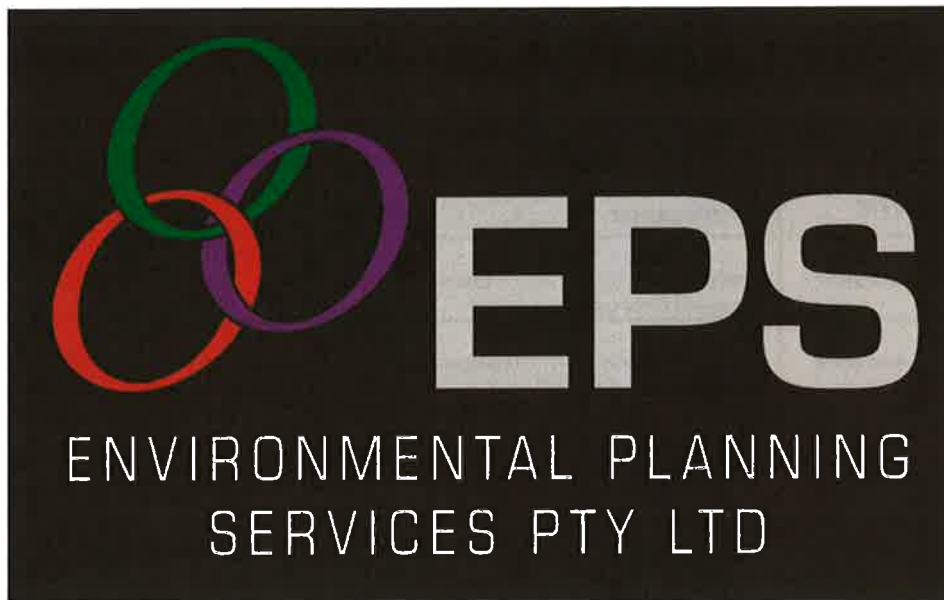




PLANNING PROPOSAL FOR PORT STEPHENS MEDICAL CENTRE

Lot 101, DP 880861

2-4 Keel St, Salamander Bay

Proponent – Port Stephens Medical Centre

Environmental Planning Services Pty Ltd

April 2011



QUALITY ASSURANCE AND VERSION CONTROL TABLE				
PROJECT: PLANNING PROPOSAL – PORT STEPHENS MEDICAL CENTRE				
CLIENT:	PORT STEPHENS MEDICAL CENTRE			
REV No.	DATE	OUR REFERENCE	AUTHOR	REVIEWER
01 DRAFT	APR 2011	1000006/PP/V01 – DRAFT PLANNING PROPOSAL	STEVE McCALL	INTERNAL - EPS
02 DRAFT	APR 2011	1000006/PP/V01 – PLANNING PROPOSAL	STEVE McCALL	INTERNAL – EPS & CLIENT
FINAL	MAY 2011	1000006/PP/V01 – PLANNING PROPOSAL	STEVE McCALL	FINAL
CHECKED BY:	STEVE McCALL		APPROVED BY:	STEVE McCALL
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PLANNING PROPOSAL

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1 PRELIMINARY

Context

Urban design approaches in the past have typically accentuated the segregation of different land uses. In contrast, the primary objective of contemporary urban design principles is to create a framework for community that is sustainable, safe, stimulating and efficient. Broader and more integrated land use planning is required to achieve this objective, where design issues are addressed at the neighbourhood structure planning level. Neighbourhoods should ideally be structured, not only in street networks and allotment layout, but also to include mixed land uses and to facilitate employment opportunities.

The purpose of the Planning Proposal is to justify the creation of an enabling clause over the subject site to permit "medical centres" as a site-specific use. This Planning Proposal demonstrates that the application of an enabling clause, that in this circumstance, will facilitate the most appropriate use of 2 Keel Street, Salamander Bay, in accordance with key integrated land use strategic planning principles and a direction provided by the Deputy Director General of the Department of Planning.

The planning proposal has been drafted in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning guidelines including *A guide to preparing planning proposals* (July 2009) and *A guide to preparing local environmental plans* (July 2009).

Subject Land

This planning proposal applies to a single land parcel identified as Lot 101 DP 880861 at 2 Keel Street, Salamander Bay (*the subject site*). The subject site is illustrated in the Locality Sketch (Figure 1), Aerial Photograph (Figure 2) and Current Zoning Plan (Figure 3).

Current Zoning and Land use

The subject land is currently zoned 2(a) – Residential "A" Zone pursuant to the *Port Stephens Local Environmental Plan 2000* (Port Stephens LEP) and covers an area of approximately 1,600m².

Existing vegetation

The site is landscaped with a contemporary landscape theme including hedges and established gardens. The landscaping is regularly maintained and presents as a well-managed garden that compliments the site and the streetscape.

Topography

The topography of the site is level and is representative of the topography in the immediate area.

Public road access

The land located on Keel Street, Salamander Bay which is bitumen-sealed in good condition. There are no physical obstructions to sight lines and distances from the site's entry/exit point onto the road. The entry to Keel Street is via a dual lane roundabout at the intersection with Bagnall Beach Road, as illustrated in Figure 2.

The existing road system is considered adequate for the development without the need for any upgrading work.

Site layout rationale

The site layout has been designed taking into account the shape, topography of the land and particular emphasis has been given to the existing streetscape to ensure the development is consistent with the residential development in Keel Street and presents an appropriate interface with the commercial and tourism development located directly adjacent to the site on Bagnall Beach Road.

Site Capability Analysis

An integral part of the process of rezoning the site has been the analysis of the ability to accommodate the current and any future development with careful regard to the adjacent residential dwellings and commercial/tourism areas. The following issues have been considered in the capability analysis.

Stormwater

The site already contains rubble trenches servicing the building and additional drainage is not considered necessary.

Flooding

The site is not located in a flooding zone as identified by the Port Stephens Council Flood Map.

Slip and Instability

The site is level and consists of sand and is not located in a slip area.

Bushfire

The site is not identified as bushfire prone land on the Port Stephens Bushfire Map. The site is located within the confines of the residential area and is connected to town water. It is considered that the risk from bushfire at this site is limited.

Site Contamination

We are unaware of any previous use of the site that would render it unsuitable for a medical centre. The site was vacant prior the development of the Port Stephens Medical Centre and was part of the Keel Street land release.

Utility Services

The site is currently serviced with reticulated water, sewerage, electricity and telecommunications. These services are considered adequate for this proposal without the need for any upgrading.

Access

The site has access from Keel Street. Sight distance in either direction from this point is good.

Views

The local topography is relatively level with views limited to the surrounding streets and distant views of vegetated hills surrounding the northeastern area of Salamander Bay.

Streetscape Analysis

A streetscape analysis has been undertaken to demonstrate how the existing development fits with the character of the surrounding area. The Streetscape Analysis is contained in Appendix 1.

Planning Proposal Structure

The planning proposal has been prepared in four parts in accordance with the Department of Planning guideline - *A guide to preparing planning proposals* (July 2009). The four parts include:

- Part 1 - A Statement of the Objectives or Intended Outcomes of the proposed LEP;
- Part 2 - An Explanation of the Provisions that are to be included in the proposed LEP;
- Part 3 - The Justification for those objectives, outcomes and provisions and the process for their implementation;

- Part 4 - Details of the Community Consultation that is to be undertaken for the planning proposal.

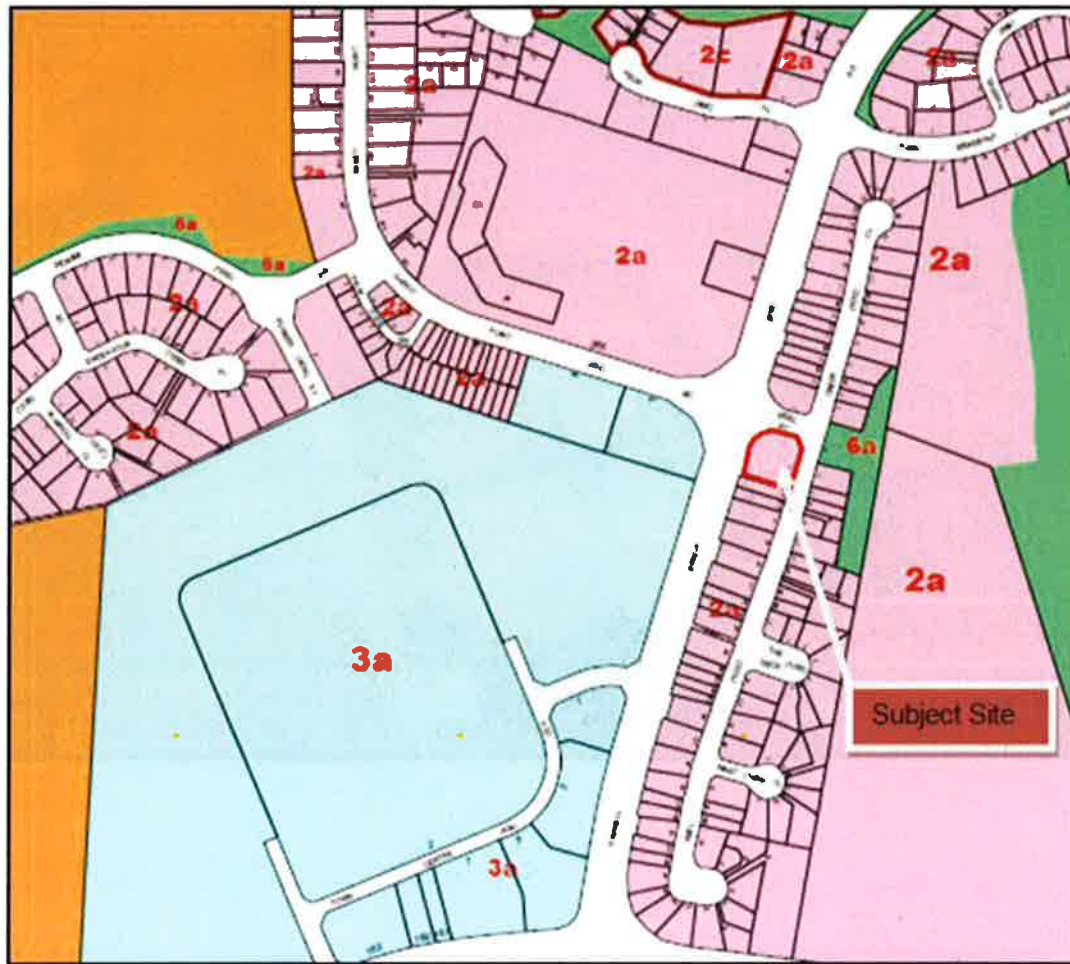
Figure 1: Locality Sketch



Figure 2: Aerial Photograph



Figure 3: Existing Zoning Plan



(Source: Port Stephens Local Environmental Plan)

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The intended outcome of the proposed Local Environmental Plan (LEP) is outlined below, in accordance with section 55(2)(a) of the Environmental Planning and Assessment Act 1979 (EP & A Act).

- The intended outcome is to provide an enabling clause over Lot 101 DP 880861 at 2 Keel Street, Salamander Bay to permit "medical centres" as a site-specific use under the Port Stephens Local Environmental Plan 2000.

PART 2 – EXPLANATION OF PROVISIONS

The provisions to be included in the proposed LEP are outlined below, in accordance with section 55(2)(b) of the Environmental Planning and Assessment Act 1979 (EP & A Act). The Amendment and Figure numbers are to be provided by Council in the preparation of the LEP amendment and have been marked as XX.

1 Name of plan

This plan is *Port Stephens Local Environmental Plan 2000* (Amendment No XX).

2 Aims of the plan

The aims of this plan are:

- (a) to provide an enabling clause over Lot 101 DP 880861 at 2 Keel Street, Salamander Bay to permit “medical centres” as a site-specific use under the Port Stephens Local Environmental Plan 2000, and
- (b) to facilitate the best use of the subject site in accordance with key integrated land use strategic planning principles.

3 Land to which this plan applies

This plan applies to the land shown edged heavy black on Figure XX.

PART 3 – JUSTIFICATION

Background Information

The history of the development of Port Stephens Medical Centre provides an insight into how the practice came to be at the current location and the events that have evolved since this time. This background information is important to fully understand the context of the history leading to this Planning Proposal.

When Port Stephens Medical Centre was first looking to establish the practice in Salamander Bay, Dr Stan Kuchta, the principal of the practice, contacted Port Stephens Council to discuss potential locations and Council staff identified the current location as a preferred site for such a practice. Following this advice Port Stephens Medical Centre purchased two lots in Keel Street and lodged a development application for the practice.

On 29 June 1998, Port Stephens Council approved a Development Application (DA 693/98) for a two storey dwelling and Professional Consulting Rooms on the subject site. The consulting practice is located within a purpose built building that has been constructed to reflect the character of the residential zone. The definition of "Professional Consulting Rooms" at the time of the consent was:

"Professional Consulting Rooms" means a room or a number of rooms forming either the whole or part of, attached to or within the curtilage of a dwelling-house and used by not more than three legally qualified medical practitioners or by not more than three dentists within the meaning of the Dentists Act 1934, or by not more than three health care professionals, who practise therein the profession of medicine, dentistry or health care respectively and, if more than one, practise in partnership, and who employ not more than three employees in connection within that practice.

The consent provides for 3 professional staff and 3 additional staff. Population growth on the Tomaree Peninsula has averaged 25.7% between census years and a significant proportion of this growth has occurred within the Salamander Bay/Corlette area. Accordingly, the demand for medical services has grown substantially and placed considerable pressure on Port Stephens Medical Centre General Practitioners (GPs) and staff. The current planning instrument only allows for 2 practitioners and 2 staff and severely restricts the permissibility of the operation of this medical centre. The terms of the existing 1998 consent also restrict the most effective operation of the health care facility.

Port Stephens Medical Centre representatives met with Port Stephens Council on the 27 May 2008 to discuss a way forward for the practice following Council's advice that the practice contravened the existing development consent by providing services by more than 3 professional staff. At this meeting it was agreed that the most appropriate way forward was to rezone the site through an enabling clause that allowed 'medical centres' as permissible development on Lot 101 DP 880861 – 2 Keel Street, Salamander Bay. This option allowed for an appropriate land use as

demonstrated in a Strategic Planning Justification Report prepared by RPS Harper Somers O'Sullivan (Sept 2009). The use of an enabling clause would restrict other development land uses that would be permissible if the zoning were to be changed from 2(a) Residential and therefore avoided potential land use conflicts for the site. The site location and existing development were demonstrated through the Strategic Planning Justification Report to be consistent with the principles of integrated strategic land use planning. Council's Strategic Planning officers supported the rezoning via the use of a site specific control (i.e. enabling clause) as the most appropriate manner to implement a good planning outcome that is beneficial for the whole community. However, when the matter went to Council for a Section 54 decision on whether to proceed with the rezoning, Council decided to not proceeding with the rezoning.

As an alternative to rezoning, a Development Application (DA) for a Medical Centre was lodged with Port Stephens Council on the 19th May 2010. The DA proposal included the change in definition of the development from 'professional consulting rooms' to 'medical centre'. The development is prohibited in the current LEP residential 2(a) Zone but Council did not reject its lodgment and proceeded to assess it under s72J EPA Act on the basis that the proposed medical centre would be permissible under the State Environmental Planning Policy – Infrastructure 2007 (ISEPP) once it was amended as proposed by the ISEPP Discussion Paper released by the Department of Planning at that time.

At the time of lodgment of the DA, the ISEPP was under review with a Discussion Paper (March 2010) issued by the Department of Planning. As the public consultation period for comment had closed at this time, in accordance with Section 79C Clause (a) (ii), Council took into consideration the review of the ISEPP. The Discussion Paper incorporated amendments to the section concerning health service facilities. The paper identified the absence of the R2 Low Residential zone in the list under 'prescribed zones' and stated that the absence was due to a drafting error rather than being due to any policy intent as outlined below:

(a) Issue: Zoning

R2 Low Density Residential zone is not included as one of the prescribed zones where health services facilities are permissible in Clause 56. This has been identified as a drafting error rather than being due to any policy intent. For example, doctor's offices are often located in residential areas for the convenience of the members of that community.

A submission requested that R2 Low Density Residential zone be added to the list of prescribed zones where health services facilities are permissible.

Recommended change for discussion:

It is recommended that R2 Low Density Residential zone be added to the prescribed zones to enable health service facilities to be permissible in that zone:

Clause 56 Definitions

In this Division: ... prescribed zone means any of the following land use zones or a land use zone that is equivalent to any of those zones:

- (a) RU4 Rural Small Holdings,*
- (b) RU5 Village,*
- (c) RU6 Transition,*
- (d) R1 General Residential,*
- (d1) R2 Low Density Residential***
- (e) R3 Medium Density Residential,*
- (f) R4 High Density Residential,*
- (g) R5 Large Lot Residential,*
- (h) B2 Local Centre,*
- (i) B3 Commercial Core,*
- (j) B4 Mixed Use,*
- (k) B5 Business Development,*
- (l) B6 Enterprise Corridor,*
- (m) B7 Business Park,*
- (n) SP1 Special Activities,*
- (o) SP2 Infrastructure.*

In December 2010 the ISEPP amendments were gazetted. The gazetted instrument failed to include the R2 zone in clause 56 of the ISEPP as a prescribed zone that permits 'health service facilities' in this zone.

The proposed amendment to the ISEPP was taken into consideration by Council when assessing the Development Application. Council advised that a positive determination was likely following the amendment of the ISEPP to include the R2 zone in clause 56. The proposed amendment resolved the issue raised by Council in their letter of the 24 March 2010, being that the 2(a) zone is not equivalent to a prescribed zone under the ISEPP, however, with the gazettal of the amended ISEPP, this matter was again in contention.

On the 1st February 2011, the proponent sought an assessment and determination of an equivalent land use zone for a Medical Centre development proposal, from the Director General for the Department of Planning, pursuant to Clause 6(1)(b) of *State Environmental Planning Policy – Infrastructure 2007* (ISEPP).

Council determined the DA on 19th February 2011 and issued a refusal for consent, based on the equivalent zone matter listed above.

The Deputy Director General of the Department of Planning responded on the 21st March 2011. The Department deemed the equivalent zoning in accordance with Council's assessment. The Deputy Director General advice also stated that the most appropriate way forward is to have the site rezoned and suggested that we undertake this process again and seek reconsideration from Council. A copy of the response is attached.

Section A – Need for the Planning Proposal

The subject site contains an existing medical facility that services the local population. An enabling clause within the LEP would permit the ongoing use of the site for a medical centre. The strategic merits of the site as well as the demand for medical centre services in the local area have been assessed as part of this planning proposal.

The site is appropriate for a mixed-use development due to its proximity to the town centre and frontage to a transport corridor. Salamander Shopping Centre is located at the junction of Bagnall Beach Road and Salamander Way, two major arterial roads on the Tomaree Peninsula, directly opposite the subject site. The shopping precinct acts as a district level community focus location surrounded by a mix of land uses which provide a range of weekly shopping needs, community facilities and local employment. The subject site has access to Bagnall Beach Road, which is public transport route and is also surrounded by a significant residential catchment within walking distance.

The site is located in a residential zone and is contiguous with residential development to the north, east and south. The professional consulting rooms that exist on site have been designed to address the residential street character, through building design and landscaping. As a result, the orientation, design and presentation of the building are consistent with the streetscape.

The subject site also has three road frontages, including Bagnall Beach Road to the west and Keel Street to the north and east. The site is accessed from the east off Keel Street. As a result the site is highly accessible while there is no direct access to the subject site off Bagnall Beach Road, which consequently mitigates any potential traffic flow impacts along this transport corridor.

From a social perspective, the rezoning is will benefit the community by providing additional local medical services and employment opportunities in an appropriate location in accordance with the strategic planning principles of mixed-use development. The medical service demand is accentuated through the New England Health Service and Census data and is outlined as follows:

Data supporting the Health Service:

Port Stephens is located within the Hunter New England health service area, with Tomaree Peninsula specifically identified as a major population centre within the division. At the 2006 Census the Port Stephens LGA had a population of just over 60,000 persons, with over 23,000 located within the Tomaree Peninsula. The current LGA population is estimated at 64,700. Demographic profiling of the Hunter District has identified 17.14% of residents aged over 65 and 32.13% of residents below the age of 25.

The following Division Demographics are provided by the Commonwealth Government's Primary Health Care Research Information Service (data sourced from 2006 National Census):

Table 1: Hunter Division Demographic Information

Population of Division	Number	Percentage %
Total Population	213,522	N/A
Aged 65 and over	36,606	17.14%
Under 25 years	68,594	32.13%
Indigenous Population	6,927	3.24%
Australian born	174,490	81.72%
Unemployed	6,073	2.84%

(Source: Commonwealth Government PHC RIS 2007)

The NSW Department of Health indicates that Port Stephens is serviced by one public hospital, Tomaree Community Hospital, and two community health facilities, Nelson Bay and Raymond Terrace. In accordance with this, the Department of Health and Aging (DHA) has classified Port Stephens as a District of Workforce Shortage (DWS), with limited health infrastructure.

Comparison of key statistics between the Hunter Division and NSW has identified a significant demand for health services within the area. In particular the ratio of GP's to population number is approximately 10% higher in the Hunter Division measuring 1:1112, compared to the State average of 1:911. In addition, the ratio of full-time workload equivalent (FWE) GP's within the Hunter Division measures 1:1064, in comparison to the NSW state average of 1:1005. This comparison between the NSW and Hunter Division health services are listed in Table 1-2.

Table 2: General Practice Data Comparison

General Information	Practice	NSW	Hunter Division
Total number of practices		2726	72
Solo Practices		1267	28
GP's to population ratio		1:911	1:1112
FEW GP's to population ratio		1:1005	1:1064

(Source: Commonwealth Government PHC RIS 2007)

The key objective of the DHA is to “plan, develop and implement strategies to increase the numbers of general practitioners in areas of workforce shortage”. In accordance with this objective, the proposal will provide the Tomaree Peninsula with an essential health service that specifically allows for the increase in the number of GP’s within the locality. It is considered that the planning proposal is consistent with the overall aims of the NSW Health industry, and will work towards lowering the ratio of patients to GP’s within the Hunter Division.

The Tomaree Peninsula is recognised as having a population that increases substantially during holiday periods and that has a proportionally large number of retirees within the locality. During periods of high demand, there is currently no additional infrastructure or alternative support for the existing GP’s within the LGA. This is a significant consideration in analysing the demand for health services within the area, and assessing the need for the planning proposal.

In response to the large number of senior citizens within the district, specifically Port Stephens, the Department of Health and Ageing has acknowledged that the Hunter Division is specifically working towards achieving the following National Objective:

“Divisions will facilitate access and support general practices (GP’s) to provide optimal care and contribute to the achievement of best possible health outcomes for older people”

In order to improve health care services, the specific needs of the community must be identified and subsequently provided with the additional facilities. It has been identified from the above data that the Hunter region, and specifically the Tomaree Peninsula, is characterised by large populations within sensitive age groups, and an above state average ratio of GP’s to population number.

Tomaree Peninsula is also geographically constrained with regard to interconnectivity of medical service catchment areas. The Peninsula is elongated, surrounded by water with large expanses of existing vegetation. This influences the strategic planning of the area and access between urban areas. The resulting urban footprint of the Peninsula restricts opportunity for multiple health service catchment areas that can ameliorate increased demand during holiday periods and with population growth. These factors contribute to the medical service constraints of the locality and further substantiate a demand for the proposal.

The information provided in this planning proposal reinforces the strategic merit of rezoning the site. In addition to these matters, the Deputy Director General, Plan Making and Urban Renewal, Department of Planning has advised that the most appropriate manner for provision of a medical centre on the site is through a planning proposal to amend the Port Stephens Local Environmental Plan 2000.

Is the planning proposal a result of any strategic study or report?

The planning proposal is consistent with the strategic directions of the *Lower Hunter Regional Strategy* and the *Port Stephens Community Settlement and Infrastructure* and is discussed in more detail in the Net Community Benefit Test.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

With the increase in demand for local medical services, a review of the best means of achieving the objectives or intended outcomes and alternatives available to Port Stephens Medical Centre identified three options:

1. Sell the site and relocate to another location where a "medical centre" is permissible;
2. Do nothing; or
3. Rezone the site.

The first option to sell the site and relocate has severe financial implications that could result in the closure of the practice and loss of jobs. Port Stephens Medical Centre has made a substantial investment in the purchase of the current site and in developing a purpose built facility that has been designed to reflect the residential character of the zoning. Sale of the site in the current market would result in a considerable loss on the investment and is not financially viable. In addition to this, the relocation of the business to another facility would have severe commercial implications on the operation of the business. It is considered that this option is not economically viable and represents a significant and unacceptable risk to the business, not to mention the additional implications on medical services to the community.

The second option to do nothing is socially unacceptable and places economic limitation on business growth. The provision of medical services, primarily access to GPs and additional ancillary services such as pathology is severely restricted in the local community and a major health and medical infrastructure issue for the Tomaree Peninsula. Port Stephens Medical Centre, along with other medical facilities, services the medical requirements for the local community and they have a moral obligation to continue and improve medical access as an integrated service within the local neighbourhood.

The third option to rezone the site, in this circumstance, is considered the most appropriate and best means of achieving the objective of servicing the medical requirements of the local area, both on a strategic planning basis and social planning perspective. As outlined in the "Background Information" section of this proposal,

alternate measures that have been undertaken to achieve the intended outcome have included:

- Rezoning application to Council in 2008;
- Development Application with respect to the State Environmental Planning Policy – Infrastructure 2007 (proposed amendments); and
- Advice from the Deputy Director General regarding an equivalent zone review.

The outcomes of the alternate measures listed above have resulted in advice from the Deputy Director General of the Department of Planning that the most appropriate way of dealing with the matter is through an amendment to the Port Stephens LEP 2000. Accordingly, the information contained in this planning proposal outlines the strategic planning justifications for the rezoning of the site and emphasis why a site-specific enabling clause is the most appropriate rezoning option.

Is there a net community benefit? (Net Community Benefit Test adapted from draft Centres Policy)

The following questions represent the Net Community Benefit Test:

1. Will the LEP be compatible with the agreed State and regional strategic direction for development in the area (eg. Land release, strategic corridors, development within 800metres of a transit node)?

Integrated Land Use and Transport

Integrating Land Use and Transport explains the State policy which has been developed to reduce car travel and provide more equitable access to jobs and services.

Implementing the policy will:

- help achieve the aims of the government's air quality management plan, Action for Air
- enhance the viability of investment in new public transport under the NSW transport plan, Action for Transport 2010
- help achieve a range of social, environmental and economic goals including equity, neighbourhood amenity and lower road congestion support the NSW Government's commitment to the National Greenhouse Strategy.

The aim of integrating land use and transport is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- improving access to housing, jobs and services by walking, cycling and public transport
- increasing the choice of available transport and reducing dependence on cars
- reducing travel demand including the number of trips generated by development and the distances travelled, especially by car
- supporting the efficient and viable operation of public transport services
- providing for the efficient movement of freight.

The proposal of the medical centre at the subject site is consistent with the planning principles outlined above and demonstrates that the current location of the practice is in accordance with contemporary planning practice. The sites location and the intended rezoning would result in:

- offer a choice of transport
- encourage people to travel shorter distances
- help people to make fewer trips
- enable people to carry out more than one activity in a single trip, e.g. shop and go to work.

The Planning Proposal complies with objectives of the *Integrating Land Use and Transport* and Right Place for Business and Services – Planning Policy in the following ways:

- The subject site is located adjacent to the Salamander Town Centre, on a public transport route and within walkable distance of the surrounding residential neighbourhood. Walking and public transport opportunities open up the prospect to reduce reliance on cars and moderate demand for car travel. Being located opposite the Salamander Town Centre, there are also opportunities for visitors to the medical centre to combine their trips with other activities. Access to the medical centre is equitable and efficient.
- The medical centre compliments the mixed-use nature of the Salamander Town Centre. The site and the Town Centre are closely aligned with the public transport bus system. Providing an enabling clause over the subject site will allow the medical centre to continue to operate and grow and ensure ongoing service delivery.
- The proposed enabling clause will ensure ongoing private investment in the existing medical centre, which in turn has benefits for the Salamander Town Centre. The existing medical centre is well designed, managed and maintained to minimise the impact on the surrounding residential areas and maximise the opportunities that arise from being located near the Salamander Town Centre.
- The planning proposal will foster growth, competition, innovation and investment in the Salamander Town Centre by ensuring that the subject site

can continue to be used as a medical centre and can continue to grow to meet the demands of the local community.

Preparing LEPs using the Standard Instrument: standard zones Planning Circular

NSW Planning issued the *Preparing LEPs using the Standard Instrument: standard zones Planning Circular* (10 March 2011) to provide updated commentary on the standard zones in the Standard Instrument (Local Environmental Plans) Order 2006. Attachment A of the Planning Circular provides an overview on the general purpose of each standard zone. For the R2 Low Density Residential zone, that is proposed by Council for conversion under the Standard Instrument Local Environmental Plan for Port Stephens, the general purpose is listed as:

*This zone is intended to be applied to land where primarily low density housing is to be established or maintained. Typically the zone features detached dwelling houses, but it may be appropriate to include 'dual occupancy' (attached or detached) or some 'multi-dwelling housing.' This is the lowest density urban residential zone and the most restrictive in terms of other permitted uses considered suitable. These are generally restricted to facilities or services that meet the day-to-day needs of residents. **This zone is generally not suitable adjacent to major transport nodes or larger activity centres where residential densities should be higher.***

The Circular advises that the R2 Low Density Residential Zone location *is generally not suitable adjacent to major transport nodes or larger activity centres where residential densities should be higher*. The subject site is located adjacent to the Salamander shopping centre / commercial precinct and on a main transport route for the area. The use of the site for a medical centre is consistent with the strategic planning advice of the Planning Circular, as the location of the site and the zoning includes consideration of additional uses that are beneficial to the local community.

2. Is the LEP located in a global/regional city, strategic centres or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?

The site is adjacent to Salamander Bay shopping precinct which as a 'District/Sub region' centre in the PSCSIS.

3. Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?

No, the planning proposal demonstrates the strategic planning merits of the proposal and has been recommended by the Deputy Director General Department of Planning as the most appropriate way of addressing the matter. The LEP amendment will not create a precedent as each rezoning is required to be assessed on its own merits. The rezoning will not change the expectations of other landowners as the site will continue to provide medical services to the community.

4. Have the cumulative effects of other spot rezoning proposals in the locality been considered?

No other similar spot rezoning proposals are known at this time for the locality. Council is undertaking a Standard Instrument LEP.

5. What is the outcome of these considerations?

The rezoning will allow Council to consider the strategic merits of the site in the Standard Instrument LEP and amend the zone of the site to an appropriate Standard Instrument zone following gazettal of this LEP amendment.

6. Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?

The LEP will facilitate an increase in a permanent employment generating activity as it would allow an increase in medical services and associated employment opportunities.

The increased services would provide additional community health benefits through the provision of additional general practitioners and to gain the services of more visiting specialists such as radiology, orthopedic surgeons, etc. The potential permanent employment generation resulting from the LEP amendment is anticipated at:

- | | |
|-------------------------|---|
| • General Practitioners | 7 |
| • Practice Manager | 1 |
| • Registered Nurses | 3 |
| • Reception | 6 |
| • Pathology Staff | 4 |

- Radiology Staff 3
- Visiting specialists as required

7. Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?

The medical practice already exists on the site and any increase in services would be constrained to the site. The site covers two large standard housing allotments. The LEP amendment would not have an impact on the supply and affordability of residential land. The surrounding area has several large residential land releases facilitated by Landcom. The supply and affordability of residential land in the area would not be influenced by the LEP amendment due to the size of the site. The addition of an enabling clause does not remove the future potential of the site for residential development should the demand be justified.

8. Is the existing public infrastructure (roads, rails, utilities) capable of servicing the proposed site?

Salamander Shopping Centre precinct is located at the junction of Bagnall Beach Road and Salamander Way, two major arterial roads on the Tomaree Peninsula. The shopping precinct acts as a district level community focus location surrounded by a mix of uses which provide a range of weekly shopping needs, community facilities and local employment.

The subject site is located directly opposite Salamander Shopping Centre and has access to Bagnall Beach Road, which is identified as a transport corridor. Bagnall Beach Road runs in a generally north-south direction connecting with Salamander Way in the south and Government Road in the north, two roads that are also identified as transport corridors. Bagnall Beach Road is therefore a major thoroughfare for the neighbouring catchment which includes Corlette to the north.

The proposed rezoning combined with the site location supports and encourages the efficient and viable operation of public transport services along Bagnall Beach Road. Co-location of land uses also reduces car travel demand in terms of the number of trips generated, by making it possible to fulfil more than one task in a single trip. These benefits are amplified by the fact that Salamander Bay town centre is surrounded by a significant residential catchment within walking distance.

The subject site at 2 Keel Street has three road frontages, including Bagnall Beach Road to the west and Keel Street to the north and east. The site is accessed from the east off Keel Street. The advantages of the site access include:

- There is no direct access to the subject site off Bagnall Beach Road, which mitigates any potential traffic flow impacts along this transport corridor.
- A dual lane roundabout controls the intersection of Bagnall Beach Road and Keel Street.
- Access to the site is gained from the east off Keel Street, which is a residential street that has a sole access point off Bagnall Beach Road. The site is the first allotment in Keel Street. The southern extent of Keel Street and Cabin Close to the north of Keel Street both end in cul-de-sacs. Therefore, visitors to the site do not use Keel Street as a through road.
- The entry to the site is located with sufficient distance from the intersection of Bagnall Beach Road and Keel Street to maintain vehicle safety, but close enough to ameliorate traffic impacts along Keel Street. Accordingly, the traffic generated by a "medical centre" would enter and leave the site without having to travel past residences within Keel Street and the potential for traffic related impacts on the surrounding residential development is considered minimal.

9. Is there good pedestrian and cycling access?

The site has direct access to the areas road network and footpaths and cycleways which provide good opportunities for pedestrian and cycle access.

10. Is public transport currently available or is there infrastructure capacity to support future public transport?

Often people with less mobility, such as the aged and infirm, generate most need for medical services. It is therefore important for a medical centre to centrally located and accessible by public transport wherever possible. Transport corridors are key routes for public transport services. Bus services run along Bagnall Beach Road, with a major bus stop located at the Salamander Shopping Centre. There are four bus routes serviced by Port Stephens Coaches, each of which includes the Salamander Centre in the itinerary and pass adjacent to the subject site.

11. Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?

The proposal will result in additional medical service provisions for the community over time. This aspect combined with the sites location provide opportunities for patrons to multi-task trips and potentially reduce the need for multiple vehicle movements. Employees have opportunities to travel to work via public transport or through the areas pedestrian and cycleway network.

The likely positive impacts on greenhouse gas would be relatively minor although still positive and in accordance with the State governments policy to reduce greenhouse gas emissions. The additional services that would be provided with the implementation of the LEP would facilitate efficiencies in operating costs and hence have a positive impact by providing services at a reasonable cost for the patrons. Road safety would not significantly alter with the LEP amendment and any impact is considered negligible.

12. Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?

Department of Health and Aging (DHA) have classified Port Stephens as a District of Workforce Shortage with limited health infrastructure. The key objective of the DHA is to "plan, develop and implement strategies to increase the numbers of general practitioners in areas of workforce shortage". In accordance with this objective, the proposal will provide the Tomaree Peninsula with an essential health service that specifically allows for the increase in the number of GP's and supplementary medical services within the locality. It is considered that the planning proposal is consistent with the overall aims of the NSW Government, and will have a positive impact by work towards lowering the ratio of patients to GP's within the Hunter Division.

13. Will the proposal impact on the land that the government has identified a need to protect (eg. Land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?

The land is situated in an urban area and is not identified as protected or constrained by environmental factors.

14. Will the LEP be compatible/ complimentary with the surrounding land uses? What is the impact on amenity in the location and wider community?

The LEP will be compatible with the surrounding land uses. The Streetscape Analysis contained in Appendix 1 demonstrates the compatibility of the existing site and intended LEP outcomes with the surrounding land uses. The proposal will have a complimentary impact on amenity of the location by providing medical services within a building that is consistent with the built form of the surrounding area.

15. Will the public domain improve?

The Streetscape Analysis demonstrates the existing public domain and that the proposal will not have any negative impact on this.

16. Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?

The proposal will provide for the opportunity to increase medical services to the local community although the opportunity to increase choice and competition is already restricted by the shortfall in medical services, so the proposal can only enhance this.

17. If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?

The proposal is not a centre, but will support the existing township of Salamander Bay. The proposal contributes to the functions of the existing commercial centre.

18. What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?

The public interest reasons of preparing the draft plan relates to the shortfall in medical services and GPs in the local area and that the proposal would facilitate measures to ameliorate this matter. The following information clearly demonstrates the public interest and positive social benefit of the current practice as a medical service provider and this will only continue to grow through the provision of enabling a medical centre on the site:

Current general practice services, which include the following:

- Comprehensive General Medical including delivery of primary care for:

- Acute & Chronic Disease Management
- Childhood & Adult Vaccinations
- Travel Medicine
- Work Medicals
- Diving Medicals
- Aviation Medicals
- Licencing Medicals – RTA & Maritime
- Workers Compensation Matters
- Diagnostic Testing including ECG, Spirometries & Audiometries
- Wound Management
- Minor Surgery & Skin Cancer Management
- Mens & Womens Health
- Pathology Collection
- Visiting Specialists:
 - Gastroenterologist
 - Cardiologist
- Allied Health – Audiology & Psychology
- After hours on-call emergency service
- Home Visits
- Nursing Home Visits

Number of Patients

The current number of patients serviced by the practice within the postcodes of 2315 – 2319 is **6110**. The total number of residents on Tomaree Peninsular is around 23,000. Therefore, the current practice services around 27% of the Tomaree Peninsular population and is a significant medical service provider for the area.

Example of the number of Patients seen weekly

- | | |
|-------------------------------------|-----|
| • 29 March 2010 – to – 4 April 2010 | 453 |
| • 5 April 2010 – to – 11 April 2010 | 416 |

- 12 April 2010 – to – 18 April 2010 650
- 19 April 2010 – to – 25 April 2010 559
- 26 April 2010 – to – 2 May 2010 489

Example of the number of Patients seen monthly

- May 2009 2,285
- June 2009 2,269
- July 2009 2,580
- August 2009 2,244
- September 2009 2,307
- October 2009 2,358
- November 2009 2,341
- December 2009 2,057
- January 2010 2,187
- February 2010 2,059
- March 2010 2,540
- April 2010 2,185

Total patients seen by Port Stephens Medical from 1 May 2009 – to – 30 April 2010 is **27,412**.

Residential Survey

To determine the level of support or otherwise of the existing medical centre within the local residential population of Keel Street, The Deck and Mast Close, a simple survey was undertaken. The survey was set out as follows on the following page:

Port Stephens Medical Centre**Keel Street, The Deck & Mast Close Residential Survey**

As you may be aware from the recent local media stories, Port Stephens Medical Centre is in discussions with Port Stephens Council about the operation of the medical practice at 2-4 Keel Street. As part of a future development application to rectify the Council's concerns, Port Stephens Medical Centre is proactively seeking the opinions of the residents of Keel Street, The Deck and Mast Close to ascertain whether you support the practice of Port Stephens Medical Centre or if you have any concerns.

Please find below a simple anonymous questionnaire that we would appreciate you completing and leaving in your letterbox or at your front door for collection on Friday 7th May 2010. The results of the survey will assist in the preparation of the development application and allow Port Stephens Medical Centre to gauge our neighbours attitudes and feelings towards the practice.

Please return this entire form or tear off the bottom half of the survey for collection.

Thank you for your assistance and we look forward to your response.

Best regards,

Port Stephens Medical Centre

Survey about Port Stephens Medical Centre – please tick your preferred response and place this survey in your letterbox or at your front door for collection on Friday 7th May 2010.

- Do you support Port Stephens Medical Centre operating at 2-4 Keel Street, Salamander Bay?*

Yes ☐ No ☐

- Do you or have you used any of the services of Port Stephens Medical Centre?*

Yes ☐ No ☐

Please list any additional comments you may want to add.

A total of 70 Surveys were delivered to the local residents on Wednesday 5th May 2010 and the completed surveys were collected on Friday 7th May 2010. A summary of the Residential Survey is provided below:

Survey Response Number:

- The number of responses returned for the survey was 35 completed surveys representing a 50% return rate. Traditionally, surveys have an average return rate of only 10%, therefore, the survey response for this survey is considered excellent.

Response to Question 1:

- The response to Question 1: *Do you support Port Stephens Medical Centre operating at 2-4 Keel Street, Salamander Bay?* resulted in 33 yes and 2 no. Therefore 94% of respondents were in support of the Medical Centre operating at the current location.

Response to Question 2:

- The response to Question 2: *Do you or have you used any of the services of Port Stephens Medical Centre?* resulted in 30 yes and 5 no. Therefore 85% of respondents currently use or have used Port Stephens Medical Centre. Therefore, the practice provides services to 43% of the residences of Keel Street, The Deck and Mast Close.

Comments:

The following relevant comments were received with the survey responses from people who nominated that they currently or have used Port Stephens Medical Centre:

1. *I have resided in this area for only six months. During this time I have never encountered any traffic problems with either the parents or medical centre. The proximity of this medical centre was one of the factors I chose to purchase and I would not like to see any change in your management of this centre. Keep up the good work.*
2. *Local newspaper reports about parking problems and property values are garbage. People picking up children from the adjacent school cause the traffic congestion. We bought our property in Keel Street because of the close proximity to the shopping centre, public transport and the medical centre. It was a plus for us.*
3. *Presentation is perfect, close proximity to large school. Check the patient numbers – that will confirm how vital the medical centre is.*
4. *With the nation needing qualified medical practitioners, Council's attitude is a retrograde step to achieving a positive result. This would be the best*

equipped practice in the entire Tomaree Peninsular – if Council persists in adhering to its pig headed attitude, perhaps a local government tribunal should be sought to adjudicate.

5. *The centre's clients do not park in the road or other peoples driveways. There is ample parking on the premises. The people parking on the road or driveways are parking illegally while they drop off their children.*
6. *Open seven days a week.*
7. *Which Councilor is interested in taking over the property for their own use? Why else all the hue and cry now? P.S. Medical Centre is essential to administer health services to their patients and so relieve the strain on other medical services in the area.*
8. *Very important to us to have this centre. Used frequently, including hearing and pathology. 100% support the facts stated in the "Examiner" letters of Peter Cowling, Mal & Pam Ross, Joan Cox, Trevor Hocking and Ray Belcher.*
9. *Bulk billing would be helpful.*
10. *I notice in the paper, one of the complaints was that patients were parking in Keel Street. That's simply not true! The only cars I have seen parking in Keel Street when they shouldn't are parents from the school and I don't think they are about to close the school.*
11. *At no time has the medical centre traffic interfered in our way of life. "Council" we need these doctors so just make our and their lives easier.*
12. *We do not use this medical centre it is too expensive for pensioners, other centres in the area can bulk bill, why not you.*
13. *We have no problems for PSMC to continue operating in its current manner. It is a valuable asset to our community and it would be a shame to remove or reduce the services of this facility.*
14. *Please do not make any changes to this medical centre.*
15. *As many of the people who live in this street are quite elderly and knowing that a doctor surgery is just on the corner it makes them feel secure.*
16. *The parking problems on Keel Street & Bagnall Beach Road are caused by parents picking up their children from the rear entrance of Tomaree High School.*
17. *PS Council – leave well alone- the PS medical Centre is operating for the people of the area with no disruptions to any of the neighbouring streets/area.*

The following comments were received with the survey responses from people who nominated that they do not currently or have not used Port Stephens Medical Centre:

1. *The medical centre in my opinion doesn't cause any traffic problems in Keel Street or for residents. PSSC – 'wake up' and stop causing unnecessary problems. Obviously someone from Council isn't benefiting from its operation.*
2. *As a resident of Keel Street it is not necessary for any changes to take place at Port Stephens Medical Centre.*
3. *Never a problem with Medical Centre traffic but sometimes in the past problems with cars parked illegally picking up children right on the bend in Keel Street! We have lived here 6 years.*

The only non-supportive response from the survey indicated that they are not happy with the doctor's attitude, *"but most of all we do need our doctors regardless of attitude"*.

Survey Conclusions:

The extremely supportive comments combined with the strong positive response clearly demonstrate that the residents of Keel Street strongly support Port Stephens Medical Centre and do not have any issues with regards to parking, traffic or operation of the practice. Even the only non-supportive response identified the need for these services in the local area. Many of the responses identify that the location of the medical centre close to their home is a significant reason for their choice in location of residence. Overall, the responses received were nearly all in support of the practice and given that the remaining 43 residences failed to respond, either positively or negatively, it is assumed that they do not have any significant concerns with the operation of Port Stephens Medical Centre. This conclusion is also supported by the significant number of supportive letters to the Editor of the Examiner that strongly refute any claims regarding parking issues from the practice and any conceived negative impacts on the residents of Keel Street.

Net Community Benefit Summary

As demonstrated in the responses to the questions listed above, the preparation of the draft Local Environmental Plan will facilitate a significant positive community benefit for the Tomaree Peninsula and the wider Local Government Area. Should the proposal not proceed at this time, it would be years before the additional services may be available to the community.

The planning proposal demonstrates consistency with these objectives. The planning rationale supporting the planning proposal is based on providing a more sustainable and liveable urban area. Contemporary strategic planning calls for liveable

neighbourhoods where urban structure is based on walkable, mixed use centres. The following principles form the basis of relevant contemporary integrated land use planning and have been extrapolated from the Community Design objectives from "Liveable Neighbourhoods". The principles are not exhaustive and have been selected to demonstrate the basic principles that support the planning merits of a medical centre on the site and consistency with integrated land use and transport:

- Neighbourhood or town centres are located at the junction of arterial roads or major important streets, improving transport choice. The site is located adjacent to the areas commercial centre and is located at the intersection of two main roads servicing the area. This allows for increasing the movement of people via public transport and accessibility (the ability to undertake a range of daily activities with minimum of travel) rather than movement of vehicles and increasing the need for mobility.
- Mixed use development in neighbourhoods requires a greater emphasis upon site response design, enhancing the local identity, with good connectivity and a greater combination of other land uses to support the daily and weekly needs of residents plus local employment for the community. The site position provides for this and the existing development, as demonstrated in the streetscape analysis enhances the identity of the area.
- Facilitation of environmentally sustainable approaches to urban development by minimising non-renewable energy and car dependence; encourage greater local self-containment of neighbourhoods and towns. The sites location and service as a medical facility provides opportunity for multi-service opportunities with reduced trips as the site is located adjacent to other commercial activities and services.
- To provide safe, convenient and attractive neighbourhoods and towns that meet the diverse and changing needs of the community and offer a wide choice of housing, leisure, local employment opportunity and associated community and commercial facilities such as health services. The site location and medical facility meet these objectives.
- To develop a coherent urban system of compact walkable neighbourhoods which cluster to form towns with a high degree of street connectivity. The site has excellent connectivity for both pedestrians, public transport and with the local road network.
- Integrate mixed use development along arterial roads, adjacent to centres which are closely aligned with public transport and encourage multi-purpose trips. The site location and medical service meets this objective.
- Equitable access to health facilities depends on their location. Collocation of health facilities in or adjoining centres appropriate to their catchment is desired. The site location meets this objective.

Section B – Relationship to Strategic Planning Framework

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Lower Hunter Regional Strategy

The NSW Government adopted the Lower Hunter Regional Strategy (LHRS) on 12 October 2006. The LHRS provides the broad strategic planning context for the Hunter Region for the next 25 years. The LHRS sets a vision for the future where:

- there are diverse employment opportunities, and access to quality infrastructure and services, including education and health;
- ecological and culturally significant landscapes are valued and protected; and
- the Region's residents and visitors benefit from a choice of high quality living environments, cultural, recreational and employment opportunities.

One of the key outcomes of the vision for the Region states the 'future for the Lower Hunter is one that is sustainable, affordable, prosperous and liveable; where... there is access to quality infrastructure and services, including education and health'.

The LHRS also forecasts the future population growth in the Lower Hunter as follows:

Population growth in the Lower Hunter has been strong, averaging one per cent per annum (or approximately 4400 persons per year) in the period 1991–2001 and increasing more recently to more than 6200 people in 2004–05 (Australian Bureau of Statistics, Estimated Resident Population). Overall development trends still favour low density, dispersed development, increasingly at odds with the concentration of employment and services within centres.

As stated in the last sentence of the above paragraph, the LHRS recognises that traditional development trends are sometime slow to react to changes in strategic policy and that the concentration of employment and services within centres as mixed use developments provides a more sustainable neighbourhood/town centre.

The co-location of services, including health and medical facilities, within neighbourhood and town centres promotes sustainable practices by encouraging walking, use of public transport and opportunities for multi-purpose trips. All of these facets reduce the reliance on cars for transport and moderate the demand for car travel. The advantages of mixed use centres are also recognised in the LHRS:

Strong vibrant centres bring people, housing, jobs and services in close proximity. In so doing, they reduce the need for people to travel, and greatly increase the opportunity to provide viable public transport systems, to the benefit of those who

do need to travel. By promoting stronger centres that play a much greater role in providing jobs and housing, the Strategy is able to reduce the further sprawl of suburban development and create more compact urban areas.

Specific benefits of concentrating activities and housing around centres include improved access to employment, health and community services. Concentration of housing near service centres is particularly important for older and other less mobile members of the community who have higher transport and health needs. This is particularly relevant in the Lower Hunter, which is characterised by a population older than, and continuing to age at a rate faster than, the NSW average:

*Despite strong growth in its population, a high level of out-migration by young people continues and projections suggest that a much greater proportion of the population will be aged 65 and over in the future. This has implications for the Region's social diversity and future infrastructure and servicing needs, including **health**, education and transport needs. Significantly, the ageing of the population will also require a different approach to the provision of housing as smaller and easier to maintain dwellings will be necessary. The ageing of the population also presents particular challenges for the economic growth potential of the Region and for maintaining a strong and diverse workforce.*

As outlined above, the LHRS has identified the changing social profile, which is acutely relevant to Port Stephens where 30% of the population is over 55 (ABS 2006).

It is also contemporary planning practice to include for employment opportunities in neighbourhood/town centres. The LHRS states that the Lower Hunter is undergoing a change in employment sector ratios:

The majority of new jobs have been generated in the tertiary sectors, such as health, education, financial and personal services, as well as tourism. This trend is expected to continue and strengthen such that in the future much of the jobs growth is expected to be in the tertiary sectors...

The LHRS identifies the need to provide 66,000 new jobs to meet the expected population forecast. The LHRS recognises the need for a diverse range of employment opportunities in a range of locations.

The provision of an enabling clause specific to the subject site permitting "medical centres" as a permissible use is considered to be consistent with the provisions of the LHRS. The addition of the enabling clause would:

- provide a mixed use neighbourhood that improves access to quality infrastructure and services;
- facilitate additional health service and employment opportunities within the neighbourhood/town centre;
- promote sustainable practices such as walking and use of public transport;

- reduced car reliance; and
- provide benefits of multi-purpose trips.

Is the planning proposal consistent with Councils Community Strategic Plan, or other local strategic plan?

Port Stephens Community Settlement and Infrastructure Strategy

The *Port Stephens Community Settlement and Infrastructure Strategy* (PSCSIS) adopted in April 2007 builds upon the directions of the Port Stephens Urban Settlement Strategy 2002 and is more detailed in its requirements for future urban development.

The PSCSIS identifies four centres that dominate retailing. Due to their proximity, Raymond Terrace and Heatherbrae combine to effectively form one town centre. Nelson Bay and Salamander Bay have a similar relationship in the eastern half of the Local Government Area. The identification of Salamander Bay as a town centre is in accordance with the Port Stephens Centres Hierarchy tabled in Appendix 1 of the PSCSIS (p 69). The Centre Hierarchy identifies that Salamander Bay as a 'District/Sub region' centre, consistent with the Coastal Design Guidelines Nomenclature. The primary areas considered serviced by Salamander Bay town centre are the suburbs of Salamander Bay, Soldiers Point and Corlette. The eastern end of the Tomaree Peninsula is considered a secondary trade area. The site location, which is adjacent to the Salamander Bay town centre, is centrally located within a relatively large residential catchment.

The PSCSIS also outlines that all centres on the Tomaree and Tilligerry Peninsulas, including Salamander Bay, are economically supported by seasonal tourism. Seasonal tourism at times, doubles the population of the Tomaree Peninsula. During the peak holiday periods, the additional influx of tourist significantly increases the demand for medical and health services. This places a strain on medical staff as demand can often exceed service capability at all medical facilities which results in considerable delays for treatment, particularly for lower priority cases. This situation is certainly applicable to the operations of Port Stephens Medical Centre. The Oaks Pacific Blue Resort, a large tourist/residential complex is located diagonally opposite the Port Stephens Medical Centre across the roundabout intersection on Bagnall Beach Road. The Resort contains a mix of studio, one, two and three bedroom apartments, hotel rooms and associated facilities, such as a Day Spa and several restaurants. The co-location of a medical centre adjacent to the Resort is consistent with the principles of mixed use development to create an active and vibrant neighbourhood, with appropriate integrated health services.

The Port Stephens LGA is part of the Hunter New England Health Region. The PSCSIS identifies health services as being located at Raymond Terrace and Nelson

Bay with outreach services to Medowie, Lemon Tree Passage and Tanilba Bay. A large number of residents travel to Newcastle for medical care, but there is a strong demand for medical services, especially general practitioners, to be provided locally. This demand is evident at Salamander Bay and is a continual growing trend as more residential land in the area is released. The integration of adequate medical facilities, beyond the capabilities provided by "Professional or Health Consulting Rooms" is a logical integration of land use within select areas of the residential zone. In circumstances where medical facilities are located on major transport routes and in proximity to the neighbourhood or town centre, the development of such facilities should be encouraged, in line with integrated land use principles.

Part C3.4 of the PSCSIS addresses employment. It shows that Port Stephens has less than expected jobs in medical and allied health services, based on an analysis that compared the Port Stephens community per 1000 people to other small NSW coastal Local Government Areas. This is evident in the shortage of medical and health services in Port Stephens and in the Hunter Regional Health data. Rezoning to allow a "medical centre" on the subject site will facilitate increased employment for medical practitioners and other health and administrative staff, which is consistent with the PSCSIS requirement to increase medical and allied health services.

Section F5 of the PSCSIS addresses principles for development relating to economics and employment. The following principles have been considered and the response below outlines how the proposed rezoning to permit a land use of a "medical centre" addresses the principles:

- 1 *Land shall be used efficiently without adversely impacting on amenity and ecological processes. The principles illustrate how land can be used efficiently.*

The medical facility is an efficient integration of an appropriate land use for the site. The existing Professional Consulting Rooms building has been designed to adhere to the residential character of the streetscape. The operational aspects of a medical facility, such as access and parking can easily integrate into the site, as the current design has sufficient parking and access arrangements to ensure the amenity of the neighbourhood is not compromised. The development does not adversely impact on any ecological processes.

- 2 *Economic development and employment shall be focussed in new and existing centres on transport corridors in Figure 45.*

Figure 45 of the PSCSIS identifies Bagnall Beach Road as a transport corridor. Bagnall Beach Road runs in a generally north-south direction connecting with Salamander Way in the south and Government Road in the north, which are also identified as transport corridors. Therefore, the subject site is located in an existing town centre and on a major transport thoroughfare, which connects to neighbouring suburbs.

- 3 *The hierarchy of centres across the LGA shall be protected to ensure that they retain the services and function for the communities they serve.*

The location of the medical facility adjacent to the Salamander Bay business zone and a major tourist resort contributes to the function of the neighbourhood and town centre and the provision of a "medical centre" would provide an identified essential health service to the local community.

- 4 *Complementary industries and businesses should co-locate in clusters for mutual benefits.*

A medical centre is complementary to the business zone located opposite Bagnall Beach Road from the subject site. Mutual benefits include the dual use of public transport and the opportunity for people to combine a trip to the business zone with a trip to the medical facility. The provision of a "Medical Centre" adds to the services offered in the town centre which in turn increases the vibrancy of the area.

- 5 *Encourage mixed - use development and greater diversity of housing types within a 5 and 10-minute walk of centres to increase accessibility, patronage and centre viability.*

Being located adjacent to a town centre and within a residential zone, the medical centre is surrounded by a significant walkable catchment and is consistent with the integration of services strategic planning philosophy.

- 6 *For existing villages, neighbourhoods and towns, new development should be designed to facilitate local employment and business opportunities in accordance with Sections 4 and 5 in Appendix 2.*

Section 4 of Appendix 2 of the PSCSIS suggests that retaining 'existing' wealth is one approach to generating economic and employment development. "Retain Existing Wealth" generally means reliance on future population growth alone to generate economic and employment growth. In conventional development terms this would equate to 'convenient' goods and services generating 15% jobs, 'higher order' goods and services 35% jobs and a 'theoretical' Goods & Services 65% jobs. As a result, the land needed to accommodate future population growth in the LGA of 59,000 to 2026 may require up to 2,200 m² of office space dedicated to Medical and Allied Health Services. The rezoning of the site to permit a "medical centre" will enable the existing "professional consulting rooms" located on site to continue and to potentially expand in the future, meeting some of this demand for additional health related services.

Section C4.11 of the PSCSIS identifies future social challenges, as outlined in the Port Stephens 2006-2010 Social Plan. With regards to the ageing population and associated infrastructure needs, it is necessary to provide 'medical facilities including access to doctors, health care professionals, hospitals and ambulance services', among other services. The medical facility at 2 Keel Street meets additional social challenges associated with a less mobile, aging population because the site is located

in a highly accessible location, adjacent to the areas major shopping centre plus public transport and pathways.

The rezoning of the site to permit a "medical centre" as a land use is by virtue of its location and current design aspects consistent with the strategic directions of the PSCSIS.

Is the planning proposal consistent with applicable state environmental planning policies?

The Minister for Planning, under section 117(2) of the Environmental Planning and Assessment Act 1979 (EP&A Act) may issue directions that local councils must follow when preparing new LEPs. The Directions listed below apply to the proposed rezoning of the subject site.

Residential Zones

Objectives

- (1) The objectives of this direction are:
 - (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,
 - (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
 - (c) to minimise the impact of residential development on the environment and resource lands.

Where this direction applies

- (2) This direction applies to all councils.

When this direction applies

- (3) This direction applies when a council prepares a draft LEP that affects land within:
 - (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),
 - (b) any other zone in which significant residential development is permitted or proposed to be permitted.

What a council must do if this direction applies

- (4) A draft LEP shall include provisions that encourage the provision of housing that will:
 - (a) broaden the choice of building types and locations available in the housing market, and
 - (b) make more efficient use of existing infrastructure and services, and
 - (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and
 - (d) be of good design.

- (5) A draft LEP shall, in relation to land to which this direction applies
 - (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and
 - (b) not contain provisions which will reduce the permissible residential density of land.

Consistency

- (6) A draft LEP may be inconsistent with the terms of this direction only if council can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the draft LEP that are inconsistent are:
 - (a) justified by a strategy which:
 - (i) gives consideration to the objective of this direction, and
 - (ii) identifies the land which is the subject of the draft LEP (if the draft LEP relates to a particular site or sites), and
 - (iii) is approved by the Director-General of the Department of Planning, or
 - (b) justified by an environmental study prepared in accordance with section 57 of the Environmental Planning and Assessment Act 1979 which gives consideration to the objective of this direction, or
 - (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
 - (d) of minor significance.

Response

The rezoning of the site through an enabling clause to permit "medical centres" complies with the objectives of this direction because it makes 'efficient use of existing infrastructure and services' and ensures that housing 'has appropriate access to infrastructure and services'.

Integrating Land Use and Transport**Objective**

(1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and
- (b) increasing the choice of available transport and reducing dependence on cars, and
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- (d) supporting the efficient and viable operation of public transport services, and
- (e) providing for the efficient movement of freight.

Where this direction applies

- (2) This direction applies to all councils.

When this direction applies

- (3) This direction applies when a council prepares a draft LEP that creates, alters or removes a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

What a council must do if this direction applies

- (4) A draft LEP shall locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:
- (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and

- (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).

Consistency

- (5) A draft LEP may be inconsistent with the terms of this direction only if council can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the draft LEP that are inconsistent are:
 - (a) justified by a strategy which:
 - (i) gives consideration to the objective of this direction, and
 - (ii) identifies the land which is the subject of the draft LEP (if the draft LEP relates to a particular site or sites), and
 - (iii) is approved by the Director-General of the Department of Planning, or
 - (b) justified by an environmental study prepared in accordance with section 57 of the Environmental Planning and Assessment Act 1979 which gives consideration to the objective of this direction, or
 - (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
 - (d) of minor significance.

Response

As outlined in the previous Sections of this proposal, a “medical centre” land use at the subject site is consistent with this direction because it implements the principles of integrated land use and transport as outlined in:

- (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and
- (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).

The site is located on a major transport route and opposite the Salamander Bay town centre, which supports the efficient and viable operation of public transport services along Bagnall Beach Road and reduces car travel demand in terms of the number of trips generated by co-locating services and business in an area with a significant residential catchment.

Implementation of Regional Strategies

Objective

- (1) The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.

Where this direction applies

- (2) This direction applies to land to which the following regional strategies apply:
 - (a) Far North Coast Regional Strategy
 - (b) Lower Hunter Regional Strategy
 - (c) Illawarra Regional Strategy
 - (d) South Coast Regional Strategy
 - (e) Sydney–Canberra Corridor Regional Strategy
 - (f) Central Coast Regional Strategy, and
 - (g) Mid North Coast Regional Strategy.

When this direction applies

- (3) This direction applies when a council prepares a draft Local Environmental Plan (LEP).

What a council must do if this direction applies

- (4) Draft LEPs shall be consistent with a regional strategy released by the Minister for Planning.

Consistency

- (5) A draft LEP may be inconsistent with the terms of this direction only if council can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with the regional strategy:
 - (a) is of minor significance, and
 - (b) the draft LEP achieves the overall intent of the regional strategy and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.

Response

The proposed enabling clause is consistent with the Lower Hunter Regional Strategy.

Approval and Referral Requirements

Objective

- (1) The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

Where this direction applies

- (2) This direction applies to all councils.

When this direction applies

- (3) This direction applies when a council prepares a draft LEP.

What a council must do if this direction applies

- (4) A draft LEP shall:
 - (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and
 - (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the council has obtained the approval of:
 - (i) the appropriate Minister or public authority, and
 - (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to a certificate under section 65 of the Act being issued, and
 - (c) not identify development as designated development unless the council:
 - (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and
 - (ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to a certificate being issued under section 65 of the Environmental Planning and Assessment Act 1979.

Consistency

- (5) A draft LEP must be substantially consistent with the terms of this direction.

Note: In this direction “public authority” has the same meaning as section 4 of the Environmental Planning and Assessment Act 1979.

Response

Due to the specific land use applicability of the proposed enabling clause, it would not trigger the requirement for any provisions for concurrence, consultation or referral of a Minister to be inserted into the Port Stephens LEP and would not identify the medical facility as designated development.

Site Specific Provisions

Objective

- (1) The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

Where this direction applies

- (2) This direction applies to all councils.

When this direction applies

- (3) This direction applies when a council prepares a draft LEP to allow a particular development to be carried out.

What a council must do if this direction applies

- (4) A draft LEP that amends another environmental planning instrument in order to allow a particular development proposal to be carried out shall either:
 - (a) allow that land use to be carried out in the zone the land is situated on, or
 - (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or
 - (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.
- (5) A draft LEP shall not contain or refer to drawings that show details of the development proposal.

Consistency

- (6) A draft LEP may be inconsistent with the terms of this direction only if council can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the draft LEP that are inconsistent are of minor significance.

Response

The proposed enabling clause over the site to enable a "medical centre" land use is considered a highly appropriate site specific planning control that is consistent with strategic planning principles and directions. The rezoning will allow a "medical centre" to be carried out on the relevant land without imposing any development standards additional to those already contained in the principal environmental planning instrument.

Furthermore, the LEP shall not contain or refer to drawings that show details of the development proposal. Only a property description in the LEP is necessary to identify the site.

Section C – Environmental, Social and Economic Impact

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?

There are no significant environmental constraints to rezoning the subject site. The subject site is located in an urban area and contains an existing building. No critical habitat or threatened species, populations or ecological communities, or their habitats are on the site.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The rezoning will have no significant ecological impact as the site is not located in a bushfire or flood prone area and the land is fully serviced by water, electricity, telecommunications and sewer services.

Drainage and Stormwater

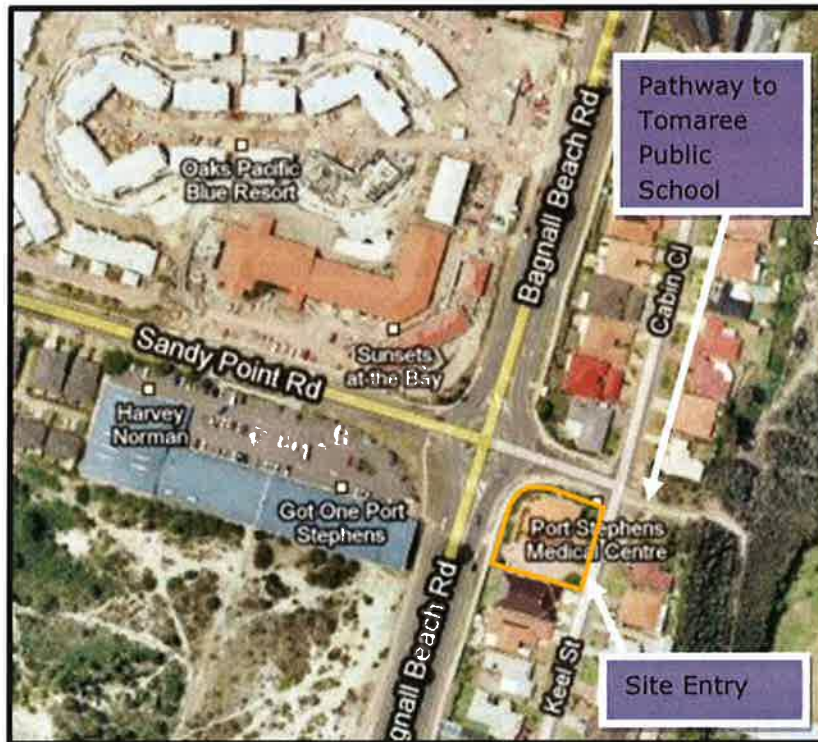
Drainage and stormwater management were addressed as part of the development application for the present development on the site and was granted consent in 1998. Any future modifications to the building to accommodate an expansion of the medical service would also be subject to further development assessment and appropriate development controls.

Visual impacts

The existing development is contemporary in its design and uses external colours and materials which assist to blend in to the surrounding residential character of the landscape. Whilst the building is visible from a number of vantage points, it is attractively landscaped to soften any perceived visual impact of the built form.

Traffic impacts

Keel Street intersects with Bagnall Beach Road and Sandy Point Road with a dual lane roundabout servicing the intersection as illustrated in Figure 4 below. The roundabout provides adequate entry/egress for all traffic movements to Keel Street and adjacent Cabin Close. The site is accessed via Keel Street with good sight distances. The proposal will not result in any significant additional traffic movements that cannot be serviced by the existing street network.

Figure 4: Keel Street Intersection Roundabout Aerial Photograph

The site has sufficient off-street parking to cater for the current and also future parking requirements of the practice. Public comments in the past have suggested that patients use adjacent resident's driveways and the street as overflow car parking for the practice. However, a survey of the residents of Keel Street has identified that this parking issue relates to parents dropping and picking up children from Tomaree Public School. A path direct to the school is located adjacent to the site and this school entry location is a preferred location for entry/egress for the school however, parents are advised to drop and pick up students in Bagnall Beach Road and not Keel Street. Keel Street has a 'no stopping' zone adjacent to the Port Stephens Medical Centre to prohibit dropping and picking up children at this location. The Keel Street Residential Survey received several comments on the misrepresentation of parking impacts alleged to be related to the Port Stephens Medical Centre and strongly outlined that no impacts are experienced by Keel Street residents with regards to parking or traffic associated with the practice.

How has the planning proposal adequately addressed any social and economic effects?

Social matters

Port Stephens Local Government Area has a high demographic proportion of residents over 55 years of age (30%, ABS 2006), particularly when compared to the New South Wales average (24.8%, ABS 2006). An ageing population increases demand for medical services. Therefore the rezoning of the site to permit a "medical centre" will facilitate improved medical services in response to demand in the local area.

Provision of a "medical centre" would also provide increased local employment opportunities. A Medical Centre on the site would provide opportunity for greater staff numbers to meet health service demands of the area, which would directly contribute to the employment options for the local community and also provide economic multiplier effects for the wider community.

From a social perspective, the rezoning is likely to result in considerable positive benefits to the community by providing local medical services and employment opportunities integrated into an appropriate location in accordance with the strategic planning principles of mixed use development.

Economic matters

This proposal has a positive economic impact in the vicinity by providing employment and generating trade during the ongoing operation of the medical facility. The practice provides local employment and is serviced by local providers. This has a positive economic multiplier effect through spending of wages and distribution of income for servicing businesses. The continued operation and any possible future additions will strengthen the economic benefits that the practice provides for the local area.

Section D – State and Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

With regard to this planning proposal, Hunter Water is the authority for water and sewer services, while Council is the authority for most other infrastructure including roads, drainage, waste management and recycling services and the like. Adequate public infrastructure exists to service the planning proposal.

What are the views of the State and Commonwealth public authorities consulted in accordance with the gateway determination?

The background information provided at the commencement of Part 3 of this planning proposal outlines the State consultation undertaken to date for the proposal. The Deputy Director General has provided advice that the most appropriate way to progress the matter is through the LEP amendment process. A copy of the Deputy Director General's correspondence is contained in Appendix 2.

Upon receipt of a positive gateway determination, further consultation with the Department of Planning and other relevant authorities will be undertaken in a timely manner in accordance with that determination.

PART 4 – COMMUNITY CONSULTATION

The community consultation process has commenced through the community survey convened by the proponents. The planning proposal may require additional community consultation following a favourable gateway determination.

In accordance with the guidelines published by the Department of Planning, the consultation will be tailored to specific proposals and in this circumstance it is considered the proposal meets the requirements of a low impact planning proposal. A low impact planning proposal means, in the opinion of the person making the gateway determination; the proposal is consistent with the pattern of surrounding land use zones and/or land uses; is consistent with the strategic framework; presents no issues with regard to infrastructure servicing; is not a principal LEP; and does not reclassify land. Accordingly, the planning proposal exhibition period is proposed as 14 days. Notification will include giving notice:

- In the local newspaper;
- In the library of the town to which the planning proposal applies;
- On the Council website; and
- By notification of adjoining land owners.

Appendix 1 – Streetscape Analysis