

## Harbord Hotel DA2021/1620

### Presentation to Panel - 15 Dec 2021

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#### OVERVIEW:

- DEFICIENT FLAWED ASSESSMENT **820 Patrons?** appears an irrelevant number (Not aware that has been reached) (Current impacts are for lesser no.)
- LACK OF PRIOR IMPACT ASSESSMENT FOR 820 Patrons - I am not aware of any previous DA assessing impacts and stating they relate to 820 Patrons
- IMPACTS – Current DA relates to about 549, counted on busier night, and Future (870) patron numbers (increase of 58%) – Impacts are for Zone R2
- AMAZING – That the DA contemplates an elevated external area within 30m and above residential homes – How can this be allowed?
- INTENSIFICATION – Substantial increase in floor space and number of Patrons – And also an elevated outdoor area operated into late night?
- NO ASSESSMENT OF LATE NIGHT DISCHARGE – Yet a consequential impact – Huge Increase in impacts – Council dismisses based on flawed reasoning.
- SCENARIO – Discharge of 870 Patrons at midnight (Over half hour it means 30 patrons/minute – impossible to disperse without increased impact)
- DISCHARGE from single main access, on to footpaths <20m from homes, and late at night (Very Disturbing – Not consistent with Zone R2 Amenity)
- OUTCOME - hundreds of patrons congregating outside residences at late night before and after midnight (Unacceptable for Zone R2)
- INABILITY to MANAGE DISCHARGE - Hotel is not able to manage discharge of hundreds late at night without significant disturbance in this Zone R2
- Hotel has limited power to control the discharge impact – Hence don't mention it in DA, yet it's a relevant impact and consequential result of increased numbers. The determination needs to address **WLEP Clause 1.2 Aims**, and **NOT** result in "an adverse effect on the amenity of residential properties".
- The PANEL MUST reject the inadequate EIA and Flawed Council Assessment – The Proposal significantly increases Disturbance for Zone R2.
- Neither the DA/SEE or Council's Assessment Report explain the full impacts or, how they would be managed. **STRICT CONTROLS WOULD BE NEEDED**
- **HARBORD HOTEL IS THE MOST INAPPROPRIATE LICENSED FACILITY WITHIN NBC FOR A PROPOSAL OF THIS FORM & INTENSIFICATION**
- **HARBORD HOTEL IS LOCATED WITHIN A CLOSE RESIDENTIAL ZONE (ALL SIDES) – LEAST SUITED NB SITE FOR THE PROPOSED DEVELOPMENT**

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## Reviewing Patron Numbers and basis for impacts

- Existing operations are disturbing, without intensification – Sleep disturbance common
- **Most disturbance is at night and through to 12:40am (Inconsistent for Zone R2)**
- Large number of neighbour objections show disturbance of residential amenity
  - Hotel draws too many people to a tight residential area with late night consequences.
- DA has total patron numbers increasing by only 50 (820 to 870). Neighbours expect current max is approx. 500-600. **820 is not substantiated** (stated as capacity?)
  - Neighbours are **NOT** aware of any times when 820 at Hotel – except perhaps Anzac day when large crowd assembles in rear carpark? The facility with 820, would be like a Mosh Pit.
- Traffic and Parking assessment (Table 3) shows a COUNT of patrons, described as "*a busier evening*" **Count 549 – Real DATA (NOT 820) far from it. Hotel plaque is in 300's**
- Proponent max proposed cap number is 870 (Glenn Piper did indicate 900 (+80) in Greenwash)
  - **AN INCREASE OF 321 (over 549) DA is associated with 58% increase in Patron numbers**
- Council "Assessment" accepted Proponent Statement of "820" and therefore states 870 is only 6% increase – Council further uses that to dismiss concerns re Intensification, Noise Impact and Disturbance –Appears **INVALID conclusions from flawed SEE and Council Assessment? PANEL must not rely on the misinformation.**

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## Summary of Intensification

I have direct experience of impacts, but my review analysed the data gleaned from the DA documents, as follows:

- Increase in GROSS FLOOR AREA is **approx. 74% increase (Equivalent to doubling current Upper Ground Floor Area)**,
- Increase in Max number of PATRONS. **Approx. 321 or, 58% - Substantial increase (More noise, disturbance and discharge)**
- Council figure of 6% appears to be an error – The number is used by Council to dismiss key neighbour concerns
- Increase in Floor Space and Patron numbers both indicate significant intensification of an already high impact activity
- Council's Assessment Report fails and needs reconsideration of increased scale of impacts and required controls
- Panel cannot ignore the misrepresentation in DA and should NOT approve the proposal based on incorrect data

The Application does not warrant approval – it appears based on misrepresentation and consequent inaccurate assessment

While WLEP permits pub use (on basis of existing Pub) I doubt that contemplated intensification to the extent proposed. EP&A regulation 2000, Part 5 *Existing Uses*, regulates existing uses under Section 4.67(1) of the Act. Under Clause 41(2), *an existing use must not be changed under subclause ((1)(e) (if it is a commercial use where change is to an otherwise prohibited commercial use) unless that change:*

- Involves only alterations or additions that **are minor in nature**, and*
- Does **not involve an increase of more than 10% in the floor space of the premises associated with the existing use**, and*
- Does **not involve the rebuilding of the premises associated with the existing use**, and*
- Does **not involve a significant intensification of that use**.*

**I believe the Panel still needs to consider the Intensification and lack of impact assessment and reject the DA.**

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## What do increased impacts mean for amenity & DA

- The increase in Patron numbers is NOT 50, more like 321 and 58%. Hence increase in noise and disturbance can't just be dismissed
- Impacts now are disturbing to neighbours and inconsistent for residential amenity (Patron Count indicates 549 – its already disturbing)
- Increased patron numbers are highly likely to increase impacts – particularly discharge impacts that will be unacceptable for Zone R2
- There has been no detail review by DA of discharge impacts and, management measures are grossly inadequate for the 58% increase

**The Proponent needs to explain how it will manage 870 patrons dispersing at midnight (nothing in the DA prevents that)**

- **How will the large increase in patron numbers be handled? How will high discharge rates (29 patrons/minute) late at night be controlled?**
- **Where will hundreds of people exit to? Is that too close to residences for the scale of the impact? Do narrow footpaths allow that?**
- **The single MAIN exit leads to a narrow footpath outside venue and < 20m from residential homes – A single small bus is inadequate.**

**The Council Report must reassess the real nature of the impacts based on actual data – Must better address neighbour's experience**

Council needs to consider maximum numbers, rate of discharge, nature of setting where patrons discharge, Time of discharge and the typical behaviour of intoxicated patrons with tendency to yell and shout. The Assessment Report needs to show greater diligence.

Example Scenarios to be assessed are shown below:

- Exodus rate around midnight of 870 people over say half hour is **29 patrons per minute** – This is extraordinarily **INAPPROPRIATE** for Zone R2 and could result in hundreds of patrons congregating on footpaths late at night and overflowing on roads, as happens now even without the significant increase of the proposal – A proposal of this scale would need **much stricter control than current**.
- A single shuttle bus can't cope with those numbers (would 20 be needed?). Also, many Taxis would be needed. The volume of vehicles, people boarding and associated yelling and shouting will cause unacceptable disturbance for Zone R2 (degraded amenity).

The proposal has not adequately considered actual impacts and, is gross intensification and, is wholly inappropriate. Council has not recognised the Actual impacts, The Assessment Report is flawed – It uses non-representative (data fabricated by the proponent).

**PANEL must reject the DA.** The Proponent will need to consider whether it can amend its proposal to define impacts and proper mitigation.

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