

24 October 2013

Our ref: 212.085L7

General Manager
North Sydney Council
200 Miller Street
NORTH SYDNEY NSW 2060



TOWN PLANNING
AND URBAN DESIGN

Dear Sir/Madam,

RE: DEVELOPMENT APPLICATION NO. 65/2013

**DEMOLITION OF EXISTING STRUCTURES AND
CONSTRUCTION OF A SUPERMARKET, PUBLIC CAR PARK,
SHOPS AND SUBSTATIONS OVER FIVE ABOVE GROUND
LEVELS AND A BASEMENT LEVEL**

RESPONSE TO JRPP MINUTES

1.0 INTRODUCTION

With reference to the resolution of the Sydney Region East - Joint Regional Planning Panel (JRPP) meeting held on 17 October 2013, this letter is the applicant's response to the minutes from this meeting which include:

1. *The Panel resolves unanimously that it would approve the application subject to a resolution of the following outstanding matters:*
 - a) *Amendment to the "Petal" façade to reinforce the vertical blades to match the rhythm of the Alexander Street streetscape;*
 - b) *Acoustic treatment to the loading dock area to achieve satisfactory noise attenuation at No.11 Willoughby Road. This review should also consider a reduction in the operating hours of the loading area;*
 - c) *The Falcon Street substations are to be screened to integrate their usual appearance with that of the rest of the building;*
 - d) *The operating system of the car park shall be reviewed to reduce impacts of queuing, etc.*
2. *The Panel requests the applicant to respond to Council by Friday 25 October 2013. Council is requested to consider the amendments by Friday 8 November 2013 and submit a supplementary report to the panel, with its final recommendation (inclusive of draft conditions if appropriate) by 15 November 2013.*

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3. *Following receipt of the supplementary report the Panel will make a decision by electronic means unless it considers that a further public meeting is necessary.*
4. *The Panel notes that the recommendation in the planning assessment report was largely driven by the current appeal lodged with the Land and Environment Court. In this regard, the Panel requests that the applicant seek a postponement of the Court action to facilitate points 1 – 3 above.*

2.0 INFORMATION TO RESPOND TO JRPP RESOLUTIONS

- 2.1 *Amendment to the “petal” façade to reinforce the vertical blades to match the rhythm of the Alexander Street streetscape.*

Please find enclosed at **Appendix A** amended elevation drawings and 3D perspectives prepared by Nettleton Tribe (NT) in consultation with GM Urban Design (GMU) which demonstrate the inclusion of vertical blades to match the rhythm of Alexander Streetscape in the facades of the proposed development.

Based on the feedback from GMU to NT, the design seeks the inclusion of white blades at regular intervals which are wider so as to project and be readily visible when compared to the colour blades. This is considered to more closely reinforce the rhythm of the Alexander Street streetscape and the concept envisaged in the Architects + Partners for the “petal” façade.

- 2.2 *Acoustic Treatment to the loading dock area to achieve satisfactory noise attenuation at No. 11 Willoughby Road. This should consider a reduction in the operating hours of the loading area.*

The architectural drawings in the area of the loading dock have been amended to include:

- i. A notation is to be included showing the roller shutter for the loading dock on the drawing and elevation.
- ii. A notation that acoustic absorption materials will be installed in the loading dock.

To ensure this is implemented, the following conditions are suggested:

Acoustic Condition – Loading dock noise mitigation measure – install absorbing material

The walls above 2 metres and the ceiling of the loading dock be lined with 75mm thick acoustic absorbing material having an NRC not less than 0.9 faced with HD perforated foil covering (equivalent to Bradford Ultratel 48 kg/m³). The material is to be installed prior to the issue of the relevant occupation certificate.

Acoustic Condition – Operation noise mitigation measure for the loading dock – roller door to remain closed between 10pm and 6am

Other than when trucks are being unloaded, during the period 10pm to 6am, the roller door to the loading dock is to be closed so that internal operations that occur in the loading dock by night staff can occur without creating an acoustic impact.

The applicant requests that the Council and JRPP give consideration to not imposing a condition associated with restricting the use of the loading dock between 10pm and 6am.

The loading dock associated with the existing Woolworths supermarket currently operates without any conditions restricting the hours of its use and Woolworths currently operates the loading dock 24 hours a day, seven days a week, this enables the supermarket to function and provide for fresh food to be available each morning such as bread, milk, meat and other perishable foods which are consumed daily. The supermarket seeks to replenish and refresh its stocks outside of peak customer usage times and in particular prior to customers entering the store at the beginning of each day so as to ensure customers' needs are met.

It is requested that no further restriction on the hours of the loading dock usage to any shorter period than that already requested to be imposed by the Roads and Maritime Service (RMS) in correspondence dated 17 April 2013, where the RMS have sought to restrict heavy vehicles exiting Willoughby Lane into Falcon Street between 6am to 10am and 3pm to 7pm by the proposed development. Please be advised the applicant is willing to accept a condition to implement this request as follows:

RMS Condition – Exiting from Willoughby Lane into Falcon Street

Articulated vehicles servicing the proposed development are not to exit onto Falcon Street during the morning peak 6am-10am and evening peak 3pm-7pm.

If a further condition were sought to be imposed by the JRPP to stop deliveries between the period of 10pm and 6am, this leaves a window for deliveries by heavy vehicles to a period of 8 hours of a day which would make logistics delivery to the site extremely difficult.

It is noted that with the North Sydney Local Environmental Plan 2013 as published, this rezoned all of the properties which have a frontage to Willoughby Lane between Falcon Street and Burlington Street to B3 Commercial Core as at 13 September 2013 and prohibits residential accommodation in all forms. Therefore, no other residential development is permitted in this location and based on the peer review advice the loading dock is compliant with the noise criteria given the acoustic report submitted to Council with the DA at 11 Willoughby Road (and submitted with this DA).

Therefore, Mr Cooper has suggested the imposition of a condition to protect the nearby amenity of the residential property at 11 Willoughby Road:

Acoustic Condition – Acoustic testing in relation to 11 Willoughby Road

With the new loading dock in operation and the assumption that 11 Willoughby Road first floor level is operational as a residential dwelling, then the use of trucks for deliveries to the loading dock should be subject to acoustic testing outside that residential dwelling within 1 month of the new loading dock becoming operational to confirm the loading dock operations comply with the relevant EPA's Sleep arousal criterion of background + 15 dB(A) when assessed/measured as a L1, 1 minutes outside any bedroom window.

2.3 The Falcon Street substations are to be screened to integrate their usual appearance with that of the rest of the building.

Please find enclosed at **Appendix A** an amended elevation drawing prepared by Nettleton Tribe (NT) in consultation with GM Urban Design (GMU) which demonstrates the inclusion of a metal screen similar in design concept to that shown on the Alexander Street façade, so as to integrate the presentation of the Falcon Street façade with that of the overall development.

2.4 The operating system of the car park shall be reviewed to reduce impacts of queuing etc.

The design has been reviewed by Colston Budd Hunt and Kafes, with two design changes now demonstrated including:

- i. The entry driveway from Burlington Street has now a median of 2.5m separation from Willoughby Lane;
- ii. The queuing system to the ticketing machines has been adjusted so as the approach to each machine does not impact either queuing lane, and as a result the available for car has been slightly increased for two queuing lanes.

These changes are demonstrated in the drawings contained at **Appendix A**. The level 1 drawing also demonstrates the number of cars queuing to each ticketing machine.

Please find enclosed two full size and two reduced hard copies of the information contained in Appendix A.

Woolworths instructed their lawyers to seek an adjournment of the Land and Environment Court proceedings until 3 December 2013 and this was granted at the recent call-over on 22 October 2013, to enable points 1 to 3 of the JRPP resolution to be completed.

Should you have any queries or require clarification on any matters please do not hesitate to contact the undersigned on 0488 221082.

Yours sincerely

THE PLANNING GROUP NSW PTY LTD

A handwritten signature in black ink, appearing to read 'M. Higgins', with a stylized flourish at the end.

Marian Higgins
(Director)

APPENDIX A – AMENDED ARCHITECTURAL DRAWINGS