

7 February 2022  
2200827

Mr Thomas Watt  
Director, Accelerated Projects Delivery  
Department of Planning and Environment  
4 Parramatta Square, 12 Darcy Street  
Parramatta NSW

Dear Thomas,

## SUBMISSION TO THE PYRMONT PENINSULA SUB-PRECINCT MASTER PLANS

Thank you for providing the opportunity to make a submission on the draft Pyrmont Peninsula Sub-Precinct Master Plans and accompanying documents. This submission has been prepared by Ethos Urban on behalf of The Star Entertainment Group Limited (The Star).

The Star site was identified in the Pyrmont Place Peninsula Strategy (The Place Strategy) as one of four key sites within the Peninsula. As instructed, The Star submitted a key site master plan for the site to inform the Pyrmont Peninsula Sub-Precinct Master Plans which are now on exhibition until 4 February 2022.

The Star and their project team of specialist consultants have reviewed the documentation currently on exhibition and have informed this submission. Two meetings have been held with the Department of Planning and Environment (DPE) on 16 December 2021 and 28 January 2022 to discuss preliminary questions which arose upon reviewing the exhibited documentation. The matters raised have also been included in this submission and seek DPE to revisit some decisions that have been made throughout the master planning process in order to realise the vision of Pyrmont as an extension of the CBD which provides opportunities for residents and visitors. This submission is also accompanied by the following documents:

- Proposed amended Design Guidelines (**Attachment A**);
- Architectural Package prepared by FJMT (**Attachment B**); and
- Acoustic Letter prepared by Renzo Tonin & Associates (**Attachment C**).

## 1.0 KEY AMENDMENTS / CLARIFICATIONS SOUGHT

Several amendments have been requested throughout this submission. The Star has also requested further clarification on matters which we believe are not clear. A summary of these amendments and clarification matters is provided below.

1. The Statement of Intended Effects does not recognise that The Star owns, and submitted a master plan for, the Union Street site. The Star requests this be acknowledged in the sub-precinct master plan documentation.
2. The sub-precinct master plans have effectively watered down the aspirational vision for Pyrmont. Previous iterations of the Place Strategy document outlined ambitious directions and key moves to guide the future of the Peninsula. However, it appears that DPE's focus on achieving detailed compliance with City of Sydney's (Council) assessment measures has diminished the strategic intent of the overall Place Strategy. The Star is committed to contributing to a vibrant 24-hour cultural and entertainment destination as noted in Big Move 2, however are constrained by the strict measures of the exhibited Design Guidelines.
3. DPE's approach to master planning has seen a significant reduction in sites capable of change, sites which could contribute to re-imagining the Peninsula. Again, we see this as watering down the intent of Pyrmont as the 'gateway to the CBD' and economic engine room that it was once heralded as.

4. There is uncertainty and significant concern with respect to infrastructure contributions; The Star seek clarification on how the Special Infrastructure Contribution will work in conjunction with the Regional Infrastructure Contribution as well as affordable housing contributions and council's not-yet released local contributions plan.
5. The Design Guidelines for The Star site cite a 12% affordable housing guideline which The Star seek clarity on as it appears to be inconsistent with the Affordable Housing Study.
6. The Star acknowledges the DPE requires detailed plans which indicate the proposed gross floor area (GFA) and RLs across the site. It is recommended that with this information (provided at **Attachment B**), the design guidelines can be retrofitted to facilitate future viable development on the North Site. The proposal put forward by The Star was based on intimate knowledge of the site and its considerable constraints.
7. The Star requests DPE apply a floor space ratio (FSR) as per the Sydney Local Environmental Plan 2012 (Sydney LEP 2012) which must be based on the area of the lot which extends across the broader Star site.
8. The wording in the exhibited documentation related to the through-site link and the requirement for it to be open to the sky on the North Site is inconsistent. The Star asks that DPE revise the open to the sky requirement to ensure that servicing and facilities from the North Site to the broader site (over the through-site link) can still occur. A through-site link can be provided which includes a legible and accessible ground level connection with open to the sky parts on either end of the link at Pirrama Road and Jones Bay Road. The Star question the wind impacts on the pedestrian environment of the through-site link if it were to be open to the sky.
9. The Star requests DPE revise the no additional overshadowing control to Elizabeth Healey Reserve as it will significantly impact the redevelopment of the Union Street site. Focus should be redirected to facilitating quality public open space as envisaged by the Place Strategy. It is apparent the expansion of the Reserve also has little support from the Community.
10. The Star requests DPE review the one-way road network proposed on Union Street between Edward and Pyrmont Streets as this will effectively force traffic around the Peninsula and likely lead to further traffic complications. The Star has not seen traffic modelling to support this position.
11. The Design Guidelines notes the desire to relocate vehicle entrances and site servicing from Pirrama Road and Edward Street to Jones Bay Road or Pyrmont Street. The Star requests this be deleted as essential vehicular access to The Star car park is provided from Edward Street and Pirrama Road is a critical vehicular access point to The Star site.
12. The acoustic impacts that the exhibited documentation is expected to bring to The Star's landholding have been identified by Renzo Tonin & Associates and are summarised in a letter at **Attachment C**. Proposed development and design guidelines must be mindful that the Precinct is identified as a 24-hr tourism and entertainment destination.
13. It is understood the location of the Light Rail station on the intersection of Edward Street and Pirrama Road in the 'Consolidated Sub-Precinct Master Plan Overview' figure of the Urban Design Report was an error.

The Star respectfully ask that there is further consultation between the DPE and the Star in the finalisation of the planning documents.

## 2.0 ITEMS TO NOTE

### 2.1 37-69 Union Street, Pyrmont

The exhibited sub-precinct master plan documents have identified 37-69 Union Street as “Metro Site East”. It should be acknowledged that while Sydney Metro have expressed interest in the 37-69 Union Street site for the purpose of the future Pyrmont Metro Station, the land remains currently under The Star’s ownership to date.

The Statement of Intended Effects states “*The Star submitted a master plan for the existing casino complex at 80 Pyrmont Street, with development sought for a six-star hotel*”. It does not recognise that The Star owns, and submitted a master plan for, the Union Street site.

The Star requests this is acknowledged in the sub-precinct master plan documentation.

### 2.2 Process and Engagement

The Star site is recognised as a ‘Key Site’ in the Place Strategy and as such, DPE sought to work with Key Site proponents in the finalisation of the next phase of works, with the Department seeking a detailed suite of documents to support the Key Site Master Plan. However, upon commencement of works, requests for the technical consultants to meet were responded to with claims from DPE that it would be a breach of probity. As a result, technical reporting on items related to The Star proposal that were heavily impacted upon by the broader master planning such as traffic, flooding, wind, public domain and view impacts were unable to be adequately assessed by The Star’s consultant team.

There is concern that the finalisation of the sub-precinct plans and Design Guidelines will occur in a vacuum with little input from The Star and its consultants.

It is therefore requested that further refinement is undertaken with the technical consultant team of The Star.

## 3.0 KEY STRATEGIC PLANNING ITEMS

### 3.1 A strategic planning misalignment

The City West Development Corporation was constituted in 1992 under the Growth Centres (Development Corporations) Act, 1974 with Sydney Regional Environmental Plan No 26 – City West (1992 EPI 564) (SREP No.26) being created to implement the SREP No.26. Division 3 outlined the Planning Principles for Precincts and Part 1 referred to the Ultimo-Pyrmont Precinct. Under ‘Role and Land Use Activities’, the first defining principle is:

*“Development in the Precinct is to provide for a significant increase in residential population in a mixed use development pattern also accommodating employment, educational and other uses.*

...

*Development is to take full advantage of the Precinct’s existing facilities, proximity to Darling Harbour, Central Station and other facilities of the city centre, and the extensive Pyrmont waterfront.”*

It took until the lodgement of Mod 13 for discussions on the future of the Peninsula to be reignited. In 2019, former Premier, The Hon Gladys Berejiklian MP, outlined that:

*“we are, for the first time, treating Pyrmont and the Western Harbour precinct as the gateway to the CBD.”*

This was closely followed by the former Minister for Planning and Public Spaces, The Hon Rob Stokes MP, who provided further clarity to Parliament around the NSW Government’s strategic intent for the development of Pyrmont:

*“Pyrmont and the Western Harbour Precinct will be transformed into the next jobs hub and economic driver of Sydney. The place strategy will articulate the strategic vision for the peninsula. It will be framed by a long-term*

*economic strategy for the area, which will inform the master plan to help deliver that strategy over the next two decades.”*

Subsequently, the draft Place Strategy, released in December 2020, established a clear vision for the Pyrmont Peninsula:

*In 2041, the Pyrmont Peninsula will be an innovative, creative and cultural precinct and an engine room of the Eastern Harbour CBD. It will connect to the Innovation Corridor and other innovation and job precincts via Sydney Metro and complement the Sydney CBD.*

When the Place Strategy was placed on exhibition, The Star enthusiastically supported DPE’s commitment into the long overdue review of the strategic planning context in the Pyrmont precinct. However, we are of the opinion that the current iteration of the planning documents for Pyrmont are no longer aspirational and do not meet the primary objective of the *“engine room of the Eastern Harbour CBD”*.

The final Place Strategy sought to *“plan for the continuing evolution in ways that maximise its economic and social potential, while protecting the area’s unique heritage, liveability and long-term sustainability”*. The master planning process that has been undertaken does not maximise the Peninsula’s potential and in our opinion comprises a conservative approach which has not given consideration to the growth, change and evolution of the Peninsula. It does not seek to deliver the vision for the Peninsula that was established decades ago as quoted above in the SREP No.26, identifying the Peninsula as an area of significant opportunity to create a vibrant mixed-use precinct which blends residential, employment, educational uses amongst others.

As a result, the opportunity for public benefit is severely constrained. This is further elaborated upon in this submission.

### **3.2 Realisation of Big Move 2 – “A Vibrant 24-Hour Cultural and Entertainment Destination”**

The exhibited sub-precinct master plans are considered to significantly prohibit the realisation of Big Move 2 of the Place Strategy which seeks for a *“vibrant 24-hour cultural and entertainment destination”*.

The Star have previously noted their significant role as a major entertainment destination and place of cultural activity, for not only Pyrmont, but for Greater Sydney as a region. Their offerings provide a diverse range of cultural entertainment, hospitality, and retail facilities contributing significantly to the tourism economy by attracting domestic and international visitors.

Action 5 of the Place Strategy seeks to *“investigate the opportunity for new entertainment, events and cultural space in the Peninsula on key sites”*. The Star’s Key Site Master Plan seeks to deliver on Action 5 by providing a new theatre, live music venue as well as ballroom and events space in the podium of the North Site (however jeopardised if the through-site link is open to the sky) as well as rooftop dining and entertainment opportunities. It is therefore recommended DPE assist The Star in this master planning process to ensure that future development on the site will maximise cultural and entertainment opportunities for the residents, visitors and tourists.

### **3.3 Areas capable for change – reduced from Draft**

DPE’s approach to planning for the future of the Peninsula will ultimately preclude wholesale renewal of sites that may be past their economic life.

Specifically, we refer to the identification of Sites Capable of Change, which excludes strata buildings of more than 10 titles. With recent strata reform, strata should not be seen as a constraint to development – except of course if planning controls are that constraint. This is reflected in Land and Environment cases whereby existing strata plans up to 25 storeys and 159 strata lots have been renewed (see *Strata Plan No 61299 [2019] NSWLEC 111*). The approach undermines the strategic Vision for the Peninsula as the *“engine room of the Eastern Harbour CBD”*. Future redevelopment on sites within the Peninsula should be assessed on a merit basis and not be excluded in the master planning process.

A number of sites (predominately located to The Star's east and south) that were previously identified as capable of change under the Place Strategy have since been removed in the exhibited documentation. DPE have noted the number of sites has been reduced using 'design and place priorities' and excluded sites that:

- Would have adverse solar impacts on existing residential development or public open space;
- Were unlikely to be redeveloped within the 20-year timeframe (i.e. development under 10 years old and of a substantial scale);
- Had an approval for new uses; and
- Consisted of a size that would mean future development would not substantially contribute to the housing and jobs forecast.

There are a number of key issues with the above exclusions, including:

- Potential solar impacts to existing residential development may not be an issue provided there were opportunities for uplift on the residential development being overshadowed. That is, a new residential or mixed-use building would likely be a taller, slender tower that could more readily achieve SEPP 65 solar requirements. This would also go some way to achieving the original goal of Pyrmont as the new economic powerhouse of the Eastern CBD;
- DPE have excluded sites which have approvals for new uses. If there was additional development incentive these sites would consider redevelopment. This is not necessarily a reason to exclude from potential redevelopment.
- DPE have not considered the potential amalgamation of lots to create larger land holdings, which could also be realised provided there were development incentives i.e. greater uplift opportunities.

DPE's approach does not meet the aspirations of the Place Strategy and has the effect of significantly reducing the development potential of not only The Star site, but also other sites capable for change across the Precinct.

## 4.0 ECONOMIC ITEMS

### 4.1 SIC and Other Levies

In October and November 2021, the Department released details on the new framework for State infrastructure contributions (referred to as Regional Infrastructure Contributions or RIC) along with the proposed Special Infrastructure Contribution (SIC) for the Pyrmont Peninsula respectively. It is noted that the SIC/RIC are intended to be phased in over three years and therefore the financial impact will be dependent on lodgement timing and determination of future DAs. Regardless, the suite of contributions will be as per the below:

- a standard broad-based contribution for regional infrastructure: \$12,000 per dwelling and \$30/sqm of new commercial / retail gross floor area (GFA);
- a Transport Project Component for specified areas serviced by major transport investment (i.e. this current SIC being notified): \$15,000 per new dwelling and \$200/sqm of non-residential GFA; and
- a Strategic Biodiversity Component in biodiversity certified areas: likely not applicable to The Star site.

In addition to this, there will be a City of Sydney Affordable Rental Housing Section 7.13 contribution of 1% of total floor area of non-residential floor space and 3% of residential floor space (the current contribution rate is \$10,588/sqm). This is then added to a new contribution, the 'Planning Proposal land contributions', whereby Sites that benefit from an increase in residential floor space ratio (FSR) would be subject to a supplemental contribution of 9% on the additional residential GFA. We note however that the Design Guidelines for the Star Casino site cite a 12% affordable housing guideline which The Star seeks further clarity on as it appears to be inconsistent with the Affordable Housing Study.

We are also aware Council is preparing a local infrastructure plan which will add further costs to the development process. It is recommended DPE should not finalise the SIC until Council's revised contributions plan has been exhibited and finalised to understand the combined contributions that will be applicable to future development.

It is understood the sub-precinct master plans for the Peninsula will come into effect prior to when the new RIC will come into effect (mid 2022). As such, clarification is sought regarding the timing of when the SIC would be transitioned into the RIC framework (as a Transport Project Component).

The Star also require further clarification on whether the base contribution of the RIC will still apply once the SIC is incorporated into the RIC. It is also recommended DPE introduce transitional provisions as it is unclear at what point the phased reductions are applicable to the development proposal, whether that be at lodgement or at approval.

## **4.2 Feasibility Analysis**

There is little detail in the feasibility analysis, particularly in light of the unknowns of the implementation of the NSW Government's State Infrastructure regime as it relates to State and Regional Infrastructure levies, in parallel with a not-yet drafted local infrastructure plan.

The feasibility analysis is based on averages, scenarios and several assumptions. However, The Star site and its proposal is unique, targeting a 'best in class' offer and design outcomes, that will be a catalyst for the evolution of the precinct, and therefore it is inappropriate to adopt averages in determining contributions that apply to this site.

## 5.0 REQUESTED AMENDMENTS

### 5.1 Overall Masterplan

The FJMT Star Key Site Masterplan Report provided an overall plan for the 10-year vision for the site. It sought for:

1. A six-star hotel on the northern end of its existing site,
2. Additional building height and gross floor area elsewhere on the existing site, and
3. A mixed-use tower on the Union Street site.

A visual representation of the above is provided in **Figure 1**.



**Figure 1 Star Key Site Master plan overview**

Source: FJMT

Specific elements and proposed areas and uses comprise the following:

- Union Street Site
  - Site area: 2,610sqm
  - RL140
  - Proposed GFA: 32,000sqm
  - Proposed FSR: 12.5:1
- The Star Site
  - Site area: 39,206sqm
  - Existing Approved GFA: 139,998sqm<sup>1</sup>
  - Proposed GFA (net): 27,000sqm
  - Proposed FSR: 4.3:1

<sup>1</sup> [https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=MP08\\_0098-MOD-14%2120190821T013913.619%20GMT](https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=MP08_0098-MOD-14%2120190821T013913.619%20GMT)

- L5 Rooftop Dining, Wellness and Event Space
  - Maximum RL of RL35.3
  - Proposed GFA 2,500sqm
- Pirrama Road Dining and Retail Precinct
  - Food and beverage GFA 1,500sqm
- Hotel Site
  - RL110 (Podium RL35.30)
  - Total GFA: c. 26,100sqm
  - Hotel GFA 17,000sqm
  - Maximum hotel footprint: 800sqm
  - F&B/Café/Restaurant GFA 700sqm
  - Sports Bar GFA 2,400sqm
  - Function Space GFA 2,000sqm
  - Retail & Other GFA 4,000sqm
- MUEF (Multi-use Entertainment Facility)
  - Maximum RL 51.50
  - Proposed GFA: 2,800sqm

Section 3.5 of the Pyrmont Exhibition Discussion Paper states additional building height and gross floor area elsewhere on the existing site was not considered by DPE. The Discussion Paper also stipulates the exact quantity of the additional floor area that was proposed to be added to the existing casino buildings on the north site was unclear on The Star's submitted plans. In response to DPE's comments to date, plans showing relevant RLs and approximate location of the above proposed spaces has been prepared by FJMT and is provided at **Attachment B** for insertion into the Design Guidelines.

It should be noted that detailed as built plans as well as detailed concept plans have not been prepared at this early master plan stage and as such we ask that there is some flexibility in the final planning controls put forward.

## 5.2 North Site

A number of concerns have been identified with the exhibited documentation. Those related to the North Site have been outlined below.

### 5.2.1 Street Wall Height

A comparison between the proposed street wall height in The Star Key Site Masterplan and DPE's exhibited Design Guidelines indicates that the street wall height prescribed by DPE is 7.8m lower than the RL set out in the envelope drawings submitted by The Star.

The podium height was a well-considered urban design decision to align the Northern Tower with the proposed Level 5 additions to the existing buildings (which have not been recognised in the Design Guidelines as mentioned in **Section 5.1**). It was also designed to provide adequate room for the hotel and entertainment uses on the site. A comparison between The Star Key Site Master Plan proposal and DPE's proposed podium control is provided in **Table 1** below.

In addition, beyond the podium street wall height of the North Site, DPE have also shown the entire Star Site within the 28m (existing Sydney LEP 2012 height control) which is actually lower than what can be currently found on site (which currently measures RL29.8).

**Table 1** Street wall height comparison

Street	The Star Key Site Master Plan	DPE proposed control
Jones Bay Road	25.8m (RL 35.30)	18m (RL27.5)
Pirrama Road	32.7 (RL 35.30)	24.9m (RL 27.5)

### 5.2.2 Tower Setback

According to the exhibited Design Guidelines, DPE requires the tower setbacks above the street wall to be between 6-10m with an average of 8m to address wind impacts. Such setbacks will have a detrimental impact to any future built form on the site especially when considering the location of the existing goods lift and the future building core.

The setbacks will ultimately impact the Gross Buildable Area (GBA) and usable area of each floor plate. They will result in irregularly shaped and inefficient typical floor plates.

In **Figure 2** below, the preferred core location within the tower envelope included in The Star Key Site Master Plan (shown in blue) is a far more commercially sound alternative than the tower envelope as proposed by DPE (shown in red) which shows the core position would clash with the loading dock.

DPE appear to also have extended the tower envelope further south possibly to compensate for the area loss with the additional setbacks. This decision does not however improve the unusable floorplates which will result due to the setback requirements.

Key Site Masterplan Submission  
North Tower

Test Fit

**Figure 2** Preferred tower configuration

Source: FJMT

Analysis prepared by The Star's technical wind consultant puts forward a position whereby blanket setbacks as prescribed by DPE are not the most suitable outcome to control wind, particularly in a complex built form environment such as in Pyrmont. The proponent seeks design flexibility to achieve a performance-based approach through wind tunnel model studies.

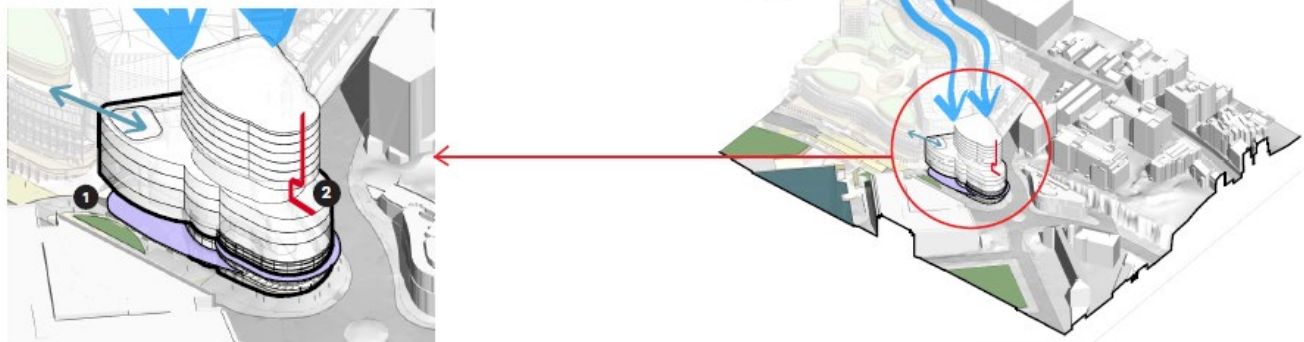
Wind advice informed the development of The Star Key Site Master Plan. It was recommended a future built form on the site include two (2) awnings at differing heights and a tower setback of a minimum 6-7m at the northern most portion of the tower (see **Figure 3**).

## 5.2 Consideration of Environmental Impacts

### iii. Wind

The tower form responds to the following advice to mitigate wind effects:

- 1 Wind advice: two awnings recommended to overlap given that they're at different heights
- 2 North tower setback level (first level above podium) to be set back a minimum of 6-7m at the northern most portion of the tower



**Figure 3 The Star Wind Recommendations**

Source: *The Star Key Site Master Plan (FJMT)*

It is recommended DPE review their setback controls assigned for the North Site and consider the significant impact they will have on future floor plates. Detailed plans showing appropriate setbacks for the North Site which have been informed by wind advice are provided at **Attachment B**. It is noted that broadly, these setbacks and resultant wind conditions were not matters for contention in the Mod 13 submission by the Star. There is therefore no reason to maintain the setback conditions as proposed in the Draft DPE documents exhibited.

The Star also put forward a maximum footprint control of maximum 800sqm in the Design Guidelines to further control built form.

### 5.2.3 Floor Space Ratio

As outlined in Clause 4.5 of the Sydney SLEP 2012, the floor space ratio of buildings is the ratio of the GFA of all buildings within the site to the site area. In determining the site area of a proposed development for the purpose of applying a floor space ratio, the site area is taken to be:

- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
- (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

It is not possible to invent a new site boundary purely for the north site proposal as the FSR must be calculated using the gross floor area of the whole lot boundary as defined by the SLEP 2012. The Star believes this may lead to issues at the assessment stage when considering a hypothetical site boundary.

Based on a site area of 39,206sqm, the proposed FSR calculation for the site would be as follows:

- Existing & Approved GFA = 139,998sqm
- Proposed GFA (c.32,000sqm less 5,000sqm lost GFA) = 27,000sqm

- Total GFA = 167,000sqm
- FSR of 4.3:1.

## 5.2.4 Through-site Link

The wording in the exhibited documentation related to the through-site link and the requirement for it to be open to the sky on the North Site connecting Jones Bay Road and Pirrama Road is inconsistent. For example, Section 2.1.1 of the Design Guidelines state:

*Floor to ceiling height of the through site link of the new development is to be a minimum of two levels measured from Jones Bay Road and is to retain a consistent ceiling height for the length of the through link to maintain view lines from one end of the link to the other.*

While Section 2.2.4 of the Design Guidelines state:

3. A publicly accessible through site link is to be provided between Jones Bay Road and Pirrama Road in accordance with Sydney Development Control Plan 2012 and Figure 2-4:
  - (d) Be open to the sky and planned as an outdoor/public space such as an arcade through the layout and design, use of materials, lighting and use of active frontages.

The alignment of the through-site link included in The Star Key Site Master Plan was based on working within the constraints of the original building being existing structure, the existing fire stairs as well as the ability to maintain the location of an existing goods lift (refer FJMT analysis in **Attachment B**). As previously noted throughout the Place Strategy process, providing an open to the sky through-site link would significantly impact The Star's operations, in particular the connection between the Multi-Use Entertainment Facility and the North Site. As such, The Star outlined a through-site link can be provided which includes a legible and accessible ground level connection with open to the sky entry points on either end of the link at Pirrama Road and Jones Bay Road. DPE's proposed through-site link is based on an alignment to the foreshore. Whilst this is a sound approach, the Star proposal terminates the view to the water, as well as to a public space opposite on Pirrama Park. This is explored in detail in the FJMT submission at **Attachment B**.

DPE's vision for the through-site link to be open to the sky is recognised in intent but The Star also question whether the practicality of delivering such a link has been tested from a wind environment perspective.

Considering the above, it is recommended DPE revise the open to the sky requirement of the through-site link to ensure future development can retain existing loading and servicing operations which are to service other parts of The Star site.

There are also concerns that should the through-site link be open to the sky, there may be considerable wind impacts on the pedestrian amenity at ground floor. This was explored in detail in the Mod13 application by the Star, with the Wind Assessment concluding:

*"In consideration of all the above mentioned, The Star MOD13 redevelopment as documented in this DA application will have a limited environmental impact on the ground plane from a wind perspective." (CPP, 2018, page 26)*

The Department's Assessment Report then noted:

*'if it was determined that the project should proceed it is likely to have acceptable wind impacts for pedestrians within and around the development' (DPIE, 2019, Page 60)*

We therefore seek revised setbacks as per those proposed in Attachment B which reflect those of Mod 13 – noting the overall reduction in overall height from that proposal.

## 5.3 Union Street Site

### 5.3.1 Overshadowing to Elizabeth Healey Reserve

The sub-precinct master plan includes further overshadowing controls to what has been included in the Place Strategy which requires no additional overshadowing to public spaces on the Winter Solstice between 10am-2pm. It is noted the sub-precinct master plan includes wider solar access planes that were developed to provide solar protection between the winter and spring equinoxes. DPE's decision to enforce stricter solar access provisions will create a significant impact on future redevelopment of the Peninsula and in particular the evolution of the Union Street site.

Focus should be redirected to facilitating quality public open space as envisaged by Key Move 1 of the Place Strategy which seeks to deliver a new harbour foreshore walk. Restricting development in the Peninsula to facilitate solar access to ad hoc pieces of green space which are already of poor amenity is considered to be deleterious to achieving an economically viable plan.

The Infrastructure Delivery Plan notes a key asset of the Peninsula is access to the harbour and that future planning should look to improve and connect foreshore access for recreation. The Star questions DPE on why future development should protect sunlight access to a piece of open space that is already compromised, when the Peninsula's primary asset is its interface with Sydney Harbour and the parklands located adjacent to the water. Further, the Reserve is not considered to present a significant green space opportunity beyond its current capacity and is unlikely to fulfil the recreational needs of the Peninsula as established by the Infrastructure Delivery Plan. In summary, it is considered nonsensical that DPE would consider the strict protection of solar access on a park such as Elizabeth Healey Reserve given the economic benefits the Union Street site could potentially contribute to the evolution of the Peninsula, being the future location of the Pyrmont Metro Station. Significant contributions that would apply to future redevelopment of the Union Street site, and that would contribute to the infrastructure upgrades necessary to make Pyrmont a great place would be considerably reduced all to retain sunlight access to a pocket park.

Despite the above, DPE confirmed the extent Elizabeth Healey Reserve as illustrated in **Figure 4** has in fact grown in size. What is already a compromised piece of open space will be increased.



**Figure 4**      **Extent of Elizabeth Healey Reserve**

Source: DPE Urban Design Guidelines

Further, we are aware that the Pyrmont Action group also do not support the expansion of the Elizabeth Healey reserve, noting it as “located at perhaps the busiest road intersection on the Peninsula and virtually unused by the public”. We agree with the local community on this aspect.

## 6.0 OTHER ITEMS

### 6.1 Public Domain

The exhibited documentation proposes (subject to “*transport analysis and agreement with the City of Sydney Council/relevant road authority*”) major interventions to the public domain and the Star facility. Key areas for concern are:

- The one-way road network proposed on Union Street between Edward and Pyrmont Streets which will effectively force traffic around the Peninsula hence likely resulting in further traffic complications. There is concern that there is little in the way of traffic analysis of this.
- Section 2.2.4 of the Design Guidelines mentions the desire to relocate vehicle entrances and site servicing from Pirrama Road and Edward Street to Jones Bay Road or Pyrmont Street. The Star Key Site Master Plan proposed to relocate the existing Pirrama Road porte cochere further north to the North Site in order to expand the plaza as a key piece of public domain however no vehicular entry on Pirrama Road has been shown in Figure 2-4 of the Design Guidelines. The Star request further clarification regarding the relocation of the car park entries and loading areas from Edward Street as Figure 2-4 seems to contradict the text in the Design Guidelines. Notwithstanding, relocating the vehicular access point on Edward Street to elsewhere on the site would significantly intervene with the operational aspects of The Star and it is requested this is re-thought.
- The exhibited documentation show the Lyric Theatre has been modified and reduced in area in Figure 2-4 of the Design Guidelines which is not an outcome desired by The Star.

### 6.2 Noise

The impacts that the exhibited documentation is expected to bring to The Star’s landholding have been identified by Renzo Tonin & Associates and are summarised in the Acoustic Letter at **Attachment B**. The Noise Study on exhibition discusses a number of potential legislation changes. Those most relevant to The Star are related to Entertainment Noise. The Acoustic Letter seeks further clarification on whether the changes will be adopted by Council and whether they are supported by DPE as they are not consistent with the noise emission regulations typically adopted by the Office of Liquor and Gaming.

### 6.3 Light Rail

It is understood the location of the Light Rail station on the intersection of Edward Street and Pirrama Road in the ‘Consolidated Sub-Precinct Master Plan Overview’ figure of the Urban Design Report was in error.

## 7.0 CONCLUSION

Was ask that the DPE consider the matters raised in this submission as well as the attachments provided and re-consider their approach broadly to the Peninsula and specifically to The Star sites to ensure the vision for the Pyrmont Peninsula as stipulated in strategic documents is realised.

The Star respectfully ask that there is further consultation between the DPE and the Star in the finalisation of the planning documents.

Please contact the undersigned on [tgoode@ethosurban.com](mailto:tgoode@ethosurban.com) to discuss the above.

Regards,



Tom Goode  
Director

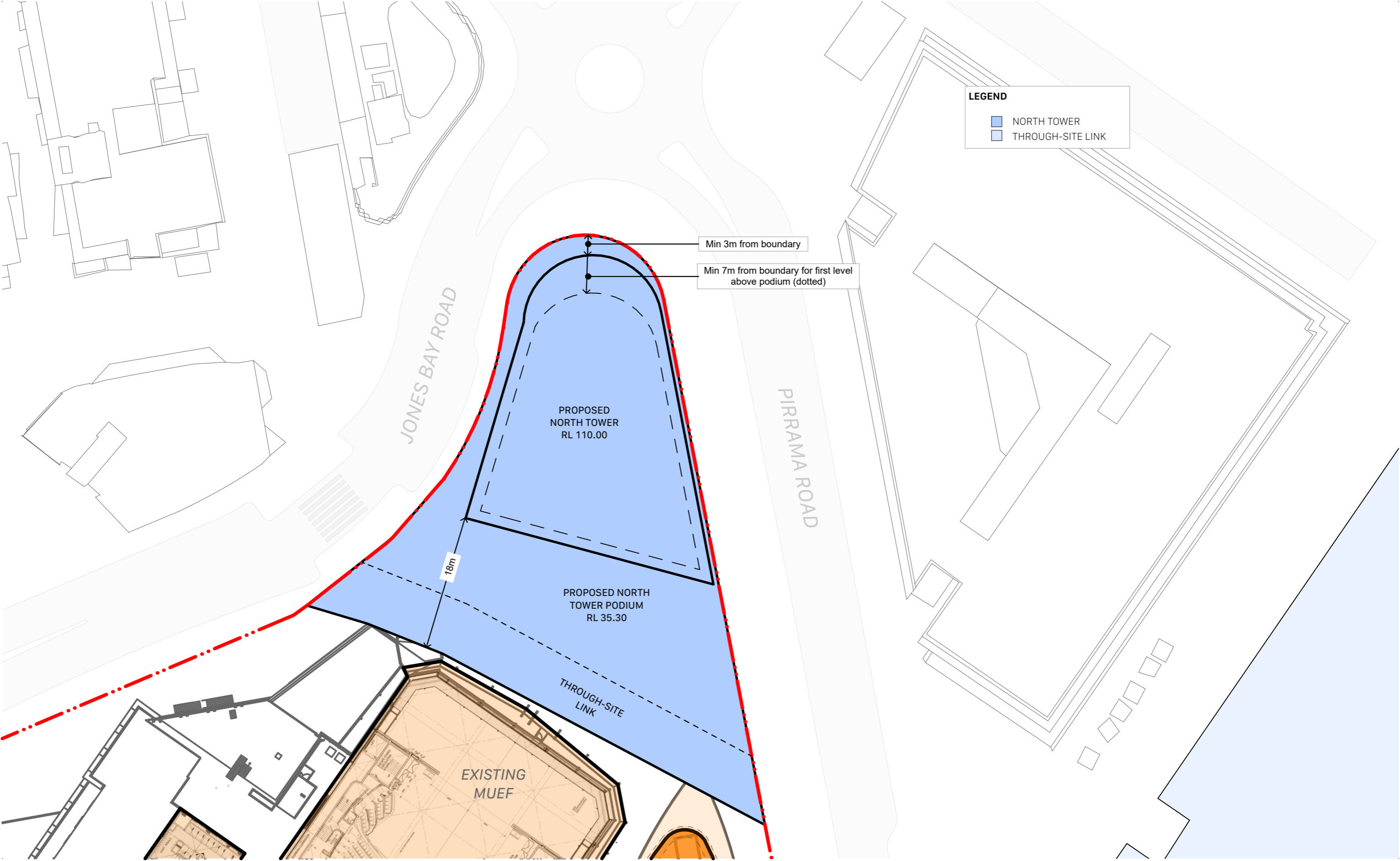
## ATTACHMENT A – DESIGN GUIDE AMENDMENTS AND RECOMMENDATIONS

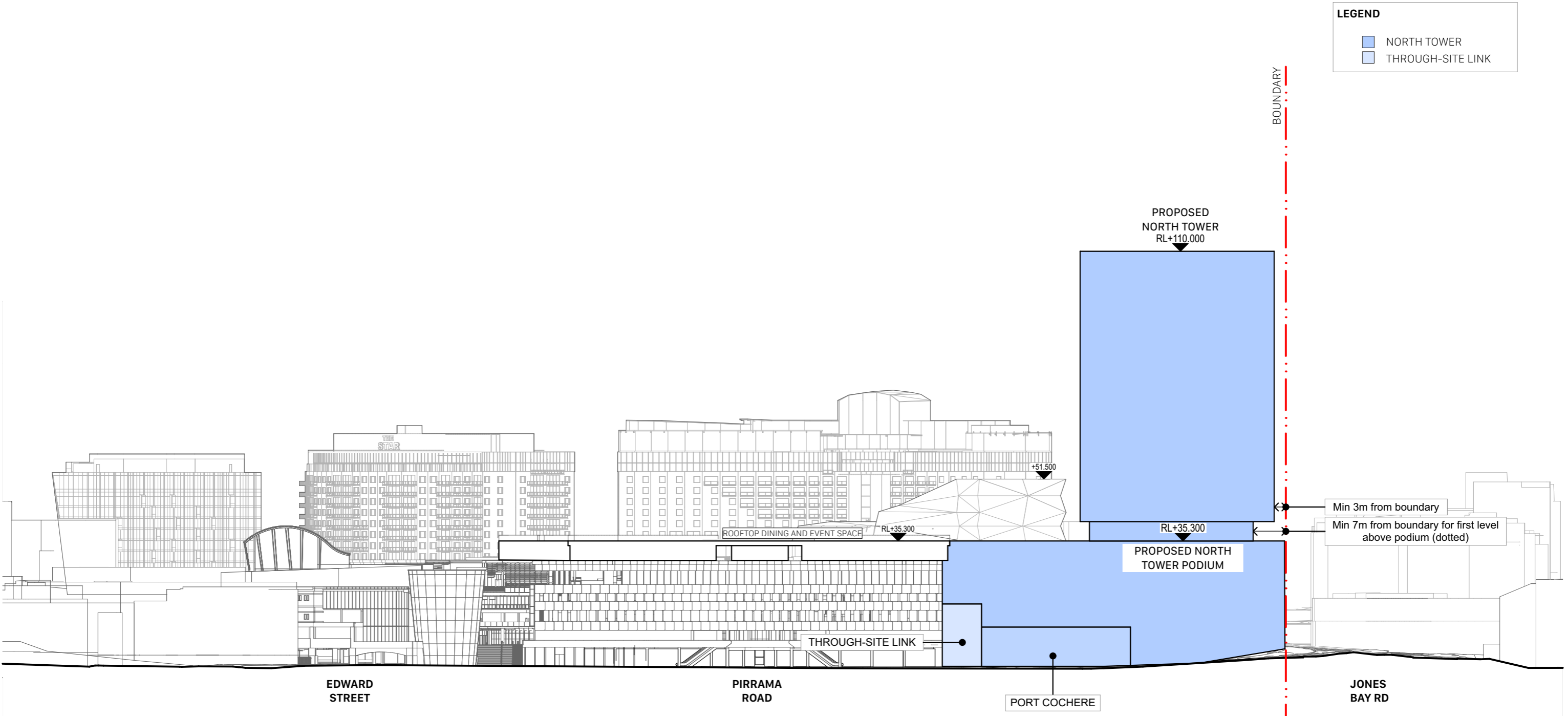
Design Guidelines	Response
<b>Design Guidelines - Objectives</b>	
<i>(e) To increase and enhance activation on all boundaries of the existing casino complex through interventions such as new retail or other active frontage uses at the lower ground and upper ground levels.</i>	<p>The Star is committed to enhancing activation along the street interfaces of The Star site where applicable.</p> <p>The Star Key Site Master Plan looked to facilitate additions to some of the perimeters of the site in order to facilitate additional activation, which has been overlooked by DPE in the Design Guide. It is sought that the DPE take into consideration the proposed masterplan response put forward across the broader site as illustrated in <b>Attachment B</b> to help realise this objective related to activation.</p> <p>It is important DPE are also considerate of site servicing and required vehicular/servicing interfaces with the street when considering blanket objectives such as this.</p>
<i>(h) Reduce general vehicle use on Edwards Street and Pirrama Road to support pedestrian movement and provide vehicle access from Jones Bay Road and Pyrmont Street.</i>	<p>There is an inconsistency between the Urban Design Report and the Pyrmont Design Guidelines with the later identifies most of The Star site frontage along Edward Street as an active edge, removing servicing and car park entries.</p> <p>Further traffic advice and authority input is required to understand if it is possible to remove vehicles from Union Street, and further rely on Edward Street, or if vehicular access should be kept in both.</p>
<i>(i) To maintain generous view corridors between buildings and minimise adverse visual impacts from the water and surrounding public domain.</i>	<p>The Star request DPE provide flexibility with regard to maintaining view corridors. It is recommended the objective is reworded as follows:</p> <p><i>(i) To maintain <b>where possible</b> generous view corridors between buildings and minimise adverse visual impacts from the water and surrounding public domain.</i></p>
<i>(j) To enhance 24-hour public entries and connections through The Star that have active frontages which are ideally open to the air and are accessible to the public to enable a greater level of public permeability through the site.</i>	<p>The Star request DPE remove the requirement to provide an open air through-site link as discussed in the submission. It is recommended the objective is reworded as follows:</p> <p><i>(j) To enhance 24-hour public entries and connections through The Star that have active frontages which are <b>ideally open to the air and are accessible to the public to enable a greater level of public permeability through the site.</b></i></p>
<b>2.1.1 Design Guidelines - Public Benefits</b>	
<i>Approval for any development will require an affordable housing contribution of 12% as set out in the exhibited 'Affordable Housing Study'.</i>	<p>The Star request further information is provided by DPE which clarifies the cumulative impact of the infrastructure and affordable housing contributions which will apply to future development on the site.</p> <p>We recommend this be deleted in the Design Guidelines as it is enforced through another document, which may be subject to change.</p>
<i>Enhance and improve public domain interfaces and site permeability, including wayfinding and new 24-hour publicly accessible connections that are ideally open to the air, through the key site to break up its bulk and maximise permeability at the ground plane.</i>	<p>The Star request DPE remove the requirement to provide open air through-site links as discussed in the submission. It is recommended the objective is reworded as follows:</p> <p><i>Enhance and improve public domain interfaces and site permeability, including wayfinding and new 24-hour publicly accessible connections <b>that are ideally open to the air, through the key site to break up its bulk and to maximise permeability at the ground plane.</b></i></p>

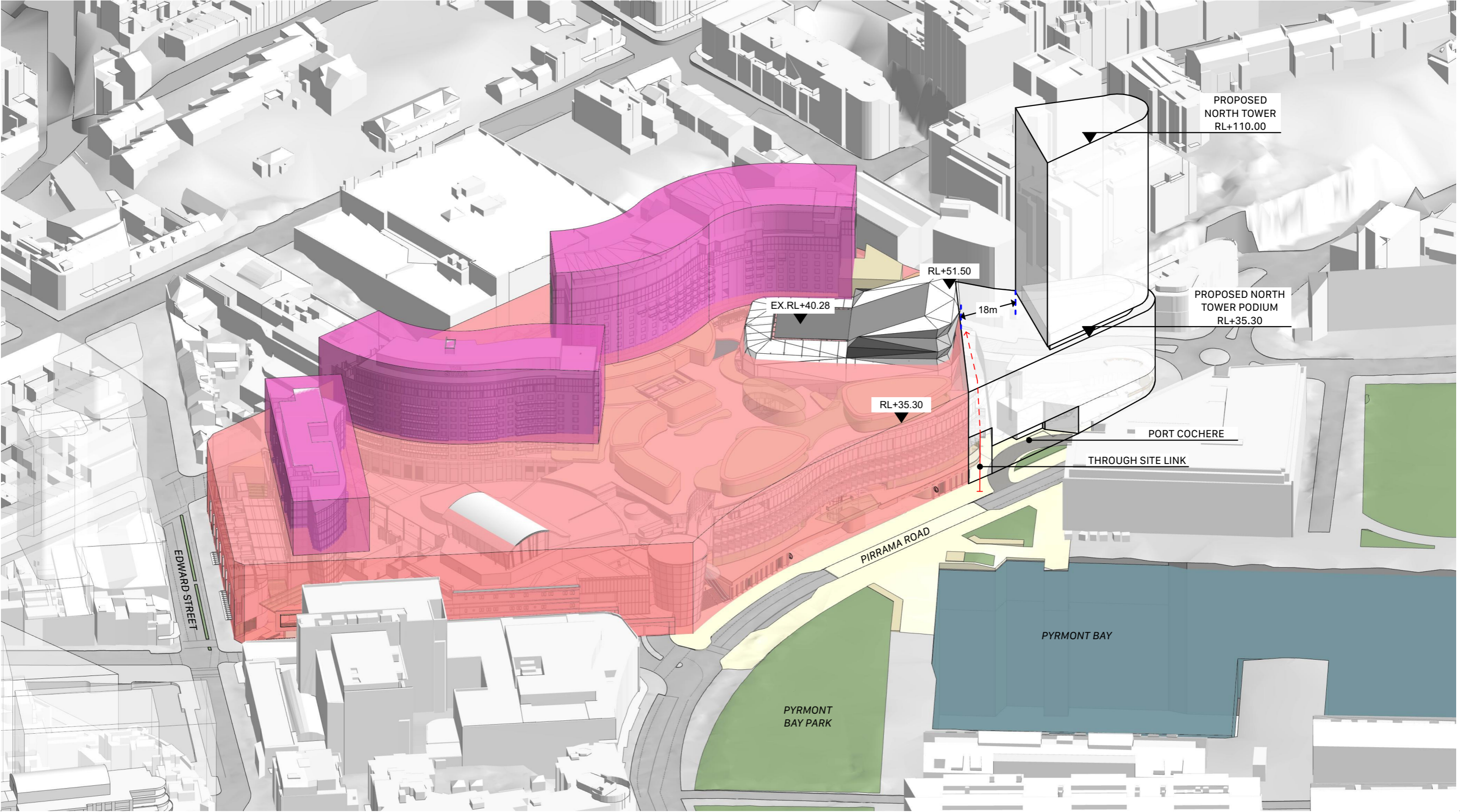
Design Guidelines	Response
<p><i>Improved interaction with surrounding public spaces and fund upgrades in these public spaces, including works such as:</i></p> <ul style="list-style-type: none"> <li><i>improved landscaping, additional greenery, including an increase in tree canopy.</i></li> <li><i>upgrading public seating and congregation spaces.</i></li> <li><i>outdoor fitness and active exercise equipment.</i></li> <li><i>water features and attractions</i></li> <li><i>barbeque facilities.</i></li> </ul>	<p>As discussed in the submission, only Pyrmont Bay Plaza lies within The Star's zone of influence. Further, there are questions as to the total values payable to both State and Local Contributions. The Star reserve the right to revisit this objective once the total contributions are known.</p> <p>In the interim, it is recommended the objective is reworded as follows:  <i>Improved interaction with <b>surrounding public spaces Pyrmont Bay Plaza</b> and assist in fund upgrades <del>in these public spaces, including works</del> such as:</i></p> <ul style="list-style-type: none"> <li><i>improved landscaping, additional greenery, including an increase in tree canopy.</i></li> <li><i>upgrading public seating and congregation spaces.</i></li> <li><i>outdoor fitness and active exercise equipment.</i></li> <li><i>water features and attractions</i></li> <li><i>barbeque facilities.</i></li> </ul>
<p><i>Bring together community organisations to plan the activation of these public spaces for community events such as local food markets or art exhibitions, family focussed events and other community activities.</i></p>	<p>As above, only Pyrmont Bay Plaza is part of The Star zone of influence.</p> <p>The Star is not the owner of these lands and as such, has no influence on establishing events on these public lands.</p>
<p><i>Create an open green roof space for use as a rooftop garden and chef's nursery to allow local chefs to grow fresh produce, perform beekeeping and grow a range of other consumable garden plants</i></p>	<p>The Star seek clarity as to the intent of this Guideline and if it is intended to make access publicly available.</p> <p>It is not proposed to make the rooftop a public space.</p>
<b>2.2.2 Design Guidelines – Built Form and Design</b>	
<p>It is requested all provisions within this section related to maximum street wall heights, building heights and setbacks are revised to consider the detailed information provided at <b>Attachment B</b>.</p>	
<p>8. <i>Overshadowing effects of new buildings on publicly accessible open space and neighbouring residential properties are to be minimised between the hours of 9am to 3pm on 21 June.</i></p> <p>a) <i>Proposed development must minimise overshadowing of neighbouring residential properties during mid-winter. Where a nearby residential property does not currently receive a minimum of 2 hours of solar access, the proposed development must ensure existing solar access to the neighbouring residential property is not reduced by more than 20%.</i></p> <p>b) <i>Proposed development must not increase the number of neighbouring residential properties that receive no direct sun (less than 15 minutes).</i></p>	<p>As discussed throughout the submission, this control will significantly impact future redevelopment within the Peninsula.</p> <p>The control which has been taken from the current Apartment Design Guidelines (ADGs) should be deleted given the Design and Place State Environmental Planning Policy (Design and Place SEPP), which is expected to come into effect in 2022, will likely amend the current ADG to provide for a larger window of time for solar compliance (between 8am and 3pm).</p> <p>As the control refers to other planning controls, it is superfluous and not necessary in this document.</p>
<p>13. <i>Floor to floor heights for ground floor levels of new development are to be a minimum of 4.5m, and 3.8m for levels above ground within the podium. These heights are subject to resolution of any connecting bridges over the through-site link connecting the new development to existing built form while ensuring the integrity of 'open to sky' links.</i></p>	<p>The Star request DPE remove the requirement to provide an open air through-site link as discussed in the submission. It is recommended the provision is reworded as follows:</p> <p><i>13. Floor to floor heights for ground floor levels of new development are to be a minimum of 4.5m, and 3.8m for levels above ground within the podium. These heights are subject to resolution of the <b>over-head structure on Level 1 from any connecting bridges over the through-site link connecting the new development to the existing built form while ensuring the integrity of 'open to sky' links.</b></i></p> <p>The Star suggest that further wind modelling is likely to suggest that the wind environment if it were open to the sky would be problematic.</p>

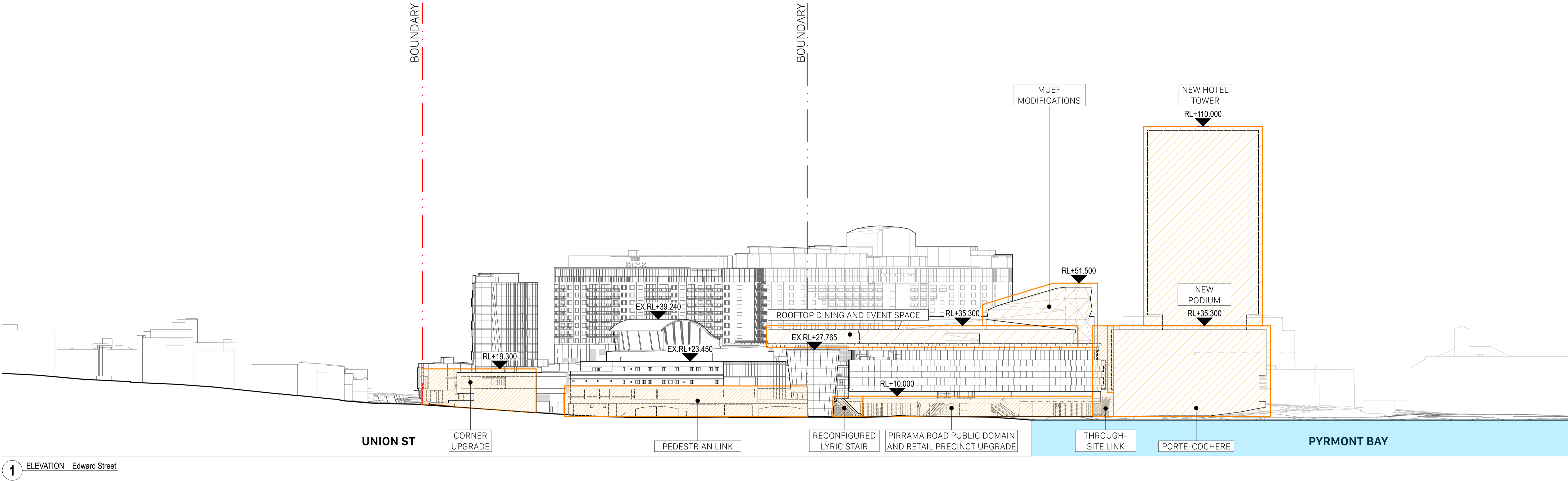
Design Guidelines	Response
17. Awnings are to be provided to the development along the Edwards Street and Pirrama Road frontages for wind and weather protection.	The Star request DPE provide flexibility with regard to the provision of awnings subject to wind and weather protection. It is recommended the provision be reworded as follows: <b>17. Awnings are to be provided to the development along the Edwards Street and Pirrama Road frontages for wind and weather protection.</b>
<b>2.2.4 Design Guidelines - Public Domain</b>	
3. A publicly accessible through site link is to be provided between Jones Bay Road and Pirrama Road in accordance with Sydney Development Control Plan 2012 and Figure 2-4: (d) Be open to the sky and planned as an outdoor/public space such as an arcade through the layout and design, use of materials, lighting and use of active frontages.	The Star request DPE provide flexibility with regard to the through-site link being open to the air (refer to <b>Section 5.2.4</b> ). It is recommended the provision is reworded as follows: <b>3. A publicly accessible through site link is to be provided between Jones Bay Road and Pirrama Road in accordance with Sydney Development Control Plan 2012 and Figure 2-4:</b> (d) Be <del>open to the sky and planned as an outdoor/</del> a public space such as an arcade through the layout and design, use of materials, lighting and use of active frontages.
4. Investigate the activation of the Pyrmont Street façade between Jones Bay Road and Union Street. This could also include the investigation of a through site link mid-block as the casino may redevelop over the medium to long-term.	The Star is able to facilitate activation on the Pyrmont Street façade however are unable to commit to a through-site link mid-block as the complex is a functioning building, with all proposed interventions based on available, underutilised spaces. It is recommended the provision is reworded as follows: <b>4. Investigate the activation of the Pyrmont Street façade between Jones Bay Road and Union Street. This could also include the investigation of a through site link mid-block as the casino may redevelop over the medium to long-term.</b>
6. Subject to transport analysis and agreement with the City of Sydney Council/relevant road authority, Edward Street may be designed in accordance with Figure 2-7 to prioritise: (d) Relocation of vehicle entrances and site servicing to Jones Bay Road or Pyrmont Street.	For reasons discussed above, it is recommended part (d) of Provision 6 is deleted.
6. Subject to transport analysis and agreement with the City of Sydney Council/relevant road authority, Edward Street may be designed in accordance with Figure 2-7 to prioritise: g) Facilitating safe pedestrian crossing over the existing light rail track.	The proposed plan facilitates the future at grade crossing of the light rail, on the eastern footpath. In the interim, The Star would be willing to investigate options to extend the existing access to the overhead crossing on The Star side of the street through to Pirrama Road. The Star is committed to investigating options to extend the connection currently on The Star site. Further work with relevant stakeholders and authorities is required to achieve the at grade crossing over the light rail.  We recommend the deletion of this guideline until the outcome of these studies are known.
9. Subject to agreement with the City of Sydney Council/ relevant road authority, Union Street between Edward and Pyrmont Street may be designed in accordance with Figure 4-7 to: e) A single lane for general traffic.	Traffic advice and relevant authorities' approvals will be required to remove vehicles partially and parking completely from this portion of Union Street. During the SDRP process, removal of parking was a critical issue, with numbers carefully considered. When large portions of street parking were removed, these had to be offset somewhere else nearby, or within the new buildings.  We recommend the deletion of this guideline.

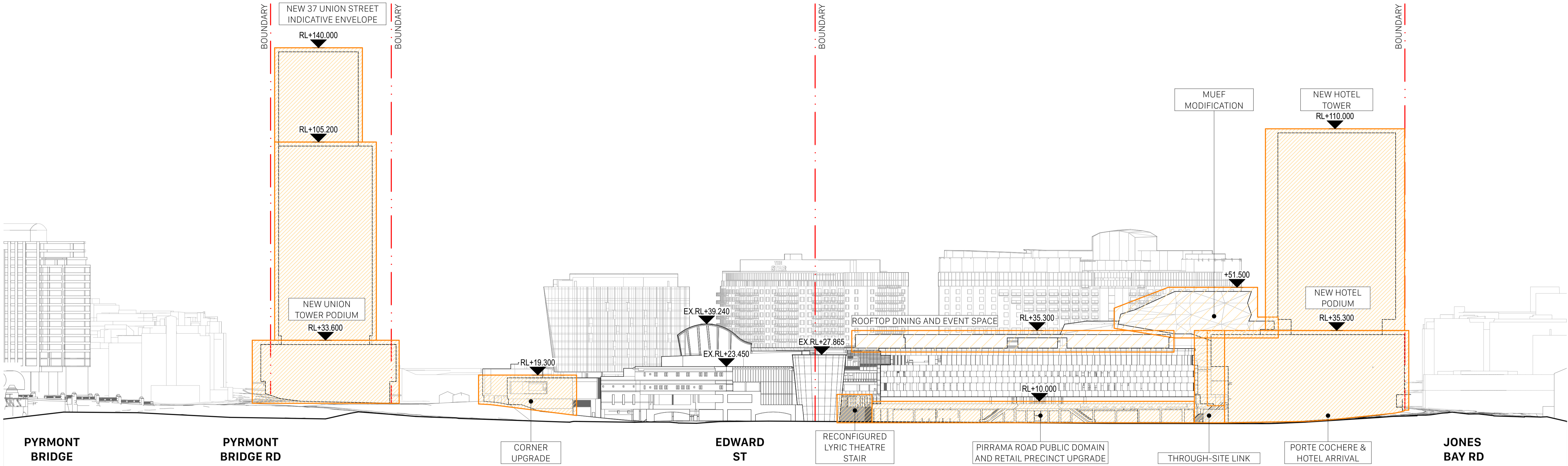
## ATTACHMENT B – FJMT ARCHITECTURAL PACKAGE



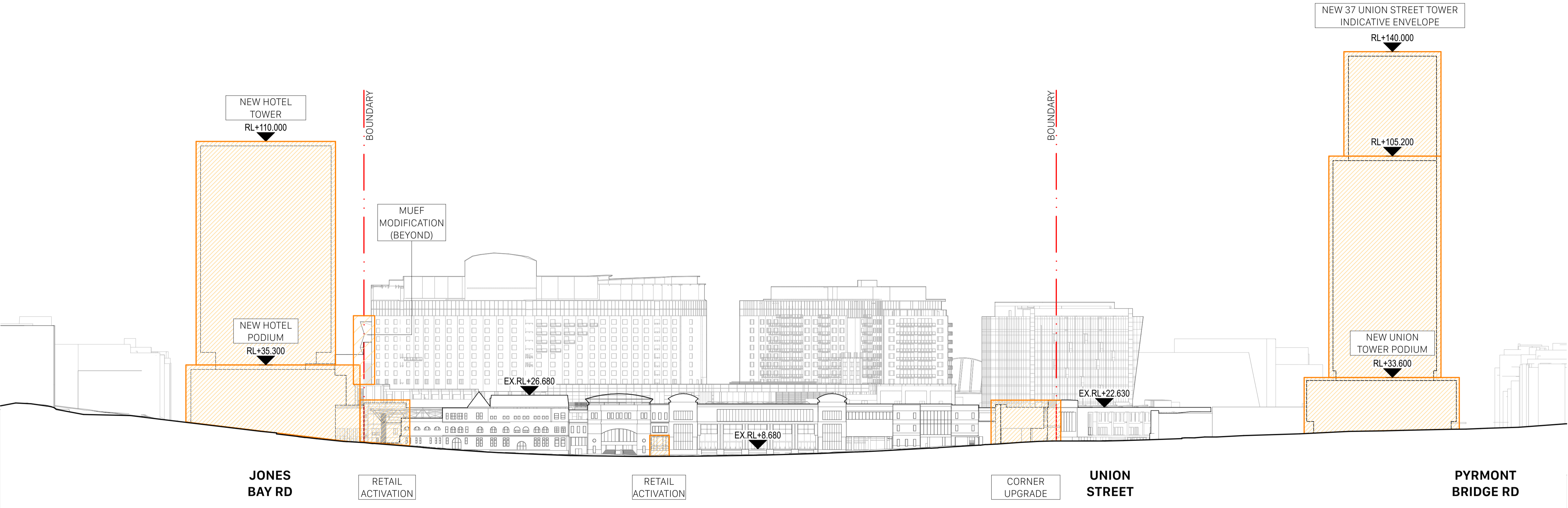








1 ELEVATION Pirrama Road



1 ELEVATION Pyrmont Street

## ATTACHMENT C – ACOUSTIC LETTER

7 February 2022

TK614-012F01 Acoustic Review of PPPS r0

Ethos Urban

Att: Juliet Wittenoom Louw

Dear Ms Louw,

## The Pyrmont Peninsula Place Strategy – Review of Noise Study/Clarifications

### 1 Introduction

We have been asked to provide comment/feedback with respect to acoustic issues in the PPPS reports and discussion papers, specifically with respect to their implications for the Star Casino precinct.

The primary document addressing noise is the Noise Study by GHD dated 15/10/2021 (Rev 2).

In essence, the Noise Study:

- Identified current legislation with respect to noise that applies within the Pyrmont Peninsula.
- Identified a number of key acoustic issues.
- Provided some general discussion of noise mitigation treatments.

It was the section of key acoustic issues that is of most importance to the Star, and it would be helpful to get some further clarification.

The Noise Study – section 3.3 discussed a number of potential legislation changes that are considered. The most critical of these is the City of Sydney Council proposed changes relating to Entertainment Noise, in their document *An Open and Create City – Planning for Culture and the Night Time Economy (2017)*.

Key items arising from that document and its discussion in the Noise Study is outlined below.

### 2 New Residential Development near Entertainment Venues.

In the case of new residential development that is proposed within 100m of existing entertainment venues, the obligation would be on the new residential building to protect itself from the pre-existing entertainment noise (as opposed to the entertainment venue needing to reduce its noise emissions to accommodate the new residential development).

This is a sensible suggestion and a reasonable means to balance competing interests. It potentially provides the Star with some protection from complaint in the event of residential development approved in close proximity to the Star site.

However it is not clear:

- If Council are actually adopting this approach.
- If this approach is supported by DPIE.

The approach is not consistent with the noise emission regulations typically adopted by the Office of Liquor and Gaming (a background +5 octave band assessment up to midnight, background+0dB(A) octave band +inaudibility assessment after midnight). The OLGR noise limit requirement appears to apply regardless of who is there first (ie – an entertainment venue can be required to reduce its noise emissions in the event a new residential development is created near the venue).

Is DPIE supportive of the proposed City of Sydney approach, and has DPIE considered the implications of there being different regulators imposing different criteria?

### 3 New Entertainment Venue Noise Limits.

Similar to the above, the City of Sydney propose a new noise limits being set for Entertainment Venues, being:

- Background+5dB(A) $L_{eq(15min)}$  before midnight and
- Background+0dB(A) $L_{eq(15min)}$  after midnight.

This is a significant departure (and relaxation) from typical Office of Liquor and Gaming requirements:

- The proposed noise requirements relate to average noise emissions  $L_{eq(15min)}$ , whereas the OLGR requirements adopt a more stringent  $L_{10}$  descriptor.
- The inaudibility requirement for post midnight noise emissions is no longer proposed.

Again, this relaxation of criteria may be appropriate in an entertainment area (and assist in stimulating the night time economy), however it raises the risk that there will different criteria applied by different regulators.

Is DPIE supportive of the proposed City of Sydney approach, and has DPIE considered the implications of there being different regulators imposing different criteria?

### 4 Internal Noise Levels in New Residential development.

Appendix D of the Noise Study identifies noise controls proposed for new residential development in entertainment areas. It is not clear if the noise targets proposed are endorsed by DPIE/the authors of the Noise Study, or if they are simply stating City of Sydney Councils position.

The noise targets that are suggested are:

- 35dB(A)<sub>Leq</sub> in living areas and
- 30dB(A)<sub>Leq</sub> in bedrooms.

These targets as said to apply during the provision of natural ventilation of the residence.

There are a number of issues that flow from this:

- Are these 30-35dB(A) noise targets applied only for *entertainment* noise, or will they be adopted as overall noise level targets in the apartments (ie – will the same noise target be applied to *road/rail* noise).
- If the 30/35dB(A) target applies to road and rail noise also, this will make the goal 5dB(A) more stringent than typical practice (*SEPP Infrastructure/Development Near Rail Corridors and Busy Roads*). This will have extremely significant cost implications for acoustic treatment of building facades.
- Under naturally ventilated conditions, a different set of internal noise goals are adopted (ie – there is one goal under naturally ventilated conditions, and a different goal under windows closed conditions). For example, the *Development Near Rail Corridor and Busty Roads* document does not require consideration of supplementary ventilation unless the internal noise goal is exceeded by more than 10dB(A) when the windows are left open.
- The City of Sydney/PPPS Noise Study proposed noise target appears to be the same regardless of the ventilation use (30dB(A) bedroom/35dB(A) living areas). This will potentially be impossible to comply with in:
  - Areas that already have moderate levels of entertainment noise or
  - Areas with even moderate levels of road traffic (in the event that the road noise is intended to be included in the 30/35dB(A) noise level targets).

In the event a residential use is at some point incorporated on the Star site, the above could have significant implications regarding design and cost of residential apartments.

Clarification is therefore sought:

- Is the City of Sydney proposal supported by DPIE.
- Does the 30/35dB(A) noise limit refer only to entertainment noise, or is it an overall noise goal encompassing road/rail noise.
- If it includes road and rail noise, was it intended to create criteria more stringent than *SEPP Infrastructure/Development Near Rail Corridors and Busy Roads*.
- Has a hierarchy of noise targets (naturally ventilated and windows closed) been considered, as opposed to one site noise limit.

Please contact us if you have any queries.

Regards,

A handwritten signature in black ink, appearing to read 'T. Taylor'.

Thomas Taylor  
Principal Engineer