

**Internal referral responses**  
**DA No. 5.2024.26.1**

**DEVELOPMENT APPLICATION REPORT**

BY

**BCA/FIRE ASSESSMENT OFFICER**

**DA NO: 5.2024.26.1**

**Development:** To undertake:

1. the demolition of existing buildings, structures and trees; and
2. the construction of a Residential Flat Building, comprising 18 residential units and 19 on-site car parking spaces, and associated earthworks, civil works, utility services, driveway and landscaping

The application is regionally significant development with the Northern Regional Planning Panel as the consent authority.

**Property Number:** P6526

**Date Lodged:** 13/02/2024

**Date of Referral:** 15/2/2024

Mr C Bradridge

**Development Assessment Officer (Planning)**

**Please complete comments by:** 29/2/2024

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

**BCA Classification:** 2 & 7a

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**ADDITIONAL INFORMATION: (if required please advise immediately)**

***Please ensure that you have checked TRIM to see if there are any submissions that need to be read in conjunction with your assessment.***

**COMMENTS:**

**BCA REQUIREMENTS**

The application has provided a BCA review that considered the relevant sections and an overarching compliance strategy for the development and provided advice regarding triggers for significant compliance requirements.

Further assessment will be undertaken prior to issuing a Construction Certificate.

**FIRE SAFETY/ESSENTIAL SERVICES**

Addressed above.

**ACCESS STANDARDS and TOILET FACILITIES**

Addressed above.

**HISTORICAL COMMENTS**

Nil

**CONDITIONS:**

## **BUILDING WORK**

### **GENERAL**

> **BCA compliance**

All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

**Reason:** *To ensure BCA compliance.*

### **BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

**Professional Engineering details**

- > Engineering plans, details and specifications (including required site classification/geotechnical reports) for structural footings, slabs, framework, retaining walls and any other structural elements within the building prepared by an appropriately qualified engineer shall be provided to the satisfaction of the *Certifier*, **prior to the issue of any Construction Certificate.**

**Condition reason:** *To ensure that the Certifier is provided with sufficient information to enable determination of the Construction Certificate.*

### **BEFORE BUILDING WORK COMMENCES**

**Prior to Commencement**

13. **Works must not commence** on the site in connection with this Notice of Determination until: Detailed plans and specifications of the building work have been endorsed with a Construction Certificate issued by:
- i. the consent authority (Council); or
  - ii. an *Accredited Certifier*; and
- (a) The person having the benefit of the development consent has:
- i. appointed a *Principal Certifier* for the building work, and
  - ii. notified the *Principal Certifier* that the person will carry out the building work as an owner-builder, if that is the case, and
- (b) The *Principal Certifier* has, no later than two (2) days before the building work commences:
- i. notified the consent authority and the *Council* (if the council is not the consent authority) of his or her appointment, and
  - ii. notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (c) The person having the benefit of this Notice of Determination, if not carrying out the work as an owner builder, has:
- i. appointed a *Principal Contractor* for the building work who must be the holder of a contractor licence if any residential building work is involved, and
  - ii. notified the *Principal Certifier* of such appointment, and
  - iii. unless that person is the *Principal Contractor* notified the *Principal Contractor* of any critical stage inspections and other inspections that are to be carried out in respect of

the building work, and

Documentary evidence confirming the above statutory requirements have been satisfied must be submitted to *Council* not less than two (2) days before any commencement of approved works.

**Condition reason:** *To ensure compliance with legislative requirements.*

#### **Construction fencing**

- > A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works—
  - (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
  - (b) could cause damage to adjoining lands by falling objects, or
  - (c) involve the enclosure of a public place or part of a public place.

**Reason:** *To ensure public safety.*

## **BEFORE ISSUE OF ANY OCCUPATION CERTIFICATE**

### **DURING BUILDING WORK**

#### **Site Sign**

- > (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - (a) stating that unauthorised entry to the work site is prohibited;
  - (b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
  - (c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- (2) Any such sign must be maintained while building work or demolition work is being carried out but must be removed when the work has been completed.
- (3) This condition does not apply to building works being carried out inside an existing building.

**Condition reason:** *Prescribed – Statutory.*

#### **Hours of work**

- > The hours of work for any noise generating construction activity of the proposed development are to be limited to the following time restrictions:

Monday to Friday - 7.00am to 6.00pm  
Saturday - 8.00am to 1.00pm

No noise generating construction activities are to take place on Sundays or public holidays.

**Reason:** *To protect the amenity of the surrounding area.*

**Surveys by a registered surveyor**

- > While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier:
- a) All footings / foundations in relation to the site boundaries and any registered and proposed easements
  - b) At other stages of construction – any marks that are required by the principal certifier.

**Reason:** *To ensure buildings are sited and positioned in the approved location.*

**Prohibition on Use of Pavements**

- > Building materials shall not be placed on Council's footpaths, roadways, parks or grass verges, (unless a permit is obtained from Council beforehand) and a suitable sign to this effect shall be erected adjacent to the street alignment.

**Condition reason:** *To ensure public safety and amenity on public land.*

**\*\*\*Have I checked that all standard conditions relate to the proposed development**

✓ Yes

**FINALISATION OF REFFERAL - TO BE COMPLETED BY REFERRAL OFFICER**

I have:

- (i) Completed my comments;
- (ii) Completed the referral and emailed link to Assessment Officer from TRIM; and
- (ii) Closed off the Authority Tracking for the referral

**DECLARATION OF INTEREST**

Is there any declaration of interest to be made by me in this matter ☐ Yes ☒ No

**ASSESSMENT DELEGATIONS**

Is the holistic assessment of this proposal within my delegations ☒ Yes ☐ No

**AUTHORITY**

Have I marked off all my Authority Task for this DA ☒ Yes ☐ No

**Signed:** Garry Lee

**DATE:** 04.04.2024

## DEVELOPMENT APPLICATION REPORT APPROVALS REGISTER REPORT BY

### ENVIRONMENTAL HEALTH

DA NO: 5.2024.26.1

**Development:** To undertake:

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**ADDITIONAL INFORMATION: (if required please advise immediately)**

***Please ensure that you have checked TRIM to see if there are any submissions that need to be read in conjunction with your assessment.***

#### COMMENTS:

##### CONTAMINATED LAND

ENV Services Pty Ltd (ENV) have undertaken a Preliminary Site Investigation (PSI) at the site. "Based on the PSI findings, the investigation area is deemed suitable for the planned demolitions and development of a new multi-unit residential dwelling from a chemical perspective." The PSI included a desktop review of the site and sampling was undertaken to support the conclusion. Councils' concerns raised in the pre-lodgement minutes like under slab termite treatments have been addressed and no further technical reporting is required.

An unexpected finds condition is nominated.

Appropriate conditioning is nominated to manage the demolition of the existing structures and the management of the importation and exportation of soil.

##### NOISE IMPACTS

Construction noise will impact on the area amenity of the area for an interim period and a Noise Management Plan has been conditioned as part of the construction site management plan.

Pacific Geotech also identify vibration as a potential issue due to the nature of excavation works required and therefore a dilapidation survey has been conditioned and a vibration management plan has been requested in the construction management plan.

Conditioning has been nominated to ensure that mechanical plant (air conditioning, lift motors and other noise sources) are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised.

##### ON-SITE SEWAGE MANAGEMENT

N/A

### **ENVIRONMENTAL IMPACTS (Amenity)**

The amenity of the area will be impacted by construction practices and conditioning of a construction site management plan has been nominated to address these impacts. Waste, lighting and sediment and erosion control have been highlighted in conditions to ensure compliance on the site.

Lighting and the protection of amenity in the area has been considered and an appropriate design condition has been nominated to ensure this has been considered and addressed during the detailed design plan prior to the release of any construction certificate.

### **STORMWATER / TREATMENT DEVICES**

Water quality has been excluded from the stormwater management plan as the development does not trigger the 300M<sup>2</sup> increase in impervious area due to the existing impervious area onsite. The development has been assessed as infill development and no further technical reporting is required regarding stormwater quality.

### **BUFFERS**

The development meets the recommended buffers of DCP Chapter 11 Buffer Areas.

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

## **CONDITIONS:**

### **BUILDING WORK**

#### **GENERAL**

>

#### **BEFORE BUILDING WORK COMMENCES**

##### **Dilapidation report**

Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the principal certifier.

Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the principal certifier, that all reasonable steps were taken to obtain access to the adjoining properties.

No less than 14 days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to council (where council is not the principal certifier) at the same time.

**Reason:** *To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.*

##### **Erosion and sediment controls in place**

Before any site work commences, the principal certifier, must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time).

**Reason:** *To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.*

#### **BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

##### **Construction Site Management Plan**

Before the issue of a construction certificate, a construction site management plan must be prepared, and provided to the certifier. The plan must include the following matters: **EHO Matters that must be included**

- a) The location and materials for protective fencing and hoardings on the perimeter of the site;
- b) Provisions for public safety;
- c) Pedestrian and vehicular site access points and construction activity zones;
- d) Details of construction traffic management including:
  - i) Proposed truck movements to and from the site;
  - ii) Estimated frequency of truck movements; and
  - iii) Measures to ensure pedestrian safety near the site;
- e) **Details of bulk earthworks to be carried out;**
- f) **The location of site storage areas and sheds;**
- g) **The equipment used to carry out works;**
- h) **The location of a garbage container with a tight-fitting lid;**
- i) **A Construction Noise Management Plan - all noise generated by demolition and construction activities must be managed in accordance with the Interim Construction Noise Guideline, DECC July, 2009.**
- j) **A Soil Erosion and Sedimentation Control Plan – the plan must consider the principles of the publication Managing Urban Stormwater-Soils and Construction - 4th Edition (Blue Book).**

- k) A Dust Management Plan – the plan must identify control practices that will be implemented during the construction sequence to ensure dust emissions are managed in accordance with good environmental practice.
- l) A Vibration Management Plan - the plan must identify control practices that will be implemented during the construction sequence to ensure vibration emissions are managed in accordance with good environmental practice.
- l) The location of temporary toilets;
- m) Waste Management Plan
- n) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:
  - i) AS 4970 – Protection of trees on development sites;
  - ii) An applicable Development Control Plan;
  - iii) An arborist's report approved as part of this consent

A copy of the construction site management plan must be kept on-site at all times while work is being carried out.

**Reason:** To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

### External lighting

Before the issue of a construction certificate, plans detailing external lighting must be prepared by a suitably qualified person. The lighting plan must be consistent with the approved plans and documents, and the following requirements:

- a) comply with AS 4282: Control of Obtrusive Effects of Outdoor Lighting
- b) lighting must not give rise to obtrusive light or have adverse impacts on the amenity of surrounding properties; and
- c) external lighting must not flash or intermittently illuminate unless required for safe ingress/egress of vehicles crossing a pedestrian footway or approved vehicle entrance.

The lighting plan must be submitted to the certifier.

**Reason:** To protect the amenity of the local area

### Noise Management

Before the issue of a construction certificate, plans detailing acoustic measures must be prepared by a suitably qualified person. The acoustic plan must be consistent with the approved plans and documents, and the following requirements:

- a) Noise sources including but not limited to air conditioning units, lift motors and ventilation units must not give rise to offensive noise or have adverse impacts on the amenity of surrounding properties; and

The acoustic plan must be submitted to the certifier.

**Reason:** To protect the amenity of the local area

## BEFORE ISSUE OF ANY OCCUPATION CERTIFICATE

### Certification of acoustic measures

Before the issue of an occupation certificate, a suitably qualified person must provide details demonstrating compliance to the principal certifier that the acoustic measures have been installed in accordance with the acoustic report approved under this consent.

**Reason:** To protect the amenity of the local area

## DURING BUILDING WORK

### Hours of work

Site work must only be carried out between the following times –  
For construction works from 7.00AM to 6.00PM on Monday to Friday and 8.00AM to 1.00PM on Saturday.



Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.

**Reason:** *To protect the amenity of the surrounding area.*

### **Implementation of the site management plans**

While site work is being carried out:

- a) the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times, and
- b) a copy of these plans must be kept on site at all times and made available to council officers upon request.

**Reason:** *To ensure site management measures are implemented during the carrying out of site work.*

### **Waste Management (fill and spoil)**

All waste material removed from or imported to the site is managed in accordance with the following requirements:

- All excavated material removed from the site has been classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility.
- All fill material imported to the site must be:
  - Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997*, and/or
  - A material identified as being subject to a resource recovery exemption by the NSW EPA.

All VENM or waste-derived fill material subject to a resource recovery exemption must be accompanied by documentation as to the material's compliance and must be provided to the Principal Certifier or Council on request.

**Reason:** *To ensure waste is not contaminated and is safe for future occupants.*

### **Demolition of structures**

All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601: 2001 - The Demolition of Structures and the relevant requirements of SafeWork NSW and the *Work Health and Safety Regulation 2017*.

The proponent shall also observe the relevant guidelines by NSW Environment Protection Authority (EPA) and SafeWork NSW.

**Reason:** *To protect workers, the public, and the environment.*

### **Unexpected Finds – Contaminated Land**

An Unexpected Finds Protocol shall be prepared by a suitably qualified person to the satisfaction of Council's General Manager or delegate that addresses how any unexpected or suspicious materials with the potential to be wastes or relate to contamination will be managed. Should these materials be discovered, all sitework must cease immediately. No works shall be undertaken until the required investigations have been completed and any permits or approvals obtained where required to the satisfaction of Council's General Manager or delegate.

**Reason:** *To ensure unexpected finds are managed appropriately to protect health and safety.*

## **OCCUPATION AND ONGOING USE**

### **Mechanical Plant - Location and Acoustic Treatment**

All air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or

equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of Council's General Manager or delegate such that the operation of any air conditioning unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise.

**Reason:** *To ensure operational noise levels do not unreasonably impact on the amenity of adjoining and nearby premises.*

**\*\*\*Have I checked that all standard conditions relate to the proposed development**

✓ Yes

**FINALISATION OF REFFERAL - TO BE COMPLETED BY REFERRAL OFFICER**

I have:

- (i) Completed my comments;
- (ii) Completed the referral and emailed link to Assessment Officer from TRIM; and
- (ii) Closed off the Authority Tracking for the referral

**DECLARATION OF INTEREST**

Is there any declaration of interest to be made by me in this matter ☐ Yes ☒ No

**ASSESSMENT DELEGATIONS**

Is the holistic assessment of this proposal within my delegations ☒ Yes ☒ No

**AUTHORITY**

Have I marked off all my Authority Task for this DA ☒ Yes ☐ No

**REFERRAL OFFICER'S NAME:** > **Lachlan Stace**

**DATE:** > 19/02/24

## DEVELOPMENT APPLICATION REPORT APPROVALS REGISTER REPORT

BY

**DEVELOPMENT ENGINEER (Non-Subdivision)**

**DA NO: 5.2024.26.1**

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### ADDITIONAL INFORMATION REQUIRED

Nil

### ASSESSMENT COMMENTS

#### ROADS AND TRAFFIC

Does the development trigger <i>Clause 2.119 – Development with Frontage to a Classified Road</i> of SEPP (Transport & Infrastructure) 2021?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the development trigger <i>Clause 2.122 – Traffic Generating Development</i> of SEPP (Transport & Infrastructure) 2021?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the development need to be referred to TfNSW for concurrent Section 138 on a classified road?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

#### Vehicular Access (Width, Slope and Surface Treatment)

The proposed vehicular access is approximately 6.2m in width and will be adequate to service the development with two-way access. The access will be provided with a sealed surface and meets Council requirements.

There is an existing vehicular access within Phillip Street that will be decommissioned with this development and replaced with standard kerb and gutter.

#### Sight Distance

Available Sight Distance	Left - 55m	Right - 50m
Does the sight distance comply with AustRoads Guidelines?	✓ Yes <input type="checkbox"/> No	

Given the speed zone of 50km/h there is appropriate sight distance in both direction for the proposed vehicular access location.

### Traffic Impact

The Traffic Impact Assessment has determined that the 18 units will generate 90 vehicle trips per day. When taking into consideration the existing development of 7 units on site the overall impact to the road network will be 55 vehicle movements per day. Further consideration will need to be given to the type of housing (social) and that some residents will be heavily reliant on public transport. Therefore it is expected that the overall development will have minimal impact on the existing road network.

### Pedestrian Safety

Is AS2890 Figure 3.3 relevant to the development?	✓ Yes <input type="checkbox"/> No
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The TIA has identified the requirements of AS2890 Figure 3.3 and the design has taken this into consideration with no obstructions within the clear zone.

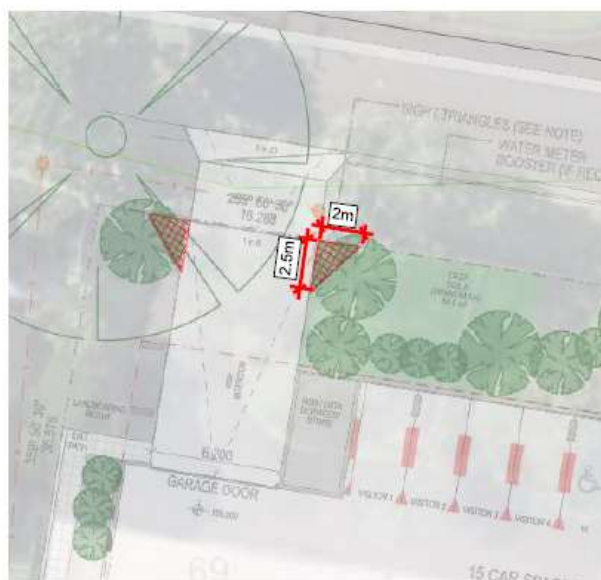


Figure 10 | Safe pedestrian sight triangles

**Figure: Safe Pedestrian Sight Triangles from AS2890**

The development will be providing a concrete footpath along the full frontage of Mcdermott Avenue and around the corner to connect into the pedestrian entry to the site from Phillip Street. This footpath will be 1.5m in width and conditioned accordingly.

### **PARKING**

		Comment
Do the parking spaces comply with AS2890?	✓ Yes <input type="checkbox"/> No	Parking area complies
Does the development have appropriate manoeuvring for the parking areas?	✓ Yes <input type="checkbox"/> No	Yes parking area has appropriate aisle widths and blind aisle requirements.

Does the parking area surface treatment comply with DCP requirements?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Yes parking area will be fully sealed
Have the appropriate number of accessible spaces been provided?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Yes there are 2 accessible spaces proposed with the development.

### **LOADING & UNLOADING**

		<b>Comment</b>
Has the development provided a loading/unloading area in accordance with Chapter 7 of the DCP?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Loading area not required for a residential activity.
Is there adequate manoeuvring areas for the required loading/unloading space?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	As per above.

### **STORMWATER (Quantity)**

#### **Chapter 22 (Water Sensitive Design) of DCP**

The applicant has provide a Stormwater Management Plan (SWMP) for the site that demonstrates with the use of on site detention tanks the post development flow will be reduced from the pre developed condition for all storm events. The table below summarises the results of the SWMP modelling.

Table 2.6: Pre-development and Post-development Scenario Comparison

Storm Event	Catchment A Total (Discharge to McDermott Avenue)		Difference (m³/s)
	Pre (m³/s)	Post (m³/s)	
63% AEP (Q <sub>5</sub> )	0.048	0.046	-0.002
39% AEP (Q <sub>10</sub> )	0.061	0.057	-0.004
18% AEP (Q <sub>5</sub> )	0.079	0.071	-0.008
10% AEP (Q <sub>10</sub> )	0.091	0.079	-0.012
5% AEP (Q <sub>20</sub> )	0.104	0.090	-0.014
2% AEP (Q <sub>50</sub> )	0.111	0.101	-0.010
1% AEP (Q <sub>100</sub> )	0.125	0.111	-0.014

The results presented above demonstrate that the proposed detention tank successfully attenuates the post-development site discharge to at or below pre-development rates.

**Figure: SWMP outputs**

### **GEOTECHNICAL**

Earthworks will be required for the site to construct the semi underground parking area. Retaining walls will be utilised and appropriate conditions of consent will be added ensuring there are structurally sound.

### **FLOODING**

The site is not mapped as being affected by the 1% AEP flood event.

### **WATER AND SEWER**

The existing Water and Sewer network has capacity to handle the increase in demands as a result of this development.

### Sewer

Internal sewer works will be required by this development, subject to Section 68 application and approval.

### Water

Internal water works will be required by this development, subject to Section 68 application and approval.

### Fire Coverage

The site has adequate hydrant coverage from both McDermott Avenue and Phillip Street. Internal fire services are subject to BCA assessment, refer to Building Surveyor's referral.

## **ELECTRICITY AND COMMUNICATIONS**

Dial Before You Dig (DBYD) investigations have been undertaken to confirm the location of existing services so as they are not affected by the works.

## **DEVELOPMENT CONTRIBUTIONS**

### Section 64 Contributions

Is policy 11.3.3 (Infrastructure Contributions Discount Policy for the Change of Use of Commercial Premises) applicable?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is policy 5.2.33 (Affordable and Diverse Housing Incentives Policy) applicable?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

<b>Existing Entitlement (Credit)</b>	The site has approval for 7 x 1-bedroom units which has a demand of 0.4ET Water and 0.5ET Sewer per unit for a total credit of 2.8ET Water and 3.5ET Sewer. The site also is made up of 3 parcels and thus the water credit will be 3.0ET
<b>Proposed Development (Demand)</b>	The proposed development contains 6 x 1-bedroom units and 12 x 2-bedroom units which will be considered under the multi storey apartment rate and which will equate to 7.98ET Water and 12ET Sewer.
<b>Total Demands</b>	Water = 7.98 – 3.0 = 4.98ET Sewer = 12.0 – 3.5 = 8.5ET
<b>Contributions</b>	<p>LCC Water = 4.98 x \$1,687 = \$8,401.26  Rous Water = 4.98 x \$9,951 = \$49,555.98  LCC Sewer = 8.5 x \$13,374 = \$113,679.00  <b>Total = \$171,654.24</b></p> <p>As the development is for Social Futures and they are a Community Housing provider, a 50% discount will be applied to Council levies in accordance with Policy 5.2.33</p> <p>LCC Water = \$8,401.26 x 0.5 = \$4,200.63  Rous Water = \$49,555.98  LCC Sewer = \$113,679.00 x 0.5 = \$56,839.5  <b>Total = \$110,596.11</b></p>

### Section 7.11 Contributions

For the assessing officer to determine.

## **STAGING**

The development is not staged.

## **SUBMISSIONS**

*(Please ensure that you have checked TRIM to see if there are any submissions that need to be read in conjunction with your assessment).*

## **CONDITIONS**

- ☐ Section 68 Approval to be issued separately
- ☐ Section 138 Approval to be issued separately

## **GENERAL**

### **General**

- 1 All works, services, facilities and / or public utility alterations required by this approval or stated conditions whether carried out by Council or otherwise, shall be at the proponents expense and at no cost to Council.

**Reason:** *To provide adequate services for the development (EPA Act Sec 4.15(c))*

## **BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **Construction Management Program**

- 2 **Prior to the issue of any Construction Certificate** a Construction Management Plan must be prepared and submitted to Council for the development by a suitably qualified professional/s. The plan shall detail:
  - (a) The proposed method of access to and egress from the site for construction vehicles;
  - (b) The proposed phases of construction works on the site, and the expected duration of each construction phase;
  - (c) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process.
  - (d) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, and the erection of any part of the structure within the site. Mobile cranes (if required) shall be located wholly within the site;
  - (e) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
  - (f) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
  - (g) The proposed method of support to any excavation adjacent to adjoining properties, or the existing road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising structural engineer, or equivalent;
  - (h) Proposed protection for Council assets and adjoining properties and;
  - (i) Traffic management plan prepared in accordance with the Austroads guidelines
  - (j) A Soil Erosion and Sedimentation Control Plan (SECP), the SECP must consider and be in accordance with the Managing Urban Stormwater-Soils and Construction - 4th Edition (blue book).

All work and excavation, demolition or construction activities shall be undertaken in accordance with the approved Construction Management Plan (CMP). A copy of the approved CMP, and any conditions imposed on that plan, shall be kept on the site at all times and made available to any officer of Council upon request. The CMP must remain in place until all development activities have been completed and the site has been adequately stabilised, revegetated or landscaped.

The Site Supervisor/s and their 24-hour contact details must be included in the CMP once they are determined. A sign displaying the contact details of the supervisor/s must be displayed on the site adjacent to the site access.

The CMP must be developed and include maintenance and auditing/accountability systems.

**Reason:** *To ensure appropriate measures have been considered during all phases of the construction process in a manner that respects adjoining owner's property rights and residential amenity in the locality, without unreasonable inconvenience to the community.*

#### **Damage to Public Infrastructure**

- 3 The applicant shall bear the cost of all restoration works to Council's property damaged during the course of this development. The applicant shall advise Council by photographic or video record, of any existing damage to Council property before commencement of the development. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council **prior to the issue of any Construction Certificate**.

**Note:** This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.

**Reason:** *To ensure the protection of existing built public infrastructure.*

#### **Drainage**

- 4 The proponent shall make satisfactory provision for stormwater to be directed through piped drains that are constructed in accordance with Australian Standard AS3500 Plumbing and Drainage Part 3: Stormwater Drainage. All roof water from any proposed building, surface water from paved areas and water from the internal raised planter shall be directed to a Council approved drainage system. All piped drainage lines over adjoining land are to be located within drainage easements. All costs shall be the responsibility of the proponent. Design plans are to be submitted to and approved by the Council **prior to the release of any Construction Certificate**.

**Reason:** *To ensure that the land or adjoining land is not damaged by the uncontrolled discharge of concentrated runoff from any buildings and paved areas that may be constructed on the land. (EPA Act Sec 4.15(b))*

#### **Retaining Walls**

- 5 **Prior to the issue of any Construction Certificate** a qualified practising structural engineer shall provide the Certifying Authority with a design certification for any proposed retaining walls in the development. Any proposed retaining wall shall be constructed wholly within the lots. No retaining wall shall be constructed upon the road reserve.

**Reason:** *To ensure the development is constructed in accordance with the conditions and approved engineering construction design plans. (EPA Act Sec 4.15(b))*

#### **Roads Act Approval**

- 6 **Prior to the issue of any Construction Certificate**, separate approval under section 138 of the Roads Act for all the works upon the public road shall be obtained. For this approval, full design plans of the proposed engineering works required upon the public road shall be submitted to and approved by Council. Plans shall include details of works required to satisfy the conditions of this consent. Such plans shall be accompanied with the fee, as adopted at the time of the payment as indicated in Council's Fees and Charges.

**Reason:** *To ensure an adequate road network in accordance with adopted standards can be provided. (EPA Act Sec 4.15(a)) and to specify requirements for approval under section 138 of the Roads Act.*

#### **Pedestrian Pathway**

- 7 **Prior to the issue of any Construction Certificate** plans showing a 1.5m wide concrete pathway along the McDermott Avenue frontage of the site that leads around to the pedestrian entrance on Phillip



Street shall be provided to the Certifying Authority. All designs shall be in accordance with Council's Development, Design and Construction Manuals (as amended).

**Reason:** *To ensure adequate and safer movement of pedestrians along a public road. (EPA Act Sec 4.15C(b))*

#### **Water and Sewer**

- 8 **Prior to the issue of any Construction Certificate** the proponent shall lodge an application under s68 of the Local Government Act and obtain approval from Council for the construction of water supply and sewerage works to serve the proposed development.

**Notes:**

- a) *The proponent shall not commence any water supply and sewer works without having first obtained approval from Council and received stamped approved plans for the proposed development construction works.*
- b) *The application form shall be accompanied by an application and inspection fees commensurate with the development proposal in accordance with Council's current schedule of fees and charges at the time of lodgement.*
- c) *Such an application will require lodgement of full engineering design plans by a suitably qualified Engineering Consultant to a standard suitable for construction purposes in accordance with the Northern Rivers Local Government Design and Construction Manual for water supply and sewerage and Council's standard drawing for water service layouts.*
- d) *The Design Engineer shall obtain a water main pressure Certificate issued by Lismore City Council prior to undertaking any pipeline design work.*

**Reason:** *Condition imposed by Council in accordance with s68 of the Local Government Act.*

### **BEFORE ISSUE OF ANY OCCUPATION CERTIFICATE**

#### **Vehicular Access**

- 9 Prior to the issue of any Occupation Certificate the construction of the vehicular access associated with this development must:

- (a) be constructed so that any surface water is disposed of without causing a nuisance to adjoining owners;
- (b) be a minimum 6.0m in width and sealed from the edge of McDermott Avenue to the property boundary.
- (c) meet the requirements of this consent and Council's Design and Construction Specification for Vehicular Access;
- (d) Submit a certificate of compliance with the above requirements from an appropriately qualified and experienced person shall be provided **prior to the issue of any Occupation Certificate.**

**Reason:** *To ensure compliance with applicable construction standards and adequate access to and from the development. (EPA Act Sec 4.15(c))*

#### **Line Marking**

- 10 **Prior to the issue of any Occupation Certificate** all off-street car-parking spaces, together with access driveways, shall be constructed, paved, line marked and signposted in accordance with the approved development plans, appropriate Australian Standards and industry best practice as appropriate.

A certificate prepared and certified by an appropriately qualified person for the construction of these areas in accordance with this requirement shall be submitted to the Certifying Authority

**Reason:** *To ensure ongoing compliance with this development consent and Australian Standards relating to manoeuvring and access of vehicles.*

### Rectification

- 11 **Prior to the issue of any Occupation Certificate** the redundant vehicular access on Phillip Street shall be reinstated to conventional kerb and gutter, foot-paving or grassed verge as appropriate. All costs shall be borne by the person acting on this consent.

**Reason:** *To facilitate vehicular access to private sites, without disruption to pedestrian and vehicular traffic, and the preservation of on street parking spaces.*

### Certificate of Compliance

- 12 **Prior to the issue of any Occupation Certificate**, a Certificate of Compliance issued by Lismore City Council under s.305-307 of the Water Management Act 2000, must be obtained in relation to contributions payable.

#### Notes:

- a) *The Certificate of Compliance confirms that all contributions levied under s.64 of the Local Government Act have been paid and existing infrastructure has the capacity to service the proposed development.*
- b) *There is a schedule attached to the end of this notice that details the Water and Sewer Contributions applicable to this development that must be paid prior to the issue of the Compliance Certificate.*
- c) *If the proposed development requires public water/sewer infrastructure works, those requirements will need to have been completed in accordance with conditions of this consent or under a separate approval under s.68 of the Local Government Act 1993.*
- d) *An application under s.305 of the Water Management Act 2000 must be made (the form is available on Council's website) and the applicable application fee paid in order for a Compliance Certificate to be issued.*

**Reason:** *To ensure compliance with the statutory requirements of the Local Government Act and Water Management Act in relation to the provision of water and sewer infrastructure to service the development.*

### Water and Sewer

- 13 **Prior to the issue of any Occupation Certificate** the waste room as shown on the plans shall be provided with a water connection (tap fixture) and appropriate floor drainage.

**Reason:** *To ensure adequate services to the waste room.*

- 14 **Prior to the issue of any Occupation Certificate** all works and services in accordance with an approval issued under s68 of the Local Government Act for water supply and sewerage works in accordance with the corresponding Subdivision Works Certificate for the respective stages shall be complete.

**Reason:** *Condition required by Council to ensure that the land subject to this development consent notice is provided with Utility services for dwelling construction.*

## DURING BUILDING WORKS

### Sediment and Erosion

- 15 Sediment control measures must be put into place and be properly maintained to prevent soil erosion and the transport of sediment from the site to natural or constructed drainage lines or water courses. Control measures are to remain in place until the site has been adequately revegetated or landscaped to prevent soil erosion. Sediment control fencing must be completely removed once the site is adequately revegetated.

**Reason:** To minimise soil erosion and sedimentation.

**Drainage**

16 All stormwater from the site shall be disposed of without causing nuisance to adjoining properties.

**Reason:** To ensure that the land or adjoining land is not damaged by the uncontrolled discharge of concentrated runoff from any buildings and paved areas that may be constructed on the land. (EPA Act Sec 4.15(b)).

**Table A**

**Local Government Act - Section 64 Contributions**

The developer shall pay to Council all Water and Sewerage levies deemed necessary by Council and in accordance with Section 64 of the Local Government Act 1993. The rates and amounts applying at the date of this notice, totalling **\$110,596.11**, are set out below for your information. Such levies shall be paid, as required by Council, prior to being issued with a Section 307 - Certificate of Compliance.

Charges are levied to provide funds for the provision of services and facilities identified in Lismore City Council's and Rous County Council's Development Servicing Plans (DSP) as required by an increase in population or development activity (Water Management Act 2000, Sec 306).

Levy Area	Account No.	No. of ET's	Cost Per ET	Amount Payable	Amount Payable (with Policy 5.2.33 Discount)
Water and Sewerage Development Servicing charges are levied under Section 306 of the Water Management Act 2000 and amounts payable are set out below.					
<b>Water Supply</b>					
Urban Reservoir Zone – Lismore Water	503	4.98	\$1,687	\$8,401.26	\$4,200.63
Rous County Council (Except Nimbin)	509	4.98	\$9,951	\$49,555.98	\$49,555.98
<b>Sewerage Services – East Lismore Catchment</b>					
Lismore Sewer	507	8.5	\$13,374	\$113,679	\$56,839.5
<b>Total</b>				<b>\$171,654.24</b>	<b>\$110,596.11</b>

**IMPORTANT TO NOTE**

The rates and amounts shown against the various items above are **indicative only** and are the rates applicable as at date of this Notice and remain valid for three (3) months in the case of Lismore City Council.

Development Servicing Plans are reviewed periodically. The charges nominated in the respective DSP for each Network Utility Operator increase by CPI each year for the life of the plan.

Lismore Council and Rous County Council DSP charges are the adopted Development Servicing Charges per Equivalent Tenement (ET) current at the time of payment multiplied by the assessed number of ET's for the development.

The cost per ET is in accordance with the relevant DSP as at the date of this Notice.

**Levies Correct – checked by Accounting Finance Officer**

Total levies at current rates (actual amount to be calculated when final plan submitted).

**FINALISATION OF REFFERAL & CONDITIONS**

I have completed the referral & emailed TRIM link to Planner ☒ Yes ☐ No

Do all conditions relate to the proposed development ☒ Yes ☐ No

**DECLARATION OF INTEREST**

Is there any declaration of interest to be made by me in this matter ☐ Yes ☒ No

**ASSESSMENT DELEGATIONS**

Is the assessment of this proposal within my delegations ☒ Yes ☐ No

**AUTHORITY**

Have I marked off all my Authority Task for this DA ☒ Yes ☐ No

Signed:

**REFERRAL OFFICER: Lucas Myers**

**DATE: 17/04/2024**

## DEVELOPMENT APPLICATION REPORT APPROVALS REGISTER REPORT BY

**ERM OFFICER/ECOLOGIST**

**DA NO: 5.2024.26.1**

**Development:** To undertake:

1. the demolition of existing buildings, structures and trees; and
2. the construction of a Residential Flat Building, comprising 18 residential units and 19 on-site car parking spaces, and associated earthworks, civil works, utility services, driveway and landscaping

The application is regionally significant development with the Northern Regional Planning Panel as the consent authority.

**Property Number:** P6526

**Date Lodged:** 13/02/2024.

**Date of Referral:** 15/2/2024

Mr C Bradridge

**Development Assessment Officer (Planning)**

**Please complete comments by:** 29/2/2024

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

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**ADDITIONAL INFORMATION: (if required please advise assessment officer immediately)**

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### **ASSESSMENT COMMENTS:**

- A biodiversity assessment report has been prepared by Blackwood Ecological Services. The report states that the proposed development will require the removal of all existing understory vegetation on the subject site. Two mature Lemon-scented gums and one mature Prickly tea-tree will be retained. The report found no threatened flora or fauna species present on the site and that the development would not have a serious impact on any threatened species.
- A tree removal and protection plan will be required prior to release of any construction certificate to protect the vegetation that is to be retained on the site. The tree removal and protection plan will need to take into account the mature forest red gum, located in Phillip Street road reserve, about 3 metres from the property boundary.
- A detailed landscaping plan will be required prior to the issue of a Construction Certificate as several species listed in the concept landscape plan are not suited to the site and solar access conditions. The landscaping will need to be maintained at all times.

### **BIODIVERSITY CONSERVATION ACT 2016**

Biodiversity Offset Scheme (BOS) does not apply:

- No impacts on land identified by the Biodiversity Values Map
- Clearing threshold (0.25 ha native vegetation) cannot be exceeded. Using minimum lot size of 400m<sup>2</sup> for R1 General Residential.
- Biodiversity report did not identify any threatened species or ecological communities that would be impacted by the development.

### **SEPP (BIODIVERSITY & CONSERVATION) 2021**

The study area is within the Koala planning area identified in the Lismore CKPoM. However, as the size of all three adjoining properties is <1ha, in accordance with Lismore CKPoM (s2.2) the plan does not apply.

### **Koala Habitat Protection 2021**

- The property contains no mapped primary or secondary koala habitat. No evidence of koalas was found during the ecological site assessment.
- The biodiversity report found no koala habitat will be negatively affected by the development; however, protection will be needed for the nearby forest red gum along the Phillip St road reserve.

### **PART A, CHAPTER 14 (VEGETATION PROTECTION) of the LISMORE DCP**

The development appears consistent with Section 4 of Part A, Chapter 14 of the Lismore DCP.

There are no threatened species among the native vegetation proposed to be removed.

A concept landscaping plan has been provided by the applicant which provides for compensation of the removal of native vegetation.

The concept landscape plan indicates that the central courtyard area will essentially consist of a large impermeable area with no access to ground soil. The species selection provided may also be problematic, with some species not suited to the subject site. A more detailed landscape plan will be required, and a condition nominated requiring all landscaping to be maintained at all times.

### **OTHER LIKELY IMPACTS**

>

### CONDITIONS:

## **BUILDING WORK**

### **BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

#### **Landscaping Plan**

1. Prior to the release of any Construction Certificate the Applicant is to submit to Council for approval a detailed Landscape Plan. The plan shall be prepared by a suitably qualified landscape architect or landscape designer and is to be generally in accordance with the following guidelines:

- *Lismore City Council (2007) Landscape Guidelines for Lismore City Council*
- Landscaping plans shall indicate:
  - proposed location for planted shrubs and or trees
  - mature height of plants to be planted
  - description of proposed soil and mulch mediums to be used
  - location of grassed areas
  - location of paved areas

The plant stock is to be propagated from seed sourced locally. The planted area is to be free of weeds and grasses prior to planting. New plantings are to be mulched, watered, and protected from damage.

**Condition reason:** *To compensate for the removal of the native vegetation from the land and the loss of amenity and biodiversity that the vegetation provided.*

#### **Native Vegetation Removal and Protection**

2. **Prior to release of any Construction Certificate** the Applicant is to submit to Council for approval a comprehensive *Tree Removal and Protection Plan* for all trees marked to be retained in the biodiversity assessment, (*Blackwood Ecological Services, Project No: 2323 Final v3, 8 March 2024*)

including the mature Forest Red Gum *Eucalyptus tereticornis* located on the Phillip Street road reserve.

- Clear accurate identification of all trees that are to be retained and all the trees that are proposed to be removed, must be provided in a table that includes:
- Tree unique identifier, Species name, Common name, Location, Preferred Koala Food Tree, Hollow bearing trees, Diameter at Breast Height (DBH), Calculated AS4970-2009 Standard Tree Protection Zone.
- All trees within the development footprint including any APZ must be individually identified with a unique number on a map.
  - Staging in which the vegetation clearing will be undertaken.
  - Measures to prune in accordance with the *AS 4373-2007 Pruning of amenity trees*.
  - Measures for the reuse and or appropriate disposal of vegetative material.

**Condition reason:** *To ensure that native vegetation removal is kept to a minimum. To ensure that the structural integrity of native trees and vegetation is retained. To ensure that pruning works are carried out in accordance with AS 4373-2007 Pruning of amenity trees.*

#### DURING BUILDING WORK

##### Native vegetation removal

3. **During tree clearing works** the Applicant is to ensure that:

- Pruning work is completed by a fully qualified and insured Arborist (AQF level 3 qualifications as a minimum).
- Pruning work is undertaken in accordance with the *AS 4373-2007 Pruning of amenity trees*;
- Tree clearing works are to be conducted in such a way as to ensure surrounding native vegetation, structures and boundary fences on the same or adjoining lots are not damaged;
- The currency of all insurances is to be checked by the Applicant before work commences;

The applicant will receive two copies of the consent, one to be retained by the Applicant and one to be given to the contractor engaged to carry out work.

**Condition reason:** *To ensure that the structural integrity of native trees and vegetation is retained. To ensure that pruning works are carried out in accordance with AS 4373-2007 Pruning of amenity trees.*

#### BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

##### Landscaping Plan

4. **Prior to the issue of any Occupation Certificate** all landscaping works on the site are to be completed in accordance with the stamped approved landscaping plan.

**Condition reason:** *To ensure appropriate landscaped area and landscaping amenity at the final inspection is in accordance with the approved plan.*

#### ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

##### Landscaping Plan

5. The landscaping and vegetation must be **managed at all times** in accordance with the stamped approved landscaping plan prepared for the site.

**Condition reason:** *To ensure that all landscaping measures prescribed in the approved landscape plan are maintained in perpetuity by the owner/s of the property.*

#### DEMOLITION WORK

#### BEFORE DEMOLITION WORK COMMENCES

6. **Prior to the commencement of demolition work and any native vegetation removal works**, all existing native trees and areas of native vegetation not identified for removal in the approved Tree Removal & Protection Plan shall be clearly identified and protected from damage as described in the approved plan.

In accordance with *AS 4970-2009 Protection of trees on development sites*, the following measures are to be implemented:

- Establishment of Tree Protection Zone/s (TPZ);
- Fencing of TPZs that meets *AS 4687-2007 Temporary fencing and hoarding*.
- Erecting signage to indicate that a TPZ has been established
- Restricting construction activities within the TPZ.
- Native trees and vegetation may be fenced off in clusters where it is not practical to fence off individual trees.
- Within the Vegetation Protection Zone, there is to be no:
  - Fill, trenching, excavation, storage of equipment, materials, liquid or chemical waste;
  - Washing of machinery, equipment or tools (e.g. paint brushes and concreting tools);
  - Damage or cutting of tree roots greater than 50 mm in diameter without a qualified Arborist's assessment of effects on retained trees anchorage and health.

**Condition reason:** *To ensure that native trees and vegetation are protected during works and that the structural integrity of native trees and vegetation is retained.*

**\*\*\*Have I checked that all standard conditions relate to the proposed development**

✓ Yes

#### FINALISATION OF REFFERAL - TO BE COMPLETED BY REFERRAL OFFICER

I have:

- (i) Completed my comments;
- (ii) Completed the referral and emailed link to Assessment Officer from TRIM; and
- (ii) Closed off the Authority Tracking for the referral

#### DECLARATION OF INTEREST

Is there any declaration of interest to be made by me in this matter ☐ Yes ☒ No

#### ASSESSMENT DELEGATIONS

Is the holistic assessment of this proposal within my delegations ☒ Yes ☐ No

#### AUTHORITY

Have I marked off all my Authority Task for this DA ☒ Yes ☐ No

**REFERRAL OFFICER'S NAME:** Jack Herington and V Seymour

**DATE:** 12.03.24