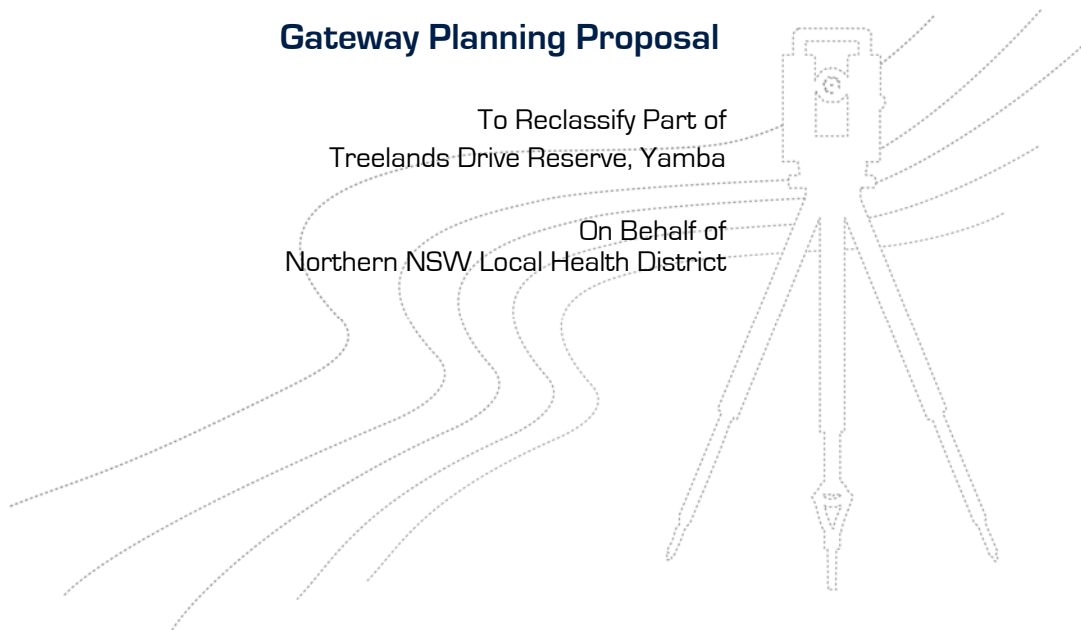


Gateway Planning Proposal

To Reclassify Part of
Treelands Drive Reserve, Yamba

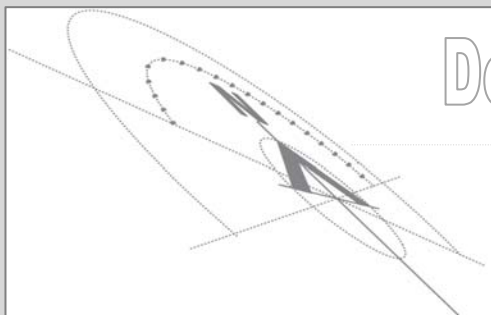
On Behalf of
Northern NSW Local Health District



Site: Approved Lot 1 in DA 2013/0025
[being a boundary adjustment subdivision
between Lots 1 & 2 DP 1077069]

Our Ref: 12/224
Date: February 2014





Document Control Sheet

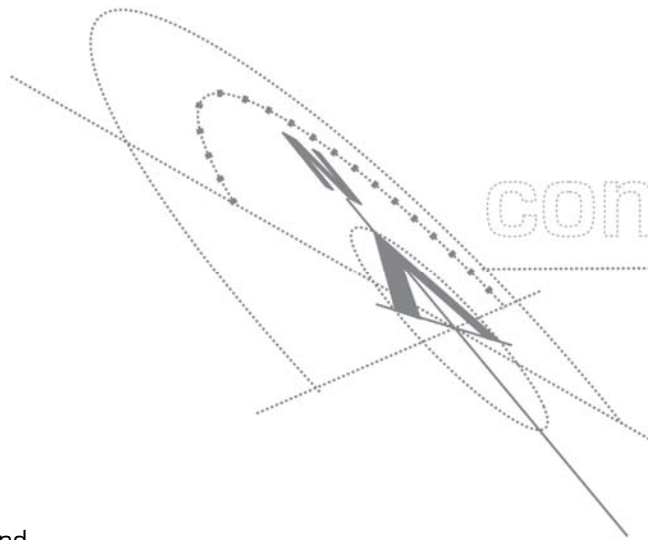
Document and Project Details				
Document Title:		Gateway Planning proposal to Reclassify Part of Treelands Drive Reserve, Yamba		
Author:		Karina Vikstrom		
Project Manager:		Karina Vikstrom		
Date of Issue:		24 February 2014		
Job Reference:		12/224		
Project Outline:		This document presents a Planning Proposal to reclassify part of the land containing the existing Yamba Ambulance Station and Yamba Community Health Centre from Community Land to Operational Land.		
Document Distribution				
Date	Status	Distribution – Number of Copies		
		Client	Council	Other
27/8/13	Draft	1	0	0
24/2/14	Final	1	1	0
Documentation Verification				
Checked by:	Deborah Wray Karina Vikstrom			

USAGE NOTE:

This document was prepared for the exclusive use of Northern NSW Local Health District for the development of land described herein and is not to be used for any other purpose or by any other person or corporation. Newton Denny Chapelle accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this document for a purpose other than that described above.

The maps, development plans and exhibits shown in this report are suitable only for the purposes of this report. No reliance should be placed on this information for any purpose other than for the purposes of this report. All dimensions, number, size and shape of lots/buildings as shown on plans in this document are subject to detailed engineering design plans and final survey and may vary subject to conditions of consent issued by Council.

The information contained in this report is based on independent research undertaken by Newton Denny Chapelle. To the best of our knowledge, it does not contain any false, misleading or incomplete information.



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Attachments

- Attachment 1 – Approved Building Design Plans (DA 2013/025)
- Attachment 2 – Current Plan of Management
- Attachment 3 – Clarence Valley Council Report
- Attachment 4 – Information Provided in Accordance with
Best Practice Guideline “LEPs and Council Land”
- Attachment 5 – Assessment Against S117 Ministerial Directions
- Attachment 6 – Assessment Against State Environmental Planning Policies

1. Background

1.1 Summary of Project

Newton Denny Chapelle (NDC) has been engaged by Northern NSW Local Health District to prepare a 'Planning Proposal' for lodgement with Clarence Valley Council for part of Treelands Drive Reserve, Yamba. The land is owned by Clarence Valley Council and is classified as "Community Land" pursuant to the *Local Government Act 1993*.

Development Application DA 2013/0025 was approved by Clarence Valley Council at its Ordinary Meeting held on 21 May 2013. The Development Application involved two interrelated matters:

- the erection of the Yamba Community Health Centre on land adjacent to the Yamba Ambulance Station. The Yamba Community Health Centre will be a new purpose built facility which will provide a wide range of integrated health care services to the community of Yamba and surrounds; and
- a boundary adjustment subdivision to ensure that both the Community Health Centre and Ambulance Station are located on the same parcel of land [approved Lot 1]. Approved Lot 1 has an area of approximately 3640m² [subject to final survey].

The purpose of the Planning Proposal is to reclassify that part of the land containing the existing Yamba Ambulance Station and approved Yamba Community Health Centre (being approved Lot 1) from "Community Land" to "Operational Land" pursuant to the *Local Government Act 1993*. This will enable Clarence Valley Council to dispose of the property to NSW Health Administration Corporation.

1.2 Property Description

The formal property description of the site is currently Lot 1 and Lot 2 DP 1077069, Parish of Yamba and County of Clarence, as illustrated on **Plate 1**. This Planning Proposal relates only to that part of the site illustrated as “Approved Lot 1” on **Plate 2**. “Approved Lot 1” was approved via Development Application DA 2013/0025 on 24 May 2013.



Plate 1 - Locality Plan
(Current Property Boundaries)



Plate 2 - Land Subject to Planning Proposal
(Note: All dimensions and areas subject to final survey)

1.3 General Description of Site and Locality

The subject land is located approximately 307 metres from the 'T' intersection of Treelands Drive and Yamba Road within the urban area of the Yamba village. The properties are located on the eastern side of Treelands Drive and adjoin the Yamba Community Centre. The property also has frontage to Roberts Close and Lady Nelson Place. **Plate 3** illustrates the site in its local context.



Plate 3 – Aerial View of subject site.

The land is currently occupied by the Yamba Community Centre (opened 1999) located within the north-western portion of Lot 2. An ambulance station occupies the site area for existing Lot 1 with access to the rear garages achieved from Roberts Close. **Plan 1** illustrates the site survey and provides photographic plates of the property.

Land uses that surround the site are a combination of urban residential (single dwellings and residential units), commercial uses and parklands. This location maximises the accessibility of the community health facility for the local community, and is a significant factor in the selection of the subject land for the development.

The subject site is relatively flat with only minor variations in levels existing on the site. The site is embellished primarily with grass cover with selected landscape species planted as part of the Community Centre development by Clarence Valley Council. There are no native species located within the development envelope of the Yamba Community Health Centre.

The development application process identified that the land is mapped as containing Class 2 Acid Sulfate Soils. No other environmental constraint has been identified via the development application process.

1.4 Zoning Status

The subject land is zoned SP2 – Infrastructure (Community Facilities) pursuant to the Clarence Valley Local Environmental Plan 2011. The planning objectives for this zone are as follows:

- to provide for Infrastructure and related uses; and
- to prevent development that is not compatible with or that may detract from the provision of infrastructure.

This Planning Proposal does not propose to rezone the subject land.

1.5 Yamba Community Health Centre

The proposed Yamba Community Health Centre shall provide an essential health service facility through a single point of access for patients to receive services from a multidisciplinary team of healthcare professionals. In this regard, the proposed YCHC shall bring together a variety of health providers in one location. Building plans prepared by Health Projects International and approved as part of DA 2013/025 are provided at **Attachment 1**.

The following mix of services is proposed to be delivered by the Community Health Centre:

- *Community Health Nursing Services* – palliative care, wound management, continence and stomal therapy; foot care nursing clinic; child and family health nursing; an immunisation clinic; and a cardiac rehabilitation and heart failure support clinic;
- *HealthOne Service* – to provide self-management education and support for people with chronic and complex health conditions to improve their health status or slow deterioration of chronic conditions;
- *Mental Health Services* – Acute Care Service (including outreach); Adult Case Management Team (including specialist older person's mental health professional and an Aboriginal emotional and social wellbeing worker); Youth and Family Team; and a psychiatrist visiting 1 day/week;
- *Oral Health* – two surgeries with a new dentist; existing dental therapist; and additional dental assistant; and
- *Counselling Services* – general; child and family; child protection; and sexual assault services.

In addition, a range of visiting/clinic services will be provided including: School health clinics; Aboriginal health chronic care program and group clinics; drug & alcohol counselling and clinic; women's health outreach clinic; specialist palliative care clinician outreach clinic; diabetes outreach and health promotion clinic; and ACAT – Telehealth services with geriatrician and psychogeriatrician for more complex clients.

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2. Planning Proposal

Part 1 – Objectives and Intended Outcomes

The objective of this Planning Proposal is to reclassify that part of Treelands Drive Reserve containing the existing Yamba Ambulance Station and proposed Yamba Community Health Centre from “Community Land” to “Operational Land” pursuant to the *Local Government Act 1993*. Following reclassification of the land, Clarence Valley Council intends to sell the land to NSW Health.

The property description of the site is Approved Lot 1 in DA 2013/0025 (being a boundary adjustment subdivision between Lot 1 and Lot 2 in DP 1077069). This land is illustrated as “Approved Lot 1” on the following plate

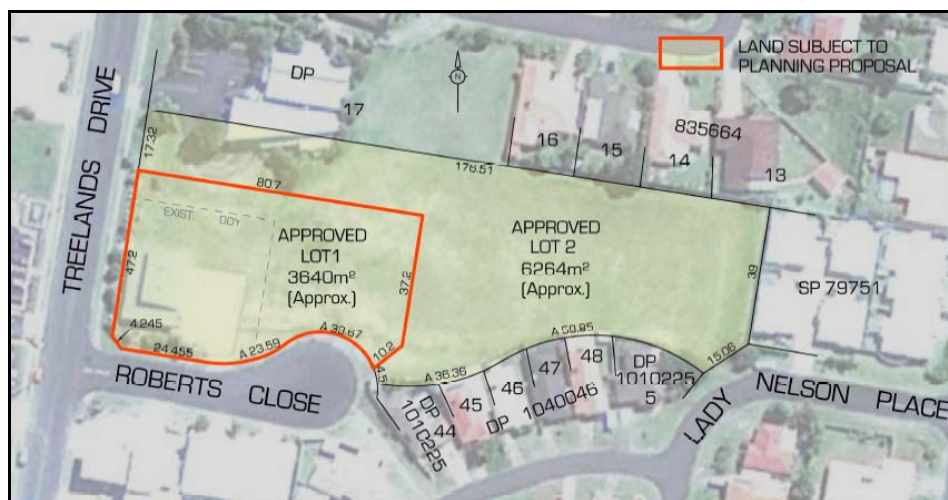


Plate 4 – Land Subject to Planning Proposal
(Note: All dimensions and areas subject to final survey)

Part 2 Explanation of Provisions

2.1 Background to Project

Development Application DA 2013/0025 was approved by Clarence Valley Council at its Ordinary Meeting held on 21 May 2013. The Development Application involved two interrelated matters:

- the erection of the Yamba Community Health Centre on land adjacent to the Yamba Ambulance Station. The Yamba Community Health Centre will be a new purpose built facility which will provide a wide range of integrated health care services to the community of Yamba and surrounds; and
- a boundary adjustment subdivision to ensure that both the Community Health Centre and Ambulance Station are located on the same parcel of land [Approved Lot 1]. Approved Lot 1 has an area of approximately 3,640m² [subject to final survey].

At the same Meeting, Council adopted a new Plan of Management (POM) for Treelands Drive Reserve. The updated POM replaces the Treelands Drive Reserve POM adopted by the former McLean Shire Council in 2003. The land is classified as “Community Land” and categorised for “General Community Use” pursuant to the provisions of the adopted POM. A copy of the current Plan of Management is provided at **Attachment 2**.

NSW Health has now approached Clarence Valley Council with respect to purchasing Approved Lot 1. This proposal has been considered at the Ordinary Meeting of Council held on 20 August 2013. A copy of the report considered by Council is provided at **Attachment 3**. At this meeting, Council resolved as follows:

**COUNCIL RESOLUTION – 14.121/13
(Crs McKenna/Kingsley)**

That

- 1. Council sets a sale price for the land currently identified as Lots 1 and 2 DP 1077069 to NSW Health as per the independent valuation, but request NSW Health to provide a suitable mechanism by which to ensure that the price is not eroded by market change whilst the land reclassification process is undertaken.**
- 2. Council request NSW Health to engage a consultant to undertake the reclassification process under the guidance of Council's Strategic and Economic Planning Section.**
- 3. If items 1 and 2 are acceptable to NSW Health, then Council authorise action to commence for the reclassification of Lots 1 and 2 DP 1077069 as operational for the purpose of sale of the land to NSW Health Administration Corporation ABN 45 100 538 161.**
- 4. The term for the proposed lease of the land for the current Ambulance Station and proposed Community Health Centre, approved at 11 December 2012 (13.230/12), be extended to 20 years from 1 September 2013 or from a date when the lease is in a form suitable for registration.**
- 5. Council makes its decision known to NSW Health with some urgency following the Council resolution.**

Voting recorded as follows:

For: Councillors Williamson, Baker, Challacombe, Howe, Hughes, Kingsley, McKenna, Simmons and Toms
Against: Nil

Under the *Local Government Act 1993*, land classified as “Community Land” must not be sold (except in very limited circumstances) and there are limits on how long Council may lease or licence such property. Accordingly, in order to dispose of the land, it is necessary to first reclassify the land from “Community Land” to “Operational Land”.

The procedure to reclassify land involves preparing a “Planning Proposal” to amend Schedule 4 of the Clarence Valley Local Environmental Plan 2011.

This Planning Proposal has been prepared in accordance with the Best Practice Guideline “LEPs and Council Land” issued by the then Department of Urban Affairs and Planning in 1997. Information required to be included as part of the exhibition (as specified by the Guideline) is provided at **Attachment 4**.

2.2 Proposed Amendment to CLEP 2011

This amendment to Clarence Valley Local Environmental Plan 2011 (CVLEP 2011) proposes to reclassify Approved Lot 1 in DA 2013/0025 (being a boundary

adjustment subdivision between Lot 1 and Lot 2 DP 1077069) from “Community Land” to “Operational Land” in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.

The amendment specifically involves inserting the description of the subject land into Part 1 of Schedule 4 of CLEP 2011.

Part 3 Justification

1. Is the Planning Proposal a result of a strategic study or report?

NSW Health Infrastructure Planning

The reclassification of the subject land from “Community Land” to “Operational Land” will facilitate the sale of the land to NSW Health and the development of the site for the purpose of the Yamba Community Health Centre.

NSW Health has undertaken demographic research and health service delivery planning to secure funding for the construction and delivery of the Health Centre. In this regard, the former NCAHS Healthcare Services Plan 2012-2015 defined the following characteristics for the catchment population of the Clarence Valley Coast: population growth higher than the NSW average;

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

These factors – an ageing and growing population, a relatively high Aboriginal population and socio-economic disadvantage – are all indicative of a high and growing demand for community health services in the Clarence Valley Coast catchment area. To meet these service demands, the former NCAHS Asset Strategic Plan 2010-2020 identified the need to develop a community health centre in Yamba with improved facilities for both clinical and community health services.

At present, community health services are provided to the residents of Yamba from community health centres located at Maclean District Hospital, which is about 20km (or 20 minutes driving time) and from Grafton Base Hospital (63km south, or 55 minutes driving time). In addition, a small community health centre is located at Iluka, which is approximately 40km (or about 40 minutes driving time) north of Yamba. An outreach service is also provided to Yamba by Bulgarr Ngar, the local Aboriginal Medical Service (AMS) which is based in Grafton.

The overall service objective is to provide a contemporary healthcare facility suited to the current and future needs of the catchment population of the Clarence Valley Coast Statistical Local Area (SLA). This proposal strongly aligns with Commonwealth, NSW and NSW Health strategic objectives for the provision of improved health services to regional, rural and remote communities. Importantly, the new Yamba Community Health Centre will significantly improve residents access to services provided locally.

Given the above, the development of community health services in Yamba has been a priority for health services on the North Coast for a number of years. In 2011, the NSW Ministry of Health (MOH) made a number of applications under the Commonwealth's Health and Hospital Fund (HHF) for capital funding, including the development of a new community health centre at Yamba. A Clinical Services Plan for this proposal was commissioned and was finalised in July 2012.

NNSW LHD was advised in May 2012 that NSW MOH's proposal to develop a Yamba Community Health Centre, funded under the Health and Hospital Fund (HHF) Regional Round 4, was successful. The Commonwealth have offered \$4.3 million capital funds together with a \$1.2 million co-contribution from NSW MOH. This provides a total capital budget of \$5.5 million.

S117 Ministerial Directions

The Planning Proposal is consistent with the provisions of applicable S117 Ministerial Directions. An assessment of the project against these requirements is provided at **Attachment 5**.

State Environmental Planning Policies

The Planning Proposal is consistent with the provisions of applicable State Environmental Planning Policies. An assessment of the project against these policies is provided at **Attachment 6**.

2. Is the Planning Proposal consistent with the local Council's community plan or other local strategic plan?

The need for improved health infrastructure to service the community of Yamba was highlighted in the Clarence Valley Council Social Plan 2010–2014 which advises as follows:

"The availability of health services has been a major issue for the Clarence Valley for many years and it remains a priority for those who commented on the Social Plan's development. The population of older persons is increasing, and this is projected to continue, particularly in the coastal areas of the Valley. It is the single greatest driver of need for improved/increased hospital and health services in the Valley. The most significant factor in projecting future acute healthcare requirements over the next ten to fifteen years is the ageing of the population. The "baby boomer" generation will reach an age where increasing surgical intervention rates and the onset of chronic conditions such as cardiovascular disease, respiratory disease, stroke, renal failure, diabetes and cancer will take effect. The Clarence Valley is no exception, and with a more elderly population profile, will be affected more than the State average.

There is a need to improve access to a range of non-hospital options for the aged as over the next 10-15 years there will be a 57% increase in the over 65 year age group and 70% increase in the over 80 year age group."

The Social Plan goes on to include the following two actions of particular relevance to the current proposal:

Action 1.1.1 Health Infrastructure

- 1) Continue to support and advocate with State & Federal Governments for upgrading of local hospitals and health services, with a focus on access and affordability;*
- 2) Support the development of outreach health services to coastal towns and rural villages e.g. Health Outposts & Yamba Community Health Centre.*

- 3. If the provisions of the Planning Proposal include the extinguishment of any interests in the land, an explanation of the interests why the interests are proposed to be extinguished should be provided.**

No interests are proposed to be extinguished as part of the Planning Proposal.

- 4. Does the landowner concur with the lodgement of the planning proposal? (where the land is not owned by the relevant planning authority)**

The subject land is owned by Clarence Valley Council. Council agreed to progress the Planning Proposal at its Ordinary Meeting held on 20 August 2013.

Part 4 Mapping

The Planning Proposal does not require amendments to any LEP Maps

Part 5 Community Consultation

1. Community Consultation

The Planning Proposal be exhibited for a period of 28 days in accordance with standard procedures for Planning Proposals involving the reclassification of public land.

Notwithstanding the above, it is noted that DA 2013/0025 for the construction of the Yamba Community Health Centre and associated Plan of Management were exhibited for public comment for a period of 43 days in March/April 2013. 2 public submissions were received to the Development Application (relating to car parking and privacy concerns) and no public submissions were received to the draft Plan of Management.

2. Agency Consultation

The detailed assessment which occurred during the consideration of DA 2013/0025 did not identify any issues of particular interest to the various Natural Resource Agencies normally involved with Planning Proposal processes. Accordingly, no Agencies are proposed to be consulted as part of this reclassification process.

3. Public Hearing

A Public Hearing will be held in accordance with standard procedures for Planning Proposals involving the reclassification of public land.

Part 6 Project Timeline

Plan Making Step	Estimated Completion (Before)
Council Resolution	Insert
Gateway Determination (Anticipated)	Insert
Government Agency Consultation	Nil Proposed
Public Exhibition Period	Insert
Public Hearing	Insert
Submissions Assessment	Insert
RPA Assessment of Planning Proposal and Exhibition Outcomes	Insert
Submission of Endorsed LEP to DP&I for finalisation	Insert
Anticipated date RPA will make plan (if delegated)	Insert
Forwarding of LEP Amendment to DP&I for notification (if delegated)	Insert

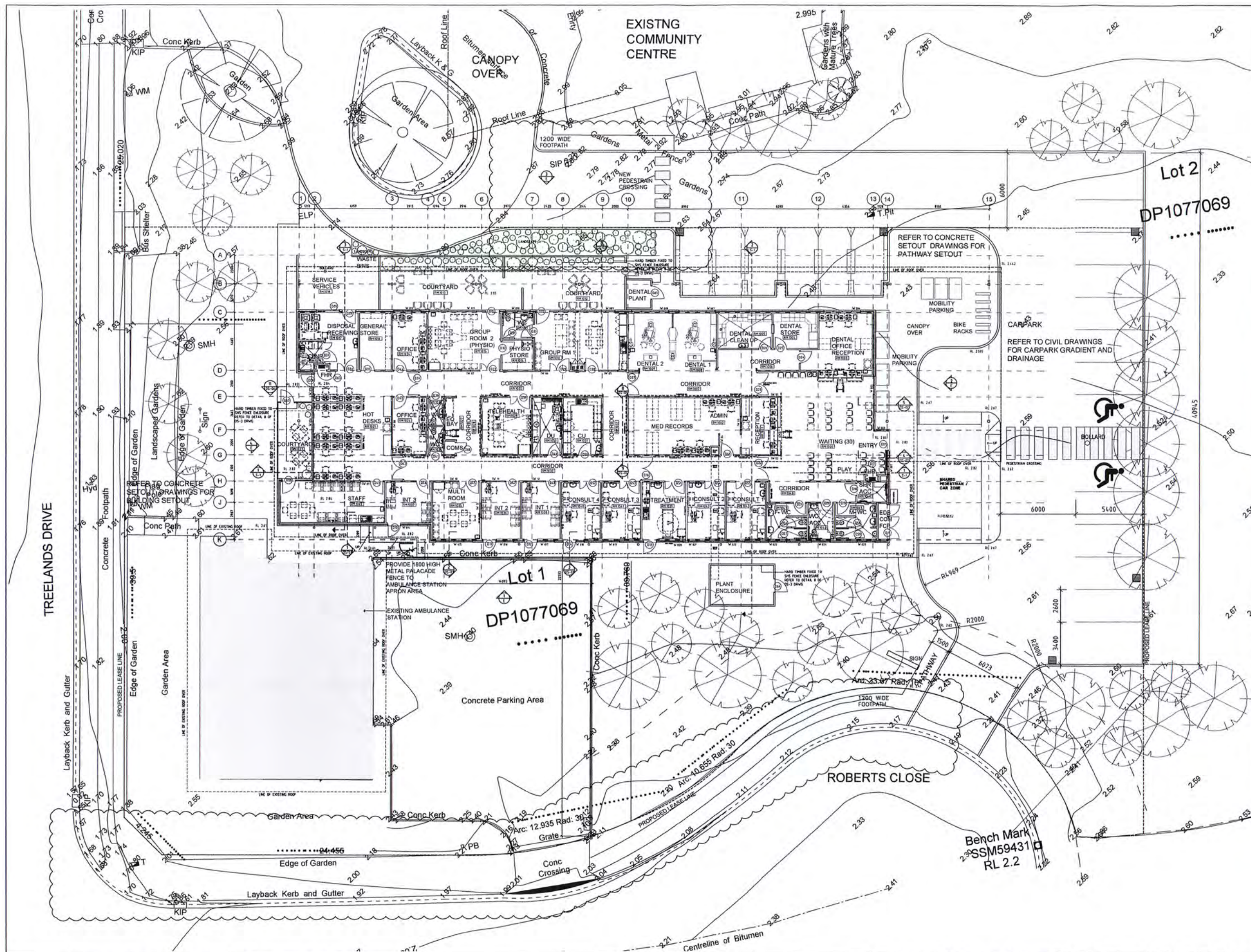
[Note: The above table will be completed following Gateway Determination].

REFERENCES

- A Guide to Preparing Local Environmental Plans NSW Planning and Infrastructure April 2013.
- Treelands Drive Reserve Plan of Management 2013, Clarence Valley Council.
- Yamba Community Health Centre: Clinical Services Plan 2012.
- Clarence Valley Council Social Plan 2010–2014.
- LEPs and Council Land – Best Practice Guideline, January 2007, NSW Department of Urban Affairs and Planning.

ATTACHMENT 1

**Approved Building Design Plans
(DA 2013/025)**



LEGEND

EXISTING BUILDINGS

AREAS

MEDICAL CENTRE
GFA = 810 sqm

EXISTING AMBULANCE STATION
GFA = 239 sqm

**CLARENCE VALLEY COUNCIL
APPROVAL**

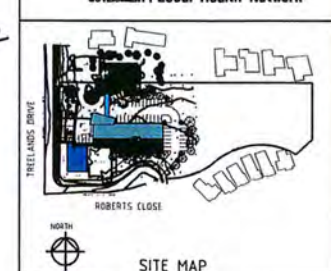
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OF DETERMINATION OF

D/A No: DA 2013/0025
GENERAL MANAGER
Per *afel* Date: 21/5/2013

REV	REVISION DESCRIPTION	DATE	BY
1	ISSUE FOR TENDER - CONSTRUCTION	18/03/13	SK
2	ISSUE FOR PRE-TENDER CO-ORDINATION	11/03/13	SK
3	PLAN REVISED	23/01/13	SK
4	ADDED LEASE LINE AND AREAS	16/01/13	SK
5	PLAN REVISED	17/12/12	SK
6	PLAN REVISED	17/12/12	SK
7	PLAN REVISED	07/12/12	SK
8	PLAN REVISED - FOR SIGN OFF	03/12/12	SK
9	PLAN REVISED	28/11/12	SK
10	FIRST ISSUE	22/11/12	SK

Project
**YAMBA COMMUNITY
MEDICAL CENTRE**

Principal
**NSW Health
Northern NSW
Local Health Network**



HPI HEALTH PROJECTS INTERNATIONAL
Architects and Health Facility Planners
ACN 066 856 595
Suite 1, Ground Floor, 68 Wilsons Point, NSW 2061
Ph: (02) 9460 4199 Fax: (02) 9460 4299

DWG No: YCHC-P-SI
Scale: A

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ASCERTAIN FULL EXTENT BY COMPARISON WITH
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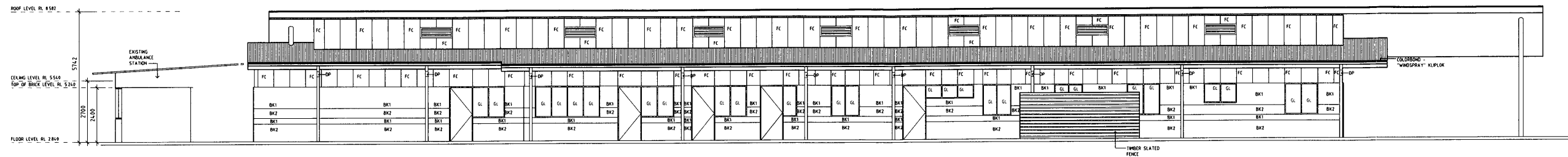
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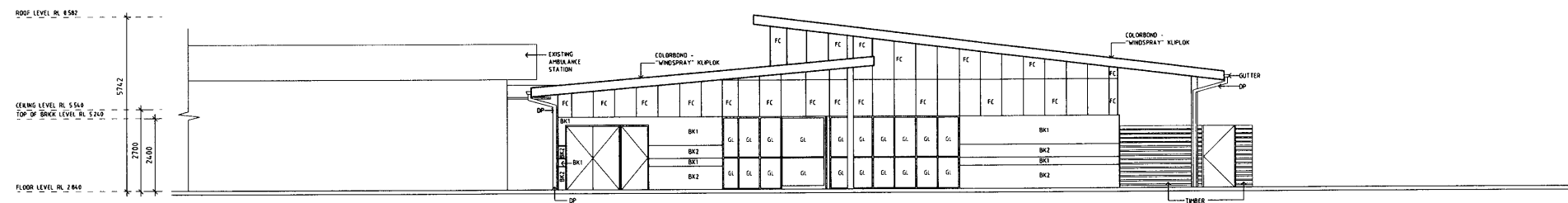
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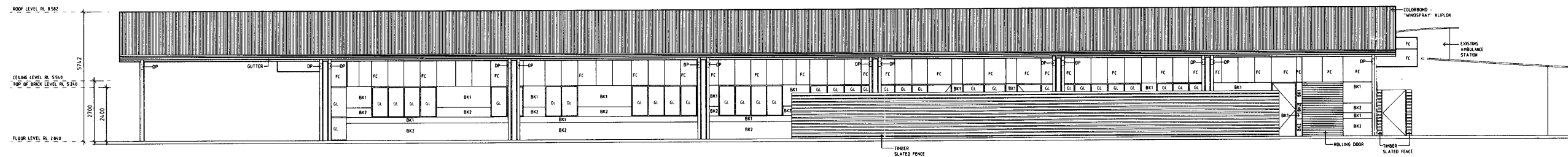
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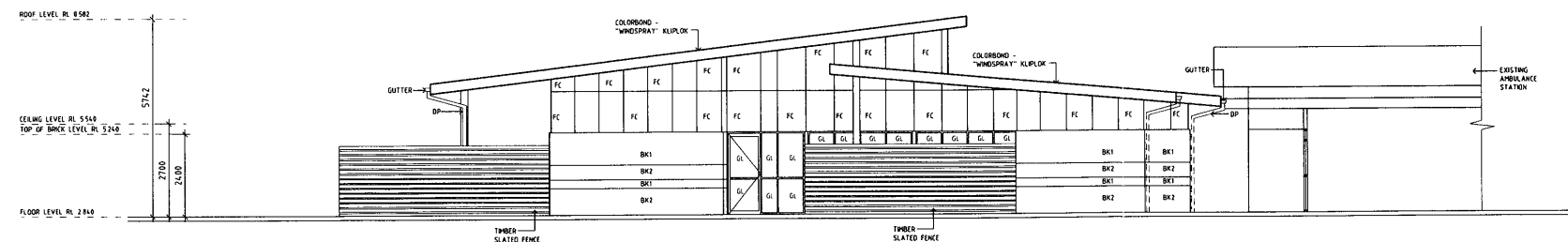
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02 - East Elevation



03 - North Elevation



04 - West Elevation

LEGEND

- EXISTING BUILDINGS
- BK1 - BRICK COLOR 1
- BK2 - BRICK COLOR 2
- DP - DOWN PIPE
- FC - PAINTED FIBRE CEMENT PANEL
- GL - GLASS

Clarence Valley Council

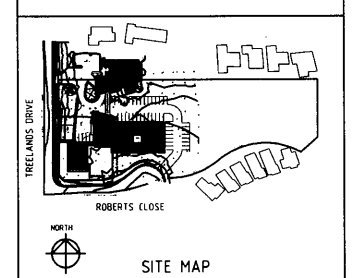
21 MAY 2013

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4	ROOF RL AMENDED & DP SHOWN	16-1-13	SD
3	ELEVATION REVISED	17/12/12	SD
2	ELEVATION REVISED	07/12/12	SD
1	FIRST ISSUE	04/12/12	SD

REV	REVISION DESCRIPTION	DATE	BY
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Project
YAMBA COMMUNITY MEDICAL CENTRE

Principal
NSW Health Northern NSW Local Health Network



HPI HEALTH PROJECTS INTERNATIONAL
Architects and Health Facility Planners
ACN 056 856 595
Suite 1, Ground Floor, 68 Wilsons Point, NSW 2061
Ph: (02) 9460 4199 Fax: (02) 9460 4299

CAD File YCHC-P-G	Dwg No. YCHC-P-G	Issue 5
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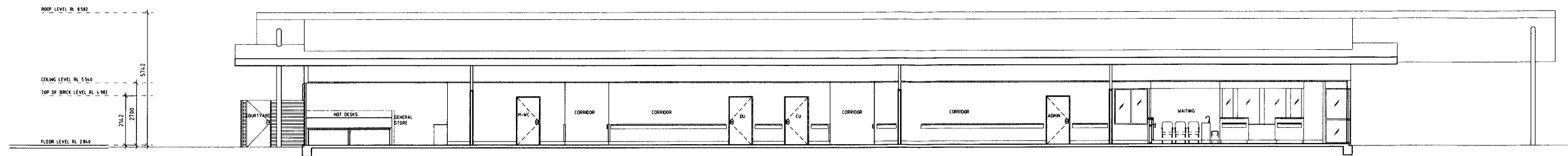
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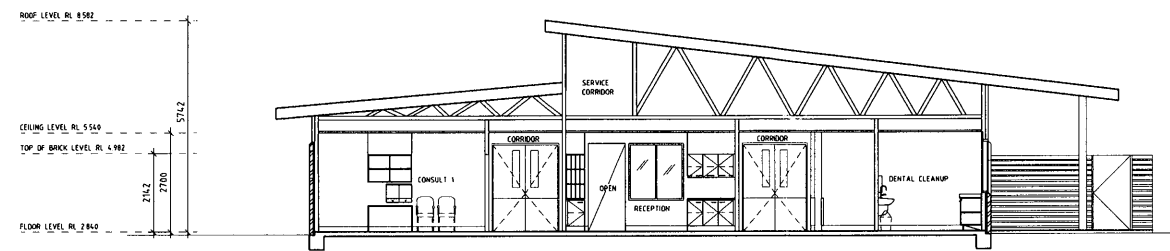
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Elevations

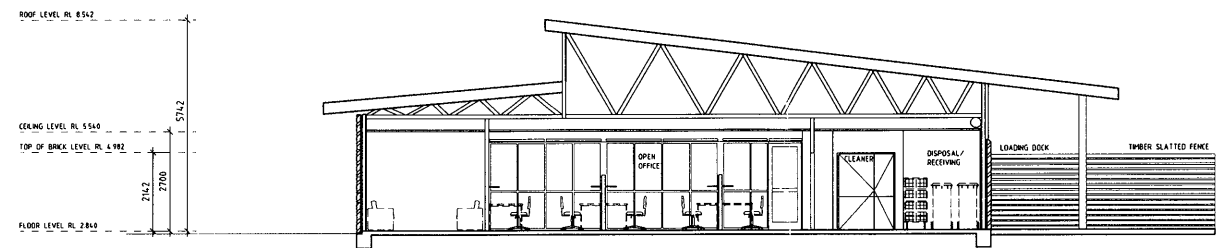
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01 - SECTION



02 - SECTION



03 - SECTION

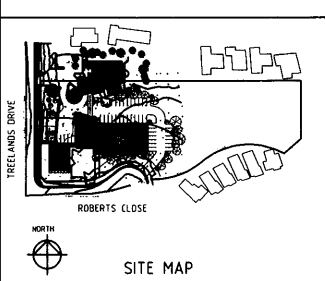
Clarence Valley Council

21 MAY 2013

2	RL HEIGHTS AMENDED	18-1-13	SD
1	FIRST ISSUE	04-12-12	SD
REV	REVISION DESCRIPTION	DATE	BY

Project
YAMBA COMMUNITY MEDICAL CENTRE

Principal
NSW Health Northern NSW Local Health Network



HPI HEALTH PROJECTS INTERNATIONAL
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Suite 1, Ground Floor, 68 Milsons Point, NSW 2061
Ph: (02) 9460 4198 Fax: (02) 9460 4299

Dwg No: **YCHC-S-1** Issue: **2**

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Drawing Title: **Sections**



ATTACHMENT 2

Current Plan of Management

Treelands Drive Reserve



Plan of Management

May 2013

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EXECUTIVE SUMMARY

This Plan of Management is intended to guide Council in the management and use of the Treelands Drive Reserve, Yamba. It is a statutory document that aims to satisfy the requirements of both the *Local Government Act 1993* and the *Local Government Amendment (Community Land Management) Act 1998*.

The land is best known as the location of two community buildings – the Treelands Drive Community Centre and the Yamba Ambulance Station. A third building is currently planned for the site – the Yamba Community Health Centre - with work to commence in the later half of 2013.

The land, Lot 17 DP 835664 and Lots 1-2 DP 1077069, is owned and managed by Clarence Valley Council and:

- Is classified as Community land
- Is categorised as General Community Use; and
- Is zoned for Infrastructure under the Clarence Valley LEP 2011.

The management of the site involves most sections of Council. However the operation of the Community Centre is primarily the responsibility of Council's Social Planning & Cultural Development Section while the management of the Ambulance Station and proposed Community Health Centre are the responsibility of the Northern NSW Local Health District.

The Treelands Drive Reserve will continue to function and be managed to provide a range of community services.

1.0 Overview

1.1 Introduction

This Plan of Management (PoM) has been prepared to provide a framework for the long-term management of community facilities constructed on land classified as 'community' land at Treelands Drive, Yamba. It replaces the previous PoM developed and adopted by the former Maclean Shire Council in November 2003.

1.2 Need for this Plan of Management

The *Local Government Act 1993* (LG Act) requires all Council-owned land to be classified as either 'community' or 'operational' land. Land classified as 'Community' land is to be managed and used in accordance with an adopted PoM.

Consequently, the purpose of this PoM is to:

- ensure compliance with the *Local Government Act 1993*
- provide clarity in the development, use and management of facilities and land on the Treelands Drive Reserve; and
- contribute to the Council's broader strategic goals and vision as set out in the Valley Vision 2020.

1.3 Land Description

The Treelands Drive Reserve is public land dedicated under Section 94 of the *Environmental Planning and Assessment Act 1979* to Clarence Valley Council (formerly to Maclean Shire Council).

The site is approximately 1.27 hectares and is located between Roberts Close and Treelands Drive and comprises of Lot 17 DP 835664 and Lots 1-2 DP 1077069 (Figure 1.1).

A Community Centre has been built on the north-west corner of the site (on Lot 17 DP 835664 and part of Lot 2 DP 1077069) while an Ambulance Centre has been built on the South-west corner of the site on Lot 1 DP 1077069.

A Community Health Centre is proposed to be constructed predominantly on Lot 2 DP 1077069 between the existing Community Centre and Ambulance Station.



Figure 1.1: Treelands Drive Reserve Locality Plan

1.4 Development of the Land

Existing Development

The Treelands Drive Reserve has two existing community facilities built on the land at the date of adoption of this PoM:

- a Community Centre
- an Ambulance Station (Appendix 1).

The Treelands Drive Community Centre was constructed as a multi-purpose community facility funded by Federal and State government and former Maclean Shire Council (Figure 1.2). It was officially opened on the 7th August 1999.



Figure 1.2: Existing Community Centre

The ambulance station was completed in May 2004. The ambulance station has been designed and built in a manner that allows for the development of the proposed new health centre next door (Figure 1.3).



Figure 1.3: Existing Ambulance Station

Proposed new Community Health Facility

The Northern NSW Local Health District (NNSW LHD) is proposing to build a Community Health Centre on the site, with construction to commence in the later half of 2013 (Figure 1.4 & Appendix 2).

The centre will provide consultation spaces and treatment capacity for a range of in-centre and visiting clinicians, and a base for social workers and community nurses. The centre will include two dental health rooms.

Government funding will be used to construct the building and surrounding carpark and landscaping. The building is expected to be completed and ready for occupation in January 2014.



Figure 1.4: Proposed new Community Health Building location and layout
(source: adapted from Granatelli & Stone)

The addition of the proposed new Health Centre will enhance the community-oriented function of this site. The proposed facility is anticipated to bring an increase in traffic movements. These will grow with future development of the remaining area of the site.

It is proposed that vehicular access to this site be redirected from the current entrance to the Treelands Drive Community Centre directly from Treelands Drive to Roberts Close. That will reduce potential congestion on Treelands Drive from the additional future vehicular traffic. Entering at Roberts Close will also provide clear lines of sight for visitors to the range of community infrastructure that may be developed on the site in the future.

While the site has access to Parkview Crescent and Lady Nelson Place, it is not anticipated that these will be used for regular vehicular access points. Those roadways may provide emergency egress only.

Pedestrian traffic will continue to be able to access the site from Treelands Drive to maximise usage of bus transport.

Future Development of the Land

This PoM proposes, within the requirements of relevant legislation, future development of the land for the purpose of effecting:

- Alterations, additions and improvements to the existing land and buildings to provide improved facilities for the uses permitted by this Plan including alterations, additions or improvements to enhance community based education, family, children's, cultural, leisure, health, religious and social activities and limited commercial opportunities
- Construction of new facilities, including landscaping
- Alterations to car park layouts and additional car parking to improve parking associated with future development
- Rationalisation of the facilities to improve effectiveness and utilisation.

Future development may include:

- Extension(s) to the existing Community Centre; and
- Other infrastructure to meet the needs of the community as identified in Council's Community Strategic Plan and further explored in Council's Cultural and Community Facilities Plan (2009).

2. Legislative Framework

This section describes the legislative and policy framework applying to the land covered under this PoM.

2.1 Local Government Act 1993

Community land must be managed according to the provisions of the *Local Government Act 1993* and the *Local Government (General) Regulation 2005* (Table 2.1).

The *Local Government Act 1993* (LG Act) requires all Council owned land to be classified as either 'Community' or 'Operational' land. Community land is defined as land that must be kept for the use of the general community, and must not be sold. Community land is required to be managed in accordance with a PoM, and any other laws regulating the use of the land.

Table 2.1 Requirements of the *Local Government Act 1993* for community land management

Requirement of the <i>Local Government Act 1993</i>	Relevant Section(s)
All community land must be categorised.	s25, s26
Community land must used and managed in accordance with: - the plan of management applying to the land - any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land	s35
The PoM must - consider the core objectives and guidelines for land categorised as 'General Community Use' the effect of any guidelines so prescribed. - specify the core objectives and performance targets for management of the land; the means by which Council proposes to achieve the plan's objectives and performance targets; and the manner in which its achievement the plan's objectives and performance targets is measured. - include a description of the condition of the land, and of any buildings or other improvements on the land; and the use of the land and any such buildings or improvements as at that date of adoption of the Plan. - specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and for which any further development of the land will be permitted, whether under lease or licence or otherwise; and describe the scale and intensity of any such permitted use or development.	s36I, s36[6][b], & cl106 LG Regs s36[3][b], [c] & [d] s36[3A][a] s36[3A][b]
Council must exhibit the draft PoM for 28 days and give at least 42 days for the making of submissions.	s38
Any amendments to a draft PoM must be publicly exhibited in the same way, until the Council can adopt the draft PoM without further amendment.	s40
A Council may only grant a lease, licence or other estate over community land if it is expressly authorised in a PoM of Management	s46, s47B

2.2 Zoning and Planning Controls

The *Environmental Planning and Assessment Act 1979* (EPA Act) establishes the statutory planning framework for environmental and land use planning in NSW. Development or uses requiring a Development Application are assessed under Section 79(c) of the EPA Act.

Council also has a Local Environmental Plan (LEP) prepared under the EPA Act known as the *Clarence Valley Local Environmental Plan 2011*. The Treelands Drive Reserve area is zoned - 'SP2 Infrastructure'. The objectives of this zone are:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2.3 Other Relevant Legislation and Policies

In addition to the requirements of the LG Act, there are a number of other pieces of legislation and Government policies that are relevant to the ongoing development and management of the Treelands Drive Reserve. Legislation and policies with direct relevance to the Treelands Drive Reserve area include:

Commonwealth legislation

The Federal ***Telecommunications Act 1997*** provides for telecommunication facilities being permitted on community land without authorisation in a Plan of Management.

State Government Legislation and Policies

- *Companion Animals Act 1998*
- *Disability Discrimination Act 1992*
- *Pesticides Act 1999*
- *Protection of the Environment Operations Act 1997*
- *Retail Leases Act 1994*
- *State Environmental Planning Policies (SEPPs)*
- *Threatened Species Conservation Act 1995*
- *Waste Minimisation Act 1995*
- *Water Management Act 2000*

Clarence Valley Council Planning Instruments, Development Control Plans and Policies

- 1.41 - Asset Management
- 1.42 - Building in close proximity to sewers
- 1.43 - Signs Policy
- 1.46 - Mobile food vehicles, temporary food stalls & hawking
- 1.58 - Smoke free public areas

- 1.80 - Green Building Policy (for Council buildings)
- 1.83 - Urban Tree Management Policy
- 2.02 - Aged and Community Care Policy
- 3.04 - Mobile signs, articles, merchandise and entertainment on public land
- 5.03 - Footpath and cycleway maintenance policy
- Clarence Valley Council LEP 2011
- Development in Environmental Protection, Open Spaces and Special Use Zones 2011

3. Condition of the Land, and of other improvements on the Land

3.1 The Land (in General)

In general, the Treelands Drive Reserve site is an open grassy area with selective landscaped gardens associated with the facilities built on the land. The site comprises of disturbed sandy soils and is predominantly flat (Figure 3.1). As such the site has limited ecological value.



Figure 3.1: General overview of Treelands Drive Reserve area

A concept plan was prepared in 1995 for the former Maclean Shire Council which proposed six buildings on the site to provide a range of community services, plus parking for 118 cars (Appendix 3). As a concept plan it has served as a guide to potential community facilities for the site.

Facilities built on the land include a community centre and an ambulance station. The Community Centre (refer section 3.2) is located on the north-west section of the site and the Ambulance Station (Refer section 3.3) is situated on the south-west section on the corner of Treelands Drive and Roberts Close. It was proposed at this time that a community health centre would be attached to the ambulance station at a later stage.

3.2 Community Centre

Treelands Drive Community Centre (TDCC) occupies approximately 483 square metres of the reserve area (Figure 3.2). It consists of a Session room that can seat up to 100 theatre style, a meeting room that can seat 40, a small meeting room that can

seat 6, a Clinic room, an Interview room, a reception/office area, kitchen, and a sensory garden area.



Figure 3.2: Treelands Drive Community Centre

The original intent was for the building to be a Health and Community Centre (HACC) Centre and for other buildings to be erected on the Reserve to serve a range of other purposes. The HACC program contributed funds for the building with the balance of the costs including the land contributed from Council's Section 94 funds.

It was also intended that the Lower Clarence Meals on Wheels service would use the kitchen, but the design has not enabled this use to be realised.

The current purpose of the TDCC is to provide a multi-purpose centre for the community of Yamba, however its use is restricted by the limited number of meeting rooms and the size of the rooms.

The TDCC currently functions similarly to a neighbourhood centre which provides:

- A venue for hire for community groups, individuals and service providers;
- Information on local services, activities and groups;
- Activities delivered by Council for target groups such as older people, people with a disability, multi-cultural communities, youth people and others
- A Community Health outlet for the North Coast Area Health Service including Women's and Baby Health Clinics – likely to move the proposed health centre;;
- Access to public computers and the internet community meeting place for a variety of organisations; and

- Small events, functions, training and outreach service delivery.

The community centre has provided a valued meeting place that is not a licenced venue. Its current size does not enable to meet the demand for larger events/functions that prefer / require an un-licenced venue. This may be addressed in a future expansion along with other needs identified in the Cultural and Community Facilities Plan.

3.3 Ambulance Station

The Ambulance station occupies approximately 266 square metres of the reserve area which NSW Health leases from Council (Figure 3.3). The Ambulance Station was built and opened in 2004. The building consists of six rooms (station officer, general office, casualty/treatment, muster/meal, overnight bed and store), 2 toilets and shower amenities, plus a large garage with three vehicle bays. The size of the ambulance station meets the needs of the community at this time.



Figure 3.3: Yamba Ambulance Station

4.0 Basis of Management

4.1 Role of Community Land

Classification as 'Community' land reflects the importance of the land to the community. Generally, it is land intended for public access and use, or where other restrictions applying to the land create some obligation to maintain public access (such as dedication under s94 of the EPA Act). This gives rise to the restrictions in the Act, intended to preserve the qualities of the land. As such, Community land:

- cannot be sold
- cannot be leased, licenced or have any other estate granted over the land for more than 30 years
- must have a plan of management prepared for it.

4.2 Management of Community Land categorised as General Community Use

The management of Community land is governed by the categorisation of the land (by way of a PoM), and the core objectives established for the category of Community land. In essence, categorisation establishes the public purpose(s) for which the Community land will be used.

The previous PoM categorised the Treelands Drive Reserve area as 'General Community Use', allowing community facilities such as a community centre, an ambulance station and the proposal for a community health centre to be built on the land. This PoM endorses and continues the categorisation of the land as 'General Community Use'.

The guidelines for categorising land as 'General Community Use', and the core objectives for the management of the land are set out in Table 4.1.

Table 4.1 Guidelines for, and core objectives of community land categorised as General Community Use

(1) Guidelines	(2) Core objectives
Land should be categorised as general community use under section 36 (4) of the Act if the land: (a) may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public, and (b) is not required to be categorised as a natural area under section 36A, 36B or 36C of the Act and does not satisfy the guidelines under clauses 102–105 for categorisation as a natural area, a sportsground, a park or an area of cultural significance.	▪ to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public: (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

(1) cl106, *Local Government (General Regulation) 2005*

(2) s36I, *Local Government Act 1993*

Note: Council must manage Community land according to these core objectives. Any activities or uses of the land should be consistent with the core objectives for that category of land. Additional objectives which support the above core objectives are included in Section 6 Management Strategies and Performance Measures.

4.3 Guiding Principles for General Community Use Land

General Community Use areas perform many functions relating to the enhancement of the health and wellbeing of the community. General Community Use land may house buildings and structures such as community centres or Scout/Guide halls that cater for formal and informal leisure and recreational activities, hobbies, artistic endeavours, educational, cultural and social functions. Consequently, these areas play a pivotal role in promoting and developing dynamic communities with a strong sense of belonging.

Open space areas associated with General Community Use land also offer the community a range of recreation opportunities. This provides individuals and communities with health related benefits achieved through physical activity such as physical, mental, social, cultural, economical and environmental benefits that lead to the overall health and wellbeing of the community.

Guiding principles derived from Council's *Community and Cultural Facilities Plan* for development for community land categorised as "General Community Use" include:

PLANNING PRINCIPLES		
P1	Maximising Usage of Existing Community Facilities and Maximising Access to Existing Services.	In providing new social infrastructure it is important to understand the capacities and performance of existing infrastructure in the Clarence Valley area. Existing infrastructure may be underutilised for a range of reasons that include poor awareness (promotion), restricted access by a controlling organisation or poor facilities management. If this is found to be the case, steps must be taken to ensure that the existing capacity in existing facilities and services is utilised prior to new facilities and services being provided. In addition, some services may be more usefully delivered via outreach programs. Where this is the case, some services needs may not require a physical facility. The recommendations here emphasise the need to maintain and enhance existing facilities where this is most appropriate, and monitoring strategies in the future should continue to do so.
P2	Recognising the Need to Support Isolated Areas with Declining or Small Populations	There are economic efficiencies in providing facilities where the population is most concentrated. However, this is not always the optimal outcome for communities, particularly in rural areas. Allocating facilities only to areas with high concentrations of population often means rural and isolated areas with small populations or declining populations miss out on facilities and services provision. Consequently, it is important to consider the need in rural areas with declining or small populations and ways of ensuring access to facilities from these areas.
P3	Providing Facilities and	Standards or benchmarks are considered minimum best practice in

PLANNING PRINCIPLES

	Services at a Level Commensurate with Need.	determining need. However, it is noted that this should be tested against expressed needs and verified through community consultative processes. Needs must continue to be monitored over time as future forecast needs may shift with time as the result of changing demographics, community expectations or societal standards.
P4	Thresholds of Provision for Facilities.	As well as determining benchmarks of provision, thresholds need to be established to assist in determining when facilities should be physically provided. It is recommended that a '40% threshold' be adopted for Clarence Valley. That is, a facility should be built once 40% of the catchment for a particular facility is residing in Grafton, Coast or Balance SLA.
P5	Encourage Use of Community Facilities for Meeting Space.	Many community groups meet irregularly and require short term space which is free or at low cost. Where possible existing community facilities such as schools or clubs should consider allowing community groups to utilise either excess space or space not required during particular times.
P6	Developing Flexible, Multi-Purpose Community Facilities which can Incorporate a Range of Commercial and Community Services, Instead of Specialist Facilities Where Appropriate.	In many cases, it is not feasible or appropriate to provide stand alone community facilities for the exclusive use of specific community or socio-demographic groups. Wherever possible and appropriate, several services and needs should be delivered via a flexible multi-purpose facility. In addition to providing multiple community services and functions in Clarence Valley, consideration should be given to the ability and appropriateness of incorporating commercial functions such as office space, or café/coffee shop which can be leased to community organisations, government agencies or the private sector and can assist in offsetting the capital and operating costs of a community facility.
P7	Planning for Program and Service Delivery, Not Just Space.	It is important that the design of community facilities takes into account the purposes for which they will be used through careful planning and engagement with end users and that the design adopted is flexible to allow adaptation as needs change over time.
P8	Create Community Facilities Appropriate to the Level of Service Demanded.	Grafton as a Major Centre is expected to serve a regional function for social infrastructure as well as a local function in some cases. Generally, community facilities serving a local catchment should have a 'neighbourhood' feel, provide relatively informal spaces, have pedestrian access and ideally be managed by the local community. District and regional level community facilities should be accessible by public transport and provide a broader range of structured and semi-structured spaces for community use. This should include the provision of spaces to support a range of program and service delivery needs.

PLANNING PRINCIPLES

P9	Locating Community Facilities as Part of a Functional Major Centre with Public Transport Access where Appropriate.	Community facility location is one of the primary determinants of function and usage. Maximum patronage is facilitated by integrating community facilities within the broader range of uses found in the Grafton Major Centre. An active, high profile location will also increase real and perceived safety for potential community facility users. The location should also maximise accessibility to the community facility's target market through good access to public transport.
P10	High Quality Urban Design Outcomes for Community Facilities.	The development of community facilities should incorporate high quality urban design outcomes to contribute to the establishment of Clarence Valley. Buildings should address and enhance public streets, spaces and views and be designed to be energy and water efficient and include best practice principles in crime prevention through environmental design, as well as ensure all abilities access in its detailed design and fit out.
P11	Build Social Capital	The development of social capital is both a determinant and outcome of community capacity. Social capital refers to the collective value of all 'social networks' and the inclinations that arise from these networks for people to do things for each other. Bridging social capital refers to the value assigned to social networks between socially heterogeneous groups, while bonding social capital develops between socially homogenous groups. Community activities and events provide important opportunities for residents to meet, interact socially, and create new friendships and support networks. The development of community infrastructure in its own right will enable the programming of activities and events such as arts and crafts and dance classes held in a community centre or an outdoor concert held at a local park.
P12	Engaging in Partnerships with the Private and Public Sector to Deliver Affordable and Accessible Community Facilities.	The development of innovative pathways for the delivery of community facilities should consider a range of public and private mechanisms.

5. Leases, Licences and Other Estates

5.1 Authorisation of Leases, Licences or Other Estates

The LG Act requires that any lease or licence of Community land must be authorised by a PoM. In addition, the lease or licence must be for purposes consistent with the categorisation and zoning of the land. The maximum period for leases or licences on Community land permitted under the LG Act is 30 years¹. If a lease or licence is anticipated, then public notice should be given in accordance with the requirements of the Act. Where a lease arrangement has been entered into with Council for community land, subleasing the land must be in accordance with the requirements of Section 47C of the LG Act and Clause 119 of the *Local Government (General) Regulation 2005*.

This PoM authorises existing leases and licence agreements until the end of their current term (Table 5.1). The leased or licensed areas may be renewed or changed in future. The leased or licensed areas may also be reconfigured in the future to reflect changes in the use of the land and/or facilities and the needs of the community.

Table 5.1: Existing lease agreements

Lease #	Issued to	Purpose	Lot / DP	Term of lease	Expiration date
AB184678B*	NSW Health Administration Corporation	Ambulance Station	part Lot 1 DP 1077069	20 years	13/07/2024

Note: Subject to the adoption of this PoM this lease will be terminated on the commencement of a lease to the Health Administration Corporation of part Lots 1 and 2 DP 1077069 Treelands Drive Yamba for the proposed Yamba Community Health Centre and the existing Ambulance Station for a term concluding on 13/7/2024.

This PoM also authorises Council to grant new leases, licences or any other estates for Community land covered under this PoM for purposes and uses which are identified or consistent with those in Table 5.2.

Arrangements for which short-term casual licences may be granted include:

- Public speeches, meetings, seminars and presentations, including educational programs
- Functions and Events (including weddings, corporate functions, launches, community gatherings and similar activities)
- Displays, exhibitions, fairs, fashion parades and shows
- Concerts and other performances, including both live performances and film (cinema and TV)
- Broadcasts associated with any event, concert, or public speech

¹ Requires Ministerial consent. The maximum term for which a council may grant a lease or licence of community land, including any options for renewal, is 21 years.

- Engaging in an appropriate trade or business delivering a public address, community events; auctions, markets and similar activities.

Fees for short-term casual bookings will be charged in accordance with Council's adopted Fees and Charges at the time.

Table 5.2: Purposes for which long-term leasing, licensing and other estates will be granted

Type of Arrangement Authorised	Facilities covered	Purposes for which long-term leasing, licensing and other estates will be granted
Lease	Community buildings, facilities and land	Any lease or licence proposal will be individually assessed and considered, including the community benefit, compatibility with this PoM and the capacity of the area to support the activity. Sympathetic, compatible uses may include: – child care or vacation care – health or medical practitioners associated with the relevant facility (eg. nutrition, physiotherapy) – educational purposes, including libraries, education classes, workshops – cultural purposes, including concerts, dramatic productions, and galleries – recreational purposes, including fitness classes; dance classes, and games – sporting uses developed/operated by a private operator – kiosk, café and refreshment purposes – commercial retail uses associated with the facility (eg. sale or hire of therapeutic goods).
Licence	Community buildings, facilities and land	Sympathetic, compatible uses including: – social purposes (including child care, vacation care) – educational purposes, including libraries, education classes, workshops – recreational purposes, including fitness classes; dance classes – café/kiosk areas.
Other Estates	Community buildings, facilities and land	This PoM allows Council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities in accordance with the <i>Local Government Act 1993</i> . Estates may also be granted across community land for the provision of pipes, conduits, or other connections under the surface of the ground for the connection of premises adjoining the community land to a facility of the Council or other public utility provider that is situated on community land.

Note: The grant of a lease or licence is an important step in using community land, but there may be other requirements relevant to any proposed use. For example, the refurbishment of a kiosk may also require development consent under the *Environmental Planning and Assessment Act 1979*. Any interested person should check carefully to make sure they are aware of all relevant requirements.

6. Management Strategies and Performance Measures

The *Local Government Act (1993)* requires a plan of management to identify objectives and performance targets for the subject land, including specific actions and assessment criteria (s.36[3]). These criteria, including the priority placed by Council on the action, the timeframe in which individual actions need to be completed by and the Council Section tasked with its implementation are set out in the following matrices.

Terms used in the matrices are defined as follows:

<u>Objective</u>	The end towards which Council efforts are directed. <i>Supporting Core Objectives:</i> The <i>Local Government Act 1993</i> requires Community land to be used and managed in accordance with the Core [Management] Objectives – refer Table 2.1
<u>Strategies/Actions (for achieving objectives)</u>	The tactic to be employed in achieving the objective
<u>Performance Measures</u>	How Council proposes to assess the extent to which stated actions have been implemented and achieved.
<u>Priority</u>	<u>Category 1:</u> These actions are those that can be implemented immediately or very soon after the adoption of the plan of management. They are policy or procedural matters and require minimal or no capital/non-recurrent funding <u>Category 2:</u> These actions are those that require funding and are principally concerned with improving public safety, maintenance and improvement matters and protecting or conserving the values of Council's network of parks and reserves. The timing of their implementation would be dependent on the availability of funds from Council <u>Category 3:</u> These actions are capital improvement items or items requiring a significant injection of funds. The timing of their implementation would be dependent on appropriations made by Council or from other sources
<u>Timeframe</u>	The timing by which the action is anticipated to be completed within the date of adoption of the plan: <i>Short-term:</i> 1 to 3 years <i>Mid-term:</i> 3 to 7 years <i>Long-term:</i> 7 to 10 years <i>On-going:</i> continuous implementation
<u>To be actioned by</u>	The (work) section of Council responsible for implementing the action (refer section 4.1 for further details of the Council sections for implementing parts of this plan of management)

Table 6.1: Management objectives, actions and performance measures

Objectives	Strategies/Actions for achieving objectives	Performance Measures	Priority & Timeframe	To be actioned by
Provide facilities and services on the land to meet current and future needs of the community	Consult, liaise and engage with the community to determine range of community facilities and services to be provided on the land	- Key stakeholders are identified and encouraged to participate in the decision-making process - Community views and needs are considered and incorporated into the development of specific community facilities and services	#1 On-going	Social Planning & Cultural Development
	Consider and strategically plan the range of facilities and services to be provided on the land	- Concept plans are developed to ensure best use of available land - Range of facilities planned/developed complement suite of services (to be) provided on the land	#1 On-going	- Social Planning & Cultural Development - Strategic Planning
	Ensure community facilities are multi-purpose and flexible to a range of appropriate uses where feasible	A range of compatible community, social, and other activities are provided and managed in consultation and partnership with user groups and the community	#2 On-going	Social Planning & Cultural Development
Facilities and structures built on the land have regard for environmental sustainable design, resource use and maintenance	Incorporate general community use character, expected use and environmental sustainability features into building and structure design (and re-design) specifications	- Facilities and structures are built to relevant Australian Standards meeting sustainable building requirements - Energy and water efficient design principles are incorporated into facilities and structures	#3 On-going	Assets
	Develop and maintain a cyclical or preventative building maintenance program that reflects the usage needs of the facilities	- Maintenance plans are developed and implemented in a cost effective and competitive manner - User satisfaction is regularly measured to identify and correct	#1-2 On-going	Assets

Objectives	Strategies/Actions for achieving objectives	Performance Measures	Priority & Timeframe	To be actioned by
		maintenance issues that arise		
Facilities and structures provide positive contribution to public amenity, safety and use.	Design and build aesthetically pleasing facilities and structures to enhance the amenity of the land, relative to expressed and anticipated needs and safety considerations	Facility and structure designs address expected usage; Australian Standards for accessibility requirements; Crime Prevention through Environmental Design (CPTED) requirements and guidelines - Satisfaction surveys are regularly used to measure community satisfaction with facility/structure amenity, safety and use	#1-2 On-going	- Assets - Development Planners - Social Planning & Cultural Development
	Construct and maintain safe public access to all facilities and structures relative to desirable access routes and pedestrian circuits, safety issues and disability access opportunities	CPTED principles are incorporated into design and construction of the facilities and structures - Pedestrian and vehicular access routes are regularly audited to ensure facilities and car parking areas are universally accessible and safe - Access and safety issues are prioritised and rectified within reasonable timeframes	#1-2 On-going	- Assets - Development Planners - Social Planning & Cultural Development
	Formulate and implement risk management plans for facilities and structures	- Facility inspections and audits are undertaken at regular intervals - Risk management issues are prioritised and rectified within reasonable timeframes	#1-2 On-going	- Assets - Social Planning & Cultural Development
	Minimise the potential for and the actual occurrence of vandalism of	A reporting system is developed and implemented to respond	#1-2	- Assets - Development

Objectives	Strategies/Actions for achieving objectives	Performance Measures	Priority & Timeframe	To be actioned by
	community facilities and structures	promptly to damage or vandalism - Maintenance regularly undertaken to reduce motivational factors for vandalism - Vandalism issues are rectified within reasonable timeframes	On-going	Planners Social Planning & Cultural Development
	Provide and maintain landscaped gardens and mowed areas for the visual enhancement of the land	- CPTED principles are incorporated into design and construction of landscaped garden and grassed areas - Satisfaction surveys are regularly used to measure community satisfaction with visual amenity of landscaped and grassed areas	#1-2 On-going	- Open Spaces - Social Planning & Cultural Development
Development and use of facilities and structures are within available financial resources of Council.	Ensure costs to develop, redevelop and maintain assets are sustainable within resources available to the Council and the community	- Full life cycle costs are considered and budgeted for - Maintenance and operational costs are reduced	#1-2 On-going	Assets
	Funding allocations and fees and charges are considered in the preparation of Council's Annual Operational Plan	- Facilities are operated and maintained at minimal cost to Council - Costs are passed on to users where reasonable	#2 On-going	- Assets - Social Planning & Cultural Development
The granting of leases, licences or other estates are consistent with the objects of this Plan of Management and the requirements of the <i>Local Government Act 1993</i> and other relevant legislation	Leases, licenses and other estates granted over the land or facilities on the land are granted in accordance with the provisions of this Plan of Management, relevant legislation and Council policies	- Uses that involve lease, license or other estates on the buildings or land are considered in order to maximise community benefits from community assets and resources - Annual and periodic review of leases, licences or other estates	#1 On-going	- Governance - Social Planning & Cultural Development

Objectives	Strategies/Actions for achieving objectives	Performance Measures	Priority & Timeframe	To be actioned by
		issued are undertaken to ensure efficiency, equity and consistency with this plan of management, Council policy and with the <i>Local Government Act 1993</i>		
	Ensure any user wanting to undertake activities not covered under the original development consent(s) is required to submit a development application for Councils consideration	All applications for use of the land are assessed against the community benefit of the development, relevant legislation and the provisions of Council's LEP prior to approval for use being given	#1 On-going	- Development Services - Social Planning & Cultural Development
	Ensure that the facilities usage fees and charges structure is in line with current community (ie. not standard business or commercial market) rates	- A review of rental based on 'community' market valuation rates is undertaken on a regular basis - A review of the fees and charges structure for Community Facilities casual and permanent hire arrangements is undertaken on a regular basis	#1-2 On-going	- Assets - Social Planning & Cultural Development
Give priority to activities and uses that are community-based	Ensure the majority of use of the facilities is by community organisations or organisations providing a community service	An evaluation and selection process of tenants and hirers that is linked to needs identified in Council's social and other plans is established	#1 On-going	Social Planning & Cultural Development
Allow the commercial use of under-utilised community facilities	Market and promote the use of community facilities for the commercial sector, where appropriate	Commercial use of community facilities is monitored to ensure community-based activities are not compromised	#1 On-going	- Social Planning & Cultural Development - Governance
Promote and provide information to the community	Develop and provide information for services and activities	Promotional and marketing material developed and distributed by electronic, print and	#1	Social Planning & Cultural

Objectives	Strategies/Actions for achieving objectives	Performance Measures	Priority & Timeframe	To be actioned by
	available at community facilities	notices.	On-going	Development

7. Plan Review and Change

This PoM will require regular review in order to align with community values and changing community needs, and to reflect changes in Council priorities.

The performance of this PoM will be reviewed on a regular basis to ensure the land and buildings are well maintained and provide a safe environment for the public. Strategic reviews of this PoM will occur at 5 and 10 year intervals.

The Appendices to this PoM may be updated from time to time, reflecting significant changes to the condition of the community land, or to reflect changes in the legislation.

The community will have an opportunity to participate in reviews of this PoM as part of the Council meeting cycle.

References

Department of Local Government (2000), *Practice Note 1: Public Land Management (Revised)*, Department of Local Government, Sydney, NSW

Granatell & Stone (2012), *Yamba Community Health Centre – Proposed Site Plan*, Architectural plan prepared by Granatell & Stone Architecture and Design, Lismore, NSW

Maclean Shire Council (2003), *Treelands Drive Reserve Plan of Management*, Maclean Shire Council, Maclean, NSW

St Lawrence (2006), *Review of the Clarence Valley Community Centres*, a report prepared by St Lawrence & Associates Consulting Services for Clarence Valley Council, Grafton, NSW, 17p.

Appendices

Appendix 2: Site Layout showing proposed development



Appendix 3: Treelands Drive Reserve Scheme Plan, Maclean Shire Council, adopted 23 April 1996

MACLEAN SHIRE COUNCIL : COMMUNITY LAND - PLAN OF MANAGEMENT

TREELANDS DRIVE COMMUNITY CENTRE DEVELOPMENT MANAGEMENT STRATEGY

Facilities

- community centre serving the surrounding urban area
- facilities may include: medical centre; coffee shop; government offices; day care; information centre; public hall; meeting rooms; garage; and workshop
- infrastructure - water, sewerage, electricity, telephone

Built Form

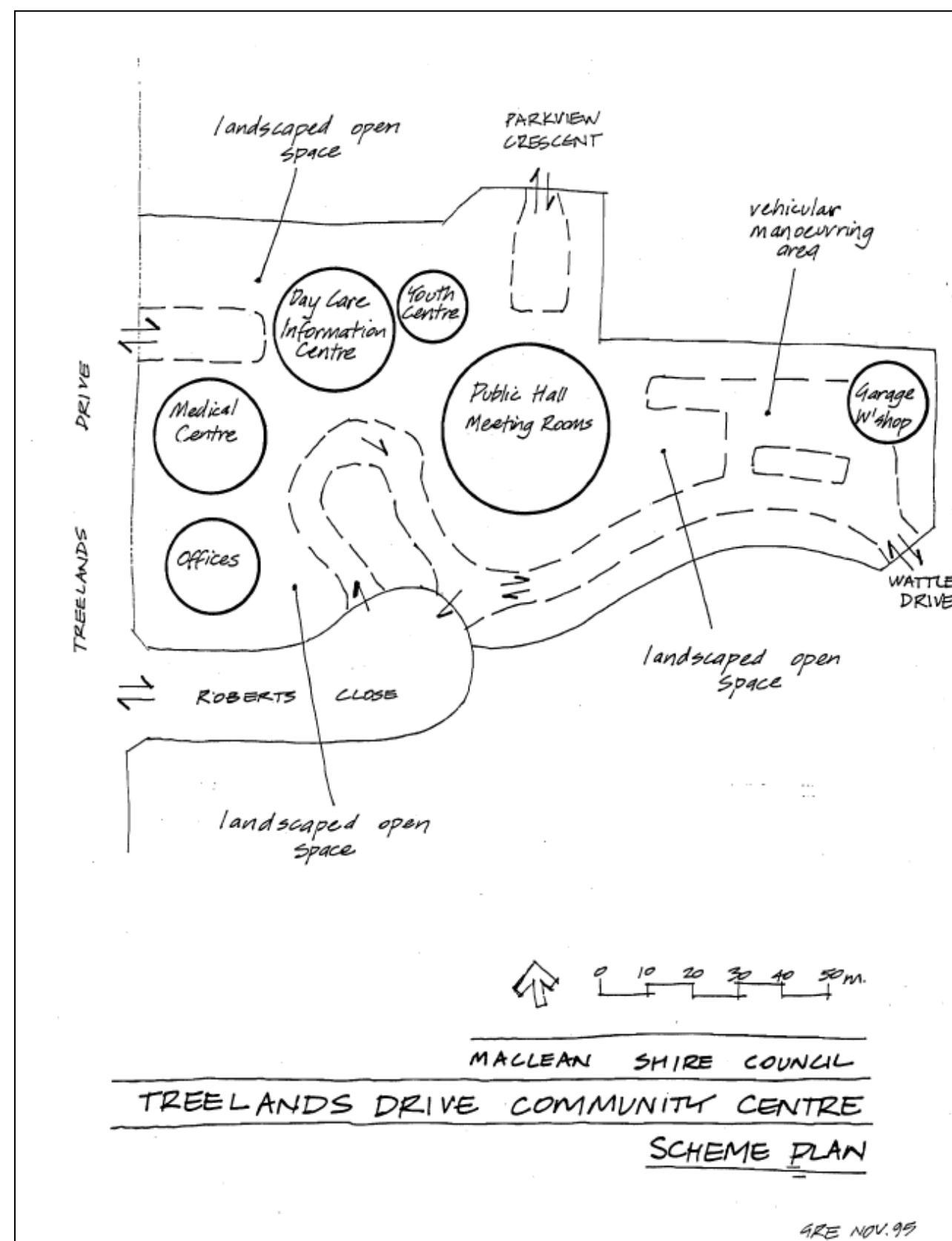
- 'village theme' with buildings located across the whole site
- buildings to display a consistent design and appearance
- link buildings with under cover walkways
- minimise noise intrusion onto adjoining residential properties by careful siting and design of buildings (eg., insulating walls / ceilings)

Access

- main vehicular access / egress to site off Treelands Drive
- minor vehicular access to site off Parkview Crescent and Wattle Drive
- separate access off Treelands Drive for emergency purposes (ie., ambulance)
- traffic and pedestrian movements to be separated
- car parking spaces located along internal access roads
- discrete parking area at Parkview Crescent entrance
- two-way and one-way traffic circulation
- hard paved all weather car parking areas for employees and patrons
- loading bays, bus parking and manoeuvring areas

Landscaping

- landscape open space areas between buildings with the emphasis on maintaining views across the site and providing shade
- landscaped buffer along all site boundaries and internal road frontages using low shrubs and ornamental plants to maintain safety for users
- mature specimens in prominent locations
- maintain a grass / lawn cover over open space





ATTACHMENT 3

Clarence Valley Council Report

Committee:	CIVIL & CORPORATE
Section:	Organisation Performance & Governance
Date:	13 August 2013

Item:	14.121/13 PROPOSED SALE OF TREELANDS DRIVE COMMUNITY LAND
--------------	--

TO BE TABLED & ATTACHMENT**REPORT SUMMARY**

The report is to give consideration to submitting an application to reclassifying part of the Council owned property located at Treelands Drive, Yamba, from community land to operational land. The reclassification is proposed to enable the potential sale of land to Northern NSW Local Health District (Health), for construction of a proposed community health centre. The subject land also houses the existing ambulance station.

OFFICER'S RECOMMENDATION

1. That Council sets a purchase price of \$517,000 (plus GST), as per the independent valuation, but request NSW Health to provide a suitable mechanism by which to ensure that the valuation is not eroded by market change whilst the reclassification process is undertaken.
2. That Council request NSW Health to engage a consultant to undertake the reclassification process under the guidance of Council's Strategic and Economic Planning section.
3. If items 1 and 2 are accepted, then Council authorise action to commence for the reclassification of Lots 1 and 2 DP 1077069 as operational for the purpose of sale of the land to NSW Health Administration Corporation ABN 45 100 538 161.
4. That the term for the proposed lease of the land for the current Ambulance Station and proposed Community Health Centre, approved at 11 December 2012 (13.230/12), be extended to 20 years from 1 September 2013 or from a date when the lease is in a form suitable for registration.

RECOMMENDATION BY COMMITTEE

Simmons/Williamson

1. That Council sets a purchase price of \$517,000 (plus GST), as per the independent valuation, but request NSW Health to provide a suitable mechanism by which to ensure that the valuation is not eroded by market change whilst the reclassification process is undertaken.
2. That Council request NSW Health to engage a consultant to undertake the reclassification process under the guidance of Council's Strategic and Economic Planning Section.
3. If items 1 and 2 are accepted, then Council authorise action to commence for the reclassification of Lots 1 and 2 DP 1077069 as operational for the purpose of sale of the land to NSW Health Administration Corporation ABN 45 100 538 161.
4. That the term for the proposed lease of the land for the current Ambulance Station and proposed Community Health Centre, approved at 11 December 2012 (13.230/12), be extended to 20 years from 1 September 2013 or from a date when the lease is in a form suitable for registration.

5. That Council makes its decision known to NSW Health with some urgency following the Council resolution.

Voting recorded as follows:

For: Williamson, Simmons, Challacombe, Kingsley
Against: Nil

**COUNCIL RESOLUTION – 14.121/13
(Crs McKenna/Kingsley)**

That

1. Council sets a sale price for the land currently identified as Lots 1 and 2 DP 1077069 to NSW Health as per the independent valuation, but request NSW Health to provide a suitable mechanism by which to ensure that the price is not eroded by market change whilst the land reclassification process is undertaken.
2. Council request NSW Health to engage a consultant to undertake the reclassification process under the guidance of Council's Strategic and Economic Planning Section.
3. If items 1 and 2 are acceptable to NSW Health, then Council authorise action to commence for the reclassification of Lots 1 and 2 DP 1077069 as operational for the purpose of sale of the land to NSW Health Administration Corporation ABN 45 100 538 161.
4. The term for the proposed lease of the land for the current Ambulance Station and proposed Community Health Centre, approved at 11 December 2012 (13.230/12), be extended to 20 years from 1 September 2013 or from a date when the lease is in a form suitable for registration.
5. Council makes its decision known to NSW Health with some urgency following the Council resolution.

Voting recorded as follows:

For: Councillors Williamson, Baker, Challacombe, Howe, Hughes, Kingsley,
McKenna, Simmons and Toms
Against: Nil

BACKGROUND

In November 2012, Health advised that it wished to purchase the aforementioned site rather than lease it from Council, provided that the proposed purchase did not delay consideration of the development consent.

Council, at its Ordinary Meeting on 11 December 2012, resolved in part (Item 13.230/12) to receive a further report on the sale of Lot 1 and part Lot 2 DP1077069 Treelands Drive to Health. The sale price was to be set at market value plus a margin to cover Council's costs of reclassification and subdivision.

Health responded by letter on 4 January 2013 with advice that they understood the complexity and protracted nature of land reclassification and that Health were willing to cover the additional Council costs that are incurred in the process as long as they are outlined in a clear and transparent manner.

Council, at its Ordinary Meeting on 21 May 2013, adopted a new Plan of Management for the parcel of land located in Treelands Drive, Yamba. The new Plan of Management acknowledged that the minor commercial operation of the health centre was deemed by the Division of Local Government to be appropriate and acceptable within the Council's current classification of the land as community land (13.230/12).

Accordingly Council is not required to sell the land to enable the proposed health centre to be constructed on this site, however, Health have retained their interest in purchasing the site.

Given that any potential purchase will be some time away, any construction under the recently approved DA for the Community Health Centre can only proceed following Health entering into the lease approved by Council at its Ordinary Meeting on the 11 December 2013 (13.230/12).

ISSUES

Health has been advised that the following steps will be required to bring the land to a point where it would be ready for sale and that all costs were required to be met by them:

1. Independent valuation of land;
2. Land reclassification process;
3. Plan of subdivision and subdivision fees;
4. Legal fees and costs – contracts, plan lodgement and transfers.

Health have since agreed and engaged an independent valuer and their market valuation has been completed and determined at \$517,000 exc GST, (an extract of the valuation is attached).

Elements of the valuation were subsequently challenged by Council staff and, whilst this resulted in the valuer making some minor adjustments to their report, they re-affirmed their assessment of market value as \$517,000 (exc GST). They also commented that the lack of comparable sales made it difficult in determining a unit price for valuation.

Whilst the valuation is considered to be on the low side, it is difficult to argue further on market value without suitable comparable sales.

The valuation is valid for a period of three (3) months whereas the sale is not expected to be finalised in this time as it cannot be completed until the land is reclassified. This process may take some time, possibly up to a year. Accordingly, if Council resolves to accept the valuation in principle, Health should provide a mechanism (that is mutually agreeable) to prevent the value being eroded by market change over that period.

A lease may be required for the proposed Community Health Centre if the reclassification process is delayed for any reason and will be required in any case to enable site works to commence. A lease is ready to be registered other than for the inclusion of the necessary plan of subdivision which is presently being prepared.

Concurrent with the above, a further discussion has taken place with Health with regard to the leasing period of the Ambulance Station (existing lease) and the proposed Community Health Centre. Health has indicated that they would prefer to have a new lease for both the Ambulance Station and the proposed Community Health Centre spanning for a period of 20 years (until 2033). The existing Ambulance Station lease expires in July 2024.

CONSULTATION

The community will be consulted in the process of reclassification of the land, which is required to enable Council to then sell the land to Health.

SUSTAINABILITY ASSESSMENT**Ecology**

Not applicable as this matter is limited to land administration.

Economic

N/A

Social & Cultural

N/A

Human Habitat & Infrastructure

N/A

Governance

The subject land is currently classified as community land and the Local Government Act attaches certain obligations and imposes strict limitations to community land. One of those limitations is that community land cannot be sold unless the Council follows a rigorous and public process to reclassify it as operational.

By requiring a market valuation for the property and requesting an indexing instrument be including on such, Council will ensure that it obtains the appropriate proceeds from the sale of a public asset.

Guiding Sustainability Principles

The following guiding sustainability principles are relevant to this issue:

- Encouraging community involvement and awareness.
- Taking a precautionary and anticipatory approach.

OPTIONS

1. That Council sets a purchase price of \$517,000 (plus GST), as per the independent valuation, but request NSW Health to provide a suitable mechanism by which to ensure that the valuation is not eroded by market change whilst the reclassification process is undertaken.
2. That Council request Health to engage a consultant to undertake the reclassification process under the guidance of Council's Strategic Planning section.
3. If items 1 and 2 are accepted, then Council authorise action to commence for the reclassification of Lots 1 and 2 DP 1077069 as operational for the purpose of sale of the land to NSW Health Administration Corporation ABN 45 100 538 161.
4. That the term for the proposed lease of the land for the current Ambulance Station and proposed Community Health Centre, approved at 11 December 2012 (13.230/12), be extended to 20 years from 1 September 2013 or from a date when the lease is in a form suitable for registration.
5. That Council defer the decision on reclassifying the land until such time as it considers re-assessment of the market value by a valuer engaged by Council, noting that Council will bear that cost (estimated at \$2,500).

6. That Council refuse the offer for sale on the basis that it is comfortable with the status quo: with the classification of the land as community land, and the receipt of rent as resolved at 11 December 2012 (13.230/12) - \$3,750 plus GST increasing in line with CPI.

Options 1, 2, 3 and 4 are recommended.

FINANCIAL IMPLICATIONS

If the sale is adopted under the recommended process, Health will meet all costs associated with bringing the land to the point of sale.

Damien Connor

EXECUTIVE MANAGER – ORGANISATION PERFORMANCE & GOVERNANCE

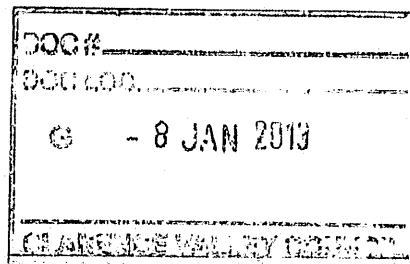
Prepared by staff member:	Brian Lane
Approved/Reviewed by Manager:	Damien Connor
Section:	Organisation Performance & Governance
Attachment:	Letters from Health Letters from Newton Denny Chapelle (Consultants to Health) Extract of Valuation
To be tabled:	Treelands Drive Yamba Valuation



Health
Northern NSW
Local Health District

4 January 2012

Mr Brian Lane
Acting Manager Governance
Clarence Valley Council
Locked Bag 23
GRAFTON NSW 2460



Dear Mr Lane

Land in Treelands Drive Yamba for the proposed new Community Health Centre

I refer to your letter of 2 January 2013 in response to our original request dated 13 November 2012 to purchase land for the proposed new Yamba Community Health Centre to be built on Council owned land in Treelands Drive Yamba, adjacent to the existing Ambulance Station.

I understand from your letter that the land purchase is possible although it may be a more complex process than originally anticipated. It is still the preference of the Northern NSW Local Health District (NNSWLHD) to proceed with the purchase, although it is not imperative that this matter be finalised prior to commencement of construction.

In accordance with the Council resolution we wish to proceed immediately with a lease of the land to allow the project to proceed without delay.

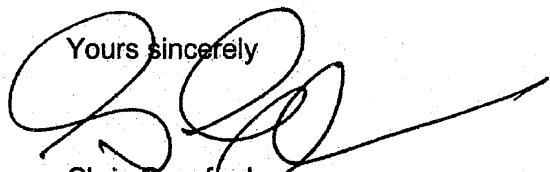
As a separate matter to be actioned in parallel we ask that the land acquisition process also commence. It is understood that this will involve an independent land valuation to determine market value, and the reclassification and subdivision of the land by Council. I understand that this may be a complex and protracted process and the NNSWLHD is willing to cover the additional Council costs that are incurred in this regard, as long as these are outlined in a clear and transparent manner.

We look forward to receiving a draft lease for our consideration with a Memorandum of Understanding to be executed as an interim measure should the lease not be in place prior to commencement of construction.

I would like to thank Council for its support of this important project and we look forward to working together in a cooperative manner to see this project come to fruition in a timely fashion.

Please liaise with our Capital Works Manager, Mr John Lambert (telephone 02 66202115) regarding any further input or information required from the NNSWLHD.

Yours sincerely



Chris Crawford
Chief Executive

SCANNED



3 July 2013

General Manager
Clarence Valley Council
Locked Bag 23
GRAFTON NSW 2460

Attention: Mr Brian Lane

Dear Mr Lane

Re: Purchase of Council owned land at Treelands Drive Yamba for the proposed new Yamba Community Health Centre

I refer to previous correspondence and email communications concerning the above matter. Northern NSW Local Health District (NNSWLHD) wishes to confirm that it agrees to cover all Council costs associated with advancing the land sale process as documented in the email from Mr Donges dated 2 May 2013. In this regard, the following comments and commitments are made with respect to the individual items as documented by Mr Donges.

1. Independent Valuation

Comment: An independent land valuation has been completed by Valuers Australia, a copy of which is attached. NNSWLHD is of the view that this represents a fair and reasonable price for the subject land.

2. Reclassification of Land

Comment: NNSWLHD has engaged Newton Denny Chapelle (NDC) to prepare the Planning Proposal to enable the reclassification of the land. NDC will liaise with Council planners at appropriate junctures to ensure that the documentation meets with their requirements. It is envisaged that a first draft will be submitted to Council for review in the coming weeks.

NNSWLHD agrees to meet Council costs associated with reporting, processing and advertising the planning proposal, subject to provision of clear quotations prior to these steps occurring.

3. Plan of Subdivision

Comment: NNSWLHD has engaged Newton Denny Chapelle to undertake all works associated with the preparation of the Plan of Subdivision. The subdivision will accord with the plans lodged with the development application.

4. Development Application / Boundary Adjustment Subdivision

Comment: Noted. NNSWLHD agrees to pay the standard \$135 processing fee for a subdivision certificate.

Northern NSW Local Health District

ABN 37 940 606 983

Hunter Street LISMORE NSW 2480
Locked Mail Bag 11, LISMORE NSW 2480
Tel 02 66 202432 Fax 02 66 202298

5. Legal Fees & Costs

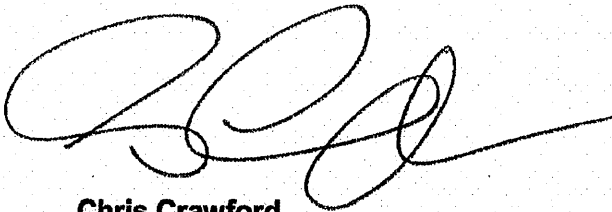
Comment: NNSWLHD agrees to meet estimated costs of \$4,000 associated with Council's legal adviser managing the contract, plan lodgement and transfer of land.

NNSWLHD looks forward to working with Council to advance this project. The approved Yamba Community Health Centre will be a significant boost to the health care facilities available to the community of Yamba and surrounds. Securing tenure of the land will facilitate the ongoing provision of this important community service.

We now request that this matter be reported to the elected Council as a matter of priority. Once Council has provided its support in principle for the sale of the land, the formal processes associated with the reclassification of the land will be able to proceed.

For further information of clarification regarding the above, please contact Mr John Lambert, Manager Capital Works on 02 6620 2115.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Chris Crawford', with a long horizontal line extending to the right.

Chris Crawford
Chief Executive

CC David Gates, Director, Business & Asset Services and Chief Procurement Officer, Ministry of Health

Newton Denny Chapelle
SURVEYORS PLANNERS ENGINEERS

Date: 24 July 2013
Our Ref: 12/224

General Manager
Clarence Valley Council
Locked Bag 23
GRAFTON NSW 2460

Attention: Mr Brian Lane

Dear Sir,

**Re: Purchase of Council Owned Land at Treelands Reserve for the
Proposed New Yamba Community Health – Lots 1 & 2 DP 1077069.**

Further to Council's email of 18 July 2013 highlighting several queries with the valuation completed for the land proposed to be acquired by Northern NSW Local Health District (NNSWLHD), please find attached a response to the queries by Valuers Australia together with an updated valuation report rectifying the anomaly with the contaminated land reference.

In respect to Council's query relating to contaminated lands, no contamination exists on site or was taken into consideration. The notation in the valuers report is a typographical error where the relevant standard clause was copied from another report. A revised report is attached with the error removed.

In respect to the reliance on a low density classification, the valuer has based on town planning constraints impacting on the land, predominantly being the SP2 Infrastructure Zoning and the Plan of Management, the use of the land is restricted. Accordingly, we believe the valuers reference to the nominated land zoning is appropriate in this instance.

Accordingly, due to limited evidence, restrictions on use and limited alternative market etc. the valuer has appropriately detailed it is not easy for a valuer to determine the exact value at which the parties would meet. However, having full regard to the restrictions (zoning/plan of management etc.) on the use of the land, the stated value of \$145/m² is considered to reasonably reflect the value of the land.

We thank you for the opportunity to respond to Council's queries and trust the attached information assist Council's determination of this matter.

Should you have any questions, please do not hesitate contacting Damian Chapelle of this office.

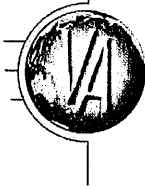
Yours sincerely,
NEWTON DENNY CHAPELLE



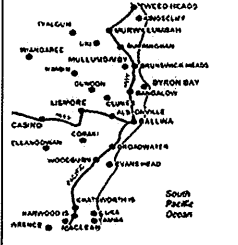
DAMIAN CHAPELLE
Town Planner, BTP CPP.



**VALUERS
AUSTRALIA** REAL ESTATE



AERIAL Byron Bay Coastline



Valuers Australia

Level 3, 105 Molesworth Street,
Lismore
NSW 2480

Tel 02 66 222 455 Fax 02 66 216 604
ABN 25 121 942 505

Rob.houlden@valuersaustralia.com.au

0439 281 781

19th July 2013

Contact: Rob Houlden
Telephone: 0439 281 781

John Lambert
Area Manager
Capital Works
NNSWLHD
Locked Bag 11,
Lismore NSW, 2480

CONFIDENTIAL

RE: Yamba Community Health Facility – Treelands Reserve, Yamba

Dear John,

I refer to correspondence (email) received 18 July from Mr Damian Chappelle of Newton Denny Chappelle, dated 18 July 2013.

In response please find below comments made in relation to each of the queries raised by Clarence Valley Council.

1. No contamination exists on site or was taken into consideration. The notation in the report is a typographical error where the relevant standard clause was copied from another report. A revised report is attached with the error removed.
2. Based on town planning constraints impacting on the land, predominantly being the SP2 Infrastructure Zoning and the Plan of Management, the use of the land is restricted.

If placed on the open market it is perceived that restrictions on use would eliminate the vast majority of potential purchasers from the market. Demand may exist from parties willing to pursue rezoning and potential to remove the Plan of Management however such a sale would require substantial discount or be conditional on rezoning and removal of the plan of Management, which we understand would be unlikely.

Due to limited marketability, in determining the valuation the valuer must therefore assume a sale between a willing prudent hypothetical purchaser and a willing prudent hypothetical vendor (refer definition of "market value" in the valuation report).

The valuer must then determine the likely price at which the parties to such a sale would meet in open negotiations (each acting knowledgeably and prudently and without compulsion). A prudent hypothetical purchaser in determining how much s/he would be willing to pay for the land would recognise that the use of the land is restricted and that this has an adverse impact on the use and marketability of the land. S/he would however also consider the value of other land in the area and would bear this in mind when determining the amount s/he is prepared to pay i.e. how much would they have to pay to secure other land in that locality, (or within reasonable proximity of the site). The price of land with restricted use must be less than other land in the locality with potential for other, higher uses. On the other hand s/he would also consider it unreasonable to expect a very low/nominal price as the hypothetical prudent vendor would be unwilling to agree if the price was too low.

A willing, prudent hypothetical vendor would endeavour to negotiate the highest price possible however would recognise that the use of the land is restricted. S/he would recognise that potential for sale to alternative parties would be limited (without rezoning, deletion of plan of management etc.) and that a prudent hypothetical purchaser would be aware of this. The vendor would also consider the value of other land in the area, but in doing so should recognise that other land in the area would not have the same restrictions on use.

3. Due to limited evidence, restrictions on use and limited alternative market etc. it is not easy for the valuer to determine the exact value at which the parties would meet. However, having full regard to the restrictions on use of the land the stated value of \$145/m² is considered to reasonably reflect the value of the land.

In terms of comparability to smaller sites we note that it is normal for the market to pay a reduced rate/m² for larger sites and that this has been taken into consideration, however, the greater issues are the restrictions on use of the land under the relevant zone and Plan of Management.

Sales 1, 8 and 9 were included in the report to identify the value of superior land in the locality. As stated in the valuation report the value of the subject land must be less than the analysed land value for each of the sales.

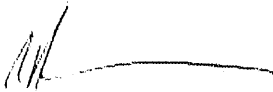
4. Council indicated that it would have the option of waiting until the market rebounds and this is no doubt an option. At that point in time (unless rezoned etc.) the SP2 Infrastructure Zoning and Plan of Management will

still be relevant matters for consideration and will again have an adverse impact on the value of the land.

DISCLAIMERS

- This letter of response must be read in conjunction with the full valuation report dated 1 June 2013 and Statement of Environmental Effects for Proposed Yamba Community Health Centre at Treelands Drive Yamba prepared by NDC. The report and this letter relies on information provided to the valuer by NNWLHD, Clarence Valley Council and Newton, Newton Denny Chappelle Town Planners.

Yours sincerely



Rob Houlden
Director
Valuers Australia
16 July 2013

PROPERTY CONSULTANCY FOR

LOT 1 IN PROPOSED SUBDIVISION OF
LOTS 1 AND 2 IN DEPOSITED PLAN 1077069

PREPARED FOR: NORTHERN NSW LOCAL HEALTH NETWORK

YOUR REFERENCE:

OUR REFERENCE: VA604

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Client: NORTHERN N.S.W. LOCAL HEALTH NETWORK

VA604 –Lot 1 in proposed plan of subdivision of Lots 1 and 2 DP1077069 – Treelands Dr. Yamba

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Client: NORTHERN N.S.W. LOCAL HEALTH NETWORK

VA604 – Lot 1 in proposed plan of subdivision of Lots 1 and 2 DP1077069 – Treelands Dr. Yamba

EXECUTIVE SUMMARY

Instructions:	To determine the current market value of the subject land for Potential Sale to Northern NSW Local Health District.
Date of Valuation:	1 June 2013
Property Description:	Lot 1 in a proposed plan of subdivision of Lots 1 and 2 in Deposited Plan 1077069, in Parish of Yamba, County of Clarence and Clarence Valley Local Government Area.
Summary of Valuation:	
Current Market Valuation:	The current market value assessed in accordance with the instructions and subject to assumptions and limitations in this report is assessed at: ... Five Hundred and Seventeen Thousand Dollars ... (\$517,000)... excluding GST.

*To any party relying on this report we advise that this one-page summary **must** be read in conjunction with the attached report of which this summary forms a part.*

Client: NORTHERN N.S.W. LOCAL HEALTH NETWORK

VA604 –Lot 1 in proposed plan of subdivision of Lots 1 and 2 DP1077069 – Treelands Dr. Yamba

ATTACHMENT 4

**Information Provided in Accordance with
Best Practice Guideline
“LEPs and Council Land”**

Best Practice Guideline – LEPs and Council Land

Guideline Requirement	Comment
Section 2.2.1 – Statement of Council's Interest	
What is Council's interest in the land?	The Treelands Drive Reserve is public land which was dedicated under Section 94 of the Environmental Planning and Assessment Act 1979 to Clarence Valley Council (formerly to Maclean Shire Council). The land was dedicated to Council on 17 February 1995 as part of the development of adjoining land at Lot 4 DP 563582 at Wattle Drive, Yamba. The land was registered on 3 March 1995.
When did Council first acquire an interest in the land?	
Why did Council acquire an interest in the land?	
How Council acquired its interest in the land?	
For land previously owned or controlled by Council whether any aspect of the LEP formed part of the agreement to dispose of the land.	N/A.
Section 2.1.2 – Purpose of the draft LEP	
Why is the draft LEP being prepared?	To enable Council to dispose of part of the site to NSW Health. The portion of the site to be sold is that portion occupied by the existing Yamba Ambulance Station and the proposed Yamba Community Health Centre.
How will the draft LEP affect planning controls?	The purpose of the Draft LEP is to change the classification of the land from "community land" to "operational land" to enable Council dispose of the land. The Draft LEP will not change the zoning, building height or other planning controls relating to the site.
What prompted the preparation of the draft LEP?	NSW Health has approached Council seeking to acquire the land.
Section 2.1.3 – Anticipated Development	
What actual physical or operational changes may result from the LEP?	No actual physical or operational changes will result from the Draft LEP.
Is the draft LEP being prepared to permit a particular proposal?	The Draft LEP is being prepared to facilitate the sale of the land by Council to NSW Health. Council has previously approved the construction of the Yamba Community Health Centre on the subject land via DA 2013/0025 in May 2013.

Section 2.1.4 – Financial Implications	
What are the financial implications of proceeding with the LEP amendment?	Council has set a purchase price for the land of \$517,000 (plus GST) which was determined via an independent valuation. All procedural costs associated with the LEP amendment and legal costs associated with the purchase of the land are to be borne by NSW Health.
Section 2.1.5 – Guideline	
A copy of the guideline must be available within the exhibition materials	A copy of the Guideline is provided as part of Attachment 4 to the Planning Proposal.

LEPs and Council Land

**BEST
PRACTICE
GUIDELINE**

**January
1997**

KEY ISSUES IN THIS GUIDELINE

- status of this guideline
- requirements for exhibition
- notification of outcome
- withdrawal of delegation

**Guideline for
councils using
delegated powers to
prepare LEPs
involving land that is
or was previously
owned or controlled
by council.**

**New South Wales
DEPARTMENT OF URBAN AFFAIRS
AND PLANNING**

SECTION ONE - INTRODUCTION

1.1 REASON FOR THIS GUIDELINE

Instances where a council proposes to change the planning controls that apply to land in which it has or has had an interest present an unusual situation. In many cases Council will be both regulator acting in the interest of the community, and entrepreneur seeking to maximise the benefit realised from a community asset.

These dual roles may give rise to a real conflict of interest or the appearance that council is affording itself special treatment. While both roles are legitimate, council must make sure that its decisions as regulator are not biased by its financial interests in property.

The mere fact that council is both applicant and decision maker is sufficient to create an appearance of unfairness and to erode the community's confidence in the planning process.

Council has a responsibility to ensure that any proposal is objectively assessed. It is important that the community sees proper procedures being followed and balanced, consistent assessment of environmental, social and economic considerations in these situations.

As a hypothetical example, consider the following:

Ten years ago council carried out and published a retail centre study. The study identified key sites which should be held for major development or re-development in the future.

Two years after the study was adopted, council bought one of the key vacant sites and made it

temporarily available to address a shortfall in public car parking.

The time is now right for the site to be developed for retail/residential use and council has entered into an agreement with a developer which ensures public car parking will be provided as part of a new development.

Council prepares a draft LEP to rezone the land from its original residential zone to the mixed use zone in place throughout the retail centre. The controls and urban design principles covering adjoining sites will apply to council's land.

Even based on this brief description, the council's actions appear reasonable. A different impression may be gained by local residents who hear through 'the grapevine' that council is going to rezone the community's land, close the public car park, sell the land to a big developer to build a retail/residential tower and make \$1.3 million profit.

The aim of this guideline is to make the planning process open to public scrutiny by ensuring that all relevant information is available in situations such as the one described above. Through this the community can develop confidence that fair, proper processes have been followed and that council has managed its conflicting interests satisfactorily.

1.2 DELEGATION

Section 23 of the Environmental Planning and Assessment Act 1979 (the Act) allows the Director-General of the Department of Urban Affairs and Planning to delegate certain planning powers to councils. At present the Director-General delegates to some councils the ability to exercise local environmental plan (LEP) preparation powers under s.65 and s.69 of the Act.

A report released by the Independent

~~highlighted several instances where with a~~
Commission Against Corruption in 1992 highlighted several instances where councils did not satisfactorily deal with a conflict of interest between their roles as regulator and developer. This prompted the Director-General to withdraw delegated powers for LEPs involving land that is owned or controlled by a council or was owned or controlled by a council where any aspect of the LEP was the subject of an undertaking between council and the purchaser.

The Director-General has now reinstated delegated powers, confident that this guideline will assist councils to administer the LEP making process in a fair and responsible manner. This guideline is intended to assist by ensuring that conflicts of interest are disclosed and resolved in an accountable and open manner. Where councils' actions are fair and reasonable, the decision process will be seen to be impartial.

In exceptional circumstances a council or the Director-General still may decide that it is not appropriate for a council to exercise delegated LEP making powers (further information in Section 3.).

1.3 STATUS OF THIS GUIDELINE

This guideline is referred to in the instrument of delegation issued by the Director-General regarding powers under s.65 and s.69 of the Act. Councils are allowed to exercise these powers in the preparation of LEPs that apply to land that is owned or controlled by Council, or was owned or controlled by Council and is the subject of an undertaking between council and the purchaser (referred to from here on as *council land*), if they comply with this guideline.

This guideline does not replace the requirements in the Act concerning the

preparation and exhibition of LEPs. The guideline adds detail and specifies several additional requirements where a council wishes to use its delegated powers to prepare an LEP that applies to *council land*.

On 22 November 1990 the Department issued Department of Planning Circular No. C18 titled *Processes for the Rezoning of Council Assets for Disposal*. That Circular addresses rezoning of council owned land generally and is advisory only.

This guideline has a focus on matters concerning the exercise of delegated powers and must be followed when delegation is used. Both provide consistent advice on a number of common issues, and the additional information in the earlier Circular still may be of assistance to councils in some cases.

SECTION 2 - REQUIREMENTS

2.1 EXHIBITION

When a council exhibits a draft LEP (in accordance with s.66 of the Act) that applies to *council land* this guideline requires additional information to be included.

The aim of this is to make clear Council's interest in the land and the reasons why the draft plan is being prepared. This makes the plan preparation process more open and allows the community to assess proposals with a full appreciation of all relevant information.

Consistent with this aim, information must be exhibited in a clear manner. Information must be detailed enough to be informative, without being overwhelming.

The following information must be included in the material displayed during exhibition:

2.1.1 Statement of Council's Interest

A written statement must be provided which describes Council's interest in the land. This should include information such as:

- the nature of Council's interest in the land (e.g. Council has a 30 year lease over the site, Council owns the land freehold);
- when Council first acquired an interest in the land;
- why Council acquired an interest in the land (e.g. for an extension to the adjoining park, Council was given responsibility for the land by a State authority);

- how Council acquired its interest in the land (e.g. the land was purchased, through s.94); and
- for land previously owned or controlled by Council, whether any aspect of the LEP formed part of the agreement to dispose of the land, and the terms of any such agreement

2.1.2 Purpose of the draft LEP:

A written statement must be provided explaining why Council is preparing the draft plan. A statement such as "to rezone the land" is not sufficient. The following must be addressed:

- why the draft LEP is being prepared (e.g. to facilitate growth of a commercial centre, to provide opportunities for higher density residential development near a railway station, to allow a child care centre in an open space zone);
- how the draft plan will affect planning controls (e.g. change a residential zoning to commercial, introduce heritage controls); and
- what prompted preparation of the draft LEP (e.g. the findings of a residential development strategy, a request from an affected land owner, Council's intention to dispose of the land).

2.1.3 Anticipated development

Knowing what type of development may result from a change in planning controls helps everyone interested in the draft LEP understand how they will be affected in real life. This allows people to make more constructive comments than they otherwise might. The following must be addressed:

- what actual physical or operational changes may result? A change to the maximum floor space ratio, for example, may not mean very much to most people. It would be more helpful to

explain that the change will create an opportunity for several additional storeys of development on the site, subject to assessment and approval in accordance with Council's controls and policies;

- is the draft LEP being prepared to permit a particular proposal? If so, any available details of the proposal should be included in the exhibition.

2.1.4 Financial Implications

While any change in planning controls will have some effect on land values, there will be instances where Council or another party stands to make a substantial financial gain or loss as a result of making an LEP.

In some cases the increase in land value resulting from an LEP may be one of the reasons why council has decided to prepare the LEP. Council may have even made an agreement for the sale or lease of the land conditional on the controls being changed.

The community should be aware of the financial implications of a change in planning controls, especially when they are more than a minor consequence of the change. While it may be inappropriate to make known all financial details (in the interest of protecting commercial advantage) Council must at least provide an indication of the magnitude of any financial gains or losses.

Council could indicate the magnitude of value that will be added to the land by comparing current and likely future land value (e.g. the land is currently valued at \$100 m², nearby land zoned for commercial development is valued at between \$200 and \$250 m²).

Where an agreement for lease or sale of the land has been made, council must at least state that this is the case and provide basic details of the agreement. Information on

the terms of the agreement should be made available where possible.

2.1.5 Guideline

A copy of this guideline must be included in the exhibition. This helps the public understand why certain information has been exhibited and to check that all relevant information has been made available.

2.2 NOTIFICATION

After the LEP has been made or a decision taken not to proceed with the draft LEP, everyone who made a written submission must be notified in writing. Notification must be sent within 14 days of the decision and must include an explanation of how the issues raised in the submission were addressed and the reasons for council's decision.

2.3 MONITORING

Although the Director-General has delegated certain powers to councils, she retains a responsibility to make sure that the LEP making system operates satisfactorily. To provide for monitoring, the following is required of councils:

- a copy of all written material to be exhibited must be included with Council's s.64 submission;
- where LEPs are prepared using s.69 delegated powers: a section must be added to the s.69 report to the Minister briefly setting out Council's interest in the land, any conflict of interest, issues raised in any relevant submissions, and an explanation of how these issues have been addressed or resolved;

- where the s.69 report will be prepared by the Director-General : a copy of the final report submitted to Council (or where this report does not include the matters listed in the previous point - a report dealing with these matters) must be included in the s.68(4) submission.

Regional Managers will monitor councils' compliance on an ongoing basis. A full review of the operation of this guideline will be carried out 12 months after delegation is reinstated, with the involvement of the Local Government Liaison Committee.

SECTION 3 - OTHER MATTERS

3.1 WITHDRAWAL OF DELEGATION BY THE DIRECTOR-GENERAL

The option of the Director-General withdrawing delegation for a particular LEP (or from a particular council) is always available. This option may be exercised in circumstances where it is unlikely that, or unreasonable to expect that a council will be able to deal with a LEP in an objective and impartial way.

While it is not possible to envisage every such situation, the following provides an indication of possible circumstances:

- where controversial events precede the decision to prepare a LEP;
- where the community has strong feelings or an emotional attachment to the land or buildings involved;
- where the magnitude of the benefits (financial or otherwise) that Council may obtain as a result of making the LEP is significant;
- where strong community opposition to the LEP is shown by: submissions during exhibition, letters to the Director-General or Minister, or extensive media coverage;
- where an unreasonably short, poorly timed (ie. during a holiday period) or uninformative exhibition is held by Council; or
- where Council's consideration of relevant issues is prejudiced and a biased or unfair outcome is likely.

If experience shows that a particular council is not able to exercise delegated LEP making powers in a responsible way, the Director-General may withdraw delegation for future LEPs in the interest of

maintaining the integrity of the planning system.

3.2 WHERE COUNCIL DECIDES NOT TO USE DELEGATION

There may be occasions on which the nature of a conflict of interest or the sensitivity of a proposal make it very difficult for Council to impartially prepare an LEP. While councils are encouraged to use their delegated powers whenever possible, there may be cases where it would be best for the Department to process an LEP.

Where a council believes that it is in this situation, contact should be made with the local Regional Manager from the Department to discuss possible alternative arrangements. If the Department feels that a conflict can be satisfactorily managed by council, it will not become involved in the preparation of a draft LEP.

3.3 FURTHER INFORMATION

If you would like to discuss any aspect of this guideline please contact your regional office of the Department.

★★★★

ATTACHMENT 5

Assessment Against S117 Ministerial Directions

Assessment Against S117 Ministerial Directions

Section 117 Direction	Applicability	Comments
1. Employment and Resources		
1.1 Business and Industrial Zones	Not Applicable.	-
1.2 Rural Zones	Not Applicable.	-
1.3 Mining, Petroleum Production and Extractive industries	Not Applicable.	-
1.4 Oyster Aquaculture	Not Applicable.	-
1.5 Rural Lands	Not Applicable.	-
2. Environment and Heritage		
2.1 Environmental Protection Zones	Not Applicable.	
2.2 Coastal Protection	Applicable	The proposal is not inconsistent with the applicable provisions relating to coastal protection. The development application for the Community Health Centre concluded that no adverse impacts are expected on the values of the NSW coast.
2.3 Heritage Conservation	Not applicable.	-
2.4 Recreation Vehicle Areas	Not applicable.	-
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Not applicable.	-
3.2 Caravan Parks and Manufactured Home Estates	Not Applicable.	-
3.3 Home Occupations	Not Applicable.	-
3.4 Integrated Land Use and Transport	Not Applicable	-
3.5 Development Near Licensed Aerodromes	Not Applicable.	-
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Applicable	Clarence Valley Council Acid Sulfate mapping identifies the land as Class 2 ASS. Appropriate management

		techniques will be required as part of the construction of the Community Health Facility.
4.2 Mine Subsidence and Unstable land	Not Applicable.	-
4.3 Flood Prone Land	Applicable	The proposal will not impact the function of the floodplain.
4.4 Planning for Bushfire Protection	Not Applicable.	-
5. Regional Planning		
5.1 Implementation of Regional Strategies	Applicable	The site is subject to the provisions of the Mid North Coast Regional Strategy. Given the scale and location of the project, no adverse impacts are anticipated on the objectives and requirements of the Strategy. Whilst not listed as a key infrastructure requirement under the Strategy, the project will provide significantly improved access to health facilities for the Yamba community.
5.2 Sydney Drinking Water Catchments	Not Applicable.	-
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable.	-
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable.	-
5.5 Development in the Vicinity of Ellalong, Paxton and Milfield (Cessnock LGA).	Not Applicable.	-
5.6 Sydney to Canberra Corridor	Not Applicable.	-
5.7 Central Coast	Not Applicable.	-
5.8 Second Sydney Airport: Badgerys Creek	Not Applicable.	-
6. Local Plan Making		
6.1 Approval and Referral Requirements	Applicable	No referral or concurrence requirements proposed within the Planning Proposal.
6.2 Reserving Land for Public Purposes	Not Applicable.	-
6.3 Site Specific Provisions	Not Applicable	-
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Not Applicable	-

ATTACHMENT 6

Assessment Against State Environmental Planning Policies

Assessment Against State Environmental Planning Policies

State Environmental Planning Policy	Applicability	Comments
SEPP 1 Development Standards.	Not Applicable.	-
SEPP 4 Development Without Consent and Miscellaneous Complying and Exempt Development.	Not Applicable.	-
SEPP 6 Number of Storeys in a Building.	Not Applicable.	-
SEPP 14 Coastal Wetlands.	Not Applicable.	No SEPP 14 Wetland on the site or in the vicinity.
SEPP 15 Rural Land-Sharing Communities.	Not Applicable.	-
SEPP 19 Bushland in Urban Areas.	Not Applicable.	-
SEPP 21 Caravan Parks.	Not Applicable.	-
SEPP 22 Shops and Commercial Premises.	Not Applicable.	-
SEPP 26 Littoral Rainforests.	Not Applicable.	No SEPP 26 Littoral Rainforest on the site or in the vicinity.
SEPP 29 Western Sydney Recreation Area.	Not Applicable.	-
SEPP 30 Intensive Agriculture	Not Applicable.	-
SEPP 32 Urban Consolidation (Redevelopment of Urban Land).	Not Applicable.	-
SEPP 33 Hazardous & Offensive Development.	Not Applicable.	-
SEPP 36 Manufactured Home Estates.	Not Applicable.	-
SEPP 39 Split Island Bird Habitat.	Not Applicable.	-
SEPP 44 Koala Habitat Protection.	Not Applicable.	No core Koala habitat on the site or in the vicinity.
SEPP 47 Moore Park Showground.	Not Applicable.	-
SEPP 50 Canal Estate Development.	Not Applicable.	-
SEPP 52 Farm Dams & Other Works in Land & Water Management Plan Areas.	Not Applicable.	-
SEPP 55 Remediation of Land.	Applicable.	No contamination is known to existing on the subject lands. Development application and Plan of Management Processes did not identify

State Environmental Planning Policy	Applicability	Comments
		issues of concern in this regard.
SEPP 59 Central Western Sydney Economic & Employment Area.	Not Applicable.	-
SEPP 60 Exempt & Complying Development.	Not Applicable.	-
SEPP 62 Sustainable Aquaculture.	Not Applicable.	-
SEPP 64 Advertising & Signage.	Not Applicable.	-
SEPP 65 Design Quality of Residential Flat Buildings.	Not Applicable.	-
SEPP 70 Affordable Housing (Revised Schemes).	Not Applicable.	-
SEPP 71 Coastal Protection	Applicable.	The subject lands are located within the coastal zone. DA 2013/0025 included detailed consideration of the provisions of SEPP 71 and concluded that the proposed Community Health Centre and associated subdivision would not adversely impact on the qualities of the NSW coast.
SEPP (Affordable Rental Housing) 2009	Not Applicable.	-
SEPP (Building Sustainability Index: BASIX) 2004	Not Applicable.	-
SEPP (Exempt and Complying Development Codes) 2008	Not Applicable.	-
SEPP (Housing for Seniors or People with a Disability) 2004	Not Applicable.	-
SEPP (Infrastructure) 2007	Applicable.	The future development of the subject site for a health services facility is permissible with development consent pursuant to Division 10 of SEPP Infrastructure.
SEPP (Kosciuszko National Park — Alpine Resorts) 2007	Not Applicable.	-
SEPP (Kurnell Peninsula) 1989	Not Applicable.	-
SEPP (Major Development) 2005	Not Applicable.	-
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not Applicable.	-

State Environmental Planning Policy	Applicability	Comments
SEPP (Penrith Lakes Scheme) 1989	Not Applicable.	-
SEPP (Port Botany and Port Kembla) 2013	Not Applicable.	-
SEPP (Rural Lands) 2008	Not Applicable.	-
SEPP (SEPP 53 Transitional Provisions) 2011	Not Applicable.	-
SEPP (State and Regional Development) 2011	Not Applicable.	-
SEPP (Sydney Drinking Water Catchment) 2011	Not Applicable.	-
SEPP (Sydney Regional Growth Centres) 2006	Not applicable.	-
SEPP (Temporary Structures) 2007	Not Applicable.	-
SEPP (Urban Renewal) 2010	Not Applicable.	-
SEPP (Western Sydney Employment Area) 2009	Not Applicable.	-
SEPP (Western Sydney Parklands) 2009	Not Applicable.	-