

# Modification Refusal

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

As delegate for the Minister for Planning under delegation executed on 14 September 2015, the Independent Planning Commission disapprove the request to modify the Project Approval referred to in Schedule 1 for the reasons set out in Schedule 2.

Sydney

2019

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### SCHEDULE 1

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| <b>Project Approval:</b>         | MP 08_0098   |
| <b>Proponent:</b>                | Star Entertainment Group Limited   |
| <b>Land:</b>                     | Lot 211 in Deposited Plan 870336;<br>Lot 500 in Deposited Plan 1161507;<br>Lot 301 in Deposited Plan 873212;<br>Lot 302 in Deposited Plan 873212;<br>Lot 1 in Deposited Plan 867854 (service road); and<br>Lot 201 in Deposited Plan 867855 (service road).  |
| <b>Modification Number:</b>      | MP 08_0098 MOD 13  |
| <b>Modification Description:</b> | <p>Proposal to modify the project approval relating to the Switching Station and Star City Casino, Pymont, including:</p> <ul style="list-style-type: none"><li>• partial demolition the existing Star Casino building;</li><li>• construction of a 237 m tower, providing 220 hotel rooms, 204 residential apartments, a neighbourhood centre and 220 car parking spaces;</li><li>• an increase of 48,799 m<sup>2</sup> gross floor area (GFA);</li><li>• lighting, including special events lighting;</li><li>• site-wide signage upgrades and new signage and site-wide cumulative noise controls/management;</li><li>• upgrade existing and create new commercial units including hours of operation;</li><li>• internal and external amendments to the existing Star Casino building and upgrades to landscaping and the public domain;</li><li>• plant, stormwater and flooding infrastructure amendments and upgrades; and</li><li>• stratum subdivision to create five lots.</li></ul> |

## SCHEDULE 2

1. The modification request would introduce a new tower form that is inconsistent with current strategic planning for the site and locality and fails to promote the orderly use and development of land contrary to object (c) of the *Environmental Planning and Assessment Act 1979* (Part 1, Section 3.1).
2. The modification request would introduce a new tower form that is inconsistent with its immediate context and would result in unacceptable visual impacts due to its scale, isolation and visual dominance of the existing Pymont character and fails to promote good design and amenity of the built environment contrary to object (g) of the *Environmental Planning and Assessment Act 1979* (Part 1, Section 3.1).
3. The modification request would introduce a new tower form which does not appear appropriate for its context, thereby contrary to case law that established planning principles for the consideration of height and bulk (*Veloshin v Randwick Council [2007] NSWLEC 428*).
4. The modification request would introduce a new tower form that is incompatible with its existing and planned future built form context and would appear isolated, dominant, and visually intrusive in local and distant views to the detriment of the established character of Pymont and the wider cityscape, contrary to Principle 1 (Context and neighbourhood character), Principle 2 (Built form and scale) and Principle 9 (Aesthetics) of Schedule 1 of State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development (Part 4, Clause 30).
5. The proposed modification is not in the public interest.