

20 June 2014

Our Ref: 2014/240248
File No: R/2008/24/H
Your Ref: MP 08_0098 MOD 12

Andrew Hartcher
Department of Planning and Environment
Email: andrew.hartcher@planning.nsw.gov.au

Dear Andrew,

The Star – Installation of permanent speakers on the Level 3 Pirrama Road Entertainment Deck and on the Level 1 Pirrama Road Unenclosed Gaming Areas; and permanent use of the Level Pirrama Road Unenclosed Gaming Areas 24 hours, 7 days (MP 08_0098 MOD 12)

I refer to your letter of 30 May 2014 about the abovementioned section 75W application.

The City has issued a number of approvals for the temporary use of speakers and amplified music for one-off events and event series on the Level 3 Pirrama Road Entertainment Deck. Given the temporary nature of these events and the hours of operation (finishing times generally between 10pm and midnight), these applications were supported, subject to conditions.

Notwithstanding the above, there has been a recent increase in development applications for the use of speakers outdoors and given the apparent ongoing nature of the use, it can no longer be considered as temporary. Council Rangers and Health Unit have also responded to complaints in relation to noise from approved events on the Level 3 Pirrama Road Entertainment Deck, however no action has been taken by the City due to lack of evidence.

The City has previously advised The Star to prepare a modification to MP08-0098 to allow for an assessment to be made taking into account the full cumulative impact of the ongoing use of outdoor music.

The proposed modification of conditions F1 and F3 are supported by the City, subject to compliance with conditions including the imposition of a **12 month trial period** for the use of speakers and amplified music in outdoor areas. Recommended conditions have been included within Attachment A.

If you would like to speak to Council officer, please contact Natasha Ridler, Specialist Planner, on 9246 7720 or nridler@cityofsydney.nsw.gov.au.

Yours sincerely,



GRAHAM JAHN

Director - City Planning, Development & Transport



ATTACHMENT A – RECOMMENDED CONDITIONS

(1) TRIAL PERIOD

The use of speakers and amplified music outdoors may operate for a trial period of 12 months from the date of consent of MP 08_0098 MOD 12. Council's Licenced Premises Co-ordinator is to be informed in writing of the date of commencement of the trial hours. Email notification is to be sent to liquor@cityofsydney.nsw.gov.au.

(2) COMPLIANCE WITH ACOUSTIC REPORT

All recommendations and performance parameters contained in the acoustic reports prepared by Renzo Tonin & Associates: *Speakers and Music Acoustic Assessment for Unenclosed Gaming Areas on Level 1 TG004-13F05 (r2) L1 UGA, 8 May 2014* and *Amplified Music Acoustic Assessment for Pirrama Road External Entertainment Deck TG004-13F04 (r2) L3 S75W, 8 May 2014*, (the Reports) must be implemented during construction and use of the premises and verified prior to the use of the premises.

Additionally, the below requirements are to be reviewed, assessed and reported on to the satisfaction of the Principal Certifying Authority **prior to the issue of the Occupational Certificate or upon commencement of use, whichever occurs first.**

Unenclosed Gaming Area

- (a) The use of the Unenclosed Gaming Area must comply with the maximum allowable noise levels outlined in Section 4.2 Table 6 of the Report.
- (b) No PA (public address) announcements are permitted between 12 midnight and 7.00 am.
- (c) The Unenclosed Gaming Area is restricted to low level background music only between 12 midnight and 7.00 am.

Entertainment Deck Area

- (a) The use of the Entertainment Deck Area must comply with the maximum allowable noise levels outlined in Section 4.2 Table 6 of the Report.
- (b) The sound speaker noise levels from each speaker must comply with Section 5 Table 7 of the Report.
- (c) Use of the speakers and music between 12 midnight and 7.00 am is not permitted.
- (d) The PA system and noise level limits must be determined during post-commissioning compliance testing.

Outdoor Pool Deck Area

- (a) The PA system and noise level limits must be determined during post-commissioning compliance testing.

- (b) Use of speakers and music between 12 midnight and 7.00 am is not permitted.

The Principal Certifying Authority shall obtain a statement from 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 Australian Association of Acoustic Consultants, certifying that the acoustic mitigation measures outlined in the above stated Reports have been suitably incorporated into the development and that relevant noise criteria have been satisfied **prior to the issue of the Occupational Certificate or upon commencement of use, whichever occurs first.**

(3) COMPLAINTS - NOISE

Should noise complaint be received by Council from a place of different occupancy (including commercial premises) and the complaint being substantiated by a Council Officer, the use of area concerned must cease operation until "attenuation works" are carried out so as that the premises complies with the relevant Noise conditions.

(4) NOISE - GENERAL

- (a) The emission of noise associated with the use of the premises including the operation of any mechanical plant and equipment shall comply with the following:
 - (i) The $L_{Aeq, 15\text{minute}}$ noise level emitted from the use must not exceed the project specific noise level for that receiver as determined in accordance with the NSW EPA Industrial Noise Policy. Noise must be measured in accordance with the Industrial Noise Policy and relevant requirements of Australian Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
 - (ii) Project specific noise levels shall be determined by establishing the existing environmental noise levels, in complete accordance with the assessment $L_{A90, 15\text{ minute}}$ / rating $L_{A90, 15\text{ minute}}$ process to be in accordance with the requirements for noise monitoring listed in the NSW EPA Industrial Noise Policy and relevant requirements of Australian Standard AS1055-1997 Standard AS 1055-1997 Acoustics – Description and measurement of environmental noise.
 - (iii) Modifying factors in Table 4.1 of the NSW EPA Industrial Noise Policy are applicable.
- (b) An $L_{Aeq, 15\text{minute}}$ noise level emitted from the use must not exceed the $L_{A90, 15\text{minute}}$ noise level by more than 3dB in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed inside any habitable room of any affected residence or noise sensitive commercial receiver provided that;
 - (i) Where the $L_{A90, 15\text{minute}}$ noise level is below the threshold of hearing, T_f at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of T_f corresponding to that Octave Band Centre Frequency shall be used instead.

- (ii) The $L_{Aeq,15\text{minute}}$ noise level and the $L_{A90,15\text{minute}}$ noise level shall both be measured with all external doors and windows of the affected residence closed;
- (iii) The relevant background noise level ($L_{A90, 15 \text{ minute}}$) is taken to mean the day, evening or night rating background noise level determined in complete accordance with the methodology outlined in the NSW EPA Industrial Noise Policy and Australian Standard AS1055.1997 Acoustics – Description and measurement of environmental noise.
- (iv) Background noise shall be established in the absence of all noise emitted from the use but with the ventilation equipment normally servicing the affected residence operating. Background noise measurements are to be representative of the environmental noise levels at the affected location.
- (v) Modifying factors in Table 4.1 of the NSW EPA Industrial Noise Policy are applicable. Internal Noise measurements are not to be corrected for duration.

(5) NOISE - LICENSED PREMISES & ENTERTAINMENT VENUES

- (a) The $L_{A10, 15 \text{ minute}}$ noise level emitted from the use must not exceed the background noise level ($L_{A90, 15\text{minute}}$) 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 noise sensitive receiver.
- (b) The $L_{A10, 15 \text{ minute}}$ noise level emitted from the use must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) 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 noise sensitive receiver.
- (c) Notwithstanding compliance with (a) and (b) above, noise from the use when assessed as an $L_{A10, 15 \text{ minute}}$ which enters a residential use through an internal to internal transmission path is not to exceed the existing $L_{A90, 15 \text{ minute}}$ from external sources (excluding the use) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) above the $L_{A90, 15 \text{ minute}}$, when assessed within a habitable room at any affected residential use between the hours of 7am and 12 midnight.
- (d) Notwithstanding compliance with (a),(b) and (c) above, the noise from the use must not be audible within any habitable room in any residential use between the hours of 12.00 midnight and 7.00am.
- (e) The $L_{A10, 15\text{minute}}$ noise level emitted from the use must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) 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 from an internal noise transmission path.

Note: The $L_{A10, 15 \text{ minute}}$ noise level emitted from the use is as per the definition in the Australian Standard AS1055-1997 Acoustics – Description and measurement of environmental noise. The background

noise level $L_{A90, 15 \text{ minute}}$ is to be determined in the absence of noise emitted by the use and be representative of the noise sensitive receiver. It is to be determined from the assessment L_{A90} / rating L_{A90} methodology in complete accordance with the process listed in the NSW EPA Industrial Noise Policy and relevant requirements of AS1055.1997.

(6) NOISE LIMITERS

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

- (a) All amplification equipment used at the event 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 licenced premises noise criteria. The equipment 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 Licencee or manager of the premises. The limiter settings/calibration levels must be available to Council officers upon request.
- (d) The acoustic consultant must submit a Certificate of Compliance to Council to certify that the limiters are installed and calibrated to satisfy of Council's noise criteria for the licenced venues.

(7) PLAN OF MANAGEMENT

The use must always be operated / managed in accordance with the Plans of Management prepared by Pure Projects: *Operational Management Plan for the use of speakers and delivery of music on the Pirrama Road External Entertainment Deck, The Star, Rev B, 8 May 2014* and *Operational Management Plan for the installation and use of speakers, to deliver background music and announcements to the Level 1 Unenclosed Gaming Areas, The Star, Rev B, 8 May 2014.*