

Clarence Property Corporation Limited
c/o Mr Damian Chapelle
Newton Denny Chapelle
PO Box 1138
LISMORE NSW 2480

By email: dchapelle@newtondennychapelle.com.au

Dear Mr Chapelle

**Secretary's Environmental Assessment Requirements
Montwood Drive, Lennox Head Modification**

Please find attached the Secretary's Environmental Assessment Requirements (SEARs) for the proposed modification to the Lennox Head Residential Subdivision Concept Plan Approval and Project Approval (MP 07_0026 MOD 6) (see **Attachment A**).

The SEARs have been prepared in consultation with the relevant government authorities and Ballina Shire Council, and are based on the information you have provided to date.

I have attached copies of the government authorities' comments for your information (see **Attachment B**). Several authorities' submissions are outstanding and will be forwarded to you when received.

If you have any enquiries about these SEARs, please contact Jane Flanagan on 02 9274 6416.

Yours sincerely



Anthony Witherdin
Director
Modification Assessments
As the delegate of the Secretary

Secretary's Environmental Assessment Requirements

Section 75F of the *Environmental Planning and Assessment Act 1979*

Application	MP 07_0026 MOD 6
Project	Modification to the Concept Plan Approval and Project Approval for Super Lot 7 to increase the number of residential lots from 47 to 60; amend the lot mix; provide two new neighbourhood commercial lots; and amend the lot layout and road network.
Location	Lot 54 in DP 1222919, Montwood Drive, Lennox Head
Proponent	Clarence Property Corporation Limited
Date issued	January 2018
Key issues	<p>The modification request must address the following specific matters:</p> <p>1. Land Use</p> <p>(a) Address the statutory provisions applying to the site, and all relevant strategic planning objectives outlined in the documents listed at Attachment A;</p> <p>(b) Justify the proposed density and land uses in the context of relevant environmental planning instruments and the broader strategic planning framework for the site;</p> <p>(c) Assess the potential for any land use conflicts arising from the proposed uses; and</p> <p>(d) Assess any potential retail impacts associated with the proposal.</p> <p>2. Comparison with the Concept Approval (MP 07_0026)</p> <p>Provide a comparative assessment (qualitative and quantitative) of the proposed modification against the approved concept (including comparison plans) and clearly outline the rationale for the proposed amendments, including the new neighbourhood commercial lots.</p> <p>3. Subdivision Design</p> <p>Provide an updated Indicative Subdivision Layout Plan which:</p> <p>(a) includes details of the revised subdivision layout and design, and housing/building types;</p> <p>(b) includes a subdivision pattern responsive to the site conditions and constraints, including aspect, orientation, slope, drainage lines and vegetation;</p> <p>(c) provides optimal connectivity and pedestrian permeability;</p> <p>(d) promotes a high standard of urban design, including adequate separation between different land uses to minimise conflicts, and provides consideration of open space;</p> <p>(e) orientates lots to maximise solar access to future dwellings; and</p> <p>(f) provides a loop road rather than a cul-de-sac around the north-western conservation/open space area.</p> <p>4. Ecologically Sustainable Development</p> <p>Demonstrate how the development will incorporate ESD principles in its design, construction and operation phases.</p> <p>5. Transport and Accessibility</p> <p>The modification request shall include an updated Traffic Transport and Accessibility Impact Study Assessment prepared in accordance with the RTA's <i>Guide to Traffic Generating Developments</i> and the Austroads Guidelines to Traffic Management, which:</p>

- assesses the impacts of any increase in peak hour traffic demands generated at connections to The Coast Road, and identifies any additional infrastructure required to maintain the safety and efficiency of the classified road network, and facilities to accommodate any increase in demand generated for active and public transport modes;
- assesses the proposed changes to the road layout and demonstrates compliance with the requirements of the Northern Rivers Local Government Design Manual; and
- demonstrates the needs of all road users are considered, and appropriate facilities (e.g. bicycle lanes, footpaths, and lanes, intersection widening or upgraded intersection controls) are provided.

6. Bushfire

The modification request shall demonstrate compliance with the relevant provisions of *Planning for Bushfire Protection 2006*.

Note: The modification request should address the provisions of draft *Planning for Bushfire Protection 2017*, depending upon its commencement date and transitional arrangements at the time of lodgement of your application.

7. Flooding

The modification request shall provide an updated flooding assessment for the proposal in accordance with the Floodplain Development Manual.

8. Aboriginal Cultural Heritage

The modification request shall provide an updated Aboriginal Cultural Heritage (ACH) assessment to assess any additional impacts on ACH values beyond those originally assessed.

9. Water Quality

The modification request shall:

- assess the impacts of the proposed modification on stormwater management and demonstrate there will be no additional impacts on the SEPP 14 wetland on the site; and
- provide an updated Acid Sulfate Soil Assessment and Management Plan.

10. Biodiversity

The modification request shall provide an updated biodiversity assessment for any additional biodiversity impacts beyond those originally assessed.

11. Contributions

The modification request shall address the Ballina Section 94 Contributions Plan or provide details of a planning agreement for appropriate developer contributions in consultation with Ballina Shire Council.

12. Utilities

- Address, in consultation with relevant agencies, the existing capacity and requirements of the proposal for the provision of utilities, including the staging of infrastructure works and protection of utilities providers' assets; and
- Outline any proposed sustainability initiatives to reduce the demand for drinking water, including alternative water supply, end uses of drinking and non-drinking water, water sensitive urban design and proposed water conservation measures.

13. Statement of Commitments

The modification request shall include any new or modified Statements of

	Commitments detailing measures for environmental management, mitigation measures and monitoring for the development.
Consultation	<p>During the preparation of the modification request, you are required to consult with the relevant local, State and Commonwealth Government authorities, and utilities service providers, including:</p> <ul style="list-style-type: none"> • Ballina Shire Council; • Office of Environment and Heritage; • Environment Protection Authority; • Department of Industry; • Transport for NSW; • Roads and Maritime Services; • Rural Fire Service; and • Australian Department of the Environment and Energy. <p>The modification request must describe the consultation process and issues raised and identify where the design of the development has been amended in response to those issues. Where amendments have not been made to address an issue, a short explanation should be provided.</p>
Plans and Documents	<p>The modification request must include all relevant plans, architectural drawings, diagrams and relevant documentation, including:</p> <ul style="list-style-type: none"> • site analysis plan; • site survey plan, showing existing levels, locations and heights of existing and adjacent structures/buildings to AHD; • locality/context plan; • architectural drawings (to a usable scale at A3); • plans, elevations, sections and photomontages clearly showing the proposed amendments compared with the Project Approval and Concept Plan Approval; • a table in the Environmental Assessment (EA) identifying the section of the EA where each component of the SEARs is addressed; and • public domain plans.

ATTACHMENT A

Relevant EPIs, policies and guidelines to be addressed

The modification request shall address the statutory provisions applying to the site contained in all relevant environmental planning instruments (EPIs), including:

- *State Environmental Planning Policy (Infrastructure) 2007;*
- *State Environmental Planning Policy (State and Regional Development) 2011;*
- *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development;*
- *State Environmental Planning Policy No. 55 – Remediation of Land;*
- *State Environmental Planning Policy No. 14 – Coastal Wetlands;*
- *State Environmental Planning Policy No. 71 – Coastal Protection;*
- *Draft State Environmental Planning Policy (Coastal Management) 2016;*
- *Ballina Local Environmental Plan 1987; and*
- *Ballina Local Environmental Plan 2012.*

The modification request shall also address relevant planning provisions, goals and strategic planning objectives in the following:

- NSW 2021;
- North Coast Regional Plan 2036;
- Riparian Corridor Management Study 2004;
- NSW Wetland Management Policy 2010;
- NSW State Rivers and Estuaries Policy 1993;
- NSW Office of Water, Guidelines for Riparian Corridors on Waterfront Land;
- Floodplain Development Manual 2005;
- Coastal Design Guidelines for NSW (2003);
- Draft Future Transport Strategy 2056 and supporting plans;
- RMS Guide to Traffic Generating Developments;
- Public Transport Service Planning Guidelines: Rural and Regional NSW (2015);
- Austroads Guidelines;
- NSW Bicycling Guidelines;
- NSW Planning Guidelines for Walking and Cycling;
- Crime Prevention Through Environmental Design (CPTED) Principles;
- Healthy Urban Development Checklist, NSW Health;
- Ballina Retail Strategy (2003);
- Lennox Head Community Aspirations Strategic Plan (2002);
- Northern Rivers Local Government Design Manual; and
- Lennox Head Structure Plan (2004).

ATTACHMENT B

Government Authorities' and Council's Responses to Request for Key Issues

NEWTON DENNY CHAPELLE SEARs ASSESSMENT CHECKLIST

SEAR Requirements	Documentation Reference
Application Number MP 07_0026 MOD 6	-
Proposal Modification to the Concept Plan Approval and Project Approval for Super Lot 7 to increase the number of residential lots from 47 to 60; amend the lot mix; provide two new neighbourhood commercial lots; and amend the lot layout and road network.	-
Location Lot 7 DP 1239938 (Hutley Drive, Lennox Head)	-
Applicant Clarence Property Corporation Limited	-
Date of Expiry 16 January 2020	-
Key Issues The modification request must address the following specific matters	
1. Land Use (a) Address the statutory provisions applying to the site, and all relevant strategic planning objectives outlined in the documents listed at Attachment A; (b) Justify the proposed density and land uses in the context of relevant environmental planning instruments and the broader strategic planning framework for the site; (c) Assess the potential for any land uses conflicts arising from the proposed uses; and (d) Assess any potential retail impacts associated with the proposal.	Section 5 Section 4 4.18 Section 4.17 & Attachment 7
2. Comparison with Concept Approval (MP 07_0026) Provide a comparative assessment (qualitative and quantitative) of the proposed modification against the approved concept (including comparison plans) and clearly outline the rationale for the proposed amendments, including the new neighborhood commercial lots.	Sections 1.3, 3.3 & 3.4
3. Subdivision Design Provide an updated Indicative Subdivision Layout Plan, which (a) Includes details of the revised subdivision layout and design, and housing/building types; (b) Includes a subdivision pattern responsive to the site conditions and constraints, including aspect, orientation, slope, drainage lines and vegetation; (c) Provides optimal connectivity and pedestrian permeability; (d) Promotes a high standard of urban design, including adequate separation between different land uses to minimise conflicts, and provides consideration of open space; (e) Orientates lots to maximise solar access to future dwellings; and (f) Provides a loop road rather than a cul-de-sac around the north-western conservation/open space area.	Attachments 1 & 2 Section 3

<p>4. Ecologically Sustainable Development Demonstrate how the development will incorporate ESD principles in its design, construction and operation phases.</p>	Attachment 2
<p>5. Transport and Accessibility The modification request shall include an updated Traffic Transport and Accessibility Impact Study Assessment prepared in accordance with the RTA's Guide to Traffic Generating Developments and the Austroads Guidelines to Traffic Management, which</p> <ul style="list-style-type: none"> • Assesses the impacts of any increase in peak hour traffic demands generated at connections to The Coast Road and identifies additional infrastructure to maintain the safety and efficiency of the classified road network, and facilities to accommodate an increase in demand generated for active and public transport modes; • Demonstrates the needs of all road users are considered, and appropriate facilities [e.g. bicycle lanes, footpaths, and lanes, intersection widening or upgraded intersection controls] are provided; and • Assesses the proposed changes to the road layout and demonstrate compliance with the requirements of the Northern River Local Government Design Manual. 	Attachment 3 Section 4.15
<p>6. Bushfire The modification request shall:</p> <p>(a) Demonstrate compliance with the relevant provisions of <i>Planning for Bushfire Protection 2006</i>, and Australian Standards AS 3159-2009; and</p> <p>(b) Include a bushfire hazard assessment which includes consideration of the conservation zone and the provision of a perimeter road adjacent to that zone.</p> <p>Note: the modification request should address the provisions of <i>Planning for Bushfire 2017</i>, depending on its commencement date and transitional arrangements at the time of lodgement of your application.</p>	Attachment 6 Section 4.1.4
<p>7. Flooding The modification request shall provide an updated flooding assessment for the proposal in accordance with the Floodplain Development Manual.</p>	Section 4.1.6
<p>8. Aboriginal Cultural Heritage The modification request shall provide an updated Aboriginal Cultural Heritage assessment to identify and assess any additional impact associated with the proposal.</p>	Attachment 5 Section 4.1.3
<p>9. Water Quality The modification request shall:</p> <p>(a) Assess the impacts of the proposed modification on stormwater management and demonstrate there will be no additional impacts on the SEPP14 wetland on the site; and</p> <p>(b) Provide an updated Acid Sulfate Soil Assessment and Management Plan.</p>	Attachments 3 & 4
<p>10. Biodiversity The modification request shall provide an updated biodiversity assessment for any additional biodiversity impacts beyond those originally assessed.</p>	Attachment 4
<p>11. Contributions The modification request shall address the Ballina Section 94 Contributions Plan or provide details of a planning agreement for appropriate developer contributions in consultation with Ballina Shire Council.</p>	Attachment 3
<p>12. Utilities (a) Address, in consultation with relevant agencies, the existing capacity and requirements of the proposal for the provision of utilities, including the staging of infrastructure works and</p>	Attachment 3

<p>protection of utilities, including the staging of infrastructure works and protection of utilities providers' assets; and</p> <p>(b) Outline any proposed sustainability initiatives to reduce the demand for drinking water, including alternative water supply, end uses of drinking and non-drinking water, water sensitive urban design and proposed water conservation measures.</p>	
<p>13. Statement of Commitments The modification request shall include any new or modified Statements of Commitments detailing measures for environmental management, mitigation measures and monitoring for the development.</p>	Section 3.2.5
Consultation	
<p>During the preparation of the modification request, you are required to consult with the relevant local, State and Commonwealth Government authorities, and utilities service providers, including:</p> <ul style="list-style-type: none"> • Ballina Shire Council; • Office of Environment and Heritage • Environmental Protection Authority; • Department of Primary Industries; • Department of Industry – Lands • Transport for NSW; • Roads and Maritime Services; • Rural Fire Service; and • Australian Department of the Environment and Energy. <p>The modification request must describe the consultation process and issues raised and identify where the design of the development has been amended in response to those issues. Where amendments have not been made to address an issue, a short explanation should be provided.</p>	Attachment 9
Plans and Documents	
<p>The modification request must include all relevant plans, architectural drawings, diagrams, and relevant documentation, including:</p> <ul style="list-style-type: none"> • Site analysis plan; • Site survey plan, showing existing levels, locations and heights of existing and adjacent structures/buildings to AHD; • Locality/context plan; • Architectural drawings (to be usable scale at A3); • Plans, elevations, section and photomontages clearly showing the proposed amendments compared with the Project Approval and Concept Plan Approval; • A table in the Environmental Assessment (EA) identifying the section of the EA where each component of the SEARs is addressed; and • Public domain plans. 	Attachments 1 & 2