



NSW GOVERNMENT
Department of Planning

***MAJOR PROJECT ASSESSMENT:
Pacific Pines Estate, Lennox Head***

Director-General's
Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979

March, 2006

1. EXECUTIVE SUMMARY

This report is an assessment of a Draft Master Plan (MP 27-12-2003) under *State Environmental Planning Policy No.71—Coastal Protection* (SEPP 71), submitted by Geolink Pty Ltd for Lot 231 in DP 1076122 at Montwood Drive, Lennox Head.

The Draft Masterplan is generally consistent with the Draft Far North Coast Strategy in that it protects areas of environmental significance while providing an attractive village environment, in an identified residential area.

The Draft Masterplan is for the subdivision of the Pacific Pines Estate at Lennox Head into 579 residential allotments and a neighbourhood retail/community centre with associated road access. The retail/community centre has not been subdivided in this master plan.

It is recommended that the draft master plan be adopted as a master plan subject to variations pursuant to Clause 22(2)(b) of SEPP 71. These variations relate to the provision of buffer zones in various sensitive portions of the site in order to protect local flora and fauna.

2. BACKGROUND

The subject site is identified as Lot 231 in DP 1017615, Montwood Drive, Lennox Head in the Ballina Shire Council Local Government Area. It is approximately two (2) kilometres from Lennox Head Village. It is an irregular shaped, undulating parcel of land with a total area of 91.96 hectares. A water quality control pond and sporting fields are currently under construction to the north-west of the site. The site context is illustrated in a regional map at **Tag A**.

The site has frontage to North Creek Road, Montwood Drive, Stoneyhurst Drive, Hutley Drive, Fox Valley Way, and Henderson Lane. A public road reserve passes through the western portion of the site. Low density residential development surrounds the north, east, and south of the site. The Ballina Nature Reserve, which is comprised partly of *State Environmental Planning Policy No. 14 – Coastal Wetlands*, bounds the site to the south-west.

The site is predominantly cleared although there are several significant stands of vegetation scattered over the site. The eastern portion of the site contains moderately to steeply sloping lands, while the western portion is general flat.

The following consents issued by Ballina Shire Council are relevant to this proposal:

- Development consent 1999/248 provided consent for bulk earthworks on the site to cut material from the north-eastern hill for use to fill the central portion of the site.
- Development Consent 2002/333 provided approval for the excavation of a Water Quality Control Pond (WQCP) in the central-western part of the site with the excavated material used to provide fill for residential development on the subject site and for playing fields on the adjoining site.
- Development Consent 2002/686 was granted for a fourteen (14) lot subdivision adjoining southern side of the site. This subdivision is currently under construction and does not form part of the draft master plan.

These development approvals although not being part of the draft Master plan relate to the design of the draft master plan. The locations of these developments in relation to the draft master plan are detailed on Plan 2.2 of the A3 size master plan documentation **Tag B**.

A site visit was conducted by Urban Assessments Staff during the course of this assessment.

3. PROPOSED DEVELOPMENT

The Proponent is proposing to create a residential subdivision. The draft Master Plan was lodged with the Department on 19 December 2003 in accordance with Part 5 of SEPP 71.

3.1 Approval Originally Sought

The proponent seeks adoption of a draft Master Plan that:

- provides for residential subdivision to accommodate a variety of housing styles and densities;
- provides for road access and circulation which recognises the street hierarchy and separates pedestrian and vehicular traffic;
- provides space for a neighbourhood retail/community centre to service the needs of both existing and future residents of the surrounding area;
- creates legible public domain areas that respond to the site's attributes;
- integrates with the existing landscape character of the locality and particularly the character of the Lennox Head Village;
- proposes water conservation and reuse principles of water sensitive urban design, including site specific reuse proposals; and
- adopts the principles of local, regional and State planning policies and legislation.

Proposed Dwelling Mix

The draft Master plan proposes the following lot numbers and types:

Lot Type	Number of Lots	Number of Dwellings
Single dwelling	328	328
Duplex	38	76
Hillside Living	73	73
Mews (terraces)	139	139
Attached Housing	1	38
TOTAL	579	654

Characteristics of the different lot types

The characteristics of the different lot types are as follows:

- The single dwelling lots vary from 600 sqm to 800 sqm and are proposed to be located in the central northern and southern parts of the site.
- The 'hillside living' lots, range in size from 600 sqm to 9,220 sqm. These lots are proposed in the south-eastern corner of the master plan.
- The 'mews' lots are proposed to range in size from 370 sqm to 480 sqm. These lots are proposed to be located along the major access road, known as Huntly Drive.
- The medium density 'attached housing lot' is to be located directly opposite the neighbourhood retail/community centre and in close proximity to the eastern fringe of a major on site open space element.

- A neighbourhood retail/community centre is envisaged to incorporate a local convenience store, video shop, and take away food store with an approximate total area of 1,200 sqm. A tavern and bottle shop of approximately 800 sqm is proposed, and a community facility approximately 300 sqm is also proposed.

A copy of the Pacific Pines Estate draft master plan recommended for adoption is at **Attachment A**.

3.2 Amendments to the Proposal

During the assessment of the draft master plan, the proponent was requested to provide additional information in relation to issues which were raised by the external agencies and the Department during assessment. This information was sought due to the following points of concern:

- The nature, location, and size of the neighbourhood retail/community centre and associated traffic implications

Following concerns from the Department about the nature, location, and size of the proposed retail/commercial community centre, the proponent provided additional information on the nature of the community centre including its proposed scale and catchment as well as traffic data. This data confirmed that the proposal would be within acceptable traffic parameters. The proposed land use has been discussed further in Sections 4.5.1 and 4.5.2 of this report.

- Concerns over development on steep slopes

The Department raised concern over portions of the development proposed on sloping land. At issue was the degree of cut and fill required to modify the land. The proponent responded by noting that Ballina Shire Council had already granted approval for a cut and fill development (DA1999/248). The draft master plan had been designed within the context of the future topography of the site. An Engineering Report by Ardhill, Payne & Partners has been included to address the issue of slope stability as it relates to the draft master plan. This report found that the site would be satisfactory for the proposed works. This issue has been discussed further in Section 6.3.1 of this report.

- Setback of residential lot boundaries from tree drip lines

Following concerns from Ballina Shire Council on the long term viability of the existing trees during and after construction of residential lots and associated buildings, the proposal may result in damage to existing on site trees. The proponent has agreed to adhere to these requests during the DA process. Buffer zones have been recommended in the Instrument of Adoption at **Tag C**. This issue is further discussed in Section 4.5.4 of this report.

- Incorporation of the entire site within the draft master plan Area

Concern was raised by the Department about the proposal excluding the whole of Lot 231 in DP 1076122 due to the excluded area falling within an environmentally sensitive area under SEPP 14 (Coastal Wetland No, 88) or subject to previous development consents by Ballina Shire Council. The proponent responded by including the entire site in the draft master plan.

- Changes to the preferred road option

Following concerns from Ballina Shire Council regarding location of the proposed north-south road connection between Hutley Drive and Angels Beach Drive this element of the draft master plan was modified. The proponent submitted additional information on 23 May, 2005, which in part addressed the issue of the road connection to adjoining land. The modified draft master

plan does not prevent the future provision of a road link on the western side of the site. This issue is discussed further in Section 6.3.5 of this report.

- Changes to the parking, traffic, and road layout on the site;

Ballina Shire Council had concerns regarding road hierarchy, parking, and road surfacing, and detailing to the roads shown in the draft master plan. Specifically:

- The proposed road along the southern boundary of Stage 10 is required to be of a collector standard;
- Parking bays should not be provided along collector roads;
- Intersections at inside curves for roads need to be removed during detailed design;
- Greater separation is required between intersections on the major collector road in the vicinity of Henderson Lane access;
- Provision of a turning area at the end of access laneways, in particular Stages 6b and 6c is required during detailed design;
- Improve road alignment accessibility to Stage 6b during detailed design;
- Construction of a collector road system to Hutley Drive in conjunction with Stage 5b works during detailed design;
- Separate construction vehicle access to the site to lessen the impact upon existing residences;
- The proposed different road surfacing options may result in different noise impacts to adjoining residents.

The above points are detailed design issues that the Council would assess during the development application process. In this regard the proponent has agreed to adhere to these requests during the DA process. This issue is discussed further in Section 6.3.5 of this report.

- Road accessibility of the Henderson Farm site to the north-west.

Following concerns from Ballina Shire Council regarding access to the Henderson site the proponent submitted additional information that reiterated that the draft master plan will not prevent the future provision of a road link to this site.

- Improved drainage works

Following concerns from Ballina Shire Council, changes to the course of overland flow paths were required. These changes include a nominal 10 metre wide pedestrian linkage and overland flow path to service the land to the east of Stage 6c. The proponent argued that the stormwater drainage at this part of the site would be better suited to link with existing drainage infrastructure, due in part to the steepness of the land. A Water Management Plan has been recommended to be imposed in the Instrument of Adoption at **Tag C**. The issue is discussed further in Section 6.3.8 of this report.

- The degree of usability and embellishment of open space areas

Following concerns from Ballina Shire Council on the usability and embellishment of the proposed 'family areas' and the proposed park open spaces, the proponent has agreed to provide equitable solution with the Council at detailed DA stage. Issues that would need examination at this stage would include the provision of recreational outdoor furniture and associated facilities.

- Water reuse measures are required for the proposed development

Ballina Shire Council seeks to ensure that the development adheres to its Council dual reticulation policy requirements. The proponent notes that the Engineering Report submitted with this master plan application deals with this issue, providing various options including

utilisation of town water, roof water, and recycled water. A detailed analysis of the proposed water use measures would be required at DA stage. A Water Management Plan has been recommended to be imposed in the Instrument of Adoption at **Tag C**. The issue is discussed further in Section 6.3.8 of this report.

- Provision of a water reservoir site

Following concerns from Ballina Shire Council a requirement was made for the provision of a water reservoir that is consistent with the DCP requirements for this site. The proponent has allocated a water reservoir on land adjacent to Stage 4a of the Pacific Pines site. This reservoir will augment the existing sub-main supply along Montwood Drive. A water main from North Creek Road will supply this new reservoir.

- Maintenance of littoral rainforest communities

Concern was raised by Ballina as to the maintenance of the Littoral Rainforest communities. In this regard adequate buffers were sought to enhance, rehabilitate, and dedicate portions of the site to Council for the purpose of ensuring a viable vegetated wildlife corridor. An assessment of the extent of the rainforest and its associated management has been submitted by the proponent. It has been reviewed by the Department's ecologist. Buffer zones have been recommended to be imposed in the Instrument of Adoption at **Tag C**. The proponent expressed concern over one of the recommended buffer zones. This issue is further discussed in Section 6.3.4 of this report.

- The provision of a vegetative management plan

Ballina Shire Council seeks to ensure that vegetative areas subject to hand over to Council are subject to a vegetative management plan. This plan will be required as part of the matters to be addressed in any development application in the recommended instrument of adoption to be imposed in the master plan at **Tag C**. The proponent did not have an issue with this requirement.

- Status of protected fauna (the Wallum Froglet)

Concern was raised by Ballina Shire Council over whether the Wallum Froglet habitat has been recorded on the site and would be protected by the proposal. Particularly as it related to drainage channels, which form the predominant habitat for this animal. The proponent undertook additional survey work to confirm that the Froglet was not located on the site, as previously thought.

- Mosquito Management to control the spread of insect borne disease

Concern was raised by Ballina Shire Council over the standard of documentation for mosquito management on the site. Particularly the qualifications of the consultant and the apparent reliance of the management strategy on assistance from Council. The proponent noted that the report has been reviewed by a reputable Entomologist and that the management strategy now ensures that a mosquito outbreak could be controlled on site without Council assistance.

STRATEGIC FRAMEWORK

Legislative context

Future development of the site will be subject to the legislative requirements of the *Environmental Planning and Assessment Act, 1979* and the *Coastal Protection Act, 1979* (and its regulations), including the NSW Coastal Policy 1997 and the Coastal Development Guidelines for NSW.

Future development applications may also be identified as Major Projects pursuant to Part 3A of the *Environmental Planning and Assessment Act, 1979*.

Statement of Permissibility

The draft master plan relates to land zoned under Ballina Shire Council's Local Environmental Plan 1987 (the LEP) as follows:

- Residential 2(b) Village Area; and
- 7(a) Environmental Protection (Wetlands)

The LEP largely adopts the model provision definitions. The residential development component of the draft master plan is defined as 'subdivision' and 'residential dwellings' in the LEP. These uses are permissible with consent within the Village Area Zone.

The proposed neighbourhood retail/community centre is permissible with consent within the Village Area Zone.

Accordingly, the development proposed in the draft master plan is permissible in the relevant zones and a zoning map for the site is at **Tag D**.

Instrument of Consent and other relevant planning instruments

The Pacific Pines Estate site is within the coastal zone as defined by the Coastal Protection Act, 1997 and accordingly the provisions of SEPP 71 apply. SEPP 71 requires the preparation of a master plan where future development proposes residential subdivision in excess of 25 lots, as this application proposes. Pursuant to Clause 22 of SEPP 71, a draft master plan may be adopted as a master plan by the Minister subject to the Minister considering the following:

- Any written submissions made about the content of the draft master plan during the exhibition period under Clause 21. The submissions received are outlined in sections 5.1 and 6.2.4 of this report;
- Any written comments of the Natural Resources Commission, the relevant Council or any of the public authorities to whom the draft plan has been submitted – these comments are discussed in Section 5.2 of this report;
- The matters for consideration set out in Part 2 (of SEPP 71). These matters are assessed at Section 6.1 of this report.

The relevant environmental planning instruments, draft environmental planning instruments and development control plans which may be applicable to the land to which the draft master plan relates include:

- *State Environmental Planning Policy No. 14 – Coastal Wetlands;*
- *State Environmental Planning Policy No. 26 – Littoral Rainforests;*
- *State Environmental Planning Policy No. 55 – Remediation of Land;*
- *State Environmental Planning Policy No. 71 – Coastal Protection;*
- *North Coast Regional Environmental Plan No. 2;*
- *Ballina Local Environmental Plan 1987;*
- *Ballina Development Control Plan No.1: Urban Land;*
- *Ballina Shire Development Control Plan No. 13 – Stormwater Management; and*
- *Ballina Shire Council Schedule of Fees and Charges 2004/2005 (Section 94 Contributions Plan).*

An assessment against the general planning instruments is contained at **Tag E**.

The draft master plan document has provided a detailed review of the following strategic policy documents:-

- Coastal Design Guidelines;
- Lennox Head Community Aspirations Strategic Plan;
- Sustainable Urban Settlement Guidelines (2000);

This review is at **Tag F**.

Areas of non-compliance with the underlying planning controls are contained within Section 6 of this report.

4 CONSULTATION AND ISSUES RAISED

Public consultation

The draft master plan was notified in accordance with Clause 21(1) of SEPP 71, Ballina Shire requirements and the Regulations including:

Notifications – landowners/occupiers	760 adjoining and surrounding landowners were notified by letter dated 16 February, 2004
Newspaper advertisements	Advertised in Ballina North Coast Advocate on 19 February 2004.
Site notices	Three (3) site notices erected 19 February 2004.
Exhibition dates	Start: 20 February 2004 - End: 22 March 2004
Exhibition venues	<ul style="list-style-type: none">▪ DIPNR Planning Information Centre, 20 Lee Street, Sydney;▪ DIPNR North Coast Office, 49 Victoria Street, Grafton; and▪ Ballina Shire Council, Cnr Cherry and Tamar Streets, Ballina.

Forty-two (42) public submissions were received regarding the application. A summary of submissions is at **Tag G**. Issues are considered in Section 6.2.4 of this report.

4.1 External Referrals

The Pacific Pines Draft Master Plan was referred to Ballina Shire Council as the local planning authority for comment. Regional offices within DIPNR, the Natural Resources Commission and the Department of Environment and Conservation were also consulted regarding the application. The issues raised by the Government agencies are as follows:

4.1.2 Natural Resources Commission

The draft master plan was referred to the Natural Resources Commission (NCR) in accordance with Clause 21(2) of SEPP 71 on 16 February, 2004. The NCR responded on 6 May, 2004 advising that they were satisfied that the draft master plan met the requirements of SEPP 71.

4.1.2 Ballina Shire Council

The application was referred to Ballina Shire Council (the Council) on 16 February, 2004 in accordance with Clause 21(2) of SEPP 71. Council responded on 14 April, 2004, providing the following comments:

- Council was generally supportive of the concept of subdivision of the land, in terms of the layout, density, and housing style proposed;
- Setback of residential lot boundaries from tree drip lines was required;
- Changes to the preferred main road option were required as well as detailed changes to the parking, traffic, and road layout on the site in order to better comply with Council's development controls;
- Road accessibility to the Henderson Farm site to the north-west is required;
- Improved drainage works are required throughout the site;
- The degree of usability and embellishment of open space areas;
- water reuse measures are required for the proposed development;
- Provision of a water reservoir site;

- Maintenance of Littoral Rainforest communities;
- The provision of a vegetative management plan;
- Status of protected fauna (the Wallum Froglet); and
- Mosquito Management to control the spread of insect borne disease.

These issues have been considered in this assessment and are further discussed in Section 6 of this report. The main road issue has been dealt with by the proponent offering flexibility to the ultimate design of the circulation roads to accommodate any new arterial road, whilst the other issues have been resolved by amended or additional documentation, or have been addressed in variations to the draft master plan recommended to be imposed in the Instrument of Adoption at **Tag C**.

4.1.3 Department of Environment and Conservation (National Parks and Wildlife Service)

The application was referred to the Department of Environment and Conservation (DEC) on 16 February, 2004 in accordance with Clause 21(2) of SEPP 71. The DEC responded on 5 April, 2004. Their comments were as follows:

- The subject site is within the catchment of the Ballina Nature Reserve and wetlands identified under the State Environmental Planning Policy No. 14 – Coastal Wetlands (SEPP 14);
- The subject site is 100 metres away from an identified Littoral Rainforest. DEC noted that the proposal retains a strip of native vegetation running in a north-south fashion through the site. This vegetation will function as a wildlife corridor and is supported by the DEC;
- The approved cut and fill works should maintain existing drainage lines, so as to preserve any existing flora and fauna;
- Aboriginal cultural assessment of the site is required;
- Mosquito control should be considered further in terms of impacts to existing flora and fauna;
- A water sensitive design management strategy is required in conjunction with the proposed water conservation measures;
- The proposed western arterial road link is in close proximity to the wetland identified in SEPP 14. The DEC had the view that this issue requires consideration as part of the approved master plan. This is discussed further at ;

On 7 September, 2005 the Department received correspondence from DEC in response to an enquiry from Ballina Shire Council on the status of the littoral rainforest areas of the site. DEC had the following comments:

- The master plan includes a strategy of protection for the rainforest which includes the imposition of an 88B instrument over the lots affected by the rainforest. This was not the DEC's preferred approach. The DEC sought to have all areas identified as Littoral rainforest dedicated as public lands;
- Buffer zones are required pursuant to the Lennox Head Structure Plan and should be retained in situ where ever possible.

These issues have been considered in this assessment and are further discussed in Section 6.3.4 of this report. The DEC's full submission is at **Tag H**.

4.1.4 New South Wales Fisheries

The application was referred to New South Wales Fisheries on 16 February, 2004, in accordance with Clause 21(2) of SEPP 71. The DEC responded on 25 March, 2004. Their comments are as follows:

- The sequence of development approvals over the site prior to the draft master plan may result in unacceptable impacts on the wetland and the Ballina Nature Reserve adjoining the site;
- Previous approvals by Ballina Shire Council for on site filling will result in damage to existing creek lines;
- The proposal does not provide adequate buffer zones. The NSW Fisheries policy recommends between 50 and 100 metres for buffer zones between land areas and adjoining freshwater, estuarine, or coastal habitats.

These issues have been considered in this assessment and are further discussed in Sections 6.3.4 of this report. NSW Fisheries full submission is at **Tag L**.

4.1.5 Internal consultations

The North Coast Regional Office of the Department was consulted on 16 February, 2004. The regional office responded on 18 March, 2004. Their comments are as follows:

- The proposed master plan was a substantial improvement on the previous concept;
- Concern is raised on the impact of stormwater run off and the possible location of an arterial road near by wetland. Additional information is required on the engineering aspects of the proposal to satisfy this concern;
- A buffer zone is required between the proposed development and adjoining wetland;
- The standard of acid sulphate soil documentation was raised;
- The wildlife corridor proposed has merit, however it should be extended through the commercial precinct;
- Documentation on the potential for flooding on the site needs to be augmented to adequately address this issue;
- The proposed use of Water Sensitive Urban Development (WSUD) measures are highly regarded. Further detail on other water conservation measures should be provided.

These issues have been considered in this assessment and are further discussed in Sections 6.3.4 of this report. The DEC's full submission is at **Tag M**.

4.2 CONSIDERATION

4.2.1 Requirements of a draft master plan

A draft master plan, pursuant to Clause 20 of SEPP 71, must demonstrate compliance with the following criteria:

- a) *Design principles drawn from an analysis of the site and its context.*

The draft master plan outlines a thorough analysis of the site and its context, resulting in a set of objectives and principles for the master plan, which include:

- A suitable mix of dwelling types;
- Provision of open space and local retail and community facilities;
- Adequate and flexible circulation for vehicles, pedestrians and cyclists through and beyond the site;
- Maintenance of an existing vegetative corridor to enhance flora and fauna protection;
- Incorporation of WSUD principles;

The design principles proposed include providing subdivision and dwelling types contingent on the topography and adjoining constraints. For example the proposal incorporates higher density 'Mews' lots in close proximity to the retail/community facilities.

b) Desired future locality character.

The draft master plan provides a detailed discussion, accompanied by diagrams and illustrations, showing the future character of the locality. The design of the proposal has been influenced by its rural setting, undulating topography, rainforest remnants and proximity to the coast. It has taken into consideration the bulk earth works, water quality control pond, and fourteen (14) lot subdivision already approved by Ballina Shire Council in the master plan design. Street layouts, road typologies, paving, plantings, the location of parks, and other passive recreational facilities, and the positioning of land uses have all been considered with the desired future locality in mind.

The desired future character of this development is considered appropriate for the site and setting. The proposed master plan adequately articulates how future development links with the existing approvals on the site. It is therefore considered that this matter has been satisfactorily illustrated and demonstrated in the draft master plan. This aspect will require further assessment when detailed designs are provided at the development application stage.

c) The location of any development, considering the natural features of the site, including coastal processes and coastal hazards

The draft master plan has satisfactorily addressed the suitability of the site for the development proposal. The master plan has identified the site as consisting of three broad characters as follows:

- Open grassy knolls with some ocean views;
- Gentle sloping grassland and remnant forest corridor; and
- Low lying grasslands and creek lines.

In addition this assessment has included investigating issues such as land contamination, bushfire, water quality, geotechnical suitability, the presence of specific flora and fauna, stormwater and flooding issues. These issues are further discussed in Section 6.3 of this report. It is therefore considered that this matter has been satisfactorily illustrated and demonstrated in the draft master plan. This aspect will require further assessment, however, when detailed designs are provided at the development application stage.

d) The scale of any development and its integration with the existing landscape

The draft master plan proposes residential development which consists of a mix of single, duplex, and medium density lots with an overall density of 1 dwelling per 250 sqm. The scale of the proposed development is considered appropriate for the site in relation to height and density.

The proposed density of the residential portion of the draft master plan is consistent with the controls of the Ballina Shire Development Control Plan No. 1 – Urban Land. The location of this development in various pockets throughout the 2(b) Village Area zoned areas of the site allows the density of the development to be dispersed between open space corridors, stormwater detention reservoirs, a water quality control pond, and a neighbourhood/community facility.

The buildings adjoining the natural bushland areas of the site have been provided with buffer zones recommended in the Variations to the Draft master plan at **Tag C**. These buffer zones will enable the residential allotments to generally integrate into the site so that the built form does not dominate the site or require large areas of natural vegetation removal.

It is considered that the scale of the development proposed in the draft master plan is compatible with its setting and that this matter has been satisfactorily illustrated and demonstrated in the draft master plan. This aspect will require further assessment, however, when detailed designs are provided at the development application stage.

e) *Phasing of development*

The draft master plan outlines that the development is proposed in six (6) stages. The first stages start in the southern part of the site, incorporate new residential subdivision and the retail/community centre, with the remaining stages fanning out to the east and west to completion.

The staging of the development outlined in the draft master plan is a logical approach to construction on the site, which will generally minimise construction impacts by containing disturbance to specific areas at any one time. Of merit is the early staging of the retail/community centre. This centre will provide early benefits for the occupants of the site and those of surrounding areas.

The staging also occurs in a logical direction, being from south to north-west, thereby minimising the disturbance to guests and the community within the site. It is therefore considered that this matter has been satisfactorily illustrated and demonstrated in the draft master plan. This aspect will require further assessment, however, when detailed designs are provided at the development application stage. Construction Traffic Management is an element of the proposal that will need careful assessment and has been incorporated in the recommended matters to be addressed in any development application in the Instrument of Adoption at **Tag C**.

f) *Public access to and along the coastal foreshore*

The subject site is located approximately 820 metres from the foreshore and is separated from this foreshore by a natural ridge. In this regard it is not considered reasonable or feasible to provide a direct foreshore access from the site. However a number of circulation networks are in existence to enable easy access to foreshore areas. It is considered that this matter has been satisfactory illustrated and demonstrated in the draft master plan. This aspect will require further assessment, however, when detailed designs are provided at the development application stage.

g) *Pedestrian and cycle access and circulation networks (roads)*

The draft master plan provides a plan of the proposed circulation routes within the site, which provide for connections within the locality. Pedestrian access has been incorporated into circulation access, with where possible, dedicated pedestrian and cycle footpaths. These pathways have been designed to connect the site with the Lennox Head Village Centre and the beach. The proposed pedestrian and cycleway system is at **Tag N**.

Design of the circulation networks for the proposal have incorporated flexibility in the alignment and intersection options. They also provide an environmental buffer between the possible future road and the SEPP 14 wetland area and maximise the connectivity between the proposed neighbourhood retail/community centre and the approved active open space areas.

The road access throughout the site allows for a legible and connected system for vehicles to enter and leave the site. There is concern, however, with the proposed arterial road along the western site boundary. This road has not been incorporated into the design of the master plan, largely because it's final positioning has not been decided.

The remainder of the road network allows for a legible and efficient movement of vehicles through the site below their designed capacity. It is considered that this matter has generally been satisfactory illustrated and demonstrated in the draft master plan, subject to a variation to the road passing to the western side of the site. This aspect will require further assessment, however, when detailed designs are provided at the development application stage.

h) subdivision pattern

The draft master plan provides an illustrative layout of the lot subdivision proposed within the site. It is considered that this matter has been satisfactorily illustrated and demonstrated in the draft master plan. This aspect will require further assessment, however, when detailed designs are provided at the development application stage, including plans of strata subdivision if applicable for the neighbourhood retail/community area.

i) Infrastructure provision

The draft master plan provides a thorough assessment of the services provided on the site and those which are required to be provided on the site. In particular roads, circulation and drainage have been considered in detail in the original and amended information. The proposed stormwater system and methods to control water quality and quantity on the site are discussed further in Section 6.3.8 of this report.

It is considered that there is adequate infrastructure provision on the site (or easily attainable), and accordingly this matter has been satisfactorily illustrated and demonstrated in the draft master plan. This aspect will require further assessment, however, when detailed designs are provided at the development application stage.

j) Building envelopes and built form controls

The draft master plan provides building envelopes and built form controls for future development, including front setbacks, density controls, road widths, basic building design and heights that generally comply with the Coastal Design Guidelines for NSW. The proposed controls provide a satisfactory response to the site's setting and character, being located within a coastal rural setting in close proximity to approved residential subdivisions of a similar scale. The building envelopes and controls provide development that is scattered throughout the site resulting in the bulk and scale of development being considered generally appropriate. This is further discussed in the assessment of compliance with the Ballina Shire Development Control Plan No. 1 – Urban Land at **Tag E**. It is considered that this matter has been satisfactorily illustrated and demonstrated in the draft master plan, however, it will require further assessment when detailed designs for each of the stages are provided at DA stage.

k) Heritage and conservation

The draft master plan includes a report from an Archaeologist confirming that the site does not contain any items of cultural significance. The archaeological survey was undertaken in conjunction with the Jali Local Aboriginal Land Council (LALC). The Jali LALC recommended that an easily accessible strip of natural forest be retained as well as a natural spring. Both of these elements have been included within open space areas. The site does not contain any items of environmental heritage. This issue is further discussed in section 6.3.7 of this report. It is therefore considered that this matter has been satisfactorily illustrated and demonstrated in the draft master plan.

l) Remediation of the site

An environmental assessment was undertaken as part of this master plan application. The site has a history of use for pastoral agricultural purposes. Testing for acid sulphate soils was undertaken as part of the draft master plan. It is therefore considered that this matter has been satisfactorily illustrated and demonstrated in the draft master plan.

m) Provision of public facilities and services

The draft master plan includes a dedicated neighbourhood retail/community area. Indicative uses and areas have been nominated and include such uses as a local convenience store, video shop, take away food shop, hairdresser, local tavern, and community hall. Importantly this area is proposed to be staged early in development of this master plan, better ensuring that these facilities will come to fruition for both the local and surrounding residential neighbourhoods. This issue is further discussed in Section 6.3.2 of this report. It is therefore considered that this matter has been satisfactorily illustrated and demonstrated in the draft master plan. This aspect will require further assessment when detailed designs are provided at the development application stage.

n) Provision of open space, its function and landscaping

The draft master plan includes large areas of natural bushland to be retained as open space. Of particular merit is the natural bushland corridor through the centre of the site. There is also a landscape plan proposed in the draft master plan. It is therefore considered that this matter has been satisfactorily illustrated and demonstrated in the draft master plan subject to the buffer zone requirements and recommended variations to the Adoption Instrument at **Tag C**.

o) Conservation of water quality and use

The draft master plan states that the water systems have been designed to use Water Sensitive Urban Design (WSUD) elements to achieve the water quality and river flow objectives of the catchments. Examples of these features used in the draft master plan include:

- Utilisation of the existing consent for the creation of a Water Quality Control Pond;
- Provision of engineering works such as the instillation of infill areas to reduce discharge flows prior to exiting the site, slotted pipes allowing stormwater to enter the water table to avoid ponding, use of rainwater tanks; and
- The provision of biofiltration areas within central swales to roads.

This will ensure there is no net increase in stormwater discharging from the fully developed site compared to the existing site. A Water Management Plan is recommended to be submitted as described in the matters to be addressed at development application stage in the Adoption Instrument at **Tag C**. This issue is further discussed in section 6.3.8 of this report.

p) Conservation of animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats.

The draft master plan provides a thorough assessment of the threatened species which may occur on the site. This issue is discussed in Section 6.3.4 of this report. It is considered that this matter has been satisfactorily illustrated and demonstrated in the draft master plan. It has been recommended, in the Instrument of Adoption at **Tag C**, that additional buffer zones be included to ensure the protection of this flora and fauna. In addition to this recommendation, further assessment will be required when detailed designs are provided at the development application stage in the form of a Vegetation Management Plan.

q) Conservation of fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats

The site is not adjacent to, or contains water bodies which contain fish species or marine vegetation identified within the Fisheries Management Act, 1994. However one of the key aims of the draft master plan is to manage inputs, particularly to the SEPP 14 wetland. As described above in Section 5.2.6 a referral was made and comments received from NSW Fisheries on the draft master plan. The comments raised issues about the perceived piece meal approach to previous consents over the site for in fill and water quality ponds, and their potential to impact

on fisheries management. NSW Fisheries sought to increase the buffer zones between freshwater, estuarine, or coastal habitats and the proposed land uses. Accordingly buffer zones have been recommended subject to Variations pursuant to Clause 22(2)(b) of SEPP 71. Accordingly, the conservation of fish and marine vegetation is considered to be satisfactorily addressed.

In summary the draft master plan satisfactorily addresses the requirements of Clause 20 of SEPP 71.

4.3 Section 79(c) of the Environmental Planning and Assessment Act, 1979

Notwithstanding that the draft master plan is not a development application, the matters for consideration under Section 79C of the Act should be considered at the master plan stage. These matters are considered below.

4.3.1 Section 79C (1)(a) – Environmental Planning Instruments, Development, Control Plans and Policies

The environmental planning instruments, draft environmental planning instruments, and development control plans applicable to the land to which the draft master plan relates are assessed for general compliance in **Tag E**.

4.3.2 Section 79C (1) (b) – the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The draft master plan considers the potential impacts on the development proposed on the site including impacts on the natural and built environments. These impacts are considered in detail in Section 6 of this report.

4.3.3 Section 79C (1) (c) – Suitability of the Site

The draft master plan considers the suitability of the site for the development by having completed a thorough site analysis prior to designing the development. The proponent has considered the constraints of the site including mitigating against the impacts of water management, bushfire hazard, retaining areas of natural vegetation for the protection of native fauna and flora, and maintaining visual amenity in the locality. The proposal also analyses the site's surrounding context, which is urban in nature on three adjoining sides.

The issues relating to the site's suitability for the development proposed in the draft master plan are considered in Section 6.3.1 of this report. In general, the site is considered suitable for the development proposed as reflected in the residential zoning of the site, and having regard to the constraints and opportunities of the site. Matters of detailed design will be considered at development application stage.

4.3.4 Section 79C (1) (d) – Submissions

The submissions received in response to the draft master plan are considered at **Tag G**. The submissions are considered in detail in Section 6 of the Report. The issues raised in these submissions have been considered in this assessment. A summary of these issues are as follows:

Parking, Access, and Traffic Impacts as a result of the proposed master plan

A number of issues were raised in relation to parking, access, and traffic impacts as follows:

- the relationship between the subject site and the location of the proposed western arterial road;
- the increased traffic impacts on residential amenity due to increased traffic noise, particularly as it relates to residents on Montwood Drive;
- the proposed safety impacts of the proposal, particularly road design and vehicular impacts on pedestrian safety;
- concerns over inadequate service and emergency access to the proposal and surrounds (e.g. garbage trucks and emergency vehicles);
- alternative transport routes have not been investigated. Particularly as they relate to the extension of the arterial road; and
- servicing the proposed retail and commercial development would be through existing residential areas.

The proposed development is not suitable for the site

Issues raised included the assertion that the site is within a flood prone area, had unacceptable environmental impacts, would result in unacceptable traffic, access, and parking impacts and some of the built elements are located on parts of the site that slope.

Appropriateness and certainty of land uses

Concern was raised that the proposed land uses would not be fixed and that they will be subject to revision and the proposed neighbourhood community/retail land uses were not viable.

Construction Management has not been adequately addressed

The potentially extended duration of the proposed works will have ongoing impacts to adjoining residents in terms of construction noise and the size of the proposal will result in long term construction noise impacts to adjoining residents.

There is inadequate infrastructure for the proposal

Concern has been raised that the proposed development will place excessive strain on existing infrastructure (e.g. health, education, transport, recreational, water, and sewerage in and around Lennox Head).

The proposal will have unacceptable environmental impacts

Concern was raised that the proposal has not addressed environmental impacts relating to existing fauna, flora, pests, and impacts of the proposed development on existing wetland habitats.

The notification process for this draft master plan was inadequate

Concern was raised that the documentation has been difficult to obtain during the notification period and that the documentation was stolen from Council and was not replaced for a short time.

A detailed discussion of the significant issues is within Section 6 of this report.

4.3.5 Section 79C (1) (e) – Public Interest

The public interest has been considered in the assessment of this draft master plan by considering the relevant planning instruments in Section 6.2 and the submissions in Section 6.3 of this report. The proposal outlined in the draft master plan and as recommended to be modified by the variations in the Instrument of Adoption at **Tag A**, is considered to be generally in the public interest.

4.5 Issues

4.5.1 Site suitability

Issue: The proposed land release is not suitable for the site.

Raised by: Public Submissions

Consideration: Concern was raised that due existing site constraints the proposed urban land release was inappropriate. Issues raised included the claim that the land was within a flood prone area, had unacceptable environmental impacts, would result in traffic impacts, and that portions of the site could not accommodate residential development due to the slope of the site.

Resolution: The Pacific Pines Estate is not within a flood prone area. The site accommodates significant vegetative areas including an open space, vegetation corridor that runs the entire length of the site. This issue is further discussed in Issue 6.1.4. Traffic impacts have also been considered in detail in Section 6.3.5 below. In terms of parts of the site being inappropriate for residential development due to land slope, the proponent submitted an engineering assessment, confirming that the portions of the site that slope are still satisfactory for residential development. Notwithstanding this further detail will be required during the DA assessment process.

4.5.2 Land uses

Issue: Uncertainty of future land uses

Raised by: Department, Public Submissions

Consideration: Concern was raised that the community/retail centre would not be built and that it would be replaced by residential uses.

Resolution: The Pacific Pines Estate incorporates a community/retail centre. The draft master plan indicated that the community/retail centre would be part of the second stage of the possible six (6) stages of the development. In this regard there is some certainty as to the provision of this community infrastructure. There is nothing to stop the proponent seeking to vary the master plan in the future, however the proponent has acknowledged that this piece of infrastructure has local demand both on the development site and in the surrounding area. It is also noted that the highest density of residential dwellings are in close proximity to the proposed The retail/community centre, further stimulating demand and viability for this land use.

4.5.3 The proposal is an over development of the site

Issue: Concern was raised that the proposal was an over development of the site.

Raised by: Public Submissions

Consideration: Concern was raised that the proposal was an over development of the site. The proposed lot yield was seen to be excessive and the land could not accommodate this scale of urban release and subdivision.

Resolution: The Pacific Pines Estate follows the residential subdivision pattern of surrounding residential areas. It provides for a mix of dwelling types and sizes, as well as provides an open space corridor and other specific areas for the preservation of flora and fauna. The site by virtue of previous development approvals from Ballina Shire Council also includes a water quality control pond, playing fields, and provision for a potential future arterial road.

The proposed development maintains the built form and natural character of the locality and is considered satisfactory in terms of the development potential and associated constraints for the site.

4.5.4 Threatened Species

Issue: A number of threatened species are located on the subject site.

Raised by: Ballina Shire Council, Department of Environment and Conservation (DEC), and NSW Fisheries

Consideration: The draft master plan indicates that five vegetative communities are located on the subject site, some of which contain threatened species. Rough-shelled Queensland nut (*Macadamia tetraphylla*) and Red lilly-pilly (*Syzygium hodgkinsoniae*) have been identified on the site. DEC has advised that the draft master plan did not identify all individuals of the threatened species, despite being located within the proposed conservation area. Accordingly DEC advised that further investigations should be undertaken to ensure all individuals are identified prior to development proceeding. The variations to the draft Master plan provide for the protection of these areas through the dedication of these areas to Council or through the provision of protection buffer areas around species where they are located on private land.

Resolution: The Pacific Pines Estate contains significant cultural and ecological values. The Guiding Development Principles and the recommended variations ensure these values are maintained and further enhanced. A detailed review was undertaken by the Department's Ecologist to review the information provided for in the Pacific Pines Master Plan and to review Council's and DEC's concerns regarding the draft Master Plan. The results of this review are at **Tag I**. The result of this review has been the recommendation of variations to the draft Master Plan to provide protection for areas of high ecological value and to ensure protection to other areas containing significant vegetation.

4.5.5 Traffic, Circulation and Permeability

Issue: Concerns about the increase in traffic numbers and noise along Montwood Drive, the lack of permeability proposed through the site, restricted emergency vehicle access, and an increase in speeding traffic.

Raised by: Ballina Shire Council and Public Submission.

Consideration: The draft master plan provides for a hierarchical road layout stemming from Hutley Drive in the north and Montwood Drive in the south (Plans 3.9 and 3.14 in Attachment One). A limited number of lots will be solely accessible from North Creek Road and Stoneyhurst Drive. The proposed network will provide access to all the proposed lots within the subject site, including residential lots, open space, the commercial centre and the sports fields to the west. A traffic study and assessment was undertaken of the draft master plan. This traffic report had regard to the roads and traffic research already undertaken on behalf of Ballina Shire Council for the Lennox Head area.

Concern was raised by Ballina Shire Council in relation to detailed design and engineering requirements including turning areas, road intersections inside curves and road alignment within proposed stage 6b. All concerns were addressed by the proponent and resolved during the assessment process. Detailed design requirements will be revisited during the development application process for the various stages.

Ballina Shire Council recommended construction of certain roads to coincide with earlier stages of the development to ensure connectivity through the site. It is noted that refinement of these details will occur when detailed development applications are submitted. It is also noted that the circulation layout is not dependent on the provision of an arterial road on the western side of the site. Rather there is flexibility in the circulation network which will enable modifications to accommodate this arterial road, if and when its location is finalised in the future.

Council has also advised that the final design and dimensions of the proposed roads are subject to detailed engineering design and approval from the relevant consent authority. The draft master plan acknowledges that road layouts and street treatments are indicative only at this stage and that development consent will be required from the relevant authorities prior to construction.

Concern has been raised by Ballina Shire Council about the location of the future western arterial roadway. The proponent submitted additional information that reiterated that the draft master plan does not prevent the future provision of such a road link. Rather the draft master plan provides future options for the provision of this infrastructure.

Community submissions raised concern regarding the perceived increase in traffic, noise and speeding associated with the proposal. Preliminary traffic investigations indicate that the expected number of lots and traffic generated as a result of future development can be accommodated by existing and proposed road infrastructure. Furthermore the topography, road lengths and winding nature of the internal roads will limit the speeds reached by vehicles. Finally the internal road layout will largely serve the proposed development.

Resolution: Traffic as envisaged by the draft master plan is unlikely to result in significant impacts and is acceptable. The relevant consent authority will be required to assess the detailed design and impacts of the proposed roads, roundabout and access arrangements at DA stage.

4.5.6 Construction Management

Issue: A Construction Management Plan should form part of any future development application.

Raised by: Public submissions

Consideration: The construction of future development on the site may inhibit pedestrian and vehicle movements on and within the vicinity of the site and may adversely affect pedestrian safety.

Resolution: A traffic construction management plan will be required with any development application for the site. This requirement has been recommended in the Instrument of Adoption as outlined at **Tag A**.

4.5.7 Cultural Heritage

Issue: The area may contain items of cultural significance given its coastal location.

Raised by: Department of Environment and Conservation, Proponent.

Consideration: The draft master plan includes a report from an Archaeologist confirming that the site does not contain any items of cultural significance. The archaeological survey was undertaken in conjunction with the Jali Local Aboriginal Land council (LALC). The Jali LALC recommended that an easily accessible strip of natural forest be retained as well as a natural spring on site. Both of these elements have been included within open space areas. The site does not contain any items of environmental heritage. It is therefore considered that this matter has been satisfactory illustrated and demonstrated in the draft master plan.

Resolution: The site does not appear to contain any items of cultural significance, however, any future development of the site must be carried out in consultation with the LALC. This requirement has been recommended to be imposed as a matter to be addressed in any development application as part of the Instrument of Adoption as outlined at **Tag C**.

4.5.8 Water Sensitive Urban Design (WSUD) & Water Quality

Issue: The proposal incorporates principles of WSUD, however, the measures adopted do not meet the minimum standards for the local area.

Raised by: Ballina Shire Council

Consideration: Water Sensitive Urban Design (WSUD) is based on a holistic approach to water cycle management and regional natural resource management. WSUD makes the entire stormwater treatment network part of the urban fabric via multiple use corridors and best management practice treatment drains, maximising infiltration and on-site storage, treatment and reuse and utilising natural runoff channels where appropriate. Vegetated swales, filter strips, extended detention basins and constructed wetlands are all part of fully functioning stormwater treatment systems.

The draft master plan has incorporated WSUD technology and practices into the proposed development, which are aimed at ensuring there is no net increase in stormwater quality and quantity discharging from the site following development, by adopting the following:-

- Reducing demand for reticulated water supply;
- Recycling water;

- Returning water to the water table rather than as surface run off;
- Reducing pollutant transport from a development site;
- Maintaining the quality of runoff at pre-development conditions.

To apply WSUD principles to development of the site, the draft master plan proposes a stormwater drainage system which consists of the following:-

- Utilisation of the Water Quality Control Pond on site as approved previously by Ballina Shire Council;
- Construction of porous accessways to dwellings and laneways with water filtering properties;
- Installation of retention infiltration areas. This approach will result in reduced stormwater discharge flows prior to exiting the site;
- Provision of slotted pipes to enable stormwater drainage to enter the water table;
- The use of rainwater tanks for individual lots so that roof water can be collected and reused for external irrigation; and
- Use of biofiltration areas within central swales in the major roads, providing areas for stormwater to infiltrate as it is conveyed towards the Water Quality Control Pond.

This strategy was selected to ensure all runoff from the development site is directed into the basins for flow control and water quality treatment. The proponent states that the final design of this system will be undertaken at Development Application stage.

The agencies all support the incorporation of the principles of WSUD for the site as stated in the draft master plan, however, Ballina Shire Council require consideration of recycled effluent in accordance with their local development assessment policies. The proponent has revisited this issue and has concluded that demand for recycled water is adequately met by the storm and roof water measures in the master plan. (further discussed in section 4.5.8 of this report). Detailed drawings of the proposed stormwater system and WSUD principles are considered to be appropriately provided at the DA stage.

Resolution:

The requirement for detailed designs of the proposed method of stormwater collection and the incorporation of WSUD principles (including potential impact on ground water) into future development on the site has been recommended to be imposed as a variation to the master plan in the Instrument of Adoption as outlined at **Tag C**.

4.5.9 Cumulative Impact

Issue:

The development proposed in the draft master plan is only one of similar recent developments, either in progress, or on the drawing board for Ballina Shire Area and its environs. The cumulative impacts of these developments have not been adequately considered.

Raised by:

Community submission.

Consideration:

The development proposed in the draft master plan provides for residential development on a site which has been zoned for such purposes, where similar development is approved and in a locality where similar residential uses exist and where there are appropriate services for the development. The development proposed in the draft master plan will not result in an adverse cumulative impact in the locality.

Resolution:

This matter has been considered in this assessment.

4.5.10 The Notification Process

- Issue:* The notification documentation was difficult to obtain, was stolen, and not readily accessible by computer.
- Raised by:* Community submission.
- Consideration:* The application was notified in accordance with Clause 21(1) of SEPP 71, Ballina Shire requirements, and the Environmental Planning and Assessment Regulations. The notification included 760 adjoining and surrounding land owners, who were notified by letter. The draft master plan was also advertised in the Ballina North Coast Advocate. Three (3) site signs were erected and the draft master plan was exhibited for a month in three (3) venues including the regional and central offices of the Department, as well as Ballina Shire Council.
- Resolution:* This matter has been considered in this assessment. The application has been notified in accordance with the relevant regulations and procedures.

4.5.11 Infrastructure

- Issue:* The draft master plan does not provide adequate on site infrastructure, and will increase strain on surrounding infrastructure.
- Raised by:* Community submission, Ballina Shire Council, The Department.
- Consideration:* The proponent provided documentation on the roads, cycle ways, pedestrian access ways, utilities, and water resources infrastructure. Concern was raised by Ballina Shire Council with regard to the management of water resources. An assessment of the capacity of the roads infrastructure was made during assessment and has been discussed above in Section 4.5.5. Water resource infrastructure has been discussed above in Section 4.5.8. It is noted that *Ballina Shire Local Environmental Plan, 1987* zones the site for residential purposes. Infrastructure required for this use can be extended from the adjoining residential areas, which bound the site on three sides.
- The application incorporates a neighbourhood retail/community centre into the draft master plan. The proponent was required by the Department to provide more details of this centre. The proponent specified that the centre would consist of a convenience store, tavern, bottle shop, and community facilities, such as a community hall. It is envisaged that this centre will serve the local neighbourhood and be subservient to the existing local shopping facilities available at Lennox Head and complement the existing neighbourhood shopping centre at Shennars Head.
- Resolution:* This matter has been considered in this assessment. The proposed development will adequately cater for its own infrastructure, and will also provide flow on benefits to surrounding areas, in terms of the neighbourhood retail centre and is satisfactory.

4.5.12 Environmental Impacts

- Issue:* The draft master plan will result in environmental impacts.
- Raised by:* Community submissions, Ballina Shire Council, The Department, DEC, NSW Fisheries.
- Consideration:* The application was required to provide further information in relation to the impact of the proposal on native flora and fauna on the site. Concern was

also raised by NSW Fisheries about inputs from the site to the nearby wetlands and water ways. Additional information was requested from the proponent during the assessment process, particularly relating to natural flora and fauna and water management on site. The proponent provided additional documentation which was assessed by the Department's ecologist. Subject to the recommended variations to the master plan in the Instrument of Adoption as outlined at **Tag C** the management of environmental impacts on the site is considered satisfactory.

Resolution: This matter has been considered in this assessment and is satisfactory subject to recommended variations to the master plan in the Instrument of Adoption as outlined at **Tag C**.

4.6 CONCLUSION

The Pacific Pines Draft Master Plan is a satisfactory proposal for Lot 231 DP 1017615, Montwood Drive, Lennox Head. The proposal and the Department's negotiated position satisfy the aims and master plan requirements of *State Environmental Planning Policy No. 71 – Coastal Protection (SEPP 71)*, *Ballina Local Environmental Plan 1987* and other relevant legislation, and where relevant, issues raised in submissions.

The Pacific Pines Draft Master Plan promotes a residential subdivision pattern comprising a range of housing types which respond to the existing landscape character of the locality. The draft master plan makes provision for functional open space and puts in place a range of conservation initiatives to protect flora and fauna. The proposed road layout and pedestrian/cycle network promote permeability and connections to existing and future development.

The Draft Masterplan is generally consistent with the Draft Far North Coast Strategy in that it protects areas of environmental significance while providing an attractive village environment, in an identified residential area.

On balance, it is considered that the Pacific Pines Draft Master Plan is acceptable and should be adopted, subject to Variations as outlined in the Instrument of Adoption at **Tag C**.

4.8 CONSULTATION WITH THE PROPONENT – DRAFT VARIATIONS

In accordance with the policy of the Department, the proponent was given the opportunity to comment on the draft Instrument of Adoption on 22 November, 2005. The proponent responded on 2 December, 2005 by stating that there was some concern with the requirements of Ballina Shire Council and the Department in relation to the following:

- The 50 metre setback requirement from the Henderson Lane Boundary in the north-western corner of the site. The proponent argues that most of the fauna sought to be protected is within a 5 metre setback from this Lane.

Comment: It is the intent of this variation to protect this stand of flora from indirect impacts from adjoining residential uses, as well as to promote adequate revegetation of this area. The Department's ecologist recommended this 50 metre buffer zone for this purpose. A lesser buffer zone would not meet these requirements. In the context of the large scale of the development, this buffer zone is seen as a reasonable environmental offset. Accordingly, this recommendation maintains this requirement.

5. RECOMMENDATION

It is recommended that the Minister for Planning pursuant to Clause 22 of the *State Environmental Planning Policy No.71—Coastal Protection* (as in force at the time of lodgement):

- (A) **adopt** the draft Master Plan as a Master Plan for the purposes of development of the land at Lot 217 DP 1017615 subject to Variations (Tagged "A").
- (B) Authorise the Department to carry out post-determination notification.

For Ministerial Endorsement

Prepared by

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