

## Planning Assessment Commission Meeting 5 April 2017

- I am a resident of the apartment building at 8 Hickson Rd, The Rocks, directly opposite the Campbell's Stores' Building. Despite the expectation that there be no or at least minimal negative environmental impacts on residents, the Applicant, Tallawoladah, has done little towards achieving this other than to provide assurances, which are meaningless in the absence of concrete plans of actual designs and procedures to mitigate the negative impacts of noise, smells and smoke.
- The applicant seeks to do six things which will potentially compromise our environment:
  1. have details of its mechanical exhaust design worked out during the construction phase.
  2. allow acoustic levels be established in the future and on a tenancy by tenancy basis
  3. allow an open window policy
  4. have four outdoor dining areas approved including three new areas facing Hickson Road without assessing the noise impact of 50 patrons on the northern façade of Campbell's Stores and 60 patrons at the north-western corner and an unknown number in the seating/dining area on the western façade
  5. have hours of operation from 6 am seven days/week until 2 am six days/week
  6. re-locate the mechanical ventilation to the northern end of the building
- All that's been indicated about **mechanical ventilation** is that it would involve 18-20 kitchen exhaust fans discharging through the roof of Bay 11. This description is not a plan. The construction phase is far too late to work out and assess a mechanical ventilation design. If it doesn't work as intended and doesn't mitigate negative impacts, there may be few or no alternatives available and what is to happen then? Tallawoladah needs to provide a design now so that its effectiveness can be assured.
- Acoustic levels need to be established and assessed on a cumulative basis across the whole site now and not on a tenant by tenant basis
- Hours of operation and noise levels in outdoor dining areas need to be controlled with those at the northern and western facades of Campbell's Stores operating no later than 8 pm. There should be no use PA systems or amplified music outdoors.
- Allowing an **open window ventilation system** with windows facing Hickson Road being left open for much of the year would mean we couldn't open the windows in our living area or main bedroom. No one has assessed the environmental impact of this policy for local residents or for passers-by, just wanting to enjoy a peaceful stroll along Hickson Road or the harbour foreshore. They would all be subjected to noise from indoor restaurant crowds. Under an 'open window' ventilation system, we would be exposed to unacceptable noise levels seven days a week, at any time during the opening hours of multiple restaurant tenancies. Unacceptable noise levels would be a permanent feature of Campbell's Stores.
- Applicants need to provide a ventilation **system that can contain noise, not broadcast it**. The 'open ventilation' system, which the applicants currently propose, would generate ongoing and significant noise problems and so create ongoing complaints and enforcement issues across the multiple tenancies within the Campbell's Stores building.
- The proposed hours of operation are excessive. Allowing restaurants to open at 6 am seven days/week and not close until 2 am six days/week, would have considerable negative impacts on the residents living immediately across the road and guests staying at the 5 star Park Hyatt Hotel next door. The consultants say that applicants currently have licences to trade until 2 am. That does not mean that consent authorities have to accept this time frame.

- We would also have to suffer noise from rubbish removal, leaf blowing, bottle sorting and collection and the pumping out of grease traps at all hours of the day and night. Any consent issued should incorporate enforceable conditions to protect residents and Park Hyatt hotel guests from such disturbances at least between the hours of 12 am and 7 am.

- Previous speakers have identified the ways in which the **re-location of the mechanical exhaust** to Bay 11 would have a negative impact on our amenity. The Department notes that if the mechanical ventilation is not allowed to protrude through the roof of Bay 11, then our amenity will be unaffected. This addresses the visual impact on our amenity and ignores the impacts of noise, smells and smoke.

- Tallawoladah justifies this re-location on **heritage grounds** and some might conclude from this that it is a question of heritage vs our amenity. What it really is a question of is heritage vs the mechanical ventilation needs of 13 instead of the current 4 restaurants. We should not have to suffer for a problem created by someone else's business goals.

Tallawoladah's consultants **haven't really provided the information authorities need to assess** the environmental impact of their proposals on local residents.

- The acoustic consultants have failed to:
  - Set noise targets for mechanical plant operating 24/7
  - Take into account background level noise rating when this plant is operating throughout the night
  - Take into account 'acoustic privacy'
  - Consider noise targets for the entire site as required in SEARs 6 and 14
  - take valid noise readings from varied locations.

They rely on predictions based on computer software modelling and offer little more than lists of goals and tables of noise levels that are considered acceptable. The report creates an illusion of scientific methodology, but, as Stephen Cooper has already pointed out, the methods underpinning it lack rigour and validity, leaving consent authorities with insufficient information to form an assessment.

- The Air Quality Impact Statement is also problematic. This company didn't know that there were residents immediately across the road from Campbell's Stores and significantly, directly opposite Bay 11, the area designated to accommodate the kitchen exhaust system for the building's proposed thirteen restaurants. SLR's report erroneously identified *'the nearest residential area ... [as] Miller's Point, located beyond the Bradfield Highway and Cahill Expressway'*. While describing systems that could be applied to disperse odours, it failed to assess their noise or visual impacts

### **Conclusion:**

To accept claims and assurances that this application mitigates negative environmental affects, would place an ongoing and unjust burden on local residents. Some of the applicants' consultants have still not even assessed these environmental impacts. Some consultants are unaware that there are residents living close by. We would be forced to continually have to battle individual applicants with regard to the effectiveness of their proposals for noise mitigation, mechanical ventilation and the containment of cooking odours. With a proposed thirteen dining areas indoors, of unknown type and cooking style, and four areas of outdoor dining, this would be significant.

Having these issues unresolved at approval stage, would place an ongoing and unfair burden on residents. It would force us to be constantly having to make submissions to consent authorities with each new development application and be engaged ongoing battles to protect the amenity of our

homes and our immediate environment. Far better that this be avoided through protections that you create through conditions you might place on any consent.

It isn't easy to gain a full understanding of these amenity issues from reading documents and listening to people talk. Sometimes you need to see physically see what it's all about. **The residents at 8 Hickson Rd would welcome you onsite to see for yourselves the problems we've described.**

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