



New South Wales Government
Independent Planning Commission

TRANSCRIPT OF PROCEEDINGS

RE: THE STAR MOD 18 - CHANGES TO MUEF (MP08_0098-MOD-18)

COUNCIL MEETING

COMMISSION PANEL: DIANNE LEESON (Panel Chair)
 ADRIAN PILTON
 DR PETER WILLIAMS

OFFICE OF THE IPC: JANE ANDERSON
 OLIVER COPE
 HEATHER WARTON

CITY OF SYDNEY CHRISTOPHER CORRADI
COUNCIL: SAMANTHA KRUIZE

LOCATION: VIA VIDEO CONFERENCE

DATE: 12.00PM, WEDNESDAY, 25 JANUARY 2023

TRANSCRIBED AND RECORDED BY APT TRANSCRIPTIONS

MS LEESON: Good afternoon. So before we begin, I would like to acknowledge that I'm speaking to you from Ngarigo land and I acknowledge the traditional owners of all the country from which we virtually meet today and pay my respects to their Elders past and present. Welcome to the meeting today to discuss The Star Casino Complex Mod 18 Changes to MUEF case currently before the Commission for determination. The applicant, Foundation Theatres Pty Limited, is seeking consent for alterations and additions to the multi-use entertainment facility in the northern part of The Star Casino complex. These include conversion of the MUEF into a two-theatre complex, construction of a new fly tower, construction of new dressing room and plant and equipment areas and internal alterations to foyer and pre-event spaces.

My name is Dianne Leeson, I'm the Chair of this Commission Panel and I'm joined by my fellow Commissioners Adrian Pilton and Dr Peter Williams. We are also joined by Jane Anderson and Oliver Cope from the Office of the Independent Planning Commission and Heather Warton who is assisting the Commission. In the interests of openness and transparency and ensure the full capture of information, today's meeting is being recorded and a complete transcript will be produced and made available on the Commission's website. This meeting is one part of the Commission's consideration of this matter and will form one of several sources of information upon which the Commission will base its determination.

It is important for the Commissioners to ask questions of attendees and to clarify issues whenever it is considered appropriate. If you are asked a question and not in a position to answer, please feel free to take the question on notice and provide any additional information in writing which we will then put up on our website. I request that all members here today introduce themselves before speaking for the first time and for all members to ensure that they do not speak over the top of each other to ensure accuracy of the transcript. We will now begin. Welcome, Christopher, I see you've managed to join the meeting.

MR CORRADI: Thank you. Yes. I've managed to join the meeting. Do you want me to introduce myself?

MS LEESON: Sure.

MR CORRADI: Christopher Corradi. I'm the Area Planning Manager for Major Projects at the City of Sydney. Our response today will be Samantha Kruize of the City will actually go through that in detail. I'm just here as an observer.

MS LEESON: Thank you very much. We've already introduced ourselves to Samantha and I understand that she's done most of the assessment work on this.

We've allowed half an hour for this which we might or might not need all of but we issued an agenda and I think what we'd like to start with first is we've got a lot of information before us, we've got all the applicant's documentation, we've got the Department's assessment report which was all quite clear and we've got a set of recommended conditions of consent. What we'd like to do today, I think, is hear Council's position on the amended proposal which we understand the objection has been formally withdrawn but we'd like to understand Council's position on - and any particular details on the amendment as it is before us. And so we might hand across to you for an overarching comment from the Council and then we'll go through any
10 detailed questions that we might have coming from the rest of the agenda.

MS KRUIZE: Yes, sure. So as I mentioned before, my name's Samantha Kruize and I'm a Senior Planner at the City of Sydney. So we've reviewed the Department's assessment report and the recommended conditions of consent and overall we don't raise any objection so the conclusions of the assessment report and we consider that our comments have been adequately addressed in that report and similarly we don't raise any specific issues with the recommended conditions. I'm happy to give a background into our position on the proposal.

20 MS LEESON: Yes, that would be fine. So we note that. Thank you very much for the overview of no lingering objection and that your comments have been incorporated. Yes, by all means, give us your overview.

MS KRUIZE: Thanks. So overall the Council - we don't object to the amended design and we're supportive of the cultural benefits that the proposal will bring given that it will help meet the growing demand for more diverse and mid-scale theatre offerings in Sydney which is something that the city has been advocating for and so by way of background, in our first submission on Mod 18 that was dated the 10th of May, 2022 we indicated support for the new mid-scale theatres; however, we objected to the
30 bulk and scale of the additions for a number of reasons.

So firstly, the proposal resulted in a 58 per cent variation to the height of building control that applied at the time of writing that submission. Secondly, we raised particular concern regarding the extent of additional bulk around the fly tower. So while the fly tower itself was supported, there was a large area adjacent to the fly tower that was also proposing additional bulk but did not serve any purpose for the theatre and thirdly, we had concerns around the bulk proposed to the plant area and the dressing room building and the impacts to surrounding buildings in the public domain.

40 We then attended two meetings with the applicant, the first on the 27th of June, 2022 and the second on the 17th of October, 2022 and then we made a second submission

on the 2nd of November, 2022 providing advice to the Department on the amended plan submitted and the response to submissions package and so in that submission we advised the Department that we withdrew our objection and that was for a number of reasons.

10 Firstly, the planning controls for the site had changed under the Pymont Peninsula SEPP 2022 and so the land on this part of the site now had a maximum height control of RL51.8 if the building will be used for entertainment facilities and the fly tower complied with this control. Secondly, the fly tower design had been reduced significantly in terms of bulk so that the mass was limited to only the area that was needed for the fly tower and thirdly, the plant and dressing room design had been refined and slimmed down. So instead of there being two separate components added on top of the existing building they were now integrated into one design element with the existing building and would also match the existing materials.

20 Some other minor issues that we raised regarding the design of the stages and loading and unloading were also satisfactorily resolved. So in light of these things, having reviewed the assessment report and the conditions, our position is that we don't raise any objections to the proposal as amended.

MS LEESON: Thanks, Samantha. Can I take it then that Council is satisfied that the applicant's done everything it can to reduce the scale and bulk of the fly tower, still functional but it's reduced - that scale and bulk as much as it can because that's clearly what's creating the key view loss issue for particularly residents in the Watermark Tower building. Has Council got any comment around the view loss impact, notwithstanding the change to the fly tower?

30 MS KRUIZE: Yeah. So with regard to the fly tower we consider that to be an important part of the proposal and an important part of the operation of the theatres and so we think it's important and we support the installation of that fly tower because of the benefits it will provide overall. We did originally have concern with the original scheme in terms of view impacts particularly to the Watermark Tower and also Rockdale Tower, the City-West Housing building to a lesser extent but having reviewed the amended design and I've also read the Department's assessment regarding view impacts we don't have any further concerns or comments, we consider those to be adequately addressed and resolved in the Department's assessment report.

40 MS LEESON: So in a nutshell, on balance, Council's comfortable that the strategic benefit of the cultural facility and the theatre and the fly tower is sufficient to mitigate, I suppose, the extent of view loss at the Watermark Building, in particular?

MS KRUIZE: Yes, correct.

MS LEESON: Yes. Okay. Thank you.

MS KRUIZE: Yep.

MS LEESON: You touched on operational issues, can you explain to us how you've been satisfied that they are now appropriate?

10 MS KRUIZE: Do you mean in terms of operational noise?

MS LEESON: Particularly, I think, the loading dock and - well, loading dock, so traffic and transport associated with loading. I don't think we are that concerned about general traffic given that the patron numbers will actually be less than, you know, achievable now but it's more the operational traffic and the workings of that loading dock that we'd like Council's comment on given that you're called up as being consulted in terms of operational management plans so we'd like Council's views, if we can.

20 MS KRUIZE: Sure. Yeah. We reviewed those aspects of the proposal with the original submission and we didn't raise any issues regarding general traffic impacts or the like. Our City Infrastructure and Traffic Operations Team reviewed the proposal and they were satisfied with it. The only traffic-related issue we did raise was management of the loading docks and from the assessment report I understand this will be addressed in the submission of an operational plan of management which we're happy with and we'll be consulted on further with that but when we looked at the response to submissions there didn't seem to be any major outstanding issues and our original comment on the unloading and loading the applicant just provided further clarification on how that would work and our Traffic and Transport Team were happy
30 with that.

MS LEESON: Thank you. I mean, it was put to us by the applicant that, in fact, the nature of the loading dock is probably going to be a bit different than it is now where it gets more frequent use for that MUEF area in the way it currently operates for events and corporate activities and things like that, that if anything, it will be more intense for much shorter periods than happens now so you get a more even, I suppose, but intense use at the moment, whereas it will be a lesser impact later on when it's operating as two theatres.

40 MS KRUIZE: Yep, we would agree with that.

MS LEESON: Okay. All right. I didn't have any particular questions following that because Council's letter was quite clear around its withdrawal of the objection but before we go on I'd just like to check if there's any questions from my fellow Commissioners.

MR PILTON: Not from me, thanks, Di.

DR WILLIAMS: Di, if I may.

10 MS LEESON: Please.

DR WILLIAMS: Thanks, Samantha. That background, I think, was very helpful and that chronology you gave of meetings with the applicant and your interaction with the applicant and Department clears up a lot of stuff for us in terms of, you know, the grounds of Council's removal of objection so that was really, really helpful, thank you. I guess just two questions. Firstly, nothing at all in the conditions - I don't know whether you were going to touch on this, Di, but nothing in the conditions that are of concern to Council?

20 MS KRUIZE: No. So I went through the conditions and the only thing that we included in our submission to the Department was just recommending that the requirements of the acoustic report are captured in the modified conditions and having gone through the conditions that's been done in a number of them. So just as a quick reference, and I don't know how complete this is, but I could see condition A3, B5, B6 and E1A refer to the updated acoustic report so we're happy with that.

DR WILLIAMS: Good. Thank you. And, sorry, just my second question. In the Department's assessment report, I think it's page 36, it deals with construction traffic impacts and it just makes the point that further approval or approvals may be needed
30 from the Council. Have you got any comment - just for construction purposes, I gather, have you got any comment or observations you can make on that particular point?

MS KRUIZE: Yeah. Often what happens is we need to approve a construction traffic management plan which I think is the case here. I would need to just double-check that and put that on notice but I do recall having reviewed that and agreeing with that recommendation, that is just standard practice that any construction traffic impacts are managed by a management plan which our traffic team reviews for approval.

DR WILLIAMS: Right. Would any approval, therefore, be needed by - when I say approval, approval in the sense that Council agrees with that traffic management plan or - - -

MS KRUIZE: Yeah. So I'm just looking at the conditions. So condition A3 references the revised construction traffic management plan.

DR WILLIAMS: Right.

- 10 MS KRUIZE: And our - that would've been part of our Transport and Traffic Team's assessment and they had no issues with the documents that they reviewed. So there's no outstanding issues on our end. Sometimes there are conditions put on and I'm not sure if this is in the case for this where the final construction traffic management plan has to be reviewed prior to construction commencing or certification being issued in which case we take a look at that and modify it, if required, but because there is already one and we have reviewed that there doesn't seem to be any outstanding issues there.

- 20 DR WILLIAMS: Great. Thanks, Samantha, that's really helpful. Thanks, Di.

MS LEESON: Thanks, Peter. And just on that, if there are any updates to the construction traffic management plan that's needed we can go back, rather than having you on notice about to come back to us we can look at the conditions and if it looks like there's going to be any change to it would Council want to continue to be consulted on those changes?

MS KRUIZE: Yeah, it is generally good for Council to be consulted on changes to construction traffic, I think it would be beneficial.

- 30 MS LEESON: Thanks. We'll note that as what you would like if we need to cover that off in our consideration of the conditions.

MS KRUIZE: Sure.

MS LEESON: And I think there was one other issue about construction traffic and I think that was probably around oversized vehicles that specific Council approval would probably be needed through the engineer Department.

- 40 MS KRUIZE: Yeah, exactly, that's - that would be a standard condition, yep.

MS LEESON: All right. Okay. I think we're probably pretty good. Is there any issues around noise management that either Commissioner would like to raise or any of the other items on the agenda?

MR PILTON: I'm fine.

DR WILLIAMS: I'm fine too, thanks, Di.

10 MS LEESON: Yes. Okay. Thanks. Look, thanks, Samantha and Christopher. As I said earlier, we have had benefit of a few meetings now, the site visit, we've got all the documentation before us so we really just wanted to clarify Council's position on the proposal overall and draw out any specific issues that you might have. So really appreciate your time today and the preparation that you've put in to getting ready for today's meeting. So we'll formally close the meeting and I'll thank Council very much for attending. Thank you.

MS KRUIZE: Thank you. Thanks for meeting with us.

20 MS LEESON: Thank you. Bye.

MEETING CONCLUDED

[12.19pm]