



Contact: Rebecca Sommer
Phone: 02 9228 6184
Fax: 02 9228 6466
rebecca.sommer@planning.nsw.gov.au

Mr Reg van Rij
Regional Manager – Residential
Leda Manorstead Pty Ltd
PO Box 1914
Surfers Paradise QLD 4217

Dear Mr van Rij

**Major Project Modification – Secretary's Environmental Assessment Requirements
Cobaki Estate Concept Plan Modification Request (MP06_0316 MOD 4)**

Please find enclosed the Secretary's Environmental Assessment Requirements (SEARs) for the proposed modification to the Cobaki Concept Plan to revise the location of school sites, include a Registered Club and remove the restriction on the keeping of cats at the Cobaki Estate.

The SEARs have been prepared in consultation with the relevant government agencies and Tweed Shire Council (see **Attachment 1**), and are based on the information you have provided to date. Please note that the Department may alter the SEARs at any time. You must consult further with the Department if you do not lodge a modification request and environmental assessment for the development within two years of the date of issue of these SEARs. The Department will review the environmental assessment for the modification before publicly exhibiting it and will require you to submit an amended environmental assessment if it does not adequately address the SEARs.

I wish to emphasise the importance of effective and genuine community consultation and the need for proposals to proactively respond to the community's concerns. Accordingly, you must undertake a comprehensive, detailed and genuine community consultation and engagement process during the preparation of the environmental assessment. This process must ensure that the community is informed of the development and engaged with issues of concern to them. Sufficient information must be provided to the community to enable a good understanding of the development and any potential impacts.

If the proposal is likely to have a significant impact on matters of National Environmental Significance, it may require an approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This approval would be in addition to any approvals required under NSW legislation and it is your responsibility to contact the Australian Department of the Environment to determine if an approval under the EPBC Act is required for your proposal (<http://www.environment.gov.au> or 6274 1111).

Please contact the Department at least two weeks before you intend lodging the environmental assessment and any associated documentation for the modified development. This will enable the Department to determine the:

- applicable fee (under Division 1A, Part 15 of the *Environmental Planning and Assessment Regulation 2000*); and
- consultation and public exhibition arrangements, including copies (hard-copy and CD-ROM) and format requirements of the EIS.

If you have any enquiries about these SEARs, please contact Rebecca Sommer on the above details.

Yours sincerely


Chris Ritchie

A/Director
Industry Assessments
As the delegate of the Secretary

Secretary's Environmental Assessment Requirements

Section 75F of the *Environmental Planning and Assessment Act 1979*

Application Number	MP 06_0316 MOD 4
Development Description	<p>Concept Plan modification to the Cobaki Residential Development to:</p> <ul style="list-style-type: none"> alter the school site locations; locate a Registered Club in the Southern Special Purpose Precinct; locate a neighbourhood centre on Sandy Lane; re-locate the Council community facilities to the Town Centre; and alter Condition C14 'Restriction on Cats' to allow the keeping of cats subject to existing Council Regulations.
Location	Cobaki Residential Development, Piggabeen Road, Cobaki Lakes
Proponent	Leda Manorstead Pty Ltd
Date of Issue	8 October 2015
General Requirements	<p>The modification request must include:</p> <ul style="list-style-type: none"> an executive summary; a description of the existing and surrounding environment; a thorough description and justification of the proposal, including: <ul style="list-style-type: none"> a detailed justification for the proposed modifications having regard to the environmental impacts, the suitability of the site and the public benefits; identification and analysis of alternatives and the associated environmental impacts; and the relationship of the proposed modifications to the approved development at Cobaki; consideration of relevant statutory provisions; a detailed assessment of the key issues specified, including: <ul style="list-style-type: none"> a description of the existing environment, using sufficient baseline data; an assessment of the potential impacts of the modification, including any cumulative impacts, taking into consideration existing approvals, relevant guidelines, policies, plans and statutes; a description of the measures that would be implemented to avoid, minimise, mitigate and if necessary, offset the potential impacts of the development, including proposals for adaptive management and/or contingency plans to manage significant risks to the environment; and impacts of the modification, including cumulative impacts; a description of all proposed amendments to the approved documentation (where necessary); an estimate of the jobs that will be created by the development during the construction and operational phases of the proposed modification/s; and a conclusion justifying the proposal, taking into consideration the environmental impacts of the proposal and the suitability of the site.
Key issues	<p>The modification request must address the following specific matters:</p> <p>1. Statutory and Strategic Context – including: Address the statutory provisions applying to the proposed development contained in all relevant environmental planning instruments, including:</p> <ul style="list-style-type: none"> <i>State Environmental Planning Policy (State and Regional Development) 2011;</i> <i>State Environmental Planning Policy (Infrastructure) 2007;</i> <i>State Environmental Planning Policy No 14 (Coastal Wetlands);</i> <i>Tweed Local Environmental Plan 2014;</i> <i>Tweed Development Control Plan 2008;</i> and <i>Tweed Coast Comprehensive Koala Plan of Management.</i>

Permissibility

Detail the nature and extent of any prohibitions that apply to the development.

Development Standards and Strategic Plans

Identify compliance with the development standards applying to the site. Address the relevant planning provisions, goals and strategic planning objectives in the following:

- *NSW 2021;*
- *Far North Coast Regional Strategy;*
- *NSW Long Term Transport Master Plan 2012;*
- *NSW Bike Plan;*
- *Planning Guidelines for Walking and Cycling;* and
- *Healthy Urban Development Checklist, NSW Health.*

2. Site Analysis and Land Use

- site survey plan that identifies the relevant natural and built environmental features within and adjoining the site including site boundaries, levels and identification of any easements or other legal affectations on the title;
- a revised Precinct Location Plan that identifies the proposed modifications to the boundaries of each stage and the timing for the delivery of the development and land uses, number of dwellings and activities contained in each stage;
- a revised development matrix identifying the approved and proposed land uses, floor space areas, floor space ratios, total gross floor area and site coverage as relevant to each stage of the development;
- a plan depicting the proposed modifications to the approved Concept Plan, including landuses; and
- the modification request must also include consideration of the privacy impacts of the proposed development, any amenity impacts within the foreshore areas, any overshadowing impacts within existing or proposed public reserves, and loss of views from public places. A high level of environmental amenity must be demonstrated, including within the public domain.

3. Built Form and Urban Design

- The modification request must demonstrate how the proposed development will integrate into the surrounding context. The request shall include:
 - a building envelope study which provides a comparative analysis of the height limits and building setbacks contemplated under the approved Concept Plan and the proposed modification;
 - any modifications required to the Cobaki Estate Development Code, Height Control and Open Space Plans approved under the Concept Plan required to facilitate the proposed modification; and
 - identify and justify any changes to the approved open space network.

4. Transport and Accessibility

Provide a revised Traffic Concept Plan, which includes:

- detailed plans of the proposed layout of the internal road network and on-site parking in accordance with the relevant Australian standards;
- analysis of any proposed changes to the road network approved under the Concept Plan;
- modelling of any traffic impacts associated with the proposed modifications to the Concept Plan, including an estimate of the total daily and peak hour vehicle trips generated by the new uses proposed within the Town Centre;
- an assessment of the impacts of all modifications to the approved road network and infrastructure, and use of the Austroads Guidelines to identify appropriate mitigation measures;
- identification of any funding required to facilitate any road upgrade or road improvement works (if required);
- an assessment of any impacts on the functionality of the Tugan Bypass and the Boyd Street intersections, and identification of any traffic mitigation

	<p>measures required at these locations;</p> <ul style="list-style-type: none"> • an assessment of the impacts of any proposed modifications to the Access Network and Potential Bus Route Plan approved under the Concept Plan; and • an assessment of the adequacy of the existing public transport services to meet the likely future demand of the proposed development. <p>5. Visual Impacts Provide a Visual Impact Assessment, which includes a comparative analysis of the visual impacts of the approved Concept Plan and the proposed modification. The Visual Impact Assessment must be prepared in accordance with the principles outlined in <i>Tenacity Consulting v Warringah Council</i> (2004).</p> <p>6. Future Demographics Provide a future demographics analysis which includes:</p> <ul style="list-style-type: none"> • modelling of any changes to demographics arising from the proposed modification; • an assessment of the facilities and services required to support the future population as envisaged under the revised development concept; and • an assessment of the impacts of the revised development concept on existing facilities in the locality, having regard to the centres hierarchy envisaged under the <i>Tweed Retail Strategy</i>. <p>7. Educational Institution Identify the development triggers and applicable requirements (including timing) associated with the dedication of the school site.</p> <p>8. Contributions Address Council's relevant Section 94A Contribution Plan and/or details of any Voluntary Planning Agreement required to support the proposed modifications to the Concept Plan.</p> <p>9. Ecologically Sustainable Development</p> <ul style="list-style-type: none"> • detail how ESD principles (as defined in clause 7 of Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i>) will be incorporated into the design of the development; • include a description of the measures that would be implemented to minimise consumption of water and energy use of future buildings; and • detail any proposed alternative water supply, proposed end uses of potable and non-potable water, demonstration of water sensitive urban design and any water conservation measures. <p>10. Noise and Vibration Identify the main noise and vibration generating sources on-site and existing sources of noise. Outline measures to minimise and mitigate potential noise and vibration impacts on land within and adjacent to the Concept Plan area. This should also include consideration of existing road traffic noise and aircraft noise from the Gold Coast Airport.</p> <p>11. Stormwater and Drainage</p> <ul style="list-style-type: none"> • provide revised stormwater and flood modelling which identifies the impacts, if any, of the proposed modification; and • provide a revised Stormwater Management Concept Plan which identifies any changes to the stormwater management concept arising from the proposed modification. <p>12. Domestic Cats Identify and incorporate detail of all regulatory controls relevant to the management of domestic cats at the Cobaki site. Detail how the application and enforcement of these controls will be applied across the estate.</p>
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	<p>13. Servicing</p> <p>Prepare a utilities and infrastructure servicing report which identifies the capacity of existing/approved infrastructure and any augmentation of this infrastructure required as a result of the proposed modification.</p>
Consultation	<p>During the preparation of the modification request you must consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners. In particular you must consult with:</p> <ul style="list-style-type: none"> • Tweed Shire Council; • Gold Coast City Council; • NSW Office of Environment and Heritage; • NSW Environment Protection Agency; • NSW Department of Education and Communities; • Queensland Department of Education Training and Employment; • Australian Government Department of Education and Training; • Queensland Airports Limited – Gold Coast Airport; and • Office of Liquor, Gaming and Racing. <p>The modification request must describe the consultation process and the issues raised, and identify where the design of the development has been amended in response to these issues. Where amendments have not been made to address an issue, a short explanation should be provided.</p>
Further consultation after 2 years	<p>If you do not lodge a modification request within 2 years of the issue date of these SEARs, you must consult with the Secretary in relation to the requirements for lodgement.</p>

ATTACHMENT 1

Government Authority and Council Responses to Request for Key Issues

Rebecca Sommer

From: Vince Connell <VConnell@tweed.nsw.gov.au>
Sent: Friday, 25 September 2015 12:24 PM
To: Rebecca Sommer
Subject: Request for SEARs – Cobaki Residential Community Development – Concept Plan MOD 4- Alterations to the School Sites, Addition of a Registered Club, Removal of Community Facilities and Removal of Restrictions on Cats

Hi Rebecca, please find below Council's comments in respect to the Department's request.

Regards

Vince

Amend State School locations by removing the two approved locations (one in the Town Centre area and the other at the southern part of Precinct 8) and providing a State School site within Precinct 6.

A coherent overall traffic network evaluation of the Cobaki Estate is considered necessary, including external access roads and intersections such as Cobaki Parkway, Boyd Street, and Gold Coast Highway. This study needs to consider private, public and active modes of transport, and associated infrastructure provision. It is understood from previous meetings that this study is already well advanced in its preparation, by Bitzios.

Each of the individual sites subject to the Mod (the consolidated school site and the registered club) will require traffic studies focusing on localised impacts to adjacent intersections and land uses, and compliance with relevant standards. This must also include on site car parking and public transport provision for staff, customers/students, and service vehicles. The school site would also need to take into consideration the Department of Education's requirements.

Location of a Registered Club in the presently approved location of the school site within Precinct 8 and the replacement of the presently zoned B2 Local Centre area adjacent thereto by an R1 General Residential zoning.

Please refer to traffic comments noted above.

It is unclear as to where the neighbourhood shop is being proposed. Any MOD 4 proposal would need to clearly indicate where a proposed new location is and how that site integrates with other site uses and the overall layout of the development.

Remove the Community Facilities site currently approved within Precinct 17.

The proposed change of land use at P17 raises potential contamination issues. It appears that the location of the Community Facilities in Precinct 17 is in close proximity to the location of the Turners Cattle Dip. The Dip Site remediation is subject to the provision of a Site Audit Statement by an EPA Accredited Site Auditor (Marc Salmon). Any proposed change in the land use from community facility to residential will need to be advised to the Site Auditor for their consideration in regards to remediation works and the final required Site Audit Statement.

It is also noted that the Environmental Protected Area adjacent and to the north of the P17 area has a stormwater drainage issue. This drainage matter should to be satisfactorily addressed, to support the proposed modification to residential.

No objection is raised with regard to the proposed relocation of the Community Facilities site to within the Town Centre area.

Removal of Concept Plan condition C14 Restriction on cats.

The proposed removal of Concept Plan condition C14 Restrictions on Cats should incorporate the "other regulatory controls" that will be applied to meet this objective, and a commitment to doing so.

Vince Connell BTP, GAICD | Director Planning and Regulation
Planning and Regulation



p (02) 6670 2423 | m 0488 121 103 | f (02) 6670 2483 | e vconnell@tweed.nsw.gov.au | w www.tweed.nsw.gov.au
Civic and Cultural Centre Tumbulgum Road Murwillumbah NSW 2484 | PO Box 816 Murwillumbah NSW 2484

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Rebecca Sommer

From: Pyne, Catherine <Catherine.Pyne@det.nsw.edu.au>
Sent: Monday, 28 September 2015 2:59 PM
To: Rebecca Sommer
Subject: Cobaki - Concept Plan Modification - Assessment Requirements

Your Reference: MP 06_0316 MOD 4

I refer to your request for the Department of Education's environmental assessment requirements in relation to a proposed modification to the school sites.

In order to assess the modification, the Department will require the following information:

- A layout plan that identifies the location of the proposed school site relevant to other land uses, such as housing, business and open space allocations.
- Details of the staging of the residential development, including anticipated number and timing of dwellings.
- A site plan of the proposed school parcel which includes information about dimensions, area, slope and indicative servicing.
- An environmental assessment of the proposed school site, public road access to the site and its immediate surrounds which includes, but is not limited to, matters such as: vegetation, bush fire prone land, flooding, threatened species, heritage, riparian zones, contamination, and drainage.
- Arrangements concerning the dedication of the school site and development triggers for this to occur.

Enquiries concerning the Department's requirements may be directed to me, details are provided below.

Catherine Pyne | Assets Planner | Planning and Demography Unit | Asset Management Directorate
P 02 6768 2322 | M 0429 463 096 | F 02 6768 2337 | W www.det.nsw.edu.au | E Catherine.Pyne@det.nsw.edu.au

Location: Building H, West Tamworth Primary School, Church Street, Tamworth NSW 2340 Mail: PO Box 3394, West Tamworth NSW 2340



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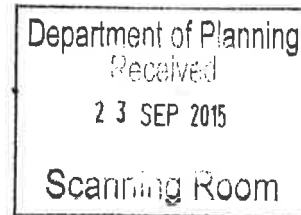


Office of
Environment
& Heritage



Our Ref: DOC15/358994
Your Ref: MP06_0316 MOD 4

Ms Kate MacDonald
Team Leader Industry Assessments
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001



Attention: Ms Rebecca Sommer

Dear Ms MacDonald

Re: Request for SEARs – Cobaki Residential Community Development – Concept Plan MOD 4

Thank you for your letter dated 11 September 2015 regarding the above proposal requesting comments from the Office of Environment and Heritage (OEH). I appreciate the opportunity to provide input.

OEH has reviewed the proposed modification letter dated 21 August 2015 prepared by Leda Manorstead Pty Ltd. It appears that three of the four proposed modifications relate to rearranging proposed infrastructure and providing suitable zonings. OEH understands that these modifications will not have impacts to matters that are of interest to OEH such as biodiversity, flooding, and Aboriginal cultural heritage. As such OEH has no comment to make regarding these modifications.

The proposal is also seeking to remove condition C14 Restriction on Cats. The proposal states that, *"this condition is unnecessary as other regulatory controls on the keeping of cats that will be applied will achieve its objective"*. However, the proposed modification does not detail what other regulatory controls will make this condition unnecessary. OEH does not support the removal of this condition based on the information which has been provided.

If you have any further questions about this issue, Mr Krister Waern, Senior Operations Officer, Regional Operations, OEH, can be contacted on 6640 2503 or at krister.waern@environment.nsw.gov.au.

Yours sincerely

18/11/2015

ROSALIE NEVE

Locked Bag 914 Coffs Harbour NSW 2450
Federation House, Level 8, 24 Moonee Street
Coffs Harbour NSW 2450
Tel: (02) 6659 8200 Fax: (02) 6651 5356
ABN 30 841 387 271
www.environment.nsw.gov.au

A/Senior Team Leader Planning, North East Region
Regional Operations

Contact officer: KRISTER WAERN
6640 2503

Enclosure:

cc: [Click here to enter Ccs.](#)