

REVIEW OF ENVIRONMENTAL FACTORS

Proposed Multi-Dwelling Housing Development

at

195 – 197 Dibbs Street, East Lismore NSW 2480

May 2024





Acknowledgement of Country

Homes NSW acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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REVIEW OF ENVIRONMENTAL FACTORS

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On February 1 2024, Homes NSW, a division of the Department of Communities and Justice (DCJ) was formed. It has brought together the housing and homelessness services of DCJ with the NSW Land and Housing Corporation (LAHC), Aboriginal Housing Office (AHO) and key worker functions from across government under one roof.

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REF prepared and peer reviewed by:

Having prepared the Review of Environmental Factors:

- I have declared any possible conflict of interests (real, potential or perceived) to the A/Executive Director of Strategy and Origination, Housing Portfolio, Homes NSW.
- I do not consider I have any personal interests that would affect my professional judgement.
- I will inform the A/Executive Director of Strategy and Origination, Housing Portfolio, Homes NSW as soon as I become aware of a possible conflict of interest.

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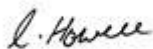
I certify that I have reviewed and endorsed the contents of this REF document and, to the best of my knowledge, it is in accordance with the EP&A Act, the EP&A Regulation and the Guidelines approved under clause 170 of the EP&A Regulation, and the information it contains is neither false nor misleading.

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Designation: Manager, Planning & Assessment, Homes NSW

Date: 3 June 2024

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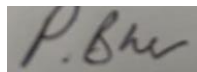
Having authorised the issuing of this Review of Environmental Factors:

- I have declared any possible conflict of interest (real, potential or perceived) to the A/Executive Director of Strategy and Origination, Housing Portfolio, Homes NSW
- I do not consider I have any personal interests that would affect my professional judgement.
- I will inform the A/Executive Director of Strategy and Origination, Housing Portfolio, Homes NSW as soon as I become aware of a possible conflict of interest.

Name: Peta Baker

Designation: Acting Director, Portfolio Services, Homes NSW

Signature:



Date: 04/06/2024

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1 Executive Summary

The subject site is located at 195-197 Dibbs Street, East Lismore, and is legally described as Lot 20 in DP 20770 and Lot 1 in DP 121490. The proposed multi dwelling housing development is described as follows:

Demolition of 2 dwellings, associated ancillary structures and tree removal and construction of a multi-dwelling housing development comprised of 6 dwellings, (4 x 2 bedroom and 2 x 3 bedroom), parking for 7 vehicles, associated site works, landscaping, road widening works along Dibbs Street and consolidation of 2 lots into a single lot.

Note: State Environmental Planning Policy Amendment (Housing) 2023

On 14 December 2023, amendments were made to *State Environmental Planning Policy (Housing) 2021* (Housing SEPP). This amending policy is referred to in Schedule 7A Savings and transitional provisions as State Environmental Planning Policy Amendment (Housing) 2023. Clause 8 (2) of Schedule 7(A) of Housing SEPP 2021 provides that the amendments made on 14 December 2023 do not apply to an activity by the Land and Housing Corporation where notice of the activity has been provided to Council under 43(1)(b)(i), before the amending policy was made and further, that the activity is determined before 20 December 2024. This activity satisfies both requirements as notification was provided to Council by letter dated 5 December 2023 and the activity will be determined before 20 December 2024. Therefore, State Environmental Planning Policy Amendment (Housing) 2023 as amended on 14 December 2023 does not apply to this activity. The assessment of this activity has been undertaken against the Housing SEPP that was in force immediately before State Environmental Planning Policy Amendment (Housing) 2023 was made.

The proposed activity is permitted on the site in the R1 General Residential zone under the Lismore Local Environmental Plan 2012 (LLEP2012) and can be carried out by Homes NSW (formally NSW Land and Housing Corporation) as 'development without consent' under the provisions of Chapter 2, Part 2, Division 6 of the Housing SEPP as it does not result in more than 60 dwellings on the site and does not exceed 9m in height.

Demolition has been considered as part of the proposed activity. Demolition is permitted with consent under the provisions of the applicable local environmental planning instrument and is therefore permitted without consent under the provisions of the Housing SEPP.

The removal of trees on the site is covered by the definition of consent under Section 6 of the Housing SEPP. It has therefore been incorporated in this review of environmental factors under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Part 8 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation).

The REF demonstrates the following:

- from an analysis of the potential environmental impacts associated with the proposed activity, it has been concluded that the preparation of an Environmental Impact Statement is not required;
- based on a review of the potential environmental impacts resulting from the proposed activity it has been determined that, subject to implementation of mitigation measures to be incorporated as identified requirements, the activity will not have any significant adverse impact on the environment;
- the proposed activity will not have any effect on matters of national significance and its approval under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* is not required;
- the design of the proposed activity has adequately taken into account design principles and better practices set out in the *Seniors Living Policy: Urban Design Guidelines for Infill Development* and taken

into consideration the *Good Design for Social Housing* and *NSW Land and Housing Corporation Design Requirements*;

- the site planning and design of the proposed activity adequately address the Lismore Local Environmental Plan 2012 (LLEP2012) and Lismore Development Control Plan 2012 (LDGP2012);
- a BASIX certificate and NatHERS certificate and stamped plans have been submitted for the proposed activity demonstrating compliance with the State Government's environmental sustainability targets;
- there are no separate approvals, authorisations or notifications required in relation to the proposed activity prior to determination under Part 5 of the EP&A Act or under any other Acts; and
- Lismore City Council, as well as owners and occupiers of adjoining land were notified of the proposed activity under the provisions of the Housing SEPP. A response was received from Lismore City Council dated 25 January 2024. Comments on the response are provided in **Section 7** of this REF. One submission in support of the project was received from an occupier on adjoining land. Comments on the submission are provided in **Section 7** of this REF.

The proposed activity, when carried out in accordance with the environmental mitigation measures outlined in the REF, will not result in any significant and long-term negative impacts on the environment and can proceed subject to the implementation of the identified requirements of determination contained in the **Activity Determination**.

2 Introduction

This Review of Environmental Factors (REF) under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) is for an activity involving demolition of 2 dwellings, associated ancillary structures and tree removal and construction of a multi-dwelling housing development comprised of 6 dwellings, (4 x 2 bedroom and 2 x 3 bedroom units), parking for 7 vehicles, associated site works, landscaping, road widening works along Dibbs Street and consolidation of two lots into a single lot.

The activity¹ will be carried out by, or on behalf of, NSW Land and Housing Corporation (LAHC) and is 'development without consent' under the Housing SEPP.

This REF has been prepared by LAHC in satisfaction of the provisions of Part 5 of the EP&A Act and Part 8 of the *Environmental Planning & Assessment Regulation* (EP&A Regulations) 2021.

A Statement of Compliance accompanying this REF certifies that in accordance with the requirements of the EP&A Act, all matters affecting or likely to affect the environment by reason of the proposed activity have been taken into account to the fullest extent possible and the activity will not have a significant impact on the environment.

2.1 Purpose of this Review of Environmental Factors (REF)

The purpose of this REF is to assist LAHC to fulfil its obligations as a determining authority for the proposed activity in accordance with Part 5 of the EP&A Act and Section 171 of the EP&A Regulation by:

- describing the existing environment;
- describing the proposed activity;

¹ Note: The proposed development is permitted without consent and is therefore subject to environmental impact assessment as an 'activity' under Part 5 of the Environmental Planning and Assessment Act 1979.

- analysing the potential impacts of the activity on the environment;
- identifying measures to mitigate those impacts;
- analysing whether the activity, with the mitigating measures in place, will have a significant impact on the environment; and
- recommending identified requirements to ensure the mitigating measures are implemented if the activity were to proceed.

2.2 Assessment Methodology

The following methodology was applied in undertaking this REF for the proposed development activity under Part 5 of the EP&A Act:

- Section 10.7 planning certificates (**Appendix F**) were obtained for each lot comprising the site. The zoning was confirmed against the current applicable environmental planning instrument, which is the *Lismore Local Environmental Plan 2012*;
- it was determined that multi-dwelling housing is permitted within the R1 General Residential Zone. The proposed activity, being multi-dwelling housing is 'permitted with consent' in the R1 zoning pursuant to the Lismore LEP 2012, and can be carried out 'without consent' under the provisions of Housing SEPP 2021;
- a desktop analysis and investigation of the site and surrounds was undertaken based on site clearance information provided by the Land and Housing Corporation to determine the suitability of the site for the proposed development activity, particularly taking into account the existing site conditions, constraints and local context;
- LAHC staff visited the site on 26 September 2022 to take into account the existing site conditions, constraints and local context;
- relevant local planning controls and State and Commonwealth Government legislation were considered in the environmental assessment of the proposed development activity;
- an environmental impact analysis was undertaken to determine if an Environmental Impact Statement was required;
- potential environmental impacts identified in the analysis and measures to mitigate these impacts were subsequently discussed in the Review of Environmental Factors; and
- Identified Requirements incorporating the mitigation measures for undertaking the proposed development activity were identified for inclusion in the **Activity Determination** of the activity.

3 Context

3.1 Site and Surroundings

The site is located in the Lismore local government area (LGA). The site of 195-197 Dibbs Street East Lismore is comprised of 2 allotments, being; Lot 20 in DP 20770 and Lot 1 in DP 121490. It is 1,165m² in area and is a corner site with 2 road frontages, to Dibbs Street and Walker Place. It has a 33.53m eastern frontage to Dibbs Street, a 32m southern frontage to Walker Place, a 33.53m northern side boundary and a 35m rear western boundary. The site falls by approximately 1.2m in a north-west to south-east direction where the low point is at the corner

of Dibbs Street and Walker Place (refer to Survey Plan **Appendix D**). An aerial photo is provided at **Figure 2**, followed by a location plan at **Figure 2**.

The site is not within a flood planning area and is not subject to flood related development controls based on the Section 10.7 Planning Certificates dated 3/10/2023 and the Property Flood Information Certificate issued by Lismore City Council dated 28/9/2021.

Existing on each of the lots are single storey dwelling houses with a number of trees planted across both sites. The surrounding sites are predominately comprised of other similar single storey dwelling houses, however the directly adjoining western property is occupied by a single storey multi-dwelling housing development as well as another single storey multi-dwelling housing development off the southern side of Walker Place (addressed as 205 Dibbs Street). Furthermore, approximately 130m north of the subject site is another single storey multi-dwelling housing development at 177 Dibbs Street. **Figure 3 – 8** provide site photos from 26 September 2022 taken by a LAHC Planning Officer.

A total of 25 trees were identified on the site, within the street verge fronting the site or on neighbouring land with the trunk in close proximity to the subject site's boundaries (refer to **Appendix B**, **Appendix D** and **Appendix J**).

The closest bus stops are located on Daley Street adjacent to The Rivers Secondary College and Saint Vincent's Private Hospital. Both bus stops are greater than 400m from the subject site. The site is not in an accessible area as defined within the Housing SEPP 2021.



Figure 1 - Aerial photo (source: Nearmap imagery – 14 February 2024)

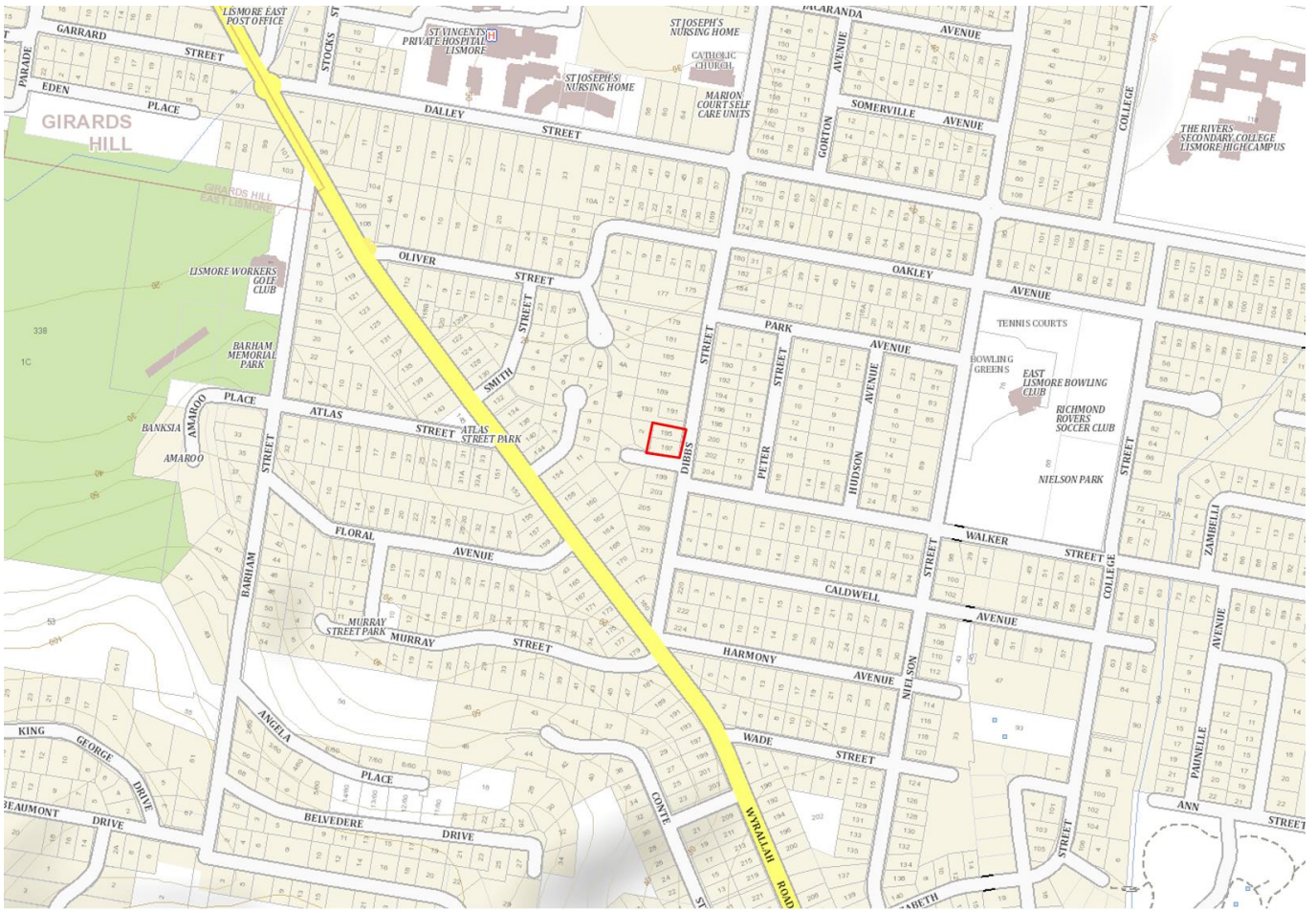


Figure 2 - Location Plan (Source: NSW E-Spatial Viewer)



Figure 3 - 2 Walker Place single storey multi-dwelling development (source: NSW LAHC Planner photo 26 September 2022)



Figure 4 - 197 Dibbs Street as viewed from Walker Place (source: NSW LAHC Planner 26 September 2022)



Figure 5 - 197 Dibbs Street and services in the verge as viewed from the intersection of Dibbs Street and Walker Place (source: NSW LAHC Planner 26 September 2022)



Figure 6 – 197 Dibbs Street as viewed from Dibbs Street (source: NSW LAHC Planner 26 September 2022)



Figure 7 – 195 Dibbs Street as viewed from Dibbs Street (source: NSW LAHC Planner 26 September 2022)



Figure 8 – stormwater drainage channel and easement between 195 Dibbs Street and 191-193 Dibbs Street (source: NSW LAHC Planner 26 September 2022)

3.2 Neighbouring Development and Locality

The site is located within an established residential area which is characterised by older style single storey detached dwelling houses of brick and weatherboard construction with tiled and sheet metal roofing, interspersed with more recent 2-storey dwelling houses (seen at **Figure 11**). There are several single storey multi-dwelling housing developments in close proximity to the subject site, at 205 Dibbs Street, 177 Dibbs Street (seen at **Figure 10**) and immediately adjoining at 2 Walker Place. Additionally, LAHC on 18 December 2023 issued the Activity Determination for a 2-storey residential flat building comprised of 16 units at 1-3 Walker Street and 2-4 Caldwell Avenue (architectural render at **Figure 12**). The area, although residential in nature is also close to recreational and essential services uses such as East Lismore Bowling Club, St Vincent's Hospital, churches and green spaces. The town centre is approximately 1.5km north-west of the subject site.

There are two bus stops located within close proximity of the site, one bus stop is located on Dibbs Street (within 70m of the site) and the second located on Walker Street (within 50m of the site). These stops are serviced by the Route 699 to and from South Lismore Route and/or Route 683 to and from East Lismore, Southern Cross University, Lismore Base Hospital, Lismore Heights, Lismore Square, and shopping centres in the area. The distances to these closest 2 bus stops and surrounding bus stops within 450m are shown at **Figure 9**. The bus frequencies do not meet the minimum accessibility frequencies as stipulated in the Housing SEPP 2021 and as a result the site is not located within an “accessible area”.

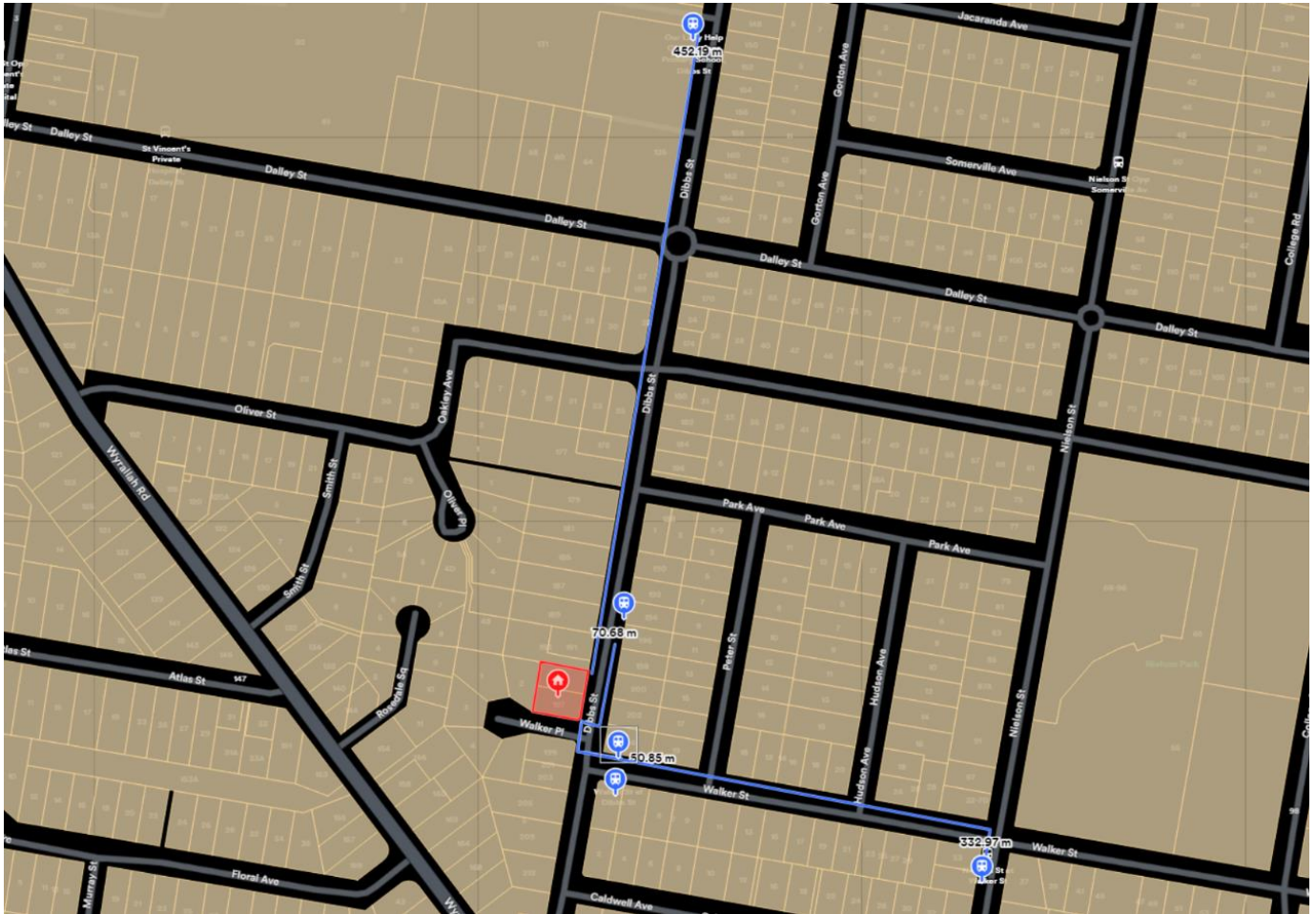


Figure 9 – Distances to bus stops (source: Nearmap)



Figure 10 – Multi-dwelling housing development at 177 Dibbs Street (source: Google Streetview April 2023)



Figure 11 – modern 2-storey dwelling house at 200 Dibbs Street and opposite the subject site (source: Google Streetview April 2023)



Figure 12 – LAHC approved development at 1-3 Walker Street by 2-4 Caldwell Avenue (source: <https://www.planningportal.nsw.gov.au/part-5/residential-flat-building>)

4 Project Description

The proposed activity can be described as follows:

Demolition of 2 dwellings, associated ancillary structures and tree removal and construction of a multi-dwelling housing development comprised of 6 dwellings, (4 x 2 bedroom and 2 x 3 bedroom), parking for 7 vehicles, associated site works, landscaping, road widening works along Dibbs Street and consolidation of 2 lots into a single lot.

Vehicle access to the site is proposed via the southern boundary off Walker Place. A site plan is provided at **Figure 13**.

4.1 Demolition

The proposed activity includes demolition of 2 single storey dwelling houses and associated ancillary structures, and removal of trees throughout the sites (refer to **Appendix A** Demolition Plan).

4.2 Removal of Trees

A total of 25 trees were identified on the site, within the street verge fronting the site or on neighbouring land with the trunk in close proximity to the subject site's boundaries (refer to **Appendix B**, **Appendix D** and **Appendix J**). All trees on the subject site are recommended to be removed to allow for the construction of the proposed development. Most of the trees on the subject site are exotic species and the only native trees are; T2 - Bangalow Palm, T11 - Flame tree, T20 - Firewheel tree, and T23 - Macaranga tree. Each of these four native trees are identified in the Arboricultural Report (**Appendix J**) as being of moderate significance. The only high significant tree is T4 Liquidambar which is located on the southern boundary fronting Walker Place. This T4 is a common weed species and whilst not listed as an exempt tree species within the Lismore DCP 2012, the tree as existing is visibly damaging existing hardstand areas with its root system.

T25 and T26 are located outside of the subject site and are proposed for removal to allow for the construction of new boundary fencing. Landowners consent from the northern adjoining property (193 Dibbs Street), where the trees are located, has been obtained in a formal letter dated 14 January 2024.

4 trees located on the western adjoining property (2 Walker Place), and those trees overhang into the subject site. This property is under the ownership of LAHC and are likely to require pruning to allow for the construction of Dwelling 1.

New tree planting is proposed at the site, which includes; 1 x *Acemena Smithii* Lilly Pilly, 3 x *Elaeocarpus Reticulatus* Blueberry Ash and 1 x *Hymenosporum Flavum* Native Frangipani (refer to **Appendix B**). Additionally, 4 new street trees are proposed to be planted, 2 along the Dibbs Street frontage and 2 along the Walker Place frontage.

4.3 Proposed Dwellings

The proposed multi-dwelling housing development is comprised of 6 dwellings, 4 x 2 bedrooms and 2 x 3 bedrooms. The proposed buildings across the site are broken into 3 blocks comprised of 2 dwellings each. Four dwellings (1,2,3,4) front Walker Place and two dwellings (5,6) front Dibbs Street. Dwellings 1,2,3,4,5 are two-storey in height whilst Dwelling 6 is single storey and is the nominated accessible unit. Dwellings 1 and 2 are approximately 109m² in area, Dwellings 3,4,5 are approximately 88m² in area and Dwelling 6 is approximately 91m² in area.

Dwelling 1 and 2 are comprised of:

- Ground floor: dwelling entry off Walker Place, kitchen, dining, living, laundry under the staircase, WC, and northern orientated private open space.
- First floor: 3 bedrooms and 1 bathroom.

Dwelling 3 and 4 are comprised of:

- Ground floor: dwelling entry off Walker Place, kitchen, dining, living, laundry under the staircase, WC, and northern orientated private open space. Dwelling 4 is also provided with a second private open space orientated to the east to Dibbs Street.

- First floor: 2 bedrooms and 1 bathroom.

Dwelling 5 is comprised of:

- Ground floor: dwelling entry off Dibbs Street, kitchen, dining, living, laundry under the staircase, WC, and two private open space areas – one with a western orientation and one with an eastern orientation.
- First floor: 2 bedrooms and 1 bathroom.

Dwelling 6 is comprised of:

- Ground floor: dwelling entry off Dibbs Street, kitchen, dining, living, laundry, bathroom, two bedrooms, and two private open space areas – one with a western orientation and one with an eastern orientation.

Each dwelling is provided with private waste bin storage adjacent to the paved private open space and has private access from the street frontage to the front door.

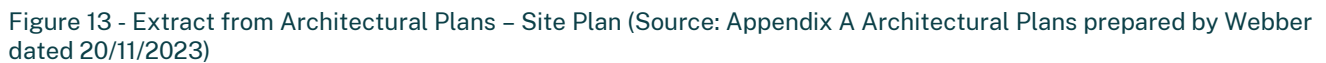
A total of 7 car parking spaces are provided at the north-western quadrant of the site, which includes an adaptable car parking space.

Reverse cycle air conditioning will be provided to the living areas of each dwelling to assist with climate control, as well as photovoltaic systems to offset energy costs.

A 6.3m³ on-site-detention (OSD) tank is located at the northern boundary of the site.

The building's material composition is characterised by a diverse blend of elements, each contributing to the overall aesthetic and functional integrity of the structure. The primary materials utilised in the construction are as follows (refer to **Appendix A** cover sheet for specific details):

- Exterior Walls: feature face brick and lightweight cladding in the 'Surfmist' finish.
- Sunhoods and Windows: sunhoods and windows are constructed using aluminium.
- Roofing: metal sheeting in the 'Surfmist' finish.
- Fencing: mix of face brick, plate-style fencing and metal boundary fencing.
- Driveway: constructed from concrete.



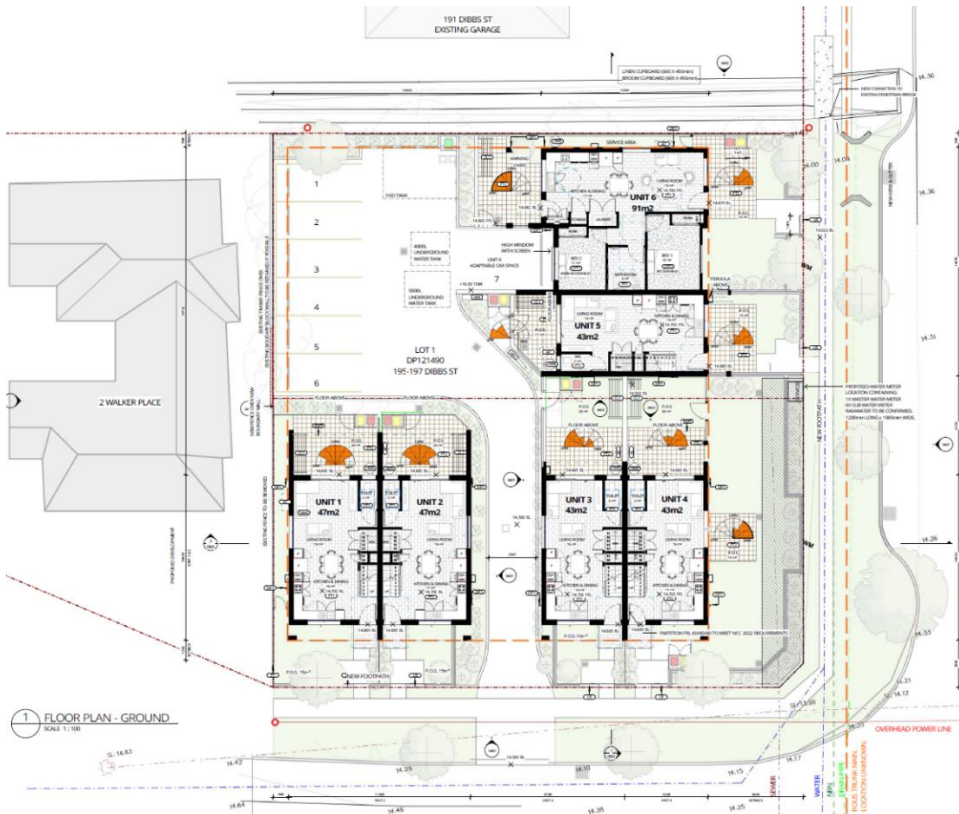


Figure 14 - Extract from Architectural Plans – Ground Floor Plan (Source: Appendix A Architectural Plans prepared by Webber dated 20/11/2023)



Figure 15 - Extract from Architectural Plans – First Floor Plan (Source: Appendix A Architectural Plans prepared by Webber dated 20/11/2023)

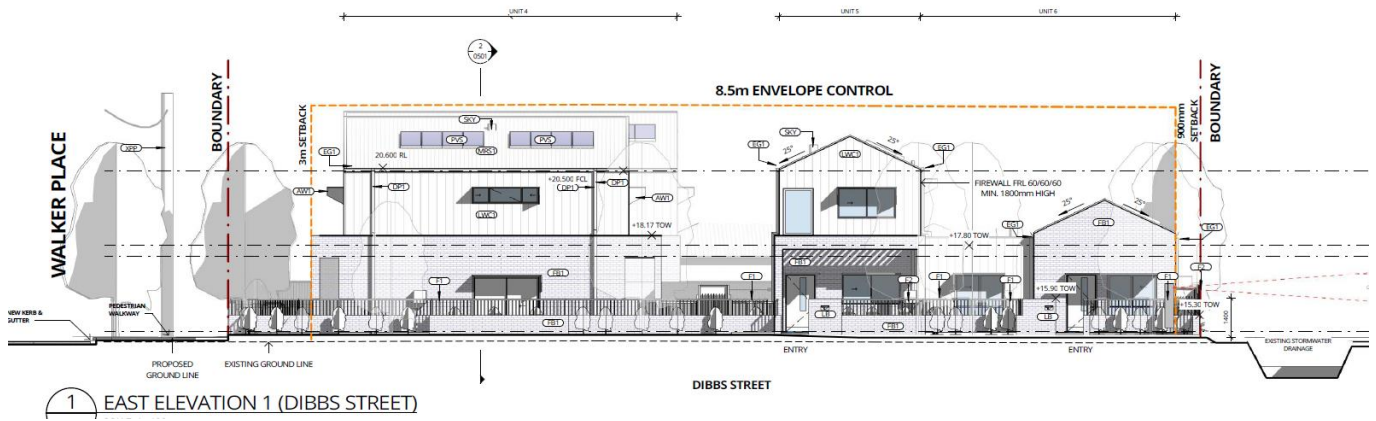


Figure 16 - Extract from Architectural Plans – Dibbs Street eastern elevation (Source: Appendix A Architectural Plans prepared by Webber dated 20/11/2023)

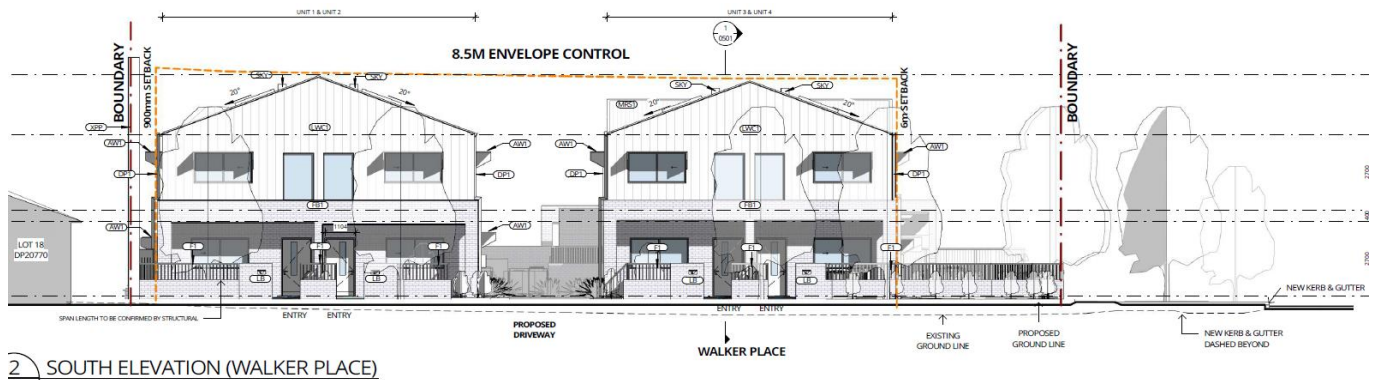


Figure 17 - Extract from Architectural Plans – Walker Place southern elevation (Source: Appendix A Architectural Plans prepared by Webber dated 20/11/2023)



Figure 18 - Extract from Architectural Plans – 3D Render (Source: Appendix A Architectural Plans prepared by Webber dated 20/11/2023)

4.4 Supporting information

The proposal is detailed in the following plans, drawings and specialist reports and supporting information.

Table 1 Supporting information

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Architectural – Appendix A				
Coversheet	2882 / 0101	I	20.11.23	Webber Architects
Site & Block Analysis	2882 / 0201	I	20.11.23	Webber Architects
Demolition Plan	2882 / 0202	I	20.11.23	Webber Architects
Site Plan	2882 / 0203	J	20.11.23	Webber Architects
Shadow Diagrams	2882 / 0204	I	20.11.23	Webber Architects
Ground Floor Plan	2882 / 0301	J	20.11.23	Webber Architects
First Floor Plan	2882 / 0302	J	20.11.23	Webber Architects
Roof Plans (Block A&B)	2882 / 0330	I	20.11.23	Webber Architects
Elevations – Sheet 1	2882 / 0401	I	20.11.23	Webber Architects
Elevations – Sheet 2	2882 / 0402	I	20.11.23	Webber Architects
Streetscape elevation & sections	2882 / 0501	I	20.11.23	Webber Architects
Doors and Windows Schedule	2882 / 0801	B	21.09.23	Webber Architects
Landscape Plan – Appendix B				
Site Analysis	L01	F	20.11.23	Green Space Planning
Landscape Plan	L02	F	20.11.23	Green Space Planning
Plan Schedule	L03	F	20.11.23	Green Space Planning
Stormwater Plans – Appendix C				
Cover Sheet	8976-DA-000	1	26.10.23	Indesco
General Notes & Legends (1/2)	8976-DA-001	B	26.10.23	Indesco
General Notes & Legends (2/2)	8976-DA-002	1	11.08.23	Indesco
Stormwater Plan Sheet	8976-DA-100	1	26.10.23	Indesco
Stormwater Details	8976-DA-500	1	26.10.23	Indesco
OSD Tank Sections and Details Plan	8976-DA-501	1	26.10.23	Indesco
OSD Catchment Plan	8976-DA-601	1	26.10.23	Indesco
Erosion and Sediment Control Plan	8976-DA-800	1	26.10.23	Indesco
Erosion and Sediment Control Notes and Details	8976-DA-810	1	26.10.23	Indesco
Survey Plan – Appendix D				
Detail Survey	Survey Ref:151687	1	30.06.22	RPS Australia East
Notification Plans – Appendix E				
Cover Page	2882 / 0111	F	30.11.23	Webber Architects
Site & Landscape Plan	2882 / 0112	E	20.11.23	Webber Architects
Elevations 1	2882 / 0113	E	20.11.23	Webber Architects
Elevations 2	2882 / 0114	E	20.11.23	Webber Architects
Schedule of Finishes	2882 / 0115	E	20.11.23	Webber Architects

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Shadow Diagrams	2882 / 0116	D	20.11.23	Webber Architects
Notification Letters & Submissions – Appendix G				
Specialist Reports				
Access Report – Appendix H	PAA_22260	Revision 1	26.10.23	Purple Apple Access
Preliminary Tree Report – Appendix J	22034	Final	01.12.23	Northern Tree Care
BASIX Certificate – Appendix K	1424113M_04	-	30.11.23	-
Thermal Performance Specifications – Appendix L	437/2023	-	27.9.23	Evergreen Energy Consultants
NatHERS Certificate – Appendix N	0008952410	-	30.11.23	Evergreen Energy Consultants
Geotechnical Investigation Assessment – Appendix P	22/2250	-	June 2022	STS Geotechnics Pty Ltd
Waste Management Plan – Appendix R	-	A	02.11.23	Webber Architects
Traffic and Parking Impact Assessment – Appendix S	-	-	14.09.23	SECA Solution

Additional Detail of the following Appendices

Design compliance and checklists – Appendix M

- Architect's Certificate of Building Design Compliance – *Webber Architects* dated 28/11/2023.
- Certificate of Civil Design Compliance – *Indesco* dated 22/11/2023.
- Certificate of Landscape Design Compliance – *Green Space Planning* dated 9/11/2023.

Seniors Living Policy Urban Design Guidelines – Appendix O

- Prepared by Luke Keating of *Webber Architects* dated 28/11/2023.

Section 10.7 Planning Certificates – Appendix F

- Lot 20 DP 20770, Certificate No.11175, dated 3.10.2023 - Lismore City Council
- Lot 1 DP 121490, Certificate No.11174, dated 3.10.2023 - Lismore City Council

Titles and Deposited Plans – Appendix Q

- Title Searches; Folio 20/20770 and Folio 1/121490, Search date 28 November 2023.

AHIMS Web Search – Appendix I

- AHIMS Web Search, search date 30/08/2021.

5 Zoning and Permissibility

The site is zoned R1 General Residential under the *Lismore Local Environmental Plan 2012* (LLEP 2012). The proposed development is defined as a ‘multi-dwelling housing’ under the provisions of LLEP 2012 and is permissible with consent in the R1 zone and therefore, is permitted on the subject land as ‘development without consent’ under the provisions of Section 42 of the Housing SEPP. A zoning map is provided below at **Figure 19**.



Figure 19 - Land zoning map (Source: NSW E-spatial viewer)

The objectives of the R1 zone within LLEP 2012 are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that new development is compatible with the character, and preserves the amenity, of each residential area.

The proposed development provides housing that meets the needs of the community, is compatible with the character of the locality and it will enhance the variety of housing types and densities.

Section 42 of the Housing SEPP permits residential development that may be carried out ‘with consent’ to be carried out by LAHC as ‘development without consent’ subject to the provisions set out under that clause.

Table 4 in subsection 6.1.6 of this REF demonstrates compliance with the relevant provisions of section 42 of the Housing SEPP are achieved and therefore, the proposed development is permitted as “development without consent”. As such the development approval pathway is via Part 5 of the Environmental Planning and Assessment Act 1979 (EPA Act 1979).

6 Planning and Design Framework

6.1 State Legislation

6.1.1 Environmental Planning and Assessment Act 1979

Duty to consider environmental impact [Section 5.5]

Section 5.5(1) states that, for the purpose of attaining the objects of the EP&A Act relating to the protection and enhancement of the environment, a determining authority in its consideration of an activity shall, notwithstanding any other provisions of the Act or the provisions of any other Act or of any instrument made under the EP&A Act or any other Act, examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.

Table 2 below demonstrates the effect of the proposed development activity on the matters listed for consideration in subsection 3 of Section 5.5.

Table 2 Compliance with subsection 3 of Section 5.5 of the EP&A Act 1979

Matters for consideration under sub-section 3 of Section 5.5 of the EP&A Act	
Matter for consideration	Effect of Activity
Sub-section 3 Without limiting subsection (1), a determining authority shall consider the effect of an activity on any wilderness area (within the meaning of the <i>Wilderness Act 1987</i>) in the locality in which the activity is intended to be carried on.	No effect, as the site and surrounding areas are not within a wilderness area (within the meaning of the <i>Wilderness Act 1987</i>).

6.1.2 Biodiversity Conservation Act 2016 (BC Act)

Part 7 of the BC Act sets out the test for determining whether a proposed development or activity is likely to significantly affect threatened species, ecological communities or their habitats. For the purposes of Part 5 of the EP&A Act, an activity is to be regarded as an activity likely to significantly affect the environment if it is likely to significantly affect threatened species.

Based on the criteria set out in Section 7.3 of the BC Act, the proposed activity is unlikely to affect threatened species, ecological communities or their habitats and therefore no further assessment is necessary. This is because the land does not contain threatened species, endangered ecological communities or constitute habitat of threatened species or ecological communities. The proposed activity will neither be a key threatening process and the land is not part of or in the vicinity of any declared area of outstanding biodiversity value.

6.1.3 Other Acts

No other State and Commonwealth Acts are applicable to the proposed activity.

6.1.4 Environmental Planning and Assessment Regulation 2021

Factors that must be taken into account concerning the impact of an activity on the environment [Section 171]

For the purposes of Part 5 of the EP&A Act, the factors in **Table 3** below have been taken into account in considering the likely impact of the proposed activity on the environment. The table and comments made in this

section of the REF are not mutually exclusive and are to be read in conjunction with the other sections of the REF dealing with the environmental impacts of the proposed development activity.

Table 3 Compliance with Section 171 of the EP&A Regulations 2021

Factors to be taken into account concerning the impact of an activity on the environment.	Comment			
Is the activity of a kind for which specific guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in the guidelines.	No specific guidelines. This does not include guidelines such as the Seniors Living Urban Design Guidelines, that are in force under other legislation or instruments.			
Is the activity of any other kind for which general guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in those guidelines.	Yes - Department of Planning and Environment issued “Guidelines for Division 5.1 assessments” made under Section 170 of the EP&A Regulation 2021.			
Factors to be taken into account concerning the impact of an activity on the environment				
Guidelines for Division 5.1 assessments require the following Environmental factors to be taken into account:	Relevant?	Impact Assessment		
	YES/NA	Temporary	Minor	Significant [Note 1]
(a) environmental impact on the community	Yes	x	x	
(b) transformation of a locality;	Yes		x	
(c) environmental impact on the ecosystems of the locality;	Yes		x	
(d) reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality;	Yes	x	x	
(e) effect on a locality, place or building having aesthetic, anthropological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations;	NA			
(f) impact on the habitat of protected animals (within the meaning of Biodiversity Conservation Act 2016);	NA			
(g) endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air;	NA			
(h) long-term effects on the environment;	Yes		x	
(i) degradation of the quality of the environment;	Yes	x	x	
(j) risk to the safety of the environment;	Yes	x	x	
(k) reduction in the range of beneficial uses of the environment;	NA			
(l) pollution of the environment;	Yes	x	x	
(m) environmental problems associated with the disposal of waste;	Yes		x	
(n) increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply;	Yes		x	
(o) cumulative environmental effect with other existing or likely future activities.	Yes		x	
(p) impact on coastal processes and coastal hazards, including those under projected climate change conditions. [Note 2]	NA			

(q) applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1,	Yes – discussed below in subsection 6.1.5 below		x	
(r) other relevant environmental factors.	Yes – discussed in Section 8		x	

Note 1: A significant impact triggers the preparation of an Environmental Impact Statement.

Note 2: The NSW Coastal Planning Guideline: Adapting to Sea Level Rise provides guidance on considering projected climate change conditions such as sea level rise.

The proposed development is not expected to generate any significant or long-term impacts on the environment. The short-term impacts, during construction, will be offset by positive social outcomes in the long term social benefits of providing affordable housing that meets the needs of the community. The applicable Local Strategic Planning Statement (LSPS) and Growth Management Strategy are considered below at Section 6.1.5 of this report.

6.1.5 Strategic Planning Framework

Inspire Lismore 2040 Local Strategic Planning Statement

The Inspire Lismore 2040 Local Strategic Planning Statement was endorsed by Lismore City Council in July 2020. It is a 20-year plan that identifies 5 themes for the LGA which are:

- Liveable Places
- Productive Economy
- Connected Communities
- Sustainable Environment
- Climate Resilience

Notably, Theme 1 Liveable Places promotes growth around Lismore City, CBD and villages. The proposed development, located in the proximity of Lismore CBD, will contribute 6 multi-dwelling social housing units to support the community demand within the LGA. It is diversifying the residential uses in East Lismore by introducing a mix of single and two-storey multi-dwelling housing to accommodate the population in the locality and is well serviced by existing public transport options which make the proposal in line with 'Priority 1 Housing diversity and affordability' as well as 'Priority 9 Transport and communications keep our communities connected and facilitate the expansion of industries'.

The proposed development of 6 multi-dwelling housing units contributes to the objectives of the Inspire Lismore 2040 Local Strategic Planning Statement and will increase the provision of social housing within close proximity to services with minimal environmental impacts.

Lismore Growth Management Strategy 2015-2035

The Lismore Growth Management Strategy 2015-2035 was adopted by Council on 12 May 2015. It is a 20-year plan that outlines the community's aspiration for growth and identifies land that can support the future demands. This Strategy identifies 7 Principles for the growth management of the Lismore LGA. Under each principle, there are strategies and related actions for settlement planning guidelines. The proposed development is in line with many of the principles and actions stipulated in this strategy such as urban infill and particularly East Lismore residential infill as well as encouraging housing diversity. The proposed development of 6 multi-dwelling housing units is not in conflict with the Lismore Growth Management Strategy 2015-2030 and will provide new social housing within the LGA.

6.1.6 State Environmental Planning Policy (Housing) 2021

Development without Consent

Section 42 of the HSEPP permits certain development that may be carried out 'with consent' to be carried out by LAHC as 'development without consent' subject to the provisions set out under that section. **Table 4** below demonstrates compliance with the relevant provisions of section 42 of the HSEPP.

State Environmental Planning Policy Amendment (Housing) 2023

On 14 December 2023, amendments were made to *State Environmental Planning Policy (Housing) 2021* (Housing SEPP). This amending policy is referred to in Schedule 7A Savings and transitional provisions as State Environmental Planning Policy Amendment (Housing) 2023. Clause 8 (2) of Schedule 7(A) of Housing SEPP 2021 provides that the amendments made on 14 December 2023 do not apply to an activity by the Land and Housing Corporation where notice of the activity has been provided to Council under 43(1)(b)(i), before the amending policy was made and further, that the activity is determined before 20 December 2024. This activity satisfies both requirements as notification was provided to Council by letter dated 5 December 2023 and the activity will be determined before 20 December 2024. Therefore, State Environmental Planning Policy Amendment (Housing) 2023 as amended on 14 December 2023 does not apply to this activity. The assessment of this activity has been undertaken against the Housing SEPP that was in force immediately before State Environmental Planning Policy Amendment (Housing) 2023 was made.

Table 4 Compliance with relevant provisions under sections Chapter 2, Part 2, Division 6 of the HSEPP for 'residential development without consent' carried out by LAHC

Provision	Compliance
42 (1) – This Division applies to residential development if -	
(a) the development is permitted with consent on the land under another environmental planning instrument, and	Complies – multi-dwelling housing is permitted with consent in R1 General Residential zone under LLEP 2012.
(b) all buildings will have a height of not more than 9m, and	Complies - all the buildings are a maximum of 8.5m in height and therefore less than 9m.
(c) the development will result in 60 dwellings or less on a single site, and	Complies - 6 dwellings on a single site.
(d) for development on land in an accessible area – the development will result in at least the following parking spaces – (i) for each dwelling containing 1 bedroom – 0.4 parking spaces (ii) for each dwelling containing 2 bedrooms – 0.5 parking spaces (iii) for each dwelling containing at least 3 bedrooms – 1 parking space, and	N/A – site is not in an accessible area as defined within the Housing SEPP 2021. Refer to below (e).
(e) for development on land that is not in an accessible area – the development will result in at least the following parking spaces – (i) for each dwelling containing 1 bedroom – 0.5 parking spaces (ii) for each dwelling containing 2 bedrooms – 1 parking space (iii) for each dwelling containing at least 3 bedrooms – 1.5 parking space, and	Complies. The site is not in an accessible area, and (e) is applicable. <ul style="list-style-type: none"> 4 x 2 bedrooms at 1 parking space each = 4 parking spaces required. 2 x 3 bedrooms at 1.5 parking spaces each = 3 parking spaces required. Total of 7 car parking spaces are required and the proposal includes the provision of 7 parking spaces.

Provision	Compliance
(2) This Division applies to the following development if the development is permitted on the land under another environmental planning instrument –	
(a) the demolition of buildings and associated structures if the building or structure is on land – (i) that is non-heritage land, and (ii) that is not identified in an environmental planning instrument as being within a heritage conservation area,	Complies - includes the demolition of 2 dwellings on land that is not identified as being within a heritage conservation area and is not a heritage site.
(b) the subdivision of land and subdivision works. Note – Section 32 prohibits the subdivision of a boarding house.	N/A – the proposal does not include any subdivision works.
(3) This Division does not apply to – (a) development to which this Part, Division 5 applies, or (b) development that is part of a project, or part of a stage of a project, that the Minister determined under the Act, former section 75P to be subject to the Act, Part 4.	N/A – Division 5 is not applicable to the proposed development.
(4) Development to which this Division applies may be carried out by or on behalf of a relevant authority without development consent.	Noted – the development is carried out by or on behalf of Land and Housing Corporation.
(5) <i>State environmental planning policy (Transport and Infrastructure) 2021</i> , sections 2.15 and 2.17 apply to the development and, in the application of the sections –	N/A – consultation with other authorities other than Lismore City Council was not required for this activity.
(a) a reference in section 2.15 to “this Chapter” is taken to be a reference to this section, and	Noted.
(b) a reference in the sections to a public authority is taken to be a reference to the relevant authority.	Noted.
(6) In this section– Former section 75P means the Act, section 75P, as in force immediately before its repeal by the Environmental Planning and Assessment Amendment (Part 3A Repeal) Act 2011. Residential development has the same meaning as in the Housing Act 2001, section 8.	Noted.
43 Requirements for carrying out residential development –	
(1) Before carrying out development under this Division, the Land and Housing Corporation must–	
(a) request the council nominate a person or persons who must, in the council’s opinion, be notified of the development, and	Yes – in November to December 2023, LAHC sought advice from Lismore City Council regarding additional persons or properties that should be notified. Lismore City Council confirmed via email on 4 December 2023 a list of properties that are required to be notified.
(b) give written notice of the intention to carry out the development to – (i) the council, and (ii) the person or persons nominated by the council, and (iii) the occupiers of adjoining land, and	Yes – a letter notifying Lismore City Council and surrounding neighbours of the proposed development activity was sent by LAHC on 5 December 2023.

Provision	Compliance
(c) take into account the responses to the notice that are received within 21 days after the notice is given, and	Yes – Lismore City Council responded to LAHC’s notification of the activity via email on 25 January 2024. Comments on the Council response are provided in Section 7.1 of this REF. One submission in support of the project was received from an adjoining occupier. Comments on this submission are provided in Section 7.2 of this REF.
(d) take into account the relevant provisions of the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> , published by the Department in March 2004, and	Refer to checklist in Appendix O and Section 6.1.7 of this REF, which indicate that the design of the development is consistent with the relevant provisions of the <i>Seniors Living policy: Urban Design Guidelines for Infill Development</i> with the exception of the minor variations.
(e) if the relevant authority is the Aboriginal Housing Office – consider the relevant provisions of the <i>Aboriginal Housing Design Guidelines</i> , published by the Aboriginal Housing Office in January 2020, and	N/A
(f) If the relevant authority is the Land and Housing Corporation – consider the relevant provisions of – (i) <i>Good Design for Social Housing</i> , published by the Land and Housing Corporation in September 2020, and (ii) the <i>NSW Land and Housing Corporation Design Requirements</i> , published by the Land and Housing Corporation in February 2023, and	Refer to Sections 6.1.8 and 6.1.9 and the Architect’s Statement and Certificate of Building Design Compliance in Appendix M which indicates that the design and dwelling requirements have been considered.
(g) if the development is for the purposes of manor houses or multi dwelling housing (terraces) – consider the relevant provisions of the Codes SEPP, Part 3B.	N/A – development is not for the purpose of these uses.
(2) In this section, a reference to the council is a reference to the council for the land on which the development is proposed to be located.	Noted.

6.1.7 Seniors Living Policy: Urban Design Guidelines for Infill Development

An assessment of the design of the activity against the *Seniors Living Policy: Urban Design Guidelines for Infill Development* is provided at **Appendix O**. The design has followed the Guidelines, except in relation to the following justifiable departures outlined in **Table 5**.

Table 5 Seniors Living Urban Design Guidelines departures

Guideline Requirement	Response
2.08 Retain trees and planting at the rear of the lot to minimise the impact of new development on neighbours and maintain the pattern of mid-block deep-soil planting?	All existing trees on the site are proposed to be removed. The trees on site have been identified and assessed in Appendix J as being of either low or moderate significance and all trees aside from 4 trees are exotic species. The proposed landscape plan Appendix B includes new tree native planting, shrubs and deep soil areas which will improve on the landscaped setting and quality. Additionally, one street tree at the intersection of Dibbs Street and Walker Place is retained.

Guideline Requirement	Response
2.18 Provide at least 10% of the site area, at the rear of the site, for deep soils zones to create a mid-block corridor of trees within the neighbourhood?	The site is a corner block and the proposal includes dwellings fronting both the primary and secondary frontages. The car parking areas are designed to be at the rear of the site to minimise visual and amenity impacts of a car parking areas to the streetscape. Deep soil landscaped areas and tree planting have been prioritised at the street frontage and within the street facing POS for the dwellings.
2.20 Use semi-pervious materials for driveways, paths and other paved areas?	Impervious concrete has been designed for the driveways and pedestrian pathways to reduce ongoing management and allow for longevity of the accessways. A suitable stormwater drainage design has been prepared at Appendix C to ensure that the site drains appropriately.
2.23 Maintain, where possible, existing crossings and driveway locations on the street?	Existing driveway crossings at Dibbs Street and Walker Place are proposed to be removed and new fit for purpose crossing provided off Walker Place.
3.06 Set back upper levels behind the front building façade?	Setting back the upper levels behind the lower level façade was not suitable and would not offer any perceivable benefits to the streetscape or neighbours. To ensure that the bulk and visual interest of the buildings are suitable for the locality, the schedule of finishes and materials (listed in Appendix A) have been carefully considered. As seen at Figure 18 the change in materials between floor plates assist in breaking up the facades and provides visual interest.
3.19 Ensure that new front fences have a consistent character with front fences in the street?	There is limited fencing in the locality. Within Walker Place, there is masonry or brick low lying fencing. The proposed fencing at the street frontages is comprised of a mix of part brick and part vertical open form batten fencing. The proposed fencing design will maintain sight lines whilst offering privacy and separating the public and private domain.
3.20 Orientate mailboxes obliquely to the street to reduce visual clutter and the perception of multiple dwellings?	Each dwelling is provided with their own private letterbox which is located facing the street. The design does not clutter the street given the design of individual private entrance paths with a well-considered landscape setting.
3.27 Vary the driveway surface material to break it up into a series of smaller spaces? (e.g. to delineate individual dwellings)	A single tone concrete driveway is proposed. This hardstand space is used for vehicles and future tenants will be able to access their courtyards / POS from the car parking area. The separation of the common and private areas is visualised by the barrier fencing.
3.29 Provide gates at the head of driveways to minimise visual 'pull' of the driveway?	A gate at the head of the driveway would not be desirable for the streetscape.
4.09 Locate deep soil zones where they will be provide privacy and shade for adjacent dwellings?	Landscaping is used along the car park boundaries to provide privacy to adjoining neighbours.

Guideline Requirement	Response
4.18 Use side setbacks which are large enough to provide usable private open space to achieve privacy and soften the visual impact of new development by using screen planting?	Locating POS at the side boundaries is not suitable for the location and corner block as it would result in greater noise and amenity impacts to neighbours, compared to the proposed POS design as shown at Appendix A .
4.20 Position driveways so as to be a buffer between new and existing adjacent dwellings?	The location of the driveway has been sited at the lower-order road (Walker Place) and used to break the building mass at Walker Place by designing 2 blocks either side of the driveway. Doing so creates visual separation and reduces the building mass at this southern Walker Place elevation.

6.1.8 Good Design for Social Housing

Good Design for Social Housing establishes the 4 key goals and their underpinning principles to delivering better social housing outcomes for NSW.

Clause 43(1)(f)(i) of the Housing SEPP requires the relevant authority to consider the relevant provisions of the *Good Design for Social Housing policy* (September 2020) when assessing a proposed residential development under Part 2, Division 6 of the Housing SEPP.

The following assessment against the *Good Design for Social Housing* demonstrates that the proposed development has adequately considered the goals and principles outlined. Refer to Certificate of Compliance from the Architect in **Appendix M**.

Wellbeing

The proposed development supports the wellbeing of future tenants by providing safe and accessible housing where residents have privacy and feel safe. Each unit is provided with an area of private open space that accommodates a paved area for outdoor dining and gardens planted with low maintenance species at ground floor level. High quality landscaping across the site will enhance the amenity for residents.

The development incorporates passive and active sustainable design, durable and low maintenance materials and appropriately sized units to reduce running costs. The proposal achieves a high NatHERS ratings between 7.6 up to 10, which exceeds the minimum targets set by LAHC (**Appendix N**). A photovoltaic system has been incorporated to offset energy use in the development.

Belonging

The form and materiality of the proposed development have been selected to respond to the style and character of the local area and will make a high quality contribution to the streetscape. The use of predominantly exposed brickwork and a neutral colour palette will ensure the visual appeal of the development is maintained over time.

The development has been designed to reduce bulk and scale through breaking up building mass into 3 cores with reasonable separation between buildings.

Each dwelling is provided with its own private entrance and patio at the street frontage. The private entrances have been designed as welcoming, pleasant environments that create a sense of place for tenants and a safe transition from the public realm to private spaces. The incorporation of lighting, visual surveillance and fencing assist in the provision of a good sense of security for residents.

Value

The development meets sustainability targets, with the development achieving NatHERS ratings between 7.6 to 10 stars. The scheme will incorporate sustainable features including insulation, glazing, clothes lines, native

plantings, ceiling fans, water efficient fittings, abundant natural light, natural cross ventilation. Photovoltaic panels and rainwater re-use will assist in minimising the use and cost of access to natural resources.

The building materials, construction methods and services have been selected to ensure that the development is durable, minimises maintenance and contributes to the low on-going running costs of the dwellings.

The yield is compatible with the planning provisions and the capability of the site, whilst providing a comfortable space for tenants and a positive streetscape contribution for the wider community.

Collaboration

The project involved a rigorous design process in collaboration with design professionals and engineers to ensure that the development incorporates the current best practice in affordable housing design. The development is in keeping with current government initiatives to deliver quality housing stock.

The design and assessment process involved close collaboration with a number of stakeholders, including input from Lismore City Council.

6.1.9 Land and Housing Corporation Design Requirements

The *Land and Housing Corporation Design Requirements* (LAHC Design Requirements) (February 2023) are used to inform the design and development of the LAHC social housing portfolio. These requirements apply to all new LAHC developments and are driven by tenant wellbeing, design quality, environmental performance and operational effectiveness within cost parameters.

Clause 43(1)(f)(ii) of the Housing SEPP requires the relevant authority to consider the relevant provisions of the *Land and Housing Corporation Design Requirements* when assessing a proposed residential development under Part 2, Division 6 of the Housing SEPP.

An assessment of the proposed development against the *Land and Housing Corporation Design Requirements* has been undertaken and deemed to achieve compliance, refer to Certificate of Compliance from the Architect in **Appendix M**. Further detail will be incorporated into the construction documentation.

6.1.10 Other State Environmental Planning Policies

Table 6 below outlines applicability of, and compliance with, other State and Environmental Planning Policies (SEPPs).

Table 6 Compliance with other applicable State and Environmental Planning Policies

State Environmental Planning Policy (Sustainable Buildings) 2022

As of 1 October 2023, the SEPP (Building Sustainability Index: BASIX) 2004 was repealed and replaced by the SEPP (Sustainable Buildings) 2022. A Basix Certificate has been obtained for the development proposal, as required under Chapter 2 and Schedule 1 the Sustainable Buildings SEPP (refer to **Appendix K**). A revised BASIX certificate has been required by **Identified Requirement 74** due to the introduction of air conditioning units to each of the dwellings and additional solar (photovoltaic electricity generation) to reduce associated running costs. The plans in **Appendix A** show the location of the future provision of air conditioning units, however, a change in Homes NSW policy now means that these will be installed at construction.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The Transport and Infrastructure SEPP provides planning controls relating to development for the purposes of essential services infrastructure (hospitals, roads, water supply, telecommunications and electrical networks), educational establishments and child care facilities and major infrastructure corridors.

The site is not located in close proximity to a State Classified Road, adjacent/near a rail corridor or electricity infrastructure and as such, the provisions of the SEPP do not apply.

Therefore, the proposal is not required to be notified to public authorities other than Council in accordance with Section 2.15 and 2.17 of the TISEPP, as referred to under Section 43 of the Housing SEPP.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

This Biodiversity and Conservation SEPP provides planning controls related to conservation and management, to ensure protection of the natural environment.

The development proposes tree removal and thus the provisions of the SEPP related to vegetation clearing do apply. Clause 2.6(1) of this SEPP requires a permit from Council for clearing of vegetation required under the policy.

Notwithstanding, Clause 6 of Housing SEPP specifies that development permitted without consent may be carried out without another consent or a licence, permission, approval or authorisation otherwise required under another environmental planning instrument. This means the proposed removal of trees within the site can be included within the REF scope and does not require a permit from Council.

An assessment of the proposed tree removal has been undertaken within Section 4.2 of this REF. New replacement planting on site will be undertaken in accordance with the detailed landscape plan (**Appendix B**).

State Environmental Planning Policy (Resilience and Hazards) 2021

The Resilience and Hazards SEPP provides provisions for development in the coastal zone, management of hazardous and offensive development and remediation of contaminated land.

Section 4.6 of this SEPP requires the consent authority to consider whether land is contaminated prior to granting development consent. The site is located within a developed residential area of East Lismore. Given the long-term previous land use of the site for residential purposes and the highly disturbed nature of the site, it is unlikely that the subject land is affected by contamination.

The s10.7 Planning Certificates have not identified the site as potentially contaminated (refer to **Appendix F**). The Geotechnical Investigation (**Appendix P**) did not detect the presence of contaminants or uncontrolled fill. Notwithstanding, the draft Contaminated Land Planning Guidelines (draft Guidelines) prepared by the Department of Planning and Environment and the Environment Protection Authority provides a checklist of matters to be considered in an initial evaluation of land in relation to potential for contamination and these are considered in the following table:

Previous evidence of contamination	Yes/ No	Response
a) Was the subject land at any time zoned for industrial, agricultural or defence purposes?	No	Historical aerial images identify that each lot has been used continuously for residential purposes and occupied by the existing dwelling houses since 1958. Identified Requirements attached to the Activity Determination include protocols to follow should unexpected contamination be found on site during the demolition and construction stages.
(b) Do existing records held by the planning authority show that a potentially contaminating activity listed in Table 1 in Appendix 1 has previously been approved or carried out on the subject land? (The use of records held by other authorities or libraries is not required for an initial evaluation.)	No	LAHC records indicate that the land has not been used for a potentially contaminating activity listed in Table 1, Appendix 1 of the draft Guidelines.

(c) Is the subject land currently used for a potentially contaminating activity listed in Table 1 in Appendix 1?	No	All of the lots contain a single storey dwelling house and associated ancillary structures.
(d) Has the subject land ever been regulated through licensing or other mechanisms in relation to any potentially contaminating activity listed in Table 1 in Appendix 1?	No	LAHC records indicate that the land has not been regulated through licensing or other mechanisms.
(e) Are there any land use restrictions on the subject land relating to possible contamination, such as orders or notices issued under the CLM Act?	No	As noted in the Section 10.7 certificates, there are no land use restrictions relating to contamination under the CLM Act.
(f) Has a site inspection indicated that the site may have been associated with any potentially contaminating activities listed in Table 1?	No	Identified Requirement No. 17 has been recommended to cover the possibility of discovering site contamination during demolition / construction works.
(g) Are there any contamination impacts on immediately adjacent land which could affect the subject land?	No	Adjoining development is of a residential nature and no adjoining lots contain historical or current uses which are likely to contribute to contaminated lands.
(h) Are there any human or environmental receptors that could be affected by contamination?	No	Identified Requirement No. 17 has been recommended to cover the possibility of discovering site contamination during demolition / construction works.
(i) Is the site adjacent to a site on the EPA's list of notified sites under s60 of the CLM Act, or adjacent to a site regulated by the EPA under the CLM Act?	No	A review of the EPA's register of notified sites indicates that the land is not adjacent to a notified site under Section 60 of the CLM act or a site regulated by the EPA under the CLM Act.

Identified Requirement No.17 requires implementation of management measures in the unlikely event of contamination prior or during construction works.

6.2 Local Planning Controls

6.2.1 Lismore Local Environmental Plan 2012 (LLEP 2012)

Compliance with the relevant provisions / development standards set out in the LLEP 2012 is demonstrated in **Table 7** below.

Table 7 Lismore Local Environmental Plan 2012

Relevant Provisions / Development Standards for Residential Flat Building			
Clause	Provision / Development Standard	Required	Provided
4.3	Height of Buildings	(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map (9 metres)	Maximum building height (measured in accordance with the LEP definition) is 8.5m and below the prescribed 9m.

4.4	Floor Space Ratio	(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. The site is <u>not</u> mapped as containing a maximum floor space ratio on the Floor Space Ratio Map.	N/A – LAHC has considered the density control within the DCP, refer to Section 6.2.2 .
5.10	Heritage Conservation	Development consent is required for works to a heritage item.	The subject site is not an identified heritage item nor located in proximity to a heritage item or within a heritage conservation area.
5.21	Flood Planning	Development consent is required for works within the flood planning area.	The S.10.7 Planning Certificates (Appendix F) identifies that the site is not affected by Council Flood Planning Controls and not on flood prone land. Additionally, Lismore City Council provided a Property Flood Information Certificate (dated 28 September 2021) which confirmed that the subject site is not subject to flood planning controls or flood affected.
6.1	Acid Sulfate Soils	Development consent is required for works that will modify the existing water table.	The subject site is not identified as containing any ASS.
6.2	Earthworks	Development consent is required unless earthworks are ancillary to other development for which consent has been given.	The subject earthworks are related to the proposed residential flat building and development can proceed on a 'without consent' basis.
6.9	Essential Services	Development consent must not be granted to development unless essential services are available.	Existing essential services are available to the subject site.

6.2.2 Lismore Development Control Plan 2012

Lismore Development Control Plan 2012 (LDCP 2012) Part 1 Chapter 1 “Residential Development” contains the applicable development controls under Section 4 “General Provisions”. These controls are considered below at **Table 8**.

The general controls for all development set out in LDCP 2012 have generally been addressed in the various sections of this REF that address compliance with the provisions of the Housing SEPP.

Table 8 Lismore Development Control Plan 2012

Chapter 1 Residential Development		
General Provisions		
4.1 Element – Setback, design, density and height		
Performance Criteria	Acceptable Solutions	Proposed

Chapter 1 Residential Development

Setbacks

P1 Development is sited and designed taking into account:

- a) the topography of the land;
- b) the relationship to adjoining premises and the street;
- c) the locality that establishes the overall setting of the site;
- d) the character and scale of surrounding development;
- e) maximising solar access to both indoor and outdoor livings area, allowing sufficient space for landscaping and maintaining privacy and amenity;
- f) the compatibility of the garage and carport with the dwelling. New development is to have minimal impact on the environment.

A1.1 Buildings, (not including earthworks, retaining walls, and fencing elements), are setback 6m from the boundary fronting the street in zones R1, R2, R3 and RU5.

A1.2 For a corner allotment in zones R1, R2, R3 and RU5, the setback is 6m from the primary street and 3m from the secondary road.

Complies – the proposed development will have a 6m setback from Dibbs Street. Open form elements of POS and narrow awnings for Dwelling 4,5,6 encroach 1.5m into the articulation zone.

Complies – the secondary frontage to Walker Place is compliant, being setback 3.9m

Design

P2 Building materials complement the materials of the neighbouring building/s and are compatible with the subtropical climate

-

The proposal is modulated and sited to fit comfortably in the existing street pattern while providing logical and appropriate entries for vehicles and pedestrians.

Density P3

Dwelling density and site coverage are consistent with the character and amenity of the residential area.

A3 Provided the development satisfies other criteria in section 4, the dwelling density per site area for multi dwelling housing and residential flat buildings shall not exceed the following:

Dwelling Size	Site area per dwelling with lot < 1200m ²	Site area / dwelling with lot > 1200m ²
1 bedroom	200m ²	180m ²
2 bedroom	250m ²	220m ²
3 bedroom	300m ²	270m ²

Non-compliant – the site has an area of 1,165m². The proposal includes 4 × 2 bedroom and 2 × 3 bedroom units, which under this control would require a site area of 1,600m².

Compliance with this density control would reduce the yield to approximately 4 units.

While the proposal does not meet the density requirement, it is noted that the proposal complies with the majority of DCP controls including setbacks, landscaping, and building height, as well as the higher order standards within the HSEPP.

The proposal will not have any adverse impact on the surrounding properties. It will provide substantial social, community and economic benefits for

Chapter 1 Residential Development

		the locality which are mentioned in Sections 8.18 and 8.19 of this REF.
Building Height, Bulk and Scale <p>P4 The development is of a height that will ensure:</p> <ul style="list-style-type: none"> • Consistency with the prevailing height of other buildings in the vicinity; • Adequate daylight for habitable rooms and open space areas; • Minimal overshadowing and overlooking of adjoining premises; • Compatibility with the local streetscape and character of the area; • The height is consistent with the height of adjoining residences, thereby reducing bulk and loss of residential amenity. 	<p>A4.1 Buildings comply with the building height controls specified in the Lismore Local Environmental Plan 2012.</p> <p>A4.2 Development is progressively set back from boundaries as building height increases so as to minimise adverse impacts on existing or future development on adjoining properties by way of overshadowing, reducing privacy or unreasonably obstructing views.</p>	<p>Complies - the proposal complies with the building height requirements of Lismore LEP 2012.</p> <p>The proposal is for a 2-storey building which is not anticipated to have any impact on the existing developments on adjoining properties. The proposal does not result in any significant overshadowing or privacy issues on the adjoining sites.</p>
Visual Privacy <p>P5 Overlooking of the internal living areas of adjacent dwellings is to be minimised by:</p> <ul style="list-style-type: none"> • careful building layout; • spatial separation of buildings; • location and design of windows and balconies; and • the use of screen walls, fences and landscaping. 	<p>A5.1 Maintain visual privacy between dwellings by:</p> <ul style="list-style-type: none"> • offsetting windows alongside boundaries; • installing windows at different heights to the adjoining buildings; • installing garden beds along the boundary line which are mass planted with appropriate trees and shrubs that also define usable open space. Figures 7 and 8 illustrate how this can be achieved. <p>A5.3 Where habitable room windows look directly at habitable room windows in an adjacent dwelling, privacy is protected by: (a) window sill heights being a minimum of 1.5 metres above floor level; and/or (b) fixing permanent screens that are durable and have a maximum of 25% openings; and/or (c) installing obscure glass; and/or (d) if at ground level, screen fencing to a maximum height of 1.8 metres.</p> <p>A5.4 Decks, verandahs, terraces, balconies and other external living areas</p>	<p>Complies - Minimal privacy impacts result from the proposal. Openings facing the neighbour are minimised and private open spaces have been located away from the shared boundaries.</p> <p>Moreover, fences will provide more privacy but allowing surveillance. The dwelling orientations are not to neighbouring properties but rather the street, which minimises potential overlooking and privacy impacts to neighbours.</p>

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	within 4 metres from a side or rear boundary are screened with a maximum opening of 25%.	No POS areas are located at the side or rear boundaries and no overlooking impacts arise.
Acoustic Privacy P6 The siting of buildings, room layout, windows and wall location and the use of materials minimise impacts from external noise sources.	A6.1 Garages and driveways are located away from bedrooms of adjacent dwellings. A6.2 No common driveway is located within 2 metres of the window of a habitable room unless there is screening at least 1.8m high between the window and the driveway or a vertical separation of at least 1.5 metres between the driveway level and the window sill.	<p>Complies – the driveway is located at the southern boundary off Walker Place. The Driveway has been sited in this location to break up the building mass at this elevation.</p> <p>No garages are proposed. All parking is provided at the hardstand area at the rear north-western quadrant of the site.</p> <p>Adjacent to the common driveway are the living room windows for Dwelling 2 and 3. Low lying planting (<1m) is designed between the driveway and these windows. To assist in providing privacy and reducing noise from vehicles using the driveway, the windows have been designed as highlight windows.</p>
Open Space and landscaping Performance Criteria Acceptable Solutions P7 Adequate open space and landscaped area is provided on site: <ul style="list-style-type: none"> • to cater for the requirements of occupants for relaxation, dining, entertainment, recreation and children's play; • for service functions such as clothes drying and domestic storage; • to facilitate groundwater recharge and reduce stormwater surcharge; and • to enhance the aesthetics and amenity of the development and adjoining premises. 	A7.1 Landscaping and open space shall comprise 40% of the site. 70% of the landscaping and open space area is to be permeable.	<p>Non-compliant – the proposed development will provide 453m² (38.8%) in landscape areas of which 69% is permeable landscaped areas. Notwithstanding this non-compliance, the degree of variation is 13m² (2.7%), does not result in an perceivable adverse impacts or poor amenity outcomes.</p> <p>Appendix B presents a well considered landscape plan that introduces new native planting to the site. Compliance with the development could have been achieved via the removal of the secondary POS for Dwelling 4 and 5, however, the dual POS areas offer a greater amenity and aspect compared to a single POS design.</p> <p>Additionally, the individual and privatised entries to each dwelling (which adds paved areas) are sympathetic to the character of the area and are favoured over a traditional lobby like entrance to the building as a whole.</p>

Chapter 1 Residential Development

Earthworks

P10 Earthworks and retaining walls:

- a) Preserve the stability of the site and adjoining land;
- b) Minimise site disturbance from excessive cut and fill.
- c) Minimise adverse physical, visual and privacy impacts from excessive cut and fill.
- d) Minimise adverse impact on streetscape.
- e) Are integrated with landscaping.
- f) Ensure that structures are stable and safe.

A10.1 The maximum height for cut and fill is 1.8 metres above or below natural ground level except where it is incorporated into the dwelling structure.

A10.2 The height of retaining walls is limited to 1.8 metres above natural ground level and constructed of materials that complement the streetscape and site landscaping. Note: Retaining walls in excess of 1.2m require a report from a suitably qualified structural engineer.

A10.3 All areas containing cut or fill are to be drained, stabilised and landscaped to prevent surface erosion.

A10.4 If the cut or fill is located less than 1m from any boundary, a maximum depth of 1m is permitted. Any retaining wall above 600mm must be suitably designed and approved prior to construction so that structural integrity can be confirmed, and drainage lines can be provided wholly within the subject allotment.

Complies – minor fill of ~700mm is proposed within the building footprints and for the car parking area.

The existing retaining wall along the western boundary is to be maintained and a new boundary fencing constructed.

New drainage infrastructure is proposed.

Waste Management Plans

P21.1 Appendix B of DCP Chapter 15 Waste Minimisation is to be completed and submitted with a development application for dwelling houses, semi-detached dwellings and dual occupancies.

A21.1 A site waste minimisation and management plan is to be submitted with the development applications for dwelling houses, semi-detached dwellings and dual occupancies in accordance with Section 4.1 DCP Chapter 15 Waste Minimisation.

A21.2 A site waste minimisation and management plan is to be submitted with the development applications for medium density development in accordance with Section 4.2 DCP Chapter 15 Waste Minimisation.

Complies – a Waste Management Plan has been prepared and provided in **Appendix R**.

Each dwelling is provided with their own waste bins and a common green waste / organics bin is located at the northern boundary between Dwelling 6 and car parking space 1.

Orientation, Glazing and Shade Control

P22 Development is designed to incorporate passive solar design to maximise winter sun and summer shade.

A22.1 Orientation of the length of the building is between 30° east of north and 15° west of north were permitted by the configuration of the lot. This will maximise winter solar access and summer shade.

A22.2 For new and infill development maintain at least 3 hours solar access to 50% of private open spaces of the proposed development, and to 50% of private open space of adjoining

Complies – good solar access is provided to living areas and private open space. The orientation of the dwellings will maximise solar access to living areas and private open spaces.

Appendix A includes solar access plans for the proposed living and POS areas for each dwelling. This demonstrates that each dwelling will receive in excess of the minimum 3

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	<p>properties, between 9.00am and 3.00pm on June 21.</p> <p>A22.3 Locate the living room, dining room and kitchen on the northern side of the dwelling. Rooms such as bedrooms, bathrooms, toilets and laundries are located on the southern side to provide buffers to summer heat and/or winter wind.</p> <p>A22.4 Eaves, awnings, pergolas or deciduous vines and trees are used to provide shade.</p> <p>A23.1 Windows are located to maximise opportunities for cross ventilation.</p> <p>A23.1 Windows of north facing habitable rooms receive at least three hours of sunlight between 9 am and 3pm on 21 June.</p>	hours as required by the Housing SEPP / LAHC Design Requirements.
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Chapter 7 Off Street Carparking

Schedule 1 Carparking Requirements for Specific Land Uses Multi-dwelling housing: 1 space per 1 bedroom unit, 1.5 space per 2 bedroom unit, 2 spaces per 3 bedroom unit and 1 visitor space per 5 units.	N/A – The proposed development has provided car parking on site in accordance with the rates specified within the Housing SEPP as tabulated at Table 4.
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7 Notification, Consultation and Consideration of Responses

Copies of the notification letters sent to the Lismore City Council and to the adjoining occupiers and owners are provided in **Appendix G**. Lismore City Council's response to notification is also provided at **Appendix G**.

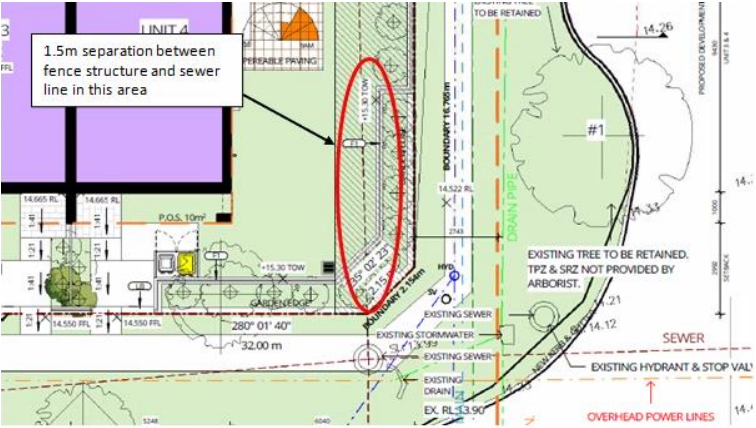
7.1 Council Notification

Under section 43(1)(b) of the Housing SEPP, the Lismore City Council was requested to nominate any other persons who should, in the Council's opinion, be notified of the development. In November and December 2023, LAHC sought advice from Lismore City Council regarding additional persons or property that should be notified of the development. Lismore City Council provided a response via an email on 4 December 2023 that confirmed those occupiers and landowners that are required to be notified (map shown at **Figure 20**).

LAHC notified Lismore City Council via letter dated 5 December 2023 of the proposed activity. Lismore City Council responded to LAHC with comments on the activity via email dated 25 January 2024, which has been extracted in **Table 9**. A response is provided in relation to the matters raised in Council's letter and where appropriate, these matters have been addressed in the identified requirements in the **Activity Determination**.

Table 9 Issues raised by Lismore City Council

Issues raised	LAHC Planning response
<p><u>General Planning Issues</u></p> <p>Parking</p> <p><i>While the proposal complies with the parking requirements of Division 6 of the State Environmental Planning Policy (Housing) 2021 (SEPP), it is noted that the proposed parking does not comply with that required for "multi-dwelling residential/residential flat buildings" specified in Schedule 1 of Chapter 7 (Off Street Carparking), of the Lismore Development Control Plan.</i></p> <p><i>Lismore is a regional centre that generally lacks the public transport services enjoyed by larger metropolitan cities. In this regard, residents generally have a greater reliance on private vehicles and therefore it is recommended that the level of on-site parking is reviewed with these factors in mind.</i></p>	<p>Noted - Council's concerns in relation to car parking have been considered. While it is noted that the development complies with the HSEPP parking rates and compliance with the local DCP is not required, LAHC has also considered local car ownership rates.</p> <p>The 2021 ABS census data for Lismore LGA allows for a comparison of car ownership rates between private and public housing. This data shows that 88% of public housing tenants own 1 car or less, compared to 56% of the private market.</p> <p>There is also a significant distinction between those who own no vehicles, 33% for public housing compared to just 8% in the private market.</p> <p>The proposed 7 on-site parking spaces is considered to appropriately accommodate demand from the 6 unit development.</p>
<p><u>Private Open Space</u></p> <p><i>It is noted that the private open space areas appear to be undersized. It is recommended that a minimum of 35 square metres of private open space be allocated to each dwelling in order to comply with Control A8.1 of Chapter 1 (Residential Development) of the Lismore Development Control Plan.</i></p>	<p>Satisfied - the development provides the minimum POS of 15m² for ground floor units as required by the LAHC Design Requirements February 2023, which is called up by S.44(2)(b) of the HSEPP. While compliance with the DCP is not required, all dwellings have private areas greater than 35m² and therefore satisfy this control.</p>
<p><u>Water & Sewer Issues</u></p> <p><i>Council's position is that the proposed development is not exempt from obtaining an approval from Council for water supply (including</i></p>	<p>Satisfied - Identified Requirement No.38 will require that payment of water and sewer services charges are paid.</p>

Issues raised	LAHC Planning response
<p>fire services), sewerage and stormwater works under Section 68 of the Local Government Act 1993.</p> <p>The development must establish the existing water and sewer infrastructure has the capacity to service the development and demonstrate compliance with the Plumbing and Drainage Act 2011. It is noted that only Council can inspect plumbing works and no new connections can be obtained without an approval in place.</p> <p>Council requires a minimum 1.5m separation between the internal sewer line and any proposed boundary fencing/masonry walls. The particular area of concern is shown on the plan extract copied below. Any structures that cross the sewer line will require appropriate bridging.</p> 	<p>Satisfied – Identified Requirement No.75 will require LAHC to investigate and ensure that the existing water and sewer infrastructure has capacity to accommodate the proposed activity. Should upgrades to these services be required, LAHC must consult with Council on the design and construction methods.</p> <p>Satisfied - the existing sewer easement is registered on title to benefit the northern lot (195 Dibbs St / Lot 20 DP 20770). As part of this activity, the two lots will be consolidated, and this easement will be extinguished and new sewer infrastructure constructed.</p> <p>Identified Requirement No.76 will require LAHC to design the sewer alignment and/or boundary fencing that there is a minimum clearance of 1.5m from the sewer infrastructure and the fencing.</p>
<p>Environmental Health Issues</p> <p>A key reporting gap from an Environmental Health perspective is the lack of a Preliminary Contaminated Land Assessment. There is a real potential that existing on-site structures have previously been treated with organo-chlorines and/or lead based paints resulting in residual contaminants within the soil environment that would exceed Health Investigations Levels for the proposed residential development.</p> <p>Councils Regional Policy for the Management of Contaminated Land states that in addition to the requirements of State Environmental Planning Policy (Resilience and Hazards) 2021, Council will also require a preliminary contaminated land assessment to be undertaken when development works will disturb and/or expose soils previously treated with organo-chlorines associated with termite management practices.</p> <p>As the development will involve the demolition of two existing dwellings it is recommended that a preliminary contaminated land assessment be undertaken to guide any site remediation works necessary to ensure the development site is suitable for the proposed sensitive use (residential).</p>	<p>Satisfied - a review of aerial imagery has shown that each lot has been occupied by the existing dwelling houses since pre-1958. Since 1958 the lots have only been used for residential purposes and there are no historical land uses that would suggest that the lots are contaminated.</p> <p>LAHC will require that a Site Clearance Certificate is issued by a suitably qualified occupational hygienist for the demolition works (Identified Requirement No.77).</p> <p>Identified Requirement No. 17 will be applied regarding unexpected finds protocols.</p>
<p>Public Notification</p> <p>Public notification of the proposal resulted in one submission being received. The contents of the submission are copied verbatim as follows:</p> <p>"Good morning</p>	<p>Satisfied – LAHC has undertaken notification with occupiers and owners of adjoining land as required by the Housing SEPP. One community submission was received as outlined in Section 7.2.</p> <p>This submission was passed on by Council and has therefore been considered in this in this section.</p>

Issues raised	LAHC Planning response
<p><i>I would like to put in a disagreement for these social units to be built here</i></p> <p><i>East Lismore was once a family friendly area and is becoming the ghetto of Lismore now with break ins, possessions being stolen, physical attacks, ice houses, fraud, identity theft, which I am currently dealing with identity theft at the moment.</i></p> <p><i>Social housing means more domestic abuse, drug addicts, criminals, disrespectful people for East Lismore. How do I know this, because I've worked at the hospital for 38 years and sick and tired of being abused by these low social people with no respect and having to call duress to get security to come and remove them from the area I work in</i></p> <p><i>Totally unsuitable next to families with children</i></p> <p><i>Can you find somewhere in Goonellabah</i></p> <p><i>Let alone it will devalue my property. If it goes ahead, I will be leaving and moving to another state"</i></p>	<p>Like the rest of the community, most tenants are good neighbours and law-abiding people. Nevertheless, the Homes NSW (Housing Services) has in place a policy for dealing with disruptive tenants. More information about the policy can be found at https://www.facs.nsw.gov.au/housing/living/rights-responsibilities/antisocial-behaviour</p> <p>In addition, Homes NSW has a dedicated 24-hour hotline, 1800 422 322, where local residents can report any tenancy related matters.</p> <p>The proposed development is for the purposes of addressing the increasing demand for social and affordable housing within Lismore where residents have access to shops, services and facilities. Across regional NSW our new homes blend into the community, help reduce the stigma of living in social housing and make a positive contribution to the area and streetscapes. There is no evidence to suggest the development would adversely affect property values.</p>
<p><u>Additional comments that have been provided by Council's Environmental Health Officer:</u></p> <p>Demolition and building work</p> <ul style="list-style-type: none"> Soil removed from or imported to the site should be managed in accordance with the following principles: <ul style="list-style-type: none"> (A) All excavated material removed from the site must be classified in accordance with the Department of NSW Environmental Protection Agency's Waste Classification Guidelines prior to disposal to an approved waste management facility and reported to the Principal Certifying Authority. (B) All fill material imported to the site is to wholly consist of Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material approved under the NSW Environmental Protection Agency's general resource recovery exemption. Waste materials generated from construction and/or demolition works shall only be disposed at licensed waste management facilities capable of receiving the waste as classified under the NSW Environmental Protection Authority (EPA) guideline document 'Waste Classification Guidelines: Part 1 Classifying Waste 2014' or managed in accordance with the NSW Environment Protection Authority Resource Recovery Orders and Resource Recovery Exemptions made under the Protection of the Environment Operations (Waste) Regulation 2014. <p>And general construction impacts:</p> <ul style="list-style-type: none"> Recommended that a construction management plan be prepared to guide and manage potential impacts upon the amenity of the locality from construction activities (noise, vibration, dust etc). It is recommended that a complaint management hotline be made available to potentially impacted properties. 	<p>Satisfied – Identified Requirement No.17 is included which addresses soil importation and exportation.</p> <p>Satisfied – Identified Requirement No.37 requires a site specific waste management plan to be prepared and Identified Requirement No.47 to 55 specify how demolition waste to be disposed of.</p> <p>Satisfied – Identified Requirement No.37 requires a site specific waste management plan to be prepared and Identified Requirement No.13, 32, 35, 48, 50, 57, 59, 63, 64, and 67 include requirements with the intention of minimising impacts to adjoining neighbours and the environment during the construction stages.</p>

7.2 Notification of Occupiers of Adjoining Land and Other Persons

Under section 43(1)(b) of the Housing SEPP, the Lismore City Council was requested to nominate any other persons who should, in the Council's opinion, be notified of the development. In November and December 2023, LAHC sought advice from Lismore City Council regarding additional persons or property that should be notified of the development. Lismore City Council provided a response via an email on 4 December 2023 that confirmed those occupiers and landowners that are required to be notified (map shown at **Figure 20**).



Figure 20 Map of Properties Notified of the Proposed Development (Source: LAHC)

LAHC notified adjoining owners and occupiers via letter dated 5 December 2023 of the proposed activity. The notification response period formally closed on 25 January 2024 and 1 submission in support was received, in the form of a telephone conversation as provided below at **Table 10**.

Table 10 Issues raised by adjoining owners / neighbours

Issues raised	LAHC Response
Submission 1: (Summarised Phone Conversation) Resident supports the proposal and design. Advised that the water in the canal did get quite high recently and asked us to keep that in mind. Sought clarification on when with the construction of the building will commence. Expressed satisfaction with the design and knows how much of these new homes are needed for families and is happy we are building new homes.	The stormwater drainage design has been prepared by a suitably qualified engineer and overland flow and flood waters have been considered in the design of this development. Construction commencement dates are subject to approval timelines, funding and tender contracts. LAHC will notify the adjoining landowners and occupiers a minimum of 5 days prior to any demolition or construction works occurring (Identified Requirement No.26).

7.3 Notification of Specified Public Authorities

The development is “residential development” under section 42 of the Housing SEPP. As required by section 42(5) of the Housing SEPP, consideration has been given to the need to notify the “specified public authorities” identified in *State Environmental Planning Policy (Transport and Infrastructure) 2021*, sections 2.15 and 2.17. The development is not located in an area that triggers the requirement to notify public authorities other than Council.

8 Review of Environmental Factors

Environmental factors associated with the proposed activity in terms of location, character, bulk and density, privacy, solar access and overshadowing have been considered in accordance with the provisions of the Housing SEPP and discussed in **Section 6.1.6** of this REF. A review of other environmental factors associated with the proposed activity, and the measures required to mitigate any adverse impacts to the environment, are provided below.

8.1 Neighbourhood Character

The site is located within an established residential area generally comprised of single and 2-storey detached dwelling houses. Within the local area there are also single storey multi dwelling housing developments of brick or weatherboard construction with tiled roofs and associated structures. The directly adjoining western property is occupied by a single storey multi-dwelling housing development, another single storey multi-dwelling housing development is off the southern side of Walker Place (addressed as 205 Dibbs Street). Furthermore, approximately 130m north of the subject site is another single storey multi-dwelling housing development at 177 Dibbs Street. Currently there is a low level of transition from low density housing to medium density development, particularly in the 2-storey built form, despite 2-storey development being permitted for uses like multi-dwelling housing and residential flat buildings. It is anticipated that the proposed development as well as LAHC's recently determined development (16 unit, 2-storey residential flat building at 1-3 Walker Street and 2-4 Caldwell Avenue (architectural render at **Figure 12**), may act as a catalyst for more contemporary medium density development and 2-storey built form within East Lismore.

The bulk and scale of the proposed development will deliver a built form outcome consistent with the planning controls for the locality and character statement.

Mitigation Measures

No mitigation measures are required, as the design of the proposed development is sympathetic to the neighbourhood character, providing setbacks to neighbouring development that are consistent with surrounding dwelling houses. Suitable design treatments, including fencing, landscaping and a considered planting mix ensure the proposal will generate benefits to neighbourhood character.

8.2 Bulk and Density

The proposed development is consistent with the intended bulk and scale of the locality given the planning controls contained within LLEP 2012. The 2-storey building form incorporates appropriate setbacks distinguished by a variety of articulation features, external finishes, and materials to reduce the visual bulk of the development. The development is split into 3 separate buildings with sufficient setbacks from both Dibbs Street and Walker Place, with suitable façade articulation and roof forms to minimise bulk and scale. The 2-storey built form is an appropriate response to the desired future character envisaged for the R1 General Residential zone, which encourages a variety of housing types and densities.

The LDCP 2012 contains a density development control based on land area per dwelling. The control specifies that for sites less than 1200m², 1 bedroom units require 200m² and 2 bedroom units require 250m² and 3 bedroom units require 300m². The site has an area of 1,165m² and the proposal includes 4 x 2 bedroom and 2 x 3 bedroom units which based on this control of land area per dwelling, would require a site area of 1,600m². Compliance with this density control would reduce the yield to approximately 4 units. Whilst the proposal does not meet the density requirement, it is noted that the proposal complies with the majority of DCP controls including setbacks and building height. The proposal will not have any adverse impact on the surrounding

properties. The scale of the development is minimised by providing articulation at the facades and separation of built form into 3 blocks which all address the street frontage with the intention of replicating the form of dwelling houses. The proposal will provide substantial social, community and economic benefits for the locality which are mentioned in **Sections 8.18** and **8.19** of this REF. The proposal will suitably increase housing density which is consistent with State and regional strategies and the development controls applying to the site.

Mitigation Measures

No mitigation measures required.

8.3 Streetscape

The street façade is divided into a number of distinct elements, separated with substantial landscaping resulting in a finer grained streetscape appearance, consistent with existing dwellings in the area. In addition, the car parking area is located at the rear north-western corner of the site and will be obscured from street view. In conjunction with strong articulation and modulation along the front façades and improved landscaping proposed within the street setback areas, the proposed development will make a positive contribution to the streetscapes of Dibbs Street and Walker Place.

The proposed development will replace ageing housing stock that has reached the end of its economic life with a new contemporary residential development. The built form has been designed to address the street frontages through incorporation of street facing windows and doors, as well as courtyards within the front setback, improving passive surveillance of the street.

Mitigation Measures

No mitigation measures are required.

8.4 Visual Impact

The proposed development will generate some short-term visual impact on the surrounding area during construction, with a long-term positive visual impact associated with the establishment of new dwellings in an existing urban residential context. The proposed development will make a positive contribution to the residential streetscape through construction of new contemporary dwellings that respond to the site context and neighbourhood character. Articulation, diverse mix of materials and a neutral colour palette will assist with the overall aesthetic of the site.

Mitigation Measures

No mitigation measures are required.

8.5 Privacy

A high level of internal and external privacy is maintained by the proposed development activity through a range of measures including careful and considered site landscaping, mix of masonry and open form batten fencing to street frontage POS areas, adequate side setbacks and strategic placement of windows so as to avoid direct overlooking of neighbours.

In particular:

- The site's boundaries on south and east adjoin Walker Place and Dibbs Street respectively and, therefore the proposed development will not create significant overlooking and privacy issues to any adjoining properties on these boundaries.
- To the north, Dwelling 6 has been purposefully designed to be single storey only, to avoid the opportunity for a first floor level to overlook the adjoining neighbour. It is noted that the single storey dwelling house to the north is set back approximately 6m from the subject site's northern boundary. The physical separation distance is not typical for the locality, but is a favourable outcome, ensuring privacy or overlooking impacts to this northern neighbour are minimised.
- To the west, a single storey multi-dwelling development is existing and is well setback from the southern boundary at Walker Place. The windows along the western elevation for Dwelling 1 at the ground floor and first floor are located so that the edge of the window is set forward of the building line of the neighbouring development, thus reducing opportunity to overlook this neighbouring property.
- Private open space areas associated with units at the ground floor are orientated toward Walker Place and Dibbs Street with landscaping, including trees and shrubs proposed within the front setback to improve streetscape amenity and privacy for future residents.

Mitigation Measures

No mitigation measures are required.

8.6 Solar Access

The design and siting of the proposed development will provide adequate daylight access to the proposed dwellings living areas, private open spaces, and the private open space areas of neighbouring properties in accordance with the *Seniors Living Policy: Urban Design Guidelines for Infill Development*. The Architectural Plans at **Appendix A** indicate that 83% of the dwellings (5 out of 6) will receive at least 3 hours of direct solar access to the living and/or POS areas on June 21 and between 9am to 3pm, which meets the Housing SEPP / LAHC Dwelling Requirements for 70% of dwellings to achieve 3 hours of direct solar access to the living and POS areas. Dwelling 3 is the most compromised dwelling in terms of solar access as it is only expected to receive 2 hours to 2.5 hours of solar access to living and POS.

Mitigation Measures

No mitigation measures are required.

8.7 Overshadowing

Given the site orientation and dual frontages, there are no neighbours to the south or east that could potentially be impacted by overshadowing. The neighbour to the north is not affected by overshadowing from the proposal as it is located to the north of the subject site and the property to the west is overshadowed by 1 hour at most during the morning period. The shadow diagrams in **Appendix A** illustrate that the proposed development will not generate any unacceptable shadow impacts to neighbouring properties.

The adjoining properties will therefore maintain a minimum 3 hours of sunlight to living and private open space areas between 9am and 3pm at the mid-winter solstice.

Mitigation Measures

No mitigation measures are required.

8.8 Traffic & Parking

Surface car parking for 7 vehicles is provided for residents, including 1 accessible space. The provision of on-site car parking complies with the parking requirements set out in the Housing SEPP for developments carried out by LAHC in non-accessible areas.

Unrestricted street parking is available on Dibbs Street and Walker Place to accommodate any overflow parking demand generated by the proposed development. The Traffic Management Report (**Appendix S**) indicates that:

- affordable housing is assessed at the rate of 0.4 trips per unit in the peak hour.
- based on the proposed 6 dwelling development, the peak traffic generation is 3 trips per hour.
- given forecasted peak hour flows on Dibbs Street of 203 vehicles per hour, the development flows could increase two way flows to 205 vehicles per hour. This is well within the environmental capacity of a collector road of 300 vph desirable, 500 vph maximum.
- flows on Walker Place (being a cul-de-sac) are much lower, being 3 vehicles per hour with an environmental capacity of 200 vph desirable, 300 maximum. The impact of the additional development flows is well within this capacity.

The projected nett change in traffic activity as a consequence of the development proposal is negligible and will not have any unacceptable implications in terms of road network capacity or the level of service at all intersections. Furthermore, the Traffic Management Report examined the adequacy of the proposed internal driveway and parking arrangement and confirmed that the design is suitable for access and manoeuvrability.

Mitigation Measures

No mitigation measures are required.

8.9 Flora and Fauna

An Arboricultural Impact Assessment has been prepared for the site by *Northern Tree Care* (**Appendix J**). The report considers 25 trees, 2 of which (#25 and #26) have grown under the northern boundary fence onto the adjoining property. The report recommends that all trees on the property to be removed to allow for construction of the proposed development. Most of the trees on the subject site are exotic species and the only native trees are; T2 - Bangalow Palm, T11 - Flame tree, T20 - Firewheel tree, and T23 - Macaranga tree. Each of these four native trees are identified in the Arboricultural Report (**Appendix J**) as being of moderate significance. LAHC has obtained landowners consent from the northern adjoining property (193 Dibbs Street) for the removal of T25 and T26 (landowners consent dated 14 January 2024).

The only high significant tree is T4 Liquidambar which is located on the southern boundary fronting Walker Place. This T4 is a common weed species and whilst not listed as an except tree species for exempt within the Lismore DCP 2012, the tree as existing is visibly damaging existing hardstand areas with its root system.

One existing tree in the Dibbs Street verge (T1) is identified to be retained and protected as shown on the Architectural Plans **Appendix A** and Landscape Plans at **Appendix B**.

New tree planting is proposed at the site, which includes; 1 x *Acemena Smithii* Lilly Pilly, 3 x *Elaeocarpus Reticulatus* Blueberry Ash and 1 x *Hymenosporum Flavum* Native Frangipani (refer to **Appendix B**). Additionally, 4 new street trees are proposed to be planted, 2 along the Dibbs Street frontage and 2 along the Walker Place frontage. The new plantings will provide replacement tree cover on the site and increase the variety of species, including flowering trees, which will provide additional habitat for fauna in the long-term. There will be no

significant impact on native fauna as a result of the proposed development, given that compensatory planting is proposed.

The proposal includes deep soil turfed POS areas for each unit. To minimise the ongoing management and maintenance of these turfed areas, they will be required to be amended the mulched garden with ground covers.

Approximately 4 trees located on the western neighbouring property (2 Walker Place) overhang into the subject site and are expected to require minor pruning works to allow for the construction of Dwelling 1. The property of 2 Walker Place East Lismore is under the ownership of LAHC and tenants currently occupy the development. LAHC will ensure that pruning of these 4 trees as required, will be undertaken in accordance with AS.4373 and that the pruning will not exceed 30% of the total canopy.

Mitigation Measures

Works within the Tree Protection Zones of the retained trees are to be undertaken using tree sensitive excavation and construction techniques such as pier and beam construction with suspended sections to reduce any impact on their stability, with piers to be dug by hand using non-motorised machinery to further assist in their protection. Retained trees are to be protected in accordance with the Tree Protection Plan contained within the Arboricultural Impact Assessment (refer **Appendix F**).

If associated infrastructure (pipe works) is to be installed within the Tree Protection Zone of any retained specimen, they are to be installed by hand with non-motorised machinery. If structural roots are found within the trench, they are to be left intact and dug around retaining this specimen's structural integrity with works to be undertaken in consultation with the project arborist (refer to **Identified Requirement No. 80**).

Any excavations must be supervised and certified by the Project Arborist in accordance with AS4970 (2009) (refer to **Identified Requirement No. 45**).

Identified Requirement No.18 - 20 have been added to ensure that the landscaping works and tree removal and or pruning are undertaken in accordance with the approved landscape plan.

Identified Requirement No.18 has been added to require the turfed areas for all 6 units to be amended to mulched gardens with ground cover plantings.

Identified Requirement No.36 has been added to ensure that trees on neighbouring land are protected.

8.10 Heritage (European / Indigenous)

No heritage items are identified in Lismore Council's Section 10.7(2) & (5) Planning Certificates located on or in the vicinity of the site.

Aboriginal Heritage

An Aboriginal Heritage Information Management System (AHIMS) search, dated 10 May 2024 (**Appendix I**) did not find any record of Aboriginal Sites or Places on the site or in the surrounding locality and the site is considered to be disturbed land. Consideration of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*, determined that no additional investigation was warranted. Discovery of cultural material during development activities cannot be ruled out, however, an identified requirement has been applied should any Aboriginal relics be discovered on the site during excavation/construction.

Other Cultural Heritage

No cultural heritage items have been identified in Lismore Council's Section 10.7(2) & (5) Planning Certificates and the likelihood of any heritage relics being discovered during excavation / construction is considered to be minimal.

Mitigation Measures

Identified Requirement No. 45 and 46 has been applied should any cultural heritage relics be discovered on the site during excavation / construction.

8.11 Soils / Contamination / Acid Sulfate Soils / Salinity

Geotechnical

A Geotechnical Site Investigation Report, prepared by STS Geotechnics dated June 2022 (**Appendix P**) indicates the following:

- The subsurface conditions consist of topsoil overlying natural silty clays. Topsoil was encountered to a depth of 0.2m. In BH1 and BH3, soft becoming very stiff silty clays underlie the topsoil to the depth of drilling, 3.0m. In BH2 and BH4 hand auger refusal occurred on tree roots and gravel at a depth of 0.6m.
- Groundwater was not observed during drilling works.

Mitigation Measures

The development is to be carried out substantially in accordance with the approved plans and documents set out in the table to identified requirement No. 1, including the *Geotechnical Investigation* report prepared by STS Geotechnics dated June 2022.

Acid Sulfate Soils

According to Council's Section 10.7(2) & (5) Planning Certificates, the land is not identified as containing Acid Sulfate Soils nor it is located in close proximity to any land identified as potential Acid Sulfate Soils under the LLEP 2012.

Mitigation Measures

No mitigation measures are required.

Soil Erosion and Sediment Control

An Erosion and Sediment Control plan, detailing sediment control measures for the project, has been prepared by the civil engineer (refer to **Appendix C**).

Mitigation Measures

To ensure that soils and pollution are not tracked off site during works, **Identified Requirement No. 13** recommends that sediment control measures be implemented during demolition/construction in accordance with Council requirements and/or the guidelines contained in the Blue Book *Managing Urban Stormwater: Soils and Construction* (4th edition, Landcom, 2004).

Salinity

Council's Section 10.7(2) & (5) Planning Certificates indicate that the site is not affected by salinity. Furthermore, the results of onsite soil testing undertaken in the Geotechnical Investigation Prepared by STS Geotechnics dated June 2022 (**Appendix P**) are consistent with the presence of non-saline soils.

Mitigation Measures

No mitigation measures are required.

Contamination

The Section 10.7(2) & (5) Planning Certificates have not identified the site as being potentially contaminated.

Notwithstanding, the draft Contaminated Land Planning Guidelines (draft Guidelines) prepared by the Department of Planning and Environment and the Environment Protection Authority provides a checklist of matters to be considered in an initial evaluation of land in relation to potential for contamination. These matters are considered in **Table 6** above in this REF.

This evaluation indicates that the site is unlikely to be contaminated, however, an identified requirement is recommended to cover the possibility of finding contamination during works.

Mitigation Measures

Identified Requirement No. 17 has been recommended to cover the possibility of discovering site contamination during demolition / construction works.

8.12 Drainage / Flood Prone Land / Hydrology/ Water Quality

Stormwater drainage for the proposed development has been designed in accordance with Lismore City Council's requirements. Stormwater will be collected via a series of stormwater pits and gutters on the site connected to an underground detention tank draining to the proposed street drainage pit within Walker Place at the site's southern frontage. It is proposed that the pollutant reductions be achieved through the use of a bio-retention system in the north-western corner of the site, as well as underground stormwater detention tanks. The site's post stormwater runoff peak is mitigated by using detention tanks and choke pipe as appropriate to suit the peak flow discharge.

The Section 10.7(2) & (5) Planning Certificates issued by Council (**Appendix F**) and the Property Flood Information Certificate issued by Lismore City Council dated 28 September 2021, do not identify the site as being affected by flood prone land or subject to Council's flood planning development controls.

The proposed development has been designed to have no adverse impact on the hydrology or water quality within the local area.

Mitigation Measures

Identified Requirements No.6,7,8,9 have been recommended to ensure that stormwater drainage is managed and designed in accordance with legislative requirements.

8.13 Bushfire Prone Land

The Section 10.7(2) & (5) Planning Certificates issued by Lismore City Council for the subject site advise that the land is not bushfire prone.

Mitigation Measures

No mitigation measures are required.

8.14 Noise and Vibration

During Demolition / Construction

During demolition/construction typical noise levels associated with demolition/ building works will be generated within the hours consistent with the requirements for Complying Development throughout NSW being 7am to 5pm Monday to Saturday with no work on Sundays or public holidays.

During Occupation

Noise generated when the proposed buildings are completed and occupied will be entirely in keeping with their residential surroundings. No major plant or equipment, which would generate unacceptable noise during occupation, will be installed in the proposed development.

Buildings will be constructed to comply with the deemed-to-comply provisions of *the Building Code of Australia* with respect to noise transmission. Buildings to be designed and constructed to achieve internal noise level design targets.

Mitigation Measures

Demolition/construction noise will be controlled to within acceptable limits by sound attenuation measures and undertaking construction activities within EPA/Council requirements.

Air conditioning units are proposed to be provided. Specific details of the air conditioning system are to be provided in the detailed construction documentation. Any air conditioning units must be designed and operated in accordance with the acoustic requirements set by EPA Guidelines and the *Protection of the Environment Operations (Noise Control) Regulation 2017*. Acoustic certification is required at construction documentation stage and prior to occupation to ensure that the air conditioning units are appropriately designed and installed. Their operation is also subject to an ongoing use Identified Requirement.

Buildings will be constructed to comply with the deemed-to-comply provisions of the *Building Code of Australia* and EPA criteria with respect to noise transmission.

Identified Requirements Nos.57, 59 & 72 have been applied to ensure compliance with the above mitigation measures.

8.15 Air Quality

Temporary and localised air quality impacts including dust, smoke, grit, odours, and fumes might be generated during the clearing and excavation of the site and construction of the proposed development.

Mitigation Measures

Identified Requirements Nos.59 to 65 have been applied that will satisfactorily mitigate any potential or adverse impacts on air quality.

8.16 Waste Minimisation

The following waste minimisation and management measures have been identified and are to be considered in conjunction with the specific details, including the estimated quantities of waste, provided in the final waste management plan to be prepared by the demolition/building contractor.

During Demolition

The demolition of the 2 existing dwelling will be in accordance with the Lismore DCP Chapter 15 Waste Minimisation. The demolition plan details indicate:

- size and location(s) of temporary waste storage areas for timber, scrap metal, bricks, general waste and green waste;
- temporary access location of material delivery; and
- temporary materials drop off location.

During Construction

Where possible demolition materials will be reused and/or recycled. Due to nature of the development this will be largely done offsite at the local recycling centre. The materials in the design are where possible not coated or treated so they can be more easily reused/recycled. Offsite fabrication of trusses, window, wall frames and other key elements reduce on site waste and reuse in the factory.

During Occupation

General and non-recyclable waste will be disposed of in Council's standard waste bins provided for each individual dwelling. The bins will be placed kerb side by the tenants for collection by Council's waste services. Each unit has a waste disposal point in the kitchen.

Paper / metal / glass will be disposed of in Council's standard waste recycling waste bins provided for each individual dwelling. The bins will be placed kerb side by the tenants for collection by Council's waste services. Each unit has a waste disposal point in the kitchen.

A communal organics / green waste bin is provided at the rear northern boundary of the site.

Mitigation Measures

Identified Requirements No.47 to 55 are recommended to ensure all waste is appropriately managed and disposed of waste. **Identified Requirements No.37** requires a project specific waste management plan for the demolition, construction, and occupation phases of the development.

8.17 Resource Use & Availability

The proposed activity will not result in any discernible depletion or degradation of natural resources. The proposal has been designed to meet water and energy efficiency targets as demonstrated by the BASIX certificate for the proposal. An updated BASIX certificate will be required by **Identified Requirement No.74** due to the introduction of air conditioning units to each of the dwellings and additional solar (photovoltaic electricity generation) to reduce associated running costs.

The recycling and reuse of materials during demolition, construction and on-going occupation of the proposed development will reduce the consumption of natural resources.

The proposed development is for the replacement of existing housing that has reached the end of its economic lifespan. The proposed development will provide contemporary housing that will satisfy current State Government environmental sustainability requirements, particularly through improved energy and water efficiency. These factors will ensure reduced depletion and degradation of natural resources in the long term.

Mitigation Measures

Identified Requirement No.74 is recommend to ensure an updated BASIX certificate is obtained.

8.18 Community / Social Effects

The proposed development will generate a number of positive community and social effects, including:

- assist LAHC in meeting its significant, long-standing and continually-growing demand for social housing in the Lismore local government and surrounding area;
- assist LAHC in meeting its significant, long-standing and continually increasing demand for social housing in the Lismore LGA and surrounding area wherein the expected waiting times for 1 bedroom properties is 10+ years and for 2,3,4 bedrooms is 5 to 10 years, as of 30 June 2023 (source: NSW

Department of Communities and Justice - <https://www.facs.nsw.gov.au/housing/help/applying-assistance/expected-waiting-times>);

- improve the environmental sustainability of housing on the site, particularly through improved energy and water efficiency; and
- provide more accessible housing on the site (Dwelling 6 is nominated as an adaptable dwelling in accordance with AS.4299).

Mitigation Measures

No mitigation measures are required.

8.19 Economic Impact

The proposed development is likely to contribute to a range of economic benefits in the Lismore LGA and surrounding areas through:

- more efficient use of land resources, existing infrastructure and existing services;
- local sourcing of construction materials, where possible;
- the local sourcing of tradespeople and other construction-related professionals, where possible;
- on-going consumption from new/ additional households;
- the reduced maintenance costs of the newer housing; and
- savings associated with improved energy and water efficiency.

Mitigation Measures

No mitigation measures are required.

8.20 Cumulative Impact Assessment

The proposed activity is not likely to have singular or cumulative environmental impacts which would result in unacceptable adverse effects for the following reasons:

- the proposed activity will not result in any adverse cumulative impact when considered in conjunction with any other proposals or developments in the area;
- there will be no synergistic effects of individual project impacts from the proposed activity when considered in combination; and
- there are no known environmental stresses in the area of the proposed activity that would be increased.

Mitigation Measures

No mitigation measures are required.

9 Conclusion

9.1 Summary of Key Issues Raised in Assessment

The proposed activity, given its scale, location and design, will be sympathetic with its residential environment. Following a review of the site constraints, it has been determined that the subject land does not contain any significant environmental hazards and that there are no key issues that have been identified that require further assessment.

The proposed activity has been considered in terms of the provisions of Section 5.5 of the EP&A Act and Section 171 of the EP&A Regulation. Following an analysis of the potential impacts associated with the proposed activity it was determined that an environmental impact statement is not required.

As demonstrated in this REF, the proposed activity is consistent with the relevant objectives and standards set out in the Housing SEPP, LLEP 2012, and the design principles and better practices set out in the relevant guidelines.

In addition, and as demonstrated by the environmental impact analysis and assessment undertaken in this REF, the proposed activity will have environmental impacts that can be mitigated to an acceptable level in accordance with current applicable standards, will have a number of positive environmental effects in terms of the built environment and will deliver a range of social and economic benefits.

The proposed 6 unit multi-dwelling development will enable LAHC to meet the increasing demand for 2 and 3 bedroom dwellings in the Lismore local government area. Therefore, the proposed development is clearly in the public interest.

9.2 Recommendation

Given the above review of environmental factors, it is recommended that LAHC proceed with the proposed activity subject to the implementation of the Identified Requirements listed in the **Activity Determination** accompanying this REF.

APPENDIX A – ARCHITECTURAL PLANS

APPENDIX B – LANDSCAPE PLANS

APPENDIX C – STORMWATER PLANS

APPENDIX D – SURVEY PLAN

APPENDIX E – NOTIFICATION PLANS

APPENDIX F – S.10.7 PLANNING CERTIFICATE

APPENDIX G – NOTIFICATION

APPENDIX H – ACCESS REPORT

APPENDIX I – AHIMS

APPENDIX J – ARBORIST REPORT

APPENDIX K – BASIX CERTIFICATE

APPENDIX L – THERMAL PERFORMANCE SPECIFICATIONS

APPENDIX M – DESIGN COMPLIANCE CERTIFICATES

APPENDIX N – NATHERS CERTIFICATE

APPENDIX O – SENIORS LIVING POLICY CHECKLIST

APPENDIX P – GEOTECHNICAL INVESTIGATION

APPENDIX Q – TITLE SEARCH AND DP

APPENDIX R – WASTE MANAGEMENT PLAN

APPENDIX S – TRAFFIC REPORT