

DETERMINATION AND STATEMENT OF REASONS
NORTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	3 December 2024
DATE OF PANEL DECISION	3 December 2024
DATE OF PANEL BRIEFING	20 November 2024
PANEL MEMBERS	Dianne Leeson (Chair), Stephen Gow, Michael Wright, James Treloar and Glenn Inglis
APOLOGIES	None
DECLARATIONS OF INTEREST	Stephen Bartlett declared a conflict of interest as he is related to the person who prepared the application documentation. He did not participate in any Panel meetings relating to this matter.

Papers circulated electronically on 13 November 2024.

MATTER DETERMINED

PPSNTH-274 – Tamworth - DA2024-0192 – 545 Peel Street, Tamworth – Erection of an Educational Establishment – University of New England Campus (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report, including:

- The proposal is permissible within the E2 Commercial Centre Zone and generally consistent with the objectives of the zone;
- The proposed development is compliant with applicable environmental instruments and Council's planning controls;
- The proposal will contribute to the strategic intent of Council to increase activation of the eastern end of the Tamworth CBD;
- The site of the proposed development is suitable for the intended use with adequate road and utility services able to be provided and / or upgraded;
- Traffic and parking impacts have been adequately addressed and will be periodically monitored and reviewed;
- The Panel is satisfied that impacts associated with the proposed development can be adequately mitigated subject to the imposition of conditions;
- The proposed development will provide tertiary educational facilities to the people of Tamworth and the surrounding community, having economic and employment benefits through its construction and operation, and long term social benefits through provision of educational opportunities. It is therefore in the public interest.

- The Panel has imposed conditions relating to operations and security, including specific offsite public pedestrian and parking areas, upgrades to adjoining footpaths, EV charging and bicycle parking as enhancements to the proposal.

The Panel is satisfied that the reasons for deferral have been adequately addressed by further information provided or by conditions imposed under this consent, including:

- Provision of shared paths along for the length of the development site to both Peel Street and Roderick Street frontages;
- UNE has committed to provision of CCTV and lighting improvements, to the value of \$1M, at 3 nearby public pedestrian and parking areas which are relied on to support campus parking demand;
- Provision of EV charging infrastructure for vehicles and bicycles;
- Review of parking in conjunction with Council and relevant businesses 1 and 5 years post occupation, with related review and update of the Green Travel Plan.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- Amend Condition 8 to insert the following at the end of the condition:
The Green Travel Plan is to be updated in conjunction with the timings of the Parking Review at Condition 83 at minimum, though will also be required at any event timing mentioned within this condition.
- Amend Condition 9 correct the typographical error to replace 'befitted' with 'benefitted' in the second sentence
- Insert new Condition 10, which reads as follows and renumber the remaining conditions accordingly:
10) No less than forty (40) bicycle parking spaces are to be implemented and maintained for the lifetime of the development, designed in accordance with AS2890.3. and inclusive of required end of trip facilities.
- Amend the section heading after new condition 10 to read as 'Conditions to be Completed Prior to Crown Certificate'
- Amend now Condition 15 (former condition 14) to update the condition reference to '23'
- Amend now Condition 17 (former condition 16) to:
 - insert the words 'Prior to the commencement of Landscaping works' at the start of the condition, and
 - update the advisory note and insert additional advisory note, which reads as follows:
Advisory Note 1: Any revisions to the existing regulatory line marking and signage required in order to facilitate parking, access and pedestrian movements (including the removal of existing parking bays to facilitate a left turn lane into the development off Peel Street) will need to be referred to the Local Traffic Committee (LTC) for endorsement. Early submission of any associated documentation is recommended in order to avoid processing delays. It is noted that LTC support for the proposed changes cannot be implied by virtue of this consent, and it may be necessary to canvas alternative strategies in the event that LTC support is not forthcoming.

Advisory Note 2: Due to the heavy reliance on on-street parking & no knowledge of the positioning of the LTC regards changing zones/line marking etc., flagging a pathway to a feasible & meaningful Plan B is important.

- Amend now Condition 24 (former condition 23) under the Sewer heading, second dot point to delete 'to' and insert 'with'
- Amend now Condition 35 (former condition 34) by deleting the words 'Traffic Control Plans' and inserting 'Traffic Guidance Schemes'
- Amend now Condition 46 (former condition 45) by deleting the second sentence and inserting 'A minimum of fifty-three (53) carparking spaces and forty (40) bicycle parking spaces shall be provided on the site, including any required accessible spaces and EV charging infrastructure for the development.'
- Amend now Condition 54 (former condition 53) by amending the two references to the Department to be 'Department of Planning, Housing and Infrastructure'
- Insert new Condition 57 which reads as follows and renumber the remaining conditions accordingly:
Earthworks
57) Any allotment filling that may be required for the development site shall meet the requirements of AS3798 (as amended) – Guidelines on Earthworks for Commercial and Residential Developments. Certification of the allotment filling shall be provided by a geotechnical testing authority registered under NATA.
- Amend the section heading after new condition 57 to read as 'Conditions which must be Complied with Prior to Issue of Any Crown Completion Certificate'
- Amend new Condition 58 (former condition 56) to read as follows:
58) In consultation with Tamworth Regional Council the developer is to provide on street parking spaces adjacent to the site on Peel and Roderick Streets in accordance with AS2890.5 (as amended) or otherwise approved by Local Traffic Committee.
- Amend now Condition 59 (former condition 57) to read as follows:
59) The developer must design and install CCTV and lighting works in the adjacent and nearby public pedestrian and carparking areas, to the value of \$1.0 million, as agreed with the proponent. The existing carparking areas to be covered by the CCTV and lighting include the following:
 - Public parking around the Australian Country Music Hall of Fame building;
 - Public parking at Byrnes Avenue between Roderick Street and Hill Street; and
 - Public parking on Kable Avenue between Roderick Street and Hill Street.

The CCTV and lighting design plan and works must comply with Tamworth Regional Council's design standards and all associated costs borne by the developer. Or in lieu, the developer may enter into a contractual arrangement with Tamworth Regional Council for the installation of the required CCTV and lighting.

In the event that developer undertakes the works, the infrastructure will be handed to Tamworth Regional Council on completion, and Tamworth Regional Council will be responsible for the ongoing operation and maintenance. In the event that Council is contracted to install the CCTV and lighting, these will become Council's assets at completion of the installation.

- Amend now Condition 69 (former condition 67) to update the condition references to '52' and '53'
- Amend now Condition 70 (former condition 68) to update the condition references to '72'

- Amend now Condition 71 (former condition 69) to insert at the end of the condition 'or as otherwise approved by Tamworth Regional Council through the S.138 process.
- Insert new Condition 81 which reads as follows and renumber the remaining conditions accordingly:
81) The fifty-three (53) car parking spaces on site are to remain available for use at all times. Any restriction on parking must be supported by an Event Management Plan. Council may consider a single Event Management Plan that covers multiple events through consultation with the UNE.
- Amend now Condition 82 (former condition 79) to read as follows:
82) Any events to be held within the grounds of the UNE Campus are to be limited to hours outside of the specified teaching periods of the UNE. An event Management Plan shall be prepared that considers parking on and off site during and for events to ensure that carparking within the surrounding area is maintained at a functional level.
- Insert new Condition 83 which reads as follows:
83) A review of parking is to be undertaken in conjunction with Council and relevant businesses (i.e., impacted or nearby) at 1 and 5 year intervals post occupation. UNE is to undertake a parking analysis and produce a parking strategy utilising traffic surveys, parking utilisation surveys, and Campus use. This study is to be produced at nil cost to Council or other businesses and include a review of the uptake of EV charging points within the carpark of UNE, and provide recommendations for mitigation measures as required to alleviate traffic and parking congestion within the immediate surrounds of the UNE Campus are to be provided to Council.

Findings of the review are to be implemented in conjunction with relevant stakeholders and with relevant approvals from Council as required.

- Insert new Condition 84 which reads as follows:
84) The approved hours of operation for the Campus are as follows:
 - Staff –
 - Monday to Friday - 5am to 11pm
 - Saturday and Sunday - 6am to 11pm
 - Students –
 - Monday to Friday - 5am to 11pm
 - Saturday and Sunday - 6am to 11pm

No use of the buildings or grounds is to occur outside of the approved hours of operation without consultation with or agreement by Council.
- Insert new Advisory Note iv) which reads as follows:
iv) The consent has been issued on the basis that no paid or permit parking is to be implemented in relation to on-site parking.



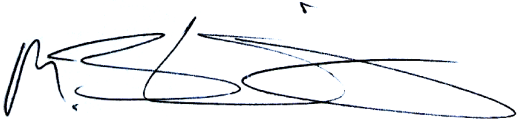


CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Design is out of place
- Regional university campuses are not viable
- Site should be a true community development – a library or the like
- Lack of opportunity for expansion
- Parking is not provided at a sufficient rate to cater for the proposed student and staff numbers
- Site would be better used as a regional art gallery

- Buildings appear to have not been designed with energy efficiency in mind

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report. The Panel notes that in addressing these issues, appropriate conditions have been imposed.

PANEL MEMBERS	
 Dianne Leeson (Chair)	 Stephen Gow
 Michael Wright	 James Treloar
 Glenn Inglis	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-274 – Tamworth Regional – DA2024-0192
2	PROPOSED DEVELOPMENT	Erection of an Educational Establishment - University of New England Campus
3	STREET ADDRESS	545 Peel Street, Tamworth (Part Lot 73 DP 1107041)
4	APPLICANT/OWNER	L Norton (Touchstone Partners) c/- University of New England Tamworth Regional Council
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> 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 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Tamworth Regional Development Control Plan 2010 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 11 September 2024 Council Addendum Report: 13 November 2024 Written submissions during public exhibition: 3 Total number of unique submissions received by way of objection: 3
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 13 March 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Stephen Gow (Acting Chair), Michael Wright and James Treloar <u>Council assessment staff</u>: Alice Elsley, Sam Lobsey and Steve Brake <u>Consultant Town Planner</u>: Christopher Ross <u>Department staff</u>: Carolyn Hunt and Lisa Ellis Site inspection: 03 April 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Stephen Gow <u>Council assessment staff</u>: Alice Elsley and Steve Brake Applicant Briefing: 18 September 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, James Treloar and Glenn Inglis

		<ul style="list-style-type: none"> ○ <u>Applicant representatives</u>: Louise Norton, Jo Scanlan, Melanie Fillios, Karl Eckerman, Hope Dryden, Nathan Bartlett, Steven Hill ○ <u>Council assessment staff</u>: Sam Lobsey, Adrian Cameron ○ <u>Consultant Town Planner</u>: Christopher Ross ○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis <ul style="list-style-type: none"> ● Briefing to discuss Council's recommendation: 18 September 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, James Treloar and Glenn Inglis ○ <u>Council assessment staff</u>: Sam Lobsey, Adrian Cameron ○ <u>Consultant Town Planner</u>: Christopher Ross ○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis <ul style="list-style-type: none"> ● Applicant Briefing: 20 November 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, James Treloar and Glenn Inglis ○ <u>Applicant representatives</u>: Louise Norton, Jo Scanlan, Chris Moran, Meredith Parry, Meredith Butler, Melanie Fillios, Karl Eckerman, Angela Collings, Hope Dryden, Grace Carpp, Steven Hill ○ <u>Council assessment staff</u>: Sam Lobsey, Alice Elsley, Steve Brake, Nick Smith, Graham McKenzie ○ <u>Consultant Town Planner</u>: Christopher Ross ○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis <ul style="list-style-type: none"> ● Final briefing to discuss Council's recommendation: 20 November 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, James Treloar and Glenn Inglis ○ <u>Council assessment staff</u>: Sam Lobsey, Alice Elsley, Steve Brake, Nick Smith and Graham McKenzie ○ <u>Consultant Town Planner</u>: Christopher Ross ○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Addendum Assessment Report