



**Modifications to Coastal Grove
Residential Subdivision (MP06_0002)
1 Survey Street Lennox Head**

SECTION 75W APPLICATION

Submitted to: NSW Department of Planning and Infrastructure

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SAKE Development

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1 Introduction

This report accompanies an application to the Minister for Planning under Section 75W of the Environmental Planning and Assessment Act 1979 (EP&A Act) to modify project approval (06_0002) granted by the Minister to SAKE Development on 23 August 2007, as amended by the Acting Executive Director, Major Projects on 31 July 2009. The project is for a 42 lot subdivision comprising 39 residential lots, one residual lot for open space dedication and two residual lots for vegetation conservation at 1 Survey Street Lennox Head.

The site is located at the eastern end of Survey Street at Lennox Head on the NSW North Coast and is approximately 1km south of the Lennox Head town centre (see Figure 1 – Site Location). It covers an area of 14.71ha and the real property description is Lot 2 in DP 622475. The site is owned by DM and RD Dossor.

The proposed modifications involve deletions and changes to the conditions of approval relating to the preparation of a site specific Development Control Plan (DCP) prior to release of the subdivision certificate. The proponent is currently working with Ballina Shire Council preparing a Policy Statement for Coastal Grove as an annexure to Chapter 1 of the Ballina Shire Combined Development Control Plan. The construction works are almost complete including landscaping and civil works and the proponent is seeking a subdivision certificate by the end of April.

The purpose of this report is to:

- describe the proposed modifications;
- discuss the potential effects of the modifications;
- make a recommendation as to whether the modifications should be approved.

The report has been prepared by SAKE Development Pty Ltd on behalf of the landowners, DM and RD Dossor. It is accompanied by the following supporting documentation:

- Appendix 1 Ballina Shire Combined DCP Chapter 1 – Urban Land. Draft Policy Statement No 20. Coastal Grove Lennox Head
- Appendix 2 Amended Statement of Commitments, April 2011.

2 Proposed Modifications to Project Approval

2.1 Proposed Modifications to the Project Approval

The Minister for Planning approved project application MP 06_0002 for the carrying out of a 42 lot subdivision comprising 39 residential lots, one residual lot for open space dedication and two residual lots for vegetation conservation on 23 August 2007 as amended on 31 July 2009. As the proposal involves changes and deletions to the Conditions of the project approval, the amendments to the conditions are shown underlined and in **bold** as follows and deletions with strikethrough.

A2 Development in Accordance with Plans

The development will be in accordance with the plans and associated documentation lodged by or, on behalf of, the applicant including plans and documentation prepared by SAKE Development, including the ~~Draft Statement of Commitments, draft site specific Development Control Plan~~ and amendments prepared by SAKE Development Pty Ltd dated May 2009 and April 2011; and in accordance with the following:

(Note there are no changes to the drawings).

The object of these modifications is to ensure that the project approval excludes all references to the Draft Site Specific DCP as we are seeking to delete this requirement from the Project Approval.

A3 Development in Accordance with Documents

The development will be undertaken in accordance with the following documents:

- a) Coastal Grove, Volume 1 – Environmental Assessment, prepared by MG Planning Pty Ltd and dated September 2006;
- b) ~~Coastal Grove, Lennox Head – Draft Development Control Plan, prepared by MG Planning Pty Ltd and dated September 2006;~~

(Note there are no changes from c to l)

- m) Coastal Grove 1 Survey Street Lennox Head Preferred Project Report prepared by MG Planning Pty Ltd and dated June 2007 (as amended by any conditions of the project approval).

The application seeks to delete point b in this condition which refers to the draft DCP prepared for the site. The draft DCP is now irrelevant as the proponent has been working with Council to prepare a more contemporary policy statement that is an addendum to the Ballina Shire Combined DCP. Ballina Council is working towards preparing Policy Statements for housing estates or other large infill developments (such as Ballina Heights and Skennars Head) where an additional set of planning controls are required particular to the development and the site.

E11 Site Specific DCP

~~Prior to the release of the subdivision certificate, Council is to approve and adopt the Coastal Grove Lennox Head DCP. This may require additional consultation by the proponent. In the event that the DCP hasn't been adopted by the time the subdivision certificate is issued, all controls in the draft DCP are adopted as conditions of this approval. The Draft DCP appears at Schedule 4 of this approval.~~

This is one of the main conditions to delete. The site specific DCP is no longer required as we are working with Council in developing the Policy Statement which is more consistent in style and approach to other developments in the locality where unique and site specific controls are necessary. The Project Approval was issued in August 2007, which is some four years, and the style and approach to site specific DCP has changed. The draft Policy Statement is found at Appendix 1.

At a meeting with Ballina Council officers on 1 April 2011, it was Council's preferred position that this and other conditions of consent in the Project Approval relating to the site specific DCP be deleted and the Policy Statement be finalized with continued consultation with Council. It is expected that a report to Council regarding the Draft Policy Statement will occur in late April, with exhibition through May. The aim is to adopt the Policy Statement and incorporate this into the Ballina Shire Combined DCP by mid year.

It is therefore important that this and other conditions be deleted to ensure there is no confusion and that the subdivision certificate can be issued in a timely manner. The proponent is committed to working with Council to finalise the document.

The project has entered the marketing phase and a sales contract has been prepared. The draft policy statement is currently attached to the sales contract as an annexure in the special conditions, therefore future owners are aware of the current planning requirements and special conditions for development.

It is also proposed to delete the Statement of Commitment U in Schedule 3 and Schedule 4 in its entirety. The amended Statement of Commitments are found at Appendix 2.

4 Conclusion

The proposal to modify the project approval for the residential subdivision at 1 Survey Street Lennox Head has been assessed in accordance with the relevant requirements of Section 75W of the EP&A Act and in response to the requirements of the Department of Planning.

It is considered that:

- the proposed modifications to the project approval are minor and will have minimal impact;
- the proposed modifications are consistent with and do not alter the basis of the approved development.

In light of the above, it is recommended that the Minister for Planning or his delegate approve the proposed modifications to Project Application MP 06_0002.

Ballina Shire Combined Development Control Plan
Chapter 1 – Urban Land

Policy Statement No.20
Coastal Grove Lennox Head



4. DATE ON WHICH THIS POLICY TAKES EFFECT

This policy was adopted by Ballina Shire Council on XXX and came into effect on XXX.

5. BACKGROUND TO POLICY

This policy has been prepared in order to establish specific development controls for the Coastal Grove residential estate at Lennox Head. The provisions of this policy recognise the characteristics and planning associated with the estate.

6. PLANNING FRAMEWORK

6.1 Objectives

- a. To provide a high quality residential development to meet the demand for housing within the Lennox Head area;
- b. To protect the inherent environmental qualities of the site including its visual character, landscape setting and riparian corridor; and
- c. To provide services and facilities to meet the needs of the future residents of the site.

6.2 Development Controls

6.2.1 Objectives

- i) Prior to granting development consent to any development application relating to the subject land, Council must consider the extent to which the application is consistent with the above aims and objectives and the development controls contained in this DCP.

6.2.2 Building Lines and Setbacks

- i) Dwellings are to be setback a minimum of 6m from the front boundary of the lot.



Note: Aside from the front building line, other setbacks and the building height plane as specified in Chapter 16 of the Combined DCP are applicable to development the subject of this policy.

6.2.3 Building Height

- i) Dwelling houses must not be comprised of more than 2 storeys except as set out in 6.2.3(ii).
- ii) Dwelling houses located on Lots 26-32 (see Figure 1) must not exceed 1 storey above existing ground level when viewed from the street frontage of the lot.



Note: The building height plane provisions contained in Chapter 16 of the Combined DCP are

ground water flows and soil stability and lead to structural damage to buildings; and

- minimise erosion events on steeper land.

6.2.5 Duplex Development

- i) Duplex development is only permitted on corner lot numbers 11, 12, 25 and 26.
- ii) Duplex dwellings must be designed such that each dwelling has a clear identifiable entrance visible from the street frontage.



Note: Mapping showing the location of duplex lots is contained in Chapter 1 of the Combined DCP. These lots are designated 'D' and are subject to the DCP Control Plan Area provisions applicable to Duplex lots.

Figure 2

Geotechnical Zones (provision 6.2.4)

DRAFT STATEMENT OF COMMITMENTS

In accordance with the Director-General's EA requirements, the following amended-draft statement of commitment identifies the proposed mitigation measures, environmental management of residual impacts and monitoring for the proposed development. This draft Statement of Commitments responds to the amended design post exhibition and identifies those measures that will need to be implemented during the pre-construction and construction phases as well as once the development is complete in order to minimise impacts on the environment. Other mitigation measures including measures to minimise any impacts on the threatened species on site have been incorporated into the revised design.

Where a plan or report referred to in the following Statement of Commitments has not yet been amended to reflect the revised subdivision design it should be taken that this will be undertaken prior to the issue of a construction certificate. In these circumstances the principles outlined in that plan / report should be taken to generally apply to the revised scheme.

The applicant undertakes to carry out the development in accordance with the commitments given below

GENERAL

- A. The proponent will undertake the development in accordance with the Environmental Assessment report prepared by MG Planning Pty Ltd dated September 2006 and as amended by the Preferred Project Report dated June 2007 including:
- Subdivision Plan PA02 (dated 20 June 2007), Landscape Plan PA03 (dated 20 June 2007), Landscape Sections PA04 dated 19 September 2006, prepared by Hassell, provided under separate cover;
 - The Civil Drawings prepared by Patterson Britton and Partners in the Coastal Grove Infrastructure Strategy (September 2006) and as amended by the Revised Conceptual Stormwater Management Strategy dated 21 June 2007.
 - This Statement of Commitments.

STATUTORY REQUIREMENTS

- B. In relation to any obligations under other Acts, the proponent will ensure that all licences, permits and approvals are obtained and kept current, as required throughout the construction and post construction phases of the development.

OPEN SPACE

- C. The ecological buffer area and open space on the site is to be dedicated to Council as a conservation reserve following rehabilitation, enhancement and management according to the Environmental Management Plan and embellishments in accordance with the Landscape Plan PA03 dated 20 June 2007 and Landscape Sections PA04 prepared by Hassell. The embellishment and dedication of the area is to be undertaken five years after the release of the construction certificate at the conclusion of the maintenance and monitoring program.

- Provide a concise set of ongoing management requirements/ conditions for the site to promote a self maintaining system
- M. Within the ecological buffer the hydrology of the Hairy Jointgrass will remain without significant change and there will be no reshaping of the creek banks. Ongoing management of the ecological buffer will be defined within the environmental management plan, and will include:
- Any landscape plantings will be compatible with appropriate habitat to protect and enhance the Hairy Jointgrass
 - Any paths are to avoid traversing the known Hairy Jointgrass population and may include elevated pedestrian cycleways or boardwalks that may enable viewing and interpretation of the Hairy Jointgrass
 - No reshaping of creek or its banks in the vicinity of the Hairy Joint Grass
 - Any passive recreation or access is to be restricted to designated paths to minimise impact
- N. The Environmental Management Plan will be prepared prior to the release of the construction certificate.
- O. The Environmental Management Plan will include a five-year program of bushland maintenance and weed control using trained personnel. This program will involve weed control along the creek lines, the littoral rainforest remnants to the south and where revegetation has been completed. The program of bushland maintenance/weed control will commence from the date of issue of the Construction Certificate.
- P. Monitoring and ongoing survey work of the Hairy Jointgrass population will be undertaken for a period of five years at yearly intervals in the late summer months. An annual report will be provided to Council regarding the monitoring program. Additional survey work will commence prior to the issue of the construction certificate and monitoring will commence from the date of issue of the Construction Certificate.
- Q. In accordance with the Landscape Plan PA03 dated 20 June 2007, a vegetation buffer will be provided between the Coastal Fontainea known from Amber Reserve and the closest proposed house on Lot 1.
- R. Additional littoral rainforest species will be planted adjacent to the existing rainforest species in the riparian corridor, and weed control will be undertaken for a period of five years by experienced bushland regenerators to further protect this rainforest remnants.
- S. All new planting will be undertaken prior to the issue of the subdivision certificate.
- T. The construction management plan will be reviewed to incorporate measures for the protection of the Hairy Jointgrass,

VISUAL IMPACT AND HOUSING

- ~~U. The proponent will work with Ballina Council in finalising the draft Development Control Plan for the subdivision to ensure that appropriate controls are put in place to guide the design and construction of future housing. Matters to address include:~~
- ~~▪ Vertical building lines for Lots 34-39 and 11-12.~~
 - ~~▪ Enhanced sustainability measures including shading and screen devices, and landscaping to the western facades to reduce any potential for glare.~~

throughout the development. This service will be reticulated throughout the development in shared trenching accommodating pits and 100 mm conduits.

- EE. Satisfactory arrangements will be made with Country Energy prior to the release of the construction certificate, for the supply of electricity to each lot.
- FF. Upgrade to the sewer and reticulation to each of the lots will be undertaken in accordance with the Coastal Grove Infrastructure Strategy prepared by Patterson Britton and Partners (September 2006).
- GG. Prior to construction of dwellings on Lots 10 – 12 and 29 – 38, a hydraulic design of internal service lines and plumbing will be undertaken by a suitably qualified person.
- HH. Prior to construction of dwellings on Lots 10 – 12 and 29 – 38, 25mm water service and 20mm water meter will be provided in lieu of the standard 20mm water meter usually provided for residential lots.
- II. In terms of the sewer reticulation layout, further details of the diversion flows from SP3106 to SP3108 and the upgrading of SP3107 and the possible upgrading of the rising main from the pump station will be submitted prior to issue of the construction certificate.
- JJ. Detailed sewer and water reticulation plans will need to be submitted with an application for Construction Certificate and development contributions paid in accordance with Councils Development Servicing Plan.

WATER CYCLE MANAGEMENT

- KK. Water quality control measures will be designed and installed in accordance with the recommendations of the Coastal Grove Water Cycle Management Report prepared by Patterson Britton and Partners (September 2006) except as modified by the Revised Conceptual Stormwater Management Strategy dated 21 June 2006. The water cycle management strategy will be undertaken prior to the release of the subdivision certificate. Specific measures to be undertaken include, but are not limited to, the following:
 - construction of raingardens/bioretention basins
 - installation of five gross pollutant traps, as shown in the Revised Conceptual Stormwater Management Strategy of the Water Cycle Management Report
 - provision of bioretention/vegetated swales alongside roadways in accordance with the Water Cycle Management Report and the Revised Conceptual Stormwater Management Strategy dated 21 June 2007.
 - installation of infiltration trenches along the rear of lots located on the eastern side of the site as shown in the Revised Conceptual Stormwater Management Strategy
 - review of potential scour of the swale to Road 2 to be addressed at detailed design phase with appropriate inclusion of rock scour protection where velocities are excessive, prior to the issue of the Construction Certificate.
- LL. All construction works will be undertaken in accordance with the Erosion and Sediment Control Plan prepared by Patterson Britton and Partners dated September 2006 and provided within the Construction, Environmental and Waste Management Plan at Appendix 9 and the following matters: