

**LISMORE CITY COUNCIL MINUTES PRE-LODGEEMENT MEETING**  
**Held on Wednesday, 6 September 2023**  
**82.2023.29.1**

**Present:** Planning Co-ordinator (Rod Mallam) Chairperson  
Building Surveyor Co-ordinator (Cathryn Wilson)  
Strategic Engineer (Lucas Myers)  
Environmental Health Representative (Lachlan Stace)  
Development Engineer (Michael Anderson and Tejus Manchegowda)  
Ecologist (Virginia Seymour)

**In attendance:** Secretary (Sandy Strachan)

**Apologies:** Nil

**Presentation**  
**Guests:** Damian Chapelle – Newton Denny Chapelle  
Barrie Lawder – Social Futures  
Brad Priekulis – Raunik Architects  
David McGrath - Davcam

**Property:** DP 230448 lot 71, DP 230448 lot 69, DP 230448 lot 70, 1 Phillip Street  
GOONELLABAH, 5 McDermott Avenue GOONELLABAH, 7 McDermott Avenue  
GOONELLABAH

**Zone:** R1 General Residential

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**Brief Outline of Proposed Development provided by proponent:**

To undertake the demolition of the existing buildings and the construction of a new residential flat building (20 Units) to be utilised as a mix of affordable housing (9 units), social housing (9 units) and Specialist Disability Assistance Units (2 units).

The development will be a managed facility / site.

The development is proposed on behalf of Social Futures (Tier 3 Community Housing Provider).

**Summary Information**

**Advertising / Notification required:** Yes

**Planning Constraints:**

- |                            |     |
|----------------------------|-----|
| • Heritage Item:           | No  |
| • Flood                    | No  |
| • Section 64 contributions | Yes |
| • Section 94 contributions | Yes |

**Relevant Planning Controls:**

**SEPPs**

- SEPP (Housing) 2021
- SEPP 65 – Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022

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- State Environmental Planning Policy (Transport and Infrastructure) 2021

**LEP**

- **LEP Zone** – R1 General Residential
- **LEP Clause 4.3** – Height of Buildings
- **LEP Clause 6.2** – Earthworks
- **LEP Clause 6.9** – Essential Services

**DCPs**

**Part A**

- Chapter 1 – Residential Accommodation
- Chapter 7 – Off-Street Parking
- Chapter 11 – Buffer Areas (Powerlines)
- Chapter 13 – Crime Prevention through Environmental Design
- Chapter 14 – Vegetation Protection
- Chapter 15 – Waste Minimisation
- Chapter 22 – Water Sensitive Design

**Planning (Rod Mallam & Shane Reinhold)**

- The site is Zoned R1 – General Residential under the provisions of the Lismore LEP 2012. The proposed residential flat building (RFB) is permitted with consent in this zone.
- The site has a height limit of 8.5m under the Lismore LEP 2012. The pre-lodgement application states that the proposed built form will not exceed the maximum allowable height of 8.5m. A review of the submitted plans however indicates that the proposed building height is a little over (but very close to) the LEP standard.

Where any of the proposed buildings exceed the 8.5m building height, the DA would need to be supported by an application to vary development standards pursuant to Clause 4.6 of the Lismore LEP 2012. The application to vary the height limit for the site would need to specifically address how the proposed development meets the objectives of 'Clause 4.3 – Height of buildings' and particularly how the proposal protects the amenity of the neighbouring properties and public places, with particular regard to: visual bulk, scale, overshadowing, privacy and views. Please note that if the proposed variation to the height limit exceeds 10% then the DA will need to be reported to Council for determination (deemed concurrence).

- The proposed residential flat building must address the relevant '*In-fill affordable housing*' provisions of SEPP (Housing) 2021.
- The proposed residential flat building must address the relevant provisions of SEPP 65 – Design Quality of Residential Apartment Development. In particular, the DA needs to demonstrate detailed consideration:
  - of the Design Quality Principles (9 Principles); and
  - the Apartment Design Guide, which supports SEPP 65 by providing detail on how residential apartment development can meet the SEPP's design quality principles through good design and planning practice. In particular it addresses:
    - identifying the context (Site Analysis);
    - developing the controls;
    - siting the development; and
    - designing the building.

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- The proposed development must be accompanied by a statement by a qualified designer in accordance with clause 29 of the EP&A Regulation 2021.

In relation to the context, siting, design and layout of the proposed development, the following particular comments are made.

***Urban Context and Built Form***

The proposal is situated within a predominantly residential area, with a mix of detached single dwelling and multiple occupancies. There are other multiple-occupancy residential developments directly adjacent to this site, being a ground-floor multi-unit development and a low-rise apartments building, as well as several others in the surrounding area.

The architectural design provided in the first version of the plans are not the specific building proposed, but provide a conceptual model of a well-articulated contemporary design. Materials and colours as shown are reasonable, presenting a modern façade that should age well. The concept is appropriate urban design response for the location.



Overall, Council is comfortable with the conceptual notion of a low-rise residential flat building in this location.

***Apartment Design***

The sizing of the proposed apartments is relatively small for a regional area. There might be opportunity to gain back some habitable (living room) floor area by removing the laundry from each. The separate laundry room is probably not necessary, given that it is an accepted contemporary design solution that hidden laundries can be located in hallway cupboards; refrigerator-like upright spaces; and the like.

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Additionally, it is uncertain why there are two bathrooms in the two-bedroom units. While no objection is raised to the concept of multiple bathrooms, it seems an odd design choice for small units. Perhaps this area could be better utilised as living space.

Each apartment seems to rely upon a small window in the kitchen for natural ventilation. In practice, this window will likely be kept shut for privacy reasons. Ventilation diagrams along with specifics of the openings would assist in determining if airflow is appropriate.

The lack of ground-floor apartments is unfortunate, as it would be nice if social housing provisioned for people with disabilities and those suffering from mobility issues. The difficulties of designing on slope is understood, but if any part of the remaining design process raises this opportunity, Council would encourage you to take it if able.

#### ***Solar Access and Open Space***

All ground-level private open space areas have been located on the southern side of the proposed building. The site constraints that led to this are understood. However, the height of the building (even with slope considered) make it unlikely that any of the ground-level private open space areas will receive adequate sunlight.

To off-set this, it is suggested that solar opportunity is maximised for those apartments that are positioned to receive sunlight. There is opportunity to improve the sizing of balconies along the northern-face of the building (units 1, 2, 9, 10, 11, 12, 19, 20), to ensure each

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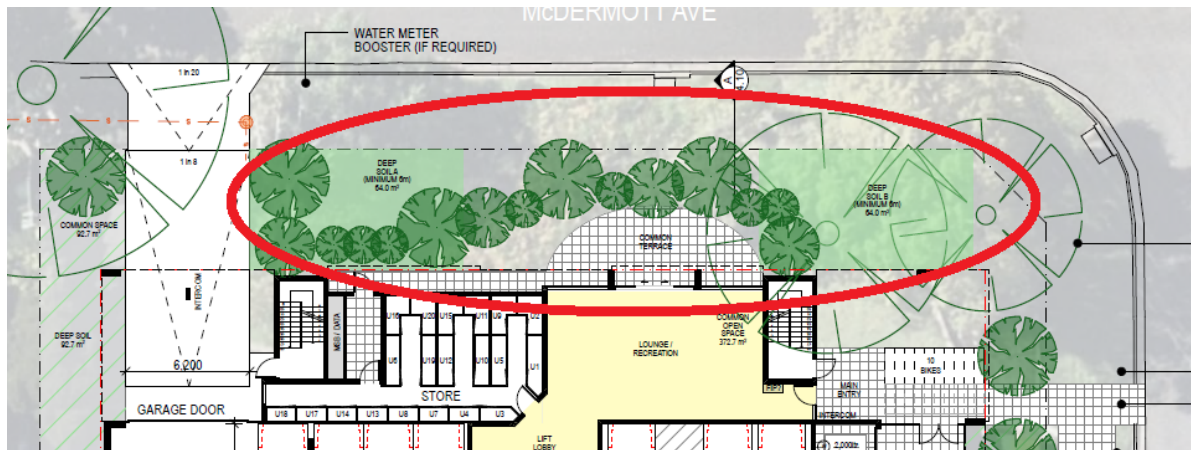
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enjoys a large outdoor area. The balconies to the east are more difficult (units 3, 4, 13, 14), but can be re-worked to some degree, with passive surveillance of the street being a rationale to make such changes.

There is also opportunity to formalise the landscaped area to the north of the building into a large community outdoor space area. Community space is an important feature in residential flat buildings, and a north-facing ground-level community space would assist in offsetting those units with less-desirable private open spaces. Such an area would also assist in alleviating some of the safety / crime prevention concerns, discussed below.



#### ***Safety and Crime Prevention***

It is acknowledged that the proposal is designed as targeted social housing, and it is important to note that this is positive and highly valuable social infrastructure. However, by its nature it inherently incorporates unique risks. Further information is needed regarding the likely risks associated with the target residents (e.g., how residents that are victims of domestic violence are safe within the development from the perpetrator they are escaping); information regarding security and access control; and any design features discourage the risks posed. Targeted discussion on this point is needed.

Regarding the main access, the addition of the terrace has improved the design somewhat. It is assumed there will be significant glazing to permit visual surveillance between the spaces. Incorporating the community open space into this area will significantly improve both the amenity of the development and further alleviate crime safety concerns. A pedestrian access to McDermont Street may further improve the situation.

The basement storeroom is a bit of a warren, closed off with no visibility. The current design facilitates entrapment opportunity and burglary. It is suggested that storage can instead be incorporated into the rear of each carparking space, which provides storage with clear ownership in a far more visible location.

#### ***Central Courtyard***

The central courtyard includes a large planter box with a deep soils base. This has the potential to be a significant maintenance issues into the future. The larger trees and significant landscaping is not likely to flourish in a planter box with limited sunlight. Concern is raised regarding the long-term maintenance of this landscaping, especially given the

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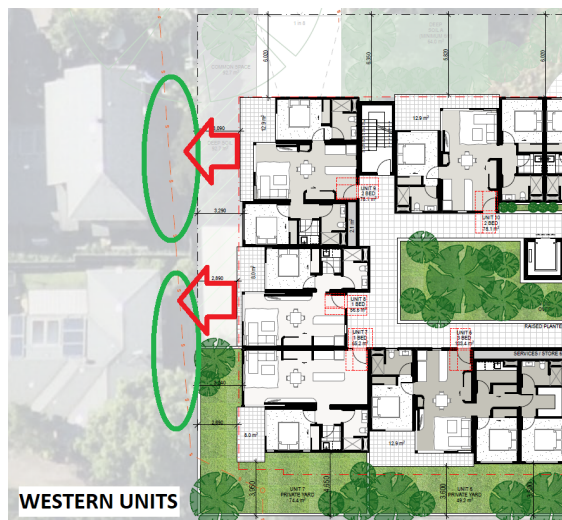
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development is intended to be a social housing project. Waterproofing is also likely to prove difficult, and there is a reasonable chance of leaking into the carpark in the years post-construction. Lastly, the additional weight may be costly from a construction perspective, however budget is of course your prerogative.

***Adjoining Properties***

Regarding potential privacy impacts at adjoining properties:

- The neighbours to the west have their private open space positioned in thin backyards along the common boundary. The proposed development is within the recommended setbacks/separation, and is raised about a half-storey above the neighbour (above screening fences), with balconies positioned into this space. Providing further separation could assist, but it is understood there is little room to move if the desired yields are to be achieved. This has the potential for conflict, and needs to be addressed.
- The neighbour to the south has private open space behind their dwelling, along the common boundary but also extending further south within their own lot. Given the gradient and northern down-slope of the subject site, the erection of the screen fencing and plantings (as shown on your cross section) is likely to resolve the issue, without impacting too significantly upon the neighbours solar access.

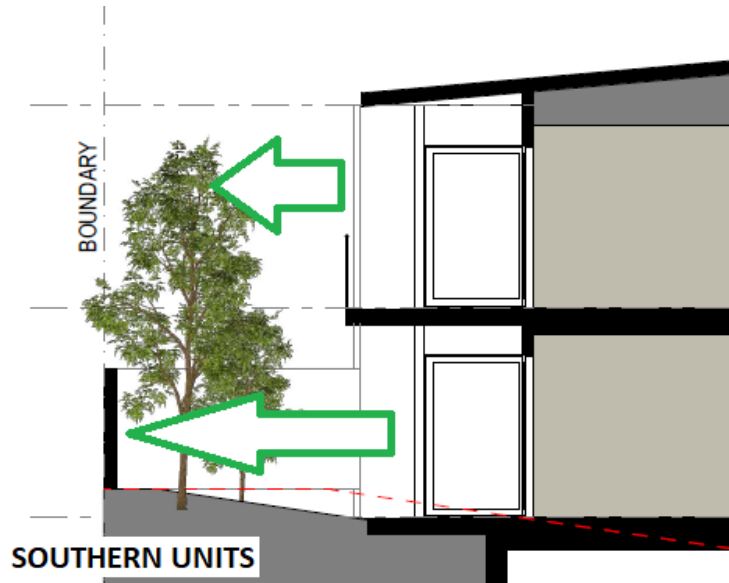


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Regarding access to sunlight at adjoining properties:

- The neighbours to the west will be impacted by shadows in the morning, however will be unaffected by midday and thus should be within acceptable tolerances.
- The neighbour to the south is of greater concern. Given the gradient and northern down-slope of the property, the impacts may not be too significant. Shadow diagrams will be required to confirm.

There is no important view loss anticipated.

- The DA is to address the relevant requirements of Part A, Chapter 1 – Residential Development of the Lismore DCP, where they are not superseded by SEPP 65. In this regard, it is particularly noted that the proposed front setback to McDermott Street (6m primary road) and Phillip Street (3m secondary road) is consistent with the acceptable solution of this chapter, which states *For a corner allotment in zones R1, the setback is 6m from the primary street and 3m from the secondary road.*
- Given the nature of the proposed development and its context, Council requires photomontages of the proposed development within its setting. This will allow the public and Council to be able to get real appreciation of the proposal and its likely impacts.
- The DA needs to include a Social Impact Assessment, prepared in accordance with Council's Social Impact Assessment Guidelines. In particular, the social impact assessment is to address:
  - The social benefits and costs of the development, with particular reference being made to the proposed mix of affordable and social housing and the design of the building with its central / communal courtyard; and
  - The SEE should describe how positive impacts are to be maximised, and how detrimental impacts are to be mitigated.

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- The DA needs to include a detailed Crime Prevention through Environmental Design (CPTED) assessment, which will be referred to the NSW Police Crime Prevention Officer for comment.
- Council will require the three (3) subject lots to be consolidated as part of the DA.
- S7.11 Contributions will be calculated in accordance with the LCC Section 94 Contributions Plan 2014. The site may benefit from a credit based on the existing development (7 x 1 bedroom units).

The current s7.11 contribution for a 2 bedroom unit is \$4,207.25 and a 3 bedroom unit is \$6,310.85.

**Strategic Engineer (Lucas Myers)**

**Water Supply**

- The site has existing connection to water. Hydraulic design will need to be undertaken to determine what upgrades may be required to service this development and any fire safety measures.

**Sewerage Service**

- The site has an existing sewer connection point.

**Section 64 Contributions**

- The site has an existing credit for the 7 units which equates to 2.8ET Water and 3.5ET Sewer.

Based on the information provided, the development will have 8 x 1 bed, 10 x 2 bed and 2 x 3 bed units this equates to 10.8Et Water and 13.5ET Sewer. Therefore, demands for the site based on the proposal will be approximately 8.0ET Water and 10.0ET Sewer

Levies based on the demands will be;

LCC Water = \$13,496

Rous Water = \$79,608

LCC Sewer = \$133,740

**Total = \$226,844**

Council currently has an Affordable and Diverse Housing Incentives Policy and if this development can meet point 2 then a 50% discount can be applied to Lismore levies which would bring the levies down to;

LCC Water = \$6,748

Rous Water = \$79,608

LCC Sewer = \$66,870

**Total = \$153,226**

Council also has Housing Grants currently available, and this development may fall within Category 5 of this grant which would provide \$15,000 per unit of housing provided.

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**Environmental Health Representative (Lachlan Stace)**

**Buffers (Power poles / lines)**

- The setback between proposed development and existing power lines is to comply with the requirements of Part A, Chapter 11 (Buffers) of the Lismore DCP. The DA will be referred to Essential Energy for comment under State Environmental Planning Policy (Transport and Infrastructure) 2021.

**Contaminated Land**

- A contaminated land assessment will be required for the proposed development. The removal of the existing structures will trigger soil sampling with particular focus on lead, organochlorines (under slab treatments), any uncontrolled fill and possibly asbestos. The assessment should consider all previous land uses activities of the site and be in accordance with Council's *Regional Policy for the Management of Contaminated Land and SEPP (Resilience and Hazards)*. Any asbestos disturbed must be managed in accordance with Safework requirements.

**Water Sensitive Design (WSD) –**

- The management of stormwater will need to be considered as part of the development with reference to Part A, Chapter 22 – Water Sensitive Design of the Lismore DCP. Roofwater should be considered for water quantity issues, however for water quality it can be excluded as this will be considered as in-fill development.

**Noise & Amenity**

- Noise from this development should not negatively affect the amenity of the area. The size and nature of the development could generate significant noise to nearby residences during the constructional phase. A Construction Management Plan (CMP) will be required and should reference the Interim Construction Noise Guideline by DECC.
- The adjoining land use to the south and west is residential. Any future design should consider potential impacts upon the residential amenity. Consideration is to be given to plant location, air conditioners, heat pumps ect (noise impacts), ventilation exhausts and waste management areas (potential noise & odour).

**Solid Waste Management**

- A garbage receptacle enclosure and management will be required and should meet the requirements of Part A, Chapter 1 Residential Development of the Lismore DCP A20.2 & A20.3.

**Lighting**

- Outdoor lighting has the potential to cause nuisance to nearby residences. All external lighting should be designed and installed to ensure no adverse impact on neighbouring premises and motorists. Appropriate light selection and shielding and/or other measures should be considered, with reference to AS4282 *Control of the Obtrusive Effects of Outdoor Lighting*.

**Erosion and Sediment Control**

- An Erosion and Sediment Control Plan will be required for the development to prevent soil erosion and the transport of sediment from the development site or into council's stormwater system. The plan should be included in a Construction Management Plan.

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**Development Engineer (Michael Anderson and Tejus Manchegowda)**

**Traffic**

- Traffic Impact Assessment (TIA) needs to be submitted with the DA and the TIA needs to particularly address the existing and anticipated traffic increase from the proposed development.

**Vehicle access**

- The vehicle access needs to minimum 6m wide for two-way movement of traffic.
- The existing layback kerb on property frontage of Philip Street needs to be replaced by an upright kerb and existing concrete pedestrian access in the road reserve needs to be decommissioned and reinstated with grassed verge.

**Off-Street Parking**

- All off-street parking needs to be as per AS2890 standards.
- Manoeuvring template needs to be submitted for parking aisle 1, aisle 14, aisle 17, visitor parking 1, and visitor parking.

**Stormwater**

- The DA needs to address Part A, Chapter 22 (Water Sensitive Design) of the Lismore DCP and in this regard, include a Stormwater Management Plan (SWMP).

**Footpath**

- The existing footpath on McDermott Ave needs to be extended to the proposed development pedestrian entry access on Philip Street.

**Ecologist (Virginia Seymour)**

**Biodiversity and Vegetation Removal**

- Biodiversity Conservation Act 2016 – An evidence-based statement should be provided addressing the Biodiversity Offset Scheme (BOS) entrance threshold.
- Vegetation Protection DCP Chapter 14 – Where vegetation removal is proposed to a clear tree removal and retention plan with an accompanying statement demonstrating effort to avoid, minimise and mitigate impacts on biodiversity should be provided.
- Landscaping – There is an expectation that a landscape plan will accompany the development application to provide for amenity and biodiversity enhancement. Ideally the plant species prescribed in the plan are locally indigenous.

Council would also appreciate the opportunity to undertake the assessment of the Construction Certificate and perform as the Principal Certifying Authority.



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**Rod Mallam**  
**Chairperson**

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