

FILE NO: A19/0015264

COMPLAINANT: [REDACTED]

LICENSED PREMISES: Bird In Hand Inn, Pitt Town – LIQH400106947

ISSUES: Whether the quiet and good order of the neighbourhood of the licensed premises is being unduly disturbed.

LEGISLATION: *Liquor Act 2007*

SECTION 81 DECISION

Under Section 81 of the *Liquor Act 2007* (the Act) I, Sean Goodchild, Director Compliance Operations, Liquor & Gaming NSW (L&GNSW) a delegate of the Secretary, Department of Customer Service, in relation to the complaint made in respect of the Bird In Hand Inn, Pitt Town – LIQH400106947 (the hotel) have decided to impose two conditions on the liquor licence:

1. **LA10 Noise Condition**
2. **Close Gate to an Area Condition**

The details of the proposed conditions, including the dates in which they become effective, are outlined in **Annexure 1**.

REASONS FOR DECISION

Legislative framework

1. Section 79 of the Act provides that a prescribed person may complain to the Secretary, that the quiet and good order of the neighbourhood of the licensed premises is being unduly disturbed because of the manner in which the business of the licensed premises is conducted, or the behaviour of persons after they leave the licensed premises (including, but not limited to, the incidence of anti-social behaviour or alcohol-related violence).

2. For the purpose of section 79 of the Act, a person who has standing to make a complaint includes a person who is a resident in the neighbourhood of the licensed premises and is authorised in writing by two or more other residents.
3. Section 80 of the Act enables the Secretary to deal with a complaint by way of written submissions from the licensee and any other person the Secretary considers appropriate. After dealing with the complaint, section 81 of the Act provides that the Secretary may decide to impose, vary or revoke licence conditions, issue a warning, or take no action.
4. In exercising functions under the Act, the Secretary must have regard to the Objects set out in section 3 of the Act and must have regard to the matters set out in section 3(2) which are:
 - a) the need to minimise harm associated with the misuse and abuse of liquor;
 - b) the need to encourage responsible attitudes and practices towards the promotion, sale, supply, services and consumption of liquor; and,
 - c) the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.

The Complaint

5. On 29 April 2019, [REDACTED] (the complainant), of [REDACTED] lodged a section 79 noise disturbance complaint with L&GNSW alleging undue disturbance to the quiet and good order of the neighbourhood caused consistently by the hotel. The complainant lodged the complaint as a resident authorised by two other residents.
6. The complainant alleges disturbance is caused by excessive noise from live music inside the hotel, and from the noise and behaviour of patrons when leaving the hotel. The complainant alleges the disturbance occurs several times a week including every Sunday. The complainant has defined a pattern of disturbance with the worst instances occurring Thursday to Sunday nights, and also on Sunday afternoons.
7. The complainant seeks a variety of remedies, including live music being restricted to indoor areas, installing acoustic measures in the beer garden area, permanently closing a gate on Eldon Street to direct and control access to the beer garden, installing acoustic measures in the gaming area and either restricting the outside television to have no audio or be removed.

8. On 17 May 2019, the complaint was served on the hotel, Hawkesbury City Council (Council) and NSW Police. Between 17 June 2019 and 18 November 2019, various submissions were lodged by parties involved.
9. On 25 June 2019, [REDACTED] one of the original authorising residents to the complaint, withdrew from the section 79 disturbance complaint. The resident informed L&GNSW that she had come to an agreement with the licensee electing not to proceed with the complaint any further. Despite the withdrawal of the resident, it was determined that as the complaint had already been accepted by the Secretary under section 80(1) of the Act, the Secretary was permitted to deal with the complaint.
10. On 4 September 2019, all outstanding material was served on the hotel who was provided the opportunity to lodge a final submission in response. An extension was granted, however no submission was received by L&GNSW by the extended deadline. The hotel was notified on 10 October 2019 that due to no further submissions being received, the decision would be drafted on the material currently available. On 18 November 2019, the hotel provided a written submission which included a live music petition containing 423 signatures in support of the hotel and its live music entertainment offerings.

Statutory considerations of section 81(3) of the Act:

11. The Act requires that the Secretary have regard to the following statutory considerations.
12. *The order of occupancy between the licensed premises and the complainant* – the hotel has operated under its current licence at its present site since 6 April 1987. The complainant has resided at [REDACTED] (the residence) for more than eight (8) years. As the hotel predates the complainant's occupation of the residence, I consider the order of occupancy to be in favour of the hotel.
13. *Any changes in the licensed premises and the premises occupied by the complainant, including structural changes to the premises* – The complainant submits they have spent over \$15,000 in roof insulation, purchased and installed heavy weight curtains and have reglazed windows with laminated VLam hush glass. The complainant's property is heritage listed so there are restrictions and limited options available to undergo future works at the property.
14. The hotel provided a Notice of Determination - Approval issued by Council pertaining to Development Application DA0256/15 approving alterations and additions at the hotel to include a new gaming room, awning and internal alterations. This consent was granted

on 29 January 2018. Other than this, the licensee has not provided any submissions regarding structural changes to the hotel.

15. *Any changes in the activities conducted on the licensed premises over a period of time* – the complainant submits issues with live music events first arose in mid-2012 and have continued since then. The licensee commenced in the role in 2014 and has met with the complainant to listen to their concerns. The complainant submits the licensee provided them with a series of undertakings on improvements that would be made at the hotel to mitigate noise, however the complainant claims it was 'mere lip service'. The complainant submits there has been a significant increase in patrons at the hotel due to a new 600 lot subdivision in Pitt Town, along with an enlarged gaming area to house additional gaming machines.

Other Considerations

Undue disturbance

16. I am satisfied, based on the material before me, that there is sufficient evidence to support a finding that the hotel has, at times, caused undue disturbance to the neighbourhood. In making this finding, I have balanced the submissions made by the complainant, the hotel and Police. I have also considered the development consent to DA0256/15 and the acoustic assessment from GHD, commissioned and provided by the hotel.
17. I note that throughout the duration of the complaint, the complainant has remained firm in his claim that the hotel has caused undue disturbance from the provision of amplified live entertainment, particularly in the outdoor area of the hotel, and from patron behaviour when leaving the hotel on Sundays, specifically by using the gate on Eldon Street.
18. I also note the hotel has not lodged any submissions refuting the nature and context of the disturbance complaint, nor have they provided any submission regarding action taken to mitigate such disturbance. The hotel has engaged a qualified acoustic expert to provide information to identify and assess operational noise emissions from activities within the hotel, however this assessment was commissioned directly in relation to the development consent.
19. The hotel holds a hotel liquor licence, commencing from 6 April 1987. The premises owner is William Curteis & Co Pty Ltd, and Mr Stephen Turk is listed as the licensee of the hotel, both commencing on 13 May 2014. The licence is not subject to any noise related conditions. The authorised trading hours of the hotel are 5:00am to 12:00 midnight Monday to Saturday and from 10:00am to 10:00pm on Sundays.

20. The hotel is located at 81 Bathurst Street, Pitt Town, NSW 2756. The hotel is described by Police as a "local's style hotel that is surrounded by retail outlets on the eastern and south sides" and "residential housing on the northern and western side of the hotel". The hotel houses bar and dining facilities, a gaming room and an open beer garden style courtyard that has wooden fencing along Eldon Street. The residence and hotel are only [REDACTED] metres away from each other and are separated by a two-lane road on Eldon Street. Patrons can easily access Eldon Street using the side gate, which is located in the beer garden area of the hotel. The complainant submits that patrons regularly use this gate when leaving the hotel, and in some cases are seen to leave holding schooners of beer and loiter just outside the hotel.
21. The complainant submits the hotel regularly hosts live music on Sunday afternoons with performances staged in the outdoor area with the speakers oriented towards the complainant's residence. The complainant alleges the disturbance causes an unreasonable acoustic impact with windows and floors inside the residence reverberating due to the bass of the music. The complainant also alleges there have been instances of vandalism, along with hotel patrons littering beer bottles on the front lawn and frequently urinating on the lawn and fence.
22. On 17 May 2019, Council was invited to provide a submission in this matter, however no submission was received by L&GNSW to date. The hotel submitted a determination consent for DA0256/15 issued by Council. Pursuant to clause 38 of the consent, the hotel was required to commission an acoustic assessment demonstrating the development satisfies the relevant noise restriction criteria contained in Clause 35 of the consent. Clause 35 provides that the operating noise level of functions and entertainment provided at the hotel shall comply with the LA10 noise criteria, which is reflective of the L&GNSW standard LA10 noise condition.
23. On 17 June 2019, Police provided a submission in relation to the complaint. Police submit that under the current licensee, they have received several noise disturbance complaints from residents, primarily due to the noise from bands playing on Sunday afternoon and the behaviour and effect of patrons leaving the hotel. Police submit the hotel hosts live bands on Sundays in the outside beer garden from approximately 1pm to 6pm. These bands consist of up to five persons using electronic equipment including guitars, speakers and drums.
24. Apart from noise complaints, Police also submit over the past five years they have received other complaints relating to the littering of beer glasses in neighbouring properties, persons urinating and vomiting in resident's properties, and patrons doing

burnouts in their vehicles when leaving the hotel. These complaints are mainly occurring on Friday, Saturday and Sunday nights. Police have attended the hotel to monitor and observe noise on occasion and have found it to be excessive when bands play in the outdoor beer garden. Police have issued three noise abatement orders between 2016 and 2017 to the licensee as a temporary fix to noise issues.

25. On 2 June 2016, Police lodged a disturbance complaint under section 79 of the Act. Following consultation between Police, the licensee and the owner of the hotel, a Local Licensing Agreement (LLA) was agreed upon and signed on 29 September 2016, and the complaint was officially withdrawn. Police note that residents have continued to complain since the LLA was undertaken. An updated LLA was signed more recently on 16 January 2019.
26. Following the results of a door knock and letter box drop conducted by Police in September 2016, Police submit that it is not conducive to stage live bands in the beer garden due to its locality and close vicinity to residential housing. Police contend that acoustic modification works should be done to prevent noise filtering into residential areas from live bands. Police have continued to meet with the licensee to rectify noise issues however there has been little improvement. Police are of the opinion the current LLA is not being complied with but do note the licensee has employed a security guard on a regular basis.
27. On 24 May 2019, Police received information that the licensee informed a number of patrons of the complaint, including the contents of the application. Police submit their concerns that residents may be adversely targeted by patrons who regularly attend and support the hotel as a result. Police submit the only way to resolve noise issues is to impose conditions on the licence to restrict the operation of the hotel and to appease residents. The conditions proposed by Police relate to restrictions on bands hosted at the hotel and in the beer garden, closure of doors and windows when live entertainment is hosted, closing the side gate accessing the beer garden, erecting signage near all exits at the hotel, requirement to employ security, prohibiting alcoholic beverages being taken from the hotel and ensure that the vicinity of the hotel is cleaned of bottles, glasses and any other debris.
28. The hotel has submitted an acoustic assessment, which was completed by GHD in July 2019. The assessment was commissioned for the proposed additions and alterations to the hotel, including the addition of an indoor/outdoor gaming room. The objective of the assessment was to assess the noise emissions from activities associated with the proposed gaming room, and where required, provide mitigation measures to achieve the

relevant requirements of Council. Additionally, Council also requested that noise from live music be assessed to determine the impact on the nearby sensitive receivers, in response to a complaint from a local resident.

29. Background noise monitoring was conducted between Sunday 23 June 2019 to Thursday 4 July 2019 within the rear of the hotel property. Attended source monitoring to undertake noise measurement was conducted at the site on 23 June 2019 during a live band performance and also on 4 July 2019. Noise modelling was also undertaken to predict noise levels at the surrounding residential and commercial receivers. One of these receivers was in close proximity to the complainant's residence but is incorrectly classified as Bathurst Street.
30. Following testing, the results demonstrated that noise emission from outdoor live music performance exceeded Council's noise emission requirements for entertainment noise, being the LA10 noise criteria. These exceedances occur as a result of low background noise and the small distance between the hotel and the nearest sensitive receivers. The acoustic consultant believes it may be possible to reduce the impact of noise by incorporating the following:
 - a) Absorptive surfaces on the walls and underside of the awning in the band areas;
 - b) Increased height of the fence along the boundary;
 - c) Reduction of noise levels of the band; and
 - d) Relocation of the band to inside areas.
31. Despite the above measures, the consultant believes it is likely that noise levels will still be above Council's noise emission criteria for entertainment noise. The consultant notes live performances occur on Sunday afternoons once or twice a month for a short period of up to two hours only. As such, the consultant is of the opinion the noise criteria proposed by Council may be too stringent for a short duration activity such as this. The consultant recommends that after all feasible mitigation measures are adopted, Council should consider modifying any noise condition to allow for live music to continue to occur for the two-hour period once or twice a month.
32. The complainant submits that they believe the authorising resident who withdrew from the complaint was "gagged or coerced into withdrawing their submission, rather than by genuine actions". The complainant submits the resident advised them on multiple occasions that they had received numerous telephone calls from the hotel owner asking what it would take to withdraw their submission. The complainant notes they are aware

that the resident also received verbal threats from a hotel patron who had been advised of the complaint. The complainant submits there is general reluctance of neighbouring residents to support complaints against the hotel, in fear of gaining adverse attention and the potential of threats and intimidation. This is supported by the Police submission, which indicates the licensee notified patrons about the content of the complaint and the identities of complainants.

33. The complainant reaffirms their residence is the most directly affected by noise due to its physical proximity to the hotel. The complainant experiences disturbance every Sunday afternoon to the point where the acoustic vibrations not only disrupt their amenity but also causes windows and doors to rattle, resulting in Sunday afternoons to be 'stressful, loud, disrupted and uncomfortable'. The complainant has submitted video footage of the disturbance, including one video recorded on Sunday 11 August 2019 where live music was being hosted in the beer garden of the hotel. The footage demonstrates that whilst out the front of the hotel on Bathurst Street, the music is almost not audible but increases in volume and audibility when turning into Eldon Street. Directly out the front of the beer garden on Eldon Street, the level of music is significantly audible, before dissipating as one heads further east along Eldon Street.
34. The complainant agrees with the Police submission and submits that the LLA and recommended undertakings to address the acoustic impacts have failed and are not enforceable. The complainant submits that noise abatement orders and directions of Police have failed to deter or change the behaviour of the licensee and hotel towards the acoustic amenity of the neighbourhood and curtailing anti-social behaviour.
35. In response to the acoustic assessment, the complainant highlights several misleading statements contained within the assessment. In section 2, the assessment states the proposed live music event hours at the hotel are Sundays between 2pm - 4pm, and typically only occur 1-2 times a month. The complainant contends this is incorrect, stating that live music commences at 1pm in the summer months and 2pm in winter, but continues until 6pm all year round. Further, these performances occur three to four times a month. The complainant also notes that references to 34, 36 and 38 Bathurst Street in the assessment are taken to mean 34, 36 and 38 Eldon Street.
36. The complainant also refers to section 3.1 which states that noise monitoring was undertaken from 'the rear of the property' with the location recorded as 81 Bathurst Street. The complainant submits the noise logger was placed in their neighbour's rear yard instead, which is therefore misleading as the noise levels were not taken from the rear of the hotel.

37. The complainant submits that in section 5 of the assessment, it is evidenced there are a substantial number of exceedances of the octave band criteria across the 11 residential receivers which were assessed for acoustic impact. The complainant states that of the 10 octave bands measured for each property, the residential properties at 34, 36 and 38 Eldon Street, result in significant exceedances of nine (9) out of 10 of the octave bands, compared to an average of four (4) instances of exceedances across the other eight (8) properties assessed. The complainant submits this demonstrates the adverse impact to their acoustic amenity, privacy and right to enjoy quiet residential amenity in a low-density residential neighbourhood.
38. The complainant refers to section 6 which states the modelling results 'indicate that noise emission from the outdoor live music performance exceed Council's noise emission requirements for entertainment noise' and that the 'exceedances are a result of low background noise in the area and the small distance between the pub and the nearest sensitive receivers'. The complainant submits that the assessment by GHD clearly demonstrates the hotel is not a suitable venue for live music within the beer garden.
39. The complainant notes that despite the inconsistencies of the facts contained within the assessment, the report still demonstrates and concludes that live music from the hotel results in unreasonable exceedances of acceptable noise levels. The complainant submits that if the assessment was based on the actual frequency and duration of live music events, it is highly probable the results would only further reinforce the existing conclusion and finding that live music at the hotel has an adverse acoustic impact on the amenity of the residential neighbourhood.
40. The complainant concludes by stating that over the past five years many endeavours have been attempted to amicably resolve issues through less informal processes by providing the hotel with multiple opportunities to respond to issues regarding anti-social behaviour and the unreasonable acoustic impact caused, however these attempts have not proved successful nor lasting. The complainant submits the only solution is the imposition of stringent and enforceable conditions on the licence restricting the use of the outdoor beer garden for any live or recorded music events whatsoever.
41. The hotel submits it plays a major part in the community with a focus on being a family friendly hotel for locals, with the live music events providing a service to the community and employment to local musicians. The hotel states live music has been featured throughout the entirety of its existence and contends it has always abided by the voluntary agreement with Police. The hotel submits new complaints have only arisen since the hotel submitted a development application, with the complaint being made from only two people

out of a community containing approximately 4000 people. The hotel submits they are conscious of its neighbours and have attempted to discuss the matter with the complainant without any success.

42. While a certain level of disturbance is expected due to the nature of the hotel, I am satisfied that there is sufficient evidence to demonstrate that the hotel has, at times, caused undue disturbance to the neighbourhood with respect to amplified live entertainment and patron noise and behaviour. In making this finding, I am persuaded by the significant level of undue disturbance considering the lack of other noise sources within the surrounds of the hotel and the close proximity of the complainant's residence to the hotel. I have also given weight to the Police submission of historic issues dating back to late 2014, including the three noise abatement orders issued to the hotel and the implementation of the LLA, which was updated in January 2019. I have also considered the recommendations made by Police to the hotel to reduce disturbance and the ongoing attempts of remedial engagement and action conducted to date. I also acknowledge the acoustic assessment which, demonstrates significant exceedances to the LA10 noise criteria and recommends the incorporation of practical solutions to reduce the impact of noise to ensure compliance with the LA10 noise criteria.

Action taken to mitigate disturbance

43. In considering whether to impose conditions on the liquor licence, I have balanced the submissions of all parties, having specific regard to any action taken by the hotel in response to the complaint and the effectiveness of any measures that have been implemented to address disturbance.
44. In response to the complaint, the hotel provided one written submission which contained a live music petition signed by local community members in support of the hotel and its live music offerings. The hotel also commissioned an acoustic assessment, in response to the development consent application, however there is no further evidence provided that the hotel has acted to mitigate disturbance. The complainant has provided substantial submissions to support the complaint, including multiple files of video footage and photographs taken from the complainant's residence highlighting various incidents of noise disturbance and anti-social behaviour.

Findings and conclusion

45. I have considered the submissions of the complainant, hotel and Police. I have also had regard to the particular context in which the hotel operates. In deciding whether to impose conditions on the licence relating to disturbance, I have considered the following points.

46. I have taken the statutory considerations into account and acknowledge the order of occupancy is in favour of the hotel.
47. I have considered the hotel's submission and note that no evidence has been provided to demonstrate the hotel has voluntarily taken further action to address and mitigate disturbance or has undertaken any effective or proactive remedial engagement with residents.
48. I have had regard to Police concerns regarding confidential information contained within the complaint being released by the licensee to patrons and supporters of the hotel, and apprehension from the complainant and residents who have experienced victimisation and threatening behaviour from patrons of the hotel as a direct result of the complaint. I expressly reiterate that the identities of complainants and authorised residents and any related documentation pertaining to the complaint are to remain confidential and are only to be used for the purposes of the complaint. As Police correctly state, any failure of this by the licensee potentially places the complainants and their property in danger of receiving adverse attention from patrons who regularly attend and support the hotel, and such behaviour is deemed to be unacceptable and unwarranted.
49. I have also considered the recent history of the hotel and have had regard to the ongoing actions of Police in trying to reduce and mitigate noise caused by the hotel over the past five years with limited or any lasting success.
50. I acknowledge the acoustic assessment which provides evidence that amplified live entertainment hosted at the hotel results in unreasonable exceedances of acceptable noise levels. I note the results of the report show significant exceedances to the LA10 noise criteria and are overall negative to the hotel's current operation. The recommendations provide practical solutions to mitigating noise emissions created by the hotel and I strongly recommend the hotel implement these recommendations to assist in reducing noise caused by live entertainment as a long-term solution.
51. It is reasonable to expect some form of noise will be generated from the hotel's ongoing operation, however the fact remains that the hotel operates in very close proximity to residential properties. As the hotel operates with a significant live entertainment focus, and as I have determined that disturbance has at times been undue, I am satisfied there is a need to manage the noise levels created by the provision of live amplified entertainment, particularly in the outdoor beer garden area. I am also satisfied that there is a need to manage the passage of patrons especially during the provision of live entertainment and later in the evening, due to the recent history of patron behaviour near

and on the complainant's residence. In making this finding, I have decided regulatory intervention is appropriate.

52. I have decided to impose a LA10 noise condition on the hotel's licence, as I consider this to be an appropriate safeguard to prevent undue disturbance. I do not consider that the imposition of this condition will unduly burden the hotel. The LA10 is a generally accepted technical standard for noise from licensed premises. The imposition of this condition strikes a balance between meeting the expectations of the neighbouring residents and ensuring that the hotel can continue to provide entertainment to its patrons.
53. I also consider it appropriate to impose a condition requiring the closing of the gate on Eldon Street during the provision of live entertainment and at the required times on days when the hotel trades. I am satisfied that patrons from the hotel have regularly caused disturbance to the complainant when leaving the hotel by using the gate, which directly fronts onto the complainant's property. This has unfortunately resulted in lewd acts and vandalism to the property, which is supported by the Police submission. I consider the imposition of a licence condition requiring the closing of the gate on Eldon Street to be an appropriate safeguard to mitigate the risk of future disturbance caused by patron behaviour, especially at higher risk times, which include live entertainment performances and late trade periods.
54. I am satisfied this measure is a balanced and proportionate response to the issues raised in the complaint. It protects the complainant from undue disturbance by managing the egress of patrons to exit out the front of the hotel, directing them from the immediate vicinity of the complainant's residence. I am confident that this condition will provide regulatory certainty and greatly reduce the impact of patron noise and behaviour in the surrounding areas to the neighbourhood.
55. I consider the conditions imposed to be an appropriate regulatory response to address the finding of undue disturbance and mitigate future disturbance. I strongly encourage the hotel to implement the supporting recommendations of the acoustic consultant and be proactive in addressing disturbance caused by the hotel. I also encourage the hotel to commit to a cohesive business practice of engaging with the neighbourhood to minimise complaints. Should further undue noise disturbance be reported, then this matter may be revisited, possibly resulting in further regulatory intervention.
56. Finally, I am satisfied that this decision is a proportionate regulatory response to the disturbance identified in the complaint.

Decision Date: 17 January 2020



Sean Goodchild

Director Compliance Operations

Liquor & Gaming NSW

Delegate of the Secretary of the Department of Customer Service

Application for review:

Should you be aggrieved by this decision, you may seek a review by the Independent Liquor & Gaming Authority by an application which must be lodged within 28 days of the date of this decision, that is, by no later than 14 February 2020. A \$500 application fee applies. Further information can be obtained from Authority Guideline 2 published at www.liquorandgaming.nsw.gov.au.

In accordance with section 36C of the Gaming and Liquor Administration Act 2007 this decision will be published on the Liquor & Gaming NSW website at www.liquorandgaming.nsw.gov.au.

Under section 81 of the *Liquor Act 2007* a delegate of the Secretary of the Department of Customer Service has imposed the following conditions on the liquor licence of the Bird In Hand Inn, Pitt Town LIQH400106947:

LA10 Noise Condition

The LA10* noise level emitted from the licensed premises shall not exceed the background noise level in any octave band frequency (centred on 31.5 Hz-8 kHz inclusive) by more than 5dB between 7:00am and midnight at the boundary of any affected residence.

The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any octave band frequency (centred on 31.5 Hz-8 kHz inclusive) between 12:00 midnight and 7:00am at the boundary of any affected residence.

Notwithstanding compliance with the above, noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 7:00am.

**For the purpose of this condition, the LA10 can be taken as the average maximum deflection on a sound level meter of noise emitted from the licensed premises.*

Date condition effective: 20/1/2020

Close gate to area

The licensee must ensure that the gate to Eldon Street is closed and inaccessible to patrons:

- a. At all times when amplified entertainment is conducted; and
- b. From 10:00pm until close on Monday to Saturday and from 8:00pm until close on Sundays and public holidays.

Date condition effective: 20 / 1 / 2020

Annexure 2

The material before the delegate of the Secretary in making this decision comprises:

1. Copy of the liquor licence dated 1 November 2019.
2. Section 79 Noise Disturbance Complaint lodged by the complainant dated 29 April 2019.
3. Submission from NSW Police dated 30 May 2019.
4. Copy of a Notice of Determination – Approval for DA0256/15 from Hawkesbury City Council dated 29 January 2018, provided by the licensee's solicitor on 9 August 2019.
5. Copy of an Acoustic Assessment for William Curteis & Co Pty Ltd by GHD dated July 2019, provided by the licensee's solicitor on 9 August 2019.
6. Final submission from the complainant dated 30 August 2019.
7. Final submission from the licensee's solicitor dated 18 November 2019.
8. Supporting material including 10 images and 37 videos provided by the complainant on 3 May 2019 and nine (9) videos provided by the complainant on 31 August 2019 contained in the USB annexed to this document.