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Subject: Online Submission

03/05/2021

MS Elizabeth Wallace
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RE: Mod2021/0156 - 75 The Corso MANLY NSW 2095

Objection to Mod 2021/0156
(Applied for by The Hotel Steyne
75 The Corso Manly)

Attention: Ms Rebecca Englund

Dear Ms Englund,

I wish to object to the above modification.

There are two main reasons why Council should refuse this Mod:

1: The application requests that one of the current DA consent conditions pertaining to the closure of the deck and terraces within the Hotel Steyne on the southern side of the venue (now to be called the "roof deck") be amended from a 10.00 pm closure to a 12 midnight closure Monday to Thursday with unstated hours of operation of this deck on Friday to Sunday.

The application also requests new wording of the Plan of Management (PoM):

"The terrace of the hotel facing the south western facade on Francis Lance (sic*) shall not be used after 10.00 pm. On Monday to Thursday the "Roof Deck" as shown on DA2.040 , Revision 1, dated 14/10/2020 of the Hotel facing the southern facade onto the Corso shall not be used after 12 midnight"

(*presumably Francis Lance is intended by the applicant to be Henrietta Lane).

The current relevant DA consent condition ANS 06, (from the February 2017 Mod of DA 91/2011) states that all decks and terraces within the Hotel are to be closed between 10.00 pm and 8.00 am each day to protect the amenity of the neighbouring residences. The application ignores this very important consent condition but it does refer to DA consent condition ANS 12 (discussed below) and requests that it be amended by removing the words "decks and terraces....." and replacing them with "new deck...." (which is now going to be confusingly differentiated from the "roof deck" as mentioned in the PoM).

The applicant's stated rationale behind the requested amendment is to bring about "clarity" with the Hotel's PoM and building changes to the decks.

The new wording of ANS 12 and the PoM is of great concern because they are not consistent with other DA consent conditions. The applicants are replacing or ignoring what are very clear conditions of usage of the decks and terraces with not only an increase of hours on Monday to

Thursday but completely unrestricted usage of the "roof deck" on Friday to Sunday. This is an alteration of conditions of consent by stealth and confusion. The application does not even try address the DA consent condition ANS 06 which directly relates to the decks and terraces usage and has the obvious intent of protecting the amenity of neighbouring residents.

.Council would be very aware that a PoM is a document that has to be drafted to reflect current conditions of consent for a venue and that it controls the day to day operation of a licensed venue. The PoM is to be lodged with Council and it forms part of a venue's liquor licence. Both a liquor licence and PoM are subordinate to any DA conditions and as such must reflect the current DA consent conditions. It is also the document referred to by the Police when they need to address breaches by a venue. The accuracy and consistency of a PoM with the conditions of consent is therefore essential and not at all a matter of choice or convenience for the venue as to what to include or ignore within the document.

Any lack of "clarity" between the current deficient PoM for the Hotel Steyne and their DA conditions arises from the failure of the Hotel Management to update their PoM (which was written in 2013) with their current DA conditions. DA condition ANS 12 from the 16 February 2017 Mod of DA 91/2011 states that the PoM has to be updated to reflect the 10.00 pm closures of the subject decks and terraces. This condition has never been complied with.

The Hotel's current PoM is not only deficient regarding both ANS 06 and ANS 12 mentioned above but it also does not reflect other conditions of consent for the Hotel which were included by Council to protect the amenity of the surrounding residents. One of the main conditions that is ignored by the PoM is ANS 05 from DA 91/2011 that states that the Hotel cannot allow noise from music or patrons to be audible in any habitable room of any neighbouring residence "at any time". This condition protects us from nuisance from the hotel which is surrounded by residents in very close proximity, some only metres away, 24 hours a day, seven days a week.

To consent to this amendment would allow a licensed venue to draft a favourable and deficient PoM and then apply to get DA consent conditions varied to suit their desired operations. This is clearly not the intent and purpose of such a document under the governing legislation.

2: The second reason for refusal is to do with the application itself, which lacks any meaningful detail and accuracy.

The application states that the cost of the works is "\$0" and that they are "cosmetic". It is very difficult to assess from the very confusing plans and reports exactly what is being applied for and therefore we, the affected neighbours, cannot properly assess the impact of the changes. What is the "new deck" and how is it different from the "roof deck" or indeed the current all encompassing "decks and terraces" mentioned in the consent conditions?

The Statement of Environmental Effects attached to the application states repeatedly that the changes (including the changes to the trading hours) will have no impact on the amenity of the neighbouring residents and this demonstrates a complete lack of appreciation as to Hotel's proximity, and impact, on its neighbours. External decks of a busy hotel cannot be left open for two extra hours late at night 4 days a weeks and have unrestricted hours on the remaining days with no loss of amenity to those living in the vicinity. To make such a claim on an application to Council that the changes will have no negative impact is very disappointing and a misrepresentation of the true situation, to say the least.

The building changes that are being being applied for appear to be far from cosmetic. They

involve the removal of doors, the raising of floors, an increase in the whole size of the deck, change of use of a plant room to form part of the deck and the addition of new doors.

The "roof deck" which is the subject of the application is on the second floor of the Hotel and runs along its southern border to The Corso and its western border to Henrietta Lane. Henrietta Lane has over 150 separate residences in very close proximity to the Hotel. The application asks for the part of the deck that borders The Corso to be kept open until midnight and later on Friday to Sunday and that the section that borders Henrietta Lane would continue to be closed at 10.00 pm.

The application is completely silent as to how this division of closure times between the southern Corso side and the western Henrietta Lane section of the deck will occur. Will there be partitions, acoustic attenuation, staff procedures put in place? Presumably, with only "cosmetic" changes being applied for, nothing of the sort is intended by the Hotel to be done to address these issues.

Either way, even if some delineation in closure times does occur, any nuisance from the southern section of the deck will still transfer to the residences that are in close proximity, as it does now from the whole (and currently smaller) deck, even with a 10.00 pm closure.

The application is also silent as to any acoustic attenuation that will have to be done to the larger southern section should it be allowed to remain open after 10.00 pm without causing any loss of amenity as claimed by their Statement of Environmental Effects.

The application is also silent as to the possible uses of the deck after it is increased in size and hours of operation. Given the lack of detail regarding nuisance attenuation this is of real concern to us as immediate neighbours.

The application is very poorly written. The wording of the requested changes to DA consent condition ANS 12 and the PoM is deliberately obscure and confusing which will make compliance enforcement extremely difficult. It shows no appreciation nor recognition of the Hotel's duty to protect the amenity of the neighbourhood and by describing the changes as "cosmetic" it is a cynical attempt to deflect attention away from the negative impact of the modifications being applied for.

Since the Iris Group has taken over The Hotel Steyne, the local residents have suffered a massive increase in nuisance from the Hotel and the management is well aware of this from the huge number of complaints they have received about their operations. This latest Mod, if allowed, will only add to that nuisance. The Hotel has consent conditions which they need to comply with. These conditions may be inconvenient for the new owners but they bought the Hotel with the conditions of consent in place. Any arguments to justify changes to their conditions that will affect the amenity and lives of their neighbours are just self serving.

I ask the Council not allow a diminishment of the consent conditions to suit operators who are so blatantly ignoring their duty to comply with those conditions currently pertaining to them. I request that Council refuse this Mod,

Yours sincerely,

Elizabeth Wallace.
11/43-45 North Steyne
Manly

