

+ MODIFICATION OF CONCEPT PLAN APPROVAL NO. 06_0316

CONCEPT APPROVAL – COBAKI ESTATE

Sandy Lane, Cobaki Lakes

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COBAKI ESTATE SANDY LANE, COBAKI LAKES

1.0 INTRODUCTION

Leda Manorstead Pty Ltd (the owner of the land) has commissioned Darryl Anderson Consulting Pty Ltd to prepare an application for modification of Concept Plan Approval No. 06_0316, which relates to a residential development located in the Tweed Shire Local Government Area, known as the Cobaki Estate.

2.0 CONCEPT APPROVAL

On 6 December 2010 the Minister for Planning granted Concept Approval No. 06_0316 for the carrying out of:

- ♦ Residential development for approximately 5,500 dwellings;
- ♦ Town Centre and neighbourhood centre for future retail and commercial uses;
- ♦ Community facilities and school sites;
- ♦ Open space;
- ♦ Wildlife corridors;
- ♦ Protection and rehabilitation of environmentally sensitive land;
- ♦ Road corridors and utility services infrastructure;
- ♦ Water management areas; and
- ♦ Roads and pedestrian and bicycle network.

A Development Code was also approved under the Concept Plan which contains Exempt and Complying Provisions (Part A) and Development Controls (Part B).

A copy of the Concept Approval and Plan is contained at **Annexure B**.

To date two Development Consents (DA10/0800 and DA 10/0801) have been granted by Tweed Shire Council under the Concept Plan, which together provide approval for the creation of 916 residential lots in Precincts 1, 2 and 6.

As a result of the assessment and conditions imposed on DA10/0800 and DA10/0801, it is apparent that modifications are required to the Concept Plan Approval and the Development Code.

Details of the proposed modifications are contained in Section 4.0 of this Report.

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3.0 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT AND REGULATIONS

Schedule 6A, Clause 3C of the Act relates to Transitional Part 3A provisions for Modification of Concept Plans and states that Section 75W continues to apply for the purpose of the modification of a Concept Plan approved before or after the repeal of Part 3A, whether or not the project or any stage of the project is or was a transitional Part 3A project.

Section 75W (as in force immediately before the repeal of that Part) facilitates the lodgement and determination of an application to modify a Part 3A approval. Section 75W is in the following terms:

"Modification of Minister's approval

75W

(1) *In this section:*

Minister's approval means an approval to carry out a project under this Part, and includes an approval of a concept plan.

Modification of approval means changing the terms of a Minister's approval, including:

- (a) *revoking or varying a condition of the approval or imposing an additional condition of the approval, and*
- (b) *changing the terms of any determination made by the Minister under Division 3 in connection with the approval.*

- (2) *The proponent may request the Minister to modify the Minister's approval for a project. The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval under this Part.*
- (3) *The request for the Minister's approval is to be lodged with the Director-General. The Director-General may notify the proponent of environmental assessment requirements with respect to the proposed modification that the proponent must comply with before the matter will be considered by the Minister.*
- (4) *The Minister may modify the approval (with or without conditions) or disapprove of the modification.*
- (5) *The proponent of a project to which Section 75K applies who is dissatisfied with the determination of a request under this section with respect to the project (or with the failure of the Minister to determine the request with 40 days after it is made) may, within the time prescribed by the regulations, appeal to the Court. The Court may determine any such appeal.*
- (6) *Subsection (5) does not apply to a request to modify:*
 - (a) *an approval granted by or as directed by the Court on appeal, or*
 - (b) *a determination made by the Minister under Division 3 in connection with the approval of a concept plan.*
- (7) *This section does not limit the circumstances in which the Minister may modify a determination made by the Minister under Division 3 in connection with the approval of a concept plan."*

There are no regulations of relevance to a Modification Application.

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4.0 PROPOSED MODIFICATIONS

4.1 Background to the Proposed Modifications

During the assessment and approval of DA10/0800 and DA10/0801, Tweed Shire Council insisted that the drainage path within the central open space area (refer to Condition 12 of DA10/0801) is to be maintained by Council for drainage purposes only and is not to be utilised for any environmental offsets.

This has altered the original plans to rehabilitate the Freshwater Wetland onsite within the Central Open Space area and accordingly affects the ability of Leda to comply with Commitments and Management Plans that accompanied the Concept Plan. There are other minor adjustments of the EEC offset areas and types of communities to be revegetated as a result of the proposed modification.

In addition, due to the bushfire hazard planning, it is also proposed to amend the type of vegetation to be regenerated to the east of Precinct 4 from wet sclerophyll forest to Low land Rainforest on Floodplain. The intention of the proposed wet sclerophyll forest vegetation was to provide a link/fauna corridor from Mt. Woodgee to the SEPP 14 wetland. Wet sclerophyll forest is not an Endangered Ecological Community (EEC) and it is likely that replacement of the wet sclerophyll forest with rainforest species would still provide the required link/fauna corridor. It would also reduce the bushfire risk associated with the revegetation works and increase offsets proposed for the rainforest EEC's on the site.

The proposed modifications relate to Conditions of the Concept Plan and Statement of Commitments, as further described in the following subsections of this Report.

A number of minor "housekeeping" amendments to the Cobaki Estate Development Code are also proposed.

For comparison against the modifications proposed in this application, the original Concept Approval and Statement of Commitments are provided at **Annexure B**.

In this Report, the proposed modifications to conditions of the Approval and the Statement of Commitments are shown with text to be deleted as '~~struck through~~' and text to be added as 'underlined'.

4.2 Condition A3 – Project in Accordance With Documents

Modification to Condition A3 is required to correctly reference the amended Ecological Assessment and Management Plans. The required changes to Condition A3 are as follows:

Delete Condition A3

Insert Modified Condition A3A

"A3A Project in accordance with Documents

The project is to be undertaken generally in accordance with the following documents:

Environmental Assessment

- (1) Cobaki Lakes Estate Concept Plan Environmental Assessment Report prepared by JBA Urban Planning Consultants P/L, Volumes 1, 2, 3 and 4 December 2008.

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Preferred Project Report

- (2) Preferred Project Report prepared by JBA Urban Planning Consultants P/L, Volumes 1, 2 and 3, October 2009.
- (3) Addendum to Preferred Project Report prepared by JBA Urban Planning Consultants P/L, June 2010

Additional Information

- (4) Final Cobaki Lakes Aboriginal Cultural Heritage Assessment prepared by Everick Heritage Consultants P/L, April 2010.
- (5) Final Cobaki Lakes Cultural Heritage Management Plan prepared by Everick Heritage Consultants P/L, April 2010.
- (6) Revised Site Regeneration and Revegetation Plan prepared by James Warren and Associates P/L, November 2012.
- (7) Revised Saltmarsh Rehabilitation Plan prepared by James Warren and Associates P/L, November 2012.
- (8) ~~Revised Freshwater Wetland Rehabilitation Plan prepared by James Warren and Associates P/L, October 2010.~~
- (9) Cobaki Estate Development Code, October 2012.
- (10) Revised Final Statement of Commitments, November 2012.
- (11) Revised Ecological Assessment prepared by James Warren and Associates P/L, November 2012.
- (12) Revised Assessment of Significance prepared by James Warren and Associates P/L, November 2012.
- (13) Modification Report prepared by Darryl Anderson Consulting Pty Ltd, dated November 2012"

An explanation of the proposed modifications to the documents affected by proposed modification of this condition is provided as follows.

Deletion of the Revised Freshwater Wetland Rehabilitation Plan

It is proposed to delete the reference to the Revised Freshwater Wetland Rehabilitation Plan as it can no longer be wholly provided on site. Instead offsets for the removal of the degraded Freshwater Wetland from the site, other than a 2 hectare area on the eastern side of the Cobaki Parkway, will be addressed off site.

Details for the proposed on site offset of 2 hectares of Freshwater Wetland are presently being assessed by Tweed Shire Council as part of the implementation of DA10/0800 (Precincts 1-2) and DA 10/0801 (Precinct 6).

Since the nature of the off site offset is still being determined it will be the subject of further detailed reports. The requirement for further detailed reports is to be addressed by an amendment to the Statement of Commitments as described in Section 4.7 of this Report.

Revised Ecological Assessment

The Revised Ecological Assessment - prepared by James Warren & Associates Pty Ltd dated November 2012 is attached as **Annexure C**. A summary of the amendments made to this document is provided as follows.

- **Section 2.1** Concept Plan: proposed development areas have been amended to reflect the relevant layout changes to management precincts and EEC offset areas;
- Some species names have been updated;

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- Impact areas in **Section 4.2.4.2** and **TABLE 4** have been amended along with all references to the calculations within this table;
- **TABLE 5:** Potential loss of Koala habitat has been amended along with all references to the calculations within this table;
- **TABLE 6:** Potential loss of threatened flora habitat has been amended along with all references to the calculations within this table;
- **TABLE 7:** Potential loss of EECs has been amended along with all references to the calculations within this table;
- **TABLE 8:** Proposed EEC offsets has been amended along with all references to the calculations within this table;
- **TABLE 9:** Potential loss of threatened fauna habitat has been amended along with all references to the calculations within this table;
- **TABLE 10:** Potential vegetation loss has been amended along with all references to the calculations within this table;
- **TABLE 11:** Proposed EEC offsets has been amended along with all references to the calculations within this table;
- **TABLE 12:** Summary of impacts, mitigation and offsets has been amended along with all references to the calculations within this table;
- EEC area calculations have been amended to be consistent with the most recent plans;
- References to the Revised Freshwater Wetland Rehabilitation Plan (2010) have been removed;
- It is now specified that offsets for the removal of highly degraded Freshwater Wetland vegetation from the subject site will be addressed off-site;
- **FIGURES 9, 16, 18, 21, 22, 25, 25A, 25B, 25C, 26, 27, 28, 31, 32, 33A & 35** have been amended; and
- References have been updated to include the most recent reports.

Revised Assessment of Significance (7-Part Test)

The Revised Assessment of Significance - (7 Part Test) - prepared by James Warren & Associates Pty Ltd dated November 2012 is attached as **Annexure D**. A summary of the amendments made to this document is provided as follows.

- **Section 1.3** Proposed Development areas have been amended to reflect the relevant layout changes to management precincts and EEC offset areas;
- Some species names have been updated;
- **TABLE 1:** Potential loss of EECs has been amended along with all references to the calculations within this table;
- **TABLE 2:** Proposed EEC offsets has been amended along with all references to the calculations within this table;
- **TABLE 3:** Potential loss of threatened flora habitat has been amended along with all references to the calculations within this table;
- Amelioration/offsets areas have been amended in **Section 3.3.2**
- **TABLE 4:** Potential loss of threatened fauna habitat has been amended along with all references to the calculations within this table;
- EEC area calculations have been amended to be consistent with the most recent plans;
- References to the Revised Freshwater Wetland Rehabilitation Plan (2010) have been removed, as Condition 12 of DA10/0801 specifies that the low flow component of the central drainage reserve is to be maintained by Council for drainage purposes only and not utilised for any environmental offsets. This has overruled original plans to rehabilitate Freshwater Wetland onsite within the Central Open Space area;

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- It is now specified that offsets for the removal of highly degraded Freshwater Wetland vegetation from the subject site will largely be addressed off-site and that the nature of this off-site offset is still being negotiated;
- **FIGURES 5, 12, 13, 14, 15, 15A, 15B, 15C, 16, 17 & 19** have been amended; and
- References have been updated to include the most recent reports.

Revised Site Regeneration and Revegetation Plan

The Revised Site Regeneration and Revegetation Plan – Cobaki, November 2012 is attached as **Annexure E**. A summary of the amendments made to this document is provided as follows.

- **Section 1.3** Proposed Development areas have been amended to reflect the relevant layout changes to management precincts and EEC offset areas;
- **Section 1.4.1** Specifies that references to the Revised Freshwater Wetland Rehabilitation Plan (2010) have been removed, as Condition 12 of DA10/0801 specifies that the low flow component of the central drainage reserve is to be maintained by Council for drainage purposes only and not utilised for any environmental offsets;
- **Section 4.4** Revegetation/Regeneration areas have been amended;
- **Section 4.4.1** refers to 2ha of Freshwater Wetland that will be regenerated/revegetated on the site in accordance with a Freshwater Wetland Compensatory Habitat Management Plan (SMEC 2012);
- References to the Revised Freshwater Wetland Rehabilitation Plan (2010) have been removed;
- It is now specified that offsets for the removal of highly degraded Freshwater Wetland vegetation from the subject site will largely be addressed off-site;
- **FIGURES 3, 4, 5, 8, 8A, 8B, 7, 8C & 9** have been amended; and
- References have been updated to include the most recent reports.

Revised Saltmarsh Rehabilitation Plan

The amended Revised Saltmarsh Rehabilitation Plan – Cobaki, November 2012 is attached as **Annexure F**. A summary of the amendments made to this document is provided as follows.

- **Section 1.3** Proposed Development areas have been amended to reflect the relevant layout changes to management precincts and EEC offset areas;
- **Section 1.4** Offset areas have been amended for consistency with other plans;
- References to the Revised Freshwater Wetland Rehabilitation Plan (2010) have been removed;
- It is now specified that offsets for the removal of highly degraded Freshwater wetland vegetation from the subject site will largely be addressed off-site;
- **Section 5.3.3** Compensation and rehabilitation areas have been amended;
- **FIGURE 5** has been amended; and
- References have been updated to include the most recent reports.

4.3 Condition C1 – Plan of Development

Modification to Condition C1 is required to delete bushfire requirements C1(1) and C1(2), which are now redundant due to the adoption of AS3959- 2009 and the ability for a BPAD Accredited Certifier to determine the relevant asset protection zone (APZ) and bushfire attack level (BAL) at the Complying Development Certificate (CDC) Stage.

Modification to the condition will provide flexibility to future landowners and ensure that appropriate APZs and BALs are applied to the construction of dwellings.

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Modification of C1(4) is required to remove the word 'fill'. This modification is requested since the finished levels of the site will be filled to a level above the minimum flood level as specified by TDCP 2008, Section A3 (Development of Flood Liable Land) as part of the subdivision work prior to the lots being registered. Therefore requiring the minimum fill level on the POD is redundant.

The required changes to Condition C1 are as follows:

Delete Condition C1

Insert Modified Condition C1A

"C1A Plan of Development

A Plan of Development must be submitted with each future application for subdivision on the Cobaki Estate site. The Plan of Development must, at a minimum, include the following information:

- ~~(1) Location and width of Asset Protection Zones.~~
- ~~(2) Level of construction required for dwellings/buildings adjacent to Asset Protection Zones in accordance with Planning for Bushfire Protection 2006 and Australian Standard 3959 - 1999 Construction of Building in Bushfire Prone Areas.~~
- (3) Type of development permissible on each lot, eg: zero lot housing, plex housing, etc.
- (4) ~~Fill and~~ Finished floor levels requirements on flood prone lots in accordance with the requirements of Tweed Shire Council's *Development Control Plan - Section A3 - Flood Liable Land* (or any replacement document).
- (5) All other matters specified for Subdivision in the Cobaki Development Code."

4.4 Condition C4 – Management and Restoration Plans

Modification to Condition C4 is proposed to defer the preparation of various detailed Management Plans from the Development Application stage to the Construction Certificate stage. It has been our client's experience that various changes to the detail of the subdivision design and assessment requirements of Council have potential to require numerous revisions to the Management Plans when they are prepared at the Development Application stage.

In this respect it is preferred that the detailed Management Plans are provided at the Construction Certificate stage once the approval is secured and there is less likelihood of amendments or modification to the design.

The required changes to Condition C4 are as follows:

Delete Condition C4

Insert Modified Condition C4A

" C4A Management and Restoration Plans

(1) Stage-specific management plan updates

All future applications for Construction Certificates are to include, where relevant, stage-specific management plan updates to the Site Regeneration and Revegetation Plan, Freshwater Wetland Rehabilitation Plan, Fauna Management Plan, Vegetation Management Plan, Scribbly Gum Management Plan, Principal Buffer Management Plan, Landscape Concept Plan, Stormwater Concept Plan, Cultural Heritage Management Plan, Preliminary Acid Sulfate Soils Management Plan providing, where relevant, details on timelines for implementation of recommended works including maintenance periods funding arrangements and measurable performance and completion criteria. Each plan is to consider all other existing plans for the site to ensure management strategies do not conflict and each plan can be implemented without negatively impacting on the objectives of another.

(2) Construction Environmental Management Plan (CEMP)

All future applications for Construction Certificates in relation to residential subdivision are to include stage-specific CEMPs that detail measures to address the impacts of construction including, but not limited to: erosion and sediment control (in accordance with Managing Urban Stormwater-Soils Construction Version 4, Landcom 2004, or the latest version); protection of fauna (generally in accordance with the Fauna Management Plan - Cobaki Lakes PPR 2009); groundwater and acid sulfate soils; and, protection of trees and vegetation to be retained (generally in accordance with the Vegetation Management Plan, Cobaki Lakes PPR 2009).

(3) Restoration Plans

Detailed regeneration and revegetation plans for each Rehabilitation and Management Precinct as detailed in the Site Regeneration and Revegetation Plan (SRRP) are to be prepared as per the SRRP and accompany the application for Construction Certificates in relation to residential subdivision. These detailed plans for each Rehabilitation and Management Precinct, as well as the Revised Saltmarsh Rehabilitation Plan and Freshwater Wetland Rehabilitation Plan are to include, but not be limited to:

- a. performance objectives detailing measurable performance and completion criteria;
- b. Detailed planting species list, composition and density for each vegetation community and, for EECs to be rehabilitated, this is to include ground, mid and canopy species and species composition must be benchmarked against reference EEC community;
- c. Details on creek bank erosion management;
- d. timing and responsibilities; and
- e. developer maintenance period reflecting completion criteria.

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(4) Buffer Management Plan

The stage-specific Buffer Management Plans are to accompany an application for Construction Certificates in relation to residential subdivision and are to be prepared as per the Overview Buffer Management Plan - Cobaki Lakes - Preferred Project Report (James Warren & Associates 2009) including, but not limited to, rehabilitation and revegetation strategies, bushfire protection measures, weed management, fencing, biodiversity and water quality monitoring and reporting.

(5) Flora and Fauna Monitoring Plan

Updates to the Flora and Fauna Monitoring Report are to be provided with an application for Construction Certificates in relation to residential subdivision in accordance with the draft outline to be approved by the Director-General.

4.5 Condition C7 - Geotechnical Assessments

Modification to Condition C7 is requested to defer the Geotechnical Assessments from the Development Application stage to the Construction Certificate.

The geotechnical conditions at the site are generally known and it is considered that the Detailed Geotechnical Assessments for subdivision purposes are more relevantly to be undertaken as the Construction Certificate stage.

The required changes to Condition C7 are as follows:

Delete Condition C7

Insert Modified Condition C7A

"C7A Geotechnical Assessments

- (1) In order to ensure the stability of development lots, a detailed geotechnical assessment prepared by a suitably qualified person must be submitted with each future ~~development~~ Construction Certificate application for subdivision. The assessments must, at minimum, include the following:
 - a. A geotechnical map of the site clearly showing ground surface contours geotechnical engineering soil types and geotechnical hazards. The delineation of hazards should include hazard locations and possible hazard impact areas. That map should be occupied by an explanatory text describing the nature and delineation of soil types and hazard types. The map and text should be prepared by a suitably experienced geotechnical practitioner; and
 - b. A synthesis site plan clearly showing ground surface contours and the locations of all test pits, boreholes and monitoring wells drilled on the site to date.
- (2) Any hillside construction must be in accordance with 'Some Guidelines for Hillside Construction and Practice', Appendix G of *Landside Risk Management* by Australia Geomechanics 2002."

4.6 Condition C8 – Bushfire Assessment

Modification to Condition C8 is requested to remove unnecessary restrictions of the APZ to be provided to each lot since Certification that the dwelling is not located within the flame zone in accordance with AS3959-2009 is required in association with any Complying Development Certificate. Normal Bushfire Hazard Assessment requirements would apply for other Development Applications. The requested changes are as follows:

The required changes to Condition C8 are as follows:

Delete Condition C8

Insert Modified Condition C8A

“C8A Bushfire Assessment

In order to ensure the protection of property and assets, a detailed bushfire assessment and management plan, prepared by a suitably qualified person, must be submitted with each future project/development application for subdivision. The assessment must, at a minimum, demonstrate consistency with the requirements of *Planning for Bushfire Protection 2006*. ~~All asset protection zones must be clearly specified on the Plan of Development and all affected lots are to be encumbered to this effect with a Section 88B instrument under the NSW Conveyancing Act 1919.”~~

4.7 Schedule 3 – Statement of Commitments

The amended Statement of Commitments is attached as **Annexure G** and described as follows:

Statement of Commitment 4.1 - Saltmarsh Rehabilitation Plan

A modification is required to update the reference to the latest Saltmarsh Rehabilitation Plan dated November 2012.

Statement of Commitment 4.3 - Revised Site Regeneration and Revegetation

A modification is required to update the reference to the latest Revised Site Regeneration and Revegetation Plan dated November 2012.

Statement of Commitment 4.7 - Freshwater Wetlands

A modification is required to this Commitment to refer to the altered biodiversity offset arrangement whereby 2 hectares of rehabilitated freshwater wetland is to be provided on site with a Freshwater Wetland Compensatory Habitat Management Plan to be prepared to address the rehabilitation of 2 hectares of freshwater wetland on the eastern side of Cobaki Parkway.

The balance of the offset is to be provided off site subject to a Planning Agreement with the Office of Environment and Heritage (OEH) as per Commitment 4.8 below.

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Statement of Commitment 4.8 - Offsets for Freshwater Wetlands and associated Wallum Froglet Habitat,

A modification is required to this Commitment to refer to the altered biodiversity offset arrangement whereby the rehabilitated freshwater wetland is to be provided off site and in accordance with a Planning Agreement between the proponent and OEH.

Statement of Commitment 8.1.1 - Management of Soils and Geotechnical Conditions

A modification is required to this Commitment to refer to the implementation of the Geotechnical investigation at the Construction Certificate stage as per the proposed modification to Condition C7.

4.8 Amended Cobaki Estate Development Code

The original Cobaki Estate Development Code was approved by the Director General of the Department of Planning and Infrastructure on 15 November 2010 as a component of the Concept Plan.

A number of housekeeping amendments to the Code are proposed as have been identified in the assessment and approval of the first two Development Applications that were submitted to Tweed Shire Council (DA10/0800 and DA10/0801).

The Department is requested to approve the amended Cobaki Estate Development Code in conjunction with modification of the Concept Plan Approval.

A copy of the amended Development Code is contained at **Appendix H**. The requested amendments are described as follows:

Section 1.0 Introduction

Correct typographical error in the section summary.

Part A, Section 2.2 - Complying Development

This Section of the Code does not make reference to the requirement to provide rainwater tanks. A new Control 5 in Section 2.2 has therefore been included requiring rainwater harvesting to be provided in accordance with Appendix C as per the requirement specified in Part B of the Code.

Table 5.4.1

The term "frontage" is not defined. The controls and table have therefore been amended to call up "effective lot width" as defined in Appendix A of the Code. The heading Minimum Frontage Corner Allotments has also been changed to read "Minimum Effective Lot Width".

Section 5.4, Control 8

Control 8 has been amended to replace the word "frontage" with "effective lot width".

Section 5.4, Control 10

Control 10 has been amended by adding the words "or public footway".

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Section 5.6, Control 1

A review of the matters to be included in a Precinct Plan results in the following changes:

Section 5.6, Control 1(a) – delete as this is an onerous and unnecessary requirement to be shown on the Plan of Development (POD).

Section 5.6, Control 1(d) – delete the word “fill” as the POD does not need to contain this information as the land will be filled to the design flood level at the subdivision stage.

Section 5.6, Control 1(e) – delete as this is an onerous and unnecessary requirement. All necessary easements will be shown on the final Plan of Subdivision when actual service locations are known based on Works As Executed Plans.

Section 5.6, Control 1(j) – the words “dwellings per lot” have been changed to read “bedrooms per dwelling” as this is a more relevant consideration for the purposes of determining contributions, etc. at the subdivision stage.

5.0 ENVIRONMENTAL ASSESSMENT

Modification of the consent as proposed is essentially administrative in nature and will address a number of conditions and current anomalies.

Therefore no other additional impacts are likely to arise and indeed the modified project will enable the development to proceed on a viable basis and satisfy Tweed Shire Council’s requirements.

The environmental impacts of the proposed amendments to the Concept Plan are addressed in the Revised Ecological Assessment and Assessment of Significance reports prepared by James Warren and Associates Pty Ltd (see **Annexures C and D**). Those reports confirm that the proposed development will not result in any significant impacts on threatened species of flora or fauna recorded on, or adjacent to, the Cobaki site.

In the circumstances, it is therefore submitted that the Environmental Assessment accompanying the original Major Project Application, together with the Revised Ecological Assessment and Revised Assessment of Significance prepared by James Warren and Associates Pty Ltd provides an adequate Environmental Assessment of the modified project.

6.0 CONCLUSION

Modification of the conditions and terms of the approval as proposed is authorised by Section 75W(1)(a) and (b) of the Environmental Planning and Assessment Act.

The proposed modifications do not give rise to any significant physical changes to the scale, nature or footprint of the approved project and therefore no impacts other than those addressed in the original Environmental Assessment are likely to arise. Details of the proposed off site offsets are able to be adequately addressed by attaching this requirement to the Voluntary Planning Agreement that Leda Manorstead Pty Ltd is required to enter into with OEH.

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

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