

Report

Subject	87 Pineapple Road Planning Proposal
TRIM Record No	BP15/231:EF15/79
Prepared by	Senior Strategic Planner
Reason	To obtain a resolution of Council to forward the rezoning planning proposal to the Minister of Planning and Environment for a Gateway determination.

Executive Summary

This report provides an overview of the 87 Pineapple Road planning proposal. The planning proposal report attached to this Council report provides a detailed assessment of the proposal as required in accordance with the Department of Planning and Environment's guidelines.

This planning proposal seeks to apply Zone R1 General Residential to 3 hectares of 87 Pineapple Road, Goonellabah (Lot 5 DP 253464). A minimum lot size of 400m² and a maximum building height of 8.5m are also sought for the proposed Zone R1 portion of the lot. The residue land is proposed to remain within Zone RU1 Primary Production. It is anticipated that the rezoning will result in a yield of approximately 30 residential lots.

The land is directly adjacent to land known as the Pineapple Road Precinct which is the subject of a larger residential rezoning planning proposal. This larger rezoning has been publicly exhibited and it is anticipated that the matter will be reported back to Council later this year. A brief update of this proposal is included in this report.

Council has sufficient information to support the progression of the 87 Pineapple Road planning proposal to a Gateway determination. Further studies and reports are recommended post Gateway to determine compliance with legislative requirements.

This report recommends that Council adopt the planning proposal and forward the matter to the Minister of the Department of Planning and Environment for a Gateway determination.

Background

Council received a planning proposal on 14 January 2015 for the rezoning of 87 Pineapple Road, Goonellabah from RU1 Primary Production to R1 General Residential. The land that forms the subject of the proposal is directly adjacent to land referred to as Pineapple Road Precinct (PRP) which is the subject of a separate planning proposal. The Department of Planning and Environment (DP&E) advised Council that the larger PRP planning proposal could not be amended to incorporate 87 Pineapple Road as the matter had already been publicly exhibited, hence the need for a separate planning proposal.

The two proposals will be closely linked in terms of infrastructure provision and road network. A brief chronology of events for the larger PRP proposal and the 87 Pineapple Road proposal is provided below.

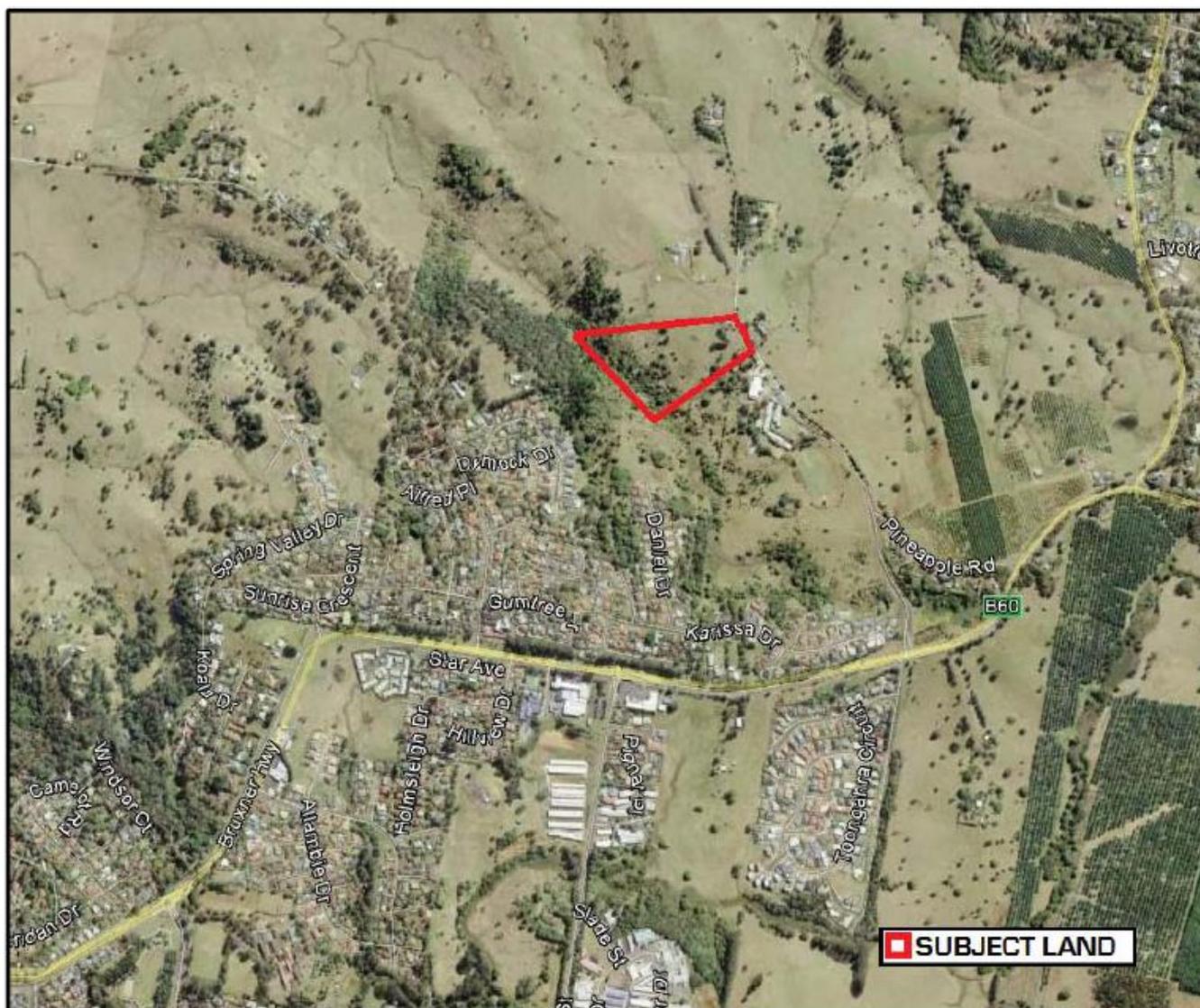
- June 2012 PRP design charrette
- February 2013 – PRP Council report
- March 2013 – PRP Gateway determination issued
- 2014 – Roundabout construction commences at intersection of Pineapple Road and Bruxner Highway

- August 2014 – PRP studies and reports submitted to Council
- October 2014 - PRP amended Gateway issued
- November 2014 – PRP exhibition/consultation
- January 2015 – Submission of 87 Pineapple Road planning proposal
- February/March 2014 – PRP further consultation with local Aboriginal community and additional cultural heritage work.

The subject site

The 6ha allotment has an eastern frontage to the unsealed section of Pineapple Road. The land adjoins the Summerland Christian College to the south and to the north it adjoins rural land that is the subject of the PRP residential rezoning. The western boundary of the lot adjoins rural land. The south western corner of the lot is contiguous with yet to be developed residential land in Daniel Drive. Refer to Figure 1 below.

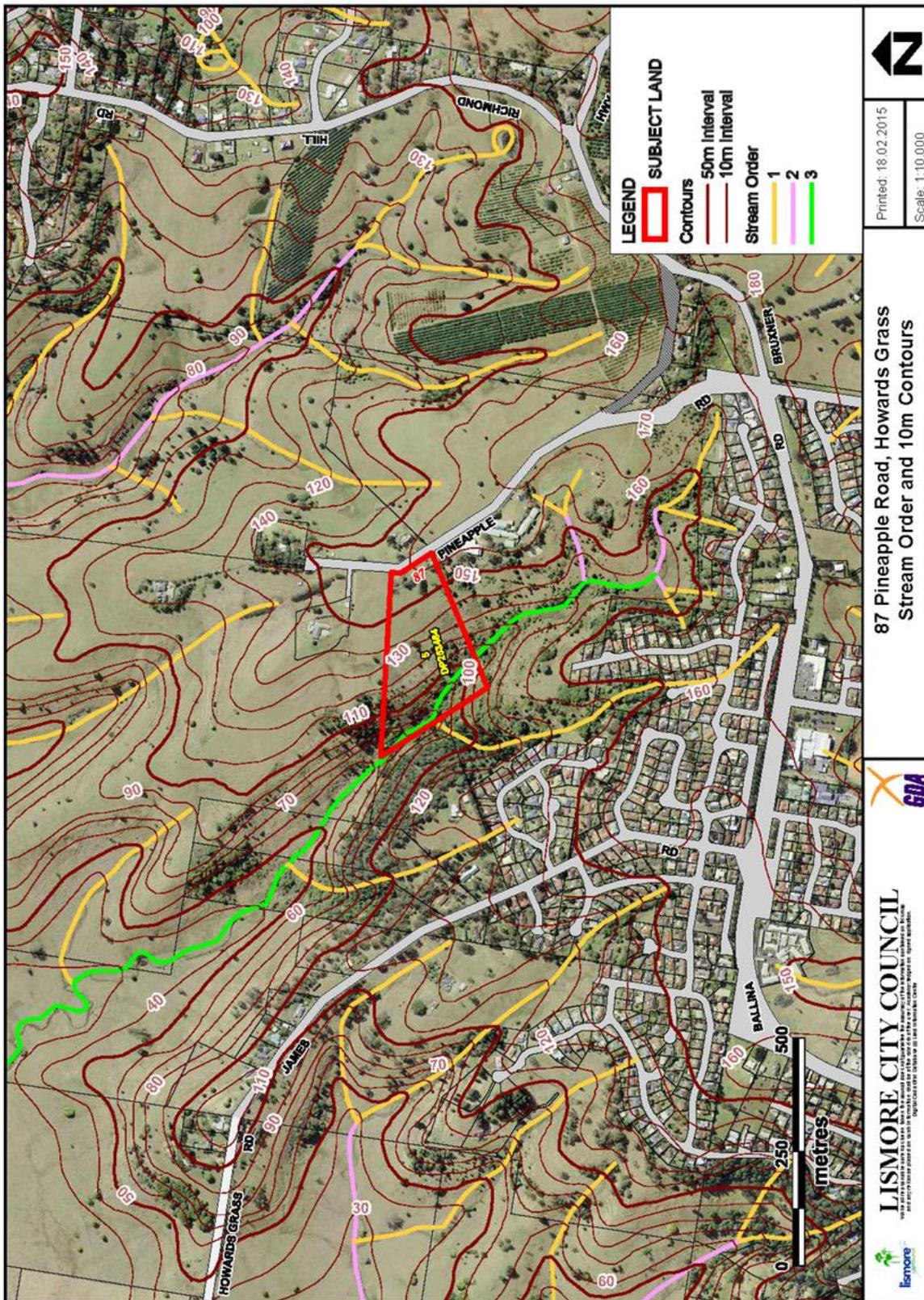
Figure 1 – 87 Pineapple Road, Goonellabah



Improvements on the land are limited to a dwelling house, ancillary structures and rural fencing. The proposed Zone R1 General Residential is limited to the eastern 3 hectare portion of the lot with slopes ranging from 2 – 33%. Refer to Map 1 - Proposed Zone Map.

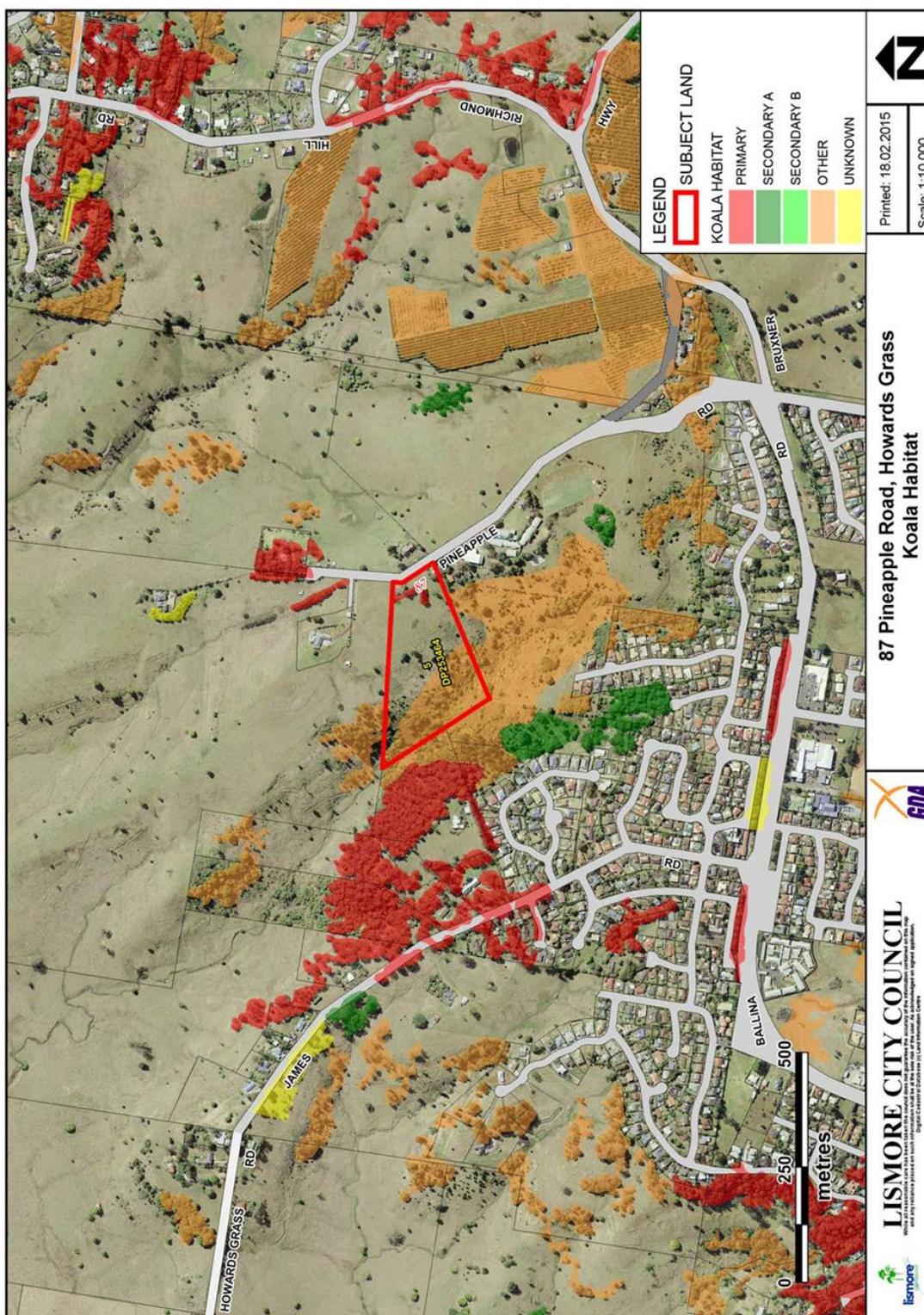
The existing dwelling is situated on the 160m contour and the location provides for panoramic district views. The remaining 3 hectares drops off steeply to the west south west with a Creek (Strahler class 3 stream) located in the gully on the 70m contour. Refer to Figure 2 – Stream Order and Contour Map.

Figure 2 – Stream Order and Contour Map



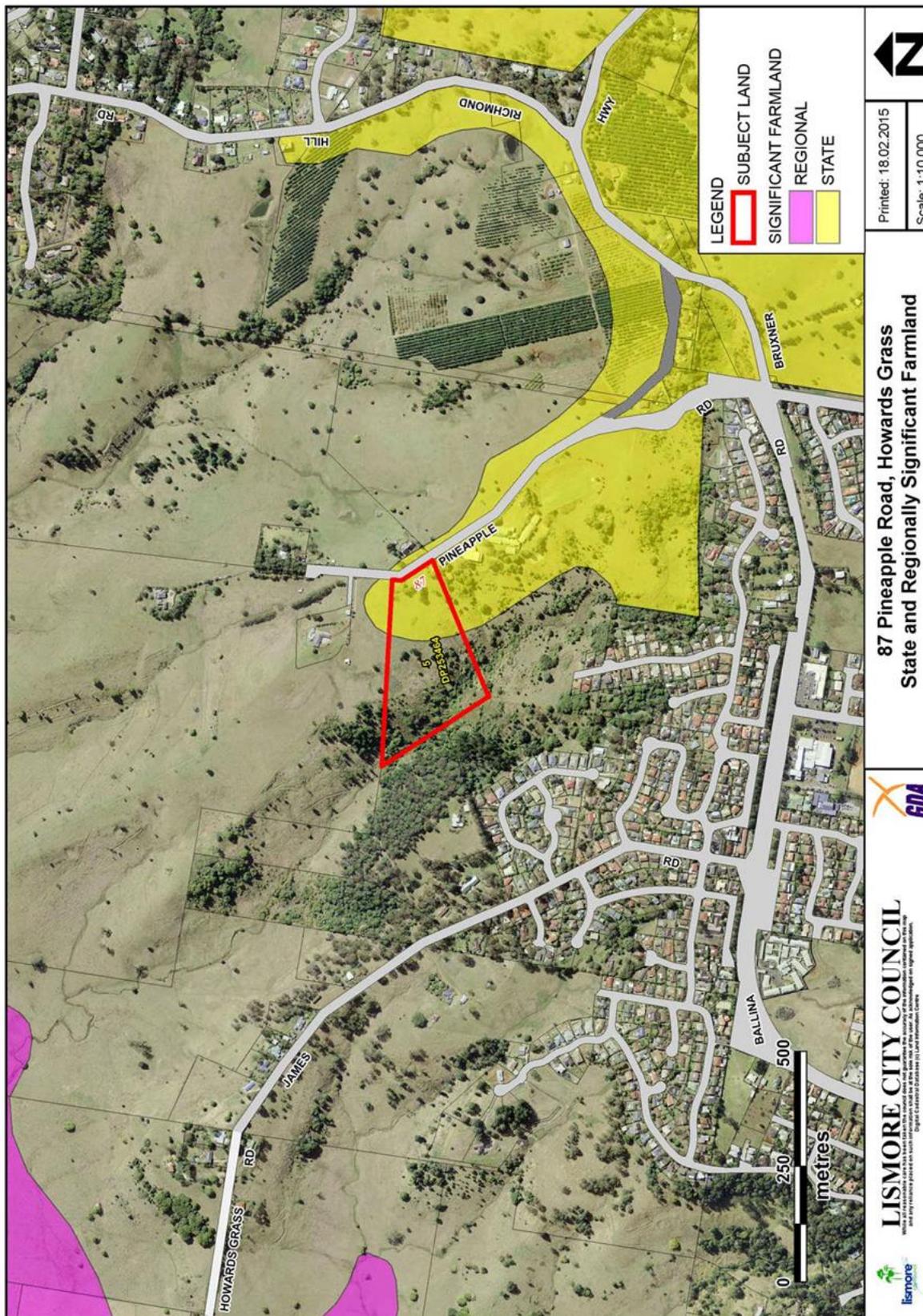
The land is currently used as a rural lifestyle lot with limited stock carry capacity. Vegetation generally consists of pasture species. A windrow of Eucalypts consisting of approximately ten trees is located in close proximity to the dwelling. The trees are classified as primary koala habit under the Comprehensive Koala Plan of Management for South East Lismore (Refer to Figure 3 – Koala Habitat Map). The remaining woody vegetation is located in the gully and consists of camphor laurel and some native regrowth species.

Figure 3 – Koala Habitat Map



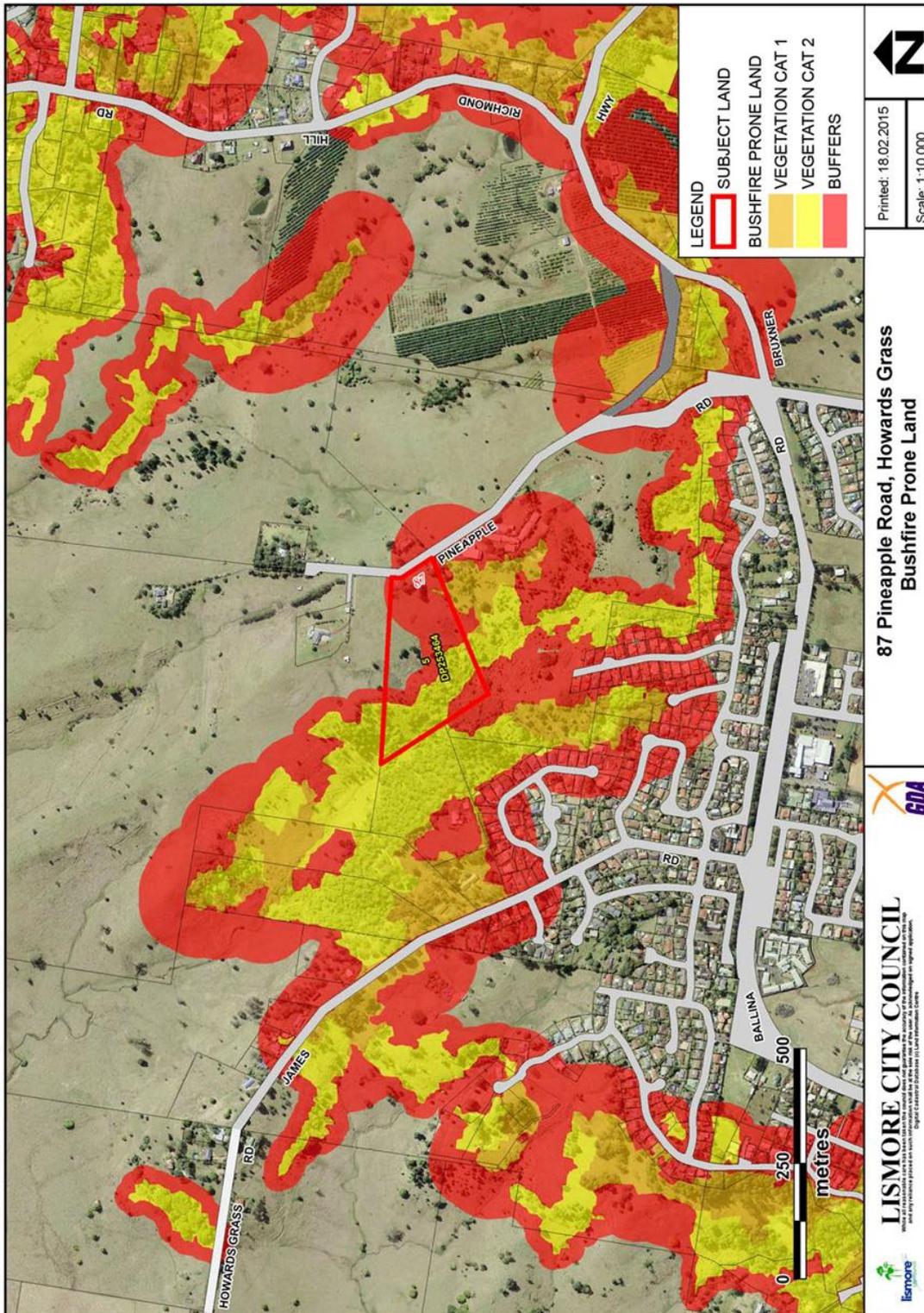
Two hectares of the land is classified as State Significant Farmland under the Northern Rivers Farmland Protection Project 2005. Refer to Figure 4 – Farmland Classification Map.

Figure 4 – Farmland Classification



Part of the allotment is mapped as bush fire prone land (Refer to Figure 5 – Bush Fire Map) and will require assessment under *Planning for Bush Fire Protection 2006*. The land is not constrained by flood or acid sulfate soils. There were no Aboriginal sites or objects on the Aboriginal Heritage Information Management System (AHIMS) at the time of writing. The land does not include any items of environmental heritage under LEP 2012.

Figure 5 – Bush Fire Map



Overview of the planning proposal

Table 1 below provides an overview of the planning proposal structured in accordance with the DP&E guidelines for planning proposals.

Table 1 – 87 Pineapple Road – Planning Proposal

Part	Requirements	Description of planning proposal
1	OBJECTIVES OR INTENDED OUTCOMES	The objective of this proposal is to enable the future urban development of 87 Pineapple Road, Goonellabah through the rezoning of part of the land to Zone R1 General Residential.
2	EXPLANATION OF PROVISIONS	<ul style="list-style-type: none"> Amend Land Zoning Map – Sheet LZN_005 and LZN_005AB to include Zone R1 General Residential; Amend Lot Size Map – Sheet LSZ_005 and LSZ_005AB so that 400m² applies to Zone R1; Amend Height of Buildings Map – Sheet HOB_005 and HOB_005AB so that 8.5m applies to Zone R1.
3	JUSTIFICATION Section A – Need for the Planning Proposal 1. Is the Planning Proposal a result of any strategic study or report? 2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	<ul style="list-style-type: none"> Zone 1(d) Investigation LEP 1992 and LEP 2000; Land mapped in Lismore Urban Strategy; Land mapped in Draft Growth Management Strategy. Yes, land must be rezoned to enable future residential subdivision.
3	JUSTIFICATION Section B – Relationship to Strategic Planning Framework 3. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy? 4. Is the Planning Proposal consistent with the Council's local strategy or other local strategic plan?	<ul style="list-style-type: none"> The land is not included in the Far North Coast Regional Strategy (FNCRS) Town and Village Growth Boundary Map; The planning proposal is consistent with the FNCRS Sustainability Criteria (Refer to Attachment 1 for detail). Consistent with LEP 2012 zone objectives; Consistent with Lismore Urban Strategy 2003; Consistent with Imagine Lismore's community vision. (Refer to attachment 1 for detail)

Part	Requirements	Description of planning proposal
	<p>5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?</p> <p>6. Is the Planning Proposal consistent with applicable s117 Ministerial Directions?</p>	<ul style="list-style-type: none"> • Consistent (Refer to Attachment 1 for detail); • Further SEPP compliance assessment will be undertaken with the submission of additional studies post Gateway. • Consistent or justifiably inconsistent (Refer to Attachment 1 for detail); • Further S117 compliance assessment will be undertaken with the submission of additional studies post Gateway.
3	<p>JUSTIFICATION</p> <p>Section C – Environment, Social and Economic Impact</p> <p>7. 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?</p> <p>8. Are there any likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?</p> <p>9. How has the Planning Proposal adequately addressed any social and economic effects?</p>	<ul style="list-style-type: none"> • A flora and fauna assessment is recommended post Gateway determination. Refer to Environment, Social and Economic Impact assessment below. • A preliminary review of the environmental constraints has been undertaken. Refer to Environment, Social and Economic Impact assessment below; • The following reports are recommended post Gateway determination: preliminary contaminated land assessment; bush fire threat assessment; land use conflict risk assessment; and geotechnical report. • A preliminary review of Aboriginal and European cultural heritage and social impact assessment has been undertaken. Refer to Environment, Social and Economic Impact assessment below; • The following reports are recommended post Gateway determination: Aboriginal and European cultural heritage assessment; and social impact assessment.
3	<p>JUSTIFICATION</p> <p>Section D – State and Commonwealth Interests</p> <p>10. Is there adequate public infrastructure for the Planning Proposal?</p>	<ul style="list-style-type: none"> • A preliminary review of the infrastructure requirements has been undertaken. Refer to Staff Comments section below. • The following reports are recommended post Gateway determination: traffic impact assessment; stormwater management plan.

Part	Requirements	Description of planning proposal
	11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?	<ul style="list-style-type: none"> • Consultation is recommended with the following public authorities/organisations: RFS; Department of Primary Industries; local Aboriginal community; Office of Environment and Heritage; and Rous Water.
4	MAPPING	<ul style="list-style-type: none"> • Refer to LEP Maps 1, 2 & 3 below this table.
5	COMMUNITY CONSULTATION	<ul style="list-style-type: none"> • Recommended 28 day exhibition period (Refer to Attachment 1 for detail).
6	PROJECT TIMELINE	<ul style="list-style-type: none"> • Recommendation of 12 months for completion Refer to attachment 1 for detail).
7	DELEGATIONS	<ul style="list-style-type: none"> • Recommendation for Council to exercise plan making delegations.

Environmental, social and economic assessment

Council staff have assessed the planning proposal and the following comments and requests for further information have been made. These have been considered, along with site constraints, in the drafting of the LEP Maps and the Planning Proposal.

Biodiversity

The dry rainforest that originally occupied the site would have been completely cleared and the predominant vegetation is now pasture species. The majority of the woody vegetation is located in the gully which is not subject to the proposed rezoning. There is a small area mapped as dry rainforest in the gully and a small windbreak in the developable portion of the land is mapped as primary koala habitat.

There do not appear to be any significant ecological impediments to the proposal proceeding to the next stage of the Gateway process.

It is recommended that the applicant provide a flora and fauna assessment that includes an analysis of both terrestrial and aquatic habitats for the entire site post Gateway Determination.

The flora and fauna assessment should be prepared in accordance with both the structure and content guidelines specified in the following NSW State Government guidelines:

- DEC (2004). Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities (working draft), Department of Environment and Conservation NSW, Hurstville, NSW.
- DECC (2007). Threatened species assessment guidelines: The assessment of significance, Department of Environment and Climate Change NSW, Sydney South, NSW.

The flora and fauna assessment should also include an assessment under the *Commonwealth Environmental Protection and Biodiversity Conservation Act 1999*.

Environmental constraints

Land Contamination

A preliminary contaminated land assessment was undertaken as part of the planning proposal for the adjoining Pineapple Road Precinct. No specific land contamination issues were raised with land immediately adjoining the subject land at 87 Pineapple Road.

It is recommended that a preliminary contaminated land assessment be undertaken for the area proposed for residential zoning post Gateway determination, prior to the making of the plan. The assessment is to be undertaken in accordance with guidelines made or approved by NSW EPA in accordance with the *Contaminated Land Management Act 1997*.

Bush Fire

The site has been identified as being bushfire prone land. A bush fire threat assessment report, in accordance with the provisions of Planning for Bush Fire Protection 2006, will be required after receipt of the Gateway determination.

Council is required under Section 117 of the *EP&A Act 1979*, Ministerial Direction 4.4, to consult with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway determination and take into account any comments received. It is likely that the requirements of *Planning for Bush Fire Protection 2006* can be satisfied with minimal environmental impact.

Land Use Conflict

The planning proposal will result in the creation of an interface between existing rural and proposed residential land uses which has the potential to generate land use conflict. It is noted the rezoning of the land will be consistent with the zonings proposed to the north and as such the extent of potential land use conflict is significantly reduced.

Notwithstanding this, it is recommended that a *Land Use Conflict Risk Assessment* (LUCRA) be undertaken. The methodology for the assessment should be consistent with that presented in the publication *Living and Working in Rural Areas – A handbook for managing land use conflict issues on the NSW North Coast*.

The LUCRA is a development design tool to avoid or better manage the potential conflicts between different and incompatible land uses in rural areas. The LUCRA will be used in conjunction with Council's development controls to prescribe appropriate spatial separation or buffer distances between incompatible land uses.

Geotechnical

The immediate adjoining PRP planning proposal has been the subject of a geotechnical report prepared by Shaw Urquhart. The report provides various slope categories and describes the risk of instability associated with each of the categories. The risk of slope instability generally increases with the gradient of the site (Shaw Urquhart, section 4.5.4). Slopes under 12° (21% grade) are generally not geotechnically constrained. Areas between 12° to 18° (21% - 33%) are unlikely to be subject to slope instability. Areas steeper than 18° have a higher geotechnical risk profile and residential development may not be suitable. The proposed Zone R1 General Residential is limited to areas with a slope < 18°.

It is recommended that a geotechnical report is submitted post Gateway determination that reflects the proposed more intensive residential use and addresses existing controls in relation to the slope of the land.

Road Noise

The Lismore Strategic Road Review 2013 identifies that Pineapple Road will remain a no-through road for the distant future (20 years plus). Pineapple Road will be considered a local road under the provisions of the NSW Roads Noise Policy. Therefore, an engineering report is not required to address the matter of road noise in accordance with the NSW Roads Noise Policy. The property is located 800m from the Bruxner Highway and noise from this source is not considered an issue.

Social and economic

Aboriginal and European cultural heritage

A search of the Aboriginal Heritage Information Management System (AHIMS) was undertaken for the subject allotment on 23 March 2015. No Aboriginal sites or places were recorded or declared on that date.

The allotment is not subject to any listings of environmental heritage items or archaeological sites pursuant to Schedule 5 LEP 2012.

Further assessment is required of European and Aboriginal cultural heritage in order to demonstrate consistency with Section 117 of the *EP&A Act 1979*, Ministerial Direction 2.3 – Heritage Conservation. In this regard, it is recommended that an Aboriginal and European heritage assessment is undertaken for the site post Gateway determination.

Social Impact

The social impact assessment submitted for the larger Pineapple Road Precinct planning proposal indicates that the rezoning of that land for residential development will have positive social and economic effects. In particular, the development of the land for housing will assist in meeting regional dwelling targets.

It is recommended that a social impact assessment be provided post Gateway Determination in accordance with Councils Social Impact Assessment Policy and Guidelines.

Infrastructure

Water

Reticulated water supply is available to service the subject land and adjoining Pineapple Road Precinct, however detailed modelling will be required to be completed as part of the Gateway process incorporating liaison with Rous Water in respect to the augmentation of the water supply system and the potential need for a new water reservoir.

Sewer

Further development of the northern ridges, including Pineapple Road is constrained by the lack of capacity in the Northern Trunk Main and by a lack of pump station capacity.

Furthermore, Council has adopted its Strategic Business Plan, which provides for the construction of the “Northern Front” that will service Pineapple Road, Lagoon Grass and Trinity Drive urban release areas. Accordingly, all proposed lots will have capacity to be serviced by the northern front; however, the subject land will be required to integrate with the adjoining Pineapple Road Precinct planning proposal for the infrastructure design and construction.

Traffic

Pineapple Road provides the main link between the site and the Bruxner Highway. This road was identified in the Lismore City Wide Road Study as future Sub-arterial Road. The more recent Lismore City Council Strategic Road Review indicates that the time frame for this is beyond the current 20 year planning horizon for the road network.

The Pineapple Road development will create an incremental demand upon the broader local road system inclusive of the major intersections at Pineapple Road/Bruxner Highway and Richmond Hill Road/Bruxner Highway. A detailed traffic impact assessment (by Matrix Traffic Consulting July 2014) was submitted with the larger Pineapple Road Precinct planning proposal to consider additional traffic generation upon the broader road network.

Increased traffic on the local road network will be offset by the recently completed roundabout at the intersection of Pineapple Road, Oliver Avenue and the Bruxner Highway. This infrastructure project was enabled through Lismore City Council’s successful application under the Commonwealth Government’s “Building Better Regional Cities” program.

It is recommended that a detailed traffic impact assessment be provided post Gateway determination.

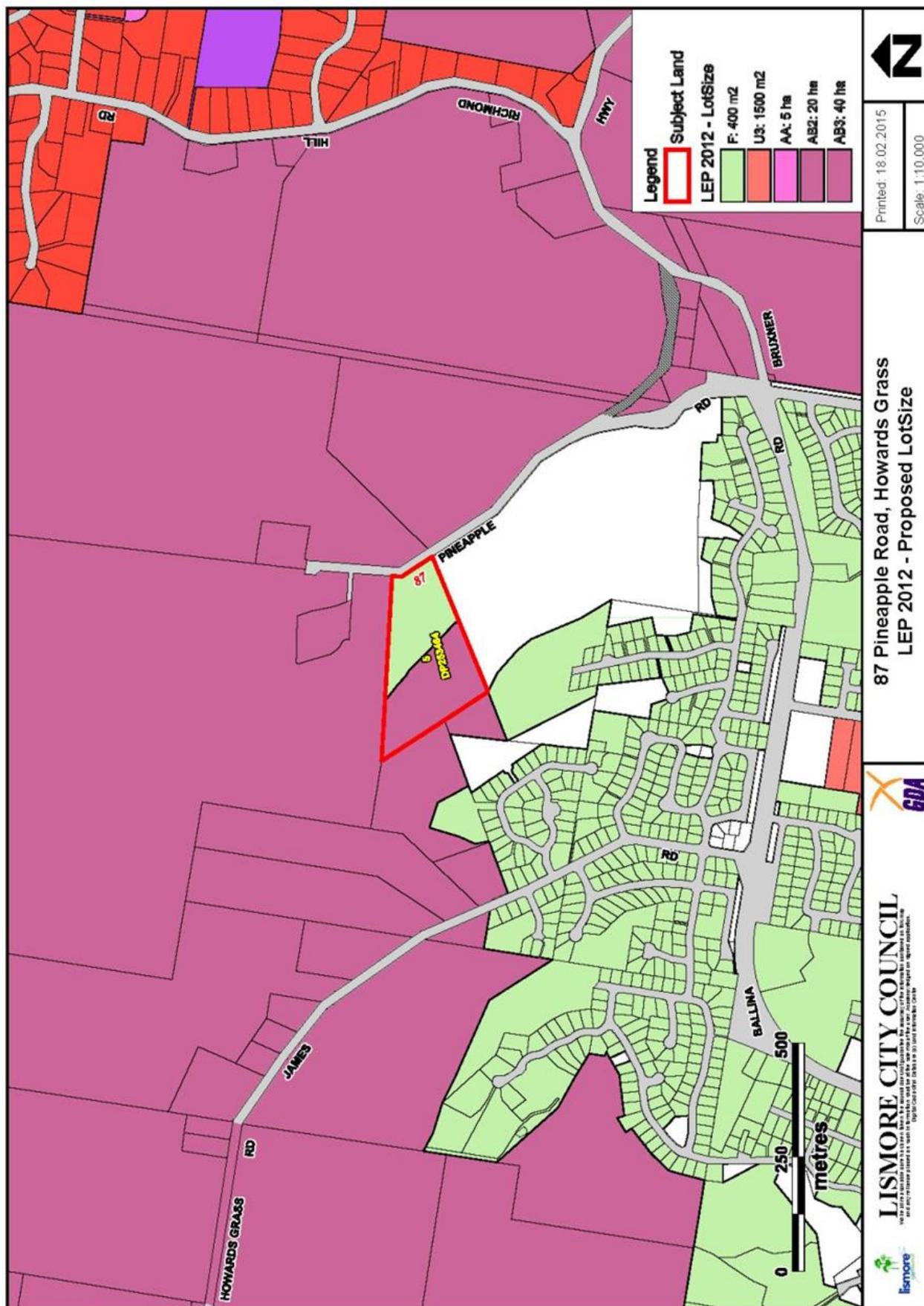
Stormwater

The Newton Denny Chapelle report lodged for the adjacent Pineapple Road Precinct proposal includes the following general comments:

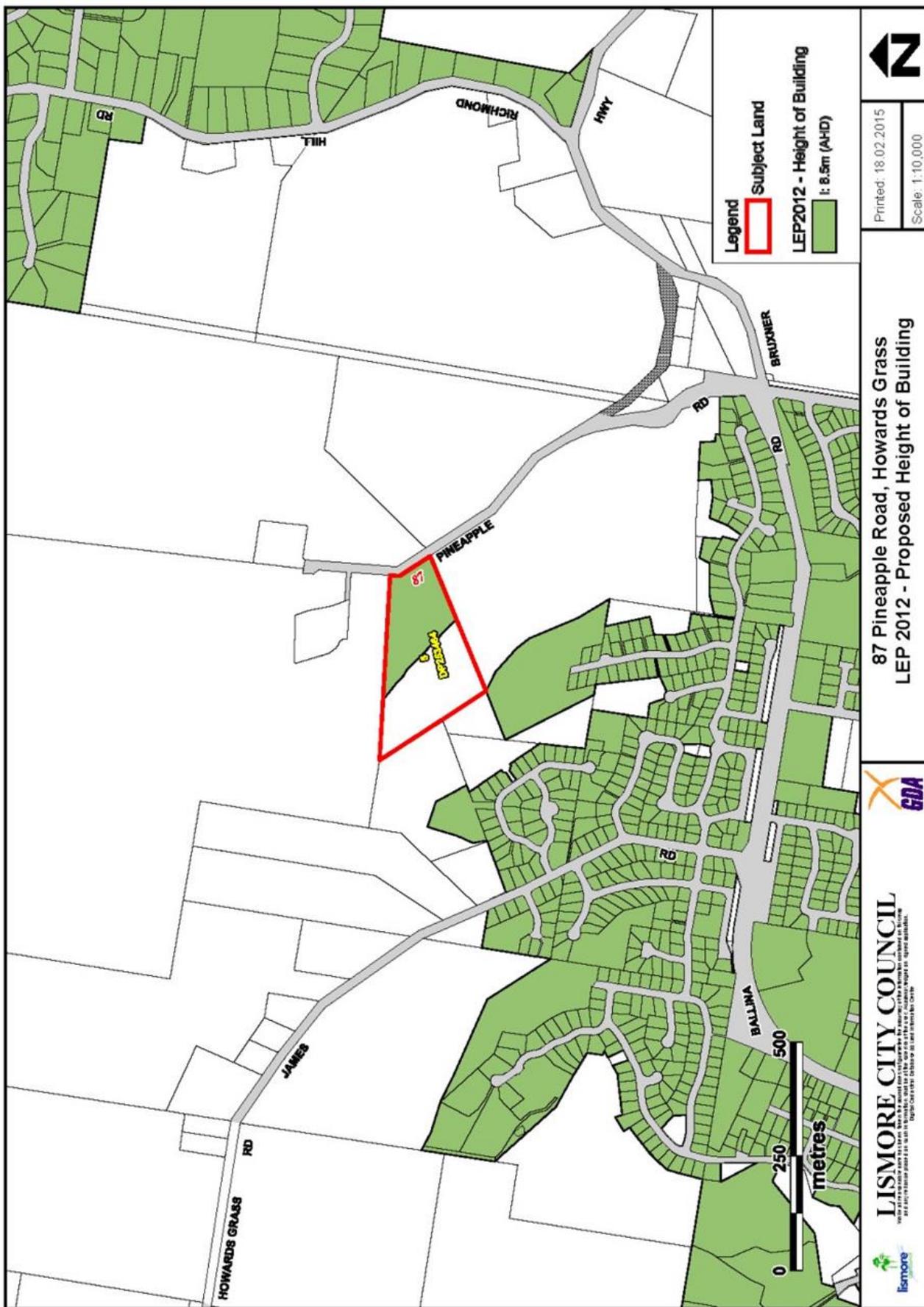
- Appropriate integrated stormwater management will be employed within the Pineapple Road Precinct. The integration of landowners as part of the single Planning Proposal enhances the opportunity for water sensitive urban design principles to be employed.
- Consistent with catchment and stormwater management planning (Catchment Management Authority and Council).
- Stormwater design encourages permeable ground surfaces and water sensitive urban design practices.
- Stormwater treatment to be incorporated into any preliminary design, including at source treatment.

To assess stormwater management associated with residential development of the land a detailed stormwater management plan is required post Gateway determination. The stormwater management plan is to be consistent with the Northern Rivers Catchment Management Authority and Council's guidelines and requirements. Stormwater management is to be integrated throughout the site and based on water sensitive urban design principles.

Map 2 – Proposed Minimum Lot Size Map



Map 3 – Proposed Height of Buildings Map



Strategic Alignment

Amendments to the DCP and LEP, whilst not specifically mentioned in Imagine Lismore are part of the recurrent activities undertaken by Council in order to maintain contemporary land use planning controls. The provision of residential land adjacent to infrastructure and close to services is consistent with the community vision of Imagine Lismore.

No additional costs will be incurred as the draft LEP is being managed by Council staff.

There are no costs associated with the planning proposal. The benefits of the proposal include: the provision of additional high amenity residential land close to existing and proposed infrastructure and services; increased diversity of housing stock; consistent with housing targets of the Far North Coast Regional Strategy.

The only risk associated with the proposal for Council is failure on behalf of the landholder to proceed with the development of the land.

Comments

Finance

Not required.

Other staff comments

Council staff have assessed the proposal as required and provided comments as detailed in the forgoing section of this report.

Public consultation

Council will commence community consultation post Gateway determination. For the purposes of public notification, Council considers that a twenty eight (28) day public exhibition period is appropriate.

Notification of the exhibited planning proposal will include:

- publication in Council's Local Matters newsletter that circulates in the area affected by the planning proposal.
- the websites of Lismore City Council and the Department of Planning and Environment.
- letter to adjoining landholders.

The written notice will:

- provide a brief description of the objectives or intended outcomes of the planning proposal.
- indicate the land that is the subject of the planning proposal.
- state where and when the planning proposal can be inspected.
- provide detail that will enable members of the community to make a submission.

Exhibition material:

- the planning proposal, in the form approved for community consultation by the Director General of the Department of Planning and Environment.
- the Gateway determination
- any studies required as part of the planning proposal.

Key stakeholders will be identified and contacted directly to ensure that they are aware of the planning proposal. Council's Aboriginal Advisory Group and the Local Aboriginal Land Council will be consulted. The Gateway determination will confirm the public consultation requirements.

Conclusion

There is sufficient information to enable Council to support the planning proposal and forward it to the Minister of the Department of Planning and Environment seeking a Gateway determination.

There are a number of key matters that will be required to be addressed prior to exhibition of the planning proposal and these have been raised throughout the report and are listed in the recommendations.

Attachment/s

1. Planning Proposal - 87 Pineapple Road, Goonellabah (Over 7 pages)

Recommendation

That:

1. Council support the planning proposal for 87 Pineapple Road, Goonellabah and forward the proposal to the Minister of the Department of Planning and Environment to seek a Gateway determination.
2. The proponent is to provide the following information post Gateway determination:
 - a) Flora and fauna assessment
 - b) Preliminary contaminated land assessment
 - c) Bush fire risk assessment
 - d) Land use conflict risk assessment
 - e) Geotechnical report
 - f) Aboriginal and European cultural heritage assessment
 - g) Social impact assessment
 - h) Traffic assessment
 - i) Stormwater management plan.