

<b>DATE OF DETERMINATION</b>	30 August 2018
<b>PANEL MEMBERS</b>	Jason Perica (Chair), Cr Jason Pauling, Michael Leavey, Kara Krason and Justin Hamilton
<b>APOLOGY</b>	Nil
<b>DECLARATIONS OF INTEREST</b>	Nil

Public meeting held at Lake Macquarie City Council on 30 August 2018, opened at 2.00pm and closed at 2.30pm.

#### **MATTER DETERMINED**

2018HCC011 – Lake Macquarie City Council - DA/443/2018, Lake Macquarie Private Hospital, 3 Sydney Street (Lot 90 DP1233497), 2 Casey Street (Lot 7 DP24268), 38 Pacific Highway (Lot 8 DP24268) (AS DESCRIBED IN SCHEDULE 1).

#### **PANEL CONSIDERATION AND DECISION**

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

The Panel determined to approve the development application as described in Schedule 1 pursuant to sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

The Panel generally agreed with the environmental assessment within the Council staff assessment report.

The Panel had regard to the applicants' Clause 4.6 variation request regarding the maximum height limit within Clause 4.3 of the Lake Macquarie Local Environmental Plan 2014 ('the LEP'). The Panel formed the view the proposal applicant's written request satisfactorily addressed the required matters within Clause 4.6(3) of the LEP. The Panel considered the proposal was consistent with the objectives of the height development standard and the objectives of the zone, and thereby in the public interest. The proposed height was both appropriate for the location and setting of the site, while the proposal resulted in a high quality urban form, and improved urban form compared to the existing situation.



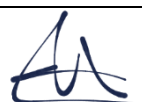
The proposal has a high quality design and is supported by design measures to improve the existing building and better integrate with proposed new works. The siting is appropriate and the proposed landscaping will improve the public domain, amenity and presentation of the building and the site to the surrounding public areas, and noting that consultation should occur with the NSW Fire Brigade and Ausgrid concerning landscaping adjacent to relevant infrastructure. The carparking meets the requirements of Council's DCP and pedestrian linkages and circulation is adequately addressed, subject to further requirements through conditions of consent. The Panel did not consider the proposal resulted in isolation of land, noting the site area is not altering.

In terms of considering community views, the Panel agreed with the staff assessment of the issues raised.

## CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report, with the following amendments:

- Amendment of Condition 7 (Concrete Footpath) as contained in a memorandum dated 29 August 2018 by Council staff, subject to further amendment that the words “eastern or western side” in the first sentence be changed to “eastern side” and the first sentence of paragraph 3 be deleted.
- Amendment of Condition 8 to include the words “to and within the site” at the end of the last sentence, and to include an additional sentence to state: “Any works to Council land or within the site arising from this approved plan shall be implemented prior to the issue of an Occupation Certificate, at no cost to Council”.
- Addition of two new standard conditions related to “Construction and Fitout of Food Premises” and “Certification of Food Premises Fit-out”, as new Conditions 54 and 55, as circulated to the Panel by Council staff at the meeting.
- A new Condition 56 to state: “All previous applicable development consent conditions which require carparking compliance and/or master planning shall be complied with”.
- A new Advisory Note to state “The applicant is advised to consult with the NSW Fire Brigade and Ausgrid in relation to landscaping in proximity to the Fire Hydrant Booster Pump and Electricity Kiosks in Sydney Street, and the requirements of those authorities”.

PANEL MEMBERS	
 Jason Perica (Chair)	 Kara Krason
 Michael Leavey	Approved by email  Cr. Jason Pauling
Approved by email  Justin Hamilton	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018HCC011 – Lake Macquarie City Council - DA/443/2018, Lake Macquarie Private Hospital)
2	PROPOSED DEVELOPMENT	Alterations and additions to an existing hospital
3	STREET ADDRESS	3 Sydney Street (Lot 90 DP1233497), 2 Casey Street (Lot 7 DP24268), 38 Pacific Highway (Lot 8 DP24268)
4	APPLICANT/OWNER	Akalan Projects Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Schedule 7 Section 5 (Private Infrastructure and community facilities over \$5million (b) health services facilities)
6	RELEVANT MANDATORY CONSIDERATIONS	Environmental planning instruments and statute: <ul style="list-style-type: none"> <li>• Lake Macquarie Local Environmental Plan 2014</li> <li>• Lake Macquarie Development Control Plan 2014</li> </ul>

		<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• Provisions of the Environmental Planning and Assessment Regulation 2000</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Submissions made in accordance with the Environmental Planning and Assessment Act 1979 and Regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report – August 2018, with updated memo dated 29 August 2018 relating to Condition 7.</li> <li>• Memo dated 29 August 2018 from Council staff (revised Condition 7)</li> <li>• Additional two recommended conditions related to the Food Act from Council staff (undated)</li> <li>• Written submissions during public exhibition: 3</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Support – Nil</li> <li>○ Object – Nil</li> <li>○ On behalf of the applicant – Andrew Cowan, David Duffy and Michael Pain</li> </ul> </li> </ul>
8	<b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Site inspection – 30 August 2018</li> <li>• Final briefing meeting to discuss council’s recommendation, 30 August 2018 from 1.30pm to 2.00 pm. Attendees: <ul style="list-style-type: none"> <li>• <u>Panel members</u>: Jason Perica (Chair), Michael Leavey, Kara Krason, Jason Pauling and Justin Hamilton</li> <li>• <u>Council assessment staff</u>: Georgie Williams</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report and subsequent documents