

## DETERMINATION AND STATEMENT OF REASONS

### HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	2 April 2024
<b>DATE OF PANEL DECISION</b>	28 March 2024
<b>DATE OF PANEL MEETING</b>	26 March 2024
<b>PANEL MEMBERS</b>	Alison McCabe (Chair), Tony McNamara, Roberta Ryan, Alan Tickle
<b>APOLOGIES</b>	David West
<b>DECLARATIONS OF INTEREST</b>	Alan Tickle declared that he had received a phone call from the local Federal Member which was terminated. He also noted that one of the submitters sister-in-law works for him and her father is a client.

Public meeting held by teleconference on 26 March 2024, opened at 2:00 PM and closed at 3.00pm.

#### MATTER DETERMINED

PPSHCC-163 – MidCoast – DA2022/1362 at 88-90 Cornwall Street, Taree – Cancer Care Manning – Great Lakes – Demolition of existing structures and construction of new health services 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 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 had the benefit of a number of briefings on this matter and inspected the site. Given the number of submissions received the matter was also the subject of a Public Briefing meeting in March 2023 where both the applicant and those who had made a submission were given the opportunity to present to the Panel.

In October 2023 the Panel held a public determination meeting. At that time the Council's assessment report had recommended refusal of the application. The Panel deferred the determination of the application to request additional information and for the application to be amended to address the scale and intensity of the development, setbacks, car parking and built form issues that had been identified through the assessment.

The application has been amended to address the reasons for the deferral, resulting in a reduction in the amount of development, reduced staffing and patient numbers, increase in on site car parking and an improved presentation to Cornwall Street.

The Panel heard from a number of submitters who raised concern over the compatibility of the proposal with the character of the residential street, carparking, and the amenity impacts that the use could have on the area.

The site is zoned R1 General Residential. A 'health services facility' is permitted in the zone and is also permitted by section 2.6 of the SEPP (Transport and Infrastructure) 2021.

The general residential zone allows a range of non-residential uses including, educational establishments, child care facilities, serviced apartments and restaurants. The zone under the Greater Taree LEP 2010 also allows a variety of residential forms including dual occupancies, multi dwelling housing and Residential Flat Buildings. This is not a residential zone that permits a limited range of residential uses. It is not restricted to

single dwelling houses. The Panel also notes that the general area is not within a heritage conservation area.

The application as now amended provides an appropriate response to the site and can adequately cater for the functions of the use. There is sufficient car parking to meet the needs of the development.

The Panel notes that the removal of the substation to a pole mounted substation provides for additional car parking in excess of requirements.

To this end, the Panel considers that one of the car parking spaces should be designated as a service/drop off space for both service vehicles – which are limited to small courier vans – and potential drop off and pick up of patients. All servicing and drop off should occur at the rear of the site.

The Panel gives no weight to any reliance on public transport to service the facility and relies on the fact that the car parking meets the requirements.

The Panel has also viewed an example of a pole mounted substation in Pulteney Street and is of the view that this type of facility is typical of an urban environment and not intrusive to the streetscape.

The applicant in their presentation requested that Condition 18 be amended to provide for consolidation of the lots prior to occupation certificate. The Panel is not supportive of this change and has left the condition as drafted.

The Panel acknowledges the need for this type of health facility in locations proximate to the population in need, and other related health facilities.

The proposed development as amended, having regard to the sites context and the broader policy framework is an appropriate response to the sites constraints. The built form is compatible with the character of the surrounding area.

The proposed development is supported subject to conditions.

#### **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 following reasons.

1. The proposed development is compatible with the streetscape and the surrounding area.
2. The policy framework supports a range of non-residential uses in the zone.
3. The proposal will provide much needed health facilities in a regional area.
4. The impacts of the development can be appropriately mitigated.

#### **CONDITIONS**

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

1. Condition 37 be deleted and replaced with the following:

37. Prior to the issue of an occupation certificate the car parking areas must be constructed in accordance with the approved plans and be fully linemarked.

The car park must include a minimum of 12 car parking spaces of which one (1) space at the rear is to be designated as a service bay / drop off/pick up bay.

2. Addition of Condition 48:





48. All servicing, (other than garbage services), and drop off and pick up of patients is to be carried out from the rear car park.

**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:

1. Car parking
2. Heritage impacts
3. Incompatibility with residential setting, including noise
4. Rear access from Cornwall Lane
5. Reduced operations and funding applications
6. Side entry impacts on adjoining residential properties
7. Impacts associated with the power pole substation
8. Possible future increases in operations

The Panel considers that concerns raised by the community have been adequately addressed in the supplementary assessment report and that no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Roberta Ryan
 Tony McNamara	 Alan Tickle

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-163 – MidCoast – DA2022/1362
2	PROPOSED DEVELOPMENT	Demolition of structures and construction of new health services facility (cancer treatment clinic)
3	STREET ADDRESS	88 - 90 Cornwall Street, Taree 2430
4	APPLICANT/OWNER	Think Planners Ellis Terrece Hutchinson / Maree Lisa Hile
5	TYPE OF REGIONAL DEVELOPMENT	<b>Private infrastructure and community facilities over \$5 million</b>
6	RELEVANT MANDATORY CONSIDERATIONS	9. Environmental planning instruments: <ol style="list-style-type: none"> <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>Greater Taree Local Environmental Plan 2010</li> </ol> 10. Draft environmental planning instruments: Nil 11. Development control plans: <ol style="list-style-type: none"> <li>Greater Taree Development Control Plan 2010</li> </ol> 12. Planning agreements: Nil 13. Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> : Nil 14. Coastal zone management plan: Nil 15. The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality 16. The suitability of the site for the development 17. Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations 18. The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 4 October 2023</li> <li>Supplementary report received: 8 March 2024</li> <li>Verbal submissions at the public meeting:               <ul style="list-style-type: none"> <li>Penny Teerman</li> <li>Beverley Danilczak</li> <li>Martine Maunier</li> <li>Cassandra Dark</li> </ul> </li> <li><u>Applicant representatives</u>: Brad Delapierre, Jeff Hunter, Tony Noun, Damien Williams</li> <li>Written submissions during public exhibition: 64</li> <li>Total number of unique submissions received by way of objection: 29</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Preliminary Briefing: 8 February 2023               <ul style="list-style-type: none"> <li><u>Panel members</u>: Alison McCabe (Chair), Tony McNamara, Alan Tickle, David West</li> <li><u>Council assessment staff</u>: Ben Lim-Cooper, Bruce Moore</li> <li><u>Department</u>: Leanne Harris, Lisa Foley</li> </ul> </li> <li>Site inspection: 21 March 2023               <ul style="list-style-type: none"> <li><u>Panel members</u>: Alison McCabe (Chair), Tony McNamara, Roberta Ryan, David West</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>Public Briefing Meeting: 21 March 2023 <ul style="list-style-type: none"> <li><u>Panel members</u>: Alison McCabe (Chair), Tony McNamara, Roberta Ryan, David West</li> <li><u>Council assessment staff</u>: Ben Lim-Cooper, Bruce Moore</li> <li><u>Department</u>: Leanne Harris</li> </ul> </li> <li>Council Briefing: 2 August 2023 <ul style="list-style-type: none"> <li><u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Alan Tickle, David West</li> <li><u>Council assessment staff</u>: Ben Lim-Cooper, Bruce Moore</li> <li><u>Department</u>: Leanne Harris, Lisa Foley, Holly McCann</li> </ul> </li> <li>Briefing to discuss Council's recommendation: 11 October 2023 <ul style="list-style-type: none"> <li><u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Amanda Wetzel, Alan Tickle</li> <li><u>Council assessment staff</u>: Ben Lim-Cooper, Bruce Moore</li> <li><u>Applicant representatives</u>: Tony Noun, Jason Rudd, Brad Delapierre, Zack Ashby, Daniel Bogaz</li> <li><u>Department</u>: Leanne Harris, Holly McCann</li> </ul> </li> <li>Final briefing to discuss Council's recommendation: 26 March 2024 <ul style="list-style-type: none"> <li><u>Panel members</u>: Alison McCabe (Chair), Tony McNamara, Roberta Ryan, Alan Tickle</li> <li><u>Council assessment staff</u>: Ben Lim-Cooper, Bruce Moore</li> <li><u>Department</u>: Leanne Harris, Holly McCann, Joel Burgess</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report