



Request for Planning Proposal

Planning Justification Report to support amendments to the
Tamworth Regional LEP 2010

May 2013

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	Tim Blythe
Senior Consultant	Naomi Daley
Job Code	SA4973
Report Number	Final

© Urbis Pty Ltd
ABN 50 105 256 228

All Rights Reserved. No material may be reproduced without prior permission.

You must read the important disclaimer appearing within the body of this report.

URBIS
Australia Asia Middle East
urbis.com.au

TABLE OF CONTENTS

Executive Summary	i
1 Introduction	3
1.1 Purpose of the Report	3
1.2 Location and Legal Description	3
1.3 Site Description	4
1.4 Surrounding Context	7
2 Key Planning Instruments and Controls	8
2.1 Introduction	8
2.2 Tamworth Regional LEP 2010 (TRLEP)	8
3 The Masters Proposal	13
3.1 Description of the Development Concept	13
3.2 Overview of the proposal	14
3.3 Associated works	16
3.4 Summary of Opportunities and Constraints	16
4 Consideration of Alternative Sites	18
5 Planning Proposal Request	22
Part 1- Objectives and intended outcomes	22
Part 2 – Explanation of provisions	22
Part 3 – Justification	23
5.1 Section A: Need for the planning proposal	23
5.2 Section B: Relationship to the Strategic Planning Framework	24
5.3 Section C: Environmental, Social and Economic Impact	30
5.4 Section D: State and Commonwealth Interests	33
Part 4 – Mapping	33
Part 5 – Community Consultation	33
5.5 State and Commonwealth Public Authorities consultation	33
5.6 Community consultation	34
5.7 Preliminary Consultation with Council	35
6 Conclusion	37
Disclaimer	38
Appendix A Architectural concept (Leffler Simes)	39
Appendix B Traffic, Access and Parking Statement (Colston Budd Hunt and Kafes)	40
Appendix C Flooding and Hydrology Statement (Henry and Hymas)	41
Appendix D Contamination Reports: Phase 1 ESA, Environmental Due Diligence and Asbestos Assessment report (Geo-Logix)	42
Appendix E Geotechnical Statement (Geo-Logix)	43
Appendix F Minutes of Meetings with Council	44

Executive Summary

This Planning Proposal request has been prepared by Urbis on behalf of Hydrox Nominees Pty Ltd seeking Council's support to prepare a Local Environmental Plan (LEP) amendment to allow a Masters Home Improvement Centre and associated bulky goods/food & drink tenancies at 7-33 Scott Road, Tamworth (the site). This report has been prepared to assist Council in preparing a Planning Proposal for the rezoning of the site in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Masters is a large format Home Improvement Centre consisting of a total floor area of approximately 13,500sqm comprising of the home improvement building (General Sales, Trade Sales and Landscape/gardening area), landscaping, access and loading areas and associated car parking.

Pursuant to the Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010), the site is located in three zones being B4 Mixed Use, RU4 Primary Production Small Lots and R1 General Residential. The proposed Masters Home Improvement Centre is most appropriately defined as a '*hardware and building supplies*'. This use is permissible in the B4 Mixed Use Zone but not in the RU4 or R1 zones. The accompanying bulky goods and food and drink premises are uses also permissible in the B4 zone, but not the RU4 or R1 zones.

This Planning Proposal has been prepared to facilitate the proposed uses on the subject site, by extending the B4 Mixed Use Zone across the entirety of the site.

The Masters proposal presents as a significant opportunity to:

- Provide investment into the local region, with the total project cost being approximately \$25million.
- Contribute to the overall vitality, strength and viability of the Tamworth Regional Centre, through increased employment involving 150 full time equivalent jobs on an on-going basis and 185 jobs during construction.
- Provide additional large format retailing for the community which will provide competition in the sector and which will complement the existing retail services within the town centre.
- Enhance the local environment by realigning and rejuvenating Barnes Gully.

This Planning Proposal has been prepared having regard to the '*Guide to preparing Planning Proposals*' and '*Guide to preparing local environmental plans*' prepared by the NSW Department of Planning & Infrastructure and provides the following:

- Description of the subject site and context.
- Indicative site plan showing sufficient detail to indicate the effect of the proposal.
- Statement of the objectives and intended outcomes of the proposal.
- Explanation of the provisions of the proposal.
- Summary of the justification of the proposal.
- Description of the community consultation process to date.

The Planning Proposal is supported by the following documentation:

- Indicative Site Plan prepared by Leffler Simes (refer Appendix A)
- Flood report prepared by Henry and Hymas (refer to Appendix C)
- Traffic report prepared by Colston Budd Hunt and Kafes (refer to Appendix B)

- Phase 1 Environmental Site Assessment prepared by Geo Logix Pty Ltd (refer Appendix D)
- Environmental Due Diligence prepared by Geo-Logix Pty Ltd (refer to Appendix D)
- Asbestos Assessment Report prepared by Geo-Logix Pty Ltd (refer to Appendix D)
- Geotechnical statement prepared by Geo Logix Pty Ltd (refer to Appendix E).

1 Introduction

1.1 PURPOSE OF THE REPORT

This report has been prepared on behalf of Hydrox Nominees Pty Ltd in support of a formal request to the Tamworth Regional Council for an amendment to the Tamworth Regional LEP 2010 (TRLEP).

The proposed amendments to the TRLEP seek to facilitate the development of a Masters Home Improvement Centre which would provide additional land to meet market demand for home improvement retailing in Tamworth and provide significant local employment.

This report and formal request follows consultation with the Tamworth Regional Council to establish the key requirements and principles for consideration to inform and facilitate the proposed development. This report has been prepared having regard to the *“Guide to Preparing Planning Proposals”* prepared by the Department of Planning & Infrastructure (DPI) dated October 2012 and seeks to provide Council with the required planning justification to support the preparation of an amendment to the TRLEP.

1.2 LOCATION AND LEGAL DESCRIPTION

The site is located at 5- 7 Hilton Street and 7-33 Scott Road, South Tamworth. The proposed development site comprises three allotments, legally described as part of Lot 1 in DP 797999, part of Lot C3 in DP 160164 and part of Lot 1 in DP 196665.

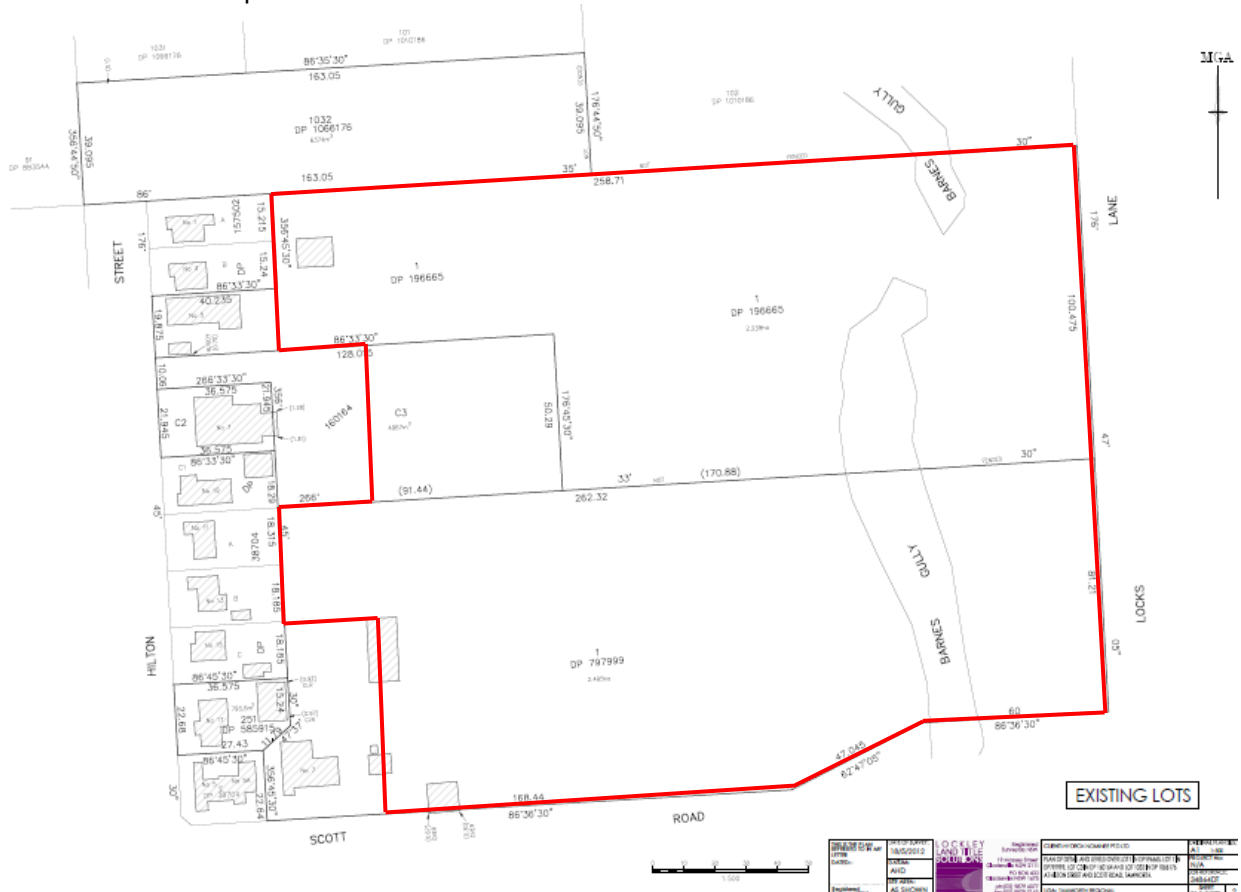


FIGURE 1 – SURVEY PLAN

1.3 SITE DESCRIPTION

The site's primary frontage is to Scott Road (an extension of the New England Highway). Scott Road is a key vehicular connection between Tamworth and South Tamworth.

The site also has frontage to Locks Lane to the east located within the flood plain. Locks Lane is currently an unsealed road that provides a north-south connection between Scott Road and the New England Highway.

The site is currently rural residential in character, being substantially vacant land but including a number of sheds and other associated structures.

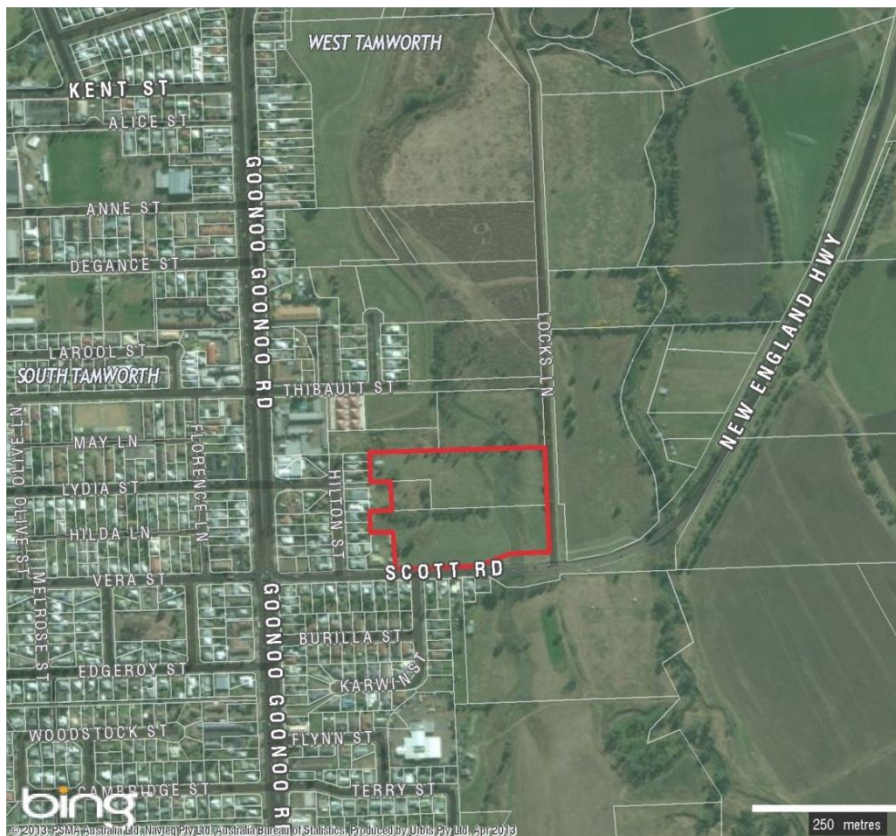
The site is located on the eastern edge of the South Tamworth urban area. Development to the west and south of the site generally consists of either single residential dwellings or small villa developments.

A watercourse known as 'Barnes' Gully' runs through the eastern part of Lot 1 in DP 797999, immediately adjacent to the proposed development site. A larger watercourse (Goonoo Goonoo Creek) is located approximately 150m to the east of the site.

A large area of undeveloped agricultural land is located to the east of the site, separating the urban areas of Tamworth and South Tamworth. This land generally represents the extent of the floodplain of the Peel River and Goonoo Goonoo Creek.

An aerial map showing the site is provided in Figure 2.

FIGURE 2 – SUBJECT SITE





PICTURE 1 – SUBJECT SITE LOOKING WEST FROM LOCKS LANE



PICTURE 2 – LOOKING NORTH-EAST ACROSS SUBJECT SITE FROM SCOTT ROAD WITH BARNES GULLY



PICTURE 3 – LOOKING NORTH ALONG LOCKS LANE (EAST BOUNDARY OF SITE)



PICTURE 4 – SOUTHERN BOUNDARY OF SITE LOOKING WEST ALONG THE EDGE OF SCOTT ROAD (ROAD RESERVE IN FOREGROUND)



PICTURE 5 – BARNES GULLY - CULVERT UNDER SCOTT ROAD



PICTURE 6 – LOOKING EAST ALONG SCOTT ROAD FROM BRIDGE ACROSS BARNES GULLY



PICTURE 7 – LOCKS LANE AND INTERSECTION WITH SCOTT ROAD



PICTURE 8 – LOOKING SOUTH ACROSS SUBJECT SITE



PICTURE 9 – LOOKING SOUTH ACROSS TO THE NORTH-WESTERN SECTION OF THE SITE (EXISTING SHED SHOWN TO BE DEMOLISHED)

1.4 SURROUNDING CONTEXT

As illustrated in the aerial photograph in Figure 2, the site is located on the fringe of the urban area with a residential context in a westerly direction and a rural character to the east. The site has a direct interface to the rear of the residential properties fronting Hilton Street, however for the remainder of the land, the site either adjoins vacant land or is separated by roads (Scott Road and Locks Lane).

The residential areas adjacent to the site in Scott Road and Hilton Street are well elevated above the flood plain. To the north of the site, the residential area within Thibault Street, the level of the land is lower and therefore protected by a levee bank (see picture 10 below).



PICTURE 10 – DWELLINGS TO THE NORTH OF THE SITE
PROTECTED BY AN EXISTING LEVEE BANK



PICTURE 11 – HOUSES LOCATED ON THE SOUTH SIDE
OF SCOTT ROAD LOOKING ACROSS
SUBJECT SITE

2 Key Planning Instruments and Controls

2.1 INTRODUCTION

This section of the planning justification report is informed by the Tamworth Regional Local Environmental Plan 2010 (TRLEP), as gazetted on 21 January 2011 and as amended.

The planning controls and guidelines applicable under the TRLEP are highlighted and discussed below.

2.2 TAMWORTH REGIONAL LEP 2010 (TRLEP)

2.2.1 ZONING AND PERMISSIBILITY

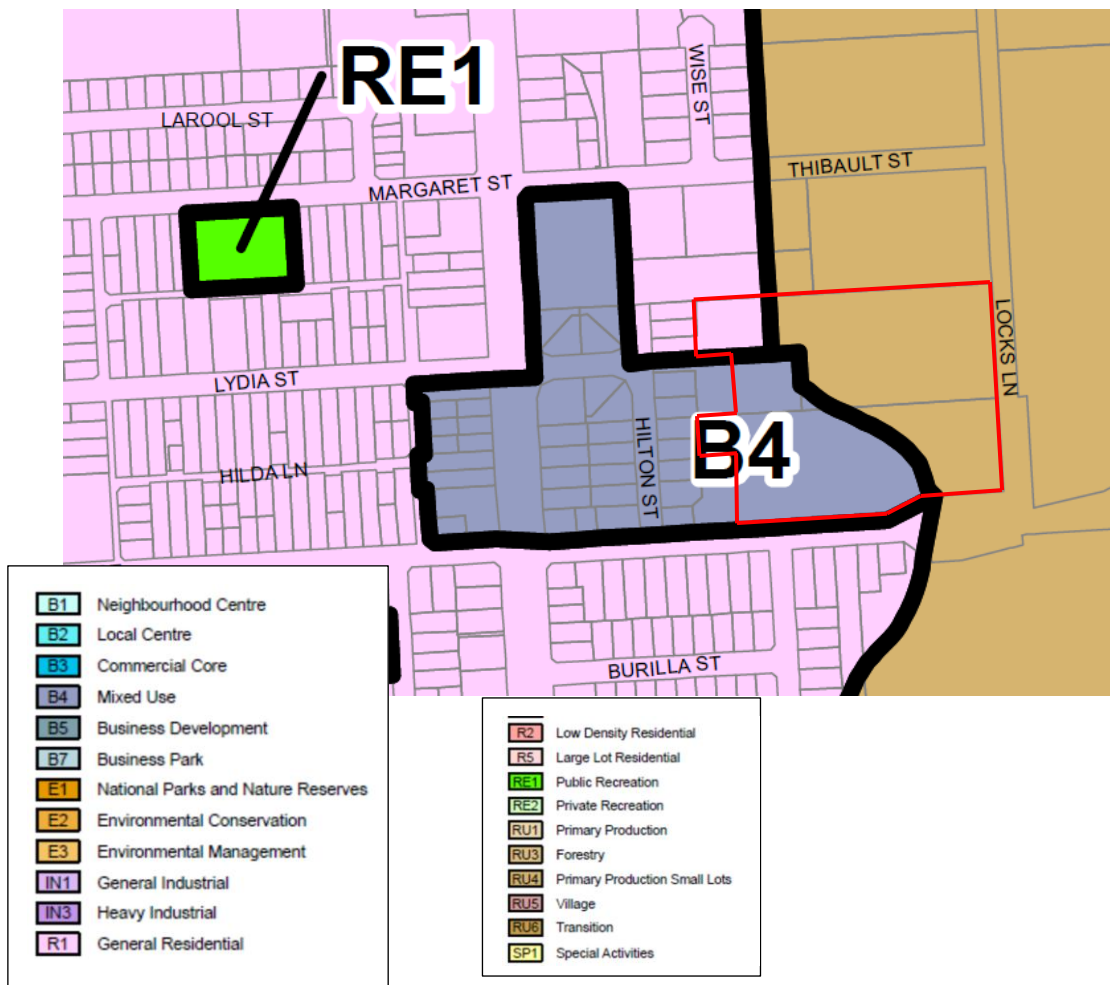
The site is currently located in three zones being:

- B4 Mixed Use
- RU4 Primary Production Small Lots
- R1 General Residential

The B4 zone permits a broad range of land uses including retail premises, office premises, business premises and residential land uses. All of the proposed uses are permissible on the B4 zoned land.

The RU4 zone permits primary industry and agricultural land uses as well as residential land uses but does not permit “*hardware and building supplies*”. The R1 zone also does not permit the proposed uses for the site.

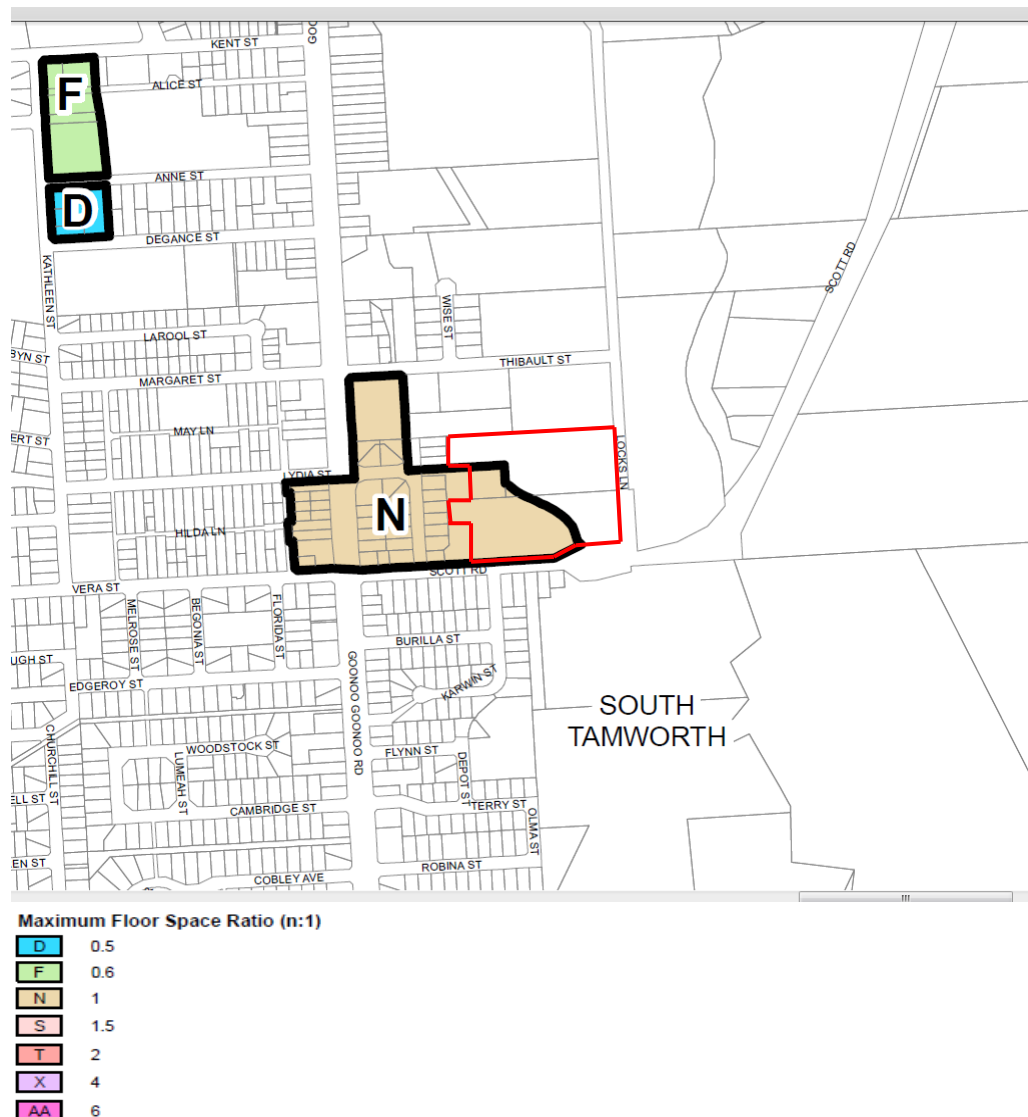
FIGURE 3 – TRLEP 2012 – ZONING MAP EXTRACT



2.2.2 FLOOR SPACE RATIO

Under Clause 4.4 of the TRLEP a maximum FSR of 1:1 applies to the B4 zoned portion and no FSR control applies to the portion of the site zoned RU4 Rural Small Holdings or R1 General Residential.

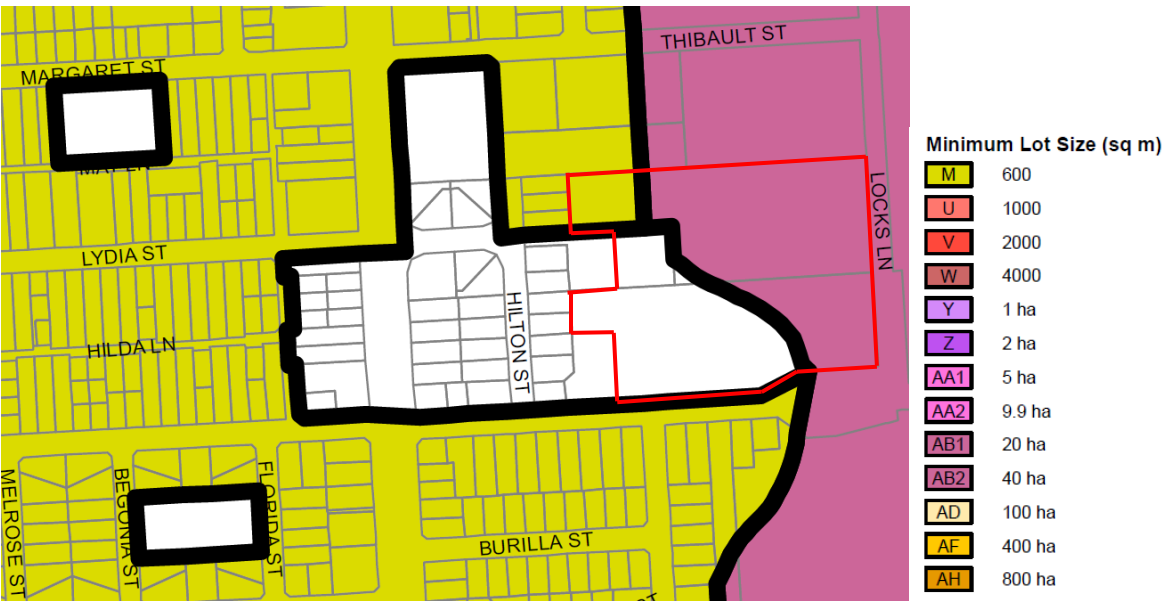
FIGURE 4 – TRLEP 2010 – FSR MAP EXTRACT



2.2.3 LOT SIZE

Under Clause 4.1 of TRLEP, a 40ha minimum lot size applies to the RU4 zoned land and a 600 metre lot size to the R1 zoned land and no minimum lot size applies to the existing B4 zone.

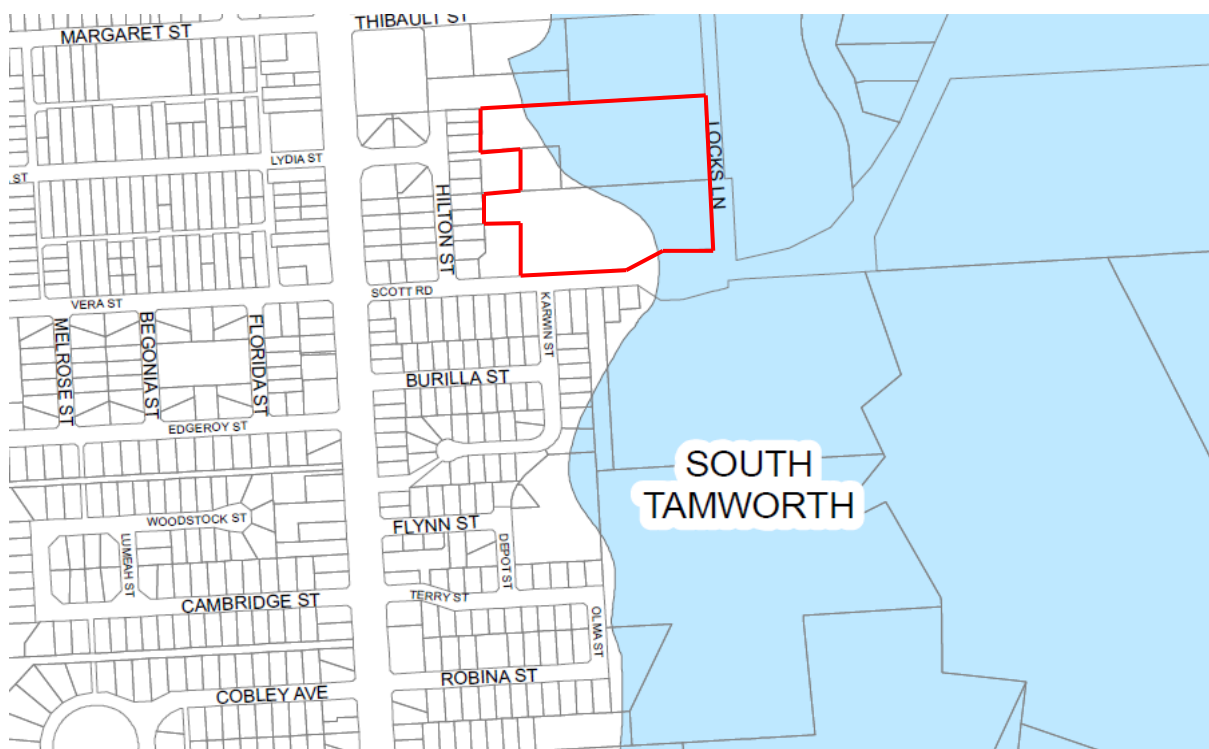
FIGURE 5 – TRLEP 2010 – LOT SIZE MAP EXTRACT



Further, under *Clause 4.1B – Minimum subdivision lot sizes for certain split zones* applies to the site as the development lots contain land in a business zone and land zoned RU4. Development consent for subdivision of the original lot must result in the resulting lots having land size compliant with the minimum lot size.

2.2.4 FLOOD PRONE LAND

FIGURE 6 – TRLEP 2010 – FLOOD PLANNING MAP



Under Clause 7.2 of TRLEP, the north eastern part of the site is located within a flood planning area. In assessing a DA for development of the site, Council will need to be satisfied that the proposed development:

- *is compatible with the flood hazard of the land, and*
- *is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- *incorporates appropriate measures to manage risk to life from flood, and*
- *is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- *is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

2.2.5 OTHER RELEVANT PROVISIONS

- **Development Near Zone Boundaries** – Clause 5.3 applies to land within 20m of a zone boundary and allows Council to grant consent to a use that would be permissible within the adjoining zone if they are satisfied that:
 - *the development is not inconsistent with the objectives for development in both zones, and*
 - *the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land*

- **Development in Zone B1 and Zone B4** (Clause 7.4) – This clause aims to ensure that business premises, office premises, cellar door premises, food and drink premises, markets and shops are located within the Tamworth CBD and other local centres in the region, rather than in Zone B1 Neighbourhood Centre or Zone B4 Mixed Use zones. It includes a restriction on these land uses (including food and drink premises) in the B4 zone if the development would result in a building or premises having a gross floor area of more than 2,500 square metres.

This provision is not directly relevant to the Masters Home Improvement Use, but is relevant for the potential retail tenancies located on the pad sites.

3 The Masters Proposal

3.1 DESCRIPTION OF THE DEVELOPMENT CONCEPT

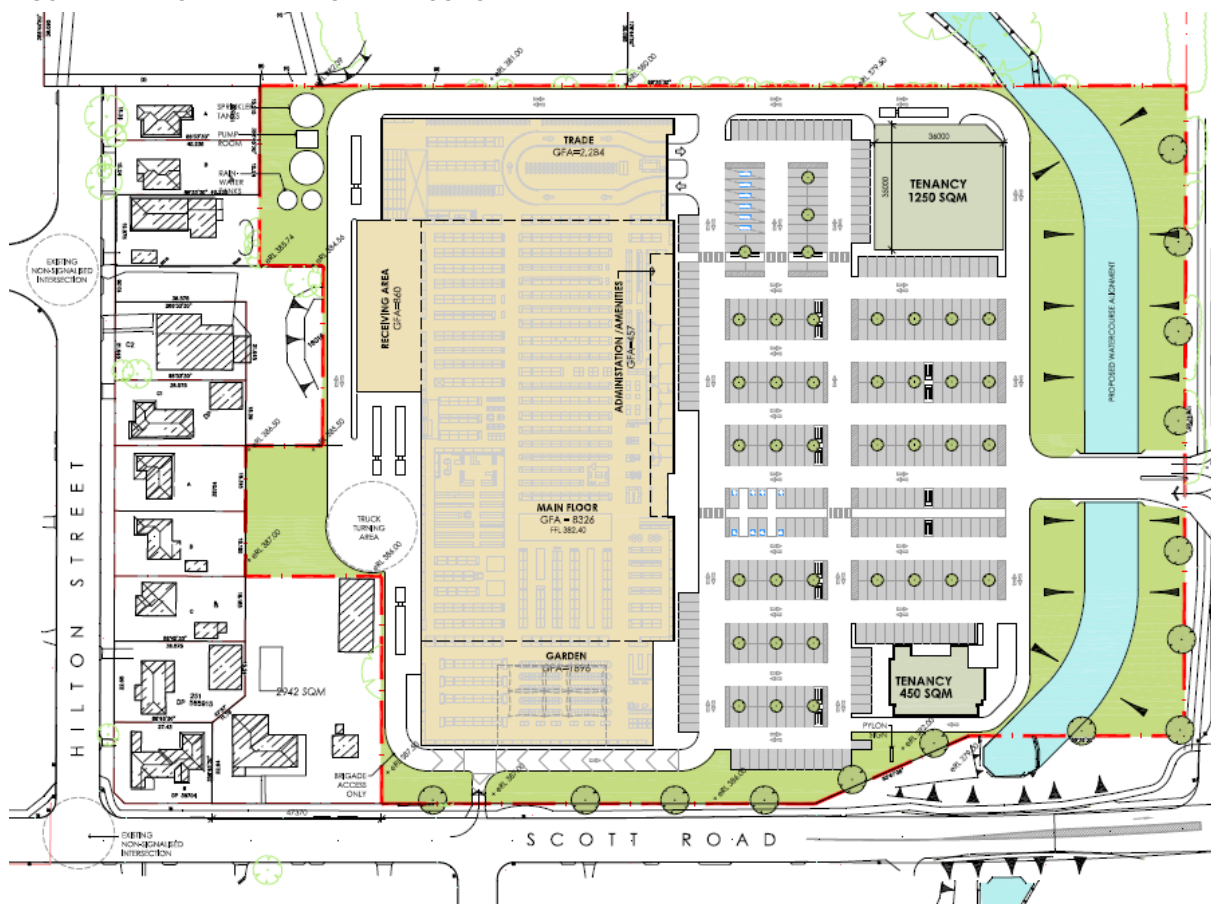
This Planning Proposal seeks to amend the TRLEP 2010 in order to facilitate the subsequent lodgement of a Development Application (DA) for a Masters Home Improvement Centre.

Masters seeks to develop a retail offer comprising of approximately 13,500sqm of floor space. The Home Improvement Centre will include a main floor area for a range of home improvement products, a nursery for landscape and garden products, a trade area for drive through sales of all goods and associated parking.

In addition to a Masters store, two tenancies are included in the site concept of around 1,250sqm and 450sqm of floor space. At this stage these are identified as a potential bulky goods user and a food and drink premises.

An indicative layout plan of the Masters Home Improvement Centre and associated retail tenancies has been prepared by Leffler Simes and is included below and at **Appendix A**.

FIGURE 7 – INDICATIVE DEVELOPMENT CONCEPT



3.2 OVERVIEW OF THE PROPOSAL

3.2.1 HOME IMPROVEMENT CENTRE

The concept scheme for the Home Improvement Centre has the following components:

- General sales area of approximately 7,514m² for a range of products including hardware, timber and building materials, décor and home decoration, and kitchen / bathroom fittings.
- Nursery area of approximately 1,965m² for a range of landscaping and gardening products including plants, pots, landscape trimming, and gardening equipment.
- Trade sales area of approximately 2,312m² for trade sales which will include a drive-in loading area for all stock for sale in other areas of the building.
- 860m² 'back-of-house' area in the north-western corner of the site for loading goods and materials.

The Home Improvement Centre will include a range of ancillary services and infrastructure for the proposed use, including:

- A ground level car park comprising 379 car spaces within the eastern portion of the site fronting Locks Lane and Scott Road, including 8 accessible parking spaces.
- Landscaping along the eastern and southern frontage and within landscape beds in the car park.
- Primary vehicle access will be via Locks Lane across a bridge over Barnes Gully. Locks Lane will be sealed with kerb and guttering for the length of the frontage of the site to Locks Lane. The intersection of Locks Lane and Scott Road will be upgraded to include a 'seagull' intersection allowing all vehicle movements.
- A secondary vehicle access to the site is proposed directly from Scott Road opposite Karwin Street allowing ingress movements only.
- All service vehicles will enter and exit the site via Locks Lane.

3.2.2 OTHER RETAIL TENANCIES

The accompanying retail tenancies are located in the eastern portion of the site and are 1,250sqm and 450sqm in size.

The tenancies have approximately 47 car parking spaces allocated for these specific uses.

3.2.3 PROPOSED CUT AND FILL

Given the significant fall in the levels of the land, it is proposed to cut into the slope (within the western portion of the land) with the effect of lowering the height of the new building as viewed from Hilton Street and Scott Road. The fill will be used to raise the levels across the balance of the land (up to the edge of the realigned Barnes Gully) to ensure that the pad sites and the car park surface achieves the required 500mm freeboard above the nominated flood level.

PICTURE 12 – INDICATIVE VIEW LOOKING WEST ALONG SCOTT ROAD SHOWING THE NEW BUILDING “SET DOWN”
BELOW THE LEVEL OF SCOTT ROAD



PICTURE 13 – INDICATIVE VIEW LOOKING EAST ALONG SCOTT ROAD. THIS SHOWS THE BUILDING ‘NESTLED’ INTO THE
SLOPE OF THE LAND



3.3 ASSOCIATED WORKS

3.3.1 REALIGNMENT AND REJUVENATION OF THE WATERCOURSE

Barnes Gully currently runs north-south through the east section of the site. It is proposed to realign the watercourse and enhance its visual and environmental amenity. The realignment further to the east allows the eastern portion of the site to remain at its current level and remain as part of the flood plain.



PICTURE 14 – INDICATIVE VIEW OF PROPOSED REALIGNED AND LANDSCAPED WATERCOURSE

3.3.2 ACCESSWAY FROM LOCKS LANE

The proposed primary access to the site will be from Locks Lane which will avoid associated impacts of heavy vehicles and customer traffic on the local residential precinct, including residents to the west.

A road bridge is proposed to be constructed over the realigned watercourse as illustrated in Picture 14 above.

3.3.3 LANDSCAPING

The proposal will incorporate substantial landscaping along the realigned watercourse and will be detailed further as part of a future development application.

3.3.4 SIGNAGE

All site signage will be subject to a future development application and will be consistent with the Masters' National signage package and colours.

3.4 SUMMARY OF OPPORTUNITIES AND CONSTRAINTS

There are a number of development opportunities and constraints presented by the site. These have been identified and responded to in the proposed land use and indicative design for the site.

The key opportunities for the site are identified as follows:

- The proposal will strengthen employment opportunities in the region as the use is a significant employment generating land use with 150 full time equivalent jobs created on an-going basis, as well as 185 jobs during the construction phase.
- The proposed development and uses are consistent with local and regional strategic policies.
- A new Masters store in this location has the potential to revitalise an underutilised and poorly presented and maintained site.
- The opportunity to improve the visual and environmental quality of Barnes Gully.
- The site is centrally located in Tamworth, highly accessible and visible to vehicles, particularly from Scott Road.
- The majority of the site is appropriately zoned as B4 Mixed Use zone which would support a Masters Home Improvement Centre.

The following constraints for the site are identified as follows:

- The site is proximate to 'Barnes Gully' a natural watercourse, but which is capable of being realigned and enhanced.
- There is a sewerage line bisecting the site that will require relocation as part of any redevelopment.
- The eastern section of the site is subject to flooding and will need to be filled to establish suitable freeboard levels for new development.
- The site has an interface with residential properties to the west and south which requires appropriate management of noise and visual amenity in the design development stage.
- The current zonings across the site do not fully support the Masters Home Improvement Centre and associated proposed uses, hence the need for amendments to the LEP.

4 Consideration of Alternative Sites

Masters is committed to establishing a presence in Tamworth and has been searching for suitable site for over three years. Finding a site with the right physical and locational characteristics is a critical success factor to the business and a number of criteria are considered when selecting a site including:

- Minimum area of 3 to 3.5 hectares;
- Regular shape to facilitate an efficient site design with adequate space for at-grade car parking to accommodate approximately 400 vehicles;
- Main road location with multi-directional vehicle access and clear visibility from that road;
- Regional accessibility to ensure draw from a large retail catchment;
- Proximity to other similar uses;
- Land use permissibility;

Masters would ideally prefer to find the most straightforward approval pathway (i.e. by finding a site that is suitability zoned) but in many cases this does not exist and a rezoning is necessary.

A number of potential sites have been investigated over the last three years and have been assessed against the above criteria, namely:

- Site A: Jack Woolaston Oval
- Site B: Former Bunnings site
- Site C: Minor League Park
- Site D: Jewry/Dampier Streets
- Site E: New England Highway, South Tamworth
- Site F: Ringers Road
- Site G: Scott Road

These locations are provided on the maps 15 and 16 overleaf.

PICTURE 15 – MAP OF ALTERNATIVE SITES (A TO D)



PICTURE 16 – MAP OF ALTERNATIVE SITES (E-G)



An analysis of the seven sites against the criteria is below.

TABLE 1 – SELECTION CRITERIA MATRIX

SELECTION CRITERIA	Jack Woolaston Oval (A)	Former Bunnings (B)	Minor League Park (C)	Jewry/Dampier Sts (D)	South Tamworth (E)	Ringers Road (F)	Scott Road (G)
Minimum area of 3-3.5ha.	✓	✗	✗	✗	✓	✓	✓
Regular shape.	✓	✓	✓	✓	✓	✗	✓
Good multi-directional access from a major road (either existing or reasonably achievable)	?	✓	✓	✗	?	✗	✓
Good exposure from a major road.	✓	✓	✓	✗	✓	✗	✓
Retail Suitability & Capability of achieving the same or better "offer" as our major competitor.	✓	✗	✗	✗	✓	✗	✓
Equally accessible to residents of the catchment as our major competitor.	✗	✓	✓	✓	✗	✗	✓
Land use Permissibility.	✗	✓	✓	✓	✗	✓	partial

In summary, only 4 of the seven investigated sites have the necessary site area to support a Masters store (3-3.5ha).

Of the 4 remaining sites:

- Site A (Jack Woolaston Oval) is not easily accessible to the broader Tamworth community and in addition, a rezoning to facilitate large format retailing on the site has been abandoned by Council;
- Site E (South Tamworth) is not adequately accessible and is not currently zoned. It is also considered to be too far south to be easily accessible to the broader Tamworth community.
- Site F (Ringers Road) is a highly constrained site noting an earlier refusal of Bunnings' proposal;
- Site G (Scott Road) meets all Masters' site selection criteria and is partly zoned for hardware and building supplies/garden centre.**

This analysis illustrates Masters' long term and careful analysis of the site opportunities in order to establish a presence in Tamworth. The Scott Road site is considered to have the essential ingredients to make the project successful and deliver sustained economic benefit to the local community.

5 Planning Proposal Request

This section of the report has been prepared to follow the structure and format of the *Guide to Preparing Planning Proposals*, as prepared by the Department of Planning & Infrastructure October 2012.

PART 1- OBJECTIVES AND INTENDED OUTCOMES

The key objective of this Planning Proposal is to obtain the necessary rezoning of the subject site by amending the provisions of the TRLEP 2010 to facilitate its development for a Masters Home Improvement Centre at Scott Road, Tamworth including retailing of home improvement products, hardware and building supplies, range of gardening supplies and plants, landscaping material supplies and associated retail tenancies (bulky goods and food and drink premises) with a total combined floor area of approximately 15,000sqm.

Under the current principle planning instrument, the Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010), the site is zoned a combination of B4 Mixed Use, RU4 Primary Production Small Lots and R1 General Residential.

The proposed Masters Home Improvement Centre is appropriately defined as, '*hardware and building supplies*', being the principle purpose (refer to Planning Circular (PS 13-001). This use is not permissible in the RU4 or R1 zones, nor are the proposed retail tenancies for bulky goods and food and drink premises.

The intended outcome of this Planning Proposal is to amend the TRLEP 2010 by extending the existing B4 Zone over the balance of the site. This will in turn allow the site to be fully used for the purposes of bulky goods premises, hardware and building supplies, garden centres and food and drink premises.

A concept design for the future development of the site for a home improvement centre has been prepared and accompanies this Planning Proposal in **Appendix A**. However, the scheme may be further refined as part of the Development Application process once the Planning Proposal has been endorsed by Council and a 'Gateway' determination issued that supports the preparation and progression of an LEP amendment.

PART 2 – EXPLANATION OF PROVISIONS

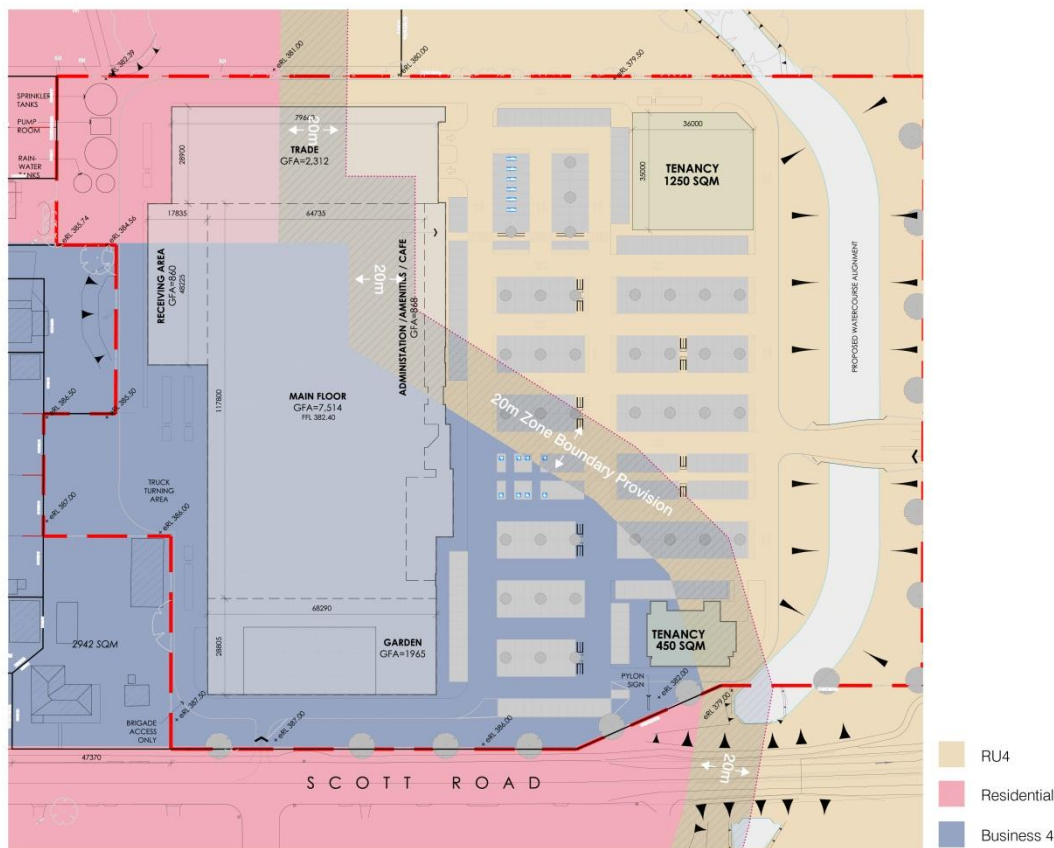
The objective of this Planning Proposal can be achieved through the inclusion of the following amendments to the Tamworth Regional LEP 2010:

- Amend the map (**ref: Land Zoning Map - Sheet LZN_004C**) by rezoning the portion of the site zoned R1 General Residential and RU4 Primary Production Small Lots to **B4 Mixed Use**.
- Provide consequential mapping amendments to:
 - Flood Planning Map - Sheet CL3_004C
 - Floor Space Ratio Map - Sheet FSR_004C
 - Lot Size Map - Sheet_LSZ_004C

This amendment will support the development of the subject site for a home improvement centre which is generally consistent with the concept scheme and achieves the key objective and intent of this Planning Proposal.

The current zoning overlayed with the proposal is provided in Figure 8 below.

FIGURE 8 – CURRENT TRLEP 2010 ZONING MAP



PART 3 – JUSTIFICATION

5.1 SECTION A: NEED FOR THE PLANNING PROPOSAL

Q1. Is the planning proposal a result of any strategic study or report?

The Planning Proposal is not the result of a specific strategic study or report. However, as detailed in Section 4 of this report, a detailed investigation into potential suitable sites has been undertaken in the Tamworth area. As is evident by this exercise, the most appropriate site in meeting Masters' criteria is the subject site.

The majority of the subject site is appropriately zoned to permit a home improvement centre and the planning proposal will allow for an extension of this adjoining zone creating an appropriately and suitably sized land parcel for development.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

It is considered that the Planning Proposal is the best means of achieving the objectives of the project. The site is partially zoned to permit the home improvement use, but an extension of the B4 Zone is required to address those parts of the site (namely the R1 and RU4 zoned areas) where the proposed development is currently prohibited.

5.2 SECTION B: RELATIONSHIP TO THE STRATEGIC PLANNING FRAMEWORK

5.2.1 REGIONAL STRATEGIES

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

New England North West Strategic Regional Land use Strategy (October 2012)

Tamworth is part of the “Western NSW” regional area as defined by the Department of Planning and Infrastructure. The State Government released the New England North West Strategic Regional Land use Strategy in October 2012. The preparation of strategic regional land use plans by 2014 is identified as a priority action as part of NSW 2021 (the NSW Government’s 10 year strategic business plan). This plan covering the New England North West region is one of the first two plans to be delivered.

The economic development and employment drivers of the region are agriculture, mining and other industries. The plan is therefore primarily based on balancing the competing needs of these industries but does include in the objectives, “*diversify the New England North west regional economy and build economic resilience*”. Whilst there is little discussion on the role of the key towns and centres in economic development, the strategy does recognise Tamworth as having a diverse economy.

In considering the provisions of the Regional Strategy, the Planning Proposal is consistent with and will further the Regional Strategy in the following respects:

- The proposal will further strengthen Tamworth’s location by providing 185 jobs during construction and 150 full time equivalent jobs during operation (full time, part time and casual) within the Regional Centre.
- The Home Improvement Centre will combine a mix of employment opportunities, specialised home improvement retail and bulky goods offerings which are anticipated to be located within Regional Centres.
- The proposal will not impact on regionally significant employment lands.
- The Home Improvement Centre will strengthen the commercial offerings in Tamworth township and wider region.
- The proposal will enable the development of a site in the Regional Centre of Tamworth by utilising vacant urban land in an accessible and appropriate location.
- The zoned Mixed Use land will be utilised to provide local employment and provide a regional competitive advantage.

Regional Development Australia Northern Inland NSW (RDANI) Regional Plan – 2011 to 2015 (October 2012)

The RDANI vision for northern inland NSW states, amongst others, “*By 2015, RDANI anticipated the northern inland region will host at least five new or existing growing enterprises providing tangible employment outcomes*”.

The objective of the plan is to identify opportunities to improve services and help develop the region both economically and socially in a sustainable environment. The key issues identified on a regional level, that are relevant to the Planning Proposal are:

- “*Lack of business growth initiatives and support*”
- “*Fragmented and uncoordinated approaches to attract new residents, businesses and tourists*”.

Draft NSW Activity Centres Policy – May 2010

The NSW Draft Activities Centres Policy (Draft Centres Policy) sets out the fundamental aims and principles to guide the formulation of regional and local planning strategies and the consideration of new development proposals.

The Draft Policy Centres is based on six key planning principles to guide future development in and around activity centres and to provide for the emergence of new entrants as follows.

- **Principle 1** – *Retail and commercial activity should be located in centres to ensure the most efficient use of transport and other infrastructure, proximity to labour markets, and to improve the amenity and liveability of those centres.*
- **Principle 2** – *The planning system should be flexible enough to enable centres to grow, and new centres to form.*
- **Principle 3** – *The market is best placed to determine the need for retail and commercial development. The role of the planning system is to regulate the location and scale of development to accommodate market demand.*
- **Principle 4** – *The planning system should ensure that the supply of available floorspace always accommodates the market demand, to help facilitate new entrants into the market and promote competition.*
- **Principle 5** – *The planning system should support a wide range of retail and commercial premises in all centres and should contribute to ensuring a competitive retail and commercial market.*
- **Principle 6** – *Retail and commercial development should be well designed to ensure it contributes to the amenity, accessibility, urban context and sustainability of centres.*

The Draft Centres Policy states that ‘centres’ are generally located in B1-B7 zones and includes business parks.

The Draft Centres Policy also states that large format retail premises should be accommodated in zones B2–B4, or where this is not realistic, they should be clustered together in an appropriate B5 zone in an edge-of-centre location.

It is considered that this Planning Proposal supports these planning principles for the following reasons:

- The majority of the site is zoned B4 Mixed Use and is an appropriate zone for a home improvement use and accompanying bulky goods tenancy.
- The proposal would assist in allowing compatible retail uses which will sit alongside the existing residential and mixed use context.
- It would include any necessary road/intersection improvements.
- The proposal will provide employment opportunities and meet retail floor space needs (including hardware uses).

Q4. Is the planning proposal consistent with Council's local strategy or other local strategic plan?

Tamworth Regional Development Strategy (May 2008)

This strategy was prepared to inform the preparation of the Tamworth Regional LEP. It encourages a “centres” approach to retail development, but acknowledges that some development (such as bulky goods retail) may be more appropriately located on the periphery of town centres as stated in Section 7.13 of the Strategy,

“...some development may be more appropriately located on the periphery of town centres. These development may include large format premises involved in bulky goods retailing, and single purpose non-food retail activities occupying large sites”.

The strategy recommends that out-of-centre development is assessed based on community need and potential impact on the primacy and functionality of surrounding centres; maintenance of pedestrian convenience and transportation system efficiency; and standard of amenity with surrounding residential neighbourhoods.

The proposal supports key directions of the Tamworth Regional Development Strategy within Section 7.2. Specifically it will:

Facilitate and support business development by building on the competitive advantages of the region.

- *Protect and enhance the Tamworth CBD by not proposing a use that is directly competitive with the CBD, nor is the type of use that is appropriate within the CBD.*
- *Protect existing Industrial land for industrial users by avoiding an Industrial-zoned land.*

Masters will bring significant employment and broader economic benefits to the Tamworth as follows:

- The Tamworth Regional Development Strategy states that currently 15% of all employment within the Tamworth region is from the retail trade.
- Tamworth has relatively high unemployment but particularly under the 25's age group as discussed in the Taminda Revitalisation and Economic Development Strategy 2008. This is due in part to the low skilled workforce and relatively high proportion of early school leavers.
- A stronger employment base will provide the opportunities for local youth to stay where they grew up.
- The strong strategic direction in the Tamworth Regional Development Strategy is to continue *"to provide land for industry and economic activity that encourages employment close to where people live; preserving the Region's natural economic advantages; and diversifying the Region's economic base"*.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

5.2.2 OVERVIEW OF CONSISTENCY WITH THE STATE ENVIRONMENTAL PLANNING POLICIES

The Planning Proposal is consistent with the applicable State Environmental Planning Policies as summarised in the following table.

SEPP TITLE	CONSISTENCY	CONSISTENCY OF PLANNING PROPOSAL
SEPP 1 – Development Standards	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP 4 – Development Without Consent and Miscellaneous Exempt and Complying Development	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP 6 – Number of Storeys in a Building	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP 15 – Rural Landsharing communities	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.

SEPP TITLE	CONSISTENCY	CONSISTENCY OF PLANNING PROPOSAL
SEPP 22 – Shops and Commercial Premises	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP 30 - Intensive Agriculture	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP 55 – Remediation of Land	Yes	A Phase 1 Environmental Site Assessment has been prepared by Geo-Logix and is included at Appendix D . Refer to Section 5.2.4 for additional details.
SEPP 60 – Exempt and Complying	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP 64 – Advertising and Signage	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP. A future development application will consider the relevant provisions of the SEPP.
SEPP (Infrastructure) 2007	Yes	The proposal has considered the relevant part of the SEPP (Infrastructure) 2007, namely traffic generating developments and is considered consistent. See additional comments in 5.2.3 below.
SEPP Rural Lands 2008	Yes	Given the majority of the development lots are zoned B4, there is limited ability to retain the rural lands in order to establish meaningful agricultural use.
Draft SEPP (Competition) (2010)	Yes	The proposal has considered the draft SEPP, namely the objectives to remove artificial barriers on competition between retail businesses and is considered consistent with the draft SEPP.

5.2.3 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

State Environmental Planning Policy (Infrastructure) 2007, sets out requirements for various public authority and infrastructure works throughout the state. In addition, it requires the referral of certain traffic generating development to the RMS during the DA assessment process.

Any required referral will be triggered at DA stage and does not impact a land rezoning.

A Traffic Report has been prepared by CBHK to assess the traffic implications of a Masters store on the site. Consultation with the RMS has also been undertaken during this assessment. This is discussed further in **Section 5.3.1**.

5.2.4 STATE ENVIRONMENTAL PLANNING POLICY NO. 55- REMEDIATION OF LAND

State Environmental Planning Policy No. 55 (Remediation of Land) provides that land must be remediated to an appropriate level to cater for its proposed use.

A Phase 1 Environmental Site Assessment, prepared by Geo-Logix has been undertaken for the site. The results of the Phase 1 ESA indicate that the site and surrounds have a mixed history of residential, commercial and agricultural use, including cropping with several potentially contaminating activities having occurred on-site. As a result of the conclusions of the Phase 1, further testing has occurred on site to assess the presence of contamination. Based on the results of the investigation, Geo-Logix considers the site to be free of gross widespread contamination, with the exception of fill on the Tamworth Bridge Club property which was observed to comprise occasional Asbestos Containing Material (ACM) fragments.

Further investigation of ACM in the fill has occurred and it was determined that ACM 'hotspots' can be remediated onsite and reused onsite. Hotspots will need to be excavated and disposed to landfill as Special Waste (asbestos).

Copies of the Geo_Logix reports (Phase 1 ESA, Environmental Due Diligence and Asbestos Assessment report) are provided for Council's reference.

5.2.5 SECTION 117 DIRECTIONS

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?

An assessment of the Planning Proposal has been undertaken in respect to the relevant s117 directions as follows:

TABLE 2 – SUMMARY OF THE RELEVANT SECTION 117 DIRECTIONS

DIRECTION		COMMENTS	CONSISTENCY
1. Employment & Resources	1.1 Business & Industrial Zones	The proposal is consistent with Direction 1.1 for the following reasons: ▪ The proposed development will have a positive employment impact. The proposal will create around 150 FTE operational jobs and up to 185 direct jobs during construction in the Tamworth region. ▪ The site and Home Improvement Centre will accommodate a variety of retail activities on the urban fringe of Tamworth which are complementary to the existing retailing offer. ▪ The Planning Proposal will protect employment land being located partly within an existing B4 Mixed Use Zone. It will not reduce but increase the total potential floor space area for employment uses and related activities.	Y
2. Environment & Heritage	2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. An outcome of the Planning Proposal is to enable development that responds sympathetically to the heritage characteristics of the Precinct, the Planning Proposal does not contain provisions that contradict or would hinder application of this direction.	Y

DIRECTION		COMMENTS	CONSISTENCY
		Archaeology investigations have been undertaken to ensure that the potential for any Aboriginal or European heritage items is appropriately managed.	
3. Housing, Infrastructure & Urban Development	3.4 Integrating Land Use & Transport	The proposal is consistent with Direction 3.4 for the following reasons: ▪ The site supports the principle of integrating land use and transport. The proposal will provide additional employment within Tamworth, which is within close proximity to existing local residential areas and services. ▪ The site has good access to transport infrastructure as it is sited on Scott Road that links to New England Highway which leads to the main town centre of Tamworth. ▪ The provision of a Home Improvement Centre in this Regional Centre will provide an opportunity for retail uses to be contained in the Tamworth Township reducing the number of trips generated and distance travelled by customers and creating spin-off benefits for trips to other local retail businesses.	Y
4. Hazard and risk	4.3 Flood prone land	Part of the land is flood prone. This direction generally discourages rezoning of land within flood prone areas but provides exceptions where: ▪ The rezoning is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or ▪ The rezoning is, in the opinion of the Director General of a minor significance. A flood report is submitted with the Planning Proposal and demonstrates that the proposal (including proposed realignment of the watercourse and associated works) and any associated flood prone areas are capable of being managed without adverse impact upon other land.	Y
5. Regional Planning	Implementation of Regional Strategies	As discussed in Section 5.2.1 and 5.2.2, the Planning Proposal is consistent with local and regional strategies.	Y

5.3 SECTION C: ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

From information available to date, the Planning Proposal does not apply to land that has been identified as containing critical habitat or threatened species, populations or ecological communities, or their habitats.

Flora and fauna investigations on the site are currently underway. It is proposed that the results of these investigations be provided as an addendum to this report as soon as available.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The key environmental considerations arising from the Planning Proposal are discussed in further detail in the following sections.

5.3.1 TRAFFIC, PARKING AND ACCESS

CBHK have prepared a traffic statement (refer to **Appendix B**) in respect to the impacts of the proposed development on the surrounding road network.

Key findings and observations from this assessment are as follows:

- Scott Road and Goonoo Goonoo Road carry high volumes of traffic consistent with their main road function and classification.
- The proposed use will generate highest levels of traffic around midday on a Saturday. For a typical Saturday afternoon, 2 way traffic flows along Scott Road adjacent to the site will increase from 1,315 vehicles per hour to 1,665 vehicles per hour (an increase of 26.6%).
- During a typical weekday peak, 2 way traffic flows along Scott Road adjacent to the site will increase from 1,270 vehicles per hour to 1,430 vehicles per hour (an increase of 12.5%).
- It is also noted that the proposed use would have a negligible impact on traffic during the morning peak given the nature and operation of the use.
- Importantly, the road network capacity is capable of accommodating this modelled increase in vehicle movements. Analysis of key intersections in the vicinity of the site including Scott Road and New England Highway indicate that these will continue to operate with a good level of service.

Preliminary community feedback arising from some early information distributed on the project identifies traffic generation as a primary concern and in particular the current delays experienced along Scott Road at peak times. These concerns are acknowledged, although it is expected that the peak demands of the proposed Masters use will not typically coincide with the peak traffic periods along Scott Road. The analysis by CBHK in overlaying the additional traffic generation of the Masters' proposal over existing surveyed flows suggests that typically these intersections will continue to perform at an acceptable level.

5.3.2 ACOUSTIC IMPLICATIONS

The proposal development has carefully considered the residential interface to the west for the properties fronting Hilton Street. Initial concept plans contemplated taking further land fronting Hilton Street and establishing vehicle access from Hilton Street. While this may have reduced the extent of the building footprint to the east towards Locks Lane, it was considered that this would have a detrimental impact on the acoustic amenity of Hilton Street due to a substantial increase in vehicle traffic and activity.

The proposed approach keeps the residential properties fronting Hilton Street (and commercial traffic out) and then in order to establish a suitable interface, establishes a large cut into the slope and thereby creating a significant change of level to the east. The 'sinking down' of the development has both significant visual and acoustic benefits.

From an acoustic performance level, the vehicle access around the western edge of the site will be well below the level of the Hilton Street houses, creating an effective acoustic barrier. This interface will be supplemented by fencing and landscaping to be documented at the DA stage.

A full Acoustic Assessment will be prepared as part of the detailed design and the Development Application process. Appropriate acoustic treatments or management measures may be provided to avoid or mitigate any impact on the amenity of surrounding land uses.

5.3.3 FLOODING IMPACT

The subject site is currently flood affected and as a result the north-eastern section of the site is included on the flood planning map. The flood planning area covers a significant area as highlighted by the Flood Planning Map in the Tamworth LEP, reflecting the very significant flood plain of the Peel River and Goonoo Goonoo Creek.



PICTURE 17 – FLOOD WATERS MOVING IN A NORTHERLY DIRECTION TO THE EAST OF LOCKS LANE (SOURCE: TAMWORTH COUNCIL 2008)



PICTURE 18 – EASTERN SECTION OF SITE PROVIDING FLOOD STORAGE (SOURCE: TAMWORTH COUNCIL 2008)

A preliminary flood study has been prepared to support the Planning Proposal request.

The key considerations addressed in the flood assessment are:

- The reduction in flood storage within the overall flood plain;
- The implications of the proposal (if any) on the movement of flood waters to the east of the site.
- The implications of the proposal (if any) on flood impacts to other property.

It is concluded that the extent of encroachment into the flood planning area is minor and can be managed without adverse impact upon other land.

Refer to Appendix C – Preliminary Flood Report

5.3.4 ARCHAEOLOGICAL

An indigenous archaeological assessment is currently underway for the site and will be provided as an addendum to this report.

5.3.5 ECOLOGICAL IMPACT

There are no known critical habitats; threatened species or ecological communities located on the site and therefore the likelihood of any negative impacts are minimal.

Flora and fauna investigations on the site are currently underway. It is proposed that the results of these investigations be provided as an addendum to this report as soon as available.

5.3.6 ECONOMIC AND SOCIAL IMPACT

The proposed development is considered to generate the following positive social and economic effects:

- Creating jobs to support the population in the broader Tamworth region, enabling people to live, work and shop within their local area.
- Improving the opportunities for a range of shopping to be done in a single journey by locating Masters adjacent to other B4 zoned land.
- Improving retail competition within the area, which will deliver better economic outcomes to the local community.
- Accommodate a modern retail format in Tamworth, which will enhance its ability to perform as a Regional Centre.

It is also important to recognise that while Masters will bring competition into this market sector, the size of this market is significant being in the order of \$185million within the local Tamworth region. The proposed Masters store is anticipated to only draw a small proportion of this retail spend ensuring adequate opportunities for other retailers to thrive.

5.3.7 CONTAMINATION

A Phase 1 Environmental Site Assessment, prepared by Geo-Logix has been undertaken for the site. The results of the Phase 1 ESA indicate that the site and surrounds have a mixed history of residential, commercial and agricultural use, including cropping with several potentially contaminating activities having occurred on-site. As a result of the conclusions of the Phase 1, further testing has occurred on site to assess the presence of contamination. Based on the results of the investigation, Geo-Logix considers the site to be free of gross widespread contamination, with the exception of fill on the Tamworth Bridge Club property which was observed to comprise occasional Asbestos Containing Material (ACM) fragments.

Further investigation of ACM in the fill has occurred and it was determined that ACM 'hotspots' can be remediated onsite and reused onsite. Hotspots will need to be excavated and disposed to landfill as Special Waste (asbestos).

Copies of the Geo-Logix reports (Phase 1 ESA, Environmental Due Diligence and Asbestos Assessment report) are provided for Council's reference at **Appendix D**.

Accordingly, the reports conclude that the site presents no significant contamination issues that would impede the future development of a Masters Home Improvement Centre on the site.

5.3.8 GEOTECHNICAL

Geo-Logix has conducted geotechnical investigation of the site including 15 borings. The report included an analysis of the soils encountered across the site. This found that there were areas of fill across the site and that "uncontrolled and significant debris" was evident in one part of the site.

As discussed above, preliminary investigations have identified extensive filling has occurred over this area. Fill was described as gravel, sand, silt and clay with anthropogenic materials including bricks, plastic, concrete, glass, tyres, metal waste, discarded house footings and Asbestos Containing Material (ACM).

The report concludes that the site presents no geotechnical issues which would impede the future development of a Masters Home Improvement Centre on the site.

5.4 SECTION D: STATE AND COMMONWEALTH INTERESTS

5.4.1 ADEQUACY OF PUBLIC INFRASTRUCTURE AND TRANSPORT INFRASTRUCTURE

There is existing infrastructure to support the development on the site, which may be subject to further augmentation. Accordingly, it is not anticipated that the development will place unnecessary or additional demands on public infrastructure. Any upgrades to infrastructure to support a future development on the site will be investigated and potentially form part of the approved development such as intersection works at Locks Lane and electricity augmentation.

An existing sewer line bisecting the site is to be relocated to ensure that it would be located outside the building line in order to allow any future maintenance. This has been proposed in discussion with Council's engineers.

PART 4 – MAPPING

To be prepared by Council following decision to prepare a Planning Proposal

PART 5 – COMMUNITY CONSULTATION

5.5 STATE AND COMMONWEALTH PUBLIC AUTHORITIES CONSULTATION

The following state authorities have been consulted on the proposed rezoning:

- Roads and Maritime Services (RMS)
- NSW Office of Water
- NSW Department of Primary Industries (Fisheries)
- NSW Department of Planning

A summary of the consultation is provided in the table below.

STATE AUTHORITY	CONSULTATION COMMENTS
RMS	The applicant has met with the RMS in June 2012 and discussed the project again in April 2013. RMS has provided their “in principle” support to the proposed access arrangements, from Locks Lane and left hand ingress at the western end of the site off Scott Road. A future DA proposal would be referred to RMS for their concurrence.
NSW Office of Water	The applicant met with the NSW Office of Water (NOW) on 3rd April 2013 in respect to Barnes Gully. The initial feedback is summarised as follows: ▪ Due to the proximity of the site to a waterway (Barnes Gully), development of the site will constitute ‘integrated development’ under the Water Management Act 2000 and be referred to the Office of Water. ▪ Barnes Gully is a “first order watercourse” and therefore can be relocated as proposed. ▪ In principle support provided for the proposed concept, noting that future design

STATE AUTHORITY	CONSULTATION COMMENTS
	of the water course and bridge should follow NOW's guidelines. Salinity is an issue in this locality and should be investigated as part of the site investigations.
NSW Department of Primary Industries (Fisheries)	The applicant has forwarded plans and discussed the proposal with an Officer from Fisheries. The advice was that as a first order stream no approvals would be required from them for the proposed realignment of Barnes Gully.
NSW Department of Planning	Preliminary discussions have been undertaken with the Director of North East Region, Steve Murray. The Regional Office has advised that there is no need for a meeting at this stage in the process.

5.6 COMMUNITY CONSULTATION

The following actions have occurred with key community stakeholders in preparing this Planning Proposal request:

- A local resident letterbox drop incorporating the indicative concept plan and a description of the proposal was undertaken on 9 April 2013, to inform the local community early on of the proposed development and forthcoming Planning Proposal request.
- A briefing meeting with Kevin Anderson MP, Member for Tamworth.
- A meeting was also held with the Tamworth Chamber of Commerce on 3rd April to introduce the proposed concept and Masters' intentions for the site.

It is expected that this Planning Proposal will be formally exhibited after receiving a Gateway Determination.

5.7 PRELIMINARY CONSULTATION WITH COUNCIL

Preliminary consultation has been undertaken with Tamworth Regional Council to discuss the proposed Masters development and LEP amendment. Meetings were held on 4 December 2012 and 3 April 2013. The minutes of the meeting are included as **Appendix F**.

A presentation was also made to Tamworth Regional Councillors on 8th April 2013.

The key matters discussed with Council are summarised in the table below.

TABLE 3 – CONSULTATION WITH TAMWORTH COUNCIL

ISSUE	DISCUSSIONS	ACTION
Land Use and Permissibility	A rezoning for the site would be required. Council requested that the following studies accompany the Planning Proposal- flooding, traffic, contamination, Aboriginal archaeology, flora and fauna, geotechnical.	This Planning Proposal seeks to facilitate an amendment to the TRLEP 2010 to permit the Masters uses. All requested reports have been submitted with the submission or will be provided as an addendum as soon as they become available.
Local employment	It was agreed that the development that would generate additional employment during operation and construction.	The positive social and economic impact is discussed in this Planning Proposal.
Flooding	Henry and Hymas identified that the culvert in Scott Road was an impediment to floodwater, acting as a weir. It was identified that as a consequence of the development there would be some loss of flood storage, but given the size of the flood plain in comparison to the area of fill required in the south eastern section of the site, it would be inconsequential. Henry and Hymas also indicated that there would be no impact on flooding upstream of Scott Road, acknowledging a minimal impact downstream with the velocity and turbulence of water controlled by vegetation and scour protection. Council acknowledged that there would be minimal impact upstream and that any impacts from flooding would be localised. Council requested that the information prepared to accompany the Planning Proposal and/or Development Application should focus on the immediate downstream landowners and the impact on their properties. Consideration would also need to be given to the gap in the Western Levee. Council offered to provide a copy of the report prepared by Lyall and Associates on the impact on	See attached Flood report.

ISSUE	DISCUSSIONS	ACTION
	flooding as a consequence of the Western Levee.	
Barnes Gully	Masters have met with Office of Water and to date have not raised any objections to the realignment. Masters to discuss proposal with NSW Fisheries. Treatment of Barnes Gully discussed and it was agreed that it would not need to be determined until a DA was lodged.	Office of Water and Fisheries will be consulted formally as part of the Planning Proposal and/or future DA. Treatment to be addressed as part of a future DA.
RMS/Roads/traffic	RMS is required to be consulted as Scott Road is a National Highway. Masters advised that 'in principle' support was obtained from RMS. It was indicated that one of the two intersection treatments presented for Locks Lane would be acceptable being either a roundabout or "seagull" arrangement. Council to review traffic statement, when submitted, particularly with regard to the interaction of any proposed treatment on Scott road with the roundabout at Scott road/Goonoo Goonoo Road.	Refer to CBHK traffic report included in the Planning Proposal submission.
Sewer	Council agreed to the presented solution on the realignment of the sewer main and provided comments on appropriate easement widths.	Henry and Hymas have addressed considered the existing and proposed infrastructure and will be further considered as part of a future DA.
Balanced cut and fill	Balanced cut and fill is proposed. Council does not have a position or Policy on cut and fill in the floodplain, but Council would need to be satisfied that any cut and fill would not adversely affect the movement of flood waters and increase the risk to life or property.	The flood report addresses the associated flood impact.
Lot size map	Council also advised that the Planning Proposal for Masters would need to include an amendment to the Lot Size Map	Noted.
Consultation	Council recommended that Masters also consult the Department of Planning (Tamworth local Office -Craig Dis) in the preparation of the Planning Proposal to assist with passage through Gateway	Noted. Preliminary briefing provided to Director of North-East Region Steve Murray.

6 Conclusion

This Planning Proposal request has been prepared by Urbis on behalf of Hydrox Nominees Pty Ltd seeking Council's support to prepare a Local Environmental Plan (LEP) amendment to allow a Masters Home Improvement Centre and associated bulky goods/food & drink tenancies at 7-33 Scott Road, Tamworth. This Planning Proposal has been prepared to facilitate the proposed uses on the subject site, by extending the B4 Mixed Use Zone across the entirety of the site.

There are a number of significant reasons for Council to support this request and prepare a Planning Proposal:

- The proposal will strengthen the employment base in the region as the use is a significant employment generating land use with 150 full time equivalent jobs created on an-going basis, as well as 185 jobs during the construction phase.
- The proposed development and uses are consistent with local and regional strategic policies.
- A new Masters store in this location has the potential to revitalise an underutilised and poorly presented and maintained site.
- The proposal will improve the visual and environmental quality of Barnes Gully.
- The site is centrally located in Tamworth, highly accessible and visible to vehicles, particularly from Scott Road. .
- The majority of the site is appropriately zoned as B4 Mixed Use zone which would support a Masters Home Improvement Centre.

While it is also identified that the subject site has constraints, in particular in respect to flooding across the north-east portion, we are confident that these constraints can be overcome and the site is suitable for the proposed development.

Disclaimer

This report is dated May 2013 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd's (Urbis) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Hydrox Nominees Pty Ltd (Instructing Party) for the purpose of Planning Proposal (Purpose) and not for any other purpose or use. Urbis expressly disclaims any liability to the Instructing Party who relies or purports to rely on this report for any purpose other than the Purpose and to any party other than the Instructing Party who relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events including wars, civil unrest, economic disruption, financial market disruption, business cycles, industrial disputes, labour difficulties, political action and changes of government or law, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or made in relation to or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

Urbis has made all reasonable inquiries that it believes is necessary in preparing this report but it cannot be certain that all information material to the preparation of this report has been provided to it as there may be information that is not publicly available at the time of its inquiry.

In preparing this report, Urbis may rely on or refer to documents in a language other than English which Urbis will procure the translation of into English. Urbis is not responsible for the accuracy or completeness of such translations and to the extent that the inaccurate or incomplete translation of any document results in any statement or opinion made in this report being inaccurate or incomplete, Urbis expressly disclaims any liability for that inaccuracy or incompleteness.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the belief on reasonable grounds that such statements and opinions are correct and not misleading bearing in mind the necessary limitations noted in the previous paragraphs. Further, no responsibility is accepted by Urbis or any of its officers or employees for any errors, including errors in data which is either supplied by the Instructing Party, supplied by a third party to Urbis, or which Urbis is required to estimate, or omissions howsoever arising in the preparation of this report, provided that this will not absolve Urbis from liability arising from an opinion expressed recklessly or in bad faith.

Appendix A

Architectural concept (Leffler Simes)

Appendix B

Traffic, Access and Parking Statement (Colston Budd Hunt and Kafes)

Appendix C

Flooding and Hydrology Statement (Henry and Hymas)

Appendix D

Contamination Reports: Phase 1 ESA,
Environmental Due Diligence and
Asbestos Assessment report (Geo-
Logix)

Appendix E

Geotechnical Statement (Geo-Logix)

Appendix F

Minutes of Meetings with Council

Sydney

Tower 2, Level 23, Darling Park
201 Sussex Street Sydney, NSW 2000
t +02 8233 9900
f +02 8233 9966

Melbourne

Level 12, 120 Collins Street
Melbourne, VIC 3000
t +03 8663 4888
f +03 8663 4999

Brisbane

Level 7, 123 Albert Street
Brisbane, QLD 4000
t +07 3007 3800
f +07 3007 3811

Perth

Level 1, 55 St Georges Terrace
Perth, WA 6000
t +08 9346 0500
f +08 9221 1779

Australia • Asia • Middle East
w urbis.com.au **e** info@urbis.com.au