

9 October 2018

Our Ref: R/2016/1/C
File No: MP 08_0098 MOD 13

Brendon Roberts
Team Leader, Key Sites Assessments
NSW Department of Planning and Environment
GPO Box 39
Sydney NSW 2000
By email: Matthew.rosel@planning.nsw.gov.au

Dear Brendon

Modification Request for The Star (MP08_0098 MOD 13) – 20-80 Pyrmont Street, Pyrmont

The City of Sydney (the City) has reviewed the information provided as part of the public exhibition and **objects** to the Section 75W modification of the project approval.

In particular, the following matters are raised:

Application Made Out of Time

1. The Secretary's Environmental Assessment Requirements (SEARs), as modified, were issued by the Department on 9 May 2016. The SEARs clearly states that the modification application must be exhibited within 2 years after the date the SEARs were issued. According to this time limit the proposed modification should have been placed on exhibition no later than 9 May 2018 (i.e. 2 years from date of SEARs).
2. In contravention of the above requirement, the modification application was lodged on 13 August 2018 and placed on public exhibition on 22 August 2018. There is no evidence submitted with the modification application or on the Department's major projects website to indicate that the applicant consulted with the Secretary requesting a formal extension of time to exhibit the modification application prior to the expiration of the SEARs. The Secretary was required to consider whether any additional or different information is required due to the extended period of time since the SEARs were first issued. Given this governance procedure has not been followed, the current application should be discontinued and an alternative planning process considered. This is a serious procedural issue.
3. Further, in accordance with the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*, Schedule 2, Clause 3BA states that the cut-off date for Part 3A modification provisions is 1 March 2018. The modification application (MP08_0098 MOD 13) was lodged with the Department of Planning and Environment on the 13 August 2018. In addition to the cut-off date, Clause 3BA(4) states that a request to modify an approved project or concept plan under Section 75W cannot be dealt with if the request has not been determined by 1 September 2018 and that the Secretary is of the opinion that insufficient information has been provided to deal with the request. The City submits that the application in its current form is not supported by sufficient information in a number of aspects and

is not in a form which could be approved as at today's date.

4. **Attachment A** provides confirmation that insufficient information has been submitted with the modification application to allow a full assessment of the application to be carried out.
5. As a result of the above matters, the Secretary should inform the applicant that the Part 3A modification pathway is no longer available to them and the application should be made through the more appropriate process of a planning proposal and a Part 4 application as outlined below.

Proper Planning Pathway

6. Procedural fairness within the NSW planning system should be maintained through transparent and consistent planning process. The proposed development is well beyond the scope of the approved development and is inconsistent with terms of that approval. The proposed process is an abuse of proper planning processes. Amendments of this scope and nature were never envisaged as part of the creation of Section 75W of the former Part 3A of the Environmental Planning and Assessment Act (the Act).
7. Part 4 of the Act would have required a very different and more rigour set of processes. An assessment under Part 4 would require the applicant to justify why compliance with the maximum height limit is unreasonable or unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify contravening the core planning controls. A modification of this nature would also not be permissible under Part 4 of the Act as no reasonable consent authority could be satisfied that an application of this nature is substantially the same development as that originally approved, as discussed further below. In seeking to access the provisions of a repealed and discredited assessment pathway, the process will erode public faith and accountability in the planning system.
8. The applicant's request to modify a previous Part 3A Project with the proposed development represents a radical transformation of the terms and impacts of the original approval and should not be considered through this pathway. The proposal results in visual dominance of the tower in a predominantly low scale environment, vastly different urban design and visual impacts, additional overshadowing and wind impacts and other environmental conditions not contemplated on the grant of approval for the original application. The scale and mass of the proposal should not be considered under a modification to the original Project Approval. Public confidence in the planning system delivering sound decisions will be eroded should the Department agree to consider the modification as proposed.
9. The appropriate planning mechanism to consider significant alterations, such as those proposed here, to existing land use and building height standards is a Planning Proposal to amend Sydney LEP 2012 and DCP 2012. A more transparent and accountable assessment, with robust checks and balances, is in the public interest and essential to good governance.
10. Should a Planning Proposal be made and be adopted, a new development application process should subsequently follow. That process should proceed as per the Sydney Local Environmental Plan 2012, with a concept development application submitted to the City for consideration and ultimate determination by the eminently qualified Central Sydney Planning Committee. It is evident that the findings of the original Environmental Assessment cannot be amended to suit the proposed

development.

11. The City has researched tourism and accommodation demands in the CBD and has undertaken assessment of, and supported where appropriate, various hotel and residential developments of very significant size and development value. The City has efficiency and transparency in planning process.

Prohibited Use

12. The application includes 204 residential apartments across 35 levels. Under Sydney Local Environmental Plan 2012, the site is zoned B3 Commercial Core and “residential accommodation” is a prohibited use. The residential use is not consistent with the objectives of the zone and no justification or strategic merit has been put forward by the applicant in support of residential development on the site. The Department cannot reasonable be satisfied that the development is suitable for the site. As discussed earlier, the appropriate planning mechanism to investigate the suitability of a prohibited land use is a Planning Proposal to amend Sydney LEP 2012 and DCP 2012. Otherwise, no residential accommodation should be permitted on the site.

Tower Height

13. The proposed tower (237m AHD or approximately 233m above Pirrama Road) cannot be justified in this location. The height of the tower is entirely inconsistent with the maximum 28m building height standard in Sydney LEP 2012 and 7 storey height control in Sydney DCP 2012 for this part of the site. The proposed tower is more than 8 times the maximum building height permitted under the LEP. As stated earlier, the appropriate planning mechanism to investigate significant alterations to existing building height standards is a Planning Proposal.

Suitability of a Pymont Tower

14. In addition to the above comments regarding compliance with the current controls, the tower form does not contribute positively to the Pymont skyline. Rather it is inconsistent with all the surrounding buildings in height and form.
15. Figure 1 in the visual impact assessment prepared by Architectus provides a “context” to justify the tower that exists outside of Pymont. It is clear from the view assessment on Cockle Bay that there is no context of towers in the Pymont vicinity. Nor is there a proposed or approved future context of towers.
16. The tower form has a **high impact** on the views from 30 dwelling as demonstrated in the Visual Impact Assessment prepared by Architectus. The views to the city skyline and large amounts of sky which are currently enjoyed by a number of Pymont residents are replaced with a large tower form. It is argued by the applicant that this is acceptable on the basis of “view sharing”. However, the impacts are created by the proposed 237m high tower, a tower that is not anticipated by any of the controls and therefore could never be anticipated by the impacted Pymont residents. The view impacts are created by a building form that far exceeds all primary controls and community expectations based on those controls, therefore the principles of view sharing are not exhibited.

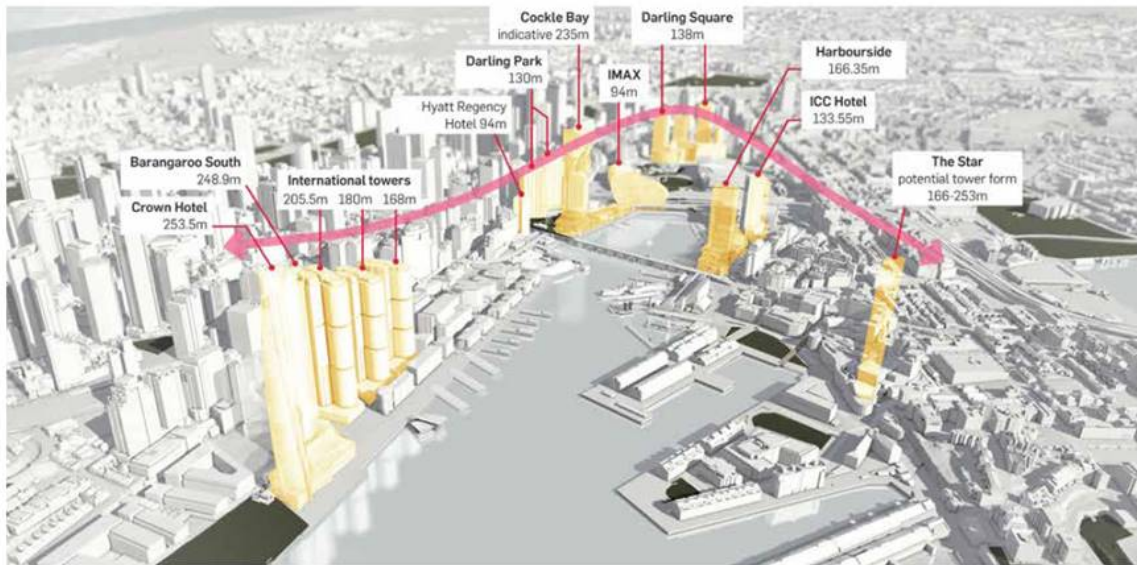
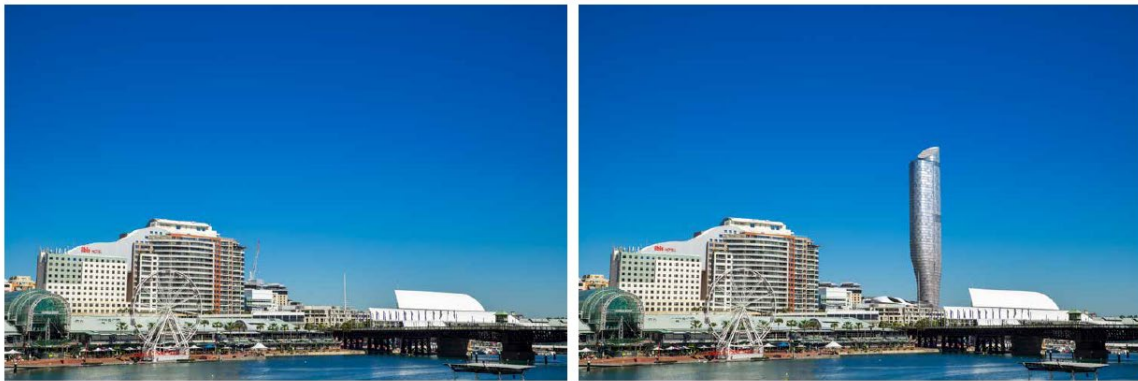


Figure 1: Location of tower within the context of approved and proposed development in Darling Harbour



Existing view (50mm focal length)

Proposed development view (50mm focal length)

Figures from 4.2.13 of the Visual Impact Assessment by Architectus

The applicant's analysis demonstrates the substantially greater impact on views and access to sky the proposed tower will have compared with the LEP envelope – shown in blue.

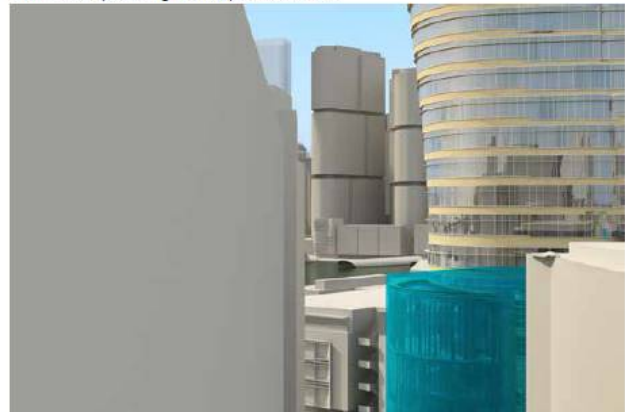
17. The Visual Impact Assessment prepared by Architectus also demonstrates that there will be a greater impact on views from the public domain than would be created by a LEP compliant scheme. This includes views from Martin Place, Glebe foreshore parks, Cockle Bay, Union Square and Pyrmont Bay Park among others.
18. The tower height results in the tower being visible in close proximity to the GPO clock tower when viewed from the east down Martin Place. The view of this key heritage landmark against an uncluttered sky has been identified as a key planning constraint in current and proposed planning for the west side of the city. This is an unacceptable heritage impact. The conclusions of this assessment are not credible given the immense scale and isolation of the project on the harbour foreshore – and with no planning framework to support the project.



Existing view (24mm focal length)

Proposed development view (24mm focal length)
28m LEP-compliant height envelope shown in blue

Existing view (50mm focal length)

Proposed development view (50mm focal length)
28m LEP-compliant height envelope shown in blue

19. It is important to note that while a 24mm focal length has been included in the Visual Impact Assessment, the 50mm focal length more accurately represents what a human eye sees. Therefore while the impact appears lesser on the 24mm focal length images provided, this is not what will be perceived as the actual impact. In addition to the above, there are a number of other key concerns that are required to be addressed and/or clarified. These are found within **Attachment A** to this letter.

Should you wish to speak with a Council officer about the above, please contact Vanessa Aziz, Senior Planner, on 9246 7758 or at vaziz@cityofsydney.nsw.gov.au.

Yours sincerely,

Graham Jahn AM
Director
City Planning | Development | Transport

ATTACHMENT A

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (SREP 2005) applies to the site and it is identified as being within the Foreshores and Waterways Area.

The proposal is in direct contravention of the Sydney Harbour Catchment SREP 2005, Part 1, which states:

- (2) *For the purpose of enabling these aims to be achieved in relation to the Foreshores and Waterways Area, this plan adopts the following principles:*
- (a) *Sydney Harbour is to be recognised as a public resource, owned by the public, to be protected for the public good,*
 - (b) *the public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour or its foreshores.'*

Part 2 'Planning Principles' states that *'development along the foreshores and waterways should maintain, protect and enhance the unique visual qualities of Sydney Harbour'*.

It is considered that the proposal does not meet these aims or objectives and clearly puts private use before the public good - resulting in a substantial and long term negative impact on private views from residential dwellings and impact of views from the public domain including views from Martin Place, Glebe foreshore parks, Cockle Bay, Union Square and Pyrmont Bay Park among others. In addition, the non-compliant tower creates unreasonable overshadowing of Union Square between 10am and 12pm and to Pyrmont Park between 2pm and 3pm on 21 June.

Overshadowing

The shadow diagrams provided are at too small a scale to understand the impacts on residential properties. Given the scale of the proposed modification detailed overshadowing elevation drawings are expected to show views from the sun to understand the impact on apartments in elevation.

The proposed tower creates substantial overshadowing to Union Square between 10am and 12pm and to Pyrmont Park between 2 and 3pm on 21 June. This contravenes provision 3.2.1.1 of Sydney DCP 2012 which requires overshadowing effects of new buildings on publicly accessible open space to be minimised between the hours of 9am to 3pm on 21 June. It is considered that building form compliant with the LEP and DCP height controls would not have any impact on Union Square and would have a considerably smaller impact on Pyrmont Park.

The proposed package of plans **does not** include shadow diagrams to demonstrate the existing situation nor for a compliant building height to allow for a complete assessment of the proposal and to understand the impact of the departure from the controls. There is clearly insufficient information to consider the application.

Neighbourhood Centre

While the City is prepared to raise no objection to the inclusion of a 'Neighbourhood Centre' there is distinct lack of detail within the submitted documentation about how it will be managed and operated, about whether it will be a bona fide facility for the whole community (as opposed to the community within the building), and certainty about it remaining a genuine community facility for the long term (notwithstanding any future change in management and/or ownership). The degree of detail required to allow a full and proper assessment of the application has not been provided. There is no certainty that the centre can successfully operate and function for the community.

Given the irregular curved shape of the proposed Centre, the space and its operational needs have to be well thought out in order to successfully function. To be a successful multi-function space the Centre will need to be flexible while accessible, and provide various size spaces to serve the various community needs. Adequate 'base' facilities (eg. rooms of various sizes, kitchen, direct access to the loading dock; and adequate storage for furniture and the like) should also be provided.

The City has raised these deficiencies and concerns directly with The Star, with a future meeting scheduled to potentially address some of these concerns.

In any approval, the Department must positively condition the inclusion of the 'neighbourhood centre' including its full fit out (unlike the Darling Exchange facility at Darling Harbour which was approved by not required. Lend Lease then obtained through modification, additional floor space to see through the approval). A Plan of Management must be attached to the conditions of consent.

Apartment Design Guide (ADG)

In addition to the earlier comments raising fundamental concerns about the suitability of a residential development, there is insufficient information and the level of detail and scale of the plans provided do not allow for a comprehensive assessment of the residential component against the ADG. Nevertheless, the following preliminary comments are provided:

- Inadequate detail has been provided to establish how the natural ventilation requirements of the ADG will be met. The architectural plans do not show *any* operable windows to apartments. All glazing, including to wintergardens, is drawn in plan to appear as a curtain wall. This provides an unacceptable level of amenity.
- The Noise Impact Assessment states that all residential windows will need to remain closed with mechanical ventilation relied upon to meet required internal noise levels. This solution does not comply with Objective 4B-1 in the ADG requiring all habitable rooms to be naturally ventilated.
- 70% of apartments located below level 10 of the building are to be naturally cross ventilated. Due to the apparent curtain wall sealing all windows, no apartments appear to be naturally cross ventilated.
- Apartment areas are not provided on plans to allow assessment against the ADG minimum requirements.

- The ADG requires deep soil areas that are a minimum of 7% of the total site area. Sydney DCP 2012 requires a minimum of 10% of the site area to be provided as deep soil, and for sites greater than 1,000sqm the deep soil area is to be consolidated with a minimum dimension of 10m. Deep soil zones are areas of natural ground not covered or encumbered by buildings or structures (above and below). They exclude areas where there is structure underneath, basements, services, pools and non-permeable paved areas. This proposal includes no areas of deep soil and is not compliant with both the ADG and SDCP 2012. The applicant argues that due to the elevated nature of the site it is not possible to include any deep soil. Instead there are planters, appropriate landscaping within the communal area and tree planting in the public domain – refer Landscaping comments below.
- The ADG requires 25% of the site area to be used as common open space. Sydney DCP 2012 requires an area of common open space under common title that is at least 25% of the total site area and has a minimum dimension of 6m. The common open space is to be located and designed to achieve good amenity for the dwellings in terms of solar access, natural air flow and ventilation, and outlook. At least 30% of the required common open space area is to receive 2 hours of direct sunlight between 9am and 3pm on 21 June. Common open space may be located on elevated gardens or roof tops provided that the area and overall design can be used for the recreation and amenity needs of residents. Roof top areas designed for use as recreation facilities are to have a high standard of finish and design. The design of roof top private open spaces must address visual and acoustic privacy, safety, security and wind effects. The applicant has included internal communal kitchens, gym and associated change rooms and facilities for the residents in their calculations. The amount of communal open space provided is 661.58sqm or 19.4% of the site, and with only 21% soft landscaping which is non-compliant with both the ADG and SDCP2012.

Right turn Entry to the Porte Cochere from Jones Bay Road

The proposed **right turn from Jones Bay Road into the porte cochere is not supported**. The right turn is too close to the intersection and cannot achieve the minimum length of auxiliary lane for a right turn according to the RMS design guidelines. A right turn in this location raises safety concerns as it has the potential to form a queue at the intersection.

The applicant's SIDRA modelling / microsimulation is based on the traffic assignment which assumes only 20 and 10 right turns per AM and PM peak hour with insufficient information provided to justify this assumption. This component should be deleted from the application if it is to proceed as it is not supported.

The proposal also involves changes to kerb-side parking such as removal of 5 parking spaces on the northern part of Jones Bay Road and relocation of those spaces to the southern part by removing the taxi rank. Any kerb-side parking changes requires separate approval under the Roads Act from the Local Pedestrian, Cycling and Traffic Calming Committee (LPCTCC).

Ritz- Carlton Hotel and Residential Tower Porte Cochere

The proposed porte cochere at Pirrama Road will be left-in and right-in access and can accommodate up to 6 taxi or 2-3 coaches. This requires Transport for NSW endorsement for the bus stop modification and separate LPCTCC approval.

Bicycle facilities

The traffic report proposes an increase in employee and visitor bicycle parking facilities. The following provisions for additional employee and visitor bicycle parking are proposed by the modification:

- 35 x Class 1 spaces for employees; and
- 62 x visitor spaces.

The Star Entertainment Group Limited (SEGL) strategy for visitor cycle parking provision is:

- 20 rental bikes in the Pirrama Road forecourt or in public domain location to be agreed with the City (e.g. in Pyrmont Bay Park, adjacent to the Pirrama Road shared path).
- 13 bike lockers adjacent to the Light Rail platform in an unused 32sqm SEGL retail space.
- 29 bike racks located in groups at the major entry points to the site or at public domain locations to be agreed with the City.

This strategy is not supported. All bicycle parking spaces should be positioned and maintained within The Star's land, preferably at grade and close to the main entrances for easy identification and use.

The traffic report does not consider any bicycle spaces for the 204 residential apartments. This is **not acceptable**. Sydney DCP 2012 - Clause 3.11.3 requires 1 bicycle parking space per dwelling for residential accommodation. Therefore a total of 204 class 1 (equivalent to "Class A and/or Class B" of Australian Standard AS 2890.3:2015) bicycle parking spaces should be provided.

Loading and servicing

While the proposed loading and servicing arrangements in the basement is acceptable, the loading dock management plan **should be corrected as it is currently showing that all the service vehicle will exit on to Jones Bay Road**.

Public Domain

The increased pedestrian traffic arising from this development will need to contend with a public domain that does not reflect the proposed scale of the development and will face increased wear on an aging public domain. This includes asphalt footway affected by root lifting and trenching for services in numerous locations around The Star. A number of accessibility issues have also been noted that included pram ramps that do not meet the City's Standard Technical Details and some areas of steps that should have tactile warning strips installed.

While there has been some agreement with the City on associated upgrade works associated with MP08_0098 (Modification 14), the current application should incorporate additional public domain works which will further contribute towards the upgrade of the surrounding public domain and public lighting.

Should the application be approved, the Department should ensure that the City's Public Domain related conditions are imposed to ensure that The Star provides a full upgrade of the surrounding public domain and lighting to the City's standards.

Landscaping

This is a complex proposal including a new 237m tower and modifications and additions to the existing Star. The landscape proposal is too elementary and does not reflect the complexity of the landscape proposed throughout the development. This is a complex scheme and a more developed, complete and coordinated design and detail is required at this detailed (and final) application stage to determine whether the ideas are feasible.

Drawing Coordination

The landscape plans are simplistic and locate areas of planting only (shown as hatched in drawings) and minimal annotations are provided. The plans omit the level of detail expected at detailed application stage such as SSL, RL, TW levels to demonstrate the design and confirm soil depth, soil volume, edges, materials and planting design and details. Without this level of detail being provided at assessment stage it is difficult to determine whether the proposal for green walls/roofs/pools/ structures is feasible and if the landscaping is compliant with the requirements of the Sydney Landscape Code.

There are several areas of landscaping included in the architects package that are not coordinated with the landscape plans (for example: the 'Green Seam').

It is recommended that the applicant resolves the design of all elements and submits a more developed, complete and coordinated design and detail is required prior to determination to confirm whether the proposed landscaping scheme is feasible.

Green Seam

A 'Green Seam' proposed on the western and eastern sides of the tower from Levels 21 to 59, that relies on a planter with stainless steel wires and climbing plants every 4 floors. The intent of the green wall is to cool the tower lift core and meet sustainability targets.

The architects vision is to create a biomorphic approach – *“Natural landscaped bio-filtration gardens form a series of ‘green-belts’, clearly articulate in the architecture and acting as ‘lungs’ through which the building breaths, naturally filtering the air.”* The side core to the tower has been revealed on the western elevation of the tower. The glazed curtain wall is peeled back to reveal this core and the associated glazed lift lobbies. This reduces the area of curtain wall and allows a different façade treatment to be employed in this area. This accommodates a vertical 'green spine' on the west of the core. Planting is incorporated at regular vertical intervals. The glazed facades allow opportunities for the lift lobbies to incorporate natural ventilation when wind conditions permit.

In addition the green seam will be lit at night with *“Subtle integrated lighting to the eastern and western vertical façade slots will emphasize the sculptural and interlocking form of the tower.”*

The following concerns are raised regarding the green seam:

- There is a lack of detail provided to understand the proposed scheme. The architect's design is reliant on stainless steel wires and climbing plants to grow between 3-4 levels at upper levels on the western and eastern facades of the tower. There is a significant concern that based on the limited information that the concept will not work. Further refined detail is required, including details on how this element will be safely accessed and maintained, how green waste will be removed, how the green wall will be irrigated, how the green wall will be lit at night, how glare to surrounding properties will be minimised, how the green wall will be decommissioned should it fail etc.

- In a separate meeting with the City, the applicant's consultants mentioned that Junglefy has reviewed the architect's concept of the green seam. It is understood that Junglefy's preliminary advice is that a planter at every level is required with plants "growing up and down", specific species for western façade, possibly a prefabricated module instead of wires with climbers and other changes to the facade and design will be needed. This preliminary advice further confirms that the green seam scheme has not been fully resolved.
- At the upper levels, the "green seam" is not shown on the architect's plans yet features in all photomontages, sections and elevations. This lack of detail further demonstrates that the green seam requires further design development and raises concerns regarding the sustainability targets proposed for the development.

Green Roof

Green roofs are proposed to be located on Level 6 over the new level 5 sky terrace food and beverage and day spa facilities (The Star) and on Level 8 (Ritz Carlton). Again there is insufficient detail provided to enable a full and proper assessment. Without being exhaustive, the following questions require an answer:

- Are the green roofs overshadowed by the tower?
- What species proposed for the microclimate?
- Are the green roofs accessible or inaccessible, intensive or extensive?
- Is the intention to create habitat and biodiversity?

Green Wall – Hotel Port Cochere

An extensive green wall is proposed under the building and will be in complete shade. Further design details are required to assess this proposed green wall.

Pool decks and Leisure Areas

Level 7 ribbon (pool deck) includes two pools (one for the Ritz Carlton and one for The Star) associated horizon water features, spa, planters external to the building and other features. No information has been provided on the pool design, levels, edges, materials, balustrades, pool fencing, consideration of design for safety etc.

Other Landscaping comments:

- The Level 59 Club Lounge description does not match the plans. There is no wind study evidence to confirm that the landscaping proposed has been designed to withstand the western aspect and likely wind effects. Is the proposal achievable at upper levels of the tower?
- Generally the plans provide a layout only or legend indicating areas of planting. There is no planting design and species selection provided.
- The plant species nominated in the plant schedule is reliant on a very high percentage of exotic species. There is a very low percentage of native species.
- There are no levels for any of the works – SSL, FFL, RL, TW. Are planters raised or set down?
- No details have been provided to confirm the design of planters, soil depth and soil volume, design of all landscape features, lighting, furniture, structures, gates etc.
- The landscape maintenance is lacking detail. Detailed consideration of maintaining works above ground level and at upper levels should be provided.

- How will the landscaping, green walls and roofs at all levels be safely accessed and maintained?
- Is there a rainwater harvesting system for irrigation? No rainwater or OSD tanks are shown in the basement. Are they located throughout the tower levels?

Environmental Performance

The main plan sets are lacking in several aspects of documentation notations:

- No NatHERS stamping on main plan set;
- No NatHERS thermal comfort summary block;
- No BASIX Specification Block summarising BASIX commitments;
- No glazing details are readily evident – i.e. a glazing schedule specifying glass types, window openable areas (for cross ventilation) etc;
- No reference to size of solar system proposed to be put on MUEF roof. The BASIX Certificate (page 29) states '165 kilowatt peak'. Can this sized system actually be located on the roof? Where else is solar panels proposed? Will they be in shade from the tower? The plans need to state the system size as it is a BASIX commitment.

The ESD report states that 5 Star GreenStar Design and as Built is being targeted for the hotel and residential tower components only. The Green Building Council of Australia (GBCA) requires a 'whole building' approach. This should be updated to include all areas of the development.

The proponent should enter into a formal NABERS Hotels Energy Commitment Agreement with the City of Sydney targeting 4.5 stars or better.

Section 7.11 Contributions

The proposed method for calculating credits under the City of Sydney Development Contributions Plan 2015 is not correct. It is not appropriate to bundle up Gross Floor Area (GFA) for a variety of different uses that are being removed and then to seek as credit against the proposed Food and Drink GFA. The credits should relate directly to the uses they are seeking credit for (and not just converted to food and drink credit).

The applicant is utilising the definition of "business premises" within the 'neighbourhood centre for the purposes of calculating contributions. Business premises typically offer a service'. Clarification is required as to why "business premises" is being used as opposed to "office premises"?

Clarification is also sought as to what use the "back of house" relates to and what credit is actually being requested? Is it entirely food and drink back of house, or is there retail back of house too?

Affordable Housing Contributions

In noting that the definitions for "total floor area" for the purposed of calculating affordable housing contributions is not the same as "gross floor area", the Department should ensure that the calculation is correct.

Precinct Wide Noise Strategy

The proposed site-wide acoustic monitoring strategy (for entertainment noise, mechanical plant and operational noise) is supported in principle. However, given that

either the Department, the City or a private certifier will be responsible for assessing future DAs or applications for complying development certificates, for a cumulative site-wide noise criteria to work, the site-wide noise strategy that gives basis to a cumulative criteria used by both the Department and the City must be the same.

Although there could potentially be a cumulative noise control level (a noise level that the overall contribution of noise from all venues would not cause to exceed), this will be required to be disseminated back to individual premises. The site-wide acoustic monitoring strategy should also allocate maximum patron capacities and amplified noise levels at reference locations on each premise that can be tested in the absence of noise interference from adjacent premises.

For this to work, the Department will need to commit to this strategy, ensure that accurate patron capacities are kept for all approvals, and ensure that all future Department determinations comply with the strategy.

In addition to the above, the following comments require further attention and clarification:

- It is not clear as to how the submitted report proposes to control objective issues associated with the development. It will need to identify matters that cause noise impact and address them in a way that can be simply managed in individual consents under an over structure.
- Technical requirements will need to be developed alongside standardised conditions of consents developed specifically for the precinct.