

**DETERMINATION AND STATEMENT OF REASONS**  
HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

|                                 |   |
|---------------------------------|---|
| <b>DATE OF DETERMINATION</b>    | 14 July 2023  |
| <b>DATE OF PANEL DECISION</b>   | 13 July 2023  |
| <b>PANEL MEMBERS</b>            | Alison McCabe (Chair), Roberta Ryan, David West and Alan Tickle |
| <b>APOLOGIES</b>                | None  |
| <b>DECLARATIONS OF INTEREST</b> | None  |

Papers circulated electronically on 29 June 2023.

**MATTER DETERMINED**

PPSHCC-154 – MidCoast Council – DA2022/0943 at 2 Potoroo Drive, Taree - Alterations and additions to private hospital (as described in Schedule 1)

**PANEL CONSIDERATION AND DECISION**

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

The Panel has visited the site and had the benefit of a number of briefings from the applicant and Council. Prior to the determination of the application the submitter had the opportunity to address the Panel in relation to their concerns regarding stormwater management.

The proposal is for alterations and additions to an existing private hospital to provide much needed additional rehabilitation and mental health facilities in the community. The site is zoned SP2 - Health Services Facility and is surrounded by land zoned R5 - Large Lot Residential.

The application has been amended to increase the setback of the building to Potoroo Drive, reduce the scale of the retaining wall, setback carpark from the common boundary, retain some additional trees and reconfigure the western carpark. These changes appropriately address the streetscape and compatibility considerations given the surrounding residential zone and interface.

The development is low scale and is located on a large lot with generous setbacks and landscape setting. These setbacks and landscape setting minimise and mitigate potential impacts given the separation of the development from adjoining properties. The site provides adequate carparking to meet the demands of the use.

The Panel has considered the submission regarding stormwater. The Panel has proposed an amendment to condition 14 to ensure that stormwater impacts arising from this development are mitigated and managed.

The proposed development is consistent with the policy framework and is compatible with the surrounding streetscape. Any impacts arising from the development can be adequately mitigated given the separation of the proposal from adjoining development.

**Development application**

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* subject to the conditions attached to Council report and amended as follows.

1. Condition 14 being amended to read:

#### **14. On-site stormwater detention**

*Prior to the issue of a construction certificate, plans and specifications of the stormwater drainage system, including on-site stormwater detention must be submitted to and approved by Mid Coast Council. This system must be designed in accordance with Australian Standard AS/NZS 3500.3: Plumbing and drainage - Stormwater drainage, Council's Site Stormwater Design Guidelines and generally in accordance with the approved Civil Works Plan and Stormwater Details Plan. The proposed on-site detention tank must have a minimum capacity of 100kL and the orifice plate(s) sized appropriately to mitigate downstream impacts during minor and major storm events.*

*Stormwater drainage must be designed to direct all water to a Council approved drainage system to prevent discharge runoff onto adjoining land. All piped drainage lines over adjoining land must be located within drainage easements at no cost to Council.*

*The plans and specifications must be designed by a qualified practising civil engineer/surveyor. The civil engineer/surveyor is to be a corporate member of the Institution of Engineers Australia or is to be eligible to become a corporate member and have appropriate experience and competence in the related field.*

*An approval is to be obtained under Section 68 of the Local Government Act 1993 to carry out stormwater drainage work.*

**Reason:** *To ensure adequate provision is made for stormwater drainage from the site in a proper manner that protects adjoining properties.*

The decision was unanimous.

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

The Panel determined to approve the application for the following reasons:

- i) The proposal is consistent with the policy framework applying to the site.
- ii) The facilities will provide a benefit to the broader community.
- iii) The form and scale of the development having regard to its setbacks and landscape setting is compatible with the surrounding streetscape.

#### **CONDITIONS**

The development application was approved subject to the conditions in the Council assessment report with the following amendments.





- i) Condition 14 to include reference to increased OSD and appropriately sized orifice plate to mitigate downstream impacts.

## CONSIDERATION OF COMMUNITY VIEWS

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

- Parking
- Stormwater

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report. Condition 14 was amended to address further mitigation measures.

| PANEL MEMBERS  |  |
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| <br>Alison McCabe (Chair) | <br>Roberta Ryan |
| <br>David West            | <br>Alan Tickle  |

| SCHEDULE 1 |   |   |
|------------|---|---|
| 1          | PANEL REF – LGA – DA NO.                              | PPSHCC-154 – MidCoast Council – DA2022/0943   |
| 2          | PROPOSED DEVELOPMENT                                  | <p>Alterations and additions to existing health services facility (Private Hospital):</p> <ul style="list-style-type: none"> <li>• Demolition of parts of the existing facility and car parking;</li> <li>• Internal reconfiguration of parts of the existing facility;</li> <li>• Inclusion of a new rehabilitation ward, including 12 new beds;</li> <li>• Inclusion of new mental health ward comprising 32 additional beds;</li> <li>• New vehicle ingress and egress arrangements and 44 space car park within the western section of the site;</li> <li>• Additional 22 car parking spaces within the north-eastern corner of the site;</li> <li>• Landscaping of the site;</li> <li>• Provision of necessary services and infrastructure.</li> </ul>   |
| 3          | STREET ADDRESS  | <p>Lot 1 DP 808421<br/>2 Potoroo Drive TAREE NSW 2430</p>   |
| 4          | APPLICANT/OWNER                                       | <p>Applicant: SLR Consulting Australia Pty Ltd<br/>Owner: Ram Medical Property Nominees Pty Ltd</p>   |
| 5          | TYPE OF REGIONAL DEVELOPMENT                          | Private infrastructure and community facilities over \$5 million  |
| 6          | RELEVANT MANDATORY CONSIDERATIONS                     | <ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ Rural Fires Act 1997</li> <li>○ State Environmental Planning Policy (Planning Systems) 2021</li> <li>○ State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>○ State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>○ State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>○ Greater Taree Local Environmental Plan 2010</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Greater Taree Development Control Plan 2010</li> <li>○ Greater Taree Section 94A Development Contributions Plan</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></li> <li>• Coastal zone management plan: Nil</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>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul> |
| 7          | MATERIAL CONSIDERED BY THE PANEL                      | <ul style="list-style-type: none"> <li>• Council assessment report: 28 June 2023</li> <li>• Written submissions during public exhibition: one (1)</li> </ul>  |
| 8          | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> <li>• Briefing: 8 February 2023 <ul style="list-style-type: none"> <li>○ Panel members: Alison McCabe (Chair), Tony McNamara, David West and Alan Tickle</li> </ul> </li> </ul>  |

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|    |                        | <ul style="list-style-type: none"> <li>○ <u>Council assessment staff</u>: Ben Lim-Cooper and Bruce Moore</li> <li>○ <u>Department staff</u>: Leanne Harris and Lisa Foley</li> </ul> <ul style="list-style-type: none"> <li>• Site inspection: 21 March 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Tony McNamara and David West</li> <li>○ <u>Council assessment staff</u>: Ben Lim-Cooper, Kieran Woodall and Bruce Moore</li> <li>○ <u>Department staff</u>: Leanne Harris</li> </ul> </li> <li>• Briefing: 4 April 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan and Alan Tickle</li> <li>○ <u>Council assessment staff</u>: Ben Lim-Cooper</li> <li>○ <u>Department staff</u>: Leanne Harris and Lisa Foley</li> </ul> </li> <li>• Final briefing to discuss Council's recommendation: 5 July 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan and David West</li> <li>○ <u>Council assessment staff</u>: Ben Lim-Cooper, Bruce Moore, Bailey Bark and Keiran Woodall</li> <li>○ <u>Department staff</u>: Leanne Harris</li> </ul> </li> <li>• Submitter Briefing: 5 July 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, David West and Alan Tickle</li> <li>○ <u>Council assessment staff</u>: Ben Lim-Cooper, Bruce Moore, Bailey Bark and Keiran Woodall</li> <li>○ <u>Department staff</u>: Leanne Harris</li> <li>○ <u>Submitters</u>: Craig Mitchell</li> </ul> <p><u>Note</u>: Submitter briefing was requested to respond to the recommendation in the Council assessment report</p> </li> <li>• Applicant Briefing: 5 July 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, David West and Alan Tickle</li> <li>○ <u>Council assessment staff</u>: Ben Lim-Cooper, Bruce Moore, Bailey Bark and Keiran Woodall</li> <li>○ <u>Department staff</u>: Leanne Harris</li> <li>○ <u>Applicant representatives</u>: Melissa Thomas, Kale Langford, Greg Campbell, Karen Gallagher, Stephen Sinclair and Kane Sinclair</li> </ul> <p><u>Note</u>: Applicant briefing was requested to respond to the recommendation in the Council assessment report</p> </li> </ul> |
| 9  | COUNCIL RECOMMENDATION | Approval  |
| 10 | DRAFT CONDITIONS       | Attached to the Council assessment report   |