

Resolution of Council

19 August 2019

Item 3.3

The Star Casino and the Credibility of the Planning System

Minute by the Lord Mayor

To Council:

The Department of Planning, Industry and Environment recently released its assessment report, recommending that the Independent Planning Commission (IPC) reject the Star Casino's luxury residential apartment and hotel tower.

The Department's report notes that the proposed built form would appear isolated and inconsistent in height and form with surrounding buildings; would inhibit views from public vantage points and adversely impact the established character of Pyrmont; and create unacceptable overshadowing impacts to public spaces such as Union Square, Pyrmont Bay Park and Pyrmont Bridge, and on private residences.

It also notes that the Star's suggested concept of a "global waterfront precinct" has no planning weight because it is not reflected in any Council or NSW Government strategic planning policy.

This is a point of vital importance to maintaining public faith in the credibility of the planning system to deliver outcomes for the community and the economy. It is through the development of strategies and controls that the community is consulted about what should dictate the future of their built environment.

As residents in Pyrmont have expressed to me, their suburb is a successful example of urban renewal, guided by Master Plans and Local Environment Plans with established parameters for redevelopment.

But the Star Casino's proposal undermines this community's vision for their area. It appears that the certainty that the City of Sydney's earlier planning process gave to residents in Pyrmont, which influenced their decisions to live there, is under threat. It is an astounding betrayal of public trust.

The Department's recommendation not only reflects the concerns of the community, it upholds the fundamental principle of the planning system – that a common agreed framework must apply to all, be developed in consultation with communities, business and developers, and that this framework is based on rigorous research, not ad hoc decisions by governments to accommodate interests of the powerful.

As an open letter to the Chair of the IPC signed by over 60 members of the planning and design community, including former NSW Government Architect Peter Mould, states, *"the final decision on the Star Casino's proposed tower in Pyrmont will go to the heart of the maintaining the integrity of the planning system and the community's faith that planning rules are applied fairly to all."*

The signatories commend the Department on its assessment of the Star's proposal and urge the IPC to not overturn the Department's recommendation saying, *"[i]t is our view that no reasonable and independent assessment of the Star Casino's proposal could result in any other recommendation than that of the Department."*

But powerful vested interests are campaigning that the assessment of the Department and the community's opposition to the project be cast aside.

To date, Newscorp's Daily Telegraph has published 27 articles critical of the recommendation, including four front pages, three editorials and four op-eds. The paper has attacked the credibility of Peter Webber – the former NSW Government Architect and Professor of Architecture at Sydney University who conducted the expert review of the Star's proposal.

The Daily Telegraph's criticism of the Department's recommendation rests on the implication Pyrmont is somehow devoid of a planning vision and that Sydney urgently needs more high-end hotels to maintain our status as a global city and tourist destination.

The vision for Pyrmont dates back to 1991 guided by then Deputy Prime Minister Brian Howe's 'Building Better Cities' program that sought to improve urban environments and create more liveable cities. Under this policy, Pyrmont became one of the earliest examples of urban renewal in Australia and has resulted in a transformation from a former industrial area to a densely populated mixed residential and commercial area.

It has since transformed into one of the most densely populated and thriving urban renewal and mixed use locations in Australia.

The planning controls contained in the Sydney Local Environment Plan 2012 (LEP) after extensive community consultation envisage a 28 meter or seven storey development for the site, consistent with the established low to medium scale development and character of the eastern side of the Peninsula. Now the Star Casino is asking the community to accept a massive residential tower with a hotel on top, more than eight times the maximum building height permitted for this location.

The appropriate planning mechanism to investigate significant alterations to existing building height standards is a Planning Proposal – which is the process other private applicants are expected to undertake including public consultation. For the IPC to disregard the site controls to this extent and approve a proposal that represents the most significant departure from valid planning controls in NSW history would be vastly inequitable for all other developers, landholders and investors.

Pymont is also home to a burgeoning start-up and technology sector, and requires supporting infrastructure such as a metro station linking it to the CBD and metropolitan Sydney to reach its potential. But it is through a democratic consultative process that the vision for Pymont should evolve, not through ad hoc planning proposals by powerful interests with no consideration of context.

The City acknowledges the urgent need for hotels, and has prioritised hotel developments, approving over 5,700 hotel rooms in the past five years.

In 2017 the City of Sydney approved the 6-star, 28 storey Yuhu Hotel (formerly Wanda Hotel) on the corner of Alfred and Pitt Streets at Circular Quay. The applicant requested that the Minister delegate his determination functions for this tower to the City of Sydney, which approved the hotel DA in record time of five months including a month long exhibition period. This followed a competitive design process won by Kengo Kuma and Crone Studios. The tower is currently under construction.

I recently attended the turning of the sod for the Voco Hotel, a 15 floor, 300 room hotel in Haymarket that will cater to tourists from Asia. Developers Linzhu and IHG, and their architects, BVN, Architectus and 360 Landscape, worked with the City on the design which ensured sun access to one of the city's parks is retained, resulting in a striking landscaped sloping roof.

These developments represent just some of the over \$25 billion of development that the City of Sydney has approved over the past 10 years. Our ability to effectively assess and approve DA's and deliver design excellence outcomes for the community, visitors to the city, and developers relies upon controls being developed in consultation with all parties and applied consistently.

The situation with the Star Casino's proposal is a stark comparison. The Department has recommended against the proposal because it does not reflect an outcome envisaged by the Sydney LEP and lacks strategic planning merit.

The Star proposed a luxury residential apartment tower containing 204 residential apartments across 33 to 35 levels. Under the Sydney LEP 2012 the site is zoned for commercial, and residential accommodation is a prohibited use.

The additional 22 levels of visitor accommodation on the top of the tower is a relatively small hotel compared to those being built elsewhere in the city, but the lucrative, luxury residential apartments appear to be the main driver of the tower's height – a full 200 meters above the area's planning controls.

The result is a tower that is inconsistent with these rules and that would deliver a terrible outcome for the community. Unlike other waterfront developments such as the Harbour Bridge and Opera House icons, this proposal by a private entity – Star Casino – provides inadequate public benefit, despite being on public land.

But what is at stake should the IPC approve this development is not only the future of Pymont, but the credibility of the planning system in its entirety.

A Public Hearing is to be held on the 27 August 2019 and is a final chance to ensure the voice of the community is heard above those of the Star Casino and their allies in the media. The IPC must uphold the Department's recommendation to re-establish confidence in the planning system for all.

Recommendation

It is resolved that:

- (A) Council:
 - (i) supports the Department of Planning, Industry and Environment's recommendation, noting that it reflects the concerns of the community and the City;
 - (ii) notes the proposal submitted by Star Casino completely disregards planning controls for the site established through extensive community consultation;
 - (iii) stands in support of over 60 experts who have called for the Independent Planning Commission to uphold the recommendation of the Department;
 - (iv) notes that the City of Sydney has approved \$25 billion in development in the last 10 years, including over 5,700 hotel rooms demonstrating it has been proactive in promoting the development hotel accommodation in the city;
 - (v) notes that the assessment of projects outside established planning controls undermines confidence in the planning system and could discourage investment in our city, including in much needed hotels.
- (B) Council notes that the Lord Mayor will appear at the public hearing of the Independent Planning Commission to support the Department's recommendation;
- (C) Council supports the voices of the community in opposition to the project by requesting that the Chief Executive Officer inform residents of the public meeting of the Independent Planning Commission to be held at 9:30am on 27 August 2019 by distributing a letter from the Lord Mayor to residents (\$5,950 + GST, to be funded from the 2019/20 Media and Communications Printing budget); and

- (D) Council supports the signatories of the open letter to the Chair of the Independent Planning Commission from members of the design and planning community by requesting the Chief Executive Officer publish it as a full page advertisement in the Sydney Morning Herald before the 27 August 2019 (\$54,102 + GST, to be funded from the 2019/20 General Contingency budget).

COUNCILLOR CLOVER MOORE

Lord Mayor

- (a) Moved by the Chair (the Lord Mayor), seconded by Councillor Scott -

Procedural Motion

At this stage of the meeting, it was moved by Councillor Vithoukas, seconded by Councillor Phelps –

That the minute be voted on in three separate sections – (A) and (B) in one section, then (C) and (D) separately.

The procedural motion was carried on the following show of hands –

Ayes (8) The Chair (the Lord Mayor), Councillors Chung, Forster, Phelps, Scott, Scully, Thalys and Vithoukas.

Noes (2) Councillors Kok and Miller.

Clauses A and B

It is resolved that:

- (A) Council:
- (i) supports the Department of Planning, Industry and Environment's recommendation, noting that it reflects the concerns of the community and the City;
 - (ii) notes the proposal submitted by Star Casino completely disregards planning controls for the site established through extensive community consultation;
 - (iii) stands in support of over 60 experts who have called for the Independent Planning Commission to uphold the recommendation of the Department;
 - (iv) notes that the City of Sydney has approved \$25 billion in development in the last 10 years, including over 5,700 hotel rooms demonstrating it has been proactive in promoting the development hotel accommodation in the city; and
 - (v) notes that the assessment of projects outside established planning controls undermines confidence in the planning system and could discourage investment in our city, including in much needed hotels;

- (B) Council notes that the Lord Mayor will appear at the public hearing of the Independent Planning Commission to support the Department's recommendation;

Clauses A and B of the minute were carried on the following show of hands –

Ayes (8) The Chair (the Lord Mayor), Councillors Kok, Miller, Phelps, Scott, Scully, Thalís, and Vithoukás

Noes (2) Councillors Chung and Forster

Clauses A and B of the minute were carried.

Clause C

It is resolved that:

- (C) Council supports the voices of the community in opposition to the project by requesting that the Chief Executive Officer inform residents of the public meeting of the Independent Planning Commission to be held at 9:30am on 27 August 2019 by distributing a letter from the Lord Mayor to residents (\$5,950 + GST, to be funded from the 2019/20 Media and Communications Printing budget);

Clause C of the minute was carried on the following show of hands –

Ayes (8) The Chair (the Lord Mayor), Councillors Kok, Miller, Phelps, Scott, Scully, Thalís, and Vithoukás

Noes (2) Councillors Chung and Forster

Clause C of the minute was carried.

Procedural Motion

Moved by Councillor Phelps, seconded by Councillor Thalís –

That voting on clause (D) be deferred until a copy of the letter had been distributed to all Councillors and after Item 3.4.

Carried unanimously.

At the resumption of discussion of Item 3.3 –

Clause D

It is resolved that:

- (D) Council supports the signatories of the open letter to the Chair of the Independent Planning Commission from members of the design and planning community by requesting the Chief Executive Officer publish it as a full page advertisement in the Sydney Morning Herald before the 27 August 2019 (\$54,102 + GST, to be funded from the 2019/20 General Contingency budget).

Clause D of the minute was carried on the following show of hands –

Ayes (6) The Chair (the Lord Mayor), Councillors Kok, Miller, Scott, Scully and Thalys

Noes (4) Councillors Chung, Forster, Phelps and Vithoulikas.

Clause D of the minute was carried.

(b) **S051491**