

enquiries refer  
**Peter Drew**  
in reply please quote  
**RN 20/54210**



5 August 2020

Lillian Charlesworth  
Planning Assessment  
Department of Planning, Industry and Environment

By email - Lillian.Charlesworth@planning.nsw.gov.au

Dear Lillian

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

I refer to your email of 1 July 2020 providing Council with an opportunity to review the proponent's response to submissions in relation to Super Lot 5 of the Epiq Estate.

The following comments are provided for consideration by the Department in the assessment and determination of the modification application.

**1. Perimeter Road**

- Council has previously indicated to DPIE a preference for the subdivision layout to incorporate a perimeter road between Super Lot 5 and the conservation management zone.

Notwithstanding this, in response to correspondence from the applicant, Council has indicated (in responses dated 28/6/19 and 7/2/20) that on balance a design without a perimeter road can be acceptable where reasonable environmental outcomes can be achieved.

Key considerations in this regard include the extent of any future burden associated with management of (what will ultimately become) public land and the achievement of appropriate vegetation restoration outcomes on the land adjoining the southern and eastern boundaries of Super Lot 5 (the Conservation Zone).

In the period since Council's last correspondence to the applicant, Council has had further opportunity to consider the issues associated with the Conservation Zone. Council has also given consideration to the 21 July 2020 correspondence from the Biodiversity Conservation Division.

The Conservation Zone area is central to the resolution of bushfire, stormwater and mosquito management matters which ultimately define the nature of future land management implications that will eventually become Council's responsibility. Decisions on these matters also directly relate to environmental outcomes associated with the land. In this regard, it is recognised that the applicant has to date undertaken investigations and provided information seeking to address various issues arising in relation to the subdivision layout and the implications with respect to the Conservation Zone.

The comments below incorporate Council's current understanding of the status of the Conservation Zone and consideration of the interrelationships and balance between setback requirements, stormwater management and ecological outcomes.

## **2. Site Access**

- The proposed left in/left out access onto Montwood Drive is supported. Until detailed design is finalised, it is not known if widening of the Montwood Drive pavement will be required to accommodate the width of the proposed median. However, this and other similar road design details can be dealt with through Project Conditions and the S138 Roads Act application process.
- Council strongly opposes any direct lot access onto Montwood Drive. Montwood Drive is a key connector road link in the Ballina Shire arterial road network and its capacity and functionality would be compromised if any direct lot access were permitted from Super Lot 5.

## **3. Parking**

- Council's minimum DCP standard for dwellings on Torrens title lots is two car parking spaces and stacked parking is acceptable. Type A dwelling designs provide a single car garage and provision for another stacked car parking space on the driveways. However, the driveway/stacked car parking space is not contained wholly on the allotment, but continues across onto the road reserve verge. The proposal should be amended to ensure that the second mandatory car parking space is fully contained within each proposed Torrens title allotment.
- The subdivision provides for 133 allotments, with 55 on street parking spaces. Council's view is that this is not an abundance of on street parking. This reinforces the importance of achieving provision of at least two car spaces wholly within each allotment.

## **4. Allotment Sizes**

- The sizes of smaller allotments may require adjustment to ensure two cars can be parked wholly within each allotment (e.g. proposed Type A buildings).

## **5. Local Park**

- The provision of one suitably sized local park is considered to be sufficient for the development. Given that the latest design incorporates a larger local park (adjacent to lots 126-133), the 'pocket park' (adjacent to Lot 107) should be removed completely and replaced with more designated on-street car parking spaces, with a principle of low maintenance applied to the design of any landscaping associated with the parking.

## **6. Landscaping**

### Proposed Perimeter Track

- If the access track is supported by the Department over a perimeter road, the access track corridor should not contain any vegetation.

### Internal Site Landscaping

- The submitted Landscape Plans indicates that the development is to be heavily landscaped with trees. The trees selected for planting at the site achieve growth heights between 6-30m and have a lateral spread of 2-10m. Based on the currently proposed tree section there is likely to be a conflict between the proposed plantings and their proximity to infrastructure and services (water, sewer and stormwater). Tree species should be selected to avoid future infrastructure damage.
- Given the predicted growth heights and lateral spread of the trees, it is unknown how the landscaping will affect the location of bins and garbage collection services, vehicle site distances and movements.

## **7. Mosquito Management APZs**

- Matters of mosquito buffers and APZs need to be considered and resolved as part of the current application.
- A minimum 25 metre mosquito buffer should be provided between the edge of the CMZ and private allotments (not just the dwelling) as a strategy to reduce mosquito impacts (mosquito buffers should not extent into the CMZ). The buffer should incorporate the following:
  - Free of vegetation (other than mowed grass) or other structures which facilitate mosquito dispersal and provides harbourage for resting adult mosquitoes (it would appear that the proposed landscape plan does not achieve this).
  - Free of structures or features that have the potential to act as mosquito breeding sites.
  - Do not contain any type of dwelling.
  - Easily maintained.
  - Incorporate roadways, bike and footpaths or other suitable open areas.

Given that the ultimate revegetation outcome within the conservation to the south and east of Super Lot 5 is not yet resolved, it is presently uncertain how mosquito management outcomes as outlined above will be achieved. Further detail with respect to the conservation area is set out below.

## **8. Stormwater Discharge**

- Due to the proposed land forming, the majority of stormwater from the development is to be discharged directly into the Conservation Management Zone above Montwood Drive. Thus, discharged stormwater will be required to move through a large portion of the Conservation Zone before it enters the water treatment pond.

Council is of the view that if the land forming was directed towards Montwood Drive the majority of stormwater from the development could be discharged to the western side of Montwood Drive. The benefit of discharging stormwater into this location it a more direct and shorter route to the water treatment pond. In addition, the developer has already constructed a drainage pathway and maintenance track in this area (Plates 1 and 2).

- It is acknowledged that the manner in which stormwater discharged throughout the development is described in the approved Gilbert and Sutherland stormwater plan.

However, the annual Soil Moisture Report and Vegetation Monitoring Reports are used to measure the health of the Conservation Zone and if required trigger the need for adaptive management strategies to be implemented.

In this respect, the results of the 2018/19 Soil Moisture Report were affected by faulty equipment. Whilst Council has not received this year's report, it is understood this year's monitoring results have again been affected by faulty equipment.

In respect to the Vegetation Monitoring Reports, Council has not received the 2020 monitoring report. However, the need for the project to replace HJG habitat with infill plantings suggests the Conservation Zone is going through a range of changes. Other visual inspections confirm that portions of the Conservation Zone are subject to low native cover and a high abundance of weeds. Whether or not these changes are associated with changes in hydrology remain largely unknown based on the information available to date.

The underlying reasons for the changes in the vegetation structure of the Conservation Zone should be further investigated prior to increasing stormwater flows into the Conservation Zone.



**Plate 1:** Yellow Line depicts the location of the constructed drainage path and maintenance track. Red crosses the location current stormwater discharge points.





**Plate 2:** Constructed drainage pathway on the western side of Montwood Drive.

## 9. Outstanding Restoration works

- On 6 May 2020, Council and other agencies attended an onsite meeting to discuss the progression of restoration works within the Conservation Zone. Following that meeting, it was agreed that the applicant's ecological consultant would prepare map depicting the location where additional infill planting is to be undertaken.

Council has not yet received the further information. However, it is considered that large portions of the Conservation Zone set aside for HJG habitat will be identified for reforestation with either littoral rainforest and/or swamp forest. While the applicant has identified an area of land adjacent to the development is to be planted with littoral rainforest, this area is subject to a high water table and extended inundation. A forested wetland vegetation (refer Plate 3) community is likely to be more successful in this area.



**Plate 3:** Area proposed for littoral rainforest established characterised by standing water after significant rainfall event.

- Whilst the transition of HJG areas to forested vegetation communities is supported, this action may affect other environmental factors of the site including, bushfire and mosquito management. Greater definition around the future restoration works in the Conservation Zone would be advantageous in determining the implications and suitability of outcomes associated with a subdivision design that does not include a perimeter road.
- The applicant indicates the proposed infill planting regime within the Conservation Zone can be modified to achieve bushfire and mosquito requirements. This may be achievable but should be balanced with the ecological outcomes achieved in the Conservation Zone relative to the applicable management plan and associated approvals. A better understanding of the ultimate revegetation approach (and certainty it will be agreed by the relevant agencies) would be beneficial to properly evaluate this balance.

## 10. Residential Component

- Given the scale of the development and limited timeframes to consider the proposal, Council has not been able to undertake a thorough assessment of the residential component of the development (which it is understood will be subject to separate Development Applications for which Council will be the consent authority).

- However, since the subdivision and subsequent developments are interconnected (i.e. once the subdivision is approved there is limited opportunity to refine the dwelling designs due the size of lots), the Department should be satisfied with the overall development likely to result from the subdivision prior to approval of the modification. Particular consideration should be given to the following:
  - Residential amenity for future residents (privacy, solar access, overshadowing, cross ventilation, and private open space).
  - Principles of adaptability and aging in place.
  - A minimum of two residential car parking spaces being provided to each dwelling, in accordance with the Ballina DCP 2012, contained wholly within the subject allotments (this is not presently achieved for Type A units).
  - Adequate frontage to each dwelling so that garbage bins can be presented on the road reserve for collection (e.g. lots 21-22 and 56-50 have no or limited street frontage and will be required to place bins on driveways or in front of other properties). Street trees and driveway locations will further reduce the available area.

Thank you for providing Council with an extension of time to review and comment on the proponent's information.

If you have any enquiries in regard to this matter please contact Peter Drew on 1300 864 444.

Yours faithfully



Matthew Wood  
**Director**  
**Planning and Environmental Health Division**