

<b>DATE OF DETERMINATION</b>	4 July 2023
<b>DATE OF PANEL DECISION</b>	4 July 2023
<b>PANEL MEMBERS</b>	Dianne Leeson (Chair), Stephen Gow, Michael Wright, David Crofts, and Tony McNamara
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 20 June 2023.

#### **MATTER DETERMINED**

PPSNTH-202 – Port Macquarie-Hastings – DA2022-588.1 at 8 Lake Road, Port Macquarie – Medical Centre (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.

#### **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 including:

- The proposed medical centre development is permissible with consent on land zoned R1 General Residential
- The proposed development is consistent with the zone objectives as it provides a medical service to meet the day to day needs of the community. The site is therefore suitable for the proposed development
- The proposal is compliant with applicable environmental planning instruments and controls
- The proposal is consistent with the context of the site, the local residential area and surrounding emerging medical precinct
- Appropriate landscaping, visual screening and car parking is provided
- Traffic and parking impacts are considered negligible as the development is an enhancement and extension of the existing facility. All vehicular access is off Gray Street
- The proposal does not result in any solar access or view impacts for neighbouring properties
- Adequate services are available to the site and stormwater, wastewater and waste can be adequately managed
- The Panel has carefully considered all relevant issues raised in submissions and believes they have been satisfactorily resolved by design amendments and/or conditions imposed by this approval
- The proposal is in the public interest as it will deliver enhanced medical facilities for the local area, provide ongoing employment of local health professionals and impacts can be managed by imposition of conditions

## CONDITIONS

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



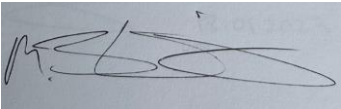
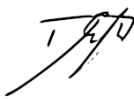

- Amend Condition A16 by deleting the words 'Obsolete brick paving' and replacing with 'All paved'
- Delete Condition A18
- Amend Condition F5 to read as follows:  
'Clinical wastes and sharps shall be removed from the site by an approved contaminated waste contractor for disposal at an approved facility licenced to receive such waste.'
- Amend Condition F7 to read as follows:  
Hours of operation of the development are restricted to the following hours: - 8:30 am to 5:30 pm – Mondays to Fridays  
No work is to be carried out on weekends and Public Holidays.  
Truck deliveries and garbage collection is to occur after 7:00am and before 8:30am Monday to Friday so as to minimise impacts on neighbours and the operation of the medical centre
- Amend Condition F9 to read as follows:  
Where air conditioning can be heard within a neighbouring property, it shall be operated between the following hours only:
  - Monday to Friday - 8:00am – 5:30 pm
  - Air conditioning is not to be used on weekends and public holidays.Should noise level exceed 5dBA above the background noise level measured at the boundary, the air conditioner motor shall be enclosed with an effective soundproof unit.

## CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition. There were no submitters registered to address the panel. The panel notes that issues of concern included:

- Traffic and access
- Staging and parking
- Parking
- Access

The panel considers that concerns raised by the community have been adequately addressed in the assessment report. The panel notes that in addressing these issues, appropriate conditions have been imposed.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-202 – DA2022 - 588.1
2	PROPOSED DEVELOPMENT	Medical Centre
3	STREET ADDRESS	Lot 1 DP 1082815 & Lot 4 DP 38266, 8& 14 Lake Road, Port Macquarie
4	APPLICANT/OWNER	Hopkins Consultants Pty Ltd / Werin Aboriginal Corporation
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>○ State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>○ State Environmental Planning Policy (Planning Systems) 2021</li> <li>○ State Environmental Planning Policy (Primary Production) 2021</li> <li>○ State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>○ State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>○ Port Macquarie-Hastings Local Environmental Plan 2011</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Port Macquarie-Hastings Development Control Plan 2013.</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</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>• Statement of Environmental Effects prepared by Hopkins Consultants dated June 2022 and supporting documents</li> <li>• Council assessment report: 13 June 2023</li> <li>• Written submissions during public exhibition: Three (3)</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: 19 April 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, David Crofts, and Tony McNamara</li> <li>○ <u>Council assessment staff</u>: Clinton Tink</li> <li>○ <u>Department Staff</u>: Carolyn Hunt</li> </ul> </li> <li>• Site inspection: 26 April 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, and David Crofts</li> <li>○ <u>Council assessment staff</u>: Clinton Tink and Dan Croft</li> </ul> </li> <li>• Final briefing to discuss council's recommendation: 29 June 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, David Crofts and Tony McNamara</li> <li>○ <u>Council assessment staff</u>: Clinton Tink and Dan Croft</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ <u>Department staff</u>: Carolyn Hunt, Louisa Agyare and Lisa Ellis</li> </ul> <ul style="list-style-type: none"> <li>• Applicant Briefing: 29 June 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, David Crofts, and Tony McNamara</li> <li>○ <u>Council assessment staff</u>: Clinton Tink and Dan Croft</li> <li>○ <u>Department staff</u>: Carolyn Hunt, Louisa Agyare and Lisa Ellis</li> <li>○ <u>Applicant representatives</u>: Andrew Lister, Michael Lockhart, Rob Snow and Fay Adamson</li> </ul> </li> </ul> <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 council assessment report