

Committee:	ENVIRONMENT, ECONOMIC & COMMUNITY
Section:	Strategic & Economic Planning
Date:	13 December 2011
Item:	12.227/11 PLANNING PROPOSAL APPLICATION – 2 PROVIDENCE COURT, YAMBA

ATTACHMENT**REPORT SUMMARY**

Council has received an application to rezone land at No. 2 Providence Court, Yamba, to permit the conversion of the existing development to a medical centre. The premises are currently occupied by a child care centre ("Kangabunabys") and three health consulting rooms. Conversion of the premises to a medical centre is prohibited under both the existing and proposed local environmental plans and hence a rezoning is required.

Whilst the loss of the existing child care centre will have a negative impact in terms of meeting the child care needs of the Yamba community, the establishment of a full scale medical centre has positive impact through enhanced medical services becoming available. No additional building is proposed and the proposed use is not anticipated to have any greater local planning amenity impact than the existing development. How to weigh up the relative community benefit in this context is difficult, made more difficult by the fact that other factors outside the planning system can influence the continued provision of child care services. On balance, this report is of the view that the planning process cannot effectively choose between the relative merits of two desirable social services being provided by the private sector. On this basis, the rezoning is supported as there is not anticipated to be any adverse local amenity impacts arising from the change of use.

OFFICER'S RECOMMENDATION

That Council:

1. Endorse referral of the planning proposal to rezone Lot 4 DP1104127 to enable the use of the land for the purposes of a "medical centre" to the Planning Gateway, and amend the planning proposal accordingly.
2. Advise the Planning Gateway that the proposal is, in Council's opinion, a low impact planning proposal and request a 14 day exhibition period.

**COUNCIL RESOLUTION – 12.227/11
(Crs Toms/Hughes)**

That Council:

1. Endorse referral of the planning proposal to rezone Lot 4 DP1104127 to enable the use of the land for the purposes of a "medical centre" to the Planning Gateway, and amend the planning proposal accordingly.
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Voting recorded as follows:

For: Councillors Williamson, Simmons, McKenna, Hughes, Comben, Howe and Toms
Against: Nil

BACKGROUND

The site was initially developed as a child care centre (known as “Kangabunabys”). More recently, consent was granted (DA2009/196) to enable a part of the premises to be used for professional consulting rooms for a maximum of three medical practitioners.

Details of the application are:

Applicant :	Newton Denny Chapelle on behalf of Misooopa Pty Ltd
Owner :	Misooopa Pty Ltd
Land :	Lot 4 DP1104127
Current Zoning :	2(a) Residential (Low Density) – Maclean LEP 2001
Draft Zoning :	R2 Low Density Residential – draft Clarence Valley LEP

ISSUES

A planning proposal application was lodged with Council on 26 October 2011, seeking to rezone the site to enable the premises to be converted to a “medical centre” as defined by the draft Clarence Valley LEP.

Appropriate Zoning

The specific request is to enable the additional use of the land to include “health services facilities”. That definition under the draft LEP is a collective definition that not only includes “medical centres” but also “hospitals” and “patient transport facilities” such as helipads and ambulance facilities. It is considered that the full range of “health services facilities” is too wide for this site given the residential neighbourhood and access. Likewise, rezoning to a more generic business zone (such as B2 Local Centre) is also too broad and potentially enables a range of uses likely to be inappropriate for the site. Additionally, the creation of an additional commercial zone offset from an existing centre is not supported by the adopted Yamba Commercial Retail Strategy. Hence, should support of the planning proposal be given, it should be amended to enable just the additional use of a “medical centre”.

Local Amenity

The site is on the corner of Yamba Road and a small cul-de-sac (Providence Court) in essentially a residential area – the Planning Proposal in the attachment provides a locality sketch. The proposal is to enable the conversion of that part of the existing building currently used as a child care centre to a medical centre. The traffic assessment submitted with the planning proposal indicates that such a change of use will not create additional traffic or parking impacts to that of the existing approved development on site. Other local amenity impacts such as noise etc. are also likely to remain unchanged. On this basis, the proposal is not likely to have an adverse amenity impact.

Net Community Benefit

The Department of Planning and Infrastructure’s *Guide to preparing planning proposals* requires an assessment of net community benefit. In this instance, this is a problematic requirement. The proposal acknowledges that there would be a loss of the 54 child care spaces currently provided at the premises. Whilst this has adverse local social impacts, the proponent argues that the provision of additional medical services has a significant benefit for the community. How to weigh these relative merits is difficult. The application relies on Council’s *Valley Vision 2020* to provide some guidance. It suggests that whilst the provision of both child care and medical services throughout the Valley’s communities is encouraged, that the provision of enhanced medical facilities is a higher priority. Partly on this basis, the proponent concludes that the proposal has a net community benefit and should be supported accordingly.

It should be noted however that the applicant’s conclusions on net community benefit does not consider wider issues as raised by Council’s Manager Social Planning and Cultural Development, as discussed in the consultation section of this report below.

Hence, unless the market place responds to such a loss by replacing those child care spaces at another or new premises, such a loss will be significant and can be expected in the short term at least.

"Child care centres" are a permissible use in residential zones and hence there is an opportunity for a short fall in the market to be picked up elsewhere. On this basis, it is difficult in planning terms to justify refusal of the proposal purely on the basis of the lost spaces, notwithstanding that in the short term at least, there may be some adverse impact by the loss of those spaces. Refusal of the planning proposal would not necessarily guarantee that those spaces continue to be provided in any case.

CONSULTATION

Internal consultation with Council's relevant sections provides the following comment:

Manager Social Planning and Cultural Development:

- In the Valley Vision 2020, half of the respondents to the community survey (44 of 85) indicated that "access to services including health" was one of the eight most critical issues for them in developing the Valley Vision 2020 document. Child care / children's services were not included an option on that list.
- In the Valley Vision 2020, of the 80 Council services and infrastructure, respondents to the community survey indicated a high level of dissatisfaction with "children's services". Health was not included on that list as it is not a core service of Council.
- Council's Social Plan 2010 -14 identifies in its Action Plan the need to lobby for: increased outreach health services in our coastal towns and villages; extending provision of bulk billing; and expanding affordable child care options (day care, preschool and before and after school), particularly for those aged 0 to 2 years. It does not indicate that one is more vital than the other.
- Kangabunabys Long Day Care Centre is currently licensed for 54 children and only a couple of places available. In total this represents 38% of the total provision within Yamba. One of the other centres in Yamba reports it is full with a waiting list of 29 and the other indicates it always has regular demand for places.
- The places lost by the closure of Kangabunabys cannot be met by the other centres and families will need to travel to Maclean. Availability has not been assessed in Maclean, but the situation is not likely to be greatly different to Yamba.
- While this level of demand may create a market for a further potential child care provider to enter the market, the changes in regulations in that sector are likely to work against that.

Water Cycle – adequate servicing exists

Engineering – traffic and parking impacts are acceptable as per the consultant report although some relative minor assessment of new disable parking requirements may be required at development application stage.

Public consultation has not occurred as yet as that will occur following a Gateway Determination.

SUSTAINABILITY ASSESSMENT

Summary Statement

The planning proposal is not considered to have the potential to impact adversely on the ecological, economic, social and cultural sustainability of the Yamba locality.

Ecology

No impact. No additional physical development proposed – only change of use of existing building.

Economic

The proposal is considered to be of minimal impact on the economic sustainability of the locality.

Social & Cultural

There are relative merits and disbenefits of the proposal and it is difficult to draw conclusive judgements on this. The loss of the existing child care spaces will have social disbenefits, at least in the short term until or if the market responds with an alternative proposal elsewhere. The planning system does not participate in making decisions on supply of economic services at such a micro scale. There are however social benefits from enhanced medical facilities in Yamba.

"Child care centres" are permissible throughout the residential and commercial zones whereas "medical centres" are only permissible in the medium density and business zones in Yamba. Hence the opportunities to establish new medical centres are limited compared to the opportunities to provide a development to replace the child care spaces being lost.

Human Habitat & Infrastructure

No impact.

Governance

The outcome is supported by Council's *Valley Vision 2020*.

Guiding Sustainability Principles

The following guiding sustainability principles are relevant to this issue:

- Supporting social and intergenerational equity.

OPTIONS

1. Adopt the planning proposal for referral to the Planning Gateway with an amendment that restricts it to permitting just the additional use of the land for a "medical centre".
2. Adopt the planning proposal as submitted for referral to the Planning Gateway being to permit "health services facilities" – not supported because the range of uses considered to be inappropriate for the site.
3. Adopt the planning proposal for referral to the Planning Gateway with an amendment that rezones the site more generically to a business zone – not supported as it would also then allow a range of commercial uses that would be inconsistent with the adopted Yamba Commercial Retail Strategy and have potentially significant local amenity and traffic impacts.
4. Refuse the proposal - not supported as it is considered that there are insufficient planning grounds to do so and such a refusal, if based on retaining the existing child care provision for social impact reasons, cannot guarantee retention of those spaces.

Option 1 is recommended.

FINANCIAL IMPLICATIONS

None for Council.

Des Schroder

DEPUTY GENERAL MANAGER – ENVIRONMENTAL & ECONOMIC

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Section: Strategic & Economic Planning
Attachments: Planning Proposal