

DATE OF DETERMINATION	24 May 2024
DATE OF PANEL DECISION	24 May 2024
DATE OF PANEL BRIEFING	21 May 2024
PANEL MEMBERS	Dianne Leeson (Chair), Stephen Gow, Kim Johnston, Andy Edwards and Tony McAteer
APOLOGIES	Angela Jones
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 8 May 2024.

MATTER DETERMINED

PPSNTH-286 – Lismore – 5.2024.26.1 – 5 McDermott Avenue, Goonellabah – Proposed residential flat building development comprising 6 x 1 bedroom and 12 x 2 bedroom dwellings, incorporating demolition works, civil works, landscaping and onsite car parking (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- Amend Condition 5 – to insert the words ‘in the opinion of the Principal Certifying Authority’ in the first sentence after the words “completion of the works if”
- Amend Conditions 7 and 20 to replace dot points with letters and numbers (no amendment to condition wording)
- Amend Condition 9 to delete the word ‘Council’ and insert ‘Principal Certifying Authority’ in the first sentence
- Amend Condition 13 to delete the word ‘Certifier’ and insert the words ‘Principal Certifying Authority’ in the last sentence
- Amend Condition 14 to delete the word ‘Council’ and insert ‘Principal Certifying Authority’ in the last sentence
- Amend Condition 19 read as follows:

Landscaping Plan

- 19. 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 and be generally in accordance with the following guidelines:

- a) *Lismore City Council (2007) Landscape Guidelines for Lismore City Council*
- b) Use a vegetation selection that provides privacy but also mindful of retaining long term solar access for both residence and adjoining properties
- c) Landscaping plans shall indicate:
 - i. proposed location for planted shrubs and or trees
 - ii. mature height of plants to be planted
 - iii. description of proposed soil and mulch mediums to be used
 - iv. location of grassed areas
 - v. location of paved areas
- d) Landscaping for the entire site is to be compliant with Table 7.4a of Planning for Bush Fire Protection 2019, except increased canopy within the central courtyard is permitted provided the remaining aspects of the landscape plan comply with Appendix 4 of *Planning for Bush Fire Protection 2019* and the recommendations of the NSW Rural Fire Service (NSW RFS), particularly in relation to plantings and management of the under-storey.

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. Where possible, the plant stock is to be propagated from seed sourced locally.

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 and to comply with the recommendations of the NSW Rural Fire Service (NSW RFS).*

- Insert new Condition 21 which reads as follows and renumber the remaining conditions accordingly:

Security Plan

- 21. Prior to release of any Construction Certificate** the Applicant is to submit to Council for approval a comprehensive *Security Plan* that adopts and demonstrates the following Crime Prevention through Environmental Design (CPTED) principles and measures:

Surveillance

- a) Promote visibility and surveillance opportunities around the premises by keeping sightlines clear of obstructions, such as overgrown vegetation, placement of garbage bins, and any other items that may provide concealment areas and impact the sightlines of residents, pedestrians and motorists.
- b) Ensure that passive surveillance is incorporated within the design/layout to ensure adequate natural surveillance of the internal communal area/courtyard by residential guardians within the complex.
- c) Ensure surveillance opportunities are considered in the design or type of door or gate used to secure the vehicle entrance to the carpark. Utilise a door or gate that is of a visually permeable construction so that residents can see through the door or gate at the time they are entering or leaving the garage.

Lighting

- d) Installation of adequate external lighting around the proposed exterior of the buildings, entry/exit points and the carpark.
- e) Ensure that lighting used does not produce glare or dark shadows and be orientated to illuminate potential threats or suspects accessing the location rather than impede those that may be within the proposed development observing or looking out.
- f) Ensure that damaged lighting both internally and externally is repaired or replaced in a timely manner.

Wayfinding

- g) Wayfinding - Signage. Entry/Exit points should be clearly marked, as well as street number and individual unit numbers.
- h) Wayfinding - Directional signage to be provided. The signage is to be clear, legible and useful, to aid way finding throughout the development.

Territorial reinforcement

- i) Ensure the rapid removal of graffiti and/or repair of any damage to the premises which may be visible to members of the public.

Access Control

- j) Access Control - Installation of quality locksets on all entry/exit points as well as on all doors and windows of individual units.

Condition reason: *To satisfy the requirements of Lismore Development Control Plan – Part A Chapter 13 Crime Prevention through Environmental Design and the recommendations of the NSW Police Force.*

- Amend Condition 23 (previously Condition 22) to read as follows:
23. Prior to the issue of the Construction Certificate details of the electrical design arrangements to facilitate electric vehicle charging in the resident car park, including provision for the charging of e-bikes and mobility scooters, shall be submitted to the principal certifier.

Condition reason: *To service to the present and future needs of the occupants.*

- Amend Condition 41 (previously Condition 40) to read as follows:
41. Prior to the issue of any Occupation Certificate, consultation is to be undertaken with the owner of 3 Philip Street to discuss the proposed treatment of a fence located on top of the retaining wall along the southern boundary, where it is recommended that a 1.8m high lapped and capped timber fence is provided. Any costs are to be borne by the developer. Should the owner of 3 Philip Street not want a fence constructed documentary evidence is to be provided outlining the consultation and the outcome.

Condition reason: *To protect the amenity of the local area.*

- Insert new Condition 42 which reads as follows and renumber the remaining conditions accordingly:

Operational Management Plan

- 42.** An Operational Management Plan is to be submitted to and approved by Council **prior to the issue of any Occupation Certificate**. The Operational Plan of Management should provide the following information:

- a) Tenancy / Resident Management
- b) Building Management
- c) House Rules
- d) Day to Day Maintenance
- e) Cleaning
- f) Waste Management
- g) Emergency Maintenance
- h) Cyclical and Planned Maintenance
- i) Fire Safety
- j) Safety and Security
- k) Car Park Access
- l) Communal Areas
- m) Feedback and Complaints procedures

Condition reason: *To ensure adequate management of the facility.*

- Insert new Condition 43, which reads as follows and renumber the remaining conditions accordingly:
43. Prior to the issue of any Occupation Certificate, all separate parcels of land being Lot 71 DP 230448, Lot 70 DP 230448 and Lot 69 DP 230448 shall be consolidated into one allotment under one title and lodged with the Registrar General.

Condition reason: To prevent future dealing in separately titled land, the subject of one consolidated site development application. (EPA Act Sec 4.15(c))


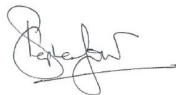



- Amend Condition 45 – Condition reason by deleting the word ‘Clause 15’ and inserting ‘Section 15 and 21’
- Delete Advisory Note

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. The Panel notes that issues of concern included:

- Disruption to the amenity of the area
- Traffic
- Development will increase likelihood of criminal activity
- Impact of privacy
- Loss of view
- Decrease in property value

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report. The Panel notes that in addressing these issues appropriate conditions have been imposed.

PANEL MEMBERS	
 Dianne Leeson (Chair)	 Stephen Gow
 Kim Johnston	 Tony McAteer
 Andy Edwards	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-286 – Lismore – DA5.2024.26.1
2	PROPOSED DEVELOPMENT	Proposed residential flat building development comprising 6 x 1 bedroom and 12 x 2 bedroom dwellings, incorporating demolition works, civil works, landscaping and onsite car parking
3	STREET ADDRESS	5 and 7 McDermott Avenue and 1 Phillip Street, Goonellabah
4	APPLICANT/OWNER	Newton Denny Chapelle Social Futures Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> • State Environmental Planning Policy (Biodiversity and Conservation) 2021 <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Resources and Energy) 2021 ○ State Environmental Planning Policy (Sustainable Buildings) 2022 ○ State Environmental Planning Policy Transport and Infrastructure) 2021 ○ State Environmental Planning Policy (Housing) 2021 ○ State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development ○ Lismore Local Environmental Plan 2012 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Lismore Development Control Plan – Part A • Planning agreements: Nil • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council Assessment Report: 7 May 2024 • Written submissions during public exhibition: 2 • Total number of unique submissions received by way of objection: 2
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Council Briefing: 17 April 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Stephen Gow (Chair), Michael Wright, and Andy Edwards ○ <u>Council assessment staff</u>: Craig Bradridge and Graham Snow ○ <u>Department staff</u>: Carolyn Hunt • Applicant Briefing: 21 May 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Kim Johnston, Andy Edwards and Tony McAteer ○ <u>Applicant representatives</u>: Damien Chapelle, Barrie Lawder, David McGrath and Brad Priekulis ○ <u>Council assessment staff</u>: Craig Bradridge and Graham Snow

		<ul style="list-style-type: none">○ <u>Department staff:</u> Carolyn Hunt and Lisa Ellis● Final briefing to discuss council’s recommendation: 21 May 2024<ul style="list-style-type: none">○ <u>Panel members:</u> Dianne Leeson (Chair), Stephen Gow, Kim Johnston, Andy Edwards and Tony McAteer○ <u>Council assessment staff:</u> Craig Bradridge and Graham Snow○ <u>Department staff:</u> Carolyn Hunt and Lisa Ellis
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report