

TO: Ordinary Meeting - 12 May 2014
REPORT: Notice of Motion Report No. 20
SUBJECT: Noise mitigation measure for Manly Cove
FILE NO: MC/14/51291

Councillor Cathy Griffin will move:

1. Manly Council request:
 - a. TMG and RMS fund a consultant's report to determine the extent of the problem regarding noise impact on residents around Manly Cove and recommend noise mitigation strategies for the existing premises on Manly Wharf, for any future developments on the wharf, as well as the operations of the public ferries/jet cats.
 - b. RMS to develop a masterplan for the Manly Wharf precinct that will include a capacity study for the entire wharf.
2. Manly Council write to the local State MP, Mike Baird seeking support for the above actions.

Background

For over a decade there have been complaints from Manly Cove residents regarding noise from various venues around Manly Cove. The natural amphitheater that is Manly Cove exacerbates the problem as the sound from the wharf, ferries and other activities on the foreshore is rebounded off the water to the densely packed apartments around the cove. This problem has flared to an unprecedented level in recent months with one venue being the subject of written complaints by 38 residents from 30 different households around Manly Cove.

The overwhelmingly problem is a bass noise from licensed premises heard in residents' homes. This bass noise, which also creates a vibrating effect, can travel into residents' living rooms and bedrooms. The science of acoustics shows how sound waves travelling over water can bend in ways that may give the impression there is silence on the ground 50 meters from a noise source but can be clearly be heard 200 meters away from the same noise source.

<https://www.youtube.com/watch?v=z7RbHBK58h8>
<http://www.acs.psu.edu/drussell/Demos/refract/refract.html>
<http://hyperphysics.phy-astr.gsu.edu/hbase/sound/refrac.html#c2>

The bass beat can come and go depending on the volume, wind direction, the song being played etc. Hearing any bass within homes severely impacts on residential amenity and can have serious health and psychological impacts.

http://en.wikipedia.org/wiki/Health_effects_from_noise#Stress
Residents have made it clear they respect the licensed venues right to play music. But residents insist that the noise level, especially the bass sound, must be at a level that is not offensive within their homes.

In addition, residents have noted the arrival at the wharf of the new fast ferries that are more powerful and noisier than ever before. The fast ferry sits at the wharf adjacent to the Manly Wharf Hotel idling sometimes for 20 minutes from 6am, waking people up.

Manly Cove is a special case:

- 1) The geography of the area provides a natural amphitheater surrounding a body of water that causes bass noise to echo, bounce and bend into people's homes.

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- 2) The wharf itself has evolved into a highly concentrated area of activity with licensed venues that jut out into a cove which is bordered by a high concentration of residential properties.
- 3) TMG developments has won a L&E court case that has approved another level of licensed venues on the roof of the existing licensed venues. This will further intensify and exacerbate the situation. Council needs to take preventative action to ensure that any development on top of the existing licensed premises should have noise mitigation principles integrated into the design.
- 4) The special amphitheater qualities of Manly Cove and the fact that it is surrounded by a highly dense residential zone, provides for an argument that the noise restrictions/conditions for the licensed and other premises as well as other activities should be increased beyond the normal requirements.

RECOMMENDATION

That the Notice of Motion be submitted for consideration.

ATTACHMENTS

There are no attachments for this report.

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***** End of Notice of Motion Report No. 20 *****

65/14 RESOLVED: (Burns / Aird)

That:

Council refer the following item to the next Public Domains Advisory Committee meeting for comment and consideration in relation to auspicing the following when the landscape plan is approved.

1. The formation of a volunteer group to work on the landscaping of the Little Manly Park to Council's approved landscaping plan (when this is completed); and
2. Placement of advertisements in the local press seeking interested volunteers;

Note; The group is to be incorporated in association (insured) with its own committee of management, auspiced and supported by Council in a similar fashion to Council's bush care volunteers or Community Precinct Forums.

Councillor Aird left the Chamber having previously expressed a conflict of interest in the following item.

Notice of Motion Report No. 20

Noise mitigation measure for Manly Cove (MC/14/51291)

The following person addressed the meeting on this item:

In support Roger James

Councillor C Griffin moved that:

MOTION (C Griffin/ Heasman)

1. That Manly Council request:
 - a. TMG and RMS to fund a consultant's report to determine the extent of the problem regarding noise impact on residents around Manly Cove and recommend noise mitigation strategies for the existing premises on Manly Wharf, for any future developments on the wharf, as well as the operations of the public ferries/jet cats.
 - b. RMS to develop a masterplan for the Manly Wharf precinct that will include a capacity study for the entire wharf; and
2. Council investigate the installation and use of a noise analyser to monitor noise activities at Manly Cove, Eastern Hill at a time that is appropriate, taking into account activity, climatic and atmospheric conditions;
3. Council write to the local State MP, Mike Baird seeking support for the above actions;
4. The General Manager take whatever immediate steps are possible to ensure noise (especially bass sound) from any licensed premises on Manly Wharf is not at a level that can be heard in any residents homes and therefore in breach of condition of consent or other statutory limits.

5. Council consider an amendment to the LEP to assist with the issues raised; and
6. Council be provided with an update on this matter within 3 months.

For the Resolution: Councillors Burns, Heasman, Bingham, Pickering, Le Surf,
J Griffin, C Griffin and Hay AM

Against the Resolution: Nil.

Councillor Aird was not in the Chamber when the voting took place.

66/14 RESOLVED: (C Griffin / Heasman)

1. That Manly Council request:
 - a. TMG and RMS to fund a consultant's report to determine the extent of the problem regarding noise impact on residents around Manly Cove and recommend noise mitigation strategies for the existing premises on Manly Wharf, for any future developments on the wharf, as well as the operations of the public ferries/jet cats.
 - b. RMS to develop a masterplan for the Manly Wharf precinct that will include a capacity study for the entire wharf; and
2. Council investigate the installation and use of a noise analyser to monitor noise activities at Manly Cove, Eastern Hill at a time that is appropriate, taking into account activity, climatic and atmospheric conditions;
3. Council write to the local State MP, Mike Baird seeking support for the above actions;
4. The General Manager take whatever immediate steps are possible to ensure noise (especially bass sound) from any licensed premises on Manly Wharf is not at a level that can be heard in any residents homes and therefore in breach of condition of consent or other statutory limits.
5. Council consider an amendment to the LEP to assist with the issues raised; and
6. Council be provided with an update on this matter within 3 months.

RESUMPTION OF STANDING ORDERS

MOTION (Heasman / Le Surf)

That Standing Orders be resumed.

For the Resolution: Councillors Burns, Heasman, Bingham, Pickering, Le Surf, J Griffin,
C Griffin and Hay AM

Against the Resolution: Nil.

Councillor Aird was not in the Chamber when the voting took place.

67/14 RESOLVED: (Heasman / Le Surf)

That Standing Orders be resumed.

Councillor Aird returned to the Chamber