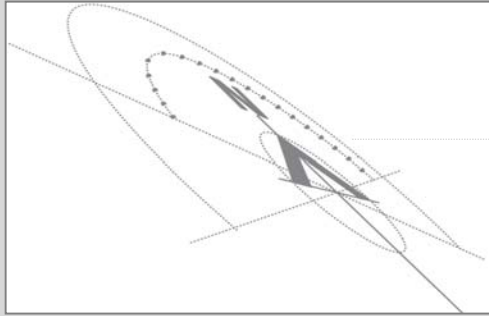


Section 75W Modification No. 7 Report
for Epiq Lennox
Project Approval MP007_0026
(as Already Modified)

PREPARED FOR
CLARENCE PROPERTY CORPORATION LIMITED

Our Ref: 14/351
Date: August 2018





Document Control Sheet

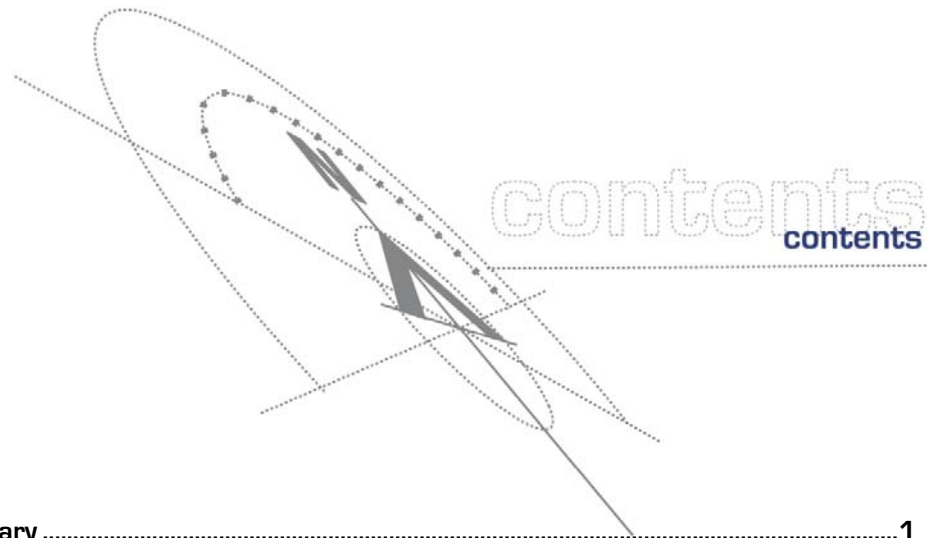
Document and Project Details				
Document Title:		Section 75W Modification Concept Plan Approval MP07_0026 (Modification 7)		
Author:		Damian Chapelle		
Project Manager:		James Webb – Clarence Property		
Date of Issue:		14 th August 2018		
Job Reference:		14/351		
Project Outline:		This document presents a request to modify Major Project 07_0026 to convert the approved retirement village use of Super Lot 5 to an Integrated Torrens Title Subdivision and Built form. for Epiq Lennox (formerly Pacific Pines)		
Document Distribution				
Date	Status	Distribution – Number of Copies		
		Client	Government Agency	Other
22/08/2018	Draft	1	0	0
29/08/2018	Final	1	1	0
Documentation Verification				
Checked by:	James Webb – Clarence Property Damian Chapelle – Newton Denny Chapelle			

USAGE NOTE:

The plans to this document were prepared for the exclusive use of Clarence Property Corporation Limited to accompany a Section 75W Application for the development of land described herein and is not to be used for any other purpose or by any other person or corporation. Newton Denny Chapelle accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this document for a purpose other than that described above.

The maps, development plans and exhibits shown in this report are suitable only for the purposes of this report. No reliance should be placed on this information for any purpose other than for the purposes of this report. All dimensions, number, size and shape of lots/buildings as shown on plans in this document are subject to detailed engineering design plans and final survey and may vary subject to conditions of consent issued by Council.

The information contained in this report is based on independent research undertaken by Newton Denny Chapelle. To the best of our knowledge, it does not contain any false, misleading or incomplete information.



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Newton Denny Chapelle
- Attachment 2 – Architectural Design Plans & Design Guidelines
TVS Architects
- Attachment 3 – Landscape Design Plans
O2LA
- Attachment 4 – Engineering Services Report
Newton Denny Chapelle
- Attachment 5 – Biodiversity Assessment
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- Attachment 9 – Economic Impact Assessment
Location IQ
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Mosquito Consulting Services Pty Ltd
- Attachment 11 – Government Agency and Public Consultation
- Attachment 12 – Secretary's Environmental Assessment Requirements
Department of Planning & Environment

Executive Summary

Section

1

1.1 Introduction

Newton Denny Chapelle (“NDC”) is engaged by Clarence Property Corporation Limited (“Proponent”) to submit a request to the Minister for Planning & Environment to modify the Concept Approval and Project Approval (MP 07_0026) for Epiq Lennox (formerly known as ‘Pacific Pines’), pursuant to the provisions of Section 75W of the Environmental Planning and Assessment Act 1979 (“the Act”).

The key elements of the Concept Plan & Project Approval (MP 07_0026) which are sought to be amended via the current application relate to approved ‘Super Lot 5’ (Lot 5 DP 1239938) and involve:

- Amending the Concept Plan for Lot 5 from ‘retirement community’ to ‘small lot integrated housing’ to be developed as Stage 1C under the Project Approval;
- Establishing detailed design guidelines for the proposed subdivision and development of Super Lot 5 to supersede the current retirement community design guidelines;
- Amending the lot layout and road network to respond to the revised proposal;
- Amendment to Project Approval conditions to address current standards; and
- Minor administrative amendments to reflect development approvals issued for the Subdivision;

A formal request for the Secretary’s Environmental Assessment Requirements (SEARs) was lodged with the Department of Planning & Environment. The Department upon review of the sought amendments and consultation with relevant government agencies issued the SEARs in January 2018. The SEARs are provided within **Attachment 12** of this report together with the section of the report where each

component of the SEAR's is addressed.

The modification will result in Project Approval being issued for the subdivision of Lot 5, whilst a separate development application will be required to be lodged with Ballina Shire Council for the proposed dwellings. Reference is made to the fact the torrens title lots will not be sold as vacant land with the dwellings to be constructed so the purchaser buys a house and land package.

Based on the modified Concept Plan described in this submission, the CIV of the proposal is estimated at \$2.4 million. This estimate will be revised and amended when the development proposal is finalised and lodged with Ballina Shire Council post the amendment of the concept plan.

Ballina Shire Council will be the Principal Certifying Authority for civil works associated with this amendment.

1.2 Project Background

1.2.1 Approved Development

Major Project application 07_0026 was approved by the Minister for Planning on 12 November 2008. The most recent modification (MP07_0026 Mod 5) was approved by the Minister for Planning on 20 April 2017

The approval includes both a Concept and Project Plan for 'Epiq Lennox' at Lennox Head. **Table 1** provides the current description of both the Concept and Project Plan developments.

Table 1: Approved Development

Concept Approval	Project Approval
A residential subdivision comprising subdivision for single dwellings, duplexes and medium density, a neighbourhood centre comprising commercial and retail space, a community centre, tavern and retirement village. The project includes: 1. Residential subdivision comprising: a) Large lots on steeper parts of the site (> 1,200m ²)	65 lot residential subdivision comprising: a) 54 residential lots ranging in size from 632m ² to 907m ² ; b) 8 super lots for future development as follows: i. Super lot 1 (1.43 ha); ii. Super lot 2 (5,730m ²);

<ul style="list-style-type: none"> b) 'Traditional' lots of around 800m² c) 'Traditional' lots with areas between 600m² and 800m² d) Duplex lots (900m²) e) 'Small affordable' lots (450m² to 600m²) f) 'Rear lane' lots (450m² to 600m²); and g) 'Park court' lots (450m² to 600m²) <ul style="list-style-type: none"> 2. Neighbourhood centre with maximum retail space of 4,000m² gross leasable area and maximum commercial space of 800m² gross leasable area 3. Multi-purpose community hall with a floor space of 300m²; 4. Retirement community; 5. Medium density housing; 6. A green space network of 25.3 ha comprising: <ul style="list-style-type: none"> a) Open space 2.1 ha; b) Water quality control pond and associated open space 3.6 ha; c) Revegetation in buffer around SEPP 26 Littoral Rainforest 0.9 ha; d) Wetland conservation reserve 6.5ha; e) Revegetation around littoral rainforest EEC 6.3 ha; and f) Rehabilitation works adjacent to Ballina Nature Reserve 5.9ha. 7. Road network; and 8. Other associated infrastructure. 	<ul style="list-style-type: none"> iii. Super lot 3 (2,050m²); iv. Super lot 4 (1,649m²); v. Super lot 5 (4.65 ha); vi. Super lot 6 (2,380m²) vii. Super Lot 5(5.59 ha) viii. Super Lot 8 (4.98 ha). <ul style="list-style-type: none"> c) 2 open space lots of 910m² and 641m²; d) Earthworks; e) Associated roads and civil works; and f) Landscaping.
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1.2.2 Modified Approvals

A suite of modifications has been lodged with the Department of Planning & Environment for the project since the initial approval in 2008. A summary of the previously determined amendments is provided below within **Table 2**.

Table 2: Previous Modifications to MP07_0026

Modification Number	Determination Date	Modification Description
1	22 December 2008	<ul style="list-style-type: none"> To correct a minor error.
2	8 August 2011	<p>Consolidation of stages 11 to 9;</p> <ul style="list-style-type: none"> Creation of two additional super lots within Stage 1 to create 8 super lots; Increase in the maximum allowable retail space within the neighbourhood centre; Realignment of Montwood Drive within the site; and Increase in the size of the onsite conservation area and other environmental works. <p>The intent of the minor modification was to provide a practical and appropriate approach to meeting the intent and requirements of the approval, particularly in relation to ecological matters.</p>
3	8 September 2011	<ul style="list-style-type: none"> To correct administrative errors.
4	13 March 2013	<ul style="list-style-type: none"> increasing the total area of conservation zone from 7.6ha to 14.07 ha; removing 18 residential lots (approx 2 ha) with direct frontage to the conservation zone, such that the whole of this zone will now be bounded by road reserve; reducing the area of Super Lot 5 (the retirement village site) by approximately 0.5 ha, to enhance the connection from the conservation zone east to the conservation zone west; removing Super Lot 2 (the tavern site) (5,750 m²) to enhance connectivity of the conservation zone around the perimeter of the water quality pond; relocating Super Lot 4 (the community hall site) to improve the conservation zone connectivity; and amending the staging of development to reflect removal of Super Lot 2 and reduction in the number of residential lots; exclude the Pacific Pines Estate Design Guidelines, dated 14 February 2008, from the approval amend the lapsing date of the concept plan approval
5	20 April 2017	<ul style="list-style-type: none"> increasing the maximum retail floor area of the shopping centre to 5,500m² and modify the area of the neighbourhood centre lot (Super Lot 1). re-design the subdivision layout adjoining the neighbourhood centre lot (Super Lot 1); modify the subdivision layout and minimum lot size of specified lot typologies; modify the maximum building height to align with the Ballina Local Environmental Plan.

1.3 Consistency with Concept and Project Approvals

The proposed modification is considered to be consistent with the Concept and Project Approval for MP07_0026. The aforementioned approvals provided for the development of a large residential subdivision to create approximately 505 lots, development of a relatively higher density 'retirement community' (on Super Lot 5), neighbourhood centre (including a shopping centre and green space) and an integrated road network.

The current application seeks to amend the type of residential housing within Super Lot 5 from the foreshadowed 'retirement community' to small lot integrated housing which will be open to all age groups (not just seniors). This amendment is proposed in response to market demand for entry price housing in locations with good accessibility to services. Super lot 5 was originally approved with 113 retirement units with a mixture of assisted and independent living and approximately 124 retirement lots. The quantum of housing units achieved via the change to the Concept Plan will be comparable to that achievable via a retirement community on the land. The proposal will result in no changes to the external road or broader subdivision configuration for the EPIQ Lennox estate or the relationship of the land to surrounding uses.

1.4 Documentation & Project Team

This report describes and justifies the requested further the modifications to the Concept and Project Approvals and considers the relevant provisions of former Section 75W of the EP& A Act.

Attachments included in the Section 75W report contain:

Attachment 1 – Proposed Subdivision Layout
Newton Denny Chapelle

Attachment 2 – Architectural Design Plans & Design Guidelines
TVS Architects

Attachment 3 – Landscape Design Plans
O2LA

- Attachment 4** – Engineering Services Report
Newton Denny Chapelle
- Attachment 5** – Biodiversity Assessment
GeoLINK
- Attachment 6** – Preliminary Contaminated Lands Assessment
Greg Alderson & Associates
- Attachment 7** – Aboriginal Cultural Heritage Assessment
Everick Heritage Consultants
- Attachment 8** – Preliminary Bush Fire Assessment
Bushfire Certifiers
- Attachment 9** – Economic Impact Assessment
Location IQ
- Attachment 10** – Mosquito Impact Assessment – Epiq Super Lot 5
Mosquito Consulting Services Pty Ltd
- Attachment 11** – Government Agency and Public Consultation
- Attachment 12** – Secretary's Environmental Assessment Requirements
Department of Planning & Environment

1.5 Prelodgement Consultations

As required by the SEARs, pre-lodgement consultations have occurred with the agencies and parties considered to have the most direct interest in the project. These consultations occurred in May 2018 and took the form of:

- A community information day on 12 May 2018. This event was publicised with an advertisement in the Ballina Advocate, alongside a social media campaign run through a dedicated Epiq Lennox Head Facebook page, supported by the team at Elders Real Estate in Lennox Head; and
- Written correspondence seeking advice from Ballina Shire Council and the following State government agencies: Office of Environment and Heritage; NSW Rural Fire Service; Department of Primary Industries; Roads and Maritime Services, and Transport NSW.

All parties were provided with a copy of the SEARs and a summary of the development proposal. They were given 3 weeks to provide any comments. Comments received are summarised in the table below.

Table 3: Consultation as Required by SEARS

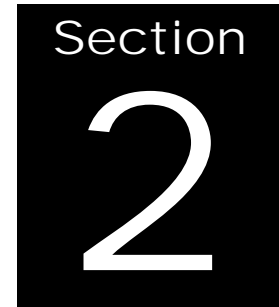
Government Agency	Response	Received
Ballina Shire Council	Please find attached Council's comments (previously provided to the DPE) on the proposed modification to the Concept Plan Approval and Project Approval MP 07_0026 (Mod 7) relating to Super Lot 5 at EPIQ.	17/05/2018
Department of Primary Industries	Please find attached the Lands & Water and DPI advice relating to Environmental Assessment requirements for the proposed modifications. Lands & Water and DPI have no additional requirements at this stage, however we would be happy to provide further advice should you have any specific enquiries during the preparation of the EA. Thank you for your consultation.	07/05/2018
NSW Rural Fire Service	The NSW RFS provided comments regarding MP 07_0026 (Mod 7) to NSW Planning and Environment in a letter dated 12 December 2017 (our ref: D17/4502). Please advise if you have not been provided with a copy of the RFS submission. As this stage, the NSW RFS has no further comments to make.	03/05/2018
Office of Environment & Heritage	Thank you for your letter dated 1 May 2018 about the proposed modification (MOD 7) to the approvals for MP 07_0026 seeking comments from the Office of Environment and Heritage (OEH). The OEH provided input to the Secretary's Environmental Assessment Requirements for MOD7 in a letter to the Department of Planning and Environment (DPE) dated 21 December 2017, which detailed OEH's assessment requirements for matters relating to biodiversity, Aboriginal cultural heritage, historic heritage, acid sulphate soils, flooding, stormwater and coastal erosion. The OEH does not have any additional site-specific matters that require addressing as part of the environmental assessment process for MOD 7.	11/05/2018
Transport for NSW	No response was provided to Newton Denny Chapelle	N/A

Roads & Maritime Services	I refer to your emails of 2 May 2018 requesting comment from Roads and Maritime Services in relation to the abovementioned modifications. It is understood that Department of Planning and Environment (DPE) has issued the Secretary's Environmental Assessment Requirements (SEAR's) and this is a further consultation request. Please note Roads and Maritime Services responded to DPE for modification 6 and modification 7 on 15 December 2017. This correspondence is still current and is attached for you reference.	30/05/2018										
Community Consultation	<p>The event provided local residents and stakeholders with the opportunity to view the concept plans, ask questions of the development team (town planning consultant Damian Chappelle from Newton Denny Chappelle Town Planning and development manager James Webb from Clarence Property) and provide feedback via survey questionnaires (one for each concept plan).</p> <p>The questionnaire/ survey was made available in hard copy, with respondents allowed seven days from the date of the event to make a submission. A total of 10 surveys were completed in response to each concept plan.</p> <p>Approximately 50 people attended the event. Of the 10 responses received, there was a 60/40 split on supporting the proposal versus those who had issues with the project. The key points noted in for the project included;</p> <p>Key points raised included.</p> <table><tr><td>Affordability</td><td>3</td></tr><tr><td>Additional housing supply</td><td>1</td></tr><tr><td>Low maintenance</td><td>1</td></tr><tr><td>Housing variety</td><td>5</td></tr><tr><td>Locality to planned services</td><td>2</td></tr></table>	Affordability	3	Additional housing supply	1	Low maintenance	1	Housing variety	5	Locality to planned services	2	12/05/18
Affordability	3											
Additional housing supply	1											
Low maintenance	1											
Housing variety	5											
Locality to planned services	2											

1.6 Further Information

Should any additional information be required or clarification of any technical matter raised by this proposal or submissions made to same, please consult Mr Damian Chappelle on 02 6622 1011 or dchappelle@newtondennychapelle.com.au, prior to determination of the application.

Site Analysis



Epiq Lennox is impacted by a series of inter-related planning, physical and environmental considerations which have been subject to detailed assessment throughout the Concept Plan & Project approval processes together with subsequent development applications lodged with Ballina Shire Council.

2.1 Cadastral Description

This application relates to Lot 5 DP 1239938 (formerly Lot 54 DP 1222919), Parish of Ballina, County of Rous. The subject land is located at Lennox Head and comprises the landholding known locally as 'Epiq Lennox'. The property falls within the Ballina Local Government Area.

Plan 1 and Plate 1 illustrates the subject land and surrounds.

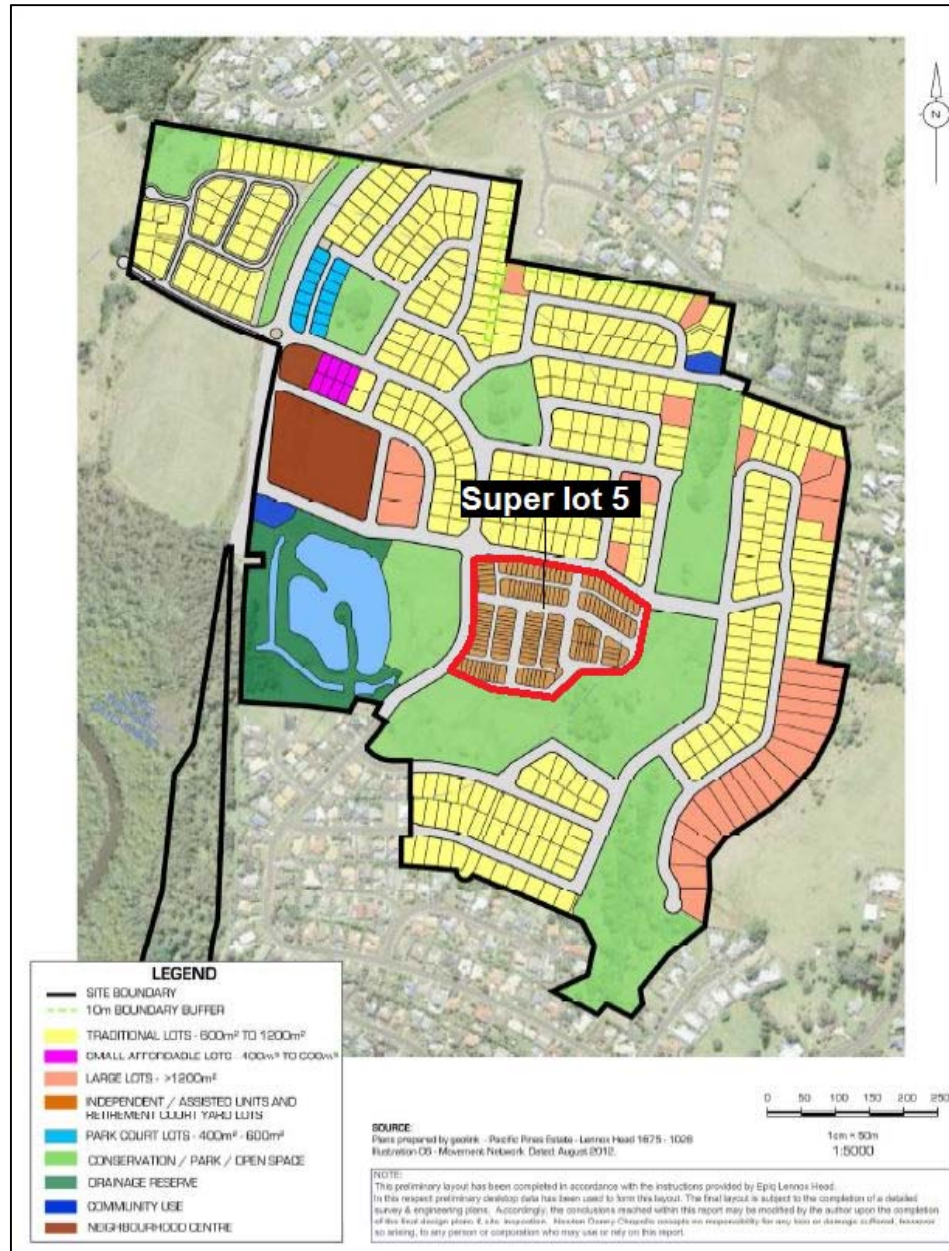


Plate 1: Super Lot 5– Subject land area for the proposed Modification within Epiq Lennox

2.2 Land Use Context

Lot 5 is located in the general area of the following existing or planned residential subdivisions:

- Lennox Meadows (north) - is a conventional residential estate containing a range of lot sizes (generally between 600m² to 850m²) containing one and two storey detached dwellings and occasional dual occupancies;
- Pacific Pines Estate (early stages south) - Much of this Estate is currently undeveloped, however approvals are in place for the staged development of the site for a residential subdivision including a range of allotment types, neighbourhood shopping centre and playing fields.
- Henderson Farm (Deferred Commencement west) - Henderson Farm is located west of Super Lot 5 approved as part of the Epiq Lennox Concept Plan. Ballina Shire Council has issued deferred commencement consent on 27 November 2014 for a residential subdivision comprising of 159 residential lots.

2.3 Planning Background

A. Strategic Planning Framework

The land the subject to this application forms part of what is referred to locally as “Epiq Lennox”. The site has been identified in various Council and State Government Strategies as being a potential urban growth area, including:

- Ballina Local Environmental Plan 1987 and 2012;
- Ballina Urban Land Release Strategy 2000;
- Lennox Head Community Aspirations Strategic Plan 2002;
- Lennox Head Structure Plan 2004;
- Far North Coast Regional Strategy 2006; and
- Ballina Shire Growth Management Strategy 2012.

2.4 Ecological Characteristics

The Epiq Lennox estate has been the subject to detailed ecological assessments as part of the Major Project [MP07_0026]. As a result of the environmental assessments completed, the development is subject to both a Conservation Zone Management Plan and an Environmental Management Plan.

Super Lot 5 is not directly impacted by either of these management plans.

2.5 Bushfire Prone Land

As indicated in **Plate 2**, the land area occupying Super Lot 5 is not mapped as bushfire prone land. Notwithstanding this point, an assessment against the Planning for Bushfire Protection guidelines has been completed for this modification as provided within **Attachment 8** of this report.

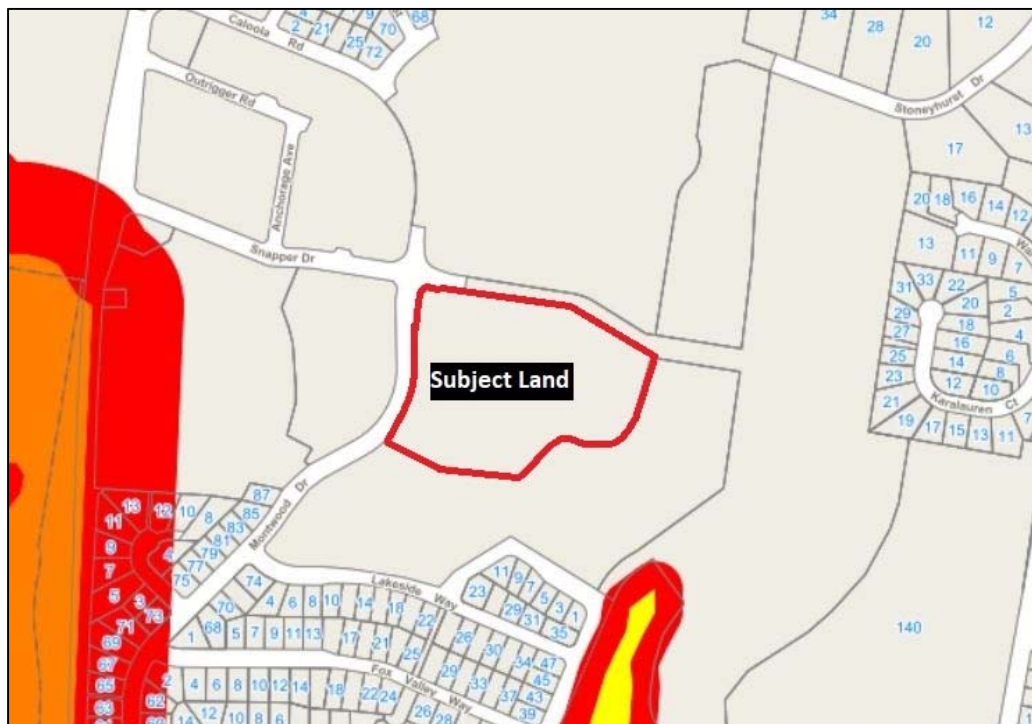


Plate 2: Ballina Shire Council Bushfire Prone Land Mapping
(source BSC Intramaps 2018)

2.6 Geology

2.6.1 Acid Sulfate Soils

Super Lot 5 is mapped as containing Class 2 & 5 acid sulfate soils as evidenced from Ballina Shire Council mapping (**Plate 3**). The proposed development will trigger future consent requirements in this instance which is addressed in greater within the Engineering Services Report contained within **Attachment 4** of this report.

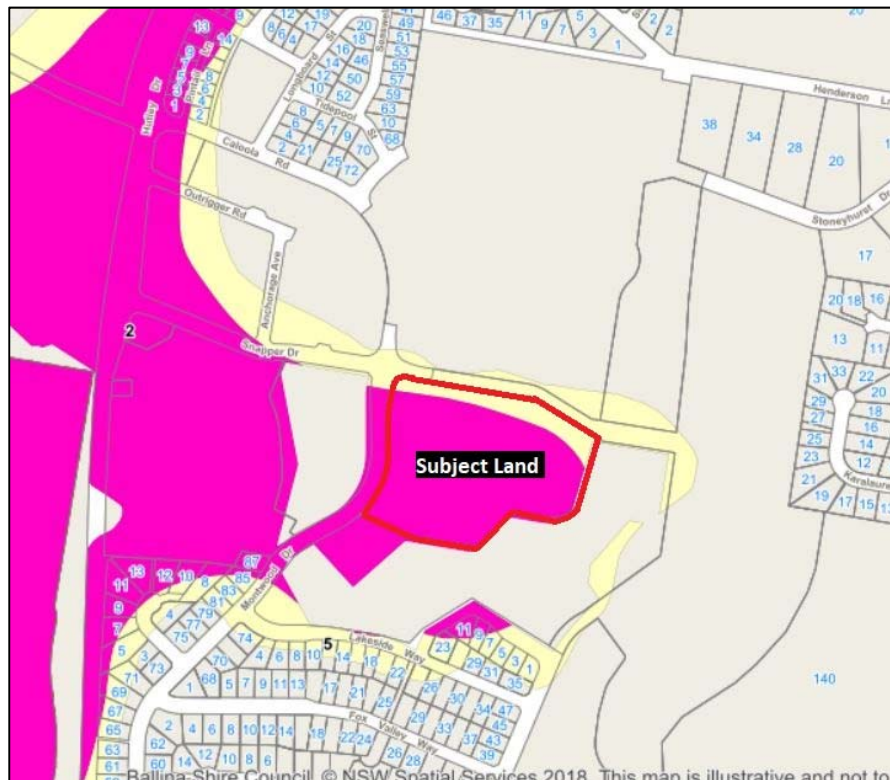


Plate 3: Acid Sulfate Soil Mapping [source BSC Intramaps 2018]

2.6.2 Land Contamination

A desk-top review of the site history and land use pursuant to SEPP 55 was undertaken By *Ardill Payne & Partners* for the Concept Plan approval. The desk-top site history review confirmed the Epiq Lennox land was historically used for cattle grazing and concluded that the existing and historical use of the subject land and surrounding properties are unlikely to have caused contamination of the site and that the site is considered suitable for the proposed development.

Through the lodgement of development applications for the subdivision of lands within Epiq Lennox, current soil analysis completed for the projects have ratified the initial assessment completed for the Concept Plan approval. To this end, no areas of the site have been identified as containing potentially contaminated lands. This position has been reinforced through the completion of a site specific assessment for Lot 5 by Greg Alderson & Associates as provided within **Attachment 6** of this report.

Proposed Modification to Concept Plan & Project Approval

Section

3

3.1 Description of Sought Amendments

The proposed modification will seek to undertake amendments to the Concept Plan & Project Approval [MP 07_0026]. The key changes proposed for the approved development:

- Amending the Concept Plan for Lot 5 from 'retirement community' to 'small lot integrated housing' to be developed as Stage 1C under the Project Approval;
- Establishing detailed design guidelines for the proposed subdivision and development of Lot 5 to supersede the current retirement community design guidelines;
- Amending the lot layout and road network to respond to the revised proposal to secure Project Approval for 145 residential lots; and
- Minor administrative amendments to reflect development approvals issued for the Subdivision;

These matters are described in more detail below.

3.1.1 Overview

The proposal seeks to subdivide and develop Super Lot 5 to provide small lot integrated housing on torrens title allotments, rather than 124 seniors or retirement living lots as is currently approved on Lot 5. The rationale for the change relates to the following:

- a. Since the time of the original approval, two large seniors living developments have been lodged in the Ballina / Lennox Head area. The developments comprise:
 - Palm Lakes Resort at North Creek Road Ballina which has approval for 321 self-care dwellings, general store, clubhouse and recreational facilities. Development Application 2018/321 has been lodged with Ballina Shire Council seeking approval for an additional 156 self-care dwellings and an associated community centre. The development would recognise some 477 self-care dwellings.
 - Living Gems at Skennars Head Road (to be constructed) is currently being determined by Ballina Shire Council and the Joint Regional Planning Panel for the development of 170 self-care dwellings, clubhouse and recreational facilities.

The above described facilities provide a range of 'resort style' selfcare seniors living units and supplement the current supply of 'standard' selfcare accommodation opportunities provided by St Andrews Village (74 beds), Crowley Village (154 beds) and the RSL Lifecare in Ballina. As such, there is limited market demand for further accommodation of this kind at the current time for the catchment area.

- b. The proponent is aware that there is significant demand for affordable entry level housing options in locations which are readily accessible to services and infrastructure. This is evidenced by the high level of demand for the early subdivision releases within Epiq Lennox.
- c. Super Lot 5 is ideally located adjacent to shopping and sporting facilities to cater for higher density integrated housing. As such the proposal will cater for all age groups and provide pedestrian access to these facilities.

An economic assessment of independent living potential upon Lot 5 has been completed by Location IQ and is provided within **Attachment 9** of this report.

It is intended the allotments will be sold on a 'house and land package' basis, with each property constructed with a 2 storey attached or semi-detached dwelling. Four (4) separate dwelling types are proposed depending on available lot frontage as illustrated within the design package prepared by TVS Architects contained within **Attachment 2**.

All dwelling types comprise three bedroom configurations. Dwelling types B, C & D contain double garages, whilst Type A is afforded a single garage with a second space allocated within the driveway upon the proposed lot.

This modification seeks to adopt design guidelines for these dwellings, which will then form the basis of the assessment of future development application/s to Ballina Shire Council. Given the nature of the subdivision, clear design guidelines are considered critical to guide the integrated development of Super Lot 5, including matters such as:

- Car parking;
- Building design;
- Site and open space design;
- Lot size and subdivision;
- Street design; and
- Connectivity to neighbourhood retail centre.

The design guidelines prepared by TVS Architects as provided within **Attachment 2**, will ensure the desired architectural and operational features of this form of development are embodied into an integrated housing package. Importantly, it is not proposed to release the residential lots to the market without the constructed dwelling. In this regard, the proponent will secure development consent from Ballina Shire Council and construct the proposed dwellings, thereby resulting in an integrated house and land package for future homeowners.

3.1.2 Proposed Subdivision

Lot Layout: The modified proposal seeks to provide subdivide the subject land into 145 torrens title allotments with sizes ranging between 123m² to 672m² and integrated with a public road and pedestrian network in addition to a neighbourhood park and operational lot for a sewerage pump station. The subdivision layout is provided within **Attachment 1** of this document.

Road & Pedestrian Network: The site will have two access points to the surrounding Road Network (being Montwood Drive and Snapper Drive). The proposed development will involve the construction of four new roads. A summary of the proposed roads is presented in **Table 4**.

Table 4: Summary of Proposed Roads

Road	Length (m)	Carriageway Width (m)	Reserve Width (m)	Road Hierarchy	Maximum Grade
Road A	44	10	20	Local Street	9%
Road B	515	Variable 7 – 10m	Variable 15 – 20m	Local Street	<5%
Road C	182	6	8	Access Lane	<5%
Road D	190	7	15	Local Street	<5%
Total:	931				

The proposal provides for designated parking bays within the street network. A total of 46 car spaces are provided which exceeds the requirement which would otherwise be required if the development was a multi-dwelling proposal under Chapter 4 of the Ballina Development Control Plan. In this respect, the Development Control Plan required 1 space/5 dwellings which equates to 29 spaces. In this instance the proposal provides a surplus of 16 spaces.

A 1.35m wide footpath will be provided along one side of all public Roads (with the exception of the access lane) with connection to the surrounding footpath network in Montwood and Snapper Drives. Bus stops are located within 400m of the site along Snapper Drive. These have been constructed as part of previous stages of the Epiq Development.

With respect to the landscape treatment of the pedestrian network, the following key principles apply.

- Primary spines alongside the east-west road provide a direct connection to Montwood Drive, while the north-south linear park provides a direct connection to Snapper Drive. Broad verges maximise opportunity for street tree planting and root volume thereby maximising shade & reinforcing the 'spines'
- Secondary pedestrian spines are provided along Road D and connect to the primary spines
- Canopy trees provide shade for pedestrians & streetscape whilst also visually soften the built form.

Bulk Earthworks: The site has been filled as part of previous stages of Epiq Lennox under the current Project Approval and subsequent development applications. The Release 3 temporary sediment basin is currently located on the northern portion of the site. Upon completion of Release 3 this basin will be backfilled to a Level 1 standard.

Retaining walls will be required along the northern and western boundaries of the site. The walls along the northern boundary will be in cut to a maximum depth of 2.2m expected. The retaining walls along the western boundary will be in fill to a maximum height of 1.6m. The site is expected to require 2,220m³ of additional fill (excluding remediating the temporary sediment basin) with a maximum fill depth of 2.0m and cut depth of 1.75m.

Sewer Services: The development cannot be drained to the existing surrounding gravity sewer network. A new sewer pump station will be installed in the south west corner of the site adjacent to Montwood Drive and located on a separately created lot. All lots within this development will be provided with a gravity sewer connection to the new pump station.

Water Supply: Each residential lot will be provided with a potable and water connection. Lot 5 will have three connection points to the surrounding water reticulation network. These are:

- The North West corner of the site from the 200mm main within Snapper Drive;
- The North East corner of the site from the 200mm main within Snapper Drive;
- The South West corner of the site from the 200mm main within Montwood Drive.

Each residential lot will be provided with a recycled water connection. Super Lot 5 will have three connection points to the surrounding water reticulation network. These are:

- The North West corner of the site from the 200mm main within Snapper Drive;
- The North East corner of the site from the 200mm main within Snapper Drive;
- The South West corner of the site from the 250mm main within Montwood Drive.

These connection points are generally in accordance with the modelling undertaken by H2One (12th May 2017) for the greater Epiq Estate.

Landscape: The landscape design for Lot 5 (refer **Attachment 3**) focusses on the following key objectives:

- Articulation along existing roads
- Pedestrian connectivity
- Reflection of local character and integration with the overall master planned development

The proposed interface with Montwood Drive & Snapper Drive utilises several landscape elements to maximise articulation & interest whilst promoting casual surveillance of the streetscape. These are identified below:

- Pedestrian access points to each home provides activation to the street, assists in providing surveillance to the streetscape and provides convenient access to amenities within the residential community (e.g. parkland & retail centre)
- Visual relief & interest by staggering the arrangement of retaining walls/fences and utilising a combination of solid & semi-transparent materials
- Terraced retaining walls to reduce the scale of walling
- Integrated design of street trees & canopy trees
- Continuous understorey planting at street frontages to provide a lateral buffer/privacy & visually soften built form
- Breaks between tranches are used as punctuation points to maximise tree planting & provide further visual softening

Other design elements within the development include the following:

- Threshold treatments in roadway to delineate/reinforce entries whilst providing visual relief to roadway materials.
- Narrowing of roadway provides visual relief whilst providing opportunities for tree planting.
- A planted buffer is provided abutting the conservation zone. This comprises canopy trees & understorey.
- Plant species character reflects Ballina Shire Council requirements and the development masterplan.

Staging: The proposal will be constructed as Stage 1C through the introduction of the additional stage under the current Project Approval. The construction of the subdivision will be staged.

The proponent will lodge a Development application for the proposed dwellings upon each lot pursuant to the guidelines which form part of this application. The dwellings will be constructed in association with the subdivision to enable the lots to be developed and sold as an integrated housing project. That is, no lots will be sold as single lots without a dwelling house constructed upon the lot.

3.1.3 Administrative Amendments

In order to address the suite of approvals issued over the Epiq Estate, several amendments are proposed to ensure the Concept Plan reflects the approved layouts. In this respect, the following administrative amendments are proposed.

- Adopt the approved pedestrian footpath alignment which traverses through Stage 3 under Ballina Shire Council DA 2016.741 approved on 5 June 2017 & Stage 5 which is currently being determined by Ballina Shire Council (DA 2017.565).
- Modification to Plan C7 to address the approved stormwater management plan for the estate as Ballina Shire Council DA 2016.741 approved on 5 June 2017 DA2017.204 approved on 26 September 2017.
- Amend Plan C8 to correctly title the plan “Lot Typologies” rather than the approved “Lot Typographies”

3.2 Requested Modifications to Concept & Project Approvals

The conditions relevant to this s.75W Application to amend both the Concept Plan and Project Approval for MP07_0026 are described below. The recommended modifications to the conditions and the reason for the amendment are also provided.

Concept Approval

The following amendments are proposed to the Concept Plan approval.

3.2.1 Condition A1 – Project Description

Current condition

A1 Project Description

Concept Plan approval is granted only to carrying out the project described in detail below:

A residential subdivision comprising subdivision for single dwellings, duplexes and medium density, a neighbourhood centre comprising commercial and retail space, a community centre, tavern and retirement village. The project includes:

- 1) Residential subdivision comprising;
 - (a) Large lots (> 1,200m²)
 - (b) 'Traditional' lots with areas between 600m² and 800m²
 - (c) 'Small affordable' lots (400m² to 600m²)
 - (d) 'Park court' lots (400m² to 600m²)
- 2) Neighbourhood centre with maximum retail space of 5,000m² gross leasable area and maximum commercial space of 800m² gross leasable area;
- 3) Multi-purpose community hall with a floor space of 300m²;
- 4) Retirement community;
- 5) Medium density housing;
- 6) A green space network of 28.6 ha comprising:
 - (a) Open space 2.1 ha;
 - (b) Water quality control pond and associated open space 2.4 ha;
 - (c) Revegetation in buffer around SEPP 26 Littoral Rainforest 0.9 ha;
 - (d) Conservation Zone of 14.07 ha;
 - (e) Rehabilitation works adjacent to Ballina Nature Reserve 5.9 ha.

- 7) Road network; and
- 8) Other associated infrastructure.

Proposed Modification

Based on the sought modification outlined within Section 3.1, Condition A1 is sought to be amended to address the proposed change in land use and torrens title subdivision. The proposed changes are illustrated in **bold** text.

A1 Project Description

Concept Plan approval is granted only to carrying out the project described in detail below:

A residential subdivision comprising subdivision for single dwellings, duplexes and medium density, a neighbourhood centre comprising commercial and retail space, a community centre, tavern and retirement village. The project includes:

- 1) Residential subdivision comprising;
 - (a) Large lots (> 1,200m²)
 - (b) 'Traditional' lots with areas between 600m² and 800m²
 - (c) 'Small affordable' lots (400m² to 600m²)
 - (d) 'Park court' lots (400m² to 600m²)
 - (e) "Integrated Residential Lots (124m² to 700m²)"**
- 2) Neighbourhood centre with maximum retail space of 5,000m² gross leasable area and maximum commercial space of 800m² gross leasable area;
- 3) Multi-purpose community hall with a floor space of 300m²;
- ~~4) Retirement community;~~
- 5) Medium density housing;
- 6) A green space network of 28.6 ha comprising:
 - (a) Open space 2.1 ha;
 - (b) Water quality control pond and associated open space 2.4 ha;
 - (c) Revegetation in buffer around SEPP 26 Littoral Rainforest 0.9 ha;
 - (d) Conservation Zone of 14.07 ha;
 - (e) Rehabilitation works adjacent to Ballina Nature Reserve 5.9 ha.
- 7) Road network; and
- 8) Other associated infrastructure.

3.2.2 Condition A3 – Project in Accordance with Plans

Current condition

A3 Project in Accordance with Plans

The project shall be undertaken in accordance with the following drawings:

Drawing No.	Revision	Name of Plan	Date
14/351	B	Illustration C1 Concept Plan	17.01.17
14/351	B	Illustration C2 Green Network	17.01.17
14/351	C	Illustration C5 Development Staging	27.02.17
14/351	C	Illustration C6 Movement Network	27.02.17
14/351		Illustration C7 Stormwater Concept Plan	16.11.16
14/351	B	Illustration C8 Lot Topographies	17.01.17
14/351		Illustration C9 Building Heights	16.11.16
14/351	B	Illustration C10 Setback	17.01.17
14/351	B	Illustration C11 Conservation Zone	17.01.17

Proposed Modification

Based on the sought modification outlined within Section 3.1, Condition A3 is sought to be amended to primarily address the modified lot layout, lot typologies and road network with the Concept illustrations. The proposed changes are illustrated in **bold** text.

A3 Project in Accordance with Plans

The project shall be undertaken in accordance with the following drawings:

Drawing No.	Revision	Name of Plan	Date
14/351	C	Illustration C1 Concept Plan	20.08.18
14/351	C	Illustration C2 Green Network	20.08.18
14/351	D	Illustration C5 Development Staging	20.08.18
14/351	D	Illustration C6 Movement Network	20.08.18
14/351	B	Illustration C7 Stormwater Concept Plan	20.08.18
14/351	C	Illustration C8 Lot Topographies	20.08.18
14/351	C	Illustration C9 Building Heights	20.08.18
14/351	C	Illustration C10 Setback	20.08.18
14/351	C	Illustration C11 Conservation Zone	20.08.18

3.2.3 Condition A4 – Project in Accordance with Documents

Current condition

A4 Project in Accordance with Documents

The project shall be undertaken in accordance with the following documents:

Environmental Assessment Documentation

- a) *Petrac Pacific Pines Estate Part 3A Application Environmental Assessment Report* prepared by GeoLINK on behalf of Petrac Pty Ltd, dated March, 2008; with the exception of Design Guidelines [as included in Appendix F of the Environmental Assessment, are not approved and do not apply to any development undertaken in accordance with this approval.

Preferred Project Report Documentation

- b) *Preferred Project Report* prepared by GeoLINK and dated June 2008;

Additional Information

- c) Correspondence prepared by GeoLINK dated 18 August 2008;
- d) Correspondence prepared by GeoLINK dated 29 August 2008; and
- e) Correspondence prepared by GeoLINK dated 3 September 2008.
- f) *Pacific Pines Modification Report* including all appendices prepared by GeoLINK, dated 1 September 2010;
- g) *Pacific Pines Modification Application Response to Submissions 1439012*, including *Pacific Pines Addendum to Modification Report* prepared by GeoLINK and received 28 January 2011;
- h) *Design Note – Traffic and Transport – Addendum to Traffic Impact Assessment* prepared by Cardno and dated 5 January 2011; and
- i) Updated drawings to reflect staging and dated 8 April 2011.

Modification Documentation

- j) *Pacific Pines Modification Report* including all appendices prepared by GeoLINK, dated July 2012;
- k) Updated plans to reflect expansion of conservation zone prepared by GeoLINK, dated May and July 2012; and
- l) Section 75W Modification Report No. 5 Report, including all attachments prepared by Newton Denny Chapelle, dated November 2016, as updated by letter, including attached plans dated 27 January 2017.

Proposed Modification

The documents listed in this condition do not change. However, this modification report to support the proposed modification should be added to list. The proposed changes are illustrated in **bold** text.

A4 Project in Accordance with Documents

The project shall be undertaken in accordance with the following documents:

Environmental Assessment Documentation

- a) *Petrac Pacific Pines Estate Part 3A Application Environmental Assessment Report* prepared by GeoLINK on behalf of Petrac Pty Ltd, dated March, 2008; with the exception of Design Guidelines (as included in Appendix F of the Environmental Assessment, are not approved and do not apply to any development undertaken in accordance with this approval.

Preferred Project Report Documentation

- b) *Preferred Project Report* prepared by GeoLINK and dated June 2008;

Additional Information

- c) Correspondence prepared by GeoLINK dated 18 August 2008;
- d) Correspondence prepared by GeoLINK dated 29 August 2008; and
- e) Correspondence prepared by GeoLINK dated 3 September 2008.
- f) *Pacific Pines Modification Report* including all appendices prepared by GeoLINK, dated 1 September 2010;
- g) *Pacific Pines Modification Application Response to Submissions 1439012*, including *Pacific Pines Addendum to Modification Report* prepared by GeoLINK and received 28 January 2011;
- h) *Design Note – Traffic and Transport – Addendum to Traffic Impact Assessment* prepared by Cardno and dated 5 January 2011; and
- i) Updated drawings to reflect staging and dated 8 April 2011.

Modification Documentation

- j) Pacific Pines Modification Report including all appendices prepared by GeoLINK, dated July 2012;
- k) Updated plans to reflect expansion of conservation zone prepared by GeoLINK, dated May and July 2012; and
- l) Section 75W Modification Report No. 5 Report, including all attachments prepared by Newton Denny Chapelle, dated November 2016, as updated by letter, including attached plans dated 27 January 2017.

m) Section 75W Modification Report No. 7 Report, including all attachments prepared by Newton Denny Chapelle, dated August 2018.

3.2.4 Condition C1 – Retirement Village

Current condition

C1 Retirement Village

The future applications for the retirement community shall give consideration to the provision of affordable housing and on-site services for the residents.

Proposed Modification

Through the proposed introduction of the integrated residential housing lots upon Lot 5, Condition C1 will no longer be of relevance to the project. Reference is however made to the fact, the primary driver for the inclusion of the integrated residential housing product is to provide entry level housing within the Lennox Head locality and as such housing will be affordable as sought by Condition C1 when compared to conventional residential housing lots.

The proposed changes are illustrated in **bold** text.

~~C1 Retirement Village~~

~~The future applications for the retirement community shall give consideration to the provision of affordable housing and on-site services for the residents.~~

3.2.5 Statement of Commitments

No modification to the Statement of Commitments is triggered by this proposed modification.

Project Approval

3.2.6 Condition A1 – Project Description

Current Condition

A1 – Project Description

A1 Project Description

Project approval is granted only to carrying out the project described in detail below: A 64 lot residential subdivision comprising:

- 1) 51 residential lots ranging in size from 600m² to 900m²;
- 2) 6 super lots for future development as follows:
 - (a) Super Lot 1 (2.106 ha)
 - (b) Super Lot 3 (0.30 ha)
 - (c) Super Lot 4 (0.18 ha)

- (d) Super Lot 5 (4.2 ha)
- (e) Super Lot 7(5.59 ha)
- (f) Super Lot 8 (4.98 ha)
- 3) Two open space lots of 910m² and 641m²;
- 4) Earthworks;
- 5) Associated roads and civil works; and
- 6) Landscaping.

Proposed Modification

Based on the overview provided within Section 3.1, it is recommended that the condition be amended to read as illustrated in **bold** text.

A1 - Project Description

A1 - Project Description

Project approval is granted only to carrying out the project described in detail below: A **64 209** lot residential subdivision comprising:

- 1) 51 residential lots ranging in size from 600m² to 900m²;
- 2) 145 integrated residential lots ranging in size from 124m² to 700m²**
- 23)** 6 super lots for future development as follows:
 - (a) Super Lot 1 (2.106 ha)
 - (b) Super Lot 3 (0.30 ha)
 - (c) Super Lot 4 (0.18 ha)
 - (d) Super Lot 5 (4.2 ha)
 - (e) Super Lot 7(5.59 ha)
 - (f) Super Lot 8 (4.98 ha)
- 3 4)** Three open space lots of 910m², 641m² **and 395m²**
- 4 5)** Earthworks;
- 5 6)** Associated roads and civil works; and
- 6 7)** Landscaping.

3.2.7 Condition A2 – Staging

Current Condition

A2 – Staging

The project shall be undertaken in two stages:

- 1) Stage 1A - Subdivision of 51 residential lots and 2 open space lots and associated roads and landscaping in the south of the site;
- 2) Stage 1B – Subdivision of Super Lots 1, 3, 4, 5, 7 and 8, the extension of Montwood Drive, the construction of Main Street, construction of internal roads adjoining the east and north boundaries of Super Lot 1, the construction of Hutley Drive and the western link for the playing fields adjacent to the site and revegetation of the 100 m buffer to littoral rainforest in the north west of the site.

Proposed Modification

Based on the overview above, it is suggested that the condition be amended to read as illustrated in **bold** text.

A2 – Staging

A2 – Staging

The project shall be undertaken in ~~two~~ **three** stages:

- 1) Stage 1A - Subdivision of 51 residential lots and 2 open space lots and associated roads and landscaping in the south of the site;
- 2) Stage 1B – Subdivision of Super Lots 1, 3, 4, 5, 7 and 8, the extension of Montwood Drive, the construction of Main Street, construction of internal roads adjoining the east and north boundaries of Super Lot 1, the construction of Hutley Drive and the western link for the playing fields adjacent to the site and revegetation of the 100 m buffer to littoral rainforest in the north west of the site.
- 3) Stage 1(c) – Subdivision of Lot 5 into 145 integrated residential lots in addition to one open space lot, one operational lot for a sewer pump station and the construction of associated civil works (roads, sewer, water, drainage and earthworks).**

3.2.8 Condition A3 – Project in Accordance with Plans

Current Condition

A3 – Project in Accordance with Plans

The project shall be undertaken in accordance with the following drawings:

Design, Landscape and Survey Drawings			
Drawing No.	Revision	Name of Plan	Date
14/351		Illustration P1 Stage 1 Project Application	16.11.16
14/351		Illustration P2 Stage 1 Subdivision Plan	16.11.16
14/351	C	Illustration C5 Development Staging	27.02.17
14/351		Illustration P3 Stage 1 Landscape Plan	16.11.16
14/351		Illustration P4 Stage 1 Stormwater Concept Plan	16.11.16
14/351		Illustration P5 Stage 1 Proposed Bulk Earthworks Plan	16.11.16
		Illustration P7 Stage 1 Erosion and Sedimentation Control Plan	28/06/10
		Illustration P8 Stage 1 Erosion and Sedimentation Control Details	27/11/07

Servicing Drawings prepared by Ardill Payne and Partners

T01-A-S Services Layout Plan Stage 1 02/06/08

T01-B-S Services Layout Plan Stage 1B 29/05/08

T01-C-S Services Layout Plan Stage 1C 02/06/08

Road Long Section Drawings prepared by Ardill Payne and Partners

T01-INT-01 Location Plan Intersection Layout 02/06/08

T01-A-R Road Layout Plan Stage 1A 02/06/08

T01-A-L1 Road Longsection Stage 1A 02/06/08

T01-A-L2 Road Longsection Stage 1A 02/06/08

T01-B-R Road Layout Plan Stage 1B 02/06/08

T01-B-L1 Road Longsection Stage 1B 02/06/08

T01-B-L2 Road Longsection Stage 1B 02/06/08

T01-C-R Road Layout Plan Stage 1C 02/06/08

T01-C-L1 Road Longsection Hutley Drive Stage 1C 02/06/08

Proposed Modification

Based on the overview above, it is suggested that the condition be amended to read as illustrated in **bold** text.

A3 – Project in Accordance with Plans

The project shall be undertaken in accordance with the following drawings:

Design, Landscape and Survey Drawings			
Drawing No.	Revision	Name of Plan	Date
14/351	C	Illustration P1 Stage 1 Project Application	20.08.18
14/351	B	Illustration P2 Stage 1 Subdivision Plan	20.08.18
14/351	D	Illustration C5 Development Staging	20.08.18
14/351	B	Illustration P3 Stage 1 Landscape Plan	20.08.18
14/351	B	Illustration P4 Stage 1 Stormwater Concept Plan	20.08.18
14/351		Illustration P5 Stage 1 Proposed Bulk Earthworks Plan	20.08.18
		Illustration P7 Stage 1 Erosion and Sedimentation Control Plan	28/06/10
		Illustration P8 Stage 1 Erosion and Sedimentation Control Details	27/11/07
14/351	C	P9 – Proposed Subdivision	20.08.18

Servicing Drawings prepared by Ardill Payne and Partners

T01-A-S Services Layout Plan Stage 1 02/06/08

T01-B-S Services Layout Plan Stage 1B 29/05/08

T01-C-S Services Layout Plan Stage 1C 02/06/08

Road Long Section Drawings prepared by Ardill Payne and Partners

T01-INT-01 Location Plan Intersection Layout 02/06/08

T01-A-R Road Layout Plan Stage 1A 02/06/08

T01-A-L1 Road Longsection Stage 1A 02/06/08

T01-A-L2 Road Longsection Stage 1A 02/06/08

T01-B-R Road Layout Plan Stage 1B 02/06/08

T01-B-L1 Road Longsection Stage 1B 02/06/08

T01-B-L2 Road Longsection Stage 1B 02/06/08

T01-C-R Road Layout Plan Stage 1C 02/06/08

T01-C-L1 Road Longsection Hutley Drive Stage 1C 02/06/08

3.2.9 Condition A4 – Project in Accordance with Documents

Current Condition

A4 – Project in Accordance with Documents

The project shall be undertaken in accordance with the following documents:

Environmental Assessment Documentation

- a) *Petrac Pacific Pines Estate Part 3A Application Environmental Assessment Report* prepared by GeoLINK on behalf of Petrac Pty Ltd, dated March, 2008;

Preferred Project Report Documentation

- b) *Preferred Project Report* prepared by GeoLINK and dated June 2008;

Additional Information

- c) Correspondence prepared by GeoLINK dated 18 August 2008;
- d) Correspondence prepared by GeoLINK dated 29 August 2008; and
- e) Correspondence prepared by GeoLINK dated 3 September 2008.
- f) *Pacific Pines Modification Report* including all appendices prepared by GeoLINK, dated 1 September 2010;
- g) *Pacific Pines Modification Application Response to Submissions 1439012*, including *Pacific Pines Addendum to Modification Report* prepared by GeoLINK and received 28 January 2011 ;
- h) *Design Note - Traffic and Transport - Addendum to Traffic Impact Assessment* prepared by Cardno and dated 5 January 2011;
- i) updated drawings to reflect staging and dated 8 April 2011.
- j) *Pacific Pines Modification Report* including all appendices prepared by GeoLINK, dated July 2012.
- k) Updated plans to reflect expansion of the conservation zone prepared by GeoLINK, dated May and July 2012.
- l) Epiq Lennox Section 75W Modification Report including all attachments prepared by Newton Denny Chapelle dated November 2016, as updated by letter, including attached plans dated 27 January 2017.

Proposed Modification

The documents listed in this condition do not change. However, this modification report and associated plans to support the proposed modification should be added to list. The proposed changes are illustrated in **bold** text.

A4 – Project in Accordance with Documents

The project shall be undertaken in accordance with the following documents:

Environmental Assessment Documentation

- a) *Petrac Pacific Pines Estate Part 3A Application Environmental Assessment Report* prepared by GeoLINK on behalf of Petrac Pty Ltd, dated March, 2008;

Preferred Project Report Documentation

- b) *Preferred Project Report* prepared by GeoLINK and dated June 2008;
Additional Information
- c) Correspondence prepared by GeoLINK dated 18 August 2008;
- d) Correspondence prepared by GeoLINK dated 29 August 2008; and
- e) Correspondence prepared by GeoLINK dated 3 September 2008.
- f) *Pacific Pines Modification Report* including all appendices prepared by Geolink, dated 1 September 2010;
- g) *Pacific Pines Modification Application Response to Submissions 1439012*, including *Pacific Pines Addendum to Modification Report* prepared by GeoLINK and received 28 January 2011 ;
- h) *Design Note - Traffic and Transport - Addendum to Traffic Impact Assessment* prepared by Cardno and dated 5 January 2011;
- i) updated drawings to reflect staging and dated 8 April 2011.
- j) *Pacific Pines Modification Report* including all appendices prepared by Geolink, dated July 2012.
- k) Updated plans to reflect expansion of the conservation zone prepared by GeoLINK, dated May and July 2012
- l) Epiq Lennox Section 75W Modification Report including all attachments prepared by Newton Denny Chapelle dated November 2016, as updated by letter, including attached plans dated 27 January 2017.
- m) **Epiq Lennox Section 75W Modification Report including all attachments prepared by Newton Denny Chapelle dated August 2018.**

3.2.10 Parts C & E – Prior to Issue of Construction Certificate for Stage 1B

With the introduction of Stage 1C, conditions provided within Parts C & E of the project approval may be inserted/re-worded to suit the introduction of the stage.

3.3 Substantially the same development

The proposed modification provides for the continued utilisation of Lot 5 for residential accommodation. The transition from retirement village to integrated residential housing will ensure the key components of the Concept Plan are retained within the modified approval. Specifically, the key elements of medium density housing, proximity to key neighbourhood facilities and housing affordability are deliverables maintained through this proposal.

Importantly, the form of subdivision is retained by the current proposal as the Concept Plan identified smaller residential housing lots (180m²) which are already below the prescribed area pursuant to Clause 4.1A of the Ballina LEP. Reference is also noted to the fact the approval for the retirement community provided for some 124 courtyard residential lots, hence at a density comparable than proposed in this instance.

Furthermore, the Ballina Development Control Plan 2012 does not stipulate a dwelling density for the subject land, thereby providing a merit based, site specific design to be proposed in this instance.

Overall, the development as modified by this proposal will be substantially the same development to that currently approved upon Lot 5. An illustrative comparison is provided within this report to clearly illustrate the changes in the design.

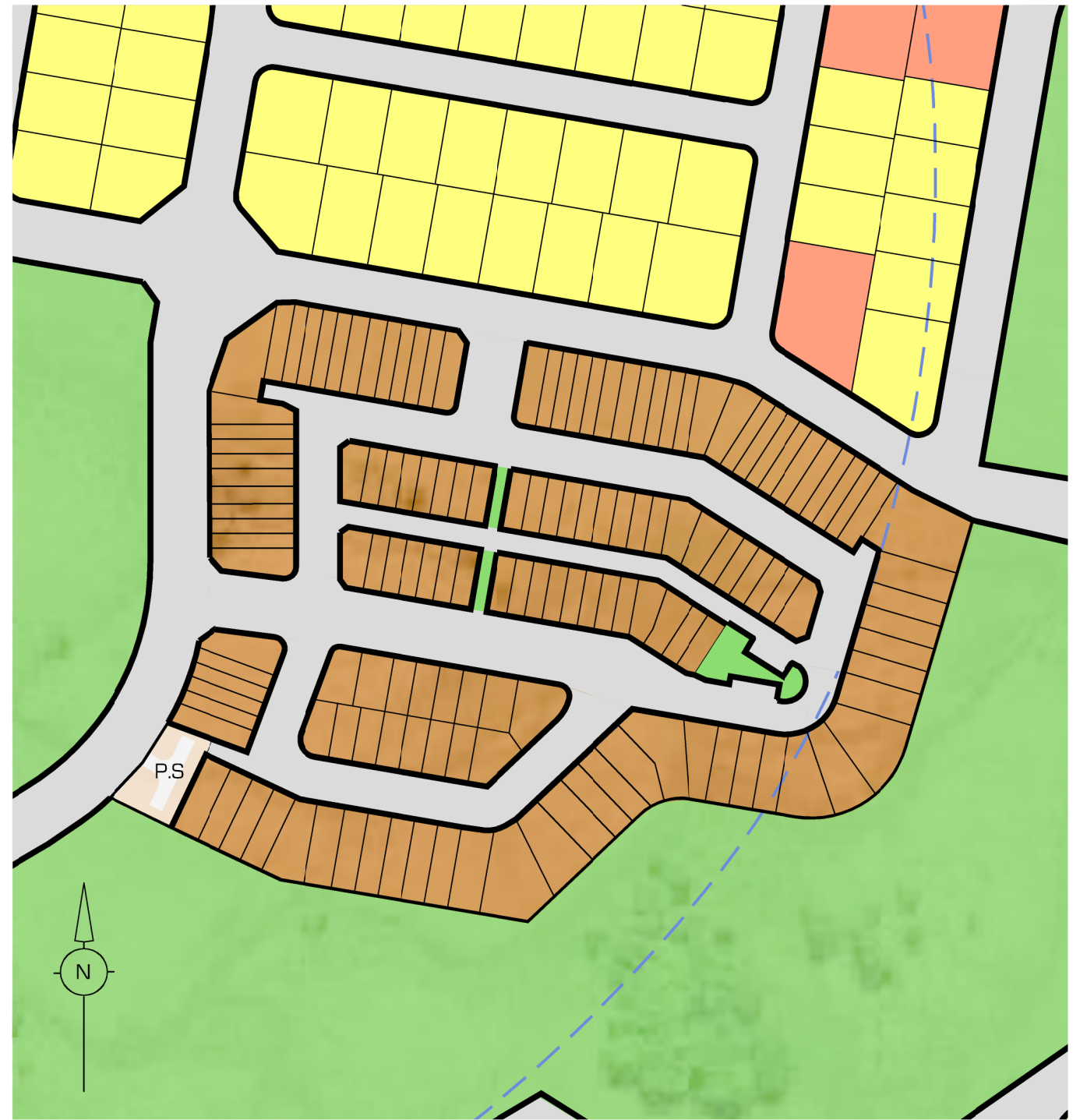
3.4 Consistency with approvals

As detailed within Section 3 of this report, the proposed modifications, particularly in relation to the amended lot layout and lot typology, have been designed in response to the proponent's desire to provide entry level housing within the Epiq Estate with due respect to the previously approved density, project civil design and current local planning policies.

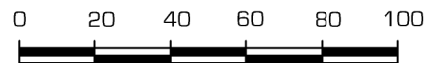
The proposed modifications have been identified in response to both the current property market in Lennox Head, particularly the increased demand for entry level housing and furthermore torrens title versus strata title lots so as to provide for a reduction in ongoing costs to future residents. The current market has resulted in a significant demand for housing lots in Lennox Head and therefore has expedited the



SUPERLOT 5 - CURRENT PROPOSED PLAN



SUPERLOT 5 - MOD 7



1cm = 20m
1:2000

LEGEND

- | | |
|--|------------------------------------|
| — SITE BOUNDARY | ■ INTEGRATED HOUSING LOTS |
| ■ TRADITIONAL LOTS - 600m ² TO 1200m ² | ■ CONSERVATION / PARK / OPEN SPACE |
| ■ LARGE LOTS - >1200m ² | P.S. PUMP STATION |

NOTE:

This preliminary layout has been completed in accordance with the instructions provided by Clarence Property Corporation. 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 Subdivision Survey Plans and /or Engineering plans. Accordingly, this plan may be modified by the author upon the completion of the final Survey & 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 Plan. As this Plan is anon Survey plan it should not be used as part of any financial transactions or land dealings.

REV	DATE	AMENDMENT
A		
B		
C		
D		
E		

SOURCE PLAN: www.maps.six.nsw.gov.au - accessed 14.11.16

k:\jobs\2014\14351 - clarence property\masterfile\planning\planning plans\ndc plans\cad files\14351 -mod 7 and 6 comparison.dwg - superlot 5

NDS
Newton Denny Chapelle
Surveyors Planners Engineers
Email: office@newtondennychapelle.com.au
LISMORE 31 Carrington St. Lismore 2480 PH: 6622 1011
CASINO 100 Barker St. Casino 2470
PH: 6662 5000
ABN: 66 220 045 469

**EPIQ LENNOX HEAD
PLAN OF COMPARISON
SUPERLOT 5**

CLIENT: CLARENCE PROPERTY CORPORATION
LOCATION: LOT 234 DP1104071
LENNOX HEAD NSW

DATE: 26.09.18
SCALE: 1 : 4000 @ A3

REF: 14/351
DRAWN: bk

release of residential stages in Epiq Lennox.

Further, the local planning controls which influenced the manner in which the estate is to be developed have evolved significantly since the original Concept and Project approvals were issued. The modification to lot typology and land area requirements for seniors living reflects this point. Importantly, the sought amendments do not impact the limits in which the development can be undertaken. That is, the modification will not result in a significant increase in lots nor an amendment to the key design provisions (e.g. number of storeys) capable of being built at Epiq Lennox.

The suite of conditions contained in the Project Approval which govern the civil construction, environmental management and registration of the subdivision will be able to be fully adhered with by the current modification, thereby illustrating the nature of the proposal and its consistency with the already approved residential subdivision and land use of Lot 5.

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Environmental Assessment

Section

4

This section reviews the environmental interactions of the proposed amendment outlined in Section 3 of this report.

4.1 Environmental impacts of proposed modifications

4.1.1 Ecology

A biodiversity assessment has been completed for Lot 5 by GeoLINK as provided within **Attachment 5** of this report. The assessment identified the vegetation within Lot 5 comprises closed grassland (seeded over areas of fill). Grassland areas are dominated by Summer Grass (*Digitaria ciliaris*) and Cuphea (*Cuphea carthagenensis*) with occasional Vasey Grass (*Paspalum urvillei*). The detention pond contains fringing Vasey Grass and Paddy's Lucerne (*Sida rhombifolia*). No native vegetation occurs.

No threatened flora species occur within the study area.

GeoLINK has identified the potential impacts of the proposal are very low on the basis the subject land comprises an active construction site with no native vegetation or significant habitat. However, the following biodiversity impacts and associated ameliorative measures have been identified:

Construction phase

- Minor localised disturbance to fauna (this is already occurring).
- Potential for spread and/ or introduction of weeds and pathogens.
- Potential for sedimentation or disturbance within the Conservation Zone.

Occupation phase

- Resident activity within the Conservation Zone.
- Stormwater impacts (increased nutrients, weed propagules, contaminants, sediment) on wetland environments within the Conservation Zone.

Mitigation

To minimise ecological impacts which may result from the proposal, the following mitigation measures are prescribed:

Construction phase

- Measures to minimise the potential for the spread of weeds must be implemented during construction.
- Sediment fencing and erosion controls must be implemented and maintained for the duration of the works.
- Construction work limits must be clearly marked prior to commencement of works and para-webbing or similar must be placed along the boundary of the Conservation Zone with signage stating 'Protected vegetation – keep out' or words of similar intention. The requirement to avoid vegetation disturbance or damage must be clearly explained to all personnel and subcontractors during the induction process prior to construction works.
- Stormwater infrastructure works must be designed and sited so that works are not required within the Conservation Zone and must comply with prescriptions in the approved Stormwater Management Plan.

Occupation phase

To protect high conservation habitat within the Conservation Zone, the following prescriptions apply:

- Permanent boundary markings (eg. bollards) shall be installed along the boundary of the Conservation Zone to restrict access. Signage stating "Conservation Zone - entry prohibited" (or words of similar intention) shall be placed along the fencing.

- If fencing of the Conservation Zone is completed it must be permeable to permit fauna movement (e.g. post and rail fencing) and barbed wire must not be utilised.

In response to the proposal and its potential impacts on ecology, GeoLINK have concluded:

- No native vegetation occurs.
- No threatened flora species are TECs occur.
- No significant habitat for threatened fauna occurs.
- Assessments of significance for the adjacent TECs within the Conservation Zone concluded that a significant impact is unlikely as a result of the proposal.
- The proposed development will not impact upon SEPP 14 Coastal Wetlands or SEPP 26 Littoral Rainforest.
- Assessment under SEPP 44 (Koala Habitat Protection) determined that potential Koala habitat does not occur at the site.

An SIS is not required and referral to the federal Minister of the Environment and Energy is not required.

Impacts of the proposal are very low on the basis that SL5 comprises an active construction site with no native vegetation or significant habitat. Mitigation measures have been proposed to minimise the limited ecological impacts that may result from the proposal. Importantly, the assessment has not identified any ecological grounds which necessitate a public road bordering the CMZ.

4.1.2 Land Contamination

A detailed assessment has been completed by Greg Alderson & Associates (GAA) as provided within **Attachment 6**.

As required under Section 7 of SEPP 55, this assessment was conducted to determine if the site was contaminated from past or present land uses. A review of the sites history and soil testing was undertaken to assist in determining if contamination was present.

Five composite soil samples were collected in the investigation area. Samples were analysed for heavy metals (including arsenic, lead, zinc and copper), organochlorines (including DDT and aldrin/dieldrin) and organophosphorous, which were considered to be the most likely chemicals used on an agricultural/horticultural property or associated with buildings. The sampling results were compared to adjusted Health Investigation Limits (HIL's) from NEPM 1999 [2013].

The results showed all potential contaminants investigated were below the relevant HIL's.

Based on the known history of the site, inspection of the site and sampling regime, it is concluded by GAA that further assessment of contamination is not required in the investigation area. Sampling was limited to potential contamination based on probably land uses and involved surface samples of the fill only.

4.1.3 Cultural Heritage

Everick Heritage Consultants has undertaken a Cultural Heritage Due Diligence Assessment for Lot 5. The assessment is provided within **Attachment 7** of this report.

The methods employed by Everick Heritage Consultants in the assessment included:

- a) a search of relevant heritage registers;
- b) a review of environmental resources for the region;
- c) a review of relevant archaeological and ethnographic studies for the region;
- d) a site inspection conducted with a representative of the Jali Local Aboriginal Land Council (Jali LALC);
- e) assessments of archaeological and cultural heritage significance and impact; and
- f) report on findings and recommended management strategies.

The methods used for the assessment by Everick Heritage Consultants follow the OEH Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales 2010 and complies with the accepted methodology for undertaking a Due Diligence Assessment under the National Parks and Wildlife Act 1974 ['NPW Act'].

As a result of the desktop study, field inspection and consultation with Jali LALC Sites Officer Maddison James, the following conclusions were reached/agreed:

- *The Project Area was obviously disturbed and was not likely to contain Aboriginal objects on the ground surface. This disturbance includes approximately 1m of fill over the lower alluvial area and extensive agricultural activities on the lower slopes in the northern portion of the Project Area.*
- *The Project Area is in a landscape that is unlikely to contain subsurface Aboriginal Objects,*
- *The extensive past ground disturbance across the Project Area makes it unlikely that the Project will impact on archaeological sites of high significance.*
- *All of the Project Area has been disturbed in a manner which constitutes 'disturbance' within the meaning of the Due Diligence Code and is consistent with the Due Diligence Code.*

No items of European heritage value were identified within the Project Area.

Everick Heritage Consultants is of the opinion that any proposed works resulting from the development application are unlikely to lead to harm to Aboriginal objects. Whilst additional archaeological investigations are not considered necessary, as a precautionary measure the recommendations are provided within Section 10 of the Cultural Heritage Assessment which are considered appropriate to be applied in this instance.

4.1.4 Bushfire Hazard Assessment

Bushfire certifiers Pty Ltd have undertaken a preliminary bush fire hazard assessment for Lot 5. The assessment is provided within **Attachment 8** of this report.

Whilst the subject allotment is not mapped as being bushfire prone, the revegetation of the conservation land to the south and southeast of the proposed subdivision has been taken into consideration in the bushfire threat assessment as potentially being a bushfire hazard. The purpose of the report is to establish suitable measures to provide bushfire mitigation measures against the requirements of Planning for Bushfire Protection, 2006.

The *Bushfire Certifiers Pty LTD report* demonstrates that whilst requirements of Planning for Bushfire Protection 2006 do not apply directly given that the proposed buildings which are not located on bushfire prone land consideration has been given to PBP2006 pursuant to an assessment against s4.15 of the Environmental Planning and Assessment Act 1979. In this regard, the recommendations in the executive summary of the report have been provided in consultation with the NSW RFS and are considered to be compliant with the performance criteria of Planning for Bushfire Protection 2006 based on the future hazard as described.

Of particular relevance is the proposed road network. The assessment has identified a perimeter road is not required for bushfire management purposes and in fact the provision of an APZ to each allotment is achievable and thus provided in the subdivision layout.

4.1.5 Traffic Impact Assessment

Previous studies of the traffic generated by the greater Epiq development site have been undertaken by Carndo Eppell Olsen and updated by Newton Denny Chapelle as part of the Modification 5 to Concept Approval 07_0026. These studies have identified that the extension of Hutley Drive is needed to service the fully developed site. Without the extension of Hutley Drive the existing surrounding Road network has an approved capacity of 7,456vpd. This daily traffic volume has been approved in the Ballina Shire Council Ordinary Council meeting on the 23rd October 2014 as referenced in Section 6.1 of the Engineering Services Report provided within **Attachment 4** of this report.

The approved traffic capacity relates to the available capacity of the surrounding road network being Montwood Drive and Henderson Lane. The existing road network has a surveyed volume of 1,712 for Montwood Drive and 1,634vpd for Henderson Lane leaving an excess of 4,110vpd for the Epiq development to utilise.

The daily traffic generation for the proposed development has been estimated based on the traffic generation rates for medium density developments outlined in the Ballina Shire Council, Ballina Road Contribution Plan – Version 4. The total daily vehicle trips for the development are outlined in **Table 5**.

Table 5: Traffic Generation Rates

Land Use	Qty	Units	Traffic Generation Rates	
			Daily Vehicle Trip Rate	Total Daily Vehicle Trips
Medium Density Residential	145	Dwellings	6.45	936

The existing Road network has a surveyed volume of 3,346vpd leaving and excess of 4,110vpd for the Epiq Estate to utilise. The previously approved and constructed stages of Epiq are expected to generate 2,174vpd. These volumes have been determined from the traffic generation rates outlined in the Ballina Shire Roads Contributions Plan (6.45/dwelling). In accordance with the RMS recommendations, 25% of the trips are internal with the 75% of the total trips generated utilising the surrounding external Road network.

Based on the previously approved and constructed stages of the Epiq Lennox development the surrounding Road network has sufficient capacity for the proposed development (4,110vpd capacity vs 2,174vpd expected traffic). In accordance with the concept approval an assessment of the surrounding road network to confirm there is sufficient capacity for the development will be undertaken prior to the issue of a Subdivision Certificate.

Appendix C of the Engineering Services Report contains the intersection analysis completed by Bitzios Consulting

4.1.6 Flood Impact

The site has been filled as part of previous stages of Epiq Lennox. The Release 3 temporary sediment basin is currently located on the northern portion of the site. Upon completion of Release 3 this basin will be backfilled to a Level 1 Standard. All building sites will be filled to a level above 3m AHD above the prescribed level of 2.65m AHD for flooding which is stipulated under Condition 15 of the Project Approval as provided below.

15 Finished Floor Levels

A suitable restriction as to user is to be placed over the title of the 6 super lots restricting all proposed buildings to be erected with a finished floor level of 2.65 metres AHD or above. Council is to be nominated as the authority empowered to release, vary or modify the restrictions.

Statutory & Policy Planning Assessment

Section 5

Section 5 documents the range of planning controls and policies applicable to the proposed land uses & subdivision as outlined within Section 3 of this report.

5.1 Local Environmental Plan

The Ballina Local Environmental Plan 2012 applies to the site identified as being suitable for urban purposes

Discussion regarding the application of Ballina Local Environmental Plan to the proposed subdivision is provided below.

5.1.1 Ballina Local Environmental Plan 2012 Zoning Objectives & Planning Permissibility

Plate 4 illustrates the zoning framework applied to the land via Ballina Local Environmental Plan 2012.

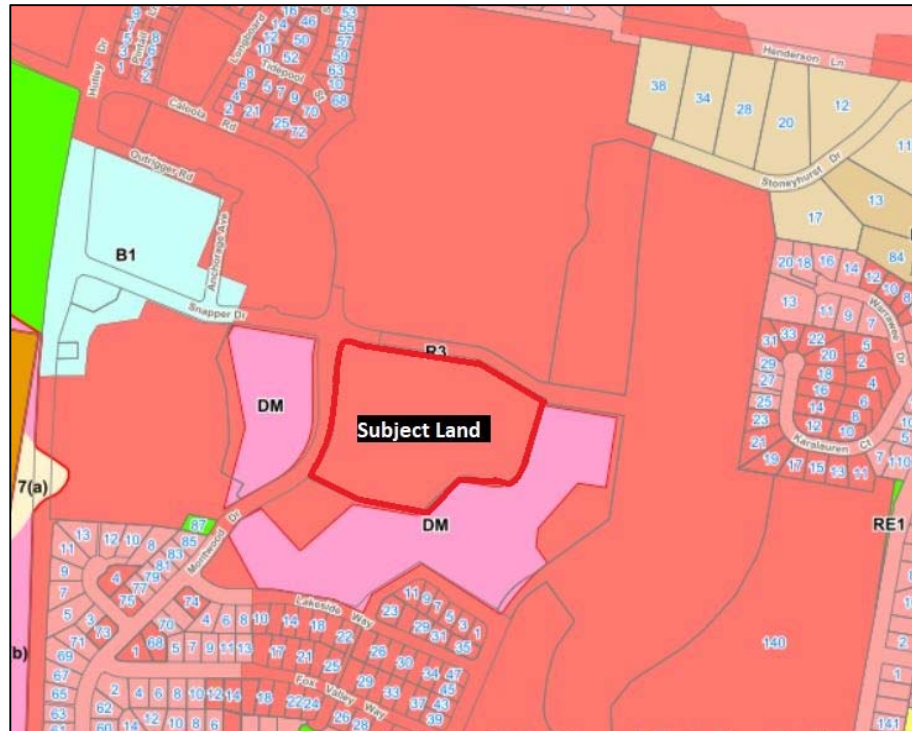


Plate 4: Extract BLEP 2012 Zoning Map
(source BSC Intermaps 2018)

As illustrated above, Lot 5 contains an R3 Medium Density Residential zone. The planning objectives for the R3 zone, together with the proposal's response, are provided below.

Zone R3 Medium Density Residential
1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide development that is compatible with the character and amenity of the surrounding neighbourhood.
- To encourage housing and infrastructure that supports the ageing population.
- To provide for development that meets the social and cultural needs of the community.
- To encourage development that achieves the efficient use of resources such as energy and water.

Comment: The proposed residential subdivision and dwellings are identified consistent with the R3 zone objectives in so far as the development will provide for the housing needs for the Lennox Head community through a variety of housing types within the Epiq Lennox estate. Importantly, the R3 zone specifically relates to a medium density environment which this proposal will achieve.

The density of the development upon Lot 5 is commensurate to the current approval for the site under the Concept Plan, albeit for retirement living. Furthermore, the Ballina DCP 2014 whilst not establishing a specific dwelling density for the subject land nominates a density of 1 dwelling/250m² for the Lennox Head village area. Applying this density to Lot 5 (4.2 ha) would equate to some 168 dwellings which is in excess of the density sought under the proposed amendment.

Further to the zone objectives, residential dwellings permissible are under the BLEP 2014 as illustrated below:

Zone R3 Medium Density Residential

1 Objectives of zone

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide development that is compatible with the character and amenity of the surrounding neighbourhood.*
- *To encourage housing and infrastructure that supports the ageing population.*
- *To provide for development that meets the social and cultural needs of the community.*
- *To encourage development that achieves the efficient use of resources such as energy and water.*

2 Permitted without consent

Environmental protection works; Home-based child care; Home occupations

3 Permitted with consent

Attached dwellings; Boarding houses; Centre-based child care facilities; Community facilities; Extensive agriculture; Group homes; Home industries; Kiosks; Markets; Multi dwelling housing; Neighbourhood shops; Places of public worship; Respite day care centres; Roads; Roadside stalls; Seniors housing; Any other development not specified in item 2 or 4

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Dairies (pasture-based); Depots; Eco-tourist facilities; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Moorings; Mortuaries; Recreation facilities [major]; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Wharf or boating facilities; Wholesale supplies

Clauses 2.6 and 4.1 - Subdivision Consent Requirements

Clause 2.6(1) of BLEP 2012 requires that development consent be received for the subdivision of land, whilst Clause 4.1 and the associated Lot Size Map nominates the minimum lot sizes to be created on the various parts of the site.

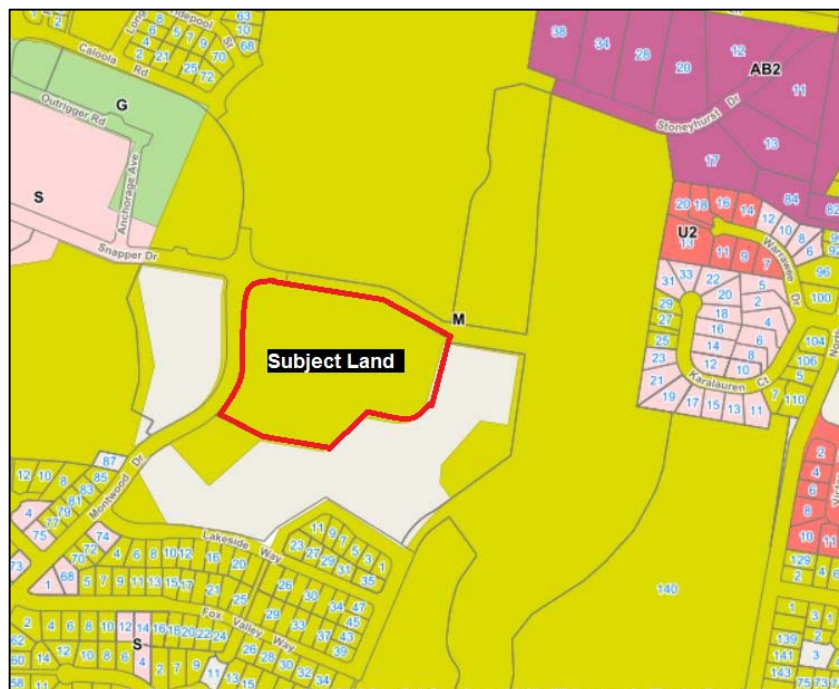


Plate 5: Extract of Ballina LEP 2012 Lot Size Map showing subject land.

(source BSC Intramaps 2018)

Comment: The minimum lot nominated for the land under the Ballina LEP is nominated at 600m², whilst Clause 4.1A permits torrens title lots down to 300m² for proposals over 4 lots comprising integrated housing. The current Concept Plan provides for the creation of 'Retirement Lots' within Lot 5 with lots of some 180m², thereby already below the prescribed LEP minimum lot size.

This modification will seek to incorporate a minimum lot size of 123m² for the proposed torrens title residential lots. Reference is made to the fact the retirement lots under the current Concept Plan did not have a prescribed minimum lot size, despite a subdivision configuration being provided on Concept Plan C8.

Reference is made to the *Pacific Pines Lennox Head Design Guidelines* (2008) which included specific provisions for the Retirement Village as endorsed under the Concept Plan. Section 5.2 of the guidelines identified lot sizes for the retirement village ranging from 180m² – 270m² as illustrated in **Plate 6** below.

Based on the lot design and areas contained within the endorsed design guidelines, there was recognition within the Concept Plan that the lots would be below the prescribed 600m² lot size for this portion of the site.

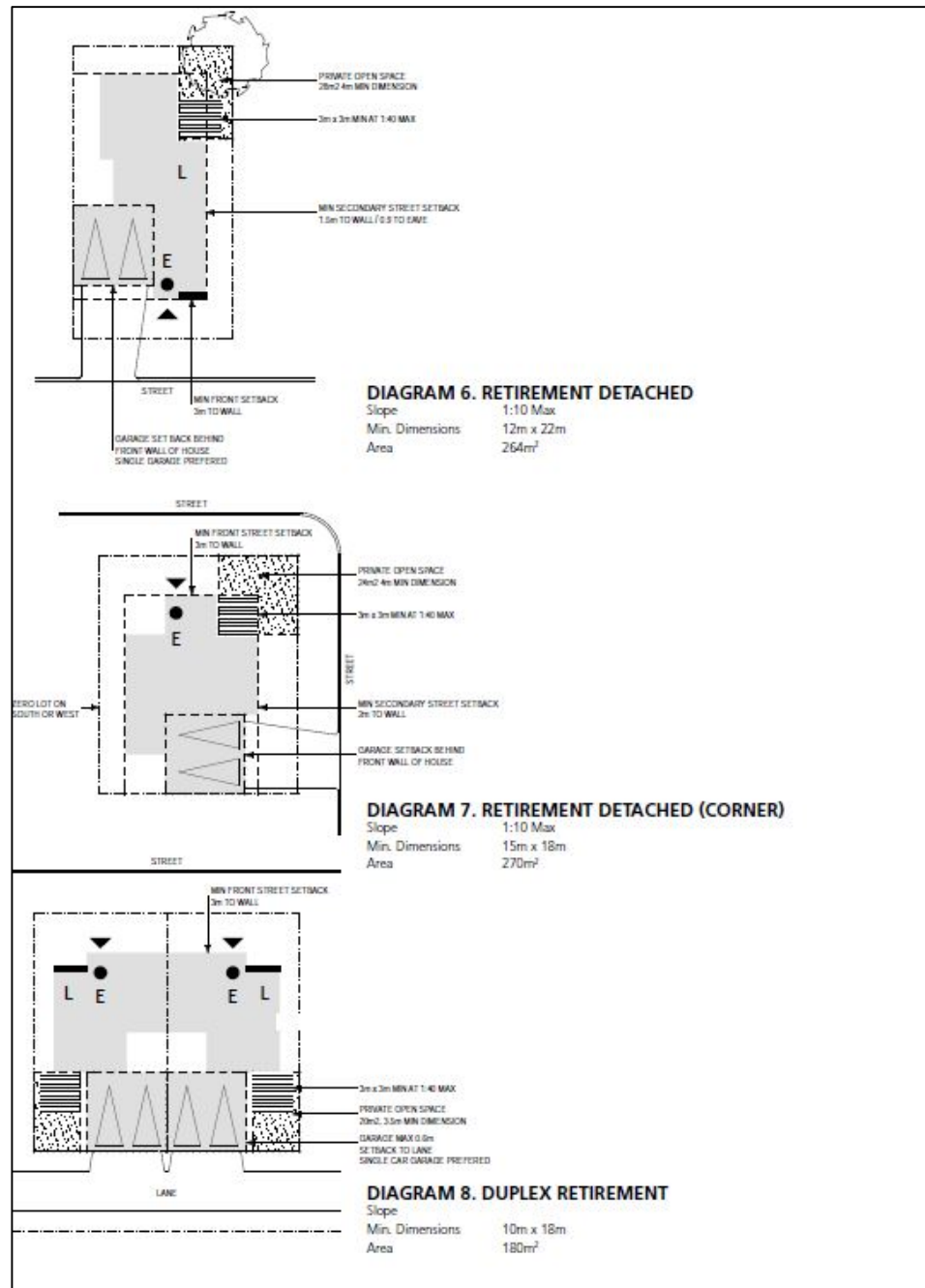


Plate 6: MP07_0026 Pacific Pines Estate Lennox Head – Design Guidelines
 (Dieke Richards- 2008)

Clause 5.5 – Development within the Coastal Zone

Comment: The subject site is located within 1km of the coast and is therefore located within the coastal zone and subject to the NSW Coastal Policy. The following comments are made with respect to the provisions of Clause 5.5

- 2(a) Foreshore Access** – The subject site does not have direct access to the coastal foreshore and, as such, the application does not provide opportunities for improved pedestrian access to the foreshore area.
- 2(b) Relationship to Surrounding Area** – The proposed land use is compatible with the existing and approved Concept Plan for Epiq, through the continuation of the proposed residential land use.
- 2(c) Impact on Amenity of Foreshore** – The subject site is removed from the foreshore area and the development of the land as proposed will not adversely impact on the amenity of the foreshore area.
- 2(d) Visual Amenity and Scenic Qualities** – The site is removed from the coastal foreshore and will not have a direct impact on the visual amenity of the coast line.
- 2(e) Conservation of Biodiversity and Ecosystems** – The Concept Plan and Project Plan approvals over the land provides for the retention of the core habitat areas. These areas are subject to environmental restoration and enhancement via the Conservation Zone & Environmental Management Plan which sits over the parent property for Epiq Lennox.
- 2(f) Cumulative Impact** – Council's strategic planning for the locality has envisaged that the subject site will be developed for urban & neighbourhood commercial purposes. The cumulative impact of the long-term expansion of Lennox Head (including the subject site) was considered as part of these processes.
- 3 (a) Foreshore Access** – Refer comments above.
- 3 (b) Effluent Disposal** – The application involves connection to Council's reticulated sewerage system and no untreated effluent will be discharged into the environment.
- 3(c) Disposal of Stormwater** – Future development of the land will achieve an integrated approach to the disposal of stormwater, with the proposed

approach compliant with Council's DCP targets. No untreated stormwater will be discharged into the environment.

3(d) Coastal Hazards – The site is removed from the immediate coastline and is not subject to Coastal Hazards.

Clause 5.9 – Preservation of Trees or Vegetation

This clause specifies that development consent must be obtained for the removal of trees and vegetation as nominated in Council's Development Control Plan.

Comment: Lot 5 is currently clear of any vegetation cover as a result of the earthworks undertaken on the site under the current approvals. Reference should be made to the ecological report provided within **Attachment 5** of this report.

Clause 7.7 – Essential Services

Clause 7.7 of BLEP 2012 requires that development be supplied with adequate and appropriate levels of infrastructure servicing.

Comment: Details outlining access and servicing requirements for essential services are discussed below.

Water:

Potable and reticulated water will be provided to all allotments (excluding reserves). It is anticipated that the site will be provided with two connection points to the surrounding Lennox Head reticulation network. One connection will be into the existing mains within Montwood Drive with the other connection into the new mains within Snapper Drive (to be installed as part of Release 3).

Modelling of the greater water reticulation networks has been previously undertaken by H2One as part of the greater Epiq Lennox development. Should the expected demand of the development exceed the modelled amount for the site, the modelling will be revised to confirm there is sufficient capacity in the surrounding water reticulation networks.

Sewer:

A new gravity reticulation network will be installed throughout the development to service all residential allotments. A new sewer pump station with access from Montwood Drive will be installed in the south west portion of the site to service the

development. Extensive feasibility investigations have determined that connection of the site to the existing surrounding gravity sewer network is not possible.

Stormwater:

Modelling of the stormwater management across the greater Epiq Lennox development site has been previously undertaken by Gilbert and Sutherland. The stormwater discharge from the Super Lot 5 site will be in accordance with the Gilbert and Sutherland plan. Stormwater treatment and attenuation will be provided downstream by the Water Quality Control Pond (WQCP) in accordance with the plan. The WQCP has already been constructed as part of the previous stages of the Epiq Lennox development.

Access:

Access to the development will be from Montwood and Snapper Drives in accordance with the approved Concept Plan. The Road and Road Reserve widths are generally in accordance with the residential road characteristics specified in the Northern Rivers Local Government Development Design Manual.

Reference should be made to the Engineering Services Report provided within **Attachment 4** of this report for further discussion on infrastructure services.

5.2 Ballina Development Control Plan

Ballina Development Control Plan 2012 applies to the subject land. The elements of the DCP of particular relevance to the current application are as follows:

- **Chapter 2 – General and Environmental Considerations**
 - Section 3.3 Natural Areas and Habitat
 - Section 3.4 Potentially Contaminated Land
 - Section 3.6 Mosquito Management
 - Section 3.7 Waste Management
 - Section 3.9 Stormwater Management
 - Section 3.10 Sediment & Erosion Control
 - Section 3.11 Provision of Services
 - Section 3.18 Protection of Foreshores and Public Open Space Areas
 - Section 3.21 Bushfire Management

- **Chapter 2a – Vegetation Management**
- **Chapter 3 – Urban Subdivision**
 - Section 3.1 Minor Subdivision Controls
 - Section 3.2 Major Subdivision Provisions

An assessment against the relevant sections of the DCP is provided below. This assessment has been structured such that the overarching DCP requirements are considered first, with the more detailed DCP provisions following.

5.2.1 Chapter 2, Section 3.3 – Natural Areas & Habitat

Comment: The environmental qualities of the Epiq Lennox Head estate was subject to detailed consideration via the original Concept Plan process. During this process, core habitat areas were allocated within a Conservation area of some 14.07 hectares which has been created into a single lot and subject to a detailed Conservation Zone Management Plan

The Ecological Assessment prepared by GeoLINK Pty Ltd (**Attachment 5**) provides an assessment of the impacts of the development on the ecological values of the area. The conclusions of this assessment, as summarised below identified no prohibitive issues for the proposal.

Potential Impacts

Impacts of the proposal are very low on the basis that SL5 comprises an active construction site with no native vegetation or significant habitat. Biodiversity impacts may include:

Construction phase

- Minor localised disturbance to fauna (this is already occurring).
- Potential for spread and/ or introduction of weeds and pathogens.
- Potential for sedimentation or disturbance within the Conservation Zone.

Occupation phase

- Resident activity within the Conservation Zone.
- Stormwater impacts (increased nutrients, weed propagules, contaminants, sediment) on wetland environments within the Conservation Zone.

Mitigation

To minimise ecological impacts which may result from the proposal, the following mitigation measures are prescribed:

Construction phase

- Measures to minimise the potential for the spread of weeds must be implemented during construction.
- Sediment fencing and erosion controls must be implemented and maintained for the duration of the works.

- Construction work limits must be clearly marked prior to commencement of works and para-webbing or similar must be placed along the boundary of the Conservation Zone with signage stating 'Protected vegetation – keep out' or words of similar intention. The requirement to avoid vegetation disturbance or damage must be clearly explained to all personnel and subcontractors during the induction process prior to construction works.
- Stormwater infrastructure works must be designed and sited so that works are not required within the Conservation Zone and must comply with prescriptions in the approved Stormwater Management Plan.

Occupation phase

To protect high conservation habitat within the Conservation Zone, the following prescriptions apply:

- Permanent boundary markings (e.g. bollards) shall be installed along the boundary of the Conservation Zone to restrict access. Signage stating "Conservation Zone - entry prohibited" (or words of similar intention) shall be placed along the fencing.
- If fencing of the Conservation Zone is completed it must be permeable to permit fauna movement (e.g. post and rail fencing) and barbed wire must not be utilised.

5.2.2 Chapter 2, Section 3.4 – Potentially Contaminated Land

Comment: Greg Alderson & Associates have undertaken a preliminary site assessment, which is contained at **Attachment 6**. This assessment concluded that there was a low risk of soil contamination at levels which would impact on human health or the environment. The Alderson & Associates assessment recommended:

Based on the known history of the site, inspection of the site and sampling regime, it is concluded that further soil contamination assessment is not required in the proposed development area, and that it is suitable for the proposed residential use. NSW EPA (1995) and NEPM 1999 (2013) state that if the contaminant concentration of the site is below a threshold limit, the investigation area can be considered as uncontaminated, and this is considered to be the case on this site.

It is noted that although results indicate that the fill may be suitable for use for the site, further investigation would be warranted if this soil was used at the site. At the time of completion of this assessment it was understood that the fill was not part of the subdivision and hence was to be removed and outside of the scope of investigation.

It is noted that the investigation although in accordance with the NSW OEH and NEPM requirements is limited to surface soils and no search for buried rubbish [a legacy from former rural properties] was undertaken for the site. In the event that rubbish is found, then Council is to be notified to determine if additional assessment is required.

5.2.3 Chapter 2, Section 3.6 – Mosquito Management

Comment: The site is located in relatively close proximity to known and suspected mosquito breeding areas. Key areas impacting the site are:

- The coastal wetlands & marshlands located to the south and north of the proposed residential zones; and
- The poorly drained rural (grazing) land to the west.

A Mosquito Impact Assessment was completed by Mosquito Consulting Services Pty Ltd as part of the Concept Plan approval for the Pacific Pines Estate. A copy of this report is provided at **Attachment 10**.

In reviewing the assessment report, the principal factor contributing to the effectiveness of mosquito buffering is the separation distance and nature of potential mosquito harbourage between source (of mosquito breeding/harbourage) and receptor (residential allotments and occupied venues/facilities). The separations between source (the Ballina Nature Reserve) and nearest receptor locations for this proposal are approximately 290, being proposed Lot 1.

The assessment offered the offered the following commentary concerning the Concept Plan for Epiq Lennox (formerly Pacific Pines).

The proposed master plan has a number of features relevant to considering potential mosquito impacts to future residents. These features include:

- *A 200m minimum (approx) separation between residential allotments and the Ballina Nature Reserve and DCP Chapter 11 designated mosquito breeding sites (see Plate 6).*
- *Mosquito habitat around trap 2 and existing farm drains identified as potential risk will be eliminated by the development.*
- *The proposed extension of Hutley Drive alignment between the Nature Reserve and Water Quality Improvement Pond increases mosquito buffering.*
- *A large clear space buffer will be created between residential allotments and the Nature Reserve by playing fields and the existing Water Quality Improvement Pond.*
- *Re-engineering of the water course per the existing DA: 2004/1113 and relative recommendations of this report will reduce mosquito breeding risk.*

The proposal adheres to the prescriptive standards set within the report with no housing located within 200m of the Ballina Nature Reserve. Furthermore, specific design criteria (screening of windows and openings etc.) will be applied for future dwellings to accord with the provisions of Chapter 2, Section 3.6 of the Ballina Development Control Plan.

5.2.4 Chapter 2, Section 3.7 – Waste Management

Comment: A construction waste management plan will be submitted for approval as part of the construction documentation. Waste collection for future residential development will be via Council's standard residential waste collection service from the internal road network.

5.2.5 Chapter 2, Section 3.9 – Stormwater Management

Comment: Details of the proposed stormwater management for the project is provided as part of the Engineering Services Report provided at **Attachment 4**.

5.2.6 Chapter 2, Section 3.10 – Sediment & Erosion Control

Comment: A Sediment and Erosion Control Plan [prepared in accordance with Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004] will be submitted to Council as part of the Construction Certificate documentation.

5.2.7 Chapter 2, Section 3.11 – Provision of Services

Comment: The proposed subdivision will be fully serviced with reticulated urban infrastructure. Engineering design plans and a detailed description of the proposed servicing approach is provided within the Engineering Services Report at **Attachment 4**.

5.2.8 Chapter 2, Section 3.18 – Protection of Foreshores & Public Open Space Areas

Comment: The proposed subdivision involves the establishment of a neighbourhood 'pocket park' of 357m². The reserve is intended to be readily accessible and utilised by the community for a passive meeting area and will be embellished with associated public furniture (seating).

5.2.9 Chapter 2, Section 3.18 – Bushfire Management

Comment: A Bushfire Threat Assessment Report has been prepared for the project by Bushfire Certifiers as provided at **Attachment 8** of this report. Reference should be made to Section 4.1.4 of this report.

Ballina Shire Council in responding to the SEAR's consultation process identified a perimeter road should be provided along the eastern and southern boundary for a bushfire buffer to the conservation zone and to also manage ongoing vegetation management within the CMZ. Reference is made to Section 7 of the bushfire hazard assessment provided within **Attachment 8** of this report. The assessment concludes

Consideration in relation to perimeter roads needs to take the bushfire hazard and risk into account. When the hazard is high in relation to vegetation type i.e. forest, slopes and fire runs then a bushfire will have the potential to have a high level of intensity and rate of spread. In these circumstances it is critical to have perimeter roads to enable firefighters to be able to work adjacent to the hazard in order to create clear control lines to undertaken hazard reduction or back burning operations to minimize the fire intensity at the development interface.

The bushfire hazard potentially impacting the proposed subdivision is not considered to be high risk given it is predominantly freshwater wetland and grassland. These vegetation types and the limited size of the hazard will not have significantly sustained fire fronts and will unlikely require back burning.

Further, the direct fire run backing on to the development is approximately 100-150m in length at the widest points and is disconnected from the primary hazard further to the west. The growth stage through the treed area from a point ignition will limit the intensity of the bushfire at the development interface. Therefore, the likely need to back burn or undertaken hazard reduction with this size and type of hazard is negligible. It is also noted, although freshwater wetlands can dry out the likelihood of reaching a curing point as outlined in PBP2006 methodology is less than any other vegetation type given the catchment area.

There is a small area [0.4ha] of forested wetland in the central portion of the conservation zone however it is not considered to be the most dominant vegetation to influence bushfire behaviour at the APZ interface. This area is remnant is size, it being noted that remnant APZs are less than that for freshwater wetlands pursuant to Appendix 2 PBP2006

It is therefore considered that a perimeter road in the location of Super Lot 5 is not required to meet the objectives of s4.1.3 PBP2006 and the aim of PBP2006 which is to "minimise impacts on property from the threat of bush fire, while having due regard to development potential, on-site amenity and protection of the environment".

5.2.10 Chapter 3 – Urban Subdivision

Section 3.2 – Major Subdivision Provisions

Chapter 3 establishes separate planning pathways for major (>10 lots) and minor (<10 lots). The core difference between the two processes relates to the requirement that major subdivisions be developed in the context of a master plan, with formal engagement processes with Council at various stages of the process. Following is an assessment against the provisions of Section 3.2.

Pre-lodgement Meetings with Ballina Shire Council

Further to consultation required under the SEAR's, members of the project team have held several pre-lodgement meetings and discussions with Council staff. A full Council briefing with staff and Elected Councillors was conducted on 29 November 2018.

Major Subdivision Control Elements

Table 6 provides an assessment against the Major Subdivision Control Elements contained in Section 3.2 of the DCP.

Table 6: Major Subdivision Control Elements

A. Element – Vision, Concept and Master Plan Content		
i	Vision and concept presented to Subdivision Panel is to include certain information. Comment: Details concerning the engagement with Council is provided in Section 1.6.	
ii	Master Plan must include information required for item “i” as well as the issues identified via the pre-lodgement consultations. Comment: This application includes consideration of the matters raised in the pre-lodgement consultations with Council.	
	Regard must be had to the principles of the NSW Coastal Design Guidelines. Comment: The proposed subdivision complies with the 5 principles for coastal settlement structure contained within the Coastal Design Guidelines as outlined below.	
iii	Defining the footprint and boundary of the settlement	Comment: The boundary of the zoned urban area of Lennox Head has been established via the strategic and rezoning processes undertaken by Council. The current application is consistent with these processes.

Connecting open spaces	<p>Comment: The proposed subdivision provides for:</p> <ul style="list-style-type: none"> • Preservation of key areas of environmental, heritage and visual importance; • Appropriate buffers and setbacks to protect significant natural environments as well as ensuring mosquito management objectives; • Contemporary management of stormwater to minimise impacts on natural environments; • Streets as “edges” to open space areas wherever possible; and • Pedestrian connectivity through the site is provided. With respect the mid-block pedestrian network provided Road B to Road B, the design has had regard to the pathway being intersected by Road C to afford greater natural surveillance. Accordingly, a maximum travel distance of 20m is provided between Road B to Road C. Landscaping will provide for no concealment locations.
Protecting the natural edges	<p>Comment. Provisions relating to foreshore areas and coastal erosion are not applicable to current application.</p>
Reinforcing the street pattern	<p>Comment: The proposed subdivision provides for:</p> <ul style="list-style-type: none"> • A legible street hierarchy in a modified grid pattern which responds to the landform; • Ready access to key views and vistas; and • Legible pedestrian networks.
Appropriate buildings in a coastal context	<p>Comment: Future dwellings will be subject to the applicable Design Guidelines provided within Attachment 2.</p>
<p>Regard must be had to subdivision design standards produced by the Queensland Government Urban Land Development Authority as summarised in Table 3.2.</p>	
<p>Access</p>	
Design Standard	Comment
Maximum 400m walk to recreation park	<p>Comment: All proposed lots are within 400m of the planned pocket public park. Alternatively, access to the parks provided within Stage 1B and Stage 2 of Epiq Lenox Head are also achievable from the development by the pedestrian network.</p>
Clear & Direct Access to a neighbourhood centre	<p>Comment: The proposed Epiq Lennox Commercial Centre will be readily accessible by future residents.</p>
90% of dwellings within 400m of a bus stop	<p>Comment: All lots are located within 300m of the proposed town centre precinct. It is expected that a central bus stop will be provided at this location to service the estate. This is in accordance with the <i>Ballina Development Control Plan 2012 - Chapter 3 - Urban Development</i> where 80% of all lots must be within 400m of a designated bus route.</p>

Dwelling Density	
Average net density of 15 dwellings/ha unless constrained by topography or other constraints	Comment: The area of the proposed subdivision (including lots, roads and public reserve) is approximately 4.17ha, within which 145 residential lots are proposed. The resulting density, albeit below the current approval equates to some 34 dwellings/hectare.
Higher densities to be located near activity nodes and connector streets	Comment: The subdivision is located adjacent to the primary neighbourhood commercial area and is connected by the pedestrian network for all residents. The density has been developed consistent to the Concept Plan (MP07_0026) which had previously approved 124 retirement lots.
Land Use	
Neighbourhood centres should serve several neighbourhoods	Comment: The proposed Epiq Lennox Centre will service the day to day commercial needs of residents.
District and major parks should be located at the periphery of neighbourhoods.	Comment: Not applicable to current application. Neighbourhood parks to service local community are located within subdivision, whilst the district park developed under Stage 1A of MP07_0026 for Epiq Lennox.
Street Network	
Subdivision should utilise a grid pattern or modified grid responsive to site characteristics.	Comment: Subdivision design provides a modified grid pattern which responds to the site characteristics and approved road layout under the Concept Plan MP 07_0026.
Where slope allows, orientation within 15 degrees of north-south or east-west.	Comment: Majority of streets provided in an east-west and north-south orientation.
Block Sizes	
Blocks are designed to incorporate: <ul style="list-style-type: none"> • Length 100-200 metres. • Mid-block providing a pedestrian link when blocks are over 130 metres. • Depth 40-80 metres. 	Comment: Given the nature of the development and configuration of Lot 5, the lots bordered by Road B & Road D are below 100m in length. As the proposal is for integrated housing, lot lengths below 100m are considered to be desirable to address the bulk and mass of the development. Pedestrian connectivity is achieved to key attractions and circulation routes.
Urban Lot Layout	
Lots intended for mixed use or multiple residential uses take up entire street block or are located on highly accessible block ends, corner lots and lots with dual road frontage,	Comment: Design guidelines have been established for the development of future residential housing upon the proposed torrent title lots as provided within Attachment 2 . The guidelines have been prepared to create a high quality, contemporary and environmentally sustainable built environment, which will underpin the value of Epiq

	<p>Lennox as a desirable place to live.</p> <p>The design specifications provide the development of a 'beach' style architecture that is environmentally friendly emphasising a mixture of lightweight materials such as timber, fibre cement and colorbond with a coastal colour palate, and the use of native plantings to attract bird life and reduce the need for watering.</p> <p>The specification explains the design 'intent' and subsequent "solution" applied to this integrated housing project.</p>
One lot type is not to dominate a street block.	<p>Comment: Being an integrated residential housing project, the lot typology is consistent with regard to lot frontage/depth in order to entertain the four unit types which are planned for the project and illustrated in plans contained within Attachment 2 of this report.</p>

5.3 Ballina Shire Affordable Housing Strategy (2010)

The purpose of this strategy is to outline a range of initiatives that Council and others may pursue to improve housing affordability in Ballina Shire. The viability of these strategies is dependent, however, on a number of factors 'coming together', in terms of Federal and State Government activities, private and/or 'third-sector' interests and financial circumstances.

The Strategy identifies the competition for housing in Ballina Shire is strong, due to rapid and sustained population growth and tourist pressures, particularly because of the increasing popularity of the area as a 'sea change' destination for retirees.

In respect to income levels, the Ballina Shire is an area where incomes are relatively low, while rents and housing prices are relatively high. The level of income an individual or household earns has a significant impact upon the type of housing that they are able to access.

In identifying measures to address housing affordability, the Strategy highlights Councils important role in encouraging developers to provide a greater diversity of dwelling types in residential developments. To this end, the Strategy states;

In Ballina Shire's case, consideration may also need to be given to the potential for intensification of residential development in existing urban areas in proximity to commercial and community services and facilities.

The retention of a residential housing project is achieved through the sought modification. The ability to recognise the medium density zoning of the land and to provide an integrated housing project provides the opportunity to present the market with entry level housing which critically is within walking distance to the planned neighbourhood shopping facility, sporting facilities and childcare. The proposal is considered to adhere to the strategic direction of Council's Affordable Housing Strategy.

5.4 Lennox Head Structure Plan (2004)

The Lennox Head Structure Plan provides the framework for the development of new urban release areas in the Lennox Head district. The need for the Structure Plan was identified in the Lennox Head Community Aspirations Strategic Plan, which was adopted by Ballina Shire Council in November 2002.

The Lennox Head Structure Plan outlines Ballina Shire Council's broad strategy or "Blue Print" for the growth and development of Lennox Head. All development of new release areas in Lennox Head will need to comply with the framework established by the Structure Plan.

The subject land is located within Area K of the Structure Plan. Area K involves the remaining stages of Pacific Pines Estate (now called Epiq Lennox Head). The Structure Plan provides the following outline for the estate.

Ballina Shire Development Control Plan No.1 – Urban Land identifies the Council endorsed layout for the Estate and nominates land use designations for all land within the Estate. This layout includes sites for a neighbourhood shopping centre, community centre, playing fields and local playgrounds. However, the recent introduction of State Environmental Planning Policy No.71 - Coastal Protection (SEPP 71) has meant that it is necessary to revisit the layout of the Estate to ensure that it is consistent with contemporary planning practice. This requires the preparation and approval of a Master Plan pursuant to SEPP 71. A draft Master Plan for the subdivision of the remaining 580 lots has been lodged with the Department of Infrastructure, Planning and Natural Resources. The Master Plan proposes significant changes to the layout of future stages of the Estate.

Of particular reference to the proposed modification is the requirement to address the development principles contained within Section 2.2.3 of the plan. Accordingly, an assessment of the relevant provisions is contained within **Table 7** below.

Table 7: Lennox Head Structure plan Development Principles Assessment

Structure Plan Provisions	Assessment Commentary
Village Atmosphere & Lifestyle Principles	
Housing Design	<ul style="list-style-type: none"> • The planned subdivision layout and associated built form is sensitive to the form and character to the natural environment and terrain through the ability to utilise land already approved for earthworks to create the final landform. • The proposal provides the impetus to supply the Lennox Head area and more specifically Epiq Lennox with a range of housing types and densities. Of critical importance is the proposed higher density development planned for Lot 5 is located close to activity nodes, thereby servicing the daily needs of future residents and within walking distance. • The subdivision will result in differing housing options within the Epiq Lennox Head estate. In this respect, residents will be offered conventional lots on 800m² through to integrated housing. The proposed dwelling designs provide four (4) design options which are based on coastal lightweight construction and associated colour schemes. • The scale of development is responsive the already approved retirement village lots whereby 124 lots are approved within the Concept Plan for Lot 5. In this regard, the proposed subdivision and associated design guidelines will offer a style and scale of development which is sensitive to the character, climate and topography of the immediate locality. • The proposed residential subdivision affords predominantly a north-south lot orientation thereby providing scope to maximise solar access for each residential dwelling. The building designs also adopt architectural elements to capture the prevailing summer breezes; incorporate eaves & overhangs for sun and rain protection.
Transportation & Walkability	<ul style="list-style-type: none"> • The subject land is located within 250m of the planned shopping centre which is accessed by a public footpath network. Internally, the proposed subdivision provides a pedestrian network through the development and will connect to both Montwood Drive and Snapper Drive. Accordingly, the proposal encourages walking and cycling where practicable to community and

	neighbourhood retail services.
Visual Character	<ul style="list-style-type: none"> Given the location of the proposal and the two storey building design, the development will not materially impact views and vistas to and from prominent ridgelines consistent with the local context for the Epiq Lennox Head estate. Ecological systems surrounding the site are preserved by the CMZ. The subdivision layout affords sufficient setback to the CMZ for bushfire purposes.
Community Consultation	<ul style="list-style-type: none"> Active and timely community consultation has occurred through the community drop in day as outlined within Section 1.6 of this report.
Environment Principles	
Environment	<ul style="list-style-type: none"> The development does not seek to increase the footprint of development outside the bounds of Lot 5 commensurate to that approved for the retirement community. To this end, the eastern and in part southern boundaries are defined by the CMZ. Due regard is made to the design of the subdivision to address stormwater management and to afford a 10m buffer to the common boundary for the purpose of a bushfire asset protection zone. The proposal is located on land already approved for housing. Notwithstanding this point, the site satisfies the buffer to known mosquito breeding areas, whilst screening will be applied to all dwellings consistent with the Ballina Development Control Plan between urban development and areas identified as being key mosquito habitats or at high risk of bushfire hazard;
Cultural Heritage	<ul style="list-style-type: none"> The subject land is not identified as a site containing any cultural significance as outlined within the Cultural Heritage Assessment completed for the project (refer Attachment 7).

5.5 North Coast Regional Plan 2036

This Plan came into effect in March 2017 and replaces the Far North Coast Regional Strategy 2006-2031. The subject land is mapped within the Urban Growth Area for the Lennox Head area as illustrated in **Plate 7**.

Reference is made to Directions 23 & 25 which seek to encourage housing diversity by delivering 40 per cent of new housing in the form of dual occupancies, apartments, townhouses, villas or dwellings on lots less than 400 square metres, by 2036 and housing which respond to changing housing needs, including household and demographic changes, and support initiatives to increase ageing in place.

The proposed modification will be consistent with the aforementioned actions through providing housing which meets the medium density intent of the Plan upon land which is strategically zoned R3 – Medium Density and this supports the planned residential density to occur.

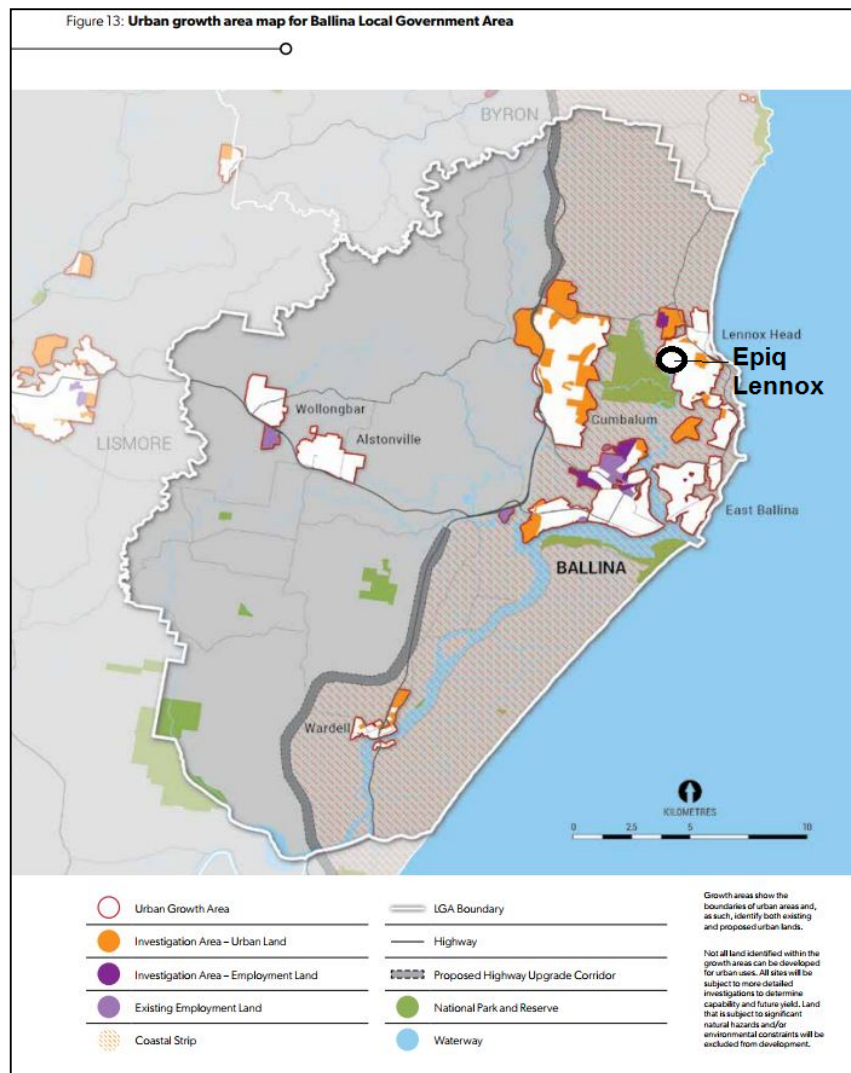


Plate 7: North Coast Regional Plan Urban Growth Area Map 2035 – Figure 13

5.6 State Environmental Planning Policies

5.6.1 SEPP No. 55 – Remediation of Land

Comment: A desk-top review of the site history and land use pursuant to SEPP 55 was undertaken for the Concept Approval by the Department of Planning & Environment. The desk-top site history review confirmed the Epiq Lennox land was historically used for cattle grazing and concluded that the existing and historical use of the subject land and surrounding properties are unlikely to have caused contamination of the site and that the site is considered suitable for the proposed development. A preliminary contamination assessment prepared by Ardill Payne & Partners was provided with the original Concept plan and Project approval and found no likely contaminated lands.

Detailed assessments have been completed for Lot 5 as provided within **Attachment 6** of this report. The assessment concluded;

Five soil composite samples were collected over the investigation area at the locations shown on Exhibit No 2. Samples were analysed for heavy metals (including arsenic, lead and copper), organochlorines (including DDT, aldrin/Dieldrin and endosulfan) and organophosphorus, which were considered to be the most likely chemicals to cause contamination at the site due to past potential agricultural use of the site and adjacent areas, and also if there had been old buildings in the investigation area (eg lead, zinc, organochlorines and organophosphates).

The sampling results were compared with the HILs determined from NEPM 1999 (2013). HIL's were those set out in Table 1A(1) of NEPM 1999 (2013) under Residential A, using 'adjusted acceptable levels'. All results were below the relevant HILs. The fill was not examined due to the unlikelihood that this would be intersected as part of the development and there was a low potential of contamination based on the aerial photographs.

Based on the known history of the site, inspection of the site and sampling regime, it is concluded that further soil contamination assessment is not required in the proposed development area.

It is noted that the investigation although in accordance with the NSW OEH and NEPM requirements is limited to surface soils and no search for buried rubbish (a legacy from former rural properties) was undertaken for the site. In the event that rubbish is found, then Council is to be notified to determine if additional assessment is required.

5.6.2 State Environmental Planning Policy (Coastal Management) 2018

The aim of this Policy is to manage development in the coastal zone and protect the environmental assets of the coast, through a planning framework which promotes the objects of the Coastal Management Act 2016.

The western portion of the subject land is mapped as being land within the “Coastal Environment Area” as evidenced in **Plate 8** below.

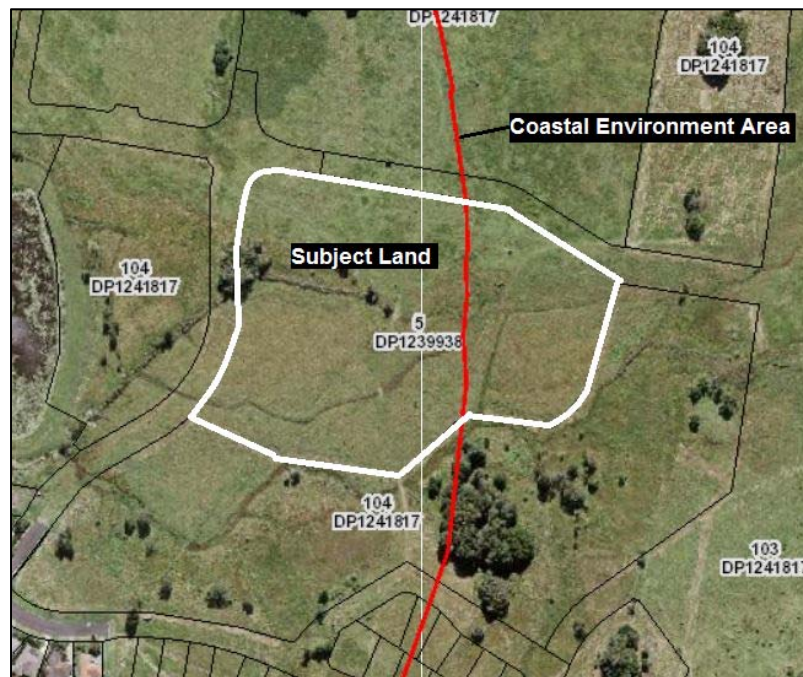


Plate 8: Biodiversity Value Map
(NSW Dept of Planning & Environment August 2018)

Based on the outcomes of the approved stormwater management plan for the estate, combined by the management of the Conservation Zone west of the site, the modified proposal is not will have additional material impact upon the biophysical or hydrological integrity of the site.

As eluded within this report, the quality and quantity of surface water directed to land mapped as ‘coastal environment area’ will not be materially modified by this development.

Under Clause 13, the development will not cause increased risk of coastal hazards on that land or other land given the nature of the development and its location in respect to sensitive coastal areas, will not impact upon existing open space and access to the foreshore nor is recognized as being a location of cultural heritage significance.

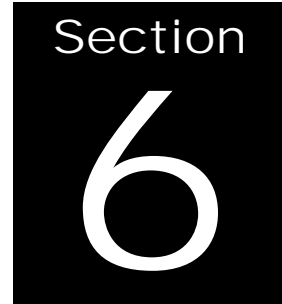
5.7 Integrated Development

Section 91 of the Environmental Planning and Assessment Act 1979 identifies the following development as integrated development.

<i>Rural Fires Act 1997</i>	s 100B	Authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	Applicable
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Conclusion



This Section 75W report, prepared on behalf of Clarence Property Corporation Limited describes the proposed modifications to the development to provide for the implementation of an integrated residential development on Lot 5 DP 1239938 within the Epiq Lennox development.

The proposed inclusion of the integrated residential development scheme provides improved accessibility to entry level residential housing.

Importantly, the location of the development draws on the opportunities presented through the proximity to the planned supermarket, community facilities and recreational open space areas within the Epiq Estate.

The proposed modification of the approval is considered to be in the public interest and therefore approval of the application is respectfully requested.

A handwritten signature in black ink that reads 'Damian Chapelle'.

DAMIAN CHAPELLE
Town Planner. BTP CPP

Date: 29th August 2018