

Stephen Jones

From: DASUB@northernbeaches.nsw.gov.au
Sent: Tuesday, 13 February 2024 8:16 AM
To: Stephen Jones
Subject: Submission Acknowledgment

13/02/2024

MR Stephen Jones
3 - 20 Waratah RD
Palm Beach NSW 2108



RE: Mod2023/0684 - 1193 Barrenjoey Road PALM BEACH NSW 2108

Dear Sir/Madam,

Thank you for your submission in respect of the above-mentioned property. Please be reminded that under provision of the Government Information Public Access Act, all submissions will be posted on Council's Website against the application.

The matters that you have raised will be noted and taken into consideration in the assessment of the proposal process. However, please note as previously stated in the notification letter, Council will not enter into correspondence in respect of any submission due to the large number of submissions Council receives annually.

Should you wish to monitor the progress of this development application, please feel free to visit the Planning and Development section of Council's Website at www.northernbeaches.nsw.gov.au.

We thank you for your submission and should you have any queries, please do not hesitate to contact Council on 1300 434 434.

Yours faithfully

Northern Beaches Council

For your reference please find below a copy of your submission:

I Object to the proposed Modification of an almost doubling of the operating hours for this venue at this will cause unreasonable adverse effects to the neighbours due to a significant increase in the duration of loud music and particularly the deep bass beat effects that reverberates from the venue and can be heard from inside our house. This loud music and deep bass beat significantly effects our amenity and well being.

This proposed almost doubling of operating hours until 11pm , 7 days a week significantly changes the operations from a cafe/function room into a late night BAR.

This extension of operating hours should be refused by Council

Please refer to attached documentation in further support of this objection

Northern Beaches Council

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Attn: Adam Croft
Principal Planner
Development Assessment
Northern Beaches Council
Village Park
1 Park Street
Mona Vale NSW 2103

**OBJECTION TO Mod2023/0684
THE BOATHOUSE PALM BEACH
1191 Barrenjoey Rd Palm Beach**

I live at 3 Waratah Road Palm Beach with my family.

We have lived at 3 Waratah Road Palm Beach for over 22 years

I object to the Mod2023/0684 on several grounds as detailed below.

I provide the following points for consideration by the Northern Beaches Council (NBC) when assessing the application.

SUMMARY

I object to this Modification application on the grounds that the proposed increase in operating hours for the premise would substantially increase the time frame that the neighbours would have to be subject to the noise from the venue, which would result in a significant adverse impacts on the neighbours.

An almost doubling of operating hours from 9 hours per day (7 am to 4 pm) to 16 hours per day (7 am to 11pm) will only result in a significant increase in the noise and disturbance effects on the neighbours.

This increase in operating hours nearly doubles the allowed operating hours and is totally unreasonable.

HISTORY

When the previous operators opened The Boathouse, back in 2009, there was a steady increase in the number and intensity of functions and events held at the venue on Friday and Saturday and Sunday nights.

This resulted in a significant increase in the level of noise emitted from the venue during these times to a level that was regularly way too loud and unacceptable to the residences nearby.

On these occasions were able to hear the noise coming from the venue inside our bedroom inside our house.

Particularly the deep Bass beat from music which reverberates over a long distance.

This was not acceptable and resulted in sleep issues and associated stress for the members of my family.

Our health and well-being suffered from this excessive noise until late at night.

We contacted the venue on many occasions, complaining about the level of noise and the bass beat and asking them to turn the music down and change the style of music.

On most occasions the previous operators were understanding to some degree.

But the point is that we should not have had to call or complain in the first place.

The noise was a problem due to the hours of operation, high level, Deep Bass beat, speaker orientation and speaker placement.

The noise radiating from this venue was intensified when there was a north east wind, and the noise just radiates down the beach to all residents' houses.

The deep Bass noise from external speakers are a major concern as this deep bass noise radiates a long way and was heard inside our house.

PROPOSAL

The Proposal to Extend the operating hours to 7 am to 11pm every day of the week will only increase the adverse effects of noise effecting the residents.

Extending the operating hours nearly doubles the operating hours of the venue and is totally unacceptable to the neighbours.

The Modification should therefore be rejected due to the potential increase in adverse effects of the extended hours and noise effecting the residents.

Environmental Health Referral Response - Industrial use

The Council officer states in this report that

"The nearest residential receiver is over 500m to the south of the property"

This is irrelevant as noise, particularly the deep bass noise radiates a lot further than 500m.

We as neighbours have experienced this noise from the previous operators.

With all due respect the Council officer probably does not live close this venue and has NOT experienced the noise.

The Council officer also states in this report that

Noise control recommendations have been provided within the acoustic report which will be applied in conditions.

This is fine if the noise controls are adhered to. And who is responsible for monitoring the noise levels?

In my experience with Noise and Disturbance complaints against Cranky Fins, Palm Beach Golf Club and CASA, it is up to the residents to arrange professional acoustic experts to take noise readings and produce costly reports. This process takes time, while the venue continues to trade and cause noise and disturbance issues to the residents.

In the interests of supporting the residents of Palm Beach, who are rate payers, rather than commercial operators I strongly believe that Council should not allow an extension of the operating hours to avoid any potential increase in noise effects and objections from the residents

Environmental Health and protection Referral Response - commercial use

Councils Environmental Health and Protection officers are required to consider the likely impacts of the modification application

The response given by the Council officer in this report has NO reference to the potential adverse noise effects on the neighbours from the proposed increase in operating hours.

I would have thought that this issue should have been the primary concern of the Council officer.

If this Council department is responsible for Environmental Health and Protection, does this extend to the health and protection of the neighbours from the adverse effects of extended trading hours to their peace and amenity

The Dunes and other commercial venues operating hours

Reference to the operating hours for The Dunes is no justification for extended operating hours for The Boathouse.

In fact, it should be the exact opposite Palm Beach already has an oversupply of commercial venues all operating to late hours during all days of the week and all creating an unacceptable level of noise for the residents and associated environmental effects from serving alcohol late into the night.

- Palm Beach Golf Club
- The Dunes
- CASA

Extending the operating hours for the Boathouse to 11pm every day of the week will just amplify these adverse effects from these venues on the residents

Live Music

Live Music is currently approved during the months of October to March (Daylight savings months) during the current operating hours.

An extension of the operating hours will result in an almost doubling of the hours that Live music will be played.

This will certainly significantly increase the adverse effects that loud music and the bass beat will have on the amenity of the neighbours.

Opening Event on Sunday 11 February 2024 trading outside approved operating hours.

Please refer to the attached flyer advertising an opening event on Sunday 11 February 2024.

The venue currently has approval to operate from 7 am to 4 pm on Sundays, yet today, Sunday 11 February, the venue opened and operated until 8 pm.

This is well in excess of the approved hours.

What's more is that the noise from patrons at the venue plus the noise from the music being played could be heard in my front garden, and the deep Bass beat from the music could be heard from inside my house.

This is not a good way to start.

This is not acceptable and totally unreasonable for the neighbours to have to put up with lodging complaints with the authorities is a long, costly and time-consuming exercise for the neighbours, and we shouldn't have to resort to formal complaints.

The venue should just not be allowed to operate past 4 pm and definitely not until 11 pm 7 days a week.

The proposed extended operating hours should just not be approved by Council.

STATEMENT OF ENVIRONMENTAL EFFECTS (SEE) by Lance Doyle dated 11 December 2023

It is clear from reading the SEE that Lance Doyle does not live in Palm Beach and has not had the experience of the adverse effects from noise from previous operators at this site operating late into night and causing sleep issues etc

On page 3 of the SEE Lance Doyle states

"It is my professional view that the proposed modifications should be assessed as "modifications involving minimal environmental impacts

as the proposal is accompanied by an acoustic assessment of the potential impacts of the modification which states that the calculated level of noise emission from The Boathouse during the proposed operating hours comply with the acceptable noise limits at all receptor locations.

I disagree with this view

There will be significant environmental impacts from this modification due to the increased hours (nearly double the currently approved hours)

On page 4 of the SEE Lance Doyle states

"Due to the fact that there will be no unreasonable adverse impacts on adjoining properties or the public domain."

This statement is not a fact! It is an opinion

I disagree with this opinion

In my opinion "there will be significant unreasonable adverse impacts on adjoining properties or the public domain."

On page 4 of the SEE Lance Doyle refers to the administrative noise controls to be adopted by management.

These administrative controls are conducted by the operators and are very hard to police by the neighbours or by the authorities.

It would be far better for all effected parties to just not extend the operating hours in the first place.

On page 5 of the SEE Lance Doyle RESPONSE states that the minor nature of the requested modifications will be of minimal environmental impact

I disagree with this statement and state that the major nature of the requested modifications (an almost doubling of operating hours) will be of significant impact.

On page 6 of the SEE Lance Doyle states

... will result in no noise disturbance to any nearby residential receptors identified with the subject report.

This will just Not be the case.

An almost doubling of the operating hours from 9 hours per day to 16 hours per night, with all of these additional hours being in the night will definitely result in significant noise disturbance to all nearby residences particularly from 4 pm to 11 pm.

On page 6 of the SEE Lance Doyle states

... the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted

This is NOT substantially the same development.

An almost doubling of operating hours with the extended hours being in the night time will change the operations of this venue.

Being allowed to extend operating hours from 4 pm until 11 pm 7 days per week will allow the operators to intensify the operations into a late-night Bar etc

This will bring further disturbance to this area as alcohol only results in further environmental impacts and noise disturbance.

Refer to the attached flyer stating the venue as a BAR.

As this Modification is substantially a new development then a new DA must be prepared, with the associated SEE , neighbour notifications, consents for NSW Police etc

On page 9 of the SEE Lance Doyle states

I consider that there will be no unreasonable amenity impacts from the proposed modifications

I disagree with this statement

An almost doubling of the operating hours from 9 hours per day to 16 hours per night, with all of the additional hours being in the night

will definitely result in significant impacts on the environment and particularly noise disturbance to all nearby residences, which is totally unreasonable.

On page 10 of the SEE Lance Doyle states

The proposed modifications are, by any measure, minor ...

Again, I wholeheartedly disagree with this statement

The proposed modifications are, by any measure, major and significant modifications as detailed above.

Acoustic Report by Day design Pty Ltd

The Acoustic report appears to not have considered the noise travelling from the outside deck of the venue, over the water at Station beach, Pittwater and directly to the residences in Waratah Road particularly when there is a north east wind blowing.

I disagree with the conclusion the the extended operating hours will result in acceptable noise levels for the neighbours.

Experience with previous operators has proven otherwise.

The Acoustic report appears to have failed to take any noise readings at 1, 1A, 2 or 3 Waratah rd and instead relied on taking readings at 3 Beach Rd, 3 Beach Rd is protected from the noise radiating from The Boathouse as it is hidden by the trees on the Palm Beach Golf course.

1,1A, 2 and 3 Waratah Rd are in a direct line from The Boathouse and have a greater impact from noise from the venue than 3 Beach Rd

This noise report should be ignored by the Council as it does not assess the noise impact of extended trading hours to the residents of Waratah Road.

This report should be re prepared with emphasis and readings done on the properties at 1,1A, 2 and 3 Waratah Rd

Liquor Licence

My understanding is that The Boathouse currently has a On Premises Licence (Restaurant) Licence which requires that alcohol can only be served with a meal.

The operators are wishing to add a Catering Service for functions. This will allow liquor to be served ancillary to food and also allow liquor to be served during functions and events.

The proposed extended operating hours will clearly give the operators the ability to serve alcohol from 7 am to 11 pm.

The venue will soon become a BAR, with all the associated adverse effects of noise, disruptive, violent and anti-social behaviour on the neighbourhood.

Please refer to the attached flyer which clearly advertises the venue as a BAR.

This is totally unacceptable and needs to be stopped before it starts.

CONCLUSION

The application for an almost doubling of the operating hours will result in significant adverse effects to the neighbours of the venue.

The venue which was once a quiet daytime café will very quickly turn into an all day and late-night BAR with all of the adverse effects on the neighbours.

This proposal is totally unacceptable.

I request that Council reject this application in its entirety.

Thank You in advance for your consideration of my objection.

Mr Stephen Jones

3 Waratah Road

Palm Beach NSW 2108

12/02/2024

• THE JOEY •

Dear friends,

Please join us for a sunset drink
to celebrate the upcoming opening
of "The Joey Dining Room & Bar" From 5pm - 8pm
this Sunday February 11th.

We hope to see you there!

P A L M B E A C H

1191 BARRENJOEY RD, GOVERNOR PHILLIP PARK, PALM BEACH 2108



northern
beaches
council

10 January 2024



Susan Jane Kirkby Jones

Dear Sir/Madam

NOTICE OF PROPOSED DEVELOPMENT - RE-NOTIFICATION

Application No. Mod2023/0684
Address: Lot 7005 DP 1117451 and Lot 7002 DP 1117592 and Lot 298 DP 721522
1191 & 1193 Barrenjoey Road PALM BEACH
Description: Modification of Development Consent DA2021/0669 granted for
Demolition works and construction of a new restaurant, carparking and
associated uses, including a Voluntary Planning Agreement
Submissions Close: 13 February 2024

Please be advised that Council is re-notifying this Application as the initial notification process did not satisfy the requirements of Council's Council-Related Development Applications Policy. The applicant is L Doyle.

The proposal does not constitute designated development. The proposal is 'Integrated Development' and approval is required from the Department of Primary Industries (Fisheries) under s201 (dredging or reclamation work) of the *Fisheries Management Act 1994*.

It is Council's practice to notify adjoining property owners and residents when Development Applications are received. This provides an opportunity for owners and residents to identify issues of concern in relation to the proposed development for Council's consideration.

You may view plans, associated documents and follow the progress of a Development Application on Council's website: www.northernbeaches.nsw.gov.au > Planning and Development > Building and Renovations > Application Search.

If you would like to make a submission the best way to do so is online, via Application Search. Alternatively, you may email council@northernbeaches.nsw.gov.au or write a letter marked to the attention of Development Assessment and clearly identify the application number, the address of the property on which the development is proposed and the reasons for your concerns. They must be lodged by the Submissions Close date.

Council will acknowledge receipt of all submissions. Any objections received will be addressed in the report prepared by Council as part of the assessment process. All persons who make a submission will be advised of the outcome of this Development Application.

Please read the important information contained on the back of this letter and in the Northern Beaches Community Participation Plan, which is available on Council's website. Enquiries regarding this Development Application may be made to Adam Croft on 1300 434 434.

Yours faithfully

Adam Croft
Principal Planner