

**8.3.4 Funding Allocation - Gravel Resheeting, Woodstock Road and Waterloo Road**

*That the 2020/2021 Special Roads Projects budget of \$341,055 be allocated for gravel resheeting to be completed on sections of Woodstock Road and Waterloo Road during the current financial year.*

**8.3.5 Regional Road Transfer and Road Classification Review**

*That:*

- i) The information in the report be received and noted;*
- ii) Council staff conduct a review of all Council controlled roads in accordance with the classification framework provided by TfNSW and a further report be presented to Council regarding any potential classification changes;*
- iii) A priority submission be made for the Bruxner Way and Bundarra Road to be transferred to State Government control, provided the conditions outlined in the report are met;*
- iv) Council provide in principal support for the transfer of all ISC controlled Regional Roads to State Government control, provided the conditions outlined in the report are met; and*
- v) Council notify NEJO, BROOC and neighbouring Councils of its position so that joint submissions can be investigated.*

**8.3.6 D-33/1992 - Subdivision Off Palaroo Lane - Road Naming**

*That:*

- 1. The road running south off Palaroo Lane not be named "Lorikeet Lane";*
- 2. The appropriate steps be taken to formally name the road running south off Palaroo Lane as "Olive Grove Lane"; and*
- 3. Council authorise the General Manager to undertake the road naming in accordance with the NSW Road Regulation 2018.*

**8.3.1 Planning Proposal - Amendment to the Inverell Local Environmental Plan 2012 - Corner Gwydir Highway and Jardine Road, Inverell****RESOLUTION 2020/85**

Moved: Cr Di Baker

Seconded: Cr Paul King OAM

*That:*

- i. The Planning Proposal to amend the Inverell Local Environmental Plan 2012 to facilitate a large format retail development be forwarded to the NSW Department of Planning, Infrastructure and Environment requesting a Gateway Determination in accordance with sections 3.33 and 3.34 of the Environmental Planning and Assessment Act 1979;*
- ii. The Director Civil and Environmental Services be authorised to undertake the procedural steps associated with the progress of the Planning Proposal and obtaining the Gateway*

*Determination, including any minor amendments, information requests and public exhibition; and*

iii. *A further report be submitted in relation to this matter following public exhibition.*

S375A Record of Voting	Councillors For:	Councillors Against:
Harmon	√	
Baker	√	
Berryman	√	
Dight	√	
King	√	
Watts	√	
Michael		√
Peters		√
McCosker		√

**CARRIED 6/3**

## **9 DESTINATION REPORTS**

### **9.1 TERM OF ARIC MEMBERS S4.11.21/02**

#### **RESOLUTION 2020/86**

Moved: Cr Kate Dight

Seconded: Cr Paul King OAM

*That Council:*

- i) *Thank the Audit Risk and Improvement Committee members for agreeing to extend their term until 31 August, 2021.*
- ii) *Amend the Audit Risk and Improvement Committee Charter to allow for the temporary appointment of an additional Independent Member and refer the amended Charter to the Audit Risk and Improvement Committee for endorsement.*
- iii) *Commence recruitment of an additional Independent Committee Member as a transitional measure aimed at providing the opportunity for some continuity of membership when the next Committee is appointed.*

**CARRIED**

**5.1 PLANNING PROPOSAL - AMENDMENT TO THE INVERELL LOCAL ENVIRONMENTAL PLAN 2012 - CORNER GWYDIR HIGHWAY AND JARDINE ROAD, INVERELL****File Number:** S18.6.34/09 / 20/29295**Author:** Anthony Alliston, Manager Development Services**SUMMARY:**

This report has been triggered by the submission of a Planning Proposal to ultimately facilitate a Bunnings Warehouse Development.

The Planning Proposal is seeking to rezone approximately 1.8 hectares of RU1 Primary Production and R1 General Residential zoned land to B5 Business Development zone. This boundary adjustment style rezoning will supplement the existing adjoining B5 Business Development zoned land. If the rezoning is successful it will create a parcel of B5 zoned land that is approximately 3.24 hectares and adequate for the construction of a new Bunnings Warehouse.

The report considers the strategic merit of the proposed rezoning. It is subsequently recommended that the proposal be supported and that Council forward the Planning Proposal to the NSW Department of Planning, Infrastructure and Environment requesting a Gateway determination in accordance with sections 3.33 and 3.34 of the *Environmental Planning and Assessment Act 1979*. The Gateway determination is the first step in the process of amending the *Inverell Local Environmental Plan 2012*.

**RECOMMENDATION:**

*That the Committee recommend to Council that:*

- i. The Planning Proposal to amend the Inverell Local Environmental Plan 2012 to facilitate a large format retail development be forwarded to the NSW Department of Planning, Infrastructure and Environment requesting a Gateway determination in accordance with sections 3.33 and 3.34 of the Environmental Planning and Assessment Act 1979;*
- ii. The Director Civil and Environmental Services be authorised to undertake the procedural steps associated with the progress of the Planning Proposal and obtaining the Gateway determination, including any minor amendments, information requests and public exhibition; and*
- iii. A further report be submitted in relation to this matter following public exhibition.*

**COMMENTARY:****INTRODUCTION**

On 27 January 2020, Council received a Planning Proposal from Insite Planning Services. The Planning Proposal seeks to amend the *Inverell Local Environmental Plan 2012* in relation to part Lot 1 DP 825894. The proposal aims to facilitate a new Bunnings store to service Inverell and the North West region at the western gateway to Inverell.

The Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the *Guide to Preparing Planning Proposals* (August 2016), which details the information required to be provided as part of a Planning Proposal.

The Planning Proposal explains the intended effect of, and justification for the proposed amendment to the *Inverell Local Environmental Plan 2012* (ILEP) to rezone part Lot 1 DP 825894, 60 Jardine Road, Inverell (the subject land) from the RU1 Primary Production and the R1 General

Residential zones to the B5 Business Development zone. **Attachment 1** includes a copy of the Planning Proposal.

The Planning Proposal also makes consequential changes to maps regarding Minimum Lot Size (MLS) of the subject site to be consistent with the existing B5 Business Development zone.

The aim of this report is to:

- Describe the site, the subject of this Planning Proposal;
- Outline the steps to amend a Local Environmental Plan;
- Explain the role of a Planning Proposal and the Planning Proposal Review process;
- Provide a summary of the Planning Proposal; and
- Undertake an assessment of the key strategic and site-specific considerations associated with the proposal.

## THE SITE

The land is known as Lot 1 DP 825894, 60 Jardine Road, Inverell. It has a total area of approximately 14 hectares and contains a single dwelling accessed from Jardine Road, approximately 500 metres north of the Gwydir Highway. The land is predominantly grassland and is used for small-scale cattle grazing. A watercourse traverses the site in a north-easterly direction. An aerial photograph of the land is shown in **Figure 1**.

The subject land has frontage to:

- Warialda Road on the south, which forms part of the Gwydir Highway;
- Jardine Road on the west, which is the heavy vehicle bypass; and
- Oakland Lane on the north, a minor sealed road servicing 15 rural residential properties.

The road network can be seen in **Figure 1**.

Under the ILEP 2012, Lot 1 DP 825894 is:

- Zoned:
  - RU1 Primary Production – Approximately 7.54 hectares;
  - R1 General Residential – Approximately 4.86 hectares; and
  - B5 Business Development – Approximately 1.44 hectares.
- Subject to the following minimum lot size provisions:
  - 450 square metres – the land zoned RU1 Primary Production and R1 General Residential; and
  - No minimum lot size – the land zoned B5 Business Development.

The zoning of Lot 1 DP 825894 under the ILEP 2012 is shown in **Figure 2** and the minimum lot size provisions applicable to Lot 1 DP 825894 under the ILEP 2012 are shown in **Figure 3**.



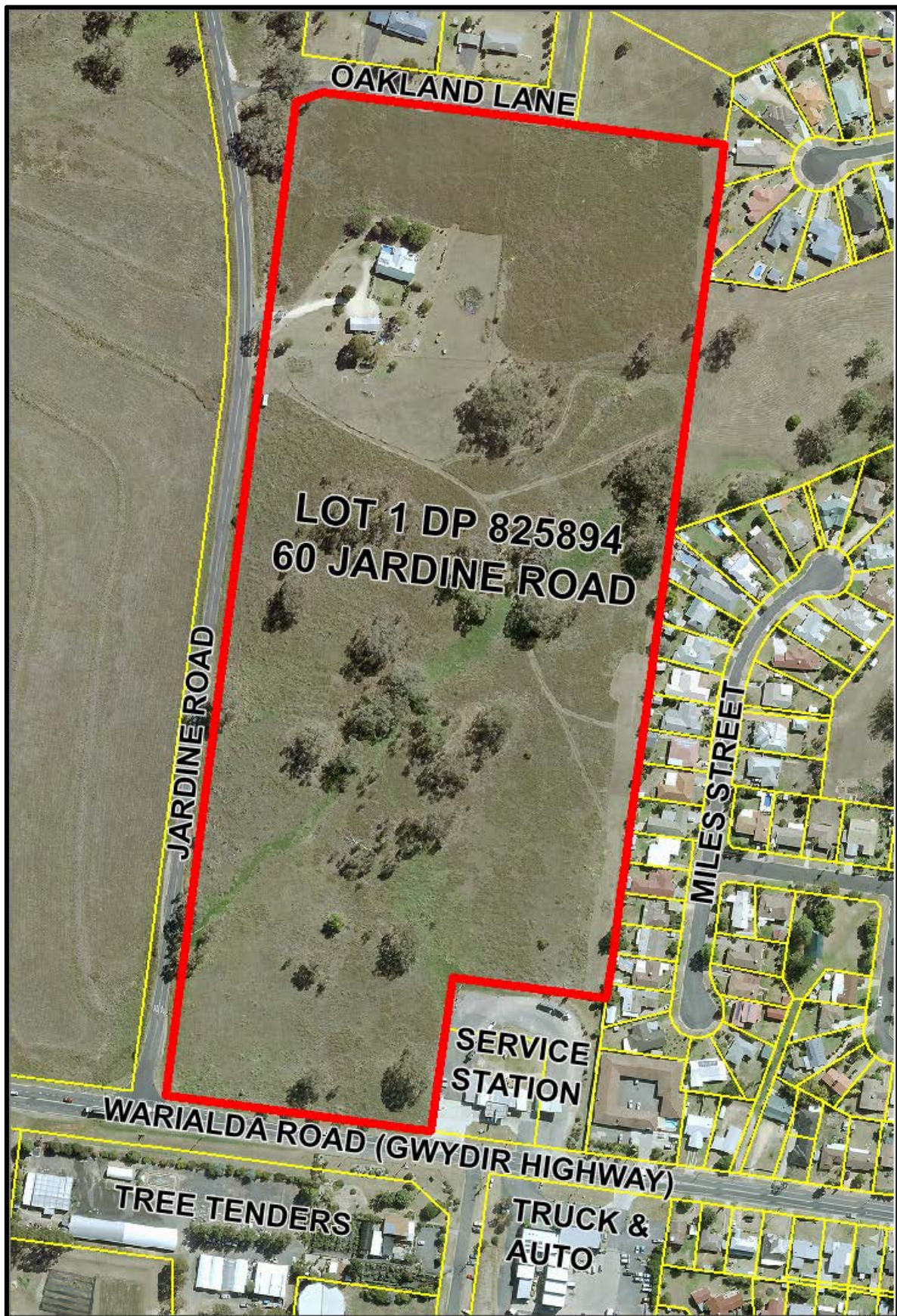


Figure 1 – Aerial Image of Lot 1 DP 825894, 60 Jardine Road, Inverell

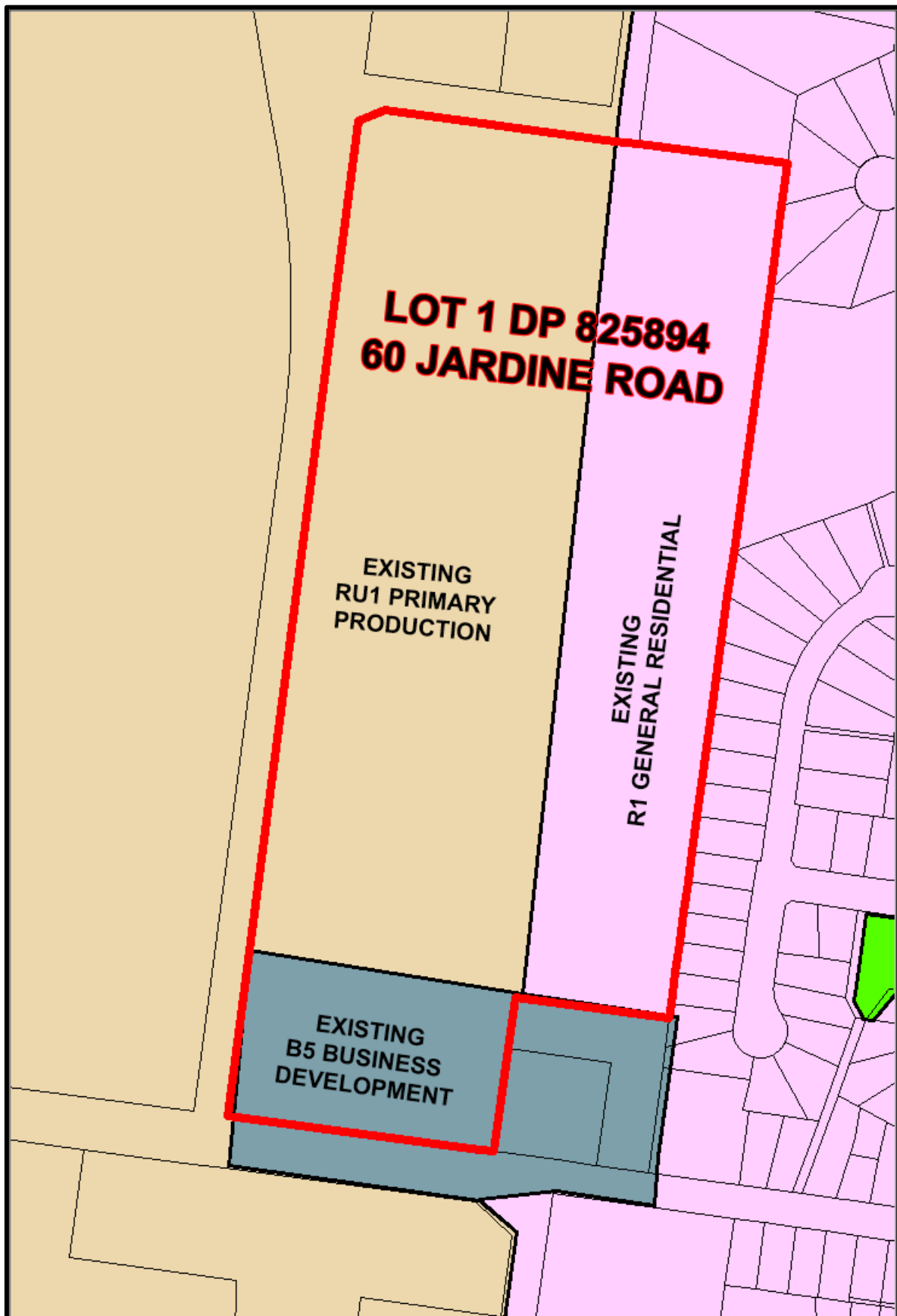


Figure 2 – Land Use Zoning of Lot 1 825894 under the ILEP 2012



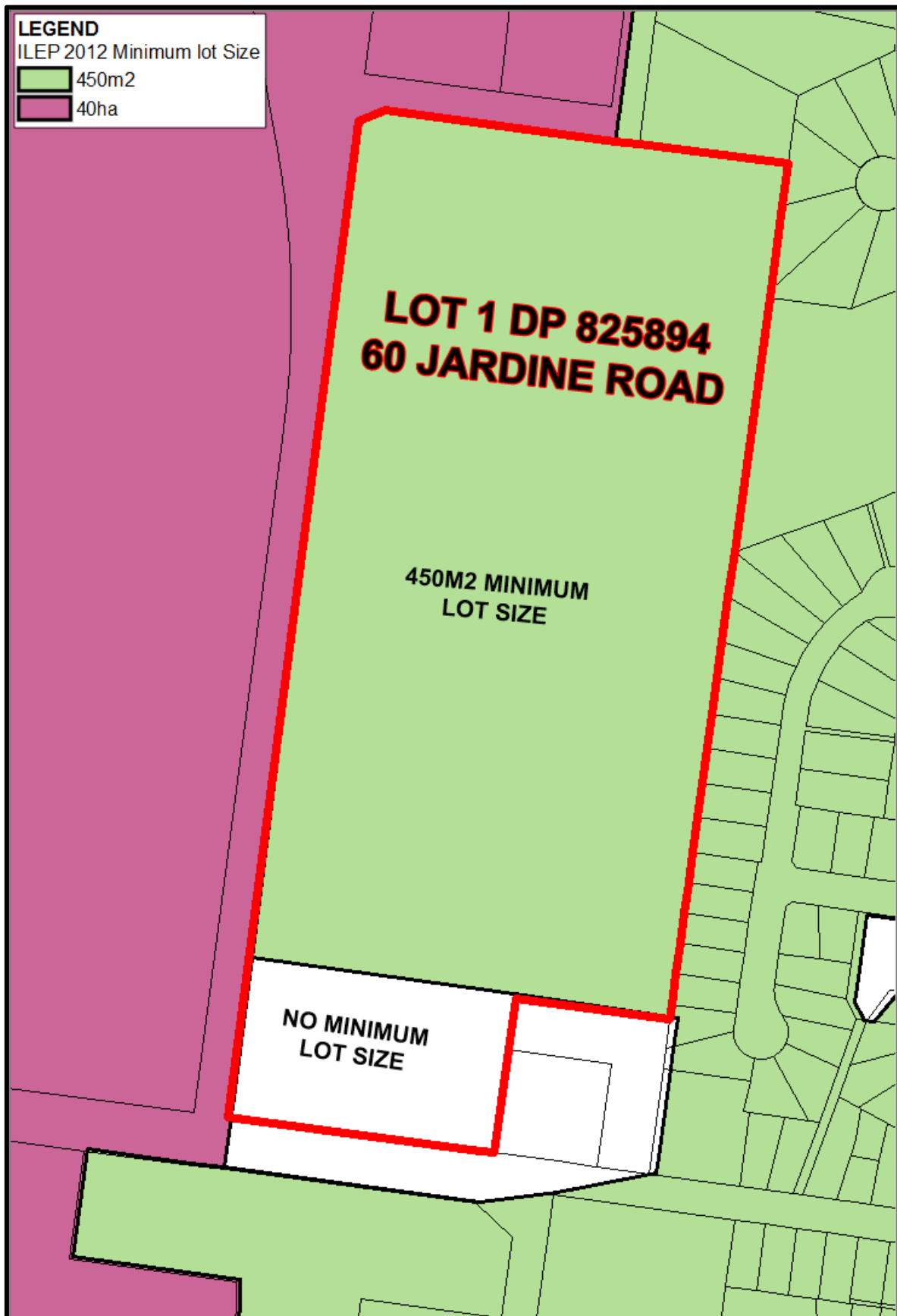


Figure 3 – Minimum Lot Size provisions applicable to Lot 1 825894 under the ILEP 2012

## WHAT ARE THE STEPS TO AMEND A LOCAL ENVIRONMENTAL PLAN?

The following is an outline of the key steps to amend a Local Environmental Plan:

- the preparation of a Planning Proposal;
- the issuing of a Gateway determination;
- community and other consultation on the Planning Proposal (as required);
- finalising the Planning Proposal;
- drafting of the LEP (legal instrument);
- making the plan; and
- notifying the LEP on the NSW government legislation website.

Based on the above, the Planning Proposal is the first step in the process and subject to the support and resolution of Council, the proposal can be forwarded to the NSW Department of Planning, Infrastructure and Environment requesting a Gateway determination.

The other key step in the process, subsequent to a Gateway determination is community consultation and consultation with the relevant government agencies.

Following community and government agency consultation a further report would be prepared by Council staff for Council to decide whether the LEP (rezoning) should be made.

## WHAT IS A PLANNING PROPOSAL?

A Planning Proposal is a document that explains the intended effect and sets out the justification for amending a Local Environmental Plan (LEP). The preparation of a Planning Proposal is the first step in preparing and/or amending a LEP. The primary aim of a Planning Proposal is to demonstrate the strategic merit of a proposed LEP amendment.

The Planning Proposal document will be used and read by a wide audience including those who are responsible for deciding whether the proposal should progress, as well as government agencies and the general community.

A Planning Proposal which is submitted for a Gateway determination must provide enough information to determine whether there is sufficient strategic justification early in the process to proceed. It enables proposals that lack strategic planning merit to be stopped early in the process before time and resources are committed.

The level of detail required in a Planning Proposal should be proportionate to the complexity of the proposed amendment. A Planning Proposal relates only to an LEP amendment. It is not a Development Application nor does it consider specific detailed design, construction or environmental matters that should form part of a Development Application.

The *Environmental Planning and Assessment Act 1979* does not dictate who must prepare a Planning Proposal. In practice, the Planning Proposal document can be prepared by a Council, a landowner or a developer seeking to change the planning controls relating to a particular site or locality. In this instance the request to amend the ILEP has been generated by a developer (Bunnings) and the Planning Proposal has been prepared by a third party (Insite Planning Services) on behalf of the developer (Bunnings).

Section 3.33(2) of the *Environmental Planning and Assessment Act 1979* outlines that a Planning Proposal must include the following components:

- **Part 1** – A statement of the objectives and intended outcomes of the proposed instrument;
- **Part 2** – An explanation of the provisions that are to be included in the proposed instrument;



- **Part 3** – The justification for those objectives, outcomes and the process for their implementation;
- **Part 4** – Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies; and
- **Part 5** – Details of the community consultation that is to be undertaken on the planning proposal.

It is considered that the Planning Proposal (**Attachment 1**) prepared by Insite Planning Services on behalf of Bunnings adequately addresses section 3.33(2) of the *Environmental Planning and Assessment Act 1979*.

## PLANNING PROPOSAL REVIEW PROCESS

In the event that a Council notifies a proponent (developer) that the request to amend an LEP is not supported there is now a “Rezoning Review” mechanism. This mechanism allows a proponent to make an application to NSW Department of Planning, Infrastructure and Environment that an independent body review a request for a Planning Proposal.

In the case of Inverell, a rezoning review would be undertaken by the Northern Region Regional Planning Panel who would determine whether or not a proposal should proceed to a Gateway determination. The key factor in determining whether a proposal should proceed to a Gateway determination is its strategic merit. In this regard the Department has strengthened the “Strategic Merit Test” and proposals will now be assessed to determine if they are:

- Consistent with the relevant Regional Plan; or
- Consistent with a relevant local strategy that has been endorsed by the Department; or
- Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognized by existing planning controls.

If the Planning Panel determines that a proposal should proceed to a Gateway determination, Councils will be provided the opportunity of accepting the “Planning Proposal Authority” role. If the Council does not accept the role an alternate Planning Proposal Authority will be appointed.

Planning Panels have delegated authority to direct itself to be the Planning Proposal Authority where a proposal has been subject to a rezoning review and the Council has not accepted this role. In this instance Council would take no further part in the rezoning process.

## THE PLANNING PROPOSAL - AMENDMENT TO THE INVERELL LOCAL ENVIRONMENTAL PLAN 2012 - CORNER GWYDIR HIGHWAY AND JARDINE ROAD, INVERELL

Insite Planning Services on behalf of Bunnings lodged a Planning Proposal on the 27 January 2020. Council staff undertook a review of the Planning Proposal, including the “strategic” and the “site-specific” merit. On the 21 April 2020 Council requested further information and justification in regards to the proposal.

On 30 June 2020, Insite Planning Services provided a revised Planning Proposal which included the requested information and further strategic justification. It is considered that the Planning proposal adequately addresses the requirements of section 3.33(2) of the *Environmental Planning and Assessment Act 1979*. **Attachment 1** contains the Planning Proposal.

The following sections of this report provide a summary and assessment of the key considerations associated with the Planning Proposal.

### Bunnings Proposal

The Planning Proposal will facilitate the development of a new Bunnings store in Inverell to replace the existing store located on the north eastern fringe of the Inverell town centre at the corner of Oliver and Arthur Streets.

The existing Oliver Street site was acquired by Bunnings and opened on the 25th February 2011. Prior to 2011 a hardware and building supplies store operated at the site under a different business brand from 1991. The existing buildings on the site date back to 1954.

The existing Bunnings store has a total floor space of approximately 4,705m<sup>2</sup>. Although the store has traded successfully since opening nearly nine (9) years ago, the store is small in comparison to outlets in other regional towns. The design and layout of the store does not meet the contemporary expectations of hardware and home improvement customers, or the operational requirements of Bunnings.

Consideration was given to expand and re-configure the existing Bunnings store at its current location, however the existing site is less than 7,000m<sup>2</sup> and a further 2 – 3 hectares would be required. This is not an option given the developed and fragmented nature of land in this locality. As such, Bunnings are seeking to relocate and expand their Bunnings Inverell store to Jardine Road.

Closure of the existing Bunnings would not occur until the new facility is established, at which time Bunnings would re-purpose the existing commercial building so that it can be used as an alternative large format retail or showroom use. Importantly, the financial incentive for Bunnings to re-lease or to 'backfill' the existing store is informed by their ownership of the site.

The subject site on the corner of the Gwydir Highway and Jardine Road would accommodate a new Bunnings store with a total area of 9,090m<sup>2</sup>. This is a size consistent with increasing demand and changing needs of customers within the North West region. The floor space mix of the proposed new Bunnings is shown in **Table 1** and is compared to the existing store.

**Table 1:** Comparison between the Existing and Proposed Bunnings Stores

Bunnings Facility	Existing Floor Area m <sup>2</sup>	Proposed Floor Area m <sup>2</sup>	Increase Area
Main Warehouse	1,570m <sup>2</sup>	4,040m <sup>2</sup>	+2,470m <sup>2</sup>
Nursery & bagged goods	570m <sup>2</sup>	1,620m <sup>2</sup>	+1,050 m <sup>2</sup>
Timber trade area	2,570m <sup>2</sup>	3,430m <sup>2</sup>	+860m <sup>2</sup>
<b>Total Retail</b>	<b>4,705m<sup>2</sup></b>	<b>9,090m<sup>2</sup></b>	<b>4,380m<sup>2</sup></b>

In total, the new store will be almost double in size, with an increased floor space of 4,385m<sup>2</sup> (93% larger). The new store would be supported by 214 car parking spaces and proposes entry into and out of the car park via Jardine Road, with a 'left in/left out' access point on Gwydir Highway. The new store will provide a high quality, purpose built and modern format hardware warehouse which will overcome existing limitations for both customers and Bunnings operations.

In relation to the proposed location, the following site advantages are noted:

- **Strategic location:** the site is located on Gwydir Highway, which is the key east-west road connection through Inverell, and which has a high degree of accessibility to the surrounding North West Region.
- **Exposure:** the site has significant exposure to passing traffic on the Gwydir Highway, with strong sight lines for traffic and customers within the general area.
- **Serving trade customers:** the site is well-located with respect to potential local business customers given the proximity of trade and industry uses.
- **Accessibility:** the site is easily accessible with access to be provided via both Jardine Road and Gwydir Highway.
- **Land area:** the total size of the proposed site is approximately 3.24 hectares which can easily accommodate the Bunnings building and car parking, access ways and landscaping

- **Conservation of item of Aboriginal Heritage** – in the front south eastern corner of the site adjacent to the service station is located an aboriginal scar tree. The site is large enough and of a sufficient shape to enable this tree to be conserved as part of the development.

The site plan illustrates the proposed developments for Lot 11 DP 223794, which is subject to a restriction on user by Section 27 E (6) of the Main Roads Act 1924 - 1960 (K 102552). The plan shows the following features:

- Proposed Developments:**
  - BASED-GOODS AREA:** 3600 m<sup>2</sup>
  - OUTDOOR STORAGE:** 6000 m<sup>2</sup>
  - MAIN WAREHOUSE:** 3650 m<sup>2</sup>
  - TIMBER FRAME:** 1000 m<sup>2</sup>
  - BUILDING MATERIALS LANDSCAPE YARD:** 1000 m<sup>2</sup>
- Existing Structures:**
  - EXISTING BOUNDARY:** DP413777
  - SERVICE STATION ENTRY:**
- Infrastructure and Access:**
  - JARDINE ROAD:** 7.5 m wide, with a 2.5 m wide goods inward entry/exit.
  - GWYDIR HIGHWAY:** 12 m raised median, with a 3.0 m wide easement for water supply.
  - Customer Entry/Exit:** Left in left out, with a 1.2 m raised median.
  - Proposed Pylon Sign:** Located near the highway.
  - Power Pole and Line:** Require adjustment.
  - Culvert:** Required to be extended.
- Other Features:**
  - Drainage Channel:** To remain to protect adjoining properties.
  - Dimensions:** 642, 640.5, 637.8, 640.8, 46.1 m, 82.2 m.
  - Other Labels:** 8.5 m REAR DRIVEWAY, 5.0 m, 10.0 m, 15.0 m, 20.0 m, 25.0 m, 30.0 m, 35.0 m, 40.0 m, 45.0 m, 50.0 m, 55.0 m, 60.0 m, 65.0 m, 70.0 m, 75.0 m, 80.0 m, 85.0 m, 90.0 m, 95.0 m, 100.0 m.

**Figure 4 – Bunnings Warehouse Proposal with total site area of approximately 3.24 hectares**

### Objectives and Intended Outcome

The objective of this Planning Proposal is to enable the development of a new Bunnings store at 60 Jardine Road, Inverell while retaining and conserving an existing aboriginal scarred tree that is located on the property. This will be achieved by amending the *Inverell Local Environmental Plan 2012* to provide additional appropriately zoned land that will facilitate large format retail development.

The intended outcome of this Planning Proposal is to rezone additional land that will support a single large format retail development, and in particular hardware and building supplies businesses, in a location that is consistent with Councils strategic planning framework namely its “*Strategic Land Use Plan 2011 – 2031*” and “*2011 Employment Land Strategy*”.

The intended outcome is to also amend the minimum lot size map so that the minimum lot size provisions are consistent across the B5 Business Development zone in this area.

Explanation of Provisions

The intended outcome will be achieved by:

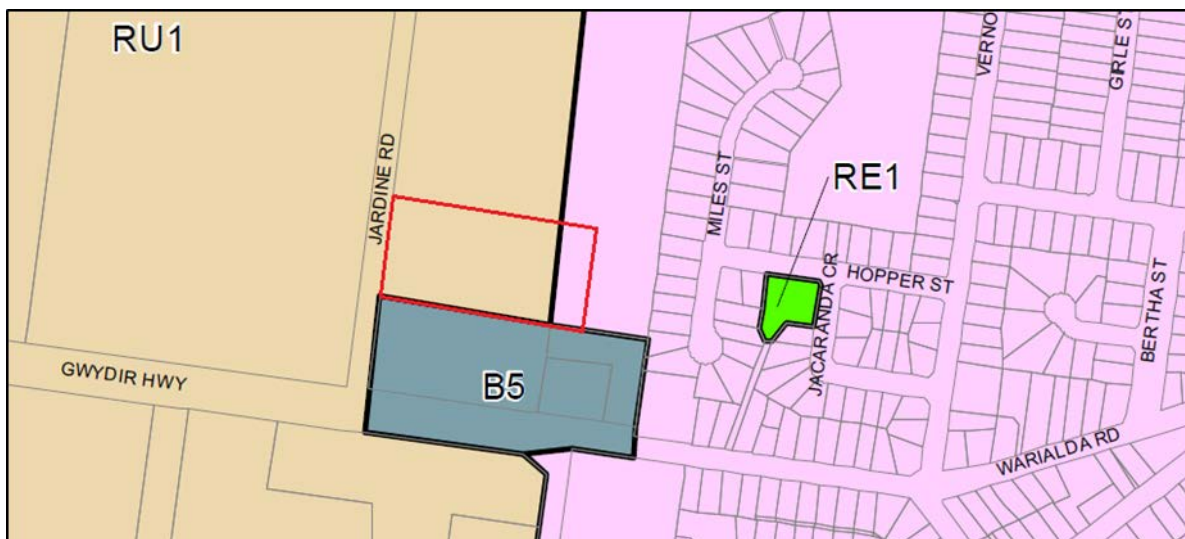
- Extending the current B5 Business Development zone over Lot 1 DP 825894, 60 Jardine Road (the subject land) north. This will result in the land use zoning of this part of the subject land changing from the RU1 Primary Production and R1 General Residential zones to the B5 Business Development zone.
- Making consequential changes to Minimum Lot Size (MLS) of the site to be consistent with the existing B5 Business Development zone.

This will involve amendments to the following ILEP 2012 Maps:

- Land Zoning Map – Sheet LZN\_008A; and
- Lot Size Map – LSZ\_008A.

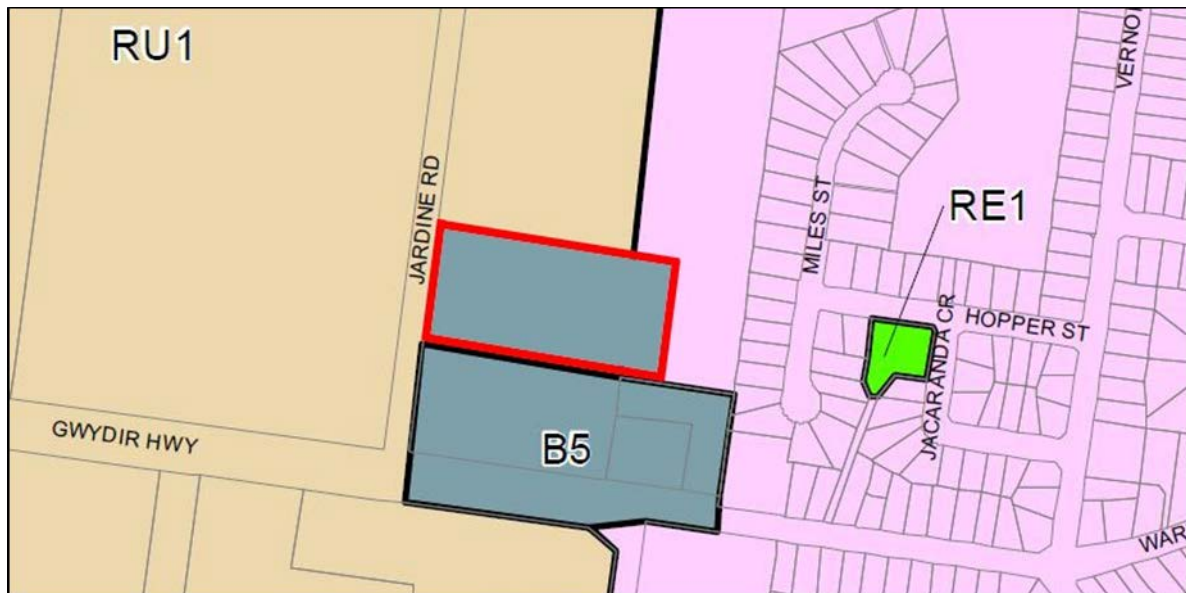
**Figures 5 - 8** show the existing and proposed zoning and minimum lot sizes for the subject land. In summary:

- **Figure 5** shows the existing zone structure;
- **Figure 6** shows the proposed zone structure;
- **Figure 7** shows the existing minimum lot size; and
- **Figure 8** shows the proposed minimum lot size.

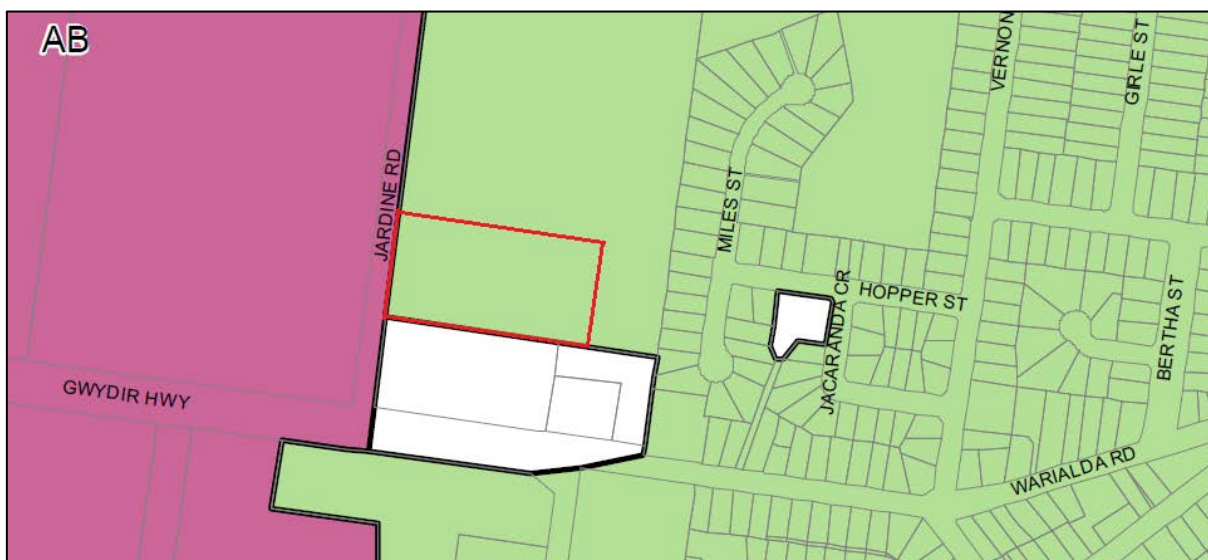


**Figure 5 – Existing Zoning Structure**

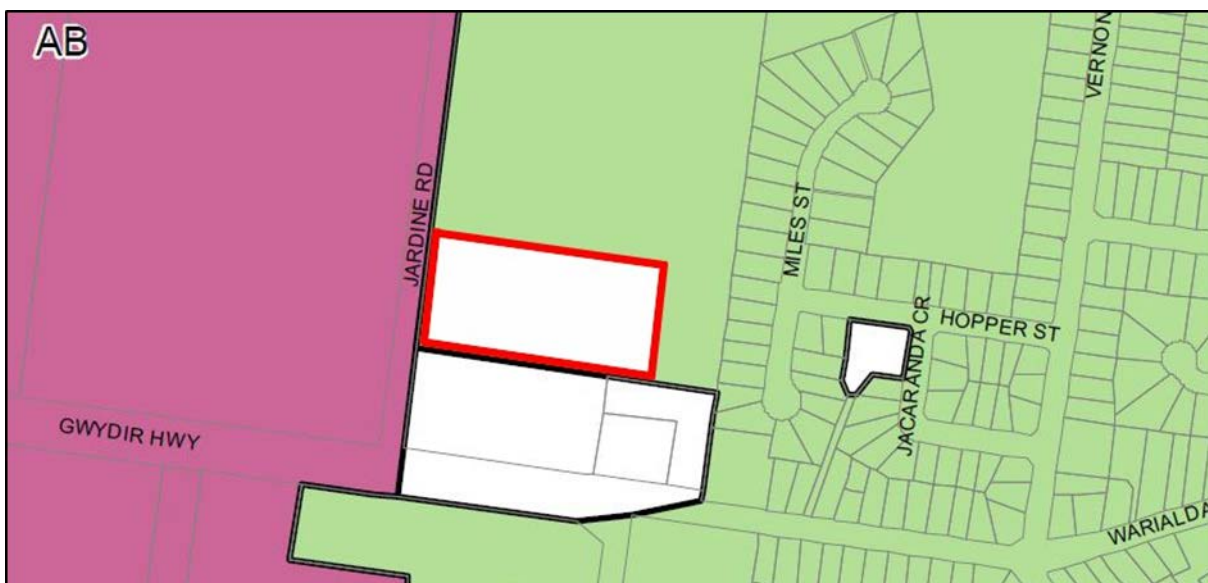




**Figure 6 – Proposed Zoning Structure**



**Figure 7 – Existing Minimum Lot Size**



**Figure 8 – Proposed Minimum Lot Size**



## ASSESSMENT OF PLANNING PROPOSAL

Council's Development Services staff have undertaken an assessment of the proposed rezoning and the Planning Proposal, which has focused on:

- The justification for the proposed rezoning;
- Strategic merit and consistency with Local Strategic Planning Framework;
- State Environmental Planning Policies;
- Section 9.1 Ministerial Directions; and
- Site-Specific and environmental considerations.

This assessment principally considers whether the proposed rezoning of Lot 1 DP 825894 has sufficient strategic merit to be submitted to the NSW Gateway Panel for determination.

Subject to obtaining a Gateway determination, further detailed studies, community consultation, assessment by Council staff and resolution of Council would be required prior to any rezoning being finalised. Submitting a Planning Proposal to the Gateway Panel and obtaining a Gateway determination does not guarantee that the rezoning would ultimately be undertaken.

### Justification for the Proposed Rezoning

The principal justification for the proposed rezoning is to facilitate the development of a new Bunnings store in Inverell, which requires an area of approximately 3.24 hectares for retail floor space, storage, parking, loading and unloading and associated infrastructure. The existing Bunnings site on the corner of Oliver Street and Arthur Street does not have sufficient area to be re-developed. The proponent is seeking to locate a large format retail development in a location previously identified by Council as being strategically suitable for such. In order to accommodate the scale of the development it is necessary to expand the size of the current B5 Business Development zone. Council's strategic land use plans have envisaged expansion of the B5 zone to accommodate appropriate development as the need arises.

The alternative to rezoning Lot 1 DP 825894 would be to:

- Not undertake the development of a new Bunnings store; or
- Find an alternative site in Inverell. In this regard, the town planning consultant has undertaken a Site Selection Audit, which has assessed five (5) alternative sites around Inverell for development of a regional scale Bunnings store. The Site Selection Audit is included as **Attachment 7** of the Planning Proposal (**Attachment 1**). **Table 2** below is the Comparative Site Analysis extracted from the Site Selection Audit.

**Table 2: Comparative Site Analysis**

Consideration/ Site	Wyndham Street	Bissett & Killeen Streets	Swanbrook Road	Ring Street	Rifle Range Road	Jardine Road	Legend
Land use Zoning							Essential Consideration
Commercial Exposure							Important Consideration; can be managed
Access							
Strategic Planning							Complies with requirements
Services							Satisfactory compliance with requirements
Hazards & Constraints							Substandard compliance with requirements/ potential showstopper – subject to design and DD
Topography							
Site Size & Shape						Subject to rezoning	
Neighbourhood Compatibility							Showstopper
Economic Impacts							

The Site Selection Audit concludes that, subject to the proposed rezoning, the corner of Jardine Road and Gwydir Highway is the most suitable location for a new Bunnings store.

Committee Members would also be aware that a report on the 'Strategic Location of Large Format Retail Development' was recently considered at the July 2020 Civil and Environmental Services Committee. As part of the report presented to the July 2020 Committee, Council's Development Services staff also undertook an analysis of five (5) sites, including the corner of Jardine Road and Gwydir Highway, to determine the suitability for large format retail development. The site analysis and July 2020 report concludes that, whilst alternative sites are available, the corner of Jardine Road and Gwydir Highway, has the following advantages for Large Format Retail Development:

- *Modern Road train and B-Triple access;*
- *The frontage to the Gwydir Highway provides greater exposure to vehicles / customers than other sites, e.g. Brissett Street or Bundarra Road; and*
- *The site is clearly identified in a NSW Department of Planning endorsed land use strategy and part of the site is already zoned B5 Business Development. The location has the ability for future expansion if necessary.*

The report on the 'Strategic Location of Large Format Retail Development' (July 2020) is included as **Attachment 2** to this report.

Overall, the Site Selection Audit undertaken by Insite Planning Services and the review of the Strategic Location for Large Format Retail Development undertaken by Council's Development Services Staff both conclude that the corner of Jardine Road and Gwydir Highway has strategic merit for the development of a new Bunnings store. The proposed rezoning of Lot 1 DP 825894 has sufficient justification for submission to the NSW Gateway Panel.

#### Strategic Merit and Consistency with Local Strategic Planning Framework

The Planning Proposal submitted by Insite Planning addresses the requirements of the relevant strategic plans in accordance with the *Guide to Preparing Planning Proposals*. Council's Development Services Staff have also undertaken an assessment of the relevant strategic plans and is summarised in **Table 3** below.

<b>Table 3 – Strategic Planning Documents</b>	
<u>Strategy</u>	<u>Development Services Assessment</u>
<i>New England and North West Regional Plan 2036</i>	<p>The <i>New England North West Regional Plan 2036</i> is the State government's 20-year blueprint for the future of the New England and North West region.</p> <p>The Regional Team of the NSW Department of Planning are responsible for the actions associated with the regional plan; however, any rezoning and Planning Proposal must have consideration for this strategy.</p> <p>Inverell is identified in the plan as a 'strategic centre' meaning that Inverell is seen as a major centre of regional strategic importance supporting the rural communities in that area.</p> <p>It is considered that the proposed rezoning to facilitate a new Bunnings store:</p> <ul style="list-style-type: none"> <li>• Will reinforce Inverell's role as a 'strategic centre'; and</li> <li>• Is consistent with the actions contained within the <i>New England North West Regional Plan 2036</i>.</li> </ul>
<i>Employment Lands Strategy 2011</i>	The <i>Employment Lands Strategy 2011</i> identifies the area of approximately 10 hectares in the vicinity of the Gwydir

	<p>Highway and Jardine Road as being suitable for the future development of a large format bulky goods precinct (Enterprise Corridor).</p> <p>There is currently 2.5 hectares of this Enterprise Corridor zoned B5 Business Development, of which approximately 1 hectare contains a service station.</p> <p>The proposing rezoning of approximately 1.8 hectares of additional B5 Business Development land would result in a total of 4.3 hectares of B5 Business Development zone, which remains less than the 10 hectares of Enterprise Corridor identified in the <i>Employment Lands Strategy 2011</i>.</p> <p>The proposed rezoning is considered to be consistent with the <i>Employment Lands Strategy 2011</i>.</p>
<i>Inverell Strategic Land Use Plan 2012 (ISLUP)</i>	<p>The <i>Inverell Strategic Land Use Plan 2012 (ISLUP)</i> is an amalgamation of a number of strategies, including the <i>Employment Lands Strategy 2011</i>.</p> <p>As discussed above, the proposed rezoning is considered to be consistent with the <i>Employment Lands Strategy 2011</i> and is subsequently considered to be consistent with the Department endorsed <i>Inverell Strategic Land Use Plan 2012 (ISLUP)</i>.</p>

#### State Environmental Planning Policies

The Planning Proposal submitted by Insite Planning Services addresses the requirements of the relevant State Environmental Planning Policies (SEPPs) in accordance with the *Guide to Preparing Planning Proposals*. Council's Development Services Staff have also undertaken an assessment of the relevant SEPPs in **Table 4** below.

<b>Table 4 – State Environmental Planning Policies</b>	
<u>Policy</u>	<u>Development Services Assessment</u>
<i>State Environmental Planning Policy No. 55 – Remediation of Land</i>	The site has been historically used for residential (dwelling) and small-scale agriculture (sheep and cattle grazing). There is no evidence to suggest that the site is contaminated or unsuitable for rezoning to B5 Business Development zone.
<i>State Environmental Planning Policy No. 64 – Advertising and Signage</i>	No specific advertising provisions apply to a rezoning proposal. Subject to the rezoning process, any future Development Application, including signage must comply with this policy.
<i>State Environmental Planning Policy (Infrastructure) 2007</i>	<p>No specific provisions of this policy apply to a rezoning proposal.</p> <p>Subject to the rezoning process, any future Development Application must comply with this policy, which includes:</p> <ul style="list-style-type: none"> <li>• Provisions relating to access and frontage to the Gwydir Highway; and</li> <li>• Proximity to electricity infrastructure.</li> </ul> <p>Subject to a Gateway determination, it is likely that consultation with other agencies (e.g. Roads and Maritime Services) would be required prior to a final determination being made in relation to the rezoning.</p>
<i>State Environmental Planning Policy</i>	Planning Proposal submitted by Insite Planning Services

<i>(Koala Habitat Protection) 2019</i>	<p>includes Biodiversity Development Assessment Report (BDAR), which confirms that the site is not determined to be either potential or core Koala habitat.</p> <p>The BDAR was prepared in 2019, and is considered to be sufficient for submission to the NSW Gateway Panel. Subject to a Gateway determination, a current Biodiversity Development Assessment Report may be required prior to any community consultation.</p>
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### Section 9.1 Ministerial Directions

Ministerial Directions are issued under Section 9.1 of the *Environmental Planning and Assessment Act 1979* and must be addressed in a Planning Proposal to support a rezoning. The Ministerial Directions cover issues such as employment, environment and heritage, housing, infrastructure and urban development.

The Planning Proposal submitted by Insite Planning Services addresses the Section 9.1 Ministerial Directions relevant to the rezoning of Lot 1 DP 825894, which will be considered by the NSW Gateway Panel.

Should the Gateway Panel identify an inconsistency with a Ministerial Direction, it is standard practice to require additional information/studies and further consultation with the NSW Department of Planning, after a Gateway determination as been issued and prior to finalisation of a rezoning.

### Site-Specific and Environmental Considerations

It is not mandatory for detailed investigations or studies to be undertaken at the initial Planning Proposal stage of a rezoning (although they may still be submitted). It is important, however, that site-specific and environmental considerations are identified during the initial Planning Proposal and Council's consideration of a rezoning proposal. Detailed investigation/studies of identified issues can then be undertaken and finalised following a Gateway determination.

**Table 5** below provides an assessment on the site-specific and primary environmental considerations for the proposed rezoning.

It should be noted that this assessment has been undertaken at a "strategic level". Development Application matters (e.g. building design, number of car parks, setbacks) should not be considered/addressed in a Planning Proposal.

<b>Table 5 – Site-Specific and Environmental Considerations</b>	
<u>Matter</u>	<u>Development Services Assessment</u>
Economic Assessment	<p>An Economic Impact Assessment has been included with the Planning Proposal prepared by Insite Planning Services.</p> <p>Amongst other matters, the positive economic impacts identified are:</p> <ul style="list-style-type: none"> <li>• Investment in the local economy;</li> <li>• Construction employment;</li> <li>• Creation of approximately 50 new job opportunities; and</li> <li>• Potential for Bunnings to attract additional visitation and spending to Inverell, which assists other small traders.</li> </ul> <p>The primary economic impact associated with the rezoning to facilitate a new Bunnings store is trading impacts on Bunnings competitors.</p> <p>To determine the potential economic impacts on the broader Inverell economy, the Economic Impact</p>

	<p>Assessment includes an assessment of:</p> <ul style="list-style-type: none"> <li>Existing Bunnings type merchandise spending;</li> <li>Bunnings turnover and turnover of other similar stores; and</li> <li>Projections on the proposed turnover following the proposed development.</li> </ul> <p>This assessment concludes that the average trading impact on Bunnings competitors would be less than -3%, which is well within the bounds of normal competitive pressure.</p> <p>In regards to the above, it is not Council's role to determine whether this trading impact on Bunnings competitors is acceptable, but rather whether this impact would have a broader economic impact on Inverell. In is regard, it is considered that the Planning Proposal to facilitate a new Bunnings store will not have a significant adverse economic impact, noting the economic advantages that a regional Bunnings store would provide.</p>
Cultural Heritage	<p>An Aboriginal Scarred Tree has been identified within the south-east corner of the site, adjacent to the Service Station. The Planning Proposal includes a 17 metre curtilage around this tree to be preserved. It is envisioned that further consultation with the Aboriginal community would be required following any Gateway determination, which may consider other cultural heritage matters.</p> <p>It is considered that cultural heritage has been addressed in the Planning Proposal and no issues preclude submission of the Planning Proposal to the NSW Gateway Panel.</p>
Biodiversity	<p>Planning Proposal submitted by Insite Planning Services includes Biodiversity Development Assessment Report (BDAR), which confirms that:</p> <ul style="list-style-type: none"> <li>Approximately 0.26 hectares of an Endangered Ecological Community (White Box Yellow Box Blakelys Red Gum Woodland' occurs on the development site;</li> <li>Given the small size (0.26ha) and the low integrity, it is considered that removal of this vegetation will not result in serious or irreversible harm;</li> <li>No other threatened flora were identified during targeted surveys in 2018 and 2019; and</li> <li>Targeted fauna surveys were also undertaken in 2018 and 2019. No threatened species were recorded on the development site and given the degraded nature of the vegetation it is unlikely that suitable habitat exists for these species.</li> </ul> <p>The BDAR was prepared in 2019, and is considered to be sufficient for submission to the NSW Gateway Panel. Subject to a Gateway determination, a current Biodiversity Development Assessment Report may be required prior to any community consultation.</p>
Noise Impact	<p>The Planning Proposal submitted by Insite Planning Services includes a Noise Impact Assessment. This assessment identifies that:</p>



	<ul style="list-style-type: none"> <li>• The cumulative noise impact from activities associated from the site are expected to exceed the noise criteria at the nearest residential receiver by up to 5dBa;</li> <li>• Acoustic barriers will be required on any roof-top evaporative coolers and along the eastern site boundary.</li> </ul> <p>For the purpose of the Planning Proposal and the strategic assessment, it is considered that the noise assessment is acceptable noting that acoustic barriers will need to be addressed in any future development.</p> <p>It is considered that a specific and detailed noise assessment, including the design and location of acoustic barriers, can be considered in any future Development Application on the site.</p>
Traffic	<p>The Planning Proposal submitted by Insite Planning Services includes a Traffic Impact Assessment. This assessment concludes that “the envisioned development in terms of vehicle access, circulation, parking and servicing will be satisfactory and that there will not be any adverse traffic impacts”.</p> <p>A number of potential issues have been identified with this Traffic Impact Assessment, including:</p> <ul style="list-style-type: none"> <li>• A proposed access point onto the Gwydir Highway – It is uncertain whether the NSW Roads Maritime Services would support this access or require sole access from Jardine Road;</li> <li>• The appropriateness of traffic projections being made on a comparison with a Bunnings at Ulladulla, south of Sydney; and</li> <li>• Detailed plans of the access works in relation to the surrounding road network (Jardine Road intersection, turning lane for the Service Station) have not been provided.</li> </ul> <p>It is noted that the Traffic Impact Assessment has been prepared to accompany the Planning Proposal and does not contain (and is not required to contain) the level of plans and information required for a Development Application.</p> <p>It is considered that the Traffic Impact Statement is sufficient for submission to the Gateway Panel; however, it is recommended that subject to a Gateway determination, Council require consultation to be undertaken with the NSW Roads and Maritime Services in relation to potential traffic impacts on the Gwydir Highway.</p>
Essential Services	<p><u>Water</u></p> <p>There is a 100mm water main along the Gwydir Highway, which can be extended to serve the site.</p> <p><u>Sewer</u></p> <p>The site does not currently have access to the sewer. The closest point of connection to the sewer, with sufficient grade for gravity sewerage, is at the rear of Miles Street.</p>

	<p>This connection to sewer requires an approximate 340 metre sewer main extension, which is not unreasonable and would need to be undertaken at the developer's expense.</p> <p><u>Stormwater</u></p> <p>A preliminary stormwater assessment has been undertaken based on a 1 in 100 year rainfall event. A stormwater detention structure would be required for any future development, with the proposed rezoning having sufficient area to cater for this detention structure.</p> <p><u>Electricity and Telecommunications</u></p> <p>Both electricity and telecommunications infrastructure are present in or adjacent to the site.</p> <p><u>Conclusion</u></p> <p>Noting that additional works and extensions will likely be required to service any future development, it is considered that Essential Services are available and adequate for the development site.</p>
Visual Impacts	<p>Visual impact is normally a matter considered during the Development Application stage (where building plans including elevations, materials and landscaping plans are available) rather than at the strategic/rezoning phase of a development.</p> <p>In consideration of the likely scale of regional Bunnings store and surrounding residential development, a preliminary review and consideration of potential visual impacts has been undertaken by Council's Development Services staff.</p> <p>It is noted that the western edge of Inverell contains a number of larger scale commercial, light industrial and infrastructure uses, notably a services station, water reservoirs, a 50m telecommunication tower, mixed use development and a retail plant nursery. It is considered that, visually, a large warehouse style development would not be inconsistent with these buildings.</p> <p>The nearest dwellings are approximately:</p> <ul style="list-style-type: none"> <li>• 80 metres to the east (Miles Street); and</li> <li>• 200 metres to the west.</li> </ul> <p>This separation distance is considered sufficient that any future development of the site would be able to incorporate suitable setbacks, articulation and landscaping to mitigate potential visual impacts from residential properties.</p> <p>In regard to potential visual impacts of a future building from the Gwydir Highway, <b>Figure 4</b> - Bunnings Warehouse Proposal, shows that the majority of the building will be setback more than 80 metres from the highway. Located between the building and the highway will be a landscaped car parking area. It is considered that the Development Application will need to adequately address visual impacts and appropriate mitigation measures.</p>

**CONCLUSION**

Council has received a request to amend the Inverell Local Environmental Plan 2012, to rezone approximately 1.8 hectares of RU1 Primary Production and R1 General Residential zoned land to B5 Business Development zone. The proposal will facilitate the development of a new Bunnings Warehouse to service Inverell and the North West region.

It is considered that the Planning Proposal adequately addresses the requirements of Section 3.33(2) of the *Environmental Planning and Assessment Act 1979*. The proposal has strategic merit and is consistent with Council's Local Strategic Planning Framework which has been endorsed by NSW Department of Planning, Infrastructure and Environment.

The proposal is essentially a minor boundary adjustment rezoning to facilitate a development type that has been strategically identified by Council since the adoption of the Inverell Shire Strategic Land Use Plan in December 2011.

Committee Members are requested to recommend to Council that the Planning Proposal be forwarded to the *NSW Department of Planning, Infrastructure and Environment* requesting a Gateway determination in accordance with sections 3.33 and 3.34 of the *Environmental Planning and Assessment Act 1979*.

**RISK ASSESSMENT:**

Nil

**POLICY IMPLICATIONS:**

The planning proposal is consistent with Council's strategic planning framework, including the *Inverell Shire Employment Land Strategy 2011*, the *Inverell Shire Strategic Land Use Plan* and the *New England and North West Regional Plan 2036*.

**CHIEF FINANCIAL OFFICERS COMMENT:**

[Type here](#)

**LEGAL IMPLICATIONS:**

Amendments to the *Inverell Local Environmental Plan 2012* will alter the planning provisions for the subject site.

**ATTACHMENTS:**

1. **Planning Proposal - Amendment to Inverell LEP 2012 - Corner Gwydir Highway and Jardine Road, Inverell**
2. **Strategic Location of Large Format Retail Development - Report to July 2020 Civil and Environmental Services Committee**

**5.3 STRATEGIC LOCATION OF LARGE FORMAT RETAIL DEVELOPMENT****File Number:** S4.11.16/12 / 20/25832**Author:** Chris Faley, Development Services Coordinator**SUMMARY:**

This report has been prepared to provide further information to Committee members on the strategic location considerations for future large format retail development within Inverell. A report dealing with this subject was requested at the May 2020 Councillor briefing.

The report explores the contemporary characteristics of large format retail development, reviews the current availability of land for large format retail development and discusses both local and NSW economic strategy underpinning the current *Inverell Local Environmental Plan 2012*.

The Committee is requested to determine whether it wishes to take any further action in response to the report.

**RECOMMENDATION:**

*A matter for the Committee.*

**COMMENTARY:****BACKGROUND**

In February 2020 an information report was prepared for Council in regards to a planning proposal (re-zoning application) to amend the *Inverell Local Environmental Plan 2012* at 60 Jardine Road, Inverell for the purpose of a large format retail development (Bunnings). Council have requested further technical information from the applicant in regards to this planning proposal. Once all the information is received and assessed, a further report will be prepared for the Committee's consideration. The applicant has also indicated that they may wish to make a presentation to the Committee.

The proposal has stimulated discussion regarding the strategic considerations that underpin the location of large format retail. This report looks generically at large format retail and not any specific development proposal.

The purpose of this report is to provide further and more detailed information to Committee members on the strategic location considerations for large format retail development in Inverell.

This report has been prepared with the following structure:

- Introduction to contemporary large format retail development;
- Site selection criteria for large format retail development, including:
  - State and local government planning considerations by a Planning Authority; and
  - Market considerations by developers / retailers;
- Strategic background to the existing '*Enterprise Corridor*' identified on the western edge of Inverell;
- The existing development controls that apply to commercial and industrial land in Inverell;
- Alternative sites to the existing '*Enterprise Corridor*'; and
- The process for undertaking a review of Council's adopted strategies.

**INTRODUCTION TO CONTEMPORARY LARGE FORMAT RETAIL DEVELOPMENT**

Historically, large format retail development has been referred to as '*bulky goods premises*', which involved:

- The sale of goods that by virtue of weight and size are considered '*bulky*' – traditionally this has been associated with furniture and white goods stores;
- A large area for delivery, handling, storage or display of these goods;

- Direct vehicular access for customers to load their purchases; and
- Access to a road network which caters for high-mass vehicles for freight.

The term '*bulky goods premises*', however, no longer reflects contemporary large format retailing. Changing business models and trends in the last decade, particularly in response to consumer demand and technology such as online shopping, has seen an increase in other forms of '*bulky*' premises. For example:

- Some retailers require a large floor-plate because of the volume of product, rather than the size of the product; and
- Some retailers no longer require a loading facility as they run '*showroom*' style premises where customers shop for and order items, with items delivered at a later date direct from a warehouse located elsewhere.

In recognition of changing business models, the term '*large format retail development*' is now used to encompass both traditional '*bulky goods premises*' and other contemporary forms of large format retailing. Whether traditional or contemporary, a large format retail development typically incorporates a large building, large areas for on-site parking, loading facilities (if required) and landscaping. These features can require up to (or in some cases greater than) 2.5 hectares of land.

Typical examples of contemporary large format retailers include Bunnings Warehouse, Spotlight, BCF, Costco Warehouses, Anaconda, IKEA and Fantastic Furniture. The **Case Study** below provides an indication of the area requirements for a contemporary large format retail development.

#### **Case Study**

*At the Ordinary Meeting of Council, an Information Report was provided to Councillors in relation to a request to rezone an additional one (1) hectare portion of Lot 1 DP 825894, 60 Jardine Road, Inverell from RU1 Primary Production zone to B5 Business Development zone. The intention of the rezoning is to facilitate the development of a new Bunnings Warehouse store aimed at servicing Inverell and the North West Region.*

*Preliminary plans submitted with the re-zoning request indicates the area of the proposed future Bunnings store (subject to the merit based re-zoning and Development Application process), including building/s, car parking, loading, landscaping and other infrastructure is 2.5 hectares. The site dimensions nominated are approximately 160 metres by 160 metres.*

*2.5 hectares is considered to be a reasonable (real life) indication of the typical area required for a contemporary stand-alone large format retail development in regional NSW.*

*Note: This case study has been used as an area guide only for undertaking a review of potential sites for the type of large format retail development that could occur in Inverell.*

Under the *Inverell Local Environmental Plan 2012* it is considered that the following development types, when undertaken at a large scale, would be considered a '*large format retail development*':

- Garden centres;
- Hardware and building supplies;
- Landscape material supplies;
- Plant nurseries;
- Rural supplies;
- Specialised retail premises- examples of specialised retail premises include automotive parts and accessories, household appliances and fittings, furniture, home wares, office equipment, outdoor and recreation equipment, pet supplies and party supplies;
- Timber yards; and



- Vehicle sales or hire premises.

The above development types are permissible with consent (Development Application) within both the IN1 General Industrial and the B5 Business Development zones.

Specifically, 'large format retail development' is not considered to include (regardless of scale) general retailing of merchandise such as groceries, personal care products, clothing, music, stationary or the like. Examples include Big W, Woolworths and Coles.

### **SITE SELECTION CRITERIA FOR LARGE FORMAT RETAIL DEVELOPMENT**

The appropriate site selection of large format retail development is imperative, particularly in regional towns where unsuitable site selection can have significant long-term economic impacts. There are two (2) separate, but related, site selection drivers for large format retail development, being:

- State and local government planning considerations by a Planning Authority – considered at the time of zoning (or re-zoning) land for large format retail development; and
- Market considerations by the developer – to determine whether to lodge a Development Application or re-zoning request to undertake a large format retail development.

Whilst a Planning Authority is not obliged to give significant weight to market considerations, a Planning Authority is encouraged to be aware of market considerations when zoning land. Should a Planning Authority zone undesirable land for a particular development type (e.g. large format retail development), it would likely remain undeveloped. This in turn would likely see a Planning Authority receive planning proposals (re-zoning applications) for more desirable land at alternative locations and driven by market considerations.

### **State and Local Government Planning Considerations**

Below is a list of key considerations by government agencies when considering the strategic location of large format retail development:

- Avoiding significant adverse environmental impacts, including but not limited to flooding and bush fire;
- Avoiding sites that contain significant areas of biodiversity (e.g. endangered ecological communities);
- Large format retail developments are encouraged in locations that are supported by a road network which caters for higher-mass vehicles for freight;
- Large format retail development is located to minimise land use conflict with other land uses;
- Locations which have access to essential infrastructure with sufficient capacity to cater for large format retail development, including sewer services, water supply and stormwater drainage infrastructure; and
- Large format retail developments often demonstrate 'anchor' or 'destination' characteristics, which encourage the co-location of other small-scale commercial activities. Sites should be chosen which would not adversely impact the economic viability of existing town centres by facilitating commercial leakage from the CBD.

### **Market Considerations**

The Large Format Retail Association (LFRA) is the national peak industry association for Australia's large format retail sector. The LFRA identify the following important considerations for large format retail development site selection:

- A large, flat site to accommodate a large format building(s), on-site parking, vehicular access for both customer and delivery, and landscaping;
- Good site exposure to passing traffic with locations on major arterial roads or with convenient access to the major arterial road network;
- Affordable and sustainable rents in line with the retailers' business strategies to permit the display and storage of large items;

- A suitably designed site and building that safely accommodates the delivery of stock by large commercial vehicles and the loading/collection of bulky goods by customers;
- A site which can conveniently and safely accommodate up to 40 trucks and semi-trailers per retailer per day;
- A customer car parking ratio of at least 3 spaces per 100 square metres of floor space;
- Suitably positioned premises to serve a wide regional catchment of over 100,000 residents, with some of the larger stores requiring catchments of 150,000 plus;
- Co-location with other large format retailers; and
- A considered mix of retailers that promotes the long-term success of the development.

**STRATEGIC BACKGROUND TO THE 'ENTERPRISE CORRIDOR' IDENTIFIED ON THE WESTERN EDGE OF INVERELL;**

Under the *Inverell Local Environmental Plan 2012* approximately 2.5 hectares of land on the corner of the Gwydir Highway and Jardine Road is zoned B5 Business Development (**Figure 1**). As part of Council's strategic landuse planning, this land was identified for large format retail development. It is the only B5 Business Development zoned land in the Shire.

The following provides some background to the Department of Planning endorsed strategic planning work undertaken by Council since 2006. This strategic planning underpins the current B5 Business Development zoning of the land.

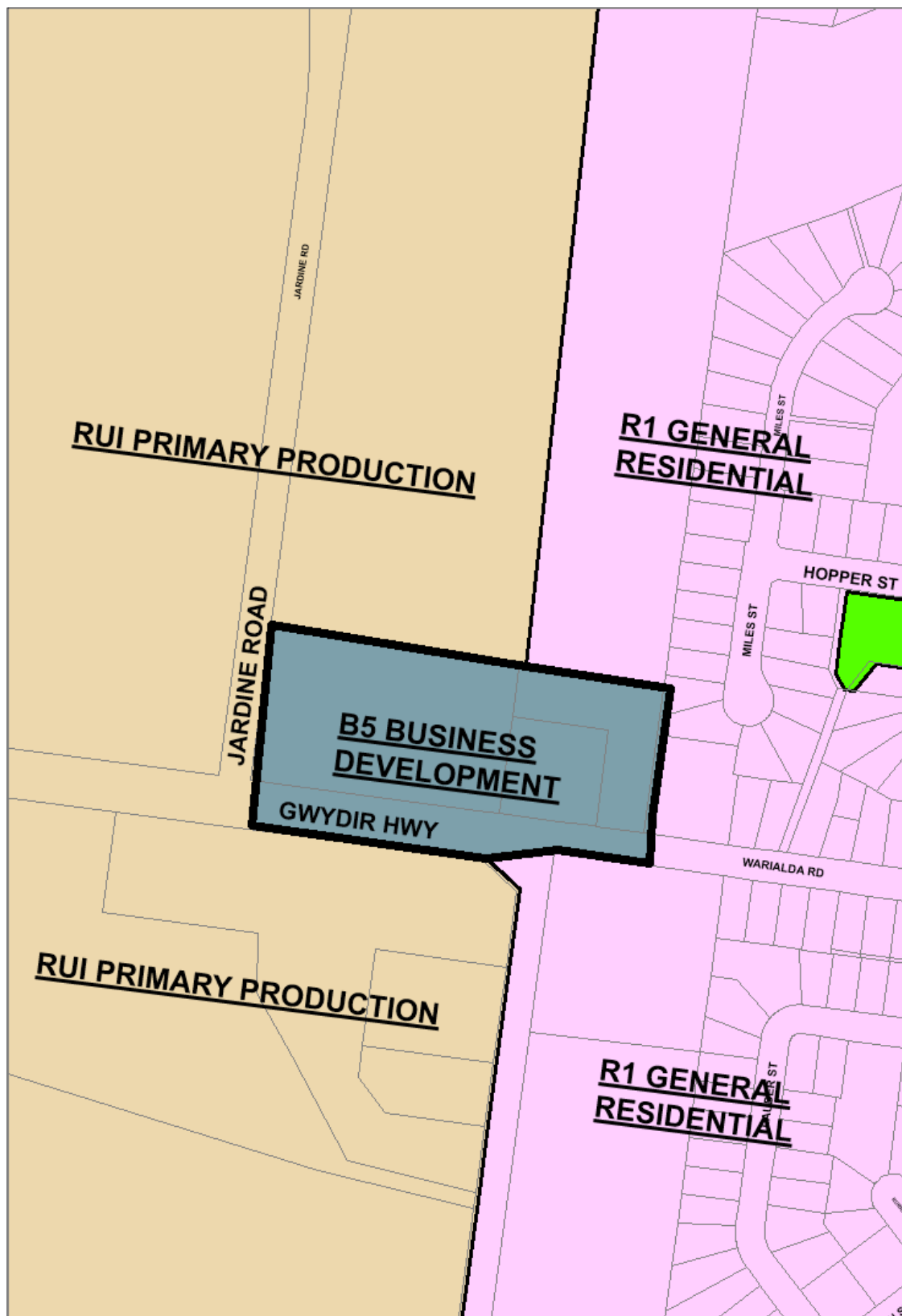


Figure 1 – Land Use Zoning under the *Inverell Local Environmental Plan 2012* of land on the corner of Jardine Road and Gwydir Highway, including surrounds.

#### **Inverell Shire Employment Land Strategy**

The *Inverell Shire Employment Land Strategy* was first adopted by Council in July 2008, as part of Council's comprehensive Shire wide strategic landuse planning which commenced in 2006.

After a number of enquiries from prospective developers for the establishment of a large format bulky goods development in 2009, Council staff facilitated a briefing workshop for Councillors on 28 April, 2009. This included a PowerPoint presentation to Councillors specifically in regards to catering for bulky goods and other related large format retail developments. The briefing highlighted the following points:

- The attributes of bulky goods retailing including siting characteristics and vehicular access and transportation requirements;
- The predicted future demand and supply of bulky goods;
- Department of Planning Policies relating to market forces, planning principles, competition between businesses, and the need to cater for a future demand; and
- The possible solution in Inverell for a large format bulky goods precinct in a suitable highway location.

A copy of the 28 April, 2009 PowerPoint presentation has been circulated to Committee members under a separate cover.

After the Councillor briefing workshop Inverell Shire Council commissioned a review of its *Employment Land Strategy*. The focus of the review was the provision of large format bulky goods floor space as well as future requirements for bulky good stores in excess of 1000 square metres gross leasable area (GLA).

The revised *Employment Land Strategy* was completed in August 2011 and adopted by Council as part of the *Inverell Shire Strategic Landuse Plan* in December 2011 (RES-182/11).

The adopted *Inverell Shire Employment Land Strategy* provides guidance in regards to the future development of large format bulky goods stores in Inverell. A copy of the adopted *Inverell Shire Employment Land Strategy August 2011* is included as **Attachment 1**.

Section 3.2 of the *Inverell Shire Council Employment Land Strategy* specifically relates to Large Format Bulky Goods Stores and states:

*“A review of the Employment Lands Strategy undertaken for Council in 2009 found that provision should be made for large format bulky goods stores or stores in excess of 1000 square metres GLA. Unencumbered land is required to cater for potential major developments requiring large sites that cannot be accommodated in the town centre or in the areas north of the town centre currently zoned Industrial and proposed to be rezoned for a smaller format bulky goods precinct.*

*An appropriate location for this type of development was identified in the vicinity of the Gwydir Highway and Jardine Road. It is envisioned that a potential enterprise corridor could be located on the north side of Gwydir Highway east and west of Jardine Road and on the south side of Gwydir Highway opposite Jardine Road. An enterprise corridor could be suitable for the location of space extensive highway related uses that could include:*

- *large format bulky goods;*
- *automotive retail, caravan and boat sales;*
- *agricultural products sales;*
- *a service centre, including a petrol filling station, truck stop and associated uses”.*

Section 4.2 of the Strategy states:

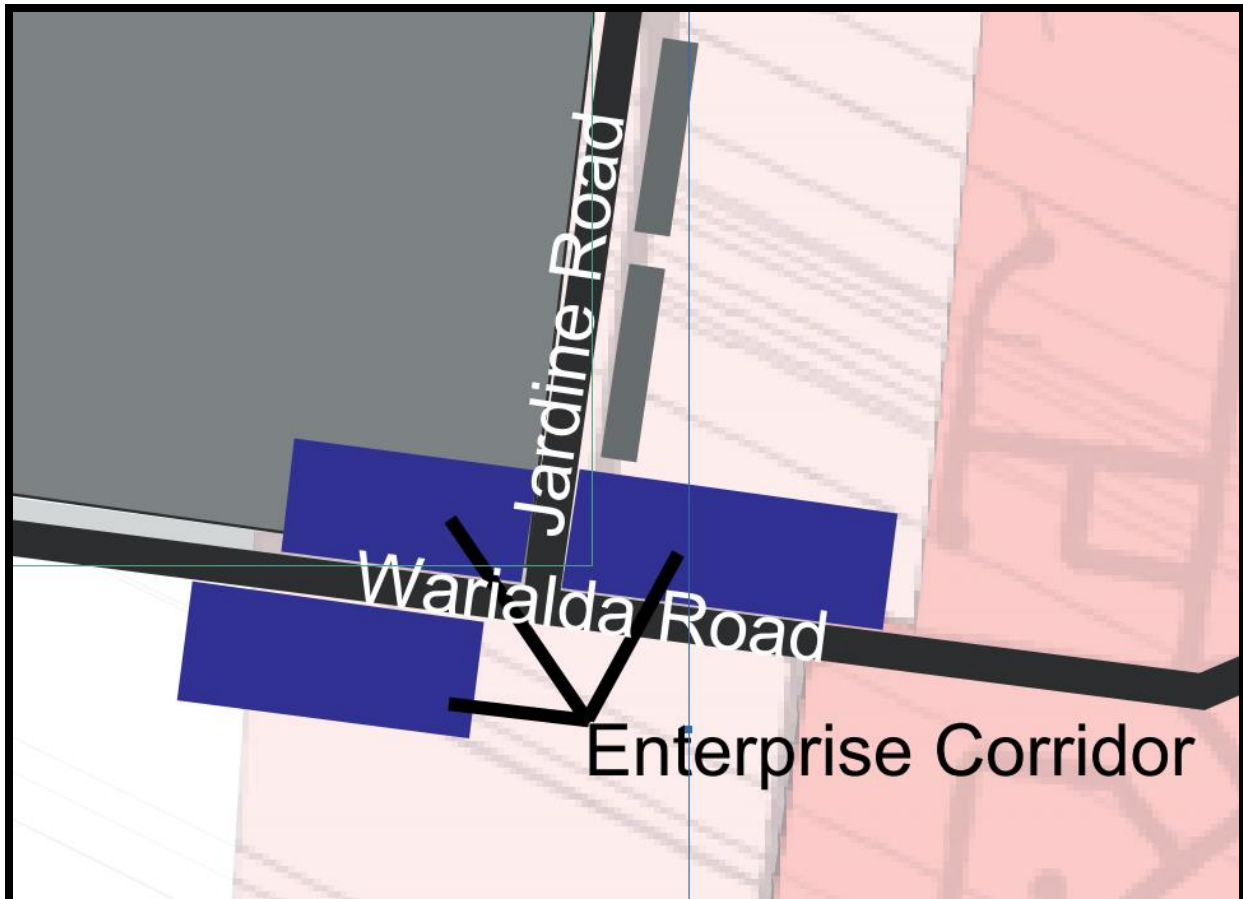
*“Inverell is an important district and sub-regional centre and services an extensive rural catchment area. There is an important need for the city to provide opportunities for space extensive businesses that are not industrial functions but extend well beyond the realm of core retailing and smaller format bulky goods retailing. There are a number of space-extensive activities that regional service cities need to accommodate. Typically these require highway frontages with good access to the region and rural areas and adjoining towns and cities.*

*The types of activities which require highway access and extensive sites include:*

- *larger format bulky goods stores;*

- *trade supplies, including timber yards and building materials and engineering supplies;*
- *automotive, boat and caravan sales; and*
- *agricultural equipment and supply sales”.*

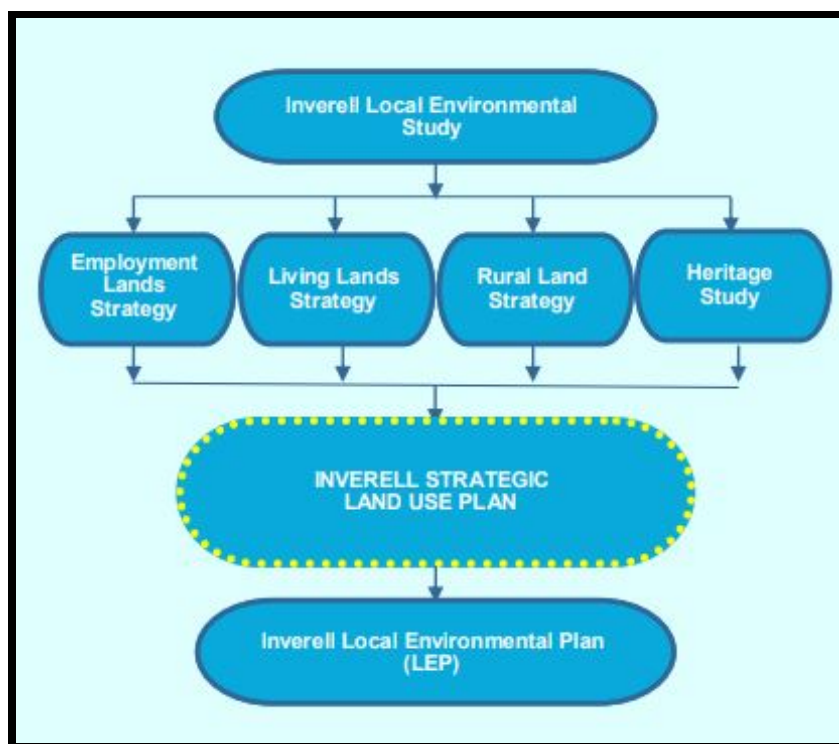
The *Employment Land Strategy* identifies the area in the vicinity of the Gwydir Highway and Jardine Road as suitable for the future development of a large format bulky goods precinct. **Figure 2** is an extract of the plan contained in the *Employment Land Strategy*. It should be noted that the total area identified as a large format bulky goods precinct (Enterprise Corridor) equates to approximately 10 hectares.



**Figure 2 – Extract from the *Inverell Shire Employment Land Strategy* showing the identified area for a large format bulky goods precinct (large format retail development).**

#### **Inverell Strategic Landuse Plan**

The *Inverell Shire Strategic Landuse Plan* was adopted by Council in December 2011. The *Inverell Shire Strategic Landuse Plan* was the amalgamation of a number of strategies including the *Employment Land Strategy*, and was the precursor to the comprehensive new Shire wide Local Environmental Plan. **Figure 3** below is an extract from the *Inverell Shire Strategic Landuse Plan* which graphically shows the various landuse strategies that culminated in the preparation of the *Inverell Shire Strategic Landuse Plan*.



**Figure 3 – Extract from *Inverell Strategic Landuse Plan*.**

The *Inverell Shire Strategic Landuse Plan* reinforces the concept of a large format bulky goods precinct as identified in the *Inverell Shire Employment Land Strategy*.

*“The strategy also recognises that a separate precinct for larger format bulky goods type activities in accessible and visible locations outside of the CBD is required.”*

After its adoption by Council in December 2011, the *Inverell Strategic Landuse Plan* was then endorsed by the Department of Planning and served as the primary strategic document which informed the preparation of the *Draft Inverell Local Environmental Plan* in 2012.

### **Inverell Local Environmental Plan 2012**

After exhibition of the *Draft Inverell Local Environmental Plan* in July 2012, the *Inverell Local Environmental Plan 2012* was gazetted on 7 December, 2012.

It is important to note that with the gazettal of the *Inverell Local Environmental Plan 2012*, the 10 hectares of land identified in the *Employment Land Strategy* for a large format bulky goods precinct (**Figure 2**) was not all zoned B5 Business Development. Only approximately 2.5 hectares was zoned B5 Business Development which also encompassed a disused service station at 143-149 Warialda Road (comprising approximately 1 hectare), which at the time was expected to be demolished. The 2.5 hectares of B5 Business Development zoned land, including the disused service station was thought to be sufficient to facilitate the development of a single contemporary large format retail development.

The rationale mandated by the Department of Planning behind only zoning part of the land identified for a large format bulky goods precinct was that an oversupply may lead to inappropriate cheaper and smaller development in the precinct and thus lead to adverse impacts via commercial leakage from the Inverell CBD. It was considered that the over zoning of land to B5 Business Development would undermine the objectives of Council’s primary intent for the development of a vibrant and diverse town centre.

The Department of Planning indicated that, in the future, if the B5 Business Development zone was fully developed, the Department endorsed *Employment Lands Strategy*’s identification of additional large format bulky goods precinct land (**Figure 2**) west of Jardine Road and south of the Gwydir Highway would lend weight to a relatively straight forward “spot re-zoning”.



In 2013 the redevelopment of the previously disused service station commenced, and is now operational. The service station re-development has therefore negated approximately 1 hectare of the land which was zoned B5 Business Development and set aside for a contemporary large format retail development, such as a Bunning Warehouse.

## **THE EXISTING DEVELOPMENT CONTROLS THAT APPLY TO COMMERCIAL AND INDUSTRIAL LAND IN INVERELL**

The *Inverell Development Control Plan* (DCP) was adopted by Council in July 2013. The aim of the DCP is to provide further guidance on landuse development in the Shire, and to support the objectives, intent and direction of Council's planning policies and environmental planning instruments, namely the *Inverell Local Environmental Plan 2012*.

Chapter 4 of the DCP relates to commercial and industrial development. The following extract shows the intent for development in the various commercial precincts within the town.

### **“4.2 Intent**

*The intent of this chapter is to:*

- *Promote orderly and well designed development in accordance with the hierarchy of commercial precincts within Inverell. These precincts are:*
  - **Town Centre Core Area** – *The preferred location for shopfront retail activity, including major new stores (excluding bulky goods), and is also the main pedestrian area within the town centre. This core includes a periphery of major community facilities, office and professional services.*
  - **Town Centre Outer Area** – *Adjoins the town centre core area and is currently characterised by light industrial and commercial activities. Refer to Figure 4.1. Small format bulky goods stores or stores less than 1000m<sup>2</sup> Gross Floor Area (GFA) are encouraged in this area. Large retail outlets greater than 1000m<sup>2</sup> GFA should not be located in the Town Centre Outer Area.*
  - **Enterprise Corridor** – *The area zoned B5 Business Development under the ILEP and which provides an effective land supply and appropriate location for the development of large floor area highway related commercial activities (i.e. large format bulky goods) that cannot be accommodated in the other commercial precincts.*
  - **Neighbourhood Centres** – *A range of small scale precincts zoned B1 Neighbourhood Centre under the ILEP containing retail, business and community uses designed to serve the surrounding neighbourhood.*
- *Sustain Inverell's role as an important district and sub-regional industrial centre, with the continuing provision of cost competitive, attractive and well-planned industrial areas to meet the town's requirements for the foreseeable future.*
- *Consider appropriate commercial and industrial development outside of commercial and industrial zoned areas, where the development is permissible and compatible with the surrounding area and the establishment of such will not adversely impact on the viability of the central business district of Inverell.”*

**Figure 4** includes an extract from the *Inverell Development Control Plan 2013* showing the location of the *Town Centre Core Area* and the *Town Centre Outer Area*.

In summary, the intent of the DCP is that any type of bulky goods development is not preferred in the Town Centre Core area (CBD) and only small format bulky goods stores less than 1000 square metres GFA are encouraged in the Town Centre Outer Area. The ‘Enterprise Corridor’ (land zoned B5 Business Development) is a precinct set aside for large format bulky goods and highway

related commercial activities that can't be (and should not be) accommodated in either the Town Centre Core or Outer Areas.

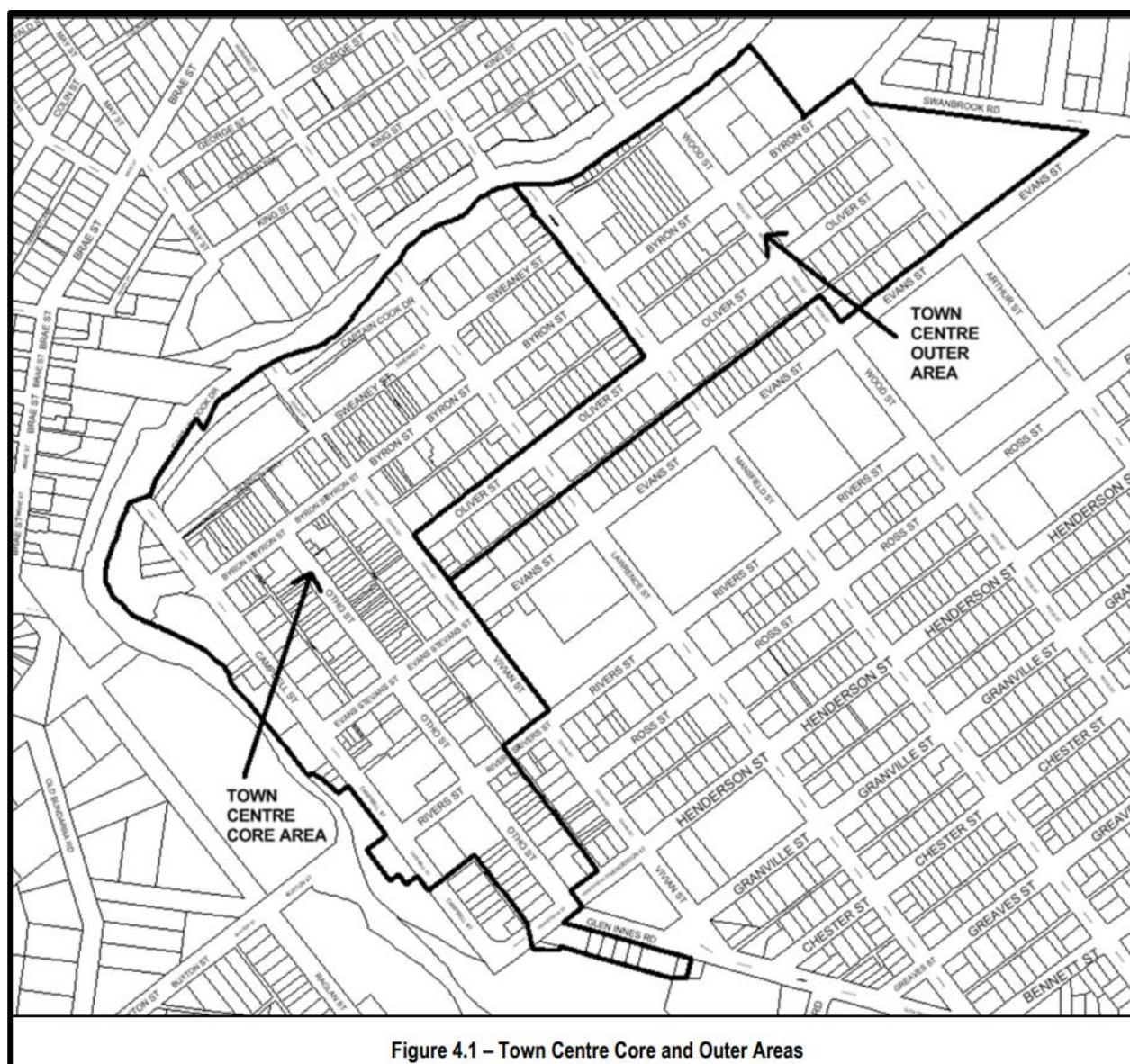


Figure 4.1 – Town Centre Core and Outer Areas

**Figure 4 – Extract of Figure 4.1 from the *Inverell Development Control Plan 2013* showing the location of the *Town Centre Core Area* and the *Town Centre Outer Area*.**

#### ALTERNATIVE LOCATIONS FOR LARGE FORMAT RETAIL DEVELOPMENT

Council's Development Services staff have undertaken a desk-top review of potential alternative locations for large format retail development in Inverell. A number of factors were taken into account, including but not limited to location, zoning and existing use. Based on this review, four (4) sites were identified for further investigations as to their suitability for large format retail development, being:

1. **20-30 Oliver Street**, Inverell – located on the corner of Oliver Street and Lawrence Street, Inverell;
2. **1 Swanbrook Road**, Inverell – being the land between Arthur Street and Swanbrook Road. The Oliver Street extension is proposed through this land;
3. **34 Brissett Street**, Inverell – located on the corner of Brissett Street and Killeen Street; and
4. **Land on the corner of Rifle Range Road and Bundarra Road**, within the vicinity of the Pioneer Village.

For comparison, an assessment has also been undertaken of part of the existing '*Enterprise Corridor*' located on the corner of Gwydir Highway and Jardine Road.

Following the initial identification of the above sites, this report provides a more detailed assessment of these sites to determine their suitability for a contemporary large format retail development. This suitability assessment takes into consideration:

- Whether the site has sufficient area and/or dimensions to cater for a minimum footprint of 2.5 hectares (160 metres x 160 metres), using the **Case Study** provided earlier in this report as an example;
- Site characteristics, including hazards (e.g. flooding), slope and/or any significant biodiversity;
- Access to, and suitability of essential infrastructure, e.g. sewer mains, stormwater drainage;
- Access by higher-mass vehicles (B-Doubles and other heavy vehicles); and
- Potential conflict with other land uses.

### **20-30 Oliver Street, Inverell – located on the corner of Oliver Street and Lawrence Street, Inverell**

20-30 Oliver Street, Inverell is Council owned land comprising Lot 1 DP 89422; Lot 9 DP 1089168, Lot A DP 154797, Lot B DP 154797, Lot 1 DP 1038122 and Lot 2 DP 1038122 (refer **Figure 5**). The total combined area of these lots is approximately 5,099m<sup>2</sup> (0.5099 hectares).

This land clearly has insufficient area to cater for a contemporary large format retail development. Council efforts in acquiring properties in this area to form a large consolidated land parcel will auger well for any future general retail development requiring a significant floor-plate. However future acquisition to the extent necessary to cater for a large format retail development is not likely.

Due to the area of this site, a more detailed assessment (e.g. flooding, infrastructure, etc.) is not considered necessary.

It should be noted that the site is zoned B2 Local Centre and is located within the *Town Centre Core Area* within the DCP. The B2 zone and the *Town Centre Core Area* is not intended to support large format retail or bulky goods development. However, the future development of a general retail development that may exceed 1,000m<sup>2</sup> would not be precluded at this site.

### **1 Swanbrook Road, Inverell – being the land between Arthur Street and Swanbrook Road**

This land is known as Lot 1 DP 1231314 and currently contains the Inverell Community Garden. It is proposed to extend Oliver Street through the site to connect to Swanbrook Road (refer **Figure 6**). Excluding roads, the total area of the site available for development is approximately 2.1354 hectares.

Whilst the site is a large parcel of land in the context of the surrounding commercial and industrial areas, due to its irregular triangular shape, it is not conducive to a 2.5 hectare square or rectangular envelope (see **Figure 6**).

In addition to its size and shape, Lot 1 DP 1231314 is also constrained by:

- Significant Council drainage infrastructure located through the property (refer **Figure 7**). Discussions with Council's Engineering Staff indicate that the drainage infrastructure is critical and must be retained. Significant engineering design and civil construction costs would be required to pipe and/or relocate this infrastructure;
- Approximately two (2) metres of flood water covers the site during a 1 in 100 year flood event (1991 flood). Flood levels are illustrated in **Figure 7**; and
- The site is zoned B2 Local Centre and is located within the *Town Centre Outer Area*. The B2 zone and the *Town Centre Outer Area* are not intended to support large format retail or bulky goods developments over 1000 square metres.

### **34 Brissett Street, Inverell – located on the corner of Brissett Street and Killeen Street**

34 Brissett Street, Inverell is located on corner of Brissett Street and Killeen Street. It is known as Lot 1 DP 771853 and has a total area of 5.92 hectares. It is currently vacant land being used for

small-scale grazing. A natural watercourse is located on the southern side of the land, which runs generally parallel with Brissett Street. The site is shown in **Figure 8**.

Due to the location of the watercourse, a 160 metre by 160 metre development footprint is not likely to be achievable on this site. It is acknowledged that a rectangular, rather than square, development footprint could be achievable; however achieving adequate exposure and frontage to Brissett Street would be difficult to achieve.

There are several advantages (refer **Figure 9**) to the development of Lot 1 DP 771853 for large format retail, including:

- The site is zoned IN1 General Industrial. The IN1 zone would allow for a range of large format retail development without the need to re-zone land;
- The site is not mapped as flood prone land. (Note: The watercourse may be subject to drainage issues);
- The site is not considered to contain any significant biodiversity;
- Water and sewer infrastructure are available in Brissett Street and Killean Street;
- The site has sufficient area to provide stormwater detention without significantly impacting the watercourse or Council infrastructure;
- Brissett Street and Killean Street (from Swanbrook Road to Brissett Street) are gazetted as B-Double routes.

The constraints (**Figure 9**) for the development of the site for large format retail include:

- The watercourse;
- The land has a slope varying between approximately 2% and 10%, which provides engineering and construction challenges;
- The site lacks arterial road exposure to passing traffic;
- The proximity of sensitive land uses in the area, including McLean Retirement Village and a residential property some 30 metres north of the site; and
- Land in Brissett Street and Swanbrook Road is zoned IN1 General Industrial, which also allows for a range of different commercial and industrial retail outlets. A large format retail development is a “destination” or “anchor” type of development, for which other types of businesses prefer to co-locate with. This may lead to a drift of businesses from Byron Street and Oliver Street to this area and undermine the objectives of Council’s primary intent for the development of a vibrant and diverse town centre.

### **Land on the Bundarra Road within the vicinity of the Pioneer Village.**

Indicatively, this land comprises:

- An unformed road reserve;
- Lot 361 DP 753287 (private land); and
- Part Lot DP 1043397 (private land).

The combined area of the above site is approximately 3.144 hectares and is shown in **Figure 10**. This land is located to the west of the Rifle Range Road Industrial Precinct.

*Note: The Rifle Range Road Industrial Precinct has not been identified as a potential location for large format retail development. This land has been identified by Council for traditional industrial development. The northern side of Rifle Range Road is proposed to be subdivided into smaller scale industrial allotments, with the construction of a loop road recently being completed.*

Based on the indicative site, a 160 metre by 160 metre development footprint would be achievable in this location; however, this would be subject to negotiation between multiple private landowners.

The advantages (refer **Figure 11**) to the development of the corner of Rifle Range Road and Bundarra Road for large format retail include:

- The site is not mapped as flood prone land;
- The site is not considered to contain any significant biodiversity;
- The land is generally flat;
- Water and sewer infrastructure are available in Bundarra Road;

- Bundarra Road is gazetted as a B-Double route.

The constraints (**Figure 11**) for the development of this site include:

- The site is not appropriately zoned for large format retail development and would require re-zoning;
- As the area around the Inverell Racecourse and Pioneer Villages is very flat, it retains a significant amount of stormwater during even a minor rainfall event. Discussions with Council's Engineers confirm that the industrial subdivision currently under construction by Council in Rifle Range Road has resulted in the stormwater infrastructure in Bundarra Road reaching capacity. The addition of 2.5 hectares of hard stand area will result in a significant volume of runoff, requiring significant upgrades to Bundarra Road to address drainage;
- There are number of dwellings in the area (closest within approximately 100 metres), which may be sensitive to the cumulative impacts from both a large format retail development and the nearby industrial estate;
- The IN1 General Industrial zoning of the nearby Rifle Range Industrial allows for a range of different commercial and industrial retail outlets. A large format retail development is a "destination" or "anchor" type of development, for which other types of businesses prefer to co-locate with. This may lead to a drift of businesses from Byron Street and Oliver Street to this area and undermine the objectives of Council's primary intent for the development of a vibrant and diverse town centre; and
- Bundarra Road is gazetted as a B-Double route providing direct access from the south. Unfortunately access from all other directions involves heavy vehicle movements through built up areas of the township. This is particularly the case with access from the north and the west. Council's *Employment Land Strategy* and *Traffic Study* identified this as a limiting factor to future large scale expansion of industrial activity in the area. Council's engineering staff also advised there is little likelihood in the foreseeable future of higher productivity vehicles such as modern road trains and B-Triples being able to access this site.

### Enterprise Corridor

The existing B5 Business Development zoned land currently contains a Service Station and part of Lot 1 DP 825894 (refer previous **Figure 1**). This assessment only relates to part Lot 1 DP 825894, zoned B5 Business Development, as shown in **Figure 12** (i.e. The service station site is excluded).

The subject site has a total area of approximately 1.438 hectares and is not capable of catering for a building footprint measuring 160 metres x 160 metres, as demonstrated in **Figure 12**.

The advantages (refer **Figure 13**) to the development of the corner of Jardine Road and Gwydir Highway for large format retail include:

- Part of the site is specifically zoned B5 Business Development and is located within a strategically identified precinct to cater for large format retail development;
- Whilst part of the site (zoned RU1 Primary Production) would require re-zoning to accommodate a building footprint measuring 160 metres x 160 metres, being adjacent to the '*Enterprise Corridor*' identified under the Inverell Employment Lands Strategy would lend strategic justification to a relatively straight forward planning proposal (re-zoning);
- The site has good site exposure to passing traffic on a major arterial road (Gwydir Highway);
- The site is not mapped as flood prone land (Note: The watercourse may be subject to drainage issues);
- The site has sufficient area to provide stormwater detention without significantly impacting the watercourse or Council infrastructure;
- Water is located in the adjoining road and sewer can be extended from the rear of Miles Street;
- The Gwydir Highway and Jardine Road is gazetted as a modern Road-Train and B-Triple route allowing higher productivity vehicle access direct to the site;
- With established uses and zoning in the area, there is little opportunity for other smaller commercial development to co-locate with a large format retail development and lead to a drift of businesses from Byron Street and Oliver Street;

- There is suitable land immediately adjacent to this site, which has been identified in Council's strategic landuse planning and endorsed by NSW Department of Planning in the event that additional land is required for the co-location with other large format retail development; and
- The site is co-located with other compatible development such as a nursery, road-house and a truck parts outlet.

The constraints (**Figure 13**) for the development of this land include:

- The watercourse;
- The land contains a remnant Grassy White-box Woodland which requires a biodiversity assessment;
- The site contains a culturally significant 'scar tree';
- The entire site is not appropriately zoned for large format retail development and would require re-zoning (Note: this site is the subject of a current planning proposal to re-zone the site);
- The land has a slope of approximately 5% which provides engineering and construction challenges; and
- The proximity of residential land uses around the site, including a motel on the eastern side of the service station. The distance to these residential land uses is approximately 100 metres.





Figure 5 – Aerial Image of 20-30 Oliver Street, Inverell and Site Dimensions for Large Format Retail Development.



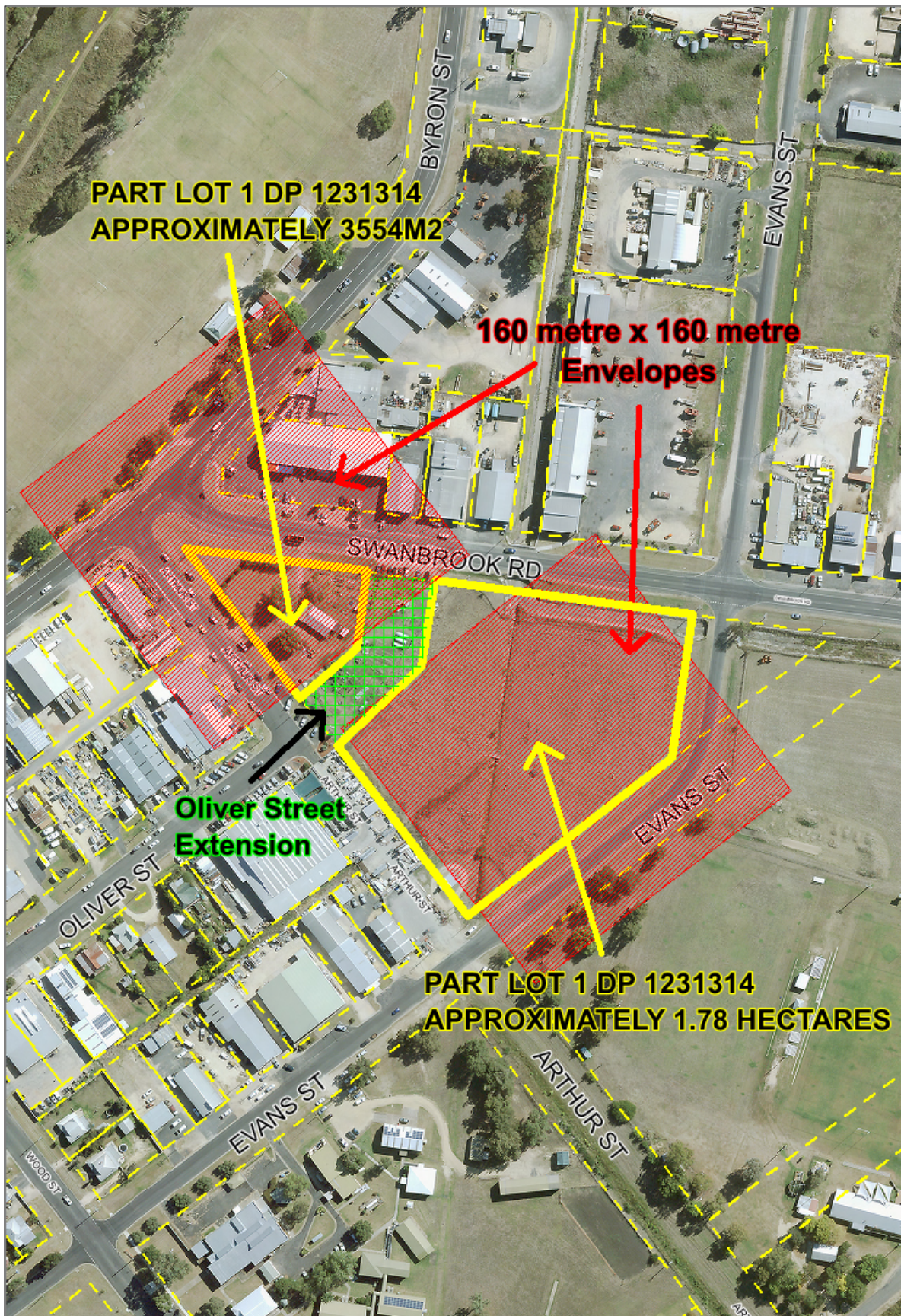


Figure 6 – Aerial Image of 1 Swanbrook Road, Inverell and Site Dimensions for Large Format Retail Development.





Figure 7 – 1 Swanbrook Road, Inverell - Constraints for Large Format Retail Development.



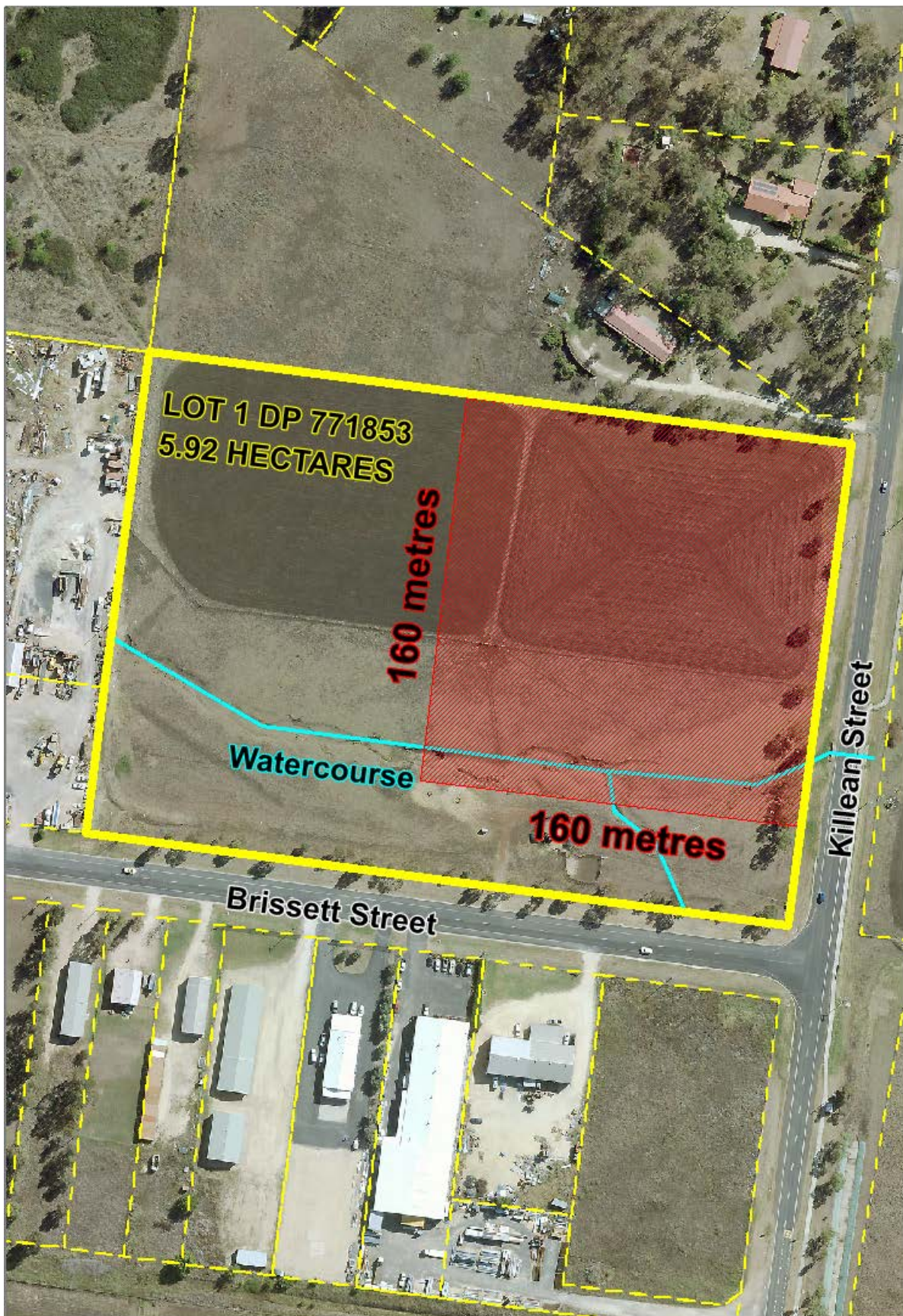


Figure 8 – Aerial Image of 34 Brissett Street, Inverell and Site Dimensions for Large Format Retail Development.



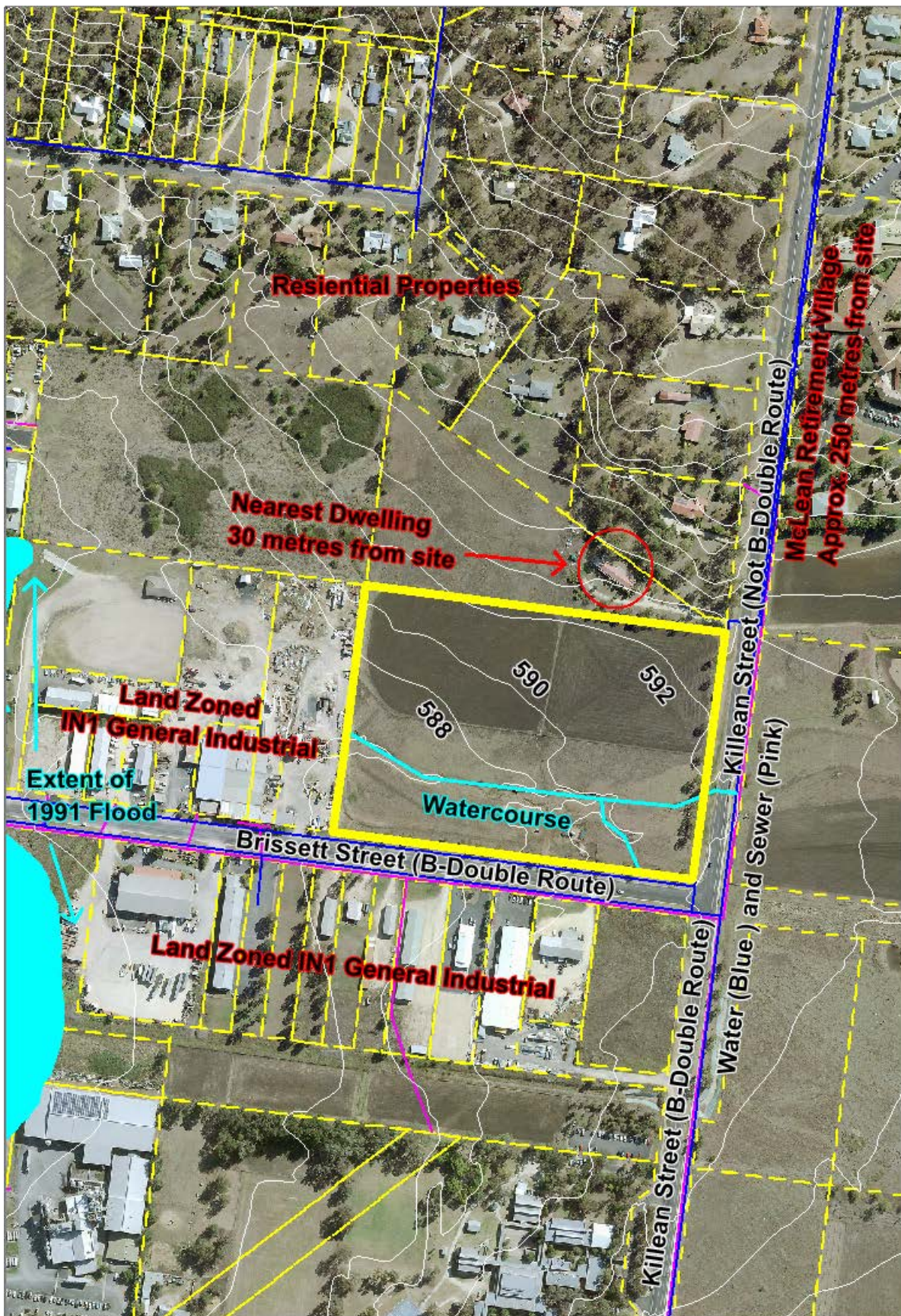


Figure 9 – 34 Brissett Street, Inverell - Constraints and Advantages for Large Format Retail Development.



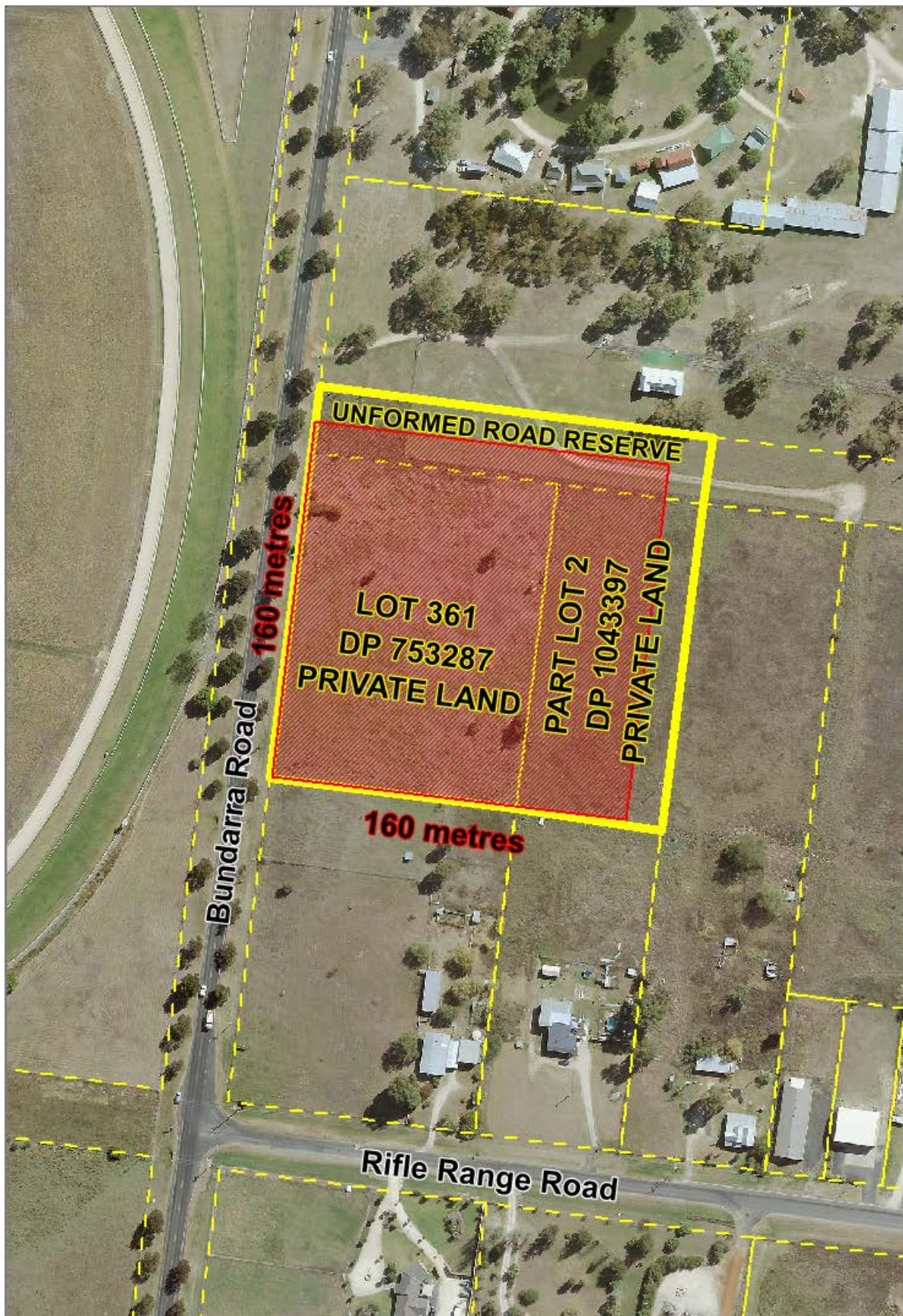


Figure 10 – Aerial Image of land on Bundarra Road within the vicinity of the Pioneer Village and Site Dimensions for Large Format Retail Development.



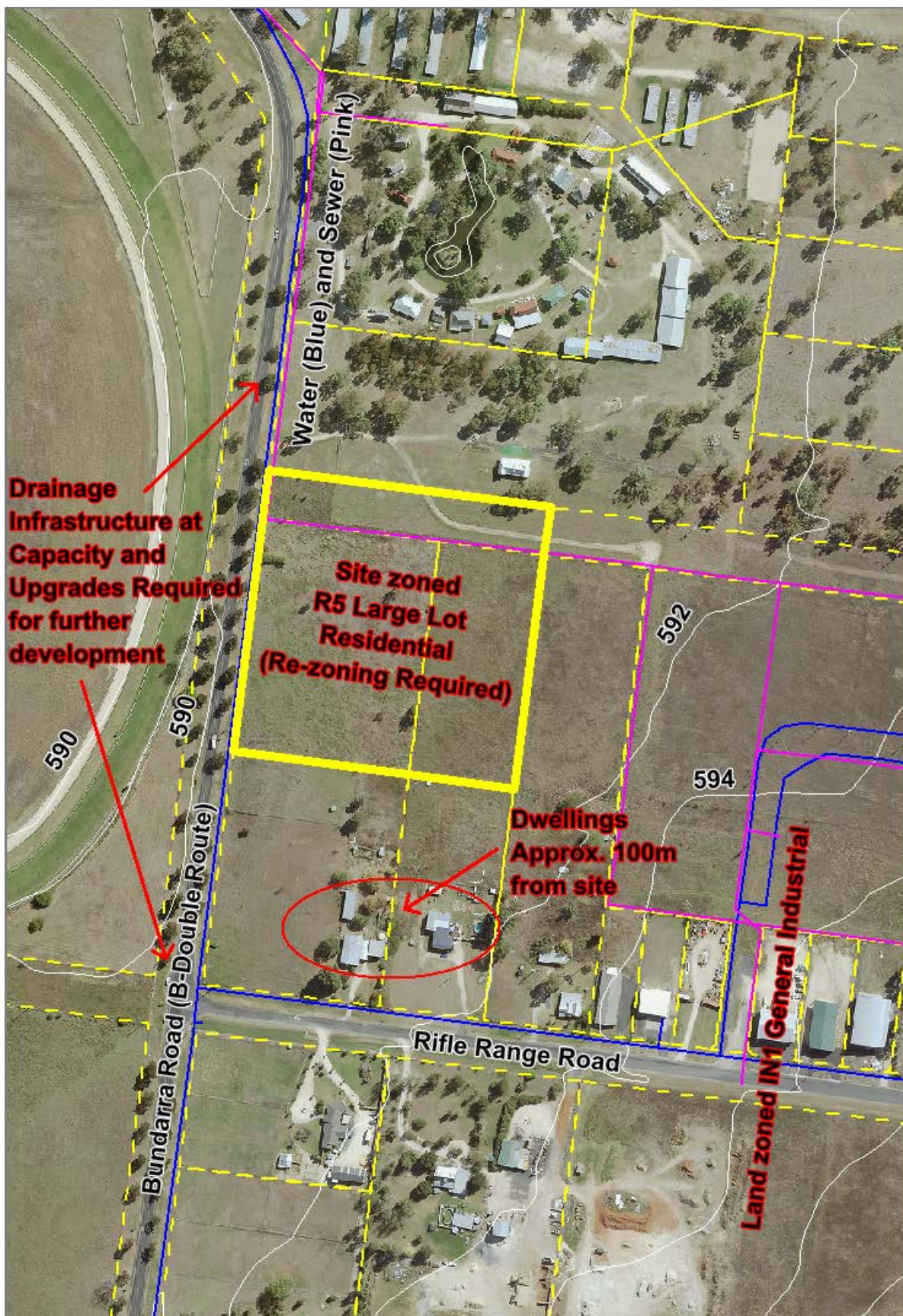


Figure 11 – Land on Bundarra Road within the vicinity of the Pioneer Village - Constraints and Advantages for Large Format Retail Development.





Figure 12 – Aerial Image of Enterprise Corridor and Site Dimensions for Large Format Retail Development.



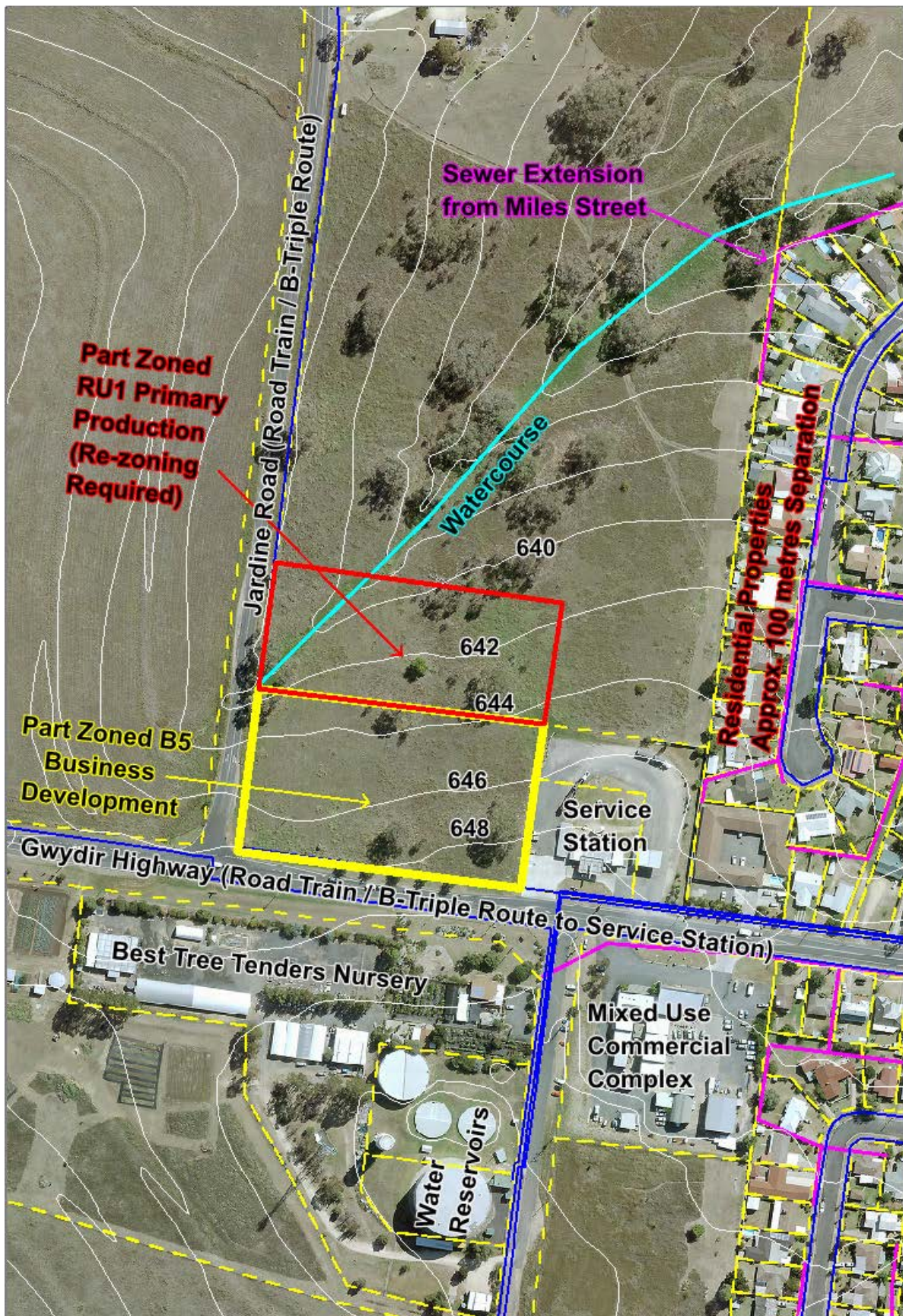


Figure 13 – Enterprise Corridor – Constraints and Advantages for Large Format Retail Development.



## STRATEGY REVIEW PROCESS

As discussed earlier in this report, the *Inverell Employment Land Strategy* identified the corner of Jardine Road and Gwydir Highway as an 'Enterprise Corridor' and in 2012 was considered to be the most suitable area in Inverell for large format retail development.

Ministerial Direction 1.1, issued by the NSW Minister for Planning under Section 9.1 of the *Environmental Planning and Assessment Act 1979* (and a mandatory consideration for any re-zoning proposal) states that any zoning or re-zoning of commercial and industrial land must be consistent with a strategy endorsed by the NSW Department of Planning.

Should Council wish to pursue any alternative locations for large format retail development, whether an alternative site discussed above or another possible site, if any re-zoning or part re-zoning was required it would be necessary to review Council's comprehensive strategic landuse planning. This planning commenced in 2006 and underpins the current location of the B5 Business Development zone under the *Inverell Local Environmental Plan 2012*. It would therefore be necessary to undertake a review of the NSW Department of Planning endorsed *Inverell Employment Land Strategy*.

Any review of the *Inverell Employment Land Strategy* would require:

- Council to engage consultants to undertake, at minimum:
  - An Economic Impact Assessment;
  - A site specific Local Environmental Study for the chosen site/s;
  - Servicing strategies for the sites; and
  - Traffic Impact Assessment for the necessary freight routes to support large format retail development;
- Support from the NSW Department of Planning, with consideration given to the Department already endorsing the strategic merit of the current *Inverell Employment Land Strategy*;
- Identification of existing business and/or industrial zoned land that would possibly need to be back-zoned to off-set any newly zoned business and/or industrial land. Council would need to be cognisant of the implications for landowners who may be negatively impacted by possible 'back-zoning';
- Landowners consent for any land affected by a re-zoning; and
- Community consultation.

An indicative time frame for undertaking a review of the *Employment Land Strategy*, with necessary studies, state agency engagement, community consultation and ultimately re-zoning of a site(s) would be between two (2) and three (3) years. The findings and recommendations of a review may not alter the current situation.

## CONCLUSION

Given the specific requirements for a large format retail development, there are limited appropriately zoned site options within and around Inverell.

A review of the available land adjacent to the Inverell Central Business District confirms that there are no sites with sufficient area and shape to cater for a large format retail development of approximately 2.5 hectares. It is considered that the land in and around the CBD (Town Centre Core and Town Centre Outer Areas) is best suited to general retail and reduced scale (less than 1,000m<sup>2</sup> gross floor area) large format retail. This is consistent with Council's existing development controls and the strategic landuse planning work undertaken since 2006.

To appropriately accommodate a large format retail development in Inverell it needs to be located outside the town centre. It is important when locating such development outside the town centre that it is strategically positioned in such a manner so as not to impact on the primacy of the town centre. Three (3) potential sites identified in the desk-top review were:

- The existing 'Enterprise Corridor' on the corner of the Jardine Road and Gwydir Highway;
- 30 Brissett Street, Inverell – located on the corner of Killeen Street and Brissett Street;
- Land on the corner of Bundarra Road and Rifle Range Road, in the vicinity of the Pioneer Village.

From a land use planning perspective, all three sites have advantages over the sites closer to the CBD (size, B-Double access, not flood prone), but also constraints in one form or another (drainage, sensitive land uses). In addition to the identification of the '*Enterprise Corridor*' (corner of Jardine Road and Gwydir Highway) within council's strategic landuse planning, the other differentiating factor between these three (3) sites appear to be market (developer) considerations.

It is considered that the advantages which the existing '*Enterprise Corridor*' has over the other two sites are:

- Modern Road train and B-Triple access is more desirable than B-Double access only;
- The frontage to Gwydir Highway provides greater exposure to vehicles / customers than either Brissett Street or Bundarra Road; and
- The site is clearly identified in a NSW Department of Planning endorsed landuse strategy, and part of the site is already zoned B5 Business Development. The location has the ability for future expansion if necessary.

The Committee is requested to determine whether it wishes to take any further action in response to the report.

**RISK ASSESSMENT:**

NIL

**POLICY IMPLICATIONS:**

Comment has been provided throughout the report in regards to Council's current strategic policy position.

**CHIEF FINANCIAL OFFICERS COMMENT:**

NIL

**LEGAL IMPLICATIONS:**

NIL

**ATTACHMENTS:**

1. Inverell Shire Employment Land Strategy