

JOINT REGIONAL PLANNING PANEL (NORTHERN REGION)

JRPP No	2012NTH018
DA Number	DA0086/2013 – Lodged 28 August 2012
Local Government Area	Tamworth Regional Council
Proposed Development	Construction of an educational facility and student accommodation for the Tamworth Education Facility (University of Newcastle).
Street Address	Lot 1 in DP 1173089 114-148 Johnston Street, North Tamworth
Applicant/Owner	Applicant: Mark Vandoros of Coffey Projects Owner: The University of Newcastle
Number of Submissions	Three (3).
Recommendation	Conditional approval.
Report by	Amanda Faulkner – Development Assessment Planner Jackie Kruger – Director Planning and Community Services
Report date	13 December 2012

Assessment Report and Recommendation

EXECUTIVE SUMMARY:

Reason for Consideration by Joint Regional Planning Panel:

The Northern Joint Regional Planning Panel (JRPP) is the consent authority for the subject Development Application pursuant to Division 3 of the Environmental Planning and Assessment Act 1979, for the reason that the proposal is a Crown Development, with a capital investment value of more than \$5 million.

As the proposal is a Crown Development, in accordance with the provisions of the Environmental Planning and Assessment Act, 1979, the consent authority must seek concurrence to any draft conditions of consent. The recommendation of this report reflects this requirement.

Brief Description of Proposal:

The subject development application seeks consent for the construction of an educational facility that provides tertiary level student teaching and accommodation facilities, car parking spaces, landscaping, civil/stormwater works and associated infrastructure. The plans and elevations are provided in Annexure 2.

The proposal is an initiative of the University of Newcastle's Department of Rural Health with the intent being to service the growing facility, in particular students involved in the Bachelor of Medicine and allied health programs servicing the New England and North West Region.

Recent Development History of the Site:

Development application 0211/2012 for the demolition of all structures and remediation of the site was granted consent on 6 December 2012. The consent has been enacted.

Compliance with Planning Controls:

The subject site is zoned R1 – General Residential pursuant to the Tamworth Regional Local Environmental Plan 2010. The proposal is defined as an "*Educational Establishment*" which is permissible with development consent within the R1 zone.

Consultation:

The development application was exhibited and notified in accordance with the provisions of Tamworth Regional Development Control Plan 2010 and two submissions of objection and one submission of support were received by Council. Copies of the submissions are contained within Annexure 1 and are discussed in greater detail later in this report.

Recommendation:

It is recommended that development application 0086/2013 be approved and concurrence be sought to conditions of consent.

Annexures:

Annexure 1	Submissions (Confidential).
Annexure 2	Plans and Elevations.
Annexure 3	Proposed Conditions of Consent.

EVALUATION OF THE DEVELOPMENT APPLICATION

1 Proposal

The development application seeks consent for the construction of an educational facility containing the following tertiary education and accommodation facilities:

- On campus accommodation for 57 students within 5 x 2 storey self contained dormitory blocks, each block containing 11 or 12 bedrooms.

The ground floor of each block will contain:

- 5 or 6 bedrooms, including storage and bedding areas.
- Bathroom and an accessible bathroom.
- Kitchenette space.

- Living area.
- Bike storage for 5 bicycles.

The first floor of each block will contain:

- 6 bedrooms, including storage and bedding areas.
 - Bathroom and an accessible bathroom.
 - Kitchenette space.
 - Living area.
- The 2 storey tertiary education facilities will consist of meeting rooms and teaching spaces.

The ground floor will provide:

- 7 meeting/lecture rooms for approximately 20 students.
- A lecture hall.
- Student break out areas.
- Amenities and plant rooms.
- Staff amenities and tea room.
- Computing and study areas.
- 13 small consulting rooms for staff and students.

The first floor will provide:

- Amenities and break out area.
 - 4 practitioner training and consultation rooms.
 - Lecture theatre.
 - 4 tutorial/lecture rooms.
 - A computer imaging room.
 - Clinical lab and associated storage areas.
- The site will provide extensive landscaped areas which vary in form to ensure future usability of spaces across the site. Plant selection and location has considered the extreme winter and summer conditions experienced in Tamworth.
- Onsite parking for 77 vehicles will be provided within 2 areas. A single vehicle access point to the site will be provided from Johnston Street, opposite the intersection of Johnston and Hunt Street.

2 Site Description

The property is known as 114-148 Johnston Street, North Tamworth (Lot 1 in DP 1173089). The site is located to the north east of the intersection of Tribe and Johnston Streets, and is situated between properties occupied by McCarthy Catholic College and the Tamworth Correctional Services Facility.

The subject site is approximately 6.93 hectares in area and is largely clear of vegetation. All structures on the site have recently been demolished in accordance with the provisions of development consent 0211/2012. The site contains a gentle slope from a high point in the north east of the site to a low point in the south west of the site. A watercourse exists along the western boundary. This watercourse is located approximately 60m from any proposed works.

Diagram 1 – Locality Plan

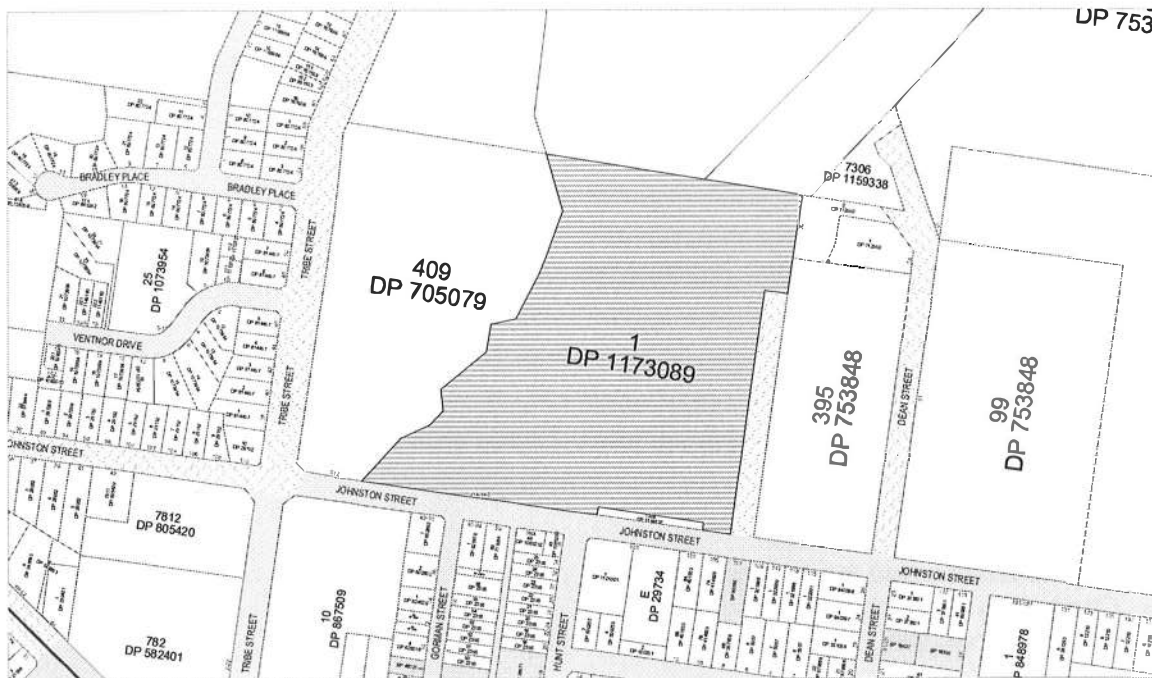


Diagram 2 – Locality Plan (Aerial Image)



3 Referrals

The development application was referred internally to Council's Infrastructure Planning Division, Water Enterprises Division, Environmental Health Officer and Building Inspector who have raised no objection to the proposal and have provided appropriate conditions, which have been incorporated into the conditions contained within Annexure 3 of this report.

4 Environmental Planning & Assessment Act 1979

S79C(1)(a)(i) any environmental planning instrument.

State Environmental Planning Policies:

State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP44)

Clause 6 of SEPP 44 applies to the development proposal as the site has a total area exceeding 1 hectare. A Flora and Fauna Assessment prepared by Mitchel Hanlon Consulting Pty Ltd has been submitted, which has concluded that trees listed in Schedule 2 of the *Environmental Protection and Biodiversity Conservation Act 1999* do not equate to 15% of the trees on the site, in either the upper or lower strata of the tree component. Hence, the site is not indicative of "Potential Koala Habitat"

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

Pursuant to Clause 7 of SEPP 55 the consent authority is to consider whether or not the land is contaminated, and if it is, whether the proposed land use is compatible with the contaminated state, or if the site will be suitable for that use after remediation.

Development consent 0211/2012 granted approval for the demolition of all structures and remediation of the site. These works are currently being undertaken and a condition of development consent will be imposed to ensure the appropriate validation report has been submitted to Council to ensure the remediation of the site has been completed prior to the commencement of any works which are the subject of this report.

Regional Environmental Plans:

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

Local Environmental Plans:

Tamworth Regional Local Environmental Plan 2010 (TRLEP)

Pursuant to the provisions of the TRLEP the subject site is zoned R1 – General Residential. The proposed development is defined as an 'educational establishment' and is permissible with development consent.

An 'educational establishment' means a building or place used for education (including teaching), being:

- (a) a school, or*
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.*

The relevant objectives of the R1 zone are:

- To provide for the housing needs of the community.

The proposed educational establishment will provide an accommodation facility for students who currently utilise limited and aged accommodation provided by the hospital, or private accommodation within the Tamworth area. The proposed facility will provide additional accommodation to that which is currently available and will better provide for the housing needs of health students on placement in the Tamworth area.

- To provide for a variety of housing types and densities.

The proposed facility will contribute to the variety of housing types and densities within the subject locality by providing dormitory-style accommodation for students. The facility will accommodate 57 students in 5 x 2 storey dormitory style blocks.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposed tertiary education and accommodation facility will provide the Tamworth community with facilities and services to meet the day to day needs of health students undertaking their tertiary studies in the New England/North West Region.

Development Control Plans:

Tamworth Regional Development Control Plan 2010 (TRDCP)

TRDCP does not provide any specific development controls for an educational establishment other than the onsite parking requirements, which are discussed below. As such, the proposal has been assessed in accordance with the General Development Specifications, with which the proposal is considered to be consistent.

Onsite Parking

TRDCP requires the provision of 1 onsite parking space per 2 staff, plus 1 space per 5 students. The proposal is Stage 1 of the overall redevelopment of the site, which will provide up to 70 staff and 100 students, which requires the provision of a total of 55 spaces (35 staff and 20 student). The proposal provides 77 onsite parking spaces.

S79C(1)(b) ***The likely impacts of development including environmental impacts on both natural and built environments and social/economic impacts in the locality***

Access, Transport and Traffic

The proposed development was referred to both the NSW Roads and Maritime Service and Council's Infrastructure Planning Directorate for comment in regard to access, transport and traffic. Both parties have raised no objection to the proposal and their respective responses/recommendations are summarised below:

NSW Roads & Maritime Service (RMS):

RMS notes that on-street parking in the vicinity of Johnston Street and Dean Street is under pressure due to parking arrangements at the Tamworth Hospital. Council should ensure that the proposed development provides sufficient on-site parking.

Comment: As previously discussed, in accordance with the provisions of TRDCP, the proposal exceeds the minimum onsite parking requirement of 55 spaces, by the provision of 77 spaces.

Council should consider the potential cumulative impacts of local developments upon the future safety and efficiency of connections to the classified road network. RMS recommends that Council consider collecting contributions from the developer towards future improvements to intersections and pedestrian facilities on the surrounding road network.

Comment: These potential impacts have been considered in the assessment of the proposal. Given that the nature of the use will involve residential accommodation and teaching facilities at the subject site, with teaching also occurring at the nearby hospitals, which are within walking distance of the site, it is considered unlikely that the use will have a detrimental impact on the local road network.

Council may wish to consider the adequacy of road design, existing footpaths/cycleways and pedestrian crossing points at both the site access point and at the Johnston Street – Dean Street intersection.

It is recommended that consideration be given to the provision of effective and safe pedestrian connections between the site and local attractions, such as supermarkets, the hospital campus, and public transport routes.

Comment: Conditions of consent have been recommended to require the provision of pedestrian footpaths along Johnston Street which will assist in the provision of connections between the site and the hospital, public transport routes and the Northgate Shopping Centre.

TRC Infrastructure Planning:

The proposal will require pavement widening and kerb and gutter to be constructed along the Johnston Street frontage of the site, from where it currently terminates adjacent to Hunt Street to the existing kerb and gutter at the western boundary of the site. The kerb and gutter will be required to be designed to discharge captured stormwater to the natural watercourse west of the site via a piped underground drainage system.

The wearing surface of the pavement widening in Johnston Street will be required to be minimum 30mm asphalt. A 1500mm wide footpath will be required to be constructed from the main entrance of the site to Dean Street, to provide a pedestrian link between the development and the existing University facilities at the Tamworth Base Hospital.

Flora and Fauna

A Flora and Fauna Assessment prepared by Mitchel Hanlon Consulting Pty Ltd has been submitted to address the potential impacts the development proposal may have on any existing flora and fauna communities on the site or within the surrounding locality.

The Assessment considered the provisions of the SEPP and concluded that subject to the requirements listed below, the proposal will not have a detrimental impact on any potentially occurring declared threatened species and species in general, which may potentially utilise the vegetative habitats of the area:

- That mature trees exhibiting hollows remain in-situ.
- That selected endemic or naturalised native species remain in-situ.
- That proposed landscape plantings are composed of native endemic vegetation.
- That the gully buffer located to the west of the proposed buildings be re-vegetated with native endemic vegetation.

Any conditions of consent will require compliance with the recommendations of the Flora and Fauna Assessment.

Social Impact

The proposed facility will have a positive social impact within both the city of Tamworth and the wider community. The proposed accommodation, teaching and education facility for medicine and allied health students will promote and encourage the next generation of doctors, physiotherapists and the like, to remain in regional communities like Tamworth, once their studies are complete.

Economic Impact

The proposed development should not result in any notable negative economic impact on the community. If anything, the proposed development should have an overall beneficial economic outcome by providing new employment opportunities not only for those employed at the site, but also the subsequent support industries in the Tamworth Region.

Cumulative Impacts

The cumulative impacts of the proposed development are considered negligible provided that potential issues in relation to parking, increased traffic and access to the site are addressed as per recommendations made by both NSW Roads & Maritime Services and Council's Infrastructure Planning Directorate.

S79C(1)(c) *The Suitability of Site for the Development*

The site is considered to be suitable for the proposed development, being centrally located in relation to Tamworth Base Hospital. The education and accommodation facility will not have any detrimental impacts of an environmental/social/economic nature on the subject locality. The proposed development is consistent with the existing development in the area.

S79C(1)(d) *Any Submissions Made in Accordance with the Act or Regulations*

The application was advertised and notified in accordance with Tamworth Regional Development Control Plan 2010. Two submissions of objection and one submission of support were received.

The submissions of objection referred to the following issues:

- The amount of potential extra traffic that would be requiring access to the proposed facility via Dean Street and Tribe. These intersections, along with the Manilla Road/Tribe Street intersection, are already high traffic areas causing significant delays, especially at school opening and closing times.
- That the current 'No Parking' requirements in place along the northern side of Johnston Street (street frontage of subject lot) should remain in place and be enforced once the proposed use is commenced as the subject section of Johnston Street is considered to be too narrow for parking to be permitted on both sides of the street.

S79C(1)(e) *The Public Interest*

The public interest has been considered throughout the assessment of the application and it is considered that the approval of the application will not be contrary to the public interest, subject to the implementation of conditions.

CONCLUSION:

The proposed development, constituting an educational facility (the Tamworth Education Facility (University of Newcastle)), will provide the city of Tamworth and the greater New England/North West region with improved facilities that will allow medicine/health students to live and study in Tamworth.

The proposal is expected to have limited impact upon the surrounding locality in terms of affecting the amenity of the area and complies with the development controls relevant to the site. Traffic, access and parking issues raised in relation to the proposed facility have been addressed in the design of the development.

The development is sympathetic to environmental qualities of the site and the greater locality. The proposal is considered to be reasonable and appropriate under section 79C(1) of the Environmental Planning and Assessment Act 1979, and as such is recommended for approval.



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