

Attn: Maxwell Duncan, Principal Planner
Northern Beaches Council
PO Box 82
Manly NSW 1655

Mr & Mrs Stow
505/9-15 Central Avenue
Manly, NSW 2095

23rd August 2023

Submission to: MOD2023/0397

Lot 100, Lot 101 & Lot 102 DP 1069144 and Lot 1 DP 1280856 42 North Steyne and 75 The Corso

Dear Maxwell Duncan,

I wish to raise three significant matters which must be addressed in any approval of this modification:

1/ ALL (98) Land and Environment Conditions (LEC No. 2022/00032828) pertaining to DA2021/2257 remain in place, unchanged and are included in any approval of this modification.

2/ Current DA2021/2257 approved plans include an acoustic report (Renzo Tonin & Associates 21, October 2021) which is referenced in the supporting acoustic letter for this modification (MOD2023/0397). The acoustic report and letter submitted with this modification must be considered null and void in respect to impacts from The Hotel Steyne courtyard music and patron noise impacts and noise pollution. The report was undertaken during COVID conditions with 'assumed' measurements only.

In addition, current, ongoing noise protection conditions specifically pertaining to noise from The Hotel Steyne courtyard referred to as 'Beer Garden' in DA91/2011 conditions ANS05 & ANS07 must continue to be ongoing conditions for the courtyard. These conditions (plus other conditions from the other DA approvals) MUST be consolidated and restated in any approval of this modification to ensure ongoing Courtyard/Beer Garden noise compliance.

ANS05

The ongoing management of the premises must be in full accordance with the Protection of the environment Operations Act, 1997. Including but not limited to: • Noise arising from patrons must not be audible within any habitable room of any neighbouring residential premises at any time (my emphasis) • Noise arising from music, live entertainment or other such amplified sound must not be audible within any habitable of any neighbouring residential premises at any time
Reason: To ensure compliance with legislation and protect public health and residential amenity.

ANS07

A Plan of Management, as approved by Council, must provide a section dedicated to the ongoing

management and operation of the outdoor beer garden area. The Plan of Management is to be submitted to Council prior to the issue of the Occupation Certificate.

Reason: To ensure compliance with legislation and protect public health and residential amenity.

3/ Proposed continuation of elevated paving along Henrietta Lane does not provide any details of how the elevation will impact surrounding properties and the Pacific Waves (9-15 Central Avenue) owned land which provides a pedestrian right of way and easement. Without visibility and consultation of plans including new drainage and paving levelling there is a major concern that this elevated paving will simply shift floodwaters to Pacific Waves land (noting that Northern Beaches Council Carpark is under the land). Any repaving must include the entire length of Henrietta Lane and the Pacific Waves easement land (over the Northern Beaches Council underground carpark). Repaving must include levelling and appropriate drainage to ensure adequate protection of all surrounding buildings and council car park. To note the current elevated paving and drainage has been a constant issue with council works to rectify the drainage issues unsuccessful. Major drainage works and leveling are required. See some photos below showing the open drain and how unlevel the elevation is with surrounding paths and buildings:





Further details on the Noise Pollution impacts from The Hotel Steyne courtyard:

This submission includes an acoustic letter in support of the changes and states that music and patron noise from the courtyard and roof terrace areas of the adjacent Steyne Hotel was examined in the original acoustic report. I have reviewed the original acoustic report which MUST be considered null and void, as must this supporting acoustic letter. The report was undertaken during COVID conditions when all venues were at zero or limited capacity. The report on page 5 even states that it was not possible to take attended measurements and have been 'assumed'. It is widely known that residences surrounding The Steyne Hotel have been impacted by intense noise pollution from The Steyne Hotel courtyard post COVID (and also reported prior to COVID lock downs after IRIS Capital took ownership). Northern Beaches Council, NSW Police licensing and NSW Liquor & Gaming are all currently engaged to address the problem. The venue was fined in July'23 for noise pollution from the courtyard (Ref: 00626708), DOC23/160094) and a subsequent case (Ref: 006739130) is open due to non-compliance with license conditions and continuing noise pollution. Evidence proves that there is inadequate provisions by acoustic attenuation and operational management of the venue to protect surrounding residences. DA2021/2257 with a single acoustic wall and this subsequent modification will not protect these new apartments or surrounding residences.

Prior to IRIS Capital ownership acoustic works and ongoing conditions under DA91/2011 (supported by 3 acoustic reports, 1 submitted with DA91/2011 and 2 acoustic reports post works for compliance checks) gave surrounding residents protection from noise pollution. Since 2019, IRIS Capital 1/ made major changes to the operations of the courtyard with regular live, large sound system bands/concerts in the courtyard. This is in addition to it now being utilized as an open-air nightclub until 3am Friday & Saturdays, 2/ IRIS removed all the acoustic attenuation in the beer garden/courtyard without any approvals.

Regardless of whether further adjustments are made to improve the acoustic attenuation in the courtyard/beer garden, the ongoing conditions from DA91/2011 must remain in place and must be

restated in any approval of this modification and must be enforced for inclusion in the Plan of Management for the venue.

For clarity I have also listed (at the end of the submission) all current ongoing conditions related to noise, operations of venue and protection of surrounding residences that must be re-stated for clarity with any approvals of this modification.

To conclude and re-iterate the asks and concerns pertaining to this modification:

1/ All 98 existing Land & Environment conditions (LEC No. 2022/00032828) pertaining to DA2021/2257 remain in place, unchanged and are included in any approval of this modification.

2/ Current supporting acoustic report be deemed null and void due to the 'assumed conditions' under COVID restrictions

3/ Current ongoing noise conditions from DA91/2011 pertaining to the courtyard ANS05 & ANS07 be restated in any approval for the purpose of ongoing compliance inclusion in The Hotel Steyne's plan of management.

4/ Restate ALL ongoing/active conditions with which the Hotel Steyne must comply so that they are all consolidated in one place in any new approval.

4/ Request that full plans for elevated paving in Henrietta Lane are provided and reviewed in consultation with surrounding building owners including paving levels, drains and impact assessment of shifting floodwaters to surrounding properties be undertaken. Request that new paving a/extends the length of Henrietta Lane to Raglan Street and b/ extends across Pacific Waves land for the purpose of levelling and drainage.

Current ongoing conditions that must be restated for consolidation and clarity with any approval of this modification:

DA91/2011 – Conditional Approval:

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Common/Output/LoadAppPropDoc.aspx?id=%252bR15%252fLE7oE8%253d>

ANS05

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ANS07

A Plan of Management, as approved by Council, must provide a section dedicated to the ongoing management and operation of the outdoor beer garden area. The Plan of Management is to be

submitted to Council prior to the issue of the Occupation Certificate.

Reason: To ensure compliance with legislation and protect public health and residential amenity.

DA0350/2011 (4 revisions)

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Common/Output/LoadAppPropDoc.aspx?id=GXIOW5m12Qw%253d>

Revision 2 (Feb 2013) added:

ANS06

The outdoor terrace is to be closed to patrons from 10pm till 8am Monday to Sunday.

Reason: to protect the acoustic amenity of the surrounding properties and ensure compliance with the Manly Development Control Plan for Late Night Venues 2005

Revision 4 (Feb 2017) added:

ANS12

The approved "Plan of Management of security and operation of The Hotel Steyne, Manly dated March 2013 submitted on 21 March 2013 is to be updated to include reference to the approved works and ensure that the use of decks and terraces cease prior to 10:00pm on all days.

*NOTE: The Beer Garden/Courtyard can also be classified as a terrace so its highly questionable whether the enforced closure of the Beer Garden/Courtyard is also applicable under ANS12. Something for council to consider? Residents, however, will be satisfied with the compliance of ongoing conditions ANS05 and ANS07 under DA91/2011 applicable to the Beer Garden/Courtyard.

Regards

Mrs S & Mr G Stow

505/9-15 Central Avenue, Manly NSW 2095