

COUNCIL ASSESSMENT REPORT

NORTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PAN-545181 DA 5.2025.148.1
PROPOSAL	Boundary adjustment subdivision and construction of affordable housing comprising multi dwelling housing (4 villas and 12 townhouses), and associated works including removal of two trees
ADDRESS	Lot 533 DP 1162393, 44 Bristol Circuit, Goonellabah Lot 30 DP 1000619, 2 Blue Hills Avenue, Goonellabah
APPLICANT	Wilson Planning on behalf of Landcom
OWNER	Lismore City Council
DA LODGEMENT DATE	18/07/2025
APPLICATION TYPE	Development Application – Integrated; Crown DA
REGIONALLY SIGNIFICANT CRITERIA	Section 2.19(1) and Clauses 3 & 4 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as: <ul style="list-style-type: none"> • Council related development over \$5 million; and • Crown development over \$5 million.
CIV	\$8,143,112 (excluding GST)
CLAUSE 4.6 REQUESTS	None
KEY SEPP/LEP	<ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Housing) 2021</i> • <i>State Environmental Planning Policy (Planning Systems) 2021</i> • <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> • <i>Lismore Local Environmental Plan 2012</i>
TOTAL & UNIQUE SUBMISSIONS	21 – all objecting
KEY ISSUES IN SUBMISSIONS	Issues: <ul style="list-style-type: none"> • Inconsistent with local character • Loss of residential amenity / privacy issues • Traffic and parking • Dip site remediation risks

	<ul style="list-style-type: none"> • Loss of 'green space' • Overdevelopment of the site
DOCUMENTS SUBMITTED FOR CONSIDERATION	<ul style="list-style-type: none"> • Architectural Plans • Subdivision Plan • Statement of Environmental Effects • Detailed Site Investigation Report • Social Impact Assessment
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	N/A
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	YES
SCHEDULED MEETING DATE	9 December 2025
PLAN VERSION	25 November 2025 No.1
PREPARED BY	Luke Blandford, Planit Consulting
DATE OF REPORT	26 November 2025

EXECUTIVE SUMMARY

The Development Application (DA 5.2025.148.1) seeks consent for a boundary adjustment subdivision of 2 lots, the construction of affordable housing comprising multi dwelling housing (4 villas and 12 townhouses contained in 3 separate buildings), and associated works including removal of 2 trees.

The subject site is known as Lot 533 DP1162393, No. 44 Bristol Circuit and Lot 30 DP1000619, No 2 Blue Hills Avenue, Goonellabah ('the site'). The combined holding comprises a corner lot with 3 road frontages, including Taylor Road to the west, Blue Hills Avenue to the south, and Bristol Circuit to the east.

The site is an irregularly shaped property with a combined area of 4,349m². The site falls from a high point in the north-western corner of 162m AHD, in a south-easterly direction, with a low point of approx. 150m AHD in the south-eastern corner of Lot 30.

Lot 533 and Lot 30 are owned by Lismore City Council and classified Operational Land. Lot 533 is vacant while Lot 30 contains a sewer pump station, which is a Council-owned asset.

Lot 533 contains a former cattle tick dip, known as Sellicks Dip, which was used between 1958 and 1988 and decommissioned by the Department of Agriculture in 1988, with further remediation undertaken between 1993 and 2006. The concrete dip bath remains in-situ, below existing ground level.

A 3.0m wide sewer easement traverses the site, running from the Bristol Circuit frontage through the middle of the property to the sewer pump station on Lot 30. A variable width drainage easement is located along the south-eastern boundary.

The site is located in a residential area at the eastern end of Goonellabah, approximately 7-8kms by road from the Lismore CBD.

The immediate neighbourhood is residential in nature, mostly containing single dwellings on lots between 750m² and 1,000m² in area. There are 33 residential lots fronting Bristol Circuit. Of these lots, 4 contain dual occupancies, with the remaining containing single dwellings.

To the west of Taylor Road, low density residential estates stretch westward to Lismore.

Land to the south of Blue Hills Avenue is rural in nature. A secondary school is located at the end of Blue Hills Avenue.

Land to the north is zoned industrial and contains a variety of light industrial businesses. Hepburn Park sports fields are located approx. 5 minutes walking distance to the north-west of the Taylor Road / Oliver Avenue roundabout, with the Lismore Workers Sports Club located at the western edge of the fields.

The principle planning instruments relevant to the proposal include *State Environmental Planning Policy (Housing) 2021* ('Housing SEPP'), the *Lismore Local Environmental Plan 2012* ('LEP 2012') and the *Lismore Development Control Plan 2012* ('DCP').

Under these planning instruments, the proposed development is defined as subdivision and multi-dwelling housing. The multi-dwelling housing is being delivered as affordable housing.

The site is zoned R1 General Residential under the LEP 2012. Subdivision is permitted with consent pursuant to Clause 2.6 of the LEP. Multi-dwelling housing is permissible in the R1 zone with development consent.

The proposal has been assessed as achieving the objectives and broad intent of these key planning instruments, though inconsistencies with various provisions are being pursued. These include:

- The buildings do not achieve 6.0m building setback from road boundaries, as required by Chapter 1 of the DCP. Buildings encroach into the building line on Taylor Road and Bristol Circuit.
- The maximum extent of cut, and associated height of a proposed retaining wall is 2.0m, slightly more than the 1.8m maximum specified in Part 4.4 of Chapter 1 of the DCP.
- Part 4.6 of Chapter 1 of the DCP specifies a requirement for the provision of 24 car parking spaces plus 3 visitor spaces. The proposal provides a total of 20 resident spaces plus 5 visitor spaces.

There were no concurrence requirements from agencies for the proposal.

The application is integrated development pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'), requiring authorisation under Section 100B of the *Rural Fires Act, 1997*, and a *Controlled Activity Approval* under Section 91 of the *Water Management Act 2000*. General Terms of Approval have been provided by NSW Rural Fire Service and NRAR advise that the proposal is exempt from needing a Controlled Activity Approval.

Jurisdictional prerequisites to the grant of consent imposed by the following controls have been satisfied including:

- Section 4.6 of the *State Environmental Planning Policy (Resilience and Hazards) 2021* ('Resilience and Hazards SEPP') for consideration of whether the land is contaminated.

As outlined in this report, the site contains remnants of an old cattle tick dip site. A Remediation Action Plan will be required to be prepared and implemented prior to construction of the housing. Once implemented, the consent authority can be satisfied that the land will be remediated and, as such, be made suitable for its intended use.

- Section 2.48(2) of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* ('Transport and Infrastructure SEPP') in relation to an electricity distribution pole.

A referral to Essential Energy pursuant to the Transport and Infrastructure SEPP was sent. Essential Energy indicated that they had no comments to make as to potential safety risks arising from the proposed development.

The application was placed on public exhibition from 22 July 2025 to 19 August 2025, with 21 individual and unique submissions being received. These submissions raised issues relating to local character, loss of residential amenity, streetscape and site context, overdevelopment, dip site risks, and traffic congestion and access points. These issues have been carefully considered and, on balance, taking into account housing need, outcomes for future residents and the surrounding neighbourhood, the proposal is considered to achieve an acceptable outcome and is therefore supported.

The application is referred to the Northern Regional Planning Panel ('the Panel') as the development is 'regionally significant development', pursuant to Section 2.19(1) and Clauses 3 and 4 of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* ('Planning Systems SEPP') as the proposal is:

- Council related development over \$5 million; and
- Crown development over \$5 million.

The perceived key issues associated with the proposal include:

1. Setbacks from the street –the buildings do meet the required 6.0m setback from the street boundaries:

Bristol Circuit (Building 1B):

- Proposed 4.225m to front window; min 1.8m to front terrace

Landscape Plans are provided to demonstrate the proposed treatment at the Bristol Circuit frontage of Building 1B as well as the treatments proposed for each dwelling.

An increased setback is not possible for these dwellings due to the location of the existing sewer easement. The setback could be increased by reducing the length of the dwellings, but it is considered that this would significantly restrict their liveability and amenity, particularly that these dwellings are the nominated accessible units within the development.

While the setback is not a consistent setback with that in the surrounding residential area, the landscaping proposed between the front terraces will soften the visual impact of the reduced setback and result in a reasonable streetscape outcome.

Taylor Road (Buildings 2B & 3B):

- Building 2B – Proposed 4.02m to building, 1.5m to terrace
- Building 3B – Proposed 4.9m to building; 2.0m to terrace

Taylor Road has a wide verge in this location, of approx. 6.5m from road pavement to the property boundary. The proposed buildings are also at a lower elevation to the road reserve.

As a result of these factors, the reduced setback is not likely to result in significant visual issues in this locality.

2. Local character – the immediate locality of Bristol Circuit contains a majority of single dwellings on lots of between 750m² and 1,000m², with a small number of dual occupancies. There are a mix of single and 2-storey dwellings.

The proposed 16 dwellings are configured within 3 separate buildings on the site, each of which is not substantially larger than many of the dwellings in this neighbourhood.

Although the proposal represents a higher density than the surrounding neighbourhood, the proposal meets local density provisions applied under Council's planning framework. It is also justified by the substantial local demand for housing, including diverse rental options, and by the proposal's acceptable bulk and scale relationship with its context.

3. **Remediation of dip site** – A Remediation Action Plan (RAP) will be required for the existing dip and must be completed prior to construction. The RAP will need to outline measures to manage risks and safeguard neighbouring properties during remediation. There is no reason to believe that these measures cannot be appropriately implemented.
4. **Car parking** – While car parking does not meet the numerical standards in Council's DCP, Council's Development Engineer has raised no objection to the parking numbers as proposed.

Following consideration of the matters for consideration under Section 4.15(1) of the EP&A Act, the provisions of the relevant planning instruments, the proposal can be supported.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(b) of the EP&A Act, DA 5.2025.148.1 is recommended for approval subject to the conditions contained at Attachment A of this report.

1. THE SITE AND LOCALITY

1.1 The Site

The site comprises Lot 533 DP 1162393, known as 44 Bristol Circuit and Lot 30 DP 1000619, known as 2 Blue Hills Avenue, Goonellabah.

Both lots are owned by Lismore City Council and are classified as Operational Land.

Lot 533 has an area of 3,665m², while Lot 30 is 684m², providing a combined total area of 4,349m². Lot 533 is irregular in shape, with a frontage of 92.145 metres to Taylor Road (west), a frontage of 48.69 metres to Bristol Circuit (east), and a northern boundary of 40.325 metres.

Lot 30 has a frontage of 22.595 metres to Taylor Road, 30.48 metres to Blue Hills Avenue (south) and an eastern boundary of 20.75 metres.

The site falls in a south-easterly direction from a high point of 162m AHD, located in the north-western corner, to a low point of approx. 150m AHD in the south-eastern corner of Lot 30.

Lot 533 is vacant from built structure while Lot 30 contains a sewer pump station, which is a Council-owned asset.

Site vegetation is described in the Arboricultural Impact Assessment Report submitted with the application, The vegetation, located as shown in **Figure 2**, includes:

- T1 Pine, located centrally within Lot 533 and noted as an environmental weed species;
- T2 Silky Oak (*Grevillea robusta*), also centrally within Lot 533;
- T3 Weeping Lilly Pilly (*Waterhousia floribunda*), located in the Taylor Road reserve;
- T4 Eumundi (*Elaeocarpus eumundi*), located in the Taylor Road reserve;
- T5 Golden Penda (*Xanthostemon chrysanthus*), located in the Bristol Circuit road reserve;
- T6 Ivory Curl (*Buckinghamia celsissima*), located in the Bristol Circuit road reserve; and
- T7 T5 Golden Penda (*Xanthostemon chrysanthus*), located in the Bristol Circuit road reserve.

Sewer and drainage easements are located within Lot 533.

Lot 533 contains a former cattle tick dip, known as Sellicks Dip, which was used between 1958 and 1988 and decommissioned by Department of Agriculture in 1988, with further remediation undertaken between 1993 and 2006. The concrete dip bath remains in-situ, below existing ground level.

Plan No. A-0.95 within the Architectural Plan Set shows the location of key site features.



Figure 1 Site Aerial

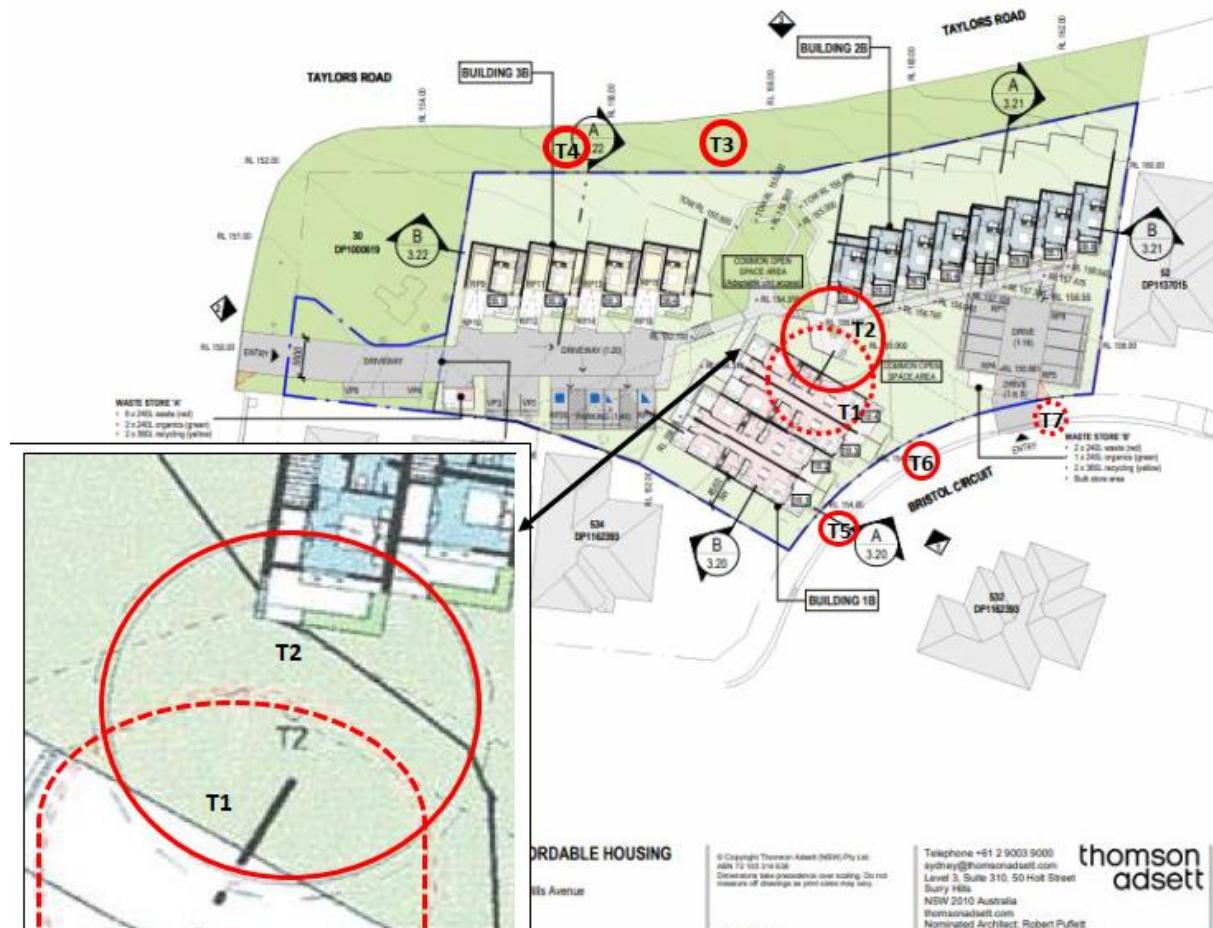


Figure 2 Site Vegetation



Figure 3 Site View from Taylor Road looking south-east



Figure 4 Site View from Bristol Circuit looking west – remains of dip bath beneath tree



Figure 5 Site View from Bristol Circuit looking north-west



Figure 6 Site View from Bristol Circuit looking south-west toward pump station

1.2 The Locality

The site is located in a residential area at the eastern end of Goonellabah, approximately 7-8kms by road from the Lismore CBD.

The immediate neighbourhood is residential in nature, mostly containing single dwellings on lots between 750m² and 1,000m² in area. There are 33 lots fronting Bristol Circuit. Of these lots, 4 contain dual occupancies, with the remaining containing single dwellings.

To the west of Taylor Road, low density residential estates stretch westward to Lismore.

Land to the south of Blue Hills Avenue is rural in nature. A secondary school is located at the end of Blue Hills Avenue.



Figure 7 Site Location



Figure 8 Immediate Neighbourhood

Land to the north is zoned industrial and contains a variety of light industrial businesses. Hepburn Park sports fields are located approx. 5 minutes walking distance to the north-west of the Taylor Road / Oliver Avenue roundabout, with the Lismore Workers Sports Club located at the western edge of the fields.

Local bus services operate in the locality, primarily along Oliver Avenue and Ballina Road. A school bus service operates close to the site, within Blue Hills Avenue.

1.3 Site History

Sellicks Dip was constructed in 1958 on what is now Lot 533 prior to the locality being subdivided for residential purposes. It is understood that this dip site operated as a cattle tick dip until decommissioning in 1988, with further remediation undertaken in the 1990s.

The Bristol Circuit residential subdivision was undertaken in 2 stages, in the late 1990s and early 2000s, with Lot 30, containing the sewer pump station, created in March 1999.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposal seeks consent for:

- a boundary adjustment subdivision to create 2 new lots;
- tree removal; and
- the construction of 16 dwellings.

Landcom is the proponent for the development, and the dwellings are intended to be managed by a registered Community Housing Provider as rental properties for low to middle income households in the local area.

Specifically, the proposal involves:

- a subdivision of Lot 533 DP 1162393 and Lot 30 DP 1000619, by way of boundary adjustment, to create 2 new lots; 2
- Removal of 2 trees, being an existing Slash pine (T1) within the site and a Golden penda (*Xanthostemon chrysanthus*) (T7) located on the footpath at the Bristol Circuit frontage; and
- Construction of 16 dwellings, with a mix of 1, 2 and 3-bedroom dwellings, within 3 separate buildings.

The key development data is provided in **Table 1**.

Table 1: Development Data

Control	Proposal
Site area	Total 4,349m ² Housing development site (proposed Lot 1 in boundary adjustment subdivision) 3,882m ²
GFA	~1,326m ²
FSR	0.34:1
Clause 4.6 Requests	No
No of dwellings	Building 1B – 4 Building 2B – 8 Building 3B – 4 Total – 16
Max Height	The architectural plans show the following building heights above existing ground level: Building 1B – 4.8m Building 2B – 6.8m Building 3B – 6.12m

Control	Proposal
Landscaped area	The Statement of Environmental Effects quotes a figure of 1,801m ² for total landscaped area (46% of site area)
Car Parking spaces	25 spaces in total <ul style="list-style-type: none"> 20 resident spaces, (including 4 accessible) 5 visitor spaces
Setbacks	Bristol Circuit (Building 1B): <ul style="list-style-type: none"> 4.225m to front window; min 1.8m to front terrace Taylor Road (Buildings 2B & 3B): <ul style="list-style-type: none"> 2B – 4.02m to building, 1.5m to terrace 3B – 4.9m to building; 2.0m to terrace

Boundary Adjustment Subdivision

The application proposes a subdivision of Lot 533 DP 1162393 and Lot 30 DP 1000619, by way of boundary adjustment, to create the following 2 new lots:

- Lot 1 with an area of 3,882m², to be the development site; and
- Lot 2 with an area of 467m², containing the existing sewer pump station.

Lot 1 will contain the proposed affordable housing development, with Lot 2 containing the existing sewer pump station. **Figure 9** shows the proposed subdivision plan.

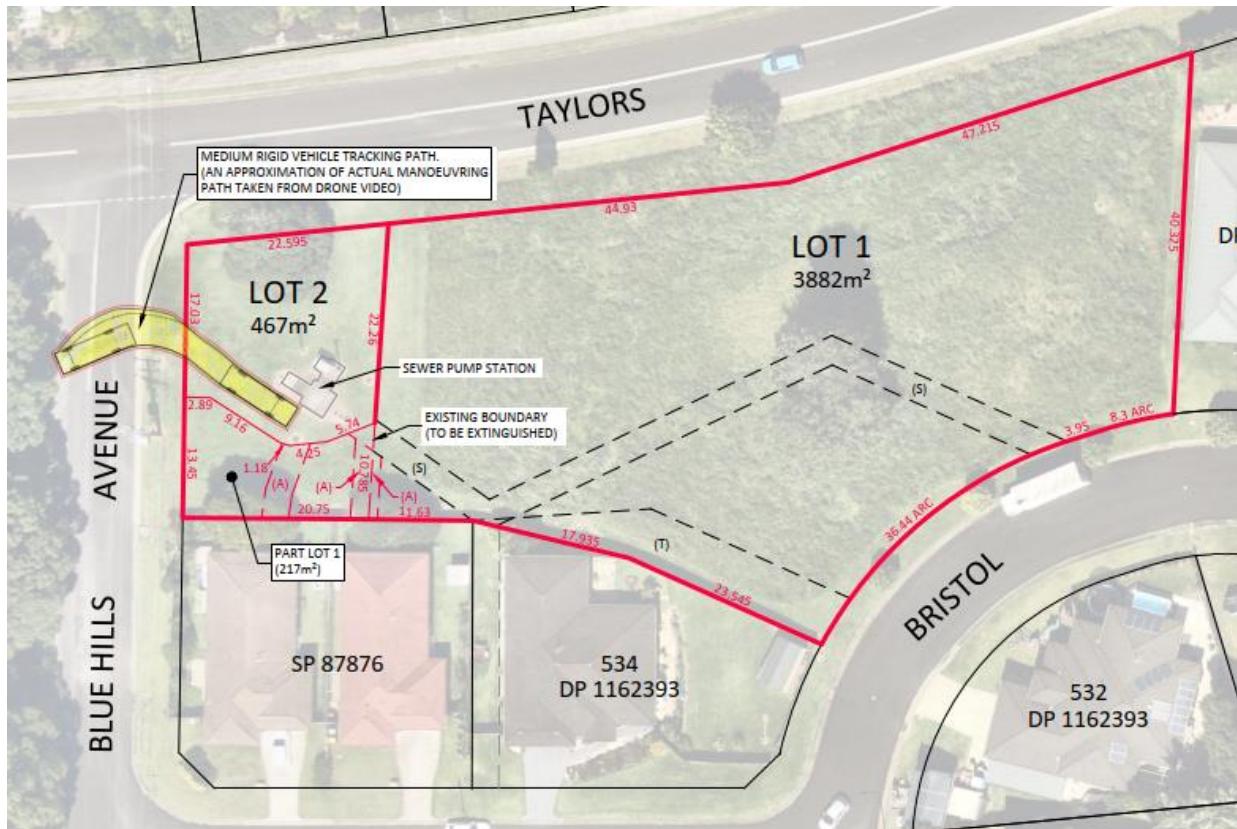


Figure 9 Proposed Boundary Adjustment Subdivision

Affordable Housing Development:

The 16 affordable housing dwellings are proposed within 3 separate buildings.

- Building 1B, located toward the Bristol Circuit frontage of the site, will contain 4 single storey villas, each with 1-bedroom and an internal area of approx. 70m². All of these villas are nominated as adaptable housing.
- Building 2B, located toward the Taylor Road frontage in the northern part of the site, will contain 8 townhouses. Each townhouse is 2 storeys in height, include 2 bedrooms, and have a floor area of around 80 m².
- Building 3B, located toward the Taylor Road frontage in the southern part of the site, will contain 4 townhouses. Each townhouse is 2 storeys in height, include 3 bedrooms, and have an internal floor area of around 102 m².

The Architectural Plan Set provides detail of the proposed dwellings.

Access is proposed via 2 separate driveways, 1 off Blue Hills Avenue and 1 from Bristol Circuit. Access to the existing sewer pump station, located within proposed Lot 2, will be off Blue Hills Avenue.

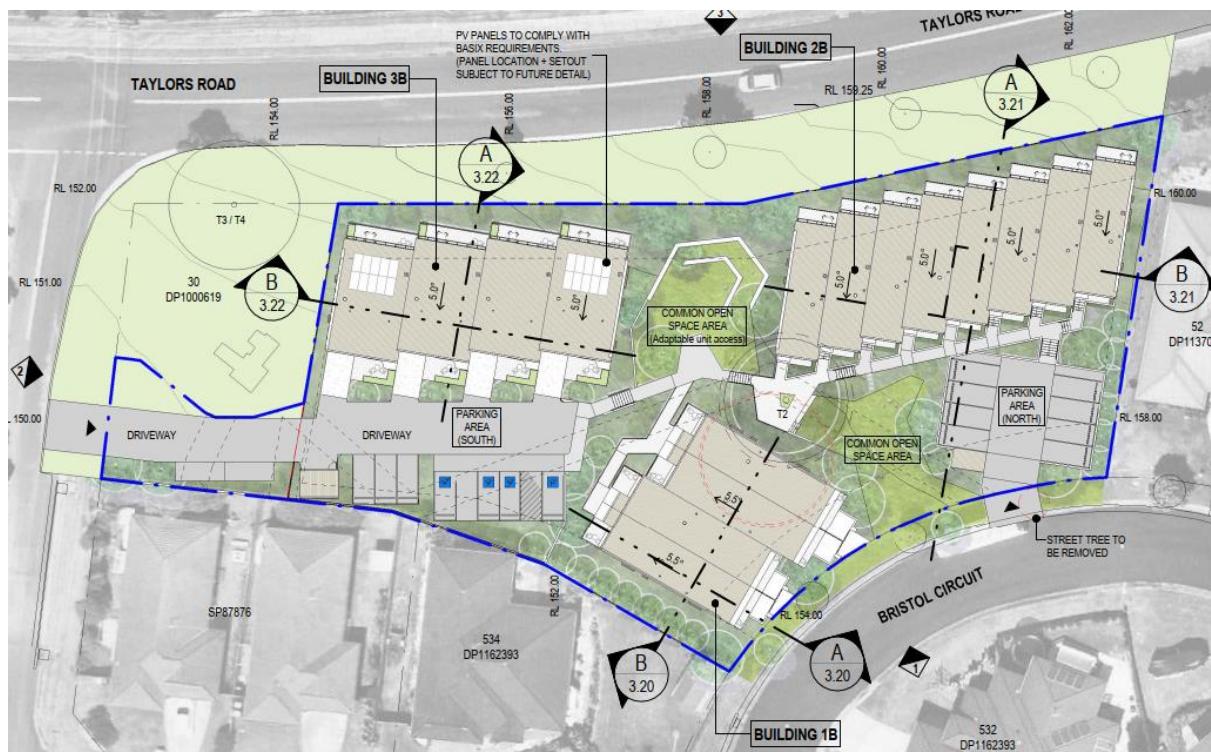


Figure 10 Proposed Layout



Figure 11 Perspective (from Bristol Circuit)

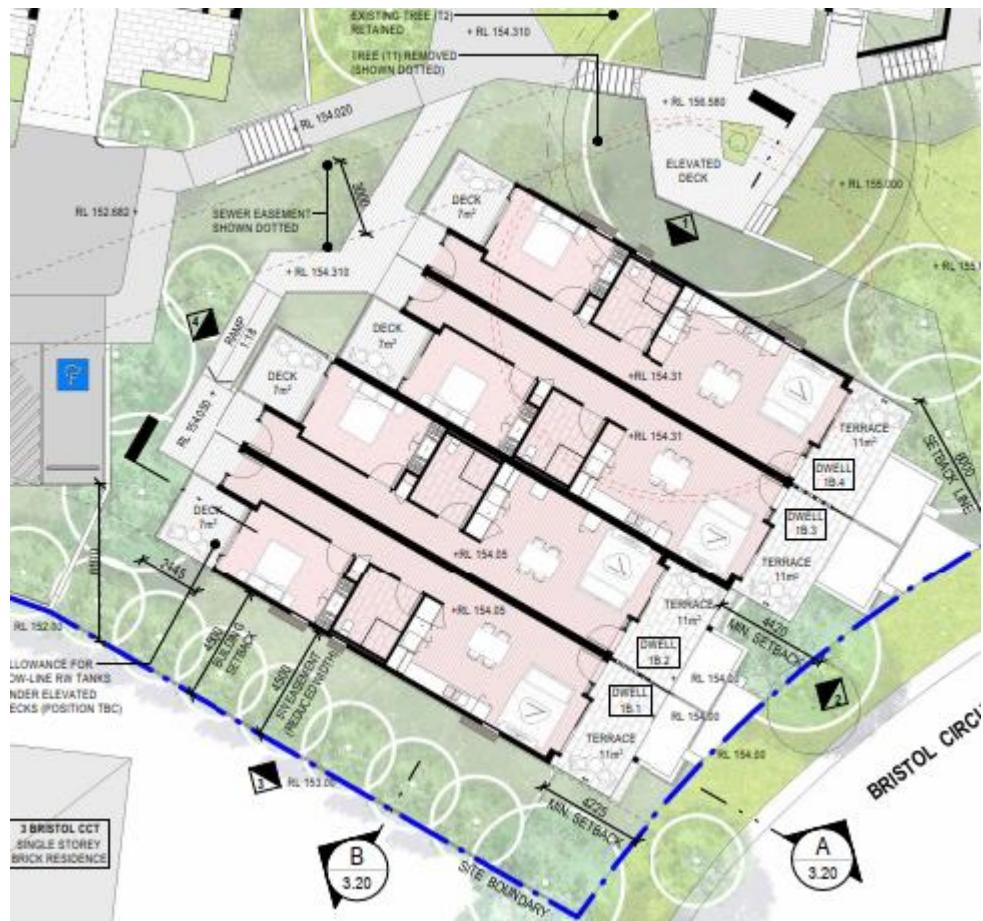


Figure 12 Building 1B



Figure 13 Building 2B (Ground Floor)



Figure 14 Building 2B (Upper Floor)



Figure 15 Building 3B (Ground Floor)



Figure 16 Building 3B (Upper Floor)

A total of 25 car parking spaces are proposed, including 4 accessible spaces and 5 visitor spaces, located as follows:

- 8 covered spaces within Building 3B (2 per apartment), accessed off Blue Hills Avenue;
- 4 accessible spaces and 5 visitor spaces (all uncovered) located external to Buildings 1B and 3B at the southern end of the site, accessed off Blue Hills Avenue; and
- 8 uncovered spaces external to Building 2B located at the northern end of the site, accessed off Bristol Circuit.

Two waste storage areas are proposed adjacent to the 2 external parking areas.



Figure 17 Southern parking area (off Blue Hills Avenue)

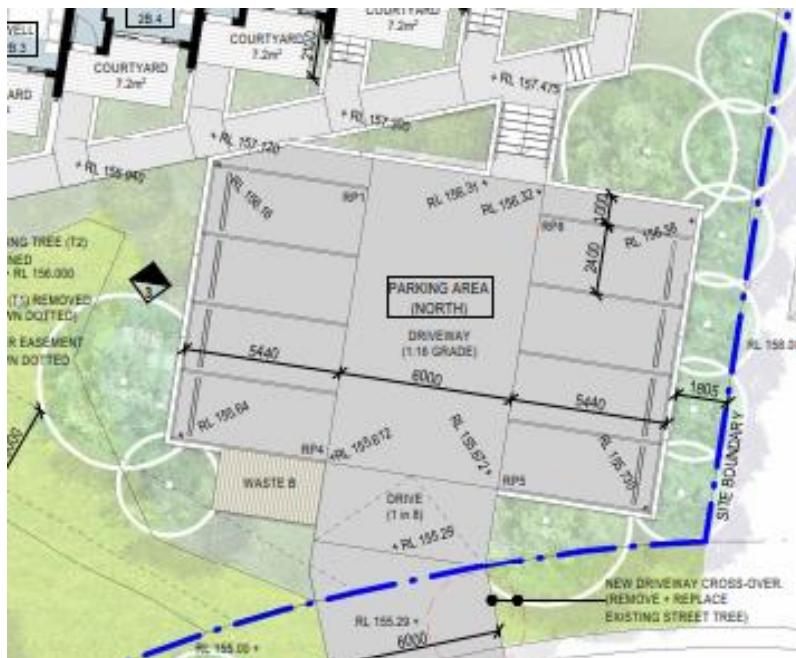


Figure 18 Northern parking area (off Bristol Circuit)

2.2 Background

The application follows an agreement between Landcom, as proponent, and Lismore City Council, as land owner, to deliver a range of new affordable housing in flood-free locations in the Lismore LGA.

As part of that agreement, the Bristol Circuit site is intended to be developed for rental housing for low to middle income households in the local area, to be managed by a registered Community Housing Provider.

The development is not intended for social housing.

Landcom undertook community consultation in late 2024 prior to finalising the application, which included letters to adjoining and nearby residents, local advertising, community information sessions, and community and stakeholder meetings.

The development application was lodged on 18 July 2025. A chronology of the development application since lodgement is outlined in **Table 2**.

Table 2: Chronology of the DA

Date	Event
18 July 2025	Application lodged
22 July 2025	Exhibition of the application
21 July 2025	DA referred to external agencies
3 October 2025	RFI letter to applicants
12 November 2025	RFI response from Applicant

Date	Event
20 November 2025	Landcom agreement to Conditions (with 2 suggested changes, both accepted)

3. STATUTORY CONSIDERATIONS

When determining a Development Application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (i) *any environmental planning instrument, and*
 - (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), and*
 - (iii) *any development control plan, and*
 - (iiia) *any 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, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*
- (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,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is considered to be (which are considered further in this report):

- Integrated Development (s4.46 of the EP&A Act), requiring:
 - Bushfire Safety Authority under s100B of *Rural Fires Act 1997*; and
 - Controlled Activity Approval under s91 of *Water Management Act 2000*.
- Crown DA (s4.33 of the EP&A Act)

3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulations are considered below.

(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Lismore Local Environmental Plan 2012.*

A summary of the key matters for consideration arising from these planning instruments as well as the Lismore Development Control Plan 2012 is outlined in **Table 3** and considered in more detail below.

Table 3: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Biodiversity & Conservation) 2021	Chapter 4: Koala Habitat Protection 2021	Y
State Environmental Planning Policy (Housing) 2021	Chapter 2: Affordable Housing	N/A
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development Clauses 3 & 4 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 declares the proposal regionally significant development.	Y
State Environmental Planning Policy (Resilience & Hazards) 2021	Chapter 4: Remediation of Land Clause 4.6 – Contamination and remediation have been considered in the Detailed Site Investigation. The proposal is satisfactory subject to the preparation of a Remediation Action Plan prior to the issue of a Crown Certificate for the project.	Y
State Environmental Planning Policy (Sustainable Buildings) 2022	Chapter 2: Standards for residential development An appropriate BASIX Certificate has been provided.	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2: Infrastructure <ul style="list-style-type: none"> • Section 2.48(2) (Determination of development applications—other development) – electricity transmission – the proposal is satisfactory subject to conditions. 	Y

EPI	Matters for Consideration	Comply (Y/N)
Proposed Instruments	No relevant draft instruments identified.	N/A
Lismore Local Environmental Plan 2012	<ul style="list-style-type: none"> Clause 2.3 – Permissibility and zone objectives Clause 4.3 – Height of buildings Clause 6.3 – Earthworks Clause 6.9 – Essential services 	Y
Lismore Development Control Plan 2012	<ul style="list-style-type: none"> Chapter 1 Residential Development Chapter 13 Crime Prevention Through Environmental Design Chapter 14 Vegetation Management Chapter 15 Waste Minimisation 	See below

Consideration of the relevant planning instruments is outlined below:

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2: Vegetation in non-rural areas

Approval is not required under this Chapter, as the clearing is proposed as part of the development application.

Chapter 3: Koala Habitat Protection 2020

Not applicable as the land is not within a rural zone.

Chapter 4: Koala Habitat Protection 2021

The site is located within the area covered by Council's adopted *Comprehensive Koala Plan of Management for South-East Lismore* (2013), but is not mapped as containing, or in close proximity to, areas of koala habitat.

State Environmental Planning Policy (Housing) 2021

Chapter 2: Affordable Housing

The development will provide affordable rental housing, with all dwellings to be managed by a Registered Community Housing Provider and made available to eligible households. The development would therefore be in-fill affordable housing as outlined in Division 1, Part 2, Chapter 2 of this SEPP.

However, that Part does not apply, because the site is not within 800m walking distance of land in a nominated relevant zone (Clause 15C(c)).

Given the nature of the proposed development, however, this assessment has considered the provisions of this Part of the SEPP, as discussed below. The non-discretionary development standards in clause 19 of the SEPP, while not strictly applicable, provide value for confirming suitability of the site for the housing proposed. They are summarised in **Table 4**:

Table 4: Non-discretionary development standards – affordable housing (c.19(2) SEPP Housing)

Standard	Comply (Y/N)
(a) <i>minimum site area 450m²</i> Site area is 3,882m ²	Y
(b) <i>minimum landscaped area, the lesser of:</i> i) 35m ² per dwelling or ii) 30% of the site area The total landscape area is 1,801m ² (approx. 112m ² per dwelling; 46% of site area)	Y
(c) <i>a deep soil zone on at least 15% of the site area, where:</i> i) <i>each deep soil zone has a minimum dimension of 3m, and</i> ii) <i>if practicable, at least 65% of the deep soil zone is located at the rear of the site</i> The Statement of Environmental Effects indicates that the site will have approx. 1,400m ² of seep soil zones, which is well in excess of the requirements.	Y
(d) <i>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</i> The sun diagrams submitted with the Architectural Plan Set indicate that a minimum of 2 hours of direct solar access will be available into living areas of all buildings in mid-winter, with additional afternoon direct sun onto external decks.	?
(e) <i>the following number of parking spaces for dwellings used for affordable housing—</i> i) <i>for each dwelling containing 1 bedroom—at least 0.4 parking spaces,</i> ii) <i>for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,</i> iii) <i>for each dwelling containing at least 3 bedrooms—at least 1 parking space,</i> All dwellings are to be affordable housing. As such, the development would require a total of 9.6 (say 10) spaces. The proposal provides well in excess of this number of spaces (although the number of spaces does not comply with Council's DCP requirement – see above).	Y
(f) <i>the following number of parking spaces for dwellings not used for affordable housing</i> In the context of this SEPP, none of the dwellings are not used for affordable housing.	
(g) <i>the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development</i> The Apartment Design Guide does not apply to this type of residential development. Nonetheless, all apartments exceed these minimum requirements	Y

Standard	Comply (Y/N)
specified in the Guide.	
<p>(h) <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,</i></p> <p>Not applicable to the type of residential development proposed.</p>	
<p>(i) <i>if paragraphs (g) and (h) do not apply, the following minimum floor areas</i></p> <ul style="list-style-type: none"> <i>i) for each dwelling containing 1 bedroom – 65m²</i> <i>ii) for each dwelling containing 2 bedrooms – 90m²</i> <i>iii) for each dwelling containing at least 3 bedrooms – 115m² plus 12m² for each bedroom in addition to 3 bedrooms.</i> <p>The one-bedroom dwellings have floor areas in excess of this requirement, but the two and three bedroom dwellings have slightly less floor areas, with 80m² for the two-bedroom dwellings and 102m² for the three-bedroom dwellings.</p> <p>As indicated above, these discretionary standards are not strictly applicable. The proposed dwellings all exceed the internal floor areas specified in the Apartment Design Guide, which is also not applicable to this type of residential development, but nonetheless indicates that the proposed dwellings are suitable for their intended use.</p>	

Pursuant to Clause 20 of the Housing SEPP, the Low Rise Housing Diversity Design Guide applies only to dual occupancies, manor houses and multi dwelling housing (terraces). As the proposal does not fall within any of these categories, the Design Guide is not applicable to the assessment of this DA.

The development will be undertaken by a public authority, but the site is not within 400m of land within a nominated zone. The provisions within Division 5 (Residential flat buildings—social housing providers, public authorities and joint ventures) of the Housing SEPP therefore do not apply.

Chapters 3 - 6 of the SEPP do not apply.

State Environmental Planning Policy (Planning Systems) 2021

Chapter 2: State and Regional Development

Section 2.19(1) declares the proposal regionally significant development pursuant to Clauses 3(b) and 4 of Schedule 6, because the proposal is:

- Council related development over \$5 million; and
- Crown development over \$5 million

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2: Coastal Management

The site is not within the Coastal Zone.

Chapter 4: Remediation of Land

The provisions of this Chapter specify that a consent authority must not consent to the carrying out of development unless it has considered whether the land is contaminated and, if it is contaminated, whether it will be suitable after remediation for the intended land use.

The site contains the remains of a cattle tick dip – Sellicks Dip – which was decommissioned in about 1988. Some remediation was carried out at that time, but the dip bath remains in place.

A Detailed Site Investigation report has been submitted with the application.

The investigation, which included soil sampling around the dip bath and across the site, identified elevated arsenic and DDT levels around the dip bath site.

Elevated levels of chromium were also detected, but this is considered natural in origin, associated with basalt geology.

The elevated arsenic and DDT levels were identified below the ground surface in the proximity of the former dip. Elevated levels were not found in groundwater or elsewhere within the site, indicating that the contaminates have not migrated across the site.

Remediation of the dip bath area will be required to ensure that the site is suitable for residential use. This can be achieved by removal of the remaining dip bath structure and the soil immediately around it, for disposal at an appropriate landfill site, and the replacement of that soil with 'clean' fill.

A remediation action plan (RAP) will be required, and any consent should be conditioned to require that RAP to be submitted and approved prior to the issue of a Crown Certificate.

State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 2 Standards for residential development

The proposal involves BASIX development and is supported by a multi dwelling BASIX Certificate that meets the requirements of the SEPP.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2: Infrastructure

Section 2.48(2) – there are overhead electricity lines along the Taylor Road frontage of the site. In accordance with this clause, therefore, the application was referred to Essential Energy, who advised that they have no concerns regarding safety risks arising from the development.

Section 2.118(2) - Development with frontage to classified road. Neither Bristol Circuit nor Taylor Road are classified roads.

Section 2.122- Traffic-generating development – The development is not traffic generating development as defined by the clause.

Lismore Local Environmental Plan 2012

The aims of the LEP include

- (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.

The proposal is consistent with these aims as the proposal provides a diverse range of housing in a flood-free location.

Zoning and Permissibility (Part 2)

The site is located within the R1 General Residential Zone pursuant to Clause 2.2 of the LEP (**Figure 19**).



The proposal is considered to be consistent with these zone objectives for the following reasons:

- It provides for a variety of housing that meets a specific need identified in the community; and
- While the number of dwellings is different to the dwelling pattern in the immediate locality, the consolidation of the dwellings in 3 separate buildings separated by a significant open area ensures that the development is compatible with the character of this area

General Controls and Development Standards (Part 2, 4, 5 and 6)

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 5** below.

Table 5: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Height of buildings (CI 4.3(2))	The Height of Buildings Map specifies a maximum building height of 8.5m	The architectural plans show the maximum height of the 3 separate buildings to be: <ul style="list-style-type: none"> • Building 1B: 4.8m • Building 2B: 6.8m • Building 3B: 6.1m 	Yes
FSR (CI 4.4(2))	There is no FSR specified for this locality.		N/A
Earthworks (CI 6.2(3))	Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters— <ol style="list-style-type: none"> (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, 	Bulk earthworks are required as shown in the concept civil engineering plans to achieve the dwelling floor levels and required carpark grades. The total cut to fill is approximately 125m ³ import with a maximum cut of 2m and fill of 1.6m. All filling on site will be 'Level 1' in accordance with AS 3798-2007 - Guidelines on earthworks for commercial and residential developments. Conventional construction management measures can be implemented to ensure that earthworks do not result in impacts outside the site.	Yes

Control	Requirement	Proposal	Comply
	<ul style="list-style-type: none"> (f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. 		
Essential Services (CI 6.9)	<p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</p> <ul style="list-style-type: none"> (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable vehicular access. 	<p>All required services are available and can be connected to the site. Sewer connection will be via new mains to the adjoining pump station. The site is connected to a water service from the 100 mm diameter UPVC main that runs along the far side of Bristol Circuit which will need upgrading. Stormwater management measures, including 2 underground detention storage tanks, are proposed to ensure that post development stormwater flows and quality do not exceed pre development levels. Council's Development Engineer has reviewed the proposed access arrangements and has advised that the proposal can be supported.</p>	Yes

The proposal is considered to be generally consistent with the LEP.

(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are no proposed instruments known to be relevant to the subject application.

(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

Lismore Development Control Plan 2012 ('the DCP')

The controls relevant to the proposal are considered below.

Chapter 1 Residential Development

Setbacks, Design, Density and Height (4.1)

Setbacks

The DCP specifies a 6m set back from street boundaries.

The Architectural Plans show that the proposal does not comply.

Bristol Circuit (Building 1B):

The plans show 4.225m to front window; min 1.8m to front terrace. Landscape Plans show the proposed treatment at the Bristol Circuit frontage of Building 1B as well as the treatments proposed for each dwelling (discussed further below in *Key Issues*).

An increased setback is not possible for these dwellings due to the location of the existing sewer easement. The setback could be increased by reducing the length of the dwellings, but it is considered that this would significantly restrict their liveability and amenity.

While the setback is not a consistent setback with that in the surrounding residential area, the landscaping proposed between the front terraces will soften the visual impact of the reduced setback and result in a reasonable streetscape outcome.

Taylor Road (Buildings 2B & 3B)

The plans show the following setbacks:

- Building 2B – 4.02m to building, 1.5m to terrace; and
- Building 3B – 4.9m to building; 2.0m to terrace.

Taylor Road has a wide verge in this location, of approx. 6.5m from road pavement to the property boundary. The buildings are also at a lower elevation to the road reserve.

As a result of these factors, the reduced setback is not likely to result in significant visual issues in this locality.

Density

The DCP prescribes housing density controls. For lots > 1,200m², the following density provisions apply:

- 1 bedroom dwelling - 180m² site area per dwelling
- 2 bedroom dwelling - 220m² site area per dwelling
- 3 bedroom dwelling - 270m² site area per dwelling

The proposed development requires a minimum site area of 3,560m² to comply with this requirement.

The development site – i.e. Proposed Lot 1 within the boundary adjustment subdivision – has an area of 3,882m².

Height

The DCP indicates buildings are to comply with the height standard in the LEP and development should be progressively set back from boundaries as height increases.

The 3 buildings comply with the LEP maximum height requirement (see above).

The site slopes downward from all street boundaries. As such, the 2-storey buildings (2B & 3B) are perceived as single storey from the adjoining Taylor Road.

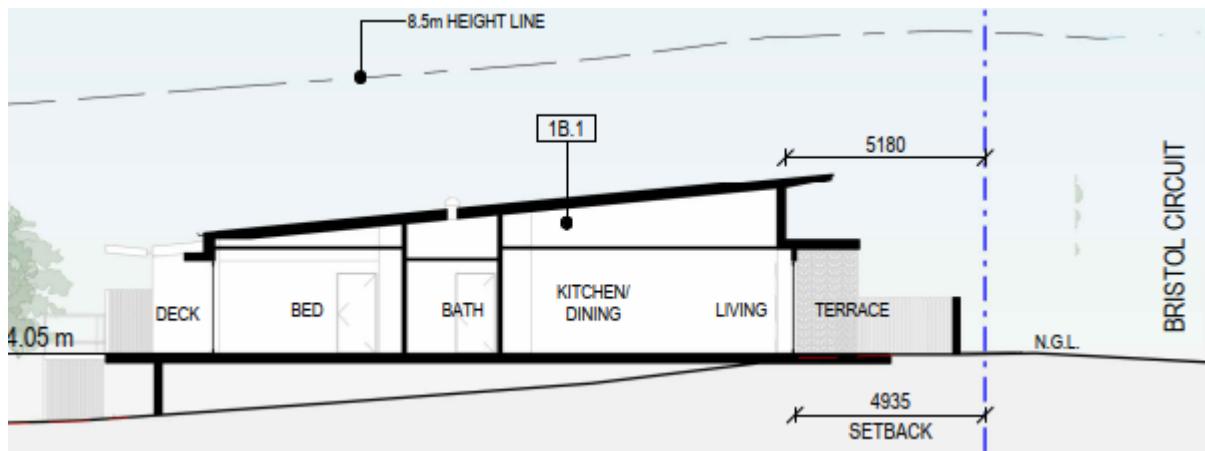


Figure 20 Building 1B Section from Bristol Circuit



Figure 21 Building 2B Section from Taylor Road

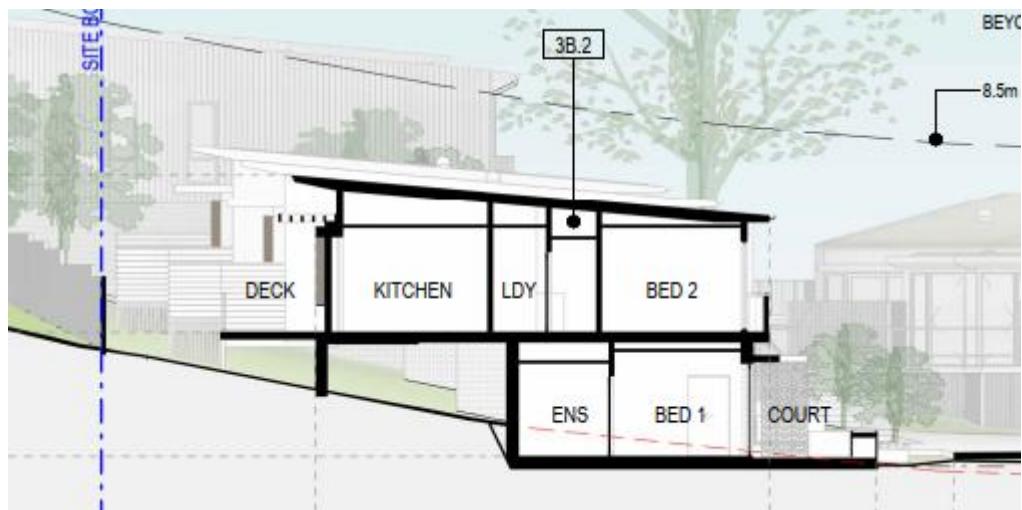


Figure 22 Building 3B Section from Taylor Road

Visual Privacy (4.2)

The DCP specifies that development should maintain visual privacy between dwellings by:

- offsetting windows alongside boundaries;

- installing windows at different heights to the adjoining buildings;
- installing garden beds along the boundary line which are mass planted with appropriate trees and shrubs that also define usable open space.

Most dwellings have been designed to ensure that no windows directly overlook habitable rooms of adjacent dwellings.

The northern-most dwelling in Building 2B has windows that are adjacent to the existing dwelling at No 42 Bristol Circuit, however the orientation of the dwelling and the slope of the land is such that overlooking of the adjoining property is not a significant issue.

Privacy screens are provided in various locations, such as the western deck of the northern-most dwelling in Building 2B, to ensure maximum privacy for each dwelling and neighbours.

Landscaping is proposed for part of the site boundaries that adjoin existing residential development, although not for the full boundary lengths. Proposed planting will provide a visual softening of the proposed car park areas, which are located close to property boundaries.



Figure 23 Proposed Landscape Plan

Acoustic Privacy (4.3)

The DCP indicates that garages and driveways should be located away from bedrooms of adjacent dwellings.

The southern car parking area is located close to the rear boundary of existing dwellings on Bristol Circuit. The proposal includes a 1.8m timber fence along that boundary with landscape planting between the fence and the car park.

The fence and landscaping will reduce potential for amenity impacts.

Open Space and Landscaping (4.4)

The DCP requires landscaping and open space to comprise at least 40% of the site. 70% of the landscaping and open space area is to be permeable.

In this case, 40% of the 3,882m² development site (proposed Lot 2) would be 1,553m².

The Statement of Environmental Effects indicates that a total of 1,801m² of landscaped area and open space (mixture of terraces, courtyards and decks), representing approximately 46% of the site area, 79% of which is deep soil/permeable.

Earthworks, Retaining Walls and Erosion Controls (4.5)

The maximum amount of cut and fill permitted under the DCP is 1.8m, except where it is incorporated into the dwelling. The maximum height of retaining walls is 1.8m.

The proposal indicates a maximum cut depth of 2m, with a 2m high retaining wall, for a short section of the northern car park (see **Figure 24**).

Given that this car park is in cut, the retaining wall will be below the ground level of the adjoining boundary and will not result in amenity impacts for the northern neighbour. The 200mm exceedances is acceptable in these circumstances.

Elsewhere, cut is less than this, with a maximum depth of 1.6m, at the southern corner of Building 1B.

Suitable erosion controls can be provided during construction to manage sedimentation risks. Condition of consent recommended.

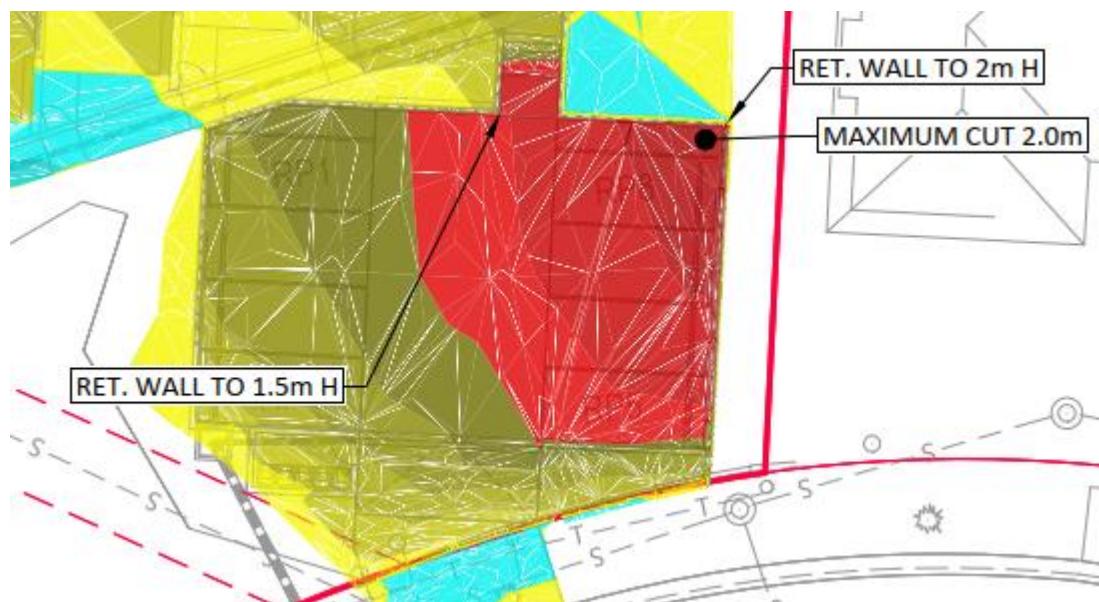


Figure 24 Proposed Cut and retaining – Northern Car Park

Car Parking (4.6)

The DCP requires the following number of spaces:

1 bedroom	1 space per unit
2 bedrooms	1.5 spaces per unit
3 bedrooms	2 space per unit
1 visitor space per 5 dwelling units.	

The proposed development would therefore require 24 resident spaces and 3 visitor spaces.

The DCP requires that each dwelling is to have one covered parking space.

The proposal provides a total of 20 resident spaces and 5 visitor spaces, configured as follows:

- 4 accessible spaces, uncovered, located immediately south of Building 1B, accessed via the driveway off Blue Hills Avenue. All 4 dwellings in Building 1B are adaptable and a compliant accessible path of travel from the south parking area to the adaptable dwellings.
- 8 spaces, uncovered, in front of Building 2B within an at-grade carpark, accessed from Bristol Circuit.

- 8 spaces in Building 3B; 2 spaces for each of the 3-bedroom townhouses – 1 covered in an internal carport and the second as a tandem space in front of the carport.
- 3 visitor spaces in the uncovered at-grade car park in the southern party of the site; and
- 2 parallel spaces on the edge of the driveway in the southern part of the site.

A Traffic and Parking Assessment Report has been submitted in support of the application. The assessment notes the non-compliance with the DCP parking requirements, but references parking rates within the Housing SEPP to conclude that the parking as proposed will satisfy the actual parking demand generated by this affordable housing proposal.

As indicated above, Clause 19(2)(f) of the Housing SEPP specifies non-discretionary parking standards that apply to *in-fill affordable housing* projects under that SEPP. While this part of the SEPP does not apply as the development site is not within 800m walking distance of a nominated zone, the non-discretionary parking standard would require, if the provision applied, 10 spaces for the development as proposed.

The parking standards in the Housing SEPP, while not strictly applicable in this case, suggest a requirement for a significantly lower quantum of parking that is required in the DCP.

On balance, the shortfall of 2 spaces proposed in this application against the local DCP provisions is considered acceptable given the nature of the development proposed.

Council's Development Engineer has reviewed the proposed parking arrangements and raised no concern regarding parking numbers.

Fences (4.7)

The DCP specifies the following maximum fence heights:

- Front fence – 1.2m
- Side fence – 1.2m within the building line setback and 1.8m for the remainder.
- Rear Fence – 1.8m, unless the rear fence is the primary frontage and front fence provisions may apply.

The proposed development includes 1.2m high front fencing for Building 1B and 1.8m boundary fencing along side and rear boundaries, as well as the boundary with Taylor Road.

This fencing will provide privacy and safety, while maintaining streetscape compatibility.

The 1.8m high fencing along Taylor Road in the vicinity of the central communal open space will be 50% visually permeable to allow for views to, from, and through the site from Taylor Road. It will also increase light to, and provide passive surveillance of, the communal open space.

Service Areas and Waste Management (4.8)

The DCP requires at least 3m² bin storage area for each dwelling, to accommodate 3 x 240 litre bins. The storage area should be paved and in a location readily accessible to the waste collection point.

The application proposes 2 bin storage areas, 1 being adjacent to the northern car park area for Building 2B and the second adjacent to the southern car park.

Both covered and screened bin store areas will be sealed and provided with a tap and connection to the sewer.

In addition, each of the 4 dwellings in Building 1B has a screened bin storage area at the front terrace, enabling the bins to be placed on Bristol Circuit for collection.

Bins within the northern storage area can be collected from Bristol Circuit, with bins in the southern area collected from Blue Hills Avenue.

A Site Waste Minimisation and Management Plan has been submitted in support of the application addressing the requirements of the DCP.

Orientation Glazing and Shade Control (4.9)

Orientation of the length of the building should be between 30° east of north and 15° west of north, where permitted by the configuration of the lot, to maximise winter solar access and summer shade.

Solar access plans submitted with the application show that all dwellings will achieve a minimum of 2 hours direct sun into living areas in mid-winter, with rear verandahs also orientated to receive afternoon sun in winter.

9 Adaptable Housing

The DCP requires that 1 adaptable dwelling is provided per 5 dwellings for developments with more than 5 dwellings.

All 4 dwellings within Building 1B are adaptable, achieving compliance with the DCP requirement. Plans provided demonstrating compliance with Australian Standard AS 4299-1995 *Adaptable Housing*.

Chapter 13 Crime Prevention through Environmental Design

The CPTED principles and guidelines for multi dwelling housing have been used in the design of the proposal. Dwellings have been designed to overlook the street, car parking areas, and internal communal open space to maximum surveillance.

Landscaping, low fencing and pathways will provide territorial reinforcement and guide residents and visitors to front doors of dwellings, which will be clearly visible and numbered to facilitate wayfinding.

Low shrubs and groundcovers under high canopied trees around the site will allow viewed through communal open space and carparks without creating areas of concealment or entrapment.

A partly solid and partly transparent fence will be provided along Taylor Road to stop non-resident pedestrians using the site as a shortcut and to limit access to people who should not be on-site, while at the same time providing views through and to the site.

Lighting will be provided in parking areas and bin stores. Low level lighting will be provided along pathways.

Chapter 14 Vegetation Management

The site is not mapped as having biodiversity values and does not support any threatened flora or fauna.

The site and adjoining road reserves contain a total of 7 trees, including 5 street trees (see **Figure 2**). Consent is sought to remove the following 2 trees:

- T1 (*Pinus* sp) - Classified as an environmental weed in the Lismore LGA.
- T7 (*Xanthostemon chrysanthus*, Golden Penda) - Situated in the footprint of the proposed northern driveway.

The remaining 5 trees (T2-T6) are to be retained and protected during construction.

The centrally located Silky Oak (T2) will be protected during construction in accordance with the recommendations of the Arboricultural Impact Assessment Report to ensure that it is not detrimentally impacted by the development.

Chapter 15 Waste Minimisation

A Site Waste Minimisation and Management Plan is submitted in support of the application.

Construction wastes will be managed in accordance with that plan and Council requirements. Operationally, the development includes 2 covered, serviced waste storage areas positioned for collection from Bristol Circuit and Blue Hills Avenue. The 4 dwellings in Building 1B also provide individual screened bin areas within the front terraces for direct kerbside collection.

Developer Contributions

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions:

- *S7.11 Infrastructure Contributions Plan 2024-2041*

This Contributions Plan has been considered and included the recommended draft consent conditions.

The State Government's Practice Notes on Section 7.11 contributions indicate that housing developments by Crown agencies should typically pay contributions towards open space, community facilities, drainage, and local area traffic management, as well as roads in new release areas. Contributions for roads in medium-density infill areas are generally not necessary, provided the development can rely on the existing road capacity. However, if any upgrade works are required to service the development, Crown agencies should pay for these.

Council has adopted an Affordable and Diverse Housing Incentives Policy, which provides that any housing provided by and managed by a registered Community Housing Provider (CHP) will have a discount of 50% applied to Lismore City Council's Section 64 and Section 7.11 Contributions.

A Schedule of Contributions was included in the draft Conditions agreed to by Landcom.

(d) Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

(e) Section 4.15(1)(a)(iv) - Provisions of Regulations

Section 61 of the 2021 EP&A Regulations contains matters that must be taken into consideration by a consent authority in determining a development application. None of the matters are relevant to the subject application.

Section 62 (consideration of fire safety) and Section 64 (consent authority may require upgrade of buildings) of the 2021 EP&A Regulations are not relevant to the proposal.

These provisions of the 2021 EP&A Regulations have been considered and are addressed in the recommended draft conditions (where necessary).

3.2 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

- **Context and setting** – The proposal is considered to be generally consistent with the context of the site.

While the proposal contains townhouses and villas within a locality characterised by single dwellings, with some duplexes, the arrangement of the dwellings within 3 separate buildings with substantial areas of open space between, provides an overall development which is not substantially different in terms of building bulk and scale.

- **Access and traffic** – A Traffic and Parking Assessment has been submitted in support of the proposal and demonstrates that the surrounding road network has the capacity to accommodate the anticipated increase in traffic.

The Traffic Assessment estimates that the 16 dwellings will generate approximately 6 vehicle trips per hour during both the AM and PM peak periods.

These traffic generation rates are based on the *Guide to Transport Impact Assessment* by Transport for New South Wales, specifically Chapter 5—Land use Trip Generation (Version 1.1, 2024).

Council's Development Engineer notes that those rates are relevant to the Sydney area but notes that applying the more likely regional weekday rates, the peak hour traffic for the entire development would only be 10 vehicle trips. This additional traffic is within the capacity of the existing road network in this area.

- **Utilities** – Urban services are available to the site and can be provided, with an upgrade to the existing water main in Bristol Circuit required to be upgraded. Council's Development Engineer has not raised any concerns regarding service connection or the water main upgrade.
- **Water/air/soils impacts** – Construction impacts can be adequately managed by conventional soil and erosion management.

A RAP will be required to finalise remediation of the old dip bath located on the site. A Condition is recommended requiring the RAP to be signed-off by a Site Auditor prior to the issue of a Crown Certificate, with the remediation works to be undertaken as the first stage of works at the site.

A Remediation Validation Report is required prior to the issue of a Crown Completion Certificate, demonstrating that the works have been carried out in accordance with the RAP.

- **Flora and fauna impacts** – Some tree removal is proposed as outlined in this report. An arborists report has been provided demonstrating that the trees to be removed do not have specific ecological significance, and providing recommendations for the protection of the remaining trees during construction.
- **Noise, vibration and odour** – Construction impacts can be adequately mitigated through standard consent conditions. The impacts will be minor and temporary. There are no anticipated ongoing noise impacts associated with occupation of the proposed development.

The development will be located close to the existing sewer pumping station on Lot 30. Council staff advise that there is very little likelihood of noise and / or odours emanating from this pump station affecting future residents.

- **Social impact** – Most objections to the development from nearby residents raised concerns regarding social impacts associated with affordable housing. A Social Impact Assessment has been provided to support the application and addresses these concerns.

The report notes that the development is intended to provide affordable rental housing. It is not intended as social housing for homeless and disadvantaged people. It is understood that Council and Landcom are finalising a Deed of Agreement that would confirm and 'lock-in' this intent.

The Social Impact Assessment also refers to case studies undertaken in Brisbane and Sydney, which conclude that neighbours' fears about affordable housing tend to be much greater than the impacts neighbouring residents actually experience once those developments are complete and occupied.

Overall, the provision of affordable rental housing will meet a critical housing need in the area, resulting in a social benefit for Lismore.

- **Site design and internal design** – The site layout has primarily been guided by the existing easements that cross the middle of the site. While this has resulted in buildings that encroach into the street front setbacks, it also results in the break up of the development into 3 separate buildings, each of which is not substantially different in bulk and scale to the existing development in this locality.

It also results in the provision of internal open space areas which can be utilised by residents and which further break-up the overall bulk and scale of the proposed development.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

3.3 Section 4.15(1)(c) - Suitability of the site

The immediate locality of Bristol Circuit contains a majority of single dwellings on lots of between 750m² and 1,000m², with a small number of dual occupancies. There are a mix of single and 2-storey dwellings.

The proposed 16 dwellings are configured within 3 separate buildings on the site, each of which is not substantially larger than many of the dwellings in this neighbourhood. The provision of open space between the three buildings, while necessitated by the existing site easements, breaks-up the visual bulk and scale of the development such that it is not significantly inconsistent with the character of the locality.

The current suitability of the site for residential use is compromised by the remaining dip bath located centrally within the site. Remediation of this dip can be successfully undertaken by removal of the remaining dip bath elements and capping of that part of the site.

Once remediated, the site will be suitable for its intended residential use.

3.4 Section 4.15(1)(d) - Public Submissions

The proposal was notified in accordance with the DCP/Council's Community Participation Plan from 22 July 2025 until 19 August 2025. A total of 21 unique submissions, all objecting, were received.

The issues raised in these submissions included the following:

Inconsistent with local character

Most objectors are concerned that the nature and density of the proposal is significantly different to the low-scale residential character of the area.

Many also expressed concerns that the development would devalue their properties and that 'social housing' would result in increased crime and other social impacts.

A Social Impact Assessment has been provided to support the application and addresses these concerns.

The report notes that the development is intended to provide affordable rental housing. It is not intended as social housing for homeless and disadvantaged people.

It is understood that Council and Landcom are finalising a Deed of Agreement that would confirm and 'lock-in' this intent.

The Social Impact Assessment also refers to case studies undertaken in Brisbane and Sydney, which conclude that neighbours' fears about affordable housing are worse than any impacts <https://theconversation.com/neighbours-fears-about-affordable-housing-are-worse-than-any-impacts-69291>

The studies, which examined 17 individual affordable housing projects, found that there were no significant negative impacts on property prices in the local area. The case studies also concluded that the vast majority of residents living close affordable housing projects experienced no negative impacts as a result of those projects.

Overall, the findings indicate that the feared impacts of planned affordable housing developments tend to be much greater than the impacts neighbouring residents actually experience once those developments are complete and occupied.

In this case, the development meets the density requirements of Council's DCP and the 3 separate buildings, while containing dwellings, are each generally consistent with the bulk and scale of dwellings in this location.

Loss of residential amenity and privacy

Objectors are concerned that the dwellings will directly overlook existing residential backyards.

Concerns also expressed around increased noise

The layout of the proposal, particularly setbacks from adjoining properties and landscaping proposed will minimise any impacts regarding privacy and amenity for immediate neighbours. Privacy screens are proposed for balconies / terraces at the edges of the buildings, with high set windows also proposed along the external edges.

Traffic and Parking

Objectors feel that increased traffic in the locality will result in problems, particularly at the intersection of Taylor Road and Blue Hills Avenue. Overflow street parking is also raised as an issue.

Council's development Engineer has reviewed the Traffic and Parking Assessment submitted and is satisfied that the traffic numbers likely to be generated are well within the capacity of the local road network, including key intersections.

As highlighted above, while the provision of parking is 2 spaces short of the DCP requirement, it is in excess of the requirement specified in the Housing SEPP for affordable in-fill housing.

Dip site remediation risks

Many submissions raised concerns about potential health risks during remediation of the dip site, associated with material potentially escaping into the neighbourhood.

A condition of consent would be recommended requiring a RAP to be provided and approved prior to the issue of a Crown Certificate.

In reviewing the RAP, Council will be able to ensure that all local health and safety risks will be appropriately managed.

Loss of green space

Many submissions suggested that advice was given from both real estate agents and Council that, because of the dip site, the property would never be developed and would remain as a grassed lot.

The site is operational land owned by Council and has never been included or proposed as public open space.

Overdevelopment of the site

While the development proposes 16 dwellings, they are configured within 3 buildings, each of which are not significantly larger than many of the single dwellings in Bristol Circuit.

The presence of existing sewer and stormwater easements through the site mean that buildings, particularly Building 1B needs to be located closer to Bristol Circuit, therefore not meeting the DCP setback requirements. Further information is required from the applicant to

justify this setback encroachment, particularly relating to the front terraces of the dwellings in this building.

Section 4.15(1)(e) - Public interest

The development is in the public interest by providing affordable rental housing in the area, addressing a significant local need.

The development has been designed to minimise impacts on local character and on the local environment. On balance, the proposal is consistent with the public interest.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in **Table 6**.

Table 6: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
N/A			
Referral/Consultation Agencies			
Essential Energy	Section 2.48 of <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development near electrical infrastructure	No concerns or safety risks identified	Y
Integrated Development (S 4.46 of the EP&A Act)			
Rural Fire Service	S100B - <i>Rural Fires Act 1997</i> bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	The subdivision component of the proposal triggers this requirement. RFS have issued a Bushfire Safety Authority and GTA's outlining construction standards, servicing and landscaping conditions.	Y
Natural Resources Access Regulator	S89-91 – <i>Water Management Act 2000</i> water use approval, water management work approval or activity approval under Part 3 of Chapter 3	NRAR advise that the proposed works are exempt from the need to obtain a controlled activity approval as the downstream watercourse is piped.	Y

4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 7**.

Table 7: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	<p>Council's Development Engineer has reviewed the application and provides the following comments:</p> <ul style="list-style-type: none"> • Traffic and access: Both proposed site access meet Council's minimum width requirements and are supported. Sight distances are adequate at both access points. • The surrounding road network has capacity to accommodate the anticipated increase in traffic generated by the development. • Car parking as proposed is acceptable. • Garbage collection: Kerbside collection is proposed from both Blue Hills Road and Bristol Circuit. Potentially up to 8 bins will be on Blue Hills Road and up to 4 bins on Bristol Circuit. Given the available street frontage, the low traffic volumes in the area surrounding the development, this is considered an acceptable outcome. • Services: Water and sewer connections are available and there is adequate capacity. There is sufficient water hydrant coverage to provide for fire protection. 	Y Conditions recommended
Environmental Health	<p>Council's Environmental Health Officer has reviewed the application and provides the following comments:</p> <ul style="list-style-type: none"> • Contamination: The requirements for a Remediation Action Plan can be conditioned to be required prior to the issue of a Construction Certificate. The preferred remediation option is to remove the dip bath structure and either cap or remove the surrounding impacted soil. • Noise: The proposed development will generate residential scale noise only and is therefore not considered to be unacceptable within the residential area. However, conditioning is nominated to ensure construction noise impacts are managed and plant noise (air conditioners and heat pumps) are considered at design phase and installed correctly. • Stormwater: DCP Chapter 22 requirements have been demonstrated in the Engineering Services Report. No further technical reporting is required. 	Y Conditions recommended
Parks and Reserves	Council's Tree Office has raised no issues regarding the proposed tree removal.	Y Conditions recommended

4.3 Community Consultation

The proposal was notified in accordance with the DCP / Council's Community Participation Plan from 22 July until 19 August 2025. The notification included the following:

- A sign placed on the site;
- Notification letters sent to adjoining and adjacent properties;
- Notification on the Council's website.

The Council received a total of 21 unique submissions, all objecting to the proposal.

The issues raised in these submissions are considered above in Section 3.4 of this report.

5. KEY ISSUES

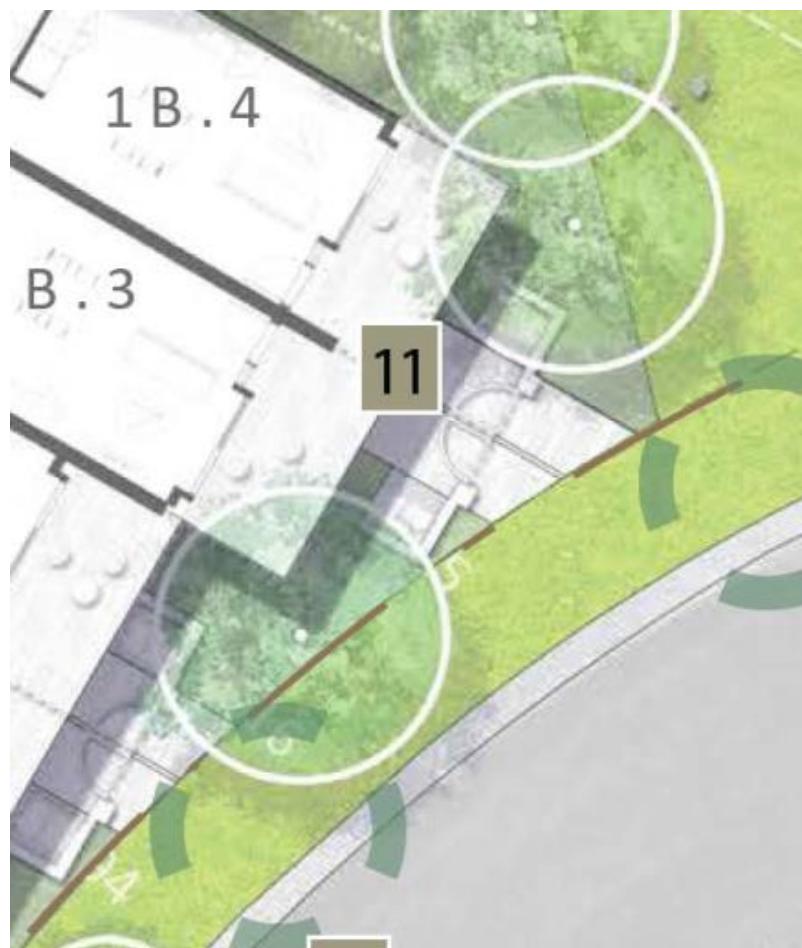
The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

Setbacks from the street – as outlined below, none of the buildings meet the required 6m setback from the street boundary:

Bristol Circuit (Building 1B):

4.225m to front window; min 1.8m to front terrace

Landscape Plans show the proposed treatment at the Bristol Circuit frontage of Building 1B as well as the treatments proposed for each dwelling (see extracts below).



Note: 11 refers to label on Landscape Plan that reads: 1BR PWD adaptable town house cluster

Figure 25 Building 1B Frontage to Bristol Circuit

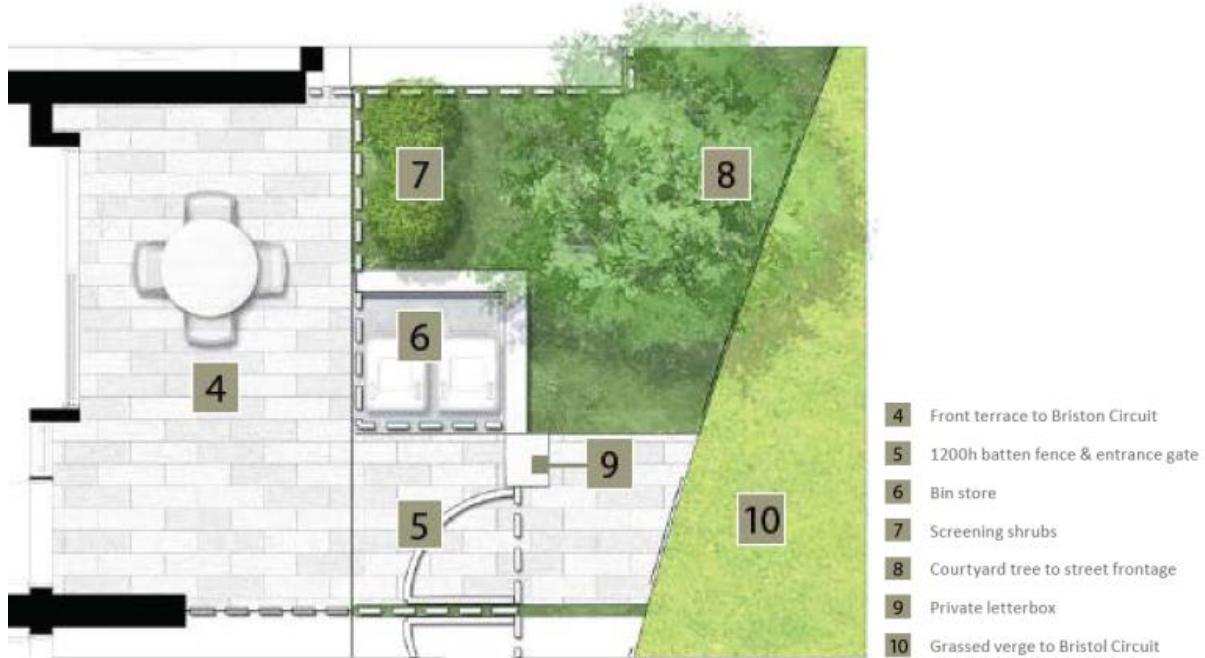


Figure 26 Building 1B – Front Terrace Detail

An increased setback is not possible for these dwellings due to the location of the existing sewer easement. The setback could be increased by reducing the length of the dwellings, but it is considered that this would significantly restrict their liveability and amenity, particularly that these dwellings are the nominated accessible units within the development.

While the setback is not consistent with that in the surrounding residential area, the landscaping proposed between the front terraces will soften the visual impact of the reduced setback.

The render provided with the architectural plans (below) show that, despite the non-complying setback, the finished building will have a low-scale residential character not significantly differ to the scale of housing that could be expected in this locality.



Figure 27 Artist's Render – Building 1B

Taylor Road (Buildings 2B & 3B):

Building 2B – 4.02m to building, 1.5m to terrace

Building 3B – 4.9m to building; 2.0m to terrace

Taylor Road has a wide verge in this location, of approx. 6.5m from road pavement to the property boundary. The buildings are also at a lower elevation to the road reserve.

As a result of these factors, the reduced setback is not likely to result in significant visual issues in this locality.

Local character – the immediate locality of Bristol Circuit contains a majority of single dwellings on lots of between 750m² and 1,000m², with a small number of dual occupancies. There are a mix of single and 2-storey dwellings.

The proposed 16 dwellings are configured within 3 separate buildings on the site, each of which is not substantially larger than many of the dwellings in this neighbourhood.

Although the proposal represents a higher density than the surrounding neighbourhood, the proposal meets local density provisions applied under Council's planning framework. It is also justified by the substantial local demand for housing, including diverse rental options, and by the proposal's acceptable bulk and scale relationship with its context.

Remediation of dip site – a RAP will be required for the existing dip, which would need to be actioned before the development can be constructed.

The RAP will need to include measures to ensure the management of risks and the protection of the neighbours during the remediation process, and there is no reason to believe that such measures cannot be adequately adopted.

Car parking – While car parking does not meet the numerical standards in Council's DCP, Council's Development Engineer has raised no objection to the parking numbers as proposed.

It is considered that the carparking provided is suitable for the development proposed.

6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

The layout of the development within 3 separate buildings across the site responds to the site constraints, including the location of existing easements through the property, and results in buildings that are of a size and form not totally dissimilar to the existing residential buildings in this locality.

The site is suitable for residential development, subject to the final remediation of the old dip site, and the proposed development is generally consistent with key development controls, other than setbacks.

The reduced setbacks are required primarily due to the location of the easements through the site and are justified on the basis that they do not result in significant amenity, character or privacy impacts.

It is considered that the key issues as outlined in Section 5 have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions at **Attachment A**.

7. RECOMMENDATION

That the Development Application DA No 5.2025.148.1 (PAN-545181) for a boundary adjustment subdivision and construction of affordable housing comprising multi dwelling housing (4 villas and 12 townhouses), and associated works including removal of 2 trees, at 44 Bristol Circuit and 2 Blue Hills Avenue, Goonellabah, be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at **Attachment A**.

The following attachments are provided:

- Attachment A: Draft conditions of consent
- Attachment B: Approval from the Crown (applicant) for imposition of Conditions
- Attachment C: Architectural Plans
- Attachment D: Subdivision Plan
- Attachment E: Statement of Environmental Effects
- Attachment F: Detailed Site Investigation Report
- Attachment G: Social Impact Assessment