

6 October 2021

Application No MP08_0098 MOD 16

Location 20-80 Pyrmont Street, PYRMONT New South Wales, Australia 2009

Applicant The Star Entertainment Group Limited

Council Area City of Sydney

Consent Authority Minister for Planning and Public Spaces

Thank you for the opportunity to provide genuine feedback.

The Notice of Modification Application and Associated Documents are read, considered and cross referenced with The Star Modification 14_P2_Table of City of Sydney Operational Conditions.pdf, plus the Consolidated Consent, Determination of Major Project No.08-0098.

MP08_0098-Mod-16's intent to consolidate trial periods for the operation across all out door gaming areas on levels 1, 2 and 3 for an additional two years is strongly concerning! As out door gaming areas fail to meet the current standards. The environmental impact on neighbouring amenity from proposed changes to the existing balconies on Level 17 are made on insufficient information to base assessment on.

Operational conditions state, proposed outdoor area use being capable of complying with the design criteria and operation without causing noise complaints by sensitive residential receivers.

The Protection of the Environment Operations Act 1997 'to any place of different occupancy outside the boundary' 'noise from the use must not be audible within any habitable room in any residential or commercial property between the hours of 12.00 midnight and 7.00am'.

Ongoing noise complaints with dates, times and audio recordings from a place of different occupancy, specific offensive noises exceeding hours permitted, offensive background noise level, audible within habitable rooms at affected residences have been made to The Star, about their out door areas and out door gaming areas. Some of which have occurred during the trial periods. Further details can be provided upon request.

When action to improve offensive noise pollution has not been forthcoming (no change in weeks/months/years), escalation to seek assistance (emails) have been sent to The Lord Mayor Clover Moore - City of Sydney Council, Superintendent Paul Dunstan - Acting Commander of Local Area Command Police NSW, Liquor, Gaming & Racing NSW, Hon. Rob Stokes Minister for Planning, Lucy Turnbull Chair GSC, Alex Greenwich, Linda Scott, Community Groups, Strata Group & Building Management, NSW Taxi Council, NSW Point to Point Commissioner, and NCAT. Further details can be provided upon request.

Longstanding (over 5 years for some of the below compliance issues) lack of respect for the protection of the neighbouring amenity has also been shared with the Independent Planning Commission & The Greater Sydney Commission, Pyrmont Planning Review Sept 2019.

Cumulative gaming machine noise being heard inside neighbouring residential properties 24/7 - Jones Bay Road. As the Environment Impact non-COVID, includes offensive gaming machine noise being audible within any habitable room in any residential or commercial property between the hours of 12 midnight and 7am, originating from an unenclosed gaming area. The following ongoing lack of adherence for operational conditions within the trial period are for your consideration:

- Area of which the gaming machines are audible within the Star: From the unenclosed mezzanine level gaming area, over the drive entrance/Porte Cochere to the Star on Jones Bay Road.
- Area of which the offensive sounds of gaming machines are audible within private neighbouring property: The gaming machines noises are audible - Can be heard when in operation from inside closed properties (windows and doors shut) by occupants in bathroom, bedrooms, family room, kitchen, dining room, home office spaces, laundry and outdoor areas.
- Time-of-day that the offensive noise occurs: 24/7 random times as singular, multiple and winning gaming machines depends on person/s using gaming machine/s.
- The ability for Police NSW and City of Sydney Staff to attend an excessive noise complaint coming from a private commercial entertainment venue on a Thursday, Friday and Saturday night is low on the priority list for call outs. As such, it has been mid morning (next staff shift) when the Police or City of Sydney visit Jones Bay Road, opposite the Porte Cochere to assess and substantiate the noise complaint received.
- Residents and City of Sydney staff have worked together booking suitable times to enter private property to substantiate noise complaints. A booked audio inspection time in a property does not ensure offensive, cumulative gaming machine noise/repeated game sound, win sound, exceeding the half volume requirements between 12am and 7am. As it pends on patrons in the area, playing machines simultaneously and winning.
- Months after a 'significant entertainment event', ANZAC Day, Melbourne Cup, New Years Eve, Lunar New Year, etc. And with escalated complaints over offensive, cumulative gaming machines noise, has resulted in machines being turned down to half volume requirements between 12am and 7am. Until the next event, unacceptable!

Constructive feedback - Offensive gaming noise heard inside a neighbouring property is unacceptable! The current Complaints Handling method of reporting does not work! And is an ongoing problem in itself. The City of Sydney staff and the Acting Commander of the Local Area Command Police NSW have discussed the longstanding gaming noise problem for adjacent terrace properties on Jones Bay at their reoccurring meetings with The Star.

This Notice of Modification Application and Associated Documents, MP08_0098-Mod-16's intent to consolidate trial periods for the operation across all out door gaming areas on levels 1, 2 and 3 for an additional two years.

Consenting Authority, Minister for Planning and Public Spaces and Team, this modification does nothing to address longstanding noise and health impacts.

As such we recommend:

Ongoing External Management: Liquor, Gaming & Racing NSW plus City of Sydney acoustic consultants undertake ongoing and random noise measurements from the unenclosed gaming area above Jones Bay Road Porte Cochere. Without the knowledge of the applicant, manager or operator of the premises being aware, excluding Monday, Tuesday and Wednesday. Ensure gaming machines in this area are not exceeding the half volume requirements between 12am and 7am. And that music (in addition to the gaming machines) and PA announcements are not occurring. To determine if cumulative noise emanating from the premises complies with the noise criteria.

Additional Passive Design/treatment: Installation of permanent acoustic glazing (not perforated), floor to above 2m in height, the full length of the railing, over the unenclosed gaming area above Jones Bay Road, Porte Cochere. Or permanently close in (all facades elements fixed closed) the mezzanine level gaming area above Jones Bay Road Porte Cochere.

Further Mitigation Measures and Treatments: Including additional acoustic absorptive finishes and alternative perimeter treatments to the Jones Bay Road, Porte Cochere, outdoor gaming and terrace areas. What's in place clearly isn't enough.

Larger and More Signage all along Jones Bay Road and into the Jones Bay Road, Porte Cochere: Advising patrons of the need to respect the acoustic amenity of the nearby residential premises, leave the area quickly and quietly... etc..What signs there are currently in place clearly is not enough, as it allows for Star staff not to demand patrons to leave the premises when the one-up-men-ship of cars revving engines and groups of people singing/screaming in the cavernous Jones Bay Road, Porte Cochere area, occurring evening/nights/early mornings 7 days a week. The Star management duty needs to ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood (Or employ private security staff to do the job). Just as Star management are held responsible for the control of litter generated by patrons of the premises - COVID Masks at entrance/exit points, littered all over footpaths, in kerbs, blocking drains site wide (see Pyrmont social media photos).

Keeping indoor noise indoors! Automatic airlock sliding doors and on all unenclosed and outdoor areas (patrons and staff) is supported site wide.

Permanent Live Feed Noise Recording Equipment Installation by The Star on Public Footpath Land: Due to understandable ongoing delays by the City of Sydney Rangers and Police NSW responding to noise complaints. The installation of permanent noise monitors on public lighting poles at the entrance to the Jones Bay Road Porte Cochere is critically needed. To run permanent 24/7, live feed noise recording equipment specifically for Liquor, Gaming & Racing NSW, Police NSW plus City of Sydney staff and acoustic consultants to access live noise data remotely, be notified when noise is above permitted levels, undertake ongoing and random noise measurements emanating from the Porte Cochere and the unenclosed gaming area above Jones Bay Road, Porte Cochere. And provide a coordinated rapid response when needed. As Ausgrid owns and maintain the streetlights on Jones Bay Road and NSW Government owns 49.6% of Ausgrid, the installation of Permanent Live Feed Noise Recording Equipment for Liquor, Gaming & Racing NSW, Police NSW and the City of Sydney to have access to is perfectly symbiotic. Specific installation position is needed at the streetlight identified as LE12233, corner of Jones Bay Road and Pyrmont Street, directly across the road from the Porte Cochere entrance on Jones Bay Road.

Changes to the acoustic assessment methodology and acoustic prediction noise modelling process: Predictive noise modelling to determine the extent of noise impact from a proposal at a nearby residential premises needs to take into account there is a substantial difference in:

Assessment Locations

- noise impact from within apartment buildings with building materials less than 35 years old and properties that can be ventilated by air conditioning when windows cannot be opened due to noise (or air pollutants).
- noise impact from within a ground floor terrace building with building materials older than 135 years and properties have permanently open chimneys and air vents. Which if permanently closed off causes detrimental mould indoors/negative health implications.

Noise Measurement Locations (with the Assessment Location in mind)

- Noise at a distance of 2m from the facade of a 135 plus year old ground floor terrace building will be heard substantially louder indoors, than noise at a distance of 2m from the facade of a multi-story residential building less than 35 years of age.

One acoustic assessment methodology does not work for everyone. 2 Jones Bay Road apartment floor plans, show balcony's at the Jones Bay Road opening, with bedrooms and living rooms in the core of the building. Terraces fronting Pyrmont Street floor plans show 2 rooms only open to Pyrmont Street and the other 7 rooms have glass openings that open onto Jones Bay Road, including 2 bedrooms/office/living/kitchen... (The Star and Planning NSW have been provided this information previously).

Using acoustic prediction noise modelling to determine the extent of noise impact from a proposal at a nearby residential premises without floor plans - Renders the methodology as incomplete, so to is the acoustic assessment. (google or ask the owner/building manager for floor plans).

There is established ongoing and genuine dialogue with The Star Asset/Security Staff. They have our genuine Thanks for taking the appropriate actions they are able to within their roles each phone call made to them and following up (latest noise call, 2 Oct 2021).

For the reasons of incomplete acoustic assessment, ongoing lack of compliance, and disingenuous care of neighbourhood amenity above, we remain opposed to MOD 16 and:

- The Mod 14 Event Centre Pre Function Space & Business Centre operating outside of the hours 7am and 10pm, 7 days, should it not be permanently closed in (all facades elements fixed closed), it is approx. 25m from residences.
- The extension of the current Smoking Terrace on Jones Bay Road (above retail, Hair dresser) operating outside of the hours 7am and 10pm, 7 days, should it not be permanently closed in (all facades elements fixed closed), it is approx. 25m from residences.
- Level 17 proposed changes to existing balconies should they allow external music or sound systems.
- Level 17 proposed operating outside of the hours 7am and 12 midnight, 7 days.
- Music played and PA announcements, apart from that associated with gaming machines within unenclosed and outdoor areas site wide.
- The criteria for all gaming machines site wide at 12 midnight till 6am being turned to half volume to ensure compliance. This criteria has repeatedly failed! We would support the criteria for all gaming machines site wide at 10pm till 8am being turned to half volume to ensure compliance. Cumulative gaming machine noise is offensive to neighbouring amenity and health.

Take into account,

A vast amount of contact and permanent ongoing work is done from home, pre, during and post COVID lockdowns. Heritage homes are designed to be ventilated by opening windows and vents. Having offensive gaming machines audible whilst working (or sleeping) with access too fresh air in your place of residence and work is not acceptable, or mentally healthy.

Many NSW Government and private sector job criteria for employment state 'you must have a private and quiet working space you can utilise to effectively work from home professionally'. Ongoing gainful employment should not be negatively impacted by The Star not responding to our long history of non compliance complaints lodged with The Star for;

- Loud, very audible clear PA announcements (bingo or the like) - Unenclosed smoking balcony, Jones Bay Road.
- Broken base building items - Unenclosed area doors banging with every open/close. Jones Bay Road.
- Broken base building items - Unenclosed area unstable driveway paving - banging with twice (front/rear wheels) with each vehicle driving over - Jones Bay Road.
- Motorised leaf blower used before 5am within the Porte Cochere and along Jones Bay Road footpath.
- Queuing Taxi vehicles horns, many drivers hit their taxi horn to encourage the taxi ahead to move up a car length down the residential then Star side till they enter the Porte Cochere - Jones Bay Road.
- Cars revving engines and groups of people singing/screaming for attention throughout evening/nights/early mornings 7 days a week. Without being asked by staff to leave the premises - The cavernous Jones Bay Road, Porte Cochere area.
- Heavy outdoor furniture being dragged across hard surface floor, tables and chairs being moved to sit at, 24/7 - Unenclosed staff balcony along Jones Bay Road on proposed Mod 14 Event Centre Pre Function Space & Business Centre Level.
- Cumulative, offensive gaming machine noise being heard inside neighbouring residential properties 24/7 - Jones Bay Road.

This chronic lack of permanent improvement gives zero assurances that The Star Noise plan or management is committed to care of neighbourhood amenity.

The Mod 16 proposed intent to consolidate trial periods for the operation across all out door gaming areas on levels 1, 2 and 3 for an additional two years fails to address:

- The current and ongoing negative health responses (stress, anxiety, lack of sleep) for impacted sensitive neighbours to cumulative offensive gaming machine noise audible 24/7, from within any habitable room in any residence, originating from an unenclosed or open gaming area on Jones Bay Road.
- The frequency of offensive noises impacting Neighbourhood Amenity within in their homes.
- The length of time taken to 'fix' the cause of offensive noise levels, often the 'fix' is short lived.
- The frequency of inadequate operational response to manage offensive noises impacting Neighbourhood Amenity long term.

We urge the Consent Authority, Minister for Planning and Public Spaces to reject this Mod. as it currently stands. On the grounds that it does not review site wide noises generated by existing operations despite complaints being lodged over many years. And in good faith we hope the revised Mod 16. response to submissions, will ensure The Star takes accountability and action for noise compliance controls, conditions and commitments going forward.

Appreciated