



45.3620.L8:MSC

25th August 2015

Harboard Beach Hotel
29 Moore Road
FRESHWATER NSW 2096

Attention: Mr S. King

Dear Sirs,

DA2015/0061 HARBOARD BEACH HOTEL

I refer to our recent discussions concerning the application currently before watering the Council with respect to the outdoor beer gardens of the Harboard Hotel at Freshwater and submissions in relation to the application that seek to refer to acoustic impacts and privacy.

Having viewed the submissions I would suggest that there are errors in the concepts that have been presented to the Council.

I am aware of the hotel and have conducted a number of compliance tests in relation to the subject premises from August 1997 where the major concern of noise emission from the hotel related to entertainment in the form of music that occurs in the hotel. With respect to noise emission from the hotel I have had no issue with the use of the outdoor areas of the hotel by reference to the following night time site visits.

In August 1997 I recommended upgrading of glazing to the entertainment area that following those works became the subject of acoustic compliance in 1997 as a result of a complaint before the Liquor Administration Board. Testing was carried out at residential apartments and found full compliance with the acoustic criteria issued by the LAB. My reports indicate that the primary source of noise emission was that related to entertainment and that noise from the use of the outdoor areas whilst at times being audible was well under the relevant acoustic criteria.

A similar compliance test was carried out in October 98 and found no acoustic issues with respect to the operation of the subject hotel.

In 2001 there was an application for modifications to the hotel to which I reviewed the plans and provided recommendations for additional controls that could be incorporated into the proposed modifications to provide additional acoustic attenuation. I did not consider that there was an issue in terms of the outdoor areas of the hotel in terms of criteria issued by the Council or the Liquor Administration Board (now being the Office of Liquor, Gaming and Racing).

In June 2002 I conducted a daytime site visit and then a night time site visit in order to assess noise emission from mechanical plant that was to be the subject of upgrading. I recommended modifications to existing plant and a provision of a noise specification for new plant to satisfy the Council/EPA noise targets. Again I had no issue in terms of noise emission from the outdoor areas of the hotel.

In relation to the alleged acoustic impacts I note that the perimeter of the north eastern outdoor area (that would appear to be the focus of the submissions) incorporates shrubbery and latticework. Accordingly there would be negligible attenuation of noise from patrons in that outdoor area and that the provision of replacement screening that incorporates sections of glazing will therefore provide an attenuation of sound, to that that exists at the moment, even if portions of the glazing are open.

Previous testing in relation to the outdoor areas of the hotel whilst having at times noise from the outdoor area being audible did not cause a measurable increase above the ambient background level at residential boundaries and therefore not only satisfied the general EPA/Council criteria but also satisfied the more stringent LAB/OLGR noise criteria for licensed premises. Therefore on an acoustic basis I see there are no issues in terms of the proposal but in effect the potential for a slight degree of reduction for noise that is already compliant.

In relation to privacy issues I suggest the material that has been provided to Council is incorrect. It would appear that the comments to Council are more of a perceived privacy issue without actually examining the facts. In the course of having to conduct measurements to address perceived acoustic impacts in dwellings I have experienced similar statements about visual privacy that have no basis of fact.

In relation to daytime operations in my experience it would be difficult for persons in the beer garden to look into and observe residents inside apartments by reason of the degree of external ambient light to the apartments versus the internal ambient light.



In terms of privacy at night there is the potential for a greater degree of ambient light inside the dwelling at night when compared to that external to the dwelling and therefore could make activities in the dwelling seen from persons in the hotel outdoor areas (although the distance would obscure any details) but there would be more issues of privacy for the occupants of the dwelling in relation to pedestrians on the footpath adjacent to those dwellings.

Similar "privacy" matters have been raised before the Land and Environment Court of New South Wales with residents raising the issue of privacy such that inspections by the Court have found more than likely it is the people inside the apartments who are able to view the people in the hotel rather than the other way round.

Yours faithfully,

THE ACOUSTIC GROUP PTY LTD



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