

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation, dated 14 September 2011, I approve the modification of the project application referred to in schedule 1, subject to the conditions in schedule 2.

Chris Wilson
A/ Deputy Director-Director
Development Assessments and Systems Performance

Sydney

2012

SCHEDULE 1

Application No.:	MP08_0098.
Proponent:	Echo Entertainment Group Pty Ltd
Approval Authority:	Minister for Planning and Infrastructure
Land:	Lot 500 DP 1161507, Darling Hotel, Pyrmont
Project:	Construction of a new hotel and podium level extension on the Switching Station site and alterations and additions to the existing casino building.
Modification (Mod 11):	Amend Condition F1 'No Speakers or Outside Music' to permit the playback of background music and DJ/live band/ amplified music events on the Level 3 pool terrace of the Star Casino.

SCHEDULE 2

CONDITIONS

The development consent is modified by:

1. Delete existing condition F1 in Schedule 2 and replace it with 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 of music towards the outdoor areas associated with the premises. Speakers for the Level 3 Outdoor Pool Deck area of the hotel must be in accordance with the following:

- (a) **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".**
- (b) **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 1 minute in any 15 minute period during these types of performances.**
- (c) **The maximum allowable speaker output for playback of background music is to comply with the recommendations identified in the AECOM Noise Emissions Assessment dated 6 June 2012.**

Management/administrative measures to assist in reducing the operational noise impacts of the Level 3 Outdoor Pool Deck are to comply with the Operational Noise Management Plan prepared by AECOM and dated 6 June 2012, and includes but is not limited to the following:

- (i) **restricting the number of patrons permitted on the pool deck to 200 in the 'Night-time' (midnight to 7.00am) period;**
- (ii) **the ELIAS system is not to be used during the 'Night-time' (midnight to 7.00am) period;**
- (iii) **no announcements are to be made during the 'Night-time' (midnight to 7.00am) period, except in the case of an emergency; and**
- (iv) **no DJ/live band/amplified music events are to commence during the 'Night-time' (midnight to 7.00am) period.**

2. Insert new condition F1a immediately after F1 in Schedule 2:

F1a Noise Monitoring

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 initial commissioning of the speakers on the Level 3 Outdoor Pool Deck. Details of that appointment submitted to the City of Sydney 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 Condition F5 Noise; and
 - (ii) if necessary, make recommendations to ensure that the noise emanating from the premises complies with the noise.

- (b) The noise measurements must be:
 - (i) undertaken without the knowledge of the applicant, manager or operator of the premises;
 - (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 City of Sydney Council, 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 City of Sydney Council, 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 of the date of the acoustic consultants report.
- (d) If the acoustic consultant's recommendations are not implemented in accordance with this condition, the Level 3 Outdoor Pool Deck must not be used for entertainment and the speakers decommissioned until such time as the recommendations are implemented and verified.

3. Insert new condition F1b immediately after F1a in Schedule 2:

F1b 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.

4. Insert new condition F1c immediately after F1b in Schedule 2:

F1c Complaints handling

The proponent shall operate a noise complaint handling procedure in accordance with the Operational Noise Management Plan prepared by AECOM and dated 6 June 2012.

Should a noise complaint be received by Council and/or the Department that is substantiated, the speakers are to be decommissioned until the noise emissions from the pool deck can comply with the noise criteria of Condition F5 and AECOM's Noise Emission Assessment dated 6 June 2012.