- (5) Revised Acoustic Report dated 27 October 2022 prepared by Acoustic Studio
- (6) Traffic Impact Statement dated 30 March 2022 prepared by Traffix
- (7) Building Code of Australia Assessment report dated 30 March 2022 prepared by VPL Consulting
- (8) Waste Minimisation and Management Plan dated 29 March 2022 prepared by HIBBS
- (9) Access Review dated 22 February 2022, prepared by Morris Goding Access Consulting
- (10) Fire Engineering Letter and Engineering Concept report dated 29 March 2022, prepared by Minerva
- (11) Section J Energy Efficiency Report, dated 29 March 2022, prepared by Certified Energy

4. Condition A11 is amended by the insertion of **bold and underlined** words / numbers as follows:

A11 External Walls, Cladding and Materials

New cladding, aluminium battens and other materials on external areas subject to MP08_0098 MOD 15 **and MP08_0098 MOD 18** must comply with the relevant requirements of the BCA.

5. Condition A12 is inserted as shown with the **bold and underlined** as follows:

A12 Dressing room windows – Modification 18

All new windows to dressing room areas approved by Modification 18 must be fitted with frosted glass. The Applicant must maintain a frosted glass finish of these windows for the life of the development.

6. Condition B5 is amended by the insertion of **bold and underlined** words / numbers and deletion of the ~~**bold and struck out words / numbers**~~ as follows:

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.
- (3) In relation to the ~~**MUEF Project and the**~~ works shown on the drawings approved as part of Modification ~~**718**~~, a separate **and updated Operational** Noise Management Plan, is to be prepared in consultation with the City of Sydney Council. The report ~~**shall must**~~ **include** details **of** how the noise mitigation measures, **performance parameters, assumptions and recommendations** in the ~~**Acoustic Report prepared by AECOM dated 7 October 2010 will be implemented**~~ **Acoustic Report prepared by Acoustic Studio dated 27 October 2022 have been implemented into the development. The**

Noise Management Plan must be submitted to the Department for approval prior to the issue of a Construction Certificate for the **works approved by Modification 18.**

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

7. Condition B6 is amended by the insertion of **bold and underlined** words / numbers and deletion of the **~~bold and struck out words / numbers~~** as follows:

B6 Noise Attenuation Measures

- (1) 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.
- (2) Prior to the issue of a Construction Certificate for the works approved under Modification **7 18**, the **Proponent Applicant** 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 AECOM dated 7 October 2010 Acoustic Report prepared by Acoustic Studio dated 27 October 2022, for the use of the venues and operation of mechanical plant** to achieve compliance with conditions **F4 and F5**. **The certification must be prepared by a Suitably Qualified Acoustic Consultant (defined below). A copy of these plans and certification is to be provided to the Secretary.**

For the purpose of this condition, a Suitably Qualified Acoustic Consultant means: a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society, Institution of Engineers Australia, or the Association of Australian Acoustical Consultants at the grade of member firm.

8. Condition B10A is amended by the insertion of **bold and underlined** words / numbers and deletion of the **~~bold and struck out words / numbers~~** as follows:

B10A Loading Dock Management Plan

The **Proponent Applicant** shall update **or replace** the Loading Dock Management Plan dated 2 March 2017 in consultation with the Sydney Coordination Office within Transport for NSW and City of Sydney Council prior to a Construction Certificate being issued for the **level 3 Sovereign Room expansion works approved by Modification 18**. The plan will outline all management measures required to ensure the efficient and safe operation of the loading docks **s to support the new MUEF venues.**

9. Condition B21 is amended by the insertion of **bold and underlined** words / numbers and deletion of the **~~bold and struck out words / numbers~~** as follows:

B21 Noise and Vibration Management Plan

A Construction Noise and Vibration Management Plan (CNVMP) is to be prepared detailing:

- (1) specific activities to be carried out on the site and associated noise sources
- (2) identification of potentially affected sensitive receivers
- (3) construction noise and vibration criteria specified in the conditions of this approval
- (4) maximum noise levels for internal works to be carried out 24 hours a day

- (5) detailed assessment of the construction methods to be used for the works
- (6) mitigation treatments, management methods and procedures to be implemented during construction to control noise and vibration
- (7) measures to inform all potentially impacted residents of the nature of works to be carried out, the expected noise levels and duration, as well as site contact details
- (8) noise and vibration monitoring, reporting and response procedures
- (9) measures to be implemented to manage complaint handling and reporting; and
- (10) contingency plans to be implemented where non-compliances or noise complaints are received.

An updated CNVMP must be prepared to the satisfaction of the Certifying Authority, prior to the issue of any Construction Certificate for the works approved by Modification 18. The update must detail the vibration criteria and all construction management recommendations in the Acoustic Report prepared by Acoustic Studio dated 27 October 2022. A copy of the endorsed CNVMP update is to be provided to the Department.

The CNVMP must be prepared in accordance with the Interim Construction Noise Guideline and include ~~feasible and reasonable~~ **all** work practices **that will be implemented** to meet the established construction noise limits **and manage construction activities predicted to exceed the highly noise affected levels at sensitive receivers**. The construction hours must be in accordance with condition D11 of this approval.

The CNVMP is to be submitted to the Certifying Authority for endorsement prior to the issue of a Construction Certificate. The Proponent shall also submit a copy of the final plan to the Department and the Council.

10. Condition B28 is amended by the insertion of **bold and underlined** words / numbers and deletion of the ~~**bold and struck out words / numbers**~~ as follows:

- B28 Prior to the issue of a Construction Certificate for the works **approved by Modification 18** the **Applicant must prepare and provide the following:**
- (a) **an updated emergency response plan demonstrating** there is provision for the safe evacuation of the MUEF in the case of an emergency, **to the satisfaction of the Secretary Director-General**
 - (b) **design details of the performance-based fire engineering solutions to the satisfaction of the certifying authority.**

11. Condition B34 is inserted as shown with the **bold and underlined** as follows:

Works near the Light Rail Corridor – Modification 18

B34. Prior to the issue of any Construction Certificate for works approved by Modification 18, the Applicant must:

- (a) **Consult with TfNSW, Altrac and the Sydney Light Rail Operator to ascertain requirements in relation to the protection of TfNSW's infrastructure and to confirm the timing of each construction certificate and associated documentation and activities prior to preparation of requested documentation;**
- (b) **Sign Safety Interface Agreement and Works Deed with TfNSW and/or the Sydney Light Rail Operator;**
- (c) **Confirm in writing with TfNSW what each Construction Certificate stage will involve; and**
- (d) **Submit all relevant documentation to TfNSW as requested by TfNSW and obtain its written endorsement for each construction stage. A summary**

report for each construction stage shall also be provided to TfNSW to demonstrate the following:

- i. No adverse impacts to the light rail corridor and light rail operation by clearly identifying impacts and mitigation measures; and
- ii. Submitted documentation has satisfied the relevant conditions.

The Certifying Authority is not to issue the relevant Construction Certificate until received written confirmation from TfNSW that the relevant conditions have been complied with for each Construction Certificate.

12. Condition B35 is inserted as shown with the **bold and underlined** as follows:

B35 Prior to the issue of any Construction Certificate for works approved by Modification 18, the following documentation shall be provided for the review and endorsement of TfNSW:

- (a) Final geo-technical and structural report / drawings. Geotechnical reports should include any potential impact on the light rail corridor located adjacent to the subject development site, easement and sub-stratum;
- (b) Final construction methodology with construction details relating to the structural support during excavation or ground penetration. Any temporary components, for example, shoring systems, formwork and falsework, that are located such that their failure has the potential to affect rail infrastructure facilities or operations shall have a minimum service life of 10 years;
- (c) If required by TfNSW, details of the vibration and movement monitoring system that will be in place before excavation commences;
- (d) Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor located adjacent to the subject development site. Cross sectional drawings should also include the accurate RL depths and horizontal distances from assets (tracks, overhead lines, structures and cables) to the nearest point of excavation or ground penetration works. All measurements are to be verified by a Registered Surveyor; and
- (e) Detailed survey plan with location of services.

13. Condition B36 is inserted as shown with the **bold and underlined** as follows:

B36 Prior to the issue of the relevant Construction Certificate for works approved by Modification 18, the Applicant shall propose pedestrian safety measures to the satisfaction of TfNSW and the Sydney Light Rail Operator to protect pedestrian walking on the modified ramp as pedestrians would walk in close proximity to light rail travel path with the proposed modification.

14. Condition B37 is inserted as shown with the **bold and underlined** as follows:

B37 Prior to the issue of the relevant Construction Certificate, if required by TfNSW, the Applicant shall propose derailment protection measures for new columns approved by Modification 18 to the satisfaction of TfNSW and the Sydney Light Rail Operator.

15. Condition B38 is inserted as shown with the **bold and underlined** as follows:

B38 Prior to the issue of the relevant Construction Certificate for works approved by Modification 18, if required by TfNSW, a pre-construction work Dilapidation Report of the Sydney Light Rail and its assets shall be prepared by a qualified

structural engineer. The dilapidation survey shall be undertaken via a joint site inspection by the representatives of the Sydney Light Rail Operator, TfNSW and the Applicant. These dilapidation surveys will establish the extent of existing damage and enable any deterioration during construction to be observed.

16. Condition B39 is inserted as shown with the **bold and underlined** as follows:

B39 Prior to the issue of the relevant Construction Certificate for works approved by Modification 18, the Applicant is to engage an Electrolysis Consultant to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Certifying Authority with the application for the relevant Construction Certificate.

17. Condition B40 is inserted as shown with the **bold and underlined** as follows:

B40 Prior to the issue of the relevant Construction Certificate for works approved by Modification 18, if required by TfNSW, the Applicant shall design lighting, signs and surfaces with reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor limiting glare and reflectivity to the satisfaction of Altrac, TfNSW and the Sydney Light Rail Operator.

18. Condition B41 is inserted as shown with the **bold and underlined** as follows:

B41 Prior to the issue of the relevant Construction Certificate for works approved by Modification 18, if required by TfNSW, a detailed regime is to be prepared for consultation with and approval by TfNSW for the excavation of the site and the construction of the building foundations (including ground anchors) for the approved development, which may include geotechnical and structural certification in the form required by TfNSW.

19. Condition B42 is inserted as shown with the **bold and underlined** as follows:

B42 Prior to the issue of the relevant Construction Certificate for works approved by Modification 18, the Applicant must hold current public liability insurance cover for a sum acceptable to TfNSW. TfNSW's standard public liability insurance requirement for this type of development adjacent to a rail corridor is minimum of \$250M. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact TfNSW to obtain the level of insurance required for this particular proposal. Prior to issuing the relevant Construction Certificate the Certifying Authority must witness written proof of this insurance in conjunction with TfNSW's written advice to the Applicant on the level of insurance required.

20. Condition B43 is inserted as shown with the **bold and underlined** as follows:

B43 Prior to the issue of any Construction Certificate for works approved by Modification 18, if required by TfNSW, Works Deed(s) between the Applicant, TfNSW and/or Altrac and the Sydney Light Rail Operator must be agreed and executed by the parties. These agreements may deal with matters including, but not limited to, the following:

- (a) Sydney Light Rail Operational requirements;**
- (b) Sydney Light Rail access and permit requirements (Condition B33);**
- (c) Altrac and Sydney Light Rail Operator policies, rules and procedures compliance requirements;**

- (d) indemnities and releases;
- (e) security of costs;
- (f) insurance requirements and conditions;
- (g) TfNSW, Altrac and the Sydney Light Rail Operator's recovery of costs from the Applicant for costs incurred by these parties in relation to the development (e.g. review of designs and reports, legal, shutdown / power outages costs including alternative transport, customer communications, loss of revenue etc) risk assessments and configuration change processes;
- (h) interface coordination between the Sydney Light Rail Operator and the construction works under Modification 18, including safety interface;
 - i. Infrastructure Assess Deed Poll and Safety Interface Agreement between the Applicant and the Sydney Light Rail Operator must be agreed and executed by the parties. This agreement may deal with matters including, but not limited to, the following:
 - Pre and post construction dilapidation reports;
 - The need for track possessions;
 - Review of the machinery to be used during excavation/ground penetration / construction works;
 - The need for track monitoring;
 - Endorsement of Risk Assessment/Management Plan and Safe Work Method Statements (SWMS);
 - Endorsement of plans regarding proposed crane location;
 - Light Rail Operator's rules and procedures; and
 - Alteration of rail assets such as the OHW along of track and associated hoarding demarcation system, if undertaken by the Applicant.
- (i) Altrac and the Sydney Light Rail Operator's reviews and impact assessment of the Applicant's proposal, engineering design and construction works methodology on Sydney Light Rail Operations and assets;
- (j) Attendance and participation in the construction works risk assessment of construction activities to be performed in, above, about, and/or below the light rail corridor; and
- (k) Arrangements for shutdowns and Sydney Light Rail restricted operations related costs attributed to the Applicant.

21. Condition D25 is inserted as shown with the **bold and underlined** as follows:

Construction works near the Light Rail Alignment – Modification 18

D25 During construction of works approved by Modification 18 near TfNSW assets, the Applicant must ensure that:

- (a) all piling and excavation works are to be supervised by a geotechnical engineer experienced with such excavation projects;
- (b) no rock anchors/bolts (temporary or permanent) are to be installed into the light rail corridor without approval from TfNSW;
- (c) no metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment unless a physical barrier such as a hoarding or structure provides separation;
- (d) during all stages of the development extreme care shall be taken to prevent any form of pollution entering the light rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant;
- (e) all noise and vibration is mitigated to the extent possible and provide vibration monitoring equipment and provide the results to the Sydney Light Rail Operator at intervals required by TfNSW and the Sydney Light Rail

- (f) Operator, and immediately implement corrective actions in the event that the noise or vibration exceeds acceptable limits; and no scaffolding is to be used within 6 horizontal metres of the rail corridor unless prior written approval has been obtained from the Sydney Light Rail Operator and TfNSW and a physical barrier such as a hoarding or structure provides separation. To obtain approval the Applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor.

22. Condition E1(A) is amended by the insertion of **bold and underlined** words / numbers and deletion of the ~~**bold and struck out words / numbers**~~ as follows:

E1(A) Certification of Noise Mitigation Measures

Prior to the issue of an Occupation Certificate for any stage of the approved development, a report is to be prepared and submitted by a suitably qualified acoustic engineer confirming that the relevant stage of the development has been constructed in accordance with the recommendations of:

- (a) The Acoustic Assessment Report prepared by ARUP, September 2008;
- (b) Addendum Report prepared by Acoustic Logic Consultancy dated August 2009; ~~and~~
- (c) Acoustic Assessment Report prepared by AECOM dated 7 October 2010; and
- (d) Revised Acoustic Report dated 27 October 2022 prepared by Acoustic Studio, with respect to the works approved by Modification 18,
as may be relevant to the completed works.

23. Condition E14 is inserted as shown with the **bold and underlined** as follows:

Prior to the issue of the Occupation Certificate for Modification 18

E14 Prior to the Issue of the Occupation Certificate for works approved by Modification 18, if required by TfNSW, a post-construction dilapidation survey shall be undertaken via a joint inspection with representatives from TfNSW, Altrac, the Sydney Light Rail Operator and the Applicant. The dilapidation survey will be undertaken on the rail infrastructure and property in the vicinity of the project. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report to TfNSW and the Sydney Light Rail Operator will be required unless otherwise notified by TfNSW. The Applicant must undertake rectification of any damage to the satisfaction of TfNSW and the Sydney Light Rail Operator and if applicable, Council.

24. Condition E15 is inserted as shown with the **bold and underlined** as follows:

E15 Prior to the issue of the Occupation Certificate for works approved by Modification 18, if required by TfNSW, the Applicant shall demonstrate that lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor were installed limiting glare and reflectivity to the satisfaction of TfNSW, Altrac and the Sydney Light Rail Operator.

25. Condition E16 is inserted as shown with the **bold and underlined** as follows:

E16 Prior to the issue of the Occupation Certificate for works approved by Modification 18, the Applicant shall implement pedestrian safety measures to the satisfaction of TfNSW and the Sydney Light Rail Operator to protect pedestrians

walking on the modified ramp as pedestrians would walk in close proximity to light rail travel path with the proposed modification.

26. Condition E17 is inserted as shown with the **bold and underlined** as follows:

E17 Prior to the issue of the Occupation Certificate for works approved by Modification 18, if required by TfNSW, the Applicant shall implement derailment protection measures for new columns to the satisfaction of TfNSW and the Sydney Light Rail Operator.

27. Condition E18 is inserted, shown with the **bold and underline** as follows:

E18 Wayfinding Signage – Modification 18

Prior to the commencement of operation of the two venues approved by Modification 18, updated wayfinding signage is to be provided to the satisfaction of the Certifying Authority at prominent locations inside and outside of the entrances of The Star Complex to encourage patrons to exit the site away from sensitive receivers along Jones Bay Road. Wayfinding signage should direct patrons to the light rail, car park or the main taxi ranks on Pirrama Road or Pyrmont Street.

End of modification
(MP08_0098 MOD 18)