



Planning,
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Gateway determination report – PP-2021-3290

Veterinary Hospital and Information and Education
Centre, 46 Lindendale Road, Wollongbar

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A - Planning Proposal April 2021
Attachment B – Gateway Determination
Attachment C – Letter to Council
Attachment D – Plan-making reporting template

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Ballina
PPA	Ballina Shire Council
NAME	Veterinary Hospital and Information and Education Facility
NUMBER	PP-2021-3290
LEP TO BE AMENDED	Ballina LEP 1987
ADDRESS	46 Lindendale Road, Wollongbar
DESCRIPTION	Part of Lot 237 DP 755745
RECEIVED	5/05/2021
FILE NO.	IRF21/2073
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

1.2 Objectives of planning proposal

The planning proposal (**Attachment A**) contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objective of the planning proposal is to:

- amend Ballina LEP 1987 to enable a veterinary hospital and an information and education facility to be permitted with development consent upon part the land

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Ballina LEP 1987 per the changes below:

Table 3 Current and proposed controls

Control	Current	Proposed
Additional permitted uses	Use is prohibited in the 7(c) zone	New clause permitting proposed use with consent on part of the lot
Definitions	No definitions for the proposed uses within current LEP	Insertion of SI LEP definitions for veterinary hospital and information and education facility
Definitions	Map definition	Amend the definition of Map contained in clause 5 (1) of the Ballina LEP 1987 to reference the proposed LEP amendment
Number of jobs	0	Estimated 5+

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

A development application (DA2021/185) for the development of the proposed wildlife hospital on the site was lodged with Council on 13 March 2021, however this cannot proceed until the proposed LEP amendment has been made.

1.4 Site description and surrounding area

The planning proposal applies to part of Lot 237 DP 755745, 46 Lindendale Road, Wollongbar (Figure 1). The subject land has an area of approximately 2.123ha and is part of the larger 106.4ha Wollongbar Primary Industries Institute site, owned by the NSW Government (Figure 2). Access to Lindendale Road is via the Bruxner Highway.

The land is zoned 7(c) Environmental Protection (Water Catchment) under the provisions of Ballina LEP 1987. The land is designated as a deferred matter from Ballina LEP 2012.

A dwelling house and garage located on the site is proposed to be converted for use as part of the wildlife hospital (veterinary hospital) proposal.

A future stage of the proposal relates to the information and education facility, which is proposed to be situated on the cleared south-western portion of the site. No specific details have been submitted in respect to the information and education facility use.

The proponents have entered into a Memorandum of Understanding (MOU) with the NSW Department of Primary Industries. The MOU provides for a legal tenure agreement to be entered into, and the construction and operation of a wildlife hospital facility. The MOU does not address the proposed future information and education facility use.



Figure 1 Subject site (outlined red) (source: Planning Proposal)



Figure 2 Site context within the Wollongbar Primary Industries Institute site (outlined in blue) (source: Planning Proposal)

1.5 Mapping

The planning proposal does not propose changes to any LEP maps, as the mechanism for making the amendment is via insertion of a new additional permitted uses clause for the site. A LEP amendment map will be prepared and accompany the final plan in order that it can be referenced in the LEP and clause.

2 Need for the planning proposal

The planning proposal has not resulted from Council's local strategic planning statement or any Department approved strategy.

A wildlife hospital has been proposed for establishment within the Northern Rivers region for a number of years to fill an identified gap in specialised wildlife veterinary services. A number of potential development sites have been considered during this time.

The proposed site is located within a 7(c) Environmental Protection (Water Catchment) zone under the provisions of Ballina LEP 1987. Veterinary hospitals and information and education facilities are uses prohibited within this zone.

Council staff have considered whether the proposed wildlife hospital may be approved under the existing use rights provisions contained within the Environmental Planning and Assessment Act 1979. Based on available information, staff consider that the area of the site on which the proposal is located does not benefit from existing use rights.

The planning proposal is considered the best means of achieving the intended outcome, as rezoning of the land to facilitate the development would potentially permit the development of unsuitable urban uses on the site and/or the permanent loss of important farmland.

It is understood that the proposal has received State Government and community funding to progress its development, as well as bipartisan support from relevant members of Parliament.

3 Strategic assessment

3.1 Regional Plan

The proposal is not considered to be inconsistent with the North Coast Regional Plan. The following table provides an assessment of the planning proposal against relevant aspects of the Plan.

Table 4 Regional Plan assessment

Regional Plan objectives	Justification
Enhance biodiversity, coastal and aquatic habitats, and water catchments	<p>Part of the land is identified as having high environmental value (Figure 3). While the mapped area includes much of the subject site, it is considered likely that the site falls mainly within the buffer to the remnant rainforest vegetation adjoining the land along part of its eastern and northern boundary. The planning proposal will not impact this sensitive area.</p> <p>The services of the proposed wildlife hospital will also help to achieve this objective by providing medical care to sick, injured and displaced native wildlife across the region.</p>

Protect and enhance productive agricultural lands.

Action 11.1 provides that urban development should be directing away from important farmland to enable the growth of the agricultural sector.

The entire Wollongbar area is mapped as State significant farmland, including the subject site and wider Agricultural Institute.

Verbal advice from DPI Agriculture has indicated that veterinary hospitals can be considered as an agricultural type land use and therefore a suitable and complimentary land use on rural lands and farmland. This should be confirmed during the agency consultation stage.

The proposed veterinary hospital, and any information and educational facilities which are associated with the veterinary hospital function, are both considered by Council to be broadly ancillary to the agricultural land uses within the current zone.

It is also noted that information and education facilities are permitted with consent within the RU1 Primary Production zone under the provisions of Ballina LEP 2012 (within which important farmland is generally recommended to be included).

It is also relevant to note that, while the land is identified as important farmland, its location within the State-owned Primary Industries Institute site precludes its availability for commercial agricultural production.

Stage 1 of the proposal largely involves the adaptation of an existing building on the site for use as a veterinary hospital and does not result in the permanent loss of the land's agricultural potential. The proposal is not considered likely to conflict with or adversely impact nearby agricultural activities.

The proposal is therefore considered to be broadly consistent with the objective for the above reasons.



Figure 3 High environmental value lands occurring on the site (source: North Coast Regional Plan)

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	<p>The proposal is not specifically included in Council's LSPS. It could be argued, however, that the proposal broadly aligns with the following Planning Priorities:</p> <p>PP 4 - Encourage activities within the rural hinterland that stimulate economic activity by value adding to farm based production and that promote rural tourism.</p> <p>PP 5 - Maintain a supply of suitably located employment land, close to population centres at Alstonville – Wollongbar, and Ballina – Lennox Head, so as to foster local employment opportunities and to reduce journey to work travel distances.</p>
Ballina Shire Council Community Strategic Plan 2017-2027	The proposal is considered to be consistent with the Healthy Environment theme contained within Council's Community Strategic Plan, specifically with outcome HE3.2: Minimise negative impacts on the natural environment.
Wollongbar Strategic Plan 2039	Whilst the development of the wildlife hospital is not envisioned within the Plan, the proposal is consistent with a major goal of the plan to facilitate further employment opportunities.

3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Direction 1.5 Rural Land	Yes	<p>This direction applies because the planning proposal will affect land within an existing rural or environment protection zone.</p> <p>The proposal is not considered to be inconsistent with the objectives of the Direction or the relevant considerations listed under clause 4.</p>
Direction 2.1 Environmental Protection Zones	Yes	The planning proposal applies to land within an environment protection zone. The proposal is consistent with the Direction as it does not reduce the environmental protection standards that apply to the land.

Direction 2.6 Remediation of Contaminated Land	No	The land is located within a buffer to a decommissioned cattle dip site and is potentially contaminated land. A preliminary contaminated land assessment has been undertaken of the area occupied by the dwelling house and its curtilage which confirms no evidence of potential contamination. Council has advised however that the assessment is to be amended prior to exhibition so as to cover the entire site, including the area proposed for the future information and education facility. This is supported. Until this amended assessment is completed the proposal's consistency with this Direction will remain unresolved.
Direction 4.4 Planning for Bushfire Protection	No	The site is designated as bushfire prone land, being located within a buffer zone to Category 1 vegetation. The Direction requires Council to consult with the Commissioner of the NSW Rural Fire Service after a Gateway Determination has been issued. Until this consultation has occurred the consistency of the proposal with the Direction remains unresolved.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Yes	The land is mapped as State significant farmland. The planning proposal does not seek to rezone the land for urban or rural residential purposes. It proposes to permit two additional land uses with consent on the site. It is for this reason that it is considered that the planning proposal is consistent with this Direction.
Direction 5.10 Implementation of Regional Plans	Yes	The proposal is not considered to be inconsistent with the vision, land use strategy, goals, directions and actions of the Plan. It is considered that consultation with the NSW Department of Primary Industries is required to confirm the suitability of the proposal in terms of impacts to State Significant Farmland.
6.3 Site Specific Provisions	Yes	The proposal is consistent as it does not impose any development standards or requirements in addition to those already contained in the LEP.

3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Koala SEPP 2020	KPoM for development application where core koala habitat is impacted	Yes	The subject land is not defined as Core Koala Habitat under the Ballina Shire Koala Management Strategy 2017.
Primary Production and Rural Development 2019	Proposal must be consistent with the aims of the SEPP, where relevant to the proposal	Yes	The proposal is not considered to be inconsistent with the relevant aims, as it will not prevent the orderly economic use and development of lands for primary production, nor result in land use conflict and sterilisation of rural land.

4 Site-specific assessment

4.1 Environmental

The proposal is not expected to have an adverse impact on critical habitat or threatened species, populations or ecological communities or their habitats. The proposal will not result in a significant increase in development potential on any land containing substantial native vegetation.

Remnant rainforest vegetation adjoins the land along part of its eastern and northern boundary. The planning proposal will not impact this sensitive area.

While not identified as core koala habitat under the approved Ballina Shire Koala Management Strategy, the land is mapped as part of a Koala Management Precinct known as the “Plateau Koala Management Precinct”. Within this precinct koala habitat is located in small pockets of highly fragmented remnant vegetation, supplementing the koala use trees found in windbreaks. Over time, it is envisaged that a collaborative approach to managing the availability of koala habitat will result in an increase in areas which are not utilised for agricultural purposes providing koala habitat.

The development resulting from this planning proposal has the potential to positively impact koala habitat and connections through the provision of additional koala use trees as part of the overall site landscape treatment.

4.2 Social and economic

It is considered that positive social and economic outcomes will result from the proposed wildlife hospital. It will provide the communities located in Ballina Shire, Byron Shire and Lismore City convenient access to a wildlife hospital, which will also service the wider Northern Rivers region.

Potential impacts to neighbouring properties from increased traffic movements along Lindendale Road may be adequately considered and addressed at the development consent stage.

No negative economic consequences are considered to arise from the planning proposal.

4.3 Infrastructure

No increase in public infrastructure is required to service the proposed wildlife hospital.

The proposed wildlife hospital will be connected to the town water supply and a private sewer system. A rising main is available within the site.

The wildlife hospital is proposed to operate seven days per week. In terms of visitors to the site, it has been estimated that one visitor per hour will attend the premises during operating hours as well as one to two deliveries of medical supplies per day. The associated DA states that in addition to these transport movements, school excursions may also visit the wildlife hospital, with a maximum of one school excursion per day. Such groups are expected to arrive and depart by bus.

The anticipated increase in visitor and delivery movements may have implications for the existing local road network, including access arrangements to and from Lindendale Road where it intersects the Bruxner Highway. For this reason, it is recommended that Council consult with Transport for NSW during the consultation stage.

5 Consultation

5.1 Community

Council proposes a community consultation period of 14 days, as the proposal is considered to have a low level local impact.

The exhibition period proposed is considered appropriate, and forms part of the conditions of the Gateway determination.

5.2 Agencies

Council has nominated the NSW Rural Fire Service to be consulted about the planning proposal. Council has subsequently proposed additional consultation with Rous Water, given the current zoning of the land for water catchment protection.

Due to the potential impact to the local road network associated with increased traffic movements, and the potential impacts to important farmland from the proposal, consultation with additional agencies is considered necessary. It is recommended the following agencies be consulted on the planning proposal and given 21 days to comment:

- NSW Rural Fire Service
- Transport for NSW
- Department of Primary Industries – Agriculture
- Rous Water

6 Timeframe

Council proposes a four month time frame to complete the LEP. This time frame is considered inadequate to complete the required agency consultation for the proposal. A timeframe of six months is considered adequate in this regard.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal is considered low impact the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The proposal is consistent or capable of being consistent with relevant SEPPs and s9.1 Directions;
- The proposed use is considered to be an agricultural type use and therefore a suitable and complimentary land use on rural lands and farmland; and
- The proposal is likely to result in environmental, economic and social benefits for the local and regional community.

9 Recommendation

It is recommended the delegate of the Secretary:

- Note that the consistency with section 9.1 Directions 2.6 Remediation of Contaminated Land and 4.4 Planning for Bushfire Protection are unresolved and will require justification.

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

1. Consultation is required with the following public authorities:
 - NSW Rural Fire Service
 - Transport for NSW
 - Department of Primary Industries – Agriculture
 - Rous Water
2. The planning proposal should be made available for community consultation for a minimum of 14 days.
3. The timeframe for completing the LEP is to be six months from the date of the Gateway determination.
4. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



25/5/21

(Signature)

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Manager, Northern Region



28/5/2021

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