

Planning and Assessment

IRF19/6652

Gateway determination report

LGA	Lismore
PPA	Lismore City Council
NAME	Rezoning of land at 30 Blue Hills Avenue, Goonellabah, (10 homes) for residential purposes
NUMBER	PP_2019_LISMO_004_00
LEP TO BE AMENDED	Lismore LEP 2012
ADDRESS	30 Blue Hills Avenue, Goonellabah
DESCRIPTION	Part of Lot 7 DP 255203
RECEIVED	10/10/2019
FILE NO.	IRF19/99343
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 rezone part of Lot 7 DP 255203, 30 Blue Hills Avenue, Goonellabah, from RU1 Primary Production to R1 General Residential and R5 Large Lot Residential and amend associated minimum lot size and building height standards.

1.2 Site description

The subject lot is located on the eastern edge of Goonellabah. Goonellabah is situated approximately 5km east of Lismore (Figure 1).

Lot 7 DP 255203 is approximately 10ha in area and currently used for rural-residential living with a house, swimming pool and shed located in the south-eastern corner. The lot is a battle-axe configuration with the handle, approximately 1 ha in area, being the subject of the planning proposal (Figure 2).

1.3 Existing planning controls and surrounding area

The land is currently zoned RU1 Primary Production (Figure 3) with a minimum lot size (MLS) of 20ha (Figure 4). No height of building standard currently applies to the land.

The site adjoins R1 and R5 zone land to the north and RU1 zoned land on all other sides. The proposed rezoning area is located on the eastern limits of the residential area and will form a contiguous expansion of the Goonellabah urban area.

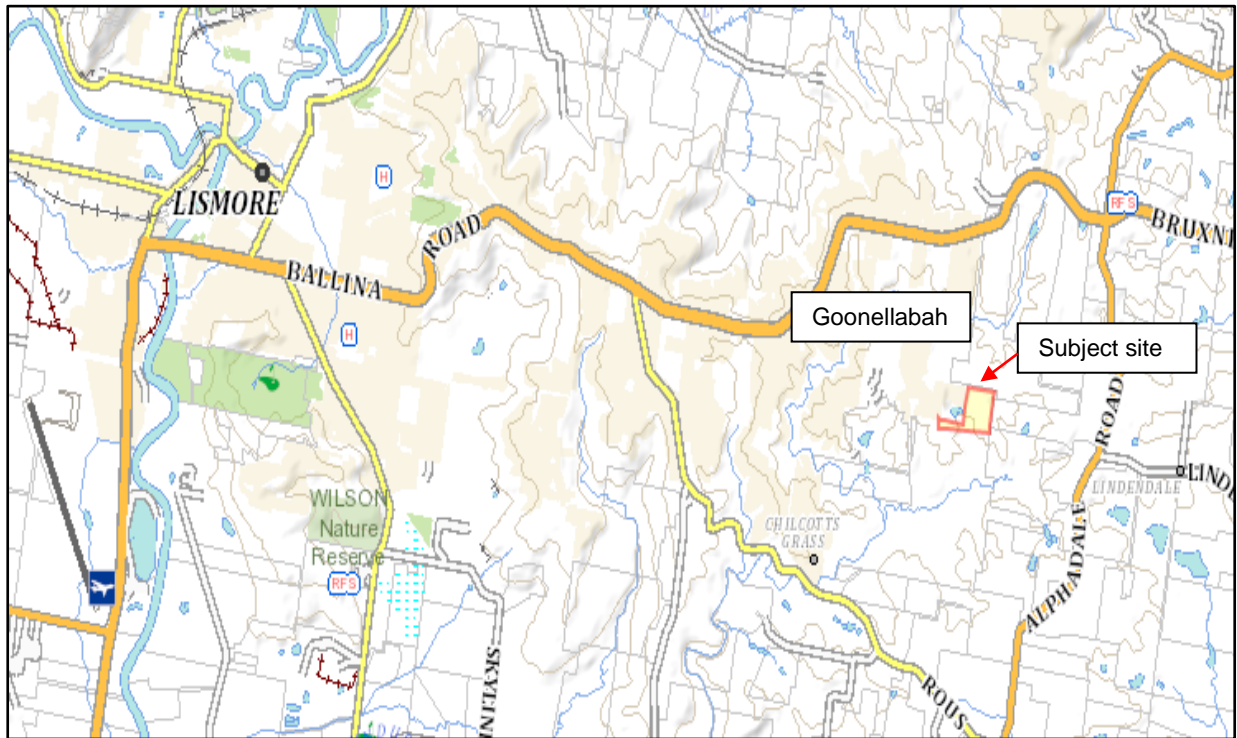


Figure 1 - General location (source: SIX Maps)

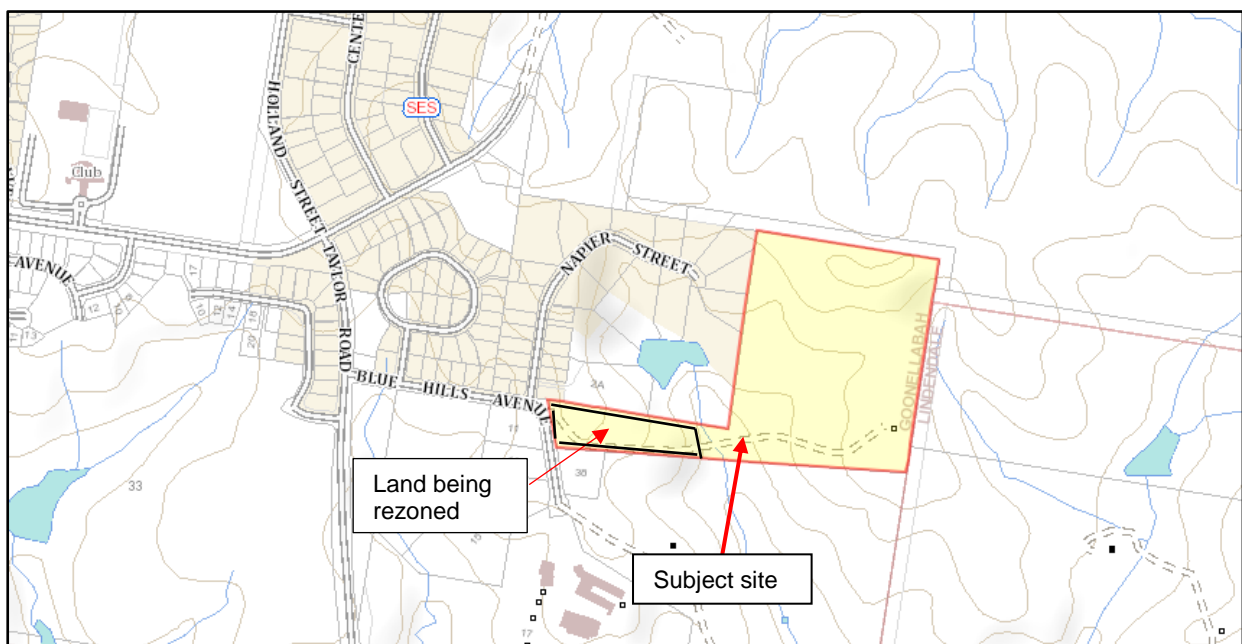


Figure 2 - Subject site (source: SIX Maps)

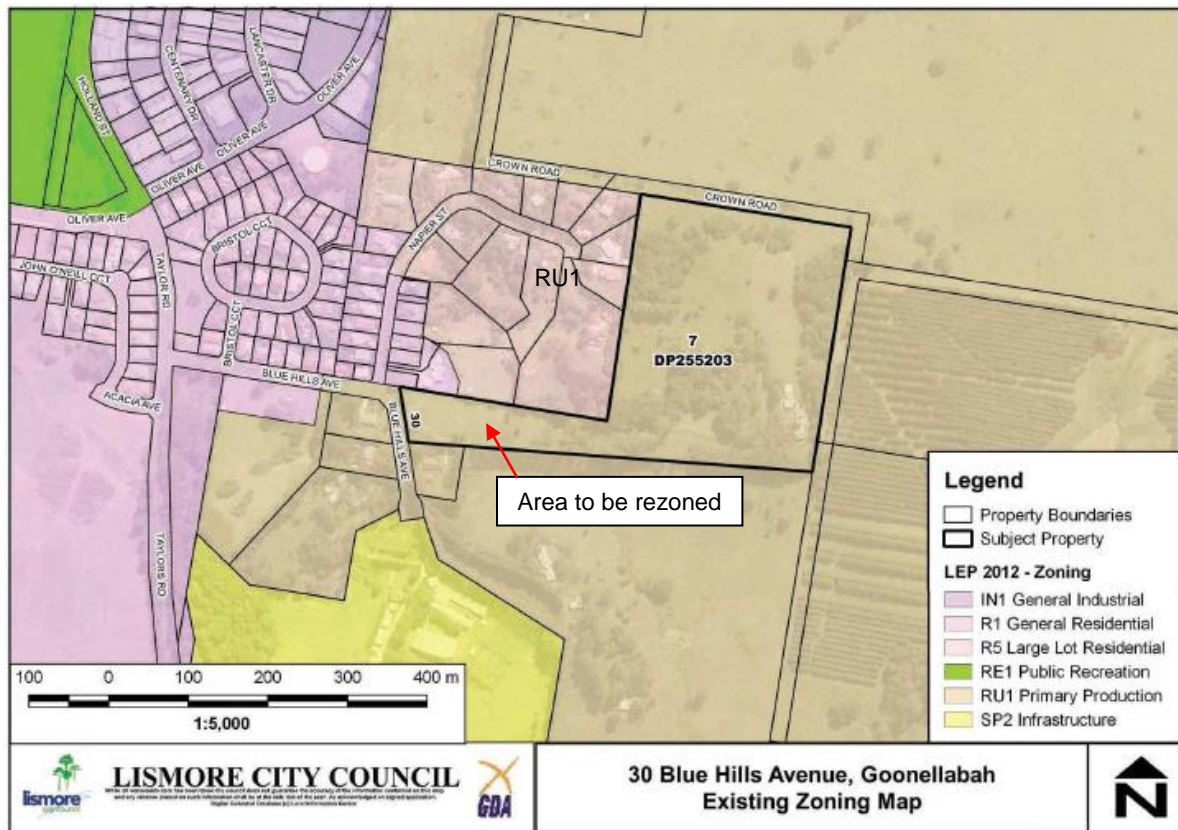


Figure 3 – Existing zoning and surrounding land use

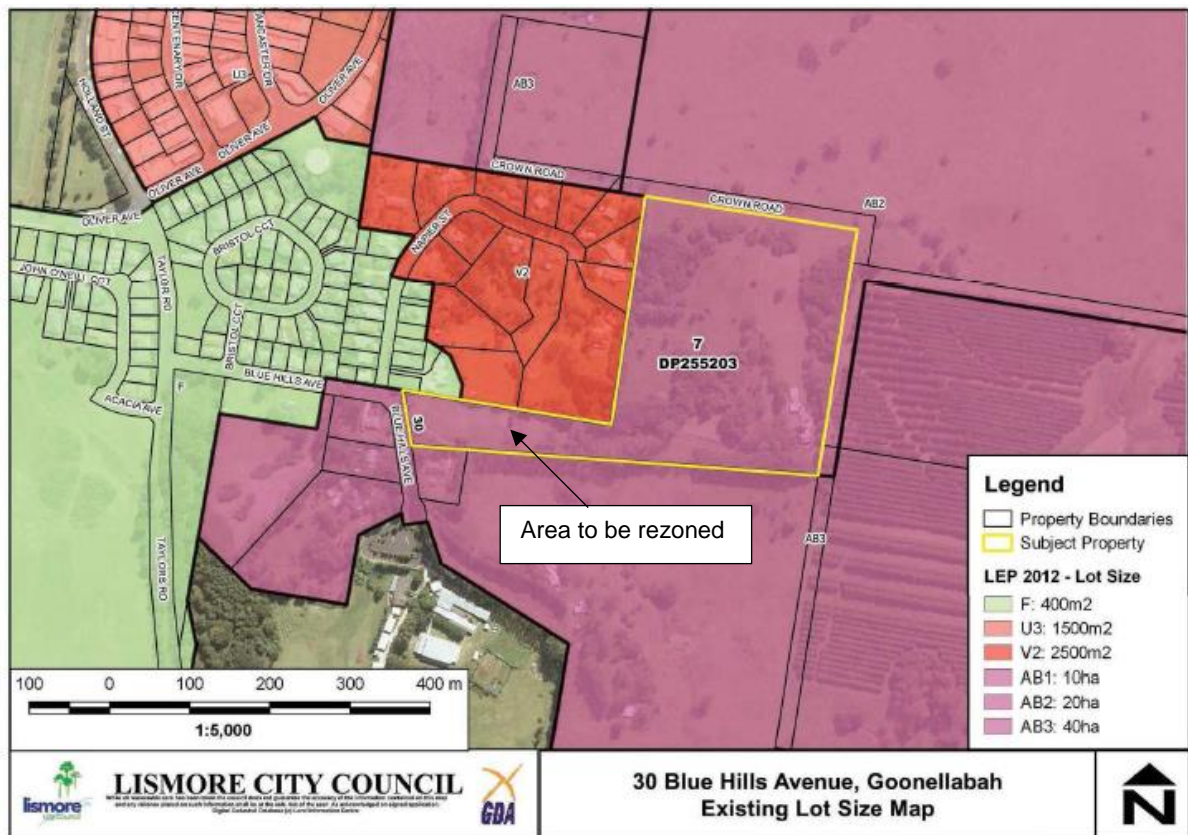


Figure 4 – Existing minimum lot size

1.5 Summary of recommendation

It is considered that the proposal has merit. It is recommended that the planning proposal proceed subject to conditions for the following reasons:

- the land is located within the Lismore Urban Growth Area under the North Coast Regional Plan (NCRP) 2036 and is also identified for urban investigation;
- the land is identified as a 'Potential Urban Site' in Council's Department approved Local Growth Management Strategy (LGMS) 2015;
- the proposal is unlikely to have any detrimental impact on the socio-economic welfare of the Local Government Area; and
- the proposal will contribute to the delivery of additional housing supply in the area.

2. PROPOSAL

2.1 Objectives or intended outcomes

The statement of objectives clearly describes the intention of the planning proposal. The proposal seeks to:

- rezone part of Lot 7 DP 255203, 30 Blue Hills Avenue, Goonellabah, from RU1 Primary Production to R1 General Residential and R5 Large Lot Residential;
- apply a minimum lot size (MLS) of 400m² to the proposed R1 land and 1500m² to the proposed R5 Land; and
- apply a height of building (HOB) of 8.5m to the land being zoned R1 and R5.

2.2 Explanation of provisions

The submitted planning proposal adequately details the proposed amendments to the Lismore LEP 2012. No changes will be necessary to the written instrument.

2.3 Mapping

The following mapping changes will be made:

- Land Zoning Map (Sheet LZN_006 & LZN_006AB) - apply Zone R1 General Residential and R5 Large Lot Residential;
- Lot Size Map (Sheet LSZ_006 & LSZ_006AB) - apply a 400m² MLS for land to be zoned R1 and a 1,500m² MLS for land to be zoned R5; and
- Height of Buildings Map (Sheet HOB_006 & HOB_006AB) - apply an 8.5m maximum building height to land to be zoned R1 and R5.

The maps included in the planning proposal clearly show the intent of the proposed rezoning and are considered suitable for exhibition purposes.

3. NEED FOR THE PLANNING PROPOSAL

The proposal is an outcome of Council's Department approved LGMS which identifies the land as a 'Potential Urban Site' capable of more extensive residential development subject to access to sewerage (Figure 5). The LGMS also acknowledges large lot residential development as an option for this land due to the adjoining Napier St large lot subdivision adjoining to the north.

The rezoning is considered the most appropriate means of implementing the intent of the LGMS.

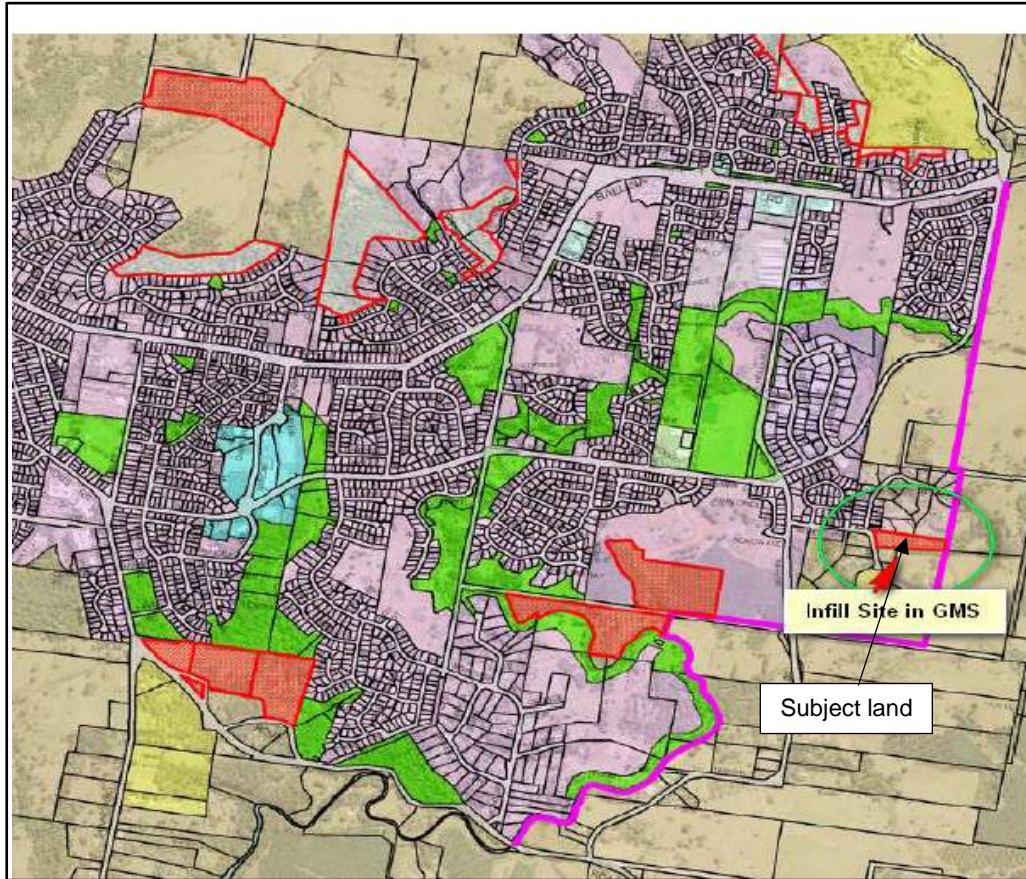


Figure 5 - Lismore GMS - Potential Residential Infill and Urban Fringe sites (source: Lismore GMS)

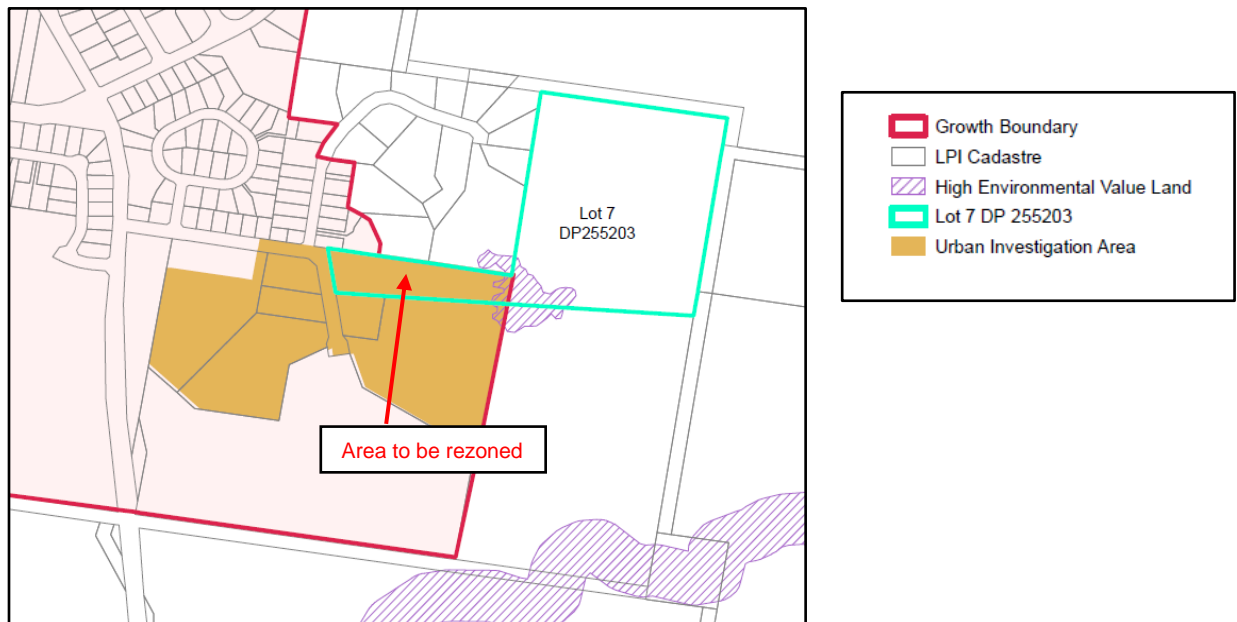


Figure 6 - Site showing NCRP 2036 - UGA and potential HEV (source: DPIE)

4. STRATEGIC ASSESSMENT

4.1 State

The planning proposal is not inconsistent with the Premier's Priorities.

4.2 Regional / District

North Coast Regional Plan 2036

The proposal is considered to be generally consistent with the intent of the plan which identifies the land in Lismore's Urban Growth Area and as an urban investigation area.

The NCRP 2036 requires development be directed to the areas of least biodiversity. The proposal however:

- effects land identified on the NSW Government's Biodiversity Values Map (Figure 7);
- adjoins land mapped as containing potential high environmental value in the NCRP 2036 (Figure 6);
- contains mapped koala habitat (Figure 8); and
- identifies that there is a likelihood that the vulnerable hairy joint grass may be present on the site.

It is considered appropriate that the consistency with the NCRP 2036 remain unresolved until a biodiversity assessment for the area being rezoned is prepared confirming the suitability of the proposal. It is also recommended that the proposal be referred to the Biodiversity and Conservation Division for consideration

The subject land is also mapped as containing State significant farmland under the Northern Rivers Farmland Protection Project 2005. Development of the site for urban purposes can be considered as the subject land has been mapped within the Urban Growth Area in the NCRP 2036 (Figure 6).

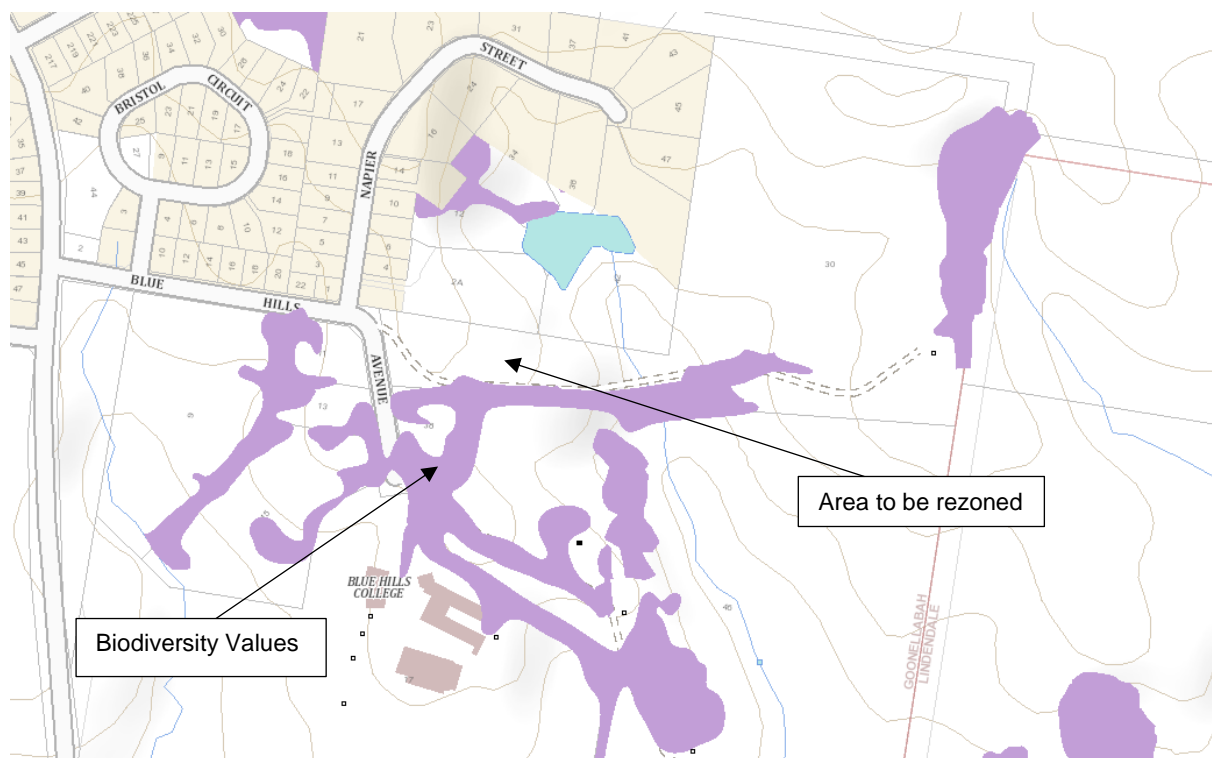


Figure 7 – Biodiversity Values Map

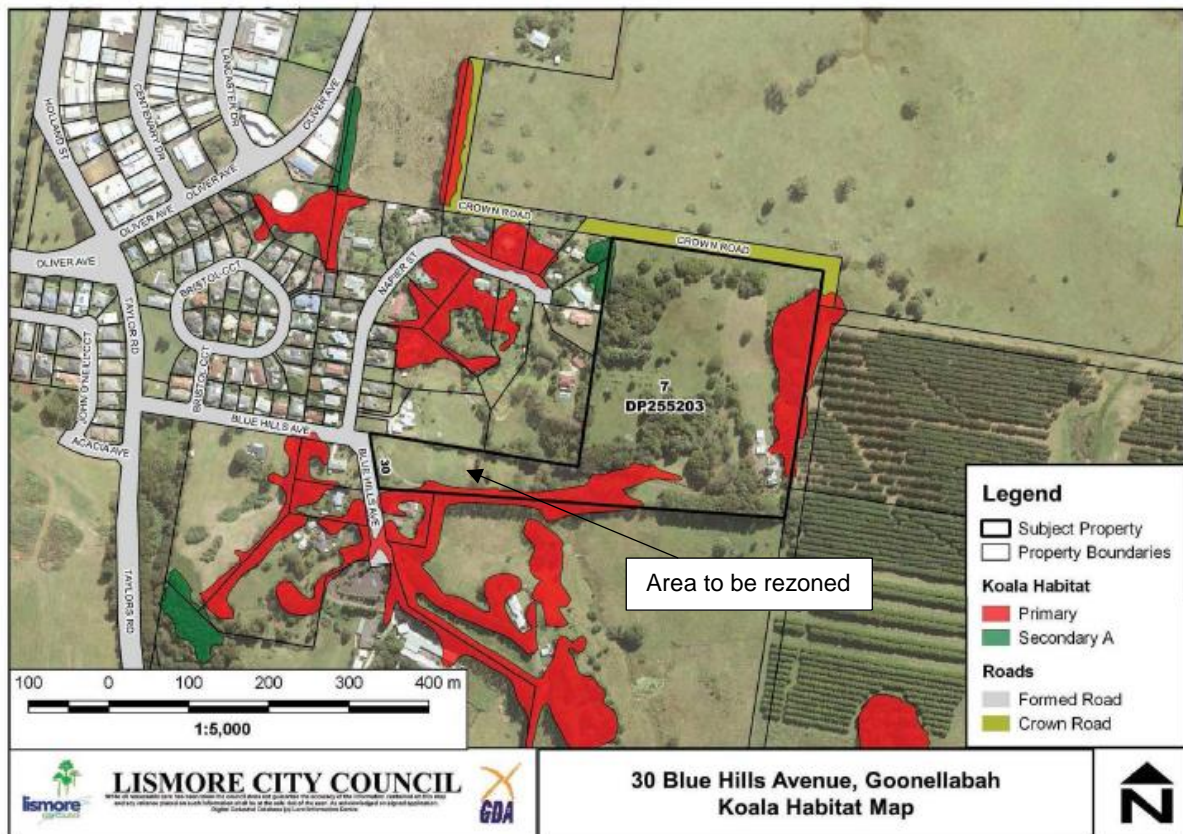


Figure 8 – Koala Habitat

4.3 Local

The planning proposal is consistent with Council's Department approved LGMS 2015 - 2035 with the subject land identified as a 'Potential Urban Site'. The planning proposal is also consistent with the Lismore Community Strategic Plan 2017 - 2027.

4.4 Section 9.1 Ministerial Directions

The planning proposal is considered to be consistent with all applicable section 9.1 Directions except:

Direction 1.2 Rural Zones

The proposal is inconsistent with this Direction as it seeks to rezone land from a rural zone to a residential zone. This inconsistency is considered to be of minor significance as:

- it is located within the Lismore Urban Growth Area under the NCRP 2036 and is also identified for urban investigation; and
- it is identified as a 'Potential Urban Site' in Council's Department approved LGMS 2015.

Direction 1.5 Rural Lands

The planning proposal is inconsistent with this Direction as it seeks to rezone rural land and is unable to satisfy all of the Direction's requirements such as supporting farmers in exercising their right to farm. This inconsistency is considered to be of minor significance as:

- a land use conflict risk assessment has been prepared to support the proposal confirming no adverse impact to adjoining agricultural uses is likely;
- the land is located within the Lismore Urban Growth Area of the NCRP 2036 and is also identified for urban investigation; and
- the land is identified as a 'Potential Urban Site' in Council's Department approved LGMS 2015.

It is also recommended that the proposal be referred to the Department of Planning, Industry and Environment – Agriculture for consideration.

Direction 2.1 Environmental Protection Zones

The proposal is inconsistent with this Direction as it effects land identified on the NSW Government's Biodiversity Values Map and adjoins land mapped as containing potential high environmental value in the NCRP 2036 and it does not contain provisions that facilitate the conservation of environmentally sensitive areas. The proposal also confirms that the land contains mapped koala habitat and that there is a likelihood that the vulnerable hairy joint grass may be present on the site. It is considered appropriate that this Direction remain unresolved until a biodiversity assessment is prepared confirming the suitability of the proposal. It is also recommended that the proposal be referred to the Biodiversity and Conservation Division for consideration.

Direction 4.4 Planning for Bushfire Protection

The proposal is potentially inconsistent with this Direction as the proposal involves land mapped as bushfire prone. The Direction requires Council as the Planning Proposal Authority to consult with the Commissioner of the NSW Rural Fire Service after the Gateway Determination has been issued. Until this consultation has occurred the consistency of the proposal with the Direction remains unresolved.

Direction 5.3 Farmland of State and Regional Significance on the NSW Far North Coast

The proposal is inconsistent with this Direction as it seeks to rezone the land mapped as State significant farmland under the Northern Rivers Farmland Protection Project 2005 for residential purposes. The inconsistency is considered to be satisfactory in accordance with the terms of the Direction as:

- it is located within the Lismore Urban Growth Area under the NCRP 2036 and is also identified for urban investigation; and
- in accordance with the farmland mapping project, land identified in an agreed council settlement strategy between December 1994 and December 2004 (or placed on public exhibition by the end of 2004 and subsequently approved) under clauses 20 or 38 of the North Coast Regional Environmental Plan can be considered for urban or rural residential rezoning even if it is mapped as significant farmland. The subject site was identified in the Department approved Lismore Urban Strategy 2003.

It is noted that a land use conflict risk assessment and agricultural land viability assessment have been undertaken to support the proposal. These assessments found minimal land use risk or adverse impact on adjoining State significant farmland as intensive agriculture or horticulture is not viable on the land to the south (due to

the small land area available against the significant capital cost or urban fringe purchase and/or infrastructure investment). The potential of future land use conflict between the two properties has therefore been assessed as low. It is also noted that the land to the south is located within Lismore's Urban Growth Area under the NCRP 2036 and could also transition towards a more urban use in the future. It is also recommended that the proposal be referred to DPIE – Agriculture for consideration.

5.10 Implementation of Regional Plans

The proposal is potentially inconsistent with this Direction as it is unknown whether it will impact on environmentally sensitive land until a biodiversity assessment is prepared confirming the suitability of the proposal as discussed above. Until the assessment has been completed, and the Biodiversity and Conservation Division have reviewed the proposal, it is recommended that this Direction remain unresolved.

4.5 State environmental planning policies (SEPPs)

The planning proposal is considered to be consistent with all relevant SEPP's.

In relation to SEPP 55 Remediation of Land, a preliminary contaminated land assessment has been undertaken that found the land is suitable or can be made suitable for the proposed residential use. More specifically, analysis of 24 soil samples across the subject site (area to be rezoned only) found no evidence of contamination, with heavy metals all at low background concentrations and no detectable pesticides. While this is considered adequate to allow the proposal to proceed in accordance with SEPP 55, it is noted that Council has resolved to require the proponent to provide a more detailed land contamination assessment to support the proposal. It is recommended that this assessment be completed and added to the proposal prior to agency and community consultation.

5. SITE-SPECIFIC ASSESSMENT

5.1 Socio-economic impacts

It is anticipated that the rezoning of the subject land will have a minor beneficial economic impact both on Goonellabah and the broader LGA. An additional ten dwellings will not only assist in providing greater housing supply, diversity and choice but also provide direct economic benefit to those trades/businesses required for the development of the land.

5.2 Environmental

Biodiversity

No significant adverse environmental impact from the proposal is anticipated as the site is dominated by non-native grassland and woody weeds with only a small patch of native rainforest trees located in the south western corner of the site. Tallowwoods located on the adjoining lot to the south have been planted for windbreak purposes and are mapped as primary koala habitat under the Lismore comprehensive KPOM 2013. It appears that the part identification of the subject land to be rezoned along the southern boundary as primary koala habitat may be a mapping issue with the habitat located on the adjoining land. Council has however identified that the potential impact of any works associated with the development to the root zone of these trees can be adequately addressed at the development application stage to ensure no adverse impact to the koala habitat.

Council have also stated that Hairy Joint Grass (HJG) may be present on the site and recommends that further investigations into this and other potential biodiversity values be undertaken at the DA stage. Due to the potential presence of HJG and native rainforest trees on the site, and the potential to impact on Koala habitat, it is considered warranted that a biodiversity assessment be undertaken to support the rezoning and that the proposal be referred to the Biodiversity and Conservation Division (BCD) for comment.

Geotechnical hazards

The eastern part of the rezoning area contains steep slopes which have impacted on the proposed subdivision layout design and necessitated a part R5 zoning to limit the development potential of the area. This is considered appropriate. It is also considered that any further detailed slope or geotechnical issues can be adequately addressed at the development application stage.

Aboriginal and European cultural heritage

The proposed rezoning site is not mapped as containing any features or values in relation to Aboriginal or European cultural heritage and an AIHMS search shows no records of Aboriginal sites or places. Council's Environmental and Cultural Heritage Contractor inspected the site and found that it was highly modified with a low likelihood of in situ Aboriginal objects. In terms of Aboriginal cultural landscape values, while the ridgetop terrain on the site may have been a traditional pathway in the area, due to the negligible results from other recent nearby cultural heritage assessments, a cultural heritage assessment was not required by Council. This is considered satisfactory subject to consultation with the Ngulingah Local Aboriginal Land Council.

5.3 Infrastructure

The provision of additional state infrastructure is not necessary for this proposal.

In terms of local infrastructure, the proposal confirms the site can be serviced by reticulated water and sewer. Council will however require further detailed studies in regard to the impact of the proposed development on local roads, traffic and stormwater. Such issues can be adequately assessed at the development application stage.

6. CONSULTATION

6.1 Community

The planning proposal has nominated a 28 public exhibition period. As the proposal deals primarily with matters of local significance, it is considered that a 14 day community consultation period is appropriate.

6.2 Agencies

Council have indicated they intend to consult with the following agencies:

- NSW Rural Fire Service (NSW RFS)
- Department of Planning, Industry and Environment (DPIE) – Biodiversity and Conservation Division
- DPIE – Agriculture
- Ngulingah LALC

Consultation with these agencies is considered appropriate.

7. TIME FRAME

The planning proposal has included a timeline that indicates completion in 7 months. Given the need to consult with a number of various agencies, it is recommended that a 9 month timeframe be provided.

8. LOCAL PLAN-MAKING AUTHORITY

The proposal is consistent or justifiably inconsistent with the state and regional planning framework and deals primarily with matters of local significance. It is considered appropriate that Council be authorised as the local plan-making authority.

9. CONCLUSION

The proposal seeks to rezone the subject site and amend both the MLS and HOB to enable residential development. This proposal is supported as:

- the land is located within the Lismore Urban Growth Area of the North Coast Regional Plan (NCRP) 2036 and is also identified for urban investigation;
- the land is identified as a 'Potential Urban Site' in Council's Department approved Local Growth Management Strategy (LGMS) 2015;
- the proposal is unlikely to have any detrimental impact on the socio-economic welfare of the Local Government Area; and
- the proposal will contribute to the delivery of additional housing supply in the area.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistency with section 9.1 Directions 1.2 Rural Zones, 1.5 Rural Lands and 5.3 Farmland of State and Regional Significance on the NSW Far North Coast are minor or justified; and
2. note that the consistency with section 9.1 Directions 2.1 Environmental Protection Zones, 4.4 Planning for Bushfire Protection and 5.10 Implementation of Regional Plans is unresolved and will require justification.

It is recommended that the 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. Consultation is required with the following public authorities:
 - NSW Rural Fire Service
 - DPIE – Biodiversity and Conservation Division
 - DPIE – Agriculture
 - Ngulingah LALC

3. The time frame for completing the LEP is to be 9 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be the local plan-making authority.
5. Prior to agency and community consultation that contaminated land and biodiversity assessments be undertaken to support the planning proposal.



25/10/19

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12-11-2019

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