
From: Steven Cooper
Sent: 4/07/2022 1:24:47 PM
To: Council Northernbeaches Mailbox
Subject: Submission - DA 2022/0869
Attachments: 4962L12.pdf;

Dear Sirs,

Please find my objection to the above Development Application.

I have left messages for the responsible officer and provided an email as to the use of a report that I prepared for Shop2 for the Shop 1 Application.

I have not received a response from the officer.

I have not endorsed the subject applications and object to the application of the basis of there being no proper acoustic assessment.

I request Council to remove my report that has been submitted with the applications as the Applicant does not have permission to use my report for Shop 2 and that my report for Shop 2 cannot be applied for Shop 1.

52.4962.L12:MSC



30 June 2022

Northern Beaches Council
PO Box 82
MANLY NSW 1655

Attention : Mr N Keeler

OBJECTION TO DA 2022/0869

1/43—45 NORTH STEYNE MANLY

Accompanying Development Application DA 2022/0869 is a Statement of Environmental Effects ("SEE") prepared by Nexfit Pty Limited.

Section 5 of the SEE identifies documentation to accompany the development application includes an Acoustic Noise Report with the author being Hugh Burns & Stephen Cooper.

On page 26 of the SEE under a heading of Noise is stated:

The proposed change of use from a shop to a food and drink premises will not contribute to any significant noise generation from the subject premises or compromise the environmental amenity of the residential units above and the adjoining commercial tenancies. An acoustic report has been prepared by Stephen Cooper of the Acoustic Group as part of a ventilation system report being relied on by Hugh Burns for the adjacent tenancy, shop2 with the exact same ventilation system proposed for shop 1.

There is no Stephen Cooper of The Acoustic Group. There is a Steven Cooper of The Acoustic Group, who is the author of this letter.

There is no acoustic report prepared by Steven Cooper for the Shop 1 application.

No permission has been given by The Acoustic Group for a compliance report for Shop 2 to be used in the subject application.

Furthermore, any compliance report prepared for Shop 2 is not relevant for Shop 1.

The brief in relation to Shop 2 was to satisfy requirements of the Land & Environment Court of NSW, in light of excessive noise generated by the Shop 2 ventilation system that was in breach of Council acoustic requirements.

In the Shop 2 matter the Applicant had a number of acoustical consulting firms who were unable to resolve the acoustic issues and satisfy Council's requirement for inaudibility inside the apartments above Shop 2.

In the end whilst my responsibility was to conduct measurements to assess acoustic compliance, with the inability of the ventilation contractor or the acoustical consultants retained by the Applicant to resolve the issue it was left to me to provide design input and specify noise controls to achieve acoustic compliance.

The system in Shop 2 was restricted to certain airflows and pressure drops by reason of the convoluted riser duct to the roof. I have no knowledge of the relevant parameters of the system associated with Shop 1 – nor the configuration of the riser duct.

There was no acoustic compliance as to noise emitted from the Shop 2 system on the roof.

The Applicant has not obtained permission to use my Intellectual Property contained in my compliance report for Shop 2 nor has been given permission to use my report(s) in relation to Shop 1 application.

The Applicant has fraudulently used my report in relation to Shop 1 to mislead/imply to Council that I have endorsed the Application or that based upon my report that the proposal will satisfy Council's criteria.

My report for Shop 2 cannot be used for Shop 1 and cannot form part of the development application.

My report must be removed from the Application.

The SEE is incorrect and has misled Council and must also be removed from the Application.

Yours faithfully,

THE ACOUSTIC GROUP PTY LTD

[Redacted Signature]

STEVEN E. COOPER

