

18 September 2018

Ms Liz Develin
A/Secretary
Department of Planning and Environment

Dear Ms Develin

Submission to MP08_0098 MOD 13 - Construction of a new hotel and residential tower and alterations to existing building

We write on behalf of the property owners at numbers 851 and 852 (client) of the Star Apartments at 80 Pirrama Road, Pyrmont, also known as the Astra Residence.

Our clients would like to raise concerns to some elements of MP08_009_MOD 13 (Modification 13) for consideration by the Department of Planning and Environment through their assessment of the modification application.

Submission

In principle, our client has no fundamental objection to the majority of modifications proposed as part of Modification 13. Though the bulk and scale of the primary hotel and residential tower is out of character for Pyrmont, our client is particularly concerned about the increases of height to the structures to their north due to their amenity impacts – particularly in relation to the resultant negative visual impacts.

This includes the Level 7 'ribbon' buildings and to some extent the Level 5 Sky Terrace. In addition to these strong, visual impacts is the intensification of associated uses causing further impacts on privacy, noise and enjoyment of use.

The key aspects which concern our clients are detailed below:

Extent of modifications

Since the Star City Casino's Major Approval MP08_0098 approval in 2008 no less than 5 major modifications have been sought. Major modifications have varied from building modifications and additions to relocation/allowance of high-impact uses, as detailed:

- » Modification 7 (29 July 2011) – modifying the approval to facilitate the construction of the Multi-User Entertainment Facility (MUEF) on Level 4 roof top terrace area;
- » Modification 9 (13 October 2011) – modifying the approval to facilitate the relocation of the night club to the southern end of Level 2 and relocation of the restaurant to the northern end of Level 2;
- » Modification 11 (17 October 2012) – modifying Condition F1 to permit the playback of background music and DJ/live music events on the Level 3 Darling Pool Terrace;
- » Modification 12 (14 October 2014) – modifying Condition F1 to permit the installation of speakers on the Level 3 Pirrama Road Entertainment Deck and within the Level 1 Pirrama

Road unenclosed gaming areas. Modification to Condition F3 to enable the continued and permanent use of the Level 1 Pirrama Road unenclosed gaming area for 24-hour per day use

Modification 13 (currently on exhibition) represents a significant 'modification' of an original consent. Whilst it is proposing an exemplar, landmark development, the proposal has failed to satisfactorily consider the impacts on its own residences/neighbours

These cumulative modifications result in a very different outcome than was presented in the original proposal.

Consultation

The client has reported that the consultation activities that took place to date resulted in no action when it was revealed that the view lines would be affected.

Level 5 Terrace

Noise

- » Modification 13 will intensify the noise impacts on the residents of the Astral building through the activation of uses on Level 5, including 'flexible events/designated event spaces'

A Noise Impact Assessment is provided as Appendix K of the SSD Modification 13

- » The assessment anticipates the installation of eight (8) speakers for the indoor event space and another eight (8) speakers for the outdoor event space over a duration of 7am to midnight and midnight to 7am.
 - > The Modification 13 proposal appears to have only anticipated impacts to receivers *outside* of the Star development site, whereas impacts of occupants *within* the Star development site will also occur and require consideration and appropriate amendment/mitigation
 - > The assessment has minimal regard to sensitive receivers within the Star's own development site

Privacy

- » Patrons of the proposed uses at the Level 5 space will have line of sight with the facades of the Astral Residences (primarily the northern façade) impacting residents' privacy
- » Mitigation measures are considered unlikely to be able to adequately balance the use of patrons while protecting the privacy and enjoyment of use for occupants of the Astral Residence

Odours

- » Exacerbated odour impacts on our client's enjoyment of their residences will occur due to the intensification of uses in the Star development and increases in building proximity.

Level 7 Ribbon Buildings

Views

- » The current views enjoyed by residents and occupants of the Astral Residences are highly valued. The proposed ribbons are noted as architectural features connecting new uses to each other. However, it appears that these architectural features will cause detrimental by causing a disruption of these views

A Visual Impact Assessment (VIA) is provided as Appendix H of the SSD Modification 13

- » The VIA covers Levels 6 and 10 of the Astral Residence (including podium levels). Our client's units are located between the Level 1 and Level 5 of the analysed impacts in the VIA (excluding any podium)
- » It is clear that the impact of the ribbon buildings, and to some extent the Level 5 Sky Terrace, will result in the impeding of primary, existing water views for our clients' units (and those units below). These views were assessed to be 'high importance' and 'moderate to high visual impact' in the VIA
- » The 28m LEP restricted height limit appears to impede partial views to the harbour here with protruding elements such as the ribbon building further cancelling out, '...water and horizon interface...' in its entirety
- » The VIA assessment discounts the impacts of loss of private views stating that '...the expectation of retention for these views is considered to be lower than views across a front of rear boundary' and further '...Astral Residences are located within the site and the affected residences do not face the street but across the site'. There are issues with this rationale being:
 - > The original Part 3A application has undergone continual modifications throughout the years since approval. The ongoing series of modifications of The Star development site suggest there are changing objectives. Continued assessment against and application of an unchanged 'Planning Principle' does not fit the dynamic nature of The Star development site; and
 - > In the absence of an immediate and clear frontage (to affected units), it is unreasonable to define an orientation, that is, front, side, rear, which the VIA considers to have varied importance. The fact of the matter is that these units have single, primary frontages to the structures proposed in Modification 13
 - > Please refer to extracts at the end of this document

Conclusion

We request that the Department consider the proposed Modification 13 with respect to the visual, noise and privacy impacts that it will introduce for existing and future residents.

Should the Department be of the view to support the application, we request our client's concerns are addressed through:

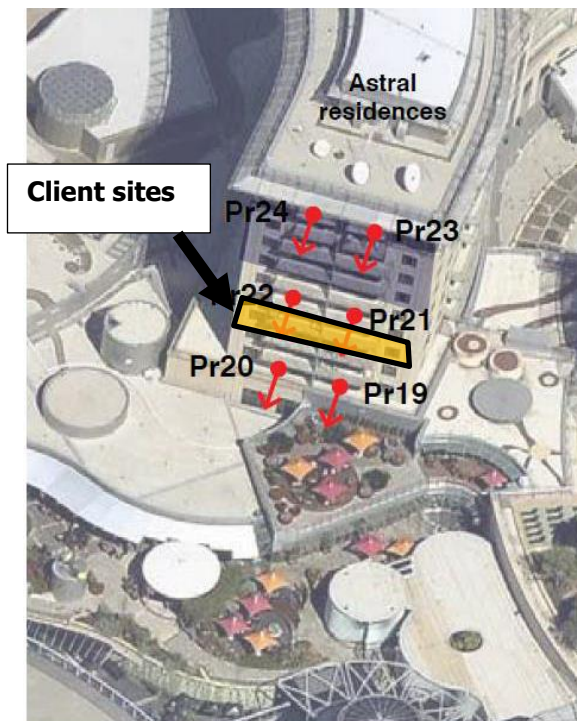
- » The development and consideration of alternative design solutions for the Ribbon building's roof line to allow for existing resident view corridors to remain in place
- » Ensuring all amenity impacts associated with the proposal have been considered including appropriate conditions in any future consent to safeguard our client's residential amenity
- » Placing a restriction on the hours of operation for Level 5 uses.

Should you wish to discuss any matter outlined above please do not hesitate to contact me on (02) 9387 2600.

Yours sincerely



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View locations - oblique aerial view from north
(Astral Residences)

Credit: Visual impact assessment, Architectus (2018)

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Star development site as is



FIGURE 5.3 EXITING VIEW OF PIRRAMA ROAD MAIN ENTRY AND PODIUM EXTERNAL LIGHTING

Credit: Site wide lighting report WSP (2017)



FIGURE 5.4 PIRRAMA ROAD RIBBON DRAFT VIEW

Credit: Site wide lighting report WSP (2017)