

Development Assessment Report

Application Number:	DA0104/2014
Application is for:	Demolition of Park Structures, Construction and Fit out of Shopping Centre (comprising two shops), Installation of Signage, Road Widening and Road Construction
Owner's Name:	George Weston Foods Pty Ltd Tamworth Regional Council
Applicant's Name:	Tamworth Property and Development Investments
Lodgement Date:	04 September 2013
Statutory Days:	40 days
Land/Address:	Lot 1 DP 781317, 502-504 Peel Street, Lot 81 DP 531080, Lot 11 DP 873830, Lot 1 DP 455288, 506-508 Peel Street, Lot 10 DP 873830, 10 Murray Street, Lot 2 DP 781317, 279B Marius Street, Lot 1 DP 741265, Lot 3 DP 1131189, Lot 10 DP 791155, 32-36 Byrnes Avenue, Tamworth.
Land Zoning:	B3 Commercial Core Tamworth Regional Local Environmental Plan 2012
Value of Development:	\$17,068,952 million
Capital Investment Value:	\$18 million
Current use & Development	Public Open Space and a Feed Mill (recently demolished)
Report Author/s	Lucy Walker, Team Leader Development Assessment (Author) Jackie Kruger, Director Planning and Community Services (Authorising Officer)

EXECUTIVE SUMMARY:

Reason for Consideration by Joint Regional Planning Panel:

The application has been referred to the Joint Regional Planning Panel pursuant to Schedule 4A of the Environmental Planning and Assessment Act 1979 as the Capital Investment Value exceeds \$5 million and Council owns part of the land on which the proposed development is to be carried out.

Brief Description of Proposal:

The development application seeks approval for the construction and fit-out of a shopping centre which comprises two tenancies; a Woolworths supermarket being Tenancy 1 and Dan Murphy's liquor store being Tenancy 2.

The submitted development plans are attached to this report as **ANNEXURE 1**.

Compliance with Planning Controls:

The site is zoned B3 Commercial Core pursuant to the Tamworth Regional Local Environmental Plan 2010. The proposal is defined as a "shop" which is permissible in zone B3 with consent.

The proposal is consistent with the objectives of the B3 Commercial Core zone which aim to provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.

Consultation:

The application was exhibited in accordance with the Tamworth Regional Development Control Plan 2010. Nine submissions were received during the exhibition period and one submission was received after the exhibition period closed. Copies of the submissions are contained within **ANNEXURE 2**.

Recommendation:

It is recommended that DA0104/2014 be approved subject to the conditions contained in **ANNEXURE 3**.

Annexures:

ANNEXURE 1 PLANS

ANNEXURE 2 SUBMISSIONS

ANNEXURE 3 DRAFT CONDITIONS

ANNEXURE 4 ROADS AND TRAFFIC AUTHORITY RESPONSE

EVALUATION OF DEVELOPMENT APPLICATION

1 Proposal

The proposal seeks consent for the:

- demolition of existing park structures;
- construction and fit-out of a shopping centre which comprises two tenancies; a Woolworths supermarket and Dan Murphy's liquor store;
- an external car park covered by shade sails, comprising 275 spaces for customer vehicles and taxis off Byrnes Avenue;
- a separate loading dock, storage area and goods lift for each tenancy under the retail floor space off Peel Street;
- an internal car park comprising 9 spaces for Woolworths staff under the retail floor space off Peel Street;
- installation of business identification signs;
- road widening and road construction in Byrnes Avenue; and
- pedestrian access from a ramp located on the road verge in Roderick Street.

2 Site Description

The subject land comprises Lot 1 DP 781317, 502-504 Peel Street, Lot 81 DP 531080, Lot 11 DP 873830, Lot 1 DP 455288, 506-508 Peel Street, Lot 10 DP 873830, 10 Murray Street, Lot 2 DP 781317, 279B Marius Street, Lot 1 DP 741265, Lot 3 DP 1131189, Lot 10 DP 791155, 32-36 Byrnes Avenue, Tamworth.

The building and associated car parking is proposed to be constructed on Lot 1 DP 781317, 502-504 Peel Street, Lot 81 DP 531080, Lot 11 DP 873830, Lot 1 DP 455288, 506-508 Peel Street and Lot 10 DP 873830, 10 Murray Street. The combined area of these lots is approximately 14,742m² and is shown in Figure 1 below. Part of the land is utilised as public open space and until recently part was occupied by a feed mill.

Land for road widening and construction is proposed to be resumed from Lot 2 DP 781317, 279B Marius Street, Lot 1 DP 741265, Lot 3 DP 1131189 and Lot 10 DP 791155, 32-36 Byrnes Avenue and is shown in Figure 2 below. The combined area of these lots is approximately 5720m². Part of the land is open space and part is occupied by a public car park.

Figure 3 is an aerial photograph of the locality taken in October 2011.



Figure 1- Location of Shopping Centre and Associated Carparking



Figure 2 – Land Affected by Road Widening and Road Construction



Figure 3- Aerial Photograph

3 Referrals

The application was referred to Roads and Maritime Services (RMS) pursuant to Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007. Initial comments were received on 1 November 2013 with further comments provided on 21 November 2013. The responses are contained in **ANNEXURE 4**.

The proposed location of the taxi rank and bus stop were considered by the Tamworth Regional Local Traffic Committee on 13 November 2013.

Comments concerning the proposed access arrangements and traffic implications of the proposed development are made in Section 4 of this Report.

Referrals were made to internal Council specialists including Environment and Health, Water Enterprises and Infrastructure Planning. Their responses are addressed within the relevant sections of this report.

4 Environmental Planning and Assessment Act 1979

In determining a development application, the consent authority must take into consideration matters referred to in Section 79C (1) of the Environmental Planning and Assessment Act 1979 as are of relevance to the development. The following section of this report summarises the relevant matters for consideration and provides a planning response.

Section 79C(1)(a)(i) any environmental planning instrument

State Environmental Planning Policies

State Environmental Planning Policy No. 55- Remediation of Land

Part of the land has been utilised as public open space and part was occupied by a feed mill until recently, when it was demolished. The remaining area is occupied by public car park.

Lot 1 DP 781317, 502-504 Peel Street and Lot 2 DP 781317, 279B Marius Street have historically been used as public open space, and are considered to be suitable for the intended use under the provisions of this policy

Lot 1 DP 741265, Lot 3 DP 1131189, Lot 1 DP 791155, 32-36 Byrnes Avenue are owned by Council and do not have a history of potentially contaminating land uses, being a public car park. As such they are also considered to be suitable for the intended use under the provisions of this policy

However, the activities undertaken in conjunction with the use of the land by the feed mill and the presence of underground fuel tanks may have resulted in contamination of Lot 81 DP 531080, Lot 11 DP 873830, Lot 1 DP 455288, 506-508 Peel Street, Lot 10 DP 873830, 10 Murray Street.

It has been determined that the fuel tanks were removed during the approved demolition of the feed mill earlier in 2013, but a validation report was not completed. Consequently, it is recommended that a condition be imposed to require that a validation report for the removal of the underground storage tank/s and subsequent soil testing be provided to Council by a suitably qualified person prior to issue of a Construction Certificate.

It is expected that the report will include a review of the feed mill site and any other potentially contaminated areas of the site (and any test results). If it cannot be proven to the satisfaction of Council that the site is suitable for its intended use, further testing will be required.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The proposal is identified under Schedule 3 of the ISEPP as a Traffic Generating development.

Clause 101(2) of the SEPP requires that the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

- (a) *where practicable, vehicular access to the land is provided by a road other than the classified road, and*
- (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
 - (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

In this regard:

- (a) Murray Street is a classified road. There is no direct vehicular access to the development from Murray Street for the development; it is proposed that traffic generated by the development will access Murray Street from Byrnes Avenue;
- (b) (i)(iii) The Parking and Traffic Report prepared by Gennaoui Consulting Pty Ltd confirms that neither the design of the vehicular access to the land nor the nature, volume or frequency of vehicles using the classified road to gain access to the land will adversely affect the considerations described by this clause. Further commentary regarding road safety and access is provided later in this report; and
 - (ii) The proposal is for a shopping centre which does not produce smoke or dust.
- (c) The development is not sensitive to traffic noise or vehicle emissions that may arise from the adjacent classified road, being a shopping centre.

The application was referred to Roads and Maritime Services (RMS) on 16 September 2013 as required by Schedule 3 of the ISEPP.

Comments were received from RMS on 1 November 2013 following a review of the information submitted upon lodgement of the development application. A summary is provided below:

RMS Initial Response

1. *An AUL(S) auxiliary left-turn lane is to be provided on Murray Street for vehicles turning into Byrnes Avenue to minimise the impact of turning vehicles on through traffic movements. All access between Byrnes Ave and Murray Street is to be left-in & left-out only. Where possible egress movements are to be encouraged towards the local road network via Roderick Street.*
2. *The initial car park driveway on Byrnes Ave is to be sufficiently separated from Murray Street so as to minimise the potential for vehicles queuing back into the classified road during peak periods. The entry currently demonstrated into the second car parking aisle is considered to be too close.*
3. *A pedestrian refuge in Murray Street is currently located in close proximity to the Murray Street and Byrnes Avenue intersection. This facility is to be relocated and consideration given to the safety of pedestrian movements along Murray Street.*
4. *On-site car parking for the development is to be provided in accordance with Council's Development Control Plan (DCP) requirements and any variation of this figure is to be at Council's discretion. Sufficient parking is to be provided to accommodate the demand generated by the development. Roads and Maritime will not support on-street parking along Murray Street and appropriate signage is to be erected to manage the classified road frontage.*
5. *Access to the staff car parking spaces is considered to be in conflict with heavy vehicle manoeuvring for the service delivery area. The design of the staff parking spaces requires vehicles to reverse within the manoeuvring path for heavy vehicles and would require pedestrian movements through the truck manoeuvring area generating subsequent safety concerns. Consideration should be given to separating the staff parking area from the service delivery area.*
6. *It is noted that a 'shopping trolley and tractor storage area' has also been proposed in the service delivery area, creating another potential conflict with heavy vehicle movements and a need for a tractor to access the customer parking areas via the public road network. Roads and Maritime suggests that Council require a Management Plan for the service delivery area that addresses safety and traffic management. Additionally, it is requested that a condition be imposed on the development to exclude tractor movements from Murray Street.*
7. *Consideration should be given to providing equitable access to public transport services. Council and Local Operators may wish to discuss the likely public transport routes that will service the development and identify the location of suitable facilities to connect the development to alternate transport modes. Council's Pedestrian Access Management Plan and BikePlan should also be updated to address future demand arising from this development.*

8. *All advertising signage is to be in accordance with the State Environmental Planning Policy No. 64 and Council's DCP.*

Further comments were provided on 21 November 2013 following review of the additional information submitted, and consideration of the proposed bus stop and taxi rank by the Local Traffic Committee. A summary is provided below:

RMS Additional Comments

1. *Roads and Maritime undertook comparative traffic counts on the 14 and 15 November 2013 at a number of the key intersections identified in the consultant's traffic report. Counts were undertaken both prior to and during the peak period identified by the traffic report. The movements recorded by Roads and Maritime were significantly higher than those identified by the traffic study at all intersections for the periods observed.*

2. *Roads and Maritime raises concerns as to the Marius Street and Roderick Street intersection, which forms part of the Oxley Highway (HW11), a classified (state) road. At present, southbound vehicles turning right from the Marius Street into Roderick Street are required to turn from the through travel lane.*

Recent counts indicate that the submitted traffic study may not have given sufficient consideration to impacts of increased traffic generation at the abovementioned intersection. Peak movements observed by Roads and Maritime indicate that the demand generated by existing commercial developments in Roderick Street (McDonald's, Oporto, Subway) would currently meet the turn warrants for a CHR(S) protected right-turn treatment in accordance with Figure 4.9 of the AUSTRROADS Guide to Road Design, Pt 4A.

3. *The heavy vehicle turning path demonstrated in Loading Dock Operation – Dock A Incoming (See Sheet 7 of Z0913, Rev C, 28/08/2013) indicates that the left turn from Peel Street into the delivery bay will require a heavy vehicle to cross onto the incorrect side of the road to enter the driveway.*
4. *Council may wish to consider improved delineation of Roderick Street to manage right turn movements into Byrnes Avenue and the approaches to Peel and Marius Streets.*
5. *A suitable pedestrian facility is to be provided in an appropriate location to facilitate safe movements across the New England Highway. Subject to advice from the Local Traffic Committee, Roads and Maritime will consider the removal of the existing pedestrian 'thoroughfare' in the Murray Street median island, opposite the Byrnes Avenue intersection. Future connectivity for pedestrians and cyclists should be further considered by Council and the Local Traffic Committee prior to completion of the complex.*

The issues raised by RMS are discussed in Section 4 of this Report. The recommendations made in relation to traffic safety and management have been carefully considered in the assessment of the application and included as conditions of consent where they are considered to be relevant.

In relation to point 7 of the initial response, Council is currently in the process of updating and developing the Bike Plan so that a coordinated and strategic approach can be taken towards delivering new cycling infrastructure for communities within the Tamworth region.

Further, in relation to points 1 and 2 of the additional comments, there is an existing right hand turning lane located at the Marius Street and Roderick Street intersection. As such vehicles do not presently turn into Roderick Street from the through travel lane in Marius Street.

State Environmental Planning Policy No. 64- Advertising and Signage

It is proposed to display advertisements on each façade of the building. It is intended that signs will be displayed individually above each tenancy on the Byrnes Avenue elevation and as a group on the other elevations. A freestanding sign is also proposed to be installed adjacent to the intersection of Murray Street and Byrnes Avenue.

The business identification signs for the tenants have been nominated on the submitted plans. The signs are appropriate to the scale of the building and are clear simple and concise, displaying the corporate logo of each tenant. The signs are considered to be consistent with Schedule 1 of State Environmental Planning Policy No. 64- Advertising and Signage.

Regional Environmental Plans

There are no regional environmental plans that apply to the land.

Local Environmental Plans

All lots within the development site are zoned B3 Commercial Core pursuant to the Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010). The proposal is defined as a “shop” by this Plan as follows:

*“**shop** means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises”*

A “shop” is a permissible form of development in zone B3, subject to development consent.

The objectives of the B3 zone are as follows:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling*

In this regard:

- The development contributes to the range of retail services offered within the Tamworth Central Business District incorporating a Woolworths supermarket

and Dan Murphy's liquor store. These shops will serve the needs of both the local community and a wider shopping catchment.

- The development site is accessible to the public bus stop in White Street which will facilitate public transport patronage by customers and staff. Further, the development is accessible by walking or cycling from residential areas, primarily located to the north of the site, as well as Peel Street and the wider CBD. A bike rack is proposed to be installed on the site within close proximity to the supermarket entrance.

A bus stop is nominated on the submitted plans in Roderick Street. However, as discussed later in the report, a bus service will not be provided to the development.

Clause 4.4 of the TRLEP 2010 specifies that the maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. The Floor Space Ratio Map nominates 2:1 for the land which has not been exceeded by the proposed development.

Clause 7.4 of the TREL 2010 aims to ensure that business premises, office premises, cellar door premises, food and drink premises, markets and shops are located in the Tamworth CBD by limiting these land uses to a maximum of 2500m² in gross floor area in Zone B1 Neighbourhood Centre and Zone B4 Mixed Use. The proposed development reinforces the retail hierarchy imposed by this clause.

Tamworth Regional Section 94A (Indirect) Development Contributions Plan 2013

In accordance with the Tamworth Regional Section 94A (Indirect) Development Contributions Plan 2013 Council may levy a contribution at 1% of the development cost, where the value exceeds \$100,000. It is recommended that a condition be imposed to require that the contribution is paid prior to issue of a Construction Certificate.

Section 79C(1)(a)(i) *any draft environmental planning instrument that is or has been placed on public exhibition*

There are no draft environmental planning instruments applicable to the proposal.

Section 79C (1) (a) (iii) *any development control plan*

Tamworth Regional Development Control Plan 2010

The provisions of the Tamworth Regional Development Control Plan 2010 (TRDCP 2010) chapter - Commercial/Retail Development Controls which are not discussed elsewhere in the report are addressed below.

Building Setbacks- The proposed setbacks satisfy the requirements of the Building Code of Australia.

Outdoor Lighting- Free standing bollard style lighting and wall mounted lighting is proposed to be installed in a number of different locations on the site. A grid of fluorescent lights will also be installed on the ceiling of the loading docks to maintain security at night and provide lighting during trading hours.

The applicant has nominated that the lights in the loading bays will be dimmed outside trading hours to provide the minimum ambient light to assist in security. It is recommended that a condition be imposed to require that certification be provided that the lighting installed complies with AS/NZS 11583.1 Pedestrian Area (Category P) Lighting and AS4282 Control of Obtrusive Effects of Outdoor Lighting prior to issue of an Occupation Certificate.

Design- It is proposed to construct the building using concrete wall panels which will be painted with feature colours in a graded linear pattern to create interest. The colour palette selected for the building consists of a combination of beiges with grey trim. A colour sample board was prepared by the applicant to accompany the development application.

Council raised concerns in the pre-development application meeting about the appearance of the development, highlighting the importance of the location at the gateway to the Tamworth CBD. The measures proposed to address these concerns included a change to the colour scheme, screening of the loading area and landscaping on the road verge. It should also be noted that the overhead power lines in Peel Street will be relocated underground in association with this project.

Landscaping- Landscaping of the road verge is proposed in conjunction with the development. The applicant has nominated that the species selected will be low maintenance, drought and frost tolerant. It is recommended that details of species selected be submitted for the approval of Council prior to issue of a Construction Certificate.

Section 79C (1) (a) (iiia) any planning agreement

There are no planning agreements applicable to the proposal.

Section 79C (1) (a) (IV) the regulations (to the extent that they prescribe matters for the purpose of this paragraph)

There are no matters applicable to this application.

Section 79C (1) (b) the likely impacts of the development

Context and Setting

The total development site is approximately 20,462m² in area, however only 14,742m² of this land is proposed to be utilised for construction of the building. Part of the land is utilised for public open space and until recently part was occupied by a feed mill.

The surrounding land uses include a variety of commercial premises and dwellings to the north, north-east, north- west, south and south- east. There is a velodrome and the Peel River located to the south- west.

There will be a significant change to the existing setting and the streetscape. In part, there will be a positive outcome from removal of the former feed mill and associated structures. The most significant change, however, will be the new building form which will occupy the

open space area consistent with the objectives of the TRLEP 2010 and the context for retail developments in the Tamworth CBD.

Should consent be granted to the proposal, it is recommended that the land be consolidated into a single title to ensure the requirements of the Building Code of Australia are achieved.

Traffic, Access and Transport

Parking

A Parking and Traffic Report was prepared by Gennaoui Consulting Pty Ltd in relation to the parking demand for the development and traffic impacts. The parking rates adopted for development are for “shopping centres” as provided by the RTA Guidelines for Traffic Generating Development.

The rates adopted in the RTA Guidelines are more accurate for this form of development as they are based on the demand characteristics of different retail groups determined by shopping centre surveys in both regional and metropolitan areas. This is consistent with the parking rate identified for major retail premises identified by the Commercial/Retail Development Controls chapter of the TRDCP 2010.

The parking rates identified for “shopping centres” by the RTA Guidelines for Traffic Generating Development identifies that the division of floor area into retail categories improves the accuracy of parking predictions.

The rates adopted by the RTA for the retail categories comprising this development are as follows:

A (SS): Specialty shops, secondary retail gross leasable floor area (GLFA) - includes speciality shops and take away stores such as McDonalds.

A rate of 45 spaces per 1000m² GLFA is required for the A (SS) category. Applying this rate, parking is required as follows:

- liquor shop = 57 spaces

A(SM): Supermarket gross leasable floor area (GLFA) - includes stores such as Coles, Aldi and Woolworths and large fruit markets.

A rate of 42 spaces per 1000m² GLFA is required for the A(SM) category. Applying this rate, parking is required as follows:

- Supermarket = 184 spaces

Based on the guidelines, a total of 241 spaces are required for the development. There are 9 staff spaces proposed in the basement car park and 275 customer spaces provided in the external parking area, being a total of 284 spaces. As such, the proposed onsite parking spaces exceed the requirements of the RTA guidelines.

The parking areas are designed to provide adequate onsite manoeuvring and circulating areas to ensure vehicles can enter and leave the site in a forward direction. The parking, turning and driveway areas are to be hard sealed and line marked.

Disabled parking will be provided within the customer car parking area as nominated on the submitted plans in addition to a taxi drop off and pick up for disabled passengers.

The plans demonstrate that the proposed shade sail posts and trolley bays will not impact on the availability of onsite parking or vehicle manoeuvring areas.

Traffic

The customer vehicle access to the development is from Byrnes Avenue, which has a two lane carriageway 6 metres in width. Access to the loading docks is from Peel Street. Peel Street in this location also has two lanes with parallel parking on both sides of the street. There is a roundabout located on the corner of Roderick and Peel Streets and Murray and Peel Streets.

The Parking and Traffic Report prepared by Gennaoui Consulting Pty Ltd identifies that peak hours for use of the surrounding road network are between 4.15pm and 5.15pm. The volume of traffic using Marius Street during the peak hours is approximately 300 vehicles per hour and 240 vehicles per hour in Peel Street. The number of vehicles recorded in the surrounding streets varies from 100 vehicles per hour in Roderick Street to 17 vehicles per hour in Byrnes Avenue.

Gennaoui Consulting estimates that the development will generate approximately 740 vehicle movements in the afternoon peak hour. The study predicts that 20% of the traffic generated by the development will utilise the intersection of Byrnes Avenue and Murray Street and 80% from the intersection of Byrnes Avenue and Roderick Street.

The most significant impact created by the development will be on Byrnes Avenue, which is currently used on an infrequent basis. However, it is considered that the widening of the pavement, addition of a left-turn bay into Roderick Street and a left turn bay from Murray Street as outlined below, will accommodate the additional traffic using the road.

The report concludes that having regard to the existing service levels of roads in the surrounding locality that the increase in traffic will have minimal impact on the any of the approach routes or at the surrounding intersections which will continue to operate at a very good or good level of service.

Access

Customer access to the site is from Byrnes Avenue which is accessible from Roderick and Murray Streets. It is intended that land be resumed from Lot 2 DP 781317, Lot 1 DP 741265 and Lot 10 DP 791155 to increase the pavement width of Byrnes Avenue to 8 metres. The intersection of Byrnes Avenue and Roderick Street will also be widened to 11 metres to incorporate a left hand turning lane.

Road widening at the north eastern end of Byrnes Avenue (Murray Street) is not considered necessary as the traffic modelling for the development indicates that only 20% of traffic will utilise this intersection and the existing 6 metre wide pavement is sufficient to accommodate the projected traffic movements.

A section of the development site is to be dedicated to Council for the purposes of road widening, to be constructed if the development does not function as predicted. The area to be dedicated extends for the length of Lot 10 DP 873830, being approximately 40 metres with a width of 3 metres.

To facilitate a suitable connection between the north- west and south- east sections of the road, should road widening be required, an additional 15 metres in length is required to be dedicated from Lot 11 DP 873830.

RMS has recommended that an AUL(S) left turn lane be provided in Murray Street to minimise the impact of turning vehicles on through traffic. There is a parking lane in this location which can be adapted for the use and as such it is recommended that a condition be imposed.

RMS has advised that for works undertaken on the classified road, being Murray Street, the developer must enter into a Works Authorisation Deed (WAD). If the works in Murray Street, including turning lane, reinstating of kerb and gutter or construction of a footpath warrant the requirement for a WAD, it must be obtained and a copy provided to the Principal Certifying Authority prior to issue of a Construction Certificate for building work.

Loading

Large delivery trucks, including articulated vehicles (19 metres long) will service the development. The applicant has advised that the supermarket will be serviced by up to four large trucks and four small trucks per day between 8.00am and 5.00pm daily. The liquor store will be serviced by two large trucks, also between 8.00am and 5.00pm daily.

The loading dock for the supermarket is proposed under the retail floor space with access from Peel Street. The Parking and Traffic Report prepared by Gennaoui Consulting Pty Ltd demonstrates that there is sufficient turning area to manoeuvre the largest delivery truck in and out of Loading Dock 1 (supermarket dock) without conflict. However, delivery trucks accessing Loading Dock 2 (liquor store dock) in a south-bound direction along Peel Street would for a short length encroach on the north-bound carriageway in conflict with oncoming traffic.

Given that the dock will be serviced by no more than two vehicles per day, the speed limit is 50km/h and the majority of deliveries will be made by trucks approaching Peel Street from Murray Street, the potential for conflict between oncoming vehicles is considered to be low. Regardless, it is recommended that a condition be imposed to require that trucks may only enter Loading Dock 2 from the Murray Street end of Peel Street and leave in the same direction to ensure that there is no conflict.

The Parking and Traffic Report demonstrates that there is sufficient turning area internally within the loading docks to manoeuvre the largest delivery truck in and out of the dock without utilising any part of the public road or footpath. The loading bay is proposed to be constructed on a 5% grade to ensure that the integrity of the stormwater main which traverses the site is maintained.

RMS has raised concern that delivery vehicles may conflict with staff vehicles using the basement car park. The applicant has indicated that no more than six semi trailers will

access the development per day, which on average is one movement every four hours. Consequently, the likelihood of a delivery coinciding with the staff access is minimal.

Tractor trolleys are intended to be stored under the building adjoining the loading docks. RMS have advised that the tractors are not permitted to access Murray Street. As such, it is recommended that a condition be imposed to require that any trolleys discarded in Murray Street are collected by an employee and returned to the site for collection by the tractor.

Public Transport

One of the designated disabled spaces is proposed to function as a taxi drop off and pick up for disabled passengers. In addition, a taxi drop off and pick up space has also been nominated within the car park in close proximity to the Woolworths entrance.

A bus stop is proposed in Roderick Street with access to the centre from a ramp located partially on the verge.

The proposed location of the taxi spaces and the bus zone were considered by the Tamworth Regional Local Traffic Committee on 13 November 2013. The arrangement was supported by the Committee members. However, the local bus company has since advised that they have no intention to service the development and if any future service was to be provided, it would be in Peel Street.

Because there is no opportunity to provide a designated bus stop in Peel Street due to the potential for conflict with delivery vehicles, the provision for a bus stop is recommended to be retained in Roderick Street should the bus company revise their route in the future.

Public Domain

Footpaths are proposed to be constructed on the road verges around the development site to provide pedestrian access to the centre. An accessible ramp from Roderick Street is also proposed. Street lighting is also required to be provided around the site.

There are three existing pedestrian crossings in Murray Street between Marius and Peel Streets. RMS has requested that the crossing opposite the intersection of Byrnes Avenue be removed. As there does not appear to be a nexus between the development and removal of the footpath, it is not considered necessary that this be undertaken as a component of the development.

Utilities

Water

There are existing water services to Lot 1 DP781317, Lots 10 and 11 DP 873830, Lot 81 DP 531080 and Lot 1 DP 455288 that are to be disconnected at the water main, removed and replaced with a single appropriately sized water service size with backflow prevention. The size of the service required for the development must be determined by a suitably qualified hydraulic engineer.

Sewer

The existing sewer main traversing the site, between Byrnes Avenue and Peel Street, must be realigned. The options for realignment are:-

- 1 On an alignment clear of the site. That is, from the existing sewer in Byrnes Avenue, east along Byrnes Avenue, south along Murray Street and west along Peel Street to reconnect to the existing sewer; or
- 2 On an alignment between Byrnes Avenue and Peel Street, through the adjoining property and development site, but clear of the proposed building.

The developer may elect which option to pursue. However, specific considerations for Option 2 include:

- Written approval would be required to accompany the engineering drawings, confirming that the owner of the adjoining Lot 1 DP 34781 raises no objection to the reconstruction of the sewer main through their property on the proposed alignment;
- The new sewer main would need to be minimum of 2 metres clear of the building; and
- The building foundations and retaining wall foundations must be designed such that:-
 - No loading from the structures is transmitted to the sewer main and also that no loading is transmitted from the structures to the face of a 1.0m wide excavation, located centrally over the sewer main, in the event that the main must be excavated for maintenance or replacement.
 - The structure/foundations (including piling) are not to be constructed closer than 2.0m to the centerline of the sewer main, measured horizontally from the sewer.
 - The structure will not suffer damage should the sewer trench subside or be re-excavated for maintenance
 - An engineer's certificate, signed by a suitably experienced civil or structural engineer, is required, that specifies that the design satisfies these conditions.

Head Works Contributions

Sewer and water headworks may be levied by Council (as the local water supply authority) under the Water Management Act, 2000. It is recommended that a condition is imposed to require that payment is made prior to issue of a Construction Certificate.

Stormwater

Bath Stewart and Associates have prepared a Drainage Report for the development which investigates the local catchment drainage associated with the development.

There is an existing stormwater main that traverses Lot 1 DP 781317 extending from Byrnes Avenue to Peel Street. The loading dock is located over this pipe and the floor level of the dock has been designed on a 5% grade, consistent with the alignment of the main to ensure its integrity.

If the grade is not achievable following the preparation of drawings for construction, Council will not consider any modifications to the 900mm pipe that involve the creation of

a sump or installation of a manhole or re-alignment of the pipe within the site in the line between Byrnes Avenue and Peel Street. Consequently, it will need to be rerouted around the site.

Council's existing stormwater infrastructure does not have sufficient capacity to cater for the increased stormwater flows from the development. As such, onsite stormwater detention systems are required to control all post developed flows to pre developed flows across the range 1 in 1 year ARI to 1 in 100 year ARI events. It is recommended that detailed plans and calculations of the proposed on-site stormwater system and infrastructure be provided to Council for approval prior to the issue of a Construction Certificate for the building work.

Provision must also be made to accommodate major overland flows as identified in Catchment 30 of Council's Stormwater Management Strategy across the site in accordance with Council's Engineering Design Guidelines for Subdivisions and Developments. Again, it is recommended that detailed plans and calculations for the overland flow path provisions and infrastructure be provided to Council for approval prior to the issue of a Construction Certificate for the building work.

For public safety reasons, the concept proposal to discharge major flows off the site as overland flows or as an open system across footpaths will not be supported and an alternative must be devised in by the engineering drawings.

Easements for the drainage of major overland flows and a 3 metre wide easement for the benefit of Tamworth Regional Council to drain water must be established centrally over the existing 900mm diameter stormwater pipe running though the site between Byrnes Avenue and Peel Street.

Finally, the existing 900mm stormwater pipe through the site shall be inspected internally for possible structural damage following the removal of trees and the completion of earthworks for the car park construction and completion of the building works. Any damage or loading of the pipe that is likely to affect the long term integrity of the pipe shall be rectified to the satisfaction of Council. It is also recommended that conditions be imposed in this regard.

Heritage

A submission received in response to the public exhibition period identifies that Prince of Wales Park was the site of the first police presence in Tamworth when the Commissioner for Lands building was erected there and occupied by Edward Mayne. He was followed as Commissioner by Francis Allman and eventually by Roderick Mitchell, son of Sire Thomas Mitchell who was the surveyor of the original plan of Tamworth. He also named many of the streets.

The most significant section of the site from a historical perspective is adjoining Lot 1, which was formally occupied by the Prince of Wales Hotel and now Red Rooster. However, the applicant has advised that during excavation any items of historical significance will be recovered.

Other land resources

Not applicable to the development.

Water

Not applicable to the development.

Soils

As discussed above, it is recommended that a condition be imposed to require that a validation report for the removal of the underground storage tank/s and subsequent soil testing will be required to be provided to Council by a suitably qualified person prior to issue of a Construction Certificate.

Air and Microclimate

Not applicable to the development.

Flora and Fauna

There is a buffer of Casuarina trees planted along the south eastern boundary of the park adjoining the former feed mill. There are also a number of scattered eucalyptus trees located on the site. All of these trees will be removed to accommodate the development.

The trees are not considered to have any significant ecological value but are consistent with the use of the land as park. Their removal will not impact on any vulnerable or threatened species, but there will be some loss of amenity as part of the removal of the open space.

Waste

The statement of environmental effects nominates the development will include front-lift waste bins within the lower level loading dock area. Suitably sized skip bins will be used for general waste with separate bins for recyclables. It is anticipated that waste will be collected five days per week, but may need to be adjusted during peak periods.

All waste generated by the construction phase will be collected and disposed of in accordance with the relevant regulations.

Pursuant to Section 68 of the Local Government Act, 1993, approval must be obtained to dispose of waste into a sewer of the Council (trade waste agreement). It is recommended that a condition be imposed to require that a trade waste approval is required prior to issue of a Construction Certificate.

Energy

Section J of the Building Code of Australia applies to the building assessment of the development. This requires that consideration be given to energy efficiency as a component of the Construction Certificate documentation.

It should be noted that it is proposed to install 1000m² of solar panels on the roof of the centre. This will be the first Woolworths in Australia with solar power supplementation.

Noise and Vibration

Noise will be generated during the construction phase of the development. It is recommended that a condition be imposed to limit construction hours and minimise disturbance to the surrounding locality.

During operation of the centre, noise will be generated as a result of truck movements to the loading docks, other vehicle movements and mechanical equipment.

To minimise the impact of noise, it is recommended that a condition be imposed to require an acoustic report be prepared by a suitably qualified person to demonstrate:

- a) that the operation of the equipment in association with the operations will exceed 5dB(A) above the background level (when measured as a $LA_{eq,15\text{ min}}$ at the nearest receptor in a residential zone between 10.00pm - 6.00am; and
- b) that noise from the equipment associated with the operation of the development (including but not limited to; air conditioner motors, cool room motors, freezer motors, exhaust fans, mechanical extraction devices, and transportation equipment) will not exceed 65 dB(A) when measured as a $LA_{eq,15\text{ min}}$ at the site's boundaries at any other time.

The acoustic report is to be submitted to, and approved by Council prior to the issue of a Construction Certificate.

Natural Hazards

The subject site is not identified as a "flood planning area" on the Flood Planning Map contained within the Tamworth Local Environmental Plan 2010. The flood planning area does not extend beyond the CBD levee located adjacent to the velodrome which has been designed to accommodate the 1:100 year flood plus 1 metre freeboard.

Some local flooding occurs behind the levee as a consequence of stormwater runoff from up-stream which is unable to enter the Peel River when it is in flood. The impact of the stormwater will need to be addressed in the construction plans for the development.

Technological hazards

Not relevant to this application.

Safety, security and crime prevention

In addition to the lighting described above, decorative security screens and sliding gates are proposed to be installed on the open sides of the loading bay to maintain security after hours. These will be locked open during operating hours.

The applicant has also advised that internal electronic security systems will be installed and external security patrols will be undertaken. These methods, together with the wide aspect to adjoining properties will minimise the risk to security within the development and within the surrounding neighbourhood.

Social impact in the locality

Open Space

The land was reclassified to operational by Amendment No. 17 to the Tamworth Local Environmental Plan 1996; gazetted on 1 March 2002. Further, the zone of the land pursuant to the Tamworth Regional Local Environmental Plan 2010 permits the development proposed.

Bicentennial Park and the Peel River parklands are located within close proximity to the land and it is considered that these areas provide greater opportunities for public recreation than Prince of Wales Park as they are embellished and maintained at a higher standard.

Food Safety

The fit-out of the food preparation areas within the supermarket must comply with Food Safety Standards and the Food Act 2003.

If there is to be the installation of a system as defined in Part 4 of the *Public Health Act 1991* (for example, a water cooling system), the installation, operation and maintenance of the system must comply with the *Public Health (Microbial Control) Regulation 2000*. It is recommended that a condition is imposed to include this requirement.

Economic impact in the locality

An Economic Impact Statement was prepared by Urban Economics to accompany the development application. The report considers the impact of the proposed development on existing shopping centres located in Tamworth including, Northgate, Southgate, Robert Street Shopping Village, Centrepont, City Plaza, Carlos IGA and Shopping World.

The report predicts that the proposed development will most significantly impact Shoppingworld with a 13% loss of turnover, being the only other Woolworths in Tamworth with less significant impacts attributed to City Plaza, Northgate and Centrepont as they are completing within the same Primary Trade Area (PTA).

The PTA represents the area from which the majority of demand for supermarket retail would originate. The PTA encompasses the extent of Tamworth's urban area north and east of the Peel River.

The report identifies that retail expenditure is expected to grow by approximately \$60 million between 2013 and 2021 and as households typically spend up to 40% of their income on food, as such there is sufficient demand for an additional major supermarket. Based on Tamworth's population 8 - 9 supermarkets could be sustained. It is also speculated that population growth and growth in the retail sector in 2015 is likely to ameliorate and diminish the level of impact on any existing centres.

Although a new supermarket and liquor store will attract trade from other supermarkets and liquor outlets in Tamworth, particularly in the CBD, theoretically, this will increase competition and reduce prices. Further, the location reinforces the CBD retail hierarchy identified by the Tamworth Regional Local Environmental Plan 2010. On this basis it is considered that the development will have a positive impact for the local community by improving retail competition in the Tamworth CBD.

The report concludes that the proposed development will not significantly undermine the viability, role or functions of the surrounding networks including the Tamworth CBD. Rather the proposed development is expected to generate net economic benefits for Tamworth that through the introduction of new retailers, reduction in escape expenditure, employment opportunities and consolidation of retail within the CBD.

Site design and internal design

The development site comprises a number of allotments. These allotments will need to be consolidated into a single title prior to issue of an Occupation Certificate.

The subject site is the gateway to the Tamworth CBD. The site constraints have resulted in the loading bay being practically located in Peel Street. To address concerns in relation to the appearance, measures have been incorporated, including screening of the loading bay, landscaping of the road verges, colour palette variations and relocation of the overhead power lines to underground in Peel Street.

The car parking has been designed to provide adequate onsite manoeuvring and circulating areas to allow vehicles to enter and leave the site in a forward direction. Provision has also been made for bikes and taxis on the site.

The loading docks are accessible from Peel Street and it has been demonstrated there is sufficient manoeuvring area for trucks used to service the development, provided that the requirements for access to Loading Bay 2 are observed.

The site is easily accessible from Byrnes Avenue via Roderick Street or Murray Street. A new pedestrian pathway is required to be constructed around the site as a component of the development.

It has been demonstrated that the operations of the centre will have minimal impact on the surrounding road network, with the exception of Byrnes Avenue which will see a substantial increase in traffic. There are measures to be implemented in Byrnes Avenue to manage the additional traffic generated; including road widening, a left hand turning lane into Roderick Street and a left turning lane from Murray Street into Byrnes Avenue.

The location of the proposed shopping centre reinforces the CBD retail hierarchy provided by Tamworth Regional Local Environmental Plan 2010.

Construction

The location of the development site, construction methods, timeframes and hours may impact on the surrounding locality. Consequently, it is recommended that a condition is imposed to require that prior to the issue of a Construction Certificate, a Construction Management Plan is prepared and submitted to Council to address the methods employed during construction to minimise the impacts of the construction activities on:

- adjoining or adjacent businesses;
- users of public footpaths and roads;
- parking in the vicinity of the site;
- surrounding streets used to access the site; and
- the environment.

It is also recommended that specific conditions be imposed to clarify Council's expectations in relation to construction hours and waste management.

Cumulative impacts

The cumulative impacts associated with the development are related to traffic and economics and have been addressed under the relevant heading of this report.

Section 79C(1)(d) any submissions

The application was exhibited in accordance with Council's Tamworth Regional Development Control Plan 2010 from 16- to 30 September 2013. Nine submissions were received during the exhibition period and one submission was received after the exhibition period closed.

A summary of the submissions and a planning response to those issues not addressed elsewhere in the report is provided below:

- *The site is located opposite open space and within close proximity to residential developments which are sensitive land uses. Therefore a social impact statement should be prepared to accompany the development application. A House Management Plan outlining the intended mitigation strategies to reduce social impacts associated with liquor consumption in the area should also be provided.*

Comment: Alcohol will not be consumed on the premises and a Community Impact Statement will need to be prepared to accompany the application for a liquor licence. On this basis, it is not considered necessary that a social impact statement be prepared to accompany the development application. Other potential impacts as a result of noise, traffic, safety etc. have been addressed in the report.

- *No civil engineering plans or reports have been submitted with the development application. It is noted that 2-3 metres of fill will be required in the construction. Appropriate mitigation methods must be enforced to ensure that the development will not impact the natural watercourse. Details of the size and location of the retaining walls is required.*

Comment: Additional information was submitted by the applicant in relation to the proposal, including plans of proposed cut and fill and height of retaining walls. Engineering design plans will be required prior to issue of any building Construction Certificate in relation to stormwater management and impact on stormwater infrastructure.

- *Unless proper mitigation methods are put in place by the applicant the proposal may adversely impact the surrounding flood prone areas and the water quality of the Peel River.*

Comment: Appropriate erosion and sediment control during construction will mitigate the environmental impacts of runoff. The engineering design drawings for stormwater will need to incorporate measures to address water quality.

- *A Building Code Compliance Report should be provided to demonstrate compliance with the deemed to satisfy provisions of the Building Code of Australia (BCA).*

The Principal Certifying Authority will complete an assessment of BCA compliance in association with the issue of a Construction Certificate.

- *A detailed Access Report has not been provided. Consequently it cannot be guaranteed that the development complies with the Disability Discrimination Act.*

Comment: Consideration was given to accessibility in the design and during the assessment of the application. In response, the applicant has incorporated footpaths on the road verges surrounding the site as well as on the site, a pedestrian ramp from Roderick Street and provision of taxi spaces within the parking area. Conditions will be imposed to require that the development is designed to comply with the BCA, Premises Standard and relevant Australian Standards. The Principal Certifying Authority will also complete an assessment of compliance in association with the issue of a Construction Certificate.

- *The operating hours nominated in the statement of environmental effects are identified to be consistent with other supermarkets in the Tamworth area. However, the statement is incorrect with Coles supermarkets open no later than 11pm on weekdays and 9pm on weekends. It is requested that the same operating hours be applied.*

Comment: The hours of operation have been confirmed with Woolworths for the tenancies and the supermarket will trade seven days a week from 7am to 10pm daily and the liquor store will trade 7 days per week; Monday to Saturday from 9.00am to 9.00pm and Sunday 10.00am to 7.00pm.

- *The provision of a car park with 3 metres of fill will severely vibrate the objector's double brick building and footings and will cause structural and aesthetic problems.*

Comment: It is recommended that where it is proposed to use any vibrating rollers or other equipment likely to cause vibration impacts, a Dilapidation Survey be conducted and dilapidation report prepared by a practicing professional Engineer (structural) of all buildings on land whose boundary adjoins the site and of such further buildings located within the likely "zone of influence" of any excavation and/or construction induced vibration.

The dilapidation reports must be completed and submitted to Council prior to the commencement of work.

Where excavation of the site will extend below the level of any immediately adjoining building the principal contractor or owner builder must give the adjoining building owners a copy of the dilapidation report for their building(s) and a copy of the notice of commencement required by Section 81A(2) of the Environmental Planning and Assessment Act, 1979, not less than two (2) days prior to the commencement of any work.

- *The Murray Street frontage of the objector's property will be used to park vehicles which are too long to park in the car park, such as tourists with caravans.*

Comment: Any person may utilise the on street parking provided in Murray Street. If tourists towing caravans wish to visit the shops and there is not sufficient area

available within the onsite parking area to accommodate their caravan or RV, the public car park located opposite the proposed development would be more convenient.

- *The shortage of car parking spaces provided within the development will result in an overflow of vehicles into Council's car park impacting on the ability of the objector's clients to find parking, On street parking in Peel, Roderick and Murray Streets has not been addressed, nor the impact of the development on the on street parking.*

Comment: There is a public car parking area located in Byrnes Avenue. The parking area has historically been under-utilised by the public and occupied by surrounding businesses, many of which also have their own onsite parking. Council has no obligation to retain parking for the surrounding business within a public parking area which is available for use by the entire community.

- *Landowner's consent for the feed mill site has been provided in the form of an email without a signature.*

Comment: The written authority of George Weston Foods (including signature) to the lodgement of the development has subsequently been submitted to Council.

- *The development is integrated development pursuant to section 138 of Roads Act 1993.*

Section 91(3) of the Roads Act 1993 excludes work that would be otherwise approved by Council. In addition, RMS do not consider the works identified by section 138 of the Act to be integrated development. In any case, the application was referred to RMS as a component of the assessment process and comments have been provided in response to the referral.

- *The statement of environmental effects is limited in its evaluation and has not fully addressed the surrounding development or indicated the location of Council's car park and the right of carriage way and its current rate of use, The statement of environmental effects does not address the potential environmental impacts of the development meaningfully.*

Comment: A summary of the issues raised during the exhibition period were forwarded to the applicant to address in conjunction with the request for additional information. The information received included greater detail in relation to potential environmental impacts, for example, on flora and fauna and the surrounding neighbourhood. These matters have also been addressed in this assessment report.

- *Although it is nominated that public transport is available within close proximity, the people who are likely to require these services will be unlikely to carry an arm full of groceries a long distance.*

Comment: A ramp is proposed on the verge in Roderick Street to provide access to the bus stop if such a facility is to be installed in the future. Further, taxi bays have been incorporated within the onsite parking area within close proximity to the supermarket entrance.

- *The traffic study is flawed in a number of areas, The traffic study, statement of environmental effects and plans nominate a different number of parking spaces.*

Comment: The additional information submitted by the Applicant addresses the discrepancies in the information provided.

- *The capacity available within Council's car park has not been nominated.*

Comment: Council's car park is sealed, but it is not line-marked. Without line marking it is estimated that conservatively 50 cars could be accommodated. It is also encumbered by a right of way to a number of properties in Marius Street. Given that Council is satisfied that the onsite parking proposed is sufficient to accommodate the demand generated by the development, the capacity of the public car park is not a determining factor in the assessment of the application.

- *The information usually required to be submitted with a development application of this scale should be submitted to the objector's client and the objector to ensure that the full effect of the development can be determined to be acceptable.*

Comment: All of the documentation submitted upon lodgement of the development has been made available to the public for review, both online and at Council offices. Council advised all objectors that additional information would be required and upon review of that information, the application would be referred to the JRPP for determination.

- *The development site should include Lot 2 DP 781317, Lot 3 DP 1131189, Lot 10 DP 791155 road widening and road construction will be undertaken in conjunction with the development on these lots.*

Comment: The application has been amended to include the above lots.

- *Greg Hill of Hill Lockart Architects has signed the application form as the applicant, yet Tamworth Property and Development Investments are nominated to be the applicant. Greg Hill's role with the company is not clear.*

Comment: Greg Hill of Hill Lockart Architects is the Applicant acting on behalf of Tamworth Property and Development Investments. An authorised representative of Tamworth and Property Development Investments has subsequently signed the application form.

- *The General Manager of Tamworth Regional Council, Mr Paul Bennett has signed the application form providing landowner's consent without reference to his name or position.*

Comment: The General Manager of Tamworth Regional Council, Mr Paul Bennett has subsequently nominated his position on the application form for clarity.

- *The application form indicates that the development application does not seek consent for the use of the building, in which case a separate development application will be required for operation of the supermarket and liquor outlet.*

Comment: To ensure that the application form is consistent with the submitted documentation, notations have been included on the completed application form to clarify that consent is also sought for the use of the building.

- *There are a number of errors, misleading statements and non factual information contained within the Statement of Environmental Effects, There are a number of errors in the Traffic Report and discrepancies with accompanying plans and statement of environmental effects*

Comment: Additional information was submitted by the applicant in relation to the proposal, including information to correct the discrepancies between documents and to clarify statements made.

- *Council could reduce the number of parking spaces required by the development in line with the road widening and the proponent could pay for the shortfall pursuant to section 94. Use of Council's car park on the eastern side of Byrnes Avenue could be utilised in lieu of the shortfall. Bollards would need to be installed to maintain access to the properties utilising the right of carriageway;*

Comment: The traffic study indicates that the pavement widths proposed in Byrnes Avenue are sufficient to accommodate the traffic likely to be generated by the development and as there is sufficient onsite parking provided onsite to satisfy Council's requirements a section 94 contribution toward car parking will not be levied.

- *The overhead power in Byrnes Avenue should be replaced with underground power and there is not enough room for the development and overhead power lines to remain.*

Comment: The overhead powerlines in Byrnes Avenue have recently been replaced and will be retained as Council is satisfied that the existing infrastructure can be accommodated together with the alterations required in Byrnes Avenue.

- *The expansion of shopping world was a fantastic development and Council should not have disallowed it on the basis of the impact it would have on the CBD which has declined anyway*

Comment: The expansion of Shopping World was not supported at the rezoning stage and is not a matter that is relevant to the current application, the subject of this report.

- *Council should look outside the square and consider how people can be drawn to the town and spend their money. Another supermarket and liquor store will not achieve this aim. Councillors should generate some life into Tamworth, rather than protect their own businesses by ensuring that development is stagnant, Tamworth needs a development of a scale of Westfield, with new shops, rather than a repeat of the ones we already have. Tamworth doesn't need another supermarket or another liquor store. There will be more staff on casual hours and lousy shifts as a town of this size cannot support more shops, Grace Bros should not have been permitted to leave town*

Comment: Noted. This submission relates to matters that are outside the scope of the current development application.

The following additional issues raised in the public submissions have been addressed elsewhere in the report.

- *The proposal does not satisfy the objectives of the B3 Zone in that:*
 - *there are 3 Coles supermarkets within close proximity to the site and the development may reduce staffing numbers at these supermarkets because of increased competition; and*
 - *there is no bicycle parking provided and there is no integration with the existing public transport network.*
- *Consideration has not been given to State Environmental Planning Policy 64-Advertising and Signage (SEPP 64). The objector's assessment of the proposal identifies that the signage does not satisfy the requirements of SEPP 64 as it does not show innovation and imagination with regard to its relationship with the site.*
- *The traffic assessment does not consider or address the provisions of the State Environmental Planning Policy (Infrastructure) 2007 or demonstrate that the existing road network can cater for the development.*
- *The RTA Guidelines for Traffic Generating Developments guidelines should not be applied as:*
 - *The development is geographically isolated from the principle CBD and there is limited public transport available to the site. As a result the development will experience higher rate of use than detailed by RTA guidelines;*
 - *Consideration has not been given to the peak parking demands of Christmas and Country Music.*
- *There are already 3 Coles supermarkets and a number of detached bottle shops in Tamworth. The introduction of another supermarket has the ability to impact on the trade and occupancy of these established core supermarkets. The Economic Impact Statement submitted with the development application should be independently reviewed.*
- *The development has the potential to destabilise the CBD being outside the primary retail core and existing retail hierarchy established for the area.*
- *Loss of the parkland is not in the public interest and should be considered a premium, as it allows the CBD workforce to enjoy passive and active recreational spaces before, during and after work making their working lives more amenable.*
- *The submitted documentation does not demonstrate how the potential environmental impacts of the development will be mitigated. A Construction Management Plan should be prepared to detail how the development will be constructed without impact on the neighbours and environment.*
- *There are no details about the ongoing waste management of the site, contrary to the requirements of the Tamworth Regional Development Control Plan 2010 which requires that "general waste storage and collection arrangements shall be specified".*

- *The site is located next to several sensitive receptors, including residential developments and open space. It is requested that a detailed acoustic assessment of any mechanical plant and the use of the car park be undertaken.*
- *There is no potential for casual surveillance to Peel Street. The velodrome will create a black spot late at night endangering the safety of the residents to the west of the site and centre users. Casual surveillance cannot be guaranteed from Byrnes Avenue due to the distance from the proposed centre to the street.*
- *The park was the site of the first police presence in Tamworth when the Commissioner for Lands building was erected there and occupied by Edward Mayne. He was followed as Commissioner by Francis Allman and eventually by Roderick Mitchell, son of Sire Thomas Mitchell who was the surveyor of the original plan of Tamworth. He also named many of the streets.*
- *Retaining the park in the CBD provides for much needed green area but also retains an important park of the history of the early days of Tamworth.*
- *The importance of Sir Thomas Mitchell as the surveyor of the town of Tamworth on the eastern side of the Peel River cannot be stressed too much, nor the fact that his son was part of its early history.*
- *Prince of Wales Park should be kept as a monument to the work of these early settlers and their importance of the city of Tamworth.*
- *The area is park land and has been for 100 years*
- *Council has no mandate to change the zoning and should go to the rate payers by way of referendum.*
- *There are too many shopping centres in Tamworth. We do not need another one.*
- *The concept of a new shopping centre is inconsistent with the area. It is too big, too bulky and out of proportion with the existing landscape.*
- *There will be problems relating to traffic and parking and social problems with a new liquor store. Another liquor store will be a breeding ground for crime and associated matters.*
- *The objector parks in Byrnes Avenue daily and it will be a nightmare to continue to park in this location with traffic and more vehicles coming and going.*
- *The roads are not a sufficient width to accommodate the traffic generated as a result of the traffic and the traffic will be more than they can cope with, particularly during Country Music.*
- *Two weeks to make a submission on a development of this size is unbelievable.*
- *Tamworth does not need another liquor outlet. Council is supposed to be working on reducing alcohol related crime and another cheaper shop will not combat this.*

- *Tamworth does not need another Woolworths. Although population growth may necessitate another supermarket, residents do not want to be forced into shopping at Coles or Woolworths. Tamworth should encourage more imaginative and diverse shopping, not less.*
- *Tamworth does not need another large shopping centre in the CBD. The ambience of the current Peel Street shops will be tarnished by the development. The development is anti-competitive and will harm the retailers in the main street because it is so close, but far enough away for the shops to be ignored once shoppers have parked.*
- *There are insufficient parking spaces proposed. There is no reference in the submitted documentation as to why the RTA guidelines are more accurate than Council's DCP. There should be provision for underground or at least undercover parking.*
- *Traffic movements in the area will significantly increase and contrary to the modelling undertaken will adversely affect traffic in Murray Street as heavy vehicles will be hindered by traffic turning into the new car park and leaving the main road. There is also no consideration of the inevitable increase in through traffic using the New England Highway over time.*
- *The park should not be lost. It is used by patrons of several shops and residents not living far away.*
- *The development will aid "the big boys" in their bid to shut down small private business and take control of the market.*
- *The congestion in Byrnes Avenue following the development will be so bad that the traffic flow will be toxic to the development and will prevent the objector's business from operating in the present location.*
- *The car parking proposed with access from Byrnes Avenue will make Byrnes Avenue unusable. Byrnes Avenue should be a four lane road way with 2.5m footpaths on both sides which would allow for turning lanes into both sides of the street and prevent Council's car park from becoming landlocked.*
- *The Roderick/Marius, Roderick/Peel, Roderick/Byrnes intersections are already heavily congested. The development will result in the need for traffic lights at these intersections, the cost of which will exceed the proceeds of the sale of the park.*
- *Scott Road is completely blocked in both directions during Country Music, without the additional traffic generated by the proposed development and Masters.*
- *The dust from the construction phase will cause problems. During the demolition of the feed mill, the westerly wind was blowing the dust from the office section of the old building (which in the objector's opinion contained asbestos) into the objector's rear yard and car park which could not be used.*
- *There are already more than enough liquor outlets in Tamworth. The development will put unfair pressure on the small liquor outlets.*

- *The proposal does not address pedestrian traffic along this section of Byrnes Avenue. The pedestrian link across the New England Highway indicated on the plans directs pedestrian traffic to Byrnes Avenue and it used frequently as a short cut by pedestrians to McDonalds.*
- *An acoustic study should be provided given the proximity of residential development to the site.*
- *Dust generation and mitigation levels anticipated from the proposed fill have not been addressed.*
- *The vehicle swept path indicates that trucks must cross to the opposite side of the road into oncoming traffic to enter the loading bay*
- *The proponent should be responsible for:*
 - *upgrading Byrnes Avenue for its entire length to 12 m;*
 - *providing a bus stop in Byrnes Avenue with an indented bus zone allowing unimpeded traffic flow in Byrnes Avenue;*
 - *Providing a taxi bay within the confined of the development adjacent to the store entry points.*
- *There is a lack of relationship between the building and Peel and Roderick Streets, which will result in an adverse impact to the street and fails to provide an acceptable level of urban design to this important corner side which forms a gateway to the CBD.*

The following matters raised in the submissions are not for consideration in the assessment of the development application and must be considered by Council as part landowner:

- *There was no community consultation or thought for the rate payers in the sale of the land and Council has no right to sell the land without proper consultation. Council are obligated to include the community in decisions, rather than exclude them.*
- *Council is not transparent when it comes to big business and doing deals for the dollars and not considering the impact that their decisions have on rate payers is unacceptable.*
- *The land should not be sold to a Moree Councillor. No locals were given the chance to purchase the land.*
- *Council has contradicted itself in relation to its stance of crime prevention and alcohol violence. Many families already struggle with home abuse, sex abuse and lack of money and resources. The deals offered by Dan Murphy's will not help the people already in a downward cycle.*
- *The demolition methods applied to the feed mill were appalling with every sheet of iron bent, every section of structural steel ripped and dust suppression by a stream of water from a garden hose.*
- *The land should not be sold.*
- *The park, though run down is used for parties and social gatherings*

- *A nearby park should be upgraded by the developer with landscaping equivalent to that being removed.*

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

The submissions received from public authorities and from the public in response to the exhibition period have been considered in the preceding section of the report.

4 Recommendation

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and Environmental Planning and 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.

Lucy Walker
Team Leader Development Assessment

Jackie Kruger
Director, Planning and Community Services

03 December 2013

ANNEXURE 1 PLANS

ANNEXURE 2 SUBMISSIONS

ANNEXURE 3 DRAFT CONDITIONS

ANNEXURE 4 ROADS AND TRAFFIC AUTHORITY RESPONSE