

COUNCIL ASSESSMENT REPORT

Panel Reference	2019NTH005
DA Number	2018/756
LGA	Ballina Shire
Proposed Development	<p>Construction of a multi-purpose hall at Emmanuel Anglican College, comprising two indoor sports courts, associated gymnasium and amenities, a stage and retractable seating. The proposed building is to be located on the corner of River Street and Horizon Drive. It has a maximum overall building height of RL 14.8m AHD. The proposed multi-purpose hall is to be used during and outside school hours, 7 days a week. The development also involves associated earthworks and infrastructure works, car parking and vegetation removal.</p> <p>The proposed building height is above the maximum building height of 8.5 metres established for the site under the Ballina Local Environmental Plan 2012. It does not comply with the Building Height Plane under the Ballina Development Control Plan 2012. It is otherwise compliant with the prevailing planning controls.</p>
Street Address	Lot 10 in DP 1001995, 62 Horizon Drive, West Ballina
Applicant/Owner	Newton Denny Chapelle
Date of DA lodgement	11 December 2018
Number of Submissions	Five submissions received from the public, following public exhibition. Two referral responses were received with respect to the proposal (RMS and NSW Police).
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	<p>Clause 5 (private infrastructure and community facilities over \$5 million)</p> <p>The estimated Capital Investment Value (CIV) of this development is \$6.8 million.</p>
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Ballina Local Environmental Plan (BLEP) 2012; • Ballina Development Control Plan (BDCP) 2012; • State Environmental Planning Policy No. 44 – Koala Habitat Protection • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (Coastal Management) 2018 • State Environmental Planning Policy (Infrastructure) 2007; • State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;

List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none">• Attachment 1 – Proposed Plans• Attachment 2 – Draft Conditions of Consent• Attachment 3 – Written Request for a Variation to Development Standard• Attachment 4 – Public Submissions• Attachment 5 – Government Agency Responses
Report prepared by	Ballina Shire Council
Report date	10 July 2019

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

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? **Yes (Attachment 3)**

SEPP 1 Objection

If a written request for a contravention to a development standard has been received, has it been attached to the assessment report? **N/A**

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 **N/A**

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 (Attachment 2)**

EXECUTIVE SUMMARY

Development consent is sought for the construction of a multi-purpose hall at Emmanuel Anglican College, comprising two indoor sports courts, associated gymnasium and amenities, a stage and retractable seating. The proposed building is to be located on the corner of River Street and Horizon Drive. It has a maximum overall building height of RL 14.8m AHD and is to be used during and outside school hours, 7 days a week. The development also involves associated earthworks and infrastructure works, car parking and vegetation management works.

The proposal relates to private infrastructure for the purpose of an educational establishment, with a capital investment value of more than \$5 million. Therefore, the proposal is required to be reported to the Northern Regional Planning Panel for determination. Ballina Shire Council has undertaken an assessment of the DA and prepared the following report.

A request for further information (RFI) was issued to the applicant for clarification on a number of matters including the proposed usage of the hall (for uses other than sporting uses) and clarification of any increase in student numbers. Following a meeting held with the applicant on 7 March 2019, further detail was provided from the applicant with respect to pedestrian access, bicycle parking and the school's management of on-street parking. Amended plans were also received with respect to the location of accessible amenities and accessible car parking spaces. These matters have all been addressed by the applicant.

The proposed multi-purpose hall has a maximum overall building height of RL 14.8m AHD, which is above the RL 10.6m AHD maximum allowable building height (i.e. 8.5 metres above RL 2.1m AHD pursuant to Clause 4.3A of the BLEP 2012) applicable to the site under the Ballina Local Environmental Plan (BLEP) 2012. This exceeds the maximum building height by 4.2 metres and represents a 39.6% variation to the development standard. The height variation is justified pursuant to Clause 4.6 of the BLEP 2012. In this case, it is considered that the proposed building will not impact on significant views from public spaces or private residences and will not significantly impact on these adjoining and nearby areas by way of overshadowing.

The application was placed on public exhibition from 7 February 2019 to 21 February 2019 in accordance with the requirements of Schedule 1 of the *Environmental Planning and Assessment Act 1979*. Council received five public submissions and two submissions from State agencies in relation to the application, which raised a number of issues regarding the proposed development. The matters raised have been considered within this report, and each issue has been addressed and responded to.

All relevant matters under Section 4.15 of the *Environmental Planning and Assessment (EP&A) Act 1979* have been considered in the assessment of the application. The assessment raises minor issues in relation to these matters and recommends that the proposal be approved subject to the attached schedule of conditions (**Attachment 4**). These conditions are expected to mitigate any minor issues identified as part of the assessment.

Concurrence is required for the development in relation to the building height variation (BLEP Clause 4.6) and this has been delegated to the NRPP. No integrated approvals are required.

Introduction

Development Application 2018/756 was originally lodged with Council on 11 December 2018. An assessment of the Development Application (DA) has now been completed and the application is presented to the Northern Regional Planning Panel for determination.

Description of Site and Surrounds

The Site

The subject property is Lot 10 in DP 1001995 and is known as No. 62 Horizon Drive, West Ballina. The property has a total area of 5.94 hectares and is located approximately 750 metres to the east of the Pacific Highway. The property has frontages to Horizon Drive to the east and River Street to the south and is adjoined by Riverbend Drive to the west (which comprises the access to an existing manufactured home estate only). Vehicular access to the site is obtained via Horizon Drive only.

The property contains an existing educational establishment, Emmanuel Anglican College (EAC), which was approved via DA 1999/553. The site also contains a child care centre (approved via DA 2010/167).

The existing school buildings currently occupy the northern portion of the property. Sporting fields are located to the south of the school buildings and extend to the River Street frontage. The existing school contains a combination of one and two storey buildings predominately of brick construction. A number of demountable buildings are also located through the site.

Figure 1 illustrates an aerial view of the site's location and surrounding land:



Figure 1: Location of site
Source: Ballina Shire Council 2018

Figures 2 and 3 provide photographs of the existing site conditions:



Figure 2: View facing north across River Street towards existing school campus
Source: Ballina Shire Council 2019



Figure 3: View facing north-west across River Street indicating location of proposed multi-purpose hall
Source: Ballina Shire Council 2019

The subject site is predominantly flat and has been heavily modified via the placement of fill.

The land is zoned R2 Low Density Residential under the BLEP 2012 (Figure 4).

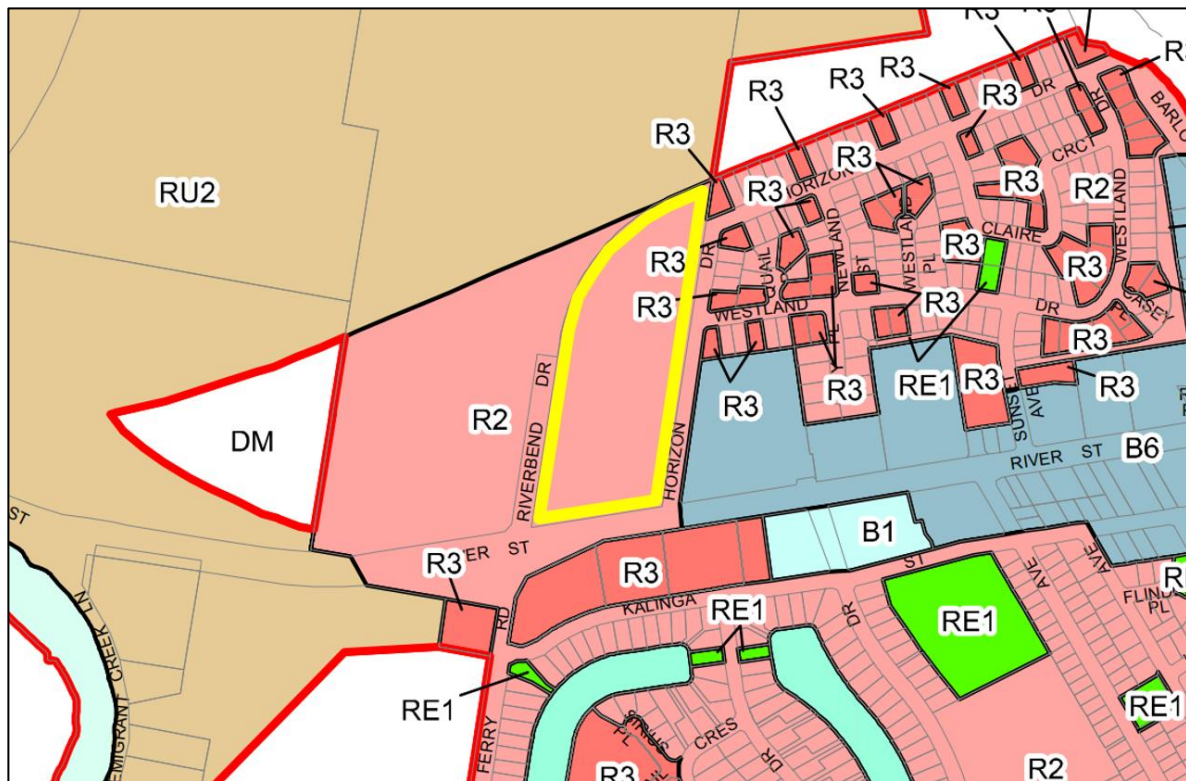


Figure 4: Zoning map
Source: NSW Legislation

Surrounds

The area is generally characterised by residential, rural and retail uses. A manufactured home estate (Riverbend Village) is located directly to the west of the subject property. The area directly to the east of the subject site contains a mix of low and medium density residential development (one and two storeys) and a large retail premises (Bunnings Warehouse). The area directly to the north of the subject site is zoned RU2 Rural Landscape under the Ballina Local Environmental Plan (BLEP) 2012 and contains vacant rural land and land utilised for sugar cane production.

Details of Proposal

The Development Application involves the construction of a multi-purpose hall at Emmanuel Anglican College, comprising two indoor sports courts, associated gymnasium and amenities, a stage and retractable seating. The proposed building is to be located on the corner of River Street and Horizon Drive, has a maximum overall building height of RL 14.8m AHD and is to be used during and outside school hours, seven days a week. The development also involves associated earthworks, infrastructure works, car parking and vegetation management works.

The proposed multi-purpose hall (and associated works) is to be constructed in the south-eastern portion of the property on the corner of Horizon Drive and River Street. Vehicular access to the building is to be provided via Horizon Drive (via an existing driveway crossover). The proposal provides for 66 car parking spaces (including two nominated accessible spaces, a Medium Rigid Vehicle loading bay and one other loading bay).

A forecourt area is proposed to be located to the north of the multi-purpose hall with pedestrian linkages provided to the existing school campus.

The proponent has described the proposal as containing the following elements:

- Two x playing courts;
- Strength and conditioning centre;
- Stage and retractable seating;
- Green room (associated with use of stage)/dance studio;
- Change rooms and toilets;
- Entrance foyer and reception;
- Catering space; and
- Store rooms.

The internal layout of the proposed multi-purpose hall (as amended) is acceptable having regard for the activities proposed and the requirements of the National Construction Code (NCC).

The applicant has indicated that until recent times, the part of the site subject to the application comprised open space used for sporting purposes. However, during late 2018, fill material was placed in the vicinity of the location of the proposed multi-purpose hall. Filling of this part of the site was approved in October 2013 via DA 2013/377, with these works being completed on a staged basis.

Operational Details

The multi-purpose hall is to be predominantly used by the Emmanuel Anglican College school community. However, the facility will also be made available to the public for community events outside of school hours, which would occur by prior arrangement with the College. The applicant has indicated that this may include competitive sports events and music performances.

Following a Request for Additional Information (dated 4 January 2019), the applicant advised that the school community will use the facility for the following (in addition to sporting activities):

- Whole school assemblies;
- Chapel services;
- Personal Development, Health and Physical Education (PDHPE) classes;

- Other student learning activities requiring a large indoor space; and
- Student examinations.

These activities will be held during normal school hours and are considered to be ancillary to the use of the site as an educational establishment.

On the days the hall is to be used, the proponent has described the proposed hours of operation and typical activities as follows:

- 6.00am to 7.00am: staff arrival and setup of facility.
- 7.00am to 10.30pm: training and games on courts.
- 10.30pm to midnight: players leave immediately after game completion at 10.30pm, staff pack down of facility and staff leaving.
- Gym: only for student and teacher use, during normal school hours.
- Waste collection and deliveries be limited to the daytime period between 7.00am and 6.00pm.

The above arrangements have been modelled within the Noise Impact Assessment contained at Attachment 5 of the SEE.

The applicant has indicated that larger events (such as Christmas events, awards and concerts) would occur approximately 10 times per year up until 9.00pm (with staff pack down of facility to occur after this time). This was also referenced within the submitted Noise Impact Assessment.

The applicant has confirmed within an email to Council dated 6 June 2019 that the 'dance studio' as shown on the amended plans will be utilised as teaching space as per the other areas of the multi-purpose hall. It was advised that the dance studio will also serve as the 'green room' (i.e. backstage area) during performances, as per the originally lodged plans. A condition is to be imposed to ensure that this space is not made available for separate use as a dance studio outside of school hours, as such use has not been assessed as part of the subject application.

Background of Approved Development on the Site

The subject site contains an existing educational establishment, known as Emmanuel Anglican College, approved in February 1999 via DA 1999/553. This approval (via modification of the consent) also included a masterplan and envisaged a total of 800 students attending the establishment. This masterplan was prepared in 2002. The site appears to have been generally developed in accordance with this masterplan; however a number of complying development certificates and other minor development applications have also been approved on the site since 1999. These subsequent applications also included a child care centre via DA 2010/167. A Development Application History has been provided below which includes a complete list of applications determined on the subject site.

An updated concept masterplan for the site was approved via DA 2014/360. Stage 1 comprised the expansion of the central administration building and Stage 1A related to the construction of four junior classrooms.

DA 2017/613 was determined on 28 May 2018 and approved the construction of additional junior classrooms, car parking, roof over the existing sports court and associated infrastructure and landscaping works. These works generally incorporate Stages 1B and 1C of the 2014 masterplan and DA 2017/613 referred to these works as 'Stage 2 – Junior School'. DA

2017/613 was modified on 19 December 2018 to allow for the staged occupation of the Junior School building and provision of a temporary parking area during construction works. It is noted that a Final Occupation Certificate was issued by the Principal Certifying Authority on 4 April 2019 with respect to DA 2017/613.

DA 2017/613 also approved changes to the masterplan approved via DA 2014/360 as follows:

- Adjustments to the Junior School building and parking configuration as illustrated in the DA plans accompanying DA 2017/613;
- Retention of the existing hard court and provision of a new covered hard court at the north western end of the school as illustrated in the DA plans accompanying DA 2017/613;
- Relocation of the pedestrian refuge on Horizon Drive as illustrated in the DA plans accompanying DA 2017/613;
- Relocation of the future junior school resource and administration buildings;
- Provision of a hard court at the southern end of the school;
- Revisions to the layout and footprint of the performing arts centre and multi-purpose centre; and
- Revisions to the layout of car parking at the south eastern end of the school. The current plan provides for a total of 160 spaces (compared to 157 as illustrated within the original masterplan).

The subject application includes some further changes to the approved masterplan (most recently amended via DA 2017/613) as follows:

- Additional car parking area to be provided between the future Performance Hall and the Ezzy Centre (to reflect parking to be provided as part of current proposal for the multi-purpose hall); and
- Further detail provided with respect to the pedestrian areas and covered forecourt (i.e. undercroft) associated with the future Performance Hall. The amended plan more clearly demonstrates how pedestrian movement is to occur in this area.

These changes are considered to be minor and generally in accordance with the approved masterplan for the site.

To ensure the amendments to the masterplan reference are implemented, it is proposed to amend the previous DA 2014/360 and DA 2017/613 by way of the imposition of a consent condition in accordance with Section 4.17(1)(b) of the EP&A Act 1979. A condition of consent (Condition 5) reflecting the amended masterplan reference is to be imposed in this regard.

This approach has been previously utilised by Council as part of the amendments to the 2014 masterplan as approved via DA 2017/613.

Development Application History

A complete list of Development Applications and Complying Development Certificates issued for the site is provided below (Table 1):

Application No.	Development	Date determined
DA 1999/553	Educational Establishment	25 February 1999 Modified March 2004
DA 2001/292	Refurbishment of existing signs for college	Determined 28 November 2000 Modified 2001
DA 2002/791	Advertising sign	2 April 2002
DA 2004/771	Shade structure	5 March 2004
DA 2005/101	Maintenance shed	13 August 2004
DA 2006/561	Undercover area	12 April 2006 Modified 27 October 2006
DA 2007/822	Erection of two shade structures	9 July 2007
DA 2008/522	6 x 7500 litre water tanks	24 January 2008
CDC 2010/31	Resource Centre	24 July 2009
DA 2010/167	Change of use of an existing classroom to establish child care centre	4 November 2009
CDC 2012/5018	Emmanuel Anglican College Trade Training Centre	10 October 2012
DA 2013/377	Staged site filling of existing sports fields	25 October 2013
DA 2014/360	Staged development comprising expansion of existing central administration building, construction of four new junior classrooms and conceptual masterplan.	25 November 2014
CDC 2014/5041	3 classroom building	17 November 2014
DA 2015/591	Vegetation management works comprising the removal of five Fig trees	28 October 2015
CDC 2015/5027	Relocation of Classroom	25 June 2015
DA 2017/15	Construction of a multi-purpose playing court	27 February 2017
CDC 2017/5028	Sports Equipment Shed	2 June 2017
DA 2017/613	Construction of additional classrooms, car parking, roof over existing court and associated infrastructure and landscaping works	28 May 2018 Modified 19 December 2018

Table 1: Approval history

Referrals

The following internal (Table 2) and external (Table 3) referrals were carried out with respect to the proposed development:

Referral Type	Recommendation
Development Engineer	Supported subject to conditions
Building Surveyor	Supported subject to conditions
Environmental Health Officer	Supported subject to conditions
Environmental Health Officer – Food Specialist	Supported subject to conditions
Trade Waste Officer	Supported subject to conditions
Social Planner (Access Reference Group)	Supported subject to conditions

Table 2: Internal Referrals

Referral Type	Recommendation
Roads & Maritime Services (RMS)	Supported with recommendations
NSW Police	Supported with recommendations

Table 3: External Referrals

Issues raised in referrals are addressed within the discussion under Section 4.15(1)(b) of this report.

Statutory Assessment

Environmental Planning and Assessment Act 1979

The primary state planning legislation for NSW is the Environmental Planning and Assessment Act 1979 (*EP&A Act*). The *EP&A Act* institutes a system of environmental planning and assessment in NSW.

The relevant sections for consideration are as follows.

Section 1.7 – Significant effect on threatened species, populations or ecological communities, or their habitats

An Ecological Assessment Report prepared by Melaleuca Group Pty Ltd dated 27 November 2018 was submitted with the application.

The report concluded that the proposed development will not result in any significant effects on threatened species, populations or ecological communities, or their habitats.

Section 4.46 – Integrated Development

The proposed development does not constitute ‘integrated development’ pursuant to s4.46 of the *Environmental Planning & Assessment Act*.

Section 4.15 Matters for Consideration

The proposed development has been assessed under the heads of consideration in Section 4.15 of the *EP&A Act*. The assessment has identified the following key issues which are elaborated upon for the Panel’s consideration.

Section 4.15(1)(a)(i) provisions of any environmental planning instrument

State Environmental Planning Policy No. 44 – Koala Habitat Protection

Clause 7(1) of SEPP 44 states that before a council may grant consent to an application for consent to carry out development on land to which this Part applies, it must satisfy itself whether or not the land is a potential koala habitat. The site of the development is cleared of vegetation and subject to an approval for extensive earthworks. Council is satisfied that the land does not contain potential koala habitat.

State Environmental Planning Policy No. 55 – Remediation of Land

The objective of SEPP 55 is to provide for a state wide planning approach to the remediation of contaminated land and to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment through various mechanisms.

Clause 7 of SEPP 55 outlines the contamination and remediation matters to be considered in determining development applications.

(1) A consent authority must not consent to the carrying out of any development on land unless:

- (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.*

Comment: Council's Environmental Health section has commented that given the subject site has been deemed suitable for use as a school in relation to land contamination status, no further assessment of land contamination is required at this stage.

It is considered there is minimal risk to human health or the environment with regard to contamination and the site is suitable for the proposed use. However, a condition is to be imposed on the consent which requires the developer to notify Council if, as a result of the works, information is uncovered that alters the above conclusion.

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

Comment: Not applicable as the proposal does not involve the change of use of land as specified in subclause (4).

(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as

referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

Comment: Not applicable.

(4) The land concerned is:

(a) land that is within an investigation area,

(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,

(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:

- i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
- ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

Comment: The subject land is to be developed for educational and recreational purposes. There is no history of the site being used for a purpose referred to in Table 1 to the contaminated land planning guidelines. As per the comments provided above, given the subject site has been deemed suitable for use as a school in relation to land contamination status, no further assessment of land contamination is required at this stage.

State Environmental Planning Policy No. 64 – Advertising and Signage

SEPP 64 is not applicable to the subject application as no signage is proposed. A condition is to be imposed on the consent advising that no advertising sign be erected or displayed without the prior consent of Council, unless the proposed signage is consistent with the terms and conditions of State Environmental Planning Policy (*Exempt and Complying Development Codes*) 2008.

State Environmental Planning Policy (Coastal Management) 2018

The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016.

The site is located within the Coastal Use Area under the Coastal Management SEPP.

Clause 14(1) of the SEPP includes controls with respect to the Coastal Use Area:

14 Development on land within the coastal use area

(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:

(a) has considered whether the proposed development is likely to cause an adverse impact on the following:

- (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
- (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
- (iv) Aboriginal cultural heritage, practices and places,*
- (v) cultural and built environment heritage, and*

(b) is satisfied that:

- (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
- (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*

(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment: The subject site is not near a foreshore, beach, headland or rock platform. There are no issues with overshadowing, windfunnelling or the loss of views from public spaces to foreshores. The proposed development is not considered to result in view loss from these areas.

There are no issues with visual amenity and scenic qualities of the coast or the use of the surf zone.

An Aboriginal Heritage Information Management System (AHIMS) search carried out on 1 May 2019 has revealed that no Aboriginal sites or places have been recorded or declared within or near the subject site. No issues are raised with regard to Aboriginal cultural heritage.

In relation to Clause 14(b), the subject proposal relates to the construction of a multi-purpose hall on the site of an existing approved educational establishment, which is not located in close proximity to any coastal or river foreshore.

With regard to the surrounding coastal and built environment, it is acknowledged that the proposed development exceeds the maximum allowable building height for the site. Notwithstanding this, it has been assessed that in the context of the built environment, the bulk and scale of the development is acceptable in the instance of the proposal. Refer to assessment under Clause 4.6 of the BLEP 2012 section of this report. With respect to impacts on the coastal environment, the proposed development is not located in proximity to a foreshore area, nor will the building be visible from such areas. As such, it is considered the proposed bulk and scale of the development will not impact upon the coastal environment.

Given the above, the proposed development is considered acceptable with regard to the Coastal Management SEPP.

State Environmental Planning Policy (Infrastructure) 2007

The subject site has frontage to River Street, which is a classified (State) road. In accordance with Clause 101 of State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure

SEPP) the consent authority is to have consideration for the safety, efficiency and ongoing operation of the classified road. The application was referred to RMS for comment.

The following comments are provided with respect to the proposal's compliance with Clause 101 of the Infrastructure SEPP.

101 Development with frontage to classified road

(1) The objectives of this clause are:

(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and

Comment: The proposed multi-purpose hall is to be accessed via Horizon Drive. It is considered the proposed development does not compromise the effective and ongoing operation and function of the classified road.

(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

Comment: The applicant has advised that an acoustic engineer has been engaged to ensure that noise mitigation (both into and out of the building) will be incorporated into the proposed multi-purpose hall. This will reduce potential traffic noise impacts on the proposed development. With respect to vehicle emissions, it is considered the proposed multi-purpose hall has been suitably located having regard for any potential impacts.

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and

Comment: Vehicular access to the existing educational establishment is provided via Horizon Drive and will not be provided by the classified road (River Street). This arrangement will continue as part of the subject application, with minor upgrades proposed to the existing driveway access. A condition is recommended to be imposed on the consent requiring the access upgrades to comply with the Northern Rivers Local Government standards. Having regard for the above, the continued use of the existing access point is considered to be practicable and safe.

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:

(i) the design of the vehicular access to the land, or

Comment: Vehicular access to the proposed development will occur at an existing crossover on Horizon Drive (with minor upgrades proposed). Council's Civil Services Division is satisfied that no adverse impact to River Street will occur. The proposed work is to be assessed by Council by way of an application under Section 138 of the Local Government Act 1993, which is required to be lodged by the applicant as a condition of consent.

(ii) the emission of smoke or dust from the development, or

Comment: Given the nature of activities to be carried out within the building, the proposed multi-purpose hall is unlikely to result in the emission of smoke. There is the potential for dust to be generated during construction works. Conditions are recommended to be imposed with

respect to the control of dust and other emissions during construction to ensure there are no adverse impacts on the adjacent classified road.

(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

Comment: The Traffic and Parking assessment submitted with the application (Attachment 6 of the SEE) has advised that as the multi-purpose hall will not increase student numbers and is ancillary to the use of the site as an educational establishment, no additional trips are anticipated during school hours. Following completion of the Stage 2 – Junior School works approved via DA 2017/613, the school will have a maximum capacity of 670 students. Based on a trip generation rate of 1.4 trips per enrolment, the site is expected to generate 938 vehicle trips per day based on current student numbers (it is noted student numbers will not increase as part of the subject application). The submitted Traffic and Parking assessment has indicated that outside school hours, a peak hour evening operation could produce a peak of 40 vehicles per hour.

Council's Civil Services Division has commented that the 2014 Ballina Regional Traffic Model indicated 20,900 vehicles per day in River Street, equating to 2,090 vehicles per hour in am and pm peak hours, being 1,045 vehicles per hour each direction and 522 vehicles per hour in each lane. The anticipated number of vehicles using River Street to access the site will not have an adverse impact upon the safety, efficiency and ongoing operation of the classified road.

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

Comment: The proposed multi-purpose hall is to be constructed on the site of an existing educational establishment. It is acknowledged that the proposed building is closer to River Street than the existing school buildings on the site.

The proposed development is to be located a minimum of 20 metres from the southern property boundary (River Street frontage). It is considered the intended use of the building is appropriately located and designed having regard for the adjacent classified road, so as not to be adversely impacted by traffic noise.

Traffic-generating development

Refer to discussion within State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 section of this report with respect to the requirements for Traffic Generating Development.

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

State Environmental Planning Policy (Education Establishments and Childcare Facilities) 2017 (the Education SEPP) allows for certain development within existing schools to occur as development without consent or complying development. Notwithstanding, given the subject site is identified as containing Class 2 Acid Sulfate Soils under the Ballina Local Environmental Plan 2012, the proposed multi-purpose hall does not meet the applicable criteria for exempt

or complying development and a Development Application is required to be lodged and assessed.

Clause 35 – Schools – development permitted with consent

Clause 35(6) requires the consent authority to take into consideration the following matters:

(6) Before determining a development application for development of a kind referred to in subclause (1), (3) or (5), the consent authority must take into consideration:

(a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 4, and

Comment: Subclause (1) states that development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone. The subject land is zoned R2 Low Density Residential under the provisions of the BLEP 2012 and is listed as a prescribed zone within Clause 33 of the Education SEPP. As such, Clause 35(6) of the Education SEPP is applicable to the proposed multi-purpose hall.

An architectural design statement has been prepared by the applicant and is provided at Attachment 11 of the SEE. The statement demonstrates compliance with the design principles documents in Schedule 4 of the Education SEPP – further discussion is provided later in this section of this report.

(b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.

Comment: The multi-purpose hall will be primarily utilised by the EAC school community. External use of the premises by users other than EAC will occur when the building is not required by the school, with prior booking required for all external use.

Clause 57 – Traffic-generating development

The proposed development comprises Traffic Generating Development under Clause 57 of the Education SEPP as it involves an enlargement or extension of an existing premises on a site that has direct vehicular or pedestrian access to any road (i.e. Horizon Drive). There is no increase in student numbers proposed as part of the development.

Clause 57(2)(a) of the Education SEPP requires notice to be given to RMS. The application was therefore referred to RMS for comment.

Clause 57(3) of the Education SEPP requires that the consent authority take the following into consideration:

(a) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and

RMS provided the following comments on the proposed development (27 February 2019):

1. *The consent conditions (DA 2017/613) includes a pedestrians facility for crossing River Street which crosses 4 lanes of traffic approaching and departing from the roundabout. Identifying a safe crossing location for pedestrians on River Street requires balancing*

pedestrians desire lines whilst ensure a safe road environment is maintained. Subject to meeting the Traffic signal design warrants considerations could be given for a signalised mid-block marked crossing.

Comment: Condition 9 of DA 2017/613 reads as follows:

9. Section 138 Application

An application is required to be lodged with Council under Section 138 of the Roads Act 1993 (including payment of the associated fees) within 18 months of the date of this consent, which seeks approval for Emmanuel Anglican College to undertake the following works:

- Construction of a 1.35m wide footpath on the western side of Horizon Drive from Westland Drive south to River Street, connected into the existing network.*
- Construction of a pedestrian refuge on the eastern side of the Burns Point Ferry Road/River Street Roundabout. Pram ramps in association with the refuge shall be constructed and connected to the existing shared path on the northern and southern side of River Street.*

The requirement for this condition followed a detailed assessment of the proposed student numbers as part of DA 2017/613 (Stage 2 – Junior Land) and in addressing pedestrian safety concerns previously raised by the school.

Council's Civil Services Division have commented that pedestrian traffic from the school heading south across River Street is generally bound for Quays Drive or Burns Point Ferry Road and as such, no mid-block crossing location to satisfy both of these desire lines as shown in Figure 5 below:



Figure 5: Pedestrian desire lines – red and yellow

It is noted that there is already a pedestrian refuge provided in the western splitter island of the roundabout at the Quays Drive/River Street roundabout, which provides a crossing facility for pedestrians at this location (Figure 6):



Figure 6: Existing pedestrian refuge – River Street/Quays Drive roundabout

Council's Civil Services Group have advised that a mid-block signalised pedestrian crossing on River Street (either mid-block Horizon Drive/Riverbend Drive or mid-block Horizon Drive/Bunnings Warehouse), as suggested by RMS, is not considered to provide a safer pedestrian crossing facility for the following reasons (Figure 7):



Figure 7: Location options for mid-block signalised pedestrian crossing of River Street

Option 1

Signalised Pedestrian Crossing River Street, Mid-block Horizon Drive/Quays Drive

- This location is on the desire line for Emmanuel Anglican College to Quays Drive, but not for pedestrians from Bunnings to the Quays Drive area, who are likely to continue to use the pedestrian refuge crossing on the west splitter island of the River Street/Quays Drive roundabout. Removal of this refuge is not considered to be a safe option, as a signalised crossing would be a much longer route for pedestrians originating at or east of Bunnings Warehouse on the northern side of River Street, meaning pedestrians would be more likely to take a 'short cut' across the splitter island.

Option 2

Signalised Pedestrian Crossing River Street, Mid-block Horizon Drive/Riverbend Drive

- This location is on the desire line for school to Burns Point Ferry Rd, but not for pedestrians from school to the Quays Drive area, who are likely to continue to use the existing pedestrian refuge crossing on the west splitter island of the River Street/Quays Drive roundabout (refer Figure 7 above). Similar to Option 1 as described above, the removal of this refuge is not considered a safe option as pedestrian short cutting is likely to be high, as the signalised crossing would be a much longer route for pedestrians originating from the school or at or east of Bunnings Warehouse on the northern side of River Street.

Traffic Signal Design – Section 2 Warrants

The Traffic Signal Design Guidelines were developed by RMS to assist in designing traffic control signals. Council's Civil Services Division has provided comment with regard to the RMS warrants for a signalised mid-block crossing as contained within the guidelines.

- Emmanuel Anglican College have provided advice that, currently, only 28 students reside on the southern side of River Street. Given these students would be split between the Burns Point Ferry Road and Quays Drive desire lines, the maximum number of students using a mid-block crossing at either of the above locations is unlikely to exceed 20 in the morning or afternoon peak hour.
- The observed numbers of persons currently using either of these crossing locations does not exceed 10 persons per hour.
- The required number of pedestrians specified by RMS Signals Guidelines crossing in peak hours to warrant a signalised mid-block crossing is normally 250 persons per hour (over four x one hour periods) or 175 persons per hour (over eight x one hour periods). A reduced warrant of 50 persons per hour (over two x one hour periods) is applicable for crossings predominantly used by children, the elderly or persons with a disability. It is considered the addition of up to 20 children per peak hour will not result in the warrant thresholds being achieved.
- The required number of vehicles specified by RMS Signals Guidelines in peak hours to warrant a signalised mid-block crossing is 600 vehicles per day in each direction. The current peak hour volume is approximately 1,250 vehicles per hour, which exceeds requirements of the RMS warrant. Notwithstanding this, the required pedestrian volumes will not be achieved.

Given the unsuitability of either mid-block location for a signalised pedestrian crossing to accommodate the desire lines of the majority of pedestrians wishing to cross River Street between Quays Drive/Bunnings and Riverbend Drive/Burns Point Ferry Road, the expected lack of usage of the signalised crossing and short cutting by pedestrians crossing at unregulated locations is likely to increase the net risk to pedestrians in this locality.

The required pedestrian volume component of the RMS warrant for a mid-block signalised pedestrian crossing will not be achieved.

The existing pedestrian refuge for crossing River Street (River Street/Quays Drive roundabout western splitter island) and the proposed pedestrian refuge for crossing River Street (Riverbend Drive/Burns Point Ferry Road eastern splitter island) will cater efficiently with identified pedestrian desire lines and the existing local footpath network. The provision of this pedestrian refuge will aid the safety of pedestrians by enabling them to negotiate the four lanes River Street one direction of traffic at a time.

Austroroads 'Guide to Road Design Part 4B Roundabouts' advises the following:

5.2.1 Safety Analysis of Roundabouts for Pedestrians

While there may be a perception in some sections of the community that roundabouts are problematic for pedestrians, there is no evidence to suggest that roundabouts are less safe for pedestrians than other forms of intersection control. However, there is anecdotal evidence to suggest that children and elderly pedestrians feel less safe at roundabouts, particularly at exits. This is because, unlike traffic signals, roundabouts do not give priority to pedestrians over through traffic.

AGTM Part 6 (Austroroads 2013a) cites a report by Tumber (1997) that suggests that roundabouts are at least as safe for pedestrians as other forms of intersection control because pedestrians are able to cross one direction of traffic at a time by staging their

crossing on the splitter islands. It is also recognised that there are some pedestrian concerned with their safety as this method does not provide the pedestrian with priority in undertaking the crossing.

Having regard for the above, the mid-block signalised pedestrian crossing of River Street (at either location) as suggested by RMS in their letter of 27 February 2019 is therefore not supported by Council.

A condition is recommended to be imposed on the consent to ensure the pedestrian infrastructure works previously required via DA 2017/613 are completed prior to issue of the Occupation Certificate for the multi-purpose hall, which will improve pedestrian safety in this location.

2. *Bicycle Parking should be considered as an 'end of trip' facility for cyclists.*

Comment: This matter was discussed with the applicant within a meeting held with Council staff on Thursday 7 March 2019. The following comments were provided by the applicant in response to bicycle parking issues:

"The College currently has 725 current student residential addresses in their database (some students from split families have more than one residential address). EAC is a regional school and this is reflected in the distribution of the school population. Of the total school population, 30 students reside in West Ballina, 70 in Ballina and 103 East Ballina. All other students come from Lismore, Wardell, Ballina Heights, Alstonville, Lennox Head, Byron and surrounding areas.

Reference is made to Council's use of the ACT "Bicycle Parking General Code" in the absence of a NSW code. The ACT Code requires 1 bicycle parking space per 15 primary students and 1 bicycle parking space per 10 secondary students plus 1 space per 200 students for staff. Based the school population is currently 725 (Primary and secondary and 40 – early childhood) and full time equivalent staff of 42 positions, bicycle parking requirements are:

- Staff: (1 per 200 students, 765 students) – 4*
- Primary (1 per 15 students, 420 students) – 28*
- High (1 per 10 students, 305 students) – 30*
- **Total Bicycle Parking Spaces – 64 spaces.***

When regard is made to the fact 522 students live outside the Ballina locality and as such are reliant on transport, we submit bicycle parking should be proportioned to reflect the 203 students (28%) who potentially may ride to school. In this regard, we submit bicycle parking for 18 bicycles is more appropriate.

Currently there is 7 bicycle racks on-site and scope exists to locate an additional 11 spaces as part of this project".

Council's Civil Services Division has reviewed the applicant's response and supports this position. A condition is recommended requiring the provision of additional bicycle parking such that there is a total of 18 bicycle parking spaces to service the site. A condition is also recommended to be imposed to ensure the design of all bicycle parking is in accordance with AS/NZS 2890.2:2015.

3. *All works on the classified (State) road will need to be designed and constructed in accordance with the current Austroads Guidelines, Australian Standards and Roads and Maritime Supplements.*

Comment: This requirement is not applicable, as no works are proposed to River Street as part of the development.

4. *The developer will be required to enter into a Works Authorisation Deed (WAD) with Roads and Maritime for any traffic signal works. The developer will be responsible for all costs associated with the works and administration for the WAD.*

Comment: No traffic signals are to be installed as part of the subject proposal and as such, a Works Authorisation Deed (WAD) is not required from RMS.

(b) the accessibility of the site concerned, including:

- (i) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
- (ii) the potential to minimise the need for travel by car, and*

Comment: The proposed development is not considered to have an adverse impact on the efficiency of movement of pedestrians and motorists to and from the site. With respect to the movement of freight (goods) to and from the site, single small rigid vehicle (SRV) and one medium rigid vehicle (MRV) loading bays are proposed on the site. Council's Civil Services Division has advised that the proposed loading bays are considered satisfactory to service the proposed multi-purpose hall. Given the proposed development is to primarily function as ancillary to the existing educational establishment, it is not considered the proposal will impact upon the extent of multi-purpose trips.

With respect to the potential to minimise the need for travel by car, the use of the proposed multi-purpose hall during school hours is not anticipated to increase vehicle trips. However, it is acknowledged that the external use of the premises outside school hours will result in additional vehicle movements.

(c) any potential traffic safety, road congestion or parking implications of the development.

Comment: Parking implications for the development has been considered as part of the masterplan approval for the site and have been assessed as part of the subject application.

Schedule 4 Schools – design quality principles

The applicant has provided the following comments with respect to the proposal's compliance with the requirements of Schedule 4 of the Education SEPP.

Principle 1—context, built form and landscape

Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage. The design and spatial organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate.

Landscape should be integrated into the design of school developments to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites.

School buildings and their grounds on land that is identified in or under a local environmental plan as a scenic protection area should be designed to recognise and protect the special visual qualities and natural environment of the area, and located and designed to minimise the development's visual impact on those qualities and that natural environment.

Applicant comment: The multi-purpose hall is contextually designed to enhance the school campus and local streetscape. Site planning elements such as the large forecourt area and tiered concrete seating overlooking the oval, allows for public interaction and engagement. The building is climatically responsive, with large shading roof overhangs. The main hall area is designed to be naturally ventilated through fans and the convection effect using high level operable windows. Landscaping is integrated to complement the building design and further enhance the site planning.

Principle 2—sustainable, efficient and durable

Good design combines positive environmental, social and economic outcomes. Schools and school buildings should be designed to minimise the consumption of energy, water and natural resources and reduce waste and encourage recycling. Schools should be designed to be durable, resilient and adaptable, enabling them to evolve over time to meet future requirements.

Applicant comment: Energy consumption is minimised through passive ventilation in the largest areas, shading devices, and efficient lighting design. Rainwater harvesting will be implemented for the flushing of toilets and landscaping irrigation. Steel structure is a highly efficient and recyclable material, as well as having a long service life with adaptability for reuse.

Principle 3—accessible and inclusive

School buildings and their grounds should provide good wayfinding and be welcoming, accessible and inclusive to people with differing needs and capabilities.

Note.

Wayfinding refers to information systems that guide people through a physical environment and enhance their understanding and experience of the space.

Schools should actively seek opportunities for their facilities to be shared with the community and cater for activities outside of school hours.

Applicant comment: The multi-purpose hall will have an accessible path from the carparks as well as from the main school entry. This will be well signed to provide clear wayfinding to the building. The building itself including the stage are accessible. The multi-purpose hall will have strong community engagement with proposed uses that will extend beyond standard school hours.

Principle 4—health and safety

Good school development optimises health, safety and security within its boundaries and the surrounding public domain, and balances this with the need to create a welcoming and accessible environment.

Applicant comment: The proposed multi-purpose hall has been designed with CPTED principles in mind, to ensure a safe outcome for the school community. Health is actively encouraged and enhanced through the sports courts and Strength and Conditioning Centre.

Principle 5—amenity

Schools should provide pleasant and engaging spaces that are accessible for a wide range of educational, informal and community activities, while also considering the amenity of adjacent development and the local neighbourhood.

Schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants.

Schools should include appropriate, efficient, stage and age appropriate indoor and outdoor learning and play spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage and service areas.

Applicant comment: The proposed multi-purpose hall provides excellent amenity for the school and local community through suggested activities such as sports competitions and theatrical productions. An acoustic engineer has been engaged to ensure that noise mitigation both into and out of the building will be appropriate to its site.

Principle 6—whole of life, flexible and adaptive

School design should consider future needs and take a whole-of-life-cycle approach underpinned by site wide strategic and spatial planning. Good design for schools should deliver high environmental performance, ease of adaptation and maximise multi-use facilities.

Applicant comment: The proposed multi-purpose hall is, by nature, a robust and adaptable addition to the school campus. The school holds a long-term masterplan that will ensure the continued use of the proposed building.

Principle 7—aesthetics

School buildings and their landscape setting should be aesthetically pleasing by achieving a built form that has good proportions and a balanced composition of elements. Schools should respond to positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood.

The built form should respond to the existing or desired future context, particularly, positive elements from the site and surrounding neighbourhood, and have a positive impact on the quality and sense of identity of the neighbourhood.

Applicant comment: The proposed multi-purpose hall is designed to be viewed from all sides and act as a landmark for the school. Materiality and building language is in line with the rest of the school campus and local context. Positive elements from the neighbourhood such as bricks and native landscaping will contribute to the building's engagement with its site.

The comments provided by the applicant above are considered acceptable having regard for the requirements of Schedule 4 of the Education SEPP.

Ballina Local Environmental Plan 2012 (BLEP 2012)

Aims of BLEP 2012 (Clause 1.2)

The particular aims of this Plan are as follows:

- (a) to provide for a sustainable Ballina that recognises and supports community, environmental and economic values through the establishment and maintenance of the following:*
 - (i) a built environment that contributes to health and wellbeing,*
 - (ii) a diverse and prosperous economy,*
 - (iii) a healthy natural environment,*
 - (iv) diverse and balanced land uses,*
 - (v) healthy, resilient and adaptable communities,*
 - (vi) responsible and efficient use of resources,*
- (b) to provide for development that is consistent with Council's established strategic planning framework for Ballina,*
- (c) to achieve the objectives of the land use zones set out in Part 2 of this Plan,*
- (d) to promote the orderly and efficient use of land having regard to the social and environmental characteristics of the land,*
- (e) to provide for the development of public services and infrastructure.*

The proposed development is considered to be generally in accordance with the aims and objectives of the BLEP 2012, in that it achieves the objectives of the R2 zone (refer to discussion below) and supports community values, through built infrastructure that contributes to health and wellbeing. The proposal will provide a useful facility, to be used by both the EAC school community and the general public.

Zoning and Permissibility (Clause 2.3)

The subject site is zoned R2 Low Density Residential under the provisions of the BLEP 2012.

Emmanuel Anglican College is defined as a "school", which falls within the broader definition of an "educational establishment". Educational establishments are permissible in the R2 zone with consent.

The existing early learning centre on the site is defined as a "child care centre" pursuant to the BLEP 2012, however it is noted this land use does not form part of the subject application.

The applicant notes that were the facility to be a 'standalone' building (not integrated with an educational establishment), the facility would be defined as a "recreation facility (indoor)", which is a prohibited land use within the R2 zone. It was commented that with respect to the use of the premises by groups other than the College, these activities are ancillary to the predominant use of the building as an educational establishment.

The applicant has provided an assessment of the proposed land use with respect to the provisions of *Planning Circular PS 13-001 How to characterise development* (Table 4):

Circular Provision	Comment
Ancillary Use	
<p><i>An ancillary use is a use that is subordinate or subservient to the dominant purpose. To put it simply:</i></p> <ul style="list-style-type: none"> <i>if a component serves the dominant purpose, it is ancillary to that dominant purpose;</i> <i>if a component serves its own purpose, it is not a component of the dominant purpose but an independent use in its own right. In such circumstances, the development could be described as a mixed use development.</i> 	Noted.
Considerations for Characterisation	
<i>Is the component going to serve the dominant purpose of the development or is it independent?</i>	External use of the premises by users other than EAC will only occur when the premises is not required by EAC. That is, EAC is the dominant user of the building.
<i>What is the amount of land to be used for a certain component relative to the amount of land proposed to be use for other purposes? If the amount of land is relatively small it is more likely to be ancillary.</i>	N/A
<i>Evidence of a purpose that is inconsistent with the dominant purpose is likely to undermine a claim that a component is ancillary.</i>	Prior booking will be required for all use of the building by external users. Such bookings will only be agreed to when the building is not required by EAC as part of its education program.
<i>If the component is temporary, it is more likely to be ancillary, if it is regular (that is will constitute an ongoing use for a long period of time) it is likely to be an independent use.</i>	The external use will be an ongoing, but occasional, activity and will only occur when the facility is not required by EAC.
<i>If the component goes beyond what is reasonably required in the circumstances for the development to implement the dominant purpose, it is likely to be an independent use (regardless of whether it has ancillary qualities).</i>	External use of the premises by users other than EAC will only occur when the premises is not required by EAC. That is, EAC will be the dominant user of the building.
Related components of a development are likely to have an ancillary relationship, although this is not necessarily determinative of such a relationship.	N/A
Physical proximity of the component to the rest of the development is likely to be evidence of an ancillary relationship, although once again, not necessarily determinative.	N/A

Table 4: Characterisation of development
Source: Newton Denny Chapelle 2018

Given the above, it is considered the proposed multi-purpose hall is a permissible land use within the R2 zone.

Zone Objectives (Clause 2.3)

The objectives of the R2 Low Density Residential zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for development that is compatible with the character and amenity of the surrounding neighbourhood.*
- *To provide for development that meets the social and cultural needs of the community.*
- *To encourage development that achieves the efficient use of resources such as energy and water.*

The proposed development complies with these objectives, particularly in providing for development that meets the social and cultural needs of the community. The proposed development will provide an additional facility for use by both EAC and occasional use by the wider community.

With respect to the efficient use of resources, the applicant has indicated that energy consumption is minimised through passive ventilation in the largest areas, shading devices, and efficient lighting design. Rainwater harvesting will be implemented for the flushing of toilets and landscaping irrigation. The steel structure is a highly efficient and recyclable material, as well as having a long service life with adaptability for reuse.

Height of Buildings (Clause 4.3) and Exceptions to Height of Buildings (Clause 4.3A)

A maximum building height of 8.5 metres is applicable to the subject site under Clause 4.3 of the BLEP 2012, as indicated on the Height of Buildings Map.

Clause 4.3A of the BLEP also applies to the subject land as it is identified on the Building Height Allowance Map.

Subclause (3) states that the maximum height of a building on land to which this clause applies is to be measured from the minimum level AHD permitted for that land on the Building Height Allowance Map (Figure 8):

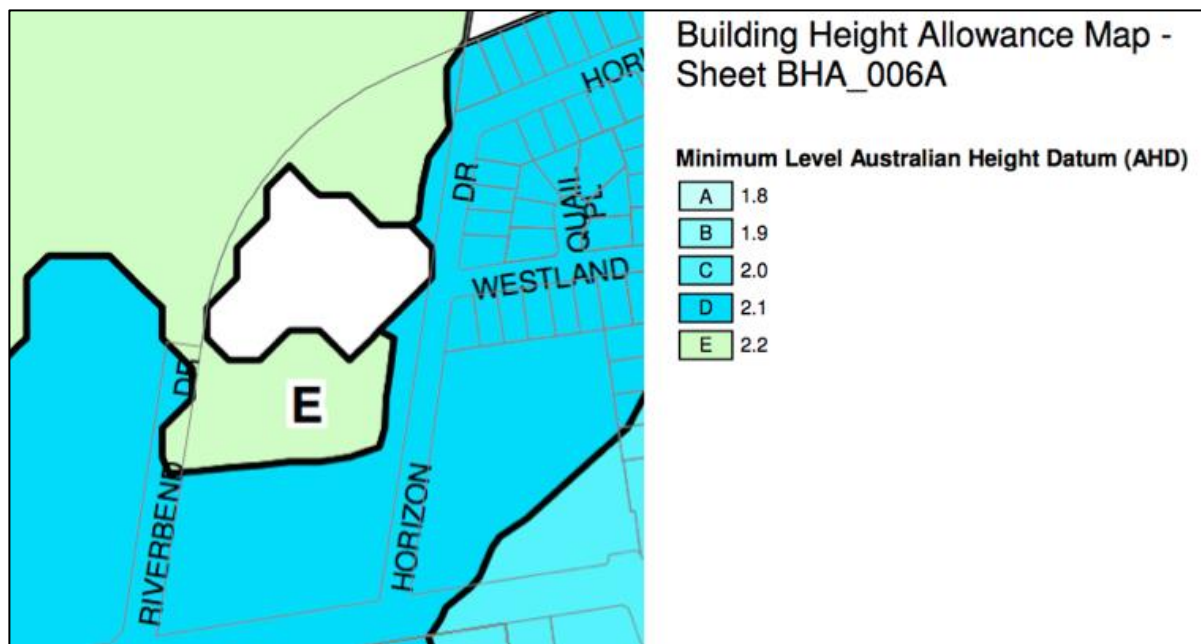


Figure 8: Excerpt from Building Height Allowance Map
Source: NSW Legislation

The portion of the subject site to be developed is marked 'D' meaning the maximum building height is to be measured from RL 2.1m AHD (however it is noted the required fill level in this location is RL 2.2m AHD under Chapter 2b of the Ballina DCP 2012, which is reflected in the submitted development plans and recommended conditions of consent). As such, the maximum height of building applicable to the land is RL 10.6m AHD (i.e. 8.5 metres above RL 2.1m AHD).

The plans submitted indicate that the maximum overall height of the development is RL 14.8m AHD. Given a maximum building height of RL 10.6m AHD is applicable to the site, the proposed development exceeds this requirement by 4.2 metres. This represents a 39.6% variation to the applicable height of building development standard.

The applicant has lodged a written request pursuant to Clause 4.6 of the BLEP 2012 to vary the height of building development standard. Refer to Clause 4.6 section of this report for discussion.

Floor Space Ratio (Clause 4.4)

The subject site is not identified on the Floor Space Ratio Map and therefore this clause is not applicable to the proposed development.

Exceptions to Development Standards (Clause 4.6)

The proposed multi-purpose hall has a maximum building height of RL 14.8m AHD, which is above the RL 10.6m AHD maximum building height (i.e. 8.5 metres above RL 2.1m AHD pursuant to Clause 4.3A of the BLEP 2012) applicable to the site under the Ballina Local Environmental Plan (BLEP) 2012. This exceeds the maximum building height by 4.2 metres and represents a 39.6% variation to the development standard.

Clause 4.6 of the BLEP 2012 requires the consent authority to have regard for the following in assessing and determining a variation to a development standard:

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

Comment: The development application was accompanied by a written request that addresses the above matters (**Attachment 3**). The applicant has provided the following summary with respect to the proposed variation:

- The nature of a sports hall is such that certain height parameters must be met in order for the building to be 'fit for purpose'. In this instance, the minimum clearance height for basketball is 7m. The building has been designed such that only those portions of the building located above the playing surface are taller than the nominated 8.5m height control. All other parts of the building are compliant with the height control.
- The height variation is only sought for the portion of the building located above the playing courts. In this regard, 34.32% of the roof will exceed 8.5m, with the remaining 65.68% of the roof been fully compliant.
- The facility includes a double playing court. The span across this distance accentuates the vertical projection of the resultant roof form.
- The College has an established architectural vernacular which is proposed to be adopted for the Multi-purpose hall. This includes a pitched roof. The architectural team has reduced the pitch from the typical 20° pitch to a reduced 15° pitch to minimise the bulk of the roof structure.
- The site has particularly complex geotechnical characteristics which necessitate the building being constructed on piles. Further reducing the roof pitch adds complexity with respect to maintaining a rigid structure and minimising future cracking and damage associated with the soil conditions.
- The proposal provides for a quality building form which is a suitable 'entrance statement' for both EAC and Ballina as a whole.
- The building is located on the College campus in a position well removed from residential activities. No dwellings or public recreation areas will be overshadowed or overlooked by the building.
- The building is setback from all property boundaries, with carparking, driveways and landscaping located within the setback area. The portions of the building exceeding the nominated height restriction are then set within the central portion of the structure (with the outer areas all compliant with the 8.5m control). The portions of the building exceeding the 8.5m limitation are setback from property boundaries as follows:

River Street – between 35m and 44m; and
Horizon Drive – 18m.

- The site is removed from areas with particular visual or scenic values. That said, the property is located at the 'entrance' to Ballina (when exiting from the Pacific Highway Interchange) as well as the key entrance to the College campus. The building has therefore been designed to provide a proportioned and articulated building which is suited to its strategic location.
 - The project provides for landscape planting along the River Street frontage which will provide for a softening of the appearance when viewed from this road.
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
- (a) *the consent authority is satisfied that:*
- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

Comment: The applicant's written Request to Vary a Development Standard pursuant to Clause 4.6 of the BLEP 2012 has adequately addressed the requirements of subclause (3).

- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

Comment: The extent of the variation occurs approximately 18 metres from the western boundary (Horizon Drive) and between 35 to 40 metres from the southern boundary (River Street). Accordingly, the non-compliant portion of the roof will not have unreasonable impacts in terms of overshadowing of neighbouring properties, add excessive bulk to the proposed multi-purpose hall, or impact upon views from any public places. The proposal therefore achieves the objectives of Clause 4.3 of the BLEP 2012 and the broader objectives of the R2 Low Density Residential zone and approval of the application is considered to be in the public interest. Accordingly, it is deemed unreasonable and unnecessary to require strict compliance with the standard, in this instance.

The justification as provided by the applicant above is accepted. However, the following additional comments are provided by Council with respect to the proposed variation to the building height control.

The objectives of the height of buildings standard are as follows:

- (1) *The objectives of this clause are as follows:*
- (a) *to ensure that the height of buildings is compatible with the bulk, scale and character of the locality,*
- (b) *to minimise adverse impacts on existing or future amenity of adjoining properties and the scenic or landscape quality of the locality,*
- (c) *to protect significant views from public places.*

Comment: The immediate area is generally characterised by residential, rural and retail uses. The area directly to the east of the subject site contains a mix of low and medium density residential development (one and two storeys) and a large retail premises (Bunnings Warehouse) which is RL 12.2 metres in height. The Big Prawn is located on the Bunnings Warehouse site and is 15 metres in height (from ground level).

The approximate location of the proposed multi-purpose hall has been previously considered as part of the approved masterplan for the site. Although the precise height of the building was not assessed as part of the masterplan, it was considered at that time that the building would include indoor sports courts, which have specific clearance requirements in order to function effectively and be used in official competition.

Following the public exhibition period for the subject application, the issues of building height, overshadowing, bulk or scale were not identified within the submissions received. The submissions received predominantly raised concerns surrounding car parking, traffic and noise impacts. These matters are addressed in a later section of this report.

It is acknowledged that the subject site is located at the western 'gateway' to Ballina and the south-eastern corner of the site (where the proposed multi-purpose hall is to be constructed) is clearly visible in the locality. Notwithstanding this, it is not considered the proposed multi-purpose hall will have a detrimental impact upon significant views from public places. The highest parts of the building are set back 18 metres from the Horizon Drive boundary and 35 metres to 44 metres from the River Street boundary. The Bunnings Warehouse building on the adjacent property at No. 507 River Street is of similar height to the proposed multi-purpose hall and has an 8.5 metre setback to both Horizon Drive and River Street.

The winter solstice shadow diagrams submitted with the application indicate that the majority of overshadowing will occur within the school site and on the Horizon Drive road reserve. The areas to be overshadowed largely comprise vehicular access and parking areas. It is considered landscaped and open space areas on and off the site will not be adversely affected by the shadows cast by the building.

No existing school buildings on the subject site or nearby residences will be impacted by way of overshadowing from the proposed multi-purpose hall.

The bulk and scale of proposed multi-purpose hall is considered appropriate having regard for surrounding buildings and structures in the immediate locality.

Minimum clearance for sporting activities

The applicant has indicated that the following sport court requirements are applicable:

BASKETBALL Source:	Min. 7m height clearance International Basketball Federation (FIBA)
VOLLEYBALL Source:	Min. 7m height clearance International Volleyball Federation (FIVB)
NETBALL Source:	Min. 8.3m height clearance Netball Australia

The abovementioned sports require a certain minimum clearance above the playing surface to meet the official standards for competition. A further ceiling height allowance is then required for light fixtures. The multi-purpose hall has a minimum clearance of 7 metres and maximum clearance of 11.6 metres, which is sufficient to cater for such games and to also provide for adequate air circulation and ventilation. As such, the sports court part of the

building will exceed the RL 10.6 metres AHD maximum building height (i.e. 8.5 metres above RL 2.1m AHD pursuant to Clause 4.3A of the BLEP 2012) for this location.

The town planning assessment for the Ballina Indoor Sports Centre (BISC) approved via DA 2018/36 also identifies that most indoor sports facilities have high ceilings for sports requirements, equipment and ventilation. Further discussion regarding the BISC is provided later in this section of the report.

Building line and setbacks

The proposed multi-purpose hall is to be located a minimum of 7.2 metres from the eastern property boundary (Horizon Drive frontage) and a minimum of 20 metres from the southern property boundary (River Street frontage). The proposal is therefore compliant with the 6.0 metre building line/setback applicable to the site.

It is noted that the applicable setback would not account for the significant height variation in controlling the bulk of the building. Notwithstanding, the portion of the building which is to exceed the RL 10.6 metres AHD height control relates to the central part of the building which is setback even further from the required building line (previously stated to be 35 to 44 metres from River Street), resulting in a reduction of the perceived bulk of the building.

Compliance with objectives of R2 zone and Clause 4.3A

As per discussion provided earlier in this report, the proposal is otherwise compliant with the relevant objectives of the R2 zone and the objectives of the Height of Building development standard. Allowing for a variation to the building height control in this instance will provide for a building that is fit for purpose.

Height allowances under Education SEPP – Complying Development

Due to the Acid Sulfate Soils classification of the land (Class 2), the proposed multi-purpose hall is unable to be carried out as Complying Development and as such, a Development Application was lodged.

However, it is noted that Schedule 2 of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (the Education SEPP) allows for the erection of school buildings up to 4 storeys and 22 metres in height on land not affected by this constraint. This requirement would prevail over the Height of Building controls contained within a Local Environmental Plan.

It is considered the height of the proposed building is appropriate given it is to primarily support the existing use of the site as an educational establishment. The provision of this control within the Education SEPP indicates that a building of this height has been deemed appropriate for educational establishments across the state of New South Wales.

DA 2018/36 – Ballina Indoor Sports Centre

DA 2018/36 was determined by the then Joint Regional Planning Panel (JRPP) on 11 April 2018 and approved the construction of the Ballina Indoor Sports Centre on the Ballina High School site. The BISC also exceeded the applicable 8.5 metre Height of Building Control, with an assessable height of 11.18 metres. This exceeded the required height control by 2.68 metres, which represented at 31% variation to the Height of Buildings development standard.

It was considered that the building did not impact upon significant views from public places or private residences and would not cause significant overshadowing of public open space or private land (other than the school land immediately to the south of the building). The bulk of the building was also considered appropriate having regard for the height of the buildings approved on the Ballina High School site. It was commented that the bulk and scale of the building is what was required for an indoor sports stadium.

DA 2011/458 – Bunnings Warehouse and Big Prawn

DA 2011/458 was determined by Council on 23 February 2012 and approved the construction of Bunnings Warehouse and Big Prawn, located at No. 507 River Street, Ballina. The total height of the building is RL 12.2 metres AHD, while the Big Prawn is 15 metres in height (from ground level). It is noted from the assessment that the height of the building was required to accommodate the stacking of racks within the building.

DA 1999/254 – Xavier Catholic College Multi-Purpose Hall

DA 1999/254 was determined by Council on 22 October 1998 and approved the staged development of Xavier Catholic College, located at No. 2-30 Redford Drive, Skennars Head. Stage 5 included of the development included the construction of a multi-purpose hall. The roof height was originally approved at 14.1 metres, however was reduced to 12.5 metres in height via modification application which was approved on 12 May 2010. The approved roof height indicates that a building of this height is reasonable to provide for a space that is fit for purpose in a school setting (i.e. sporting and other school-related activities).

- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
(b) the concurrence of the Secretary has been obtained.

Comment: The concurrence of the Secretary may be assumed pursuant to Planning Circular PS 18-003 (issued 21 February 2018).

- (5) *In deciding whether to grant concurrence, the Secretary must consider:*
(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
(b) the public benefit of maintaining the development standard, and
(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

Comment: In assuming the concurrence of the Secretary, it is considered that the contravention of the development standard raises no issues of State or regional planning significance, and there is no public benefit, in this instance, in maintaining the development standard.

Enforcing compliance with the 8.5 metre building height would not significantly improve the external impacts but would impact considerably on the ceiling height and ventilation of the main sports playing area. The development of a sports hall in this location has been previously approved in the masterplan for the site and compliance with the building height development standard would effectively prohibit this use from occurring.

Relevant Acquisition Authority (Clause 5.1)

The site is not identified on a Land Reservation Acquisition Map.

Heritage Conservation (Clause 5.10)

The site does not contain, and is not within the vicinity of, any heritage items or heritage conservation areas. An Aboriginal Heritage Information Management System (AHIMS) search carried out on 1 May 2019 has revealed that no Aboriginal sites or places have been recorded or declared within or near the subject site.

Acid Sulfate Soils (Clause 7.1)

The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

The site is identified on the Acid Sulfate Soils Map as containing Class 2 Acid Sulfate Soils (ASS).

Subclause (2) states that on land containing Class 2 ASS, development consent is required for works below the natural ground surface and works by which the watertable is likely to be lowered. As such, development consent is required for the proposed works.

Subclause (3) states that development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority. The applicant has prepared a draft Acid Sulfate Soils Management Plan (Attachment 9 of the SEE) to account for works involving excavation below the existing filled soil profile. This has been deemed satisfactory by Council's Environmental Health section. A condition is recommended to ensure the plan is implemented in full during the construction period.

Earthworks (Clause 7.2)

DA 2013/377 was determined by Council on 25 October 2013 and approved the staged site filling to a maximum height of 2.0m AHD over an area of approximately 23,305m², comprising the existing sports fields. The intention of these works was to improve drainage on the subject site.

The applicant advised that just prior to the lodgement of the subject development application, fill material was placed in the vicinity of the location of the proposed multi-purpose hall. Filling of this portion of the site was approved via DA 2013/377.

Further earthworks are proposed on the site to facilitate the proposed development. The applicant has provided the following comments in relation to earthworks:

The subject site will be filled to achieve compliant flood planning levels of:

- 2.2m minimum fill level for the carpark and external landscaped areas; and
- 2.8m minimum floor level for the proposed building

This will require site filling over and above that approved via the previously approved DA 2013/377.

The applicant has noted that due to the expected settlement which will occur over time, the external areas will be filled to a higher level than required by the Ballina DCP 2012 on the

assumption that it will settle over time. The precise levels to be achieved will be determined at Construction Certificate stage under the instruction of a practicing geotechnical engineer.

A condition is recommended to be imposed on any consent granted requiring certification from a suitably qualified practicing geotechnical engineer to verify the site filling was completed in accordance with Level 1 geotechnical testing in accordance with the requirements of AS 2870 and AS 3798 and has adequate bearing capacity for building construction. This certification is to be submitted to and approved by the Principal Certifying Authority upon completion of site filling.

Clause 7.2(3) of the BLEP 2012 states that before granting consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:

(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,

The applicant has indicated that stormwater drainage has been a key design consideration for the project. It was also indicated that soil stability has been a critical design consideration, with fill for the carparking areas proposed to be constructed higher than the required fill levels under the Ballina Development Control Plan 2012. Conditions are recommended to be imposed requiring the filling of the site to comply with geotechnical testing requirements and also ensuring stormwater management occurs in accordance with the Stormwater Strategy contained within the submitted Engineering Services Report.

(b) the effect of the development on the likely future use or redevelopment of the land,

The proposed development and associated earthworks are related to the existing educational establishment on the site and is also considered to be generally consistent with the 2014 masterplan for Emmanuel Anglican College.

The site has complex geotechnical characteristics and as a result, the proposed multi-purpose hall is to be constructed on piles. Refer to further discussion within the Ballina DCP 2012 section of this report for further comments with respect to geotechnical matters.

It is not considered the proposed development will have an adverse effect on the future development of the site.

(c) the quality of the fill or the soil to be excavated, or both,

The site has been filled as part of previous stages of the development and the area to be developed currently has preload material in place. The applicant has indicated that all additional fill to be placed on the site will be accessed from appropriately approved sources. A condition is recommended to be imposed on the consent in this regard.

A condition is recommended to be imposed requiring the Acid Sulfate Soils Management Plan prepared by Newton Denny Chapelle to be implemented in full during the construction period.

A condition is also recommended requiring any fill or soil to be exported from the site to be in accordance with the relevant requirements.

A condition is recommended to be imposed on the consent requiring certification verifying that any fill material imported to the site is free of contaminants and was obtained from an approved fill source with quality assurance testing.

(d) the effect of the development on the existing and likely amenity of adjoining properties,

The site is to be filled in order for the development to comply with Council's flood planning requirements.

Stormwater management has also been considered as part of the application. Given the location of the proposed works is well removed from adjoining residential properties (with additional separation afforded via Horizon Drive, River Street and the remainder of the school site), it is not envisaged any drainage or ponding issues will occur.

Specific conditions have been recommended to be imposed to manage impact on adjoining properties with respect to dust, noise and vibration (particularly with regard to the proposed piling construction).

(e) the source of any fill material and the destination of any excavated material,

The applicant has indicated that all fill placed on the site will be accessed from appropriately approved sources. Upon completion of construction works, a condition is recommended to be imposed requiring that fill material imported to the site is obtained from fill sources that have an approved testing regime. The supplier of the fill material must certify to the Principal Certifying Authority (PCA) at the completion of construction that the material was free of contaminants, being natural or otherwise.

With respect to the destination of excavated material, a condition has been recommended requiring all demolition, construction or the like waste, including fill material, to be transported and disposed of to an approved waste facility.

(f) the likelihood of disturbing relics,

The site has been previously cleared and filled. An AHIMS search was conducted on 1 May 2019. No Aboriginal sites or places are recorded in or near the subject site. It is not expected there would be a likelihood of disturbing relics.

(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,

The subject site is not located in proximity to any waterway, drinking water catchment or environmentally sensitive area. However, conditions are recommended to be imposed in relation to sediment and erosion control during construction to ensure any potential environmental impacts are minimised.

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Conditions are recommended to be imposed in relation to quality of fill and sediment and erosion control.

Conditions are also recommended to be imposed to ensure stormwater management on the site occurs in accordance with the Stormwater Strategy contained within the submitted Engineering Services Report.

Given the above, no concerns are raised with regard to the earthworks proposed as part of the subject application.

Flood Planning (Clause 7.3)

The subject site is identified as being subject to flooding with the minimum required fill level being noted as RL 2.2m AHD. The flood planning level is identified within Chapter 2b of the Ballina Development Control Plan (BDCP) 2012 as RL 2.3m AHD. As a freeboard of 500mm is required, the design floor level is required to be RL 2.8m AHD.

Within the submitted Statement of Environmental Effects, the proponent noted that due to the expected settlement which will occur over time, the external areas will be filled to a higher level than required by the applicable controls. The precise levels to be achieved will be determined at Construction Certificate stage under the instruction of a practicing geotechnical engineer.

Clause 7.3(3) of the BLEP 2012 states that development consent must not be granted to development of land to which this clause applies unless the consent authority is satisfied that the development:

(a) is compatible with the flood hazard of the land, and

The subject site is identified as a 'Medium' Flood Risk Precinct within Chapter 2b of the Ballina DCP 2012. The proposal generally meets the minimum flooding requirements of Chapter 2b of the Ballina DCP 2012 for the proposed building given the site of the proposed multi-purpose hall will be filled to the required level. The proposed building will achieve floor level of RL 2.9m AHD, as shown on the development plans submitted. The required flood level is to be maintained by way of condition. Therefore, the proposal is considered to be compatible with the flood hazard of the land.

(b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and

Flood modelling has been previously undertaken on the basis that the subject site would be filled to the specified level. It is not considered the proposed filling of the site will affect flood behaviour such that it will result in the potential flood affectation of other development or properties.

(c) incorporates appropriate measures to manage risk to life from flood, and

Achieving the minimum fill level and floor level for the proposed building (which includes a 3 metre curtilage) as specified within Chapter 2b of the Ballina DCP 2012 is considered to appropriately manage risk to life from flood.

(d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and

The subject site does not contain a watercourse or any riparian areas, nor is it located near such areas.

(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

The site has been previously approved for the purposes of an educational establishment and other areas in the school site have been previously filled to the required level. The site of the proposed development and works to achieve the minimum fill level are not considered to result in unsustainable social and economic costs to the community as a consequence of flooding.

Essential Services (Clause 7.7)

The site is connected to reticulated urban infrastructure required to service the existing educational establishment. The amended Engineering Services Report (dated February 2019) confirms that all necessary services will be provided to the development at sufficient capacity to service the proposed development (and at full cost to the proponent).

Water Supply Servicing

The Engineering Services Report indicates that a 100mm diameter water main runs across the site from Horizon Drive to the existing school buildings. Council's Civil Services Division has advised that the existing water supply connection servicing the school is considered adequate to also supply the proposed development.

Sewer Servicing

The Engineering Services Report indicates that the site is serviced by two sewer pump stations pumping to Council gravity pits in Westland Drive. The proposed multi-purpose hall is to be connected to the pump station located adjacent to the existing play court.

It was noted that the additional sewer loads are expected to occur only on occasional functions. The development will not increase the number of the college staff and pupils and as such, with the exception of function days, no increase to the EAC sewer loads in other days is anticipated.

The additional sewer loads are not expected to cause an issue for the public sewer system at the point of discharge.

Council's Civil Services Division has commented that the report has been prepared using South East Queensland codes rather than the Northern Rivers Development and Design Manual. Notwithstanding this, given it was demonstrated within the Engineering Services Report that the internal pump stations have ample capacity to support the proposed development, no issues are raised with respect to the use of this method.

It was indicated that the current pumping capacity at the site pumping stations is much higher than the post development peak wet weather flow (PWWF) estimated within the report. As such, no upgrade to the existing pumping stations is required.

Power Supply Services

The Engineering Services Report advises that power and communications are available from within the site:

- A Padmount transformer is located on the subject site in close proximity to the science block. Power is reticulated from the transformer to the site Main Switchboard (MSB) installed in the science block via underground conduit. Proposed multipurpose hall power supply will also be provided via underground conduit from the site MSB to the switchboard located inside the proposed hall. It is understood at the time of writing this report that the existing padmount transformer has sufficient capacity to cater for the additional power demand.
- An existing Communication hub (campus distributor) is located inside the science block. Underground communication conduit will be provided in the same trench with submain cable conduit from the science block to the proposed multipurpose hall. The proposed conduit route to the multipurpose hall is shown on the APP drawing C01 'Overall Site Plan'.

The proposed conduit route to the multi-purpose hall is shown on the 'Overall Site Plan' for the development.

The proposed servicing of the development has been deemed satisfactory by Council's Civil Services Division.

Strategic urban growth areas (Clause 7.8)

The subject site is identified as 'Land Adjoining Strategic Urban Growth Area' on the Strategic Urban Growth Area Map.

Clause 7.8(3) states that development consent must not be granted to development on land identified in subclause (2)(a) unless the consent authority has considered whether the development may preclude future urban or employment land uses on the land having regard to the following:

(a) the orderly and coordinated provision of infrastructure, and

Comment: The proposed development relates to the construction of a multi-purpose hall within an existing educational establishment. The proposed development is not considered to have an adverse impact on the orderly and coordinated provision of infrastructure for the future use of land within strategic growth areas. The Engineering Services Report (dated February 2019) confirms that all necessary services will be provided to the development at sufficient capacity to service the proposed development.

(b) the maintenance of amenity and scenic values, and

Comment: With respect to the local amenity of the area, concerns were raised during the public exhibition period regarding noise, traffic and parking impacts. The submissions received also highlight the ongoing issue of the management of parking and resulting impact on residents on Horizon Drive and Westland Drive. The matters raised within the submissions have been addressed within Section 4.15(1)(d) of this report.

The subject site is removed from areas of significant scenic value. However, the site is located at the western entrance 'gateway' of Ballina. The proposed multi-purpose hall is to be located on the south-eastern corner of the site and will be clearly visible from the public domain. It is acknowledged that the proposed development exceeds the maximum allowable building height for the site. Notwithstanding this, it has been assessed that in the context of the built

environment, the bulk and scale of the development is acceptable in the instance of the proposal. Refer to assessment under Clause 4.6 of the BLEP 2012 section of this report.

(c) land use conflict impacts associated with stormwater or wastewater discharge and emissions, including noise, dust and odour, and

Comment: The proposed multi-purpose hall is considered to be ancillary to the existing educational establishment on the site. However, given the nature of the proposed activities to occur within the building, noise mitigation is a key consideration in minimising conflict between the proposed building and surrounding land uses. The management of noise impacts is discussed in *xvi) Noise and vibration* within Section 4.15(1)(b) of this report.

Given the nature of activities to be carried out within the building, the proposed multi-purpose hall is unlikely to result in the emission of smoke. There is the potential for dust to be generated during construction works. Conditions are recommended to be imposed with respect to the control of dust and other emissions during construction to ensure there are no adverse impacts on the amenity of the locality.

Stormwater management has also been considered as part of the application. Given the location of the proposed works is well removed from adjoining residential properties (with additional separation afforded via Horizon Drive, River Street and the remainder of the school site), it is not envisaged any drainage or ponding issues will occur.

(d) site access, generation of traffic and the efficient functioning of transport infrastructure.

Comment: Council's Civil Services Division has carried out an assessment of the proposal. Access and traffic considerations have been previously discussed within the Infrastructure SEPP, Education SEPP and Ballina DCP 2012 sections within this report.

Other Relevant Acts for Consideration

Biodiversity Conservation Act 2016

The proposed multi-purpose hall involves the removal of vegetation on the site.

A Preliminary Ecological Assessment Report prepared by Melaleuca Group Pty Ltd dated 27 November 2018 was submitted with the application. The report concluded that the proposed development will not result in any significant effects on threatened species, populations or ecological communities, or their habitats.

The removal of vegetation on the site is discussed under *xiii) Flora and fauna* within Section 4.15(1)(b) of this report.

Heritage Act 1977

The site does not contain any known items or places of local or state significance.

Water Management Act 2000

The proposed development is not located in proximity to a watercourse and does not comprise a controlled activity or water supply works. As such, an approval under the Water Management Act 2000 is not required.

A condition is recommended with respect to the management of any dewatering on the site, should this be required.

Coastal Management Act 2016

The *Coastal Management Act 2016* (CMA Act) commenced 3 April 2018 and replaced the Coastal Protection Act 1979.

The requirements of the Coastal Management Act 2016 are not applicable to the development, given a specific coastal management program does not apply to the subject site.

Contaminated Land Management Act 1997

The *Contaminated Land Management Act 1997* (CLM Act) requires that landowners and persons who carry out contaminating activities must notify contamination of land in the circumstances specified in Section 60 of the *Contaminated Land Management Act 1997*.

At present, the site is not subject to a current notification to the NSW EPA.

Section 4.15(1)(a)(ii) the provisions of any proposed instrument

No planning proposals are applicable to the subject site.

The following draft State Environmental Planning Policies (SEPPs) are applicable to the subject site:

a) Draft Environment SEPP

The purpose of the proposed SEPP (Environment) is to promote the protection and improvement of key environmental assets for their intrinsic value and the social and economic benefits they provide.

The proposed new SEPP intends to repeal and replace the following:

- State Environmental Planning Policy No. 19—Bushland in Urban Areas
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
- State Environmental Planning Policy No. 50—Canal Estate Development
- Greater Metropolitan Regional Environmental Plan No. 2—Georges River Catchment
- Sydney Regional Environmental Plan No. 20—Hawkesbury-Nepean River (No.2-1997)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Willandra Lakes Regional Environmental Plan No. 1—World Heritage Property.

Comment: Given the proposed development does not relate to the abovementioned areas, no concerns are raised with respect to the subject proposal.

b) Draft State Environmental Planning Policy – Remediation of Land

It is proposed the new land remediation SEPP will:

- Provide a state-wide planning framework for the remediation of land;
- Maintain the objectives and reinforce those aspects of the existing framework that have worked well;

- Require planning authorities to consider the potential for land to be contaminated when determining development applications and rezoning land;
- Clearly list the remediation works that require development consent; and
- Introduce certification and operational requirements for remediation works that can be undertaken without development consent.

Comment: Matters relating to the contamination of land have been appropriately addressed within the SEPP 55 section of this report and the amendments above would not alter the conclusions of this assessment.

c) Draft Amendment to State Environmental Planning Policy No. 44 – Koala Habitat Protection

The key changes within the proposed amendments to SEPP 44 relate to definitions of koala habitat, list of tree species, list of councils and the development assessment process.

Comment: Matters relating to koala habitat have been appropriately addressed within the SEPP 44 section of this report and the amendments above would not alter the conclusions of this assessment.

d) Draft Amendment to State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

Clauses 12A and 12AB of the Mining SEPP are to be amended following changes to the Voluntary Land Acquisition and Mitigation Policy (VLAMP).

Comment: Given the Mining SEPP is not applicable to the proposed land use, the draft amendment is not relevant to the proposal.

e) Draft Amendment to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

The proposed housekeeping amendment to the Codes SEPP aims to simplify and improve the policy, clarify definitions and standards, and address other minor technical matters raised by stakeholders.

Comment: The proposal does not rely on the provisions of exempt or complying development and as such the draft amendment to the Codes SEPP is not applicable.

Section 4.15(1)(a)(iii) provisions of any development control plan

Ballina Development Control Plan 2012 (DCP 2012)

Chapter 2 – General and Environmental Considerations

This chapter of the DCP identifies Council's requirements relating to general and environmental planning elements that have a broad application to land within Ballina Shire.

Clause 3.1 – Land Use Conflict

Educational establishments are not identified within this clause of the DCP.

Clause 3.3 – Natural Areas and Habitat

A small portion of the northern part of the site is mapped within the Natural Areas and Habitat 50 metre buffer area. Given this buffer area is significantly removed from the proposed development (i.e. greater than 250 metres), no issues are raised in relation to this clause.

Clause 3.4 – Potentially Contaminated Land

This issue has been previously addressed in this report in relation to State Environmental Planning Policy No. 55 – Remediation of Land.

Clause 3.5 – Land Slip/Geotechnical Hazard

As part of the project design process, Shaw Urquhart were engaged by the proponent to carry out detailed geotechnical investigations concerning the proposed development. A Geotechnical Report prepared by Shaw Urquhart Pty Ltd, dated 28 November 2018 was submitted with the application.

As encountered in the development of other parts of the subject site, the report indicates that subsurface soil conditions are poor. Weathered rock was not encountered until approximately 50 metres in depth, with clays and silty clays (with occasional sand layers) the dominant soil types to this depth. It is anticipated that long term settlement will occur in association with all fill placed on the site.

The report made a number of recommendations with respect to the proposed development, which includes construction of the proposed building on piled footings and finishing the external areas to a higher level than otherwise required to enable future settlement to occur. Service connections to the building have been designed to accommodate different settlement between the building and surrounding fill pad.

The recommendations of the report are described in further detail below:

- *Consideration should be given to a range of pile types including large diameter helical screw piles where the relatively small shaft diameter of the pile would attract less negative skin friction.*
- *Whilst it may be possible to found at around 30m in the vicinity of CPTu10, it should be assumed that piles across the building area will need to be taken to weathered rock at depths in the order of 50m below the existing ground surface. Consideration should be given to drilling a borehole on each corner of the proposed building to confirm the founding depths. Piling Contractors will be aware of the situation at the Bunnings site and, unless there is some certainty on founding depths, will allow a significant contingency in their price.*
- *The ground adjacent to the piled structure will settle in the order of 120mm over the life of the development. Services into the building, steps, access ramps and other structures that connect to the building will need to be designed to accommodate this differential settlement.*
- *The quality of the material used for site filling needs to be taken into consideration. A highly reactive soil has the potential to result in uplift pressures on the underside of the slab if the fill is initially in contact with the slab. There is also potential for heave and*

settlement of pathways, terraces and other infrastructure to result in differential movement between the fixed piled structure and the other elements.

- *Consideration needs to be given to surface water drainage around the building as a void will develop beneath the slab as the fill settles over time.*

Council's Building Services Section have commented that the site is subject to soft alluvial soil settlement associated with deeper-seated compressible soils. This is likely to require certified compacted fill to preload portions of the site. A condition is recommended requiring certification from a geotechnical engineer verifying that the site filling was completed in accordance with Level 1 geotechnical testing under Australian Standards AS 2870 and AS 3798 and has adequate bearing capacity for building construction.

3.5.3 Development Controls

- Where there is potential for a development to result in impacts on or be impacted by the stability of the subject site or surrounding locality, a geotechnical report prepared by an appropriately qualified and experience professional may be required to accompany the development application. Such a report must certify that the stability of the site will be maintained during the course of, and following the development, and that the site is not subject to risk of land movement activity originating from other land;*

Comment: The application was accompanied by a Geotechnical Report prepared by Shaw Urquhart Pty Ltd, dated 28 November 2018.

- The siting of buildings shall have particular regard to the slope of the land. Applications must demonstrate that the siting of buildings avoids steeper parts of the land that are or may be susceptible to erosion and potentially unstable. Buildings are to be sited to minimise earthworks required for the erection of structures and the provision of associated infrastructure such as roads and utility services; and*

Comment: The subject site has been previously filled and is predominantly flat. The subject site has poor subsurface soil conditions but is not identified on Council's landslip mapping layers. As such, no concerns are raised in relation to this subclause.

- Construction methods should respond to the slope of the land and involve minimal cut and fill in accordance with the provisions of chapters 3 and 4.*

Comment: The subject site has been previously filled and is predominantly flat. Filling of the land is required in accordance with Council's flood planning controls and is considered acceptable having regard for site conditions.

Clause 3.6 – Mosquito Management

The Ballina DCP 2012 requires stormwater detention areas to be designed so as to minimise the potential for mosquito habitat and facilitate easy maintenance.

Council's Environmental Health section has commented that a bio-retention basin is proposed on the River Street frontage. To minimise the opportunity for mosquitoes to breed in this area, a condition is recommended to be imposed to ensure the basin is designed to drain within 48 hours following a rainfall event.

Clause 3.7 – Waste Management

The applicant has indicated that waste collection and deliveries are to be limited to the daytime period between 7.00am and 6.00pm, as recommended by the Acoustic Assessment prepared by CRG Acoustics (Attachment 5 of SEE). This has been deemed satisfactory by Council's Environmental Health section.

The applicant has indicated that the following waste bins are stored in the dedicated shed at the River Street end of the main carpark (Table 5):

Waste Type	Number of Bins	Bin Size	Collection
General	1	3000L	2 per week
Paper	1	1500L	1 per week
Organics	1	1500L	Upon request
Yellow Recycling	4	240L	1 per week

Table 5: Waste bins and frequency of collection
Source: Newton Denny Chapelle 2018

The applicant has commented that the existing bin enclosure on the site is to be demolished and replaced with a new large bin enclosure which will be located between the multi-purpose hall and the existing school buildings. The new bin enclosure will hold two existing bulk bins and an additional two 2m³ bulk bins (i.e. capacity for four skip bins). Council's Environmental Health section has commented that this area is required to be graded, covered and drained to the sewer by way of a suitable treatment device. This requirement will be addressed by way of condition on the consent.

The applicant has commented that waste is collected via a private waste collection provider (Richmond Waste) and the school's Facilities Manager will continue to monitor the waste generated on site and will adjust collection frequencies if required. A specific waste management response may need to be developed for larger events hosted in the multi-purpose hall.

Conditions are recommended with respect to the management of waste during the construction of the proposed multi-purpose hall.

The waste management details provided by the applicant are considered satisfactory subject to the recommended conditions.

Clause 3.9 – Stormwater Management

It is acknowledged that an overarching Stormwater Management Plan (prepared by Bill Payne and Associates dated 1999) was established for the educational establishment as approved via DA 1999/553.

Stormwater management on the site is to occur as per the historical management strategy with adjustments for additional detention where the impervious areas proposed exceed that approved in the 2014 Masterplan.

The amended Engineering Services Report dated February 2019 provides an assessment of the proposed development having regard for the adopted stormwater strategy for the school and the current DCP requirements.

The applicant has provided the following comments with respect to stormwater management:

- Stormwater will be discharged in accordance with the framework provided via the stormwater strategy for the College established in 1999. This involves discharging to Council's stormwater system in both Horizon Drive and via a culvert under Riverbend Drive;
- Additional stormwater detention will be provided by way of a combination of a 30KL tank and two separate bioretention areas (totalling 240m²); and
- Stormwater quality will be achieved via a total of 80m² of treatment area within the bioretention basins nominated above.

Council's Civil Services Division has assessed the proposal with regard to stormwater management and the approach provided by the applicant is supported. Conditions are recommended to ensure stormwater management on the site occurs in accordance with the approved Stormwater Management Plan.

Clause 3.10 – Sediment and Erosion Control

The applicant has indicated that appropriate sediment and erosion control measures will be installed and effectively maintained to control stormwater run-off during any site works so that there is no impact on downstream receiving environments. All soil erosion and sediment control measures will be designed, installed and maintained in accordance with *Managing Urban Stormwater – Soils and Construction* (the Blue Book).

Conditions have been recommended to ensure appropriate sediment and erosion control measures are in place prior to the commencement of works on the site.

Clause 3.11 – Provision of Services

The site is connected to reticulated urban infrastructure required to service the existing educational establishment. The servicing of the site has been addressed previously in this report under Clause 7.7 of the BLEP 2012, such that the controls in Clause 3.11 are satisfied.

Clause 3.12 – Heritage

Not applicable.

Clause 3.14 – Coastal Hazards

The subject land is not identified on the Coastal Hazard Protection Map.

Clause 3.15 – Crime Prevention through Environmental Design

The applicant has addressed the Crime Prevention through Environmental Design principles. Through the CPTED assessment provided, it has been determined that the site is unlikely to create any significant impacts on crime to the area (Attachment 10 of SEE). The applicant has provided the following comments in relation to crime prevention.

- The building envelope is designed to have a clear transition from private to public space. Doors exit from the building into large, open areas that are highly visible from surrounding public spaces.
- An electrical engineer has been engaged to design a lighting strategy that will ensure effective lighting of public places. CCTV monitoring will also be installed in key areas, as advised by the electrical engineer.

- Landscaping heights and densities will be designed so as not to impede surveillance.
- The site planning works to channel pedestrians to the main fore court and building entry through clear boundaries defined by landscaping and level changes.
- The main building entry opens to a large fore court which is a clear public congregation space that will attract use through feature materials, landscaping and lighting. The tiered concrete steps and seating overlooking the oval also attract the public as a gathering space.
- Store rooms and other small, restricted access areas will be locked with a staff-only master key system. All carparks are highly visible from the public streetscape.
- School medals and memorabilia will be displayed in the multi-purpose hall foyer, and the fore court itself will be named to reflect the College community. Tiered concrete seating overlooking the oval encourages spectatorship and engagement with school events. The nature of the multi-purpose hall acting as a community hall that engages with the local school community will encourage users to feel responsibility for its use and condition.
- The proposed design presents a distinct building envelope with clear transitions between public and private space. The main entry is clearly legible through the building form and site planning. The foyer acts as an airlock space, signifying the transition from public to private when entering and exiting the hall. The main entry is also visible from the reception area, which allows visual monitoring of the comings and goings.
- The main, public hall area is distinct from the smaller, private rooms that branch from it. Design cues such as signage and selective glazing/openings communicate which spaces are for public use.
- The College will conform to a maintenance plan for the maintenance and upkeep of the building interior as well as the soft and hard external landscaping. The nature of the building, being used for presentation purposes, will ensure that high standards of maintenance are always kept.

The following comments are made in relation to the CPTED principles for the proposed development.

- **Surveillance**

The site is considered to have suitable surveillance from public areas by pedestrians and motorists. The proposal will be required to provide effective lighting. The proposal involves suitable landscaping.

The building envelope is designed to have a clear transition from private to public space. Doors exit from the building into large, open areas that are highly visible from surrounding public spaces.

The applicant has indicated that an electrical engineer has been engaged to design a lighting strategy that will ensure effective lighting of public places. CCTV monitoring will also be installed in key areas, as advised by the electrical engineer.

The applicant has also advised that landscaping heights and densities will be designed so as to not impede surveillance. A condition is recommended on the consent requiring all landscaping to be provided in a manner that does not impede surveillance or result in concealment areas.

- **Territorial Reinforcement**

The applicant has indicated that the nature of the multi-purpose hall as a community hall that engages with the local school community will encourage users to feel responsibility for its use and condition.

The proposed design presents a distinct building envelope with clear transitions between public and private space.

The main entry is clearly legible through the building form and site planning. The foyer acts as an airlock space, signifying the transition from public to private when entering and exiting the hall. The main entry is also visible from the reception area, which allows visual monitoring of those entering and exiting the building.

The main, public hall area is distinct from the private rooms within the building, communicated through design cues such as signage and selective glazing/openings.

- **Access Control**

The pedestrian pathways and landscaped areas are considered to channel pedestrians to the main forecourt of the multi-purpose hall and building entry through clear boundaries defined by landscaping and level changes.

The applicant has indicated that store rooms and other small, restricted areas will be locked with a staff-only master key system.

All car parking and vehicle accesses are highly visible from the public streetscape.

- **Space Management**

The applicant has advised that the College will conform to a maintenance plan for the maintenance and upkeep of the building interior as well as the soft and hard external landscaping.

A condition is imposed on the consent requiring vandal reducing materials to be used where possible.

Referral to NSW Police

The proposal was referred to the NSW Police who indicated there were no significant issues with the proposal, however it was advised that consideration should be given to the following:

- *Consideration to high quality floodlighting in the carpark;*

Comment: A condition is recommended requiring all external lighting to be installed and operated on the site in accordance with the relevant Australian Standard. The external lighting design is also required to satisfy CPTED principles, in relation to all public areas of the development.

- *Hardening the carpark and carpark area to deter people loitering and skateboarding. This could include anti-skateboarding strategies as putting bumps on rails and garden beds. This will stop skaters 'grinding' and causing considerable damage;*

Comment: Council has not previously enforced such requirements as a condition of consent for similar developments. Notwithstanding, these concerns are considered reasonable and can be included in a separate advisory letter for consideration by Emmanuel Anglican College.

- *No cash left on premises;*

Comment: An advisory note is recommended on the consent to this effect.

- *All hedges kept at a low level, say no more than 80cm; and*

Comment: A condition is recommended on the consent requiring all landscaping to be provided in a manner that does not impede surveillance or result in concealment areas.

- *One carpark spot be reserved for emergency vehicles only, and clearly marked so.*

Comment: The requirement for a designated space for emergency vehicles is not a requirement within Council's Development Control Plan and Council has not previously enforced such a requirement as a condition of consent for similar developments. Notwithstanding, this concern is considered reasonable and can be included in a separate advisory letter for consideration by Emmanuel Anglican College.

Clause 3.19 – Car Parking and Access

Council's Civil Services Division has provided the following comments with regard to car parking and access.

The site has masterplan approval via DA 1999/533, subsequently amended by DA 2014/360 and DA 2017/613. The masterplan initially included a 'sports complex', which evolved into a 'sports hall' via 2014/360 and finally a 'multi-purpose centre' via DA 2017/613. This building is the subject of this Development Application.

A total of 63 off-street car parking spaces and associated access roads/aisles are proposed as part of the subject application (i.e. 66 new spaces and 3 existing spaces removed).

The new car parking areas will utilise existing driveway accesses off Horizon Drive and as such no additional driveway crossovers are proposed. It is noted that some minor upgrades are required to the existing southern vehicular access on Horizon Drive. These works are to be dealt with by way of an application under Section 138 of the Roads Act 1993 as a condition of consent.

Local Traffic Committee

Council's Civil Services Group have advised that given no additional traffic regulation or facilities are proposed in the public domain, no referral is required to the Traffic Committee.

External Roads and Traffic

The submitted Traffic and Parking Assessment states that the proposed multi-purpose hall development will generate 938 trips per day and a maximum of 40 vehicles per hour after school hours.

Assuming an equal split between the morning and afternoon peak, the likely peak hour traffic generated by the school is approximately 450 trips per hour. If this is distributed equally on the northern and southern end of Horizon Drive, then traffic entering and exiting River Street would be approximately 112 vehicles per hour in each direction. The 2014 traffic model indicated 20,900 vehicles per day in River Street, equating to 2,090 vehicles per hour in morning and afternoon peak hours, being 1,045 vehicles per hour each direction and 522 vehicles per hour in each lane.

Figure A10 Austroads Guide to Road Design Pt 4 indicates that for these movements an auxiliary left turn lane is warranted in River Street eastbound. As River Street has a concrete median strip, right turns are not permitted into Horizon Drive.

DA 1999/533 (as amended) has already approved the development for up to 800 students and included a sports complex building (which is the multi-purpose hall the subject of this application). As such, the subject application in itself does not generate any additional traffic over and above what has already been approved, and simply supplies more details for the building conceptually approved in DA 1999/533. Accordingly, requiring an intersection upgrade as part of this application is not considered to be warranted. Notwithstanding this, it is acknowledged that when an application is lodged that will result in the school population exceeding 800 students, then the intersection can be reconsidered and full upgrading for compliance with Austroads Guide to Road Design Pt 4 turning warrants may be required and be funded by the applicant as a condition of consent.

Pedestrian and Cyclist Requirements

The following pedestrian infrastructure works were previously required as conditions of consent via DA 2017/613 (Stage 2 – Junior School):

9. Section 138 Application

An application is required to be lodged with Council under Section 138 of the Roads Act 1993 (including payment of the associated fees) within 18 months of the date of this consent, which seeks approval for Emmanuel Anglican College to undertake the following works:

- *Construction of a 1.35m wide footpath on the western side of Horizon Drive from Westland Drive south to River Street, connecting into the existing network.*
- *Construction of a pedestrian refuge on the eastern side of the Burns Point Ferry Road/River Street Roundabout. Pram ramps in association with the refuge shall be constructed and connected to the existing shared path on the northern and southern side of River Street.*

10. Section 138 Works

The pedestrian infrastructure works as stipulated within Condition 9 of this consent are to be completed to the satisfaction of Council within 24 months of the date of this consent and accepted into a 6 month maintenance period. A Works as Executed Plan and a maintenance bond of 5% of the total construction costs are required to be

provided to Council prior to the works being accepted into the 6 month maintenance period.

At the time of this report, a Section 138 application had not been lodged with Council for the abovementioned works. It is noted that under DA 2017/613, a Section 138 application is required to be lodged with Council by 28 November 2019 (18 months of the date of the consent) with all works completed to the satisfaction of Council by 28 May 2020 (24 months of the date of the consent).

To reinforce the need for these works to be carried out, Council's Civil Services Division has advised all works required by Conditions 9 and 10 of DA 2017/613 are required to be completed to the satisfaction of Council prior to the issue of an Occupation Certificate for the multi-purpose hall the subject of DA 2018/756. This has been accepted by the applicant as part of the review of draft conditions of consent.

Internal Roads and Traffic

The proposed internal roads and accesses primarily relate to car parking and delivery vehicle access and are required to comply with AS 2890. A condition is recommended to be imposed on any consent granted to ensure compliance with the relevant Australian Standards.

Site Access, Internal Driveways and Parking Design

Vehicular access to the proposed multi-purpose hall will occur via an existing crossover at the southern end of Horizon Drive, meaning sight distances at access points are unchanged as part of this application. Conditions are recommended to be imposed to ensure the minor access modifications in this application comply with Northern Rivers Local Government standards.

Provisions for Service and Delivery Vehicles

The application proposes one medium rigid vehicle (MRV) and one small rigid vehicle (SRV) loading bay, which are considered satisfactory to service the proposed multi-purpose hall.

Parking Numbers

The applicant has indicated that the development of the multi-purpose hall will ultimately complete the civil construction works on the eastern portion of the subject site. Although future building development is to occur following the construction of the multi-purpose hall, car parking has been assessed and provided against the final fully developed case.

The car parking spaces have been summarised by the applicant as follows (Table 6):

	No. of spaces
Spaces currently on site (post DA 2017/613)	98
Existing spaces removed	-3
New spaces provided	66
Total	161

Table 6: Car parking provision
Source: Newton Denny Chapelle 2018

As per the above table, a total of 161 car parking spaces will be provided following completion of the multi-purpose hall, which is in excess of the 159 spaces required under the masterplan approved via DA 2014/360. The parking numbers were established as part of the masterplan

for the site. As such, the proposed car parking arrangement is considered sufficient and is supported by Council.

Accessible Parking

In regard to accessible car spaces, the National Construction Code (NCC) requires the provision of one accessible car parking space for every 100 car parking spaces or part thereof. Four accessible spaces have already been provided on the site as part of previous stages of the development. Based on a total of 161 car parking spaces to be provided on the site, the number of accessible spaces complies with the requirements of the NCC.

Notwithstanding the proposal's compliance with the required number of accessible spaces, concerns were raised from Council's Access Reference Group (ARG) regarding the location of these spaces. The plans as submitted indicated that these spaces were to be located directly adjacent to the future Performance Hall, as shown on the previously approved masterplan, to facilitate access to this space. While the reasoning behind this is acknowledged, the Performance Hall building is not the subject of DA 2018/756 and it is currently unknown as to when this building will be constructed.

In this regard, it was requested by Council staff that the applicant provide amended plans relocating these spaces such that they would be as close as possible to the proposed multi-purpose hall. Amended plans were submitted to Council on 5 June 2019 demonstrating this request, which are considered acceptable. Council's Social Planning Coordinator commented that at such time the future Performance Hall is developed, the applicant could consider relocating these spaces to their original proposed location. Council's Civil Services Division has raised no objection to this approach as the overall number of spaces would not change.

Bicycle and Scooter Parking

This matter has previously been addressed within the Infrastructure SEPP section of this report.

Bus Servicing

Bus stops are already provided on site at the school's drop off/pick up area.

Given the above, the proposal is considered acceptable with regard to access and car parking matters.

Clause 3.20 – Vibration

Due to the poor subsurface soil conditions on the site, it is anticipated that deep pile footings will be utilised as part of the proposed development. The piling works will likely result in noise and vibration to nearby residents.

This section of the DCP requires that where driven piling is proposed as part of the construction methods for a proposed development, adequate provision is to be made to ensure the structural integrity of the surrounding built environment is maintained and protected.

Council's Environmental Health section has reviewed the proposal and the likely vibration impacts and has recommended conditions to address vibration issues during construction.

Any rock breaking, rock hammering, sheet piling, pile driving and any similar activities are only to occur within the hours specified within the recommended conditions. Conditions are also recommended advising of the relevant vibration standards regarding impacts on structures and human exposure criteria and that vibratory compactors are not to be used closer than 30 metres from residential buildings, unless vibration monitoring confirms compliance with the vibration criteria specified.

Council's Building Surveyor has advised that given there is adequate separation distance between the proposed works and buildings on nearby properties, the requirement for a dilapidation report to be prepared prior to commencement of driven or vibration piling is considered onerous. It is considered that there is a low risk to adjacent structures as part of the works proposed. As such, this requirement has not been recommended as a condition of consent in the instance of the proposal. However, the applicant may choose to prepare such a report to detail the condition of adjoining buildings prior to and following construction.

Clause 3.22 – Road Noise Mitigation

The subject site has frontage to River Street, a classified road. The subject site contains an existing educational establishment. The applicant has indicated that an acoustic engineer has been engaged to ensure that noise mitigation both into and out of the building will be appropriate to the site.

Chapter 2B – Floodplain Management

Council's Civil Services Group have assessed the proposal in relation to floodplain management. The required fill and floor levels are as follows:

- Minimum floor level – RL 2.8 metres AHD;
- Minimum fill level (building footprint + 3 metre curtilage) – 2.2m AHD; and
- Minimum fill level (car parking and driveways) – 2.2m AHD.

The proposal will be conditioned to comply with the required fill and floor levels. Flood planning matters also have been previously addressed within this report – refer to Clause 7.3 of BLEP 2012 assessment for discussion.

Chapter 8 – Other Uses

Part 4 Provisions for Other Development in Residential, Business and Industrial Zones

The provisions of Part 4 apply to development other than residential accommodation or tourist and visitor accommodation on land zoned R2 Low Density Residential and R3 Medium Density Residential. Given educational establishments are not otherwise addressed by provisions of the DCP, this section is applicable to the proposed development.

The planning objectives of this section are as follows:

- a) Provide for a range of land uses within zones that are compatible with local amenity and character;*

Comment: The proposed multi-purpose hall will both support the existing educational establishment on the site and provide a facility for use by the wider community outside of school hours. With respect to the local amenity of the area, concerns were raised during the public exhibition period regarding noise, traffic and parking impacts. The submissions received

also highlight the ongoing issue of the management of parking and resulting impact on residents on Horizon Drive and Westland Drive. The matters raised within the submissions have been addressed within Section 4.15(1)(d) of this report.

With respect to the character of the locality, the proposed building exceeds the RL 10.6 metres AHD maximum building height applicable to the subject site. Notwithstanding, the variation to the Height of Buildings development standard is considered acceptable in the instance of the proposal. This matter is discussed within the assessment under Clause 4.6 of the BLEP 2012.

b) Minimise conflict between land uses;

Comment: The proposed multi-purpose hall is considered to be ancillary to the existing educational establishment on the site. However, given the nature of the proposed activities to occur within the building, noise mitigation is a key consideration in minimising conflict between the proposed building and surrounding land uses. The management of noise impacts is discussed in *xvi) Noise and vibration* within Section 4.15(1)(b) of this report.

c) Maintain consistency in development standards between land uses and ensure that buildings are similar in height, bulk and scale to surrounding buildings; and

Comment: The proposal exceeds the maximum building height development standard applicable to the subject site. Notwithstanding, the variation to the Height of Buildings development standard is considered acceptable in the instance of the proposal. This matter is discussed within the assessment under Clause 4.6 of the BLEP 2012.

d) Avoid concentrations of uses that do not comprise the core purpose of a zone to minimise cumulative adverse impacts on adjoining properties.

Comment: The proposed multi-purpose hall is to be located on the site of an existing educational establishment. Whilst it is acknowledged that schools are not the core purpose of the R2 Low Density Residential Zone, it is considered the development will support the existing use rather than concentrate such uses. There is only one school within the West Ballina locality and as such the proposed development is not considered to result in adverse cumulative impacts.

4.1.3 Development Controls

i. Development must comply with the building envelope and design provisions applicable to the zone in which the development is proposed;

Comment: A 6.0 metre building line is applicable to the subject site. The proposed multi-purpose hall is to be located a minimum of 7.2 metres from the eastern property boundary (Horizon Drive frontage) and a minimum of 20 metres from the southern property boundary (River Street frontage). The proposal is therefore compliant with the 6.0 metre building line/setback applicable to the site.

It is noted that the applicable setback would not account for the significant height variation in controlling the bulk of the building. Notwithstanding, the portion of the building which is to exceed the RL 10.6 metres AHD height control relates to the central part of the building which is setback even further from the required building line (previously stated to be 35 to 44 metres from River Street), resulting in a reduction of the perceived bulk of the building.

- ii. *Site Coverage of buildings must not exceed 60% of the total site area;*

Comment: Complies. The gross floor area (GFA) of the proposed multi-purpose hall is approximately 2,224m². When combined with the approximate GFA of the existing school buildings, the onsite site coverage is approximately 20%.

- iii. *A minimum landscaped area of 20% of the total site area of an allotment must be provided;*

Comment: Landscaped area is defined within the BLEP 2012 as “*part of the site used for growing plants, grasses and trees but does not include any building, structure or hard paved area*”. A minimum 11,880m² would be required, given the site is approximately 5.94 hectares in area. The landscaping associated with the proposed multi-purpose hall (including the oval) is approximately 11,000m². Having regard for the existing landscaped areas on the site, which are to remain unchanged as part of the subject application, the proposal complies with this requirement. The landscaping proposed is considered to be appropriate for the site and the proposed use of the building.

- iv. *Car parking will be assessed in relation to standards for comparable land uses where specified in the DCP or based on relevant guidelines published by NSW Roads and Maritime Services. Car parking must be sufficient to meet demand generated by staff and visitors;*

Comment: Car parking has been provided for the proposed multi-purpose hall in accordance with the provisions of the approved masterplan for the site and has been assessed as sufficient to meet the resulting parking demand. Refer to previous comments made in this report under Section 3.19 of Chapter 2 of the Ballina DCP 2012.

- v. *Development must demonstrate the following:*

- *That the proposed development is consistent with the character of surrounding development, particularly in relation to the height, bulk and scale;*

Comment: It is considered the proposed development has had regard for the character of surrounding development. The Bunnings Warehouse building on the adjacent property at No. 507 River Street is of similar height to the proposed multi-purpose hall and has an 8.5 metre setback to both Horizon Drive and River Street. The Bunnings Warehouse building has a box like, rectangular design (required to accommodate the stacking of racks within the building). However, the proposed multi-purpose hall, is a well proportioned and articulated building which is consistent with the architectural characteristics of the existing school buildings on the site. The reduction in roof pitch from the typical 20° pitch to a reduced 15° pitch also minimises the bulk of the roof structure. As such, the proposed development is considered to be appropriate having regard for the character of surrounding development.

- *That the proposed development will not adversely impact on the amenity of adjoining properties and the surrounding area, particularly in relation to noise, traffic movement and lighting and having regard for cumulative impacts; and*

Comment: It is not considered the proposed development will adversely impact upon the amenity of adjoining properties and the surrounding area subject to compliance with the recommended conditions of consent.

An Environmental Noise Impact Assessment dated 29 November 2018 prepared by CRG Acoustics was submitted with the application (Attachment 5 of the SEE). Onsite activity

associated with the proposed multi-purpose hall was assessed in accordance with the NSW 'Noise Policy for Industry' to ensure these activities do not have an adverse impact on the nearest offsite noise sensitive receivers. Noise impacts associated with the operation of the proposed multi-purpose hall can be suitably addressed and have been addressed in *xvi*) *Noise and vibration* within Section 4.15(1)(b) of this report.

During the public exhibition period, concerns were raised regarding noise, traffic and parking impacts. The submissions received also highlight the ongoing issue of the management of parking and resulting impact on residents on Horizon Drive and Westland Drive. The matters raised within the submissions have been addressed within Section 4.15(1)(d) of this report.

Conditions are recommended requiring all external lighting to be installed and operated on the site complies with AS 4282:1997 "Control of the Obtrusive Effects of Outdoor Lighting". This will ensure adjoining developments are not adversely affected with regard to light spill.

- *That the proposed development actively addresses the primary street frontages.*

Comment: The proposed development is located on the corner of River Street and Horizon Drive and is considered to actively address these street frontages. A pedestrian forecourt is to be located to the north of the multi-purpose hall. The design of the proposal has had regard for the applicable Crime Prevention through Environmental Design (CPTED) principles.

Section 7.11 Development Contributions Plan/s

The following assessment is provided with respect to the developer contributions associated with the proposed multi-purpose hall.

The masterplan accompanying DA 1999/533 (prepared by Burling Brown & Partners Pty Ltd Architects), established the overall plan for the subject site. DA 1999/533 sought consent for the overall development of the school, which was to be developed in stages as student numbers increase.

The 1999 masterplan includes a 'sports complex' over a carpark in the south-east corner of the site (Figure 9):

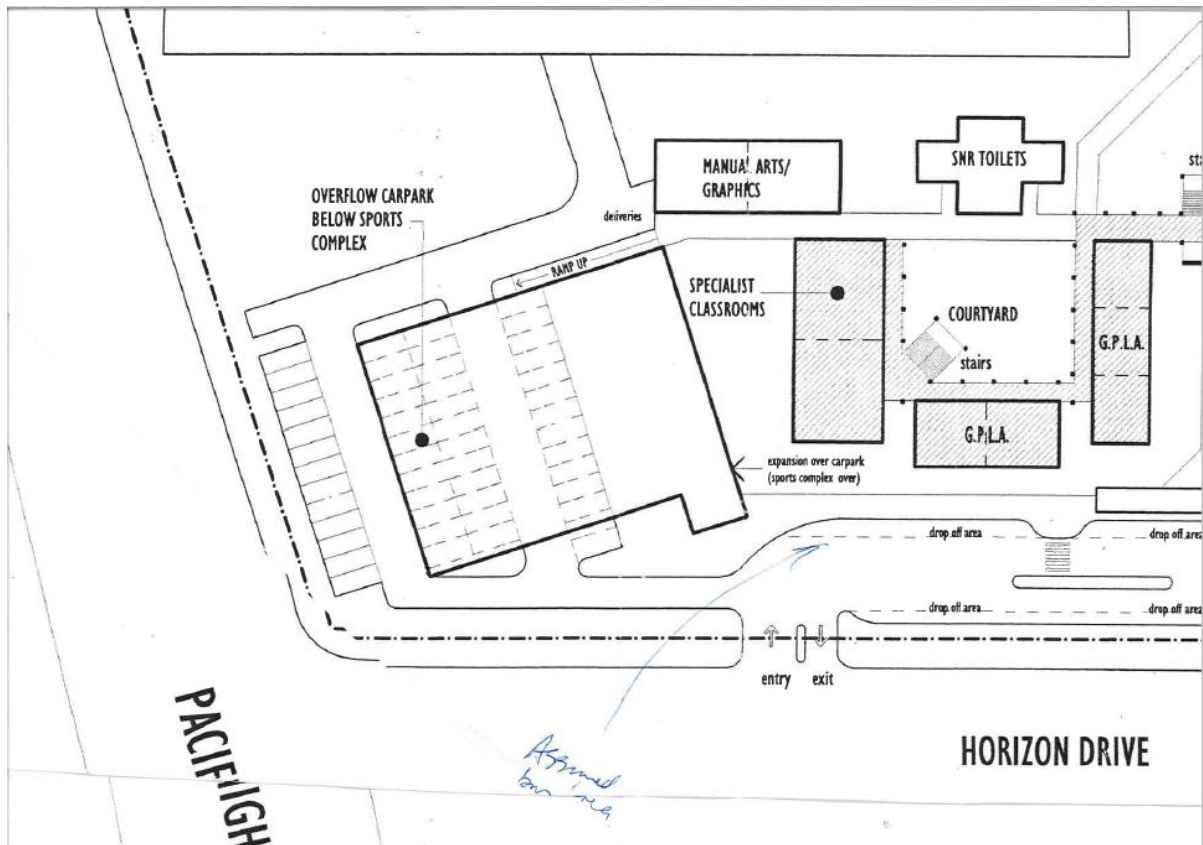


Figure 9: Copy of part of plan prepared by Burling Brown & Partners Pty Ltd Architects, Drawing Job No. EACE001, Sheet Sk-01a, December 1998

The nature and location proposed multi-purpose hall is generally consistent with the 'sports hall' included within original masterplan for the site (and subsequent amendments via DA 2014/360 and DA 2017/613).

It is noted that in at the time of the approval, there was no developer contributions plan in force. The payment of developer contributions was therefore not required via DA 1999/533.

In the Chief Town Planner's Report to Council Meeting 25 February 1999, regarding DA 1999/533 it advises:

"Consent is sought to carry out a subdivision by way of an adjustment to the common boundaries of the subject lots to create proposed Lot 101 – 26.7ha, Lot 100 – 5.94ha and to construct a private K-12 school (Emmanuel Anglican College) on proposed lot 100. It is intended that the school be developed in stages. Stage 1 is identified on the development plans and is expected to open with approximately 200 students in the year 2000. The school will ultimately accommodate some 800 students".

As such, it is considered that DA 1999/533 approved the development of a school of up to 800 students, and also includes a sports complex building as shown on the approved masterplan drawing.

Within the subject Development Application, the school has indicated that following completion of the multi-purpose hall, the school population will be as follows:

- Students (Primary and Secondary) – 725
- Students (Early Learning Centre) – 40
- **Total – 765**

Therefore, contributions will only apply when student numbers exceed 800 students.

It is noted that given the proposed multi-purpose hall would operate as part of the school's typical operation, the development is not anticipated to generate any additional traffic. Notwithstanding, given the hall will also be utilised outside school hours (sports and performances etc), additional traffic generation is anticipated during these times.

The external use of the multi-purpose hall was not specifically referenced as part of the development approved via DA 1999/533. Notwithstanding, it can equally be argued that the DA 1999/533 application did not specifically exclude the external use of the facility.

As part of DA 2014/360, the applicant advised that the following facilities would be available for use by the community outside of normal school hours:

- The Joan Pick-up Library;
- The Ezzy Centre;
- The Multi-Purpose Hall;
- The Performing Arts Centre; and
- The College Chapel.

As such, the external use of the Multi-Purpose Hall has been previously acknowledged within prior approvals on the site. Council's Civil Services Division has advised that it will be necessary to keep a running tally on student numbers as successive Development Applications are lodged for the school site to ensure developer contributions are levied once the 800 student threshold is exceeded.

Having regard for the matters and circumstances raised above, it is concluded no developer contributions apply to the subject development.

Section 4.15(1)(a)(iia) provisions of any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F

There is no planning agreement or draft planning agreement applying to this development or the site.

Section 4.15(1)(a)(iv) the regulations

No additional matters under Clause 92 of the regulations requires further consideration in respect of the proposed development.

Section 4.15(1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The following assessment addresses the impacts that the development will have on the surrounding natural and built environment and the social and economic impacts that the proposal may have on the locality (Table 7):

Urban and Building Design	
i) Context and Settings	<p>The subject property is Lot 10 DP 1001995 and is known as 62 Horizon Drive, West Ballina. The property has a total area of 5.94 hectares and is located approximately 750 metres to the east of the Pacific Highway.</p> <p>The property contains an existing educational establishment, Emmanuel Anglican College (EAC). The site also contains a child care centre.</p> <p>The proposed development is considered to be consistent with the approved masterplan for the site (approved via DA 2014/360 and amended via DA 2017/613).</p> <p>The subject site is removed from areas of significant scenic value. However, it is acknowledged that the site is located at the western entrance 'gateway' of Ballina. The proposed multi-purpose hall is to be located on the south-eastern corner of the site and will be clearly visible from the public domain.</p> <p>The area is generally characterised by residential, rural and retail uses. A manufactured home estate (Riverbend Village) is located directly to the west of the subject property. The area directly to the east of the subject site contains a mix of low and medium density residential development (one and two storeys) and a large retail premises (Bunnings Warehouse). The area directly to the north of the subject site is zoned RU2 Rural Landscape and contains vacant rural land and land utilised for sugar cane production. The area to the south of the site (across River Street) is characterised by medium density residential development comprising residential units.</p> <p>The proposed building has a maximum building height of RL 14.8m AHD metres, which is above the maximum building height of RL 10.6m AHD established for the site (i.e. 8.5 metres above RL 2.1m AHD pursuant to Clause 4.3A of the BLEP 2012) under the BLEP 2012 (39.6% variation). The height variation is justified pursuant to Clause 4.6 of the BLEP 2012. In this case, the proposed building will not impact on significant views from public spaces or private residences and will not significantly impact on these areas by way of overshadowing.</p> <p>The design and proposed use of the building has been informed by a detailed assessment prepared by CRG acoustics (Attachment 5 of SEE), which recommends a number of management measures and acoustic treatments. The report demonstrates that the proposed development can comply with the project noise trigger levels at the nearby residential properties with the inclusion of some acoustic additions to the building shell</p>

	<p>and some management practices such as keeping doors closed during large performances. These measures have been deemed satisfactory by Council's Environmental Health section and will be maintained by way of condition. Further discussion is provided below in <i>xvi) Noise and vibration</i>.</p> <p>With regard to the intended future character of the locality, the commercial land to the east of the subject site along River Street is predominantly zoned B6 Enterprise Corridor, with a small portion of this area zoned B1 Neighbourhood Centre (i.e. Quay West Shopping Centre). Given the proposed multi-purpose hall is predominantly to be used as ancillary to the existing educational establishment on the site, it is not considered the proposed building will compromise the objectives of the B1 and B6 zones. It is noted a maximum building height of 10 metres is applicable to the portions of B6 zoned land, which is an indication of future commercial building heights in the locality.</p> <p>The subject land is identified as 'Land Adjoining Strategic Urban Growth Area' pursuant to Clause 7.8 of the BLEP 2012. It is not considered the proposed development would preclude future urban or employment land uses on the site. This matter has been previously discussed within the BLEP 2012 section of this report.</p> <p>It is considered the proposed development has had regard for the character of surrounding development. The Bunnings Warehouse building on the adjacent property at No. 507 River Street is of similar height to the proposed multi-purpose hall and has an 8.5 metre setback to both Horizon Drive and River Street. The Bunnings Warehouse building has a box like, rectangular design (required to accommodate the stacking of racks within the building). The proposed multi-purpose hall is a well proportioned and articulated building which is consistent with the architectural characteristics of the existing school buildings on the site. The reduction in roof pitch from the typical 20° pitch to a reduced 15° pitch also minimises the bulk of the roof structure.</p> <p>The winter solstice shadow diagrams submitted with the application indicate that the majority of overshadowing will occur within the school site and on the Horizon Drive road reserve. The areas to be overshadowed largely comprise vehicular access and parking areas. It is considered landscaped and open space areas on and off the site will not be adversely affected by the shadows cast by the building.</p>
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<p>ii) Site Design and Internal Design</p>	<p>The subject site has a total area of 5.94 hectares. The design of the proposal is considered to be sensitive to environmental conditions and site attributes. The proposed multi-purpose hall is considered to be compatible with the existing school buildings with respect to the established architectural design and materials.</p> <p><u>Design considerations</u></p> <p>An assessment of the proposal against the provisions of Schedule 4 (Schools – design quality principles) of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 was provided with the application (Attachment 11 of the SEE). This matter has been previously discussed within the Education SEPP section of this report.</p> <p><u>Accessibility issues</u></p> <p>The internal design of the proposal is considered acceptable having regard for the activities proposed within the multi-purpose building.</p> <p>The application, as originally submitted, was referred to Council's Access Reference Group (ARG) for comment. Specific concerns were raised by the ARG regarding the location of the accessible shower facilities proposed. The floor plans originally submitted indicated that accessible shower facilities were to be located within the 'strength and conditioning centre'. Whilst the provision of such facilities was commended by the ARG, it was commented that a person with a disability who wishes to use these facilities would be segregated from the other shower facilities (provided within the male and female amenities). Amended plans were submitted to Council on 6 June 2019 providing accessible showers within the proposed male and female amenities, as well as the strength and conditioning centre, which is considered to address this matter.</p> <p>Concerns were also raised by the ARG with respect to the location of accessible car parking spaces. This matter has been addressed through the submission of amended plans and further discussion is provided within the Ballina DCP 2012 section of this report.</p> <p>The proposal will be conditioned to comply with the National Construction Code (NCC) and relevant Australian Standards regarding access and facilities for the disabled.</p> <p><u>Car parking and access</u></p>
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	<p>The proposal involves the extension of the existing parking area such that a total of 161 car parking spaces will be provided on the site at the completion of the development (as per the approved masterplan). The design and layout of the vehicle parking areas and access aisles has been assessed and is supported by Council's Civil Services Division, subject to compliance with the relevant Australian Standards.</p> <p><u>Landscaping</u></p> <p>Landscaping is proposed in the vicinity of the proposed multi-purpose hall as per the Landscape Concept Plan submitted with the application. The landscaping proposed is acceptable having regard for the characteristics of the site and proposed building. A condition is recommended to be imposed requiring landscaping to be provided on the site in a manner that does not impede surveillance or result in concealment areas.</p> <p><u>Acoustic and visual privacy</u></p> <p>The applicant has indicated that an acoustic engineer has been engaged to ensure that noise mitigation both into and out of the building will be appropriate to the site. Further discussion is provided below in <i>xvi) Noise and vibration</i>.</p> <p>With respect to visual privacy, it is considered adequate separation distance is provided to site boundaries and adjoining residential development, meaning no direct overlooking of private will property will occur. Further to this, the high set windows proposed will allow adequate solar access to the building while providing visual privacy to internal spaces. As such, it is not considered the proposed multi-purpose hall will result in adverse visual privacy impacts.</p> <p><u>Building materials and finishes</u></p> <p>The proposed building materials and finishes are shown on the plans submitted and generally comprise the following:</p> <ul style="list-style-type: none">• 'Woodland Grey' metal roof sheeting;• Cream fascias and FC cladding;• 'Manor Red' gutter and steel structure;• Face bricks to match existing school buildings; and• Feature stained glass window against vertical façade cladding.
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		<p>It is considered the proposed materials are compatible with the existing school buildings and the locality.</p> <p><u>Catering space and kitchenette</u></p> <p>The proposed multi-purpose hall includes the provision of a catering space and kitchenette. Council's Environmental Health section has carried out an assessment of this area. The kitchenette is required to be constructed and fit-out in accordance with the provisions of the Australian Food Safety Standards and AS 4674-2004. Conditions are recommended to be imposed on the consent in this regard. A condition is also recommended to ensure the kitchenette is used as a 'servery' only, with all food preparation to occur from the existing commercial kitchen at the school.</p> <p><u>Compliance with National Construction Code (NCC)</u></p> <p>Council's Building Surveyor has carried out an assessment of the proposal. A condition is recommended to be imposed to ensure the building complies with the requirements of the National Construction Code (NCC) and relevant standards.</p> <p><u>Fire Risk</u></p> <p>The proposal will be conditioned to comply with the National Construction Code (NCC) in relation to fire safety. Details of any fire service installations proposed are required to be addressed prior to issue of the Construction Certificate. The school will be required to provide Council with an annual Fire Safety Statement at least once in every 12 months. This requirement is recommended to be imposed as a condition of consent.</p>	
iii)	Ecologically Sustainable Design	Building	<p>The proposed development has had regard for the minimisation of energy consumption. The proponent has commented that in order to manage ongoing operational costs and achieve environmental outcomes, the multi-purpose hall is not proposed to be air-conditioned and will rely on cross ventilation and fans to achieve air flow within the building. Energy consumption is to be minimised through passive ventilation in the largest areas, shading devices, and efficient lighting design. Having regard for the above, it is considered the building is ecologically sustainable and will minimise energy consumption. The applicant has also commented that the steel structure proposed is an efficient, long lasting, recyclable and adaptable material. The use of steel is considered to minimise building maintenance.</p>

<p>iv) Access, Transport and Traffic</p>	<p>Vehicular and pedestrian access to the site has been previously considered within the Infrastructure SEPP and Ballina DCP 2012 sections of this report.</p> <p>The site is considered to have suitable access points for vehicles and service vehicles from the surrounding road networks.</p> <p>The proposed internal roads and accesses primarily relate to car parking and delivery vehicle access and are required to comply with AS 2890. A condition is recommended to be imposed on any consent granted to ensure compliance with the relevant Australian Standards.</p> <p>Pedestrian works are required to be carried out as a condition of consent. This matter is discussed within the Infrastructure SEPP and Ballina DCP 2012 sections of this assessment.</p> <p>The proposed development is not considered to have an adverse impact on the efficiency of movement of pedestrians and motorists to and from the site. With respect to the movement of freight (goods) to and from the site, single small rigid vehicle (SRV) and one medium rigid vehicle (MRV) loading bays are proposed on the site. Council's Civil Services Division has advised that the proposed loading bays are considered satisfactory to service the proposed multi-purpose hall.</p> <p>Car parking and bicycle parking have been previously assessed within the Infrastructure SEPP and Ballina DCP 2012 sections of this report.</p>
<p>v) Public Domain</p>	<p>It is not expected that the proposal will have a detrimental impact on the public domain.</p> <p>Due to the height of the proposed multi-purpose hall, the proposal will be clearly visible from Horizon Drive and River Street. As discussed previously in this report, the proposed height of the building is above the maximum building height of RL 10.6m AHD applicable to the site under the Ballina Local Environmental Plan (BLEP) 2012. In this case, it has been demonstrated and assessed that the proposed building will not impact on significant views from public spaces or private residences and will not significantly impact on these areas by way of overshadowing.</p> <p>The proposal involves the provision of additional parking which will be wholly located within the subject site (and not the adjoining street system). These spaces will be</p>

	<p>provided within an extension to the existing car park and no additional vehicle crossings are proposed.</p> <p>The proposed multi-purpose hall is considered to be in accordance with the masterplan and the expansion of the school. The expected additional traffic to be generated is considered acceptable and has been deemed satisfactory by Council's Civil Services Division.</p> <p>The pedestrian infrastructure works previously required within 24 months of DA 2017/613 will be completed prior to issue of the Occupation Certificate for the multi-purpose hall. This will improve pedestrian safety in the vicinity of the school.</p> <p>It is considered the proposed external use of the facility will allow for additional recreational opportunities in the locality and will have a positive impact in this regard.</p>
vi) Utilities	<p>The submitted Engineering Services Report indicates that all necessary services will be provided to the development at sufficient capacity to service the proposed development (and at full cost to the proponent). This has been deemed satisfactory by Council's Civil Services Division.</p>
vii) Heritage	<p>The site does not contain, and is not within the vicinity of, any heritage items or heritage conservation areas. An Aboriginal Heritage Information Management System (AHIMS) search carried out on 1 May 2019 has revealed that no Aboriginal sites or places have been recorded or declared within or near the subject site.</p>
viii) Construction	<p>Construction impacts are able to be suitably managed via the recommended conditions of consent. A specific condition is recommended to be imposed requiring a Construction Management Plan to be submitted to and approved by Council prior to issue of the Construction Certificate.</p> <p>Given the geotechnical characteristics of the site, it is likely deep piling will be required to facilitate the proposed development. As such, specific conditions have been recommended with respect to the management of noise and vibration during construction works to minimise impacts on neighbouring properties – refer to 'Noise and Vibration' section of this Section 4.15 assessment for comment.</p> <p>It should be noted that Council's Building Surveyor has advised that given there is adequate separation distance between the proposed works and buildings on nearby properties, the requirement for a dilapidation report to be prepared prior to commencement of driven or vibration</p>

	<p>piling is considered onerous. It was advised that there is a low risk to adjacent structures as part of the works proposed. As such, this requirement has not been recommended as a condition of consent in the instance of the proposal. However, the applicant may choose to prepare such a report to detail the condition of adjoining buildings prior to and following construction.</p> <p>A condition is recommended to be imposed restricting the hours of operation for any noise generating construction activity to between 7.00am to 6.00pm Monday to Friday and 8.00am to 1.00pm Saturday. No noise generating construction activities are to take place on Sundays or public holidays. Works involving rock breaking/hammering, sheet piling or pile driving are further restricted and a separate condition is recommended to be imposed for such works.</p> <p>With respect to site safety during construction, conditions are recommended to be imposed with regard to site fencing and signage.</p> <p>Potential environmental impacts during construction are also to be managed by way of conditions, including waste management, acid sulfate soils, sediment and erosion control, dust management and cleanup of spills.</p>
Environmental Impacts	
ix) Other land resources	As the multi-purpose hall is to be located within an existing education establishment, it is not considered the proposal will impact upon the conservation and/or use of productive agricultural land, mineral and extractive resources or water supply catchments.
x) Water	<p>No particular issues are raised with respect to the servicing of the proposed development for water supply. The submitted Engineering Services Report indicates that all necessary water services will be provided to the development at sufficient capacity to service the proposed development.</p> <p>Stormwater management has been assessed as part of the proposal – refer to Ballina DCP 2012 section of this assessment for discussion.</p> <p>Council's Water and Wastewater section has recommended conditions are imposed requiring a Classification A Trade Waste Application (for discharges from kitchenette and main commercial kitchen) is submitted to Council. A condition is recommended to be imposed prior to issue of the Occupation Certificate requiring all pre-treatment equipment as outlined in the Trade Waste Approval issued.</p>

xi) Soils	<p><u>Acid Sulfate Soils</u></p> <p>The subject land is classified as Class 2 Acid Sulfate Soils (ASS). A draft ASS Management Plan was submitted with the application. Conditions are recommended to ensure the plan is implemented during the construction period.</p> <p><u>Contamination</u></p> <p>No issues are raised with respect to the contamination of land on the subject site. Refer to assessment under SEPP 55 section of this report for discussion.</p> <p><u>Geotechnical considerations</u></p> <p>The subject site is not identified as a land slip area, however has complex geotechnical characteristics. The site contains soft alluvial soil settlement associated with deep seated compressible soils. This is likely to require certified compacted fill to preload portions of the site. A condition is recommended to be imposed on the consent requiring certification from a geotechnical engineer at the completion of works verifying the compaction of filling material complies with AS 3798.</p> <p><u>Sediment and erosion control</u></p> <p>Conditions are recommended with respect to sediment and erosion control during construction and ensuring fill material imported to the site is free of contaminants.</p>
xii) Air and Microclimate	<p>The proposed development is unlikely to result in adverse impacts upon air quality and microclimate conditions. Given the nature of the proposed use, the multi-purpose hall is not anticipated to produce odours, fumes, gases or pollutants. It is noted that there is potential for dust generation during construction works, which is to be managed via conditions of consent.</p>
xiii) Flora and Fauna	<p>The proposed multi-purpose hall is located within an existing educational establishment on land that has been previously cleared of vegetation.</p> <p>A small portion of the northern part of the site is mapped within the Natural Areas and Habitat 50 metre buffer area under Chapter 2 of the Ballina DCP 2012. However it is noted that the buffer area is significantly removed from the proposed development (i.e. greater than 250 metres).</p> <p>The applicant has commented that vegetation in the vicinity of the proposed multi-purpose hall can be generally characterised as grass, with a number of trees planted for landscaping purposes. A Preliminary</p>

	<p>Ecological Assessment has been completed by the Melaleuca Group dated 27 November 2018 (Attachment 3 of the SEE). This assessment identified the trees as comprising a range of native species, all of which were planted between 2004 and 2006 as part of the landscaping of the school. The assessment concludes that the proposed development is highly unlikely to result in any significant adverse impacts to the life cycle of any threatened species known to occur, or considered possible to occur, on the subject site or in the local area over time.</p> <p>The report states that vegetation along Horizon Drive will be removed as part of the proposed development. Vegetation along River Street is to be retained and was also inspected and assessed as part of the preparation of the report.</p> <p>The proponent has indicated that all existing vegetation in the vicinity of the proposed works will be removed to facilitate the earthworks required to achieve the required fill levels. The trees identified for removal are identified within the Ecological Assessment report and are listed below:</p> <ol style="list-style-type: none"> 1. Tuckeroo (<i>Cupaniopsis anacardioides</i>) – 3 metres 2. Callistemon (<i>Callistemon viminalis</i>) – 3 metres 3. Tuckeroo (<i>Cupaniopsis anacardioides</i>) – 1.5 metres 4. Callistemon (<i>Callistemon viminalis</i>) – 4 metres 5. Paperbark (<i>Melaleuca sp.</i>) – 8 metres 6. Paperbark (<i>Melaleuca sp.</i>) – 8 metres 7. Callistemon (<i>Callistemon viminalis</i>) – 2.5 metres 8. Riberry (<i>Syzygium luehmannii</i>) – 5 metres 9. Callistemon (<i>Callistemon viminalis</i>) – 3 metres 10. Swamp oak (<i>Casuarina glauca</i>) – 9 metres 11. Swamp oak (<i>Casuarina glauca</i>) – 9 metres 12. Swamp oak (<i>Casuarina glauca</i>) – 9 metres 13. Callistemon (<i>Callistemon viminalis</i>) – 3 metres 14. Riberry (<i>Syzygium luehmannii</i>) – 3.5 metres 15. Callistemon (<i>Callistemon viminalis</i>) – 3 metres 16. Riberry (<i>Syzygium luehmannii</i>) – 3.5 metres 17. Tuckeroo (<i>Cupaniopsis anacardioides</i>) – 3 metres 18. Callistemon (<i>Callistemon viminalis</i>) – 3 metres 19. Callistemon (<i>Callistemon viminalis</i>) – 3 metres <p>A 600m² minimum lot size is applicable to the subject land. As such, the Biodiversity Offset Scheme (BOS) applies to clearing of 0.25ha or more.</p> <p>The subject land is not identified on the Biodiversity Values Map (BV Map).</p>
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	<p>The submitted Ecological Assessment Report stated that a review of the Native Vegetation Regulatory Map was carried out and the subject land is located within 'Excluded Land'. Notwithstanding this, the Biodiversity Offset Scheme Entry Threshold (BOSET) tool was utilised to generate a report to determine whether the proposed vegetation removal would be above or below the Biodiversity Offset Scheme (BOS) Threshold. It was determined that the Biodiversity Assessment Method (BAM) was not required as part of the proposed development given the removal of vegetation would not exceed the required BOS threshold.</p> <p>Given the above, no issues are raised with respect to the removal of the identified vegetation.</p> <p>A condition is recommended to be imposed advising that landscape trees and shrubs should be native species endemic to the locality to encourage bird life and compensate for trees removed.</p>
xiv) Waste	<p>The applicant has commented that the existing bin enclosure on the site is to be demolished and replaced with a new large bin enclosure which will be located between the multi-purpose hall and the existing school buildings. The new bin enclosure will hold two existing bulk bins and an additional two 2m³ bulk bins (i.e. capacity for four skip bins). Council's Environmental Health section has commented that this area is required to be graded, covered and drained to the sewer by way of a suitable treatment device. This requirement will be addressed by way of condition on the consent.</p> <p>The applicant has commented that waste is collected via a private waste collection provider (Richmond Waste) and the school's Facilities Manager will continue to monitor the waste generated on site and will adjust collection frequencies if required. A specific waste management response may need to be developed for larger events hosted in the multi-purpose hall.</p> <p>Conditions are recommended with respect to the management of waste during construction of the proposed multi-purpose hall.</p> <p>The waste management details provided by the applicant are considered satisfactory subject to the recommended conditions.</p> <p>Council's Water and Trade Waste Technical section has recommended conditions are imposed requiring a Classification A Trade Waste Application (for discharges from kitchenette and main commercial kitchen) is</p>

	submitted to Council. A condition is recommended to be imposed prior to issue of the Occupation Certificate requiring all pre-treatment equipment as outlined in the Trade Waste Approval issued.
xv) Energy	The proponent has commented that in order to manage ongoing operational costs and achieve environmental outcomes, the multi-purpose hall is not proposed to be air-conditioned and will rely on cross ventilation and fans to achieve air flow within the building. Energy consumption is to be minimised through passive ventilation in the largest areas, shading devices, and efficient lighting design. This is considered satisfactory.
Hazards	
xvi) Noise and Vibration	<p>Council's Environmental Health section has assessed the proposal with regard to noise and vibration impacts both during construction and the ongoing use of the facility.</p> <p><u>Noise – Operational</u></p> <p>An Environmental Noise Impact Assessment (NIA) dated 29 November 2018 prepared by CRG Acoustics was submitted with the application (Attachment 5 of the SEE).</p> <p>Onsite activity associated with the proposed multi-purpose hall was assessed in accordance with the NSW 'Noise Policy for Industry' to ensure these activities do not have an adverse impact on the nearest offsite noise sensitive receivers.</p> <p>The report concluded that based upon the assumed noise source levels and acoustic treatments, onsite activity noise emissions impacting the surrounding offsite dwellings are predicted to be within the relevant criterion, with the exception of waste collection and big band performances inside the centre.</p> <p>With regard to large performances, it is acknowledged that such events would occur approximately 10 times per year and it is the school's intention to hold such events in the future Performance Hall (identified on the approved master plan for the site) once constructed. As such, the report indicated that designing acoustic treatments to mitigate such events for compliance with the noise limit criteria for daily activities is considered unreasonable and impractical. However, acoustic treatments have been recommended to ensure a practical level of noise mitigation is provided.</p> <p>Recommendations regarding acoustic treatment at the site were provided based on the predicted noise levels in order to mitigate onsite activity noise emissions from the</p>

	<p>multi-purpose hall. The report also recommended hours of operation. These recommendations have been incorporated as a condition of consent, to be imposed on any consent granted:</p> <ul style="list-style-type: none"> • <i>Hours of operation are to be limited as follows (seven days a week)</i> <ul style="list-style-type: none"> - <i>6am to 7am: staff set up facility</i> - <i>7am to 10.30pm: use of the main floor for sporting activity</i> - <i>10.30pm to midnight: players leave immediately after game completion at 10.30pm, staff pack down of facility and staff leaving, and</i> - <i>7am to 9pm: band performances, awards and concerts.</i> • <i>During large performances (as described in the Environmental Noise Impact Report dated 29 November 2018 prepared by CRG Acoustics) the side entry doors along the western perimeter (i.e. at congregation area), the northwest exit doors between the sports stores and the southern two exit doors on either side of the stage are to be kept closed.</i> • <i>The side entry doors along the western perimeter (i.e. at congregation area) and northwest exit doors between the sports stores are to achieve a minimum Rw rating of 30.</i> • <i>The southern two exit doors on either side of the stage are to achieve a minimum Rw rating of 35.</i> • <i>Internal acoustic doors are to be installed between the stage and the loading store area and also between the stage and stage access area that achieve a minimum Rw rating of 30.</i> • <i>The underside of the main roof to be lined with an absorptive material that achieves a minimum Noise Reductive Coefficient (NRC) of 0.9.</i> • <i>The south, east and western external perimeter walls at the stage including the back of house areas achieve a minimum Rw rating of 45.</i> • <i>The roof/ceiling above the stage and back of house areas achieve a minimum Rw rating of 45.</i> • <i>Any buzzer/bell of general PA speaker be restricted to inside the building and limited to a source level of 90 dB(A) Leq measured at 1m.</i> • <i>Waste collection and deliveries be limited to the day time period 7am to 6pm Mondays to Saturdays.</i>
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	<ul style="list-style-type: none"> • <i>Driveways and carpark areas be finished with surface coatings which prevent tyre squeal (unpolished uncoated concrete or bitumen surface is acceptable). Drainage grating over trafficable areas be well secured to prevent rattling, and</i> • <i>Mechanical plant designed and installed to comply with the noise criterion presented in section 4 of the above report.</i> <p>A condition has also been recommended requiring an acoustic report to be submitted to the Principal Certifying Authority (PCA) within three months of the commencement of use confirming that the development complies with the project specific noise levels identified in the NIA.</p> <p>To minimise noise emissions during waste collection, the report recommends such activities be limited to between the hours of 7.00am to 6.00pm, which has been recommended as a condition of consent. Waste collection activities are unlikely to cause annoyance given their short duration and infrequent nature.</p> <p>A condition is also recommended advising that should complaints of a noise nuisance be justified, an acoustic assessment report (prepared by a qualified consultant) is required to be provided to Council.</p> <p>Council's Environmental Health section noted that the multi-purpose hall is not proposed to be air-conditioned. However, concerns were raised that in order to achieve the acoustic targets for the project, doors and other openings would be required to be closed, which may not be practical during the summer months. Within their email response dated 14 February 2019, the applicant advised that the underside of the roof will be lined with acoustic insulation. It was commented that the insulation is to remain exposed and no ceiling lining is proposed to make best use of the acoustic properties of the product and also to maintain the maximum ceiling height. This has been deemed acceptable by Council's Environmental Health section.</p> <p><u>Noise – Construction</u></p> <p>Conditions are recommended in relation to noise generated during the construction works to minimise impacts on the locality.</p> <p><u>Vibration</u></p>
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	<p>Due to the poor subsurface soil conditions on the site, it is anticipated that deep pile footings will be utilised as part of the proposed development. The piling works will likely result in noise and vibration to nearby residents. As such, additional conditions are recommended as well as the standard noise conditions to address this issue.</p> <p>Any rock breaking, rock hammering, sheet piling, pile driving and any similar activity is only to occur within the hours specified within the recommended conditions.</p> <p>Conditions are also recommended advising of the relevant vibration standards with respect to impacts on structures and human exposure criteria.</p> <p>A condition is also recommended requiring that vibratory compactors are not to be used closer than 30 metres from residential buildings, unless vibration monitoring confirms compliance with the vibration criteria specified above.</p>
xvii) Natural Hazards	<p>The subject site is flood prone. The proposal will be conditioned to ensure the provision of a fill and floor height that complies with Council's minimum requirements. Refer to BLEP and Ballina DCP 2012 sections of this assessment for further comment in relation to flood planning.</p> <p>There are no other natural hazards affecting the site that would result in risk to people, property or the biophysical environment.</p>
xviii) Technological Hazards	<p>Having regard for the activities proposed within the multi-purpose hall, it is not considered the proposal will result in any risks to people, property or the biophysical environment from industrial and technological hazards.</p> <p>The proposal will be conditioned to comply with the National Construction Code (NCC) in relation to fire safety. Details of any fire service installations proposed are required to be addressed prior to issue of the Construction Certificate. The school will be required to provide Council with an annual Fire Safety Statement at least once in every 12 months. This requirement is recommended to be imposed as a condition of consent.</p> <p>No issues have been raised with respect to the contamination of land on the subject site. Refer to assessment under SEPP 55 section of this report for discussion.</p>
xix) Safety, Security and Crime Prevention (CPTED)	<p>As assessment has been carried out with respect to the proposal's compliance with CPTED principles. The proposal was also referred to NSW Police for comment.</p>

	Refer to Ballina DCP 2012 section of this assessment for discussion. The proposal has had regard for the relevant CPTED provisions. It is considered any potential crime risk can be managed by way of the recommended conditions.
Social and Economic Impacts	
xx) Social Impacts in the Locality	<p>The proposal is considered to have ongoing positive social impacts in the locality through the provision of an additional multi-purpose facility for students and staff and also the wider community (when made available for use outside of normal school hours). Subject to compliance with the recommended conditions, the facility will be accessible to people with a disability.</p> <p>As the facility will be made available for external/public use, it is considered there is a level of interaction between the new development and the community.</p> <p>The provision of additional pedestrian infrastructure (previously required via DA 2017/613) will contribute to the health and safety of the community.</p> <p>The applicant has indicated that the proposed building will act as a community hall which will provide a sense of place and community.</p> <p>It is noted that there has been some public interest and objection to the proposed multi-purpose hall, particularly with respect to noise and parking/traffic impacts. These submissions have been considered and the issues raised have been addressed within Section 4.15(1)(d) of this report.</p> <p>The proposal is likely to have some impacts on the neighbouring residential properties being in close proximity to the school. The anticipated noise impacts both during construction and operation have been addressed and are to be managed by way of conditions.</p>
xxi) Economic Impact in the Locality	<p>The proposed multi-purpose hall is not anticipated to result in negative economic impacts in the locality.</p> <p><u>Employment generation</u></p> <p>The proposal is considered to create employment to the local area during the construction period.</p> <p><u>Economic income</u></p> <p>In hiring out the multi-purpose hall to the public outside of school hours, the school will generate some level of economic income.</p>

	<p><u>Existing and future businesses</u></p> <p>The proposed multi-purpose hall is to primarily function as ancillary to the existing educational establishment on the site. As such, it is considered the proposal will not have an unacceptable impact on existing and future businesses in the locality.</p> <p><u>Property values as an indicator of environmental impacts</u></p> <p>It is noted this matter has been identified in the submissions received, particularly with respect to noise impacts and resulting reduction in property values. The potential noise impacts associated with the proposed multi-purpose hall are able to be suitably managed with the recommended mitigation measures.</p>
Cumulative Impacts	
xxii) Cumulative Impacts	<p>The proposed multi-purpose hall is generally in accordance with the approved masterplan for the site and is not considered to have any unacceptable negative cumulative impacts on the surrounding locality by way of noise, car parking and traffic generation, subject to adherence with the recommended conditions of consent.</p> <p>The variation of the applicable RL 10.6m AHD Height of Building development standard is not considered to create a precedent in the area. The height of the proposed multi-purpose hall is reasonable in the instance of this proposal as it provides for a functional building to support an existing educational establishment – refer to previous discussion in relation to Clause 4.6 of the BLEP 2012.</p> <p>The proposed development will provide for a useable multi-purpose facility for students and staff and also the wider community.</p>

Table 7: Section 4.15(1)(b) assessment of the likely impacts of the development

Section 4.15(1)(c) – The suitability of the site for the development

The proposed multi-purpose hall is shown on the approved master plan for Emmanuel Anglican College and as such its location on the site has been previously considered suitable. The multi-purpose hall will be utilised by Emmanuel Anglican College and also the community and will be a valuable facility in this regard.

The submitted Engineering Services report indicates that utilities and services available to the site are considered adequate for the development.

The design, bulk and scale of the development is acceptable having regard for the characteristics of the site and surrounding locality. The proposed multi-purpose hall generally complies with the Ballina Local Environmental Plan and Development Control Plan, with the

exception of building height. The variation to the building height standard is considered acceptable having regard for the impact on the locality and in providing a building that is fit for purpose.

The site attributes are considered to be conducive to development. Site specific matters particularly relating to flooding and geotechnical characteristics have been assessed and are to be managed by way of conditions. There is no aspect of the subject site that would preclude the development of the site for its intended purpose.

The proposal is not anticipated to have any significant negative impacts on the surrounding receiving environments, subject to compliance with the recommended conditions of consent.

Section 4.15(1)(d) Any submission made in accordance with this Act or the Regulations?

The application was placed on public exhibition from 7 February 2019 to 21 February 2019 in accordance with the requirements of Chapter 1 of the Ballina Development Control Plan (BDGP) 2012. Council received five public submissions during the notification period (**Attachment 4**), and the relevant issues raised have been summarised and addressed below (Table 8):

Submission issues raised	Response
<p>Concerns were raised regarding the operation of the premises seven days a week and outside of normal school hours and the resulting noise impacts.</p> <p>The nature of the events proposed to be held outside of school hours (screaming, microphones, announcing events etc) were also identified as a key concern for nearby residents.</p> <p>Another objection stated that functions at night should be held in a space with suitable soundproofing.</p> <p>One objector states that the out of hours music performances were already an issue at the school.</p>	<p>Comment: A Noise Impact Assessment (NIA) prepared by CRG acoustics was submitted within the application (Attachment 5 of SEE), which has been reviewed by Council's Environmental Health section.</p> <p>Onsite activity associated with the proposed multi-purpose hall was assessed in accordance with the NSW 'Noise Policy for Industry'. The report concluded that based upon the assumed noise source levels and acoustic treatments, onsite activity noise emissions impacting the surrounding offsite dwellings are predicted to be within the relevant criterion, with the exception of waste collection and big band performances inside the centre.</p> <p>With regard to large performances, it is acknowledged that such events would occur approximately 10 times per year and it is the school's intention to hold such events in the future Performance Hall (identified on the approved master plan for the site) once constructed. As such, the report indicated that designing acoustic treatments to mitigate such events for compliance with the noise limit criteria for daily activities is considered unreasonable and impractical. However, acoustic</p>

	<p>treatments have been recommended to ensure a practical level of noise mitigation is provided. The recommended acoustic requirements will be maintained by way of condition.</p> <p>Matters relating to noise impacts (including the recommended mitigation measures) have been previously discussed and addressed in <i>xvi) Noise and vibration</i> within Section 4.15 section of this report.</p> <p>In addition to ensuring compliance with the recommendations of the NIA, a condition has been recommended requiring an acoustic report to be submitted to the Principal Certifying Authority (PCA) within three months of the commencement of use at the premises confirming that the development complies with the project specific noise levels identified in the NIA.</p> <p>A condition is also recommended advising that should complaints of a noise nuisance be justified, an acoustic assessment report (prepared by a qualified consultant) is required to be provided to Council for review. It is noted that Council also has the ability to take action if the recommended conditions of consent relating to offensive noise are breached during operation.</p> <p>With respect to the acoustic treatment of the building (soundproofing), the applicant advised that the underside of the roof will be lined with acoustic insulation. It was commented that the insulation is to remain exposed and no ceiling lining is proposed, to make best use of the acoustic properties of the product and also to maintain the maximum ceiling height. This has been deemed acceptable by Council's Environmental Health section.</p> <p>Having regard for the above, the anticipated noise impacts associated with the proposed development can be suitably managed subject to compliance with the recommended conditions of consent.</p>
Concerns were raised that such the proposed development could devalue residents' homes.	Comment: With respect to the devaluing of residential properties, the proposed development (which is to occur within an

	existing educational establishment) is a permissible land use within the R2 zone. A building of this nature was approved as part of the overall masterplan for the site. It is not considered this issue is relevant to the application as the anticipated amenity impacts are able to be suitably mitigated. The devaluing of residential properties is not a specific planning consideration.
Concerns were raised regarding the ongoing construction works occurring as part of the school's expansion, with one objector stating that as soon as one stage is completed, another commences.	<p>Comment: It is acknowledged that construction works at the school is an inconvenience to nearby residents.</p> <p>The school has masterplan approval and has been developed in stages as student numbers increase. With respect to the timing of these works, this is dependent on the school (i.e. funding, demand for facilities etc) and also the timing of the required Council approvals. The masterplan approval does not require any length of time to elapse between stages. Conditions of consent with respect to the management of construction works (including traffic control etc) are incorporated within the notice of determination for each stage/building. It is considered that these conditions sufficiently and adequately address the construction impacts related to the proposed development.</p>
One objector indicated that the additional car parking area approved via DA 2017/613 (i.e. the Stage 2 – Junior School development) has not been completed.	<p>Comment: DA 2017/613 was modified on 19 December 2018 to allow for an Interim Occupation Certificate to be issued for the school buildings in advance of the completion of the external car park works, with a temporary car parking area provided to the south of the existing school buildings.</p> <p>It is noted that this submission was written on 13 February 2019. A Final Occupation Certificate was issued by the Principal Certifying Authority (Tecton Building Services) on 4 April 2019, meaning these works have now been completed. As such, it is considered this matter has been addressed.</p>
One objector commented on the lack of detail regarding the total capacity of proposed multi-	Comment: It is understood this submission relates to the uncertainty surrounding the total capacity of the building and the

<p>purpose hall or how many parking spaces are to be provided.</p>	<p>resulting car parking demand (to determine the amount of car parking spaces to be provided to support the development). Details of the total capacity of the building were not provided with the application and will vary between each use.</p> <p>With respect to parking demand, the proposed multi-purpose hall will primarily be used as ancillary to the existing educational establishment. As such, it is not anticipated the development will increase demand for on-street parking.</p> <p>Further to this, 63 additional off-street car parking spaces are to be provided as part of the proposed multi-purpose hall development (in accordance with the approved masterplan), which will result in the provision of a total of 161 car parking spaces on the school site.</p> <p>Given the development will not directly increase parking demand and additional off-street parking will be provided on the site, this may alleviate current parking issues experienced in the locality to a certain extent.</p> <p>It is acknowledged that the proposed multi-purpose hall will be made available for external use by the public outside school hours. Given the existing on-street and off-street parking will not be used by the school during these times, it is considered there will be sufficient car parking capacity to support the external use of the facility.</p> <p>With respect to the comment made regarding the lack of detail concerning the additional parking, the additional car spaces to be provided are shown on the plans for the development (including the approved masterplan) and are also referenced within the submitted Statement of Environmental Effects. It is therefore considered adequate information has been provided by the applicant in this regard.</p>
<p>Concerns were raised that those using the hall will park in nearby businesses if they are unable to find a parking space (Bunnings Warehouse,</p>	<p>Comment: This matter is not considered directly relevant to the application as adequate car parking has been provided on the school site. Should users of the hall</p>

<p>Dan Murphys, Auto Barn etc) which will result in loss of trade to these businesses.</p>	<p>choose to park in nearby businesses, both Council and the school are unable to regulate this activity. The school will encourage the use of the on-site parking whilst the hall is in use.</p>
<p>Concerns were raised regarding the proposal's frontage to River Street and how pick up and drop off be managed (as it was assumed vehicular access would occur via River Street).</p>	<p>Comment: One objector commented that it was assumed the proposed multi-purpose hall would be accessed from River Street. This is not the case, as vehicular access to the development is to occur via an existing crossover on the southern end of Horizon Drive. In this regard, the issue is considered to be sufficiently addressed.</p>
<p>Concerns were raised regarding the provision of off-street parking.</p> <p>Concerns were also raised regarding the management of car parking at the school, including parking illegally too close to driveways and corners (limiting vision from residents' driveways and other motorists), parking of buses outside residences and utilising private driveways to do u-turns.</p> <p>Submissions indicate that there has been no regulation of parking at the school by Council rangers. It was stated that this occurs at other schools.</p>	<p>Comment: 63 additional off-street car parking spaces are to be provided as part of the proposed multi-purpose hall development, which will result in the provision of a total of 161 car parking spaces on the school site. This is in accordance with the approved masterplan for the site. It is noted that the subject development application will complete the civil works required under the masterplan, despite additional buildings being developed into the future (i.e. Performance Hall). The total 161 car parking spaces will also address the parking requirements applicable to the future Performance Hall building.</p> <p>Following a meeting held with Council staff on 7 March 2019, the applicant provided the following response (within letter dated 18 March 2019) with respect to the management of on-street parking at the College:</p> <ul style="list-style-type: none"> • <i>Ballina Shire Council produce a "Safe Parking in School Zones in Ballina Shire" brochure. This brochure is distributed to all senior students at the start of each year. EAC also hand out the document to staff members.</i> • <i>EAC publish the rules for parking around the school in the College newsletter that goes out electronically to all parents on an average of 2 times per year.</i> • <i>If EAC receive a complaint from a neighbour, a reminder is issued to</i>

	<p><i>all staff at weekly briefing about the rules and they are reminded to respect the neighbours. EAC also remind the senior students as many of them drive to and from the College.</i></p> <ul style="list-style-type: none"> <i>EAC are proactive on this issue as it also is a concern for student safety.</i> <p>Despite the actions carried out by the school to date, the submissions received indicate that the management of on-street parking continues to be an ongoing issue at the school.</p> <p>Whilst it is acknowledged that the use of the multi-purpose hall outside of school hours will generate demand for parking, it is considered the off-street car spaces occupied by staff (and senior students) during school hours will be available for use outside these times. As such, it is unlikely there will be an increased reliance on on-street parking and the current issues experienced in proximity to the school site would not warrant refusal of the application. Council is not empowered to take action against motorists who park in the public street system in a legal manner.</p> <p>The issue surrounding regulation of on street parking on Horizon Drive has been forwarded to the relevant section of Council for consideration.</p>
<p>It was noted by one objector that school events are often held on a Wednesday, which is waste collection day. The additional cars parked on the street (i.e. parents of children at the school) means bins on the kerb side may not be collected.</p> <p>Another objector noted the lack of feedback from Council regarding missed collection of garbage bin due to car parked in front.</p>	<p>Comment: The specific days on which functions are held are a matter for the school and is not regulated by Council (provided such functions comply with the specified hours of operation of the development).</p> <p>Given the proposed multi-purpose hall will primarily be used as ancillary to the existing educational establishment, it is not anticipated the development will increase demand for on-street parking.</p> <p>Further to this, 63 additional off-street car parking spaces are to be provided as part of the proposed multi-purpose hall development, which will result in the</p>

	<p>provision of a total of 161 car parking spaces on the school site.</p> <p>Given the development will not directly increase parking demand and additional off-street parking will be provided on the site, it is considered this may alleviate issues regarding waste collection to a certain extent.</p> <p>Council's response to a missed bin collection is not considered directly relevant to the subject application and is a matter for Council's waste management section.</p>
One objector raised concerns regarding alarms constantly going off both day and night and the excess lighting at the school (wasted power).	<p>Comment: Schools are required to be adequately lit at night to assist with security and crime prevention.</p> <p>A condition is recommended requiring all external lighting to be installed and operated on site to comply with AS 4282:1997 'Control of the obtrusive effects of outdoor lighting'.</p> <p>The concerns raised with respect to school alarms sounding are a matter to be addressed by the school.</p>
It was commented within the submissions that any additional parking would require to be off-street to support the increased demand from the proposed multi-purpose hall. One objector was concerned that even with the ultimate provision of 161 car parking spaces on the site, this would not adequately cater for the large number of school community members that might attend these events and that Horizon Drive will be frequently used as an overflow parking area.	<p>Comment: Council's Civil Services Division has carried out an assessment of the proposal with respect to traffic, access and car parking considerations.</p> <p>The number of spaces proposed is considered acceptable having regard for the approved masterplan for the site. Car parking matters have been previously addressed in the Ballina DCP 2012 section of this report.</p> <p>Further to this, whilst it is acknowledged that the use of the multi-purpose hall outside of school hours will generate demand for parking, it is considered the car spaces both on and off street occupied by staff (and senior students) during school hours will be available for use outside these times. As such, it is unlikely there will be an increased reliance on on-street parking.</p>
One objector specifically referenced the lack of consultation with residents with respect to the	<p>Comment: The pedestrian works described within this submission occurred</p>

construction of the pedestrian refuge and associated 'No Stopping' signage erected in front of No. 51, 49 and 47 Horizon Drive. It was commented that the change means that visitors are unable to park out the front of these residential properties and are also unable to park within the school car parking areas.	via the Section 138 approval issued as part of DA 2017/613 for the Stage 2 – Junior School development. This matter has been previously addressed by Council and relates to another Development Application and Section 138 application. It is considered this matter has been appropriately addressed by Council.
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Table 8: Response to issues raised in public submissions

The application was referred to NSW Police and NSW Roads and Maritime Services (RMS) for comment and responses were received (**Attachment 5**). The relevant issues raised are detailed below (Table 9).

Submission issues raised	Response
<p>NSW Police advised that no real concerns were raised with respect to the proposed multi-purpose hall.</p> <p>However, it was recommended consideration be given to the following matters:</p> <ol style="list-style-type: none"> 1. Consideration to high quality flood lighting in the carpark. 2. Hardening the carpark and carpark area to deter people loitering and skateboarding. This could include anti-skateboarding strategies such as putting bumps on rails and garden beds. 3. No cash left on premises. 4. All hedges kept at a low level (i.e. no higher than 80cm). 5. One carpark spot be reserved for emergency vehicles only, and clearly marked so. 	<p>Comment: These matters have been addressed within Section 3.15 of the Ballina DCP 2012 section of this report.</p>
<p>NSW RMS provided the following comments with respect to the proposal:</p> <ul style="list-style-type: none"> • The consent conditions (DA 2017/613) includes a pedestrians facility for crossing River Street which crosses 4 lanes of traffic approaching and departing from the roundabout. Identifying a safe crossing location for pedestrians on River Street requires balancing pedestrians desire lines whilst ensuring a safe road environment is maintained. Subject to meeting the Traffic signal design warrants, consideration could be given for a signalised mid-block marked crossing. • Bicycle parking should be considered as an 'end of trip facility' for cyclists. 	<p>Comment: These matters have been addressed within the Infrastructure SEPP section of this report.</p>

Table 9: Response to issues raised in submissions from State agencies

Section 4.15(1)(e) The public interest

The proposal is generally considered to be within the public interest in providing a multi-purpose hall to be made available for both the EAC school community and the wider community.

The request to vary the Height of Building Development Standard as submitted by the applicant is considered to be well founded and is therefore supported in this instance.

The proposed development is consistent with the objects of the Environmental Planning and Assessment Act 1979 in that it promotes the economic and social welfare of the community and facilitates good design and amenity of the building environment.

The proposed development is in the interests of the Federal, State and Local Governments, and also the community.

Section 64 and Section 7.11 Contributions are not applicable to the proposed development.

Conclusion

The proposed development has been assessed under the heads of consideration in Section 4.15 of the *Environmental Planning & Assessment Act 1979*.

The proposal is consistent with the objectives of the Act and is considered to be within the public interest as it will create positive social and economic impacts for the Emmanuel Anglican College community in the long term. Given the facility is also intended to be made available for external use outside of school hours, it is considered the proposal will also be in the interest of the wider community. In relation to the issues raised regarding traffic, parking and noise impacts, these matters have been addressed and subject to compliance with the recommended conditions of consent, it is not considered the proposed development will result in unacceptable impacts on the locality.

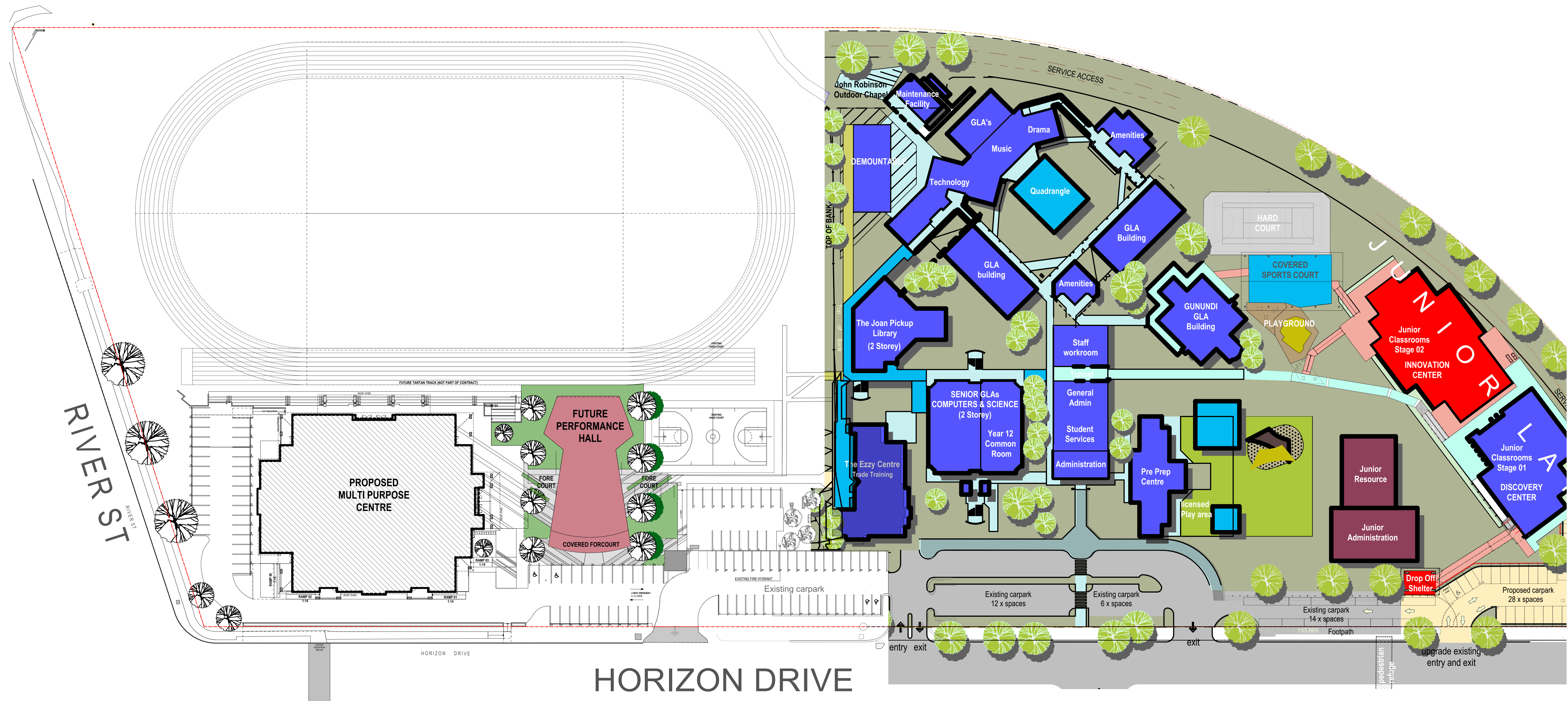
It is determined that through adherence to the attached conditions, the proposed development can perform its purpose while provided an acceptable environmental outcome.

Recommendation

- (a) That the Northern Regional Planning Panel, with assumed concurrence of the Secretary of the Department of Planning & Environment, support the applicant's Clause 4.6 objection of the Ballina Local Environmental Plan 2012 to varying the height of building development standard of Clause 4.3 of the Ballina Local Environmental Plan 2012 to permit the construction of the proposed multi-purpose hall.
 - (b) That Development Application 2018/756 for the 'Construction of a Multi-Purpose Hall at Emmanuel Anglican College, comprising two indoor sports courts, associated gymnasium and amenities, a stage and retractable seating' at Lot 10 DP 1001995, 62 Horizon Drive, West Ballina be **APPROVED** subject to the conditions **attached**.
-

Attachment 1 – Proposed Plans

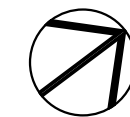
RIVERBEND DRIVE



0. MASTER PLAN 1:500

FUTURE MASTERPLAN - LONG TERM VISION

- EXISTING BUILDING
- BUILDING UNDER CONSTRUCTION
- FUTURE BUILDING
- PROPOSED BUILDING - DEVELOPMENT APPLICATION
- EXISTING CARPARK
- PROPOSED CARPARK



PRELIMINARY
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05/06/19

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NOTES
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REV	DATE	BY	DESCRIPTION
A	18-03-19	CT	covered forecourt to PH added
B	05-06-19	CT	disabled parking to 1 & 2

PROJECT
MULTI PURPOSE CENTER
62 HORIZON DRIVE, WEST BALLINA, NSW 2478
for
EMMANUEL ANGLICAN COLLEGE

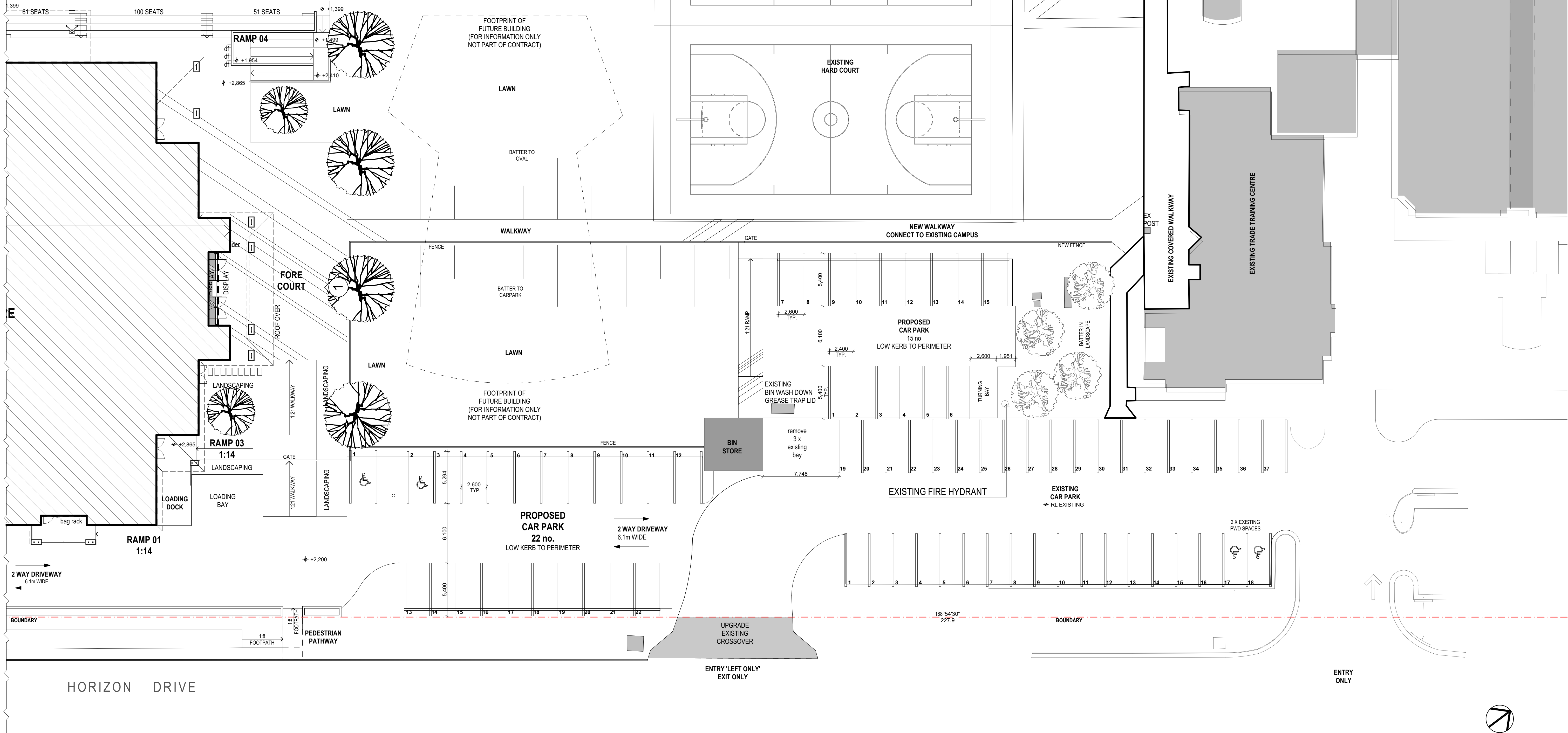
MASTER PLAN - FUTURE

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CONTINUED ON SHEET 17229-101_SITE PLAN BUILDING

FUTURE TARTAN TRACK (NOT PART OF CONTRACT)

PROPOSED OUTER LANE OF 400m ATHLETICS TRACK (8 lanes)



1

SITE PLAN

1:200

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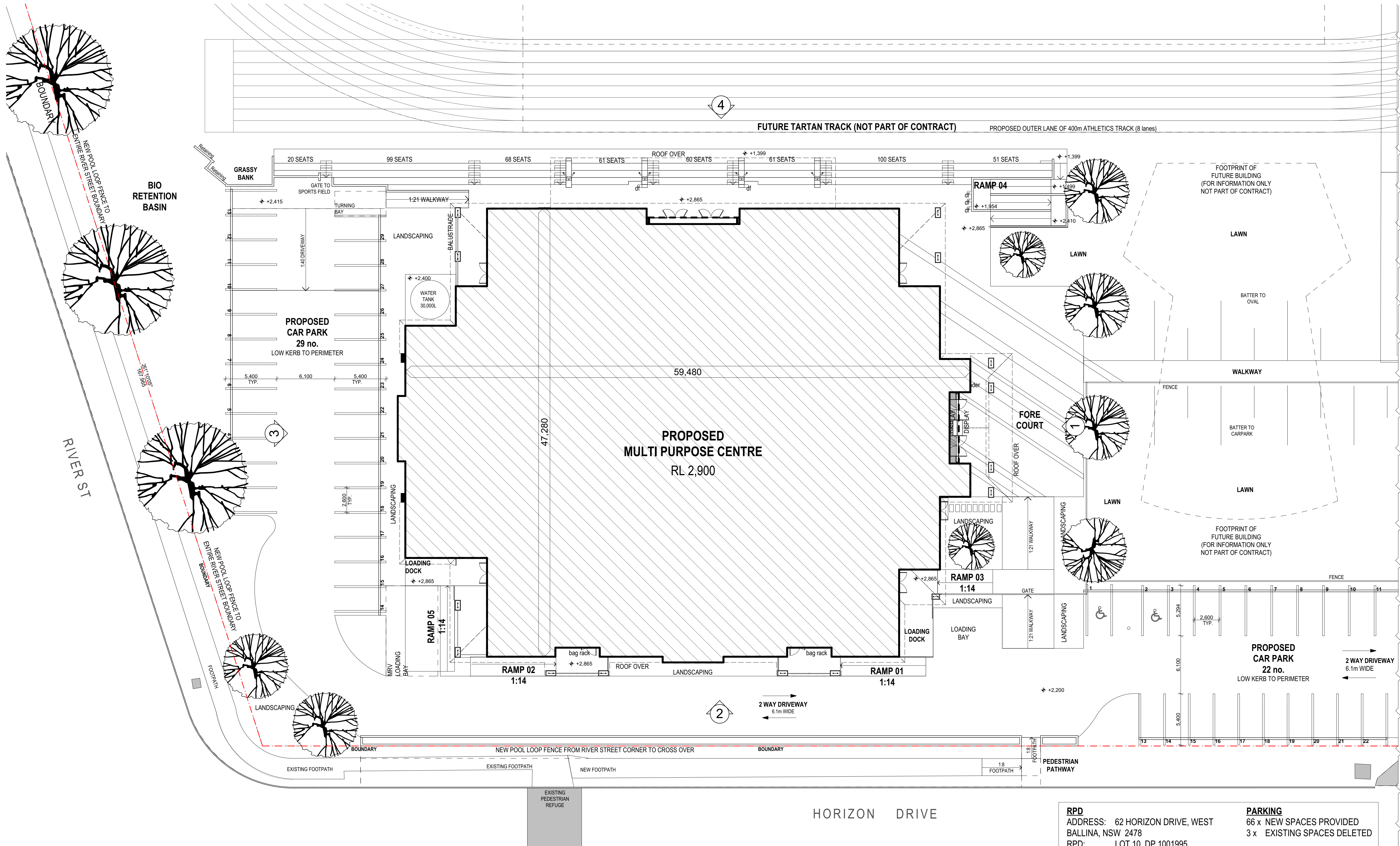
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PROJECT
MULTI PURPOSE CENTER
62 HORIZON DRIVE, WEST BALLINA, NSW 2478
for
EMMANUEL ANGLICAN COLLEGE

**SITE WORKS PLAN - TOWARDS
EXISTING CAMPUS**
SCALE
AS SHOWN @ A1
DATE
05/06/19
ARCHITECT
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HORIZON DRIVE

1
-

SITE PLAN
1:200

RPD ADDRESS: 62 HORIZON DRIVE, WEST BALLINA, NSW 2478 RPD: LOT 10, DP 1001995	PARKING 66 x NEW SPACES PROVIDED 3 x EXISTING SPACES DELETED 63 x CAR SPACES SURPLUS
PROPOSED USE MULTI-PURPOSE CENTRE & ENTERTAINMENT VENUE - CLASS 9B	2 x PWD PARKING SPACES IN EXISTING CAR PARK
AREA SCHEDULE BUILDING FOOTPRINT: 2,435 m ² SITE AREA: 5.94 ha	WASTE MANAGEMENT 2x EXISTING BULK BINS 2x NEW 2m ³ BULK BINS LOCATED IN BIN ENCLOSURE
GFA 2,224 sq.mtrs	
AREA DEFINITIONS AS PER BALLINA LOCAL ENVIRONMENT PLAN 2012	

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REV	DATE	BY	DESCRIPTION
A	05-06-19	CT	for Council DA approval

PROJECT
MULTI PURPOSE CENTER

62 HORIZON DRIVE, WEST BALLINA, NSW 2478

for
EMMANUEL ANGLICAN COLLEGE

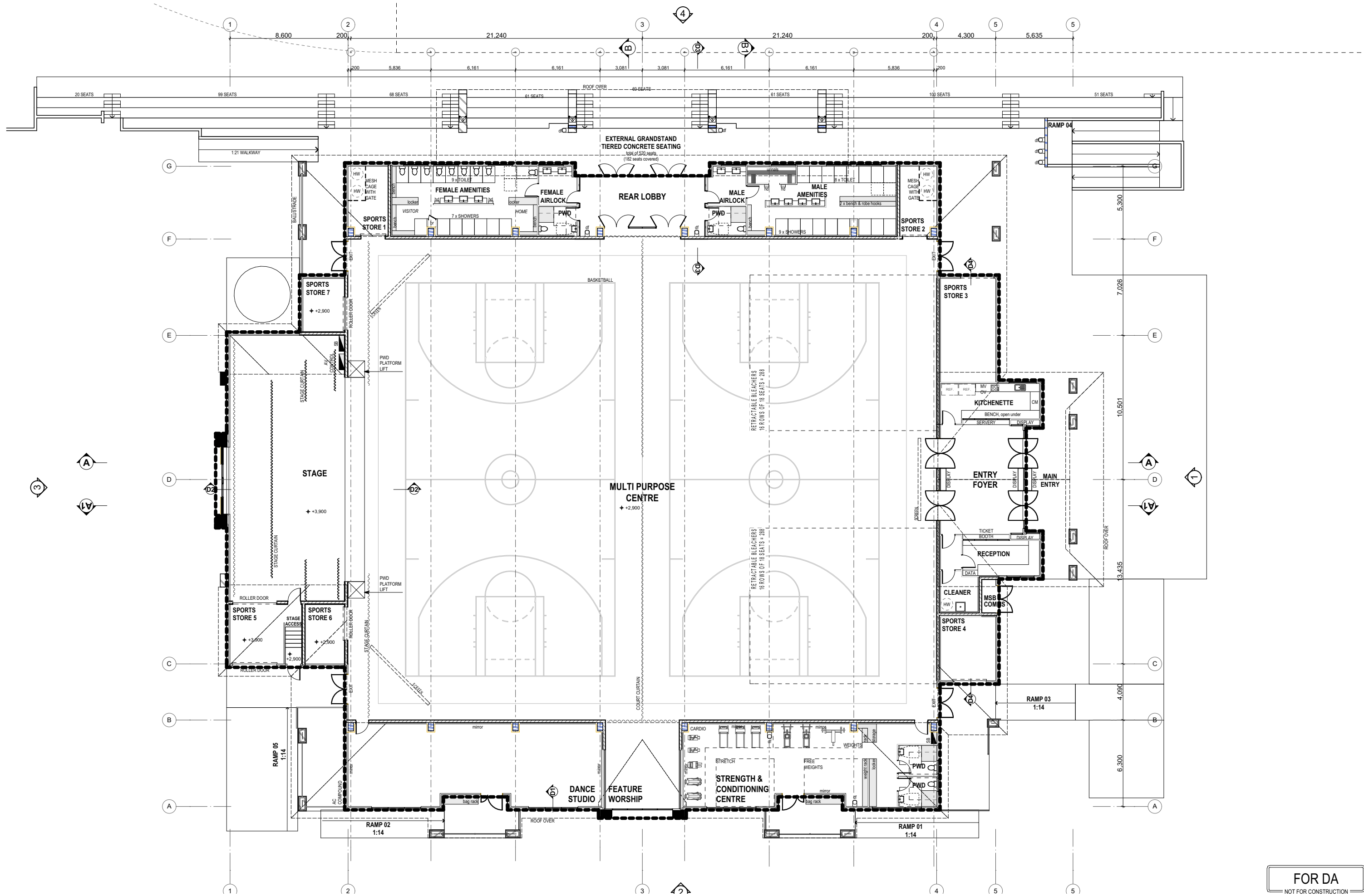
SITE WORKS PLAN - BUILDING

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DATE
05/06/19

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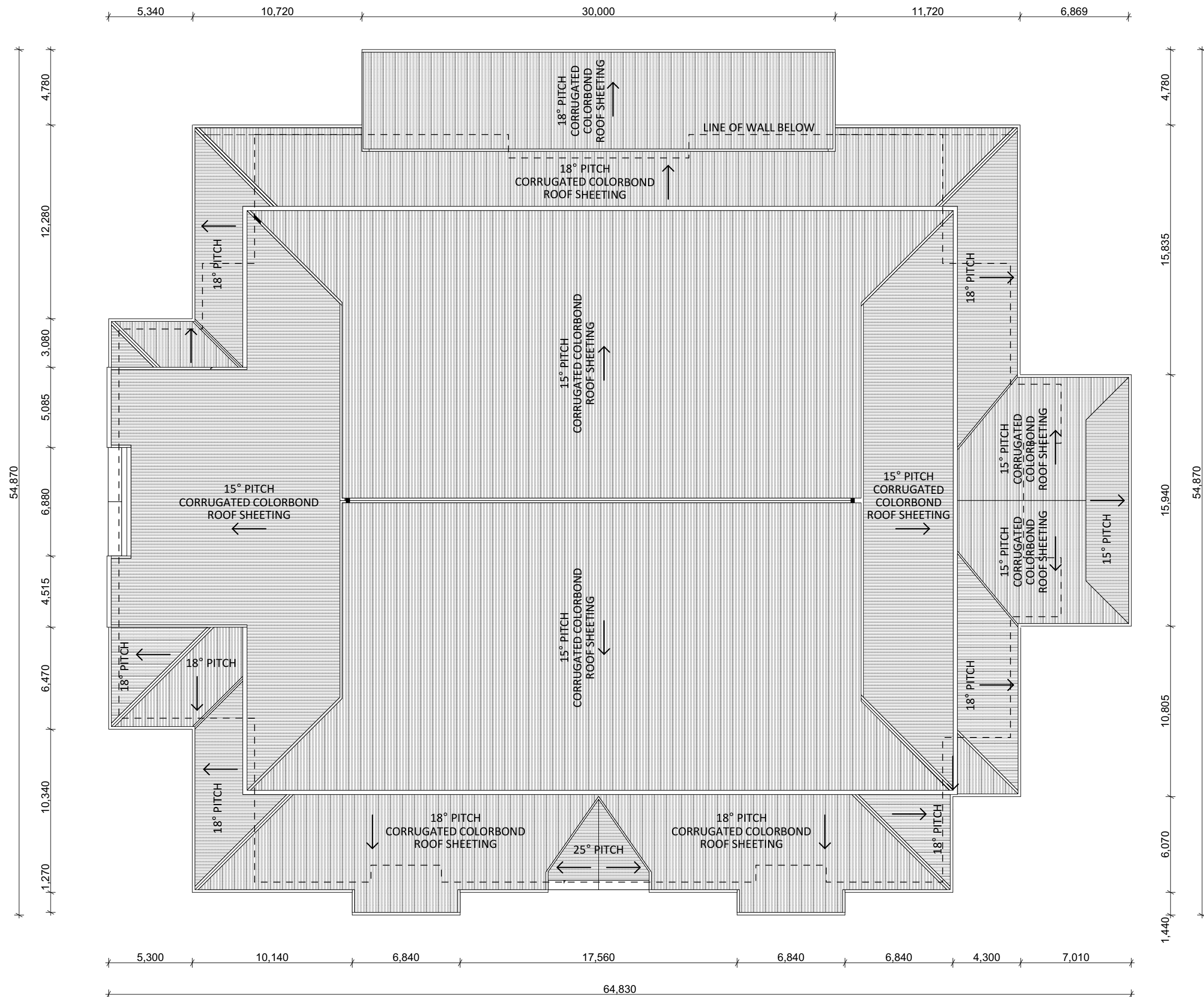
PROJECT
EMMANUEL ANGLICAN COLLEGE
MULTI PURPOSE CENTRE

62 HORIZON DRIVE, WEST BALLINA, NSW 2478
for
EMMANUEL ANGLICAN COLLEGE

GROUND FLOOR PLAN

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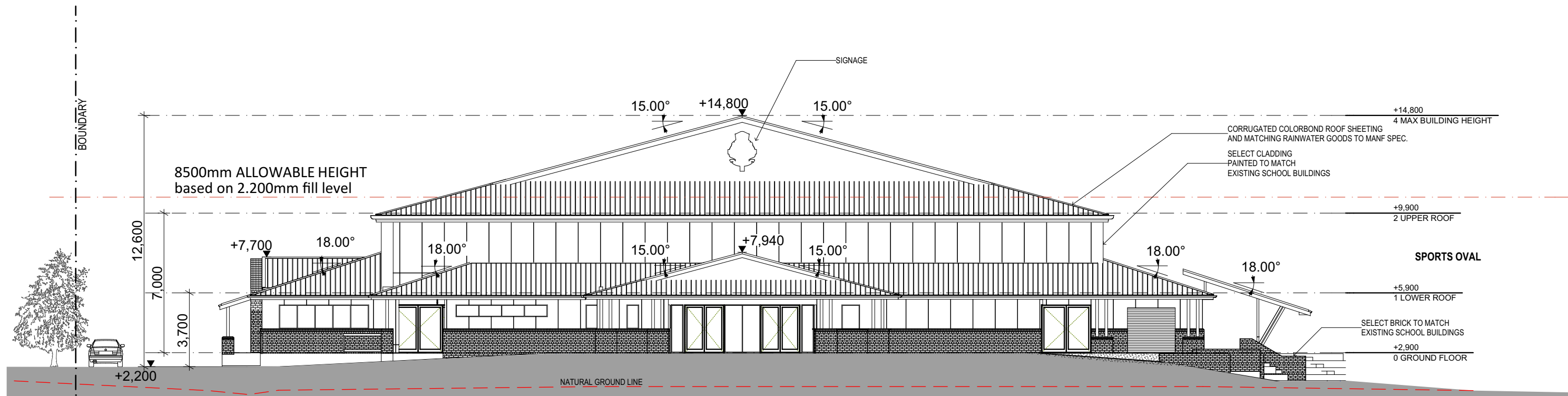
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C	01-11-18	CT	PRELIMINARY FOR DA
D	14-11-18	CT	PRELIMINARY FOR DA
E	30-11-18	CT	FOR DA

PROJECT
EMMANUEL ANGLICAN COLLEGE
MULTI PURPOSE CENTRE
62 HORIZON DRIVE, WEST BALLINA, NSW 2478
for
EMMANUEL ANGLICAN COLLEGE

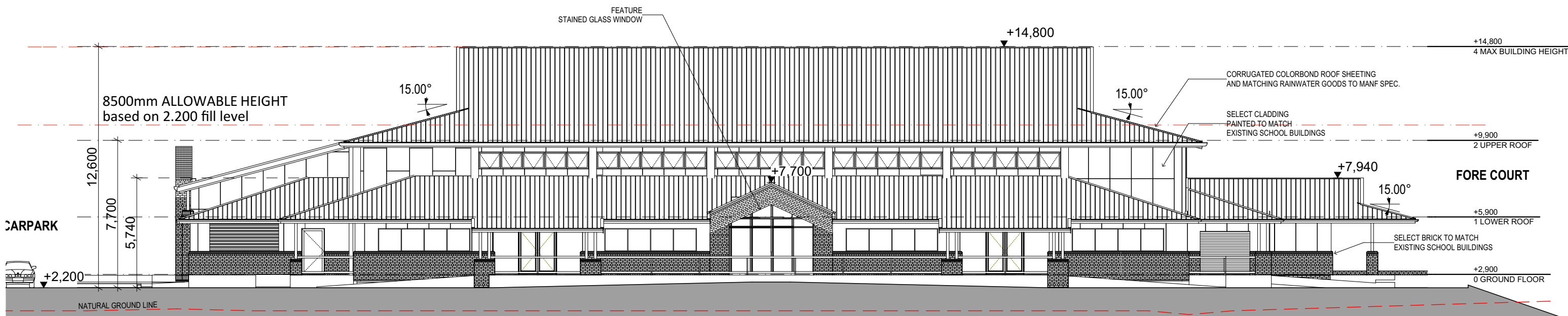


ROOF PLAN

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1
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FORE COURT ELEVATION - NORTH
1:200



2
-
HORIZON DRIVE ELEVATION - EAST
1:200

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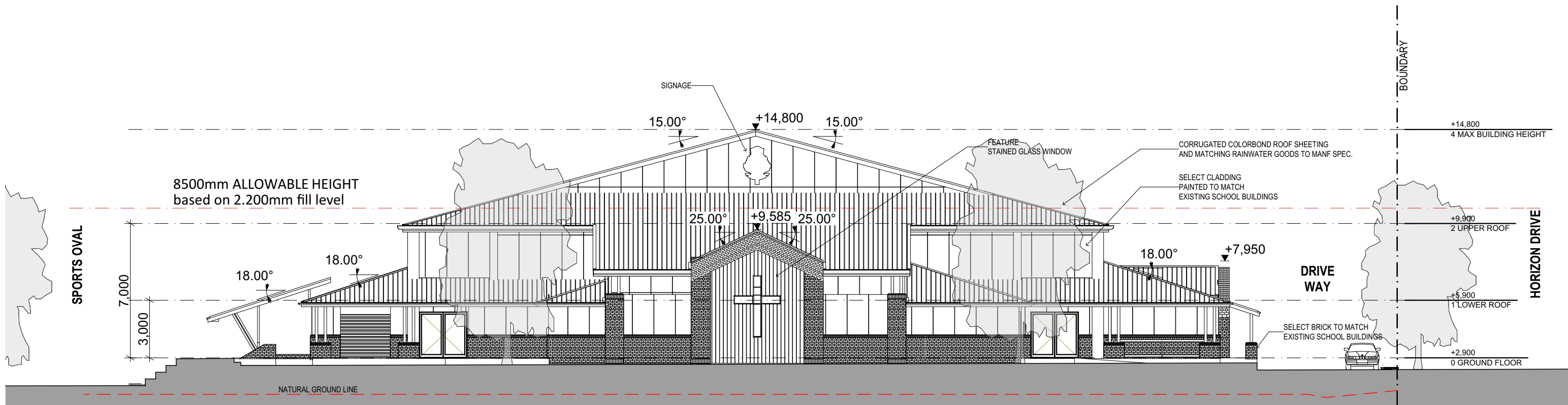


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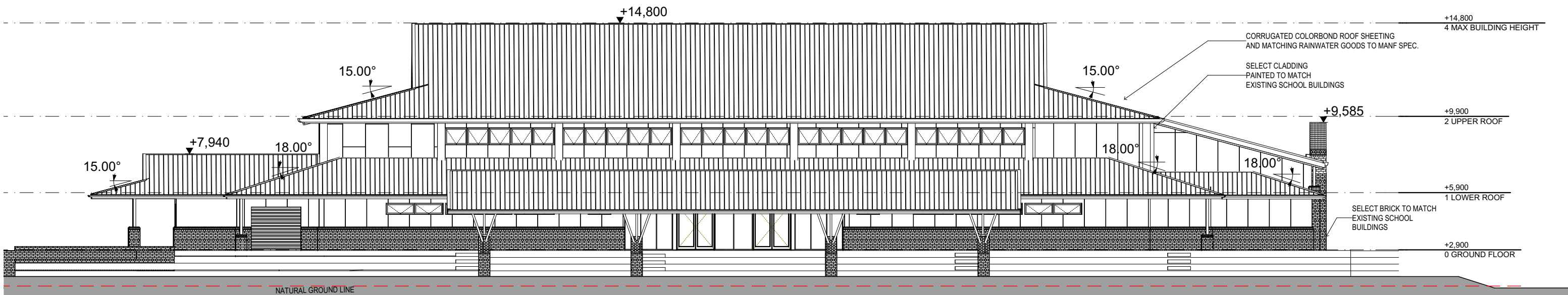
PROJECT
**EMMANUEL ANGLICAN COLLEGE
MULTI PURPOSE CENTRE**
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for
EMMANUEL ANGLICAN COLLEGE

ELEVATIONS 1

SCALE	DATE	ARCHITECT
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1
-
PACIFIC HIGHWAY ELEVATION - SOUTH
1:200



2
-
OVAL ELEVATION - WEST
1:200

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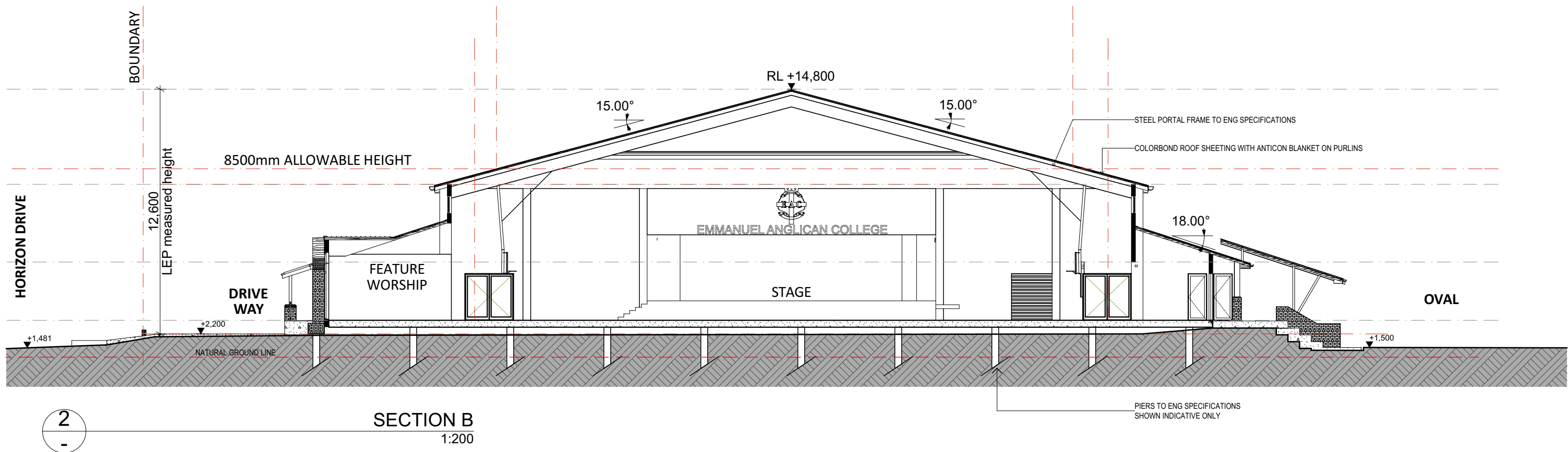
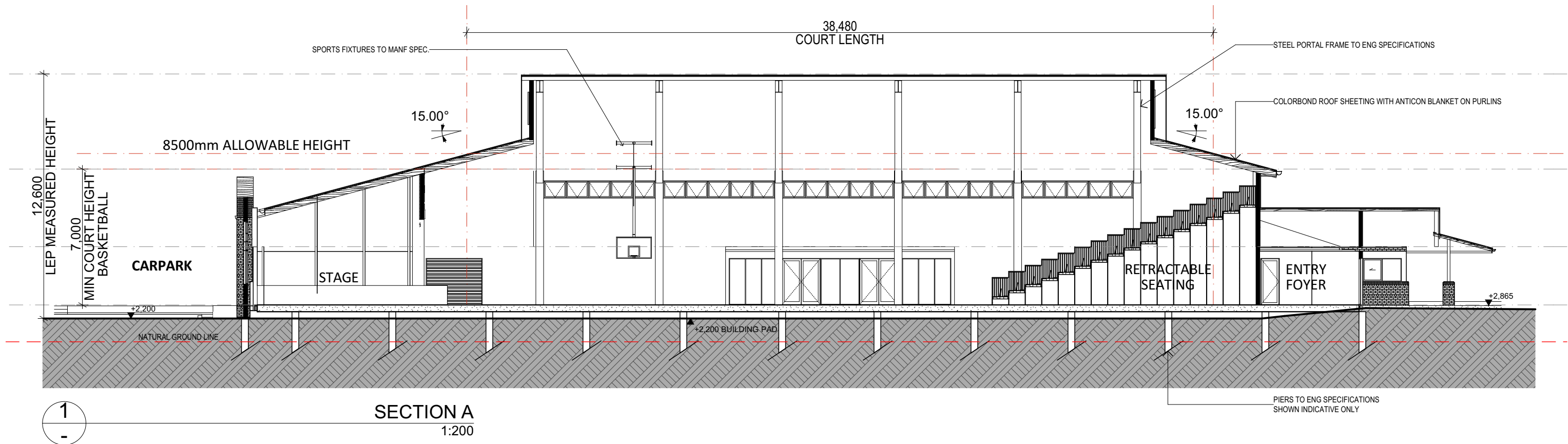


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E	30-11-18	CT	FOR DA

PROJECT
**EMMANUEL ANGLICAN COLLEGE
MULTI PURPOSE CENTRE**
62 HORIZON DRIVE, WEST BALLINA, NSW 2478
for
EMMANUEL ANGLICAN COLLEGE

ELEVATIONS 2

SCALE
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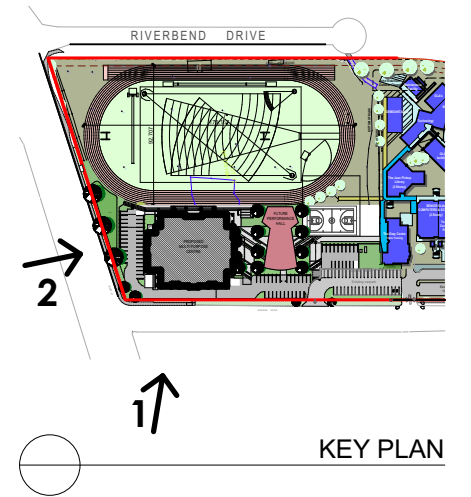
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PROJECT NUMBER
17 229 - 300 - REV E
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1
-

FEATURE STAINED GLASS ALONG HORIZON DRIVE - VIEW 1



2
-

ENTRY STATEMENT AT CORNER OF RIVER ST - VIEW 2

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PERSPECTIVE 1

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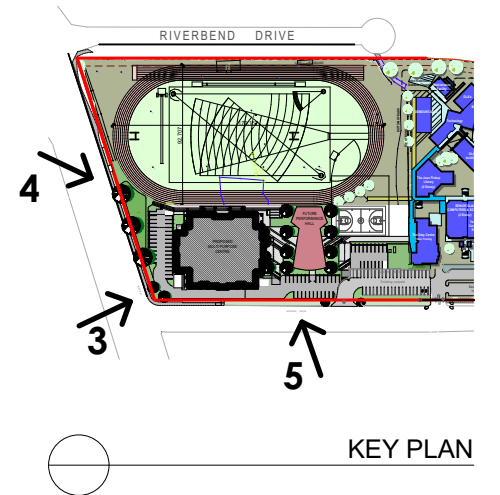
1
- LANDSCAPING COMPLEMENTS THE BUILDING MASSING - VIEW 3



2
- TIERED SEATING FROM RIVER STREET - VIEW 4



3
- ENTRY WALKWAY FROM HORIZON DRIVE - VIEW 5



KEY PLAN

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PERSPECTIVE 2

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PROJECT
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62 HORIZON DRIVE, WEST BALLINA, NSW 2478
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1
-

TIERED SEATING ADDRESSES THE OVAL - VIEW 6



2
-

ENTRY FROM DRIVEWAY - VIEW 7




3
-

MAIN BUILDING ENTRY - VIEW 8

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PERSPECTIVE 3

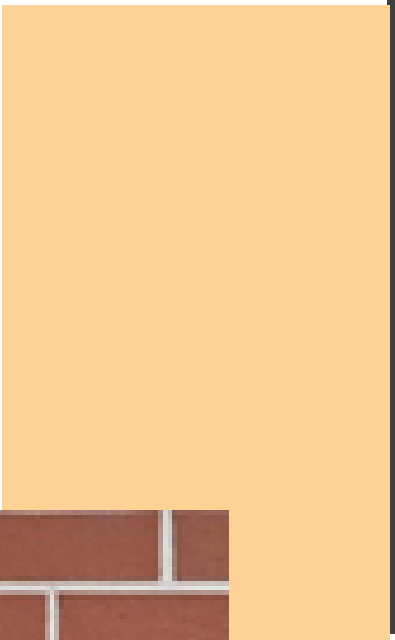
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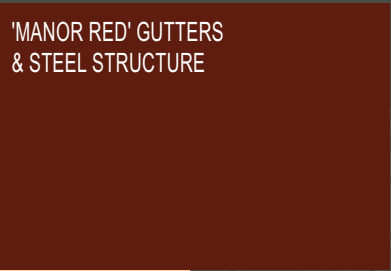


'WOODLAND GREY' METAL ROOF SHEETING

CREAM FASCIAS & FC CLADDING



'MANOR RED' GUTTERS & STEEL STRUCTURE



FACE BRICKS TO MATCH EXISTING SCHOOL BUILDINGS



FEATURE STAINED GLASS WINDOW AGAINST VERTICAL FACADE CLADDING

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BOYDS BAY ENVIRONMENTAL SERVICES PTY LTD LANDSCAPE STATEMENT OF INTENT PLAN

November 29, 2018

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Overview	2
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2. Project Scope.....	2
3. Optimal outcomes	2
4. Deliverables	2
5. Site location and surrounding landscape context.....	3
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8. Proposed landscape character	6
9. Planting pallet	7
10. Planting schedule.....	8
11. Bio-retention basin	9
12. Landscape function and character	10

OVERVIEW

1. Landscape intent and design summary

The objective of the landscape intent for the proposed development will be to utilise the landscape features of the subject site and scenic surroundings to provide a landscape design which is responsive to the environmental and urban context which it is located.

Native trees and shrubs will be planted along streets, pathways and open space areas to provide shade and amenity to the development. The species selected will provide both a visual and ecological link to the surrounding West Ballina suburb.

The landscaped entrance features, open space gardens will utilise varieties of native and exotic species featuring striking foliage and architectural form to provide a modern subtropical theme in character.

2. Project Scope

The subject site is located within the Ballina Regional Council local government area, it is described as 59,400m² of Low Density Residential land located on Lot 10 DP1001995; 62 Horizon Drive, West Ballina NSW 2478. The landscape statement of intent deals with everything internal of the private boundary and frontage of streetscapes to the existing street frontages of River Street and Horizon Drive.

3. Optimal outcomes

The landscape site analysis will collect and analyses information from the subject site, relevant planning scheme policies, and the surrounding environment that relate to the design and construction of the landscaping for the proposed development with the objectives of;

- Providing a cost effective and environmentally responsive landscape design in respect of the sites features, constraints and wider urban context.
- Preservation and enhancement of natural and cultural assets
- Providing compatible interfaces with the surrounding landscape and land use functions.
- Providing a compatible landscape plan to suit the context of the site while providing a modern design
- Ensure garden areas are practical and functional along pathways and car park (incorporating CPTED principles)
- Provide a visually stimulating yet low maintenance landscape

This report will guide the landscape planning of the following areas of the proposed development;

- Create landscape entry features where relevant.
- Providing compatible landscape design to suit the context of the site while providing a modern design.
- Provide screening & buffering for privacy & noise.
- Create open space turf areas for functionality.
- Provide a visually stimulating yet low maintenance landscape.

4. Deliverables

This Landscape Statement of Intent has been produced by Boyds Bay Environmental Services Pty Ltd. And commissioned by Emmanuel Anglican College by Mr Rob Tobias. This report has been provided as supporting documentation for the Development Application for 60 Horizon Drive, West Ballina NSW 2487.

5. Site location and surrounding landscape context

60 Horizon Drive, West Ballina NSW 2478.



01 Horizon Drive looking South

02 River Street looking East

03 River Street local character

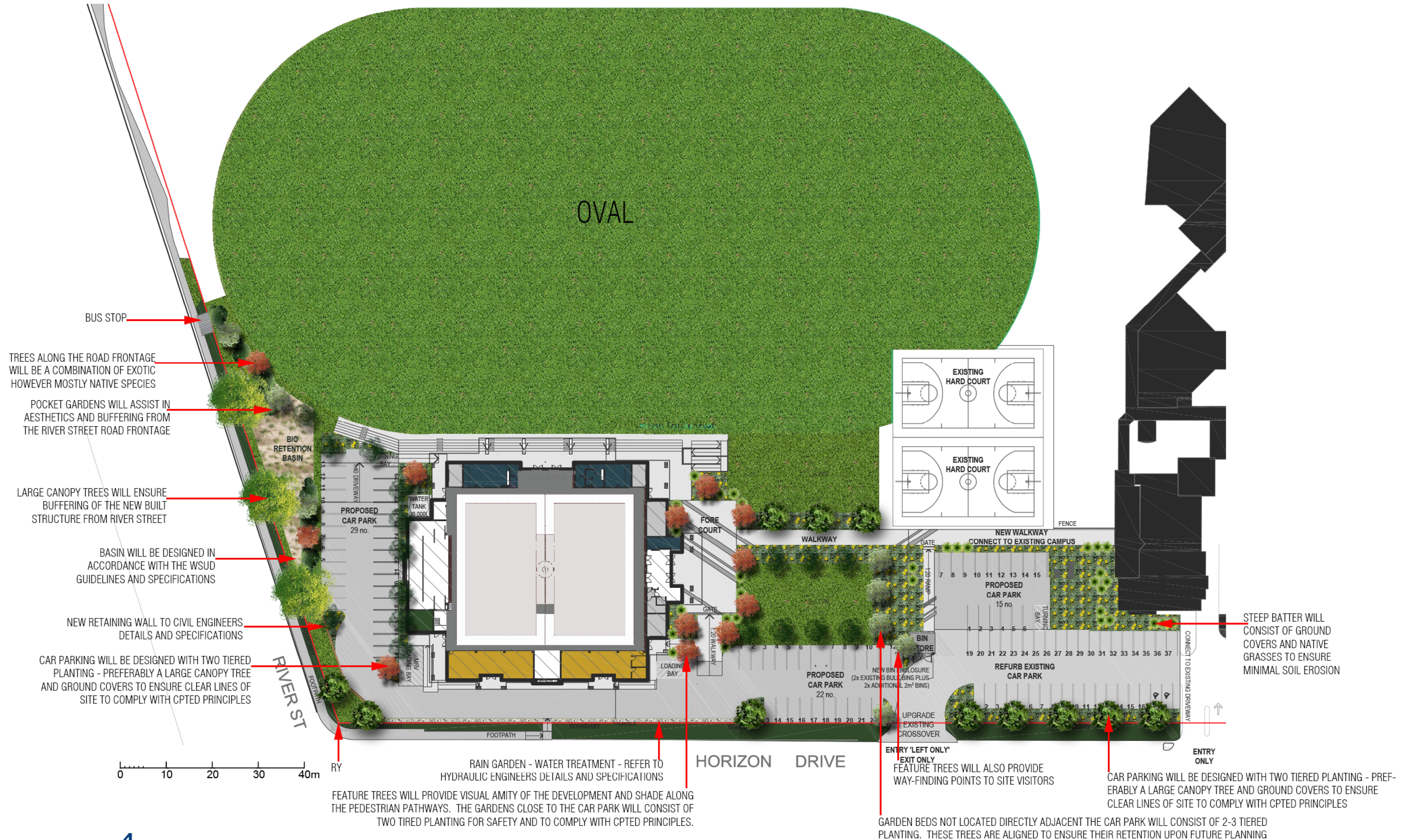
04 River Street verge/median landscape

05 Fishery Creek

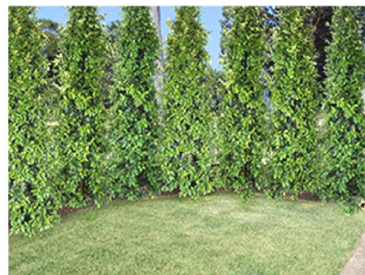
06 Riverbend Drive looking south



6. Landscape concept plan – Scale 1:750 @A3



7. Proposed landscape character



8. Proposed landscape character



9. Planting pallet

SHRUBS & GROUNDCOVERS



ACA cog
Acacia cognata 'Limelight'



AGA ori
Agapanthus orientalis



CAL vim LJ
Callistemon viminalis 'Little John'



DIE gra
Dietes grandiflora



HAR vio
Hardenbergia violacea



HYM lit
Hymenocallis littoralis



LIR mus
Liriope muscari



LOM lon L
Lomandra longifolia 'Little Pal'



MEL lin
Melaleuca linariifolia 'Claret Tops'



TRA tri
Trachelospermum jasminoides tricolour



ACM smi C
Aacmena smithii 'Cherry surprise'



CAL cit WA
Callistemon citrinus 'White Anzac'



SYZ aus
Syzygium australe 'Aussie Southern'



SYZ cas
Syzygium luehmannii x wilsonii 'Cascade'



WES fru
Westringia fruticosa 'Wynabbie Gem'



DOR exc
Doryanthes excelsa



COR aus R
Cordyline australis 'Red Sensation'



FUR foe V
Furcraea foetida variegata



PHI xan
Philodendron xanadu



STR reg
Strelitzia reginae



LIV dec
Livistona decipiens



WOD bif
Wodyetia bifurcata



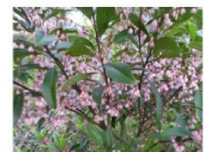
ACM hem
Acmena hemilampra



BRA ace
Brachychiton acerifolius



CUP ana
Cupaniopsis anacardioides



ELA ret
Elaeocarpus reticulatus



FLI bra
Flindersia brayleyana



HAR pen
Harpulia pendula



XAN chr
Xanthostemon chrysanthus



WAT flo
Waterhousia floribunda

TREES & ACCENT

10. Planting schedule

Functional requirements

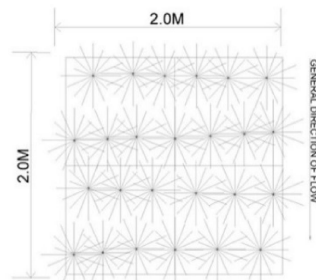
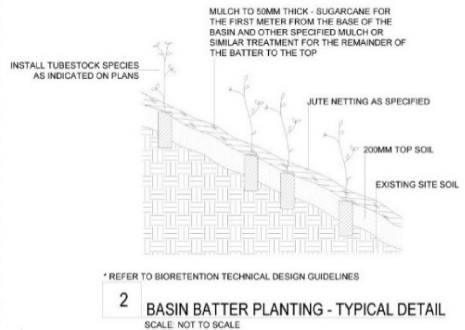
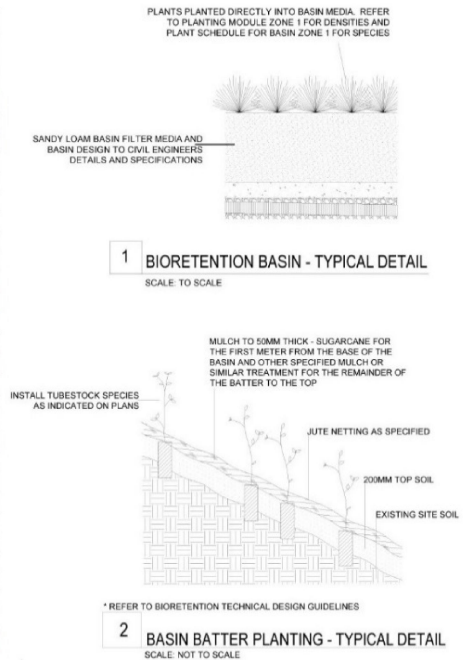
PLANT SELECTION GUIDE				
CODE	SCIENTIFIC NAME	COMMON NAME	MATURE HEIGHT (m)	MATURE SPREAD (m)
UPPER CANOPY AND SCREENING				
ACM hem	<i>Acmena hemilampra</i>	Broad-leaved Lilly pilly	10	5
ARC cun	<i>Archontophoenix cunninghamiana</i>	Bangalow Palm	7	4
BRA ace	<i>Brachychiton acerifolius</i>	Illawarra Flame Tree	8-14	6
CUP ana	<i>Cupaniopsis anacardioides</i>	Tuckeroo	6-8	5
ELA ret	<i>Elaeocarpus reticulatus</i>	Blueberry Ash	8	4
LIV dec	<i>Livistona decipiens</i>	Weeping Cabbage Palm	10	3
LOP con	<i>Lophostemon confertus</i>	Brush Box	10	5
PTY san	<i>Ptychosperma sanderianum</i>	Sanders Palm	3-5	2
TAB pal	<i>Tabebuia pallida</i>	Cubin Pink Trumpet Tree	6	3
WAT flo	<i>Waterhousea floribunda</i>	Weeping Lilly Pilly*	10+	6-8m
WOD bif	<i>Wodyetia bifurcata</i>	Foxtail Palm	10	3
XAN chr	<i>Xanthostemon chrysanthus</i>	Golden Penda	8	4
ACCENT PLANTS				
ALO bri	<i>Alocasia brisbanensis</i>	Cunjevoi	1	1
COR fru	<i>Cordyline fruticosa</i>	Green & White	1.5	1
CRA ova D	<i>Crassula ovata 'Dwarf'</i>	Dwarf Large Leaf Jade	0.7	0.7
CRI ped	<i>Crinum pedunculatum</i>	River Lily	1	1
DOR pal	<i>Doryanthes palmeri</i>	Spear Lily	2	2
PHI xan	<i>Philodendron cultivar</i>	Xanadu	1.2	1.5
STR reg	<i>Strelitzia reginae</i>	Bird of Paradise	1	0.8
GROUNDCOVERS AND VINES				
ACM all	<i>Acmena smithii minor 'Allyn Magic'</i>	Acmena Allyn Magic	.6	0.6
CUP mex	<i>Cuphea mexicana</i>	Pink Cuphea	0.6	0.6
DIE gra	<i>Dietes grandiflora</i>	Dietes	1	1
GAZ rig	<i>Gazania rigens</i>	Yellow Trailing	0.3	Spreading
LIR mus	<i>Liriope muscari</i>	Evergreen Giant	0.6	0.6
LOM con	<i>Lomandra confertifolia</i>	Little Con	0.7	0.5
OPH jap	<i>Ophiopogon japonicus</i>	Mondo Grass	0.2	0.1
TRA tri	<i>Trachelospermum tricolour</i>	Variegated Jasmine	0.5	cover
ZOY ten	<i>Zoysia tenuifolia</i>	No Mow Grass	0.2-0.4	1



11. Bio-retention basin

This development works to comply with BRC codes involving a new and water catchment areas. Where and if a basin is applicable, please see below for landscape conceptual proposal and specifications.

BIO RETENTION BASINS							
Botanical name	Common name	Form	Height (mm)	DepthRange (Batter Or Filter Media)	Density Plants/m2	% Cover	Amount
BASIN A							
ZONE 1 AREA: TOTAL AREA TBA							
Understorey Groundcovers (inc Sedges & Grasses)							
<i>Carex appressa</i>	Tall Sedge	Groundcover - sedge	1000	B / F	8	20%	
<i>Ficinia nodosa</i>	Knobby Clubrush	Groundcover - sedge	1000	F	8	30%	
<i>Gahnia sieberiana</i>	Red Fruited Saw Sedge	Groundcover - sedge	1500-2000	B / F	6	10%	
<i>Imperata cylindrica</i>	Baldy Grass	Groundcover - grass	600-3000	B / F	8	20%	
<i>Lomandra longifolia</i>	Matt Rush	Groundcover - herb	1000	B / F	6	15%	
<i>Poa labillardieri</i>	Perennial Tussock Grass	Groundcover - grass	700-1000	F	8	5%	
ZONE 1 AREA: TOTAL AREA TBA							
Canopy							
<i>Eucalyptus tereticornis</i>	Forest Red Gum	Tree	20000-50000	B	1/40m2		
<i>Waterhousia floribunda</i>	Weeping Lilly Pilly	Tree	6000-12000	B / F	1/40m2		
Shrubs							
<i>Callistemon viminalis</i>	Weeping Bottle Brush	Shrub/small tree	1500-2000	B / F	1/25m2		
<i>Banksia robur</i>	Swamp Banksia	Shrub/small tree	1000-2000	B / F	1/25m2		
<i>Melaleuca nodosa</i>	Prickly Leaf Paper Bark	Shrub	1500-3000	B / F	1/25m2		
Understorey Groundcovers (inc Sedges & Grasses)							
<i>Carex appressa</i>	Tall Sedge	Groundcover - sedge	1000	B / F	8	20%	
<i>Cymbopogon refractus</i>	Barb Wire Grass	Groundcover - grass	1000	B	10	10%	
<i>Dianella longifolia var longifolia</i>	Pale Flax-Lily	Groundcover - herb	300-800	B	8	5%	
<i>Gahnia sieberiana</i>	Red Fruited Saw Sedge	Groundcover - sedge	1500-2000	B / F	6	5%	
<i>Imperata cylindrica</i>	Baldy Grass	Groundcover - grass	600-3000	B / F	8	15%	
<i>Lomandra longifolia</i>	Matt Rush	Groundcover - herb	1000	B / F	6	15%	
<i>Lomandra hystrix</i>	Creek Mat-rush	Groundcover - herb	1000	B	6	15%	
<i>Poa labillardieri</i>	Perennial Tussock Grass	Groundcover - grass	700-1000	F	8	5%	
<i>Themeda triandra</i>	Kangaroo paw	Groundcover - grass	700-1000	B	10	10%	
							0

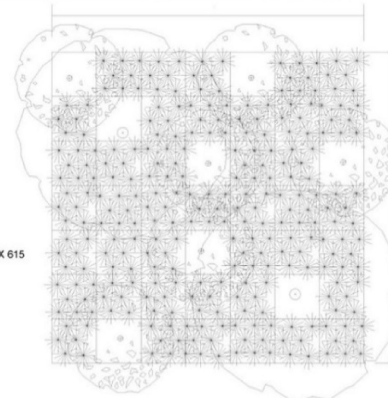


PLANTING OF THE TWO (2) BIORETENTION BASINS WITH A SURFACE AREA OF APPROXIMATELY 31M² REQUIRES THE PLANTING OF DENSE ROWS OF THE SELECTED SPECIES (TABLE 2) ACROSS THE GENERAL DIRECTION OF FLOW WITHIN THE BIORETENTION BASIN. THIS WILL MAXIMISE THE BIOASSIMILATION OF NUTRIENTS AND CONTAMINANTS AND REDUCE THE FORMATION OF TYPICAL FLOW PATHS.

TO ACHIEVE THIS, A PLANTING DENSITY OF 6.25 PLANTS PER M² OR 25 PLANTS PER 4M² (AS INDICATED IN THE PLANTING MODULE LAYOUT) IS TO BE USED WITHIN THE BASINS.



1 BIORETENTION BASIN (PLANTING MODULE ZONE 1) - TYPICAL DETAIL



PLANTING OF BIORETENTION BASINS WITH DENSE ROWS OF THE SELECTED SPECIES (BASINS PLANTING SCHEDULE ZONE 1) ACROSS THE GENERAL DIRECTION OF FLOW WITHIN THE BIORETENTION BASIN. THIS WILL MAXIMISE THE BIOASSIMILATION OF NUTRIENTS AND CONTAMINANTS AND REDUCE THE FORMATION OF TYPICAL FLOW PATHS.

TO ACHIEVE THIS, PLANT DENSITIES ARE IN KEEPING WITH THE WSUD - BIORETENTION TECHNICAL DESIGN GUIDELINES (AND REFLECTED IN THE PLANTING MODULE LAYOUT AND PLANTING SCHEDULE).

2 BIORETENTION BASIN (PLANTING MODULE ZONE 2) - TYPICAL DETAIL

12. Landscape function and character

|| Streets frontages and entries

The landscape intent for the street frontages will be to utilize native and exotic trees species, these species will consist of a variety of canopy, shade, screening and colour that will enhance the visual appeal of the proposed development. The landscaping within the streetscape will provide an aesthetically pleasing vista for the residence and future users by buffering and hardstand of the development.

Shade trees will be focused around visitor car parking, while feature trees will frame the entries and provide a wayfinding point into and out of the development. Colorful / feature trees will provide visual interest and a warm welcoming allure throughout the proposed development.

Other plant species will consist of native and exotic varieties featuring striking foliage and architectural form for a modern subtropical theme.

The streetscapes will consist of a mixture of Trees in turf and a 2 tier planting structure to comply with CPTED principles and this will ensure pedestrian lines of sight are kept clear for safe movement throughout the estate.

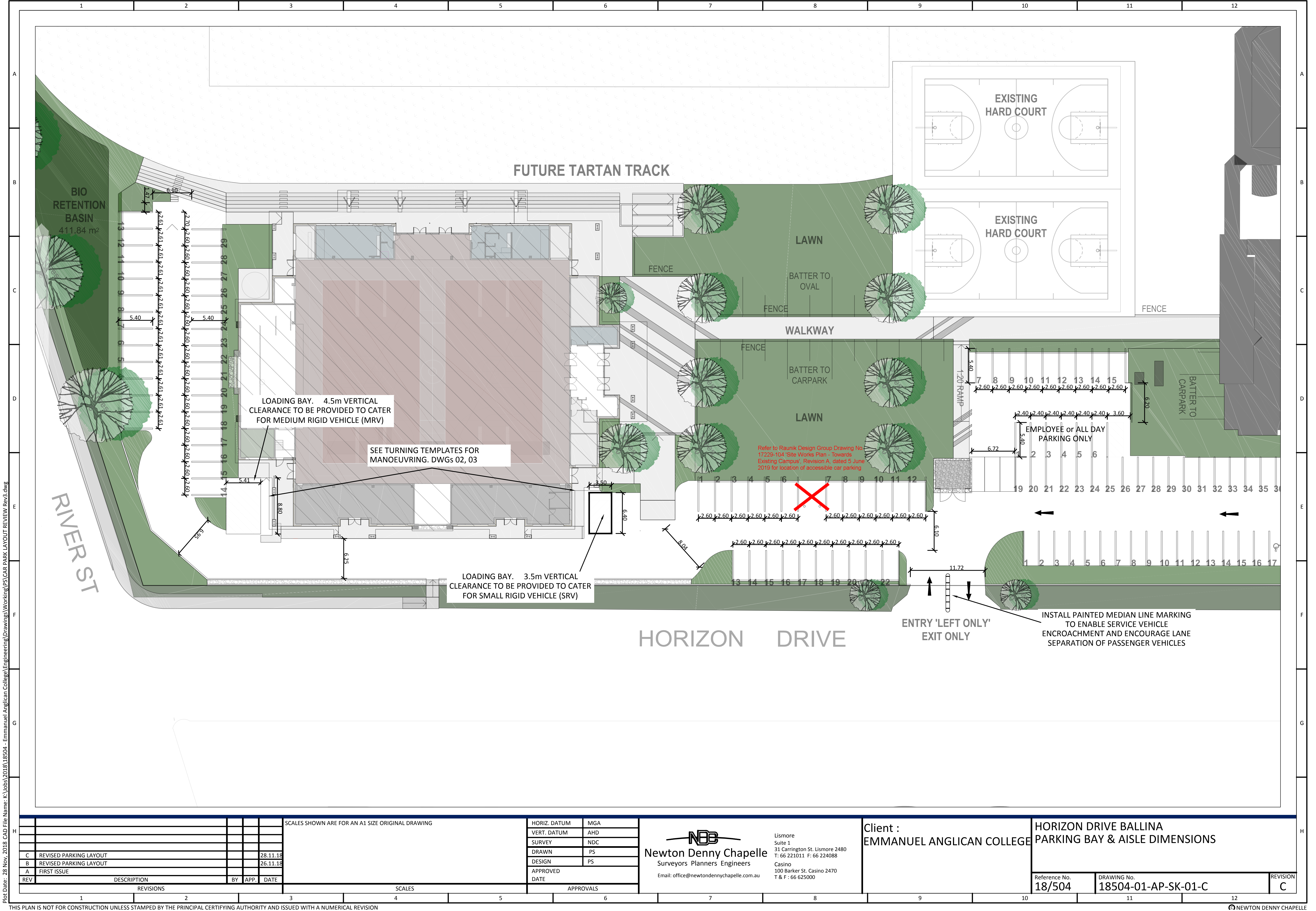
|| Internal gardens

All internal gardens will aim to have a turfed areas where appropriate, to open up the space and provide some usability. Three tiered garden beds will be set back along fence lines and buildings providing screening and buffering to adjoining residences and road frontages. Gardens are proposed to consist of a 2-3 tier planting with some feature planting provided to delineate entry's and provide wayfinding points.

|| All gardens

Native palm species combined with subtropical colorful foliage shrubs and lush textures will occupy this space and provide a celebration of colour in a tranquil surrounding for its users.

A mixture of surface treatments, both tiles and turf, and shade opportunities, both landscape and structural that aim to accommodate a mixture of applications for its users.



Plot Date: 28 Nov, 2018 CAD File Name: K:\Jobs\2018\18504 - Emmanuel Anglican College\Engineering\Drawings\Working\PS\Car Park Layout Review Rev3.dwg

REV	DESCRIPTION	BY	APP.	DATE
C	REVISED PARKING LAYOUT			28.11.18
B	REVISED PARKING LAYOUT			26.11.18
A	FIRST ISSUE			

SCALES SHOWN ARE FOR AN A1 SIZE ORIGINAL DRAWING

SCALES

HORIZ. DATUM	MGA
VERT. DATUM	AHD
SURVEY	NDC
DRAWN	PS
DESIGN	PS
APPROVED DATE	

NDC
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Casino
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T & F : 66 625000

Client :
EMMANUEL ANGLICAN COLLEGE

HORIZON DRIVE BALLINA
PARKING BAY & AISLE DIMENSIONS

Reference No.
18/504

DRAWING No.
18504-01-AP-SK-01-C

REVISION
C

Attachment 2 – Draft Conditions of Consent

GENERAL

1. **Approved Plans**

Development being carried out generally in accordance with the plans and associated documentation lodged by, or on behalf of, the applicant, including:

Plans prepared by	Drawing No.	Drawing Title	Dated
Raunik Design Group	17229 – 100 – Rev B	Master Plan – Future	5 June 2019
Raunik Design Group	17229 – 104 – Rev A	Site Works Plan – Towards Existing Campus	5 June 2019
Raunik Design Group	17229 – 103 – Rev A	Site Works Plan - Building	5 June 2019
Raunik Design Group	17229 – 130 – Rev J	Ground Floor Plan	5 June 2019
Raunik Design Group	17229 – 150 – Rev E	Roof Plan	30 November 2018
Raunik Design Group	17229 – 200 – Rev E	Elevations 1	30 November 2018
Raunik Design Group	17229 – 201 – Rev E	Elevations 2	30 November 2018
Raunik Design Group	17229 – 300 – Rev E	Sections	30 November 2018
Raunik Design Group	17229 – 400 – Rev F	Perspective 1	30 November 2018
Raunik Design Group	17229 – 401 – Rev F	Perspective 2	30 November 2018
Raunik Design Group	17229 – 402 – Rev F	Perspective 3	30 November 2018
Raunik Design Group	17229 – 500 – Rev C	Material Selection	30 November 2018
Boyd's Bay Environmental Services	–	Landscaping Statement of Intent	29 November 2018
Newton Denny Chapelle	18504-01-AP-SK-01-C – Rev C	Parking Bay & Aisle Dimensions	28 November 2018

as amended in red, except as modified by any condition in this consent.

2. **Commencement of occupation or use**

Occupation or use of the premises for the purposes authorised by this consent shall not commence until all conditions of this consent have been complied with and a final Occupation Certificate has been issued by the Principal Certifying Authority (PCA), unless alternative arrangements have been made with Council.

3. **No advertising signage to be displayed**

No advertising sign(s) is to be erected or displayed without prior submission of a Development Application to, and approval from, Council, unless the proposed signage is consistent with the terms and conditions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

4. **Roof materials**

The roof material of the proposed development shall have low reflective index characteristics and the colour shall not be prominent against the background. As far as practicable, finishes should comprise earthy or subdued tones. Unpainted zincalume, white, off white and light grey are not acceptable.

5. **Modification of development consent No's. 2014/360 and 2017/613**

In accordance with Section 4.17(1)(b) of the Environmental Planning and Assessment Act 1979, this condition requires the modification of Condition 1 of Development Consent No's. 2014/360 and Condition 6 of 2017/613 by amending the masterplan reference as follows:

1. *Development being carried out generally in accordance with the plans and associated documentation lodged by, or on behalf of the applicant, including plans prepared by:*

Masterplan

- (a) ***Raunik Design Group Master Plan – Future, Project Number 17229, Page Number 100, Revision B dated 5 June 2019*** [emphasis added]

Administration Building Expansion

- (b) *Burling Brown Architects Extension to Administration Building Floor Plan and Perspective, Project Number EAC00, Sheet Number SK-03 Revision P3 dated 30 April 2014;*
- (c) *Burling Brown Architects Extension to Administration Building Elevations. Project Number EAC10, Sheet Number SK-04 Revision P2 dated 11 July 2014;*

Junior Classrooms – Classrooms 1, 2, 3 and 4

- (d) *Burling Brown Architects Proposed Junior Classroom Buildings Overall Site Plan, Project Number EAC11, Sheet Number SK-02.01 Revision P3 dated 11 July 2014;*
- (e) *Burling Brown Architects Proposed Junior Classroom Buildings Floor Plan Stage 01, Project Number EAC11, Sheet Number SK-03.00 Revision P3 dated 11 July 2014;*
- (f) *Burling Brown Architects Proposed Junior Classroom Buildings Overall Perspective, Project Number EAC11, Sheet Number SK-20.00 Revision P3 dated 11 July 2014;*
- (g) *Burling Brown Architects Proposed Junior Classroom Buildings Stage 01a – South West Entry, Project Number EAC11, Sheet Number SK-20.06 Revision P2 dated 11 July 2014;*
- (h) *Burling Brown Architects Proposed Junior Classroom Buildings Stage 01a – Top View, Project Number EAC11, Sheet Number SK-20.07 Revision P2 dated 11 July 2014,*

except as modified by any condition in this consent.

6. **Vandalism and graffiti**

Where possible, the applicant should use vandal resistant or reducing materials and anti-graffiti treatment.

7. **NCC compliance**

The buildings are to comply with the requirements of the *National Construction Code* and relevant Australian Standards.

The buildings are also to comply with the following legislation and Australian Standards with respect to accessibility:

- *Disability Discrimination Act 1992 (DDA)*
- *Disability (Access to Premises – Buildings) Standards 2010 (APS)*

- *AS 1428.1 – 2009 Design for access and mobility – General requirements for new building work*
- *AS 1428.2 – 1992 Design for access and mobility – Enhanced and Additional requirements – Buildings and facilities*
- *AS/NZS 1428.1 – 2009 Design for access and mobility – Tactile indicators*

8. **Native trees and landscape vegetation**

Landscape trees and shrubs should be native species endemic to the locality to encourage bird life and compensate for trees removed.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE (Building)

The following conditions in this section of the consent must be complied with prior to the issue of any Construction Certificate relating to the approved development.

9. **Section 138 Approval**

Prior to the issue of a Construction Certificate, an application is required to be lodged with Council under Section 138 of the Roads Act 1993 (including payment of the associated fees) which seeks approval for Emmanuel Anglican College to undertake the following works:

- *Construction works to modify existing driveway access on Horizon Drive.*
- *Construction of a 1.35m wide footpath on the western side of Horizon Drive from Westland Drive south to River Street, connecting into the existing network.*
- *Construction of a pedestrian refuge on the eastern side of the Burns Point Ferry Road/River Street Roundabout. Pram ramps in association with the refuge shall be constructed and connected to the existing shared path on the northern and southern side of River Street.*

The fee is subject to review and may vary from the time of the consent until time of payment. Refer Council's Schedule of Fees and Charges for the current rates.

Note: The abovementioned pedestrian infrastructure works were required as a condition of consent via DA 2017/613 (Stage 2 – Junior School). A Section 138 application was to be lodged within 18 months of the date of the consent (i.e. by no later than 28 November 2019).

10. **Administration/inspection fees**

Where Council is not chosen as the Principal Certifying Authority, the relevant certificate registration fee and required sewer inspection fees are to be paid to Council in accordance with Council's Fee Schedule, prior to the issue of a Construction Certificate.

11. **Long Service Levy**

In accordance with Section 109F of the EP & A Act (Section 109 F) a Construction Certificate will not be issued with respect to the plans and specifications for construction works until any long service levy payable under section 34 of the Building and Construction Industry Long Service Payments Act 1986 has been paid. Currently this rate is 0.35% of the cost of the construction works costing \$25,000 or more. Works less than \$25,000 are not subject to the levy.

12. **Section 68 Application**

Prior to issue of a Construction Certificate, an application is to be lodged with Council under Section 68 of the Local Government Act for all water, sewer, stormwater and any proposed fire service installations. Hydraulic details of all water, sewer, stormwater and

fire service installations are to be submitted to Council and approved prior to the issue of a construction certificate. The plans are to be designed in accordance with AS3500 and NSW Code of Practice and other relevant Australian Standards regarding any essential fire services.

13. Accessibility

An accredited access consultant shall review the construction plans prior to the issue of the Construction Certificate and the recommendations of the access consultant shall be incorporated into the proposed development. A copy of the completed access report shall be made available to the Ballina Shire Access Reference Group.

14. Trade Waste Application

Prior to the issue of a Construction Certificate, the applicant is to submit a Classification A Trade Waste Application for discharges from kitchenette and main commercial kitchen and pay the associated fee.

15. Car parking and vehicular access

The development shall provide the following on-site:

- An additional 66 car parking spaces; and
- One Medium Rigid Vehicle loading bay and one other loading bay.

The design and layout of the vehicle parking areas and access aisles shall be generally in accordance with Drawing No. 185040-1-AP-SK-01-C, Rev C, as amended in red, prepared by Newton Denny Chapelle, dated 28 November 2018.

The designs of all car parking and vehicular accesses are to be in accordance with the Australian Standard AS/NZS 2890.1:2004. Design plans are to be certified by a suitably qualified professional and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.

16. Car parking for disabled

The design of all accessible car parking spaces are to be in accordance with Australian Standard AS/NZS 2890.6:2009.

The location of the accessible car parking spaces shall be generally in accordance with Drawing No. 17229 – 104 – Rev A, 'Site Works Plan – Towards Existing Campus' prepared by Raunik Design Group dated 5 June 2019.

A continuous accessible path of travel (CAPT) in accordance with AS 1428.1 is to be provided from the accessible car parking spaces to the pedestrian entrance to the building.

Design plans are to be certified by a suitably qualified professional and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.

17. Bicycle parking

The development shall provide additional bicycle parking on-site such that there is a total of 18 bicycle parking spaces to service the site. The design of all bicycle parking is to be in accordance with the Australian Standard AS/NZS 2890.3:2005. Design plans are to be certified by a suitably qualified professional and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.

18. Stormwater management plan

The provision of stormwater controls on site shall be in accordance with the Water Sensitive Design requirements of Council's Development Control Plan Chapter 2 – Section 3.9 – Stormwater Management and the Stormwater Management Strategy

contained within the Engineering Services Report prepared by Ardill Payne & Partners dated February 2019 (Rev 1).

Overland flow paths must be incorporated into the design directing overflows to the street or public drainage systems. Overland flow paths must not be impeded by structures or landscaping. A detailed design must be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

19. Filling of the site (minimum level)

The fill level of the building footprint and a 3 metre curtilage is to be a minimum level of RL 2.2 metres AHD with the finished floor height of the building at RL 2.8 metres AHD. The minimum level of car parking areas, driveways and paved areas is to be 2.2 metres AHD. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

Note: Certification will be required from a suitably qualified practicing geotechnical engineer upon the completion of filling works verifying that the site filling was completed in accordance with Level 1 geotechnical testing under AS 2870 & AS 3798 and has adequate bearing capacity for building construction. In addition, the certification shall also verify that any fill material imported to the site is free of contaminants being natural or otherwise, and was obtained from an approved fill source with quality assurance testing.

20. Water supply and waste water

Water supply and waste water facilities shall be provided in general accordance with "Engineering Services Report, Proposed Multipurpose Hall, Emmanuel Anglican College" prepared by Ardill Payne & Partners dated February 2019 (Rev 1). A detailed design must be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

21. Waste disposal area

The waste disposal area is to be screened, covered, graded, bunded and drained to the sewer via a Council approved pre-treatment device. Drainage details are to be incorporated into the hydraulic plans and are required to be submitted to and approved by Council prior to the release of the Construction Certificate.

22. Stormwater detention

Stormwater detention areas shall be designed to drain within 48 hours after the end of a rainfall event to minimise the opportunity for mosquitoes to breed. Details to be included on Construction Certificate plans.

23. Erosion and sediment control

An Erosion and Sediment Control Plan (ESCP) shall be submitted to and approved by the Principal Certifying Authority (PCA), prior to the issue of the Construction Certificate. The ESCP shall be prepared in accordance with the requirements of Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004.

24. External plant and equipment

The design and location of all external plant and equipment, noise level emissions and if required, design of noise control measures are to be submitted to and approved by Council prior to the release of the Construction Certificate.

25. Acoustic construction measures

Identified acoustic construction measures, as specified in recommendations of Environmental Noise Impact Assessment dated 29 November 2018 prepared by CRG Acoustics, shall be incorporated into the final construction plans.

26. **Acoustic consultant certification**

The acoustic consultant is to provide certification to the Principal Certifying Authority (PCA) prior to the release of the Construction Certificate, that the recommended acoustic treatments have been incorporated into the construction plan.

27. **Construction Management Plan**

Prior to issue of a Construction Certificate, a Construction Management Plan shall be submitted to and approved by Council. The plan shall address but not be limited to the following matters where applicable:

- Hours of operation;
- Contact details of the site manager;
- Traffic management;
- Noise, dust and vibration management;
- Waste management;
- Erosion and sediment control.

PRIOR TO CONSTRUCTION WORK COMMENCING

The following conditions in this section of the consent must be complied with prior to commencement of construction works relating to the approved development.

28. **Construction Certificate**

Prior to construction of the approved development, it is necessary to obtain a Construction Certificate. Either Council or an appropriately accredited certifier may issue a Construction Certificate. A separate application, complete with detailed plans and specifications, must be made to the Principal Certifying Authority for a Construction Certificate.

29. **Notice of Commencement and Appointment of Principal Certifying Authority**

Where Council is not nominated as the Principal Certifying Authority (PCA), the person having the benefit of this development consent is to submit to Council the following information:

- Written notification of the name and details of the Principal Certifying Authority (PCA); and
- The date of commencement and details of the Development Consent and associated Construction Certificate.

The above information is to be submitted at least two (2) days prior to the commencement of any works, in accordance with the requirements of Section 81A(2) of the Environmental Planning & Assessment Act 1979 (as amended).

30. **Erection of signs**

(1) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- a) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

(2) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (3) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (4) This clause does not apply in relation to Crown building work that is certified, in accordance with Section 109R of the Act, to comply with the technical provision of the NSW Government's building laws.

31. Building waste containment

A suitable waste container capable of holding blowable type building waste must be made available on the building site during the course of construction. Building waste such as paper, plastic, cardboard, sarking etc. must be regularly cleaned up and placed in the waste container so that it cannot be blown off the building site and litter the locality.

32. Builder's toilet

A suitable builder's toilet is to be provided on-site before building work commences. Such facility is to either connect to Council's sewer or a suitable approved chemical closet is to be provided.

DURING CONSTRUCTION

The following conditions in this section of the consent must be complied with during the course of carrying out the construction works relating to the approved development.

33. Hours of construction

The hours of operation for any noise generating construction activity (including the delivery of materials to and from the site) on the proposed development are to be limited to within the following times:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm

No noise generating construction activities are to take place on Sundays or public holidays.

34. Revegetation of disturbed areas

All disturbed and exposed areas are to be revegetated. Revegetation of such areas shall be implemented as soon as construction works end in each area of the development.

35. Clean up equipment

Clean up equipment including suitable absorbent material shall be available on site to effectively deal with liquid contaminates such as oils and chemical spills.

36. Materials received

Any material the subject of a resource recovery exemption received at the development site shall be accompanied by documentation as to the material's compliance with the exemption conditions and shall be provided to the Principal Certifying Authority or the Council upon request.

37. Erosion and Sediment Control Plan

An Erosion and Sediment Control Plan (ESCP) which has been prepared in accordance with the requirements of Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004 and approved by the Principal Certifying Authority (PCA) must be implemented in full during the construction period.

38. **Acid Sulfate Soil Management Plan**
The Acid Sulfate Soil Management Plan prepared by Newton Denny and Chapelle approved by the Principal Certifying Authority (PCA) must be implemented in full during the construction period.
39. **Equipment storage**
There shall be no storage of building materials, plant or equipment on the road, footway or reserve areas without the prior written consent of Council.
40. **Principal Pedestrian Entrance**
The Principal Pedestrian Entrance (PPE) should provide wide, level, step free access for use by all people. An accessible entry should not incorporate any steps, stairs or turnstiles.
41. **Luminous contrast**
All doorways are required to have a minimum luminance contrast of 30 per cent in accordance with AS 1428.1 CI 13.1.
42. **Glass walls and doorways**
A solid contrasting strip is required across fully glazed doors, sidelights, and other glazing that may be mistaken for a doorway in accordance with AS 1428.1 CI 6.6.
43. **Emergency warning systems**
Warning systems are required to include both audible and visual alarms in accordance with AS 1428.2 CI 18.2.
44. **Tactile Ground Surface Indicators**
Tactile Ground Surface Indicators (TGSi) are to be applied in accordance with the requirements of AS 1428.4.1.
45. **Floor and ground surfaces**
Firm, slip resistant floor and ground surfaces are required to be provided. Any grades/cross fall are to be in accordance with AS 1428.1 CI 7.
46. **Hearing loops**
A hearing augmentation system is required to be provided in a space where a sound amplification system has been installed. The system is required to comply with the requirements of AS 1428.5-3 and BCA Volume 1, Clause D3.7.
47. **Fixtures – Accessibility**
All fixtures including, but not limited to, water fountains, rubbish bins, tap handles and door handles are required to comply with the relevant standards as contained within AS 1428.1.
48. **Signage – Accessibility**
Signage is required to be provided that is clear, concise and easy to read and displays the blue international symbol of access to assist people to navigate their way around the facility. The signage is to be installed in accordance with the requirements of AS 1428.1 Amdt. CI 8.1/8.2 and Access to Premises Standards DP1 (b).

Unisex accessible toilet signage is required to be installed and shall incorporate raised tactile components, the international symbol of access (separate male and female symbols). This signage is required to be located at a height of 1200mm – 1600mm high on the latch side of the doorway in accordance with AS 1428.1 – 2001 CI 10.9/14.2.

49. **Kitchenette fit-out**

The applicant shall construct and fit-out the kitchenette in accordance with the provisions of the Australian Food Safety Standards 3.1.1, 3.2.2 and 3.2.3. The applicant is responsible to ensure compliance with the Standards and Council will not accept responsibility at the time of final inspection for premises that are not in compliance with the Standards, **regardless** of the approved plans. Reference shall be made to the AS 4674 – 2004 “Design, Construction and Fit-Out of Food Premises” for guidance on construction of food premises.

50. **Counters – Reception and kitchenette**

The counters within the reception and kitchenette are required to be accessible to people who use mobility aids such as a wheelchair and are to comply with the requirements of AS 1428.2 Cl 24.

51. **Hand washing facilities**

The kitchenette must have hand washing facilities that are:

- a) located where they can be easily accessed by food handlers so that they need not travel more than 5 metres from any place where exposed food is handled;
- b) connected to a supply of warm running potable water dispensed from a single spout or mixer set;
- c) of a size that allows easy and effective hand washing; and
- d) clearly designated for the sole purpose of washing hands, arms and face.

52. **Hand washing facilities**

Provision shall be made for dispensing liquid soap or detergent and for single use towelling (preferably from wall mounted dispensers) at each designated hand wash basin provided in the food preparation area/s

53. **Pest management**

The design and construction of the food premises must permit the premises to be effectively cleaned, not permit the entry of pests and not provide for the harbourage of pests.

54. **Hot water outlets**

All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding 50°C.

Hot water temperatures at 50°C or higher are still acceptable at all other fixtures (e.g. kitchen sink). Temperature control devices or equipment used to achieve the maximum hot water temperature shall ensure continuous flow and shall be fail safe in design. Temperature control devices shall be installed in a location that minimises any opportunity for being interfered or tampered with.

Existing installations where there is any significant change of existing pipework shall require the installation of a hot water temperature-limiting device to deliver tempered water at all sanitary fixtures used primarily for personal hygiene at a temperature not exceeding 50°C.

55. **Kitchenette fit-out**

The walls behind cooking appliances shall be surfaced with an approved impervious heat resistant material extending from the base of the exhaust canopy to the floor.

56. **Site Contamination**

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about the site

contamination must be immediately notified to the Council and the Principal Certifying Authority.

57. Export/Import of Waste

The export/import of waste (including fill or soil) to and from the site must be in accordance with:

- a) the provisions of the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the Environment Protection Authority 'Waste Classification Guidelines', which may require laboratory testing in accordance with NSW EPA and Council requirements; or
- b) current Resource Recovery Orders and Exemptions.

It is an offence to transport waste to a place that cannot lawfully be used as a waste facility.

58. Inspection of sediment and erosion controls

Daily inspections of all erosion, dust and sediment controls must be carried out to ensure they are adequately maintained. Inspections of all such controls must also be carried out prior to the onset of heavy rain.

59. All weather accessways

All weather accessways are to be provided on site that extend from the kerb to the building construction site. All construction vehicles are to enter and exit the site via these accessways so as to minimise erosion on site and prevent the movement of soil material onto surrounding roadways (if required provide a 'shake down' grid area for truck wheel washing). When necessary, roadways shall be swept and all drains and gutters cleaned of sediment material.

Failure to comply with this requirement may result in an on-the-spot fine being issued by an Authorised Officer of Council.

60. Discharge of sediment and waste materials

The discharge of sediment and waste materials including concrete waste, paint, plaster and the like material into any roadway, natural or constructed drainage system, watercourse and/or adjoining land constitutes a breach of development approval conditions. Council's Authorised Officers may issue a Clean Up Notice, Prevention Notices and/or an on-the-spot fine in accordance with the *Protection of the Environment Operations Act 1997*.

61. Vehicles to be covered

The body of any vehicle or trailer used to transport waste or excavation spoil shall be covered before leaving the premises to prevent any spillage or escape of any dust, waste or spoil. Mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the site shall be removed before leaving the premises.

62. Dust management

Dust shall be managed using water suppression, re-establishment of vegetation cover, stockpile management, covering loads, preventing spoil tracking onto roads and halting works on site in extreme wind events. Further guidance can be sourced from 'No Dust No Fuss: Guidelines for controlling dust from construction sites' NSW EPA.

63. Vibration

The applicant shall schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved by the Council:

- a) 9.00am to 12.00pm, Monday to Friday;
- b) 2.00pm to 5.00pm Monday to Friday; and
- c) 9.00am to 12.00pm, Saturday.

64. **Noise control**

All work, including demolition, excavation and building work shall comply with Australian Standard AS 2436:2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites* and *NSW Interim Construction Noise Guidelines* (DECC 2009).

65. **Vibration**

Vibration caused by construction at any residence or structure outside the Subject Site shall be limited to:

- a) for structural damage vibration, German Standard DIN 4150-3 *Structural Vibration – Effects of vibration on structures*; and
- b) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472-1:2008 *Guide to evaluation of human exposure to vibration in buildings. Vibration sources other than blasting* (1 Hz to 80 Hz) for low probability of adverse comment.

66. **Use of vibratory compactors**

Vibratory compactors shall not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

67. **Source of fill material**

The applicant shall ensure that any fill material imported to the site for the proposed development is obtained from fill sources that have an approved testing regime. The supplier of the fill material must certify to the Principal Certifying Authority (PCA) at the completion of the construction of the development that the material was free of contaminants, being natural or otherwise.

68. **Filling of the site**

The fill level of the building footprint and a 3 metre curtilage is to be a minimum level of RL 2.2 metres AHD with the finished floor height of the building at RL 2.8 metres AHD. The minimum level of car parking areas, driveways and paved areas is to be 2.2 metres AHD. A Surveyor's Certificate verifying compliance with these levels is required be submitted to the Principal Certifying Authority.

69. **Engineering certification**

Certification from a suitably qualified practicing geotechnical engineer verifying that the site filling was completed in accordance with Level 1 geotechnical testing under AS 2870 & AS 3798 and has adequate bearing capacity for building construction is required to be submitted to the Principal Certifying Authority. In addition, the certification shall also verify that any fill material imported to the site is free of contaminants being natural or otherwise, and was obtained from an approved fill source with quality assurance testing.

70. **Dewatering**

If dewatering is required, a management plan for all dewatering activities on site shall be submitted to and be approved by the Principal Certifying Authority (PCA) prior to the release of extracted water. The plan is to give consideration to the acid sulfate soils issues on site and the impact this may have on groundwater and dewatering activities proposed. Prior to the release of any water extracted during dewatering operations the

test results and interpretation of results are to be submitted to and approved by Council. Note: Dewatering activities may require a license issued by the NSW Office of Water.

71. Traffic Control

All traffic control during construction shall be in accordance with the Roads and Maritime Services - Traffic Control at Work Sites Manual and the certified traffic control plan. At least one person at the site must be qualified to "Apply Traffic Control Plans" (Yellow Card).

72. Finished floor height

The finished floor height of the building is to be at a minimum RL 2.8 metres AHD. A Surveyor's Certificate verifying compliance with this height is to be submitted

73. Damage to Council infrastructure

Damage to any grass verge, footpath, kerb and guttering, utility services or road within the road reserve as a result of construction works related to the development shall be immediately reinstated to a satisfactory and safe condition. Council's Engineer must be contacted on telephone 1300 864 444 at the time any damage occurs to ensure appropriate reinstatement works are undertaken.

74. Shake Down Grid

The construction access to the site shall have a shake down grid or equivalent to minimise the transportation of material onto the road network via vehicular movements from the site.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

Unless otherwise stated all conditions referred to in other sections of this consent must be complied with together with the following conditions prior to occupation or use.

75. Occupation Certificate

The building is not to be occupied until an Occupation Certificate has been issued by the Principal Certifying Authority

76. Final Inspection – Food premises fit-out

A final inspection of the food premises fit-out by Council's Environmental Health Officer is to be conducted and the appropriate professional services fee is to be paid prior to the issuing of any Occupation Certificate.

77. Civil Works

All civil works approved with the Construction Certificate and under Section 138 of the Roads Act 1993 and Section 68 of the Local Government Act 1993, are to be completed to the satisfaction of Council prior to issue of the Occupation Certificate. All works are to be completed in accordance with the Northern Rivers Local Government Design and Construction Manuals and/or in accordance with other design requirements from Austroads, Australian Standards or Roads and Maritime Services where specified.

78. Pedestrian facilities

The pedestrian infrastructure works as stipulated within Condition 9 of this consent are to be completed to the satisfaction of Council prior to the issue of the Occupation Certificate and accepted into a 6 month maintenance period. A Works as Executed Plan and a maintenance bond of 5% of the total construction costs are required to be provided to Council prior to the works being accepted into the 6 month maintenance period.

79. **Car parking (standard)**
The construction of all car parking and vehicular accesses is to be in accordance with the approved Construction Plans and Australian Standard AS/NZS 2890.1:2004. All works are to be certified by a suitably qualified consultant prior to issue of the Occupation Certificate.
80. **Car parking (standard)**
The construction of all accessible car parking spaces is to be in accordance with the approved Construction Plans and Australian Standard AS/NZS 2890.6:2009. All works are to be certified by a suitably qualified consultant prior to issue of the Occupation Certificate.
81. **Bicycle parking**
The construction of all bicycle parking is to be in accordance with the approved Construction Plans and Australian Standard AS/NZS 2890.3:2005. All works are to be certified by a suitably qualified consultant prior to issue of the Occupation Certificate.
82. **Stormwater**
Prior to issue of the Occupation Certificate, certification is required to be provided to the Principal Certifying Authority that all stormwater works have been provided in accordance with the approved Construction Plan and the approved Stormwater Management Plan lodged with the Development Application. Overland flow paths must not be impeded through structures or landscaping and must direct stormwater flows to the public drainage system and not onto adjoining properties. This certification is to be provided by a registered certified practicing Engineer competent in the field of stormwater design and familiar with all aspects of the project.
83. **Works as executed (drawings)**
Prior to the issue of the Occupation Certificate, the applicant shall submit to Council an electronic copy of the WAE information in AutoCAD and PDF format. All AutoCAD data is to be on MGA zone 56 coordinates and AHD for levels with separate layouts within the drawing for roads, water, sewer and stormwater drainage. Separate PDF drawings shall be provided for roads, water, sewer and stormwater drainage. The applicant shall be deemed to have indemnified all persons using such drawings against any claim or action in respect of breach of copyright.
84. **Works as executed (asset listing)**
Prior to the release of the Occupation Certificate and in connection with the 'Works-as Executed' drawings, the proponent shall submit an electronic listing of all road, stormwater, water and sewer assets generated by the development. Copies of the Asset spreadsheet are available from Council's website.
85. **Water supply and sewer works**
The completion of all water supply and sewer works in accordance with the approved Construction Plans and in accordance with the Northern Rivers Local Government Development Design & Construction Manuals. All works are to be completed and approved by Council prior to issue of the Occupation Certificate.
86. **Pedestrian walkway**
The pedestrian walkway between the proposed multi-purpose hall forecourt and existing school buildings as shown on the approved plans is to be constructed prior to issue of the Occupation Certificate.
87. **Compliance with Access Report**
An accredited access consultant shall provide Council with certification that the development complies with the recommendations of the access report required as per Condition 13 of this consent.

88. **Waste disposal area**
The waste disposal area/s are to be covered, graded and drained to the sewer and if required via a pre-treatment device prior to the issue of the interim or final occupation certificate.
89. **Screening of air conditioning**
The mechanical air conditioning plant shall be suitably screened to the satisfaction of the Principal Certifying Authority.
90. **Drainage gates to be fixed**
All drainage grates located within traffic movement areas shall be fixed to avoid rattling.
91. **Certification from Acoustic Consultant**
The acoustic consultant shall provide the Principal Certifying Authority (PCA) with certification that the development complies with the acoustic specifications identified in the Noise Assessment Report dated 29 November 2018 or as amended, by CRG Acoustics, prior to the release of any Occupation Certificate.
92. **External lighting**
All external lighting to be installed and operated on site shall comply with the AS 4282:1997 "*Control of the Obtrusive Effects of Outdoor Lighting*". Upon installation of lighting and before final commissioning, a report from a qualified consultant shall be submitted to the Principal Certifying Authority (PCA) demonstrating compliance with AS 4282:1997 "*Control of the Obtrusive Effects of Outdoor Lighting*".
93. **Trade Waste**
Prior to issue of the Occupation Certificate, the applicant must ensure that all pre-treatment equipment as outlined in the Trade Waste Approval is installed, inspected and commissioned. A pre-operation inspection is required by Council that demonstrates compliance with the requirements of the Liquid Trade Waste approval, prior to the issue of an Occupation Certificate.

CONDITIONS OF USE/DURING OCCUPATION

The following conditions in this section of the consent are to be complied with in the day-to-day use or operation of the approved development.

94. **Acoustic Report to be submitted**
An acoustic report is to be submitted to the Principal Certifying Authority (PCA) within three months of the commencement of use at the premise confirming that the development complies with the project specific noise levels, identified in the Environmental Noise Impact Assessment dated 29 November 2018 prepared by CRG Acoustics. A copy shall be provided to Council if not the PCA.
95. **Fire safety statement**
The owner of the building must provide Council with an annual Fire Safety Statement at least once in each twelve months certifying that the essential and statutory fire safety measures in the building have been inspected and tested by a competent person and were found to be capable of operating to the minimum standard required by the Fire Safety Schedule. A copy of the Annual Fire Safety Statement together with a copy of the Fire Safety Schedule are to be forwarded to the Commissioner, NSW Fire Brigades, and a copy of the Fire Statement and Schedule, prominently displayed in the building.
96. **Use of kitchenette**
The kitchenette is approved as a 'servery' area for the serving of food only. All food preparation, cleaning and sanitising of food equipment and utensils is permitted only in

the existing commercial kitchen. The intensification of food activities in the kitchenette is not permitted without prior written permission from Council.

97. Waste disposal and storage

All waste generated on site is to be disposed to and stored in the nominated waste area/s. Bins shall remain in the bin enclosure at all times, except during waste collection.

98. Waste collection

Waste collection must occur as required to prevent the creation of an odour or pest nuisance.

99. Noise – Mechanical Plant

Noise associated with the operation of any plant, machinery or other equipment on the premise, shall not exceed 5dB(A) above the background noise level when measured at the boundary of any sensitive receiver.

100. Noise nuisance

The development shall not cause a noise nuisance to any other person. Following occupation, should complaints of a noise nuisance be justified, an acoustic assessment shall be conducted by a qualified consultant and report provided to Council. The applicant shall then implement all recommendations provided under the assessment within a timeframe set by Council, to the satisfaction of Council and comply with any additional direction given by Council.

101. Environmental Noise Impact Assessment

Operation of the site shall be in accordance with recommendations included in the Environmental Noise Impact Assessment dated 29 November 2018 prepared by CRG Acoustics, as outlined below:

- Hours of operation are to be limited as follows (seven days a week)
 - 6am to 7am: staff set up facility
 - 7am to 10.30pm: use of the main floor for sporting activity
 - 10.30pm to midnight: players leave immediately after game completion at 10.30pm, staff pack down of facility and staff leaving, and
 - 7am to 9pm: band performances, awards and concerts.
- During large performances (as described in the Environmental Noise Impact Report dated 29 November 2018 prepared by CRG Acoustics) the side entry doors along the western perimeter (i.e. at congregation area), the northwest exit doors between the sports stores and the southern two exit doors on either side of the stage are to be kept closed.
- The side entry doors along the western perimeter (i.e. at congregation area) and northwest exit doors between the sports stores are to achieve a minimum Rw rating of 30.
- The southern two exit doors on either side of the stage are to achieve a minimum Rw rating of 35.
- Internal acoustic doors are to be installed between the stage and the loading store area and also between the stage and stage access area that achieve a minimum Rw rating of 30.
- The underside of the main roof to be lined with an absorptive material that achieves a minimum Noise Reductive Coefficient (NRC) of 0.9.
- The south, east and western external perimeter walls at the stage including the back of house areas achieve a minimum Rw rating of 45.
- The roof/ceiling above the stage and back of house areas achieve a minimum Rw rating of 45.
- Any buzzer/bell or general PA speaker be restricted to inside the building and limited to a source level of 90 dB(A) Leq measured at 1m.

- Waste collection and deliveries be limited to the day time period 7am to 6pm Mondays to Saturdays.
- Driveways and carpark areas be finished with surface coatings which prevent tyre squeal (unpolished uncoated concrete or bitumen surface is acceptable). Drainage grating over trafficable areas be well secured to prevent rattling, and
- Mechanical plant designed and installed to comply with the noise criterion presented in section 4 of the above report.

102. Service vehicles

Vehicles servicing the loading docks (including deliveries and waste collection) shall not park and or wait in the loading docks or surrounding residential areas prior to 7.00am or after 6.00pm Monday to Saturday.

103. Music and entertainment

Any recorded music, live music or other entertainment played or provided within the premises shall be controlled to comply with the requirements of the Protection of the Environment Operations Act, 1997. Noise shall not exceed 5dB(A) above the background noise level when measured at the boundary of any affected residence. The noise level shall not exceed the background noise level between 12.00 midnight and 07.00am at the boundary of any affected residence.

104. External lighting

All external lighting to be installed and operated on site shall comply with the AS 4282:1997 "Control of the obtrusive effects of outdoor lighting".

The external lighting design is also required to satisfy CPTED principles, in relation to all public areas of the development.

105. Landscaping

Landscaping is to be provided on the site in a manner that does not impede surveillance or result in concealment areas.

106. Use of Dance Studio

The 'Dance Studio' as shown on the approved ground floor is not to be made available for separate use outside school hours.

ADVISORY MATTERS

1. Disability Discrimination Act 1992

The granting of this consent does not imply or confer compliance with the requirements of the *Disability Discrimination Act 1992 (DDA)*. The applicant is advised to investigate any liability that may apply under that Act. *Australian Standard AS 1428 – Design for Access and Mobility* should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.

Compliance with the BCA does not guarantee compliance with the DDA. The BCA provides important access provisions however:

- a) it does not cover all developments that are subject to the provisions of the DDA;
- b) it focuses primarily on access for people with disabilities which affect their mobility and does not address other disabilities, such as sensory disabilities; and
- c) while it mandates improved access for people with disabilities, it is not framed in terms of "equality of access."

You are therefore advised to investigate your liability under the DDA with respect to any existing and proposed future works.

2. Protection of the Environment

The development is to be operated in accordance with the provisions of the Protection of the Environment and Operations Act 1997 as it applies to issues of air quality, noise generation, water and wastewater quality.

3. Noise control

Use of the premises/services/equipment/ancillary fittings shall not give rise to an "offensive noise" as defined under the provisions of the *Protection of the Environment & Operations Act 1997*.

4. WorkCover requirements

The premises shall be operated in accordance with the requirements of the WorkCover Authority.

5. Wastewater management advice

All work carried out in connection with this approval must comply with any applicable standard established by the Local Government (Approvals) Regulation 1993, the Local Government (Water, Sewerage and Drainage) Regulation 1993, or by or under the Act.

6. Smoke Free Environment

As required by the Smoke-free Environment Act 2000 smoking is banned within 4 metres of the pedestrian entrance or exit of the building used for non-residential purposes. 'No smoking' signage is recommended to support public awareness of the smoking ban. On the spot fines may be issued to those who do not comply with the 4 metre requirement.

7. Mosquito management

As the site is located on the coastal plains and lowlands in an area of high risk for mosquitoes it is recommended that all windows, doors and other openings are adequately screened to prevent the entry of mosquitos.

8. Crime Prevention

No cash is to be kept on the premises.

Advisory Note:

The applicant is advised to take care in ensuring that no damage is done to or unauthorised modifications are carried out on either Council's or any other organisation's underground infrastructure assets. Any Council sewer, stormwater or water main or other organisation owned electricity supply or telecommunication facility is not to be damaged or altered in any way without the necessary approvals being obtained beforehand from the relevant server.

You are advised to contact the following:

- Council - for information on sewer, water supply & stormwater
- Rous Water - Water Supply for Rous Water Authority controlled areas
- "Dial Before You Dig" - for other service infrastructure

The information relating to your property is to be obtained prior to any works commencing.

Attachment 3 – Written Request for a Variation to Development Standard

REQUEST TO VARY DEVELOPMENT STANDARD (BUILDING HEIGHT)

A. DETAILS

Applicant Name: Newton Denny Chapelle for and on behalf of Raunik Design Group

Property Details: 62 Horizon Drive, West Ballina

Lot 10 DP 1001995, Parish of Ballina, County of Rous

Project: Proposed Multi-purpose Hall

B. INTRODUCTION

Emmanuel Anglican College (EAC) is seeking to construct a Multi-purpose Hall as part of the implementation of the approved Masterplan for the College campus. The facility will be located on the south eastern corner of the EAC campus at the corner of River Street and Horizon Drive. The building will contain 2 x playing courts; Strength and conditioning centre; Stage and retractable seating; Green room (associated with use of stage); Change rooms and toilets; Entrance foyer and reception; Catering space; and Store rooms. Associated earthworks, carparking, landscaping and infrastructure servicing is also proposed as part of the development.

The proposed building exceeds the established building height control under Clause 4.3 of the Ballina Local Environmental Plan 2012 (BLEP2012). Accordingly, an application is made to vary the development standard under Clause 4.6 of BLEP2012.

The following information is provided in support of the application pursuant to the "Ballina Shire Council Variation to Development Standards" application form.

C. DEVELOPMENT STANDARD DETAILS

1. What is the name of the Environmental Planning Instrument (EPI) that applies to the land?

Response: Ballina Local Environmental Plan 2012 applies to the land.

2. What is the zoning of the land?

3. What are the objectives of the zone?

Response: The land is zoned R2 Low Density Residential Zone pursuant to BLEP2012. The planning objectives for the R2 zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for development that is compatible with the character and amenity of the surrounding neighbourhood.*
- *To provide for development that meets the social and cultural needs of the community.*
- *To encourage development that achieves the efficient use of resources such as energy and water*

4. What is the Development Standard being varied?

5. Under what clause is the Development Standard listed in the relevant BLEP?

6. What are the objectives and purpose of the Development Standard? How are the objectives / purpose of the standard relevant to your development?

Response: The development standard being varied is the Height of Buildings control as specified within Clause 4.3 of BLEP2012. The planning objectives of this clause are as follows:

- a) to ensure that the height of buildings is compatible with the bulk, scale and character of the locality,*
- b) to minimise adverse impacts on existing or future amenity of adjoining properties and the scenic or landscape quality of the locality,*
- c) to protect significant views from public places.*

Each of the above objectives are relevant to the current application.

7. What is the numeric value of the Development Standard in the relevant BLEP?

8. What is the proposed numeric value of the Development Standard in your Development Application?

9. What is the percentage variation (between your proposal and the relevant BLEP)?

Response: The numerical standard is RL 10.6m AHD (i.e. 8.5 metres above RL 2.1m AHD pursuant to Clause 4.3A of the BLEP 2012). The proposed height of the building is RL 14.8m AHD, which is a variation of 39.6%.

The height variation is only sought for the portion of the building located above the playing courts

10. How is strict compliance with the Development Standard unreasonable or unnecessary in this particular case?

Response: The Architectural Design Package prepared by Raunik Design Group includes a number of plans demonstrating the suitability of the proposed building from an urban design and amenity perspective. Particular reference should be made to the following plans, which are provided within Appendix A of this request:

Sheet No	Description	Revision
17229-403	Architectural Statement	C
17229-404	Height Justification	D
17229-405	Street Context Perspective	B
17229-800	Sun Shadow Diagrams	D
17229-801	Sun Shadow Context Analysis 1	D
17229-802	Sun Shadow Context Analysis 2	D

In addition, particular reference should be had to the video of the Architectural 'Fly Through' provided as **Attachment 8A** within the electronic copy of the Statement of Environmental Effects. This video provides a to scale rendering of the building relative to the surrounding street network and neighbouring buildings both on and off the school campus.

As indicated, there are a number of detailed justifications provided there-in which support the current request. In summary, these include the following:

- The nature of a sports hall is such that certain height parameters must be met in order for the building to be 'fit for purpose'. In this instance, the minimum clearance height for basketball is 7m. The building has been designed such that only those portions of the building located above the playing surface are taller than the nominated 8.5m height control. All components of the building which are able to be lower (ie the strength and conditioning centre; stage; greenroom; change rooms; entrance foyer; reception; catering space; and store rooms) are compliant with the height control.
- The facility includes a double playing court. The span across this distance accentuates the vertical projection of the resultant roof form.
- The College has an established architectural vernacular which is proposed to be adopted for the Multi-purpose Hall. This includes a pitched roof. The architectural team has reduced the pitch from the typical 20° pitch to a reduced 15° pitch to minimise the bulk of the roof structure.
- The site has particularly complex geotechnical characteristics which necessitate the building being constructed on piles. Further reducing the roof pitch adds complexity with respect to maintaining a rigid structure and minimising future cracking and damage associated with the soil conditions.
- The proposal provides for a quality building form which is a suitable 'entrance statement' for both EAC and Ballina as a whole. Perspective images and the 'fly through' video submitted with the application support this conclusion. The building will improve the appearance of the entrance to West Ballina by providing for an articulated, architecturally designed building, rather than the utilitarian building form provided by the Bunnings building adjoining the site.

- The building is located on the college campus in a position well removed from residential activities. No dwellings or public recreation areas will be overshadowed or overlooked by the building.
- The building is setback from all property boundaries with carparking, driveways and landscaping located within the setback area. The portions of the building exceeding the nominated height restriction are then set within the central portion of the structure (with the outer areas all compliant with the 8.5m control). The portions of the building exceeding the 8.5m limitation are setback from property boundaries as follows:
 - River Street – between 35m and 44m; and
 - Horizon Drive – 18m.
- The site is removed from areas with particular visual or scenic values. That said, the property is located at the 'entrance' to Ballina (when exiting from the Pacific Highway Interchange) as well as the key entrance to the College campus. The building has therefore been designed to provide a proportioned and articulated building which is suited to its strategic location.
- The project provides for landscape planting along the River Street frontage which will provide for a softening of the appearance when viewed from this road.

11. How would strict compliance hinder the attainment of the objects specified in Section 1.3 of the Environmental Planning and Assessment Act 1979?

Response: Not applicable to applications lodged pursuant to BLEP2012.

12. Demonstrate how the objectives of the zone and the objectives of the development standard have been complied with despite the variation to the development standard.

The objectives of the building height development standard are as follows:

- a) to ensure that the height of buildings is compatible with the bulk, scale and character of the locality,*
- b) to minimise adverse impacts on existing or future amenity of adjoining properties and the scenic or landscape quality of the locality,*
- c) to protect significant views from public places.*

Response: Refer to the comments against Item 10, above.

The planning objectives for the R2 zone are as follows:

- To provide for the housing needs of the community within a low density residential environment.*

Response: The proposed facility is to be constructed on an established school campus. No loss of housing will occur as the result of the current application.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Response: EAC provides childcare, primary and high school education to service the needs of the Ballina community. Whilst the proposed Multi-purpose Hall will primarily be utilised by the school community, occasional use by the broader community may also occur.

- *To provide for development that is compatible with the character and amenity of the surrounding neighbourhood.*

Response: The suitability of the site for a school was established via the approval of the College in 1999 via DA 1999/553. With respect to the compatibility of the building within the local context reference should be made to **Section 10**.

- *To provide for development that meets the social and cultural needs of the community.*

Response: The project provides for improved educational facilities for the school community, including opportunities for performing arts and sport. Limit use by the general community may also occur within the limits of the development approvals for the site.

- *To encourage development that achieves the efficient use of resources such as energy and water*

Response: In order to manage ongoing operational costs and also achieve environmental outcomes, the proposed building is not proposed to be airconditioned. Instead it will rely on cross ventilation and fans to achieve air flow within the building. The premises will collect roof water which will be plumbed to the toilets within the hall.

13. Would strict compliance with the standard, in your particular case, be unreasonable or unnecessary?

Why? Will approval of the variation of the Development Standard set a precedent? Why or why not?

Response: Reference should be made to the response against Item 10, above. In particular, we note that indoor sports facilities need to achieve certain clearance heights to enable competitive ball sports to be played. This translates to overall building heights also being higher than for a 'normal' single level building. This outcome was noted in the assessment of the recently approved Ballina Indoor Sports Centre (BISC), which has an overall height of 11.18m (whilst also being subject to the 8.5m building height control). Given the nature of the use dictates specific design requirements, it is considered unlikely that the proposal would establish an undesirable precedent.

14. Are there sufficient environmental planning grounds to justify contravening the Development Standard?

Response: As outlined in the Statement of Environmental Effects, other than building height, the current project complies with all elements of the Ballina Local Environmental Plan 2012 and Development Control Plan 2012. This includes building setbacks, flood planning requirements, stormwater management and carparking considerations. The proposal is also consistent with the adopted Masterplan for the College. These matters, combined with the comprehensive architectural

design justifications provided here-in, are such that it is considered that there are sufficient environmental planning grounds to justify varying the height control in this instance.

15. Is compliance with the development standard unreasonable or inappropriate due to the current use of the land and current environmental character of the particular parcel of land? Should the particular parcel of land have been included within the current zone?

Response: EAC was originally approved in 1999 via DA 1999/553. The application approved the subdivision of the land and the staged development of the site for an education facility. The Development Application documentation lodged with the application advised as follows:

"The accompanying "Master Plan"...clearly sets out the overall site proposal. It is this overall development for which consent is sought. The school will, however, be developed in stages as student numbers grow".

Whilst the Masterplan has been amended on a number of occasions, an enduring feature in the overall concept plan has been a sports hall, in the south eastern portion of the school adjacent to the playing fields.

The R2 Low Density Residential Zone is considered suitable for the site, as Educational Establishments are a permissible with consent in the zone. In retrospect, it may have been appropriate to apply a higher building height control to the land in recognition of the foreshadowed construction of the current facility within the Masterplan.

D. CONCLUSION

The above information demonstrates that, given the planning context and proposed use of the building, the proposed building height represents a suitable building form for the site. A variation to the development standard for building height is considered reasonable in the circumstances and consistent with the variation framework afforded by Clause 4.6 of BLEP2012.



DAMIAN CHAPELLE

Town Planner. BTP. CPP.

Date: 5th December 2018

Attachment 5 – Government Agency Responses

File No: NTH19/00018
Your Ref: DA: 2018/756

The General Manager
Ballina Shire Council
PO BOX 450
BALLINA NSW 2478

Attention: Georgia Lee

Dear Sir / Madam,

River Street MR545: DA2018/756 Emmanuel Anglican College Multi-Purpose Hall 62 Horizon Drive West Ballina

I refer to your letter of 4 February 2019 requesting comment from Roads and Maritime Services in relation to the abovementioned development application.

Roles and Responsibilities

The key interests for Roads and Maritime are the safety and efficiency of the road network, traffic management, the integrity of infrastructure and the integration of land use and transport.

This section of River Street is a classified Regional Road MR545. Ballina Shire Council is the roads authority for all public roads (other than freeways or Crown roads) in the local government area pursuant to Section 7 of the *Roads Act 1993* (Roads Act). Roads and Maritime is the roads authority for freeways and can exercise roads authority functions for classified roads in accordance with the Roads Act. Council is responsible for setting standards, determining priorities and carrying out works on Local and Regional roads however Roads and Maritime's concurrence is required prior to Council's approval of works on classified (Regional) roads under Section 138 of the *Roads Act 1993*.

Any works which includes installation of traffic signals will require the consent of Roads and Maritime. Consent is provided under the terms of a Works Authorisation Deed (WAD).

In accordance with Clause 101 of the *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) the Consent Authority is to have consideration for the safety, efficiency and ongoing operation of the classified road as the development has frontage to a classified road.

In accordance with Clause 57 of the *State Environmental Planning Policy (Education and Child Care Facilities) 2017*, Roads and Maritime is given the opportunity to review and provide comments on traffic generating developments that will result in an education establishment being able to accommodate 50 or more additional students and involves an enlargement or extension of an existing premises or a new premises.

Roads and Maritime Response

Roads and Maritime has reviewed the referred information and provides the following comments to assist the consent authority in making a determination:

- The consent conditions (DA2017/613) includes a pedestrians facility for crossing River Street which crosses 4 lanes of traffic approaching and departing from the roundabout. Identifying a safe crossing location for pedestrians on River Street requires balancing pedestrians desire lines whilst ensure a safe road environment is maintained. Subject to meeting the Traffic

signal design warrants consideration could be given for a signalised mid-block marked crossing.

- Bicycle Parking should be considered as an 'end of trip' facility for cyclists.

All works on the classified (State) road will need to be designed and constructed in accordance with the current Austroads Guidelines, Australian Standards and Roads and Maritime Supplements.

The developer will be required to enter into a Works Authorisation Deed (WAD) with Roads and Maritime for any traffic signal works. The developer will be responsible for all costs associated with the works and administration for the WAD.

It is recommended that developers familiarise themselves with the requirements of the WAD process. Further information can be accessed using the following link:

<http://www.rms.nsw.gov.au/projects/planning-principles/index.html>

Upon determination of the application it would be appreciated if Council could forward a copy of the approval for our records. If you have any further enquiries regarding the above comments please do not hesitate to contact John Perkins, Development Assessment Officer on (02) 6640 1362 or via email at: development.northern@rms.nsw.gov.au

Yours faithfully,



For Liz Smith
Manager Land Use Assessment, Northern
27 February 2019

From: David Henderson <hend1dav@police.nsw.gov.au>
Sent: Saturday, 9 February 2019 3:07 PM
To: Ballina Shire Council
Subject: ATTN: Georgia Lee [DLM=Sensitive:NSW Cabinet]

Hi Georgia,

I have looked over DA 2018/756 for Emmanuel College. No real concerns.

I would suggest consideration to the following though.

1. Consideration to high quality floodlighting in the carpark.
2. Hardening the carpark and carpark area to deter people loitering and skateboarding. This could include anti-skateboarding strategies as putting bumps on rails and garden beds. This will stop skaters 'grinding' and causing considerable damage. Lismore CC had big issues with skateboarders doing this at the Lismore art gallery. If you are not sure what I mean maybe you could contact Lismore CC and ask them. Once they put in these measures they stop skateboarders loitering in the area and stopped a lot of vandalism.
3. No cash left on premises
4. All hedges kept at a low level, say no more than 80cm
5. One carpark spot be reserved for emergency vehicles only, and clearly marked so

Thank you,

David Henderson.
Senior Constable
Crime Prevention Officer
User Pay Coordinator
Richmond Police District.
Level 1, 5 Zadoc Street Lismore NSW 2480
Ph : (02) 6626 0569 Eagle 65569 Fax (02) 6626 0566 Eagle 65566
[facebook.com/RichmondPoliceDistrict](https://www.facebook.com/RichmondPoliceDistrict)



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