

15 October 2019

The Hon. Rob Stokes MP
Minister for Planning and Public Spaces
GPO Box 5341
Sydney NSW 2001

Dear Minister

DA 52-3-05 MOD 4 Doltone House

This proposal seeks to extend hours of operation, extend delivery hours and locations, amend noise controls and provide a Plan of Management.

History of Non-Compliance

This proposal follows many years of failure to comply with consent conditions, causing neighbourhood nuisance, particularly noise impacts on large numbers of adjacent residents, with traffic congestion and anti-social behaviour. The operator has failed to develop an approved Noise Management Plan since the original consent was provided in 2005, and has been subject to numerous cautions and fines.

I have been raising adjacent community concerns about noise and anti-social behaviour impacts since I was first elected, and remain concerned that residents continue to contact me about amenity impacts and breaches of consent conditions. Numerous residents have contacted me about this modification, concerned that approval of the proposed conditions will reward consistent breaches of existing controls and entrench expanded neighbourhood impacts by removing or weakening current conditions.

Consent conditions for this modification must protect local residential amenity and prevent future conflict between residential and commercial uses.

Plan of Management

Under this proposal, numerous existing controls have been relegated from conditions of consent to the proposed Plan of Management. I am concerned that this dilutes their importance, removes information about the measures from public access and risks amendments to operations without residents being informed or able to comment on impacts.

Residents are very concerned that there are strong protections against breaches of consent conditions, and believe that moving many of the existing conditions to a Plan of Management will weaken amenity protections and make enforcement action more difficult.

The development consent must ensure that any future changes to the Plan of Management are notified to the community, with objective assessment of impacts.

Noise Assessment

There is no assessment of noise and amenity impacts in the Statement of Support for the modification, which claims that the proposal is simply 'administrative'. As the original consent dates from 2005 and there have been significant changes to the venue operations and land use since then, this should be carried out.



The Statement of Support allocates one sentence to an assessment of surrounding land use, which emphasises 'business use'. There is no assessment or acknowledgement of the significant number of apartment buildings impacted by activities at this location.

The Statement implies that other business operations on Jones Bay Wharf create noise impacts at night that may be confused with Doltone House impacts; however residents inform me that these businesses only operate during business hours.

An independent Acoustic Assessment should be carried out before this modification can be properly assessed.

Patron Limits

I have repeatedly heard from adjacent residents that the 580 patron limit at this venue is regularly exceeded. Residents report that the venue website claims 1,000 patrons can be accommodated. They understand that the Soho facility does not have development consent for function use but is approved for back of house operations.

The modification process provides vital opportunity to assess compliance with patron limits and use of space and impose new conditions or enforcement regimes to protect amenity and prevent breaches.

Hours of operation

The modification proposes that delivery and pick-up times be aligned with the venue operating hours. Adjacent residents are concerned that this allows flexibility for late night and early morning noise and amenity impacts, given bump in can only be carried out before events occur and bump out can only be carried out after events have finished. Residents are concerned that the proposal will result in vehicles and associated noise and traffic after midnight Sundays and Mondays to Thursdays and after 1am Friday and Saturday nights.

Adjacent residents who have contacted me say that strong controls are required to protect adjacent residents from extremely noisy motor vehicle events, amplified music and outdoor amplified music and fireworks, especially at night when background noise levels are lower.

Consent conditions must specify the times that noisy deliveries and pick-ups can be carried out that balance the venue's needs with the adjacent community's right to quiet enjoyment of their homes.

Traffic and Transport

Adjacent residents report ongoing concerns with delivery and patron vehicle traffic causing traffic congestion and noise impacts, particularly late at night or in the early morning when the limited access roads are blocked with vehicles including taxis, Ubers and private vehicles. As stated earlier, this is an old consent, and there is no recent assessment of traffic and transport conditions or impacts.

Adjacent residents are concerned that transit options are needed to help move large number of patrons from Doltone House to public transport hubs including light rail, rail, ferry wharves and buses. I am concerned that the requirement for a shuttle bus not be removed.

An updated traffic and transport assessment is required for Doltone House current operations, and should be assessed as part of this modification proposal. Better arrangements for transporting large numbers of patrons are required.

Deliveries and Pick-ups

Residents understand that current consent conditions do not allow deliveries and pick-ups from the upper deck and Mill Street, which they believe was imposed to prevent impacts on the large number of residents in narrow and congested Bayview Street. The modification proposes a significant number of loading bays on the upper level.

Residents tell me that the operator consistently breaches these conditions, with unauthorised use of the upper deck for some years, and they are concerned that the modification would authorise these breaches and cause residential amenity impacts. They are particularly concerned about the impacts of medium and heavy rigid vehicles using this access, and about late night and early morning noise impacts.

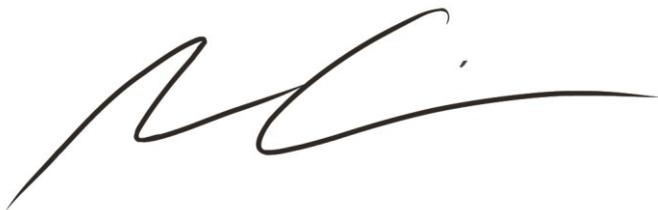
I share residents' concern that should be a proper traffic and noise assessment of impacts before any approval.

Adjacent residents report that Doltone suppliers and event managers regularly use nearby streets for loading, unloading and preparation of event equipment and supplies, often late at night or early in the morning. A number of residents who have contacted me request that Doltone House only use Pirrama Road for access, deliveries and pick-ups given this route impacts on far fewer residents.

Consent conditions should require Doltone House to load and unload supplies and prepare equipment on site and use Pirrama Road for deliveries and pick-ups.

Doltone House Jones Bay Wharf has development consent as a function centre, but it must be a good neighbour and protect local residential amenity. These concerns must addressed through proper controls and enforcement of consent conditions.

Yours sincerely



Alex Greenwich
Member for Sydney
Copy: Department of Planning