

Modification to Development consent

Section 96 (1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, under delegation dated 16 February 2015, I approve the Section 96 (1A) modification of the State Significant Development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Ben Lusher
Director
Key Sites Assessments

Sydney 20 July 2017

SCHEDULE 1

Application No.:	SSD 6831
Applicant:	Lend Lease (Haymarket) Pty Ltd
Consent Authority:	Minister for Planning
Land:	International Convention Centre Hotel (ICC Hotel), Sydney International Convention, Exhibition and Entertainment Precinct, Darling Harbour (Lot 1010 DP1147364)
Approved Development:	Development at the ICC Hotel including: <ul style="list-style-type: none">• installation of illuminated lighting to part of the external façade;• fit out of the ICC Hotel as a 5-star hotel; and• subdivision of the site to facilitate separate leasehold title of the hotel.
Modification:	SSD 6831 MOD 1: A modification to the consent to allow for the installation and operation of speakers for background music on the level four outdoor terrace.

The SSD approval is modified as follows.

SCHEDULE 2

- 1) Condition A1 is amended by the insertion of **bold** and underlined words / numbers as follows:

Development in Accordance with Plans and Documentation

- A1 The applicant shall carry out the project in accordance with the following documents and plans:
- a) SSD consent for the ICC Hotel granted by the Minister's delegate, dated 15 June 2014 (SSD 6116) (as modified);
 - b) SSD Application 6831;
 - c) EIS prepared by JBA Urban Planning Consultants Pty Ltd, dated May 2015;
 - d) RtS prepared by JBA Urban Planning Consultants Pty Ltd, dated 3 September 2015, and accompanying appendices;
 - e) **Section 96 (1A) prepared by JBA Urban Planning Consultants Pty Ltd, dated 15 March 2017;**
 - f) the conditions of this consent; and
 - g) the following drawings, except for:
 - i) any modifications which are Exempt or Complying Development;
 - ii) otherwise provided by the conditions of this consent.

- 2) Condition G21 is amended by the insertion of **bold** and underlined words / numbers as follows:

Noise from entertainment venues

- G21. 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 7am and midnight when assessed at the boundary of any affected residence **or hotel guest room.**

- 3) Condition G22 is amended by the insertion of **bold** and underlined words / numbers as follows:

Noise from entertainment venues

- G22. 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 midnight and 7am when assessed at the boundary of any affected residence **or hotel guest room.**

- 4) Condition G24 is amended by the insertion of **bold** and underlined words / numbers as follows:

Noise from entertainment venues

- G24. Notwithstanding compliance with (G21), (G22) and (G23) above, the noise from the use must not be audible within any habitable room in any residential **or hotel** use between midnight and 7am.

- 5) Condition G30 is amended by the insertion of **bold** and underlined words / numbers as follows:

Music / noise amplification outside

- G30 Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the outdoor areas associated with the premises, except at the porte cochere and on the Level 4 outdoor terrace where ambient background music complies with conditions G21 to G25. 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.

The playing of noise via the proposed speakers on the Level four outdoor terrace is to be limited to background noise levels only such that the sound pressure level from the amplified noise (speech or music) in the absence of patron noise is no greater than 70dB(A) when measured at 2m from any speaker.

- 6) Condition G30A is inserted by the use of **bold** and underlined words / numbers as follows:

Noise Monitoring – Level 4 Outdoor terrace

- G30A An acoustic verification report shall be prepared by an appropriately qualified acoustic consultant and submitted to the Department and Place Management NSW within one month of the installation and operation of the speakers, and annually thereafter. The report shall demonstrate compliance with Conditions G21 to G25 of this consent.**

In the event that compliance with Conditions G21-G25 is not met in full, the Applicant shall reduce the amplification level of the speakers and associated sound pressure level to ensure compliance and implement any other recommendations of the report.

End of Modifications