

<b>DATE OF DETERMINATION</b>	18 July 2025
<b>DATE OF PANEL DECISION</b>	18 July 2025
<b>DATE OF PANEL BRIEFING</b>	16 July 2025
<b>PANEL MEMBERS</b>	Dianne Leeson (Chair), Stephen Gow, Michael Wright and Anthony McAteer
<b>APOLOGIES</b>	Andy Edwards
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 27 June 2025.

#### **MATTER DETERMINED**

PPSNTH-388 - Lismore - 5.2024.183.1 - 65 & 69 Woodlark Street, 21 & 29 Larkin Lane and 7, 15, 15A, 15B & 17 Eggins Lane, Lismore – 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

(as described in Schedule 1).

#### **PANEL CONSIDERATION AND DECISION**

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

#### **Development application**

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

The decision was unanimous.

#### **REASONS FOR THE DECISION**

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

The Panel considered the most significant issue with the Application to be flood risk and emergency management planning. The Panel is satisfied that the daytime nature of the proposed school and the implementation of rigorous emergency management plans and procedures as required by the conditions will mitigate flood risk to students and staff.

#### **CONDITIONS**

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

- Amend Condition 3(2) – remove ‘to’
- Delete Condition 8 and renumber the remaining conditions accordingly

- Amend former Condition 14 Flood Refuge (now Condition 13) to read as follows:

**Flood Refuge**

13. The development shall be provided with a flood refuge above the 1 in 10,000yr ARI flood level (14.40m AHD) as a last resort emergency flood refuge. The refuge must include:
- internal access via a permanent staircase with minimum width of 1.2m;
  - items that are identified in the Emergency Management Plan, including means of communication;
  - external access to refuge provided, accessible by boat during flooding; and
  - 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 extreme flooding. (EPA Act Section 4.15(c)).*

- Insert new Condition 18 which reads as follows and renumber the remaining conditions accordingly:

**Territorial reinforcement**

18. Keep areas under windows free of any structures that can be climbed on to assist to gain access to them. Any proposed removal of the existing security measures should include the ability for the replacement security screens or grilles that are openable from inside the development to assist in emergency situations.

***Reason:** To comply with the recommendations of the NSW Police*

- Amend Condition 33 Walkway (Airspace) over 29A Larkin Lane to insert after the word 'arrangement', the words 'with Council'
- Amend Condition 37 Civil Works, dot point 2, to insert after the word 'defects', the words 'related to the development'
- Amend Condition 41 table to replace the 6<sup>th</sup> line with the following two lines:

Install TGSIs on western approach to the Molesworth Street / Magellan Street roundabout
Update/install pedestrian warning signage when exiting the transit centre car park (Kirkland Riviera Carpark).

- Amend Condition 42 to read as follows:

**Emergency Management Plan implementation**

42. The Educational Establishment, being the Living School Brown & Jolly campus or any other educational establishment, is to have and maintain a current Emergency Management Plan and adhere to the emergency procedures and process outlined in the approved Emergency Management Plan at all times.

***Reason:** To confirm what has been considered and approved as part of this approval.*

- Insert new Condition 43 which reads as follows and renumber the remaining conditions accordingly:

**Emergency Management Plan amendments**

43. The Emergency Management Plan (EMP) dated 25/06/2025 is to be amended to:
- remove the risk matrix (page 5) and more simply describe the flood characteristics of the site; and
  - review the EMP and in particular the section headed Last Resort Flood Refuge and Emergency Zone Capacity (page 17) to ensure consistency with conditions

**Reason:** To confirm what has been considered and approved as part of this approval.

- Amend former Condition 43 (now Condition 44) to remove the words 'being the Living School Brown & Jolly campus'
- Amend former Condition 44 (now Condition 45) to read as follows:

**Signage**

45. No advertising sign(s) shall be erected or displayed without the prior submission of a development application to and approval by Local Consent Authority, unless the proposed signage is consistent with the terms and conditions of exempt development in State Environmental Planning Policy (Industry and Employment) 2021 or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other relevant legislation at the time.


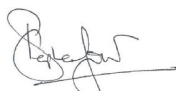


**Reason:** To preserve the amenity of the area and traffic safety

**CONSIDERATION OF COMMUNITY VIEWS**

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

- Traffic impact/car parking
- Urban design
- Flood hazard
- Fire safety

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

PANEL MEMBERS	
 Dianne Leeson (Chair)	 Stephen Gow
 Michael Wright	 Anthony McAteer

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-388 - Lismore - 5.2024.183.1
2	PROPOSED DEVELOPMENT	<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>
3	STREET ADDRESS	65 & 69 Woodlark Street, 21 & 29 Larkin Lane and 7, 15, 15A, 15B & 17 Eggins Lane, Lismore
4	APPLICANT/OWNER	Luke Fittock (on behalf of Newton Denny Chapelle Pty Ltd) John Stewart and Sophie Stewart/ Living School
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <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>○ Biodiversity Conservation Act 2016</li> <li>○ State Environmental Planning Policy (Industry and Employment) 2021</li> <li>○ State Environmental Planning Policy (Planning Systems) 2021</li> <li>○ Lismore Local Environmental Plan 2012</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Lismore Development Control Plan</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council Assessment Report: 12 April 2025</li> <li>• Council's Supplementary Reports: uploaded to the portal on 07 May 2025 and 27 June 2025</li> <li>• Written submissions during public exhibition: 1</li> <li>• Total number of unique submissions received by way of objection: 1</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: 21 January 2025 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright and Angela Jones</li> <li>○ <u>Council assessment staff</u>: Craig Bradridge, Lucas Myers and Graham Snow</li> <li>○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis</li> </ul> </li> <li>• Applicant Briefing: 22 April 2025</li> </ul>

		<ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright and Anthony McAteer</li> <li>○ <u>Applicant representatives</u>: John Stewart, Debbie Clark, Rich Bolus, Chris Brandon, Nici Long and Luke Fittock</li> <li>○ <u>Council assessment staff</u>: Craig Bradridge and Lucas Myers</li> <li>○ <u>Department staff</u>: Carolyn Hunt and Ilona Ter-Stepanova</li> </ul> <ul style="list-style-type: none"> <li>● Briefing to discuss Council's recommendation: 22 April 2025 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright and Anthony McAteer</li> <li>○ <u>Council assessment staff</u>: Craig Bradridge and Lucas Myers</li> <li>○ <u>Department staff</u>: Carolyn Hunt and Ilona Ter-Stepanova</li> </ul> </li> <li>● Applicant Briefing: 16 July 2025 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright and Anthony McAteer</li> <li>○ <u>Applicant representatives</u>: John Stewart, Nici Long, Luke Fittock, Jed Long, Debbie Clark, Rich Bolus, Damion Cavanagh</li> <li>○ <u>Council assessment staff</u>: Craig Bradridge, Lucas Myers and Jamie van Iersel</li> <li>○ <u>Department staff</u>: Carolyn Hunt and Ilona Ter-Stepanova</li> </ul> </li> <li>● Final briefing to discuss Council's recommendation: 16 July 2025 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright and Anthony McAteer</li> <li>○ <u>Council assessment staff</u>: Craig Bradridge, Lucas Myers and Jamie van Iersel</li> <li>○ <u>Department staff</u>: Carolyn Hunt and Ilona Ter-Stepanova</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report