



Date: 9 November 2020  
Our Ref: 200421

Mr Tony Partridge  
Ballina Shire Council

Delivered by Email: [Tony.Partridge@ballina.nsw.gov.au](mailto:Tony.Partridge@ballina.nsw.gov.au)

Dear Tony,

**Re: Ballina State Emergency Services – Opportunities and Constraints Report  
Lot 2 DP 240895 – Bangalow Road, Ballina**

In accordance with your instruction, we have undertaken a town planning feasibility assessment with respect to the use of Lot 2 DP 240895 located at Bangalow Road, Ballina for a new State Emergency Services (SES) building and associated carparking and hard stand training areas.

This assessment has involved the following:

- A desktop assessment of the mapped environmental constraints relating to the land;
- Site inspection; and
- Review of key Ballina Shire Council policies applicable to the site.

**A. Property Description**

The subject land is formally described as Lot 2 DP 240895 and has a total site area of 7,101m<sup>2</sup>. The land is regular in its configuration with frontage to Hogan Street to the north, Bangalow Road to the south, Clark Street to the west and Angels Beach Drive to the east. No formal vehicular crossover is provided into the site.

The site is currently vacant with a pedestrian footpath traversing the southern portion of the property.

A number of mature native trees are located over the site. These appear to have been planted as landscaping, rather than naturally occurring.

The land is known as the Clark Street Reserve and is classified as Community Land (Land Register Number 2002002). The land is specified as General Community Use under Councils Plan of Management for Community Land.

**Plate 1** within this report provides an air photo of the site.

JOHN NEWTON B. Surv. M.I.S. Aust. TONY DENNY B. Surv. (Hons) M.I.S. Aust. DAMIAN CHAPELLE BTP DPP  
Office: Suite 1, 31 Carrington Street, Lismore, NSW 2480 Postal PO Box 1138, Lismore, NSW 2480  
Phone (02) 6622 1011 Fax (02) 6622 4088 Email office@newtdennychapelle.com.au  
ABN 18 094 689 845



**Plate 1:** Aerial photo of the subject land  
Source: Ballina IntraMaps

#### **B. Intended Use**

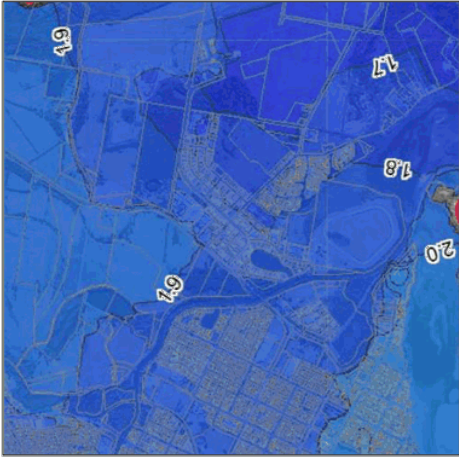
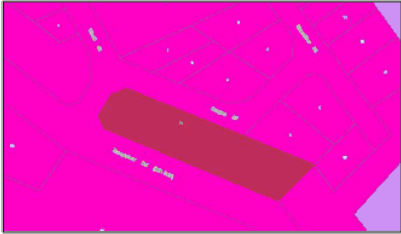


It is understood you are investigating relocating the Ballina SES Headquarters to the site which requires a total floor area of approximately 2,740m<sup>2</sup> comprising the following features:



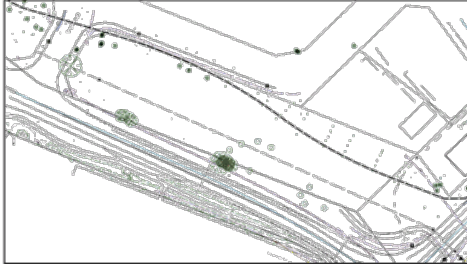
- Building accommodation areas – 1,135m<sup>2</sup>;
- Car parking area – 1,120m<sup>2</sup>; and
- Hardstand and training area – 485m<sup>2</sup>.

**NDC Plans 1 and 2** illustrate these areas on the site. Please note these areas are for reference only (to spatially illustrate the size of these areas relative to the property) and not intended to inform any potential future design of the development. A 6 metre setback to the adjoining road reserves has been applied in accordance with the requirements of Councils Development Control Plan. There may be some opportunity to reduce this setback for the secondary street frontages subject to detailed design.

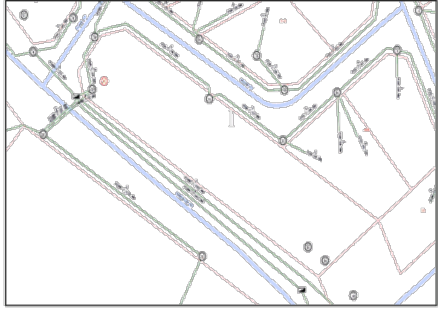
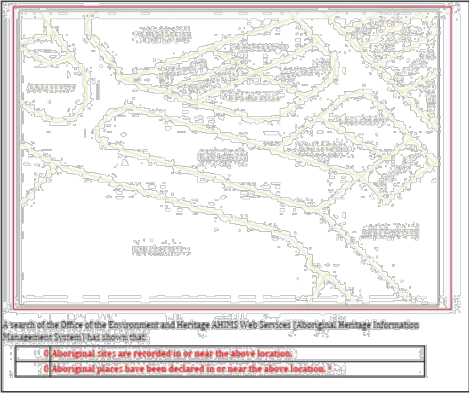
#### **C. Constraints**

A desk-top review of environmental constraints applying to the land was undertaken during the preparation of this advice. The search revealed the property contains the below constraints.

Constraint	Comment
	<p><b>Flooding</b></p> <p>The land is mapped as being located within the flood planning area with the Flood Planning Level for the 1 in 100-year ARI Flood for 2050 Climate Change Conditions being between 1.9 – 2.0 metres.</p>
	<p><b>Acid Sulfate Soils</b></p> <p>As illustrated, the land is mapped as containing Class 2 acid sulfate soils. Any works required below the natural ground surface or works by which the watertable is likely to be lowered will trigger an Acid Sulfate Soils Management Plan.</p>
 <p style="text-align: center;">Proximity Area for Coastal Wetlands</p>  <p style="text-align: center;">Coastal Use Area</p>	<p><b>Coastal Management Mapping</b></p> <p>As illustrated, the land is subject to a range of provisions contained within SEPP Coastal Management. These are summarised as follows:</p> <ul style="list-style-type: none"> <li>• The eastern part is mapped as being within the Proximity Area for Coastal Wetlands;</li> <li>• The eastern part is mapped as being located in the Coastal Use Area; and</li> <li>• The entire site is mapped as being located within the Coastal Environment Area.</li> </ul> <p>Any future development must have consideration to State Environmental Planning Policy (Coastal Management) 2018. However, given the type of development proposed it is not expected that this will be a significant constraint.</p>

 <p>Coastal Environment Area</p>	
	<p><b>Vegetation</b></p> <p>The site is vegetated with a number of mature native trees. To facilitate development over the site, a majority of trees will require removal.</p> <p>Whilst the land is not mapped as containing areas of biodiversity values under the Biodiversity Values Map, if the required clearing of vegetation is likely to exceed the threshold of 0.25ha and will require the preparation of a Biodiversity Assessment Report (BDAR).</p> <p>This BDAR will assess any required compensatory plantings and / or biodiversity offsets credit to be paid.</p> <p>The retention of as much of this vegetation as possible should be incorporated into any future design to minimise compensatory plantings and / or payment of biodiversity credits..</p>
 <p>Reuse water and water main</p>	<p><b>Services</b></p> <p>As illustrated, a number of services traverse the allotment. These are as follows:</p> <ul style="list-style-type: none"> <li>• Reuse water main generally traversing the northern and north eastern part of the site;</li> <li>• Water main running east west in the southern portion of the site;</li> </ul>



 <p style="text-align: center;">Telstra</p>	<ul style="list-style-type: none"> <li>• Pedestrian cycleway (not located via survey) running east west in the southern portion of the site, generally to the south of the water main; and</li> <li>• Telstra located within the south west corner of the site.</li> </ul> <p>No building will be allowed to be constructed over any services and the buildings would need to be located outside the zone of influence of the service. The car park and hard stand training areas may be able to be constructed over these services.</p> <p>Consideration of the relationship between the facility and the existing pedestrian footpath would be required to ensure the continued safe use of the footpath. The pathway may need to be relocated southward to facilitate the development.</p> <p>Access to and from the site from Bangalow Road, being a classified road, will require approval from the Roads and Maritime Services and likely to require significant roadworks to provide a safe and compliant access. It is suggested that access should be limited to Hogan Street to minimise involvement of the RMS.</p>
	<p><b>Heritage</b></p> <p>Whilst the site is not mapped as containing an item of Environmental Heritage under the BLEP 2012, it is considered that any future consent for the development of the land will include an unexpected finds procedure relating to items of heritage significance.</p> <p>A basic Aboriginal Heritage Information Management System (AHIMS) search was undertaken over the site which did not identify an Aboriginal sites or places to be located on the land.</p>

**D. Statutory Planning Review – Ballina Local Environmental Plan 2012**

**Zoning**

As illustrated in **Plate 2** below, the subject land is zoned *IN1 – General Industrial* under the Ballina Local Environmental Plan (BLEP) 2012.



**Plate 2:** Land zoning extract

The zone objectives and land Use table of the IN1 zone is provided below.

<p><b>1 Objectives of zone</b></p> <ul style="list-style-type: none"> <li>• To provide a wide range of industrial and warehouse land uses.</li> <li>• To encourage employment opportunities.</li> <li>• To minimise any adverse effect of industry on other land uses.</li> <li>• To support and protect industrial land for industrial uses.</li> <li>• To enable non-industrial uses that are compatible with the industrial nature of the locality.</li> <li>• To provide for the efficient use of industrial land.</li> <li>• To encourage development that achieves the efficient use of resources such as energy and water.</li> <li>• To ensure that development does not expose adjoining uses to hazard risks.</li> </ul> <p><b>2 Permitted without consent</b> Environmental protection works</p> <p><b>3 Permitted with consent</b> Agricultural produce industries; Depots; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Hospitals; Industrial training facilities; Landscaping material supplies; Light industries; Liquid fuel depots; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Roads; Rural supplies; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4</p>
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**4 Prohibited**

Amusement centres; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Commercial premises; Community facilities; Correctional centres; Eco-tourist facilities; Environmental facilities; Exhibition homes; Exhibition villages; Function centres; Hazardous industries; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home-based child care; Mooring pens; Moorings; Offensive industries; Pond-based aquaculture; Recreation facilities (major); Registered clubs; Residential accommodation; Respite day care centres; Rural industries; Schools; Tourist and visitor accommodation; Wharf or boating facilities

The development of the site for the headquarters of the Ballina SES is considered to be compliant with the IN1 zone objectives as:

- The proposal is unlikely to have any adverse effect of industry on other land uses;
- The proposed use is considered compatible with the industrial nature of the locality; and
- The proposal provides for an efficient use of land.

**Height of Building**

The maximum height of building specified for the site is 10m measured from the natural ground surface.

**Minimum Lot Size**

The minimum lot size specified for the land is 1,000m<sup>2</sup>.

**E. Permissibility of Proposed Use – BLEP 2012**

The proposed land use is defined as a ‘*emergency services facility*’ pursuant to the Clause 1.4 of the BLEP 2012. The definition of a ‘*emergency services facility*’ is provided below.

*emergency services facility means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.*

The State Emergency Service is defined as an ‘*emergency services organisation*’ pursuant to the Clause 1.4 of the BLEP 2012. The definition of a ‘*emergency services organisation*’ is provided below.

*emergency services organisation means any of the following—*

- (a) Ambulance Service of New South Wales,*
- (b) Fire and Rescue NSW,*
- (c) NSW Rural Fire Service,*
- (d) NSW Police Force,*
- (e) State Emergency Service,*
- (f) New South Wales Volunteer Rescue Association Incorporated,*
- (g) New South Wales Mines Rescue Brigade established under the Coal Industry Act 2001,*
- (h) an accredited rescue unit within the meaning of the State Emergency and Rescue Management Act 1989.*

An emergency services facility is permitted with consent in the IN1 zone.

**F. Ballina Development Control Plan**

As the land is mapped as being flood prone, any future development of the site should have due regard to Chapter 2b – Floodplain Management.

The land is identified as being located within the Low Flood Risk Precinct in accordance with Figure 1 of this Chapter. The use of the site for the Ballina SES Headquarters is defined as being a “critical uses & facilities” under this Chapter and is considered an unsuitable use on land mapped as being flood prone in accordance with Schedule D – Prescriptive Measures.

General Note b. of Schedule D provides for the Flood Risk Precinct (FRP) classification to change should the site be filled. Should the site be filled, it would be expected that the site not be classified as being flood prone. The filling of the site must be acceptable to Council and not cause impacts on surrounding land. In this regard, it is expected that any future development of the land be accompanied by a Flood Impact Assessment detailing the impacts, if any, on filling of the land for the proposed use. It is anticipated that the proposed building and carpark will be required to be above the 1 in 100 flood level.

The key controls relating to the proposal under Chapter 5 – Industrial Development of the Ballina Development Control Plan are provided below:

Element	DCP Requirement
Site Layout	Industrial buildings and all ancillary development on a lot must have a building line or setback from the boundary with a primary road and parallel road of at least 6.0m
Landscaping	A landscaped area with a minimum depth of 3.0m is to be provided along all frontages of the site. Unless otherwise utilised for access ways, forward of the front building line or setback should be landscaped for the full depth of the frontage.
Car parking	Assessed on merit, vehicles to enter and exit in a forward direction.

**G. State Environmental Planning Policy (Infrastructure) 2007**

Division 6 of State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) relates to Emergency services facilities and bushfire hazard reduction.

Clause 48 of the ISEPP relates to Development permitted without consent. Clause 48(1) provides the following

*“Development for the purpose of an emergency services facility may be carried out by or on behalf of a public authority (other than the NSW Rural Fire Service) without consent in a prescribed zone.”*

The IN1 – General industrial zone is a prescribed zone under Clause 48 whilst the development is for the purposes of an emergency services facility to be carried out by Ballina Shire Council being a public authority.

Should Council pursue the development under the ISEPP, a Review of Environmental Factors would be required to be prepared and assessed by Council staff under Part 5 of the *Environmental Planning and Assessment Act 1979*. This REF would require to have regard to the environmental impacts of the proposal in particular the impacts of the removal of vegetation. In this regard, an Ecological Assessment would be required to be prepared to determine the impacts upon the vegetation removal and the required compensatory plantings and/or payment of biodiversity credits.



**H. Conclusion**

As discussed above, the constraints of the site mainly relate to the removal of vegetation and also the location of services. An astute design of the required building (such as incorporating two storey elements) could potentially not require any existing services to be relocated. However, the removal of the vegetation will trigger either compensatory planting requirements and / or the payment of biodiversity offset credits.

It is NDC's opinion that the proposal could proceed as development permitted without consent in accordance with Clause 48(1) of the ISEPP. This position would need to be confirmed with Councils Development Services section.

It is recommended that should Council wish to pursue the relation of the Ballina SES Headquarters on the site, a detail survey is undertaken to determine the extent of filling required and locate all existing vegetation & services and a preliminary Ecological Assessment prepared to ascertain the likely compensation required for the removal of vegetation over this site.

In conclusion, whilst the site is suitably zoned and located for the intended use, the identified constraints, particularly vegetation and location of services, will present challenges moving forward. Whilst not directly part of our brief, it is suggested that Council also explore opportunities to utilise the existing SES property (Lot 452 DP 720427) for some of the proposed development components (such as parking or hard stand training). This would reduce the quantum of vegetation removal required. Access to this site could be achieved from Lot 2 DP 240895 over the adjoining Angles Beach Drive road reserve.

Should you have any queries regarding the above, please do not hesitate to contact Mr Adrian Zakaras of this office. Should you proceed with any component of the advice, NDC would welcome the opportunity to work with you on advancing the project with Ballina Shire Council.

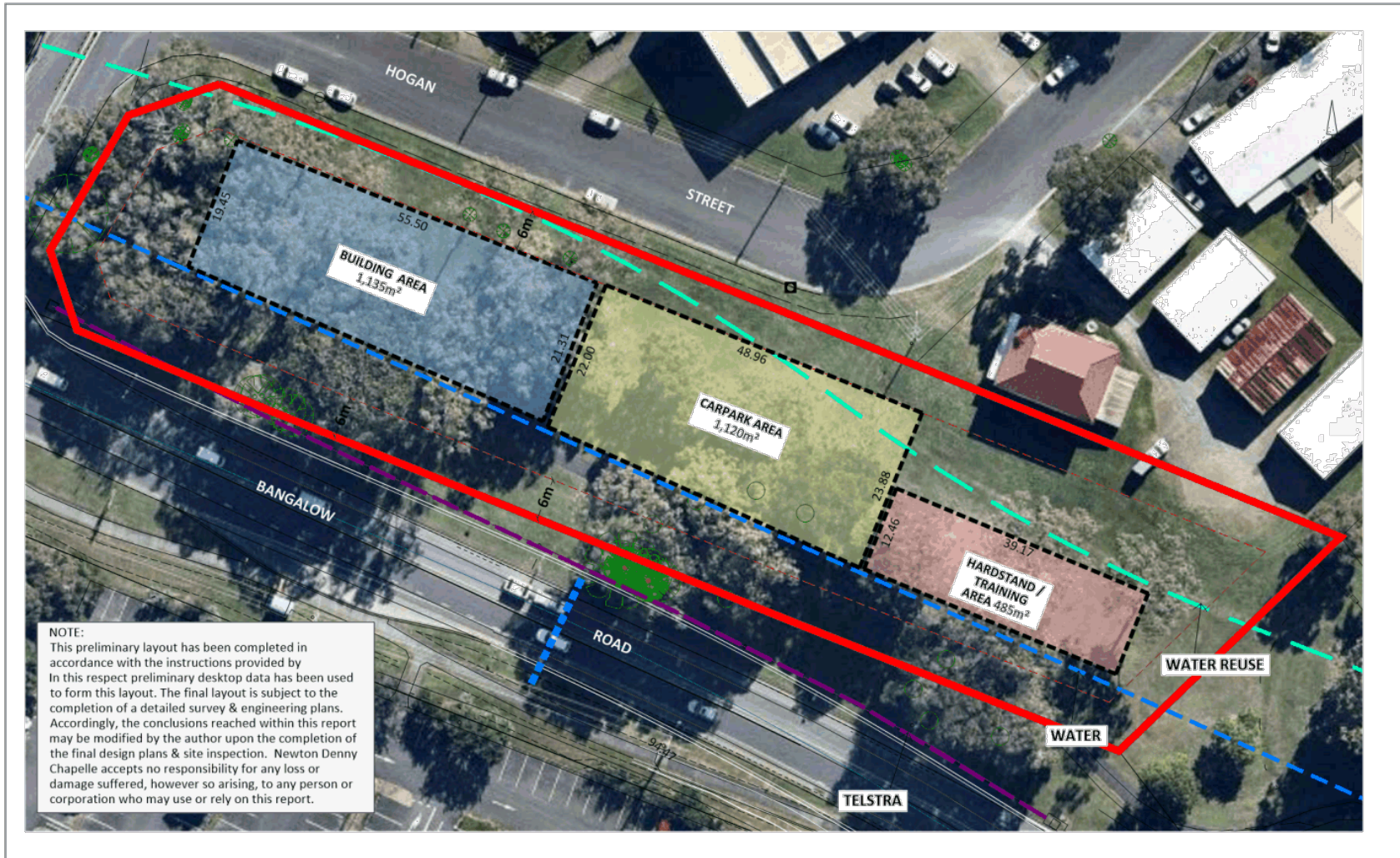
Yours sincerely,

**NEWTON DENNY CHAPELLE**



**DAMIAN CHAPELLE**  
Town Planner, BTP, CPP.

# 10.1 Ballina SES Headquarters - Site Assessment



**NOTE:**  
 This preliminary layout has been completed in accordance with the instructions provided by In this respect preliminary desktop data has been used to form this layout. The final layout is subject to the completion of a detailed survey & engineering plans. Accordingly, the conclusions reached within this report may be modified by the author upon the completion of the final design plans & site inspection. Newton Denny Chapelle accepts no responsibility for any loss or damage suffered, however so arising, to any person or corporation who may use or rely on this report.

REV	DATE	AMENDMENT
A		
B		
C		
D		

SOURCE PLAN: <http://maps.au.nearmap.com/> - ACCESSED 08.10.20  
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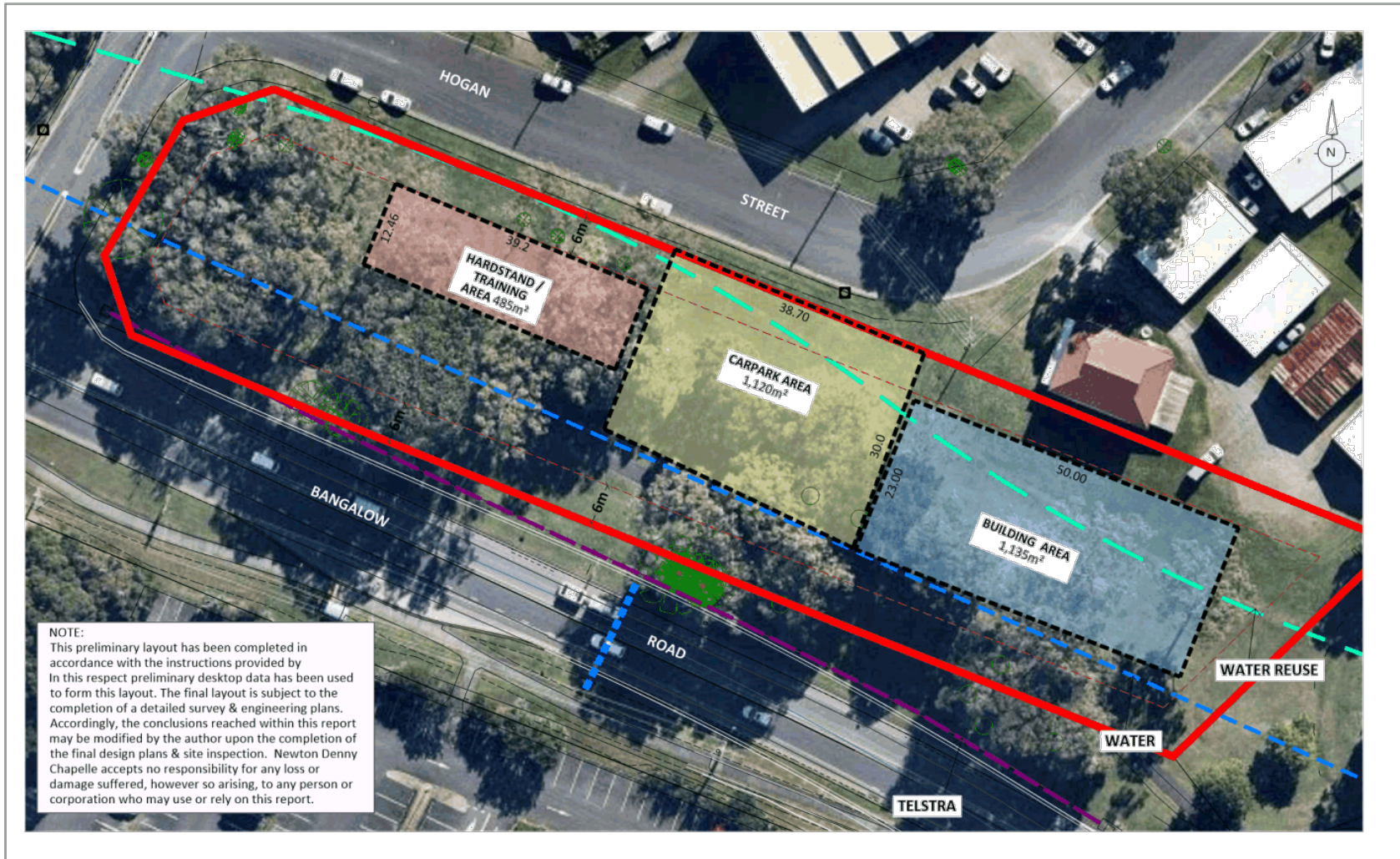
**Newton Denny Chapelle**  
 Surveyors Planners Engineers  
 Email: office@newtondennychapelle.com.au  
 31 Carrington St Lismore 2480  
 PH: 6622 1031  
 ABRN: 86 220 045 469

**PLAN 1: SITE PLAN - OPTION A**  
**CLIENT: BALLINA SHIRE COUNCIL**  
**LOCATION: LOT 2 DP240895**  
**BANGALOW ROAD**  
**BALLINA NSW**  
**DATE: 13.10.20 REF: 200421**  
**SCALE: 1:500 @ A3 DRAWN: bk**

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10.1 Ballina SES Headquarters - Site Assessment



REV	DATE	AMENDMENT
A		
B		
C		
D		

SOURCE PLAN: <http://maps.au.nearmap.com/> - ACCESSED 08.10.20

<http://pchs/2020/200421-ballina-shire-council/planning/planning-plan/plan/plan/200421-ballina-shire-council/option-b>

**NS**  
 Newton Denny Chapelle  
 Surveyors Planners Engineers  
 Email: [office@newtondennychapelle.com.au](mailto:office@newtondennychapelle.com.au)  
 31 Carrington St Lismore 2480  
 PH: 6622 1031  
 ABRN: 86 220 045 469

PLAN 2: SITE PLAN - OPTION B  
 CLIENT: BALLINA SHIRE COUNCIL  
 LOCATION: LOT 2 DP240895  
 BANGALOW ROAD  
 BALLINA NSW  
 DATE: 13.10.20 REF: 200421  
 SCALE: 1:500 @ A3 DRAWN: bk

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