



Our reference: 2010/5296

Mr James Warren  
Managing Director  
JWA Pty Ltd  
PO Box 1465  
BALLINA NSW 2478

Dear Mr Warren

**EPBC: 2010/5296- Cobaki Estate, request to revoke Condition 3**

Thank you for your email dated 21 August 2015, to Rod Whyte of this Department, requesting revocation of condition 3 of the approval dated 13 October 2011. This condition concerns provision of an offset for impacts on Grey-headed Flying Fox foraging habitat.

Officers of this Department have reviewed the variation request. As delegate of the Minister, I have revoked condition 3 of EPBC Approval 2010/5296 under section 143(1)(c) of the Environment Protection and Biodiversity Conservation Act 1999.

In its documentation Leda has proposed that it will plant compensatory Grey-headed Flying Fox foraging habitat on the site. The Department recommends that Leda not plant vegetation which is likely to attract Grey-headed Flying Fox in proximity to parts of the site which will be frequented by people. The Department recommends that Leda seek opportunities for creating or rehabilitating habitat away from people and unsuitable for development in order to avoid potential conflict between people and Grey-headed Flying Fox.

As you are aware, the Department has an active monitoring program which includes monitoring inspections, desk top document reviews and audits. Please ensure that you maintain accurate records of all activities associated with, or relevant to, the conditions of approval so that they can be made available to the Department on request.

Should you require any further information please contact Peter Blackwell, Assistant Director, Post Approvals Section, on (02) 6274 1470 or by email: [post.approvals@environment.gov.au](mailto:post.approvals@environment.gov.au).

Yours sincerely

Shane Gaddes  
Assistant Secretary  
Compliance & Enforcement Branch  
Environment Assessment and Compliance Division

// September 2015



## VARIATION TO CONDITIONS ATTACHED TO APPROVAL

### Cobaki Estate Project (EPBC No 2010/5296)

This decision to vary a condition of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

#### Approved action

Person to whom the approval is granted

Leda Manorstead Pty Ltd

ABN: 65 058 793 114

Approved action

To construct a residential development and ancillary commercial, retail, recreational and educational facilities known as the Cobaki Lakes at Tweed Heads NSW as described in the referral received by the Department on 7 January 2010.

#### Variation

Variation of conditions of approval

The variation is:  
Delete condition 3 attached to the approval dated 13 October 2011.

**Note:** All other conditions including the definitions in the approval dated 13 October 2011 remain unchanged.

Date of effect

This variation has effect on the date the instrument is signed

#### Person authorised to make decision

name and position

Shane Gaddes  
Assistant Secretary  
Compliance & Enforcement Branch

Signature

Date of decision

11 September 2015