

COUNCIL ASSESSMENT REPORT

NORTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSNTH-292 DA2024-0283 (PAN-411441)
PROPOSAL	Construction of a new Medical Centre, Wellbeing Centre, and Allied uses
ADDRESS	Lot 2 DP 1264030 Hillvue Road, South Tamworth
APPLICANT	Tamworth Aboriginal Medical Service
OWNER	Tamworth Regional Council
DA LODGEMENT DATE	13 February 2024
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Section 3, Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 Council related development with a CIV over \$5 million.
CIV	\$20,401,587 (excluding GST)
CLAUSE 4.6 REQUESTS	NIL
KEY SEPP/LEP	• <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 & SUBMISSIONS ISSUES SUBMISSIONS UNIQUE KEY IN	Twenty-three (23) total unique submissions One (1) Petition with 222 signatures Key issues • Loss of greenspace and amenity • Traffic impacts in local road network • Increased crime • Noise
DOCUMENTS SUBMITTED FOR CONSIDERATION	Attachment A: Recommended Conditions of consent Attachment B: Architectural Plans Attachment B2: Landscape Plans

	Attachment C: Preliminary Civil Designs Attachment D: Pre-DA Meeting Minutes Attachment E: Nabers Attachment F: Tree retention and removal plan Attachment G: SEPP IE Sch 5 Assessment Attachment H: Preliminary Site Investigation Attachment I: DCP Assessment Attachment J: Traffic Impact Assessment Attachment K: Noise Assessment Attachment L: CPTED Report Attachment M: TfNSW Response Attachment O: Submissions Attachment P: Council Report Attachment Q: The Hyman Park Public Hearing Report
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	NA
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	15 September 2025
PLAN VERSION	Architectural Plans - February 2025
PREPARED BY	Petula Bowden – Consultant Town Planner
DATE OF REPORT	2 September 2025

EXECUTIVE SUMMARY

Development Application (DA2024-0283) seeks consent for a community-controlled health care service. The development will consist of a medical services building, wellbeing centre, allied health services building, outdoor gathering, reflection spaces, yarning circle, landscaping and carparking.

The subject land is known as Lot 2 DP 1264030, Hillvue Road SOUTH TAMWORTH (formerly a part of Lot 39, Section F in DP20599) and comprises 1.6 Hectares. The site has frontage to three roads which include Hillvue Road, Robert Street and Kathleen Street. The site is currently vacant.

The site is zoned RE1 Public Recreation pursuant to the *Tamworth Regional Local Environmental Plan 2010* (TRLEP). A medical centre and ancillary uses are permissible with consent in the RE1 zone.

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

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

The proposal was notified in accordance with Council's Community Participation Plan 2019 from 13 March 2024 to 17 April 2024. 23 submissions and a petition with 222 signatures were received by Council during the public consultation period.

The application was referred to the Northern Regional Planning Panel (NRPP) as the proposal constitutes 'regionally significant development' pursuant to Section 2.19(1) and Clause 3 of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021*. The development is regionally significant development as it has an estimated development cost more than \$5 million and the Council is the owner of the land on which the development is to be carried out.

A briefing meeting was held with the Panel on 24 July 2024 where key issues were discussed namely:

- surrounding development;
- reclassification of the land;
- engineering issues;
- community expectations; and
- site contamination.

The Panel also requested clarification in relation to the following matters:

- Alignment of the proposal with the zoning objectives;
- Land tenure arrangements;
- Proposed ancillary uses;
- Traffic assessment, including site layout and parking;
- Hours of operation;
- Stormwater;
- Strip of land connecting to Robert Street;
- Tree removal; and
- Visual amenity and the Sustainability SEPP.

The Applicant provided additional information on 17 February 2025 that addressed the issues identified at the Panel's onsite inspection on the 7th February 2025. These matters are also addressed where relevant throughout this assessment report.

The Applicant has been given the opportunity to review the recommended conditions.

Following a detailed assessment of the proposal pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979*, it is recommended that DA2024-0283 be approved subject to the conditions of consent contained in **Attachment A**.

1. THE SITE AND LOCALITY

1.1 The Site

The site (**Figure 1**) has a total area of 1.6 Hectares and is predominately flat in topography, with a minor slope from the northern to southern boundary; and a 2% slope from the western boundary to the eastern boundary respectively. The site is currently open grassed parkland with vegetation existing primarily towards the southern and eastern boundaries, being a variety

of trees ranging in size and maturity. There are newer plantings (trees) noted along the northern and north-eastern site boundaries.



Figure 1-Aerial Image of Subject Site.

The land is located in South Tamworth on the corner of Hillvue Road and Robert Street. The site also has a narrow frontage to Kathleen Street.

The western part of the allotment is approximately 122m wide along the Hillvue Road frontage and narrows to 18.93m in the eastern part of the site along Kathleen Street.

The site has frontage to the Hillvue Road in the west, Robert Street in the northwest and Kathleen Street in the east.

Pedestrian footpaths are available along Hillvue Road and Robert Street on both sides and on one side (opposite the site) on Kathleen Street. There is an informal gravel track which runs through the site from Hillvue Road to Kathleen Street, being more prominent at the Hillvue Road end.

Sewer mains traverse the site along the northern and southern boundaries, with the northern mains connecting with the existing infrastructure along Hillvue Road (shown in red in **Figure 1** above). Stormwater drainage infrastructure is located along the southern boundary, with the drainage infrastructure in Robert Street connecting into it from the north (shown in green in **Figure 1** above).



Figure 2- Site facing east from Hillvue Road



Figure 3- Site facing south from Robert Street



Figure 4- Site facing west from Kathleen Street

1.2 The Locality

The site is located within South Tamworth, approximately 3.7km south west of the Tamworth CBD.

The site is located within an area characterised by low-scale residential development, scattered commercial activities and parklands. The site is surrounded by residential dwellings with parklands to the west and remnant commercial development to the north along Robert Street. Surrounding land uses are predominantly general residential in nature with generally compatible uses and additional public recreation land interspersed throughout. Specifically, Hyman Park exists on the western side of Hillvue Road directly opposite the site, including play equipment and public toilets.

The site has historically been used as a park/recreation area, which formed part of Hyman Park, which encompasses additional land west of Hillvue Road.

Refer to **Figure 5** for an overview of the subject land in regard to the wider locality.

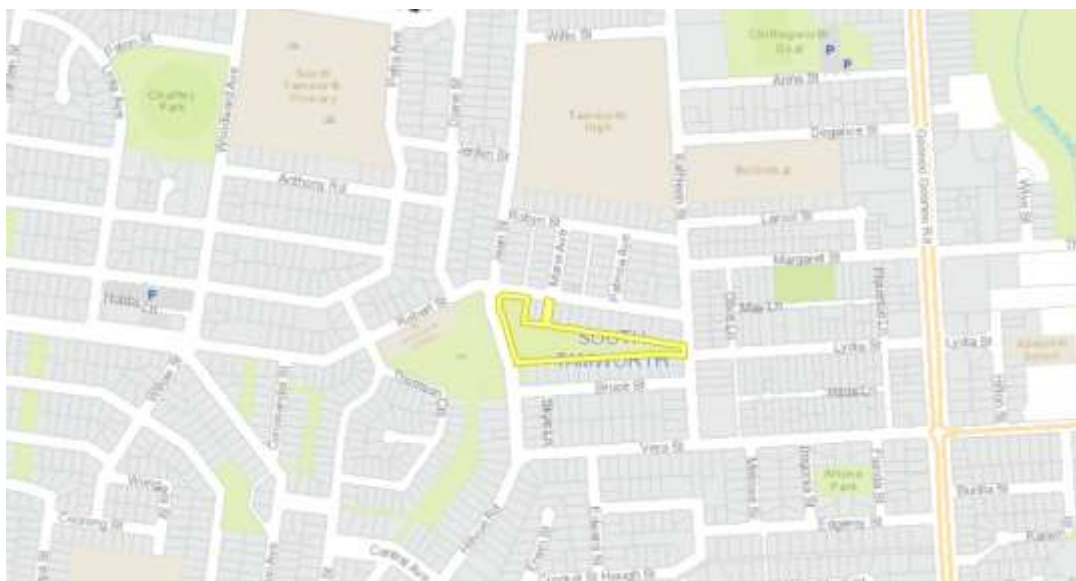


Figure 5- Locality Map

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposal (DA2024-0283) seeks consent for a 'medical centre' and associated site works.

Tamworth Aboriginal Medical Service is an Aboriginal community-controlled health care service providing culturally appropriate preventative primary health care services, designed to improve individual health care outcomes for the Aboriginal and non-Aboriginal community of Tamworth.

DA2024-0283 seeks consent for the construction of three new buildings that will involve an allied health services building, medical centre and wellbeing centre.

The proposed development works include the following:

A. Site Preparation Works

The site preparation works will result in the removal of 27 trees from the site.

The proposed earthworks will include the levelling of the site that will require minor earthworks.

A retaining wall has been included along the northern boundary.

B. Allied Health Services

The allied health services (**Figures 6 and 7**) building will be located in the north-western section of the site and comprise of 635m². The building will include three (3) separate tenancies (**Figure 8**).

Tenancy 1 - The first tenancy will cover an area of 295m² and will be used as a dental practice. The tenancy will contain a waiting room/reception area, four (4) dental rooms, lab room, sterile room, storage rooms, staff/meeting room, office, and amenities.

Tenancy 2/3 - Future occupants for the second and third tenancies are indicated to be used for healing space and offices/ consulting rooms for allied health uses in accordance with the current planning controls.



Figure 6- Allied Health East elevation



Figure 7-Allied Health West elevation



Figure 8-Allied Health Layout.

C. Medical Centre

The medical service (**Figures 9 and 10**) building will be located central to the site and comprise a GFA of 2,620m².

The building is split into three (3) sections, comprising a clinical wing in the east, a counselling wing in the southwest, and administrative wing in the northwest.

The building will include thirty-nine (39) consulting rooms, six (6) executive rooms, three (3) staff/board rooms, open office area and enclosed office areas, training room, amenities, admin and quiet room, reception, printing rooms, storage rooms, pharmacy room, secure storage room, treatment room, pathology room, medical storage room, physiotherapy room, bathrooms, café and kids creche.



Figure 9- Medical Centre South elevation



Figure 10- Medical Centre Layout

D. Wellbeing Centre

The wellbeing centre (**Figures 11 and 12**) will be located in the eastern part of the site and will comprise a GFA of 400m² and contain:

- multipurpose room;
- kitchen / servery;
- storerooms;
- bathrooms; and
- BBQ area.

The wellbeing centre shall be used for staff meetings, fitness, group therapy (men's, women's and elders), wake's, general health and wellbeing and other related community meetings.



Figure 11- Wellbeing South Elevation

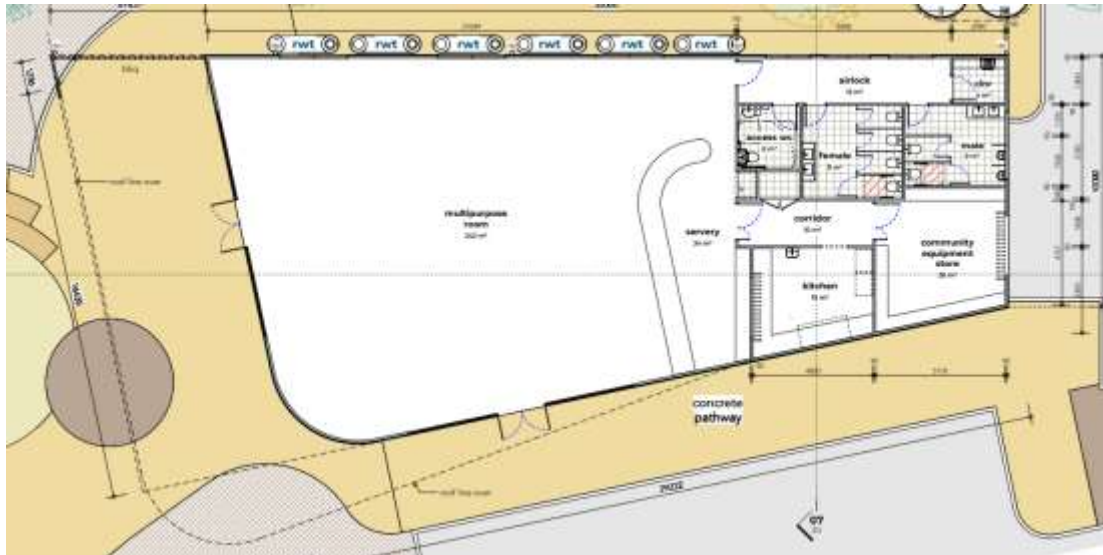


Figure 12- Wellbeing layout

E. External Areas

The proposal will also include outdoor spaces such as a gathering area (west), reflection space (between the medical centre and wellness centre), and yarning circle (east). It is anticipated that this space will be used daily with approximately 20-30 patrons throughout the day.

F. Landscaping

Landscaping will be provided throughout the site, including a 1.8m Colorbond fence (in some areas atop a 600mm retaining wall) is to be erected along the boundaries of the site where it adjoins existing residential development.

The development layout seeks to retain as many existing trees as possible (**Figure 13**). The development has been sited to maximise the retention of the majority of the onsite vegetation which is located predominantly along the southern boundary of the site. Where removal is required (27 trees to be removed), approximately 75 replacement trees with varying heights between 3m and 25m are proposed (**Figure 14**). Deep soil plantings are proposed to all setback areas. Plantings throughout that shall include the following drought and frost tolerant species; blackwood, forest oak, coast banksia, Queensland bottle tree, narrow leaved bottlebrush along with a suite of shrubs and groundcovers.



Figure 13-Tree Retention/Removal Plan



Figure 14- Proposed Landscaping

The development incorporates several communal facilities for use of staff, patients and visitors. These include external courtyard areas, a yarning circle. Reflection paces, outdoor gathering circle, bbq area, murals and turfed areas.

G. Access and Parking

Access is provided from all three (3) road frontages. The main access is provided from Hillvue Road in the southwestern portion of the site, while access to the allied health services building will be provided from Robert Street in the north.

Access will also be provided from Kathleen Street in the east.

The proposed development includes the provision of 119 spaces, including four (4) accessible spaces. An area for a drop off/ambulance zone is located at the entrance to the medical centre.

H. Acoustic Measures

The site is located within an urban area, characterised by residential dwellings, scattered commercial land uses and parklands. As such, noise control measures have been implemented with the proposed development. A combination of Colourbond fencing and acoustic fencing is proposed to mitigate noise impacts. These fences will have a height of 1.8m.

The acoustic fencing has been positioned along the outdoor gathering space area as this area is anticipated to be the biggest noise generator. The acoustic panelling consists of Corten steel sheet cladding on formwork with perforated artwork. A 'Gramm' barrier system acoustic fencing and climbing vine shall be implemented to reduce noise. The height of the proposed acoustic fence is approximately 3m and shall provide both noise controlling properties and establish a privacy screen to residential receptors. It is anticipated that no major noise sources shall be generated elsewhere on the subject site. Acoustic treatments shall also be applied to the plant rooms around the buildings.

An Acoustic Assessment report was prepared in support of the subject proposal. This report has quantified potential operational noise emissions from the project and recommends reasonable and feasible noise controls where required.

I. Signage

Low entry signage will be located at all road frontages, with a pylon sign also to be installed on the Hillvue Road frontage (**Figures 15 and 16**).

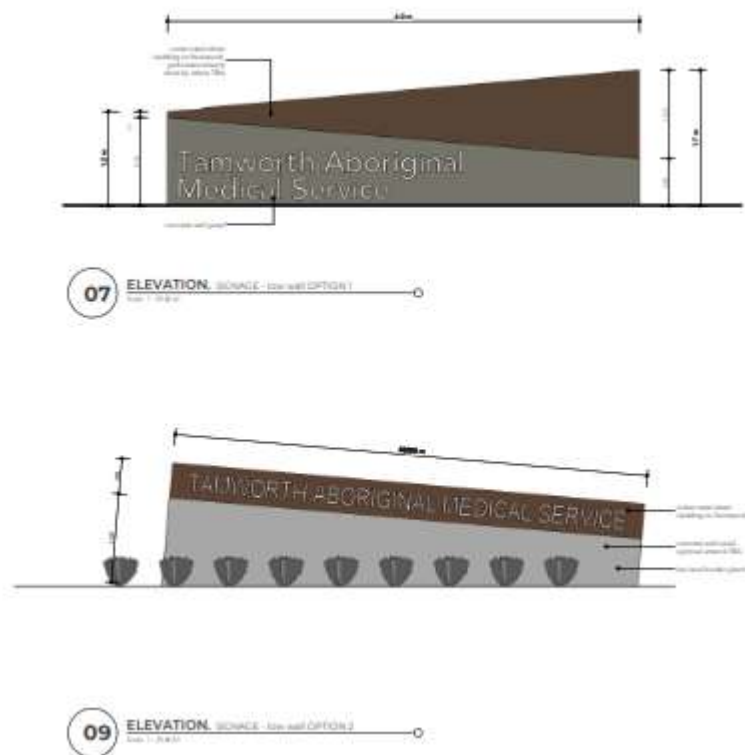


Figure 15- Low wall signs

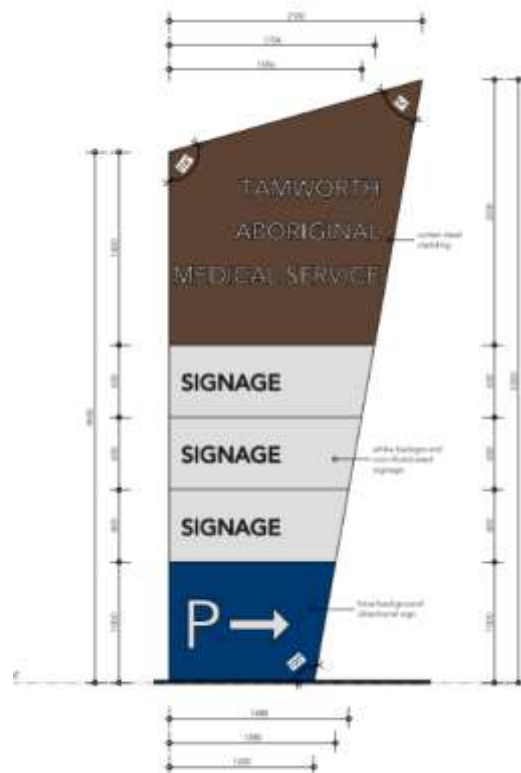


Figure 16-Pylon sign

J. Miscellaneous

Building material finishes are to consist of a combination of concrete panels, FC vertical panels, Colourbond cladding and guttering, zincalume downpipes, aluminium batten screening, aluminium framed glazing, Corten steel cladding, and Colourbond roof sheeting.

CCTV shall be installed internally and externally. In conjunction to this, appropriate lighting shall be installed for security monitoring.

A bin storage area is dedicated along the southern boundary of the site. This will contain a combination of general and recyclable storage options. Either Council or an appropriate collection company shall be nominated for the collection and disposal of waste.

The complete suite of development plans to which the proposal relates are provided as **Attachment B** to this report and outlined in **Table 1** below:

Table 1- Suite of Plans

No.	Plan	Revision	Date
00	Cover Sheet	Rev L	30.7.2025
01	3D Perspectives	Rev K	06.02.2025
02	Existing Site Plan	Rev K	06.02.2025
03	Overall Site Plan	Rev L	30.7.2025
04	Part Site Plan	Rev K	06.02.2025
05	Part Site Plan	Rev K	06.02.2025
06	Part Site Plan	Rev K	06.02.2025
07	Part Site Plan	Rev K	06.02.2025

08	Signage Details	Rev K	06.02.2025
09	Site Fence Setout	Rev D	30.7.2025
10	Fence Details	Rev L	30.7.2025
100	Safe Design of Structures and Part J	Rev G	29.1.2024
101	Medical Centre- Floor Plan	Rev H	06.02.2025
102	Medical Centre- Roof Plan	Rev H	06.02.2025
110	Medical Centre- Elevations	Rev H	06.02.2025
111	Medical Centre-Sections	Rev H	06.02.2025
200	Well Being Centre- Floor Plan	Rev G	06.02.2025
201	Well Being Centre- Roof Plan	Rev G	06.02.2025
210	Well Being Centre- Elevations	Rev G	06.02.2025
211	Well Being Centre- Sections	Rev G	06.02.2025
300	Allied Health – Floor Plan	Rev L	06.02.2025
310	Allied Health- Elevations	Rev L	06.02.2025
311	Allied Health- Sections	Rev L	06.02.2025
LA00	Overall landscape Layout Plan	Rev C	20.11.2024
LA01	Allied Health Services Layout	Rev C	20.11.2024
LA02	Medical Service building Layout	Rev C	20.11.2024
LA03	Well Being Centre Layout	Rev C	20.11.2024
LA04	Reflection Space Layout	Rev C	20.11.2024
LA05	Access Open Space Layout	Rev C	20.11.2024
LA06	Tree Retention Plan	Rev B	04.12.2023
LA07	Palettes	Rev B	04.12.2023

2.1.1 Operational Details

Staff

Staff numbers (50) are proposed to consist of the following;

- 10 qualified doctors,
- 4 registered nurses,
- 6 Australian Health Professionals,
- 3 transport staff,
- 7 executives,
- 5 drug and alcohol support staff,
- 6 social and emotional wellbeing staff,
- 1 NDIS staff,
- 2 aged care staff,
- 2 homelessness staff,
- 2 finance staff,
- 2 suicide prevention staff,
- and multiple visiting staff.

Hours of operation for the site would be 8:30am to 5:00pm Monday to Friday, with extended hours on Thursday until 8pm and Saturdays 8:30am to 2:00pm. The facility will be closed on Sundays and public holidays;

Waste

Medical waste shall be removed fortnightly via 2 Sulu bins and storage of 10 small sharps containers. No liquid trade waste is to be generated on the site. General waste shall be storage within the dedicated area on the site and removed weekly by a nominated contractor.

Traffic

The proponent anticipates that there would be 2 Rigid (12m long) truck deliveries per day and weekly garbage collection. TAMS will offer transportation services via 1 bus and 8 other vehicles. It is anticipated that there would be on average 20 vehicles/customers parking at the premises at any one time.

The key development data is provided in **Table 2**.

Table 2-Key development data

Control	Proposal
Site area	1.6 Hectares
GFA	3655m2
FSR (retail/residential)	N/A
Clause 4.6 Requests	No
Hours of Operation	8.30am-5.00pm Monday to Friday with extended hours on Thursdays to 8pm. Saturdays 8.30am- 2pm. Closed on Sundays and public holidays.
Staff	50 - with various numbers on a visiting basis
Max Height	8m (Medical Centre building)
Landscaped area	Substantial areas across the site.
Car Parking spaces	119 (including 4 disabled spaces)
Setbacks	5.0m to Robert Street 4.5m to Hillvue Road 4.0m setback of buildings to adjoining property boundaries.

2.2 Background

A pre-lodgement meeting was held prior to the lodgement of the applicant on **27 June 2023** where various issues were discussed. A summary of the key issues and how they have been addressed by the proposal is outlined below:

- Development characterisation
- Acoustic attenuation
- Carparking
- Access and Traffic

The Pre-DA meeting minutes are provided as **Attachment D**.

The DA was lodged on **23 February 2024**. A chronology of the DA since lodgement is outlined in **Table 3** below including the Panel's involvement (briefings, deferrals etc) with the application:

Table 3- Event Chronology

Date	Event
23 February 2024	DA lodged
13 March 2024	Exhibition of the application
6 March 2024	DA referred to external agencies and request for information from Council to Applicant
24 July 2024	Panel briefing
29 July 2024	Request for information from Council to Applicant
7 Feb 2025	Panel Site Inspection
18 Feb 2025	RFI Response received. Amended Traffic impact Assessment provided
26 August 2025	Report to Council to receive and note

2.3 Site History

The site has historically been utilised as a park/reserve. Hyman Park was provided for in DP 20599 for 'Reserve for Park, Recreation and Drainage' on 14 February 1947 under the Shire of Peel.

More recently, the Tamworth Aboriginal Medical Service identified the site as having potential for the construction of a substantial medical centre. They approached Council and a report to the Ordinary Council Meeting on 12 September 2017 was made, where it was resolved to undertake community consultation to gauge the community's sentiment regarding the medical centre. Subsequently, Fire and Rescue NSW have also expressed an interest in locating a fire station on the site independent of the proposed medical centre. At that stage, co-locating the two facilities on the site appeared to be a viable option.

Council recognised that reclassifying this section of Hyman Park may be a prudent course of action to facilitate these or other community uses on the site in the future. No other amendments to planning provisions were proposed, meaning that the land would remain zoned RE1 - Public Recreation with no minimum lot size restrictions.

In 2018, the land was subject to a reclassification proposal that changed the classification from Community Land to Operational Land. The planning proposal (Ref PP-2020-3187) was lodged with the Department of Planning, Housing and Infrastructure (DPHI) on 4 January 2018 (revision in March 2018).

The Planning Proposal report stated that the purpose of the reclassification was to allow for the future development of the site for either a medical centre or Fire and Rescue NSW facility. A community benefit was identified from the reclassification proposal.

The Planning Proposal was publicly notified in accordance with the DPHI Guidelines between 9 April 2018 and 9 May 2018. During this period 12 submissions (10 opposed and 2 in support) were received. A public hearing was also held on 18 July 2018. The issues identified in the submissions included:

- Traffic safety and congestion within the local road network
- Loss of parkland that is currently used by the surrounding community
- Loss of visual and acoustic amenity

At the Ordinary Council Meeting on the 9 October 2018, Council voted in favour to adopt the following recommendation:

That in relation to the report “Hyman Park Planning Proposal”, Council resolve to proceed with the planning proposal to remove the public reserve status and reclassify Part-Lot 39, Section F in DP 20599 from Community Land to Operational Land.

The abovementioned Part-Lot 39, Section F in DP 20599 as identified in the report is below in **Figure 17**.



Figure 17- Part Lot 39, Section F in DP 20599 identified in Council Report dated 9 October 2018.

The Council Report described the proposal, legislative requirements and minutes of the public hearing, along with the findings and recommendation of the independent chairperson. For the purposes of providing historical background of the reclassification process to the Panel to the extent possible, the Council Report is provided as **Attachment P**, and The Hyman Park Public Hearing Report, signed by the independent chairperson, is provided as **Attachment Q**.

Following the endorsement of this Planning Proposal by the Council on the 9th October 2018, the assessment was subsequently finalised, and the planning proposal was recommended for approval. The changes were gazetted on 23 August 2019, which formalised legal pathway, allowing for the proposed development to be constructed on the land subject to development consent being granted.

In a further meeting of Council on 8 June 2021 it was explained to Council that the original concept of a base for the Fire and Rescue NSW as well as the Tamworth Aboriginal Medical Service (TAMS) had changed due to Fire and Rescue establishing a base at 9-11 Ringers Road in the Longyard precinct, but that TAMS have renewed their interest in the land, which was put on hold due to the COVID-19 pandemic. Interest at the time was in regard only to a portion of the eastern side of Hyman Park, being the land closest to Hillvue Road and Robert Street.

An additional meeting of Council on 13 September 2022 resolved to proceed to sale of the entire portion of Hyman Park on the southern side of Hillvue Road. It was not resolved at this time to engage in further community consultation in relation to the changes to the proposed design of development.

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),*
- (b) *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.

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 4** and considered in more detail below.

Table 4- Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Biodiversity & Conservation) 2021	Chapter 2: Vegetation in non-rural areas Section 2.1 aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. Section 2.6(1) – requires approval from council for removal of vegetation to which Part 2.3 applies. Part 2.3 provides that a DCP may declare relevant vegetation. The TRDCP 2010 does not declare any vegetation for the purposes of the Biodiversity SEPP. However, it does that where mature trees and vegetation are removed that replacements landscaping should aim to include local indigenous species. Replacement planting around the carpark is proposed. Chapter 4: Koala Habitat Protection 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 (Industry and Employment) 2021	Chapter 3: Advertising and Signage Section 3.6 – granting consent to signage Section 3.11(1) – matters for consideration Consent for signage associated with the development is sought in this application. The proposal is considered acceptable in terms of its impacts in regard to the assessment criteria listed in Schedule 5. A Table of Assessment of the proposal against the provisions of Schedule 5 is provided as Attachment G.	Y
State Environmental Planning Policy	Chapter 2: State and Regional Development	Y

(Planning Systems) 2021	Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 3 of Schedule 6 as it comprises Development with an estimated development cost of more than \$5 million on land owned by the Council.	
State Environmental Planning Policy (Sustainable Buildings) 2022	Chapter 3: Standards for non-residential development Section 3.2 – A Section J Report was not submitted with the application, however the NCC Reports prepared for each of the 3 buildings suggested: <i>The energy efficiency of the building should be explored further to determine whether a performance solution will be required to meet the performance requirements of J1P1. The extent of building fabric and openings is not yet known and therefore compliance with the deemed to satisfy provisions is not clear. The use of JV3 to meet performance requirement J1P1 is recommended.</i> <i>This Verification Method compares the greenhouse gas emissions of a proposed building to that of a reference building which is based on the deemed to satisfy provisions. If the greenhouse gas emissions of the proposed building do not exceed that of the reference building, compliance with J1P1 is achieved.</i> <i>Through this modelling process, it must be demonstrated that the Performance Solution is equivalent to, or better than, the deemed to satisfy provisions. This equivalency is also one of the assessment methods recognised in the NCC. Solar photovoltaic systems and facilities for electric vehicle charging installed independently or as part of a performance solution should be identified early on and documented in the plans to be submitted with the development application and to be further considered in the preparation of the plans for the construction certificate.</i> A condition of consent is imposed to ensure that the development is carried out to meet the requirements of J1P1. A NABERS Embodied Emissions materials Form was submitted with the application and is provided as Attachment E.	

SEPP (Resilience & Hazards) 2021	Chapter 4: Remediation of Land Section 4.6 - Contamination and remediation has been considered in the Preliminary Site Investigation Report and the proposal is satisfactory subject to conditions.	Y
SEPP (Transport and Infrastructure) 2021	Chapter 2: Infrastructure Section 2.48(2) (Determination of development applications—other development) – electricity transmission. The development does not involve the penetration of ground within 2m of an underground electricity power line or an electricity power distribution pole. Development is not to be carried out within or immediately adjacent to an easement for electricity purposes, or immediately adjacent to an electricity substation or within 5m of an exposed overhead electricity power line. Section 2.122 (Traffic Generating Development). The proposed development constitutes a traffic generating development under Section 2.122 and Column 3 of Schedule 3 of the Transport and Infrastructure SEPP 2021. Transport for NSW were referred the application and is able to support the proposal in terms of impacts on State Controlled Roads. TFNSW advised that it has no requirements for the proposed development as it is considered that there will be not significant impact on the nearby classified (State) road network.	Y
Tamworth Regional Local Environmental Plan (TRLEP) 2010	Clause 2.3 - Permissibility and zone objectives 4.4 - Floor space ratio 5.10 - Heritage conservation 7.1 - Earthworks	Y Generally Compliant
Tamworth Regional Development Control Plan (TRDCP) 2010	Step 3 Parking, Traffic and Access Controls Other Types of Development	Y Generally Compliant

Consideration of the relevant SEPPs is outlined below.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2: Vegetation in non-rural areas

Chapter 2 of the Biodiversity and Conservation SEPP (BC SEPP) seeks to protect the biodiversity and amenity values of trees and other vegetation in non-rural areas. As the subject land is located within the RE1 Public Recreation zone, this Chapter applies.

Comment: The subject site has historically been used as parklands, forming part of Hyman Park. As such, the site contains vegetation that is well managed, consisting of established grasslands and scattered trees. The dominant tree species are Eucalypts, with some other species throughout. Twenty-seven (27) existing trees on the subject land will need to be removed in order to accommodate the development (**Figure 18**). The design of the proposed carpark and traffic manoeuvrability areas has considered the location of the existing trees to ensure they can be retained where possible. The number and species of the trees to be removed are detailed below:

- (9) juvenile *ulmus parvifoli* (*Chinese Elm*)
- (2) *photinia robusta* (*Chinese Hawthorn*)
- (3) *Eucalyptus creba* (*Narrow Leaf Ironbark*)
- (2) *Brachychiton (populneum kurrajong)*
- (1) *Eucalyptus blakelyi* (*Blakleys red gum*)
- (3) *Eucalyptus camaldulensis* (*River Red Gum*)
- (1) *Fraxinus oxycarpa* CV *Claret Ash*
- (1) *Olea europaea* (*Common Olive*)
- (2) *Olea africana*- *Wild Olive*
- (4) *Melia azederach*-*White Cedar*



Figure 18- Tree retention removal plan

A copy of the Tree Retention and Removal Plan is provided as **Attachment F**.

Section 2.10 of the BC SEPP allows a Council to issue a permit for the clearing of native vegetation in any non-rural area where that clearing does not exceed the biodiversity offsets scheme threshold. In this circumstance, the site area is 1.6 Hectares. The threshold for clearing, above which the Biodiversity Assessment Method and Biodiversity Offsets Scheme apply is 0.5 Hectares. The proposal does not exceed 0.5 Hectares of clearing.

The Biodiversity Values Map (**Figure 19**) does not depict the site vegetation as being of high biodiversity value. The proposal does not therefore trigger the *Biodiversity Conservation Act 2016*.



Figure 19- Biodiversity Values Map

Chapter 4: Koala habitat protection 2021

This Chapter aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

Pursuant to Clause 4.9(2) of this Policy, Council must assess whether the development is likely to have any impact on koalas or koala habitat. Twenty-seven (27) existing trees / shrubs are required to be removed in order to facilitate the proposed development. Furthermore, any tree removal will be partly offset through proposed landscaping of the site

A Flora and Fauna Assessment Report was not prepared for the application due to the minor extent of vegetation removal proposed and consideration that the development is likely to have low or no impact on koalas or koala habitat. It is considered that the proposal is likely to have a low or no impact on koalas or koala habitat pursuant to Section 4.9(3) of the Policy and therefore consent may be granted to the development application.

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 of the Industry and Employment SEPP aims to regulate the quality of the signage and ensure effective communication of content is located in suitable locations, and is of a high-quality design, consistent with the character of the area. Section 3.6 of this Policy requires the consent authority to ensure the signage is consistent with the objectives of this Chapter and the assessment criteria provided in Schedule 5, prior to granting an approval.

Low entry signage will be located at all road frontages, with a pylon sign also to be installed on the Hillvue Road frontage. Details of the proposed signage is provided in **Figures 15** and **16** above.

An assessment of the proposed signage pursuant to Schedule 5 is provided in **Attachment G**.

State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')

Chapter 2: State and Regional Development

The proposal is regionally significant development pursuant to Section 2.19(1) as it satisfies the criteria under Clause 3 Schedule 6 of this Policy. The proposal is development on land owned by Tamworth Regional Council and has an estimated cost of development of more than \$5 million.

In this regard, the Northern Regional Planning Panel (NRPP) is the consent authority for the Development Application.

State Environmental Planning Policy (Sustainable Buildings) 2021

The Development Application is accompanied by the requisite documentation required under SEPP SB including a BASIX Certificate and an Ecologically Sustainable Development Report addressing the mandatory considerations under Section 3.2 of SEPP SB. For the purposes of SEPP SB, the proposed development includes a non-residential development component, but it does not meet the definition of a large commercial development.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4: Remediation of Land

The provisions of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021 (RH SEPP)* have been considered in the assessment of the DA. Section 4.6 of Resilience and Hazards SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

Given the sites' previous use as parklands, contamination is not expected to be present. There are no known historical contaminating uses that have been carried out on the site.

A Preliminary Site Investigation (Site Contamination Investigation, Barnson Ref: 40924-ER01_A dated 13 October 2023) has been carried out and is provided in **Attachment H** to this report.

The PSI found the following potential sources of contamination as part of the investigation;

- landscaping maintenance,
- use of motorised vehicles and equipment, and
- demolition activities or uncontrolled disposal of waste.

The analysis of surface soil samples collected during the site investigation confirmed that average concentrations of all contaminants were below the screening criteria and that no significant concentrations of persistent contaminants were collected. The PSI concluded that there are no contamination or potential sources of contamination identified on the site that would have an impact on the proposed development.

The PSI concludes that the subject site is suitable for the intended redevelopment and land use. Council is satisfied that there are no known contaminants expected to be found on site, and that appropriate conditions can be recommended to safely manage any unknown contaminants found during works. As such, the requirements of this Policy are met.

State Environmental Planning Policy (Transport and Infrastructure) 2021

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

The following provisions of Chapter 2 are relevant to the DA:

- *Section 2.48 – Determination of development applications – other development - This section applies to a development application comprising or involving any of the following:*

- (a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,*
- (b) development carried out—*
 - (i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*
 - (ii) immediately adjacent to an electricity substation, or*
 - (iii) within 5m of an exposed overhead electricity power line,*

As none of these provisions are relevant to the subject proposal, the application was not required to be referred to the local energy authority.

Clause 2.119 – Development with frontage to classified road

The subject site has a frontage to three (3) roads, none of which comprise a State Classified Road. Referral under this clause was therefore not required.

Clause 2.122 – Traffic generating development

The proposed development constitutes a traffic generating development under Section 2.122 and Column 3 of Schedule 3 of the Transport and Infrastructure SEPP 2021.

Schedule 3 of the Transport and infrastructure SEPP nominates development for particular purposes that require referral to Transport for New South Wales (TfNSW). As the subject proposal will generate 200 or more motor vehicles per hour referral to TfNSW was required.

Comments were received from TfNSW on 18 March 2025 following a review of the information submitted upon lodgement of the DA. TfNSW advised that it has no requirements for the proposed development as it is considered that there will be not significant impact on the nearby classified (State) road network. The response is provided as **Attachment M** to this report.

Tamworth Regional Local Environmental Plan 2010

The relevant local environmental plan applying to the site is the *Tamworth Regional Local Environmental Plan 2010* ('the TRLEP'). The aims of the TRLEP include the need to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts, and to encourage the orderly management, development and conservation of natural and other resources within the Tamworth region by protecting, enhancing or conserving important and culturally significant lands.

As with many plans, the TRLEP seeks to allow flexibility in the planning framework so as to encourage orderly, economic and equitable development while safeguarding the community's interests and residential amenity and aims to manage and strengthen employment opportunities whilst promoting ecologically sustainable urban development.

The proposal is consistent with these aims, seeking consent to utilise an area of land as a medical centre which was historically used as public open space. The available areas of public open space within the South Tamworth locality would not be noticeably reduced due to the nearby network of local parks and open pace areas and the retention of the western portion of the existing Hyman Park and the Girl guides facility.

Zoning and Permissibility (Part 2)

The site is located within the RE1 Public Recreation zone pursuant to Clause 2.3 of the TRLEP (see **Figure 20** below).



Figure 20- Zoning Map

Land Use definitions

The proposed facility (Medical Centre, Wellbeing Centre, and Allied Health Building) is identified as meeting the definition of medical centre which is a permissible use with consent in the Land Use Table in Clause 2.3.

The LEP defines a Medical Centre to mean:

premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

Note—Medical centres are a type of health services facility—see the definition of that term in this Dictionary.

It is noted that the medical services building proposes to include a pharmacy, café and children's creche.

A pharmacy is best defined as a 'business premises' under the LEP. Business premises are prohibited in the RE1 zone.

The pharmacy proposes to predominantly provide pharmaceuticals to patients on site or attending the medical services. The pharmacy will have a floor area of only 39m².

A creche is not separately defined within the LEP, however the definition of a centre-based child care facility specifically excludes a *‘child minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.’*

The proposed creche will not provide care independent of the medical centre. The creche is therefore considered to be a use ancillary to the medical centre.

An ancillary use is a use that is subordinate or subservient to the dominant purpose. The concept is important when a development involves multiple components on the same land. The 3 additional uses to be carried out on the site are not separate or independent uses, are inextricably bound up to the dominant use and shall support the viability of that use.

Therefore, the additional uses (pharmacy and creche) can adequately be considered as permissible as they are incidental, subordinate and subservient to the proposed dominant use as a medical centre.

Cafés are defined in the LEP as ‘restaurant or café’ and are permissible with consent in the RE1 zone.

Zone Objectives

The zone objectives of the RE1 Public Recreation zone are:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

Concern was raised with the Applicant regarding the development’s compliance with these objectives. The Applicant responded by stating that:

‘Common planning practice is that a permissible use in a given zone is generally considered to be consistent with the overall objectives of that zone, unless there is clear evidence to the contrary. There is significant case law which deals with whether a development is ‘consistent’ with zone objectives. Jeffrey v Canterbury Bankstown Council (2021) and Muscat Developments Pty Ltd trading as Muscat Developments v Wollondilly Shire Council (2021) provide assistance with determining whether a development is consistent with zone objectives. In particular, both cases quote the following:

- *The presumption that development for a purpose that is classified as being permitted with consent in the zone will be compatible with the objectives of the zone.*
- *The design of the particular development for that purpose should result in acceptable environmental impacts.*

As discussed throughout the submitted Statement of Environmental Effects, the proposed development results in minimal environmental impacts that should be deemed as acceptable by Council. Furthermore, it should be emphasised that the permissibility of a use within a zone should generally be taken as evidence of its compatibility with the broad strategic goals of the zone.’

It is considered that, where a use is permitted within a zone, the assumption is that the development is broadly compatible with the strategic aims and purposes of that zone, even if it is not explicitly addressed in the zone objectives. The proposed development is considered to be compatible with the objectives of the RE1 Zone.

General Controls and Development Standards (Part 2, 4, 5 and 6)

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 5** below.

Table 5- Consideration of the LEP Controls

Control	Requirement	Proposal	Compliance
FSR (CI 4.4(2))	The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map No FSR requirements apply to this site.	The subject site has an area of 1.6 Hectares. The total floor area of the proposal is 3655m ² .	N/A
Heritage (CI 5.10)	This part requires that the consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.	The subject land is not identified as holding Aboriginal or European heritage in any mapping, however the precautionary approach to development has been undertaken by the Applicant, and an Aboriginal Cultural Heritage Assessments and European Heritage Impact Statement has been prepared for the site. No items of cultural significance were identified, and no further assessment is required.	yes

Additional Local Provisions (Part 7).

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 6** below.

Table 6- Additional Local Provisions

Control	Requirement	Proposal	Compliance
Earthworks (CI 7.1)	Before granting consent the consent authority must consider the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality; the effect of the proposed development on the likely future use or redevelopment of the land; the quality of the fill or the soil to be excavated, or both; the effect of the proposed development on the existing and likely amenity of adjoining properties; the source of any fill material and the destination of any excavated material; the likelihood of disturbing relics and the proximity to and potential for adverse impacts on any watercourse, drinking water	The site is relatively flat throughout and it is considered that minimal earthworks are required to support the proposed development. There shall be no significant detrimental effect on existing drainage patterns, soil stability or any cultural heritage items or features on the site or within proximity. The earthworks are not to the extent they are likely to result in visual impacts on the streetscape or adjoining lands.	yes

	catchment or environmentally sensitive area.	Appropriate erosion and sediment controls will be undertaken on the site during development works to prevent and reduce any potential soil erosion that could occur on the site.	
Clause 7.6 Development in Flight Path	Development consent must not be granted to erect a building on land in the flight path of the Tamworth Airport if the proposed height of the building would exceed the obstacle height limit determined by the relevant Commonwealth body	The site is mapped as having an Obstacle Limitation Surface height of 45m. The proposed development has a maximum height of approximately 8m from ground level, thereby complying with this requirement.	yes

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

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

There are no proposed instruments which have been the subject of public consultation under the EP&A Act that are relevant to the proposal.

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

The following Development Control Plan is relevant to this application:

- *Tamworth Regional Development Control Plan 2010* ('the DCP')

The DCP does not contain any specific controls for medical centre developments. However, the controls under the "Parking, Traffic and Access Controls" and "Other Types of Development Controls" are relevant and discussed in **Table 7** below:

A detailed DCP assessment table is provided as **Attachment I**.

Table 7- DCP Assessment - Summary

Provision	Requirement/ Comment
Parking	132 car parking spaces are proposed. The development complies.
Setbacks	There are no setback requirements, other than side and rear setbacks are to comply with the BCA requirements.
Building height	No height restrictions are applicable to the site. The DCP requires that reference is made to the LEP for Floor Space Ratio, of which the development complies fully with.
Outdoor lighting	All outdoor lighting provided to the development shall comply with AS4282 Control of Obtrusive Effects of Outdoor Lighting

Outdoor signage	The proposed signage package is considered suitable for the development.
Design	The proposed development complies with the design provisions under the DCP.
Utilities and Services	All services required for the development are available to the site.
Traffic and Access	<u>Traffic</u> A Traffic Impact Assessment has been prepared in support of the proposal. Suitable access arrangements have been proposed. <u>Parking</u> The proposed car parking allocation and layout is considered suitable. The development provides 119 car parking spaces. The DCP parking requirements on the basis of the individual components of the development require 129 spaces to be provided. The 10 space shortfall is considered acceptable given that it is likely that the times of real demand for the various uses on the site would not coincide. The amenity of the site in terms of vegetation retention and opportunities for replacement plantings is somewhat preserved, particularly on the southern boundary, through the reduced car parking provision. Whilst this assessment concludes it is not necessary to comply entirely with the car parking provisions. If it is determined that full compliance with parking is required, there is sufficient room available on the subject site to make up the 10 space difference.

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*

Consistent with the Purpose and Objectives of the Tamworth Regional Section 7.12 (formerly Section 94A) (Indirect) Contributions Plan 2013 Scheme, Council is satisfied that the proposed development will or is likely to require the provision of or increase the demand for the community infrastructure within the immediate locality and therefore requires the levy to be applied. In addition, according to the Contributions Plan, the proposed medical centre is not a type of use that benefits from an exemption to development contributions.

The nominated cost of the development is \$20,401,587. Therefore, the applicable Section 7.12 contribution is \$204,015.87 based on 1% of estimated construction cost (including GST) and shall be paid prior to issue of the first construction certificate. A condition of consent is recommended in this regard.

(d) 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.

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

Clause 66A of the Regulations states that a Council related development must not be determined by the consent authority unless the Council considers the adopted conflict of interest policy in determining the application. The subject site is Council owned and as such the application is classified to be a Council related development.

The proposal meets the following management control and strategy requirements of the *Managing Conflict of Interest in Council-Related Development Policy*:

Management controls	Proposed	Complies
Where Council is the assessing authority, the application shall not be prepared by Council's Liveable Communities Division. Alternatively, applications may be prepared by another Division of Council or external consultancy.	The application was prepared by an external Applicant: Barnson Pty Ltd	Yes
Council related applications are exhibited for a minimum 28 days.	The application was exhibited via the NSW Planning Portal for 28 days and 22 submissions and 1 petition were received.	Yes
Management controls for Council related DAs with a cost of works greater than \$5 million include: • DA to be assessed by a third-party consultant • DA to be determined by the Northern Regional Planning Panel (NRPP)	Estimated cost of proposed works is over \$5million. DA is assessed by Contract Planning Consultant. DA to be determined by the NRPP.	Yes

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 have been 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 subject site is located in an established environment predominately characterised by residential activities with scattered commercial uses and parklands. The proposed development is compatible with the desired character of the locality and the design has considered the context and setting of the locality. The location of the development provides the proposed development with high exposure as well as substantial parking spaces and landscaped areas for the proposed use of the site. In this regard, it is considered that the

proposed development is consistent with the existing locality. The development would therefore not impact on the context or setting in the locality.

Whilst it is acknowledged the surrounding context and setting is predominately characterised by residential development, it is important to note that the site has historically been nominated for a health services purpose as outlined previously in this report. Therefore, despite the surrounding context and setting being residential in nature, the site is evidently visualised for a different purpose to that surrounding the site.

Access, Parking and Traffic

Access

The subject site has frontage to Hillvue Road, Robert Street and Kathleen Street. All three are local collector roads and provide legal access to the subject site. The speed limit on Hillvue Road, Robert Street and Kathleen Street is 50km/h. Pedestrian access is easily obtained via all street networks.

Several iterations of the internal access layout and formats for the associated driveways off the surrounding network were assessed and considered. The objectives were to provide legibility and a clear “primary” point of access while at the same time managing impacts on the surrounding streets and intersections. The key elements were:

- Performance of the accesses off the surrounding street network, targeting a good level of service in terms of channelisation, and minimisation of queuing lengths /delays. Right turning vehicles into the site from Hillvue Road was identified as a risk.
- Continued reasonable level of service at the Hillvue Road / Robert Street intersection (roundabout). Proximity of the proposed site access off Robert Street to the roundabout was identified as a risk.
- Minimising the impact on parking supply, especially for the western portion of Hyman Park and St Edwards Infants School.

The photographs below depict on-street parking in Hillvue Road for the purpose of school pick-up. The photographs were taken between 2.30pm and 3.05pm.

Photograph 1 & 2 - Vehicles parked on Hillvue Road



The preferred solution identified through the iteration process was:

- Promotion of Hillvue Road as the primary vehicular access point for the development site;
- Channelised Right Turn / Auxiliary Left Turn (CHR/AUL) access at Hillvue Road;
- Left-In / Left-Out at Robert Street, controlled via a central median in Robert Street; and
- Left-In / Left-Out at Kathleen Street, controlled via signage, possibly supported by appropriately angled driveways.

Adopting these access configurations, SIDRA modelling indicated that all accesses and the nearby roundabout will operate with minimal queuing and delays (LOS-A).

Creating a CHR configuration at Hillvue Road would require the existing western kerbside lane to be designated as the through lane. This pavement is currently available for parallel parking. Usage is minimal / intermittent, with the notable exception being school pick-up activity. The removal of this parking to facilitate construction of the CHR treatment is considered inappropriate in the absence of alternative parking being provided elsewhere. A condition has been included in the recommended consent conditions requiring the provision of no less than 7 replacement parking bays in the immediate vicinity of the school. Options for areas for replacement parking include:

- I. On Hillvue Road by widening the pavement to provide indented parallel parking bays, or
- II. by improving the dedicated parking area in Thomson Crescent.

Option II would require the developer to enter into a Voluntary Planning Agreement with Council for the payment of a contribution toward the provision of 7 parking bays at the Thomson Crescent frontage of Hyman Park.

Given the timeframes associated with preparation and execution of planning agreements, the provision of on-street parking bays on Hillvue Road is the preferred option. A condition of consent has been imposed requiring the developer to widen the western side of Hillvue Road to provide the required parking.

Public Transport

Tamworth Buslines operates two routes adjacent to the site, the 433 along Robert Street and the 435 along Kathleen Street. There are a number of school bus services which also pass by the site on Hillvue Road, Robert Street and Kathleen Street.

Traffic

Based on the proponent's experience at the existing TAMS facility, operational traffic generation has been estimated as:

- Deliveries: two rigid (12m long) trucks per day
- Garbage collection: once per week
- Staff: up to 64 staff members requiring parking per day
- TAMS-operated patient transportation services: one bus and eight small vehicles
- Private patient transport: 20 patients per hour.

The Traffic Impact Assessment provided in support of the proposal acknowledged that this estimate provides a maximum possible volume of 81 vehicles per hour, which is relatively low for the development size and number of consultation rooms. For the purposes of analysis, more conservative traffic generation rates have been adopted from empirical surveys described in the Roads and Maritime Services Trip Generation Surveys Medical Centres (Traffic, Environmental & Forensic Engineers, 2015). Daily vehicle trips calculated in accordance with this formula amount to 2194vpd. This equates to an average hourly rate of 37 vehicles per hour.

Parking

The carparking and onsite manoeuvrability areas shall be constructed of a hardstand material with appropriate line marking and directional signage, as per Council's requirements. A total of 119 car parking spaces, 4 of which are dedicated as disabled spaces, has been provided for the development. The number of carparking spaces and swept paths are considered suitable for the ongoing use of all tenancies.

In accordance with the provisions of the Tamworth DCP the carparking rate for Commercial development, being 1 space per 25m² of Gross Floor Area, was adopted to determine the demand for carparking generated by the development. With a total GFA of 3205m² a total of 129 spaces are required.

Comment:

The TIA provided conclusions and recommendations which were critically examined by Council's Development Engineering Division.

The Traffic Impact Assessment prepared by Barnson Ref: 40924-TIA_2 dated 18 December 2024 is provided in **Attachment J** to this report.

With the inclusion of the recommendations set out in the report and proposed intersection works provided by Council Engineers, the proposed access, transport and traffic arrangements are considered suitable for the proposed development.

Noise

The site is located within an urban area, characterised by residential dwellings, scattered commercial land uses and parklands. As such, noise control measures have been implemented with the proposed development.

An Acoustic Assessment report was prepared in support of the subject proposal. This report has quantified potential operational noise emissions from the project and recommends reasonable and feasible noise controls where required.

Refer to Noise Assessment prepared by Muller Acoustic Consulting Ref: MAC231898-01RP1 Dated November 2024 in **Attachment K** to this report.

Flora and Fauna

The proposed development will require the removal of weeds, grasses and some trees on the subject site. The majority of established trees on the site shall be retained. New landscaping is to be provided on the site as part of the development. The Landscape Design in Attachment B of this report shall be implemented in the construction of the development, which includes in the order of 75 new trees with varying heights between 3m and 25m to be planted. The development is not expected to adversely impact on any flora or fauna as a result of the disturbed nature of the subject site.

The vegetation removal on the site is minimal when compared to the overall vegetation on the site which will be retained. Any ecological or habitat value provided by those trees to be removed are well represented across the site. Furthermore, any tree removal will be partly offset through proposed landscaping of the site.

Waste

A nominated contractor will provide weekly garbage collection and fortnightly recycling collection services. Internally, there are nominated garbage storage areas that will cater for the proposed development. It is considered that this would service the proposed development with no adverse impact on the environment likely occurring from the proposed development.

Medical waste is generated onsite due to the medical centre use. Medical waste shall be removed fortnightly via 2 Sulu bins and storage of 10 small sharps containers. The removal and disposal of medical waste shall be conducted in accordance with relevant medical standards.

The waste hierarchy of avoid, reduce, reuse and dispose shall be employed for the construction phase of the development. The design provides for an efficiency in use of materials. The use of prefabricated items will significantly reduce the quantity of waste produced on the site.

Soils

The development will require a reasonable amount of cut and fill to provide the required finished site levels. Any required fill to be sourced for the development will be from certified Virgin Excavated Natural Material (VENM).

Energy

Solar panel systems shall be utilised on the roof of the proposed structures. The systems shall be designed as part of the Construction Certificate documentation and the solar panels shall be positioned in a manner that does not create any unacceptable glare or visual impacts in the locality.

Safety, Security and Crime

The proposed development has been designed to ensure that essential safety, security and crime prevention measures are in place during operation. The development shall be afforded with landscaping and fencing with lockable gates to help detract any break-ins or vandalism on the site.

Refer to Crime Prevention through Environmental Design prepared by de Witt Consulting dated 11 December 2024 in **Attachment L** to this report.

Interface with surrounding development

As detailed elsewhere in this Report, the site has historically been nominated as appropriate as characterised as a health services site which is different from the surrounding residential context.

Landscaping is to be provided throughout the site and particularly in the east to partly screen the car parking areas and visually soften the proposed impervious areas. Where possible areas of existing vegetation, predominantly along the southern boundary of the site, have been preserved and are proposed to be embellished with additional plantings.

Social and Economic

The proposed development will serve the medical needs of the wider community and is likely to have positive social impacts.

The proposed development is likely to attract medical professionals to the area and will result in positive economic impacts. Furthermore, the construction of the proposed development is likely to stimulate the construction industry and create positive economic impacts.

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 a 'medical centre', is permitted with consent in the RE1 zone. The proposed development is considered to be consistent with the objectives for the RE1 zone. The proposed development is not expected to result in detrimental impacts to the wider community, subject to the imposition of suitable conditions of consent. The attributes of the site are conducive to the proposed development, as discussed throughout this assessment report.

The site is considered to be suitable for the proposed development at the interface with an existing residential area. The application has demonstrated the proposed development meets the desired future character of the neighbourhood centre it is located in and does not detract from the local residential and environmental amenity. It is considered to be sensitive to the character of the local area and presents an economic and orderly use of the land without representing an overdevelopment of the site.

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

The application was exhibited between 13 March 2024 until 17 April 2024. Twenty-one (21) submissions were received against the application, and (1) in support. A petition with 222 signatures was also received.

These submissions are considered in Section 4 of this report. A copy of the submissions is provided as **Attachment O**.

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.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application was required to be referred to the following agency for comment/concurrence as required by the EP&A Act.

- **Transport for NSW**

Schedule 3 of the Transport and infrastructure SEPP nominates development for particular purposes that require referral to Transport for New South Wales (TfNSW). As the subject proposal will generate 200 or more motor vehicles per hour referral to TfNSW was required.

Comments were received from TfNSW on 18 March 2025 following a review of the information submitted upon lodgement of the DA. TfNSW advised that it has no requirements for the proposed development as it is considered that there will be not significant impact on the nearby classified (State) road network. The response is provided as **Attachment M**.

4.2 Council Officer Referrals

The DA has been referred to various Council officers for technical review as outlined **Table 8**.

Table 8- Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	Council's Engineering Officer reviewed the submitted the onsite servicing arrangement and considered them to be satisfactory. An existing trunk stormwater pipe traverses the site. The pipe is to be removed and replaced with an array of pipes with equal capacity that affords Council reasonable access.	Y
Traffic	Council's Traffic Engineering Officer reviewed the proposal and raised concerns in relation to traffic generation and car parking. These issues are considered in more detail in the Key Issues section of this report.	Refer to key Issues
Building	The development is capable of complying with the requirements of the Building Code of Australia.	Yes (conditions)
Environmental Health	The submitted acoustic report indicates that the development can comply with the predicted project noise trigger levels provided that recommendations made in the Acoustic Report are implemented. Construction noise impacts require external boundary walls and fences to be installed prior to the commencement of any construction works to minimise noise impacts on surrounding residents.	Yes (conditions)
Heritage	A search of the State Heritage Register, Tamworth Regional Local Environmental Plan 2010 (the LEP) and the Aboriginal Heritage Information Management System (AHIMS) was undertaken for the site and its immediate surrounds. The site is not identified as containing a heritage item pursuant to the State Heritage Register or the LEP. The AHIMS Search revealed that there are no Aboriginal sites recorded within 200m of the subject site. An Aboriginal Due Diligence Report has been prepared by OzArk Environmental, dated 16 October 2023. The report found that there were no Aboriginal sites identified or recorded on the subject site. Refer to Aboriginal Due Diligence Report in Attachment N to this report.	Yes (conditions)

The outstanding issues raised by Council officers are considered in the Key Issues section of this report.

4.3 Community Consultation

The proposal was notified in accordance with the Council's Community Participation Plan 2019 from 13 March 2024 until 17 April 2024. The notification included the following:

- Notification on the NSW Planning Portal;
- Notification letters sent to adjoining and adjacent properties; and,
- Notification on the Council's website.

The Council received a total of 23 unique submissions and 1 petition with 222 signatures. The issues raised in these submissions are considered in **Table 9**.

Table 9- Community Submissions

Issue	No of submissions	Council Comments
Loss of views and access to park	3	Existing views into the park are incidental from most dwellings due to dwelling orientation, setback distances and intervening fencing. The parks vegetation provides a natural backdrop. Residential development to the south will largely continue to enjoy views into the vegetation and the amenity that such vegetation provides. Residential development to the north will retain only glimpses of the existing retained vegetation. Any existing access to the park is informal. Legal access to the park is gained via the existing road network.
Reduced property values	5	There is no data available to substantiate the claim of reduced property value.
Opportunity for anti-social behaviour- graffiti, rubbish, crime	9	The development includes measures to enhance security, such as improved lighting, surveillance, and clear boundaries. Additionally, the design aims to promote a safe and positive environment through community engagement and strict management practices, minimising the risk of antisocial behaviour. A CPTED report was submitted with the application to demonstrate that there is a moderate risk of crime occurring within and around the proposed development and recommendations to mitigate the risk of crime, anti-social behaviour and fear of crime

		for the development made. These recommendations have been included as conditions of consent.
Loss of vegetation, birdlife, habitat, greenspace	10	While 27 trees will be removed to facilitate the development, an extensive retention and landscaping plan will ensure the preservation of habitat. The landscape plans has in the order of 75 trees with varying heights between 3m and 25m to be planted as part of the overall landscaping works. As part of the design of the development, efforts have been made to retain key trees and enhance the site's landscaping to create a more diverse and sustainable habitat, promoting the continued presence of wildlife.
Diminished amenity and neighbourhood character	11	The development has been designed to respect privacy, with appropriate setbacks, landscaping, and screening measures to minimise visual intrusion and light spill. The narrowness of the site largely precludes the ability of the development to provide vegetation buffers to the adjoining developments. Efforts will be made to ensure that the development complements the existing environment while safeguarding the privacy of nearby residents. The proposed medical centre is designed to integrate seamlessly with the existing residential environment. It is intended to serve the local community by providing essential healthcare services within close proximity, reducing the need for long travel distances to access medical care.
Should be relocated to another site	3	While other sites may be appropriate for this form of development, the assessment is based on the proposed lot. The proponent is not required to carry out investigations into alternate locations.
Noise	5	An acoustic assessment has been prepared in support of the proposal. Noise management and mitigation measures are proposed to be adopted during intensive construction activities to limit impacts on surrounding receivers. Noise impacts during operation were also assessed as satisfactory once all recommended noise controls are implemented. Each of these mitigation measures and controls are to be included as conditions of consent.
Additional traffic-congestion and	13	Additional parking demand generated by the development can be catered for in the provision of on-

impact on local streets and intersections		site parking spaces. Where ingress and egress arrangements require the loss of existing on-site parking capacity alternative arrangements are proposed to provide car parking space in an alternative location whilst maintaining accessibility to the nearby public school.
Excessive car parking	4	The carparking layout for the development proposes 119 spaces, 10 less than the cumulative demand based on the individual uses on the site.
Drainage	1	Stormwater drainage has been addressed for the development through the imposition of a condition of consent requiring a stormwater servicing strategy to be prepared in accordance with Councils standards to cater for 1:100 year events and modification of the existing network to capture and convey stormwater from the site.
Park is iconic and was gifted to Council	4	There is no information available to substantiate these claims. The land was reclassified from Community Land to Operational Land in August 2019.
Lack of communication with community	3	The Planning Proposal to reclassify Hyman Park was publicly notified in accordance with the DPHI Guidelines between 9 April 2018 and 9 May 2018. During this period 12 submissions (10 opposed and 2 in support) were received. A public hearing was also held on 18 July 2018. Public notification occurred across a 28-day period in regard to the subject DA.
Trees have historical significance	1	Council's heritage officer conducted research and was unable to verify claims that the trees had historic connections.

5. KEY ISSUES

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

5.1 Traffic and Access

Several iterations of the internal access layout and formats for the associated driveways off the surrounding network were assessed and considered. The objectives were to provide legibility and a clear "primary" point of access while at the same time managing impacts on the surrounding streets and intersections. The key elements were:

- Performance of the accesses of the surrounding street network, targeting a good level of service in terms of channelisation, and minimisation of queuing lengths /delays. Right turning vehicles into the site from Hillvue Road was identified as a risk.
- Continued reasonable level of service at the Hillvue Road / Robert Street intersection (roundabout). Proximity of the proposed site access off Robert Street to the roundabout was identified as a risk.
- Minimising the impact on parking supply, especially for the western portion of Hyman Park and St Edwards Infants School.

The preferred solution identified through the iteration process was:

- Promotion of Hillvue Road as the primary vehicular access point for the development site;
- Channelised Right Turn / Auxiliary Left Turn (CHR/AUL) access at Hillvue Road;
- Left-In / Left-Out at Robert Street, controlled via a central median in Robert Street; and
- Left-In / Left-Out at Kathleen Street, controlled via signage, possibly supported by appropriately angled driveways.

Adopting these access configurations, SIDRA modelling indicated that all accesses and the nearby roundabout will operate with minimal queuing and delays (LOS-A).

Creating a CHR configuration at Hillvue Road would require the existing western kerbside lane to be designated as the through lane. This pavement is currently available for parallel parking. Usage is minimal / intermittent, with the notable exception being school pick-up activity. The removal of this parking to facilitate construction of the CHR treatment is considered inappropriate in the absence of alternative parking being provided elsewhere. A condition has been included in the recommended consent conditions requiring the provision of no less than 7 replacement parking bays in the immediate vicinity of the school. Options for areas for replacement parking include:

- III. On Hillvue Road by widening the pavement to provide indented parallel parking bays,
or
- IV. by improving the dedicated parking area in Thomson Crescent.

A condition of consent has been imposed requiring the developer to widen the western side of Hillvue Road to provide the required parking.

Resolution: The issue has been resolved through recommended conditions of consent.

5.2 Noise

The potential for noise to impact on adjoining properties is an important consideration given the extent of construction and the nature of the ongoing use. The application was accompanied by a Noise Assessment prepared by *Muller Acoustic Consulting*, dated November 2024 which considered this issue.

The noise assessment considered the noise and vibration impacts arising from the proposal. The report concluded that the works could proceed if the recommendations and noise controls provided in the report are implemented. Council has considered this report and following a detailed assessment, concluded the report was satisfactory.

Resolution: The issue has been resolved through recommended conditions of consent as outlined in **Attachment A**.

6. CONCLUSION

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

Overall, the site is considered suitable for the proposed medical centre and is not considered to be contrary to the public interest nor result in a significant adverse social, environmental or economic impact. The proposal was found to be compliant with relevant legislation. It is considered the key issues outlined in this report have been resolved satisfactorily through design amendments and the recommended conditions of consent.

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

7. RECOMMENDATION

That DA2024-0283 for the construction a Medical Centre, Allied Uses and Associated Infrastructure on Lot 2 in DP 1264030, known generally as Hyman Park, Hillvue Road, SOUTH TAMWORTH NSW 2340 be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the recommended conditions of consent attached to this report at **Attachment A**.

The following attachments are provided:

Attachment A: Recommended Conditions of consent

Attachment B1: Architectural Plans

Attachment B2: Landscape Plans

Attachment C: Preliminary Civil Designs

Attachment D: Pre-DA Meeting Minutes

Attachment E: Nabers

Attachment F: Tree retention and removal plan

Attachment G: SEPP IE Sch 5 Assessment

Attachment H: Preliminary Site Investigation

Attachment I: DCP Assessment

Attachment J: Traffic Impact Assessment

Attachment K: Noise Assessment

Attachment L: CPTED Report

Attachment M: TfNSW Response

Attachment N: Aboriginal Due Diligence

Attachment O: Submissions

Attachment P: Council Report

Attachment Q: The Hyman Park Public Hearing Report