

7 December 2011

The Director
Metropolitan & Regional Projects (South)
NSW Department of Planning & Infrastructure
23-33 Bridge Street
SYDNEY NSW 2000

Dear Sir,

Proposed Modification (Mod 11) - Pool Deck Music to Major Project Approval No. 08-0098

1 Introduction

This application requests to modify Major Project No. 08_0098 pursuant to the transitional arrangements under Schedule 6A of the Environmental Planning and Assessment Act, 1979 (the Act). The proponent of the proposed modification is Echo Entertainment Group Ltd.

Major Project No. 08_0098 relates to approved alterations and additions to “The Star” casino complex and the construction of a hotel development on the land previously known as the “Switching Station” site.

The proposed modification (Mod 11) seeks to allow music to be played at the Level 3 Outdoor Pool Deck area of the recently completed Darling Hotel. It is proposed to install a sound system comprising twelve miniature speakers with two subwoofers on the pool terrace to allow playback of music. The two subwoofers are proposed to be located under a pergola structure. An Extended Level Integrated Active System (ELIAS) is also proposed for some DJ/live band/amplified music events. This system comprises a standard set up of two speakers.

The modification requires the rewording of Condition F1 – *No Speakers or Outside Music* to facilitate this proposal.

This letter provides:

- A brief description of the site and context.
- A summary of the approved project, approved modifications and details of the proposed further modifications.
- Justification for the proposed modifications.
- Environmental Assessment of the proposed modifications.
- Consideration of the proposed modifications in relation to the Director General's Requirements issued.
- Noise Assessment by AECOM attached.

2 Background

On 9th December 1994 Development Application 33/94 was approved by the Minister for a permanent casino and entertainment complex including a hotel, serviced apartments, theatres, restaurants, bars, car parking and associated facilities.

Subsequently, on January 27th 2009, Major Project (MP 08_0098) was approved for “*Alterations and Additions to Casino Complex and Hotel Development on the Switching Station site*”. The following modifications have since been approved since the Major Project Approval on 27 January 2009:

Modification 1 – Wording regarding External Lighting

Minor amendments to the wording of conditions to clarify the definition of external lighting and external art to include video signage and to alter the timing of compliance requirements.

Modification 2 – Definition of Hotel Height

The amendment of Condition B2 – Hotel Height, to clarify the proposed hotel height and exclude the height of the lift overrun from the approved height limit.

Modification 3 – Wording in relation to Rail Tunnel

The amendment of Condition B4 – Sydney Metro Authority, to facilitate a staged agreement with Sydney Metro Authority regarding excavation within the vicinity of the rail tunnel easement.

Modification 4 – Major Modification to Pirrama Road Facade

- An alternative building façade to the Pirrama Road frontage including large operable blades and a defined central entry element.
- Replacement of the grand entry stair to Pirrama Road with two perpendicular escalators.
- Relocation of the Casino ‘blue-line’ from the arcade level up to the main gaming level.
- Consolidation of the two approved porte cochere traffic lanes into a single drop off point.
- Removal of visual obstructions between Pirrama Road and the bus/rail interchange at ground level.
- Enlargement of the external entertainment deck by approximately 682m².

Modification 5 – Minor Design Rationalisation

- To replace the approved laundry with a kitchen at Basement Level 1.
- Relocation of a door and awning to a retail outlet at the Union Street frontage.
- The minor reconfiguration of the retail arcade at Level 00 to include a food and beverage court.
- Minor changes to the slab/floor configurations above the Hotel Porte Cochere.
- Change of use on Level 2 podium from Conference facility to Day Spa and the reconfiguration of the space.
- Relocation of plant room from the southern extent of the main casino building to above the Union Street hotel podium.

Modification 6 – Hotel Upper levels

- Increased ceiling heights, the reduction of one storey and the maintenance of the approved building height (as approved).
- Reduced number of rooms and reconfiguration and enlargement of hotel rooms on the upper levels.
- Provisions of private gaming rooms adjoining enlarged rooms.
- Increased plant room on Level 13 of the Hotel.

Modification 7 – Expansion of Ballroom

- Expansion of the approved ballroom and pre-function area on Level 3 to create a Multi-Use Entertainment Facility to replace the existing ballroom facility.

Modification 8 – Partial enclosure of the roofing deck

- The partial enclosure of the existing outdoor terrace adjoining the Sovereign Room (Level 3).

Modification 9 – Alterations to Night Club and Restaurant

- Relocation of the night club to the southern end and the restaurant to the northern end of Level 2.
- Rationalise the night club, restaurant and section of the central lobby into one single space.

Currently under assessment is **Modification 10 – Alterations to the Materials of the MUEF façade**. Modification 10 proposes to amend the approved façade material for the MUEF of stainless steel sheeting to translucent glass. It is understood this proposal is currently on exhibition.

3 Site Description

3.1 SUBJECT SITE

The site comprises the irregularly shaped street block bounded by Edward Street, Pyrmont Street, Union Street, Pirrama Road and Jones Bay Road, Pyrmont. The site is leased by Sydney Harbour Casino Properties Pty Ltd from the Casino Control Authority, and has a total area of 39,206m². The site was consolidated into one allotment in March 2011 to meet a condition of the Major Project approval and is legally described as Lot 500 in DP 1161507.

The site accommodates the upgraded “The Star” Casino and the recently completed Darling Hotel. Overall, the development on the site comprises:

- Gaming facilities.
- Retail floor space.
- A range of restaurants and bars.
- Theatre facilities.
- Serviced apartment and hotel towers and the recently completed Darling Hotel.
- The MUEF facility currently under construction.
- Basement parking.

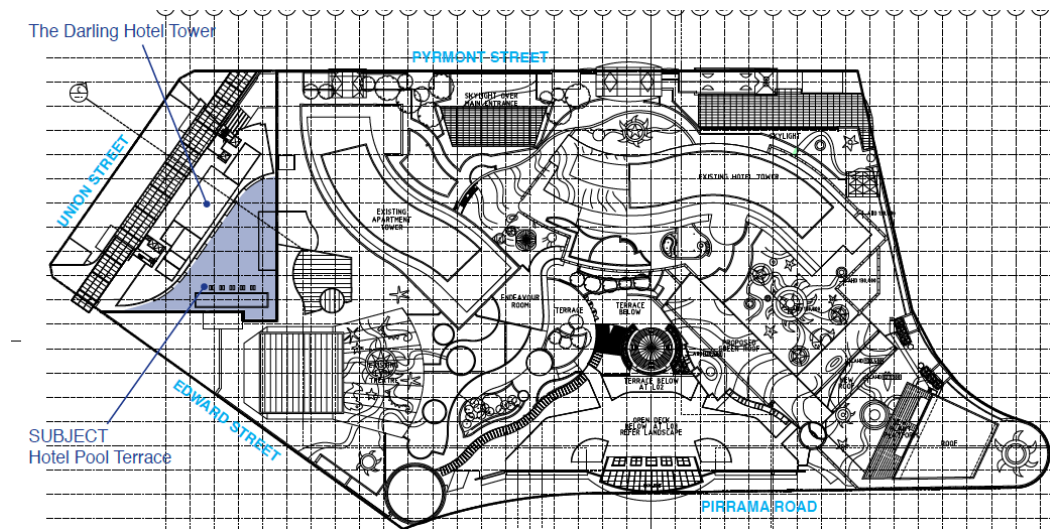
The site also accommodates the light rail line and the ‘Casino’ light rail station and bus interchange, which are all housed within the Casino building, adjacent to the Pirrama Road frontage.

The subject area is known as the “Darling Pool Terrace”, located at the recently completed Darling Hotel on the corner of Union Street and Pyrmont Street. The pool terrace is partly shielded by the following surrounding buildings of The Star:

- The Darling Hotel tower to the south
- The existing hotel and apartment towers to the north-west
- The Lyric Theatre to the north.

The pool terrace is situated three to four storeys above Pyrmont Street ground level and accommodates up to 300 patrons.

FIGURE 1 – LOCATION OF POOL TERRACE



3.2 SURROUNDING CONTEXT

The immediate context of the site is highly varied in terms of its land use mix, built form and character. Historically, Pyrmont’s urban pattern has been characterised by smaller residential forms on the ridge, with larger industrial and now commercial building footprints occupying the flatter areas around the shoreline.

This is consistent with the role of the Pyrmont precinct as an inner urban mixed use area, providing an immediate transition zone between the high-rise commercial core of the CBD and the suburban expanse to the west.

The subject pool terrace is located at the southern end of site, towards the corner of Union Street and Edward Street. The following is a summary of the immediate surrounds.

3.2.1 NORTH

To the direct north of the Pool Deck area is The Astral Residences serviced apartment building, as illustrated in the images below:



PICTURE 1 – VIEW OF POOL DECK TO NORTH-EAST



PICTURE 2 – STAR CITY CASINO HOTEL TO THE NORTH

3.2.2 EAST

To the east of this southern section of the site is a street block of mixed retail and commercial uses characterised by the modern 5 and 9 storey office buildings on the opposite side of Edward Street, and a lower 3 storey office building, remnant heritage listed pubs and terrace buildings on Union Street. Further east is Darling Harbour and the Sydney CBD, which has a direct visual connection to the Casino. There are no sensitive receptors.

3.2.3 SOUTH

Directly south of the subject pool deck is the tower form of the recently completed Darling Hotel. Further south, Union Street forms the southern boundary of the site. Its alignment extends from Union Square on Harris Street to Pyrmont Bridge, which provides direct pedestrian and monorail access to the Sydney CBD. A low scale, predominantly residential precinct of two to three storey buildings with numerous active ground level uses exists on Pyrmont Street and on the southern side of Union Street. The residential uses will be shielded by the Darling Hotel Tower.

3.2.4 WEST

A diverse range of building styles, heights and land uses exist to the west of the site across Pyrmont Street. A high proportion of these buildings are heritage listed, including the row of terrace houses occupying the entire length of the northern side of Union Street, west of Pyrmont Street.

Having regard to the surrounding buildings that shield the pool terrace, the nearest potentially affected sensitive receivers are the dwellings at 91 and 93 Pyrmont Street.



FIGURE 2 – SITE AND SURROUNDING LAND USES

4 Proposed Modification

4.1 PROPOSAL

The applicant seeks to install and operate music speakers at the pool terrace on Level 3 of the Darling Hotel for playback of background music and DJ/live band/amplified music events. Details of the proposed sound system are:

- Twelve Meyer Sound Miniature speakers (MM-4XP) that are independently controlled and mounted at a height of approximately 3m from floor level around the pool terrace; and two subwoofers under a pergola structure to be used for playback of background music.
- An Extended Level Integrated Active System (ELIAS) being a standard set up consisting of two speakers for DJ/live band/amplified music events. The twelve MM-EXP and subwoofer system will only be used for announcements of no longer than 1minute in any 15 minute period during these types of performances.

Attachment A provides a plan of the speaker locations.

4.2 THE REQUIRED MODIFICATION TO MAJOR PROJECT APPROVAL CONDITIONS

To enable installation of the proposed sound system, Condition F1 to Major Project Approval No. 08_0098 is required to be modified. Condition F1 currently states:

"F1 No Speakers or Outside Music"

Speakers must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain and outdoor terraces/decks/gaming areas. Speakers located within the premises must not be placed so as to direct the playing music towards the outdoor areas associated with the premises”

It is proposed that the wording of this condition be modified to the following:

“F1 No Speakers or Outside Music

*Speakers must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain and outdoor terraces/decks/gaming areas, **excluding the Level 3 Outdoor Pool Deck area of the hotel development.** Speakers located within the premises must not be placed so as to direct the playing music towards the outdoor areas associated with the premises.*

The speakers that are permitted to be installed to the Level 3 Outdoor Pool Deck area of the hotel development are limited to twelve Meyer Sound Miniature speakers (MM-4XP) and two subwoofers. The location of the speakers is illustrated in plan titled “Darling Pool Terrace”.

An Extended Level Integrated Active System (ELIAS) consisting of two speakers is permitted to be used for DJ/live band/amplified music events. The twelve MM-EXP and subwoofer system will only be used for announcements of no longer than 1minute in any 15 minute period during these types of performances.

The maximum allowable speaker output for playback of background music is to comply with the recommendations identified in the AECOM noise emission assessment dated 7 December 2011.”

5 Assessment

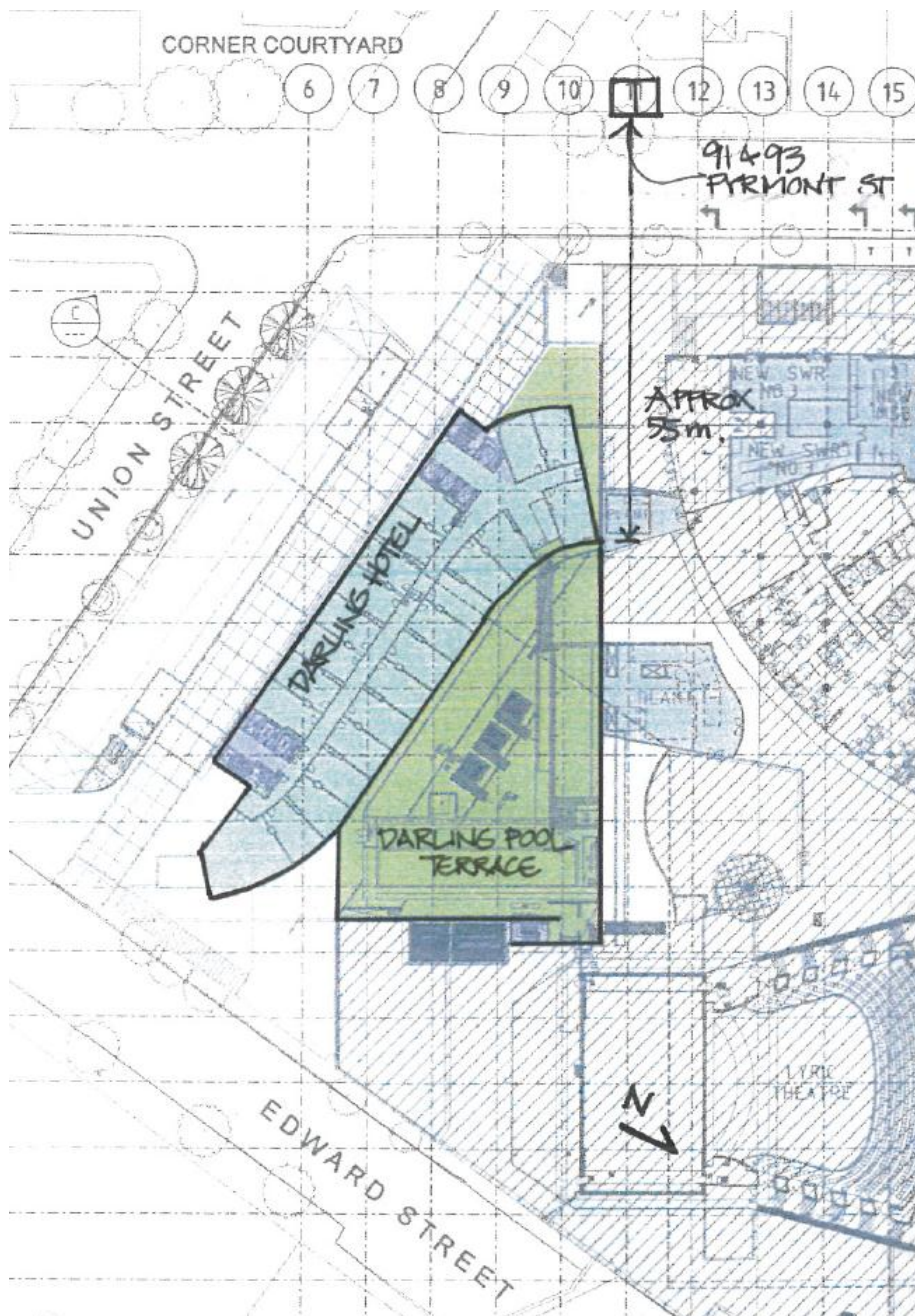
The following environmental assessment is based upon the relevant Director General’s Environmental Assessment Requirements and the acoustic considerations that were applied for the approved MUEF proposal. AECOM has prepared Noise Emission Assessment in respect to the potential noise impact under various scenarios. This assessment report is attached under Appendix A and the key considerations are provided below.

5.1 IDENTIFICATION OF NOISE RECEIVERS

The site is currently positioned within a medium to high density urbanised area. It lies on the edge of the Sydney CBD, and as such experiences significant noise disturbances regularly.

The pool terrace is situated three to four storeys above Pyrmont Street ground level. Having regard to the surrounding buildings that shield the pool terrace, the nearest potentially affected sensitive receivers are the dwellings at 91 and 93 Pyrmont Street as illustrated in the figure below.

FIGURE 2 – LOCATION OF NEAREST RESIDENTIAL RECEIVER



5.2 RELEVANT NOISE CRITERIA

The Major Project approval includes Condition F5 Noise, which provides the acoustic criteria to ensure impacts to the surrounding land uses of the site are minimised as follows:

"F5 Noise

Noise caused by the approved use including music and other activities must comply with the following criteria:

- (1) The use must not result in the transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.

- (2) *The L10 noise level emitted from the use must not exceed 5dB above the background (L90) noise level in any Octave Band Centre Frequency (31.5 Hz to 8kHz inclusive) between the hours of 7.00am and 12.00 midnight when assessed at the boundary of the nearest affected property. The background noise level must be measured in the absence of noise emitted from the use.*
- (3) *The L10 noise level emitted from the use must not exceed the background (L90) noise level in any Octave Band Centre Frequency (31.5 Hz to 8kHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of the nearest affected property. The background noise level must be measured in the absence of noise emitted from the use.*
- (4) *Notwithstanding compliance with (1) and (2) above, the noise from the use must not be audible within any habitable room in any residential property between the hours of 12.00 midnight and 7.00am.*
- (5) *The L10 noise level emitted from the use must not exceed the background noise level (L90) in any Octave Band Centre Frequency (31.5 Hz to 8kHz inclusive) by more than 3dB when assessed indoors at any affected commercial premises."*

5.3 NOISE IMPACTS

The Noise Emission Assessment is based upon the various scenarios having regard to the above noise criteria under Condition F5:

- **Scenario 1a** - Playback of background music using the pool terrace sound system (excluding the ELIAS system) in the "Daytime" period with up to 300 patrons. The "Daytime" period extends from 7.00am to 12 midnight.
- **Scenario 1b** - Playback of background music using the pool terrace sound system (excluding the ELIAS system) in the "Night time" period with up to 200 patrons. The "Night time" period extends from 12 midnight to 7.00am.
- **Scenario 2** - Music from DJ/live band/amplified music events (excluding the ELIAS system) in the "Daytime" period with up to 300 patrons. The "Daytime" period extends from 7.00am to 12 midnight.
- **Scenario 3** - DJ/live band/amplified music events using the ELIAS system and the pool terrace surround system (for occasional announcements only) in the "Daytime" period with up to 300 patrons. The "Daytime" period extends from 7.00am to 12 midnight.

Condition F5 (5) also refers to impacts to the indoor environment of any commercial receiver. AECOM advised that given the residential receiver criteria are the most stringent criteria, compliance with the residential receiver criteria will ensure compliance with the commercial receiver criteria. In this regard, the assessment by AECOM is based upon the residential receiver criteria.

The results of the assessment indicate that:

- The noise levels emitted during Scenarios 1a and 1b with respect to the nearest residential receivers at 91 and 93 Pymont Street will comply with Condition F5 providing that the maximum allowable speaker output of 82 dB(A) and 77 dB(A) both measured at a distance of 1m is applied for the "Day time" and "Night time" periods respectively. These speaker output levels are adequate for background music on the terrace.
- The noise level emitted during Scenario 2 with respect to the nearest residential receivers at 91 and 93 Pymont Street will comply with Condition F5 providing that the maximum allowable speaker output of 106 dB(A) measured at a distance of 1m is applied for the "Day time" period.
- For Scenario 3 with respect to DJ/live band/amplified music events using the ELIAS system in the "Daytime" period, the noise levels emitted will comply with Condition F5 providing that the

maximum allowable speaker outputs of 105 dB(A) and 121 db(A) both measured at a distance of 1m is applied to the pool terrace surround system and to the ELIAS system respectively for the "Day time" relative to the nearest residential receivers at 91 and 93 Pymont Street.

In summary noise emissions from the operation of the pool terrace using scenario 1a and 1b will comply with the established noise criteria at the nearest residential receiver during the day time and night time period providing output levels do not exceed the recommended levels. In respect to DJ/live band/ amplified events in the day time period from either the pool terrace sound system and/ or the ELIAS system, there will also be compliance with the established noise criteria at the nearest residences.

6 Conclusion

The results of AECOM's assessment confirm that the playback of background music or DJ/live band/ amplified events will be able to operate within the noise conditions of Condition F5.

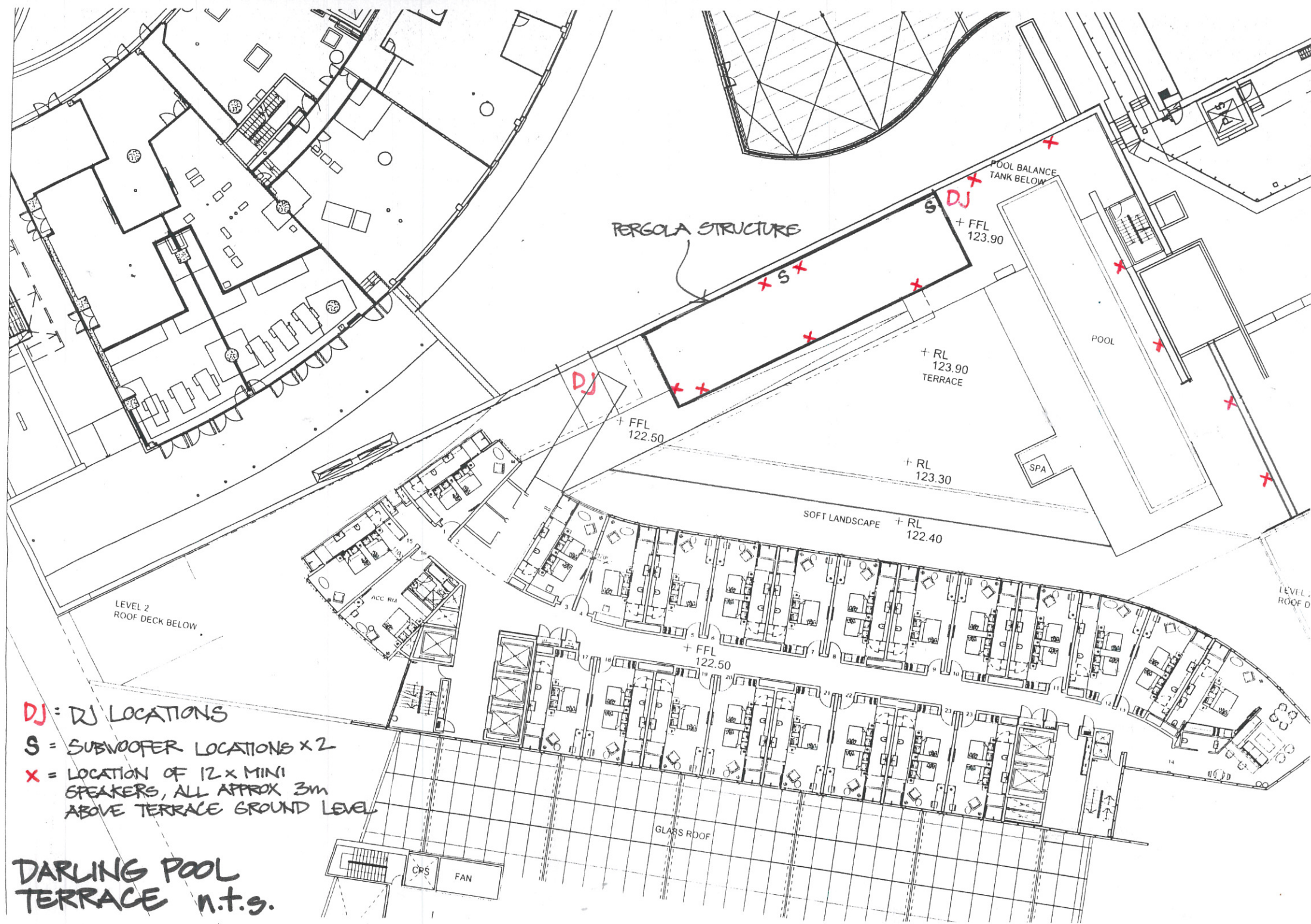
The proposed modification to Major Project Approval No. 08_0098 is considered reasonable and appropriate providing that the recommendations identified in the AECOM noise emission assessment dated 7 December 2011 are strictly applied.

It is therefore considered appropriate to modify condition F1 as sought, which will enable the enhancement of the offerings of the Darling Hotel.

Yours sincerely,



Ian Cady
Associated Director



DJ = DJ LOCATIONS

S = SUBWOOFER LOCATIONS x 2

X = LOCATION OF 12 x MINI SPEAKERS, ALL APPROX 3m ABOVE TERRACE GROUND LEVEL

DARLING POOL TERRACE n.t.s.