

## COUNCIL ASSESSMENT REPORT

Panel Reference	2019NTH012
DA Number	2017/447.3
Modification Type	4.55 (2)
LGA	Ballina Shire
Approved Development Description	Erection of a Neighbourhood Shopping Centre, involving a Supermarket (Woolworths) and Speciality Shops, Associated Car Parking and Other Infrastructure Servicing, Earthworks, Signage and Landscaping within the EPIQ Estate at Lennox Head
Proposed Development Description	Erection of a Neighbourhood Shopping Centre, involving a Supermarket (Woolworths) and Speciality Shops, Office Premises, Associated Car Parking and Other Infrastructure Servicing, Earthworks, Signage and Landscaping within the EPIQ Estate at Lennox Head
Proposed Modification	<p>The proposed modification seeks to amend the architectural design plans for the shopping centre. The key amendments proposed are:</p> <ul style="list-style-type: none"> <li>• Amend plans to reflect the deletion of Shop 5 from the northwest corner and the amendments to the northern and southern mezzanine level within the main centre mall.</li> <li>• Amend plans to reflect the adjustment to parking layout and provision of additional spaces.</li> <li>• Amend plans to reflect fencing on the boundary in lieu of retaining walls on the northern and north eastern boundaries.</li> <li>• Amend plans to include amended online pick-up area in the car park.</li> <li>• Amend the configuration of the ground floor retail tenancies and amenities area.</li> <li>• Amend plans to reflect the reconfiguration to the plant and waste rooms.</li> <li>• Amend Condition 9 (a) and (b) to provide that the development site accesses and sight distances are designed to comply AS2890.</li> </ul>
Street Address	Lot 1 DP 1239938, 5 Snapper Drive, Lennox Head
Applicant/Owner	Damian Chapelle (Newton Denny Chapelle) on behalf of Clarence Property Pty Ltd.
Date of DA lodgement	28 March 2019
Number of Submissions	Nil
Recommendation	Approval with amended conditions

Regional Development Criteria (Schedule 4A of the EP&A Act)	Clause 3 – General development with a Capital Investment Value over \$20 million (Estimated \$20.7 million)
List of all relevant s4.55(3) matters	Ballina Local Environmental Plan 2012 Ballina Development Control Plan 2012 State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy No. 64 – Advertising and Signage State Environmental Planning Policy (Coastal Management) 2018 State Environmental Planning Policy (Infrastructure) 2007
List all documents submitted with this report for the Panel's consideration	Attachment 1 – Proposed Plans Attachment 2 - Draft Amended Conditions of Consent
Report prepared by	Peter Drew
Report date	June 2019

#### Summary of s4.55 matters

Have all recommendations in relation to relevant s4.55 matters been summarised in the Executive Summary of the assessment report? **Yes**

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#### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

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#### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

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#### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **Not Applicable**

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

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#### Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

## EXECUTIVE SUMMARY

On 17 October 2017 the Joint Regional Planning Panel (now known as the Northern Regional Planning Panel) determined Development Application 2017/447 by way of approval for the:

- *'Erection of a Neighbourhood Shopping Centre, involving a Supermarket (Woolworths) and Speciality Shops, Associated Car Parking and Other Infrastructure Servicing, Earthworks, Signage and Landscaping within the EPIQ Estate at Lennox Head', at Lot 1 DP 1239938, known as 5 Snapper Drive, Lennox Head.*

The applicant now seeks to amend development consent DA 2017/447 via Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*. The amendments proposed to the built form relate to the existing development envelope over the subject land. The amendments involve the removal of the north western tenancy (Shop 5) and the inclusion of mezzanine floor area within the existing shopping centre structure. The shopping centre design will require minor alterations to the south western part of the building to include the mezzanine floor and modified amenities design to the food hub area. The proposed mezzanine floor occupies the existing void area and as a result, will result in minor changes to the building height to this portion of the building. The overall building height of the development complies with the 9.0m maximum building height control. The amended design of the shopping centre is considered to maintain the building envelope and key architectural features as already approved. The modification application will result in amendments to the on-site car parking layout. The development will provide an excess of 24 car parking spaces above the specified requirement.

The application was placed on public exhibition in accordance with the requirements of Chapter 1 of the *Ballina Development Control Plan 2012*. Council did not receive any public submissions in relation to this modification application.

All relevant matters under Section 4.55 and 4.15 of the *Environmental Planning and Assessment Act 1979* have been considered in the assessment of this modification application. The development, to which the consent as modified relates is considered to remain substantially the same as the development for which consent was originally granted via DA 2017/447. Council recommends that the proposed modification application be approved, subject to the amended conditions (Attachment 2).

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## **Introduction**

Development Application 2017/447 (Panel Reference: 2017NTH018) was approved by the Joint Regional Planning Panel (now known as the Northern Regional Planning Panel) pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* on 17 October 2018.

Development consent for DA 2017/447 was subject to a modification application pursuant to Section 4.55(1) of the *Environmental Planning and Assessment Act 1979* and approved by Council as Delegated Authority on 12 April 2019. The modification to Condition No. 14 of DA 2017/447 was required to correct a minor error in relation to the attenuation volume with regard to stormwater management for the site.

This report outlines the details of the proposed amendments, in full, and demonstrates that the amended development is substantially the same development as the development for which consent was originally granted. This report should be read in conjunction with the previous Council Assessment Report (March 2017) and Supplementary Assessment Report (September 2018).

## **Details of Proposal**

The applicant seeks to amend development consent DA 2017/447 under section 4.55(2) of the *Environmental Planning and Assessment Act 1979*. The modification application largely seeks to modify the site layout and building design of the approved shopping centre by way of amendments to the approved plans.

The key amendments to the approved plans are discussed in detail below.

### Deletion of Shop 5 from the northwest corner

The applicant has proposed to consolidate the commercial functions of the centre within a single building. As a result, Shop 5 is to be removed from the north western portion of the site. This area is to be grassed with additional car parking spaces included within a portion of this area of the site. The modified design will result in an overall reduction to the building footprint through the removal of Shop 5.

### Amendment to the GFA of the mezzanine level above retail shops and shopping centre

The proposal will result in an amendment to the GFA of the mezzanine level above the retail shops from 95m<sup>2</sup> to 762m<sup>2</sup>. There will also be a minor reduction in area of the mezzanine level approved above the shopping centre. The amendments to the GFA of the mezzanine level above the retail shops is achieved through occupying the void above the ground floor airlock and retail shops as per the original design.



Given the deletion of Shop 5 (with a total GFA of 455m<sup>2</sup>) and the proposed changes to the floor area to the shops and mezzanine floor area, the development will result in an minor overall increase in GFA of 59.4m<sup>2</sup>.

#### Adjustment to car parking layout and numbers

The modified site plan will result in minor changes to the approved car parking layout. The modified development will provide 299 car spaces, which is 24 spaces more than originally approved and in excess of the requirements under Council's previous car parking assessment for DA 2017/447. The amended design remains compliant with the relevant Australian Standards and Council's car parking requirements. Refer to Clause 3.19 – BDCP 2012 of this report for further comment regarding the car parking rate and requirements.

#### Amendment to food hub area and Parcel Pick-up

The modified design provides for the clustering of the food and drink premises within the tenancies located within the southern area of the centre. As a result, the amenities have been modified to provide public access between Shop 4 for visitors accessing the food hub. This will allow the food hub to be open for extended hours outside the standard retail tenancies, without compromising security access arrangements.

Woolworths have introduced a pick-up area for their click and collect shoppers and the plans have been amended to reflect this. The pick-up area is a drive through arrangement located north of the supermarket and accessed via the internal driveway.

#### Retaining walls planned for the northern and north eastern boundaries are to be replaced with fencing on the boundary

The proposed modification incorporates a perimeter fence providing a minimum 1.2m elevation above the batter on the northern and north eastern boundaries in lieu of a retaining wall. The batter will be landscaped to minimise the impact on the streetscape. The modified design will not result in any change to the solid acoustic wing wall along the eastern perimeter of the service yard that formed part of the conditions of approval.

#### Reconfiguration to plant/waste rooms, and services cupboards within the loading dock

The applicant has identified that through the preparation of the detailed design for Construction Certificate purposes, the reconfiguration to the plant and waste rooms, and services cupboards is required in order to accommodate essential fire services and equipment. The amendment is considered minor as there will be no modification to the operational capacity of the loading area.

### Amend Condition 9 (a) and (b)

Due to the estimated volume of traffic movements, the site exit/entry access points have been designed as 'intersections' in accordance with the recommendations of AS2890.1. As such, the requirement for sight triangles are at odds with the type of access that will be provided. Therefore, the applicant has proposed to amend the wording of Condition No. 9(a) and (b) to provide that the development will be consistent with AS 2890 with regard to sight distance requirements at entry/exit points.

The modification application will result in the following amendments:

- Description – Erection of a Neighbourhood Shopping Centre, involving a Supermarket (Woolworths) and Speciality Shops, Office Premises, Associated Car Parking and Other Infrastructure Servicing, Earthworks, Signage and Landscaping within the EPIQ Estate at Lennox Head
- No. 1. Approved Plans – To reflect the amended site and building layout.
- No. 6. Separate Approval – Any Recreation Facility (Indoor) Gymnasium will require a separate approval.
- No. 9. Civil Works – Amendments to wording to reflect amendments to plan set and requirements to comply with relevant standards.
- No. 10. Car Parking & Vehicular Access – Increase the provided car parking from 277 spaces to 299 spaces.
- No. 11. Car Parking for Disabled – Remove reference to the requirement of a disabled space within close proximity to Shop 5.
- No. 82. Site Waste Minimisation and Management Plan – To reflect the changes to the site layout and location of waste storage areas.

### **Matters for Consideration**

The amendment application has been assessed under the heads of consideration in Section 4.15 of the *Environmental Planning and Assessment Act 1979*. The assessment has identified the following key issues in relation to this modification application which are elaborated upon for the Panel's consideration.

### **Section 4.15(1)(a)(i) – provisions of any environmental planning instrument**

#### **State Environmental Planning Policy No. 44 – Koala Habitat Protection**

**Comment:** The site of the development is cleared of vegetation and subject to extensive earthworks as a result of DA 2017/221. Given the above, the subject site is not considered to be a potential koala habitat.

### **State Environmental Planning Policy No. 55 – Remediation of Land**

Clause 7 of SEPP 55 outlines the Contamination and remediation to be considered in determining development applications.

**Comment:** The modification application seeks to amend the approved development site and building design only. The amendments as proposed, remains consistent with the original report with regard to land contamination. Please refer to original report for comments regarding SEPP 55.

### **State Environmental Planning Policy 64 – Signage and Advertising**

**Comment:** The modification application will result in a reduction of three signs on-site. The applicant has provided an amended signage plan to reflect these proposed changes. The signage that forms part of this application remains substantially the same as what was approved via DA 2017/447 and therefore, no issues raised in this regard.

### **State Environmental Planning Policy (Coastal Management) 2018**

**Note:** State Environmental Planning Policy 71 – Coastal Protection, was in-force at the time of the original report. SEPP 14, SEPP 26 and SEPP 71 have since been repealed (3 April 2018) and consolidated into one integrated policy, being SEPP (Coastal Management) 2018.

The subject site falls within the Coastal environment area and Coastal use area which is defined on maps issued by the NSW Department of Planning & Environment and is therefore subject to the provisions of SEPP (Coastal Management) 2018.

The provisions of SEPP (Coastal Management) 2018 require the consent authority to consider the aims of the SEPP together with the matters for consideration of Clauses 13, 14 and 15 (and other relevant clauses) when determining an application with the Coastal Zone.

The matter for consideration are as follows:

#### **Division 3 Coastal environment area (Clause 13)**

(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

*(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*

**Comment:** The proposed development, subject to compliance with conditions relating to stormwater management and sediment and erosion control, is unlikely to have any adverse impact on the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment.

*(b) coastal environmental values and natural coastal processes,*

**Comment:** The proposed development is unlikely to have an adverse impact on any coastal environmental values and any natural coastal process.

- (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*

**Comment:** The proposed development, subject to compliance with conditions, is unlikely to adversely impact on the water quality of any marine estate. The development site is not located within proximity to any sensitive coast lake identified in Schedule 1 of this SEPP.

- (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*

**Comment:** The proposed development will not adversely impact on any marine vegetation or native vegetation and fauna and their habitats. The development site does not adjoin or within proximity to undeveloped headlands and rock platforms, therefore no adverse impacts anticipated.

- (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*

**Comment:** The subject site is not located along or adjoin the foreshore, beach, headland or rock platform, therefore not applicable.

- (f) *Aboriginal cultural heritage, practices and places,*

**Comment:** The subject site is not identified or known to have any items of historical significance.

- (g) *the use of the surf zone.*

**Comment:** The subject site is not located on the coastal foreshore and therefore, will not have an adverse impact on any surf zone.

(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

- (a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*

**Comment:** The development subject to compliance with conditions, is not likely to result in any adverse impacts on any item listed above (a) to (g).

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

**Comment:** No adverse impacts anticipated.

- (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

**Comment:** No adverse impacts anticipated.

- (3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

**Comment:** The site is not land within the Foreshores and Waterways Area with the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 and therefore, Clause 13 applies to the development.

#### **Division 4 Coastal use area (Clause 14)**

- (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 site is not along or adjoining the coastal foreshore, therefore no issues raised.

- ii) *Overshadowing, wind funnelling and the loss of views from public places to foreshores,*

**Comment:** The development site will not result in any overshadowing, wind funnelling or loss of views from public places to foreshores.

- iii) *The visual amenity and scenic qualities of the coast, including coastal headlands,*

**Comment:** The development will not have adverse impacts on scenic qualities of any coast or coastal headlands.

- iv) *Aboriginal cultural heritage, practices and places,*

**Comment:** The subject site is not identified or known to have any items of historical significance.

- v) *cultural and built environmental heritage, and*

**Comment:** The subject site is not identified or known to have any items of cultural or built environmental significance.

(b) *is satisfied that:*

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

**Comment:** The development, subject to compliance with conditions is not likely to result in any adverse impacts on any item listed above (i) to (v).

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

**Comment:** No adverse impacts anticipated.

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

**Comment:** No adverse impacts anticipated.

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

**Comment:** The type, location and design of the development and its relationship with the surrounding area, is considered to be suitable. The site is removed from the coastal foreshore and therefore, will not have any impacts on the coastal environment.

*(2) This clause does not apply to land within the Foreshores and Waterways Area within meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

**Comment:** The site is not land within the Foreshores and Waterways Area with the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 and therefore, Clause 14 applies to the proposed development.

#### **Division 5 General (Clause 15)**

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards in that land or other land.

**Comment:** The proposal is considered to be consistent with the aims of SEPP (Coastal Management) 2018. The development as approved via DA 2017/447 and proposed under this modification application is unlikely to cause increased risk of coastal hazards on the subject site or any other land, subject to compliance with the recommended conditions.

#### **State Environmental Planning Policy – Infrastructure 2007**

The original application was triggered under Clause 104 of the Infrastructure SEPP as it is identified under Schedule 1 of the SEPP as shops with a floor area greater than 2000m<sup>2</sup>.

**Comment:** The modified development will not result in changes to the matters raised by the RMS and the development as amended, is considered to remain substantially the same with regard to size and capacity.

#### **Ballina Local Environmental Plan 2012 (BLEP 2012)**

##### **Aims of BLEP 2012 (Clause 1.2)**

The proposed amendments to the approved commercial neighbourhood shopping centre development is generally in accordance with the aims and objectives of the BLEP 2012.

*(2) The particular aims of this Plan are as follows:*

*(a) to provide for a sustainable Ballina that recognises and supports community, environmental and economic values through the establishment and maintenance of the following:*

- (i) a built environment that contributes to health and wellbeing,*
- (ii) a diverse and prosperous economy,*
- (iii) a healthy natural environment,*
- (iv) diverse and balanced land uses,*
- (v) healthy, resilient and adaptable communities,*
- (vi) responsible and efficient use of resources,*

*(b) to provide for development that is consistent with Council's established strategic planning framework for Ballina,*

*(c) to achieve the objectives of the land use zones set out in Part 2 of this Plan,*

*(d) to promote the orderly and efficient use of land having regard to the social and environmental characteristics of the land,*

*(e) to provide for the development of public services and infrastructure.*

**Comment:** The development, as modified, remains consistent with the aims of the LEP.

### **Zoning & Permissibility (Clause 2.3)**

The majority of the subject site is zoned as B1 – Neighbourhood Centre under the Ballina Local Environmental Plan 2012. Major Project Concept Plan - MP07\_0026, allows for a neighbourhood centre comprising commercial and retail space on the subject site. Retail premises and office premises are also permissible land uses within the B1 Neighbourhood Centre zone under the Ballina LEP 2012.

**Note:** The modification application provides reference to a gymnasium located within the southern mezzanine. The gymnasium use (Recreation Facility (Indoor)) does not form part of this application and any future gymnasium will be considered under a future application. A condition has been recommended to this effect. This is considered to be reasonable as a Recreation Facility (indoor) is a land use permitted with consent within the B1 zone.

### **Zone Objectives (Clause 2.3)**

The objectives of the B1 – Neighbourhood Centre zone are as follows:

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- *To maintain a distinct retail hierarchy as identified in Council's strategic planning framework.*
- *To ensure adequate provision of infrastructure to support neighbourhood shopping facilities.*

- *To ensure a safe and accessible built environment.*
- *To encourage development that recognises natural, cultural and built heritage.*
- *To encourage development that is compatible with the character of the neighbourhood.*

**Comment:** The development, as amended, remains consistent with the B1 Neighbourhood Centre zone objectives.

#### **Height of Buildings (Clause 4.3)**

The site is subject to a maximum building height of 9 metres. The relocation of the mezzanine approved within the south western corner triggers a minor increase in height for this portion of the building. However, the increase in height to this portion of the building is less than the height of the condenser screening from the originally approved design. The amended development will result in an overall maximum building height 8.6m and therefore, does not exceed the maximum height allocated to the property.

#### **Floor Space Ratio (Clause 4.4)**

The subject site has a mapped maximum floor space ratio of 0.6:1. The site area is 2.105 ha and the area of the site which is zoned B1 – Neighbourhood Centre zone is approximately 2.02 ha (as a result of zoning/boundary discrepancies). The proposed development will result in a GFA increase of 59.4m<sup>2</sup>. Therefore, having regard for Clause 4.5(4)(a) (Exclusions from site area) of the BLEP 2012, the amended building design results in a Floor Space Ratio of approximately 0.27:1. This is compliant with the applicable development standard.

#### **Development within the Coastal Zone (Clause 5.5)**

Clause 5.5 has since been repealed and no longer forms a matter for consideration.

#### **Acid Sulfate Soils (Clause 7.1)**

The modification application seeks to amend the approved development site and building design only. The proposed modification does not raise any additional matters in relation to Acid Sulfate Soils than that considered in the original assessment.

#### **Earthworks (Clause 7.2)**

The modification application seeks to amend the approved development site and building design only. The proposed modification does not raise any additional matters in relation to earthworks than that considered in the original assessment.

#### **Essential Services (Clause 7.7)**

The modification application seeks to amend the approved development site and building design only. The proposed modification does not raise any additional matters in relation to essential services than that considered in the original assessment.



#### **Section 4.15(1)(a)(ii) the provisions of any proposed instrument**

- Draft Amendment to State Environmental Planning Policy 44 – Koala Habitat Protection.
- Draft State Environmental Planning Policy - Remediation of Land.
- Draft Amendment to State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.
- Draft Amendment to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

**Comment:** No issues have been raised in regard to any Draft SEPP

#### **Section 4.15(1)(a)(iii) provisions of any development control plan**

##### **Ballina Development Control Plan 2012 (DCP 2012)**

##### **Chapter 2 – General and Environmental Considerations**

##### **Clause 3.4 - Potentially Contaminated Land**

Refer to aforementioned State Environmental Planning Policy No. 55 – Remediation of Land for comments relating to potentially contaminated land.

##### **Clause 3.5 – Land Slip/Geotechnical Hazard**

The modification application seeks to amend the approved development site and building design only. The proposed modification does not raise any additional matters in relation to land slip/geotechnical hazard than that considered in the original assessment.

##### **Clause 3.6 – Mosquito Management**

The modification application seeks to amend the approved development site and building design only. The proposed modification does not raise any additional matters in relation to mosquito management than that considered in the original assessment.

##### **Clause 3.7 – Waste Management**

The modified site and building design results in minor changes to the approved Site Waste Minimisation Management Plan (SWMMP). The applicant has provided an amended SWMMP to reflect these changes.

All waste management at the shopping centre will occur as follows:

- **Refuse Area** (5.5m x 7.5m = 41.25m<sup>2</sup> with 3m opening) – Located on the southern side of the building adjacent to the service infrastructure and the

loading bays for supermarket and Speciality Shops. This bin storage area is for individual tenancies and provides for bulk bins for general waste, a bulk bin for co-mingles recyclable waste and cardboard cage.

- **Supermarket** – Separate waste management included within their loading bay as per their standard operating specifications.

The tenancies are estimated to generate approximately 2.5m<sup>3</sup> per day of general waste and 1.32m<sup>3</sup> per day of recycled waste. The total centre inclusive of the supermarket shall generate approximately 138m<sup>3</sup> per week of both general and recyclable waste. The daily residual waste generated will be collected two to three times per week as demand dictates. The co-mingles recyclables will be collected two to three times per week as demand dictates with cardboard as necessary.

The waste management facilities provided by the applicant are considered satisfactory to Council's Environmental Health Officer, and the allocated bins are suitable to cater for the expected waste generated. Further to this, the bins are provided in a suitable location that is easily accessible for service vehicles. Therefore, waste management on the site is considered satisfactory, subject to compliance with conditions.

### **Clause 3.9 – Stormwater Management**

Development consent for DA 2017/447 was subject to a modification application via Section 4.55(1) and approved by Council as Delegated Authority 12 April 2019. The amendment to Condition No. 14 was to correct a minor error regarding the stormwater attenuation volume contained on site. The modification application via Section 4.55(1) was considered to be acceptable as the condition wording was considered to be overly descriptive and amended stormwater management provisions for the site remains consistent with the Ballina Shire Council's current Stormwater Management Standards for Development.

This modification application seeks to amend the approved development site and building layout and will not result in any significant changes to the approved Stormwater Management Plan.

### **Clause 3.10 – Sediment and Erosion Control**

The modification application seeks to amend the approved development site and building design only. The proposed modification does not raise any additional matters in relation to sediment and erosion control than that considered in the original assessment.

### **Clause 3.11 – Provision of Services**

The modification application seeks to amend the approved development site and building design only. The proposed modification does not raise any additional matters in relation to provision of services than that considered in the original assessment.

### **Clause 3.15 – Crime Prevention through Environmental Design**

The modification application has addressed the Crime Prevention Through Environmental Design Principles. The modified building and site design is considered to be designed with regard to the CPTED Principles and is not likely to result in an increase crime risk within the locality. The development as amended, is considered acceptable and does not warrant conditions to be amended in this regard.

### **Clause 3.19 – Car Parking and Access**

#### *External Roads and Traffic*

The development as amended, will not result in any changes to the quantum number of vehicle movements generated as approved via DA 2017/447 and will not exceed the traffic generation limit imposed under the Major Project Approval for the site.

Please refer to the original report and supplementary report for comments regarding external roads and traffic.

#### *Pedestrian and Cyclist Requirements*

The amended design maintains pedestrian access to the site from three of the four frontage roads to the site. The amended site design will not result in any changes to pedestrian access to the site from public footpath access points, or result in changes to the internal pathways and zebra crossing that are used to mitigate pedestrian/vehicle conflict.

The modification application will result in the relocation of two of the approved bike racks from Shop 5 to northern entrance to the shopping hub. The requirement for eight bicycle parking structures remains and the required number of bicycle racks are to be located within close proximity to the shopping centre complex.

#### *Internal Roads and Traffic*

The vehicle and parking access network is simple and legible. Adequate capacity is available in relation to the proposed access for internal queueing on the site.

#### *Site Access, Internal Driveways and Parking Design*

The modification application seeks to amend Condition No. 9 (a) and (b), relating to site access and internal driveway widths.

The proposed amendments to Condition No. 9 (a) include removing reference to a specific plan set and providing that accesses to the site are designed in accordance with sight distance requirements outlined in AS2890.

The proposed amendments to Condition No. 9 (b) include a minor reduction to the width for service vehicle entry/exits (0.3m). The applicant has proposed to remove reference to the requirement of providing 2.5m x 2.5m sight triangles as originally

conditioned. As such, the amendments to this condition will require the development to be in accordance with AS2890.1. This is considered to be acceptable.

The proposed sight distances at the available access points are satisfactory and compliant with the relevant Australian Standard to allow vehicles to enter and exit the site safely.

The development, as amended, remains compliant with the relevant Australian Standards.

#### Provisions for Service and Delivery Vehicles

The modification application results in minor amendments to the south eastern area of the site, which includes the loading area that comprises, waste services, fire services and equipment. The amendment is minor and as such, there will be no changes to the operational capacity of the loading dock area.

The amended plans provide swept path designs for Medium Rigid Vehicles that indicate compliance with the relevant Australian Standards. There are no objections raised to this amendment as the arrangements comply with the provisions of the BDCP 2012 and are considered satisfactory.

#### Parking numbers

The approved development was assessed on a car parking rate based on GFA of 5,500m<sup>2</sup> (actual GFA being, 5,426m<sup>2</sup>) at a supply rate of 5 parking spaces per 100m<sup>2</sup>. This equated to a requirement of 275 car parking spaces to be provided. The approved development provided a total of 277 car parking spaces.

It is deemed acceptable to consider the proposed modification under the same car parking rate of 5 spaces per 100m<sup>2</sup>. The total GFA of the amended shopping centre equates to 5,485.4m<sup>2</sup> (increase of 59.4m<sup>2</sup>). Under the accepted car parking rate, the development is still only required to supply 275 spaces. The modification application provides for a total of 299 spaces, as follows:

- 285 standard spaces;
- Nine accessible spaces, with eight conditioned to be covered and in close proximity to the main shopping centre entrance;
- Two Woolworths pick-up spaces;
- Two Staff spaces;
- One van (large sized vehicle) space;

The modification application provides an excess of 24 total parking spaces and is therefore considered acceptable in this regard.

#### Bicycle and Scooter Parking

The development is conditioned to provide eight bicycle racks allowing space for 16 bicycles within a suitable location to the main entrance to the building. The amended

plans only reference seven bicycle racks. However, the applicant has provided that the additional required rack will be provided at Construction Certificate (CC) stage. The condition requiring eight bicycle racks remains and providing the additional bicycle rack at CC stage is considered acceptable as there are suitable locations for an additional bicycle rack to be provided on-site.

The modification application will not result in any significant change to the approved location of the mobility scooter as per DA 2017/447.

#### Bus Servicing

The shopping centre will remain to be suitably serviced with provisions of southbound and northbound bus stops on Hutley Drive.

### **Chapter 6 – Commercial Development**

#### **Section 3.1.3**

##### **A. Element – Building Height**

The modified building design does not exceed the maximum building height identified for the site and therefore maintains compliance with this standard.

##### **B. Element – Floor Space Ratio**

The amended design plan equates to an increase to the overall GFA of 59.4m<sup>2</sup>. The modification application maintains a floor space ratio of approximately 0.27:1, which is below the maximum permitted floor space ratio of 0.6:1. The modification application maintains compliance with this standard.

##### **C. Element – Roof Form**

The modification application will result in minor changes to the approved building design and roof form. The proposed roof form has been designed to be functional and provide a level of articulation. The amendments to the roof plant and equipment has been demonstrated to be suitably screened from a visual perspective.

The amended roof form adopts a 2 degree roof pitch increasing to 7 degree in the northern portion of the building. The proposed solar panels are located on the roof areas containing 3 degree and 7 degree roof pitch. The central and eastern areas contain a 3 degree pitch to preserve the building height compliance and also to preserve the western view for residents located west of the development site.

The modified roof form is considered to be of a suitable design and remains generally consistent with the approved development. The modification application maintains compliance with this standard.

##### **D. Element – Building Setback**

There are no current building line setbacks nominated for the subject lot. It is noted that the concept plan approval provides a zero setback. The modification application

does not result in any changes to the approved building setback via DA 2017/447 and is considered acceptable in this instance.

**E. Element – Arcades**

The amended design maintains the roofed arcade and will not be enclosed at either end. The design provides for a clear thoroughfare for pedestrians and will be open at all times. The modified plans are considered to be acceptable in this instance and the development as modified, maintains compliance with this standard.

**F. Element – Awnings**

The modified building design provides awnings that extend over the pedestrian pathways boarding the built form. The awning will extend to provide for weather protection for disabled spaces. The amended development will maintain compliance with this standard.

**G. Element – Landscaping**

The applicant has provided an amended landscaping plan to reflect the amendments to the site. The amended plan is considered to be adequate and as such, no issues are raised.

**H. Element - Gateways and Landmark Sites**

The modified building built form remains consistent with the key design principles of this standard and remains generally consistent with the approved development.

**I. Element - Vehicular Access and Parking**

The modification application relates to minor modification to the number of internal car parking spaces and car parking has been provided in access to the requirements. Car parking has been designed in accordance with AS2890 and the *RTA Guide to Traffic Generating Developments*.

The car parking onsite remains freely accessible at all times and will not be gated or secured for exclusive use. The plans have been amended to comply with the relevant sight distance standards and designed to ensure that all vehicles are able to safely enter and exit the site.

The design of the service yard (loading bay area) maintains compliance with AS 2890.2 and therefore, no issues raised in this regard.

Refer to Chapter 2 section of this assessment for further details relating to vehicular access and parking provided.

**J. Element – Waste Storage Facilities**

The modified site plan results in amendments to the location and design of the approved waste storage facilities.

The modified site plan will result in the removal of the waste storage area located adjacent to Shop 5 (Shop 5 is removed as part of this application). The proposal will

result in a single dedicated waste storage area located on the southern side of the shopping centre. The location of the waste storage is consistent to the 'main' storage area approved via DA 2017/447. The applicant has provided an amended Site Waste Minimisation Management Plan (SWMMP) to reflect these changes. Council raises no objection to the amended SWMMP and the development is considered to be generally consistent with the approved development and generally consistent with the BDCP 2012 controls.

#### **K. Element - Pedestrian Entries and Access**

The amended site design will not result in any significant change to the locations of the pedestrian pathway through the site to link the public footpath along Hutley Drive, Snapper Drive and Outrigger Road to the front entrance of the shopping centre. The modification application remains generally consistent with AS1428 – Design for Access and Mobility. Bicycle parking is provided on site.

#### **L. Element – Energy Efficiency**

The amended building design is capable of compliance with the applicable energy efficient requirements of the BCA.

#### **M. Element – Water Efficiency**

The modification application will not result in any changes to the reticulated dual water services provided to the site. The development as modified maintains compliance with this control.

### **Chapter 8 – Other Uses**

#### **3.4 Signage**

##### **3.4.3 Development Controls**

The applicant has provided an amended signage plan to reflect removal of the three signs attached to Shop 5. The signage that forms part of this application remains acceptable.

**Section 4.15(1)(a)(iiia) provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4**

There is no planning agreement or draft planning agreement applying to this development or the subject site.

**Section 4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)**

None applicable.

## Section 4.15(1)(a)(v)

(Repealed)

## Section 4.15(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 following assessment addresses the impacts that the development will have on the surrounding natural and built environment and the social and economic impacts that the proposal may have on the locality.

Urban and Building Design	
i) Context and Settings	<p>The applicant is seeking consent for a modification to consent of DA 2017/447 via Section 4.55(2) of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>The amendments to the development are considered to retain the core design and operational aspects of the originally approved development.</p> <p>The modification application remains consistent with the approved EPIQ Concept Plan and Council raises no issues with the proposed development, as amended.</p>
ii) Site Design and Internal Design	<p>The amended development is considered to remain of an acceptable scale. The amended design will provide for a reduction of site coverage as Shop 5 is to be deleted and the inclusion of the northern and southern mezzanine floor area will be contained within the existing shopping centre building.</p> <p>The amended building design will provide for an increase in floor area from 5,426m<sup>2</sup> to 5,485.4m<sup>2</sup>, being an overall increase of 59.4m<sup>2</sup>. The floor area remains below the maximum GFA of 5,500m<sup>2</sup> of retail floor space and 800m<sup>2</sup> of commercial space stipulated under the approved Concept Plan.</p> <p>The amended development will not result in any changes to the approved entry/exit access</p>



	points or result in any changes to the internal pedestrian access pathways and zebra crossing points.
iii) Ecologically Sustainable Building Design	The amended development is capable of achieving compliance with the applicable energy efficiency requirements of the BCA.
iv) Access, Transport and Traffic	<p>The amended development will not result in significant changes to the approved access points for vehicles, service vehicles and pedestrians, from the surrounding road networks and footpaths onto the shopping centre site.</p> <p>Car parking is provided in accordance with original car parking rate and the amended development provides an excess of 24 car parking spaces. Refer to section 3.19 – BDCP 2012 of this report for further comments regarding car parking requirements.</p> <p>Development consent for DA 2017/447 required the provisions of an accessible car parking space to be provided in close proximity to Shop 5. Shop 5 no longer forms part of the development and as such, this requirement has been removed from the relevant condition. However, the proposed development will provide for an accessible space in the north western location of the car park. This is in excess of the required accessible car parking requirement and therefore, no objection is raised.</p> <p>The development as modified, will not exceed the traffic generation limit imposed under the Major Project Approval for the site.</p> <p>The modification application will result in an amendment to Condition No. 9(b) relating to the minimum width of the separate service vehicle entry/exits and sight distance requirements. The amendment to Condition No. 9(b) is considered to be minor, being a 0.3m difference in width to the service vehicle entry/exit access point. The</p>

	development will maintain compliance with AS2890 with regard to sight distance.
v) Public Domain	<p>The approved development was considered acceptable with regard to the bulk, scale and character of the shopping centre.</p> <p>The amended development will result in the removal of Shop 5 from the north western portion of the site. This will result in a reduction to the overall bulk and scale of the approved site design and will improve views from public spaces across the north western location of the site.</p> <p>No adverse impacts are anticipated with regard to people viewing the site from public spaces.</p>
vi) Utilities	The modified development remains consistent with the original report and supplementary report in this regard.
vii) Heritage	There are no known historic items or places of heritage on the subject site or in the surrounding area. No issues raised in relation to heritage.
viii) Construction	The modified development remains consistent with the original report and supplementary report in this regard.
<b>Environmental Impacts</b>	
ix) Other Land Resources	No issues raised.
x) Water	The modified development remains consistent with the original report and supplementary report in this regard.
xi) Soils	
xii) Air and Microclimate	
xiii) Flora and Fauna	<p>No vegetation removal is proposed as part of the application and therefore no issues have been raised.</p> <p>The subject land is within 150 metres of the mapped Coastal Wetlands pursuant to SEPP (Coastal Management) 2018. This area mapped as Coastal Wetlands is both spatially and physically removed from the subject land and therefore the development as amended, is not</p>

	anticipated to have any significant environmental impacts on the subject site.
xiv) Waste	<p>It is recommended that all construction waste generation be managed by way of conditions on the consent to ensure that it is disposed of suitably.</p> <p>The applicant has provided an amended SWMMP that satisfies the BDCP 2012 controls. Condition No. 82 has been amended to reflect the changes.</p>
xv) Energy	The modified development remains consistent with the original report and supplementary report in this regard.
<b>Hazards</b>	
xvi) Noise and Vibration	The modified development remains consistent the original report and supplementary report in this regard.
xvii) Natural Hazards	The subject site is no longer identified as being mapped as Bush Fire Prone land.
xviii) Technological Hazards	No technological hazard issues raised.
xix) Safety, Security and Crime Prevention (CPTED)	The modification application has addressed the Crime Prevention through Environmental Design Principles. The modified site and building design is considered to be designed with regard to the CPTED Principles and is not likely to result in an increase crime risk within the locality. The development as amended remains acceptable and does not warrant further conditions in this regard.
<b>Social and Economic Impacts</b>	
xx) Social Impacts in the Locality	The modified development remains consistent with the original report and supplementary report in this regard.
xxi) Economic Impact in the Locality	
<b>Cumulative Impacts</b>	
xxii) Cumulative Impacts	The modified development remains consistent with the original report and supplementary report in this regard.

#### **Section 4.15(1)(c) – The suitability of the site for the development**

The subject site was considered to be suitable for the approval of DA 2017/447 and the Concept Plan. The development as amended remains substantially the same as the approved development and is consistent with approved Concept Plan for the EPIQ estate.

#### **Section 4.15(1)(d) – Any submission made in accordance with this Act or the Regulations?**

The subject application was placed on public exhibition from 10 April 2019 to 2 May 2019. No public submission were received with regards to this modification application.

#### **Section 4.15(1)(e) The public interest.**

##### **Public Interest**

The development, as amended, is considered to be in the public's interest.

##### **Social Impact**

The development, as amended, is expected to result in positive social outcomes.

##### **Economic Impact**

The development, as amended, is expected to result in positive economic outcomes.

#### **Section 4.55 Modifications of consents—generally**

##### **(2) Other modifications**

The application has been lodged pursuant to Section 4.55 (2) of the *Environmental Planning and Assessment Act 1979*.

#### **Section 4.55(2)(a) – Consent as modified remains substantially the same development.**

**Comment:** The development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted. The key quantitative/qualitative aspects of the modification include:

- The Gross Floor Area (GFA) of the amended design remains below the maximum area of 5,500m<sup>2</sup> of retail premises and 800m<sup>2</sup> of commercial space stipulated under the approved Concept Plan.
- There is no increase in the number of storeys.

- There is no increase in the site coverage of the development (overall reduction).
- The approved building line is maintained.
- A reduction in the number of signage.
- No modification to the approved operating hours is proposed.
- No modification to the acoustic mitigation measures is proposed.

**Section 4.55(2)(b) – Consultation with any relevant Minister, public authority or approval body (within the meaning of Division 4.8).**

**Comment:** Not applicable. The original development is not identified as development to which Division 4.8 applies.

**Section 4.55(2)(c) (i),(ii) – Notification of application.**

**Comment:** The modification application was notified in accordance with the EP&A Regulations and in accordance with the Ballina Development Control Plan.

**Section 4.55(2)(d) – Consideration given to any submission.**

**Comment:** No submissions were received in relation to this application.

**Section 4.55(3) – Consideration given to the matters referred to in section 4.15 (1) and the reasons given by the consent authority for the grant of consent that is sought to be modified**

**Comment:** The above report has considered the matters referred to in section 4.15 (1) that are of relevance to the proposed amendments.

**Reasons for the Decision given by the Panel:**

- *SEPP 55 Remediation of Land: No remediation works are deemed necessary regarding contamination and the site is suitable for the proposed use.*

**Comment:** The proposed modification application does not necessitate any remediation works, and the site remains suitable for the proposed use.

- *The issues subject to deferment have been satisfied, namely the Hutley Drive (north) extension, which will provide for safe and effective traffic capacity and connectivity with the road network. In addition residents concerns were addressed by an additional condition setting out the requirements of a Traffic Control Plan.*

**Comment:** This modification application remains consistent with the approved development and will not result in a development that exceeds the traffic

generation limit imposed under the Major Project Approval for the site. The modification application will not result in any changes to the requirement of a Traffic Control Plan (Condition No. 8).

- *SEPP 64 Signage and Advertising: The proposed signage will not impede on any important views; is of a suitable scale and size and is considered appropriate in proportion to the overall scale of the buildings.*

**Comment:** The modification application will result in the removal of three signs associated with Shop 5 located in the north western portion of the site. The signage proposed are as approved via DA 2017/447 and are considered to be of a suitable scale and size with regard to the overall scale of the amended building.

- *The proposed number of parking spaces provided by the development exceeds the minimum number specified for this type of development.*

**Comment:** The amended development results in an increase of 59.4m<sup>2</sup> in GFA. As a result, the development is required to provide a total of 275 car parking spaces under the accepted rate of 5 spaces per 100m<sup>2</sup>. The amended development will provide for a total of 299 car parking spaces, which exceeds this requirement.

- *The proposed development is consistent with the commercial hierarchy identified in the Ballina Retail Strategy and Lennox Head Strategic and Structural Plans.*

**Comment:** The amended development for a neighbourhood shopping centre remains within the GFA approved by the Concept Plan and remains smaller in size than the Lennox Head Village Centre and therefore will maintain the retail centre hierarchy.

## Conclusion

The amendment application has been assessed having regard to the relevant matters for consideration prescribed by Section 4.55 and 4.15 (1) of the *Environmental Planning and Assessment Act 1979* and the report has given consideration to the reasons given by the Panel in granting approval to the original application.

The amendments involve the removal of the north western tenancy (Shop 5) and inclusion of a mezzanine floor area within the main building. The amended development will result in an overall increase of 59.4m<sup>2</sup> GFA and will provide a surplus of 24 car parking spaces. The proposed GFA of the development will remain below the maximum area of 5,500m<sup>2</sup> of retail floor space and the additional office remises remains below the 800m<sup>2</sup> of commercial space as stipulated under the approved

Concept Plan. The amended development will result in an overall reduction in site coverage.

The proposed modification application is considered to be acceptable and the development, as amended, will retain the core design and operational aspects of the originally approved development.

### **Recommendation**

That the application under Section 4.55(2) to amend development consent of DA 2017/447 be **APPROVED** subject to the amended conditions **attached**.

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## **Attachment 1**

### **Proposed Plans**





GLFA AREA SCHEDULE

Name	AREA M2
SHOPS 1	384.3 m <sup>2</sup>
SHOPS 2	412.1 m <sup>2</sup>
SHOPS 3	352.6 m <sup>2</sup>
SHOPS 4	202.8 m <sup>2</sup>
SUPERMARKET	3362.8 m <sup>2</sup>
GYMNASIUM	448.8 m <sup>2</sup>
OFFICES	322.0 m <sup>2</sup>
TOTAL	5485.4 m <sup>2</sup>

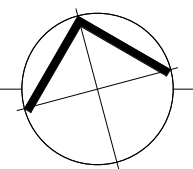
CAR PARKING

CARS PROVIDED: 299  
PARKING RATIO: 5.5 / 100  
(CARS / 100 m<sup>2</sup>)



LENNOX NEIGHBOURHOOD CENTRE

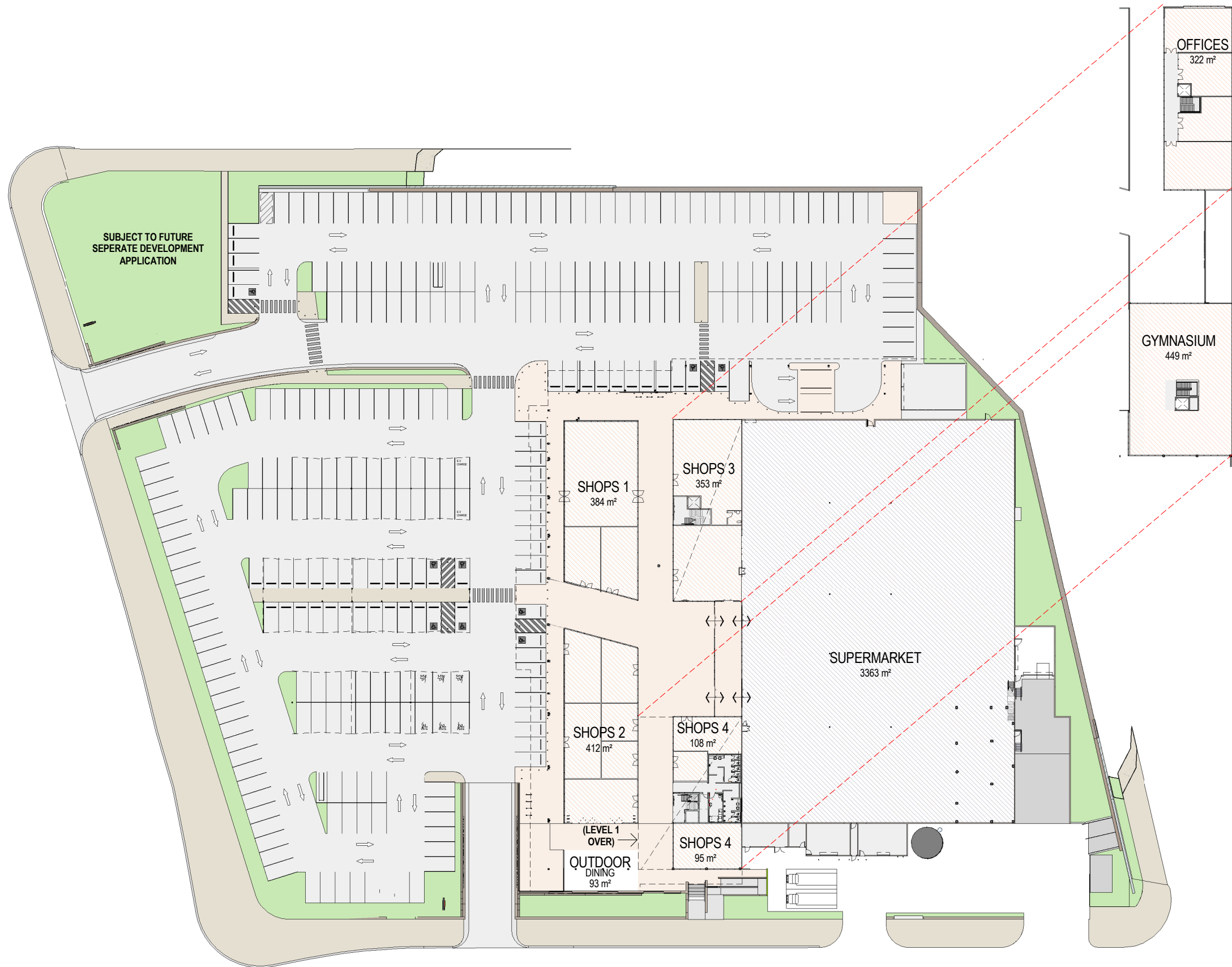
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SITE / GROUND FLOOR PLAN

P1624 DA-02 [AG]

2019-05-21 5:10:22 PM 1:750 @ A3



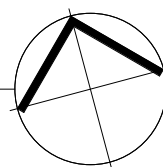
**GLFA AREA SCHEDULE**

Name	AREA M2
SHOPS 1	384.3 m²
SHOPS 2	412.1 m²
SHOPS 3	352.6 m²
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GYMNASIUM	448.8 m²
OFFICES	322.0 m²
TOTAL	5485.4 m²



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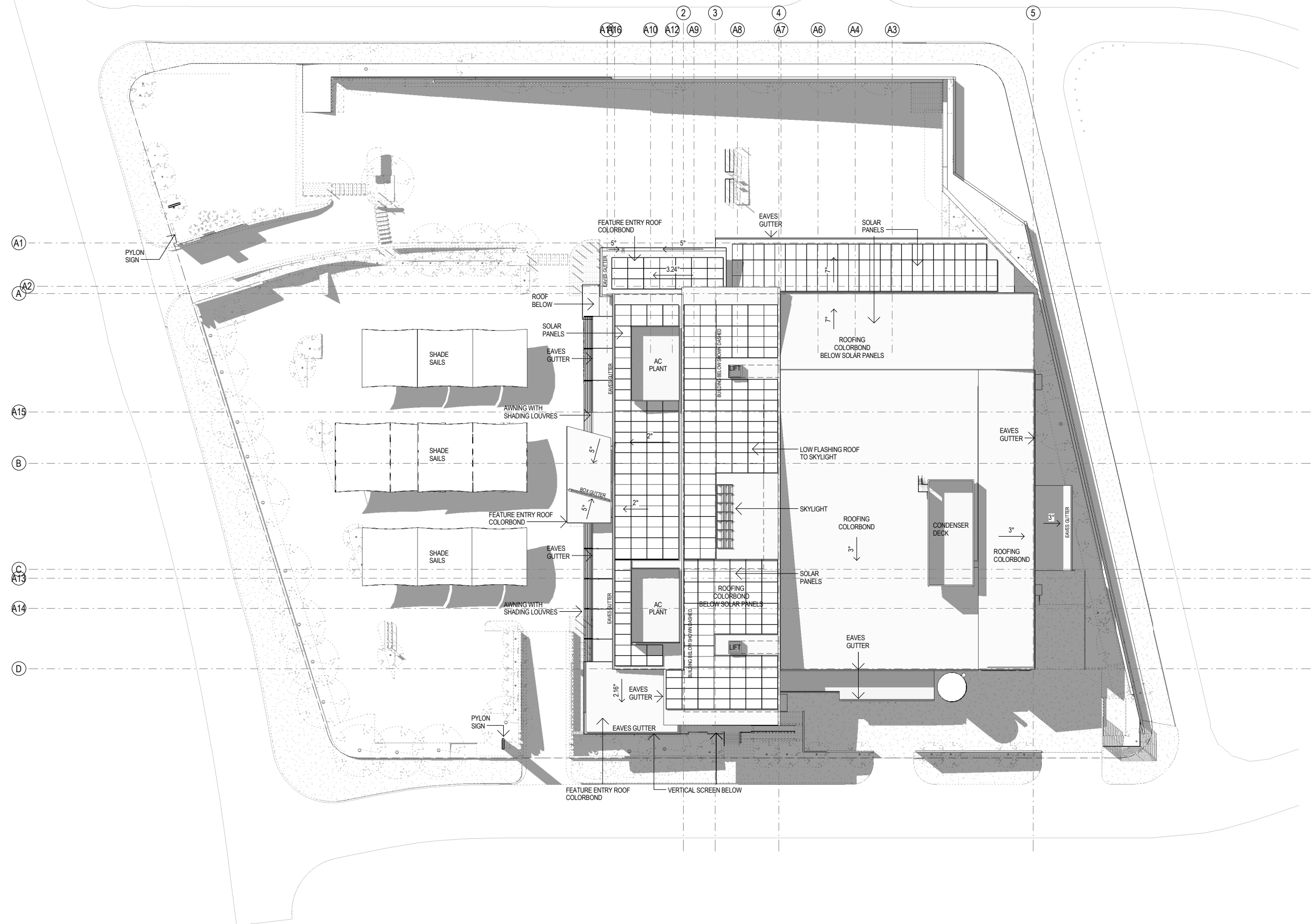


## GFLA PLAN

P1624 DA-05 [O]

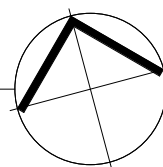
2019-05-21 5:11:18 PM 1 : 750 @ A3





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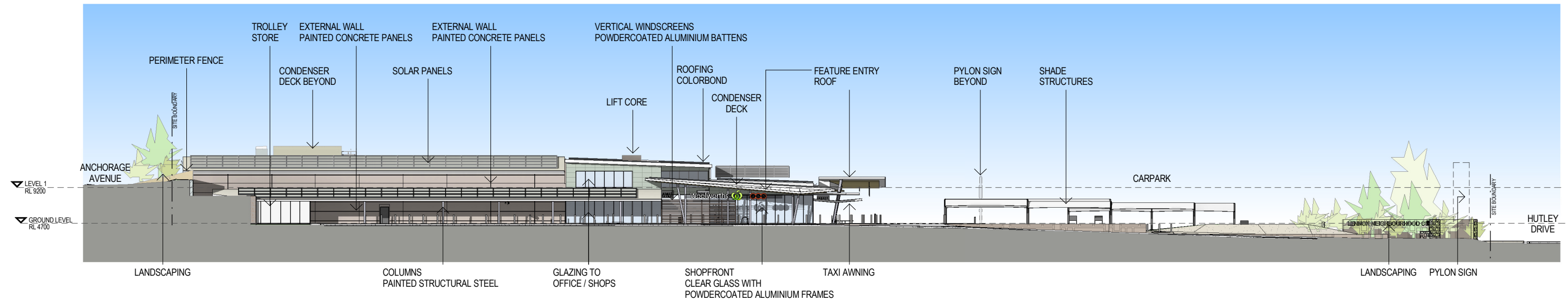
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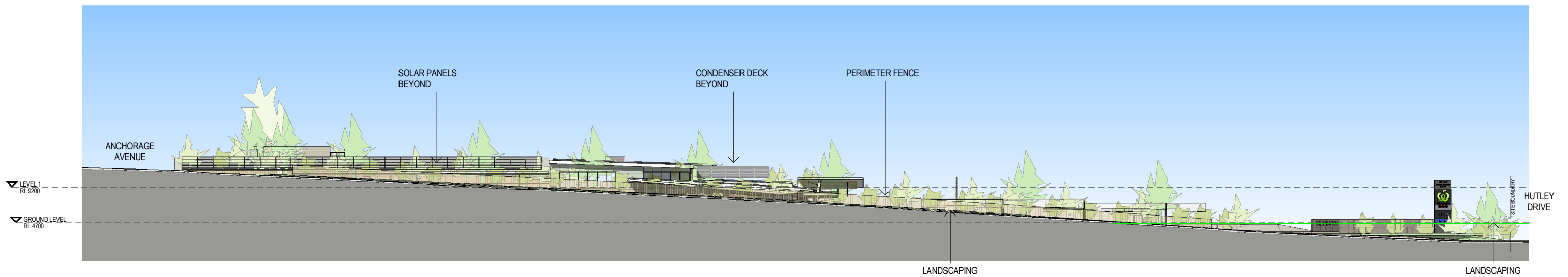
## ROOF PLAN

P1624 DA-06 [O]

2019-03-22 6:12:36 PM 1 : 750 @ A3



1 NORTH ELEVATION MAIN BUILDING  
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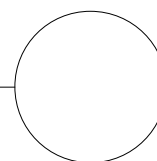


2 NORTH ELEVATION STREET  
Scale: 1 : 250



## LENNOX NEIGHBOURHOOD CENTRE

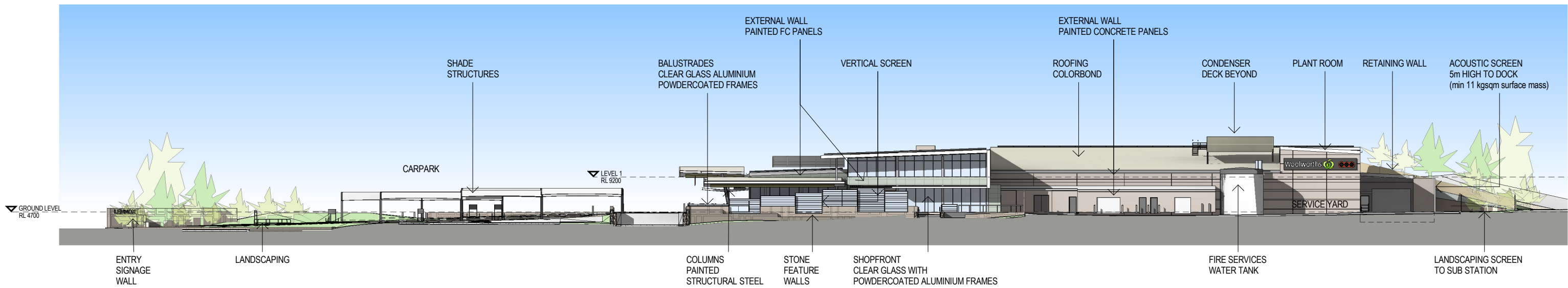
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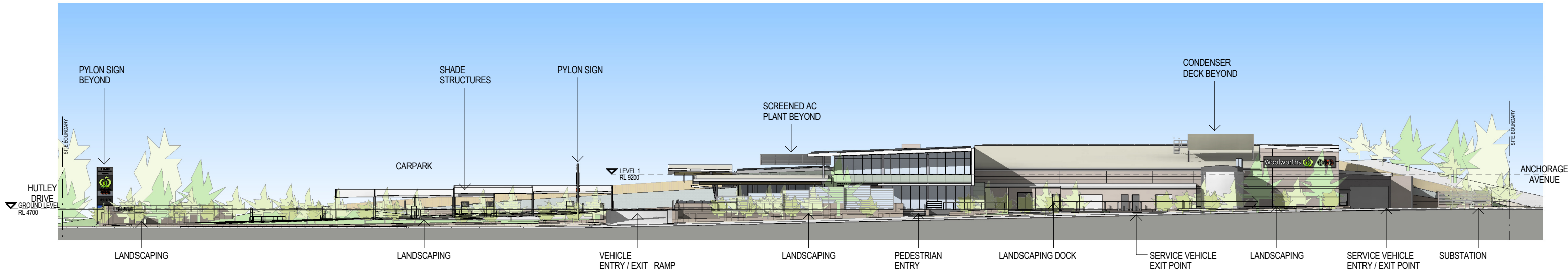
## ELEVATIONS NORTH

P1624 DA-07 [K]

2019-03-11 3:12:06 PM 1: 500 @ A3



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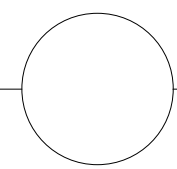


2 SOUTH ELEVATION STREET  
Scale: 1 : 250



# LENNOX NEIGHBOURHOOD CENTRE

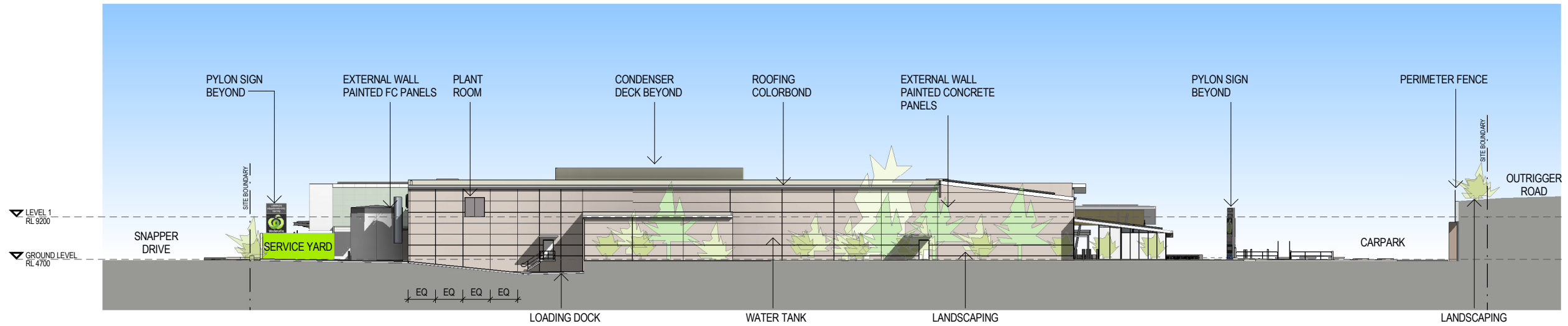
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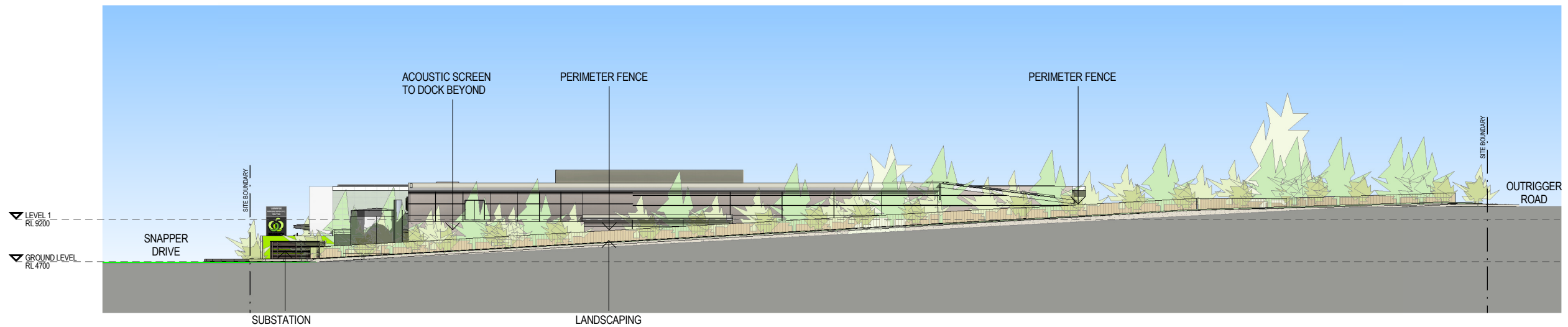
## ELEVATIONS SOUTH

P1624 DA-08 [N]

2019-03-27 11:43:37 AM 1 : 500 @ A3

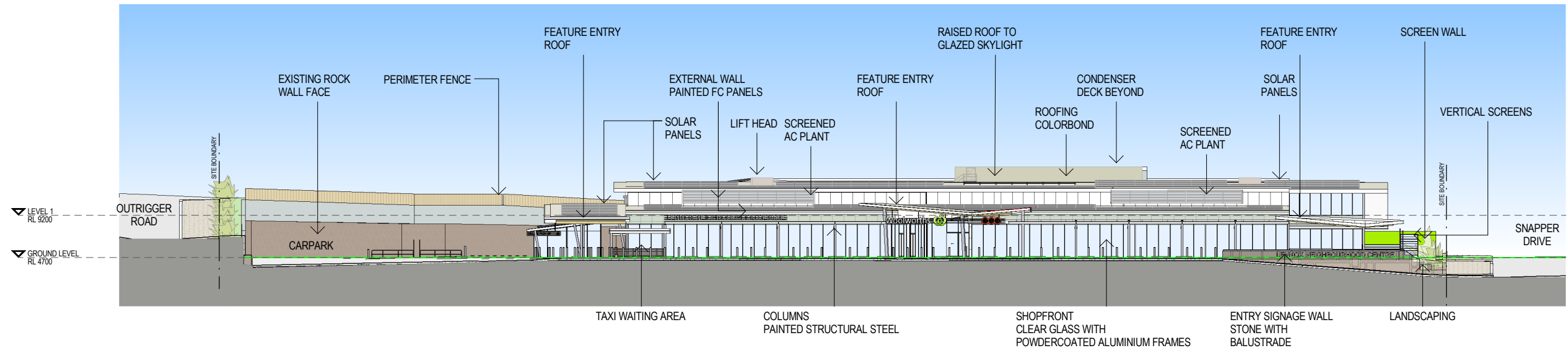


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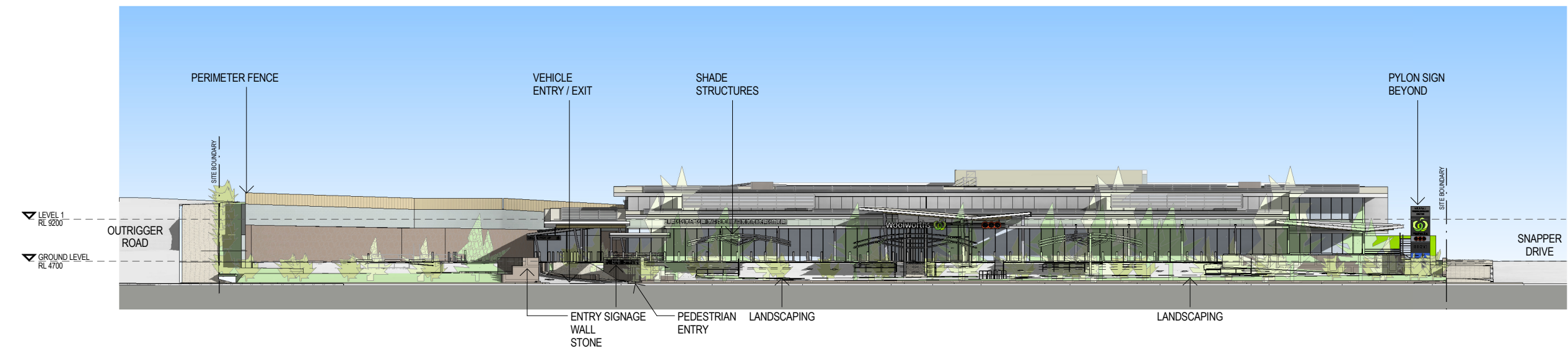


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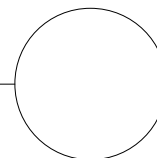


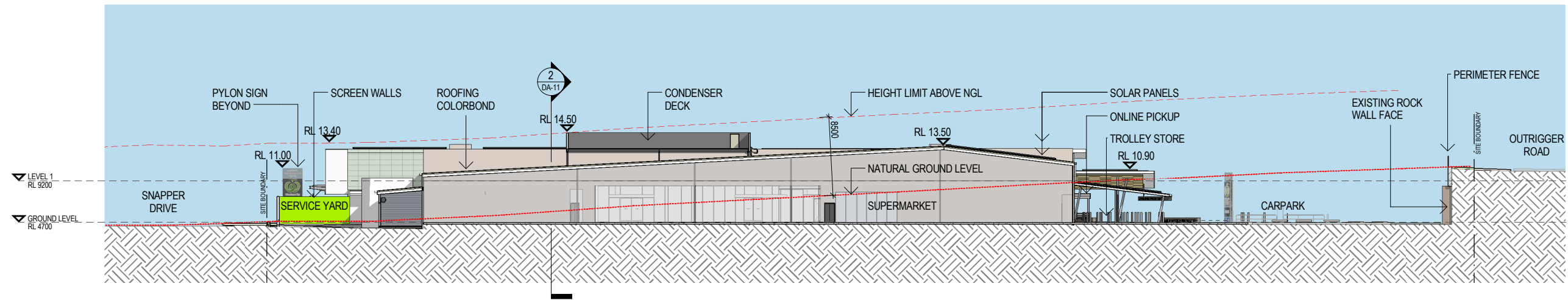


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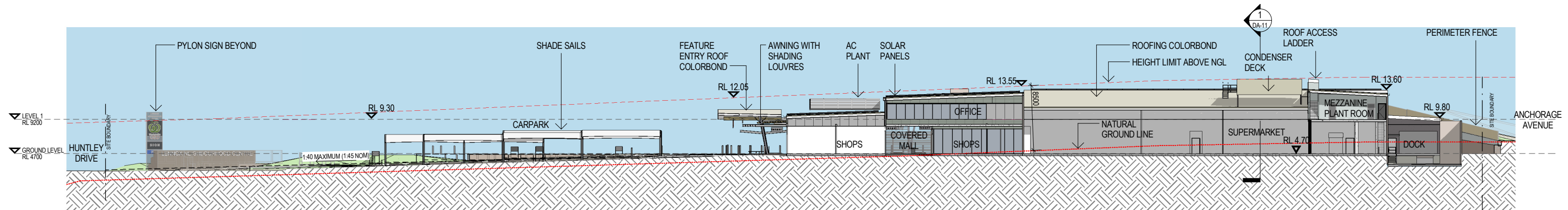


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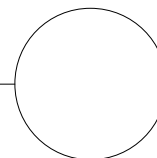




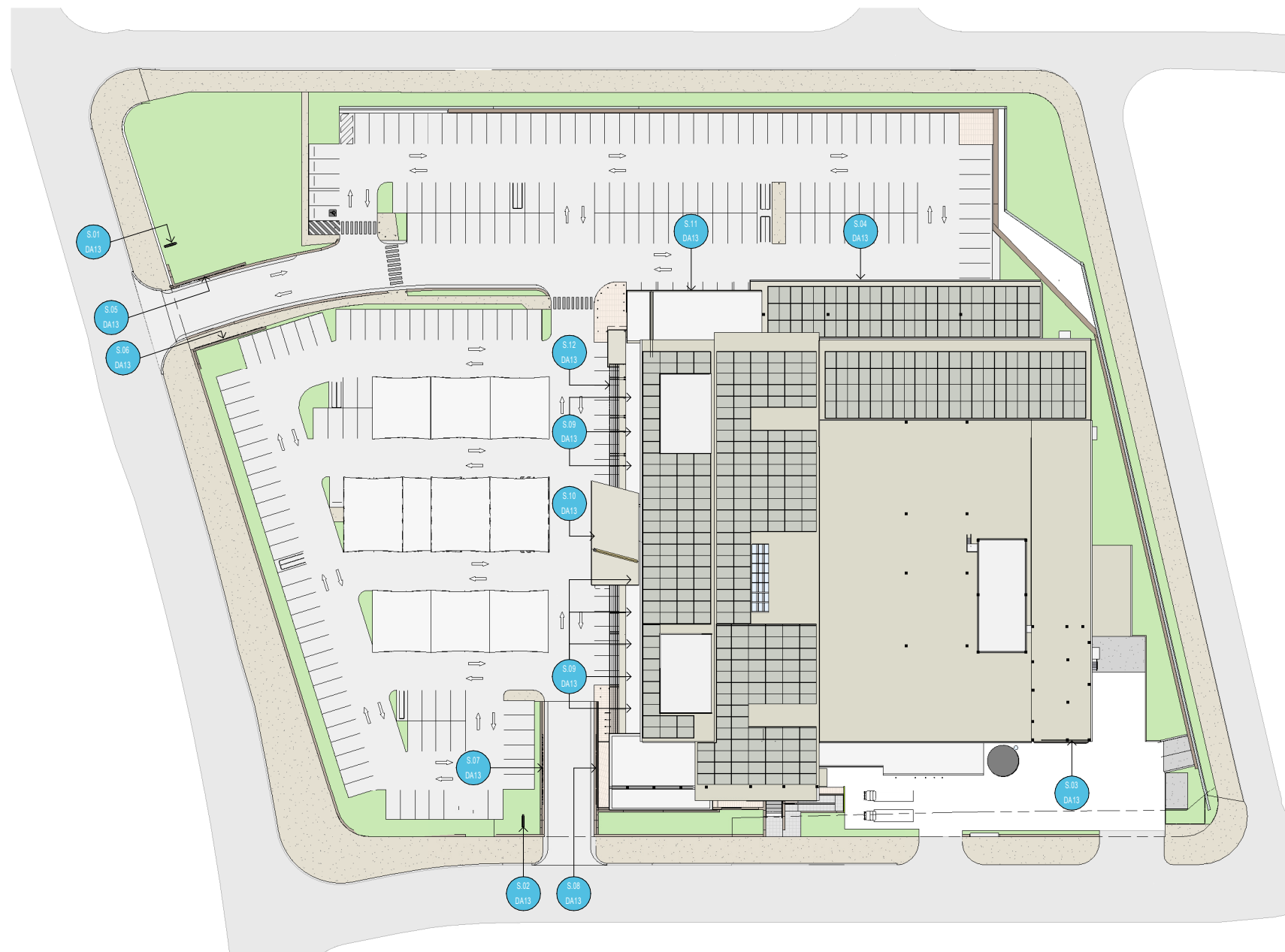
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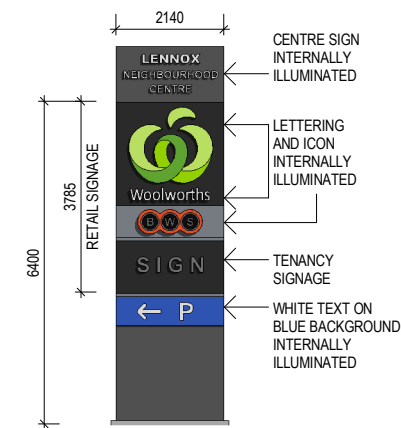
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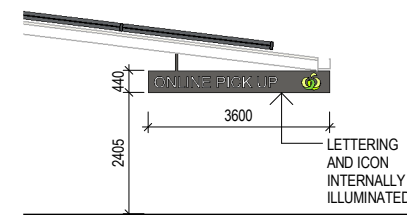
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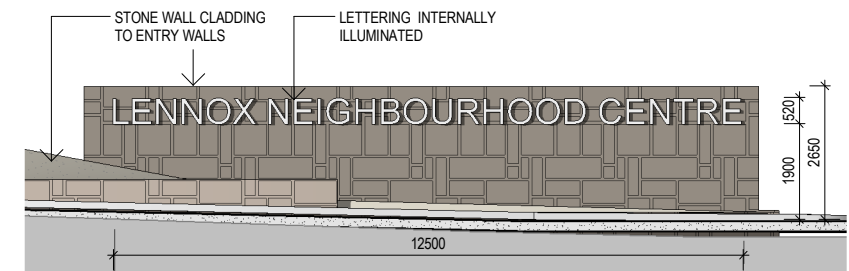
2 S01 & S02 PYLON SIGN  
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DOUBLE SIDED



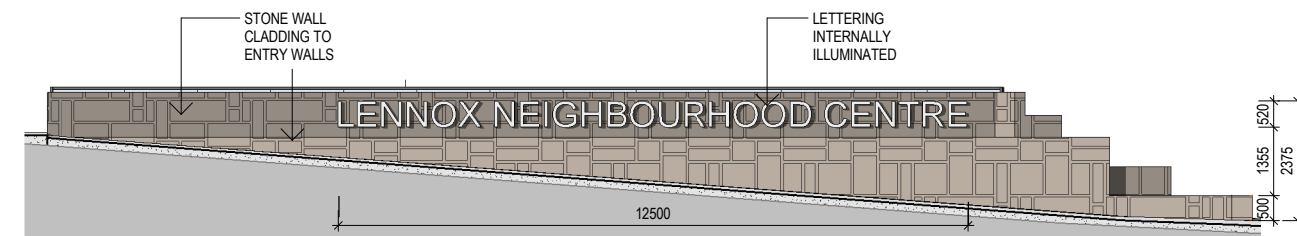
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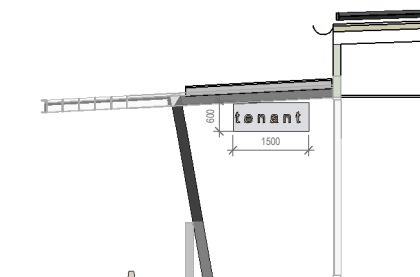
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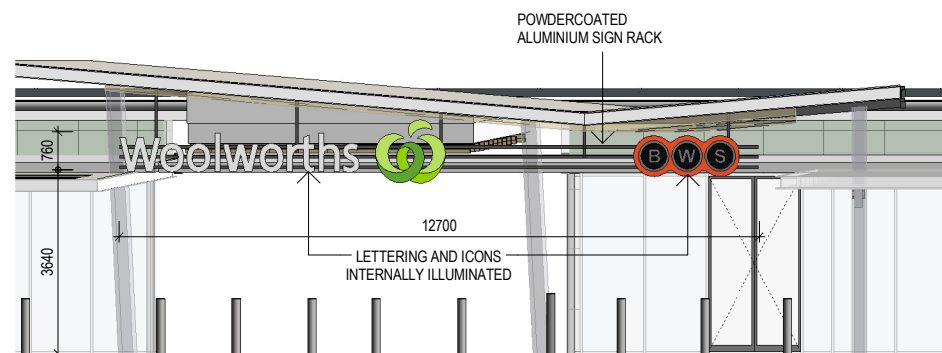
5 S05 & S06 CENTRE WALL SIGN  
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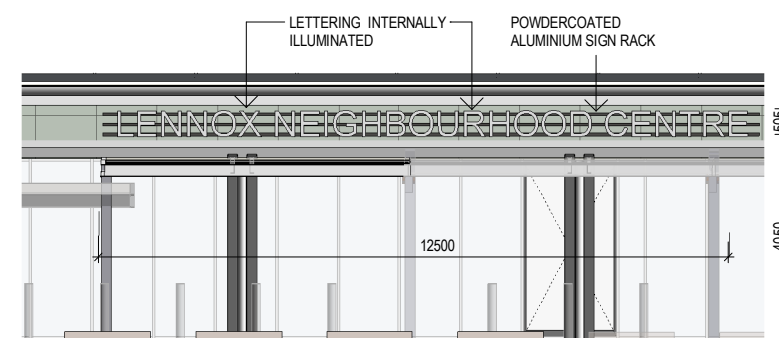
6 S07 & S08 CENTRE WALL SIGN  
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7 S09 EXTERNAL TENANT SIGN  
Scale: 1:75  
DOUBLE SIDED



8 S10 & S11 ENTRY SIGN  
Scale: 1:75

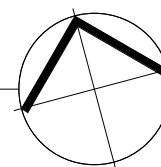


9 S12 CENTRE BUILDING SIGN  
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LENNOX NEIGHBOURHOOD CENTRE

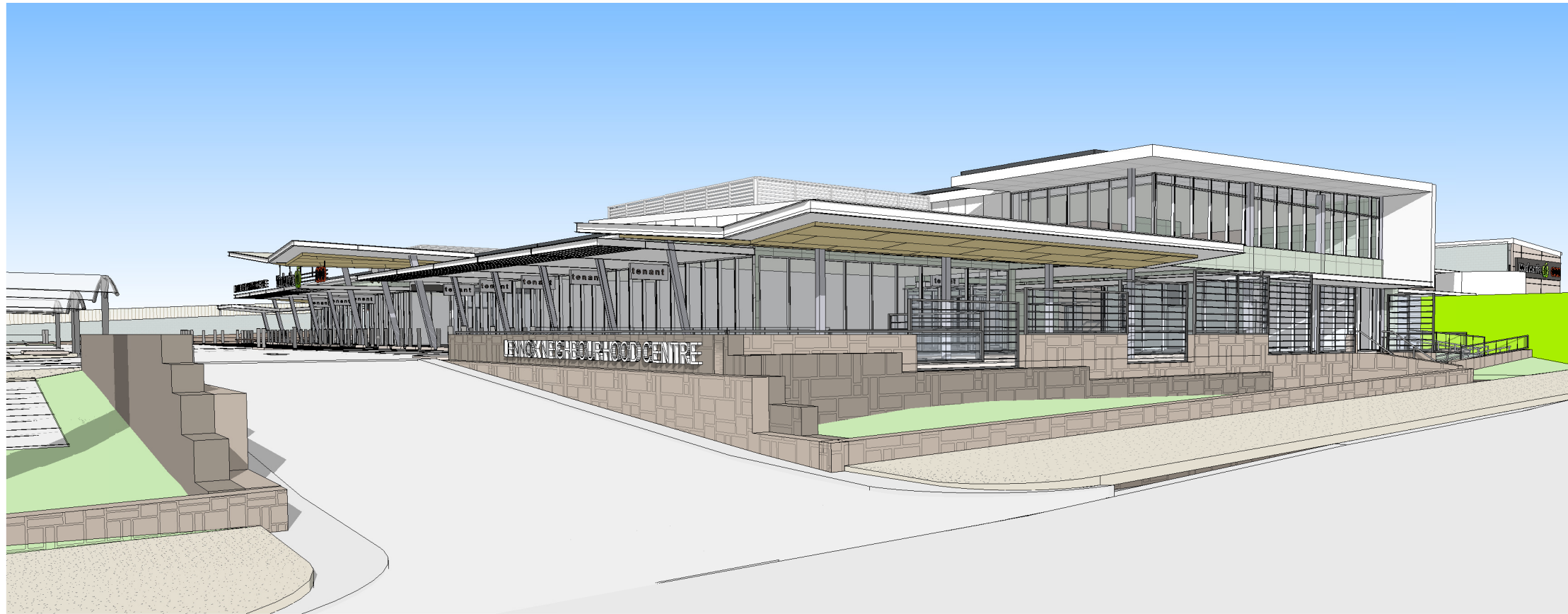
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SIGNAGE DETAILS

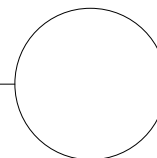
P1624 DA-13 [F]

2019-05-28 1:35:04 PM @ A3



## LENNOX NEIGHBOURHOOD CENTRE

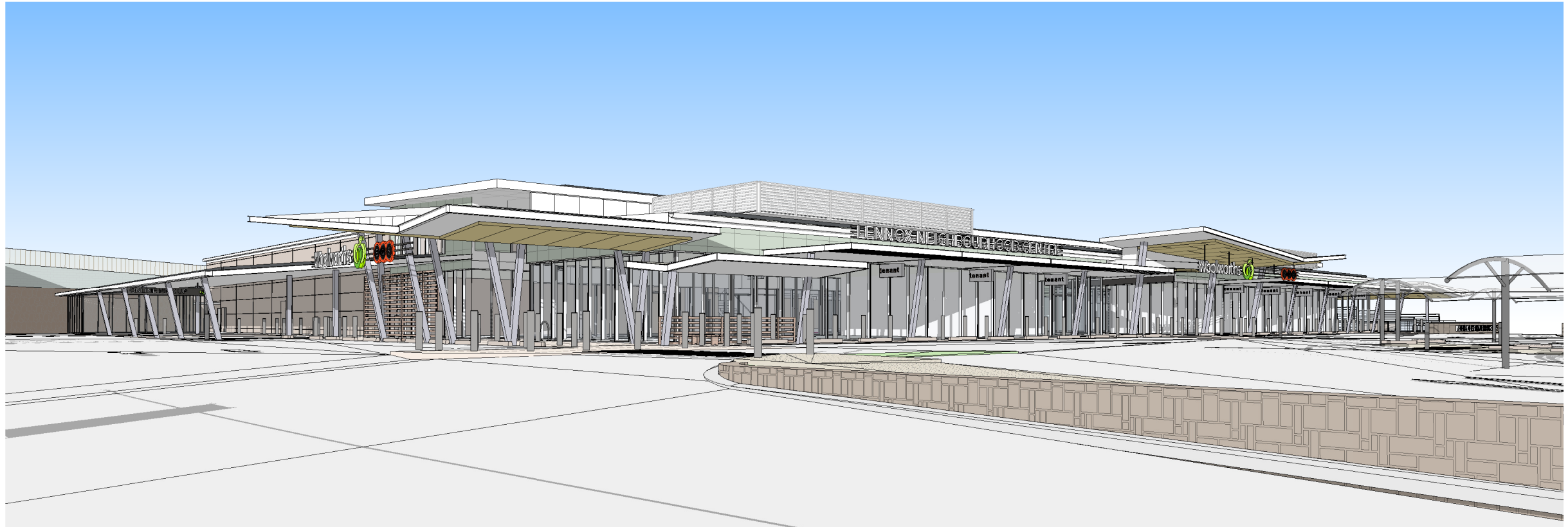
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## 3D VIEWS SOUTH WEST

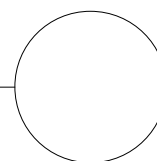
P1624 DA-19 [H]

2019-03-11 3:12:50 PM @ A3



## LENNOX NEIGHBOURHOOD CENTRE

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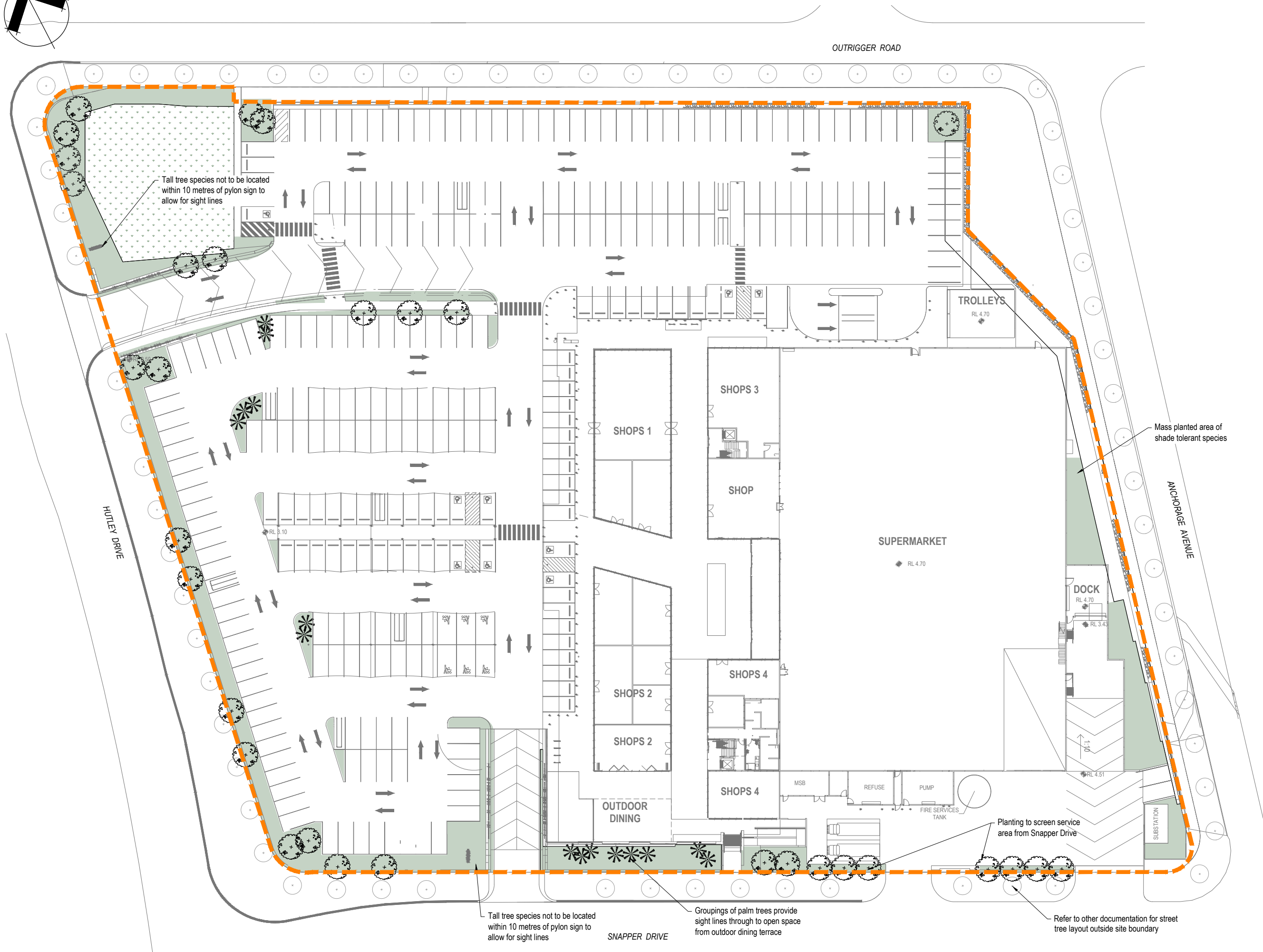
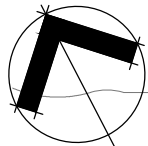


3D VIEW ENTRY

P1624 DA-20 [H]

2019-03-11 3:17:48 PM NTS @ A3





LEGEND

- Garden
- Turf
- Palm
- Tree
- Extent of works

PLANTING CONCEPT

Medium to large size trees will be located in groups and at regular intervals within the planted areas to provide a visual reduction of the built form and a sense of street level scale.

Street tree species selected are endemic to Northern NSW and have been selected based on their growth and habit which suit the physical constraints associated with the proposed works.

In general tree species are to be supplied in 75 to 100 litre container sizes.

Garden bed planting will consist of predominantly robust drought tolerant coastal species that offer a high degree of visual amenity and minimal maintenance.

NOTE

PLANT SPECIES LOCATIONS AND QUANTITIES ARE INDICATIVE ONLY

Rev	Description	Date	Des.	App.	Chk.
C	Layout updated	29/05/2019	RE	RE	RE
B	Fire Service Booster Point	31/07/2017	RE	RE	RWN
A	Updated architectural base plan	20/07/2017	RE	RE	RWN

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quality solutions sustainable future

Project Title  
EPIQ Neighbourhood Centre

Client  
Clarence Property Consultants

Designed	RE	Drawn	RE	Checked	
Approved	RWN	Date	01/06/17		RWN

XREFs

Scale  
metres 0 2.5 5 10 12.5 15

Drawing Title  
Development Application  
Landscape Layout

Drawing Number  
1675/DA1

Revision  
C

Tree Species Schedule					
Code	Botanical Name	Common Name	Spacing	Mature Height (metre)	Container Size
Ac	<i>Archontophoenix Cunninghamiana</i>	Bangalow Palm	Refer to Plan	8 to 14	45 litre
Bi	<i>Banksia integrifolia</i>	Coast Banksia	Refer to Plan	6 to 8	45 litre
Bc	<i>Backhousia citriodora</i>	Lemon Myrtle	Refer to Plan	6 to 8	100 litre
Ca	<i>Cupaniopsis anacardioides</i>	Tuckeroo	Refer to Plan	6 to 8	100 litre
Lc	<i>Lophostemon confertus</i>	Brush Box	Refer to Plan	8 to 14	100 litre
TI	<i>Tristaniopsis laurina</i>	Water Gum	Refer to Plan	7 to 8	100 litre



Archontophoenix Cunninghamiana  
Bangalow Palm



Cupaniopsis anacardioides  
Tuckeroo



Backhousia citriodora  
Lemon Scented Myrtle



Banksia integrifolia  
Coastal Banksia



Lophostemon confertus  
Brush Box



Tristaniopsis laurina 'luscious'  
Watergum

Shrubs					
Code	Botanical Name	Common Name	Planting Rate	Mature Height (metre)	Container Size
Ad	<i>Austromyrtus dulcis</i>	Midgen Berry	0.8 metre centres	0.8	200 mm
Ald	<i>Alternanthera dentata</i>	Little Ruby	0.8 metre centres	0.4	200mm
Sa	<i>Syzygium australe</i> - 'Straight and Narrow'	Lilly Pilly	0.8 metre centres	4.0	5 litre
Wf	<i>Westringia fruticosa</i>	Coastal Rosemary	1 metre centres	1.2	200 mm
GZ	<i>Gazania hybrid 'GT20'</i>	Gazania	4/m2	0.2	200 mm



Austromyrtus dulcis  
Midgen Berry



Alternanthera dentata 'Little Ruby'



Syzygium australe  
'Straight and Narrow'  
Lilly Pilly



Westringia fruticosa  
Coastal Rosemary



Gazania hybrid 'GT20'  
Gazania

Grass Species					
Code	Botanical Name	Common Name	Planting Rate	Mature Height (metre)	Container Size
Dc	<i>Dianella caerulea</i> Little Jess	Flax lilly	4/m2	0.4	Viro Tube
Di	<i>Dietes iridioides</i>	Butterfly iris	4/m2	0.9	Viro Tube
Cap	<i>Carrex appressa</i>	Knobby Club Rush	4/m2	1.0	Viro Tube
Ju	<i>Juncus usitatus</i>	Common Rush	4/m2	0.5	Viro Tube
Lh	<i>Lomandra hystrix</i>	River Mat Rush	3/m2	1.0	Viro Tube
Lt	<i>Lomandra tanika</i>	River Mat Rush	3/m2	0.4	Viro Tube



Dietes irioides  
Cape Iris



Dianella caerulea Little Jess  
Blue Flax Lilly



Carrex appressa  
Common Sedge



Juncus usitatus  
Common Rush



Lomandra hystrix  
River Mat Rush



Lomandra Tanika  
River Mat Rush

A	Species list updated	29/05/2019	RE	RE	RE
Rev	Description	Date	Des.	App.	Chk.
Amendments					

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Project Title

EPIQ Neighbourhood Centre

Client

Clarence Property Consultants

Designed	RE	Drawn	RE	Checked
Approved	RWN	Date	01/06/17	RWN
XREFs				
Scale				

metres 0 2.5 5 10 12.5 15

Drawing Title

Development Application  
Landscape Species

1675-1584

Revision	
Drawing Number	1675/DA2
Revision	A

## **Attachment 2**

### **Draft Amended Conditions of Consent**

**Draft Condition of Consent (amended conditions only) – DA 2017/447 NRPP Ref: 2019NTH012**

**GENERAL**

**1. Approved Plans**

Development being carried out generally in accordance with the plans and associated documentation lodged by, or on behalf of, the applicant, including:

<b>Plans prepared by</b>	<b>Drawing No.</b>	<b>Drawing Title</b>	<b>Dated</b>
CNN Architects Pty Ltd	P1624 DA-02 AG	Site/Ground Floor Plan	21-05-2019
	P1624-DA-05 O	GFLA Plan	21-05-2019
	P1624 DA-06 O	Roof Plan	22-03-2019
	P1624 DA-07 K	Elevations North	11-03-2019
	P1624 DA-08 N	Elevations South	27-03-2019
	P1624 DA-09 M	Elevations East	22-03-2019
	P1624 DA-10 L	Elevations West	11-03-2019
	P1624 DA-11 M	Sections	11-03-2019
	P1624-DA-13 F	Signage Details	28-05-2019
	P1624-DA-19 H	3D Views South West	11-03-2019
	P1624-DA-20 H	3D View Entry	11-03-2019
Geo Link environmental management and design	1675/DA1 – Rev C	Development Application Landscape Layout	29/05/2019
	1675/DA2 – Rev A	Development Application Landscape Species	29/05/2019

except as modified by any condition in this consent.

**6. Separate Approval**

A separate approval is required for:

- I. Any future fit out of a commercial premises used for food or skin penetration business.
- II. Any Recreation Facility (Indoor) – Gymnasium.

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE (Building/ Civil)**

*The following conditions in this section of the consent must be complied with prior to the issue of any Construction Certificate relating to the approved development.*

**9. Civil Works**

Prior to the issue of the Construction Certificate, engineering design drawings shall be submitted to and approved by Council for the following associated works required under Section 138 of the Roads Act 1993 and Section 68 of the Local Government Act for the following civil works. Details are to be in accordance with the current Northern Rivers Local Government Development Design and Construction Manuals and/or in accordance with other design requirements from Austroads, Australian Standards and/or Roads & Maritime Services where specified.



- **Access Driveways and Associated Modifications to Hutley Drive, Snapper Drive, Bus Stops, Kerb and Gutter, Linemarking, Footpaths and Verges**

At the developer's expense works required for access driveways and associated modifications to Hutley Drive, Snapper Drive, bus stops, kerb and gutter, medians, linemarking, footpaths and verges are to be provided in general accordance with Newton Denny Chappelle plans 14351-SHO-INT-01 Shopping Centre Access Plan, Sheet 1 Rev A and Sheet 2 Rev A dated 19 December 2017 (CM Ref: 17/103856 and 17/103859). The works shall include but not be limited to:

- a. Construction of minimum 7.5 m wide vehicle entry/exits access on Snapper Drive and Hutley Drive in general accordance with the plans outlined in Condition No. 1 of this Consent. The accesses are to be designed so they comply with the sight distance requirements outlined in AS2890.
- b. Construction on Snapper Drive of minimum 7.6m wide and 10.9m wide service vehicle entry/exits with 24 m separation (approximate) as per plans outlined in Condition No. 1 of this Consent. Sight distance at the access points are to be in accordance with AS2890.
- c. Construction of associated kerb returns, pedestrian kerb ramps and making good existing footpaths, paving and surfaces associated with all entry/exits.
- d. Construction of connecting pedestrian site entries on Outrigger Road, Hutley Drive and Snapper Drive.
- e. Provision of the following turn treatments for the vehicle accesses Hutley Drive: Right Turn – Short channelised right turn treatment CHR(s), Left Turn – Basic left turn treatment BAL. Snapper Drive (Previously Main St): Right Turn - Short channelised right turn treatment CHR(s), Left Turn – Basic left turn treatment BAL, generally in accordance with NDC plans 14351-SHO-INT-01 & 14351-SHO-INT-02.
- f. Provision of concrete medians and linemarking associated with above turn treatments
- g. Removal of kerb extensions south of shopping centre access and provision of pedestrian refuge in median on Hutley Drive. Make good pavement of Hutley Drive.
- h. Provision of pedestrian refuge in median of Hutley Drive north of shopping centre access.
- i. Demolish existing kerb and gutter and replace to provide new bus bays for northbound and southbound traffic in Hutley Drive. Make good or extend road pavement as required.
- j. Extend concrete footpath on west side of Hutley Drive to new bus bay.
- k. Demolish and replace existing kerb and gutter where required.
- l. Provide all necessary signage and linemarking and make good any damage to existing road pavements, kerb and gutter, footpaths and associated infrastructure.

- **Footpath and gutter crossing**

The developer is to provide a footpath and gutter crossing for the development. Details are to be in accordance with Standard Drawing R05 and R06 of Northern Rivers Local Government Development Design and Construction Manuals. Details are to be submitted to and approved by Council prior to the issue of the Construction Certificate.

## **10. Car Parking & Vehicular Access**

The development shall provide 299 parking spaces on-site. The design of all car parking, aisles and vehicular accesses are to be in accordance with the Australian Standard AS/NZS 2890.1:2004. Design plans are to be certified by a suitably qualified professional



and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.

#### **11. Car Parking for Disabled**

Eight, roofed disabled car parking spaces are to be provided within the vicinity of the main shopping centre. The design of all disabled car parking spaces are to be in accordance with Australian Standard AS/NZS 2890.6: 2009. Design plans are to be certified by a suitably qualified professional and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.

### **CONDITIONS OF USE/DURING OCCUPATION**

*The following conditions in this section of the consent are to be complied with in the day-to-day use or operation of the approved development.*

#### **82. Site Waste Minimisation and Management Plan**

Operational waste management activities at the site shall be in accordance with the Site Waste Minimisation and Management Plan (SWMMP) prepared by Newton Denny Chapelle, dated 22 May 2019 (CM Ref: 19/38726), which has been approved by Council (or amended in agreement with Council) including the following measures;

- a) Waste generation shall be monitored and collection arrangements adjusted as required
- b) A Waste Management Information Package shall be provided to new occupants of the specialty retail outlets
- c) With respect to the waste generated by the supermarket, management will be responsible for:
  - Collection and transport of their waste to the designated bins
  - Maintenance of waste storage waste storage areas in a clean and tidy manner.
- d) With respect to the waste generated by the specialty shops, individual tenants will be responsible for:
  - Collection and transport of waste generated by their business to the communal bins
  - Maintenance of waste storage areas in a clean and tidy manner.

## SCHEDULE 1

Contribution	Receipt Code	Contribution Unit	Rate per contribution Unit	Total Contribution Units Payable	TOTAL COST
Lennox Head District Parks 2016	4302	equivalent residential allotment	\$1,127.00	0.0000	\$0.00
Regional Level Recreational Facilities (SHIRE) 2016	4304	equivalent residential allotment	\$1,844.00	0.0000	\$0.00
Lennox Head District Community Centres & Meeting Halls 2016	4305	equivalent residential allotment	\$1,099.00	0.0000	\$0.00
Regional Level Community Facilities (SHIRE) 2016	4306	equivalent residential allotment	\$1,082.00	0.0000	\$0.00
OS & CF Plan Administration (SHIRE) 2016	4307	equivalent residential allotment	\$109.00	0.0000	\$0.00
Roads Contribution Plan V4.1 (2018)	5206	equivalent residential allotment	\$12,292.00	204.8088	\$2,517,509.85
Roads Administration V4.1 (2018)	5207	equivalent residential allotment	\$184.00	204.8088	\$37,684.82
Pacific Pines Wastewater Services (DSP Area B)	3012	equivalent tenement	\$5,129.00	30.3144	\$155,482.56
Lennox Head Water Supply (DSP Area B)	2004	equivalent tenement	\$3,351.00	26.9516	\$90,314.81
Rous Water 2016	5001	equivalent tenement	\$8,588.00	26.9516	\$231,460.34
<b>TOTAL</b>					<b>\$3,032,452.38</b>