

Date: 15<sup>th</sup> June 2022

Our Ref: 14/351

Department of Planning, Infrastructure & Environment  
GPO Box 39  
SYDNEY NSW 2001

Attention: Ms Bonnie Hale

Dear Madam,

**Re: Epiq Lennox (Pacific Pines Estate), Lennox Head - MP 07\_0026 MOD 7**  
**Response to Submissions & Additional Information**

Reference is made to the Department of Planning & Environment (**DPE**) letter dated 12 May 2022, in relation to the proposed Modification to MO07\_0026, for Lot 5 DP 1239938 within the Epiq Estate Lennox Head.

This letter addresses the matters as contained within Attachment A of the DPE letter.

1. *The Department's correspondence dated 6 November 2020 required the provision of a 20m buffer between the ecological corridor and residential lot boundaries. It is noted that the updated subdivision plan provides for this 20m buffer area along with the required 5m native vegetation strip adjoining the ecological corridor. However, further information is required to respond to other matters raised in the Department's letter and resulting from the amended subdivision design, including:*

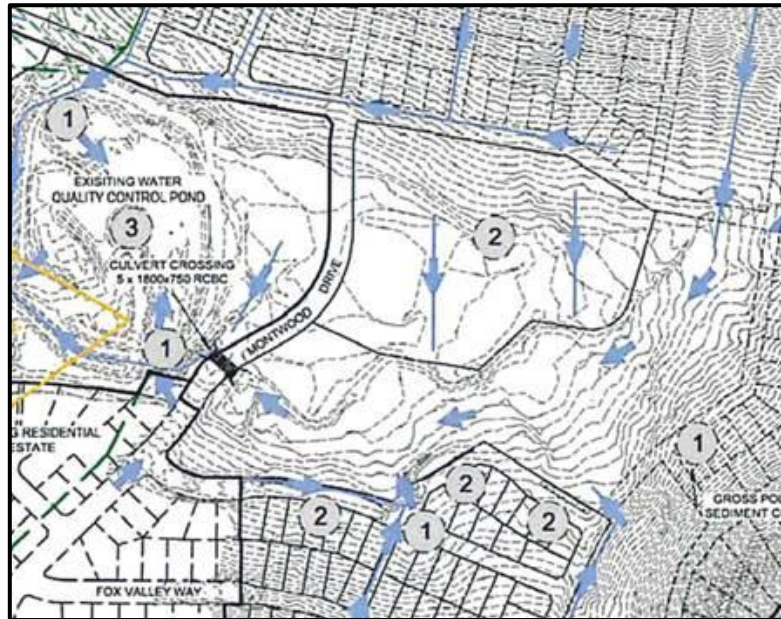
- (a) *updated Landscape Plans including details of street landscaping, articulation along existing roads and plant details. Planting in the 5m native vegetation strip should ensure it does not compromise bushfire, mosquito, and maintenance requirements;*  
**Comment:** Please find attached the concept landscape plan (**Attachment 1**) which aligns to the previously endorsed landscape plan for SL5. Reference is made to the species selection which adheres to the bushfire and mosquito assessments completed for SL5.

In respect to the landscape plans detailing the final articulation, we raise no objection to the inclusion of a condition being included within the Project Approval requiring the lodgement of a detailed landscape plan for approval by Ballina Shire Council prior to the release of the Subdivision Works Certificate. This will allow the detailed civil design to be completed in association with the landscape treatment.

We submit, the proposed inclusion of a condition as outlined above aligns with the current standard conditions applied by Ballina Shire Council.

(b) *assessment of potential impacts to the wetlands and other vegetation communities of water flow to be directed into the conservation area; and*

**Comment:** The proposed development will result in a reduction in stormwater flows generated to that previously proposed on the site. The stormwater outlets are generally in the same position and match the existing drainage impressions through the CMZ as closely as possible. It is noted that a stormwater master plan for the entire Epiq Lennox Estate has been previously approved by the DPE and covers the Super Lot 5 site. This plan has been prepared by Gilbert and Sutherland (dated July 2014) and shows the entire site drainage through the CMZ, see below:



As requested by the DPE (as part of the previous layout) provision has been made to divert flows under Montwood Drive and away from the CMZ. In keeping with the previous design, the North West corner of the current site has been diverted under Montwood Drive, see purple highlighted area below:



As outlined above additional provisions have been made to divert stormwater flows away from the CMZ in addition to that already approved for the site. To this end, the modified proposal has a significantly less impact than the approved layout given the subdivision design provides for a major area of the site to drain to Montwood Drive and not towards the CMZ.

Freshwater Wetlands are dynamic ecosystems and they have been mapped within the conservation zone since 2011. During this time, despite a reduction in distribution since initial mapping in 2011, the area of Freshwater Wetland has generally remained relatively constant since 2016. This is despite droughts in 2019, wet conditions in late 2020- early 2021 and early 2022, and surrounding development within the Epiq Estate. It is not anticipated that the designed stormwater system would result in permanently higher water levels or prolonged inundation that would significantly adversely affect vegetation within the conservation zone. It is not expected that the composition of native species would be permanently altered or that the freshwater wetland would extend beyond its natural dynamic range.

- (c) *clarification whether there will be any loss of area within the conservation area due to stormwater or sewer works required for the proposal and should there be any loss of area, appropriate offsets for the loss.*

**Comment:** No sewer works are proposed within the conservation area. In keeping with the previous applications as endorsed by Ballina Shire Council, minor stormwater works adjacent to Montwood Drive are proposed to correct existing drainage issues in the area. The proposed works are detailed on plan 140351-S5-DA-BE-01 lodged with DPE.

2. *Submission of responses to comments raised by Council, State agencies and Public to the Department's Response to Submissions request (dated 29 June 2020) must be provided.*
3. *Submission of a response to comments raised by the then Roads and Maritime Services (RMS) (dated 21 November 2018) must be provided. It is noted that while the Response to Submissions request (dated 29 June 2020) identifies RMS comments have been provided, the document does not respond to the comments.*

**Comment:** By way of background, our RtS dated 9 July 2019 provides a response to all government agencies (including Transport NSW – formerly RMS). Following a request by DPE, a further modification to the subdivision layout was completed and in response to comments from BCD and Ballina Shire Council, a further RtS was lodged with letter dated 17 September 2020. To this end, the proponent has previously addressed the Transport NSW comments and the response had been accepted by DPE and hence was not raised in the second RtS.

Notwithstanding the above, please refer to the attached NDC letter dated 14 June 2022 (**Attachment 2**) which addresses the government agency and public submissions as they relate to the modified layout.

4. *In addition to the updated Landscape Plans identified above in 1a., a full set of updated Concept Plan and Project Approval plans are required due to the change in subdivision layout.*

**Comment:** Please find attached (**Attachment 3**) the updated plans for the Concept Plan and Project Approval which reflect the modified subdivision layout.

5. *Clarification whether the 20m buffer provided to the conservation zone, including the 5m vegetation landscaping strip, will alter the bushfire threat to the site and recommendations of the submitted Bushfire Report (dated 12 August 2018). It is noted that the Site Plan provided to the bushfire consultant (Attachment A to the letter dated 7 February 2022 prepared by Bushfire Certifiers) does not identify any landscaping in the 20m buffer area.*

**Comment:** Please refer to the attached letter Bushfire Certifiers (**Attachment 4**) identifying their letter of dated 7 February 2022 had regard to the site plan and as such no impact upon the APZ results.

6. *Clarification whether the 3m shared access gravel footpath/cycleway is sufficient for emergency service access noting the NSW Rural Fire Service (RFS) comments dated 23 July 2020 identified the need for a minimum 4m accessway (along with other accessway requirements) and that correspondence from Bushfire Certifiers (dated 7 February 2022) indicates acceptance of the RFS comments.*

**Comment:** Reference is made to NDC Plan 140351-S5-DA-CI-01 (Rev C) (**Attachment 3**) which identifies the footpath/cycleway as being 4m wide and therefore compliant with NSW Rural Fire Service (RFS) comments dated 23 July 2020 which identifies the need for a minimum 4m accessway.

**Attachment 4** also contains correspondence from *Bushfire Certifiers* which illustrates the amended layouts consistency to the Planning for Bushfire Guidelines and included commentary on the NSW RFS terms.

7. Submission of an updated daily traffic generation rate from the proposal and confirmation that there continues to be sufficient capacity in the road network for the proposed development.

**Comment:** The current layout has resulted in a reduction in the proposed density from 145 dwellings to 102 dwellings. The 102 dwellings are expected to generate a total of 658vpd a reduction of 278vpd from the 936vpd previously calculated.

It is noted that condition B7A of the concept approval (MP 07\_0026) limits the release of the land until the construction of the Northern Hutley Drive extension has been constructed. Ballina Shire Council has completed this extension with the construction of a roundabout on The Coast Road. As the proposed layout results in a reduction in traffic generated and the northern connection of Hutley Drive has been completed the surrounding road network is considered to have sufficient capacity for the development.

Should the Department have any questions relating to the contents of this letter, please do not hesitate contacting Damian Chapelle of this office on (02) 6622 1011.

Yours sincerely,

**NEWTON DENNY CHAPELLE**



**DAMIAN CHAPELLE**

Town Planner. BTP CPP.



Newton Denny Chapelle

SURVEYORS PLANNERS ENGINEERS

## **ATTACHMENT 1**

**Landscape Concept Design Report**

***02 Landscape Architecture***



## EPIQ ESTATE

LANDSCAPE CONCEPT DESIGN REPORT

PREPARED BY



**PROJECT ADDRESS**

EPIQ Estate  
Lennox Head

**CONTACT**

02 Landscape Architecture  
(07) 3831 0681

**DOCUMENT NUMBER**

333 SD-LR001 J  
Date: 14/06/2022

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## 01 Introduction

### DESIGN INTENT

**The landscape concept** for Pacific Pines focusses on the following key objectives:

1. Articulation along existing roads
2. Pedestrian connectivity
3. Reflection of local character and integration with the overall masterplanned development

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

1. 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)
2. Visual relief & interest by staggering the arrangement of retaining walls/fences and utilising a combination of solid & semi-transparent materials
3. Terraced retaining walls to reduce the scale of walling
4. Integrated design of street trees & canopy trees
5. Understorey planting at street frontages to provide a lateral buffer/privacy & visually soften built form
6. Breaks between tranches are used as punctuation points to maximise tree planting & provide further visual softening

### **Pedestrian connectivity:**

1. 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'

2. Secondary pedestrian spines are provided along select roads and connect to the primary spines
3. Canopy trees provide shade for pedestrians & streetscape whilst also visually soften the built form

**Other design elements** within the development include the following:

1. Threshold treatments in roadway to delineate/reinforce entries whilst providing visual relief to roadway materials
2. Appropriate planting for the conservation buffer is provided abutting the conservation zone. This comprises well spaced trees, understorey and turf. Note: conservation buffer to be managed as an Inner Protection Area.
3. Plant species character reflects Ballina Shire Council requirements and the development masterplan.

## 02 Conceptual Process

### CONCEPTUAL DIAGRAM PEDESTRIAN CIRCULATION

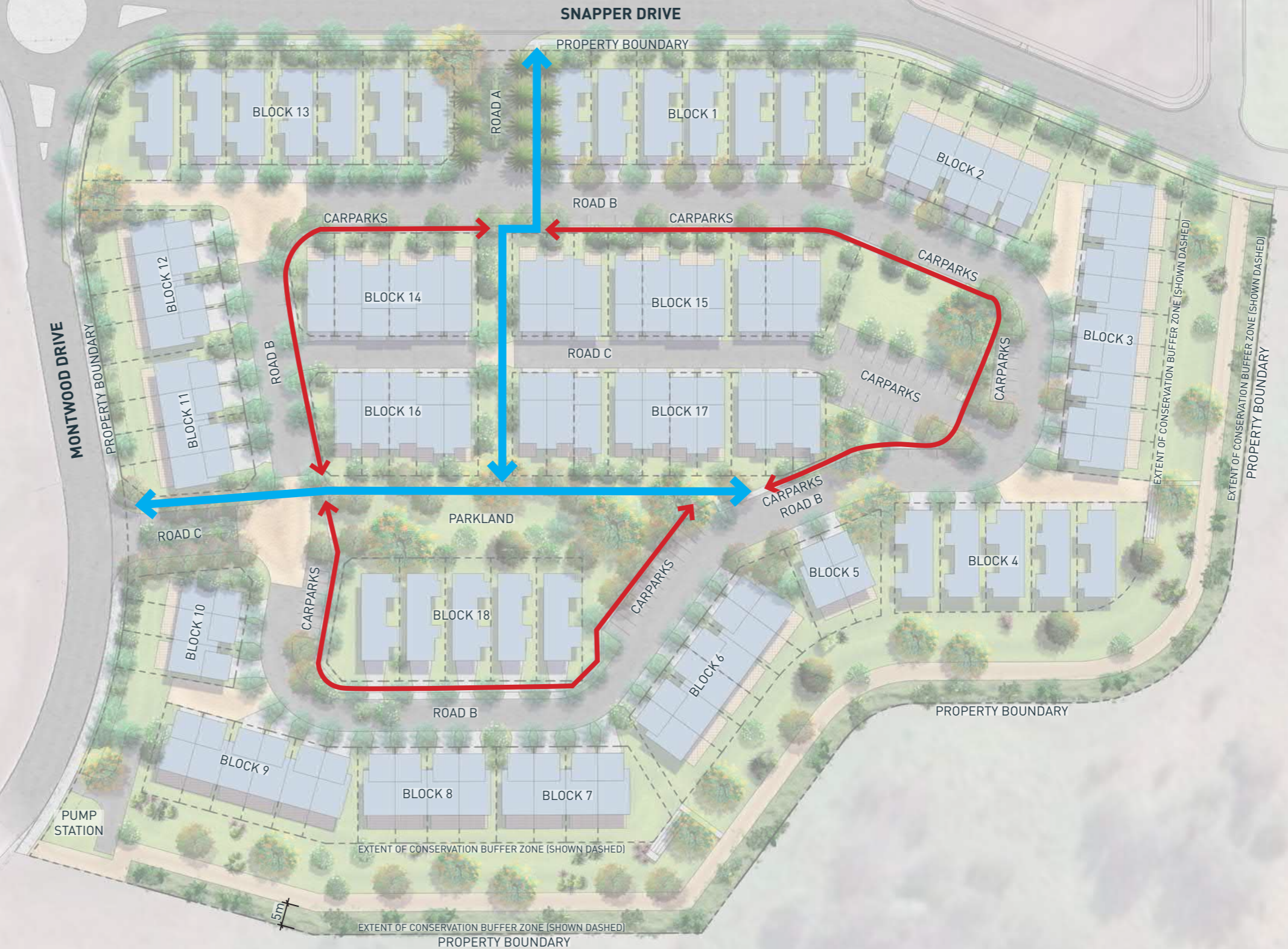
#### LEGEND



MAIN PEDESTRIAN  
CONNECTION




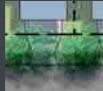


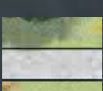





SECONDARY PEDESTRIAN  
CONNECTION



# 03 Plans

## LANDSCAPE CONCEPT PLAN MASTERPLAN

### LEGEND

-  LARGE FEATURE TREE AT PROMINENT CORNERS & SITE ENTRIES
-  STREET TREES
-  SMALL COLUMNAR TREE
-  FEATURE CANOPY BOULEVARD TREE
-  FOOTPATH
-  ROAD THRESHOLD AT PROMINENT CORNERS & SITE ENTRIES
-  ACCESS TRACK
-  SCATTERED TREES (NOT MORE THAN 15% AREA OF I.P.A.)
-  CLUMPS OF SHRUBS (NOT MORE THAN 20% AREA OF I.P.A.)
-  MOSQUITO PROOF PLANTING ZONE 5m WIDTH



## 04 Character Images

### HARDWORKS



FENCES ALONG MONTWOOD DRIVE & SNAPPER DRIVE: STAGGERED ALIGNMENT & COMBINATION OF SOLID & SEMI-TRANSPARENT FENCES MATERIALS



SEMI-TRANSPARENT FENCE PANELS



CANOPY TREES, SHRUBS & GROUND COVERS AS PLANTING BEDS AT THE STREET FRONTAGES AND WITHIN YARDS OF LOTS (EXCEPT WITHIN THE APZ)



TERRACED RETAINING WALLS TO ASSIST IN TAKING UP LEVEL CHANGE WHILST PROVIDING VISUAL RELIEF FOR WALLING



TERRACED RETAINING WALLS TO PRIVATE COURTYARDS



ROAD THRESHOLDS AT PROMINENT CORNERS & SITE ENTRIES

## TREES



*ARAUCARIA columnaris*  
H: 20-30m W: 6-8m



*ATRACTOCARPUS fitzalanii*  
H: 6-10m W: 2-4m



*BANKSIA integrifolia*  
(Coastal Banksia)  
H: 8-15m W: 3-10m



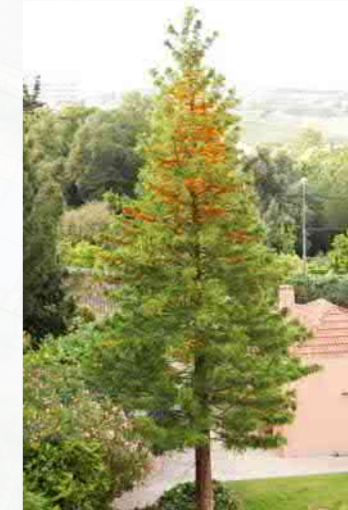
*BACKHOUSIA citriodora*  
H: 6-8m W: 3-4m



*CUPANIOPSIS anacardioides*  
(Tuckeroo)  
H: 8-12m W: 4-8m



*ELAEOCARPUS reticulatus*  
(Blueberry Ash)  
H: 10-15m W: 5-7m



*GREVILLEA robusta*  
H: 15-30m W: 8-10m



*HARPULLIA pendula*  
H: 6-8m W: 6-10m



*HIBISCUS tiliaceus 'Rubra'*  
H: 8-10m W: 8-10m



*LIVISTONA australis*  
H: to 30m W: 4-5m



*LOPHOSTEMON confertus*  
H: 15-20m W: 8-10m



*METROSIDEROS excelsa*  
(New Zealand Xmas Bush)  
H: 8-12m W: 6-8m



*PANDANUS pedunculatus*  
(Screw Palm)  
H: 10-15m W: 6-8m



*WATERHOUSEA floribunda*  
H: 15-20m W: 6-8m

## UNDERSTOREY



AUSTROMYRTUS dulcis  
(Midyim Berry)



BANKSIA 'Coastal Cushion'



BAECKEA virgata  
'Compacta'



BANKSIA robur  
(Swamp Banksia)



CAREX appressa



CARPOBROTUS glaucescens



CASURINA 'Cousin It'



CALLISTEMON 'Little John'



CRINUM pedunculatum  
(River Lily)



DORYANTHES excelsa  
(Gymea Lily)



DORYANTHES palmeri



GREVILLEA 'Bronze Rambler'



GREVILLEA 'Robyn Gordon'



LEPTOSPERMUM flavescens  
'Pacific Beauty'



LEPTOSPERMUM  
polygalifolium



LOMANDRA hystrix



LOMANDRA longifolia



MELALEUCA 'Claret Tops'



MELALEUCA thymifolia



METROSIDEROS 'Fiji Fire'



METROSIDEROS 'Little Dugald'



MYOPORUM ellipticum



MYOPORUM parvifolium  
(Creeping Boobialla)



SCAEVOLA calendulacea



SYZYGIUM australe  
'Bush Christmas'



SYZYGIUM australe  
'Resilience'



VIOLA hederacea



WESTRINGIA 'Jervis Gem'

MOSQUITO PROOFING PLANTING ZONE



ALPINIA caerulea



CARPOBROTUS glaucesens



CORDYLINE fruticosa  
'Negra'



CORDYLINE petiolaris



CORDYLINE 'Purple Prince'



CORDYLINE 'Rubra'



DIANELLA  
brevipedunculata



DIANELLA caerulea



LIRIOPE 'Evergreen Giant'



LOMANDRA longifolia



LIRIOPE 'Stripey White'



MYOPORUM ellipticum



MYOPORUM parvifolium  
(Creeping Boobialla)



SCAEVOLA calendulacea



SCAEVOLA hookeri



VIOLA hederacea

## **ATTACHMENT 2**

**Response to Submissions &  
Additional Information  
*Newton Denny Chapelle***

Date: 14<sup>th</sup> June 2022  
Our Ref: 14/351

Department of Planning & Environment  
Locked Bag 5022  
PARRAMATTA NSW 2124

Attention: Ms Bonnie Hall

Dear Madam,

**Re: Epiq Lennox (Pacific Pines Estate), Lennox Head - MP 07\_0026 MOD 7  
Response to Submissions & Additional Information**

Reference is made to Points 2 & 3 of the Department of Planning Environment (DPE) letter dated 12 May 2022 requesting a response to comments by Ballina Shire Council, State Government Agencies and the public in response to the Department's Response to Submissions (RtS) request dated 29 June 2020.

The below points reflect previous responses provided to DPE in June 2019 and September 2020 whereby all RtS matters were addressed. Reference is made to the fact post the RtS being assessed by the Department, and an associated site inspection, the Department's letter dated 6 November 2020 was subsequently issued. Accordingly, whilst this RtS addresses all points raised by the government agencies, many queries raised are now no longer relevant given the prescribed 20m separation buffer has been incorporated into the modified subdivision layout.

**Response to Attachment 1: Detailed BCD Comments dated 21 July 2020**

**1. Perimeter road versus access trail**

The modified plan incorporates the 20m buffer zone from the rear of the residential lots to the conservation zone. Pursuant to the request from BCD, the 20m buffer contains a perimeter access and will be located within the 20m buffer which will be dedicated to Ballina Shire Council.

The modified layout has removed any trail located external to the site on the CMZ and hence adheres fully to the BCD request.

**2. Change to conditions of consent**

The modified lot layout retains the 20m buffer zone, hence Condition B10 is not proposed to be amended in this instance.

**3. Role of the wetland buffer**

Pursuant to the Biodiversity Conservation Division (BCD) request, the 20m buffer has been incorporated into the subdivision design. BCD has identified in their letter of 21 July 2020, the BAM established under the Biodiversity Conservation Act 2016 requires a riparian buffer distance of 20m to a local wetland. In this instance, the proposal adheres to this requirement ensuring all residential lots are located a minimum of 20m with the property boundary border the CMZ.

**4. Nutrient and pollutant impacts**

The BCD has previously indicated that a perimeter road (20m wide reserve) was preferable to the previously proposed access tracks and residential backyards fronting the CMZ. The revised proposal incorporates a 20m wide grassed reserve and 4m wide permeable gravel maintenance track. The revised

layout has resulted in a reduction of impermeable area from a 10m wide road and 1.35m wide footpath (BDC's previous preference) to a 4m wide gravel maintenance track. The purpose of this gravel track is to enable ongoing access maintenance access to the CMZ.

#### **5. Ecological assessment**

As outlined previously in this letter, the BCD comment within this section relates solely to the reduction of the 20m buffer. In this instance, the 20m buffer is incorporated into the revised subdivision layout and as such we submit this comment is no longer applicable.

#### **6. Stormwater management design**

BCD requested that *"The proponent must demonstrate that pollutants and nutrients have been captured and treated so that they do not enter the CMZ and impact on the freshwater wetland and other vegetation communities"*.

Condition B6 of the Concept Approval sets out the requirements for stormwater pollutant reduction; *"2) That the project does not increase the average annual load of key stormwater discharged from the site over and above pre-development conditions"*. The Engineering Services report prepared for the previous layout demonstrates that the entire Epiq site can achieve this at the point of discharge (downstream of the WCQP) for the proposed SL5 development. This is in keeping with that previously approved in the Gilbert and Sutherland Stormwater Management Plan. It is noted that the previously proposed layout had a greater yield than that currently proposed. The currently proposed layout is considered to result in a reduction in pollutants and nutrients entering the CMZ by:

- Reducing the density of the development will increase the pervious areas and reduce the pollutant and nutrient loads discharged to the CMZ.
- Diverting over half the site around the CMZ (North West and South West Catchments)
- Increasing the vegetated buffer between the edge of the development and the CMZ

Outlet protection has been provided for all the outlets into the CMZ. This will slow and dissipate piped stormwater flows prior to them entering the CMZ.

#### **7. Drainage channel extends into CMZ**

The 4 m encroachment within the Conservation Zone comprises a 0.5m wide swale plus bank and extends for 75m length within the Conservation Zone along Montwood Drive which is currently highly degraded and colonised by weeds. This drainage swale is endorsed by Ballina Shire Council.

#### **8. Design of access track**

As outlined previously in this letter, the BCD comment within this section relates solely to the reduction of the 20m buffer. In this instance, the 20m buffer is incorporated into the subdivision designs and accordingly this point is not deemed to be relevant to the revised layout.

#### **9. Bushfire asset protection**

As outlined previously in this letter, the BCD comment within this section relates solely to the reduction of the 20m buffer. In this instance, the 20m buffer is re-instated and as such this comment is no longer applicable.

#### **10. Monitoring report**

This document has been provided under separate cover as previously advised in this letter.

### **Response to Ballina Shire Council Comments dated 5 August 2020**

#### **1 Perimeter Road**

The modified proposal adopts a 4m (NDC plans BE-01 and CI-01) access which traverses through the 20m buffer (reserve) area and is constructed with a trafficable surface. To this end, the layout provides a response to the interrelationship between bushfire, stormwater management, mosquito management and ecological outcomes.

## **2 Site Access**

Point 1 – Noted, this will be investigated as part of detailed design.

Point 2 – Access to dwellings from Montwood Drive is not proposed. The only access other than an intersection is the private driveway to provide Council with maintenance access to the GPT and sewer pump station.

## **3 Parking**

The dwelling design plan concepts incorporate parking for 2 vehicles for each dwelling behind the building line.

Discussions with Ballina Shire Council has identified the addition of parking in the area of the small pocket park will satisfy the additional parking requirements for the project. Notwithstanding this point, the previous concept provided for 133 dwellings with 55 on-street parking spaces, whilst the modified design includes 60 car spaces for 102 dwellings

## **4 Allotment Sizes**

As outlined for Point 3, the design of the dwellings will ensure 2 spaces may be provided behind the building line.

## **5 Local Park**

Refer to the response provided for point 3.

## **6. Landscaping**

Please find attached the revised landscape concept plan. Reference is made to the fact the landscape species are able to be modified in order to ensure landscape species do not conflict with infrastructure and services (water, sewer and stormwater) and bin locations.

## **7 Mosquito Management**

Reference is also made to the Mosquito Impact Assessment EPIQ – Super Lot 5 prepared by Darryl McGinn which identifies the management of the remaining mosquito risks to the proposed development is through its design to provide open space buffers clear of any significant vegetation (apart from mown grass) using playing fields, roadways and the Water Quality Improvement Pond and other open space between residential allotments and site boundary.

The assessment identifies several features relevant to considering potential mosquito impacts to future residents the

- A 200m minimum (approx.) separation between the nearest residential allotments (Independent/Assisted Units and Retirement Courtyard Lots) and the Ballina Nature Reserve and DCP designated mosquito breeding sites (see Plate 1 McGinn Report).
- Mosquito habitat around trap 2 and existing farm drains identified as potential risk will be eliminated by the development.
- The 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 has reduced mosquito breeding risk.

The following risk management measures are also recommended by the assessment.

- *Exposure to Verrallina funerea, Culex annulirostris and Aedes procax will be effectively managed by development of the remaining site eliminating ground pool breeding sites or interposing clear open space between breeding sites and residential allotments.*
- *Exposure to Aedes vigilax and mosquitoes in general will be effectively managed in residential allotments by standard type mosquito screening fitted to residential dwelling windows and external doors to restrict entry of mosquitoes during occasional periods of high mosquito*

numbers.

- Mosquito awareness materials should be made available to residents of EPIQ Lennox Head – as recommended generally within the Ballina coastal region.
- Rainwater tanks included (potentially) within the development should be protected by having mosquito proof screens fitted to openings including inspection openings and overflows. Such screens should be
- made of durable material such as stainless steel. The mesh size should not provide an aperture of more than 1mm.

Further to the above provisions, the modified layout ensures all lots are setback 20m and dwelling walls 25m. The exception to this point is Dwellings 22-26, however noting conventional use of screening on housing within the development will be adopted at the building application stage. We also highlight the inclusion of mosquito proof planting within the 5m landscape zone located between the CMZ and the access track.

## **8. Stormwater Discharge**

### First dot point

Grading the site to Montwood Drive is not possible without significant additional filling of the southern and eastern portions of the site. The drainage regime of the site is clearly identified in the Project and Concept approvals, plans P4 and C7. These plans show the entire SL5 site discharging to the Conservation Zone. Notwithstanding this, it is noted that the proposed development already diverts the north-west portion of the site under Montwood Drive and the south-western portion of the site bypasses most of the Conservation Zone via the proposed Montwood Drive swale. Please refer to response 6 of BCD regarding stormwater discharged into the CMZ.

### Second dot point

Soil moisture monitoring was interrupted due to technical difficulties between mid-2019 and August 2020 but soil moisture monitoring has now resumed. It is acknowledged that HJG abundance within the Conservation Zone has significantly decreased however it is debated that the Conservation Zone has less native cover and higher weeds compared to pre-development. The following vegetation changes have been recorded during monitoring since development of the site:

- Substantial decrease in disturbance due to removal of stock
- Substantial increase in distribution and vigour of wetland grasses (*Isachne globosa* and *Leersia hexandra*)
- Removal of woody weeds
- Control of invasive grasses within core wetland areas
- Regeneration of native woody vegetation such as (*Casuarina glauca*, *Acacia melanoxylon*, *Glochidion ferdinandi*).

## **9. Outstanding Restoration Works**

This matter has been addressed to Ballina Shire Council under separate cover.

## **10. Residential Component**

Whilst the project seeks approval for the subdivision of the land, the dwelling design is an integral component and as such the key considerations associated with privacy, solar access, cross-ventilation and private open space to accord with the Ballina Shire Development Control Plan have been addressed during this design phase by the project team.

Clarence Property are supportive of providing housing adaptability and in this regard, the project meets Council's DCP requirements for adaptable dwellings, whilst further initiatives are being explored with Ballina Shire Council in relation to dedicated first homebuyer incentives.

The parking query has been addressed in this letter and will be reflected in modified design plans to be lodged post the review of this documentation and the meeting with key government agencies.

The project design has been reviewed and scope exists to provide designated collection points to address the waste bin collection. These measures will be reflected in modified design plans to be lodged post the review of this documentation and the forementioned meeting.

#### **Response to NSW Rural Fire Service 23 July 2020**

Reference is made to the revised Bushfire Report provided within Attachment 6 of the RtS letter dated 17 September 2020. The assessment has been prepared having regard to the modified layout which has been amended to accord with Ballina Shire Council's comments as addressed earlier in this submission and the pre-lodgement brief with the NSW RFS with specific regard to the modified layout not including a permitter road.

The NDC letter dated 26 May 2022, contains the response from the Bushfire Consultant addressing the proposed NSW RFS conditions for the amended design. A further letter from Bushfire Certifiers (Dated 6<sup>th</sup> June 2022) confirms the proposals compliance with the Planning for Bushfire Guidelines and commentary on the proposed NSW RFS conditions.

#### **Response to Transport for NSW 12 November 2018**

Please find the response to the Transport for NSW submission as provided to DPE in NDC letter dated 9 July 2019.

##### **1. Analysis on how public transport demand will be affected by population change from the development and how it will be managed.**

Reference is made to the traffic assessment provided within the Modification Proposal. In this regard, the modification does not seek to modify the approved road standard, footpath network and public transport accessibility already approved for the Epiq Estate as the modifications themselves do not significantly alter the population for the estate. In this regard, the Engineering Services Report addresses the road network based on traffic volumes generated by the development which have been supported by Ballina Shire Council based on the adoption of the recommendations nominated by Council in letter dated 28 June 2019.

##### **2. Documentation demonstrating local bus operator (Blanch's) has been consulted surrounding future bus routes and to ensure bus capable infrastructure will be provided.**

The Concept Plan for the Epiq Estate has been approved under the Major Project with designated bus routes and associated bus bays. The current proposed modification does not alter the accessibility to these bus bays, nor impact the accessibility for buses to service the Estate.

Blanch Bus services currently services Lennox Head via North Creek Road (Service 641). The proposed modification does not alter or restrict the ability for a bus service to access the Epiq Estate. With respect to the population of the estate, the modification does not significantly alter the current population yield for Super Lot 5, hence no impact on the demand or capacity of the bus service will result in this instance.

##### **3. Pedestrian facilities should include links to public transport and address:**

- **DDA compliance, i.e, footpaths should be 1.8m wide minimum near retail facilities to meet Austroads guidelines for wheelchair accessibility.**
- **The 1.8m standard be provided to connect to the existing footpaths at the boundaries of the site and continuous footpaths are provided to existing and planned bus stops.**

Pedestrian access from the proposed land uses on Super Lot 5 will be DDA compliant. This proposal does not modify the site grades in a manner which impacts the future ability for pedestrian access from the subject site to the already approved bus set down within the Estate. In this regard, the subdivision will connect to the approved and already constructed footpath network which was developed in earlier stages of the Epiq Estate. Reference is made to approved Concept Plan (Plan C6) which demonstrates the approved pedestrian/cycleway for the Estate.

##### **4. The proponent is proposing to provide 1.3m wide footpaths on one side of the road only. With the increase in density, TfNSW supports footpaths on both sides of the road around mixed use and retail facilities.**

We acknowledge Point 4 was duplicated by Transport NSW to Mod 6 & 7 and as such does not specifically relate to Mod 7 as Super Lot 5 has not mixed use land use proposed as part of this amendment.

#### **Response to Department of Primary Industries letter dated 16 November 2018**

Please find the response to the Department of Primary Industries submission as provided to DPE in NDC letter dated 9 July 2019.

#### **1. The department has reviewed the proposal and has no comments**

Noted

#### **Public Submissions**

The following submissions were received by DPE for the sought modification.

Submission in Favour	Submission Against
<p>I am in support of this modification as this would seemingly open up more affordable housing to a wider range of age groups, not limited to those over a certain age. This type of development looks to be well suited to the area with the proximity to the shopping centre and fairly close to the village. I understand the proposal is to construct the houses at the same time as the civil works. This would be a great outcome if possible as it would seemingly limit disturbance due to reduced construction periods for my community. While providing smaller lot sizes than have been seen in the area to date, the layout looks to have considered the Conservation zone by separating it from the houses with backyards and the track. The track could also be utilised by locals to vie the conservation zone from areas previously not possible with the site locked up. I will take this opportunity to congratulate the developers and their designers for the layout and proposed change to this subdivision. I believe all aspects that I can see are for the better of the community as a whole and I am in support of this modification.</p>	<p>I am a resident within the Epiq estate. I live on a street with a number of single residences and duplexes. The predominant residents within the estate are young families.</p> <p>Our street is already feeling cramped and dangerous at times due to the number of vehicles passing and parking within the development. To permit the additional HIGH density living would further add to the local traffic and amenity required within the area. The modification to the approval takes an area formally approved for retirement living to high density living.</p> <p>From a simple point of practicality and safety the modification should not be approved. However to delve more deeply into the conservation area in close proximity, the high volume of mosquitos that inundate the low lying land over summer and the added pressure to the catchment would surely create a whole new argument against the modification.</p> <p>We strongly object to the approval of the modification.</p>
<p><b>Comment:</b> The proposed modification does not detract from the submission in favour and retains the core elements of the density, separation to the conservation area (now enhanced to 20m) and providing design guidelines to provide for well articulated dwelling designs.</p>	<p><b>Comment:</b> The proposed density and associated traffic generation accords to the original Concept Plan and associated conditions relating to traffic generation for the Epiq Estate.</p> <p>The modification does not seek to modify the approved external road standard, footpath network and public transport accessibility already approved for the Epiq Estate. In this regard, the Engineering Services Report addresses the road network based on traffic volumes generated by the development which have been supported by Ballina Shire Council based on the adoption of the recommendations nominated by Council in letter dated 28 June 2019.</p> <p>Previous studies of the traffic generated by the greater Epiq development site have been</p>

	<p>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 (refer Figure 6-1).</p> <p style="text-align: center;"><b>MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS 40 CHERRY STREET BALLINA, ON 23/10/14 AT 9.00 AM</b></p> <p><b>9.1 <u>Pacific Pines Development Lennox Head</u></b> <b>231014/2      RESOLVED</b></p> <p>(Cr Ben Smith/Cr Sharon Cadwallader)</p> <p>That Council endorses the approval of the Traffic and Transportation Statement for the remaining stages of the Pacific Pines Estate development by staff for the purposes of meeting the Minister for Planning's condition of consent requiring preparation and Council approval of a traffic management plan prior to the release of a construction certificate for Stage 1B of the Pacific Pines Estate.</p> <p>FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Ken Johnston, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith AGAINST VOTE - Cr Susan Meehan ABSENT. DID NOT VOTE - Cr Jeff Johnson</p> <p>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.</p> <p>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 Condition B7A of the Concept Plan an assessment of the surrounding road network will be undertaken prior to the issue of a Subdivision Certificate.</p>
--	--

We trust this letter and the attached documents addresses the issues by government agencies and the public submissions

Should the Department have any questions relating to the contents of this letter, please do not hesitate contacting Damian Chapelle of this office on (02) 6622 1011.

Yours sincerely,

**NEWTON DENNY CHAPELLE**



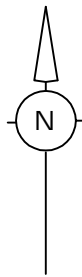
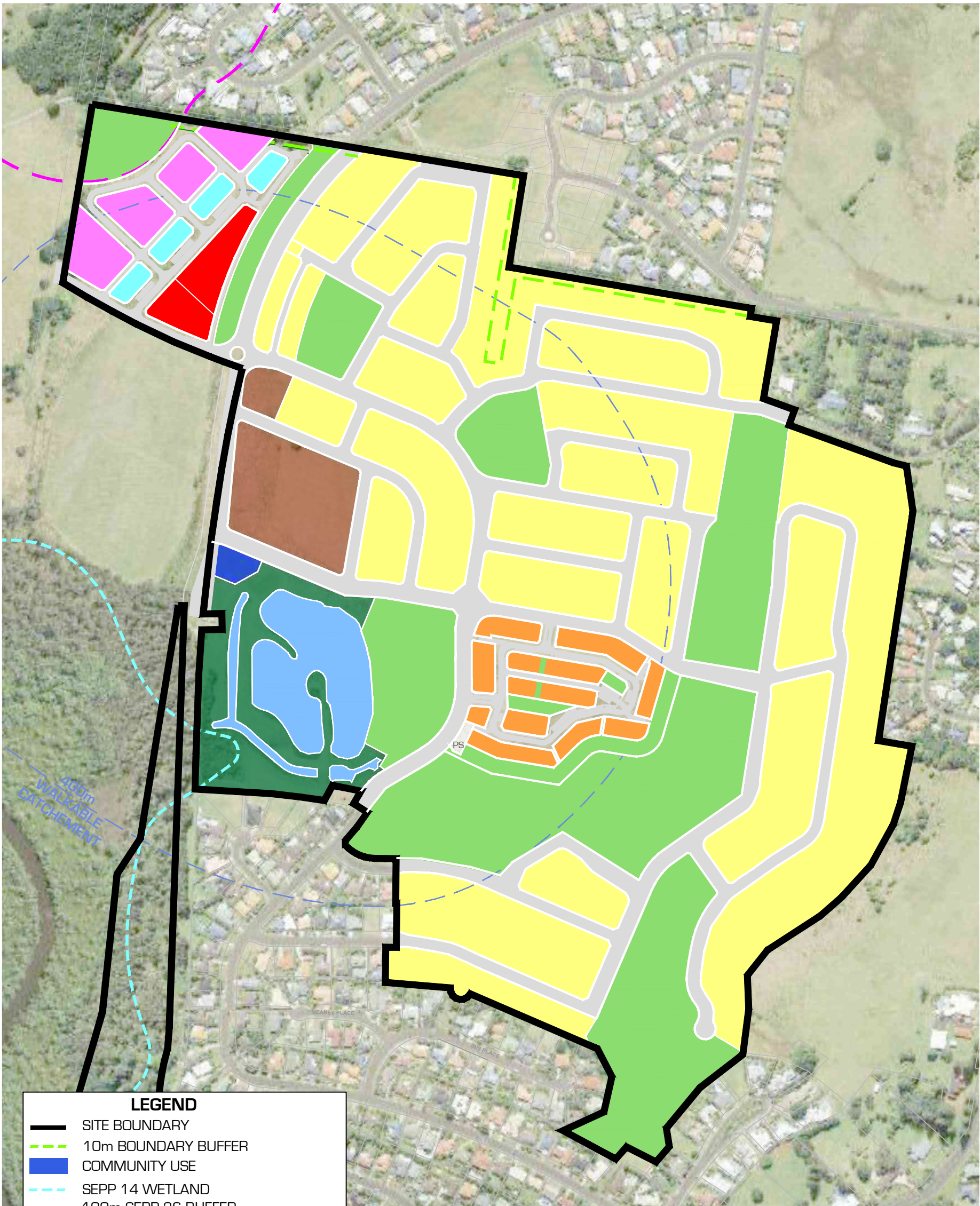
**DAMIAN CHAPELLE**

Town Planner. BTP CPP.



## **ATTACHMENT 3**

**Updated Plan Set**  
***Newton Denny Chapelle***



#### LEGEND

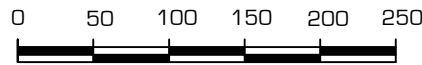
- SITE BOUNDARY
- - - 10m BOUNDARY BUFFER
- COMMUNITY USE
- - - SEPP 14 WETLAND
- - - 100m SEPP 26 BUFFER
- INTEGRATED HOUSING
- FUTURE RESIDENTIAL
- LIVE - WORK
- COMMERCIAL
- CONSERVATION / PARK / OPEN SPACE
- NEIGHBOURHOOD CENTRE
- RESIDENTIAL
- DRAINAGE RESERVE
- PS PUMP STATION

#### SOURCE:

Plans prepared by geolink - Pacific Pines Estate - Lennox Head 1675 - 1019 Illustration C1 - Concept Plan Date October 2012.

#### NOTE:

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1cm = 50m  
1:5000

REV	DATE	AMENDMENT
A	16.11.16	
B	17.01.17	10m BUFFER
C	20.08.18	LAYOUT SL5 & SL7, LEGEND
D	27.09.18	LEGEND & FUTURE RESIDENTIAL MIXED USE & LIVE WORK COLOURS
E	21.07.20	LEGEND
F	28.07.20	LEGEND NOTES, 2 LOTS NOT 3 (COMMERCIAL)
G	30.05.22	LAYOUT SL5

SOURCE PLAN: [www.maps.six.nsw.gov.au](http://www.maps.six.nsw.gov.au) - accessed 14.11.16

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ABN: 86 220 045 469

#### EPIQ LENNOX HEAD ILLUSTRATION C1 - CONCEPT PLAN

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

REV G

DATE: 30.05.22  
SCALE: 1 : 4000 @ A3

REF: 14/351  
DRAWN: bk



**SPORTS PARK**  
SPORTS OVALS  
CRICKET NETS  
CLUB HOUSE  
TENNIS COURT  
PLAY GROUND  
OPEN PLANTINGS OF  
TREES AND PALMS TO  
DISCOURAGE  
MOSQUITOS

**CASUARINA CREEK**  
NATURAL SWALE REVEGETATED  
AS PER APPROVED PLAN

**LOCAL PARKS**  
RETAINED VEGETATION  
REVEGETATION IN BUFFER  
SHADE TREE PLANTING FOOTPATHS

**NATURE PARK**  
RETAINED VEGETATION  
SHADE TREE PLANTING  
FOOTPATHS

**THE BROOK**  
NATURAL CREEK  
REVEGETATION

**SPRINGS OPEN SPACE**  
RETAINED VEGETATION  
REVEGETATION IN BUFFERS

**WOODLAND PARK**  
RETAINED VEGETATION  
REVEGETATION IN BUFFERS

**PONDS PARK**  
POND / DETENTION BASIN  
PLANTINGS OF SEDGES AND  
RUSHES AROUND POND AND  
DETENTION BASINS  
OPEN PLANTINGS OF TREES  
AND PALMS TO DISCOURAGE  
MOSQUITOS

### LEGEND

- EXISTING VEGETATION TO BE RETAINED
- NEW NATIVE PLANTINGS
- MAJOR STREET TREE / AVENUE PLANTING
- DRAINAGE PONDS AND CREEKS
- 10m BOUNDARY BUFFER
- PEDESTRIAN / CYCLE PATHS
- SITE BOUNDARY
- POCKET PARK

**SOURCE:**  
Plans prepared by geolink - Pacific Pines Estate - Lennox Head  
Illustration C2 - green network plan Date: 17 July 2012

**NOTE:**  
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1cm = 50m  
1:5000

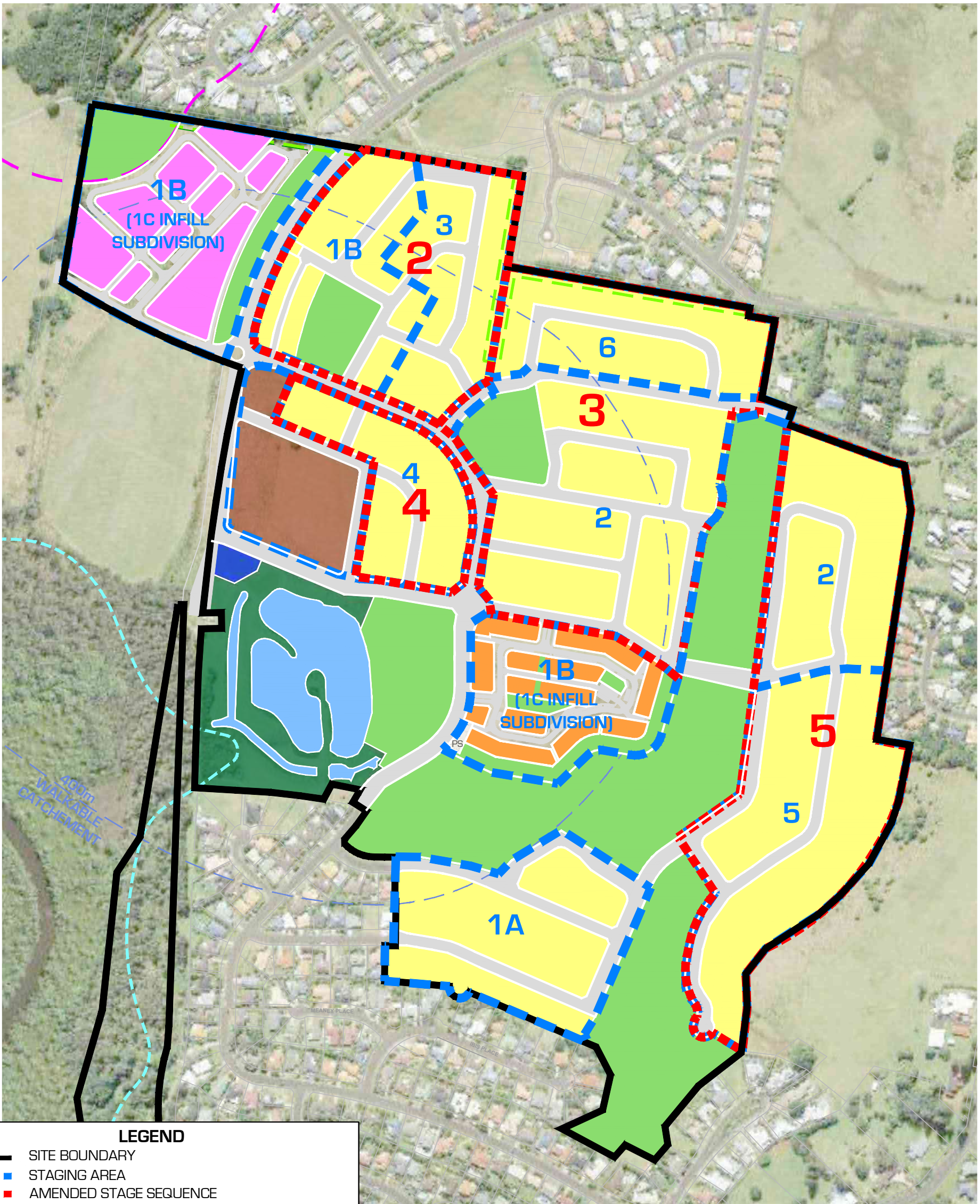
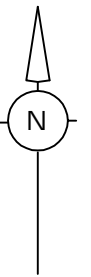
REV	DATE	AMENDMENT
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B	17.01.17	10m BUFFER
C	20.08.18	LAYOUT SL5 & SL7, LEGEND
D	27.09.18	LEGEND & FUTURE RESIDENTIAL MIXED USE & LIVE WORK COLOURS
E	21.07.20	LEGEND & ROAD 1B
F	30.05.22	LAYOUT SL5

SOURCE PLAN: [www.maps.six.nsw.gov.au](http://www.maps.six.nsw.gov.au) - accessed 14.11.16  
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**EPIQ LENNOX HEAD  
ILLUSTRATION  
C2 GREEN NETWORK**  
CLIENT: CLARENCE PROPERTY CORPORATION  
LOCATION: LOT 234 DP1104071  
LENNOX HEAD NSW  
**REV F**

DATE: 30.05.22  
SCALE: 1 : 4000 @ A3  
REF: 14/351  
DRAWN: bk



#### LEGEND

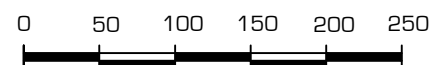
- SITE BOUNDARY
- STAGING AREA
- AMENDED STAGE SEQUENCE
- 10m BOUNDARY BUFFER
- COMMUNITY USE
- SEPP 14 WETLAND
- 100m SEPP 26 BUFFER
- INTEGRATED HOUSING
- FUTURE RESIDENTIAL / LIVE-WORK / COMMERCIAL
- CONSERVATION / PARK / OPEN SPACE
- NEIGHBOURHOOD CENTRE
- RESIDENTIAL
- DRAINAGE RESERVE
- PS PUMP STATION

#### SOURCE:

Plans prepared by geolink - Pacific Pines Estate - Lennox Head 1675 - 1027  
Illustration C5 - Development Staging Dated: October 2012.

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1:5000

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E	21.07.20	LEGEND & ROAD 1B
F	28.07.20	LEGEND
G	30.05.22	LAYOUT SL5

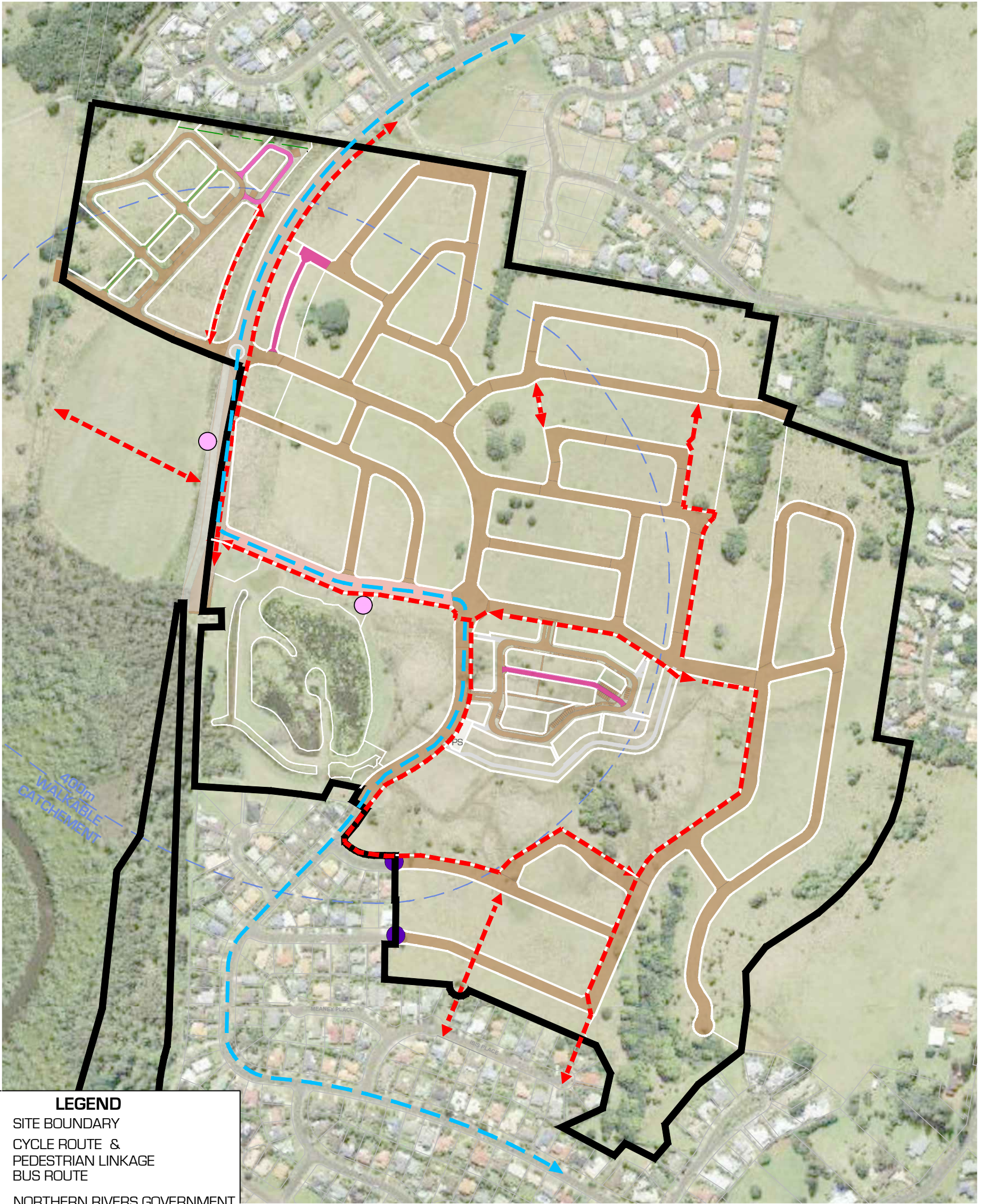
SOURCE PLAN: [www.maps.six.nsw.gov.au](http://www.maps.six.nsw.gov.au) - accessed 14.11.16

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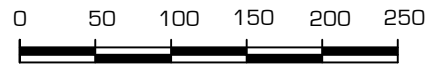
**EPIQ LENNOX HEAD**  
**ILLUSTRATION**  
**C5 - DEVELOPMENT STAGING**  
CLIENT: CLARENCE PROPERTY CORPORATION  
LOCATION: LOT 234 DP1104071  
LENNOX HEAD NSW  
**REV G**

DATE: 30.05.22  
SCALE: 1 : 4000 @ A3  
REF: 14/351  
DRAWN: bk



### LEGEND

- SITE BOUNDARY
- - - - - CYCLE ROUTE & PEDESTRIAN LINKAGE
- - - - - BUS ROUTE
- NORTHERN RIVERS GOVERNMENT LOCAL STREET
- NORTHERN RIVERS GOVERNMENT COLLECTOR STREET
- 6m WIDE LANE
- min 8m WIDE ROAD RESERVE
- 6m WIDE LANE
- min 7m WIDE ROAD RESERVE
- HUTLEY DRIVE
- THRESHOLD TREATMENT
- INDICATIVE BUS STOP LOCATION
- PS PUMP STATION



1cm = 50m  
1:5000

### SOURCE:

Plans prepared by geolink - Pacific Pines Estate - Lennox Head 1675 - 1028  
Illustration C6 - Movement Network Dated: October 2012.

REV	DATE	AMENDMENT
A	16.11.16	
B	17.01.17	10m BUFFER
C	20.08.18	LAYOUT SL5 & SL7, LEGEND
D	27.09.18	LEGEND & FUTURE RESIDENTIAL MIXED USE & LIVE WORK COLOURS
E	21.07.20	LEGEND & ROAD 1B & SL5
F	30.05.22	LAYOUT SL5

SOURCE PLAN: [www.maps.six.nsw.gov.au](http://www.maps.six.nsw.gov.au) - accessed 14.11.16

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**NBS**  
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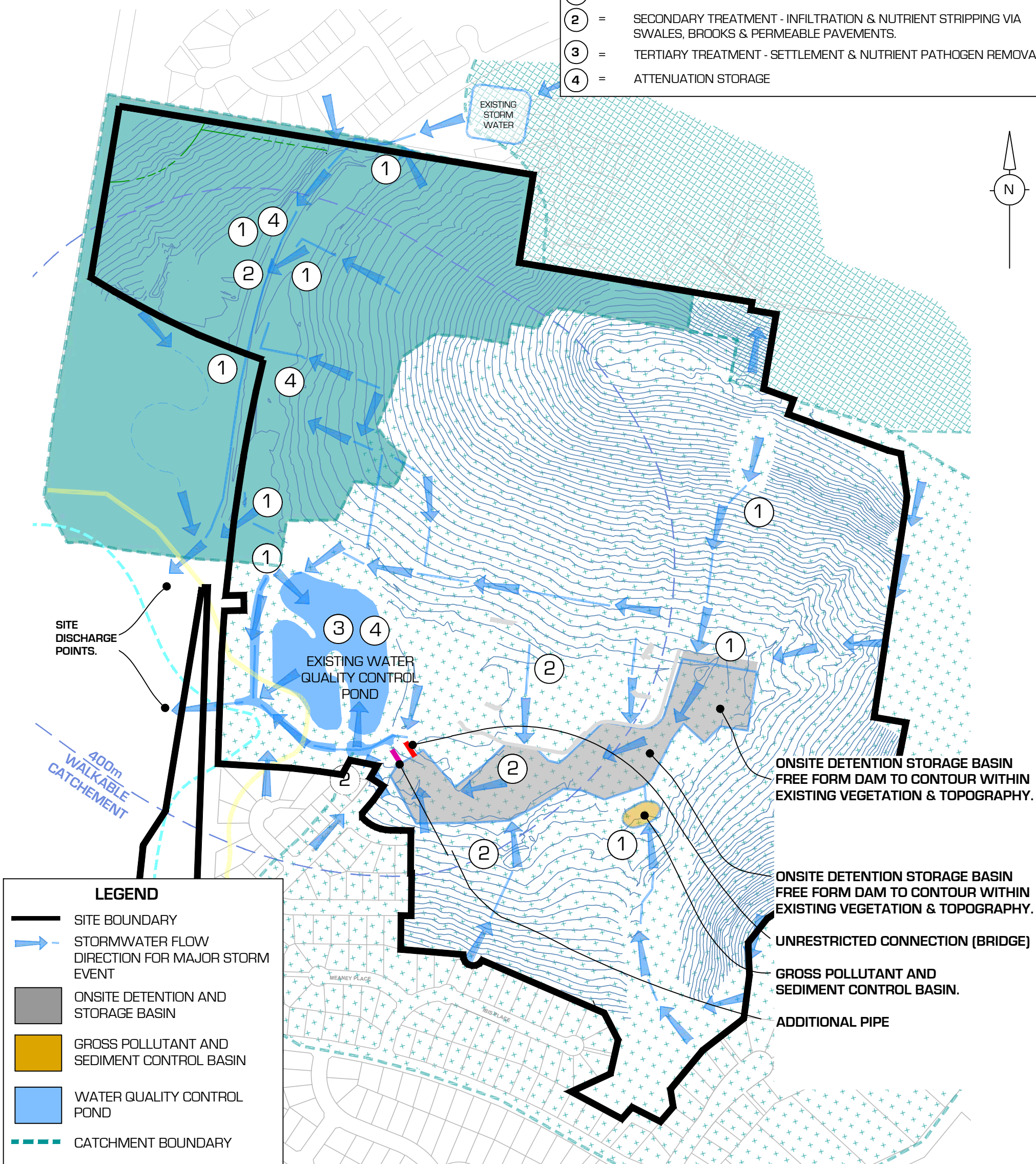
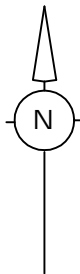
**EPIQ LENNOX HEAD**  
**ILLUSTRATION**  
**C6 - MOVEMENT NETWORK**  
CLIENT: CLARENCE PROPERTY CORPORATION  
LOCATION: LOT 234 DP1104071  
LENNOX HEAD NSW  
**REV F**

DATE: 30.05.22  
SCALE: 1 : 4000 @ A3  
REF: 14/351  
DRAWN: bk

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WATER SENSITIVE URBAN DESIGN (WSUD) SYSTEMS

- 1 = PRIMARY TREATMENT - GROSS POLLUTANT TRAPS SILT SETTLEMENT.  
2 = SECONDARY TREATMENT - INFILTRATION & NUTRIENT STRIPPING VIA SWALES, BROOKS & PERMEABLE PAVEMENTS.  
3 = TERTIARY TREATMENT - SETTLEMENT & NUTRIENT PATHOGEN REMOVAL  
4 = ATTENUATION STORAGE



LEGEND

- SITE BOUNDARY  
→ STORMWATER FLOW DIRECTION FOR MAJOR STORM EVENT  
— ONSITE DETENTION AND STORAGE BASIN  
— GROSS POLLUTANT AND SEDIMENT CONTROL BASIN  
— WATER QUALITY CONTROL POND  
--- CATCHMENT BOUNDARY  
+ CATCHMENT '1'  
■ CATCHMENT '2'  
■ CATCHMENT '3'  
--- SEPP 14 BOUNDARY  
— SEPP 14 - 50m BUFFER

SUBJECT TO DETAILED DESIGN

SOURCE:  
Plans prepared by geolink - Pacific Pines Estate - Lennox Head 1675 - 1027  
Illustration C7 - Stormwater Concept Plan Dated: 28 June 2010.

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F	30.05.22	LAYOUT SL5

SOURCE PLAN: [www.maps.six.nsw.gov.au](http://www.maps.six.nsw.gov.au) - accessed 14.11.16

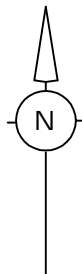
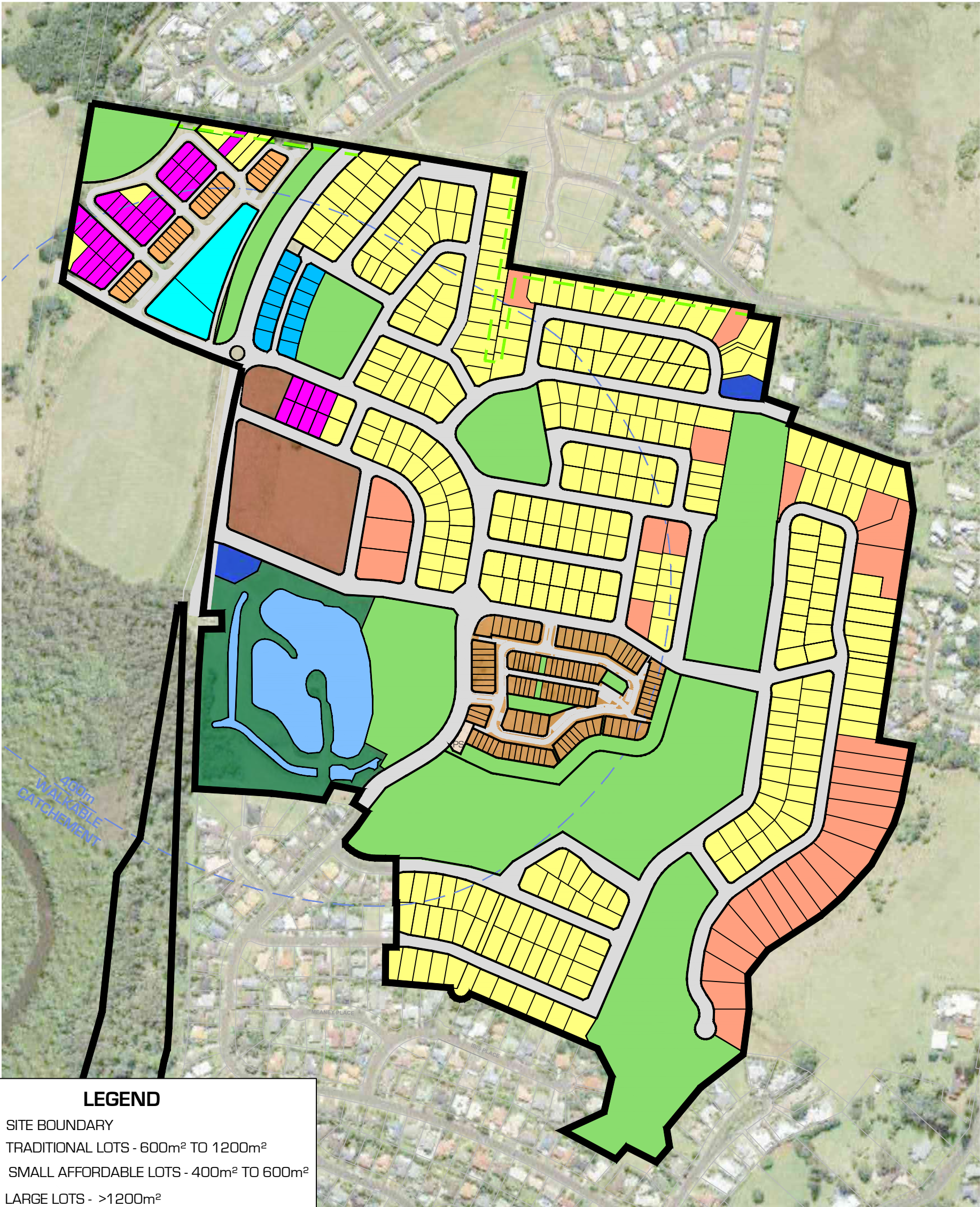
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EPIQ LENNOX HEAD ILLUSTRATION  
C7 - STORMWATER CONCEPT  
PLAN Rev F

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

DATE: 30.05.22 REF: 14/351  
SCALE: 1 : 4000 @ A3 DRAWN: bk



### LEGEND

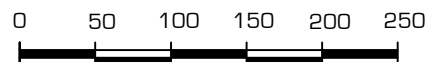
- SITE BOUNDARY
- TRADITIONAL LOTS - 600m<sup>2</sup> TO 1200m<sup>2</sup>
- SMALL AFFORDABLE LOTS - 400m<sup>2</sup> TO 600m<sup>2</sup>
- LARGE LOTS - >1200m<sup>2</sup>
- INTEGRATED HOUSING
- PARK COURT LOTS - 400m<sup>2</sup> - 600m<sup>2</sup>
- CONSERVATION / PARK / OPEN SPACE
- DRAINAGE RESERVE
- COMMUNITY USE
- NEIGHBOURHOOD CENTRE
- LIVE - WORK
- COMMERICAL
- PS PUMP STATION

#### SOURCE:

Plans prepared by geolink - Pacific Pines Estate - Lennox Head 1675 - 1028  
Illustration C6 - Movement Network Dated: August 2012.

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SOURCE PLAN: [www.maps.six.nsw.gov.au](http://www.maps.six.nsw.gov.au) - accessed 14.11.16

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ABN: 86 220 045 469

### EPIQ LENNOX HEAD ILLUSTRATION C8 - LOT TYPOLOGIES

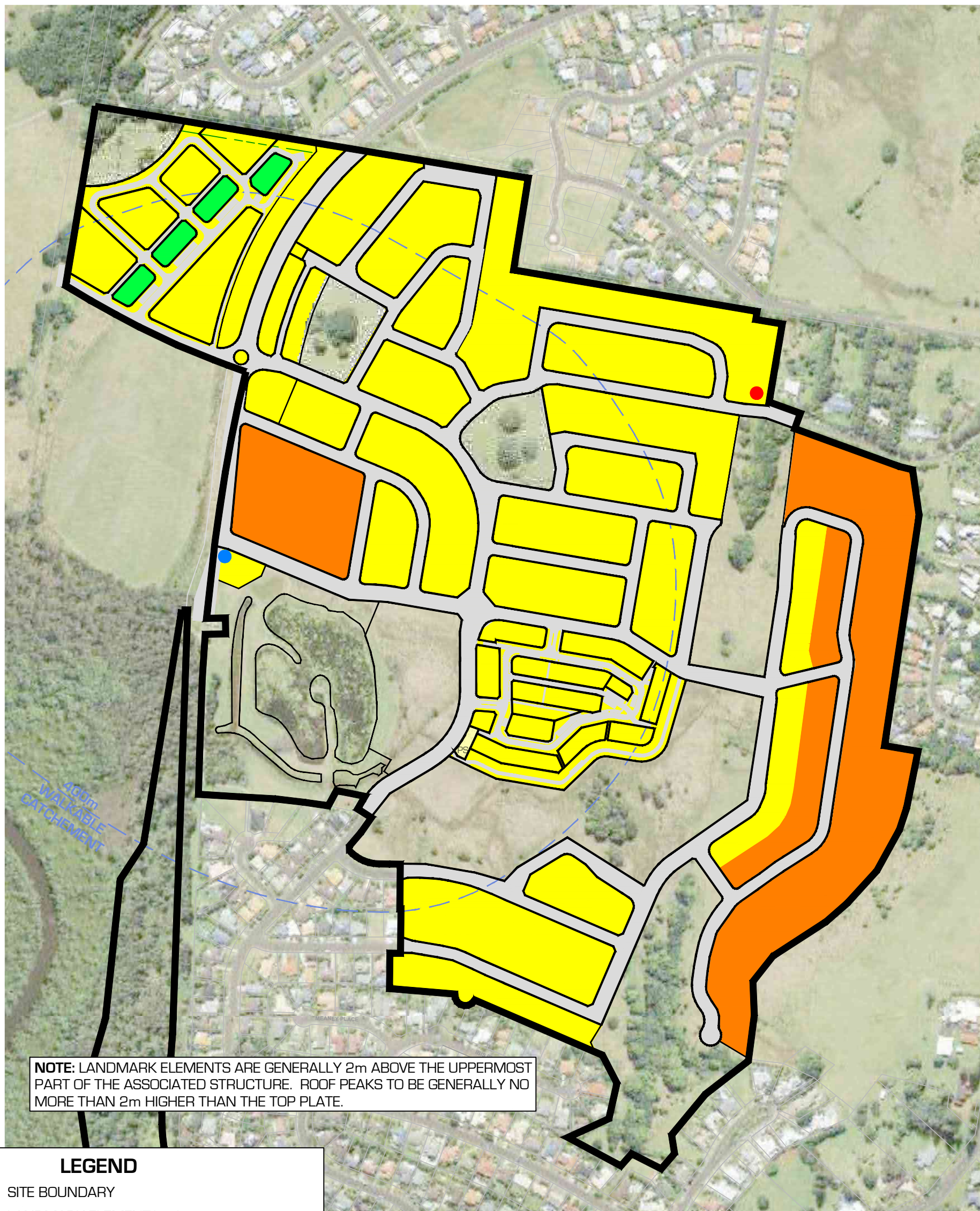
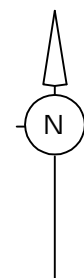
CLIENT: CLARENCE PROPERTY CORPORATION  
LOCATION: LOT 234 DP1104071  
LENNOX HEAD NSW

REV G

DATE: 30.05.22  
SCALE: 1 : 4000 @ A3

REF: 14/351  
DRAWN: bk

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**NOTE:** LANDMARK ELEMENTS ARE GENERALLY 2m ABOVE THE UPPERMOST PART OF THE ASSOCIATED STRUCTURE. ROOF PEAKS TO BE GENERALLY NO MORE THAN 2m HIGHER THAN THE TOP PLATE.

### LEGEND

- SITE BOUNDARY
- LANDMARK ELEMENTS - 9m
- RESERVOIR EXCLUDED FROM BUILDING HEIGHT
- 2 STOREY WITH 8.5m MAX HEIGHT
- 2 STOREY WITH 8.5m MAX HEIGHT WHERE ENCROACHMENT OVER 8.5m WILL BE CONSIDERED.
- 3 STOREY WITH 8.5m MAX HEIGHT WHERE ENCROACHMENT OVER 8.5m WILL BE CONSIDERED
- PUMP STATION

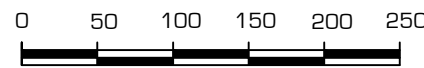
NOTE - HEIGHT MEASURED FROM NATURAL SURFACE LEVEL TO HIGHEST PART OF THE BUILDING

#### SOURCE:

Plans prepared by geolink - Pacific Pines Estate - Lennox Head 1675 - 1030  
Illustration C9 - Building Height Plan Dated: August 2012.

#### NOTE:

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1cm = 50m  
1:5000

REV	DATE	AMENDMENT
A	16.11.16	
B	17.01.17	10m BUFFER
C	20.08.18	LAYOUT SL5 & SL7, LEGEND
D	27.09.18	LEGEND & FUTURE RESIDENTIAL MIXED USE & LIVE WORK COLOURS
E	21.07.20	LEGEND & ROAD 1B
F	30.05.22	LAYOUT SL5

SOURCE PLAN: [www.maps.six.nsw.gov.au](http://www.maps.six.nsw.gov.au) - accessed 14.11.16

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**Newton Denny Chapelle**  
Surveyors Planners Engineers  
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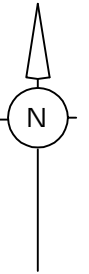
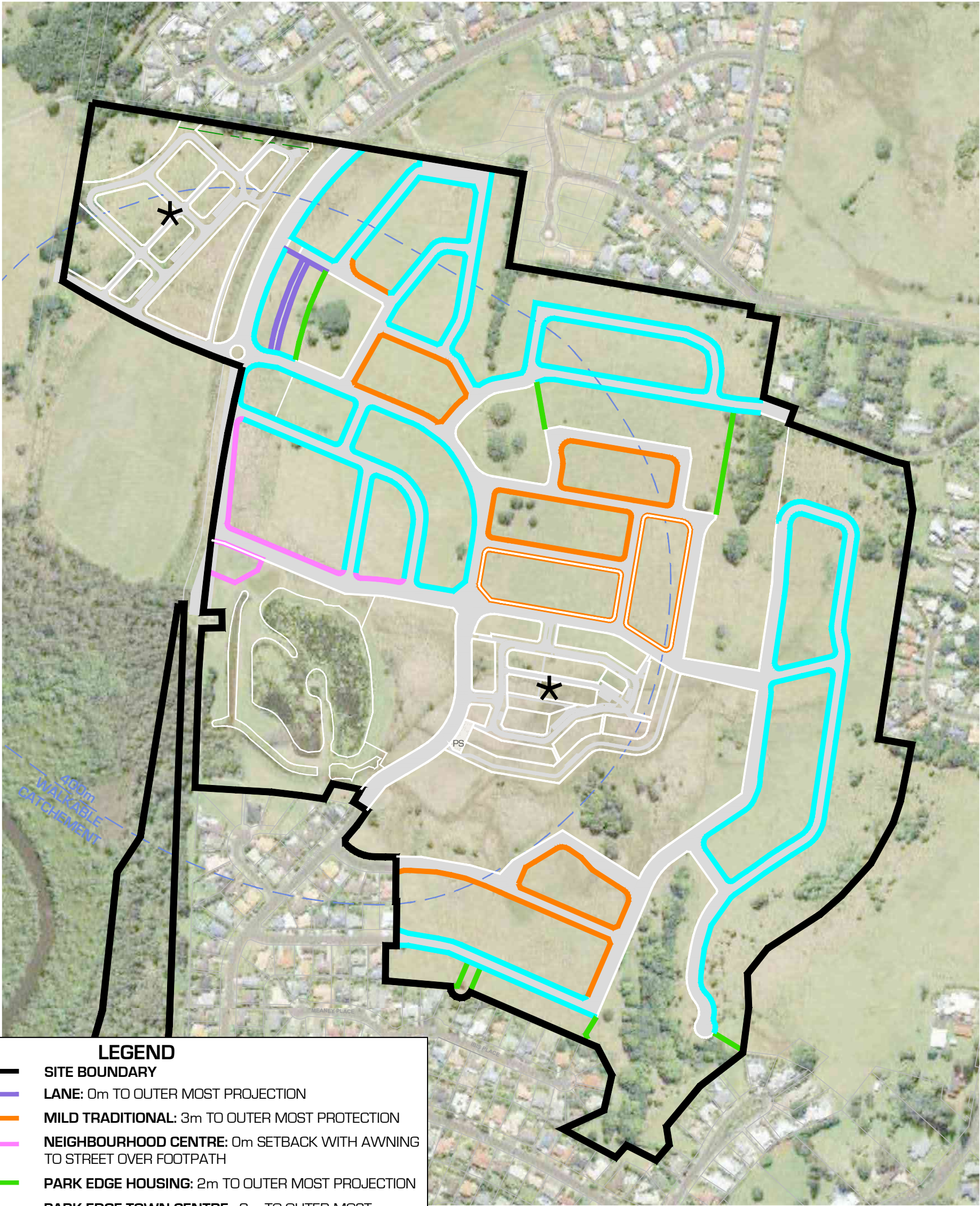
### EPIQ LENNOX HEAD ILLUSTRATION C9 - BUILDING HEIGHTS

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

REV F

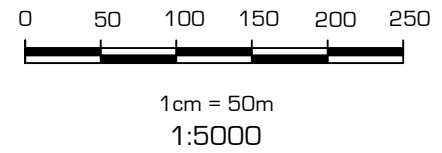
DATE: 30.05.22  
SCALE: 1 : 4000 @ A3

REF: 14/351  
DRAWN: bk



### LEGEND

- SITE BOUNDARY**
- LANE:** 0m TO OUTER MOST PROJECTION
- MILD TRADITIONAL:** 3m TO OUTER MOST PROTECTION
- NEIGHBOURHOOD CENTRE:** 0m SETBACK WITH AWNING TO STREET OVER FOOTPATH
- PARK EDGE HOUSING:** 2m TO OUTER MOST PROJECTION
- PARK EDGE TOWN CENTRE:** 0m TO OUTER MOST PROJECTION
- TRADITIONAL:** 6m TO OUTER MOST PROJECTION
- PS PUMP STATION**
- \* SETBACK PURSUANT TO DESIGN GUIDELINES**



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**SOURCE:**  
Plans prepared by geolink - Pacific Pines Estate - Lennox Head  
1675 - 1031 Illustration C10 - Setback Plan Dated: August 2012.

REV	DATE	AMENDMENT
A	16.11.16	
B	17.01.17	10m BUFFER
C	20.08.18	LAYOUT SL5 & SL7, LEGEND
D	27.09.18	LEGEND & FUTURE RESIDENTIAL MIXED USE & LIVE WORK COLOURS
E	21.07.20	LEGEND & ROAD 1B
F	30.05.22	LAYOUT SL5

SOURCE PLAN: [www.maps.six.nsw.gov.au](http://www.maps.six.nsw.gov.au) - accessed 14.11.16

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ABN: 86 220 045 469

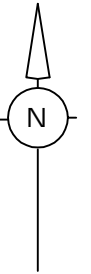
### EPIQ LENNOX HEAD ILLUSTRATION C10 - SETBACK

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

**REV F**

DATE: 30.05.22  
SCALE: 1 : 4000 @ A3

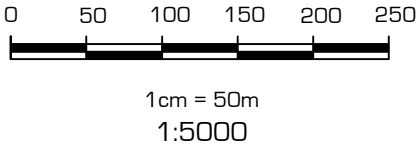
REF: 14/351  
DRAWN: bk



LEGEND	
	SITE BOUNDARY
	10m BOUNDARY BUFFER
	SEPP 14 WETLAND
	100m SEPP 26 BUFFER
	GREEN SPACE
	CONSERVATION ZONE
	PUMP STATION

**SOURCE:**  
Plans prepared by geolink - Pacific Pines Estate - Lennox Head 1675 - 1032  
Illustration C11 - Conservation Zone Plan Dated: August 2012.

**NOTE:**  
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E	21.07.20	LEGEND & ROAD 1B
F	30.05.22	LAYOUT SL5

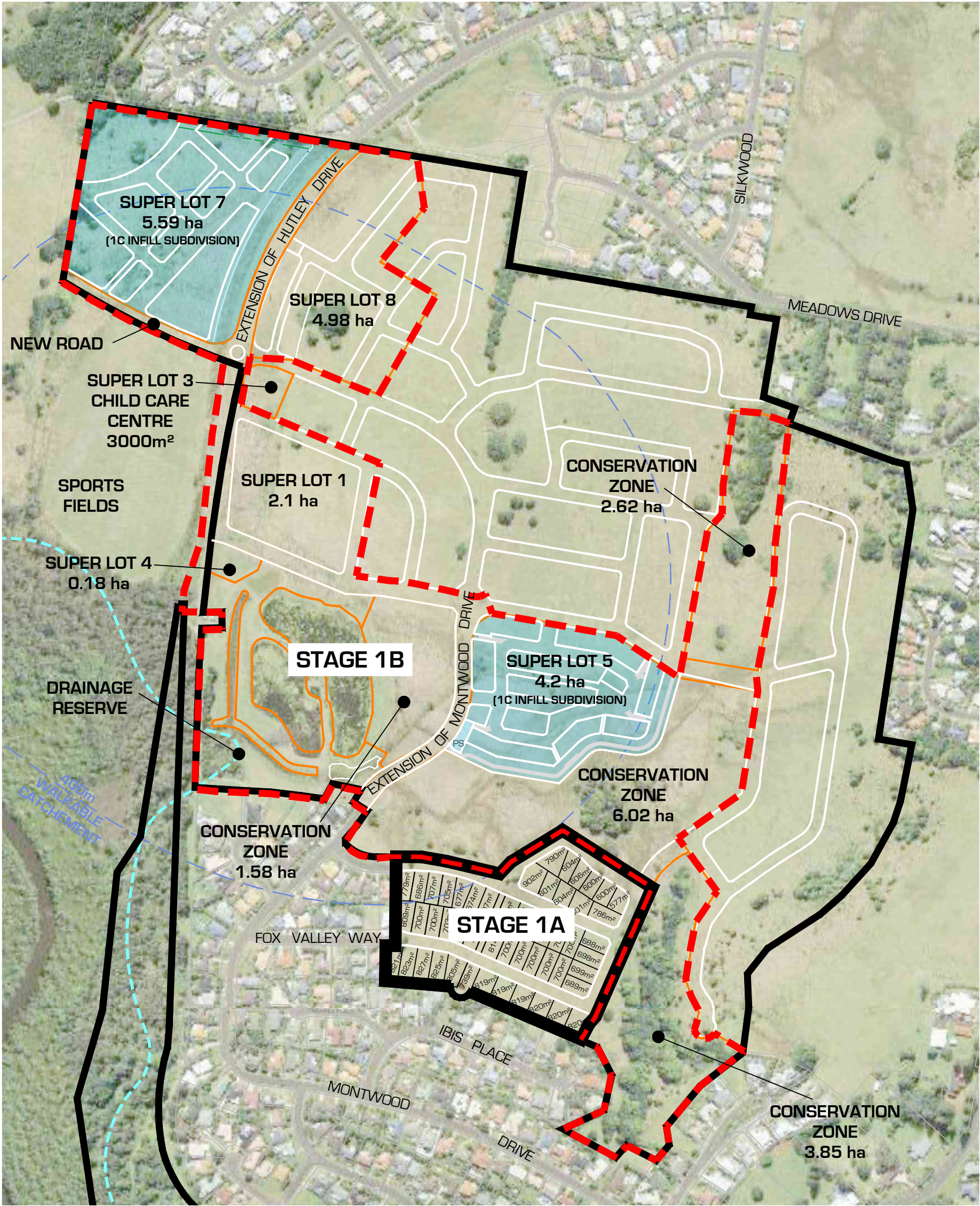
SOURCE PLAN: [www.maps.six.nsw.gov.au](http://www.maps.six.nsw.gov.au) - accessed 14.11.16  
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ABN: 86 220 045 469

**EPIQ LENNOX HEAD**  
**ILLUSTRATION**  
**C11 - CONSERVATION ZONE**  
CLIENT: CLARENCE PROPERTY CORPORATION  
LOCATION: LOT 234 DP1104071  
LENNOX HEAD NSW  
**REV F**

DATE: 30.05.22  
SCALE: 1 : 4000 @ A3  
REF: 14/351  
DRAWN: bk

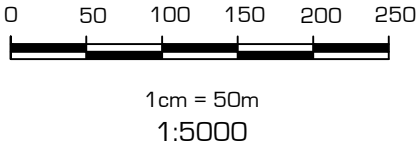




LEGEND	
	SITE BOUNDARY
	SUPERLOT BOUNDARY
	STAGE 1A
	STAGE 1B
	STAGE 1C

**SOURCE:**  
Plans prepared by geolink - Pacific Pines Estate - Lennox Head 1675 - 1034  
Illustration P2 - Illustration p2 - stage 1 subdivision plan Date: September 2012

**NOTE:**  
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SOURCE PLAN: [www.maps.six.nsw.gov.au](http://www.maps.six.nsw.gov.au) - accessed 14.11.16  
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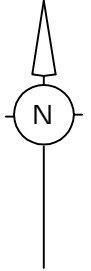
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ABN: 86 220 045 469

**EPIQ LENNOX HEAD  
ILLUSTRATION P2 - STAGE 1  
SUBDIVISION PLAN**

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

DATE: 30.05.22  
SCALE: 1 : 4000 @ A3

REF: 14/351  
DRAWN: bk



#### LEGEND

- |  |                                     |  |                   |
|--|-------------------------------------|--|-------------------|
|  | EXISTING VEGETATION TO BE RETAINED  |  | BOUNDARY          |
|  | NEW NATIVE PLANTINGS                |  | BOUNDARY STAGE 1A |
|  | MAJOR STREET TREE / AVENUE PLANTING |  | BOUNDARY STAGE 1B |
|  | DRAINAGE PONDS AND CREEKS           |  | BINS              |
|  | PEDESTRIAN / CYCLE PATHS            |  | FOUNTAINS         |
|  | SITE BOUNDARY                       |  | BENCHES           |
|  |                                     |  | BIKE RACKS        |
|  |                                     |  | POCKET PARK       |

#### NOTE:

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F	30.05.22	LAYOUT SL5

**SOURCE:**  
Plans prepared by geolink - Pacific Pines Estate - Lennox Head  
Illustration C2 - green network plan Date: 17 July 2012

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ABN: 86 220 045 469

#### EPIQ LENNOX HEAD ILLUSTRATION P3 STAGE 1 LANDSCAPE PLAN

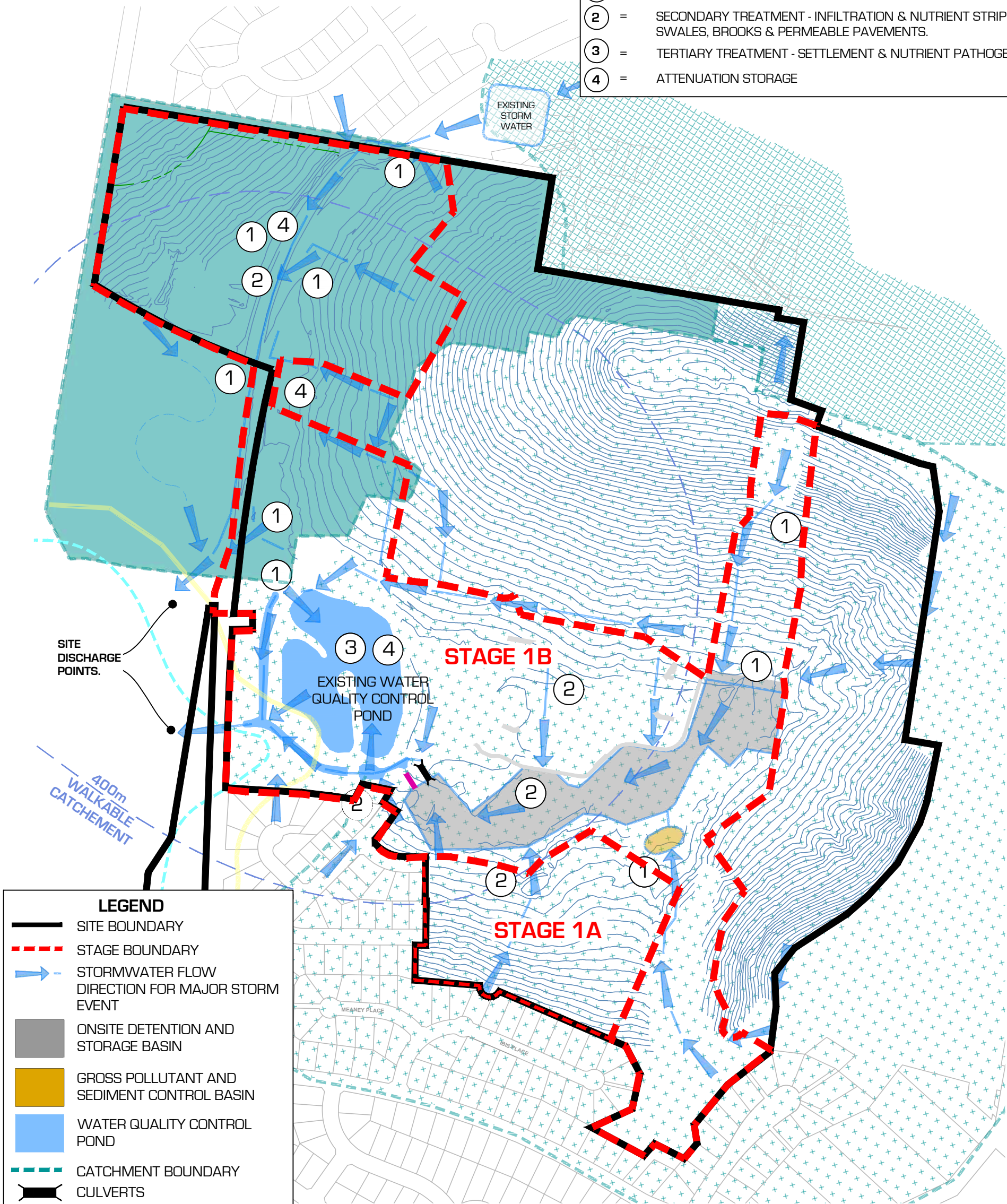
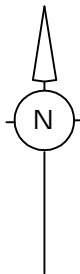
CLIENT: CLARENCE PROPERTY CORPORATION  
LOCATION: LOT 234 DP1104071  
LENNOX HEAD NSW

DATE: 30.05.22  
SCALE: 1 : 4000 @ A3  
REF: 14/351  
DRAWN: bk

© NEWTON DENNY CHAPELLE

WATER SENSITIVE URBAN DESIGN (WSUD) SYSTEMS

- 1 = PRIMARY TREATMENT - GROSS POLLUTANT TRAPS SILT SETTLEMENT.  
2 = SECONDARY TREATMENT - INFILTRATION & NUTRIENT STRIPPING VIA SWALES, BROOKS & PERMEABLE PAVEMENTS.  
3 = TERTIARY TREATMENT - SETTLEMENT & NUTRIENT PATHOGEN REMOVAL  
4 = ATTENUATION STORAGE



LEGEND

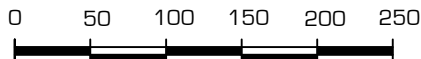
- SITE BOUNDARY  
- - - STAGE BOUNDARY  
→ STORMWATER FLOW DIRECTION FOR MAJOR STORM EVENT  
ON SITE DETENTION AND STORAGE BASIN  
GROSS POLLUTANT AND SEDIMENT CONTROL BASIN  
WATER QUALITY CONTROL POND  
- - - CATCHMENT BOUNDARY  
CULVERTS  
CATCHMENT '1'  
CATCHMENT '2'  
CATCHMENT '3'  
SEPP 14 BOUNDARY  
SEPP 14 - 50m BUFFER

SOURCE:

Plans prepared by geolink - Pacific Pines Estate - Lennox Head 1675 - 1027  
Illustration C7 - Stormwater Concept Plan Dated: 28 June 2010.

NOTE:

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1cm = 50m  
1:5000

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SOURCE PLAN: [www.maps.six.nsw.gov.au](http://www.maps.six.nsw.gov.au) - accessed 14.11.16

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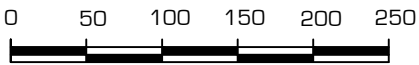
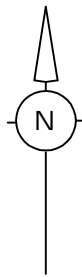
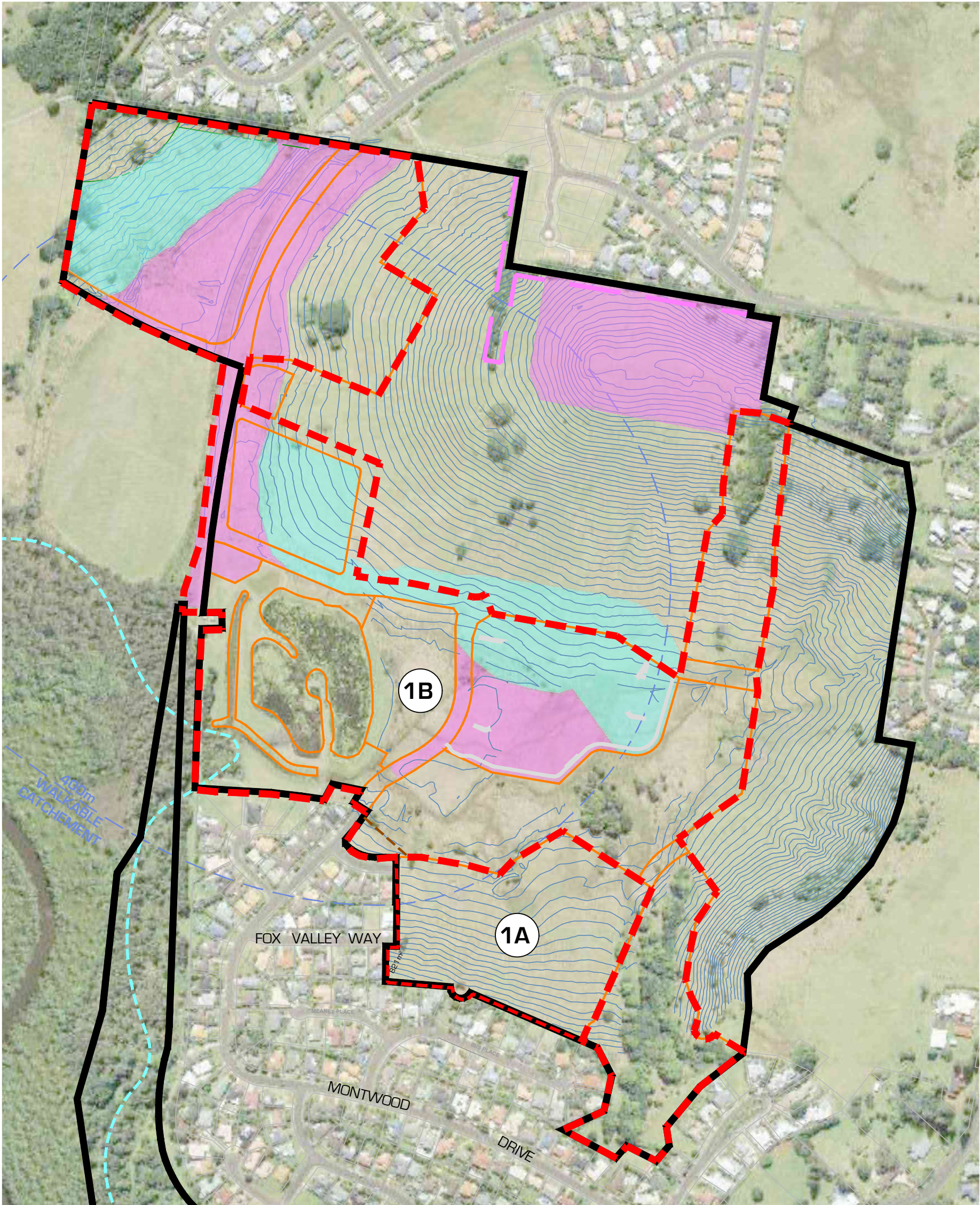
**Newton Denny Chapelle**  
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ABN: 86 220 045 469

**EPIQ LENNOX HEAD ILLUSTRATION  
P4 - STAGE 1 STORMWATER  
CONCEPT PLAN**

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

REV F

DATE: 30.05.22  
SCALE: 1 : 4000 @ A3  
REF: 14/351  
DRAWN: bk



1cm = 50m  
1:5000

**LEGEND**

- SITE BOUNDARY**
- STAGE BOUNDARY**
- SUPERLOT BOUNDARY**
- PROPOSED SEWER**
- PREVIOUSLY APPROVED**
- ADDITIONAL REQUIRED**

**SOURCE:**  
Plans prepared by geolink - Pacific Pines Estate - Lennox Head 1675 - 1034  
Illustration P5 - Illustration P5 Stage 1 Proposed Bulk Earthworks Date: August 2012

**NOTE:**  
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E	21.07.20	LEGEND & ROAD 1B
F	30.05.22	LAYOUT SL5

SOURCE PLAN: [www.maps.six.nsw.gov.au](http://www.maps.six.nsw.gov.au) - accessed 14.11.16  
k:\jobs\2014\14351 - clarence property\stage 2 & 6 - release 3\planning\planning plans\ndc plans\geo link update\cad files\geo link plan set rev g.dwg - p5



**Newton Denny Chapelle**  
Surveyors Planners Engineers

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CASINO 100 Barker St. Casino 2470 PH: 6662 5000  
ABN: 86 220 045 469

**EPIQ LENNOX HEAD**  
**ILLUSTRATION P5 - STAGE 1**  
**PROPOSED BULK EARTHWORKS**

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

DATE: 30.05.22  
SCALE: 1 : 4000 @ A3

REF: 14/351  
DRAWN: bk

## **ATTACHMENT 4**

**Bushfire Advice**  
***Bushfire Certifiers***

6<sup>th</sup> June 2022

Attn: James Fletcher  
Clarence Property  
Level 1 Suite 4-5  
Cnr Hutley & Snapper Drive  
LENNOX HEAD NSW 2478

Dear James,

**SUBJECT PROPERTY:** Lot 5 DP 1239938, Montwood Drive Lennox Head

**RE:** Amendment to Bushfire Certifiers Correspondence dated 7<sup>th</sup> February

As requested, the purpose of this correspondence is to address the information request from the NSW Department of Planning and Environment (DPE) as follows –

*“Clarification whether the 20m buffer provided to the conservation zone, including the 5m vegetation landscaping strip, will alter the bushfire threat to the site and recommendations of the submitted Bushfire Report (dated 12 August 2018). It is noted that the Site Plan provided to the bushfire consultant (Attachment A to the letter dated 7 February 2022 prepared by Bushfire Certifiers) does not identify any landscaping in the 20m buffer area.” (NDC Email dated 27<sup>th</sup> May 2022)*

This office has reviewed the attached site plan Drawing No. 5551.1S.02.CC (see Attachment A) for the residential subdivision of Lot 5 DP 1239938, Montwood Drive Lennox Head against the previous correspondence prepared by this office dated 7<sup>th</sup> February 2022 and the current Bush Fire Safety Authority (BFSa) dated 23 July 2020 (see Attachment B).

The review of the subject site plan is limited to the assessment of the proposed 5m deep landscape buffer located directly adjacent to south and southeast boundary on the bushfire hazard side of the 20m wide conservation zone.

The plan shows the closest building envelope denoted No. 22 as being adjacent to the residential allotment boundary, with 15m of open space within the conservation zone inclusive of the 4m wide accessway. The 5m landscaped ‘mosquito proof planting’ is located adjacent to the 15m cleared area.

The bushfire report prepared by this office dated 12<sup>th</sup> August 2018, provides a specific bushfire assessment which was accepted by NSW RFS with the issue of the Bush Fire Safety Authority requiring a minimum 10m asset protection zone setback to the south, southeast and east of the building envelopes on the urban interface. The following excerpt and recommendation is from the correspondence prepared by this office dated 7<sup>th</sup> February 2022 relating to asset protection zones.

**BFSA Condition No. 1 – 7<sup>th</sup> Feb 2022**

*“The first paragraph to be amended to state –*

*At the issue of a subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bushfire fires, the entire area of the residential allotments and open space on the adjoining lot to the south and east up to the boundary of Lot 145 DP 1241817 must be managed as an inner protection area (IPA). In this regard a Vegetation Management Plan will be required for the proposed Council owned allotment supporting the access road adjacent to the hazard.*

*Note - all IPA dot points of the current BFSA are to remain unchanged.”*

The advice for the amendment to the Bush Fire Safety Authority recommends the residential allotments and the open space within the 20m conservation area to be managed as an Inner Protection Area and included in a Vegetation Management Plan. The subject plan (Attachment A) indicates the open space component to be 15m deep which will comply with the recommendation of the 2018 Bushfire Assessment Report prepared by this office.

It is suggested the recommendation be slightly amended to require the 5m buffer planting to consist of high-moisture rainforest species. This will not compromise the maximum 29kW/m<sup>2</sup> threshold for compliance with Table A1.12.3 of Planning for Bushfire Protection 2019. It is also noted the Vegetation Management Plan will need to ensure the plantings are managed so as an unobstructed height of 4m above the accessway is maintained to comply with Condition No. 5 of the Bush Fire Safety Authority dated 23<sup>rd</sup> July 2020.

In conclusion, whilst it has been established the 5m deep landscaping with the conservation zone will not be inconsistent with our correspondence dated 7<sup>th</sup> February 2022 the following amendment requiring rainforest planted species and additional management in the Vegetation Management Plan is suggested.

**Recommendation to amend BFSA Condition No. 1**

*The first paragraph to be amended to state –*

*“At the issue of a subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bushfire fires, the entire area of the residential allotments and open space (15m deep) on the adjoining lot to the south and east up to the boundary of Lot 145 DP 1241817 must be managed as an inner protection area (IPA). The 5m deep landscaped ‘mosquito proof planting’ is to consist of rainforest species and managed so as not to obstruct a 4m high zone above the accessway. In this*

*regard a Vegetation Management Plan will be required for the proposed Council owned allotment supporting the access road adjacent to the hazard.*

*Note - all IPA dot points of the current BFSa are to remain unchanged."*

Should there be any further detail or clarification required, please do not hesitate to contact me on 0414 873 207.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Peter Thornton'.

Peter Thornton  
BPAD-L3 Accredited Bush Fire Practitioner (FPAA)

**ATTACHMENT A – Site plan**

**Proposed Terrace Home Development  
EPIQ – SUPER LOT 5, LENNOX HEADS**

No.	Unit Type
31	Type B - 8m
47	Type C - 7m
24	Type E - 7.5m - 8.5m
102	Total

On Street Parking Provided
99

- Indicates driveways with 2 car capacity
- Indicates driveways with 0 car capacity

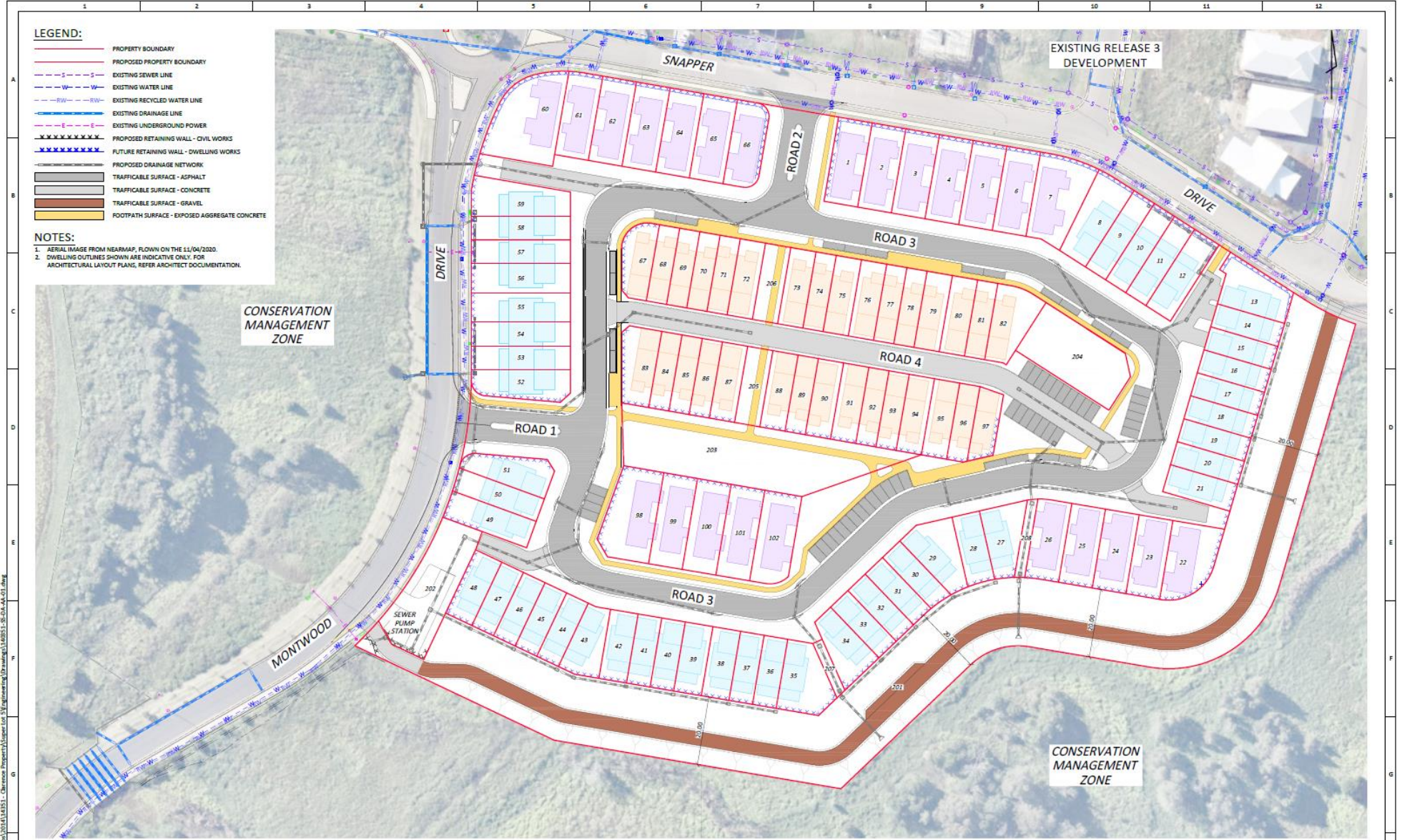
**Site Plan**  
5551.1S.02.CC



**TV  
S**

4/02/2022 9:32:37 AM 0115 architect





**SITE PLAN**  
SCALE 1:500

**FOR APPROVAL**

SCALES SHOWN ARE FOR AN A1 SIZE ORIGINAL DRAWING										HORIZ. DATUM VERT. DATUM SURVEY DRAWN DESIGN APPROVED										MGS4M AHD NDC D.YOUNG D. YOUNG C. PICKFORD										<div><div><div><div><div></div><div></div></div><div></div></div><div></div><div>Newton Denny Chapelle</div><div>Surveyors Planners Engineers</div><div>Email: office@ndc.com.au</div></div><div>Lismore (Head Office) Suite 1 31 Carrington St. Lismore 2480 T: +61 2 6622 3551 Casuarine 18/56 Cylinders Dr. Kingscliff 2487</div></div>										Site MONTWOOD DRIVE LENNOX HEAD NSW 2478  LOT 5 DP 1239938										EPIQ ESTATE - SUPER LOT 5 DEVELOPMENT APPLICATION SITE PLAN																																							
Full Size 1:500; Half Reduction 1:1000 SCALE (m)																																																																																									
REV										DESCRIPTION										BY										APP										DATE										Client CLARENCE PROPERTY										Reference No. 140351										Drawing No. 140351-S5-DA-AA-01										REVISION B									
REV										DESCRIPTION										BY										APP										DATE																																																	
B										LAYOUT AMENDED										DY										CP										04.02.22																																																	
A										FOR CLIENT REVIEW										DY										CP										13.11.21																																																	

**ATTACHMENT B – Bushfire Safety Authority 23.07.2020**



## NSW RURAL FIRE SERVICE



The Secretary  
NSW Planning & Environment  
4 Parramatta Square  
PARRAMATTA NSW 2150

Your Ref: MP 07\_0026 MOD 7  
Our Ref: DA-2017-05411-S4.55-1

**ATTENTION:** Lillian Charlesworth

23 July 2020

Dear Ms Charlesworth,

**Lot 5 DP 1239938, Montwood Drive, Lennox Head – MP 07\_0026 MOD 7**

I refer to your correspondence dated 1 July 2020 seeking comments from the NSW Rural Fire Service (RFS) with respect to the Applicant's response to submissions for the above application.

The NSW RFS has reviewed the information provided and understands that the key elements of the proposed modification are to:

- amend the development concept from a retirement community to a 145 lot integrated housing development;
- establish design guidelines for the subdivision and development; and
- amend the lot layout and road network.

The NSW RFS recommends the following conditions be included in any approvals granted for the project:

**Asset Protection Zones**

***The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:***

1. At the issue of a subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bush fires, the entire area of the proposed residential lots and the full 5 metre width of the access track adjacent to the Conservation Management Zone must be managed as an inner protection area (IPA). The IPA must comprise:
  - minimal fine fuel at ground level;

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NSW Rural Fire Service  
Planning and Environment Services (North)  
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COFFS HARBOUR NSW 2450

T (02) 6691 0400  
F (02) 6691 0499  
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- grass mowed or grazed;
- trees and shrubs retained as clumps or islands and do not take up more than 20% of the area;
- trees and shrubs located far enough from buildings so that they will not ignite the building;
- garden beds with flammable shrubs not located under trees or within 10 metres of any windows or doors;
- minimal plant species that keep dead material or drop large quantities of ground fuel;
- tree canopy cover not more than 15%;
- tree canopies not located within 2 metres of the building;
- trees separated by 2-5 metres and do not provide a continuous canopy from the hazard to the building; and,
- lower limbs of trees removed up to a height of 2 metres above the ground.

## **Design and Construction**

***The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:***

2. At the issue of a subdivision certificate, a suitably worded instrument(s) shall be created over the proposed lots pursuant to section 88 of the Conveyancing Act 1919. The instruments shall require future dwellings to be constructed to not greater than BAL 29 in accordance with the methodology outlined in Planning for Bush Fire Protection 2019. Construction shall be in accordance with Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate and Section 7.5 of Planning for Bush Fire Protection 2019. The name of authority empowered to release, vary or modify the instrument shall be Ballina Council.
3. The document titled 'Design Specification Integrated Development, Super Lot 5, EPIQ Estate', prepared by TVS (Rev. D, dated 24.06.2020) shall be amended to include reference to:
  - the requirements of Section 7.6 of Planning for Bush Fire Protection 2019 with respect to fences and gates; and
  - the requirements of Section 8.3.2 of Planning for Bush Fire Protection 2019 with respect to Class 10a ancillary structures.

## **Access**

***The intent of measures is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:***

4. Public roads must comply with of section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.
5. The access track adjacent to the Conservation Management Zone must include:
  - a minimum carriageway width of 4 metres;
  - a minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches;
  - a minimum trafficable width of 6 metres at the maintenance bays to provide an area for vehicles to pass;
  - any gates, bollards or similar being provided with a key / lock system authorised by the local NSW RFS.

## Water & Utilities

***The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:***

6. The provision of water, electricity and gas must comply with section 4.1.3 of Planning for Bush Fire Protection 2006.

### **General Advice**

The above recommendations are based on the plan titled 'EPIQ State – Super Lot 5 Lot Layout' prepared by Newton Denny Chapelle (Ref: 14351-S5-IN-PL-01, Rev. A), dated 26 June 2020.

For any queries regarding this correspondence please contact Paul Creenaune on 6691 0400.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Alan Bawden', with a stylized, flowing script.

Alan Bawden

**Team Leader – Development Assessment & Planning**

*The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au) and search under 'Planning for Bush Fire Protection, 2006'.*