

## Development Application DA24-114 – Schedule of Submissions

No	Submitter	Submission	Officer Comments	Proposed Modifications
1	M Pollard	<p>I am writing to express my support for Development Application DA24-114, which proposes a change of use from 'Restaurant' and 'Take Away Food Outlet' to a 'Small Bar' and 'Take Away Food Outlet' for the tenancy currently occupied by Burgermuma at Unit 177, 26 Sharpe Avenue, Pegs Creek.</p> <p>This proposal presents an exciting opportunity to enhance the local dining and hospitality scene, offering greater diversity and choice for residents and visitors alike. Small bars contribute to a vibrant and dynamic community atmosphere, supporting local businesses and fostering social engagement.</p> <p>Additionally, Burgermuma has already established itself as a valued business, and this change will allow it to further contribute to the economic and cultural vitality of Karratha.</p> <p>I believe this development aligns with the city's broader objectives of supporting local businesses and enhancing the hospitality sector. I encourage the City of Karratha to approve this application and look forward to seeing its positive impact on the community.</p>	Noted.	N/A
2	Water Corporation	No objection for the development application.	Noted.	N/A
3	Tenant – 26 Sharpe Avenue	<p>I am a resident of 26 Sharpe Ave, Pegs Creek (Pelago East Complex), and I wish to formally lodge my objection to the Burgermuma application for a change of license to a bar and takeaway venue at this location.</p> <p>Previous events held at this establishment under special event approvals have caused significant disruptions to residents, including:</p> <ul style="list-style-type: none"> <li>Excessively loud music and vibrations that reverberate through the apartment complex.</li> <li>Patrons congregating outside, often engaging in loud conversations, smoking within 5 meters of the Pelago East entrance, and leaving rubbish in the surrounding area.</li> <li>A particularly concerning incident last July, when a party with a smoke machine triggered a building evacuation. The owner did not demonstrate responsible practices by allowing the reasonably foreseeable consequences of the smoke machine, nor demonstrate accountability by evacuating their venue when the alarm triggered a full-scale building evacuation. I personally stood on the sidewalk with other residents and observed the party continue in full force. I'm confident this account is able to be corroborated by other residences and the local volunteer fire fighters who kindly responded.</li> </ul> <p>Residents at both Pelago complexes, many of whom are local shift workers, already experience disturbances from these events. Allowing a permanent bar and takeaway venue with an even later noise curfew raises concerns about noise, safety, and amenity issues, further impacting the quality of life for residents who pay a premium to live in this area.</p> <p>Further to my formal objection I wish to understand the necessary steps that would be required for me to establish a petition in opposition to this application and whether I can display it in the Pelago lifts to gather further</p>	<ol style="list-style-type: none"> <li>This business is in the Karratha City Centre. It is reasonable for residents in the Karratha City Centre to expect that they will not be disrupted by unreasonably high levels of noise at night. It is also reasonable to expect that there will be activities in the City Centre in the evenings. The aim is to provide a reasonable balance for evening activities and preserve residential amenity.</li> <li>The owner of the business is proposing to hold two events per month where a DJ would play music for 60 patrons until 12 midnight. Patrons would not be seated for these events. This is the reason why a 'Small Bar' liquor licence is required rather than the current 'Restaurant' liquor licence. City officers identified the potential for conflict between this proposed use and nearby apartment occupants when the owner first discussed the proposal with them. The owner was required to submit a noise management plan (NMP) with the application. The owner submitted noise monitoring results from this type of event and prepared and submitted a NMP. The NMP states that the speakers operate on different circuits, allowing for different noise levels to be set for outdoor speakers and indoor speakers, depending on the time or type of music being played. The NMP states that speakers with heavy bass will not be used in the outdoors alfresco area. The NMP also states that in the event of any complaints, the owner is committed to installing acoustic treatments inside the premises.</li> <li>The City's Environmental Health Services reviewed the NMP prepared by the owner and advised that a more technical NMP, prepared by a qualified engineer, is required. The owner has since provided a Noise Assessment Report prepared by Acoustics Consultants Australia. The report addresses the noise limits prescribed by the Noise Regulations and analyses the potential noise generated from the music played via the speaker system and the internal and external crowd noise at different times of the day. The report recommends what are referred to in the report as reasonable and feasible noise reduction</li> </ol>	<p>Recommended Condition:</p> <p>Prior to the commencement of the 'Small Bar' use, a revised Noise Management Plan shall be submitted to and approved by the City of Karratha. The Noise Management Plan must be informed by the recommendations of the Noise Assessment Report prepared by Acoustics Consultants Australia (Report NO. 10.00817R-01) and is to include:</p> <ol style="list-style-type: none"> <li>No event to extend beyond 12 midnight on any evening;</li> <li>Avoidance of excessive emissions of low frequencies below 100Hz, no use of subwoofers and speakers to use low-cut filters or equalisers to minimise low frequencies;</li> <li>Music noise levels not exceeding <math>L_{pA}</math> 79 dB at listener locations;</li> <li>Installation of appropriate resilient mounts to stop vibration or resonance;</li> <li>Use of acoustic limiter devices to feed into the sound system and limit room sound levels to not exceed <math>L_{Aeq,T}</math> 79 dB at listener's ears, where 'T' is the typical assessment period between 5 and 15 minutes;</li> <li>Addition of a layer of 13 mm fire-rated plasterboard to the ceiling and fill the void with dense mineral wool <math>\geq 30</math> kg/m<sup>3</sup>;</li> <li>Ceilings and walls to be covered with absorption class NRC 0.95 paneling where space allows;</li> <li>Patrons not to use the outdoor area after 10 pm;</li> </ol>

	community support.	<p>measures to minimise impacts on nearby residents. These noise reduction and notification measures are as follows:</p> <ul style="list-style-type: none"> <li>• Avoidance of excessive emissions of low frequencies below 100Hz, no use of subwoofers and speakers to use low-cut filters or equalisers to minimize low frequencies.</li> <li>• Music noise levels not exceeding LpA 79 dB at listener locations.</li> <li>• Installation of appropriate resilient mounts to stop vibration or resonance if feasible.</li> <li>• Use of acoustic limiter devices to feed into the sound system and limit room sound levels to not exceed LAeq,T 79 dB at listener's ears, where 'T' is the typical assessment period between 5 and 15 minutes.</li> <li>• Add layer of 13 mm fire rated plasterboard to the ceiling and fill void with dense mineral wool ≥30 kg/m3.</li> <li>• Ceilings and walls to be covered with absorption class NRC 0.95 panelling where space allows.</li> <li>• As much as possible, limit patrons using outdoor area after 10 pm and minimise patron noise in the external area.</li> <li>• DJs maintaining appropriate noise levels and proactively adjusting low frequency equivalent.</li> <li>• Keep residents at nearby noise sensitive receivers (apartments in Pelago East and Pelago West Towers fronting Sharpe Avenue) informed of event plans including date, times and duration and contact name and number of a nominated person during the event.</li> </ul> <p>4. The owner has confirmed that they intend to implement these recommendations. It is considered that an updated Noise Management Plan that addresses these matters, and adherence to it, would minimize the potential for these events to cause noise that exceeds acceptable limits. A condition is recommended in this respect. All submitters who raised objections to this proposal have been referred a link to the Noise Assessment Report.</p> <p>5. If noise complaints were received regarding an event held at the premises, these complaints would be investigated by the City's Environmental Health Services against the relevant legislation and approvals. Noise emissions must not exceed levels prescribed by the Noise Regulations.</p> <p>6. In regard to other elements of potential concern raised in this submission (smoking, littering etc.), these matters can be adequately managed by the business owner and mitigated appropriately to maintain expected amenity in the area through imposing a condition of development approval requiring an operational management plan (OMP) to be submitted to and approved by the City and thereafter implemented by the proponent. Should the proponent not implement the OMP as approved, they would be in breach of the Development Approval condition, which can trigger enforcement action under the <i>Planning and Development Act 2005</i> to rectify any non-compliance.</p> <p>7. In response to the objector's desire to establish a petition objecting to the proposal and placing it in the Pelago lifts, these are matters for the submitter to consider. City officers have advised the submitter of what would need to be done to lodge a petition with the Council. In terms of informing others about this proposal, it should be noted that the proposal has been advertised to all property owners, unit occupants and businesses within 200 meters of the tenancy the subject of this development application. This is required in accordance with Council's Complex Applications Local Planning Policy DP24 and the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. In total, 500 letters and 200 emails were sent.</p>	<p>i. Measures for minimising patron noise in the external area;</p> <p>j. DJs maintaining appropriate noise levels and proactively adjusting low frequency equivalent;</p> <p>k. How residents at nearby noise-sensitive receivers (apartments in Pelago East and Pelago West Towers fronting Sharpe Avenue) will be kept informed of all event plans, including date, times, duration and contact name and number of a nominated person during the event; and</p> <p>l. A complaint handling procedure.</p> <p>The Noise Management Plan as approved by the Local Government be implemented at all times.</p> <p>Recommended Condition: Prior to the commencement of the 'Small Bar' use an Operational Management Plan shall be submitted to and approved by the City of Karratha. The Operational Management Plan shall outline measures to mitigate negative external impacts on surrounding businesses and residents. Such management measures should include:</p> <p>a. A proactive and responsive approach to rubbish collection;</p> <p>b. Designated smoking areas that align with smoking in public places regulation under the <i>Tobacco Products Control Regulations 2006</i>;</p> <p>c. Adequate security lighting and monitoring of the area;</p> <p>d. Regular Security patrols during music events; and</p> <p>e. A strategy to ensure vehicles belonging to staff and patrons are removed from Sharpe Avenue following close of business;</p> <p>f. Complaint management measures;</p> <p>g. Any other matter that may impact community safety, security and amenity of the surrounding area.</p>
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4	<b>S McConnell</b>	<p>In relation to application for development approval DA24-114 I would like to lodge my request to decline. This request is based on the following previous actions/consequences:</p> <ul style="list-style-type: none"> <li>The venue "Burgermuma" has on several occasions held "events" exceeding those expected from a restaurant (very loud music both inside and outside with increased bass) past 12 midnight without notice to residence and outside of licence approval.</li> <li>Fire alarm has been activated by Burgermuma patrons at "events" leading to evacuation of the Pelago apartments but without the "event" being paused or patrons moved out of the premises.</li> <li>The notification that "events" will be held "once or twice a month at most" is a non-enforceable limited and does not provide confidence to Pelago residence that this will be the maximum number of "events"</li> </ul>	<ol style="list-style-type: none"> <li>Refer to paragraphs 1 – 5 in Officer Comments responding to Submission 3 above.</li> <li>The activation of the fire alarms is unrelated to this proposal. Such incidents can be reported to the property manager or Pelago building maintenance department.</li> </ol>	Refer to recommended modification for Submission 3.
5	<b>Tenant – 23 Sharpe Avenue</b>	<p>I'm writing to register my concern regarding the development application regarding Burgermuma at 26 Sharpe Ave. I live at 23 Sharpe Avenue in an apartment that overlooks that business, and have had difficulties with noise when Burgermuma has hosted "rave" nights throughout 2024. The space between the Pelago buildings tends to act as something of an echo chamber, and while being situated on corners allows Stadium/Blanche etc. to disperse noise outwards, the location of Burgermuma is far less favourable to containing noise. These raves previously had speakers and guests inside the building, so I believe the addition of sizeable alfresco and garden seating areas in such a densely populated area is inappropriate and ill-advised.</p>	<ol style="list-style-type: none"> <li>Refer to paragraphs 1 – 5 in Officer Comments responding to Submission 3 above.</li> </ol>	Refer to recommended modification for Submission 3.
6	<b>Tenant – 26 Sharpe Avenue</b>	<p>I live in the Pelago apartments right above burgermuma.</p> <p>The noise level outside travels right up the building and bounces off the other building especially at night. I do not wish to hear any music at night as this is a high density area with many apartments right above and the sound travels far at night, our bedroom windows are right above the street we have no choice to move them. Also the sound and vibrations and music will travel up the foundations, as I have already felt and heard noise from another business doing construction work at night time (at 9pm). So I'm sure the loud music will be a lot louder than one saw.</p> <p>The a/c for our units are right above the area they wish to have for smoking/vaping and this is unfair for people who's only fresh air or a/c inlet is right above. I do not wish to have smoke coming into my apartment or to have to turn my a/c off.</p> <p>This building is high density living and we all have jobs of varying rosters. It would be unsuitable for there to be late night loud music especially after 10pm when a large amount of people live right above them and have children and stressful jobs. This area is not suited to a club environment and many of the residents have already shown concern about the noise.</p>	<ol style="list-style-type: none"> <li>Refer to paragraphs 1 – 5 in Officer Comments responding to Submission 3 above.</li> <li>Smoking in public places is regulated under the <i>Tobacco Products Control Regulations 2006</i>, administered by the Department of Health. This concern can be adequately managed by the business owner and mitigated appropriately to maintain expected amenity in the area through imposing a condition of approval requiring an operational management plan to be submitted to and approved by the City and thereafter implemented by the proponent.</li> <li>Unless a variation to trading hours is approved in writing by the Local Government, the trading hours are limited to the following: FOR NORMAL OPERATIONS: Monday to Sunday inclusive: Between 11.30am and 8.30pm; or FOR EVENTS (as described in the Noise Assessment Report NO. 10.00817R-01): Friday and Saturday only: Between 11.30am and 12 midnight the same day.</li> </ol>	Refer to recommended modification for Submission 3.
7	<b>Tenant – 26 Sharpe Avenue</b>	<p>I wish to lodge an objection to above development proposal.</p> <p>On the occasions the City of Karratha have given approval for "Special Events" at this facility, the Pelago residents are kept awake by the loud music, vibration of the music throughout the apartment complex, noisy patrons sitting outside the facility and then we must clean up rubbish left in surrounding area.</p> <p>In addition, on Saturday 20<sup>th</sup> July round 10.30pm, Pelago residents had to evacuate when Burgermuma set off Pelago complex smoke alarms by using a smoke machine inside whilst having a "rave". All the residents</p>	<ol style="list-style-type: none"> <li>Refer to paragraphs 1 – 5 in Officer Comments responding to Submission 3 above.</li> </ol>	Refer to recommended modification for Submission 3.

		<p>evacuated, whilst Burgermuma patrons continued to party and drink with no care for what they had done, or the inconvenience caused.</p> <p>Many residents at both Pelago complexes are locals, who work shift work on 7-day, 24/7 roster, for Karratha businesses, including RTIO, Woodside, Karratha Hospital, Fire Brigade, Karratha Airport, Citic Pacific and Monadelphous and all these businesses support the City of Karratha, residents and businesses. I don't believe they would be supportive of their employees being impacted with sleep deprivation, safety incidents or patrons who wonder whilst smoking, putting them within 5m of the Pelago East entrance. Please be mindful of the residents and my strong objection when reviewing this proposal.</p>		
8	Tenant – 261 Sharpe Avenue	<p>I am writing to voice my concerns for Burgermuma's development approval to a 'small bar'.</p> <p>I have a history of communication with the City regarding previous concerns, which initially started when Burgermuma started hosting their 'rave nights'. I live above Burgermuma in the Pelago East building, and the level of noise has caused significant disturbance and prevented me from falling asleep.</p> <p>I made my first complaint on the 22nd of June at 1am after my sleep had been impacted that night due to one of their events. Previously, Burgermuma had hosted 2 rave nights (27th of April, and 16th of March) which caused a similar disturbance to my sleep and home life. The event on the 27th of April led to the smoke alarms being set off in the Pelago building due to a smoke machine being used in Burgermuma. While the owner was apologetic on the night, Burgermuma later joked about 'setting off the smoke alarms' on their Facebook event for the rave on the 16th of March. This behaviour communicated to me that they did not take the mistake seriously even though it evacuated the whole of the Pelago building in the middle of the night.</p> <p>The City was in contact with Burgermuma who assured they would be taking further steps to sound-proof their environment to ensure minimal disturbance to residents. After an event on the 20th of July, the City requested my feedback. Unfortunately despite Burgermuma stating they would 'respond respectfully to any complaints from people and rectify our practices to suit' the level of noise worsened. That event and music lasted until 1:02am, with a high level of noise and bass vibrations entering my apartment. I attempted to phone Burgermuma that night to inquire when the noise would end but my call was never answered.</p> <p>This occurring after my complaint demonstrates that they did not rectify their practice accordingly, and instead the event lasted longer than ever before with bass still entering my apartment.</p> <p>I understand that Burgermuma has taken further steps to reduce the level of noise, including having a report done by Acoustic Consultants Australia. However, I am unsure if this would be enough to ensure Pelago residents are not impacted. While I myself am not a shift worker and I don't have any children, I imagine those who are/do would be severely disturbed by the level of noise. Given Burgermuma's history of not rectifying practices and joking about disturbances, I am concerned about changing their development to a small bar. I hope that my concerns will be taken into consideration when reviewing their application.</p>	1. Refer to paragraphs 1 – 5 in Officer Comments responding to Submission 3 above	Refer to recommended modification for Submission 3.

