

Supplementary Assessment Report

Introduction

This supplementary assessment report and revised set of conditions is to provide additional information requested as a result from the meeting held on the 22 April 2025 for the following development:

To undertake alterations and additions to enable an Educational Establishment for the purpose of a school incorporating:-

- *Change of use to enable an Educational Establishment (School);*
- *Building works;*
- *Landscaping and greenspace works;*
- *Business identification signage;*
- *Ancillary civil works for the construction of internal stormwater drainage*

The supplementary assessment report is to supplement the Development Assessment Report dated 12 April 2025 that was presented to the panel on the 22 April 2025.

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
22 April 2025	Meeting held with Council, NRPP and the proponent.
24 April 2025	Determination Deferral

The supplementary assessment report is provided to address the following actions noted in the Record of Deferral dated 24 April 2025.

ACTIONS

To allow for the progression of the Development Application to determination, the Panel directed that:

1. The Council shall ensure that all relevant application documentation has been uploaded to the NSW Planning Portal (including the Planning Panel case), including the following:
 - a. Updated plans (Version 6) - dated 25 October 2024
 - b. SES response – dated 16 January 2025
 - c. Newton Denny Chappelle response to request for information – dated 3 April 2025
 - d. Living School response to request for information – prepared by John Stewart

- e. Emergency Management Plan – NSW SES Business Continuity Plan – updated 2 March 2025, prepared by Living School.
2. The Applicant shall provide the required information noted above and upload any additional documentation to the Planning Portal by 13 May 2025.
3. The Council shall undertake consultation on the relevant Flood Operational Management Plan(s) with the NSW State Emergency Service.
4. Council is requested to provide a supplementary assessment report responding to the matters above, which is to be uploaded to the Planning Portal by within 2 weeks of the upload by the Applicants required information to the Planning Portal.
5. When the updated assessment report is received the Panel will undertake a final briefing (preferably in May 2025) and determine the application by way of electronic determination.

The reasons for the deferral were as follows:

The Panel agreed to defer the determination of the matter until May 2025. The matter was deferred to allow for the provision and assessment of the following information to enable adequate assessment of the application:

- Emergency Management Plan – NSW SES Business Continuity Plan – updated 2 March 2025, prepared by Living School.
- Schedule of Operational Plans to be relied upon and copies of those plans, addressing but not limited to waste and flooding (noting requirement for clarification and consistent naming of flood evacuation plan documentation).
- Adequacy review of flood-related elements of operational and emergency management plans by the applicant's consultants - BMT Commercial Australia Pty Ltd.
- All plans recommended to be stamped for approval.

Reasons for deferral

Emergency Management Plans

Clarification was sought regarding the principal flood evacuation document. A component that has added to the confusion is this matter are the different naming conventions for essentially the same document. The SES was using the terminology of a Floodsafe and Evacuation Plan and this was used in the draft conditions:

Flood Evacuation Plan

Prior to the issue of any Occupation Certificate, the proponent shall submit to Council a Floodsafe and Evacuation Plan. The plan shall identify the following:

- The height at which the Lismore (Wilsons River) Rowing Club station (Station No 058176) needs to reach before evacuation procedures begin;
- The procedure for evacuation of people from the development site along with the actions taken to minimise damage to equipment, goods or other property stored in the development;
- The available evacuation routes out of Lismore and at what flood heights the routes applicable to your development get impacted.

The Business FloodSafe Toolkit and Plan is available on State Emergency Service's at <https://www.ses.nsw.gov.au/media/1215/nsw-riverine-business-fstk-booklet.pdf>

Reason: To ensure adequate protection from frequent flooding. (EPA Act Section 4.15(c))

The SES has changed the naming conventions of the Evacuation Plan documents, removing the word *evacuation* is consistent with the current SES vocabulary. In their referral response the SES requested removal of all references to evacuation orders ... as *these warning products and terminology are no longer in use*.

At the meeting it was recommended that the Emergency Management Plan document be requested prior to CC and that a review of adequacy was undertaken by the applicants engineering consultants BMT Commercial Australia. Council has accordingly modified the condition as follows.

Emergency Management Plan (Flood)

Prior to the issue of any Construction Certificate, the proponent shall submit to Council an Emergency Management Plan (Flood) and Continuity Plan. The plan shall identify the following:

- The height at which the Lismore (Wilsons River) Rowing Club station (Station No 058176) needs to reach before evacuation procedures begin;
- The procedure for evacuation of people from the development site along with the actions taken to minimise damage to equipment, goods or other property stored in the development;
- The available evacuation routes out of Lismore and at what flood heights the routes applicable to your development get impacted.

The emergency and continuity plan should be undertaken (or endorsed) by a suitably qualified consultant.

Reason: To ensure adequate protection from frequent flooding. (EPA Act Section 4.15(c))

The proponent had submitted a SES Emergency Business Continuity Plan with the original submission and uploaded an updated Emergency Management Plan to the NSW Planning Portal on the 3 April 2025. This document has been provided as **Attachment 2** - Emergency Management Plan / NSW SES Emergency Business Continuity Plan.

Schedule of Operational Plans

A Schedule of Operational Plans was requested and is provided bellow;

Name of Plan	Dated	Undertaken by	Attachment No.
Emergency Management Plan	2 March 2025	Living School Lismore	2
Stormwater Management Plan	7 March 2024	Luceana	3
Green Travel Plan	25 June 2024	ABTT Consulting	4
Waste Management Plan	No Date	NDC	5
Remedial Action Plan	April 2024	ENV Solutions	6

These plans have been included into condition 1 of the draft consent.

Adequacy review

A review was requested to be undertaken by the applicant's consultants BMT Commercial Australia Pty Ltd. A review/endorsement has been included as a condition of consent, see condition *Emergency Management Plan (Flood)* above. It is required that the emergency and continuity plan be undertaken (or endorsed) by a suitably qualified consultant and submitted prior to the CC.

Actions

1. The Council shall ensure that all relevant application documentation has been uploaded to the NSW Planning Portal (including the Planning Panel case), including the following:
 - a. Updated plans (Version 6) - dated 25 October 2024
 - b. SES response – dated 16 January 2025
 - c. Newton Denny Chapelle response to request for information – dated 3 April 2025
 - d. Living School response to request for information – prepared by John Stewart
 - e. Emergency Management Plan – NSW SES Business Continuity Plan – updated 2 March 2025, prepared by Living School.

All of the above documents have been uploaded as attachments as follows.

Document requested	Attachment
Updated plans (Version 6) – dated 25 October 2024	Attachment 10 - proposed stamped approved plans
SES response – dated 16 January 2025	Attachment 7 - SES Response
NDC response to requested information	Attachment 9 – NDC response to SES letter
Living School response to SES letter	Attachment 8 – John S response to SES letter
Emergency Management Plan	Attachment 2 - Emergency Management Plan NSW SES Emergency Business Continuity Plan

2. The Applicant shall provide the required information noted above and upload any additional documentation to the Planning Portal by 13 May 2025.

The information above has been provided.

3. The Council shall undertake consultation on the relevant Flood Operational Management Plan(s) with the NSW State Emergency Service.

Council has provided a copy of the most current *Emergency Management Plan (Flood)* to the SES informing them that an action requested by the RPP was to seek consultation and requested any areas of improvement to be suggested.

Panel Condition amendment requests

Condition number and task	Action
Condition 1 – typo in second line grammar and spelling of Woodlark St in table	Fixed condition typo and added additional operational plans to be stamped
Condition 9 (Flood Structural Certification) – clarification/notation that 2024 flood levels were utilised and need to remove shipping container reference	The Flood Structural Certification condition is now condition 13 and has a note that the information is from LCC 2024 flood modelling data.
Condition 10 – update flood planning level	The Flooding Requirements condition is now condition 14 and has been updated with the correct FPL of 13.58m (AHD)
Condition 11 – Flood Refuge – to be utilised as a last resource and ‘width’ added to first dot point – applicant to identify what will be provided in the refuge in Emergency Management Plan	The Flood Refuge condition is now condition 15. ‘Last resort’ has been added as has ‘width’. A dot point requesting that Emergency Management Plan is required to Identify what will be provided in the refuge, has also been added
Condition 12 – amend to remove reference to other conditions identifying allocation of parking spaces – change reference to accessible parking space	The Line Marking condition is now condition 16. Condition has been amended as requested.
Condition 15 – remove ‘the’? Combine with Condition 19 or reword??	The Demolition condition is now condition 19 and has been reworded.
Condition 16 – Remove reference to disabled people and replace with people with disabilities reference – needs to be changed to comply with BCA – move to prior to CC	The Access for People with Disabilities condition has been modified accordingly and is now condition 6.
Condition 20 – typo – include ‘of’ after the word ‘disposed’	Condition is now condition 23, amendment undertaken.
Condition 24 – may extend Saturday hours – include reference to ability to apply for extended hours with Council approval	Construction Hours is now condition 27, amendment undertaken.
Condition 29 – nominate a rate for number of toilets during construction	On-site Sanitary Facilities condition is now condition 32, as number of toilets is dependant on number of workers and their sex a number hasn’t been provided but the condition has been amended that toilet facilities provided on the site in accordance with the requirements of SafeWork NSW which is the authority that dictates the no. of toilets rate.
Condition 30 – insert new part d) Maintain own bus fleet in connection with operation of this campus and formalise the proposal details regarding kiss and drop/submit a detailed traffic management plan	Condition 30 is now condition 35, the condition has included the additional information as requested.
Condition 33 – need to see more on Flood evacuation – prior to CC not OC	Condition 33 has been moved to prior to CC at condition 7.

Supplementary assessment report: Development Application 24/183 - WOODLARK
STREET LISMORE 2480 - Educational Establishment - PAN-461569 - PPSNTH-388

Condition 38 – 2 rows referring to Magellan St – consolidation?	Condition 39 is now condition 44, Magellan St info consolidated.
Condition 40 - Service vehicle restriction – is it consistent with other operators in the area and onerous? – maybe loading/unloading on site	Condition 40 is now condition 47, condition amended as recommended.
Condition 43 –move to prior to CC	Condition 43 has been moved to condition 9
New condition/s – Limitation on student and staff numbers/hours of operation/no overnight accommodation – but exclude parent/teacher nights, presentation etc	See condition 43 that has been fashioned to satisfy this request.
New condition - consolidation of titles	See condition 33
Condition for lease arrangement for development over road reserve – comply with conditions of lease arrangement	See condition 34
New condition – control of obtrusive effects of external lighting	See condition 8