

Stephen Paull
Pymont NSW 2009

4th September 2018

To: Department of Planning and Environment

Via: website for submissions <http://www.majorprojects.planning.nsw.gov.au>

Dear Sir/Madam

I write to object to **DA number MP08_0098 MOD 13**, being a section 75W modification of the project approval for The Star City Casino, Pymont.

Summary of objections:

1. The proposal is an extreme over-development of the existing site and inconsistent with the LEP current height levels which other developments along the harbour front of Pymont have been required to comply with. The proposed height limit breach is a departure from the requirement in 2009 that the Star's own "Darling" hotel be no higher than the existing casino structure once complete. The Environmental Assessment report was prepared by Urbis Pty Ltd (Urbis) at the request of Star and thus cannot be considered to be an independent view of the environmental impacts of the proposal. The tower will be an eyesore to those residents of Pymont who live in the Watermark development, whose views of the city will likely be materially affected. Urbis notes that there will be a high impact for 30 apartments in 2 buildings. While the tower is narrow at its base, in some concession to these residences' views, it will dominate the skyline, and is completely inconsistent with the local skyline. The Ritz Carlton tower is also significantly higher than the residential towers of Jacksons Landing, and is visually jarring when viewed in context of the neighbourhood of Pymont. There is also a loss of sunlight to residences in the immediate vicinity, for some homes, sunlight will be reduced to under 2 hours per day.¹
2. The development and sale of privately owned apartments adds no public benefit, and is simply designed to offset the development cost of the proposal, 66% of which will flow to Star's offshore JV partners², at a great sacrifice of neighbourhood amenity to the residents of Pymont.
3. Finally, the incidence of crime around the casino has risen over recent years, with patrons attracted to Star's 24/7 liquor license. The addition of more bars in the precinct is likely to further increase crime and jeopardise resident safety due to unruly patrons, particularly those who are denied entry to the casino.

1. Inconsistent with Existing LEP Height Restrictions

The height of the tower, at 237m is an extreme breach of the height limits set under the most current LEP for Sydney. The corner of Pirrama Road and Jones Bay Road has a height limit of 28 meters under the current LEP. The proposed tower is **746%** over the LEP height limit. There is no good reason why such an extreme breach of the LEP should be allowed.

¹ Environmental Assessment Report, Urbis Pty Ltd, Page V

² Star Group Limited 2018 Full Year Results Investor Presentation, slide 23

*The Environment Assessment report makes the case that “Future waterfront development within the Bays Precinct has the potential to increase the scale of its immediate surrounds and establish a new context for the renewal of the precinct as a whole. The proposed scale of the Ritz-Carlton tower is therefore considered to be in keeping with the scale set by development in the wider area, as well as the envisaged future urban context of the site and its surrounds”.*³

The two most recent developments in Darling Harbour are the Harbourside redevelopment, at 166.35 metres, and the ICC hotel at 133.55 metres. The Ritz Carlton, at 237 metres is 42% and 77% respectively higher than these properties, thus the proposed hotel tower is an over-development in view of these recent tower constructions. The argument that what might be allowed in the future justifies a breach in the present is extremely flawed logic.

Figure 1: Sydney LEP 2012 Height of Buildings Map



Source: City of Sydney website

The most recent hotel development at the Star site was the development of the “Darling” hotel on the “switching station” site. This hotel development was required to comply with height limits of the adjacent casino property of 10 levels (reduced from original plans for 13 levels). Refer extract from the NSW Planning Commission’s Report in January 2009 below.

³ Environmental Assessment Report, Part 2, page 143

Building Height – Switching Station Site

The site of the existing Casino complex is identified as a landmark location with a maximum building height of 66 metres under clause 9 of Sydney LEP 2005. The Department notes that the maximum building height for the Switching Station site is a 15 metre street-edge podium height to Union Street and a 28 metre height limit for the remainder of the site. The proponent disagrees and has argued that a 66 metres height limit applies.

The Commission notes that Part 3A Projects such as this are not specifically bound by the provisions of LEPs, but they may be taken into account in the assessment of the project.

In accordance with the Director General's Environmental Assessment Requirements, a design competition process was undertaken for the Switching Station site. The design competition brief required height to be addressed, advising that if a height greater than the 28m limit is proposed then the development would need to mediate between the existing Casino building and the lower adjacent built form in Pyrmont, and demonstrate that a better outcome would be achieved.

In August 2007, the Cox Richardson scheme was selected as the winning entry subject to a 3 storey reduction in height. The DG's Report (page 22) notes that –

“The jury decided that the Cox Richardson scheme be the winning proposal, but it be reduced by 3 floors to review the impacts of the building mass on the skyline of Pyrmont and to review its role in the mediation between the existing Casino buildings and adjacent Pyrmont area, particularly when viewed from the east and north. The 3 level reduction results in a building height that aligns with the parapet of the adjacent casino tower.”

The submitted design for the Hotel on the Switching Station site has not been reduced in height by 3 storeys as recommended by the design Competition Jury.

In the DG's report, the Department recommends the reduction in the height of the Hotel tower, consistent with the Environmental Assessment Requirements at the beginning of the planning process and as later recommended by the design Competition Jury.

The DG's report notes at page 23 –

The reduction in height would ... achieve an appropriate urban design relationship between the new building and the existing Casino tower buildings to ensure that they do not read as a single wall of buildings, particularly when viewed from longer distances from Pyrmont Bay and the CBD, and for the Casino towers to remain as landmark elements. The reduction in height will result in the hotel tower matching, or being slightly lower than, the height of the parapet of the Casino tower buildings, taking into account the façade portion which is higher than the uppermost slab level. This will assist in the achievement of an appropriate urban design relationship and the mediation between adjacent built form.

On this basis it is recommended that a condition be imposed requiring a reduction in the height of the hotel by 3 levels, or a lesser reduction in height subject to the upper-most structure of the hotel being no greater than RL 152.8, which is the height of the adjacent casino tower parapet.

The Department has recommended that these plans be provided to the Department prior to the issue of a Construction Certificate for any works on the Switching Station Site. 4 The Commission is satisfied that the height limitations recommended by the Department are consistent with the concerns they have consistently raised regarding the height of the proposal. The Commission considers that the Department's conditions will reduce the visual dominance of the corner building and potential overshadowing and ensure that the hotel tower's scale is contextually appropriate.

Source: Review of recommendations in the dg's report alterations and additions to star city casino complex, Pyrmont & new hotel on switching station site (MP 08_0098), NSW Planning Assessment Commission, 21 January 2009, pp 3-4.

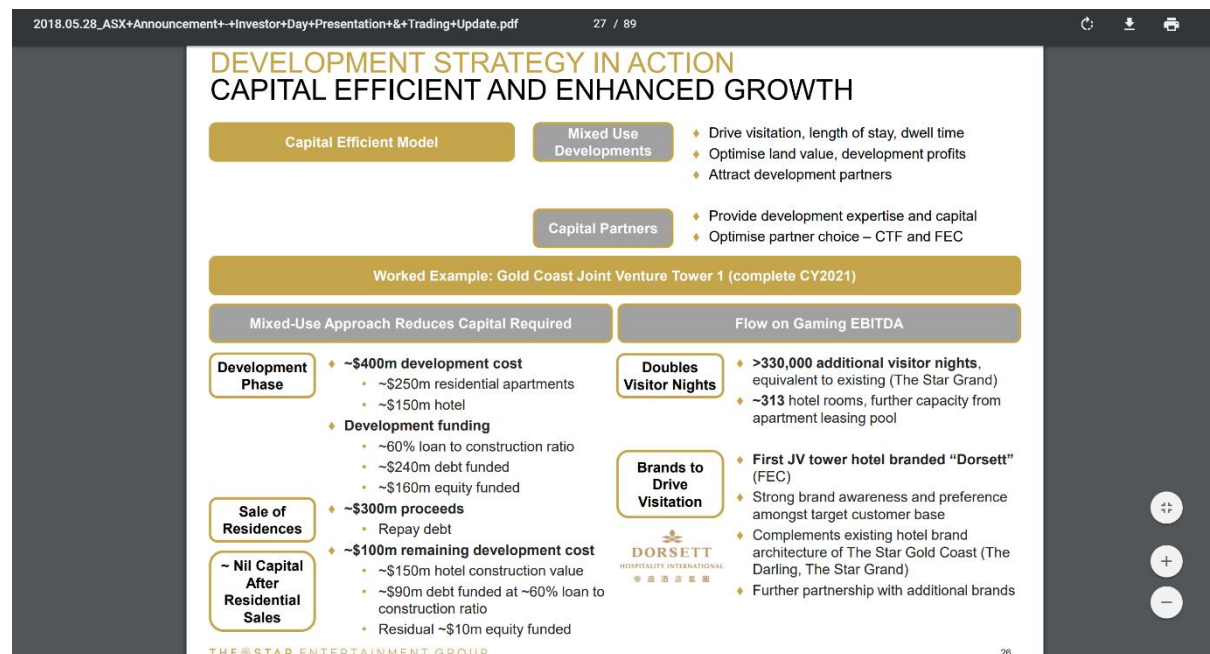
2. Apartments add height but deliver very little benefit

My main objection is the failure to identify any compelling public benefit to be delivered by the construction of 204 privately owned apartments.

While I concede that the addition of some additional hotel rooms is appropriate for a hotel/casino complex, the construction and sale of 204 residential apartments adds considerable height but no benefit to the project, except to reduce the net construction cost of the total development through

their sale. In the case of a development being undertaken by the Star Group on the Gold Coast with its JV partners, a similar strategy is in place and according to Star's investor briefings, will result in the net investment in the hotel being nil. As shown below, in the case of Star's latest Gold Coast tower proposal, the stated investment is \$400m, but the amount expected to be invested of Star Group's capital is Nil after residential sales.

Figure 2: Star Group Limited Gold Coast Tower - Minimal Investment by Star



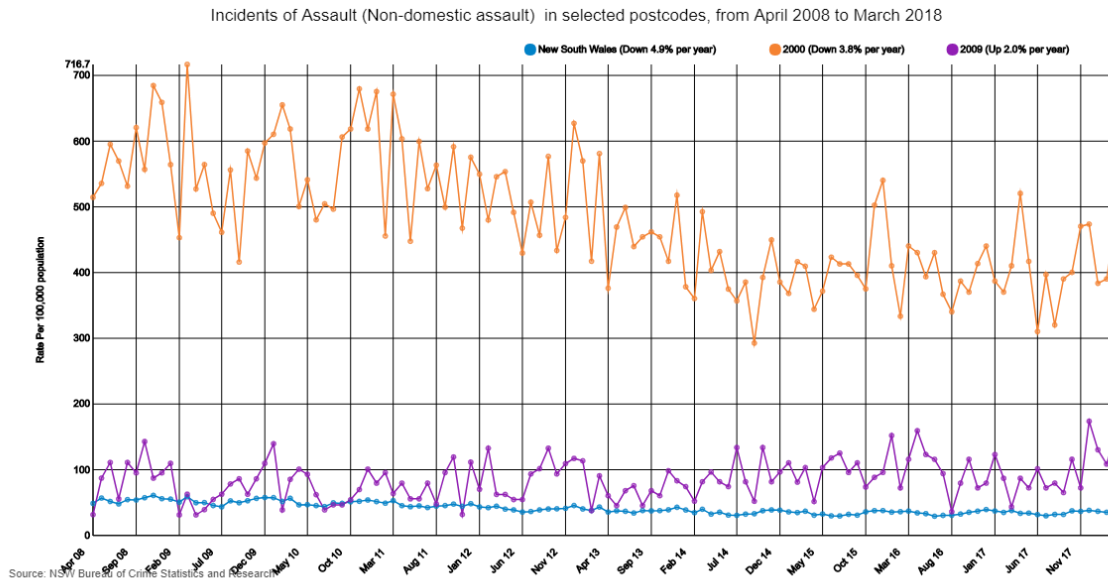
Source: Investor Day Presentation and Trading Update ASX Release, Star Group Limited, May 2018.

In PWC's economic modelling of the impact of Modification 13, it is assumed that 50% of the apartments are owned by non-residents. These are likely to be unoccupied for large parts of the year. Thus the additional housing stock created is not expected to benefit local homeowners in Sydney.

3. Crime statistics

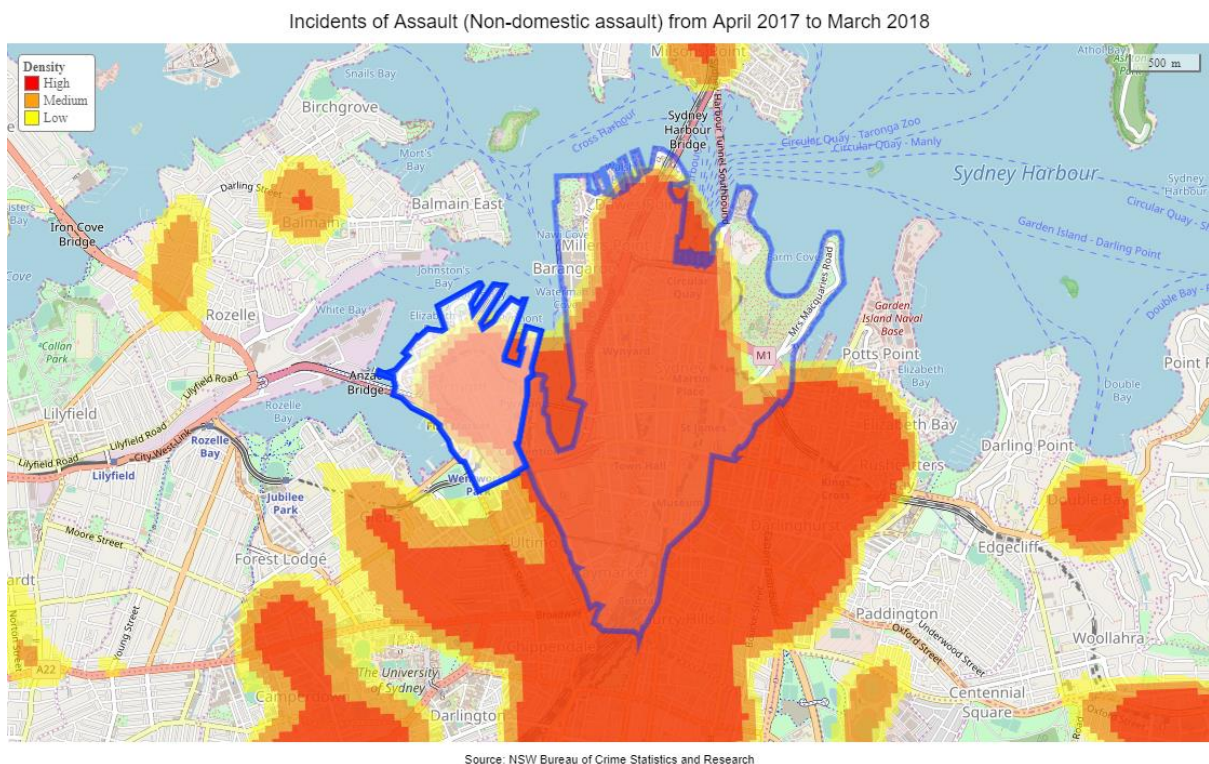
The area around the casino has seen a steady increase in assaults and other crimes over the past ten years, in a trend which is in direct reversal of the city-wide and state-wide trends over the same period.

The rate of assaults in the Pyrmont area has increased at 2.0% p.a. over the past 10 years, in contrast to the city of Sydney, which has seen the rate of assaults decrease by 3.8% over the past decade. The general reduction in crime rate is seen across the whole of NSW, which is falling at the rate of 4.9% p.a.



Source: NSW Bureau of Crime Statistics and Research, <http://crimetool.bocsar.nsw.gov.au/bocsar/>

The risk is that more bars will attract an increased number of intoxicated and noisy visitors to the neighbourhood of Pyrmont, creating increased risk to residents, many of whom have young children or are elderly. The heat map below shows the incidence of assault is highest in Pyrmont at the Star site.



Source: NSW Bureau of Crime Statistics and Research, <http://crimetool.bocsar.nsw.gov.au/bocsar/>