

CHURCH POINT COMMUNITY PROJECTS INCORPORATED

Northern Beaches Council
Development Assessment Team
council@northernbeaches.nsw.gov.au

Attn: Anais Sarkissian



Proposed Development DA 2024/0967 The Pasadena, 1858 Pittwater Rd Church Point (the 'DA')

Dear Ms Sarkissian,

Church Point Community Projects Inc (CPCP) is a unique, cross-representational community group whose membership includes both on and offshore residents. CPCP's committee members reside at Church Point, Bayview, Scotland Island and the Western foreshore.

Background

This DA pertains to an obligation imposed on the Pasadena by a Liquor and Gaming (L&G) S81 report ('the Report') dated 25th August 2023. This obligation of replacing the Pasadena's canvas roof with a soundproof metal roof is one of several sound proofing obligations imposed on the Pasadena by the Report. The conditions have been imposed on the Pasadena following the Report finding that the Pasadena 'has regularly unduly disturbed the quiet and good order of the neighbourhood' (paragraph 114 of the Report).

A Plan of Management (PoM) at the Pasadena dated 2nd June 2022 (Appendix A) was created as the result of L&G in 2022 imposing 'three conditions on the Venue's licence relating to a plan of management, CCTV, and liquor accord' (paragraph 24 of the Report).

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CPCP thus does not object to the DA in principle, however, there are serious misstatements in the Acoustic report (in the DA documents) we wish to have noted. Further, there are serious inconsistencies between the PoM and the S81 Report findings. It is essential that this opportunity is taken by Northern Beaches Council (NBC) and L&G to align the obligations between the two instruments to ensure that the quiet and good order of the neighbourhood is not further disturbed. CPCP has evidence of recent breaches which may have been caused by the discrepancies. It is also an opportunity to clarify and rectify ongoing issues via the PoM. Thirdly, the status of the remaining Report's soundproofing obligations is unclear.

1) Misstatements in the Acoustic Report

The [Acoustic report](#) dated 19th April 2023 in the DA documents has factual inaccuracies. The Acoustic report at page 2 states 'There are no residential dwellings in the immediate proximity of the venue'. This Acoustic report photo in the report's Appendix A appears inconsistent with a current Google Earth map, which indicates numerous houses within 100 metres of the Pasadena and one house only 50 metres from the venue. Many of the offshore houses affected by the S79 disturbance complaint noise were 500 metres or more from the venue. We understand the NBC notification area for this DA is in fact on-and- offshore residences up to 750 metres from the venue. So, the Acoustic's report is erroneous and mischievous. It is thus

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concerning that a very technical and purported fact-based report by an expert (the Acoustic Report) has obvious errors.

2) Inconsistencies between the PoM and S81 Report. PoM improvements required.

There are inconsistencies between the two instruments which need clarification and improvements. Changes are also required to the PoM to make it consistent with the S81 Judge's sentiments, comments and directions.

- The S81 report condition (page 29) and the Acoustics report specifically state that 'when entertainment is provided that may be associated with functions or similar, then the doors and windows to the restaurant/covered area are to be closed and access to the outside is to be via the sound locks or the front door of the venue'. However, the PoM (clause 6.6) states 'with all external doors being closed at **9:30pm** when live music is played through an amplified system'. The S81 judge considered this and insisted on the more restricted condition 'of when entertainment is provided' ie no time restriction, but at any time when entertainment is provided the doors are to be closed.
- The PoM should state that when entertainment is provided the sound locked door is to be used at all times for external access to the north facing water grassed area. Currently patrons in breach of the s81 report (and licence) condition continue to avoid using the sound lock door and simply open the glass doors facing the water. The PoM should state the glass doors should be locked and monitored when entertainment is provided.
- Further CPCP submits that the front door (Pittwater Rd entrance) access has been a cause of disturbance and submits the PoM should require the front door to be spring closed at all times. The front entrance and crowd behaviour should also be specifically monitored.
- Patrons post events often stay in the motel rooms and party-on on the balconies facing Pittwater Rd into the early hours. It is submitted the PoM be amended to limit patron access to external motel balconies to 11pm. Ie no access 11pm-6am.
- There is significant inadequacy in terms of the on-site provision of parking to cater for the additional parking demand venue events create. This causes stress to the local community and affects its amenity. There are inadequate transport provisions in the PoM as below.

6.4 Staff will assist in arranging (promptly and without charge) taxis/ ubers or alternate public transport to collect any patron from the Premises when he or she requests such service. Arrangements will be made for the transport to collect the patron directly in front of the entrance to the Premises.

6.5 The events team will provide assistance to arrange coach services for larger group bookings to assure clearing the area in a timely manner. Water taxis and Church point ferry will also provide assistance with transporting people by water

- CPCP submits the PoM should be amended to require that the Pasadena venue, at its cost, provides a bus service for its patrons attending any of its events when there are 20 or more attendees.

3) The status of the remaining Report's soundproofing obligations is unclear.

The following sound proofing and sound limiting conditions were placed on the Pasadena 12 months ago in the S81 report. It is not clear if 12 months later they have been implemented. **Could NBC please confirm the status before considering the DA.**

67. The Acoustic Group Report made the following recommendations:

Immediate works: (which the S81 report made a condition of the licence)

- The music levels inside the Venue when assessed at the open-door locations should be reduced by 2 dB(A) until completion of the building works recommended below, at which time the levels can return to what was measured during testing. **Please confirm this is occurring**

Physical/Operational Noise Controls:

- With respect to the Outdoor Area, the current membrane is to be replaced by a solid structure of metal deck roofing panels over insulation over the appropriate supporting members. It is necessary to ensure there are no gaps between the new roof and the existing building structure. Fix one layer of 13mm thick plasterboard to the underside of the supporting members and then install an acoustic absorption/ceiling finish having an NRC of not less than 0.85, or acoustic insulation similar to Martini MD50 and faced with perforated FC sheet (minimum open area of 23%). **The subject of this DA**

- Sound locks to the outdoor garden are required if access to the garden is permitted during functions when entertainment is provided. The sound lock(s) are to incorporate one 90° bend and have doors at either end of the sound lock. All doors to the sound lock are to have self-closers. The sound lock can be a glass construction using 12.76 Vlam Hush glass. The roof/ceiling of the sound lock is to be similar to the proposed roof/ceiling for the Outdoor Area. **Has a DA been lodged or approved for the sound lock door?**

- The restaurant internal walls and ceiling are treated with acoustic panels or similar to control reverberation to less than 1.2 seconds. **Has this been implemented?**

- When the restaurant/outdoor area is in restaurant mode only there are no restrictions in terms of doors or windows being closed.

- However, when entertainment is provided that may be associated with functions or similar, then the doors and windows to the restaurant/covered area are to be closed and access to the outside is to be via the sound locks or the front door of the Venue. **We have evidence this condition is being breached**

Sound System Controls

- In addition to the doors being closed there is a requirement for limiting of the music levels occurring to satisfy the LA10 noise condition. At the present time the sound levels are monitored by management.

If all music is to be using an in-house sound system, it is preferred to use direct inputs so as to limit amplification of band instruments. The system is to have RMS compressor limiters controlling the entire signal chain. The compressor should have a ratio of infinity to 1 with an attack time of 1ms and a release time of 1 second. The limiter should have an attack time of 1ms and a release time of 1 second. When the compressor/limiters are installed the threshold levels for limiting are to be set so as to satisfy the LA10 noise condition. **Has this been implemented?**

Conclusion

CPCP supports the DA **subject to** each of its concerns being rectified and recommendations accepted.