

31 May 2022

Our Ref: R/2016/1/J
File No: 2022/298034
Your Ref: MP08_0098-Mod-18

Thomas Piovesan
Department of Planning and Environment
via Planning Portal

Dear Thomas,

**Advice on Modification
Star Casino – MP08_0098 Modification 18 – Alterations and Additions to Multi-Use Entertainment Facility**

Thank you for your correspondence dated 10 May 2022 inviting the City of Sydney (the City) to comment on the submitted Section 4.55(2) application to modify development consent MP08_0098 relating to the Multi-Use Entertainment Facility (MUEF) at the Star Casino.

Modification 18 seeks consent for alterations and additions to the existing 4,000 capacity MUEF to create a two-theatre complex, including a 1,550 patron Broadway-style theatre and a 1,000 patron comedy and live entertainment theatre. It is noted that the proposed theatre complex is in addition to the existing Lyric theatre on the site and responds favourably to the growing demand for more diverse theatre offerings in Sydney.

Proposed external additions include a new fly tower and rigging loft, extension to the existing plant room fronting Jones Bay Road and a new 5 storey dressing room adjacent to the plant room.

The City has reviewed the modification documents and provides the following comments:

1. Cultural benefits

The objective of replacing the existing 4,000 patron MUEF with the 1,550 patron Broadway-style theatre and a 1,000 patron comedy and live entertainment theatre is generally supported by the City.

The local performing arts industry have strongly advocated for an additional one or two venues for commercial musical theatre products in central Sydney. The proposed Broadway-style theatre would meet this need and increase Sydney's competitiveness in attracting mid-tier and major commercial musical theatre productions.

The City of Sydney, Music NSW and the Live Music Office have advocated for an increase in mid-scale (500-1,000 seat) venues for live performance, particularly contemporary live music. The 1,000 patron live room will meet this need and increase opportunities for touring artists to book performances in Sydney. It is also a suitable

venue for a range of mid-scale performance events, comedy and cabaret, given Sydney has a documented lack of venues of this size.

It is considered that the combined strategic value of these two venues is much greater than that of the current 4,000 patron function space.

The following specific comments are provided regarding each new theatre proposed:

Broadway theatre

- The 1,550 seat theatre will meet an industry call for additional venues that can accommodate commercial touring musical theatre productions.
- The proposed fly tower is required to house these types of touring productions.
- The plans do not show a detailed design or elevation of the stage. To service touring musical theatre productions, the stage should be around 200sqm and have a proscenium height of at least 6 metres high. Details of this should be provided.
- The plans do not detail the path from stage to loading dock, or heights or widths of doorways. It seems the stage will make use of the pre-existing service corridor used by the function centre. Consideration should be given to a suitable path of loading for 6m high sets.

Live room

- The addition of a second flexible space for live music and other types of performance is supported. Inner Sydney needs more mid-scale venues, particularly for contemporary music. This venue will contribute a mid-scale step-up venue for local artists who have outgrown smaller venues, and mid-tier touring artists who might otherwise skip Sydney due to a lack of suitable mid-scale spaces.
- The plans are unclear as to how the stage connects with backstage spaces. There are no wings on the stage and there is no clear path from the stage to dressing rooms or backstage facilities. To maximise the types of performances that could use this space, further thought should be given to the design of the stage. It should be able to cater to modest sets, have access via wings on both sides of the stage and a clear path to backstage, dressing rooms and green rooms.

2. Built form

While the introduction of mid-scale theatres will result in cultural benefits to the City, concern is raised around the proposed design and built form of the additions and the resulting impacts to neighbouring properties and the public domain.

Building height and bulk

The proposed bulk and scale of the additions are not anticipated in the planning controls for the site. The maximum height of buildings control under the Sydney Local Environmental Plan 2012 is 28m and the proposed additions exceed this by 16.3m, resulting in a 58% variation to the control.

The Draft Pyrmont Peninsula Design Guidelines, exhibited between 26 November 2021 and 4 February 2022, maintains a maximum building height of 28m for this part of the site. The proposed building height and bulk is not in line with the desired future built form for the site.

The City does not agree with the assessment of building height contained in the Modification Report. In particular, the proposed 58% variation is not considered to be minor in nature and it is not agreed that the height exceedance of the existing MUEF results in the development standards 'no longer being relevant for the subject site.'

If such a substantial exceedance is sought for the site, this should warrant a formal change to the height of buildings development standard with public consultation being undertaken.

Concern is particularly raised on the extent of additional bulk proposed around the fly tower. As outlined above, it is acknowledged that the proposed fly tower is required to house these types of theatre productions. However, it is not clear why the area adjacent to the fly tower, as shown in the section below, requires this extent of additional bulk. These additions result in devastating view loss impacts and the bulk should be reconsidered and minimised in size as much as possible.

There is also an extensive plant area on the roof of the dressing room building that leads to significant bulk impacts. The services should be relocated to reduce the view loss that results from these additions.

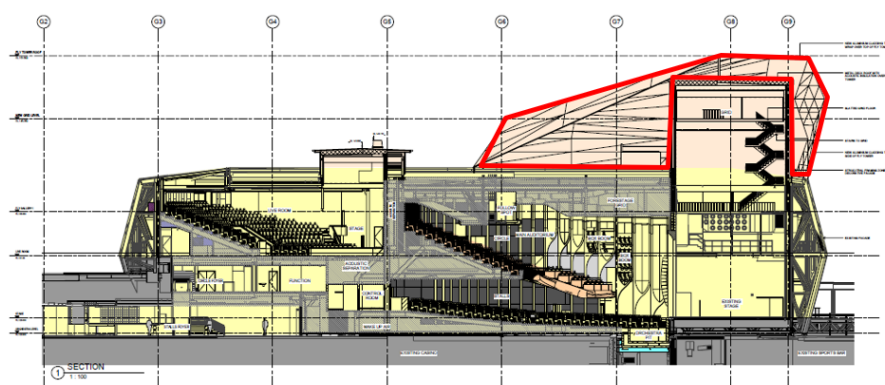


Figure 1: Proposed section, with extent of additional bulk around the fly tower outlined in red

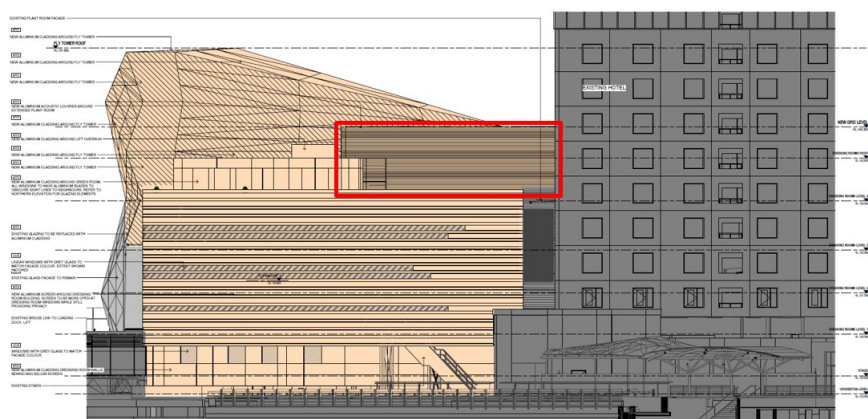


Figure 2: Proposed western elevation, with plant room outlined in red

View loss assessment

The building results in devastating view loss to several nearby apartments, particularly in the Watermark Tower and to a lesser degree, the City West Housing apartments. These impacts result from the building forms that exceeds the height control.

As mentioned above, it is likely that the proposed built form could be redesigned to be less bulky and result in reduced view loss. It does not appear that the principles of view sharing have been a key consideration in the design.

The view loss assessment also demonstrates the proximity between the proposed dressing room addition and the Watermark Tower apartments. It should be noted that high level windows do not provide privacy to rooms where the neighbour is more elevated than the window and can look down into it. This appears to be the case with the proposed dressing room windows if the view loss images are correct.

Further consideration of privacy and design modifications to improve overlooking are required, particularly given the proximity of the dressing room windows to nearby apartments. The plans on each level and the elevations/ sections should also depict the neighbouring properties and windows to enable an accurate assessment of impacts.

Issues with submitted documentation

- The elevations and sections do not show the LEP height control, which makes an assessment difficult for both Council and the community.
- The Height Plane Diagrams in plan, 3D and section are generally difficult to read and interpret. These diagrams all show a 65m control in blue applying to the entire site, which could be misleading. The plans showing the 28m height control in orange show the larger buildings behind the subject site, which are not subject to the 28m control. The 3D drawings are also angled too far away to be able to understand the proposed exceedance.
- Throughout the Visual Impact Assessment, comparison figures are provided of the 'existing view', 'likely future view' (with the full extent of proposed bulk shown) and then the 'area of impact' with the view loss shown in orange.

The 'area of impact' figures do not include the new 5 storey dressing room addition with additional plant room, which significantly increase the visual impact on almost all the camera views. When viewed in isolation, as is the case in the Summary of Impacts in Section 7.4, the 'area of impact' images do not fully depict the proposed bulk of the development. The summary should show the area of impact combined with all of the additional bulk proposed, incorporating the fly tower, rigging loft as well as the dressing room addition. Not including all the impacts in the summary makes it difficult for the community to understand the impacts of the proposal and therefore make informed submissions.



Figure 18 CAM03: Watermark Tower, south elevation, level 8 (9th storey), likely future view
Source: Virtual Ideas

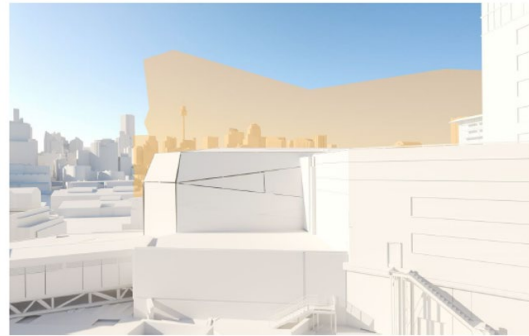


Figure 19 CAM03: Watermark Tower, south elevation, level 8 (9th storey), area of impact
Source: Virtual Ideas

Figure 3: Excerpt from Visual Impact Assessment, with 'likely future view' and 'area of impact' diagrams shown. Note that the 'area of impact' diagram does not show the 5 storey dressing room and plant additions.

Built form summary

The proposed additions read as a collection of incongruent forms, as shown in the street level view from the Design Statement (Figure 4 below). The addition does not appear to improve the design quality of the Star and does not improve the quality of the streetscape. The proposed additions therefore fail to demonstrate design excellence as required by Clause 6.21C of the Sydney LEP 2012, particularly in relation to clauses 6.21C (2)(d) (iii), (iv), (v), (vi), and (vii).

The documentation fails to enable an assessment of impacts on several issues, as outlined above. Therefore, while the proposed use is generally supported, further design work should be undertaken to reduce the building bulk, better mitigate impacts and reconsider the design as viewed from the surrounding public domain.



Figure 4: Proposed street view contained in Design Statement prepared by Altis Architecture.

3. Loading and unloading

It is unclear how the Lyric Theatre's loading docks will be managed between the now-three theatres. The size of incoming materials is not likely to be an issue as the Lyric Theatre can already handle large sets, however, it is unclear how scheduling will be managed. Details around how this demand will be managed are requested and it is recommended that an operational plan be prepared that considers situations such as where two shows are bumping in at the same time.

4. Acoustic impacts

It is recommended that any development consent include a modified or new condition that requires the following:

- (a) All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the Acoustic Report prepared by *Acoustic Studio, dated 30 March 2022, Revision 2* must be implemented in the development prior to the commencement of its use.
- (b) Prior to the issue of any relevant Construction Certificate, the final construction drawings and final construction methodology must be assessed and reported to be in accordance with the requirements of the DA Acoustic Report in (a) above, with reference to relevant documentation. This must be done by a Suitably Qualified Acoustic Consultant* (see definition below). This work will be to the satisfaction of the accredited certifier.
- (c) Prior to the issue of any Occupation Certificate, a Suitably Qualified Acoustic Consultant* is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifier that the development complies with the requirements set out in the Report.

Note: Suitably Qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society, Institution of Engineers Australia, or the Association of Australian Acoustical Consultants at the grade of member firm.

In summary, the City supports the proposed use but objects to the built form as currently proposed.

Should you wish to speak to a Council officer about these comments, please contact Samantha Kruize, Senior Planner on 9265 9333 or at skruize@cityofsydney.nsw.gov.au.

Yours sincerely,



Graham Jahn AM LFRAIA Hon FPIA
Director
City Planning | Development | Transport