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**BALLINA HIGH SCHOOL
REDEVELOPMENT****Section 4.55(1A) Modification Application 2
to Amend Development Approval SSD 7742
(Mod 1)****Property:**

37-49 Swift Street, Ballina
Lots 477 & 478 DP 729251, Lot 1 DP 1083219
and Lot 392 DP 755684

Applicant:

NSW Department of Education

Date:

January 2019

Document Control Sheet

Issue No.	Amendment	Date	Prepared By	Checked By
A	Draft	16/01/2019	Kristy Sibanda	Craig Marler
B	Final	17/01/2019	Kristy Sibanda	Craig Marler

Limitations Statement

This report has been prepared in accordance with and for the purposes outlined in the scope of services agreed between ADW Johnson Pty Ltd and the Client. It has been prepared based on the information supplied by the Client, as well as investigation undertaken by ADW Johnson and the sub-consultants engaged by the Client for the project.

Unless otherwise specified in this report, information and advice received from external parties during the course of this project was not independently verified. However, any such information was, in our opinion, deemed to be current and relevant prior to its use. Whilst all reasonable skill, diligence and care have been taken to provide accurate information and appropriate recommendations, it is not warranted or guaranteed and no responsibility or liability for any information, opinion or commentary contained herein or for any consequences of its use will be accepted by ADW Johnson or by any person involved in the preparation of this assessment and report.

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1.0 Introduction

1.1 INTRODUCTION

ADW Johnson Pty Ltd has been commissioned by EJE Architecture on behalf of NSW Department of Education to prepare an application under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* for a modification to a State Significant Development consent (MOD 2) for the redevelopment of Ballina High School (SSD 7742).

In summary, the proposal seeks to amend the layout of the sporting fields to accommodate the new, separately approved, Council indoor sports centre.

1.2 PROJECT DETAILS

REPORT PREPARED BY:	
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Contact:	Kristy Sibanda – Senior Town Planner Ph: (02) 4978 5100 Fax: (02) 4978 5199 Email: kristys@adwjohnson.com.au Website: www.adwjohnson.com.au
PROJECT DETAILS:	
Description of Proposal:	Modification under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 to State Significant Development consent SSD 7742 (MOD 1), original approval dated 11 August, 2017, and MOD 1 dated 21 December, 2018. Amendments to the layout of the sporting fields to accommodate the new, separately approved, Council indoor sports centre.
Applicant Name:	NSW Department of Education
Applicant Address:	NSW Department of Education C/- ADW Johnson Pty Ltd Unit 7, 335 Hillsborough Road Warners Bay NSW 2282
Property Description:	37-49 Swift Street, Ballina Lots 477 & 478 DP 729251, Lot 1 DP 1083219 and Lot 392 DP 755684

1.3 BACKGROUND & OVERVIEW OF THE PROPOSED MODIFICATIONS

On 11 August 2017 a State Significant Development consent was issued by the NSW Department of Planning and Environment (NSW DPE) for the redevelopment of Ballina High School into Ballina Coastal High School (SSD 7742), comprising the following:

- Demolition of existing on-site car parking, the majority of existing buildings, some walkways, the existing bus shelter along Swift Street, and removal of trees;
- Retention of the existing Marine Discovery Centre, Aquaculture building, existing sports

courts and Block C;

- Construction of a new high school up to three storeys in height for 1,000 students;
- Construction of a new vehicular entry from Swift Street for a loading zone and support drop-off zone;
- Construction of associated infrastructure services including a stormwater management system and electricity kiosk; and
- 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.

On 21 December 2018 a modification application (MOD 1), pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) was approved to modify State Significant Development Consent SSD 7742. The approved modification was for:

- Retention of Building W, previously approved for demolition;
- Revised landscaping;
- Relocation of the LPG tank and electrical substation / kiosk; and
- Amendment to Condition D15 of the development consent to allow the use of a temporary car park.

This modification application (MOD 2) has been prepared by ADW Johnson on behalf of NSW Department of Education, pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify State Significant Development Consent SSD 7742 (MOD 1), relating to the Ballina High School redevelopment.

This modification application is minor in nature and seeks approval for:

- Amendments to the layout of the sporting fields (including removal of 17 trees (13 x native and 4 x non-native) to accommodate the new, separately approved, Council indoor sports centre (DA 2018/36).

This application identifies the consent, describes the proposed modifications and provides an assessment of the relevant matters contained within Section 4.55(1A) of the EP&A Act.

This modification report is accompanied by the following documentation:

- **Appendix A** – Certificates of Title & Deposited Plans;
- **Appendix B** - Revised Architectural Plans (EJE Architecture);
- **Appendix C** – Ecological Assessment (Blackwood Ecological Services Pty Ltd) and Arboricultural Impact Assessment Report (Northern Tree Care) – Appendix A; and
- **Appendix D** - Biodiversity Development Assessment Report (GeoLink).

2.0 Site & Locality

2.1 PROPERTY DESCRIPTION

The subject site is identified as Lots 477 and 478 DP 729251, Lot 1 DP 1083219, and Lot 392 DP 755684, with a physical address of 37-49 Swift Street, Ballina. More specifically, the sporting fields that are the subject of this modification are located on Lot 477 DP 729251.

The site is owned by The Minister for Education and Training. A copy of the Certificates of Title and Deposited Plans are included in **Appendix A** of this report.

The site has a total area of approximately 5.9ha, with frontages to Swift Street in the south, and Bentinck Street in the north of approximately 201.17m each, and frontages to Martin Street in the east and Cherry Street in the west of 293.705m each. More specifically, the sporting fields have an area of 3.3ha.



Figure 1 - Locality Plan of the subject site in the local context of Ballina.



Figure 2 - Aerial photo of subject site.

2.2 CURRENT USE OF THE SITE & ADJOINING LANDS

The subject site currently contains the existing Ballina High School, established in 1931, including the existing sporting fields.

The following is noted in relation to lands immediately adjoining the subject site (refer **Figure 2** above):

- The site is bound by residential development to the north and east;
- The site is bound by St Francis Xavier Primary School and Ballina Public School to the south; and
- The site is bound by the Ballina Bowling and Recreation Club, Ballina Tennis Club, and further residential development to the west.

2.3 TOPOGRAPHY, DRAINAGE & FLOODING

The site is generally described as flat, with site levels varying from 1.5m AHD to 2.4m AHD. The southern side of the site containing the existing Ballina High School is mostly above 2.0m AHD, whilst the Clement Park (northern) side of the site is predominantly below 2.0m AHD. The site drains to the existing street system.

The site is identified on Council's LEP 2012 Flood Planning map as being affected by flooding. Due to future sea level rise modelling, Ballina Shire Council requires new development on this site to have a Design Floor Level of 2.6m AHD, which corresponds to a Flood Planning Level for the year 2050.

2.4 CONTAMINATION & GEOTECHNICAL CHARACTERISTICS

2.4.1 Geotechnical

The site is located within an estuarine environment underlain by a deep alluvial sand profile with an upper profile - 2.5m to 3.5m, of loose sand overlying medium dense then dense sands from around 10m to 12m depth. Some localised lenses or pockets of soft clay were encountered during field investigation, typically less than 0.2m to 0.5m thick.

2.4.2 Mine Subsidence

The subject site is not identified as being located within a proclaimed mine subsidence district.

2.4.3 Contamination

A Phase 1 Site Contamination Assessment was undertaken for the site and submitted with the original development application (SSD 7742). The site is not identified as containing any widespread or significant levels of contamination.

2.5 ACID SULFATE SOILS

Weak acid sulfate soils are identified as being encountered below the water table from depths of below about 1.5m. Such soils require treatment if exposed during any excavations.

2.6 TRAFFIC, PARKING, ACCESS & ROAD NETWORK

The subject site is bounded by Swift Street, Bentinck Street, Martin Street and Cherry Street. The existing conditions of which are detailed below.

The main entrance to the existing school site is located off Swift Street, with several service vehicle accesses along Swift Street.

Sealed, angle parking is available on both sides of Martin Street in either grassed or bitumen surfacing, as well as on both sides of Cherry Street within the vicinity of the school.

A temporary off-street car park accommodating a minimum of 47 vehicles was approved and established under SSD 7742 (MOD 1) for a period of up to 3 months after occupation of the redeveloped school, and prior to completion of the final, permanent car park which is being constructed in coordination with the Council indoor sports facility.

2.7 VEGETATION

Existing vegetation on the subject site primarily includes amenity tree planting to the perimeter of the site with a mown turf grass understorey. The former Burnet Street road alignment that divides the existing high school buildings from Clement Park also includes a number of mature trees.

The perimeter of the existing high school (development site) is dominated by Melaleuca Quinquenervia within the site boundary, with the exception of the corner of Swift and Martin Streets where no trees are present.

The Clement Park road frontages include an informal mix of Eucalyptus and Corymbia species of varying age and size. A number of mature Cinnamomum camphora (Camphor Laurel) are present along the Burnet Street road alignment.

Other significant trees within the existing school grounds include Ficus (Fig Tree), Araucaria species (Norfolk Island Pine) and Delonix regia (Poinciana). The row of 3 mature Ficus (Fig Trees) with the Araucaria heterophylla (Norfolk Island Pine) are to be retained and protected as part of the redevelopment.

There were 61 trees approved for removal from the site under development consent SSD 7742, and the subject modifications to the layout of the sporting fields propose removal of an additional 17 trees (13 x native, and four x non-native).

2.8 BUSHFIRE

The subject site is not identified as being bushfire prone land.

2.9 EUROPEAN HERITAGE

The subject site is identified as containing items of local heritage significance. The Ballina LEP 2012 lists these items as being Ballina High School Buildings (1931), now known as M Block, and Ballina High School Buildings (1950), referred to as C Block (refer to **Figure 3** below).

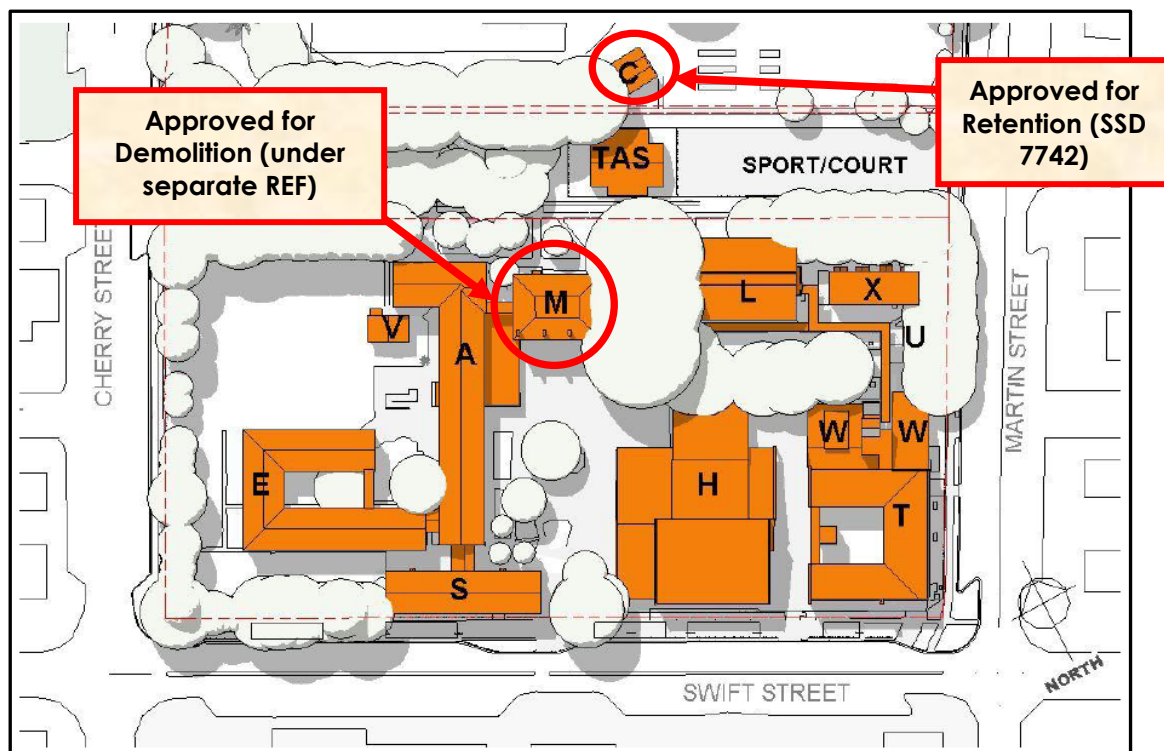


Figure 3 – Ballina High School Existing Buildings (Statement of Heritage Impact, EJE Heritage).

Building M has been approved for demolition under a separate REF process, and Building C is approved to be retained as part of the overall redevelopment.

2.10 ABORIGINAL ARCHAEOLOGY

The subject site is not identified as containing any items of Aboriginal archaeological significance.

2.11 COASTAL ZONE

The subject site is identified as being located within a coastal environment area, however the site is not identified as being part of the coastal use area. It is also not mapped as part of any coastal wetlands or littoral rainforest (or proximity) area.

2.12 UTILITY SERVICES

Public utility services including reticulated water and sewer, electricity, and telecommunications are already available to the site.

2.13 OBSERVATIONS FROM THE SITE CHARACTERISTICS & LOCALITY

The subject site contains the existing and long-standing Ballina High School. The existing school site is compatible with the surrounding educational, residential and commercial land uses.

This site exhibits few physical constraints to the proposed modifications, and any identified constraints are able to be appropriately managed or mitigated.

3.0 Proposed Modifications

The NSW Department of Education proposes the following modifications to the State Significant Development consent SSD 7742 pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act):

- **Amendments to the Layout of the Sporting Fields (including removal of 17 trees).**

The amendments to the layout of the sporting fields are proposed to accommodate the new, separately approved, Council indoor sports centre approved under DA 2018/36 (refer to the modified plans attached at **Appendix B**). The amendments also require the removal of 17 trees from the site.

4.0 Substantially the Same Development

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if *"it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before the consent as originally granted was modified (if at all)"*.

The development, as proposed to be modified, is substantially the same development as that originally approved in that it:

- Does not change the purpose for which the development is being carried out, being for redevelopment of Ballina High School into Ballina Coastal High School;
- Does not change the type of educational facility approved, that being a high school;
- Does not change the extent of the site upon which the development was approved;
- Does not significantly alter the bulk, mass, or scale of the development;
- Does not change the approved building elements;
- Does not give rise to any new significant environmental impacts compared to the approved development in terms of the relevant matters for consideration under Section 4.15 of the EP&A Act; and
- Remains consistent with the applicable plans, policies and controls.

For the above reasons, the consent authority may be satisfied that the modified proposal represents substantially the same development for which consent was originally granted.

5.0 Statutory & Strategic Context

5.1 STATE PLANNING CONTROLS

5.1.1 Environmental Planning & Assessment Act 1979 & Regulation 2000

The Environmental Planning & Assessment Act 1979 and the Environmental Planning & Assessment Regulation 2000 constitute the principle planning legislation in NSW and provides the statutory framework for the assessment of this proposed modification.

The approved development (SSD 7742 MOD 1) is a State Significant Development (SSD). Part 4, Division 4.9, Section 4.55(1A) of the Act applies to the proposed modifications and is addressed below.

(1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) it is satisfied that the proposed modification is of minimal environmental impact, and

The proposal is for modification to the approved plan to amend the layout of the sporting fields to accommodate the new, separately approved, Council indoor sports centre.

The proposed modifications are considered to be minor, and of negligible environmental impact.

(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

The development as proposed to be modified, is substantially the same development as that originally approved in that it:

- Does not change the purpose for which the development is being carried out, being for redevelopment of Ballina High School into Ballina Coastal High School;
- Does not change the type of educational facility approved, that being a high school;
- Does not change the extent of the site upon which the development was approved;
- Does not significantly alter the bulk, mass, or scale of the development;
- Does not change the approved building elements;
- Does not give rise to any new significant environmental impacts compared to the approved development in terms of the relevant matters for consideration under Section 4.15 of the EP&A Act; and
- Remains consistent with the applicable plans, policies and controls.

For the above reasons, the consent authority may be satisfied that the modified proposal represents substantially the same development for which consent was originally granted.

(c) It has notified the application in accordance with:

- (i) the regulations, if the regulations so require, or**
- (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and**

It is considered that due to the minor nature of the proposed modifications the application does not require notification.

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

It is considered that due to the minor nature of the proposed modifications the application does not require notification.

Subsections (1), (2) and (5) do not apply to such a modification.

5.1.2 Consideration of Section 4.15 Matters

Under Section 4.15 of the Environmental Planning and Assessment Act 1979, the following matters are required to be considered as part of the assessment of the application:

(a)(i) the provisions of any environmental planning instrument, and

The proposed modifications to the development under SSD 7742 are not inconsistent with any State Environmental Planning Policies and there are no relevant provisions of the Ballina LEP 2012 that prevent this modification (refer **Section 5.3** below).

(a)(ii) the provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

There are no known proposed EPI's that apply to the site or the proposed development.

(a)(iii) any development control plan, and

The proposed modifications are not inconsistent with the Ballina DCP 2012.

(a)(iiia) any planning agreement that has been entered into under Section 7.4 or any draft planning agreement that a developer has offered to enter into under Section 7.4, and

There are no planning agreements relevant to the approved development, or the development as modified.

(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The only matters prescribed by the regulations that are relevant to the proposed modifications are in relation to Clause 115 of the Environmental Planning and Assessment Regulation 2000, which sets out additional requirements that all applications for modifications of consent under Section 4.55 must comply with.

In accordance with Clause 115 of the Regulations, this proposed modification report includes the following:

- The name and address of the applicant;
- A description of the development to be carried out under the consent (as previously modified);
- The address, and formal particulars of title, of the land on which the development is to be carried out;
- A description of the proposed modification to the development consent;
- A statement that indicates that the modification is intended to have some other effect, as specified in the statement, other than correcting a minor error, misdescription or miscalculation;
- A description of the expected impacts of the modification;
- An undertaking to the effect that the development (as modified) will remain substantially the same as the development that was originally approved; and
- If the applicant is not the owner of the land, a statement signed by the owner of the land to the effect that the owner consents to the making of the application (except where the application for the consent the subject of the modification was made, or could have been made, without the consent of the owner).

(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,

Consideration has been given to the potential environmental impacts of the proposed modification (refer to **Section 6.0** of this report), and it is considered that the proposal does not result in any adverse impacts.

(c) the suitability of the site for the development,

The development, as modified, is substantially the same as the development that was originally approved, and the suitability of the site for the high school redevelopment is not affected by the proposed modifications.

(d) any submissions made in accordance with this Act or the regulations,

It is considered that due to the minor nature of the proposed modifications the application does not require notification.

(e) the public interest.

The proposed modifications will be in the public interest. The development, as modified, will ensure the new Council indoor sports centre can be appropriately accommodated, whilst also ensuring that the existing high school sporting fields can continue to be utilised for their intended purpose.

5.1.3 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) commenced on 25 August 2017 and establishes a framework to avoid, minimise and offset impacts of development and land use on biodiversity.

Clause 30A of the Biodiversity Conservation (Savings and Transitional) Regulation 2017 prescribes that the new Act applies to modifications of planning approvals granted or applied for before the commencement of the new Act. The high school redevelopment was granted approval on the 11th August, 2017, prior to the commencement of the BC Act, and as such Clause 30A applies to the proposed modifications.

Sections 1.5 of the BC Act and Clause 1.4 of the Biodiversity Conservation Regulation 2017 outline what biodiversity and biodiversity values are for the purposes of the BC Act.

Section 7.3 of the BC Act prescribes the test for determining whether proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats.

Under Section 7.9 of the BC Act, a development application for SSD is required to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless "the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values."

On behalf of the NSW Department of Education, EJE Architects lodged a Section 4.55 modification (MOD 1) for various matters, including amendments to the layout of the sporting fields. The modification was supported by an Ecological Assessment (undertaken by Blackwood Ecological Services Pty Ltd) and an Arboricultural Impact Assessment Report (prepared by Northern Tree Care) which are both attached as **Appendix C** of this Report.

Following lodgement of the modification application, the Office of Environment and Heritage (OEH) issued advice requiring that a Biodiversity Development Assessment Report (BDAR) be prepared by an accredited person in accordance with the Biodiversity Assessment Method (BAM).

To ensure the other proposed amendments under MOD 1 were not delayed due to the requirement for the preparation of the BDAR, the proposed amendments to the layout of the sporting fields and the associated tree removal, was removed from MOD 1 to be submitted as a separate modification application. The proposed amendments to the layout of the sporting fields, and associated tree removal, is now proposed under this current modification application (MOD 2).

As part of their correspondence under the MOD 1 referral process, OEH further noted that given the very small extent of clearing associated with the amendments to the layout of the sporting fields, the streamlined assessment module of the BAM could be applied for the BDAR. On this basis, the BDAR has been prepared by Geolink to address the requirements of the *Biodiversity Conservation Act 2016* (BC Act) and BAM for the proposed modification (MOD 2) based on the streamlined assessment module (Appendix 2 of the BAM).

Accordingly, a BDAR has been prepared by GeoLink and is attached at **Appendix D** of this report. The results of the BDAR are also discussed further within **Section 6.2** of this report.

5.1.4 SEPP 55 – Remediation of Land

SEPP No. 55 aims to promote the remediation of land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

This Policy indicates that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out. If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, the consent authority must also be satisfied that the land will be remediated before the land is used for that purpose.

The Phase 1 Site Contamination Assessment prepared by Regional Geotech Solutions under SSD 7742 confirms that there was no wide spread or significant levels of contamination identified on the site that would trigger the need for further assessment or the development and implementation of a Remedial Action Plan (RAP).

5.1.5 SEPP (Coastal Management) 2018

State Environmental Planning Policy (Coastal Management) 2018 commenced on the 3rd April 2018, and consolidates coastal-related SEPPs, including replacing State Environmental Planning Policy 71 – Coastal Protection. The SEPP seeks to provide for appropriate and sensitive coastal development and maintenance of public access to foreshore areas.

The subject site is within a coastal environment area, however is not identified as being part of the coastal use area. The site is also not mapped as being part of any coastal wetlands or littoral rainforest (or proximity) area.

- Clause 13 of the SEPP specifies consideration for development on land within the coastal environmental area as follows:

13(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

- a. The integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment;*
- b. coastal environmental values and natural coastal processes;*
- c. the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1; and*
- d. marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;*

- e. existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability;
 - f. Aboriginal cultural heritage, practices and places; and
 - g. The use of the surf zone.
- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
- a. The development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1);
 - b. If that impact cannot be reasonably avoided – the development is designed, sited and will be managed to minimise that impact; and
 - c. If that impact cannot be minimised – the development will be managed to mitigate that impact.

The proposed development, as modified, avoids any adverse impact on the items outlined above and the consent authority can be satisfied it is designed and sited accordingly.

Additionally, under Clauses 15 and 16, the proposed development does not result in any increase in risk of coastal hazards and it is understood that the provisions of relevant certified coastal management programs will need to be considered by the consent authority. It is considered that the proposal satisfies these requirements and consent may be granted.

5.1.6 SEPP (Educational Establishments & Child Care Facilities) 2017

The general aims of State Environment Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education and Child Care SEPP) is to facilitate the effective delivery of educational establishments and early education and care facilities across the State.

The Education and Child Care SEPP came into force on 1 September 2017 and replaces the education provisions contained within State Environmental Planning Policy (Infrastructure) 2007.

Clause 35 of the SEPP states that development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone. Whilst the high school redevelopment is permissible with consent in the R3 Medium Density Residential Zone pursuant to Clause 35, the proposed amendments to the layout of the sporting fields are located within the RE1 zone over the northern portion of the subject site, which is not a prescribed zone, and as such the permissibility of the proposed modifications are addressed within **Section 5.3.1** of this report.

5.1.7 SEPP (Infrastructure) 2007

The general aim of this Policy is to facilitate the effective delivery of infrastructure across the State of NSW.

Under this SEPP Schedule 3 identifies traffic generating developments that require referral to the RTA (now NSW RMS) under Clause 104. The proposed development was identified

as traffic generating development requiring referral to the RTA under the “educational establishment” purpose of development (now repealed), being that the proposed high school had capacity for more than 50 students. Accordingly, the development as originally proposed was referred to the NSW RMS for comment and has since been approved under SSD 7742.

Whilst Schedule 3 of the SEPP still identifies development for “any other purpose” generating 200 or more vehicles as being traffic generating development, which is applicable to the overall school redevelopment, the proposed modifications are minor in nature, and do not result in any additional students, staff or traffic generation on top of that which has already been approved under the current consent (SSD 7742 MOD 1). As such referral of the proposed modifications to NSW RMS is not considered necessary.

5.1.8 SEPP (State & Regional Development) 2011

This SEPP identifies development that is State Significant Development, State Significant Infrastructure or critical State Significant Infrastructure.

Clause 8 of the SEPP identifies development as being state significant including Schedule 1 educational establishments that have a capital investment value of more than \$30 million.

The approved development (SSD 7742) has a capital investment value exceeding \$30 million, and as such was identified as State Significant Development.

The proposed modifications do not alter the State Significant status of the overall development.

5.2 REGIONAL PLANNING CONTROLS

5.2.1 Far North Coast Regional Strategy

The Far North Coast Regional Strategy (FNCRS) outlines the planning objectives for the Far North Coast Region from 2006 – 2031. The subject land is identified as being ‘existing urban footprint’ located within the developing major regional centre of Ballina.

The objectives of the FNCRS relate primarily to housing, employment and environment to accommodate the projected population increases, and includes objectives that will ensure appropriate facilities, services and infrastructure to service the growing the population.

The development, as modified, remains consistent with the aims and objectives of the Far North Coast Regional Strategy, contributing to the provision of innovative and high quality education options and opportunities for the current and future population of the region.

5.2.2 North Coast Regional Plan 2036

The NSW Government has developed the North Coast Regional Plan 2036 as an overarching framework to guide development and investment in the North Coast region, including Ballina, to 2036.

The vision of the North Coast is:

"The best region in Australia to live, work and play thanks to its spectacular environment and vibrant communities"

To achieve this vision, the NSW government has set four (4) goals:

1. *The most stunning environment in NSW;*
2. *A thriving, interconnected economy;*
3. *Vibrant and engaged communities; and*
4. *Great housing choice and lifestyle options.*

The proposed modifications remain consistent with the above goals identified to achieve the vision for the North Coast region. In particular, the proposed educational establishment, as modified, contributes to one of the fastest growing sectors on the North Coast (these being health and education), creating an innovative and high quality education opportunity that contributes to the region being a great place to live, and ensuring a prosperous economy with a substantial financial investment in educational infrastructure.

5.3 LOCAL PLANNING CONTROLS

5.3.1 Ballina Local Environmental Plan 2012

The proposed development is subject to the provisions of Ballina Local Environmental Plan 2012 (BLEP 2012).

The subject site is zoned R3 Medium Density Residential Zone and RE1 Public Recreation Zone under the Ballina Local Environmental Plan 2012 (refer **Figure 4** below), however the portion of the site containing the sporting fields is specifically zoned RE1 Public Recreation.

The objectives of the RE1 zone are to:

- *To enable land to be used for public open space or recreational purposes;*
- *To provide a range of recreational settings and activities and compatible land uses;*
- *To protect and enhance the natural environment for recreational purposes.*
- *To provide for a diversity of development that meets the social and cultural needs of the community;*
- *To provide for public access to open space and natural recreation areas;*
- *To protect and conserve landscapes in environmentally sensitive areas, particularly in foreshore and visually prominent locations;*
- *To provide for development that is consistent with any applicable plan of management; and*
- *To encourage development that achieves the efficient use of resources such as energy and water.*

The proposed modifications to the sporting fields are consistent with the objectives of the RE1 zone. The sporting fields will be retained in an amended layout, and as such will continue to be used for public open space and recreational purposes for the school and wider community.

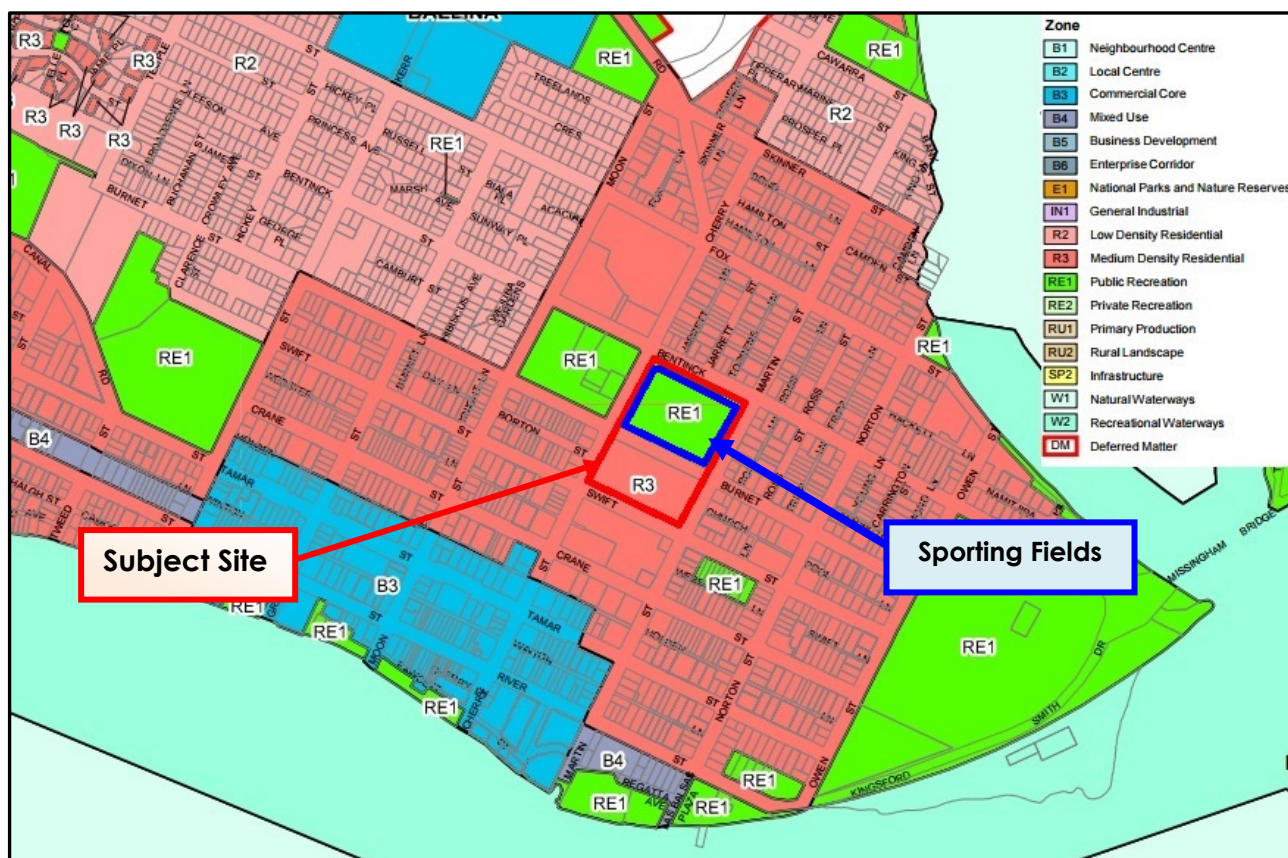


Figure 4 - Zoning map extract from Ballina LEP 2012.

5.3.2 Land Use Definitions & Permissibility

The applicable land use definitions for the proposed modifications based on definitions from the Ballina LEP 2012, are:

“educational establishment” which is defined as a building or place used for education (including teaching), being:

- (a) A school, or
- (b) A tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

And

“recreation facility (outdoor)” which is defined as a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major)”.

The overall “educational establishment” is permissible within the R3 Medium Density Residential zone under SEPP (Educational Establishments and Child Care Facilities) 2017, and is also permissible with consent under the Ballina LEP 2012.

The proposed modification to the layout of the sporting fields ("recreation facility (outdoor)") which forms part of the overall educational establishment on the site, is permissible under the Ballina LEP 2012, with consent.

5.3.3 Specific Ballina LEP 2012 Clauses

- **Clause 2.7 – Demolition Requires Development Consent**

This clause requires development consent to be obtained for demolition works.

The proposed development application seeks consent for removal of 17 trees on the subject site.

- **Clause 5.9 – Preservation of Trees or Vegetation**

This Clause refers to the requirement that a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by development consent, or a permit granted by Council.

The proposed modifications are consistent with this clause of the LEP and seek approval for the removal of 17 existing trees to accommodate the amended layout of the sporting fields. An Ecological Assessment and Arboricultural Impact Assessment are included as **Appendix C** of this report, and a Biodiversity Development Assessment Report is included as **Appendix D** of this report.

- **Clause 5.10 – Heritage Conservation**

This clause requires development consent to be granted by Council for the demolition, moving, or altering of the exterior of any heritage items, Aboriginal objects, or a building, work, relic or tree within a heritage conservation area. The consent authority must, before granting consent, in respect of a heritage item, or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.

Although the overall subject site is identified as containing heritage items (Building M and Building C), Building M has already been approved for demolition as part of a separate REF process, and Building C is retained in its current location as part of the approved development under SSD 7742.

The amendments to the layout of the sporting fields will not have any impacts on the remaining heritage item on the site.

- **Clause 7.1 – Acid Sulfate Soils**

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

As outlined in **Section 2** of this report, the subject site is identified as containing Class 2 Acid Sulfate Soils. However, the proposed modifications do not involve any earthworks, and as such there will be no adverse impacts on any potential or actual acid sulfate soils.

• **Clause 7.3 - Flood Planning**

The objectives of this clause are to ensure land is compatible for development in regards to flood hazard, whilst avoiding any significant impact on flood behaviour, and to minimise the flood risk to life and property associated with the use of land.

Whilst the site is identified as being affected by flooding on Council's LEP Flooding Map, and Council's DCP flooding controls identify a floor height of 2.6m for any new buildings, the proposed modifications do not involve the construction of any new buildings.

• **Clause 7.7 – Essential Services**

This Clause of the LEP refers to the requirement that development consent must not be granted to development unless the consent authority is satisfied that the supply of water and electricity, the disposal and management of sewage, stormwater drainage or on-site conservation, suitable vehicular access and telecommunication services is available or that adequate arrangements have been made to make them available when required.

The proposed modifications will not alter access to public utility services including reticulated water and sewer, electricity and telecommunications, and incorporates suitable stormwater drainage measures, and appropriate vehicular access.

5.3.4 Ballina Shire Development Control Plan 2012

Ballina Shire Development Control Plan 2012 (DCP 2012) applies to the proposed development. DCP 2012 complements Ballina LEP 2012, providing clear objectives and controls for development.

Chapters 1, 2, 2A, 2B and 8 of the DCP relate to the proposed development and are applicable to this application. A full assessment against the requirements of these chapters of DCP 2012 has been undertaken below as part of this application.

Chapter 1 – Administration

Part 2 – Aims and Objectives

The overarching aims of the DCP are to:

(a) Provide for a sustainable Ballina Shire that recognises and supports community, environmental, cultural and economic values through the establishment and maintenance of the following:

- *A built environment that contributes to health and well-being;*
- *A diverse natural environment;*
- *Diverse and balanced land use;*
- *Healthy, resilient and adaptable communities; and*
- *Responsible and efficient use of resources.*

(b) Establish local planning policy that is consistent with, and supports, the values and attributes of Ballina Shire and the provisions of the Ballina Local Environmental Plan 2012.

(c) Provide opportunities for development proposals to provide for innovative and site

specific responses, and define the circumstances for consideration of a variation to identified planning provisions.

The proposed modifications remain consistent with the objectives of the DCP.

Chapter 2 – General and Environmental Considerations

Table 1: DCP Chapter 2 - Part 3 - General Controls

GENERAL CONTROLS		
PRINCIPLE	RELEVANCE	WHERE ADDRESSED BY EIS
3.1 Land Use Conflict	N/A	The proposed modifications are not for the purpose of any of the land uses listed in Table 2.1 of this DCP section.
3.2 Ridgelines and Scenic Areas	N/A	The subject site is not identified on the Ridgelines and Scenic Areas Map as being affected by such an area.
3.3 Natural Areas and Habitat	N/A	The subject site is not identified on the Natural Areas and Habitat Map and Wildlife Corridors Map as being affected by such an area.
3.4 Potentially Contaminated Land	YES	A Phase 1 Site Contamination Assessment submitted under SSD 7742 confirms that the site is not identified as containing any widespread or significant levels of contamination.
3.5 Land Slip / Geotechnical Hazard	N/A	The proposed modifications do not involve any earthworks.
3.6 Mosquito Management	YES	The proposed modifications involve the retention of an existing building on the site with appropriate mosquito management.
3.7 Waste Management	YES	Waste generated as a result of the ongoing use of the sporting fields will be managed in accordance with the Waste Management Plan approved under SSD 7742.
3.8 On-Site Sewage Management Systems	N/A	No on-site sewage managements systems are proposed.
3.9 Stormwater Management	YES	Stormwater Management is addressed within Section 6.7 of this Modification Report, and no changes are proposed to the approved civil plans under SSD 7742 (MOD 1).
3.10 Sediment and Erosion Control	YES	Approved erosion and sediment controls under SSD 7742 will be maintained.
3.11 Provision of Services	YES	The development, as modified, will have adequate access to water, electricity, sewerage, drainage, road and telecommunication facilities.
3.12 Heritage	YES	Heritage is addressed within Sections 6.4 and 6.5 of this report.
3.13 Drinking Water Catchments	N/A	The subject site is not identified on the Drinking Water Catchment Map as being within such an area.
3.14 Coastal Hazards	N/A	The subject site is not identified on the Coastal Hazard Protection Map as being within such an area.
3.15 Crime Prevention	YES	Crime Prevention Through Environmental Design has

Through Environmental Design		been addressed within Section 6.12 of this report.
3.16 Public Art	N/A	The subject site is not located within the B1, B2 or B3 zone.
3.17 Road Widening	N/A	The subject site is not identified on the Road Widening Policy Map as being subject to road widening.
3.18 Protection of Foreshore and Public Open Space Areas	YES	<p>The development site contains land zoned RE1 Public Recreation (Clement Park – within the northern portion of the site).</p> <p>Existing public access to Clement Park will not be affected by the proposed modifications.</p> <p>The proposed modifications will not impact on any views to and from Clement Park.</p> <p>Landscaping approved under SSD 7742 providing screening between the high school and the sporting fields will remain unchanged as a result of the proposed modifications.</p> <p>The proposed modifications do not result in any overshadowing of the park.</p>
3.19 Car Parking and Access	YES	Car parking and access is addressed within Section 6.8 of this report, however the proposed modifications do not result in any additional traffic generation or car parking demand.
3.20 Vibration	N/A	No construction works are proposed as part of this modification application.
3.21 Bushfire Management	N/A	The subject site is not identified as bushfire prone land.

Chapter 2a – Vegetation Management

The proposal seeks consent for removal of 17 trees from the subject site to accommodate the proposed amendments to the layout of the sporting fields.

An Ecological Assessment and Arboricultural Impact Assessment are included as **Appendix C** of this report, and a Biodiversity Development Assessment Report which outlines the required offset credits is included as **Appendix D**.

Chapter 2b – Floodplain Management

The intention of this DCP Chapter is to identify Council's requirements relating to development in the floodplain, and on other flood prone land in Ballina Shire.

The DCP Flood Map identifies areas of extreme flood risk, high flood risk, medium flood risk and low flood risk.

Although the subject site is not identified as being within a flood risk area on the relevant map, the site is identified as being flood prone under the Ballina LEP 2012.

Consistent with Ballina LEP 2012 Minimum Allowable Building Height Map, the DCP does identify the subject site as having a Flood Planning Level for the 100 year ARI for 2050 Climate Change Conditions of 2.0m.

However, it is also understood that Ballina Shire Council are permitting new developments to build to a Design Floor Level (DFL) of 2.6m AHD in accordance with Ballina Shire Council's current policies.

The proposed modifications do not involve construction of any new buildings.

Chapter 8 – Other Uses

Table 2: DCP Chapter 8 - Part 4 – Provisions for Other Development in Residential, Business and Industrial Zones

4.1.3 DEVELOPMENT CONTROLS		
PRINCIPLE	RELEVANCE	WHERE ADDRESSED BY EIS
Building Envelope	N/A	The proposed modifications do not involve any new buildings.
Site Coverage	N/A	The proposed modifications do not involve any building works.
Landscaped Area	YES	Landscaping approved under SSD 7742 providing screening between the high school and the sporting fields will remain unchanged as a result of the proposed modifications.
Car Parking	YES	Car parking and access is addressed within Section 6.8 of this report.
Height, Bulk and Scale	N/A	The proposed modifications do not involve any building works.
Amenity of Surrounding Properties	YES	The proposed modifications are minor in nature and do not have any adverse impacts on the amenity of surrounding properties.
Active Street Frontages	N/A	The proposed modifications are minor in nature, involving only amendments to the layout of the sporting fields, and as such do not result in any new requirements for activation of street frontages.

5.3.5 Other Relevant Policies, Strategies & Controls

Ballina Major Regional Centre Strategy 2015-2035

The Ballina Major Regional Centre Strategy 2015-2035 provides a long term strategic planning framework for Ballina, and addresses the following six key themes:

- Open space and healthy living;
- Economic development;
- Character, culture and amenity;
- Community facilities and infrastructure;
- Environment; and
- Housing.

The proposed modifications remain consistent with this Strategy, contributing to improvements to open space and healthy living, the character, culture and amenity of Ballina by significantly improving educational opportunities for youth within the region, providing opportunity for the new high school to become a community hub contributing to the social cohesion of the community, and improving the aesthetic amenity of the site as a gateway to Ballina.

5.4 OTHER RELEVANT POLICIES & GUIDELINES

The proposed modifications remain consistent with the following policies and guidelines addressed within the original EIS.

- NSW State Priorities;
- NSW Long Term Transport Master Plan 2012;
- Northern Rivers Regional Transport Plan 2013; and
- Healthy Urban Development Checklist, NSW Health.

6.0 Environmental Assessment of Modifications

This section provides an assessment of the key environmental issues associated with the proposed modifications.

6.1 ZONING & PERMISSIBILITY

As previously outlined, the proposed amendments to the layout of the sporting fields are also permissible within the RE1 Public Open Space zone under the Ballina LEP 2012.

The proposed modifications are consistent with the objectives of the RE1 zone under Ballina LEP 2012.

The proposed modifications to the sporting fields also will not hinder the ongoing use of the fields for public open space and recreational purposes for the school and wider community.

6.2 ECOLOGICAL MATTERS

The proposed modifications to the layout of the sporting fields to better accommodate the new, and separately approved, Council indoor sports centre will result in the removal of 17 trees.

On behalf of the NSW Department of Education, EJE Architects lodged a Section 4.55 modification (MOD 1) for various matters, including amendments to the layout of the sporting fields. The modification was supported by an Ecological Assessment (undertaken by Blackwood Ecological Services Pty Ltd) and an Arboricultural Impact Assessment Report (prepared by Northern Tree Care) which are both attached as **Appendix C** of this Report.

Following lodgement of the modification application, the Office of Environment and Heritage (OEH) issued advice requiring that a Biodiversity Development Assessment Report (BDAR) be prepared by an accredited person in accordance with the Biodiversity Assessment Method (BAM).

To ensure the other proposed amendments under MOD 1 were not delayed due to the requirement for the preparation of the BDAR, the proposed amendments to the layout of the sporting fields and the associated tree removal, was removed from MOD 1 to be submitted as a separate modification application. The proposed amendments to the layout of the sporting fields, and associated tree removal, is now proposed under this current modification application (MOD 2).

As part of their correspondence under the MOD 1 referral process, OEH further noted that given the very small extent of clearing associated with the amendments to the layout of the sporting fields, the streamlined assessment module of the BAM could be applied for the BDAR. On this basis, the BDAR has been prepared by GeoLink to address the requirements of the *Biodiversity Conservation Act 2016 (BC Act)* and BAM for the proposed modification (MOD 2) based on the streamlined assessment module (Appendix 2 of the BAM).

Accordingly, a BDAR has been prepared by GeoLink and is attached at **Appendix D** of this report.

The BDAR indicates that as per the BAM methodology (Section 4.3.2), a buffer of 1500 metres was established around the site and a calculation of native vegetation cover was derived. Approximately 67.6ha of native vegetation was identified within a buffer area of 820ha, therefore native vegetation cover of approximately 8.24% occurs.

However, the BDAR notes that the majority of the study area comprises cleared vegetation occupied by urban areas, roads, open space and infrastructure. The entire site (3.3ha) has all been historically cleared (and most likely filled) and no remnant native vegetation remains. Planted native landscaping at the site occupies a total of approximately 0.46ha (approximately 13.9% of the site).

The site also has no connectivity to any areas of native vegetation / habitat which are not landscaping trees in an urban context. The site does not occur any regional or sub-regional wildlife corridors, although several modelled corridors occur in proximity to the site.

A vegetation assessment was completed on 19/12/2018 as part of the BDAR, with two vegetation integrity plots completed. One plot utilised the BAM methodology (20m x 50m plot) in full, and the second plot was within a fenced rainforest 'garden' of approximately 180m² total area. For this plot all vegetation within the fenced boundary was assessed as the entire plot.

Native vegetation at the site is characteristic of one threatened ecological community (TEC) listed in the BC Act, being *Littoral Rainforest in the New South Wales North Coast, Sydney Basin and South East Corner Bioregions* [Plot 2 - PCT 1275]. As noted, this community has been planted at the site.

Plot 1 [PCT 1230] is not representative of the TEC *Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions* as it is not subject to overland flow and does not occur on an alluvial landscape.

Data from Plot 1 (PCT 1230) was entered into the BAM-C on the basis that this community was the only one affected by the Proposal. A Vegetation Integrity Score of 30.4 was assigned to this community. It is unclear why PCT 1230 resulted in what seems an unusually high VI score given the poor structure and limited floristics; the score is suspected on the basis of several large trees and a high proportion of native grassland (sown *Cynodon dactylon*).

Following input of plot data for PCT 1230 into the BAM Calculator (BAM-C), a list of threatened species with potential to occur at the site was generated.

It should be noted that during the field assessment all native trees at the site were assessed and GeoLink advises that this effort is considered as an appropriate survey effort for threatened flora. As an artificially turfed recreational area which is subject to regular mowing and weed control, the potential for threatened flora species occurring naturally is highly remote.

Three threatened flora species were recorded, all of which are planted at the site (*Davidsonia jerseyana*, *Macadamia tetraphylla*, *Syzygium moorei*) and which are associated with the planted rainforest garden (PCT 1275 [derived]) and adjacent gardens (retained habitat).

The BDAR indicates that Due to the highly modified nature of the site and management by regular mowing, no threatened fauna species are likely to be resident at the site, with the site utilised on an opportunistic or seasonal basis only.

Resources at the site which are of benefit to threatened fauna species include:

- Flowering trees in the Myrtaceae family (eucalypts and bloodwoods); and
- Fruiting rainforest trees.

Due to the highly modified nature of the site (mown ground layer, absence of litter and shrub layer, no fallen logs or coarse woody debris) and the absence of hollow-bearing trees there are no other resources of value for threatened fauna species.

Threatened flora were assessed during the plot surveys, with all trees at the site assessed individually and the rainforest garden and surrounds subject to detailed survey.

No targeted threatened fauna survey was completed; no candidate threatened fauna species determined by the BAM-C are likely to be resident at the site given the lack of habitat present, negligible resources (in a local context) and enclosure of the site by permanent security fencing.

The BDAR advises that limited resources at the site may be used opportunistically by the following threatened fauna species only, and these were acknowledged in the BAM-C (ie. assumed present) as ecosystem credit species:

- Little Lorikeet, Regent Honeyeater, Swift Parrot, Grey-headed Flying-fox (foraging on flowering Swamp Mahogany or other eucalypts/bloodwoods); and
- Little and Eastern Bentwing-bat, Eastern Freetail-bat (foraging habitat).

Traverses for threatened flora by two ecologists were completed 19/12/2018 over a total of approximately two person hours. Three threatened flora species were detected:

- Coolamon (*Syzygium moorei*): small planted tree in rainforest garden.
- Rough-shelled Bush Nut (*Macadamia tetraphylla*): seedling of 0.5 m height in garden bed.
- Davidson's Plum (*Davidsonia jerseyana*): two small planted trees in rainforest garden.

All threatened flora will be retained in-situ.

The proposal seeks only to remove the trees which are a constraint to the proposal design which cannot be achieved without native vegetation loss. All other vegetation at the site (including planted threatened flora species) will be retained in-situ and the relatively low biodiversity values associated with this vegetation will remain unaffected. No change in use or intensity to the sports fields are anticipated which would be substantially different from that which currently occurs. On this basis, impacts to biodiversity have been minimised.

On the basis of the Proposal, direct and permanent impacts to biodiversity include:

- Total loss of 0.28 ha of planted native vegetation (PCT 1230 [derived]), via the removal of 13 trees native to NSW (refer to Table 5.1) and four non-native trees (Cadaghi *Corymbia torelliana* x 2, Lemon-scented Gum *Corymbia citriodora* x 2); and

- Minor loss of nectar resources for nectivorous birds and flying-foxes.

The Proposal is also identified to have the following impacts on biodiversity during the construction phase of the project:

- Minor disturbance (noise, human activity, machine operations) to locally occurring urban-adapted fauna species.

Disturbance to locally occurring urban-adapted fauna species during operation of the sports fields is unlikely to be any different from the existing situation (ie. no change or intensification in use is likely to occur). No other operational impacts are anticipated.

None of the threatened species or communities considered are listed as SAll species.

The BDAR indicates that following the input of field data into the BAM-C, four (4) credits are required to offset biodiversity impacts associated with the Proposal.

No credits are required for any threatened fauna species.

GeoLink also provide the following notes regarding use of the BAM-C for this assessment as follows:

1. Planted threatened flora which will not be impacted by the proposal each generated a credit when entered into the BAM-C when entered as being recorded by survey. The only way to avoid the BAM-C generating a credit for these species was to mark them as 'absent' in the calculator – this was completed for the assessment;
2. Following advice from OEH (email of 15/01/2019; refer to Appendix F), PCT 1275 [derived]) was not entered into the calculator, as vegetation that will be retained post-development does not require assessment in calculations in the BAM-C; and
3. On this same basis the portion of PCT 1230 (derived) which does not require clearing was not entered into the BAM-C. An earlier assessment entered this data which required a single credit for vegetation which will be retained. As such, this data was removed.

6.3 ENVIRONMENTAL AMENITY

Solar Access

The proposed amendments to the layout of the sporting fields will not have any adverse impacts on solar access to the surrounding courtyards, play areas and outdoor learning areas.

Acoustic Impacts

The amended sporting fields layout will not result in any adverse acoustic impacts on surrounding properties.

Visual Privacy

The proposed modifications will not result in any adverse impacts on visual privacy.

View Loss

The proposed modifications will not result in any significant view losses.

Overshadowing

The proposed modifications will not cause any significant adverse overshadowing impacts on surrounding properties or on the main proposed green spaces within the new high school.

Wind Impacts

The proposed modifications will not result in any adverse wind impacts to neighbouring properties.

6.4 EUROPEAN HERITAGE

The subject site is identified as containing items of local heritage significance. The Ballina LEP 2012 lists these items as being Ballina High School Buildings (1931), now known as M Block, and Ballina High School Buildings (1950), referred to as C Block.

Building M has been approved for demolition under a separate REF process, and Building C is retained as part of the overall redevelopment under SSD 7742.

The amended sporting fields layout will not adversely impact on the remaining heritage item on the site.

6.5 ABORIGINAL ARCHAEOLOGY

An Archaeological Risk Assessment was prepared by Umwelt for the subject site and submitted as part of the original development application (SSD 7742).

The report concluded that:

- There is no or only very minor potential for any archaeological 'relics' to be located within the study area or for impacts to any archaeological 'relic' to occur during the construction of the new school; and
- Proposed works within the study area associated with the construction of the new school can proceed with caution without requiring further Aboriginal heritage investigations.

As such the report indicated that there is no further archaeological or cultural heritage assessment or management required for the study area and the proposed construction of the new school, with the exception of the following recommendations:

- In the unlikely event that any potential archaeological 'relics' are discovered during works, all work in the area shall cease immediately and Heritage Division, OEH and a qualified archaeologist will be consulted, in accordance with Section 146 of the Heritage Act, to determine an appropriate course of action prior to the recommencement of work in the area of the item;
- If Aboriginal archaeological material is uncovered during works, all work likely to affect the material would cease immediately and OEH, relevant Aboriginal stakeholders and

a suitably qualified archaeologist would be consulted with in accordance with Section 89A of the National Parks and Wildlife Act 1974 (NSW) to determine an appropriate course of action prior to the recommencement of work in the area; and

- In the unlikely event that a potential burial site or potential human skeletal material is exposed, work in the vicinity of the remains is to halt immediately to allow assessment and management. If the remains are suspected to be human, it will be necessary to contact local police, OEH, and the Heritage Division to determine an appropriate course of action.

It is noted that given the nature of the proposed modifications, being the amended layout of the sporting fields (not involving any earthworks), there will be no additional proposed disturbance of the ground surface.

6.6 FLOODING

A Civil Design Report was prepared by Northrop Engineering Consultants addressing flooding and was submitted as part of the original development proposal SSD 7742.

The report notes that the 'Ballina Flood Study Update' (March 2008) indicates the site is not inundated in the 1 in 100 year Annual Recurrent Interval (ARI). The study reports that the site may become isolated in flooding events and will be inundated in extreme events. Climate change and sea level rise are also expected to influence the level of flooding across the site in the future.

The following table from the Civil Design Report presents a summary of the flooding information obtained from the Ballina Flood Study and Ballina Floodplain Risk Management Study.

Table 3: Summary of approximate flood levels as reported by Council (Civil Design Report, Northrop)

Table 1: Summary of approximate flood levels as reported by Council	
Flood Scenario	Approximate Flood Level as Reported by Council
1 in 100 Year ARI Flood Level (current scenario)	1.9m AHD
Probable Maximum Flood (PMF) (Current Scenario)	3.4m AHD
1 in 100 year ARI Flood Level (2050* Climate Change Horizon)	2.1m AHD
PMF (2050* Climate Change Horizon)	3.4m AHD
1 in 100 year ARI Flood Level (2100** Climate Change Horizon)	2.5m AHD
PMF (2100** Climate Change Horizon)	3.6m (AHD)
*assumes an increase above 1990 mean sea levels of 40cm by 2050; and a 10% increase in rainfall intensity.	
**assumes an increase above 1990 mean sea levels of 90cm by 2100; and a 10% increase in rainfall intensity.	

Council is currently permitting other infill developments on Ballina Island to fill sites to 2.0m AHD in accordance with Map 1A/1B from 'Chapter 2b – Floodplain Management, Ballina Shire Development Control Plan 2012', and the Building Height Allowance Map under Ballina Local Environmental Plan 2012.

In addition, Ballina Shire Council are permitting new developments to build to a Design Floor Level (DFL) of 2.6m AHD in accordance with Ballina Shire Council's current policies.

The proposed modifications however, do not involve construction of any new buildings.

Notwithstanding this, a Flood Emergency Management Plan (FEMP) will be prepared prior to the Occupation Certificate, in accordance with the 'Ballina Floodplain Risk Management Study' (Exhibition Version January 2015), and Condition D18 of the consent SSD 7742.

6.7 DRAINAGE & STORMWATER MANAGEMENT

Northrop Consulting Engineers prepared revised Civil Plans for the modifications under MOD 1. No changes are proposed to the approved Civil Plans under MOD 1.

6.8 TRANSPORT, PARKING & ACCESS

The proposed modifications will not generate additional staff or student numbers, and as such will not result in any additional generation of traffic over and above what has been approved under the original application SSD 7742, nor will the proposed modifications generate any additional parking demands over and above that which has been approved under SSD 7742 (47 on-site spaces).

The proposed modifications also will not result in any amended vehicular access requirements, and will not result in any amendments to the Green Travel Plan prepared for the redevelopment.

6.9 GEOTECHNICAL & CONTAMINATION

Geotechnical

A Geotechnical Report was prepared by Regional Geotechnical Solutions for the subject site, and an associated Structural Report was prepared by Northrop Consulting Engineers as part of the original development application (SSD 7742).

The Geotechnical Report provides details and recommendations on the following in relation to the proposed development:

- Site earthworks (including site preparation and advice on filling and compaction control, batters, and reuse of site material);
- Site classification and assessment of characteristic surface movements;
- Alternative footing types and foundation design parameters;
- Assessment of durability requirements (aggressivity) for buried steel and concrete;
- Assessment of site subsoil classification for earthquake design;
- Assessment of insitu permeability for onsite stormwater disposal;
- Pavement thickness designs; and
- Acid sulfate soils assessment and advice on treatment.

The acid sulfate soil analysis indicates the soils encountered below the water table from depths of below about 1.5m are weak acid sulfate soils. Such soils will require treatment if exposed during excavation. An acid sulfate soils management plan (ASSMP) should be

prepared if excavations below the water table are expected that will impact the acid sulfate soils.

Northrop Consulting Engineers undertook a review of the Geotechnical and Phase 1 Site Contamination Assessment Reports for Ballina High School prepared by Regional Geotechnical Solutions as part of the original development application (SSD 7742).

Northrop advised that if the soils below the water table that have a high potential for presence of acid sulfate soils are to be disturbed it would be expected the soils would need to be treated with lime. Should these soils need to be excavated or disturbed an Acid Sulphate Soil Management Plan (ASSMP) will need to be prepared by a suitably qualified geotechnical engineer prior to construction. An Acid Sulfate Soils Management Plan (ASSMP) was also submitted with the original development application under SSD 7742.

The proposed modifications however, do not involve any additional excavation works that would require treatment and management of potential or actual acid sulfate soils.

Contamination

A Phase 1 Site Contamination Assessment of the site was undertaken by Regional Geotechnical Solutions and the resultant report submitted with the original development application under SSD 7742.

The Phase 1 Site Contamination Assessment identified four areas of environmental concern (as shown in the table below).

Table 4: Areas of Environmental Concern and Chemicals of Concern (Phase 1 Site Contamination Assessment, Regional Geotechnical Solutions)

Area of Environmental Concern		Mode of potential contamination	Chemicals of Concern	Receptor
1	Fill	Fill up to about 0.6m was encountered over the site. The origins of the fill are unknown and may contain contaminants.	Heavy Metals, Asbestos, TPH, BTEX, PCB, PAH, Phenolic Compounds, OC/OPP	Fill material
2	Surface soils	Potential contamination from past uses such as oil, fuel and chemical spills and storage and building materials including asbestos, lead based paints etc. Possible spraying for pest / weed control.	Heavy Metals, Asbestos, TPH, BTEX, PCB, Phenolic Compounds, PAH, OC/OPP	Surface soils
3	Building Materials	Potential contaminating materials including asbestos, lead based paints etc.	Heavy Metals, Asbestos	Building materials and surface soils
4	Old Road Corridor	Potential contamination from past and current uses such as oil, fuel and chemical spills. Imported fill materials	Heavy Metals, Asbestos, TPH, BTEX, PCB, PAH, Phenolic Compounds, OC/OPP	Soils including fill and surrounding soils
Heavy Metals - Arsenic, Cadmium, Chromium, Copper, Lead, Mercury, Nickel and Zinc BTEX - Benzene, Toluene, Ethylbenzene and Xylene PCB - Polychlorinated Biphenyls TPH - Total Petroleum Hydrocarbons PAH - Polycyclic Aromatic Hydrocarbons OC/OPP - Organochlorine and Organophosphorus Pesticides				

The results of the laboratory test results against the adopted soil assessment criteria are provided as follows:

- No asbestos was detected in any of the samples tested;
- Results of heavy metal analysis revealed some elevated levels, however, the concentrations encountered were below the adopted soil investigation criteria;
- Results of BTEX analysis revealed concentrations below the level of reporting in all samples tested and therefore below the adopted assessment criteria for BTEX compounds;
- Results of PCB analysis revealed concentrations below the level of reporting in all samples tested and therefore below the adopted assessment criteria for PCB compounds;
- Results of TRH C6-C10 (F1) analysis revealed concentrations below the level of reporting in all samples tested and therefore below the adopted assessment criteria;
- Results of TRH C10-C16 (F2) analysis revealed concentrations below the level of reporting in all samples tested and therefore below the adopted assessment criteria;
- Results of TRH C16-C34 (F3) analysis revealed elevated concentrations in sample HA4 0.0 – 0.1 (110mg/kg), all other samples tested were below the level of reporting. However the values are below the adopted assessment criteria of 300mg/kg;
- Results of TRH C34-C40 (F4) analysis revealed concentrations below the level of reporting in all samples tested and therefore below the adopted assessment criteria;
- Results of PAH analysis revealed detectable concentrations of various analytes in sample HA9 0.1 – 0.2. However, the values are below the adopted assessment criteria; and
- Results of organochlorine and organophosphorus pesticide analysis recorded values below level of recording for all samples tested.

The report concludes that the site has historically been used for 'Public Recreation' and 'Public Market' with the school originally established circa 1931. Burnet Street bisected the northern and southern portions of the site up until circa 1975 when it was transferred to the school connecting the northern and southern parts. There is no historical evidence of past development of the northern portion of the site currently occupied by grassed playing fields. The southern portion of the site has continued to expand with additional school buildings being constructed at various times since 1931.

Based on the site history, and fieldwork completed, the assessment did not identify any wide spread or significant levels of contamination that would trigger the need for further assessment or the development and implementation of a Remedial Action Plan (RAP).

Notwithstanding the above, the proposed modifications only involve amendments to the layout of the sporting fields (not involving earthworks).

6.10 GROUNDWATER

The Geotechnical Report prepared by Regional Geotechnical Solutions as part of the original development application (SSD 7742) indicates that groundwater seepage was encountered during the drilling of boreholes and CPT testing at depths varying between 0.9m to 2.0m. A summary of the groundwater observations within the standpipe piezometers installed at the site were presented in the following table.

Table 5: Summary of Groundwater Observations (Geotechnical Report, Regional Geotechnical Solutions)

Table 1: Summary of Groundwater Observations		
Borehole	Inflow Depth During Drilling (m)	Standing Water depth (28/1/16)
BH2 (GW1)	1.2 (18/1/2016)	1.45 (1230)
BH5 (GW2)	1.2 (20/1/2016)	1.40 (1400)
BH6 (GW3)	1.2 (21/1/2016)	1.30 (1415)

The report indicates that groundwater seepage into excavations should be expected below depths of about 1.2m and possibly shallower following periods of rainfall. Dewatering of excavations is noted to be difficult if seepage is encountered and as such works are planned to avoid intercepting the groundwater where possible. Alternative methods of installation such as underboring (Horizontal Directional Drilling) should be considered where interception of the groundwater table is anticipated.

However, it is noted that there are no excavations proposed as part of the modifications.

The Phase 1 Contamination Site Assessment also did not identify contamination within the groundwater samples for the site.

6.11 NOISE & VIBRATION

An assessment of noise emissions relating to the redevelopment of Ballina High School was undertaken by Marshall Day Acoustics (MDA) as part of the original development application (SSD 7742).

The assessment notes that as Ballina High School is an existing school facility, and noise from general school activity will not be a new feature in the community, the scope of the assessment was limited to noise emissions from new sources as part of the redevelopment project.

It is also noted that the noise criteria applied as part of the assessment was only applied to internal spaces of the school, as noise from play or outdoor areas were not considered as they are existing noise sources associated with the existing school and are not expected to change significantly with the proposed redevelopment.

6.12 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

A Crime Prevention Through Environmental Design (CPTED) Assessment was prepared by James Marshall & Co as part of the original development application (SSD 7742).

The amended layout of the sporting fields remains consistent with the four (4) key strategies of Crime Prevention Through Environmental Design addressed within the original development application (SSD 7742); territorial reinforcement, surveillance, access control, and space / activity management.

6.13 WASTE MANAGEMENT

A Waste Management Plan was prepared by GHD and submitted as part of the original development application under SSD 7742.

Waste management associated with the proposed modifications will remain consistent with the specifications of the approved Waste Management Plan.

Waste disposal will only be implemented if there is no other alternative, this is not only good environmental practice but it is also a cost effective practice.

Waste bins will be provided to accommodate waste and recyclables from usage of the sporting fields.

General waste from the surrounding grounds will be transported to the skip bins within the loading zone by the contracted cleaners.

Recycling will be carried out by a team of students, as well as teachers, cleaners and the general assistant.

Ballina Shire council will continue to collect and dispose of the School's waste twice per week.

7.0 Conclusion

This Section 4.55 Modification Report and supporting documentation demonstrates that the proposed modifications to the approved Ballina High School redevelopment are appropriate and suitable for the subject site when tested against the relevant heads of consideration detailed within Sections 4.55 and 4.15 of the Environmental Planning & Assessment Act, 1979.

The proposed modifications are permissible within the RE1 Public Recreation zone, and are consistent with the objectives of the zone, and with local, regional and state government policies.

The modification report has established that there are few site constraints impacting on the development outcome, with all identified issues able to be appropriately managed or mitigated. The proposed modifications do not alter the predicted external environmental impacts.

The proposed modifications to the layout of the sporting fields results in a more efficient arrangement of the fields in order to accommodate the new Council indoor sports centre.

The development, as modified, will continue to be a valuable asset for students and the broader community.

Appendix A

CERTIFICATES OF TITLE & DEPOSITED PLANS

Appendix B

REVISED ARCHITECTURAL PLANS (EJE ARCHITECTURE)

Appendix C

ECOLOGICAL ASSESSMENT (BLACKWOOD ECOLOGICAL SERVICES PTY LTD)
ABORICULTURAL IMPACT ASSESSMENT REPORT (NORTHERN TREE CARE) – APPENDIX A

Appendix D

BIODIVERSITY DEVELOPMENT ASSESSMENT REPORT (GEOLINK)