

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

DATE OF DETERMINATION	22 May 2023
DATE OF PANEL DECISION	22 May 2023
PANEL MEMBERS	Tony McNamara (Chair), Amanda Wetzel and Christine Buckley
APOLOGIES	Alison McCabe, Roberta Ryan and Allison Burrows
DECLARATIONS OF INTEREST	Jason Pauling declared a conflict of interest as he previously voted on matters relating to this site as a Councillor of Lake Macquarie City Council.

Papers circulated electronically on 10 May 2023.

MATTER DETERMINED

PPSHCC-167 – Lake Macquarie City Council – DA/2630/2022 at 31 Smith St, Charlestown – 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 had the benefit of briefings with both the applicant and Council including a final briefing before the Panel deliberated. Arising from the initial briefing the Panel requested specific consideration be given to the built form, access, car parking, the architectural form of the proposed car park, the extent of vegetation removal on the site and relationship to future public domain works.

Following the final briefing further memos from Council dated 17th and 19th May 2023 have been considered by the Panel.

The Panel notes the site is well located with services and access to public transport to make the site suitable for a health services facility.

The Panel is satisfied that the amended proposal includes well designed architectural features and treatments and that traffic, access and car parking have been adequately addressed.

The Panel remain concerned about the extent of vegetation removal on the site but acknowledge the site constraints and proposed landscaped outcomes have been adequately assessed and will result in a development that is suited to the site.

To provide further clarity around future unspecified uses within parts of the building the Panel have modified condition no. 4 to provide certainty in relation to future approval requirements for fit out and use as follows:

Condition 4 Fit-out and Occupation

Additional consents shall be obtained as follows prior to any fit out or occupation of the approved health services facility, which includes:

- 1. Level 1 as a medical centre;*

Level 1 includes five tenancies, four of which are consistent with the definition as a medical centre.

The fifth tenancy was identified as a potential pharmacy, which is considered this to be an ancillary

component of the level 1 medical centre. Consent shall be obtained prior to any fit out or occupation of Level 1.

2. *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.

3. *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.

4. *Level 4 as a private hospital.*

Level 4 was considered as a future private hospital with capacity for 23 beds and two operating theatres. Consent shall be obtained prior to any fit out or occupation of Level 4.

The proposal as modified is an acceptable outcome for the site and the surrounding context.

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 council assessment report. The Panel was satisfied that of the merits of the application. It is generally consistent with the adopted planning framework for this locality and the design of the development has been responsive to its context.

CONDITIONS

The development application was approved subject to the conditions attached to the assessment report and the supplementary assessment memorandum of 15 May 2023. The Panel also made further amendment to condition no. 4 to clarify the uses of the development approved by this consent and in response to a supplementary memo from the Council dated 17 May 2023.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the one written submission made during public exhibition. The Panel notes that primary issue of concern was in relation to car parking which has been adequately addressed in the assessment.

PANEL MEMBERS	
 Tony McNamara (Chair)	 Amanda Wetzel
 Christine Buckley	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-167 – Lake Macquarie City Council – DA/2630/2022
2	PROPOSED DEVELOPMENT	Health Services Facility
3	STREET ADDRESS	Lot 1 & 2 DP 877977 31-33 Smith Street, CHARLESTOWN
4	APPLICANT OWNER	Wilson Planning Pty Ltd GPV Charlestown Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Industry and Employment) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Planning Systems) 2021 Lake Macquarie Local Environmental Plan 2014 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Lake Macquarie Development Control Plan 2014 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</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: 9 May 2023 Supplementary assessment memorandum: 15 May 2023 Supplementary assessment memorandum: 17 May 2023 Supplementary assessment memorandum: 19 May 2023 Written submissions during public exhibition: one (1)
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 8 March 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe (Chair), Tony McNamara and Jason Pauling <u>Applicant representatives</u>: Wes Wilson, Bradly Snedden, Ian Gill and Gavin Rose <u>Council assessment staff</u>: Scott Fatches and Glen Mathews <u>Department staff</u>: Leanne Harris and Lisa Foley Site inspections: <ul style="list-style-type: none"> <u>Tony McNamara (Chair)</u>: May 2nd 2023 Final briefing to discuss council's recommendation: 17 May 2023

		<ul style="list-style-type: none"> ○ <u>Panel members</u>: Tony McNamara (Chair), Amanda Wetzel and Christine Buckley ○ <u>Council assessment staff</u>: Scott Fatches, Glen Mathews and Andrew Leese ○ <u>Department staff</u>: Leanne Harris and Lisa Foley <ul style="list-style-type: none"> • Applicant Briefing: 17 May 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Tony McNamara (Chair), Amanda Wetzel and Christine Buckley ○ <u>Council assessment staff</u>: Scott Fatches, Glen Mathews and Andrew Leese ○ <u>Department staff</u>: Leanne Harris and Lisa Foley ○ <u>Applicant representatives</u>: Wes Wilson, Ian Gill, Gavin Rose and Anton Conus <p><u>Note</u>: Applicant briefing was requested to respond to the recommendation in the council assessment report</p>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the assessment report and the supplementary assessment memorandum of 15 May 2023