

Steve Czeref - RE: Cabarita Woolworths MP07_0179 Mod 2 (Hours of Operation) Submissions

From: "Jenny (on behalf of Darryl)" <jenny@daconsulting.com.au>
To: "Steve Czeref" <Steve.Czeref@planning.nsw.gov.au>
Date: 4/18/2012 11:50 AM
Subject: RE: Cabarita Woolworths MP07_0179 Mod 2 (Hours of Operation) Submissions
CC: <csheehan@woolworths ltd>, <ppeel@woolworths.com.au>

Hi Steve

We have reviewed the submissions received and our response on behalf of Woolworths is as follows:

Submission 1 – John Watson – resides at 11/59 Hastings Road

It would appear that Unit 11 at No. 59 Hastings Road is immediately opposite the proposed car park entry and loading area.

It is acknowledged that the submitter will be directly affected, as will other residents directly opposite the facility. However, it should be noted that the subject land is zoned for business purposes which would have been known to the submitter at the time that he purchased the property.

In addition, the proposed operating hours are not inconsistent with those applicable to contemporary shopping centres and supermarkets. Moreover, proposed Conditions G5B, G5D and G5E (renumbered as a consequence of deletion of Condition G5C) will assist in monitoring and mitigating potential adverse impacts on the amenity of the objector's property.

New Condition G5A

Similar comments to those above apply to the objector's concerns in relation to the extended operating hours of the commercial component and supermarket. In addition, the extended hours do not necessarily mean an intensification of traffic. Rather, traffic is more likely to spread out over the total operating hours of the facility rather than be concentrated and therefore potentially higher peak volumes based on the current hours of 8.30am to 5.30pm.

Conditions G5B, G5C and G5D

It is proposed that Condition G5C be deleted as it is inconsistent with the proposed amended Condition G3A.

As indicated in response to Condition G3A, it is considered that proposed Conditions G5B, G5D and G5E, which have also been applied to the Mullumbimby Supermarket, are suitable means to properly address the reasonable concerns of the objector, including appropriate monitoring and mitigation measures.

Submission 2 – Lisa Stewart – owner of Lot 189 DP 259164, 86 Hastings Road, Bogangar

It is not clear how this issue is relevant to the Modification Application as issues relating to access would have been addressed as part of the assessment of the original application.

Woolworths is in discussion with the Stewarts in relation to the easement/access issue.

Submission 3 – Tweed Shire Council

Amendment to Condition G3

It is acknowledged that the second part of existing Condition G3 has been inadvertently omitted from the amended condition.

Amended Condition G3A should therefore read as follows:

G3A Delivery Hours, Loading and Unloading

- (1) Delivery vehicles may service the site only between the hours of 7am and 6pm, Monday to Saturday, inclusive.**
- (2) Notwithstanding part (1), the applicant may seek approval from the Department to allow delivery vehicles to also service the site on Sundays or public holidays during the hours of 10am and 12pm, inclusive.**

Such approval may only be sought following a three (3) month trial period of such deliveries, commencing after occupation and following written notification of the commencement of the trial to the Department. During the trial the applicant shall keep:

- a. a register of all Sunday deliveries to the site during this time, including the number, time and type of vehicle; and**
- b. a complaints register which documents all complaints received from the public in relation to such deliveries.**

Immediately following the trial, the applicant shall submit the registers to the Department. The continuation of Sunday deliveries during the time the Department is considering the registers is at the Department's discretion. The Department may require the applicant to address certain matters in response to the review of the registers, which may include a requirement for a further trial period(s). Any action required to be undertaken must be completed within such period as the Department may agree.

Deliveries on Sundays and public holidays may not continue on a permanent basis unless written approval has been given by the Department.

- (3) Deliveries to the loading dock shall be restricted to small rigid vehicles (maximum 12.5m), and deliveries by semitrailer are not permitted. The proponent shall pay a cash bond of \$20,000 to Council for the purpose of future traffic control devices in Hastings Road, should delivery arrangements be deemed by Council to be unsatisfactory. The bond shall be paid prior to occupation, and Tweed Heads balance of this bond shall be refunded 12 months after the date of occupation.**

It is also proposed to change the heading of amended Condition G3A to read "Delivery Hours, Loading and Unloading".

Amendment to Condition G5 – Hours of Operation

Having regard to Council's submission it is proposed that the heading for Condition G5A be changed to read "*The hours of operation of the **commercial component including the supermarket shall be restricted to between***". The amended Condition G5A is as follows:

G5A – Hours of Operation

The hours of operation of the commercial component including the supermarket shall be restricted to between:

Day	Commencement Time	Cessation Time
Monday	7.30am	9.00pm
Tuesday	7.30am	9.00pm
Wednesday	7.30am	9.00pm
Thursday	7.30am	9.00pm
Friday	7.30am	9.00pm
Saturday	7.30am	9.00pm
Sunday/ Public Holidays	7.30am	9.00pm

Condition G5C

It is acknowledged that proposed Condition G5C is inconsistent with the provision of Amended Condition G3A and therefore should be deleted.

As a consequence, Amended Condition G5D should be amended to read Condition G5C and Amended Condition G5E should be amended to read Condition G5D.

The amended condition numbers are as follows:

G5C – Idling of Delivery Vehicles

Delivery vehicles shall not be left idling during loading or unloading. Refrigeration compressors shall be turned off during unloading.

G5D – Noise Compliance Test

Within 3 months of commencement of operation a noise compliance test of the development shall be undertaken by a suitably qualified person(s) that demonstrates that it complies with the NSW Industrial Noise Policy. Details shall be submitted to the Department for approval.”

I trust that the above responses adequately resolve the issues raised however should you require further information please do not hesitate to contact me.

Regards

DARRYL ANDERSON
Director/Principal Town Planner

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From: Steve Czeref [mailto:Steve.Czeref@planning.nsw.gov.au]
Sent: Wednesday, 4 April 2012 4:43 PM
To: csheehan@woolworths ltd
Cc: Jenny (on behalf of Darryl)
Subject: Cabarita Woolworths MP07_0179 Mod 2 (Hours of Operation) Submissions

Attached are copies of the Council's submission and 2 other public submissions received in relation to the proposed modification.

You may take this opportunity to respond to the matters raised in the submissions. If you wish to respond to the matters, please advise me of a time frame within which you propose to respond.

Please contact me if you require any further information.

Steve Czeref
Planner, Metropolitan and Regional Projects North
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