

Memo

Department

To: Northern Beaches Local Planning Panel (NBLPP) – 1 June 2022 Meeting

Cc: Peter Robinson – Executive Manager Development Assessments

From: Alex Keller – Principal Planner

Date: 30 May 2022

Subject: DA2021/2065 Market Lane – Small Bar – Use of part road reserve and part Lot 2849 for food and drink premises.

Record Number: 2022/321718

Background

Council has received an additional submission from A Grant (21 Sydney Road) regarding concerns with the subject development application (DA) to be considered by the NBLPP on 1 June 2022. These concerns are re-iterated from previous submissions received following notification of the DA. In summary, they relate to preparation of an acoustic report, music times and toilet access.

Consideration

The submission dated 25 May 2022 is addressed to the NBLPP. To assist the Panel the following information is provided:

1. An Acoustic assessment was undertaken by a qualified Acoustic Engineering consultant from *WSP Australia Pty Ltd*. The report was prepared in response to the applicant having reviewed public submissions and a request by Council for an acoustic noise assessment to be submitted (as detailed under heading “Internal Referrals” of the development assessment report). The acoustic report and methodology was considered by Council’s Environmental Health Team and conditions provided to address noise management / acoustic concerns.
2. Music (live or recorded) is part of the future development operation, however it is noted that this has raised concerns associated with the current ‘pop-up’ bar arrangements. In addressing this issue for the “small bar” DA, the applicant proposes the times outlined under the heading “Proposed Development in Detail” within the assessment report. In consideration of this issue, more restrictive times are proposed as detailed within ‘Condition No.10’ as recommended. In addition to this, the recommended Condition’s No.1, No.22, No.23, No.24, and No.30 also address this issue to ensure appropriate music noise control with regard to normal business hours and at other times.
3. Toilet access (for staff or patrons) is to be managed by staff at the small bar using a “loan swipe card” for the Library toilets adjacent the site. The operator is

also required to undertake routine checks of these toilets for appropriate hygiene / "in service" checks, as detailed in the *Plan of Management*. Other public toilet facilities near the site include Whistler Street carpark and those further away at the beachfront or adjacent Manly Civic Centre. The recommended Conditions No.1, No.12 and No.23 address this issue to ensure suitable available toilet facilities.

Conclusion

The matters raised regarding Acoustic assessment, management of live or recorded music and toilet access have been considered in detail as part of the development application.

Recommendation

That the conditions recommended within the DA assessment report be included to ensure appropriate management of music noise for the small bar and access to toilet facilities during hours of operation for the DA.