

Salamander Bay Medical Centre

Proposal Title : **Salamander Bay Medical Centre**

Proposal Summary : **The Planning Proposal aims to insert an enabling clause for Lot 101 DP 880861 at 2 Keel Street, Salamander Bay to permit "medical centres" as a use permissible with consent.**

The subject site operates as a professional consulting room and is currently zoned 2a Residential Zone under the Port Stephens LEP 2000. To enable expansion of the existing practice to employ more than 3 professional staff, DA approval of a medical centre is required. Medical Centres are prohibited within the 2a Zone.

PP Number : **PP_2011_PORTS_006_00** Dop File No : **11/16850**

Proposal Details

Date Planning Proposal Received :	23-Sep-2011	LGA covered :	Port Stephens
Region :	Hunter	RPA :	Port Stephens Council
State Electorate :	PORT STEPHENS	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	2 Keel Street		
Suburb :	Salamander Bay	City :	Port Stephens
		Postcode :	2317
Land Parcel :	Lot 101 DP 880861		

DoP Planning Officer Contact Details

Contact Name : **Dylan Meade**
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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Monica Gibson**
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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Lower Hunter Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	1	No. of Dwellings (where relevant) :	1
Gross Floor Area :	0	No of Jobs Created :	24

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 : **The existing premise was approved under the Port Stephens Local Environmental Plan 1987 as a 'professional consulting rooms', and by definition is limited to three health care professionals and three associated employees. The practice has expanded beyond its original development consent by employing more than three professionals.**

On 9 February 2010, preparation of a Planning Proposal to insert an enabling clause into the Port Stephens LEP 2000 was recommended by Council officers but was refused by Port Stephens Council.

A DA for a 'medical centre' was lodged with Port Stephens Council on 19 May 2010. Although medical centres are prohibited in the 2a Residential zone, Port Stephens Council accepted the DA on the basis the medical centre may be permissible under the SEPP (Infrastructure) once it was amended, as discussed in the Department's 'Review of the Infrastructure SEPP - Discussion Paper'. Council had identified the 2a Residential Zone under Port Stephens LEP 2000 as equivalent to the R2 Low Density Zone. The SEPP was not amended to permit with consent medical centres in the R2 Low Density Residential or equivalent zone.

On 3 February 2011, Andrew Prestley and Associates on behalf of the owners of 2 Keel Street, Salamander Bay, requested that the Director-General exercise powers under clause 6(1)(b) of the SEPP (Infrastructure) 2007 to assess the land as either R1 General Residential or R3 Medium Density Residential to enable a medical centre to be permissible under the SEPP so that Port Stephens Council can finalise its determination of the DA. On 21 March 2011, the Deputy Director-General Planning and Urban Renewal (DDG) responded on behalf of the DG advising that the Department accepted Port Stephens equivalent zone determination. The DDG advised that the issue could be more appropriately dealt with through a Planning Proposal to amend the Port Stephens LEP 2000, rather than by way of a site specific equivalent zone determination by the Director General.

The matter is currently subject to NSW Land and Environment Court proceedings. Andrew

Preistley and Associates on behalf of the owners of 2 Keel Street, Salamander Bay, lodged a judicial review proceedings against the Director-General in the Land and Environment Court in relation to the letter signed by the DDG-PMUR on 21 March 2011, on behalf of the DG.

The applicant sought, and was granted (with the Department's consent) a two month adjournment of the matter - to 26 August 2011, to allow time for their re-zoning request to be determined by Council.

On the 26 August, by consent, the Court adjourned the matter to further mention on 30 September 2011. Please contact Malcolm McDonald, Senior Legal Officer if further information is required about the Court proceedings.

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 provided states that the Planning Proposal aims to insert an enabling clause for Lot 101 DP 880861 at 2 Keel Street, Salamander Bay to permit "medical centres" as a use permissible with consent.**

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

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

Comment : **It is recommended that the explanation of provisions be reworded before community consultation occurs to provide a plain english and succinct description consistent with the Department's 'A guide to preparing planning proposals'.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

3.1 Residential Zones

3.4 Integrating Land Use and Transport

* May need the Director General's agreement

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

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

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified?

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

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain : **It is considered that the Planning Proposal is consistent with relevant SEPPs. However, Port Stephens Council have not provided an assessment of the relevant SEPPs. It is recommended that the Planning Proposal be amended by Port Stephens Council before community consultation occurs to provide a statement that relevant SEPPs have been considered.**

The Planning Proposal adequately addresses relevant Section 117 Directions.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment : **The Planning Proposal does not propose a time frame for community consultation. Subsequent discussions between Department and Council staff have agreed that the Planning Proposal is low impact proposal and a 14 day public exhibition period is 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? **No**

If No, comment : **Minor amendments to include a statement on relevant SEPPs and to reword the explanation of provisions will allow the Planning Proposal to meet the adequacy criteria.**

Proposal Assessment

Principal LEP:

Due Date : **June 2012**

Comments in relation to Principal LEP : **Port Stephens Council was not identified as a priority Council required to complete the Standard Instrument by June 2011. However, Council has received Planning Reform Funding to carry out the necessary background studies to underpin Port Stephens SI LEP and these studies are in the main complete. The Department has recently offered the Council LAF acceleration funding to complete its SI LEP.**

Assessment Criteria

Need for planning proposal : **The Planning Proposal is required to permit the expansion of a professional consulting room to a medical centre at 2 Keel Street, Salamander Bay. As discussed, the current practice was approved as professional consulting rooms under the Port Stephens LEP 1987. Professional consulting rooms is limited to three health care professionals and three associated employees. The practice has expanded to employ more than 3 professional staff, and the Planning Proposal is required to allow the medical centre to continue operation.**

The site is currently zoned 2(a) Residential where 'Medical centres' are prohibited. The site is located on residential land but opposite to the Salamander shopping centre, and other commercial activities.

Consideration was given to rezoning the subject site to a 3a Business 'A' Zone, or permitting medical centres with consent within the existing 2a Residential Zone. Council advises it is concerned that a rezoning to 3a Business 'A' Zone will permit a range of uses which could result in land use conflicts with adjoining residential properties. A rezoning to a business zone may also result in more profitable commercial uses relocating to the site in the future. The location of the current medical centre adjoining the Salamander Bay shopping centre and public transport links is supported by Council.

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Port Stephens Council is currently preparing a new Comprehensive LEP based on the Standard Instrument. It is recommended that Port Stephens Council investigates appropriate zoning of the site under the Port Stephens LEP 2012.

Consistency with strategic planning framework :

The Planning Proposal is consistent with the Lower Hunter Regional Strategy. The location of medical centre facilitates the concentration of activities adjacent to the Salamander Bay centre. Although Salamander Bay is not covered in the Lower Hunter Regional Strategy as part of the identified hierarchy of centres, the Strategy states that hierarchy of centres also includes other town, mid- and lower-order centres not specifically addressed in the Strategy. The future services, housing and employment role of these other centres will be addressed in local strategies prepared by Councils.

The draft Port Stephens Planning Strategy identifies the Salamander Bay as a stand-alone shopping centre.

Environmental social economic impacts :

There are no environmental impacts associated with the Planning Proposal as it is proposed to allow the expansion of a professional consulting room to a medical centre.

The Planning Proposal provides for positive social impacts. The draft Port Stephens Planning Strategy identifies Port Stephens LGA as having high population growth compared with the Hunter Statistical Division and a large percentage of people over 60 years (22.9%, compared with 21.2%). A medical centre in this locality will be able to provide medical services for the growing and ageing local community.

The Planning Proposal will result in positive economic impacts with the current medical centre able to expand employment above the 3 professional staff currently allowed under the current development approval.

Assessment Process

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

Timeframe to make LEP : **3 Month** Delegation : **DDG**

Public Authority Consultation - 56(2)(d) **Other**

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

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
2-4 Keel Street Salamander Bay_DDG signed 21.3.11.pdf	Determination Document	No
Council_Report_and_Minutes_23_08_2011_on_PP_to_permit_medical_centre_at_2_Keel_St_Salamader_Bay.pdf	Proposal Covering Letter	Yes
Planning_Proposal_for_Port_Stephens_Medical_Centre_Dated_April_2011.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions

Additional Information : **The Planning Proposal should proceed subject to the following conditions:**

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning & Assessment Act 1979 ("EP&A Act") as follows:

(a) the Planning Proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning 2009) and must be made publicly available for 14 days; and

(b) the Relevant Planning Authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009)

2. The Planning Proposal is to be amended before commencement of community consultation, as follows:

(a) The explanation of provisions is reworded to a plain english description consistent with the Department's 'A guide to preparing planning proposals', and

(b) An assessment of the relevant SEPPs.

The revised Planning Proposal is to be submitted to Regional Office for approval before commencement of community consultation.

3. Consultation is not required with any public authorities under section 56(2)(d) of the EP&A Act.

4. No public hearing is required.

5. The time frame for completing the LEP is 3 months from the week following the date of the Gateway Determination.

Supporting Reasons : **The Planning Proposal will permit the expansion of the current professional consulting rooms practice to a medical centre which will enable employment of more than three professional medical staff. The expansion will provide medical services for the growing and ageing population of Salamander Bay. The subject site is considered acceptable for a medical centre as it is in a location adjacent to the Salamander Bay centre and in close proximity to public transport.**

Signature:

Trent Wink A/Team Leader

Printed Name:

TRENT WINK

Date:

28/9/11