

WARRINGAH DEVELOPMENT ASSESSMENT PANEL MINUTES**Independent Public Hearing on Category 3 Application**

4.3	20-22 Melwood Avenue, Forestville (Forestville RSL Club) – Internal Alterations to the Existing Club, Extension of the Outdoor Smoker’s Terraces and Minor Changes to the Bowling Green
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Panel Members

Mary-Lynne Taylor	Chair (Environmental Law)
Steve Kennedy	Urban Design Expert
Marcus Sainsbury	Environmental Expert
Alan Linnell	Community Representative

DA 2009/0941**Application Details**

Internal alterations to the existing club, and extension of outdoor smoker’s terraces and minor changes to bowling green.

Site Description

Lot 31 DP 366454 & Lot 2589 DP 752038, No. 20-22 Melwood Avenue Forestville (“Forestville RSL Club”).

Independent Public Hearing

This report is of an independent public hearing that has been convened pursuant to cl 15 of WLEP because this application is for Category 3 development. The application was advertised as such and there were two (2) objections.

The Chairperson informed the hearing that applications for Category 3 development entail additional requirements. In particular, the Panel can only recommend that consent be granted if it is satisfied that the proposed development is consistent with the desired future character of the locality as described in the C1 Middle Harbour Suburbs Locality Statement [WLEP2000 cl 12(3)(b)]. Further, the Panel must consider the Statement of Environmental Effects, prepared by the applicant, that addresses the items listed in Schedule 15 [WLEP2000 cl 15(1)].

Site Visit

An inspection of the site was undertaken by the Panel and staff members prior to the Public Hearing. A copy of all the objection letters was provided to the Panel who considered the objections on the site visit.

Desired Future Character

For this application being a Category 3 item to be satisfactory, the application has to be consistent with the desired future character of the C1 Middle Harbour Suburbs Locality.

The Middle Harbour Suburbs locality will remain characterised by detached-style housing in landscaped settings interspersed by a range of complementary and compatible uses. The land adjacent to Middle Harbour and occupied by the Mosman Rowing Club will be retained

for low-scale recreational use sympathetic to its natural setting. The land occupied by the Killarney Heights Tennis Centre at Lot 841 DP 210006 and land occupied by the Killarney Heights Swim Centre at Lot 854 DP 21006 on Tralee Avenue and the land occupied by Belrose Bowling Club at Lot 2 DP 851739 on Forest Way, will continue to be used only as recreation facilities.

The south-west section of the Killarney Heights High School grounds contains bushland and rock outcrops: this area may be developed for housing. Development in this section will recognise the bushland outlook, views and privacy enjoyed from residences adjoining the northern and western boundaries of the site and ensure development reasonably maintains these qualities. The retention of existing landscaping is encouraged, where practical.

Future development will maintain the visual pattern and predominant scale of existing detached style housing in the locality. The streets will be characterised by landscaped front gardens and consistent front building setbacks. Unless exemptions are made to the housing density standard in this locality statement, any subdivision of land is to be consistent with the predominant pattern, size and configuration of existing allotments in the locality.

The relationship of the locality to the surrounding bushland will be reinforced by protecting and enhancing the spread of indigenous tree canopy and preserving the natural landscape, including rock outcrops, remnant bushland and natural watercourses. The use of materials that blend with the colours and textures of the natural landscape will be encouraged.

Development on hillsides or in the vicinity of ridgetops must integrate with the natural landscape and topography. Development on land which adjoins Middle Harbour shall have regard to the principles contained in Schedule 14.

The locality will continue to be served by the existing local retail centres in the areas shown on the map. Future development in these centres will be in accordance with the general principles of development control listed in clause 39.

Future development of the environmentally sensitive land shown cross-hatched on the map will be limited to one dwelling per allotment. Such dwelling will be constructed having regard to the constraints, potential instability, visual sensitivity and impact on the water quality of Middle Harbour.

Proceedings in Brief

The public hearing was held and there were at least eleven (11) objectors from properties immediately adjacent to the residential development, and letters were written by those members of the Strata Plan development immediately adjacent, who were unable to attend. The Panel was also addressed by the Club General Manager, Acoustic Engineer and Project Manager. During the discussion and after hearing the objections of the residents, the Club offered a number of additional conditions that they would be prepared to accept as follows:

1. That part of the outdoor gambling and smoking area that is open to the sky, to be made non trafficable and landscaped;
2. The use of the outdoor gambling area to be restricted to gamblers only;
3. A mechanical extractor which will extract smoke from the room and direct it above the building and point it southward is to be part of the application;
4. The acoustic wall is to be extended by 500 millimetres and fully acoustically treated;

5. The conditions to be drafted by the applicant's acoustic engineer to ensure satisfactory attenuation to be measured at the boundary;
6. The Club to accept a condition restricting the number of persons after midnight to a number which it will fit within the acoustic profile.

These matters were discussed with the residents who expressed themselves concerned that there might be an approval and extensive building works carried out only to find that they still suffered from noise from the gambling machines and/or smoke drift at an unsatisfactory level.

The residents confirmed that presently, whatever the use of the smoking terraces presently is not causing them nuisance within their homes.

The Club also advised that the proposed (in effect) trial period of 12 months is Condition 31 was unsatisfactory because it made the future of the use of that area, which was to cost a significant sum of money for which the Club would require a mortgage, may cause difficulties in obtaining the mortgage finance, and might not bring about the chosen outcome because of the inability to use this area of the club until 1 a.m. on Friday and Saturday nights and 12 midnight on Thursday nights.

Mr Cooper (Acoustic Engineer for the Club) suggested that the manner in which the Trial Period was being suggested was unusual for establishments of this kind and recommended a more traditional approach.

The Panel agrees with the proposed changes suggested by the applicant and believes conditions will have to be redrafted to take into account the proposed changes.

The Club also agreed to immediately form a Residents' Committee and to keep the residents who objected informed and included as part of the monitoring process during any trial period.

The Panel is prepared to recommend to the General Manager that approval be given for the alterations including the extension of the outdoor gambling and smoking terrace on the northern side of the building together with minor changes to the Bowling Green subject to the submission of conditions satisfactory to the General Manager in relation to the following matters:

- Provisions for setting up a Residents' Committee to interact with the Club, and assist in the monitoring of any trial period and ongoing thereafter;
- A provision of details for smoke extraction to include filtration of smoke, which is to be directed in a southerly direction and a further report from the Club's Acoustic Engineer regarding the changed conditions now proposed, namely that the additional noise from the extraction system, and other plant that may be able to be accommodated within the maximum levels of noise as agreed at the meeting and to be measured at the boundary;
- The effectiveness of extending the acoustic wall higher by 500 millimetres with additional acoustic treatment;
- The removal of any pedestrian traffic on that half of the outdoor smokers gambling area that is open to the sky, and if necessary, a proposed reduction in numbers after midnight should there be trading between the hours of midnight and 1 a.m. on a Friday and Saturday nights.

Conclusion

If these conditions are drafted to the satisfaction of the General Manager, the Panel is prepared to recommend that the application be approved subject to those conditions for a trial period of 12 months allowing hours of use of the outdoor smokers and gamblers terrace to be until 1 a.m. on Friday and Saturdays and 12 midnight on Thursday nights, otherwise until 11 p.m. on all other

nights of the week, but, following monitoring of the trial period, that the hours revert to 11 p.m. on any week night for use of the outdoor smokers and gamblers terrace in the event that the trial period proves unsatisfactory.

A memo was distributed to the Panel prior to the Panel meeting with amended plans showing additional landscaping and the Panel believes that these plans should be adopted and Condition 1 should be amended to reflect those plans,

**RECOMMENDATION OF WARRINGAH DEVELOPMENT ASSESSMENT PANEL
(CATEGORY 3 ITEM)**

- A. That the application to be deferred to allow the applicant to submit the following:-
- (a) Details of operations for setting up a Residents' Committee to interact with the Club, and assist in the monitoring of any Trial Period and ongoing thereafter;
 - (b) Details for smoke extraction to include filtration of smoke, which is to be directed in a southerly direction and a further report from the Club's Acoustic Engineer regarding the changed conditions now proposed, namely that the additional noise from the extraction system, and other plant that may be able to be accommodated within the maximum levels of noise as agreed at the meeting and to be measured at the boundary;
 - (c) Details of the effectiveness of extending the acoustic wall higher by 500 millimetres with additional acoustic treatment;
 - (d) Amended plans demonstrating the removal of the pedestrian trafficable portion of the outdoor smokers gambling area that is open to the sky replaced by landscaping.
 - (e) Details of measures are to be provided in order to achieve the acoustic levels appropriate for the type of development proposed, for the adjoining residential properties and if necessary, a proposed reduction in numbers after midnight should there be trading between the hours of midnight and 1 a.m. on Friday and Saturday nights.
- B. Subject to 'A' above being submitted to the satisfaction of the Director Planning and Development Services the application be referred to the General Manager for determination with the inclusion of an amendment to Condition 1 to include the amended plans submitted to the Panel at the Panel Meeting and any amendments in relation to the further information required.
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Voting 4/0