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MEMORANDUM

DATE: 10 March 2022

TO: Northern Beaches Local Planning Panel

CC: Rod Piggott, Development Assessment Manager ; Peter Robinson,
Executive Manager Development Assessment

FROM: Adam Croft, Development Assessment Officer

SUBJECT: DA2021/1620 – 29-31 Moore Road, Freshwater

Dear Panel,

DA2021/1620 was deferred by the NBLPP on 15 December 2021 for the applicant to provide additional information as requested by the Panel, as discussed below:

1. *Details of the assumption that the baseline patronage figure for the hotel is 820 patrons, including dimensioned plans showing the number of people per area measured.*

Comment:

In addition to the BCA advice (relating to exit widths and sanitary facilities) prepared by Trevor R Howse, dated 29 August 2021, the applicant has provided a dimensioned existing ground floor plan nominating the number of patrons per area. It is noted that the existing patron distribution presented does not comply with the Deemed to Satisfy Provisions of Section D1.13 of the BCA, but may be achieved through an “Alternative Solution” as discussed below. Further comments in relation to the Deemed to Satisfy Provisions are also provided below.

2. *Undertake at least four surveys in the month of January 2022 which document patronage that typifies peak and non-peak patronage of the hotel and the uses that are occurring e.g. live music, functions etc.*

Comment:

The applicant has provided four patronage surveys undertaken by Colston Budd Rogers & Kafes undertaken throughout January 2022. The patronage survey report, dated 3 February 2020, also includes comparative data from surveys completed in February 2020. As acknowledged in the Supplementary SoEE, the hotel was unable to reach typical ‘peak’ and non-peak’ patronage levels due to the Covid-19 surge that occurred during December and January, with the maximum patronage of 339 on 26 January being significant lower than the 549 achieved on 29 February 2020. As such, these surveys do not provided conclusive figures which would typify normal operations.

3. *Undertake at least one traffic and parking survey on an evening where there is an event or function being held. The survey shall include the travel modes of the patrons attending.*

Comment:



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The patronage survey report prepared by Colston Budd Rogers & Kafes includes a travel mode survey completed on 1 January 2022 and comparative data from surveys completed in February 2020. The report concludes that *“Larger events at the hotel result in more people walking or using public transport or taxi/ride share”. This means that parking demands at the hotel do not substantially change for larger events. Parking demands are similar for the range of different patronages at the hotel.*”

4. *An amended acoustic report that addresses all noise generation sources from the operations of the hotel, including the existing use of the ground floor and all outdoor areas. The measurement of noise generated by existing use is to be undertaken on the same night as point number three.*

Comment:

The Acoustic Compliance Report prepared by AKA Acoustics, dated 23 January 2022, includes details of the following testing:

- Unattended noise logging, conducted between 15.12.2021 - 23.12.2021, to determine Rating Back-ground Noise levels in post-COVID lockdown conditions.
- Attended compliance measurements, conducted on 01.01.2022, to evaluate noise emissions during a high-capacity New Years' Day event.
- Unattended noise logging, conducted between 01.01.2022 - 03.01.2022, to determine the environmental differences between the measurement locations on Charles Street and Moore Road.

The report notes a peak capacity of 200 patrons within the courtyard area during the measurement period. Council's Environmental Health Officer has reviewed the report and raised no objections, subject to compliance with the included recommendations.

5. *An amended Plan of Management that addresses the operational requirements of the hotel given the updated specialist reports, particularly the amended noise assessment report and the introduction of live music. The Plan of Management shall include but is not limited to:*
- *the matters in condition 26 of the assessment report (page 50 of the agenda)*
 - *hours of operation for particular areas*
 - *specific security arrangements e.g. number of bouncers*
 - *details of live music, functions and entertainment, including outdoor areas and the use of PA systems*
 - *management of patron travel, including a dedicated pick up and drop off point.*

Comment:

The amended Plan of Management, dated February 2022, seeks to address the matters listed in condition 26 of the assessment report and the items included by the Panel above. The supplementary SoEE advises that an application regarding a dedicated pick up and drop off point is being prepared for consideration by the Northern Beaches Council Traffic Committee.

It is noted that the suggested amendment of condition 36 regarding the provision of a shuttle bus is not supported by Council's Traffic Engineer, subject to the Panel's consideration.

6. *Detail how the use of the “recording studio” is ancillary to the pub use.*

Comment:

Discussion of how the proposed “recording studio” is ancillary to the pub use is included in the supplementary SoEE.



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7. Amended plans which clearly indicate and dimension the proposed new work, including additional car parking.

Comment:

The amended Site Plan, DA-DXX-011 (Rev. C dated 11 February 2022), indicates the location and dimensions of the existing and proposed car parking spaces.

The additional information provided by the applicant in response to the Panels deferral is as follows (attached):

- Supplementary Statement of Environmental Effects
- Current Liquor License
- Existing Premises Patron Capacity Advice (Trevor R Howse)
- Patron Distribution Plan
- Transport Mode Surveys (Colston Budd Rogers and Cafes Pty Limited)
- Acoustic Compliance Report (AKA Acoustics)
- Updated Plan of Management
- Amended Site Plan

The applicant has also requested amendment of the recommended condition 36 to read as follows:

36. Provision of courtesy bus for patrons

The venue will provide a courtesy bus service in its peak periods on a Friday & Saturday night. The service will commence from 9pm until 12am and will drop off guests at Manly, Dee Why or Brookvale at their request.

The courtesy bus service will also be provided on special event days and any other days it is deemed necessary.

Reason: To provide an additional transport option for patrons to offset the lack of on site parking.

Planning Comments

Patron Capacity

In relation to the current capacity of the existing premises, Council's Building Control team advised that Section D1.13 of the BCA includes Deemed to Satisfy Provisions regarding the patron density of certain development types. It must be noted that the BCA is a performance based document that allows "Alternative Solutions" to achieve compliance with performance requirements. These matters are determined at construction certificate stage.

Section D1.13 nominates the area per person according to the types of use that are relevant to the development:

Type of use	Area per person
Bar - standing	0.5m ²
Bar - other	1m ²
Restaurant	1m ²

Submissions

Three further submissions were received by Council following the deferral of the application by the Panel on 15 December 2021. The issues raised in the submissions are addressed as follows:



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- Request that a new development application be submitted and notified to allow for further community consultation.

Comment:

The purpose of the Panel's deferral was to allow the submission of further information by the applicant. The information submitted does not seek any amendment of the proposed development and re-notification is not considered necessary.

- Reduced patronage due to Covid 19

Comment:

The applicant's submission acknowledges that the patronage of the venue was significantly reduced due to Covid 19. The additional traffic and patronage surveys and acoustic monitoring were undertaken despite the reduced patronage. Council's Traffic and Environmental Health teams have reviewed the submitted information and raise no objection, subject to the recommended conditions of consent.

- Reporting of incidents to Liquor & Gaming NSW and NSW Police

Comment:

The recommended conditions of consent are intended to mitigate amenity impacts to surrounding residential properties. The future reporting of incidents is a matter for the relevant authorities.

Referral Comments

Environmental Health

Council's Environmental Health team raised no objections in relation to the additional Acoustic Compliance Report dated 23 January 2022, subject to compliance with the recommendations within the report.

Traffic Engineer

No further comments were provided by Council's Traffic team, with the additional information being limited to patron number and travel mode surveys. No objections were raised and no changes to the previously recommended conditions, including condition 36, are required.

Amendment to conditions

- 1. Condition 1a requires amendment based on the additional documentation provided.**

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA-D00-011 - Ground Floor - General Arrangement Plan	Rev. B, 28 July 2021	Alexander & Co.
DA-A01-011 - First Floor - General Arrangement Plan	Rev. B, 28 July 2021	Alexander & Co.



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DA-A02-011 - Upper Floor - General Arrangement Plan	Rev. B, 28 July 2021	Alexander & Co.
DA-DXX-011 - Site & Roof - Proposed Plan	Rev. C, 11 February 2022	Alexander & Co.
DA-EXX-011 - External Elevations 01	Rev. B, 28 July 2021	Alexander & Co.
DA-EXX-021 - External Elevations 02	Rev. B, 28 July 2021	Alexander & Co.
DA-FXX-011 - Section 01	Rev. B, 28 July 2021	Alexander & Co.
DA-FXX-021 - Section 02	Rev. B, 28 July 2021	Alexander & Co.
DA-FXX-031 - Section 03	Rev. B, 28 July 2021	Alexander & Co.
DA-FXX-041 - Section 04	Rev. B, 28 July 2021	Alexander & Co.
MX-011 - Material Palette	Rev. A, 31 May 2021	Alexander & Co.

Reports / Documentation – All recommendations and requirements contained within:

Report No. / Page No. / Section No.	Dated	Prepared By
Acoustics Report	27 July 2021	AKA Acoustics
Acoustic Compliance Report	23 January 2022	AKA Acoustics
Accessibility Report	Issue 2, 30 May 2021	Trevor R Howse
Heritage Impact Statement	August 2021	Weir Phillips Heritage and Planning
Traffic and Parking Report	20 April 2021	Colston Budd Rogers & Kafes Pty Ltd
Plan of Management	February 2022	Harbord Hotel
Operational Waste Management Plan	Revision B, 7 June 2021	Elephants Foot Recycling Solutions

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) The development is to be undertaken generally in accordance with the following:

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

2. Add condition 18A as recommended by Council's Environmental Health Officer:

18. Acoustic design incorporated into plans

All design components detailed in Section 3 of the acoustic report prepared by AKA Acoustics and AKA Music Pty. Ltd. dated 23 January 2022 (Reference R-072HBH220117.3) must be implemented into the plans, and conducted prior to issuing the Construction Certificate in order to achieve compliance with noted conditions of this consent.



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Details demonstrating these actions and design are to be submitted to the satisfaction of the Principal Certifier.

Reason: To prevent noise nuisance for the surrounding area.

3. Add condition 29A as recommended by Council's Environmental Health Officer:

29A. Noise Mitigation Measures

Prior to any occupation certificate being issued, a suitably qualified and experienced person must provide evidence to the Principal Certifier that confirms compliance with Section 4, and Section 3 of the acoustic report prepared by AKA Acoustics and AKA Music Pty. Ltd. dated 23 January 2022 (Reference R-072HBH220117.3).

Reason: To protect the acoustic amenity of neighbouring properties.

4. Add condition 34A as recommended by Council's Environmental Health Officer:

34A. Noise Mitigation Measures

All noise mitigation measures detailed in Section 3 of the acoustic report prepared by AKA Acoustics and AKA Music Pty. Ltd. dated 23 January 2022 (Reference R-072HBH220117.3) must be implemented at all times during operation.

Reason: To protect the acoustic amenity of neighbouring properties.

An assessment of the additional information and related submissions has been undertaken by Council Officers. No objections are raised, subject to the above conditions.

The application is referred back to the Northern Beaches Local Planning Panel for determination.