

Date: 3rd April 2025
Our Ref: 200631
Your Ref: DA 5.2024.183.1
Portal Ref: PAN-461569

General Manager
Lismore City Council
PO Box 23A
LISMORE NSW 2480

Dear Sir,

Re: Development Application 5.2024.183.1

Please find below a response to the NSW State Emergency Service (SES) submission, and also the Northern Regional Planning Panel (NRPP) briefing notes in relation to Development Application 5.2024.183.1.

NSW STATE EMERGENCY SERVICE (SES) RESPONSE

Please find attached a written response prepared by our client to the NSW SES submission dated 16 January 2025 in relation to the above referenced development application. Also attached is our client's updated Flood Emergency Response Plan (FERP).

We also note that Lismore City Council have prepared draft conditions of the development consent notice in readiness for the development assessment report to be issued to the Northern Regional Planning Panel (NRPP). Various draft conditions have been included in relation to flooding requirements, flood refuge, and a flood evacuation plan as provided below. Council have also implemented a number of structural conditions relating to the building which are also provided below.

Flooding Requirements

9. Prior to the issue of any Construction Certificate, the following details shall be provided to the Principal Certifying Authority;

- 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 compliant with the Australian Building Codes Board's Standard on Construction of Buildings in Flood Hazard Area.

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

Flood Refuge

10. 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.

Details shall be provided with the design plans to the Certifying Authority to demonstrate compliance with these requirements **prior to the issue of a Construction Certificate**.

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

Flood Evacuation Plan

30. 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))

Flood Structural Certification

- 8.** A risk analysis report prepared by a structural engineer certifying the design criteria adopted for all structures, including anchor points for shipping containers if remaining onsite, will withstand the impacts of floodwaters and debris for floods up to the PMF flood event. A certificate prepared by an appropriately qualified and practising Civil Engineer, shall be provided with the design plans to the Certifying Authority to certify compliance with these requirements **for approval with the Construction Certificate**.

Note: The following flood information for the subject site shall be used to prepare the certificate.

Event	Height (m AHD)	Velocity (m/s)
1% AEP (1 in 100yr)	12.56	0.57
0.2% AEP (1 in 500yr)	13.08	0.55
PMF	16.76	0.74

Reason: To comply with Development Control Plan No. 1, Part A, Chapter 8.

Structural Adequacy

- 35. Prior to issue of any occupation certificate** provide the principal certifier a report from a practising structural engineer confirming the structural adequacy of the building for the proposed new use. This may require inspection by the engineer during the course of works, it is recommended that the contractor appoint an engineer early in the project.

Reason: To satisfy council that the building is structurally adequate for the proposed new use.

NORTHERN REGIONAL PLANNING PANEL (NRPP) RESPONSE

We provide the following comments in relation to the panel questions raised in the NRPP briefing dated 21 January 2025.

Strategic importance to the revival of Lismore

The strategic importance of the establishment of the Living School in the Lismore CBD has been documented in the Statement of Environmental Effects. Of note, the proposal will align with and help deliver on the priorities and actions identified in the various strategic documents which guide future development within the Lismore LGA. These include:

- Lismore Community Strategic Plan 2022 – 2032
- Lismore Local Strategic Planning Statement (LSPS) 2020
- North Coast Regional Plan 2041

We also draw your attention to the broader vision of the Living School as stated in the NSW SES response prepared by our client which is attached. This states:

“Living School is a social enterprise in education, built to be embedded in community and accountable to its place. We are not simply building a school - we are cultivating a movement of young people who are flood-literate, place-aware, and hopeful for the regeneration of Lismore’s CBD.”

Detailed outline of the proposal

Details of the proposal are provided in the Statement of Environmental Effects.

Pedestrian safety and security in laneways

Pedestrian safety has been addressed in the ABTT Road Safety Review lodged as **Attachment 7** of the Statement of Environmental Effects.

Condition 33 of the draft conditions of the development consent notice require a range of pedestrian upgrade works to be completed within 12 months of the issue of an Occupation Certificate. The works required are identified within the ABTT Road Safety Review.

CPTED has been considered and addressed within Section 4.3.6 of the Statement of Environmental Effects

Urban design for locality, including operation of laneways and how the facility will fit in the locality

Urban design has been addressed in the Statement of Environmental Effects against the Lismore DCP: Part A Chapter 2 – Commercial Development – Urban Design in CBD. The urban design assessment is provided in **Table 8** of the Statement of Environmental Effects.

The operation of the laneways has been discussed in the Statement of Environmental Effects, and the suite of reports prepared by ABTT that accompany the application.

The application is also required to address State Environmental Planning Policy (Transport and Infrastructure) 2021, and in particular Schedule 8 Design Quality in Schools. These principles are carried over into the NSW Govt. Design Guide for Schools. The project Architect has prepared a design verification statement which is contained within **Attachment 5** of the SEE, which addresses the Better Schools ‘A design guide for schools in NSW’.

The proposal seeks to revitalise an existing building damaged by the Lismore floods, and in this regard the Architectural treatment will contribute to restoring the vibrancy of the Lismore CBD and adjacent public spaces. As identified with in the design verification statement prepared by the project Architect:

“the proposed design prioritises 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.”

Cycleway linkages to the school

Cycleway linkages and cycle management have been assessed in the ABTT Road Safety Review lodged as **Attachment 7** of the Statement of Environmental Effects.

Flood characteristics, building resilience and emergency evacuation response

Flooding has been addressed within the BMT flood assessment contained within **Attachment 14** of the Statement of Environmental Effects.

Reference should also be made to the response to the NSW SES provided above in regards to flood evacuation and building resilience.

Development Control Plan

Section 4.3 of the Statement of Environmental Effects addresses the relevant chapters of the Lismore DCP applicable to the development.

The BMT flood assessment contained within **Attachment 14** of the Statement of Environmental Effects also addresses the current and draft Chapter 8 Flood Prone Lands of the DCP.

Accessibility within the Site, noting uses on each level to be outlined

The Statement of Environmental Effects outlines uses to be undertaken on each level of the development.

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 access lifts, and accessible amenities.

Vehicle access and safety

Vehicle access and safety has been assessed within the suite of reports prepared by ABTT that accompany the application.

Contamination management – noting age of building

A range of reports have been prepared and submitted with the application which take into consideration contamination matters and the age of the building. These include:

- Remedial Action Plan prepared by ENV Solutions – **Attachment 10** of the SEE
- Soil Contamination Assessment prepared by ENV Solutions – **Attachment 11** of the SEE
- Destructive Hazmat Survey Report prepared by ENV Solutions – **Attachment 12** of the SEE

Contamination management conditions are included within the draft development consent conditions prepared by Lismore City Council.

Referral recommendations

The referral responses identified in the NRPP panel briefing are noted. Reference should also be made to the response to the NSW SES provided above.

Should you have any queries or require any further information, please do not hesitate contacting Luke Fittock of this office.

Yours sincerely,

NEWTON DENNY CHAPELLE

A handwritten signature in black ink, appearing to read 'Luke Fittock', with a stylized flourish at the end.

LUKE FITTOCK

Town Planner. BRTP.