

## COUNCIL ASSESSMENT REPORT

### NORTHERN REGIONAL PLANNING PANEL

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| <b>PANEL REFERENCE &amp; DA NUMBER</b> | 2022NTH169 - DA 2022/75   |
| <b>PROPOSAL</b>                        | <p>Alterations and additions to an existing Educational Establishment involving:</p> <ul style="list-style-type: none"> <li>the construction of a Stem &amp; Digital Technology Centre, containing 12 senior classrooms plus breakout area and integrated staff offices,</li> <li>upgrading of existing vehicular access, bus bay and car parking supply,</li> <li>removal of vegetation, earthworks and infrastructure works,</li> <li>amendments to the Master Plan for the Educational Establishment and associated increase in student and staff numbers</li> </ul> |
| <b>ADDRESS</b>                         | Lot 10 in DP 1001995, 62 Horizon Drive, West Ballina  |
| <b>APPLICANT</b>                       | Newton Denny Chapelle   |
| <b>OWNER</b>                           | Emmanuel Anglican College   |
| <b>DA LODGEMENT DATE</b>               | 15 March 2022   |
| <b>APPLICATION TYPE</b>                | Development Application   |
| <b>REGIONALLY SIGNIFICANT CRITERIA</b> | Clause 5, Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : private infrastructure and community facilities over \$5 million.  |
| <b>CIV</b>                             | \$10.37 million (excluding GST)   |
| <b>CLAUSE 4.6 REQUESTS</b>             | None Applicable   |
| <b>KEY SEPP/LEP</b>                    | <p><i>Note: Application lodged prior to consolidation of SEPPs in March 2022</i></p> <ul style="list-style-type: none"> <li>Ballina Local Environmental Plan (BLEP) 2012;</li> <li>Ballina Development Control Plan (BDGP) 2012;</li> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> </ul>   |

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|  | <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> </ul>  |
| <b>TOTAL &amp; UNIQUE SUBMISSIONS ISSUES SUBMISSIONS</b> | 11 submissions (10 individual submitters)  |
| <b>DOCUMENTS SUBMITTED FOR CONSIDERATION</b>             | <b>Attachment 1:</b> Draft Conditions of consent<br><b>Attachment 2:</b> Architectural Plans<br><b>Attachment 3:</b> Traffic Impact Assessment<br><b>Attachment 4:</b> Transport for NSW Response (26 May 2023)<br><b>Attachment 5:</b> Stormwater and Flooding Response<br><b>Attachment 6:</b> Infrastructure Services Report<br><b>Attachment 7:</b> EAC Critical Incident Management Policy<br><b>Attachment 8:</b> Public Submissions |
| <b>SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)</b>      | None applicable  |
| <b>RECOMMENDATION</b>                                    | Approval   |
| <b>DRAFT CONDITIONS TO APPLICANT</b>                     | No   |
| <b>SCHEDULED MEETING DATE</b>                            | 11 July 2023   |
| <b>PLAN VERSION</b>                                      | 27 April 2023 Rev D  |
| <b>PREPARED BY</b>                                       | Ballina Shire Council (Jessica Hutley)   |
| <b>DATE OF REPORT</b>                                    | 4 July 2023  |

## EXECUTIVE SUMMARY

Development consent is sought for alterations and additions to Emmanuel Anglican College (EAC), comprising the following:

- the construction of a Stem & Digital Technology Centre, containing 12 senior classrooms plus breakout area and integrated staff offices,
- upgrading of existing vehicular access, bus bay and car parking supply,
- removal of vegetation, earthworks and infrastructure works,
- amendments to the Master Plan for the Educational Establishment and associated increase in student and staff numbers

The proposed building is to be located on the western side of the college campus adjacent to Riverbend Drive. It has a maximum overall building height of RL 10.59m AHD.

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 traffic, stormwater management and flooding. These matters have all been addressed by the applicant.

The application was placed on public exhibition from 20 July 2022 to 19 August 2022 in accordance with the requirements of Schedule 1 of the *Environmental Planning and Assessment Act 1979*. Council received 11 public submissions (from 10 submitters) and one submission from a State agency 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 1**). These conditions are expected to mitigate any minor issues identified as part of the assessment.

No integrated approvals are required.

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## **1. THE SITE AND LOCALITY**

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### **1.1 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 currently 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).

EAC provides education from pre-school through to Year 12. The school buildings occupy the central to northern parts of the property with sporting fields and basketball courts located to the south. An approved Multi-Purpose Centre (DA 2018/756) has recently been completed near the corner of River Street and Horizon Drive. The Northern Regional Planning Panel was the determining authority for DA 2018/756 as it involved private infrastructure and community facilities over \$5 million.

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 veneer construction. Several demountable buildings are also located throughout the site.

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



**Figure 1: Location of site**

Source: BSC Interactive Mapping



**Figures 2-3: Site Photos along existing service road and existing maintenance shed in the location of proposed STEM building**

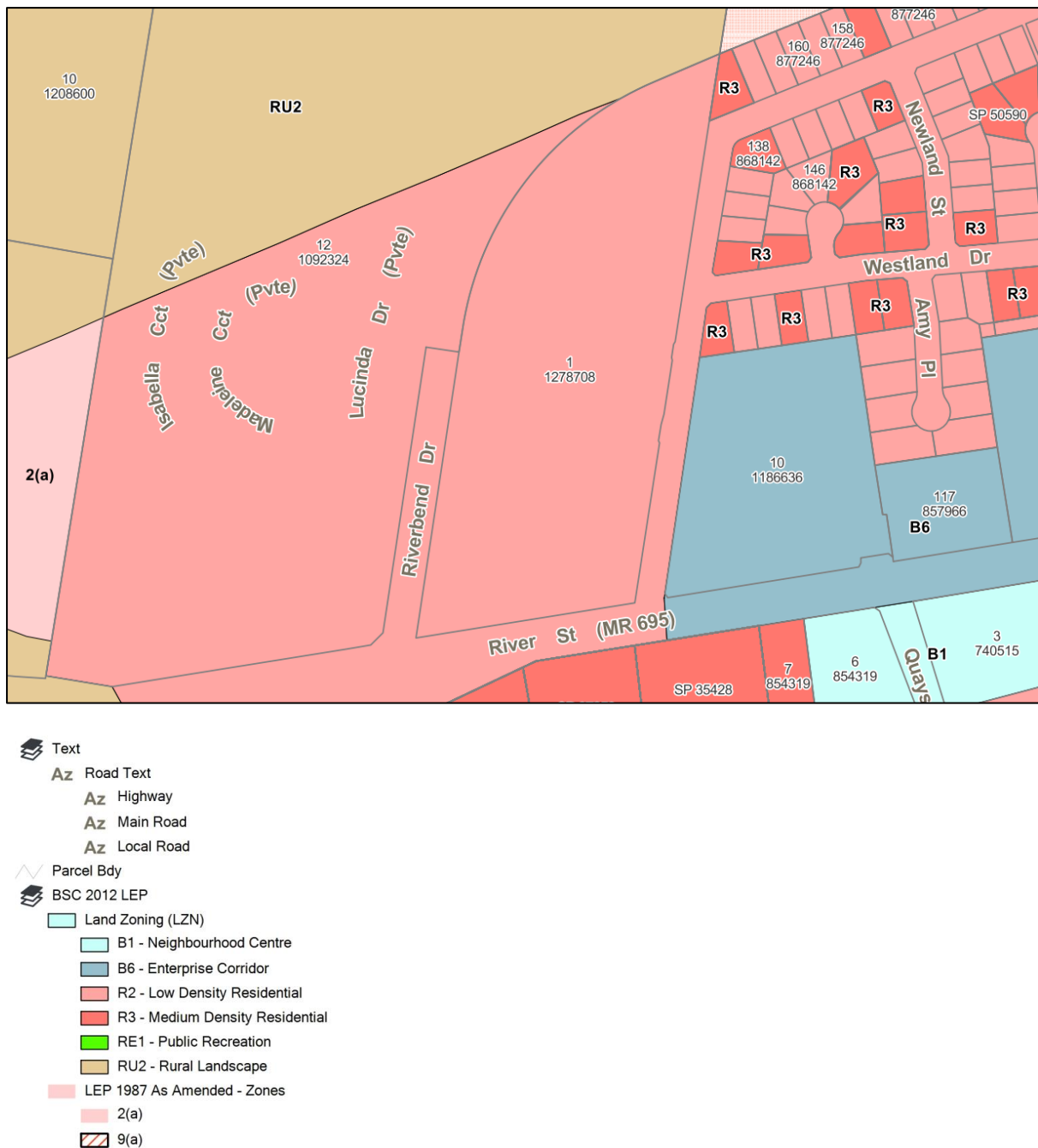


Figure 4: Zoning map (Source: BSC Interactive Mapping)

## 1.2 The Locality

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.

## **2. THE PROPOSAL AND BACKGROUND**

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### **2.1 The Proposal**

The Development Application involves alterations and additions to EAC, comprising the following:

- the construction of a Stem & Digital Technology Centre, containing 12 senior classrooms plus breakout area and integrated staff offices,
- upgrading of existing vehicular access, bus bay and car parking supply,
- removal of vegetation, earthworks and infrastructure works,
- amendments to the Master Plan for the Educational Establishment and associated increase in student and staff numbers

#### **Stem & Digital Technology Centre**

The proposed Stem & Digital Technology Centre is located on the western side of the College Campus along Riverbend Drive and includes 12 Senior Learning Spaces.

The building is to utilise an area that is currently used for maintenance sheds and open space. The maintenance sheds are proposed to be relocated as part of these works as indicated on the amended master plan.

The Stem & Digital Technology Centre (STEM) building consists of two levels, with a mezzanine overlooking the ground floor break out space. Open studios provide flexible spaces that can be utilised in multiple ways by students and teachers.

The STEM building will have an accessible path from new carparking spaces, being provided as part of the proposal, as well as from the main school entry. The physical connection to the existing two-level library is made via ground floor and first floor walkways and numerous access points, allowing the existing passenger lift within the library and a new passenger lift within the STEM building to provide barrier free access circulation across the learning spaces.

The proposed building will provide a total gross floor area of 2,318m<sup>2</sup>, comprising a ground floor of 1,380m<sup>2</sup> and first floor of 938m<sup>2</sup>. The building is designed with a maximum height of 8.42m measured from natural ground level to the highest part of the structure (RL 10.6m AHD).

Vehicular access to the building is to be provided via Horizon Drive (via an existing driveway crossover). The proposal provides for the creation of 16 new car parking spaces off Riverbend Drive adjacent to the STEM building to be accessed via the formalised service road, and three additional bus stopping bays off Horizon Drive. This additional parking and servicing has been described further within the DCP section of this report.

Parking is also proposed to be developed on Riverbend Drive, however, this parking will be in surplus to the prescribed parking required to be provided on-site for the total student and staff population. The Applicant has indicated that this surplus parking (30 spaces) is for overflow parking and events that may be held on the adjoining sporting fields.

The proposed STEM building will require the removal of landscape vegetation along the western elevation of the property boundary and to the south of the existing buildings. The



Ecological Assessment submitted with the application has indicated that the vegetation to be removed consists of planted native and exotic species and is of limited conservation value.

## Master Plan

Emmanuel Anglican College (EAC) "Towards 2030" strategic planning process led to a future expected growth of the College to a three stream Primary School and four stream Secondary School. The demand for educated places is anticipated to grow in Ballina Shire and the proposed increase in student numbers is as a direct result of that anticipated growth.

It is anticipated to increase from the current level of 794 students and 93 staff members, to a total of 1114 students and 119 staff at 2031. Table 1 outlines the staged increase in student and staff population under the Master Plan:

**Table 1: Proposed Staged Student Population (Source: Applicant's SEE)**

| Year | Students                               | Total Student Population | Staff       |
|------|--|--------------------------|-------------|
| 2022 | Primary & ELC – 405<br>Secondary – 438 | 843                      | 101.1       |
| 2023 | Primary & ELC – 406<br>Secondary – 478 | 884                      | 104.1       |
| 2024 | Primary & ELC – 410<br>Secondary – 505 | 915                      | 108.1       |
| 2025 | Primary & ELC – 449<br>Secondary – 533 | 962                      | 113.1       |
| 2026 | Primary & ELC – 464<br>Secondary – 558 | 1002                     | 119.1       |
| 2027 | Primary & ELC – 484<br>Secondary – 568 | 1032                     | As per 2026 |
| 2028 | Primary & ELC – 504<br>Secondary – 570 | 1054                     | As per 2026 |
| 2029 | Primary & ELC – 524<br>Secondary – 570 | 1074                     | As per 2026 |
| 2030 | Primary & ELC – 534<br>Secondary – 570 | 1104                     | As per 2026 |
| 2031 | Primary & ELC – 544<br>Secondary – 570 | 1114                     | As per 2026 |

It is noted that the proposed STEM building is proposed under the 2023 total population projections and that additional future buildings are noted below in Table 2.

| Building                           | Project Details  | Planned Occupation |
|------------------------------------|--|--------------------|
| Stem and Digital Technology Centre | <ul style="list-style-type: none"> <li>12 x senior classrooms plus breakout area and integrated staff offices</li> <li>16 x car parks and formalisation of service road</li> <li>Development also includes relocation of demountable and maintenance shed</li> </ul> | 2023               |
| Collaboration Centre               | <ul style="list-style-type: none"> <li>Containing six junior classrooms</li> <li>10 car parks, formalisation of service road complete</li> </ul>   | 2025               |

|   |  |      |
|---|--|------|
| Extension to Early Learning (EL) Centre | <ul style="list-style-type: none"> <li>• One x EL Classroom</li> <li>• Three x carparks</li> </ul> | 2027 |
| Performing Art Centre                   | <ul style="list-style-type: none"> <li>• Containing four x Performance classrooms</li> </ul>       | 2029 |

**Table 3: Development Data**

| Control             | Proposal   |
|---------------------|--|
| Site area           | 5.937Ha  |
| GFA                 | 2,318m <sup>2</sup> (proposed STEM building)   |
| Clause 4.6 Requests | None applicable  |
| Max Height          | 10.6m AHD (8.42m above natural ground level)   |
| Landscaped area     | None applicable under this DA.   |
| Car Parking spaces  | 162 spaces<br>30 additional spaces to be constructed on Riverbend Drive, in addition to the spaces required under the DCP. |
| Setbacks            | Substantial setbacks from boundaries   |

## 2.2 Background

The development application was lodged on **15 March 2022**. A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings, deferrals etc) with the application:

**Table 4: Chronology of the DA**

| Date                  | Event   |
|-----------------------|---|
| <b>15 March 2022</b>  | DA lodged   |
| <b>26 May 2022</b>    | Request for additional information sent to the Applicant      |
| <b>11 July 2022</b>   | Response to request for information provided by the Applicant |
| <b>14 July 2022</b>   | DA referred to external agencies (TfNSW, NSW Police)          |
| <b>20 July 2022</b>   | Exhibition of the application                                 |
| <b>12 August 2022</b> | Response received from TfNSW                                  |



|                          |  |
|--------------------------|--|
| <b>19 August 2022</b>    | Exhibition period closed (10 submissions received in objection to the proposal)  |
| <b>31 August 2022</b>    | Site inspection  |
| <b>14 September 2022</b> | Amended masterplan lodged  |
| <b>20 September 2022</b> | Further request for information from Council to applicant  |
| <b>6 October 2022</b>    | Meeting held with proponent's engineer and Council's Civil Services Division regarding stormwater and flooding information requested |
| <b>18 October 2022</b>   | Panel briefing   |
| <b>5 December 2022</b>   | NSW Police Response received   |
| <b>23 February 2023</b>  | Panel Site inspection  |
| <b>6 March 2023</b>      | Response to request for additional information received  |
| <b>9 March 2023</b>      | Email to applicant regarding concerns with amended Traffic Impact Assessment   |
| <b>13 March 2023</b>     | Letters to submitters regarding amended information  |
| <b>30 March 2023</b>     | TfNSW response to additional information   |
| <b>12 April 2023</b>     | Amended Traffic Impact Assessment  |
| <b>20 April 2023</b>     | Letter to adjoining owner regarding traffic changes  |
| <b>21 April 2023</b>     | Additional information requested in relation to building height  |
| <b>2 May 2023</b>        | Additional information received in relation to building height and Further Amended Traffic Impact Assessment                         |
| <b>9 May 2023</b>        | Referral to TfNSW  |
| <b>26 May 2023</b>       | Response from TfNSW received   |

### 2.3 Site History

The subject site contains an existing educational establishment, known as Emmanuel Anglican College (EAC), 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 childcare

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).

DA 2018/756 was determined on 25 July 2019 and approved construction of a multi-purpose hall comprising two indoor sports courts, associated gymnasium and amenities, a stage and retractable seating. DA 2018/756 included some further changes to the approved masterplan as follows:

- Additional car parking area between the future Performance Hall and the Ezzy Centre (to reflect parking to be provided as part of 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 demonstrated how pedestrian movement are to occur in this area.

To ensure the amendments to the masterplan reference are implemented, it is proposed to amend the previous DA 2014/360, DA 2017/613 and 2018/756 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 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 and DA 2018/756.

A complete list of Development Applications and Complying Development Certificates issued for the site is provided below (Table 5):

**Table 5: Development Application History**

| <b>Application No.</b> | <b>Development Description</b>   | <b>Date determined</b>                       |
|------------------------|--|--|
| DA 1999/553            | Educational Establishment  | 25 February 1999<br>Modified March 2004      |
| DA 2001/292            | Refurbishment of existing signs for college  | Determined 28 November 2000<br>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<br>Modified 27 October 2006    |
| DA 2007/822            | Erection of two shade structures   | 9 July 2007                                  |
| DA 2008/522            | Six 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          | Three x classroom buildings  | 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<br>Modified 19 December 2018     |
| DA 2018/756            | Construction of a multi-purpose hall   | 25 July 2019                                 |
| DA 2019/593            | Alterations to the existing S-Block classrooms to create two art rooms and a central exhibition space  | 1 November 2019                              |

|             |   |                  |
|-------------|---|------------------|
| DA 2019/594 | Alterations to the Gunundi Childcare classrooms to create four general purpose classrooms         | 31 October 2019  |
| DA 2019/748 | Alterations and additions to Emmanuel Anglican College to extend S-Block art building             | 14 January 2020  |
| DA 2020/172 | Proposed drainage works inclusive of earthworks and construction of culvert under Riverbend Drive | 2 September 2020 |
| DA 2020/301 | Erection of three Shade Sails   | 11 August 2020   |
| DA 2020/358 | Extension to the Existing Junior School Discovery Centre  | 13 November 2020 |
| DA 2021/417 | Installation and relocation of demountable classrooms and relocation of maintenance shed          | 11 April 2022    |

### 3. STATUTORY CONSIDERATIONS

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When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
  - (i) *any environmental planning instrument, and*
  - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
  - (iii) *any development control plan, and*
  - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
  - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
- (b) *that apply to the land to which the development application relates, the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below through assessment within this report.

#### 3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

**(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments**

The following Environmental Planning Instruments are relevant to this application:

- *Ballina Local Environmental Plan (BLEP) 2012;*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*

**Note:** Application lodged prior to consolidation of SEPPs in March 2022

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 6** and considered in more detail below.

**Table 6: Summary of Applicable Environmental Planning Instruments**

| <b>EPI</b>   | <b>Matters for Consideration</b>   | <b>Comply (Y/N)</b> |
|--|--|---------------------|
| State Environmental Planning Policy (Biodiversity Conservation) 2021 | <p><b>Chapter 2 – Vegetation in Non- Rural Areas</b><br/>The proposed development involves the removal of approximately 900m<sup>2</sup> of planted native and exotic vegetation along the landscape mound, three planted shade figs and a hedge of Agave, Lemon myrtle, and Dwarf riberry.</p> <p><b>Chapter 4 – Koala Habitat Protection 2021</b><br/>Section 4.8 – no approved koala plan of management for the subject land.<br/>Section 4.10 - states that before Council may grant consent to a development application to carry out development on the land, the council must assess whether the development is likely to have any impact on koalas or koala habitat.</p> | Yes                 |
| State Environmental Planning Policy (Planning Systems) 2021          | <p><b>Chapter 2 – State and Regional Development</b><br/>Schedule 6, Section 5 of SEPP (Planning Systems) 2021 declares the proposal as regionally significant development.</p> <p>The Northern Regional Planning Panel (NRPP) is the consent authority. The Northern Regional Planning Panel has been constituted under Division 2.4 listed in Part 3 of Schedule 2 of the Environmental Planning and Assessment Act 1979.</p>  | Yes                 |
| State Environmental Planning Policy (Resilience and Hazards) 2021    | <p><b>Chapter 2 – Coastal Management</b></p> <ul style="list-style-type: none"> <li>• Section 2.10 - Development on land within the coastal environment area</li> </ul>  | Yes                 |



|   |   |     |
|---|---|-----|
|   | <b>Chapter 4 – Remediation of Land</b> <ul style="list-style-type: none"> <li>Section 4.6 - Contamination and remediation has been considered in the Statement of Environmental Effects and Environmental Health Officer referral. The proposal is satisfactory subject to recommended conditions.</li> </ul>   |     |
| State Environmental Planning Policy (Transport and Infrastructure) 2021         | <b>Chapter 2 – Infrastructure</b> <ul style="list-style-type: none"> <li>Section 2.48 – (Determination of development application – other development)<br/>Electricity transmission – the proposal is satisfactory subject to conditions.</li> <li>Section 2.119 – Development with frontage to classified road<br/>Issues raised by TfNSW and Council's Civil Services. Further assessment provided below.</li> </ul> <b>Chapter 3 – Educational Establishments and Child Care Facilities</b> <ul style="list-style-type: none"> <li>Section 3.36 – Schools – development permitted with consent</li> <li>Section 3.58 – Traffic-generating development</li> <li>Schedule 8 – Schools – design quality principles</li> </ul> | Yes |
| Proposed Instruments  | No compliance issues identified.  | Yes |
| BLEP  | <ul style="list-style-type: none"> <li>Clause 2.3 – Permissibility and zone objectives</li> <li>Clause 4.3 – Height of buildings</li> <li>Clause 4.3A – Exceptions to height of buildings</li> <li>Clause 5.21 – Flood planning</li> <li>Clause 7.1 – Acid sulfate soils</li> <li>Clause 7.2 – Earthworks</li> <li>Clause 7.7 – Essential services</li> <li>Clause 7.8 – Strategic urban growth areas</li> </ul>  | Yes |
| BDCP<br><i>*not an EPI, addressed under separate section within this report</i> | Chapter 2 – General and Environmental Considerations<br>Chapter 2A - Vegetation Management<br>Chapter 2B – Floodplain Management<br>Chapter 8 – Other Uses  | Yes |

Consideration of the relevant SEPPs is outlined below

*State Environmental Planning Policy (Biodiversity and Conservation) 2021*

## Chapter 2 – Vegetation in non-rural areas

The subject site is zoned R2 Low Density Residential under the BLEP 2012 and as such the Chapter 2 is applicable.

The applicant has commented that vegetation in the vicinity of the proposed Stem & Digital Technology Centre and the service road can generally be characterised as grass, with a number of landscape trees.

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.

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 listed below:

**Table 7: Trees to be removed**  
**Source: Applicant's Ecological Assessment, Blackwood Ecological Services**

| Species                  | Diameter at breast height |         |         |         |
|--------------------------|---------------------------|---------|---------|---------|
|                          | 1-10cm                    | 11-20cm | 21-30cm | 31-40cm |
| Broad-leaved paperbark   | 2                         | 8       | 6       | 2       |
| Swamp oak                | 4                         | 2       | 10      | 5       |
| Weeping bottlebrush      | 4                         | 3       |         |         |
| Willow bottlebrush       |                           | 1       |         |         |
| Spotted gum              |                           | 1       | 1       |         |
| Macaranga                |                           |         | 1       | 1       |
| Red-fruited kurrajong    |                           |         | 1       |         |
| Tuckeroo                 |                           | 1       |         |         |
| Pink Euodia              | 1                         |         |         |         |
| Cheese tree              |                           | 1       | 2       |         |
| Riberry                  |                           | 1       |         |         |
| Brushbox                 |                           | 2       |         |         |
| Native frangipani        |                           | 1       |         |         |
| Draecena                 | 1                         |         |         |         |
| Plum pine                | 1                         |         |         |         |
| Broad-leaved pepper bush |                           | 2       |         |         |
| Pohutukawa               | 1                         | 1       |         |         |
| Beach alectryon          | 2                         |         |         |         |
| Superb fig               |                           |         |         | 2       |
| Swamp turpentine         | 1                         |         | 1       |         |
| Fimbriate wattle         |                           |         | 1       |         |

Part 2, Clause 7 of the Vegetation SEPP states the following:

### **Section 2.6 Clearing that requires permit or approval**

*(1) A person must not clear vegetation in any non-rural area of the State to which Part 2.3 applies without the authority conferred by a permit granted by the council under that Part.*

**Comment:** The applicant is seeking consent for the removal of the identified vegetation as part of the subject Development Application. No issues are raised with respect to this subclause.

*(2) A person must not clear native vegetation in any non-rural area of the State that exceeds the biodiversity offsets scheme threshold without the authority conferred by an approval of the Native Vegetation Panel under Part 2.4.*

**Comment:** The biodiversity offsets scheme thresholds are reproduced below (Table 8):

**Table 8: Area clearing threshold**

**Source: NSW Department of Planning and Environment 2022**

| Minimum lot size associated with the property | Threshold for clearing, above which the BAM and offsets scheme apply |
|---|--|
| Less than 1 ha                                | 0.25 ha or more  |
| 1 ha to less than 40 ha                       | 0.5 ha or more   |
| 40 ha to less than 1000 ha                    | 1 ha or more   |
| 1000 ha or more                               | 2 ha or more   |

A 600m<sup>2</sup> minimum lot size is applicable to the subject land. As such, the Biodiversity Offset Scheme (BOS) applies to clearing of 0.25ha or more.

*(3) Subclause (2) does not apply to clearing on biodiversity certified land under the Biodiversity Conservation Act 2016, Part 8.*

**Comment:** The subject land is not identified on the Biodiversity Values Map (BV Map).

The Ecological Assessment Report prepared by Blackwood Ecological Services dated June 2022 stated a Biodiversity Values Map and Threshold Report were prepared for the site based on the proposed vegetation removal. The report shows that the proposed vegetation clearing will not exceed the Area clearing threshold trigger or the Biodiversity values map trigger. The Biodiversity Assessment Method (BAM) will therefore not need to be applied.

Given the above, no issues are raised with respect to the requirements of this subclause.

*(4) Clearing of vegetation is not authorised under this clause unless the conditions to which the authorisation is subject are complied with.*

**Comment:** Conditions have been recommended to be imposed on the consent and will be required to be complied with.

*(5) Subclause (4) extends to a condition that imposes an obligation on the person who clears the vegetation that must be complied with before or after the clearing is carried out.*

**Comment:** Conditions have been recommended to be imposed on the consent in relation to the clearing and will be required to be complied with.

*(6) For the purposes of the Act, section 4.3, clearing vegetation that requires a permit or approval under this Policy is prohibited if the clearing is not carried out in accordance with the permit or approval.*

**Comment:** Chapter 2a – Vegetation Management of the Ballina Development Control Plan 2012 identifies the circumstances where a development permit is required for vegetation management works. This development application has sought approval for the vegetation management works required. The proposed vegetation removal is considered to be generally consistent with the objectives of Chapter 2a. Appropriate consent will be provided as part of any subsequent consent for the works.

## **Chapter 4 Koala habitat protection 2021**

Section 4.8 of Chapter 4 states that before a council may grant consent to an application for consent to carry out development, the council must assess whether the development is likely to have any impact on koalas or koala habitat.

The subject site is located outside the Koala planning area for the Ballina Shire Koala Management Strategy (KMS).

Vegetation removal is proposed to facilitate the proposed development. An Ecological Assessment prepared by Blackwood Ecological Services identified vegetation in the vicinity of the proposed Stem & Digital Technology Centre and the service road can generally be characterised as grass, with a number of landscape trees.

The report states that the site contains planted Spotted gum trees however koala feed species do not occur at over 15% of the tree component. In this regard, the land does not contain potential koala habitat.

The report confirms the site does not provide core koala habitat. The proposed development will not require the removal of any koala feed trees, have any substantial impact on koala movement or result in the isolation of any areas of potential 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 koala habitat and there will be no impact on koalas.

### *State Environmental Planning Policy (Industry and Employment) 2021*

SEPP (Industry and Employment) 2021 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 (Planning Systems) 2021*

The proposal is *regionally significant development* pursuant to Section 2.19 as it satisfies the criteria in Section 5 of Schedule 6 of the SEPP as the proposal is development for Private infrastructure and community facilities over \$5 million. Accordingly, the Northern Regional Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

### *State Environmental Planning Policy (Resilience and Hazards) 2021*

## **Chapter 2 – Coastal Management**

The aim of this Chapter 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

Clause 2.11 of the SEPP includes controls with respect to the Coastal Use Area:

2.11 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, wind funnelling 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 18 August 2022 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 2.11(b), the subject proposal relates to the construction of a Stem & Digital Technology Centre within 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 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. 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 provisions.

## **Chapter 4 - Remediation of Land**

The objective of this SEPP 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.

Section 4.6 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:** 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 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 (Transport and Infrastructure) 2021*

### **Chapter 2 Infrastructure**

The subject site has frontage to River Street, which is a classified (State) road. In accordance with Section 2.119 of the SEPP, the consent authority is to have consideration for the safety, efficiency and ongoing operation of the classified road. The proposed development also results in an educational establishment being able to accommodate 50 or more additional students, therefore Section 3.58 Traffic-generating development is also applicable and is discussed below. The application was referred to Transport for NSW (TfNSW) for comment.

Due to the number of amendments made throughout the assessment process to the Traffic Impact Assessment report, the application was referred to TfNSW three times for their response. The most recent response dated 26 May 2023 has been provided under Attachment 4 of this report. Comments have been provided under Chapter 3 of *SEPP (Transport and Infrastructure) 2021* in response to TfNSW comments.

#### Classified road

The following comments are provided with respect to the proposal's compliance with Section 2.119 of the SEPP.

#### **2.119 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 development is to continue to be accessed via Horizon Drive with a proposed formalised restricted access from Riverbend Drive. In this regard, no additional access is proposed off River Street (classified road). The TIA has included traffic modelling that has verified to Council's satisfaction that 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:** No concern has been raised by Council or TfNSW in relation to road noise. With respect to vehicle emissions, it is considered the proposed development 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 changes to the entrance/egress points along Horizon Drive as indicated on the masterplan. In accordance with the current approved masterplan, it is proposed that the southern access point on Horizon Drive be converted to two-way operation (currently exit only), the central driveway to operate as exit only (currently entry only), and the northern driveway as exit only (currently two way). The Traffic Impact Assessment (TIA) has recommended this arrangement and considered it to be suitable. A condition is recommended to be imposed on the consent requiring the access upgrades to comply with the Northern Rivers Local Government standards. Council's Civil Services Division have concluded that it is considered all safety concerns have been identified and addressed throughout the TIA and by way of conditions recommended to be imposed on the consent.

*(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 are 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, the proposed development 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 such as noise 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 proposed masterplan facilitates an increase in the College population from the current level of approximately 794 students and 93 staff members, to 1,114 students and 119 staff members by the year 2031.

The proposed master plan includes an increase in bus capacity from three spaces as currently approved, to a total of six bus spaces. An additional parallel set down / pick up facility is also proposed, providing for 14 car spaces.

The proposed master plan changes include an upgrade of the service road providing a formalised but restricted access to Riverbend Drive.

The proposal also involves 30 on-street car parking spaces being constructed along the eastern side of Riverbend Drive, to be used for overflow parking and events held on the adjoining sports field. This parking is in addition to that required on-site in accordance with the DCP (see further commentary within the DCP section of this report).

Council's Civil Services Division have provided comment that they have no objections on traffic grounds in relation to the proposed masterplan changes from student population of 800 to 1,114 students subject to the recommended conditions of consent. The TIA (dated 28 April 2023 provided traffic modelling (using SIDRA software) for River Street/ Horizon Drive and Barlows Road/ River Street/ Keppel Street intersections. The modelling projected the impact on these intersections as a result of the proposed development for current volumes and for a further 10 year timeframe. The modelling indicated that the River Street/ Horizon Drive and the River Street/ Barlows Road intersections would result in an acceptable level of service and queuing and will function satisfactorily with the additional traffic generated by the proposed masterplan both now and for a 10 year timeframe.

The proposed development and masterplan changes includes a 'No Stopping Zone' along the southern portion of Horizon Drive to ensure that overflow queuing at the southern driveway can be accommodated along the kerbside without conflicting with through traffic.

TfNSW in their final response dated 26 May 2023 has concluded that the changes to the southernmost driveway along Horizon Drive should not significantly impact River Street.

The Road Safety Audit raised risks associated with the proposed on-road parking and formalised service access along Riverbend Drive. Appropriate measures have been identified within the TIA to address these concerns including; compliance with the relevant standards, restricting the service road being one way only and construction of a boom gate, and painting a central island to manage U-turn movements with painted double centre lines to ensure use of the U-turn facility, rather than manoeuvre into the proposed parking spaces from the northbound lane.

The TIA has identified that the increase in traffic volume will have a minor impact on the performance of the roundabout along River Street and Riverbend intersection.

It is considered the proposed volume 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 development relates to an existing educational establishment.

The proposed STEM building is to be located approximately 200 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.

The additional changes to the master plan are physically separated from the noise and emission impacts along River Street by existing buildings on the property. This physical screening will act as a barrier to River Street. As identified above, the proposed development relates to an existing educational establishment and childcare centre and therefore not a development that is particularly sensitive to traffic noise or emissions.

### **Chapter 3 Educational Establishments and Child Care Facilities**

Chapter 3 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 development does not meet the applicable criteria for exempt or complying development and a Development Application is required to be lodged and assessed.

#### **Clause 3.36 – Schools – development permitted with consent**

Clause 3.36(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 3.34 of the SEPP. As such, Clause 3.36(6) of the Education SEPP is applicable to the proposed development.

An architectural design statement has been prepared by the applicant and is provided at Attachment 7 of the SEE provided with the application. The statement demonstrates compliance with the design principles documents in Schedule 8 of the 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:** 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. Other future buildings referenced in the revised masterplan will be subject to assessment as part of future Development Applications. The proposed updated masterplan does not involve implications on the sports fields or previously approved multi-purpose hall.

#### **Section 3.58 Traffic-generating development**

The proposed development comprises Traffic Generating Development under Clause 3.58 of *SEPP (Transport and Infrastructure) 2021* 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 also an increase in student numbers proposed as part of the development. It is anticipated to increase from the current level of approximately 794 students and 93 staff members, to 1,114 students and 119 staff members by the year 2031.

Given that student numbers are proposed to increase to 1,114 students and that the College has direct access to a public road, referral was required to be given to TfNSW. The application was therefore referred to TfNSW for comment and a final response received 26 May 2023.

Clause 3.58(3) of SEPP (Transport and Infrastructure) 2021 requires that the consent authority take the following into consideration:

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

Due to the number of amendments made throughout the assessment process to the Traffic Impact Assessment report, the application was referred to TfNSW three times for their response. The most recent response dated 26 May 2023 has been provided under Attachment 4 of this report for review. In response to the final response provided by TfNSW, Council's Civil Services Division have provided the following comments:

- Council will monitor the new arrangement associated with the southern-most driveway along Horizon Drive that is proposed to involve access and egress from the development site.
- The traffic counts that have been recorded have been considered and determined to be representative of post pandemic/ normal traffic volumes.
- The change to the background growth within the Traffic Impact Assessment from 2.5% to 2% is adequately consistent with Council's future modelling and no concerns are raised in this regard.
- The directional distribution assumption of 50/50 for the trips generated has been considered and is reasonable in this instance.
- The TIA analysis assumed only 5% heavy vehicles at the River Street/Barlows Road intersection. This has been considered and is reasonable and consistent with observations within the area. It is noted that there is inconsistency within the text of the TIA, however this is not considered to be of significance as the 5% assumed is reasonable.
- TfNSW recommends a strategic design to be prepared to support the masterplan provided in the TIA and reflect the outcomes of the Road Safety Assessment. Recommended conditions have been included to require the provision of the external traffic design arrangements by the proponent, as detailed within the TIA Revision 4 in Horizon Drive and Riverbend Drive. An equivalent standard to the TfNSW "strategic design" will be required to accompany the Section 138 application for works in the road reserve. Detailed design plans, satisfactory to Council will be required as a condition of any Section 138 approval. These regulatory changes within the road reserve required the Local Traffic Development Committee support which has been provided and discussed further with the DCP section of this report.
- As the proposed development now includes access (although restricted) along Riverbend Drive, TfNSW indicated that a 40km/h school zone should be provided and

included in a strategic design. It is considered that TfNSW can be requested to conduct a Speed Zone Review for Riverbend Drive, if necessary.

- TfNSW have raised that the TIA has not considered the potential for conflict between vehicles and pedestrians, particularly regarding student drivers and vulnerable road users. However, the TIA (supported by a Road Safety Audit) has considered these issues and has recommended that the provision of works including footpath, centre line barrier marking, turning facility at the end of Horizon Drive and indication of further commitments including compliance with relevant Australian Standards within Section 8 of the TIA, in regard to these potential conflicts. Council considers that these responses, supported by associated recommended conditions will suitably address these issues.
- It is considered that all safety concerns have been considered within the TIA (Revision 4 dated 28 April 2023).
- TfNSW have indicated that the TIA does not identify existing and proposed active transport demands along Horizon Drive, Riverbend Drive, and River Street. It is considered that gaps in the active transport facilities with nexus to the school site have been identified and addressed in previous DA assessments for the school and associated conditions of consent. There are also conditions recommended associated with this current application relating to the transport facilities. The River Street Duplication Project and Pedestrian Planning and Mobility Plan (PAMP) have identified gaps in the wider network and longer term works are planned to address this.

In this regard, it is considered that the submission and concerns provided by TfNSW have been adequately addressed through the TIA, supporting amendments to the masterplan, and the recommended conditions of consent.

*(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 changes to the master plan and proposed STEM building are not anticipated to have a significant impact on the efficiency of movement of people and freight to and from the site. There is suitable provision for access to the site maintained along Horizon Drive, and the service road off Riverbend Drive is proposed to be formalised as part of this application. The Riverbend Drive access will be controlled with a gate, restricted to staff and maintenance only. It is considered that this service road, along with the maintained access of Horizon Drive will maintain efficiency for any deliveries to the site.

The proposed development has included additional bicycle car parking, and bus drop off bays which are considered to encourage other forms of transport and will possibly lead to a reduction in the need for students to travel to the site by car. The proposal relates to an existing educational establishment and will continue to cater to the surrounding residential estates within proximity to the proposed development in relation to students and staff accessing the facility by other means of transportation.

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

**Comment:** Parking implications for the development have been considered as part of the previous masterplan approvals for the site and have been assessed as part of the subject application. The Road Safety Audit accompanying the TIA identified certain safety issues that

have been addressed by the latest version of the TIA (Revision 4 dated 28 April 2023) and within recommended conditions of consent.

In conclusion regarding the traffic matters, Council's Civil Services Division raises no objection to the proposal to increase the school population from the previously approved 800 students (as per the original master plan approval) to 1114 students and 119 staff, provided conditions are imposed on any subsequent consent that require:

- Provision of internal traffic facilities, parking, signs and markings as depicted on the amended proposed masterplan dated 26 April 2023 and as may be modified by proposals and recommendations in the Traffic Impact Assessment dated 28 April 2023 and are also consistent with relevant Australian Standards and Austroads Standards
- Provision by the proponent of external traffic arrangements as depicted on the amended proposed masterplan dated 26 April 2023 and as may be modified by proposed and recommendations in the Traffic Impact Assessment dated 28 April 2023 in Horizon Drive and Riverbend Drive.
- The external traffic arrangements for works in road reserves are to be the subject of a Section 138 application to Council accompanied by plans, consistent with the proposed masterplan and TIA, that are of an equivalent standard to the TfNSW "strategic design" as detailed in TfNSW letter dated 26 May 2023. Any Section 138 approval is to be conditioned to require detailed design plans, satisfactory to Council.
- Any proposed traffic regulatory changes contained in associated Section 138 applications to be forwarded to and supported by the Ballina Local Traffic Committee.

#### Schedule 8 Design quality principles in schools

The applicant has provided comments within the Design Quality Principles Assessment (Attachment 7 of the SEE provided with the application) with respect to the proposal's compliance with the requirements of the previous Schedule 4 of the Education SEPP (which has been transferred to Schedule 8 of *SEPP (Transport and Infrastructure) 2021*)

##### **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.*

**Comment:** The STEM building has been designed to improve the qualities and resources of the existing educational establishment campus. The Architect's response has indicated that

site planning elements such as the enhanced access from Riverbend Drive and tiered concrete seating overlooking the oval allow for public interaction and engagement.

The proposed building provides a design that provides shading, overhangs and orientation of the glass façade towards the south so as to not create overheating in summer. The building provides efficient use of solar access and grey water reticulation to amenities and landscaping irrigation for sustainable building design.

The existing landscaping is integrated into the building design to further enhance these sustainable and well-being design techniques.

### **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.*

**Comment:** Energy consumption is minimised through passive ventilation in the largest areas, shading devices and efficient lighting design. The proposal has included a rainwater tank which will be implemented for amenities and landscaping. The Architect's statement has indicated that the proposed 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.*

**Comment:** The STEM building will have an accessible path from the new carparks, the existing school building structures and the main school entry via established footpaths throughout the site. This pathway will be well signposted to provide clear wayfinding to the building. There are a number of internal and external exit stairs and the new accessible passenger lift.

### **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.*

**Comment:** Assessment against the CPTED Principles have been provided within the DCP assessment section of this report. The applicant has indicated that the proposal will include CCTV cameras and monitoring will provide safety overnight, well-lit pathways and external

spaces will allow secure access to staff parking and school night-time activities. The Applicant has provided a Critical Incident Management Policy that has addressed safe practices to be imposed for the school. Conditions have been recommended in relation to the implementation of this policy.

### **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.*

**Comment:** The proposed STEM building provides improved amenity for the College and its students through additional learning and teaching spaces, which incorporate facilities to encourage students to design, experiment, build and invent. The open space design of the studios or classrooms create space for breakouts for the students to learn through 'making'. The proposed building is considered to provide spaces for indoor and outdoor learning and play spaces with suitable response to the natural environment including design to solar access and natural ventilation.

### **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.*

**Comment:** The proposed STEM building and masterplan upgrade is a response to the future needs of the school and surrounding locality. The proposed building is part of a larger masterplan change that is associated with this development application. It is noted that the open design of the classrooms or 'studios' and use of the spaces in between provide flexibility for the teaching environment. This enables teachers to adapt to the relevant needs of students and individual classes and flexibility for the future as education changes.

### **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.*



**Comment:** The proposed building is consistent with the design of the existing buildings on site associated with the established school. In this regard, the building is considered to be consistent and aesthetically pleasing achieving a built form that has proportions consistent with the surrounding environment. Landscaping will contribute to the aesthetic quality of the surrounding locality and viewing the proposal from the streetscape.

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

The relevant local environmental plan applying to the site is the *Ballina Local Environmental Plan 2012* ('BLEP'). The aims of the LEP include:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (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,*
- (d) 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, 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 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.

EAC 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 "centre-based child care facility" pursuant to the BLEP. The amendments to the master plan involve an addition to the existing child care centre. Centre-based child care facilities are permitted with consent 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 STEM and digital technology centre and amendments to the overall masterplan for the site will provide an additional facility for EAC. The proposed development is compatible with the character and amenity of the locality in that it will provide for alterations and additions to the existing school and centre-based child care facility.

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

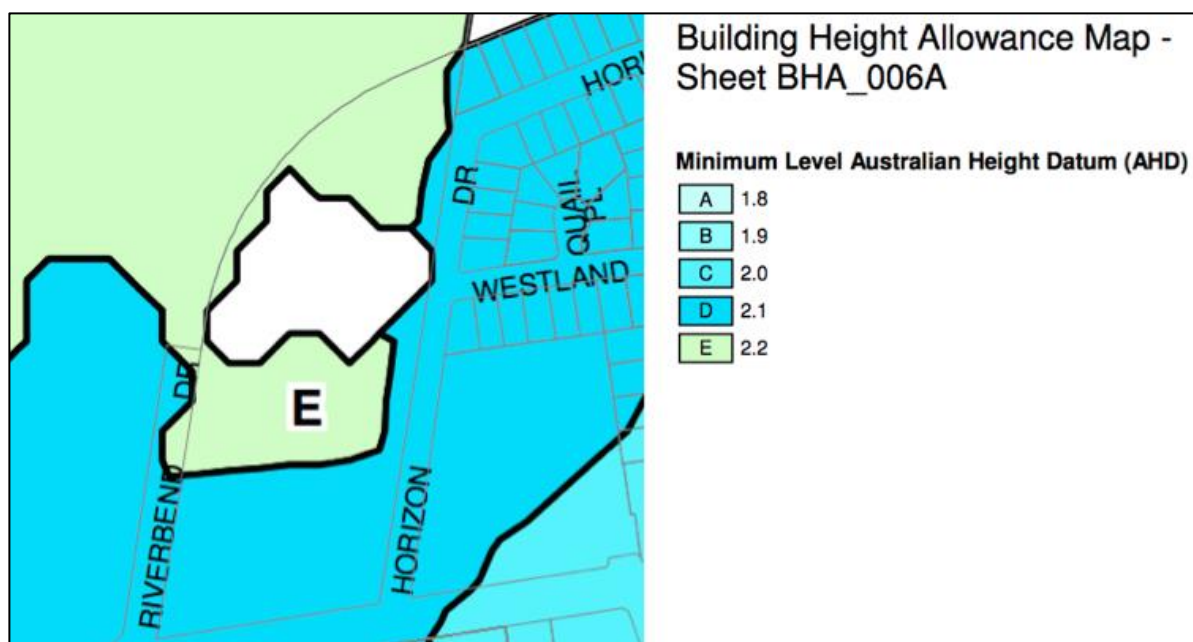
A maximum building height of 8.5 metres is applicable to the subject site under Clause 4.3 of the BLEP, as indicated on the Height of Buildings Map.

Clause 4.3A of the BLEP also applies as it is identified on the Building Height Allowance Map. Subclauses (2) and (3) have been reproduced below:

*(2) This clause applies to land identified as “Minimum Level Australian Height Datum (AHD)” on the Building Height Allowance Map.*

*(3) 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.*

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 5: Excerpt from Building Height Allowance Map**  
**Source: BLEP 2012**

The portion of the subject site to be developed is located across the area marked 'E' meaning the maximum building height is to be measured from RL 2.2m AHD, as well as on area outside of the building height allowance map. In the area outside of the building height allowance map the 8.5m building height applies and is to be measured from ground level (existing) in accordance with Clause 4.3.

For clarity, the land within the area marked 'E' the maximum height of building applicable is RL 10.7m AHD (i.e. 8.5 metres above the allowable 2.2m AHD). For the area mapped outside of the building height allowance map, the maximum building height is 8.5m measured from the ground level (existing).

The documentation submitted with the application referred to the proposal being within the area marked 'E' above. A request for further information was sent to the applicant in relation to compliance with the building height as there is a significant portion of the proposed development outside of the building height allowance map area. Confirmation that the proposed building height involves a maximum of 8.42m from the ground level (existing) and provides a maximum height of 10.59m AHD. In this regard, the proposed development is compliant with both Clause 4.3 and 4.3A.

#### **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.

#### **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.

### **Flood planning (Clause 5.21)**

Council's Civil Services Division has commented that the Ballina Flood Study Update was prepared by Council in 2008 to determine flood behaviour for a range of flooding scenarios up to Probable Maximum Flood (PMF) level with various climate change options. For these flood scenarios, the study identifies predicted flood levels, velocities, hazard categories and critical conveyance paths.

The Ballina Floodplain Risk Management Study was prepared in 2015 and analyses the data from the flood study and reviews economic, environmental and social issues to determine the appropriate planning and development controls for various floodplain risk categories. The recommended planning and development controls for flood prone land are enacted in Chapter 2b of the Ballina DCP 2012.

The controls provided in this chapter of the DCP have accordingly been formulated based on a merit approach that allows some development in the floodplain with acceptable levels of risk because of the lack of severity of the flood hazard, the probability of flooding and the nature of the land use.

The subject site is identified as being subject to flooding with the designated flood planning level 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. The proposed development complies with this providing a 2.9m floor level.

Clause 5.21(2) 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 function and behaviour 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 development 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 under Attachment 2. A condition will be recommended to be imposed in relation to the required fill level and design floor level.

Regarding the impacts on flood levels due to loss of floodplain storage, the Ballina Floodplain Risk Management Study reviewed the impact of filling within Ballina Island, East and West Ballina as one of the flood risk managements measured. The result of this study found negligible flood impact (less than 5mm afflux), meaning that filled areas within flood storage portions of the floodplain, and the lost flood storage due to the fill are small, relative to the total flood storage available in the floodplain. As a result, filling the existing urban areas is acceptable in terms of flood impact. The estimated filling of urban areas within the flood modelling within this management measure is in excess of 500ha and EAC is approximately 6ha of this area. Council's Civil Services Division is satisfied that the filling of a small part of

this 6Ha site, as proposed by this application, would therefore not result in any meaningful impact in regard to afflux due to the loss of floodplain storage, as is it a minute amount in comparison to the total urban area that has already been filled and resulted in an afflux of less than 5mm.

During flood flows, a partial blockage/obstacle (such as filling or buildings) on the floodplain can impact on flood levels by causing water levels to be higher on the upstream side of the blockage (called afflux) and lower on the downstream side. The amount of level increase or afflux is dependent on the velocity of the flood flow. If flow velocities are high, afflux can be high. If flow velocities are low, afflux due to partial blockage, will be low.

In regard to the proposed development's impacts on flood levels due to blockage of flood flows, the site has a significantly low velocity range of 0-0.2m/s. In relation to riverine flooding, such as the first March 2022 floods, water would be expected to enter the site in the north-eastern corner due to lower elevations, combined with back water flooding from the drainage culvert below Riverbend Drive, which would inundate the low lying sports field.

In regard to flood flow blockage and resulting impacts on peak flood levels, the filling and building for this stage of development on the subject site has also to be considered in the context that there is already existing filling of urban land west of the site (Riverbend Drive) and filling on the urban areas east of Riverbend Drive. Council's Civil Services Division is satisfied that as flood velocities are very low and slow, velocity increases due to partial blockage of flow, caused by the proposed filling and buildings, would have no significant increase at or beyond the site boundaries.

For localised flooding event such as the second March 2022 flood, the 'Ballina Island and West Ballina Overland Flow Flood Study Final Overland Flood Study Report and Mapping November 2020' has been adopted. There are a number of overland flow paths within the site and discussed within the Stormwater Management section of this assessment report.

In this regard, the proposal is considered to be compatible with the flood function and behaviour of the land. The additional development of the land will not have a significant impact upon the movement of flood waters, nor will it create an increase in flood level on surrounding properties.

*(b) will not adversely affect flood behaviour in a way that results 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. Comments above have indicated that the afflux impact of this proposal, due to both the loss of floodplain storage and partial blockage of flood flows is not significant either on site or in regard to other property in the locality. It is anticipated that any changes associated with the proposed development are to be minor and acceptable in relation to the impact on surrounding development.

In this regard, there are no further concerns raised in relation to the flood behaviour on other development or properties associated with the proposal.

*(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*

The proposed development relates to alterations and additions to an existing educational establishment and child care facility. To address the safe evacuation of staff and students, the Applicant provided EAC's Critical Incident Management Policy. This has indicated monitoring local emergency services flood warnings, communication with emergency services personnel, assessment of risk and pathways for the nearest safe location. It is important to note that when flood risk is imminent, parents/carers will be notified and staff and students will be directed to leave the premises (or instructed to stay home where the school day has not commenced). In this regard, the proposed development involves a facility that is not a place of residence and patrons (staff and students) can return to their place of residence in the event of a flood emergency.

There are no concerns in relation to the increase in capacity of the facility and evacuation routes in the surrounding area. As indicated previously and within the Critical Incident Management Policy, the staff and students will be required to return home prior to any critical flood risk, and therefore would not create any congestion of roads during evacuation of residences due to flood impact.

*(d) incorporates appropriate measures to manage risk to life in the event of a flood, and*

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

As identified above, the application has been supported with a Critical Incident Management Policy that has addressed appropriate management for risk to life in the event of flood risk. Appropriate monitoring of flood risk and warning has been included as well as opportunity for arranging appropriate accommodation for stranded students.

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

The subject site does not contain a watercourse or any riparian areas, nor is it located near such areas. The proposed development will incorporate appropriate stormwater management and sediment and erosion control measures. No further concerns are raised in this regard.

Clause 5.21(3) states that in deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters:

*(a) the impact of the development on projected changes to flood behaviour as a result of climate change,*

The proposed development will not have a significant impact on the flood behaviour. Comments provided under Subclause (2) has suitably addressed the flood behaviour.

*(b) the intended design and scale of buildings resulting from the development,*

The design and scale of the buildings are proposed to be reasonable in that they fit within the design and scale of the existing EAC facility. The Applicant has sufficiently addressed

stormwater management and the proposed development will achieve compliance with the designed flood level requirements to mitigate flood impact.

*(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*

The proposed development incorporates measures to minimise the risk to life through the implementation of the Critical Incident Management Policy. Conditions have been recommended in relation to the implementation of this policy during the continued operation of the school.

*(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

The proposed development will be suitably built to the minimum fill level relevant for the subject site. In this regard, it is not considered that there is a requirement to modify, relocate or remove the proposed buildings.

### **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 to account for works involving excavation below the existing filled soil profile. Council's Environmental Health Officer has reviewed the proposal and considered that as the site is required to be filled to achieve flood heights, it is unlikely that the proposal will disturb Acid Sulfate Soils. An Acid Sulfate Soil Management Plan for Minor Works has been submitted and dated 20/12/2021. A condition is recommended to ensure the Acid Sulfate Soils Management Plan is implemented in full during the construction period.

### **Earthworks (Clause 7.2)**

Earthworks are proposed on the site to facilitate the proposed development. The applicant has indicated the subject site will be filled to achieve the minimum flood planning level. Given that existing ground levels are in the order of 2.0m AHD, fill depths are expected to be up to 300mm.

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 facility for building construction. This certification is to be submitted to and approved by the Registered Certifier 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,*

**Comments:** The proposed filling of the site to meet flood planning requirements is minor being approximately 300mm and not expected to have any detrimental impact on drainage patterns or soil stability. Stormwater management has been considered as part of the proposed development, particularly in relation to the masterplan amendments. The stormwater management report along with the additional information provided in response to the information request, is considered to suitably address the stormwater management.

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

**Comments:** The proposed development and associated earthworks are related to the existing educational establishment on the site and provides for amendments to the overall masterplan for EAC.

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,*

**Comment:** The site has been filled as part of previous stages of the development. 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.

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

**Comments:** The site is to be filled in order for the development to comply with Council's flood planning requirements to reduce flood risk of the proposed structures.

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. There is an existing culvert under Riverbend Drive that will direct stormwater under the road from the adjoining catchment area. The proposed development involves the construction of the STEM building which is part



of the stormwater catchment area directed to the north of the site and away from adjoining properties along Riverbend Drive.

Specific conditions have been recommended to be imposed to manage impact on adjoining properties with respect to dust, noise and vibration.

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

**Comments:** 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.

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,*

**Comments:** EAC is located on an existing disturbed site and as such, no relics are expected to be uncovered as part of the proposed works. An AHIMS search was conducted on 18 August 2022 and provided by the Applicant indicating that no Aboriginal sites or places are recorded in or near the subject site.

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

**Comments:** The subject site is not mapped and well removed from any water catchment, waterway or other environmentally sensitive areas. Conditions are recommended to be imposed in relation to sediment and erosion control during construction phase of the development.

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

**Comments:** 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 management provided by the Applicant.

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

### **Essential Services (Clause 7.7)**

The site is connected to reticulated urban infrastructure required to service the existing educational establishment. The Infrastructure Services Report (dated November 2021) confirms that all necessary services will be provided to the development at sufficient capacity to service the proposed development.

#### *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 reviewed the application and advised that water supply is not expected to be an issue. The proposal is considered satisfactory regarding provision of potable and recycled water supply. Conditions of consent will be recommended detailing requirements for connection to the potable and recycled water systems for new buildings and irrigation.

#### *Sewer Servicing*

Council's Civil Services Division have assessed the pump station and rising main and concluded that there is adequate capacity in the existing network to cater for this development as well as the expected growth in the catchment.

#### *Power Supply Services*

The Engineering Services Report advises that power and communications are available from within the site. The report identifies that the existing padmount transformer has spare capacity to cater for the additional power demand. 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:

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

**Comment:** The proposed development relates to the construction of a STEM centre and modifications to the approved masterplan within an existing educational establishment and centre-based child care facility. The proposed development will not have an adverse impact on the orderly and coordinated provision of infrastructure for the future use of land within strategic growth areas.

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

**Comment:** The architectural design of the building is consistent and considered to complement the existing school buildings on the site.

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

**Comment:** The application was referred to Council's Environmental Health Officer for comment. Conditions are imposed on the consent in relation to noise generation both during construction and operation of the premises. Conditions are also imposed to manage dust during construction works.

Stormwater management has also been considered as part of the development 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 issues in relation to stormwater discharge will occur. Suitable conveyance and attenuation have been demonstrated through catchment flow modelling and retention of existing overland flow paths to provide details in relation to the direction of stormwater away from Riverbend Drive and the residential properties within the Riverbend development.

*(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 and provided consideration for the traffic and transport infrastructure. Access and traffic considerations have been previously discussed within the Transport and Infrastructure SEPP and Ballina DCP 2012 sections within this report.

The proposal is considered to be generally consistent with the LEP.

#### **(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments**

There are several proposed instruments which have been the subject of public consultation under the EP&A Act, and are relevant to the proposal, including the following:

- *Draft Remediation of Land SEPP*

Comments in relation to contamination and remediation of land have been provided under the SEPP (Resilience and Hazards) of this assessment report.

The proposal is generally consistent with these proposed instruments.

#### **(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan**

The following Development Control Plan is relevant to this application:

- *Ballina Development Control Plan 2012 (BDCP)*

### **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.

#### Section 3.1 – Land Use Conflict

Educational establishments are not identified within this section of the DCP and therefore no concerns are raised in relation to land use conflict.

#### Section 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 removed from the proposed development and the vegetation management works involved as part of the development, no issues are raised in relation to disturbance to the mapped natural areas and habitat.

It is noted that the proposed development involves provision of an easement in the north-eastern corner for the purposes of a future overland flow drain to be located within this portion of the site. This is considered reasonable in this instance, as noted within the stormwater management information provided by the Applicant, stormwater typically moves through this portion of the site and the proposed easement for the future formalisation of the drain is not considered to have a significant impact on the natural areas. The ability to provide this drain in the future will have a beneficial impact on the surrounding environment, in that it will reduce ponding within this area and ensure appropriate discharge of stormwater along Horizon Drive and on the subject site. This is considered to provide an overall improved outcome for the proposed development.

#### Section 3.4 – Potentially Contaminated Land

This issue has been previously addressed in relation to State Environmental Planning Policy (Resilience and Hazards) 2021 within this report.

#### Section 3.5 – Land Slip/Geotechnical Hazard

##### **3.5.3 Development Controls**

- i. 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:** Various geotechnical investigations have been undertaken across the site as part of the progressive development of the school. The most recent geotechnical investigations were performed by Shaw Urquhart Consulting for development of the Multi-purpose building. At no point has any of the geotechnical investigations that have been carried out raised concern with the site of the new STEM building and any future development in this area. In accordance with advice from Council's Building Services team, conditions have been recommended that the development is to comply with this report (or as amended).

- ii. 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.

- iii. 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.

### Section 3.6 – Mosquito Management

Council's DCP requires stormwater detention areas to be designed so as to minimise the potential for mosquito habitat and facilitate easy maintenance. Council's Environmental Health Officer has reviewed the proposed development and recommended conditions to be imposed in relation to stormwater detention areas.

### Section 3.7 – Waste Management

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 9):

**Table 9: Waste bins and frequency of collection**

**Source: Newton Denny Chapelle 2022**

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

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. The applicant identified that the proposal does not generate any additional operational waste.

Conditions are recommended with respect to the management of waste during the construction of the proposed development.

The waste management details provided by the applicant are considered satisfactory subject to the recommended conditions provided under Attachment 1.

### Section 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. The development application was supported with an Infrastructure Services report (Attachment 6) that has indicated that 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 additional information provided addressing stormwater management prepared by Ardill Payne and Partners dated 3 March 2023 provides an assessment of the proposed development having regard for the historic stormwater management and changes associated with the proposed development.

The proposed amendment to the masterplan includes onsite detention tanks to mitigate post development flows to current flow rates. These have been indicated within the Infrastructure Management Plan provided to support the application.

There have been a number of changes to the three catchment boundaries and discharge points since the opening of EAC. The stormwater modelling provided indicates peak catchment flow rates associated with these three catchment areas in relation to the pre and post development outcomes. The flow rates across the total site reduces at the post development state. In this regard, conveyance and attenuation of stormwater will be appropriately managed from each internal catchment as they will not exceed existing case flow rates.

There are three primary overland flow routes which would discharge excess flows from the site. Two existing overland flow paths exists as below:

1. Through the north eastern corner to Fishery Creek via open drainage north Horizon Drive (northern portion of site)
2. To River Street running east and down to Riverview Drive (southern portion of site)

Additionally, the Applicant has indicated that the EAC is committed to providing an easement for the purposes of an overland flow path from the corner of Horizon Drive through the north-eastern corner of the site to the open drainage system to the north. This path is intended to improve the current arrangement enable ponded water within Horizon Drive to discharge via the overland flow once the water is at that level rather than relying on Council's piped network for discharge.

Council's Civil Services Division has assessed the proposal with regard to stormwater management and the approach provided by the applicant is supported. The Applicant's proposal would result into an improvement (compared to the current, pre-development situation) to stormwater overland flow that would benefit other properties in the Horizon Drive and adjacent area locality. Conditions are recommended to ensure stormwater management on the site occurs in accordance with the approved Stormwater Management Plan.

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

### Section 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, such that the controls in Section 3.11 are satisfied. Conditions have been recommended in relation to the suitable continued provision of services on the site.

### Section 3.12 – Heritage

Not applicable, the site is not mapped or known to be a place of heritage, historical or cultural significance.

### Section 3.14 – Coastal Hazards

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

## Section 3.15 – Crime Prevention through Environmental Design

**Table 10: CPTED Assessment**  
**Source: Applicant's Information**

| Performance Criteria   | Design Requirements for Project   | Development Commitments   |
|--|---|---|
| <b>Lighting</b>  |   |   |
| <ul style="list-style-type: none"> <li>Allow adequate brightness.</li> <li>Ensure lighting does not produce glare or dark shadows.</li> </ul>  | <ul style="list-style-type: none"> <li>At night open spaces can be very intimidating as it is very difficult to monitor movement around you.</li> <li>Lighting is an essential tool in making people feel safe and in deterring illegitimate users.</li> <li>Allows people to see what is ahead.</li> <li>Encourages legitimate users to use a facility after daylight hours; their presence will deter potential illegitimate users.</li> <li>Allows natural surveillance after daylight hours.</li> <li>Facilitates formal surveillance after hours.</li> </ul> | <p>The Applicant indicated development commitments to include lighting of key access points and pathways. Brighter lights to be used in high areas to provide clear sight lines and pedestrian pathways.</p> <p>Conditions will be recommended in relation to lighting to not cause negative impact to neighbouring properties.</p> |
| <b>Landscaping</b>   |   |   |
| <ul style="list-style-type: none"> <li>Avoid landscaping which obstructs natural surveillance</li> </ul>   | <ul style="list-style-type: none"> <li>The size of certain types of vegetation can obstruct visibility and make people feel uneasy and unsafe.</li> <li>Perceiving that something may be 'behind those bushes' can discourage genuine users of a space.</li> </ul>  | <p>The proposal will provide illuminated access points to open spaces and pathways. The Applicant will provide planting that ensures dense vegetation will not border the building.</p>   |
| <b>Site &amp; Building Layout</b>  |   |   |
| <ul style="list-style-type: none"> <li>Encourage activity and allow natural surveillance and to maximise casual surveillance, by:</li> <li>Ensuring that ground floor use is 'activity generating' where possible, eg cafes, retail etc.</li> <li>Not using blank walls on street frontages</li> </ul> | <ul style="list-style-type: none"> <li>In order to facilitate natural surveillance, it is important to ensure that clear sight lines (ie. Not blocked by blind corners, buildings or landscape) are paramount to the design.</li> </ul>   | <ul style="list-style-type: none"> <li>The Stem &amp; Digital Technology Centre will be clearly identifiable at locations which assist users in locating the building and associated access locations.</li> <li>Internal and external access is conveniently located and easily seen by users of the facility.</li> </ul>           |

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| <ul style="list-style-type: none"> <li>Designing first floor sites to overlook street frontage</li> </ul>  |  | <ul style="list-style-type: none"> <li>Amenities are proposed to be located close to areas of active uses with direct access achievable.</li> <li>The nature of the land use and associated building design promotes activation by students around the building (classrooms and sports fields).</li> </ul> |
| <b>Signage</b>   |  |  |
| <ul style="list-style-type: none"> <li>Ensure that signage is clearly visible, easy to read and simple to understand</li> </ul>  | <p>Signage allows users to:</p> <ul style="list-style-type: none"> <li>Feel safe through the provision of information; as they know where they are, where to go and what to do in an emergency situation.</li> <li>Avoid uncomfortable situations such as getting lost (particularly after hours).</li> <li>Identify exit points in an emergency.</li> </ul> | <p>Both directional and behavioural signage will be provided at entrances to the building which adopt the EAC standard signage template.</p>   |
| <b>Hours of Operation</b>  |  |  |
| <ul style="list-style-type: none"> <li>Consider security issues in buildings operating with extended hours (such as office building, pubs and restaurants).</li> </ul> | <ul style="list-style-type: none"> <li>Adequate lighting in areas surrounding entry/exit points.</li> <li>Adequate lighting surrounding all amenities (eg. car park area and toilets).</li> <li>Where necessary, allocate security guards to patrol the surrounding areas of the building.</li> </ul>  | <ul style="list-style-type: none"> <li>The proposal will operate for general school hours. It is however noted extended classes may occur.</li> <li>EAC security is also present and CCTV is also proposed to be installed.</li> </ul>   |

The Applicant has also provided the following commitments in relation to the proposed development.

**Signage:**

- All signs will be strategically placed, well lit, large and legible with EAC colours and standard symbols.

**Lighting:**

- Lighting to external areas will have lighting levels in accordance with the respective parts of AS1158 (Public Lighting Code), AS4282 and Council requirements.
- For all internal areas, the minimum lighting levels will satisfy the requirements of the respective part of AS1680.

EAC shall be responsible for:



- Removing graffiti in a timely manner.
- Maintaining the College grounds under its hospices.
- Regular landscape maintenance.
- Repairing any damaged common area lighting.
- Repairing all damaged, broken or decaying building elements.
- Ensuring that bins are kept in locked enclosures.

The application was referred to NSW Police who advised they do not have any formal recommendations to put forward which have not already been considered.

No further concerns are raised in relation to crime risk associated with the proposed development. The proposed development related to alterations and additions to an existing establishment and therefore the existing policies and procedures will be maintained onsite.

### Section 3.19 – Car Parking and Access

The applicant has commented that additional car parking is proposed to be developed as part of the proposal and associated master plan.

In accordance with these rates, the planned overall population of 1,114 students and 119 staff members requires the following parking provisions:

**Table 11: Year 2031 (Completed masterplan)**

| Council Requirement |   | Proposed  | Required Number of Parking Spaces |
|---------------------|---|---|-----------------------------------|
| Use                 | Rate  |   |                                   |
| Primary school      | 1 space per 12 students plus<br>1 space per 2 employees | 544 + 119 employees<br>(NB 119 employees for both primary and secondary school) | 45.33 + 59.5                      |
| Secondary school    | 1 space per 10 students plus<br>1 space per 2 employees | 570   | 57                                |
|                     |   | Total required  | 162                               |

A total of 162 car parking spaces are to be included as part of the proposed development onsite. Thirty angle car parking spaces are also proposed adjacent to the site on the eastern side of Riverbend Drive. This parking along Riverbend Drive will be in surplus to the prescribed parking required to be provided on site for the total student and staff population in accordance with the DCP requirements. The Applicant's SEE has indicated that this is for the purposes of sporting and other school events.

Possible vehicle/pedestrian safety issues were raised in the Road Safety Audit (RSA) initially accompanying TIA (Revision 2 dated 6 March 2023), and summarised within the latest revision

of the TIA (Revision 4, dated 28 April 2023). Comments in the RSA raised extreme safety risks (S3-1, S3-2, S3.3 and S3-4). The updated TIA has provided responses that the proposed angle parking spaces in Horizon Drive, associated “new footpath” servicing the angle parking as well as proposed barrier centre line along Riverbend Drive marking and turning painted island at the northern end of Riverbend Drive. The revised Masterplan has not incorporated all the recommendations associated with the TIA, however, conditions will be recommended in this regard. Refer to Local Traffic Committee comments in relation to regulatory changes along Riverbend Drive.

#### *Accessible Parking*

The site includes two accessible car parking spaces towards the front entrance of the site to service the facility and no concerns have been raised by Council’s Civil Services Division in this regard.

#### *Bicycle and Scooter Parking*

There are no bicycle parking requirements outlined within the DCP, however, the TIA has indicated that additional bicycle parking will be provided onsite. The proposed masterplan has not clearly identified these spaces. In this regard, conditions will be recommended to be imposed to ensure that this bicycle parking is provided onsite in proportion to enrolment increases (39.25% of students).

#### *Bus Servicing*

The proposed masterplan increases the bus capacity from three bus drop off spaces to six spaces accessed off Horizon Drive. The TIA has provided consideration of this bus servicing area and demonstrated that it is suitable. This is considered to be satisfactory for the proposed development and no further concerns are raised in relation to bus servicing.

#### *Access*

The proposed development maintains access to the site along Horizon Drive. This arrangement will continue as part of the subject application, with minor changes to the entrance/egress points along Horizon Drive as indicated on the masterplan. In accordance with the current approved masterplan, it is proposed that the southern access point on Horizon Drive be converted to two-way operation (currently exit only), the central driveway to operate as exit only (currently entry only), and the northern driveway as exit only (currently two way). The Traffic Impact Assessment (TIA) has provided considerations for this arrangement, included traffic modelling (using SIDRA software), and considered it to be suitable.

The proposal additionally involves formalisation of the access and service road along Riverbend Drive. This access will be restricted to staff and for services purposes only. This includes car parking along the service road.

#### *Local Traffic Development Committee*

Due to the regulatory changes required as a result of the works associated with the proposed development, the application was required to be reported to the Local Traffic Development Committee (LTDC). The following recommendations were made and agreed upon during an out of session report to the LTDC between 1 and 8 June 2023:

### **6. Recommendations to Ballina Local Traffic Development Committee**

*That*

1. *The Committee raise no objections on traffic grounds to determination of DA 2022/75 in regard to the amended Emmanuel School Master Plan to raise school population from 800 to 1114 students, provided conditions of consent are applied that:*
  - a. *Require provision of internal traffic facilities, parking, signs and markings as depicted on the amended proposed master plan dated 26 April 2023 and as may be modified by proposals and recommendations in the Traffic Impact Assessment dated 28 April 2023 and are also consistent with relevant Australian and Austroads Standards.*
  - b. *Require provision by the proponent of external traffic arrangements as depicted on the amended proposed master plan dated 26 April 2023 and as may be modified by proposals and recommendations in the Traffic Impact Assessment dated 28 April 2023 in Horizon Drive and Riverbend Drive.*
  - c. *The external traffic arrangements for works in road reserves are to be the subject of a S138 application to Council accompanied by plans, consistent with the DA consent, that are of an equivalent standard to the TfNSW “strategic design” as detailed in TfNSW letter dated 28 May 2023. Any S138 approval is to be conditioned to require detailed design plans, satisfactory to Council.*
  - d. *Require any proposed traffic regulatory changes contained in associated S 138 applications to be forwarded to and supported by the Ballina Local Traffic Committee.*
2. *The Committee support in principle, subject to submission to and approval by Council of acceptable S138 application and associated plans that are also consistent with relevant Australian and Austroads Standards:*
  - a. *Provision of a “No Stopping” zone in Horizon Drive, generally as depicted in TIA Rev 4 Fig 6.1, but with operation times to be consistent with School Zone days and times (ie School days, 8 – 9:30 am and 2:30 - 4 pm)*
  - b. *Provision of angle parking and associated signs and pavement markings in Riverbend Drive as depicted in TIA Rev 4 Fig 8.1. (see also d. below)*
  - c. *Provision of centre barrier lines and “painted island to allow U-Turn movements” in Riverbend Drive as depicted in TIA Rev 4 Fig 8.1.*
  - d. *Provision of suitable sealed parking space pavement and road widening in Riverbend Drive as may be required to ensure compliance with width required to road separation line (W) and other requirements in “Section 2.4 Roadway Width Limitations for Parallel and Angle Parking” (Figs 2.3/2.4 etc) of AS 2890.5*
3. *The Committee request TfNSW to conduct a Speed Zone Review of Riverbend Drive”*

It is understood that the consensus of the Delegate’s responses does not oppose the proposed development on traffic grounds nor oppose proposed traffic related recommended conditions as outlined above. Conditions to reflect the above have been recommended under Attachment 1.

### Section 3.20 – Vibration

Conditions will be recommended in relation to compliance with vibration during the construction works associated with the proposed development.

### Section 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 2A – Vegetation Management

This chapter of the DCP identifies Council's requirements relating to the management of vegetation on urban land within Ballina Shire which includes the R2 Low Density Residential zone.

Section 3.1.2 of Chapter 2a states that development permit is required for vegetation management works on land located within an urban zone when the vegetation management works will affect:

- a) Any tree (either native or non-native) with a height of 6 metres or greater;
- b) Any tree of the species *Pandanus tectorius* (Screw Pine) with a height of 3 metres or greater and located in the localities of East Ballina, Lennox Head or Skennars Head;
- c) Any vegetation located on land identified as Significant Urban Bushland on the Significant Urban Bushland Map; and
- d) Any tree with a height of 3 metres or greater located on land containing an Item of Environmental Heritage as specified in Schedule 5 of the *Ballina Local Environmental Plan 2012*.

The Ecological Assessment has identified that the proposal involves the removal of approximately 900m<sup>2</sup> of planted native and exotic vegetation along the landscaped mound, three planted shade figs and a hedge of Agave, Lemon myrtle and Dwarf riberry.

A summary of the vegetation to be removed along the landscaped mound is provided below:

**Table 12: Trees to be removed**

**Source: Applicant's Ecological Assessment, Blackwood Ecological Services**

| Species                  | Diameter at breast height |         |         |         |
|--------------------------|---------------------------|---------|---------|---------|
|                          | 1-10cm                    | 11-20cm | 21-30cm | 31-40cm |
| Broad-leaved paperbark   | 2                         | 8       | 6       | 2       |
| Swamp oak                | 4                         | 2       | 10      | 5       |
| Weeping bottlebrush      | 4                         | 3       |         |         |
| Willow bottlebrush       |                           | 1       |         |         |
| Spotted gum              |                           | 1       | 1       |         |
| Macaranga                |                           |         | 1       | 1       |
| Red-fruited kurrajong    |                           |         | 1       |         |
| Tuckeroo                 |                           | 1       |         |         |
| Pink Euodia              | 1                         |         |         |         |
| Cheese tree              |                           | 1       | 2       |         |
| Riberry                  |                           | 1       |         |         |
| Brushbox                 |                           | 2       |         |         |
| Native frangipani        |                           | 1       |         |         |
| Draecena                 | 1                         |         |         |         |
| Plum pine                | 1                         |         |         |         |
| Broad-leaved pepper bush |                           | 2       |         |         |
| Pohutukawa               | 1                         | 1       |         |         |
| Beach alectryon          | 2                         |         |         |         |
| Superb fig               |                           |         |         | 2       |
| Swamp turpentine         | 1                         |         | 1       |         |
| Fimbriate wattle         |                           |         | 1       |         |

The ecological assessment report provided with the application has indicated that some of these trees are taller than 6m and therefore consent is required for their removal. In that regard, due to the growth arrangement of the trees being close together as communities the following assessment has been undertaken in relation to the removal of all trees as identified above.

#### Section 4.2.1 – Urban Zones

In determining an application under Chapter 2a for vegetation management works on land within the R2 Low Density Residential Zone, Section 4.2.1 of Chapter 2a requires that an assessment be undertaken having regard for the following:

- a) whether the tree or other vegetation contributes to the aesthetic qualities of the locality and comprises an important component of the skyline;*

**Comment:** The trees are considered to contribute to the aesthetic qualities of the locality particularly along Riverbend Drive. There are other trees within the locality within Riverbend Drive and throughout the site that contribute to the aesthetic quality of the immediate locality. A condition is recommended for additional compensatory landscaping to be included onsite. The trees are not considered to be an important component of the skyline.

- b) whether the tree or other vegetation makes a significant contribution to the amenity and character of the locality;*

**Comment:** The trees contribute to the amenity and character of the location. There are other landscaped trees on the site that maintain this contribution to the amenity. A condition will be recommended to be imposed on the consent for additional compensatory landscaping onsite.

- c) whether the tree or other vegetation is important from a cultural and/or heritage perspective;*

**Comment:** The trees are not mapped or noted to be of any cultural or heritage significance. No further concerns are raised.

- d) whether the growth habit (crown or root) or mature size of the tree or other vegetation is undesirable in a given situation (e.g. under power lines, on top of or under retaining walls or banks, over sewer lines, close to roads or driveways etc.) such that it unreasonably interferes with infrastructure or sight distances;*

**Comment:** The trees do not appear to be in an unsuitable location or unreasonably interfere with infrastructure or sight distances. The trees are located within the vicinity of the proposed STEM building and therefore it is not reasonable to retain them through the construction of the proposed building. The trees are not noted to be of any biodiversity significance and therefore the removal is appropriate and satisfactory in this instance.

- e) whether the tree or other vegetation is causing damage to public or private utilities and services including kerb and guttering and the aesthetic value of the tree or other vegetation is not greater than the effect of damage caused by the tree;*

**Comment:** The trees do not currently conflict with any utilities or services but are located within the proposed building footprint and maintenance access service road. The aesthetic

value of the trees is not considered to be greater than the potential damage that would occur as a result of the proposed development.

- f) whether the tree or other vegetation is interfering with, or may interfere with, the efficiency of a solar or communication appliance;*

**Comment:** The trees are not noted to currently interfere with any solar or communication appliance. However, they are located in an area that would inhibit the provision of the additional school building. It is considered that there is space and capacity to provide additional future landscaping onsite that would not interfere with efficiency of solar access or communication appliances.

- g) whether the tree or other vegetation is in an overcrowded situation where the overcrowding is detrimental to tree growth and the judicious removal of tree(s) will result in improved growth of other trees;*

**Comment:** The trees are not in an overcrowded situation with regard to each other or any other trees. However, the provision of the building on the land would create damage to the tree due to disruption to the growth habit and existing established root systems.

- h) whether the species and/or growth form of the tree or other vegetation is ecologically significant in the local or regional context and its ability in providing habitat for native fauna; and*

**Comment:** None of the species to be removed are listed as Threatened under the NSW BC Act (2016) or the Commonwealth EPBC Act (1999). The trees are not of ecological significance in a regional context. The trees are of minor significance in a local context. Due to their position on the land within the existing school, the Ecological Report has indicated that they are likely to provide habitat for only relatively common native fauna adapted to disturbed environments.

- i) whether, based on supporting documentation submitted with the application, the tree or other vegetation is dying or diseased and its safe useful life expectancy is diminished.*

**Comment:** The trees appear to be in good health as indicated within the Ecological Report.

## **Chapter 2B – Floodplain Management**

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

- Minimum design floor level – RL 2.8m AHD (Flood Planning Level + 500mm freeboard)
- Flood Planning level – 2.3m AHD
- Minimum fill level (building footprint + 3 metre curtilage) – 2.2m AHD
- Minimum fill level (car parking and driveways) – 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 5.21 of BLEP assessment for discussion on flood risk management.

## 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 proposal will support the existing educational establishment on the site. 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 proposed development is considered to be within the character of the locality in that it involves extensions to an existing school and child care centre on the subject land.

With respect to the character of the locality, the proposed building is compliant with the maximum building height control applicable to the subject site. The proposed building is consistent with the bulk and scale of existing buildings on the subject land.

- b) Minimise conflict between land uses;*

**Comment:** The proposed Stem & Digital Technology Centre is considered to be ancillary to the existing educational establishment on the site. Given the nature of the proposed activities to occur within the building this additional consistent with the existing operations onsite and will not create any concerns in relation to land use conflict associated with surrounding development.

- 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 proposed development is a suitable building form for the site and compatible with the existing and proposed development of the school site.

- 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 development 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 metre building line is applicable to the primary road frontage of the subject site. The existing and proposed development on the land is located a minimum of 6 metres from the eastern property boundary (Horizon Drive frontage), a minimum of 5 metres to the western boundary (Riverbend Drive) and a minimum of 22 metres from the southern property boundary (River Street frontage). The proposed development does not include any buildings forward of these existing setbacks. The proposal is therefore compliant with the 6 metre building line/setback applicable to the site from the River Street frontage. The DCP allows for a 2 metre reduction to the setback along Secondary Road frontages, in this regard the 5 metre setback along Riverbend Drive is considered to be reasonable.

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

**Comment:** Complies. The gross floor area (GFA) of the proposed Stem & Digital Technology Centre is approximately 2318m<sup>2</sup>. When combined with the approximate GFA of the existing school buildings and final proposed masterplan, the onsite site coverage remains less than 36%.

- 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 11,880m<sup>2</sup> would be required, given the site is approximately 5.94 hectares in area. The landscaping associated with the proposed development is suitable and it is considered ample landscaping throughout the site will be retained. Conditions will be imposed in relation to compensatory landscaping associated with the proposed development, ensuring that 20% of the site area of landscaping is retained.

- 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 development 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. The car parking is considered to be reasonable in this regard.

- 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 proposed development is a well-proportioned and articulated building which is consistent with the architectural characteristics of the existing school buildings on the site.



- *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:** Noise impacts associated with the operation of the proposed development can be suitably addressed and have been addressed in xvi) Noise and vibration within Section 4.15(1)(b) 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.

The proposed development relates to alterations and additions to the existing educational establishment. 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.

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

**Comment:** The proposed development does not directly front River Street being the primary street frontage, however the school more broadly is considered to address the primary street frontages of River Street and Horizon Drive. The design of the proposed STEM building is consistent with existing buildings on the site and is considered to be of appropriate design.

- *Development Contributions*

The following assessment is provided with respect to the developer contributions associated with the proposed development.

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.

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.

The proposal is seeking to modify the school population. It is anticipated to increase from the current level of approximately 794 students and 93 staff members (approved as a maximum of 800 students under 1999/533), to 1114 students and 119 staff members by the year 2031. In this regard, contributions are applicable and have been included within the recommended conditions.

**(d) Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act**

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

**(e) Section 4.15(1)(a)(iv) - Provisions of Regulations**

No additional matters under Section 61 of the regulations requires further consideration in respect of the proposed development.

**3.2 Section 4.15(1)(b) - Likely Impacts of Development**

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

**Table 13: Likely Impacts of the proposed development**

| Urban and Building Design | Comment  |
|---------------------------|--|
| 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, EAC. The site also contains a childcare centre.</p> <p>The proposed development includes amendments to the approved masterplan for the site (approved via DA 2014/360 and amended via DA 2017/613 and DA 2018/756) including associated increase in student numbers.</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</p> |

|                                     |   |
|-------------------------------------|---|
|                                     | <p>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 subject site is removed from areas of significant scenic value. However, the site is located at the western entrance 'gateway' of Ballina. The applicant has commented that the proposed Stem &amp; Digital Technology centre building is to be located on the western side of the campus, setback from River Street. Accordingly, the proposed internal works will not impact the quality of the existing built form presented to surrounding streets.</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>The proposed building will provide a total gross floor area of 2318m<sup>2</sup>, comprising a ground floor of 1380m<sup>2</sup> and first floor of 938m<sup>2</sup>. The building is designed with a maximum height of 8.39m, measured from the allowable fill height (RL 2.2m AHD) to the highest part of the structure (RL 10.59m AHD). This is below the maximum building height of RL 10.7m AHD established for the site (i.e. 8.5 metres above RL 2.2m AHD pursuant to Clause 4.3A of the BLEP 2012).</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 E3 Productivity Support, with a small portion of this area zoned E1 Local Centre (i.e. Quay West Shopping Centre). Given the proposed development is the existing educational establishment on the site, it is not considered the proposed building will compromise the objectives of the E1 and E3 zones. It is noted a maximum building height of 10 metres is applicable to the portions of E3 zoned land.</p> |
| ii) Site Design and Internal Design | <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.</p> <p>The proposal involves the extension of the existing parking area such that a total of 162 car parking spaces are provided on the site to comply with the DCP requirements.</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> <p><u>Building materials and finishes</u></p> <p>The proposed building materials and finishes are shown on the plans submitted and comprise the following:</p> <ul style="list-style-type: none"> <li>• Colorbond Custom Orb – Woodland Grey</li> <li>• Expressed Joint FC</li> <li>• Smooth Red Brick</li> <li>• Manor Red Structural Steel</li> <li>• Metallix Brick</li> <li>• Exposed Blockwork – Boral ‘Porcelain’</li> <li>• Powdercoat aluminium door and window frames</li> </ul> <p>It is considered the proposed materials are compatible with the existing school buildings and the locality.</p> <p><u>Accessibility</u></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>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>Landscaping</u></p> <p>Vegetation in the vicinity of the proposed Stem &amp; Digital Technology Centre and the service road can generally be characterised as grass, with a number of landscape trees. The trees comprise a range of native species, all of which were planted between 2004 – 2006 as part of the landscaping of the school.</p> <p><u>Visual and acoustic privacy</u></p> |
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|   | <p>Council's Environmental Health Officer has not raised any concern in relation to noise impacts. Standard conditions have been recommended in relation to the management of noise during construction and operation.</p> <p>The proposed Stem &amp; Digital Technology Centre has been located and designed such that no adverse overlooking or visual privacy impacts are anticipated.</p> <p><u>Design considerations</u></p> <p>An assessment of the proposal against the provisions of Schedule 8 – Design quality principles in schools within Chapter 3 of State Environmental Planning Policy (Transport and Infrastructure) 2021 was provided with the application (Attachment 7 of the SEE). Refer to discussion provided within SEPP (Transport and Infrastructure) 2021 section of this report.</p>  |
| iii) Ecologically Sustainable Building Design | <p>The proposed development has had regard for the minimisation of energy consumption. The proponent has commented that environmental features to provide a sustainable building will be incorporated in the design. This will include the use of the solar and grey water reticulation to amenities and irrigated landscaped areas. 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 and water consumption.</p>   |
| iv) Access, Transport and Traffic             | <p>Vehicular access to the proposed development 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 modifications to the access and egress along Horizon Drive in this application comply with Northern Rivers Local Government standards and AS 2890. A condition is recommended to be imposed on any consent granted to ensure compliance with the relevant Australian Standards.</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. A thorough assessment of the traffic movements and car parking arrangement has been provided previously within this report.</p> <p>The proposal will maintain the existing servicing road accessed via Riverbend Drive for maintenance and servicing purposes and no further concerns have been raised in this regard.</p> |

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|                    | <p>The proposed development involves additional car parking to include 162 spaces onsite and 30 car parking spaces along Riverbend Drive. The proposal also includes additional bicycle parking, which have been previously assessed within the DCP section of this report.</p>   |
| v) Public Domain   | <p>It is not expected that the proposal will have a detrimental impact on the public domain.</p> <p>Additional car parking is proposed on Riverbend Drive. This is required to comply with the relevant standards and is anticipated to create an improved outcome for the public domain as it will formalise any overflow car parking currently along Riverbend Drive.</p> <p><u>Pedestrian linkages</u></p> <p>The proposed development will not have an impact upon the existing pedestrian linkages surrounding the subject site. These linkages are anticipated to be appropriate, there is suitable pedestrian access from the car parking along Riverbend Drive and then along River Street to the maintain appropriate access to the main reception and office area of the establishment.</p> |
| vi) Utilities      | <p>The submitted Infrastructure Services Report (Attachment 3) 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 and has revealed that no Aboriginal sites or places have been recorded or declared within or near the subject site.</p>   |
| viii) Construction | <p>A 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>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.</p> <p>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>  |

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|                              | <p>With respect to site safety during construction, conditions are recommended to be imposed with regarding site fencing and signage.</p> <p>Environmental impacts 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>   |
| <b>Environmental Impacts</b> |  |
| ix) Other land resources     | As the proposed development is to be located within an existing educational 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><u>Servicing</u></p> <p>No particular issues are raised with respect to the servicing of the proposed development for water supply. The submitted Infrastructure Services Report (Attachment 6) indicates that all necessary water services will be provided to the development at sufficient capacity to service the proposed development.</p> <p><u>Stormwater management</u></p> <p>Stormwater management has been assessed as part of the proposal, refer to DCP section of this assessment for discussion. The proposed stormwater management is considered to be appropriate, and no further concerns are raised in relation to stormwater management.</p> <p><u>Trade waste</u></p> <p>No trade waste requirements applicable.</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 (Attachment 6) 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 (Resilience and Hazards) section of this report for discussion.</p> <p><u>Geotechnical considerations</u></p>  |

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|                           | <p>The subject site is not identified as a land slip area, however, has complex geotechnical characteristics. This is likely to require certification of the fill. 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 also recommended with respect to sediment and erosion control and ensuring fill material imported to the site is free of contaminants.</p>   |
| xii) Air and Microclimate | <p>The proposed development is unlikely to adversely impact on air quality and microclimate conditions given the nature of the use 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 development is located within an existing educational establishment on land that has been previously cleared.</p> <p>Vegetation in the vicinity of the proposed Stem &amp; Digital Technology Centre and the service road can generally be characterised as grass, with a number of landscape trees. The trees comprise a range of native species, all of which were planted between 2004 – 2006 as part of the landscaping of the school.</p> <p>An Ecological Assessment prepared by Blackwood Ecological Services was submitted during the assessment of the application. The proposed development of the Stem &amp; Digital Technology Centre will require removal of approximately 900m<sup>2</sup> of planted native and exotic vegetation along the landscaped mound, three planted shade figs and a hedge of agave, lemon myrtle and dwarf riberry.</p> <p>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>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 100 metres).</p> <p>A condition is recommended to be imposed advising that landscape trees and shrubs should be native species</p> |



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|                              | endemic to the locality to encourage bird life and compensate for trees removed.   |
| xiv) Waste                   | Waste management has been previously addressed within the DCP section of this assessment.  |
| xv) Energy                   | The subject land has appropriate connection to electricity. The proposed development is not located within close proximity to electricity infrastructure and therefore no further concerns are raised in this regard.  |
| <b>Hazards</b>               |  |
| xvi) Noise and Vibration     | <p>Council's Environmental Health Officer has assessed the proposal with regard to noise and vibration both during construction and during the operation of the development.</p> <p><u>Noise</u></p> <p>The potential for increase in noise associated with the increase in student numbers is reasonable as it will be managed onsite consistent with the existing educational establishment operations. The operational hours of the school remain unchanged and have been previously considered as part of the original school approval. The main consideration for operational noise relates to the plant and equipment associated with the proposed building. Conditions have been recommended in relation to plant and equipment management associated with the proposed STEM building.</p> <p>Conditions are recommended in relation to noise generated during the construction works and during operation.</p> <p>A condition has been recommended in relation to construction noise.</p> <p><u>Vibration</u></p> <p>Vibration considered under DCP section of this report. No further consideration is required in this regard.</p> |
| xvii) Natural Hazards        | 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 DCP sections of this assessment for further comment in relation to flood planning.   |
| xviii) Technological Hazards | <p><u>Industrial and technological hazards</u></p> <p>Having regard for the activities proposed within the proposed development, it is not considered the proposal will result in any risks to people, property or the</p>   |

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|  | biophysical environment from industrial and technological hazards.   |
| 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. Refer to DCP section of this assessment for discussion.</p> <p>The proposal has had regard for the relevant CPTED provisions and it is considered any potential crime risk can be managed by way of the conditions recommended to be imposed on any consent granted.</p>  |
| <b>Social and Economic Impacts</b>                 |  |
| 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 facility for students and staff.</p> <p>It is noted that there has been some public interest and objection to the proposed development, particularly with respect to flooding, traffic, and stormwater management impacts. These submissions have been considered and the issues raised have been addressed within the 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><u>Employment generation</u></p> <p>The proposal is considered to create employment to the local area during the construction period.</p> <p><u>Existing and future businesses</u></p> <p>The proposed development is to 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>The proposed development is not likely to impact upon the property values of the surrounding properties.</p>   |
| <b>Cumulative Impacts</b>                          |  |
| xxii) Cumulative Impacts                           | The proposed development involves construction of the STEM building and overall changes to the masterplan to facilitate the increase in student number associated with the growing existing educational establishment. Relevant  |

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|  | <p>impacts that the proposed development have been considered throughout this report. The Applicant has provided suitable justification in relation to the issues raised and demonstrated that there are unlikely to be any negative cumulative impacts in relation to the surrounding locality by way of noise, car parking and traffic generation, flooding and stormwater drainage subject to adherence with the recommended conditions of consent.</p> <p>The proposed development will provide for a useable facility for students and staff.</p> |
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Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

### **3.3 Section 4.15(1)(c) - Suitability of the site**

The submitted Infrastructure 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 development generally complies with the Ballina Local Environmental Plan and Ballina Shire Development Control Plan.

The site attributes are considered to be conducive to development. Site specific matters particularly relating to flooding, stormwater management and traffic impacts 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.

### **3.4 Section 4.15(1)(d) - Public Submissions**

These submissions are considered in Section 5 of this report.

### **3.5 Section 4.15(1)(e) - Public interest**

#### **Public Interest**

The proposal is generally considered to be within the public interest in providing a new learning facility for the EAC school community. The updated masterplan will provide clarity on the school's future progression which has been considered extensively throughout this report. The changes to the masterplan reflect and cater for the increase in growth of the school and surrounding area.

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 applicable to the proposed development – refer to Schedule 1 of the draft conditions.

### **Social Impact**

The proposal is considered to have ongoing positive social impacts in the locality through the provision of a new learning facility for the EAC school community and the wider community. Subject to compliance with the recommended conditions, the facility will be accessible to people with a disability.

### **Economic Impact**

The proposal is considered to have a positive economic impact through the construction works to be carried out (materials use and employment).

Given the proposed development is to function as ancillary to the existing educational establishment on the site, it is considered the proposal will not have an unacceptable impact on existing and future businesses in the locality.

## **4. REFERRALS AND SUBMISSIONS**

### **4.1 Agency Referrals and Concurrence**

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in Table 5.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

**Table 14: Concurrence and Referrals to agencies**

| <b>Agency</b>   | <b>Concurrence/<br/>referral trigger</b> | <b>Comments<br/>(Issue, resolution, conditions)</b> | <b>Resolved</b> |
|---|--|---|-----------------|
| <b>Concurrence Requirements (s4.13 of EP&amp;A Act)</b> |  |   |                 |
| None applicable   |  |   |                 |
| <b>Referral/Consultation Agencies</b>                   |  |   |                 |
| NSW Police  |  | No formal recommendations                           | Y               |

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| Transport for NSW  | <i>State Environmental Planning Policy (Transport and Infrastructure) 2021.</i><br><br>Section 2.119 – Development with frontage to classified road.<br><br>Section 3.58 – Development that is deemed to be traffic generating development. | The application was referred to TfNSW three times throughout the assessment process with a final response received 26 May 2023. Commentary in relation to the response has been provided under the SEPP section of this report. | Y |
| <b>Integrated Development (S 4.46 of the EP&amp;A Act)</b> |   |   |   |
| None applicable  |   |   |   |

## 4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 15**.

**Table 15: Consideration of Council Referrals**

| Officer     | Comments  | Resolved |
|-------------|---|----------|
| Engineering | Council's Developments Engineer has reviewed the submitted documentation and raised no concerns with supporting the development subject to conditions         | Y        |
| Building    | Council's Building Surveyor has reviewed the submitted documentation and raised no concerns with supporting the development subject to conditions.            | Y        |
| Health      | Council's Environmental Health Officer has reviewed the submitted documentation and raised no concerns with supporting the development subject to conditions. | Y        |

The critical issues raised by Council officers are considered in the Key Issues section of this report.

## 4.3 Community Consultation

The proposal was notified in accordance with the Council's Community Participation Plan from 20 July 2022 until 19 August 2022. The notification included the following:

- A sign placed on the site;
- Notification letters sent to adjoining and adjacent properties (a rough estimate of the number of letters sent);
- Notification on the Council's website.

The Council received a total of 11 unique submissions, comprising 11 objections of the proposal. The issues raised in these submissions are considered in **Table 16**.

Further information was provided by the Applicant on 6 March 2023. Letters were sent to the 11 submitters for their comment on the further information provided. One further submission was received in response to this additional notification.

**Table 16: Community Submissions**

| Issue Raised      | Key Concerns   | Council Comments  |
|-------------------|--|---|
| Vehicle movements | Concerns were raised that the current traffic situation is dangerous for pedestrians and local traffic. The drop off/ pick up areas are already dangerous and these areas are being used as parking areas. | The proposed development involves amendments to the existing traffic arrangement. The provided Traffic Impact Assessment was supported with a Road Safety Audit for the proposed access and car parking arrangement and has indicated suitable measures to address any safety concerns.<br>This includes a widened crossover and line marking to manage internal queuing, increased internal provision for bus drop off/pick up, a no stopping zone along Horizon Drive during peak school pick up and drop off times and road works along Riverbend Drive to facilitate the additional formalised access to EAC from the cul-de-sac. |
|                   | Concerns raised that the proposal would result in increased peak traffic issues in the locality and particularly impacts on residential properties,  | The TIA (Revision 4 dated 28 April 2023) provided by the Applicant and reviewed by TfNSW and Council has demonstrated that increased traffic generated by the proposal can be satisfactorily accommodated by the existing road network and key intersections both now and for a 10 year timeframe.  |
|                   | Few students utilise buses/ public transport   | The proposed master plan changes have catered for additional bus servicing as required with the increase in student numbers. The proposed development has also incorporated additional bicycle parking areas. Conditions are recommended in relation to the bus servicing and bicycle parking proposed onsite.  |
|                   | Street system is not wide enough, especially for buses. Roads will be clogged with traffic.  | The street system and driveway crossovers comply with the relevant Australian Standards and Northern Rivers Local Government standards. The proposed development includes a 'no stopping zone' along Horizon Drive to prohibit cars parking along this area and preventing queuing of vehicles off the road lane. The TIA has indicated that the southern access along Horizon Drive will be required to be supervised during peak periods to ensure that cars do not double park in the circulation roads and block the entry point.   |
|                   | Capacity of the surrounding streets is not suitable for the increased traffic. Streets are increasingly damaged with   | The application has been supported with a TIA that has addressed the capacity of the surrounding street system and anticipated increase in traffic in the locality and as a result of the proposed development. The findings are  |

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|             | potholes from the volume of traffic   | considered to be reasonable and there are no concerns raised in relation to capacity of the surrounding street system.   |
| Car parking | Concerns raised where the additional buses are going to park  | The proposed development involves three additional bus parking areas that are anticipated to cater for the increase in student numbers and therefore bus movements.  |
|             | Concerns raised regarding need for additional parking for the additional classrooms. There is not enough available parking at present the extra school rooms will bring more parking and congestion problems.   | The proposed development involves additional car parking onsite. The car parking spaces complies with the DCP requirements and involves an additional thirty car parking spaces along Riverbend Drive in addition to that which is required.   |
|             | Concerns raised that students, staff, teachers, and parents park illegally in front of residents garbage bins, driveways, use driveways to turn, park on corners  | Compliance with road rules and traffic signage is not something that can be addressed under the assessment of a development application. Additional road signage is required in relation to the no stopping zone along Horizon Drive. The TIA has indicated that the southern access along Horizon Drive will be required to be supervised during peak periods to ensure that cars do not double park in the circulation roads and block the entry point. This is considered to ensure that traffic continues to flow and prevent congestion and blocking of surrounding residential properties. |
| Flooding    | Concerns raised after the March 2022 floods that any increase in flood water would result in greater impact on surrounding properties   | As detailed within the assessment against the flood planning provisions under the BLEP the increase in development on the site will have negligible impact on the flood impact of adjoining land.  |
|             | Concerns raised regarding the requirements for additional fill and height   | The additional fill will not have an impact upon the adjoining land as detailed within the flood modelling and response under the BLEP section of this report.   |
|             | Concerns raised that the proposal should wait for the preparation of relevant reporting post 2022 floods and consider recommendations within the design of the development  | The subject development application addressed the relevant flood provisions at the time in which it was made. Consideration of the provisions that were/are applicable of the flood planning provisions have been addressed and impact on to the neighbouring properties have been considered within this report.  |
|             | Significant concerns that development in the surrounding area including residential and the recently constructed multipurpose hall on the subject land created flooding impacts onto neighbouring residential properties due to water being redirected or not drained properly. | The March 2022 floods resulted in unprecedented flooding that was wide scale and the development on the subject land did not create these flood impacts. Flood modelling associated with the Ballina Flood Plain Risk Management Study has indicated that filling of the site and new buildings would have negligible afflux on the surrounding properties.  |

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|            | <p>Concerns raised regarding filling the site which has previously been a retention pond which has now led to flooding, as there is no way for water to be directed. Concerns that this is not a normal engineering principle. Additional buildings and fill should not be permitted on flood retention areas and in flood prone land</p> | <p>The stormwater management history of the site has been prepared by the Applicant within the Stormwater and Flooding response dated 3 March 2023. The site was not initially a retention pond but the construction of Riverbend Drive closed an existing open drain to the west and Emigrant Creek for a period of years creating a temporary detention pond. This was relieved in recent years and a western drainage outlet restored with the construction of a new culvert under Riverbend Drive and through to an open drain to Emigrant Creek as part of the River Street Lane Duplication works.</p> <p>Refer to stormwater management assessment in relation to overland flow and provisions under this application. The proposed development involves a commitment to provide an easement for an additional overland flow path to the north of the subject site to direct stormwater away from Horizon Drive.</p> |
|            | <p>March 2022 floods were unprecedented, but the impact of additional buildings had a role in flooding of the surrounding areas.</p>  | <p>The March 2022 floods were unprecedented flooding that were wide scale and there is no evidence that the development on the subject land resulted in these flood impacts. Flood modelling associated with the Ballina Flood Plain Risk Management Study has indicated that filling of the site and new buildings would have negligible afflux on the surrounding properties.</p>   |
|            | <p>The subject site gets flooded</p>  | <p>Council's DCP requires the land to be filled to the nominated minimum fill level (2.2m AHD) and the buildings to be designed to the design floor level of 2.9m AHD to address flood risk above the flood planning levels. The proposed development is compliant with the DCP and BLEP in relation to the relevant flood planning provisions. Conditions are recommended in relation to ensuring the building is compliant.</p>   |
|            | <p>Suggestion to raise on stilts</p>  | <p>Council's DCP requires the land to be filled to the nominated minimum fill level (2.2m AHD) and the buildings to be designed to the design floor level of 2.8m AHD to address flood risk.</p>  |
| Stormwater | <ul style="list-style-type: none"> <li>Concerns raised in relation to existing drainage problems along Horizon Drive</li> <li>Lack of proper drainage areas put in to cope with heavy rainfall and land slopes towards Horizon Drive</li> <li>Stormwater drains have not been cleared out causing flooding impacts</li> </ul>             | <p>The proposed stormwater management has been addressed previously within this report. The proponent has indicated agreement to provide for an easement along the north-eastern corner of the property for the purposes of an overland flow path. The provision of an overland flow path along this north-eastern corner is considered to reduce the ponding of water within Horizon Drive and improve stormwater drainage within this area.</p>   |



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|                         | Water after high rainfall events not draining and leading to mosquito impacts  | <p>As previously mentioned, suitable stormwater management has been addressed within this report and considered that catchment flow rates will reduce post development of the proposed final masterplan.</p> <p>Council's Environmental Health Officers have reviewed the proposal and considered conditions to impose to reduce harbouring of mosquitos within this area are recommended.</p>  |
| Infrastructure capacity | The infrastructure will not be able to support the changes   | The development application has been supported with an Infrastructure Services Plan that has indicated the existing infrastructure is suitable in servicing the proposed development. Council's Civil Services Division has reviewed the application and considered that the proposal is appropriate in relation to infrastructure capacity.  |
| Suitability of the site | <ul style="list-style-type: none"> <li>• Potential to explore other areas for schools in the Shire to reduce pressures on the subject site</li> <li>• The college is getting bigger than anticipated</li> <li>• Schools should consider being located on larger acres of land where they are not intrusive on nearby residence.</li> <li>• The land area is not big enough to allow continual development of the school</li> <li>• No longer a peaceful area to live in</li> <li>• It should have different campuses at different locations</li> <li>• Unreasonable impact on local residents</li> </ul> | <p>The subject site contains an existing educational establishment and child care centre. The suitability of the site for the development has been considered and is reasonable in that it is an extension of an existing use with provision for the suitable facilities associated with the school. The master plan involves increase in student and staff numbers and conditions are recommended to be imposed on the consent in relation to the capacity of the school.</p> <p>Extensive assessment and studies have been undertaken in relation to suitability of the site and impact on neighbouring properties. The proposed development is a permissible use and the relevant constraints in relation to flooding and stormwater have been mitigated with appropriate management measures. The proposed development is considered to be reasonable in this regard with appropriate management measures as identified within this report and recommended conditions.</p> <p>The assessment of the proposed development has demonstrated that the increase in staff and student numbers is reasonable on the subject site.</p> |
| Devalue land            | Insurance has been put out of reach by insurance companies   | The matter of insurance for EAC is a matter for the school and relevant board members. No concerns are raised in relation to assessment of the development application.   |
| Proposal description    | The DA does not detail increased numbers of students and additional classrooms for the year 12 classrooms  | <p>The development application has clearly detailed the increase in student numbers to 1114 and staff to 119 by 2031.</p> <p>The anticipated projection of total staff student numbers associated with the construction of the Stem &amp; Digital Technology centre (involving the senior classrooms) is 884.</p>   |

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| Noise                            | Along Horizon Drive and Kalinga Street  | Council's Environmental Health Officers have reviewed the proposed application and considered that additional noise impacts are acceptable. The school hours are during the day where levels are acceptable for surrounding sensitive receivers. Conditions are recommended to be imposed in relation to the noise levels during construction and operation. The existing multipurpose centre has conditions in relation to noise associated with the use of the facility.  |
| Carbon monoxide emissions        | Car emissions   | The additional vehicle movements are anticipated for a brief period during peak times only and therefore the increase in car movements and student numbers are not considered to create a substantial increase level in emissions within the locality.  |
| Advertising                      | <ul style="list-style-type: none"> <li>Location/ extent of advertisement</li> <li>Timeframe to respond given the recent flood impacts</li> </ul>  | The subject development application was placed on public exhibition in accordance with Council's Community Participation Plan, including letters to adjoining owners, a sign along River Street and notice on the Ballina Shire Council website for a period of four weeks from 20 July 2022 to 19 August 2022. Upon receiving further information from the Applicant, those adjoining neighbours who objected under the first notification period were re-notified by way of letter to advise them of the additional information provided. |
| Approval Pathway                 | <ul style="list-style-type: none"> <li>Northern regional planning panel – who elects them, credentials to approve development. concerns with determination as hall has been approved</li> <li>Not an elected approval body</li> </ul> | The proposal is regionally significant development pursuant to Section 2.19 as it satisfies the criteria in Section 5 of Schedule 6 of the SEPP as the proposal is development for Private infrastructure and community facilities over \$5 million. Accordingly, the Northern Regional Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.   |
| Historic development on the site | <ul style="list-style-type: none"> <li>Consider problems from previous DA prior to determining this one.</li> <li>Previous development not used and visual impact.</li> </ul>   | The current development has been assessed based on its merits. Consideration of the existing structures, buildings and have all been undertaken as part of the assessment process. Issues that have been raised associated with the application have been raised to the Applicant by way of request for additional information. The Applicant has responded addressing these concerns. This has been discussed throughout this report and key issues identified have been further explored within Section 5 below.                          |

## 5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

### 5.1 Flooding

The subject land is identified as flood prone land whereby provisions within the BLEP and BDCP are applicable to the proposed development. It is noted that a number of submissions raised concerns in relation to the flood impact associated with the proposed development including impacts onto adjoining properties.

The issues around flooding have been assessed within the BLEP section of this report. Council's Civil Services Division has commented that the Ballina Flood Study Update was prepared by Council in 2008 to determine flood behaviour for a range of flooding scenarios up to Probable Maximum Flood (PMF) level with various climate change options. For these flood scenarios, the study identifies predicted flood levels, velocities, hazard categories and critical conveyance paths.

The Ballina Floodplain Risk Management Study was prepared in 2015 and analyses the data from the flood study and reviews economic, environmental and social issues to determine the appropriate planning and development controls for various floodplain risk categories. The recommended planning and development controls for flood prone land are enacted in Chapter 2b of the BDCP.

The controls provided in this section of the DCP have accordingly been formulated based on a merit approach that allows some development in the floodplain with acceptable levels of risk because of the relative severity of the flood hazard, the probability of flooding and the nature of the land use.

The subject site is identified with the minimum required fill level being RL 2.2m AHD with the designated flood planning level identified within Chapter 2b of the BDCP as RL 2.3m AHD. As a freeboard of 500mm is required, the design floor level is required to be RL 2.8m AHD. The proposed development complies with this providing a 2.9m floor level.

The Applicant provided information in relation to the flood impact focussing on the reduction of flood storage (from additional filling) and flood velocity and flow (blockage from proposed buildings and filling) impacts on the adjacent locality.

Resolution: The Applicant's information provided has indicated that there is a negligible impact on the surrounding locality in relation to the flood risk. Conditions have been recommended in relation flood planning for the proposed development in relation to filling for the proposed buildings and implementation of the Critical Incident Management Policy. The issue has been resolved through recommended conditions of consent.

### 5.2 Traffic

There were a number of issues raised in relation to the additional vehicle movements, queuing and safety along Riverbend Drive and the amended access arrangement along Horizon Drive. A number of submissions received raised concerns in relation to traffic impacts and car parking onsite.

The proposed development results in compliant car parking onsite with a surplus to be provided along Council's road reserve along Riverbend Drive. The proposed

development has included additional bicycle car parking, and bus drop off bays which are considered to encourage other forms of transport and possibly lead to a reduction in the need for students to travel to the site by car.

Council's Civil Services Division have provided comment that they have no objections on traffic grounds in relation to the proposed masterplan changes from student population of 800 to 1,114 students subject to the recommended conditions of consent. The TIA (dated 28 April 2023) provided traffic modelling (using SIDRA software) for River Street/ Horizon Drive and Barlows Road/ River Street/ Keppel Street intersections. The modelling projected the impact on these intersections as a result of the proposed development for current volumes and for a further 10 year timeframe. The modelling indicated that the River Street/ Horizon Drive and the River Street/ Barlows Road intersections would result in an acceptable level of service and queuing and will function satisfactorily with the additional traffic generated by the proposed masterplan both now and for a 10 year timeframe.

Due to the number of amendments made throughout the assessment process to the Traffic Impact Assessment report, the application was referred to TfNSW three times for their response. The most recent response dated 26 May 2023 has been provided under Attachment 4 of this report for review. Council's Civil Services Division have responded to the concerns and comments made by TfNSW with recommended conditions.

The regulatory changes associated with the proposed development have been reported to the Local Traffic Development Committee and no issues were raised, subject to the recommendations identified within the DCP section of this report.

Resolution: The traffic impact assessment provided to support the application is considered to suitably address the increase in traffic movements, access and car parking associated with the proposed development. Council's Civil Services Division have concluded that there is no objection to the proposed development subject to the recommended conditions.

### **5.3 Stormwater Management**

Concerns were raised in relation to the conveyance and attenuation of the stormwater. The applicant provided suitable information in relation to the historic catchment areas associated with the subject land.

The additional information provided addressing stormwater management prepared by Ardill Payne and Partners dated 3 March 2023 provides an assessment of the proposed development having regard for the historic stormwater management and changes associated with the proposed development.

The proposed amendment to the masterplan includes onsite detention tanks to mitigate post development flows to current flow rates. These have been indicated within the Infrastructure Management Plan provided to support the application.

The stormwater modelling that has been provided has indicated peak catchment flow rates associated with the three catchment areas in relation to the pre and post development outcomes. The flow rates across the total site reduces at the post development state. In this regard, conveyance and attenuation of stormwater will be appropriately managed from each internal catchment as they will not exceed existing case flow rates.

There are three primary overland flow routes which would discharge excess flows from the site. Two existing overland flow paths exist as below:

1. Through the north-eastern corner to Fishery Creek via open drainage north Horizon Drive (northern portion of site)
2. To River Street running east and down Riverview Avenue (southern portion of site)

Additionally, the Applicant has indicated that the EAC is committed to providing an easement for the purposes of an overland flow path from the corner of Horizon Drive through the north-eastern corner of the site to the open drainage system to the north. This path is intended to improve the current arrangement enabling ponded water within Horizon Drive to discharge via the overland flow once the water is at that level rather than relying on Council's piped network for discharge.

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.

Resolution: Conditions have been recommended in relation to the management of stormwater consistent with the Infrastructure Services Report provided under Attachment 6. Additionally, conditions have been imposed in relation to the provision of an easement along the north-eastern corner of the allotment for the purposes of an overland flow path to be constructed in the future.

## **6. CONCLUSION**

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

The key issues have been identified and addressed above and are considered to be suitably addressed in the design of the proposal and supported by various technical reports.

It is considered that the key issues as outlined in Section 6 have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions at **Attachment A**.

## **7. RECOMMENDATION**

That the Development Application DA 2022/75 for alterations and additions to an existing Educational Establishment at 62 Horizon Drive be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at Attachment 1.

The following attachments are provided:

- **Attachment 1:** Draft Conditions of consent
- **Attachment 2:** Architectural Plans
- **Attachment 3:** Traffic Impact Assessment

- **Attachment 4:** Transport for NSW Response (26 May 2023)
- **Attachment 5:** Stormwater and Flooding Response
- **Attachment 6:** Infrastructure Services Report
- **Attachment 7:** EAC Critical Incident Management Policy
- **Attachment 8:** Public Submissions