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**From:** [REDACTED]  
**Sent:** 19/11/2021 6:05:49 PM  
**To:** Council Northernbeaches Mailbox  
**Cc:** [REDACTED]  
**Subject:** Online Submission - DA2021/2065 Market Lane Live

19<sup>th</sup> November 2021  
Clarke and Humel Property  
17 Sydney Road  
Manly NSW 2095

**Subject: Online Submission - DA2021/2065 Market Lane Live**

To Whom it May Concern,

We are writing to strongly object to the continuation of the Pop-Up Wine Bar in Market Lane and it's change to a permanent structure as per the proposed DA2021/2065 particularly in regard to operating hours before 5.30pm.

We operate the Real Estate Agency Clarke & Humel Property that has street frontage directly onto the proposed Market Lane Live. The Market Lane Live area was originally setup as a temporary structure over Summer 2020/21 ending in February 2021 to assist with invigorating COVID impacted businesses to recover.

Understandably it was extended temporarily to allow further invigoration following the extended lockdown periods experienced by the Northern Beaches and whole of NSW. We raised no objection at the time, primarily as it was a temporary boost for Covid-affected local businesses.

This "pop-up" reopened in October 2021 and has, without any local business consultation, had many more tables, chairs added and the fence line has subsequently been extended substantially. It is now blocking pathways, access for delivery and rubbish trucks and egress from buildings and severely impacting not just our business, but the other retail and office businesses in Market Lane. We approached the applicant (for the proposed DA) to remove or relocate the shipping container away from our tenancy, but that was to no avail.

We have concerns about the following:

1. Noise from the live music within business hours grossly affects our staff being able to make phone calls and carry on a normal business day's work. Acoustically, all the hard-walled buildings and hard ground mean the sound reverberates and office staff and residents suffer. We operate from 8.15am-6.00pm as an office on work calls, zoom calls and client meetings. This will disturb the quiet and peaceful enjoyment of our workplace. Also our in-room auctions are run directly behind the glass so buyers would struggle to hear the auctioneer.
2. There is a massive encroachment on advertising and light at our market lane tenancy. This location was specifically chosen for walk-by advertising presence and premium rent is paid for this shopfront exposure. There is now a large rusty, converted shipping container directly in front of our tenancy windows. This both obscures and detracts from our office presence and outdoor advertising.
3. There are a number of open-air bars, including Donny's right next door, in the Manly area for residents and tourists to enjoy the outdoors whilst socialising. Is there a need for another open-air bar?
4. The furniture items and fencing are unsightly as they are not being maintained and suffering wear and tear from being outdoors, and the barrels also collect stagnant water when it rains, this detracts from the appearance of market lane.
5. The fencing has been moved (deliberately and methodically) closer and closer towards our tenancy making access increasingly difficult and allowing other tenancies to leave deliveries and rubbish along the back of our tenancy.
6. Fencing and tables have crept further into Market lane access to Sydney Road blocking access for rubbish trucks and on several occasions our rubbish contractor has been unable to collect our bins, due to fencing blocking the access.
7. The narrow space between our tenancy and the rear of the shipping container and fencing allows for undesirable/drunken people loitering and leaving rubbish (and worse), empty bottles, smoking & polluting our shopfront. There are valid concerns about sanitary conditions with additional rubbish being partitioned next to the library.
8. A permanent structure does not promote a family friendly atmosphere as it's alcohol. We've previously

enjoyed seeing a real community with mums and bubs enjoying reading hour at the library and networking in the open area.

9. The proposed location of the container and another van, presumably for more alcohol sales, further impedes access to the rear of our tenancy and further impedes access for our rubbish collection. The council would have to ensure a consistent daily 6am clean following the previous nights' events otherwise the shopfront area in front of our office would be disgraceful come opening hours.
10. The proposed operating hours 12noon-10:30pm encourages alcohol consumption for an unusually long period and noise in an extremely inconsiderate way to the surrounding businesses. More reasonable hours of operation would be 5:30pm – 10:30pm with music being limited to being from 6:00pm-10:00pm, and also a reasonable decibel maximum to allow for residential and commercial enjoyment of the area.
11. The proposed space, allowing for 200 people is excessive and would hugely disrupt the community feel of Market Lane – the fenced space needs to be much smaller and with a minimum 5 metres space on either side from our tenancy windows and a minimum 10 metres along the access route from Market Lane to Sydney Road to allow for rubbish trucks and delivery vehicles.
12. We understand this concept was put together to promote businesses during covid but there was no consultation that it would be extended for months on end, with a resulting substantial negative impact on our paid tenancy and certainly not a permanent structure.

We ask that all the above is taken into consideration.

Yours Sincerely,



Clarke & Humel Property