
From: Stephen Jones
Sent: 13/02/2024 8:20:00 AM
To: DA Submission Mailbox
Subject: TRIMMED: RE: Submission Acknowledgment
Attachments: The Joey Flyer 11 Feb 2024.pdf; The Boathouse Mod20230684.pdf;

Please find attached further documentation to support my Objection

Regards
Stephen Jones

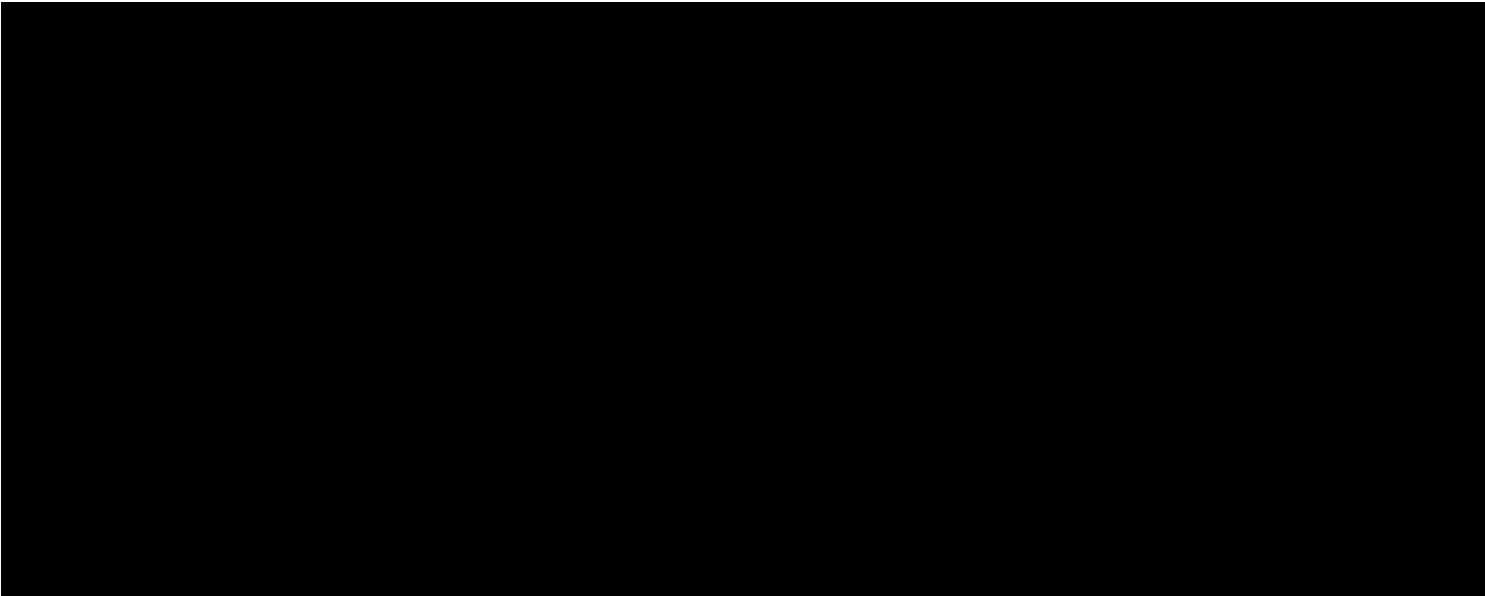
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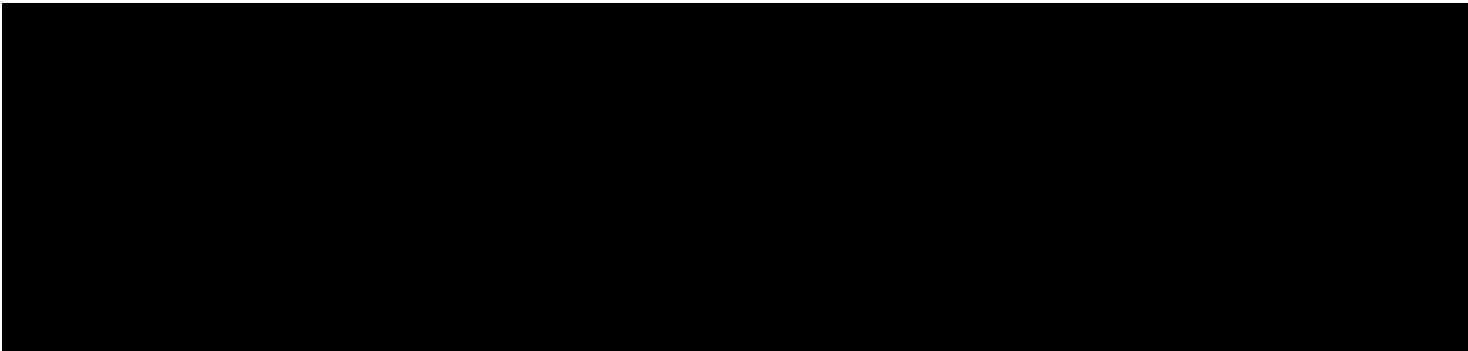


I Object to the proposed Modification of an almost doubling of the operating hours for this venue at this will cause unreasonable adverse effects to the neighbours due to a signifant increase in the duration of loud music and particularly the deep bass beat effects that reverberates from the venue and can be heard from inside our house. This loud music and deep bass beat significantky effects our amenity and weel being.

This proposed almost doubling of operating hours until 11pm , 7 days a week significantly changes the opeartions from a cafe/function room into a late night BAR.

This extension of operating hours should be refused by Council

Please refer to attached documentation in further suport of this objection



• THE JOEY •

Dear friends,

Please join us for a sunset drink
to celebrate the upcoming opening
of "The Joey Dining Room & Bar" From 5pm - 8pm
this Sunday February 11th.

We hope to see you there!

P A L M B E A C H

Attn : Adam Croft
Principal Planner
Development Assessment
Northern Beaches Council
Village Park
1 Park Street
Mona Vale NSW 2103

**OBJECTION TO Mod2023/0684
THE BOATHOUSE PALM BEACH
1191 Barrenjoey Rd Palm Beach**

I live at 3 Waratah Road Palm Beach with my family.
We have lived at 3 Waratah Road Palm Beach for over 22 years
I object to the Mod2023/0684 on several grounds as detailed below.
I provide the following points for consideration by the Northern Beaches Council (NBC) when assessing the application.

SUMMARY

I object to this Modification application on the grounds that the proposed increase in operating hours for the premise would substantially increase the time frame that the neighbours would have to be subject to the noise from the venue, which would result in a significant adverse impacts on the neighbours.
An almost doubling of operating hours from 9 hours per day (7 am to 4 pm) to 16 hours per day (7 am to 11pm) will only result in increase in the noise and disturbance effects on the neighbours
This increase in operating hours nearly doubles the allowed operating hours and is totally unreasonable.

HISTORY

When the previous operators opened The Boathouse , back in 2009, there was a steady increase in the number and intensity of and events held at the venue on Friday and Saturday and Sunday nights.
This resulted in a significant increase in the level of noise emitted from the venue during these times to a level that was regularly way too loud and unacceptable to the residences nearby.
On these occasions were able to hear the noise coming from the venue inside our bedroom inside our house.
Particularly the deep Bass beat from music which reverberates over a long distance.
This was not acceptable and resulted in sleep issues and associated stress for the members of my family.
Our health and well being suffered from this excessive noise until late at night.
We contacted the venue on many occasions, complaining about the level of noise and the bass beat and asking them to turn the
On most occasions the previous operators were understanding to some degree.
But the point is that we should not have had to call or complain in the first place.
The noise was a problem due to the hours of operation, high level, Deep Bass beat, speaker orientation and speaker placement.
The noise radiating from this venue was intensified when there was a north east wind, and the noise just radiates down the beach
The deep Bass noise from external speakers is a major concern as this deep bass noise radiates a long way and was heard inside our

PROPOSAL

The Proposal to Extend the operating hours to 7 am to 11pm every day of the week will only increase the adverse effects of noise
Extending the operating hours nearly doubles the operating hours of the venue and is totally unacceptable to the neighbours
The Modification should therefore be rejected due to the potential increase in adverse effects of the extended hours and noise

Environmental Health Referral Response - Industrial use

The Council officer states in this report that
"The nearest residential receiver is over 500m to the south of the property"
This is irrelevant as noise, particularly the deep bass noise radiates a lot further than 500m.
We as neighbours have experienced this noise from the previous operators.

With all due respect the Council officer probably does not live close to this venue and has NOT experienced the noise.

The Council officer also states in this report that

Noise control recommendations have been provided within the acoustic report which will be applied in conditions.

This is fine if the noise controls are adhered to. And who is responsible for monitoring the noise levels ?

In my experience with Noise and Disturbance complaints against Cranky Fins, Palm Beach Golf Club and CASA, it is up to the residents to arrange professional acoustic experts to take noise readings and produce costly reports. This process takes time, while the venue causes noise and disturbance issues to the residents.

In the interests of supporting the residents of Palm Beach, who are rate payers, rather than commercial operators I strongly believe Council should not allow an extension of the operating hours to avoid any potential increase in noise effects and objections from

Environmental Health and protection Referral Response - commercial use

Council's Environmental Health and Protection officers are required to consider the likely impacts of the modification application. The response given by the Council officer in this report has NO reference to the potential adverse noise effects on the neighbours proposed increase in operating hours.

I would have thought that this issue should have been the primary concern of the Council officer.

If this Council department is responsible for Environmental Health and Protection, does this extend to the Health and protection of the area from the adverse effects of extended trading hours to their peace and amenity?

The Dunes and other commercial venues operating hours

Reference to the operating hours for The Dunes is no justification for extended operating hours for The Boathouse.

In fact it should be the exact opposite

Palm Beach already has an over supply of commercial venues all operating to late hours during all days of the week and all creating an unacceptable level of noise for the residents and associated environmental effects from serving alcohol late into

- Palm Beach Golf Club
- The Dunes
- CASA

Extending the operating hours for the Boathouse to 11pm every day of the week will just amplify these adverse effects from these

Live Music

Live Music is currently approved during the months of October to March (Daylight savings months) during the current operating hours.

An extension of the operating hours will result in an almost doubling of the hours that Live music will be played.

This will certainly significantly increase the adverse effects that loud music and the bass beat will have on the amenity of the area.

Opening Event on Sunday 11 February 2024 trading outside approved operating hours.

Please refer to the attached flyer advertising an opening event on Sunday 11 February 2024.

The venue currently has approval to operate from 7 am to 4 pm on Sundays, yet today, Sunday 11 February, the venue opened and traded until 11pm. This is well in excess of the approved hours.

What's more is that the noise from patrons at the venue plus the noise from the music being played could be heard in my front yard and the music could be heard from inside my house.

This is not a good way to start.

This is not acceptable and totally unreasonable for the neighbours to have to put up with

lodging complaints with the authorities is a long, costly and time consuming exercise for the neighbours, and we shouldn't have to do this. The venue should just not be allowed to operate past 4 pm and definitely not until 11 pm 7 days a week.

The proposed extended operating hours should just not be approved by Council.

STATEMENT OF ENVIRONMENTAL EFFECTS (SEE) by Lance Doyle dated 11 December 2023

It is clear from reading the SEE that Lance Doyle does not live in Palm Beach and has not had the experience of the adverse effects from noise from previous operators at this site operating late into night and causing sleep issues etc

On page 3 of the SEE Lance Doyle states

"It is my professional view that the proposed modifications should be assessed as "modifications involving minimal environmental

as the proposal is accompanied by an acoustic assessment of the potential impacts of the modification which states that the level of noise emission from The Boathouse during the proposed operating hours comply with the **acceptable** noise limits at all I disagree with this view

There will be **significant** environmental impacts from this modification due to the increased hours (nearly double the currently

On page 4 of the SEE Lance Doyle states

"due to the fact that there will be no unreasonable adverse impacts on adjoining properties or the public domain."

This statement is not a fact ! It is an opinion

I disagree with this opinion

In my opinion "there will be significant unreasonable adverse impacts on adjoining properties or the public domain."

On page 4 of the SEE Lance Doyle refers to the administrative noise controls to be adopted by management.

These administrative controls are conducted by the operators and are very hard to police by the neighbours or by the authorities.

It would be far better for all affected parties to just not extend the operating hours in the first place.

On page 5 of the SEE Lance Doyle RESPONSE states that The minor nature of the requested modifications will be of minimal

I disagree with this statement and state that The major nature of the requested modifications (a almost doubling of operating significant impact.

On page 6 of the SEE Lance Doyle states

... will result in no noise disturbance to any nearby residential receptors identified with the subject report.

This will just Not be the case.

An almost doubling of the operating hours from 9 hours per day to 16 hours per night, with all of these additional hours being in the

will definitely result in significant noise disturbance to all nearby residences particularly from 4 pm to 11 pm.

On page 6 of the SEE Lance Doyle states

... the development to which the consent as as modified realtes is substantially the same development as the development for which was originally granted

This is NOT substantially the same development.

An almost doubling of operating hours with the extended hours being in the night time will change the operations of this venue.

Being allowed to extend operating hours from 4 pm until 11 pm 7 days per week will allow the operators to intensify the operations

This will bring further disturbance to this area as alcohol only results in further environmental impacts and noise disturbance.

Refer to the attached flyer stating the venue as a BAR.

As this Modification is substantially a new development then a new DA must be prepared, with the associated SEE , neighbour

On page 9 of the SEE Lance Doyle states

I consider that there will be no unreasonable amenity impacts from the proposed modifications

I disagree with this statement

An almost doubling of the operating hours from 9 hours per day to 16 hours per night, with all of the additional hours being in the

will definitely result in significant impacts on the environment and particularly noise disturbance to all nearby residences, which is

On page 10 of the SEE Lance Doyle states

The proposed modifications are, by any measure, minor ...

Again, I wholeheartedly disagree with this statement

The proposed modifications are, by any measure, major and significant modifications as detailed above.

Acoustic Report by Day design Pty Ltd

The Acoustic report appears to not have considered the noise travelling from the outside deck of the venue, over the water at Station beach, Pittwater and directly to the residences in Waratah Road particularly when there is a north east wind blowing.

I disagree with the conclusion the the extended operating hours will result in acceptable noise levels for the neighbours.

Experience with previous operators has proven otherwise.

The Acoustic report appears to have failed to take any noise readings at 1, 1A, 2 or 3 Waratah rd and instead relied on taking 3 Beach Rd is protected from the noise radiating from The Boathouse as it is hidden by the trees on the Palm Beach Golf course. Beach Rd of Waratah Road.

This report should be re prepared with emphasis and readings done on the properties at 1,1A, 2 and 3 Waratah Rd

Liquor Licence

only be served with a meal
liquor to be served
during functions and events.

The proposed extended operating hours will clearly give the operators the ability to serve alcohol from 7 am to 11 pm the neighbourhood.

Please refer to the attached flyer which clearly advertises the venue as a BAR.
This is totally unacceptable and needs to be stopped before it starts.

CONCLUSION

**The application for an almost doubling of the operating hours will result in significant adverse effects to the neighbours of the venue which was once a quiet daytime café will very quickly turn into an all day and late night BAR with all of the adverse effects. This proposal is totally unacceptable.
I request that Council reject this application in its entirety**

Thank You in advance for your consideration of my objection.

Mr Stephen Jones
3 Waratah Road
Palm Beach NSW 2108
12/02/2024