

DATE OF DETERMINATION	29 April 2025
DATE OF PANEL DECISION	28 April 2025
DATE OF PANEL MEETING/BRIEFING	22 April 2025
PANEL MEMBERS	Dianne Leeson (Chair), Stephen Gow, Michael Wright, James Treloar and Glenn Inglis
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 9 April 2025.

MATTER DETERMINED

PPSNTH-389 – Tamworth – DA2025-0039 – PAN-446464 - 7-9 Jack Smyth Drive, Hillvue – Indoor Aquatics Centre and Sporting Excellence Facility (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7, the material presented at meetings and briefings, and the matters observed at site inspection as 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 Consultant Planner's Assessment Report.

The Panel found that the proposed development is in keeping with Council's strategic direction for Hillvue as a sporting, recreation and tourism precinct, and generally meets the tourism related objective of Tamworth Local Environmental Plan 2010. The Panel recommends that any review of the LEP include an update of the objectives to more relevantly address the evolving precinct at Hillvue.

CONDITIONS

The Development Application was approved subject to the conditions in the Consultant Planner's Assessment Report with the following amendments.

- Amend Condition 1 to insert the following after the landscaping plans:

Civil Engineering Plans					
230459	C001	General Notes	C	14.03.2025	Creo
230459	C002	Existing Site Plan	A	14.03.2025	Creo
230459	C010	Site Bulk Earthworks Plan	A	14.03.2025	Creo
230459	C020	Civil Layout Plan – Sheet 1	C	14.03.2025	Creo

230459	C021	Civil Layout Plan – Sheet 2	C	14.03.2025	Creo
230459	C022	Civil Layout Plan – Sheet 3	C	14.03.2025	Creo
230459	C040	Civil Details – Sheet 1	C	14.03.2025	Creo
230459	C040	Civil Details – Sheet 2	C	14.03.2025	Creo
230459	C050	Crossover B99 Vehicle Clearance	C	14.03.2025	Creo

- Amend Condition 17c) to read as follows:
 - c) EV Charge Parking – not less than 8 onsite EV charging car parking spaces within the 187 car spaces.
Note: More than 40 EV charging spaces may be provided subject to the electricity supply arrangements being satisfied.
- Amend Condition 30 to read as follows:
Detailed Acoustic Design Review
 - 30) Following the mechanical equipment selections and layouts being finalised, and prior to the issue of a Construction Certificate, a detailed acoustic design and assessment that includes the recommendations and requirements of the approved *Acoustic Report – Tamworth Regional Aquatic Facility Ref.AC485SB-01E02* dated 22/05/2024 by Octave Acoustic shall be submitted to the Principal Certifier.
- Amend Condition 37 to insert the words ‘, or are to be stockpiled on the undeveloped portion of the lot’ after the word ‘in-situ’ in the first sentence
- Amend Condition 54 to note the condition title as ‘Waste Management – RAP Site Work’ and delete ‘waste management plan’ and insert ‘ Remediation Action Plan (RAP)’ in part a)
- Amend Condition 68 to insert the words ‘of all food premises, including food preparation and food storage areas’ after the word ‘inspection’
- Insert new Condition 82, which reads as follows:
Hours of Operation
 - 82) To prevent unreasonable disturbance to the amenity of the area, the hours of operation of any major sporting events occurring at the facility are to be restricted to operating no later than 10pm.
- Insert new Condition 83, which reads as follows:
Public Transport, Bicycle Parking and Pedestrian and Access
 - 83) A review of the public transport services, bicycle parking provision, and pedestrian pathway connections from bus stops within the precinct to the aquatic centre facility is to be carried out 12 months after the issuance of the Occupation Certificate. This is to determine whether future public transport, bicycle racks and pedestrian management upgrade works are required to be implemented.






The review shall include consultation with the local bus company (Tamworth Buslines), to ensure the frequency of service adequately provides public access to the facility, and to ensure the required pedestrian pathway connections are provided from the public bus stops in the precinct to the facility.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. The Panel notes that issues of concern included:

- Council's financial position has required special rate variation/unaffordable for Council/ Development is too expensive/Waste of Council funds/Against Council financing development
- Insufficient community demand/Won't use pool/no use to disparate rate payers
- Majority of rate payers are against project
- Prioritise fixing existing public swimming pools
- Wrong location

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report. In particular, the Panel noted that the location of the facility to be a relevant issue for this project, but acceptable given the emerging range of sporting facilities in this zone and subject to the condition added by the Panel for a post-operational review of transport services in connection with the development. 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-389 – Tamworth – DA2025-0039 – PAN-446464
2	PROPOSED DEVELOPMENT	Indoor Aquatics Centre and Sporting Excellence Facility
3	STREET ADDRESS	7-9 Jack Smyth Drive, Hillvue (Part Lot 102 DP 1262475)
4	APPLICANT/OWNER	Tamworth Regional Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related 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 (Planning Systems) 2021 State Environmental Planning Policy (Sustainable Buildings) 2022 State Environmental Planning Policy (Resilience and Hazards) 2021 Tamworth Local Environmental Plan 2010 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Tamworth 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: 8 April 2025 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: 21 January 2025 <ul style="list-style-type: none"> <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright and James Treloar <u>Council assessment staff</u>: Alice Elsley, Sam Lobsey and Adrian Cameron <u>Independent Planning Consultant</u>: Anthony Randall <u>Department staff</u>: Carolyn Hunt and Lisa Ellis Site inspection: 7 February 2025 <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>: Alice Elsley, Sam Lobsey and Adrian Cameron Applicant Briefing: 22 April 2025 <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>: Callum Fletcher and Paul Kelly <u>Council assessment staff</u>: Alice Elsley, Sam Lobsey and Adrian Cameron <u>Independent Planning Consultant</u>: Anthony Randall <u>Department staff</u>: Carolyn Hunt and Ilona Ter-Stepanova

		<ul style="list-style-type: none">• Final briefing to discuss Council’s recommendation: 22 April 2025<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>: Alice Elsley, Sam Lobsey and Adrian Cameron○ <u>Independent Planning Consultant</u>: Anthony Randall○ <u>Department staff</u>: Carolyn Hunt and Ilona Ter-Stepanova
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Consultant Planner’s Assessment Report