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7 September 2018

Department of Planning and Environment
GPO Box 39
SYDNEY
NSW 2001

Attention: Matthew Rosel

Dear Sir

Re: MP08_0098 – Modification 13 – The Star Casino

1. I am a resident of Pyrmont and I write to object to the above proposal on the grounds set out below.

Beyond power to modify

2. Before this application could be approved, the Minister is required to be satisfied, as a jurisdictional fact, that the request to modify the approval falls within the scope of the power to modify under s 75W of the *Environmental Planning and Assessment Act 1979* (EPA Act): see *Barrick Australia Ltd v Williams* [2009] NSWCA 275; 74 NSWLR 733 at [38]-[42].
3. In my opinion there is no basis on which the Minister could be satisfied that this proposal falls within the scope of a “modification”. While I fully accept that the scope of the power to modify is wide and in *Barrick* the Court of Appeal did not endeavour to set a precise limit on the scope of the power, it was acknowledged by Basten JA that the power under s 75W was “intended to have limited environmental consequences beyond those which had been the subject of the original assessment”: at [53].
4. In this respect it must be said that this proposal is clearly an entirely new project. How it could possibly be concluded that an entirely new tower of 60 storeys is a “modification” beggars belief. The Star Casino, as a project, has been essentially completed and to suggest that a process of modification can go on indefinitely to include entirely new towers on the site makes a mockery of the concept of a “modification”.
5. The application should be rejected on this ground alone.

Height, bulk and scale

6. The EA describes (at p257) the proposal as “landmark architecture that is unique and true to the character of Pyrmont”. What that statement means is difficult to discern. This is more like marketing “spin” than town planning language. It is certainly unique, but true to Pyrmont connotes something that is compatible with the planning controls for Pyrmont. The height and scale of the proposal is far in excess of the planning controls for the site or anything that could reasonably be expected to be constructed in Pyrmont in the near or even distant future.
7. The EA does not touch upon the concept of scale. Most of the emphasis is on the visual impact in terms of views, but as the EA acknowledges, without any apparent sense of irony, at page V: “The impact of the Proposal on private views will also be limited because the additional height of the tower element of the Proposal will generally only obstruct views of sky above a 28 m LEP compliant envelope”. Indeed, the impact above the 28 m height limit will be dramatic because the *scale* of the proposal is breathtakingly excessive.
8. The Urban Context Report (UCR) and the Visual Impact Assessment (VIA) are predicated on the falsity that the proposal will have a contextual “future fit”. This is nonsense. One only needs to look at the front cover of the UCR or the VIA to discern how completely out of context the proposal is in height and scale.
9. The authors of the VIA accept, as they must, that the proposal is not similar in *scale* to its immediate surrounds (p13). But what this statement elides is that it will never be in scale with its surrounds. The height limits for surrounding sites do not permit anything remotely similar to this scale. There are only two sites that I can think of that remain to be developed in Pyrmont. One is at 86-92 Harris Street. It is subject to a DA for a five-storey office building. The other site near The Star on currently partly occupied by a five/six storey heritage listed warehouse building (1256) opposite the intersection of Point Street and John St. All the other sites in Pyrmont have been developed in the last 15 years or less for strata apartments or office developments of far lesser scale and they are highly unlikely to be re-developed in the foreseeable or even distant future.
10. The claim in the VIA (p13) that the context includes recent developments such as Barangaroo, the ICC Hotel and The Bays Precinct is also nonsense. These are entirely different contexts. Barangaroo sits on the same peninsula as the CBD. Its height and scale is taken from the CBD buildings where it is located. The ICC Hotel sits in close proximity to the very large bulky, but lower height buildings in Darling Harbour and the recent grouping of tall towers at Darling Quarter. This is far removed from the context in which The Star sits. The Bays Precinct cannot be used as a comparison either as the planning controls for that precinct have not been developed. Even when they are, it is more than likely that the height of buildings in The Bays is not likely to exceed the existing Rozelle Power Station and the large silos on Glebe Island.
11. The authors of the UCR and VIA also seek to draw comfort from the height and scale of the towers at Distillery Hill, Pyrmont. However, these are removed from the heritage spine of Harris Street and have no adverse impacts on Union Square. Further, the tallest of these towers is 21 storeys, being Sugar Dock, the building in which I live. The scale of these towers are very

different to this proposal (see p79 of the Architectus View Impact Assessment) and far removed from it.

12. The Architectural Form Chapter of the UCR attempts to place wavy lines between the Crown Casino, International Towers, Darling Park, the ICC Hotel and the proposal (Figs. 66 and 68) as if to demonstrate a contextual fit. These figures in fact starkly demonstrate how the proposed tower sits far removed from any of the context it seeks to relate to. The historical series of photos at Fig. 67 does no more than to demonstrate a changing scale at the southern end of Darling Harbour, not the Pyrmont peninsula as does Fig. 69.
13. The further justification in the UCR at p91 in comparison with cities like London completely misses the point. Canary Wharf was a planned change in scale for former East London Docks. The strategic planning for that site was done in the 1980's. The strategic planning for Pyrmont was undertaken at a similar time, but never proposed development of this scale. Changes to the City of London have also been planned, not proposed through ad hoc schemes such as this proposal. While buildings such as The Gherkin stood alone when they were first built, it was also expected that a new cluster of towers would develop around the CBD. Pyrmont, unlike Canary Wharf and the City of London is not and will never be a CBD location where a cluster of similar towers will develop.
14. The SEARS require "a thorough description and justification for the proposal, including – a detailed justification for the increases in height, GFA and additional car parking". In terms of height the documents are completely lacking in genuine comparison with the surrounding area, instead focussing on the heights of buildings that are not in the surrounding area.
15. As for the bulk of the proposal, while the tower is skinny at the lower levels to reduce the impact on nearby private views, the consequence is that the bulk and scale of the upper levels are accentuated and completely out of scale with not only the surrounding environment, but the rest of The Star.
16. Clearly the real purpose of this application is not to fit in with Pyrmont, but to radically change it by competing with the height, bulk and scale of Crown Casino at Barangaroo.

Heritage impacts

17. The SEARS require "a thorough description of the existing and surrounding environment". In this respect the UCR virtually ignores any reference to the heritage streetscapes of Pyrmont. Page 30 of the UCR shows two photos of the Pyrmont HCA. However, notably the view of Harris Street is studiously focussed to the western side of Harris Street and the view of Union Square turns it's back on The Star. The HIA asserts that the proposal will have no negative impact on the setting of Union Square. In my opinion Picture 42 demonstrates the falsity of this. The best that can be said is that the tower will not "obscure views to any particular heritage items". That is not the only test. A significant impact on a heritage item can occur by introducing a new building as a backdrop. That is the case here. The proposal is an out of scale 'monster' looming over old Pyrmont. Further, the use of the shaded image for the proposed view downplays the impact. The photo at p67 of the Architectus View Impact Assessment better demonstrates the impact than the HIA.

18. While the existing Astral Tower and The Darling can be seen as a backdrop to Union Square, they are proportional in scale and respect the scale of the former Pyrmont Power Station on the site. The same cannot be said of the proposal. It will have the same relationship that Horizon Tower has on the heritage streetscapes of Darlinghurst – a monolithic bulky tower having no relationship to its context. That building was a terrible mistake for Sydney, approved as a consequence of South Sydney City Council's failure to have appropriate height controls (it complied with the FSR limits). If approved, this will be another great mistake.
19. Further, while the northern end of Harris Street is not a conservation area, it contains several important heritage items including the Terminus Hotel, the former Pyrmont Public School and the Pyrmont Point Hotel. The monstrous impact on the setting and views along John Street is amply demonstrated by Picture 52 in the HIA. While International Towers already fill some of the background views from John Street, they are clearly part of the CBD skyline. The proposal will not appear as part of the CBD background. Rather, it will be in the foreground and the proposal will loom over these heritage buildings to fill, not only the background, but the sky.

Traffic and transport impacts

20. The EA asserts (at p259) that the proposal will have very little impact on traffic flow and that the nearby intersections will continue to function at LOS C or above. That statement ignores the fact that the critical public intersections are all at LOS C already. The only ones that are better than C are minor intersections that have no major impact on the main thoroughfares in Pyrmont.
21. In addition, the Traffic and Parking Assessment makes no assessment of the intersections at Harris and Allen Street where traffic is directed to turn right to The Star and critically the intersection at Harris St and Pyrmont Bridge Road. The latter intersection is particularly critical as it is the current source of significant afternoon peak delays when events at The Star are taking place. There is only capacity for two vehicles heading north on Harris St turning right onto Pyrmont Bridge Road. The consequence is that the northbound local traffic, particularly the 501 and 389 buses are often delayed in the evening peak by an excessive number of vehicles, no doubt trying to access The Star, turning right at that intersection. This causes tail-backs to the intersection of Allen Street and sometimes to the Western Distributor/Harris St off-ramp.
22. In addition, eastbound traffic heading to The Star from the Anzac Bridge often queues across the intersection of Harris and Pyrmont Br Rd causing further northbound delays. None of these impacts have been assessed.
23. The EA also places significant weight upon Light Rail access. However, as the attached article from the Sydney Morning Herald confirms, the Light Rail is already near or at capacity between The Star and Central and there is no relief in sight. This proposal will make the position worse. It is currently almost impossible to get on any morning peak hour tram at John St Square. Adding more residents at The Star will worsen this problem.

24. The EA also relies on fanciful transport projects that have not been confirmed. At p24 it asserts that the Sydney Metro West includes a new Metro station at Harris St/Union Sq. This is incorrect. No announcements have been made as to the location of stations on the Metro West other than The Bays Precinct, Olympic Park and Parramatta and it certainly is not going to be finished by 2021! The Harris St/Union Sq stop was announced by the Rees Government as part of the North West Metro (to Rozelle) proposal that was abandoned by the Keneally Government. The site of the station has in any event now been sold and is under development for town houses.

Project justification

25. As already indicated, the SEARS required a thorough justification of the proposal including the public benefits. The Executive Summary of the EA is enlightening in that respect (at pII-III). This proposal is all about competing with Crown Casino and nothing at all to do with the public interest. The proposal offers nothing for the local community except tokens like another neighbourhood centre. Pyrmont does not need another neighbourhood centre. The only reason to provide such an additional facility is to cater for the additional population brought in by the residential development on this site. More useful than more facilities for tourists would be shops and activities, e.g. a cinema, that cater to local needs.
26. Even if the reasons proffered might partly justify a lower scale hotel, the EA fails to offer any justification at all for the residential apartments.

Private views and overshadowing

27. While private views and overshadowing are by no means a determinative reason for refusal, the proposal will also have an adverse impact on the views and solar access to my apartment among others in Jackson's Landing. These impacts have not been assessed.
28. While it certainly will not result in a reduction in solar access to less than the requisite two hours in mid-winter for my apartment (the north east orientation precludes such an outcome) it will remove enjoyable early morning winter sunshine from my living/kitchen windows. I attach a photo taken at 7.35 am on 29 August from my living/kitchen area windows. It shows that the sun has just passed between Stonecutters (5 Tambua St) and The Distillery (45 Bowman St). For half to three-quarters of an hour in mid-winter the sun streams in to my living area and kitchen. This sun will be largely obliterated by the proposal. Further, it will have an even greater impact on single orientation east facing apartments in Sugar Dock that depend on the gap between Stonecutters and The Distillery in the morning hours for their only direct sunlight.
29. The attached photo also demonstrates that the proposal will destroy the current city skyline views from my living room window like an outsized monster looming between the towers on Distillery Hill. The view impact assessment has not addressed any of the impacts on views from Stonecutters or Sugar Dock. There is an assessment from level 17 of Quarry (8 Distillery Drive) (See Architectus View Impact Assessment p128-129), but while there is an impact in scale from that building there is self-evidently little impact on views as it has expansive east facing city views from North Sydney to Central. In that context the single tower proposed will not have

much impact, but from apartments at Stonecutters and Sugar Dock that depend on a corridor of view between The Distillery and Quarry, the impact will be dramatic.

Conclusion

30. The proposal should be refused for being beyond the power to approve as a "modification". Even if it is not rejected at this jurisdictional threshold it should be rejected on its merits. It is a monstrous outsized proposal that will have significant detrimental impacts in the Pymont community.

Yours faithfully



Andrew Pickles

Crushing blow: No end in sight

Matt O'Sullivan
Transport

The number of passengers entering "crush capacity" on Sydney's inner west light rail line or being left behind on platforms will worsen unless the Berejiklian government buys more trains to boost the frequency of services, "sensitive" documents warn.

And even if new trains are bought, it will be up to three years before they are running on the line because of the length of time it takes to procure and commission them.

The confidential government reports, obtained by the *Herald* using freedom of information laws, warn the existing fleet of 12 trains will "likely not meet forecast patronage growth" over the next two years, and commuters will "require alternative transport options" along parts of the rail corridor.

Patronage growth slows that by 2021 most, if not all, services will be at crush capacity under the current eight-minute headway arrangement, "one of the documents states."

They reveal that buying four extra trains will be only a short-term fix. An upgrade to parts of the line will be needed before service frequencies can be raised to meet longer-term demand.

Patronage on the 12.8-kilometre light rail line between Central Station to Dulwich Hill has surged by more than 260 per cent from 8.9 million trips in the 2013-14 financial year to more than 9.4 million in 2016-17.

And modelling by the state's transport agency forecasts patronage to grow by 8 per cent annually over the next three years, due mainly to high-rise apartment developments.

It predicts a 47 per cent surge in patronage during the peak hour period by 2021 to almost 4400 people, and 73 per cent by 2031 to nearly 6200.



Squeezed in: Packed platforms and tighter packed trains are the norm for light rail commuters during

wait times between services and over-crowding. "There is a significant risk that the current fleet size cannot accommodate the forecast growth in demand ... without a significant fall in customer experience."

While it got a better rap from commuters than other public transport, the light rail line had a "noticeable downturn in customer satisfaction over the past 12 to 18 months".

"The deterioration in customer experience is expected to accelerate if these problems are not addressed," the report states.

The existing fleet of 12 trains allows a maximum frequency during peak periods of one service every 18 minutes, which

the reports warn is "quickly becoming inadequate".

At present, the "worst service outboard" is the 8.10am train from Central Station, while the most heavily crowded in the opposite direction is the 8am from Dulwich Hill.

The main peak-load periods in the mornings are eastbound from Lilyfield to Pyrmont Bay between 7.45am and 8.30am, and westbound from Central to Pyrmont between 7.45am and 9am.

Under the "potential short-term" fix, buying four new trains would allow a service to run every six minutes. That would be the "maximum level that can be used on the existing infrastructure".

But to meet demand beyond 2024, "all long-term scenarios" will need extra track to be laid near Dulwich Hill, power supply and stabling yards upgraded, and investigating whether trains that will be used on the \$2.1 billion CBD and South East light rail line can also run passenger services on the inner west line. The latter is stippled by "contract limitations".

The length of platforms on the inner west line, as well as the stabling yards, also restrict the introduction of longer trains to carry more passengers.

A confidential briefing note for Transport Minister Andrew Connellan in August last year said the purchase, delivery and commissioning of new light rail vehicles



for light rail commuters

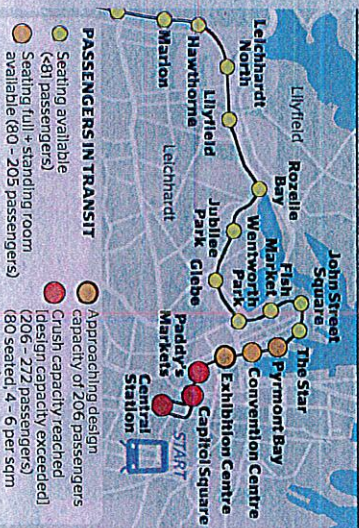
morning rush hour outside the main concourse at Central Station. Photo: Louise Kennedy

cles would take a "minimum of two-three years, and there is no identified funding stream currently". Transport for NSW said in a statement that the business case for new trains had yet to be finalised and was subject to further review.

"Once the business case has been finalised the infrastructure improvements for the longer term planning will be considered by the NSW government," it said.

The agency has refused to release to the *Herald* under freedom of information laws two reports - a draft "strategic business case" and an "economic appraisal" - which outline proposed "capacity enhancements" for the

OUTBOUND: AM PEAK



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EXCLUSIVE

Esther Hall
Health

A doctor-led fight to legalise the use of medical cannabis is underway in Australia. But ATFH and fiercely had accepted vaping inter e-liquid supply \$2500 from Nicovape - t

"We do in accept fund industry, with from the ANHRA ch treatment st soln said. of untied e-cigarette c ent to the N tion and Cal donations. companies". While this for the Hear cer Council company in policy and p ATFHARs

