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3 April 2025

MAC242173-02LR1

Attention: Eliza Scobie
Urbis
Angel Place, Level 8, 123 Pitt Street
Sydney NSW 2000

Dear Eliza,

Response to Request for Further Information

Proposed Restaurant Development, 40 Myoora Road, Terrey Hills, NSW

1 Introduction

This letter provides a response to a Request for Additional Information from Northern Beaches Council (NBC) pertaining to the Noise Assessment (Report reference: MAC242173-01RP1V3, September 2024) (NA) prepared by Muller Acoustic Consulting Pty Ltd (MAC) for the proposed Restaurant Development to be located at 40 Myoora Road, Terrey Hills, NSW (the project). The correspondence from NBC and the MAC responses are outlined below.

A glossary of terms, definitions and abbreviations used in this report is provided in **Appendix A**.

2 Comments and Responses

NBC Comment 1

Noise - Consideration of this proposal has been given taking into account relevant documentation including a report by an acoustic consultant as well as a plan of management.

Whilst the acoustic report provides data in relation to unattended monitoring, conceptual modelling and projections to determine required compliance with associated noise criteria, there appears to be limited recommendations as to physical design and construction elements of the proposed development and how these elements may assist in mitigating potential noise amenity impacts associated with the development on the community.

The report puts forward, within section 8.2 of the report, a number of "considerations" the operator must incorporate into the ongoing operation of the establishment as part of their mitigation strategies.

MAC Response to Comment 1

The considerations included in the noise assessment report (NA) are referenced from the Disturbance Guideline and are additional recommendations and management strategies which can be further implemented to manage noise emissions from entertainment noise from licensed premises. These are not recommended mitigation measures which must be implemented to achieve compliance with the applicable noise criteria.

NBC Comment 2

Health considers it more appropriate to rely on more physical noise mitigation measures, with defined parameters or measurements, rather than what appears to be a reliance upon behavioural or operational strategies that may be open to interpretation.

Examples of this include:

"Consider lowering the volume of any amplified speakers or PA system in use at your venue, particularly during later trading periods"; and

"Consider re-directing the angle of speakers to minimise noise leakage from your venue and reverberation impacts";

MAC Response to Comment 2

The NA report demonstrates that the project site satisfies the NPI Project Noise Trigger Levels (PNTLs) without the need for additional mitigation measures. The project design avails of the barrier attenuation provided by the proposed buildings included in the site plans to mitigate noise emissions from the site.

It is unclear as to why NBC requires the implementation of additional physical measures when the NA report demonstrates compliance with the applicable noise criteria.

Furthermore, we seek NBC position with respect to recommended operational strategies that appear to conflict with Liquor and Gaming NSW (2024).

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1. Conditions and enforcement

1.1. Development consent noise conditions that cease to have effect for licensed premises

Many local councils impose noise-related conditions on venues' development consents under local planning laws. Under the Vibrancy Reforms, certain types of noise-related conditions on licensed venues' development consents cease to have effect while the venue is regulated under the Liquor Act (i.e. for as long as the venue holds a liquor licence).

From 1 July 2024, certain noise-related conditions that councils have included on licensed premises' development consents under local planning laws ceased to have effect. These are:

- decibel limit-based sound controls, such as the LA10 noise criteria
- the provision or cessation of live / amplified music or sound entertainment at specific times
- use of a noise limiter
- placement and use of speakers

Councils and licensed venues premises were not required to take any action to implement this change or modify consents to remove the conditions.

All other development consent conditions that do not relate to the above continue to apply to licensed premises and will be enforced by the relevant council. These may include, but are not limited to, staffing requirements, building construction requirements relating to sound mitigation such as sound proofing, signage requirements, heating, ventilation and air conditioning noise, waste and recycling collection and disposal procedures including glass crushing, and patron capacity.

NBC Comment 3

Additionally, Environmental Health has concerns in relation to the proposal for outdoor live entertainment where the acoustic report states "There is an outdoor stage adjacent to restaurant 2 that will accommodate amplified music performance between 12pm to 10pm."

Given the land use zones of surrounding land is predominantly rural, it is considered highly likely that that outdoor amplified music performance will result in unreasonable amenity impacts to the area.

MAC Response to Comment 3

The NA submitted report (MAC242173-01RP1V3) demonstrated the outdoor entertainment satisfied the applicable disturbance criteria at all receivers. However, as part of the redesign of the venue, the outdoor stage has been removed from the project which is considered in the predicted noise results included in the revised noise assessment report (MAC242173-02RP1V1, April 2025) for the project.

NBC Comment 4

To ensure optimal sound performance in new builds, it is essential to plan ahead and establish acoustic requirements during the conceptual stage. Retrofitting acoustic panel systems later can be costly, time-consuming, and may result in an unsightly "Band-Aid" solution. By addressing potential issues early, we can develop intelligent and effective solutions from the outset.

A more practical and actionable acoustic report, rather than a purely theoretical one, would include detailed recommendations such as:

Installing a xx-meter-high acoustic barrier with a yy rating along xx meters of the western boundary.

MAC Response to Comment 4

The noise assessment report demonstrated that the project satisfies the applicable noise trigger levels without the implementation of additional noise mitigation measures.

This in part is due to the innovative site design which incorporates smart design to assist with mitigating noise emissions. An example of this was including loading bay walls to block delivery noise and locating the loading bay on the far side of the building away from the nearest residential receivers. Basement parking also attenuates noise from a large proportion of the onsite light vehicles.

NBC Comment 5

Ensuring all sound equipment is isolated to reduce vibrations and noise transfer. Equipping all outdoor sound systems with noise limiters to prevent offensive noise emissions.

Positioning amplified noise sources and speakers to direct sound downward and inward, minimizing its spread beyond the site.

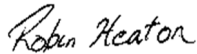
This approach is not solely about noise reduction but about achieving a tailored acoustic outcome that ensures the space is fit for its intended purpose. Addressing these considerations prior to approval is key.

MAC Response to Comment 5

See Response to Comment 2.

We trust the above information is satisfactory and if you have any further questions regarding the responses, please contact the undersigned.

Yours sincerely



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Reviewed: Oliver Muller, Principal Acoustic Scientist, BSc (REM & HGeog) | MAAS

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Appendix A – Glossary of Terms

A number of technical terms have been used in this report and are explained in **Table A1**.

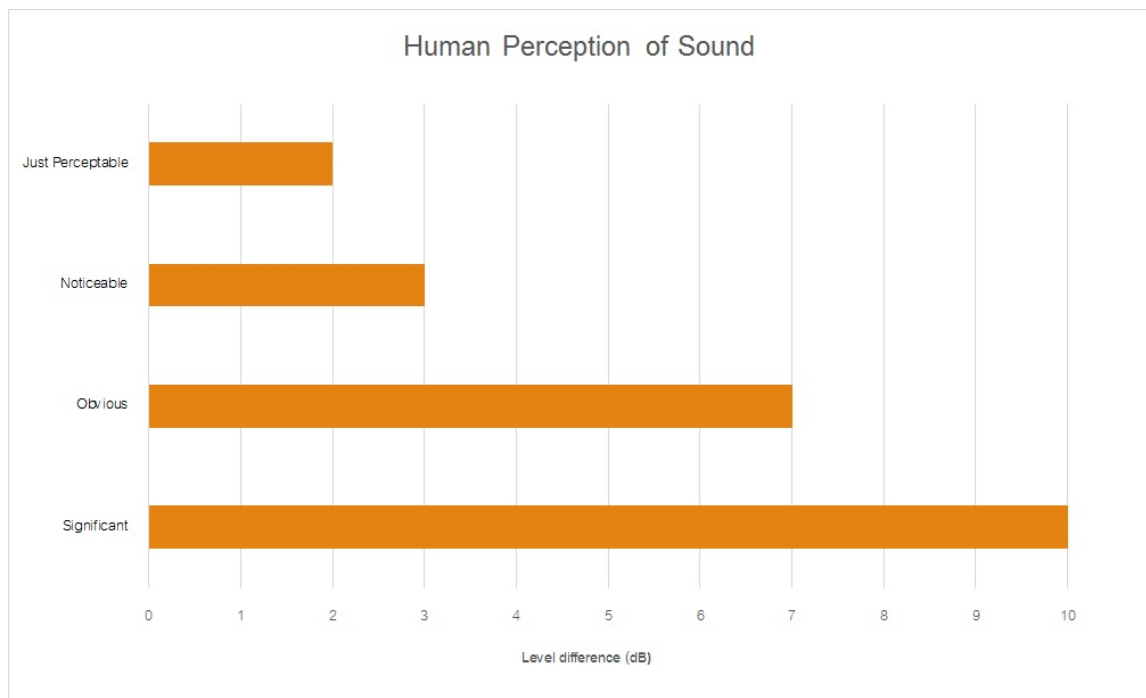
Table A1 Glossary of Acoustical Terms	
Term	Description
1/3 Octave	Single octave bands divided into three parts
Octave	A division of the frequency range into bands, the upper frequency limit of each band being twice the lower frequency limit.
ABL	Assessment Background Level (ABL) is defined in the NPI as a single figure background level for each assessment period (day, evening and night). It is the tenth percentile of the measured L90 statistical noise levels.
Ambient Noise	The total noise associated with a given environment. Typically, a composite of sounds from all sources located both near and far where no particular sound is dominant.
A Weighting	A standard weighting of the audible frequencies designed to reflect the response of the human ear to sound.
Background Noise	The underlying level of noise present in the ambient noise, excluding the noise source under investigation, when extraneous noise is removed. This is usually represented by the LA90 descriptor
dBA	Noise is measured in units called decibels (dB). There are several scales for describing noise, the most common being the 'A-weighted' scale. This attempts to closely approximate the frequency response of the human ear.
dB(Z), dB(L)	Decibels Z-weighted or decibels Linear (unweighted).
Extraneous Noise	Sound resulting from activities that are not typical of the area.
Hertz (Hz)	The measure of frequency of sound wave oscillations per second - 1 oscillation per second equals 1 hertz.
LA10	A sound level which is exceeded 10% of the time.
LA90	Commonly referred to as the background noise, this is the level exceeded 90% of the time.
LAeq	Represents the average noise energy or equivalent sound pressure level over a given period.
LAm _{ax}	The maximum sound pressure level received at the microphone during a measuring interval.
Masking	The phenomenon of one sound interfering with the perception of another sound. For example, the interference of traffic noise with use of a public telephone on a busy street.
RBL	The Rating Background Level (RBL) as defined in the NPI, is an overall single figure representing the background level for each assessment period over the whole monitoring period. The RBL, as defined is the median of ABL values over the whole monitoring period.
Sound power level (L _w or SWL)	This is a measure of the total power radiated by a source in the form of sound and is given by $10 \cdot \log_{10} (W/W_0)$. Where W is the sound power in watts to the reference level of 10^{-12} watts.
Sound pressure level (L _p or SPL)	the level of sound pressure; as measured at a distance by a standard sound level meter. This differs from L _w in that it is the sound level at a receiver position as opposed to the sound 'intensity' of the source.

Table A2 provides a list of common noise sources and their typical sound level.

Table A2 Common Noise Sources and Their Typical Sound Pressure Levels (SPL), dBA

Source	Typical Sound Pressure Level
Threshold of pain	140
Jet engine	130
Hydraulic hammer	120
Chainsaw	110
Industrial workshop	100
Lawn-mower (operator position)	90
Heavy traffic (footpath)	80
Elevated speech	70
Typical conversation	60
Ambient suburban environment	40
Ambient rural environment	30
Bedroom (night with windows closed)	20
Threshold of hearing	0

Figure A1 – Human Perception of Sound



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