

# Modification of Concept Plan Approval

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

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



Keiran Thomas  
**Director**  
**Regional Assessments**

Sydney

12 October 2020

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### SCHEDULE 1

**Concept Plan Approval:** **MP 07\_0026** granted by the Minister for Planning on 12 November 2008

**For the following:** A residential subdivision comprising subdivision for single dwellings, duplexes and medium density, a neighbourhood centre comprising commercial and retail space, a community centre, tavern and retirement village

**Proponent:** Clarence Property Corporation Limited

**Approval Authority:** Minister for Planning

**The Land:** Lot 7 DP 1239938, Lennox Head in the Ballina local government area

**Modification:** **MP 07\_0026 MOD 6:** the modification includes:

- 61 lot subdivision comprising 33 residential lots, 26 live-work lots and 2 commercial lots (for the purpose of a tavern and storage facility);
- amend the lot layout and road network;
- Live-Work Design Guidelines.

## SCHEDULE 2

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

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

### ***A1 Project Description***

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

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

- (1) Residential subdivision comprising;  
(e) **Live-Work lots (187m<sup>2</sup> to 294m<sup>2</sup>)**

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

### ***A2 Staging***

The project will be undertaken in 7 stages in accordance with Illustration C5 Development Staging (Drawing No. 14/351 Rev ~~C~~ **F** dated ~~27 February 2017~~ **28 July 2020**) and Illustration P1 Stage 1 Project Application Plan (Drawing No. 14/351 Rev ~~B~~ **F** dated ~~17 January 2017~~ **28 July 2020**) and comprises the following:

- (1) Stage 1A - Subdivision of 51 residential lots and 2 open space lots and associated roads and landscaping in the south of the site;
- (2) Stage 1B - Subdivision of Super Lots 1, 3, 4, 5, ~~6~~,7 and 8, the extension of Montwood Drive, the construction of Main Street, construction of internal roads adjoining the east and north boundaries of Super Lot 1, the construction of Hutley Drive and the western link for the playing fields adjacent to the site and revegetation of the 100 m buffer to littoral rainforest in the north west of the site;
- (3) **Stage 1C - Subdivision of Lot 7 into 33 residential lots, 26 live-work lots and 2 commercial lots and the construction of associated civil works (roads, sewer, water, drainage and earthworks).**
- ~~(3)~~ **4** Stage 2 – residential subdivision and open space in the northern part of the site;
- ~~(4)~~ **5** Stage 3 – residential subdivision in the central and north parts of the site and connection to Stoneyhurst Drive;
- ~~(5)~~ **6** Stage 4 – residential subdivision in the central part of the site bordering the neighbourhood centre lots;
- ~~(6)~~ **7** Stage 5 – residential subdivision in the northern and eastern parts of the site; and
- ~~(7)~~ ~~Stage 6 – residential subdivision in the north west of the site (Super Lot 7).~~

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

- (c) Schedule 2 Part A – Administrative Conditions is amended by inserting the following Condition A2A:

## **A2A Modifications Approved by Modification MP 07 0026 MOD 6**

**The modifications approved by Modification MP 07 0026 MOD 6 are limited to only those modifications expressly described in the approved Section 75W Modification Application (Modification 6) prepared by Newtown Denny Chappelle dated August 2018.**

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

### **A3 Project in Accordance with Plans**

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

<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
14/351	<del>B</del> <u>F</u>	Illustration C1 Concept Plan	17.01.17 <b><u>28.07.20</u></b>
14/351	<del>B</del> <u>E</u>	Illustration C2 Green Network	17.01.17 <b><u>21.07.20</u></b>
14/351	<del>C</del> <u>F</u>	Illustration C5 Development Staging	27.02.17 <b><u>28.07.20</u></b>
14/351	<del>C</del> <u>E</u>	Illustration C6 Movement Network	27.02.17 <b><u>21.07.20</u></b>
14/351	<u>E</u>	Illustration C7 Stormwater Concept Plan	17.01.17 <b><u>21.07.20</u></b>
14/351	<del>B</del> <u>F</u>	Illustration C8 Lot Typologies	17.01.17 <b><u>28.07.20</u></b>
14/351	<u>E</u>	Illustration C9 Building Heights	17.01.17 <b><u>21.07.20</u></b>
14/351	<del>B</del> <u>E</u>	Illustration C10 Setback	17.01.17 <b><u>21.07.20</u></b>
14/351	<del>B</del> <u>E</u>	Illustration C11 Conservation Zone	17.01.17 <b><u>21.07.20</u></b>

except for:

- (1) any modifications which are 'Exempt and Complying Development' as identified in *Ballina Shire Development Control Plan – Exempt and Complying Development* or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA;
  - (2) otherwise provided by the conditions of this approval.
- (e) Schedule 2 Part A – Administrative Conditions, Condition A4 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the words/numbers, as follows:

### **A4 Project in Accordance with Documents**

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

#### **Design Guidelines**

- f) **Live/Work Design Guidelines – EPIQ Lennox Head prepared by RPS, Planners North, Newton Denny Chapelle and Dominic Finlay Jones Architects, dated July 2020;**

Modification Documentation

- ‡ g) *Pacific Pines Modification Report* including all appendices prepared by Geolink, dated 1 September 2010;
- ‡ h) *Pacific Pines Modification Application Response to Submissions 1439012*, including *Pacific Pines Addendum to Modification Report* prepared by Geolink and received 28 January 2011;
- ‡ i) *Design Note – Traffic and Transport – Addendum to Traffic Impact Assessment* prepared by Cardon and dated 5 January 2011;
- ‡ j) Updated drawings to reflect staging and dated 8 April 2011.
- ‡ k) *Pacific Pines Modification Report* including all appendices prepared by Geolink, dated July 2012.
- ‡ l) Updated plans to reflect expansion of the conservation zone prepared by GeoLINK, dated May and July 2012; ~~and~~
- ‡ m) Section 75W Modification 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; ~~and~~
- ‡ n) *Modification Concept Plan Approval MP07\_0026 (Modification 8)* including all attachments, prepared by Newton Denny Chapelle and dated 4 November 2019, as updated by revised Attachment 9 dated 18 June 2020 and Attachment 10 dated June 2020; **and**
- o) **EPIQ Lennox Section 75W Modification No. 6 Report, including all attachments prepared by Newton Denny Chapelle, dated August 2018, as amended by revised attachments in response to submissions email dated 9 July 2019, and as amended by revised plans and design guidelines in email dated 28 July 2020.**

**End of Modification  
(MP07\_0026 MOD 6)**