
Sent: 5/06/2020 3:15:57 PM
Subject: Objection to DA2019/1478 - Intensification of Restaurant Use - 1 & 1A
Narrabeen Park Parade
Attachments: Morris - Cover letter to Acoustic Report Objection.pdf; Morris - Acoustic Report
by Steven Cooper 2 June 2020.pdf;

The CEO
Northern Beaches Council
Civic Centre
Pittwater Road, Dee Why NSW 2099
Att: - Tony Collier

Dear Sirs

Along with this email please find letter and acoustic report attached.

Yours Faithfully
Tony Sattler.
0424545861

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Tony Sattler
Principal

Sattler & Associates
Pty Limited
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5 June 2020

The CEO
Northern Beaches Council
Civil Centre
Pittwater Road, Dee Why
NSW 2099

Dear Sir

RE: Petobi Pty Limited – DA2019/1478
Development Application for Construction and Alterations and
Additions to Restaurant and Building and Additional Hours of
Operation.
1 & 1A Narrabeen Park Parade, North Narrabeen NSW.

I refer to the above matter.

This office acts on behalf of Susanne and Michael Morris owners of 5 Narrabeen Park Parade, North Narrabeen. Please find enclosed along with this letter a report by The Acoustic Group, consulting acoustical and vibration engineers – by way of objection to the above development application.

If you have any questions please do not hesitate to contact this office

Yours Faithfully
SATTLER & ASSOCIATES



Tony Sattler.



50.5413.R1:MSC

2 June 2020

Sattler & Associates
PO Box 401
MANLY NSW 1655

PEER-REVIEW OF ACOUSTIC ASSESSMENT
ONE CAFÉ, 1 NARRABEEN PARK PARADE, NORTH NARRABEEN

Further to your request I have examined the acoustic assessment report prepared by Pulse Acoustic Consultancy (reference 2020.0641 café – acoustic assessment, dated 6 April 2020) with respect to the construction of an outdoor pergola, modification of trading hours on the existing consent and an increase in the permitted number of patrons.

In addition to the Pulse Acoustic Consultancy report (the **acoustic report**) I have been provided for my review a Statement of Environmental Effects dated October 2019, (the **SEE**) prepared by Vaughan Milligan Development Consulting Pty Ltd, and a Plan of Management (the **POM**) prepared by Petobi Pty Ltd, dated April 2020.

In my opinion, having reviewed the Pulse Acoustic Consultancy report I have significant issues of concern. Material contained in the acoustic report:

- Is not factually correct,
- has misrepresented the current operations,
- has a number of technical inaccuracies or omissions, and as such does not satisfy the requirements for the preparation of an acoustic report as set out in Australian Standard AS 1055,
- identifies that the operation of the premises has given rise to excessive noise in terms of the standard conditions utilised by the liquor authority,
- identified the premises has generated offensive noise as defined under the Protection of the Environment Operations Act, and the offensive noise checklist contained in the EPA's Noise Guide for Local Government, and
- identifies the author of the report is not familiar with the specification of sound systems used for entertainment or the means of controlling sound systems for licensed premises.

The Application

The SEE identifies consent number 87/200, which was endorsed on 17 June 1987, related to development application number 1987/111 submitted to Warringah Shire Council.

The consent related to a change of use from an existing shop (milk bar) with attached dwelling to a refreshment room (restaurant) with attached dwelling and detached garage.

The approval permitted the restaurant trading hours, including any takeaway meal service, to be confined to 6:30 pm to 10:30 pm Wednesdays, Thursdays and Sundays, 6:30 pm to 11:30 pm Fridays and Saturdays and closed on Mondays and Tuesdays.

The consent permitted seating within the restaurant not to exceed 50 persons and that noise emitted from the premises shall not be 'offensive' as defined in the Noise Control Act when measured at any nearby residence, at any time.

Appendix 2 of the SEE provides modification of development consent number 87/200 that is dated 15 November 1990. The modification of the development consent permitted additional restaurant trading hours between the hours of 12 midday and 3 pm Wednesdays to Sunday but did not alter the remaining approved hours on the original consent.

Appendix 3 to the SEE refers to an outdoor dining approval under Roads Act 1993 with the approval commencing from 1 September 2017 and lapsing on 1 September 2020. The conditions of the footpath approval required operations only within the dedicated area identified on the application and must comply with the NSW liquor licence conditions at all times. The footpath area is identified as a dining area on the southern side of the property that does not extend past (to the east) of a roofline setback (for the rear section of the restaurant) shown in Figure 1 of the acoustic report.

The consent for the footpath area of 40 m² was identified as having 10 tables and 40 chairs.

Examination of Figure 4 in the SEE indicates tables and chairs well past the eastern end of the designated area in the footpath consent, where tables and chairs have been placed on a paved area and there are timber posts around the paved area which does not form part of the footpath approval set out in Appendix 3 of the SEE. That is, the SEE identifies the subject property is operating in breach of the footpath consent.

Neither the SEE nor the acoustic report identify the times at which live music is currently provided, or the provision of any other forms of music provided at the venue.



The Acoustic Report

The acoustic report identifies in Figure 2, two locations used for noise monitoring. Both locations are shown in Figure 2 as external to the café. The acoustic report does not specifically identify the relationship of the two monitoring locations to the entertainment area.

Six Maps identifies the land for 1 Narrabeen Park Parade to extend to the east to an access handle for 3 Narrabeen Park Parade that runs along part of the western boundary of 5 Narrabeen Park Parade.

Google Earth Pro and the SEE identify what appears to be a garage building at the eastern end of 1 Narrabeen Park Parade. It would appear that both locations shown in the acoustic report were on top of the garage building. This would place one location (identified as a noise logger) located towards the north-eastern corner of the site, whilst the second location (marked as “attended measurements”) closer to the southern boundary of the site.

The acoustic report does not identify the instrumentation used for the conduct of measurements for either unattended noise monitoring or attended noise monitoring, nor identifies under the requirements under Australian Standard 1055 that such instrumentation holds valid calibration certificates for the purpose of such measurements.

Figure 4 in the acoustic report identifies current speaker location and direction, which by comparison with Appendix 3 of the SEE identifies that the area where the speakers are located is in an unapproved area.

The acoustic report contains in Appendix B a series of unattended logger graphs that indicate a variation in the noise during the monitoring period. The logger graphs included the period of attended monitoring, identified in Section 5.1 of the acoustic report as occurring on 15 March 2020.

However, there is no material in the acoustic report to identify the time at which the attended measurements were conducted, nor any corresponding measurements to indicate the noise levels in front of the speakers to determine the relevance of the noise levels recorded at the monitoring location (that would be to the north-east of the speakers), nor the basis of the predicted levels at the residential boundary.



Section 4.2 of the acoustic report refers to typical noise conditions that are imposed upon licensed premises and identifies that the criterion of background +5 dB when measured in octave bands is not to be exceeded at the boundary of any affected residence for the period of 7am to midnight.

The acoustic report identifies that the assessment relates to the residence at 5 Narrabeen Park Parade with the claim that is the closest residential receiver.

The text below Figure 2 identifies that the resident at 3 Narrabeen Park Parade *is understood to be working with the applicant on the DA and therefore has not been considered in this assessment.*

Persons experienced with noise assessments and matters before the Land and Environment Court of NSW would be aware that the development consent runs with the land and an appropriately qualified acoustic consultants would be aware that the liquor licence refers to the nearest affected residential boundary.

The matter of an existing resident “working with the applicant on the DA” and there being no covenant over 3 Narrabeen Park Parade does not preclude the requirement under EPA assessment procedures or liquor licence conditions to assess the noise impact upon 3 Narrabeen Park Parade.

The acoustic report has sought to use an assessment procedures set out in the EPA's Noise Policy for Industry (**NPfI**) to undertake an average ambient background noise level from which noise targets have been derived.

However, the acoustic report has failed to address the requirement of the NPfI to assess any affected point on or in a residential property. As the residences at both 3 and 5 Narrabeen Park Parade are elevated then there is potential for the elevated areas of those dwellings to experience higher noise levels from the live music (by reason of different shielding to the boundary locations) than predicted, and also experience different background levels than suggested for the western boundary of 5 Narrabeen Park Parade.

The acoustic report identifies a lack of comprehension by Pulse Acoustics of the different authorities responsible for noise emission from licensed premises.

The liquor licence conditions relate to an exceedance of the background level at the time of the measurement, not the basis of an averaged background level used for EPA assessments.



The acoustic report has identified live music may occur between midday and 10pm but has failed to identify the days in which music may be provided. As such it is inappropriate for an assessment with the liquor license condition to use an EPA averaged ambient background level for the purpose of assessment of music emissions from the premises. The condition is required to be satisfied at all times, by reason of the noise criteria applied to the liquor licence. Furthermore, the use of the EPA average background level cannot be applied as section 1.5 of the EPA's NPfI identifies that the NPfI *does not apply to amplified music/patron noise from premises including those licensed by liquor and gaming NSW*.

Section 1.4.1 of the EPA's Noise Guide for Local Government (**NGLG**) identifies with respect to licensed premises that local councils and residents make their disturbance complaint to the Director of Liquor and Gaming. On page 1.11 of the NGLG is the noise condition that agrees with the wording set out above Table 7 in the acoustic report.

Page 1.22 of the NGLG the document clearly identifies that with respect to entertainment **of loud music, patron noise**, etc, from hotels and liquor licensed premises (not including noise from equipment such as air-conditioners, schools, etc) that the NSW Office of Liquor, Gaming and Racing were the responsible authority. The current version of the NGLG (second version) is dated May 2013. Since that time the Office of Liquor, Gaming and Racing has become Liquor and Gaming NSW.

It is also noted that there is no assessment of patron noise for the outdoor area of the restaurant which is a noise component that is to be assessed relative to areas of the premises that are licensed to consume alcohol, i.e. not under EPA criteria.

The assessment of noise from mechanical plant would fall under the general EPA/Council policies to which the ambient background level set out in the acoustic report may apply to as assessment of mechanical plant noise. However I note that there is no assessment of mechanical plant noise contained in the acoustic report.

The acoustic assessment makes no mention of any activities inside the licensed areas of the premises (inside the building) and whether there are any limitations in relation to the provision of music.

Noise Criteria

There is no information contained in the acoustic report that considers the issue of mechanical plant noise associated with the subject premises and whether such noise influences the acoustic environment of the area.



The logger graphs indicate on Tuesday, 17 March 2020 that after 9 pm there is an elevated ambient noise level continuing for a number of hours. There a similar pattern on Wednesday, 18 March 2000, at a slightly lower noise level. A similar pattern occurs from about 7:30 pm on Thursday, 19 March and again a dramatic increase in ambient noise level at about 11 pm on Saturday 21 March, continuing through to 6 am on Sunday 22 March 2020.

The patterns that exist on the aforementioned times would suggest that the logger results may be affected by mechanical plant noise. There is no assessment in the acoustic report of the contribution of such mechanical plant to the ambient background noise levels.

The acoustic report identifies that live music is currently played at times during the day and evening periods (midday to 10 pm), but as noted above, there is no identification as to what days when live music is provided, nor any assessment of other music, in terms of amplified music that is not live music.

Accordingly, there are questions as to the influence of restaurant operations or mechanical plant operations that could affect the logger results and not represent the true ambient background level for residential receivers subject to excessive noise from the subject site.

Utilising the logger graphs contained in the acoustic report it would appear that at times the ambient background noise level, both in the day and the evening periods (prior to 10 pm) is lower than the 49 dB(A) used for assessment purposes.

For example for Wednesday, 18 March 2020 during the middle of the day the background levels are at or slightly above 45 dB(A), yet at 9.30pm on that same day the background level is reduced to around 42 dB(A). By reason of the pattern in terms of the L10, LAeq and L90 levels it may very well be the true background level occurred in the absence of mechanical plant for a short period of time. Continuing to after midnight on Thursday, 19 March 2020 the night-time ambient background levels are around 40 dB(A) and in the evening period of 19 March just prior to 10 pm the background levels are less than 45 dB(A) and that follows the step in the ambient noise level.

Similarly, on Saturday, 21 March 2020 around or prior to 10 pm background levels significantly lower than 49 dB(A). Similarly, again on March 23 the ambient background levels prior to 10 pm are less than 45 dB(A).



In accordance with EPA procedures and AS 1055 are the background levels the levels in the absence of the noise source under consideration? From the logger graphs it is unknown whether mechanical plant for the restaurant or the adjacent residential building is affecting the background levels, is non-compliant with EPA/Council criteria, or operates on an intermittent basis.

Accordingly, in terms of the liquor licence requirements it is questionable as to whether the ambient noise level obtained at the logger location would be truly representative of the ambient background noise levels at boundaries of 3 & 5 Narrabeen Park Parade. Furthermore, it becomes questionable whether the nominated background levels are appropriate for the upper levels of 3 & 5 Narrabeen Park Parade?

Table 7 presents ambient octave band L10 noise criteria, which purportedly are 5 dB above the background level without any identification of how those levels have been derived and by what instrumentation. If there has been only one site visit for attended measurements (a total of 2 x 15 minute measurements of the music) then having the same criteria for the day and evening EPA periods seems unlikely.

Having conducted more than 4500 compliance tests at licensed premises over a period of 42 years as a professional acoustical consulting engineer I have difficulty in accepting that the same criteria would apply to 6 pm at the subject site and at 10 pm, particularly in the absence of any ambient measurement results identifying octave band levels.

Council would be aware in the matter of the former Mona Vale Hotel case before the Land & Environment Court of a DA claiming octave band measurements at residential locations at night based upon dB(A) logger measurements at the hotel and an attended measurement during the day to determine octave band data. Compliance testing at night found the DA noise material to be incorrect to the point that the DA ambient background levels (and design criteria) were significantly different to what actual compliance testing revealed.

Measured Level of Live Music

Table 9 presents noise levels under the current operations, which would appear to be an extrapolation of the noise levels recorded to the north-east of the entertainment area and utilising a criterion that has not been assessed at the receiver location.

Nevertheless, the levels identified in Table 9 reveal a significant breach of the liquor licence conditions and as such clearly justify the complaints from residents that I am instructed has been lodged with Council.



As noted above, the acoustic assessment has failed to consider noise from patrons which is a matter that should be assessed under the liquor licence requirements.

Recommended Controls

The provision of recommended controls set out in Section 5.3 of the acoustic report, leads me to seriously question capability of Pulse Acoustics to undertake such an acoustic assessment.

There is no identification of the types of live music at the subject site.

It is not uncommon in the provision of live music for musicians to have their own amplifiers to generate the music that then may be supplemented by additional speakers for the provision of propagating the sound through the space and/or for the purpose of vocal amplification.

To provide an acoustic report of the licensed premises without identifying the type of live music or how the music is generated, or how the music is controlled, and completely ignore amplified music that is not live music cannot be a proper acoustic assessment for that licensed premises.

The terminology used in terms of expressing noise level from each speaker as a sound power level defies logic in terms of how one controls the amplification.

Council are well aware from other licensed premises that one generally identifies a noise level at a set position, or set distance from speakers from which the various calculations have been undertaken.

If the Council was to approve the consent and provide a recommendation in sound power levels (as nominated in the acoustic report) then it is unlikely any Council officer investigating the source of the noise complaint would be able to evaluate the sound power level as they would have no knowledge of how a sound power level is determined.

In terms of assessment of noise emitted from noise sources in a planning sense the use of the sound power level is to describe the energy emitted from the noise source which is then used for calculations. The determination of the sound power level is obtained by recording an average sound pressure level across a stipulated surface area, and then determining the sound power by adding to the measured level 10 times the logarithm of that surface area ($L_w = SPL + 10 \times \log(\text{surface area})$).



If a source is taken as a hemispherical radiating source then one can utilise a general approximation of the sound pressure level at a receiver location + 20 times the logarithm of the distance in metres, +7.8 dB to derive a sound power level ($L_w = \text{spl} + 20 \times \log(\text{distance}) + 7.8$).

It would seem difficult for Council health officer or a ranger to undertake that exercise.

The appropriate mechanism for the recommendation of noise controls is to first specify a noise level at a set distance. The controls (to accord with the assessment for only two speakers) should require all amplification to utilise the in-house house system (i.e. no additional amplification) and the in-house sound system to have electronic limiting (in the form of RMS limiters), in addition to physical controls.

For the speaker locations shown in the report in my opinion Option 1 should provide a greater degree of attenuation than Option 2 by reason of the horizontal return on the top of the pergola. But the acoustic report claims Option 2 would result in higher levels of attenuation.

The erection of either Option for the provision of live music is labour intensive and cannot be guaranteed to occur whenever live music is provided.

As the two options of the wall/curtain are removable the acoustic report has failed to address what happens on the wall/curtain is not in place and live music was to occur? Relying upon the licensee/manager to ensure such controls are in place is not an appropriate solution.

For example there are multiple examples of music areas in licensed premises that have operable windows or access doors that are “opened” by patrons (or staff) to permit additional ventilation or provide access despite a requirement to have such windows or doors closed when music is provided. To address the potential for the controls to be bypassed in some cases the Court has required the windows/doors are fitted with reed switches. The purpose of the reed switches is to automatically reduce the limiter settings of the sound system when the windows/doors are open.

The practicality of having reed switches for a temporary curtain/wall or similar control has not been addressed in the acoustic report.

There is no material provided in the acoustic report to ensure the music levels are controlled and the proposed Options are in place whenever live music is provided and as such in my opinion little weight should be provided to the acoustic report.



As there is no material provided in the acoustic report to identify the noise in the area in which it is proposed to continue the live music (that does not have consent to utilise that area) then in the absence of such noise levels and the methodology to determine the contribution at residential receivers, it is difficult to comprehend the noise control measures. As expressed above I have little confidence in the assessment provided by Pulse Acoustic Consultancy in view of their lack of understanding music emissions that generally occur at licensed premises and how one controls such levels.

Breaches of the Current Consent

The current consent condition requires that the premises not generate offensive noise to which the results set out in Table 9 (if they are assumed to be accurate) clearly identify that the premises has consistently been in breach of the development consent in that there is a significant breach of the liquor licence conditions and if applied at the subject premises the occurrence of offensive noise.

Whilst there is no identification of the time at which the “live music” measurements were undertaken, it is necessary to note that in interpreting Table 9 for assessing offensive noise, one needs to add 5 dB to each of the exceedances identified in the last line of that table to therefore reveal that the noise of the live music was 12 dB(A) above the “background” level and in the mid frequencies at 250 Hz and 500 Hz it would be 17 dB above the background level.

Such levels are clearly significant in terms of disturbance to adjoining properties and as such would give rise to offensive noise and therefore in breach of condition 11 to consent 87/2200 dated 17 June 1987, and also a breach of condition 11, in the modification to development consent 87/200 which is dated 15 November 1990.

For the outdoor dining approval (as Appendix 3 in the SEE) the last bullet point of the approval requires the use of the footpath area to be in accordance with Council's policy for footpath occupation. From the Council's website there is an Outdoor Dining and Footpath Merchandise Policy that refers to the Outdoor Dining and Footpath Merchandise Guide.

Section 2.2 of the Outdoor Dining and Footpath Merchandise Guide requires under the sub heading of Environmental Impact that the proprietor will be held responsible for the good conduct of customers and for ensuring that the premises do not give rise to offensive noise as defined in the Protection of the Environment Operations Act 1997. The Outdoor Dining and Footpath Merchandise Guide identifies entertainment and amplified music are not permitted in the outdoor dining area.



The area in which entertainment is provided is not in the approved outdoor dining area yet the proposal seeks to provide entertainment in an outdoor dining being an area which the merchandise guide does not permit the provision of entertainment.

Table 9 of the acoustic report identifies the emission of live music significantly exceeded the ambient background noise level.

Section 1.3 of the acoustic report provides the Council with two definitions of offensive noise which under the first extract relates to that applicable in the Noise Control Act, whereas the second extract is from the Protection of the Environment Operations Act definition.

Both extracts have a common theme, offensive noise is a noise that is harmful to a person outside the premises from which is emitted, or interferes unreasonably with (the comfort or repose of a person who is outside the premises from which it is emitted).

It is clear from the noise predictions provided in the acoustic report that the illegal operations for the provision of live music outside the subject premises does give rise to offensive noise.

Page 4 of the acoustic report provides a checklist from the second version of the EPA's Noise Guide for Local Government, of which there are six questions.

The measurement results set out in the acoustic report identified that the noise of music from the subject premises under the current operations (which are not defined) is clearly loud in an absolute sense (Question 1).

The provision of music has characteristics that involve fluctuation in volume (Question 2). The report has not identified the type of music or what was involved in live music at the time of the testing. Clearly the nature of the music can have tones or components that can make it irritating. It is not unusual in the provision of live music for residents to be concerned about the low-frequency bass “thump, thump, thump”.

There is no identification in the acoustic report of any additional amplification that may be provided by musicians and therefore there is no identification whether the music that has been recorded in the single test is typical of live music occurring at the premises.



Question 3 relates to the occurrence of the noise and operations into the evening period and coincide with a time to which people expect to enjoy peace and quiet. Live music to 10pm in residential areas presents potential interference to rest and repose, and particularly for persons who have young children where the level of noise identified in the report could give rise to sleep disturbance.

Question 4 relates to noise that is atypical for the area which is clearly affirmative in this case because it is a premises in immediate proximity to residential premises and is not an entertainment hub, say for example in the middle of Mona Vale.

Question 5 relates to how often the noise occurs. The acoustic report doesn't identify how often the music occurs. The application seeks to provide live music on any day of the week between midday and 10:00pm. Therefore, the provision of such music has a potential for occurring often.

Question 6 relates to the number of persons affected by the noise of which the acoustic assessment has only considered one household and has not taken into account the nearest affected residential receiver or other residential receivers in the area which I am instructed have provided complaints to the Council. The extent of noise propagation extends past the nearest residential receivers.

At receiver locations further removed (possibly only 1 or 2 houses) the ambient background levels could be significantly different and not influenced by plant at the restaurant thereby resulting in non-compliance.

Consideration of the six offensive noise questions leads to an affirmative response for all six questions. The NGLG identifies that it is not necessary to have an affirmative answer for all 6 questions to determine offensive noise.

Conclusion

The premises at 1 Narrabeen Park Parade, North Narrabeen, is operated as a licensed premises and has been giving rise to disturbance to neighbours by utilising an area outside the building for entertainment.

The Statement of Environmental Effects identifies the subject area that is used for live music is not an approved area and is used contrary to the external area approved by the Council.



The external area identified in the acoustic report has been used for the provision of live music which is therefore a breach of the consent for the footpath footway area.

The SEE shows the subject area to have tables and chairs. The Council's Outdoor Dining and Footpath Merchandise Guide identifies entertainment and amplified music are not permitted in the outdoor dining area. Under the Council's policy the subject application cannot be permitted.

The extent and magnitude of noise recorded by Pulse Acoustic Consultancy and predicted to occur at the residential boundary of 5 Narrabeen Park Parade indicates significant exceedances of the ambient background level. The level of live music provided in the acoustic report also reveals a breach of the standard noise conditions used by the Office of Liquor, Gaming and Racing, and Liquor & Gaming NSW.

It is noted that the acoustic report has failed to provide details as to the measurements that were undertaken during the conduct of live music or what constitutes "live music", and how the predicted noise levels were derived.

The acoustic report has failed to identify limitations in terms of the external sound system and how such entertainment only utilises two speakers.

The acoustic report fails to identify whether there are other forms of music at the premises, both inside and outside.

The acoustic report has failed to undertake an acoustic assessment of patron noise which also forms part and parcel of noise emitted from the premises, both with respect to the conditions of consent that require there be no offensive noise and the application of noise criteria for licensed premises.

The specification of a sound power level for each speaker is simply an impractical way of specifying a noise control, particularly as the acoustic report does not identify how this level will be maintained, let alone how the sound power level is computed.

The expression of a noise control in sound power level for the provision of live music at a licensed premises is simply nonsense, is totally impractical, and would be impossible in my view, for a Council officer or ranger to police. Yet such a limit is provided in the Plan of Management with no identification of what it means or how the nominated sound power level will be achieved or controlled by the management.



The fact that the acoustic report has failed to identify the capabilities of the sound system, any limitations on the use of the sound system, that all entertainment is to be used by the in-house sound system, and how the requirement for the selected option to be in place when live music occurs is to be enforced, indicates a serious lack of experience in undertaking such assessments.

The acoustic report identifies that the operator of the license premises has blatantly breached the Council conditions of consent and also the liquor licence standard conditions and as such has given rise to a significant level of offensive noise to nearby residences.

The acoustic report prepared by Pulse Acoustic Consultancy is clearly substandard for a DA assessment, and should automatically have the application rejected.

Based upon the acoustic report, where there is an admission of breaches of the development consent the Council should have acted to ensure the subject premises complies with its development consent.

In my opinion no weight should be placed upon the substandard Pulse Acoustic Consultancy report.

In view of the inadequate acoustic assessment and the failure of the operator to comply with the consent issued by the Council the subject application should not be approved.

On the contrary the Council should require the operator to comply with the current conditions of consent.

Yours faithfully,

THE ACOUSTIC GROUP PTY LTD



STEVEN E COOPER

