

Planning and Assessment

Gateway determination report

Ballina Shire Council Gateway determination: PP_2020_BALLI_003_00

Purpose: To recommend the Director, as delegate of the Minister, determine that planning proposal PP_2020_BALLI_003_00 should proceed.

Analysis: The planning proposal seeks to apply a 450m² minimum lot size to parts of Lot 1 DP 1070446, 78 Hutley Drive, Lennox Head. The planning proposal is considered to have merit and should proceed subject to conditions.

Approval required (if applicable): 26 November 2020

Reason for deadline (if applicable): The Gateway determination is to be issued by the above date, being 20 days since receiving the planning proposal.

LGA	Ballina
PPA	Ballina Shire Council
NAME	Lennox Rise - Amendment to Lot Size Mapping
NUMBER	PP_2020_BALLI_003_00
LEP TO BE AMENDED	Ballina Local Environmental Plan 2012
ADDRESS	78 Hutley Drive, Lennox Heads
DESCRIPTION	Lot 1 DP 1070446
RECEIVED	28 October 2020
FILE NO.	IRF20/5093
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal seeks to apply a 450m² minimum lot size to parts of Lot 1 DP 1070446, located at 78 Hutley Drive, Lennox Head.

1.2 Site description

The land to which the planning proposal applies (Figure 1 and 2) is approximately 1.3km south-west of the Lennox Heads town centre at Lot 1 DP 1070446, 78 Hutley Drive, Lennox Head. It has a site area of approximately 42.5 hectares and includes:

- existing farm structures;
- Item I65 Fig tree (planted by Ted Henderson in 1947 on former “Henderson Farm”);
- Item I66 Norfolk Island Pines; and
- Item I67 Dry Stone Walls (walls known as “wall a” and “wall b” on former “Henderson Farm”);

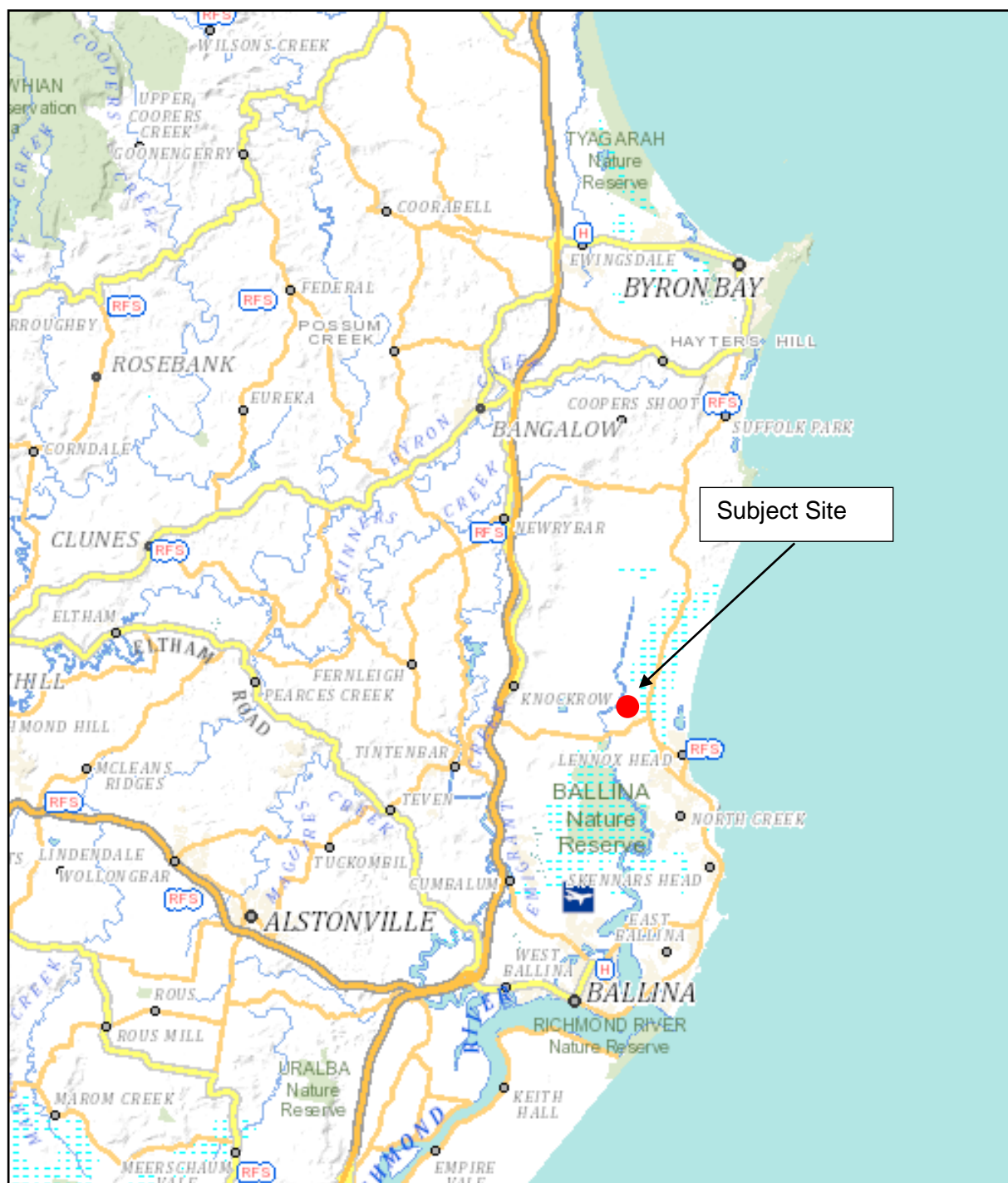


Figure 1 – Locality Map (Source: Six Maps)

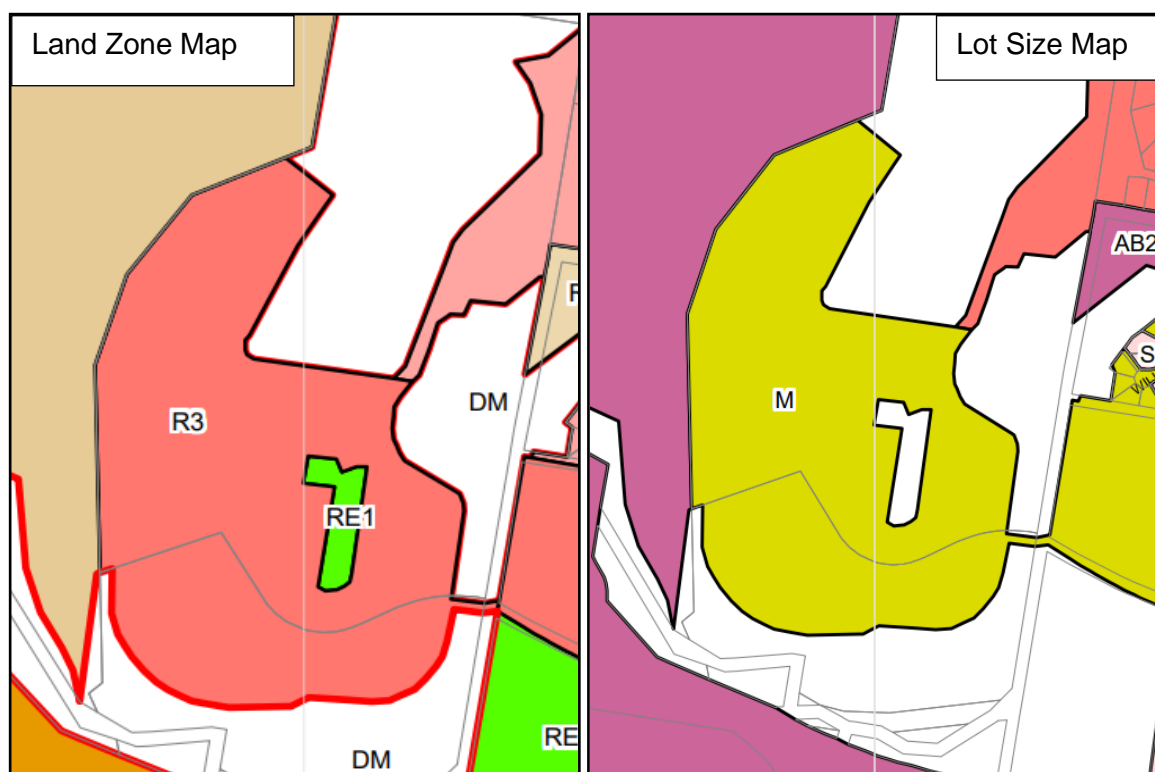


Figure 2 Land Zone and Lot Size Maps

1.3 Existing planning controls

Lot 1 DP 1070446 contains a mixture of land zones under both the Ballina Local Environmental Plan 2012 and Ballina Local Environmental Plan 1987.

Ballina LEP 2012	Ballina LEP 1987
R3 Medium Density Residential	7(a) Environmental Protection (Wetlands) zone
RE1 Public Recreation zone	7(l) Environmental Protection (Habitat) zone

Additionally, the land under Ballina LEP 2012 (Figure 3):

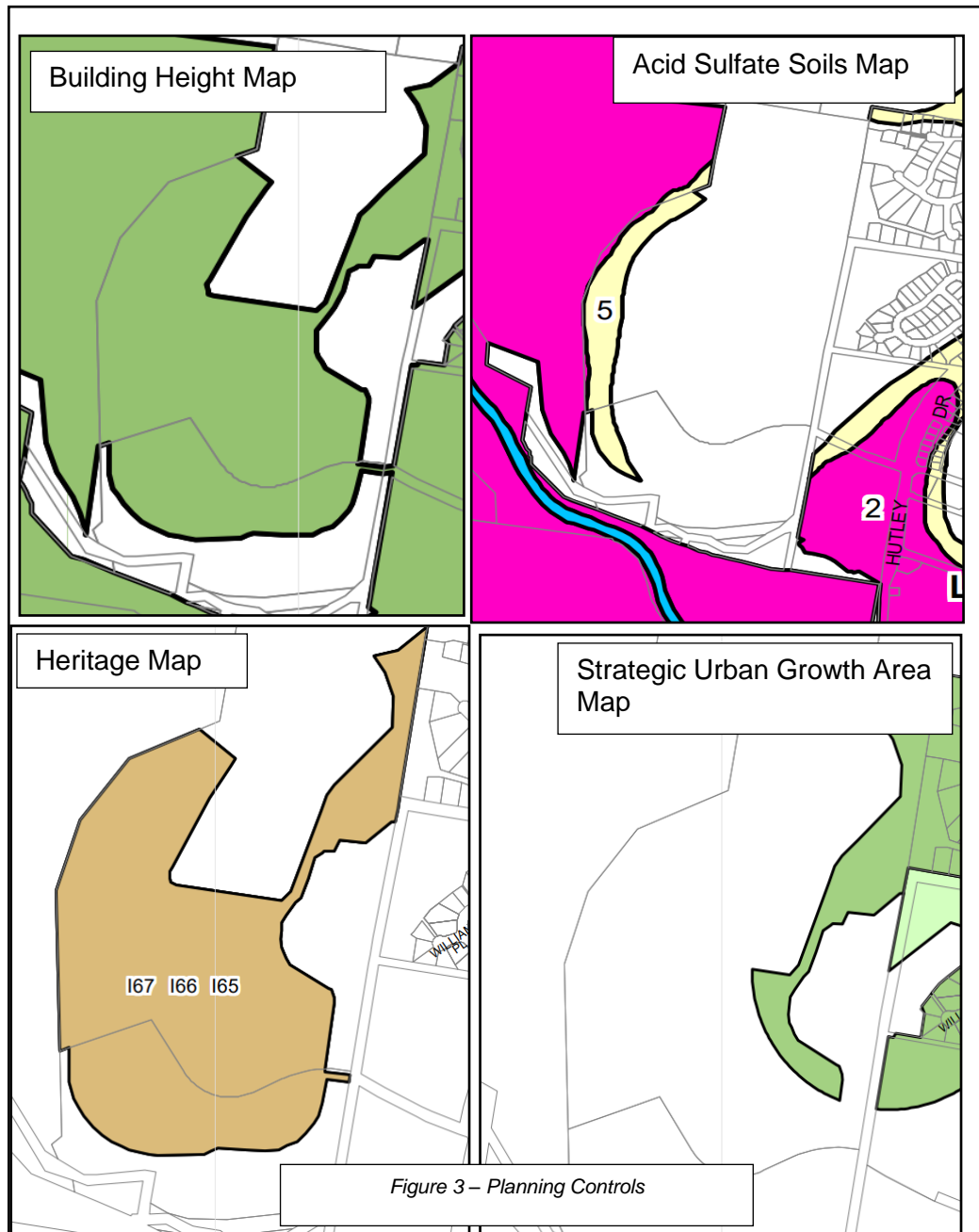
- has a minimum lot size of 600m²;
- has a maximum building height of 8.5m;
- contains class 5 acid sulfate soil for a portion of the lot to the west along the lot boundary;
- is partly identified as Land adjoining a Strategic Urban Growth Area; and
- contains Heritage Items I65, I66, I67.

The land is also identified in the North Coast Regional Plan 2036 as being within the Urban Growth Area.

1.4 Surrounding area

The surrounding area consists of established residential land to the east, nature reserve to the south including North Creek, rural land to the west and environmentally sensitive land to the north.

The topography of the area is undulating with levels ranging from RL 10 AHD on the western side of the subject site to RL 50 on the eastern side of the subject site.



1.5 Summary of recommendation

It is considered that the planning proposal has merit to proceed for the following reasons:

- the proposal is consistent with the North Coast Regional Plan 2036;
- the proposal aligns with the planning priorities and actions of the Ballina Local Strategic Planning Statement 2020-2040; and
- the proposal responds to the objectives of the Ballina Shire Council Community Strategic Plan 2013-2023, Ballina Shire Growth Management Strategy 2012 and the Lennox Head Structure Plan 2004 and will help increase housing choice and diversity in the area.

2. PROPOSAL

2.1 Objectives or intended outcomes

The objective and intended outcome is to apply a 450m² minimum lot size to parts of Lot 1 DP 1070446 (Figure 4) to increase housing choice and diversity and is adequately outlined in the proposal.

2.2 Explanation of provisions

The objective and intended outcome will be achieved by amending the Lot Size Map of Ballina Local Environmental Plan 2012 and is adequately outlined in the proposal.

2.3 Mapping

To give effect to the proposed change, the planning proposal includes maps illustrating the site and the proposed changes (Figure 4).



Figure 4 – Existing and Proposed Lot Size

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal is not the result of a strategic study or report. The landowner has requested the reduction in minimum lot size to increase housing diversity and choice in the release area. It is considered that the proposal is appropriate and is the best means for achieving the intended outcomes.

4. STRATEGIC ASSESSMENT

4.1 State

The planning proposal does not contain any matters of State significance.

4.2 Regional / District

The proposal is consistent with the North Coast Regional Plan 2036, and in particular with:

Direction 22: Deliver greater housing supply

This Direction aims to meet housing needs within mapped urban growth areas to cater for overall housing needs. The part of the land to which the planning proposal relates is mapped within the Urban Growth Area boundary (Figure 5).

Direction 23: Increase housing diversity and choice

This Direction aims to meet the needs of an ageing population and support the reduction of household size.

Direction 25: Deliver more opportunities for affordable housing

This Direction aims to provide appropriate planning controls and incentives to help deliver more affordable housing.

The proposal also does not affect any potential high environmental land identified under the plan (Figure 6).

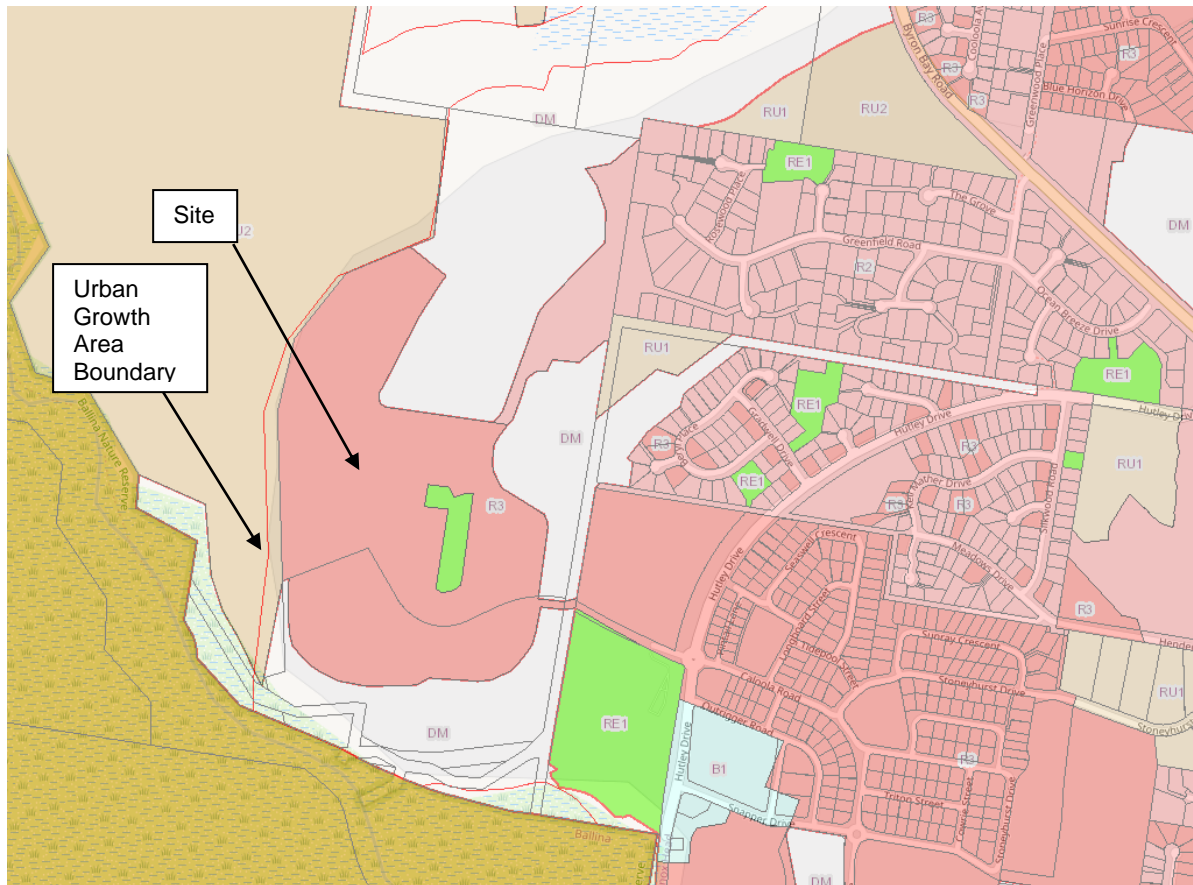


Figure 5 – North Coast Growth Boundary and Proposed Urban Lands (NCRP2036)

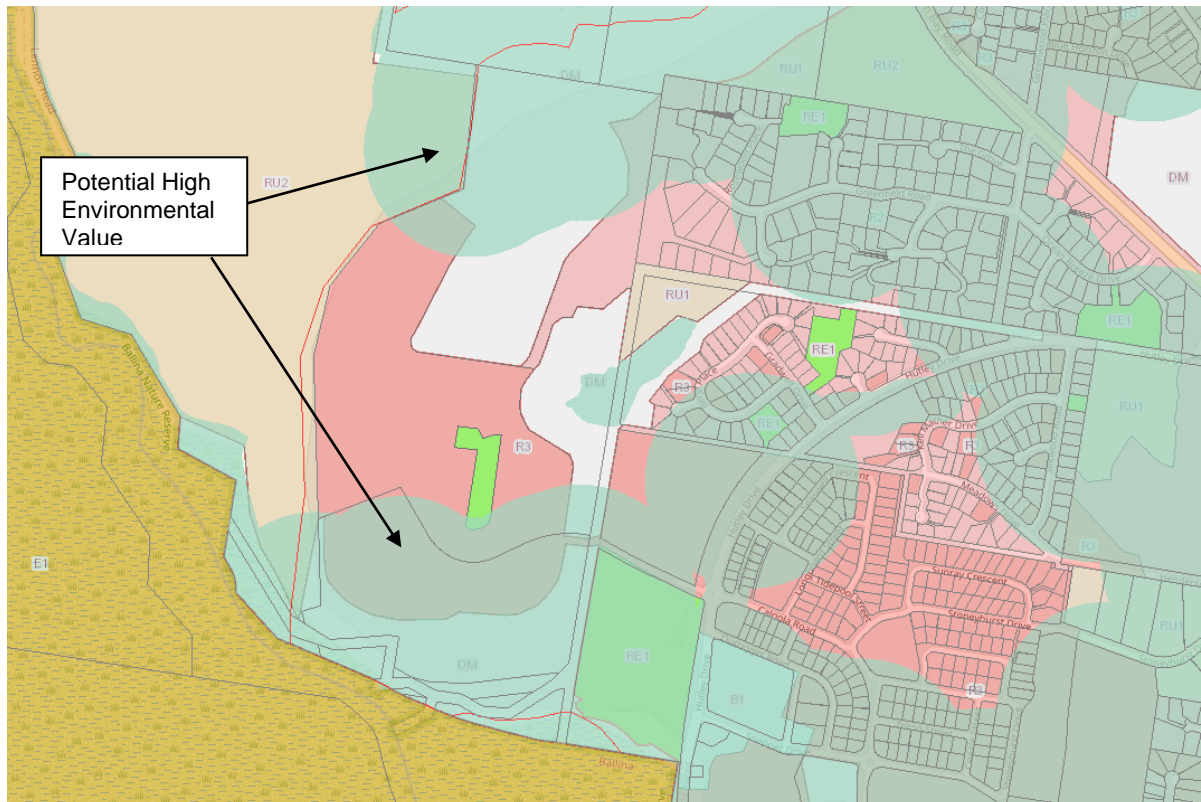


Figure 6 – Potential High Value Environmental (NCRP2036)

Local Government Narratives – Ballina

The planning proposal is consistent with the Regional Plan's local narrative by delivering housing choice and diversity within an identified residential growth area.

4.3 Local

Ballina Shire Council Community Strategic Plan 2013-2023

The planning proposal aligns with a number of outcomes contained within Council's Community Strategic Plan 2017-2027.

Ballina Shire Growth Management Strategy 2012 and Local Strategic Planning Statement

The planning proposal is not inconsistent with Council's LSPS and aligns with the 'Growth Management Principles' of the Ballina Shire Growth Management Strategy 2012 to:

- facilitate greater housing choice through an adequate mixture of dwelling types; and
- facilitate opportunities for well-designed higher density residential development in central areas, within proximity to community and commercial facilities.

Lennox Head Structure Plan 2004

The planning proposal aligns with the Lennox Head Structure Plan which identifies residential development on the subject land.

4.4 Section 9.1 Ministerial Directions

The proposal is considered to be consistent with all relevant section 9.1 Directions except for:

Direction 2.3 Heritage Conservation

The proposal is inconsistent with the Direction as it does not contain provisions that facilitate the conservation of the heritage items on the site (Items 65, 66, 67 of Schedule 5 of the Ballina LEP 2012). The inconsistency is considered to be of minor significance as:

- the subdivision design has catered adequately for the only potentially affected item being I67 Dry Stone Walls (Figure 7) within the road reserve of the proposed lot layout; and
- Ballina LEP 2012 already contains provisions relating to the protection of items of heritage significance that can address any potential issues at the development stage.



4.5 State environmental planning policies (SEPPs)

The proposal is consistent with all applicable SEPPs

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The current zoning of the subject site is for residential purposes. The proposed planning controls will enable an increase in the diversity of housing form on the land. The planning proposal is considered to provide benefits to the community via increased housing choice. No negative social impacts have been identified.

5.2 Environmental

The site is zoned for residential development and has development consent in place for the subdivision of the land. As such there are no likely impacts on critical habitat, threatened species or ecological communities or their habitat arising directly as a result of the proposed change of the minimum lot size standard. No negative environmental impacts have been identified.

5.3 Economic

The current zoning of the site is for residential purposes. The proposed planning controls will enable an increase in the diversity of housing form on the land. It also has the potential to increase population through housing diversity to Lennox Heads which will have positive ongoing economic benefits for the community. No adverse economic impacts have been identified.

5.4 Infrastructure

The site has been identified within Council's development servicing plans and infrastructure contributions plans, which will ensure the delivery of appropriate infrastructure to the site in association with future subdivision works.

6. CONSULTATION

6.1 Community

Council have nominated a 28-day public exhibition period for the planning proposal. Due to the minor nature of the proposal it is considered that a 14 day exhibition period is adequate.

6.2 Agencies

No agency consultation associated with the proposal is considered necessary.

7. TIME FRAME

The planning proposal includes a project timeline of 6 months. Due to the minor nature of the proposal this is considered adequate.

8. LOCAL PLAN-MAKING AUTHORITY

Council does not wish to exercise its delegated plan making functions for this LEP amendment due to Council having a land holding adjacent to the subject site. As such, a 'Statement of Council's Interest' has been prepared consistent with LEPs and Council Land - Best Practice Guideline (Department of Urban Affairs and Planning, 1997) (**Attachment B**). This is supported in the circumstances.

9. CONCLUSION

It is considered that the planning proposal has merit to proceed for the following reasons:

- the proposal is consistent with the North Coast Regional Plan 2036;
- the proposal aligns with the planning priorities and actions of the Ballina Local Strategic Planning Statement 2020-2040; and
- the proposal responds to the objectives of the Ballina Shire Council Community Strategic Plan 2013-2023, Ballina Shire Growth Management Strategy 2012 and the Lennox Head Structure Plan 2004 and will help increase housing diversity in the area.

10. RECOMMENDATION



It is recommended that the Director, as delegate of the Secretary:

1. agree that any inconsistency with section 9.1 Direction 2.3 Heritage Conservation is justified.

It is recommended that the Director, as delegate of the Minister, determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 14 days.
2. No agency consultation is required
3. The time frame for completing the LEP is to be 6 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan.

Approval

 Craig Diss Manager, Local and Regional Planning, Northern Date: 17/11/20	 Jeremy Gray Director, Northern Region Local and Regional Planning Date: 19/11/2020
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Assessment officer: Melissa Thomson
Planning Officer, Northern Region
Phone: 02 5778 1486

Attachments

Attachment	Title
A	Planning proposal
B	Gateway determination
C	Letter to Council