

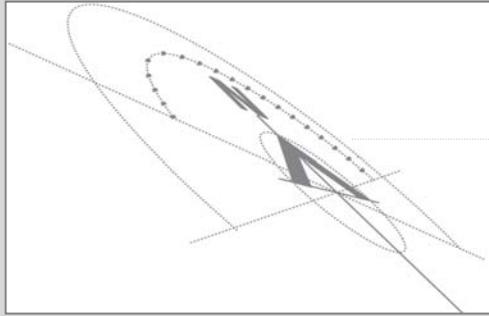
Modification No. 8 Report
for Epiq Lennox
Concept Approval MP007_0026
(as Already Modified)

PREPARED FOR
CLARENCE PROPERTY CORPORATION LIMITED

Our Ref: 14/351

Date: November 2018





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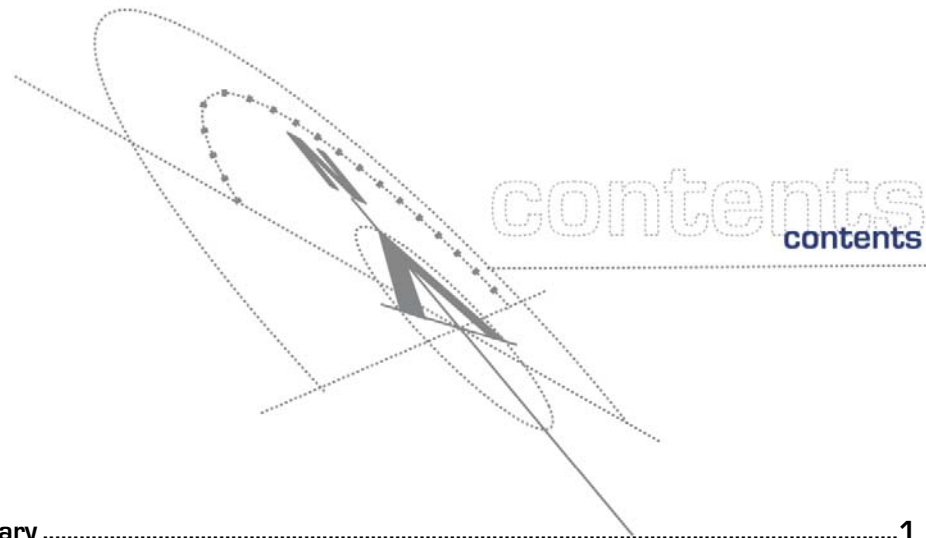
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Executive Summary	1
1.1 Introduction	1
1.2 Project Background.....	3
1.2.1 Approved Development	3
1.2.2 Modified Approvals	4
1.3 Consistency with Concept Plan Approval	6
1.4 Documentation & Project Team.....	6
1.5 Pre-lodgement Consultations.....	7
1.6 Further Information	8
Site Analysis	9
2.1 Cadastral Description.....	9
2.2 Land Use Context	10
2.3 Planning Background.....	10
2.4 Ecological Characteristics	11
Proposed Modification to Concept Plan & Project Approval	12
3.1 Description of Sought Amendments	12
3.1.1 Overview.....	12
3.2 Requested Modifications to Concept & Project Approvals.....	16
3.2.1 Statement of Commitment.....	16
3.3 Substantially the same development.....	17
3.4 Consistency with approvals.....	17
Environmental Assessment.....	19
4.1 Environmental impacts of proposed modifications.....	19
4.1.1 Acoustic	19
4.1.2 Infrastructure Services.....	20
4.1.3 Bushfire Hazard Assessment.....	21
4.1.4 Contamination.....	21

Statutory & Policy Planning Assessment	22
5.1 Local Environmental Plan.....	22
5.1.1 Ballina Local Environmental Plan 2012	22
5.1.2 General Provisions	24
5.2 Ballina Development Control Plan.....	26
5.2.2 Chapter 2, Section 3.4 – Potentially Contaminated Land.....	27
5.2.3 Chapter 2, Section 3.6 – Mosquito Management	27
5.2.4 Chapter 2, Section 3.7 – Waste Management.....	28
5.2.5 Chapter 2, Section 3.9 – Stormwater Management	28
5.2.6 Chapter 2, Section 3.10 – Sediment & Erosion Control	28
5.2.7 Chapter 2, Section 3.11 – Provision of Services	28
5.2.8 Chapter 2, Section 3.15 – Crime Prevention Through Environmental Design...	28
5.2.9 Chapter 2, Section 3.19 – Car Parking & Access	30
5.2.10 Chapter 2, Section 3.21 – Bushfire Management	30
5.3 Lennox Head Structure Plan (2004)	31
5.4 State Environmental Planning Policies	32
5.4.1 SEPP No. 55 – Remediation of Land	32
5.4.2 State Environmental Planning Policy (Coastal Management) 2018.....	32
Conclusion	34

TABLES

Table 1: Approved Development.....	3
Table 2: Previous Modifications to MP07_0026	4
Table 3: Epiq Community Infrastructure Status Summary	13

PLATES

Plate 1: Subject land associated with the Community Facilities within Epiq Lennox.....	9
Plate 2: Extract BLEP 2012 Zoning Map	23
Plate 3: Extract of Ballina LEP 2012 Acid Sulfate Soils Map.....	24

ATTACHMENTS

- Attachment 1 – Approved Concept Plans
Newton Denny Chapelle
- Attachment 2 – Architectural Design Plans
Peter Turner & Associates
- Attachment 3 – Ballina Shire Council Ordinary Council Report 27 June 2019
Ballina Shire Council
- Attachment 4 – Ballina Shire Council Letter Dated 14 August 2019
Ballina Shire Council
- Attachment 5 – Environmental Noise Assessment Report
CRG Acoustics
- Attachment 6 – Engineering Services Report
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- Attachment 7 – Preliminary Bushfire Assessment
GeoLink Pty Ltd
- Attachment 8 – Preliminary Contaminated Lands Assessment
Ardill Payne & Partners

Executive Summary

Section

1

1.1 Introduction

Newton Denny Chapelle (“NDC”) is engaged by Clarence Property Corporation Limited (“Proponent”) to submit a request to the Minister for Planning, Infrastructure & Environment to modify the Concept Approval (MP 07_0026) for Epiq Lennox (formerly known as ‘Pacific Pines’), pursuant to the provisions of the Environmental Planning and Assessment (Savings, Transitional & Other Provisions) Regulation 2017.

The key element of the Concept Plan approval (MP 07_0026) which is sought to be amended via the current application relate to the Concept Plan Statement of Commitments and the need to provide a multi-purpose community hall, with a floor space of approximately 300m² and associated car parking, located within the neighbourhood centre.

Ballina Shire Council has identified there is little evidence that a second community facility is required in Lennox Head at present (as there is capacity for the existing community centre in Mackney Lane, Lennox Head, to accommodate the additional use).

Further, bringing a new facility online too early also means that Council will incur maintenance and management costs and may also lead to a loss of use at the existing Community Centre.

Accordingly, Council has continued negotiations with Clarence Property to redistribute the value of the Epiq community facility currently required under the Concept Plan to enable other community infrastructure. The result of the negotiations has been to provide for a consolidated sports amenities & community building upon the Epiq Sports

Fields in the location where the amenities building was planned. The design plans for the Community & Sports Amenities building endorsed by Ballina Shire Council at its meeting of 27 June 2019 are provided within **Attachment 2** of this report.

Furthermore, this modification does not amend the commitment whereby Lot 4 DP 1239938 which was identified under the Concept Plan for the community building has already been dedicated to Ballina Shire Council by Clarence Property as part of the development and is categorised as operational land. This position remains unchanged by this application.

The development of the sports fields and associated amenities building are referenced within the Ballina Shire Council development consent DA2004/1113 and the Major Project approval [MP07_0026] issued by the NSW Department of Planning & Environment.

In this regard, development consent DA 2004/1113, requires the following works associated with the sports building.

Condition 3.13

An amenities building shall be required that provides:

- a. Finished Floor Level above the 1 in 100 year ARI of RL2.1m AHD.*
- b. Mens and womens ablution facilities for the expected number of users.*
- c. Two designated lockable storage rooms of nominal dimensions 4m x 4m.*
- d. An awning / verandah for the perimeter of the building.*

Condition 3.14.

The playing fields shall be serviced by a sealed access road.

Condition 3.15.

The parking area shall provided for a minimum of 110 all weather carparking spaces.

The proposed development design plans for the consolidated community building exceeds the base requirements stipulated within development consent DA2004/1113. Furthermore, the proposal seeks to consolidate the sports amenity building with a Community Centre which is also required under MP07_0026.

The consolidation of the two buildings as proposed will provide the community of Lennox Head with a significantly greater building with multiple purposes and Ballina Shire Council with only one building to administer and maintain rather than the two currently required pursuant to MP07_0026.

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"> Residential subdivision comprising: <ol style="list-style-type: none"> Large lots on steeper parts of the site (> 1,200m²) 'Traditional' lots of around 800m² 'Traditional' lots with areas between 600m² and 800m² Duplex lots (900m²) 'Small affordable' lots (450m² to 600m²) 'Rear lane' lots (450m² to 600m²); and 'Park court' lots (450m² to 600m²) Neighbourhood centre with maximum retail space of 4,000m² gross leasable area and maximum commercial space of 800m² gross leasable area Multi-purpose community hall with a floor space of 300m²; Retirement community; 	<p>65 lot residential subdivision comprising:</p> <ol style="list-style-type: none"> 54 residential lots ranging in size from 632m² to 907m²; 8 super lots for future development as follows: <ol style="list-style-type: none"> Super lot 1 (1.43 ha); Super lot 2 (5,730m²); Super lot 3 (2,050m²); Super lot 4 (1,649m²); Super lot 5 (4.65 ha); Super lot 6 (2,380m²) Super Lot 5(5.59 ha) Super Lot 8 (4.98 ha). 2 open space lots of 910m² and 641m²; Earthworks; Associated roads and civil works; and Landscaping.

5. Medium density housing; 6. A green space network of 25.3 ha comprising: a) Open space 2.1 ha; b) Water quality control pond and associated open space 3.6 ha; c) Revegetation in buffer around SEPP 26 Littoral Rainforest 0.9 ha; d) Wetland conservation reserve 6.5ha; 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.	
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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	<p>Consolidation of stages 11 to 9;</p> <ul style="list-style-type: none"> Creation of two additional super lots within Stage 1 to create 8 super lots; Increase in the maximum allowable retail space within the neighbourhood centre; Realignment of Montwood Drive within the site; and Increase in the size of the onsite conservation area and other environmental works. <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;

		<ul style="list-style-type: none"> • 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 to 5,500m² 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.

Stage 1A of the development, being for 51 residential lots, has been subdivided and constructed with the majority of the lots now containing dwellings that are complete or nearing completion. Stage 1A also included construction of the Epiq playing fields, which are complete and have been handed over to Council.

Stage 1B of the development has been subdivided and constructed. This stage included the creation of super lots, the construction of Main Street, construction of an extension to Hutley Drive within the Epiq site and provision of various other internal roads.

Stages 2 and 3, both being predominately for residential development (83 lots and 122 lots respectively), have now been constructed and subdivided and it is expected that housing construction will commence in the near future.

Stages 4 and 5 are also progressing, with substantial construction work for Stage 5 currently in progress and Stage 4 now registered with the LRS.

The neighbourhood commercial centre was granted development consent by the Northern Regional Planning Panel on 17 October 2018.

1.3 Consistency with Concept Plan Approval

The proposed modification is considered to be consistent with the Concept Plan Approval for MP07_0026. The aforementioned approval is provided for the development of a large residential subdivision to create approximately 505 lots, development of a relatively higher density 'retirement community' (on Super Lot 5), neighbourhood centre (including a shopping centre and green space) and an integrated road network.

The current application seeks to retain the community building, however, consolidate the building with the development of the sports amenity building upon the Epiq Sports Fields. The proposal will result in no changes to the ultimate lot yield and land use designations under the Concept Plan, external road or broader subdivision configuration for the EPIQ Lennox estate or the relationship of the land to surrounding uses.

Importantly, the consolidated building is to be located on land identified for a public building, hence no environmental impacts are generated as a result of the modification.

1.4 Documentation & Project Team

This report describes and justifies the requested further the modifications to the Concept Approval and considers the relevant provisions of Schedule 2 under the Environmental Planning and Assessment (Savings, Transitional & Other Provisions) Regulation 2017.

Attachments included in the modification report contain:

Attachment 1 – Approved Concept Plans
Newton Denny Chapelle

Attachment 2 – Architectural Design Plans
Peter Turner & Associates

Attachment 3 – Ballina Shire Council Ordinary Council Report 27 June 2019
Ballina Shire Council

- Attachment 4 – Ballina Shire Council Letter Dated 14 August 2019
Ballina Shire Council
- Attachment 5 – Environmental Noise Assessment Report
CRG Acoustics
- Attachment 6 – Engineering Services Report
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- Attachment 7 – Preliminary Bushfire Assessment
GeoLink Pty Ltd
- Attachment 8 – Preliminary Contaminated Lands Assessment
Ardill Payne & Partners

1.5 Prelodgement Consultations

Pre-lodgement consultations have occurred with Ballina Shire Council as evidenced through the documentation provided within **Attachments 3** and **4** of this report.

Ballina Shire Council has considered a report regarding the consolidation of the sports amenities and community building at its Ordinary Meeting held on 27 June 2019. The Council's resolution included the following:

1. *That Council authorises the General Manager (or delegate) to continue to negotiate with Clarence Property for an alternative community infrastructure outcome and progress an associated voluntary planning agreement (should one be offered) based on the following principles:*
 - *Clarence Property to proceed to lodge a development application for an enhanced amenity building at the playing fields inclusive of toilets, change rooms, a canteen space, storage areas and a meeting space generally in accordance with the design plan shown in Figure 3.*
 - *Clarence Property to construct the enhanced sporting amenities building.*
 - *Council and Clarence Property to determine final costings based on builders estimates or as otherwise agreed.*
 - *Any funds beyond the builders estimate for the combined sporting facility relative to the value of the required infrastructure is to be directed to the*

provision of lighting at the Epiq playing fields.

- *That the agreed values and approach to deliver of the infrastructure be outlined in a voluntary planning agreement (should Clarence Property wish to offer such an agreement).*

In accordance with the above resolution, Council has invited Clarence Property to consider the delivery of community infrastructure as outlined in the Council report in lieu of the items required to be provided with respect to the Epiq Concept Approval (MP 07_0026 MOD 5). Clarence Property has progressed the delivery of the community infrastructure through the lodgement of Development Application 2019/598 on 30 September 2019 with Ballina Shire Council.

This firm has also consulted with the Department with respect to the nature of the amendment and the ability to modify the Concept Plan.

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 determination of the application.

Site Analysis

Section 2

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 processes together with subsequent development applications lodged with Ballina shire Council.

2.1 Cadastral Description

This application relates to Lot 4 DP 1239938 & Lot 216 DP 1017615, Parish of Ballina, County of Rous. The subject land is located at Lennox Head and comprises the landholding within the broader area known locally as 'Epiq Lennox'. The property falls within the Ballina Local Government Area. **Plan 1** and **Plate 1** illustrates the subject land and surrounds.



Plate 1: Subject land associated with the Community Facilities within Epiq Lennox

2.2 Land Use Context

The subject lands are 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, neighbourhood shopping centre and playing fields.
- Henderson Farm (Deferred Commencement west) - Henderson Farm is located west of Super Lot 5 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 and 2012;
- 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 Major Project [MP07_0026]. As a result of the environmental assessments completed, the development is subject to both a Conservation Zone Management Plan and an Environmental Management Plan.

Lots 4 and 216 are not directly impacted by either of these management plans. Furthermore, the area planned for the community building on Lot 216 is clear of any vegetation.

Proposed Modification to Concept Plan Approval

Section

3

3.1 Description of Sought Amendments

The proposed modification will seek to undertake amendments to the Concept Plan (MP 07_0026) and specifically the Statement of Commitments to permit the consolidation of the sports amenity building and community building upon Ballina Shire Council Public Reserve (Lot 216 DP 1017615).

The sought amendment is described in more detail below.

3.1.1 Overview

Under the current Concept Approval for the Epiq development, Clarence Property has an obligation to provide various items of community infrastructure at different points in the progress of the development.

Infrastructure Delivery

The infrastructure items and their status are outlined in **Table 3** as follows.

Table 3: Epiq Community Infrastructure Status Summary

Community Infrastructure	Delivery Status
Epiq playing fields and car parking	Complete and handed over to Council.
Sporting infrastructure – cricket nets	Item bonded. Provision subject to determination of preferred approach to community infrastructure provision.
Sporting infrastructure – tennis courts	Item bonded. Provision subject to determination of preferred approach to community infrastructure provision.
Playing field amenities	Item bonded. Provision subject to determination of preferred approach to community infrastructure provision.
Community facility (community hall)	Item bonded. Provision subject to determination of preferred approach to community infrastructure provision.

In reviewing **Table 3** it is important to recognise Clarence Property, has met all obligations and requirements to date as set out by the approval and Ballina Shire Council with respect to the infrastructure for Epiq.

Ballina Shire Council is currently holding bonds for a number of infrastructure items on the basis that there is opportunity to reconfigure the approach to the infrastructure as sought by this amendment.

Ballina Shire Council has stated in its report to the Ordinary Council Meeting on 27 June 2019 that, by *‘pausing to consider the type of infrastructure provided, alternatives to achieve a better long-term outcome for the community that is responsive to needs (noting the original approval for the Epiq development dates to 2008) have been examined in conjunction with Clarence Property.’*

The idea here is for Council to consider the best infrastructure outcome drawing on the value of the developer’s community infrastructure obligations.

That is, what is the optimal way to spend the funds the developer is required to apply to community infrastructure. [page 33]

As a consequence of this review process by Ballina Shire Council, the optimal result sought by Council incorporates the consolidated Community & Sports Amenity building.

Community Facility

With specific regard to the community facility, the Statement of Commitments under the Concept Approval requires the developer to provide a 300m² community facility within the Epiq site. This facility was originally envisaged on the land shown as Super Lot 4 (Lot 4 DP 1239938) in **Plate 1**.

Although a new community facility appears beneficial at first consideration, Ballina Shire Council has determined it is not the best spend of available funds at this time for the community.

Council's developer contributions plan for community facilities plans for a second community facility in Lennox Head over the next 20 years. Ballina Shire Council has however, identified little evidence that a second community facility is required in Lennox Head at present. In particular, there is capacity for the existing community centre in Mackney Lane to accommodate additional use with Ballina Shire Council recently allocating \$2 million for various upgrades to the building.

Ballina Shire Council has also identified it has options with respect to the provision of additional community facility space in Lennox Head as the current developer contributions plan does not nominate a site or the form of the facility.

Sporting Amenities

Reference is also made to the sporting amenities to be provided as part of the Epiq development. The current approval for Epiq requires Clarence Property to provide modest amenities building comprised of toilets, small storage areas and an awning area.

Clarence Property in consultation with Ballina Shire Council believe there is an opportunity to provide for a significantly improved amenities outcome on the sports field land in the form of a facility that includes change rooms, a canteen space and possibly a meeting space.

Amended Proposal

Ballina Shire Council have resolved to adopt a resolution at its meeting on 27 June 2019 to achieve the following outcomes:

- An enhanced amenities building at the playing fields inclusive of toilets, change rooms, a canteen space, storage areas and a meeting space.
- Provision of lighting at the Epiq playing fields suitable for a variety of night time sporting activities.

Clarence Property have agreed to the consolidation of the sports amenity and community buildings and for excess funds (if available) to be directed to sports lighting.

As a result of the agreement between Clarence Property and Ballina Shire Council, Development Application 2019/598 was lodged by Clarence Property with landowners consent provided by Ballina Shire Council for the combined community facility. The design plans which form the basis of the development application are provided within **Attachment 2** of this report.

The proposal incorporates the following key components:

- Community Hall (90m²) and covered patio areas with capacity for 90 people;
- 2 x change rooms, each containing 5 x showers & 4 x toilet pans;
- Male and Female amenities;
- Kitchen and canteen;
- Umpires Room containing 1 x shower and 1 x toilet pan;
- Office / First Aid room/ time keeper room;
- 3 x storage rooms totalling 39.9m²; and
- Sealed pathways around the building and connecting such to the car parking area; and
- Amenities (male, female and PWD)

The building is single storey and is constructed of face brick walls and metal wall sheeting, colorbond roofing and aluminium windows and doors.

Vehicular access to the building will be achieved through the already constructed public car park which comprises of 110 car spaces pursuant to DA 2004/1113 developed by Clarence Property. The access servicing the car park is a single ingress/egress driveway linking to the local access road forming the northern boundary of the sports fields. The local road connects to Hutley Drive.

Reference is made to the fact, despite the community facility being re-sited to the Epiq sports fields, Clarence Property have dedicated Lot 4 DP 1239938 to Ballina Shire Council consistent with the Concept and Project approval, thereby allowing Council to review alternative community land use options upon Lot 4.

3.2 Requested Modifications to Concept Approval

The Statement of Commitment relevant to this application to amend the delivery of the community facility under the Concept Plan for MP07_0026 is described below. The recommended modifications to the Statement of Commitment and the reason for the amendment are also provided.

Concept Approval

The following amendments are proposed to the Concept Pan approval.

3.2.1 Statement of Commitment

Current Commitment

Community Facilities	The proponent will provide a multi-purpose community hall, with a floor space of approximately 300 m ² , located within the neighbourhood centre.	A 'super lot' will be created in Stage 1 (see Project Approval), with an area of approximately 1,990m ² . Subsequent to approval of the Project Application, the proponent will lodge a development application for the Community Hall. The proponent will build the hall and associated car parking following approval and dedicate the land and completed hall to Council at a date to be agreed.
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Proposed Modification

Based on the sought modification outlined within Section 3.1, the Statement of Commitment is sought to be amended to reflect the consolidation of the sports amenities with the community building on the Epiq sports fields. The proposed changes are illustrated in **bold** text.

Community Facilities	The proponent will provide a multi-purpose community	A 'super lot' will be created in Stage 1 (see Project
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	<p>and sports amenities building hall. The design is to be endorsed by Ballina Shire Council. with a floor space of approximately 300 m², and shall be located within the Epiq Sports Field (Lot 216 DP 1017615) neighbourhood centre.</p>	<p>Approval), with an area of approximately 1,990m². Subsequent to approval of the Project Application, The proponent will lodge a development application for a Community and Sports Amenities Building the Community Hall. The proponent will build the community and sports amenities hall and associated car parking following approval and dedicate the land and and supply the completed building hall to Council at a date to be agreed.</p>
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3.3 Substantially the same development

The proposed modification provides for Clarence Property to provide two key community outcomes. Firstly, Lot 4 DP 1239938 has been created and dedicated to Ballina Shire Council at no cost. Secondly, the community will be supplied with a community facility which will be combined with the sports amenities required under DA2004/1113 as referenced in the Concept Plan approval.

The transition from two separate buildings to a consolidated building maintains the key components of the Concept Plan and Statement of Commitments through the provision of a public building which delivers a community space and sports amenities.

Furthermore, the location of the consolidated community building is the originally planned location for the sports amenities building upon the EPIQ sports fields and therefore is a cleared site adjacent to the car park with no environmental impact.

Overall, the development as modified by this proposal will be substantially the same development to that currently approved for development within the Epiq Estate.

3.4 Consistency with approvals

The proposed modifications have been identified in response to detailed consideration by Ballina Shire Council concerning the delivery of community infrastructure and associated agreement by Clarence Property to facilitate the delivery of the community building.

The proposed modification will not impact the accessibility for existing and future residents of Epiq Estate and the broader Lennox Head village to community and sports amenities. Importantly, this proposal provides a level of facility greater than would otherwise be provided for the sports amenities building, whilst also securing community space which recognises the existence and function of the Lennox Head Community Centre.

Furthermore, Clarence Property has dedicated Lot 4 to Ballina Shire Council meaning further community infrastructure may be provided in the future by Council given the land is vacant and suitable for operational use.

Accordingly, the modification will not result in any modification to the Concept Approved plans and as such there is no amendment to the key design or land use provisions at Epiq Lennox as a result of this application.

The suite of conditions contained in the Concept Approval which govern the development, environmental management and community use will be able to be fully adhered with by the current modification, thereby illustrating the nature of the proposal is substantially the same and its consistency with the Concept Plan.

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

In reviewing the suitability for the sports field to cater for the combined community and sports amenities building, the following key environmental matters have been considered.

4.1.1 Acoustic

An Environmental Noise Impact Assessment has been prepared for the project as contained within **Attachment 5** of this report. The assessment which forms part of DA 2019/598 lodged with Ballina Shire Council has had regard to the proposed use of the building and the proximity to sensitive receivers (i.e. residential dwellings). Based on the assessment, the following recommendations from the assessment are incorporated into the development proposal and able to be complied with.

- Hours of operation for the community centre and sports amenities building be limited to 7am to 10:30pm.
- No amplified music or live entertainment be allowed inside or outside the building.
- Waste collection and deliveries be limited to the daytime between 7am and 6pm.

4.1.2 Infrastructure Services

In summary, the proposed approach involves the following:

- **Water** – The development proposal will be connected to the existing dual reticulation network adjacent to the western side of the Hutley Drive swale.
- **Sewer** – The development site is connected to the sewer network developed as part of Epiq Lennox. A sewer manhole currently exists adjacent to the proposed building and will provide the most appropriate connection point.
- **Stormwater** – Stormwater management for the site has been considered as part of the underlying Epiq Estate subdivision. The stormwater management plan for Epiq Estate was developed by Gilbert and Sutherland (Revised Stormwater Assessment and Management Plan – Pacific Pines Estate – July 2014). This plan provides an assessment of the stormwater quality and attenuation objectives for the site and outlines the stormwater management measures required to be implemented by the underlying development. The new development will create an increase in impervious area associated with the roof area. This roof area is approximately 890m². The site will drain directly into the existing drainage swale on the western side of Hutley Drive. This swale drains into the tidal reach of North Creek. In accordance with Section 2.3.2 of Ballina Shire Council Stormwater Management Standards for Development stormwater discharge attenuation is required and not proposed for this development. Runoff generated by the site will primarily associated with the impervious roof area. Roof water will be treated via a new infiltration swale and within the swale adjacent to Hutley Drive. Reference should be made to the Engineering Services Report provided within **Attachment 6** for further details addressing the projects stormwater management plan.
- **Electricity** – The existing residential electrical reticulation provided within the estate will be connected to the proposed building.
- **Telecommunications** – Liaison with Telstra representatives has been on the basis that telecommunications are required to be provided by Telstra in accordance with the Universal Servicing Obligation and Digital Data Servicing Obligation requirements of the telecommunications regulations.

A detailed assessment has been completed by Greg Alderson & Associates (GAA) as provided within **Attachment 6**.

4.1.3 Bushfire Hazard Assessment

A comprehensive Bushfire Threat Assessment Report was prepared for the Concept Plan by GeoLINK (**Attachment 7**). The report has established an APZ of 15m is required along the south-western boundary for protection from the forested wetland. In this respect, the proposed building is located in excess of 100m from the forested wetland located within the Ballina Nature Reserve.

4.1.4 Contamination

A preliminary soil assessment by Ardill Payne & Partners (**Attachment 8**) has been completed for the site for the Concept Plan and identified a low risk of contamination.

Council must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated;*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purposes for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The assessment was provided within the Concept Plan for the subject land and was endorsed by the Department of Planning & Environment. Reference is also made to the fact the sports fields have been the subject of earthworks associated with the creation of Stage 1B of the Epiq Estate. In this respect, the fill material was imported from the Epiq Estate and was subject to previous land contamination assessments. Accordingly, no likelihood of land contamination is believed to exist.

Statutory & Policy Planning Assessment

Section 5

Section 5 documents the range of planning controls and policies applicable to the proposed land uses & subdivision 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 2 illustrates the zoning framework applied to the land via Ballina Local Environmental Plan 2012. As illustrated in **Plate 2**, the subject land is zoned 'RE1 Public Recreation' zone. The portion of the land located south of the sports field is zoned "Deferred Matter" and thus is reliant on the provisions of the Ballina Local Environmental Plan 1987. As the development impacts the land area within the RE1 zone only, this report addresses those zone provisions associated with the Public Recreation zone.

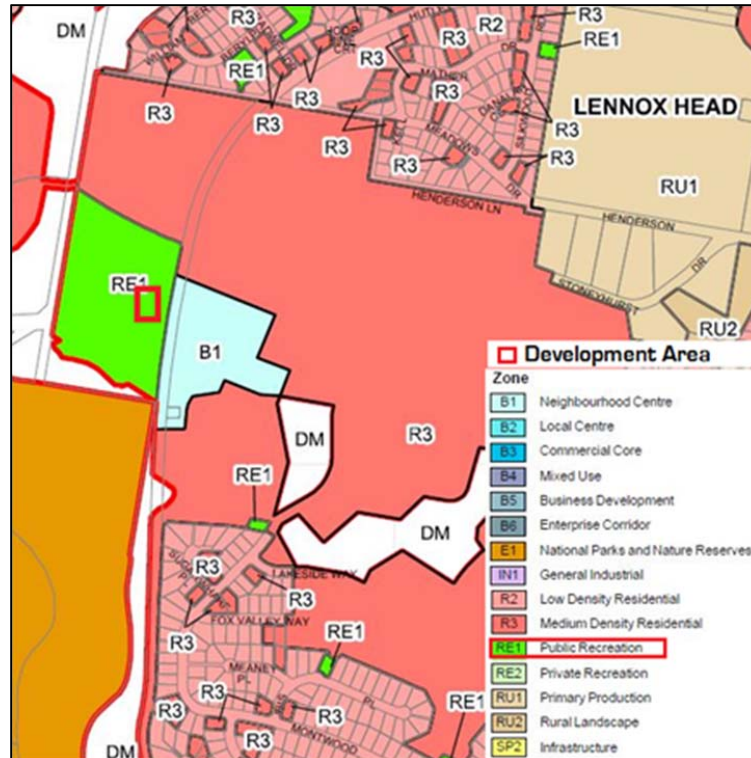


Plate 2: Extract BLEP 2012 Zoning Map
(source BSC Intermaps 2019)

The planning objectives for each of these zones, together with the proposal's response, are provided below.

Zone RE1 Public Recreation

1 Objectives of zone

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To provide for a diversity of development that meets the social and cultural needs of the community.*
- *To provide for public access to open space and natural recreation areas.*
- *To protect and conserve landscapes in environmentally sensitive areas, particularly in foreshore and visually prominent locations.*
- *To provide for development that is consistent with any applicable plan of management.*
- *To encourage development that achieves the efficient use of resources such as energy and water.*

Comment: The proposed community facility accords with the strategic use of the land as evidenced through previous development consents issued by Ballina Shire Council and the Concept Plan approved by the Department of Planning, Infrastructure & Environment.

The proposed facility is required to service the active open space/playing field precinct within the developing urban area of Lennox Head and provide a high level of amenities/services for the future use of the sporting fields. The proposed development is considered to be expressly consistent with the relevant zone objectives.

5.1.2 General Provisions

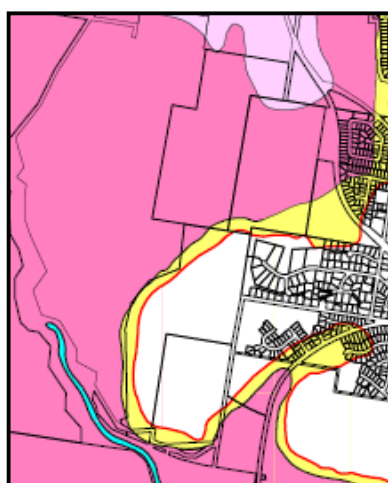
Clause 5.9 – Preservation of Trees or Vegetation

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: Given the recent development of the sports fields, no tree removal is required for the development of the proposed building.

Clause 7.1 – Acid Sulfate Soils

The site has previously been shaped as part of the Epiq sport field development. The site grades west to east at approximately at approximately 1.5% [from 2.9m to 2.3m AHD]. The building site is mapped as Class 2 Acid Sulfate Soil as illustrated in **Plate 3**.



CLASS	WORKS FOR WHICH PLANNING INSTRUMENT APPLIES
1	Any Works
2	Works below the ground surface; Works by which the watertable is likely to be lowered
3	Works beyond 1 metre below the natural ground surface; Works by which the watertable is likely to be lowered beyond 1 metre below natural surface
4	Works beyond 2 metres below the natural ground surface; Works by which the watertable is likely to be lowered beyond 2 metres below natural surface
5	Works which are likely to lower the watertable below 1 metre AHD in class 1, 2, 3 or 4 land.

Plate 3: Extract of Ballina LEP 2012 Acid Sulfate Soils Map.

Comment: Excavation on the site is expected to be limited to the installation of the building footings and service trenching. Reference is however made to the fact the land has been filled as part of the works completed under DA 2004/1113 by approximately 500mm – 1,000mm.

The earthworks shall be undertaken in accordance with the Ballina Shire Council Acid Sulfate Soil Management Plan for Minor Works attached in Appendix B of the Engineering Services Report (**Attachment 6**).

Clause 7.2 – Earthworks

Clause 7.2 requires development consent be obtained for earthworks not classified as exempt development and establishes certain assessment criteria relating to such activities as addressed below.

Comment: Minor earthworks are required for the construction of the building in respect to the building slab and trenching for infrastructure services. With the exception of the civil works for infrastructure services, the proposed earthworks for the building slab result in the removal of approximately 100mm – 200mm of topsoil.

Accordingly, the proposed earthworks are not deemed to be of a scale which;

- will have any likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development;
- will impact potential future use or development of the sporting fields;
- will impact adjoining properties;
- will impact adversely on the stormwater drainage of the immediate locality.

Reference is made for the need to introduce sedimentation and erosion controls prior to the commencement of works and maintained for the duration of the construction period.

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: As outlined in Section 3.1 of this report the proposed building is proposed to be connected to reticulated urban infrastructure in accordance with Council's requirements.

Clause 7.10 – Stormwater Management Systems

Clause 7.10 provides that development for the purpose of a Stormwater Management System is permitted with development consent on any land. The clause utilises the definition of Stormwater Management System as contained within Clause 110 of SEPP Infrastructure. This definition is reproduced below:

stormwater management system means:

- (a) works for the collection, detention, distribution or discharge of stormwater (such as channels, aqueducts, pipes, drainage works, embankments, detention basins and pumping stations), and*
- (b) stormwater quality control devices (such as waste entrapment facilities, artificial wetlands, sediment ponds and riparian management), and*
- (c) stormwater reuse schemes.*

A detailed description of the proposed system is provided within the Engineering Services Report contained at **Attachment 2** of this report.

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 3.4 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 3.15 Crime Prevention through Environmental Design
 - Section 3.19 Car Parking and Access
 - Section 3.21 Bushfire Management

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.

5.2.2 Chapter 2, Section 3.4 – Potentially Contaminated Land

Comment: The site was formally used for agricultural purposes and there is therefore the potential for contamination to be present on the site. A Preliminary Site Investigation was undertaken as part of the studies for the previous SEPP 71 Master Plan application by Ardill Payne and Partners (refer **Attachment 3**). As the conditions on the site have not changed markedly since the time of that study, further reporting has not been undertaken for the current application.

The Preliminary Site Investigation found that the site was unlikely to contain areas of contamination as no horticultural activities had been undertaken for at least 35 years.

Reference is also made to the filling of the land as part of the construction of the sports fields and the applicable checks to ensure clean fill was imported to the sports field site. In this regard, the completion of the sports fields and their acceptance by Ballina Shire Council upon the release of Stage 1B of the Epiq Estate confirms no likelihood for contaminated soils to be present within the building envelope.

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. The findings of the impact assessment do not directly impact the sports amenities and community building and as such were more applicable to the design of the residential component of the estate.

Reference is made to the fact neither the Concept Plan or DA 2004/1113 required any specific mosquito controls for the building. Reference is also made to the fact Section 3.6.3 which specifies development controls relate solely to buildings comprising residential accommodation; tourist and visitor accommodation, child care centres or respite day care centres which is not applicable in this instance.

5.2.4 Chapter 2, Section 3.7 – Waste Management

Comment: A waste management plan has been prepared for the operational use of the amenities and community building. The WMP is provided within **Attachment 5** of this report.

5.2.5 Chapter 2, Section 3.9 – Stormwater Management

Comment: A Stormwater Management Plan is provided as part of the Engineering Services Report provided at **Attachment 2**.

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.

5.2.7 Chapter 2, Section 3.11 – Provision of Services

Comment: The proposed community building will be fully serviced with reticulated urban infrastructure as outlined within the Engineering Services Report provided at **Attachment 2** of this report.

5.2.8 Chapter 2, Section 3.15 – Crime Prevention Through Environmental Design

Comment: The aims of crime prevention through environmental design are to:

- Enhance the safety of developments for all users; and
- Minimise the opportunities for crime to be committed.

The following comprises a formal crime risk assessment prepared in accordance with the Department of Planning's Crime prevention and the assessment of development applications - Guidelines under section 79C of the EP & A Act 1979.

Surveillance

The building and car parking area have been sited, designed and configured to provide clear sight-lines between public and private spaces, particularly from Hutley Drive, and the northern local access road where direct vehicular access to the car park is provided.

Whilst a detailed landscape plan will be completed in consultation with Ballina Shire Council and lodged with the Construction Certificate, the concept landscape plan prepared by Plummer & Smith as contained within **Attachment 1** illustrates the objective to soften the built form, whilst not interfering with the natural surveillance of public spaces through the creation of concealment locations or screening access areas. Where necessary, plants will comprise either high level canopy trees or low-level shrubs that will not obstruct sight lines and or provide concealment areas.

Lighting will be provided to the playing fields (subject to separate development application), building and car parking area in accordance with the requirements of Ballina Shire Council.

Access Control and Target Hardening

The proposed built form, whilst designed for community uses in mind, has sought to control the key access points to those areas of the building which offer the greatest surveillance. In this respect, the design leads the public to the primary access locations on the northern and southern elevations. This will assist in achieving key access control for the development.

Territorial Reinforcement and Space Management

The land upon which the development is proposed is under the ownership of Ballina Shire Council. Furthermore, with the finalisation of construction of the sports field, Council will also ultimately assume the management and maintenance of the building. It is reasonable to expect that this area will be well maintained as is the case with other Council owned and managed land.

5.2.9 Chapter 2, Section 3.19 – Car Parking & Access

Comment: Under Chapter 2, both recreational facilities [outdoor] for sports fields and community centres are based on a merit assessment.

The development of the sports amenities and community centre building amalgamates two land uses within the single structure. Accordingly, scope exists whereby dual use of the facility may occur thereby generating the peak. Under the terms of DA 2004/1113 for the sports fields, 110 car spaces have been developed to service the sports fields parking demand.

In reviewing the parking demand, reference is made to the parking rate adopted for the Wollongbar Regional Sports Fields (30 spaces per AFL or Rugby field), thereby generating a total of 60 spaces for the operation of the sports fields.

In reviewing the Community Centre use, reference is made to the existence of the existing Lennox Community Centre which will be utilised for larger civic or privately booked events. Notwithstanding this point, the parking rate for a function centre (1 per 3 seats or 15/100m²) could be applied to provide a conservative parking rate. The community centre will have capacity for 90 standing, or 70 people seated within the 90m² designated community hall area. Based on this figure, 24 parking spaces are generated, whilst physically 25 spaces are available for the operation of the Community Facility.

Assuming the worst case scenario, the use of the fields occurs concurrently whereby the operation of the Community Centre (at maximum capacity), parking for 84 on-site car spaces is generated. This figure is still some 26 car spaces below the physical number already constructed on-site. Accordingly, we submit no additional car parking is required to be supported as part of this application.

5.2.10 Chapter 2, Section 3.21 – Bushfire Management

Comment: A comprehensive Bushfire Threat Assessment Report was prepared for the Concept Plan by GeoLINK. The report has established an APZ of 15m is required along the south-western boundary for protection from the forested wetland. In this respect, the proposed building is located in excess of 100m from the forested wetland located within the Ballina Nature Reserve.

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 fact the modification retains the community building, however integrated into the sports amenities so as to provide the community with a dual use structure.

5.4 State Environmental Planning Policies

5.4.1 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.

5.4.2 State Environmental Planning Policy (Coastal Management) 2018

Comment: The location of the proposed Community Facility is mapped as being within the 'coastal use area'. The following comments are made with respect to the heads of consideration contained within Clause 14 of the SEPP relating to development on such land:

[1] Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:

[a] has considered whether the proposed development is likely to cause an adverse impact on the following:

[i] existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,

Comment: The development is removed from foreshore areas and does not impact on existing or potential future access to such areas.

[ii] overshadowing, wind funnelling and the loss of views from public places to foreshores,

Comment: The development is removed from foreshore areas and will not impact on views to such localities.

[iii] the visual amenity and scenic qualities of the coast, including coastal headlands,

Comment: The development relates to a community building which is reflective of the form of development associated with the sports fields and community use. In this

regard, whilst the design meets the operational requirements, the design will not result in any adverse impact on the visual amenity and scenic qualities.

(iv) Aboriginal cultural heritage, practices and places,

(v) cultural and built environment heritage, and

Comment: The development site comprised vacant urban land which has already been heavily modified via the placement of fill over the existing property. Therefore, no adverse impacts on heritage values are expected.

(b) is satisfied that:

(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or

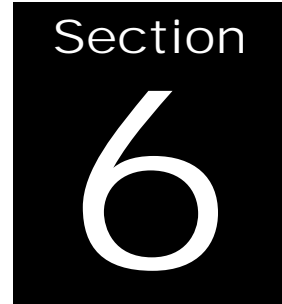
(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and

(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment: The proposed development is located upon land included within the approved development consent for sports fields and also incorporated in the Concept Plan for the Epiq Estate. The nature of works are such that no adverse impacts are envisaged.

Conclusion



This report prepared on behalf of Clarence Property Corporation Limited describes the proposed modification to the Statement of Commitments under the Concept Plan to permit the consolidation of the community building and sports amenities within the Epiq Estate lodged pursuant to the Environmental Planning and Assessment (Savings, Transitional & Other Provisions) Regulation 2017. .

The approach proposed in this report seeks to achieve optimal outcomes to meet community infrastructure needs and ensure existing and future residents will be serviced by infrastructure which is built for purpose.

The proposed modification of the approval is considered to be in the public interest with inclusions in the community facility and sporting amenities being additional to the minimum requirements for Clarence Property.

The amended Concept Plan is considered to be substantially the same to the original Concept Plan and may proceed with no recognised environmental impacts.

We respectfully seek approval of this application.

A handwritten signature in black ink that reads 'Damian Chapelle'.

DAMIAN CHAPELLE
Town Planner. BTP CPP

Date: 4th November 2019