

## Matters Arising

<b>Subject</b>	<b>Planning Proposal to rezone part of 30 Blue Hills Avenue, Goonellabah to R1 General Residential and R5 Large Lot Residential</b>
<b>TRIM Record No</b>	BP20/346:EF18/490-02
<b>Prepared by</b>	Strategic Planner
<b>Reason</b>	To report to Council the outcomes of technical reporting requested on local koala habitat and impacts of road construction on tree protection zones and to obtain Council support to proceed to public exhibition in accordance with the Gateway Determination
<b>Strategic Theme</b>	Our built environment
<b>Strategy</b>	Our land-use planning caters for all sectors of the community.
<b>Action</b>	Ensure land is available and serviced to meet population growth in locations that are accessible, close to services and employment, and suitable for development.

### Executive Summary

On 8 October 2019, Council resolved to support a Planning Proposal to amend the Lismore LEP 2012 to rezone part of 30 Blue Hills Avenue, Goonellabah from Zone RU1 Primary Production to Zone R1 General Residential and Zone R5 Large Lot Residential to enable urban and large lot residential subdivision.

Part of this resolution requested the proponent provide additional technical reporting on the impact of this Planning Proposal on local koala habitat and movement corridors through the property and ways to reduce the impact of the proposed road construction on the tree protection zone at the southern property boundary.

On 12 November 2019, a Gateway Determination was issued by the Department of Planning, Industry and Environment with standard conditions including a request for a land contamination report and biodiversity assessment.

Staff presented the outcomes of this additional technical reporting at a Council workshop on 24 March 2020 in accordance with the Council resolution, prior to public exhibition of the Planning Proposal and Government Agency consultation. This report provides an assessment of the technical reporting which does not raise any issues that are unable to be resolved by appropriate mitigation measures at the development application stage.

This report recommends that Council resolve to proceed to public exhibition of the Planning Proposal (at Attachment 1) in accordance with the Gateway Determination conditions.

## Recommendation

That Council:

1. agree that staff can proceed to public exhibition and Government Agency consultation of the Planning Proposal to rezone part of 30 Blue Hills Avenue, Goonellabah from Zone RU1 Primary Production to part Zone R1 General Residential and part Zone R5 Large Lot Residential with a minimum lot size of 400m<sup>2</sup> and 1500m<sup>2</sup> respectively as described in Attachment 1 based on the Gateway Determination and report back to Council with any issues as part of post-exhibition reporting of submissions.

## Background

On 8 October 2019, Council resolved to support a Planning Proposal to amend the Lismore LEP 2012 to rezone part of 30 Blue Hills Avenue, Goonellabah from Zone RU1 Primary Production to Zone R1 General Residential and Zone R5 Large Lot Residential to enable urban and large lot residential subdivision. The resolution of the Ordinary meeting of Council was that:

1. *Council support the Planning Proposal included at Attachment 1 of this report that proposes an amendment to the Lismore Local Environmental Plan (LEP) 2012 to rezone part of the land at 30 Blue Hills Avenue, Goonellabah to enable urban and large lot residential subdivision*
2. *The proponent provide:*
  - a) *A contaminated land assessment*
  - b) *the impact of this rezoning and future development at 30 Blue Hills Road on local koala habitat and movement corridors through that property*
  - c) *ways to reduce or stop the impact of the road construction on the tree protection zone adjacent to the southern boundary*
3. *Council forward the Planning Proposal to the Department of Planning, Industry and the Environment (DPIE) for a Gateway Determination;*
4. *Staff report back to Council the results from activities undertaken in point 2 prior to proceeding to public exhibition of the Planning Proposal and Government Agency consultation based on the Gateway Determination.*

On 12 November 2019, a Gateway Determination was issued by DPIE with standard conditions including a request for a contaminated land assessment and a biodiversity assessment. On 14 November 2019, the proponent was advised in writing of the additional technical reports required to satisfy the Council resolution and the Gateway Determination.

On 16 January 2020, the proponent submitted the contaminated land assessment, the koala habitat assessment and an Arboricultural assessment. The requirement for a biodiversity assessment was withdrawn by DPIE after the proponent queried this given that a Flora and Fauna assessment was submitted with the Planning Proposal in 2018.

In accordance with point 4 of the resolution above, this report provides an analysis of the results of the technical reporting and, based on this assessment, recommends proceeding to public exhibition of the Planning Proposal.

## Council Briefing

On 24 March 2020, staff presented the findings of the technical reporting at a Council briefing, prior to this report coming to Council. At the briefing, questions were raised regarding whether the location of the proposed road access could be changed to lessen impacts on the windbreak planting of Tallowwoods on the southern property boundary. In addition, concerns were also raised about the impacts of this Proposal and its resultant development on the movement of koalas in the vicinity of the site, in particular, how the increased threat of vehicle strike on koalas could be minimised.

## Lismore City Council

**Meeting held 12 May 2020 - Planning Proposal to rezone part of 30 Blue Hills Avenue, Goonellabah to R1 General Residential and R5 Large Lot Residential**

In response, staff have prepared an alternative option for amendments to the Planning Proposal and an alternative Council resolution, which is presented later in this report.

## The Subject Site

The subject site is located on the eastern edge of suburban Goonellabah and is accessed from Blue Hills Avenue from the west via a wide battle axe shaped driveway as shown in Figure 1. The land has been developed with a dwelling, swimming pool and shed on the far south eastern corner and contains scattered vegetation including mapped koala habitat.

While the site totals 10ha, it is the wide battle axe shaped area that is subject to the proposed rezoning that covers an area of approximately 1 ha. The topography of this land varies between gently undulating (adjacent to Blue Hills Avenue) and to more hilly terrain further to the eastern section of the site.

Land to the north has been developed for large lot residential while land on the southern border is within Zone RU1 Primary Production.

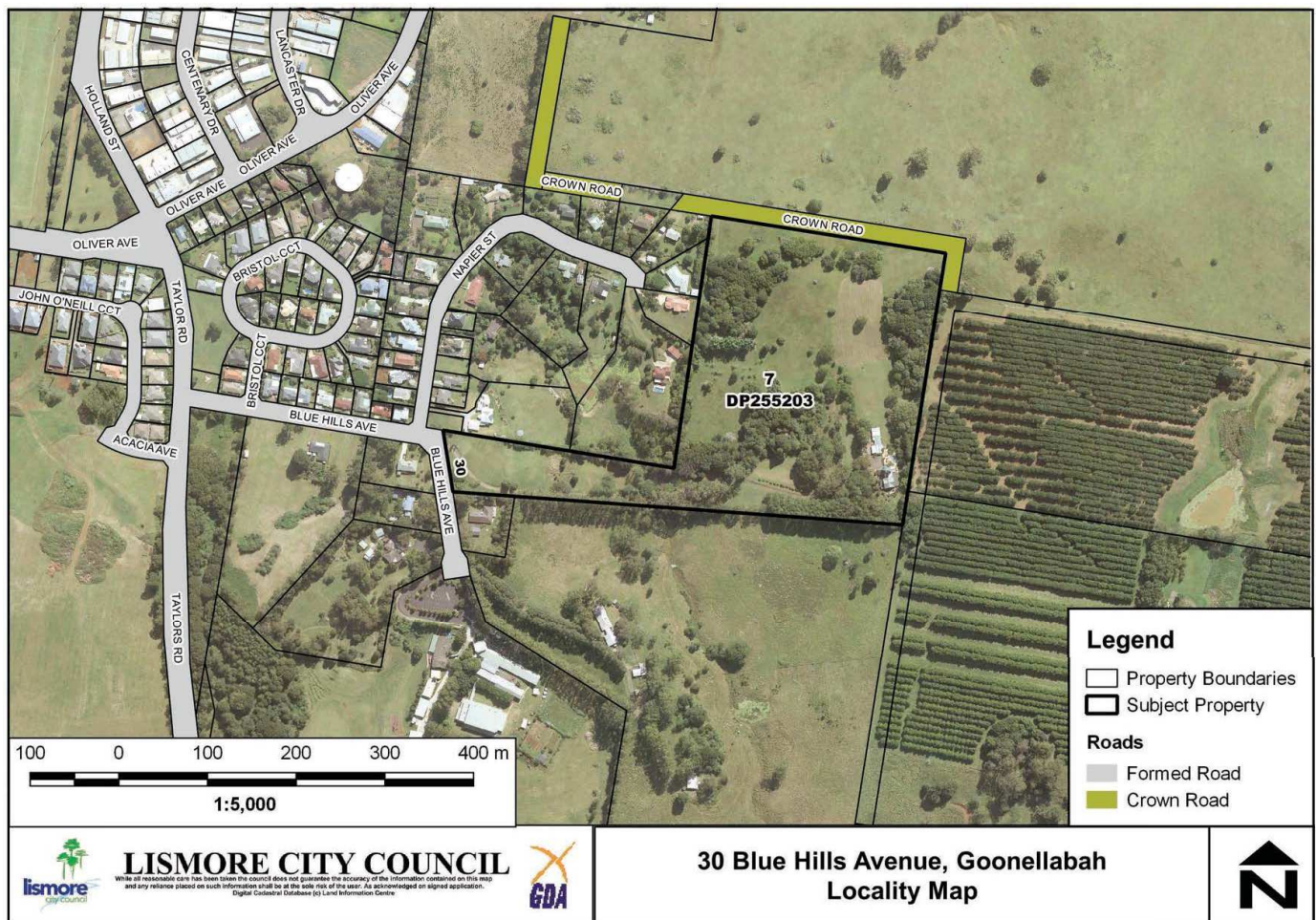


Figure 1: Subject site – 30 Blue Hills Avenue, Goonellabah

## Koala habitat, aboriculture and contaminated land assessment

### Koala Habitat assessment

The Koala Habitat assessment (Reconeco 01/20) comprised a site survey that confirmed no koala habitat is located within the part of the site proposed for rezoning, which is consistent with Council's koala habitat mapping data (shown at Figure 2). Koala scats were found on the property under a Camphor Laurel, indicating the likelihood koala were present in the nearby Tallowoods on the southern boundary. The report found it is likely koalas' traverse across the site when moving through the landscape.

### Lismore City Council

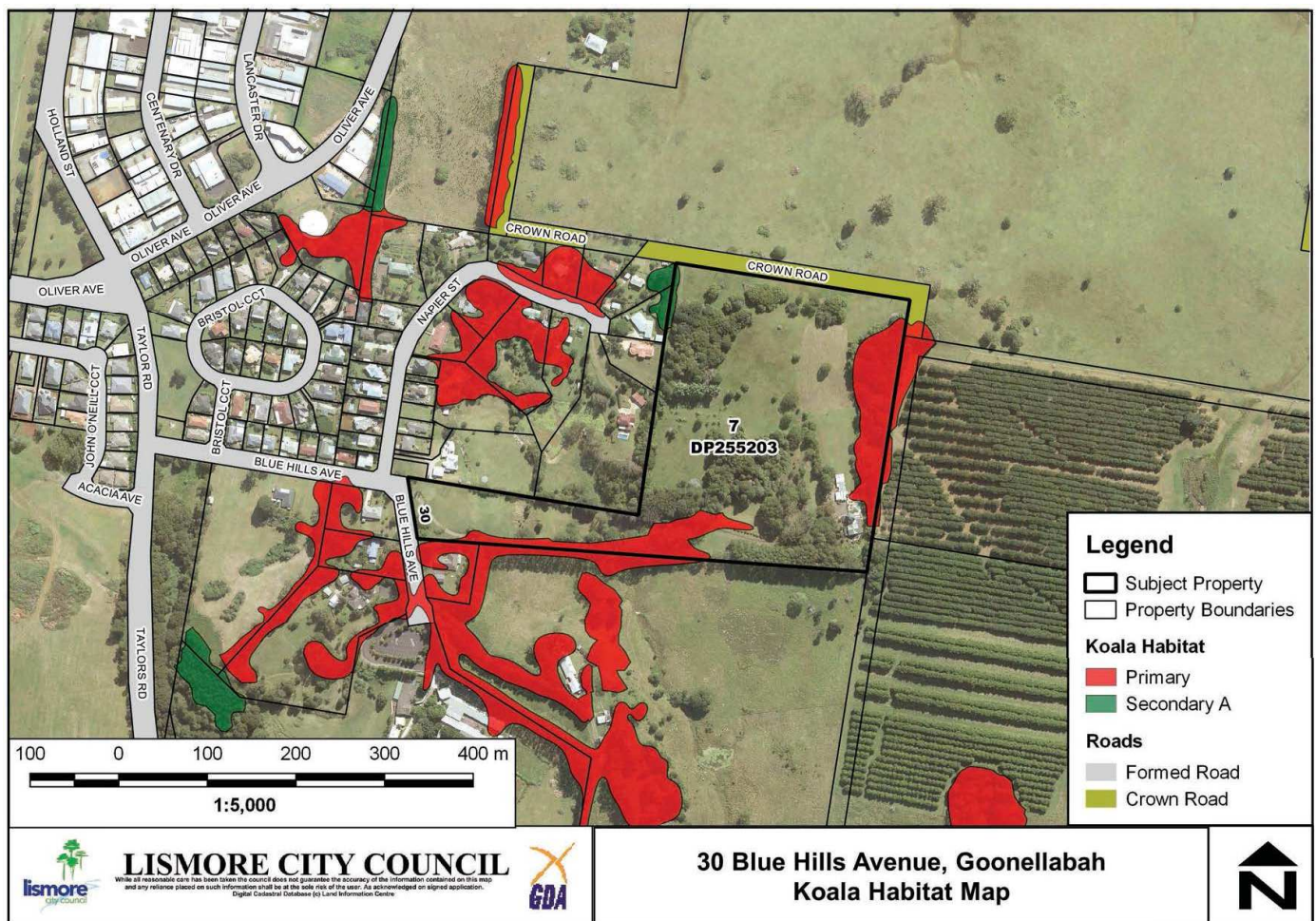
Meeting held 12 May 2020 - Planning Proposal to rezone part of 30 Blue Hills Avenue, Goonellabah to R1 General Residential and R5 Large Lot Residential



The main impact from this Planning Proposal and the resultant development will not be further fragmentation of koala through habitat removal but the potential of an increase of vehicle-strike and dog attack. The report found that intensifying development in the area will reduce connectivity by portioning of the landscape with fences, roads and domestic dogs restricting koala movement.

The report recommends the following mitigation measures that would avoid and/or reduce the impact on koalas and their habitat:

- fencing that does not impede koala movement – hedges/screens of trees or shrubs;
- restrictions on dog ownership or fencing that contains dogs and excludes koalas;
- road design standards and vehicle calming devices, 40km/h speed zone on site;
- a vegetative corridor at the eastern side of site to facilitate koala movement.



**Figure 2: Koala Habitat at 30 Blue Hills Avenue, Goonellabah**

## Aboricultural assessment

As part of the Planning Proposal, the proponent supplied a preliminary lot layout that shows the planned driveway for the new development encroaches into the Tree Protection Zone (TPZ) of some of the Tallowoods (preferred koala habitat), which form a windbreak on the neighbouring property south of the site (see Figure 3).

An Aboricultural assessment (Northern Tree Care 12/19) has been submitted that finds the construction of the roadway will not encroach into theoretical TPZ more than 10% (meets Australian Standard) but the batter area of the road will encroach into TPZ by over 10%.

The report recommends that at the DA stage, the following mitigation measures could be implemented:

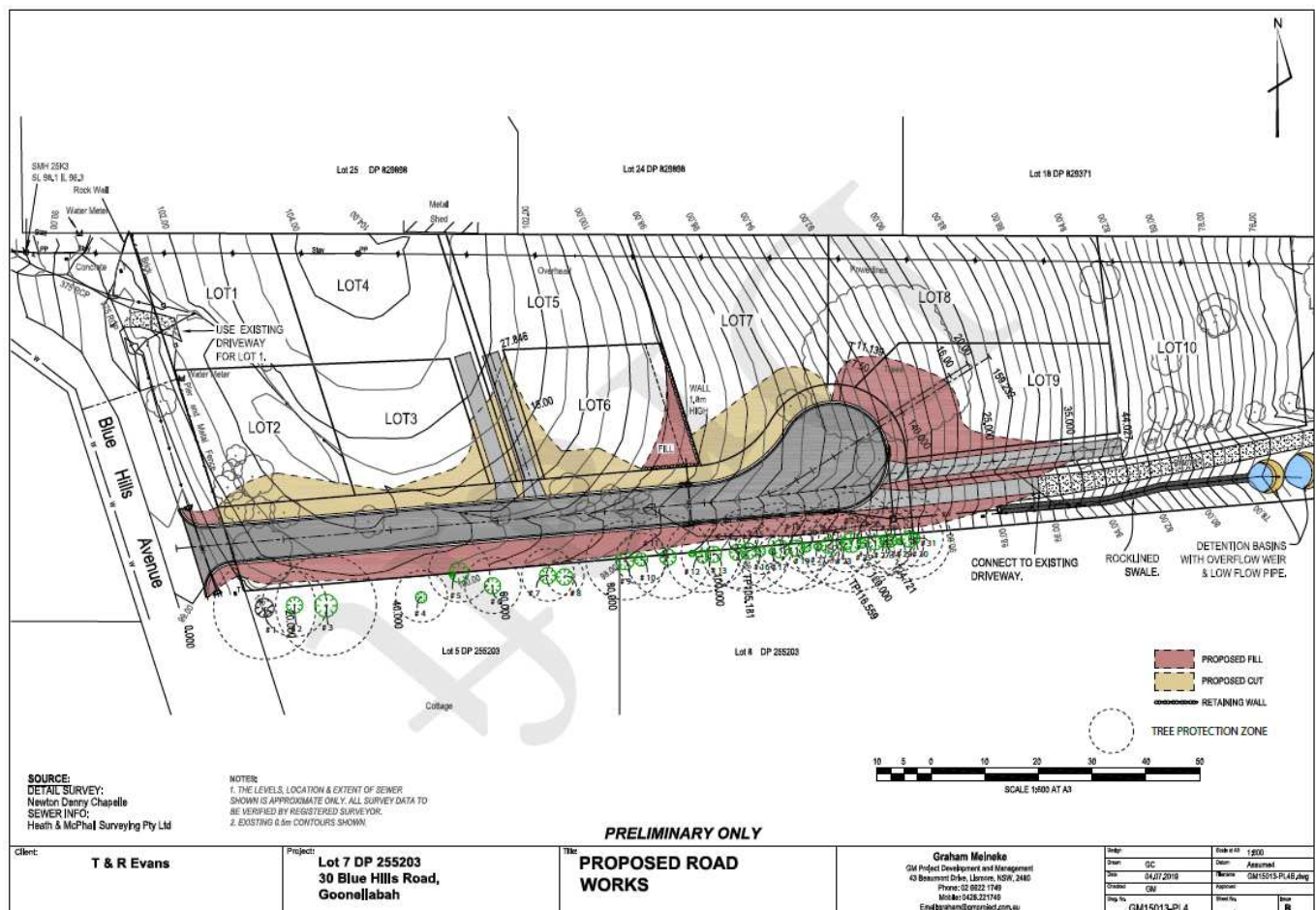
- to reduce the effect of the batter encroachment, material should be crushed basalt rock

**Lismore City Council**

**Meeting held 12 May 2020 - Planning Proposal to rezone part of 30 Blue Hills Avenue, Goonellabah to R1 General Residential and R5 Large Lot Residential**

- trees on adjoining properties protected with temporary fencing during construction

The report concludes that the construction of the driveway as planned (based on the preliminary lot layout provided by the proponent) will not cause any of the windbreak Tallowwood trees to become 'unviable'.



**Figure 3: Location of tree protection zones in relation to proposed road (Source: Arboricultural report, Northern Tree Care 12/19)**

## Contaminated Land Assessment

As a condition of the Gateway Determination, a preliminary Contaminated Land Assessment (Melaleuca Group 12/19) has been submitted by the proponent and reviewed by Council's Environmental Health Officer. The land use history of the site (most likely livestock grazing) did not reveal heavy use of any pesticides or chemicals in the proposed rezoning area. Test results indicate that soil contamination has not occurred, and the report concludes the land is suitable for the proposed residential use.

## Overview of the Planning Proposal

It is recommended that the Lismore Local Environmental Plan 2012 is amended to rezone part of the land from Zone RU1 Primary Production to part Zone R1 General Residential and part Zone R5 Large Lot Residential. It is proposed to amend the minimum lot size from 20ha to 400m<sup>2</sup> (that part rezoned to R1) and 1,500m<sup>2</sup> (that part rezoned to R5) and apply a maximum height of building of 8.5m to the rezoning area.

The Planning Proposal will enable a subdivision on part of the site to create up to 8 lots in R1 and 2 lots in R5. This outcome adequately reflects the availability of reticulated water and wastewater services in the area and addresses the site constraints including steeply sloping land in the eastern part of the rezoning area and potential impacts on koala habitat at the southern boundary of the site.

## Lismore City Council

**Meeting held 12 May 2020 - Planning Proposal to rezone part of 30 Blue Hills Avenue, Goonellabah to R1 General Residential and R5 Large Lot Residential**



The following map sheets are proposed for amendment as shown at Figures 4-9:

- Land Zoning Map – **[Sheet LZN\_006, LZN\_006AB]** to apply Zone R1 General Residential and R5 Large Lot Residential
- Lot Size Map – **[Sheet LSZ\_006, LSZ\_006AB]** to apply a 400m<sup>2</sup> minimum lot size to the R1 land and a 1,500m<sup>2</sup> minimum lot size to the R5 parts of the site.
- Height of Buildings Map – **[Sheet HOB\_006, HOB\_006AB]** to apply an 8.5m maximum building height to the R1 and R5 parts of the site.

## Local Environmental Plan Maps

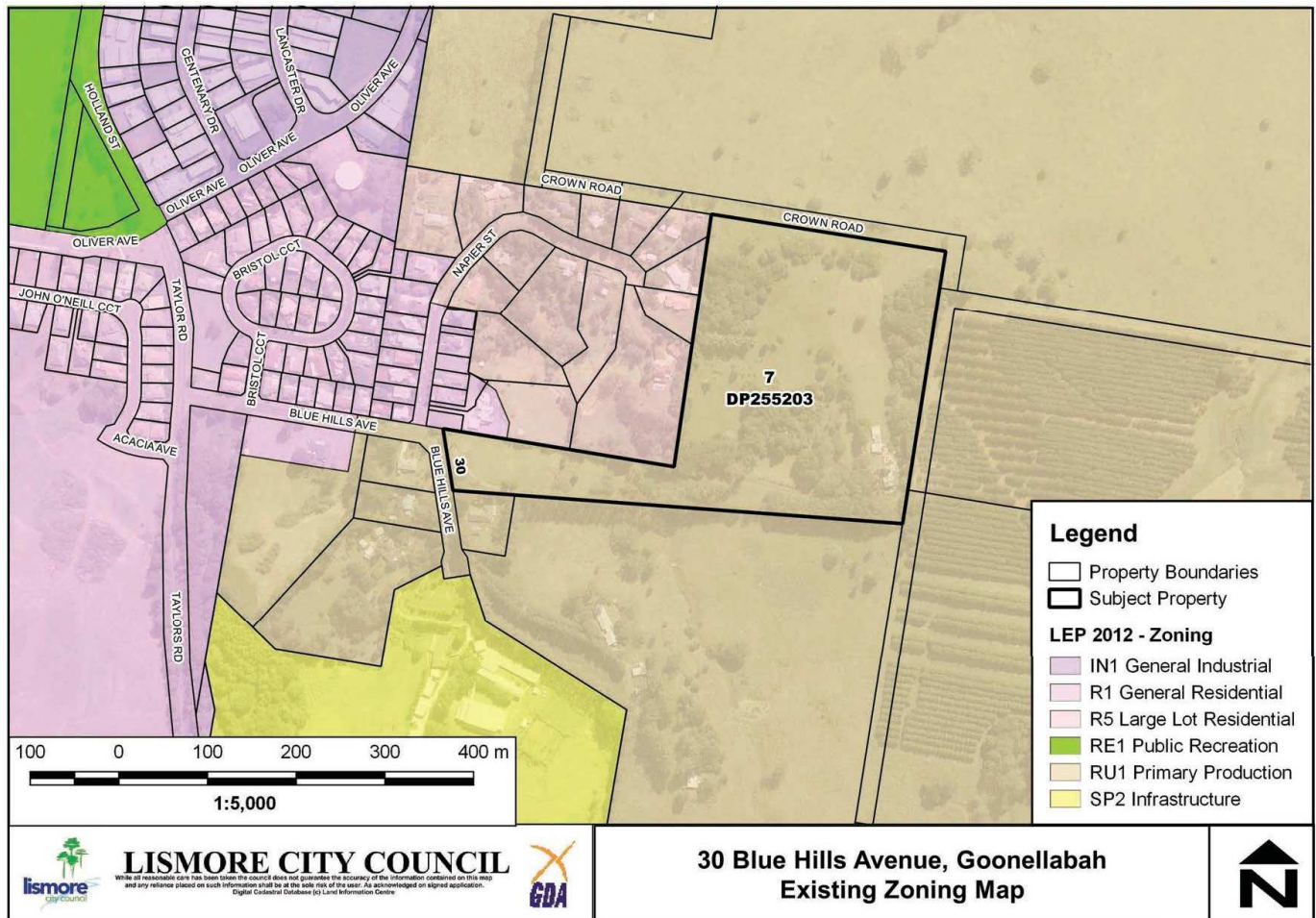


Figure 4: Existing Zone – 30 Blue Hills Avenue, Goonellabah

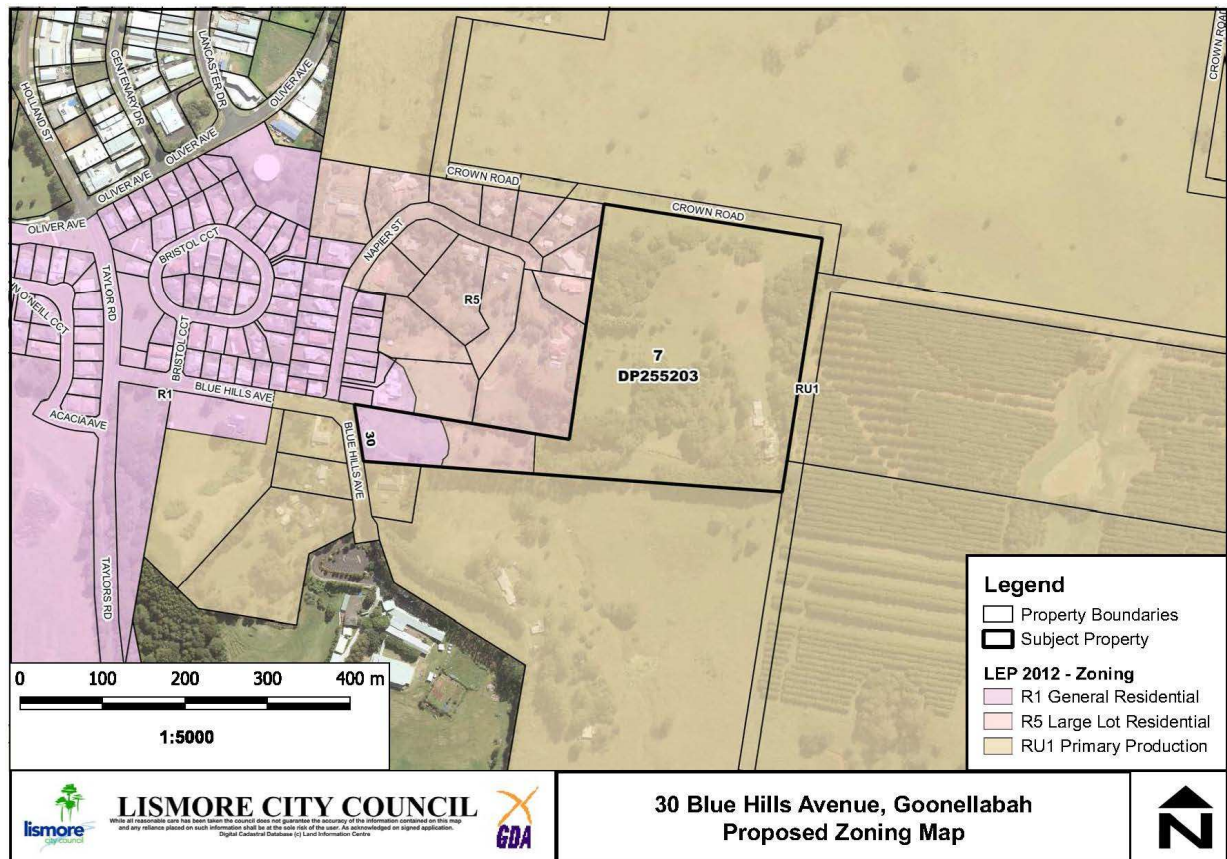


Figure 5: Proposed Zone – 30 Blue Hills Avenue, Goonellabah

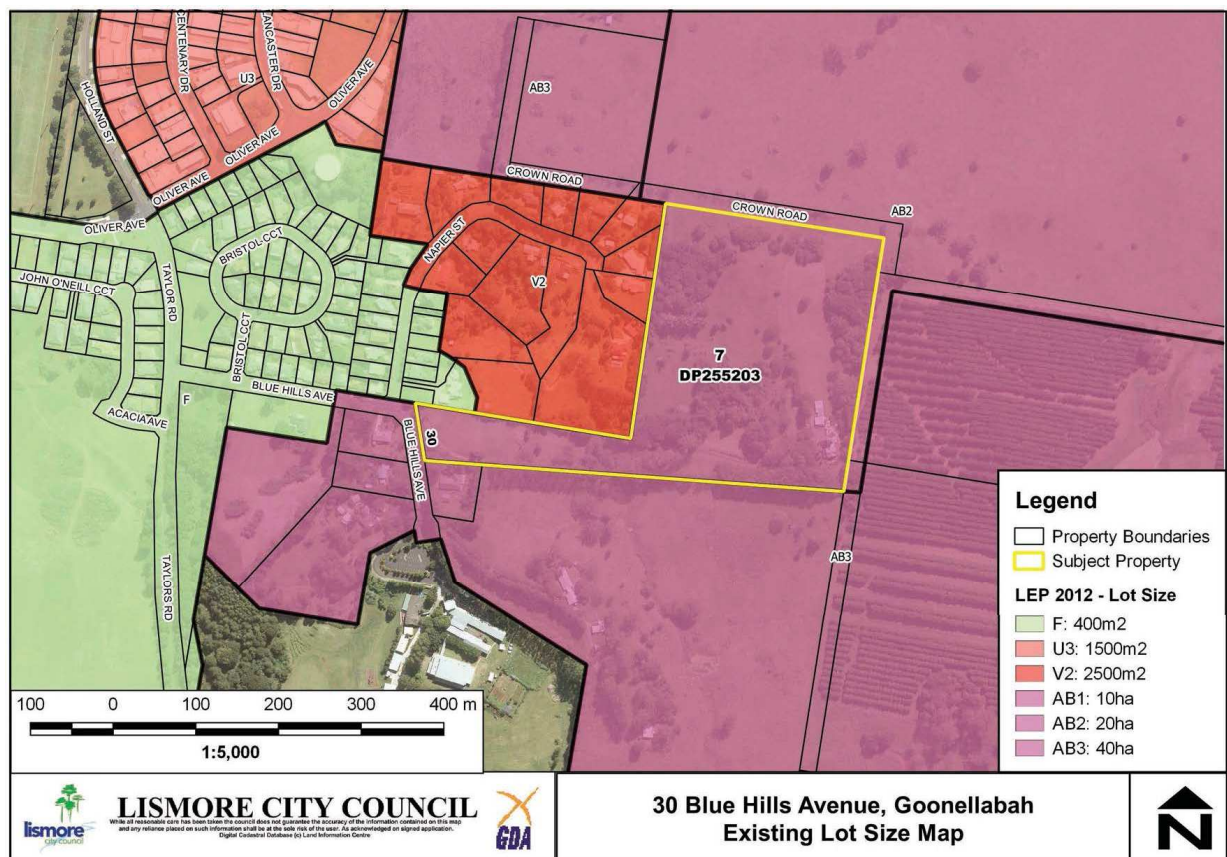


Figure 6: Existing Lot Size – 30 Blue Hills Avenue, Goonellabah



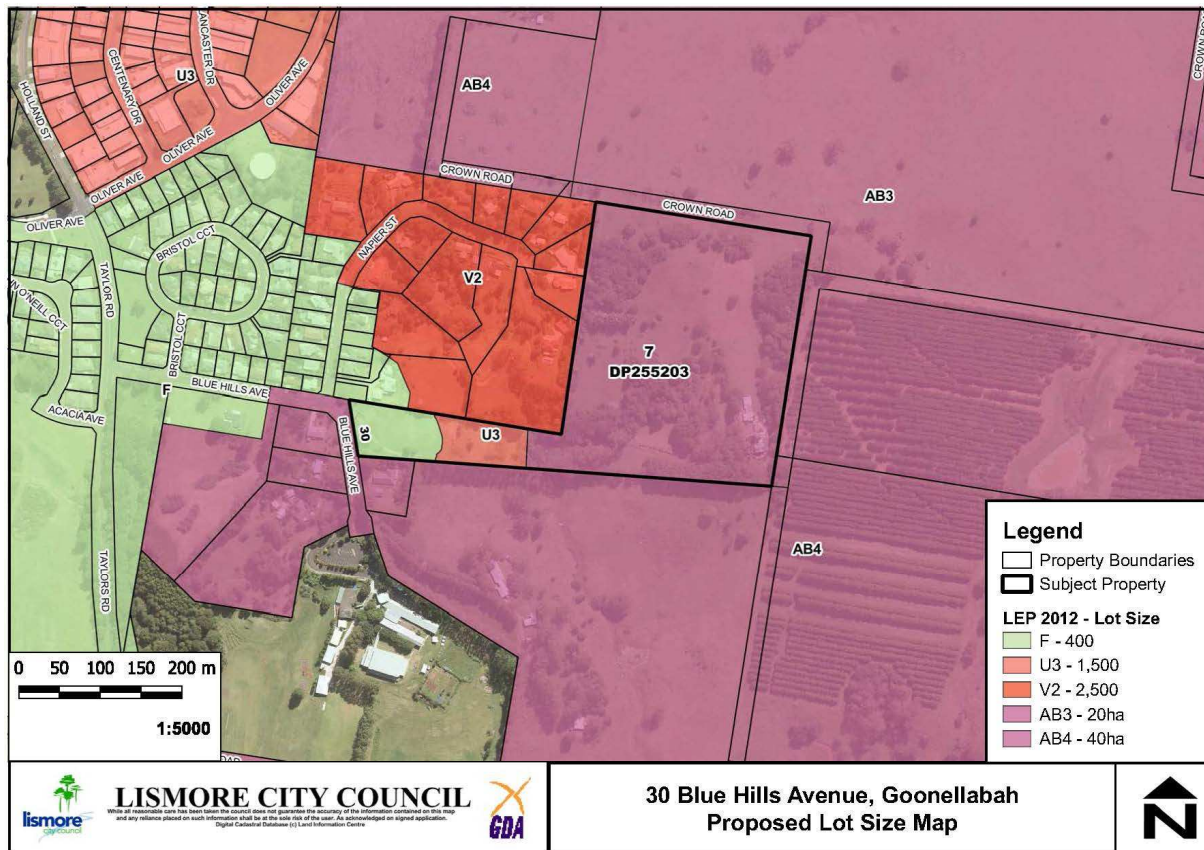


Figure 7: Proposed Lot Size – 30 Blue Hills Avenue, Goonellabah



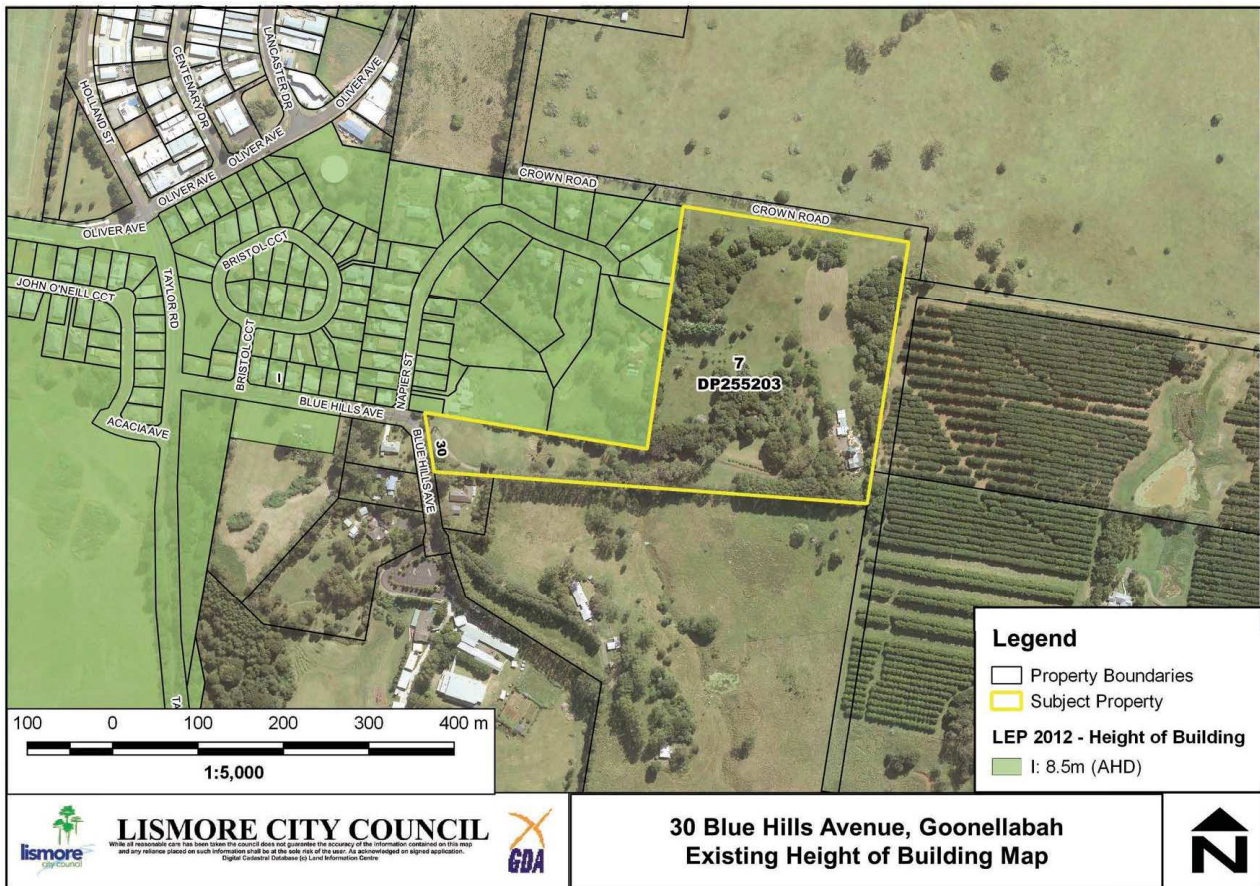


Figure 8: Existing Height of Building – 30 Blue Hills Avenue, Goonellabah



Figure 9: Proposed Height of Building – 30 Blue Hills Avenue, Goonellabah

## Alternative option for the Planning Proposal

An alternative option for this site is to apply the R5 Large Lot Residential zone only and increase the minimum lot size. This would reduce the density and lot yield and hence impacts on koalas in the vicinity of the rezoning area. The option is outlined below.

### Option 1:

- Rezone part of the land from Zone RU1 Primary Production to Zone R5 Large Lot Residential
- Apply a minimum lot size of 2,500m<sup>2</sup> (to that part rezoned to R5)
- Apply a maximum height of building of 8.5m to the rezoning area

Rezoning part of the site to Zone R5 Large Lot Residential (rather than a mixture of R1 General residential and Zone R5) is in keeping with the locality, which is essentially an urban/rural interface with sensitive environmental features that warrant protection. This option is consistent with the objectives of R5, with the first objective being:

*To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*

The lot yield of this option would be approximately 4 given the unconstrained part of the site is 1ha in area

Council's Strategic Engineer has advised that 4 lots could be accessed via a Right of way which may allow more flexible design options that could minimise impacts on the tree protection zones of the windbreak of Tallowwoods at the southern boundary of the site. Estimated vehicle movements per day under this option would generate 26 trips per day which compares with up to 65 trips per day from lot yield of between 7 to 10 in the Planning Proposal.

An alternative Council resolution if this option is favoured would be that:

1. Council support the Amended Planning Proposal to rezone part of the land from Zone RU1 Primary Production to Zone R5 Large Lot Residential, amend the minimum lot size from 20ha to 2,500m<sup>2</sup> (that part rezoned to R5) and apply a maximum building height of 8.5m to the rezoning area;
2. Council forward the Amended Planning Proposal to the Department of Planning, Industry and Environment requesting an altered Gateway Determination;
3. Council agree that staff can proceed to public exhibition of the Amended Planning Proposal and Government Agency consultation based on the Gateway Determination and report back to Council with any issues as part of post-exhibition reporting of submissions.

## Comments

### Finance

Finance have noted the report and believe there is no material financial impact on Council.

### Other staff comments

Council's specialist staff have assessed the Planning Proposal as required and their comments are incorporated into the relevant sections of this report.

### Public consultation

It is recommended that the Planning Proposal is placed on public exhibition in accordance with the conditions of the Gateway Determination issued by DPIE.



### Conclusion

Based on the Council resolution made on 8 October 2019, Council's specialist staff have reviewed the additional information provided on local koala habitat and movement corridors in the vicinity of the site and the impact of the road construction on the tree protection zones of the windbreak of Tallowwoods on the southern boundary of the site.

The technical reports have not raised any issues that are unable to be resolved by recommended mitigation measures at the development application stage. It is recommended that Council resolve that the Planning Proposal is placed on public exhibition in accordance with the Gateway Determination issued by the Department of Planning, Industry and Environment.

### Attachment/s

1. Attachment 1 - Planning Proposal (Over 7 pages)