



190123P AC/LF
6th November 2015

General Manager
Singleton Council
PO Box 314
SINGLETON NSW 2330

Attention: Julie Wells – Senior Assessment Planner

Dear Julie,

**RE: DEVELOPMENT APPLICATION 150/2015 – PROPOSED RETAIL DEVELOPMENT,
CORNER BRIDGMAN ROAD AND GLASS PARADE, HUNTERVIEW**

Further to our letter dated 30 October 2015, this letter is the applicant's response to Council emails dated 28 October 2015 and public submissions received 16 October 2015.

The following table is the applicant's summary of actions and information to assist Council with the finalisation of the above Development Application:

COUNCIL REQUEST	APPLICANT RESPONSES
General Engineering & Stormwater Concerns in email dated 28 October 2015	
The SIDRA Summary Movement tables for all modelled intersections;	The applicant has provided a supplementary report prepared by Colton Budd Hunt and Kafes providing the SIDRA summary movement tables for the modelled intersections, Refer to Appendix A.
The main access off Glass Parade is to be modelled using SIDRA to determine if the right turn lane length is suitable;	The applicant has provided a supplementary report prepared by Colton Budd Hunt and Kafes providing the SIDRA summary movement tables for the right turn lane, Refer to Appendix A.

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An assessment of whether an auxiliary left turn lane into the site off Glass Parade at the main access is required;	The applicant has provided a supplementary report prepared by Colton Budd Hunt and Kafes providing the assessment supporting the required left turn lane. Refer to Appendix A.
Council will require a bus stop in Glass Parade, preferably close to the internal pedestrian link and a suitable location needs to be investigated and suggested;	It is noted from a review of the Hunter Valley Buses timetable and maps that Glass Parade is not currently serviced by a bus route. Accordingly, the need at this point in time for a bus stop on Glass Parade is questioned. It is noted that the subject site is located within the Singleton North East Urban Expansion Area as identified within the Singleton Council Section 94 Plan, and so it is assumed that such works would be allowed for and costed within the s.94.
The configuration of the car park immediately inside the main access is considered by Council to be unsatisfactory. There are too many conflicting movements and the potential for queuing to occur across egress lanes and into Glass Parade due to a lack of queuing area. Please provide a better access configuration to minimise the risks of both internal and external queuing.	The car park configuration has been designed to reduce any conflicts at the main entry & exit point on Glass Parade. An additional overflow ramp onto Bridgman Road reduces the need to turn right onto Glass Parade. Furthermore, the queuing depth on the right hand turn aisle allows for 2 cars, which we believe is sufficient for the traffic flow in the area. The entry has been designed to swan cars to the left and restrict any right hand turn movements upon entry. This also reduces conflict at this point. We see the design of the car park sufficient for use.
Why the proposal sought to direct OSD over flow into Glass Parade instead of directly into the adjacent creek	The design work carried out for the proposal was completed in accordance with Council requirements to mimic the existing flow regime. It is noted that this approach is also consistent with the design intent of the original subdivision design prepared by Land Development Solutions, as approved by Council. Furthermore, discharging directly to the creek would trigger additional Integrated Development requirements from the NSW Office of Water, which are in our opinion, unnecessary for this proposal.

PUBLIC SUBMISSION	APPLICANT RESPONSE
General Design matters in Public Submissions	
Inconsistency with the objective of the zoning / scale of proposal / reduced potential for future community uses	The primary concern in this regard appears to revolve around the size of the proposal, both within the context of the zone objectives, and the relative size of existing centres. The objectors have noted the use of the words "<i>small scale retail, business and community uses</i>" within the zone objectives, and have expressed the opinion that the proposal is therefore not consistent with the objectives. A review of the LEP however, finds that under the B1 <i>Neighbourhood Centre</i> zone, "shops" as defined are a permissible use, along with "neighbourhood shops". The fact that both of these uses are permissible is relevant, as while the "shop" definition does not place any limitation on the size / floor area for such a use, Clause 5.4 of the LEP restricts "neighbourhood shops" to 80m² in floor area. Therefore, were Council seeking to specifically restrict the size of premises within the B1 zone, it is assumed that this could have been done by allowing only "neighbourhood shops" within the zone. The fact that the LEP does not include such a limitation points to the fact that Council always intended a proposal of the size which is currently proposed. In addition to the above point, it is also noted from a review of the various Council reports at the time of the rezoning of the site, that when the question of the likely size of any future development on the site was raised, Council indicated that this could be controlled via a site specific DCP. As Council would be aware, Clause 3.3 of the Singleton DCP was duly adopted, being a site specific clause for this site. Under this clause, Council placed a limit of 8,000m² gross floor area for the site. With a total floor area of approximately 4,500m², the proposal is well below this maximum anticipated floor area. It is also worth highlighting that the proposal, at this stage, does not seek to develop the entire site. As shown on the submitted plans, there is approximately 3,500m² at the northern end of the site which will remain available for other uses.

	We note the comments within submissions relating to the comparative size of the proposal with the existing Singleton Heights Shopping Village, however do not agree that the respective size of similar style developments within the area should be a relevant consideration in the determination of a DA which as outlined above, is consistent with the zone objectives, and well below the maximum floor area considered under a site specific DCP. This specific submission has also been addressed within Section 6 of the Macro Plan Dimasi Economic Impact Assessment. Refer to Appendix B.
Inconsistency with Council's strategy plans	The primary point behind this specific submission relates to the apparent inconsistency between the proposal and a particular reference within the 2007 Hirst Report (Review of Options for Additional Local Retail Facility – North Singleton). The Hirst Report subsequently informed the preparation of the Singleton Land Use Strategy (2008). In preparing this response, the Hirst Report has been reviewed, and it is considered worthwhile pointing out that the clause attributed to that report in the submission – while contained within the Hirst Report – did not form part of that report. The figures referred to in the submission are contained within a reference to the “<i>Singleton Commercial Strategy 2002</i>”, which was also prepared by Hirst Consulting. This reference was provided by way of background only, and was not a finding of the Hirst Report. A more relevant observation from within the 2007 Hirst Report is contained within the summary of the subject site (site 1 within the report), which found: <i>“The physical separation of the site from the Singleton CBD and Singleton Heights shopping centre is adequate to provide for it to be a localised trade area and not compete with the businesses of the CBD and heights shopping centre”.</i> Beyond the consideration of the fact that the statement attributed to the Hirst Report was merely a background reference to an earlier (2002) document, and that the actual findings of the report in relation to the subject site support the proposal, it is not our intention to make reports which informed the preparation of Strategic Plans and ultimately the LEP the focus of the assessment of a DA.

	It is our contention that the DA should be assessed against the LEP and DCP, and while Strategic Plans may have some benefit in assisting with the understanding of various clauses, the reports which informed them are of no relevance. Similarly, it is noted that some submissions have stated that the proposal is contrary to the objectives of the <i>Singleton Land Use Strategy 2008</i>. While our contention as outlined above still holds, we would also make the observation that there are many facets to this Strategy, with one of those being the “identified strategic actions”, which include: • <i>Consider “core” and “peripheral / supporting commercial zones, subject to Standard LEP Template.</i> • <i>Implement recommended options of Hirst Consulting Services 2007 report on additional local retail facilities in North Singleton.</i> Fundamentally however, it is our contention that the provisions of the LEP and DCP are the primary documents to be considered in the assessment of any development application – not the strategic plans and various reports which informed them. This specific submission has also been addressed within Section 6 of the Macro Plan Dimasi Economic Impact Assessment. Refer to Appendix B.
Proposal is contrary to the requirements of the DCP	One submission states that the proposal is not supported by an economic assessment as required under the DCP. While an Economic Impact Assessment has been provided as part of this response (Appendix B), it should be noted that the DCP contains no such requirement. Apart from that one case, no particulars have been included within the submission to demonstrate the nature of the proposed variations to the DCP.
Insufficient local demand / Impacts on trading level of existing supermarkets within Singleton Heights and the Singleton CBD / competition / Over supply of retail floor space based	These concerns all deal with the issue of retail demand, and potential impact on existing centres within the area. In responding to these issues, we would point out that the development application was prepared in conjunction with Council, and that no form of retail demand or economic impact assessment was requested during that phase. It was the understanding

on neighbourhood demand / Lack of economic impact assessment	of Fabcot that given that the proposal was seeking to use the site for a purpose which was consistent with the zoning, and with the site specific DCP for the site, such an assessment would not be required in this instance. These specific submissions are addressed within Section 6 of the Macro Plan Dimasi Economic Impact Assessment. Refer to Appendix B. The report concludes there is sufficient demand to cater for a new supermarket. It is also suggested that the issue of competition between existing and proposed centres should not be a planning consideration. Provided that a proposal is able to demonstrate that it is consistent with LEP and DCP requirements, the question of competition is one which is beyond the purview of a determining authority.
Traffic concerns, including sufficient restriction on right turns from site onto Bridgeman Rd / access to site.	The traffic report submitted with the DA was prepared in accordance with Council's DCP, and observed the road subdivision for Bridgman Ridge. This included the assessment of the cumulative impact of the proposed surrounding land-uses and future developments in the area, including the proposed neighbourhood shopping centre proposed on the subject site. The traffic report was also prepared in accordance the RMS Guide to Traffic Generating Developments, and has taken into consideration pre DA comments from Council. Access arrangements, car parking layout, internal circulation and loading dock arrangements have been designed in accordance with the Australian Standards and have taken into consideration safety by design. Primary access to the development is proposed to be provided from Glass Parade. Separate driveways from Glass Parade are proposed for customers and service vehicles. An exit driveway is proposed from the site onto Bridgman Road, near the southern end of the site. This driveway will provide for customer traffic and a median across the driveway will restrict egress from the site to left turning vehicles only. The length of this existing median, and the relative location of the egress driveway are considered to be sufficient to restrict traffic movements at this point to a left turn egress movement only.

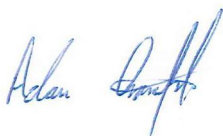
The pedestrian crossing over the main access to the site shown on the plans is to be removed. As the footpath is a shared pathway, suitable facilities at either end of the access are to be provided for waiting pedestrians and cyclists”. The car park access to and from the subject site must be designed in accordance with Austroads Guidelines.	In order to resolve this issue, Fabcot are willing to show pram ramps on either end of the pedestrian crossing at the car park entry along Glass Parade. Should this be satisfactory to Council, it is anticipated that a suitable condition of consent could be formulated. The driveways provide widths, grades and transitions in accordance with the Australian Standard for Parking Facilities (Part 1: Off-street car parking), AS 2890.1-2004, to cater for parking areas of the size and type proposed and accommodate vehicle swept paths. Entry and exit lanes from the main driveway to the customer car park will be separated by a median, allowing for improved pedestrian access across the driveway with the provision of central pedestrian refuge. The traffic report prepared in association with the development application included swept paths for customer vehicles accessing the car park and service vehicles accessing the loading docks. The swept paths indicated that the proposed customer car park access driveway and the separate loading dock driveway have been designed in accordance with the Australian Standards AS2890.1-2004 and AS2890.2-2002 to cater for cars and service vehicles. The propose access arrangements are therefore considered appropriate. In accordance with Council's DCP appropriate provision has been made for pedestrians and cyclists to access the site. With regards to pedestrians, two pedestrian connections have been provided onto Glass Parade with designated pedestrian paths through the car park to access the centre. In addition, a shared pedestrian path has been provided adjacent to the site along Glass Parade and pedestrian crossings provided across the two access driveways, providing safe and convenient pedestrian access to and from the site, as well as safe pedestrian access for pedestrians walking past the site.
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Provision for pedestrians and cyclists.	With regards to bicycle facilities, the DCP indicates that parking for bicycles should be provided at two spaces for the first 100m² plus 0.5 spaces per 100m² thereafter. On this basis, 24 bicycle spaces would be required. The proposed development will include parking for 24 bicycles in accordance with the DCP. Access to the bicycle parking area will be available via the shared pedestrian paths in and around the site. With regards to the comment in the submission relating to provision of a modified northern splitter island at the existing roundabout at the intersection of Bridgeman Road and Glass Parade to cater for pedestrians and bicycles, there is currently no pedestrian footpath on the western side of Bridgeman Road. The main pedestrian traffic to and from the site will be along Bridgeman Road (to/from the south) and Glass Parade (to/from the east). As a result the existing pedestrian refuge on the eastern splitter island of the roundabout and the footpath along Glass Parade is considered appropriate to cater for pedestrians and cyclists.
Operation of intersections and access driveways.	As set out in our traffic report, the traffic analysis of the proposed development found that the surrounding road network and intersections in the vicinity of the site, including the access driveways onto Glass Parade and Bridgeman Road, will continue to operate at a good level of service. The right turn bay at the access driveway on Glass Parade was found to comfortably cater for the expected traffic entering the site from the east. The surrounding road network and access driveways will therefore be able to cater for the additional traffic from the proposed development.
Hours of operation / security / lighting	The proposal seeks permission to operate the centre on a 24 hour basis. This is in line with many other Woolworths supermarkets, and is aimed at providing for all sectors of the community, and in particular, shift workers. This will typically allow for deliveries to be made out of hours. It may be that in the initial stages the centre would not need to be open for the full 24 hours, however Woolworths would prefer to retain this as an option, in keeping with many other operations. As confirmed within the Statement of Environmental Effects submitted with the development application, all lighting will comply with the relevant Australian Standard. This lighting will be designed and placed to avoid light spill to adjoining properties.

	In regard to the specific question regarding security and attending to alarms, Woolworths typically engage a security firm for this purpose. Alarms within the site are typically “back to base”, and designed to not breach specific acoustic guidelines, aimed at minimising impacts on adjoining properties.
Legal Precedent – citing examples in Murwillimbah and Kirrawee.	The two examples provided within the submission relate to matters which were determined by a Local Council, and by a JRPP. Given that neither of these proposals were the subject of action in the Land and Environment Court, they cannot be regarded as a “legal precedent”. In the case of the Murwillumbah example, this related to a rezoning - not to a DA for a permissible use. The Kirrawee example which was cited has been reviewed as part of the preparation of this response, and it is noted that the specifics of that JRPP decision were vastly different to the current proposal. The primary issue on which that proposal was ultimately refused upon was the earlier approval by The Planning and Assessment Commission of a large scale mixed-use Concept Plan on the site <u>directly across the road</u>, which included multiple towers of apartments over a retail podium including a full-line supermarket and other major anchor tenancies. That approval, along with concerns relating to the desired future character of the area had a significant bearing on the assessment of the Woolworths application which was ultimately refused by the Panel. It is not considered the examples cited constitute a “legal precedent”, nor that they have any relevance to the current proposal.

We trust that the above responses are sufficient to enable Council to recommend that the JRPP support this proposal. Should you require any additional information, please do not hesitate to contact me on 4305 4300, or via email at adamc@adwjohnson.com.au.

Yours faithfully



Adam Crampton
Senior Town Planner
 ADW Johnson
 Central Coast

APPENDIX A – ADDITIONAL TRAFFIC INFORMATION BY CBHK

APPENDIX B – MACROPLAN DIMASI ECONOMIC IMPACT ASSESSMENT