

<b>JRPP Reference</b>	2011NTH009
<b>File Reference</b>	DA 2011/72
<b>Applicant</b>	Greenwood Grove Estate Pty Ltd
<b>Property</b>	Lot 8 DP 1122975, Tallow Wood Place & DP 258095, No. 56 Greenfield Road, Lennox Head
<b>Proposal</b>	To Develop an Affordable Rental Housing Estate Under the Provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 Comprising the Erection of 74 Single and Two Storey Dwellings, Associated Infrastructure

### **Background/Introduction**

The subject application was submitted to Ballina Shire Council on 24 February 2011. It has been advertised in accordance with Council's established requirements and has attracted substantial local interest with a significant number of submissions being made both opposing and in support of the proposal.

The application has been made under the provisions of the NSW Government's Affordable Housing Policy – *State Environmental Planning Policy (Affordable Rental Housing) 2009 (AHSEPP)*.

It qualifies for determination for the Northern Joint Regional Planning Panel due to the type of development being proposed (affordable housing) and the estimated cost of the development exceeding \$5 million.

### **Overview**

Council staff have prepared a development assessment report for the consideration of the Panel in accordance with the statutory provisions and planning policies applying to the land and to the type of development being proposed. This assessment report is **attached** for the consideration of the Panel.

The project is one in which the Council's General Manager has declared an interest by virtue of his residence adjoining the development site.

To ensure that this interest is properly taken into account, the Council has engaged a separate private sector professional planning consultancy to prepare an independent assessment of the application and to review the report prepared by Council staff. This assessment and review is **attached** in its entirety for the consideration of the Panel. Additionally, the consultant planner will be in attendance at the Panel's Determination Hearing and will be available to answer any questions raised.

The planning consultancy engaged was selected on the basis that it had direct experience in dealing with the type of application, had knowledge of the Northern Rivers region but, outside of the subject project, has had no past association with either the Council or the applicant and its advisors.

A critical factor that has arisen during the course of the detailed assessment of the application are the amendments to the AHSEPP gazetted on 20 May 2011. These amendments provide alternatives for the consent authority in the determination of the

subject application. The **attached** flow chart is seeks to clarify the alternatives for the consent authority in the determination process.

The assessment of the application has taken into consideration all the relevant provisions of the AHSEPP, including the amendments gazetted on 20 May 2011 as they apply to the proposed development.

The AHSEPP amendments have the effect of preventing the development of affordable rental housing on the subject site due to its distance from a local centre. The amendments, however, also allow the consent authority discretion in determining an **existing** application and allows for the consideration of such an application as if the amendments had not been made. The subject application qualifies for consideration under the transitional provisions of the policy as an existing application. Notwithstanding, the amendments include a mandatory requirement to additionally assess the application for its compatibility with the character of the locality.

For reasons of procedural fairness, the subject application has been assessed against the relevant applicable provisions of the AHSEPP as in place at the time the application was lodged. The assessment report prepared by Council's technical officers also includes assessment against the mandatory character test of the amended policy. These assessments, reports and conclusions are **attached**.

### **Conclusions**

Essentially, the reports assess that the development as proposed is not compatible with the character and amenity of the local area, that the site is not sufficiently proximate to services that it can reasonably meet the needs of incoming residents and that the application does not adequately address the environmental constraints of the site.

The **attached** reports and recommendations are submitted for the consideration and assessment of the Panel.

### **Attachments**

1. Flow chart depicting AHSEPP statutory approval and assessment process
2. Council assessment report with locality and site plans
3. Independent town planning assessment report