

Jodie Leeds - RE: Star City Casino - Provision of Audio Sound to Hotel Pool Deck

From: Silvia Correia <scorreia@cityofsydney.nsw.gov.au>
To: "Jodie Leeds" <Jodie.Leeds@planning.nsw.gov.au>
Date: 8/23/2012 4:28 PM
Subject: RE: Star City Casino - Provision of Audio Sound to Hotel Pool Deck
Attachments: 2012 222953-02 Memo - HealthCompliance comments (final)(2).DOC

Hi Jodie,

Council's Health Unit have reviewed the additional information provided under the Department's cover letter dated 16 July 2012 and have advised that concerns relating to noise have been satisfactorily addressed. It is recommended that the maximum sound levels from the music system and speakers are to be fully implemented at all times in accordance with the amended acoustic report. It is also recommended that independent verification of compliance with noise levels be provided within 90 days of the proposed use commencing. Conditions addressing those recommendations are attached and it is requested that they be incorporated into any amended consent issued by the Department.

I'll leave this for your assessment, but note that I don't agree with Urbis' statement that the Late Night Trading DCP (DCP) is not applicable to this proposal. Setting aside the application of planning controls to major projects in general, the DCP is applicable to late night trading premises that propose refurbishment, additions or extensions that result in an intensification of an existing use (2.3 of the DCP). One way that potential impacts are mitigated is by adherence to a management plan which has been (seemingly reluctantly) provided.

In addition to the conditions attached, I also suggest the inclusion of conditions to reflect statements made in relation to patron capacity, use of amplified music and DJs, announcements and to require compliance with plan of management (if assessed as satisfactory by the Department) etc.

Please call if you have any questions.

Regards,
 silvia

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From: Jodie Leeds [mailto:Jodie.Leeds@planning.nsw.gov.au]
Sent: Thursday, 23 August 2012 10:24 AM
To: Silvia Correia
Subject: RE: Star City Casino - Provision of Audio Sound to Hotel Pool Deck

Thanks for chasing it up Silvia.

Regards,
 Jodie

>>> Silvia Correia <scorreia@cityofsydney.nsw.gov.au> 8/22/2012 1:45 pm >>>
 Hi Jodie,

Apologies for the delay. The additional info submitted is still being reviewed by our health unit. I'll chase

(1) NOISE - LICENSED PREMISES

- (a) The L_{A10} noise level emitted from the use must not exceed the background noise level (L_{A90}) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB between the hours of 7.00am and 12.00 midnight when assessed at the boundary of any affected residence. ✓
- (b) The L_{A10} noise level emitted from the use must not exceed the background noise level (L_{A90}) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of any affected residence. ✓
- (c) Notwithstanding compliance with (a) and (b) 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. ✓
- (d) The L_{10} noise level emitted from the use must not exceed the background noise level (L_{90}) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 3dB when assessed indoors at any affected commercial premises. ✓
- (e) The use of the premise must be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any affected receiver. ✓

(2) ADDITIONAL NOISE CONDITIONS FOR LICENSED PREMISES

An appropriately qualified acoustic consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants must be appointed before the entertainment commences and details of that appointment submitted to Council.

During the first 90 days of entertainment and use of outdoor speakers being provided at the premises, the following acoustic measures must be undertaken:

- (a) The acoustic consultant must:
 - (i) measure and verify that the noise emanating from the premises complies with the noise criteria in the "Noise Use (Licensed Premises)" condition; and
 - (ii) if necessary, make recommendations to ensure that the noise emanating from the premises complies with the noise criteria in "Noise Use (Licensed Premises)" condition.
- (b) The noise measurements must be:
 - (i) undertaken without the knowledge of the applicant, manager or operator of the premises; and
 - (ii) taken on at least three different occasions on three different days of the week (excluding Monday, Tuesday and Wednesday) from 11pm until the end of the public entertainment or the close of business, whichever occurs first; and
 - (iii) submitted to the Health and Building Area Manager (West) within 7 days of the testing.

- (c) If the acoustic consultant recommends that additional treatment or works be undertaken under condition (a)(ii) above, those recommendations must be:
 - (i) submitted to the Health and Building Area Manager (West) with the noise measurements as required in (b)(ii) above; and
 - (ii) implemented to the acoustic consultant's and the Council's satisfaction within one (1) month from the date of acoustical consultants report.
- (d) If the acoustic consultant's recommendations are not implemented in accordance with this condition, the premises must not be used for entertainment until such time as the recommendations are implemented and verified.

(3) NOISE LIMITERS

Use of the all amplification equipment must comply with the following:

- (a) All amplification equipment used on the pool deck must be controlled by a Root Mean Square (RMS) noise limiter, calibrated by an acoustic consultant in accordance with manufactures specification to ensure that resultant amplified sound complies with the Council's licensed premises noise criteria. The noise limiter and any independent output adjustments on the speaker system must be tamper proof and only operable by the acoustic consultant.
- (b) All on-stage and front of house sound equipment must be controlled by noise limitation equipment as detailed in (a) above.
- (c) Access to noise limiter settings must be restricted to the Licensee or manager of the premises. The limiter settings/calibration levels must be available to Council officers upon request.
- (d) The Acoustical consultant must submit Certificate of Compliance to the Council to certify that the limiters are installed and calibrated to satisfy of Council's noise criteria for the licensed venues.