



Office of
Environment
& Heritage

Our Ref: DOC16/649477
Your Ref: email dated 21/12/2017

General Manager
Lismore City Council
PO Box 23A
Lismore NSW 2480

Attention: Ms Paula Newman

Dear Mr Murphy

Re: Planning Proposal – Rezoning of land at 40 and 70 Monaltrie Lane, 57 Durham Road and 520 Wyrallah Road, Monaltrie

Thank you for your email dated 21 December 2016 about the planning proposal at Monaltrie seeking comments from the Office of Environment and Heritage (OEH). I appreciate the opportunity to provide input.

The OEH commends the Lismore City Council for engaging with us at the pre-Gateway stage of this planning proposal. Such early engagement will help to identify and resolve any issues early in the process and streamline the assessment of the planning proposal for both the Gateway and post Gateway parts of the process.

The OEH has statutory responsibilities relating to biodiversity (including threatened species, populations, ecological communities, or their habitats), Aboriginal and historic heritage, National Parks and Wildlife Service estate, flooding and estuary management. We have reviewed the documents supplied and advise that we have no concerns about NPWS estate or Aboriginal and historic heritage.

However, several issues are apparent with respect to biodiversity and flooding as follows:

- a. the provision of appropriate zoning to protect and manage ecological values in the planning area;
- b. consideration and protection of wildlife corridor functions in the planning area;
- c. consideration of flood evacuation contingency measures.


These issues are discussed in detail in **Attachment 1** to this letter.

The OEH provides the following recommendations to be considered by council prior to submitting the planning proposal to the Department of Planning and Environment for Gateway Determination:

1. Targeted surveys to determine the presence, location and extent of hairy joint grass in the planning area should be undertaken during the growth season of this species.
2. If subsequent targeted surveys identify hairy joint grass in the planning area then land containing the species should be included within an E2 zone.
3. All areas of high conservation value in the planning area identified in the ecological assessment should be zoned E2 – Environmental Conservation.
4. In circumstances where areas of high ecological value are to be located within an R5 zone the impacts of future residential development should be offset using an appropriate offsetting biometric such as the Bio-Banking Assessment Methodology as part of the planning proposal.
5. The planning proposal should be revised to include an area to be revegetated for maintaining and enhancing east-west wildlife corridor function through the planning area. The nominated wildlife corridor area should be subject to an appropriate mechanism, such as a planning agreement, to protect remnant native vegetation in that area and facilitate future native vegetation enhancement to improve and sustain wildlife corridor function.
6. The planning proposal should consider alternate evacuation routes if the potential exists for flood evacuation being required.

If you have any further questions about this issue, Mr Don Owner, Regional Operations Officer, Regional Operations, OEH, can be contacted on 6659 8233 or at don.owner@environment.nsw.gov.au.

Yours sincerely

 31/1/2017

ROSALIE NEVE
A/Senior Team Leader Planning, North East Region
Regional Operations

Contact officer: DON OWNER
6659 8233

Enclosure: Attachment 1: Detailed OEH Comments - Rezoning of land at 40 and 70 Monaltrie Lane, 57 Durham Road and 520 Wyrallah Road, Monaltrie

Attachment 1: Detailed OEH Comments – Rezoning of land at 40 and 70 Monaltrie Lane, 57 Durham Road and 520 Wyrallah Road, Monaltrie

Biodiversity

Hairy Joint Grass

It is acknowledged in Section 4.2 of the ecological assessment prepared by Blackwood Ecological Services in January 2016 that hairy joint grass could potentially occur in the planning area and that targeted survey should be completed during the growth season for this species.

OEH Recommendation:

1. Targeted surveys to determine the presence, location and extent of hairy joint grass in the planning area should be undertaken during the growth season of this species. Preferably, the targeted surveys should be completed prior to council seeking gateway approval. This would provide greater certainty about the environmental values on site, the application of appropriate zones, and would reduce the possibility of having to seek future alteration of the gateway determination due to unforeseen environmental issues requiring changes.
2. If subsequent targeted survey identifies hairy joint grass in the planning area then land containing the species should be included within an E2 zone.

Proposed Land Use Zones

The need to protect flora and fauna and enhance native vegetation remnants and wildlife corridors is specified in the objectives of the *Lismore Rural Housing Strategy 2002*. Furthermore, the need to ensure that rural residential development avoids and protects environmentally significant areas is specified in the North Coast Regional Environment Plan, North Coast Urban Planning Strategy and Department of Planning Settlement Planning Guidelines.

The planning proposal appears to have responded to these requirements by excluding most areas of high conservation value from proposed R5 zones through use of E3 and RU1 zones. However, the planning proposal has still applied an R5 zone to some areas of high conservation value and has not given adequate consideration to wildlife corridor functions within the planning area.

The OEH acknowledges that, although the planning area contains areas of high conservation value, the site does not appear to meet the E zone criteria provided in Tables 1 and 2 of the Northern Councils E Zone Review Final Recommendations. Despite this, the OEH encourages the applicant to apply an E2 zone to all areas of high conservation value due to the fact that E3 and RU1 zones would enable some forms of development without consent that are incompatible with the protection, management and restoration of areas with high ecological values (e.g. extensive agriculture).

OEH Recommendation:

3. All areas of high conservation value in the planning area, as identified in the ecological assessment, should be zoned E2 – Environmental Conservation.
4. In circumstances where areas of high ecological value are to be located within an R5 zone the impacts of future residential development should be offset using an appropriate offsetting biometric such as the Bio-Banking Assessment Methodology as part of the planning proposal.

Wildlife Corridor Function

Despite there being a high level of habitat fragmentation within the planning area and surrounding rural landscape, it appears that the remaining tree cover scattered throughout the planning area provides a broad east-west wildlife movement corridor, particularly for fauna species with moderate to high mobility such as the koala. The potential east-west corridor function within the planning area is also reflected in the council's habitats and corridors mapping as illustrated in Figure 4 of the ecological assessment. Furthermore, existing koala records for the locality suggest there being an east-west koala habitat link through the planning area, with large numbers of koala records southwest of the planning area along River Bank Road and northeast of the planning area along Durham Road and Skyline Road.

Although the planning proposal would provide some protection to areas of high conservation value through the use of E3 zones, it would not provide protection to all areas of high conservation value and would most likely have a detrimental impact on the wildlife corridor values of the planning area, particularly for koalas.

Furthermore, the tree and vegetation preservation chapter of the Lismore Development Control Plan does not apply to land zoned R5. Consequently, Clause 5.9 of the Lismore LEP 2012 relating to the preservation of trees or vegetation would also not apply to land zoned R5. Hence, future large lot residents in the planning area would not require development consent from council to remove trees or remnant native vegetation. This could result in a significant reduction in the safe movement of koalas through the planning area by:

- reducing the density of mature trees scattered through the planning area, thereby reducing refuge opportunities within the fragmented landscape; and
- substantially increasing the exposure of koalas traversing the planning area to road strike mortality and dog attacks.

Therefore, to reduce the potential impact of future residential development on east-west koala movements through the planning area we recommend that the planning proposal be revised to facilitate the establishment and enhancement of safe east-west wildlife corridor function through the planning area, particularly for koalas. The wildlife corridor land could possibly then be used by landholders in the planning area to accommodate compensatory tree and vegetation plantings required to offset the removal of koala food trees and rainforest vegetation resulting from future large lot residential development. It could also be established as a community lot in the future subdivision to be managed under a community management agreement. Annual contributions from residents in the subdivision could be used to fund the in-perpetuity management of the community lot in accordance with a site-specific Vegetation Management Plan.

OEH Recommendation:

5. The planning proposal should be revised to include an area to be revegetated for maintaining and enhancing east-west wildlife corridor function through the planning area. The nominated wildlife corridor area should be subject to an appropriate mechanism, such as a planning agreement, to protect remnant native vegetation in that area and facilitate future native vegetation enhancement to improve and sustain wildlife corridor function.

The OEH has identified part of the planning area that may be suitable for the location of a vegetated wildlife corridor for the applicant to consider (refer to Figure 1 below).



Figure 1: Possible location for a vegetated east-west wildlife corridor through the planning area (i.e. area shaded blue).

Flooding

Whilst proposed residential land may be restricted to higher ground within the planning area and not likely to be affected by flooding, it is important that the consequences of the probable maximum flood be considered. If the potential exists for flood evacuation being required then access via Wyrallah Road to the evacuation centre at Southern Cross University would be cut by Gundurimba Creek. Therefore, an alternate evacuation route would need to be considered in this instance.

OEH Recommendation:

6. The planning proposal should consider alternate evacuation routes if the potential exists for flood evacuation being required.

Aboriginal Cultural Heritage

The OEH notes the draft planning proposal has considered whether there is any tangible and/or intangible Aboriginal cultural heritage values that require the application of specific land use zones to ensure their conservation. We also note that the preliminary assessment undertaken has not identified any areas of high Aboriginal cultural heritage significance likely to be impacted by land uses to be enabled by this planning proposal.

Therefore there are no Aboriginal cultural heritage prompts requiring the use of appropriate long term protection mechanisms to ensure protection in perpetuity. Nevertheless, the OEH welcomes the opportunity to review the planning proposal formally at a later stage.