



**NSW Police Force**

**RE: Mod2021/0156**

Dear Northern Beaches Council,

NSW Police wish to provide the following submission in relation to a Section 4.55 (1a) Minor Environmental Impact - Modification of Development Consent 10.2011.350.1 granted for Change of use to a Restaurant Level 2 alterations and additions to existing building including a new lift for the Steyne Hotel located at 75 The Corso Manly.

In reviewing the application concerns have been raised in relation to:

- acoustic impact noting that the applicant is seeking to remove conditions that currently restrict the use of the upper floor balconies at 10pm,
- the use of Level 2 previously approved as a restaurant (the Phoenix Chinese Restaurant) and now is used as a bar.

**Acoustic Concerns:**

The following alterations are proposed for this modification

- extension of the approved 'New Deck' area in an easterly direction in front of the rationalised plant area, with a raising of the floor to ensure a level surface with the approved deck (circa +300mm)
- demolition of a wall within the existing plant room to the north of the approved 'New Deck'
- installation of a new wall, running in an east-west direction within the existing plant room, to include an internal sliding door
- installation of a new wall and window glazing on the western side of the existing plant room
- installation of a new wall, window glazing and opening along the southern side of the existing plant room
- installation of a new screen and door to the plant room on the southern side of the extended deck area.

Several Noise complaints have been identified from occupiers of residential premises at 43-45 North Steyne Manly and 9-15 Central Ave Manly. Relevant to this application is the complaints identify the noise generated by patrons from within the Steyne Hotel which can be heard within these residential premises.

Police have been made aware of 19 noise complaints since October 2019 in relation to what the residents describe as unacceptable noise levels. The complainants identified noise from patrons within various locations throughout the hotel including the beer garden and balconies, DJ's and Loud music from the premises identifying the volume and bass.

**Northern Beaches PAC**

Cnr Fisher Road & St David Ave, Dee Why 2099

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Noise monitoring commenced at 43-45 North Steyne Manly in February 2021 on behalf of the applicant, Police note that no acoustic report and data from this period was been supplied with this application.

**Condition Modification - Plan of management:**

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*

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*

The statement by the applicant confirms that the premises has not complied with Condition ANS12 and amended their plan as required. Given the identified discrepancy and noncompliance Police contend that the condition should not be changed in favour of the applicant given identified noise concerns.

**Public Safety Concerns:**

Police have recorded several incidents where patrons from the hotel have thrown items from balconies and on some occasions spat off the balconies. These actions are concerning given the current Covid 19 Pandemic impacting across the globe. The act of spitting promotes a high chance of spreading the Covid 19 virus. Following examples have been recorded on the COPS system:

- 11:27pm on Friday the 19th of February 2021, a male on the level 2 balcony area of the licensed premises, whilst leaning over the balcony, extended his head forwards slightly, spitting saliva over the balcony.
- At 11:25pm on Friday the 19<sup>th</sup> of January 2021 an e-cigarette was thrown from the level 2 balcony landing on the pavement outside the premises.
- Around 11:07pm on Friday the 9th of April 2021 Police heard a loud bag from outside the venue, it was later determined that someone had thrown a cup off the balcony.

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- 10:35pm on 3<sup>rd</sup> of April 2021 Ice was thrown from the balcony towards pedestrians walking below. Children were present at the time.

Police have recorded 17 incidents of violence within the Steyne Hotel since January 2021. Two of these acts of violence involved drinking vessels being used or attempted to be used to assault another patron. This significant number of acts of violence leads Police to be of the opinion that the premises is poorly managed.

### **Conclusion**

It is apparent that noise generated from the Hotel is causing an undue disturbance to neighbouring residents. Given the existing issues surrounding noise generated from the Hotel any modification to the premises which seeks to extend the use of outdoor areas will adversely impact upon the community.

I am not satisfied that the improvements to the hotel will be of greater benefit to the community and recommend that further amendments be made if this modification is to continue.

If you require any further information feel free to contact me on 99768099 or [duke1bra@police.nsw.gov.au](mailto:duke1bra@police.nsw.gov.au)

Thanks

Bradley DUKE  
A/Sergeant  
Northern Beaches PAC  
05/07/2021

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