

## COUNCIL ASSESSMENT REPORT NORTHERN REGIONAL PLANNING PANEL

<b>Panel Reference</b>	PPSNTH-388
<b>DA Number</b>	5.2024.183.1
<b>LGA</b>	Lismore
<b>Proposed Development</b>	<p>To undertake alterations and additions to enable an Educational Establishment for the purpose of a school incorporating:-</p> <ul style="list-style-type: none"> <li>• Change of use to enable an Educational Establishment (School);</li> <li>• Building works;</li> <li>• Landscaping and greenspace works;</li> <li>• Business identification signage;</li> <li>• Ancillary civil works for the construction of internal stormwater drainage</li> </ul>
<b>Street Address</b>	69 Woodlark Street LISMORE, 65 Woodlark Street LISMORE, 21 Larkin Lane LISMORE, 7 Eggins Lane LISMORE, 29 Larkin Lane LISMORE, 17 Eggins Lane LISMORE, 15 Eggins Lane LISMORE, 15B Eggins Lane LISMORE, 15A Eggins Lane LISMORE
<b>Applicant/Owner</b>	<p><u>Applicant</u></p> <p>Newton Denny Chapelle</p> <p><u>Owner</u></p> <p>Living School &amp; Mrs S A Stewart</p>
<b>Date of DA lodgement</b>	27 August 2024
<b>Total number of Submissions</b> <b>Number of Unique Objections</b>	One (1)
<b>Recommendation</b>	<b>Approval</b>
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)</b>	Clause 5 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as: educational establishments that has an estimated development cost of more than \$5 million..
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• State Environmental Planning Policy (Industry and Employment) 2021</li> </ul>

	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Regional) 2021</li> <li>• Lismore Local Environmental Plan 2012</li> <li>• Lismore Development Control Plan Part A <ul style="list-style-type: none"> <li>○ Chapter 7 – Off-Street Parking</li> <li>○ Chapter 8 – Flood Prone Lands</li> <li>○ Chapter 13 – Crime Prevention through Environmental Design</li> <li>○ Chapter 14 – Vegetation Protection</li> <li>○ Chapter 15 – Waste Minimisation</li> <li>○ Chapter 22 – Water Sensitive Design</li> </ul> </li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	Statement of Environmental Effects and associated attachments Proposed stamped approved plans
<b>Clause 4.6 requests</b>	Not applicable
<b>Summary of key submissions</b>	One Submissions received with concerns over the loss of car parking spaces. This has been rectified with the spaces remaining.
<b>Report prepared by</b>	<b>Craig Bradridge</b>
<b>Report date</b>	12 April 2025

#### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

**Yes**

#### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

**Yes**

*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

#### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

**Not applicable**

#### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

**No**

#### Conditions

Have draft conditions been provided to the applicant for comment?

*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

**Yes**

## 1 Executive Summary

Approval is being sought to undertake alterations and additions to existing commercial buildings and a change of use to establish an Educational Establishment (School) within the Lismore CBD. This proposal aims to create the *Living School Brown & Jolly campus*, designed primarily for older students (Years 5–8, aged 10–15 years), with a total capacity of 200 students and 20 staff members.

Clause 5 of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* declares the proposal regionally significant development as the development proposes an educational establishment that has an estimated development cost of more than \$5 million. Accordingly, the development is to be determined by the Northern Regional Planning Panel pursuant to clause 4.5(a) of the *Environmental Planning and Assessment Act 1979*.

The proposal has been assessed against all relevant Section 4.15 matters of the *Environmental Planning and Assessment Act 1979*. The proposed development satisfies all relevant heads of consideration under S4.15 with a detailed assessment in Section 10 of this report.

The relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter are as follows.

Relevant clauses in LLEP 2012 where the consent authority must be satisfied are; clause 5.21(2) Flood planning, clause 6.2(3) Earthworks, clause 6.4(3) Drinking water catchments and clause 6.9 Essential services. Council is satisfied that the proposed development complies with these clauses.

The application has been assessed against the relevant controls in the *Lismore Development Control Plan* notably, *Chapter 2 Commercial Development*, *Chapter 8 Flood Prone Lands*, *Chapter 13 Crime Prevention through Environmental Design* and *Chapter 22 Water Sensitive Design* of which the proposal complies.

*State Environmental Planning Policy (Transport and Infrastructure) 2021 (I SEPP)*, Clause 2.48 – Development within 5m of an exposed overhead electricity power line must;

- (a) *give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and*
- (b) *take into consideration any response to the notice that is received within 21 days after the notice is given.*

The application was referred to Essential Energy under this clause with Essential Energy response that they have no comments to make as to potential safety risks arising from the proposed development.

*State Environmental Planning Policy (Transport and Infrastructure) 2021 (I SEPP)*, Clause 3.36(6) identifies the consent authority must take into consideration the design quality principles contained within Schedule 8 and whether the development enables the use of the schools' facilities to be shared with the community.

The structures design and open recreational spaces provided are considered capable of facilitating facilities to be shared with the community. The design quality principles of Schedule 8 are evaluated as having been achieved. Individual comments on each principle are provided within the body of this report.

*State Environmental Planning Policy (Resilience & Hazards) Clause 2.10.* Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact. The subject land is located within a Coastal Environment Area. Council has considered and is satisfied the proposal is acceptable in relation to the matters for consideration contained within clause 2.10.

*State Environmental Planning Policy (Resilience & Hazards) Clause 4.6.* A consent authority must not grant consent to any application unless it has considered the following:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The applicant has undertaken a soil contamination assessment of the section of the development site nominated as an indoor forest where contaminants have been detected. In response to this technical report findings a remediation action plan (RAP) has been developed. Council supports the RAP, conditions are applied that the soil remediation is undertaken in accordance with the proposed procedure and associated measures. Council is satisfied that the land will be remediated before the land is used for the proposed purpose.

A 'Destructive Hazmat Survey Report' has also been prepared. Asbestos was identified in various building materials across the site, as were other hazardous materials. Recommendations for the safe management of the identified hazardous materials have been nominated and supported by council with condition(s) applied to require the removal/management of hazardous materials in accordance with this technical report.

*State Environmental Planning Policy (Industry & Employment) 2021 Clause 3.11.* A consent authority must not grant consent to an application to display an advertisement to which this Chapter applies unless it has been considered under this clause. The schools proposed signage is considered satisfactory in relation to schedule 5. Council is satisfied in relation to the matters for consideration required by Clause 3.11 of the SEPP in relation to the proposed signage.

Clause 61 of the *EPA Regulation 2000* requires that Council take into consideration AS 2601-1991: *the demolition of structures*. As partial demolition of some structures on the site is proposed to occur, a suitable condition has been imposed.

All likely impacts of the proposed development have been considered including environmental impacts on both the natural and built environments, and social and economic impacts in the locality and are to the satisfaction of Council.

The application was notified in accordance with the regulations and Council's Community Consultation Plan with one submission being received as a result. The site is considered suitable for the proposed development and is in the public interest.

## 2 Background

Originally constructed in the early 1900s, the site was used by Brown & Jolly as a furniture showroom. More recently, the site has been used for various commercial tenancies with the most recent occupants being Betta Home Living, which occupied the ground floor on both the northern and southern sides of Larkin Lane. The upper level has also been utilised for retail, and most recently tenanted by Spotlight (supplier of fabric, craft, party, home interiors, curtains, blinds) which occupied both the northern and southern sections of the premises. The site is currently not occupied.

The development proposal has been in the pipeline for some time with the Pre-Lodgement Meeting taking place in April of 2021. The development application was lodged on **28 August 2024**.

Table 1: Chronology of the DA

Chronology of the DA	
Date	Event
20 April 2021	Pre-Lodgement Meeting
28 August 2024	DA lodged
9 September 2024	Application referred to internal and external referral bodies
30 September 2024	Notification period concluded, one submission received. All internal and external referrals received.
21 January 2025	DA briefing with NRPP

### Development briefing with NRPP

The following Questions were raised at the briefing as follows.

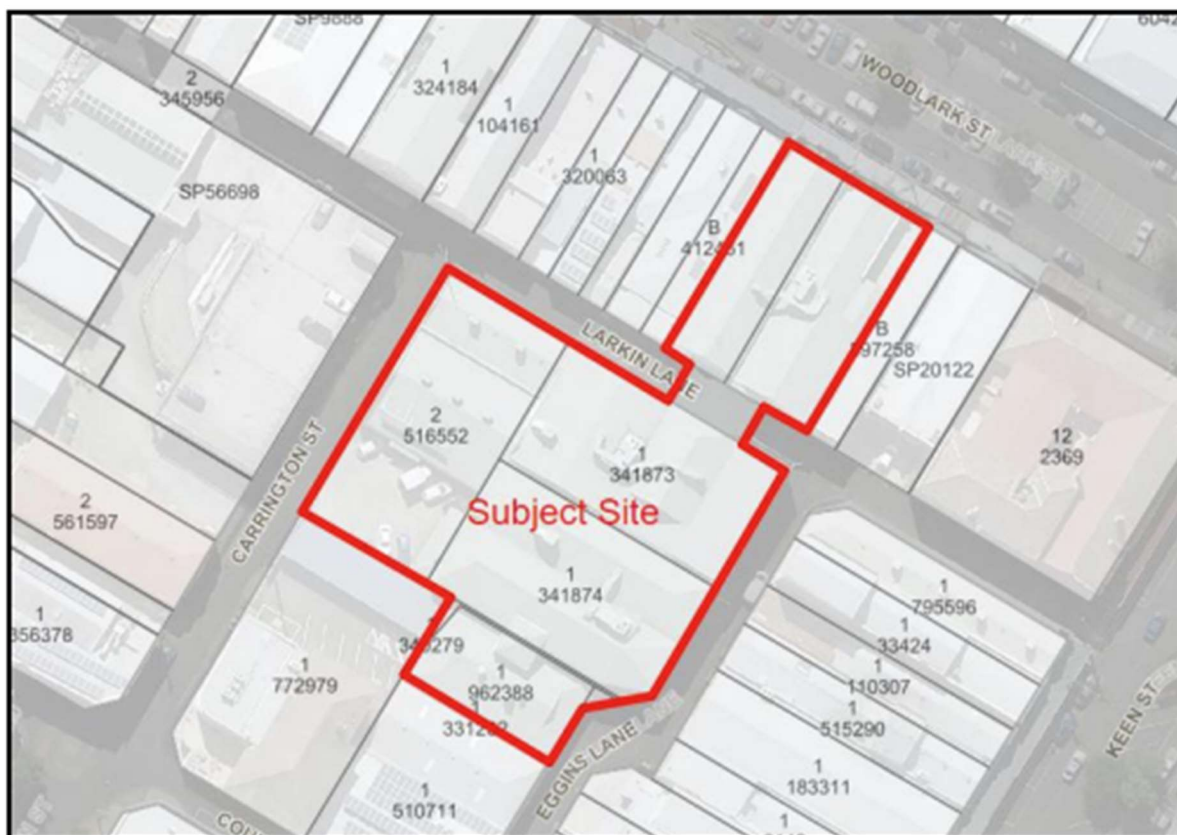
*Strategic importance to the revival of Lismore.*

- Lismore has had two major schools shut down since the 22 flood, Trinity catholic college and Richmond river high school are not resuming occupation of their sites.
- Lismore is still recovering from the devastating 2022 flood event that was the biggest flood in modern Australian history. There are promising signs of recovery however with 76.8% overall occupation rate, across all audited CBD properties in June 2024, which has increased from the 73.4% occupation rate recorded in December 2023. While the retail and commercial sectors struggle with online competition and flood free virtual spaces it is questionable whether these industries will return to the CBD with the same vigour as pre 2022. A school promises to inject some much-needed life back into the CBD.

The Assessment is to consider the following:

- *Detailed outline of proposal* – provided in section 4 of this report
- *Pedestrian safety and security in Laneways including cycleway linkages* - provided in section 11.2 of this report
- *Urban design for locality, Flood characteristics, building resilience and emergency evacuation responses to be assessed* – assessed under Section 10, LEP2012 CI 5.21 Flood Planning, DCP compliance table - Commercial Development – Urban Design in CBD, and the Draft and current flood prone land DCP.
- *Development Control Plan and Draft* – Assessed under 10.11 Lismore Development Control Plan
- *Accessibility within the site* - The site has the benefit of being level. Stairs, lifts and ramps provide suitable access to the proposed school building. The building has been designed to comply with *Part D4 Access for people with a disability* of the National Construction code and AS1428.12009.
- *Vehicle access and safety* - Assessed under 11.1, traffic impact.
- *Contamination Management* - Assessed under 10.6 State Environmental Planning Policy (Resilience & Hazards)
- *Referral recommendations* – All recommendations have been formulated into the conditions of consent, see 9.2 for discussion.

### 3 Site



**Fig 1: Subject site**

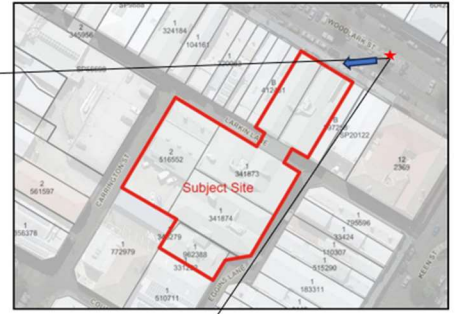
The subject property is an infill development site situated in the heart of the Lismore CBD. It spans multiple titles, with street frontage on Woodlark Street to the north. The rear portion of the site also benefits from several street frontages, including Larkin Lane, Carrington Street, and Eggins Lane. The location of the site is shown in Figure 1, with Figure 2–6 providing street perspective photographs of the site.

The total site area is approximately 3,470 m<sup>2</sup>, excluding the Larkin Lane overpass. It is zoned E2 Commercial Centre under the *Lismore Local Environmental Plan 2012*. Adjoining development consists of retail, commercial and hospitality establishments.





**Fig 2: Site view from Woodlark Street**



**Fig 3: Site view corner Phillip Street and McDermott Avenue**





**Fig 4: Overhead walkway in Larkin Lane linking the site**



**Fig 5: View from Larkin Lane looking south down Eggins Lane**



## 4 Description of Proposal

The proposed development application seeks to change the existing land use from commercial to an Educational Establishment (school). The application seeks to establish the *Living School Brown & Jolly campus*, and will be orientated towards older students (i.e. Years 5 – 8 being 10 - 15 year olds), and will cater to a total number of 200 students, and 20 staff.

The proposed *Living School Brown & Jolly campus* will coincide with the existing approved *Living School Conway Street campus*. Living School also have a campus within the grounds of Southern Cross University.

### Proposed use

Primarily, the proposal is for the change of use of a commercial use to and educational establishment however there are a number of ancillary uses that are proposed as part of the development. These ancillary uses include recreational facilities i.e. pickleball court, basketball court, handball court and a commercial shop.

The commercial shop is intended to be run by Living School students. The use of the shop is proposed to form an ancillary component of the school and is not proposed to be leased out to a 3rd party tenant. The shop will sell projects the students have created as part of their financial literacy. There will also be some dispensing of food, but only via a vending machine, and stocked by food from the Living School Conway Street Campus.

### Proposed works

The project involves alterations and additions to the current structure to create a contemporary educational facility, while also enhancing flood resilience and improving building accessibility. The proposal includes the addition of an atrium with deep soil landscaping, designed to function as an urban forest, enhancing solar access and natural ventilation.

The proposal incorporates various building alterations and additions including the demolition of some existing walls. Full reference to the proposed building works should be obtained from the Architectural design plans prepared by Cave Urban as included with the application.

Key building works include:

#### North of Larkin Lane

- Rehabilitate the original Brown & Jolly Façade fronting Woodlark Street;
- New planters to the rear of the awning fronting Woodlark Street;
- Reinstate original columns at the Woodlark Street frontage;
- Cutting of wall down to balustrade height to part of the building;
- Raised internal ceiling;
- Flyscreens to toilet openings;
- Preserve horsehair cornice;
- Lining boards to ceiling.

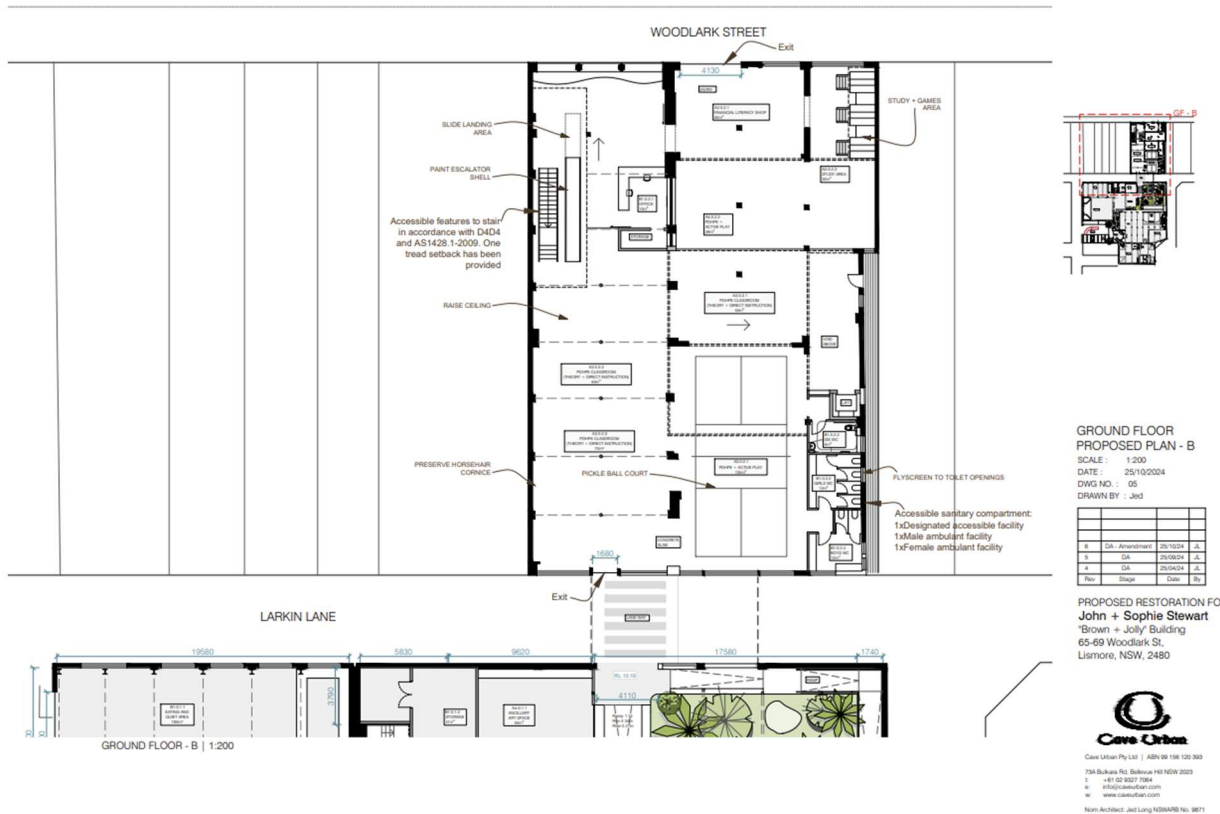
### South of Larkin Lane

- Raising of part of the building roof to enable an additional level over the auditorium;
- Raise part of the building roof adjacent to the auditorium;
- Remove part of the first floor to create double height recreation space;
- Demolish part of the top of the wall of the building to bring light into the walled garden space. This includes demolition of part of the first floor, and the removal and recycling of all non-contaminated timber and contaminated hardwood;
- Lowering of building windows;
- Reduce wall height for part of the building (retain mural to outside of wall);
- Brick up existing windows for part of the building;
- Lower existing window sill;
- Repairs to existing roof, and increase down pipe capacity;
- Installation of solar panels;
- Community art mural to existing floor slab;
- Additional drainage and absorption pit.

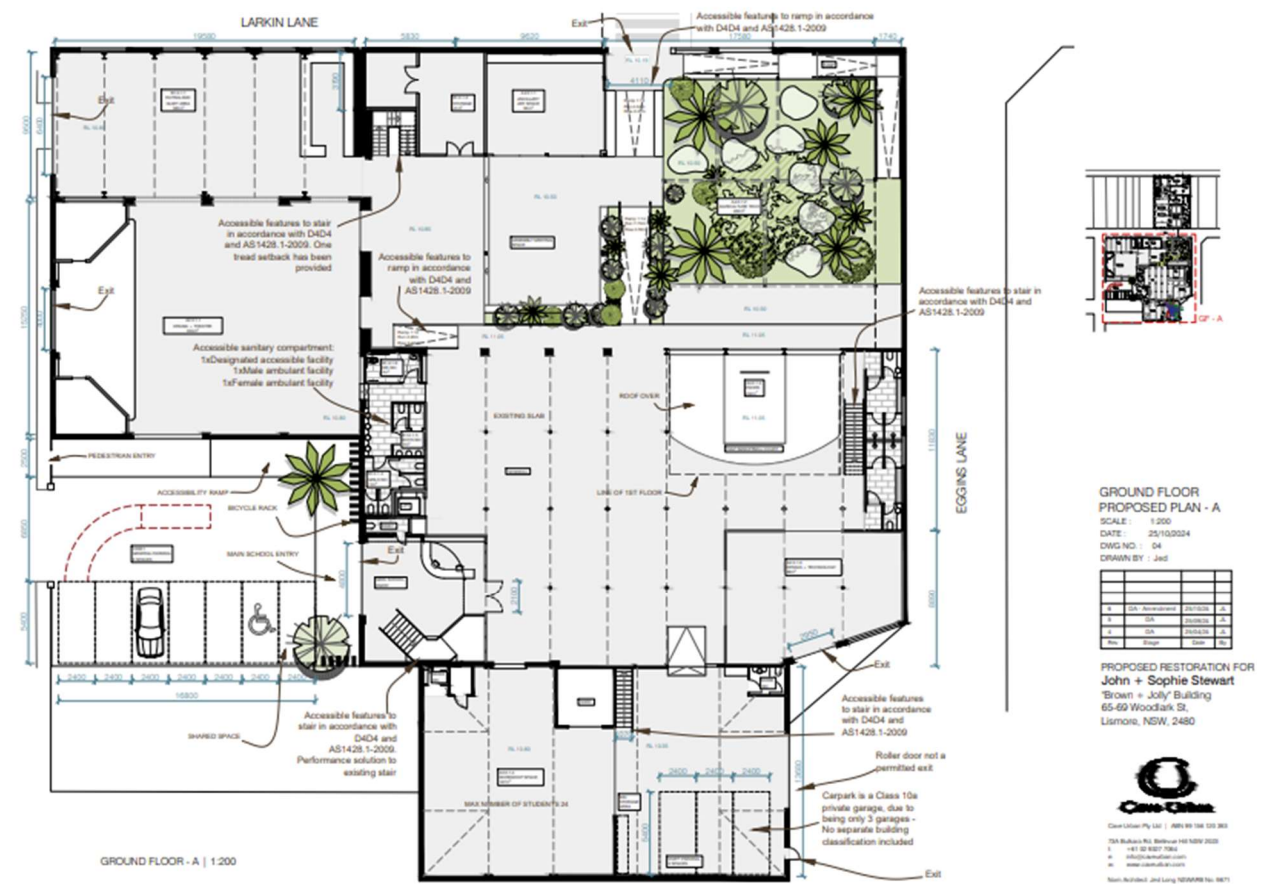
The key development data is provided in **Table 2** with floorplans for the proposed development illustrated in figures 6 – 9.

**Table 2: Key Development Data**

Control	Proposal
Site area	3,470m <sup>2</sup>
GFA	4,458m <sup>2</sup>
FSR (retail/residential)	1.31:1
Clause 4.6 Requests	No
Max Height	12.37 m
Landscaped area	impermeable area of 1,144.2m <sup>2</sup> (63%); and 765m <sup>2</sup> of landscaped area.
Car Parking spaces	6 on-site car parking spaces



**Fig 6: Proposed ground floor (Woodlark Street frontage)**



**Fig 7: Proposed ground floor (Larkin Lane)**



Curved alcove bookshelves for library



Train mural to connecting bridge



**FIRST FLOOR  
PROPOSED PLAN - B**  
SCALE : 1:200  
DATE : 25/10/2024  
DWG NO : 07  
DRAWN BY : Jsd

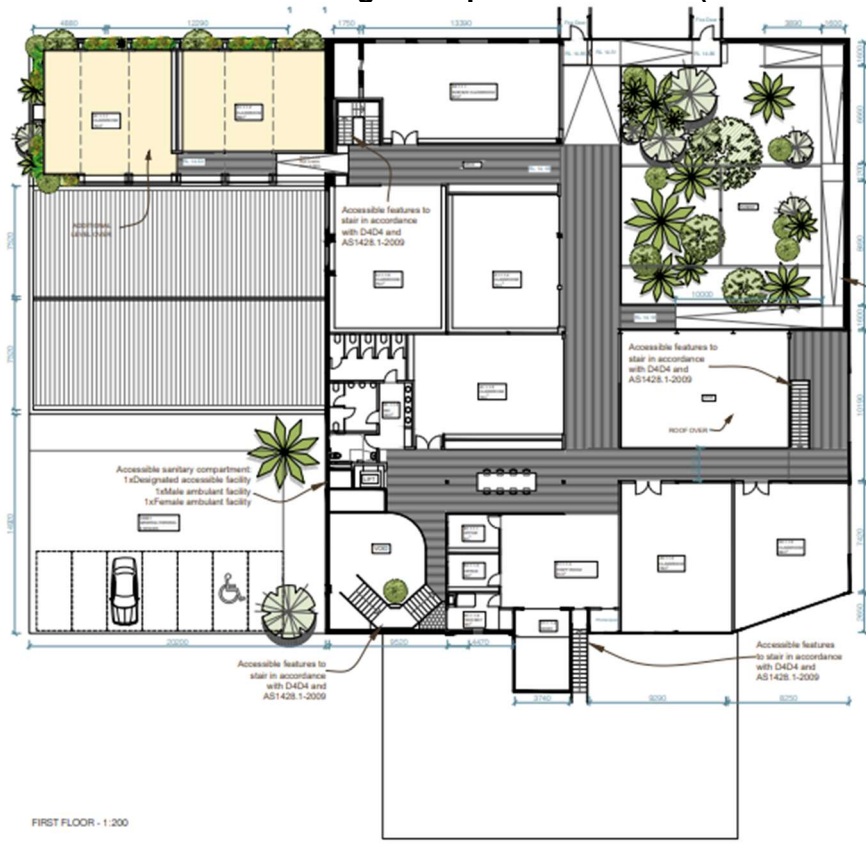
Rev	Stage	Date	By
1	GA - Approval	25/10/24	Jsd
2	GA	25/10/24	Jsd
3	GA	25/10/24	Jsd
4	GA	25/10/24	Jsd

PROPOSED RESTORATION FOR  
John + Sophie Stewart  
'Brown + Jolly' Building  
65-69 Woodlark St,  
Lismore, NSW, 2480



Cave Urban Pty Ltd | ABN 98 136 100 363  
754 Bulwer Rd, Bulwer Hill NSW 2023  
t +61 2 9227 7566  
e info@caveurban.com  
w www.caveurban.com

**Fig 8: Proposed first floor (Woodlark Street frontage)**



**PROPOSED  
FIRST FLOOR - A**  
SCALE : 1:200  
DATE : 25/10/2024  
DWG NO : 06  
DRAWN BY : Jsd

Rev	Stage	Date	By
1	GA - Approval	25/10/24	Jsd
2	GA	25/10/24	Jsd
3	GA	25/10/24	Jsd
4	GA	25/10/24	Jsd

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754 Bulwer Rd, Bulwer Hill NSW 2023  
t +61 2 9227 7566  
e info@caveurban.com  
w www.caveurban.com

**Fig 9: Proposed first floor (Larkin Lane)**

## 5 Description of Locality

The proposed development is situated in Lismore CBD (Central Business District). The CBD is characterized by a mix of retail, office, hospitality, and commercial spaces. It serves as a hub for local businesses, government services, and cultural institutions, offering a variety of amenities, including shops, cafes, restaurants, and professional services surrounded by residential neighbourhoods.

Lismore is still recovering from the devastating 2022 flood event that was the biggest flood in modern Australian history. There are promising signs of recovery however with 76.8% overall occupation rate, across all audited CBD properties in June 2024, which has increased from the 73.4% occupation rate recorded in December 2023.

The CBD has an existing approved *Living School Conway Street campus* approximately 500m from the subject site. *Living School* also have a campus within the grounds of Southern Cross University.

The CBD is easily accessible by car and public transport. Major roads like Woodlark Street, Carrington Street, and Molesworth Street run through the area, providing good connectivity for both pedestrians and vehicles. Lismore is known for its historical architecture, with a blend of heritage-listed buildings and more modern structures, reflecting its growth and development over the years. The area is also home to several public spaces, parks, and cultural venues, adding to its appeal as a community-centred location.

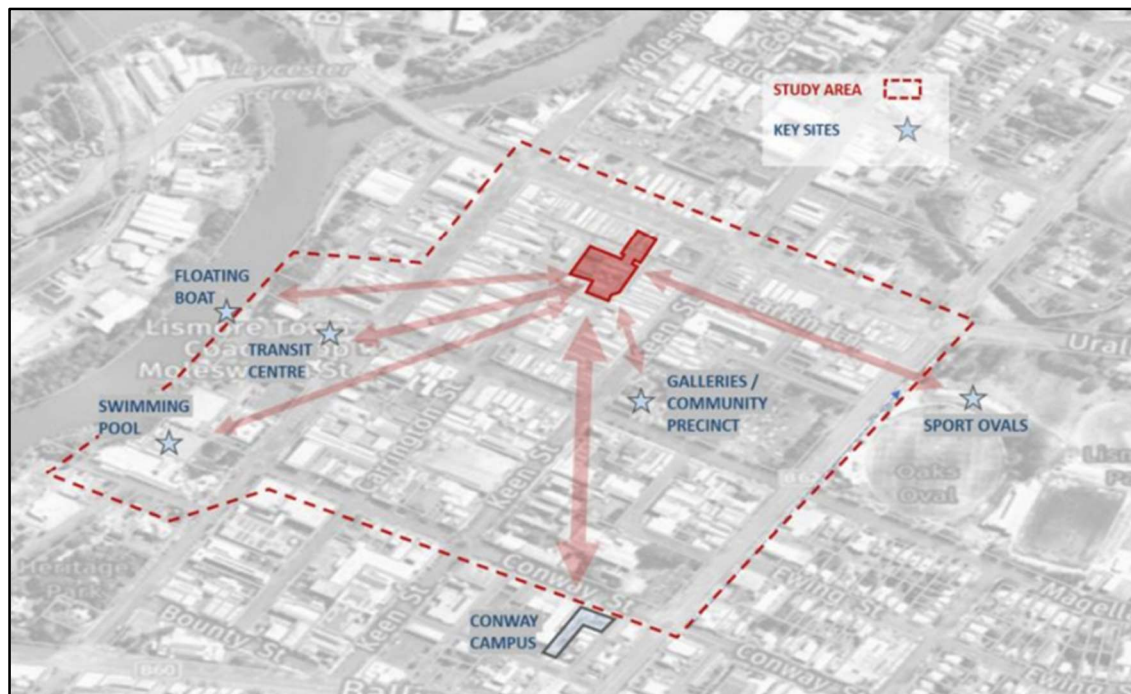


Fig 10: Locality





**Fig 11: Location Map 2**

## **6 Statutory Controls**

Lismore Local Environmental Plan 2012

- Zoning – E2 Commercial Core
- Item of Heritage – No
- In vicinity of Heritage Item – Yes
- Conservation Area – No

S94 Contributions Plan (S7.11)

Environmental Planning & Assessment Act 1979

Environmental Planning & Assessment Regulation 2021

Biodiversity Conservation Act 2016

State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Industry and Employment) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Planning Systems) 2021

State Environmental Planning Policy (Regional) 2021

## **7 Policy Controls**

Lismore Development Control Plan

Community Consultation Plan – Appendix 1 (*Council's Community Engagement Strategy and Community Participation Plan*)



- 1.8.4 Undergrounding of Electricity Mains & Provision of Street Lighting
- 5.2.29 Development Application Determination
- 5.2.30 Social Impact Assessment
- 5.3.2 Planning Agreements Policy
- 5.3.3 Provision of Public Transport Infrastructure Policy

## **8 Internal Referrals**

Set out below is a summary of each of the relevant referral officer's comments.

### **8.1 Building**

The application has been reviewed and comments provided, with no objections raised subject to the imposition of appropriate conditions that are included in the draft conditions attached to this report. The issues addressed within the referral comments from this officer include BCA requirements, fire safety measures and access for people with a disability.

### **8.2 Environmental Health**

Council's Environmental Health Officer has assessed the submitted Soil Contamination Assessment, Destructive Hazmat Survey Report and Remedial Action Plan for adequacy. Conditions have been applied in relation to remediation and treatment of contamination. Environmental Health have also assessed amenity issues in relation to noise, stormwater quality and other public health matters.

### **8.3 Engineering/Traffic/Stormwater Drainage**

The application has been reviewed and comments provided, with no objections raised subject to the imposition of appropriate conditions that are included in the draft conditions attached to this report.

The issues addressed within the referral comments from this officer include vehicular access and traffic impact, parking, stormwater and flood.

## **9 External Referrals**

A summary of the responses received is provided below.

### **9.1 Essential Energy**

The proposal has been referred to essential energy who have not objected to the proposal. An extract of the correspondence to this affect is provided below.

*Strictly based on the documents submitted, Essential Energy has no comments to make as to potential safety risks arising from the proposed development.*

### **9.2 NSW Police**

The application was referred to NSW Police, comments with recommendations were provided 6 January 2025. NSW Police did not have any objections to the proposed development but recommend the following:

- Surveillance - Promote visibility and surveillance opportunities around the premises by keeping sightlines clear of obstructions, such as large items of street furniture, placement of garbage bins, and any other items that may provide concealment areas.
- Surveillance - Keep exterior windows free of excessive promotional material to allow for improved surveillance opportunities.
- Surveillance, CCTV - Installation of a quality CCTV system is encouraged in all public/shared spaces, entry and exit points including the car park. The Installed CCTV cameras should be placed in areas to capture a person's face and be of sufficiently high resolution to discern facial features and clothing details. Staff should be trained to review and download images should they be required by Police. Ensure that the CCTV cameras can be remotely monitored by staff onsite during school hours and/or a reputable security company for monitoring out of school hours.
- Surveillance, Alarm - Installation of an audible alarm system is encouraged. Consideration should be given to a system that can be remotely monitored after hours by Staff and/or a reputable Security company.
- Surveillance, Lighting - Installation of adequate external lighting around the proposed exterior of the buildings, entry/exit points and the carpark.
- Surveillance, Lighting - Ensure that damaged lighting both internally and externally is repaired or replaced in a timely manner.
- Wayfinding - Ensure that the premises business name/s are clearly signposted and identifiable from the street. Ensure that wayfinding signage is clearly displayed in case there is a need for emergency services to respond to the premises.
- Territorial reinforcement - Keep areas under windows free of any structures that can be climbed on to assist to gain access to them. At the time Police did a site inspection the majority if not all the premises exterior windows were covered with Security Grille or bars. If the intention is to remove these security measures thoughtful consideration should be given to replacement security screens or grille that are able to be opened from inside the development to assist in emergency situations.
- Space management - Ensure the rapid removal of graffiti and/or repair of any damage to the premises which may be visible to members of the public.

These recommendations have been incorporated as a condition of consent.

### **9.3 NSW State Emergency Service (SES)**

The SES provided a comprehensive response opposed to the proposal due to the flood risk of the property, a response was provided by the applicant noting that *the school will not operate during any moderate-to-major flood warnings*.

For Council's assessment regarding the proposal and flood related issues see clause 5.21 *Flood planning* of section 10.3 *Lismore Local Environmental Plan 2012* further in this report.

In response to the SES letter and the recommendation of the NRPP Council has provided referrals to the *NSW Department of Climate Change, Energy, the Environment and Water* and the *NSW Reconstruction Authority*. While a recognition of the request for comment has been acknowledged nothing further has been received.

## **10 Matters for Consideration**

### **10.1 Environmental Planning and Assessment Act 1979**

The relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, are assessed under the following headings:

### **10.2 Environmental Planning and Assessment Regulation 2021**

The EPA Regulation 2000 requires that Council take into consideration *AS 2601-1991: the demolition of structures*, as in force at 1 July 1993. As demolition of some structures on the site is proposed to occur, a suitable condition has been imposed.

The application was lodged and assessed in accordance with the regulations.

### **10.3 Lismore Local Environmental Plan 2012**

#### **Part 1 Preliminary**

##### **1.2 - Aims, objectives of LLEP**

The proposed development is generally consistent with the aims and objectives

#### **Part 2 - Permitted or Prohibited Development**

##### **2.3 - Zone objectives and land use table**

The subject site is zoned Zone E2 Commercial Centre, educational establishments are permissible with consent in the zone. The objectives of the zone are:

- *To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.*
- *To encourage investment in commercial development that generates employment opportunities and economic growth.*
- *To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.*
- *To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*

The proposed development is consistent with the above objectives particularly; to strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.

The proposal incorporates ancillary uses of recreational facilities and a shop both of which are permissible land uses in the zone and consistent to the objectives of the zone.

## **2.7 Demolition requires development consent**

Consent is sought via this application

## **Part 4 – Principal Development Standards**

### **4.3 Height of Buildings**

The Lismore LEP specifies a building height limit of 20.5 metres. The proposal does not exceed the maximum building height allowance with the existing and proposed maximum building height being 9.3m.

### **4.4 Floor Space Ratio**

The Lismore LEP specifies a FSR of 3.25:1. The proposed FSR is calculated at 1.31:1 which is compliant.

### **4.6 Exceptions to Development Standards**

None proposed or identified during the assessment process.

### **5.10 Heritage Conservation**

The subject site is not identified as an item of heritage within Schedule 5 of the Lismore LEP 2012. The subject site is not located within an identified conservation area however there are a number of items within the vicinity and heritage conservation area 140 m from the site. There are no heritage items within the immediate vicinity.

With the proposed works including the rehabilitation of the original Brown and Jolly facade facing Woodlark Street, and the reinstatement of original columns at the Woodlark Street frontage it is considered the proposal provides an embellishment of the heritage fabric of the Lismore CBD while not negatively impacting on existing items.

The site is highly modified, while disturbance of indigenous artefacts are unlikely conditions of consent with regard to aboriginal heritage have been applied.

## Part 5 – Miscellaneous Provisions



The site is mapped as being flood affected. The 1% AEP, 0.2% AEP, and PMF flood levels being 12.56m, 13.08m, and 16.76m AHD respectively. The 1 in 10,000yr ARI flood level is 14.4m AHD.

### 5.21 Flood Planning

The subject site is in the flood planning area. This clause provides that development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—

#### (a) is compatible with the flood function and behaviour on the land,

The definition of compatible is *(of two things) able to exist or occur together without problems or conflict*. Floods cause problems for most if not all built environment land uses. It could be argued that there is no development that is 100% compatible with flood function and behaviour.

The proposed development has provided a number of measures that improve the compatibility of the existing building and its future use during a major flood event including:

- Considerations of building materials and design –
  - Creating open-plan hard-surface areas that improve ventilation and clean up ability after a major flood event.
  - removing internal walls with gyprock cladding, which retained moisture and mould, and including polished concrete surfaces, hardwood framing, and villa board finishes.
  - The addition of a rainforest-inspired auditorium that in a major flood situation will provide permeable area for flood water absorption and flood water holding area.
- The proposed first floor will operate as the main classroom learning areas for the school which has a level above the FPL. The ground floor is reserved for administration and recreational use that requires less infrastructure that could potentially be damaged.
- The proposed alterations and additions do not increase hard stand area or increase the bulk of the existing building thereby reducing or maintaining the existing impediment of floodwaters.

- A detailed Flood Emergency Response Plan has been prepared consistent with the Lismore Local Flood Plan. The development site is located with good access to viable evacuation routes should an evacuation be required. It is noted that as part of the Emergency Response Plan the school will not operate during any moderate-to-major flood warnings.
- An SES Emergency Business Continuity Plan has been prepared by the Living School.
- No storage of hazardous materials is proposed below the flood planning level.

Additionally conditions of consent require;

- All new materials used in the building below the adopted flood planning level of 13.10m (AHD), shall be flood compatible. Services such as air conditioning units, electrical switchboards, storage hot water units and water tanks shall be placed above the flood planning level.
- Development is to be compliant with the Australian Building Codes Board's Standard on Construction of Buildings in Flood Hazard Area.
- The development shall be provided with a mezzanine level (with emergency exit for evacuation purposes) above the 1 in 10,000yr ARI flood level (14.40m AHD) as an emergency flood refuge for employees. The refuge must include:
  - Permanent internal access via permanent staircase with minimum 1.2m;
  - External access to refuge provided, accessible by boat during flooding;
  - Must have natural light and ventilation.

The application has been assessed using the following documents for guidance of which the development remains consistent with the relative guides and approaches of the following:

- Flood impact and risk assessment Flood risk management guideline LU01
- PS 21-006 Considering flooding in land use planning: guidance and statutory requirements
- PS 24-001 Update on addressing flood risk in planning decisions
- Engeny report
- Draft Flood DCP / Flood DCP
- Lismore LEP
- Lismore Flood Risk Management Study and Plan
- NSW Floodplain Development Manual 2005.

Council is satisfied that after consideration of the above guidelines and the measures adopted that the development is compatible with the flood hazard of the land

**(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties,**

The proposal is not increasing the bulk of the buildings therefore there will not be any impact to the existing flood behaviour of the land.

**(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood,**

The Emergency Management Plan adopts a strict early-closure policy in flood scenarios therefore it would be unlikely that an emergency evacuation would occur however, in the event that it was, it is not considered that the transportation of staff and students (which would be undertaken by bus) would exceed the capacity of existing evacuation routes.

**(d) incorporates appropriate measures to manage risk to life in the event of a flood**

The school has a well-documented Emergency Management Plan (EMP) that adopts best practice protocols for safe occupation and efficient evacuation of people. By adopting a strict early-closure policy in flood scenarios it would be unlikely that an emergency evacuation would be required.

Notwithstanding the above, should flood risk occur during a school day, EMP logistics allow for full site evacuation to Southern Cross University (Southern Cross University is a Emergency Evacuation location that is above the PMF and a 10 minute bus ride from the site) via Carrington Lane > Conway Street > Wyrallah Road, a well-established egress route, well before any overtopping of the levee system occurs. The submitted Flood Emergency Response Plan (FERP) is specific to the site and integrates AWS-based triggers, climate change projections, and community response mechanisms. This system has already been successfully deployed for the Conway street campus during the recent cyclone Alfred storm event.

Furthermore, a school is only going to have people onsite during daylight hours, this reduces the risk to life. Overnight accommodation has the potential for people to miss important flood developments. It is noted that shop top housing, that is also permissible and an accepted landuse in both the Draft and existing Flood DCP, would be a less desirable, or less “compatible” landuse than a school.

**e) Will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.**

The bones of the built form is largely existing with some excavation proposed for the rainforest atrium. A process of soil remediation is included in the execution of this component of the development and a positive with regard to the environment. Council is satisfied that the development shall not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

Council has considered the matters of consideration under section 3 of this clause and the heads of consideration under the *Flood Risk Management Manual* and *Considering Flooding*

in *Land Use Planning Guideline* and are satisfied that the proposal complies with these sections and documents.

## **5.22 Special Flood Considerations**

Educational establishments are classified as sensitive and hazardous development however, this clause applies to *sensitive and hazardous development located land between the flood planning area and the probable maximum flood*. The subject site is located in the flood planning area therefore this clause does not apply to the proposed development.

It is noted that the development standards in this clause relate a watered-down version of the considerations in clause 5.21 and it is believed the intent of this clause is to capture sites between the flood planning area and the PMF to insure that flood considerations are applied to these sites.

## **Part 6 – Additional Local Provisions**

### **6.2 Earthworks**

The proposal has been considered against the objectives of this clause and the heads of consideration under cl 6.2 (3). The following comments are applicable.

The development is unlikely to disrupt or have any detrimental effect on drainage patterns and soil stability in the locality of the development.

Earthworks are required in the proposed rainforest atrium area with this area having undertaken a soil contamination test revealing contaminants. A number of potential remedial options have been outlined. A mixture of two preferred remedial options for the site have been proposed in the submitted RAP of which Council's EHO is satisfied. The following is an excerpt from the EHO referral:

*The remediation work includes both off-site disposal of impacted soils and on-site containment. No objection is raised to the proposed remediation strategy. A remediation work involving containment is classified as Category 1 Remediation work by Councils Regional Policy for the Management of Contaminated Land. Therefore, conditions of development consent are nominated.*

While it is unlikely that there shall be a disturbance of relics, conditions have been applied in relation to the management of earthworks in this regard. It is considered that appropriate measures proposed to avoid, minimise or mitigate the impacts of the development have either been proposed or nominated in conditions, or both.

### **6.4 Drinking water catchments**

The land is within the Wilson River drinking water catchment. Council is satisfied that the development is not likely to have any adverse impact on the quality and quantity of water entering the drinking water storage.

### **6.9 Essential Services**

Development consent must not be granted to development unless the consent authority is satisfied that services that are essential for the development are available or that adequate arrangements have been made to make them available when required. Council is satisfied



that essential services are available and either adequate or have the capacity to be made so as provided below.

#### Water

The premises in Woodlark Street and Larkin Lane each have existing water connections.

#### Electricity

The site has electricity connected.

#### Sewage

The existing buildings benefit from sewer connections and the same services may be utilised to cater for the proposal. Existing connections are provided in Larkin Lane.

#### Stormwater

The existing buildings benefit from connections to council's stormwater infrastructure.

#### Suitable Vehicle Access

Suitable Vehicle Access is established.

Conditions have been applied requesting engineering plans and details for extension of all services as required to service the development, to be submitted prior to the issue of the Construction Certificate.

### **10.4 State Environmental Planning Policy (Transport and Infrastructure) 2021**

In relation to the requirements of clause (CI 2.48), the proposal has been referred to essential energy for comment. No objection to the proposal was received as a result of this process. A suitable extract from their comment is provided as follows.

*Strictly based on the documents submitted, Essential Energy has no comments to make as to potential safety risks arising from the proposed development.*

Clause 2.122 is not triggered given the proposal is not traffic generating development as the development does not seek to generate 200 or more motor vehicles per hour thereby being below the threshold in Column 2 to the Table in Schedule 3. Based on the Traffic Impact Assessment Report completed by ABTT for the project, the proposal has been estimated as generating peak hour vehicle trips no greater than 50 per hour.

#### **Part 3.4 Schools—specific development controls**

The proposal for an Educational Establishment is located within the E2 Commercial Centre zone being a prescribed zone.

Clause 3.36(6) identifies the consent authority is required to take into consideration the design quality of the development in accordance with the design quality principles contained within Schedule 8 and whether the development enables the use of the schools' facilities to be shared with the community.

It is the school's intention that the school facilities (including recreational facilities) shall be shared with the community.

The design quality principles of Schedule 8 are commented on individually below.

#### Context Built Form and Landscape

The context of the built form is in keeping with the existing streetscape and will embellish the heritage components of the Woodlark Street frontage. The school is in a regional city CBD and proposes to provide greenspace landscaping via an internal rainforest atrium which is a desired characteristic identified in strategic visions of the CBD.

#### Sustainable, Efficient and Durable

The proposal increases the flood resilience of the building by methods identified in clause 5.21 of the LEP above.

The proposed works will make use of recycled and durable materials, incorporate passive design principles to reduce reliance of artificial lighting and ventilation and significantly increase in deep soil landscaping.

#### Accessible and Inclusive

The site has the benefit of being level. Stairs, lifts and ramps provide suitable access to the proposed school building. The building has been designed to comply with *Part D4 Access for people with a disability* of the National Construction code and *AS1428.12009*. The proposal provides an open ground floor that can be used for both school and community activities and encourages interaction and dynamic play amongst different age groups.

#### Health & Safety

The redevelopment of the building will provide the removal and remediation of contaminated elements existing in the building. A 'Destructive Hazmat Survey Report' (as required by the Pre-lodgement advice) has been provided. Approval of the project will provide removal/management of hazardous materials that otherwise would remain in situ.

The design of the redevelopment with open air spaces, improved circulation and airconditioned classrooms is advantageous to health of occupants.

#### Amenity

The design is considered to ensure adequate amenity in terms of solar access and ventilation where considerable open play areas are provided for recreation.

#### Whole of life, flexible and adaptive

The SEE provides the following comment that is accepted as adequate justification in relation to whole of life, flexible and adaptive.

*The proposal involves the adaptive re-use of an existing building, designed to allow for future adaptation and change to meet the needs of its users. The design allows for a multiple of different sized learning environments to cater to both small and large groups. The design responds to local site conditions and is designed to withstand future flooding events.*

#### Aesthetics

The SEE provides the following comment that is accepted as adequate justification in relation to Aesthetics.

*The proposed design prioritizes creativity and a visually engaging environment, integrating public art, green space and makes use of recycled and natural materials to demonstrate*

*design excellence for sustainable design and adaptive re-use. The proposal accentuates existing built forms and integrate landscaping into what was previously an urban environment.*

## **10.5 Biodiversity Conservation Act 2016**

The subject site does not contain any significant trees or vegetation, and the site is not included on the Biodiversity Value Map. Further consideration of the *Biodiversity Conservation Act 2016* is not required.

## **10.6 State Environmental Planning Policy (Resilience & Hazards)**

### Potential Land Contamination

Council's Environmental Health Officer has advised:

A soil contamination assessment has been completed for the discrete area of the development site nominated as an indoor forest. The technical report concludes:

*Based on the Soil Contamination Assessment findings, further delineation of contaminants is required within the inaccessible areas to develop Remediation Action Plan for the site to facilitate the excavation and disposal of impacted soils and replacement with suitable growing media.*

In response to the initial technical report findings a remediation action plan (RAP) has been developed. The remediation work includes both off-site disposal of impacted soils and on-site containment. No objection is raised to the proposed remediation strategy, conditions of development consent are nominated to assure the RAP's implementation.

A 'Destructive Hazmat Survey Report' (as required by the Pre-lodgement advice) has been prepared. Conditions are applied in the consent regarding appropriate measures nominated for the appropriate removal/management of hazardous materials in accordance with the technical report.

### Coastal Environment Area

The subject land is located within a Coastal Environment Area. In relation to the matters for consideration contained within clause 2.10.

The proposal is not considered to present adverse potential in relation to the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment.

Coastal environmental values and natural coastal process are not considered adversely affected by the proposal. Marine and terrestrial Flora and Fauna are not considered to be significantly impacted by the proposal.

No access along the foreshore or the like will be restricted by the development.

It is unlikely that aboriginal artifacts will be disturbed however precautionary conditions have been applied.

It is considered the development is designed and sited and will be managed to avoid any unreasonable implications/impacts referred to in subsection 1.

## 10.7 State Environmental Planning Policy (Planning Systems) 2021

Clause 5 of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* declares the proposal regionally significant development as it involves the establishment of an educational establishments that has an estimated development cost of more than \$5 million.

## 10.8 State Environmental Planning Policy (Industry & Employment) 2021

*State Environmental Planning Policy (Industry & Employment) 2021 Clause 3.11.* A consent authority must not grant consent to an application to display an advertisement to which this Chapter applies unless it has been considered under this clause. The schools proposed signage is considered satisfactory in relation to schedule 5. Council is satisfied in relation to the matters for consideration required by Clause 3.11 of the SEPP in relation to the proposed signage.

## 10.9 North Coast Regional Plan 2036

The proposed development is considered consistent with primary directions of the *North Coast Regional Plan 2036* including:

- Direction 3 Manage natural hazards and climate change where the actions specify reducing risk from natural hazards.

## 10.10 Draft instruments

No draft instruments are applicable to the site.

## 10.11 Lismore Development Control Plan

The application has been assessed against the relevant controls in the Lismore DCP as indicated in the following compliance table, and comments are provided where the proposal does not strictly comply with the applicable provisions or conditions are required to address certain matters.

### 1. Development Control Plan Compliance Table

LISMORE DEVELOPMENT CONTROL PLAN			
	Complies Yes/No	Relevant Comments	
Off-street Parking			
Design, Layout and Landscaping	Yes	The proposal makes an allowance for 9 car parking spaces that comply with DCP design and layout requirements.	
Car Parking Spaces Required	Yes	The car parking spaces required under the DCP are:	
		Educational establishment Tertiary	1 per 2 employees, plus 1 per 5 students
		Secondary	1 per 2 employees, plus 1 per 10 students
		Primary	1 per 2 employees, plus 1 per 12 students

	<p>Application of the above rate to the proposed school population and associated staff results in a need for and additional 21 spaces for parents and 11 spaces for staff as follows:</p> <p>Brown and Jolly Campus Year 5 – 6 = 100 students @ 1 space  12 students: 8.33 spaces Year 7 – 8 = 100 students @ 1 space  per 10 students: 10 spaces Staff = 20 staff @ 1 space per 2 staff: 10 spaces TOTAL: 29 spaces</p> <p>However, <i>Part 7.7.3.4 Redevelopment of Sites – Car Parking Credit</i> provides that where an existing site within the Lismore CBD is to be redeveloped, the existing site will be deemed to have provided parking to the CBD and a parking credit will be applied to the overall requirement for car parking for the proposed redevelopment. This deemed parking credit will be calculated in accordance with the following formula and the parking requirement for the proposed new development reduced by the deemed amount. Deemed Parking Credit = parking requirement for existing development @ 2.5 spaces/100m<sup>2</sup> gross floor area less the number of parking spaces physically provided on the existing development site. Where evidence can be provided that the development site has, through cash in lieu payment, provided a greater number of parking spaces to the CBD than that given by the above formula, the greater number of parking spaces shall be taken to be the allowable reduction applied to the proposed development parking requirement.</p> <p>The Statement of Environmental effects provide the following with regard to Parking credits:</p> <p><u>Change of use:</u>  Section 7.7.3.1 of the DCP outlines a fixed rate of no less than 3.3 car spaces/100m<sup>2</sup> of GFA shall be required for development within the CBD/City centre where the land is located. This would suggest a car parking credit of <b>147.3</b> spaces are available to the site (157.3 – 10 existing car parks provided).</p> <p>Section 7.7.3.1(iii) of the DCP provides that if there is no increase to the GFA for development then no Section 7.11 [s94] contributions for car parking will be incurred. We are of the view that this method would be applied to a change of use of the site that would not materially affect the building fabric.</p> <p>Therefore, the site enjoys an existing car parking credit of 147.3 spaces as per Plate 6 of the SEE. The proposal makes an allowance for 9 car parking spaces and the proposal under the DCP generates the demand for 29 car parking spaces. As the parking credits outweigh the DCP carparking requirement no further parking spaces are required to be provided onsite, and the development complies with the DCP requirements for car parking as demonstrated.</p>
<b>Flood Prone Lands</b>	
<p>The four flood hazard categories in the existing Flood Prone Lands DCP are:</p> <ul style="list-style-type: none"> <li>• Floodway;</li> <li>• High Flood Risk Area;</li> <li>• Flood Fringe Area; and</li> <li>• Low Flood Risk Area</li> </ul> <p>The subject land is identified as being in a Flood Fringe area.</p>	

8.5.4 Controls Applying to All Developments	Complies Yes/No	Relevant Comments
1. Where a minimum floor level is specified, a certificate from a registered surveyor will be required certifying that the floor has been constructed to the required level.	N/A	The buildings are existing, there is no minimal floor level specified.
All applications involving new building work are to be accompanied by a certificate of structural adequacy prepared by a qualified structural/civil engineer stating that the building has been designed to withstand structural damage from the forces of floodwaters and associated debris.	Yes	Conditioned
For non-habitable floors constructed below the Flood Planning Level, the applicant will be required to demonstrate that: a) the new structure will not have an adverse affect upon the existing flow of floodwaters, and that all materials used below the Flood Planning Level are flood compatible.	Yes	<p>The proposed works do not modify the existing building footprint therefore there will be any impact on existing flow of floodwaters.</p> <p>A condition has been applied that all materials used below the Flood Planning Level are flood compatible.</p>
<b>Controls Applying to Commercial Development in a Flood Fringe area</b>		
An equivalent of 25% of gross floor area of the building to be at or above the Flood Planning Level	Yes	The proposed first floor will operate as the main classroom learning areas for the school. First floor levels will be located to achieve at least 14m AHD being above the FPL.
Bulk fill to within 300mm of finished surfaced level is to be sourced from on-site, from the preferred excavation area or from another area on the floodplain. Minor increases in the depth of imported fill will be considered where it can be demonstrated that this is necessary to complement the design of the footings of a future	Yes	Some clean fill will be required for the rainforest tree plantings, as the fill shall be replacing compacted contaminated soil. As there won't be any changes to the existing ground level there won't be any adverse effects upon flood levels upstream or on flooding behaviour on adjacent properties.

building. If bulk fill cannot be obtained on-site, from the preferred excavation area or from another area on the floodplain, Council may approve fill imported from another source providing a flood impact assessment has been prepared by a suitably qualified consultant which demonstrates that the fill will have no adverse effects upon flood levels upstream or on flooding behaviour on adjacent properties.		
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### **Flood Prone Lands (DRAFT)**

The DRAFT Flood Prone Lands DCP has been developed as an outcome of the Lismore Flood Risk Management Study and Plan prepared in accordance with the process outlined by the *NSW Government Flood Prone Lands Policy* and the *NSW Floodplain Development Manual 2005*.

An underlying principle of this Chapter is that any new development or modifications to existing development should always, as far as practical, result in an improvement to the existing flood risk, and in no circumstances should flood risk be made worse.

The DCP has been to Council for endorsement on several occasions and been unsuccessful in being adopted by the elected Council.

Under the Draft DCP the Council's flood mapping designates the site within a "High-Risk Precinct". The development is also situated within the CBD Development Exemption Area.

The CBD Development Precinct applies to the Lismore CBD area and allows for forms of residential development (shop top housing and tourist and visitor accommodation), provided that habitable floor levels are above the FPL, structural soundness is proven, a site-specific evacuation plan is prepared, and refuge is available above the PMF. This is due to CBD development having adequate evacuation routes, and the protection provided by the CBD levee. Commercial and community development is also permissible in this precinct.

The Development Control Plan (DCP) requirements for Commercial and community development in this area include:

- Structural certification up to the Probable Maximum Flood (PMF) event,
- A mezzanine level for emergency purposes above the 1 in 10,000-year ARI flood level,
- 25% of the floor level to be at or above the Flood Planning Level (FPL), which is the 0.2% AEP flood level plus 500mm freeboard,
- A Flood Evacuation plan.

Conditions have been added for structural certification, option for emergency evacuation the above the 1 in 10,000-year ARI flood level, and a updated flood evacuation plan has been submitted with the application.

Below are the applicable controls assessed against the subject application

<b>Control</b>	<b>Comment</b>
<b><i>Floor Level</i></b>	
4 Floor levels must be as close to FPL as practical, and at least 25% must be	The proposed first floor will operate as the main classroom learning areas for the school. First floor levels will be located to achieve at least 14m AHD being above the FPL.

above the FPL. Educational establishments and early education and care facilities must not have floor levels below the FPL.	
<b>Fill</b>	
1 Bulk fill to within 300mm of finished surfaced level is to be sourced from on-site**. No filling permissible in land identified as floodway***.	Satisfactory
<b>Flood Affection</b>	
1 Flood impact and risk assessment (FIRA) required by a suitably qualified professional to certify the development will not cause adverse flood impacts. Such a report to be satisfactory to Council.	Satisfactory
<b>Building And Materials</b>	
1 All structures to have flood resilient materials below or at the FPL^. Services such as air conditioning units, electrical switchboards, storage hot water units and water tanks to be placed above the FPL.	Complies.
3 Fencing must be permeable to allow the passage of flood flows (minimum 75% void space) or be collapsible under flood flow.	N/A.
4 Development must be compliant with the Australian Building Codes Board's Standard on Construction of Buildings in Flood Hazard Areas.	Condition of consent.
<b>Structural Soundness</b>	
2 Report required that includes certification by a suitably qualified	Flood certification of the structure will be a condition of consent.



professional that any structure can withstand the forces of floodwater, debris & buoyancy up to & including the 0.2%AEP. Such a report, to be provided at Construction Certificate stage, to be satisfactory to Council.	
<b>Emergency Response</b>	
1 A site-specific evacuation plan must be submitted^^. Plans to be consistent with NSW SES's Local Flood Plan.	A flood evacuation plan has been provided with the DA which is adequate.
<b>Management</b>	
2 An SES Emergency Business Continuity Plan is to be provided addressing how safety and property damage (including fitouts and goods storage) is addressed, considering the full range of floods.	A SES Emergency Business Continuity Plan has been provided with the DA which is adequate.
The above table is considered to adequately identify the proposal is satisfactory in terms of the requirements of Draft Chapter 8.	
<b>Commercial Development – Urban Design in CBD</b>	
<p>The purpose of Part A is to identify general design principles for new and renovating buildings within the CBD. Design principles include protection of building occupants and pedestrians from the extremes of Lismore weather, ensuring access for the disabled, incorporation of crime prevention measures and recognition of Lismore's heritage values. The majority of the DCP is dedicated to urban design principles directed to infill development in the CBD.</p> <p>A.9 Additions to Existing Buildings provides development controls for when renovating or adding to an existing building within the CBD precinct:</p>	
Any redevelopment should retain a form and scale that complements the existing streetscape	Yes It is considered that the proposal retains a form and scale that complements the existing streetscape
Where possible, verandas can be reinstated;	N/A
Ensure any additional awnings or verandahs are sympathetic to adjoining buildings and the existing streetscape;	N/A No additional verandahs are proposed.

The materials and colours to be used in additions or renovations should be similar to and complement those used in existing structures	Yes	The materials and colours to be used in additions or renovations shall be similar to and complement those used in existing structures
The redevelopment of alleyways and laneways in compliance with the adopted streetscape plans.	Yes	The redevelopment is consistent with the present and future streetscape plans
Weather Protection		The proposal retains the weather protection for pedestrians within Woodlark Street with the awning being retained. The proposal provides protected recreational areas. The proposed plantings place an emphasis on shade provision and conform with the rainforest theme currently evident in the CBD, and as proposed in the City Centre Streetscape Study.
Disabled Access		Internal accessibility requirements have been noted on the Architectural design plans. Access throughout the building is proposed for people with all abilities including the provision of an access lift, ramps and accessible amenities in accordance with the BCA and applicable Australian standards.
<b>Crime Prevention Through Environmental Design</b>		
CPTED Principles.	Yes	<p>Subject to conditions, the proposed development is considered to have adequately addressed the relevant CPTED principles, including:</p> <ul style="list-style-type: none"> <li>• Surveillance (i.e. siting and design of Units, CCTV, landscaping and lighting, design of gates);</li> <li>• Access Control and Target Hardening (clear and managed entry / exit points, fences, security shutters, gates, locks and security grills);</li> <li>• Territorial Reinforcement (level change, landscaping, fencing and gates);</li> <li>• Defensive Space (site management to coordinate maintenance).</li> </ul> <p>See the SEE for more detail on safety and security measures</p>
<b>Waste Minimisation</b>		
Development Application	Yes	<p>A suitable Waste Management Plan has been submitted with the application that addresses the construction phase and the ongoing treatment of waste. The Statement of Environmental Effects provides the following comment in relation to the operational phase of the development.</p> <p><i>a bin storage area is available within the building to the south of Larkin Lane adjacent to the Eggins Lane access doors (as outlined red on Plate 1). This will enable the transport of refuse collection to the collection point located within Eggins Lane, which correlates with the recommendation within the Traffic Impact Assessment Report prepared by ABTT. It is proposed that waste will be collected in the proximity of the site with the school transferring the bins within the travel route of a waste</i></p>

		<i>travel path shown below in Plate 2. A swept path analysis of a typical rear loading waste collection vehicle is contained within Attachment B2 of the TIA. Waste collection service may be provided either by Lismore City Council or a private contractor.</i>
<b>Water Sensitive Design</b>		
DA requirements	Yes	<p>Lucena Engineers have produced a Stormwater Management Plan for the alterations to the property. No basin is required, as the proposed alterations will provide better opportunity for infiltration due to the 'Forest Area,' and will not increase the load on the existing infrastructure. Certification has been provided that the Stormwater Management Plan details are adequate in accordance with normal engineering practices and principles, and the relevant codes of Standards Australia, for the purpose of meeting the requirements of AS 3500.3:2021 – Plumbing and Drainage Part 3 -Stormwater.</p> <p>Council is satisfied that subject to conditions to the DA complies with the quantity and quality stormwater requirement of this chapter.</p>

## 10.12 Section 7.11 Contributions Plan

There are no levies to be imposed as contributions towards the cost of meeting increased demand for public services and amenities as none will result from the development as the building envelope for the structures remains the same with the GFA of the structure reducing and existing credits being sufficient.

## 10.13 Section 64 Contributions

Council's Development Engineers referral identifies that after taking into consideration the existing credit, no S64 contributions are applicable.

## 10.14 Planning Agreement

A planning agreement has not been offered as part of the development.

## 10.15 Local Government Act Approvals

The proposal requires approval under the provisions of s.68 of the Local Government Act, which must be obtained prior to those works being undertaken. This requirement is addressed in relevant conditions of consent.

## 11 Likely impacts of the development

All likely impacts of the proposed development have been considered within the context of this report with specific issues applicable discussed following.

### ENVIRONMENTAL APPRAISAL

### CONSIDERED

- |   |     |
|---|-----|
| 1. Statutory Controls   | Yes |
| 2. Policy Controls  | Yes |
| 3. Design in relation to existing built and natural environment | Yes |

- |     |   |     |
|-----|---|-----|
| 4.  | Landscaping/Open Space Provision  | Yes |
| 5.  | Traffic generation and Carparking provision   | Yes |
| 6.  | Loading and Servicing facilities  | Yes |
| 7.  | Physical relationship to and impact upon adjoining development<br>(Views, privacy, overshadowing, etc.) | Yes |
| 8.  | Site Management Issues  | Yes |
| 9.  | ESD Principles and Climate Change   | Yes |
| 10. | All relevant 4.15 considerations of Environmental Planning<br>and Assessment (Amendment) Act 1979       | Yes |

## 11.1 Traffic Impact

The development at the Brown and Jolly Campus is expected to accommodate an additional 200 students and 20 staff members.

To establish a baseline for the development, a survey was conducted to assess existing travel modes and student/parent behaviours at the Conway Street Campus. The survey results reveal that most students typically arrive by bus, with a significant number also arriving by private vehicle, as detailed in Table 4.1.

**Table 4.1: Travel Mode Share (Survey)**

Travel Mode	Distribution	Comment
Car (Private)	22%	ratio of total dataset
Public Bus	27%	ratio of total dataset
Living School Bus	44%	ratio of total dataset
Walking	7%	ratio of total dataset

Based on the baseline data, the estimated demand for the new precinct (Brown and Jolly Building) is as follows: out of the 200 students, approximately 142 (71%) are expected to arrive by bus, while around 44 (22%) are anticipated to arrive by private vehicle, as outlined in Table 4.2 below.

**Table 4.2: Travel Mode Share (Brown and Jolly Campus Estimates)**

Travel Mode	Distribution	Proportional Estimate (200 students)
Car (Private)	22%	44 students
Public Bus	27%	54 students
Living School Bus	44%	88 students
Walking	7%	14 students

The main mode of transport for teaching staff is predicted to be via private vehicle car, resulting in an total of 77 Peak hours trip for the development as shown in Table 4.4 below.

**Table 4.4: Development Traffic Estimate**

Component	AM Peak Hour (Before School)			PM Peak Hour (After School)		
	IN	OUT	TOTAL	IN	OUT	TOTAL
<b>Brown &amp; Jolly (Proposal)</b>						
Staff: +20	20	0	20 trips	0	20	20 trips
Children: +200 CBD Contained	25	0	25 trips	0	25	25 trips
Return Trip	12	12	24 trips	12	12	24 trips
Bus / Shuttle	4	4	8 trips	4	4	8 trips
<b>Total</b>	<b>61</b>	<b>16</b>	<b>77 trips</b>	<b>16</b>	<b>61</b>	<b>77 trips</b>
(Private Vehicle)	57	12	69 trips	12	57	69 trips
(Bus Trips (Estimated))	4	4	8 trips	4	4	8 trips

\*Peak hour distribution – AM/PM: 50/50

To ensure sufficient bus facilities for the development, the Road Safety Review (AD24/68205) recommended extending the existing bus stop on Conway Street. This extension required the removal of four parking bays, as illustrated in Figure 8.1 below.



**Figure 8.1 – Proposed Modification of Existing Set Down**

This recommendation was presented to the Local Traffic Advisory Committee (TAC) on 23 October 2024 (TAC9/24). The TAC did not support the proposal due to the following reasons:

- The parking spaces are considered valuable for surrounding businesses.
- No consultation had been conducted with nearby businesses regarding the potential use of the parking spaces.
- Concerns were raised that the extended bus zone may be intended for long-term (all-day) bus parking, based on observed practices at the site.

Subsequently, the applicant withdrew the request to remove the four parking spaces and instead proposed staggering bus pickup and drop-off times to optimise the use of the existing bus stop on Conway Street.

Additionally, the applicant has submitted a Green Transport Plan, a long-term initiative aimed at promoting the use of public transport walking and bicycles. This plan is designed to be implemented over a 10-year horizon, with the goal of further reducing traffic generated by the

development. Conditions of consent require a detailed Travel Management Plan (TMP) to be submitted to and approved in writing by Council. The TMP must include, at a minimum, the following:

- a) Procedures for enforcing and monitoring student mode share targets outlined in Section 3 of the Green Travel Plan by ABTT Consulting, dated 25 June 2024.
- b) Comprehensive bus procedures to optimise the pickup and drop-off of students and staff. This must include queuing procedures and designated locations to ensure no adverse impact on the surrounding road network. The assessment must demonstrate that existing facilities are sufficient to accommodate traffic demands.
- c) Any additional measures necessary to minimise daily vehicle trips and peak-hour traffic associated with the development.

Taking all the above into account, the traffic impact generated by the development can be effectively mitigated to acceptable levels, and the Living School has demonstrated that it has the necessary facilities to achieve this.

## **11.2 Pedestrian Safety**

During the pre-lodgment meeting, LCC required that a safety audit or inspection of the laneways servicing the school (Carrington Street, County Lane, and Eggins Lane) be included with the Development Application. Consequently, the Road Safety Review was submitted, offering recommendations to enhance pedestrian safety in these laneways and the surrounding road network, including:

- 1) Installation of 40kph High Pedestrian Area sign on Keen Street and Molesworth Street, as well as review existing signage on Woodlark Street to ensure CBD bounded by Keen Street, Woodlark Street, Molesworth Street and Magellan Street is consistently signposted as a 40 kph High Pedestrian Area, with all marked foot crossings within the precinct designed in a similar manner.
- 2)
  - a. Review and update of Shared Zone signage in Laneways Precinct
  - b. Review and update of one-way pavement marking in the Laneways Precinct
  - c. Add further pavement markings of warning and regulatory signs – noting space is limited for signage and pavement markings are in keeping with a 'shared zone' philosophy.
- 3) New Marked Foot Crossing on Keen Street (between Conway Street and Magellan Street), as well as TGSIs on the pram ramps as well as approaching the Woolworths driveways.
- 4) Woodlark Street (between Molesworth Street and Keen Street) pedestrian crossing enhancement (additional signs, crocodile line marking, white on red marking of marked foot crossing).
- 5) Dawson Street pedestrian crossing enhancement (signage replacement, crocodile line marking, edge line marking).
- 6) Install TGSIs on western approach to the Molesworth Street / Magellan Street roundabout and update approach pedestrian warning signage when exiting the transit centre car park.
- 7)
  - a. Molesworth Street pedestrian crossing enhancement (signage replacement, crocodile line marking, edge line marking, TGSIs deficiencies)
  - b. Magellan Street pedestrian crossing enhancement (zebra crossing. signage placement, crocodile line marking, edge line marking, TGSIs deficiencies)
- 8) Magellan Street pedestrian crossing enhancement (address No Stopping marked bays, address TGSIs deficiencies, address pavement marking).

- 9) Review of sight lines (possible conversion of end bays to 'small car' spaces) at the Keen Street and Molesworth Street pedestrian crossings (between Magellan Street and Woodlark Street) as well as the installation of crocodile markings on approach.
- 10) Enhanced cycle facilities including bike lane from Carrington Street Campus to Brown and Jolly Campus.

It is noted that the Green Transport Plan places emphasis on cycling as a mode of transport for the development. A bicycles rack providing for 11 or more bicycles is located out the front of the proposed main School Entry.

These above improvements have been to the Local Traffic Advisory Committee (TAC) on the 23/10/2024 and supported by Council. The above improvements have been conditioned to be undertaken by the developer within 12 months from the issue of the occupation certificate.

## **12 Suitability of the site for the development**

In relation to relevant matters of s4.15 of the EP&A Act the site is considered appropriate for the proposed development.

## **13 Submissions**

One (1) submission was received objecting to the proposals expansion of the existing bus parking bay that would result in the loss of four car parking spaces.

As mentioned previously in this report, this extension was not supported by the TAC. Subsequently, the applicant withdrew the request to remove the four parking spaces and instead proposed staggering bus pickup and dropoff times to optimise the use of the existing bus stop on Conway Street.

## **14 Public interest**

The likely impacts of the development, including social, economic and environmental impacts on both the natural and built environments are considered positive.

The proposal includes substantial upgrades in relation to flood resilience and is considered a positive contribution to the community. The proposal provides both a tasteful and yet dynamic redevelopment of a prominent CBD building(s) and the extension of a successful educational establishment. Both of which is much needed after the shutdown of 2 prominent high schools and the impact to the Lismore CBD after the 2022 floods.

## **15 Conclusion**

The proposal is considered well executed from a design perspective. Substantial improvements in relation to flood resilience are incorporated representing a significant social and economic benefit to the community by providing schooling opportunities to the CBD which in turn will bring additional foot traffic and life into the CBD.

The subject site is located in an appropriately zoned area, the shell/footprint of the building shall remain intact with some external alterations that will provide favourable input to the existing streetscape.

As presented in this report the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* have been satisfactorily addressed and assessed as acceptable. The



application is recommended for approval subject to the imposition of appropriate conditions of development consent as set out in attached recommended conditions.

## **18 Recommendation**

Pursuant to section 4.16/4.46 of the *Environmental Planning and Assessment Act 1979* (as amended) that the Northern Regional Planning Panel, as the consent authority, grant consent to Development Application No. 5.2023.337.1, subject to the conditions in **Attachment 1 - Draft Conditions of Consent**.

## **Attachments**

Attachment 1 – Draft Conditions of Consent