

Development Assessment Report

DA Number:	10.2021.36	Council:	Walcha
Location:	16W-26W Fitzroy Street Walcha		
Development Description:	Expansion of Supermarket		
Title Details:	Lot 1 DP 996429		
Property Area:	4638m ²		
Assessing Officer:	Libby Cumming, Contract Town Planner		

Proposal Overview

This application is for the extension and internal alterations to a supermarket. The proposed alterations consist of:

1. The relocation of the existing liquor outlet into the adjoining office area and the existing liquor area being converted into supermarket retail space.
2. The construction of a rear addition that will be 26.865m x 27.63m, totalling 742.30m². This will be constructed from colourbond trimdek walls and roof. This will contain more supermarket retail area, storage and freezer/coolrooms.

Below shows the floor area changes

	Existing	Proposed	% Change
Liquor	212m ²	193.8m ²	-9.4%
Supermarket	568m ²	901.2m ²	+58.66%
Office/Storage/Coolroom	315m ²	450m ²	+42.86%
Total	1,095m²	1,545m²	+41.1%

The hours of operation will remain the same, and are from 8.00am until 7.00pm Monday to Friday, 8.00am until 6.00pm Saturday and 8.00am until 5.00pm Sunday.

The land also hosts a hardware shop that has a retail and storage area of 800m². They currently have 3 full time staff employed onsite at any one time. Their existing hours of operation are 7.00am until 7.00pm Monday to Friday, 7.00am until 1.00pm Saturdays and closed on Sundays.

The exact number of existing carparks onsite has not been identified as there is no defined/marked carparking area. However, the applicant states that there will be 16 onsite carparks to be utilised by the supermarket and, hardware shop staff and the customers of the hardware shop. It is also proposed that the hardware shop utilise 6 carparking spaces on the adjoining leased land. No supermarket customers will utilise the onsite carparking as there is no rear customer exit.

The internal layout of the supermarket has been poorly presented, therefore the assumption has been made that amenities and office space has been included in the new addition.

Property Details/History

	Checked	Comments
File History	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	It is assumed this has been checked by Council administration staff at lodgement.
Title Plan	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Check Ownership	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	

Application Type

- Is this application an Integrated Development Application? Yes No
- Is this application a Designated Development Application? Yes No
- Is this application for State Significant Development? Yes No
- Is this application submitted by/on behalf of a Public Authority? Yes No
- Is this application a staged Development? Yes No

Is this application a section 4.55 amendment?

Yes No

Concurrence/Referral

Section 4.13 – EP & A Act

Does this application require concurrence referral?

Yes No

Does this application require courtesy comment?

Yes No

Department	Referred	Response Received	Comments/Issues Raised
TfNSW	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	This response was taken into account and is represented within this assessment. Swept paths were requested and received, onsite carparking has been considered for the existing and proposed development and a TMP would be a condition of development consent.

Relevant extracts from the response received 1 October 2021:

- TfNSW recommends that Council be satisfied that the development application has clearly identified and addressed all impacts on the surrounding road network, taking into consideration all transport modes and road safety. Council should seek further information to inform a determination and any conditions of development consent.*
- TfNSW recommends that Council obtain updated plans demonstrating swept paths for the largest design vehicle requiring access to the site. The design vehicle should be demonstrated entering, manoeuvring and leaving the development site from all directions. Council should be satisfied that heavy vehicles can safely access and service the proposed development, and that any potential conflict between vehicles and people will be appropriately managed.*
- The site, accesses, internal manoeuvring, servicing and parking areas will be designed in accordance with the relevant sections of AS2890 and Council's requirements. Council should be satisfied that the development will provide adequate car parking capacity for the existing and proposed developments. It must be demonstrated that the largest design vehicle is able to enter, leave and manoeuvre through the site to service areas in a forward manner. If this is not able to be achieved then alternative arrangements should be required to manage public safety.
TfNSW recommends that the development plans be updated to clearly demonstrate all existing and proposed infrastructure within the site boundaries and on adjoining public road reserves.*
- A Construction Traffic Management Plan (CTMP) should be prepared and implemented to address construction impacts on surrounding roads, including consideration for public footpaths. Where construction traffic is likely to impact vehicle and/or pedestrian movements along Fitzroy Street, then a Traffic Guidance Scheme/s (TGS) prepared and implemented by suitably qualified persons should be included in the CTMP. Prior to the implementation of any TGS within the travel lanes of the Oxley Highway a Road Occupancy Licence (ROL) must be obtained from by submitted a required to the ONLINC online system. Refer to the TfNSW [website](#) for further details.*
- Any regulatory signs and devices needed to support the development will require the endorsement of the Local Traffic Committee prior to Council approval. Please refer to A guide to the delegation to councils for the regulation of traffic.*
- TfNSW highlights that in determining the application under the Environmental Planning and Assessment Act 1979, it is the Consent Authority's responsibility to consider the environmental impacts of any roadworks which are ancillary to the development. This includes any works which form part of the proposal and/or any works which are deemed necessary to include as requirements in the conditions of project approval.*

Does this application require referral for decision by Council?

Yes No

Local Environmental Plan

Section 4.15(1)(a)(i) and Section 4.15(a)(ii) – EP & A Act

This land is zoned:

B2 Local Centre

Development as per Standard Definitions:

This development is considered to be an extension to a commercial premises.

List the relevant clause/clauses applicable under the LEP		
Clause	Compliance	Comment
Land Use Table	Yes <input type="checkbox"/> No <input type="checkbox"/>	The objectives for the B2 zone are: <ul style="list-style-type: none"> To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. To encourage employment opportunities in accessible locations. To maximise public transport patronage and encourage walking and cycling. To encourage development in existing town centres that reflects or enhances their character. This application complies with the intent of these objectives.
6.1 Earthworks	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	A Soil & Erosion Control Plan has not been submitted, but it can be conditioned that controls be put in place during construction works.
6.3 Essential Services	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	All necessary essential services are existing.

Is there a draft LEP or draft LEP amendment which may affect this proposal?

Yes No

Do 'existing use' provisions (Sections 4.65-4.70 of the EP&A Act) apply to this development?

Yes No

Development Control Plan

Section 4.15(1)(a)(iii) & Section 4.15(3A) – EP & A Act

Is there a DCP which applies to this land/proposal?

Yes No

List the relevant clause/clauses under the applicable DCP			
Clause	Issue	Compliance	Comment
7.4	Aims & Objectives	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
7.5(d)	Accessibility	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No information has been provided regarding accessibility. It can be conditioned that this be made available and is to comply with the relevant AS prior to issue of construction certificate.
7.5(h)	Garbage	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No garbage or recycling area has been noted on the plan. No detail has been provided as to how this will be managed. It can be conditioned that a waste management plan be approved by Council prior to the release of the construction certificate. This will include the identification of all garbage and recycling areas onsite. It will also include garbage collection and disposal methods.
7.5(l)	Trade Waste	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No detail has been provided in regards to trade waste. Therefore, it can be conditioned that a Trade Waste Application be submitted.
7.5(o)	Services	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
8.6(a)	Multi lot Parking	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Car-parking spaces are to be provided on the same lot as the proposed development. It is proposed that the hardware shop utilise parking on the adjoining lot. As this lot does not have the same legal owner of the development lot, and that it is not legally tied to the development lot, those spaces cannot be taken into account as part of this assessment.
8.6(b)	Redevelopment parking Rates	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Business Premises rate is 1/60m ² The whole site needs to be considered, therefore the existing supermarket and hardware shop should cater for 31 onsite carparks.

			<p>Supermarket 1095 Hardware 800 Total 1895m²</p> <p>The proposed redeveloped supermarket and hardware shop should cater for 39 onsite carparks.</p> <p>Supermarket 1545 Hardware 800 Total 2345m²</p> <p>The applicant has argued that only the new development should comply with the provisions of the DCP and that 16 onsite carparks are a suitable number. However, these carparks are for staff and the customers of the hardware store only.</p> <p>It has been argued that the on-street parking is suitable for the supermarket, though these parks are in front other businesses in the street, including another supermarket. The new addition cannot be considered as a standalone development, due to the cumulative impact created onsite.</p>
8.7(c)	Accessible Parking	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No accessible parking has been provided onsite.
8.7(g)	Parking Design	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	It can be conditioned that the onsite parking meet AS 2890.1 and 2890.2.2004.
8.7(h)	Carpark seal	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	It is not proposed to upgrade the existing access and carpark. However, the minimum standard is all required car parking areas, driveways, turning areas and loading areas are paved in either a bitumen seal coat, asphaltic or bituminous concrete, cement concrete, concrete paving blocks, or brick paving blocks. This can be conditioned.
8.7(j)	Car park line marking	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	The minimum control is that all parking spaces shall be suitably line-marked and sign-posted and be graded and drained to Council's stormwater system. This can be conditioned.
8.7(k)	Uninterrupted access	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	It can be conditioned that free and uninterrupted access to car parking areas be maintained at all times.

Has a variation to the DCP been requested?

Yes No

Should a variation be recommended?

Yes No

Comment: To approve this variation to the DCP is to approve a significant variation. Such a large development must take into account the cumulative impact of parking required for both the supermarket and the hardware shop. This development is an overdevelopment of the site and cumulative impact has not been adequately considered by the applicant.

Is there a draft DCP which may affect this proposal?

Yes No

Regional Environmental Plan

There is no REP applicable to this area.

State Environmental Planning Policy

Is this proposal affected by a SEPP?

Yes No

List all relevant SEPPs

SEPP	Compliance	Comment
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The purpose of this SEPP is to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</i>

Building Sustainability Index: BASIX 2004	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP provides for the implementation of BASIX throughout the State.</i>
Exempt and Complying Development Codes 2008	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate.</i>
State Environmental Planning Policy (Housing) 2021	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<p><i>The principles of this Policy are to: -</i></p> <ul style="list-style-type: none"> <i>• enable the development of diverse housing types, including purpose-built rental housing,</i> <i>• encourage development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,</i> <i>• ensure new housing provides residents with a reasonable level of amenity,</i> <i>• mitigate the loss of existing affordable rental housing.</i> <p><i>The SEPP introduces two new housing types to meet changing needs:</i></p> <ul style="list-style-type: none"> <i>• Co-living housing</i> <i>• Independent living units</i> <p><i>Improves the way existing types of homes are delivered including:</i></p> <ul style="list-style-type: none"> <i>• Boarding houses</i> <i>• Build-to-rent housing</i> <i>• Seniors housing</i> <p><i>Includes the planning rules for:</i></p> <ul style="list-style-type: none"> <i>• Caravan parks and manufactured home estates</i> <i>• Group homes</i> <i>• Retention of existing affordable rental housing</i> <i>• Secondary dwellings (sometimes known as granny flats)</i> <i>• Social housing</i>
State Environmental Planning Policy (Industry & Employment) 2021	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<p><i>This SEPP contains planning provisions:</i></p> <ul style="list-style-type: none"> <i>• applying to employment land in western Sydney.</i> <i>• for advertising and signage in NSW.</i>
SEPP 65 — Design Quality of Residential Apartment Development	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>The SEPP relates to residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development.</i>
State Environmental Planning Policy (Planning Systems) 2021	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<p><i>This Policy aims to:</i></p> <ul style="list-style-type: none"> <i>• identify development that is State significant development</i> <i>• to identify development that is State significant infrastructure and critical State significant infrastructure,</i> <i>• to identify development that is regionally significant development.</i>
State Environmental Planning Policy (Precincts—Regional) 2021	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This chapter applies to the state and aims to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State. It also facilitates service</i>

		<i>delivery outcomes for a range of public services and provides for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes.</i>
State Environmental Planning Policy (Primary Production) 2021	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP contains planning provisions:</i> <ul style="list-style-type: none"> <i>to manage primary production and rural development including supporting sustainable agriculture.</i> <i>for the protection of prime agricultural land of state and regional significance as well as regionally significant mining and extractive resources.</i>
State Environmental Planning Policy (Resilience and Hazards) 2021	Not Applicable <input type="checkbox"/> Applicable <input checked="" type="checkbox"/>	<i>This Policy incorporates and repeals the provisions of SEPP No. 55 - Remediation of Land and Clause 4.6 requires consideration of whether land is suitable for a proposed use having regard to any known or potentially contaminating land use activities.</i>
Complies	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Comment Only <input type="checkbox"/>	Chapter 4 of this SEPP requires consideration of whether there have been any activities carried out on land in the past that may have resulted in contamination. If contamination may be present, the proponent is required to undertake suitable investigation and, if necessary, remediation works. It is considered that there have been no prior contaminating land uses and the site is suitable for the proposed use.
State Environmental Planning Policy (Resources & Energy) 2021	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP contains planning provisions:</i> <ul style="list-style-type: none"> <i>for the assessment and development of mining, petroleum production and extractive material resource proposals in NSW.</i> <i>which aim to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance.</i>
State Environmental Planning Policy (State Significant Precincts) 2005	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This policy aims to: -</i> <ul style="list-style-type: none"> <i>facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State.</i> <i>facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes.</i>
State Environmental Planning Policy (Transport & Infrastructure) 2021	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP contains planning provisions:</i> <ul style="list-style-type: none"> <i>for infrastructure in NSW, such as hospitals, roads, railways, emergency services, water supply and electricity delivery.</i> <i>for child-care centres, schools, TAFEs and Universities.</i> <i>planning controls and reserves land for the protection of three corridors (North South Rail Line, South West Rail Link extension and Western Sydney Freight Line).</i> <i>the land use planning and assessment framework for appropriate development at Port Kembla, Port Botany and Port of Newcastle.</i>
Miscellaneous Consent Provisions 2007	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<i>This SEPP provides for the erection of temporary structures and the use of places of public entertainment while protecting public safety and local amenity.</i>

List all relevant Draft SEPPs		
SEPP	Compliance	Comment
SEPP - Environment	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<p><i>This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. Changes proposed include consolidating the following seven existing SEPPs:</i></p> <ul style="list-style-type: none"> • <i>State Environmental Planning Policy No. 19 – Bushland in Urban Areas</i> • <i>State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011</i> • <i>State Environmental Planning Policy No. 50 – Canal Estate Development</i> • <i>Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment</i> • <i>Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)</i> • <i>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</i> • <i>Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.</i>
Design & Place SEPP	Not Applicable <input checked="" type="checkbox"/> Applicable <input type="checkbox"/>	<p><i>The aims of this Policy are as follows:</i></p> <ol style="list-style-type: none"> <i>a) to provide a consistent set of principles and considerations to guide the design of the built environment,</i> <i>b) to ensure high quality and innovative design of the built environment,</i> <i>c) to create places that support the health and well-being of the community,</i> <i>d) to integrate good design processes into planning and development,</i> <i>e) to recognise the economic, environmental, cultural and social benefits of high quality design,</i> <i>f) to ensure sustainable development and conserve the environment,</i> <i>g) to minimise the consumption of non-renewable energy and reduce greenhouse gas emissions,</i> <i>h) to achieve better built form and aesthetics of buildings, streetscapes and public spaces,</i> <i>i) to recognise the importance of Country to Aboriginal people and to incorporate local Aboriginal knowledge, culture and tradition into development, and</i> <i>j) to give effect to the objects of the Act, section 1.3(b) and (e)-(g).</i>

Planning Agreement

Section 4.15(1)(a)(iia) – EP & A Act

Is there a Planning Agreement in force under section 93F of the EP&A Act? Yes No

Has a Planning Agreement been offered under this development? Yes No

Local Strategic Planning Statement

PP 1 - Encourage diversification in grazing agriculture, horticulture and agribusiness to grow these sectors and respond to domestic and international opportunities Yes No

PP 2 -Foster resilience and diversification in the agricultural industry to respond to the ageing farming workforce and climate change Yes No

PP 3 -Expand nature-based adventure and cultural tourism places and enhance visitor experiences Yes No

PP 4 - Deliver a variety of housing options in Walcha and promote development that contributes to the unique character of Nowendoc, Walcha Road and Woolbrook Yes No

PP 5 - Raise the area's profile and awareness of employment, business development and lifestyle opportunities, particularly for younger people and provide services for the ageing population Yes No

Alignment & Actions

NENW Regional Plan	Direction 7	Grow New England North West as the renewable energy hub of NSW
	Direction 17	Strengthen community resilience
Walcha Community Strategic Plan	5.5	Young people will be retained and supported to live in Walcha.
Actions	Infrastructure	Promote infrastructure and services that support healthy, active lifestyles for young families as well as the region's ageing population.
	Regulation & Policy	Undertake an Economic Development & Employment Strategy

PP 6 -Continue to develop access and logistics infrastructure on appropriate sites to encourage new industry opportunities Yes No

PP 7 - Protect and celebrate our unique sense of place Yes No

PP 8 - Identify and promote wind, solar and other renewable energy production opportunities; manage and support the transition to renewable energy Yes No

Planning Assessments

Has the applicant submitted any supporting planning assessments? Yes No

Comment: Statement of Environmental Effects

Subdivision

Is this application for subdivision? Yes No

Environmental Impacts

Section 4.15(1)(b) – EP & A Act

Does this proposal have any potential impact on:

	Impact	Comment
Social	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Economical	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Positive Impact – There will be an economical gain during construction only. There will be no new job creation.
Siting & Configuration	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Major - The proposal is an over development of the site with inadequate onsite parking for the cumulative requirement of both businesses. The location of the proposed development is considered suitable.
Setbacks	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Privacy	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	There are no impacts expected in terms of aural and visual privacy outside those of normal, commercial usage.
Safety, security & crime prevention	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	The development will not result in any decrease in safety, security and prevention of crime in the surrounding area, if all measures are taken. This can be conditioned, particularly in regards to security lighting at the rear of the building to preclude "dark" spots ensuring a lit pathway to the carparking area and no dark spots near storage areas.
Overshadowing	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	There are no impacts expected in terms of overshadowing.

Solar Access	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Visual	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	There are no impacts expected in terms visual privacy.
Significant Views	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	.
Amenity	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Construction	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Any construction works must be compliant with the Building Code of Australia. This will be conditioned.
Water	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The development site will have provision of water services.
Waste	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Waste generated during construction is to be maintained onsite and shall be disposed to Council's land fill. A standard condition shall be imposed requiring the establishment and maintenance of a site rubbish container for the duration of construction works. A waste management plan will be required prior to any construction certificate detailing how garbage and recycling will be managed.
Air	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The proposed development is expected to have minimal impact on existing air quality levels and microclimatic conditions.
Noise	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Minimal - The development will not result in any noise and vibration with the exception of the construction phase. Council's standard hours of operation will be imposed during construction works.
Land Degradation	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Tree Loss	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Flora	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Fauna	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Cumulative	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Both the supermarket and the hardware shop are on the same lot. Therefore, all development provisions, including fire safety, traffic and onsite carparking are required to be considered together.

Has a Threatened Species Impact Assessment been prepared? Yes No

Are there any species/communities listed under the TSC Act? Yes No

Does the proposed development require approval under the EPBC Act Yes No

Heritage	Impact	Comment
European	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Aboriginal	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	An Aboriginal Heritage Information Management System (AHIMS) search was not carried out.

Is this land classified as containing an item of environmental heritage? Yes No

Is there an impact on and adjoining or in close vicinity to an item of environmental heritage? Yes No

Is this proposal in a heritage conservation Zone? Yes No

Is this proposal in an adjoining or in close vicinity to a conservation zone? Yes No

Has a Heritage Impact Statement been prepared for this proposal? Yes No

Has an Archaeological Survey been prepared for this proposal? Yes No

Flooding

Section 4.15(1)(b) – EP & A Act

Is this property flood affected? Yes No

Bush Fire Prone Land

Section 4.15(1)(b) – EP & A Act

Is this property bush fire prone as per the Bush Fire Prone Map? Yes No

Contaminated Land

Section 4.15(1)(b) – EP & A Act

Has this land been identified as being contaminated land by Council? Yes No

Does this land require remediation? Yes No

Has a Contaminated Land Site Investigation been completed? Yes No

Has a Remediation Action Plan been completed for the land? Yes No

Is it a possibility this land may be contaminated? Yes No

Is this land in the close vicinity or adjoining a known contaminated site? Yes No

Infrastructure

Section 4.15(1)(b) – EP & A Act

Is an engineering assessment required? Yes No

Has an engineering assessment been completed? Yes No

Who completed the Engineering Assessment?

Engineering Department Assessing Officer Other Phil Hood

Comment: Email 22 August 2022:

In regards to the IGA proposal, the engineering assessment is that while heavy vehicle access to the rear is not ideal, it is manageable. It should be noted that the tight first right hand turn past the north west corner of Richardson's Hardware is the same now as after the additions are made.

Critical factor is the difficulty in turning around a 12.5m truck, particularly the reverse back towards the storage area located at the north west end of the proposed staff car park. These appear to be semi-permanent structures that could potentially be relocated should there be issues in the future for a 12.5m truck to perform a 3 point turn and exit safely. The site and the infrastructure is contained within the one property – so impacts from a tight turning space will only impact the property owners submitting the DA. In practical terms it will likely just cause annoyance for the delivery drivers, rather than an obstacle that can't be overcome or impact to neighbouring businesses or the public.



I'm generally satisfied with the intention to create staff car parking for both Richardson's and the IGA in order to offset the impact on customer carparking in the main street, however creating a specific customer car park as part of the addition would have been best. Understand that perhaps this introduced other issues that could not be overcome on the site. The new parks being always available and used by staff would need to be a condition of the DA – I wouldn't want to see them used for temporary storage later on.

I also received the following comments from new engineer Cody, who used to provide traffic engineering advice on developments as part of his previous role:

- *What is the requirement for wheel stops for the carparks numbered 13 through 16? It may be possible to include more parallel parks in this area if the wheel stops are removed.*
- *Has there been consideration for parking along the Richardson's Hardware building between the two identified storage areas? The full length may not be able to be used due to the movements of the 12.5m rigid vehicle but there may be room on the southern end of this area for additional spaces.*
- *There does not appear to be a door or any access to the plant area at the rear of the new structure. It appears that there is a wire mesh fence along the back and no internal access or side doors into this area.*

Email 26 August 2022:

Has it been considered to reduce the footprint of the extension slightly in order to create additional public parking spaces off the existing laneway on the eastern side of the IGA?

The applicant has had the opportunity to redesign the proposal to ensure further compliance with Council's DCP.

Does this proposal have any potential impact on:

	Impact	Comment
Sewer	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	No amenities have been detailed in the floor plan. It will can be conditioned that this be detailed as part of a LG S68 application.
Water	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	No internal water detail has been detailed on the plan. It will can be conditioned that this be detailed as part of a LG S68 application.
Drainage	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	It will can be conditioned that this be detailed as part of a LG S68 application.
Access	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The access will require upgrading. This can be conditioned.
Kerb & Gutter	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Upgrade Existing Road	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Road Network	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Existing Easements	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	It is assumed there is a right of way agreement with the neighbouring Lot 1 DP 995937. As there will be bigger delivery trucks entering and exiting the site, it will be conditioned that an in-perpetuity maintenance agreement, containing resolution mechanisms, be prepared prior to any Occupation Certificate being issued.
Electricity	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Telecommunications	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Pedestrian Access	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Loading & Unloading	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Parking	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Energy Conservation	Yes <input type="checkbox"/> No <input type="checkbox"/>	

Does the development require any new easements? Yes No

Has an Erosion and Soil Control Plan been submitted? Yes No

Construction Assessment

Is a Construction Certificate Required? Yes No

Is the Construction Certificate required for a subdivision? Yes No

Was a construction certificate submitted with this application? Yes No

Has a construction assessment been completed? Yes No

Is a Fire Safety Measures annual certification required? Yes No

Is a public defects liability agreement required? Yes No

Section 68 Assessment

Is a section 68 assessment required? Yes No

Has a section 68 assessment been completed? Yes No

Was a section 68 application submitted with this application? Yes No

What type of section 68 application is required? Sewer, Water, Stormwater, Trade Waste

Developer Contributions

Does this proposal require any Developer Contribution? Yes No

Signage

Does this proposal require signage? Yes No

Has this application included signage? Yes No

Comment: If there is to be a change in signage, a further development application will be required.

Notification

Does this application require notification/advertising? Yes No

Is this application an advertised development application under the EP & A Act? Yes No

Was this application notified/advertised as per the provisions of?
 EP& A Act LEP CCP Yes No

Dates Notification Undertaken	Commenced	3.9.2021	Finished	17.9.2021
Dates Notification Undertaken	Commenced	28.6.2022	Finished	12.7.2022

Were there any written submissions received? Yes No

If Yes, what was the number of submissions received? 1

Submission Maker:	S Rutherford
Issue:	Have issues with dust and rubbish and request the proposed colourbond fence extend the full length of their boundary.
Comment:	There is to be no fence. The first version of the plans showed a fence, but now it is open. Rubbish and dust maintenance will be conditioned. Sealing of the carpark area will manage the dust and a waste management plan will need to be submitted to and approved by Council.

Section 88b Instrument

Does Council require a Section 88b instrument to be prepared? Yes No

Comment: It is assumed there is a right of way agreement with the neighbouring Lot 1 DP 995937. As there will be bigger delivery trucks entering and exiting the site, it will be conditioned that an in-perpetuity maintenance agreement, containing resolution mechanisms, be prepared prior to any Occupation Certificate being issued.

Matter Prescribed by the Regulations

Clause 61(1) – Demolition Yes No

Comment: There will be some demolition works. A demolition plan will be required.

Clause 62 – Fire Safety Yes No

Comment: A report from a suitably qualified fire engineer will be required prior to the issue of a construction certificate.

Clause 63 – Temporary Structures Yes No

Clause 64 – Buildings to be Upgraded Yes No

Comment: The fire report will state all building upgrades to ensure compliance with the NCC.

Public Interest

Does this proposal have any construction or safety issues? Yes No

Comment: TfNSW have requested a TMP for the control of traffic during construction. This can be conditioned.

No consideration has been given to crime safety, at the rear of the building at night. It can be conditioned that security lighting be provided to ensure there are no dark spots.

Is there any public health issues? Yes No

Comment: A trade waste application will be required.

Is a Trade Waste Application required? Yes No

Are there any other public interest issues? Yes No

Comment: There is no customer onsite car parking provided. Therefore the public can expect increased traffic congestion and reduced parking availability within the street. This will also impact on the existing businesses.

Site Suitability

Section 4.15(1)(c) – EP & A Act

Is this a suitable site for this development? Yes No

Comment: Though the site is suitable for a supermarket, the site is not big enough to cater for a hardware shop and supermarket. Though the applicant states the extensions of some 41% will have minimal increase in customer patronage, this is difficult to accept based on the high percentage of additional floor space.

Currently the site does not contain enough onsite carparking, and this will push the parking into Fitzroy Street, which will detract from other businesses and cause congestion. This will go directly against the recommendations of TfNSW in regards to traffic and pedestrian safety.

Assessing Officer General Comment

Comment: Based on the planning merits discussed in this report, this development is considered to be an over development of the site.

Recommendation

This application be refused as:

1. This development is considered to be an over development of the site.
2. There is no onsite carparking for the supermarket customers.

-
3. The cumulative impact of both a hardware shop and supermarket, both traffic generating developments, will create parking congestion within Fitzroy Street creating traffic and pedestrian hazards.

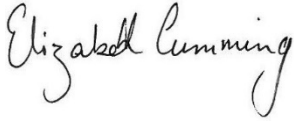
Conclusion

I confirm that I am familiar with the relevant heads of consideration under the Environmental Planning & Assessment Act and Local Government Act (if applicable) and have considered them in the assessment of this application.

I certify that I have no pecuniary or non-pecuniary interest in this application.

Additional Notes Attached

Yes No



Signed:

Elizabeth Cumming, Consultant Planner

Date: 26 August 2022