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**Sent:** 10/07/2020 8:48:43 AM

**Subject:** DA2019/1478, 1 Narrabeen Park Parade, North Narrabeen - Submission

Hi Tony,

As you are aware, I have been engaged by the owners of No. 5 Narrabeen Park Parade to review the above application and in particular the most recent referral comments and draft conditions of consent prepared by Council's Environmental Health Officer.

As I have no particular expertise in the field of acoustics, I rely on the expert advice already provided to Council by Steven Copper.

Having reviewed the most recent referral comments dated 18<sup>th</sup> June 2020 I make the following observations:

- The referral acknowledges that "The plan of management has multiple inconsistencies with the SEE I recommend conditioning that an amended plan of management be submitted prior to OC for approval from the Environmental Health Department". We object to this course of action noting that the POM forms a critical component of the application. Any inconsistencies must be rectified now such that the final POM can be reviewed by the affected residents and the decision makers prior to any determination being made.
- The development application and the POM reference New Year's Eve trading hours. Such extended trading hours are regulated by the State Government, as amended from time to time, and therefore should not form a component of any consent issued.
- The draft conditions of development consent reference "restaurant and live music venue" in various locations. The development application only relates to a restaurant with ancillary music. We request that any reference to "live music venue" be removed as it is incorrect and misleading as to the nature of any consent granted.
- The reference to "hotel" being the last word on page 4 of the E/H referral comments should be amended.
- There is no reference as to whether doors and windows are to be closed during live music. This must be clarified and conditioned appropriately.
- Steven Cooper does not agree that a 12 month trial period is appropriate as the 92dB(A) when measured 5m in front of any speaker/s noise criteria has not been tested for this particular site. The room geometry makes testing such 5 metre criteria extremely difficult. We are of the firm opinion that a 12 month period of potentially excessive/ offensive noise to surrounding properties, based off the 92dB(A) criteria provided by the applicants consultant, is entirely unreasonable.
- In this regard, should the consent authority agree to a 12 month trial period, Steven Cooper is of the opinion that in relation to the provision of entertainment inside the premises, other than for background music, a conservative noise criteria of 80 dB(A) at 2 metres from indoor speakers should be adopted. I am of the opinion that this noise criteria should be adopted for the 12 month trial period with any increase dealt with by way of a s4.55 application.
- It is both Steven Coppers' and my own opinion that the operation of the restaurant should not have any entertainment until such time as a proper acoustic assessment of such entertainment is undertaken upon which the appropriate noise conditions can be identified.

I ask that you carefully consider the matters raised in this submission during your assessment and reporting of the application.

Please do not hesitate to contact me should you wish to discuss any aspect of this correspondence.

Regards

Greg Boston

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B Env Hlth (UWS)

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