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| MEMO | | | | |  |
| To: | Hunter and Central Coast Regional Planning Panel | | | | |
| From: | Scott Fatches, Development Planner | | | | |
| File: | DA/226/2022 | **Reference:** | PPSHCC-167 | Date: | 17 May 2023 |
| Subject: | Supplementary information for 31-33 Smith Street, Charlestown | | | | |

A supplementary review of draft conditions in consultation with the Panel has occurred. This review identified a level of ambiguity on the intent of proposed condition 4.

This memo looks to clarify the uncertainty in Condition 4.

The following gives the wording of Condition 4 as recommended in draft conditions provided to the Panel:

**4. Fit-out and Use of Level 1 and Level 4**

Prior to any occupation of Level 1 and/or Level 4 as identified by approved architectural plans prepared by Archadia Projects, Project No. A106 issue 3.2 dated May 2023, consent shall be obtained for the fit-out and any variation to the health services facility.

**Intent of Condition 4**

The submitted plans and documentation indicated fit-outs of level 1 and 4 are subject to a separate application. Condition 4 was imposed to control the future fit-out of level 1 and 4 which had been considered as a medical centre and hospital respectively, which fall under the parent term of a health services facility. The condition became equally important to ensure expectations for car parking rates were managed into the future.

For clarification, as part of the assessment, Council has considered the overall development as a health services facility comprising the following uses:

* Level 1 as a medical centre;

Level 1 included five tenancies, four of which are consistent with the definition as a medical centre. The fifth tenancy was identified as a potential pharmacy, Council considered this to be an ancillary component of the level 1 medical centre. Appropriate consideration of the use was given in this regard subject to future fit-out obtaining relevant approval.

* Level 2 as a medical centre;

Level 2 included 13 consulting rooms for use by allied health professionals which were considered to meet the definition of a medical centre. The general layout of the floor has been approved, subject to no change in use by allied health professionals, no further consent will be needed.

* Level 3 as a medical centre; and

Level 3 included 13 consulting rooms for use by allied health professionals which were considered to meet the definition of a medical centre. The general layout of the floor has been approved, subject to no change in use by allied health professionals, no further consent will be needed.

* Level 4 as a future hospital.

Level 4 was considered as a future private hospital with capacity for 23 beds and two operating theatres. Appropriate consideration of the use was given throughout the assessment report for the level to incorporate the future private hospital occupying the fourth level, subject to future fit-out obtaining relevant approval.

**Fit-out Pathways**

Council has undertaken a review of possible pathways for future fit-outs. Fit-out for the remaining elements of the health service facility may apply under [Part 5 Industrial and Business Alterations Code](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2008-0572#pt.5), Subdivision 1 Building alterations (internal) via*State Environmental Planning Policy (Exempt and Complying Development Codes)*2008 (*Codes SEPP*).

Any change of use for a specified purpose, which includes commercial premises and medical centres may apply under [Part 5A Industrial and Business Building Codes](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2008-0572#pt.5A) under the *Codes SEPP*.

Alternatively, lodgement of a development application (DA) for any change of use and or works outside the perimeters of the *Codes SEPP* and approval may apply.

**Recommendation**

The land use of each floor has been considered as part of the assessment and Council is satisfied that fit-out can occur under the provisions of the *Codes SEPP* without further environmental impact. To ensure there is no ambiguity between approval and fit-out of Level 1 and 4, Council recommends the inclusion of the modified condition as set out below:

**4. Fit-out**

Consent shall be obtained prior to any fit out or occupation of Level 1 and/or Level 4, for the approved health services facility, which includes:

Level 1 – Medical Centre, including ancillary pharmacy

Level 2 – Medical Centre

Level 3 – Medical Centre

Level 4 – Hospital

Should you have any further questions, or require further information to assist in the Panel’s determination of the application, please contact me on 0438 268 841 or sfatches@lakemac.nsw.gov.au.

Scott Fatches

Development Planner

Development Assessment & Certification