

JRPP No:	2010NTH010
DA No:	DA0294/2010, MOD0084/2010
PROPOSED DEVELOPMENT:	Modification to Development and Conditions for Bunnings Warehouse, Lot 10 in a Subdivision of Lot 3, DP 217032, 1 Lockheed Street, Taminda
APPLICANT:	Bunnings Group Limited
REPORT BY:	Catherine Pyne - Team Leader Development Assessment Alison McGaffin - Director, Environment, Planning and Economic Development

Assessment Report and Recommendation

APPLICATION DETAILS:

Owner:	Tamworth Regional Council
Lodgement Date:	15 April 2010
Land Zoning:	3(c) Business Development Tamworth Local Environmental Plan 1996
Date Consent Issued:	11 February 2010

EXECUTIVE SUMMARY:

Reason for Consideration by Joint Regional Planning Panel:

The application has been referred to the Joint Regional Planning Panel as the consent authority for the original development application.

Brief Description of Proposal:

The application seeks modification to the development and conditions in the following manner:-

- Alterations to nursery canopy;
- Removal of Condition 17, which requires submission of pavement design information for the roundabout required by Condition 32;
- Amendment of Condition 32, which requires construction of a roundabout at the intersection of Jewry Street and Lockheed Street;
- Removal of Condition 33, which requires construction of a Modified "Type B" Right Turn Treatment at the intersection of Jewry Street and Wirraway Street; and
- Removal of Condition 54, which requires submission of Works As Executed Drawings for the works required by Conditions 32 and 33.

Consultation:

The modifications were both advertised and notified to adjoining land owners from 27 April to 11 May 2010. No public submissions were received.

Following evaluation of the proposal by Council officers, a meeting was convened with Bunnings representatives to discuss the traffic arrangements which would be acceptable to both parties. That meeting was held in Tamworth on 28 May 2010. Subsequently, Bunnings have been provided the opportunity to review the proposed amendments to the consent, and they have indicated their satisfaction with the proposed conditions as now recommended to the Joint Regional Planning Panel.

This approach was considered appropriate in the circumstances of the case, being:-

- Bunnings had raised issue with the proposed conditions relating to traffic management at the Joint Regional Planning Panel meeting in February;
- There were no public submissions received in response to the exhibition of the modifications; and
- The scope of the modifications sought is very specific and based on technical argument.

Recommendation:

It is recommended that Modification [MOD0084/2010] to Development Application No,0294/2010 be approved, subject to the conditions contained in Attachment 3.

Attachments:

Attachment 1	Plans
Attachment 2	Traffic Assessment for Section 96 Application
Attachment 3	Modified Conditions

1 Environmental Planning and Assessment Act 1979

Section 96 of the Environmental Planning & Assessment Act 1979 sets down the assessment criteria for modification to development consents.

In this case, the application is made pursuant to Section 96(2) of the Environmental Planning & Assessment Act 1979.

Section 96(2)(a) Development substantially the same

The scope of the modifications are described as:-

- Alterations to the nursery canopy
- Alternative traffic control measures

In this regard, it is confirmed that the development to which the consent as modified relates is substantially the same development for which consent was originally granted.

Section 96(2)(b) Consultation with Minister, public authority or approval body in respect of a condition imposed as a requirement of concurrence or in accordance with the general terms of approval

Not applicable to this modification.

Section 96(2)(c) Notification of application

The modification application was both advertised and notified to adjoining landowners. No submissions were received.

Section 96(3) Matters for consideration

Consideration is to be given to such of the matters referred to in Section 79C (1) as are of relevance to the modification.

Section 79C(1)(b) Likely environmental effects: Context and setting

The extended roof canopy to the nursery area remains consistent with the overall appearance and design of the development.

There are no objections to this modification to the approved plans.

Section 79C(1)(b) Likely environmental effects: Access, transport and traffic

The application to modify the conditions relating to traffic control was accompanied by a Traffic Assessment prepared by Transport and Traffic Planning Associates, a copy of which is attached to this Development Assessment Report as Attachment 2. The report concluded that:-

- The traffic generated by the proposed Bunnings development will not create the need for a roundabout at the Jewry Street/Lockheed Street intersection. However, in conjunction with road widening, linemarking should be altered to upgrade the provision for eastbound vehicles to pass right-turn vehicles; and
- The traffic generated by the proposed Bunnings Development will not create the need for a modified Type B treatment at the Jewry Street/Wirraway Street intersection. However, road widening will need to incorporate a taper for eastbound vehicles in conjunction with centreline relocation.

A meeting was convened to discuss the traffic control measures and attended by Council officers, a Bunnings representative and the Traffic Engineer acting on behalf of Bunnings. Council's Development Engineer has now concurred that the information supplied demonstrates that Condition 32 (roundabout at Jewry Street/Lockheed Street intersection) could be amended to require a Basic Right-turn Treatment and pavement widening and Condition 33 (modified Type B at Jewry Street/Wirraway Street intersection) may be removed based on the works that will be undertaken in conjunction with the subdivision and the predominance of left turn movements from Jewry Street to Wirraway Street.

2 Recommendation

The application has been assessed in accordance with the requirements of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000. The evaluation demonstrates that the modifications sought are satisfactory in terms of the matters for consideration identified in the legislation.

It is recommended that the modifications be approved, as follows :-

- Alterations to Nursery Canopy

Amendment to plan approved. No change to conditions.

- Removal of Condition 17, which requires submission of pavement design information for the roundabout required by Condition 32

Deletion of condition, as roundabout is no longer required (see discussion below).

-
- Amendment of Condition 32, which requires construction of a roundabout at the intersection of Jewry Street and Lockheed Street

Replacement of condition, as follows –

An Urban Basic Right-turn (BAR) Treatment in accordance with Figure 7.17 of the Austroads 2009 Guide to Road Design - Part 4A: Unsignalised and Signalised Intersections shall be constructed at the intersection of Lockheed Street and Jewry Street to facilitate the safe passage of traffic on Jewry Street around right turning traffic into Lockheed Street. The design speed for the treatment shall be 60km/h and the width of the widening from the centreline to the new edge line shall be 6.5m. A 2.0 metre wide shoulder shall be provided outside the edgeline and the entire passing lane plus 1 metre of the shoulder shall be bitumen sealed with a two coat 14/7 application. The new bitumen seal shall extend over the existing seal at least 300mm. The depth of the pavement for the widening shall match the existing pavement thickness and the existing table drain and culvert under the entry/exit into the Racecourse shall be re-aligned as required. The safety of vehicles exiting the Racecourse must be considered and a holding line installed on the driveway between the existing 'Give Way' signs.

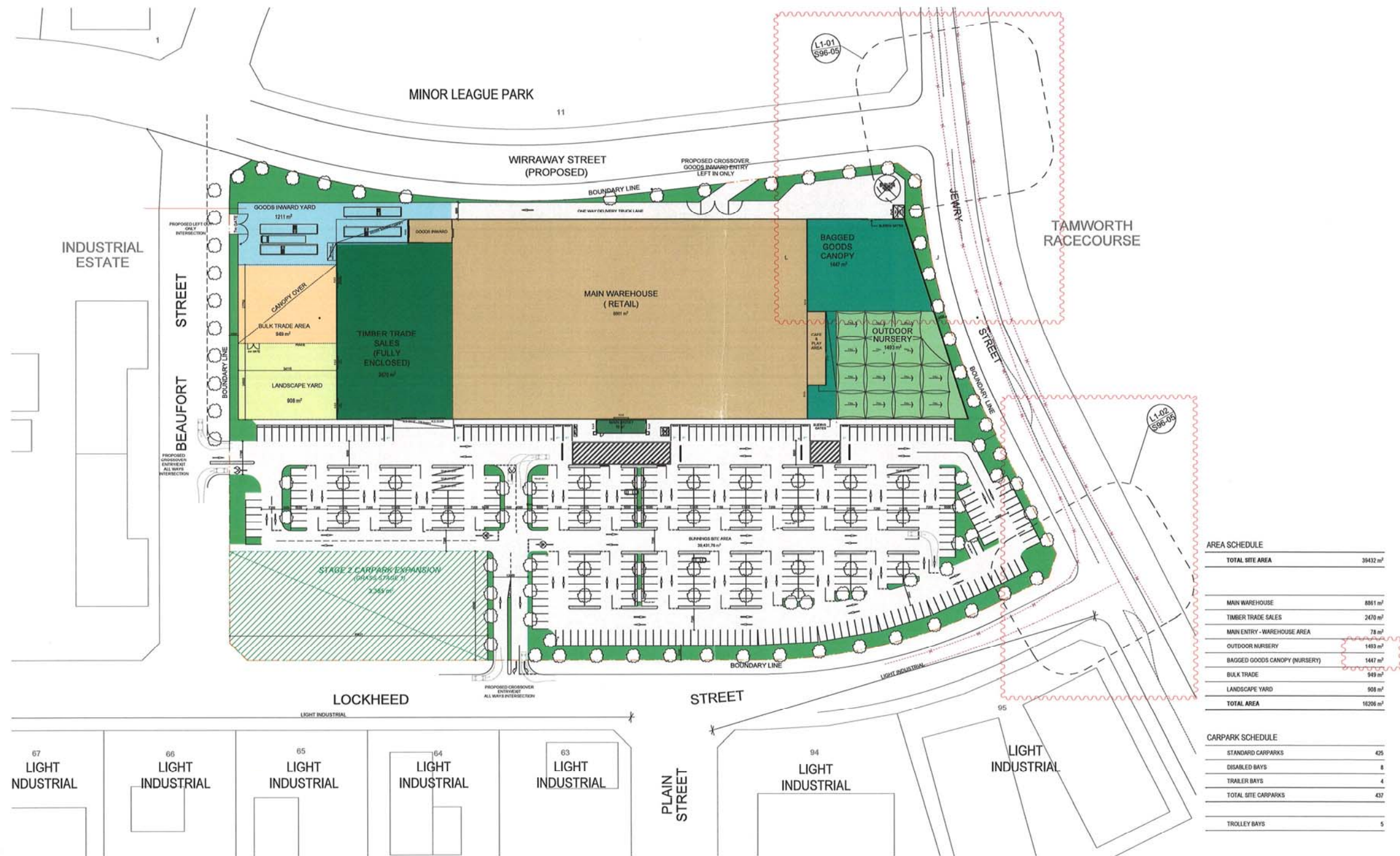
- Removal of Condition 33, which requires construction of a Modified “Type B” Right Turn Treatment at the intersection of Jewry Street and Wirraway Street; and

Deletion of condition.

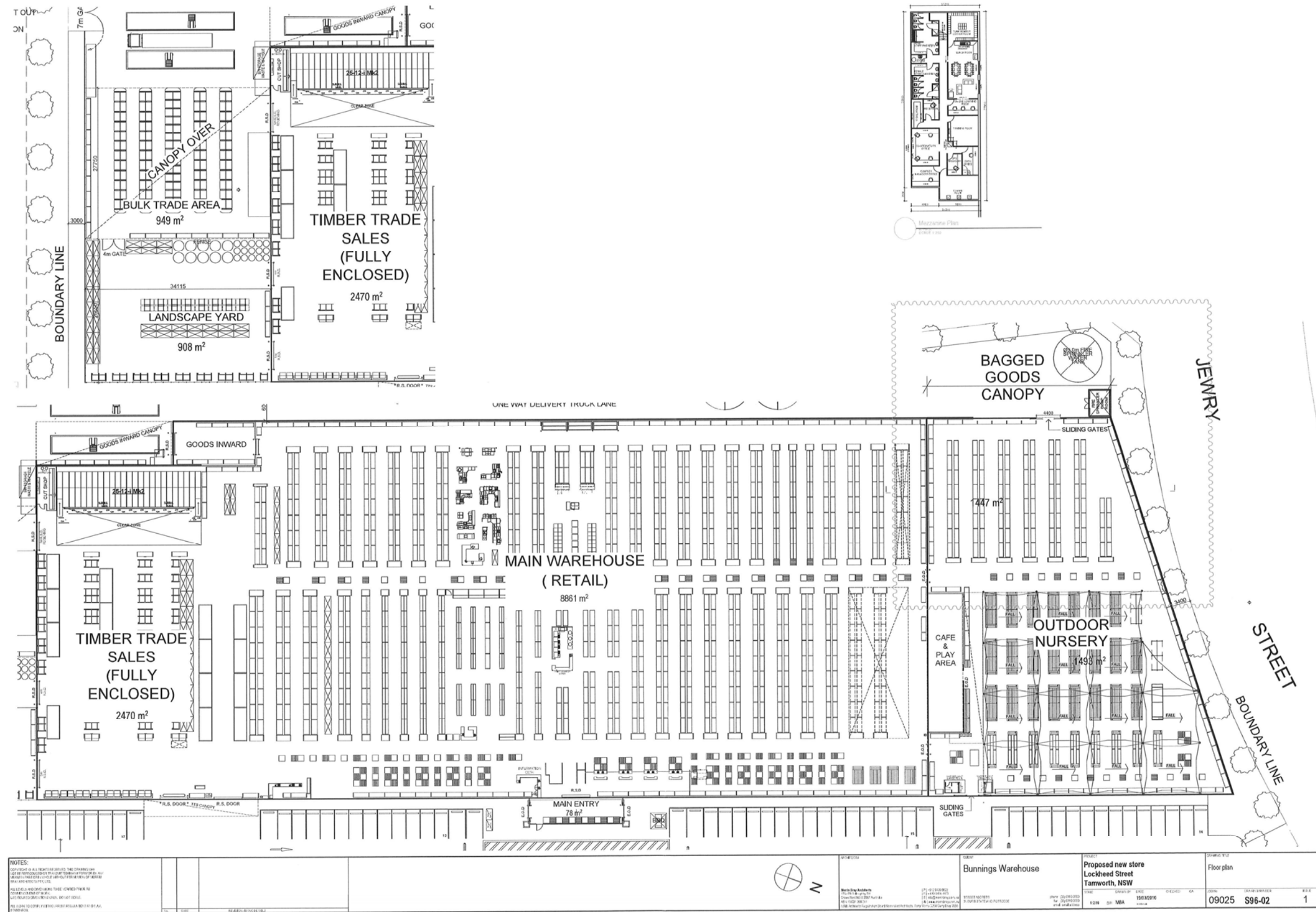
- Removal of Condition 54, which requires submission of Works As Executed Drawings for the works required by Conditions 32 and 33.

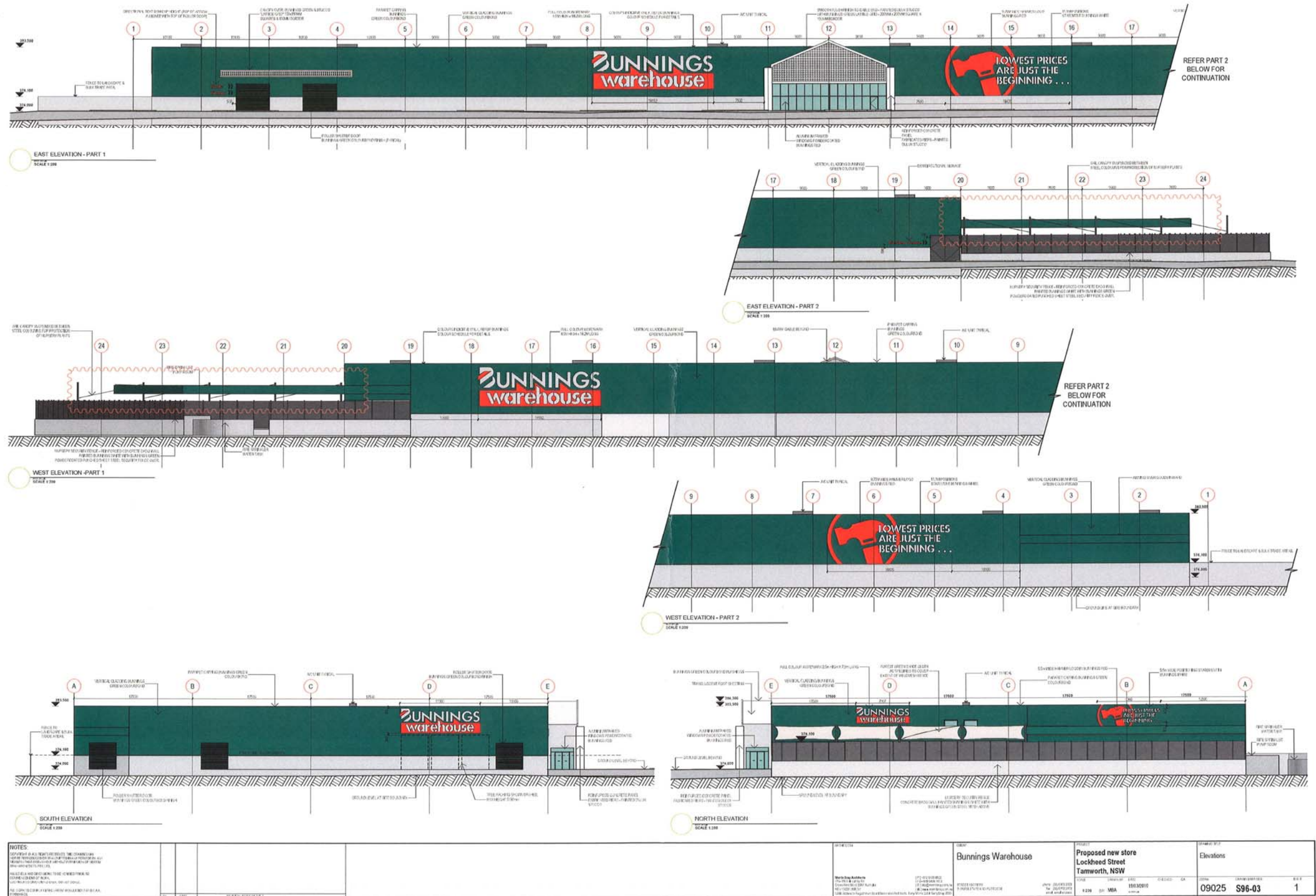
Amendment to condition to require drawings for works required by condition 32.

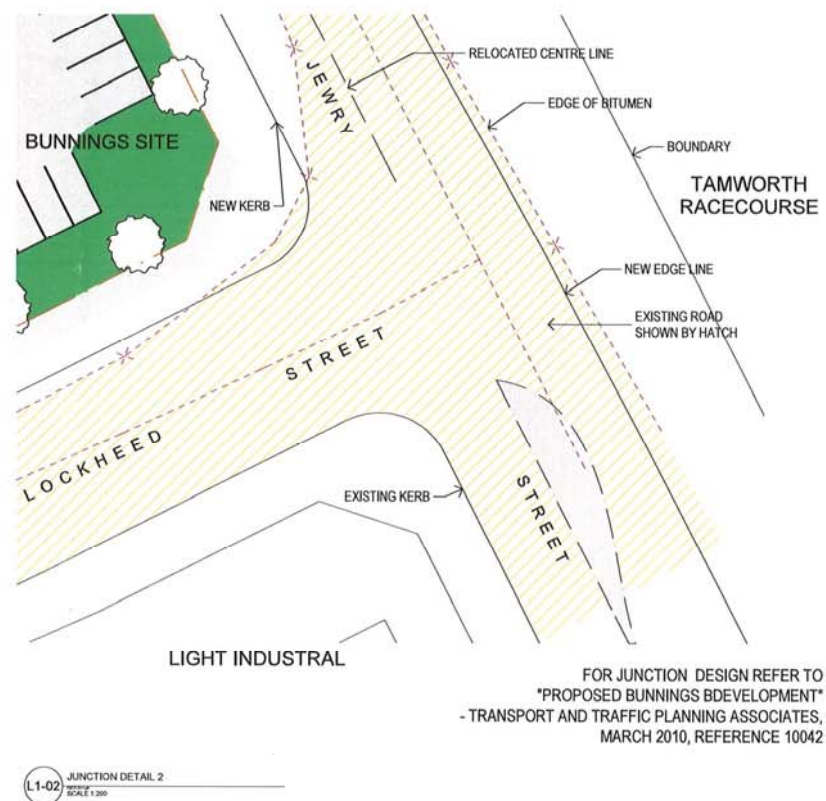
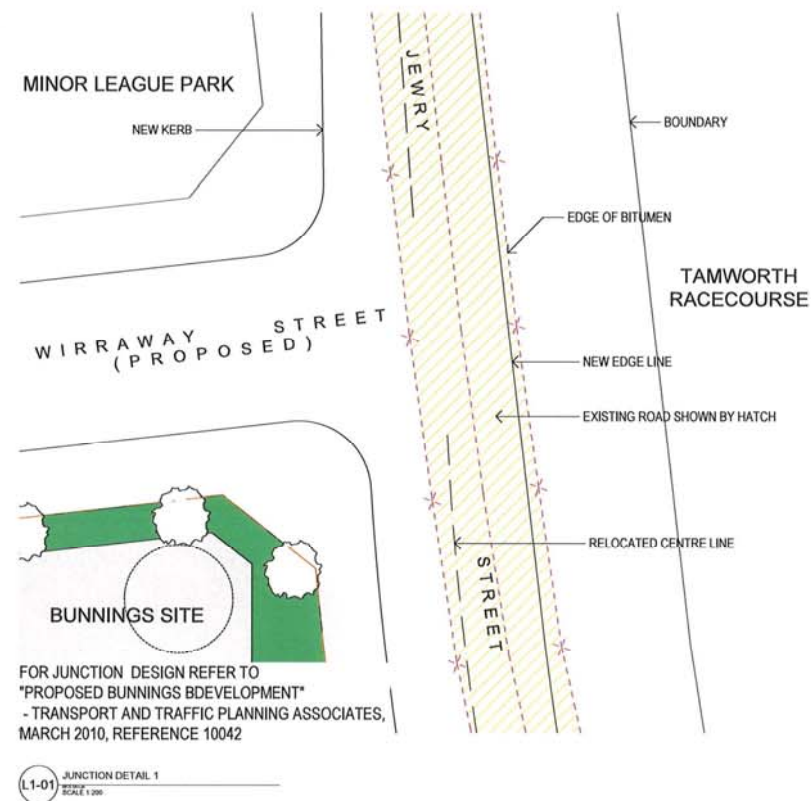
- For clarity and to achieve the outcomes sought by the applicant, consequential amendments are also required to Condition 16, to alter the scope of engineering drawings to the works required by the modification to Conditions 32 and 33.



AREA SCHEDULE	
TOTAL SITE AREA	39432 m²
MAIN WAREHOUSE	8881 m²
TIMBER TRADE SALES	2470 m²
MAIN ENTRY - WAREHOUSE AREA	78 m²
OUTDOOR NURSERY	1493 m²
BAGGED GOODS CANOPY (NURSERY)	1447 m²
BULK TRADE	949 m²
LANDSCAPE YARD	908 m²
TOTAL AREA	16296 m²
CARPARK SCHEDULE	
STANDARD CARPARKS	425
DISABLED BAYS	8
TRAILER BAYS	4
TOTAL SITE CARPARKS	437
TROLLEY BAYS	5







<p>NOTES:</p> <p>1. CONSULTANT & ALL REPORTS PREPARED. THIS DRAWING MAY NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION OF MORRIS BRAY ARCHITECTS PTY LTD.</p> <p>2. ALL LEVELS AND DIMENSIONS TO BE VERIFIED PRIOR TO COMMENCEMENT OF WORK.</p> <p>3. THE DRAWING IS FOR INFORMATION ONLY. DO NOT SCALE.</p> <p>4. ALL WORK TO COMPLY WITH CURRENT REGULATIONS AND S.A.C. STANDARDS.</p>	<p>DATE: 23/03/2010</p> <p>REVISIONS:</p>	<p>PROJECT: Bunnings Warehouse</p> <p>PROPOSED: Proposed new store Lockheed Street Tamworth, NSW</p> <p>SCALE: 1:200</p> <p>DRAWN BY: gpi</p> <p>CHECKED BY: MDA</p> <p>DATE: 23/03/2010</p> <p>PROJECT NO: 09025</p> <p>DRAWING NO: S96-05</p> <p>SHEET NO: 1</p>	<p>PROJECT: Bunnings Warehouse</p> <p>PROPOSED: Proposed new store Lockheed Street Tamworth, NSW</p> <p>SCALE: 1:200</p> <p>DRAWN BY: gpi</p> <p>CHECKED BY: MDA</p> <p>DATE: 23/03/2010</p> <p>PROJECT NO: 09025</p> <p>DRAWING NO: S96-05</p> <p>SHEET NO: 1</p>	<p>PROJECT: Bunnings Warehouse</p> <p>PROPOSED: Proposed new store Lockheed Street Tamworth, NSW</p> <p>SCALE: 1:200</p> <p>DRAWN BY: gpi</p> <p>CHECKED BY: MDA</p> <p>DATE: 23/03/2010</p> <p>PROJECT NO: 09025</p> <p>DRAWING NO: S96-05</p> <p>SHEET NO: 1</p>	<p>PROJECT: Bunnings Warehouse</p> <p>PROPOSED: Proposed new store Lockheed Street Tamworth, NSW</p> <p>SCALE: 1:200</p> <p>DRAWN BY: gpi</p> <p>CHECKED BY: MDA</p> <p>DATE: 23/03/2010</p> <p>PROJECT NO: 09025</p> <p>DRAWING NO: S96-05</p> <p>SHEET NO: 1</p>	<p>PROJECT: Bunnings Warehouse</p> <p>PROPOSED: Proposed new store Lockheed Street Tamworth, NSW</p> <p>SCALE: 1:200</p> <p>DRAWN BY: gpi</p> <p>CHECKED BY: MDA</p> <p>DATE: 23/03/2010</p> <p>PROJECT NO: 09025</p> <p>DRAWING NO: S96-05</p> <p>SHEET NO: 1</p>
--	---	--	--	--	--	--