

THE STAR MODIFICATION 13

Urban Context Report:

**Review of Department of Planning, Industry and Environment Assessment of
request to modify The Star Casino Complex**

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Project The Star Modification 13

Description

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The Star Modification 13

Department's Recommendations

Qualifications and experience

1. I hold qualifications of:

B Arch (Hons 1) NSWIT
DPLG Degree, (UP 3), Versailles, France
CEAA Masters, (UP 1), Paris, France

I am a registered architect in NSW: Reg. No. 7079.

I am the founding director of Olsson Associates Architects Pty Ltd.

I have been in that position for 25 years.

My business address is Level 4, 68-72 Wentworth Avenue, Surry Hills, NSW.

My previous relevant experience includes:

- (a) Preparing the City of Sydney Central Sydney Plan 1996, in a team of three Planning and Architecture consultants to the City of Sydney.
- (b) As a consultant to the City West Development Corporation, I assisted in preparing the Urban Design Strategy for the Ultimo-Pyrmont Masterplan Areas which shaped the built form of the re-developed Ultimo-Pyrmont.
- (c) In 2015, I wrote the article "10 Lessons from the revival of Ultimo-Pyrmont" in the Architecture Bulletin.
- (d) I prepared a number of Development Control Plans and LEP control documents for town centres across Sydney, including Parramatta, Wollongong, Mascot Station Precinct, Hurstville, Kogarah, Gordon, St Ives and Gladesville.
- (e) As a senior urban designer at the Urban Design Advisory Service, I assisted in the preparation of the SEPP 65 Residential Flat Design Code.
- (f) Between 2000 – 2018, I was appointed a panellist on SEPP 65 Design Review Panels (DRP), since the inception of SEPP 65. I am presently appointed on the Waverley and Parramatta Design Excellence Panels.

2. My qualifications and experience are detailed in Annexure A.

Introduction

3. I have been engaged by the Star Entertainment Group Ltd to provide an independent assessment of the recommendations of the Department of Planning, Industry and Environment (**Department**) relating to the refusal of the proposed tower at The Star Site at Pyrmont (**Proposal**).

4. In the preparation of this report I undertook site visits in March 2017 and June 2019 and reviewed the following documents relating to the Proposal:
 - The Secretary’s Environmental Assessment Requirements (**SEARs**) 9 May 2016;
 - Modification 13 – Environmental Assessment Report by Urbis dated 13 August 2019;
 - Response to Submissions – Modification 13 to MP08_0098 by Urbis dated November 2018;
 - Various technical reports and appendices appended to the above;
 - The architectural drawing package by fjmt;
 - The Star Casino – Section 75W Modification Assessment Report – NSW Department of Planning, Industry and Environment July 2019 (**Department’s Report**); and
 - The Star Casino – Pyrmont Sydney – Proposed New Residential and Hotel Tower – Mod 13 – Independent Assessment and Design Advice – Professor Peter Webber July 2019 (**Webber Report**).
5. I have been asked to provide my opinion on the conclusions provided in the Department’s Report, as well as the Webber Report, which informed the recommendations of the Department for the refusal of the Proposal.

Site assessments

6. I attended a site inspection in March 2017, guided by a representative of The Star, to inspect existing internal functions of The Star Casino complex (**Site**), to assist in understanding the proposed modifications in the Proposal. I made an independent site visit in June 2019 to inspect the exterior of the building and its context within Darling Harbour and Pyrmont.

The Department’s Report

7. In the Department’s Report, the Department outlines the following key reasons for its refusal of the Proposal (at iv–v):
 - **Strategic context:** The Department does not consider the contextual or strategic justification for having a tower in this location and notes that there is significant distance between the proposed tower and the established clusters of taller buildings within other areas, such as Barangaroo.
 - **Built form:** The Department considers that the Proposal would result in unacceptable impacts arising from the scale and design of the building, particularly in that the height of the building is said to be inconsistent with the surrounding buildings in height and form.
 - **Overshadowing:** The Department considers that there are short (2-hour) instances of non-compliance with the Apartment Design Guide (**ADG**) which are related to single bedroom windows only with all other windows in the apartment compliant with the guidelines.
 - **Public benefits:** The Department concluded the Proposal would not promote good design and amenity of the building and would therefore not be in the public interest.

Summary of my opinions

8. In summary, based on my review of all the available materials listed above, there has been a robust assessment of impacts of the Proposal following a clear methodology, which demonstrates that the Proposal is acceptable development within its context.
9. The reasons have been addressed in my review as follows:
 - Throughout its history, the Site has been and is currently being used in a manner that is more consistent with the land uses at Darling Harbour than the low- to medium-rise residential and mixed uses elsewhere in Pyrmont. This is reflected in the Greater Sydney Commission (**GSC**) and the City of Sydney Council's (**CoS**) strategic vision for the area. Accordingly, the Project should properly be considered as part of the Darling Harbour precinct rather than the rest of Pyrmont.
 - I do not agree with the reasons set out in the Department's Report for recommending against approving the Proposal for the following reasons:
 - **Built form:** the podium of the Proposal responds to the built form of Pyrmont, and the tower form has been designed to minimise environmental impacts and effects on the streetscape.
 - **Strategic justification:** the Department's opposition to the Proposal on the basis of its lack of strategic justification is a result of the Department's failure to assess the Proposal as part of the Darling Harbour precinct. Once it is considered in that context, the proposed tower at the proposed location is entirely appropriate.
 - **Visual impact:** neither the Department's Report nor the Webber Report includes an additional visual impact assessment which would support the view that the Proposal is not acceptable by reasons of visual assessment.
 - **Heritage impacts:** the Department's opposition to the Proposal on the basis of its imposing presence is an assessment based on views, which should not be conflated with heritage.
 - **Public benefit:** the Proposal will deliver a five-level Neighbourhood Centre for the balance of The Star's lease over the Site.
 - **Overshadowing:** any overshadowing impacts are minor and are acceptable.
 - **Design excellence:** the design excellence process that was followed was robust and has resulted in a built form which exhibits design excellence, and which is suitable for its context.

Strategic context

The Site in its current context

10. The site is currently occupied by The Star casino complex on Pirrama Road, opposite Pyrmont Bay Park. Immediately to the east of the site are mixed use buildings above the Pyrmont Bay light rail station. The Star is located above The Star light rail station.
11. A number of commercial uses such as Doltone House conference venue, The Sydney Morning Herald offices and Channel 7 offices are opposite the site on Darling Island. The Australian National Maritime Museum is located south-east of The Star and north of Pyrmont Bridge. Large wharf buildings are opposite the site, including Sydney Wharf Marina and Sydney heritage fleet. These are all large footprint buildings that have been built on constructed finger wharfs or reclaimed land. These commercial, public and harbour related uses in large footprint buildings are characteristic of Darling Harbour.

12. To the north-west, west and south-west of the site is Pyrmont, which is predominantly a residential area. Some small-scale commercial uses are located along Harris Street, however the majority of the area is residential apartments that were re-developed in the past 30 years, interspersed with terrace houses from earlier periods. These areas are primarily comprised of fine-grain, small footprint residential buildings that are characteristic of Pyrmont.
13. The Star is closely associated with Darling Harbour due to its topography, history and the entertainment and tourism uses which have characterised this precinct since the 1980s.

The topography of the Site

14. The site of The Star is located at the end of Pyrmont Bay and Pyrmont Bay Park. The Star site is built over the original shoreline of Pyrmont Bay (Fig 1). Darling Island was a narrow isthmus of land leading to an island. The end of Pyrmont Bay and the isthmus were low lying land. The change of level from Pyrmont Bay up to Pyrmont Street was steep. The site of The Star addressed the low-lying bay and traversed the change of level up to Pyrmont Street.



Figure 1 - Map of Pyrmont 1836. The Star site is built over the original shoreline of Pyrmont Bay. (Source: Pyrmont History Group website)

A brief history of the Site

15. The site is built over what was originally swampy land at the end of Pyrmont Bay (Fig 2). This swampy land and the isthmus between the mainland and Darling Island were filled in with reclaimed land. With the development of port facilities and the need for deep water frontage in the 19th century, finger wharfs were built on both sides of Pyrmont Bay and a rail line built at the end of the bay to carry goods to the wharves.
16. An outbreak of the bubonic plague in The Rocks led to the state government resuming all of Darling Harbour water frontage on public health grounds in 1900. In 1902 the Council

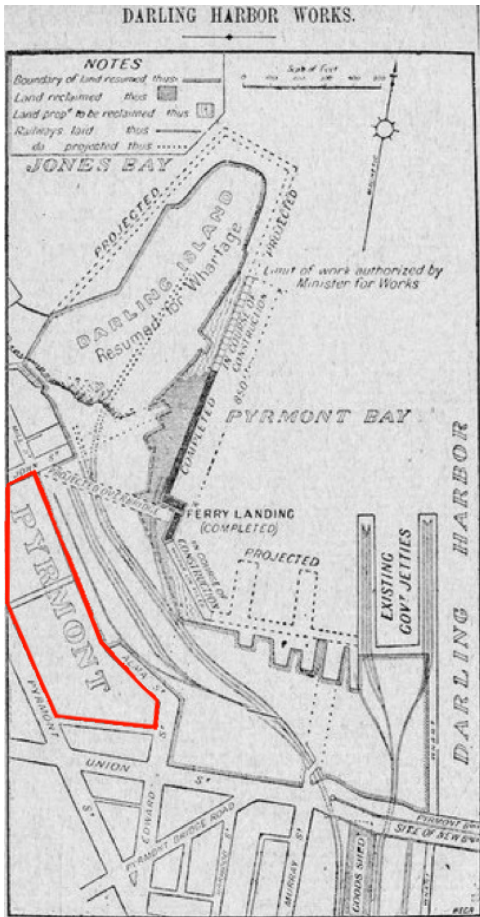


Figure 3 – The Pyrmont Power Station was built between the rail lines and Pyrmont Street in 1904 (Source: [Pyrmont History Group website](#))



Figure 4 – Pyrmont Power Station shown in 1919 (left) was built between the rail lines and Pyrmont Street. (Source: [Pyrmont History Group website](#))

18. The Pyrmont Power Station was closed and demolished in 1993. Parts of the power station were retained in the construction of The Star complex at the Site in 1995.

The Site in relation to Darling Harbour and Pyrmont

19. Darling Harbour and Pyrmont have historically contained large-scale industries, warehouses, wool stores, ship building, shipping, power generation, commercial buildings, public buildings and residential areas. Shipping, wharves and railways in Darling Harbour supported the other industrial uses, including the Pyrmont Power Station. The rail line delivered coal to the power station and it had access to cooling water from the harbour. It was sited in Darling Harbour for these reasons. In this respect its main address was Darling Harbour. The power station had an address in Pyrmont Street and many of the power station workers lived in Pyrmont. In this respect it had a relationship with Pyrmont.
20. In terms of built form, the Pyrmont Power Station was similar to the other industrial buildings in Darling Harbour. The power station was the same scale as Ultimo Power Station and many of the warehouse buildings in Darling Harbour. The site was large, as was the building footprint, in contrast to the fine-grain building footprints of the terrace houses in Pyrmont.
21. In terms of topography, function and built form, the Pyrmont Power Station related more strongly to Darling Harbour than Pyrmont, as is the case with the Site today. The main entry to The Site is on the lower level, addressing Pyrmont Bay Park and the harbour, and its secondary address is to Pyrmont Street. The range of activities in the resort complex are more appropriate to the retail and entertainment uses in Darling Harbour than to the residential areas of Pyrmont. The large floorplate of The Star is similar to the large floorplate buildings of the Harbourside Shopping Centre, the ICC buildings, the Australian Maritime Museum and the wharf sheds opposite the site of The Star, and is unlike the fine-grain residential buildings in Pyrmont.

The Site in relation to the future character of Darling Harbour and Pyrmont.

22. The GSC has prepared a Draft Eastern City District Plan (**ECDP**) and the CoS has prepared a Draft Local Strategic Planning Statement (**LSPS**). Both of these documents recognise the Site as being part of an innovation corridor where tourism, entertainment and leisure are key to the attractiveness and success of the corridor.
23. The proposed Ritz-Carlton Hotel and the upgrading of The Star as an integrated resort are, in my opinion, appropriate uses for inclusion within the Darling Harbour Precinct of the ECDP.
24. Darling Harbour is emerging as a location for tower development in combination with low-rise podium development. The Darling Square precinct at the southern end of Darling Harbour contains a range of commercial and residential uses in podium and tower developments. This area was once the swampy southern end of Darling Harbour, which was built upon with rail lines and industrial buildings, and was then transformed into the high-rise commercial and residential precinct of today. On the western side of Darling Harbour is the ICC precinct, including the low-rise convention centre, theatre and exhibition centre and the Sofitel tower. The Harbourside shopping centre has lodged a development application for a tower above a new low-rise shopping centre. The proposed Ritz-Carlton Hotel and Ribbon for The Star Mod 13 is an extension of this northern movement along the western side of Darling Harbour. The tower and podium typology is common to all these Darling Harbour developments, and is appropriate for this precinct.

The proximity of towers

25. The towers are more widely spaced on the southern and western sides of Darling Harbour in Darling Square, the ICC and the Harbourside proposal, than on the eastern side of Darling Harbour in the CBD and Barangaroo. This is appropriate to the building uses along the western side of Darling Harbour and the corresponding podium tower typology. The spacing of towers in central Sydney CBD is relatively close. There are many reasons for this, including the permissible density of the city centre, the relatively narrow peninsula of land available between Hyde Park and Darling Harbour, and the relatively small urban block sizes of Sydney compared to other cities. The city centre of Sydney CBD is relatively small and densely packed in comparison with other world cities. The whole of central Sydney CBD, from Hyde Park to Darling Harbour, Circular Quay to Central Station, could, for example, fit within Central Park in New York. This small size leads to scarcity of land, commercial pressure to develop at high densities and with closely spaced towers. The growth of Barangaroo and Darling Square can be understood as recent expansions from the CBD on relatively unfettered land.
26. The clustering of towers in the CBD is a result of these factors. The clustering of towers in Barangaroo is also relatively close. However, the very close spacing of the Barangaroo towers is a commonly voiced criticism of that development. Darling Square has more widely spaced towers and this is more appropriate to its location in Darling Harbour.
27. More widely spaced towers exist to the east of the city centre in Darling Point and Kings Cross. In these areas peripheral to the city centre, where land values are not as high and land scarcity is not such an issue, the towers are more widely spaced. In my view, this is a more appropriate comparison for the spacing of towers on the western side of Darling Harbour, than the closely spaced towers of the Sydney CBD. The towers of Darling Point and Kings Cross have developed with land uses that complement the CBD. Many hotel and residential towers in Kings Cross have developed due to their close proximity to the Sydney CBD. Those towers are relatively widely spaced and co-exist with low-rise street frontage buildings in streets such as Macleay Street. In Darling Point, residential towers are widely spaced in a context of low-rise apartment buildings and houses. Kings Cross and Darling Point demonstrate that towers are able to be relatively widely spaced, not clustered, and have a desirable built form outcome.
28. Amongst many world cities, it may be appropriate to compare towers in Melbourne and London with Sydney. The city grid of streets and blocks in Melbourne is larger than the streets and blocks of central Sydney and towers are generally more widely spaced. There are some exceptional towers, such as the Eureka Tower, that are tall and act as landmarks on the city skyline. In London, towers are also generally more widely spaced than in Sydney. Some towers such as “The Gherkin” and “The Shard” stand out within what is otherwise a mix of low-rise historic fabric and other towers that are relatively widely spaced.

The Site

29. The Site is:
 - located within the Harbour CBD and part of the Metropolitan Centre, in the ECDP by the GSC;
 - part of the Eastern City Innovation Corridor in the ECDP; and
 - within Darling Harbour in terms of its land use and built form context.
30. The strategic context of the Site is detailed in the ECDP which defines the site as being located in the Harbour CBD and part of the Metropolitan Centre. In the ECDP, the site is grouped together with the Sydney CBD and detailed as “high-rise”.

31. The Site is included in the GSC and CoS strategic plans as part of the Eastern City Innovation Corridor.

Figure 17: Innovation Corridor, Harbour CBD

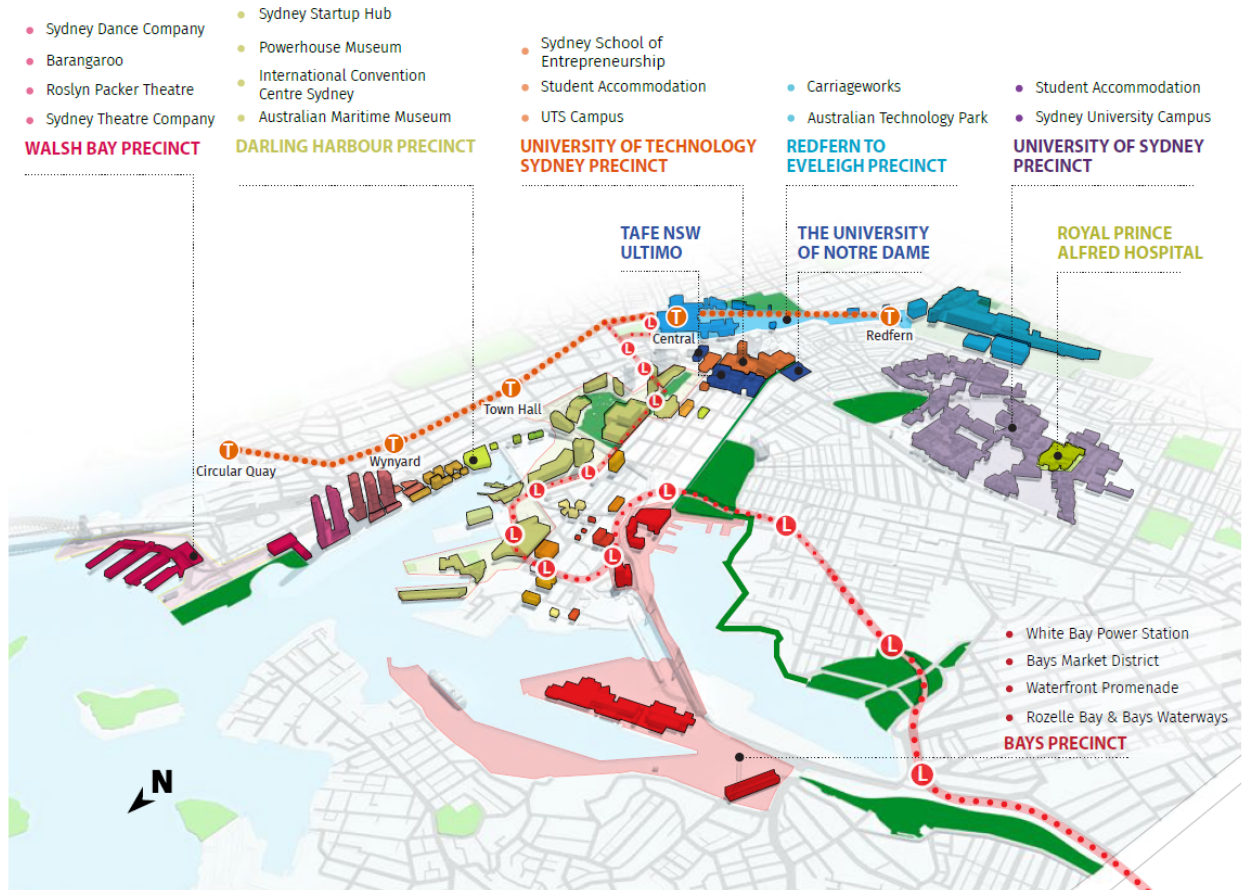


Figure 5: The identification of The Star site in the innovation corridor of the Harbour CBD, in the ECDP by the GSC.

32. The Site is located on the western side of Darling Harbour, north of the International Convention Centre and Australian Maritime Museum shown in green and on the light rail line shown in red in Figure 5. The Bays Precinct is shown in pink with red buildings in Figure 5.

Determining the applicable context

33. The ECDP, released by the GSC in March 2018, and the CoS's Draft LSPS, released in August 2019, identify the Bays Precinct and The Darling Harbour Precinct as being within the Eastern City Innovation Corridor. Whilst these two precincts are physically separated, as noted by the Department, they are linked by the strategic vision of the ECDP.
34. The Proposal is within the Darling Harbour Precinct in the ECDP. This is significant, as The Star is not included in the Darling Harbour Plan No 1 area. The ECDP is a strategic plan which shows a clear vision for the future of this area, which links Darling Harbour to the Bays Precinct. The proposed Ritz-Carlton Hotel tower is appropriately located within the Darling Harbour Precinct and not Pyrmont as the hotel is providing accommodation to support all the other tourist related uses in Darling Harbour, in a similar way to the Sofitel Hotel tower in the ICC development, not to mention the Darling Hotel, Astral Residences and The Star Grand located at the Site.

35. In the 1990s, the City West Development Corporation established new development controls for Ultimo–Pyrmont. The Pyrmont development controls were derived from its historical role as a residential area, with some commercial uses on Harris Street. Building envelopes were developed to create a mid-rise residential area, with perimeter block buildings up to 9 storeys high, based on BCA fire egress measures. In Pyrmont, building envelopes were developed first and development applications for residential buildings were approved within the building envelopes. This work was done for the City West Development Corporation.
36. For The Star development in 1995, a design was prepared by Cox Architects for the building, and development controls were applied to the site after the design was done. For this reason, the current LEP shows heights in metres on The Star site that follow the curved hotel buildings. The development of the Site followed a different process from that which was adopted for developing the controls in the Pyrmont residential area.

Characterising the Site

37. The Proposal sits within two separate but connected precincts: Pyrmont and Darling Harbour. A consideration of these precincts, and the Proposal’s situation within their respective characters, is set out below.

Pyrmont

38. The existing character of Pyrmont is comprised of mid-rise residential apartment buildings interspersed with terrace houses, small-scale retail and some commercial office buildings on Harris Street. The perimeter block form of buildings creates continuous streetscapes with few taller elements within the residential area. Jackson’s Landing on the western side of Harris Street is an exception to this otherwise consistent mid-rise built form.

Darling Harbour

39. In its history, Darling Harbour has contained uses that include shipping, rail, wharves, wool stores, industry, and power generation. Since the 1980s, tourism, recreation and entertainment have characterised Darling Harbour as a destination. For the reasons set out in paragraphs 13–21 above, the Site has always been an important part of the character of Darling Harbour.

Emerging built form of the precinct

40. The building heights which are evolving on the western side of Darling Harbour step down from the proposed Ritz-Carlton tower to the proposed Harbourside Shopping Centre tower and the Sofitel Hotel tower. Other towers at the southern end of Darling Harbour are a similar scale to the Sofitel Hotel, including Darling Square (138m), Darling Park (130m) and The Ribbon (94m). The exception to this pattern at the southern end is Cockle Bay at 183m.
41. A similar pattern of stepping heights has emerged on the eastern side of Darling Harbour at Barangaroo, where The Crown Resort Building at Barangaroo is the tallest tower and steps down to the Barangaroo South International Towers, to the existing lower rise buildings along Sussex Street and to Darling Park.
42. The effect of these stepped building heights from the north down to the south creates a sense of symmetry on either side of Darling Harbour.

43. A commonly held principle of tower design is that the tower should be slender, visually free-standing and set back from the edge of a horizontal podium which defines the space of the public realm. The Proposal demonstrates that design principle and is an appropriate response to this Site and this area.

My opinions in relation to the Department's Report

Design excellence

44. The Department's Report considers that one of "*the key assessment issues associated with the proposal*" is design excellence (at 28). I agree. The Report demonstrates that the process for achieving design excellence was conducted in accordance with the alternative design excellence process and that the proposal exhibits design excellence. The Department participated in this process and the Secretary approved the design brief which included the building envelope for the Site.
45. The design excellence process had regard to the building's location in the context of the surrounding area and demonstrated that a building of this form was appropriate for the Site.

Building form

46. The Department identifies the proposed building form and its relationship to the immediate and wider context as a key issue.
47. The Department's Report considers "*the form and scale of the proposed changes to the podium, together with the introduction of the Ribbon Feature, to be acceptable, as these are sympathetic to the local Pymont context and enhance the visual appearance of the building*" (at 47) and that "*where buildings would be of a contrasting scale or design to existing buildings, care will be needed to ensure that this contrast would enhance the setting*" (at 104).
48. The Report refers to public submissions which raised concern in relation to height, scale, visual impacts and overshadowing of the tower and its isolation within the low- to mid-rise context of Pymont.
49. I agree with the Department's assessment of the Proposal's built form relationship to Pymont at page 52. In my opinion, the podium as designed in the Proposal has an excellent relationship to the residential built forms in Jones Bay Road and the Pymont Precinct generally. The Proposal's podium closely equates to the permissible building envelope and the sinuous curves and natural materials of the podium on the corner of Jones Bay Road relate well to adjacent curved residential facades and define the public realm of Jones Bay Road.
50. The tower form gently steps out in a smooth curved form that relates well to the curve of the podium at the corner. The design of the podium and the lower levels of the tower minimise the impact of the tower on the streetscape in the immediate vicinity of Jones Bay Road.
51. The Pirrama Road frontage opposite Pymont Bay Park has been enhanced in the Proposal with a horizontally proportioned sculptural entry and rooftop form (The Ribbon) that relates well to the width and scale of Pirrama Road and Pymont Bay Park. The tower is sited away from Pymont Bay Park, minimising its impact on the Pirrama Road streetscape or the park.

Strategic justification

52. The Department's Report notes that "*Barangaroo, Darling Harbour and the Bays are each designated as 'identified sites' within the State and Regional Development SEPP, given the significance of their development to the State. Whereas, the Star site is not located within an identified precinct or an area specifically designated for significant future growth (additional height and floor space) in any adopted or emerging planning policy (Figure 1)*" (at 37).
53. The Department's Report states "*[t]he proposed tower height of 237m is over 100m taller than the next tallest building on the western side of Darling Harbour, being the ICC Hotel and over 80m taller than the proposed tower on the Harbourside shopping centre. The proposed height is approximately 16 m shorter than the height of the tallest building, being the Crown Hotel Resort building at Barangaroo (at 253.5 m)*" (at 37).
54. The Department's Report also notes that "*The Bays precinct is isolated from other 'identified sites' and located between 600 and 1000m from the star site. The Bays precinct is designated to be a future cultural, maritime, recreational, retail and commercial hub, with public spaces, promenades and future workplaces. The Department notes with respect to the future changing context relied upon by the Proponent, that planning for the Bays precinct is in the preliminary stages and the future built form aspirations and controls are yet to be identified or subject to any strategic planning process or community consultation. ... [T]he Proponent's concept does not have any planning weight, has not been subject to community consultation as part of any strategic planning process and does not form part of any current or proposed Council or Government planning policy*" (at 39).
55. The Department primarily bases its statements that the context for the Ritz-Carlton Hotel tower is Pymont on the planning controls for the site. The site is not located in the Darling Harbour Plan No. 1 area, which has no LEP controls. Rather, it is located in an area with LEP controls that extend across the Pymont residential area. In my view, the site is *not* most appropriately assessed as being located in the Pymont planning area, as the topography, the uses, the building type and the built forms of the site are dissimilar to those in Pymont. The historical reasons for this are set out in paragraphs 13–21 above. This view is reflected by the GSC in its ECDP, which locates the site in the Darling Harbour precinct.
56. The Department's Report expresses the opinion that "*the isolated tower proposed on the Star site is physically separated from the concentration of tall building clusters at Barangaroo and Darling Harbour, and future potential development at the Bays precinct*" (at 37).
57. The Department's view is inconsistent with the ECDP and the CoS's Draft LSPS, which both recognise The Star area as being part of an innovation corridor. The ECDP sets out a strategic vision linking Darling Harbour and the Bays Precinct in a corridor where tourism, entertainment and leisure activities will be key elements that drive the corridor's attractiveness and success. The Site already includes substantial entertainment, recreation and tourism facilities, which are complemented by the Ritz-Carlton Hotel as part of the Proposal and the upgrading of The Star as an integrated resort. These existing and proposed uses are entirely appropriate for inclusion within the Darling Harbour Precinct of the ECDP.
58. For the reasons set out in paragraphs 33–37 above, in my opinion, the Proposal is properly considered to be within the Darling Harbour Precinct, given the range of entertainment and integrated resort uses as well as the historical associations outlined above at paragraphs 13–21 above.

59. The proposed tower is separated from the existing towers of Darling Harbour, but it shares a common building typology with the ICC (Sofitel) Hotel and the proposed Harbourside Shopping Centre tower, and is part of the northward growth of tower development in Darling Harbour. The building typology of the proposed Ritz-Carlton tower at the northern end of The Star podium is consistent with these other building types.
60. The Department's Report notes "*With respect to existing taller buildings within Darling Harbour ... the ICC [Sofitel] Hotel was a key component of ICC Sydney and central to the delivery of the Government's commitment to deliver international standard convention exhibition and entertainment facilities in NSW (as identified in the State infrastructure strategy 2012-2032). The height and prominence of the ICC Hotel was supported by the Department as appropriately marking the northern extent of the Darling Harbour precinct*" (at 38).
61. In my opinion, the Ritz-Carlton tower to be built in conjunction with the existing development at The Star would also allow the delivery of a hotel to complement the existing entertainment and tourism uses on the Site and in the Darling Harbour precinct.
62. The Sofitel Hotel tower was approved at the time as an isolated tower on the western side of Darling Harbour. The Harbourside Shopping Centre tower is currently under consideration and is also an isolated tower. The Proposed tower is similar to the other two developments. In my opinion, none of these towers should be refused on the basis that they do not form a tight cluster of towers like the City Centre or Barangaroo.
63. These towers on the western side of Darling Harbour follow a pattern of a building typology which has developed in recent years in Darling Harbour. The typology is comprised of a horizontal podium containing a rich array of active uses that activate the public realm, with a tower at the northern end of the podium providing complementary hotel and residential accommodation. The Proposal should be seen as part of a family of similar developments on the western side of Darling Harbour, one built – The ICC Sofitel, and two in the process of assessment – Harbourside Shopping Centre re-development and the current tower Proposal.
64. For the reasons outlined in paragraphs 13–21 above, in my opinion, the Site should properly be considered to be part of the Darling Harbour precinct. The Pyrmont precinct is predominantly characterised by low and mid-rise residential and mixed-use development as described in paragraph 38 above. I disagree with the Department's assertion that the Ritz-Carlton tower proposal does not adequately consider the current or future character of the immediate site context. The immediate site context is Darling Harbour. The podium of The Star in Jones Bay Road and Pyrmont Street relates very well to the low and mid-rise built form of Pyrmont. The tower complements the podium and has little environmental impact on the Pyrmont precinct.

Visual impact

65. The Department's Report notes that visual impact is a key issue. A comprehensive visual impact assessment has been provided by The Star and peer-reviewed by leading experts. The assessment is robust. By contrast, the Department has not provided a report critiquing the proponent's assessment.

Overshadowing

66. The Department's Report notes that:

"other identified impacts such as ... overshadowing weigh against the public benefits" (at 61);

"the proposal will have overshadowing impacts to public spaces including Union Square, Pymont Bay Park and Pymont Bridge" (at v);

*"the Department considers the [overshadowing] impact of a tower on Union Square is **moderate**"* (at 54, emphasis added);

*"The Department considers overshadowing impact on Pymont Bay Park is to be **minor**"* (at 56, emphasis added);

*"The Department has carefully considered the submissions and the Proponent's solar analysis and considers the overshadowing to Pymont Bridge **is minor**"* (at 57, emphasis added); and

*"The Department considers the minor overshadowing to this short section of Clifftop Walk is **minor**"* (at 58, emphasis added).

Private:

"Overshadowing of private residences is confined to short periods" (at v); and

"The Department has carefully considered the potential overshadowing impact on nearby affected [residential] properties and considers, on balance, the proposal to be acceptable" (at 58).

67. The tower has relatively little shadow impact on the key public spaces or the residential areas of Pymont. The siting of the tower at the northern end of the Site causes most shadow impact close to the tower to be on the roof of The Star itself. At a greater distance from the tower the shadow moves relatively quickly, allowing reasonable solar access to the key public places and residential areas. The Proponent has prepared detailed shadow studies to these areas. The Department's assessment of the shadow impact on Clifftop Walk is minor. Overshadowing on Union Square is moderate. Overshadowing on Pymont Bay Park and Pymont Bridge is minor. However, the Department does not support these impacts on the basis that they are said to result from an *"unacceptable form of development"* (at 55, 57). For the reasons set out in paragraph 57 above, I consider that the building form is appropriate in this location, and the overshadowing impacts are therefore acceptable.

68. The Department considers the small amount of overshadowing on private residences to be acceptable. In my opinion, overshadowing is not a significant issue in the assessment of the tower.

Heritage impacts

69. The Department's Report notes *"that the heritage impacts of the proposal, although minor, would only occur as the result of an unacceptable form of development. The scale of the proposed tower is not anticipated or supported by adopted policy and not considered to be justified in the proposed location. On this basis the Department considers that the heritage impacts have not been justified and should not be supported at this time"* (at 47).

70. The Department's Report notes that the building at 151 Clarence Street, approved by Council and completed in late 2018, has altered the background setting of the GPO clock tower (at 46). The Department notes that the exact impact of the tower in relation to the building at 151 Clarence Street and the GPO clock tower is unclear. The Department also notes that the Webber Report stated "*[e]ven from Martin Place, where glimpses would be visible, the new tower being relatively distant may not be unduly intrusive from most viewing positions*" (at 47).
71. The Department considers that "*the tower is located a sufficient distance from the [Pyrmont heritage] conservation area so as not to directly impact its setting or the ability to appreciate proximate heritage items*" (at 47).
72. The Department also notes that "*the heritage impacts of the proposal, although minor, would only occur as the result of an unacceptable form of development. The scale of the proposed tower is not anticipated or supported by adopted policy and not considered to be justified in the proposed location*" (at 47).
73. It is my view that the heritage impacts are acceptable, as the Heritage Council did not raise concerns about the proposed tower on State heritage items, the Council did not object to the impact of the tower on local heritage items, and the impact on the view from Martin Place is negligible. Further, the heritage impacts of the Proposal have been assessed in a heritage impact assessment and addendum report submitted as part of the application. The Department's comment that the tower would have an imposing presence when viewed from within the Pyrmont conservation area is an assessment based on views. This should not be conflated with heritage. The Department has not conducted a heritage conservation assessment that raises any reason not to accept the conclusion of The Star's assessment that the Proposal is acceptable from a heritage perspective. For these reasons, it is my view that the tower has acceptable heritage impacts.

Public benefit

74. The Department's Report considered that the "*public submissions from various organisations considered the proposal would result in public benefits including contributions to tourism and the arts, reducing pressure on hotel occupancy*" (at 60) and that the "*public benefit from the project would include both economic and social benefits*" (at 61).
75. The Department's Report "*does not consider the identified public benefits to be sufficient to offset the impacts that would be caused by the proposed tower and therefore the proposal is not in the public interest*" (at v).
76. The Department's Report in making its finding relied on Professor Webber who states that the "*Approval of proposals which are in excess of FSR density controls and/or not consistent with nearby development can sometimes be justified because the outcome will also result in worthwhile 'public benefit', very often dedication of attractive public space such as that proposed on the nearby Cockle Bay site. In the subject proposal no public space is proposed. The application does include 'Neighbourhood Centre' facilities within the development at ground floor level. Their potential need and value to be assessed, but the cost to the developer would be very small in comparison with the very major financial gain from each of the large number of residential units, as well as the hotel*" (at 138).
77. The Department has not taken into account the fit-out and functioning of the neighbourhood centre as per the PWC report nor the community benefits articulated in the Community Impact Statement.

78. The public benefit of the Proposal is in the form of a Neighbourhood Centre and not a public open space as called for in the Webber Report. The new Neighbourhood Centre is located on 5 levels on the corner of Jones Bay Road and will be operated for the balance of The Star's lease over the Site. The uses of the Neighbourhood Centre consist of:
- Ground floor: Neighbourhood Centre Reception and Café;
 - Level 1: Pirrama Reading Room, including technology space, study space and lounge space;
 - Level 2: Darling Collaborative Hub, including meeting spaces and recording studio;
 - Level 3: Pymont Forum, including Community Function Space; and
 - Level 4: Roof Terrace, including open space for casual gathering and view.
79. The Neighbourhood Centre consists of 1690 m² of floor area for the benefit of the public. In my view, this is a very substantial public benefit for the neighbourhood and residents of Pymont by any measure.

My opinions in relation to the Webber Report

80. The Department sought advice from Professor Webber to specifically consider whether “a tower form is appropriate in the proposed location given the local and wider urban context” (Department Report at 37).
81. The Webber Report states that “*In contemporary cities this culture [in which churches, cathedrals and town halls symbolised the highest values and beliefs of the community] no longer exists, and the tallest towers almost always serve commercial and residential uses. Many commercial towers, complete with their skyline signage, are powerful advertising devices for corporations ... The proposed tower on the Star Casino site would serve such purpose, drawing attention both to its hotel and up-market apartments, and to the attached Casino itself. It may not be accidental that the proposed height of 166-253m. is almost identical to that of its commercial opposition, – the Crown Hotel and Casino on the opposite side of the water, – 253.5m (Fig. 6.1.3). It is considered that there is no justification for approval of the proposed tower in this context.*” (at 138).
82. There is no justification for the Professor's comments in paragraph 81 above except for a preference for non-commercial structures in prominent locations in the city. In that sense, Professor Webber's views do not give any standing to the role of commercial developments in the modern-day city, and the benefits arising from commercial developments. Tall buildings are not unique to The Star's Proposal and the same could be said for every tall building in Sydney, whether commercial or residential buildings.
83. Professor Webber comments that “[t]o the south and east, across Cockle Bay and the east side of Darling Harbour, ‘tower’ buildings have been constructed or approved. These range from the tallest, the Crown Hotel and Casino at Barangaroo, to the three towers to the south at Darling Square, and two towers for Harbourside and the ICC Hotel on the west side of Cockle Bay” (at 136).
84. Professor Webber draws a conclusion that the Ritz-Carlton Hotel tower is out of context with these towers. I disagree for the reasons stated above, and I conclude that The Star tower is a northward extension of this podium and tower typology that is emerging on the western side of Darling Harbour.

85. I agree with Professor Webber's comments at p 137 that the Proposal would be "*an elegant three-dimensional form when viewed as an isolated 'object'*". However, I disagree with his opinion that the Proposal "*has no sympathy with its urban context*" and that the Proposal "*could well be more visually assertive than either of the other two [competition design] submissions*" (at 137). For the reasons set above in paragraph 57 above, in my view, the tower is entirely appropriate to its urban context in Darling Harbour and Pyrmont, in particular having regard to the precedents of towers to the south and east of the Site. I also disagree that the Proposal would be more visually assertive than the other designs represented in the design excellence competition. The curvilinear forms of the tower complement the sculptural forms of the podium and of The Ribbon to create a visually cohesive design that exhibits design excellence. These built forms of the podium and of the base of the tower relate well to the curvilinear street pattern of Jones Bay Road and Pirrama Road and the existing buildings in close proximity to the Proposal.
86. Further, Professor Webber's comments do not give weight to the changing context of the precinct and the context within which the proposed tower would be placed, which I have described in detail in paragraphs 22–24 above.

Precedent

87. The Webber Report states that "*[i]t should also be kept strongly in mind that approval could open the door to further applications, as discussed below under 'Precedent Argument', and that their location would be such that collectively overshadowing of residential buildings could be very significant*" (at 137).
88. The Webber Report also asserts that "*if the Star Casino application were to be approved, other applications would almost certainly follow, and would be difficult to refuse*" (at 138).
89. I disagree. The Site is a large, government-owned site with a long history of evolution as a State significant project. As a result, local environmental controls do not apply. It does not follow that, if the Proposal is accepted, other proposals on other sites would inevitably follow or "be difficult to refuse". Any other proposals would need to be considered on their merits, having regard to the applicable controls.

Conclusion

90. In summary, based on my review of all the available materials listed above, there has been a robust assessment of impacts of the Proposal following a clear methodology, which demonstrates that the Proposal is acceptable development within its context.
91. The reasons have been addressed in my review as follows:
- Throughout its history, the Site has been and is currently being used in a manner that is more consistent with the land uses at Darling Harbour than the low- to medium-rise residential and mixed uses elsewhere in Pyrmont. This is reflected in the GSC and the CoS's strategic vision for the area. Accordingly, the Project should properly be considered as part of the Darling Harbour precinct rather than the rest of Pyrmont.
 - I do not agree with the reasons set out in the Department's Report for recommending against approving the Proposal for the following reasons:
 - **Built form:** the podium of the Proposal responds to the built form of Pyrmont, and the tower form has been designed to minimise environmental impacts and effects on the streetscape.

- **Strategic justification:** the Department's opposition to the Proposal on the basis of its lack of strategic justification is a result of the Department's failure to assess the Proposal as part of the Darling Harbour precinct. Once it is considered in that context, the proposed tower at the proposed location is entirely appropriate.
- **Visual impact:** neither the Department's Report nor the Webber Report includes an additional visual impact assessment which would support the view that the Proposal is not acceptable by reasons of visual assessment.
- **Heritage impacts:** the Department's opposition to the Proposal on the basis of its imposing presence is an assessment based on views, which should not be conflated with heritage.
- **Public benefit:** the Proposal will deliver a five-level Neighbourhood Centre for the balance of SEGL's lease over the Site.
- **Overshadowing:** any overshadowing impacts are minor and are acceptable.
- **Design excellence:** the design excellence process that was followed was robust and has resulted in a built form which exhibits design excellence, and which is suitable for its context.

Russell Olsson,
B Arch (Hons), DPLG, CEAA, AIA
Director, Olsson Associates Architects

Signed

A handwritten signature in black ink, appearing to read 'Russell Olsson', written in a cursive style.

Date : 6th September 2019

Annexure A – Russell Olsson CV