

Ref: 246501.08



14 May 2014

Acting Secretary
Department of Planning and Environment
Development Assessment Systems and Approvals
19-23 Bridge Street
SYDNEY NSW 2065

Attention: Ms Amy Watson

Dear Madam

**STAR CASINO AND ENTERTAINMENT COMPLEX – PROPOSED MODIFICATION (MOD 12)
AND AMENDMENT TO CONDITIONS TO MAJOR PROJECT APPROVAL NO. 08_0098**

1.0 INTRODUCTION

This application seeks a modification to Major Project Approval No. 08_0098 under the transitional provisions of Schedule 6A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). This application has been prepared on behalf of Echo Entertainment Group Limited.

Major Project Approval MP 08_0098 was granted on 27 January 2009 for *Alterations and Additions to Casino Complex and Hotel Development on the Switching Station site Union Street/Pymont Road, Pymont*.

The approved development comprised

- Construction of a 10 storey hotel above a 3 storey podium containing ancillary retail, gaming and conference facilities on the currently vacant Switching Station site;
- Additional basement car parking on the Switching Station site to be accessed via the existing Casino car park. The maximum number of car parking spaces across the whole site is limited to 3000;
- Re-development of the retail arcade through the ground floor level of the complex, linking Pymont Bay park to the intersection of Union and Pymont Streets, and to Jones Bay Road;
- The redevelopment of the eastern (Pirrama Road) frontage of the Casino building to contain additional restaurants, retail outlets, gaming space, other entertainment and tourist related facilities, a new entry and a driveway providing a new vehicular drop-off to the Casino; and
- Works to the exterior of the existing Casino tower buildings.

The development as approved and modified has been commenced, completed and is operational.

This application is seeking a modification to Conditions *F1 No Speakers or Music Outside* and *F3 Hours of Operation Outdoor Casino Areas / Outdoor Terraces*.

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This submission provides:

- A summary of the development approved under Major Project MP08_0098;
- A brief description of the site and those parts of the site/operations relevant to the consideration of the modification request;
- Justification for the modifications sought; and
- An assessment of the proposed modifications supported by acoustic monitoring and reports.

1.1 Background

Major Project Approval MP 08_0098 has been the subject of 11 separate modification applications under section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The modifications related to amendments to conditions, amendments to design elements and alterations and additions to the approved layout.

Relevant to this application are the terms of the original Instrument of Approval and the following Modifications:

- Modification 4 – Major Modification to Pirrama Road Façade;
- Modification 11 – Amendments to Condition F1 No Speakers or Outside Music'

1.2 Application of section 75W

This application is being submitted to the Department of Planning and Environment (the Department) under section 75W of the EP&A Act following discussions with Ms Kate Mac Donald of the Department.

During the course of those discussions it was confirmed that it would not be necessary to obtain Director-General requirements for the preparation of this environmental assessment.

2.0 THE SITE

The site is an irregularly shaped street block bounded by Edward Street, Pyrmont Street, Union Street, Pirrama Road and Jones Bay Road, Pyrmont. The site has a total area of 39,206m².

The site is identified as Lot 500 in DP 1161507 and is leased by Echo Entertainment Group Pty Ltd (Echo) from the Independent Liquor and Gaming Authority. The Star Casino and Entertainment Complex has been developed by and is operated by Echo.

The site accommodates the upgraded "The Star" Casino and Entertainment Complex retail offerings and accommodation. Overall, The Star development comprises:

- Gaming facilities.
- Retail floor space.
- A range of restaurants and bars.
- Theatre facilities.
- Serviced apartment and hotel towers.
- The Multi Use Entertainment Facility.
- Basement parking.

A light rail station and a bus interchange are housed within the Casino building at basement/ground level, adjacent to the site's Pirrama Road frontage.

2.1 Site Location

The location of the site and its improvements are shown on **Figure 1** below. Those areas outlined in blue depict the location of the outdoor gaming areas and level 3 pool terrace.



Figure 1 – Location Plan The Star – Aerial View (Source Renzo Tonin)

The key features that are shown in the above photograph are the:

- curved Pirrama Road frontage along the eastern (right hand) façade,
- Multi Use Entertainment Facility in the northern part of the complex,
- various tower elements,

- approximate location of the Level 1 unenclosed gaming areas fronting Pirrama Road, outlined in blue, and
- Level 3 terrace area or deck fronting Pirrama Road adjacent to the glass dome and the Multi Use Entertainment Facility above the Marquee Night Club and Restaurant.

The Darling Pool Terrace is located just out of the figure to the south adjacent to the Union and Edward Street frontages.

2.2 Surrounding Development

Since the initial development of the site for Casino and Entertainment purposes the locality in which the site sits has undergone significant change. The current character, land use mix and built form of the locality is varied moving away from the traditional small scale housing forms and large scale industrial operations replaced by commercial operations, large scale residential buildings and upmarket water front commercial and residential developments. Despite this change many of the original terrace houses are still found in the adjoining streets.

Pymont has been described as a transition zone between the high-rise commercial core of the Sydney CBD and the suburban expanse to the west.

Key features of the immediate and broader locality include:

- modern office buildings on the opposite side of Edward Street up to 9 stories,
- lower scale office building, local heritage listed pubs and terrace buildings fronting Union Street, and
- low scale, predominantly residential precinct of two to three storey buildings with ground level retail/commercial uses fronting Pymont Street and Union Street.

Darling Harbour and the Sydney CBD are located to the east within walking distance. The site is within the visual catchment of western parts of the Sydney CBD.

3.0 PROPOSED MODIFICATION

The applicant through this submission is seeking to modify Conditions F1 and F3 as they relate to the ongoing operation of the Star Casino and Entertainment Complex.

3.1. Previous Modifications

3.1.1 Condition F1 No Speakers or Outside Music

Condition F1 read as follows when the original Major Project Approval was granted:

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 of music towards the outdoor areas associated with the premises.

An application to modify this condition was submitted on 12 December 2011 supported by an Assessment Report prepared by Urbis and a Noise Emission Assessment prepared by AECOM.

That application sought a modification of Condition F1:

“...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 Assessment Report by Urbis demonstrated that the speakers and equipment as proposed could be installed while achieving compliance with other conditions of the Major Project Approval MP08_0098 such as Condition F5 Noise which were imposed to protect the residential amenity of surrounding land uses.

The Urbis Planning Assessment concluded that:

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.

The Department’s Assessment Report considered the Noise Emission Assessment in the context of the site development and surrounding land uses and found that:

“... It is considered that the installation of speakers for the playback of music and entertainment events should comply with these criteria to have a negligible impact on the nearest receivers....

To ensure that the noise levels do not exceed the target Condition F5 noise criteria, it is proposed to use 12 Meyer Sound Miniature speakers (MM-4XP), which have been selected specifically to minimise environmental noise as each speaker can be independently controlled. The speakers have been located as far away from the western boundary as possible and the subwoofers are located at ground level to ensure the maximum protection to the nearby receivers. Council has requested that Noise Limiter devices be installed on the Meyer speaker systems that are tamper proof and only operable by the acoustic consultant. The Department supports this recommendation and has included an additional condition (Condition F1b) to ensure the target noise level is not exceeded.

While the Department considers that the proposal can operate within the relevant noise criteria, it is noted that there are a number of additional management practices that should occur to ensure compliance. These are as follows:

- *the number of patrons permitted on the pool deck during the night-time period (midnight to 7.00am) is to be limited to 200;*
- *no DJ/live band/amplified events are to be conducted during the night-time period;*
- *the ELIAS system is not to be used during the night-time period; and*

- *no announcements are to be made, apart from emergencies, during the night-time period."*

Condition F1 as modified on 5 October 2012 now reads as follows:

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.*

At the time Condition F1 was modified Schedule 2 of Major Project Approval MP08_0098 was modified by the insertion of the following:

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 consultant's 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.*

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.*

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.

The equipment identified in Condition F1 has been installed and requirements of these conditions have been satisfied following installation and commencement of operation. The testing undertaken

in relation to the initial operation of the speakers and music did not require any additional or alternative acoustic measures to be implemented.

3.1.2 Condition F5 Noise

There have been no modifications to Condition F5 and it remains a key mechanism to control noise emissions on and from the site. This condition applies to all aspects of the operations on site.

This application does not seek to modify this condition.

3.2 Proposed Modifications Condition F1

3.2.1. Condition F1 No Speakers or Outside Music – Level 3 Deck

The Star Casino and Entertainment Complex has a variety of outdoor spaces and break out areas including the Darling Pool Terrace, unenclosed gaming areas, the Level 3 Deck fronting Pirrama Road.

The Level 3 Deck has been designed as an open air space to be used in-conjunction with the adjacent Multi Use Entertainment Facility or as a function space independent of other activities. It has been used in association with iconic events such as the ARIAs, the Daly M awards, VIVID Sydney, the after party for productions such as Strictly Ballroom production, as well as the use of the terrace to accommodate a pop up bar as part of the Festival of Sydney or for private and corporate functions.

The nature of these uses necessitates the use of speakers and the delivery of recorded and live music. To facilitate these functions and events Echo has sought development consent from the City of Sydney Council (the Council) for the conduct of “temporary events” on site. Each development application submitted was supported by an operational management plan and when required an acoustic assessment. The use of the Level 3 Deck under these development applications was governed by specific operational management plans prepared as a subset of the site wide operational management plan and the conditions of the Major Project Approval such as F5 which sets noise limits and Condition F7 which limits the number of patrons on the Pirrama Road External Entertainment Deck as follows:

This application is seeking to modify Condition F1 to permit the use of speakers and playing of music on the Level 3 Deck. The location of the Level 3 Deck is shown on **Figure 2** below:



Figure 2: Location of Level 3 Deck adjacent to Pirrama Road (Source Renzo Tonin)

Renzo Tonin and Associates have prepared an Amplified Music Acoustic Assessment (**Annexure A**) to determine the ability to install and use speakers for the playing of live or recorded amplified music AND to comply with Conditions F5 Noise and F7 Pirrama Road External Entertainment Deck.

Condition F7 limits the number of patrons permitted on the Pirrama Road Deck as follows:

The number of patrons on the Pirrama Road external entertainment deck shall not exceed a maximum of:

- a. 1,000 patrons between 7.00 am and 12.00 am; and*
- b. 600 patrons between 12.00 am and 7.00 am.*

The report seeks to establish project noise goals in accordance with the requirements of Condition F5 and to quantify the combined noise emission from the provision of amplified music with patrons present on the Deck, to the nearest most potentially affected receiver locations surrounding the site.

Renzo Tonin & Associates undertook monitoring of ambient and background noise levels at the most sensitive receptor, being Wharf 8/9 on dates and at a location agreed in consultation with the Chairman of Sydney Wharf Executive Committee. The report relied on historical measurements to assess the potential impact on receptors in Jones Bay Road.

The Amplified Music Acoustic Assessment determined that the provision of speakers and music between 7:00am and 12am, with the maximum approved patron capacity of 1000 on the Deck can

comply with the requirements of Condition F5. The report also found it that while it was possible to manage noise emission from the Deck it would be appropriate to install a noise monitoring/limiting device on any sound systems used on the Deck. When a permanent system is installed, the music noise limits are able to be determined through compliance surveys following installation. Music noise can be limited using a sound-pressure measurement/limiter device (e.g. CESVA LRF-04 and LRF-05 or APEX Argos and HERA) so that music noise levels are controlled dependent on the overall noise generated by patrons and music combined. If the patron noise increases then the noise from the amplified system is decreased.

The Assessment did not examine the impact of the use of speakers between 12.00 am and 7.00 am as the use of speakers and music between 12 midnight and 7:00m is not proposed.

3.2.2 Condition F1 No Speakers or Outside Music – Unenclosed Gaming Areas

Level 1 of the Pirrama Road frontage contains two unenclosed gaming areas (UGAs). The UAGs like the Level 3 Deck is not permitted to use speakers and music.

This application seeks to amend Condition F1 to allow the installation of speakers for the purpose of background music and public address (PA) announcements to patrons within the UAGs.

Renzo Tonin & Associates undertook a study to establish the project noise goals for the installation of speakers in accordance with the noise criteria in Condition F5 and to quantify noise emission from the speakers and music in the Level 1 UGAs, to the nearest potentially affected receiver locations surrounding the site. The nearest potentially affected receiver was identified as Sydney Wharf 9, 56-56A Pirrama Road, Pyrmont. A copy of this study (The Star – Pirrama RD Level 1 Unenclosed Gaming Areas Speakers and Music Assessment) accompanies this application as **Annexure B**.

The report derived criteria for the assessment of operational noise from the existing noise environment of the area, excluding noise from the subject development. The assessment adopted the methods of assessing noise from the NSW EPA *Industrial Noise Policy* (INP 2000)

Noise predictions were carried out using CadnaA noise modelling software implementing ISO9613 algorithms. The noise model assessed acoustic losses due to distance and shielding by intervening structures, as well as reflections off surrounding buildings. The predictions and modelling were undertaken to examine the maximum permissible noise emission from the UGAs and evaluate whether the allowable noise levels would permit either or both PA announcements and the playing of background music.

The assessment considered the use of the speakers within the UGAs for two separate purposes; the playing of background music and delivery of PA announcements and found that

- Between 7:00am and midnight it would be possible to provide both PA announcements and background music and not exceed the Condition F5 noise goals, and
- the predicted maximum levels between 12:00am and 7:00am are generally lower than the existing UGA noise levels that have been found complaint during attended noise surveys, and

- the provision of PA announcements in the UGAs between 12:00 midnight and 7:00am would not comply with the noise goals set out in Condition F5, and
- the playing of low level background music below the existing ambient noise levels in the gaming area would be acceptable and able to comply with Condition F5.

The assessment report recommended that noise limiting devices be installed with the sound systems, this is consistent with the approach taken for the Darling Pool Terrace.

3.2.3 Amended Condition F1

It is proposed that Condition F1 be amended to read as set out below. Deletions to the condition are shown via ~~strike through~~ and additions shown in ***bold italics***.

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~~:

- (a) ~~the~~ Level 3 Outdoor Pool Deck area of the hotel development;
- (b) ***Level 3 Pirrama Road Entertainment Deck; and***
- (c) ***Level 1 Pirrama Road Unenclosed Gaming Areas.***

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.

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 consultant's 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.

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.

F1c Complaints handling

The proponent shall operate a noise complaint handling procedure ***for the use of all outdoor speaker and amplifications systems*** 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.

F1d Pirrama Road Unenclosed Gaming Areas

Speakers and amplification equipment may be installed in the Level 1 Pirrama Road Unenclosed Gaming Areas and the use of the equipment must comply with the following:

- (a) Background music may be played 24 hours per day at a level not exceeding the noise levels of patron and gaming machine noise as measured in the report of Renzo Tonin and Associated dated 8 May 2014 titled The Star – Pirrama RD Level 1 Unenclosed Gaming Areas Speakers and Music Assessment;***
- (b) The speakers and amplification system may be used to provide Public Address announcements to the patrons in the Unenclosed Gaming Areas between 7am and 12am only;***
- (c) The noise levels of the speakers and amplification equipment be controlled by an electronic frequency dependant RMS limiting device (e.g. a Rane HAL, BSS Blu-16, Symetrix Jupiter 8 or MediaMatrix X-Frame 88) so that all noise emissions comply with the requirements of Condition F5;***
- (d) 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 in the Level 1 Unenclosed Gaming Areas. Details of that appointment are to be submitted to the City of Sydney Council.***

During the first 90 days of the 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 10pm until 2am or the close of the unenclosed gaming areas, 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 consultant's report.***
- (D) If the acoustic consultant's recommendations are not implemented in accordance with this condition, the speakers and amplifications systems in the Level 1 unenclosed gaming areas must be decommissioned until such time as the recommendations are implemented and verified.***

F1e Pirrama Road Level 3 Entertainment Deck

Speakers and amplification equipment may be installed on the Level 3 Pirrama Road Entertainment Deck and the use of the equipment must comply with the following:

- (a) The use of the speakers for the playing of live or recorded music is limited to between 7am and 12am;***
- (b) Noise emission from the use of speakers and music and from patron noise on the External Deck must comply with the noise criteria of Condition F5;***
- (c) There shall be no playing of amplified music or the use of speakers between 12am and 7am;***
- (d) Music noise limits to be controlled using a sound-pressure measurement/limiter device (e.g. CESVA LRF-04 and LRF-05 or APEX Argos and HERA) so that music noise levels will be controlled dependent on the overall noise generated by patrons and music combined. Where an alternative sound system is proposed, it is recommended that the noise level be controlled by an electronic frequency dependant RMS limiting device (e.g.. a Rane HAL, BSS Blu-16, Symetrix Jupiter 8 or MediaMatrix X-Frame 88).***
- (e) 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 Pirrama Road Entertainment Deck. Details of that appointment are to be submitted to the City of Sydney Council.***

During the first 90 days of the 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 9pm until 1am or the cessation of the event , 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 consultant's report.***
- (D) If the acoustic consultant's recommendations are not implemented in accordance with this condition, the speakers and amplifications systems on the Level 3 Pirrama Road Entertainment Deck must not be used or decommissioned until such time as the recommendations are implemented and verified.***

The modifications to Condition F1 will enable the use of speakers in three outdoor areas, two additional to the existing Level 3 Darling Hotel Pool Deck. Each area will be the subject of

monitoring, reporting and complaints procedures. The objective of the condition is to enable the use of the outdoor spaces for the enjoyment of patrons while protecting the amenity of nearby sensitive receivers and to comply with the noise limits placed on the operations generally.

An assessment of the modifications to the conditions is presented in section 4 below.

3.3 Proposed Modification to Condition F3

3.3.1 Condition F1 Hours of Operation Outdoor Casino Areas / Outdoor Terraces

Condition F3 seeks to control the hours of operation of the Level 1 Pirrama Road and Union Street unenclosed gaming areas, Condition F3(1) relates to the use of the Union Street out door Casino area and Condition F3(2) relates to the operation of the Level 1 Pirrama Road unenclosed gaming areas.

This application seeks a modification of Condition F3 (2) and (3) which presently read as follows:

- “(2) The hours of operation of the Level 1 outdoor casino areas / unenclosed gaming areas fronting Pirrama Road are regulated as follows:
 - (a) The hours of operation must be restricted to between 7 am and 12 midnight.*
 - (b) Notwithstanding 2(a) above, the use of these outdoor casino areas / unenclosed gaming areas may operate for 24 hours for a trial period of 12 months from the date of Occupation Certificate for these areas.*
 - (c) A further application may be lodged to continue the trading hours outlined in 2(b) above before the end of the trial period. The Department’s consideration of a proposed continuation and / or extension of the hours permitted by the trial period will include the performance of the operator in relation to the compliance with these conditions of approval, acoustic monitoring at nearby sensitive receptors, compliance with Condition F5, and any substantiated complaints received and any views expressed by the NSW Police.**
- (3) The trial period for extended hours of operation set out in this condition should only proceed if the Director General is satisfied that implementation of the noise management plan will achieve compliance with the limits set for those extended hours.*

The Pirrama Road Level 1 UGAs have been in operation on a 24 hour basis since the grant of an Occupation Certificate in 2010. The operation of the UGAs has been the subject of the Noise Management Plan adopted for the site and submitted previously to the Department and the subject of the site wide Operational Management Plan previously submitted to the Department.

Condition F6 of the Major Project Approval required the undertaking of an acoustic review of the development within three months of commencement of operations; this review was to be submitted to the Department.

Renzo Tonin and Associated undertook that monitoring and review of operations. The review included the taking of attended noise surveys to assess compliance of the development against the noise criteria set out in Condition F5 at the nearest most affected receivers, the occupants of Sydney Wharf 9.

The surveys demonstrated compliance, with the noise criteria with noise from patrons and gaming machines found to be inaudible at the Sydney Wharf 9 receivers. A copy of the noise monitoring results and cover report of Renzo Tonin and Associated is **Annexure C** to this application. The report concluded that the Level 1 Pirrama Road UGAs do not produce any audible or nuisance noise at the closest residential receiver.

It is understood that there have been no complaints received in relation to the operation of the Level 1 Pirrama Road UGAs.

3.3.2 Amended Condition

As discussed in section 3.2 above it is proposed to introduce the playing of background music and delivery of announcements via a speaker and amplification system to be introduced into the Pirrama Road Level 1 UGAs. The acoustic monitoring and predictions undertaken (**Annexure B**) identify that it is possible to install the speaker system and still comply with the requirements of Condition F5 provided that the limitations detailed in Condition F1 are complied with.

Echo have prepared and submitted the required management plans for the operation of The Star, instructed qualified experts to undertake testing and monitoring of the acoustic environment of the development, and have operated the approved Casino and Entertainment Complex generally in accordance with the terms of the Major Project Approval MP08_0098.

The Level 1 Pirrama Road UGAs have been operating for almost 18 months in accordance with the operational plans of management for the site and have complied with the noise criteria set out in Condition F5.

This application requests that the trial period associated with the 24 hour use of the UGAs be extended so that the UGAs can operated permanently on a 24 hour basis.

It is proposed that Condition F3 (2) and (3) be amended to read as set out below. Deletions to the condition are shown via ~~strike through~~ and additions shown in ***bold italics***.

- “(2) ~~The hours of operation of the Level 1 outdoor casino areas / unenclosed gaming areas fronting Pirrama Road are regulated as follows:~~
- (a) ~~The outdoor casino areas / unenclosed gaming areas may operate for 24 hours per day for a trial period of 12 months from the date of Occupation Certificate for these areas.~~
- (b) ~~A further application may be lodged to continue the trading hours outlined in 2(b) above before the end of the trial period.~~ ***The operation of the outdoor casino areas / unenclosed gaming areas Department’s consideration of a proposed continuation and / or extension of the hours permitted by the trial period will include the performance of the operator in relation to the compliance with these conditions of approval, acoustic monitoring at nearby sensitive receptors, compliance must comply with Conditions F1 and F5 of this approval. and any substantiated complaints received and any views expressed by the NSW Police.***
- ~~(3) The trial period for extended hours of operation set out in this condition should only proceed if the Director General is satisfied that implementation of the noise~~

~~management plan will achieve compliance with the limits set for those extended hours.~~

4.0 ENVIRONMENTAL AND PLANNING ASSESSMENT

At the time Major Project MP08_0098 was assessed and determined by the Department the acoustic impact of the new Casino and Entertainment Complex could only be predicted. It was anticipated in the consultant reports at the time of application that the outdoor terrace and UGAs could be utilised for a variety of patron events including the playing of live or recorded music without adversely impacting the amenity of the sensitive receptors in the surrounding locality.

However, in undertaking the assessment of the application and granting the approval a conservative position was adopted and Conditions F1 and F3 were imposed in addition to Conditions F5 and F6 and later Condition F7.

4.1 Condition F1

The modifications to condition F1 are sought to enable the installation of speakers and amplification equipment on the Level # Pirrama Road Entertainment Deck for the playing of live and recorded music between 7am and 12am and for the playing of background music and delivery of public address announcements to patrons within the Level 1 Pirrama Road UGAs.

Condition F1 when granted did not permit the playing of music or installation of speakers on the outdoor areas of The Star. Modification 11 sought and was granted approval for the installation of speakers for the playing of music on the Level 3 Pool Deck of The Darling Hotel.

The approval when modified permitted the installation and use of the speakers subject to conditions requiring monitoring of noise out puts, use of noise limiters and compliance with Condition F5 of the approval which establishes noise criteria for the operations on site. The speakers have been installed and are operational.

The use of the Level 3 Pool Deck speakers, have not as far as we are aware been the subject to noise complaints from external sensitive receivers.

Echo have over the past 12 months submitted a series of development applications to the Council seeking the temporary installation and use of speakers for the playing of live and recorded music on the Level 3 Pirrama Road Deck. The approvals were sought for individual corporate events held on the Deck or for events that were an adjunct to other events being held at The Star such as the ARIAs, the Daly M Awards night or for production launch or after parties.

Following a concern raised by the Council that the nature of the music installation could no longer be considered as temporary development this application has been prepared seeking the permanent installation of speakers and equipment on the Level 3 Deck to enable the playing of live and recorded music.

Approval is also sought under this application to enable the installation of speakers in the Level 1 Pirrama Road UGAs for the playing of background music and delivery of announcements to patrons.

The discussion in section 3 above details the required modifications to Condition F1 to facilitate the use of the speakers on the Deck and in the UGAs fronting Pirrama Road. The application is supported by acoustic assessments prepared by Renzo Tonin and Associates (**Annexures A, B and C**) as well as two operational management plans (OMP) prepared by The Star as part of the overall Site Operational Management Plan.

The OMP for the Level 3 Pirrama Road Entertainment Deck (**Annexure D**) documents restrictions placed by Echo on the use of speakers and playing of music on the Deck as well as management strategies for their use, the control of guests and the management of complaints. The identified strategies are consistent with the measures implemented in other areas of The Star's operations.

The Acoustic Assessments prepared by Renzo Tonin have demonstrated that:

- The current 24 hour per day use of the Level 1 UGAs fronting Pirrama Road do not produce audible or nuisance noise at the closest sensitive receiver;
- It is possible to install speakers within the UGAs for the playing of background music and delivery of public announcements to patrons and achieve compliance with Condition F5 Noise Restrictions between the hours of 7am and 12am;
- Public announcements cannot be delivered via the UGA speakers between the hours of 12am and 7am and comply with the noise limits established in Condition F5; and
- It is possible to operate speakers for the playing of live and recorded music on the Level 3 Pirrama Road Entertainment Deck and comply with the noise restrictions in Condition F5.

The installation and use of the speakers as proposed will not result in an adverse impact on the amenity of the closest sensitive receiver if the operation is controlled as set out in the terms of Condition F5 and Condition F1 as proposed to be modified.

The approved Star Casino and Entertainment Complex will on modification of Condition F1 as proposed in this application be consistent with the existing approval as the amenity of the surrounding sensitive residential receivers will be protected, the noise controls established under Condition F5 will remain and the complex can continue to offer a range of high quality of experiences at one of Sydney's iconic tourist and entertainment facilities.

4.2 Condition F3

Condition F3 controls the hours of operation of the UGAs fronting Union Street and Pirrama Road. Condition F3 (2) and (3) relate specifically to the Pirrama Road UGA and permits the use of the UGAs between 7am and 12am AND granted a temporary period of operation between 12am and 7am for a period of 12 months.

That temporary period has now expired. This application has demonstrated that:

- The current 24 hour operation of the UGAs does not produce any audible of nuisance noise at the closest sensitive receiver;

- It is possible for the 24 hour operation of the UGAs to continue and for that use to comply with the noise constraints set by Condition F5; and
- It is not necessary to restrict the hours of operation of the Pirrama Road UGA.

The approved Star Casino and Entertainment Complex will, on modification of Condition F1 and F3 as they relate jointly and separately to the use and operation of the Level 1 Pirrama Road UGAs as proposed in this application, be consistent with the existing approval. The operation as proposed will not result in the production of any nuisance noise at the closest sensitive receiver as so the amenity of the surrounding sensitive residential receivers will be protected, the noise controls established under Condition F5 will remain in force and the UGAs will continue to function under those controls, and The Star Casino and Entertainment Complex will continue to offer a high quality of experience to its patrons.

The operations of the UGAs over the past 18 months has not resulted in nuisance being caused to the closest sensitive receiver and as demonstrated by the Acoustic Assessments the current operations within the UGAs does not produce audible noise at those sensitive receivers. In granting the original approval a conservative approach was adopted in order to protect the amenity of the adjoining residential premises and this was appropriate at the time.

However, it has been demonstrated that the operation of the UGAs does not produce nuisance or audible noise and consequently there appears no purpose to placing a restriction on the hours of operation of the Pirrama Road UGAs.

5.0 CONCLUSION

The Acoustic Assessments conducted by Renzo Tonin confirm that it is possible to install speakers and amplification equipment on the Level 3 Pirrama Road Entertainment Deck for the playing of live and recorded music and in the Level 1 Pirrama Road UGAs for the playing of background music and delivery of public announcements subject to controls without adversely impacting the residential amenity of the closest sensitive receivers.

Further it has been demonstrated that the UGAs can continue to operate on a 24 hour per day basis and that the use will not produce nuisance noise at the closest sensitive receiver and that such use can comply with the noise controls established for the site under Condition F5 of the Major Project Approval MP 08_0098.

The approved development when modified as proposed in this application will be consistent with the existing approval.

The operation of the UGAs and the Entertainment Deck will be governed by the OMPs adopted by The Star and this will monitor and regulate the use of the spaces as well as the operation of the speakers and associated equipment.

The proposed modification to Major Project MP 08_0098 is considered reasonable and appropriate providing that the recommendations identified in the Renzo Tonin Acoustic Assessments are applied as proposed in the modified terms of Conditions F1 and F3.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Clare Brown'.

CLARE BROWN
NSW Principal Planner

ANNEXURE A

AMPLIFIED MUSIC ACOUSTIC ASSESSMENT LEVEL 3 ENTERTAINMENT DECK

RENZO TONIN AND ASSOCIATES

ANNEXURE B

SPEAKERS AND MUSIC ASSESSMENT FOR LEVEL 1 UGAS

RENZO TONIN AND ASSOCIATES

ANNEXURE C

ASSESSMENT OF NOISE LEVELS OF LEVEL 1 UGAS

RENZO TONIN AND ASSOCIATES

ANNEXURES

ANNEXURE D

OPERATIONAL MANAGEMENT PLAN LEVEL 3 ENTERTAINMENT DECK

ANNEXURE E

OPERATIONAL MANAGEMENT PLAN LEVEL 1 UGAS