



Planning &
Environment

**STATE SIGNIFICANT DEVELOPMENT
ASSESSMENT REPORT:
Ballina High School Redevelopment,
Ballina
(SSD 7742)**



Environmental Assessment Report
Section 89H of the
Environmental Planning and Assessment Act 1979

August 2017

ABBREVIATIONS

AHD	Australian Height Datum
APL	Acoustic Planning Letter
Applicant	NSW Department of Education
ASS	Acid Sulfate Soil
BCHS	Ballina Coastal High School
BDCP	Ballina Development Control Plan 2012
BRCP	Ballina Roads Contribution Plan
BCSH	Ballina Coastal High School
BHS	Ballina High School
BLEP 2012	Ballina Local Environmental Plan 2012
CIV	Capital Investment Value
CNVMP	Construction Noise and Vibration Management Plan
Consent	Development Consent
Council	Ballina Shire Council
DA	Development Application
DCP	Development Control Plan
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
GTP	Green Travel Plan
ISEPP	State Environmental Planning Policy (Infrastructure) 2007
LOS	Level of Service
Minister	Minister for Planning
OEH	Office of Environment and Heritage
Phase 1 Report	Phase 1 Site Contamination Assessment Report
PMS	Parking Management Strategy
REF	Review of Environmental Factors
RSA	Road Safety Audit
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SCS	Southern Cross School
SEPP	State Environmental Planning Policy
SEPP SRD	State Environmental Planning Policy (State and Regional Development) 2011
SPUS	Street Parking Utilisation Survey
SSD	State Significant Development
TfNSW	Transport for New South Wales
TPPR	Traffic and Parking Peer Review

Cover Photograph: Street Perspective, Ballina High School (*Source: Applicant's RtS*)

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NSW Government

Department of Planning and Environment

EXECUTIVE SUMMARY

This report is an assessment of a State significant development (SSD) application for the redevelopment of Ballina High School (BHS) into Ballina Coast High School (BCHS) (SSD 7742) located at 37 – 49 Swift Street, Ballina, within the Ballina Shire local government area.

The NSW Department of Education (the Applicant) seeks approval for the demolition of two buildings, removal of existing on-site car parking and construction of a new high school for up to 1000 students comprising existing students of BHS and secondary students (being years 7 to 12) from Southern Cross School (SCS). The new high school is proposed to be up to three storeys in height and includes an administration block, outdoor and indoor sports courts, performance theatre and associated site landscaping works, including removal of trees, and stormwater works.

The proposal has a Capital Investment Value (CIV) of \$43,535,000 million and would generate 350 construction jobs. Operational jobs are expected to remain at a similar level to pre-construction levels as existing teaching staff from BHS and SCS will be utilised for operation of the proposal. The proposal is SSD under clause 15 of Schedule 1 of State and Environmental Planning Policy (State and Regional Development) 2011, as it is development for the purpose of an educational establishment with a CIV of more than \$30 million. Therefore, the Minister for Planning is the consent authority.

The proposal was publicly exhibited between 15 December 2016 and 31 January 2017. The Department of Planning and Environment (the Department) received a total of 24 submissions including two objections during the exhibition period. Submissions comprised five from public authorities, five from organisations and 14 from the general public. A further six submissions were received after the exhibition period comprising two from public authorities, one from an organisation and three from the general public. An additional six submissions from public authorities were received in response to the Applicant's Response to Submissions (RtS).

The Department has considered the merits of the proposal in accordance with relevant matters under Section 79C, the objects of the *Environmental Planning and Assessment Act 1979*, the principles of Ecologically Sustainable Development, and issues raised in all submissions as well as the Applicant's response to these. The key issues raised in submissions include building height, demolition and sit layout, traffic and parking and noise.

The predominant concern raised in submissions was the lack of on-site parking for staff, students and visitors and the resulting adverse impacts on the surrounding residential amenity, pedestrian safety and local businesses. The Department concurred with the parking concerns raised and has recommended that a minimum 47 car parking spaces be provided on-site to aid in accommodating the parking demand generated by the proposal and reduce pedestrian activity on adjoining streets. The Department also recommended 29 car parking spaces along Martin Street be bitumen sealed and lined marked to accommodate the potential increase in on-street car parking demand and that a Parking Management Strategy be prepared to detail measures to manage parking behaviours and address any road safety or congestion issues.

Demolition and site layout impacts were also raised in public submissions. Council commented that while the proposal exceeded the maximum building height permitted, they were supportive of the variation. The Department considers that the proposal has been sited appropriately to relate to the surrounding educational and community uses and that adequate building articulation has been provided to reduce the visual impact of the proposed development.

Both Council and the Department raised concerns that noise and vibration impacts during construction were not adequately considered in the proposal. The RtS included a Construction Noise and Vibration Management Plan (CNVMP) confirming that, subject to recommendations

of the CNVMP, the proposal will generally comply with the Environment Protection Authority's *Interim Construction Noise Guidelines*.

Other matters relating to contamination, heritage, tree retention and removal were also considered and found to be acceptable.

The proposal is consistent with the objects of the EP&A Act (including ESD) and is consistent with the State's strategic planning objectives for the site as set out in the *North Coast Regional Plan 2036* as it will provide an education establishment to meet the current and future needs of the community. The Department therefore considers the development would be in the public interest and recommends that the SSD be approved, subject to conditions.

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1. BACKGROUND

1.1 Introduction

The NSW Department of Education (the Applicant) proposes to partly demolish Ballina High School (BHS) and construct a new larger high school, renamed Ballina Coast High School (BCHS), to accommodate the existing students of BHS and secondary students (being years 7 to 12) from Southern Cross School (SCS), located approximately 2.5 km north-east of BHS. The proposed State Significant Development (SSD) involves the demolition of two buildings and removal of existing on-site car parking and construction of a new three storey educational building with associated administration block, outdoor and indoor sports courts, performance theatre and associated site landscaping works, including removal of trees, and stormwater works.

BHS was closed at the end of Term 4 2016, with all staff and students relocated to SCS for the start of Term 1 2017. The Applicant advised that staff and students will remain at SCS for the duration of construction works associated with BCHS.

1.2 The site and surroundings

The site is located approximately 600 km north of Sydney, 165 km south of Brisbane and 400 m north of the Ballina town centre in the Ballina Shire local government area (LGA) (**Figure 1**). The site comprises four allotments with a total site area of 5.957 ha. The site is legally identified as Lot 392 DP 755684, Lots 477 and 478 DP 729251 and Lot 1 DP 1083219 and is commonly known as 37 – 49 Swift Street, Ballina (**Figure 2**).

The school site has frontages to Swift Street (south-west boundary), Cherry Street (north-west boundary), Bentinck Street (north-east boundary) and Martin Street (south-east boundary) (**Figure 3**).

The site adjoins low density residential development to the east, south and north-west, which is predominately one and two storey detached single storey dwelling houses of brick and weatherboard construction. St Francis Xavier Primary School is located directly opposite the school along Swift Street. Ballina Bowling and Recreation Club is located north of the site along Cherry Street. Also, north of the site, at the intersection of Cherry and Bentinck Streets, is the Ballina Ambulance Station with Ballina Hospital located further north of the ambulance station.



Figure 1: Site context (Source: Google Maps)

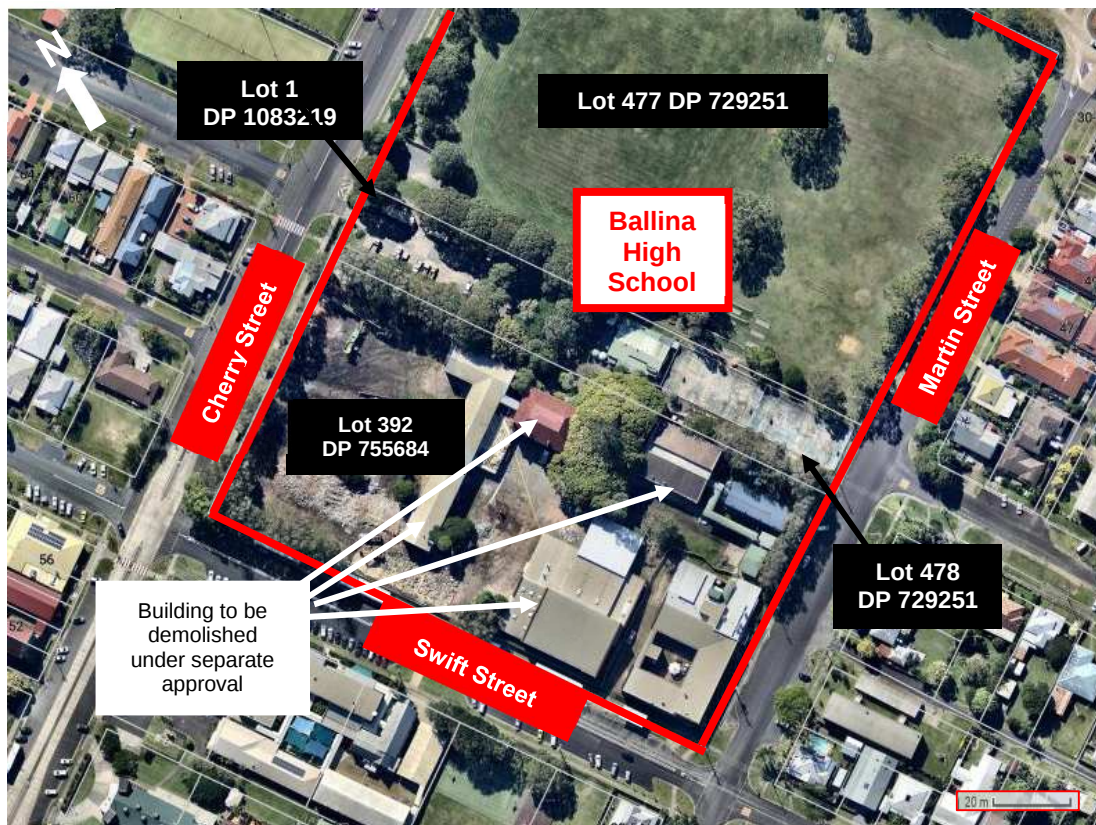


Figure 2: Aerial photograph of development site identifying the allotments (Source: Nearthmaps)



Figure 3: Aerial photograph of the BHS site and surrounding development (Source: Nearthmap)

The proposed works are to be undertaken in the south-western section of the BHS site with the north-east section (the playing fields in **Figure 3**) to remain as is, with the exception of some demolition works to remove parking adjacent to Cherry Street (western site boundary). Previous buildings and structures associated with the past operation of the school include one and two storey brick and weatherboard buildings with metal roofs, associated pergolas, awnings, hardstand areas and outdoor playing courts.

Vehicle access to the school is provided from Swift Street for service and delivery vehicles. Access to the existing on-site car parking areas is provided via a driveway from Cherry Street. Pedestrian access to the site is provided from Swift Street and Cherry Street. The site is secured by a 1.8 m palisade fencing along all boundaries of the site.

The proposal includes demolition of two buildings associated with the operation of BHS (**Figure 4**). The Marine Discovery Centre, Aquaculture building, the Aboriginal Learning Centre, one demountable building and existing sports courts are proposed to be retained. Demolition of the remaining buildings on site was undertaken as part of a separate approval and is discussed further in **Section 1.3** and identified in **Figure 5**. Refer **Figures 6 to 8** for photographs of the development site.

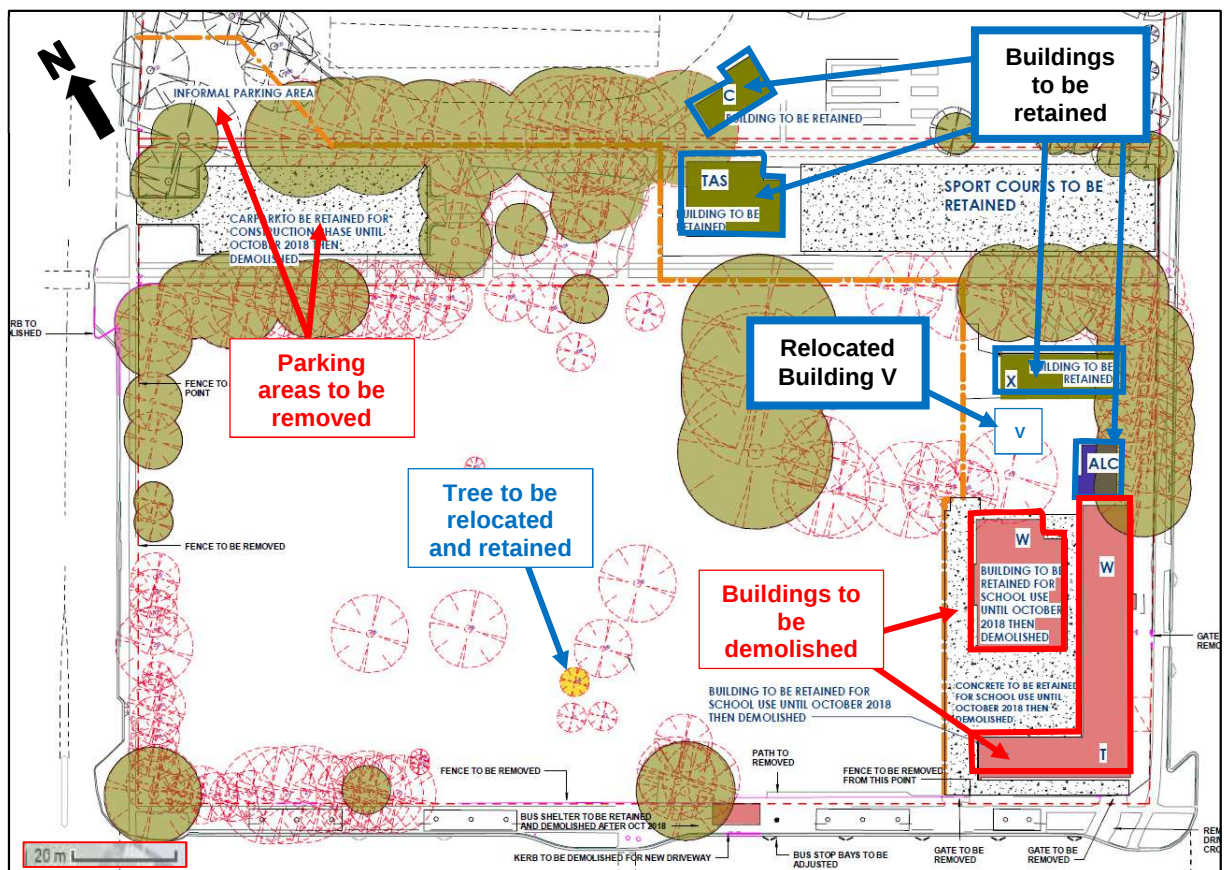


Figure 4: Demolition Plan (Source: Applicant's EIS)

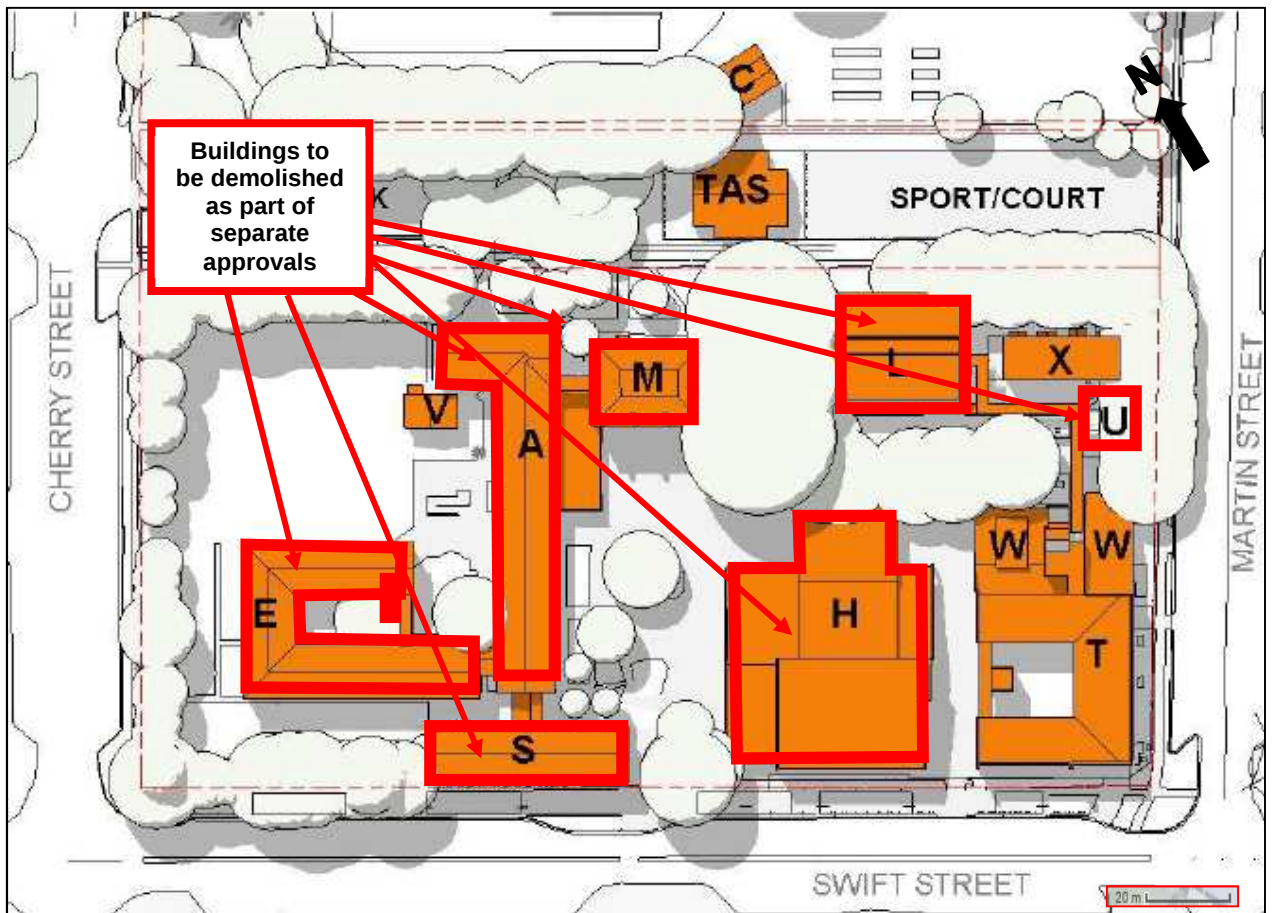


Figure 5: Location of buildings to be demolished by a previously approved REF (Source: Applicant's EIS)



Figure 6: View of BHS from Swift Street (Source: DPE)



Figure 7: View of BHS from Martin Street (Source: Google Maps)

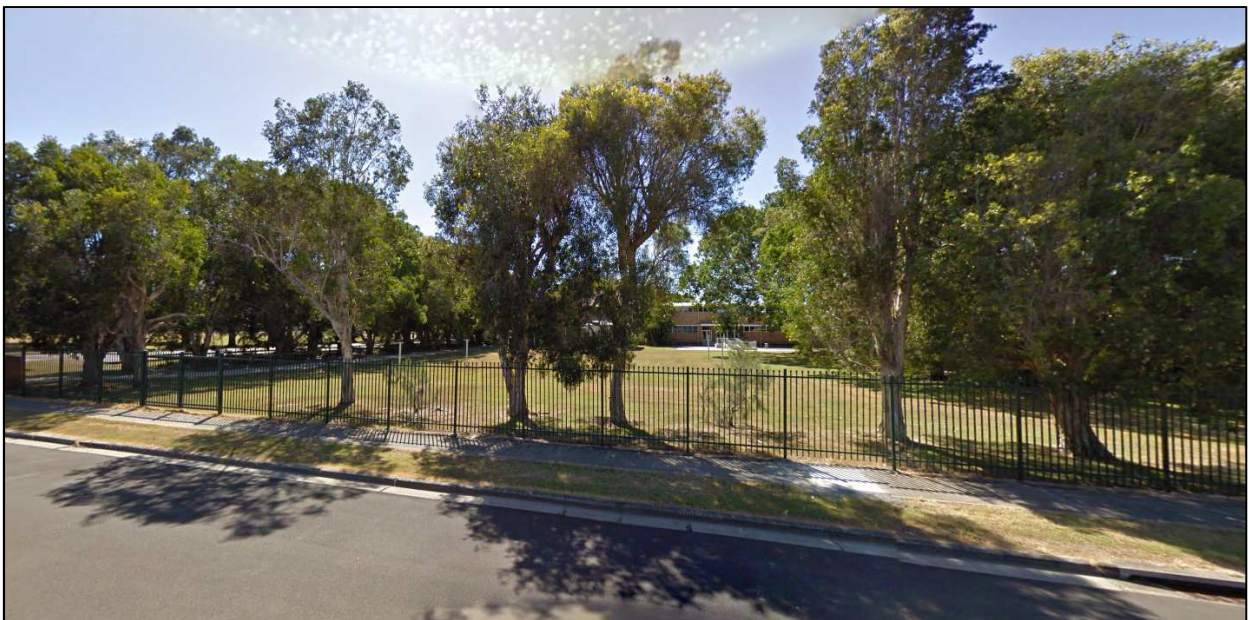


Figure 8: View of BHS from Cherry Street (Source: Google Maps)

1.3 Previous approval and other relevant applications

The Applicant has authorised two Review of Environmental Factors (REF) for some demolition works on the BHS site undertaken under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) under provisions of State Environmental Planning Policy (Infrastructure) 2007 (ISEPP). The works approved under the REF include:

- demolition and removal of contaminated materials of Buildings A, E, H, L, M, S and U (**Figure 5**)
- relocation of Building V adjacent to the Martin Street boundary. The original location of Building V is identified in **Figure 5** and the final location of the building is identified in **Figures 4** as the Aboriginal Learning Centre
- removal and/or demolition of miscellaneous structures and items including outbuildings, sheds, verandas, covered walkways, footpaths, ramps, planter beds, sheds, external furniture and fixed sporting items.

The Department understands that works associated with the REF have commenced on the site and are scheduled to be completed prior to works associated with construction of BCHS

commencing. While works associated with REFs and the proposal are being undertaken, students and staff of BHS have been relocated to SCS.

2. DESCRIPTION OF PROPOSAL

2.1. Description of proposal

The key components and features of the proposal (as defined in the response to submissions (RtS)) are provided in **Table 1** and are shown in **Figures 9 to 11**.

Table 1: Key development components

Aspect	Description
Summary	Redevelopment of BHS into BCHS comprising demolition of Blocks T and W and removal of existing on-site car parking and construction of a new educational establishment up to three storeys in height, to accommodate up to 1,000 students, and associated site works including tree removal, landscaping works and stormwater works.
Demolition	Demolition of Blocks T and W and removal of 50 existing on-site car parking spaces.
Built form	Construction of a new high school up to three storeys in height, for up to 1,000 students comprising an administration block, learning spaces, outdoor and indoor sports courts and a multipurpose hall.
Heritage	Retention of the locally heritage listed Block C building.
Gross floor area	10,751 sqm total (9968 sqm new)
Uses	Educational establishment
Access	One driveway from Swift Street to service the loading area and Support Unit drop-off/pick-up.
Car parking spaces	No on-site car parking is proposed.
Bicycle parking	A minimum of 200 bicycle spaces is proposed.
Public domain and landscaping	Landscaping works including the removal of 61 trees, on-site relocation of one tree, construction of formal and informal learning areas and the planting of new vegetation.
Construction hours	- Monday to Friday: 7 am to 6 pm - Saturday: 8 am to 4 pm - No work on Sundays and public holidays
Operational hours	- Staff: 7 am to 6 pm – Monday to Friday - Students: 8:30 am to 3:30 pm - Other activities such as staff meetings and parent/teacher nights are expected to occur infrequently and conclude by 8:30 pm.
Number of students	- Current BHS: 395 students - Proposed BCHS: up to 1,000 students comprising approximately 400 students from BHS and 600 students from SCS.
Signage	A total of six signs are proposed comprising one pylon sign including an electronic board, four totem signs and one wall sign.
Remediation	Remediation works are not proposed.
Jobs	- Creation of 350 jobs during construction - Operational jobs are expected to remain at pre-construction levels.

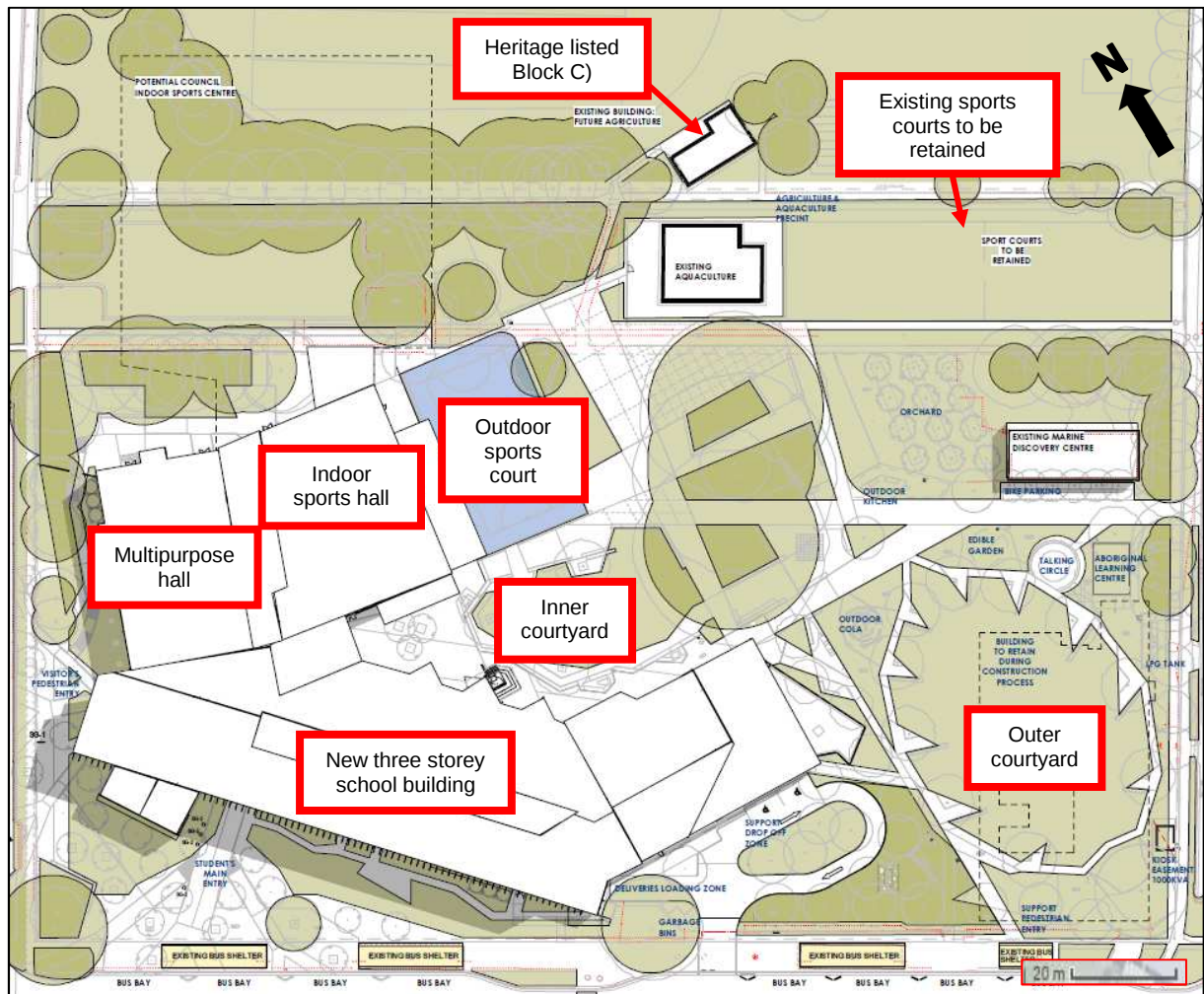


Figure 9: Proposed Site Layout Plan (Source: Applicant's RtS)



Figure 10: Artist impression of the proposed main school entrance from near the corner of Cherry and Swift Streets (Source: Applicant's EIS)



Figure 11: Artist impression of the proposed Swift Street building façade and landscaping
(Source: Applicant's EIS)

The Department notes that the proposal originally sought approval for demolition of the majority of buildings on the site (**Figure 5**), removal of any contaminated building material found during demolition of the buildings, relocation of the retained Block V and demolition of miscellaneous structures, such as walkways, sheds and ramps. However, the Applicant subsequently removed these components from the subject proposal, through the RtS, and undertook them through separate approvals discussed in **Section 1.3** of this report.

The SSD application has a Capital Investment Value (CIV) of \$43,535,000 and is expected to generate 350 construction jobs.

2.2 Project need and justification

North Coast Regional Plan 2036

The *North Coast Regional Plan 2036* (NCRP) sets out the NSW Government's 20 year vision for the north coast to be the best region in Australia to live, work and play due to the spectacular environment and vibrant community. The north coast comprises the LGA's of Tweed, Kyogle, Richmond Valley, Lismore, Byron and Ballina. The NCRP aims to achieve this vision through leveraging the Pacific Highway and achieving four goals for the region comprising protecting the natural environment, creating a thriving interconnected economy, creating a vibrant engaged community and providing housing choice and lifestyle options.

The NCRP identifies Ballina as a Strategic Centre within the north coast, with regional priorities for the LGA including supporting the economic growth associated with the Ballina-Byron airport, increasing opportunities for employment through the industrial and agriculture and supporting the delivery of housing diversity including higher housing density in Ballina. The Ballina LGA is predicted to increase to 45,850 in 2036 from 41,790 recorded in the 2016 Census.

The proposal supports the overall strategic aims of the NCRP through provision of a new education facility to cater for the current and future demand for secondary education in the locality. The proposal will also increase the capacity of SCS to cater for the increased demand for primary level enrolments it is experiencing.

School capacity

The Applicant advises that the existing BHS is experiencing a decline in enrolment numbers and therefore is unable to offer a full range of subjects for students. Additionally, much of the existing school buildings require costly repairs or refurbishments and are not conducive to the learning pedagogy of current teaching. Conversely, SCS is projected to experience an increase in student numbers for Kindergarten to Year 6 classes over the next 10 years and is not capable of being expanded to accommodate the additional students.

The proposal to combine secondary students of SCS with BHS students, allowing for outdated buildings in BHS to be redeveloped into classrooms that are fit for modern teaching pedagogy. The proposal will also allow for a full range of teaching subjects to be offered at BCHS noting that if the proposal did not occur, BHS would not be able to offer a full range of subjects due to declining student numbers. Further, the proposal also allows for the expansion of the SCS Distance Education program and Kindergarten to Year 6 classes to accommodate the increase in demand expected for these two programs over the next 10 years.

3. STATUTORY AND STRATEGIC CONTEXT

3.1 State Significant Development

The proposal is SSD under Section 89C of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as the development is for an educational facility, with a CIV in excess of \$30 million, as defined under clause 15 of Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP). The Minister for Planning is therefore the consent authority for the proposed development.

3.2 Consent Authority

In accordance with the Minister's delegation dated 16 February 2015, the Executive Director, Priority Projects Assessments can determine the subject application as Ballina Shire Council (Council) has not objected to the proposal, no political disclosure statement has been made and less than 25 public submissions have been received objecting to the proposal.

3.3 Permissibility

The subject site is zoned R3 Medium Density Residential and RE1 Public Recreation under the Ballina Local Environmental 2012 (BLEP).

An educational establishment is permissible with consent within the R3 zone and prohibited in the RE1 zone. The Department notes, however, that Section 89E(3) of the EP&A Act permits the Minister to grant consent for partly prohibited uses in SSD.

3.4 Environmental Planning Instruments

Under Section 79C of the EP&A Act, the Secretary's assessment report is required to include a copy of, or reference to, the provisions of any environmental planning instruments (EPIs) that substantially govern the project and that have been taken into account in the assessment of the project. The following EPI's apply to the site:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64)
- State Environmental Planning Policy No. 71 – Coastal Protection (SEPP 71)
- Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Draft Education SEPP)
- Ballina Local Environmental Plan 2012.

The Department's consideration of these EPIs is provided in **Appendix B**. In summary, the Department considers the proposal is consistent with the requirements of the EPI's.

3.5 Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects as set out in Section 5 and Section 79C of that Act. A response to the Objects of the EP&A Act (Section 5) is provided at **Table 2** and an assessment against Section 79C of the Act is provided in **Section 5.1** of this report.

Table 2: Response to the objects of Section 5 of the EP&A Act

Objects of Section 5 of the EP&A Act	Response
(a) to encourage:	
(i) <i>the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,</i>	The proposal redevelops an existing educational facility site that is in close proximity to existing services and public transport. The proposal is considered to be an efficient use of the site and provides for significant economic and social benefits.
(ii) <i>the promotion and co-ordination of the orderly and economic use and development of land,</i>	The proposal is considered to be an orderly and economic use and development of the land as provides for a new, fit-for-purpose educational facility on an existing site owned by the Applicant and does not alter the existing use of the site. The proposal to combine secondary students from SCS to the new BCHS, will allow for the expected increase in enrolments for Kindergarten to Year 6 classes in SCS to be accommodated within the existing SCS.
(iii) <i>the protection, provision and co-ordination of communication and utility services,</i>	The proposal will connect to and augment (as required) communication and utility services in consultation with service providers.
(iv) <i>the provision of land for public purposes</i>	Not applicable.
(v) <i>the provision and co-ordination of community services and facilities, and</i>	The proposal is for a public secondary school to cater for the current and future demand for secondary education.
(vi) <i>the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and</i>	The site does not include any threatened species, populations or ecological communities. The proposal includes extensive landscaping, which will provide for new habitat opportunities.
(vii) <i>ecologically sustainable development, and</i>	The proposal includes measures to deliver ecologically sustainable development (Section 3.6).
(viii) <i>the provision and maintenance of affordable housing, and</i>	Not applicable.
(b) <i>to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and</i>	The Department publicly exhibited the proposal as outlined in Section 4.1 , which included consultation with Ballina Shire Council (Council) and other public authorities and consideration of their responses.
(c) <i>to provide increased opportunity for public involvement and participation in environmental planning and assessment.</i>	The Department publicly exhibited the proposal as outlined in Section 4.1 , which included notifying adjoining landowners, placing a notice in the press and displaying the proposal on the Department's website and at the Department's Information Centre and regional office at Grafton and at Council's office.

3.6 Ecologically Sustainable Development

The EP&A Act adopts the definition of ecologically sustainable development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle
- inter-generational equity
- conservation of biological diversity and ecological integrity
- improved valuation, pricing and incentive mechanisms.

The Applicant has also identified which ESD initiatives can be incorporated into the detailed design of the proposal which are generally in line with initiatives associated with a Four Star (Australian Best Practice) Green Star Design rating. These initiatives include localised lighting controls, use of recycled wood products where possible and rainwater reuse for toilet flushing and landscape irrigation. The Department has recommended a condition that the details of the final ESD initiatives implemented be submitted to the satisfaction of the Crown Certifying Authority prior to commencement of works.

The Department has considered the project in relation to the ESD principles. The Precautionary and Inter-generational Equity Principles have been applied in the decision making process by a thorough assessment of the environmental impacts of the project. Overall, the proposal is consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives will encourage ESD, in accordance with the objects of the EP&A Act.

3.7 Secretary's Environmental Assessment Requirements

On 27 July 2016, the Department notified the Applicant of the Secretary's Environmental Assessment Requirements (SEARs) for the SSD application. The Department is satisfied that **Appendix B** of the EIS adequately addresses compliance with the SEARs to enable the assessment and determination of the proposal.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

In accordance with Section 89F of the EP&A Act and clause 83 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), the Department publicly exhibited the proposal from 15 December 2016 until 31 January 2017 (47 days). The proposal was exhibited on the Department's website, at the Department's Information Centre, at the Department's regional office at Grafton and at Council's offices.

The Department placed a public exhibition notice in the *Ballina Shire Advocate* and *Lismore Northern Star* on 14 December 2016, and notified adjoining landholders and relevant State and local government authorities in writing.

The Department received a total of 30 submissions comprising 24 submissions, including one objection from an organisation and one objection from a member of the general public, during the exhibition period and six submissions after the exhibition period. Submissions received during the exhibition period comprised five submissions from public authorities, including separate submissions from Council and the Mayor of Council, five submissions from organisations and 14 submissions from the general public. Submissions received after the exhibition period comprised two submissions from public authorities, one submission from an organisation and three submissions from the general public.

A summary of the issues raised in the submissions is provided at **Tables 3** and **4** below and copies of the submissions may be viewed at **Appendix A**.

4.1.1 Public Authority submissions

Table 3: Summary of submissions from public authorities

Ballina Shire Council
Council did not object to the proposal and provided the following comments: - the proposal is an important local infrastructure project and Council strongly supports it - the building design and site layout presents an attractive and workable development and Council is supportive of the variation to the building height being sought - floor levels of new building or relocated buildings should be conditioned to be a minimum of 2.6 Australian Height Datum (AHD) - a condition should be imposed requiring compliance with the submitted stormwater management plan and requirements of the Ballina Development Control Plan 2012 (BDGP) - Council is not supportive of the use of timber piling due to the vibration impacts to surrounding properties and notes the submitted Acoustic Report does not consider construction noise or vibration impacts on the surrounding properties. Council considers use of screw piling, or the equivalent, to be more suitable. Dilapidation reports for surrounding properties should be undertaken prior to works commencing - removal of all on-site parking is considered unacceptable due to adverse amenity impacts created for the surrounding residential properties. Council considers provision of 110 off-street parking spaces a minimum requirement for the school. Weather protected disabled spaces should also be provided in accordance with the relevant Australian Standards. Pick-up and set-down facilities should ideally be provided on-site.
Mayor of Ballina Shire Council
- It is requested that school memorabilia be securely stored in the Block C building during demolition and construction of the school - feedback received from the local community via ward committee meetings indicate that the community would like the memorabilia displayed appropriately within the new school - Council is also supportive of the recommendations of the BHS Historical Society (discussed below) as they are in the best interest of the community.
Department of Primary Industries (DPI)
- The Applicant has provided an Acid Sulfate Soil (ASS) Management Plan that adequately addresses impacts on ASS - while the proposal is likely to have minimal impacts on groundwater, if groundwater is intercepted consultation with the DPI Water should occur regarding any licensing and further assessment requirements.
Office of Environment and Heritage (OEH)
- OEH supports the recommendations of the Aboriginal cultural heritage assessment - hollow bearing trees were identified during a site inspection with the majority of these trees to be removed to accommodate the proposal. As such, the OEH has recommended that a condition be imposed requiring a fauna protection procedure be drafted and implemented - the submitted Geotechnical Report has not been undertaken in accordance with the <i>Assessment Guidelines of the NSW Acid Sulfate Soils Manual 1998</i> and does not provide clear explanations as to how conclusions were reached. Due to the scarcity of soil testing, the OEH recommends that conditions of condition related to additional testing of soils below 1.2 m to determine the presence of ASS, validation testing occur on a linear basis and ASS removed be stockpiled according the relevant guidelines.
OEH Heritage Division (Heritage Division)
The interpretation landscape works associated with 'Block M' should be completed prior to an occupation certificate being issued.
Roads and Maritime Services (RMS)
- Traffic projections should be based on traffic modelling undertaken for the Ballina Roads Contribution Plan (BRCP) and not on historic data given Ballina's status as a developing regional centre - a traffic generation rate of 0.2 vehicle trips per student should be adopted noting that the most recent surveys of vehicle trip generation rates commissioned by RMS for NSW secondary schools have identified average trip rates of 0.35 in the AM peak and 0.24 in the PM peak

- use of averaged traffic counts over the peak hours may potentially underestimate the peak flow effects and intensity of subsequent impacts on safety and efficiency of surrounding streets and intersections
- it is acknowledged that there may be some “pass-by” trips due to the location of the school, however also due to the school’s location, there may be trips diverted to the school generating additional vehicle movements on the surrounding streets
- distribution or route assignments of trips have not been identified, therefore it is difficult to determine the accuracy of identified flows and subsequent impacts at affected intersections
- intersection testing should be undertaken of the Martin and Bentinck Street intersection to determine whether treatments are required to accommodate post-development flows
- any queuing of right turning traffic from Martin Street to Swift Street is likely to interrupt bus swept paths and lead to delays for buses
- analysis of the intersection of Martin Street and Swift Street does not appear to consider the downstream effect of parking on Swift Street generated by the St Xavier Francis Primary School
- removal of all on-site car parking does not comply with the requirements of the RMS *Interim Guidelines for the Planning and Design of School Traffic and Pedestrian Facilities*. The Guidelines recommend parking be provided on-site and that schools be designed to provide appropriate separation of pedestrian and cyclists from vehicular traffic. The RMS recommends further consideration be given to providing on-site parking to reduce pedestrian activity on surrounding streets and to minimise interactions between people and vehicles
- RMS surveys of NSW schools identify an average car parking rate of 0.11 per student resulting in an average demand of 110 parking spaces
- further assessment is required of whether there is sufficient peak hour capacity on the surrounding streets to accommodate the cumulative parking demand of the existing and proposed development in the area
- it is unclear whether 10 set-down and pick-up spaces in Cherry Street will be sufficient to cater for peak demand
- the TIA indicates that three accessible spaces will be provided with one provided within the pick-up and set-down area and the other two spaces not disclosed. RMS advice that the three spaces should be provided at an appropriate location on-site
- the TIA and Green Travel Plan (GTP) do not identify or address the traffic, parking and road safety impacts of the sporting and/or special events likely to occur at the proposed school campus
- the loading zone is combined with a student set-down/pick-up area and has been designed so that vehicles reverse into the loading bay. As such, for safety reasons the loading zone should be physically separated from pedestrians
- the temporary increase of students at Southern Cross School will likely lead to increased congestion on surrounding streets which will then lead to implications for road safety. The RMS suggest that a site specific Traffic Management Plan be prepared in consultation with Council.

Transport for New South Wales (TfNSW)

- The reduction to four bus bays along Swift Street is not supported as the proposal seeks to increase the number of students from 395 to 1000 which will likely result in an increase of school bus services, the bus zone operates as a transfer point for other schools and the proposal does not identify why a reconfiguration is needed
- a condition should be imposed requiring the existing eight bay bus zone be retained as part of the redevelopment.

4.1.2 Public submissions

Table 4: Summary of the 17 public submissions to the proposal

Issue	Proportion of issues (%)
Lack of on-site car parking for staff, student and visitors	42.9
Loss of BHS’s historical significance and loss of school memorabilia	19
The proposed built form including siting, classroom design and demolition of existing buildings	14.3
Increased traffic on the local street network, particularly on Swift Street.	9.5

Adverse impact to the surrounding properties of stormwater runoff from BCHS	9.5
Existing trees adjacent to the street boundaries should be retained	4.8

Six submissions were received from organisations, raising the following concerns with the proposal:

- lack of on-site parking causing staff, students and visitors to park on-street, resulting in displacement of customers/patrons needing to park further away from businesses which will adversely impact businesses
- further exacerbation of insufficient parking along Burnett Street, particularly on tournament days associated with the Ballina Tennis Club
- safety concerns for students and staff of St Francis Xavier Primary School due to increased traffic
- the Applicant's interpretation of BDCP and reliance on their own internal policies
- loss of heritage significance associated with BHS which may be mitigated through salvage of memorabilia, prior to demolition, to be displayed in the heritage listed Block C and construction of a commemorative wall near Block C from the bricks of Block M.

4.2 Response to Submissions

Following exhibition, the Department placed copies of all submissions received on its website and requested the Applicant provide a RtS which was received on 23 May 2017 (**Appendix A**). The Applicant's RtS included details of the signage proposed for BCHS, heritage consultation undertaken with the Ballina Schools' Historic Society (BSHC), a Construction Noise and Vibration Management Plan (CNVMP), an updated GTP and additional parking and traffic advice. The RtS also advised that the following works had been removed from the proposal:

- demolition and removal of contaminated materials of Buildings A, E, H, L, M, S and U (**Figure 5**)
- relocation of Building V to adjacent the Martin Street boundary. The original location of Building V is identified in **Figure 5** and the final location of the building is identified in **Figures 4** and **9** as the Aboriginal Learning Centre
- removal and/or demolition of miscellaneous structures and items including outbuildings, sheds, verandas, covered walkways, footpaths, ramps, planter beds, sheds, external furniture and fixed sporting items.

The RtS was made publicly available on the Department website and was referred to the relevant public authorities. An additional six submissions were received from public authorities, including Council, DPI, Heritage Division, OEH, RMS and TfNSW. The Heritage Division, OEH and DPI advised that it had no further comments to the proposal. A summary of the issues raised in the RtS submissions from Council, RMS and TfNSW is provided at **Table 5** and copies of the submissions may be viewed at **Appendix A**.

Table 5: Summary of public authority submissions to the RtS

Council
Council reiterated that a minimum of 110 car parking spaces for staff, students and visitors should be provided on-site and provided the following additional comments: • targets proposed in the Green Travel Plan, particularly in relation to encouraging teachers to catch the school bus, are unlikely to be achieved • without substantial on-site parking, people attending BCHS will park in the most convenient locations to the school which are the residential components of Swift, Borton and Burnett Streets and Church Lane.
RMS
RMS reiterated transfer of all existing on-site parking onto the surrounding street network and the additional staff and students proposed will impact on the safety and efficiency of adjacent public roads and that adequate parking should be provided on-site. RMS also provided the following additional comments:

- it is unclear whether the additional intersection modelling undertaken factored in the impact of on-street parking and pedestrian and cyclist movements in the delays experienced at the intersections
- the submitted Parking Utilisation Survey does not represent accurate parking demands on a typical school day noting RMS had previously highlighted results of recent surveys
- development of a Parking Management Strategy should be considered if only on-street parking is proposed
- the GTP should be further developed to provide greater detail of targets and costs, include alternative actions to be implemented if targets are not achieved and the early establishment of a steering group or committee to inform targets and actions
- a condition is requested to be included regarding the locational and operation requirements of the digital sign.

The Department has recommended conditions of consent related to development of a Parking Management Strategy, further development of the GTP and digital signage requirements.

TfNSW

TfNSW considered the loading area and Support Unit drop-off/pick-up will have a high level of pedestrian movement, it is recommended that deliveries be restricted to outside of peak school travel hours and that a Road Safety Audit be undertaken.

The Department has recommended conditions to this effect.

In response to submissions to the RtS, the Applicant provided an RtS Addendum, which provided further clarifications as discussed further in **Section 5** of this report.

The Department has considered the comments raised in the public authority and public submissions during the assessment of the proposal (**Section 5**) and/or by way of recommended conditions in the instrument of consent at **Appendix C**.

5. ASSESSMENT

5.1 Section 79C(1) matters for consideration

Table 6 identifies the matters for consideration under section 79C of the EP&A Act that apply to SSD. The EIS has been prepared by the Applicant to consider these matters and also those required to be considered in the SEARs, Section 78(8A) of the EP&A Act and Schedule 2 of the EP&A Regulation.

Table 6: Section 79C(1) Matters for Consideration

Section 79C(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	See Section 4.2 and see Appendix B
(a)(ii) any proposed instrument	The Draft Education SEPP will: • simplify and standardise the approval process for child care facilities, schools, TAFEs and universities, including broadening the range of development that can be undertaken as exempt development and complying development • set out clear planning rules for these developments, including where they can be built, what development standards apply, and consultation requirements • establish state-wide assessment requirements and design considerations to improve the quality of these facilities and to minimise impacts on surrounding areas. The development is generally consistent with the provisions of the Draft Education SEPP.

(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, development control plans do not apply to SSD.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations	The proposal satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6 of the EP&A Regulation), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS.
(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development	Appropriately mitigated or conditioned - refer to Section 5 of this report.
(c) the suitability of the site for the development	The site is suitable for the development as discussed in Sections 3 and 5 of this report.
(d) any submissions	Consideration has been given to the submissions received during the exhibition period. See Sections 4 and 5 of this report.
(e) the public interest	Refer to Section 5 of this report.
Biodiversity values exempt if: (a) On biodiversity certified land (b) Biobanking Statement exists	Not applicable.

5.2 Key assessment issues

The Department has considered the EIS, the issues raised in submissions and the Applicant's RtS in its assessment of the proposal. The Department considers the key issues associated with the proposal are:

- traffic and parking impacts
- building height and demolition and site layout
- acoustic impacts.

Each of these issues is discussed in the following sections of this report. Other issues were taken into consideration during the assessment of the proposal and are discussed at **Section 5.2.4**.

5.2.1. Traffic and Parking Impacts

The Applicant has submitted a Traffic Impact Study (TIS) and Preliminary Construction Management Plan (PCMP) which addresses the relevant traffic and parking considerations. The Applicant has also submitted an SCS TIS reviewing the traffic impacts associated with relocating students/staff from BHS to SCS during construction of the BCHS. However, the Department notes relocation of BHS students/staff to SCS does not form part of the SSD and that the relocation occurred for the beginning of term one 2017.

Traffic Impacts

Construction Traffic

The PCMP identifies that during construction, the proposal will generate 200 construction vehicle trips per day. The traffic impact on the local road network is expected to be minimal as BHS will not be operating during the construction of BCHS. The PCMP indicates that the head building contractor will provide a site-specific construction traffic management plan prior to commencing works, incorporating measures to keep disruptions to surrounding land uses and traffic to a minimum during the construction phase. The site entrance for construction works will use the existing driveway located on Cherry Street to minimise traffic impacts and increase safety to the St Francis Xavier Primary School by reducing construction traffic on Swift Street.

Council and RMS did not raise concerns regarding traffic impacts during construction of BCHS.

The Department is satisfied that construction vehicle movements can be accommodated within the existing road network. The Department has recommended a condition that the final construction traffic route chosen for the proposal not involve travel along Swift Street between the intersections of Martin Street and Cherry Street to improve safety along the frontage of St Francis Xavier Primary School and that prior to commencement of works, a final Construction Traffic and Pedestrian Management Plan be prepared and submitted to the satisfaction of the Certifying Authority.

Operational Traffic

In determining the peak hour traffic generation rate associated with the proposal, the TIS:

- considered the RMS document 'Trip Generation Surveys, Schools Data Report' (RMS Survey) and the subsequent 'Analysis Report', however noted that many of the regional schools surveyed were not as centrally located to their towns as BHS. The most similar school's surveyed were Wyong High School and Kiama high School with peak traffic generation rates of 0.19 to 0.30 and 0.11 to 0.22 per student, respectively
- considered that Queensland Transport specifies a peak traffic generation rate of 0.12 per student
- considered that the BRCP nominates a peak traffic generation rate of 0.28 per student
- determined that a 0.20 peak traffic generation rate was adequate for the proposal noting the proposal's connectivity with bus transport and the high percentage of 'pass-by' trips.

The TIS concluded that the Cherry Street/Swift Street intersection and Martin Street/Swift Street intersection would continue to operate at acceptable levels. The Cherry Street/Bentinck Street and Martin Street/Bentinck Street intersections were not modelled, as the TIS considered that the intersections were designed to a distributor road standard to cater for high volumes of traffic and any additional traffic created by the proposal would be manageable.

RMS raised concerns regarding the traffic generation rate and intersection modelling included in the TIS due to:

- the use of historic data used for traffic projections
- the adopted traffic generation rate of 0.2 peak hour vehicle trips per student being below the RMS survey average rates of 0.35 in the morning peak and 0.24 in the afternoon peak
- discount of potential traffic impacts based on 'pass-by' trips
- not modelling the Martin Street and Bentinck Street intersection or Cherry Street and Bentinck Street intersection
- not considering the impact of bus queuing due to the median on Swift Street effecting bus swept paths.

RMS recommended that traffic modelling undertaken for the BRCP be utilised to inform future traffic projections associated with the proposal.

Council noted that the surrounding road network has the capacity to safely handle the traffic generated from the proposal

The Applicant's RtS included an additional traffic scenario incorporating the recommendation from RMS to use traffic generation rates identified in the BRCP. **Table 7** identifies the traffic generation rates of the additional scenario in comparison with the traffic generation rates identified in the original TIS.

Table 7: Traffic generation rate summary

Traffic Generator	Scenario	Peak Hour Vehicle Trips Per Student / Daily Vehicle Trips Per Student	Peak Hour Vehicle Trips	Daily Vehicle Trips
Previous BHS (395 students)	BHS TIS	0.2 / 1	79	395

Proposed BCHS (1000 students)	BHS TIS	0.2 / 1	200	1000
Previous BHS (395 students)	BRCP	0.28 / 1.4	111	553
Proposed BCHS (1000 students)	BRCP	0.28 / 1.4	281	1400

The RtS included SIDRA modelling undertaken of the four intersections using the traffic projection figures in the BRCP scenario. **Table 8** identifies the current and predicted LOS and average traffic delays at the four intersections surrounding BHS in a worst-case scenario in which the total increase in traffic has been applied in full to each of the intersections. The RtS notes that only a portion of the estimated increase would apply to each intersection due to directional splits. Sensitivity modelling was undertaken with traffic projections increased by 10 per cent at each intersection. Results of the sensitivity modelling are also presented in **Table 8**.

Table 8: Intersection performance

Intersection	Current Performance		Predicted Performance BRCP		Sensitivity Modelling	
	LOS	Maximum Delay (seconds)	LOS	Maximum Delay (seconds)	LOS	Maximum Delay (seconds)
Cherry Street / Swift Street	A	14.3	B	26.5	C	39.1
Martin Street / Swift Street	A	9.1	B	16.4	B	19.5
Martin Street / Bentinck Street	B	15	B	22.5	B	25.8
Cherry Street / Bentinck Street	A	12.4	B	15.3	B	18.7

In response to the RtS, RMS did not raise any further concerns regarding traffic generation however queried as to whether intersection modelling included the impact of on-street parking and pedestrian/cyclist movements on the delay experienced at the intersections. Council did not raise any further concerns related to traffic generation.

The Applicant clarified that the effects of on-street parking were not included in traffic modelling as the minimal amount of parking in the vicinity of the intersections is not expected to cause traffic delays and delays resulting from pedestrians and cyclists were only included for the Cherry/Swift Streets and Bentinck/Martin Streets intersections due to the pedestrian crossings located nearby.

The Department notes that the increase in traffic, identified in the updated traffic scenario provided in the RtS, indicates that the surrounding intersections will operate at an adequate LOS and intersection upgrades are not required to facilitate the development. As such, the Department considers traffic generation impacts resulting from BCHS to be acceptable.

Parking Impacts

On-site parking at BHS previously consisted of a 32-space sealed car parking area and an adjacent informal gravel parking area for approximately 18 cars (**Figure 12**), with both these parking areas accessed from a driveway off Cherry Street. The TIS states that the BHS on-site parking was adequate for the BHS population.



Figure 12: Location of existing off-street car parking for BHS (Source: Nearmap)

The proposed BCHS does not include on-site parking and relies wholly on on-street parking to accommodate for the needs of staff, students and visitors to the school. In determining the parking requirements needed for the proposal, the TIS:

- used development controls contained in the BDCP to determine the parking rate required for the proposal. However, it considered that the development control, requiring one parking space be provided per 10 students from the total school population, to be an error. The TIS noted that the neighbouring Byron Development Control Plan 2014 specifies that the student parking rate only applies to students aged 17 and older. On this basis, a total of 76 car parking spaces, comprising 29 spaces for students and 47 spaces for staff, was deemed necessary by the Applicant (as BCHS will have 93 staff and 289 students aged 17 and above) compared to 147 spaces required by the DCP
- notes that the Applicant's EFSG (a non-statutory internal design guideline) requires on-site parking be kept to a minimum to encourage use of sustainable transport and to ensure that teaching and playing spaces are maximised on-site. As such, parking was proposed to be provided wholly on-street.

RMS advised that the *Interim Guidelines for the Planning and Design of School Traffic and Pedestrian Facilities* recommends adequate on-site parking be provided and that the design of a school should provide for appropriate separation between pedestrian, cyclist and vehicle movements. RMS advised that further consideration should be given to provide on-site parking to minimise interactions between people and vehicles. Additionally, RMS Surveys identified that an average car parking rate of 0.11 per student is required equating to an average demand of 110 car parking spaces for BCHS staff and students and that further assessment is required to determine whether there is sufficient peak hour capacity available on the surrounding roads to accommodate the cumulative parking demand of existing and proposed development in the area.

Council raised concerns that not providing on-site parking would create a severe and avoidable impact on the established amenity of the residents living in the immediate locality and to the adjacent existing sports and community facilities. Council considers it unacceptable that the

proposal will remove existing off-street parking from the site and have all parking, set-down and pick-up areas on the surrounding streets, and requested that a minimum of 110 off-street parking spaces be provided.

The Department raised concerns that inadequate justification had been provided for the proposed on-street parking arrangement and requested further evidence be provided for the omission of on-site car parking, or that the generated demand for car parking be provided for on-site.

Lack of on-site parking was also the predominant issue in submissions received by organisations and the general public, with concerns raised regarding:

- the capacity of the surrounding streets to accommodate the additional parking demand
- the potential need for visitors to residential properties to walk extended distances due to inability of finding parking close to residential property
- the viability of businesses, particularly surrounding halls or meeting spaces hired to elderly social groups, as customers will be required walk further to the facility due to the inability of finding parking close to the facility
- further exacerbation of existing parking difficulties particularly on Burnett Street.

The Applicant's RtS continued to propose only on-street parking and included a Street Parking Utilisation Survey (SPUS), reviewing usage of street parking in vicinity of the site, and an On-street Car Parking Plan identifying the location of street parking proposed to be used (**Figure 13**). A Traffic and Parking Peer Review (TPPR) was also submitted which supported use of on-street parking due to the number of vacant on-street spaces identified in aerial photographs and SPUS. The TPPR advises use of the vacant on-street parking spaces would be a better solution and that construction of 3,000 sqm of site area for car parking is not sustainable or a good use of school land. The TPPR also commented that due to the available number of on-street parking spaces, it is reasonable to assume that the on-street parking has been provided by Council to facilitate the adjacent land uses.

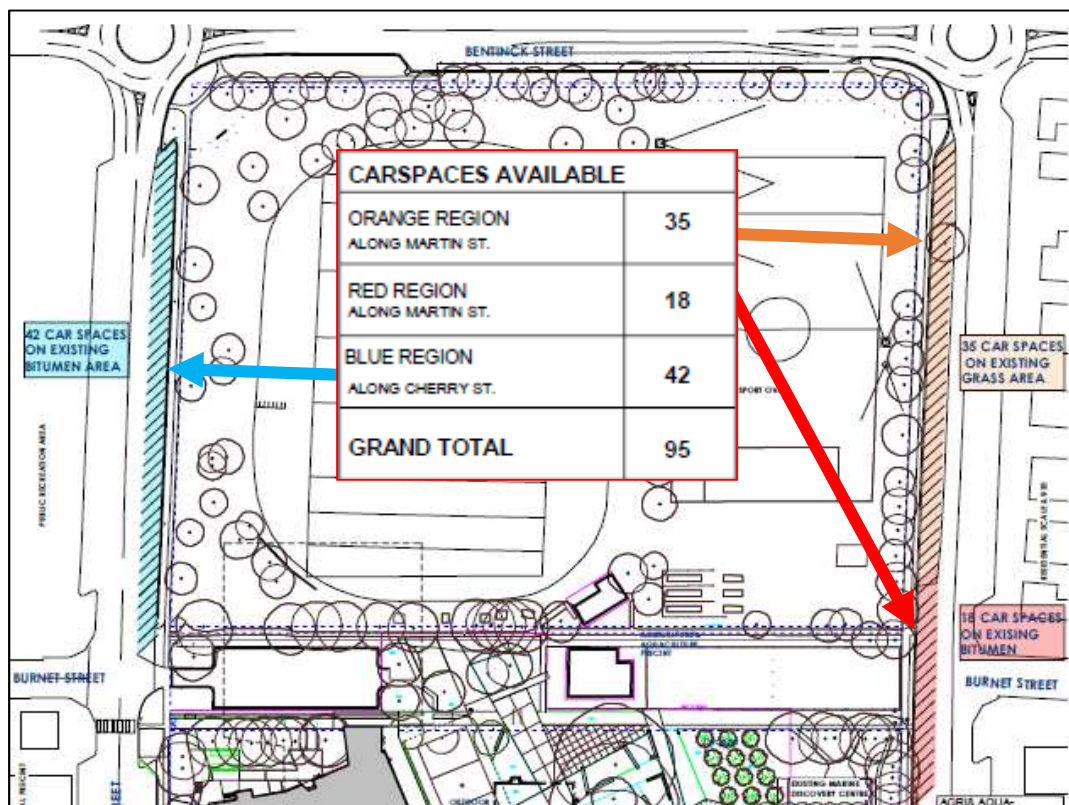


Figure 13: Location of available on-street parking to cater for BCHS's parking requirements
(Source: Applicant's RtS)

The RtS was referred to public authorities for comment, with RMS commenting that:

- both transferring all existing on-site parking to surrounding streets and increasing the number of staff and students at the school will likely impact on safety and efficiency of adjacent public roads
- the SPUS does not provide an accurate representation of parking demands on a typical school day
- parking demands should be considered within the context of Ballina's regional locality.

In response to the RtS, Council commented that:

- lack of on-site parking does not align with development principles which require projects of this scale to reasonably and responsibly contribute toward mitigating traffic and parking impacts it will have on the local community
- while it continues to support the RMS submission, the proposal would require 147 car parking spaces under the BDCP
- people attending the school will park in the most convenient locations, which are the residential sections of Swift, Borton and Burnett Streets and Church Lane.

The Applicant provided an addendum RtS, in response to the RtS comments raised by RMS and Council, advising that:

- the SPUS provided an accurate representation of the street parking demands, noting it was undertaken over multiple days and at different times during a week-long period and included an aerial review of on-street parking when BHS was operational
- the BDCP is the only published document applicable to the proposal in relation to applicable parking rates
- the Applicant considers the RMS Surveys to be an average of parking spaces from all schools in NSW and not a reliable measure for parking as it does not consider the circumstances of individual schools
- the student parking rate identified in the BDCP, should only apply to students aged 17 and over, due to the legal driving age permitted. This view, and the subsequent parking calculation of 76 spaces for students, is supported by the Applicant's traffic consultant and The Transport Planning Partnership (author of the TPPR) who undertook a review of the TIS
- in relation to providing a parking area on-site, the distance from the outer location of the car parking would be greater than the on-street parking locations
- the Ballina area is suited to on-street parking noting that the TPPR also supports this notion
- a large carpark on school grounds will result in a reduction of open space and result in substantial tree removal.

The Department notes that the proposal represents a critical social infrastructure update for Ballina and will provide additional capacity for both the proposal and SCS to accommodate for increases in demand for educational establishments resulting from the current population and predicted population increase identified in the NCRP. The Department has considered Council and RMS's comments and the Applicant's response and shares the concerns raised in relying totally on on-street parking spaces. The Department considers provision of 47 on-site car parking spaces to cater for the demand generated by staff of the proposal to be adequate providing a balance between minimising impacts to the surrounding road network, while minimising a reduction of learning and play space associated with the proposal. The 47 on-site car parking spaces figure is based on Council's DCP requirement for staff car parking. The Department has allowed for flexibility in the condition wording regarding the specific location of the parking, in recognition that the Applicant has indicated that it intends on developing a future sports complex on the school site in partnership with Council, which may provide further on-site parking to accommodate demand generated by the facility. Nevertheless, a minimum of 47 car parking spaces must be provided for use by staff prior to commencement of use of the proposal.

To accommodate demand generated by students driving to school, the Department has recommended that a minimum of 29 car parking spaces along Martin Street be bitumen sealed and line marked prior to commencement of use of the proposal. The figure is based on a rate of one space per ten students of driving age (17 and above) attending the proposal, indicated by the Applicant to be 290 students, identified as an appropriate rate to calculate car parking demand generated by the Applicant. The Department notes that Council requires that the student parking rate be applied to all students, and as such would require 100 parking spaces for students. However, the Department considers provision of parking for students not of driving age to be unwarranted. As indicated by the Applicant, the nominated calculation is consistent with secondary student parking requirements of the neighbouring Byron Shire Council and Clarence Valley Council. The Department also notes that the proposal includes a GTP which includes initiatives to increase bus transport usage by students, which formed the most popular mode of transport for students of BHS. The proposal adjoins multiple bus bays along Swift Street, servicing both St Francis Xavier Primary School and (the previous) BHS, with the TIS indicating that the bus bays receive approximately 28 buses during the morning and 23 buses in the afternoon.

Further, the Department has recommended a Parking Management Strategy (PMS) be prepared by a suitability qualified traffic consultant, in consultation with Council and other relevant stakeholders, and submitted to the satisfaction of the Secretary prior to occupation detailing measures to manage parking behaviours generated by the development and address any road safety or congestion issues. The PMS is to be reviewed yearly by the Applicant, in consultation with Council, and implemented accordingly.

The Department notes provision of further on-site parking as requested by Council would result in reduced school play and landscape space and that the surrounding on-street parking has some spare capacity. As such, the Department considers that, subject to implementation of the recommended conditions, parking impacts associated with BCHS have been adequately mitigated.

Drop-off/Pick-up Arrangements and Service Areas

A student drop-off and pick-up area is proposed along Cherry Street catering for 10 cars and includes one accessible space (**Figure 14**). Each space is proposed to be eight metres in length to facilitate drive-in/drive-out manoeuvres. A loading zone and Support Unit pick-up and set-down, comprising two accessible parking spaces, is proposed with combined access from Swift Street (**Figure 15**).

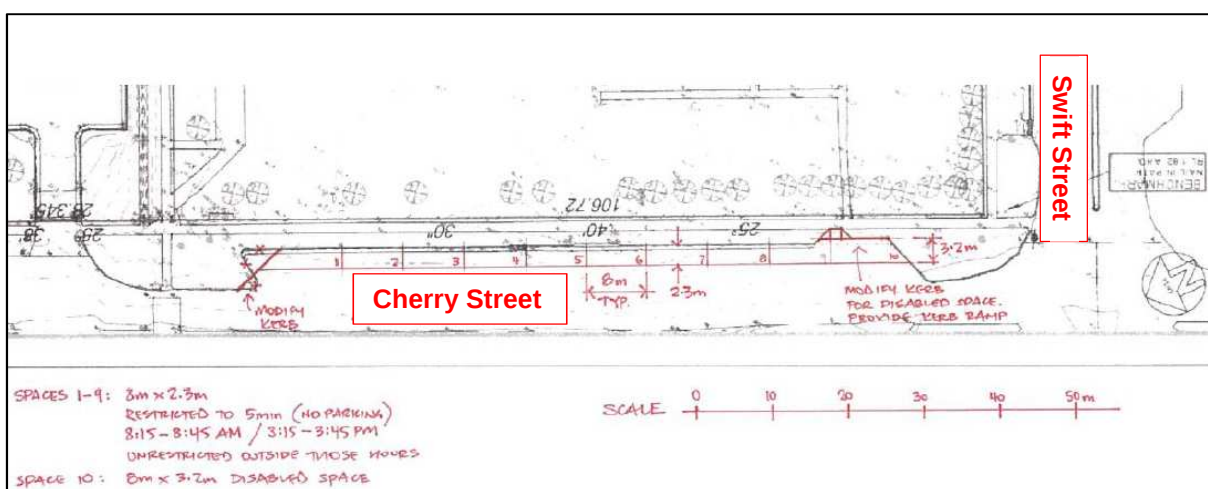


Figure 14: Location of the student drop-off and pick-up area along Cherry Street (Source: Applicant's RtS)

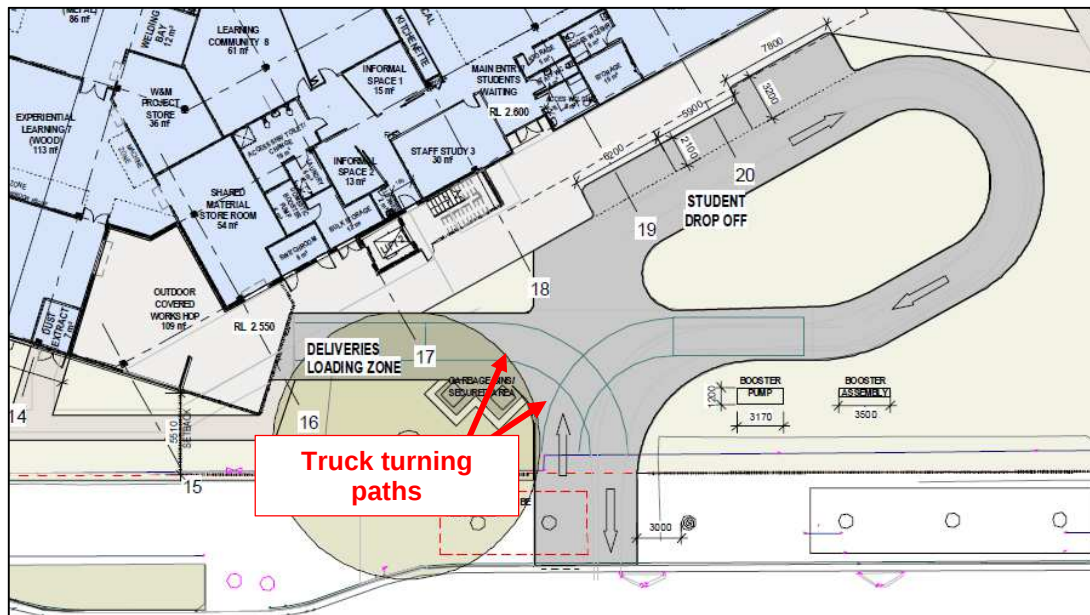


Figure 15: Proposed driveway from Swift Street, loading area and Support Unit drop-off/pick-up
(Source: Applicant's RtS)

RMS queried whether 10 drop-off and pick-up spaces would be sufficient to cater for the peak demand generated by BCHS.

The Applicant advised that the location of the drop-off and pick-up spaces on Cherry Street was chosen as it is located directly in front of BCHS and that the required Council approvals will be obtained to facilitate kerb modifications required for an accessible space and timing restrictions. The Applicant advised that the Traffic Survey undertaken of the previous BHS found that of the 64 students dropped off in the morning, 42 students were dropped off in Cherry Street. The Applicant has provided two separate parking restriction scenarios comprising a five minute restriction and a two minute restriction which could be employed to ensure the student drop-off/pick-up area is adequate. The Applicant also notes there is spare capacity in the surrounding road network to accommodate drop-off and pick-ups. As such, the RtS advises that the number and location of spaces provided is adequate.

RMS did not raise further concerns regarding the student drop-off/pick-up area. TfNSW noted the area of the Support Unit drop-off/pick-up area and delivery loading zone may have potential for conflicts between vehicles and pedestrian and as such, requested a condition be included restricting deliveries to outside peak school travel times. Additionally, TfNSW requested that a Road Safety Audit (RSA) be conducted to review potential conflicts between pedestrians and road users.

The Department acknowledges that the student drop-off and pick-up area has been located in close proximity to the main school entrance to minimise pedestrian activity on the surrounding road network. It is noted however, if a five minute parking restriction is imposed in the drop-off/pick-up area, the area would only accommodate 60 drop-offs during a 30 minute peak period and therefore may not adequately service the demand generated by BCHS (calculated to be 106 student drop-offs based on a rate provided in the RtS adjusted for the additional students in BCHS). However, a two minute parking restriction could accommodate 150 drop-offs during the 30 minute peak period and therefore adequately service the demand generated by BCHS. As such, the Department has recommended a condition requiring a two-minute parking restriction be implemented for the identified drop-off and pick-up area during the morning peak period between 8:15 am and 8:45 am and the afternoon peak period between 3:15 pm and 3:45 pm.

The Department has also recommended conditions restricting deliveries to outside of the school peak travel times of between 7:30 am to 9:30 am and 2:30 pm to 4:30 pm and requiring that an RSA be undertaken prior to commencing construction works.

Green Travel Plan

The Applicant provided a GTP identifying initiatives which can be undertaken to reduce the share of private vehicles used in trips to and from BCHS. These initiatives include encouraging use of the buses servicing the school, promoting car-pooling for staff and increasing active transport. The GTP recommended an action plan be implemented and provided an implementation checklist to achieve the proposed initiatives.

The Department requested that the GTP be amended to provide quantitative data and targets for appropriate sustainable transport mode share targets.

The Applicant provided an updated GTP with the RtS, including a more detailed action plan comprising specific tasks needed to complete proposed actions, the person responsible for completion of the task, completion date and anticipated costs. Targets set for BCHS included increasing bus transport usage and walking for students by 5 per cent per year for each mode and increasing the number of student cycling from 5 per cent to 8 per cent by the end of 2019. The GTP also proposes to encourage bus transport usage by staff and obtain car pool data.

RMS supported the adoption of the updated GTP, however noted that the action plan checklist should be further developed to provide more detail on targets and associated costs. Additionally, the GTP should provide alternative actions to undertake where targets are not achieved, set-up of a steering group or committee of relevant internal and external stakeholders to inform future targets and the ongoing monitoring and revision of the GTP for five years. The Department considers the recommendations raised by RMS to be appropriate and has recommended conditions to this effect to ensure that the GTP is a relevant and useable document and is implemented.

5.2.2. Building Height and Demolition and Site Layout

Building Height

BCHS is proposed to have a maximum overall building height of 15.7 m from natural ground level (approximately 1.8 m AHD), however subject to clause 4.3A of BLEP 2012, the site is identified in the 'Building Height Allowance Map', which allows the height of a building to be measured from the minimum level AHD permitted for the land. The minimum level AHD permitted on the site is 2 m. Therefore, the proposal will have an overall building height of 15.5 m. **Figure 16** identifies the location of the maximum building height applicable to developments not undertaken by the Crown.

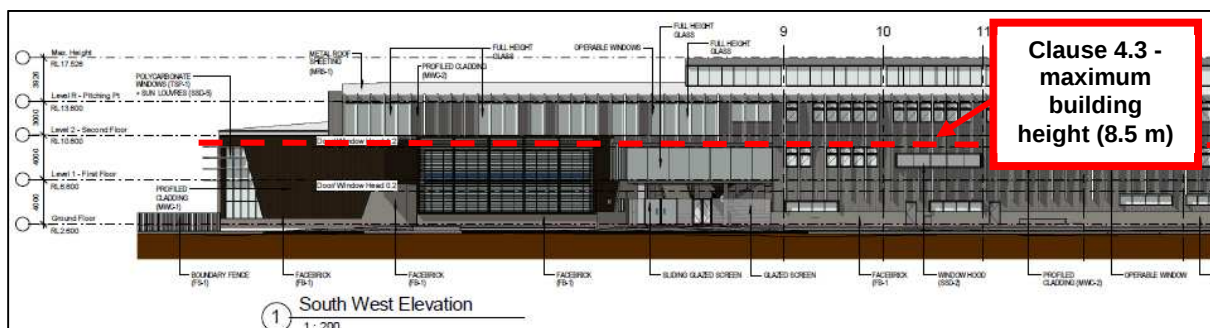


Figure 16: Identification of maximum building height permitted for non-Crown applications
(Source: Applicant's EIS)

There are two key development standards relating to building height that apply to the site under BLEP 2012. These development standards are outlined in **Appendix B** under 'Ballina Local Environmental Plan 2014'. However, clause 5.12 of BLEP 2012 operates to preclude

development standards which restrict infrastructure development (e.g. educational establishments) undertaken by a public authority which are permitted to be carried out with or without development consent, or that is exempt development, under ISEPP. As the proposal has been lodged on behalf of a Crown Authority and is permitted with development consent under the ISEPP, the Department notes that the building height development standard does not apply in this circumstance and that the merit or otherwise of the proposal should be taken into account in assessing whether the built form is appropriate for the site. As outlined below, the Department has carefully considered the building height of the proposal and any associated impacts.

While not required to provide a written statement under clause 5.12 of the BLEP 2012, the Applicant has submitted a written statement addressing provisions of clause 4.6 of the BLEP 2012 and identifying why compliance with the building height development standard is unreasonable and unnecessary as the proposal:

- achieves the objectives of the zone and building height development standard
- is consistent with the strategic plans for the locality including the *Ballina Major Regional Centre Strategy 2015 - 2035* and *Far North Coast Regional Strategy 2006 – 2031*
- is compatible with surrounding development
- will not have a significant impact on the surrounding environment noting its separation from neighbours and setbacks proposed and that there are no significant views to and from the site
- is catering for a non-residential land use and so the unique needs of a school need to be considered. The proposal has been designed to create a dynamic learning environment and to encourage collaboration between faculties and learning stages. Compliance with the development standard will result in an unnecessary spread of buildings, failing to achieve the design aims for the school.

Council commented that the building design presents an attractive and workable development and use of the site. Additionally, Council advised they were supportive of the variation being sought for the additional building height.

The Department notes that due to the predominantly single and double storey nature of development immediately surrounding the site, the proposal will be visually prominent due its three storey building height. Most of the three storey building mass has been sited to the south and south-west boundary and as such, will predominantly address St Francis Xavier Primary School and the fringes of the Ballina town centre, reducing potential visual impacts to residential properties along Martin Street. Additionally, limiting the number of storeys to a height compliant design would necessitate a larger building footprint, resulting in a reduction to landscaping and outdoor play area for the school.

The proposal includes use of multiple building materials and finishes, including face brick, cement cladding and glazing, and a varied building line for each storey of the building. The Department considers use of these façade design elements soften and reduce the perception of bulk and to create visual interest. Additionally, the buildings have been divided into defined blocks, with each block incorporating a different façade treatments further softening the building mass addressing the street. The indicative perspectives submitted (**Figures 10 and 11**) demonstrate that adequate building articulation and modulation is incorporated into the school buildings, particularly along the street frontages, to reduce the perception of bulk when viewed from the surrounding areas.

The Department considers retention of existing trees, ranging in height from 14 m to 25 m, located in vicinity of the Swift Street and Cherry Street site boundaries will also aid in softening the visual impact of the BCHS when viewed from the surrounding public domain (**Figures 17 and 18** provide views of the proposal from the corner of Swift Street and Cherry and Martin Streets). The spacing and siting of the proposed trees and other landscaping features, such as boardwalk pathways and bench seating, along the BCHS frontages will aid in increasing the welcoming nature of the school.



Figure 17: View of BCHS from the corner of Swift and Cherry Streets (Source: Applicant's EIS)



Figure 18: View of BCHS from near the corner of Swift and Martin Streets (Source: Applicant's EIS)

Shadow diagrams provided by the Applicant (**Figure 19**) indicate that BCHS will not overshadow adjacent properties due to the distances between properties and the internal site setbacks provided. The majority of overshadowing created will be cast internally within the school site or onto the Swift Street road reserve. Overshadowing created within the school is generally limited to the loading and support drop-off areas, front setback areas and paved areas adjacent to the inner courtyard. The outdoor learning areas, courtyards and sports areas will not be impacted by internal overshadowing.

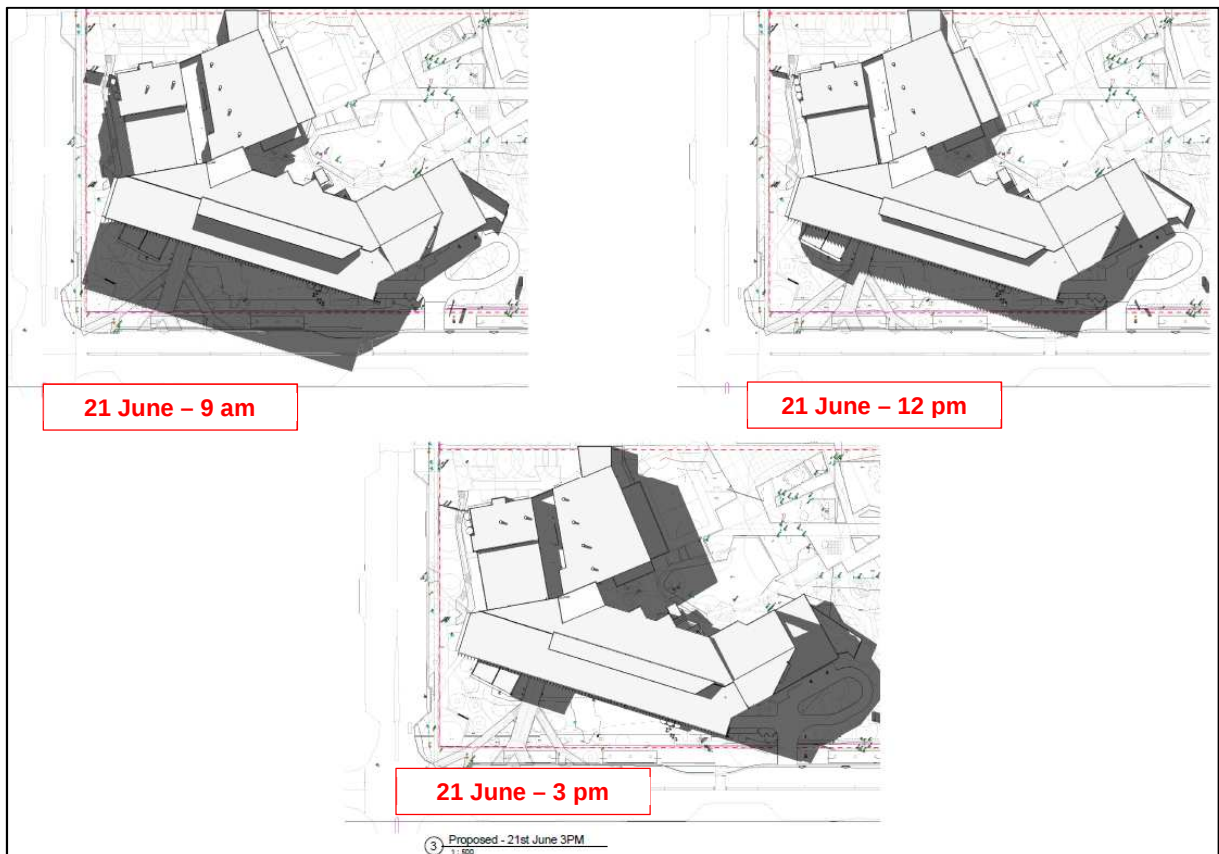


Figure 19: Overshadowing created by BCHS during winter solstice (Source: Applicant's EIS)

The Department therefore considers that strict compliance with the building height development standard in the BLEP 2012 would be unreasonable and unnecessary in this instance, in that it will result in a school with reduced outdoor play areas and landscaping and not align with the current teaching and design practices of educational developments. The Department is also of the opinion that there would be minimal public benefit in complying with building height development standard, as there aren't any adverse privacy or solar impacts associated with the proposal. As such, notwithstanding that the Applicant is not required to comply with the building height development standard, the Department considers that the proposed building height is appropriate for the site.

Demolition and Site Layout

The proposal initially involved the demolition of the majority of buildings on the site to accommodate new buildings associated BCHS. The Applicant indicated that the proposed buildings are sited toward the south and south-west of the site, as this part of the site is has the highest ground levels due to previously filling undertaken to minimise flooding. Further, the Applicant notes that the southern section of the site is located closest to other educational facilities and that the corner of Cherry and Swift Street form an important gateway to the Ballina central business district.

Public submissions questioned the need for demolition of existing school buildings, which appear to be in good or repairable condition, and the decision to have the main school entrance located at the corner of Swift and Cherry Streets due to the high level of activity on both streets. Concern was also raised as to whether BCHS will be provided with airconditioning and whether sufficient cross ventilation will be provided.

Noting that the proposal was amended to only propose demolition of two buildings, with the majority of demolition work undertaken with separate approvals discussed in **Section 1.3** of this report, the Applicant advised through the RtS that retention of previous buildings was not possible due to the change in teaching methodology and the ongoing maintenance costs

associated with the buildings. Additionally, the location of the school entry was chosen due to it being a gateway into the Ballina CBD and providing a favourable east/west orientation allowing for winter solar access and protection from harsh summer sun. The Applicant notes that as per the Applicant's guidelines, airconditioning is not required however has been provided for the eastern section of the ground floor and student hub on the first floor.

The Department considers that demolition of Blocks T and W and the proposed site layout is appropriate for the proposal noting the change in teaching methodology, maintenance costs of the buildings and improved orientation of the proposal to address surrounding uses.

5.2.3. Acoustic and Vibration Impacts

The Applicant has submitted an Acoustic Planning Letter (APL) and CNVMP addressing potential acoustic considerations of the construction and operation of the BCHS.

The nearest sensitive noise receivers are the St Francis Xavier Primary School to the south-west and residential properties and the Ballina Bowls Club to the east, south-east and west. Further north and south-west of the site is Ballina Public School, Ballina District Hospital and St Andrews Retirement Village. The locations of these sensitive receivers are identified in **Figure 2**.

Background noise levels for the site have been determined on background levels identified in *AS 1055.2-1997 Acoustics – Description and measures of environmental noise – General procedures*. The APL assumes the background noise level at 45 dBA during the daytime period and 40 dBA during the night-time period. The APL provides the noise criteria identified in **Figure 20**:

Period of Day	Intrusiveness criteria, $L_{Aeq,15min}$ dB	Amenity criteria, $L_{Aeq,period}$ dB
Day (0700-1800hrs)	50	55
Evening (1800-2200hrs)	45	45

Figure 20: Applicable intrusiveness and amenity criteria (Source: Applicant's EIS)

Construction

During exhibition of the proposal, Council raised concerns that the Applicant had not considered acoustic and vibration impacts during construction of the proposal. EPA did not provide comments for the proposal.

The Applicant's RtS included a CNVMP reviewing potential construction vibration and noise impacts against the EPA's *Interim Construction Noise Guidelines* (ICNG). The CNVMP identifies a noise affected management level of 65 dBA and a highly noise affected level of 75 dBA for residential properties during standard construction hours. The external noise level for commercial properties is 70 dBA, 55 dBA for places of worship, 55 dBA for school classrooms and 60 dBA for school playing fields.

The CNVMP has divided construction noise associated with the proposal into four phases, comprising demolition and site preparation, piling and shoring, construction works associated with the structure, and construction works associated with finishes. The CNVMP identifies that predicted noise levels from construction equipment may exceed the noise affected levels of some sensitive receivers. Demolition and finishes construction phases are expected to remain below the noise affected levels for residential properties however piling and structural construction phases are expected to be 1 dBA and 2 dBA, respectively, above the noise affected levels for residential sensitive receivers. The remaining sensitive receivers are

expected to experience noise levels between 5 dBA and 13 dBA above the external noise limit during the four construction phases.

The CNVMP contends that exceedances are typical for construction sites in residential areas and that noise impacts will not be experienced during the most sensitive time-period (i.e. night time). A range of noise control measures have been recommended including solid hoarding surrounding the site to a minimum of two metres in height, localised noise barriers and resilient pads. Additionally, the CNVMP advises that additional mitigation measures may need to be considered including community consultation and negotiation and provides a CNVMP for implementation during construction works.

Vibration from operation of the drop hammer and timber pile system are the most significant sources of vibration during construction works identified in the CNVMP, however measured vibration data for both are not generally available. As such, the CNVMP has assessed the vibration impacts associated with 170 mm diameter Ductile Iron Pipe Piles operating continuously for between two to three hours. Vibration from the Ductile Iron Pipe Piles are considered to represent a greater vibration impact than a drop hammer and timber pile system. Vibration effects on structures at the nearest sensitive receiver is expected to be between 2-3 mm/s peak particle velocity, below the 5 mm/s criteria. Vibration effects on people are expected to be between 0.3 to 0.4 vibration dose value (VDV) which at the 0.4 VDV criteria. As such, the CNVMP notes that vibration resulting from the piling works are not expected to adversely impact buildings or people. The CNVMP notes that works associated with the drop hammer and timber pile system may be able to operate for longer than two to three hours a day incorporating the mitigation measures identified in the CNVMP, however it also notes the community should be engaged to ensure any reported impacts can be managed effectively and efficiently.

Council did not raise further concerns regarding the acoustic and vibration impact of the proposal during construction.

Subsequent to the RtS, the Applicant requested that the Saturday construction hours be amended to permit work to 4 pm to allow for BCHS to open in Term 1 of 2019. The Applicant has not submitted any supporting noise data and as such, the Department has recommended a condition that the final CNVMP identify types of construction works which can be undertaken that comply with the NML for Saturday between the hours of 1 pm and 4 pm, and that works undertaken during this period be limited to the identified works.

The Department is satisfied that mitigation measures outlined in the CNVMP can be incorporated into the construction of BCHS generally comply with the ICNG. As noted in the CNVMP, there will be instances where noise to sensitive receivers exceed the maximum criteria in the ICNG and as such, the Department has recommended a condition that strategies be developed to address these noise impacts to sensitive receivers in the final CNVMP.

Operational

The APL considers that as BHS is an existing school facility, noise from general school activity will not be a new feature for the community and, as such, only noise generated by new sources will be assessed as part of the proposal. As such, noise levels from the performance theatre, music practises, music recording, sports hall and the technology workshops have been assessed. The APL notes that while the EPA has advised the *Industrial Noise Policy* (INP) does not apply to the assessment of schools, in the absence of a similar assessment method, the amenity and intrusiveness criteria of the INP has been used. Noting that the facilities have not been constructed yet, the APL has used measurements and assessments from previous similar development for the potential acoustic impacts of the BCHS. Based on the spaces having external walls, the APL indicates that all sensitive receivers will be within the intrusiveness criteria (**Figure 21**).

Internal Space	Residential Receivers		Criteria ¹	Compliance
	Cherry Street	Martin Street		
Performance Theatre	34	-	45	✓
Music Practise	21	15	45	✓
Music Recording	21	15	45	✓
Sports Hall	31	25	45	✓
Technology Workshops	-	17	45	✓
Cumulative Level	36	26	45	✓
¹ Only the evening criterion has been used for assessment as compliance with evening criteria will also result in compliance with day time criteria.				

Figure 21: Noise levels at the sensitive receivers from the additional school activities (Source: Applicant's EIS)

The final operational plant machinery has not been confirmed at this stage of the development process and has not been assessed as part of the APL.

Council did not raise concerns regarding the operational aspects of the BCHS. EPA did not raise any concerns regarding operation noise impacts.

The Department acknowledges that as the final operational plant has not been confirmed, a detailed acoustic assessment of the specific operational noise impacts of BCHS cannot be assessed, however, the APL indicates that the required plant will be installed to comply with the INP criteria. The Department has recommended a condition requiring the Applicant undertake a noise monitoring program for a minimum of one week during the school term to verify that noise generated from the operation of BCHS does not exceed relevant provisions of the EPA *Noise Control Manual* and INP. The condition will also require additional mitigation measures, in the form of building façade acoustic treatment, where it is established that those noise levels exceed the relevant noise management levels.

5.2.4. Other Matters

Heritage

The subject site housed two heritage listed buildings, being Block C and Block M in BHS (**Figure 5**). Both buildings are identified in the BLEP 2012 and are of local historic significance. The submitted Statement of Heritage Impact (SHI) indicates that the buildings are not fine examples of their type and hold no significance because of their setting, size, condition, integrity or community esteem of the buildings. However, both buildings demonstrate the style of design and construction used by the NSW Government Architect's Branch between the great depression and Second World War. Both Blocks C and M contain an overall moderate level of significance.

The Applicant has advised that retention of Block M was not possible due to the layout and design of Block M not being compatible with current requirement for learning spaces and the existing and future maintenance burden of the building. Block C is not located within the development site, however is located on school grounds. The proposal included use of the entry portico of Block M and concrete banding to identify the original sitting of the building as a landscape feature.

Council did not raise any heritage concerns. The Heritage Division supports use of the remnants of Block M in the landscape design and recommends that the landscape works be completed prior to occupation of the school.

As part of the RtS the Applicant revised the scope of the proposal to remove demolition of Block M, which was approved to be demolished through a separate approval. An updated SHI was submitted with the RtS, outlining that during demolition of Block M, original bricks from the building will be retained for future use in an interpretative wall located elsewhere on the site.

The RtS was referred to Council and the Heritage Division, who did not raise concerns with the amended proposal on heritage grounds.

The Department considers the proposed use of the site is in keeping with the former use of the site as an educational establishment, therefore maintaining the site's historic integrity and contributing to the site's overall historic significance. The Department has recommended conditions to ensure the site's existing heritage values are maintained during construction and that an unexcepted finds protocol be in place during construction works.

Contamination

Prior to the site being used for educational purposes circa 1915, Lot 477 DP 729251 and Lot 392 DP 755648 was used for public markets and public recreation. Lot 478 DP 729251 was used as a road (Burnet Street) until the mid-1970s when the road was closed and the lot was used for educational purposes. Development surrounding the site has traditionally been used for residential purposes.

A Phase 1 Site Contamination Assessment Report (Phase 1 Report) was undertaken which did not identify any wide spread contamination on the site. Soil sampling undertaken did not identify asbestos in the tested samples, however did identify slightly elevated levels of trace heavy metals, Polynuclear Aromatic Hydrocarbons and Total Recoverable Hydrocarbons, which were all below the required assessment criteria. The Phase 1 Report also identified four areas of potential environmental concern being fill, surface soils, building materials and the old road corridor. A separate Hazardous Materials Risk Assessment undertaken in January 2016 identified several hazardous materials, including asbestos and lead paint, in the existing school building and provided a range of recommendations regarding treatment of these materials prior and during demolition.

The Phase 1 Report concluded that the site is suitable for the proposal subject to implementation of the recommendations of the Hazardous Materials Risk Assessment during demolition of buildings and further assessment, sampling and testing of hard stand areas post demolition if potential contamination is identified (via soil staining, odours etc.) and preparation of a site validation report if required.

The Department notes that the proposal has been modified to remove the majority of demolition works and as such, has recommended a condition that if contamination is not found during works approved by the REF's, that the Applicant provide the Certifying Authority a letter confirming this. If contamination is found on the site, the Department has recommended a condition that a site validation report be submitted to the Certifying Authority prior to works commencing on the site certifying that appropriate remediation of the site has been undertaken. In regards to demolition works associated with this application, the Department has recommended a condition requiring compliance with the recommendations of the Phase 1 Report.

The Department considers the Applicant has adequately addressed the contamination requirements in SEPP 55 and the site can be made suitable for its intended use.

Tree Removal and Relocation

The identified site area where works are proposed contains a total of 102 trees and the proposal includes the removal of 61 of these trees (outlined in a red dash in **Figure 22**). Of the trees to be removed, the majority (43) are classified as 'A' trees worthy of retention, via the Tree A-Z category index which is commonly used to assess the importance of trees on development sites, however are not identified as ecologically protected or trees with historical, cultural or rarity significance. The remaining 18 trees are classified as 'Z' rated trees and identified as not worthy of protection.

The Department considers that the removal of existing trees is necessary to accommodate the proposed development and adequate tree planting will be provided to offset the tree removal.

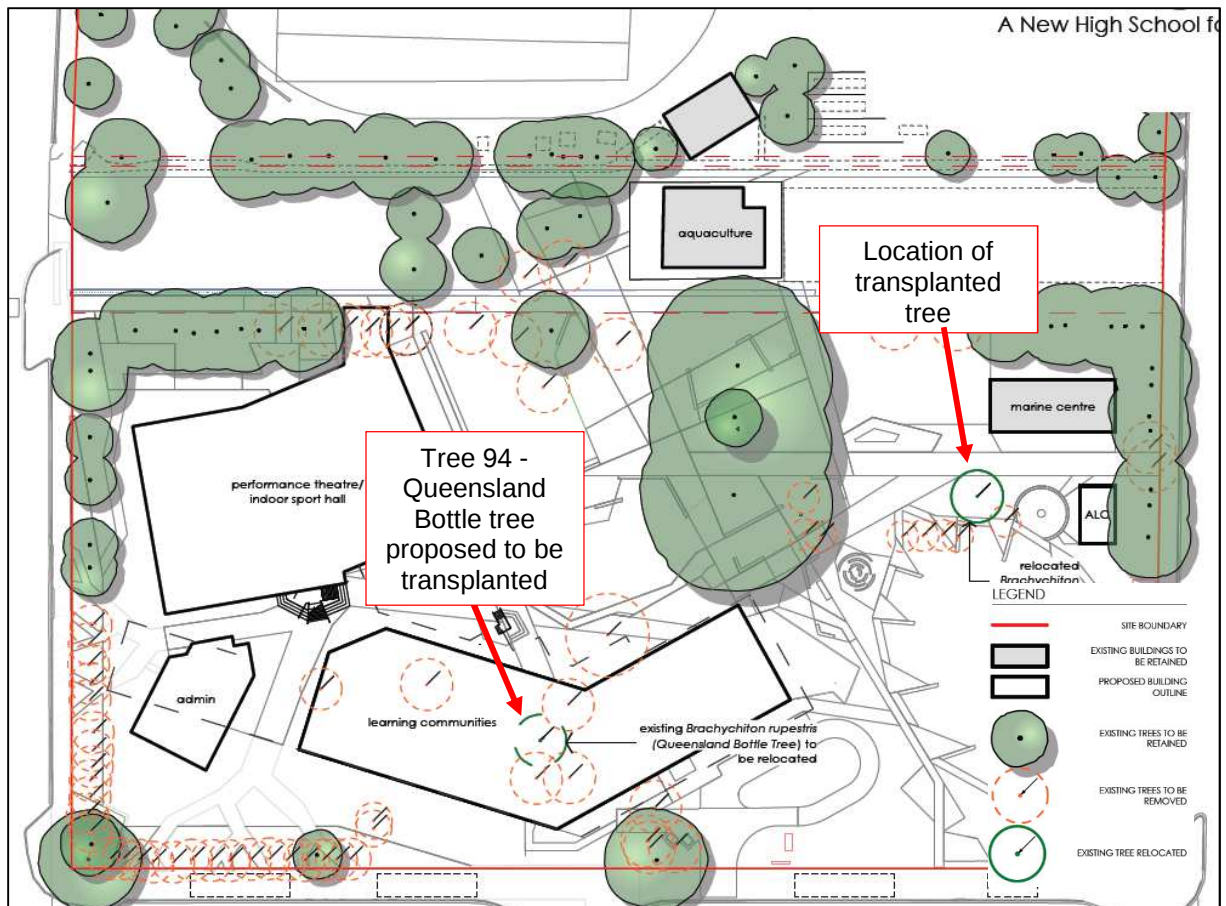


Figure 22: Tree identified for removal (dashed lines) and retention (shaded green) (Source: Applicant's RtS)

The proposal includes the retention of 41 trees, located mostly at the schools' street boundaries and, as identified in the Applicant's RtS, indicates one tree is to be transplanted (**Figure 22**). The Applicant's proposal includes the retention of the four *Ficus obliqua* (small leaved fig) trees which are classified as the most significant trees on site. The Applicant's Arborist Report provided a range of recommendations regarding tree protection during construction and maintenance for trees that are being retained. The Department has recommended that trees retained be protected during construction as per the recommendations of the Applicant's Arborist Report.

The Applicant's RtS indicated that the *Brachychiton rupestris* tree (Tree 94 in **Figure 22**,) will be relocated to the edible plant garden (**Figure 22**). The submitted Arborist Report does not provide recommendations for tree health and safety during relocation. As such, the Department has recommended a condition requiring submission of a Tree Transplant Method

Statement, prepared by a suitably qualified arborist, to the satisfaction of the Certifying Authority prior to the commencement of construction.

Public interest

The proposed development will provide benefit for the community by delivering state of the art contemporary teaching and learning facilities with more adaptable and collaborative learning spaces to improve educational outcomes. The Department therefore concludes that the proposal is in the public interest.

6. CONCLUSION

The Department has assessed the merits of the proposal taking into consideration the issues raised in all submissions as well as the Applicant's response to these, and is satisfied the impacts have been satisfactorily addressed by the proposal and through the Department's recommended conditions.

The Department's assessment concluded the Applicant's proposal not to provide on-site car parking is not acceptable due to potential adverse road safety and amenity impacts to the surrounding areas. This has been reflected in the concerns raised by Council, RMS and most public and organisation submissions. Noting the submitted 2016 BHS Travel Survey also indicates that the majority of teachers drove to school and parked on school grounds previously, the Department has recommended a condition requiring a minimum 47 car parking spaces be provided on-site and 29 car parking spaces be bitumen sealed and lined marked along Martin Street. These requirements correspond with the parking requirements for secondary education establishments contained in the BDCP (inclusive of the Applicant's interpretation that the student parking rate should apply to students of driving age). The Department also recommended the Applicant prepare and implement a PMS to identify and manage parking behaviours and address any road safety and congestion issues.

The Department's assessment also concluded that while the proposal's built form will be larger than that of the surrounding buildings, the proposal includes adequate mitigation measures including façade design, building siting and landscaping to minimise the proposal's bulk and scale and visually soften the perception of the buildings.

The proposal is consistent with the objects of the EP&A Act (including ESD principles) and is consistent with the State's strategic planning objectives for the site as set out in the FNCRS as it will provide an education establishment to meet the current and predicted future needs of the community. The Department is also satisfied that the proposal would provide significant public benefits through the provision of new and expanded education facilities in a regional area. The proposal will also provide approximately 350 construction jobs.

The Department concludes the impacts of the development can be appropriately mitigated through the implementation of the recommended conditions of consent. Consequently, the Department considers the development is in the public interest and should be approved subject to conditions.

7. RECOMMENDATION

In accordance with section 89E of the *Environmental Planning and Assessment Act 1979*, it is recommended that the Executive Director, Priority Projects Assessments, as delegate of the Minister for Planning:

- Consider the findings and recommendations of this report;
- Approve the State significant development application for SSD 7742; and
- Sign the attached development consent and recommended conditions of consent (Attachment D).

Prepared by: Michelle Niles
Planner, Social and Infrastructure Assessments

Recommended by:



Peter McManus
Team Leader
School Infrastructure Assessments

11/8/17

Decision

Approved by:



David Gainsford
Executive Director
Priority Projects Assessments
as delegate of the Minister for Planning.

11/8/17

APPENDIX A RELEVANT SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning's website as follows.

1. Environmental Assessment
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7742
2. Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7742
3. Applicant's Response to Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7742

APPENDIX B CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS AND DCP

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

The aims of this SEPP are to identify SSD and State significant infrastructure and confer the necessary functions to joint regional planning panels to determine development applications.

The proposal is for SSD in accordance with s. 89C of the EP&A Act because it is development for the purpose of an educational establishment with a CIV in excess of \$30 million, under clause 15 (Educational establishments) of Schedule 1 of SRD SEPP.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

SEPP 55 aims to provide a state wide approach to the remediation of contaminated land. In particular, SEPP 55 aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment by specifying under what circumstances consent is required, specifying certain considerations for consent to carry out remediation work and requiring that remediation works undertaken meet certain standards.

The Phase 1 Site Contamination Assessment Report (Phase 1 Report) undertaken for the site did not identify any wide spread contamination on the site however our areas of environmental concern were identified being fill, surface soils, building materials and the old road corridor. Soil sampling undertaken identified slightly elevated levels of trace heavy metals, Polynuclear Aromatic Hydrocarbons and Total Recoverable Hydrocarbons however these were below the required assessment criteria. Asbestos was not found within the soil sampling. The Phase 1 Report also reviewed a separate Hazardous Materials Risk Assessment, which identified several hazardous materials, including asbestos and lead paint, within the existing school building and provided recommendations regarding treatment of these materials prior and during demolition. The Phase 1 Report concluded that the site will be suitable for the proposal subject to implementation of the recommendations of the Hazardous Materials Risk Assessment, further assessment, sampling and testing of hard stand areas post demolition if potential contamination is identified via soil staining, odours etc.) and preparation of a site validation report.

The Department considers in accordance with clause 7 of SEPP 55, the investigations undertaken of the subject site demonstrate that the site can be made suitable for the continued use for the intended purpose upon remediation of the site. The Department has recommended a condition requiring compliance with the recommendations of the submitted Phase 1 Report.

State Environmental Planning Policy No.64 – Advertising and Signage (SEPP 64)

SEPP 64 aims to ensure that signage is compatible with the desired amenity and visual character of an area, provides effective communication, and is of a high-quality design and finish. The SEPP also acts to regulate the display of advertisements to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

New signage is proposed for BCHS including a new electronic signage board, wall signage and four totem signage. The proposal includes an assessment of the proposed signage against provisions of Schedule 1 of SEPP 64.

The Department considers in accordance with clause 3 of SEPP 64, the signage proposed for BCHS is compatible with the desired amenity and visual character of the area, the proposal would provide a better educational facility to meet the needs of the community and is of a high-quality design and finish.

State Environmental Planning Policy No.71 – Coastal Protection (SEPP 71)

SEPP 71 aims to ensure that there is a consistent and strategic approach to coastal planning and management and to ensure there is a clear development assessment framework for the coastal zone. The site is in land identified as a coastal zone pursuant to SEPP 71 and the proposal includes an assessment against provisions of clause 8 of the SEPP.

The proposal is considered suitable for the site as it will continue the use of the site as an educational establishment and, noting the distance of the site from the coastal frontage, the proposal is not expected to adversely impact the amenity or environmental processes of the coastal frontage. The proposal will not impact public access to the coastal foreshore and adequate stormwater measures can be implemented to ensure minimal impact on the water quality of the coastal waterbodies.

The Department considers that the proposal is consistent the provisions of SEPP 71.

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

The Draft Education SEPP aims to simplify and standardise the approval process for child care centres, schools, TAFEs and universities while minimising impacts on surrounding areas and improving the quality of the facilities. The Draft Education SEPP includes planning rules for where these developments can be built, which development standards can apply and constructions requirements.

The Department considers the proposal is generally consistent with the provisions of the Draft Education SEPP.

Ballina Local Environmental Plan 2012 (BLEP2012)

The development is consistent with the aim of the R3 Medium Density Residential zone in the BLEP 2012 to support the development of land for educational purposes. Consideration of the relevant clauses of the LEP is provided in **Table 1**.

Table 1: Consideration of BLEP 2012

BLEP 2012	Criteria	Department Comment/Assessment
Clause 2.7	Demolition	Approval is being sought for demolition of two existing buildings and structures on the site.
Clause 4.3	Height of buildings	The maximum height of a building permitted on the site is 8.5m. The objectives of this control include to ensure that buildings are compatible with the bulk, scale and character of the locality, minimum adverse amenity impacts to surrounding properties and the landscape quality of the locality and to protect significant views from public places. The proposal includes a maximum height of buildings, inclusive of consideration of Clause 4.3A of the BLEP 2012, of 15.5 m. This proposes a variation of 7 m to the maximum building height permitted.
Clause 4.3A	Exception to height of buildings	This clause permits the building height to be measured from the minimum level AHD permitted for land identified on the 'Building Height Allowance' map. The is site identified as having a minimum level AHD of 2 m. As such, the building height of the proposal reduces from 15.726 m to 15.526 m.
Clause 4.6	Exception to development standards	The proposal includes a variation to Clause 4.3 Height of buildings. The maximum height of buildings allowed on the subject site is 8.5 m. The proposal includes a building envelope with a height of 15.526 m, inclusive of the concession provided in Clause 4.3A, which proposes a variation to maximum height control of 7.026 m.

		Under provisions of clause 5.12, the Applicant, as a public authority, is not restricted by development standards contained in the BLEP 2012 as the proposal is permitted to be carried out with development consent under the ISEPP. Notwithstanding, the Applicant has submitted a Clause 4.6 Variation Statement (Statement) justifying the proposed departure. The Statement notes that compliance with the development standard is unnecessary and unreasonable in this circumstance as: • complies with the objectives of the zone and building height development standard • is consistent with the strategic plans for the locality including the <i>Ballina Major Regional Centre Strategy 2015 - 2035</i> and <i>Far North Coast Regional Strategy 2006 – 2031</i> as provides a new educational facility and contributes to community and social cohesion • will not have a significant adverse impact on the amenity of surrounding properties • compliance with the development standard would result in a more spread out building footprint impacting the delivery of the highest quality of education to students with resultant community impacts. The Department considers the variation to the building height development standard as acceptable due to the massing of the school building along Swift and Cherry Streets which are generally used as a connection to the Ballina town centre and to other educational establishments and have minimal residential properties oppose the school site. Additionally, the more compact building envelope reduces hard stand spaces on the site and allows for increased landscaping and outdoor learning areas. The siting of the buildings does not create adverse privacy or overshadowing impacts to surrounding uses. The visual impact of the BCHS building is softened through design measures, including variation of building material and building setbacks, and the existing and proposed landscaping. The Department notes that the contravention of the development standard does not raise any matters of significance for State or regional environmental planning. Additionally, the Department considers that there is minimal public benefit in maintaining the development standard noting that strict compliance would result in a larger building footprint or a reduction in the number of students capable of being enrolled in the school. Therefore, the Department considers the variation acceptable.
Clause 5.5	Development within the coastal zone	The site is located within the coastal zone pursuant to SEPP 71. The proposal will not impact access to, the environmental amenity or cultural, recreational or economic attributes of the coastal area. Stormwater measures are proposed to ensure untreated stormwater is not discharged to foreshore areas. The Department is satisfied that proposal will have minimal impact on the coastal environment of the State.
Clause 5.9	Preservation of trees or vegetation	The proposal seeks to remove 61 trees across the site to accommodate the proposed site layout. Trees chosen for removal are either located within the proposed building footprint, are of poor retention value or are to be replaced with more appropriate species.

		Of the trees to be removed, 43 are A rated trees worthy of retention and 18 are Z rated trees not worthy of being a design constraint. Of the 41 trees to be retained, 34 trees are A rated trees (including the tree to be transplanted) and 7 are Z rated trees. The most significant trees on site are four <i>Ficus oblique</i> trees which are proposed to be retained. The Department also notes that no existing trees or vegetation are identified as a heritage item or forming part of an existing item, nor is the site located within a heritage conservation area. The Department is satisfied that the proposed tree and vegetation removal is required in the context of the proposal. The Department also notes that the proposed trees and vegetation for the site will aid in offsetting the removal of vegetation of the site.
Clause 5.10	Heritage Conservation	BHS contains two heritage listed items being Block M and Block C. Both items are of local significance. Demolition of Block M originally formed part of the proposal, however the Applicant amended the scope of works to remove demolition of Block M, which has been approved for demolition under a separate approval. The Applicant advised that an Interpretative Wall, incorporating bricks from Block M, will be incorporated into the school site. The revised SHI, submitted with the RtS, concluded that while demolition of Block M is regrettable, retention of Block C and other buildings on the site will provide a continuity of use of the site for education purposes and continue to demonstrate the change in education in the local and State contexts. The Department has recommended conditions to ensure Block C is protected through construction works and an unexpected finds protocol be in place during construction works.
Clause 5.12	Infrastructure development and use of existing buildings by the Crown	The proposal is to be undertaken by a public authority and is permitted to be carried out with development consent under provisions of ISEPP. As such, restrictions contained in the BLEP 2012 do not apply to the proposal.
Clause 7.1	Acid Sulfate Soils	The site is located on land classified as Class 2 Acid Sulfate Soils (ASS). A Geotechnical Report and ASS Management Plan were submitted with the EIS indicating that soil encountered below the water table (approximately 1.2 m below surface level) are potentially ASS. As such, where these soils are disturbed as part of the development they should be treated with lime within eight hours of excavation. The treated soils may be reused on the site or disposed of in accordance with the relevant regulatory requirements. Validation testing is to be undertaken by and independent ASS consultant. The Office of Environment and Heritage (OEH) raised concerns regarding the ASS Management Plan including soil testing undertaken and the ambiguity of some the conclusions. OEH recommended that three conditions be recommended relating to soil testing below the depth of 1.2 m prior to removal, validation testing and stockpiling of ASS materials excavated.

		The Department is satisfied that any intercepted ASS can be appropriately treated in accordance with the ASS Management Plan and recommendations of OEH.
Clause 7.2	Earthworks	Approval is being sought for earthworks consisting of excavation and filling. Appropriate conditions of approval have been imposed requiring quality of any fill material and disposal or reuse of excavated soil including contaminated soils.
Clause 7.3	Flood planning	The site is located as land identified as a "Flood planning area" however is not inundated by the 1 in 100-year Annual Recurrent Interval flood level. The submitted Civil Engineering Report (CER) advises that the site may become isolated in flooding events and inundated in extreme flooding events. Sea level rise and climate change is also expected to increase flooding on the site in the future. In accordance with Council's flooding policy, the Applicant proposes to fill the site to reach a minimum floor level of 2.6 AHD in line with Council policies. As BCHS has multiple storeys, the school will be capable of being a flood refuge for all flood events, except for PMF events. CER indicates that a Flood Emergency Management Plan (FEMP) will be developed in accordance with Council's flood policies. Council confirmed that a minimum floor level of 2.6 AHD is required to protect the school community and built form assets from impacts of flooding. The Department has recommended a condition requiring a FEMP be finalised prior to operation of the school
Clause 7.7	Essential services	The site was previously BHS and is serviced by water, electricity, sewerage disposal and management systems, stormwater drainage and telecommunication services. Vehicular access to the site can be provided from all street frontages.

APPENDIX C GLOSSARY

Ecologically Sustainable Development can be achieved through the implementation of:

- (a) *the precautionary principle - namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:*
 - (i) *careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
 - (ii) *an assessment of the risk-weighted consequences of various options,*
- (b) *inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,*
- (c) *conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,*
- (d) *improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:*
 - (i) *polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,*
 - (ii) *the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,*
 - (iii) *environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.(Cl.7(4) Schedule 2 of the Regulation)*

Objects of the Act

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development, and*
 - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

Section 79C Evaluation

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) *the provisions of:*

- (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 Director-General 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 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
- (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),
that apply to the land to which the development application relates,
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (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.

Note. See section 75P(2)(a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.

Note. The consent authority is not required to take into consideration the likely impact of the development on biodiversity values if:

- (a) the development is to be carried out on biodiversity certified land (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995), or
- (b) a biobanking statement has been issued in respect of the development under Part 7A of the Threatened Species Conservation Act 1995.

APPENDIX D RECOMMENDED CONDITIONS OF CONSENT
