

## Environmental Health Referral Response - industrial use

<b>Application Number:</b>	Mod2021/0156
<b>Date:</b>	11/06/2021
<b>To:</b>	Rebecca Englund
<b>Land to be developed (Address):</b>	Lot 100 DP 1069144 , 75 The Corso MANLY NSW 2095 Lot 101 DP 1069144 , 75 The Corso MANLY NSW 2095 Lot 102 DP 1069144 , 75 The Corso MANLY NSW 2095

### Reasons for referral

This application seeks consent for large/and or industrial development.

And as such, Council's Environmental Investigations officers are required to consider the likely impacts.

### Officer comments

#### General Comments

Modification is for a number of changes including changes to an already approved new deck including a request to update the plan of management.

Changes to the already approved deck include installing an awning over the deck. The applicant has provided a supporting letter by Acoustic Consultant Renzo Tonin & Associates dated 13/05/2021 (reference: TL912-02F03 Awning to Level 2 Deck (r0)) that aims to address noise concerns raised by residents and concludes:

*In light of the above, the proposed amendments to the Level 2 deck will not result in any adverse impact as a result of the changes, and in fact will provide benefit to those residents located at the upper levels of the residential tower at 3-15 Central Ave.*

*In order to ensure that an appropriate degree of noise absorption is provided, 50mm thick Echosoft or similar lining (NRC no less than 0.95) suitable for semi-outdoor area should be applied to the entire underside of the awning area.*

The applicant also seeks to modify Condition ANS12 and the plan of management with the following:

*In addition, it is proposed to modify Condition ANS12, to ensure clarity in relation to the time periods in which the external spaces may be used. The condition states as follows:*

*The approved 'Plan of Management of security and operation of The Hotel Steyne, Manly' dated March 2013 submitted to the Council on 21 March 2013 is to be updated to include reference to the approved works and ensure that the use of decks and terraces are to cease prior to 10.00pm on all days.*

*The approved Plan of Management, at cl. 2.8, currently states as follows:*

*...On Monday to Thursday the terrace of the Hotel facing the southern façade onto The Corso shall not be used after 12 :00 midnight.*

*As there is now no change proposed to the openings along the southern façade of the terrace, now*

*described as a Roof Deck, the condition maintains no relevant planning nexus as was previously imposed. Therefore, it is proposed to amend Condition ANS12 to read as follows:*

*The approved 'Plan of Management of security and operation of The Hotel Steyne, Manly' dated March 2013 submitted to the Council on 21 March 2013 is to be updated to include reference to the approved works and ensure that the use of the ~~decks and terraces~~ are New Deck, as shown on DA2.040, Revision I, dated 14.10.20, is to cease prior to 10.00pm on all days.*

*For clarity in relation to the spaces within the Hotel, to ensure consistency with the current plans, other minor wording changes are proposed as set out at Annexure 1.*

*It is proposed to amend the Plan of Management, as set out below.*

*Amend Clause 2.5 as follows:*

*On any night the second storey of the Hotel trades after 10:00pm, the doors to the balcony 'New Deck' as shown on DA2.040, Revision I, dated 14.10.2020 facing the internal courtyard of the Hotel shall be closed at 10:00pm.*

*Amend Clause 2.8 as follows:*

*The terrace of the Hotel facing the south western façade on Francis Lane shall not be used after 10pm. On Monday to Thursday the terrace 'Roof Deck', as shown on DA2.040, Revision I, dated 14.10.2020, of the Hotel facing the southern façade onto The Corso shall not be used after 12:00 midnight.*

Environmental Health have a number of concerns with the above proposed changes including:

- It is unclear from the plans what the terrace of the Hotel facing the south western façade on Francis Lane is. Francis Lane is not located behind Hotel Steyne. The laneway to the rear of Hotel Steyne, 75 The Corso MANLY NSW 2095 is Henrietta Lane.
- It is also unclear from the plans what the 'Roof Deck' is. It is assumed that this is possibly the former Terrace, however this will need to be made clear in the plans in order to better understand the proposed changes.
- Clause 2.8 refers to the roof deck not being used after 12:00 midnight Monday to Thursday. The applicant will need to confirm the intended hours for the deck Friday to Sunday.

More importantly however, there is the following condition of consent that was added as per Section 96 (1A) – Part 2 – determined on 6 February 2013.

**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*

It appears that ANS12 that was added as per Section 96(1A) – Part 4 in order to rationalise the management plan with condition ANS06.

As condition ANS06 exists Environmental Health are unable to support the request to modify Condition ANS12 and the requested updates to the management plan.

Furthermore, at present the primary use of the upstairs area appears to be a bar area, as opposed to the permitted use as a restaurant. Any previous acoustic assessments, determinations regarding consent and consent conditions would have likely been based on the use being a restaurant. The

primary present use of the upstairs area as a bar is an intensification of use that is likely to cause an increase in noise.

Any application regarding changing the use of the upstairs area and changes to the outdoor terraces would require a thorough evaluation that is supported by a detailed acoustic assessment.

### **Recommendation**

REFUSAL

The proposal is therefore unsupported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

### **Recommended Environmental Investigations Conditions:**

Nil.