

Access, transport and traffic

Pedestrian Access

The DCP specifies that the verge for the frontage of commercial developments is to be constructed of hardstand materials to facilitate safe, low-maintenance pedestrian access. It is noted that there is an existing footpath for the extent of the development site to Kathleen Street. It is appropriate that any damage done to the footpath as a consequence of construction activities is rectified prior to the issue of an occupation certificate for the development.

The site layout for the new shopping centre includes installation of a pedestrian entry location from Kathleen Street about 9 metres south of the primary vehicle entry location at the Willis Street/Kathleen Street intersection. Some shaping work will be required to ensure that the alignment and grade of the footpath provides suitable access for all persons.

Vehicle Access

The Traffic Assessment lodged in support of the development application did not recommend the installation of a roundabout at the intersection of Willis and Kathleen Streets, which has been Council's preferred solution for access management for some time. The Roads and Traffic Authority has also recommended a roundabout to control the access and discussions between Council officers and the Architect for the development has also identified that this measure will be acceptable to the developer.

The site is located within a 40km/hr precinct, based on the high level of pedestrian activity between the various uses in the immediate locality: Tamworth High School; Southgate Shopping Centre; Scully Park Pool; West Leagues Club; and, Chillingworth Oval. Any modifications to the traffic controls are required to be approved under the Roads Act 1993 and the process for assessment includes consideration by the Local Traffic Committee.

Public Domain

The development site is located within a precinct which is characterised by a number of public spaces which result in a high level of pedestrian movements between the uses. It is very important that recognition be given to the reorientation of the shopping centre to a northern aspect, given that much of the present activity and access movements occur at the western elevation of the complex.

The site layout includes nomination of a dedicated pedestrian access point immediately south of the primary vehicle access point. As discussed above, there exists a high volume of pedestrian activity from the area to the immediate west and it is necessary that measures be implemented which ensure the safe movement of pedestrians within the precinct.

It is appropriate that a review of the on-street pedestrian facilities be undertaken to ensure they remain appropriate and effective following the redesign of the shopping centre and alterations to the traffic management arrangements associated with the development. In this regard, the proponent should be required to investigate the suitability of existing measures and their location (pedestrian crossing location and extent of the 40km/hr speed environment) in Kathleen Street.

This investigation can be carried out once the determination (including conditions) is made and should be finalised, and any required measurements/action completed, prior to the issue of an occupation certificate for the development.

Utilities

Water and Sewer

Council's Water Enterprises Directorate has reviewed the proposal and provided conditions to be imposed. These include specific details in relation to the supply of water and sewer infrastructure to the site. It is noted that water and sewer headworks charges have also been calculated and will be required to be paid prior to the issue of a construction certificate for the development.

Stormwater

Council's Infrastructure Planning Engineer has provided conditions relating to the management of stormwater drainage from the development.

Heritage

There are no listed items of the environmental heritage that will be affected by the development proposal. One of the submissions claims the coloured spheres attached to the Centre have heritage significance as a reference to a specific era and that issue will be responded to later in this report under the heading "Section 79C(1)(d) – Any submissions".

Soils

The development application was accompanied by a *Preliminary Site Contamination Report*, prepared by Mitchel Hanlon Consulting. This was reviewed by Council's Environment & Health Division, in relation to satisfying the requirements specified in Council's *Contaminated Land Policy 1999*.

On the basis that part of the site is clearly identified as having been used as a landfill, and the unsupervised nature of landfill operations in that era, a more detailed investigation of that part of the site occupied by buildings is required, including sampling of the soils beneath the existing structures. The report will need to state whether the site is suitable for the intended use, based on the additional investigation. It is possible for this requirement to be applied as conditions, should consent for the development be granted, as it relies upon demolition to permit the necessary investigations. It is imperative that the applicant recognise that remediation works, if required, could impact the timing of the construction phase of the development.

Noise and Vibration

The *Acoustic Report*, prepared by TTM Acoustics, was also reviewed by Council's Environment & Health Division. The recommendations of the report call for a detailed assessment of noise emissions from plant and equipment prior to installation, and a validation noise report, once operational. Both of these measures can be achieved by imposition of conditions.

It is noted that one residential receiver in Anne Street has been nominated as being likely to experience noise levels above the amenity criteria requirements as specified within the Department of Environment and Climate Change (formerly Environment Protection Authority) Industrial Noise Policy. This is not appropriate, and should these levels be confirmed in the required Validation Report, measures will be required to mitigate this impact to acceptable levels.

The Report recommended acoustic barriers to the wall on the southern side of the loading dock and adjacent to the compactor. It will be necessary to supply certification by an Acoustic Consultant which confirms that the construction details will meet the acoustic requirements, prior to the issue of a construction certificate for this component of the development.

Waste

The layout for the Coles Supermarket confirms that waste is separated and minimised as part of normal operations. The storage of waste is located adjacent to the loading dock, for it to be accessible for collection by a commercial waste contractor.

Safety, security and crime prevention

The Oxley Local Area Command does not currently have an officer dedicated to the *Crime Prevention through Environmental Design* program. Consequently, no comments have been provided in relation to the proposal.

It is acknowledged that this area also contains licensed premises – Southgate Inn, West Leagues Club, and the Pirates Rugby Club. Access will be restricted to a single point from the car park, allowing for customers to be monitored as they enter the shopping centre and leave the premises. The alterations to the western elevation will remove the vegetation and alter ground heights to the existing western car park area, resulting in improved visibility and surveillance by passing traffic.

Economic impact

An *Economic Impact Assessment* was prepared by Urban Economics and lodged as part of the development application documentation.

A similar report, prepared to support the previous development application for this site, was reviewed by Council's Economic Development Planner in early 2008. This review concluded that the methodology of the economic analysis was sound.

In relation to the current proposal, the Assessment concludes that:-

"The proposed redevelopment of Southgate Shopping Centre presents a strategic opportunity to enhance the retail network in Tamworth, improving the capacity for Southgate to operate as convenient shopping destination, intended for the Local Business Zone. The proposal will not change the lower order function of the centre nor seek to undermine existing centres in the hierarchy.

The redevelopment of the centre will not have a significant impact on the rate and performance of other centres in the hierarchy, and will reduce pressures for the development of a new centre to better cater for the convenience and weekly shopping needs of Catchment Area residents."

Site design and internal design

The new Centre is oriented towards the parking area and public access will only be available via the northern side of the building. The loading operations for the Coles Supermarket are removed from interaction with customers by location off Anne Street.

It is anticipated that customers will seek to park in the area provided on the northern side of the building, with the parking area fronting Kathleen Street, adjoining the western elevation of the Centre, being occupied by staff.

The proportion of the Coles tenancy within the Centre, nearly 80% of the overall floor area, confirms that the primary function of the development is as a Supermarket. The other five tenancies are likely to be occupied by tenants that complete the range of services required as a local shopping destination. The known tenants: Liquor Land, Post Office, and Coffee Shop/Bakery; verify this arrangement.

Construction

During the exhibition of the development application, it has been brought to Council's notice that the owner of the adjoining Southgate Inn holds a lease for car parking purposes over Lot 1 DP 563441, which is currently and proposed for use as car parking for the development.

It is acknowledged that the shared use of this land for car parking purposes has occurred for a very long time. Council does not maintain a record of land interests of this nature, despite it being a requirement of the 2003 additions to the Hotel to confirm formal arrangements were in place. Any dispute over use of the land which is subject to the lease should be left to negotiation between the two parties. A condition may be imposed to specify that Alice Street not be used for construction purposes to maintain access to the Hotel parking area and drive-through bottle shop.

Management of construction impacts will be the responsibility of the builder, to be supervised by the Principal Certifying Authority. It is acknowledged that this is a significant construction project and it is important that the developer act as a good neighbour in terms of keeping its neighbours informed on the construction activities, especially when these may have an impact on the locality.

General conditions are imposed in relation to hours of construction.

Cumulative impacts

The impacts that have been identified in the foregoing report are all manageable, either by good construction practices (hours of work), further investigations and actions (traffic management within the locality), or by the imposition of conditions requiring identified works (such as the roundabout).

Section 79C(1)(c) the suitability of the site for the development

The existing Southgate Shopping Centre comprises a core component of the existing local neighbourhood. The demolition and reconstruction of the premises will alter the characteristics of the centre which previously included a number of smaller tenancies associated with an anchor supermarket.

The current profile of a modern supermarket and the range of goods it carries results in a reduced speciality shop dependence, as it carries a number of departments that were formerly occupants of the other shops: bakery; fruit and vegetables; delicatessen; and butcher.

The supermarket on this site is well-established as a provider of the grocery shopping needs of the local population.

Section 79C(1)(d) any submissions

In response to the public exhibition of the development application, four (4) submissions were received. The issues raised in the submissions are listed below.

Submission 1

The written submission identifies 3 matters:-

- Request to retain the current northern vehicular access point (shown on the plan in dotted lines, this entry point is 25 metres north of the proposed primary access point);
- Trolley bay shown adjoining the Southgate Inn premises to be relocated; and
- Suitable signage to be erected to confirm availability for parking on Lot 1 for its customers, staff and patrons, as is in place by virtue of the Car Parking Licence Agreement.

Planning Commentary

A subsequent meeting was held between these parties and the Applicant on 13 September. These negotiations have resulted in an undertaking by Coles to the effect that they will satisfy certain aspects of this request by lodging an application to amend the development consent. In this regard, the following comments are made:-

- Council will permit installation of a temporary access in the location of the Alice Street/Kathleen Street intersection to ensure continued access to the Southgate Inn parking and drive-through bottle shop. Any application to retain this access point on a permanent basis will necessitate the redesign of the car parking layout and notification of the proposal to adjoining landowners.
- The trolley bay can be relocated by imposition of a condition that specifies this be shown on the construction certificate drawings.
- Any signage will require a separate Council approval as no details have yet been provided.

Submission 2

This submission identifies concerns in relation to traffic congestion at the Willis Street/Kathleen Street entry to the current establishment, and adequacy of pedestrian access and movement within the immediate locality.

Planning Commentary

As the proposal relates to replacement of a shopping centre, it is acknowledged that these issues are existing.

As part of the traffic management assessment of the proposal, both Council's engineering staff and the Roads and Traffic Authority have specified that a roundabout is required at the primary access point directly opposite Willis Street.

Any alterations to pedestrian crossings must be approved under the Roads Act 1993 and this necessitates consideration and support from the Local Traffic Committee, which includes representatives from Council, RTA, Police, Bus Operators and Taxi Operators.

It is not appropriate that the determination of this development application be deferred while an analysis of the pedestrian arrangements is made. Alternatively, it is suggested that a specific pedestrian assessment be made and the results be submitted to the Local Traffic Committee seeking endorsement of either the current arrangements or of any alternatives recommended as part of the assessment. The assessment should include consultation with affected parties.

Submission 3

Comment that the pedestrian access should accommodate access by person in wheelchairs.

Planning Commentary

It is necessary for all new buildings to meet accessibility requirements as part of compliance with the Building Code of Australia. Council's Engineer has confirmed that some shaping of the footpath will assist in achieving the necessary grades for installation of a suitable ramp at the location of steps shown from Kathleen Street.

Submission 4

This submission suggests retention of the "Southgate Shopping Centre Spire with its hallmark coloured spheres". The writer emphasises that cultural and urban heritage relates to all eras and urges consideration of the retention of this structure.

The architect was requested to comment on this aspect, and he has advised that retention of the Spire is not desirable for the following reasons:-

- The spheres form part of the existing advertising structure and as this entire structure will be demolished, the spheres are unable to be retained in their present form;
- The spheres are not in keeping with the proposed architectural style of the new development and an attempt to incorporate them into the new scheme would be detrimental aesthetically; and
- The existing spheres have no architectural or historical merit in their present form.

While the spheres are certainly a recognised component of the existing development, council officers agree that they are contrary to the architectural style of the new development and consider that they would not fit well with the style of the new centre.

Section 79C(1)(e) the public interest

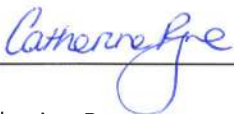
The availability of neighbourhood shopping facilities is a matter of public interest. The renewal of this centre will provide improved and expanded supermarket goods and services for the South Tamworth community.

The application was advertised and notified to adjoining land owners and four (4) submissions were received. These have been considered and responded to in this Assessment Report. The issues raised can either be addressed by the imposition of conditions or were not considered to require any further action.

4. 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 proposal is satisfactory in terms of the matters for consideration identified in the legislation.

It is recommended that the proposal be granted conditional development consent.



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