Sent:	29/03/2023 2:32:03 PM
Subject:	RE: Submission on DA2022/2281
Attachments:	Report - Acoustic Peer review report 2.pdf;

Hi Phil,

Further to the submission on DA2022/2281 on behalf of a neighbour at 77 Undercliff Road Freshwater.

Please see the attached peer review of the acoustic report. I trust it will be of assistance.

Regards,

Glen Hugo
McKees Legal Solutions ~ accelerated Development Approvals
Suite G18 / 25 Solent Circuit, Baulkham Hills NSW 2153
PO Box 7909, BAULKHAM HILLS BC NSW 2153
TEL: (02) 9635 1100


Please consider the environment before printing this email

From: Phillip Lane <Phillip.Lane@northernbeaches.nsw.gov.au>
Sent: Tuesday, 7 March 2023 8:01 AM
To: Glen Hugo <glen@mckees.com.au>
Subject: RE: Submission on DA2022/2281

Hi Glen,

Thank you for your email and update in relation to the webpage (submissions after the notification period).

Regards,

Phil Lane
Principal Planner
Development Assessment Team
t 02 8495 6506 **m** 0419 495 152
phillip.lane@northernbeaches.nsw.gov.au
northernbeaches.nsw.gov.au

From: Glen Hugo <glen@mckees.com.au>
Sent: Monday, 6 March 2023 5:07 PM
To: Phillip Lane <Phillip.Lane@northernbeaches.nsw.gov.au>
Cc: Council Northernbeaches Mailbox <Council.Northernbeaches@northernbeaches.nsw.gov.au>
Subject: RE: Submission on DA2022/2281

Hi Phil,

Please see the attached submission.

We will be providing a peer review of the acoustic report to assist Council it its assessment.

On a side note, the Councils website tells you to email Council@northernbeaches.nsw.gov.au is the submission is after the exhibition period.

Please call if you need anything further.

Regards,

Glen Hugo
McKees Legal Solutions ~ accelerated Development Approvals
Suite G18 / 25 Solent Circuit, Baulkham Hills NSW 2153
PO Box 7909, BAULKHAM HILLS BC NSW 2153
TEL: (02) 9635 1100


Please consider the environment before printing this email

From: Phillip Lane <Phillip.Lane@northernbeaches.nsw.gov.au>
Sent: Wednesday, 22 February 2023 3:39 PM
To: Glen Hugo <glen@mckees.com.au>
Subject: RE: Submission on DA2022/2281

Hi Glen,

Thank you for your call yesterday and your email below.

The notification period will not be extended, however the Community Participation Plan (CPP) allows for consideration of late submissions, prior to the assessment report being completed.

Should you wish to make a submission after the notification period please do so as early as possible so that the submission is considered before the assessment report is completed.

Note I am awaiting on several referrals from internal and external stakeholders which all need to be completed prior to the assessment report being completed.

Additionally, submissions will be accepted via Council's Website after the notification period has concluded. Please see the hyperlink below:-

https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Public/XC.Track/SearchApplication.aspx?id=2226667

Regards,

Phil Lane
Principal Planner
Development Assessment Team
t 02 8495 6506 **m** 0419 495 152
phillip.lane@northernbeaches.nsw.gov.au
northernbeaches.nsw.gov.au

northern beaches council

From: Glen Hugo <glen@mckees.com.au>
Sent: Tuesday, 21 February 2023 3:12 PM
To: Council Northernbeaches Mailbox <Council.Northernbeaches@northernbeaches.nsw.gov.au>
Cc: phil.lane@northernbeaches.nsw.gov.au
Subject: Submission on DA2022/2281

Hi Phil,

I have been engaged to prepare a submission on DA2022/2281 on behalf of a neighbour at 77 Undercliff Road Freshwater and need an extension on time.

I understand that current workloads of the DA team a such that this would not impact the assessment timeframes of the application.

Can I have a 1 week extension? I will email the response as the website will not allow a submission after the closing date.

Regards,

Glen Hugo
McKees Legal Solutions ~ accelerated Development Approvals
Suite G18 / 25 Solent Circuit, Baulkham Hills NSW 2153
PO Box 7909, BAULKHAM HILLS BC NSW 2153
TEL: (02) 9635 1100

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Northern Beaches Council

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RODNEY STEVENS ACOUSTICS
Acoustic Consultants

REPORT R230176731R1

Revision 0

Peer Review Report

Licensed Venue

80 Undercliff Road, Freshwater

PREPARED FOR:
McKees Legal Solutions

15 March 2023

PO Box 522
Wahroonga NSW 2076
P 02 9943 5057
F 02 9475 1019
mail@rodneystevensacoustics.com.au

ABN 78 149 311 455
rodneystevensacoustics.com.au

Peer Review Report

Licensed Venue

80 Undercliff Road, Freshwater

PREPARED BY:

Rodney Stevens Acoustics Pty Ltd
Telephone: 61 2 9943 5057 Facsimile 61 2 9475 1019
Email: info@rodneystevensacoustics.com.au
Web: www.rodneystevensacoustics.com.au

DOCUMENT CONTROL

Reference	Status	Date	Prepared	Checked	Authorised
R230176R1	Revision 0	15 March 2023	Camilo Castillo	Desmond Raymond	Rodney Stevens

TABLE OF CONTENTS

1 INTRODUCTION

Rodney Stevens Acoustics Pty Ltd (RSA) has been engaged by McKees Legal Solutions to prepare a peer review of the acoustic report 220001 - Pilu, 80 Undercliff Road, Freshwater - Acoustic Assessment – R3 dated 17th January 2022 prepared by PWNA, regarding the licensed venue located at 80 Undercliff Road, Freshwater.

RSA's methodology consisted of reviewing the operation scenarios, methodology and acoustic assessment presented in PWNA's Acoustic Report number 220001 - Pilu, 80 Undercliff Road, Freshwater - Acoustic Assessment – R3 dated 17th January 2022.

2 REVIEW – ACOUSTIC REPORT

The report addresses the noise impacts from the existing licensed venue at 80 Undercliff Road, Freshwater due to the proposed increase of patrons.

The PWNA report identifies breakout noise from internal spaces as well as external areas at the licensed venue. This is in line with the noise generating activities expected from a development of this type.

We note that noise from mechanical plant and any possible carparking (on site or on street) has not been addressed.

2.1 Ambient Noise Assessment and Criteria

Section 4 refers to the ambient noise levels recorded in accordance with the EPA's Noise Policy for Industry 2017 (NPfI) and presents the results of the day, evening and night ambient noise levels.

Table 2 presents the octave band ambient noise levels for the day, evening and night time. The NSW liquor and Gaming (LG) criteria is referenced, however the results from table 2 do not reflect the correct times of day for this assessment. The L&G noise criteria refers to a day time period from 7:00am to 12:00am (midnight) and night time period from 12:00am (midnight) to 7:00am. The correct time periods must be calculated and updated in this table.

Section 5 presents the noise criteria for the proposed changes to the licensed venue. EPA's Noise Policy for Industry 2017 (NPfI) should only be used to assess noise emissions from mechanical, industrial and carpark activities.

Section 5.1.2.3 presents the sleep disturbance noise criteria and concluded that a RBL+ 15 dB = 70 dB(A) is to be used as the limiting noise criteria. The noise criteria presented is incomplete, the correct noise criteria in accordance with the NPfI Section 2.5 has to be assessed as follows:

- *$L_{Aeq,15min}$ 40 dB(A) or the prevailing RBL plus 5 dB, whichever is the greater, and/or*
- *L_{AFmax} 52 dB(A) or the prevailing RBL plus 15 dB, whichever is the greater, a detailed maximum noise level*

The correct noise levels and descriptor must be revised and presented in a revised report.

Section 5.1.3 presents the L&G noise criteria based on the ambient noise survey carried out. Table 5 presents the derived noise criteria for three time periods. This is not correct as the L&G guidelines require a day and night time, additionally the octave band frequency criteria must be presented in A weighted form as per AS1055 – 2018 and after the threshold of hearing correction has been applied. The noise criteria must be revised.

2.2 Noise Impacts and Assessment

Section 6 presents the noise levels generated by the licensed venue. The noise levels from patrons and music have been based on PWNA's data base and previous attended noise measurements. PWNA is a member firm of the Association of Australasian Acoustical Consultants (AAAC). It is unclear why the AAAC Licensed Premises Guideline v2 - Nov 2020 was not used for this assessment.

The AAAC Licensed Premises Guideline v2 - Nov 2020 provides methodology for assessing licensed venues, it provides information to cover the following key areas:

- *Patron sound level data which will be useful in predicting noise emissions from groups of people in various situations including, restaurants, small outdoor drinking/smoking areas, poker machine areas, beer gardens and nightclubs.*
- *Typical music sound level data within venues and measures to minimise and limit music noise breakout.*

The AAAC guideline must be used for this assessment. All noise generating activities must be revised and the new outcomes must be presented.

Figure 1 presents the layout of the existing venue, it can be seen that it has multiple internal and external areas. The scenarios presented in Section 6.1.2 provide insufficient information and are not representative of a real event. For example, the venue has 4 different external areas. Detailed scenarios, including the number of patrons, activities carried out and any other relevant noise generating activity i.e. live bands, DJs and the effect of door being open must be clearly detailed.

The venue is proposing to operate until 12:00am, the is no information regarding the closing procedures of the venue. It is likely that activities such as patrons leaving, cleaning and general closing will occur past 12:00am. The assessment does not look into this possibility.

A sleep disturbance assessment has not been carried out. The licensed venue will operate during part of the night time period with vehicles leaving the premises and the operation of the mechanical plants and equipment.

Tables 8 and 9 present the resulting noise levels at the southern receivers however the receivers to the north west have not been taken into consideration. Additionally, the results presented in these tables are likely to change once the revised noise criteria and noise levels have been used.

The recommendations provided in Section 6.1.3 must be revised once the new assessment has been carried out.

3 DISCUSSION

PWNA's methodology, establishment of noise criteria and noise levels used for calculation purposes are not satisfactory for the assessment of noise for this type of venue. The findings of PWNA's report show that under their proposed scenarios the licensed venue has the potential to comply with the noise criteria. This is based on the incorrect noise criteria used (Refer to Section 2.1). The noise levels used for the assessment of the licensed venue must be based on the AAAC guidelines.

It is our opinion that new noise assessment must be carried out. The noise criteria must be revised to reflect the correct time periods as per LG's requirements.

The new assessment should be based on the noise levels contained in the AAAC guidelines for activities taking place at the venue while operating at full capacity.

The resulting noise levels from the use of the licensed venue must be compared to the relevant noise criteria including sleep arousal, patrons and vehicle movements.

Clarification on the use of background music/PA system must be provided. It can be difficult to control noise from live performances taking place outdoors as musicians are likely to bring their own equipment that will not be connected the in house sound system. Details of the types of live performances allowed i.e, duets, string quartets, etc. must be provided, all instruments and microphones must be connected to the in house sound system. The in house system must be calibrated to ensure compliance to noise criteria. Any noise mitigation measures required for such performances must be clearly detailed.

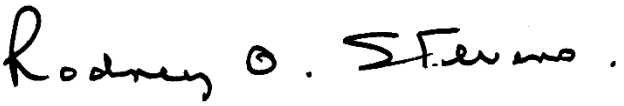
Section 6.1.3 of PWNA's report provides a number of recommendations, these must be reviewed and updated once the new noise assessment has been carried out to reflect the new findings and changes as required.

4 CONCLUSION

RSA has conducted a review of acoustic report number 220001 - Pilu, 80 Undercliff Road, Freshwater - Acoustic Assessment – R3 dated 17th January 2022 prepared by PWNA. The review looks into the methodology and noise control measures in the report and can confirm, the calculations and assumptions do not satisfy Northern Beaches Council's requirements.

RSA trust the above information meets with the immediate requirements and expectations. Please do not hesitate to contact RSA if you require further information or clarification

Approved:-



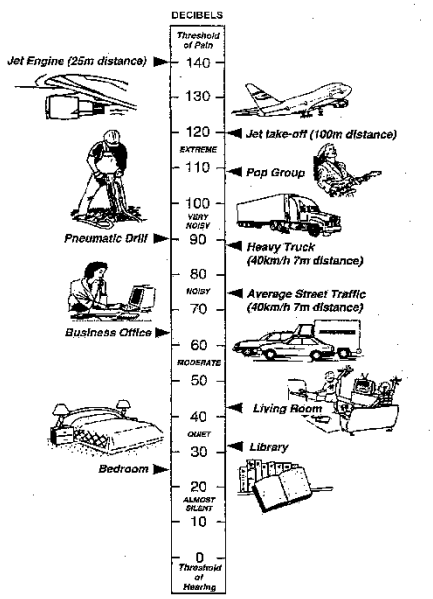
Rodney Stevens

Managing Director

Appendix A – Acoustic Terminology

A-weighted sound pressure	The human ear is not equally sensitive to sound at different frequencies. People are more sensitive to sound in the range of 1 to 4 kHz (1000 – 4000 vibrations per second) and less sensitive to lower and higher frequency sound. During noise measurement an electronic '*A-weighting*' frequency filter is applied to the measured sound level *dB(A)* to account for these sensitivities. Other frequency weightings (B, C and D) are less commonly used. Sound measured without a filter is denoted as linear weighted dB(linear).
Ambient noise	The total noise in a given situation, inclusive of all noise source contributions in the near and far field.
Community annoyance	Includes noise annoyance due to: character of the noise (e.g. sound pressure level, tonality, impulsiveness, low-frequency content) character of the environment (e.g. very quiet suburban, suburban, urban, near industry) miscellaneous circumstances (e.g. noise avoidance possibilities, cognitive noise, unpleasant associations) human activity being interrupted (e.g. sleep, communicating, reading, working, listening to radio/TV, recreation).
Compliance	The process of checking that source noise levels meet with the noise limits in a statutory context.
Cumulative noise level	The total level of noise from all sources.
Extraneous noise	Noise resulting from activities that are not typical to the area. Atypical activities may include construction, and traffic generated by holiday periods and by special events such as concerts or sporting events. Normal daily traffic is not considered to be extraneous.
Feasible and reasonable measures	Feasibility relates to engineering considerations and what is practical to build; reasonableness relates to the application of judgement in arriving at a decision, taking into account the following factors: Noise mitigation benefits (amount of noise reduction provided, number of people protected). Cost of mitigation (cost of mitigation versus benefit provided). Community views (aesthetic impacts and community wishes). Noise levels for affected land uses (existing and future levels, and changes in noise levels).

Impulsiveness	Impulsive noise is noise with a high peak of short duration or a sequence of these peaks. Impulsive noise is also considered annoying.
Low frequency	Noise containing major components in the low-frequency range (20 to 250 Hz) of the frequency spectrum.
Noise criteria	The general set of non-mandatory noise levels for protecting against intrusive noise (for example, background noise plus 5 dB) and loss of amenity (e.g. noise levels for various land use).
Noise level (goal)	A noise level that should be adopted for planning purposes as the highest acceptable noise level for the specific area, land use and time of day.
Noise limits	Enforceable noise levels that appear in conditions on consents and licences. The noise limits are based on achievable noise levels, which the proponent has predicted can be met during the environmental assessment. Exceedance of the noise limits can result in the requirement for either the development of noise management plans or legal action.
Performance-based goals	Goals specified in terms of the outcomes/performance to be achieved, but not in terms of the means of achieving them.
Rating Background Level (RBL)	The rating background level is the overall single figure background level representing each day, evening and night time period. The rating background level is the 10th percentile min L_{A90} noise level measured over all day, evening and night time monitoring periods.
Receptor	The noise-sensitive land use at which noise from a development can be heard.
Sleep disturbance	Awakenings and disturbance of sleep stages.
Sound and decibels (dB)	Sound (or noise) is caused by minute changes in atmospheric pressure that are detected by the human ear. The ratio between the quietest noise audible and that which should cause permanent hearing damage is a million times the change in sound pressure. To simplify this range the sound pressures are logarithmically converted to decibels from a reference level of 2 x 10-5 Pa. The picture below indicates typical noise levels from common noise sources.



dB is the abbreviation for decibel – a unit of sound measurement. It is equivalent to 10 times the logarithm (to base 10) of the ratio of a given sound pressure to a reference pressure.

Sound power Level (SWL)

The sound power level of a noise source is the sound energy emitted by the source. Notated as SWL, sound power levels are typically presented in *dB(A)*.

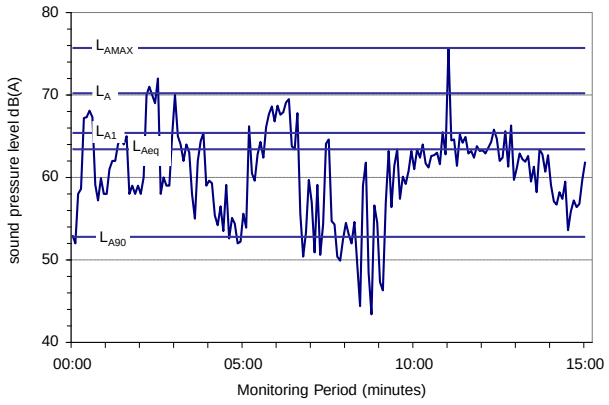
Sound Pressure Level (SPL)

The level of noise, usually expressed as SPL in *dB(A)*, as measured by a standard sound level meter with a pressure microphone. The sound pressure level in *dB(A)* gives a close indication of the subjective loudness of the noise.

Statistic noise levels

Noise levels varying over time (e.g. community noise, traffic noise, construction noise) are described in terms of the statistical exceedance level.

A hypothetical example of A weighted noise levels over a 15 minute measurement period is indicated in the following figure:



Key descriptors:

	L_{Amax} Maximum recorded noise level.
	L_{A1} The noise level exceeded for 1% of the 15 minute interval.
	L_{A10} Noise level present for 10% of the 15 minute interval. Commonly referred to the average maximum noise level.
	L_{Aeq} Equivalent continuous (energy average) A-weighted sound pressure level. It is defined as the steady sound level that contains the same amount of acoustic energy as the corresponding time-varying sound.
	L_{A90} Noise level exceeded for 90% of time (background level). The average minimum background sound level (in the absence of the source under consideration).
Threshold	The lowest sound pressure level that produces a detectable response (in an instrument/person).
Tonality	Tonal noise contains one or more prominent tones (and characterised by a distinct frequency components) and is considered more annoying. A 2 to 5 dB(A) penalty is typically applied to noise sources with tonal characteristics

Appendix B – Curriculum Vitae

Camilo Castillo

Principal Acoustic Consultant

Qualifications

- Masters Degree in Design Science (Audio and Acoustics)
- Member of the Australian Acoustical Society

Industry Skills

I am a principal consultant at Rodney Stevens Acoustics and have been practicing in the field of acoustics for over 15 years.

I have a Masters Degree in Design Science (Audio and Acoustics) from the University of Sydney, I have experience across a broad spectrum of acoustic related projects. Main duties involve assessing noise impacts from commercial, industrial and other sources into sensitive receivers, preparation of acoustic reports for submission to councils and other regulatory bodies for the purpose of development applications, construction and occupation certificates; design, analysis and mitigation of measures to achieve compliance with relevant regulations in terms of noise and vibration.

Experience

Environmental Assessments

Greyhound Australia Bus Depot – redevelopments of current facilities; Ausgrid – review and treatment recommendation of current and future network assets; Parliament House – Assessment of proposed mechanical plant changes; Penrith Showground Race Track – Noise impact from race track on adjoining new development; Belfield College – Design and assessment of proposed upgrade; Marian Catholic College – Design of new building on campus; Sasanadhaja Temple – Design and assessment of proposed temple; Glenwood Sikh Gurdawara Temple – Design and assessment of proposed hall extensions; Child Care Center assessments for a number of councils across Sydney; Licensed venues – Chamberlain Hotel, Guildford Bowling Club, Brighton Le Sans RSL Club, Revesby Bowling Club, ABL Club, Petersham Inn, Greystanes Hotel.

Building Acoustic

F45 Gymnasium – Assessment of noise impact from F45 gyms across Sydney; St Madeleine Sophie Parish Church – Internal design and reverberation time; Office Point – Design of new fit out; 3 Corrie Road, North Manly – Acoustic assessment of inter-tenancy noise transmission; Mars Factory – Design of EWIS system; The Jazz Factory – Design of dance studios and other spaces; Show Season Salon – Design of internal spaces – Duti Studios – St Luke's Catholic School – Qualtrics Office fit out – St Agnes Catholic School

Aircraft Noise

Assessments of aircraft noise for developments from Kingsford Smith, Badgerys Creek, Bankstown and Canberra Airports as well as Richmond and Williamtown RAAF Bases.

Vibration

Assessment of train vibration for multiple developments across Sydney; Construction noise vibration assessment and monitoring for 1 Newland Street, Bondi Junction (Krulis Commercial); Vibration assessments for F45 gymnasiums across Sydney.

Professional History

- August 2015 to present date – Principal Consultant

  Rodney Stevens Acoustics
- November 2009 to July 2015 – Project Engineer

  PKA Acoustic Consulting
- April 2008 to July 2009 – Graduate Consultant

  SLR Consulting (Heggies Pty Ltd)