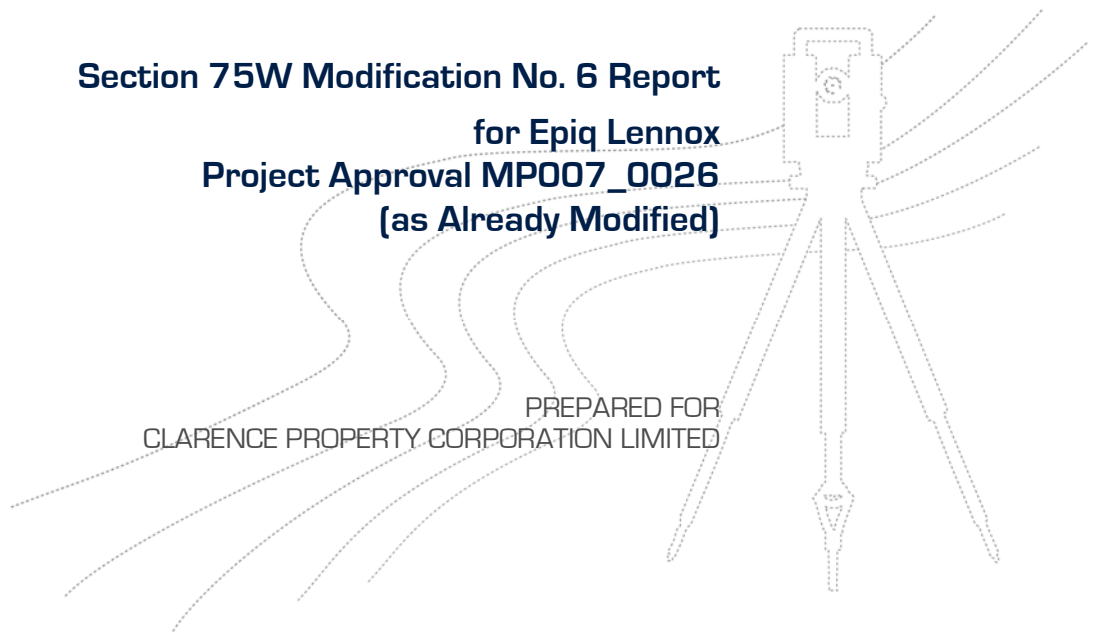


**Section 75W Modification No. 6 Report
for Epiq Lennox
Project Approval MP007_0026
(as Already Modified)**

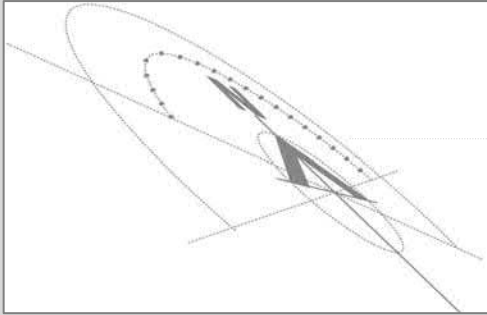
PREPARED FOR
CLARENCE PROPERTY CORPORATION LIMITED



Our Ref: 14/351

Date: August 2018





Document Control Sheet

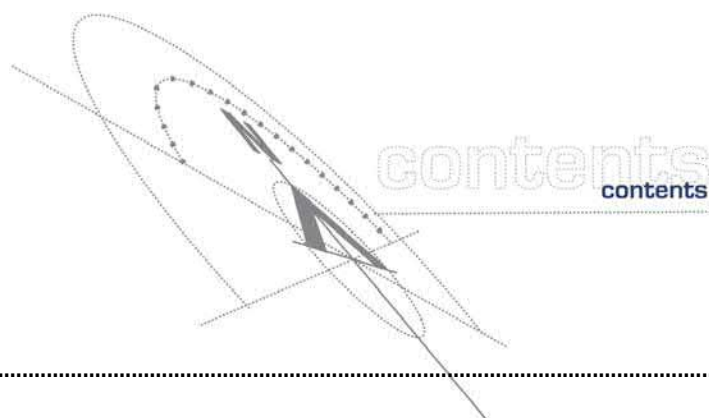
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Author:	Damian Chapelle			
Project Manager:	James Webb – Clarence Property			
Date of Issue:	29 th August 2018			
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Project Outline:	This document presents a request to request to modify Major Project 07_0026 to modify the subdivision layout and land use designation within Super Lot 7 for Epiq Lennox (formerly Pacific Pines)			
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USAGE NOTE:

The plans to this document were prepared for the exclusive use of Clarence Property Corporation Limited to accompany a request from the Department of Planning & Environment for the SEAR's associated with a Section 75W Application for the development of land described herein and is not to be used for any other purpose or by any other person or corporation. Newton Denny Chapelle accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this document for a purpose other than that described above.

The maps, development plans and exhibits shown in this report are suitable only for the purposes of this report. No reliance should be placed on this information for any purpose other than for the purposes of this report. All dimensions, number, size and shape of lots/buildings as shown on plans in this document are subject to detailed engineering design plans and final survey and may vary subject to conditions of consent issued by Council.

The information contained in this report is based on independent research undertaken by Newton Denny Chapelle. To the best of our knowledge, it does not contain any false, misleading or incomplete information.



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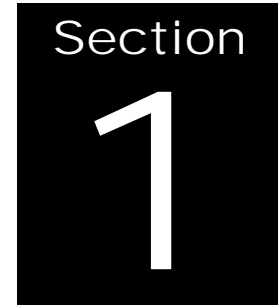
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Department of Planning & Environment

Executive Summary



1.1 Introduction

Newton Denny Chapelle (“NDC”) in association with *Planners North* are engaged by *Clarence Property Corporation Limited* (“Proponent”) to submit a request to the Minister for Planning & Environment to modify the Concept Approval and Project Approval (MP 07_0026) for Epiq Lennox (formerly known as ‘Pacific Pines’), pursuant to the provisions of Section 75W of the Environmental Planning and Assessment Act 1979 (“the Act”).

The key elements of the Concept Plan & Project Approval (MP 07_0026) which are sought to be amended via the current application relate to approved ‘Super Lot 7’ (Lot 7 DP 1239938) and involve:

- Amend the conventional residential layout which currently incorporates 47 torrens title residential lots into 34 residential lots, 26 live –work lots and 3 neighbourhood commercial lots;
- Introduce ‘live-work’ lots which provide opportunities for integrated housing and employment for small business;
- Introduce neighbourhood commercial lots to provide for the re-instatement of the originally approved tavern lot, in addition to a storage premises, live work apartment &/or community childcare facility land uses;
- Amend the lot layout and road network to better respond to the topography of Super Lot 7;

A formal request for the Secretary's Environmental Assessment Requirements (SEARs) was lodged with the Department of Planning & Environment. The Department upon review of the sought amendments and consultation with relevant government agencies issued the SEARs in January 2018. The SEARs are provided within **Attachment 10** of this report together with the section of the report where each component of the SEAR's is addressed.

Based on the modified Concept Plan described in this submission, the CIV of the proposal is estimated at \$5.3 million. This estimate will be reviewed and amended when the Construction Certificate is finalised and lodged with Ballina Shire Council post the amendment of the Concept Plan & Project Approval.

Ballina Shire Council will be the Principal Certifying Authority for civil works associated with this amendment.

1.2 Project Background

1.2.1 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 5) was approved by the Minister for Planning on 20 April 2017

The approval includes both a Concept and Project Plan for 'Epiq Lennox' at Lennox Head. **Table 1** provides the current description of both the Concept and Project Plan developments.

Table 1: Approved Development

Concept Approval	Project Approval
<p>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:</p> <ol style="list-style-type: none"> 1. Residential subdivision comprising: <ol style="list-style-type: none"> a) Large lots on steeper parts of the site (> 1,200m²) b) 'Traditional' lots of around 800m² 	<p>65 lot residential subdivision comprising:</p> <ol style="list-style-type: none"> a) 54 residential lots ranging in size from 632m² to 907m²; b) 8 super lots for future development as follows: <ol style="list-style-type: none"> i. Super lot 1 (1.43 ha); ii. Super lot 2 (5,730m²); iii. Super lot 3 (2,050m²); iv. Super lot 4 (1,649m²);

<ul style="list-style-type: none"> 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 (450m² to 600m²) <ol style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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 6.5ha; e) Revegetation around littoral rainforest EEC 6.3 ha; and f) Rehabilitation works adjacent to Ballina Nature Reserve 5.9ha. 7. Road network; and 8. Other associated infrastructure. 	<ul style="list-style-type: none"> 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). <ol style="list-style-type: none"> c) 2 open space lots of 910m² and 641m²; d) Earthworks; e) Associated roads and civil works; and f) Landscaping.
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1.2.2 Modified Approvals

A suite of modifications has been lodged with the Department of Planning & Environment for the project since the initial approval in 2008. A summary of the previously determined amendments is provided below within **Table 2**.

Table 2: Previous Modifications to MP07_0026

Modification Number	Determination Date	Modification Description
1	22 December 2008	<ul style="list-style-type: none"> • To correct a minor error.
2	8 August 2011	<ul style="list-style-type: none"> • 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

		<p>area and other environmental works.</p> <p>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.</p>
3	8 September 2011	<ul style="list-style-type: none"> To correct administrative errors.
4	13 March 2013	<ul style="list-style-type: none"> 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
5	20 April 2017	<ul style="list-style-type: none"> increasing the maximum retail floor area of the shopping centre and modify the area of the neighbourhood centre lot (Super Lot 1). re-design the subdivision layout adjoining the neighbourhood centre lot (Super Lot 1); modify the subdivision layout and minimum lot size of specified lot typologies; modify the maximum building height to align with the Ballina Local Environmental Plan.

1.3 Consistency with Concept and Project Approvals

The proposed modification is considered, having regard to the sought modification to be generally consistent with the Concept and Project Approval (MP07_0026). The Concept Plan provides for the development of a residential subdivision to create approximately some 505 lots, development of a retirement community, neighbourhood centre, including a shopping centre, a tavern, green space and an integrated road network.

This application retains the core land uses encompassed within the Concept Plan and Project Approvals, however seeks to modify the development in response to current planning controls and forecast local residential and neighbourhood commercial demand.

Specifically, the modification will provide for the retention of residential housing within Lot 7, albeit through the inclusion of the 'live-work' concept interspersed through conventional lots and the proposed neighbourhood commercial area.

The neighbourhood commercial component seeks to reinstate a Tavern lot in a manner commensurate with the originally approved Concept Plan for the estate.

The introduction of a neighbourhood scale storage premises recognises the lack of storage for residents within the broader Lennox Head area, who are currently forced to travel to either Ballina or Byron Bay for their storage requirements.

The environmental management lot is also retained within the north-western corner of the site. The configuration of the lot has been modified to accord with the proposed road layout. However, importantly, the environmental management lot satisfies the prescribed 100m buffer to the mapped littoral rainforest located west of the subject land and therefore does not prejudice the delivery of the approved EMP ameliorative management recommendations.

1.4 Documentation & Project Team

This report describes and justifies the requested further the modifications to the Concept and Project Approvals and considers the relevant provisions of former Section 75W of the EP& A Act.

Attachments included in the Section 75W report contain:

- Attachment 1** – Proposed Concept Plan & Project Approval Plans
Newton Denny Chapelle
- Attachment 2** – Design Guidelines
RPS
- Attachment 3** – Engineering Services Report
Newton Denny Chapelle
- Attachment 4** – Biodiversity Assessment
GeoLINK
- Attachment 5** – Aboriginal Cultural Heritage Assessment
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- Attachment 9** – Government Agency and Public Consultation
- Attachment 10** – Secretary's Environmental Assessment Requirements
Department of Planning & Environment

1.5 Pre-lodgement Consultations

As required by the SEARs, pre-lodgement consultations have occurred with the agencies and parties considered to have the most direct interest in the project. These consultations occurred in May 2018 and took the form of:

- A community information day on 12 May 2018. This event was publicised with an advertisement in the Ballina Advocate, alongside a social media campaign run through a dedicated Epiq Lennox Head Facebook page, supported by the team at Elders Real Estate in Lennox Head.; and
- Written correspondence seeking advice from Ballina Shire Council and the following State government agencies: Office of Environment and Heritage; NSW Rural Fire Service; Department of Primary Industries; Roads and Maritime Services, and Transport NSW.

All parties were provided with a copy of the SEARs and a summary of the development proposal. They were given 3 weeks to provide any comments. Comments received are summarised in **Table 3** below.

Table 3: Consultation as Required by SEARS

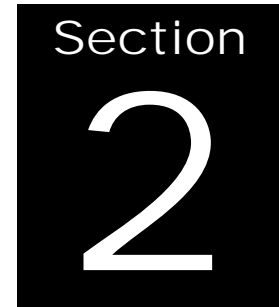
Government Agency	Response	Received
Ballina Shire Council	Please find attached Council's comments (previously provided to the DPE) on the proposed modification to the Concept Plan Approval and Project Approval MP 07_0026 (Mod 6) relating to Super Lot 7 at EPIQ.	17/05/2018
Department of Primary Industries	Please find attached the Lands & Water and DPI advice relating to Environmental Assessment requirements for the proposed modifications. Lands & Water and DPI have no additional requirements at this stage, however we would be happy to provide further advice should you have any specific enquiries during the preparation of the EA. Thank you for your consultation.	07/05/2018
NSW Rural Fire Service	The NSW RFS provided comments regarding MP 07_0026 (Mod 6) to NSW Planning and Environment in a letter dated 12 December 2017 (our ref: D17/4502). Please advise if you have not been provided with a copy of the RFS submission. As this stage, the NSW RFS has no further comments to make.	03/05/2018

Office of Environment & Heritage	<p>Thank you for your letter dated 1 May 2018 about the proposed modification (MOD 6) to the approvals for MP 07_0026 seeking comments from the Office of Environment and Heritage (OEH). The OEH provided input to the Secretary's Environmental Assessment Requirements for MOD6 in a letter to the Department of Planning and Environment (DPE) dated 21 December 2017, which detailed OEH's assessment requirements for matters relating to biodiversity, Aboriginal cultural heritage, historic heritage, acid sulphate soils, flooding, stormwater and coastal erosion.</p> <p>The OEH does not have any additional site-specific matters that require addressing as part of the environmental assessment process for MOD 6.</p>	11/05/2018
Transport for NSW	No response was provided to Newton Denny Chappelle	N/A
Roads & Maritime Services	<p>I refer to your emails of 2 May 2018 requesting comment from Roads and Maritime Services in relation to the abovementioned modifications.</p> <p>It is understood that Department of Planning and Environment (DPE) has issued the Secretary's Environmental Assessment Requirements (SEAR's) and this is a further consultation request. Please note Roads and Maritime Services responded to DPE for modification 6 and modification 7 on 15 December 2017. This correspondence is still current and is attached for you reference.</p>	30/05/2018
Community Consultation	<p>The event provided local residents and stakeholders with the opportunity to view the concept plans, ask questions of the development team (town planning consultant Damian Chappelle from Newton Denny Chappelle Town Planning and development manager James Webb from Clarence Property) and provide feedback via survey questionnaires (one for each concept plan).</p> <p>The questionnaire/ survey was made available in hard copy, with respondents allowed seven days from the date of the event to make a submission. A total of 10 surveys were completed in response to each concept plan.</p> <p>Approximately 50 people attended the event. Of the 10 responses received, there was a 60/40 response on supporting the proposal versus those who had issues with the project.</p>	12/05/18

1.6 Further Information

Should any additional information be required or clarification of any technical matter raised by this proposal or submissions made to same, please consult Mr Damian Chapelle on 02 6622 1011 or dchapelle@newtondennychapelle.com.au, prior to the issue of the SEAR's.

Site Analysis



Epiq Lennox is impacted by a series of inter-related planning, physical and environmental considerations which have been subject to detailed assessment throughout the Concept Plan & Project Approval process and subsequent development applications. These issues are discussed in more detail within Section 2 of this report.

2.1 Cadastral Description

The Development Application relates to Lot 7 DP 1239938 (formerly Lot 54 in DP 1222919), Parish of Ballina, County of Rous. The subject land is located at Lennox Head and comprises the landholding known locally as Epiq Lennox to Ballina Shire Council.

Plate 1 illustrates the subject land and surrounds.

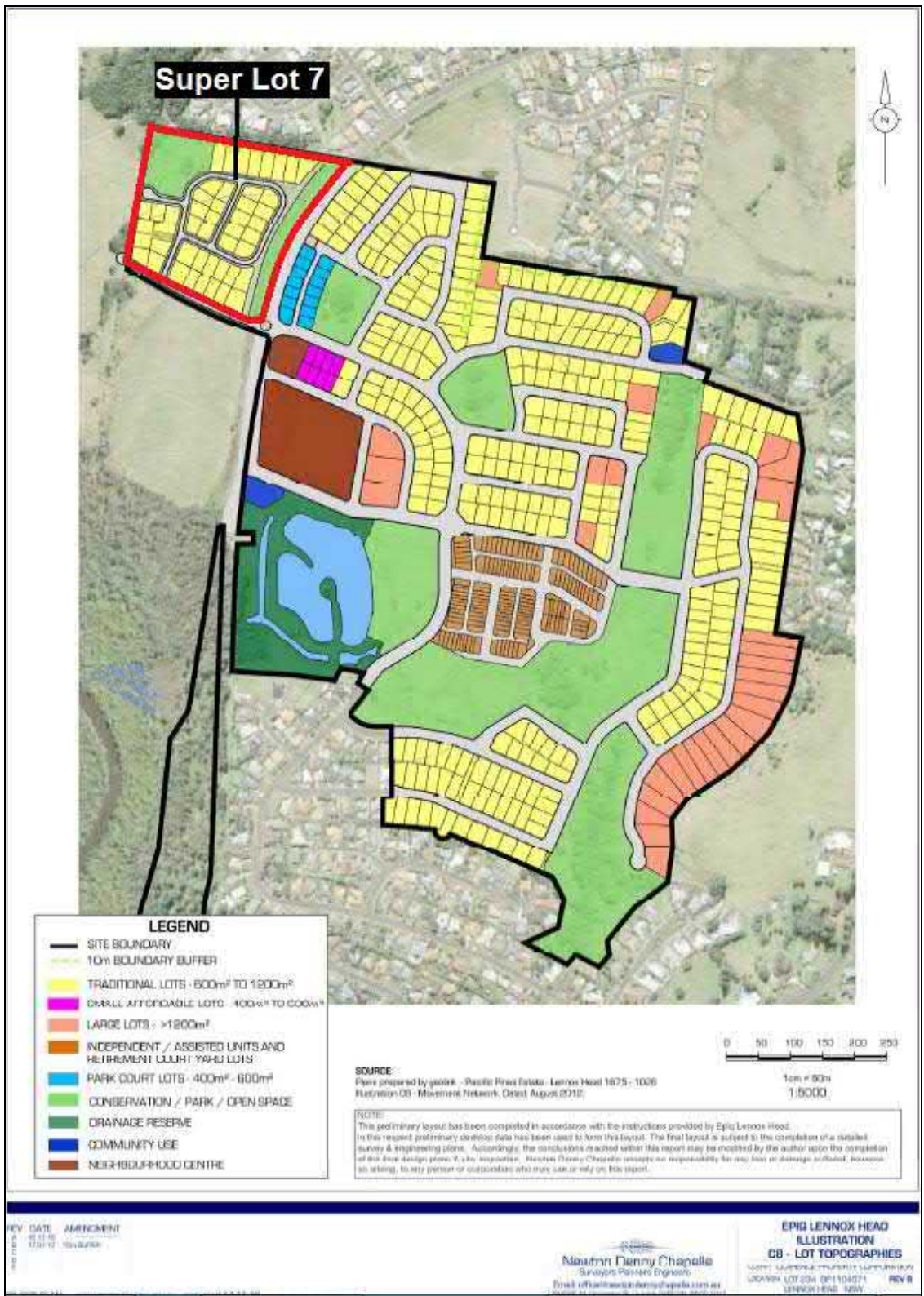


Plate 1: Super Lot 7 – Subject land area for the proposed Modification within Epiq Lennox

2.2 Land Use Context

Lot 7 is located in the general area of the following existing or planned residential subdivisions:

- Lennox Meadows (north) - is a conventional residential estate containing a range of lot sizes (generally between 600m² to 850m²) containing one and two storey detached dwellings and occasional dual occupancies;
- Pacific Pines Estate (early stages south) - Much of this Estate is currently undeveloped, however approvals are in place for the staged development of the site for a residential subdivision including a range of allotment types and playing fields.
- Henderson Farm (Deferred Commencement west) - Henderson Farm is located west of Super Lot 7 approved as part of the Epiq Lennox Concept Plan. Ballina Shire Council has issued deferred commencement consent on 27 November 2014 for a residential subdivision comprising of 159 residential lots.

2.3 Planning Background

A. Strategic Planning Framework

The land the subject to this application forms part of what is referred to locally as "Epiq Lennox". The site has been identified in various Council and State Government Strategies as being a potential urban growth area, including:

- Ballina Local Environmental Plan 1987;
- Ballina Urban Land Release Strategy 2000;
- Lennox Head Community Aspirations Strategic Plan 2002;
- Lennox Head Structure Plan 2004;
- Far North Coast Regional Strategy 2006; and
- Ballina Shire Growth Management Strategy 2012.

2.4 Ecological Characteristics

The Epiq Lennox estate has been the subject to detailed ecological assessments as part of the rezoning and Major Project (MP07_0026) proposals. As a result of the environmental assessments completed, the development is subject to both a Conservation Zone Management Plan and an Environmental Management Plan which provides the overarching environmental management initiatives for nominated areas of the estate.

In specific regard to the land area encompassed within Lot 7, the approved Environmental Management Plan has included Management Zone 1 within the boundary of the lot as illustrated within **Plate 2** below.

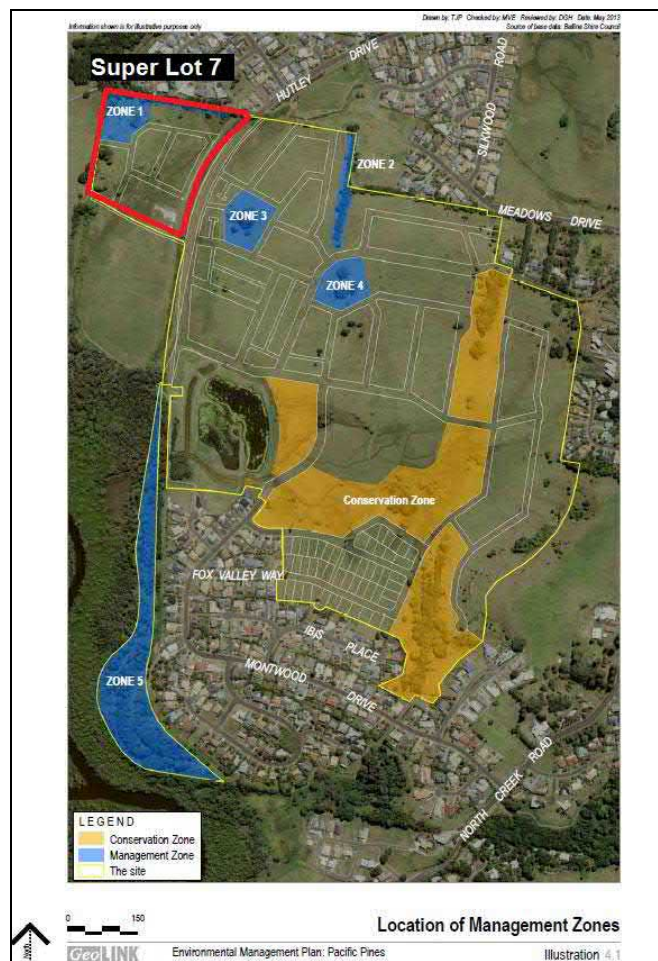


Plate 2: Epiq Lennox Environmental Management Zones

The EMP as it relates to Super Lot 7 provides the following commentary;

Zone 1 occurs in the far north-west corner of the site and is defined as a 100 m x 100 m designated buffer area to protect an area of SEPP 26 Littoral Rainforest, occurring to the north-west of the site. The area also includes a strip of vegetation extending along the northern boundary of the site from the designated 100 m x 100 m buffer area, east to the proposed alignment of Hutley Drive (refer to Illustration 4.1).

*Existing native vegetation within Zone 1 includes a remnant of littoral rainforest/ Camphor Laurel forest occurring in the far north-western corner of the site (refer to Plate 4.4). Numerous native saplings are present within the lower stratum of this area as well as a suite of weed species, including Lantana (*Lantana camara*), Camphor Laurel (*Cinnamomum camphora*), Asparagus Fern (*Asparagus densiflorus*) and Silver-leaved Desmodium (*Desmodium uncinatum*). There is a relatively high diversity of native species present within this area, which is a consequence of this area being contiguous with larger areas of littoral rainforest to the north. Similar littoral rainforest vegetation and weed species are present within vegetation extending along the northern boundary of the site (refer to Plate 4.5).*

Larger areas of cleared pasture land are present throughout much of this area, providing habitat for the threatened species, Hairy Joint Grass, which occurs in isolated patches. The primary objectives for Management Zone 1 are to provide a buffer zone to areas of SEPP 26 Littoral Rainforest occurring directly to the north of the site and to retain and enhance existing areas of HJG.

*Additionally, this area would allow for retention and extension of areas of similar littoral rainforest and associated fauna habitats as those occurring to the north of the site. The isolated individual of the threatened species Rough-shelled Bush Nut (*Macadamia tetraphylla*) that occurs just south of Management Zone 1 would have ongoing protection through a restriction on the title of the relevant block.*

The broad strategy to achieve these objectives is as follows:

- retention and rehabilitation of remnant vegetation occurring in the north-west corner of the site and along the northern boundary of Zone 1;*
- removal and ongoing control of noxious and environmental weed species;*
- extension of retained vegetation by planting and maintenance of a dense, unfragmented 20 m band of littoral rainforest species adjacent to littoral rainforest remnants in the northwest and north of Zone 1;*
- Enhancement of existing HJG in non-forested parts of this zone through a maintenance program of annual slashing; and*
- formalising opportunities for public access and visitation on the periphery of this zone and preventing access to ecologically sensitive areas within the buffer zone.*

2.5 Bushfire Prone Land

The land area occupying Lot 7 is, in part, mapped bushfire prone land. A small area within the north-western corner of Lot 7 is mapped as containing bushfire vegetation and therefore this proposal will be assessed pursuant to s100B of the Rural Fires Act 1979.

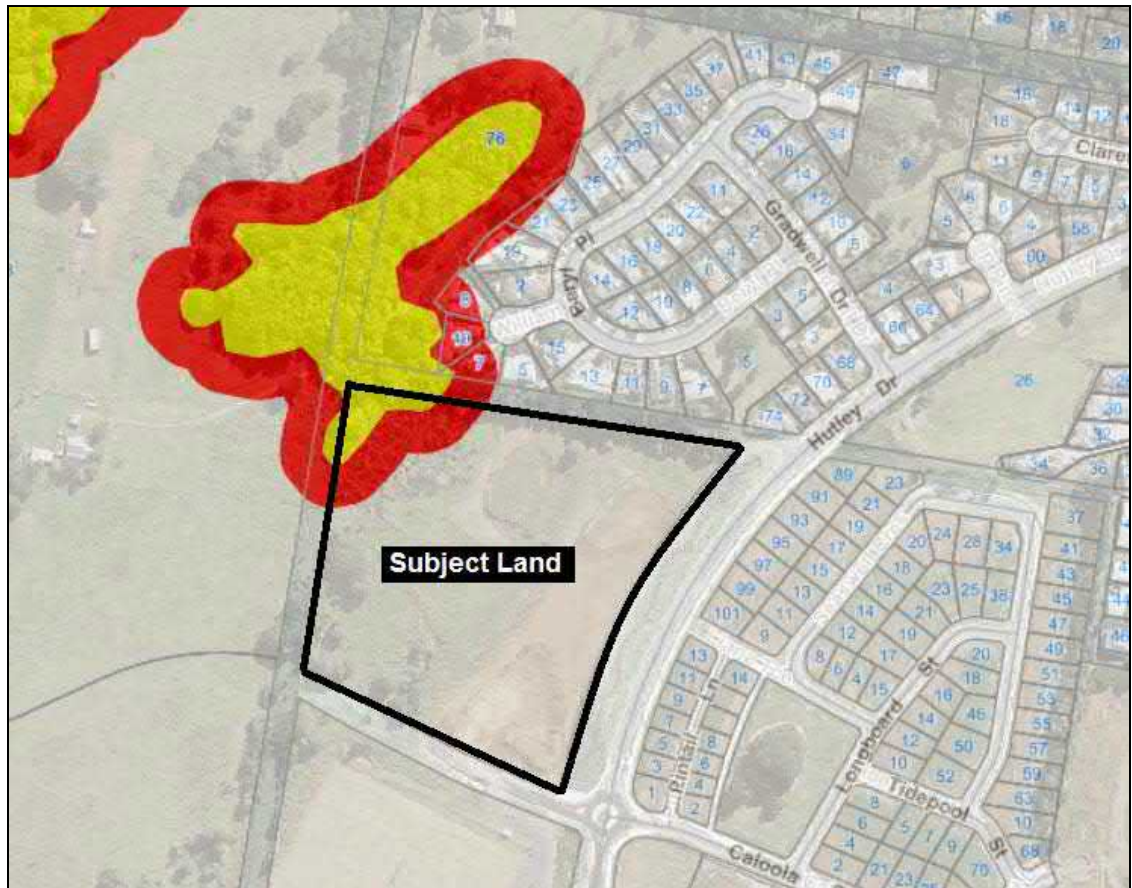


Plate 3: Ballina Shire Council Bushfire Prone Land Mapping (source BSC Intramaps 2018)

2.6 Soil

2.6.1 Acid Sulfate Soils

Lot 7 is mapped as containing Class 2 & 5 acid sulfate soils as evidenced from Ballina Shire Council mapping (**Plate 4**). The only excavation work expected to intersect with acid sulphate soils is associated with the installation of services. In this respect, all

works will be undertaken pursuant to the Acid Sulphate Soils Management Plan as actioned for the Epiq Lennox Estate & contained within Appendix B of the Engineering Services Report as provided in **Attachment 2**.

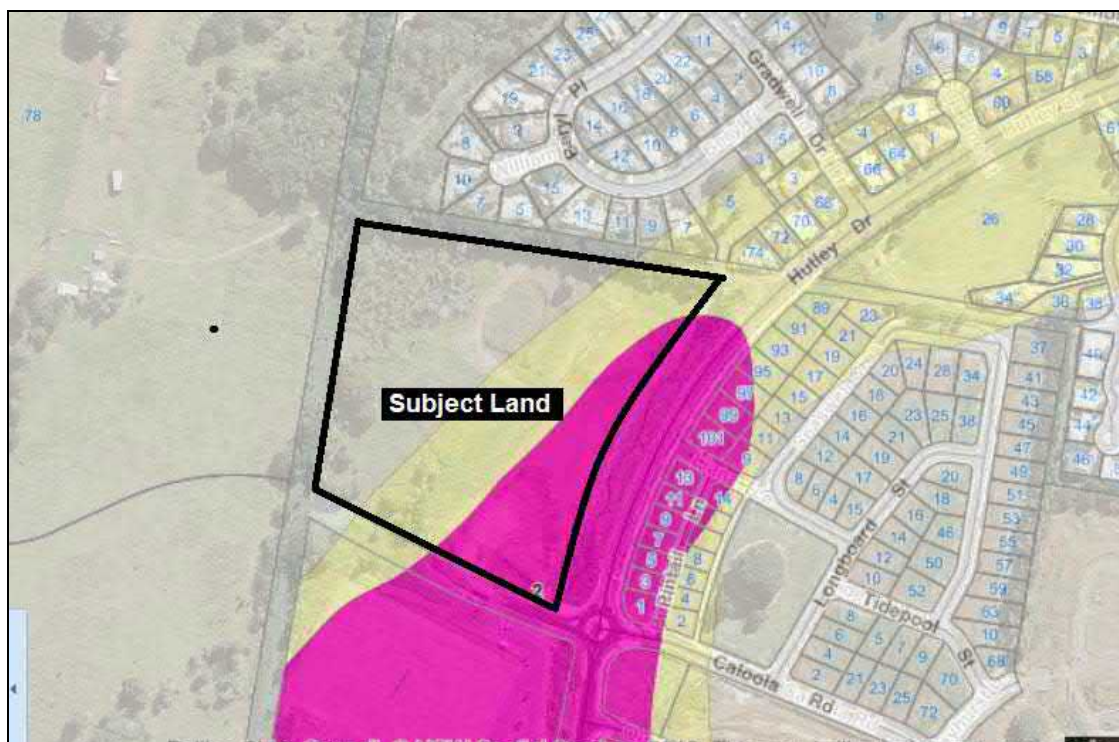


Plate 4: Acid Sulfate Soil Mapping (source BSC Intramaps 2018)

2.6.2 Land Contamination

A desk-top review of the site history and land use pursuant to SEPP 55 was undertaken By *Ardill Payne & Partners* for the Concept Plan approval. The desk-top site history review confirmed the Epiq Lennox land was historically used for cattle grazing and concluded that the existing and historical use of the subject land and surrounding properties are unlikely to have caused contamination of the site and that the site is considered suitable for the proposed development.

The lower portion of the site has been filled as part of the previous stages of the development (Stage 1B). Approximately 27,000m³ of fill is required for the site with this material sourced from the existing temporary stockpile on the eastern portion of the site which was generated through the development of Stages 2 & 3 and the neighbourhood centre earthworks pursuant to development consents issued by Ballina Shire Council. Through the lodgement of a series of development applications for the

subdivision of lands within Epiq Lennox, current soil analysis completed has ratified the initial assessment completed for the Concept Plan approval. To this end, no areas of the site have been identified as containing potentially contaminated lands.

Proposed Modification to Concept Plan & Project Application

Section 3

3.1 Description of Sought Amendments

The proposed modification will seek to undertake amendments to the Concept Plan & Project Approval (MP 07_0026). The key changes proposed for the approved development:

- increasing the number of residential lots from 47 to 60 residential lots comprising of 34 conventional residential lots and 26 live-work lots;
- introduce 3 neighbourhood commercial lots for the commencement of a live-work or community child care facility (Lot 61), storage facility (Lot 62) and re-introduction of a tavern lot (Lot 63).
- to re-introduce a tavern lot and the commencement of a community child care and storage facility; and
- modify the subdivision design and road network within Super Lot 7.

The proposed Subdivision Concept Plan & Project Approval Plans prepared by NDC are provided within **Attachment 1** of this report.

3.1.1 Overview

The residential lots within Lot 7 have been redesigned to provide improved opportunities for housing on sloping land commensurate with the lot layout afforded within Stages 2, 3, & 6. To this end, there is an increase in lot numbers from 47 to 60 residential lots. The lots will comprise 34 conventional residential lots, 26 'live-work' lots and three (3) mixed use lots.

Post the approval of the original Concept Plan in 2008, the residential model adopted for the estate has since evolved. To this end, the opportunity to provide housing which more readily meets the daily needs of residents has become the focus of current residential housing models.

The introduction of the 'live-work' lots within Lot 7, seeks to address the segregation of land uses and high level of car dependency especially found in regional areas. Accordingly, the 'live-work' concept sought for Epiq Lennox head seeks to create housing where residents also have a designated workspace through a purpose designed built form.

The proposal provides for improved accessibility to housing, greater scope for business development, purpose planned for interface with adjoining land uses and recognises the transformation of the global economy through increased home-based business activity. The concept of a live-work environment is that people can operate commercial premises, technology centres or studios and live onsite.

Demand for this form of development is growing in northern NSW as evidenced through recent approvals for this type of development. In this regard, reference is made to the recently approved Habitat development the Byron Bay area (see Byron Shire Council DA 10.2011.162.1 & Byron DCP 2010, Chapter 20). 'Live-work' dwellings in Stage 1 of the development are now fully sold with Stage 2 currently under construction.

The proposed live-work concept are illustrated within Design Guidelines prepared for the project and contained within **Attachment 2** of this report. The guidelines outline a clear analysis of critical elements which contribute to the success of the 'live-work' concept for Lot 7, namely;

- Site layout;
- Work space front façade;
- Address and fencing;
- Building finishes;
- Rear of dwelling;
- Plantings
- Private open space;
- Corner allotments;
- Boundary control diagrams; and
- Sustainable designs.

The creation of the 'live-work' lots would be integrated with a built form which aligns with the specific design guidelines. That is, the live-work development would be integrated so the future development application provides for the subdivision.

This will ensure the desired architectural and operational features of this type of development are embodied into an integrated approval. Accordingly, this application seeks the approval of the design guidelines so the future approvals of the structures are consistent with the overall integrated subdivision of the land for this form of development.

The proposed conventional residential lots comprise areas ranging from 375m² to 870m². Reference is made to the current lot typology for Super Lot 7 which stipulates a minimum lot size of 600m². Notwithstanding this lot size requirement, regard is made to the approval of the 'Park Lots' in Stage 2 of Epiq which enjoy a minimum area of 392m². The 'park lots' have associated design guidelines which address building design, open space, car parking, fencing, solar access and privacy. Each building design will be approved through a design review panel. Ballina Shire Council have approved this design review process through a development consent condition for Stage 2.

3.1.2 Proposed Residential & Live-Work Subdivision

Lot Layout: The modified proposal seeks to subdivide the subject land into 34 conventional residential lots and 26 live-work torrens title lots. The lots range in area between 187m² to 807m². The subdivision layout is provided within **Attachment 1** of

this document.

Road & Pedestrian Network: Lot 7 will be accessed from a single road connection to Road 5 which serves as the local road linking Hutley Drive to the western extremity of the Epiq Lennox estate. Road 5 forms the southern boundary of Lot 7.

The proposed development will involve the extension of Road 5 and the construction of four new roads. A summary of the proposed roads is presented in **Table 4**.

Table 4: Summary of Proposed Roads

Road	Approx. Length (m)	Carriageway Width (m)	Reserve Width (m)	Road Hierarchy	Maximum Grade
Road 1	590	7-9 Ex On-street Parking	Variable 15 - 21.6m	Local Street	14%
Road 2	225	5.5	6.5	Access Street	<5%
Road 3	105	7	15	Local Street	14%
Road 4	182	6	8	Access Street	8%
Road 5 (extension)	160	9.5	18	Collector Street	12%
Total:	1,262				

A 1.35m wide footpath will be provided along one side of all public roads with connection to the surrounding footpath network in Road 5. A 2.5m wide sealed maintenance access path will be installed along the eastern side of the site adjacent to the development lots. The area surrounding this access path will be dedicated as part of the Hutley Drive Road Reserve upon completion of the subdivision.

It is proposed that the rear access laneway (Road 2) has a 5.5m carriageway within a 6.5m wide reserve. This laneway is only expected to provide access to the rear of the live/work allotments for the residential component of the lot. Access to the commercial component of the development will be via Road 1 with parking provided on Road 1. Through traffic is not expected on this Street as the surrounding road network is considered to provide a more efficient connection.

The most lots serviced by an Access Street (between connecting Local Streets) is 7 lots. Based on a peak hour trip rate of 0.5 trips/dwelling, the peak hourly trips are considered to be 3.5 per hour (one every 17 minutes). Access Streets of similar

configuration have been previously approved in the Ballina Shire (Bourke Terrace and Woods Terrace). It is noted that these previously approved Streets service more dwellings than those proposed in this development (eg Woods Terrace services 14 houses).

In addition to the ability for each live-work development to be afforded two (2) parking spaces for each dwelling, the proposal provides for designated parking bays within the street network. A total of 45 car spaces are provided fronting the live-work allotments which exceeds the requirement for the parking for the planned quantum of commercial floor spaces. In this respect, where each dwelling would average some 50m² of work area, a single commercial car space would otherwise be required, thereby equating to some 33 spaces. In this instance the proposal provides a surplus of 12 spaces.

Bulk Earthworks: The lower portion of the site has been filled as part of the previous stages of the development. As far as it can be ascertained prior to these filling activities the natural ground level along the eastern boundary of the site was approximately RL 2.5m, with a localised lower drainage channel present in the south east corner of the site. This flat eastern portion of the site has been filled to between RL3 to RL4 as part of the 1B works. It is anticipated that the finish level of each site will be greater than 3.5m AHD above the prescribed level of 2.65m AHD for flooding.

Approximately 27,000m³ of fill is required to for the site with this material anticipated to come from the existing temporary stockpile on the eastern portion of the site and other stages of the Epiq Development. A maximum fill height of 2.5m and maximum cut depth of 2.5m is expected across the site.

Stormwater: The site has been previously modelled by Gilbert and Sutherland ('Revised Stormwater Assessment & Management Plan' dated July 2014) to determine the quality treatment and attenuation requirements for the site. The stormwater objectives for the site are defined in Condition B6 of the Pacific Pines – Concept Approval (MP 07_0026), see **Plate 5** below:

B6 Stormwater Management Plan

The proponent is to prepare a stormwater management plan for the entire site, prepared by a suitable qualified person(s) that includes detailed modelling for both water quality and quantity. The plan shall demonstrate:

- 1) That the project does not concentrate or lead to an increase in the volume or rate of flow of stormwater discharged from the site over and above pre-development flow conditions; and
- 2) That the project does not increase the average annual load of key stormwater pollutants in stormwater discharged from the site over and above pre-development conditions.
- 3) that all stormwater infrastructure is located outside the conservation zone area.

The plan is to be prepared in accordance with the Water Sensitive Urban Design requirements of *Ballina Shire Combined Development Control Plan Chapter 13 – Stormwater Management*.

The stormwater plan is to be submitted to and approved by Council prior to the issue of a Construction Certificate for Stage 1A.

Plate 5: Excerpt from Concept Approval (MP 07_0026) - Stormwater Management Plan

The previously approved SWMP has been used as a first preference for the basis of this assessment. Where the proposed development differs from the original assumptions contemporary stormwater management standards have been applied.

Reference should be made to Sections 7.1 and 7.2 of the Engineering Services report contained within **Attachment 3** of this report with specific regard to stormwater quality and attenuation for the project.

Sewer Services: All lots will be provided with a gravity sewer connection. An existing Ø225mm sewer stub has been provided for the site as part of the Stage 1B works. This stub is located midway along the eastern boundary and connects to the existing sewer trunk main within Hutley Drive. The Ø225mm trunk main will be extended along Road 5 to the western boundary (for future connection of the adjacent Outlook Development).

An assessment of the planned sewer equivalent demand for the project is provided within Table 8.1 of the Engineering Services report. Newton Denny Chapelle have calculated an equivalent tenement (ET) generation of 128.75ET's.

Water Supply: Each lot will be provided with a potable and recycled water connection. This will be via the extension of the existing Ø200mm potable water and Ø250mm recycled water within Road 5.

An assessment of the planned water demand for the project is provided within Table 9.1 of the Engineering Services report. Newton Denny Chapelle have calculated an

equivalent tenement (ET) generation of 103.4ET's.

Each residential lot will also be provided with a recycled water connection.

3.1.3 Neighbourhood Commercial Lots

The proposal seeks to introduce three (3) neighbourhood commercial lots which will be dedicated to mixed use land uses comprising a proposed tavern, live work or community childcare centre and a storage premises. The proposed lot schedule is provided below.

- Lot 61 – Live Work or Community Child Care Facility
- Lot 62 – Storage Premises
- Lot 63 – Tavern

The proposed lots have been designed within Lot 7 to integrate with the approved neighbourhood commercial site (Lot 1 DP 1239938) through their location in the south-eastern corner fronting Hutley Drive.

The siting of the proposed lots is deemed to be the optimal location through providing improved accessibility from the neighbourhood shopping centre, proximity to Hutley Drive, compatible interface with the balance of the live-work allotments and importantly afforded a landscape buffer on the eastern frontage of the land to assist with the visual amenity of the development.

In respect to the Tavern use, reference is made to the fact on 12 November 2008, the then Minister for Planning gave Concept Plan and part Project Approval to Epiq Lennox (formerly *Pacific Pines*) residential estate at Lennox Head. The project included in addition to the residential subdivision, the creation of a development lot for the purpose of a Tavern.

The Tavern site was later modified from the Concept Plan by the previous landowner through Modification 4 for MP 07_0026. The modification of the Tavern site was due to the originally proposed tavern lot being encompassed into the Conservation Zone within Epiq and to improve the east-west connectivity for the Conservation Zone.

Importantly, the land uses approved under the Concept Plan had not removed the Tavern land use from the Concept Plan, hence the use was retained for future siting within the Epiq Lennox estate.

The re-introduction of the Tavern site seeks to provide the residents of Epiq Lennox estate and the broader Lennox Head community with a family friendly environment which affords the local residents a multi-facet building, including a licensed premise, family dining and community meeting place. In this respect, it is clear the focus for a Tavern in Epiq Lennox is on providing a family orientated tavern.

Lennox Head is not currently serviced with any storage facilities. This proposal includes a smaller neighbourhood scale facility to be provided for the residents of Lennox Head and Epiq Estate itself. The proposal seeks to incorporate a 2 storey structure which is able to articulate to the Hutley Drive and live-work interface to the east and west respectively. Importantly, the land area for the storage facility has terminated short of the northern boundary of Lot 7 to ensure live-work and residential lots adjoin the existing residential lots to the north (Meadows Estate).

With respect to the development of the live-work dwellings on Lot 61, reference is made to potential plans by Ballina Shire Council to secure land for a community child care facility as outlined in Ballina Shire Council consultation advice (**Attachment 9**). With the increase in demand for housing within the Lennox Head area, Ballina Shire Council has taken the proactive position to secure land for a community childcare centre. Accordingly, in the interim, the proponent has identified the opportunity to propose live-work housing on Lot 61, however should negotiations result in Ballina Shire Council securing land, the development of the community childcare facility would occur on this lot. In this respect, the proposed location of the community childcare centre in Lot 7 further consolidates the mixed-use precinct created through the 'live-work' and neighbourhood commercial lots, whilst importantly providing greater accessibility to the primary population expansion area within Lennox Head at the Epiq estate for further childcare services.

3.1.4 Administrative Amendments

In order to address the suite of approvals issued over the Epiq Estate, several amendments are proposed to ensure the Concept Plan reflects the approved layouts. In this respect, the following administrative amendments are proposed.

- Adopt the approved pedestrian footpath alignment which traverses through Stage 3 under Ballina Shire Council DA 2016.741 approved on 5 June 2017 & Stage 5 which is currently being determined by Ballina Shire Council (DA 2017.565).
- Modification to Plan C7 to address the approved stormwater management plan for the estate as Ballina Shire Council DA 2016.741 approved on 5 June 2017 DA2017.204 approved on 26 September 2017.
- Amend Plan C8 to correctly title the plan “Lot Typologies” rather than the approved “Lot Typographies”

3.2 Requested Modifications to Concept & Project Approvals

The conditions relevant to this s.75W Application to amend both the Concept Plan and Project Approval for MP07_0026 are described below. The recommended modifications to the conditions and the reason for the amendment are also provided.

Concept Approval

The following amendments are proposed to the Concept Pan approval.

3.2.1 Condition A1 – Project Description

Current condition

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 (> 1,200m²)
 - (b) ‘Traditional’ lots with areas between 600m² and 800m²
 - (c) ‘Small affordable’ lots (400m² to 600m²)
 - (d) ‘Park court’ lots (400m² to 600m²)

- 2) Neighbourhood centre with maximum retail space of 5,000m² 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 14.07 ha;
 - (e) Rehabilitation works adjacent to Ballina Nature Reserve 5.9 ha.
- 7) Road network; and
- 8) Other associated infrastructure.

Proposed Modification

Based on the sought modification outlined within Section 3.1, Condition A1 is sought to be amended to address the proposed change in land use and torrens title subdivision. The proposed changes are illustrated in **bold** text.

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 (> 1,200m²)
 - (b) 'Traditional' lots with areas between 600m² and 800m²
 - (c) 'Small affordable' lots (400m² to 600m²)
 - (d) 'Park court' lots (400m² to 600m²)
 - (e) "Live-Work Lots (187m² to 294m²)"**
- 2) Neighbourhood centre with maximum retail space of 5,000m² gross leasable area and maximum commercial space of 800m² gross leasable area;
- 3) Mixed use lots for the neighbourhood tavern, storage premises and live - work or community childcare centre;**

- 34)** Multi-purpose community hall with a floor space of 300m²;
- 45)** Retirement community;
- 56)** Medium density housing;
- 67)** 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;
 - (e) Rehabilitation works adjacent to Ballina Nature Reserve 5.9 ha.
- 78)** Road network; and
- 89)** Other associated infrastructure.

3.2.2 Condition A3 – Project in Accordance with Plans

Current condition

A3 Project in Accordance with Plans

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

Drawing No.	Revision	Name of Plan	Date
14/351	B	Illustration C1 Concept Plan	17.01.17
14/351	B	Illustration C2 Green Network	17.01.17
14/351	C	Illustration C5 Development Staging	27.02.17
14/351	C	Illustration C6 Movement Network	27.02.17
14/351		Illustration C7 Stormwater Concept Plan	16.11.16
14/351	B	Illustration C8 Lot Topographies	17.01.17
14/351		Illustration C9 Building Heights	16.11.16
14/351	B	Illustration C10 Setback	17.01.17
14/351	B	Illustration C11 Conservation Zone	17.01.17

Proposed Modification

Based on the sought modification outlined within Section 3.1, Condition A3 is sought to be amended to primarily address the modified lot layout, lot typologies and road network with the Concept illustrations. The proposed changes are illustrated in **bold** text.

A3 Project in Accordance with Plans

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

Drawing No.	Revision	Name of Plan	Date
14/351	C	Illustration C1 Concept Plan	20.08.18
14/351	C	Illustration C2 Green Network	20.08.18
14/351	D	Illustration C5 Development Staging	20.08.18
14/351	D	Illustration C6 Movement Network	20.08.18
14/351	B	Illustration C7 Stormwater Concept Plan	20.08.18
14/351	C	Illustration C8 Lot Topographies	20.08.18
14/351	C	Illustration C9 Building Heights	20.08.18
14/351	C	Illustration C10 Setback	20.08.18
14/351	C	Illustration C11 Conservation Zone	20.08.18

3.2.3 Condition A4 – Project in Accordance with Documents

Current condition

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 Report No. 5 Report, including all attachments prepared by Newton Denny Chapelle, dated November 2016, as updated by letter, including attached plans dated 27 January 2017.

Proposed Modification

The documents listed in this condition do not change. However, this modification report to support the proposed modification should be added to list. The proposed changes are illustrated in **bold** text.

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 Report No. 5 Report, including all attachments prepared by Newton Denny Chapelle, dated November 2016, as updated by letter, including attached plans dated 27 January 2017.

m) Section 75W Modification Report No. 6 Report, including all attachments prepared by Newton Denny Chapelle, dated August 2018.

3.2.4 Statement of Commitments

No modification to the Statement of Commitments is triggered by this proposed modification.

Project Approval

3.2.5 Condition A1 – Project Description

Current Condition

A1 – Project Description

A1 Project Description

Project approval is granted only to carrying out the project described in detail below: A 64 lot residential subdivision comprising:

- 1) 51 residential lots ranging in size from 600m² to 900m²;
- 2) 6 super lots for future development as follows:
 - (a) Super Lot 1 (2.106 ha)
 - (b) Super Lot 3 (0.30 ha)
 - (c) Super Lot 4 (0.18 ha)
 - (d) Super Lot 5 (4.2 ha)
 - (e) Super Lot 7 (5.59 ha)
 - (f) 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

Based on the overview provided within Section 3.1, it is recommended that the condition be amended to read as illustrated in **bold** text.

A1 - Project Description

A1 – Project Description

Project approval is granted only to carrying out the project described in detail below: A **64 209** lot residential subdivision comprising:

- 1) 51 residential lots ranging in size from 600m² to 900m²;
- 2) **Subdivision of Super Lot 5 into 145 integrated residential lots ranging in size from 124m² to 700m² (Modification 7)**

- 23)** 6 super lots for future development as follows:
- (a) Super Lot 1 (2.106 ha)
 - (b) Super Lot 3 (0.30 ha)
 - (c) Super Lot 4 (0.18 ha)
 - (d) Super Lot 5 (4.2 ha)
 - (e) Super Lot 7(5.59 ha)
 - (f) Super Lot 8 (4.98 ha)
- 4)** **Subdivision of Super Lot 7 into 63 lots ranging in area form 187m² to 3,500m², comprising:**
- (a) 34 conventional residential lots**
 - (b) 26 live-work lots**
 - (c) 3 mixed use lots**
- 3 5)** Three open space lots of 910m², 641m² **and 395m²**
- 4 6)** Earthworks;
- 5 7)** Associated roads and civil works; and
- 6 8)** Landscaping.

3.2.6 Condition A2 – Staging

Current Condition

A2 – Staging

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, 3, 4, 5, 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

Based on the overview above, it is suggested that the condition be amended to read as illustrated in **bold** text.

A2 - Staging

The project shall be undertaken in ~~two~~ **three** 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, 3, 4, 5, 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 1(c) – Subdivision of Lot 7 into 63 residential, live-work and mixed use lots and the construction of associated civil works (roads, sewer, water, drainage and earthworks).**

3.2.7 Condition A3 – Project in Accordance with Plans

Current Condition

A3 – Project in Accordance with Plans

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

Design, Landscape and Survey Drawings			
Drawing No.	Revision	Name of Plan	Date
14/351		Illustration P1 Stage 1 Project Application	16.11.16
14/351		Illustration P2 Stage 1 Subdivision Plan	16.11.16
14/351	C	Illustration C5 Development Staging	27.02.17
14/351		Illustration P3 Stage 1 Landscape Plan	16.11.16
14/351		Illustration P4 Stage 1 Stormwater Concept Plan	16.11.16
14/351		Illustration P5 Stage 1 Proposed Bulk Earthworks Plan	16.11.16
		Illustration P7 Stage 1 Erosion and Sedimentation Control Plan	28/06/10
		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

Based on the overview above, it is suggested that the condition be amended to read as illustrated in **bold** text.

A3 - Project in Accordance with Plans

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

Design, Landscape and Survey Drawings			
Drawing No.	Revision	Name of Plan	Date
14/351	C	Illustration P1 Stage 1 Project Application	20.08.18
14/351	B	Illustration P2 Stage 1 Subdivision Plan	20.08.18
14/351	D	Illustration C5 Development Staging	20.08.18
14/351	B	Illustration P3 Stage 1 Landscape Plan	20.08.18
14/351	B	Illustration P4 Stage 1 Stormwater Concept Plan	20.08.18
14/351		Illustration P5 Stage 1 Proposed Bulk Earthworks Plan	20.08.18
		Illustration P7 Stage 1 Erosion and Sedimentation Control Plan	28/06/10
		Illustration P8 Stage 1 Erosion and Sedimentation Control Details	27/11/07
SK004	C	Lot Layout	20.08.18

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

3.2.8 Condition A4 – Project in Accordance with Documents

Current Condition

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;
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.
- k) Updated plans to reflect expansion of the conservation zone prepared by GeoLINK, dated May and July 2012.
- l) Epiq Lennox Section 75W Modification Report including all attachments prepared by Newton Denny Chapelle dated November 2016, as updated by letter, including attached plans dated 27 January 2017.

Proposed Modification

The documents listed in this condition do not change. However, this modification report and associated plans to support the proposed modification should be added to list. The proposed changes are illustrated in **bold** text.

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;

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.
- k) Updated plans to reflect expansion of the conservation zone prepared by GeoLINK, dated May and July 2012
- l) Epiq Lennox Section 75W Modification Report including all attachments prepared by Newton Denny Chapelle dated November 2016, as updated by letter, including attached plans dated 27 January 2017.
- m) Epiq Lennox Section 75W Modification 6 Report including all attachments prepared by Newton Denny Chapelle dated August 2018.**

3.2.9 Parts C & E – Prior to Issue of Construction Certificate for Stage 1B

With the introduction of Stage 1C, conditions provided within Parts C & E of the project approval may be inserted/re-worded to suit the introduction of the stage.

3.3 Substantially the same development

The proposed modification provides for the primary utilisation of Lot 7 for residential accommodation. The transition from residential lots to incorporate the live-work and mixed use lots will ensure the key components of the Concept Plan are retained within the modified approval. Specifically, the key elements of medium density housing and the neighbourhood centre which were approved under the Concept Plan are deliverables maintained through this proposal.

Importantly, the Concept Plan already contains smaller residential housing lots below the prescribed minimum lot area pursuant to the Ballina LEP. Reference is also noted to the fact the approval for the retirement community provided for some 124 courtyard residential lots, hence creating lots of some 180m², being commensurate to the live-work lot size.

Furthermore, the Ballina Development Control Plan 2012 does not stipulate a dwelling density for the subject land, thereby providing a merit based, site specific design to be proposed in this instance.

Reference is made to the fact the Tavern land use is already approved for the Epiq Lennox Estate.

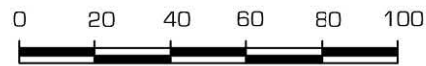
Overall, the development as modified by this proposal will be substantially the same development to that currently approved upon Lot 7. An illustrative comparison is provided within this report to clearly illustrate the changes in the design.





SUPERLOT 7 - CURRENT PROPOSED PLAN



SUPERLOT 7 - MOD 6



1cm = 20m
1:2000

LEGEND	
	SITE BOUNDARY
	TRADITIONAL LOTS - 600m ² TO 1200m ²
	SMALL AFFORDABLE LOTS - 400m ² TO 600m ²
	PARK COURT LOTS - 400m ² - 600m ²
	CONSERVATION / PARK / OPEN SPACE
	MIXED USE
	LIVE / WORK

NOTE:

This preliminary layout has been completed in accordance with the instructions provided by Clarence Property Corporation. In this respect preliminary desktop data has been used to form this layout. The final layout is subject to the completion of a Detailed survey Subdivision Survey Plans and /or Engineering plans. Accordingly, this plan may be modified by the author upon the completion of the final Survey & Site Inspection. Newton Denny Chapelle accepts no responsibility for any loss or damage suffered, however so arising, to any person or corporation who may use or rely on this Plan. As this Plan is anon Survey plan it should not be used as part of any financial transactions or land dealings.

REV	DATE	AMENDMENT
A		
B		
C		
D		
E		

SOURCE PLAN: www.maps.six.nsw.gov.au - accessed 14.11.16

k:\jobs\2014\14351 - clarence property\masterfile\planning\planning plans\ndc plans\cad files\14351 -mod 7 and 6 comparison.dwg - superlot 7

NBS
Newton Denny Chapelle
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 ABN: 66 220 045 469

**EPIQ LENNOX HEAD
 PLAN OF COMPARISON
 SUPERLOT 7**

CLIENT: CLARENCE PROPERTY CORPORATION
 LOCATION: LOT 234 DP1104071
 LENNOX HEAD NSW
 DATE: 26.09.18
 SCALE: 1 : 4000 @ A3
 REF: 14/351
 DRAWN: bk

© NEWTON DENNY CHAPELLE

3.4 Consistency with approvals

This application retains the core land uses encompassed within the Concept Plan and Project Approvals, however seeks to modify the development in response to current planning controls and forecast local residential and neighbourhood commercial demand.

As detailed within Section 3 of this report, the proposed modifications, particularly in relation to the amended lot layout and lot typology, have been designed in response to the proponent's desire to provide a variety of housing choice through conventional residential lots, smaller lot housing and live-work housing within the Epiq Lennox estate.

Specifically, the modification will provide for the retention of residential housing within Lot 7, albeit through the adoption of the 'live-work' concept interspersed through the conventional lots and proposed neighbourhood mixed use lots.

The neighbourhood commercial mixed use component seeks to reinstate a Tavern lot in a manner commensurate with the originally approved Concept Plan for the estate. The introduction of a neighbourhood scale storage premises recognises the lack of storage for residents within the broader Lennox Head area, who are currently forced to travel to either Ballina or Byron Bay for their storage requirements.

The environmental management lot is also retained within the north-western corner of the site. The configuration of the lot has been modified to accord with the proposed road layout. However, importantly, the environmental management lot satisfies the prescribed 100m buffer to the mapped 26 littoral rainforest located west of the subject land and therefore does not prejudice the delivery of the approved EMP ameliorative management recommendations.

Further, the local planning controls which influenced the manner in which the estate is to be developed have evolved significantly since the original Concept and Project approvals were issued. The modification to lot typology and land area requirements for residential housing reflects this point. Importantly, the sought amendments do not impact the manner in which the development can be undertaken. That is, the modification will not result in a significant increase in lots nor an amendment to the key

design provisions (e.g. building height, car parking) for future dwellings being built at Epiq Lennox.

The suite of conditions contained in the Project Approval which govern the civil construction, environmental management and registration of the subdivision will be able to be adhered with by the current modification. Accordingly, the consistency of the modified proposal with the approved subdivision and associated land uses within Epiq Lennox estate are demonstrated in this instance.

Environmental Assessment

Section 4

This section reviews the environmental interactions of the proposed amendment outlined in Section 3 of this report.

4.1 Environmental impacts of proposed modifications

4.1.1 Ecology

A biodiversity assessment has been completed for Lot 7 by GeoLINK as provided within **Attachment 4** of this report. The assessment identified the vegetation within Lot 7 comprises following communities.

- Closed grassland (rank pasture) dominated by Broad-leaved Paspalum (*Paspalum mandiocanum*) with other pasture grasses (Vasey Grass *Paspalum urvillei*, Kikuyu *Cenchrus clandestinum*) and common agricultural weeds. Native vegetation is sparse to absent.
- A rainforest planting within the Management Zone (which includes a small stand of naturally occurring Tuckeroo *Cupaniopsis anacardioides*).
- A small patch of degraded littoral rainforest dominated by mature Tuckeroo, a mature Hard Quandong (*Elaeocarpus obovatus*), and several mature Camphor Laurel (*Cinnamomum camphora*). This community is characteristic of plant community type (PCT) 1275 Tuckeroo - Riberry - Yellow Tulipwood littoral rainforest of the NSW North Coast Bioregion in the BioNet Vegetation

Classification.

- A small patch of isolated regrowth Swamp Oak (*Casuarina glauca*). This community is characteristic of PCT 1145 Swamp Oak swamp forest of the coastal lowlands of the NSW North Coast Bioregion, although is a very poor example of the community.
- Patches of Camphor Laurel (*Cinnamomum camphora*), typically with Lantana (*Lantana camara*). Native vegetation is sparse to absent.

One threatened flora species occurs within Lot 7, being the Rough-shelled Bush Nut. A mature tree occurs along the western boundary, with a single immature tree and several seedlings retained along the northern buffer area of the Management Zone (refer to Illustration 3.1 of the GeoLINK report). All trees will be retained in-situ.

GeoLINK state Lot 7 is highly degraded from overgrown rank pasture and earthworks and contains little naturally occurring native vegetation except for the small stand of littoral rainforest (approximately 8 trees) and minor regrowth.

The biodiversity assessment has identified potential Impacts of the proposal as being very low on the basis that Lot 7 comprises vacant grassland with minimal native vegetation or significant habitat. The main biodiversity impact of the proposal identified by GeoLINK relates to the loss of the small stand of mature littoral rainforest (8 trees). The loss of these trees has already been considered in the designation of the conservation and management zones for the project where native vegetation has been retained and enhanced (including habitat for Hairy Jointgrass).

Rough-shelled Bush Nut along the northern boundary will be retained within Management Zone 1, while the single mature Rough-shelled Bush Nut along the western boundary will be retained within a residential lot (Lot 1). A sewer line is proposed within approximately 4.2 metres of the western Rough-shelled Bush Nut (refer to Figure 5.1 of the GeoLINK report). Mitigation measures are prescribed to ensure the potential for damage to this tree are minimised.

The following biodiversity impacts and associated ameliorative measures have been identified by GeoLINK for the project:

Impacts

Construction phase

- Loss of a small stand of isolated mature littoral rainforest (8 trees).
- Loss of a small stand of isolated regrowth Swamp Oak.
- Minor localised disturbance to fauna (this is already occurring).
- Potential for spread and/ or introduction of weeds and pathogens.
- Potential for disturbance to rainforest plantings within Management Zone 1.
- Potential for disturbance to Rough-shelled bush Nut retained in-situ on the western boundary from installation of the sewer line.

Occupation phase

- Resident activity within Management Zone 1.

Mitigation

To minimise biodiversity impacts which may result from the proposal, the following mitigation measures are prescribed:

Construction phase

- Measures to minimise the potential for the spread of weeds must be implemented during construction.
- Sediment fencing and erosion controls must be implemented and maintained for the duration of the works.
- The western Rough-shelled Bush Nut must be clearly marked on site and a temporary exclusion zone (eg. parawebbing) established within 3 metres of the tree.
- Trenching works for the sewer line completed as sensitively as possible within Lot 1 to avoid damaging the Rough-shelled Bush Nut.
- Construction work limits must be clearly marked prior to commencement of works and para-webbing or similar must be placed along the boundary of Management Zone 1 with signage stating 'Protected vegetation – keep out' or words of similar intention.
- Requirements to avoid vegetation disturbance or damage and protect the western Rough-shelled Bush Nut must be clearly explained to all personnel and subcontractors during the induction process prior to construction works.

Occupation phase

To protect rainforest plantings within Management Zone 1, the following prescriptions apply:

- Permanent boundary markings (eg. bollards) shall be installed along the boundary of Management Zone 1 to restrict access. Signage stating “Conservation Zone - entry prohibited” (or words of similar intention) shall be placed along the fencing.
- If fencing of Management Zone 1 is completed it must be permeable to permit fauna movement (eg. post and rail fencing) and barbed wire must not be utilised.

4.1.2 Land Contamination

As required under Section 7 of SEPP 55, an assessment was conducted to determine if the site was contaminated from past or present land uses. A review of the sites history and soil testing was undertaken to assist in determining if contamination was present.

In this respect, the site is proposed to be filled through the use of the existing stockpile of material which is approved by Ballina Shire Council to be located on Lot 7 (DA reference 2018/24 approved 26 February 2018). The material was sourced from the civil works completed on Release 3 and the neighbourhood centre lot (Super Lot 1) within the Epiq Lennox estate.

Reference is also made to the fact the material stockpiled on Lot 7 has been classified as Virgin Excavated Natural Material (VENM) and as such is suitable for reuse as engineering fill or use in earthworks under the NSW EPA’s Excavated Natural Material Exemption 2014.

4.1.3 Cultural Heritage

Everick Heritage Consultants has undertaken a Cultural Heritage Due Diligence Assessment for Lot 7. The assessment is provided within **Attachment 5** of this report.

The methods employed by Everick Heritage Consultants in the assessment included:

- a) a search of relevant heritage registers;
- b) a review of environmental resources for the region;
- c) a review of relevant archaeological and ethnographic studies for the region;
- d) a site inspection conducted with a representative of the Jali Local Aboriginal Land Council (Jali LALC);
- e) assessments of archaeological and cultural heritage significance and impact;
and
- f) report on findings and recommended management strategies.

The methods used for the assessment by Everick Heritage Consultants follow the OEH Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales 2010 and complies with the accepted methodology for undertaking a Due Diligence Assessment under the National Parks and Wildlife Act 1974 ['NPW Act'].

As a result of the desktop study, field inspection and consultation with Jali LALC Sites Officer Maddison James, the following conclusions were reached/agreed:

- *The Project Area was obviously disturbed and was not likely to contain Aboriginal objects on the ground surface. This disturbance includes approximately 1m of fill over the lower alluvial area and extensive agricultural activities on the lower slopes in the northern portion of the Project Area.*
- *The Project Area is in a landscape that is unlikely to contain subsurface Aboriginal Objects,*
- *The extensive past ground disturbance across the Project Area makes it unlikely that the Project will impact on archaeological sites of high significance.*
- *All of the Project Area has been disturbed in a manner which constitutes 'disturbance' within the meaning of the Due Diligence Code and is consistent with the Due Diligence Code.*

No items of European heritage value were identified within the Project Area.

Everick Heritage Consultants is of the opinion that any proposed works resulting from the development application are unlikely to lead to harm to Aboriginal objects. Whilst additional archaeological investigations are not considered necessary, as a precautionary measure the recommendations are provided within Section 10 of the

Cultural Heritage Assessment which are considered appropriate to be applied in this instance.

4.1.4 Bushfire Hazard Assessment

Bushfire certifiers Pty Ltd have undertaken a preliminary bush fire hazard assessment for Lot 7. The assessment is provided within **Attachment 6** of this report.

As indicated on **Plate 4**, the north-western part of the site is mapped as bushfire prone. The bushfire hazard is the narrow cluster of littoral rainforest external to the Epiq site. Given the location of the hazard and the asset protection zone provided by the environmental management zone and adjacent road reserve, bushfire risks are not considered to be a significant constraint.

The *Bushfire Certifiers Pty LTD report* demonstrates Lot 7 is, in part, mapped as being bushfire prone. In addition, there is revegetation in the northwest corner of the proposed subdivision which has been taken into consideration in the bushfire threat assessment as potentially being a bushfire hazard. The report specifies some variation to the perimeter road width requirements based on the low bushfire risk as outlined in a performance solution. An additional performance solution is provided to demonstrate potential setbacks to grassland on the west side of Lots 1 and 18, it being noted this grassland will likely be removed with a future Outlook subdivision in this direction.

The *Bushfire Certifiers Pty LTD* assessment demonstrates that whilst requirements of Planning for Bushfire Protection 2006 do not apply directly given that the future buildings which are not located on bushfire prone land consideration has been given to PBP2006 pursuant to an assessment against s4.15 of the Environmental Planning and Assessment Act 1979.

In support of the proposal, the following key recommendations have been nominated for the subdivision.

The report makes the following summary of recommendations for the development.

- *Any future dwellings on the proposed lots are to be assessed in accordance with s4.15 of the Environmental Planning and Assessment Act 1979.*
- *At the commencement of works and in perpetuity each allotment is to be managed and maintained as an Asset Protection Zone (APZ) to prevent the spread of a fire towards the buildings in accordance with the requirements of Standards for Asset Protection Zones (RFS 2005).*
- *The public roads are to comply with s4.1.3(1) Planning for Bushfire Protection 2006 with exception to a perimeter road having a width of 8m wide adjacent to the regenerated rainforest vegetation. The perimeter road is permitted to comply with Table 4.1 of PBP2006. Further, a perimeter road will not be required to the west of proposed Lots 1 and 18 which adjoin grassland located on an upslope.*
- *Water, electricity and gas services shall comply with s4.1.3 of Planning for Bushfire Protection 2006.*
- *Landscaping is to be undertaken in accordance Appendix 5 of Planning for Bushfire Protection 2006 and managed and maintained in perpetuity.*

4.1.5 Traffic Impact Assessment

Previous studies of the traffic generated by the greater Epiq development site have been undertaken by Carndo Eppell Olsen and updated by Newton Denny Chapelle as part of the Modification 5 to Concept Approval 07_0026. These studies have identified that the extension of Hutley Drive is needed to service the fully developed site. Without the extension of Hutley Drive the existing surrounding Road network has an approved capacity of 7,456vpd. This daily traffic volume has been approved in the Ballina Shire Council Ordinary Council meeting on the 23rd October 2014 as referenced in Section 6.1 of the Engineering Services Report provided within **Attachment 4** of this report.

The approved traffic capacity relates to the available capacity of the surrounding road network being Montwood Drive and Henderson Lane. The existing road network has a surveyed volume of 1,712 for Montwood Drive and 1,634vpd for Henderson Lane leaving an excess of 4,110vpd for the Epiq development to utilise.

The daily traffic generation for the proposed development has been estimated based on the traffic generation rates for medium density developments outlined in the Ballina Shire Council, Ballina Road Contribution Plan – Version 4. The total daily vehicle trips for the development are outlined in **Table 5**.

Table 5: Traffic Generation Rates

Land Use	Qty	Units	Total Daily Vehicle Trips	Total Daily Vehicle Trips
Residential Lots	34	Dwellings	6.45	390
Live/Work Lots				
• Residential (2 bdrm)	26	Lots	3.9	102
• Commercial (BSC Office)*	52m ² / 26 units	m ²	10 / 100m ²	136
Development Lots				
• Tavern/Hotel (BSC)*	1,000	m ²	40 / 100m ²	600
• Storage Facility (ITE - Mini Warehouse)*	0.657	Acre	35.43 / Acre	23
• Live/Work Lot (from above)*	9	Lots	9.1 / Lot	82
*Area assumed			Total:	1,333

The existing road network has a surveyed volume of 3,346vpd leaving and excess of 4,110vpd for the Epiq Estate to utilise. The previously approved and constructed stages of Epiq are expected to generate 2,472vpd. These volumes have been determined from the traffic generation rates outlined in the Ballina Shire Roads Contributions Plan (6.45/dwelling). In accordance with the RMS recommendations, 25% of the trips are internal with the 75% of the total trips generated utilising the surrounding external Road network.

Based on the previously approved and constructed stages of the Epiq Lennox development the surrounding Road network has sufficient capacity for the proposed development (4,110vpd capacity vs 2,472vpd expected traffic). In accordance with the concept approval an assessment of the surrounding road network to confirm there is sufficient capacity for the development will be undertaken prior to the issue of a Subdivision Certificate.

4.1.6 Flood Impact

The lower portion of the site has been filled as part of the previous stages of the development. As far as it can be ascertained prior to these filling activities the natural ground level along the eastern boundary of the site was approximately RL 2.5m, with a

localised lower drainage channel present in the south east corner of the site. This flat eastern portion of the site has been filled to between RL3 to RL4 as part of the 1B works. It is anticipated that the finish level of each site will be greater than 3.5m AHD above the prescribed level of 2.65m AHD for flooding which is stipulated under Condition 15 of the Project Approval as provided below.

15 Finished Floor Levels

A suitable restriction as to user is to be placed over the title of the 6 super lots restricting all proposed buildings to be erected with a finished floor level of 2.65 metres AHD or above. Council is to be nominated as the authority empowered to release, vary or modify the restrictions.

4.1.7 Economic Impact Assessment

As part of Ballina Shire Council's response to the SEARs request, Council raised the following key assessment points associated with the planned live-work and storage premises land use.

In response, *Foresight Partners* was commissioned to prepare an economic need and impact assessment to address Ballina Shire Council's comments with regard to the proposed live work and self-storage units. The assessment is provided within **Attachment 7** of this report whilst the below table outlines the comments raised by Ballina Shire Council and the response from *Foresight Partners*.

Table 6: Key Assessment Matters

Ballina Shire Council Commentary	Foresight Partners Response
<p><i>"...Analysis of the consistency of the proposal with the planned light industrial area (service trades centre) identified within Area C under the Lennox Head Structure Plan. In particular, the suitability of the Epiq site for the proposed</i></p>	<p>The proposed light industrial area is considered unsuitable for both live work and self-storage units for the following reasons:</p> <ul style="list-style-type: none"> • Live work and self-storage units primarily serve the local population. The subject site • is more convenient to the local community as it is in a designated retail and commercial precinct and close to the existing Lennox Head village centre. • The timing of the development of the light industrial area is uncertain but demand warrants the development of additional commercial floorspace now. • Industrial uses primarily serve businesses while live work

<p><i>live work and storage facilities compared to the planned area for such uses within Area C should be addressed...</i></p>	<p>and self-storage units typically serve local residents, therefore there would be no synergistic benefit of locating live work or self-storage units in the proposed light industrial area.</p> <ul style="list-style-type: none"> ● Designated industrial land will not be lost to commercial uses if the live work units are located at the subject site. ● Residential (live work) units are an incompatible use in an industrial area. <ul style="list-style-type: none"> ○ Industrial areas are not designed to accommodate residential uses and lack amenities residents would normally expect; and ○ Residents could be impacted by industrial uses (i.e. noise, odour) which could potentially constrain industrial uses thereby compromising the intended function of the area.
<p><i>“...Analysis of the planned components and potential impacts of the live work development on the Lennox Head village centre relative to the principles set out in the Ballina Retail Strategy, Lennox Head Community Aspirations Strategic Plan and the Lennox Head Structure Plan. In particular, potential impacts on the maintenance of the intended retail hierarchy in Lennox Head (i.e. that commercial activity in the Epiq development will be secondary to the village centre).”</i></p>	<p>The following are relevant requirements as set out in the Ballina Retail Strategy, Lennox Head Community Aspirations Strategic Plan and Lennox Head Structure Plan:</p> <p><i>“...Ongoing provision of low key employment opportunities in Lennox Head with a focus on retailing, tourism and hospitality and home-based businesses...” (LHCASP 2002 pg11)</i></p> <p><i>“...Home Industries are small scale, low impact industries which may be conducted in residential areas with the development consent of Council... Consulting Rooms are a room or number of rooms within part of a dwelling, or the whole of a former dwelling used by not more than 3 professionals and associated support staff. Development consent is also required to undertake such activities...” (BRS 2003 pg 8)</i></p> <p><i>“...A second commercial area will be provided in Pacific Pines Estate [now Epiq] to complement those facilities found in the village centre. This centre shall be lower in the retail hierarchy than the CBD and provide facilities of a neighbourhood scale to service the residents located in this area and enhance walkability” (LHCASP 2002 pg30)</i></p> <p><i>“...Other areas zoned for commercial activities within the district will provide convenience facilities of a local scale...” (LHCASP 2002 pg30)</i></p> <p><i>“...Promoting a retail and commercial hierarchy which encourages the retention of the existing Village Centre as</i></p>

	<p><i>the commercial and social "heart" of the district and which discourages the establishment of large scale commercial enterprises..." (LHSP 2004 pg 14)</i></p> <p>Consistent with the Ballina Retail Strategy, Lennox Head Community Aspirations Strategic Plan and Lennox Head Structure Plan, the subject proposal will provide the following:</p> <ul style="list-style-type: none"> • A secondary commercial node to complement the facilities found in the Lennox Head village centre. The proposed commercial node is lower in the retail and commercial hierarchy due to the envisaged uses and its quantum of proposed commercial floorspace (around 56% of that in the village centre); • Retention of the village centre as the commercial and social heart of the district as its commercial floorspace is around twice that of the proposed space within Epiq; and • 35 live work units to facilitate small scale home based businesses that will serve local residents and enhance walkability.
<p><i>"...the potential for loss of business activity from the village centre should be addressed. This analysis should incorporate an address of the impacts on the Lennox Head village centre associated with the Epiq neighbourhood shopping centre so as to determine both the impacts on the village centre associated [with] the proposal for super lot 7 and the Epiq development overall..."</i></p>	<ul style="list-style-type: none"> • The existing village centre is at capacity with an undersupply of commercial floorspace in local area. The proposal will add to total commercial floorspace in the service area with functions largely complementary to the village centre, therefore it is not expected to result in any significant relocation of existing businesses from the village to the subject site. • The functions of the proposed live work units are different from commercial uses in the existing Lennox Head village centre, therefore there is expected to be a net increase of business activity in the service area driven by the provision of businesses and services that are not currently in the service area due to a lack of available commercial space. • It is forecast that the net impact on the Lennox Head village centre of Epiq including the subject proposal will not be significantly different than that forecast for the neighbourhood centre by Location IQ, and there will not be a significant impact on the occupancy of commercial floorspace in the village centre.

Having regard to the economic impact assessment, Foresight Partners have concluded the following need analysis for both the live-work and self-storage facility.

Need for the proposed live work units is demonstrated by the following:

- *Current undersupply of commercial space;*
- *Additional choice – no commercial live work units are currently available in the service area;*
- *Provision of facilities that are largely complementary to existing local facilities and serve complementary functions;*
- *Response to market growth – without the proposal there will be a forecast deficit of 1,000m² of commercial space by 2021, increasing to a deficit of around 1,980m² by 2026;*
- *Acceptable impacts on existing and approved commercial space and the Lennox Head village centre overall; and*
- *Community benefits such as more local employment, greater employment containment and new businesses and services that currently may not be offered in the service area.*

It is concluded that there is a strong need for the proposed live work units and that the benefits to the community far outweigh potential adverse impacts on existing commercial space in the service area.

Need for the proposed self-storage facility is demonstrated by the following:

- *No self-storage facilities are located in the service area.*
- *There is an estimated current demand for around 120 self-storage units in the service area at 2018, which is forecast to increase in subsequent years.*
- *There are no suitably zoned alternative sites that are convenient to the community.*

It is concluded that there is a need for one self-storage facility of up to 120 units in the defined service area.

4.1.8 Land Use Conflict

Through the introduction of the live-work lots and the neighbourhood commercial mixed use lots to entertain the tavern, storage premises and a potential community childcare centre, the opportunity for land use conflict with the adjoining northern residences within the Meadows Estate and residential lots located east of Lot 7 within the Epiq Lenox estate has been assessed.

In response to the potential land use conflict, the following assessment outcomes have been achieved.

- The subdivision layout adopts live-work lots some 25m from the northern boundary, inclusive of the 10m biological buffer.
- The proposed tavern and live-work buildings and their associated operational details are subject to a separate development application whereby the specific architectural design and use will be assessed against the Industrial Noise Policy 2017.
- Live-work primarily comprises of office & business uses and as such do not comprise activities which generate offensive noise. Furthermore, given each dwelling is afforded approximately 50m² of the commercial/business area the uses are deemed to be small-scale and representative of a home business.
- Traffic and noise generating activities associated with live-work will be generally undertaken in accordance with the following:
 - 8.00am to 5.00pm Monday to Friday;
 - 8.00am to 1.00pm Saturdays;
 - No noise or traffic generating work on Sundays or Public Holidays.
- The design of the residential component of development must address the acoustic interface between residential areas and work areas.
- ii. The residential component of a development must be designed to ensure compliance with AS 2107:2000 Acoustics - Recommended design sound levels and reverberation times for building interiors. A summary of these requirements is provided in the table below:

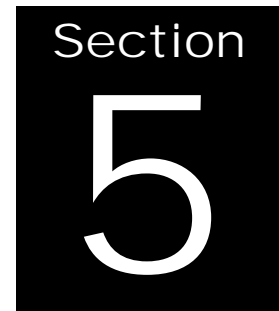
Table 7: Sound Levels

Type of occupancy / activity	Satisfactory design sound level dB(A)	Maximum design sound level dB(A)
Sleeping areas	30	35
Living areas	30	40
Work areas	35	40
Common areas	45	55

The eastern boundary of the proposed tavern site is afforded a setback of some 53m to the western boundary of the closest residential housing lot in Release 2 of the Epiq Lennox Estate.

Based on the available setbacks afforded to proposed and existing residential lots in the immediate area of Lot 7, ensures the ability to address design controls for live-work dwelling and the requirement for the lodgement of a development for each mixed land use ensures the potential for land use conflict is deemed to be low as a result of this modification.

Statutory & Policy Planning Assessment



Section 5 documents the range of planning controls and policies applicable to the proposed modification as outlined within Section 3 of this report.

5.1 Local Environmental Plan

The Ballina Local Environmental Plan 2012 applies to the site identified as being suitable for urban purposes

Discussion regarding the application of Ballina Local Environmental Plan to the proposed subdivision is provided below.

5.1.1 Ballina Local Environmental Plan 2012 Zoning Objectives & Planning Permissibility

Plate 6 illustrates the zoning framework applied to the land via Ballina Local Environmental Plan 2012.

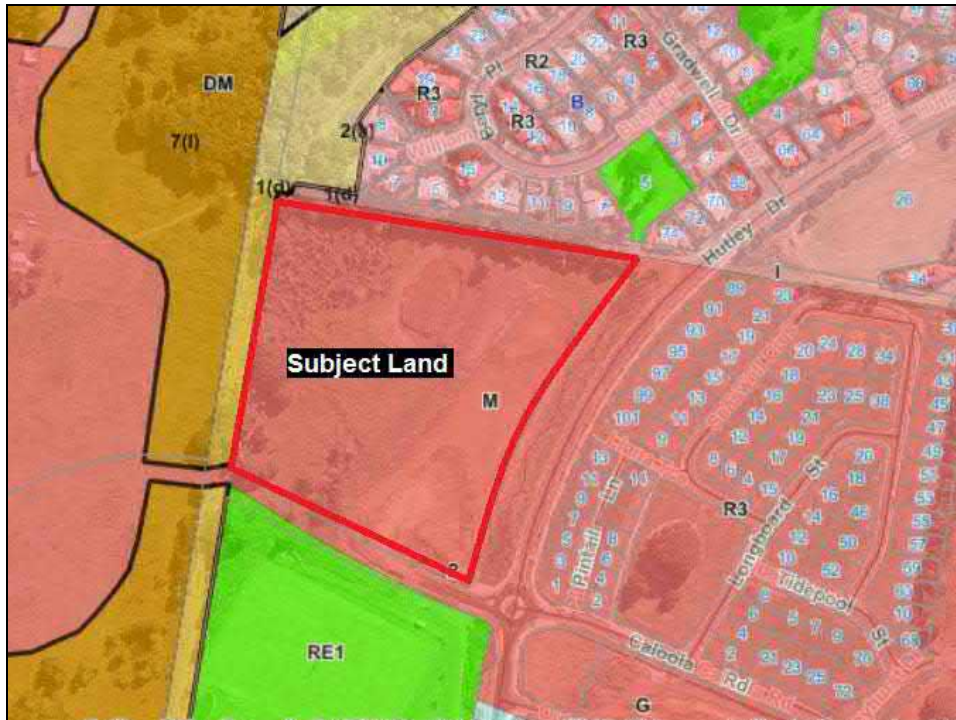


Plate 6: Extract BLEP 2012 Zoning Map.

As illustrated above, Lot 7 contains an R3 Medium Density Residential zone. The planning objectives for the R3 zone, together with the proposal’s response, are provided below.

Zone R3 Medium Density Residential

1 Objectives of zone

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide development that is compatible with the character and amenity of the surrounding neighbourhood.*
- *To encourage housing and infrastructure that supports the ageing population.*
- *To provide for development that meets the social and cultural needs of the community.*
- *To encourage development that achieves the efficient use of resources such as energy and water.*

Comment: Council has no zone in its Local Environmental Plan where a 'live-work' land use is specifically encouraged. Based on similar proposals which are currently either approved or alternatively progressing through a Planning Proposal, for the proposed live-work, Ballina Shire Council is facilitating provisions for a 'live-work' built form within Schedule 1 of the Ballina LEP 2012.

For a 'live-work' project at Burns Point Ferry Road, West Ballina, Council is looking to include the following provisions.

"No. 4 Use of Certain Land at Burns Point Ferry Road, West Ballina
1) this clause applies to land at the northern extremity of Burns Point Ferry Road and identified as 'Area D' in the Additional Permitted Uses Map.
2) development for the purpose of small scale commercial premises and light industries in association with a dwelling house are permitted with development consent."

The above process outlines the proposed amendment to the Concept Plan is not antipathetic to Ballina Shire Council's strategic planning framework to permit 'live-work' development on residential zoned land. In this regard, an LEP amendment would not be deemed necessary as the overarching permissibility for future live-work development would be provided through the Concept Plan.

Notwithstanding this, currently in the R3 Zone, Home businesses are already permitted, with development consent, under the provisions of Ballina LEP 2012. Furthermore, Clause 5.4 of the Ballina LEP 2012 specifies controls in relation to miscellaneous permissible uses as follows:

Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.*
- To provide a variety of housing types within a medium density residential environment.*
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- To provide development that is compatible with the character and amenity of the surrounding neighbourhood.*
- To encourage housing and infrastructure that supports the ageing population.*

- To provide for development that meets the social and cultural needs of the community.
- To encourage development that achieves the efficient use of resources such as energy and water.

2 Permitted without consent

Environmental protection works; Home-based child care; Home occupations

3 Permitted with consent

Attached dwellings; Boarding houses; Centre-based child care facilities; Community facilities; Extensive agriculture; Group homes; Home industries; Kiosks; Markets; Multi dwelling housing; Neighbourhood shops; Places of public worship; Respite day care centres; Roads; Roadside stalls; Seniors housing; Any other development not specified in item 2 or 4

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Dairies (pasture-based); Depots; Eco-tourist facilities; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Moorings; Mortuaries; Recreation facilities (major); Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Wharf or boating facilities; Wholesale supplies

In addition to the above land use table provisions, the following controls also apply.

5.4 Controls relating to miscellaneous permissible uses

(2) Home businesses

If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 50 square metres of floor area.

(3) Home industries

If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 50 square metres of floor area.

(7) Neighbourhood shops

If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 100 square metres.

The current R3 zoning provisions limit the employment of persons (other than residents) to no more than two and thereby impact the commercial footprint for home industries and home businesses. It is envisaged that the Epiq Lennox live-work precinct will often require more than just two persons working in association with the live-work business. The modification to the Concept Plan will provide the mechanism to permit this proposed live-work in a manner which reflects the desired land use.

The proposed work component of live work development is deemed to be of a size that allows the proposed built form to be more compatible with residential uses in Epiq Lennox and thereby less likely to create amenity impacts.

Reference is made to the fact the Tavern is already approved within the Concept Plan approval.

Storage premises are currently prohibited under the R3 zone, however the desire by Council to locate a child care centre and the reintroduction of the Tavern within Lot 7 creates the opportunity for a mixed use precinct which is developed to a neighbourhood scale to service the direct needs of local Epiq Lennox residents in addition to the Lennox Village itself.

General Provisions

Clauses 2.6 and 4.1 - Subdivision Consent Requirements

Clause 2.6(1) of BLEP 2012 requires that development consent be received for the subdivision of land, whilst Clause 4.1 and the associated Lot Size Map nominates the minimum lot sizes to be created on the various parts of the site.

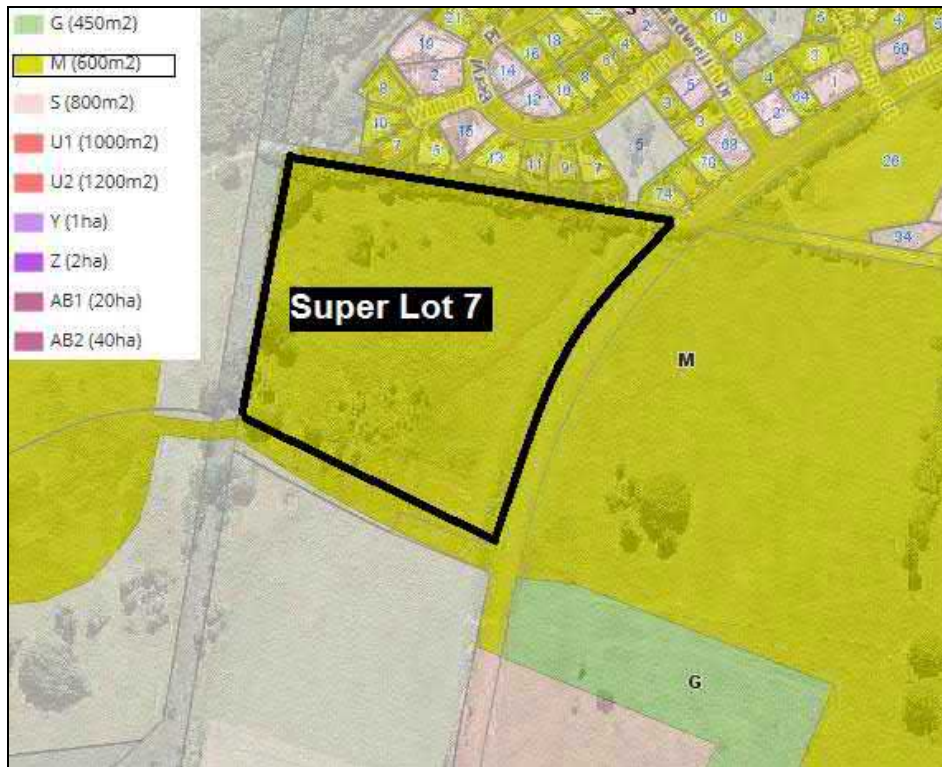


Plate 7: Extract of Ballina LEP 2012 Lot Size Map showing subject land.

Comment: The minimum lot nominated for the land under the Ballina LEP is nominated at 600m². The current Concept Plan provides for the reduction in lot size to 400m² for nominated lots within the Epiq Estate. The proposed modification will seek to incorporate a minimum lot size of 375m² for the conventional residential lots and 187m² for the integrated live-work lots.

Any internal subdivision of the mixed use lots will be subject to a strata tile configuration and thus will not be subject to a minimum lot area under the Ballina LEP.

Clause 5.5 – Development within the Coastal Zone

Comment: The subject site is located within 1km of the coast and is therefore located within the coastal zone and subject to the NSW Coastal Policy. The following comments are made with respect to the provisions of Clause 5.5

2(a) Foreshore Access – The subject site does not have direct access to the coastal foreshore and, as such, the application does not provide opportunities for improved pedestrian access to the foreshore area.

- 2(b) Relationship to Surrounding Area** – The proposed land use is compatible with the existing and approved Concept Plan for Epiq. Reference is made to the inclusion of the storage facility, however this will be directly utilised by residents and businesses within the Lennox Head community and this is planned to be of a neighbourhood scale.
- 2(c) Impact on Amenity of Foreshore** – The subject site is removed from the foreshore area and the development of the land as proposed will not adversely impact on the amenity of the foreshore area.
- 2(d) Visual Amenity and Scenic Qualities** – The site is removed from the coastal foreshore and will not have a direct impact on the visual amenity of the coast line.
- 2(e) Conservation of Biodiversity and Ecosystems** – The Concept Plan and Project Approval provides for the retention of the core habitat areas. These areas are subject to environmental restoration and enhancement via the Conservation Zone & Environmental Management Plan which sits over the parent property for Epiq Lennox.
- 2(f) Cumulative Impact** – Council's strategic planning for the locality has envisaged that the subject site will be developed for urban & neighbourhood commercial purposes. The cumulative impact of the long-term expansion of Lennox Head (including the subject site) was considered as part of these processes.
- 3 (a) Foreshore Access** – Refer comments above.
- 3 (b) Effluent Disposal** – The application involves connection to Council's reticulated sewerage system and no untreated effluent will be discharged into the environment.
- 3(c) Disposal of Stormwater** – Future development of the land will achieve an integrated approach to the disposal of stormwater, with the proposed approach compliant with Council's DCP targets. No untreated stormwater will be discharged into the environment.
- 3(d) Coastal Hazards** – The site is removed from the immediate coastline and is not subject to Coastal Hazards.

Clause 5.9 – Preservation of Trees or Vegetation

This clause specifies that development consent must be obtained for the removal of trees and vegetation as nominated in Council's Development Control Plan.

Comment: The proposal will seek to undertake tree removal within the boundaries of Lot 7. Reference is however made to the Biodiversity Assessment report provided within **Attachment 4** of this report.

Clause 7.7 – Essential Services

Clause 7.7 of BLEP 2012 requires that development be supplied with adequate and appropriate levels of infrastructure servicing.

Comment: Details outlining access and servicing requirements for essential services are discussed below.

Water:

Potable and Recycled Water Reticulation will be achieved through connections to all lots through the greater Lennox Head reticulation networks. Connection stubs will be extended to the western boundary for the adjacent "Outlook" development.

Sewer:

All lots will be provided with a gravity sewer connection. Connection to the greater Lennox Head sewer network will be via the existing stub to the Trunk main on the eastern side of Hutley Drive.

Stormwater:

With respect to stormwater quality, additional gross pollutant traps (GPT) have been installed throughout the greater Epiq Lennox estate to ensure the stormwater treatment targets are achieved for the development. An additional GPT will be installed on the outlet of the northern catchment for Lot 7 to ensure the pollution reduction targets are achieved.

Stormwater attenuation for the site will be provided via Detention Basin 2 located adjacent to Hutley Drive as identified by Gilbert and Sutherland SWMP for Epiq Lennox. The site is anticipated to generate additional flows to those modelled by Gilbert and Sutherland. Accordingly, additional modelling in accordance with Ballina Shire Council standards for stormwater management have been undertaken confirming that the downstream network has sufficient capacity to convey these flows

Access:

Access to the site will be via Road 5 with no direct access onto Hutley Drive proposed. On street parking will be provided for the 'live-work' allotments in accordance AS2890.5 at a ratio greater than prescribed under the Ballina Development Control Plan for commercial space, in addition to the 2 spaces per dwelling. It is anticipated that access to these allotments will be via a rear lane 5.5m wide within a 6.5m road reserve. Roads used to access the residential component of the development will be 7m wide within a 15m wide road reserve in accordance with the residential road characteristics specified in the Northern Rivers Local Government Development Design Manual.

Reference should be made to the Engineering Services Report provided within **Attachment 4** of this report for further discussion on infrastructure services.

5.2 Ballina Development Control Plan

Ballina Development Control Plan 2012 applies to the subject land. The elements of the DCP of particular relevance to the current application are as follows:

- **Chapter 2 – General and Environmental Considerations**
 - Section 3.3 Natural Areas and Habitat
 - Section 3.4 Potentially Contaminated Land
 - Section 3.6 Mosquito Management
 - Section 3.7 Waste Management
 - Section 3.9 Stormwater Management
 - Section 3.10 Sediment & Erosion Control
 - Section 3.11 Provision of Services
 - Section 3.21 Bushfire Management
- **Chapter 2a – Vegetation Management**
- **Chapter 3 – Urban Subdivision**
 - Section 3.1 Minor Subdivision Controls
 - Section 3.2 Major Subdivision Provisions

An assessment against the relevant sections of the DCP is provided below. This assessment has been structured such that the overarching DCP requirements are considered first, with the more detailed DCP provisions following.

5.2.1 Chapter 2, Section 3.3 – Natural Areas & Habitat

Comment: The environmental qualities of the Epiq Lennox Head estate was subject to detailed consideration via the original Concept Plan process. During this process, core habitat areas were allocated within a Conservation area of some 14.07 hectares which has been created into a single lot and subject to a detailed Conservation Zone Management Plan

The Ecological Assessment prepared by GeoLINK Pty Ltd (**Attachment 4**) provides an assessment of the impacts of the development on the ecological values of the area. The conclusions of this assessment, as summarised below identified no prohibitive issues for the proposal.

Potential Impacts

Construction phase

- Loss of a small stand of isolated mature littoral rainforest (8 trees).
- Loss of a small stand of isolated regrowth Swamp Oak.
- Minor localised disturbance to fauna (this is already occurring).
- Potential for spread and/ or introduction of weeds and pathogens.
- Potential for disturbance to rainforest plantings within Management Zone 1.
- Potential for disturbance to Rough-shelled bush Nut retained in-situ on the western boundary from installation of the sewer line.

Occupation phase

- Resident activity within Management Zone 1.

Mitigation

Construction phase

- Measures to minimise the potential for the spread of weeds must be implemented during construction.
- Sediment fencing and erosion controls must be implemented and maintained for the duration of the works.
- The western Rough-shelled Bush Nut must be clearly marked on site and a temporary exclusion zone (eg. Para-webbing) established within 3 metres of the tree.
- Trenching works for the sewer line completed as sensitively as possible within Lot 1 to avoid damaging the Rough-shelled Bush Nut.
- Construction work limits must be clearly marked prior to commencement of works and para-webbing or similar must be placed along the boundary of Management Zone 1 with signage stating 'Protected vegetation – keep out' or words of similar intention.
- Requirements to avoid vegetation disturbance or damage and protect the western Rough-shelled Bush Nut must be clearly explained to all personnel and subcontractors during the induction process prior to construction works.

Occupation phase

To protect rainforest plantings within Management Zone 1, the following prescriptions apply:

- Permanent boundary markings (e.g. bollards) shall be installed along the boundary of Management Zone 1 to restrict access. Signage stating, "Conservation Zone - entry prohibited" (or words of similar intention) shall be placed along the fencing.
- If fencing of Management Zone 1 is completed it must be permeable to permit fauna movement (e.g. post and rail fencing) and barbed wire must not be utilised.

5.2.2 Chapter 2, Section 3.4 – Potentially Contaminated Land

Comment: Reference should be made to the discussion on the contamination status of Lot 7 within Section 4.1.2 of this report.

5.2.3 Chapter 2, Section 3.6 – Mosquito Management

Comment: The site is located in relatively close proximity to known and suspected mosquito breeding areas. Key areas impacting the site are:

- The coastal wetlands & marshlands located to the south and north of the proposed residential zones; and
- The poorly drained rural (grazing) land to the west.

A Mosquito Impact Assessment was completed by Mosquito Consulting Services Pty Ltd as part of the Concept Plan approval for the Pacific Pines Estate. A copy of this report is provided at **Attachment 8**.

In reviewing the assessment report, the principal factor contributing to the effectiveness of mosquito buffering is the separation distance and nature of potential mosquito harbourage between source (of mosquito breeding/harbourage) and receptor (residential allotments and occupied venues/facilities). The separations between source (the Ballina Nature Reserve) and nearest receptor locations for this proposal are approximately 290, being proposed Lot 1.

The assessment offered the offered the following commentary concerning the Concept Plan for Epiq Lennox (formerly Pacific Pines).

The proposed master plan has a number of features relevant to considering potential mosquito impacts to future residents. These features include:

- A 200m minimum (approx) separation between residential allotments and the Ballina Nature Reserve and DCP Chapter 11 designated mosquito breeding sites (see Plate 6).*
- Mosquito habitat around trap 2 and existing farm drains identified as potential risk will be eliminated by the development.*
- The proposed extension of Hutley Drive alignment between the Nature Reserve and Water Quality Improvement Pond increases mosquito buffering.*
- A large clear space buffer will be created between residential allotments and the Nature Reserve by playing fields and the existing Water Quality Improvement Pond.*
- Re-engineering of the water course per the existing DA: 2004/1113 and relative recommendations of this report will reduce mosquito breeding risk.*

The proposal adheres to the prescriptive standards set within the report with no housing located within 200m of the Ballina Nature Reserve. Furthermore, specific design criteria (screening of windows and openings etc.) will be applied for future dwellings to accord with the provisions of Chapter 2, Section 3.6 of the Ballina Development Control Plan.

5.2.4 Chapter 2, Section 3.7 – Waste Management

Comment: A construction waste management plan will be submitted for approval as part of the construction documentation for the live-work dwellings and the mixed-use allotments. Waste collection for future residential development will be via Council's standard residential waste collection service from the internal road network.

5.2.5 Chapter 2, Section 3.9 – Stormwater Management

Comment: Details of the proposed stormwater management for the project is provided as part of the Engineering Services Report provided at **Attachment 3**.

5.2.6 Chapter 2, Section 3.10 – Sediment & Erosion Control

Comment: A Sediment and Erosion Control Plan (prepared in accordance with Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004) will be submitted to Council as part of the Construction Certificate documentation with Ballina Shire Council the Principal Certifying Authority for the subdivision of Lot 7.

5.2.7 Chapter 2, Section 3.11 – Provision of Services

Comment: The proposed subdivision will be fully serviced with reticulated urban infrastructure. Engineering design plans and a detailed description of the proposed servicing approach is provided within the Engineering Services Report at **Attachment 3**.

5.2.8 Chapter 2, Section 3.18 – Bushfire Management

Comment: A Bushfire Threat Assessment report has been prepared for the project by *Bushfire Certifiers* as provided at **Attachment 6** of this report. Reference should be made to Section 4.1.4 of this report for the commentary on the proposed bushfire recommendations.

5.2.9 Chapter 3 – Urban Subdivision

Section 3.2 – Major Subdivision Provisions

Chapter 3 establishes separate planning pathways for major (>10 lots) and minor (<10 lots). The core difference between the two processes relates to the requirement that major subdivisions be developed in the context of a master plan, with formal engagement processes with Council at various stages of the process. Following is an assessment against the provisions of Section 3.2.

Major Subdivision Control Elements

Table 8 provides an assessment against the Major Subdivision Control Elements contained in Section 3.2 of the DCP.

Table 8: Major Subdivision Control Elements

A. Element – Vision, Concept and Master Plan Content	
i	Vision and concept presented to Subdivision Panel is to include certain information. Comment: Details concerning the engagement with Council is provided in Section 1.6.
ii	Master Plan must include information required for item “i” as well as the issues identified via the pre-lodgement consultations. Comment: This application includes consideration of the matters raised in the pre-lodgement consultations with Council.
	Regard must be had to the principles of the NSW Coastal Design Guidelines. Comment: The proposed subdivision complies with the 5 principles for coastal settlement structure contained within the Coastal Design Guidelines as outlined below.

iii	Defining the footprint and boundary of the settlement	Comment: The boundary of the zoned urban area of Lennox Head has been established via the strategic and rezoning processes undertaken by Council. The current application is consistent with these processes.
	Connecting open spaces	Comment: The proposed subdivision provides for: <ul style="list-style-type: none"> • Preservation of key areas of environmental, heritage and visual importance; • Appropriate buffers and setbacks to protect significant natural environments as well as ensuring mosquito management objectives are adhered with and thus is compliant with the environmental management plan and mosquito impact assessment; • Contemporary management of stormwater to minimise impacts on natural environments; • A shared maintenance/pedestrian pathway is provided abutting the drainage reserve which also adjoins Hutley Drive; and • A 1.35m wide footpath will be provided along one side of all public Roads with connection to the surrounding footpath network in Road 5
	Protecting the natural edges	Comment. Provisions relating to foreshore areas and coastal erosion are not applicable to current application.
	Reinforcing the street pattern	Comment: The proposed subdivision provides for: <ul style="list-style-type: none"> • A legible street hierarchy in a modified grid pattern which responds to the landform; • Ready access to key views and vistas; and • Legible pedestrian networks.
	Appropriate buildings in a coastal context	Comment: Future live-work dwellings will be subject to the applicable Design Guidelines provided within Attachment 2 .
Regard must be had to subdivision design standards produced by the Queensland Government Urban Land Development Authority as summarised in Table 3.2.		
Access		
	Design Standard	Comment
	Maximum 400m walk to recreation park	Comment: All proposed lots are within 400m of the sports fields provided within the Epiq Lennox estate. Access will be achieved via the planned pedestrian network.
	Clear & Direct Access to a neighbourhood centre	Comment: The proposed Epiq Lennox Neighbourhood Centre will be readily accessible by future residents.
	90% of dwellings within 400m of a bus stop	Comment: 75% of lots will be within 400m of the bus stop. Reference is however made to the fact the proposed residential lots are planned on land which is already approved under the Concept Plan for housing, hence the travel distance is not increased by this proposal.

Dwelling Density	
Average net density of 15 dwellings/ha unless constrained by topography or other constraints	Comment: Lot 7 encompasses a land area of 5.651 hectares. With the removal of Lots 62 & 63 and the environmental management zone (7,795m ²), a total land area dedicated to residential & live-work development equates to 4.25 hectares. With the creation of 69 dwellings, a density of 16 dwellings/hectare is achieved.
Higher densities to be located near activity nodes and connector streets	Comment: The subdivision is located adjacent to the primary neighbourhood commercial area, which comprises the planned supermarket and ancillary office area. The proposed live-work lots would also be located abutting the planned mixed use lots for the neighbourhood tavern which will operate as a family orientated facility.
Land Use	
Neighbourhood centres should serve several neighbourhoods	Comment: The proposed Epiq Lennox Centre will service the day to day commercial needs of residents.
District and major parks should be located at the periphery of neighbourhoods.	Comment: Not applicable to current application. Neighbourhood parks to service local community are located within subdivision, whilst the district park developed under Stage 1A of MPO7_0026 for Epiq Lennox.
Street Network	
Subdivision should utilise a grid pattern or modified grid responsive to site characteristics.	Comment: Subdivision design provides a modified grid pattern which responds to the site characteristics and approved road layout under the Concept Plan MP 07_0026.
Where slope allows, orientation within 15 degrees of north-south or east-west.	Comment: Majority of streets provided in an east-west and north-south orientation.
Block Sizes	
Blocks are designed to incorporate: <ul style="list-style-type: none"> • Length 100-200 metres. • Mid-block providing a pedestrian link when blocks are over 130 metres. • Depth 40-80 metres. 	Comment: The proposed layout adheres to the block design parameters
Urban Lot Layout	
Lots intended for mixed use or multiple residential uses take up entire street block or are located on highly accessible block ends,	Comment: Design guidelines have been established for the development of future live-work housing upon the proposed torrens title lots as provided within Attachment 2 of this report.

<p>corner lots and lots with dual road frontage,</p>	<p>The guidelines have been prepared to create a high quality, contemporary and environmentally sustainable built environment, which will underpin the value of Epiq Lennox as a desirable place to live.</p> <p>The design specifications provide the development of a clever use of high quality materials and finishes, combined with an architectural style which is complimentary to the commercial use and associated residential habitation. Importantly, the guidelines also focus on the promotion of natural light, cross ventilation and sub-tropical landscaping to compliment the built form.</p>
<p>One lot type is not to dominate a street block.</p>	<p>Comment: Being an integrated residential housing project, the lot typology is consistent with regard to lot frontage/depth in order to entertain the four unit types which are planned for the project and illustrated in plans contained within Attachment 2 of this report.</p>

5.3 Lennox Head Structure Plan (2004)

The Lennox Head Structure Plan provides the framework for the development of new urban release areas in the Lennox Head district. The need for the Structure Plan was identified in the Lennox Head Community Aspirations Strategic Plan, which was adopted by Ballina Shire Council in November 2002.

The Lennox Head Structure Plan outlines Ballina Shire Council's broad strategy or "Blue Print" for the growth and development of Lennox Head. All development of new release areas in Lennox Head will need to comply with the framework established by the Structure Plan.

The subject land is located within Area K of the Structure Plan. Area K involves the remaining stages of Pacific Pines Estate (now called Epiq Lennox Head). The Structure Plan provides the following outline for the estate.

Ballina Shire Development Control Plan No.1 – Urban Land identifies the Council endorsed layout for the Estate and nominates land use designations for all land within the Estate. This layout includes sites for a neighbourhood shopping centre, community centre, playing fields and local playgrounds. However, the recent introduction of State Environmental Planning Policy No.71 - Coastal Protection (SEPP 71) has meant that it is necessary to revisit the layout of the Estate to ensure that it is consistent with contemporary planning practice. This requires the preparation and approval of a Master Plan pursuant to SEPP 71. A draft Master Plan for the subdivision of the remaining 580 lots has been lodged with the Department of Infrastructure, Planning and Natural Resources. The Master Plan proposes significant changes to the layout of future stages of the Estate.

Of particular reference to the proposed modification is the requirement to address the development principles contained within Section 2.2.3 of the plan. Accordingly, an assessment of the relevant provisions is contained within **Table 9** below.

Table 9: Lennox Head Structure plan Development Principles Assessment

Structure Plan Provisions	Assessment Commentary
Village Atmosphere & Lifestyle Principles	
Housing Design	<ul style="list-style-type: none"> • The planned subdivision layout and associated built form is sensitive to the form and character to the natural environment through the adherence with the environmental management plan (management zone 1) and terrain through the ability to utilise land already approved for earthworks to create the final landform. • The proposal provides the impetus to supply the Lennox Head area and more specifically Epiq Lennox with a range of housing types and densities. Of critical importance is the proposed higher density development planned for Lot 7 is located close to activity nodes, thereby servicing the daily needs of future residents and within walking distance. • The subdivision will result in differing housing options within the Epiq Lennox Head estate. In this respect, residents will be offered conventional lots on 800m², integrated housing and planned live-work opportunities. The proposed dwelling design guidelines provide for the development of the live-work built form based on character reference points addressing longevity & efficiency, architectural style complimentary to the intended land use and promotion of natural light and cross ventilation to draw on the coastal setting.

	<ul style="list-style-type: none"> • The scale of development is responsive to the already approved lots within Super Lot 5 whereby 124 lots are approved within the Concept Plan (subject to Modification 7). In this regard, the proposed subdivision and associated design guidelines will offer a style and scale of development which is sensitive to the character, climate and topography of the immediate locality. • The proposed residential subdivision affords predominantly a north-south lot orientation for the conventional residential lots, whilst the live-work lots will have opportunities for natural light through the built form design (refer Section 1 of design guidelines). The design guidelines promote architectural elements to capture the prevailing summer breezes; incorporate eaves & overhangs for sun and rain protection.
Transportation & Walkability	<ul style="list-style-type: none"> • The subject land is located within 150m of the planned neighbourhood shopping centre which is accessed by a public footpath network. Internally, the proposed subdivision provides a pedestrian network through the development and will connect to Road 5 and Hutley Drive. Accordingly, the proposal encourages walking and cycling where practicable to service community and retail facilities.
Visual Character	<ul style="list-style-type: none"> • Given the location of the proposal and the promoted building design, the development will not materially impact views and vistas to and from prominent ridgelines consistent with the local context for the Epiq Lennox Head estate. • Ecological systems surrounding the site are preserved by the Environmental Management zones and the 14.07 hectare CMZ. The subdivision layout affords sufficient setback to the environmental management area for bushfire purposes.
Community Consultation	<ul style="list-style-type: none"> • Active and timely community consultation has occurred through the community drop in day as outlined within Section 1.6 of this report.
Environment Principles	
Environment	<ul style="list-style-type: none"> • The development does not seek to increase the footprint of development outside the bounds of Lot 7 commensurate to that approved for the residential subdivision design. To this end, the buffers to the mapped littoral rainforest located northwest of the subject land, in addition to the 10m buffer along the northern boundary of Lot 7 are preserved under the modified subdivision layout. • The proposal is located on land already approved for housing. Notwithstanding this point, the site satisfies the buffer to known mosquito breeding areas, whilst screening will be applied to all dwellings consistent with the Ballina Development Control Plan between urban development and areas identified as being key mosquito habitats or at high risk of bushfire hazard;

Cultural Heritage	<ul style="list-style-type: none">The subject land is not identified as a site containing any cultural significance as outlined within the Cultural Heritage Assessment completed for the project (refer Attachment 5).
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5.4 North Coast Regional Plan 2036

This Plan came into effect in March 2017 and replaces the Far North Coast Regional Strategy 2006-2031. The subject land is mapped within the Urban Growth Area for the Lennox Head area as illustrated in **Plate 8**.

Reference is made to Directions 23 & 25 which seek to encourage housing diversity by delivering 40 per cent of new housing in the form of dual occupancies, apartments, townhouses, villas or dwellings on lots less than 400 square metres, by 2036 and housing which respond to changing housing needs, including household and demographic changes, and support initiatives to increase ageing in place. The proposed modification will be consistent with the aforementioned actions.

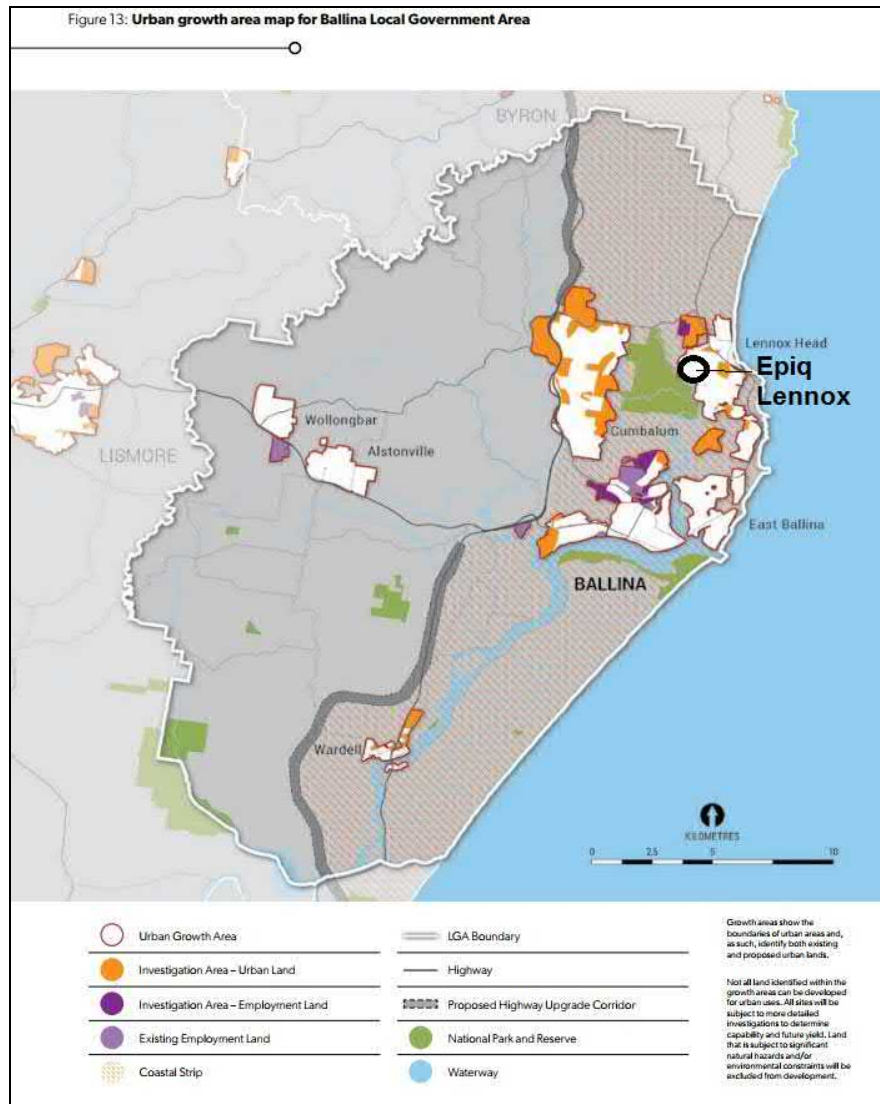


Plate 8: North Coast Regional Plan Urban Growth Area Map 2035 – Figure 13

5.5 State Environmental Planning Policies

5.5.1 SEPP No. 55 – Remediation of Land

Comment: A desk-top review of the site history and land use pursuant to SEPP 55 was undertaken for the Concept Approval by the Department of Planning & Environment. The desk-top site history review confirmed the Epiq Lennox land was historically used for cattle grazing and concluded that the existing and historical use of the subject land and surrounding properties are unlikely to have caused contamination of the site and

that the site is considered suitable for the proposed development. A preliminary contamination assessment prepared by Ardill Payne & Partners was provided with the original Concept plan and Project approval and found no likely contaminated lands.

Detailed assessments have been completed for Releases 2 & 3 together with the neighbourhood supermarket lot (Super Lot 1) which is adjacent to Super Lot 7.

5.5.2 State Environmental Planning Policy (Coastal Management) 2018

The aim of this Policy is to manage development in the coastal zone and protect the environmental assets of the coast, through a planning framework which promotes the objects of the Coastal Management Act 2016.

The central and southern parts of the subject land is mapped as being land within the “Coastal Environment Area”, whilst the north-western corner falls within the “Proximity Area for littoral Rainforest” as evidenced in **Plate 9** below.



Plate 9: Biodiversity Value Map
(NSW Dept of Planning & Environment August 2018)

Based on the outcomes of the approved stormwater management plan for the estate, combined by the management of the Environmental Management zone, the modified proposal will not have any additional material impact upon the biophysical or hydrological integrity of the site.

As eluded within this report, the quality and quantity of surface water directed to land mapped as 'coastal environment area' will not be materially modified by this development. Further, the littoral rainforest area is in fact located upslope of the development area and as such no impact upon surface is ground water is envisaged.

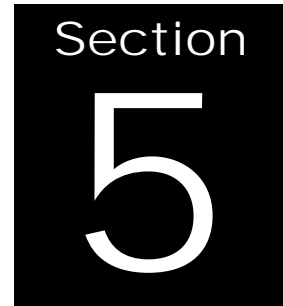
Under Clause 13, the development will not cause increased risk of coastal hazards on that land or other land given the nature of the development and its location in respect to sensitive coastal areas, will not impact upon existing open space and access to the foreshore nor is recognised as being a location of cultural heritage significance.

5.6 Integrated Development

Section 91 of the Environmental Planning and Assessment Act 1979 identifies the following development as integrated development.

<i>Rural Fires Act 1997</i>	s 100B	Authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	Applicable
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Conclusion



This Section 75W report, prepared on behalf of Clarence Property Corporation Limited describes the proposed modifications to Major Project 07_0026 to provide for the amendment to the subdivision layout and land use designation on Lot 7 DP 1239938 within the Epiq Lennox estate.

The proposed inclusion of the 'live-work' residential lots will provide greater opportunity for purpose built dwellings which offer start-up businesses a purpose designed environment where matters such as residential amenity, car parking, NBN services and proximity to essential services (retail & community facilities) are provided.

In turn, the provision of a neighbourhood scale storage premises will negate the need for residents of Lennox Head to travel to Ballina for storage needs. The neighbourhood scale will service the local storage requirements, whilst preserving Ballina as the key storage premises locality for larger commercial storage premises.

Importantly, the location of the development draws on the opportunities presented through the proximity to the planned supermarket, community facilities and recreational open space areas within the Epiq Estate. In this respect, the location of the already approved family Tavern land use within Lot 7 draws on the qualities of the neighbourhood commercial precinct which is planned for Epiq Lennox.

The proposed modification of the approval is considered to be in the public interest and therefore approval of the application is respectfully requested.

Dai Chapelle

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DAMIAN CHAPELLE
Town Planner, BTP CPP

Date: 28th August 2018