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SYDNEY NSW 2000**

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17 January 2019

Mr Matthew Rosel
Senior Planner, Key Sites Assessment
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Dear Matthew,

RESPONSE TO NOTIFICATION OF RESPONSE TO SUBMISSIONS - THE STAR - MODIFICATION 13 TO MP08_0098

1. INTRODUCTION

We write in response to the community and agency submissions received following the notification of the response to submissions report (RtS report) for Modification 13 to MP08_0098 (Mod 13). Notification of the RtS report concluded on 19 December 2018.

Five community and six agency submissions were received in response to the notification of the RtS report, equating to 4.63% of community and 22.22% of agency submitters seeking to provide additional comment on the RtS report.

All community submissions maintained their objection to Mod 13. Of the six agency submissions, one provided recommended conditions, one maintained objection and four stated no further comment or noted that the RtS report adequately addressed items previously raised. We note that The City of Sydney has sought an extension to the timeframe in which to provide a response.

Separate to the notification process, a letter from the Government Architect New South Wales (GANSW) sought that the Design Review Panel (DRP) reconvene to ensure the maintenance of design integrity throughout the design excellence process. The DRP was reconvened and their advice addressed in the RtS report. GANSW has reiterated the findings of the DRP and concluded that their *'concerns have been addressed'* and that they *'have no further comment'*.

This correspondence responds to the submissions received to date and provides a response to those items previously raised by City of Sydney with reference to the submitted RtS report or Environmental Assessment Report (EAR). An outline of the Mod 13 application timeframes and key milestones is also provided to demonstrate this extensive three-year process.

2. SUMMARY OF SUBMISSIONS

2.1. COMMUNITY SUBMISSIONS

The following items were restated in the community submissions post the notification of the RtS report. In response, for each item raised, the relevant section of the RtS report is referenced in **bold**.

- Validity of the modification process under Part 3A of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979) and that Mod 13 is beyond the Minister's power to modify and that a new Development Application be lodged - **section 6.2**;
- Precedent of a tower form in Pyrmont . **section 6.9.2**;
- Consistency with existing context and setting of tower form in Pyrmont . Bulk and scale. **section 6.9**;
- Consistency with Environmental Planning Instrument (EPI) (SLEP 2012 . Height of Buildings and appropriateness of residential land use in commercial zone) . **section 6.2.2** and **section 6.9.3**;
- Lack of demonstration of limited environmental impact: overshadowing (**section 6.3**), traffic and transport (**section 6.14**), glare (**section 5.16.2**), construction impacts (**section 6.14.7** and **Appendix HH of EAR**), noise (**section 6.13.1**), light spill (**section 6.13.4**), wind (**6.13.2**), air quality (**6.13.5**), tree removal (**section 6.10**);
- Function and capacity of the Neighbourhood Centre and guarantee of tenure . **section 7** and **Appendix UU of EAR**;
- Capacity of existing public transport infrastructure . **section 6.14.2** and **section 6.14.7**;
- Insufficient information provided (gaps) in the Mod 13 application documentation . **section 6.2.3**;
- Heritage impacts specific to *'the broader Sydney Harbour landscapes and view lines'* – **section 6.7**.

The community submissions did not raise any new technical items beyond those raised in response to the exhibition of the EAR. All issues were addressed in the RtS report and additional technical assessment undertaken where relevant. Two community submissions contended that the RtS report was dismissive of the key issues and queried the rigour of the notification process.

Section 3 of this letter provides a summary of the key project milestone dates.

2.2. AGENCY SUBMISSIONS

As stated earlier in this correspondence, four out of six agency submissions stated no further comment or noted that the RtS report adequately addressed items previously raised. A brief response to the remaining two submissions is provided below:

2.2.1. Transport for NSW - 282839

The submission made by Transport for NSW proposed a series of conditions. The Applicant has progressed a number of the requested management plans and seeks to have draft versions available for the Department to review and to guide consultation with the relevant agencies prior to a determination being made on this application. A full review of the recommended conditions and requested amendments will be provided to the Department under separate cover.

2.2.2. The City of Sydney - 284119

The City of Sydney has sought an extension to the timeframe in which to provide a response to the exhibited RtS report. In the interest of progressing the assessment of Mod 13 by the Department, the following summary of the key items previously raised and identification of the relevant section of the RtS report is provided in **bold**:

- Validity of SEARs (outside of 2-year timeframe) and planning process (Major Project modification versus lodgement of a new DA) . **section 5.2**;
- Insufficient information provided to allow a full assessment . **section 5.2**;
- Bulk and scale . **section 5.3**;
- Consistency with EPI (SLEP 2012 . height, FSR and B3 Commercial Zone - Residential a prohibited use) . **section 5.2.4.1**;
- Height (inconsistent with local character) and urban context (current and future) . **section 5.3**;
- Visual Impact (Private and public) and validity of chosen focal length to demonstrate impact to public open space . **section 3.12.1, section 5.7 and section 6.12**;
- Contravention to SREP Sydney Harbour Catchment 2005 . **section 6.2.2**;
- Overshadowing (diagrams too small and do not demonstrate an SLEP 2012 compliant envelope as a comparison) . **section 5.6**;
- Neighbourhood Centre (no objection but requires further detail on tenure long-term) . **section 5.9**;
- Consistency with ADG and SEPP 65 (natural ventilation and provision of apartment areas, minimum deep soil areas, common open space) . **section 5.2.4.3**;
- Bicycle facilities . provision of bike parking must occur wholly within the site. Must consider also bike parking for the 204 residential units at rate of 1 per unit . **section 5.5.4**;
- Public domain and landscaping (upgrades to public domain, detail of landscaping drawings, additional wind analysis and consistency with Architectural drawings) . **section 5.4**;

- Provision of further detail on plant species, green seam, green roof and walls, pool decks and leisure areas and miscellaneous landscape comments . **section 5.4;**
- Traffic, parking and access:
 - not supportive of RH turn from JBR into the Porte Cochere, validity of SIDRA modelling) . **section 3.1.12.1** and section **5.5.3;**
 - future endorsement required by Transport for NSW and approval under Roads Act . **section 5.5.7** (and section 2.2.1 above); and
 - loading and servicing . correct Loading Dock Management Plan (currently shows all service vehicles will exit to Jones Bay Road) . **section 3.2.**
- Environmental performance and notations for NatHERS, BASIX, glazing details, confirm GreenStar Design and as Built commitment and solar panel installation size and detail . **section 5.10.2;**
- Section 7.11 and Affordable Housing contributions . clarify GFA assumptions and validity of calculations . **section 5.11;**
- Acoustics . Precinct-wide noise strategy and confirmation of noise control measures. Generally supportive of cumulative noise control but requires more detail including confirmation of patron numbers and amplified noise levels . **section 5.16.3.**

We will supplement this letter in the event that the City of Sydney raises new items in the future submission.

3. ASSESSMENT PROCESS AND TIMEFRAMES – MOD 13

To date, Mod 13 has been the subject of a three-year process inclusive of an alternative design excellence competition, pre-lodgement and post lodgement public consultation and engagement, and a formal RtS report. This process commenced in late 2015. A summary of the key dates associated with Mod 13 are provided in **Table 1**.

Table 1 . Mod 13 - Key Application Milestones

Date	Action Undertaken
17 December 2015	Request for SEARs lodged with the Department.
9 February 2016	Mod 13 SEARs issued by the Department.
3 March 2016	Meeting with the Department to discuss the use of the Section 75W pathway, design excellence process and SEARs.

Date	Action Undertaken
9 May 2016	<p>Meeting with the Department to discuss Mod 13 and 14, specifically updating of SEARs, the scope of the design competition and the alternative design excellence process.</p> <p>Amended SEARs issued.</p>
10-12 October 2016	<p>Phase 1 of Design Competition.</p> <p>Three consultation sessions were held by The Star on the 11th of October:</p> <ul style="list-style-type: none"> • Session 1: industry and government agency briefing. • Session 2: day time session with community groups. • Session 3: community open house session with individual displays by competition architects.
1 December 2016	Phase 2 of Design Competition.
16 March 2017	FJMT presentation of final design to the DRP. DRP resolved that the final design delivered a refined scheme.
23 and 25 March 2017	Pre-lodgement community engagement sessions.
11 April 2017	Urbis, FJMT and DWP presented the Proposal to the Department to discuss design development, key environmental assessments, external lighting, events management public benefit offer and conditions.
1 May 2017 - July 2018	Preparation of application documentation for Mod 13.
13 August 2018	Mod 13 lodged with the Department.
22 August 2018 - 18 September 2018	Mod 13 publicly exhibited for 28 days.

Date	Action Undertaken
20, 21, 23 and 25 August and 13 September 2018	Community briefing and drop-in sessions. Information display room at The Star open 17 August to 22 September 2018.
23 October 2018	Submissions and request for a response to submissions provided to the Applicant by the Department.
7 November 2018	RtS report lodged with the Department by the Applicant.
5 December 2018 - 19 December 2018	RtS report exhibited for community and agency comment.

Mod 13 has been the subject of a lengthy and rigorous application process. The Applicant has also maintained a continuous engagement programme which has seen community and agency feedback incorporated into the resolved design. A summary of this engagement process is provided in the *Community Engagement Report (Appendix I of the EAR)* and *Public Exhibition Engagement Summary (Appendix DD of the RtS Report)*.

4. CLOSING

In responding to the community and agency submissions received following the notification of the RtS report for Mod 13, it is important to note that:

- The DRP was reconvened at the request of GANSW. The DRP concluded that the integrity of the final design of the tower and ribbon elements has been maintained. GANSW concluded their *'concerns have been addressed'* and that they *'have no further comment'*
- The submissions received to the RtS report equate to 8.15% (or 11 out of 135) of the total submissions received from community and agency to the original exhibition. Of the 11 submissions, six out of 11 did not alter their objective position and five out of 11 commented.
- Of the six agency submissions, five (or 84%);
 - stated no further comment; or
 - noted that the RtS report adequately addressed items previously raised; or
 - recommended conditions of consent.

One agency submitter maintained their objection to the proposal.

- One submitter has sought an extension in time to provide their submission and at the time of writing was yet to provide this to the Department.
- The community submissions did not raise any new technical items beyond that previously stated in the original submissions.
- While two of the community submissions detailed that the RtS report was dismissive of the key issues and queried the rigour of the notification process, it has been demonstrated that Mod 13 has undergone a rigorous and lengthy application and consultation process.

The RtS report considered in extensive detail all issues raised by community and agency submitters. The RtS report did not result in any significant design modifications as these were not considered necessary.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Clare Brown".

Clare Brown
Director