

DETERMINATION AND STATEMENT OF REASONS
NORTHERN REGIONAL PLANNING PANEL

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| DATE OF DETERMINATION | 16 November 2023 |
| DATE OF PANEL DECISION | 15 November 2023 |
| PANEL MEMBERS | Dianne Leeson (Chair), Stephen Gow, Michael Wright, David Crofts and Tony McNamara |
| APOLOGIES | None |
| DECLARATIONS OF INTEREST | None |

Papers circulated electronically on 3 November 2023.

MATTER DETERMINED

PPSNTH-189 - Port Macquarie-Hastings - DA2022 - 901.1 - 86-94 Lake Road, Port Macquarie - Alterations and Additions to 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 listed at item 8 in Schedule 1.

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 agrees with Council's assessment that:

- the development is permissible with consent and meets the objectives of the R1 General Residential Zone
- the development is consistent with the objects of the Environmental Planning and Assessment Act 1979 and adequately addresses relevant planning controls
- the development adequately addresses traffic and parking, operational and amenity issues
- the site is suitable for the development being an extension of an existing hospital with access to essential services

The Panel is satisfied the amended plans and supporting documents submitted on 14 September 2023 adequately address the issues raised in its deferral of a determination of 2 August 2023, in particular parking and construction management. The Panel is also satisfied that the impacts associated with the construction and operation of the facility can be mitigated or managed by the imposition of conditions as recommended by Council.

The Panel is satisfied the proposal is in the public interest as:

- the site is suitably located and accessible
- it will provide positive social benefit through additional hospital facilities and medical services in the Port Macquarie area and positive economic impacts through additional employment during construction and operation

- the development, subject to the recommended conditions, will not result in unacceptable amenity or other impacts upon the surrounding built environment and neighbours

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- Amend Condition A(20) to insert new dot point (as fourth dot point), the following
 - Access to 'The Grange' car parking area that is to be unimpeded and maintained at all times.
- Amend Condition E(13) by inserting the words 'in accordance with the updated plan referred to in condition B(13)' in the first sentence after the word 'completed'
- Insert new Condition E(23), which reads as follows:
(23) (E201) Prior to the issue of an occupation certificate, a parking management and travel plan is to be submitted to and approved by Council. The plan is to give consideration to the implementation of the following strategies and any other related initiatives:
 1. Cycle parking facilities, including secure cycle boxes and facilities for charging e-bikes.
 2. Car-pooling.
 3. Mini bus service.
 4. Taxi vouchers.
 5. Paid parking.
 6. Number plate recognition technology.
 7. Controlled access.

The plan is to include provision for an annual review report to be submitted to Council for approval up to 5 years post issue of the final occupation certificate. The annual review report is to include appropriate survey of parking on the site and surrounding streets to gauge the effectiveness of the plan. The annual review report is to include a re-analysis, and where appropriate implementation, of the above strategies to improve overall parking and travel demands of the development.

- Insert new Condition E(24), which reads as follows:
(24) Prior to the issue of an occupation certificate, a safer by design on site security report is to be submitted to Council detailing safety and security management strategies that will be implemented on the site as part of the operating phase of the development. Strategies are to include, but not be limited to, the following:
 1. On-site security.
 2. Building access controls.
 3. CCTV.
 4. Lighting.
 5. Landscaping.
 6. Parking during night time hours.
 7. Security procedures


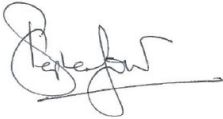
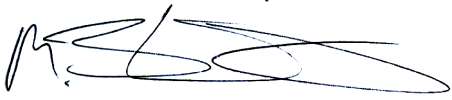
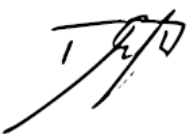

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the nine written submissions made during the two public exhibition periods. The Panel notes that issues of concern included:

- Car parking and access
- Consent for food premises
- Occupation of suites
- Traffic impacts and congestion
- Services and easements
- Acoustic and landscaping arrangements
- Noise and dust impacts
- Overlooking
- Height

The Panel has imposed conditions to address issues raised in submissions relating to traffic and parking, construction impacts and privacy/overlooking. In particular, the Panel has imposed conditions requiring unimpeded access to the parking area in front of the Grange medical facility throughout construction, and

development and implementation of a parking management and travel plan, in consultation with Council, to improve access to the site and to ameliorate parking impacts.

| PANEL MEMBERS | |
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|  Dianne Leeson (Chair) |  Stephen Gow |
|  Michael Wright |  David Crofts |
|  Tony McNamara | |

| SCHEDULE 1 | | |
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| 1 | PANEL REF – LGA – DA NO. | PPSNTH-189 - Port Macquarie-Hastings - DA2022 - 901.1 |
| 2 | PROPOSED DEVELOPMENT | Staged Alterations and Additions to Private Hospital |
| 3 | STREET ADDRESS | Lot 1 DP 1225449 86-94 Lake Road Port Macquarie |
| 4 | APPLICANT/OWNER | Erilyan Pty Ltd HCOA Operations (Australia) Pty Ltd |
| 5 | TYPE OF REGIONAL DEVELOPMENT | Private infrastructure and community facilities over \$5 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 (Planning Systems) 2021 State Environmental Planning Policy (Primary Production) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Port Macquarie-Hastings Local Environmental Plan 2011 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Port Macquarie Hastings Development Control Plan 2013 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</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: 21 July 2023 Council Final Assessment Report: 3 November 2023 Written submissions during public exhibition: Nine (9) Total number of unique submissions received by way of objection: Nine (9) |
| 8 | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> Briefing: 14 March 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, David Crofts, and Tony McNamara <u>Council assessment staff</u>: Vanessa Penfold, Patrick Galbraith-Robertson, Dan Croft <u>Department staff</u>: Carolyn Hunt, Louisa Agyare, and Lisa Foley Site inspection: 26 April 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, David Crofts <u>Council assessment staff</u>: Vanessa Penfold and Dan Croft Submitter Briefing: 2 August 2023 |

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| | | <ul style="list-style-type: none"> ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, David Crofts, Penny Holloway ○ <u>Applicant representatives</u>: Vanessa Penfold and Dan Croft ○ <u>Department staff</u>: Carolyn Hunt, Louisa Agyare, and Lisa Ellis ○ <u>Submitter</u>: Dr Deborah King <ul style="list-style-type: none"> ● Applicant Briefing: 2 August 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, David Crofts, Penny Holloway ○ <u>Applicant representatives</u>: Mike Pain, Adan Byrnes, Moira Finch, Ryan Ainsworth and Jonathan Megalos ○ <u>Council Assessment Staff</u>: Vanessa Penfold and Dan Croft ○ <u>Department staff</u>: Carolyn Hunt, Louisa Agyare, and Lisa Ellis ● Final briefing to discuss council's recommendation: 2 August 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, David Crofts, Penny Holloway ○ <u>Council assessment staff</u>: Vanessa Penfold and Dan Croft ○ <u>Department staff</u>: Carolyn Hunt, Louisa Agyare, and Lisa Ellis ● Applicant Briefing: 14 November 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, David Crofts, and Tony McNamara ○ <u>Applicant representatives</u>: Michael Pain, Adan Byrnes, Moira Finch, Ryan Ainsworth, Jonathan Megalos and Ben Lidell ○ <u>Council Assessment Staff</u>: Vanessa Penfold and Dan Croft ○ <u>Department staff</u>: Carolyn Hunt, Louisa Agyare, and Lisa Ellis ● Final briefing to discuss council's recommendation: 14 November 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, David Crofts, and Tony McNamara ○ <u>Council assessment staff</u>: Vanessa Penfold and Dan Croft ○ <u>Department staff</u>: Carolyn Hunt, Louisa Agyare, and Lisa Ellis |
| 9 | COUNCIL RECOMMENDATION | Approval |
| 10 | DRAFT CONDITIONS | Attached to the Council Assessment Report |