

08 June 2012

Tamworth Regional Council
PO Box 555 (DX 6125)

Attention: Mr Sam Lobsey

Dear Sam,

RE: 4-10 Kathleen Street, South Tamworth: Existing vehicle access.

Please find that attached application in regard to the Southgate shopping centre at 4-10 Kathleen Street, South Tamworth. The purpose of this application is to apply for the permanent retention of the existing 'temporary' access way at the northern end of the property near the intersection of Alice Street & Kathleen Street. The application includes:

- This cover letter
- Roadnet Traffic Impact Assessment report dated 8th June 2012
- Architectural Site plan (dwg #S3808 S96-DA102 Rev 1 dated 8 June 12)

On 2ND February 2012 Council Issued a letter confirming it did not support the permanent retention of the subject existing 'temporary' access. The basis of Council's position appears to hinge on a recommendation in the Austroads Guide to Road Design Part 4.

Please note the following in this regard;

- 1) Coles understands that Alice Street is a gazetted public road. Accordingly we suggest that the retention of the existing access from Alice Street to Kathleen Street is the appropriate response in regard to providing unrestricted access to a public road, unencumbered by any access easement on adjoining private land (which would otherwise be required in the event of the subject access being closed).
- 2) Austroads Guide: The Austroads Guide is a guide only and does not necessarily need to be strictly adhered to, particularly in the context of smaller, local streets such as Kathleen Street. Larger arterial roads generally warrant a stricter adherence to the Guide recommendations. In this case strict implementation of the Guide recommendations results in a number of negatives (if the subject access was closed) that significantly out-weigh the benefit of adhering to a recommendation that does not need to be adhered to in the first place. These negative outcomes would include (but not limited to):
 - a. Restricted & encumbered access to a gazetted public road as noted above.
 - b. Increased safety risk for pedestrians walking down the Kathleen Street footpath and crossing the round-about due primarily to the increase vehicle traffic volumes accessing the Coles property at the round-about. Pedestrian safety risk is generally higher when crossing a round-about versus crossing a 'standard' cross over.
 - c. Negative impact on the Southgate Inn business.
 - d. Increasing traffic congestion at the round-about.

- e. Mixing delivery vehicles & cars by forcing large Southgate Inn delivery vehicles through the shopping centre car park which increases safety risk.
- f. Compromise to the Southgate Inn existing use rights that have developed over many decades in regard to the subject access.

Accordingly Coles understands that it is neither required, nor advisable to strictly apply the Austroad Guidelines in this case. Coles has discussed this matter with Ken Dobinson (Dobinson & Associates Pty Ltd). Mr Dobinson is one of the founders on the RTA and is arguable the Country's leading advisor in matters of this nature. Mr Dobinson agrees that the existing access should be retained in this case. Coles is able to obtain further comment & confirmation from Mr Dobinson should Council require further comfort in regard to the Austroad Guide recommendations.

- 3) We understand from two independent traffic consultants (Roadnet & Dobinson & Associates) that maintaining the existing access will not necessarily increase traffic safety risk (which we understand is a primary concern for Council). In-fact our understanding is that congestion & safety risk at the proposed new Kathleen Street round-about and within the Alice Street & Coles car park would increase if all traffic was directed to the 'main' entry at the Willis Street round-about in the event of the subject access being closed.
- 4) The Southgate Inn has made it clear (under separate submissions to Council) that the subject access is an important aspect of their ongoing business operation. Coles supports the Southgate Inn & suggests that it may not be appropriate nor is it desirable for Council to negatively impact their business by insisting on the closure of the existing access. In addition Coles supports the existing use rights that the Southgate Inn has in regards to the subject access.
- 5) Coles does not wish for the Southgate Inn delivery vehicles & patrons to travel through the northern car park (which would occur if the existing access was closed). The primary reasons are:
 - a. It is not appropriate (or even possible) for larger Southgate Inn delivery vehicles to negotiate through the DA approved car park which is currently under construction. In addition Southgate Inn delivery vehicles are likely to cause damage to the car park surface & structures.
 - b. All the increased safety & traffic congestion risks noted above.

We request that Council consent to the permanent retention of the subject access way.

We trust the above is to your agreement however please contact the undersigned should further information be required.

Yours sincerely



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