

Clarence Valley LEP 2011 Draft Amendment to enable a Medical Centre at 2 Providence Court Yamba.

Proposal Title : **Clarence Valley LEP 2011 Draft Amendment to enable a Medical Centre at 2 Providence Court Yamba.**

Proposal Summary : **The planning proposal seeks to amend the Clarence Valley LEP 2011 to enable the development of a medical centre with Council consent on land zoned R2 Low Density Residential - Lot 4 DP 1104127, 2 Providence Court Yamba.**

PP Number : **PP_2012_CLARE_001_00** Dop File No : **12/02179**

Proposal Details

Date Planning Proposal Received : **27-Jan-2012** LGA covered : **Clarence Valley**

Region : **Northern** RPA : **Clarence Valley Council**

State Electorate : **CLARENCE** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **2 Providence Court**

Suburb : **Yamba** City : Postcode : **2464**

Land Parcel : **Lot 4 DP 1104127**

DoP Planning Officer Contact Details

Contact Name : **Paul Garnett**

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RPA Contact Details

Contact Name : **David Morrison**

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DoP Project Manager Contact Details

Contact Name : **Jim Clark**

Contact Number : **0266416604**

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Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Mid North Coast Regional Strategy** Consistent with Strategy : **Yes**

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MDP Number :	0	Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	1	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

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

If No, comment :

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

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

Adequacy Assessment

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

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

Comment : **The Statement of objectives adequately describes the intention of the planning proposal. The proposal seeks to amend the Clarence Valley LEP 2011 to enable the development of a medical centre on the subject land.**

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

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

Comment : **The explanation of provisions adequately addresses the intended method of achieving the objectives of the planning proposal. The proposed amendment constitutes an addition to Schedule 1 of the LEP. This is the most appropriate method to achieve the objective of the proposal.**

It is not considered appropriate to permit 'medical centres' on all land zoned R2 throughout the local government area (LGA). In this instance it is not considered appropriate to rezone the land to a higher zone as this may enable other types of development which are not suited to the site. These options are further discussed in the Assessment section of this report.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

2.2 Coastal Protection

* May need the Director General's agreement

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

Is the Director General's agreement required? **Yes**

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

d) Which SEPPs have the RPA identified?

SEPP No 10—Retention of Low-Cost Rental Accommodation

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

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

See justification in the Assessment section of this report

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

The proposed amendment to the Clarence Valley LEP 2011 is a change to the written instrument only and does not require changes to any maps.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The RPA considers that the proposal is a low impact proposal and that a community consultation period of 14 days is adequate. The Northern Region agrees that the proposed changes constitute a low impact planning proposal and a consultation period of 14 days is considered appropriate.

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

The planning proposal satisfies the adequacy criteria by;

1. Providing appropriate objectives and intended outcomes.

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

3. Providing an adequate justification for the proposal.

4. Outlining a proposed community consultation program.

Proposal Assessment

Principal LEP:

Due Date : December 2011

Comments in relation to Principal LEP : The Clarence Valley LEP was made in December 2011. This planning proposal seeks an amendment to the Clarence Valley LEP 2011.

Assessment Criteria

Need for planning proposal :

The planning proposal is not a result of any strategic study or report. The proposal to amend the LEP to enable a medical centre to be developed on the land has been instigated by the land owner. The proposal states that recent changes to the legislative requirements for regulation and operation of child care centres have lead to concerns regarding the viability of the existing child care centre on the site. The planning proposal states that the proposed amendment is in response to the Clarence Valley Council's Social Plan 2010-2014. The Social plan merely provides justification for the proposed change, it does not specifically recommend an amendment to the LEP to enable a medical centre to be constructed on the subject land.

The land is currently zoned R2 Low Density Residential by the Clarence Valley LEP 2011 and accommodates a building used as a 54 place child care centre, and professional consulting rooms for a maximum of 3 health care professionals. The land is 3012m2 in size, triangular in shape and located in a predominantly low density residential area of Yamba. It is bounded by the main road into Yamba on the northern side and a proposed arterial road on the southern side.

The Clarence Valley LEP prohibits medical centres in the R2 zone. 'Health consulting rooms' are permissible with consent in the R2 zone however the definition of health consulting rooms limits the number of medical professionals to 3 which is less than the envisaged scale of the proposed development. The planning proposal states that the existing building could accommodate a medical centre of 560m2.

The SEPP (Infrastructure) enables the group term 'health services facilities' in prescribed zones, however the R2 zone is not a prescribed zone for 'health services facilities'. The SEPP does not enable the consideration of a site compatibility certificate for medical centres. It is noted that the R3 zone is a prescribed zone for 'health services facilities' in the SEPP however the rezoning of the land to R3 is not Council's preferred approach. Rezoning the land R3 would not achieve a more transparent planning control since the provisions which would allow the proposed medical centre would be contained in the SEPP and would not be obvious anywhere in the Clarence Valley LEP.

The proposed amendment to Schedule 1 of the LEP is the most appropriate means of achieving the objective of the planning proposal.

It is not appropriate to list 'medical centres' as permissible with consent in the land use table for the R2 zone. To do so would enable medical centres on all R2 zoned land throughout the LGA. A medical centre is appropriate on the subject land since it currently accommodates a child care centre and health consulting rooms. The existing infrastructure and buildings can be readily adapted for a medical centre without an increase in the impact on amenity of the surrounding low density residential development.

It is undesirable to rezone the land to another zone just to enable a medical centre. A commercial zone would be unsuitable for the site. While such a zone would permit a medical centre, such a zone would also enable other commercial land uses which may not be suited to the site and could have an adverse impact on the amenity of the residential area. The site is disconnected from the main commercial precincts of Yamba and the creation of a commercial zoned area would be inconsistent with the Yamba Commercial Retail Strategy.

The proposal for a medical centre is consistent with the objective of the R2 zone "To enable other land uses that provide facilities or services to meet the day to day needs of residents".

For these reasons an amendment to Schedule 1 of the LEP is the most appropriate means of achieving the objective of the planning proposal.

Net Community Benefit.

The planning proposal identifies a net community benefit for a medical centre on the subject land, though it acknowledges that this comes at the expense of child care places. The RPA has acknowledged that it is difficult to reconcile whether additional medical facilities or additional child care places are more important to the community. It also believes that the planning system does not generally participate in making decisions on the supply of services at such a micro scale. The planning proposal refers to the Clarence Valley Council Social Plan 2010-2014 and Council's Valley Vision 2020 which list both medical services and child care as priorities but gives medical services a slightly higher priority. Yamba and the surrounding villages have an ageing population which generally has a greater need for medical services.

The Clarence Valley LEP permits child care centres with consent in all residential and business zones therefore adequate potential exists for the market to replace the child care facilities which would be lost should the proposal for the medical centre proceed. It is noted that given the owner is concerned about the viability of the child care centre as a result of recent regulatory changes, the child care places on the subject site will not necessarily be guaranteed if the proposal does not proceed.

It is considered that the proposal does not have a clear net community benefit, however neither will it be to the detriment of the community. The provision of a medical centre will provide a benefit to the wider community while the loss of child care places will have a negative impact on parts of the community.

Notwithstanding this, there is a benefit to the community in amending the LEP to enable an alternative and appropriate use for the relatively new building and associated infrastructure on the site, should circumstances mean that the child care centre ceases to operate.

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Consistency with strategic planning framework :

Mid North Coast Regional Strategy (MNCRS).

The proposal is not inconsistent with the MNCRS. The subject land is within the agreed growth area boundary and the proposed medical centre is appropriate for the ageing population identified by the Strategy (page 6).

The proposal is not inconsistent with the RPA's local strategies, social plan or its community strategic plan as discussed previously in this report.

SEPPs

The planning proposal is not inconsistent with any state environmental planning policies.

The R2 zone is not a prescribed zone for Health Services Facilities in the SEPP (Infrastructure). The SEPP is designed to be an enabling SEPP and does not set a policy position on which zones are suitable for health services facilities. The proposal to enable a medical centre on the subject site is not contrary to the provisions of the SEPP.

SEPP 14

S117 Directions.

The planning proposal identifies the following S117 directions as being applicable to the proposal 2.2 Coastal Protection, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport, 4.1 Acid Sulfate Soils, 4.3 Flood Prone Land, 6.1 Approval and Referral Requirements, 6.3 Site Specific Provisions. The Planning proposal identifies an inconsistency with direction 3.1. This is discussed below.

The Northern Region considers the following 117 Directions are applicable to the proposal, 2.1 Environmental Protection Zones, 2.2 Coastal Protection, 2.3 Heritage Conservation, 2.4 Recreation Vehicle Areas, 3.1 Residential Zones, 3.2 Caravan Parks and Manufactured Home Estates, 3.3 Home Occupations, 3.4 Integrating Land Use and Transport, 4.1 Acid Sulfate Soils, 4.3 Flood Prone Land, 5.1 Implementation of Regional Strategies, 6.1 Approval and Referral Requirements, 6.2 Reserving Land for Public Purposes, 6.3 Site Specific Provisions.

Of the above s117 Directions the proposal is inconsistent with Direction 3.1.

Direction 3.1 Residential Zones is relevant to the proposal. The direction states that a planning proposal must encourage diverse housing types, efficient use of infrastructure and reduced consumption of land on the urban fringe, and not reduce the permissible density of residential land.

The proposal seeks to enable a medical centre on land zoned R2 Low Density Residential. The proposal to enable the conversion of the child care centre to a medical centre will not result in a significant reduction in availability or development potential of land for residential purposes. The proposal applies to only one allotment of land which is currently developed for a child care centre. The inconsistency of the proposal with the direction is considered to be of minor significance.

The planning proposal is otherwise consistent with S117 directions.

Environmental social economic impacts :

The planning proposal will not have any adverse impact on critical habitat or threatened species, populations or ecological communities, or their habitats. Similarly the planning proposal will not have any adverse effect on the natural or built environment.

The land is currently developed for a child care centre. The proposal seeks to enable the conversion of the current building to a medical centre. The planning proposal states that no additional buildings or infrastructure will be necessary. The impact of the change of use on the surrounding environment will be negligible. If future building works are required the impacts can be adequately addressed by the development application process.

The planning proposal has given consideration to social and economic impacts of the

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proposed amendment to the Clarence Valley LEP 2011. There will be no significant negative social or economic impacts for the community.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 Month** Delegation : **DDG**

Public Authority Consultation - 56(2)(d) : **Transport for NSW - Roads and Maritime Authority**

Is Public Hearing by the PAC required? **No**

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
CVLEP 2011 Providence Court - Cover letter.pdf	Proposal Covering Letter	Yes
CVLEP 2011 Providence Court - Council report.pdf	Determination Document	Yes
CVLEP 2011 Providence Court - Planning Proposal.pdf	Proposal	Yes
CVLEP 2011 Providence Court - Traffic study.pdf	Study	Yes

Planning Team Recommendation

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

S.117 directions: **2.2 Coastal Protection**
3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.1 Acid Sulfate Soils
4.3 Flood Prone Land
6.1 Approval and Referral Requirements
6.3 Site Specific Provisions

Additional Information : **It is recommended that;**

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1. The planning proposal should proceed as a 'routine' planning proposal.
2. The planning proposal is to be completed within 9 months.
3. a community consultation period of 14 days is necessary.
4. the RPA consult with Roads and Maritime Services; and
5. A delegate of the Director General agree that the inconsistency of the proposal with S117 Direction 3.1 justified in accordance with the provisions of the direction.

Supporting Reasons :

The reasons for the recommendation are as follows;

1. The proposal will enable an alternative use of the existing building and infrastructure which is appropriate in the low density residential area and consistent with the objectives of the R2 Low Density Residential zone.
2. The proposed medical centre will provide a degree of community benefit in place of the benefit provided by the existing child care centre.
3. The inconsistencies of the proposal with the strategic planning framework are of minor significance.

Signature:



Printed Name:

JIM CLARK

Date:

3 Feb 2012