

Begin forwarded message:

From:

Date: 6 July 2022 at 8:39:21 am AEST

To:

Subject: Submission re: planning strategy for future floods at Lismore

Good morning

Thank you for your call. It was a pleasure talking with you yesterday evening.

Please find attached a copy of my submission to Lismore Council's draft land use strategy.

I am now a full-time resident of the Tweed with more than 40 years experience in planning and project management eg. oversight of master plan for redevelopment of Woolloomooloo Wharf, Kosciusko Thredbo Resort, new industrial area in Prestons in south-west Sydney (for NSW Dept. Planning), as well as strategic planning for Byron & Tweed Councils- the latter in the early part of my career.

My submission is as a resident of the Northern Rivers. I'm not working for any land developers or owners.

Some of the key take-outs from my submission include the following:

Some of my recommendations included the following:

- A design flood level needs to be set, as a first step in guiding future urban development. I have suggested a conservation design flood level of say RL20 metres AHD. The Council strategy does not attempt to set any 'line-in-the sand' on what should be the first key step in planning for future flood events.
- No needs analysis has been undertaken in Council's Discussion Paper to understand and inform land for existing and future employment areas. Ensuring sufficient employment opportunities is fundamental to the success of any regional centre to sustain and grow that centre. A needs analysis needs to be undertaken, to **determine the needs of existing industrial and other allied users** in terms of their siting and other land requirements for alternate, flood-free land. As a part of this process, undertake full and **meaningful consultation with key businesses and industries** to determine their land needs as a key part of any strategy of 'planned retreat'.
- The suggested **industrial area, located on the eastern side of Goonellabah**, should be seriously considered for not only industrial uses, but also for mixed use development that allows 'big-box' retail, as well as uses including shopping centre and associated commercial (including medical) uses: effectively becoming an additional urban node serving the Lismore-Goonellabah area.
- In the interests of good neighbourhood planning, much of the elevated hills to the south of the suggested **new CBD should be rezoned for mixed uses** and residential development, rather than the piece-meal pockets of land currently suggested in Council's Discussion Paper for new development to create a viable centre with surrounding supporting land uses. Good town planning dictates that allied uses need to surround the proposed new CBD on the golf course site in order to create a viable neighbourhood centre. Some of this surrounding neighbourhood could be dedicated to affordable housing, creating a walkable, new urban area.
- **That North Lismore not be considered for future housing.** There are very real

concerns with encouraging even further housing in an area that is effectively cut off from shops, jobs and medical help during a major flood event. There is no designated helicopter landing area set aside in this area, making it difficult to provide for any evacuations during an emergency. The road leading to North Lismore was badly damaged by the effects of flooding and landslips. It is unclear how much potential damage to infrastructure will occur if even more housing is re-directed to this area.

- A priority should be given to finding **alternative locations for Lismore's major schools**, to be fast-tracked by the introduction of new planning laws. (The current planning laws do not facilitate any rapid response, despite government rhetoric)
- **In order to facilitate a timely 'planned retreat' from parts of Lismore affected by severe flooding, it is recommended that a change in State government legislation be implemented to give effect to this strategy, similar to that of the *Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009* and associated Orders. This will provide the Northern Rivers Reconstruction Corporation with the legislative 'teeth' and project delivery powers that it needs in order to help rebuild Lismore in a timely and efficient manner.**

The legislative initiative recommended above goes a lot further in streamlining the development approvals process for new development in and around Lismore than, say, the Aerotropolis SEPP. A SEPP is not the answer. What I am suggesting is a genuine, fast-tracking model to allow new projects to proceed quickly, without bureaucratic barriers, in the face of any planned retreat strategy for Lismore. It relies, however, on the formulation of a clear, concise strategy/master plan to be put in place first.

I would be more than happy to discuss any of the above in further detail.

Kind regards,

Tel:

Mobile:

Telephone:

10 June 2022

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

By email: council@lismore.nsw.gov.au

Dear General Manager,

SUBMISSION ON EXHIBITED LISMORE LAND USE MANAGEMENT STRATEGY DISCUSSION PAPER

“Make no little plans; they have no magic to stir men’s blood and probably themselves will not be realized. Make big plans; aim high in hope and work...”

(Daniel Burnham in a speech to city planners in London, 1910)

1.0 Overview

I am the Director of Outline Planning Consultants Pty Ltd, consulting town planners with more than 40 years experience in town planning, including working for local government (eg. Byron Shire local environmental study), as well as for State government (eg. Prestons Industrial Lands Strategy, the redevelopment of Woolloomooloo Wharf in Sydney, land development for Landcom at Barden Ridge).

I am also now a permanent resident of the Tweed, having lived in Sydney for some 30 years, having a childhood living in flood prone residential lands at Tweed Heads South.

Importantly, I do not represent any landowner interests, and makes this submission as an independent town planner and North Coast resident.

As a member of the Planning Institute Australia (PIA) I fully support their submission dated 16 May 2022 to the NSW Independent Flood Inquiry, which focussed on Lismore, and the strategy of ‘planned retreat’ from parts of Lismore affected by severe flooding. I also support a major injection of government funding to facilitate this planned retreat.

The accompanying submission is made in response to Council's recently exhibited Land Use Management Strategy Discussion Paper, which I find has not adequately addressed a number of key issues, and requires a more rigorous approach based on accepted town planning principles.

Now is the time to challenge past town planning assumptions made about Lismore and its surrounding areas and suitability for future development.

Now is the time to review past land use planning strategies for Lismore and how town planning can move the community towards a resilient future in the face of climate change and more extreme weather events, and put in place strategies to accommodate businesses and industries hard hit by the recent 2022 floods.

The first step for a more resilient community is to plan for future development in flood-prone Lismore centre is to establish a flood level, above which all future development is encouraged.

The Discussion Paper does not identify such a flood level.

However, once a design flood level is adopted, decisions can then be made with a higher level of confidence to identify suitable flood-free land for future residential, commercial, recreational and employment-generating uses, as well as the location/relocation of public infrastructure, such as sewage treatment works, services corridors and the like.

To date, the only maximum flood level that I am aware of, is the RL15 metres AHD flood peak reached in the recent floods in February 2022.

Recommendation:

Given the likely effects of climate change and the very real potential for even more severe flood events, a further three or more metres is recommended as the future design flood level, with say, a conservative **design flood level of RL 20 metres** adopted. This design flood level would support community resilience and also build and reinforce community physical, psychological and emotional safety and security in the re-establishment of Lismore.

▪ **No needs analysis for existing, let alone, future industrial/employment lands**

No needs analysis has been undertaken in Council's Discussion Paper to understand and inform land for existing and future employment areas. Ensuring sufficient employment opportunities is fundamental to the success of any regional centre to sustain and grow that centre. The Australian Bureau of Statistics (ABS) estimated that in 2020 Lismore was host to 4,136 registered businesses, all of which play a key role in the economic strength and diversity of the town.

No real attempt has been made in Council's Discussion Paper to estimate the amount of flood-free industrial land required to accommodate existing industrial users eg. Bunnings, Norco, car yards, engineering works, and the like, who will need to relocate to a suitable flood-free location. It is far from clear if Council's suggested industrial area located on the eastern periphery of Goonellabah will meet the needs of existing industrial and allied uses hard hit by the severe flooding of February and March 2022.

Only consultation with affected business and industries will reveal what their needs actually are in terms of an alternate, flood-free site to accommodate their relocation.

Lismore has a major employer in the form of Norco, Australia's only 100% farmer-owned dairy cooperative, currently located next to the existing Lismore CBD. The industrial operations of Norco were severely damaged during the February 2022 floods, with damage running into the tens of millions. I

n late 2021 Norco undertook a \$30 million upgrade of its factory at Lismore, enabling a boost to production of its Lismore ice cream facility. Norco's ice-cream factory, head office and rural store in South Lismore were inundated with floodwater from the swollen Wilsons River, reaching 2.2 metres at the ice-cream factory and 1.9 metres at the head office.

It makes sound economic sense to consult with Norco to find out their needs and to give a high priority to relocating their business to a more suitable, flood-free site.

The same consultative process should be used for all businesses and industries.

Bunnings is also a major employe, and takes up a sizeable land area. The store remains closed due to flood damage, with a 'pop-up' store only operating on site. Steps should be taken to immediately consult with Bunnings to find out their needs and to give a high priority to enabling the business to relocate to a more suitable, flood-free site. It is possible that a site area of up to 4-5ha may be required for the site of any future Bunnings Store.

Recommendations:

- A needs analysis be undertaken, to determine the needs of existing industrial and other allied users in terms of their siting and other land requirements for alternate, flood-free land.
- As a part of this process, undertake full and meaningful consultation with key businesses and industries to determine their land needs as a key part of any strategy of 'planned retreat'.

■ **Land to the East of Goonellabah: A Potential Future Mixed Use Zone?**

Council's Discussion Paper has identified an area of about 60ha on the eastern flanks of Goonellabah for future industrial development. This does not account for the urgent need to provide alternate land for existing industries badly hit by the February and March 2022 floods. Moreover, there is no evidence that local industries have been consulted, to understand their needs should they relocate.

Recommendation:

The suggested industrial area, located on the eastern side of Goonellabah, should be seriously considered for not only industrial uses, but also for mixed use development that allows 'big-box' retail, as well as uses including shopping centre and associated commercial (including medical) uses: effectively becoming an additional urban node serving the Lismore-Goonellabah area.

■ **The Golf Course Site: Need to Create a Functional Neighbourhood Centre**

The Lismore CBD was severely impacted by the February 2022 floods. It makes good planning and economic sense to relocate most of the commercial, retail, professional and creative industries to an alternate site or sites.

The local golf course, located to the south of the existing CBD, has been flagged by Council and others as a potential new CBD. If this site is adopted, steps will need to be undertaken to provide for more lands around this new centre for mixed uses as well as residential development: this is the basis for planning of any town centre and surrounding neighbourhood. Council's recently exhibited Land Use Management Strategy Discussion Paper provides for little by way of new development around this new, relocated CBD.

Recommendation:

In the interests of good neighbourhood planning, much of the elevated hills to the south of the suggested new CBD should be rezoned for mixed uses and residential development, rather than the piece-meal pockets of land currently suggested in Council's Discussion Paper for new development to create a viable centre with surrounding supporting land uses.

In terms of forecasting future residential needs or demand for residential land, the Land Use Management Strategy Discussion Paper does not identify land where existing residents can be relocated, other than existing residential zones, nor does it question the suitability of North Lismore as a future residential housing area.

The Land Use Management Strategy Discussion Paper adopts a flawed approach by merely pointing to the apparent sufficiency of currently zoned residential land within the Lismore local government area. It does not review the suitability of these currently zoned residential lands to accommodate future housing development having regard for the severity of flooding experienced in Lismore the recent past.

▪ Flood-Free land for Existing Residents

The Council Discussion Paper does not identify in quantitative terms the need/demand for flood-free land to house existing residents, should they decide to relocate to flood-free urban lands elsewhere in the Lismore local government area. It is assumed that existing zoned residential areas will house these residents.

Related to the above, there is a concern with moving the CBD to the local golf course without allowing for further nearby housing and/or employment lands adjoining to the south. Admittedly the land to the south is hilly, but so is Goonellabah.

Recommendation:

Good town planning dictates that allied uses need to surround the proposed new CBD on the golf course site in order to create a viable neighbourhood centre. Some of this surrounding neighbourhood could be dedicated to affordable housing, creating a walkable, new urban area.

▪ North Lismore: Questionable Suitability as a Future Housing Area

The Discussion Paper assumes that the zoned and/or potential future zoned urban areas at North Lismore are a suitable location for future residential development. However, there are very real concerns with encouraging even further housing in an area that is effectively cut off from shops, jobs and medical help during a major flood event.

There is no designated helicopter landing area set aside in this area, making it difficult to provide for any evacuations during an emergency. The road leading to North Lismore was badly damaged by the effects of flooding and landslips. It is unclear how much potential damage to infrastructure will occur if even more housing is re-directed to this area.

Recommendation:

That North Lismore not be considered for future housing.

▪ Crawford Road Mixed Use Zone: Questionable Suitability as a Future Housing Area

The Discussion Paper puts forward the potential for future development on university-owned land, zoned B4 Mixed Use, located at the base of the hill south of Crawford Road. The appropriateness of this zoning and suitability for future urban development is very much in question, given that almost one half of this zoned land was flooded in the February 2022 floods. There are no sound town planning reasons why flood-prone land should be zoned for development, let alone more intensive urban development as the current zoning allows.

Recommendation:

The appropriate planning response would be to de-zone any B4 Mixed Use zoned land south of Crawford Road found to be below the design flood level referred to in 2.0 above, and have such land revert back to a rural/recreational/university zoning.

▪ ‘Medium Density’ Housing: Need to Retain Character of the Town

Council’s The Land Use Management Strategy Discussion Paper considers the provision of ‘medium density’ housing and recommends it in various locations to the east of the Lismore CBD. No real solutions are offered in the Discussion Paper as to how any increase in the density of urban living can be achieved, without a detrimental impact on neighbourhood amenity or neighbourhood character. Further community consultation would be needed to understand the Lismore residents have an appetite for typical medium density housing, as there has been no take up to date.

If medium density development is to be encouraged in east Lismore, the challenge will be to provide for this more intensive housing density without detriment to the unique charm and potentially heritage listed items. I believe that one solution would be to offer the opportunity for an additional dwelling at the rear of the older established part of the eastern part of town, serviced by laneways, possibly resumed by government in order to make this happen. In that way, the neighbourhood character remains intact and others get a chance to get access to a dwelling site for a potentially affordable price.

Recommendation:

Should medium density housing be considered, consideration be given to facilitating additional dwellings within existing established neighbourhoods of east Lismore by allowing development at the rear of allotments, serviced by a rear laneway system.

4.0 Relocation of Schools and Infrastructure

Schools form an essential part of the community fabric. The Department of Planning & Environment estimates indicate that the number of children of school age (under 15 years) in NSW is expected to grow by 23% to more than 1.8 million by 2036. This surge in school-aged children will require provision for an estimated 172,000 new students entering the public school system by 2031. As the public system struggles to keep up, there will be increasing pressure on the private sector to assist in meeting this demand. Lismore and the surrounding region will generate the need for more school classrooms as the population grows.

However, the severe floods of February and March 2022 have impacted on the provision of schools in Lismore, with relocation the only viable alternative:

- ▶ Trinity Catholic College in Lismore which has almost 1,000 students, was almost completely destroyed by floods. Of 103 classrooms only eight were not inundated. The repair bill will almost certainly run into the tens of millions of dollars.
- ▶ The Richmond River campus of the Rivers Secondary College— which comprises the former schools of Kadina, Lismore High, and Richmond River— was almost razed to the ground by the impact of floodwaters.
- ▶ Schools downstream in Woodburn, Broadwater, and Wardell were also decimated.

Schools require large sites, not only for school buildings and car parking, but also for playing fields.

There is an urgent need to find alternative sites for these and any other schools that need to be relocated,

with the following requirements in mind:

- ▶ Flood-free vehicular and pedestrian access is essential.
- ▶ School buildings and car parking areas also need to be sited on flood-free land.
- ▶ Playing fields need not necessarily be located on flood-free land, provided that this use adjoins flood-free land, for ease of access, in particular during a flood emergency.

Under the Commonwealth's Building Education Revolution (BER) program in 2009-2010, the rebuilding and expansion of schools nation-wide was made possible by:

- ▶ Government funds being made available.
- ▶ State planning and development rules were re-written, enabling the fast-tracking of new school projects. Our firm was involved in fast-tracking about 50 school projects during this period. Refer to Section 5.0 for further details as to how this could also apply to the reconstruction and 'planned retreat' strategy recommended for Lismore.

The same need for flood-free land arises for other critical services infrastructure, like sewage treatment plants, works depots and the like.

5.0 How to Facilitate Change: A Radical Re-think Needed

The NSW Government has announced that on 1 July 2022 a dedicated flood reconstruction body will be established. The Northern Rivers Reconstruction Corporation (NRRRC), which will be within the Department of Regional NSW, will have the brief of fast-tracking the reconstruction of communities which have been devastated by the recent floods, including Lismore, by coordinating planning approvals, rebuilding and construction, at the same time as future-proofing regional towns from the effects of floods. The NRCC will have powers to compulsorily acquire and subdivide land, speed up construction, and speed up planning proposals in the Department of Planning and Environment.

This is welcome news, as reliance on existing town planning and building approvals processes will effectively act to thwart the real, and swift, changes that are urgently required to be undertaken at Lismore.

The Rapid Assessment Framework lauded by NSW Government as a means of making major project assessments quicker and more efficient, is 'rapid' in name only. In fact, the framework that it has introduced will only act to slow down major projects even further, with even more bureaucratic hurdles to contend with. The State significant development (SSD) approvals pathway is equally cumbersome, and not equipped to fast-track any development project.

A radical re-think is needed.

The model suggested is to introduce legislation similar to that enacted by NSW Government to facilitate the Australian Government's Nation Building Economic Stimulus Plan: the *Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009*, overseen by NSW Nation Building and Jobs Plan Taskforce which introduced the following initiatives:

- ▶ Orders were issued generally exempting infrastructure project from all development controls.
- ▶ Specialist teams were assembled to assess the conditions of a site to be redeveloped, and a town planning report prepared, identifying the approval process to be followed.
- ▶ The project was subsequently approved either by NSW Nation Building and Jobs Plan Taskforce, usually within 1-2 days of lodgement, or approved by way of private certification.
- ▶ There was a requirement for notification of the local council and the adjoining properties within 40 metres of the project in relation to the timeframe for construction works.

- ▶ The Task Force and the local council had to be provided with a copy of the certification issued for construction of the project with a copy of the certification issued at the completion of the project (prior to occupation). A copy of the works-as-executed drawings were to be forwarded to the local council for information purposes.

Recommendation:

In order to facilitate a timely 'planned retreat' from parts of Lismore affected by severe flooding, it is recommended that a change in State government legislation be implemented to give effect to this strategy, similar to that of the *Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009* and associated Orders. This will provide the Northern Rivers Reconstruction Corporation with the legislative 'teeth' and project delivery powers that it needs in order to help rebuild Lismore in a timely and efficient manner.

6.0

Conclude

I trust that my recommendations will assist when considering options and strategies to help re-shape Lismore to become a more resilient urban community, in the face of climate change and more extreme weather events.

My submission urges that a radical re-think is required if the Lismore community is to be rebuilt and relocated in a timely manner as a part of any 'planned retreat' strategy for the township.

In my view, Lismore will be the first of many urban communities in the State to face this challenge. Over the coming years many more communities will face similar challenges. It is critical that sound strategies be put in place that can serve as a template for meeting these future challenges and provide leadership in planning for future community resilience.

Please contact me for further information: my mobile direct: _____ or email at _____

Yours sincerely