

04/09/20

Attention: Kim Holt

Planning Panel Secretariat

**RE: PLANNING PANEL REFERENCE NUMBER: PPSSNH-33
54-58A WYCOMBE ROAD, NEUTRAL BAY**

This letter responds to the consultant planner's assessment report recommending refusal for the development. We have reviewed the assessment report and provide the following comments in response to the key issues raised and the draft conditions of consent.

1. DEFERRED MATTERS

On 21 May 2020 the Sydney North Planning Panel (the Panel) deferred the previous recommendation for refusal and requested the applicant address the following issues. Each of these issues were addressed via amended plans as discussed below.

1. The driveway design needs to be reconsidered to minimise any acoustic and visual impacts on the neighbouring residence at 66 Aubin Street and to improve the landscape buffer/separation;

The proposed turntable was relocated 1m to the east allowing a 1m wide planter box to be provided along the western boundary adjacent to 66 Aubin Street. This amendment created a landscape buffer while also increasing separation between the turntable and adjacent building.

We note that this acoustic concern was not raised during Council's assessment of the application. Notwithstanding, the relocation of the turntable has lessened any potential noise impacts to 66 Aubin Street. In the Acoustic Statement prepared by Marshall Day Acoustics dated 22 June 2020, a series of additional mitigation measures are provided in order to minimise noise emissions and impacts arising from the use of the driveway.

We note that the draft conditions of consent include standard acoustic conditions that will be complied with. These conditions include restrictions to delivery hours and ensure the recommendations within the acoustic report are implemented in the development. This will ensure compliance with all noise and vibration criteria is satisfied.

2. The southern elevation needs an increased street-setback and landscaping including canopy trees. The building elements along the southern elevation (wall height, roof form and the Aubin Street setback along with architectural features including balconies, awnings, verandahs and parapets) should also be more compatible in scale and materials with the Wycombe Road streetscape and the conservation area. As a result of any changes in the regard, there should not be a transfer of any loss of floorspace to elsewhere on the site;

The setback of the building from Aubin Street has been increased from 2.4m to 3m in some areas and the upper level setback has, in part, been increased by 1.38m to 6.5m. The amended design includes pitched roofs with shallow eaves, use of sandstone and face brickwork, modulation of the Aubin Street façade, window and masonry panel articulation, balcony balustrade brackets, as well as the scale and proportion of the overall façade articulation. The increased setback from Aubin Street along with the introduction of planted canopy trees and architectural features, is consistent with the section of Aubin Street immediately to the west.

The amended scheme is supported by a Heritage Statement dated 19 June 2020 prepared by Urbis and heritage peer review dated 18 June 2020 undertaken by Professor Richard MacKay. The consultant planner's assessment report notes that 'the Conservation Planner engaged by Council has reviewed the proposed changes to the southern facade and acknowledges that the design detail, articulation and

materials of the Aubin Street elevation have been improved in response to this issue raised by the Panel'. The amendments to the southern elevation fully address the Panel's concerns.

3. Overshadowing of 66 Aubin Street should be minimised to be no greater than the current level of overshadowing; and

The assessment report acknowledges 'that the proposal increases overshadowing on the eastern wall of 66 Aubin Street and reduces overshadowing of the rear yard. However, there is no material impact on the living room windows of the dwellings within this building and so the overshadowing from the proposal is considered to be acceptable'. This matter has therefore been fully resolved.

4. The rear (western setback) should be increased in width and the building reduced in height in order to have reduced impact on the future development of 9 and 11 Thrupp Street.

On the ground level the rear setback to the boundary with 9 and 11 Thrupp Street has increased by 1.4m to 3.95m. On the first floor level the setback has increased by varying degrees to provide a 4.64m-6.34m setback. On the second floor level the setback has also increased by varying degrees to provide a minimum setback of 6.34m. Although the proposed building does not provide a minimum 6m setback to the western boundary on the ground and first floor, the following draft condition of consent has been included:

Privacy

C36. The following privacy devices are to be provided:

a) Fixed louvre privacy screens shall be attached to the windows or balconies on the west elevation that are within 12m of any windows in the east elevation of No. 66 Aubin Street or within 6m of the western boundary (except where the top of the window is below the level of the boundary fence), to prevent direct viewing to the west.

If this condition is imposed, compliance with this condition will minimise privacy impacts on future development at 9 and 11 Thrupp Street. Despite what the assessment report notes in terms of no reduction in building height, the building heights have been reduced where the roofline has been brought in and open stairs proposed on the western elevation. The proposal demonstrates there will be no unreasonable overshadowing on these properties and that adequate landscaping can be provided along the boundary. Therefore, there will be no unreasonable amenity impacts on the current and any future development at 9 and 11 Thrupp Street.

We note that the assessment report recommends the application for refusal, however, as demonstrated above the amended proposal addresses each of the issues raised by the Panel on 21 May 2020 and the assessment report concludes "the proposal and additional information provided generally respond well in relation the matters raised by the Panel in their previous deferral of the application".

In summary, the comments raised in the assessment report would not prevent the granting of development consent by the Panel.

2. DRAFT CONDITIONS OF CONSENT

City Plan's Letter to Council dated 22 June 2020 identified draft conditions that required amendments. Revised draft conditions have now been prepared which address some of the requested amendments, however, the applicant still wishes to amend three of the conditions identified below.

1. Change the following conditions G7 and G13:

Certification for Mechanical Exhaust Ventilation

G7. Prior to issue of ~~an~~ the relevant Occupation Certificate and following the completion, installation, and testing of ~~all~~ the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, must be submitted to, and approved by, the Certifying Authority.

Certification of Tree Condition

G13. Prior to the issue of an the relevant Occupation Certificate, a report prepared by an appropriately qualified person (being an arborist or the like) must be submitted to the Certifying Authority, describing the health of the trees specifically nominated below: -

.....

Justification

The proposed amendments will allow for a staged occupation certificate process to enable the residents in the existing aged care facility at 58A Wycombe Road to relocate into the new building whilst works are taking place in the existing facility, so no aged care beds are temporarily taken out of the area.

2. Change to the following condition (I10)

I10 - Food Shop Premises (Café) Registration

The food shop premises must be registered with Council ~~and NSW Food Authority~~ prior to commencement of operation of the approved activity. Shop Premises Registration must be maintained at all times.

Note:

a) Council registration forms can be found at <http://www.northsydney.nsw.gov.au>

~~b) Notification is required to the NSW Food Authority under Standard 3.2.2 Division 2 Section 4 Notification. (see www.foodnotify.nsw.gov.au)~~

Justification

Food Shop Premises can only be registered with Council, and the NSW Food Authority will not register it. Refer to attached email from NSW Food Authority that confirms they do not have a category suitable for notification of retail food business such as a café and there is no need to register the café with them.

We look forward to meeting with the Planning Panel to discuss these matters further.

Should you have any further queries please do not hesitate to contact Lotti Wilkinson (Associate) on 02 8270 3500 or lottiw@cityplan.com.au.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "Lotti Wilkinson".

Lotti Wilkinson

Associate

Elyse Kenny

From: Edwina Bower <ebower@cranbrookcare.com.au>
Sent: Wednesday, 2 September 2020 2:05 PM
To: Ethan Chin
Subject: FW: Byte ref # 417909 /Byte ref #417896 Enquiry regarding food shop premise registration in aged care facility

Hi Ethan,

FYI below emails from NSW Food Authority.

Edwina

From: Food Contact Mailbox <food.contact@dpi.nsw.gov.au>
Sent: Wednesday, 2 September 2020 11:42 AM
To: Edwina Bower <ebower@cranbrookcare.com.au>
Subject: Byte ref # 417909 /Byte ref #417896 Enquiry regarding food shop premise registration in aged care facility

Hi Edwina,

Thank you for your response.

Correct, we don't have a category suitable for notification of retail food business such as a cafe.

Regards

Mirjana

NSW Food Authority Helpline

NSW Department of Primary Industries | NSW Food Authority

6 Avenue of the Americas | Newington | NSW 2800

PO Box 6682 | Silverwater | NSW 1811

T: 1300 552 406 | E: food.contact@dpi.nsw.gov.au

W: www.foodauthority.nsw.gov.au

[nswfoodauthority](https://nswfoodauthority.gov.au) | [nswfoodauth](https://nswfoodauth.gov.au)

From: Edwina Bower <ebower@cranbrookcare.com.au>
Sent: Wednesday, 2 September 2020 10:50 AM
To: Food Contact Mailbox <food.contact@dpi.nsw.gov.au>
Subject: RE: Byte ref #417896 Enquiry regarding food shop premise registration in aged care facility

Hi Mirjana,

Thanks for your response.

Can I also confirm that it's not possible to register our café with the NSW Food Authority? Council is imposing a condition in our DA that requires we must register the café with you. If it's not possible, we will need Council to amend our DA condition.

Thank you very much,

Edwina

Edwina Bower

Group Asset and Systems Manager



Cranbrook Care

Suite 3, Level 1 / 8 West Street, North Sydney NSW 2060

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From: Food Contact Mailbox <food.contact@dpi.nsw.gov.au>

Sent: Wednesday, 2 September 2020 9:53 AM

To: Edwina Bower <ebower@cranbrookcare.com.au>

Subject: Byte ref #417896 Enquiry regarding food shop premise registration in aged care facility

Dear Edwina,

Thank you for your email.

Yes, your aged care facility requires a license with us.

Cafes and restaurants are regulated and inspected by their relevant council for the area and therefore there is no need to register your cafe with us.

I hope this information is assistance.

Kind regards,

Mirjana

NSW Food Authority Helpline

NSW Department of Primary Industries | NSW Food Authority

6 Avenue of the Americas | Newington | NSW 2800

PO Box 6682 | Silverwater | NSW 1811

T: 1300 552 406 | E: food.contact@dpi.nsw.gov.au

W: www.foodauthority.nsw.gov.au

nswfoodauthority | nswfoodauth

From: Edwina Bower <ebower@cranbrookcare.com.au>
Sent: Wednesday, 2 September 2020 9:44 AM
To: Food Contact Mailbox <food.contact@dpi.nsw.gov.au>
Subject: Enquiry regarding food shop premise registration in aged care facility

Hi,

We are looking at opening a food shop premises (small café) within a new aged care facility.

I understand from the NSW Food Authority website, and from speaking with someone on the helpline, that although we will need to register our main kitchen with the NSW Food Authority, our café should only be registered with the local Council.

Can I please get confirmation that this is correct, i.e. that:

1. Our main RACF kitchen should only be registered with the NSW Food Authority, and
2. Our café should only be registered with the local Council.

Thank you very much for your assistance with this.

Kind regards,

Edwina

Edwina Bower
Group Asset and Systems Manager



Cranbrook Care

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