

13 May 2013

Panel Secretariat  
Joint Regional Planning Panel (Sydney East Region)  
C/- Angela Kenna  
GPO Box 39  
Sydney NSW 2001

BY EMAIL: [jrppenquiry@jrpp.nsw.gov.au](mailto:jrppenquiry@jrpp.nsw.gov.au)

Dear Panel Chair

**RE: Section 96 Application No. MOD2012/0207 – 407-417 VICTORIA ROAD & 1-9 MONASH ROAD, GLADESVILLE  
Response to the Assessment Report to the Joint Regional Planning Panel (Sydney East Region) prepared by  
Willana Associates.**

We refer to the above site and to LDA2012/0207 (S96 Application) for the subject land. Milestone (AUST) Pty Limited acts for the land owner of the site, Hanna and Hanna Group Pty Ltd.

An assessment report has been prepared by Willana Associates (S96 Assessment Report) on behalf of the City of Ryde for consideration by the Joint Regional Planning Panel (Sydney East Region) (JRPP). We have reviewed the S96 Assessment Report and generally support the recommendation of approval of the proposed modified development.

There are however two key issues of concern within the recommendation of the S96 Assessment Report relating to the proposed delivery hours and the trading hours of the approved retail component of the development (proposed ALDI Store fitout). The S96 Assessment Report does not support the proposed delivery hours of 6am to 10pm, 7 days and does not support the proposed trading hours of 7am to 9pm, 7 days. In light of this, we respectfully request support for the following compromised position with respect to the ALDI Store delivery hours and trading hours:

Proposed Delivery Hours; 7am- 10pm, 7 days; and  
Proposed Trading Hours; 7am-9pm, 7 days.

We provide the following further environmental assessment and clarification to support the revised proposed delivery and trading hours with reference to the following attachments :

- Development Consent for Development Application LDA 2011/0648 (Appendix A).
- Amended Acoustic Report prepared by SLR Consulting dated 18 April 2013 and further memo dated 10 May 2013 (Appendix B).
- Letter from ALDI Stores dated 10 May 2013 detailing delivery operational and management procedures (Appendix C).
- Sections of the laneway showing details of the acoustic wall prepared by Architecture & Building Works (Appendix D).
- Modelling Calculations prepared by Varga Traffic Planning Pty Ltd (Appendix E).
- Petition containing eight (8) signatures from local residents in support of the proposal (Appendix F).

## **Delivery Hours**

### Amendment to S96 Application

Following a review of the assessment report the applicant now seeks approval for delivery hours of **7.00am to 10.00pm, 7 days** in accordance with the current Condition 146 of the development consent LDA2012/0207. The S96 Application will therefore require the rewording of only one condition, Condition 133(h) to ensure that there is consistency within the conditions of the development consent with respect to delivery hours.

## Background

The approved development has two conditions of consent which relate to the delivery hours for the retail component development, these are Conditions 133(h) and 146 (refer to **Appendix A**).

### **Condition 133 Traffic, parking and loading dock requirements.**

*"(h) Delivery of goods to and from the site must not occur outside the hours between 7.00am – 9.00pm Monday to Friday and 8.00am – 5.00pm during weekends."*

**"146. Restriction to delivery truck movements.** Delivery truck movements must be restricted to between the times of 7.00am and 10.00pm."

## Comment

In regard to Condition 133(h) the hours which were placed on the development consent followed discussion within the original Assessment Report, prepared by Council and dated 2 May 2011 as follows:

*"To prevent sleep disturbance, truck deliveries will be restricted to only certain time of the day, that is, not before 7:00am or after 10:00pm."*

*Note: It is recommended that loading dock operating hours be restricted to between 7am to 9pm Monday to Friday, and 8am to 5pm during weekends as this will comply with the recommendation in the Acoustic Report and will also be consistent with similar developments in the area (see Conditions 48(d) & 133)."*

**Source:** Council Assessment Report and Recommendation, page 10.

The Acoustic Report prepared by SLR Consulting did not make any recommendations for these hours (as referred to in the note) and in fact recommended that deliveries be restricted to between 7.00am to 10.00pm as follows:

*"To prevent Sleep Disturbance, no truck deliveries are to occur during the night time period (7.00am and to 10.00pm)".*

**Source:** SLR Consulting Acoustic Report dated 10 October 2011, page 22.

The existing development consent LDA2011/0648 has two conflicting conditions and therefore we submit that Condition 133(h) was not based upon information which was submitted with the original application and is incorrect.

We request that the JRPP approve the rewording of Condition 133(h) to allow delivery hours between 7.00am and 10.00pm, 7 days for the following reasons:

- The proposed delivery hours are supported by an acoustic report (**Appendix B**);
- Existing Condition 133(h) does not appear to be based upon any relevant acoustic data;
- Existing Condition 146 already permits deliveries between 7.00am and 10.00pm, 7 days;
- Condition 153 already permits trading between the hours of 7.00am and 9.00pm Monday to Saturday; and
- ALDI has a proven record of good operational management procedures and practices as detailed in **Appendix C**.

In the absence of any adverse environmental impacts it is considered reasonable to approve the rewording of Condition 133(h) as follows:

### **Condition 133 Traffic, parking and loading dock requirements.**

*"(h) Delivery of goods to and from the site must not occur outside the hours between 7.00am – 9.00pm Monday to Friday and 8.00am – 5.00pm during weekends. **10.00pm, 7 days.**"*

## **Trading Hours**

### Amendment to S96 Application

The applicant now seeks approval for reduced ALDI Store trading hours of **7.00am to 9.00pm, 7 days**. The modified consent notice will therefore require the rewording of only one condition, Condition 153.

## Background

The following condition forms part of the existing development consent (refer to **Appendix A**):

**"Condition 153. Hours of Operation.** The use of the retail part of the development is restricted to the following hours of operation: 7.00am and 9.00pm Monday to Saturday and 8.00am to 8.00pm on Sunday."

### Comment

The current condition permits trading between 7.00am and 9.00pm Mondays to Saturdays, therefore the modified proposal seeks to increase the Sunday trading hours by one hour in the morning and one hour in the evening. The proposed amendment to this condition is considered to be reasonable on planning merits for the following reasons:

- The delivery hours are already approved from 7.00am to 10.00pm, 7 days (Condition 146);
- There was no discussion within the original Assessment Report to the JRPP or within the original acoustic report dated October 2011 regarding trading hours and therefore the restriction to trading hours is not based upon any particular amenity or environmental impact which related to the residential amenity of surrounding properties;
- The proposed delivery hours are supported by an acoustic report and there are no adverse acoustic outcomes for proposed trading of 7am-9pm;
- The proposed trading hours which are sought reflect longer hours than the ALDI Store will trade for. In this regard the proposed trading hours of the subject ALDI Store are consistent with standard ALDI Store trading hours which are applied for across NSW. However ALDI Stores across NSW do not trade for the full extent of their approved hours. In this case, while trading hours of 7am until 9pm are being applied for, the subject ALDI Store will only trade in accordance with ALDI's standard trading hours in NSW which are 8.30am until 8pm (Mondays – Wednesdays and Fridays), 8.30am until 9pm on Thursdays and 8.30am until 7pm on Saturdays and Sundays. A review of ALDI's website confirm that the trading hours of all ALDI Stores within Australia are generally in line with the above and the subject ALDI Store will only trade in accordance with ALDI Stores Trading Hours Policy.
- ALDI has a demonstrated record of good operational management procedures and practices as detailed in **Appendix C**.

We therefore request that Condition 156 be reworded as follows:

*"153. **Hours of Operation.** The use of the retail part of the development is restricted to the following hours of operation: 7.00am and 9.00pm ~~Monday to Saturday~~ and 8.00am to 8.00pm on Sunday." 7 days.*

### **Acoustic Wall between the Site and No. 78 Eltham Street**

The S96 Assessment Report has recommended that no changes be supported to both the proposed delivery hours and trading hours because the conclusions of the amended acoustic report which was submitted with the S96 Application are based upon a 4.7 metre high wall and not a 1.8 metre high wall, as imposed by the existing Condition 48(c).

The amended Acoustic Report which was submitted with the S96 Application modelled noise impacts based on a 4.7 metre wall being erected between 78 Eltham Street and the subject site (Refer to Figure 11 of the amended Acoustic Report which **is attached as Appendix B**). In the acoustic report, this wall comprised the following elements:

- 1.8 metre high retaining wall
- 1.8 metre high masonry wall
- 1.1 metre high Perspex on top of the masonry wall (now deleted from the proposal)
- 4.7 metre total height.

We note that the S96 Application plans show a retaining wall of 2.1 metres in height which is the correct overall height and which does not affect the height of the wall which sits above it, as this is measured from the ground level at the boundary of 78 Eltham Street.

Condition 48 of the existing development consent LDA 2011/0648 requires an acoustic screen of masonry construction to be a maximum of 1.8 metres in height. Logically this would be a screen along the common boundary and be measured from the ground level at the boundary, as shown on the sections prepared by the Project Architect (**Attachment D**). Originally the S96 Application sought delivery hours from 6.00am and as such and to meet sound attenuation targets for the adjoining dwelling at No. 78 Eltham Street a 1.1 metre sheet of Perspex was added to the height of the boundary wall. However the proposed delivery hours have now been reduced to commence from 7.00am and as such the Perspex is no longer required. This has been assessed and confirmed by the acoustic consultant in the memo dated 10 May 2013 in **Appendix B**.

The amended acoustic report which was submitted with the S96 Application supports the delivery hours from 7.00am until 10.00pm, 7 days and it is reasonable to conclude that trading hours from 7.00am until 9.00pm, 7 days are also satisfactory acoustically and will not be detrimental to any surrounding resident.

### **Traffic Issues**

#### Performance of the Intersection

Council has raised the following issues with regard to traffic data and conclusions which have been provided by the applicant:

"On page 8 of Council's report table 3.2 showing the impact of the Victoria Road and Monash Road intersection, the average waiting time decreases from the existing situation as a result of the section 96. This is likely to be an issue for members of the public, Councillors and the Panel members. Council is aware that the SIDRA modelling was undertaken using an optimum cycle time method which has changed the cycle time from 120s to 125s to achieve these results. What Council would like to see is what happens to the figures if the cycle time stays the same (ie adopting user given phase times in which phases are the same under each scenario)?

•If the same cycle time was used what would happen to the performance of this intersection. Would it go from an E as existing to a F?

•Can you justify adopting the optimum cycle time methodology?"

#### Comment

These issues were referred to Varga Traffic Planning Pty Ltd for comment. The following response has been received:

"We have re-run the before/after traffic models at 120 seconds, 125 seconds and 130 seconds. It doesn't matter which cycle length we use, the performance of the intersection barely changes."

The modelling calculations are attached in **Appendix G**.

#### Other Traffic Issues

Our review of the S96 Assessment Report indicates that the following conditions require further amendment as follows:

"133 (e) The largest truck to service the site must not exceed 15.2m in length. ~~(heavy rigid vehicle)~~

The reference to a heavy rigid vehicle (HRV) needs to be deleted as a HRV is only 12.5m long. Unless this is amended the condition will contradict itself.

"134 (b) Provision of physical barrier such as a boom gate or the like to prevent vehicles other than ~~heavy~~ **delivery and service** vehicles (delivery trucks) from entering the loading area or exiting the site via the driveway in Monash Road"

The wording as proposed in the S96 Assessment Report recommendation would prevent smaller delivery vehicles accessing the loading dock. For example a small truck would be prohibited from entering the dock by this condition. Therefore we request that the word 'heavy' should be replaced with "delivery and service" vehicles.

#### **Community Support**

The receipt of a petition containing the signatures of eight (8) local residents in support of the proposal suggests there is also general support by the local community for the modified development, in particular the ALDI Store (refer to Attachment F).

#### **SUMMARY**

Following a review of the S96 Assessment Report we seek to revise the Section 96(2) Application by reducing the proposed delivery and trading hours in order to reduce the overall environmental impacts of the proposal. The revised proposal seeks approval for:

- Delivery Hours of 7.00am – 10.00pm, 7 days.
- Trading hours of 7.00am to 9.00pm, 7 days.

We note that the proposed delivery hours are strictly in accordance with the existing condition 146 of development consent LDA 2011/0648. The consent will therefore require the revision of Condition 133(h) to ensure consistency within the conditions of consent. The proposed trading hours involve an addition hour in the morning and an additional hour in the evening on a Sunday.

The following conditions will require rewording for the reasons as outlined within this submission:

"133 (e) The largest truck to service the site must not exceed 15.2m in length. ~~(heavy rigid vehicle)~~

"133(h) Delivery of goods to and from the site must not occur outside the hours between 7.00am – ~~9.00pm Monday to Friday and 8.00am – 5.00pm during weekends.~~ **10.00pm, 7 days.**"

"134 (b) Provision of physical barrier such as a boom gate or the like to prevent vehicles other than ~~heavy~~ **delivery and service** vehicles (delivery trucks) from entering the loading area or exiting the site via the driveway in Monash Road"

*"153. **Hours of Operation.** The use of the retail part of the development is restricted to the following hours of operation: 7.00am and 9.00pm ~~Monday to Saturday~~ and 8.00am to 8.00pm ~~on Sunday.~~" 7 days.*

A detailed environmental assessment of local amenity issues including noise and traffic has been provided within this submission in conjunction with the original Statement of Environmental Effects and supporting consultant reports that accompanied the S96(2) Application. To ensure minimal environmental impacts and enhance residential amenity to surrounding properties the proposal has been revised to reduce the proposed delivery hours and trading hours of the ALDI Store.

In light of the benefits of the proposed development and the absence of any adverse environmental impacts we have no hesitation in recommending the revised modified development be approved.

Yours sincerely

**Milestone (AUST) Pty Limited**



**Lisa Bella Esposito**

Director

*Encl.*