

Modification of Concept Plan Approval

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

As delegate of the Minister for Planning, I modify the Concept Plan Approval referred to in Schedule 1, subject to the terms in Schedule 2.

Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

Sydney

2017

SCHEDULE 1

Concept Plan Approval: **MP 07_0026** granted by the 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

Proponent: Clarence Property Corporation Limited

Approval Authority: Minister for Planning

The Land: Lot 234 DP 1104071, Montwood Drive, Lennox Head in the Ballina local government area

Modification: **MP 07_0026 MOD 5:** the modification includes:

- increase the maximum retail floor space by 1,500 m² (from 4,000 m² to 5,500 m²);
- increase the size of the neighbourhood centre lot by 6,600 m² (from 1.44 ha to 2.106 ha);
- redesign the subdivision layout, including amend road layouts, lot typologies and lot sizes;
- increase the maximum building height by 2.1 m (from 6.4 m to 8.5 m);
- amendments to super lots and associated changes to staging;
- amendment of the trigger to provide for the extension of Hutley Drive; and
- associated environmental works.

SCHEDULE 2

The above approval (MP 07_0026) is modified, as follows:

- (a) Schedule 2 Part A – Administrative Conditions, Condition A1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the words/numbers, as follows:

A1 Project Description

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

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

- (1) Residential subdivision comprising;
 - (a) Large lots ~~on steeper parts of the site~~ (> 1,200 m²);
 - ~~(b) 'Traditional' lots of around 800 m²;~~
 - ~~(c b)~~ 'Traditional' lots with areas between 600 m² **and 1,200 m²**;
 - ~~(d) Duplex lots (900 m²);~~
 - ~~(e c)~~ 'Small affordable' lots (~~450 m²~~ **400 m²** to 600m²)
 - ~~(f) 'Rear lane' lots (450 m² to 600 m²); and~~
 - ~~(g d)~~ 'Park court lots' (~~450 m²~~ **400 m²** to 600 m²).
- (2) Neighbourhood centre with maximum retail space of ~~4,000 m²~~ **5,500 m²** gross leasable area and maximum commercial space of 800 m² gross leasable area;
- (3) Multi-purpose community hall with a floor space of 300 m²;
- (4) Retirement community;
- (5) Medium density housing;
- (6) A green space network of 28.6 ha comprising:
 - (a) Open space 2.1 ha;
 - (b) Water quality control pond and associated open space 2.4 ha;
 - (c) Revegetation in buffer around SEPP 26 Littoral Rainforest 0.9 ha;
 - (d) Conservation Zone of 14.07 ha; and,
 - (e) Rehabilitation works adjacent to Ballina Nature Reserve 5.9 ha.
- (7) Road network; and
- (8) Other associated infrastructure.

- (b) Schedule 2 Part A – Administrative Conditions, Condition A2 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the words/numbers, as follows:

A2 Staging

The project will be undertaken in 7 stages generally in accordance with Illustration C5 Development Staging (Drawing No. ~~1675622 3G 14/351 Rev C~~ dated ~~19 July 2012~~ **27 February 2017**) and Illustration P1 Stage 1 Project Application Plan (Drawing No. ~~1675173 2G 14/351 Rev B~~ dated ~~17 July 2012~~ **17 January 2017**) 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 100 m buffer to littoral rainforest in the north west of the site;

- (3) Stage 2 – residential subdivision and open space in the ~~central and eastern~~ **northern** part of the site ~~and connection to Stoneyhurst Drive~~;
- (4) Stage 3 – residential subdivision in the **central and** north parts of the site ~~and connection to Stoneyhurst Drive (adjacent to Super Lot 8)~~;
- (5) Stage 4 – residential subdivision in the central part of the site **bordering the neighbourhood centre lots**;
- (6) Stage 5 – residential subdivision in the **northern and eastern** parts of the site; and
- (7) Stage 6 – residential subdivision in the north ~~east west~~ of the site **(Super Lot 7)**.

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

- (c) Schedule 2 Part A – Administrative Conditions, Condition A3 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the words/numbers, as follows:

A3 Project in Accordance with Plans

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

Drawing No.	Revision	Name of Plan	Date
<u>1675-1019</u> <u>14/351</u>	<u>B</u>	Illustration C1 Concept Plan	<u>October 2012</u> <u>17.01.17</u>
1675-134-6B <u>14/351</u>	<u>B</u>	Illustration C2 Green Network Plan	17 July 2012 <u>17.01.17</u>
<u>1675-1027</u> <u>14/351</u>	<u>C</u>	Illustration C5 Development Staging	October 2012 <u>27.02.17</u>
<u>1675-1028</u> <u>14/351</u>	<u>C</u>	Illustration C6 Movement Network	<u>August 2012</u> <u>27.02.17</u>
<u>1675-1038</u> <u>14/351</u>		Illustration C7 Stormwater Concept Plan	<u>November 2012</u> <u>16.11.16</u>
<u>1675-1029</u> <u>14/351</u>	<u>B</u>	Illustration C8 Lot Typologies <u>Topographies</u>	<u>August 2012</u> <u>17.01.17</u>
<u>1675-1030</u> <u>14/351</u>		Illustration C9 Building Heights Plan	<u>August 2012</u> <u>16.11.16</u>
<u>1675-1031</u> <u>14/351</u>	<u>B</u>	Illustration C10 Setback Plan	<u>August 2012</u> <u>17.01.17</u>
<u>1675-1032</u> <u>14/351</u>	<u>B</u>	Illustration C11 Conservation Zone Plan	<u>August 2012</u> <u>17.01.17</u>

except for:

- (1) any modifications which are 'Exempt and Complying Development' as identified in *Ballina Shire Development Control Plan – Exempt and Complying Development* or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA;
- (2) otherwise provided by the conditions of this approval.

- (d) Schedule 2 Part A – Administrative Conditions, Condition A4 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the words/numbers, as follows:

A4 Project in Accordance with Documents

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

Environmental Assessment Documentation

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

Preferred Project Report Documentation

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

Additional Information

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

Modification Documentation

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

- (e) Schedule 2 Part B – Modifications to the Concept Plan, Condition B4 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the words/numbers, as follows:

B4 Height

- (1) The height limit for future buildings within Super Lot 1 is modified to comply with the height limitations in Clause ~~17~~ **4.3** of the *Ballina Local Environmental Plan ~~1987~~ 2012* (as in force at the time of ~~this the~~ approval **of Modification 5**).
(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 November 2016**).
(3) The height of future buildings across the remainder of the site is to comply with Clause 4.3 of the *Ballina Local Environmental Plan ~~1987~~ 2012* (as in force at the time of ~~this the~~ approval **of Modification 5**).

- (f) Schedule 2 Part B – Modifications to the Concept Plan, Condition B7A is amended by the insertion of the **bold and underlined** words/numbers and deletion of the words/numbers, as follows:

B7A Limits on Land Release

- (1) The concept plan is modified such that no ~~construction subdivision~~ certificate may be issued for ~~lots beyond Stage 5 or for the final 126 residential lots, whichever is reached first, further development once the approved capacity of 7,456 vehicles per day on the local road network (Montwood Drive & Henderson Lane) is met or exceeded~~ until such time as Hutley Drive is extended north from the site to North Creek Road.
- (2) Notwithstanding (1), if further traffic analysis demonstrates that the extension to Hutley Drive is required at another stage, the Director-General may restrict the release of further ~~construction subdivision~~ certificates beyond that stage until Hutley Drive is extended.
- (3) **To allow for the monitoring of the total number of vehicle movements referred to in (1) above, a report outlining current traffic generation numbers shall be submitted with each subdivision certificate and commercial development occupation certificate. Traffic counts for the purposes of this Term of Approval shall be undertaken no later than 3 months prior to the applications for the subdivision certificate or occupation certificate being made.**

Note: In accordance with **Term of Approval A2**, the proponent proposes to stage the project, generally in the order described. The traffic modelling undertaken to date identifies that Hutley Drive needs to be extended north ~~before the final 126 lots can be released, which equates to stages 6 to 9, prior to lodgement of the subdivision certificate for any additional lots generating greater than 7,456 vehicles per day on the local road network~~

- (g) Schedule 2 Part B – Modifications to the Concept Plan, is amended by the insertion of Condition B11, as follows:

B11 Road Layout Design

The road layout is modified such that two T-intersections shall be inserted into the local street curvilinear alignment connecting Montwood Drive and Hutley Drive as illustrated in the drawing prepared by Newton Denny Chappelle, titled Preliminary Road Network Sketch, dated 1 December 2016.

End of Modification
(MP07_0026 MOD 5)