

Objection to The Amended SSD 7056, November 2016

I welcome aspects of the amended proposal as detailed in Response to Submissions Report October 2016 Amended Proposal and Revision C of Plans EA-A and I congratulate The Department and Applicant on the removal of the previously proposed 4 storey glass box structure which was to be constructed between Campbell's Stores and the Park Hyatt Hotel.

The amended proposal now makes a positive contribution to the urban setting of Campbell's Stores. It:

- improves the visibility of the northern elevation of The Stores
- enhances public access to the foreshore of Campbell's Cove
- improves the views of the Opera House and The Harbour for the many pedestrians using Hickson Road.

I no longer raise objections to the proposal on the basis of heritage impact or urban design.

Unfortunately, I must maintain my objections to the proposal on the basis of the very negative impact it will have on my use and enjoyment of my home, the very significant impact the proposal will have on the amenity of all residents of 8 Hickson Road and on the guests of the Park Hyatt Hotel.

The applicant, in two 'Response to Submissions' reports dated May 2016 and October 2016, has failed to respond to the amenity impacts of the proposals.

The negative impact of the proposal on amenity has 4 specific causes:

1.The Location of Mechanical Kitchen Exhaust System within the Roof of Bay 11.

The proposal to relocate all the mechanical exhaust system for kitchens and other areas from the southern end of the building to the roof of Bay 11 will result in substantial impact on our amenity due to noise, vibration, smell and fumes emitted from the exhaust system and its close proximity to the windows of our apartment. It will also have a significant impact on other residents at 8 Hickson Road and the guests of the Park Hyatt.

While a detailed design has not been submitted the Roof Plan, EA-A-1005 Revision C and Level 04 Plan, EA-A-1005 Revision C, indicate 18-20 kitchen exhaust fans discharging through the roof of Bay 11. The proposal envisages converting the entire roof space of Bay 11 into a huge exhaust system, all located within approximately 25 metres of 8 Hickson Road and the Park Hyatt.

The relatively small component of the existing exhaust system which discharges through the roof of Bay 11 causes problems of smoke, smell and noise emissions out onto Hickson Road and

specifically our apartment immediately opposite. With thirteen yet to be determined restaurant/bar- related spaces, instead of the current two, all venting from this sensitive location, the applicants' proposals will make this far worse.

The very significant problems of smoke, smell, noise and fat dropping onto the footpath of Hickson Road from the recently installed exhaust system associated with the Ribs and Burgers restaurant located opposite Campbell's Stores clearly shows that even a modern, supposedly state of the art exhaust system fails to remove negative amenity impacts.

The operation of this particular system has, at times, necessitated the part closure of the western footpath on Hickson Road and Council prosecution. SHFA is also the owner of this property and has failed to exercise any control over the tenant or adjustment to the system to prevent the substantial amenity impacts of the exhaust system.

The proposed exhaust system at Bay 11 Campbell's Stores will result in similar amenity impacts on the residents of 8 Hickson Road. The applicant proposes that the system will operate all day and into the early hours of the morning. The impacts will be substantial and would prevent us and our fellow residents, opening the windows to our living room and bedroom. The impact could potentially make our homes unliveable.

The applicants' consultants have provided noise and mechanical ventilation reports. These both acknowledge that the roof of Bay 11 is the location of greatest sensitivity and the installation of the mechanical exhaust system at this location is likely to have the greatest amenity impact.

The location of the mechanical exhaust system within Bay 11 will not only result in substantial loss of amenity for residents but also ongoing enforcement issues for the Council of the City of Sydney and operational insecurity for the tenants.

The proposed multiple tenancy arrangement will make any enforcement slow and complex with the offending tenant difficult to identify and control.

2. Impact on Views from Exhaust Risers and Noise Baffles.

Even though the applicant has not submitted a detailed design for the mechanical exhaust system both the mechanical ventilation report and noise impact report state that in order to reduce smoke, smell and noise impacts of the system a riser of unspecified height and noise baffles, of unspecified design, will be required on the roof of Bay 11 in an attempt to mitigate the amenity impacts of the exhaust system.

The proposed risers and noise baffles for the mechanical exhaust system on the roof of Bay 11 will substantially and negatively impact on our views of the Sydney Opera House and Sydney Harbour from the living room and bedroom of our apartment on level 3, 8 Hickson Rd.

As with other factors, there is clearly not enough information for the Consent Authority to assess the impact of this aspect of the application and the applicant's EIS makes no attempt to do so.

3. Proposed Hours of Operation.

The proposed hours of operation from between 6.00am and 2.00am will result in noise impact, loss of amenity and substantial disturbance in the early hours of the morning. The noise impact will be from noise generated from within the premises, noise generated by patrons leaving the premises in the early hours of the morning and noise associated with cleaning and servicing operations before 7.00am.

The applicant proposes that outdoor eating and dining areas operate till 12 midnight seven days a week. Again no details have been submitted in respect to these activities however it is almost impossible to control noise in outdoor areas. There should be no amplified music, live or recorded, and no amplified sound of any kind within outdoor dining areas. Further all outdoor areas should cease operations by 8.00pm.

The fact that the licence issued by the Liquor and Gaming Authority allows trading to 2am is irrelevant to the Consent Authority's responsibility and power to prevent noise impact and loss of amenity. As is common throughout Sydney, the Consent Authority should impose more restrictive trading hours than those imposed by the Liquor licence in order to protect the amenity of nearby residents.

Trading to 2am is a substantial increase of trading hours from those that have existed for many years and would extend noise emissions into times that are most sensitive to nearby residents and likely to result in substantial disturbance.

The noise disturbance from noise generated from within the premises will be particularly significant as a consequence of the 'open window' ventilation design that will fail to contain noise within the premises.

Extending the hours of operation is contrary to the advice given and undertakings made to residents by Chris Drivas on behalf of Tallawoladah Pty Ltd at a meeting with residents of 8 Hickson Road prior to the submission of the original development application. It is also contrary to the description of the development in the applicants' Request for DGRs for State Significant Development. This request explicitly states 'as per existing trading hours' not as per hours contained on the Liquor licence.

The amenity impacts of the application must be assessed a cumulative basis and the entire Campbell's Stores assessed as one operation. On this basis the Campbell's Stores will have a capacity of 2,400 patrons (as noted in Waste Management Plan). This is well in excess of the 120 patrons which is the threshold that the City of Sydney Council uses to determine the category of

licenced premises. Campbell's Stores would be considered a Category A premises. Base hours for Category A premises are 7.00am to 11.00pm for indoor trading and 10.00am to 8.00pm for outdoor trading. In the absence of any details of specific occupancies there is no justification for trading beyond these Council adopted base trading hours.

4. Open Window Ventilation Design.

The proposed passive ventilation design will require Campbell's Stores' windows and doors opening onto Hickson Road to be open for much of the year. The 'open window' ventilation design will fail to contain noise within the premises and will result in significant noise impact on the residents of 8 Hickson Road and the guests of the Park Hyatt.

Anyone with any experience of entertainment premises knows that negative noise impact is a consequence of failure to contain noise generated from within the premises. The proposal would have a substantial impact on residents and so would lead to ongoing enforcement issues for the City of Sydney and operational issues for the venue operators. Enforcement will be even more difficult as a consequence of the multiple tenancies proposed.

The existing operations of Campbell's Stores result in excessive noise disturbance to residents on occasions when the doors accessing Hickson Road are left open. The operation of the premises as proposed will substantially increase this negative impact and in fact, make it a permanent feature.

Good design should seek to minimise potential amenity impacts and avoid the necessity of compliance by enforcement. The application as currently proposed fails to do this.

The application as submitted lacks details of the proposed mechanical exhaust design. The noise and vibration report and air quality reports fail to assess the impact on our amenity from the hours of operation, mechanical exhaust system, and proposed 'passive' air conditioning design. The application is unsuitable for approval in the absence of detailed design and assessment particularly considering the likely impact of these aspects of the proposal on the residents of 8 Hickson Road and guests of the Park Hyatt Hotel.

Variations to the Application to Protect Amenity and Enable Support

There is much in the amended application which is a positive outcome for the proponents, the public and for the long term conservation of Campbell's Stores. It should only be supported however if the significant amenity impacts can be overcome.

The amenity impacts will be significantly reduced to the point where I would support the proposal if it was amended to include the following changes in design and operation or if the application was approved subject to conditions reflecting these suggested amendments:

1. That hours of operation be restricted to between 7.00am and 11.00pm for indoor activity and 10.00am to 8.00pm for outdoor activities.
2. That servicing operations, including deliveries, waste collection, bottle collection, grease trap servicing, cleaning and garden maintenance be restricted to between the hours 7.00am and 6.00pm Monday to Saturday. These activities should not take place on Sunday.
3. That no amplified music, live or recorded, and no amplified noise including speeches occur in outdoor areas at any time.
4. That windows or doors opening onto Hickson Road be kept closed at all times and windows be fixed in a closed position. In respect to openings required for access to Hickson Road, air lock style automatic opening and closing doors need to be fitted and designed, installed and operated so that one of each pair of doors will always be in the closed position at any given time.
5. That Bays 9,10 and 11 be used for restaurants, coffee shops and access/circulation only. The use of these Bays for function centres, bars or clubs be prohibited.
6. That all of the mechanical exhaust system including machinery, flues, vents and baffles be located at the southern end of Campbell's Stores so as to minimise noise, fumes, vibration and smell impacts on the residents of 8 Hickson Road and guests at the Park Hyatt Hotel.
7. That there be no penetrations, structure or any plant, including flues, vents, plant or equipment located through or on the roof of Bays 9,10 and 11
8. The description and wording of any approval excludes the erection of any structure, north of Bay11, other than the proposed ground floor/basement services level and the shade structure on the Hickson Road level.

John Sidoti

9 November 2016