



Taminda Employment Lands

Addendum to Planning Proposal

Client: Chan Abbey Holdings

Date: 19 August 2019

A Veris Company



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Date	19 August 2019
Version	Final

Contents

1	INTRODUCTION	3
1.1	Purpose and introduction	3
2	THE PLANNING PROPOSAL	4
2.1	Proposal	4
2.2	Response	Error! Bookmark not defined.
3	RESPONSE TO CLARIFICATIONS AND COMMENTS	5
3.1	Strategic merit assessment	5
3.2	Site specific merit assessment	7
4	CONCLUSION	11
APPENDICES		12
FIGURES		
NO TABLE OF FIGURES ENTRIES FOUND.		
TABLES		
Table 1	Supporting Documentation	3
APPENDICES		
A	Planning Proposal	13
B	Holding Redlich advice	14

1 Introduction

1.1 Purpose and introduction

The purpose of this document is to supplement the Planning Proposal submitted to Council on the 12th of March 2019. The Planning Proposal relates to lands at 21 Wallamore Road and 55 Dampier Street, Taminda, legally described as Lots 2 and 3 DP1234850. (The Planning Proposal is included as **Appendix A**).

This document has been structured to reflect clarifications and statements raised in the 'Council Review Prior to Gateway Determination' (Council Report) prepared by MikeSvikis Planning dated 30 July 2019.

Table 1 outlines the updated documentation being submitted in response to the Council report.

Table 1 Supporting Documentation

Document	Prepared by	Date
Preliminary Site investigation (Environmental)	Environmental Investigation Australia	19 August 2019
Services strategy assessment - Rev B	Kelley Covey	August 2019
Traffic Impact Assessment – Rev F	Barnson	16 Aug 2019

This addendum report should be read in conjunction with the Planning Proposal report.

Together, the two reports (and supporting technical reports) provide adequate information to meet section 1.3 of the Department of Planning, Industry and Environments "Planning Proposal – A Guide to preparing Planning Proposals". The two reports demonstrate the strategic framework of the proposed development, and provide sufficient information regarding the likely social, economic and environmental impacts for the site. It is likely that the Minister for Planning and Public Places, or his delegate, will provide study requirements post Gateway, including:-

- » Contamination study including site test sampling and remediation measures
- » Refinement of a sewer serving strategy

2 The Planning Proposal

2.1 Proposal

The Planning Proposal is slightly amended to include the following in response to the council's issues, outlined below.

The Planning Proposal seeks to achieve the intended outcomes by proposing the following amendments to the Tamworth Regional Council LEP 2010:

- » Amend the Land Zoning Map (LZN_004C), from RU4 Primary Production to part B5 Business Development and part IN1 General Industrial
- » Amend the Minimum Lot Size Map (LSZ_004C) Map, from 40ha to no minimum lot size control
- » Amend the Floor Space ratio (FSR_004C) Map, for B5 land use with an FSR control of 1:1 for the proposed B5 zoned area

2.2 Response

Theme or issue: Inclusion of road reserve into LEP mapping

Council Report

It is noted that the subject land is traversed by a road reserve running east/west across the northern end of the property. This road reserve has no property description but has been included in the planning proposal for the land to be rezoned consistent with adjacent land. It covers an area of approximately 1.85 hectares. It is owned by Tamworth Regional Council. Identification of this land on the Land Reservation and Acquisition Map would indicate that it is land intended to be acquired for a public purpose by a public authority. In this case the public authority already owns the land and its inclusion on this map would serve no purpose.

Response

- » The inclusion of the road reserve in the proposed mapping for Tamworth LEP Land Reservation and Acquisition Map was undertaken in error. Information at the time of providing the initial Planning proposal was not accurate which resulted in the inclusion of the road reserve area for mapping.
- » Originally the zoning over the road reserve was proposed in order to provide flexibility for the road and land use, once the full detailed design of the road had been undertaken. However, as council does not wish to rezone the road, we no longer propose the land as part of the rezoning request.

3 Response to clarifications and comments

This section of the addendum report provides a response to the key issues raised by Council in the report dated 30 July 2019.

3.1 Strategic merit assessment

Theme or issue: Services strategy

Council Response

These statements do not address the capacity of existing water and sewer infrastructure (eg pumps and pipes) to deal with the demand generated by this site. There is no attempt to quantify the future water and sewer demand and it is therefore not possible to conclude that servicing can occur from existing infrastructure or that new infrastructure can be properly funded without financial implications for Council.

Applicant's Response

A servicing strategy report for sewer and potable water has been prepared by Kelley Covey for the proposed development. The report considered site characteristics, services infrastructure and included consultation with relevant engineering Council officers.

Kelley Covey considered and assessed several strategies for water and sewer servicing. Both water and sewer are available to the site, with the key issue being augmentation and engineering design.

Potable water supply through 100mm infrastructure exists in close proximity to the site, however, the provision of 150mm diameter piping is likely a requirement. Further investigations and designs for system extensions could take place post Gateway or associated with a development application.

In relation to sewer, up to three sewer strategies of the list were deemed to be practical, with further refinement and details to be assessed post Gateway. Kelley Covey advice:

In our opinion, we believe the options with the greatest chance of success with regard to technical and financial feasibility would be (in ascending order of assumed capital cost);

1. *Option 3 - Duplicated gravity connection to discharge directly to WWTP;*
2. *Option 7 - Sewer Pump Station with storage and timed discharge to trunk main, and*
3. *Option 8 - Co-ordination of proposed Plain Street Pump Station Upgrade to provide additional trunk main capacity.*

Kelley Covey's analysis report demonstrates that a range of solutions for sewer servicing exist for the proposed development and that further investigation and exploration of options could be undertaken post gateway.

Theme or issue: Utilisation of the proposed bypass road, access to and from the bypass road, and the associated funding of infrastructure

Council Response

The other key infrastructure issue for Council is road access. The site has a 180-metre frontage to Dampier Street that could provide access to the land. The applicant suggests that the proposed Jewry Street extension at the northern edge of the land would also be used for access and a roundabout would be located at the north-east corner of the subject land.

"Until such time as the by-pass road is constructed, it is proposed that access to the site be from the proposed new roundabout into the site. The landowner is prepared to discuss entering into discussions and negotiation of a voluntary planning agreement to support and pay its proportion of the contribution to the construction of the roundabout on Dampier/Jewry Street and/or the by-pass road."

A basic analysis of traffic and intersections is provided with the planning proposal premised on access to the site being from the proposed Jewry Street extension with no consideration of a Dampier Street access despite it being shown in draft site layout options. The traffic consultant concludes:

"A new roundabout at the intersection of the subject site and Jewry Street. The roundabout shall incorporate the following design features:

- Two lanes in each direction on the approaches from Jewry Street;*
- One lane in each direction on the approaches from the new rezoning access road."*

The traffic consultant's conclusion is based partly on the applicant's need to access a proposed solar farm that is not part of this planning proposal. It also does not consider that Council regards the Jewry Street extension as a bypass road and not just an access to the subject land.

If Council supports this planning proposal, it needs to be on the premise that Council is either ready to fund its share of the Jewry Street extension and roundabout (or other intersection type to be determined) or that this rezoning should not rely on the bypass and intersection and be based on access from Dampier Street somewhere between Showground Road and Jewry Street.

An access from Dampier Street would be consistent with Direction 16 of the Regional Plan. Relying on the Jewry Street extension and roundabout would not meet the requirement that "new infrastructure can be properly funded".

Applicant's Response

The applicant's offer to discuss funding/contribution matters with Council related to the proposed provision of an interim access road and/or roundabout delivery. The site is sufficiently large and benefits from multiple street frontages being, Dampier Street and Wallamore Road. The technical study has now considered the pros and cons, and workability of access of both or either road to service the proposal.

Adjusting the location of the Dampier Street access point was considered. The traffic demands from the proposed uses are around a 10% increase. Dampier Street connecting to Jewry Street is already a relatively busy thoroughfare, and with the location of staggered intersections (Showground Road) it was considered more advantageous to provide satisfactory access options from Wallamore Road. Barnson, in their updated Traffic Impact Assessment state:

"Two options for the location of the site ingress/egress have been considered, with frontages to Wallamore Road or Dampier Street. Upon consideration of the high hourly traffic volumes on Dampier Street and further consultation with Tamworth Regional Council regarding the intersection upgrade that would be required, it was concluded that this option was not feasible at this time".

Proposed upgrades at Dampier Street would require coordination at later stages, potentially in concert with the bypass road upgrade works.

Traffic counts from October 2018 for Wallamore Road were provided by Council for analysis. The counts reveal lower traffic volumes through Wallamore Road than Dampier Street. Using accepted traffic generation rates, the increases to the rate of vehicle movements by day and hour were calculated. Using Guide to Road Design Part 4a, Austroads, 2010, appropriate upgrades were recommended for the proposed development.

"It is recommended that a new intersection be constructed at the site entrance on Wallamore Road comprising a short Channelised Right-turn (CHR(S)) treatment for the right hand turn into the development and a short Auxiliary Left-turn (AUL (S)) treatment for the left hand turn."

In summary, a relocation of the access point has been made for the proposed development concept. The new access point is proposed at Wallamore Road and no longer relies on the proposed bypass road. Upgrades are recommended for the new access location and are outlined above and in the updated Barnson Report.

3.2 Site specific merit assessment

Theme or issue: Flood mapping adjustment before flood works are complete

Council Response

However, the planning proposal as submitted specifically requests that Council remove the subject land from the Flood Planning Map in Tamworth Regional LEP 2010. The purpose of the Flood Planning Map is to identify land that is affected by flooding and trigger the application of clause 7.2 of the LEP (Flood Planning). Modelling a site as being capable of being filled or leveed to protect it against a 1% flood does not make that land flood free. The application of flood mapping on this land is appropriate until such time as work is lawfully carried out that renders the land not at or below the flood planning level.

Applicant's Response

The exclusion of the site from Council Flood Planning Mapping is no longer proposed.

Theme or issue: Contamination

Council Response

When rezoning land, pursuant to SEPP No 55 (Remediation of Land) Council needs to consider:

- » *whether the land is contaminated; and*
- » *if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation for the proposed use); and*
- » *if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.*

In this case, the PSI clearly identifies the site is potentially contaminated but cannot quantify the severity of any contamination or the remediation options without soil sampling. On this basis, Council cannot be sure if the site is contaminated or not. This fails the first test of the SEPP.

The second test cannot be assessed because the extent and severity of contamination is not quantified and therefore remediation options are unknown. The proposed uses in the B5 and IN1 zone exclude residential accommodation other than shop top housing (which is good), but the B5 zone specifically permits centre based child care facilities and respite day care centres. Schools are also permitted in the B5 zone pursuant to SEPP (Educational Establishments and Childcare facilities) 2017. All these uses are regarded as sensitive uses that should not be carried out on potentially contaminated land. Although Council agrees that industrial land may not require the same level of remediation as other land (eg residential) it is still required to understand the extent and severity of any contamination.

It is not appropriate that Council defers further contamination assessment of this site until the DA stage. SEPP No 55 requires Council to be properly informed at the rezoning stage so that better land use decisions can be made. A thorough soil sampling program should be undertaken based on the findings of the PSI prior to Council considering this planning proposal for a Gateway determination. If any contamination is found then a remediation program should be supplied to Council outlining what works are necessary to ensure the site is suitable for the uses proposed in relevant zones under the LEP and relevant SEPPs.

Council also requires confirmation as to whether the subject land was used for aviation or military related purposes (and subsequently contaminated from these uses) at or about the time of World War 2. Establishing land use back to 1976 based on air photos is not adequate.

Applicant's Response

The Applicant has sought legal advice in relation to the timing for the provision of detailed contamination studies on site. Legal advice is attached in **Annexure B**.

It is on this basis, that a detailed desktop and visual environmental assessment was undertaken for pre-gateway, together with previous site investigation and testing undertaken over the past five years, that no detailed soil samples have been taken at this stage. The need to quantify with exact accuracy the extent of potential contamination (and subsequent recommended mitigation/remediation) is therefore considered premature at pre-gateway. In addition, for this site, only small parts of the site have been found to have some potentially contaminated areas, and the extent not likely to be large.

SEPP55 refers to a consent authority needing to have reasonable satisfaction that contamination, if found, can be remediated before an LEP is amended. Please refer to Holding Redlich advice in the appendices.

The PSI report prepared by Environmental Investigation Australia (EI) and submitted in March 2019 has been updated and revised to address with greater clarity on, SEPP55, asbestos containing material, observations made and aviation uses.

EI analysed the location of the military uses and concluded that they were unlikely to pose a threat to the site given the relatively lengthy distance away from the site, and that the military uses were not upgradient to the subject site. For this reason, it is considered that it is not appropriate to limit any land uses at this stage, however can be reserved for post-site testing and detailed site analysis post gateway.

Theme or issue: Servicing capacity not defined

Council Response

The New England North West Regional Plan states in Direction 16: Coordinate infrastructure delivery (page 47) that "Rezoning will only occur when proposals for land release or development demonstrate that servicing can occur from existing infrastructure or that new infrastructure can be properly funded." The relevant actions (page 47) are Action 16.1 to "Undertake detailed infrastructure service planning to establish that land can be feasibly and economically serviced prior to rezoning" and Action 16.2 to "Maximise the cost effective and efficient use of infrastructure by focusing development on existing infrastructure or promoting colocation of new infrastructure." This planning proposal is inconsistent as it simply states:

A sewer line currently traverses the site and is expected to be capable of servicing and being accessible subject to further analysis. Challenges exist due to the low gradient of the site and existing invert level of the sewer line. Potable water is available from Dampier Street and provision to the site could be managed using future access roads.

These statements do not address the capacity of existing water and sewer infrastructure (eg pump stations and pipes) to deal with the estimated demand generated by this site. There is no attempt to quantify the future water and sewer demand and it is therefore not possible to conclude that servicing can occur from existing infrastructure or that new infrastructure can be properly funded without financial implications for Council officers indicate that the sewer line that traverses this site is at capacity, particularly during wet weather. The supporting information needs to demonstrate that a system acceptable to Council can be put in place for sewerage. Water supply options also need to be clearly identified. A preliminary water and sewerage servicing strategy should be prepared after consultation with Council engineers.

This planning proposal cannot proceed to a Gateway determination until sufficient information on water and sewer services is supplied such that Council can conclude that the land can be feasibly and economically serviced prior to rezoning. It will also need to show that future development will maximise the cost-effective and efficient use of infrastructure by focusing development on existing infrastructure or promoting co-location of new infrastructure.

Applicant's Response

See section 3.1 of this Addendum report

Theme or issue: Utilisation of the proposed bypass road, access to and from the bypass road, funding of infrastructure

Council Response

The other key infrastructure issue for Council is road access. The site has a 180-metre frontage to Dampier Street and a 25 metre frontage to Wallamore Road that could provide access to the land. The applicant suggests that the proposed Jewry Street extension at the northern edge of the land would primarily be used for access and a roundabout would be located at the north-east corner of the subject land. The applicant states:

Until such time as the by-pass road is constructed, it is proposed that access to the site be from the proposed new roundabout into the site. The landowner is prepared to discuss entering into discussions and negotiation of a voluntary planning agreement to support and pay its proportion of the contribution to the construction of the roundabout on Dampier/Jewry Street and/or the by-pass road.

A basic analysis of traffic and intersections is provided with the planning proposal premised on access to the site being from the proposed Jewry Street extension with no consideration of a Dampier Street or Wallamore Road access despite it being shown in draft site layout options. The traffic consultant concludes:

A new roundabout at the intersection of the subject site and Jewry Street. The roundabout shall incorporate the following design features:

- *Two lanes in each direction on the approaches from Jewry Street;*
- *One lane in each direction on the approaches from the new rezoning access road.*

The traffic consultant's conclusion is based partly on the applicant's need to access a proposed solar farm that is not part of this planning proposal. It also does not consider that Council regards the Jewry Street extension as a bypass road and not just an access to the subject land.

Council's Annual Operational Plan 18/19 does not make an allocation for either the Jewry street bypass or the Dampier Street roundabout. The applicant states on page 23 of its planning proposal submission, "The landowner is prepared to discuss entering into discussions and negotiation of a voluntary planning agreement to support and pay its proportion of the contribution to the construction of the roundabout on Dampier/Jewry Street and/or the by-pass road." An offer to discuss entering into discussions is not a firm commitment.

Voluntary planning agreements need to be discussed at the outset of a project, not at a later stage.

If Council supports this planning proposal, it needs to be on the premise that Council is either ready to fund its share of the Jewry Street extension and roundabout (or other intersection type to be determined) (which may be all of it) or that this rezoning should not rely on the bypass and intersection and be based on access from Dampier Street somewhere between Showground Road and Jewry Street or from Wallamore Road.

An access from Dampier Street would be consistent with Direction 16 of the Regional Plan. Relying on the Jewry Street extension and roundabout would not meet the requirement that "new infrastructure can be properly funded". An access from Wallamore Road may also be appropriate, but needs to be supported by a traffic impact analysis.

[Paragraph relocated to services]

The issue of access to the subject land should also be clarified prior to Gateway determination given that access from Dampier Street (and Wallamore Road) would be consistent with Direction 16 of the Regional Plan but relying on the Jewry Street extension and roundabout would not meet the requirement that "new infrastructure can be properly funded".

Applicant's Response

Some of the responses for this theme or issue are overlapped with earlier response/s in Section 3.1 However, in addition:-

- » The inclusion of the bypass road in the concept design was not to facilitate access to the solar farm. The solar farm access road is a simple farm-type access road which can be constructed and can operate in isolation until such time upgrades of any road affect its usage.
- » The intent of the originally proposed concept design was to utilise the road reserve for access until such time the bypass road was ready to be built. The bypass road design level would be, according to Council set at the 1:100 ARI. The proposed development could match these levels as required.
- » Matters relating to funding of upgrades, provision of the bypass road are no longer applicable as a revised traffic access approach that no longer utilises Dampier Street is being submitted. The proposed access road at Wallamore Road no longer relies on access at a busier road frontage, nor does it rely on road infrastructure upgrades before finalisation of a bypass road design.

In summary, a relocation of the access point has been made for the proposed development concept. The new access point is proposed at Wallamore Road and no longer relies on the proposed bypass road. Upgrades are recommended for the new access location and are outlined above and in the updated Barnson Report. As a result of the revised access location reliance, on the bypass road, Dampier Street access, and/or upgrades to facilitate access to and from Dampier Street no longer applies.

4 Conclusion

- » A servicing strategy report for sewer and potable water has been prepared by Kelley Covey for the proposed development. The report considered site characteristics, services infrastructure and included consultation with Council officers. In the report, several strategies for sewer servicing were identified and explored. Up to three sewer strategies from a list of several were deemed to be more practical, with greatest chances of success.
- » Potable water supply through 100mm infrastructure exists in close proximity to the site, however, the provision of 150mm diameter piping is likely a requirement.
- » Kelley Covey's report demonstrates that a range of solutions for sewer servicing and potable water exist for the proposed development and that further investigation and exploration of options could be undertaken at a later development phase.
- » The revisions submitted as part of this response show that the proposed development no longer relies on the bypass road, Dampier Street access, and/or upgrades to facilitate access to and from Dampier Street. As such, upgrades to facilitate access that require funding are not proposed and the objectives from the relevant strategies referred to are no longer inconsistent with the proposed development.
- » The Applicant has sought legal advice in relation to the timing for the provision of detailed contamination studies on site. Legal advice is attached in **Annexure B**. It is on this basis, that a detailed desktop and visual environmental assessment was undertaken for pre-gateway, together with previous site investigation and testing undertaken over the past five years, that no detailed soil samples have been taken at this stage. The need to quantify with exact accuracy the extent of potential contamination (and subsequent recommended mitigation/remediation) is therefore considered premature at pre-gateway. In addition, for this site, only small parts of the site have been found to have some potentially contaminated areas, and the extent not likely to be large, though, be determined at later phases.
- » Environmental Investigation Australia (EI) analysed the location of the military uses and concluded that they were unlikely to pose a threat to the site given the relatively lengthy distance away from the site, and that the military uses were not upgradient to the subject site.
- » The exclusion of the site from Tamworth LEP Flood Planning Maps and inclusion of the road reserve in the Land Reservation and Acquisition map is no longer proposed.