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# REVIEW OF ENVIRONMENTAL FACTORS

Proposed Residential Flat Building Development

at

1-3 Walker Street & 2-4 Caldwell Avenue, East Lismore NSW 2480

November 2023





# Acknowledgement of Country

The Department of Planning and Environment 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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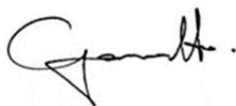
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The following register documents the preparation and issue of this Part 5 Review of Environmental Factors (REF), prepared by *Barker Ryan Stewart* for the New South Wales Land & Housing Corporation.

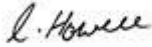
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2	03.11.2023	v2	LAHC Senior Planner review	All
3	23.11.2023	v3	LAHC Manager review	All

## DOCUMENT SIGN-OFF

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Date: 25 November 23

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# 1 Executive Summary

The subject site is comprised of 4 lots located at 1-3 Walker Street and 2-4 Caldwell Avenue, East Lismore, and is legally described as Lot 1 and Lot 2 in DP 121500 and Lot 2 and Lot 25 in DP 38118. The proposed development is described as follows:

*Demolition of 4 existing dwellings and construction of a residential flat building containing 16 dwellings, comprising 8 × 1-bedroom and 8 × 2-bedroom units, parking for 12 vehicles, associated site works and landscaping, and consolidation of 4 lots into a single lot.*

The proposed activity is permitted on the site under the applicable local environmental planning instrument and can therefore be carried out by the NSW Land and Housing Corporation (LAHC) without consent under the provisions of Chapter 2, Part 2, Division 6 of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) as it does not result in more than 60 dwellings on the site and does not exceed 9 metres 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 applicable local environmental planning and development controls of Lismore City Council;
- 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 and occupiers of adjoining land were notified of the proposed activity under the provisions of Housing SEPP. A response was received from Council dated 1 September 2023. Council's comments and LAHC's responses are provided in Section 6.1 of this REF. Two submissions were received from occupiers of adjoining land. These comments are considered in Section 6.2 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 the demolition of existing structures, tree removal and construction of a 16 unit residential flat building, at grade parking for 12 cars inclusive of 3 accessible spaces, and associated landscaping, fencing and civil works.

The activity<sup>1</sup> 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 *Barker Ryan Stewart* on behalf of 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 Summary of Proposed Activity

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

#### Plans, Drawings & Supporting Document Details

The development is outlined in the following plans and drawings:

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
<b>Architectural – Appendix A</b>				
Cover Page	DA-000	A	26.04.2023	Kennedy Associates Architects
Block Analysis Plan	DA-001	A	26.04.2023	Kennedy Associates Architects
Site Analysis Plan	DA-101	A	26.04.2023	Kennedy Associates Architects
Demolition Plan	DA-102	A	26.04.2023	Kennedy Associates Architects
Site Plan	DA-103	A	26.04.2023	Kennedy Associates Architects
Lot Consolidation Plan	DA-104	A	26.04.2023	Kennedy Associates Architects
General Arrangement – Ground Floor	DA-202	A	26.04.2023	Kennedy Associates Architects
General Arrangement – First Floor	DA-203	A	26.04.2023	Kennedy Associates Architects
General Arrangement – Roof	DA-204	A	26.04.2023	Kennedy Associates Architects
Cut & Fill & Retaining Wall Plan	DA-205	A	26.04.2023	Kennedy Associates Architects
Area Counts	DA-206	A	26.04.2023	Kennedy Associates Architects
Solar Access Study 01	DA-210	A	26.04.2023	Kennedy Associates Architects
Solar Access Study 02	DA-211	A	26.04.2023	Kennedy Associates Architects
Elevation 01	DA-301	A	26.04.2023	Kennedy Associates Architects
Elevation 02	DA-302	A	26.04.2023	Kennedy Associates Architects

<sup>1</sup> 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.



Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Elevation 03	DA-303	A	26.04.2023	Kennedy Associates Architects
Elevation 04	DA-304	A	26.04.2023	Kennedy Associates Architects
Elevation 05	DA-305	A	26.04.2023	Kennedy Associates Architects
Sun View Sheet 01	DA-310	A	26.04.2023	Kennedy Associates Architects
Sun View Sheet 02	DA-311	A	26.04.2023	Kennedy Associates Architects
Section 01	DA-401	A	26.04.2023	Kennedy Associates Architects
Section 02	DA-402	A	26.04.2023	Kennedy Associates Architects
Section 03	DA-403	A	26.04.2023	Kennedy Associates Architects
3D Views	DA-501	A	26.04.2023	Kennedy Associates Architects
3D Views Height Plane	DA-502	A	26.04.2023	Kennedy Associates Architects
<b>Landscape Plan – Appendix B</b>				
Landscape Concept Plan 1: Part Site	995-LCP01	B	20.06.2023	Alderson + Associates Landscape Architects
Landscape Concept Plan 2: Part Site	995-LCP02	B	20.06.2023	Alderson + Associates Landscape Architects
<b>Civil Plans – Appendix C</b>				
Stormwater Management Plan – Site Layout & Vegetated Bio-Retention Detail	SMP01	D	18.07.2023	Ardill Payne & Partners
Stormwater Management Plan – SW Catchment Layout & Des SW Tank 2 Detail	SMP02	D	18.07.2023	Ardill Payne & Partners
Des SW Tank 1 - Duraplas Specification LU5000 Lattice (5kL) Underground Tank (Under Dway Model)	SMP03	D	18.07.2023	Ardill Payne & Partners
Erosion & Sediment Control Layout Plan	ESC01	C	18.07.2023	Ardill Payne & Partners
Erosion & Sediment Control Details	ESC02	C	18.07.2023	Ardill Payne & Partners
<b>Detail Survey – Appendix D</b>	151687	2	17.04.2023	RPS Australia East Pty Ltd
<b>Notification plans – Appendix E</b>				
Notification – Cover Sheet	N01	A	26.04.2023	Kennedy Associates Architects
Notification – Site/Landscape Plan	N02	A	26.04.2023	Kennedy Associates Architects
Notification – Development Data	N03	A	26.04.2023	Kennedy Associates Architects
Notification - Elevations	N04	A	26.04.2023	Kennedy Associates Architects
Notification - Elevations	N05	A	26.04.2023	Kennedy Associates Architects
Schedule of Finishes	N06	A	26.04.2023	Kennedy Associates Architects
Notification – Shadow Diagram	N07	A	26.04.2023	Kennedy Associates Architects

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Fire Hydrant Compliance Plan – Appendix T	FP500	1	18.07.2023	ADP Consulting Pty Ltd
BASIX Certificate – Appendix K	1384378M	-	11.05.2023	Greenworld Architectural Drafting
NatHERS Certificate – Appendix M	DMN/16/1763	-	11.05.2023	Greenworld Architectural Drafting
<b>Specialist Reports</b>				
Access Report – Appendix H	22364	B	03.05.2023	Visa Access Architects
Arboricultural Impact Assessment Report – Appendix J	2308	-	26.06.2023	Northern Tree Care
Geotechnical Investigation – Appendix O	22/2247	-	June 2022	STS Geotechnics Pty Ltd
Waste Management Plan – Appendix P		-	22.05.2023	Land and Housing Corporation
Traffic Management Report – Appendix R	22NL120-T4	-	19.06.2023	Loka Consulting Engineers
Stormwater Management Plan – Appendix S	11467	A	22.05.2023	Ardill Payne & Partners

#### Design compliance and checklists – Appendix L

Architect's Certificate of Building Design Compliance – Kennedy Associates Architects dated 22/05/2023.

Certificate of Electrical/Hydraulic/Mechanical Documentation Compliance – ADP Consulting 20/06/2023.

Certificate of Landscape Documentation Compliance – Alderson & Associates dated 28/04/2023.

Certificate of Traffic Design Documentation Compliance – Loka Consulting Engineers dated 19/06/2023

#### Seniors Living Policy Urban Design Guidelines, LAHC Design Requirements & Good Design for Social Housing – Appendix N

Seniors Living Urban Design Guidelines checklist, prepared by Kennedy Associates Architects dated 22/05/2023.

#### Section 10.7 Planning Certificates – Appendix F

Planning Certificate, Certificate No 10278, 2 Caldwell Avenue, East Lismore – Issued by Lismore City Council dated 17/05/2023.

Planning Certificate, Certificate No 10281, 4 Caldwell Avenue, East Lismore – Issued by Lismore City Council dated 17/05/2023.

Planning Certificate, Certificate No 10277, 1 Walker Street, East Lismore – Issued by Lismore City Council dated 17/05/2023.

Planning Certificate, Certificate No 10280, 3 Walker Street, East Lismore – Issued by Lismore City Council dated 17/05/2023.

#### Titles and Deposited Plans – Appendix Q

Title Search, Folio: 6061-116, Search date 03/08/2021, First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: 6061/116, Search date 03/08/2021, First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: 6061/116, Search date 03/08/2021, First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: 6061/116, Search date 03/08/2021, First Schedule: New South Wales Land and Housing Corporation

Deposited Plan 38118, Search Date 03/08/2021

### **AHIMS – Appendix I**

AHIMS Search Result, 1 Walker Street, East Lismore – 50m search buffer, date 31 August 2021.

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## **2.2 Demolition**

The proposed activity includes demolition of 4 single storey detached dwelling houses and associated structures including 2 metal sheds and a carport, as identified in the Demolition Plan (**Appendix A**).

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## **2.3 Removal of Trees**

Construction of the new residential flat building will require the removal of all of the existing trees on the property. The 3 trees that are to be retained are all located outside the boundaries of the subject sites. These are trees; 6, 11 and 12. Tree 6 is growing on the road verge in Caldwell Avenue, while trees 11 and 12 are located on the property located to the east of the site, being 5 Walker Street. It is also noted that T9 (mango tree) is located straddling the subject site boundary with 5 Walker Street Casino. Following public exhibition, this adjoining neighbour encouraged the removal of T9 as; it is located on the boundary, is a fruit tree that is constantly dropping fruit and would make construction of the boundary fencing difficult. As a result of this feedback, LAHC proposes to remove this tree.

The removal of trees within the site boundaries is recommended primarily to accommodate the proposed development and the fact that the majority of these trees are not considered to be significant or worthy of retention, while individual species of significance are proposed to be retained (refer to submitted Arboricultural Impact Assessment in **Appendix J**).

More appropriate tree plantings, including trees capable of reaching mature heights of >5m, will be provided as part of the proposed landscaping plan to compensate for the loss of these trees (refer to submitted Landscape Plan in **Appendix B**).

---

## **2.4 Proposed Dwellings**

Of the 16 residential units, three (ground floor units) being Units 2, 3 and 4 have been designed as adaptable units. In addition to the adaptable units provided, 5 units (Units 1, 5, 6, 7 and 8) are capable of providing compliance with the features of the Livable Housing Design Guidelines Silver Level (Livable Housing Australia).

The proposed housing represents a contemporary, high quality design. The use of face brick and weatherboard cladding for external walls and Colorbond metal roofing is consistent with the existing and developing character of the East Lismore. Of the 16 proposed units, 8 will have access provided from Walker

Street (Units 5, 6, 7 & 8 on the ground floor and Units 13, 14, 15 & 16 on the first floor) and 8 of the proposed units will address Caldwell Avenue (Units 1,2, 3 & 4 on the ground floor 9,10, 11 & 12 on the first floor) with living areas windows and private open space facing the each street frontage for passive surveillance.

Minor cut and fill is proposed to provide a level building platform for each of the buildings. This level of cut and fill is within Council's DCP standards. Small retaining walls are proposed to assist with the stability of the east, west and south boundaries as shown on Cut & Fill & Retaining Wall Plan (refer to **Appendix A**).

A variety of new landscape plantings are proposed to offset the proposed tree removal and enhance the appearance of the site. New plantings will consist of a mixture of new trees, shrubs and groundcovers, which will enhance landscaped setbacks and contribute to the streetscape. The landscaping will be provided mainly between the street and the proposed buildings while the central portion of the site is allocated for parking spaces.

Each unit will be provided with its own enclosed private open space area. All these spaces are directly accessible from the living areas.

A total of 12 surface car parking spaces will be provided on the site, including three accessible spaces.

The proposed elements of the Stormwater Management Plan include:

- Majority of the site's ground water area to pass through a proposed underground SW tank for flow mitigation.
- All the sites roof water area to pass through a proposed underground SW tank for flow mitigation.
- Open Bio-retention area to treat the site's attenuated SW discharge.
- Controlled discharge to open channel in site's north-western table drain.

A new aluminium vertical slat fence with a height of 1.2m is proposed on the frontage of Dibbs Street and Walker Street and northern section of the Caldwell Avenue. The southern section of the proposed development adjacent to the Caldwell Avenue will have 1m high rail fence and a 1.8m high colourbond boundary fence is to be installed along the eastern side boundary (Refer to Site Plan provided in **Appendix A**).

**Figures 1 - 5** include extracts from the architectural plans illustrating the proposed development.



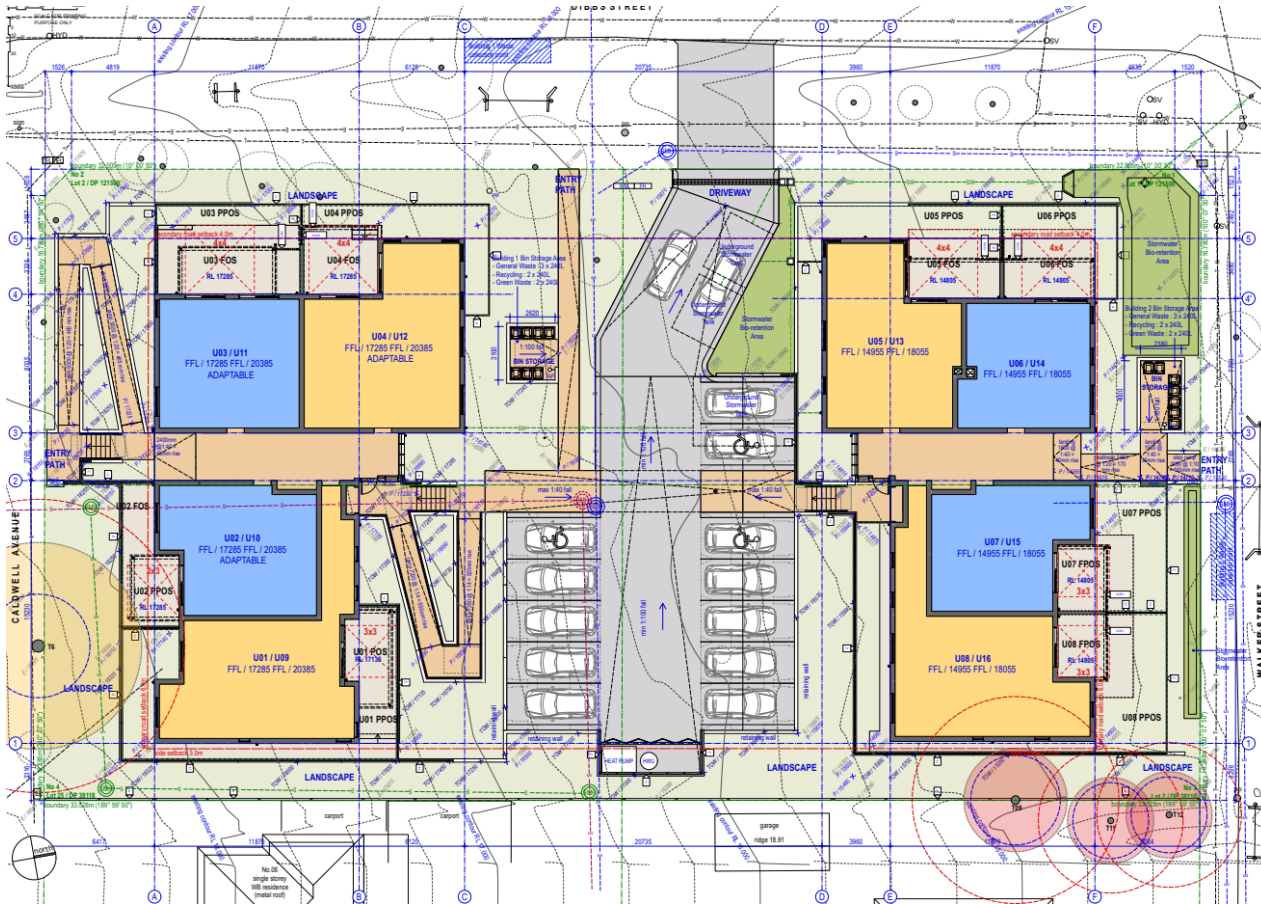


Figure 1 Extract from Architectural Plans – Site Plan (Source: Architectural Plans, Kennedy Associates Architects, dated 26/04/2023)

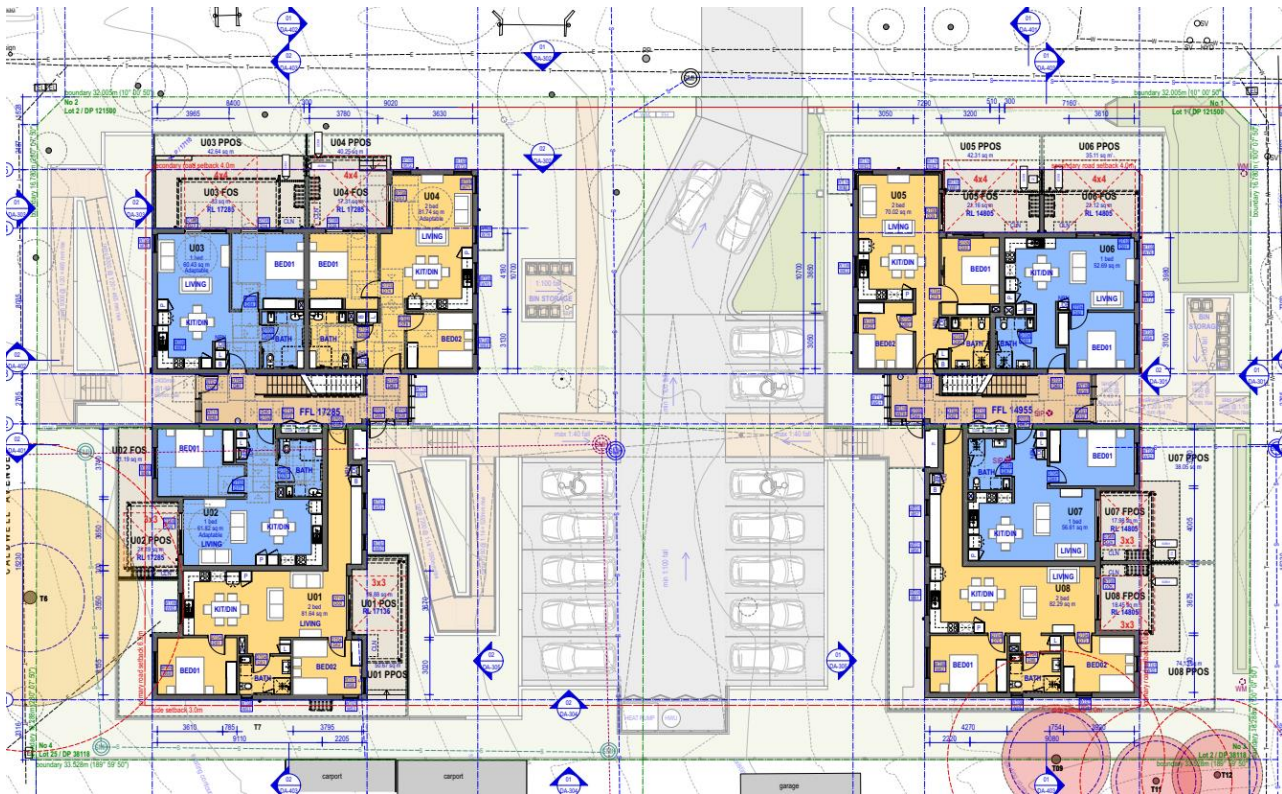


Figure 2 Extract from Architectural Plans – General Arrangement Plan – Ground Level (Source: Architectural Plans, Kennedy Associates Architects, dated 26/04/2023)



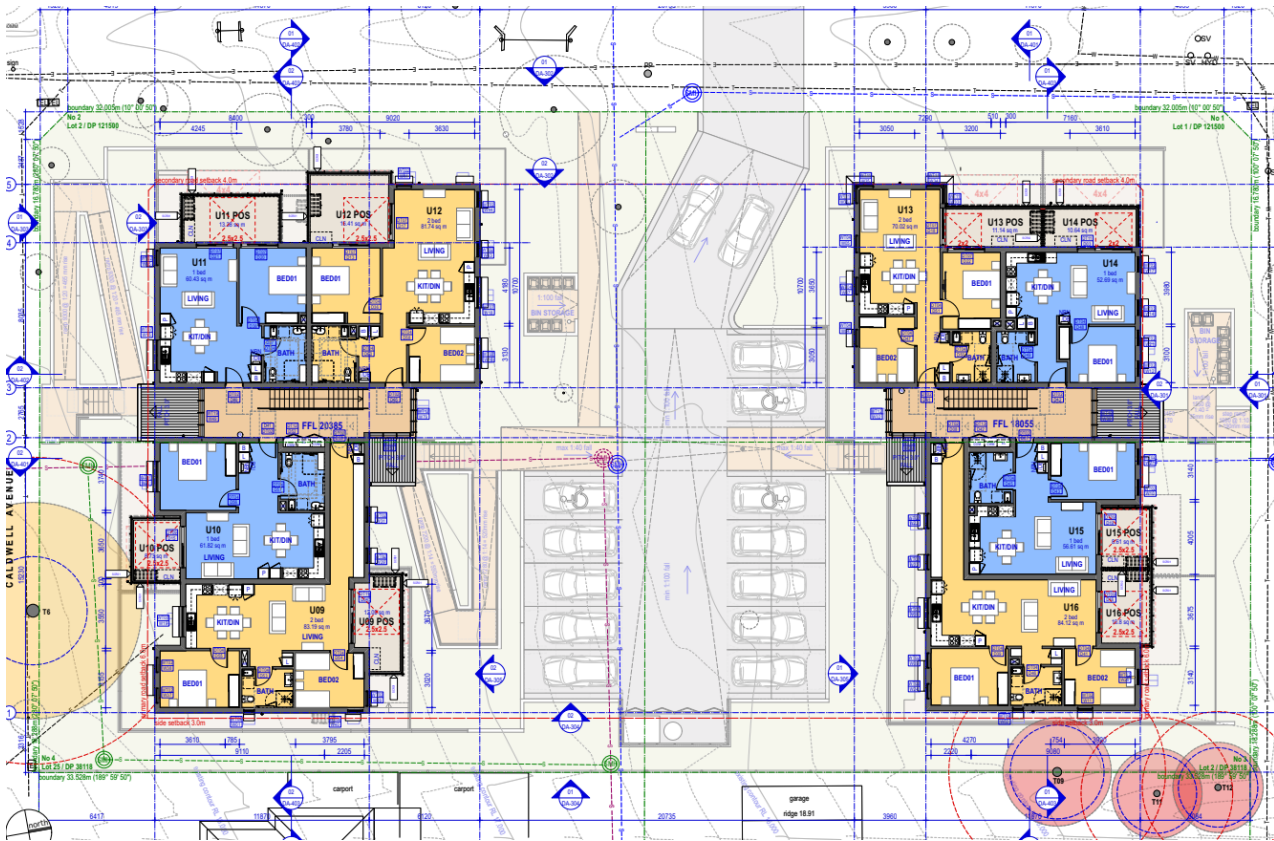


Figure 3 Extract from Architectural Plans – General Arrangement Plan – First Level (Source: Architectural Plans, Kennedy Associates Architects, dated 26/04/2023)

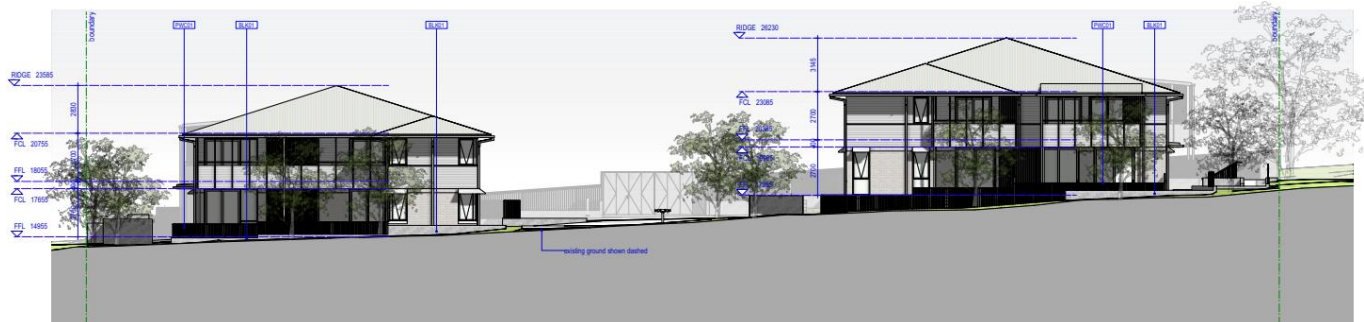


Figure 4 Extract from Architectural Plans – Street Elevation West (Dibbs Street) (Source: Architectural Plans, Kennedy Associates Architects, dated 26/04/2023)

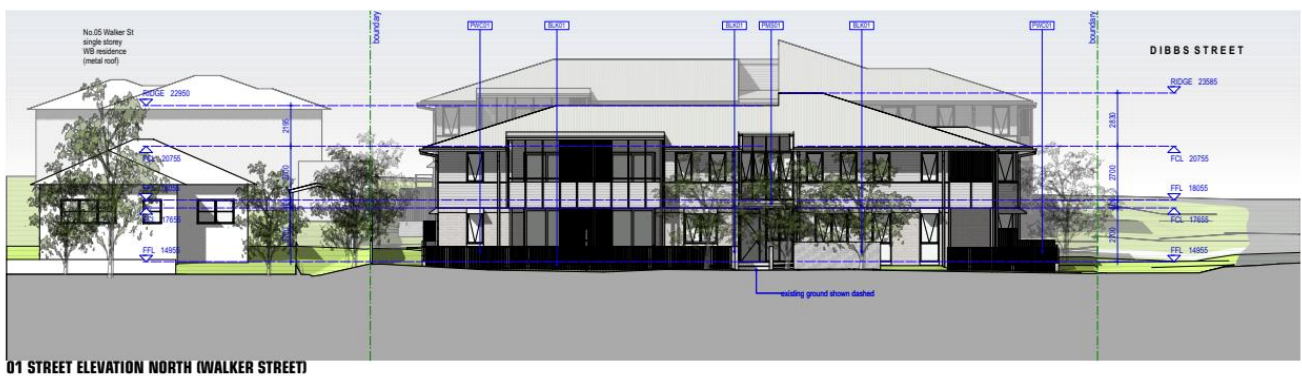


Figure 5 Extract from Architectural Plans – Street Elevation North (Walker Street) (Source: Architectural Plans, Kennedy Associates Architects, dated 26/04/2023)



## 3 Existing Site & Locality

### 3.1 Existing Site and Immediately Adjoining Development

The site is located in the Lismore local government area (LGA) and comprises 4 residential allotments. A location plan is provided at **Figure 6**. The site is currently occupied by 4 single storey weatherboard dwellings with metal roofs (refer to photographs at **Figure 8 - 10**).

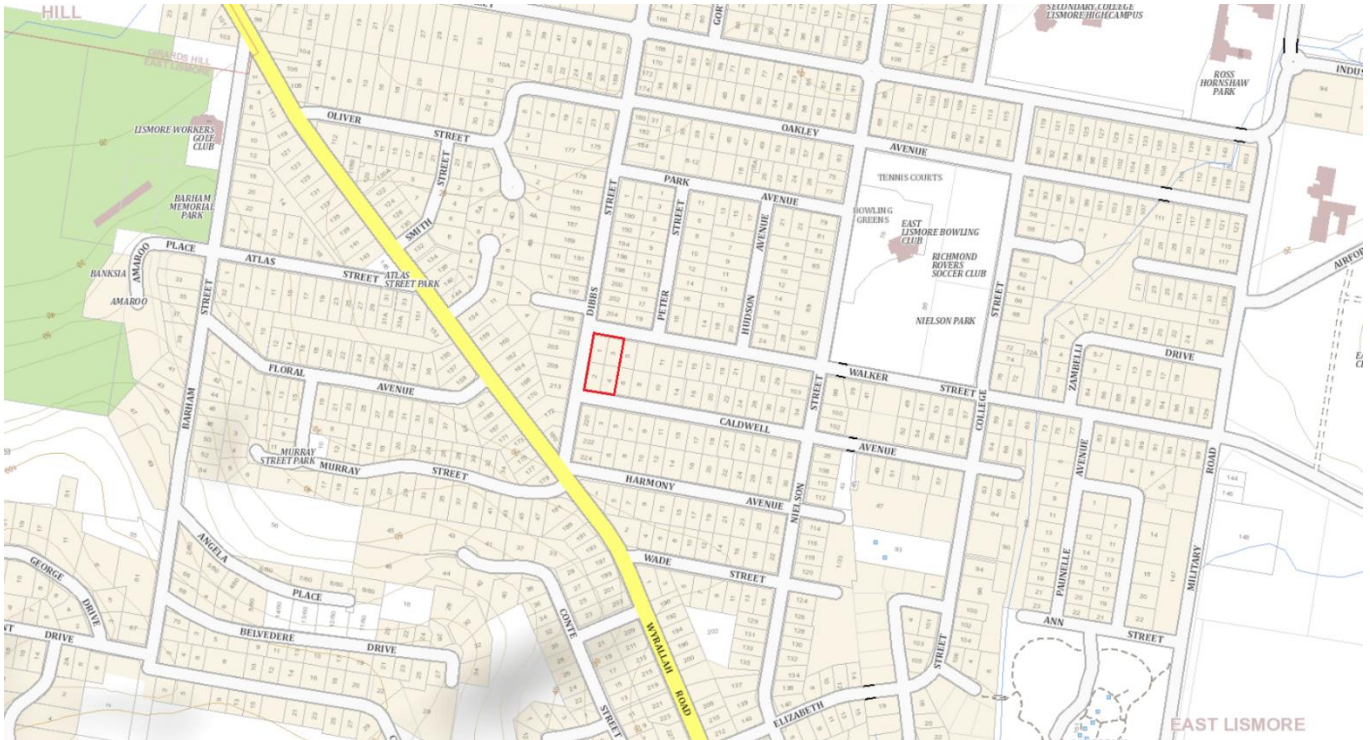


Figure 6 Location Plan (Source: SIX Maps)



Figure 7 Development site - 1 Walker Street - View from Dibbs Street (Source - BRS August 2023)





Figure 8 Development site – 1 and 3 Walker Street (Source – BRS August 2023)



Figure 9 Development site – 2 Caldwell Avenue (Source – BRS August 2023)





Figure 10 Development site – 4 Caldwell Avenue (Source – BRS August 2023)

The property immediately to the west (6 Caldwell Avenue) contains a single-storey dwelling with metal roof (refer photograph at **Figure 11**). The property to the west (5 Walker Street) contains a single-storey brick with metal roof dwelling house (refer to photograph at **Figure 12**).



Figure 11 Adjoining development – 6 Caldwell Avenue (Source – BRS August 2023)





Figure 12 Adjoining development – 5 Walker Street (Source – BRS August 2023)

---

## 3.2 Site Description

Copies of the Section 10.7(2) & (5) Planning Certificates (Nos 10278, 10281, 10277 and 10280,) dated 17 May 2023 are provided in **Appendix F**.

The site has a total area of 2,425.8m<sup>2</sup>, a frontage to Walker Street of 35.06m, secondary frontage to Dibbs Street of 64m, third frontage to Caldwell Avenue of 35.06m and a rear (eastern) boundary of 67.04m (refer to submitted Detail Survey Plan in **Appendix D**).

The site falls from the southeast corner at Caldwell Avenue down towards the frontage and northwest corner at the intersection of Walker Street with Dibbs Street by approximately 4.26m.

The subject site is identified as flood fringe on flood management plan according to Lismore City Council's interactive mapping. However, a flood certificate was obtained from Lismore City Council which identifies a flood planning level of 11.5m AHD for a 1%AEP. Given that the lowest point of the subject site is 14.2m AHD which is approximately 3.2m above the 1%AEP and the fact that the FFL of all the units are above the flood planning level, a flood impact assessment is not required.

There are 41 trees located within the site. Eight trees are located within the Dibbs Street road reserve at the site frontage, 3 trees located within Caldwell Avenue road reserve and 1 tree is located within the Walker Street road reserve. Three trees are located within adjoining properties in proximity to the eastern boundary of the site.

Water, sewer, electricity, and telephone facilities are available to the site (refer to the submitted Contour and Detail Plan for the location of available services at **Appendix D**). Water, electricity and telephone services are located within the road alignment of all 3 frontages of the site to public roads being Dibbs Street, Walker Street and Caldwell Avenue. Sewer is located along the Dibbs Street and Walker Street frontages and also extends from Caldwell Avenue running approximately through the centre of the site.

There are no encumbrances on title, section 10.7 certificates or indicated on the Detail and Level Survey Plan.



### 3.3 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, dual occupancy and multi-dwelling developments (refer to photographs at **Figure 13 -15**).



Figure 13 More recent development at 11 Walker Street east of the site (Source – BRS August 2023)



Figure 14 More recent development at 200 Dibbs Street north of the site (Source – BRS August 2023)





Figure 15 Multi Dweling development at 1 Walker Place to the northwest of the site (Source – BRS August 2023)

There are a few bus stops located within proximity of the site. A bus stop is located in front of the subject site, on the opposite side of Walker Street. Another bus stop within close proximity to the site is located approximately 250m east of the site at the intersection of Nielson Street and Walker Street (refer to **Figure 16** for locations). These stops are serviced by Route 683, which connects East Lismore to Southern Cross University, Lismore Base Hospital, Lismore Heights, Lismore Square, shopping centres and local centres in the areas. It takes 8 minutes walking (550m) from the site to St Carthage's Primary School, Dibbs St bus stop, which is serviced by Routes 653 and 683.

The area, although residential in nature is also close to recreational uses such as East Lismore Bowling Club and infrastructure uses such as St Vincent's Hospital located approximately 550m to the northwest of the subject site. Approximately 1km to the northwest of the site is the small commercial town centre along Wyrallah Road which provides most of the day to day needs for residents. There are also a number of community based land uses including child care centres, medical centres and churches.

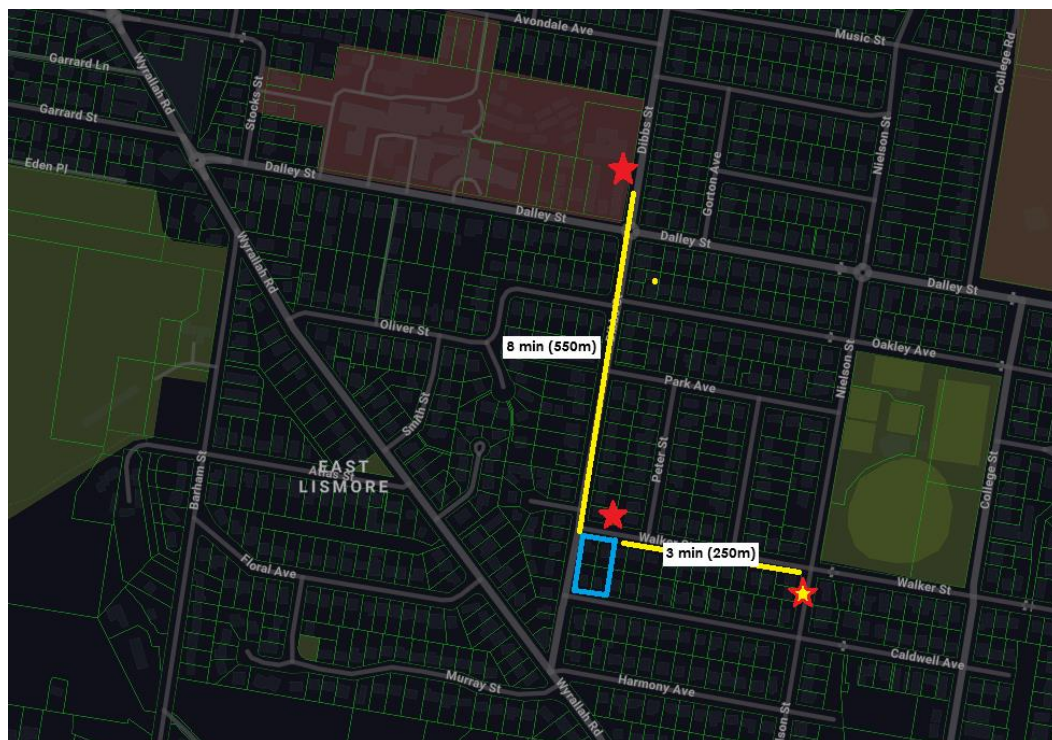


Figure 16 Site location with respect to adjacent bus stop locations (BRS)



## 4 Zoning and Permissibility

The site is zoned R1 General Residential under *Lismore Local Environmental Plan 2012* (LLEP 2012). The proposed development is defined as ‘residential flat building’ under the provisions of LLEP 2012 and is permissible in the R1 zone.

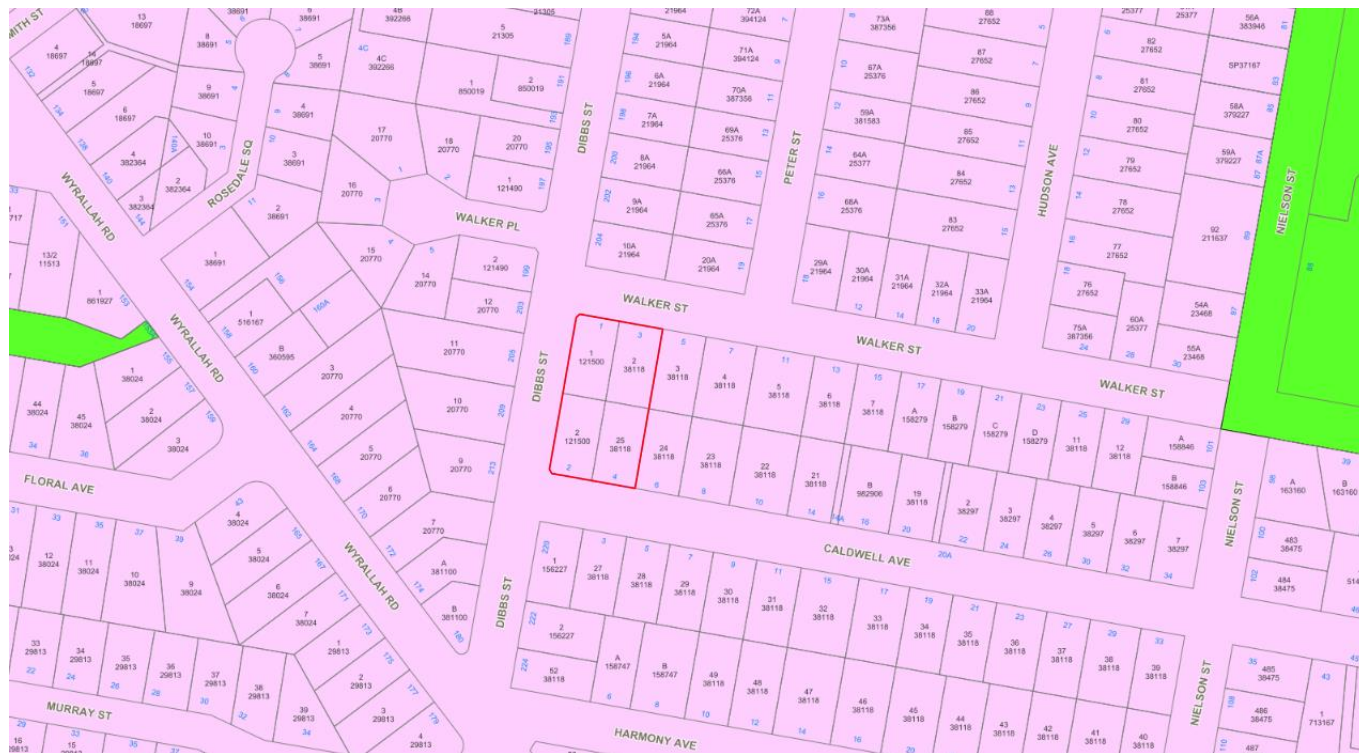


Figure 17 Land zoning map (Source: Lismore City Council Interactive Mapping, obtained 16/08/2023)

The site is zoned R1 General Residential under the *Lismore Local Environmental Plan 2012* (LLEP2012). The proposed development is defined as a ‘residential flat building’ under the provisions of LLEP2012 and is permissible with consent in the R1 zone.

Residential flat buildings are permitted in the R1 zone under LLEP2012 and therefore, is permitted on the subject land without consent under the provisions of the HSEPP pursuant to Section 42.

The relevant objective of the R1 zone, as set out in LLEP2012 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 identified needs of the community and will be consistent with the objective. Moreover, the proposal 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 3** in subsection 5.2.1 of this REF demonstrates compliance with the relevant provisions of section 42 of the SEPP.

## 5 Planning and Design Framework

### 5.1 State Legislation

#### 5.1.1 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 1** below demonstrates the effect of the proposed development activity on the matters listed for consideration in subsection 3 of Section 5.5.

Table 1 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
<b>Sub-section 3</b>  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> ).

#### 5.1.2 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.

#### 5.1.3 Other Acts

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

## 5.1.4 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 2** 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 2 Compliance with Section 171 of the EPA 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. <b>[Note 2]</b>	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 5.1.5 below		x	
(r) other relevant environmental factors.	Yes – discussed in Section 7		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 5.1.5 of this report.

## 5.1.5 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 16 affordable residential units to support the community demand within the LGA. It is diversifying the residential uses in East Lismore by introducing residential flat building 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 16 residential units contributes to the objectives of the Inspire Lismore 2040 Local Strategic Planning Statement and will increase the provision of affordable 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 16 residential units is not in conflict with the Lismore Growth Management Strategy 2015-2030 and will provide new affordable housing within the LGA.

## 5.1.6 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 3 below demonstrates compliance with the relevant provisions of section 42 of the HSEPP.

**Table 3 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 - Residential flat buildings are 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 less than 9m.
(c) the development will result in 60 dwellings or less on a single site, and	Complies - 16 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	Not applicable.
(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	The site is not in an accessible area.  The development proposed 8 × 1-bedroom units (4 parking spaces) as well 8 × 2-bedroom units (8 parking spaces) which will require 12 parking spaces.  Complies – 12 at grade parking spaces inclusive of 3 accessible spaces will be provided for the proposed development.
(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 4 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. <b>Note</b> – Section 32 prohibits the subdivision of a boarding house.	Not applicable – The proposal does not include any subdivision works.



Provision	Compliance
(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.	Not applicable – 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 –	Not applicable.
(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– <b>Former section 75P</b> means the Act, section 75P, as in force immediately before its repeal by the Environmental Planning and Assessment Amendment (Part 3A Repeal) Act 2011. <b>Residential development</b> 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	Advice was sought from Lismore City Council regarding additional persons or properties that should be notified of the development via an email sent to Council on 25 January 2023.  Council provided a response on 8 March 2023 advising that no additional properties were required to be notified and that the scope of notification is acceptable.
(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	A letter notifying Lismore City Council of the proposed development activity was sent by LAHC on 8 August 2023. Letters notifying landowners and occupiers of adjoining land of the proposed development activity were sent by LAHC on the same date.
(c) take into account the responses to the notice that are received within 21 days after the notice is given, and	Council responded to LAHC on 1 September 2023. Comments on the Council response are provided in Section 6.1 of this REF. Two submissions were received from adjoining occupiers. Comments on their submissions are provided in Section 6.2 of this REF.



Provision	Compliance
(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 <b>Appendix N</b> and <b>section 5.1.7</b> of this REF, which indicated 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.. In these cases, suitable alternatives are proposed which are necessary due to site specific constraints.
(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	Not applicable.
(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 <b>Sections 5.1.8 and 5.1.9</b> and the Architect's Statement and Certificate of Building Design Compliance in <b>Appendix L</b> 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.	Not applicable – The proposed development is not for the purposes of manor houses or multi dwelling housing (terraces).
(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.

## 5.1.7 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 N**. The design has followed the Guidelines, except in relation to the following justifiable departures outlined in **Table 4**.

Table 4 Seniors Living Urban Design Guidelines departures

Guideline Requirement	Response
<b>Trees, Landscaping and deep soil zones</b> <b>2.13 Reduce the width of driveways</b>	The driveway is sized in accordance with the traffic engineers recommendation. The shape of the driveway limits the visual impact on the site.
<b>Trees, Landscaping and deep soil zones</b> <b>2.20 Use semi-pervious materials for driveways, paths and other paved areas?</b>	A semi-pervious driveway and paved areas is not suitable for wheelchair access and is thus not proposed.
<b>Parking, garaging and vehicular circulation</b> <b>2.23 Maintain, where possible, exiting crossings and driveway locations on the street?</b>	A new driveway crossing is proposed as the existing crossings do not comply with the requirements of the Australian Standards and the location is not appropriate.
<b>Built form</b> <b>3.06 Set back upper levels behind the front building façade?</b>	The first floor of the development is not setback behind the front building façade for ease of construction. Instead, balconies provide articulation. Further, a mix of materials and finishes allows for a varied façade that works well within the streetscape.

Guideline Requirement	Response
<b>Residential Amenity</b> <b>3.15 Design dwellings at the front of the site to address the street?</b>	The proposed development addresses both Walker Street and Caldwell Avenue. The level changes within the site didn't facilitate the provision of multiple entrances noting that each entrance needs to be access compliant in accordance with the BCA.
<b>3.27 Vary the driveway surface material to break it up into a series of smaller spaces? (e.g., to delineate individual dwellings)</b>	Paving finish has been varied between driveway and the pathways across the site. There is limited view of the driveway extents from the public domain. The driveways have been softened with extensive landscape edges.
<b>3.29 Provide gates at the head of driveways to minimise visual 'pull' of the driveway?</b>	LAHC do not provide gates to driveways due to maintenance and management issues. Gates to driveways are not typical in the locale.
<b>Built form</b> <b>4.05 Incorporate second stories within the roof space and provide dormer windows?</b>	Second storeys within the roof and dormers are not common in the area.
<b>Residential amenity</b> <b>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?</b>	Private open space is not located on side boundary. The boundary is softened by the proposed landscaping.
<b>Reduce the dominance of areas for vehicular circulation and parking by:</b> <b>5.12 Considering single rather than double width driveways?</b>	A single driveway is not appropriate in this instance due to parking numbers and the required turning circles.
<b>5.29 Provide private open space areas that use pervious pavers where private open space is predominantly hard surfaced to allow for water percolation and reduced run-off?</b>	Three of the ground floor apartments are accessible apartments and pervious paving is not suitable for wheelchair users. All paving in the ground floor private opens spaces is the same.
<b>5.30 Provide communal open space that is clearly and easily accessible to all residents and easy to maintain and includes shared facilities, such as seating and barbeques to permit resident interaction?</b>	Each dwelling has been provided with suitable private open space in lieu of a communal open space area.

## 5.1.8 Good Design for Social Housing

An assessment of the proposed development against the *Good Design for Social Housing* document, published in September 2020, indicates that the proposed development has adequately considered the goals and principles as outlined in **Table 5** below.

Table 5 Good Design for Social Housing – Relevant Goals &amp; Principles

Goals	Principles	Comment - Discussion on how the design responds to the principles:
<i>Wellbeing</i>	<ul style="list-style-type: none"> <li>• Healthy environments</li> <li>• Good for tenants</li> <li>• Quality homes</li> </ul>	<p>Safe access is provided from the car park to entries of the building.</p> <p>The units have been designed to ensure residents have privacy and feel safe. Each unit has been designed to promote private and safe living environments through the placement of windows and minimising areas of concealment.</p> <p>The design incorporates sustainability principles to promote energy efficiency for high levels of amenity for future residents and is compliant with BASIX water and energy efficiency requirements (<b>Appendix K</b>). The proposal includes high quality landscaping and outdoor and private open space within each unit to enhance the site amenity for residents and the streetscape.</p>
<i>Belonging</i>	<ul style="list-style-type: none"> <li>• Mixed tenure</li> <li>• Good shared and public spaces</li> <li>• Contribute to local character</li> </ul>	<p>Easily identified front entrances from Walker Street and Cadwell Avenue.</p> <p>Attractively designed landscaping along street frontages.</p> <p>The development is generally small in scale which minimises the resident density.</p> <p>The building design and landscaping integrates with the surrounding residential neighbourhood.</p>
<i>Value</i>	<ul style="list-style-type: none"> <li>• Whole of lifecycle approach</li> <li>• Sustainability and resilience</li> <li>• Make every dollar count</li> </ul>	<p>The redevelopment is an efficient and economical use of existing serviced land.</p> <p>Low maintenance landscape species.</p> <p>Durable building materials to ensure longevity</p> <p>The orientation of each dwelling and private open space area has been designed to optimise natural light to these areas.</p> <p>An underground rainwater tank is provided for the development to assist with sustainability and on-site water retention. Development meets BASIX requirements for building sustainability.</p>
<i>Collaboration</i>	<ul style="list-style-type: none"> <li>• A good partner</li> <li>• Sustainability and resilience</li> <li>• Make every dollar count</li> </ul>	<p>The proposal is of a scale and character that assists with place making, by ensuring integration with the surrounding development. The design maximises sustainable building practices with high solar amenity to living spaces, cross ventilation opportunities, rainwater collection and reuse and landscaping designed for climate which is demonstrated in the BASIX Certificate provided in <b>Appendix K</b>.</p> <p>Collaboration and consultation with key stakeholders was also incorporated at critical design milestones.</p>

### 5.1.9 Land and Housing Corporation Design Requirements

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 L**. Further detail will be incorporated into the construction documentation.

### 5.1.10 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	Applicability
SEPP (Sustainable Buildings) 2022.	<p>As of 1 October 2023, the SEPP (Building Sustainability Index: BASIX) 2004 was repealed and replaced by the SEPP (Sustainable Buildings) 2022.</p> <p>A Basix Certificate has been obtained for the development proposal, as required under Chapter 2 and Schedule 1 the Sustainable Buildings SEPP (refer to <b>Appendix K</b>).</p>
SEPP (Transport and Infrastructure) 2021	<p>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.</p> <p>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.</p>
SEPP (Biodiversity and Conservation) 2021	<p>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.</p> <p>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.</p>
SEPP (Resilience and Hazards) 2021	<p>The Resilience and Hazards SEPP provides provisions for development in the coastal zone, management of hazardous and offensive development and remediation of contaminated land.</p> <p>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.</p> <p>The s10.7 Planning Certificates have not identified the site as potentially contaminated (refer to <b>Appendix F</b>). A standard recommended Identified Requirement requires implementation of management measures in the event of contamination during construction works.</p>

## 5.2 Local Planning Controls

### 5.2.1 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	<b>Height of Buildings</b>	(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	<b>Floor Space Ratio</b>	(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.	Proposed FSR is 0.52:1
5.10	<b>Heritage Conservation</b>	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	<b>Flood Planning</b>	Development consent is required for works within the flood planning area.	The subject site is identified as flood fringe on flood management plan according to Lismore City Council's interactive mapping. However, a flood certificate was obtained from Lismore City Council which identifies a flood planning level of 11.5m AHD for the 1%AEP. Given that the lowest point of the subject site is 14.2m AHD which is approximately 3.2m above the 1%AEP and the fact that the FFL of all the units are above the flood planning level, a flood impact assessment is not required.
6.1	<b>Acid Sulfate Soils</b>	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	<b>Earthworks</b>	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	<b>Essential Services</b>	Development consent must not be granted to development unless essential services are available.	Existing essential services are available to the subject site.

## 5.2.2 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												
<b>Setbacks</b> P1 Development is sited and designed taking into account: <ul style="list-style-type: none"> <li>a) the topography of the land;</li> <li>b) the relationship to adjoining premises and the street;</li> <li>c) the locality that establishes the overall setting of the site;</li> <li>d) the character and scale of surrounding development;</li> <li>e) maximising solar access to both indoor and outdoor livings area, allowing sufficient space for landscaping and maintaining privacy and amenity;</li> <li>f) the compatibility of the garage and carport with the dwelling. New development is to have minimal impact on the environment.</li> </ul>	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 Caldwell Avenue and Walker Street, secondary road setback of 4m from Dibbs Street.												
<b>Design</b> 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.												
<b>Density P3</b> 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: <table border="1" data-bbox="488 1572 927 1769"> <thead> <tr> <th>Dwelling Size</th><th>Site area per dwelling with lot &lt; 1200m<sup>2</sup></th><th>Site area / dwelling with lot &gt; 1200m<sup>2</sup></th></tr> </thead> <tbody> <tr> <td>1 bedroom</td><td>200m<sup>2</sup></td><td>180m<sup>2</sup></td></tr> <tr> <td>2 bedroom</td><td>250m<sup>2</sup></td><td>220m<sup>2</sup></td></tr> <tr> <td>3 bedroom</td><td>300m<sup>2</sup></td><td>270m<sup>2</sup></td></tr> </tbody> </table>	Dwelling Size	Site area per dwelling with lot < 1200m <sup>2</sup>	Site area / dwelling with lot > 1200m <sup>2</sup>	1 bedroom	200m <sup>2</sup>	180m <sup>2</sup>	2 bedroom	250m <sup>2</sup>	220m <sup>2</sup>	3 bedroom	300m <sup>2</sup>	270m <sup>2</sup>	Does not comply – The site has an area of 2425m <sup>2</sup> .The proposal includes 8 × 1 bedroom and 8 × 2 bedroom units which according to the Lismore DCP will require a site area of 3,200m <sup>2</sup> . Compliance with this density control would reduce the yield by 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. The proposal will not have any adverse impact on the surrounding properties.  The proposal will provide substantial social, community and economic benefits for the locality which are mentioned in Sections 7.19 and 7.20 of
Dwelling Size	Site area per dwelling with lot < 1200m <sup>2</sup>	Site area / dwelling with lot > 1200m <sup>2</sup>												
1 bedroom	200m <sup>2</sup>	180m <sup>2</sup>												
2 bedroom	250m <sup>2</sup>	220m <sup>2</sup>												
3 bedroom	300m <sup>2</sup>	270m <sup>2</sup>												



		this REF. The proposed development complies with the relevant controls within the Housing SEPP.
<b>Building Height, Bulk and Scale</b> P4 The development is of a height that will ensure: <ul style="list-style-type: none"> <li>• Consistency with the prevailing height of other buildings in the vicinity;</li> <li>• Adequate daylight for habitable rooms and open space areas;</li> <li>• Minimal overshadowing and overlooking of adjoining premises;</li> <li>• Compatibility with the local streetscape and character of the area;</li> <li>• The height is consistent with the height of adjoining residences, thereby reducing bulk and loss of residential amenity.</li> </ul>	<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>
<b>Visual Privacy</b> P5 Overlooking of the internal living areas of adjacent dwellings is to be minimised by: <ul style="list-style-type: none"> <li>• careful building layout;</li> <li>• spatial separation of buildings;</li> <li>• location and design of windows and balconies; and</li> <li>• the use of screen walls, fences and landscaping.</li> </ul>	<p><b>A5.1</b> Maintain visual privacy between dwellings by:</p> <ul style="list-style-type: none"> <li>• offsetting windows alongside boundaries;</li> <li>• installing windows at different heights to the adjoining buildings;</li> <li>• 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.</li> </ul> <p><b>A5.3</b> 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><b>A5.4</b> Decks, verandahs, terraces, balconies and other external living areas within 4 metres from a side or rear boundary are screened with a maximum opening of 25%.</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. Moreover, fences will provide more privacy but allowing surveillance. The apartment orientation is not facing neighbours which will reduce any potential privacy issues.</p>
<b>Acoustic Privacy</b> P6 The siting of buildings, room layout, windows and	<p><b>A6.1</b> Garages and driveways are located away from bedrooms of adjacent dwellings.</p>	<p>Complies - The parking area and the driveway is located in the central</p>

<p>wall location and the use of materials minimise impacts from external noise sources.</p>	<p><b>A6.2</b> 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>	<p>portion of the site and is away from the adjacent dwellings.</p> <p>The closest habitable area to the common driveway is the living area of the units 5 and 13 which has a distance of approximately 2.9m from the driveway. Moreover, landscaping will be provided between the building and the driveway.</p>
<p><b>Open Space and landscaping</b> Performance Criteria Acceptable Solutions P7 Adequate open space and landscaped area is provided on site:</p> <ul style="list-style-type: none"> <li>• to cater for the requirements of occupants for relaxation, dining, entertainment, recreation and children's play;</li> <li>• for service functions such as clothes drying and domestic storage;</li> <li>• to facilitate groundwater recharge and reduce stormwater surcharge; and</li> <li>• to enhance the aesthetics and amenity of the development and adjoining premises.</li> </ul>	<p><b>A7.1</b> Landscaping and open space shall comprise 40% of the site. 70% of the landscaping and open space area is to be permeable.</p>	<p>Complies - The proposed development will provide 1,112.7m<sup>2</sup> (approx. 45%) in landscape areas and open space which is more than the 40% required by LDCP 2012. Of the 1,112.7m<sup>2</sup>, 917.7m<sup>2</sup> (82%) of the landscaped areas and open space areas area permeable.</p>
<p><b>Earthworks</b> P10 Earthworks and retaining walls:</p> <ol style="list-style-type: none"> <li>Preserve the stability of the site and adjoining land;</li> <li>Minimise site disturbance from excessive cut and fill.</li> <li>Minimise adverse physical, visual and privacy impacts from excessive cut and fill.</li> <li>Minimise adverse impact on streetscape.</li> <li>Are integrated with landscaping.</li> <li>Ensure that structures are stable and safe.</li> </ol>	<p><b>A10.1</b> 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.</p> <p><b>A10.2</b> 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.</p> <p><b>A10.3</b> All areas containing cut or fill are to be drained, stabilised and landscaped to prevent surface erosion.</p> <p><b>A10.4</b> 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</p>	<p>Complies The maximum height for cut and fill does not exceed 1.8m.</p>

	<p>can be provided wholly within the subject allotment.</p> <p><b>A10.5</b> The horizontal distance between a cut and a filled area shall be equal to the height or depth of the fill or cut, whichever is the greater.</p> <p><b>A10.6</b> Earthworks and retaining walls are located at least 1.5m from any sewer main or Council stormwater drainage line, or the equivalent invert depth of the main or line, whichever is the greater.</p> <p><b>A10.7</b> Earthworks and retaining walls do not encroach into any registered easement.</p>	
<p><b>Waste Management Plans</b> 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.</p>	<p><b>A21.1</b> 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.</p> <p><b>A21.2</b> 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.</p>	<p>A Waste Management Plan has been prepared and provided in <b>Appendix P</b>.</p>
<p><b>Orientation, Glazing and Shade Control</b> P22 Development is designed to incorporate passive solar design to maximise winter sun and summer shade.</p>	<p><b>A22.1</b> 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.</p> <p><b>A22.2</b> 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 properties, between 9.00am and 3.00pm on June 21.</p> <p><b>A22.3</b> 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>Good solar access provided to living areas and private open space. The orientation of the dwellings will maximise solar access to living areas and private open spaces.</p> <p>Windows of north facing habitable rooms will receive at least 3 hours of sunlight between 9am and 3pm on 21 June.</p> <p>The submitted Architectural Plans indicate that apart from units 2 &amp; 10 the rest of the units will receive at least 3 hours of direct solar access to the living and/or POS areas on June 21, which meets the requirement for 50% of dwellings to achieve 3 hours of direct solar access to the living and POS areas on June 21.</p> <p>Shadow diagrams also confirm the proposed development will facilitate sunlight to living areas and private</p>

	<p><b>A22.4</b> Eaves, awnings, pergolas or deciduous vines and trees are used to provide shade.</p> <p><b>A23.1</b> Windows are located to maximise opportunities for cross ventilation.</p> <p><b>A23.1</b> Windows of north facing habitable rooms receive at least three hours of sunlight between 9 am and 3pm on 21 June.</p>	<p>open space of the dwellings on adjoining sites. No shadow impact on the private open space of the adjoining dwelling on the east is anticipated as a result of the proposed development.</p>
<b>Chapter 7 Off Street Carparking</b>		
<p>Schedule 1 Carparking Requirements for Specific Land Uses</p> <p>Residential Flat Buildings: 1 per 1 bedroom unit, plus 1.5 per 2 bedroom unit, plus 2 per 3 bedroom unit, plus 1 per 5 units visitor parking</p>		<p>N/A – The proposed development has provided car parking on site in accordance with the rates specified within the Housing SEPP as tabulated at <b>Table 3</b>.</p>

## 6 Notification, Consultation and Consideration of Responses

### 6.1 Council Notification

In accordance with section 43 of the Housing SEPP, Lismore City Council was notified of the development by letter dated 8 August 2023 (refer to **Appendix G**). The notification response period formally closed on 1 September 2023 and Council responded to the notification by email dated 1 September 2023, which has been extracted in **Table 9** below. 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 in Council submission

Issues raised	Response
<p><b><u>Permissibility</u></b></p> <p><i>The proposed development relates to the erection of a residential flat building and not multi dwelling housing. In this regard, please ensure that you are satisfied that such a development is permitted without consent under State Environmental Planning Policy (Housing) 2021.</i></p>	<p>The proposal is for a Residential Flat Building.</p> <p>Site is zoned R1 General Residential under the LLEP 2012, and Residential Flat Buildings are permitted in the zone.</p> <p>Division 6 of the Housing SEPP, Section (1) (a), permits LAHC to undertake this form of development, as development without consent.</p>
<p><b><u>Density</u></b></p> <p><i>The proposed density of 18 units on the site exceeds the density requirements specified in Acceptable Solution A3 of Element 4.1 (Setbacks, Design, Density and Height) of Part 4, Chapter 1 (Residential Development), of the Lismore Development Control Plan.</i></p> <p><i>In the circumstances, a lower density of units may provide a more reasonable outcome in terms of addressing other potential concerns such as parking, private open space, and solar access issues – see further comments below.</i></p>	<p>Note that the activity proposes 16 units. Compliance with the density controls within the Lismore DCP would reduce the yield by 4 units.</p> <p>LAHC has considered CL4.1 A3 in Chapter 1 of LDCP 2012 (extract below) in the development of this scheme. Given the type of development, being entirely for affordable housing and that the scheme complies with the relevant controls within the Housing SEPP, requiring less units on site / units with a greater GFA would not result in any greater benefit to users of the site or reduce any amenity impacts on the streetscape or neighbours. Given that there are negligible impacts arising from not adhering to this DCP control, and the current yield provides additional affordable accommodation in an area of significant need, technical compliance has not been pursued.</p>
<p><b><u>Parking</u></b></p> <p><i>While the parking requirements of Division 6 of the State Environmental Planning Policy (Housing) 2021 (SEPP) are being applied to the development, the proposed parking does 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. Additionally, it is unclear whether visitor and disabled parking has been factored into the parking rates which may suggest that more parking spaces are required.</i></p> <p><i>Lismore is a regional centre that generally lacks the public transport services enjoyed by larger metropolitan cities. In this</i></p>	<p>Comment:</p> <p>Car parking on site has been designed in accordance with the "non-accessible" rates within Section 42 of the Housing SEPP. Activities under Division 6 of the Housing SEPP do not require any visitor parking.</p> <p>3 accessible car parking spaces are proposed as shown on the Site Plan. The 3 spaces have been designed with consideration of Chapter 1 CL9 of the LDCP 2012 that requires for 1 adaptable dwelling per 5 dwellings.</p>



<p><i>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>Furthermore, car ownership rates of public housing tenants are significantly lower than those of the private rental market.</p>
<p><b><u>Private Open Space</u></b></p> <p><i>It is unclear where the 20sqm of open space allocated for each Level 1 unit is located on the ground level. Council advises that a communal area located on the ground floor with suitable and equitable access and privacy is reasonable.</i></p>	<p>The proposed development is for a small scale RFB. Units at the upper level are provided with balconies in lieu of open space at the ground level. The size of these spaces, 8m<sup>2</sup> for 1 bedroom dwellings and 10m<sup>2</sup> for 2 bedroom dwellings, is consistent with the requirements of both the LAHC Design Requirements 2023 and the Apartment Design Guide.</p> <p>All dwellings have been provided with suitable private open space and in this instance communal open space has not been provided. Pathways within the proposed extensive landscape will provide opportunities for casual interactions.</p>
<p><b><u>Solar Access</u></b></p> <p><i>It is noted that several of the units (namely units 2, 3, 10 and 11) do not comply with solar access requirements as noted on Sheet DA-206. Council recommends that better solar access is achieved to these units.</i></p>	<p>Satisfied.</p> <p>These 4 units receive a maximum of 1 hour solar to living areas given their orientation. Compliance with the Housing SEPP 2021 Section 43 (1)(f)(ii) is achieved as the development achieves plus 70% of all units receiving 3 hours or more solar access.</p> <p>Unit 3 and 11 will received approximately 1 hour of solar access between 2pm to 3pm, however, Unit 2 and 10 have a southerly aspect and will not receive any direct sunlight.</p> <p>To increase the residential amenity and sunlight to the upper floor Unit 10 and 11, Identified Requirement No.73 requires the addition of skylights above the living / kitchen area.</p>
<p><b><u>Consolidation of Lots</u></b></p> <p><i>Council recommends that the subject lots are consolidated prior to occupation of the units.</i></p>	<p>Noted. The Activity Determination requires the lots to be consolidated. Refer to Identified Requirement No. 5.</p>
<p><b><u>Engineering Issues</u></b></p> <p><i>Vehicle access, manoeuvring and parking areas are to be designed to demonstrate compliance with Australian Standard AS2890. Where there is more than one dwelling sharing access a minimum of 5.5m (two-way) access onto the property.</i></p> <p><i>All redundant driveways are to be rectified to Council's Engineering standards. With any redevelopment of the site, the existing vehicular accesses need to be removed and reinstated to a standard verge. This will be addressed when an application under Section 138 of the Roads Act 1993 is lodged with Council.</i></p>	<p>Satisfied. Manoeuvring and parking areas are designed to AS2890 and two-way access is designed.</p> <p>Satisfied.</p> <p>All redundant crossings will be rectified to Council's Engineering standards. Conditions in the <b>Activity Determination</b> will be applied. Note that LAHC as a Crown authority is not required to lodge or obtain a S.138 Roads Act Approval as per Clause 5 of Schedule 2 of the savings, transitional and other provisions of the Roads Act 1993.</p>

<p>Council requests that Dibbs Street be upgraded as part of the proposed development. Dibbs Street is a collector road and Council would expect this development to be providing widening along the Dibbs Street frontage to create a parking lane with appropriate drainage.</p> <p>As no vehicular access is proposed onto Walker Street and Caldwell Avenue, Council will likely accept these street frontages to remain as existing.</p>	<p>Noted. Identified Requirement no.74 requires that prior to the commencement of any construction works, LAHC must consult with Lismore City Council and come to agreement about a suitable scope of upgrade and road widening works within the Dibbs Street frontage.</p> <p>Noted.</p>
<p><b><u>Water &amp; Sewer Issues</u></b></p> <p>Council's position is that the proposed development is not exempt from obtaining an approval from Council for water supply (including 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>The following comments are also provided:</p> <p><u>1 – 3 Walker Street sites</u></p> <ul style="list-style-type: none"> <li>Water main in the street frontage for disconnection of existing and new connections as per designs</li> <li>Sewer connection located onsite.</li> <li>Stormwater requires investigation however, there is a pit located in the north-west corner.</li> </ul> <p><u>2 – 4 Caldwell Avenue sites</u></p> <ul style="list-style-type: none"> <li>Water supply is located on the opposite side of the road in Caldwell Avenue or a main is also located in Dibbs Street. The existing service would require disconnection at the source and a new connection as per design.</li> <li>Sewer is problematic. Along the northern boundary of No. 2 &amp; 4, there is a large trunk sewer main being critical infrastructure for which Council would seek a 2.0m clearance from alignment of this pipeline. No. 4 is also burdened with two (2) other sewer mains servicing properties to the east and south of the site. In general terms Council would seek a minimum of 1.5m clearance from these alignments however, if required, smaller 150mm sewer mains maybe built over.</li> <li>In this regard there is a hierarchy of considerations: <ul style="list-style-type: none"> <li>No. 1 – construct clear of the sewer mains;</li> <li>No. 2 – diversion of sewer mains;</li> <li>No. 3 – construct over sewer.</li> </ul> </li> </ul> <p>Where ultimately the desire is to construct over a sewer, the existing sewer mains are to be removed and replaced with PVC and concrete encased. The sewer inspection chambers in the north-west corner of No. 4 shall maintain a minimum 1.5m clearance. With reference to the map below showing sewer lines, you can see that the secondary main is approx. 6.1m from the rear boundary. This potentially results in an exclusion zone of 7.6m from the rear boundary of No.4.</p>	<p>Satisfied.</p> <p>Identified Requirement no.38 requires LAHC to obtain the relevant certificates.</p> <p>LAHC will ensure via conditions in the <b>Activity Determination</b> that the existing water and sewer infrastructure is tested to have adequate capacity before construction works commence. Refer to Identified Requirement No. 75.</p> <p>Noted.</p> <p>Noted.</p> <p>Following this feedback, the activity proposes to redirect sewer pipelines on the site so that they will not be located beneath the footprint of the buildings. At the Caldwell Avenue frontage, the new pipeline will traverse in an easternly direction before doglegging north to connect to existing infrastructure.</p>



1. Maps are indicative and service locations require confirmation on-site by Survey if required.
2. A zone of influence also has an impact on foundations and load bearing of the sewer mains pending confirmation of depth.
3. No existing house drains are retained or reused all sewerage services to be new materials up to the point of connection.
4. Not sure regarding BASIX if required for Department of Housing projects. However, we would encourage best practice regardless and incorporate rainwater tank/s and use throughout the developments for WC's, washing machines and external hose taps for non-potable use. Council would seek one potable, town water supplied external tap for each dwelling.

*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.*

*As the development will involve the demolition of four 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).*

A review of aerial imagery has shown that all 4 lots have been occupied by the existing dwelling houses since pre-1979. Between 1979 to present the lots have only been used for residential purposes and there are no historical land uses that would suggest that the lots are contaminated.

A condition in the **Activity Determination** will be applied regarding unexpected finds protocols. Refer to Identified Requirement No. 17.

## 6.2 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. Advice was sought from Council regarding additional persons or property that should be notified of the development via an email dated 25 January 2023. Council provided an email response on 8 March 2023 advising that the notification map is consistent with Council's Community Participation Plan and acceptable. **Figure 18** illustrates the properties in which the occupiers and landowners were notified of the development.



Figure 18 Map of properties notified of the Proposed Development (Source: LAHC)

Under section 43(1)(b) of Housing SEPP, occupiers of adjoining land, as identified in the above map, were notified of the proposed development activity by letter dated 8 August 2023. In addition, owners were also notified. A copy of the notification letter is provided at **Appendix G**. The notification response period formally closed on 1 September 2023 and 1 submission was received and is discussed in **Table 10**.

Table 10 Issues raised by adjoining owners / neighbours

Issues raised	LAHC Response
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<p><u>Submission 1:</u> <b>Generally supportive of the proposal.</b></p> <p><b>Questions and concerns regarding privacy, security, and fencing.</b></p> <p><b>Concern regarding construction noise.</b></p> <p><b>Mango Tree may affect fence installation and drops fruit which no one picks up. Would like to see this tree removed.</b></p>	<p>A 1.8m colorbond fence will be installed with consultation with neighbours regarding colour choice and logistics. The rooms that run along the eastern boundary are bedrooms and bathrooms and no living spaces or balconies that will overlook the adjoining property. The design of deep soil landscaping and plantings along the eastern boundary will assist in minimising privacy intrusion.</p> <p>Once a Determination is made, notification would be given to neighbours so they would know when construction would occur. Identified Requirement no.57 and no.59 specify the hours of construction and noise generating equipment standards which will be followed during the demolition and construction stages.</p> <p>The neighbour at 5 Walker Street advised the tree (T9 Mango Tree) is quite large and could be an issue when putting up the fence as it sits on the boundary and would like LAHC to remove it. Within the Lismore LGA, the mango tree species is exempt from protection in accordance with Chapter 14 Vegetation Protection of the LDCP. As a result of this feedback, Identified Requirement No.18 and No.20 requires this T9 to be removed.</p>
<p><u>Submission 2:</u> <b>Generally supportive of the proposal.</b></p> <p><b>Concerns with stormwater issues on the site.</b></p> <p><b>Potential to connect stormwater from 6 Caldwell Avenue into the proposed stormwater management system for the site.</b></p> <p><b>Concerns about development devaluing adjoining properties.</b></p> <p><b>Advised some tenants store waste and rubbish in the yards.</b></p>	<p>The site falls from the south-east to the north-west and is able to gravity feed to the street kerbs. A detailed stormwater plan and management plan has been prepared for the development which includes an on site detention systems and swales to manage stormwater flows.</p> <p>Should the neighbour at 6 Caldwell Avenue wish to connect to the proposed stormwater infrastructure on the subject site, this neighbour is required to obtain an easement.</p> <p>The activity will replace aging housing stock that has reached the end of its economic life expectancy with modern, fit for purpose residential accommodation. There is no information that suggests the proposed 16 unit activity will devalue properties in the area.</p> <p>LAHC has design 2 waste storage areas for this development to cater for the needs of the tenants. LAHC's Management and Asset Team will be responsible for managing the condition of the site.</p>

## 6.3 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.

## 7 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 5.1.9 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.

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### 7.1 Neighbourhood Character

The site is located within an established residential area generally supporting single and 2-storey detached dwelling houses. Within the local area there is also single storey multi dwelling housing developments of brick or weatherboard construction with tiled roofs and associated structures, such as pergolas, garages, and carports. The East Lismore locality primarily consists of single storey detached housing. Currently there is a low level of transition from low density housing to medium density development despite this form of development being permissible within the zone. It is anticipated that the proposed development may act as a catalyst for more contemporary medium density development in 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.

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### 7.2 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 2 separate buildings with sufficient setbacks from both Caldwell Avenue and Walker Street with suitable façade articulation and roof form to minimise bulk and scale.

The proposal incorporates a floor space ratio of 0.52:1 and a maximum height of 8.9m which is generally consistent with a general residential area. The FSR and 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. Although the development is classified as a residential flat building, the overall built form is similar to that of a terrace house or manor house and is therefore considered consistent with the objective of the LLEP 2012 that encourages medium density housing.

The LDCP 2012 contains a density development control based on unit yield and site area. The control specifies that for sites greater than 1200m<sup>2</sup>, 1 bedroom units at 180m<sup>2</sup> and 2 bedroom units at 220m<sup>2</sup>. This would then require that the proposed 8 x 1 bedrooms should need 1,440m<sup>2</sup> and the 8 x 2 bedrooms should need 1,760m<sup>2</sup>, and the overall development would require 3,200m<sup>2</sup> of land. The site has an area of 2425m<sup>2</sup> and to comply with this development control, the proposal would need to reduce the dwelling yield by 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. The proposal will not have any adverse

impact on the surrounding properties. The proposal will provide substantial social, community and economic benefits for the locality which are mentioned in Sections 7.19 and 7.20 of this REF. The proposed development complies with the relevant controls within the Housing SEPP. 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.

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## **7.3 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 hard stand car parking area will be generally obscured from street view, resulting in a built form that has been designed with consideration of the dwellings surrounding.

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 Caldwell Avenue, Dibbs Street and Walker Street. 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 and balconies within the front setback, improving casual surveillance of the street.

#### **Mitigation Measures**

No mitigation measure are required.

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## **7.4 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 responds 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.

Landscaping is proposed surrounding the proposed development and within the setback of all 3 adjoining streets. The mature Bottlebrush *Callistemon Viminalis* is proposed to be retained to improve the aesthetic aspect quality of Caldwell Avenue. Moreover, trees adjacent to Dibbs Street are also proposed to be retained which will provide additional canopy and shade to pedestrians. The rear and side setbacks will also be heavily landscaped with shrubs, ground covers and two mature trees adding to the long-term visual amenity of the development and further improving the appearance of the site from the street.

#### **Mitigation Measures**

No mitigation measures are required.

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## 7.5 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, new 1-1.8m high fencing, adequate site setbacks and strategic placement of windows so as to avoid direct overlooking of neighbours. In particular:

- The sites' boundaries on north, west and south adjoin Walker Street, Dibbs Street and Caldwell Avenue respectively and no dwelling or private property is located adjacent to these three boundaries, therefore the proposed development will not create significant overlooking and privacy issues on these three boundaries.
- Balconies associated with all the units are partially provided with full height aluminium privacy screens with vertical slats. Private open space areas associated with units 2, 3, 4, 5, 6, 10, 11, 12, 13 & 14 are orientated toward Caldwell Avenue and Dibbs Street with landscaping, including trees and shrubs proposed within the front setback to improve streetscape amenity and privacy for future residents. Similarly, private open space areas associated with units 7, 8, 15 & 16 are orientated toward Walker Street with appropriate landscaping which will provide privacy and will improve streetscape amenity of Walker Street. Window openings have been minimized within west elevations of units 1, 8, 9 & 16 to ensure that overlooking is mitigated to adjacent development at 5 Walker Street and 6 Caldwell Avenue. No balconies are provided within these east elevations.
- First floor balconies are provided to each unit to enable passive surveillance of the street without compromising the privacy of the internal bedrooms associated with these balconies. Furthermore, balconies have been oriented to the front and sides of the site, and as such will not directly overlook the windows or private open space at adjacent dwellings/sites. The only exceptions are the balconies associated with units 1, 8, 9 & 16 which are faced towards the parking area located at the centre of the site; however, appropriate landscaping will be provided in this area to minimize any potential overlooking impact.
- Visual privacy within the development and adjacent dwellings being 5 Walker Street and 6 Caldwell Avenue is provided and maintained through the strategic use of privacy screens, sufficient setback, reducing the windows on this façade of the development and screen planting.
- Further screening between the proposed development and adjoining neighbours on the east is achieved through the retention of significant existing trees along the common boundaries.
- Side and rear setbacks are compliant with Lismore DCP 2014. Planting is used within the side and rear setbacks providing privacy for dwellings in the proximity of the development.
- Proposed 1.2m aluminium vertical slat fence will mitigate unacceptable overlooking from surrounding streets into the units on the ground floor, while providing passive surveillance of the public spaces.
- Patios within the development have been appropriately separated by fencing or landscape treatments.
- A 1.8m high colourbond boundary fence is proposed on the eastern boundary to minimize the overlooking to the eastern properties and provide privacy for the occupants of the proposed development and adjoining neighbours.

### Mitigation Measures

No mitigation measures are required.

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## 7.6 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 submitted Architectural Plans indicate that apart from units 2, 3, 10 and 11 the rest of the units 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 requirement for 70% of dwellings to achieve 3 hours of direct solar access to the living and POS areas.

Unit 3 and 11 will received approximately 1 hour of solar access between 2pm to 3pm however Unit 2 and 10 have a southerly aspect and will not receive any direct sunlight.

### Mitigation Measures

To increase the residential amenity for the upper floor Unit 10 and Unit 11, Identified Requirement no.74 specifies that skylights must be designed and constructed above the living and/or kitchen area. Whilst this will not provide direct sunlight it will increase light within (and into) the units.

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## 7.7 Overshadowing

The shadow diagrams confirm the development has been designed to minimise overshadowing of surrounding development. Shadow diagrams in **Appendix A** confirm the proposed development will not generate unacceptable shadow impacts to living areas and private open space of dwellings on adjoining sites. At 9am, shadows generated by the proposed development are generally contained within the site, out to Caldwell Avenue and Dibbs Street road reserves.

At 12pm, shadows are fully contained within the subject site with minor encroachment into the Caldwell Avenue road reserve. The shadow diagram provided demonstrates that there are minor impacts on the adjoining neighbours to the east which are within the side setbacks of the adjoining properties. These dwellings will receive 3 hours of direct sunlight and the proposed development will not have any adverse impact on these dwellings regarding the overshadowing. The adjoining properties will therefore maintain a minimum 3 hours of sunlight to living and principal private open space areas between 9.00am and 3.00pm at the mid-winter solstice.

### Mitigation Measures

No mitigation measures are required.

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## 7.8 Traffic & Parking

Surface car parking for 12 vehicles is provided for residents, including 3 accessible spaces. 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 locations. Unrestricted street parking is available on Dibbs Street, Walker Street and Caldwell Avenue to accommodate any overflow parking demand generated by the proposed development. The Traffic Management Report (**Appendix R**) indicates that the proposed development will result in an increase in the traffic generation potential by approximately 5 additional vehicles trips/hour during weekday peak hour from Monday to Friday. 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.

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## 7.9 Flora and Fauna

An Arboricultural Impact Assessment has been prepared for the site by Northern Tree Care (**Appendix J**). The report identifies that all trees on the subject site are suitable for removal and that 4 trees outside of the property boundary are to be retained. In addition:

- It is recommended that trees 6, 11 and 12 be retained in the development. The other trees growing on the site should all be removed to enable construction of the development.
- It is recommended that the sewer line be installed by underboring through the TPZ of tree 6. The boring must be carried out so that the top of the underbore is at least 600mm below the surface of the soil. If this is not feasible the line can be installed by digging a trench. This would result in an encroachment of 25% into the TPZ. This is not ideal but is unlikely to cause this tree to become unviable.
- The construction of the retaining walls in proximity to tree 6 will require some footings for the retaining walls. The footings should be excavated with an earthmoving machine. Where roots are encountered that are less than 100 mm in diameter they should be broken off with the earthmoving machine. They should not be cut cleanly (Gray 2023).
- Trees 11 and 12 are growing on the adjacent property to the east. The site fencing will provide sufficient protection for those trees. Tree 6 should be protected during construction.
- Tree 9 (mango tree) located straddling the boundary of the subject site and the eastern neighbour at 5 Walker Street is to be removed under this activity. Following the public exhibition, this neighbour recommended that the tree be removed as it is located on the boundary, making the construction of future boundary fencing difficult and it also drops fruit. Within Chapter 14 Vegetation Protection of the LDCP, 'fruit trees' are identified as an exempt species for removal.

Appropriate replacement planting is proposed, as indicated on the Landscape Plan and details. 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.

#### Mitigation Measures

The trees nominated to be retained are to be protected in accordance with the recommendations and General Tree Protection Specification contained within the Arboricultural Impact Assessment provided in **Appendix J**. Identified Requirement no.18,19 and 20 include specifications on the landscaping works and tree retention.

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## 7.10 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 31 August 2021 (**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

A standard Identified Requirement (No. 45) has been applied should any cultural heritage relics be discovered on the site during excavation / construction.

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## 7.11 Soils / Contamination / Acid Sulfate Soils / Salinity

### Geotechnical

A Geotechnical Site Investigation Report, prepared by STS Geotechnics indicates the following:

- The subsurface conditions generally consist of topsoil overlying natural silty clays and weathered shale. The topsoil is present to depths of 0.2 to 0.3m. Soft becoming very stiff silty clays underlie the topsoil to the depth of drilling, 3.0m. In BH3 and BH6 hand auger refusal occur ironstone gravel at a depth of 0.6m.
- Groundwater was not observed during drilling works.

### Mitigation Measures

No mitigation measures are required in response to the Geotechnical Site Investigation or Acid Sulfate Soils Assessment Report.

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* (4<sup>th</sup> edition, Landcom, 2004).

If excavations for rainwater or detention tanks are to be made within 6 metres of the building foundations, advice should be sought regarding their effect on the foundations.

### Contamination

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 11**, below and do not indicate that any additional investigation is necessary.

Table 11 checklist for guiding an initial evaluation of site

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 of the 4 lots have been used continuously for residential purposes and occupied by the existing dwelling houses since 1979. Identified Requirements attached to the <b>Activity Determination</b> 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	A standard 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	A standard 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.

### Mitigation Measures

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

### 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.

### 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 are consistent with the presence of non-saline soils.

### Mitigation Measures

No mitigation measures are required.

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## 7.12 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 Dibbs Street at the site 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 storm water tanks. The site's post stormwater runoff peak is increased and therefore mitigated using detention tanks and choke pipe as appropriate to suit the peak flow discharge. Water Sensitive Urban Design measures including vegetated bio-retention, underground SW tanks and surrounding buffer implemented within the site drainage design to provide a treatment train for the site.

The Section 10.7(2) & (5) Planning Certificates issued by Council as well as Flood Information Certificates issued by Council identify that the subject site is mapped as flood affected and therefore subject to flood related development controls. Based on the Flood Information Certificates issued by Council, the Flood Design Level is at approximately RL.11.5m AHD. The site as existing has minimum ground levels of 14.5m AHD, and therefore the site as existing is a minimum of 3m above the minimum design flood level. The proposed development floor levels are even further above the RL.14.5m AHD. Due to the existing site levels and proposed finished floor levels being in excess of 3m above the design flood level, there is minimal flood risk to the development and future tenants.

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 (Nos. 6-9, 14 & 42) have been recommended to ensure that stormwater drainage is managed in accordance with legislative requirements.

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## 7.13 Bushfire Prone Land

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

### Mitigation Measures

No mitigation measures are required.



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## 7.14 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.

### 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.

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.

Appropriate standard Identified Requirements (Nos. 2, 57 & 59) have been applied to ensure compliance with the above mitigation measures.

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## 7.15 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

Appropriate standard Identified Requirements (Nos. 60, 63 & 64) have been applied that will satisfactorily mitigate any potential or adverse impacts on air quality.

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## 7.16 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 4 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 center. The materials in the design are where possible not coated or treated so they can be more easily reused/recycled. Off site 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 storage bins located in the garbage storage enclosures and placed on the street kerb by LAHC contractor for collection by Council's waste services. Each unit has a collection point in the kitchen. The occupants are to bring their waste to one of the allocated bin/waste storage areas. The LAHC contractor will be responsible for the movement of bins to the kerbside collection point.

Paper / metal / glass will be disposed of in Council's standard waste recycling bins to be located in the garbage storage enclosures and placed on the street kerb by LAHC contractor for collection by Council's waste services.

### Mitigation Measures

Standard Identified Requirements (Nos. 49-55 & 65) are recommended to ensure construction/demolition waste is appropriately managed and disposed.

A standard Identified Requirement (No. 37) is recommended to require the preparation of a final waste management plan for the demolition, construction, and occupation phases of the development.

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## 7.17 Fire Hydrant Design

**Appendix T** has tested compliance with the maximum travel distances from the existing street hydrants and confirmed that the existing infrastructure within the street is adequate to accommodate the proposed development. Therefore, no on site fire hydrant or booster is required.

### Mitigation Measures

Identified Requirement no.72, requires the architectural, landscape and civil plans to be updated to delete the proposed on site hydrant at the Dibbs Street frontage as it is not required for the development and the existing street hydrants are adequate.

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## 7.18 Resource Use & Availability

The proposed activity will not result in any discernable 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.

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

No additional mitigation measures are required.

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## 7.19 Community / Social Effects

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

- achieving the objective of the EP&A Act to promote the delivery and maintenance of affordable housing;
- 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 and 2 bedroom dwellings is 5-10 years, as at 30 June 2022 (source: NSW Department of Communities and Justice);
- assist LAHC in improving the amenity of accommodation for its tenants, by providing new, more appropriate housing aligning with demand for social housing;
- improve the environmental sustainability of housing on the site, particularly through improved energy and water efficiency; and
- provide more accessible housing on the site (3 units out of 16 proposed units are adaptable).

### Mitigation Measures

No mitigation measures are required.

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## 7.20 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.

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## 7.21 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.



## 8 Conclusion

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### 8.1 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 development will enable LAHC to meet the increasing demand for 1 and 2 bedroom dwellings in the local government area. Therefore, the proposed development is clearly in the public interest.

## 9 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 – CIVIL 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 – DESIGN COMPLIANCE CERTIFICATES

## APPENDIX M – NatHERS CERTIFICATE

## APPENDIX N – SENIORS LIVING POLICY CHECKLIST

## APPENDIX O – GEOTECHNICAL INVESTIGATION

## APPENDIX P – Waste Management Plan



## APPENDIX Q – Title Searches

## APPENDIX R – Traffic Report

## APPENDIX S – Stormwater Management Plan

## APPENDIX T – Fire Hydrant Compliance Plan