

Modification of Minister's Approval

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

As delegate of the Minister for Planning, under the delegation dated 14 September 2011, I hereby modify the modification of this project application referred to in Schedule 1, in the manner outlined in Schedule 2.



Carolyn McNally
Secretary

Sydney

14.10 2014

SCHEDULE 1

Application No:	MP 08_0098
Proponent:	Echo Entertainment Group Pty Ltd
Approval Authority:	Minister for Planning
Land:	Lot 500 DP 1161507, Darling Hotel, Pyrmont (Star Casino)
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 No:	MP 08_0098 MOD 12:
Modification:	• Installation of and use of speakers at the Level 1 Pirrama Road outdoor gaming areas (Condition F1); • Installation of and use speakers at the Level 3 Pirrama Road Entertainment Deck (Condition F1); and • Permanent 24 hour, 7 day a week use of the Level 1 Pirrama Road outdoor gaming areas (Condition F3).

SCHEDULE 2

This project approval is modified by:

1. Inserting the following paragraph at the end of existing Condition A3 'Development in Accordance with Documents' in Schedule 2:

"As amended by Section 75W letter for MP 08_0098 MOD 12 prepared by APP Corporation Pty Ltd dated 14 May 2014 and the following documents:

- (1) The Star – Pirrama Road External Entertainment Deck – Amplified Music Acoustic Assessment, prepared by Renzo Tonin and Associates and dated 8 May 2014;
- (2) The Star – Pirrama Road Level 1 Unenclosed Gaming Areas Speakers and Music Assessment, prepared by Renzo Tonin and Associates and dated 8 May 2014;
- (3) The Star - Pirrama Road Level 1 Unenclosed Gaming Areas - Condition F3 - Hours of Operation Noise Assessment, prepared by Renzo Tonin and Associates and dated 8 May 2014;
- (4) The Operational Environmental Management Plan entitled 'The Use of Speakers and Delivery of Music on the Pirrama Road External Entertainment Deck, The Star', prepared by Pure Projects and dated 8 May 2014; and
- (5) The Operational Environmental Management Plan entitled 'The Installation and Use of Speakers to Deliver Background Music and Announcements to the Level 1 Unenclosed Gaming Areas, The Star', prepared by Pure Projects and dated 8 May 2014".

2. Deleting existing Condition F1 in its entirety and replacing it with the following:

F1 No Speakers or Music Outside

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) Level 3 Outdoor Pool Deck area of the hotel development;
- (b) Level 3 Pirrama Road Entertainment Deck; and
- (c) Level 1 Pirrama Road Outdoor 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.

3. Deleting existing Condition F1A in its entirety and replacing it with the following:

F1A Trial Use of Speakers and Music Outside

The use of speakers and amplified music in those outdoor areas identified in Condition F1(b) to F1(c) above is subject to a trial period which shall commence two years from the date of approval of MP 08_0098 MOD 12. The Proponent shall notify Council and the Department in writing of the commencement of the trial period. Email notification to Council of the commencement of the trial period shall be sent to liquor@cityofsydney.nsw.gov.au.

Note: A modification application may be lodged to continue the trial period specified in this condition permanently. Provided the application to continue the trial period is lodged no earlier than 120 days before the end of the trial period and no later than 60 days before the end of the trial period and the application contains the information reasonably required to assess the application, then the activity the subject of the application for extension may continue until such time as the application is determined.

4. Deleting existing Condition F1B in its entirety and replacing it with the following:

F1B Level 3 Outdoor Pool Deck

Operation of speakers at the Level 3 Outdoor Pool Deck area of the hotel must be in accordance with the following:

- (a) 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;
- (b) 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";
- (c) 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; and
- (d) Management/administrative measures to assist in reducing operational noise impacts 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.

5. Deleting existing Condition F1C in its entirety and replacing it with the following:

F1C Level 3 Pirrama Road Entertainment Deck

During the trial period (Condition F1A), speakers and amplification equipment must be constructed and operated at the Level 3 Pirrama Road Entertainment Deck in accordance with all recommendations and performance parameters contained in the report entitled *The Star – Pirrama Road External Entertainment Deck – Amplified Music Acoustic Assessment*, prepared by Renzo Tonin and Associates and dated 8 May 2014. The use of the equipment must comply with the following:

- (a) The use of the Level 3 Pirrama Road Entertainment Deck must comply with maximum allowable noise levels outlined in Section 4.2 (Table 6) of abovementioned report;
- (b) Sound speaker noise levels from each speaker must comply with Section 5 (Table 7) of the report entitled *The Star – Pirrama Road External Entertainment Deck – Amplified Music Acoustic Assessment*, prepared by Renzo Tonin and Associates and dated 8 May 2014
- (c) The use of the speakers for the playing of live or recorded music is limited to between 7.00am and 12.00am;
- (d) There shall be no playing of amplified music or the use of speakers between 12.00am and 7.00am;

- (e) Music noise limits shall 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); and
- (f) Management/administrative measures to assist in reducing operational noise impacts are to comply with the Operational Noise Management Plan entitled *The Use of Speakers and Delivery of Music on the Pirrama Road External Entertainment Deck, The Star*, prepared by Pure Projects and dated 8 May 2014.

6. Inserting a new Condition F1D in Schedule 2 as follows:

F1D Level 1 Pirrama Road Outdoor Gaming Areas

During the trial period (Condition F1A), speakers and amplification equipment must be constructed and operated at the Level 1 Pirrama Road Outdoor Gaming Areas in accordance with all recommendations and performance parameters contained in the report entitled *The Star – Pirrama Road Level 1 Unenclosed Gaming Areas Speakers and Music Assessment*, prepared by Renzo Tonin and Associates and dated 8 May 2014. The use of the equipment must comply with the following:

- (a) The use of the Level 1 Pirrama Road Outdoor Gaming Areas must comply with maximum allowable noise levels outlined in Section 4.2 (Table 6) of the abovementioned report;
- (b) No PA (public address) announcements are permitted between 12.00am and 7.00am;
- (c) Only low level background music that is below existing ambient noise levels in the Level 1 Pirrama Road Outdoor Gaming Areas is permitted to be played between 12.00am and 7.00am;
- (d) The noise levels of the speakers and amplification equipment shall 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; and
- (e) Management/administrative measures to assist in reducing operational noise impacts are to comply with the Operational Noise Management Plan entitled *The Installation and Use of Speakers to Deliver Background Music and Announcements to the Level 1 Unenclosed Gaming Areas, The Star*, prepared by Pure Projects and dated 8 May 2014.

7. Inserting a new Condition F1E in Schedule 2 as follows:

F1E 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 playback of music at the Level 3 Pirrama Road Entertainment Deck and Level 1 Pirrama Road Outdoor Gaming Areas commences and details of that appointment submitted to Council.

During the first 90 days of entertainment and use of outdoor speakers in those outdoor areas identified in Condition F1(a) to F1(c), 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) for a time period which is deemed suitable by the acoustic consultant to determine if noise emanating from the premises complies with the noise criteria in Condition F5 Noise; 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 to satisfy 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 premises must not use/operate speakers in outdoor areas until such time as the recommendations are implemented and verified.

8. Inserting a new Condition F1F in Schedule 2 as follows:

F1F Noise Limiters

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

- (a) All amplification equipment used 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.

9. Inserting a new Condition F1G in Schedule 2 as follows:

F1G 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 relevant Operational Environmental Management Plan (OEMP) including:

- (a) the OEMP prepared by AECOM and dated 6 June 2012;

- (b) the OEMP entitled *The Use of Speakers and Delivery of Music on the Pirrama Road External Entertainment Deck, The Star*, prepared by Pure Projects and dated 8 May 2014; and
- (c) the OEMP entitled *The Installation and Use of Speakers to Deliver Background Music and Announcements to the Level 1 Unenclosed Gaming Areas, The Star*, prepared by Pure Projects and dated 8 May 2014.

Should a noise complaint be received by Council and/or the Department that is substantiated, the speakers are to be decommissioned and music must cease until the noise emissions from the use of all outdoor speaker and amplifications systems can comply with the noise criteria of Condition F5.

10. Deleting existing Condition F3(2) in its entirety and replacing it with the following:

- (2) The hours of operation of the Level 1 outdoor casino areas / outdoor gaming areas fronting Pirrama Road are regulated as follows:

- (a) The hours of operation must be restricted to between 7am and 12 midnight.
- (b) Notwithstanding 2(a) above, the use of these outdoor casino areas / outdoor gaming areas may operate for 24 hours a day for a trial period of two years from the date of approval of MP 08_0098 MOD 12.

Note: A modification application may be lodged to continue the trial period specified in this condition permanently. Provided the application to continue the trial period is lodged no earlier than 120 days before the end of the trial period and no later than 60 days before the end of the trial period and the application contains the information reasonably required to assess the application, then the activity the subject of the application for extension may continue until such time as the application is determined.