



Our Ref: ATP251038-L-AL-01
Enquiries to: Sasho Temelkoski

15 December 2025

CH Marvell Street Pty Ltd & CR Marvell Street Pty Ltd & RR Marvell
Street Pty Ltd & TH Marvell Street Pty Ltd
ABN 30 798 545 496

Level 8, 9-11 Cremorne Street, Cremorne VIC 3121

Attention: Jeremy D. Morley

E-mail: jeremy@cobild.com.au

Dear Jeremy

**Re: Acoustic Advice / Statement – Amendment to Condition 108 of Development
Consent (Application No.10.2023.73.6) for No. 9 Marvell Street, Byron Bay**

1. Introduction

ATP Consulting Engineers previously prepared an acoustic assessment (Doc. Ref. ATP220541-R-NIA-01, dated July 2022), in support of the approved mixed-use development at 9 Marvell Street, Byron Bay NSW. That report informed the original operating hour restriction imposed under Condition 108 – Approved Operation Hours of the development consent (Application No.10.2023.73.6)

ATP has now reviewed the approved development consent, the built form, the nature of the commercial tenancies, and the applicable noise criteria in the context of a proposed amendment to extend the operating hours of the café/restaurant and retail tenancies to 11:00 pm.

2. Supersession of Prior Acoustic Advice

This letter confirms that the acoustic advice provided in the report titled Doc. Ref. ATP220541-R-NIA- 01, dated July 2022, is superseded to the extent that it limited commercial operating hours to 6:00 pm for the purpose of amenity protection.

The earlier restriction was adopted on a conservative basis at the development application stage and does not preclude extended hours where compliance with relevant acoustic criteria can be achieved.

3. Assessment of Extended Operating Hours

Based on our review, the operation of the approved café/restaurant and retail tenancies between 6:00 pm and 11:00 pm can be undertaken without adverse acoustic impact on nearby residential receivers, provided that:

- Operations remain consistent with those assessed under the approved development (i.e. use of outdoor communal open spaces to be limited to 10:00pm, deliveries to occur between 7:00am to 6:00pm, etc);
- Building design, layout, and acoustic treatments are implemented in accordance with the approved Noise Impact Assessment and conditions of consent;
- Mechanical plant and services comply with the noise emission limits set out in the approved acoustic documentation; and
- General operational noise is managed to comply with the Protection of the Environment Operations Act 1997 and relevant NSW noise policies.

4. Planning Controls and Conditions

Condition 108 – Approved Operation Hours of the development consent currently restricts commercial operation to 7:00 am to 6:00 pm, unless otherwise approved by separate consent. This letter provides updated acoustic advice to support such an approval and confirms that extended operation to 11:00 pm is acoustically acceptable.

All other relevant consent conditions, including Condition 111 – Must not interfere with the amenity of the neighbourhood, remain applicable and achievable under the proposed extended hours.

5. Conclusion

The operation of the approved café/restaurant and retail tenancies at 9 Marvell Street, Byron Bay NSW until 11:00 pm is acceptable from an acoustic perspective and will not result in unreasonable noise impacts on the surrounding area.

Therefore, ATP Consulting Engineers supports the proposed amendment to Condition 108 to permit commercial operating hours up to 11:00 pm, subject to ongoing compliance with the approved development consent and applicable noise legislation.

Please contact the undersigned should you require further clarification or assistance with the acoustic letter.

For further information please do not hesitate to contact our office on (07) 5593 0487.

Yours faithfully



Sasho Temelkoski MIEAust CPEng RPEQ 13551 MAAS
Director and Principal Acoustical Engineer