

REZ 2011/0004
ITEM 12.227/11 - 1

Newton Denny Chapelle
SURVEYORS PLANNERS ENGINEERS

Date: 26.10.11
Receipt No: 515791
Amount: \$3000.00

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DOC LOG	_____
G	26 OCT 2011
CLARENCE VALLEY COUNCIL	

Date: 20th October 2011
Our Ref: 10/518

SCANNED

General Manager
Clarence Valley Council
Locked Bag 23
GRAFTON NSW 2460

Dear Sir,

**Re: Gateway Planning Proposal
2 Providence Court, Yamba.**

Please find enclosed 4 copies (3 hard copy and 1 electronic) of our Gateway Planning Proposal with respect to the proposed Medical Centre at 2 Providence Court, Yamba.

Also enclosed is owner's consent for the subject lands together with a cheque for \$3,000 being Council's prescribed fee.

Should you have any questions regarding this matter, please do not hesitate contacting Karina Vikstrom of this office.

Yours sincerely,
NEWTON DENNY CHAPELLE

Dan Chapelle

DAMIAN CHAPELLE
Town Planner. BTP. CPP.

MISOOPA PTY LTD

a.b.n. 75 223 291 814

P.O. Box 87 PICTON 2571 NSW

Mob. 0410467226

"LANDOWNER AUTHORITY"

To Whom It May Concern
Clarence Valley Council

This is to advise that Newton Denny Chapelle has been authorized by the landowner .

Landowner Name Misoopa Pty Ltd as Trustee for Misoopa Discretionary Trust

Postal Address P.O Box 87 PICTON NSW 2571

Contact Phone Number . 0410467226

Property Address . Lot 4 DP 1104127
2 Providence Court Yamba .

To .

- 1. Inspect Records .**
- 2. Carry out searches and site inspections .**
- 3. Lodge applications , Subdivision certificates , objections or appeals.**

BEVERLEY MITCHELL
.....
Name

Date 28/07/11
.....

.....
Signature

DISCLOSURE OF POLITICAL DONATIONS AND GIFTS.

Legislation requires the disclosure of reportable political donations, made within the past two years (by you or any person or entity with a financial interest connected to this application) to political parties, elected members of NSW Parliament, Local Government elections and elected Council members. This includes disclosure of gifts made to Councillors or Council employees, and any donation or gift made when a person was a candidate for Council election.

Have you made a political donation or gift:

YES ☐ NO ☒

(if ticked yes a separate disclosure form must be completed. Forms are available at Council or downloaded from the Department of Planning's website)

Significant penalties apply to non-disclosure. For more information and to obtain a political donations and gifts disclosure statement go to the Department of Planning website at

For your convenience we have attached a copy of definitions defining the following terms:

1. Political Donation
2. Gift
3. Reportable Donation
4. Financial Interest

• **JOHN NEWTON** B. Surv; M.I.S. Aust • **TONY DENNY** B. Surv; [Hons]; M.I.S. Aust • **DAMIAN CHAPELLE** BTP CPP

Gateway Planning Proposal

For a Proposed Medical Centre
at 2 Providence Court, Yamba

On Behalf of Misooopa Pty Ltd



Site: Lot 4 DP 1104127

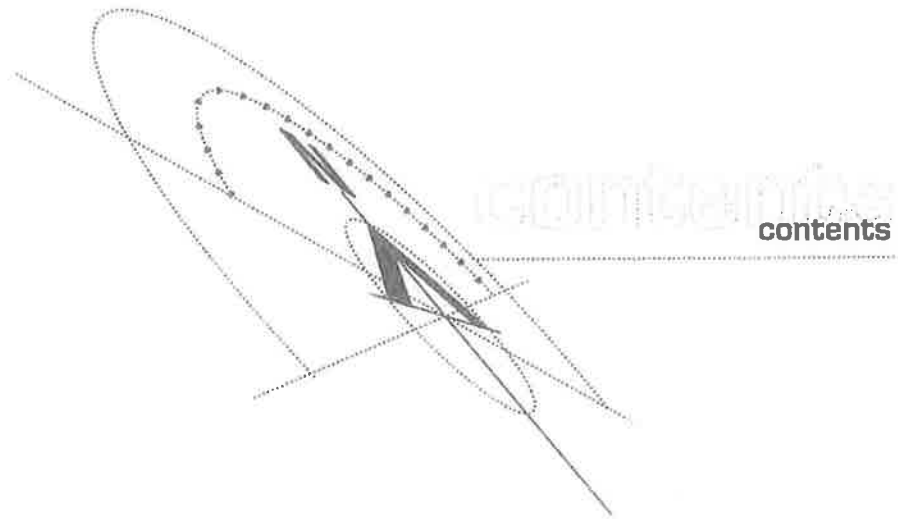
Our Ref: 10/518

Date: October 2011



Newton Denny Chapelle

SURVEYORS PLANNERS ENGINEERS



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Attachments

Attachment 1 – Pre-lodgement Advice
Clarence Valley Council

Attachment 2 – Traffic and Parking Impact Report
Newton Denny Chapelle

1. Introduction

1.1 Summary of Project

Newton Denny Chapelle (NDC) has been engaged by Misoopa Pty Ltd to prepare a 'Planning Proposal' for lodgement with Clarence Valley Council for land located at 2 Providence Court, Yamba. The formal property description of the site is Lot 4 DP 1104127.

The existing building on the land contains two separate approved business enterprises:

- (a) A 54 place childcare centre [Kangabunnabys]; and
- (b) Three [3] doctor's surgeries [approved as "consulting rooms" via DA 2009/196].

Due to uncertainty arising from changes to the government regulation and operation of the childcare industry, the owners of the premises are seeking to broaden the options available for the future use of the existing building on the land.

The owners of the land are therefore seeking to amend the planning controls applying to the land to enable them to lodge a future development application for a change of use to convert the whole of the existing building to a medical centre. This change of use will provide improved health care services for the village of Yamba and surrounding areas. This community has a relatively high proportion of older persons who typically have increased demand for health care.

However, the proposed land use is prohibited in both the existing and draft Local Environmental Plans applying to the land. In addition, State Environmental Planning Policy [Infrastructure] does not facilitate consideration of the application. This Planning Proposal therefore seeks the support of Clarence Valley Council to amend the planning controls applying to the land to enable an application for the proposed change of use to be considered.

Depending on the timing of the finalisation of the Planning Proposal, this would involve either an amendment to Schedule 1 of the Draft Clarence Valley LEP 2010 or alternatively Schedule 2 of the current Maclean LEP 2001 to permit an additional land use on the land being a medical centre.

1.2 Pre-lodgement Discussions

A series of pre-lodgement discussions with Clarence Valley Council officers occurred regarding this project in late 2010/early 2011.

Copies of NDC's formal request for planning advice, together with Council's requirements for the Planning Proposal, are provided at **Attachment 1**.

It is noted that Council advised in its letter of 1 February 2011 that the key issues requiring consideration in the Planning Proposal related to traffic impacts, impacts on traffic and residential amenity. Council also advised that the Planning Proposal needed to conform with the Department of Planning Guidelines for Planning Proposals.

1.3 Description of Site

Lot 4 DP 1104127 is located at 2 Providence Court, Yamba. A location plan showing the formal property descriptions of the site and surrounding properties is provided at **Plan 1**.

The site is located approximately 4.5km to the west of the Yamba town centre and approximately 300m to the west of Yamba Shopping Fair. The site has dual frontages to both Providence Court and Yamba Road, which is the main western approach road to the Yamba township. **Plate 1** of this report provides an aerial of the property and surrounding areas, whilst **Plate 2** provides an enlarged aerial of the site.



Plate 1: Aerial photo of the subject land and surrounds

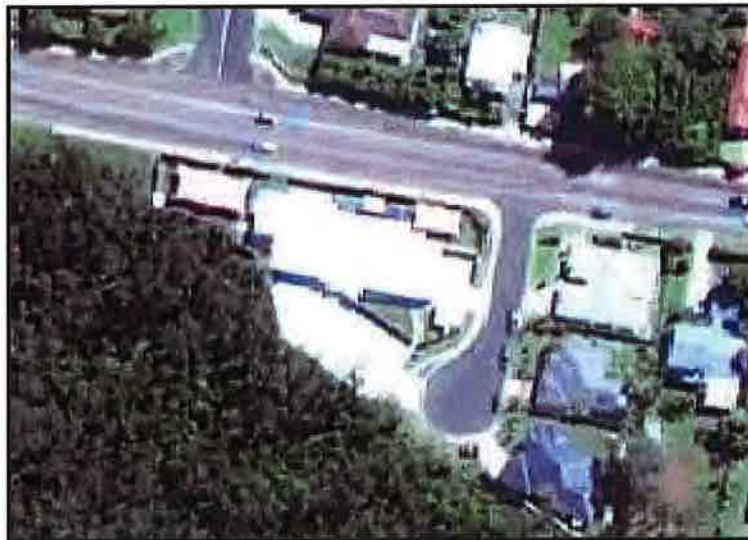


Plate 2: Enlarged aerial photo of the subject land

The subject site as an area of 3,012m² and is essentially triangular in shape. The Providence Court frontage has a total length of 57.24m and is irregular in formation as it is located at the head of a cul-de-sac. The Yamba Road frontage is 111.26m long and the rear boundary is 109.65m.

The property currently contains a single storey building containing a 54 place childcare centre and 3 medical consulting rooms. 23 car parking spaces are provided on-site together with outdoor play areas associated with the childcare centre. Vehicular access is via 2 separate driveways from Providence Court. **Plates 3-5** provide photographs of the existing development on the land.

Providence Court services the subject site together with 3 residential house blocks, each currently containing a single storey display home. The heavily vegetated area to the south of the property is the route of a proposed arterial road. This vegetation community encroaches into the south-western portion of the subject site. This vegetation is separated from the "developed" portions of the site by a 1.8m colorbond fence. Beyond this vegetation and approximately 300m to the south of the site is a seniors living development. A low density residential subdivision is located to the north of Yamba Road.



Plate 3: Site viewed from Yamba Road



Plate 4: Rear carpark viewed from Providence Court



Plate 5: Side carpark viewed from Providence Court

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2. Planning Proposal

Part 1 Proposal Objective

The objective of this Planning Proposal is to enable a development application to be considered for a change of use of the existing building at 2 Providence Court, Yamba from a 54 place childcare centre and 3 consulting rooms to a medical centre.

Part 2 Explanation of Provisions

The existing building at 2 Providence Court, Yamba contains two separate approved business enterprises:

- (c) a 54 place childcare centre (Kangabunnabys); and
- (d) 3 doctors surgeries (approved as "consulting rooms" via DA 2009/196).

Due to uncertainty arising from changes to the government regulation and operation of the childcare industry, the owner of the premises are seeking to broaden the options available for the future use of the existing building on the land.

The owner of the land is seeking to amend the planning controls applying to the land to enable them to lodge a future development application for a change of use to convert the whole of the existing building to a medical centre. This change of use will provide improved health care services for the village of Yamba and surrounding areas. This community has a relatively high proportion of older persons who typically have increased demand for health care.

However, the proposed land use is prohibited in both the existing and draft Local Environmental Plans applying to the land. In addition, State Environmental Planning Policy (Infrastructure) does not facilitate consideration of the application. This Planning Proposal therefore seeks the support of Clarence Valley Council to amend the planning controls applying to the land to enable an application for the proposed change of use to be considered.

Depending on the timing of the finalisation of the Planning Proposal, this would involve either an amendment to Schedule 1 of the Draft Clarence Valley LEP 2010 or alternatively Schedule 2 of the current Maclean LEP 2001 to permit an additional land use on the land being a medical centre.

Part 3 Justification

Section A – Need for the Planning Proposal

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

The Planning Proposal is a direct response to Clarence Valley Council's Social Plan 2010-2014 which advises as follow:

"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 identify a range of actions relating to improved health care services including the following "high priority" actions:

- support and advocate with State & Federal Governments for upgrading of local hospitals and health services, with a focus on access and affordability; and
- develop strategy to encourage GPs to practice in the CV LGA.

It is acknowledged that the Social Plan also recognises improve access to childcare services is nominated as a "medium priority" action. However, recent and expected changes to government licensing requirements for long day care services have resulted in increased uncertainty with respect to the ongoing viability of the childcare centre on the land.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

NDC have investigated each of the planning pathways available under the current and proposed town planning frameworks for the property. The outcomes of these investigations are provided below:

Existing Maclean LEP 2001

Existing Zoning

As shown in **Plate 6**, the subject lands are currently zoned 2(a) Residential (Low Density) zone under the existing Maclean Local Environmental Plan (LEP) 2001.

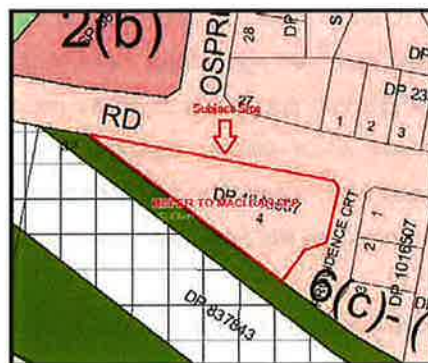


Plate 6: Extract Maclean LEP 2001
(Source: Clarence Valley Council – Online Maps 12 July, 2011)

Defined Use and Permissibility

The proposed medical centre is not neatly defined within MLEP 2001. It does not fall within the definition of "Professional Consulting Rooms" as there is no dwelling associated with the proposed medical centre. Accordingly, it would appear that the proposed use would fall within the definition of "commercial premises" as provided below:

"commercial premises means a building or place used as an office or for other business or commercial purposes, but does not include a building or place elsewhere specifically defined in this clause or a building or place used for a purpose elsewhere specifically defined in this clause".

Commercial premises are a prohibited land use in the 2(a) Zone.

Compatibility with Zone Objectives

The objectives of the 2(a) zone relate to;

- a) the provision of low density housing, and*
- b) a residential environment free from any adverse impact from commercial and industrial uses, and*
- c) the provision of community uses, such as child care centres, of a compatible scale, bulk, height and design, which do not detract from the amenity and character of the residential area, and*
- d) adequate provision for water and effluent disposal.*

It is considered that the proposed change of use is consistent with these zone objectives. In particular it is noted that the proposed medical centre will provide health services to the local community, in a location which will not adversely impact the amenity or character of any existing or future dwelling.

Draft Clarence Valley LEP 2010Proposed Zoning

The subject lands are proposed to contain an R2 Low Density Residential zoning under the Draft Clarence Valley LEP 2010. An extract from the zoning map of the draft LEP is provided at **Plate 7**.

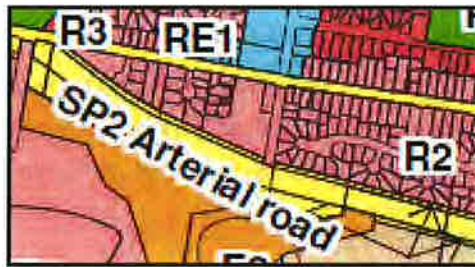


Plate 7: Extract Draft Clarence Valley LEP 2010
[Source: Clarence Valley Council – 12 July, 2011]

Defined Use and Permissibility

Note: The following definitions are those contained within current version of the Standard Instrument – Principal Local Environmental Plan, which are slightly different to those in the exhibited Draft LEP, as these are the definitions that will be contained within the finalised version of the Clarence Valley LEP 2010.

The proposed use is defined within the Standard Instrument LEP as a “medical centre”, which in turn is part of the “parent definition” of a “health services facility”. Copies of the applicable definitions are provided below:

*“**medical centre** means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services”*

*“**health services facility**” means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:*

- (a) a medical centre,*
- (b) community health service facilities,*
- (c) health consulting rooms,*
- (d) patient transport facilities, including helipads and ambulance facilities,*
- (e) hospital.*

Medical centres and health services facilities are both prohibited land uses in the proposed R2 Zone.

Compatibility with Zone Objectives

Once again, whilst the proposed land use is prohibited in the zone, given the location of the property, the scale of the project and the minimal traffic impacts from that which is existing, it is considered that the proposed change of use will be compatible with the proposed Zone Objectives for the R2 Zone which are:

- a) To provide for the housing needs of the community within a low density residential environment; and*
- b) To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

State Environmental Planning Policy (Infrastructure)

The proposed land use is also defined as a "health services facility" pursuant to SEPP Infrastructure. A copy of the definition from the SEPP is provided below:

"health services facility means a facility used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes the following:

- (a) day surgeries and medical centres,*
- (b) community health service facilities,*
- (c) health consulting rooms,*
- (d) facilities for the transport of patients, including helipads and ambulance facilities,*
- (e) hospitals".*

Clause 57(1) of the SEPP provides that development for the purpose of a health services facility may occur within prescribed zones. However, the R2 Low Density Residential Zone (or equivalent) is not included on the list of prescribed zones and, accordingly, the SEPP does not provide an avenue for the application to be considered. Given the above, in order for a development application to be considered for the

proposed change of use, it is first necessary to amend the applicable LEP to permit a "medical centre" to be permitted with consent on the site. Depending on the timing of the finalisation of the Planning Proposal, this is likely to involve an amendment to Schedule 1 of the draft Clarence Valley LEP 2010. Should the finalisation of the draft CVLEP be delayed, the amendment would involve an amendment to Schedule 2 of the current Maclean LEP 2001 to permit an additional land use on the land.

3. Is there a community benefit?

A net community benefit arises where the sum of all the benefits of a development outweigh the sum of all costs. Assessing community benefits of the Providence Court Planning Proposal involves balancing the impact of a reduction in childcare places against an increase in medical services.

As is demonstrated in Section B of this report, Yamba has an aging population. In this regard, in 2006 the 0-4 age group comprised 4.5% of the total population, whilst 36.5% of the population was aged 60 years or greater. The number of very young children (0-4 year olds) in the community decreased by 46 between 2001-2006, whilst the number of older people (60+) increased by 143. There was also an increase in the 50-59 year age group of 164 persons during the same period.

As the population ages there will be increased demand for medical services and decreased demand for child care infrastructure. This shift in community demand is highlighted by Clarence Valley Council's Social Plan 2010-2014 which identifies encouraging GP services to be a "high priority" action, whilst lobbying to improve access to childcare services is nominated as a "medium priority action". Accordingly, it is submitted that the Planning Proposal will result in a net benefit to the Yamba community.

Discussions with the Northern Rivers General Practice Network indicated that there are 13 general practitioners (working the equivalent of 12 full-time practitioners) servicing the communities of Yamba, Iluka and Maclean. These doctors are working out of 9 GP Practices. Given a population of approximately 13,275 this translates to a doctor/population ratio in the order of 1:1,100.

It is noted that the Australian government defines a GP "shortage" as occurring when there is a ratio of 1:1400 or greater. Whilst the Yamba/Iluka/Maclean district does

not meet this ratio, there are several mitigating factors which support the increased influence demand in the Yamba area:

- The significant proportion of retirees and older persons living in the community. On average, these people require higher levels of access to health services and have lower levels of mobility than younger people;
- The population in the area increases significantly during holiday periods, particularly the Christmas/New Year and Easter holiday breaks placing increased demands on health services; and
- Of the 9 GP Practices, 6 of these are sole practitioners. This places increased pressures on these individual practitioners (particularly with respect to managing patients during unexpected leaves of absence).

With respect to the current childcare facility on the land, it is noted that recent changes to government licensing requirements for long day care services have resulted in increased uncertainty with respect to the ongoing viability of the existing service on the land. Accordingly, regardless of the outcomes of this Planning Proposal, it is plausible that the owners of the childcare centre may choose to lodge a Development Application for an alternate permissible land use in the future.

Section B – Relationship to Strategic Planning Framework

4. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Mid North Coast Regional Strategy 2006 – 2031

The “*Mid North Coast Regional Strategy*” (NSW Department of Planning 2006) identifies by 2031, an additional 59,600 dwellings will be required to satisfy population growth, the changing age structure and declining occupancy rates as well as some expected tourism demands. Specifically for the Clarence Valley area, an additional 7,100 dwellings will be required in this period.

The Strategy also identified that a key planning challenge facing the region relates to the projected ageing of the population. In this regard, the Strategy advises that “*the*

median age is expected to increase from 44 years in 2006 to 55 years in 2031, and the population aged 65 years and over will more than double. At the same time the proportion of children under 15 years will decline from 19 per cent to 14 per cent of the regional population". These trends will result in an increased demand for medical services and a decrease demand for long day care facilities. The Planning Proposal is consistent with meeting these changing infrastructure requirements of the local community.

5. Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Clarence Valley Council Social Plan 2010 – 2014

Community consultation during the preparation of the Social Plan identified the following matters linked to the goal of improving community health and well being:

"Upgrading hospital and health services across the valley is a priority with strong concern also for increasing both the number of general practitioners (GP's) and the availability of bulk billing".

Leading on from this, the Strategy includes the following High Priority Action:

1.1.2 General Practice

2) Develop strategy to encourage GPs to practice in the CV LGA.

This Planning Proposal responds directly to this Action in that it will result in an increase in health services to service Yamba and surrounding areas.

It is acknowledged that Medium Priority Action 1.1.4 within the Social Plan related to lobbying to expand affordable child care options.

As such, Council will need to balance to completing Strategic Plan Actions in their assessment of the Planning Proposal.

Clarence Valley Council Community Profile

The Clarence Valley Council Community Profile provides a summary of data from the 2001 and 2006 Census results. Plates 8, 9 & 10 provide extracts of the community profile relating to the age structure of the population.

Age structure age group (years)	Yamba - Angourie - Wooloweyah			2001			Change 2001 to 2006
	2006		Clarence Valley Council %			Clarence Valley Council %	
	Enumerated data	number		%	number		
0 to 4	288	4.5	5.4	334	5.3	6.2	-46
5 to 11	450	7.1	9.7	504	8.0	10.6	-54
12 to 17	386	6.1	9.1	479	7.6	9.2	-93
18 to 24	329	5.2	5.5	249	4.0	5.6	80
25 to 34	482	7.6	8.6	524	8.4	9.8	-42
35 to 49	1,115	17.5	20.1	1,162	18.5	21.7	-47
50 to 59	1,002	15.7	14.9	838	13.4	12.8	164
60 to 69	1,089	17.1	12.6	1,058	16.9	11.3	31
70 to 84	1,102	17.3	11.8	1,021	16.3	11.1	81
85 and over	131	2.1	2.2	100	1.6	1.8	31
Total	6,374	100.0	100.0	6,269	100.0	100.0	105

Source: Australian Bureau of Statistics, Census of Population and Housing, 2006, 2001, 1996, and 1991.

NOTE: Table totals may not equate with other similar tables due to **randomisation** of small numbers. Please refer to the **specific data notes** for more information.

Plate 8: Age Structure of Yamba – Angourie – Wooloweyah 2006
(Source: Clarence Valley Council Community Profile)

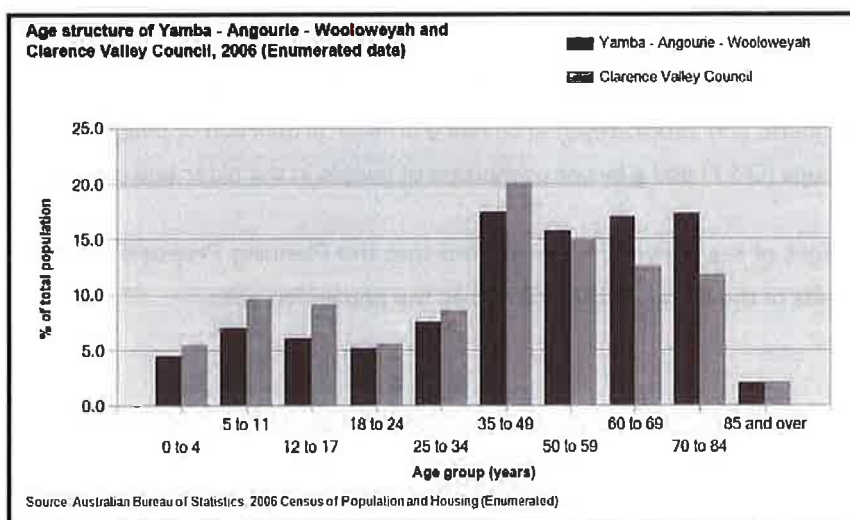


Plate 9: Age Structure of Yamba – Angourie – Wooloweyah 2006
(Source: Clarence Valley Council Community Profile)

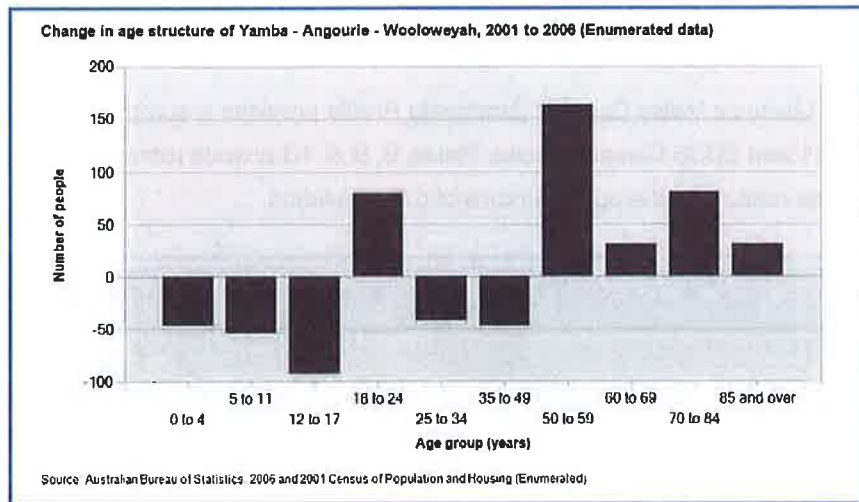


Plate 10: Change in Age Structure of Yamba – Angourie – Wooloweyah 2001 - 2006
[Source: Clarence Valley Council Community Profile]

This data illustrates that the Yamba – Angourie – Wooloweyah area experienced relatively slow overall population growth rate of approx 1.7% over 5 years.

This data also indicates that in 2006, the 0-4 age group comprised 4.5% of the total population, whilst 36.5% of the population was aged 60 years or greater. The number of very young children (0-4 year olds) in the community decreased by 46 between 2001-2006, whilst the number of older people (60+) increased by 143. There was also an increase in the 50-59 year age group of 164 persons during the same period.

This data also indicates that when compared to other parts of the LGA, the Yamba, Angourie and Wooloweyah area has a smaller proportion of people in the younger age groups (0-17) and a larger proportion of people in the older age groups (60+).

In light of the above, it is considered that the Planning Proposal reflects the changing needs of the community of Yamba as the population ages.

Clarence Valley Council DCP: Development in Residential Zones

The DCP was introduced in 2006 and aims to encourage well designed high quality development within the Clarence Valley. The DCP specifies that the following objectives should be met in designing development in residential zones:

- Development which is responsive to site constraints and the surrounding environment;
- Development which is of a high quality and is sensitive to the character of the locality in which it is being developed;
- Streetscapes which enhance the amenity of an area and preserve the established character of the locality where this is warranted;
- Building design that responds to the site and reflect a North Coast character;
- The siting and design of buildings which provides visual and acoustic privacy for residents and their neighbours;
- Buildings which conform with the prevailing setbacks in the street and which are an appropriate scale and height so as to minimise adverse impacts on adjacent properties; and
- To provide private areas of open space and accompanying landscaped areas to enhance the appearance and amenity of development.

Given that the Planning Proposal relates to the adaptive reuse of an existing building which is already used for a non-residential purpose, the elements of the DCP relating to building design and siting are not applicable to the current project.

The elements of the DCP which are directly applicable to the project are contained in Part E – Parking and Vehicular Access Controls. **Attachment 2** provides a detailed Traffic and Parking Impact Report for the project, whilst a summary of the core findings is provided in Section 9.1 of this Report.

6. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The proposal is generally consistent with applicable State Environmental Planning Policies as detailed within Table 1 below.

Table 1 – Review of SEPP's

State Environmental Planning Policy	Compliance	Comments
SEPP 1 Development Standards.	Not Applicable.	
SEPP 2 Minimum Standards for Residential Flat Buildings. Repealed by SEPP 20.	Repealed.	

State Environmental Planning Policy	Compliance	Comments
SEPP 3 Castlereagh Liquid Waste Depot. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 4 Development Without Consent and Miscellaneous Complying and Exempt Development.	Not Applicable.	
SEPP 5 Housing for Older People with a Disability. Replaced by Seniors Living SEPP.	Repealed.	
SEPP 6 Number of Storeys in a Building.	Not Applicable.	
SEPP 7 Port Kembla Coal Loader. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 8 Surplus Public Land. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 9 Group Homes. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 10 Retention of Low Cost Rental Accommodation.	Not Applicable.	
SEPP 11 Traffic Generating Developments. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 12 Public Housing (dwelling houses). Repealed by SEPP 53	Repealed.	
SEPP 13 Sydney Heliport. Repealed by Sydney REP 26.	Repealed.	
SEPP 14 Coastal Wetlands.	Not Applicable.	No SEPP 14 Wetland on the site.
SEPP 15 Multiple Occupancy of Rural Land. Repealed by SEPP 42. SEPP 15 Rural Land-Sharing Communities.	Not Applicable.	
SEPP 16 Tertiary Institutions. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 17 Design of Buildings In Certain Business Centres.	Did not Proceed.	
SEPP 18 Public Housing.	Did not proceed.	
SEPP 19 Bushland in Urban Areas.	Not Applicable.	
SEPP 20 Minimum Standards for Residential Flat Buildings. Replaced by SEPP 53.	Repealed.	
SEPP 21 Caravan Parks.	Not Applicable.	
SEPP 22 Shops and Commercial Premises.	Not Applicable.	

State Environmental Planning Policy	Compliance	Comments
SEPP 23	Not allocated.	
SEPP 24 State Roads by SEPP 53.	Did not proceed.	
SEPP 26 Littoral Rainforests.	Not Applicable.	
SEPP 27 Prison Sites. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 28 Town Houses & Villa Houses. Repealed by SEPP 25 Amendment 4.	Repealed.	
SEPP 29 Western Sydney Recreation Area.	Not Applicable.	
SEPP 30 Intensive Agriculture	Not Applicable.	
SEPP 31 Sydney (Kingsford Smith) Airport. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 32 Urban Consolidation (Redevelopment of Urban Land).	Not Applicable.	
SEPP 33 Hazardous & Offensive Development.	Not Applicable.	
SEPP 34 Major Employment Generating Industrial Development. Repealed by Major projects SEPP.	Repealed.	
SEPP 35 Maintenance Dredging of Tidal Waterways. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 36 Manufactured Home Estates.	Not Applicable.	
SEPP 37 Continued Mines & Extractive Industries Repealed by Mining, Petroleum Production and Extractive Industries SEPP.	Repealed.	
SEPP 38 Olympic games & Related Projects. Repealed by Major Projects SEPP.	Repealed.	
SEPP 39 Split Island Bird Habitat.	Not Applicable.	
SEPP 40 Sewerage Works.	Did not proceed.	
SEPP 41 Casino/Entertainment Complex.	Not Applicable.	
SEPP 42 Multiple Occupancy & Rural Land.	Repealed by SEPP 15.	
SEPP 43 New Southern Railway. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 44 Koala Habitat Protection.	Not Applicable.	No core Koala habitat on the site.
SEPP 45 Permissibility of Mining. Repealed by Mining, Petroleum Production and Extractive Industries SEPP.	Repealed.	

State Environmental Planning Policy	Compliance	Comments
SEPP 46 Protection & Management of Native Vegetation. Repealed by Native Vegetation Conservation Act 1997.	Repealed.	
SEPP 47 Moore Park Showground.	Not Applicable.	
SEPP 48 Major Putrescible Landfill Sites. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 49 Tourism Accommodation in Private Homes.	Draft only.	
SEPP 50 Canal Estate Development.	Not Applicable.	Not relevant.
SEPP 51 Eastern Distributor. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 52 Farm Dams & Other Works in Land & Water Management Plan Areas.	Not Applicable.	
SEPP 53 Metropolitan Residential Development	Not Applicable.	
SEPP 54 Northside Storage Tunnel. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 55 Remediation of Land.	Complies.	No contamination is known to existing on the subject lands. The lands have historically been utilised as a childcare centre and as such no historical land uses for the land are listed as being potentially contaminating.
SEPP 56 Sydney Harbour Foreshores & Tributaries. Repealed by Major Projects SEPP Amendment.	Repealed.	
SEPP 58 Protecting Sydney's Water Supply. Repealed by Drinking Water Catchments REP No 1.	Repealed.	
SEPP 59 Central Western Sydney Economic & Employment Area.	Not Applicable.	
SEPP 60 Exempt & Complying Development.	Not Applicable.	
SEPP 61 Exempt & Complying Development for White Bay & Glebe Island Ports. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 62 Sustainable Aquaculture.	Not Applicable.	
SEPP 63 Major Transport Projects. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 64 Advertising & Signage.	Not Applicable.	No additional signage will be required as a result of the change of use on the site. Existing signage will be replaced as part of a future DA for the change of use of the premises.

State Environmental Planning Policy	Compliance	Comments
SEPP 65 Design Quality of Residential Flat Buildings.	Not Applicable.	
SEPP 66 Integration of Land Use & Transport. Draft.	Complies.	The lands are close to the public bus transport route on both Yamba Road.
SEPP 67 Macquarie Generation Industrial Development Strategy. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 68	Not allocated.	
SEPP 69 Major Electricity Supply Projects. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 70 Affordable Housing (Revised Schemes).	Not Applicable.	
SEPP 71 Coastal Protection	Complies.	The subject lands are located within the coastal zone. The development of the nominated land for a medical centre will not be anti-pathetic to the objectives of the SEPP nor will it be inconsistent with Part 4 of the SEPP pertaining to public access, effluent disposal and stormwater management.
SEPP 72 Linear Telecommunications Development - Broadband. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 73 Kosciuszko Ski Resorts Repealed by SEPP Kosciuszko National Park – Alpine Resorts.	Repealed.	
SEPP 74 Newcastle Port & Employment Lands Repealed by Major Projects SEPP.	Repealed.	
SEPP (Housing for Seniors or People with a Disability) 2004	Not Applicable.	
SEPP (ARTC Rail Infrastructure) 2004 Repealed by Infrastructure SEPP.	Repealed.	
SEPP (Sydney Metropolitan Water Supply) 2004 Repealed by Infrastructure SEPP.	Repealed.	
SEPP (Development on Kurnell Peninsula) 2005	Not Applicable.	
SEPP (Major Projects) 2005	Not Applicable.	
SEPP (Sydney Regional Growth Centres) 2006	Not applicable.	
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not Applicable.	
SEPP (Temporary Structures and Places of Public Entertainment) 2007	Not Applicable.	

State Environmental Planning Policy	Compliance	Comments
SEPP (Infrastructure) 2007	Applicable.	Health Services Facilities are not able to be approved via the provisions of the Infrastructure SEPP in the R2 Zone.
SEPP (Kosciuszko National Park — Alpine Resorts) 2007	Not Applicable.	
SEPP (Rural Lands) 2008	Not Applicable.	
SEPP — North Coast Regional Environmental Plan 1988 (NCREP)-	Applicable.	This document now has the status of a SEPP — specific relevant provisions are addressed below.
NCREP clause 45A — Plan Preparation — flood liable land A Draft LEP should not rezone flood liable land zoned, inter alia, open space unless consistent with an adopted floodplain risk management plan.	Consistent.	The site is located within mapped flood planning area. Prelodgement discussions with Council have not identified flooding as a particular constraint to the Planning Proposal. Furthermore, no change to the existing structures on the site is proposed at this time.
NCREP Plan Preparation — servicing urban areas Draft LEPs should ensure that ensuing development will make economic use of existing services.	Consistent.	All normal urban services are currently available to the site.

7. Is the Planning Proposal consistent with applicable Ministerial Directions (s. 117 directions)?

Directions made under Section 117 of the *Environmental Planning and Assessment Act 1979*, issued on 1 July 2009, which are relevant to the subject lands, are identified and addressed in **Table 2**, below.

Table 2 – Review of Section 117 Directions

Section 117 Direction	Compliance	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	Complies.	The proposal is not inconsistent with the applicable provisions relating to coastal protection

2.3 Heritage Conservation	Not applicable.	
2.4 Recreation Vehicle Areas	Not applicable.	
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Variation Sought.	The inconsistency is considered justified in this instance for the following reasons: • Council's strategic planning has identified improved access to medical services to be a high priority issue; • The site is currently lawfully operating as a childcare centre and medical consulting rooms. Therefore the Planning Proposal will not result in the loss of any land currently used for residential development; • The allotment is triangular in shape with an existing major road (Yamba Road) along the northern frontage and a proposed arterial road along the southern frontage. As such, were the site to be used for residential purposes, it would afford poor residential amenity to residents; • The North Coast Regional Strategy identifies the aging of the population and associated provision of services to be a key challenge facing the local community; and • The Planning Proposal applies to a single allotment which is 3012m² in size. The impact on the availability of land zoned for residential purposes will therefore be negligible.
3.2 Caravan Parks and Manufactured Home Estates	Not Applicable.	
3.3 Home Occupations	Not Applicable.	
3.4 Integrated Land Use and Transport	Consistent.	The site is located on a public transport bus route.
3.5 Development Near Licensed Aerodromes	Not Applicable.	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Complies.	Clarence Valley Council Acid Sulfate mapping identifies the land as Class 2. Accordingly, any development of the land below the natural ground surface or which would lower the water table will require consent and associated technical assessment.

4.2 Mine Subsidence and Unstable land	Not Applicable.	
4.3 Flood Prone Land	Complies.	The proposal will not impact the function of the floodplain.
4.4 Planning for Bushfire Protection	Not Applicable.	
5. Regional Planning		
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	Complies	
6.2 Reserving Land for Public Purposes	Not Applicable.	
6.3 Site Specific Provisions	Complies.	

Section C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The proposal involves the re-use of an existing building and associated car parking. Given the urbanised nature of the portions of the site to be used for the medical centre and associated carparking, there is little likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be affected as a result of the proposal. The existing wetland community which occupies part of the south-western portion of the site are currently separated from the “developed” part of the site by a 1.8m high colorbond fence.

Should a future Development Application for the change of use proposed encroaching into this area detailed environmental assessment would be required as part of that application. Such assessment would need to be carried out in accordance with Section 5A of the EP&A Act and the “Threatened Species Assessment Guidelines” issued by

the Department of Environment and Climate Change. The assessment of significance will determine whether there is any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal.

Contemporary environmental planning practice requires development projects to be assessed against the key ecologically sustainable development principles. **Table 3** identifies those principles and assesses the lands generally and the rezoning/development concept against each of those principles.

Table 3 – ESD Principles	
Objective	Comment
(a) the precautionary principle—namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:	The Planning Proposal involves a changing the local environmental plan for the property to enable a Development Application to be considered for a change of use of an existing building. No construction works are required to facilitate the change of use, other than internal repartitioning and changes to line marking in the carpark areas.
(i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and (ii) an assessment of the risk-weighted consequences of various options, and	No construction works are required which would impact on the habitat areas located immediately to the south of the site. The future change of use of the property does not give rise to any significant risks and is considered to be an appropriate and sustainable land use.
(b) inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations, and	The proposed change of use will not result in any environmental impact which would harm the health, diversity or productivity of the environment for future generations.
(c) conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration, and	The portion of the site which is currently developed does not exhibit any attributes of high biological diversity or ecological integrity.
(d) improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:	

(i) polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement, and	The existing building is connected to reticulated water, sewer, telecommunication and electricity services. Any waste generated by the proposed medical centre will be disposed on in accordance with Clarence Valley Council requirements and payment schedules.
(ii) the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste, and	The future landowners will pay appropriate costs by way of normal rates and charges to ensure that services are provided on an equitable and sustainable basis.
(iii) environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.	The proposal involves the adaptive reuse of an existing building. This minimises material and energy consumption associated with the construction of a new building.

9. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Traffic

The site currently obtains vehicular access from Providence Court, which is a cul-de-sac servicing the subject site and 3 display homes. Providence Court currently has a 15 minute on-street parking limit.

Attachment 2 provides a detailed Traffic and Parking Impact Report for the project. With respect to car parking, the Report advises as follows:

The Roads and Traffic Authority – Guide To Traffic Generating Developments 2002 has identified in Section 5.12.2 for medical centres that a rate of 4 spaces per 100m² of GFA is recommended. Based upon a total 560m² GFA, this equates to 22.4 spaces. The site currently has 23 spaces on site thereby there is a marginal technical surplus of 0.6 of a space.

Clarence Valley Council's Development Control Plan in Clause J7 Access and Car Parking, specifies that a rate of 3 car parking spaces per health care professional are required. Hence with an existing supply of 23 spaces, the development could cater for between 7 to 8 health care professionals on site at any given time in compliance with Council's controls. As the development site can predominately meet with its parking obligations under the broader Roads and Traffic Authority Guidelines, it is considered that the proposed medical facility does not require any overriding conditions nominating the extent of health care professionals permitted on site.

The existing development spaces meet with the requirements of AS2890.1 Off Street Car Parking (2004) however it is noted that since this standard was released, there has been modification to the requirements of disabled spaces in such that additional dedicated 'clear' space is now sought. Should upgrading of the disabled spaces to current standards be mandated upon any change of use approvals, it is requested that should this result in a net loss in a parking space, that such a lost parking space be retained as a credit. Whilst every design effort would be undertaken to limit loss of a parking space to achieve upgrading parking accessibility, given that the development had met with supplying 23 compliant spaces during its operation and would continue to do so today (if the change of use was not acted upon), it is reasoned that a request for recognition of a parking space credit in lieu of upgrading disabled spaces is appropriate for existing facilities. Alternatively, Council's acceptance of a minor reduction in parking demand (ie. allow facility to operate with 1 space shortfall) would be necessary.

With respect to traffic impacts on the broader road network [particularly the functioning of the Yamba Road / Providence Court intersection] the Report advises that performance modelling using SIDRA software has confirmed that:

the existing intersection configuration will not be detrimentally impacted by the proposal and operate at a performance of Level of Service A or B for all movements. Given that the traffic generation associated with the change in peak hour is only an extra 2vph, which results in peak demand from Providence Court of 62vph, limited impacts were expected. This modelling has had regard to the likely traffic flows on Yamba Road for the future Year 2022 (ie. using a 10yr horizon).

Given the above, it is considered that the proposed change of use is satisfactory from both a parking and traffic management perspective.

Suitability for Residential Uses

Whilst zoned for low density residential purposes, 2 Providence Court is an unusual triangular shape which does not conform to standard requirements for subdivision of residential allotments. The site is also located in a relatively isolated position with the main road into Yamba located along the northern boundary and a proposed arterial road along its south western boundary. Once this road is constructed, the site would be afforded relatively poor amenity were it to be utilised for residential purposes.

Impact on Residential Amenity

No residential properties share boundaries with the site. The other properties fronting Providence Court (located on the eastern side of the road) contain dwellings which are currently being utilised as display homes.

As outlined in the Traffic & Parking Impact Report, the existing activities on the land generate a peak trip generation of 57 trips/hour. The revised activities will generate a peak trip generation of 59 trips/hour. Accordingly, the amenity impact on future residents of the display homes in Providence Court will be largely the same regardless of the future use of the subject site.

Noise

Peak traffic movements to and from the site will be largely the same as existing and will not result in significant impacts from a noise perspective. In addition, noise currently generated by children playing at the existing childcare centre will no longer be occurring on the site.

10. How has the Planning Proposal adequately addressed any social and economic effects?

As outlined in Section 3 of this report, the proposed change of use of the building

reflects the changing social infrastructure requirements associated with an aging population. Whilst the reduction of long day care places will impact families with young families, the increase in medical services will benefit all sectors of the community, particularly older people. This group represents a significant and increasing proportion of the population.

Section D – State and Commonwealth Interests

11. Is there adequate public infrastructure for the Planning Proposal?

The existing building is connected to reticulated water, sewer, telecommunication and electricity services. No extension or augmentation of this infrastructure is required to service the development.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

This section of the Planning Proposal will be completed following consultation with the State and Commonwealth Public Authorities identified in the Gateway Determination.

Part 4 Community Consultation

The Gateway Determination will specify the community consultation that must be undertaken on this Planning Proposal. The consultation will be tailored to specific proposals generally on the basis of a 14 day exhibition period for low impact Planning Proposals and a 28 day exhibition period for all other Planning Proposals.

Low Impact Planning Proposal means a Planning Proposal that, in the opinion of the person making the Gateway Determination: is consistent with the pattern of surrounding land use zones and/or land uses; is consistent with the strategic planning framework; presents no issues with regard to infrastructure servicing; is not a principal Local Environmental Plan; and does not reclassify public land.

Having regard to the definition of Low Impact Planning Proposals and the scale, nature and issues relating to this Planning Proposal, it is submitted that it would be defined as a Low Impact Planning Proposal. Community consultation will be commenced by the

placing of a public notice in the local newspapers and on the website of the Clarence Valley Council and/or the Department of Planning. In addition, adjoining landowners will be notified in writing.

Normal exhibition material will be made available by the relevant planning authority during the exhibition period. The community consultation process will be completed when the relevant planning authority has considered any submissions received concerning the proposed Local Environmental Plan and has forwarded those reports to the Department of Planning for final consideration by the Minister.

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3. Conclusion

As outlined above, the objective of this Planning Proposal is to enable a development application to be considered for a change of use of the existing building at 2 Providence Court, Yamba from a 54 place childcare centre and 3 consulting rooms to a medical centre.

The proposed LEP Amendment may be justified on the following grounds.

1. The proposed medical centre will provide improved medical services to meet the increased demand for such services resulting from an aging population. These services are identified as a "high priority" action in the Clarence Valley Council's Social Plan;
2. The site location and configuration are such that it is not well suited to residential uses and would afford poor residential amenity were it to be utilised for residential uses;
3. The proposed medical centre will not adversely impact on the amenity of any existing or future residential properties;
4. Parking generated by the change of use can be accommodated within the existing parking areas on-site;
5. The surrounding road network, including the Providence Court/Yamba Road intersection, has capacity to accommodate the minor increase in the traffic generated by the change of use;
6. The Planning Proposal demonstrates compliance with relevant local, regional and state plans and policies; and
7. The development proposed can be adequately serviced with all urban infrastructure.

It is recommended Clarence Valley Council and the Department of Planning amend the applicable Local Environmental Plan to enable health services facilities to be permissible with development consent on Lot 4 DP 1104127 located at 2 Providence Court, Yamba.



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Town Planner BTP CPP



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Date: 18th October 2011

ATTACHMENT 1

**Pre-lodgement Advice
Clarence Valley Council**