

Outline For Joint PAC Presentation Sarah Kelly and John Sidoti

5 April 2017

Introduction - SK

- 1) Our location relative to Campbell's Stores; immediately opposite Bay 11, only residential development in proximity of Campbell's Stores, together with The Park Hyatt 'the most sensitive receivers' in proximity to site.
- 2) Current use of the Stores; uses, hours of operation, outdoor areas, kitchen exhaust locations, unapproved structure to the north of Bay 11.
- 3) Design of apartments at 8 Hickson Road; living and main bedroom face Hickson Road and Campbell's Stores with opening windows onto Hickson Road, levels 6 and 7 have substantial outdoor terraces facing Campbell's Stores.
- 4) All 6 of the apartments face Campbell's Stores with levels 3-7 having views over the Stores to Campbell's Cove, The Harbour and the Opera House.
- 5) Levels 3-7 look onto the roof of the Stores and any roof penetrations on structures on the roof are clearly visible from the apartments on these levels and may obstruct the views from some of these apartments.
- 6) History of consultation and submissions from 8 Hickson Road
- 7) Key aspects of the proposal relative to 8 Hickson Road
- 8) Two fundamental objections relative to 8 Hickson Road
 - I. Hours of Operation- patron noise
 - II. Kitchen Exhaust- location and design, smoke, smell, fumes, noise visual impact

Hours of Operation Noise Impact - SK

- 1) No details of uses, deferred occupancy applications
- 2) Need to give security to residents and certainty to future tenants and applicants
- 3) Use of City of Sydney DCP as default hours of operation, up to future applicants to justify any extension of these hours and how amenity of residents will be protected.
- 4) Consistent with existing hours of operation is the relevant bench mark not the hours contained on the liquor licence.
- 5) Acoustic report has not taken any readings after midnight and the impact can not be assessed. Other aspects in the methodology of the acoustic report mean that it not appropriate for setting acoustic levels.
- 6) Patron occupancy levels and acoustic standards need to be set on a tenancy basis and cumulative impact.
- 7) Open window ventilation design.
- 8) These matters can all be covered by conditions of development consent.

Kitchen Exhaust - JS

- 1) Existing kitchen exhaust and its impact

- 2) Proposed location has the highest amenity impact in most sensitive location just BAD design
- 3) Any failure of the system through design, installation or management will have an extreme impact on the residents of 8 Hickson Road and The Park Hyatt Hotel
- 4) It is not possible to assess the extent of the impact on the residents of 8 Hickson Road without knowing the nature of the uses as certain styles of cooking require very different exhaust systems. The risk minimisation approach should be to locate kitchen exhaust systems as far as possible from residential premises.
- 5) The Urbis report of 25 November attempts to justify the location of the kitchen exhaust system within Bay 11 on the basis heritage impact, roof replacement, preservation of slate roof and visual impact.
- 6) Option to locate within southern sloping roof between Bays 2-4
- 7) City Council should be the approval body for the kitchen exhaust system as they have vast experience and will be required to enforce any conditions.
- 8) Proposed conditions of development consent.

Conclusion – JS

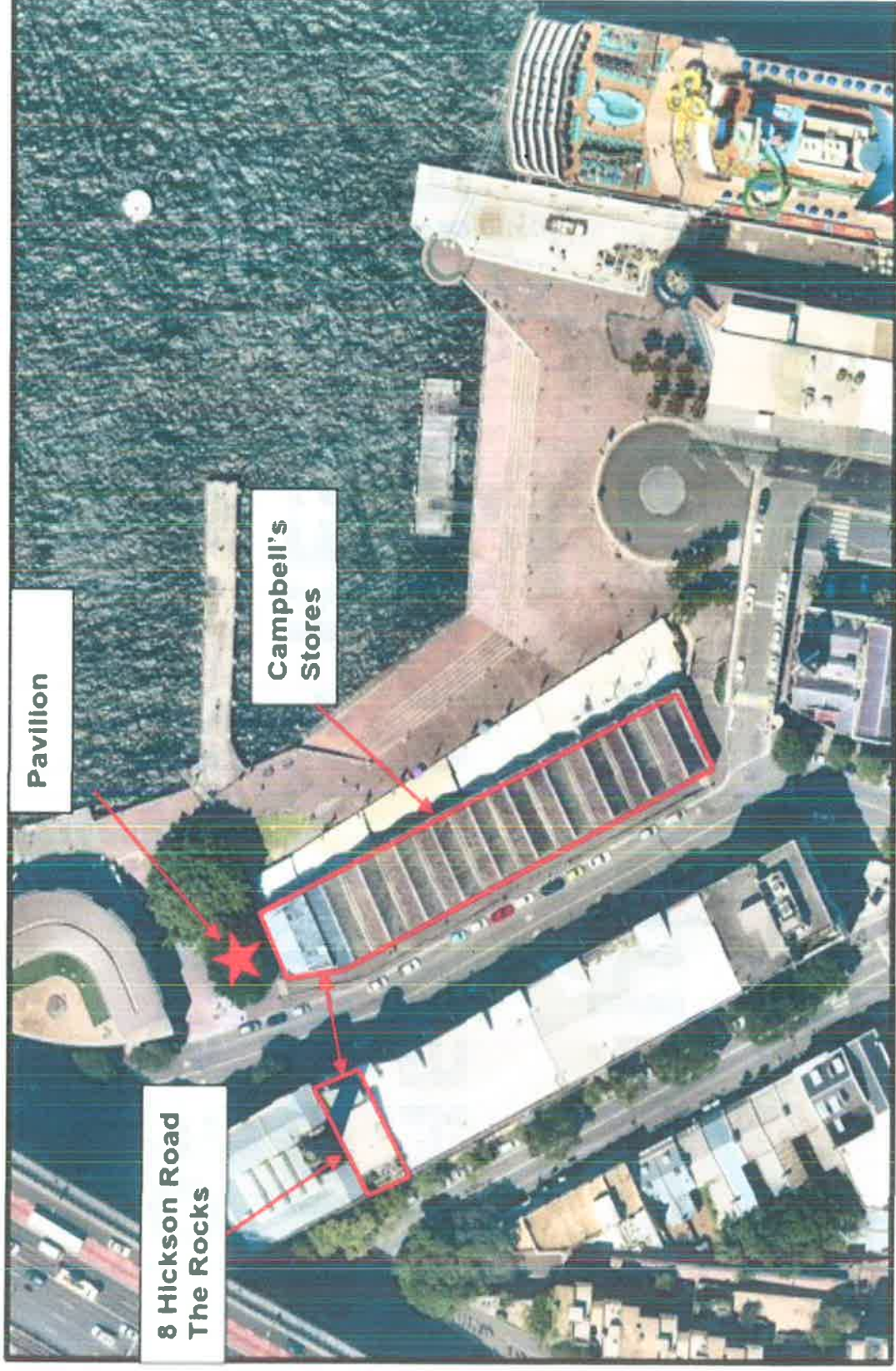
- 1) Kitchen exhaust, hours of operation and noise have been issues raised since first consultations. Consultations only occurred after design options were determined and locked in. These issues have not been addressed during the approval process.
- 2) It does not appear that the opinion of consultants was sought on the basis of minimising amenity impacts on residents of 8 Hickson Road or to provide input into the design process. Rather the consultants opinions were sought after the design was determined and so as to justify the design decisions not influence the design process.
- 3) This application should not be a choice between protecting the heritage value of Campbell's Stores and protecting the amenity of residents of 8 Hickson Road. Good design would not require such a trade-off. If the kitchen exhaust cannot be located elsewhere within Campbell's Stores then possibly the building is not suitable for restaurant use and its heritage conservation. Alternately any trade-off that is required should be at the expense of the commercial floor space not the residential amenity of neighbours.
- 4) The Members of The Panel are essentially relying on two consultants reports in determining the impact on the amenity of residents. The Air Quality Report that identifies the nearest residential properties as the other side of the Harbour Bridge and fails to identify our apartment building directly opposite the site and only 20 m away and the Urbis submission dated 25 November 2016 which states *'the system has been carefully designed to minimise potential impacts on adjacent sensitive receivers.'* When in fact no design has been completed or exists.

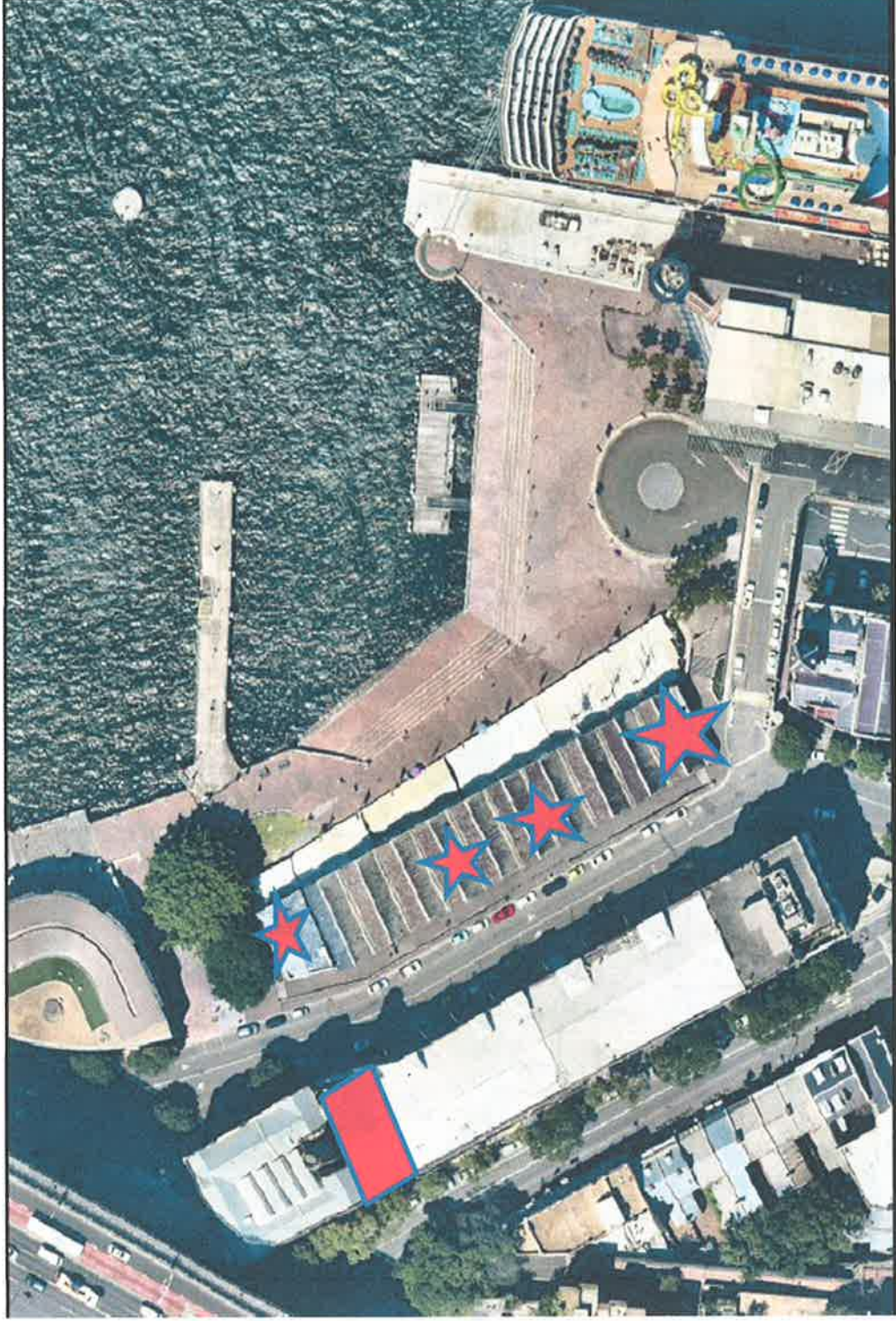
SSD_7056

Campbell's Stores

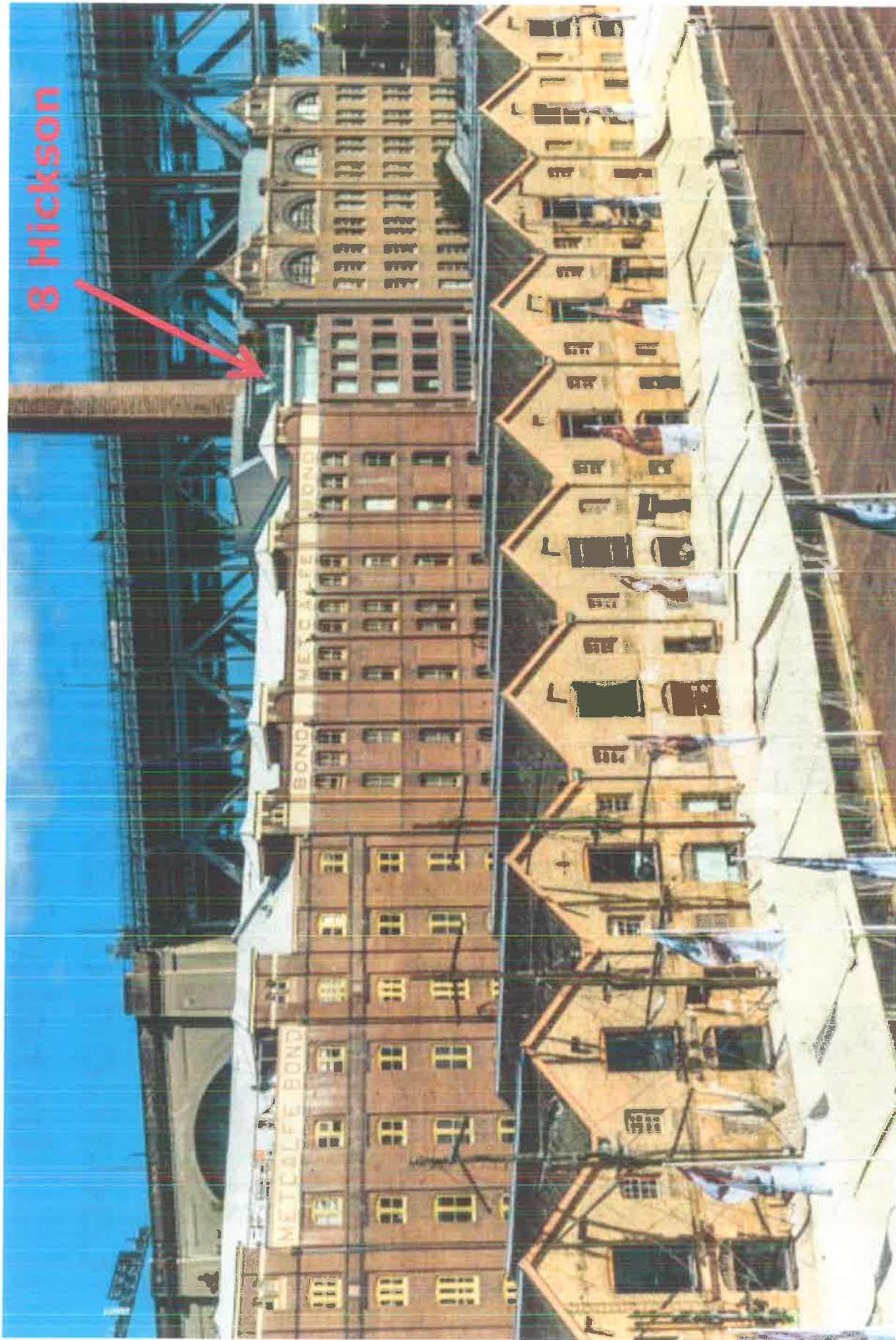
**THE IMPACT ON THE
AMENITY OF RESIDENTS
OF 8 HICKSON ROAD**

Campbell's Stores and 8 Hickson Road





**Location of existing Kitchen Exhaust
in relation to 8 Hickson Road**



The view from the living room of Apartment 3 8 Hickson Rd





**The view from the main bedroom
of Apartment 3 at 8 Hickson Rd**



**The view from Apartment 5 at
8 Hickson Road**



**The view from Apartment 6 at
8 Hickson Road**

RESIDENTIAL AMENITY IMPACTS

1. Patron noise - Hours of operation,
open window ventilation

2. Kitchen exhaust – smoke, smell,
fumes, noise, visual impact

PATRON NOISE 12/1/23

PATRON NOISE ISSUES

HOURS OF OPERATION

	Mon-Sat	Sunday
Campbell's Stores existing	7 am – 11 pm + occasional extended hours to midnight or longer on New Year's Eve	7 am – 10 pm + occasional extended hours e.g. for New Year's Eve
City of Sydney (COS) city edge and residential zones	8 am – 11 pm	10 am – 10 pm

Open window ventilation and **noise impact**

'... For much of the year it will be possible to ... operate the building in passive/natural ventilation mode ... building occupants will be able to enjoy the space with the windows open and air conditioning systems turned off....'

Source: Northrop Engineering in Part 5 of the JPW Design Statement for SSD_7056

KITCHEN EXHAUST ISSUES



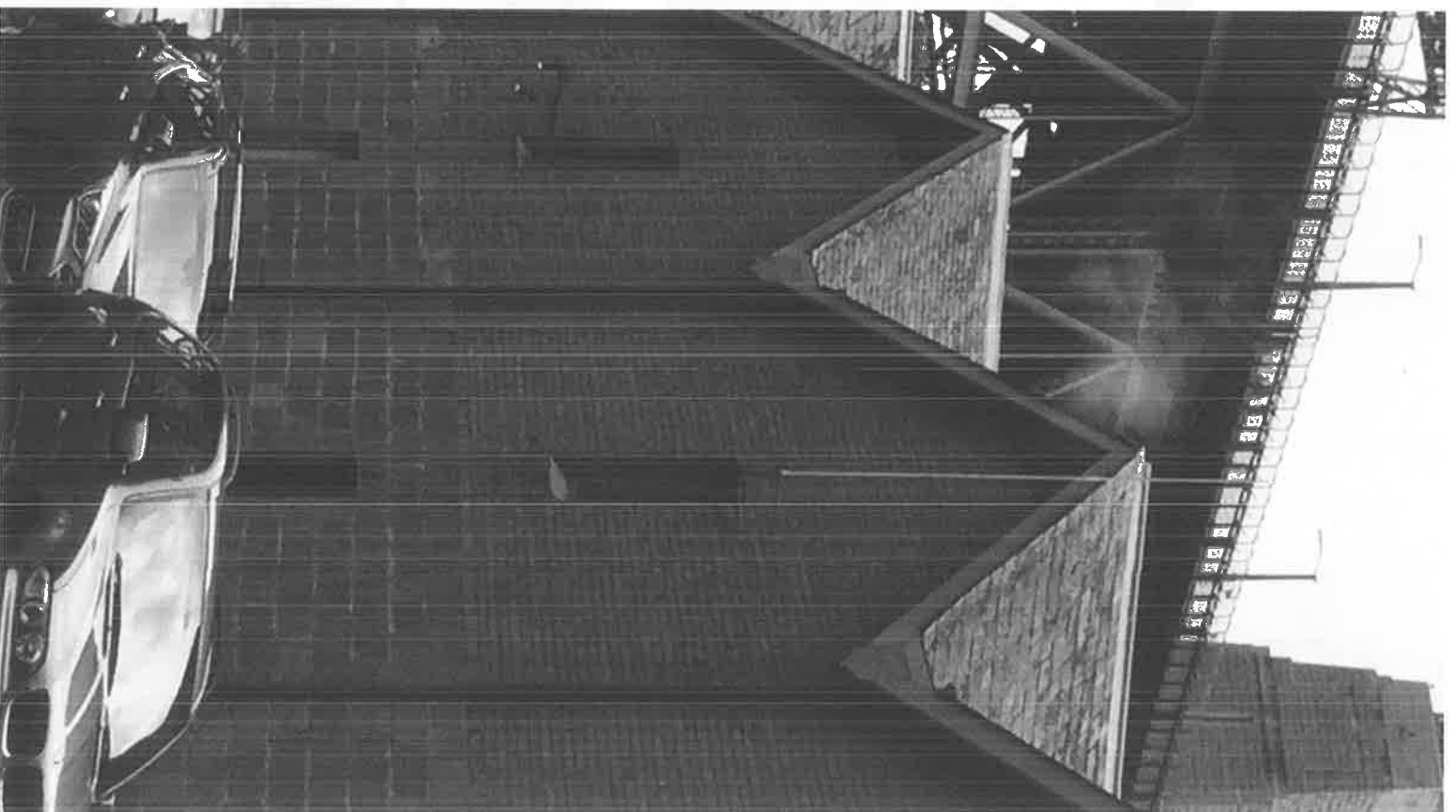
Source: SSD_7056, Urbis EIS Oct 2015, p. 29

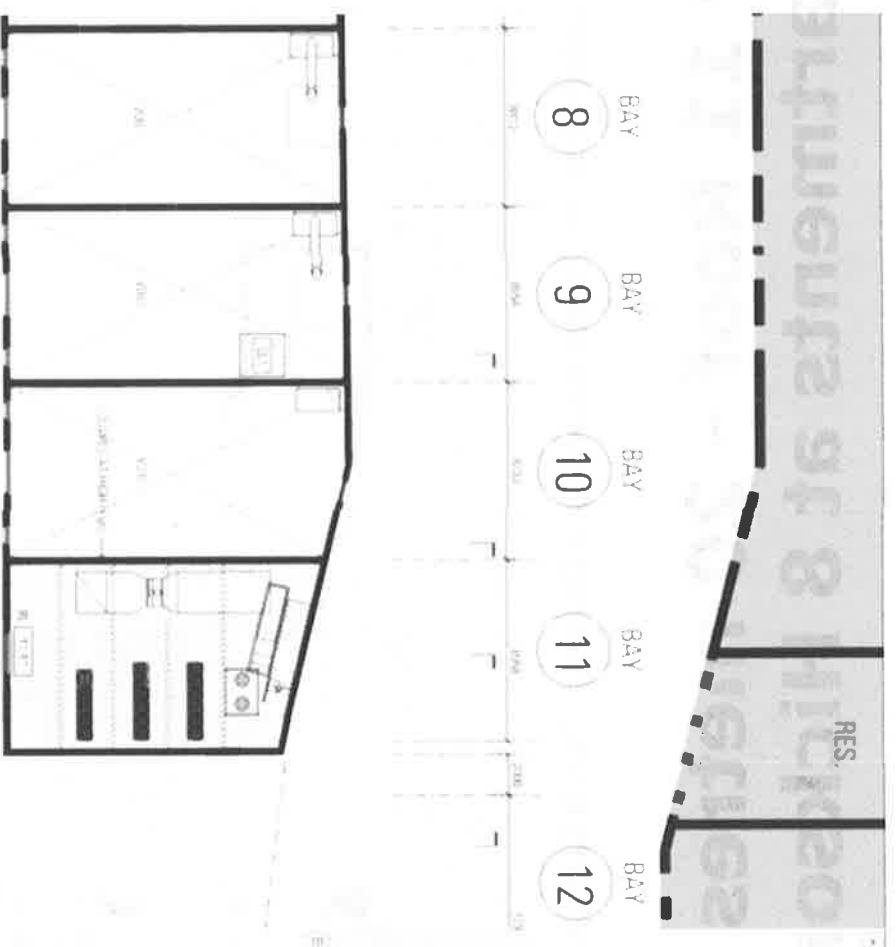
**Campbell's Stores the southern end, where
the main kitchen exhaust is currently located**



Existing locations of kitchen exhausts

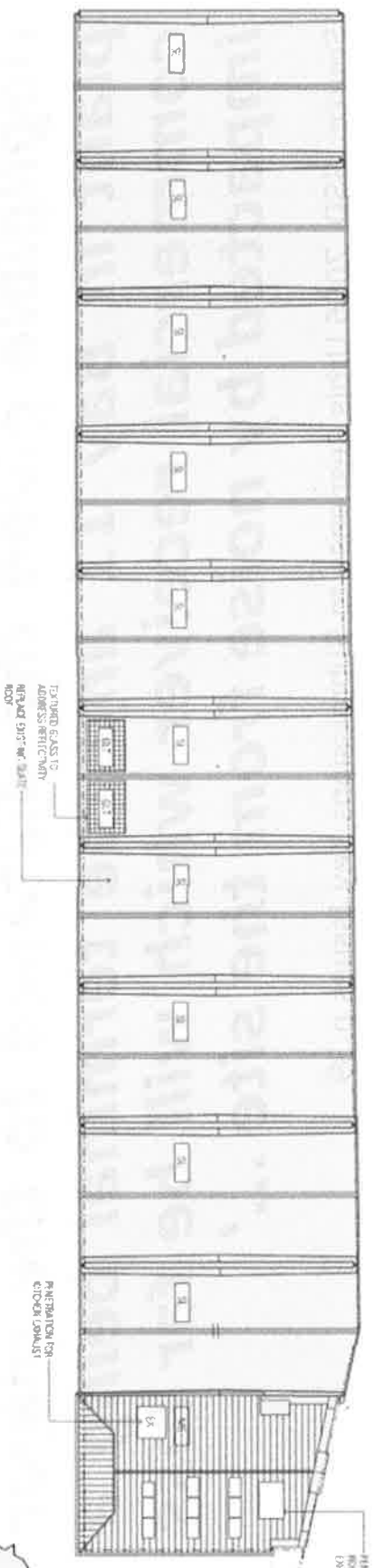
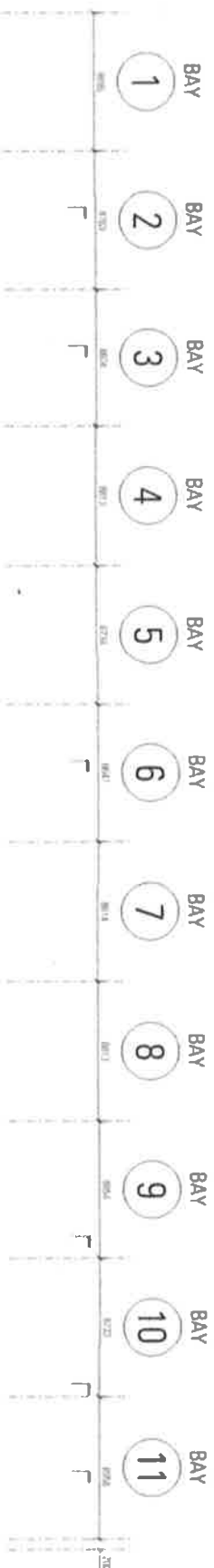
Existing Kitchen exhaust Bay 7 Campbell's Stores





Source: SSD_7056 Response to Submissions Second Round Appendix A Drawings Part
1 Drawing No. EA-A-1005

Proposed re-location of all kitchen exhaust to Bay 11



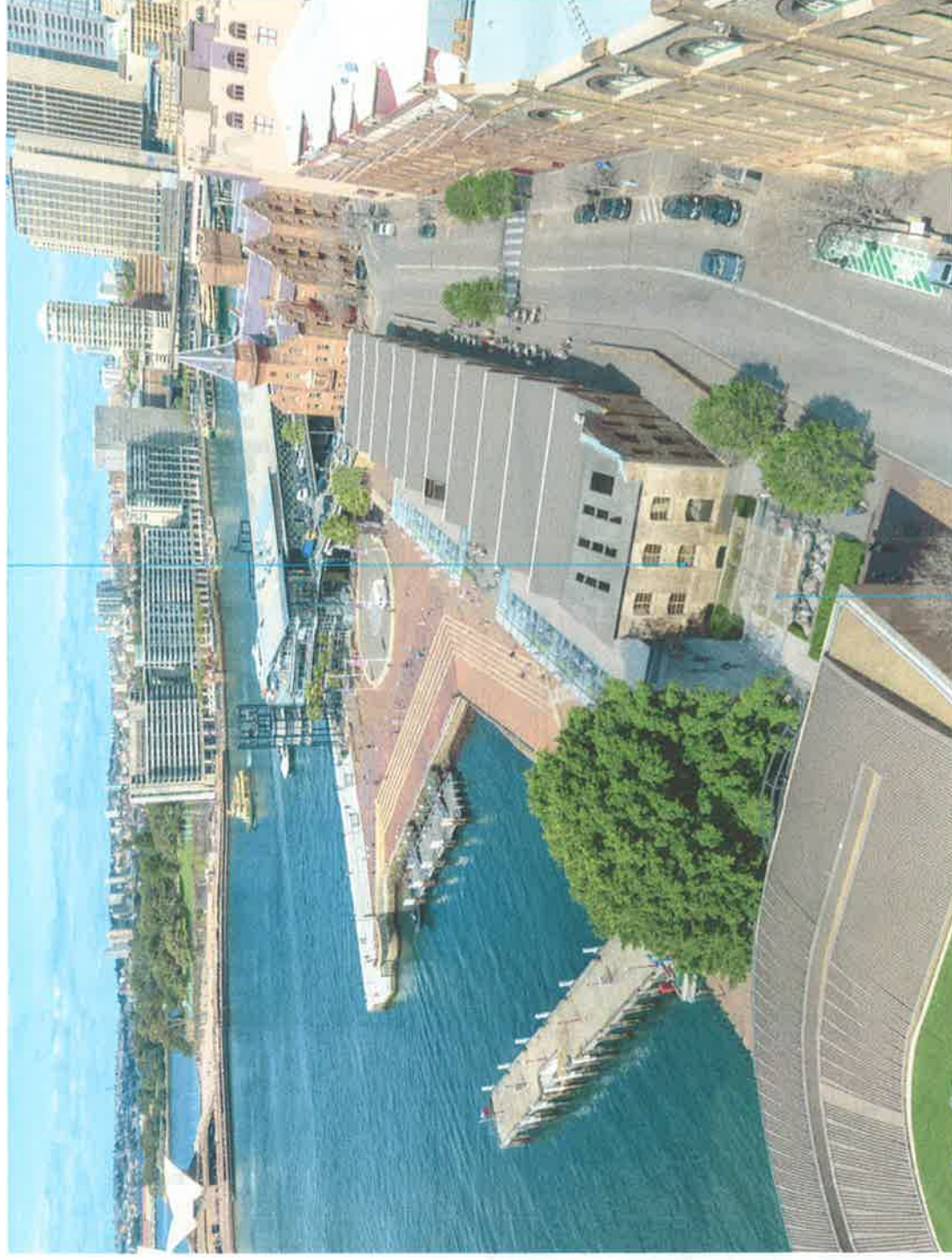
Source: SSD_7056 Response to Submissions Second Round Appendix A Drawings Part 1 Roof Plan Drawing No. EA-A-1006

Proposed Roof Penetrations

'Mechanical noise impacts to the passenger terminal are expected to be negligible given the distance to the major plant in Bay 11 and the terminal being a commercial receiver which will be far less impacted by noise from the site ...'

Source: SSD_7056 Urbis Response to Submissions Key Issues p.39

Distance mitigates negative impact



Source JPW Campbell's Stores design Statement 21.10.2016

Visual Impact of mechanical exhaust at northern end



Source: SSD_7056 Urbis EIS Oct 2015, p. 29

**Visual impact reduced by
locating exhaust in Bays 2-4**

5.6.2 MECHANICAL PLANT

Detailed acoustic design of the mechanical plant cannot be undertaken at this stage, as plant selections and locations are not finalised.

Source: SSD_7056 Urbis Response to Submissions Key Issues p.39 May 2016

... the system has been carefully designed to minimise potential impacts on adjacent sensitive receivers.

Source: SSD_7056 Urbis letter Mechanical Ventilation November 2016

There is still no Mechanical Ventilation design, despite the claims made in the second quote.

Exhaust emissions cnr Hickson Rd and George St



Recommended CONDITIONS OF CONSENT – if approved

- **Default hours of operation** – restricted to 7:00am to 11:00pm for indoor activity and 9:00am to 8:00pm for outdoor activity (11:pm eastern side).
- Outdoor amplified music and use of PA systems is **prohibited**.
- **Default noise levels.** Support the CoS by giving all tenancies a calculated maximum sound level that may be emitted from their premises.
- **No approval of the mechanical plant system within Bay 11.** Relocate to the southern and central areas of the building. Approval by the CoS in consultation with DPE.
- **Strengthen condition B9** of DPE suggested conditions of development consent to ensure flues, vents and other structures are not located above the roof line.
- **Stronger description** of usage of outdoor terrace area to prevent uses affecting the amenity of local residents.
- **Maintain public access** between Bay 11 and the proposed outdoor seating area to **facilitate and maintain public access (min 2m wide) to the foreshore.**