



Ms Anna Summerhayes
A/Executive Director – Secretariat
Independent Planning Commission NSW
Level 3, 201 Elizabeth Street
Sydney NSW 2000

Our ref: MP08_0098 MOD 13

20 September 2019

Dear Ms Summerhayes

The Star Casino Modification Request (MP08_0098 MOD 13)

I write in response to your letter of 16 September 2019, requesting clarification on several matters raised during the public meeting for the Star Casino Modification Request (MP08_0098 MOD 13).

The Department's response to the Commission's request is set out below. Please note the Department's assessment report, referred to the Commission on 25 July 2019, already provides clarification on several of the matters requested by the Commission. In these instances, the Department's response below references the relevant sections of the report.

With reference to strategic justification the Department's consideration of the proposal in relation to the strategic planning context is addressed in Section 3 (pages 14-15) and Section 7 (page 79) of the Department's assessment report.

In relation to the documentation provided to Professor Webber the Department notes he was engaged to provide independent design advice on the specific question of whether a tower form is appropriate in the location given the local and wider urban context. He was not engaged to undertake an assessment of the application in its entirety, as this task was being undertaken by the Department.

To answer this question, Professor Webber was specifically requested to:

- review and comment on the Urban Context Report and Visual Impact Assessment (including relevant documents below); and
- identify and consider any relevant industry recognised design principles and practice in relation to locating tower building forms.

He was sent a weblink to the proposal on the Department's website, and provided with the following documents:

Environmental Assessment including:

- Appendix G – Urban Context Report
- Appendix H – Visual Impact Assessment
- Appendix YY – Peer review of the Urban Context Report
- Appendix ZZ – Peer review of the Visual Impact Assessment.

Response to Submissions including:

- Appendix N – Amended Urban Context Report
- Appendix Q – Visual Impact Assessment Addendum.

For information on the design excellence brief please refer to the Department's assessment report (Section 6.1, pages 28-31), which considers design excellence including the design excellence brief.

The Department maintains this position and its conclusions in relation to design excellence, having reviewed Urbis' response to the assessment report. It is noted the Urbis response reconfirms the Proponent's position, referring to existing documents already considered by the Department in its assessment.

The Urbis response claims the Design Review Panel (DRP) was charged with determining whether the proposal exhibits design excellence. The Department disagrees with this assertion, as it's the consent authority (in this instance the Commission and not the DRP) that has the statutory role to determine the modification application including any determination of whether the proposal exhibits design excellence.

It is important to clarify the role of a design excellence process cannot be is not a substitute for planning approval, but a prerequisite (albeit an important one) to lodging the modification request for exhibition and assessment. While the views of the DRP are an important input, the consideration of design excellence and the consistency with the objects of the Environmental Planning and Assessment Act 1979 are ultimately a decision for, in this case, the Commission.

The Commission has the design excellence brief and the Department's letter of 20 October 2016 (contained within Appendix B of the Proponent's Design report), which advised the design excellence process adequately addressed the requirements of the SEARs in so far as they required the Proponent to undertake a design excellence process.

Discussion of the strategic context of the site including the Eastern District Plan is contained within the Department's assessment report (Section 3, pages 14-15), which considers the proposal against relevant strategic plans.

Furthermore, the Department confirms for the Commission the purpose and function of the Eastern District Plan (page 14) being '...The District Plan informs local strategic planning statements and local environmental plans, the assessment of planning proposals as well as community strategic plans and policies...'.

The Darling Harbour precinct identified on page 63 of the Eastern District Plan, which includes the site, relates to the innovation corridor only, and specifically in relation to the planning priority and objectives for the innovation corridor.

The relevant planning priority for the innovation corridor is Planning Priority E8 "*Growing and investing in health and education precincts*". Objective 21 of Planning Priority E8 *relates to "Internationally competitive health, education, research and innovation precincts"*.

The Department recommends the Commission has regard to the full supporting text for Planning Priority E8 (on pages 62 to 67 of the plan), which in essence states that digital innovation and start-ups seek out space in character buildings in suburbs like Pyrmont, and that they require "proximity to affordable and diverse housing options that can be multipurpose, and a range of cultural, entertainment and leisure activities, including strong night-time activities".

Action 26(f) of Planning Priority E8 seeks to "Facilitate an innovation corridor that supports a strong night time economy", which the Department considers is the only action relevant to the proposal. The Department recognises the existing Star casino complex contributes to the night time economy through the provision of entertainment and restaurant facilities.

The Department notes further that Planning Priority E8 does not specifically identify increased hotel accommodation or residential density as objectives or actions to facilitate the innovation



corridor. The innovation corridor is focused on providing affordable commercial floorspace and housing options for start-up businesses.

Finally, the Department notes the city high-rise areas quote from Mr Johnson is a part of a sentence (from page 46 of the Eastern District Plan). The Commission is requested to review this section in full to appreciate its context, as it forms part of supporting text of Planning Priority E6 "*Creating and renewing great places and local centres and respecting the Districts heritage*". This section summarises the attributes of existing places within the District. The objectives and actions of Planning Priority E6 relate to place-based planning and heritage conservation.

Should you require any additional information or clarification, please don't hesitate to contact Ms Anthea Sargeant, Executive Director, Compliance, Industry and Key Sites, on (02) 9274 6522 or email on anthea.sargeant@planning.nsw.gov.au.

Yours sincerely,

A handwritten signature in blue ink that reads "Marcus Ray".

Marcus Ray

Group Deputy Secretary

Planning and Assessment

20/09/2019