

### Treelands Drive, Yamba - Reclassification from Community to Operational

Proposal Title : **Treelands Drive, Yamba - Reclassification from Community to Operational**

Proposal Summary : **The Council proposes to reclassify land at Treelands Drive Reserve, Yamba from Community to Operational, with no interests changed. The purpose of this reclassification is to enable the land to be sold to NSW Health to enable funding to be accessed for construction of a community health facility. The land currently contains the Yamba Ambulance Station, this use is proposed to continue alongside the community health facility.**

PP Number : **PP\_2014\_CLARE\_003\_00**

Dop File No :

**14/06416**

#### Proposal Details

Date Planning  
Proposal Received : **10-Apr-2014**

LGA covered : **Clarence Valley**

Region : **Northern**

RPA : **Clarence Valley Council**

State Electorate : **CLARENCE**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Reclassification**

#### Location Details

Street : **Treelands Drive**

Suburb : **Yamba**

City :

Postcode : **2464**

Land Parcel : **Lot 1 and Part Lot 2 DP 1077069**

#### DoP Planning Officer Contact Details

Contact Name : **Tamara Prentice**

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#### RPA Contact Details

Contact Name : **Deborah Wray**

Contact Number : **0266430271**

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#### DoP Project Manager Contact Details

Contact Name : **Jim Clark**

Contact Number : **0266416604**

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#### Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub

Consistent with Strategy :

Regional Strategy :

## Treelands Drive, Yamba - Reclassification from Community to Operational

MDP Number :

Date of Release :

Area of Release  
(Ha) :

Type of Release (eg  
Residential /  
Employment land) :

No. of Lots : 0

No. of Dwellings : 0  
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Lobbyists Code of  
Conduct has been  
complied with : **Yes**

If No, comment :

Have there been meetings or  
communications with  
registered lobbyists? : **No**

If Yes, comment :

### Supporting notes

Internal Supporting  
Notes :

This planning proposal was initially submitted on the 4 April 2014. However it did not contain sufficient information to assess the proposal. Additional information was requested on the 7 April, including

- A completed 'evaluation criteria for delegation of plan making functions'
- A completed 'information checklist'
- The attachments referred to in the Planning Proposal, specifically those addressing the section 117 directions and compliance with SEPP's; and
- Confirmation of whether the status of the reserve will change or not.

The outstanding information was provided on 10 April 2014.

External Supporting  
Notes :

Clarence Valley Council has a standard template LEP. This proposal includes the insertion of the land description in Part 1 of Schedule 4. No other changes to the written instrument or maps are proposed as part of this application.

A public hearing is required to be held following the public submission period. in accordance with Section 29 of the Local Government Act 1993.

## Adequacy Assessment

### Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The statement of objectives adequately describes the intention of the planning proposal. The proposal seeks to reclassify Lot 1 DP 1077069, Treelands Drive, Yamba within the Clarence Valley LGA from community to operational.

### Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : The explanation of provisions adequately addresses the intended method of achieving the objectives of the planning proposal. The amendment will include the additional entry into Part 1 Land Classified, or reclassified, as operational land – no interest changed - Schedule 4 of the Clarence Valley LEP 2011.

No mapping or other written amendments are required.

**This is the only means of achieving the intent of the objective.**

**Justification - s55 (2)(c)**

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

**2.2 Coastal Protection**

\* May need the Director General's agreement

**4.1 Acid Sulfate Soils**

**4.3 Flood Prone Land**

**5.1 Implementation of Regional Strategies**

**6.1 Approval and Referral Requirements**

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

**SEPP No 55—Remediation of Land**

**SEPP No 71—Coastal Protection**

**SEPP (Infrastructure) 2007**

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

**Mapping Provided - s55(2)(d)**

Is mapping provided? **No**

Comment :

**This application relates to Lot 1 in an approved subdivision of Lot 1 and 2 DP 1077069. Approved Lot 1 incorporates the existing Lot 1 and 1,756m2 of existing Lot 2. If the approved Lot has not been granted its own title prior to the making of this LEP, the planning proposal will need to be amended to enable a Land Reclassification (Part Lots) map to be included.**

**Community consultation - s55(2)(e)**

Has community consultation been proposed? **Yes**

Comment :

**Council has indicated that under the requirements of Section 34 of the Local Government Act 1993 an exhibition period of 28 days will commence on receipt of an approved Gateway determination. In addition, a public hearing will also be held as required under section 29 of the Local Government Act 1993 as the proposal includes the reclassification from "community" land to "operational" land. This hearing is proposed to occur following completion of the public exhibition period.**

**Additional Director General's requirements**

Are there any additional Director General's requirements? **No**

If Yes, reasons :

**Overall adequacy of the proposal**

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

**The planning proposal satisfies the adequacy criteria by:**

**1) Providing an appropriate objective and intended outcome.**

**2) Providing a suitable explanation of the provisions for the LEP to achieve the outcomes.**

**3) Providing an adequate justification for the proposal.**

**4) Outlining a proposed community consultation program.**

## Treelands Drive, Yamba - Reclassification from Community to Operational

- 5) Completing an evaluation for the issuing of an authorisation to exercise delegation. Delegation is acceptable as there are no trusts being discharged or any interests changed.
- 6) Providing a timeline for the completion of the proposal. Council has suggested a timeline of 6 months, which is acceptable.

### DELEGATION AUTHORISATION

Clarence Valley Council has formally accepted plan-making delegations for planning proposals and has requested delegation for this planning proposal. It is recommended that Council be issued delegation under section 59 of the EP&A Act in regards to this planning proposal.

## Proposal Assessment

### Principal LEP:

Due Date :

Comments in  
relation to Principal  
LEP :

The Clarence Valley Standard Instrument LEP was made in December 2011. This land is, and will remain, zoned SP2 Infrastructure, with the mapped purpose being for 'Community Facilities'. This planning proposal seeks an amendment to Schedule 4 of the Clarence Valley LEP 2011.

### Assessment Criteria

Need for planning  
proposal :

The development of community health services for Yamba has been a priority for health services on the North Coast for a number of years. This is due to the following:

- high and growing aged population (median age 48 years compared to 37 years for NSW),
- a relatively high Aboriginal population (4.1%, compared to the NSW average of 2.1%) and
- median income more than 30% below NSW median.

Based on the above the NSW Ministry of Health (MOH) applied for, and received, funding from the Commonwealth Government of \$4.3 million. This was based on a co-contribution from NSW MOH of \$1.2 million. This project has an approved capital expenditure of \$5.5 million.

NSW Health has requested Council sell them this land with the above development in mind. Council has agreed to the sale of land, however such sale can not proceed unless the land can be reclassified from Community to Operational.

This planning proposal is needed to enable a necessary health service facility to be constructed, in a timely manner, in Yamba. This will negate the need for residents to travel to either Maclean or Grafton for necessary health treatment.

## Treelands Drive, Yamba - Reclassification from Community to Operational

Consistency with strategic planning framework :

### Far North Coast Regional Strategy (FNCRS)

The FNCRS was released in 2007 and identifies the Government's key strategic directions for the Far North Coast. The FNCRS broadly aims to provide for sustainable development within the identified settlement planning hierarchy.

Yamba is identified as a town in the settlement planning hierarchy. Towns are proposed to have small to medium scale concentration of retail, health and other services. This proposal will enable the construction of a small scale health services facility, designed to provide basic health care facilities to the local population.

### Clarence Valley Council Social Plan 2010- 2014

The CVC Social Plan identifies the need for non-hospital health care options for the ageing population. Specifically 'Action 1.1.1. Health Infrastructure' of the adopted social plan provides that Council will 'Support the development of outreach health services to coastal towns and rural villages e.g. Health outposts and the Yamba Community Health Centre.'

This proposal is consistent with the adopted strategic plans.

### STATE ENVIRONMENTAL PLANNING POLICIES

#### SEPP 71 – Coastal Protection

This land is within the Coastal Zone, and the relevant provisions of SEPP 71 were considered by Council when assessing the development application approving the construction of this Health Services Facility. The site is removed from any public foreshore area and has conditions linked to the development consent which require appropriate erosion and sediment controls to be put in place prior to, and during, construction. This proposal is consistent with the matters for consideration in clause (8) of this SEPP.

No other SEPPs are relevant to this planning proposal.

### SECTION 117 DIRECTIONS

The proposal involves justified inconsistencies with the following directions:

#### 2.2 Coastal Protection

This proposal is within the coastal zone, however the proposal does not contain provisions giving effect to the documents required under this direction. This proposal is however, minor, and is consistent with the Far North Coast Regional Strategy. This proposal is in keeping with the permissible exceptions to this direction.

#### 4.1 Acid Sulfate Soils

This land is mapped as Class 2 ASS. The proposal however does not involve or enable any construction works above what are currently permissible. This proposal is of minor significance and is a permissible exception to this direction.

#### 4.3 Flood prone land

This proposal alters the classification of this land from community to operational. The proposal however can not comply with the direction as it does not introduce any specific provisions. As the proposal does not create additional development potential on the floodplain, the inconsistency is considered of minor significance. As it is of minor significance the inconsistency is a permissible exception.

The proposal is consistent with all other relevant Section 117 Directions.

Environmental social economic impacts :

### ENVIRONMENTAL IMPACTS

As this site is highly disturbed comprising an open grassy area with selective landscaped gardens it is not likely that this planning proposal will adversely impact on threatened species, populations or ecological communities or their habitats.

### SOCIAL & ECONOMIC CONSIDERATIONS

This reclassification, and associated sale of the land to NSW Health, will enable the construction of local health services facilities to service the ageing population of Yamba.

## Treelands Drive, Yamba - Reclassification from Community to Operational

This is a necessary service identified by NSW Health. The provision of local level services in Yamba will enhance the town self-sufficiency, removing the necessity for trips to the centres of Maclean and Grafton for basic health service facilities.

### Assessment Process

|                                            |          |                                 |         |
|--------------------------------------------|----------|---------------------------------|---------|
| Proposal type :                            | Routine  | Community Consultation Period : | 28 Days |
| Timeframe to make LEP :                    | 6 months | Delegation :                    | RPA     |
| Public Authority Consultation - 56(2)(d) : | Other    |                                 |         |

Is Public Hearing by the PAC required? **Yes**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

**No internal consultation required**

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons : **NSW Ministry of Health have applied for and been granted \$4.3 million in capital funds under the Commonwealths Health and Hospital Fund. This funding is subject to a co-contribution of \$1.2 million from NSW Ministry of Health. The NSW Ministry of Health is committed to pursuing this project.**

### Documents

| Document File Name | DocumentType Name | Is Public |
|--------------------|-------------------|-----------|
|--------------------|-------------------|-----------|

### Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 2.2 Coastal Protection**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 5.1 Implementation of Regional Strategies**
- 6.1 Approval and Referral Requirements**

Additional Information : **It is recommended that the planning proposal PP\_2014\_CLARE\_003\_00, to include approved Lot 1 under Clarence Valley Councils DA2013/0025 in Part 1 of Schedule 4 of the Clarence Valley LEP 2011, should proceed subject to the following conditions:**

- 1. Community consultation is required under section 57 of the Environmental Planning**

## Treelands Drive, Yamba - Reclassification from Community to Operational

and Assessment Act 1979 (EP&A Act) as follows:

- a. The planning proposal must be made publicly available for a minimum of 28 days, and
  - b. The relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).
  - c. Council is to conduct a public hearing in accordance with the requirements of section 29 of the Local Government Act 1993 as the planning proposal involves reclassification of land from community to operational.
2. A public hearing is not required to be held into the matter under section 56(2)(e) of the EP&A Act.
  3. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
  4. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

It is also recommended that delegation to finalise the planning proposal be issued to Clarence Valley Council.

Supporting Reasons :

The reasons for the above recommendations for the planning proposal are as follows:

1. The proposal to reclassify this land is necessary to facilitate essential health services being provided in Yamba.
2. The issue of delegation to Council to finalise the planning proposal is appropriate in this instance. The proposal will not result in the change of any interests in this land and as such the Governors approval is not required.

Signature:



Printed Name:

JIM CLARK

Date:

16 April 2014