

Application No: DA2020/0468

Address: 29 Moore Road and 31 Moore Road Freshwater

Description: Modification (Alteration and Additions to a Hotel)

This submission to the Development Determination Panel follows a previous submission during the notification period and, is after release of the Assessment Report and prior to Determination.

Council's Assessment Report provides an administrative review of the Application, but fails to consider significant matters arising from the application or, to give confidence to the impacted residential community that the Zone amenity is adequately protected. The recommendation in the Assessment Report, approves matters that have not been adequately assessed.

Any positive determination should approve only those aspects which have been subject to adequate assessment, and where the SEE and its associated assessment information do not mislead the Determining Authority. Aspects that are not adequately assessed should not be approved.

A positive determination of this application, without removal of inappropriate and inadequately assessed modifications (specifically the new direct access to Charles Street) and which would most likely result in increased adverse impacts for nearby neighbourhood amenity, is inconsistent with the Aims of the WLEP and represents a misuse of the EP&A Act for the Application.

The existing operations do not provide adequate protection of the residential amenity and with high probability, the changes will result in a range of increased impacts including sleep disturbance before and after midnight.

I am regularly awoken between midnight and 12.30am by noise of patrons leaving the premises. This will be exacerbated by the new western entry to Charles Street, an entry that is within 30m of at least 5 bedrooms where neighbours are trying to sleep. The location of the proposed entry is within a two-storey masonry wall and is opposite a 3-storey wall of a residential building that has 5 bedrooms on the Charles Street Side. The canyon formed by these tall masonry walls reverberates the noise of exuberant patrons at the locality and causes significant disturbance. In short, the entry location is unsuitable, no credible reasons have been given as to why it is necessary, and No assessment of noise impacts of the entry has been provided. A Heritage assessment does not address the relevant noise impact for the location.

The following provides further detail on the specific matter of the proposed western entry outlined above and emphasising the inadequate assessment undertaken for the SEE and apparently rubber-stamped by Council's report.

1. The Western Entry is very badly located and will introduce an extra noise source from Hotel Activities both during operations and after Closing time.
2. The exit through the hard 2-storey masonry surface of the Hotel's western wall is only about 30m from a similar 3-storey masonry wall of the residential building on the western side of Charles Street and will provide reverberation of noise emissions and rebound of noise from patrons late at night. This is an additional impact – increased adverse impact on amenity.
3. It was previously removed as it was identified as a location of the worst noise and disturbance impacts. Reinstatement is inappropriate.
4. The noise impact has not been assessed by the SEE. Council mention of air-lock door at this location is only a partial control and inferior to rejecting the new entry. Most internal changes can remain, and front and rear entries can serve as previously. The new Charles Street entry is not justified, has adverse impacts and, has not been properly assessed.
5. The only reason I can see for the Charles street entry is to facilitate an increase in gaming stations to 30, adjacent the Charles Street entry and reduces access from front to rear, the rear entry access to the main Hotel area appears reduced. Submissions from neighbours favour increased use of the rear entry for reduced noise impacts. Reduced use of the rear entry would lead to greater use of front entry and more neighbour disturbance.
6. Assessments of impacts after approval due to an inadequate SEE, are a flaw in the process. The Application should be partially or wholly rejected.
7. 30 gaming station locations are shown in the drawings, but not mentioned in the SEE, no social impact assessment is provided. Their introduction according to the Plan seems to block movements from the main Hotel area to the rear (safety concern? and lead to increased disturbance at front).
8. The increased gaming stations are the only reason I can glean for the proposed western door and that is to allow increased gaming. That is not an acceptable reason for neighbours to cop increased noise impacts arising from the proposed new entry to Charles Street.
9. This DA is blatant in its sugar coating the intent of the changes and under assessing impacts. It should not be given credibility by approval.
10. Determination of this DA, is a test of diligence and integrity of the Council and the Panel in addressing the Aims of the WLEP and the associated residential amenity. Any failure of the requirements of the EP&A Act processes, (approval without proper assessment) will require detail scrutiny of the decision, so that the objectives of the Act are not undermined.