

COUNCIL ADDENDUM REPORT

NORTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSNTH-274 DA2024-0192 (PAN-392898)
PROPOSAL	Erection of an Educational Establishment - University Campus
ADDRESS	Part Lot 73 DP 1107041 Parks & Reserves inc. Bicentennial Park & Velodrome Kable Avenue TAMWORTH NSW 2340
APPLICANT	L Norton C/- University of New England Suite 1, Level 8, 92 Pitt Street Sydney NSW 2000
OWNER	Tamworth Regional Council
DA LODGEMENT DATE	08/12/2023
APPLICATION TYPE	Development Application (Integrated) CROWN DA
REGIONALLY SIGNIFICANT CRITERIA	Section 2.19(1) and Clause 4 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as: Development carried out by or on behalf of the Crown (within the meaning of Division 4.6 of the Act) that has a capital investment value of more than \$5 million.
CIV	\$26,515,000.00 (excluding GST)
CLAUSE 4.6 REQUESTS	NIL
KEY SEPP/LEP	<ul style="list-style-type: none"> • <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 (Planning Systems) 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	Three (3) total unique submissions
KEY ISSUES IN SUBMISSIONS	Key issues: <ul style="list-style-type: none"> • Design is out of place. • Regional university campuses are not viable. • The site should be a true community development – a library or the like. • Lack of opportunity for expansion.
REVISED DOCUMENTS SUBMITTED FOR CONSIDERATION	Attachment 1: Recommended conditions of consent Attachment 2: Approval from the Crown (Applicant) for imposition of Conditions Attachment 3: Plan Set for Endorsement Appendix A – Applicant’s Response to Deferral Appendix B – Traffic Impact Assessment Appendix C – Green Travel Plan Appendix D – CPTED Review Appendix E – CCTV Cameras Field of Vision Report Appendix F – Schematic Design Report
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	N/A
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	YES
SCHEDULED MEETING DATE	20 November 2024
PLAN VERSION	Version No. 02
PREPARED BY	Christopher Ross - Consultant Town Planner
DATE OF REPORT	13 NOVEMBER 2024

EXECUTIVE SUMMARY

DA2022-0192, seeking development consent for the construction an Educational Establishment - University Campus comprising four-storeys, with at grade carparking and associated infrastructure on Part Lot 73 DP 1107041, known generally as 545 Peel Street, TAMWORTH NSW 2340 was considered by the Northern Regional Planning Panel (NRPP) (the Panel) at its meeting of 18 September 2024.

The Panel deferred their determination of the application until mid-November to allow for the provision and assessment of a suite of information to support the assessment and consideration of the application, including:

- *Revised Traffic and Parking Analysis and Strategy that includes:*
 - *Comparative data with more relevant tertiary institutions, including the UNE Armidale campus*

- *Analysis by building user group including consideration of public use of the building such as the clinical spaces*
- *Indicative operation arrangement such as allocated parking, paid parking and timed parking to support quantum of proposed parking*
- *Justification for reliance on on-street parking and availability*
- *Linkages to other public parking areas*
- *Opportunities to relocate parking for people with disabilities, closer to the building*
- *Location and number of proposed bicycle parking spaces*
- *Location and number of proposed parking spaces*
- *Green Travel Plan to support proposed parking provision*
- *Provision of shared paths on Roderick and Peel Streets adjacent the site and adequate connection to other potential off-site parking areas*
- *Crime Prevention through Environmental Design assessment – including external lighting and CCTV requirements to accessible and safe site access from Peel and Roderick Streets and the on-site parking area given proposed hours of operation*
- *Clear set of consistent plans and documents including clear delineation of the works to be delivered within and beyond the proposed site boundary and arrangements for long term maintenance and operation.*

The decision to defer was unanimous.

The Applicant provided revised documentation to Council for assessment on Wednesday 23 October, which has been assessed and is the subject of this addendum report. The revised documents include the following amendments:

- Site Boundary
 - Updated Site Boundary for consistency with subdivision boundary as per DA2025-0063 (PAN-464173).
- Roderick Street
 - Shared pathway to minimum width provided to boundary of the site;
 - Angled parking shown along Roderick St including two accessible parking spaces close to the building entry.
- Peel Street
 - Shared pathway to minimum width provided to boundary of the site.
- Scott Road edge
 - Existing turf included to the edge of the Scott Road shared path.
- Ground Floor
 - End of Trip Facilities added.
- Carpark
 - Accessible parking bays shown, looped carpark aisle updated to match civil plan.
- Peel River Levee Pathway
 - Lighting and CCTV added (indicative plans shown in CPTED report).
- Amended Architectural plans including
 1. DA Set Cover Page (B)
 2. Survey Plan (A)
 3. Demolition Plan (A)

4. Proposed Site Plan (B)
 5. GA- Ground Level (A)
 6. Street Elevations (A)
 7. Plant, Fire, Pump, Refuse Enclosure (A)
 8. Shadow Diagrams (Winter Solstice) (A)
 9. DA + Schematic Design Report (October 2024)
 10. CPTED_Final20241023
 11. L111_GA-A1 (05)
 12. L140_PLANTING PLAN-A1 (04)
- Revised Statement of Environmental Effects (Site Area updated to reflect revised survey plans)
 - CPTED Report including a CCTV and lighting plan;
 - Green Travel Plan; and
 - Revised Traffic Impact Assessment

Council is generally satisfied that the revised documentation addresses the key areas considered integral to the proposal, as identified by the Panel within the Record of Deferral, dated 20 September 2024.

There remain some elements in relation to the traffic study and proposed CCTV locations and ongoing use that could be managed toward a better outcome, however, Council notes that the Applicant has largely addressed the active transport opportunities and amenity impacts of the development, and the recommended conditions contain opportunity to refine the matters further post approval.

This addendum report assesses only the elements of the application that have been added, altered, or amended in response to the Record of Deferral, and does not replace the previous assessment as presented to the Panel on 18 September 2024.

Following a detailed assessment of the updated documents and associated plans, pursuant to Section 4.16(1)(a) of the EP&A Act, it is recommended that DA2022/0192 be approved subject to the revised conditions of consent contained in **Annexure A** which have been agreed to by the Applicant.

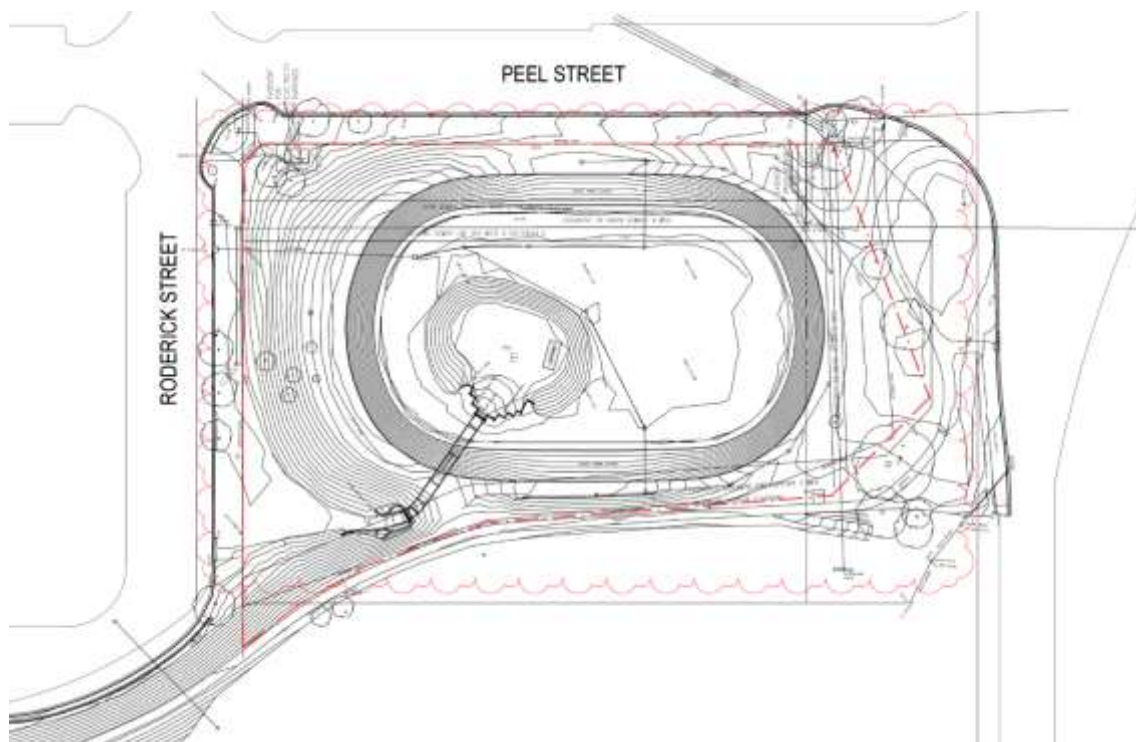
1. THE SITE AND LOCALITY

1.1 The Site

The subject land is an irregularly shaped area of Tamworth Regional Council owned public open space that generally separates the Tamworth CBD from the Peel River. The large allotment is legally known as Lot 73, DP 1107041 and holds a total area of approximately 14 Hectares. Lot 73, DP 1107041 is to be subdivided under separate application (DA2025-0065), yet to be determined, with the resultant allotment subject to this application to hold frontages to Peel Street to the northeast, and Roderick Street to the northwest. The specific area of the allotment subject to this application is commonly described as 545 Peel Street, Tamworth and is proposed to hold a total area of 11,120 m² after subdivision. This subdivided allotment is referred to as 'the site' throughout this report.

Refer to **Figure 1** for a revised subdivision plan, noted as holding consistency with the revised documents assessed within this Addendum Report.

Figure 1: Revised Subdivision Plan



2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposal (DA2024-0192) seeks consent for an 'educational establishment', a 'car park', and associated site works.

The multi storey education facility building is of an irregular shape and contains three levels of teaching rooms.

The key development data is provided in **Table 1**, which remains generally same as that presented under the report as assessed by the Panel 18 September 2024 (GFA has been corrected).

Table 1: Development Data

Control / Item	Proposal
Site area	11,120 m ²
GFA	2,245m ²
FSR (retail/residential)	N/A
Clause 4.6 Requests	No

Hours of Operation	For Staff:	
	Monday to Friday	5am to 11pm
	Saturday and Sunday	6am to 11pm
	For Students:	
	Monday to Friday	6am to 11pm
	Saturday and Sunday	6am to 11pm
Max Height	18.7m	
Landscaped area	Total area not specified, however substantial in context of site.	
Car Parking spaces	53	
Proposed Staff	<ul style="list-style-type: none"> • Per CPTED – 31 • Per Traffic Report – 30 • Per SEE – N/A 	
Proposed Students	<ul style="list-style-type: none"> • Per CPTED – 299 • Per Traffic Report – 295 • Per SEE – N/A 	
Setbacks	North (to Roderick Street) 7.79m	7.79m
	East (to Peel Street) From Educational Facility	25.6m

	From Services Building	1m (approx.)
	South (to Scott Road)	85.7m
	West (to Peel River Boundary)	16.26m

2.2 Background

The development application was lodged on **8 December 2023**. A chronology of the development application since lodgement is outlined in **Table 2**.

Table 2: Chronology of the DA

Date	Event
27/12/2023 14/02/2024	- Exhibition of the application
20/12/2023	DA referred to external agencies
13/03/2024	Panel Briefing
17/04/2024	Request for Information from Council to applicant
08/05/2024	RFI response received with minor amendments to plans. Amendments limited to additional detail on Plant Room materiality and presentation, and a minor realignment of the carparking layout (contained within the updated Traffic Impact Assessment). Updated plans accepted by Council under CI 38(1) of the <i>Environmental Planning and Assessment Regulation 2021</i> ('2021 EP&A Regulation') on 03/06/2024 when individual documents/plans were uploaded to the Planning Portal.
18/09/2024	Panel meeting held to consider the application and recommendations of Council. Meeting resulted in a deferral, subject to listed matters being addressed.

17/10/2024	Meeting held between Applicant and Council to discuss progress of the revised documentation. Council noted areas of revised work that would require additional focus, including costs of proposed CCTV works, and update of Traffic Report to accurately reflect the CBD and to better address comparisons to similar development.
18/10/2024	Meeting held between Applicant's Traffic Planner and Council's Engineer to further discuss the required update of Traffic Report to accurately reflect the CBD and to better address comparisons to similar development.
23/10/2024	Meeting held between Applicant and Council to discuss the finalisation of the documents required to address the deferral. Documents partially supplied to Council night of 21/10/2024. Meeting was high level discussion, and noted same matters remaining somewhat outstanding.

2.3 Site History

The site has historically been utilised as public open space, with a concrete velodrome occupying the site for the past 30 years. Refer to aerial photograph (**Figure 2**) for present site conditions.

The application history of relevance for the subject area of the site is:

- **DA077/1993** - Velodrome Bicycle Facility Club - Approved 17 June 1993.
- **DA601/2002** - Installation of Light Poles and Fittings to Velodrome - Approved 20th May 2002.
- **DA2024/0277** - Removal and demolition of infrastructure at existing velodrome and level site – Approved 14 June 2024.
- **DA2025/0065** - Subdivision to create new lot – Under Assessment

Figure 2: Aerial Image of Site – August 2024



3. STATUTORY CONSIDERATIONS

When determining a development application, 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 development application 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.

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

The development is classified as Crown Development as the UNE is identified as the Crown under the provisions of Clause 294(b) of the EP&A Regulation 2021, and subsequently Section 4.32(2)(a) of the EP&A Act 1979 identifies the proposed DA is Crown development.

As Crown Development, defined through Section 4.33 of the EP&A Act, a consent authority (other than the Minister) must not:

- a. *refuse its consent to a Crown development application, except with the approval of the Minister, or*
- b. *impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.*

As such, the proposed conditions of consent have been supplied to the Applicant for review and approval prior to the recommendation of approval being presented the Planning Panel for consideration. Refer **Annexure A**.

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 (Sustainable Buildings) 2022*
- *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 (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 3** 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 (Biodiversity & Conservation) 2021	Clause 4.9(2) – requires Council to consider the impact of development on koala habitat. Council is satisfied that the proposal will have minimal impact on koala habitat, there being no koala habitat on or around the subject site, and therefore consent can be granted.	Y
State Environmental Planning Policy (Sustainable Buildings) 2022	Chapter 3: Standards for non-residential development Schedule 3: Standards for energy and water use for large commercial development	Y
State Environmental Planning Policy (Industry and Employment) 2021	Chapter 3: Advertising and Signage Section 3.6 – granting consent to signage	Y
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development Clause 4 of Schedule 6 – declares the development to be regionally significant development as it comprises Development carried out by or on behalf of the Crown with an estimated development cost of more than \$5 million.	Y
SEPP (Resilience & Hazards)	Chapter 4: Remediation of Land Clause 4.6 – contamination and remediation have been considered and, as such, the site is suitable for the proposed development.	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 3 – Educational Establishments & Childcare Facilities <ul style="list-style-type: none"> Clause 3.46 Development Permitted with Consent – the proposed development is permitted with consent as it is located within a prescribed zone (E2), which is prescribed zone for universities in Section 3.44. Clause 3.58 Traffic Generating Development – the proposed development has been referred to TfNSW, with the matters referred to in subsection (3) taken into consideration. 	Y
Proposed Instruments	Nil	N/A
Tamworth Regional Local Environmental Plan (TRLEP) 2010	Clause 2.3 – Permissibility and zone objectives Clause 4.4 – Floor Space Ratio Clause 5.10 – Heritage	Generally compliant

	Clause 5.21 – Flood Planning Clause 7.1 – Earthworks Clause 7.6 – Development in flight path Clause 7.11 – Design Excellence	
Tamworth Regional Development Control Plan (TRDCP) 2010	Step 2 – Commercial / Retail Development Controls Step 3 – Environmental Controls	Generally compliant

Consideration of the relevant SEPPs remains consistent with that addressed under the assessment report presented to the Panel 18 September 2024.

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 Section 7.12 (formerly Section 94A) (Indirect) Contributions Plan 2013
- Tamworth Regional 7.12 (formerly Section 94) (Direct) Development Contributions Plan 2013

The proposed development would be subject to the provisions of the Tamworth Regional Section 7.12 (formerly Section 94A) (Indirect) Contributions Plan 2013 if not for the Crown Development classification of the Applicant. The nominated cost of the development is \$26,515,000.00 (excluding GST). Therefore, the applicable Section 7.12 contribution would be \$265,250.00 based on 1% of estimated construction cost, and would be paid prior to the issue of a Construction Certificate. A condition of consent was recommended in this regard as part of the assessment and recommended conditions as provided to the Panel for determination at the meeting of 18 September, however the Applicant declined the condition.

Noting the previously declined drafted condition of consent requiring the payment of the identified contributions, the Applicant has instead offered to design, install, and then hand over a CCTV and lighting works to a value of \$1 Million to Council that will cover areas likely to have an increased public use as a result of the development. Further discussion on the proposed CCTV and lighting works is provided within the Reasons for Deferral section of this report, at Section 4.

(b) 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.

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

There are no prescribed matters under the EP&A Regulation 2021 that apply to the proposed development.

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.

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

- Context and setting – The proposed development is considered appropriate for the context and setting of the site, and is located in an area of the CBD that is complementary to the surrounding locality. No land use conflict issues are anticipated subject to compliance with the recommended conditions of consent.
- Access and traffic – Matters relating to traffic and access are resolved to a degree Council is satisfied there should not be detrimental impact to the wider area as a result of the development.
- Public Domain – The proposed development is considered to improve the public domain and streetscape through a considered design that has been formed through community consultation. The revised plans show a continuation and expansion of public footpaths with appropriate street tree planting that will enhance the public domain.
- Utilities – All utilities are available to the site.
- Water & Sewer – the subject land is connected to Council's reticulated water infrastructure and existing sewer infrastructure
- Natural Hazards – the subject land is identified as being partially bushfire prone. General referral conditions have been provided by the NSW Rural Fire Service and are included in the recommended condition of consent.
- Noise and vibration – the proposed development is expected to generate noise and vibration emissions during construction and, to a lesser extent, operations. However, as addressed within the original assessment report, no adverse impacts are anticipated.
- Safety, security and crime prevention – Crime Prevention Through Environmental Design or CPTED has been considered as part of the assessment. CCTV of the proposed development, along with areas of the public domain anticipated to have increased activity is proposed as part of the updated/amended plan, and the building and lands associated with the development can be expected to remain in good order and well maintained, which will assist in territorial reinforcement and space management. Wider pedestrian linkages to the site have been addressed to a small degree, and are discussed further within this report within Section 4.
- Social impact – It is anticipated that the proposed development will result in a positive social impact by providing new educational facilities that will cater to local and out of area students.
- Economic impact – the proposed development is likely to contribute to the economic sufficiency of the Tamworth community by providing University educational facilities associated with a regional provider that will help cater to the local population.

- Cumulative impacts – no adverse cumulative impacts are anticipated.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

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

- The proposed development, being an 'educational establishment', is permitted with consent in the E2 zone and under Clause 3.46 of the Transport & Infrastructure SEPP 2021;
- The proposed development is considered to be consistent with the objectives for the E2 zone;
- The proposed development, as amended, is not expected to result in detrimental impacts to the wider community, subject to the imposition of suitable conditions of consent; and,
- The attributes of the site are conducive to the proposed development, as discussed throughout this assessment report.

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

The application was exhibited between 27 December 2023 – 14 February 2024. Three (3) submissions were received against the application. These submissions were considered within the report as assessed by the Panel 18 September 2024.

The revised documents were not notified noting the overall concept remains same as previously notified, and the matters raised through objections were those generally held as reasons for deferral.

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

The development is considered to achieve balanced and orderly outcomes and is in the public interest. The development has demonstrated no significant amenity impacts will arise now or in the future, subject to the imposition and compliance with recommended conditions of consent.

REFERRALS AND SUBMISSIONS

3.6 Agency Referrals and Concurrence

The revised development documents were not referred to external agencies for comment/concurrence/referral as no matters altered would impact on any advice received during the initial assessment of the application. Per the original assessment, the following external agencies were referred to, with comments as noted within **Table 4**.

Table 4: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
N/A			
Referral/Consultation Agencies			
RFS	S4.14 – EP&A Act Development on bushfire prone land	General referral conditions received. RFS note that entire development site shall be managed as an inner protection area in accordance with Appendix 4.1.1 of Planning for Bush Fire Protection 2019.	Yes
Transport for NSW	S3.58 - SEPP (Transport and Infrastructure) 2021 Traffic Generating Development	TfNSW has provided a response with recommendations dated 21 June 2024.	Yes
Essential Energy	Clause 2.48 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 requires referral of applications immediately adjacent to an electricity substation to be referred to the affected energy provider.	Essential Energy provided a response with recommendations on 11 February 2024	Yes
Integrated Development (S 4.46 of the EP&A Act)			
N/A - this Division does not apply to development the subject of a development application made by or on behalf of the Crown (within the meaning of Division 4.6), other than development that requires a heritage approval.			

3.7 Council Officer Referrals

The revised documents subject of this report have been referred to various Council officers for technical review as outlined **Table 5**.

Table 5: Consideration of Council Referrals

Officer	Comments	Resolved
Community Safety and CCTV Specialist	No objections in principle, though notes that costing of CCTV equipment, ongoing maintenance, and final configuration of equipment and location of CCTV is unresolved. These issues are considered in more detail in the Reasons for Deferral section of this report, at Section 4.	Refer to Section 4 for detail
Traffic	Council's Traffic Engineering Officer reviewed the proposal and raises continued concerns in relation to car parking and access. These issues are considered in more detail in the Reasons for Deferral section of this report, at Section 4.	Refer to Section 4 for detail

3.8 Community Consultation

The application was exhibited between 27 December 2023 – 14 February 2024. Three (3) submissions were received against the application. These submissions were considered within the report as assessed by the Panel 18 September 2024.

As detailed earlier within this report, the revised documents were not notified noting the overall concept remains same as previously notified, and the matters raised through objections were those generally held as reasons for deferral.

4. Updates in Response to Reasons for Deferral

The Panel deferred determination of the application noting that *“key issues integral to the proposal have not been adequately considered to demonstrate that consequential and operational impacts can be adequately addressed or mitigated. The Panel’s principal concerns relate to parking, provision of supporting pedestrian and cycle connections and related infrastructure to adjacent areas and external parking locations, and public domain safety and security”*.

The Panel further stated that *“the Panel notes inconsistencies between plans and documents submitted for approval including the proposed site boundary, extent of proposed works to be delivered within and beyond the proposed site boundary, and arrangements for long term maintenance and operation”*.

The Panel deferred their determination of the application until mid-November 2024 to allow for the provision and assessment of the following information to support the assessment and consideration of the application:

- *Revised Traffic and Parking Analysis and Strategy that includes:*
 - *Comparative data with more relevant tertiary institutions, including the UNE Armidale campus*

- *Analysis by building user group including consideration of public use of the building such as the clinical spaces*
- *Indicative operation arrangement such as allocated parking, paid parking and timed parking to support quantum of proposed parking*
- *Justification for reliance on on-street parking and availability*
- *Linkages to other public parking areas*
- *Opportunities to relocate parking for people with disabilities, closer to the building*
- *Location and number of proposed bicycle parking spaces*
- *Location and number of proposed parking spaces*
- *Green Travel Plan to support proposed parking provision*
- *Provision of shared paths on Roderick and Peel Streets adjacent the site and adequate connection to other potential off-site parking areas*
- *Crime Prevention through Environmental Design assessment – including external lighting and CCTV requirements to accessible and safe site access from Peel and Roderick Streets and the on-site parking area given proposed hours of operation*
- *Clear set of consistent plans and documents including clear delineation of the works to be delivered within and beyond the proposed site boundary and arrangements for long term maintenance and operation.*

The Applicant has submitted a suite of documents to address the Reasons for Deferral, broadly grouped within the four points of deferral as follows.

4.1 Revised Traffic and Parking Analysis and Strategy

The Applicant has submitted a revised Traffic Impact Assessment, dated 23 October 2024 and a Green Travel Plan, dated 22 October 2024 in response to the deferral. These reports were discussed over the course of two meetings held between the Applicant and Council staff prior to lodgement with Council, with matters relating to trip generation, parking provision, and alternate parking areas raised for further consideration.

The two documents were referred to Council's Development Engineering Division for comment, with the following response received:

Proposed number of Car Park comments:

- *Carparking numbers on site of 53 proposed spaces are well short (125 spaces) of the applicants own individual parking needs assessment of 178 spaces. Development Engineering represents the interests of TRC's road network operators, the applicant's justification for some of this shortfall rests on the availability of carparking bays on the Peel and Roderick Street frontage and surrounding off street carparks It is noted that:*
 - *The applicant is not adding any on-street capacity. In fact, the opposite is the case. The development will have the effect of removing a number of existing bays from the Peel Street frontage in order to facilitate the vehicular access (and any associated "no stopping" zones that might be required to facilitate protected turning bays and the like).*

- *The Roderick Street bays have quite a high occupancy already, and the Peel Street bays are at least in part formally dedicated as loading zone. Those areas of the Peel Street frontage that are not currently formally identified as loading zones are regularly utilised by RV's and other large vehicles, being close to the Paradise Caravan Park, and being readily accessible parallel bays (as opposed to the angle parking bays elsewhere in the immediate vicinity, including Roderick Street).*
- *Utilisation of on street parking and surrounding off street carparks by university staff, student, visitor and service vehicles as proposed by the applicant will have a negative impact on the current parking dynamic in this area. Development Engineering is of the view that there should be no reliance on offsite parking and the full parking requirement should be provided on site or through leasing car parking opportunities through commercial agreements to address overflow parking needs.*
- *Notwithstanding the above comments it is recommended as condition of consent line marking of the bays on Roderick and Peel Street is completed for the more efficient use of on street parking in this area.*
- *The applicant suggests that a shortfall in parking is a good thing in that it “supports environmental sustainability by discouraging car dependency”. Patrons of this facility are unlikely to choose alternative sustainable modes of transport because the on-site carparking is congested. They will drive anyway, and park on the surrounding street network. (A more appropriate design response would be to make the site modular in nature – whereby carparking spaces could, at some appropriate time in the future, be deleted and the site repurposed in response to dwindling carpark usage – as factors like autonomous vehicles and significant improvements in public transport gain ascendancy).*

Proposed car park layout comments:

- *The swept paths that have been provided with the updated information have primarily been based on the B99 vehicle. There is a need for larger service vehicles to enter the site. Swept paths have only been presented for the service vehicle entering the site and reversing up to the bin store. It is not clear how this vehicle would exit the site in forward motion. Additional swept path analysis should be provided.*

Conclusions:

- *Using the merit-based traffic assessment 178 car parking spaces are required - There is a significant shortfall with only 53 proposed paid parking spaces offered on site.*
- *Car parking opportunities through commercial agreements should be investigated to address overflow parking needs.*
- *The parking shortfall will cause significant parking disruption to surrounding business with students looking for free all-day parking in the vicinity potentially using carparks in nearby fast-food outlets and Woolworths.*
- *Recommend condition that green travel plan is reviewed annually in consultation with Council to address any concerns regarding parking.*

On review, the revised Traffic Impact Assessment and the newly submitted Green Transport Plan go some way to addressing the concerns of the Panel in terms of providing detail on the specific matters raised, being:

- *Comparative data with more relevant tertiary institutions, including the UNE Armidale campus*
- *Analysis by building user group including consideration of public use of the building such as the clinical spaces*
- *Indicative operation arrangement such as allocated parking, paid parking and timed parking to support quantum of proposed parking*
- *Justification for reliance on on-street parking and availability*
- *Linkages to other public parking areas*
- *Opportunities to relocate parking for people with disabilities, closer to the building*
- *Location and number of proposed bicycle parking spaces*
- *Location and number of proposed parking spaces*
- *Green Travel Plan to support proposed parking provision*

However, there remains significant information shortfalls in relation to off-site parking, benchmarked Universities, and the ability for the Green Travel Plan to have an ongoing impact, and whilst the Traffic Impact Assessment makes no mention of dedicated parking, Action 10 of the Green Travel Plan encourages staff and student carpooling (staff with staff, student with student) and notes that *“staff committed to carpooling with others could be allocated priority parking spaces in an area of the car park. The provision of dedicated spaces, ensuring that these users will be able to find a space on-site, may encourage users to investigate carpooling”*.

It is the understanding of Council that no effort has been made by the Applicant to offset the parking impact through commercial agreement with businesses holding existing parking excess, nor has any agreement been made with Council for the use of the existing on road parking spaces along Roderick or Peel Streets. Council has however included a new condition requiring the developer to contribute improving the on street parking amenity as a result of the shortfall by providing line marking for car parking spaces on both the Peel Street and Roderick Street frontages. Any future use of these spaces for the development exclusively, or alteration of on-street parking format would be subject to approval of the Tamworth Region Local Traffic Committee, and no guarantee of this support can be suggested.

Benchmarked sites are not considered to be similarly located in that the proposed campus is not similar in location or public transport serviceability to the Universities noted – with University of Newcastle, Newcastle CBD and Gosford CBD Campus’s referenced – both serviced by numerous public transport options. Refer **Figure 3** for extract of Traffic Impact Assessment Table 3.6 - Similar Existing Developments. Further, and of interest is the comment within the CPTED Report on the proposed parking numbers on site, where it is stated that *“limited proposed on-site and adjacent on-street parking will further encourage walking, cycling and bus use, activating local paths and streets around the southern end of the Tamworth CBD”*.

Where exactly the wider user group is walking from is unknown.

Figure 3: Extract of Traffic Impact Assessment Table 3.6 - Similar Existing Developments

Project	Proposed works	Student number	Staff number	Traffic generated (peak hour trips)	Vehicle Trips /Total Occupation
UNE Tamworth Central Campus	Four-storey school building with carpark.	295	30	75	23%
Educational Establishment (Charles Sturt University) and Associated Infrastructure	Whole university	700	74	336	43%
Nihon University Newcastle Campus (accommodation)	Education establishment with student accommodation. Construction of two 4-storey buildings	100	8	20	18%
New Space Project at the University of Newcastle CBD Campus	10 storey education buildings	2000	100	19	1%
University of Newcastle Gosford Campus	New tertiary institution in Gosford.	660	50	35	5%

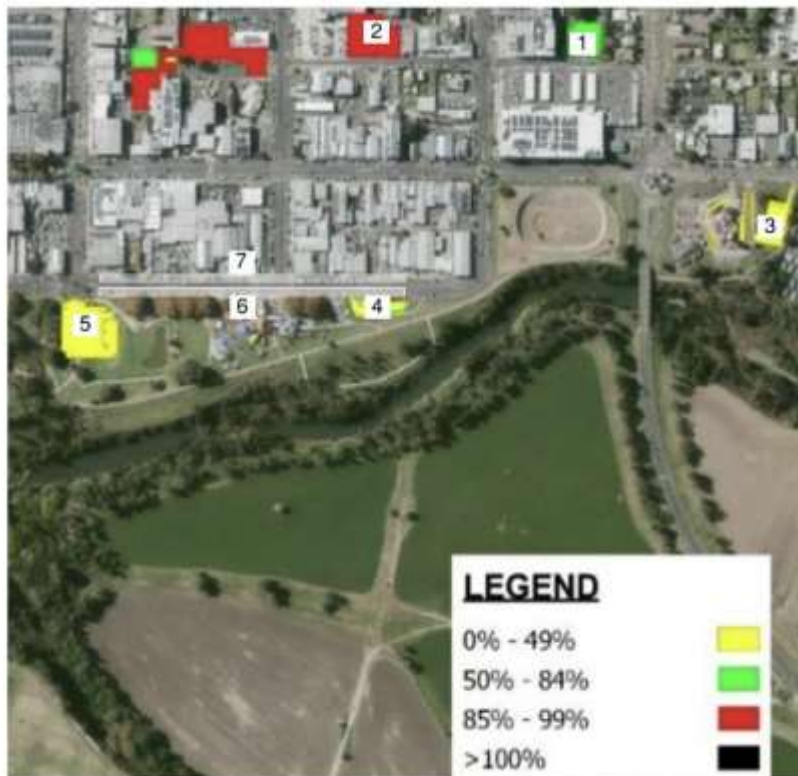
In relation to off-site parking areas, the Traffic Impact Assessment identifies a number of locations throughout Tamworth CBD that hold assumed vacancy throughout the day. These sites are identified within **Figure 4** – with a scale indicating vacancy rates.

Neither the Traffic Impact Assessment, nor the Green Travel Plan detail what methods could be employed to allow use of the identified off-site parking spaces in a manner that didn't require users to drive to each to see what vacancy there might be, and neither report provided information on pedestrian access or safety accessing those parking areas identified beyond the following (identical in both reports):

The area is well-connected by footpaths; however, there are missing linkages along Peel and Roderick Streets in front of the site. The proposal includes the provision of shared paths adjacent to the site along these streets to ensure adequate connections to other off-site parking areas. A new access point is proposed from the existing shared path on the levee that connects to the internal walkway running along the southwestern end of the site. Additionally, the connecting pathways underneath Scott Road leading to the car park area will be retained.

It is noted that the CPTED Report also fails to make note of any pedestrian access to or from those parking areas identified, with the exception of the parking at the Country Music Hall of Fame, located east of the site and accessed on foot utilising the footpath underpass on the riverfront walk. The remainder – accounting for 95 parking spaces of the 125 shortfall proposed, are assumed to be safe for the increased user cohort.

Figure 4: Assessment of available parking in each area



It remains unclear the true impact of the development to the CBD parking and traffic situation, however, it is recommended to impose a series of conditions that provide Council with confidence the development will have a managed impact on the local area moving forward.

These conditions require the Applicant to go through the correct channels (Tamworth Region Local Traffic Committee) to make on-street changes to the parking arrangements in the area (C9), and for the Applicant to design, install and provide maintenance for the use of CCTV covering public parking at Byrnes Avenue, and public parking at and around the Regional Playground on Kable Avenue (C57). Further, a condition has been recommended (C8) requiring the Green Travel Plan to be reviewed and implemented in perpetuity and revised as part of any expansion of the site for the purposes of minimising the impact on surrounding street networks and businesses.

4.2 Provision of Shared Paths

In response to the deferral, the Applicant has submitted a revised landscape plan (Landscape General Arrangement Plan (WIP) TW-L111 05) showing footpaths along the Roderick and Peel Street frontages.

Architectus detailed possible landscape treatment extension to the kerb along part of:

- Roderick Street edge, including:
 - Paving to the kerb to allow for a generous public realm / arrival from Roderick Street.
 - Accessible parking, drop-off zone, and convenient access along Roderick Street.
 - New trees along the street verge, set in paving to provide additional shade to footpaths and parking areas.

- Peel Street edge, including:
 - Paving to the kerb to allow for a generous public realm
 - New trees along the street verge, set in paving to provide additional shade to footpaths and parking areas and to visually screen the Eastpoint loading dock

Detailing of tree planting location and species is proposed to be developed at a later stage in agreement with TRC.

On review, the revised Landscape Plan addresses the specific matters raised, and the Applicant is committed to providing the paths as indicated. The provision of adequate pathways to other off-site parking is somewhat addressed through the revised Traffic Impact Assessment and the CPTED Report, however, as detailed under both reviews, there are areas of concern to Council that have been addressed through condition (C57).

4.3 CPTED

Architectus have authored a CPTED report to support the proposed works in response to the deferral. Detail on CCTV and lighting within the proposed building and site boundary has been updated and clearly identified within the report, with some additional CCTV and lighting external to the site being included to the underpass connecting the site to the public parking at the Country Music Hall of Fame site.

Council notes that the CCTV and lighting is being proposed in lieu of the Applicant paying the 7.12 Contributions associated with the project, and as such an estimate on costs involved was sought. This was not provided.

The CPTED Report was referred to Council's Community Safety and CCTV Specialist for comment, with specific query on the value of the proposed system so accurate consideration of offset worth can be attained, with the following response received:

Estimating pricing for individual cameras (replacement/repair) and the associated licences is possible but that is only one factor. As it stands, we don't know how they are proposing to achieve the more costly items such as power to the pole, fibre or links etc which will affect ongoing costs. We don't know the final scale of the project - that is to say, will public parking at Byrnes Avenue, and public parking at and around the Regional Playground on Kable Avenue be taken into account?

Additionally, it's difficult to price out operational costs and particularly the maintenance aspect. The price will vary depending on whether Council keeps maintenance in house or engages an external contractor to perform the works.

On top of that, you have the tech maintenance which includes things like ongoing firmware upgrades.

In order to provide relatively accurate pricing, we would need to see the final design.

Whilst there has been an attempt to address both the safety of students and staff that will utilise the parking at the Country Music Hall of Fame site, and to offset the calculated 7.12 contribution fees, the Applicant has not provided sufficient detail to justify either.

No costings have been supplied, be it for the initial installation, the connection to Council's existing management systems, or the maintenance of the CCTV/lighting systems.

The CPTED Report states that “it is proposed that CCTV cameras and lighting located outside of the site boundaries would be installed on poles along the shared path in accordance with Council specifications and dedicated to Council for their ongoing operation and maintenance” however, no detail on the suitability of this arrangement is provided, and no handover has been discussed with Council to date.

Figure 5: Proposed External CCTV Locations



Council is supportive of the concept of off-site CCTV and lighting being provided as it will assist in the safety of the users of the development, and assist in the ongoing provision of safe pedestrian activity within the CBD, however, the lack of detail, and lack of wider camera and lighting locations is of concern.

A draft condition has been proposed(**C57**) that requires the CCTV and lighting plan to be revised to include coverage of nearby public pedestrian and carparking areas to TRC design standards, including the existing car parking spaces around the Australian County Music Hall of Fame building, public parking at Byrnes Avenue, and public parking at the Regional Playground on Kable Avenue between Hill Street and Roderick Street, and for the persons benefitting from the consent to engage with Council through a consultation process to clarify the revisions to the CCTV network and to ensure there is a clear understanding Camera type, location, ongoing maintenance, and ownership. The condition also details that in lieu, the developer must provide an agreed contribution amount up to the value of \$1 Million to Tamworth Regional Council, which will cover the cost of installation and ongoing maintenance of CCTV and lighting works.

These conditions have been included to ensure Council is not left with ongoing maintenance and management fees, or left with a system incompatible with the wider, Council managed CCTV system and lighting network.

Should these conditions be declined by the Applicant, Council is not confident that the proposed CCTV/lighting works are appropriate for the development, or in the public interest.

4.4 Clear Plans

The Applicant has confirmed that the discrepancy with site boundary through supporting documentation was a factor of timing difference between the subject application being lodged and the subdivision application being finalised.

A revised Subdivision Plan has been provided (DA0052, issue A), and the Applicant has updated supporting documents, confirming the site boundary is now consistent with the proposed subdivision.

The boundary extends to the levee shared path, and the Applicant has confirmed UNE will maintain grounds to adjacent pathways, with turf being indicated on plans suggesting that maintenance is unlikely to be an ongoing issue.

5. CONCLUSION

The Applicant's response to the Record of Deferral has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this addendum report. Following a thorough assessment of the key issues identified within the Record of Deferral, and subject to the imposition of key conditions, it is considered that the application can be supported.

It is considered that the key issues as outlined in Section 4 have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions at **Attachment 1**, which have been agreed to by the Applicant

6. RECOMMENDATION

That the Development Application DA2022-0192 for the construction an Educational Establishment - University Campus Part Lot 73 DP 1107041, known generally as 545 Peel Street, TAMWORTH NSW 2340 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 Attachment 1.

The following attachments are provided:

- Attachment 1: Recommended conditions of consent
- Attachment 2: Approval from the Crown (Applicant) for imposition of Conditions
- Attachment 3: Plan Set for Endorsement
- Appendix A – Applicant's Response to Deferral
- Appendix B – Traffic Impact Assessment
- Appendix C – Green Travel Plan
- Appendix D – CPTED Review
- Appendix E – CCTV Cameras Field of Vision Report
- Appendix F – Schematic Design Report