

Ritz-Carlton MOD13 – Public Meeting of the Independent Planning Commission NSW 27/8/19

Today I am representing members of Pymont Action Inc, but also many of my friends and neighbours who have expressed alarm about the scale and impact of this so-called MOD on their lives, and its implications for the future of our neighbourhood. My presentation is based on the premise that the IPC will make its determination based on the planning laws and rules now applying to the Ritz-Carlton site, and its Pymont context.

The major issue raised in our original submission on the MOD, and our further response to the proponent's Response to Submissions, has been recognised by assessors in the Department of Planning – that this extraordinarily high tower sets a precedent for future development in Pymont, and, possibly, beyond. Proponents of recent major developments proposed for sites in the vicinity of Pymont continue to cite the Sofitel hotel in Darling Harbour, a rules-free precinct, as the rationale for proposing even higher buildings. The Ritz-Carlton proponents are no exception, citing the Sofitel, the recently approved Cockle Bay redevelopment and proposed Harbourside redevelopment as justification for their 61-storey tower.

Even more alarming is the statement in the EAR that “the Pymont Peninsula... continues to undergo renewal and would be broadly considered as an area in transition with future redevelopment opportunities likely to be informed by large scale redevelopment occurring within the immediate and broader context of the site”. The Response to Submissions refers specifically to the proposed Bays Precinct transformation, and it is difficult not to draw conclusions from the fact that the architects for the Ritz-Carlton are from the same architectural practice commissioned to develop the Master Plan for the current Fish Markets site. Join the dots.

We are pleased that the Dept of Planning has stated that the proponent's suggested “global waterfront precinct” cannot be relied upon to justify a landmark tower in the location of The Star”, and does not accept the Proponent's contextual or strategic justification for a tower in this location”, yet it is reported in the *Daily Telegraph* (8/8/19) that “the Western Harbour Alliance, which includes The Star and other key stakeholders within the precinct, has been actively involved in planning for the future of Pymont since 2014”. This is news to us. The Alliance also includes the Sydney Fish Markets – but, significantly, no community representatives. Yet aren't we key stakeholders? The Alliance is run by the Committee for Sydney (again a body with no community representation) “which is providing “vision” for how the tourism hotspots from Barangaroo to the Fish Markets could become more vibrant.” We also note that the Greater Sydney Commission has been asked by the Premier, to whom it reports, to review both the opportunities for, and constraints on further redevelopment of Pymont and Ultimo. The Minister for Planning has assured us that the current legislation, planning processes and rules are the ones which apply to assessment of this proposal.

Pymont is still the area of highest urban density in Australia with a residential population of over 13,000. This former largely industrial suburb has been transformed over the past ~30 years into a vibrant residential/commercial precinct, through a relatively orderly planning process, involving the development of Master Plans which, by and large, meet the parameters and zonings set in Local Environment Plans and DCPs. Those of us who bought our homes in Pymont did so on the basis of these plans. They provided what we thought was certainty. Little did we know that Pymont was about to undergo yet another “transition”, as confidently stated in the Environmental Assessment Report and endorsed by the “independent think-tank”, the Committee for Sydney.

We have outlined the reasons why we oppose MOD13, and why we don't wish to see such towers replicated across our suburb. Our views have been endorsed by the Dept of Planning in its rejection of the proposal. These include:

- Overshadowing of public spaces - Union Square, Pymont Bay Park and the Pymont Bridge, acknowledged by the Dept as reducing the amenity of those spaces;
- 3 instances of non-compliance with ADG guidelines whereby solar access to any part of the residence is reduced to below 2 hours;
- Non-compliance with the current zoning of the site as Commercial by the addition of 205 residential apartments
- Exacerbation of existing traffic and parking impacts, noting that the site is bounded on all sides by narrow, local roads, currently choked with waiting taxis and buses, lacking access to public toilets, with drivers urinating in nearby private residential property;
- The inadequate public transport serving Pymont has not been addressed by the Proponent by order of Transport for NSW. This lack forces visitors to The Star to use private vehicles, thus exacerbating Pymont's traffic woes. We ask, why?
- The usefulness to the community of the proposed Neighbourhood Centre is limited by 5 huge structural columns and the stairwell which break up any space that might have been used for performances or meetings, and by its circular configuration. Affordability and community access to the proposed Centre remains undefined.

We have outlined our rejection of the proposal as a modification in our submissions and deplore this attempt to circumvent current planning requirements, including those of Sydney LEP 2012. The SEARs require the proponent to "demonstrate that the Proposal has **limited environmental impacts** beyond those already assessed for Project Approval MP 08_0098 and any subsequent modification to that approval". The tower's height alone represents a dramatic increase over that of the approved MP and subsequent modifications, and we agree with the Department's assessment that it "would appear isolated and overly prominent and unrelated to its context within Pymont to the detriment of local and wider views...". They also consider that "the prominence of the tower would be both significant and detrimental to those public views" and "are not consistent with the impacts that may be reasonably expected from an LEP compliant envelope".

Elsewhere the RtS reports that The Star sought to use the now repealed Part 3A of the EP&A Act 1979 and the 2005 SEPP "to enable upgrade and refurbishment works". **The proposed 61-storey Ritz Carlton tower can hardly be described as an upgrade or refurbishment and should be rejected as a modification on these grounds.** Furthermore, the proponent failed to meet one of 3 criteria required to be met under Schedule 2 of the EP&A Transitional Regulation dealing with a duly lodged section 75 modification application, namely that it has to be determined by 1 September, 2018.

If Sydney needs yet another hotel to house international high rollers, in competition with Packer's phallic monstrosity at Barangaroo, let it be developed in accordance with current standards and rules, ie be compliant with the 2012 LEP, and complementary with the established area of Pymont. Given that The Star reported a 35% fall in VIP turnover associated with the current controversies regarding the operations of junkets supplying high rollers to both The Star and Crown, it is likely that the business case for a new upmarket hotel no longer stacks up.

Elizabeth Elenius BA Earth Sciences (Land Management & Geomorphology) Macq Uni, Convenor
Pymont Action Inc. [REDACTED]