
Sent: 15/09/2021 12:35:38 AM
Subject: Online Submission

15/09/2021

MR Daniel Kitt
9 / 22 - 26 Albert Street ST
Freshwater NSW 2096
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RE: DA2021/1541 - 20 Albert Street FRESHWATER NSW 2096

Dear Sir/Madam,

The current application does not suffice the appropriate Noise Impact Assessment which is required by NSW GOV. In particular the placements of the Receivers that have been used to measure the acoustics. Further information below.

****This is intended to be a preliminary submission of objection with evidentiary reports to follow****

****Not allowing submission of attachments is an indication there is a way to submit more supporting evidence later****

I welcome the injection of life into freshwater. It is my opinion that freshwater is void of quality restaurants, bars and cafes that represent the diverse community we enjoy. We have Thai, Mexican, Italian and other quality establishments - but nothing that creates a Freshwater Brand Name.

My support of new establishments in Freshwater is evident with the addition of 'Freshie Mex'. Upon receiving the application letter, I called the listed applicant and welcomed them. I also let them know of my support and since then I am a frequent patron of their establishment. They are respectful of the community and provide a quality service. The addition of the Gelato Shop and Rock Climbing Facility is the perfect addition to what will help Freshwater Grow.

The proposal of 'Alma Mexican Eatery' is something I absolutely cannot support in its current form. Pushing aside the other supplementary information and considering the 'Acoustic Assessment' in context of a local experience, the application of Alma is not accurate of the reality that will prevail.

The acoustic report does not consider fairly residents of the area. The times & locations measured are not an accurate representation of the acoustics in the area, during peak times that would be of concern to residents. The report is shown to be:

- A: Acoustic Report Bias towards the applicant

As mentioned, this is a preliminary submission of objection. A further rebuttal will refuse the Dates, Times and Locations of Acoustic Receivers including the accuracy of "modelling" referenced in the acoustic report - specifically: Tables 10,11, and 12.

- B: Modelling

Referenced in the above objection, the "Modelling" of acoustics in an area where actual readings can be obtained is completely inappropriate.

- C: Opening Hours - Contradiction of Application

The Acoustic Report (Page 5/35) states "...It is our understanding that the proposed restaurant will operate from 11:30 am - 12:00 am every day..." which is in direct contradiction to the

application, which no doubt, will affect the modelling of acoustics, unless this can be illustrated otherwise.

- D: Acoustic Report - Table 1 - Receiver Types and Locations - R1, 2, 3, 4, 5, 6
These receivers are incomplete. There should be additional receiver locations to accurately reflect the

- E: Unattended Noise Monitoring - Page 8/35 of DA Acoustics Assessment

"...Noise levels were monitored for the nearest residential properties in order to determine the existing noise levels without the operation of the restaurant. This unattended noise monitoring was conducted between Monday, 1st February 2021 and Monday 8 February 2021 in the empty outdoor area of the proposed restaurant..."

This is not an appropriate reading of the definition of "unattended noise monitoring"

- F: Why? What's to gain?

- Freshie Mex should be allowed to extend their seating area much as Dee Why Beach has been extended. Freshie Mex has proven to be a responsible local citizen of freshwater. Why penalise a local business with direct competition, when you could award a complimentary restaurant to freshwaters line up.

Summary

This submission has not adequately considered the following:

- 1 - adequately assessed the impact on residents, good and bad.
- 2 - The need from the Freshwater and surrounding community for a second Mexican Restaurant.
- 3 - The ongoing policing of such a restaurant given the current situation of other establishments in the area.

Regards,
Daniel