

STATEMENT OF ENVIRONMENTAL EFFECTS

RESIDENTIAL FLAT BUILDING DEVELOPMENT

PROPERTY: 1 Phillip Street, Goonellabah & 5-7 McDermott Avenue, Goonellabah
OUR REF: 230180
DATE: February 2024



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DOCUMENT AND PROJECT DETAILS

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Attachment 3	SEPP 65 Design Verification Statement Raunik Design
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1. Executive Summary

1.1 Development Application

Development consent is sought from Lismore City Council for an infill residential flat building on Lots 69, 70 & 71 DP 230448, being 1 Phillip Street, Goonellabah and 5-7 McDermott Avenue, Goonellabah.

The project is on behalf of Social Futures who will be developing the housing project for frontline key workers. The affordable housing project will provide access to housing for frontline workers who are unable to find housing within the Lismore and surrounding Local Government Areas.

Social Futures is a leading community service organisation and registered community housing provider with 48 years' experience working to achieve positive social change in our communities. Social Futures work to build inclusive communities where everyone is valued and supported. Social Futures work with communities, organisations and government across key focus areas of homelessness, housing and employment, youth and family, mental health and wellbeing, disability inclusion, sector support and seniors in community.

Social futures has approached this development site with a sense of purpose, examining the specifics of its characteristics, needs and location to reflect the diversity and aspirations of the community. There is a need to raise the standard and quality of community housing and by exploring the needs of the community and current residents, we can provide housing where people can feel safe and feel proud to be part of the broader community.

The subject site has a combined total area of 1,821m² and is zoned R1 General Residential under the Lismore Local Environmental Plan 2012 (LLEP 2012). The proposal will deliver a three-storey development that will accommodate eighteen (18) residential units on the site.

The development proposes:

- Demolition of the existing dwellings & structures;
- Earthworks;
- Vegetation management works including tree removal;
- Civil design works associated with earthworks, services & driveway design; and
- Eighteen (18) residential apartments serviced by nineteen (19) on-site car parking spaces.

The proposal will provide a total Gross Floor Area (GFA) of 1,266m². The proposal provides an impermeable area of 1,144.2m² (63%); and 765m² of landscaped area.

The proposed Residential Flat Building is generally compliant with the relevant provisions of the range of planning controls applicable to the project including: LLEP2012, SEPP No. 65 – Design Quality of Residential Apartment Development (SEPP 65) and the associated Apartment Design Guide (ADG). The proposal has also been assessed against the relevant provisions of the Lismore Development Control Plan (DCP) and is generally compliant with the DCP controls. Variations to the applicable design controls are itemised and fully justified within this report and considered reasonable in the circumstances.

This report examines the existing development and site location, how the proposed development relates to the location and the environment, as well as the planning merits of the development with respect to the relevant legislation.

Concerning Section 4.15 Matters for Consideration of the Environmental Planning and Assessment Act 1979, the proposal is generally consistent with the relevant controls and permissible with consent; it is suitable for the site and unlikely to result in significant impact or be detrimental to the public interest.

Therefore, based on the assessment completed, it is requested that the application be approved subject to reasonable and relevant conditions.



Plate 1: Perspective of the Proposed Residential Flat Building Development

(Source: Raunik Design)

1.2 Site Details

The site details relevant to the proposed development are provided within the following table.

Table 1: Site Details

Property Address	1 Phillp Street & 5-7 McDermott Avenue, Goonellabah
Property Description	Lots 69, 70 & 71 DP 230448 Parish of Lismore County of Rous
Registered Owners	Social Futures Ltd
Proponent	Social Futures Ltd
Applicant	Newton Denny Chapelle for and on behalf of the proponent
Local Authority	Lismore City Council
Site Area	1,821m ²
Easements	No
Existing Land Use	Residential
Planning Instrument	Lismore Local Environmental Plan 2012
Land Zoning	R1 General Residential
Building Height	8.5m
Floor Space Ratio	N/a
Integrated Referrals	N/a
Other Referrals	N/a

1.3 Purpose

This Statement of Environmental Effects (SEE) is intended to accompany the Development Application prepared by Newton Denny Chapelle for and on behalf of the proponent of the subject development being Social Futures.

The intent of this report is to describe the site, its existing and proposed uses and to address all the issues relevant to this application's assessment and subsequent determination.

This report should be read in conjunction with the accompanying Lismore City Council Development Application form together with the following plans, drawings and assessments identified within **Table 2**, which support the development proposal.

Table 2: Plans and Assessments

Company	Plan/Report
Raunik Design	Architectural Plan Set
	Apartment Design Guidelines Assessment
	SEPP 65 Design Verification Statement
ENV Solutions	Contaminated Land Assessment
Pacific Geotech Pty Ltd	Geotechnical Assessment

Pinnacle Engineering Group	Civil Engineering Services Report
	Stormwater Management Plan
	Erosion & Sedimentation Control Plan
Axis Consulting	Building Code of Australia Review
Partners Energy	BASIX & NatHERS Assessments
Alderson & Associates	Acoustic Assessment
Ingen Consulting	Transport Impact Assessment
Blackwood Ecological Services	Biodiversity Assessment Report
HMC	Site Waste Minimisation Management Plan
Trica Shantz & Associates	Social Impact Assessment
ECL Power Services	ISCC20 Report
Bushfire Certifiers	Bushfire Assessment
Newton Denny Chapelle	Statement of Environmental Effects
	Clause 4.6 Variation Request (Building Height)
	Detail Survey

1.4 Pre-lodgement Meeting

A pre-lodgement meeting was held with officers of Lismore City Council concerning the project on 6th September 2023. A copy of the Council's minutes is provided at **Attachment 1**. The meeting provided a range of information with respect to Council and State government requirements associated with the development application. This has been used as a guide to form the structure of the current report. The proposal has had regard to the comments raised and is generally compliant with the relevant provisions of the Lismore LEP, Lismore DCP and the Apartment Design Guidelines.

Table 3: Pre-lodgement Minutes

DAP Comment	Response
The land is zoned R1 General Residential, and the proposed development is a permissible land use subject to Development Consent.	Noted
Application will be advertised	Noted
Application is to address the following State Environmental Planning Policies & Local Environmental Plan:	
SEPP 65 – Design Quality of Residential Apartment Development (and associated Apartment Design Guide)	Refer Section 4.4.2 & Attachment 3 .
SEPP (Sustainable Buildings) 2022	Refer Section 4.4.3 & Attachment 10 .
SEPP (Resilience and Hazards) 2021	Refer Section 4.4.4 .
SEPP (Biodiversity and Conservation) 2021	Refer Section 4.4.6 .
Application is to address various provisions of the Lismore Local Environmental Plan.	Refer Section 4.2 .
Application is to address the following provisions of the Lismore Development Control Plan.	
Chapter 1 – Residential Accommodation	Refer Section 4.3.2 .

DAP Comment	Response
Chapter 7 – Off-Street Parking	Refer Section 4.3.3.
Chapter 11 – Buffer Areas (Powerlines)	Refer Section 4.3.4.
Chapter 13 – Crime Prevention through Environmental Design	Refer Section 4.3.5.
Chapter 14 – Vegetation Protection	Noted
Chapter 15 – Waste Minimisation	Refer Section 4.3.6 & Attachment 6.
Chapter 22 – Water Sensitive Design	Refer Section 4.3.7.
Additional plans and details required in the Statement of Environmental Effects should include (but is not limited to the following)	
The application should include a site analysis identifying surrounding land use, site constraints and opportunities (etc).	Refer Section 2 of the SEE and to Urban Context and Analysis Plans within Attachment 2.
The proposed residential flat building must address the relevant ‘In-fill affordable housing’ provisions of SEPP (Housing) 2021.	Refer to Attachment 3.
The proposed residential flat building must address the relevant provisions of SEPP 65 – Design Quality of Residential Apartment Development.	Refer to Attachment 3.
<p><i>Urban Context and Built Form</i></p> <p>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.</p> <p>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.</p>	Refer to Architectural Plan Set at Attachment 2.
<p><i>Apartment Design</i></p> <p>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.</p>	Refer to the Architectural Plan Set at Attachment 2. The plans have been modified in part to address the design query by Council and associated project efficiencies.

DAP Comment	Response
<p>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.</p>	<p>Refer to the Architectural Plan Set at Attachment 2 and ADG assessment (Attachment 16) which addresses the ventilation assessment.</p>
<p>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.</p>	<p>Refer to the Architectural Plan Set at Attachment 2. The site analysis associated with the topographical features, car parking and deep soil zone requirements restrict the provision of ground floor apartments.</p>
<p>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.</p> <p>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),</p>	<p>Refer to the Architectural Plan Set at Attachment 2 which contains a solar access assessment.</p>
<p>Safety and Crime Prevention 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.</p>	<p>Refer to the Architectural Plan Set at Attachment 2 and Section 4.3.5 of this report.</p> <p>Modifications to the ground floor waste storage, pedestrian access and the communal landscape area have been included to address Council's comments.</p> <p>Further, TS Consulting in completing the Social Impact Assessment has reviewed the modified design and in addressing anti-social behaviour has stated;</p> <p>It is the unfounded perception of who the residents will be, living in the apartments, that leads to a concern of potential anti-social behaviour in the immediate and near vicinity. The mix of</p>

DAP Comment	Response
	<p>tenants, including Frontline Key Workers, will not result in increased anti-social behaviour. Providing a new building in an area of old housing stock can have a positive uplift to reduce anti-social behaviour. The design of the carpark and open public space have been undertaken so as to minimise any anti-social behaviour and/or crime activity. There is security and access control to the carpark and to the building. The storage area within the garage/carpark has been removed from the initial plans that were viewed by Lismore City Council and considered a hazard. This has been replaced with store rooms for each resident. Outside open space areas have been designed so that there is natural surveillance, as well as maintaining privacy. There is negligible threat to the wider Goonellabah or Lismore generally for increased anti-social behaviour.</p>
<p><i>Central Courtyard</i></p> <p>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 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.</p>	<p>Refer to the Architectural Plan Set at Attachment 2.</p> <p>The central courtyard area has been the subject of a CPTED assessment, review under the SIA and by the landscape architect in respect to landscape species selection. Based on the assessment, amendments to the design have occurred to ensure the area will be safe, have surveillance form all internal pedestrian walkways and ensure the landscape species will be able to mature under the maintenance program by Social Futures.</p>
<p><i>Adjoining Properties</i></p> <p>Regarding potential privacy impacts at adjoining properties:</p> <ul style="list-style-type: none"> • 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 	<p>Refer to the Architectural Plan Set at Attachment 2.</p> <p>Through the use of privacy screening, deeper balcony depths and deep soil zones, the proposal successfully preserve3s the amenity of the adjoining</p>

DAP Comment	Response
<p>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.</p> <ul style="list-style-type: none"> • 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. 	landowners.
The DA needs to include a Social Impact Assessment, prepared in accordance with Council's Social Impact Assessment Guidelines.	Refer to the SIA provided at Attachment 11 .
A landscape plan, demonstrating sufficient usable landscaped open space is provided.	Refer to the Landscape Design Plans at Attachment 13 .
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.	Noted
A waste minimization and management plan	Refer to the construction and operational waste plans provided at Attachment 6 .
A stormwater management plan pursuant to Chapter 22 of Lismore DCP is required.	Refer to Attachment 8 .
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.	Refer to the PSI provided at Attachment 15 .

DAP Comment	Response
<p>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.</p>	<p>No objections are raised to an appropriately worded condition of consent prescribing compliance with the relevant Australian Standard.</p>
Engineering	
<p>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.</p>	<p>Refer to Attachment 4.</p>
<ul style="list-style-type: none"> • 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. 	<p>Refer to Attachment 4.</p>
<p>Off-Street Parking</p> <ul style="list-style-type: none"> • All off-street parking needs to be as per AS2890 standards. • Maneuvering template needs to be submitted for parking aisle 1, aisle 14, aisle 17, visitor parking 1, and visitor parking. 	<p>Refer to Attachment 4.</p>

1.5 Further Information

Should Council require any additional information or wish to clarify any technical matter raised by this proposal or submissions made to same, Council is requested to consult with **Mr Damian Chapelle** on (02) 6622 1011 or dchapelle@ndc.com.au prior to determination of this application.

2. Site Description

2.1 Location & Land Use

The subject site is located at 1 Phillip Street & 5-7 McDermott Avenue, Goonellabah and is illustrated in **Plate 2**, which provides an aerial view of the subject site and its surrounds.

The subject site is identified as Lots 69, 70 & 71 DP 230448. The site has a total area of 1,821m². The consolidated lot is generally rectangular in shape with truncated corner boundary to the Phillip Street and McDermott Avenue intersection. The site has a 46.6m frontage to McDermott Avenue (north) and 30.48m frontage to Phillips Street (east). **Plate 3** provides an aerial of the land and **Plate 4** provides an extract of the deposited plan for the site.

The site is situated in the established urban area of Goonellabah and achieves good accessibility to a range of services and facilities including the Goonellabah Shopping Village (300m east of the site), Western Park (75m west of the site) and Goonellabah Public School (350m north of the site). The site is bound by McDermott Avenue to the north and Phillip Street to the east. Residential housing is located to the south and east of the subject site and comprises a mix of dwellings and multi-dwellings with a single and two storey built form.

The existing character of the immediate locality comprises predominately of single dwellings with multi-dwellings also found within the immediate locality. In this regard, the built form ranges from single storey dwellings through to 2 storey built dwellings. The site is directly adjoined by existing multi-dwellings to the west (1 McDermott Avenue) and single dwellings to the south (3 Phillip Street) and east (2A & 2 Phillip Street).

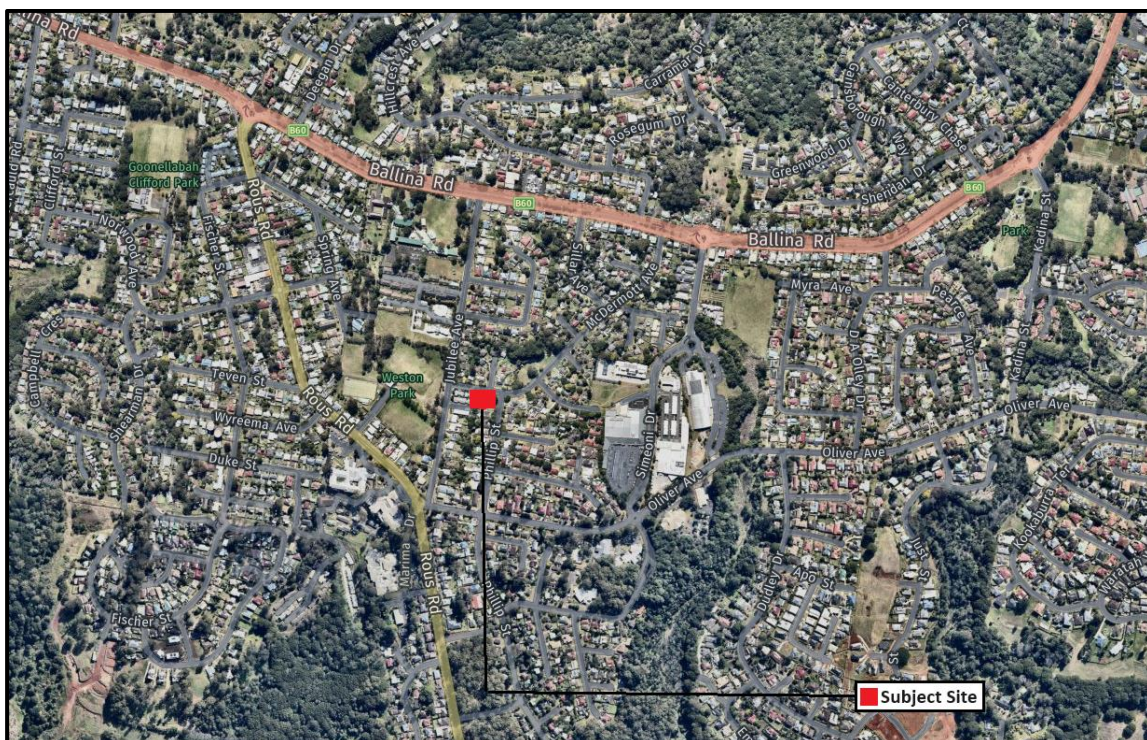


Plate 2: Locality Plan of the Subject Site

(Source: Nearmaps)



Plate 3: Aerial View of Site

(Source: Nearthmaps)

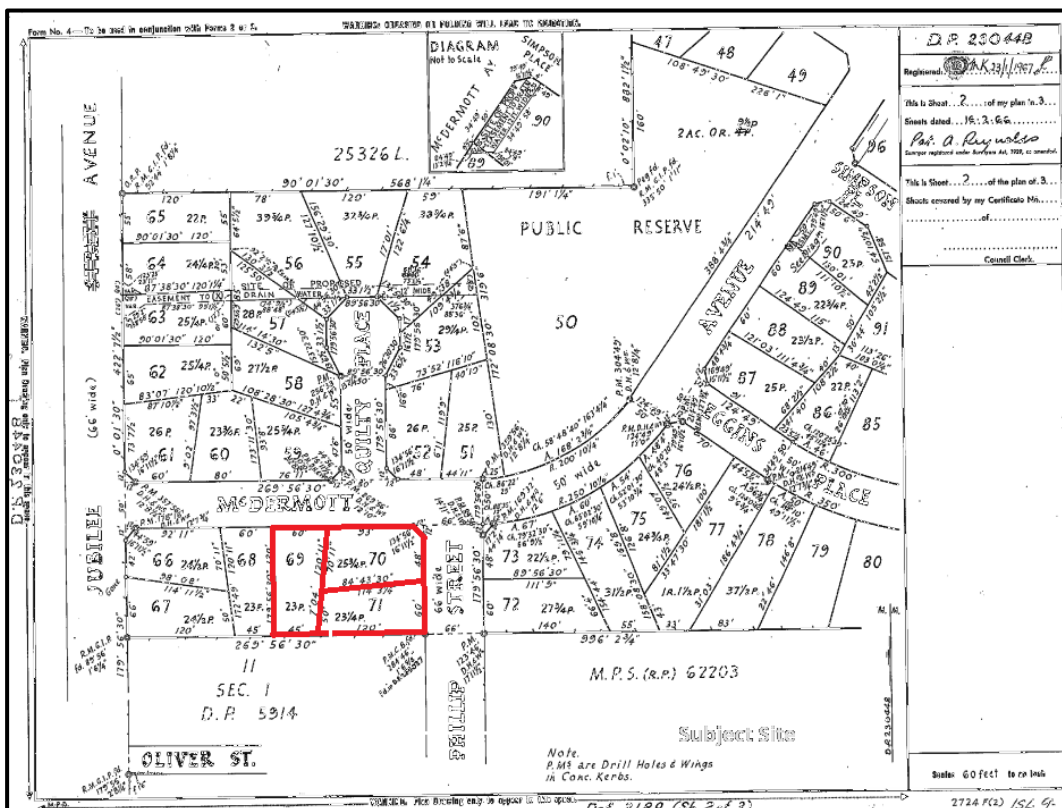



Plate 4: Extract from Deposited Plan (DP 230448)

2.2 Site Analysis

Site inspection and searches of local government records indicate the key site characteristics as outlined within **Table 4** below.

Table 4: Site Analysis

Site Characteristics	Comment
Existing structures within the subject site	Multi-Dwelling Housing
Easements	No
Topography within the subject site	The site slopes from the elevated southern boundary (RL158.92m – 159.41m AHD) to the northern boundary (RL154.69m – 155.45m AHD), comprising a change in grade of some 4.72m. The site survey is provided at Attachment 17 .
Vegetation within the subject site	<p>The site comprises an established urbanised allotment with vegetation existing within the site boundaries. The Biodiversity Assessment as contained within Attachment 12 has identified the site currently includes a mix of native and exotic planted vegetation typical of the locality. Tree species on the site and adjacent nature strips include Lemon-scented gum, Weeping bottlebrush, Golden rain tree, Prickly-leaved tea-tree, Mango, Jacaranda and African tulip tree.</p> <p>Shrubs and groundcovers include Lillypillys, Bauhinia, Weeping fig, Fishbone fern, Chinese celtis, Paw paw, Magnolia, Agapanthus and Hibiscus.</p>
Infrastructure Services	<p>The subject site is connected to all essential infrastructure including water, sewer, telecommunications and electricity. Existing water, sewer & drainage infrastructure is illustrated from Council's Lismaps below.</p> <p>The site has frontage to two road frontages being McDermott Avenue and Phillip Street.</p> 

Site Characteristics	Comment
Hazard Mapping applicable to the subject site	<ul style="list-style-type: none"> • Bushfire Prone – The site is mapped as being bushfire prone. Attachment 14 contains a Bushfire Assessment Report
Adjoining land uses	<p>The subject site is adjoined to the following land uses:</p> <ul style="list-style-type: none"> • North – R1 General Residential zoned land, RE1 Public Recreation Land (Elders Memorial Park) and McDermott Avenue; • East – R1 General Residential & Phillip Street; • South – R1 General Residential zoned land; and • West – R1 General Residential zoned land.
Biodiversity Conservation	The site is not identified on the Biodiversity Values Map.

The subject land is deemed to be the preferred site for the proposed development, based on the following grounds:

- No mapped hazards prejudice the proposed residential flat building from being developed on the land.
- The results indicate that the site's development may occur with suitable amenity, privacy, stormwater, biodiversity, and traffic management systems, resulting in a safe and sustainable environment.
- The proposal is unlikely to cause a significant impact on a Matter of National Environmental Significance (as defined by the EPBC Act).
- The property will continue to be serviced with essential infrastructure.
- The topography of the site requires no extensive civil works to cater for the project; and
- The proposal will improve the site's built form contribution to both Phillip Street and McDermott Avenue from what is currently on the subject site.

Further reference should be made to Architectural Design & Landscape Concept drawings within **Attachments 2 & 13** of this report, which provides a site analysis for the subject land.

3. Development Proposal

3.1 Description of Development

The proposal seeks to development consent for an infill residential flat building comprising of eighteen (18) apartments, demolition works, earthworks, vegetation management works at 1 Phillip Street & 5-7 McDermott Avenue, Goonellabah, being Lots 69, 70 & 71 DP 230448.

The development incorporates the following key elements:

- Demolition of the existing dwellings and associated structures.
- Earthworks including associated retaining walls.
- Tree removal.
- Eighteen (18) residential apartments provided within a three storey building.
- 19 on-site car parking spaces.

The proposal will provide a total Gross Floor Area (GFA) of 1,144.2m², with total landscaped area of 765.8m² (42%).

Reference should also be made to *Raunik Design* architectural plan set within **Attachment 2** of this report, which provides the detailed design of the proposed development.

The proposal will deliver additional housing for the community over a well-located site that is in proximity to a range of services, facilities and employment opportunities.

The proposed development comprises a three storey built form with two levels of residential apartments over the basement car parking. The proposed built form is of a high quality and will contribute positively to the streetscape and amenity of the Goonellabah locality.

The layout accommodates a mix of apartment types including one and two bedroom apartments. The apartment layouts are well-designed and will cater for a diversity of lifestyle requirements now and into the future. All apartments achieve a high level of amenity through:

- Floor to ceiling heights of a minimum of 2.7m with generous full height glazing to allow good access to light and ventilation;
- Useable and functional private terraces and balconies that are directly accessible from internal living spaces and exceed the design criteria under the Apartment Design Guide supporting subtropical outdoor living.

The building has been designed to address the dual street frontage. The ground level accommodates a street facing entrance lobby with direct pedestrian entry to Phillip Street. Deep planting is provided to the McDermott Avenue frontage and extension into the setback fronting Phillip Street. The deep soil planting zone provides a green interface to the streetscape whilst contributing to the landscape character and microclimate of the locality. The communal pedestrian entry to the development is well-defined through a feature entry. The entry will also provide the resident connection through to the car park.

The upper floor levels include balconies interfacing with the streetscape.

The proposed development offers residents communal courtyard area located centrally within the development. Reference is made to the landscape designs contained within **Attachment 13** of this report. The central courtyard enhances sunlight access to the upper floors, whilst providing scope to have the internal pedestrian walkway overlooking the landscape area.



Plate 5: Architectural perspective viewed west from Phillip Street

(Source: Raunik Design)

3.2 Residential Units

The primary component of the proposed development involves the construction of eighteen (18) residential apartments. Each apartment provides 1 or 2 bedroom configuration achieved through the inclusion of five (5) apartment design modules which adopt two (2) living room/kitchen layout options and three (3) bedroom design options. The breakdown of apartment types is outlined in **Table 5**.

Table 5: Residential Units Layout

Unit Type	Unit Numbers	First Floor	GFA (m ²)
1 Bedroom	Apartments 3-5, 12-14 (Total – 6 apartments)	<ul style="list-style-type: none"> Living / Kitchen 1 bedroom Bathroom Laundry Covered Balcony or private yard 	50.7
2 Bedroom	Apartments 1, 2, 6-9, 10, 11, 15-18 (Total – 12 apartments)	<ul style="list-style-type: none"> Living / Kitchen 2 bedrooms Bathroom Laundry Covered Balcony or private yard 	70.00

The proposed residential units have been designed with regard to the *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* and the Apartment Design Guide. Further assessment is provided at **Section 4.5.1** and **Attachment 16**.

3.2.1 Building Setbacks

Building Setbacks

The proposed setbacks applied to the development are outlined in **Table 6**.

Table 6: Building Setbacks

Setback	Council Standard	Proposal Commentary
Front (north)	<ul style="list-style-type: none"> 6m to Primary Frontage (North) 3m to Secondary Frontage (East) 	<ul style="list-style-type: none"> The proposal applies a 6m setback to the McDermott Avenue frontage for all floors of the development. An encroachment into the 6m setback applies to the northern living areas which adopt a setback of 4.7m. A variation request to the DCP is discussed in more detail within Section 4.2 of this report. The development provides a minimum 3m setback to the secondary frontage to Phillip Street. Except for the south-eastern units on Levels 2 & 3, the proposal is compliant, and in fact exceeds the prescribed 3m setback. A variation request to the DCP is discussed in more detail within Section 4.2 of this report to support the proposed 150mm variation. <p>Although a variance to the control is requested, the proposed setback achieves the objectives for rear boundary setbacks as:</p> <ul style="list-style-type: none"> The building facade was articulated to achieve exceedingly more than 6m in some areas and slightly less than 6m on the living areas of units 8 & 9 to enhance the buildings visual interest. The facade articulation also improves the overall amenity of the streetscape. The design of the building incorporates balconies on the front façade thereby addressing issues of privacy to the adjoining eastern residence. The adjoining site to the east is orientated to the east with the driveway and garage located on the western side of the dwelling, some 6m from the common boundary with the subject development site. <p>The rear setback provides for sufficient area for a large area of deep soil planting with a 6m wide deep soil zone provided for the development. The 6m setback to this area is to be landscaped in a manner which reduced potential overlooking or amenity impacts to the adjoining eastern site.</p>

Setback	Council Standard	Proposal Commentary
Rear	<ul style="list-style-type: none"> No standard applicable (South) 	The proposal provides a minimum rear setback of 4.65m to 4.9m to all habitable areas of the development.
Side	<ul style="list-style-type: none"> No standard applicable (West) 	The proposal provides a minimum side setback of 2.89m to 4.24m to all habitable areas of the development.

3.2.2 Open Space & Landscape Area

Private Open Space

All apartments are provided with generous private open space areas that exceed the area and dimension requirements under the ADG and the area prescribed under Council's Development Control Plan.

The private open space areas achieve a high level of functionality and amenity to support subtropical outdoor living. They are directly accessible from primary living spaces and enhanced through landscape planters. Refer to table below detailing the overall provision of private open space for each apartment with comparison to the ADG requirement.

Landscaped Area

The proposal provides 42% of the site as landscaped area. The landscaped areas are detailed in **Plan 5.8** within **Attachment 2** of this report and comprise of the following areas.

- Communal Open Space – 163.1m²
- Deep Soil Zone – 357.3m²
- Private landscape yards – 245.4m²

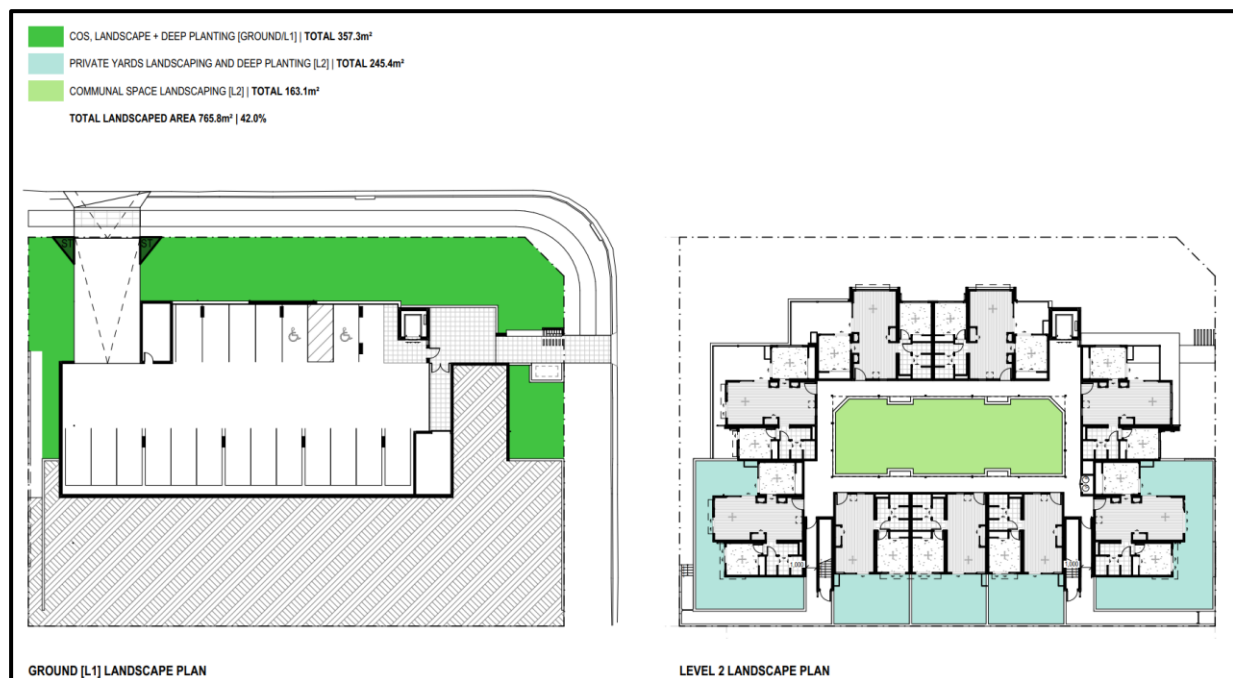


Plate 6: Landscape

(Source: Raunik)

The development incorporates an extensive deep soil planting zone within the front boundary setback to McDermott Avenue and extending to the intersection with Phillip Street. The Landscape Concept Plan demonstrates the proposed tree species proposed within this space and outlines that the width will not impede the growth of the proposed vegetation. The percentage of deep spoil area provided by the development exceeds the 7% minimum area identified by the controls.

3.3 Vehicular Access, Carparking & Services

3.3.1 Vehicular Access

Vehicle access is consolidated into a single access point from McDermott Avenue. The proposed vehicle crossover has been designed in accordance with IPWEA Standard Drawing RS-051.

AS/NZS 2890.1:2004 states Category 1 access driveway shall be 6m, measuring from the side road property lines, away from an unsignalized intersection. The proposed driveway complies with this requirement.

A pedestrian sight splay in accordance with AS2890.1:2004. has been provided on the exit side of the vehicle crossover.

3.3.2 Car Parking

The proposed development involves ground floor parking to service the proposed residential flat building. **Table 7** outlines the car parking provided as part of this development.

Pursuant to State Environmental Planning Policy (Housing) 2021 Act (NSW) Chapter 2, pt 2 div 1 sub-div 18 cl (g) applies, and the minimum parking requirements are given below:

- For each dwelling containing 1 bedroom – at least 0.5 parking spaces.
- For each dwelling containing 2 bedrooms – at least 1 parking spaces.

A total of nineteen (19) car parking spaces are proposed, including four (4) spaces for visitors. Two car parking spaces are proposed for each unit with car stackers provided for units 1 to 3. Ten (10) bicycle spaces are also located on the ground level.

Table 7: Carparking Allocation

Component	Required	Provided
Car Parking	6 x 1 bedroom - 3 spaces 12 x 2 bedroom – 12 spaces Visitor 1/4 units - 4 Total: 19 spaces	Total: 19 spaces

Ingen Consulting (refer **Attachment 4**) has outlined within their Traffic Impact Assessment report that the geometric layout of the proposed parking facilities has generally been designed to comply with the relevant requirements specified in the DCP and AS2890.1: 2004.

3.3.3 Infrastructure Services

Attachment 7 provides Civil Engineering Services Report prepared by Pinnacle Engineering Group Pty Ltd. As indicated, the project will be serviced by connection to the existing reticulated infrastructure services as follows:

- **Roads** – The property maintains road frontages on two (2) property boundaries. Works will be required in the McDermott Avenue road reserve associated with the proposed driveway crossover which will require a Section 138 approval. No further upgrades or roadworks will be required as part of this development.
- **Water** – Council records and potholing survey has confirmed the location of an existing 150mm diameter Fibro water reticulation main located within the northern verge of McDermott Avenue road reserve to the north, with a second 100mm diameter Fibro water reticulation main located within the Philip Street road reserve to the east. A fire hydrant is located directly in front of the site within the northern verge of McDermott Avenue.

The proposed development will require provision of a Bulk water meter at the Council connection point for the proposed unit development. The existing water connection is to be capped and removed and the new connection provided at the detailed design stage.

- **Sewer** – Council records has confirmed the location of an existing 150mm diameter Vitrified Clay (VC) sewer reticulation main located adjacent to the site's northwest boundary within the McDermott Avenue road reserve. A second sewer reticulation main also appears to bisect the site within its southwest corner with an existing sewerage maintenance structure also located within the southwest corner of the site.

It is proposed to reuse the existing sewerage property connection to service the proposed development. The existing sewerage reticulation main and maintenance structure located within the southwest corner of the subject site will remain in place as they service upstream properties. It is envisaged that the detailed design of the proposed extension and connections to the existing sewerage reticulation network will be undertaken during the detailed design phase of the project.

- **Stormwater** – Currently, the stormwater runoff from the subject site generally discharges via piped and overland sheet flow towards the McDermott Avenue kerb and channel. The nearest Council stormwater pit and pipe network is located directly adjacent to the subject site, within the McDermott Avenue road reserve.

The Lawful Point of Discharge for the subject site is taken as the McDermott Avenue road reserve, and the existing LCC stormwater drainage infrastructure located within the adjacent road reserve.

The aforementioned stormwater network consists of Reinforced Concrete Pipes (RCP) and grades to the north. The pipe reach immediately downstream of the subject site appears to be a 375mm RCP. It is proposed to provide detention and quality treatment infrastructure, as required, to attenuate and treat the site's stormwater discharge during the post-development scenario prior to discharge to the Lawful Point of Discharge.

Best practice water quality measures in the form of quality treatment devices, soft landscaping and erosion and sediment control measures will be implemented to ensure that water quality is maintained during the construction and operational phases of the project.

For specific details regarding stormwater quantity management refer to the Stormwater Management Plan prepared by Pinnacle Engineering Group Pty Ltd (refer **Attachment 8**).

- **Electricity & telecommunications** – The DBYD investigation confirmed the location of underground telecommunications infrastructure, owned and operated by Telstra and NBN, within the McDermott Avenue road reserve along the site frontage. Similarly, overhead powerlines, owned and operated by Essential Energy, are located within the McDermott Avenue road reserve along the site frontage.

It is envisaged that the proposed development will connect to the above existing services as outlined above. The connections to the telecommunications and electrical networks will be confirmed by and undertaken by specialist consultants during the detailed design phase of the project.

3.4 Earthworks

The earthworks proposed for the development involves excavation up to some 3m to construct a ground level car park and works associated with the building footings.

All earthworks will be undertaken in accordance with the Erosion and Sediment Control Plan requirements outlined in the report prepared by Pinnacle Engineering Group Pty Ltd as provided within **Attachment 8**.

As outlined in the Geotechnical Report at **Attachment 5**, “The final site classification will be dependent on the bulk earthworks undertaken and treatment of the extremely reactive soils. From a reactivity perspective, the laboratory test results indicate that the site classification will vary to possibly as high as Class ‘H2’ in accordance with AS 2870-2011.

Following cut operations to achieve design levels, it is expected that extremely weathered (XW) and highly weathered (HW) basalt rock may be exposed across the site. Where weathered rock is exposed at or near the surface, the development site would be considered equivalent to a Class ‘S’ in accordance with AS 2870-2011.

3.5 Tree Removal

The proposed development will require the removal of all existing vegetation on the site. This vegetation consists largely of exotic landscape plantings and weeds with native vegetation including two Lemon-scented gums (a non-local native species) and landscape specimens of bottlebrush, tea-trees, lillypillies and a small number of other species.

Vegetation to be removed is considered to be of limited conservation or habitat value. Further, no Koala feed trees will be removed and the proposed development will not result in any other Koala feed trees becoming inaccessible to Koalas or otherwise substantially affect Koala movement within or around the site.

3.6 Waste Management

The proposed development will be serviced via common bin system. Refer **Attachment 6** for Site Waste Minimisation & Management Plan.

A communal waste refuse room (19.1m²) is provided at ground floor, within the car park area to service the proposed residential units. The communal waste room will cater for the following bins which HMC Consulting have determined will adequately cater for the operational waste requirements for the development pursuant to Part A Chapter 15 Waste Minimisation within the Lismore DCP 2012.

- 1 x 1.5m³ bulk bin serviced weekly for general waste.
- 1 x 1,100L MGB serviced weekly for co-mingled recyclables.
- 2 x 240L MGBs for organic waste.

Pursuant to the SWMMP, the proponent will ensure the appointment of a waste supervisor responsible for the proper separation of waste, waste storage area and collection. The waste supervisor is to be also responsible for having the receptacles out for collection at the nominated collection point.

3.7 Demolition

The proposal includes the demolition of the existing dwelling and structures on the site. A demolition work plan in accord with AS2601 has been provided within **Attachment 6**.

3.8 Land Use Budget

Details of the proposed land use budget are provided within **Table 8** below.

Table 8: Building Budget

Building Component	Budget Details
Site Area	1,821m ²
Proposed GFA	1,144.2m ²
Deep Soil Zone	276.1m ²
FSR	0.63:1
Landscaped Area	765.8m ² (42%)
Proposed Building Height	8.5
Car Parking	15 resident parking spaces 4 visitor parking spaces

3.9 Architectural Design Plans

The proposed development is illustrated within the following plans prepared by *Raunik Design* and provided at **Attachment 2**.

Table 9: Architectural Design Plans

Raunik Design			
DWG	Title	REV	Date
1.0	Coverpage	F	25/01/24
1.1	Drawing List	F	25/01/24
1.2	Development Summary	F	25/01/24
2.0	Site	F	25/01/24
2.1	Aerial Images	F	25/01/24
2.2	Site Information	F	25/01/24
2.3	Site Survey	F	25/01/24
2.4	Locality	F	25/01/24
2.5	Local Character	F	25/01/24
2.6	Subject Site	F	25/01/24
2.7	Site Analysis	F	25/01/24
2.8	Area Zoning	F	25/01/24
2.9	Building Heights	F	25/01/24
2.10	Hazards	F	25/01/24
2.11	External Site Views	F	25/01/24
3.0	Design	F	25/01/24
3.1	Council Controls	F	25/01/24
3.2	Design Intent	F	25/01/24
3.3	Materiality / Finishes	F	25/01/24
3.4	Perspective 1	F	25/01/24
3.5	Perspective 2	F	25/01/24
3.6	Perspective 3	F	25/01/24
4.0	Architecture	F	25/01/24
4.1	Site Plan	F	25/01/24
4.2	Level 1 Ground	F	25/01/24
4.3	Level 2	F	25/01/24
4.4	Level 3	F	25/01/24
4.5	Roof	F	25/01/24
4.6	Module Types	F	25/01/24
4.7	Unit Types	F	25/01/24
4.8	Elevations N & E	F	25/01/24
4.9	Elevations S & W	F	25/01/24
4.10	Section A	F	25/01/24
4.11	Section A1	F	25/01/24
4.12	Section B	F	25/01/24
5.0	Miscellaneous	F	25/01/24
5.1	Shadow Diagrams March / September	F	25/01/24
5.2	Shadow Diagrams June	F	25/01/24
5.3	Shadow Diagrams December	F	25/01/24
5.4	SEPP Controls (Ground – L1)	F	25/01/24

5.5	SEPP Controls (L2)	F	25/01/24
5.6	SEPP Controls (L3)	F	25/01/24
5.7	SEPP Controls (Circulation Core)	F	25/01/24
5.8	Landscape Plan	F	25/01/24
6.0	End	F	25/01/24

4. Planning Assessment

4.1 Introduction

Section 4 documents the range of planning controls applicable in the subject case pursuant to Section 4.15(1)(a) of the Act and tabulates the effect of these instruments in the circumstances of the development proposal described at Section 3. Section 4 also examines policy adopted by Council or other authority applicable in the subject matter which, whilst relevant, are not controls within the meaning of Section 4.15(1)(a).

4.2 Lismore Local Environmental Plan 2014

4.2.1 Introduction

Table 10 summarises the provisions of the Lismore Local Environmental Plan 2012 (**LLEP**) and its applicability to the current application.

Table 10: LLEP 2014 Applicability

Lismore Local Environmental Plan 2012		Applicable
<u>Part 4: Principal development standards</u>		
4.1	Minimum subdivision lot size	<input type="checkbox"/>
4.1AA	Minimum subdivision lot size for community title schemes	<input type="checkbox"/>
4.2	Rural subdivision	<input type="checkbox"/>
4.2A	Minimum subdivision lot size for Strata plan schemes in certain rural environment protection zones	<input type="checkbox"/>
4.2B	Erection of dual occupancies and dwelling houses on land in certain rural and environment protection zones	<input type="checkbox"/>
4.2C	Erection of dual occupancies (detached) in Zone RU1	<input type="checkbox"/>
4.2D	Boundary adjustments of land in certain rural, residential and environmental protection zones	<input type="checkbox"/>
4.2E	Exceptions to minimum subdivision lot sizes for certain split zones	<input type="checkbox"/>
4.3	Height of buildings	<input checked="" type="checkbox"/>
4.4	Floor space ratio	<input checked="" type="checkbox"/>
4.5	Calculation of floor space ratio and site area	<input checked="" type="checkbox"/>
4.6	Exceptions to development standards	<input type="checkbox"/>
<u>Part 5: Miscellaneous provisions</u>		
5.1	Relevant acquisition authority	<input type="checkbox"/>
5.2	Classification and reclassification of public land	<input type="checkbox"/>
5.3	Development near zone boundaries	<input type="checkbox"/>
5.4	Controls relating to miscellaneous permissible uses	<input type="checkbox"/>
5.5	Controls relating to secondary dwellings on land in a rural zone	<input type="checkbox"/>
5.6	Architectural roof features	<input type="checkbox"/>
5.7	Development below mean high water mark	<input type="checkbox"/>
5.8	Conversion of fire alarms	<input type="checkbox"/>
5.9	Dwelling house or secondary dwelling affected by natural disaster	<input type="checkbox"/>
5.10	Heritage conservation	<input type="checkbox"/>
5.11	Bushfire hazard reduction	<input type="checkbox"/>
5.12	Infrastructure development and use of existing buildings of the Crown	<input type="checkbox"/>
5.13	Eco-tourist facilities	<input type="checkbox"/>
5.14	Siding Spring Observatory – maintaining dark sky	<input type="checkbox"/>

5.15	Defence communications facility	<input type="checkbox"/>
5.16	Subdivision of, or dwellings on, land in certain rural, residential or conservation zones	<input type="checkbox"/>
5.17	Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations	<input type="checkbox"/>
5.18	Intensive livestock agriculture	<input type="checkbox"/>
5.19	Pond-based, tank-based and oyster aquaculture	<input type="checkbox"/>
5.20	Standards that cannot be used to refuse consent – playing and performing music	<input type="checkbox"/>
5.21	Flood planning	<input type="checkbox"/>
5.22	Special flood considerations	<input type="checkbox"/>
5.23	Public bushland	<input type="checkbox"/>
5.24	Farm stay accommodation	<input type="checkbox"/>
5.25	Farm gate premises	<input type="checkbox"/>
Part 6: Additional local provisions		
6.1	Acid sulfate soils	<input type="checkbox"/>
6.2	Earthworks	<input checked="" type="checkbox"/>
6.3	(Repealed)	<input type="checkbox"/>
6.4	Drinking water catchments	<input type="checkbox"/>
6.5	Airspace operations	<input type="checkbox"/>
6.6	Development in areas subject to aircraft noise	<input type="checkbox"/>
6.7	Dual occupancies (detached) in Zone R5	<input type="checkbox"/>
6.8	Rural landsharing community development	<input type="checkbox"/>
6.8A	Minimum subdivision lot size for rural landsharing community development	<input type="checkbox"/>
6.9	Essential services	<input checked="" type="checkbox"/>
6.10	Location of sex services premises	<input type="checkbox"/>
6.11	Rural and nature based tourism	<input type="checkbox"/>

Clause 1.2 – Aims of the Plan

The aims of the plan set out under Clause 1.2 are as follows:

- aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
- a) to give effect to the desired outcomes, strategic principles, policies and actions contained in the Council's adopted strategic planning documents,
- b) to stimulate and strengthen the role of Lismore as a regional centre for agriculture, business, education, health, recreation, tourism and the arts,
- c) to encourage a diverse range of housing, and the equitable and appropriate provision of services,
- d) to conserve the heritage of Lismore through the integration of heritage conservation into the planning and development control process,
- e) to protect, sustain and enhance Lismore's natural environment, particularly native fauna and flora,
- f) to minimise the adverse effects of natural hazards, particularly flooding, bush fire and land instability,
- g) to ensure that development is consistent with the principles of ecologically sustainable development.

Comment: The proposal relates to the construction of a three (3) storey Residential Flat Building incorporating eighteen (18) residential units, and associated car parking. As a result, the development aims to achieve the strategic desired outcome for the area while encouraging a diverse range of housing, promoting a sustainable local economy, employment, and located in an area with access available to Lismore's social and cultural opportunities.

4.2.2 Zoning & Land Use

Clause 2.3 – Zone Objectives and Land Use Table

As illustrated in **Plate 7**, the land is zoned R3 Residential Medium Density pursuant to the LLEP 2012.

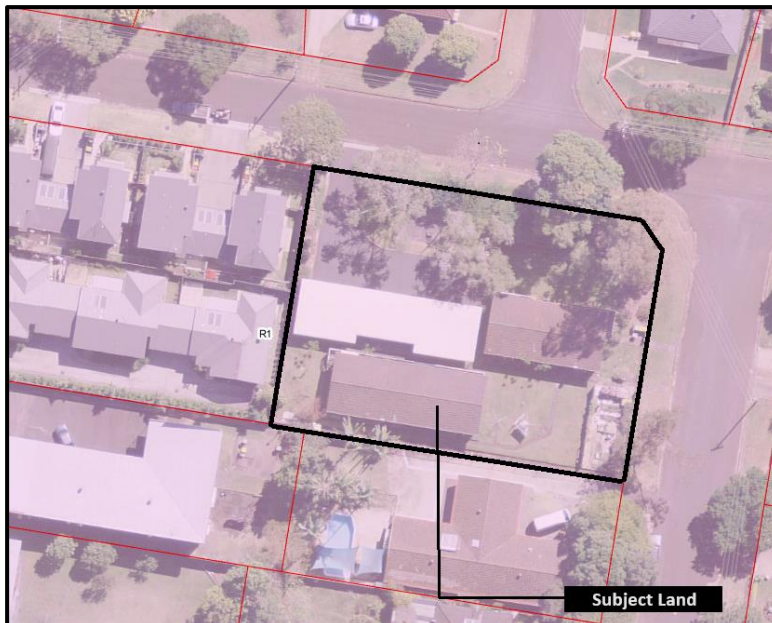


Plate 7: Land Zoning (LLEP 2012)

Defined Land Use

The proposed development is defined as a 'residential flat building' pursuant to the Lismore Local Environmental Plan 2012. A copy of the relevant definition is reproduced below.

Residential Flat Building means one or more dwellings located above ground floor retail premises or business premises.

The proposed use is permissible with development consent in the R1 General Residential zone.

R1 Zone Objectives

The site is zoned *R1 – General Residential* pursuant to the Lismore Local Environmental Plan 2014. The relevant objectives of the R1 zone are addressed below, together with the proposal's response.

The objectives of the zone 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.

Comment: The proposal is identified as being consistent with the objectives of the R1 General Residential Zone with the proposal aiding in the provision of a variety of housing types to cater for the housing needs of the community within the established residential environment, in which the subject land is located.

4.2.3 Applicable Provisions

Clause 2.6 – Subdivision – Consent Requirements

Comment: The proposal does not seek consent for the Strata subdivision of the development. Consent will be sought under separate cover to the current proposal.

Clause 4.3 – Height of Buildings

Comment: Pursuant to Clause 4.3 and associated Height of Buildings map, the maximum height for buildings on the subject site should not exceed 8.5m (as measured from ground level existing to the highest point of the building). The project has a maximum building height of 8.5m. The proposal thereby is compliant with the maximum building height

Clause 6.2 – Earthworks

Comment: As outlined in **Section 3.5**, the proposed development will require significant earthworks for the preparation of the building site. The following assessment is provided against the Heads of Consideration within Clause 6.3(3) of the LLEP.

(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,

Comment: The development site is a recently created allotment within an approved urban area of Goonellabah. The site represents a modified landform and does not contain any natural drainage lines.

(b) the effect of the development on the likely future use or redevelopment of the land,

Comment: The earthworks are proposed in order to achieve the development of the site in accordance with the R1 General Residential Zoning of the land.

(c) the quality of the fill or the soil to be excavated, or both,

Refer to the assessment against State Environmental Planning Policy (Resilience and Hazards) 2021 as contained in **Attachment 15**.

(d) the effect of the development on the existing and likely amenity of adjoining properties,

Comment: The main portion of the excavations relates to the construction of the on-site car parking servicing the residential units. The excavations will be retained through the construction of the parking level walls and resulting development structure, which will not have any adverse impacts on the surrounding properties.

(e) the source of any fill material and the destination of any excavated material,

Comment: No material is required to be imported to the site. Should material be required to be exported from the site, it will be certified in accordance with EPA requirements and disposed of at a site with appropriate approvals in place to accept the material.

(f) the likelihood of disturbing relics,

Comment: A review of the AHIMS database identifies that the development site is not an Aboriginal Place of Heritage Significance.

(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,

Comment: Appropriate measures to avoid, minimise, and mitigate the impacts of the proposed earthworks have been incorporated. A sediment and erosion control strategy has been included to support this application under **Attachment 8**. Reference should be made to Section 5 of the of Site based Stormwater Management Plan.

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,

Comment: The proposed development will be suitably designed by structural engineers. Completion of the proposed earthworks will occur in accordance with Council and EPA requirements relating to dust, noise and vibration management.

(i) the proximity to, and potential for adverse impacts on, any heritage item, archaeological site, or heritage conservation area.

Comment: The subject site is not mapped as containing an item of local environmental heritage or as being located in a heritage conservation area.

Clause 6.9 – Essential Services

Comment: As outline in **Attachment 7**, the proposed development will be connected to all necessary urban infrastructure.

4.3 Lismore Development Control Plan 2012

4.3.1 Introduction

The provisions contained within the DCP are intended to form a guideline under which development can take place that meet the underlying objectives of the Lismore Local Environmental Plan. Where demonstrated, scope exists to allow meritorious assessment through alternate solutions where practicable.

The design controls for the proposed development are primarily contained within the following sections of the DCP as detailed in **Table 11** below:

Table 11: Lismore DCP Applicability

Lismore Development Control Plan		Applicable
<u>Part A</u>		
1	Residential Development	<input checked="" type="checkbox"/>
2	Commercial Development – Urban design in the CBD and Brewster Street Commercial Core Zone (Health Precinct)	<input type="checkbox"/>
3	Industrial Development	<input type="checkbox"/>
4	Rural Tourist Accommodation	<input type="checkbox"/>
5A	Urban Residential Subdivision	<input type="checkbox"/>
5B	Commercial and Industrial Subdivision	<input type="checkbox"/>
6	Subdivision and Infrastructure (Village, Large Lot Residential & Rural)	<input type="checkbox"/>
7	Off Street Car Parking	<input checked="" type="checkbox"/>
8	Flood Prone Lands	<input checked="" type="checkbox"/>
9	Signage	<input type="checkbox"/>
10	Not in use	<input type="checkbox"/>
11	Buffer Areas	<input type="checkbox"/>
12	Heritage Conservation	<input type="checkbox"/>

13	Crime Prevention through Environmental Design	<input checked="" type="checkbox"/>
14	Vegetation Protection	<input checked="" type="checkbox"/>
15	Waste Minimisation	<input checked="" type="checkbox"/>
16	Rural Landsharing Communities	<input type="checkbox"/>
17	Acid Sulfate Soils	<input type="checkbox"/>
18	Extractive Industries	<input type="checkbox"/>
19	Not in use	<input type="checkbox"/>
20	Not in use	<input type="checkbox"/>
21	Public Art	<input type="checkbox"/>
22	Water Sensitive Design	<input checked="" type="checkbox"/>
<u>Part B</u>		
1	Not in use	<input type="checkbox"/>
2	Not in use	<input type="checkbox"/>
3	Lismore Cultural Precinct	<input type="checkbox"/>
4	Airport Industrial Estate	<input type="checkbox"/>
5	Wyrallah Road Industrial Estate	<input type="checkbox"/>
6	Nimbin Village	<input type="checkbox"/>
7	Not in use	<input type="checkbox"/>
8	Not in use	<input type="checkbox"/>
9	North Lismore Industrial Estate	<input type="checkbox"/>
10	North Lismore Plateau Urban Release Area	<input type="checkbox"/>

4.3.2 Chapter 1 - Residential Development

Chapter 1 - Residential Development

Comment: The provisions of Chapter 1 identify within Section 1.4 that State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (SEPP 65) applies to residential flat buildings and shop top housing in the Lismore CBD and within the Health Precinct. Reference is however made to the fact the subject site is not located in either of the designated areas, however the fact the SEPP overrides the DCP controls for the purpose of this assessment.

Notwithstanding this, for the purpose of this assessment, we have had due regard to the provisions of the Lismore Health Precinct and therefore the design controls established by Part 10 Chapter 1 have been applied to the project as they provide a more relevant assessment to multi-storey development within residential areas for Lismore.

In specific reference to Part 10 Chapter 1, this part of the DCP advises that:

“For residential developments in the Health Precinct comprising three or more storeys and that have four or more units, the provisions of State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (SEPP 65) and associated Apartment Design Guide will apply to the development application by virtue of the provisions of the SEPP.

Reference should be made to **Section 4.4.3** and **Attachments 3 and 16** which provide an assessment against the requirements of SEPP 65 and the Apartment Design Guide.

In addition, the DCP establishes a number of specific design requirements in addition to those applied under SEPP 65 and the Apartment Design Guide. The following assessment is provided against these requirements.

Table 12: Lismore DCP Chapter 1

Table 4.1 – Lismore DCP Chapter 1 Compliance													
Performance Criteria (P) and Acceptable Solution (A)													
35	<p>P35 Taller buildings are designed having regard to architectural best practice</p> <p>A35 The planning provisions contained within the Apartment Design Guide are complied with, particularly those contained within Part 3 ‘Siting the Development’ and Part 4 ‘Designing the Development’</p> <p>Comment: The building has been designed to address the framework provided by the Apartment Design Guide. Refer to Section 4.4.3 and Attachment 16.</p>												
36	<p>P36 Taller buildings are located on sites of a suitable size to enable buildings to be offset from property boundaries, achieve good orientation and to provide substantial onsite landscaping.</p> <p>A36 The site has an area of at least 1200m².</p> <p>Comment: The site has a total area of 1,821m² and is therefore considered suitable for taller buildings on the land.</p>												
37	<p>P37 Development is sited and designed taking into account the relationship to adjoining premises and the street.</p> <p>A37.1 The development setback shall be 6 metres.</p> <p>Comment: The building is set back 6 metres from the main McDermott Avenue frontage.</p> <p>A37.2 For a corner allotment the setback is 6m from the primary street and 4m from the secondary road.</p> <p>Comment: The building has a minimum setback of between 3.8m and 4.1m from Phillip Street. This is the result of needing to provide compliant separation distances between the two buildings under the Apartment Design Guide. This minor reduction in the rear setback was identified within the pre-lodgment discussions with Council. Council confirmed that the reduced setback appeared satisfactory in the context of the locality.</p>												
38	<p>P38 For taller buildings deep soil zones provide areas on site that allow for and support healthy plant and tree growth compatible with a predominately residential precinct.</p> <p>A38 Deep soil zones on site meet the minimum requirements</p> <table><thead><tr><th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr></thead><tbody><tr><td>less than 650m²</td><td>-</td><td rowspan="4">7%</td></tr><tr><td>650m² - 1,500m²</td><td>3m</td></tr><tr><td>greater than 1,500m²</td><td>6m</td></tr><tr><td>greater than 1,500m² with significant existing tree cover</td><td>6m</td></tr></tbody></table> <p>Comment: The project provides for 15.15% of the site to be Deep Soil Zone which is well in excess of the above requirements. More than 7% of the total site is comprises DSZ with a minimum dimension of 6m.</p>	Site area	Minimum dimensions	Deep soil zone (% of site area)	less than 650m ²	-	7%	650m ² - 1,500m ²	3m	greater than 1,500m ²	6m	greater than 1,500m ² with significant existing tree cover	6m
Site area	Minimum dimensions	Deep soil zone (% of site area)											
less than 650m ²	-	7%											
650m ² - 1,500m ²	3m												
greater than 1,500m ²	6m												
greater than 1,500m ² with significant existing tree cover	6m												
39	<p>P39 For taller buildings, adequate building separation distances are shared equitably between neighbouring sites to achieve reasonable levels of external and internal visual privacy.</p> <p>A39 – Minimum separation distances from buildings to the side and rear boundaries are as follows:</p> <table><thead><tr><th>Height</th><th>Habitable Rooms and Balconies</th><th>Non-habitable rooms</th></tr></thead><tbody><tr><td>Up to 12m (4 Storeys)</td><td>6m</td><td>3m</td></tr><tr><td>Up to 16m (5 storeys)</td><td>9m</td><td>4.5m</td></tr></tbody></table> <p>Comment: The proposed building does not satisfy the prescribed 6m separation distance for habitable rooms and balconies. As outlined within he ADG assessment by the project architect (Refer Attachment</p>	Height	Habitable Rooms and Balconies	Non-habitable rooms	Up to 12m (4 Storeys)	6m	3m	Up to 16m (5 storeys)	9m	4.5m			
Height	Habitable Rooms and Balconies	Non-habitable rooms											
Up to 12m (4 Storeys)	6m	3m											
Up to 16m (5 storeys)	9m	4.5m											

	<p>16), Visual separation is provided through the use of deeper balconies, fixed vertical screening and deep soil located along site boundaries for tree planting.</p>
40	<p>P40 <i>Taller buildings are designed and sited to reduce the visual scale of the development and amenity impacts on adjoining properties.</i></p> <p>A40.1 <i>Buildings are designed to provide a 3 storey presentation to the street, with the 4th and/or 5th storey set back at least 3m from the front building elevation</i></p> <p>Comment: Not applicable in this instance.</p> <p>A40.2 <i>The development is provided as a series of buildings, rather than one large building</i></p> <p>Comment: Given the dual street frontage, the scope to provide for two separate buildings is not considered to be reasonable in this instance. The design has incorporated a number of design elements and materiality to assist in reducing the overall bulk of the development.</p>
41	<p>P41 <i>Taller buildings include design references to the architectural character of existing residential dwellings in the locality</i></p> <p>A41.1 <i>Roof structures form part of the building elevation when viewed from the street and include pitched, hipped and gabled elements, clad with low reflective materials.</i></p> <p>Comment: The proposed building has been provided with flat roof to address the with the development's articulation to the street frontage. In this regard, a hopped or pitched roof would also provide for non-compliance with the prescribed roof height.</p> <p>41.2 <i>A variety of building materials are incorporated into the design, including masonry brick and lightweight cladding materials such as weatherboard.</i></p> <p>Comment: The project incorporates a range of building materials including vertical seam cladding and battens and colorbond.</p> <p>A41.3 <i>Buildings address the public street, with ground floor units provided with direct pedestrian access from the street.</i></p> <p>Comment: The building provides an attractive and articulated façade to McDermott Avenue and Phillip Street. The ground level to this part of the building comprises undercroft carparking and so direct pedestrian access is only achieved through the primary secured access from Phillip Street.</p> <p>A41.4 <i>Vehicle and pedestrian points of entry are separated.</i></p> <p>Comment: Pedestrian and vehicular access are provided from separate sides of the building in accordance with this requirement.</p> <p>A41.5 <i>Windows and deep balconies and / or decks are provided facing the public street</i></p> <p>Comment: The buildings provide for windows and balconies facing both McDermott Avenue and Phillip Street.</p> <p>A41.6 <i>The front building setback is landscaped with soft landscaping and includes trees for shade and screening.</i></p> <p>Comment: The project involves the extensive landscaping within the front building setback as outlined in the Landscape Plans for the site as contained within Attachment 13.</p>
42	<p>P42 – <i>Establishes criteria for developments within Uralba Street</i></p> <p>N/a</p>
43	<p>P43 <i>On-site car parking does not dominate the front setback.</i></p> <p>A43.1 <i>Carparking areas are provided either at the rear of the site or integrated into the building form via under croft parking.</i></p> <p>A43.2 <i>Car parking access is provided via integrated access points.</i></p> <p>A43.3 <i>No car parking is provided within the front building setback.</i></p> <p>Comment: All car parking is integrated within the building form and will not be visible from the public street. No parking is provided forward of the building line and all parking is access via a single integrated driveway. As such, the project is considered to be directly consistent with the above requirements.</p>

4.3.3 Chapter 7 - Off Street Carparking

The development provides for 19 carparking spaces in accordance with the framework provided by the Apartment Design Guide. The carparking configuration has been designed to comply with AS2890. Reference should be made to **Attachment 4** for further information in this regard.

4.3.4 Chapter 13 - CPTED (Crime Prevention)

Comment: Chapter 13 Section 3.15 of the DCP requires developments to implement the principles of Crime Prevention Through Environmental Design (CPTED) which seek to ensure that buildings and spaces are designed and constructed in a manner which minimises future risks of crime and undesirable behaviour. In this regard, there are four principles that need to be considered in the assessment of development applications to minimise the opportunity for crime. These are as follows:

- surveillance;
- access control;
- territorial reinforcement; and
- space management.

CPTED Principles have formed a key element of the design of the proposal. **Table 13** summarises the design approach responding to these Principles.

Table 13: CPTED Design Response

CPTED Design Response	
Natural Surveillance	
<ul style="list-style-type: none"> • The site is clearly visible from adjoining streets. Clear sightlines will be available between public and private places and across the site. • Landscaping throughout the development provides a low maintenance yet high quality aesthetic which minimises 'hiding' places. Plantings include low level ground covers and trees selected and pruned to provide trunks clear of low level bushy growth. • Windows and decks to individual units have been placed to enable a level of passive surveillance, whilst also recognising the need to minimise overlooking impacts for adjoining residents. • The internal common area is designed so surveillance from the access to all apartments is available on Levels 2 and 3. • The public space at the street frontages of the development are overlooked by surrounding residential properties. 	
Lighting	
<ul style="list-style-type: none"> • All communal areas on the site will be lit at night. This lighting will be placed so as to minimise disturbance to residents both within and external to the development site. 	

Access Control & Territorial Reinforcement

- The development site has been designed to clearly identify that the development is ‘private’ not ‘public’ in nature.
- Pedestrian access along the eastern side of the building contains clearly defined entry and exit points which are visible from the street and laneway. Gates providing access to this pathway will be of open formation, to enable passive observation both into and outside of the site.
- Quality locks on external doors and windows and ground level security grills will be provided to the units.
- Materials within the public domain will be selected to ensure that they are low maintenance and easily repaired / made good in the event of vandalism

Space Management

- The premises will only be accessible by residents and invited visitors.
- The pedestrian entry gates to the east of the building will be locked. Residents will have access to a ‘swipe key’ or the like to enable access.
- Access to the building and to individual units will also require use of a security access key.
- The public spaces within the development will be maintained and in good working order to portray a high quality aesthetic.
- The main residential entry points will be signed and numbered accordingly with reflective/illuminated materials.

Ownership and Management Structures

- The site manager will be responsible to engage the correct contractors to carry out maintenance and ensure the upkeep of the building at all times.
- A significant number of the units will be retained by Social Futures and will be subject to their standard tenancy agreements which require the unit to be cared for in a reasonable condition.
- All immediate neighbours and residents within the building will have access to a phone number for a Social Futures Tenancy Manager in the event that there is antisocial behaviour occurring within the building.
- The Units to retained by Social Futures are intended to be permanent / long term homes. They are not intended to be short term or ‘crisis’ housing.

4.3.5 Chapter 14 - Preservation of Trees or Vegetation

The proposed development will require the removal of all existing vegetation on the site. This vegetation consists largely of exotic landscape plantings and weeds with native vegetation including two Lemon-scented gums (a non-local native species) and landscape specimens of bottlebrush, tea-trees, lillypillies and a small number of other species.

Vegetation to be removed is considered to be of limited conservation or habitat value. There is little potential for native fauna to be killed or injured as a result of tree removal activities or other construction works as trees to be removed are relatively small and do not provide tree hollows or other specific habitat resources. Lemon-scented gums and other trees should be checked for the presence of Koalas prior to removal.

The Biodiversity Offsets Scheme Entry Threshold Tool was accessed in August 2023. The site does not contain any mapped Biodiversity Values. Native vegetation will consist of the removal of a small number of planted native trees on the site. Based on the likely extent of native vegetation removal the Biodiversity Assessment Method (BAM) will not need to be applied. A BDAR report is not required.

No Commonwealth EPBC Act (1999) Threatened flora or fauna were recorded or are considered likely to occur within or immediately adjacent to the proposed development. The proposed development is unlikely to result in a significant impact on any matters of National Environmental Significance (NES) as listed under the EPBC Act 1999.

Supporting the proposal is a Landscape Concept Plan, which details the updated landscape vision for the proposed development. Featuring additional endemic shade trees, planted garden beds and sculptural feature planting within the built form, the updated landscape design successfully integrates with and positively contribute to the streetscape character of the development.

4.3.6 Chapter 15 - Waste Minimisation

Comment: The project design provides for communal waste management bins within the central carparking area. **Attachment 6** provides a Waste Minimisation Plan for the project which demonstrates the method by which waste will be collected and managed on site.

4.3.7 Chapter 22 – Water Sensitive Urban Design

Comment: **Attachment 8** incorporates a Stormwater Management Plan prepared in accordance with the requirements of Chapter 22 as it relates to the site. As indicated within the assessment, the project is compliant with the DCP requirements as they relate to developments with a total site area less than 2500m².

4.4 State Environmental Planning Policies

4.4.1 Introduction

Table 14 summarises the State Environmental Planning Policies which apply to the land and form of development.

Table 14: SEPP Applicability

State Environmental Planning Policy (SEPP)	Applicable
SEPP (Biodiversity and Conservation) 2021	<input type="checkbox"/>
SEPP (Exempt and Complying Development Codes) 2008	<input type="checkbox"/>
SEPP (Housing) 2021	<input checked="" type="checkbox"/>
SEPP (Industry and Employment) 2021	<input type="checkbox"/>
SEPP No.65 – Design Quality of Residential Apartment Development	<input checked="" type="checkbox"/>
SEPP (Planning Systems) 2021	<input type="checkbox"/>
SEPP (Precincts – Central River City) 2021	<input type="checkbox"/>
SEPP (Precincts – Eastern Harbour City) 2021	<input type="checkbox"/>
SEPP (Precincts – Regional) 2021	<input type="checkbox"/>
SEPP (Precincts – Western Parkland City) 2021	<input type="checkbox"/>
SEPP (Primary Production) 2021	<input type="checkbox"/>
SEPP (Resilience and Hazards) 2021	<input checked="" type="checkbox"/>
SEPP (Resources and Energy) 2021	<input checked="" type="checkbox"/>
SEPP (Sustainable Buildings) 2022	<input checked="" type="checkbox"/>
SEPP (Transport and Infrastructure) 2021	<input type="checkbox"/>

4.4.2 SEPP Housing 2021

Comment: State Environmental Planning Policy (Housing) 2020 (Housing SEPP) commenced on 26 November 2021 and aims to enable the delivery of diverse housing types to meet the needs of the community including affordable housing, boarding houses, secondary dwellings, group homes, co-living housing, build to rent and seniors housing.

Chapter 2 of Part 2 of the SEPP applies to 'in-fill affordable housing' and contains development standards, including non-discretionary development standards, for this form of development which is applicable to the subject proposal by Social Futures.

The proposed development is for a residential flat building that will allocate 100% of the gross floor area towards affordable housing apartments.

Table 15: Clause 30(1) Assessment Requirement

SEPP Provision	Comments
16 Application	
(1) This Division applies to residential development if—	-
(a) the development is permitted with consent under another environmental planning instrument, and	Complies Residential flat buildings are permitted with development consent in R1 Zone.
(b) at least 20% of the gross floor area of the building resulting from the development will be used for the purposes of affordable housing, and	Complies 100% of the GFA for the development is allocated to affordable housing.
(c) for development on land in the Greater Sydney region, Newcastle region or Wollongong region—all or part of the development is within an accessible area, and	N/a
(d) for development on other land—all or part of the development is within 800m walking distance of land within 1 or more of the following zones or an equivalent land use zone— (being E1, MU1, B1, B2 or B4)	Complies The property is located approximately 270m walking distance from the E1 zone (via McDermott Ave & Eggins Place). Via Phillip Street and Oliver Avenue, the property is approximately 550m from the E1 Zone.
Floor Space Ratio	The project is not reliant on these provisions.
18 Non-discretionary development standards—the Act, s 4.15	
(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of in-fill affordable housing that, if complied with, prevent the consent authority from requiring more onerous standards for the matters	-
(2) The following are non-discretionary development standards in relation to the carrying out of development to which this Division applies—	-
(a) a minimum site area of 450m ² ,	Complies. The site has a total area of 1,821m ² .
(b) for a development application made by a social housing provider—at least 35m ² of landscaped area per dwelling, landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.	Complies Landscaped area required: 18 35m ² = 630m ² Landscaped area at ground and Level 2 totals approximately 765m ² (including the communal areas and private yards).

SEPP Provision	Comments
(c) if paragraph (b) does not apply—at least 30% of the site area is landscaped area,	Complies Landscaped area at ground and Level 2 equates to 42.05% of the site.
(d) a deep soil zone on at least 15% of the site area, where— (i) each deep soil zone has minimum dimensions of 3m, and (ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site,	Complies 15.15% of the subject site comprises Deep Soil Zone designated area for landscaping.
(e) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter	Complies 83% of units achieve compliant solar access. Of the 20 units, 6 are south facing, 3 of them satisfy the requirement through skylights.
(f) for a development application made by a social housing provider for development on land in an accessible area— (N/a)	N/a
(g) if paragraph (f) does not apply— (i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces, or (ii) for each dwelling containing 2 bedrooms—at least 1 parking space, or (iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,	Complies 6 x 1 bed x 0.5 spaces per unit = 3 spaces 12 x 2 bed x 1 space per unit = 12 spaces Total required – 15 spaces. Total provided – 15 + 4 visitor spaces (additional parking) = 19 spaces.
(h) for development for the purposes of residential flat buildings—the minimum internal area specified in the Apartment Design Guide for each type of apartment	Complies 100% of units comply with the area requirements specified in SEPP 65.
(i) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the minimum floor area specified in the Low Rise Housing Diversity Design Guide,	N/a
(j) if paragraphs (h) and (i) do not apply, the following minimum floor areas— (i) for each dwelling containing 1 bedroom—65m ² , or (ii) for each dwelling containing 2 bedrooms—90m ² , or (iii) for each dwelling containing at least 3 bedrooms—115m ² plus 12m ² for each bedroom in addition to 3 bedrooms	N/a
19 Design requirements	Does not apply to developments to which SEPP 65 Applies.
20 Continued application of SEPP 65	SEPP 65 applies to the development and is discussed in Section 4.4.3 of this report.
21 Must be used for affordable housing for at least 15 years	Noted. No objection is raised to a condition to this effect.

4.4.3 SEPP No 65—Design Quality of Residential Apartment Development

Comment: SEPP 65 – Design Quality for Residential Apartment Development applies to the development as the project involves a residential flat building comprising 3 or more storeys and 4 or more dwellings. As such, the proposed building has been designed pursuant to the framework provided by the SEPP and the associated Apartment Design Guide.

Schedule 1 of the SEPP provides 9 'Design Quality Principles' which are required to be taken into consideration by the consent authority when assessing the development application (pursuant to Clause 28(2) of the SEPP). In this regard, the Project Architect has provided a Design Verification Statement detailing compliance with the relevant Design Principles. A copy of this statement is provided at **Attachment 3**.

In addition, Clause 30(1) of the SEPP states that certain criteria cannot be used as grounds to refuse an application made under the SEPP. **Table 16** provides an assessment against the Standards documented in Clause 30(1) of the SEPP. As illustrated, the project is compliant with these requirements.

Table 16: Clause 30(1) Assessment Requirement

Table 4.3 – Clause 30(1) Assessment Requirements				
Parameter		ADG Requirement	Provided	Complies
(a)	if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide	15	19	Yes
(b)	if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the Apartment Design Guide,	Three bed – 90m ²	Between 107 to 179m ²	Yes
(c)	if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.	2700mm habitable 2400mm non-habitable	2700mm	Yes

Parts 3 and 4 of the Apartment Design Guide provide a range of 'Objectives', 'Design Guidance' and 'Design Criteria'. **Attachment 3** demonstrate that the project is generally consistent with each of the applicable 'Design Criteria' relevant to the project.

A Design Verification Statement has been prepared by Raunik Design Architects which demonstrates the design quality principles are achieved and the objectives in Parts 3 and 4 of the Apartment Design Guide are achieved.

4.4.4 SEPP (Sustainable Buildings) 2022

Comment: The application is accompanied by both BASIX Certification. These are provided at **Attachment 10**.

4.4.5 SEPP (Resilience & Hazards) 2021

This policy commenced on 1 March 2022 and relates to coastal management, hazardous and offensive development, and the remediation of land across the State. In this instance, the provisions relating to remediation of land are applicable and as such addressed below.

Chapter 4 – Remediation of Land

Comment: Chapter 4 of the SEPP relates to the remediation of land. The objective of Chapter 4 is to promote the remediation of contaminated land for the purpose of reducing risk of harm to human health or any other aspect of the environment. Clause 4.6 of the SEPP relates to contamination and remediation that should be considered in determining a development application. A consent authority must firstly consider whether a site is contaminated. If the land is contaminated, the consent authority must be satisfied that the land is suitable in its contaminated state, or it will be suitable after remediation, for the proposed development.

Reference should be made to the assessment prepared by ENV Solutions as contained within **Attachment 15** of this report. The PSI area assessed by ENV Solutions currently supports two residential structures containing multiple dwellings, a car shelter and bitumised driveway/parking area. Majority of the site is grassed or vegetated excluding buildings and the parking area. No field indicators (i.e. unnatural odours, soil discolouration or vegetation stress) or other additional sources of contamination were identified however some discarded building materials such as tiles, bolts, paint flakes, wood and plastics were observed on site.

Laboratory analysis results secured by ENV Solutions reported exceedances of site specific EIL's for zinc at sites B1_01 and SS07. Notably, both exceedances were within close proximity to current structures on site. No OCPs were detected.

Based on information provided by the landowner, the intended course of action involves the redevelopment of the site into an expanded residential complex featuring an additional story and underground parking area. While exceedances in site specific EIL's were noted, contaminant exposure was deemed by ENV Solutions to be low risk due to planned concrete hardstand and structures being developed on majority of the site. As a result, ENV Solutions have identified there is limited potential for complete ecosystem exposure pathways, and the risk is considered acceptably low.

Based on the PSI findings, ENV Solutions have concluded the investigation area is deemed suitable for the development of a new multi-unit residential dwelling from a chemical perspective.

4.4.6 SEPP (Transport & Infrastructure) 2021

Chapter 2 – Infrastructure

Division 5 – Electricity Transmission or Distribution

Section 2.48 – Determination of development applications – other development

(1) This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—

- (a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,*
- (b) development carried out—*
 - (i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*
 - (ii) immediately adjacent to an electricity substation, or*
 - (iii) within 5m of an exposed overhead electricity power line,*
- (c) installation of a swimming pool any part of which is—*
 - (i) within 30m of a structure supporting an overhead electricity transmission line,*

- measured horizontally from the top of the pool to the bottom of the structure at ground level, or*
- (ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,*
- (d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.*

Comment: Overhead powerlines are located within the McDermott Avenue road reserve and traverse across to Phillip Street adjacent to the north-eastern corner of the subject site. Based on the proposed design plans, Raunik Design have confirmed the built form is setback within 5m to the overhead powerlines.

Accordingly, an assessment has been completed by ECL Power Services (refer to **Attachment 18**) to review the clearances from the existing LV Essential Energy Mains adjacent to the proposed development from the adjacent overhead mains.

The assessment by ECL concludes the available clearances meet allowable tolerances of the ISCC 20 document & clearances that meet the EE standard CEOM7106.25.

Section 2.122 Traffic-generating development

(1) This section applies to development specified in Column 1 of the Table to Schedule 3 that involves—

- a) new premises of the relevant size or capacity, or*
- b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*

(2) In this section, relevant size or capacity means—

- c) in relation to development on a site that has direct vehicular or pedestrian access to any road (except as provided by paragraph (b))—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*
- d) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.*

Comment: The development is not listed within Column 3 of Schedule 3 of State Environmental Planning Policy (Transport and Infrastructure) 2021. Accordingly, referral of the development application to Transport for NSW is not triggered in this instance.

4.4.7 Biodiversity Conservation Act 2016

Pursuant to Section 1.7, “This Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 that relate to the operation of this Act in connection with the terrestrial environment.”

Reference is made in this instance that the subject site is not mapped on the Biodiversity Values Map.

4.4.8 SEPP (Exempt and Complying Development Codes) 2008

Comment: The current proposal involves a development application to Council and is not reliant on the provisions of the NSW Codes SEPP.

4.4.9 SEPP (Vegetation in Non-Rural Areas) 2017

Comment: The application requires the removal of nominated vegetation. As such, the application does incorporate approvals for vegetation management works pursuant to either the SEPP or Lismore Development Control Plan.

4.5 Bushfire

The proposed development is mapped as bushfire prone land on mapping certified under the Rural Fires Act 1997. As such, a Bushfire Assessment Report is necessary in this instance, and has been prepared by Bushfire Certifiers as contained within **Attachment 14**.

The assessment by Bushfire Certifiers shows the mapping is not accurate as the subject site and surrounding area for a distance greater than 100m has been assessed as managed land. As such, the development will be located greater than 100m from Category 1 or 2 bushfire hazard, and greater than 50m from a grassland hazard.

Accordingly, the Bushfire Certifiers have concluded the proposed buildings will be BAL Low (construction) and no specific bushfire conditions are applicable pursuant to PBP2019, although a landscaping condition for the site has been included within the assessment to ensure the site has continuity of bushfire management between the buildings and the bushfire hazard.

4.6 National Construction Code

Comment: **Attachment 9** of this report contains documents the assessment of this project under the Deemed-to-Satisfy provisions of the NCC Building Code of Australia 2022 Volume One by *Axis Building Certification*. Where the Deemed-to-Satisfy provisions are not able to be achieved, consideration of compliance with the performance provisions of the BCA subject to a satisfactory performance assessment and alternative engineering design by an appropriately qualified professional consultant may be acceptable.

4.7 Social Impact Assessment

Pursuant to Lismore City Council's Social Impact Assessment Guidelines, a Social Impact Assessment (SIA) for the proposed development is triggered given the scale of the project. Accordingly, a SIA has been completed by *TS Consulting* as provided within **Attachment 11** of this report.

The Social Impact Assessment (SIA) process adopted by TS Consulting involved the following analysis:

- Scoping the project
- Site visit
- Desktop analysis of demographics, community profile
- Review of documents provided by Lismore City Council and others including relevant strategies and planning documents
- Research into community housing project impacts generally in Australia and overseas
- Research into Lismore's housing needs through studies, anecdotal information and media reports
- Consideration of relevant issues raised through consultative processes such as interviews with relevant service providers and existing housing projects
- Review of issues raised for the site from the existing use
- Examination of potential impacts
- Considering whether the social benefits associated with proposed project are consistent with the zone objectives

Based on the assessment, *TS Consulting* has concluded:

There will be impacts, both positive and negative, if the proposed building is approved. While there are always consequences from change the perceived negative impact, of having a more dense form of housing, with increased population, in an area of predominantly single story dwellings, and increased traffic for residents in the immediate vicinity is minor.

There will be some changes to the existing community immediately adjacent to the proposed development as they currently live next to a building housing seven residents. Measures have been taken into account in the design, as much as possible, to ameliorate any minor negative impacts on adjoining owners' private open space. The units will be managed by Social Futures, a registered Community Housing Provider, who will endeavour to alleviate possible future issues by way of a structured management plan and dedicated staff.

There are positive benefits for the existing community in that providing newly built housing in an area of old housing stock will uplift the area. With the proposed mix of affordable and social housing, in a purpose-built designed building with its own central/communal courtyard can only be seen as a positive outcome for the community.

The positive benefits for the Lismore LGA outweigh the minor negative impacts, mainly in providing much-needed housing. Access to affordable housing has been proven to give improved health, social, educational and employment outcomes, leading to long term improvements in productivity. It is effective at reducing homelessness, as rents are set at a percentage of income that makes it affordable.

There are positive benefits for the existing community, and the community overall in that there is increased housing availability for a vulnerable population in a flood-free site. The social benefits and costs of the development, with the proposed mix of affordable and social housing, in a purpose-built designed building far outweigh any negative impacts.

Housing stress/affordability has been identified as a major issue in the Lismore LGA in just about every report written about it since the 1990s. The 2022 floods greatly exacerbated the lack of housing, particularly affordable housing. The changing nature/age of the population, and predicted continuing change of the Lismore LGA and Goonellabah, point to a need for smaller housing types to accommodate this change. Given climate change scenarios and future flood events points to a need for building of housing in flood-free land in Lismore. The building of 18 new units is overwhelmingly a positive addition to Goonellabah and to the Lismore LGA particularly. The social benefits outweigh any perceived negative impacts, which are minimal to negligible if the proposed development is approved.

The general consensus in the preparation of this social impact assessment is that in itself additional units do not cause the social issues that are already apparent in the Goonellabah area, more widely in the LGA and in the Northern Rivers. Many of the region's social issues are due to the lack of affordable and social housing. There are a number of linked social issues that cause people to participate in anti-social behaviour, mainly being homeless through mental health and drug/alcohol addictions and low incomes. Additional housing in the Lismore LGA is one big step to providing safe and secure housing for more people.

When housing supply and housing availability is the fundamental issue in Lismore, this planning proposal offers opportunities for the broader community, not on the housing register, to apply for affordable housing. The social benefits and costs of the development, with particular reference made to the proposed mix of affordable, social and accessible housing and the design of the building, can only be a positive for Lismore.

4.8 Section 4.15 - Evaluation

In determining a Development Application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the Development Application:

Table 17: Section 5.15 Matters for Consideration

S4.15 Matters for consideration	Response
(a) the provisions of:	All relevant provisions of the Lismore Local Environmental Plan 2012 and applicable SEPPs have been considered within this report.
(i) any environmental planning instrument;	
(ii) Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved);	No draft EPI is considered to adversely impact the application as proposed.
(iii) any development control plan;	The relevant provisions of the Lismore DCP are addressed within Section 4.3 of this report.
(iiia) and planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4;	The subject land is not known to be subject to a planning agreement.
(iv) the regulations (to the extent that they prescribe matters for the purpose of this paragraph)	
1 Demolition of Structures	Demolition works are proposed as outlined

S4.15 Matters for consideration		Response
		within Section 3 of this report.
2	Land subject to a Subdivision Order	N/A
3	Dark Sky Planning Guideline	N/A
4 & 5	Application for a manor house or multi dwelling housing (terraces).	N/A
6	Residential building in Penrith City Centre	N/A
7	Wagga Wagga Special Activation Precinct Master Plan	N/A
7A	Moree Plains Special Activation Precinct Master Plan	N/A
8	Subsections (7) and (7A) do not apply to a development application made on or after 30 September 2022	N/A
(v) (Repealed)		
(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;		
Context and setting		The subject land is zoned for residential purposes. The surrounding area comprises residential development with a mix of density achieved through single dwellings through to multi-dwellings. The proposed development is for a residential flat building in an area characterised by a mixture of building forms. The proposal whilst being located within an area capable of a transitional development towards medium density is not considered to be antipathetic to the residential character found in the locality and generally intended by the Council's development controls.
Access, transport and traffic		The proposal provides driveway crossover are consistent with Council's driveway policy & parking consistent with the Lismore Development Control Plan 2012.
Utilities		All necessary services will be connected to the proposed dwellings as discussed in Section 3.3.3 of this report.
Heritage		The site is not identified on Schedule 5 of the LEP2012 as containing an Item of Environmental Heritage.
Water		The apartments will be connected to the reticulated water supply.

S4.15 Matters for consideration	Response
	<p>The proposal has been assessed under the BASIX system and achieves the relevant water use reduction targets. Refer BASIX Certificate under Attachment 10.</p> <p>Stormwater will be discharged to the reticulated drainage network in accordance with the stormwater management plan prepared by Pinnacle Engineering Group and contained within Attachment 7 of this report.</p>
Soils	<p>Erosion & sedimentation controls will be required to be implemented by the proponent prior to construction of the development as provided within Attachment 7 of this report.</p> <p>The Contaminated Land Assessment at Attachment 15 confirms that the soil conditions are suitable for the intended purpose.</p>
Biodiversity	<p>The proposal does not exceed the clearing threshold for a BDAR. Offset plantings will be undertaken in accordance with the recommendations of the Biodiversity Assessment, included under Attachment 12.</p>
Air & Microclimate	<p>Appropriate measures will be incorporated to the construction phase of the development to mitigate any opportunities for vibration, noise and dust to be emitted from the site.</p>
Hazards	<p>The site is mapped as being bushfire prone. A detailed assessment has been completed by Bushfire Certifiers as contained within Attachment 14 of this report. Bushfire Certifiers have concluded the proposed buildings will be BAL Low (construction) and no specific bushfire conditions are applicable pursuant to PBP2019</p>
Waste	<p>A waste management plan addressing demolition, construction and operational waste streams is provided with Attachment 6 of this report.</p>
Energy	<p>The proposed development has been designed to comply with the provisions of BASIX, with both BASIX certification included at Attachment 10.</p>

S4.15 Matters for consideration	Response
Noise & Vibration	Construction activities will adhere to Council's specified hours of operation and consent conditions relating to the existing residential amenity.
Site Design & Internal Layout	The proposed development endeavours to achieve a high-quality residential development on a site. The Residential Flat Building complies with the GFA and FSR requirements and is consistent with Council's strategic planning and controls associated with the scale and form of development permitted in the local area.
Construction	Construction activities will be completed in accordance with Council conditions of consent and Work Cover requirements. Appropriate sedimentation measures will be installed during the construction phase to mitigate opportunities for soil erosion and water pollution.
(c) The suitability of the site for the development:	
Does the proposal fit within the locality?	The proposal for a residential flat building on land zoned R1 General Residential is consistent with the Councils planning framework. Furthermore, the design is compatible with existing and likely future developments within the surrounding locality.
(d) Any submissions made in accordance with this Act or the regulations;	The proposal is compliant with the relevant legislation, as addressed within this report. Council will consider any submissions to the application as part of the assessment process.
(e) The public interest.	This project has been designed to be compatible with the existing and desired future amenity of the locality. It will improve the site's contribution to Phillip Street and McDermott Avenue. In addition, the development is mainly consistent with the development controls for the locality or where variations are proposed; these are justified via the achievement of the associated objectives. As such, the proposal is in the public interest

5. Conclusion

This Statement of Environmental Effects, when read in conjunction with the accompanying documents, successfully addresses the issues relevant to Council's assessment of this application.

Having regard for the issues raised herein, it is considered that that approval of the Development Application is warranted, subject to the application of reasonable and relevant consent conditions.

The grounds for this approval are summarised below:

- The proposal is per the relevant provisions of the Lismore Local Environmental Plan 2012. The building height variation and the reasons for it is considered reasonable in the circumstances.
- The proposal is broadly consistent with the relevant provisions of the Lismore Development Control Plan 2012. The variations and the reasons for it is considered reasonable in the circumstances;
- The proposal has been designed to accord with the building form and scale of surrounding developments in the area and intended by Councils controls. The proposal is in accordance with the relevant provisions of the Lismore Local Environmental Plan 2012; and
- The proposal is generally in accordance with the relevant provisions of the State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development and the Apartment Design Guide.
- The proposal is considered to be in the public interest.



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DAMIAN CHAPELLE

Town Planner. BTP. CPP

Date: 1st February 2024