



L'UNICO HOTEL, 317-319 CLAYTON ROAD

Acoustic Assessment of Liquor Licence Conditions

L'Unico Pty Ltd

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Project L'Unico Hotel, 317-319 Clayton Road
 Client L'Unico Pty Ltd
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Table of Contents

1	Introduction	4
2	Noise Regulations and Permit History	4
3	Site Analysis	5
4	Noise Measurements and Assessment	6
4.1	SEPP N-2 / 52.43 Noise Limits	7
4.2	Noise Reduction Testing	7
5	Recommendations	8
6	Conclusion.....	9



1 Introduction

Octave Acoustics was engaged by L'Unico Pty Ltd (Applicant) to provide this acoustic assessment to address Liquor Licence No. 31921495 and Planning Permit No. 23838 for the L'Unico Hotel, Shop 1 & 2, 317-319 Clayton Road, Clayton (Subject Land). It is understood that the Applicant proposes to amend their Licence and Permit to remove the following conditions:

Liquor Licence:

SPECIAL CONDITIONS

- *There shall be no disco, karaoke or live entertainment on the licensed premises.*

...

Planning Permit:

Condition 13

- *The live entertainment hereby permitted must only be carried out within the building and is not permitted to be carried out in the covered outdoor seating.*

Condition 14

- *The only live entertainment permitted is non-amplified piano and/or non-electric guitar with a maximum of two (2) musicians.*

This document sets out details of the investigation and assessment carried out by Octave Acoustics to address the proposed amendments.

2 Noise Regulations and Permit History

In addition to the above conditions, the Subject Land Licence and Permit also include conditions with reference to the *State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2* (SEPP N-2), as follows:

Liquor Licence:

AMENITY

- *The licensee shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence relates during or immediately after the trading hours authorised under this licence. The licensee shall ensure that the level of noise emitted from the licenced premises shall not exceed the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.*



...

Planning Permit:

Condition 15

- *The occupier of the premises must ensure that any noise emanating from the premises must not exceed the standards of State Environment Protection Policy No N1 and N2 and must when requested by the Responsible Authority provide evidence to Council of compliance with the Policies.*

Because of the above SEPP N-2 requirements, the additional “no live entertainment” conditions may be considered as superfluous at face value. This is because live entertainment which complies with SEPP N-2 would not be expected to cause any greater adverse amenity impacts than any other form of music noise emission.

The “no live entertainment” condition appears to have been introduced by the Planning Permit in 1992 but was only reflected on the Liquor Licence from 1996. Further the varied “non-amplified live music” condition was introduced on the Planning Permit in 1998, as follows:

- The Subject Land Planning Permit (P0055/92) dated September 1992 **does** include this condition;
- The Subject Land Liquor Licence dated October 1994 **does not** include this condition;
- The Subject Land Planning Permit (P281/94) dated December 1994 **does** include this condition;
- The Subject Land Liquor Licence dated January 1996 **does** include this condition;
- The Subject Land Amended Planning Permit (23838) dated January 1998 **varied** the condition to allow non-amplified live music within the building;
- A VCAT order for Application 40027, dated January 2013 retained the **varied conditions**; and
- The Subject Land Liquor Licence dated May 2017 **does not reflect the varied conditions**.

It is unclear as to the origin or reason why Council drafted such a condition however Octave Acoustics is not aware of any complaints responded to, testing or music noise assessments that were carried out at that time. Regardless, Octave Acoustics is of the opinion that, assuming there are no other pertinent amenity impacts from “live entertainment”, the conditions should be removed where the Subject Land complies with SEPP N-2.

Further, with respect to ‘live entertainment’ being introduced, where the Subject Land complies with SEPP N-2 or clause 52.43 of planning scheme, this should be deemed acceptable by the Authority.

3 Site Analysis

The Subject Land generally operates until 3am however the function room on the upper level of the Subject Land, which would be used for live entertainment, is understood to not operate past 1am. There are ‘shop-top’ residential dwellings in the adjacent building at 321A Clayton Road within commercially zoned land. The nearest known residential dwellings within residential zoned land are L'Unico Hotel, 317-319 Clayton Road



located along Nicholson Court, approximately 30m west of the Subject Land. There are no proximate residential dwellings to the east where music noise is most likely to emit from via the glazed frontage of the Subject Land building.

If music noise emissions comply with SEPP N-2 or clause 52.43 at the above residential dwellings, then compliance will be achieved at all other noise sensitive residential uses.

Inspection of the Subject Land function room identified the following:

- The balcony door includes a swing door with perimeter acoustic seals and an automatic closer; and
- Windows are awning type and include perimeter acoustic seals.

4 Noise Measurements and Assessment

Octave Acoustics attended site on Friday the 7th of July to inspect existing conditions, identify sensitive receivers and to carry out measurements of ambient background noise levels and building envelope noise reduction. The measurements were carried out between 12:30am and 1:30am for the following reasons:

- To be representative of the lower ambient background noise which dictates the most conservative SEPP N-2 noise limits; and
- To increase the level of signal-to-noise ratio and audibility testing between the Subject Land and residential dwellings.

Additional inspection and testing was carried out on the 2nd of November with access provided to the adjoining property of 321A Clayton Road.

All measurements were carried out using an Bruel & Kjaer 2270 sound level meter which was calibrated before and after the assessment using a Bruel Kjaer 4230 calibrator. No drift in calibration was detected. The meter complies with the requirements of IEC 61672-1:2004 Sound Level Meters and is classified as a Class 1 instrument. The calibrator complies with the requirements of IEC 60942:2004 Sound Calibrators. The meter carried current manufacturers certification and the calibrator carried current NATA certification.

Ambient and noise reduction measurements were carried out at:

- Measurement location 1: The front upper level façade of 321A Clayton Road.
- Measurement location 2: Inside the stairwell of 321A Clayton Road on the opposite side of the wall adjoining the Subject Land.



4.1 SEPP N-2 / 52.43 Noise Limits

Music emitted from the Subject Land is required to comply with SEPP N-2 and clause 52.43. Music noise emissions will comply with SEPP N-2 during the Day and Evening periods when music is set at a level that complies with SEPP N-2 criteria for the Night period below.

TABLE 1 – SEPP N-2 NIGHT PERIOD CRITERIA FOR MUSIC NOISE

Metric	Octave Band Center Frequency (Hz)						
	63	125	250	500	1000	2000	4000
321A Clayton Road, internal							
Minimum Ambient Background (L _{OCT90})	37	30	30	27	30	24	18
+8dB	+8	+8	+8	+8	+8	+8	+8
Applicable SEPP N-2 criteria (L_{OCT10})	45	38	38	35	38	32	26
Nicholson Court Dwellings, external							
Minimum Ambient Background (L _{OCT90})	50	51	42	37	35	29	20
+8dB	+8	+8	+8	+8	+8	+8	+8
Applicable SEPP N-2 criteria (L_{OCT10})	58	59	50	45	43	37	28

4.2 Noise Reduction Testing

In order to determine what level of music from the Subject Land will comply with SEPP N-2 and clause 52.43, it is necessary to ascertain the noise reduction between the Subject Land function room and the residential dwellings. The maximum permissible music noise level within the venue can then be calculated by adding the noise reduction to the noise limits. Noise levels associated with the proposed music can then be compared with the maximum allowable and additional attenuation measures specified if required to reduce music noise impacts below the maximum.

Whilst on site to carry out ambient noise measurements Octave Acoustics also carried out testing to determine the noise reduction between the function room and residential dwellings. Testing involved generation of a pink noise field within the function room and measurement of the resulting sound pressure both within the basement and at the nearest sensitive receivers. The noise reduction was then calculated by subtracting the measurement at the residential dwelling from the measurement within the function room. It is important to note that where the test signal was inaudible at residential dwellings, it is intrinsic that music and live entertainment would comply with SEPP N-2 given that the test signal emitted a reverberant sound pressure level of 105dB(A).



TABLE 2 – RESULTS OF NOISE REDUCTION, DB

Condition	Octave Band Centre Frequency, Hz						
	63	125	250	500	1000	2000	4000
321A Clayton Road, via title boundary wall							
Noise reduction	48	61	71	78	72	69	79
Nicholson Court dwellings, rear yards and facades							
Noise reduction	Not measureable and not audible. Implies comfortable SEPP N-2 compliance. No further analysis required.						

TABLE 3 – MAXIMUM ALLOWABLE MUSIC NOISE LEVEL WITHIN FUNCTION ROOM, L₁₀ DB (UNLESS OTHERWISE STATED)

Condition	Octave Band Centre Frequency, Hz						
	63	125	250	500	1000	2000	4000
321A Clayton Road, via title boundary walls							
Applicable SEPP N-2 criteria	45	38	38	35	38	32	26
Noise reduction	48	61	71	78	72	69	79
Maximum music level	93	99	109	113	110	101	115

For both assessment locations above, the venue would be able to generate >110dB(A) in the function room to comply with SEPP N-2 and clause 52.43. It is important to note that this level is significantly higher than would be expected in practice for the typical range emitted by amplified musicians. The only limit would be with regard to low frequencies that are often emitted by DJ's using pre-recorded music. From this, Octave Acoustics are satisfied that the Subject Land can have amplified live entertainment within certain limitations, as follows.

5 Recommendations

In accordance with the following operational restrictions, the Subject Land would comply with SEPP N-2 and clause 52.43:

1. Live entertainment does not occur after 1am
2. Windows to the function room remain closed during performances
3. Doors to the function room balcony close automatically behind patrons (automatic closer already installed)
4. Live entertainment is in the form of:
 - a. Karaoke;
 - b. A DJ or other music playback or program material; or
 - c. A band or performer that does not include acoustic drum kits
5. A noise limiting device is installed, such as the CESVA LRF-04 (<https://www.cesva.com/en/products/logger-limiters/lrf-04/>), calibrated to limit octave band music levels to the 'maximum music levels' defined above in Table 3.



6 Conclusion

Octave Acoustics has carried out a detailed investigation to determine if and how the existing music related conditions on the Subject Land Liquor Licence and Planning Permit can be amended. Analysis indicates that music noise from various live entertainment acts can comfortably comply with SEPP N-2 and clause 52.43 noise limits at the potentially most affected sensitive residential receivers, where certain restrictions are adhered to.

To this end, Octave Acoustics is satisfied that the following conditions can be removed:

Liquor Licence:

SPECIAL CONDITIONS

- *There shall be no disco, karaoke or live entertainment on the licensed premises.*

...

Planning Permit:

Condition 14

- *The only live entertainment permitted is non-amplified piano and/or non-electric guitar with a maximum of two (2) musicians.*

...and amended to reflect the following conditions:

Live entertainment is acceptable where:

1. *Live entertainment does not occur after 1am;*
2. *Windows to the function room remain closed during performances;*
3. *Doors to the function room balcony close automatically;*
4. *Live entertainment is in the form of:*
 - a. *Karaoke;*
 - b. *A DJ or other music playback or program material; or*
 - c. *A band or performer that does not include acoustic drum kits*
5. *A noise limiting device is installed, such as the CESVA LRF-04 (<https://www.cesva.com/en/products/logger-limiters/lrf-04/>), calibrated to limit octave band music levels to the 'maximum music levels' defined as follows:*

<i>Maximum music level allowable inside function room, at 3m of loudspeakers</i>	<i>93</i>	<i>99</i>	<i>109</i>	<i>113</i>	<i>110</i>	<i>101</i>	<i>115</i>
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