Pacific Pines Modification Report

An application under Section 75W of the Environmental Planning and Assessment Act 1979 to modify Ministers Approval MP 07_0026

> Prepared for: The Royal Bank of Scotland © GeoLINK, 2012



PO Box 119 Lennox Head NSW 2478 T 02 6687 7666

PO Box 1446 Coffs Harbour NSW 2450 T 02 6651 7666

info@geolink.net.au

Version History					
UPR	Description	Date Issued	Issued By	Reviewed By	
1675500	Draft	20/07/2012	Sean Cochran	Rob van Iersel	
1675650	Final	23/07/2012	Rob van lersel	client	

Table of Contents

1	Introdu	iction	1
	1.1 E	Background	1
	1.2 A	Approved Development	1
	1.2.1	Previous Modification	2
	1.2.2	Proposed Modification	2
	1.3 F	Further Information	2
2	Propos	ed Modification	3
	2.1 0	Overview	3
	2.1.1	Increased Conservation Zone Area	3
	2.1.2	Reduction in Residential Lots	3
	2.1.3	Reduction in Super Lot 5 (Retirement Village site)	4
	2.1.4	Removal of Super Lot 2 (Tavern Site)	4
	2.1.5	Relocation of Super Lot 4 (Community Hall Site)	4
	2.2 C	Details of Modification – Concept Approval	4
	2.2.1	Condition A1 - Project Description	4
	2.2.2	Condition A2 - Staging	5
	2.2.3	Condition A3 - Project in Accordance with Plans	7
	2.2.4	Condition A4 - Project in Accordance with Documents	7
	2.2.5	Condition B2 - Conservation Zone Management Plan	9
	2.2.6	Condition B4 – Height	11
	2.2.7	Condition B11 – Pedestrian Linkages	11
	2.2.8	Condition B12 - Neighbourhood Centre Setbacks	11
	2.2.9	Condition C12 - Stormwater Management	12
	2.2.10	Condition C15 - Mosquito Impact Assessment	12
	2.3 C	Details of Modification – Project Approval	12
	2.3.1	Condition A1 Project Description	12
	2.3.2	Condition A2 - Staging	13
	2.3.3	Condition A3 - Project in Accordance with Plans	14
	2.3.4	Condition A4 - Project in Accordance with Documents	15
	2.4 N	Modified Plans	16



3	Asses	ssment of modification	19
	3.1	Substantially the same development	.19
	3.2	Consistency with approvals	.19
	3.3	Environmental impacts of proposed modifications	.19
4	Concl	usion	21

Tables

Table 1.1	Approved Development 1	
Table 1.2	Previous Consent Modifications)

Appendices

A Updated Plans



Introduction

1.1 Background

GeoLINK is engaged by the Royal Bank of Scotland in relation to this application seeking minor modification of the Minister's approval for the Pacific Pines development at Lennox Head.

The modification as described herein will enable the proponent to appropriately address various requirements of the approvals and provide a development that will support effective management of biodiversity.

1.2 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 3) was approved by the Minister for Planning on 8 September 2011.

The approval includes both a Concept and Project Plan for Pacific Pines Estate at Lennox Head. **Table 1.1** provides the current description of both the Concept and Project Plan developments.

Table 1.1	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 (> 1,200m²) 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); and g) 'Park court' lots (450m² to 600m²) 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; 	 A 65 lot residential subdivision comprising: a) 54 residential lots ranging in size from 632m² to 907m²; b) 8 super lots for future development as follows: i. Super lot 1 (1.43 ha); ii. Super lot 2 (5,730m²); iii. Super lot 3 (2,050m²); iv. 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 7 (5.59 ha) viii. Super Lot 8 (4.98 ha). c) 2 open space lots of 910m² and 641m²; d) Earthworks; e) Associated roads and civil works; and f) Landscaping. 		



Co	ncep	ot Approval	Project Approval
5.	Me	dium density housing;	
6.	Аg	reen space network of 25.3 ha comprising:	
	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 6.5 ha;	
	e) Revegetation around littoral rainforest EEC 6.3 ha; and		
f) Rehabilitation works adjacent to Ballina Nature Reserve 5.9 ha.		•	
7.	Roa	ad network; and	
8.	Oth	er associated infrastructure.	

1.2.1 Previous Modification

The original approvals have been modified three times as shown in Table 1.2.

Table 1.2 Previous Consent Modifications

Date of Modification	Modification Description
22 December 2008	To correct a minor error.
8 August 2011	 Consolidation of stages 11 to 9;
	 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.
	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.
8 September 2011	To correct administrative errors.

1.2.2 Proposed Modification

The current application seeks approval to modify a number of aspects of the approvals, as specified in **Section 2** of this report. The intent of the modification is to expand the existing conservation zone to enable improved ecological management within the development footprint to improve biodiversity and improve connectivity to surrounding ecological communities.

1.3 Further Information

Should additional information be required in relation to any aspects of this application for modification, please contact **Rob van lersel** of GeoLINK on 02 66877 666, or <u>rvi@geolink.net.au</u>.



Proposed Modification

2.1 Overview

The key changes proposed for the approved development:

- increasing the total area of conservation zone to 17.3 ha;
- removing the 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; and
- relocating Super Lot 4 (the community hall site) to improve the conservation zone connectivity.

2.1.1 Increased Conservation Zone Area

The proposed expansion of the conservation zone has been developed via extensive consultation with Ballina Shire Council, Office of Environment and Heritage (OEH) and the Department of Planning and Infrastructure (DPI), pursuant to the MP07_0026 conditions of approval. The expansion of the conservation zone will result in significantly enhanced conservation outcomes.

Significant proportions of Freshwater Wetland EEC, Hairy Joint Grass (HJG) and Square Stemmed Spike Rush (SSSR) at the site are protected by establishing the Conservation Zone. Despite this, some losses of these species / communities are unavoidable in constructing the Pacific Pines estate. Discussions between GeoLINK, Ballina Shire Council, OEH and DPI in 2012 solidified the viewpoint that the best conservation outcome is to develop a mosaic of vegetation and habitat types forming an integrated suite of ecosystems within the Conservation Zone, as opposed to focusing solely on translocation of threatened species as part of an offset requirement.

The overall ecological objective for management of the Conservation Zone is:

- To facilitate the establishment of an integrated suite of ecosystems, representing the distribution pattern
 of EECs that are expected to have been present in this area pre-clearing.
- To minimise maintenance inputs to this area by encouraging self-sustaining vegetation.
- To enhance the inherent ecological values of the constituent EECs and threatened species presently occupying this area.

As HJG is a Commonwealth protected species, SEWPaC have also been consulted and now support this integrated approach in developing this integrated suite of ecosystems.

The expansion of the zone would improve the ecological function, management and connectivity of the various reserves dedicated for conservation.

2.1.2 Reduction in Residential Lots

Overall, a total of 18 residential lots (approx 2 ha) are proposed to be removed to allow for an increase in the current conservation zone area including:

- 9 lots located to the north-east of the conservation zone ;
- 6 lots on the south-eastern extremity of the conservation zone; and
- 3 lots on the south-western extremity of the conservation zone.



The removal of the residential lots to the north-east of the conservation zone improves connectivity between the existing conservation zone and a relatively large area of littoral rainforest (identified as dual use revegetation and recreation space in Illustration C11). The expansion of the conservation zone derived from the removal of the nine residential lots would allow for regeneration plantings within gaps present in the south of this zone.

Additionally, the removal of the 18 lots would improve the management of the zone by reducing direct residential frontage to the conservation zone, allowing the zone to be bounded by road reserve. This would reduce the incidence of residential 'dumping' and increase potential for successful weed management.

2.1.3 Reduction in Super Lot 5 (Retirement Village site)

The proposed modification includes a reduction in size to Super Lot 5 (the retirement community lot). The intention of this is to increase the width of the conservation zone in the vicinity of Montwood Road to maximise the east-west connectivity.

2.1.4 Removal of Super Lot 2 (Tavern Site)

Super lot 2 (the tavern site) is proposed to be removed entirely from the development. As approved, the tavern site is located off the north-western border of the conservation zone. The removal of the tavern site will improve connectivity between the conservation zone and the adjoining nature reserve (outside the development footprint).

2.1.5 Relocation of Super Lot 4 (Community Hall Site)

Super lot 4 (the community hall site) is proposed to be relocated to the north-western border of the conservation zone, effectively replacing the tavern site with a much smaller site. Whilst this places the lot in the same location as the tavern site, this relocation will not restrict connectivity between the conservation zone and the adjoining nature reserve due to the smaller size super lot 4 (in comparison to super lot 2)

2.2 Details of Modification – Concept Approval

2.2.1 Condition A1 - Project Description

Current Condition

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 on steeper parts of the site (> 1,200m²)
 - 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 $(450m^2 to 600m^2)$
- 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:



- 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 6.5 ha;
- e) Revegetation around littoral rainforest EEC 6.3 ha; and
- f) Rehabilitation works adjacent to Ballina Nature Reserve 5.9 ha.
- 7. Road network; and
- 8. Other associated infrastructure.

Proposed Modification

The proposed modification takes into account the removal of the Tavern site and provides an updated summary and relevant area calculations for the green space network, neighbourhood centre, and community centre. The proposed changes to wording are shown in **bold**.

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 on steeper parts of the site (> 1,200m²)
 - 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 $(450m^2 \text{ to } 600m^2)$; and
 - g) 'Park court' lots (450m² to 600m²)
- 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 **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 17.3 ha; and
 - e) **Revegetation around littoral rainforest EEC 6.3 ha; and**
 - f) Rehabilitation works adjacent to Ballina Nature Reserve 5.9 ha.
- 7. Road network; and
- 8. Other associated infrastructure

2.2.2 Condition A2 - Staging

Current Condition

The project shall be undertaken in 10 stages generally in accordance with Illustration C5 Development Staging (Drawing No. 100603 3E dated 16 August 2010) and Illustration P1 Stage 1 Project Application Plan (Drawing no. 100603 1E dated 16 August 2010) and comprising the following:

1) Stage 1A -Subdivision of 54 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, 2, 3, 4, 5, 6, 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 100m buffer to littoral rainforest in the north west of the site;
- 3) Stage 2 residential subdivision in the central and north eastern part of the site and connection to Stoneyhurst Drive;
- 4) Stage 3 residential subdivision in the central and north parts of the site;
- 5) Stage 4 residential subdivision and provision of open space in the central part of the site;
- 6) Stage 5 residential subdivision in the east of the site;
- 7) Stage 6 residential subdivision and provision of green space around Littoral Rainforest endangered ecological community in the north east of the site;
- 8) Stage 7 residential subdivision and provision of green space around Littoral Rainforest endangered ecological community in the south east of the site;
- 9) Stage 8 residential subdivision in the east of the site;
- 10) Stage 9 residential subdivision in the northern part of the site.

Stages 1A and 1B shall be undertaken first. The order of subsequent stages can be varied with the written approval of the Director-General.

Proposed Modification

The proposed modification is required to ensure accuracy relating to references to modified plans, removal of Super Lot 2 and total number of Stage 1A residential lots.

The project shall be undertaken in **7** stages generally in accordance with Illustration C5 Development Staging (Drawing No. **1675622 3G dated 19 July 2012**) and Illustration P1 Stage 1 Project Application Plan (Drawing No. **1675173 2G dated 17 July 2012**) and comprising the following:

- 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, 2, 3, 4, 5, 6, 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 100m buffer to littoral rainforest in the north west of the site;
- 3) Stage 2 residential subdivision **and open space** in the central and **north** eastern part of the site and connection to Stoneyhurst Drive;
- 4) Stage 3 residential subdivision in the central and north parts of the site (adjacent to Super Lot 8);
- 5) Stage 4 residential subdivision and provision of open space in the central part of the site;
- 6) Stage 5 residential subdivision in the east of the site;
- 7) Stage 6 residential subdivision and provision of green space around Littoral Rainforest endangered ecological community in the north-east of the site;
- 8) Stage 7 residential subdivision and provision of green space around Littoral Rainforest endangered ecological community in the south east of the site;
- 9) Stage 8 residential subdivision in the east of the site;
- 10) Stage 9 residential subdivision in the northern part of the site.

Stages 1A and 1B shall be undertaken first. The order of subsequent stages can be varied with the written approval of the Director-General.



2.2.3 Condition A3 - Project in Accordance with Plans

Current Condition

Design, Landscape and Survey Drawings				
Drawing No.	Revision	Name of Plan	Date	
100603 1E		Illustration C1 Concept Plan	16/08/10	
100603 6A		Illustration C2 Green Network Plan	11/06/10	
100603 29A		Illustration C3 Indicative Neighbourhood Centre Plan	11/06/10	
100603 27A		Illustration C4 Indicative Retirement Community	11/06/10	
100603 3F		Illustration C5 Development Staging	8/4/11	
100603 14A		Illustration C6 Movement Network	11/06/10	
		Illustration C7 Stormwater Concept Plan	28/06/10	
100603 32A		Illustration C8 Lot Typologies	11/06/10	
100603 5B		Illustration C9 Building Heights Plan	15/06/10	
100603 31A		Illustration C10 Setback Plan	11/06/10	
100603 46B		Illustration C11 Conservation Zone Plan	15/06/10	

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

Proposed Modification

The proposed modification is required to ensure accuracy relating to the reference of all updated plans.

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

Design, Landscape and Survey Drawings				
Drawing No.	Revision	Name of Plan	Date	
1675144 1F		Illustration C1 Concept Plan	15/05/12	
1675134 6B		Illustration C2 Green Network Plan	17/07/12	
100603 29A		Illustration C3 Indicative Neighbourhood Centre Plan	11/06/10	
100603 27A		Illustration C4 Indicative Retirement Community	11/06/10	
1675622 3G		Illustration C5 Development Staging	19/07/12	
1675126 14B		Illustration C6 Movement Network	17/07/12	
		Illustration C7 Stormwater Concept Plan	28/06/10	
1675157 32B		Illustration C8 Lot Typologies	16/05/12	
1675126 5C		Illustration C9 Building Heights Plan	16/05/12	
1675126 31B		Illustration C10 Setback Plan	14/05/12	
1675126 46C		Illustration C11 Conservation Zone Plan	14/05/12	

2.2.4 Condition A4 - Project in Accordance with Documents

Current Condition

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.

Modification Documentation

- 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.

Proposed Modification

The proposed modification is required to accurately reference all documents relating to the updated status of the development resulting from this modification submission.

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.

Modification Documentation

- 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;
- *j)* Pacific Pines Modification Report including all appendices prepared by GeoLINK, dated July 2012; and
- *k*) Updated Plans to reflect expansion of the conservation zone prepared by GeoLINK, dated May and July 2012.



2.2.5 Condition B2 - Conservation Zone Management Plan

Current Condition

The proponent's commitment to prepare a Conservation Zone Management Plan is modified to the following:

A Conservation Zone Management Plan is to be prepared by a suitably qualified person(s) that is to receive the prior approval of the Director-General. The Plan is to be prepared in consultation with the Office of Environment and Heritage and Council and implemented for the area shown as the Conservation Zone on Illustration C11 - Conservation Zone Plan dated 15 June 2010. The Plan is to specifically address the management of all retained EECs and threatened species as well as the proposed revegetated areas within the Conservation Zone, but not be limited to, the following:

- 1) A contemporaneous detailed plan specifying all areas of EECs and threatened species habitat to be retained and the areas proposed to be re-established;
- 2) A program for the mapping and monitoring of the location and density of Hairy Joint Grass and Squarestemmed Spike Rush;
- 3) The manner in which retained populations of Hairy Joint Grass and Square-stemmed Spike Rush will be enhanced;
- 4) A rehabilitation plan that details the manner in which the functions and values of the Freshwater Wetlands EEC will be restored;
- 5) Details of an on-site compensation strategy that offsets the loss of Freshwater Wetlands EEC, Hairy Joint Grass and Square-stemmed Spike Rush across the site (determined by terms B1(1) and B2(1)), including details of:
 - a) The goal of the on-site compensation;
 - b) Details of the compensatory measures to be implemented;
 - c) A timeline for implementation of the measures;
 - d) Details of how the success of the compensatory measures are to be measured, including monitoring requirements;
 - e) Details of the contingency measures to be undertaken where the compensatory works have been unsuccessful, such as off-site compensation measures, bonding arrangements and the like;

Note: the proponent has indicated that an offset ratio of at least 2:1 is achievable on the site.

- 6) Details of the proposed translocation of Hairy Joint Grass and Square Stem Spike Rush within the Conservation Zone;
- 7) A Water Management Plan that addresses the manner in which the hydrological regime of the Freshwater wetlands EEC and associated threatened species will be maintained throughout the life of the project and is to include, but not be limited to:
 - a) An assessment of the pre-development hydrological regime including surface and groundwater inflows and outflows;
 - b) Measures to be implemented to ensure the pre-development hydrological regime is maintained;
 - c) Mapping of the extent of the seepage areas and measures to ensure their ongoing protection; and
 - d) Detailed design, installation and maintenance methods of the proposed weirs and other infrastructure identified in Illustration C7 dated 14/8/2008 to ensure the maintenance of the existing hydrological regime.
- 8) An integrated weed management strategy;
- 9) A concise set of ongoing management requirements to achieve a self-sustaining ecological system;
- 10) Methods to be utilised to protect all threatened flora and fauna habitat and EECs on the site throughout the life of the project;
- 11) The manner in which public access will be managed throughout the life of the project; and
- 12) Details of interpretive signage to be installed.



Proposed Modification

The proposed modification will reflect the date of the updated plans and discussions undertaken confirming overall ecosystem approach to management of the Conservation Zone.

The proponent's commitment to prepare a Conservation Zone Management Plan is modified to the following: A Conservation Zone Management Plan is to be prepared by a suitably qualified person(s) that is to receive the prior approval of the Director-General. The Plan is to be prepared in consultation with the Office of Environment and Heritage and Council and implemented for the area shown as the Conservation Zone on Illustration C11 - Conservation Zone Plan dated **14 May 2012**. The Plan is to specifically address the management of all retained EECs and threatened species as well as the proposed revegetated areas within the Conservation Zone, but not be limited to, the following:

- 1) A contemporaneous detailed plan specifying all areas of EECs and threatened species habitat to be retained and the areas proposed to be re-established;
- 2) A program for the mapping and monitoring of the location and density of Hairy Joint Grass and Squarestemmed Spike Rush;
- 3) The manner in which retained populations of Hairy Joint Grass and Square-stemmed Spike Rush will be enhanced;
- 4) A rehabilitation plan that details the manner in which the functions and values of the Freshwater Wetlands EEC will be restored;
- 5) Details of an on-site compensation strategy that offsets the loss of Freshwater Wetlands EEC, Hairy Joint Grass and Square-stemmed Spike Rush across the site (determined by terms 81(1) and 82(1», including details of:
 - a) The goal of the on-site compensation;
 - b) Details of the compensatory measures to be implemented;
 - c) A timeline for implementation of the measures;
 - d) Details of how the success of the compensatory measures are to be measured, including monitoring requirements;
 - e) Details of the contingency measures to be undertaken where the compensatory works have been unsuccessful, such as off-site compensation measures, bonding arrangements and the like;

Note: the proponent has indicated that an offset ratio of at least 2:1 is achievable on the site.

- 6) Details of the proposed translocation of Hairy Joint Grass and Square Stem Spike Rush within the Conservation Zone;
- 7) A Water Management Plan that addresses the manner in which the hydrological regime of the Freshwater wetlands EEC and associated threatened species will be maintained throughout the life of the project and is to include, but not be limited to:
 - 1) An assessment of the pre-development hydrological regime including surface and groundwater inflows and outflows;
 - 2) Measures to be implemented to ensure the pre-development hydrological regime is maintained;
 - 3) Mapping of the extent of the seepage areas and measures to ensure their ongoing protection; and
 - 4) Detailed design, installation and maintenance methods of the proposed weirs and other infrastructure identified in Illustration C7 dated 14/8/2008 to ensure the maintenance of the existing hydrological regime.
- 8) An integrated weed management strategy;
- 9) A concise set of ongoing management requirements to achieve a self-sustaining ecological system;
- 10) Methods to be utilised to protect all threatened flora and fauna habitat and EECs on the site throughout the life of the project;
- 11) The manner in which public access will be managed throughout the life of the project; and
- 12) Details of interpretive signage to be installed.



2.2.6 Condition B4 – Height

Current Condition

- 1) The height limit for future buildings within super lot 1 is modified to comply with the height limitations in Clause 17 of the Ballina Local Environment Plan 1987 (as in force at the time of this approval).
- 2) The concept plan is modified so that no landmark feature is permitted in the conservation area or Super Lot 4 (as shown in Illustration C9 Building Heights Plan dated 15 June 2010).
- 3) The height of future buildings across the remainder of the site is to comply with Clause 17 of the Ballina Local Environment Plan 1987 (as in force at the time of this approval).

Proposed Modification

The proposed modification will reflect the date of the updated plans.

- 1) The height limit for future buildings within super lot 1 is modified to comply with the height limitations in Clause 17 of the Ballina Local Environment Plan 1987 (as in force at the time of this approval).
- 2) The concept plan is modified so that no landmark feature is permitted in the conservation area or Super Lot 4 (as shown in Illustration C9 Building Heights Plan dated **16 May 2012**).
- 3) The height of future buildings across the remainder of the site is to comply with Clause 17 of the Ballina Local Environment Plan 1987 (as in force at the time of this approval).

2.2.7 Condition B11 – Pedestrian Linkages

Current Condition

Illustration C6 Movement Network (as described in correspondence from GeoLINK dated 18 August 2008) is modified such that only two pedestrian linkages are provided within the retained ecological corridor for Freshwater Wetlands EEC as follows:

- a) One linkage is to be provided across the top of the proposed weir; and
- b) One linkage is to be provided from the Stage 1 project application subdivision in the south of the site to the retirement community super lot in the north.

The detailed design of these linkages shall be included within the Environmental Management Plan (refer to condition B1) and ensure that any impacts on the Freshwater Wetlands EEC and the threatened species in this area are minimised.

Proposed Modification

This condition can be removed entirely, as the updated C6 Movement network illustration (1675126 14B) shows that no pedestrian pathways are proposed within the expanded conservation zone.

2.2.8 Condition B12 - Neighbourhood Centre Setbacks

Current Condition

The concept plan is modified so that the development setbacks to the water quality control pond for the tavern and the community centre (super lots 2 and 4) are a minimum of 2 m.

Proposed Modification

This modification is required as the tavern site (super lot 2) has been removed entirely and has been replaced by additional conservation zone area and the relocation of super lot 4.

The concept plan is modified so that the development setbacks to the water quality control pond for the community centre (super lot 4) is a minimum of 2 m.



2.2.9 Condition C12 - Stormwater Management

Current Condition

All future applications for development on the site are to include a detailed stormwater management plan for the proposal. These management plans shall be consistent with the Stormwater Management Plan required by term B6 of this approval.

The future application for the development of the tavern (super lot 2) is to include consideration of the relocation of the sediment basin and how the proposed system will integrate with existing water quality control pond.

Proposed Modification

This modification is required to reflect the removal of the tavern site (super lot 2). The relocated community hall site (Super lot 4) will not require the relocation of the sedimentation basin.

All future applications for development on the site are to include a detailed stormwater management plan for the proposal. These management plans shall be consistent with the Stormwater Management Plan required by term B6 of this approval.

The future application for the development of the tavern (super lot 2) is to include consideration of the relocation of the sediment basin and how the proposed system will integrate with existing water quality control pond.

2.2.10 Condition C15 - Mosquito Impact Assessment

Current Condition

Future applications for the development of the super lots shall include a mosquito impact assessment that addresses management measures to ensure that any mosquito nuisance is reduced. Particular consideration is to be given to any alfresco dining area or beer garden proposed as part of the tavern. These assessments shall be consistent with the Mosquito Management Plan required by term B1(9) of this approval.

Proposed Modification

This modification is required to reflect the removal of the tavern site (super lot 2).

Future applications for the development of the super lots shall include a mosquito impact assessment that addresses management measures to ensure that any mosquito nuisance is reduced. **Particular consideration is to be given to any alfresco dining area or beer garden proposed as part of the tavern.** These assessments shall be consistent with the Mosquito Management Plan required by term B1(9) of this approval.

2.3 Details of Modification – Project Approval

2.3.1 Condition A1 Project Description

Current Condition

Project approval is granted only to carrying out the project described in detail below: A 65 lot residential subdivision comprising:

- 1. 54 residential lots ranging in size from 632m² to 907m²;
- 2. 8 super lots for future development as follows:
 - a) Super lot 1 (1.43 ha);
 - b) Super lot 2 (5,730m²);
 - c) Super lot 3 (2,050m²);
 - d) Super lot 4 (1,649m²);
 - e) Super lot 5 (4.65 ha);



- f) Super lot 6 (2,380m²)
- g) Super Lot 7 (5.59 ha)
- h) 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

The expansion of the conservation zone has resulted in a reduction of the total number of residential lots, removal of Super Lot 2 and variation of the total area calculations expressed within this condition. As such the following modification is required:

Project approval is granted only to carrying out the project described in detail below: A **61** lot residential subdivision comprising:

- 1. **51** residential lots ranging in size from 632m² to 907m²;
- 2. **7** super lots for future development as follows:
 - a) Super lot 1 (1.43 ha);

b) Super lot 2 (5,730m²);

- c) Super lot 3 (2,050m²);
- d) Super lot 4 (2,000m²);
- e) Super lot 5 (4.65 ha);
- f) Super lot 6 (2,380m²)
- g) Super Lot 7 (5.59 ha)
- h) 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

2.3.2 Condition A2 - Staging

Current Condition

The project shall be undertaken in two stages:

1) Stage 1A -Subdivision of 54 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, 2, 3, 4, 5, 6, 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

The proposed modification is required to ensure accuracy relating to references to total number of residential lots and the removal of Super Lot 2:

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, 2, 3, 4, 5, 6, 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.

2.3.3 Condition A3 - Project in Accordance with Plans

Current Condition

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

Design, Landscape and Survey Drawings				
Drawing No.	Revision	Name of Plan	Date	
100603 2F		Illustration P1 Stage 1 Project Application	8/04/11	
65019DA2	Rev 1	Illustration P2 Stage 1 Subdivision Plan	28/06/10	
100603 13B	100603 13B Illustration P3 Stage 1 Landscape Plan		28/10/10	
		Illustration P4 Stage 1 Stormwater Concept Plan	28/10/10	
		Illustration P5 Stage 1 Proposed Bulk Earthworks Plan	28/10/10	
		Illustration P6 Stage 1 Design Contour Plan	28/10/10	
		Illustration P7 Stage 1 Erosion and Sedimentation Control Plan	28/10/10	
		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

The proposed modification is required to ensure accuracy relating to the reference of all updated plans resulting from increases to the conservation zone area, reduction in the number of residential lots, reduction of the neighbourhood centre and retirement village areas, deletion of Super Lot 2, and relocation of the Super Lot 4.

Design, Landscape and Survey Drawings				
Drawing No.	Revision	Name of Plan	Date	
1675173 2G		Illustration P1 Stage 1 Project Application	17/07/12	
1675627	Rev 2	Illustration P2 Stage 1 Subdivision Plan	19/07/12	
Geo LINK	Pacific Pine	s Modification Report	`	

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

Design, Landscape and Survey Drawings				
Drawing No.	Revision	Name of Plan	Date	
1675626 13C		Illustration P3 Stage 1 Landscape Plan	19/07/12	
		Illustration P4 Stage 1 Stormwater Concept Plan	28/10/10	
		Illustration P5 Stage 1 Proposed Bulk Earthworks Plan	28/10/10	
		Illustration P6 Stage 1 Design Contour Plan	28/10/10	
		Illustration P7 Stage 1 Erosion and Sedimentation Control Plan	28/10/10	
		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

2.3.4 Condition A4 - Project in Accordance with Documents

Current Condition

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.



Proposed Modification

The proposed modification is required to accurately reference all documents relating to the updated status of the development resulting from this modification submission:

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; and
- k) Updated Plans to reflect expansion of the conservation zone prepared by GeoLINK, dated May and July 2012.

2.4 Modified Plans

Set out below is a summary of the approved plans and their proposed changes resulting from the increase in conservation zone area:

Concept Approval

Approved Plan	Update
C1 Concept Plan	C1 Concept Plan
100603 1E 16 August 10	1675144 1F 15 May 2012
	 Increased area of Conservation Zone
	 Stage 1A lot layout adjusted to meet requirements of condition B10 regarding 20 m buffer to Freshwater Wetlands, as per previous submission dated 16 January 2012
C2 Green Network Plan	C2 Green Network Plan
100603 6A 11 June 10	1675134 6B 17 July12
	 Increased area of Conservation Zone
	 Stage 1A lot layout adjusted to meet requirements of Condition B10 regarding 20m buffer to Freshwater Wetlands, as per previous submission dated 16 January 2012
C3 Indicative Neighbourhood	No change – indicative design prepared by consultant no longer
Centre Plan	involved in the project
100603 29A 11 June 10	



Approved Plan	Update
C4 Indicative Retirement Community 100603 27A 11 June 10	No change – indicative design prepared by consultant no longer involved in the project
C5 Development Staging	C5 Development Staging
100603 3F 8 April 11	1675622 3G 19 July 12
	 Increased area of Conservation Zone
	 Stage 1A lot layout adjusted to meet requirements of Condition B10 regarding 20m buffer to Freshwater Wetlands, as per previous submission dated 16 January 2012 Staging adjusted as per previous submission dated 16 January
	2012
C6 Movement Network	C6 Movement Network
100603 14A 11 June 10	1675126 14B 17 July 12
	 Increased area of Conservation Zone
	 Stage 1A lot layout adjusted to meet requirements of Condition B10 regarding 20m buffer to Freshwater Wetlands, as per previous submission dated 16 January 2012
	 Road reserves adjusted to meet requirements of Condition B5, as per previous submission dated 16 January 2012
C7 Stormwater Concept Plan 28 June 10	No change – indicative design prepared by consultant no longer involved in the project
C8 Lot Typologies	C8 Lot Typologies
100603 32A 11 June 10	1675157 32B 16 May 12
	 Increased area of Conservation Zone
	 Stage 1A lot layout adjusted to meet requirements of condition B10 regarding 20m buffer to Freshwater Wetlands, as per previous submission dated 16 January 2012
C9 Building Heights Plan	C9 Building Heights Plan
100603 5B 15 June 10	1675161 5C 16 May 12
	 Increased area of Conservation Zone
	 Stage 1A lot layout adjusted to meet requirements of condition B10 regarding 20m buffer to Freshwater Wetlands, as per previous submission dated 16 January 2012
C10 Setback Plan	C10 Setback Plan
100603 31A 11 June 10	1675126 31B 14 May 12
	 Increased area of Conservation Zone
	 Stage 1A lot layout adjusted to meet requirements of condition B10 regarding 20m buffer to Freshwater Wetlands, as per previous submission dated 16 January 2012



Approved Plan	Update
C11 Conservation Zone Plan	C11 Conservation Zone Plan
100603 46B 15 June 10	1675126 46C 14 May 12
	 Increased area of Conservation Zone
	 Stage 1A lot layout adjusted to meet requirements of condition B10 regarding 20m buffer to Freshwater Wetlands, as per previous submission dated 16 January 2012

Project Approval

Approved Plan	Update
P1 Stage 1 Project Application Plan 100603 2F 8 April 11	 P1 Stage 1 Project Application Plan 1675173 2G 17 May 2012 Increased area of Conservation Zone Stage 1A lot layout adjusted to meet requirements of condition B10 regarding 20m buffer to Freshwater Wetlands, as per
P2 Stage 1 Subdivision Plan 6501-DA2-Rev 1 June 10	previous submission dated 16 January 2012 P2 Stage 1 Subdivision Plan 1675627 Rev 2 19 July 12
	 Increased area of Conservation Zone Stage 1A lot layout adjusted to meet requirements of Condition B10 regarding 20m buffer to Freshwater Wetlands, as per previous submission dated 16 January 2012
P3 Stage 1 Landscape Plan 100603 13B 28 October 10	 P3 Stage 1 Landscape Plan 1675626 13C 19 July 12 Increased area of Conservation Zone Stage 1A lot layout adjusted to meet requirements of Condition B10 regarding 20m buffer to Freshwater Wetlands, as per previous submission dated 16 January 2012
P4 Stage 1 Stormwater Concept Plan 28 October 10	No change – indicative design prepared by consultant no longer involved in the project
P5 Stage 1 Proposed Bulk Earthworks Plan 28 October 10	No change – indicative design prepared by consultant no longer involved in the project
P6 Stage 1 Design Contours 28 October 10	No change – indicative design prepared by consultant no longer involved in the project
P7 Stage 1 Erosion & Sediment Control Plan 28 October 10	No change – indicative design prepared by consultant no longer involved in the project

The proposed updated plans are shown at $\ensuremath{\textbf{Appendix}}\xspace \textbf{A}.$



Assessment of modification

3.1 Substantially the same development

The proposed modifications would increase the area proposed for on-site conservation. Increases in the conservation zone would result in a minor reduction in residential lots, a minor reduction in total area allocated for the neighbourhood centre and retirement village, removal of Super Lot 2 (tavern site) and relocation of Super Lot 4 (the community centre) directly west of the water quality control pond.

In the context of the overall development, however, the modifications are considered as refinement. The key component parts of the development remain unaltered as does its nature and scale. Overall, it is concluded that the development as modified is substantially the same as that approved.

3.2 Consistency with approvals

As detailed in the previous sections, the proposed modifications, have been designed in response to the conditions of approval, particularly in relation to increased on-site conservation area to improve the overall management of biodiversity for the site.. The increased area will provide the mechanism whereby the requirements of Conditions B1 and B2 of the Concept Approval can be adequately addressed.

3.3 Environmental impacts of proposed modifications

The proposed modification will have a number of direct positive environmental impacts, particularly associated with increased on-site retention, protection and enhancement of threatened flora species and the freshwater wetland EEC.



This page had been intentionally left blank



4

Conclusion

The modifications as proposed will result in improved environmental outcomes, particularly in relation to the retention of threatened flora species and the Freshwater wetland EEC. The changes are minor in scale and consistent with the existing approvals.

The modifications do not substantially alter the nature or scale of the development as approved.

havier

 $\sim 1 \sim$

Rob van lersel Principal / Senior Planner GeoLINK



This page had been intentionally left blank







Updated Plans



This page had been intentionally left blank







ILLUSTRATION C1 - CONCEPT PLAN

1675144 1F 15 MAY 12 1:5,000 @ A3



PACIFIC PINES ESTAT



PACIFIC PINES ESTATE

ILLUSTRATION C5 - DEVELOPMENT STAGING

1675622 3G 23 JULY 12 1:5,000 @ A3









NOTE

Landmark elements are generally 2m above the uppermost part of the associated structure. Roof peaks to be generally no more than 3m higher than the top plate. 2 STOREY WITH 6.4m MAX HEIGHT TO TOP PLATE 2 STOREY WITH 6.4m MAX HEIGHT AREAS WHERE ENCROACHMENT OVER 6.4m WILL BE CONSIDERED LANDMARK ELEMENTS \bigcirc 500



ILLUSTRATION C9 - BUILDING HEIGHTS PLAN



NEIGHBOURHOOD CENTRE: Om SETBACK WITH AWNING TO STREET OVER FOOTPATH

- CENTRE: 2m TO OUTER MOST PROJECTION 3 m TO WALL
- MID TRADITIONAL: 3m TO OUTER MOST PROJECTION
- LANE: 0m TO OUTER MOST PROJECTION
- TRADITIONAL: 6m TO OUTER MOST PROJECTION PARK EDGE HOUSING: 2m TO OUTER MOST PROJECTION
- PARK EDGE TOWN CENTRE: Om TO OUTER MOST PROJECTION





ILLUSTRATION C10 - SETBACK PLAN



LEGEND

- CONSERVATION ZONE
- **GREEN SPACE**
- 10m BOUNDARY BUFFER
- 100m SEPP 26 BUFFER
- SEPP 14 WETLAND ۰.
- SITE BOUNDARY L



۲

500

400



ILLUSTRATION P1 - STAGE 1 PROJECT APPLICATION PLAN



1675627 Rev 2 19 JULY 12 1:3,000 @ A3

ILLUSTRATION P2 - STAGE 1 SUBDIVISION PLAN







