

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation, I approve the modification of the concept plan approval referred to in schedule 1, subject to the terms in schedule 2.



Heather Warton
Director
Metropolitan and Regional Projects North

Sydney 13 March 2013

SCHEDULE 1

- Concept Plan Approval:** 07_0026 granted by the then Minister for Planning on 12 November 2008
- For the following:** 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
- On land comprising:** Lot 234 DP 1104071 Montwood Drive, Lennox Head in the Ballina local government area
- Modification:** 07_0026 Mod 4:
- increasing the total area of conservation zone from 7.6ha to 14.07 ha;
 - removing 18 residential lots (approx 2 ha) with direct frontage to the conservation zone, such that the whole of this zone will now be bounded by road reserve;
 - reducing the area of Super Lot 5 (the retirement village site) by approximately 0.5 ha, to enhance the connection from the conservation zone east to the conservation zone west;
 - removing Super Lot 2 (the tavern site) (5,750 m²) to enhance connectivity of the conservation zone around the perimeter of the water quality pond;
 - relocating Super Lot 4 (the community hall site) to improve the conservation zone connectivity; and
 - amending the staging of development to reflect removal of Super Lot 2 and reduction in the number of residential lots;
 - exclude the Pacific Pines Estate Design Guidelines, dated 14 February 2008, from the approval
 - amend the lapsing date of the concept plan approval

Note: This modification description includes changes that affect both the concept and stage 1 project approval.

SCHEDULE 2

The concept plan approval is modified as follows:

1) deleting the term A1(6) and replacing with new term A1(6) as follows:

A1(6) A green space network of 28.6 ha comprising:

- a) Open space 2.1 ha;
- b) Water quality control pond and associated open space 2.4 ha;
- c) Revegetation in buffer around SEPP 26 Littoral Rainforest 0.9 ha;
- d) Conservation Zone of 14.07 ha; and,
- e) Rehabilitation works adjacent to Ballina Nature Reserve 5.9 ha.

2) deleting term A2 and replacing with new term A2 as follows:

A2 Staging

The project will 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 comprises 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, 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 eastern part of the site and connection to Stoneyhurst Drive;
- (4) Stage 3 – residential subdivision in the north part of the site (adjacent to Super Lot 8);
- (5) Stage 4 – residential subdivision in the central part of the site;
- (6) Stage 5 – residential subdivision in the east of the site;
- (7) Stage 6 – residential subdivision in the north east 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.

3) deleting the table in term A3 and replacing with a new table as follows:

Drawing No.	Name of Plan	Date
1675-1019	Illustration C1 Concept Plan	October 2012
1675134 6B	Illustration C2 Green Network Plan	17 July 2012
1675-1027	Illustration C5 Development Staging	October 2012
1675-1028	Illustration C6 Movement Network	August 2012
1675-1038	Illustration C7 Stormwater Concept Plan	November 2012
1675-1029	Illustration C8 Lot Typologies	August 2012

1675-1030	Illustration C9 Building Heights Plan	August 2012
1675-1031	Illustration C10 Setback Plan	August 2012
1675-1032	Illustration C11 Conservation Zone Plan	August 2012

4) immediately after term A4a), inserting the following words:

“ ... with the exception that the Design Guidelines (as included as Appendix F of the Environmental Assessment, are not approved and do not apply to any development undertaken in accordance with this approval”

5) immediately after term A4i), inserting the following words:

Modification Documentation

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

6) deleting term A6 and replacing with new term A6 as follows:

A6 *Lapsing of Approval*

This concept plan approval shall lapse on 8 November 2016, unless works the subject of any related application are physically commenced, on or before that lapse date.

7) Immediately after term B1(6), inserting the words:

“ including a Water Management Plan (WMP) 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. The WMP is to include, but not be limited to:

- a. An assessment of the predevelopment 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 November 2012 to ensure the maintenance of the existing hydrological regime.

8) deleting the words “Note: the proponent has indicated that an offset ratio of at least 2:1 is achievable on the site” from term B2(5).

9) deleting the words “15 June 2010” and replacing them with “August 2012” in term B4(2).

10) Immediately after term B6(2), inserting the following words:

(3) that all stormwater infrastructure is located outside the conservation zone area.

11) deleting term B11.

- 12) deleting the words “super lots 2 and 4” and replacing them with “super lot 4” in term B12.
- 13) deleting term B13.
- 14) deleting the words “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” from term C12.
- 15) deleting the words “Particular consideration is to be given to any alfresco dining area or beer garden proposed as part of the tavern” in term C15.
- 16) Inserting a new term C17:

C17 Water Management Plan

Future applications for the development require the submission of an updated Water Management Plan, prepared by a suitably qualified person(s) that ensures the hydrological regime of the Freshwater Wetlands EEC is maintained and associated threatened species will be protected throughout the life of the project.

- 17) Inserting a new term C18:

C18 Perimeter Fencing

Future applications for Stages 2 and 5 of the development require details of transparent perimeter fencing to establish a boundary between residential areas (private property) and the conservation zone (public property) in locations where there is no perimeter roads separating public from private property. Details of such fencing shall be submitted to the satisfaction of council and constructed prior to the issue of a subdivision certificate for these stages.