

## JOINT REGIONAL PLANNING PANEL (Hunter and Central Coast Region)

<b>JRPP No</b>	2010HCC050
<b>DA Number</b>	312/2011
<b>Local Government Area</b>	Great Lakes Council
<b>Proposed Development</b>	New full-line supermarket
<b>Address</b>	17-23 Peel Street, 24 Manning Lane and 3-7 Kent Street, Tuncurry (Lot 1 DP 305223; Lots 1 and 2 DP 577194; Lot 4 Section 5 DP 759005; Lots 5, 11, 12 and 13 DP 416145; Lot 1 DP 591283)
<b>Applicant/Owner</b>	Projects and Infrastructure on behalf of Great Lakes Council
<b>Number of Submissions</b>	One (1)
<b>Recommendation</b>	Consent to be made operational
<b>Report by</b>	David Pirie, Senior Development Assessment Planner

### Executive Summary

#### Proposed Development

The development involves the construction of a full-line supermarket, including a loading dock, car park and signs within the Tuncurry central business district.

#### Referral to Joint Regional Planning Panel

The Hunter and Central Coast Joint Regional Planning Panel (JRPP) granted deferred commencement consent to development application (DA 312/2011, JRPP No. 2010HCC050) for the proposed supermarket at its meeting on 14 April, 2011 (refer Attachment B). The deferred commencement condition required amended plans and additional information for the resolution of the design and functioning of the loading dock to the satisfaction of the JRPP in order to address concerns relating to residential amenity, pedestrian safety, traffic impacts on the surrounding road network and car parking.

#### Consultation

The amended plans and information submitted in satisfaction of the deferred commencement condition were exhibited between 25 May, 2011 and 8 June, 2011, by way of an advertisement in the local paper, as well as being notified by letter to surrounding residents and to people who previously made submissions. One objection was received during the exhibition period.

#### Deferred Commencement Submission

1. Attachment A contains the Coastplan Consulting Report, dated May 2011, which provides the additional information submitted to satisfy the deferred commencement condition. This includes amended plans; supplementary acoustic report, traffic assessment addendum, additional heavy vehicle turning templates; and a transport delivery management plan.
2. The amended plans provide an extension to the loading dock enclosure to the east (Manning Lane) over the entry driveway and a minor increase to the roof height over the loading dock to allow further acoustic treatment and functionality for garbage vehicles.
3. The supplementary acoustic assessment found that the original proposal (without the changes as now proposed) achieved the relevant noise criteria and the proposed changes to the loading dock design further improve the acoustic amenity of adjoining residences.
4. The traffic assessment addendum confirms there will be no significant impacts to the surrounding road network, and that the proposed design allows for suitable levels of pedestrian safety. As well, the loading dock has minimal impact on parking and does not impact on access to the parking area. It also reassesses the swept path for semi-trailers and advises that their turning requirements can be accommodated by adjustments to kerb returns without the need for land acquisition.

#### Recommendation

That consent to DA-312/2011 be made operational in accordance with the submitted information.

## 1 BACKGROUND

The Hunter and Central Coast Joint Regional Planning Panel (JRPP) considered the subject application (DA 312/2011, JRPP No. 2010HCC050) for a full-line supermarket within the Tuncurry Central Business District at its meeting on 14 April, 2011. At this meeting, the JRPP granted deferred commencement consent to the development application, subject to the resolution of the design and functioning of the loading dock to the satisfaction of the JRPP, in accordance with the following deferred commencement condition:

*"The proposed design and functioning of the loading dock is to be modified to satisfactorily address concerns raised in relation to residential amenity, pedestrian safety, traffic impacts on the surrounding road network and car parking. Amended plans, a revised traffic study and revised transport management plan for the supermarket operation which address the above matters are to be submitted to Council for assessment with the matter then reported to a meeting of the Joint Regional Planning Panel for determination. The design and functionality of the proposed loading dock as it relates to these issues must be to the satisfaction of the Hunter and Central Coast Joint Regional Planning Panel."*

## 2 CONSULTATION

The information submitted in satisfaction of the deferred commencement condition was exhibited between 25 May, 2011 and 8 June, 2011, by way of an advertisement in the local paper (the Great Lakes Advocate), as well as being notified by letter to surrounding residents and to people who previously made submissions with regard to the original development application. The advertisement and the notification letters identified that the information submitted in satisfaction of the deferred commencement consent included proposed alterations to the loading dock, addressed the management, operation and hours of operation of the loading dock, as well as identifying that deliveries are proposed to be restricted to the hours of 7am to 6pm Monday to Saturday and 8am to 5pm on Sundays and public holidays. Following notification, the plans were further amended to achieve compliance with the Building Code of Australia by extending the western end of the loading dock wall a further 700mm. This was not re-notified as it is a minor change, which will also provide some further acoustic benefit.

One (1) submission was received as a result of the notification and advertising of the information submitted to satisfy the deferred commencement condition. The grounds for objection are summarised below, with planning comments provided in response to the issues raised in the submission:

### Traffic

- Manning Lane entry is unsafe and will not work. There has been no technical assessment from an appropriate expert for a reduced turning circle speed as applied by Council's Traffic Engineer. The speed of a semi trailer along South Street can exceed 10 km per hour.
- There has not been an independent peer review of the traffic assessment or the loading dock amendment.
- The serious traffic issue of semi-trailer access for the full length of Manning Lane has not been addressed. Pedestrian and semi-trailer traffic should be separated for safety reasons.

### Comment

The independent consultant for the applicant (RoadNet) has reviewed the swept path template for entry into Manning Lane and in their addendum state that they accept the lower turning speed of 10 km per hour as recommended by Council's Traffic Engineer. This speed is in accordance

with the relevant Australian Standard (AS 2890.2), which shows templates for articulated vehicles up to 10 km per hour.

Manning Lane is one way to the south between South Street and Kent Street. Articulated vehicles will not utilise the full length of Manning Lane, as the loading dock will be situated approximately one third the length of Manning Lane from the intersection of South Street. The main pedestrian activity will be further to the south from the loading dock at the southern end of Manning Lane, between the store entrance and Kent Street, where a shared traffic zone is intended. Council's Traffic Engineer has advised:

*"The Addendum by Roadnet indicates that pedestrian activity along the section of Manning Lane that will be used by articulated vehicles is minimal. Manning Lane is currently utilised by service vehicles accessing properties fronting Manning Street and as such no footway is provided. No formal footway is proposed on Manning Lane between South Street and the loading dock, as it is not a desirable route for pedestrians. The Addendum also states that there is expected to be minimal conflicts between pedestrians and the access to the loading dock".*

#### Loading dock

- Semi-trailers will intrude on the Peel Street footpath and possibly the roadway to effect the necessary reversing action into the loading bay rather than this taking place solely within the subject property.
- The additional height and length of the loading dock will severely impact on the amenity of units within 'Mountview', in particular, in availability of natural light, especially with any proposed landscaping. Additionally, *"it is going to create a wind tunnel between the two buildings causing the residences to restrict proper ventilation in this situation"*.

#### Comment

Council's Traffic Engineer has advised the following in relation the reversing manoeuvres of an articulated vehicle:

*"The initial Traffic Impact Assessment by Roadnet indicated that articulated vehicles will extend onto the footpath at the western exit of the loading dock when performing the reversing manoeuvre. The Addendum has indicated that this impact will be satisfactorily minimised by introducing a pedestrian crossing, introducing sight lines for pedestrians and warning signage being placed in the area concerned. This will address the concerns raised relating to pedestrian conflict".*

The additional height and length of the loading dock was undertaken in consultation with affected residents of 'Mountview' and this was considered to be the most desirable outcome with regards to visual and acoustic screening. The height of the loading dock, as discussed in the original report, is within the parameters of what is envisioned by the relevant DCP (DCP 51) for a residential or mixed use building on the site. There is adequate separation between the proposed building and the Mountview building to allow adequate ventilation and there is no evidence to suggest that a wind tunnel is likely to be created.

#### Noise

- *"There appears to be no assessment of the noise generated by semi-trailers reversing into the loading platform once they have entered the loading dock but are protruding beyond the open roller door on the western side".*
- *The "nature of the wall of the proposed building is going to reflect noise and sound to much higher levels because of the large surface area, picking up and reflecting/tunnelling from Manning Lane and its semi trailers and Peel Street. There has been no sound modelling ...that mimics the reflected sound off these vertical surfaces into Mountview units".*

### Comment

Hunter Acoustics in their report of 4 March 2011 assessed the noise associated with the reversing manoeuvre of a semi trailer and this was discussed in the original report to the JRPP. According to Hunter Acoustic's assessment, there will be a short term noise level connected with this manoeuvre, which is consistent with sound levels of existing light traffic on Peel Street and is unlikely to be considered intrusive. The Woolworths Transport Delivery Management Plan submitted as part of the additional information to address the deferred commencement condition specifies the maximum daily deliveries by semi trailers (articulated vehicles) for a 'mature store' as six (6) deliveries per day. As these events will only take place during daytime hours, it is considered that any amenity impacts are acceptable.

In relation to the submission that the wall of the loading dock is going to reflect noise, it should be pointed out this is without basis as the loading dock is an enclosure and not a barrier. The loading dock has been designed and acoustically modelled to contain noise emissions, with the ceiling of the loading dock acoustically treated to absorb noise.

### **3. REFERRALS**

There was no requirement to refer the additional information to external agencies or authorities, including the Roads and Traffic Authority. The proposed kerb modifications for semi-trailers to access the loading dock occur on the local road network, the consent authority for which is Great Lakes Council. It should be noted that the RTA's determination did not indicate any concerns with the loading operations. Internal referrals were obtained from the following officers within Council and appropriate memos are contained in Attachment C:

- Environmental Health Officer
- Traffic Engineer

### **4. ASSESSMENT**

Additional information to satisfy the requirements of the deferred commencement condition was provided to Council in a report by Coastplan Consulting, dated May, 2011 (refer Attachment A). This report contains the following appendices:-

- Amended Plans.
- Supplementary Acoustic Report.
- Traffic Assessment Addendum.
- Additional Heavy Vehicle Turning Templates.
- Transport Delivery Management Plan.

The report below assesses the information submitted to satisfy the deferred commencement condition under appropriate headings below. It should be noted that the deferred commencement consent omitted conditions (in accordance with the requirements of the JRPP) that related to the design and functioning of the loading dock. These conditions are discussed in the Coastplan Consulting report and are also discussed below. Where considered relevant, they form part of the material provided in satisfaction of the deferred commencement condition.

#### **4.1 Amended Plans**

The key change to design of the loading dock is the extension of the loading dock enclosure to the east 15.7m over what was previously the entry driveway. This change was undertaken following consultation with affected unit owners located in the residential flat building on the adjoining property to the north (SP 12913). The extent of the roof over the loading dock driveway can be seen in Drawing Nos. A-004 and A-005, both Revision M. It should be noted however, while the roof has been extended over the driveway entry, the loading dock doors remain in their

original position. Additionally, there has been a minor increase to the roof height of the loading dock of 785mm (to RL 9.385m AHD) to allow sufficient height for the operation of garbage vehicles within the loading dock and for further acoustic treatment within the roof. The design and functioning of the loading dock are discussed below under relevant headings.

## 4.2 Transport Delivery Management Plan

The transport delivery management plan (TDMP) for the proposed development has been revised by Woolworths Limited to provide additional detail and clarity for the JRPP (refer Attachment A). The TDMP addresses the functioning of the loading dock and deliveries, as summarised below:

### Hours of operation of the loading dock

The hours of operation are to be in accordance with those specified by the consent. The hours proposed for the use of the loading dock in the TDMP are:

7am to 6pm	Monday to Saturday
8am to 5pm	Sunday

Council's Environmental Health Officer has advised (refer Attachment C) the following in relation to the proposed hours:

*"Hunter Acoustic in their AA required that large vehicles and garbage collection be restricted to daytime hours (being 7am to 6pm) to avoid sleep disturbance for adjoining residents. The hours of operation requested by Woolworths conform to this requirement, with proposed hours being between 7am and 6pm on Monday through to Saturday and between 8am and 5pm on Sundays. It is considered therefore that the hours of operation for the loading dock are acceptable".*

### Deliveries

The type and number of deliveries for a Woolworths' store of the size proposed are given in the Table 1 below:

Table 1: Delivery Schedule

Delivery Type	Vehicle Type	Expected Activity	Daily	Max. Activity (Mature Store)	Daily
<b>Direct Deliveries</b>	Vans, Small Trucks & Utes	10-20		30	
<b>Woolworths Deliveries</b>	Articulated Vehicles (non-refrigerated)	2-3		4	
	Articulated Vehicles (refrigerated)	1-2		2	
<b>Total</b>		13-25		36	

Given that the stated time for the unloading of an articulated vehicle is 20-60 minutes, the operating protocols below are sufficient for the operation of the loading dock even in the mature store scenario.

All deliveries are to take place within the loading dock, with no deliveries permitted to the front of the store. As such there will be no conflict with the car park use or pedestrians.

Articulated delivery vehicles are to take the following route:

Entry: Manning Street - South Street - Manning Lane- loading dock.

Exit: Loading dock - Peel Street - South Street - Manning Street.

The dock has been designed to allow smaller vehicles, such as vans and utes, to pull up alongside an articulated vehicle and unload simultaneously. It is the Stockroom Manager's responsibility to coordinate multiple vehicle movements within the loading dock.

Deliveries from Woolworths' Distribution Centres take place by way of articulated vehicles (semi-trailers) and are controlled by Woolworths' NSW Transport Manager to ensure that deliveries are staggered, with only one articulated vehicle making a delivery at the loading dock at any one time. Woolworths articulated vehicles will not queue up outside the loading dock. Drivers of articulated vehicle will be required to notify the Tuncurry Stockroom Manager 10 minutes prior to arrival (similar to what happens at the Forster Woolworths), who will then be notified to pull over and wait in the industrial area of Tuncurry should the dock be already occupied by an articulated vehicle.

Arrivals and departures of waste collection vehicles to the loading dock are to be restricted to the loading dock operating hours and are to be in accordance with the approved Waste Management Plan.

Controls to open and close the roller doors are to be located inside the loading dock and are to be only operated by Woolworths' staff. The loading dock is designed as an enclosed structure, with primary noise attenuation provided by the walls and the ceiling/roof, which is to be treated with acoustic baffles. The roller doors provide both security and additional noise attenuation when closed during deliveries. The roller doors will generally remain open at all times during loading dock operating hours, to allow for ease of entry and exit of delivery vehicles, however, unloading of refrigerated vehicles and waste collection is to occur only when the exit (western) roller doors are closed.

Articulated vehicles will need to drive beyond the western (exit) roller doors towards Peel Street and then reverse into the loading bay, with the roller doors then closed. Non-refrigerated vehicles will turn their engines off while stationary in the loading dock.

#### Responsibilities and complaint management

It is the responsibility of the Woolworths' Stockroom Manager, in conjunction with the Store Manager, for the effective management of deliveries and the operation of the loading dock and stockroom in accordance with regulatory requirements, including unloading of deliveries and co-ordinating their arrival following dispatch from the warehouse.

The store manager is initially responsible for handling all complaints (in the absence of the store manager this function is to be fulfilled by the Assistant Store Manager), who will investigate the complaint, put into effect the appropriate remedial action and advise the complainant of the result. Should there be a warehouse delivery problem, the NSW Transport Manager will be asked to rectify the problem.

If the complainant is not satisfied that the issue has been satisfactorily resolved, the matter will be escalated to the NSW Transport Manager.

### **4.3 Traffic Assessment Addendum**

The Traffic Impact Study (TIS) prepared by RoadNet Pty Ltd, dated 19 May, 2011 is provided as an addendum to the original Traffic Impact Assessment (TIA), undertaken for the Woolworths supermarket development. The TIS provides additional information to address concerns raised by the JRPP. Council's Traffic Engineer's comments are attached in Attachment C.

The TIS confirms the findings of the previous TIA that the proposed supermarket will not have a significant impact on the surrounding road network. In particular, intersection modelling was

done in accordance with the Roads and Traffic Authority (RTA) 'Guide to Traffic Generating Developments', which found that there will be minimal impact by heavy vehicles on the surrounding road network when accessing and leaving the loading dock. The modelling took into account traffic growth between 2010 and 2020. It is also found that heavy vehicle generation by the proposal will be low and will occur outside peak hours when traffic volumes will be lower.

The access route to the loading dock by heavy vehicles will be via Manning Street, South Street, Manning Lane and into the loading dock via right turn in from Manning Lane. The exit route from the loading dock will be via right turns out onto Peel Street, South Street and Manning Street. Assessment of this route was undertaken with 'Autoturn' swept turn path software to determine impacts on the existing infrastructure based on a 19m long semi-trailer design vehicle. This found that heavy vehicles can be *"easily accommodated on the external road network without any noticeable impact on the operation of intersections in the vicinity"*. RoadNet has reassessed the swept path of a heavy vehicle from South Street into Manning Lane and now advises that the swept path can be accommodated by adjustments to the kerb return without the need for land acquisition. A detailed intersection analysis by RoadNet, along with an analysis of the delivery route by Coastplan Consulting (refer route map reproduced below in Figure 1), indicates the following:

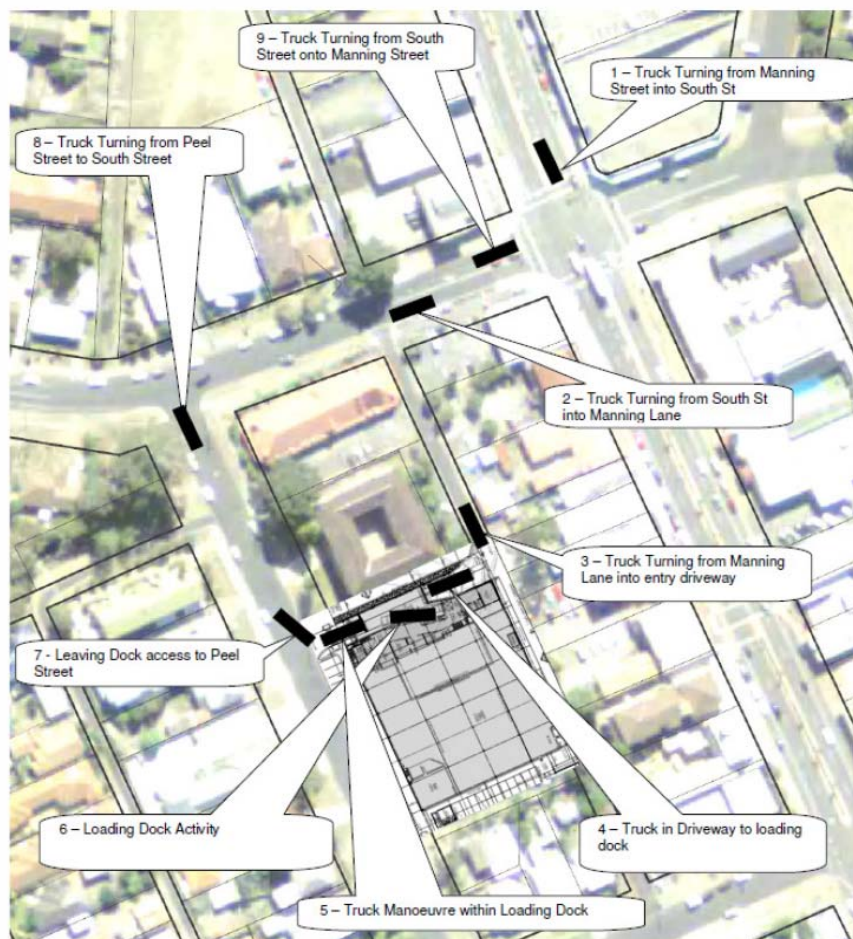


Figure 1: Tuncurry Woolworths Steps in Delivery Process  
(reproduced courtesy Coastplan Consulting)

### Delivery Process

#### Step 1: Manning Street into South Street

- A semi-trailer can turn into South Street from Manning Street, without the need for road works or adjustment to kerb returns.

- Existing traffic lights and pedestrian crossing provides a high level of pedestrian safety.
- Truck movement is within an existing high traffic area, carried out within restricted daytime hours and does not raise any significant amenity issues.
- No loss in car parking as a result of this turning manoeuvre.

Step 2:

South Street into Manning Lane

- A semi-trailer can turn into Manning Lane from South Street with adjustments to the kerb returns without the need for land acquisition. RoadNet has reassessed the swept path for a semi-trailer using templates for vehicles not exceeding 10 km/h in accordance with the relevant Australian Standard (AS) 2890.2 *Parking facilities - Off Street Commercial Vehicle Facilities* and now concurs with Council's Traffic Engineer's original assessment (RoadNet previously used a design speed of 30 km/h). The conditions of consent previously proposed kerb works for this intersection and this was not omitted from the issued consent. As such Condition C17 of the existing consent will require a modification to correct a minor error to reference the correct standard and design speed, being AS 2890.2 and 0-10km/hr.
- There is a footpath on both sides of South Street across the Manning Lane entrance. Kerb works will include reconstruction of the footpath (refer Condition C17 of the existing consent). Traffic speeds of the turning semi-trailer are expected to be low (less than 10km/hr), with good sight vision for pedestrians and vehicles. As such, there will be a high level of pedestrian safety.
- This intersection adjoins existing commercial development and truck movement, which will be carried out within restricted daytime hours does not raise any significant amenity issues.
- No loss in car parking as a result of this turning manoeuvre.

Step 3:

Manning Lane into loading dock

- A semi-trailer can turn into the loading dock from Manning Lane without the need for land acquisition or adjustment to the proposed plans. Although reconstruction of the existing car parking on Lot 1 DP 591283 is required to provide an adequate semi-trailer turning path, this land forms part of the subject development site.
- Manning Lane does not currently have footpaving, as it is essentially forms a service lane for shops fronting Manning Street. It is considered that the focus for customer pedestrian activity will come via existing linkages from Manning Street to the supermarket entry. As such, the proposal includes improvements to the public domain by the creation of a 'shared zone' for pedestrian activity in Manning Lane from the store entry to the southern extremity of the car park exit in Manning Lane. This involves the construction of a raised pavement treatment and lower speed zone (refer Condition C 17 of the existing consent). Manning Lane between South Street and Kent Street is one way (north to south). Therefore there are no detrimental impacts to pedestrian safety from delivery vehicles due to the separation of the loading dock from the shared pedestrian zone.
- The truck movement at this location is adjacent to residential units within the 'Mountview' building. The noise impact of trucks in the laneway and loading dock have been acoustically assessed as achieving the relevant noise criteria, subject to deliveries taking place within the nominated hours.
- There will be a loss of one existing car parking space to create the required semi-trailer turning path on Lot 1 DP 591283 as noted above. The loss of this parking space was taken into account in the calculation of the required



Section 94 contribution for parking (refer Condition C4 of the existing consent).

#### Steps 4, 5 & 6: Truck activity within the loading dock

- The extension of the loading dock enclosure over the driveway by approximately 15.8 m to the east towards Manning Lane has been acoustically modelled to allow the eastern roller doors to remain open, while still achieving the relevant noise criteria during delivery times. Thus semi-trailers can enter and move through the loading dock and through the western roller doors to the Peel Street kerb and then reverse back at an angle into the loading bay. The western roller doors will then be closed for a refrigerated vehicle to unload or for a garbage truck collecting waste.
- The entrance driveway in Manning Lane is not an area designated for pedestrian activity. In accordance with RoadNet's recommendations, a marked pedestrian crossing across the Peel Street exit has been included on the plans. As well, additional signage at the western exit of the loading dock onto Peel Street is proposed to maintain pedestrian safety along the Peel Street frontage during the short time that a semi-trailer is required to cross the pedestrian footpath on the eastern side of Peel Street. In addition, the exit driveway has been designed to comply with the requirements of AS 2890.2 - *Parking Facilities - Off Street Commercial Vehicle Facilities* thus giving adequate sight distances between drivers and pedestrians.
- The loading dock enclosure has been extended to further minimise impacts on residential amenity. It should be noted that the proposal prior to extension of the loading dock was already found to achieve the relevant noise criteria. However, the proposed extension now mitigates the need for the roller doors to be closed during unloading operations other than for the western roller door when a refrigerated vehicle or a garbage collection vehicle is within the loading bay. The short term noise impact associated with the reversing manoeuvre by semi-trailers on the Peel Street footway, has been found to be acceptable as it is consistent with sound levels of existing light traffic on Peel Street. Furthermore, the number of deliveries by semi-trailers per day are limited in accordance with the Woolworths Transport Delivery Management Plan (discussed above), which specifies the maximum daily deliveries by semi trailers (articulated vehicles) for a 'mature store' as six (6) deliveries per day. As these events will only take place during daytime hours, it is unlikely that they will be considered intrusive.
- Truck manoeuvres within the loading dock do not impact on car parking.

#### Step 7: Loading dock into Peel Street

- A semi-trailer can make a right turn from the loading dock exit into Peel Street, with an adjustment to the north-eastern corner of the exit and without the need to adjust on-street parking in the area and this will be taken into account at the detailed design stage.
- Trucks leaving the loading dock cross a pedestrian crossing over the exit driveway linked to a new footpath along the Peel Street site frontage that will connect to the existing footpath in South Street (refer to Condition C 17 of the existing consent). Pedestrian safety in connection with trucks crossing this footpath is considered acceptable and has been discussed above in relation to reversing manoeuvres for semi-trailers accessing the loading bay.
- The loss of on-street parking associated with the creation of the exit driveway from the loading dock was previously taken into account in the

calculation of the required Section 94 contribution for parking (refer Condition C4 of the existing consent).

- Hunter Acoustics' Acoustic Assessment (AA), dated 22 December, 2010, has shown that traffic noise associated with the development (which includes noise from trucks, cars and carpark noise) at all Peel Street residences to be less than 55dB(A)<sub>L<sub>Aeq</sub> 1 hr</sub> during the day, which meets the requirements under the Department Environment Climate Change (DECC) 'Environmental Criteria for Road Traffic Noise'(ECRTN) for a local road.

Step 8: Peel Street into South Street

- A semi-trailer can turn right from Peel Street into South Street without the need for road works, kerb adjustments or loss of parking at this existing intersection.
- Received sound levels for daytime traffic have not been provided for residences on South Street. It is not considered that received sound levels for South Street residences are necessary, as road traffic noise associated with the proposed development has been demonstrated by Hunter Acoustics in their AA to meet the DECC ECRTN at all residences in closer proximity to the development (i.e. Peel Street and Manning Lane). As Hunter Acoustics assessment of traffic noise included trucks, cars and general carpark noise, it is considered that traffic noise received at South Street residences would be reduced further below the ECRTN requirements through greater separation. As the existing Peel Street and South Street intersection represents a mix of land uses, including commercial, community and residential use, the proposed traffic impacts from the development would be consistent with the character of the existing traffic.

Step 9: South Street into Manning Street

- A semi-trailer can turn left or right into Manning Street and these turns can be accommodated within the intersection without need for road works or kerb adjustments.
- Traffic lights and pedestrian crossings at this intersection provide a high level of pedestrian safety.
- Truck movement is within an existing high traffic area, carried out within restricted daytime hours and does not raise any significant amenity issues.
- No loss in car parking as a result of these turning manoeuvres.

#### **4.3.1 Car parking**

As advised in the original report to the JRPP, the proposed development provides 84 on-site car parking spaces within the car park, which is located at the southern end of the site. Additionally, the proposal includes re-configuration of the parallel parking on the eastern side of Peel Street and the northern side of Kent Street to 90 degree parking. This results in the creation of 45 on-street spaces (an additional 26 spaces to those already existing). Thus the proposal provides 33 parking spaces above the number required by Council's Car Parking Policy. The Section 94 contribution required under Condition C4 of the existing consent takes into account the loss of parking spaces within the currently existing car park and which will require relocation due to the proposed development, as well as the loss of one parking space on Lot 1 DP 591283 that is required to create the required semi-trailer turning path into the loading dock. Following construction of the proposed development and replacement parking as a result of the required Section 94 contribution, there will be no net loss of parking in the Tuncurry CBD.

The TIS also confirms that the loading dock will not impact on parking or access to the parking area. It should be noted that the TIS states that in order to determine any impact of loss of

parking, RoadNet conducted a parking survey to determine the existing parking demand in the vicinity of the site, with the following result:

*"The survey revealed that the existing off-street car parking area was under-utilised, with a maximum utilisation of 75% between the hours of 11am and 2.30pm. The on-street parking in the vicinity was also noted as being readily available and underutilised throughout the day".*

#### **4.4 Supplementary Acoustic Report**

The supplementary acoustic report (SAR) prepared by Hunter Acoustics dated 23 May, 2011, found that the original development as proposed achieved the 'project specific noise goals' set in accordance with the Industrial Noise Policy and the Local Government Noise Guide. Council's Environmental Health Officer has commented on the SAR (refer Attachment C). The project specific noise goals can be understood as an average noise level over a 15 minute sample period. This implies that there will be sound levels that are both above and below the average target level. The SAR evaluated additional acoustic treatments to control short term sound levels that fall above the project specific noise goals, in particular sounds from heavy vehicle operations associated with the dock area. The options included the construction of acoustic barriers, provision of additional attenuation material, alternative ventilation configurations for the dock exhaust fan and extensions of the loading dock by way of a roofed enclosure.

The SAR found that

*"there is no strongly compelling argument to provide additional noise control structures to control noise associated with vehicles accessing the dock area. However, there is a tangible benefit to be derived from the provision of either a noise barrier or a dock extension to the eastern portion of the dock and allowing the eastern doors to remain open for improved operations and smoother dock access. In the event that an additional structure is considered, on balance, to be desirable then the enclosed dock option extending approximately 16 metres towards Manning Lane is acoustically preferred because it provides better protection to upper floors of Mountview".*

The amended plans provide for a roofed enclosure for 15.7m over the eastern driveway in accordance with the above SAR recommendation. As concluded in the SAR, this treatment represents a level of sound mitigation *"over and above that which is required to achieve compliance with...the Industrial Noise Policy"*.

The SAR also advises that:-

- External roller doors may remain open with daytime noise emissions from the general operation of dock and stock room adequately controlled provided that stock room doors are closed other than for conducting receiving activities.
- The western dock door must be closed, however, to control noise emissions from refrigerated vehicles and garbage trucks, as well handling glass bottles within the dock area.
- When no vehicles are being unloaded within the dock, noise from the stock room is adequately controlled by the roller shutter and walls associated with the stock room.
- When a vehicle is in the dock and is being unloaded, the body of the vehicle provides adequate screening to ensure that no excess sound reaches 'Mountview' residences or No. 20 Peel Street opposite.
- The location of a roof mounted extraction fan is no longer recommended as it is difficult to get a fan with suitable performance characteristics and satisfactory acoustic properties to enable it to be mounted on the roof. Instead, the fan should be located within the dock area and provided with insulated intake, with the exhaust ducted to discharge to the south over the top of the mezzanine roof.

The SAR notes that noise emissions from smaller trucks, vans and utes are consistent with normal daily traffic as it currently exists and once inside the dock enclosure, these smaller vehicles need not manoeuvre outside the dock enclosure. The absorptive material fitted to the dock roof and walls is adequate to dissipate the sound emissions from these smaller vehicles.

#### 4.5 Consent Conditions

The recommendation of the previous report to the JRPP on 14 April, 2011, included a number of conditions relating to the operation of the loading dock, which were omitted from the deferred commencement consent. The details of these conditions have been discussed in Coastplan Consulting's report in response to the deferred commencement condition. These conditions are listed below, with appropriate comments provided. It should also be noted that Conditions E 15 (relating to loading dock fans) and F1 (noise attenuation methods) of the existing consent (refer Attachment B) require amendment to reflect the requirements of the Supplementary Acoustic Report by Hunter Acoustics, dated 23 May, 2011, submitted in satisfaction of the deferred commencement condition. These conditions may be changed under Section 96(1) of the Environmental Planning and Assessment Act, 1979.

- A4. *Deliveries to the premises shall be restricted to the hours between 7am to 6pm Monday to Friday and 8am to 5pm on Saturday, Sunday and public holidays. The loading dock roller doors shall not be permitted to be opened at any time outside of these hours.*

##### Comment

The Woolworths Transport Delivery Management Plan discussed above in the report identifies the proposed loading dock operating hours for articulated vehicles, with the loading dock roller doors closed outside operating hours. Coastplan Consulting's report confirms these hours as being applicable for all deliveries to the loading dock. These hours are stated as follows:

Monday to Saturday	7am to 6pm
Sundays and public holidays	8am to 5pm

Council's Environmental Health Officer has advised that

*"Hunter Acoustic in their AA required that large vehicles and garbage collection be restricted to daytime hours (being 7am to 6pm) to avoid sleep disturbance for adjoining residents. The hours of operation requested by Woolworths conform to this requirement, with proposed hours being between 7am and 6pm on Monday through to Saturday and between 8am and 5pm on Sundays. It is considered therefore that the hours of operation for the loading dock are acceptable".*

- A5. *Garbage collection from the premises shall only be permitted between the hours of 7am to 6pm Monday to Friday and 8am to 5pm on Saturday, Sunday and public holidays.*

##### Comment

The garbage collection times as originally proposed reflect the times as now put forward to satisfy the deferred commencement condition. As such the delivery times to the loading dock and garbage collection times are consistent.

- F2. *The loading dock roller door tracks must be fitted with polytetrafluoroethylene (PTFE) or high density polyethylene (HDPE) linings prior to the issue of an occupation certificate.*

#### Comment

Coastplan Consulting's report confirms that the applicant will provide PTFE or HDPE linings to the loading dock door tracks.

- G1. *One month after the use has commenced a report is to be submitted to Council from an appropriately qualified person. The report is to certify the installation of all noise attenuation methods, assess noise emission from the development, the effectiveness of the noise attenuation methods and compliance or otherwise with the Noise Level Criteria described by Hunter Acoustics' Acoustic Assessment dated 22 December 2010 (Report Ref 8179-401.2). If necessary the report must detail additional noise attenuation measures required to achieve compliance.*

*Should additional attenuation measures be required to achieve compliance, they must be installed within 30 days of Council receiving the report and upon approval from Council. Subsequently, a suitably qualified person must certify that additional measures have achieved compliance.*

#### Comment

Coastplan Consulting in their report confirm that a report will be provided from an acoustic consultant certifying the installation of the noise attenuation measures and the effectiveness of those measures.

- G3. *The installation and operation of the loading dock fan/s shall comply with the recommendations of Hunter Acoustics letter dated 4 March 2011.*

#### Comment

Coastplan Consulting in their report point out that changes to the loading dock design allow the roller doors to generally remain open, which may negate the need for exhaust fans. Notwithstanding, Council's Environmental Health Officer has advised that the supplementary acoustic report by Hunter Acoustics supersedes the requirements of the previous acoustic recommendation for a roof mounted fan, with the preference now that the fan be located within the dock area and to be provided with insulated intake and exhaust ducting, allowing it to discharge to the south over the top of the mezzanine roof. This alternate arrangement provides acoustic benefits and allows the discharge point to be located further away from Mountview residences.

Coastplan Consulting state that the location options for ducting the exhaust fan will be investigated further with mechanical engineers during detailed design with the acoustic impact of the loading dock exhaust fans (if installed) being reviewed by the acoustic consultant for compliance prior to the issue of the Occupation Certificate. Notwithstanding, Condition E15 of the existing consent maintains a reference to the location of the loading dock fans in accordance with Hunter Acoustics original recommendations. Accordingly, this condition will require amendment under Section 96 (1) of the Environmental Planning and Assessment Act to reflect the revised assessment by Hunter Acoustics.

- G5. *Deliveries to the premises must be restricted to one (1) vehicle at any one point in time.*

#### Comment

It is stated in the Coastplan Consulting report that this condition is now unnecessary as "*the amended plan and operation of the loading dock has removed potential noise and amenity impacts as a result of more than one vehicle utilising the loading dock*". Notwithstanding, the Woolworths Transport Delivery Management Plan identifies that the operating protocol for the

loading allows for deliveries by smaller vehicles while an articulated vehicle is within the loading dock. The Coastplan Consulting report advises that in the case of potential conflict where an articulated vehicle or waste disposal vehicle is already within the loading dock and another articulated vehicle or waste disposal vehicle intends to make a delivery, it will be instructed to wait in the industrial area of Tuncurry. Additionally, it is advised that Woolworths will liaise with the local waste management contractors JJ Richards "to ensure waste disposal vehicles activities are scheduled to occur outside delivery times for articulated vehicles.

G6. *The loading dock roller door tracks and linings must be maintained in good condition and lubricated with suitable grease at all times.*

#### Comment

Coastplan Consulting confirm in their report that the applicant will maintain the roller door tracks in good condition and keep the tracks lubricated.

G7. *Loading dock roller doors shall only be permitted to be opened while a delivery vehicle or waste collection vehicle is entering or exiting the dock. Loading dock roller doors shall remain closed at all other times including while deliveries are being unloaded or waste is being collected.*

#### Comment

As previously discussed in this report, the acoustic assessment of the amended design confirms the revised loading dock procedure as contained in the Woolworths Transport Delivery Management Plan. The entry roller door (to Manning Lane) can be kept open all times over the loading dock operating period, however the exist roller door (to Peel Street) will be closed when a refrigerated vehicle is unloading or when a garbage truck is emptying bins within the loading dock.

G17 *All deliveries and use of the loading dock must comply with the submitted Woolworths Transport Delivery Management Plan dated February 2011 and the approved hours for the operation of the loading dock as contained in Condition A4 of this consent.*

#### Comment

Coastplan Consulting's report confirms that the use of the loading dock will be consistent with the new Woolworths Transport Delivery Management Plan, dated May 2011, with the operating hours of the loading dock as identified above or as determined by the JRPP.

## **5 CONCLUSION**

Subject to the information submitted in the Coastplan Consulting Pty Ltd report, with Project No. 10046, dated May 2011, the design and operation of the loading dock is acceptable against the parameters of the deferred commencement condition.

## **6 RECOMMENDATION**

That the Joint Regional Planning Panel makes the consent to DA-312/2011 (JRPP No. 2010HCC050) operational in accordance with the information submitted in satisfaction of the deferred commencement condition as contained in Attachment A.