

COUNCIL ASSESSMENT REPORT

NORTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSNTH-325 DA2024-0314 (PAN-378630)
PROPOSAL	Staged Construction of a mixed-use building comprising of sales, offices, commercial business, warehouse, parking, and landscaping works.
ADDRESS	Lot 307 in DP 1301849 – 2 Dhulii Drive, WESTDALE NSW 2340 (formerly part of Lot 97 DP 1286236 and Lot 82 DP 1299265)
APPLICANT	Mr. A Hallman
OWNER	Tamworth Regional Council
DA LODGEMENT DATE	19 April 2024
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Section 3, Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> Council related development with a CIV over \$5 million
CIV	\$20,484,675.00 (excluding GST)
CLAUSE 4.6 REQUESTS	NIL
KEY SEPP/LEP	<ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Planning Systems) 2021</i> • <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> • <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i> • <i>State Environmental Planning Policy (Industry and Employment) 2021</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> • <i>Tamworth Regional Local Environmental Plan 2010</i> • <i>Tamworth Regional Development Control Plan 2010</i>
TOTAL & UNIQUE SUBMISSIONS KEY	NIL

ISSUES SUBMISSIONS	IN	
DOCUMENTS SUBMITTED FOR CONSIDERATION		Annexure A: Recommended Conditions of Consent Annexure B: Architectural Plans Annexure C: Statement of Environmental Effects and Applicant's Response to Council's Request for Further Information Annexure D: TGGP Precinct Plan Annexure E Biodiversity Values Map and Threshold Report Annexure F: Traffic Impact Assessment
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)		N/A
RECOMMENDATION		Approval
DRAFT CONDITIONS TO APPLICANT		N/A
SCHEDULED MEETING DATE		10 December 2024
PLAN VERSION		4 October 2024 Version No 2
PREPARED BY		Rean Lourens – Consultant Town Planner
DATE OF REPORT		3 December 2024

EXECUTIVE SUMMARY

Development Application (DA2024-0314) seeks consent for the construction of a mixed-use building comprising of sales, offices, commercial business, warehouse, parking, and landscaping works.

The proposed development aims to enhance the new Tamworth Global Gateway estate by providing a variety of services which in turn will help strengthen the economy.

The subject site is known as Lot 307 in DP1301849 – 2 Dhulii Drive, WESTDALE NSW 2340 (formerly part of Lot 97 in DP 1286236 and Lot 82 in DP 1299265), and comprises of 4 Hectares. The site has a frontage to three roads which include Dhulii Drive (west), Gilaa Circuit (north), and Gunnedah Road (south).

The site was part of a previous DA for the purpose of an industrial subdivision which resulted in the removal of trees and vegetation. As a result, the site is clear of development and vegetation with the exception of some regrowth.

The site is zoned E3 Productivity Support – pursuant to Clause 2.2 of the *Tamworth Regional Local Environmental Plan 2010* ('LEP'). The E3 zone is an open zone that allows multiple land uses including sales, offices, commercial business, and warehouses.

The principal planning controls relevant to the proposal include *Tamworth Regional Local Environmental Plan 2010* ('LEP') and the *Tamworth Regional Development Control Plan 2010* ('DCP'). The proposal is consistent with the provisions of the planning controls.

There were no concurrence requirements from agencies for the proposal and the application is not integrated development pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act').

The proposal was notified to adjoining residents between 05 July 2024 to 20 August 2024. No submissions were received by Council during the notification period.

The proposal was referred externally to Transport for NSW (TfNSW) for advice as a traffic-generating development under Section 2.122 and Schedule 3 Column 3 of *State Environmental Planning Policy (Transport and Infrastructure 2021) 2021*. The advice received from TfNSW is addressed in a later Section of this assessment report.

A briefing meeting was held with the Panel on 20 August 2024 where key issues were discussed, including the location and context of the site within the Tamworth Global Gateway Park precinct, the status of Council's assessment of the DA and items requiring additional information. The Panel also requested clarification in relation to the following matters:

- Clarity on the staging of development;
- Clarification / management of unused areas;
- Landscape design;
- Signage assessment; and,
- Update of certification of specialist reports.

The Applicant provided additional information on 04 October 2024 that addressed the issues identified in the Panel briefing. These matters are also addressed where relevant throughout this assessment report.

The recommended conditions of consent are attached to this Report at **ANNEXURE A**.

1. THE SITE AND LOCALITY

1.1 The Site

The DA was lodged over the former Lot 97 in DP 1286236, located along Marathon Street, Westdale. The site forms part of the Tamworth Global Gateway Park (TGGP). The north-western part of the site has more recently been subdivided from the land to facilitate the release of the initial stages of the industrial estate. The site was recently further subdivided and is currently known as Lot 307 in DP 1301849 – 2 Dhulii Drive, WESTDALE NSW 2340.

Lot 307 is irregular in shape and covers a total site area of 4 Hectares, as shown in **Figure 1** and **Figure 2** below. The site is predominantly flat, vacant and clear of vegetation. The site adjoins multiple roads which include Gilaa Circuit (north), Dhulii Drive (west), and Gunnedah Road (south). The site is located approximately 2km southeast of the Tamworth Regional Airport and 6km west of the Tamworth CBD.



Figure 1: View of subject site.



Figure 2: View of wider area.

1.2 Site Inspection



Figure 3: View to the east along Gilaa Circuit.



Figure 4: View to the east across the site (Oxley Highway in the background).



Figure 5: View to the south along Marathon Street (with site in the background).



Figure 6: View to the east across the site.

1.3 The Locality

The site is located approximately 5.7km from Tamworth CBD and located within the new TGGP estate which will be used for a variety of industrial, commercial, and retail purposes.

The site adjoins Westdale Public School, Macphersons Coaches bus depot, and an existing storage facility to the east, which is separated by Marathon Street. The site also adjoins land zoned RU4 to the north, south, and west which comprises of rural pasture.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The subject DA seeks development consent for the staged construction of a mixed-use building comprising of sales, offices, commercial business, warehouse, parking, and landscaping works. It is important to note that the proposal does not comprise a concept DA under Division 4.4 of the *Environmental Planning and Assessment Act 1979*.

The proposal will be located on the western section of the site, with the remaining 1.26 Hectares along the eastern boundary of the site remaining vacant (identified as Phase 4 on the site plans). The Applicant confirmed that this area is surplus to demand and will be developed in the future under separate development approval.

A copy of the plans for the proposed development are attached to this Report at **ANNEXURE B**.

The proposal will be undertaken over three (3) stages as follows (refer also to **ANNEXURE C**):

- Stage 1: will include the construction of an industrial building with a maximum height of 11.2m that will include a vehicle showroom, workshop and circulation areas.

The showroom will include an open display area, 12 sales offices, temporary toilets and parts sales area.

The workshop will be constructed to include six (6) bays for servicing agricultural vehicles and two (2) drive-through lanes. A temporary wash bay will also be included adjacent to the workshop.

An outdoor display area will be provided along the Gunnedah Road frontage. Circulation / stacking areas and two (2) vehicle site access crossings will be provided along the western frontage with Dhulii Drive. The initial stage of the development will provide 43 formalised parking spaces and an additional 56 staff parking spaces to be provided on the gravel hardstand area.

Landscaping and signage will be located along the road frontages (see **Figure 7**).

A recommended condition has been included in the consent requiring landscaping to be progressively established along Gilaa Circuit after the completion of Stage 1 works, and for the section of land along Gilaa Circuit to be maintained in a neat and tidy condition until the landscaping works are completed for Stage 3. This is to ensure that the site is visually appealing, being a key entrance site into the TGGP precinct.



Figure 7: Stage 1 Site Plan

- **Stage 2:** will involve the extension of the workshop to 12 bays and an additional four (4) drive-through lanes.

The temporary washday will be relocated further to the north and additional hardstand area will be provided around the building. An additional access point will be provided from Gilaa Circuit in the north. No changes will be made to the sales areas (see **Figure 8**).



Figure 8: Stage 2 Site Plan.

- **Stage 3:** will further extend the workshop, include an additional two (2) service pits in the northern part of the building. A permanent washbay will also be constructed within the north part of the workshop. A double storey staff area central to the workshop that will include a lunchroom, toilets and mezzanine office area.

The temporary toilets will be removed from the eastern part of the workshop and replaced by a double storey extension to the parts area. The sales areas will be expanded with the construction of a mezzanine area (6 offices and meeting room). The main building will be altered to include courtyard, amenities and staff room.

The northern part of the site will be fully developed to include additional parking, vehicle storage and landscaping. The temporary staff parking area will also be formalised to include 57 spaces (increase of 1 space from Stage 1) (see **Figure 9**).



Figure 9: Stage 3 Site Plan.

Signage

The building frontage along Gunnedah Road will be provided with flat panel signage, while five (5) pylon signs will be erected along the Gunnedah Road and Dhulii Drive frontages. The pylon signs will have an overall height of 8.33m, and will include entry signs and product signage.

Hours of Operation

The Applicant has advised that the proposed hours of operation are 6 am to 6 pm Monday-Sunday for the front of house business (sales parts- etc), and the workshop will be 24/7. This forms a recommended condition of consent.

2.2 Background

DA2024-0314 was lodged on **19 April 2024**. A chronology of the DA since lodgement is outlined in **Table 1** below, including the Panel's involvement (briefings, deferrals etc) with the application:

Table 1: Chronology of the DA

Date	Event
19 April 2024	DA lodged
05 July – 20 August 2024	Exhibition of the DA
13 August 2024	DA referred to TfNSW
20 August 2024	Panel briefing
26 August 2024	Request for Information from Council to applicant
30 August 2024	Response received from TfNSW (1 st response)
4 October 2024	Amended plans and additional information lodged from Applicant
05 October 2024	Traffic Impact Assessment (TIA) report received from Applicant
06 November 2024	DA re-referred to TfNSW re: TIA
22 November 2024	TfNSW final comments received (2 nd response)

2.3 Site History

Tamworth Global Gateway Park (TGGP)

Extensive planning and investigation from 1990's to 2021 was undertaken to establish an all-inclusive intermodal road, rail and air hub incorporating a heavy industrial, general industrial and business park estate. The TGGP is the evidential outcome of this project.

Council acquired the land in 2016 with the aim to facilitate future business and industrial development in the precinct. A wide range of technical studies (traffic, contamination, biodiversity and heritage) were undertaken to inform the rezoning and structure planning processes, and the development of a site-specific chapter under Council's DCP for the TGGP precinct. The land was rezoned on 20 August 2018 and the site-specific TGGP DCP chapter was adopted by Council on 26 October 2021.

The subject land sits within the business park portion of the TGGP and adjacent to the round-a-bout intersection with Country Road. A copy of the TGGP Precinct Plan from Council's DCP is attached at **ANNEXURE D**.

Subdivision

Council granted development consent to Development Application No. DA2022-0029 for the subdivision of land to create Stage 3 of the TGGP on 16 August 2022. Subsequently,

MOD2024-0118 to DA2022-0029 has been approved for a minor amendment to the lot boundaries, a subdivision certificate has been issued by Council and the subdivision has been registered with the NSW Lands Registry Service. The location of Lot 307 within Stage 3 of the TGGP is shown in **Figure 10** below.

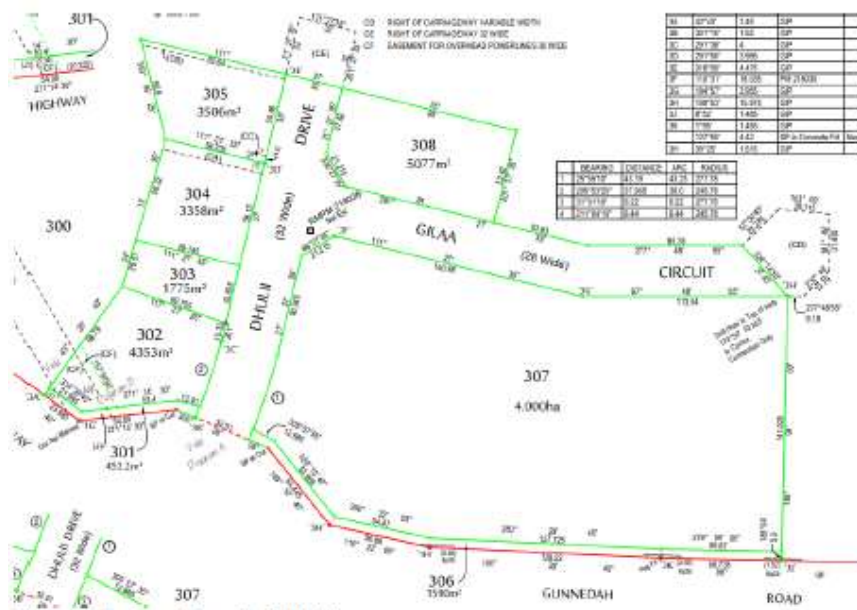


Figure 10 – Copy of stamped subdivision layout plan from DA2022-0029 / MOD2024-0118.

3. STATUTORY CONSIDERATIONS

When determining a DA, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the DA include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*

(e) *the public interest.*

These matters are further considered below. It is noted that the proposal is not considered to be any of the following:

- Integrated Development (s4.46)
- Designated Development (s4.10)
- Crown DA (s4.33) - written agreement from the Crown to the proposed conditions of consent must be provided

3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Tamworth Regional Local Environmental Plan 2010*
- *Tamworth Regional Development Control Plan 2010*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 2** and considered in more detail below.

Table 2: Summary of Applicable Environmental Planning Instruments.

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Planning Systems) 2021	Part 2.4 Regionally significant development <ul style="list-style-type: none">• Clause 2.19(1) declares the proposal regionally significant development pursuant to Section 3 of Schedule 6 as it is Council related development with a CIV over \$5 million.	Y
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Chapter 2: Vegetation in non-rural areas <ul style="list-style-type: none">• Clause 2.3 applies to non-rural areas of the state which includes all land within the E3 Productivity Support zone.	Y
State Environmental Planning Policy (Sustainable Buildings) 2022	Chapter 3: Standards for non-residential development <ul style="list-style-type: none">• Clause 3.2 Development consent for non-residential development	Y

State Environmental Planning Policy (Industry and Employment) 2021	Chapter 3: Advertising and Signage <ul style="list-style-type: none"> Clause 3.11(1) – matters for consideration 	Y
State Environmental Planning Policy (Resilience and Hazards) 2021	Chapter 4: Remediation of Land <ul style="list-style-type: none"> Clause 4.6 - Contamination and remediation of land has been considered. 	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2: Infrastructure <ul style="list-style-type: none"> Clause 2.119 - Development with frontage to classified road. Clause 2.122 - Traffic-generating development 	Y
Tamworth Regional Local Environmental Plan (TRLEP) 2010	<ul style="list-style-type: none"> Clause 2.3 – Permissibility and zone objectives Clause 5.10 – Heritage conservation Clause 7.1 – Earthworks Clause 7.4 – Development in Zones E1, E3, and MU1 Clause 7.6 – Development in flight path Clause 7.7 – Development in areas subject to aircraft noise 	Y
Tamworth Regional Development Control Plan (TRDCP) 2010	<ul style="list-style-type: none"> Step 2 – Industrial Development Step 3 – Environmental Controls Site Specific – TGGP 	N Parking requirement

State Environmental Planning Policy (Planning Systems) 2021

Section 2.19(1) and Clause 5 of Schedule 6(3)(b) of *State Environmental Planning Policy (Planning Systems) 2021* declares the proposal as regionally significant development. As such, Tamworth Regional Council is the owner of land on which the development is to be carried out and the CIV of the proposed development is over \$5 million.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 4 – Koala Habitat Protection of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* is applicable as the site falls within a nominated land use zone.

It is however noted that no vegetation removal is required as part of this development. The applicant provided a Biodiversity Values Map and Threshold Report (see **ANNEXURE E**) that indicated that the proposal does not trigger the *Biodiversity Conservation Act 2016*.

The proposal is therefore considered consistent with the Policy provisions.

State Environmental Planning Policy (Sustainable Buildings) 2022

The *State Environmental Planning Policy (Sustainable Buildings) 2022* aims to encourage the delivery of sustainable buildings that minimises energy consumption, reduce greenhouse gasses and provides for good thermal performance.

Clause 3.2 of the Policy applies to the proposal and requires the consent authority to take into consideration the following matters:

- (a) *the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,*

The applicant will be required to provide a detailed waste management plan to ensure waste is kept to a minimum.

- (b) *a reduction in peak demand for electricity, including through the use of energy efficient technology,*

The applicant stated that the building will be designed to meet the energy and thermal performance requirements of Section J of the National Construction Code (NCC), including the building fabric, external glazing, building sealing, air conditioning, artificial lighting and hot water.

- (b) *a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,*

The large windows along the southern elevation will result in a large amount of natural light entering the sales areas. The height of the work bay doors will also allow for natural light entering these areas. Cross ventilation is available to all areas of the development that will reduce the reliance on air conditioning during warmer months.

- (c) *the generation and storage of renewable energy,*

No solar panels or storage batteries are included in the proposal. It is however considered that the building can be retrofitted to provide significant solar capacity.

- (d) *the metering and monitoring of energy consumption,*

The applicant stated that the development site will include a smart meter that will allow monitoring of energy consumption.

- (e) *the minimisation of the consumption of potable water.*

The proposal includes 100kL of water storage that is considered sufficient to minimise the reliance on the reticulated water supply.

The applicant provided additional comment on the provisions of Clause 3.3 the Policy (see **ANNEXURE C**). It is understood that these provisions do not apply to the proposed development as it does not satisfy the definition of prescribed office premises, and therefore, a NABERS assessment is not required for this development.

The proposal is therefore considered consistent with the applicable Policy provisions.

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3: Advertising and signage

Chapter 3 Advertising and signage of the *State Environmental Planning Policy (Industry and Employment) 2021* sets out provisions to regulate outdoor advertising and signage and to ensure that signage proposals are compatible with the desired amenity and visual character of areas, provide effective communication in suitable locations, and is of a high quality and finish.

Chapter 3 of this policy requires that the consent authority must carry out an assessment of the proposal against the aims and objectives of Clause 3.1 and the assessment criteria within Schedule 5 before granting consent. The aims and objectives outlined within Clause 3.1 of the policy are as follows:

- (a) to ensure that signage (including advertising):*
 - (i) is compatible with the desired amenity and visual character of an area, and*
 - (ii) provides effective communication in suitable locations, and*
 - (iii) is of high quality design and finish, and*
- (b) to regulate signage (but not content) under Part 4 of the Act, and*
- (c) to provide time-limited consents for the display of certain advertisements, and*
- (d) to regulate the display of advertisements in transport corridors, and*
- (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*

The proposed signage is compatible with the amenity and visual character of the area. The proposed signage locations are suitable for their intended use and will be of a high-quality design and finish.

Schedule 1 – Assessment Criteria

1 Character of the area

- Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?*
- Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?*

The proposed development will include several signs throughout the site which vary in size and style e.g. pylon and façade. The proposed signage is considered in keeping with the developing industrial character of the surrounding locality. It is therefore considered that the proposed signage will not have any significant adverse impacts on the character of the area and is suitable for its intended use.

2 Special areas

- Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?*

The proposed signage does not detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes, or residential areas.

3 Views and vistas

- Does the proposal obscure or compromise important views?*
- Does the proposal dominate the skyline and reduce the quality of vistas?*
- Does the proposal respect the viewing rights of other advertisers?*

The proposed signage will not obscure or compromise any views or impact on the rights of other advertisers.

4 Streetscape, setting or landscape

- *Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?*
- *Does the proposal contribute to the visual interest of the streetscape, setting or landscape?*
- *Does the proposal reduce clutter by rationalising and simplifying existing advertising?*
- *Does the proposal screen unsightliness?*
- *Does the proposal protrude above buildings, structures or tree canopies in the area or locality?*
- *Does the proposal require ongoing vegetation management?*

The proposed signage considered to be in proportion with the proposed developing industrial locality. It is considered that the signage, and its intended function is appropriate in relation to the current land use.

5 Site and building

- *Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?*
- *Does the proposal respect important features of the site or building, or both?*
- *Does the proposal show innovation and imagination in its relationship to the site or building, or both?*

The signage is appropriate for the site, and is considered to fit the scale, proportion and other characteristics of the proposed building on site.

6 Associated devices and logos with advertisements and advertising structures

- *Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?*

The proposed signage does not have any safety devices, platforms, or lighting devices.

7 Illumination

- *Would illumination result in unacceptable glare?*
- *Would illumination affect safety for pedestrians, vehicles or aircraft?*
- *Would illumination detract from the amenity of any residence or other form of accommodation?*
- *Can the intensity of the illumination be adjusted, if necessary?*
- *Is the illumination subject to a curfew?*

The proposal includes multiple signs that will be illuminated by LED lighting which will be integrated into the structures. It is considered that the signage will not result in unacceptable glare and will not impact on any sensitive receptors.

8 Safety

- *Would the proposal reduce the safety for any public road?*
- *Would the proposal reduce the safety for pedestrians or bicyclists?*
- *Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?*

The proposed signage will not reduce the safety for any public road; reduce the safety for pedestrians or bicyclists or obscure sightlines from public areas.

The proposed signage is therefore consistent with the Policy provisions.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4, Clause 4.6 of the *State Environmental Planning Policy (Resilience and Hazards) 2021* prevents the consent authority from granting development consent on land unless it has considered whether the land is contaminated, and if contaminated, it is satisfied that the land is suitable in its contaminated state for the purpose of development to be carried out.

The proponent did not identify any contamination onsite and it is considered that the proposal complies with the provisions of the Policy.

Conditions of consent will be included in any consent to require all works to stop in the event that any contamination (a concentration of substances above that naturally present that poses or is likely to pose an immediate or long-term risk to human health or environment) is discovered.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2: Infrastructure

The provisions of Chapter 2 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (the 'Transport and Infrastructure SEPP') provides a consistent and flexible planning system to facilitate the delivery of infrastructure and services. The policy identifies environmental assessment categories for types of infrastructure, matters to consider when assessing development adjacent to infrastructure and provides for consultation with relevant public authorities.

Clause 2.119 – Development with frontage to classified road

The subject site has a frontage to three (3) roads with one (1) of those comprising of Gunnedah Road which is listed a State Classified Road.

The proposed development has been designed to ensure that there is no direct access to the site off Gunnedah Road. Access to the site will be available via Gilaa Circuit which is located a short distance from the roundabout on Gunnedah Road. The site has also been designed to ensure that heavy vehicles can move in a circular motion onsite. The development will not result in the production of any harmful smoke or dust and the existing road network is considered acceptable to accommodate the increased traffic volume expected from the development.

It can therefore be concluded that the proposed development will not cause any negative impacts on the adjacent classified road and instead will enhance the efficiency of the site and surrounding locality.

Clause 2.122 – Traffic generating development

The proposed development constitutes a traffic generating development under Section 2.122 and Column 3 of Schedule 3 of the Transport and Infrastructure SEPP 2021. The proposed access for light vehicles is located on a road that connects within 90m of the Gunnedah Road (State Classified Road) and the proposal includes more than 50 parking spaces, and therefore triggered referral to TfNSW for review.

Comments were received from TfNSW on 30 August 2024 following a review of the information submitted upon lodgement of the DA. The response is provided below:

TfNSW First Response (dated 30 August 2024)

TfNSW has reviewed the information provided and is unable to properly assess the potential impacts on the transport network. TfNSW has identified the following matter for further consideration:

1. The 'Traffic Impact Car Parking' section of the Statement of Environmental Effects (pgs. 16 & 17), prepared by Ambrose Building Development Solutions and dated 8 October 2023 does not sufficiently address the traffic and transport impacts of the development. Council should be satisfied the development is supported by a robust and reliable Transport Impact Assessment (TIA), prepared by a suitably qualified person in accordance with the Austroads Guide to Traffic Management Part 12, the complementary TfNSW supplements and RTA Guide to Traffic Generating Developments.

In response to the above advice, Council requested the Applicant to submit a Traffic Impact Assessment (TIA). The TIA (see **ANNEXURE F**) was received from the Applicant on 05 October 2024 and Council re-referred the information to TfNSW for comment on 06 November 2024. TfNSW provided its final comments to Council on 22 November 2024 as follows:

TfNSW Second Response (dated 22 November 2024)

TfNSW has reviewed the additional information provided addressing matters raised in TfNSW previous correspondence, dated 30 August 2024, and offer the following comments to assist the consent authority in making a determination:

1. Traffic Impact Assessment (TIA) The submitted TIA overlooks some important assessment considerations, such as trip generation calculations, directional splits, intersection capacity analysis, turning templates for the largest design vehicle, and active transport. Council should be satisfied the development has adequately assessed these matters to properly understand the traffic and transport impacts of the development.

In response to the above, Council's Development Engineering Division have noted that there was a comprehensive precinct-wide TIA completed for the overall subdivision, which addressed the form and function of the surrounding road network, including the classified roads. As the development is quite standard in terms of overall traffic generation and network, no additional assessment is considered to be required.

The other items raised in the TfNSW comments regarding active transport and swept paths are addressed as follows:

- Active transport: Council will be delivering a shared path network as a part of the subdivision infrastructure; and,
- Swept paths: Council will assess as a part of the Section 138 process under the *Roads Act 1993* for the individual access points – all of which are located on the internal road network.

It is therefore considered that the proposed development has been designed to ensure that it does not result in any adverse impacts on the local traffic network.

Tamworth Regional Local Environmental Plan 2010

The relevant local environmental plan applying to the site is the *Tamworth Regional Local Environmental Plan 2010* ('the TRLEP'). The aims of the TRLEP are:

- (a) *to cultivate a sense of place that promotes community well-being and quality of life,*
- (b) *to provide for a diverse and compatible mix of land uses,*
- (c) *to protect and conserve environmental values,*
- (d) *to facilitate economic growth that contributes to long-term employment,*
- (e) *to provide opportunities for housing choice and support services tailored to the needs*
- (f) *of the community,*
- (g) *to conserve and respect the heritage and cultural values of the natural and built*
- (h) *environments,*
- (i) *to promote an integrated approach to the provision of infrastructure and transport*
- (j) *services,*
- (k) *to protect and promote the use and development of land for arts and cultural activity,*
- (l) *including music and other performance arts.*

The proposal is consistent with these aims as the proposal contributes to the diverse land uses within a compatible zoning and will contribute to long term employment.

Zoning and Permissibility (Part 2)

The site is located within the E3 Productivity Support zone pursuant to Clause 2.2 of the TRLEP (see **Figure 11**).



Figure 11: Zoning map

According to the definitions contained within the TRLEP, the proposal satisfies the definition of general industry which is a permissible use with consent in the Land Use Table in Clause 2.3.

The zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- *To provide a range of facilities and services, light industries, warehouses and offices.*

- *To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.*
- *To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.*
- *To provide for land uses that meet the needs of the community, business and industries but that are not suited to locations in other employment zones.*
- *To provide opportunities for new emerging light industries.*
- *To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.*

The proposal is considered to be consistent with these zone objectives for the following reasons:

- Provide a diverse range of facilities and services that will enhance the new Tamworth Global Gateway Estate;
- Provide access to services and facilities that meet the needs of the greater Tamworth region;
- Provide a range of employment opportunities through construction and long-term operation of the site; and,
- Compatible land use that will be in keeping with the surrounding locality.

Clause 5.10 – Heritage Conservation

The site is not listed as containing any European items or land of heritage significance.

An Aboriginal Heritage Information Management System (AHIMS) web search was conducted with a buffer of 1km from the adjoining Lot 93 DP 1281951 on 27 September 2023. The search identified 11 Aboriginal sites in the proximity of the site, but no Aboriginal places have been declared in the subject site.

As a result of a previous subdivision DA2022-0029, extensive earthworks were conducted onsite which did not identify any Aboriginal items. Therefore, it is unlikely that the site would contain any items. However, during construction, standard notification protocol will be enforced should any potential artifacts be unearthed. This requirement has been incorporated as a recommended condition of consent.

Clause 7.1 – Earthworks

The proposed development will require minor earthworks. It is noted that a previous DA included considerable earthworks which resulted in the site being levelled.

Clause 7.4 – Development in zones E1, E3 and MU1

This clause applies to development in zones E1, E3, and MU1 which states that development for the purpose of a business premises, office premises, cellar door premises, food and drink premises, markets, or shops should not be granted development consent if the proposal has a floor area of more than 2,500m². The proposed development is not considered to be one of the above-mentioned development types, therefore, it is considered that this clause is not applicable.

Clause 7.6 – Development in flight path

The subject site is located within the flight path of Tamworth Airport and has an Obstacle Height Limitation (OHL) of 0-45m. The proposed development will result in a maximum building height of 6.8m, therefore complying with the height requirement.

The subject DA was referred internally to Council's Airport Technical Officer who provided the following advice:

The particulars for the site are noted as:

- *Ground contour 394m AMSL*
- *OLS height 430M AMSL*
- *Allowable crane height is 35M AGL*

Crane usage / developer must inform Tamworth Airport of any lift for an assessment on case by case. If the crane lift is expected to require a lift above 35 M AGL, the attached form must be submitted to the Airport via email.

Lighting is to meet the MOS diagram attached, my measurement is 1,765M from the runway 30L threshold (Zone B) of MOS 139 Section 9.144 Figure 9.144 (2) = below 50cd Maximum intensity of light sources measured at 3° above horizontal.

The above requirements regarding crane usage and lighting have been incorporated in the recommended conditions of consent.

Clause 7.7 – Development in areas subject to aircraft noise

The subject site is located within the flight path of Tamworth Airport with a small portion of the site along the western edge, being affected by the 20 to 25 ANEF contour. As the proposed development is not for residential purposes, it is considered that the site would not be affected by aircraft noise, nor would it impact the operations of the airport or the flightpath. It is therefore considered that the proposed development is acceptable.

The proposal is considered to be generally consistent with the TRLEP.

(f) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

Not applicable.

(g) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The *Tamworth Regional Development Control Plan (TRDCP) 2010* is relevant to this DA. An assessment against the provisions under the Industrial, TGGP and Environmental Controls Chapters of the TRDCP 2010 is presented in **Table 3** below:

Table 3. Assessment against the TRDCP.

<i>Industrial Development Controls</i>	
Provision	Comment
Building Setbacks	The proposed development meets all required BCA setback requirements, and all street setbacks will be landscaped.

Design	<p>The proposed development has been designed to complement the developing character of the Tamworth Global Park and will incorporate a variety of treatments, materials, and colours.</p> <p>The proposal will also include all staff amenities, offices, and display areas to be located at the front of the property.</p>																																		
Utilities and Services	<p>The subject site has access to all required utilities and services including onsite stormwater detention. The development will also include several areas throughout the site to store solid waste.</p>																																		
Landscaping	<p>The proposed development will include a 5m landscape strip around the site with the exception of a 3m strip adjacent the wash bay.</p>																																		
Fencing	<p>Fencing is proposed which will be integrated with the landscaping.</p>																																		
Traffic and Access	<p>The proposed development has been designed to comply with AS2890.1. All vehicle movement areas will be comprised of hardstand concrete or hotmix bitumen.</p>																																		
Parking	<p>The proposal includes the following parking generating development:</p> <ul style="list-style-type: none"> • Business Premises – 1 space / 35m² of GLFA • Vehicle Showroom – 0.75 space / 100m² of site area • Vehicle Workshop – 1 space / 40m² or 3 spaces / workbay (whichever is the greater) <p><u>Note:</u> the above parking rates are based on Amendment No. 16 to the DCP, being the version in force when the DA was lodged.</p> <p>The development includes the following areas:</p> <table border="1"> <thead> <tr> <th></th><th>Stage 1</th><th>Stage 2</th><th>Stage 3</th></tr> </thead> <tbody> <tr> <td>Office (Mezz Areas)</td><td>-</td><td>-</td><td>205m²</td></tr> <tr> <td>Vehicle Sales</td><td>6,466m²</td><td>6,466m²</td><td>6,466m²</td></tr> <tr> <td>Parts Sales</td><td>207m²</td><td>207m²</td><td>207m²</td></tr> <tr> <td>Workshop</td><td>1,385m²</td><td>3,079m²</td><td>3,847m²</td></tr> </tbody> </table> <p>The proposal therefore requires the following parking:</p> <table border="1"> <thead> <tr> <th></th><th>Stage 1</th><th>Stage 2</th><th>Stage 3</th></tr> </thead> <tbody> <tr> <td>Office (Mezz Areas)</td><td>0</td><td>0</td><td>6</td></tr> <tr> <td>Vehicle Sales</td><td>49</td><td>49</td><td>49</td></tr> </tbody> </table>				Stage 1	Stage 2	Stage 3	Office (Mezz Areas)	-	-	205m ²	Vehicle Sales	6,466m ²	6,466m ²	6,466m ²	Parts Sales	207m ²	207m ²	207m ²	Workshop	1,385m ²	3,079m ²	3,847m ²		Stage 1	Stage 2	Stage 3	Office (Mezz Areas)	0	0	6	Vehicle Sales	49	49	49
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Office (Mezz Areas)	0	0	6																																
Vehicle Sales	49	49	49																																

	Parts Sales	6	6	6
	Workshop	35	77	97
	Total	90	132	158

The proposal includes the following parking spaces:

	Stage 1	Stage 2	Stage 3
Total	102	102	110

The proposal has a parking deficit of 30 spaces for Stage 2 and 48 spaces for Stage 3 (based on the parking rates under amendment No. 16 to the DCP). The deficit is a largely as a result of the inclusion of the large outdoor vehicle sales area and workshop areas.

It is considered that the parking requirement in the DCP reflects smaller vehicle sales premises. The proposed development will therefore not result in a proportionate number of customers as a smaller vehicle sales premises.

Similarly, the workshop requirement is based on smaller vehicles that has a quicker servicing rotation. The larger vehicles that will be serviced in the proposed area will take significantly longer and the turnover will therefore be lower than the requirement aims to cater for.

The recent amendment to the DCP (i.e. amendment No. 17) that was adopted after the lodgement of the current application reflects some of the issues identified above and amended the requirements as follows:

- Office – 1 space / 40m²
- Vehicle Showroom – 0.75 space / 100m²
- Vehicle Workshop – 4 spaces / workbay

The proposal therefore requires the following parking:

	Stage 1	Stage 2	Stage 3
Office (Mezz areas)	0	0	5
Vehicle Sales	49	49	49
Parts Sales	5	5	5
Workshop	24	48	56
Total	78	102	115

	<p>Stages 1 and 2 are compliant with the amended DCP requirements, with a shortfall of four (4) spaces in Stage 3 (variation of 4.4%). It is considered that the variation in parking can be supported as:</p> <ul style="list-style-type: none"> the proposal does not represent a development that fits with the parking requirements; and sufficient area is available within the site to cater for overflow parking.
Loading/Unloading Facilities	The proposed development will provide adequate space onsite for loading and unloading vehicles and will ensure that all vehicles can enter and exit the site in a forward motion.
Outdoor Signage	The proposed development will include signage throughout the site. The proposed signage has been assessed under 3.1 of the Industry and Employment SEPP and found to be acceptable.
Outdoor Lighting	The proposed development will include outdoor lighting which will comply with AS4282 Control of Obtrusive Effects of Outdoor Lighting.
Noise	No external plant items are proposed.
Environmental Controls	
Provision	Comment
Environmental Effects	The proposed development adequately addresses all relevant potential impacts relating to the construction and operation of the site.
Soil and Erosion Control	The site is level as a result of a previous development application. The proposal will require minor earthworks which will be accompanied by a sediment and erosion control plan and a stormwater management plan.
Vegetation	The site contains some vegetation regrowth which is not considered significant and will be removed as part of the proposed development.
Waste Management	Any waste produced as part of this development will be kept onsite and disposed of by a certified contractor.
Noise	The proposal is not expected to generate any significant noise concerns that are not consistent with an industrial park.
Tamworth Global Gateway Park (TGGP)	
Control	Commentary
Desired Future Character Statement	The subject site is located within the Business Park Precinct. It is considered that the proposed land uses are compatible with the desired future character of the TGGP, by providing services to local extractive industries and the agricultural sector.

Rail Freight Intermodal	As the proposal is located in the southern section of the TGGP, it will not impact on the intermodal freight facility.
Design Provisions	The development will present as a commercial development when viewed from the south (Gunnedah Road), while the northern part (internal to the TGGP) will present as an industrial/service facility. It is therefore considered that the proposal will add to the visual interest of motorists travelling along Gunnedah Road.
Building Setbacks	The proposed development complies with the required setbacks and it considered that the building location is suitable for the subject land and the wider TGGP.
Fencing	<p>No solid fencing is proposed along any of the road frontages. These fences will consist of metal picket fencing with varying heights. The fencing along the Gunnedah Road frontage will be located between the proposed building and the outdoor display area.</p> <p>The short section of the internal fencing between the proposed development and the vacant section of the site will include a Colorbond fence.</p>
Oxley Highway Buffer	A 5m wide landscape buffer has been provide in compliance with the DCP requirement.
Site Landscaping	A landscaping plan showing the location, species (native) and mature height at planting has been provided with the DA. A 5m wide landscape strip has been indicated on the submitted plans.
Road Design and Network	N/A.
Traffic and Access	The proposal is considered traffic generating development. Vehicle manoeuvring areas will be sealed with concrete, as shown on the submitted plans, and a condition of consent has been imposed to ensure compliance in this regard.
Parking	A detailed discussion on the parking provision was provided previously in the report.
Signage	The proposed development includes signage that faces the Oxley Highway. The applicant provided an assessment against the Part 3 of the Transport Corridor Outdoor Advertising and Signage Guidelines and it is considered that the proposal complies with the provisions of the guidelines.
Noise	The proposed development will not adjoin existing residential areas.
Tamworth Regional Airport	The subject DA has been referred to Council's Airport Technical Officer who raised no concerns and recommended conditions for the proposed development.

Aboriginal Cultural Heritage	N/A – the proposal does not involve subdivision. Aboriginal cultural heritage impacts have been addressed in the commentary against Clause 5.10 of the TRLEP.
Water, Sewer, Stormwater and Gas Utilities	Utility services are available to the site. Engineering drawings for water and sewer, and stormwater shall be provided to Council for the Section 68 approval under the <i>Local Government Act 1993</i> , which forms of condition of consent.
PFAS	N/A. The site is removed from the Tamworth Airport and the location of the 1995 Tamair plane crash site. As such, the subject site has not been identified as needing further investigation.

Development Contributions

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

Tamworth Regional Council Section 94 (Direct) Development Contributions Plan 2013

The proposed development is subject to the Tamworth Regional Section 7.12 (formerly S.94A) Developer Contributions Plan 2013. As the nominated cost of the development is \$22,533,143.06 (incl. GST), a contribution is payable based on 1% of the construction cost and will be subject to CPI if paid in future financial years. The Section 7.12 Developer Contributions are required to be paid prior to the issue of a Construction Certificate, which forms a recommended condition of consent.

Water Management Act 2000 – Water & Sewer Headwork's Charges:

In accordance with the referral comments received from Council's Development Engineering Division, water and sewer headworks charges apply to the proposed development as follows and are payable prior to the issue of a Construction Certificate, which forms a recommended condition of consent:

- **Water – \$106,907.58**
- **Sewer – \$45,515.72**

Advisory Note: The above amounts have been adopted under the 2024/25 Council Annual Operation Plan. The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of subsequent Annual Operation Plans.

(h) Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

(i) Section 4.15(1)(a)(iv) - Provisions of Regulations

Not applicable.

3.2 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

- Context and setting – The subject land is located within an E3 Productivity Support zone. The site is part of a greenfield development area that has recently been cleared for the purpose of the TGGP. As a result, the site is clear of any vegetation with the exception of some regrowth. The site is predominantly surrounded by vacant land with the exception of the Westdale Public School, Macphersons Coaches bus depot, and an existing storage facility to the east.

The proposed development will be consistent with the context and setting of the developing industrial/commercial character of the locality. The site will comprise of a large building that will provide a showroom, workshop, parts sales, associated storage, staff amenities, ancillary offices, advertising structures, outdoor heavy vehicle display area, parking, hardstand and manoeuvring, and associated landscaping.

The proposed development is not expected to create any adverse impacts on the surrounding locality and will lead to a variety of positive social and economic impacts.

- Access and traffic – The proposed development is expected to create some traffic impacts during both the construction phase and operation of the site.

The subject site adjoins Gunnedah Road which is a State Classified Road. The proposed access has been adequately setback from the roundabout that adjoins Gunnedah Road. The site will also provide hardstand areas to allow for circular movement of heavy vehicles onsite.

The overall development will also provide a total of 110 car parking spaces onsite. It is noted that there is a shortfall of four (4) spaces (variation of 4.4%) with the amended DCP controls. It is considered that sufficient area is available within the site to cater for any overflow parking, however this is considered acceptable as the development is not considered to generate the demand envisaged by the DCP controls.

- Public Domain – The proposed development is not expected to impact on the public domain.
- Utilities – The subject site has access to all required utilities including Councils reticulated water supply, reticulated sewage system, electricity, and telecommunications.
- Heritage – The site is not listed as containing any European items or land of heritage significance.

An AHIMS web search was conducted with a buffer of 1km from the adjoining Lot 93 DP 1281951 on 27 September 2023. The search identified 11 Aboriginal sites near the subject, but no Aboriginal items have been declared in the subject site.

It is unlikely the site contains any items of significance due to recent works, however, during construction standard notification protocol will be enforced should any potential artifacts be unearthed.

- Other land resources – The site is not subject to any other land resources.
- Water/air/soils impacts – The subject site is not listed as containing contaminated land. The site has previously undergone extensive earthworks as part of a recent development application; therefore, the site is relatively level. The proposed development will require some earthworks which are considered minor in nature and will not result in any significant air or microclimate concerns.

The development will also provide hardstand areas onsite which will prevent dirt and debris from existing the site, therefore reducing air and microclimate concerns once operational.

- Flora and fauna impacts – The subject site does not contain any vegetation with the exception of some minor regrowth which will be removed as part of the application.
- Natural environment – The site previously underwent extensive earthworks resulting in the levelling of the site. The proposed development is not expected to create any adverse impacts on the natural contours of the site.
- Noise and vibration – The proposed development will generate some noise and vibration impacts during the construction phases as a result of construction activities and associated vehicles and equipment being delivered to and from the site. The proposed impacts are expected to be short lived and managed in accordance with a construction management plan.

Once the site is operational, the site will generate some noise impacts however, these will be consistent with the industrial nature of the site and surrounding locality.

- Natural hazards – The site is not affected by any natural hazards.
- Social impact – The proposed development is not expected to adversely impact on the public and will provide greater services and amenities to the Tamworth region.
- Economic impact – The proposed development will positively impact the local economy through the provision of employment opportunities during construction and on-going operation of the site. The development is also part of the new Tamworth Global Gateway Park which is aimed at providing a variety of large industrial and commercial uses to support the region.
- Site design and internal design – The proposed development has been designed to consider a range of factors. The development will provide a range of services and products that are consistent with an industrial park and will support the residents and local businesses of the Tamworth region.
- Construction – The proposed construction impacts are set to be short lived and managed in accordance with a construction management plan. Some of the following standard construction management measures which will be implemented are listed below:

- Standard construction hours between 7am to 6pm Monday to Friday and 8am to 1pm Saturday. No work is to occur on Sunday or public holidays.
 - Dust generating activities during windy or dry conditions will be avoided.
 - All equipment will be checked and maintained to ensure they are in good working condition.
- Cumulative impacts – The proposed development is not expected to result in any cumulative impacts.

3.3 Section 4.15(1)(c) - Suitability of the site

The proposed development site is considered suitable for the following reasons:

- The site is part of the new proposed Tamworth Global Gateway Park.
- The site has recently been cleared of vegetation and levelled for the purpose of the proposed development.
- The site has access to all required essential services.
- The site is located within the proximity of Aboriginal Heritage items; however, does not contain any listed items of significance.
- The site is located off a State Classified Road; however, the development will be adequately setback from Gunnedah Road and is not expected to generate any traffic concerns on the local road network.

3.4 Section 4.15(1)(d) - Public Submissions

No public submissions were received during the notification period.

3.5 Section 4.15(1)(e) - Public interest

The proposed development is not considered to be contrary to the public interest. The proposed development will positively impact the Tamworth region through the provision of additional employment opportunities and a variety of services and amenities. The proposal will not negatively impact on the public domain or result in any adverse environmental concerns.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The DA has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in **Table 4**.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

Table 4: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
Environment Agency Head (Environment, Energy &	N/A	N/A	N/A

Science Group within DPIE)			
Rail authority for the rail corridor	N/A	N/A	N/A
Referral/Consultation Agencies			
RFS	N/A	N/A	N/A
Electricity supply authority	N/A	N/A	N/A
Rail authority	N/A	N/A	N/A
Transport for NSW	Section 2.121 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development that is deemed to be traffic generating development in Schedule 3.	The proposed development is expected to generate additional traffic and fronts the Oxley Highway. It is therefore considered that referral to TfNSW was required. TfNSW provided its final comments on 22 November 2024 and identified issues that needed to be addressed by Council. The comments, relating to the trip generation included in the TIA, were reviewed by Council staff and no further issues were identified.	Y
Tamworth Airport	N/A	No issues were identified.	Y
Integrated Development (S 4.46 of the EP&A Act)			
RFS	N/A	N/A	N/A
Natural Resources Access Regulator	N/A	N/A	N/A
TfNSW	N/A	N/A	N/A

4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 5**.

Table 5: Consideration of Council Referrals

Officer	Comments	Resolved
Development Engineering	Council's Development Engineering Division have reviewed the subject DA and considered that there were no objections subject to conditions.	Y

Airport Technical Officer	Council's Airport Technical Officer has reviewed the proposal and considered that there were no objections subject to conditions.	Y
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4.3 Community Consultation

The proposal was notified to adjoining residents between 05 July 2024 to 20 August 2024. No submissions were received by Council during the notification period.

5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

5.1 Parking

The proposal has a parking deficit of 30 spaces for Stage 2 and 48 spaces for Stage 3 (based on the parking rates under the DCP Amendment No. 16).

The deficit is a largely as a result of the inclusion of the large outdoor vehicle sales area and workshop areas. It is considered that the parking requirement in the DCP reflects smaller vehicle sales premises. The proposed development will therefore not result in a proportionate number of customers as a smaller vehicle sales premises.

Similarly, the workshop requirement is based on smaller vehicles that has a shorter servicing rotation. The larger vehicles that will be serviced in the proposed area will take significantly longer and the turnover will therefore be lower than the requirement aims to cater for.

As stated previously, the recent amendments (i.e. amendment No. 17) to the DCP, that were adopted after the lodgement of the current application, reflects the issues identified above. This resulted in Stages 1 and 2 being compliant with the amended DCP requirements, with a shortfall of four (4) spaces in Stage 3 (variation of 4.4%). It is considered that sufficient area is available within the site to cater for any overflow parking.

Resolution:

It is considered that the variation in parking can be supported as:

- the proposal does not represent a development that fits with the parking requirements; and,
- sufficient area is available within the site to cater for overflow parking.

6. CONCLUSION

This DA has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

The site has been assessed and all issues of concern have been addressed. The proposed development will be part of the new Tamworth Global Park which will positively impact the region. The development will provide multiple employment opportunities and provide a diverse range of services and amenities to the Tamworth locality.

It is considered that the key issues as outlined in Section 6 have been resolved satisfactorily through amendments to the proposal and/or in the recommended conditions at **ANNEXURE A**.

7. RECOMMENDATION

That DA2024-0314 for the construction of a mixed-use building comprising of sales, offices, commercial business and warehouse on Lot 307 in DP 1301849 – 2 Dhulii Drive, WESTDALE NSW 2340 (formerly part of Lot 97 DP 1286236 and Lot 82 DP 1299265) be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at **ANNEXURE A**.