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# Concept Approval

## Section 75O of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, pursuant to Part 3A of the *Environmental Planning & Assessment Act 1979* (Act), determine:

- a. Under section 75O of the Act, to approve the concept plan referred to in Schedule 1 subject to the modifications in Schedule 2 and the proponent's Statement of Commitments in Schedule 3;
- b. Under section 75P(1)(a) of the Act, that further environmental assessment be subject to the requirements set out in Schedule 2; and
- c. Under section 75P(1)(b) of the Act, that approval to carry out the project, other than the central open space and Precinct 5, be subject to Part 4 or 5 of the Act, as relevant.

The modification and further assessment requirements are required to:

- Encourage the orderly future development of the site;
- Ensure adequate mitigation of environmental impacts of future development; and
- Ensure protection and restoration of threatened species and their habitat.



The Hon Tony Kelly MLC  
**Minister for Planning**

Sydney,

- 6 DEC 2010

2010

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## SCHEDULE 1

### PART A—TABLE

Application made by:	Leda Manorstead Pty Ltd
Application made to:	Minister for Planning
Project Application Number:	06_0316
On land comprising:	Cobaki Lakes, Lot 1 DP 570076, Lot 2 DP 566529, Lot 1 DP562222, Lot 1 DP 570077, Lot 1 DP 823679 and Lots 46,54, 55, 199, 200, 201, 202, 205, 206, 209, 228 and 305 DP 755740
Local Government Area	Tweed
For the carrying out of:	<ul style="list-style-type: none"><li>• Residential development for approximately 5,500 dwellings;</li><li>• Town Centre and neighbourhood centre for future retail and commercial uses;</li><li>• community facilities and school sites;</li><li>• open space;</li><li>• wildlife corridors;</li><li>• protection and rehabilitation of environmentally sensitive land;</li><li>• road corridors and utility services infrastructure;</li><li>• water management areas; and</li><li>• roads and pedestrian and bicycle network.</li></ul>

### PART B—NOTES RELATING TO THE DETERMINATION OF MP NO. 06\_0316

#### Responsibility for other consents / agreements

The Proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

#### Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

#### Tweed Shire Council Consents

This concept plan does not affect DA 92/315, DA 94/438, DA S94/194, DA 96/271, DA S97/54, DA K99/1124 or DA 1262/2001 approved by Tweed Shire Council.

### PART C—DEFINITIONS

In this approval,

**Act** means the *Environmental Planning and Assessment Act 1979*.

**Advisory Notes** means advisory information relating to the approved development but do not form a part of this approval.

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**BCA** means Building Code of Australia.

**Council** means Tweed Shire Council.

**DECCW** means the Department of Environment Climate Change and Water.

**Department** means the Department of Planning.

**Director-General** means the Director-General of the Department or his/her nominee.

**Environmental Assessment** means the Environmental Assessment prepared by JBA Urban Planning Consultants Pty Ltd and dated December 2008, including all Appendices.

**Minister** means the Minister for Planning.

**Project** means the project as described in Term A1 to this approval.

**PCA** means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

**Preferred Project Report** means the Preferred Project Report prepared by JBA Urban Planning Consultants Pty Ltd dated October 2009 and the Addendum dated June 2010.

**Proponent** means Leda Manorstead Pty Ltd or any party acting upon this approval.

**Regulation** means the *Environmental Planning and Assessment Regulation 2000*.

**Subject Site** has the same meaning as the land identified in Part A of this schedule.

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## SCHEDULE 2

### MODIFICATIONS AND REQUIREMENTS FOR FUTURE APPLICATIONS

#### PART A—TERMS OF CONCEPT APPROVAL

##### **A1     *Project Description***

Concept plan approval is granted for the Cobaki Estate project as described below:

- Residential development for approximately 5,500 dwellings;
- Town Centre and neighbourhood centre for future retail and commercial uses;
- community and education facilities;
- open space;
- wildlife corridors;
- landscaping and vegetation management;
- environmental protection areas and rehabilitation of environmentally sensitive land;
- water management areas;
- roads, bicycle and pedestrian network; and
- utility services infrastructure.

##### **A2     *Project in Accordance with Plans***

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

Design, Landscape and Survey Drawings			
Drawing No.	Revision	Name of Plan	Date
LED006/ SK 01.01	RR	Concept Plan-for Cobaki	23 September 2010
LED006/SK01.02	CC	Development Matrix	23 September 2010
LED006/ SK 01.03	FF	Cobaki Lakes Height Controls	23 September 2010
LED006/ SK 01.05	EE	Cobaki Lakes Access Network Plan and Potential Bus Route	23 September 2010
LED006/ SK 01.07	P	Cobaki Lakes Open Space Network Plan	23 September 2010
LED006/ SK 01.09	BB	Precinct Location Plan	23 September 2010
LED006/SK 01 06	I	Road Hierarchy Plan	11 June 2010
6400-184C Sheets 1 & 2		Cobaki Lakes Areas To Be Protected By Covenant	13/9/2010

except for:

- (1) any modifications which may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA;
- (2) otherwise provided by the terms of this approval.

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### **A3      *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.

#### **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, October 2010.
- (7) Revised Saltmarsh Rehabilitation Plan prepared by James Warren and Associates P/L, October 2010.
- (8) Revised Freshwater Wetland Rehabilitation Plan prepared by James Warren and Associates P/L, October 2010.
- (9) Cobaki Estate Development Code.
- (10) Final Statement of Commitments, 4 November 2010.

### **A4      *Inconsistencies***

- (1) In the event of any inconsistency between:
  - a) The terms of this approval and the Statement of Commitments (at Schedule 3), the terms of this approval prevail;
  - b) The terms of this approval and the drawings/documents referred to in A3 and A4, the terms of this approval prevail; and
  - c) Any drawing/document listed in A2 and A3 and any other drawing/document listed in A2 and A3, the most recent document shall prevail to the extent of the inconsistency.
- (2) If there is any inconsistency between this concept plan approval and any project approval or development consent, this concept plan approval shall prevail to the extent of the inconsistency.

### **A5      *Limits of approval***

#### **Lapse Provision**

This concept plan approval shall lapse five (5) years after the date this concept approval is endorsed by the Minister, unless works the subject of any related application are physically commenced, on or before that lapse date. The Director-General may extend this lapse date if the proponent demonstrates to the satisfaction of the Director-General that the project remains current, appropriate and reflective of the best use of the site at the date the approval would otherwise lapse.

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## **PART B—MODIFICATIONS TO THE CONCEPT PLAN**

### ***B1 Flora and Fauna Monitoring Report***

Within 12 months of this approval, or as otherwise determined by the Director-General, the Proponent shall prepare a draft outline of a Flora and Fauna Monitoring Report to the satisfaction of the Director-General. The aim of the report is to collate and synthesise all monitoring and reporting requirements contained in the documents listed in A3.

The draft outline of the Flora and Fauna Monitoring Report shall set out the proposed timeframe and duration for ongoing monitoring with reference to locations within the Cobaki Estate, stages of development and the specific issues listed below.

The draft outline of the Flora and Fauna Monitoring Report shall be prepared by a suitably qualified person/s and include, but not be limited to:

- (1) Aims, objectives and methodology for monitoring and reporting;
- (2) Baseline monitoring data focusing on existing populations of threatened species, including Wallum frog species;
- (3) Performance criteria against which the effectiveness of the various separate management plans, required as part of this approval, dealing with fauna, buffers, weeds, vegetation, Scribbly Gums, and saltmarsh and freshwater wetlands can be measured. Relevant benchmark reference vegetation communities are to be nominated from within surrounding conservation estates;
- (4) Actual performance against the above criteria;
- (5) Any required corrective actions;
- (6) Monitoring and reporting of fauna usage within the Environmental Protection zones; and
- (7) Adaptive management procedures to ensure that the various separate management plans remain relevant and effective.

The Monitoring Reports are to be provided to the Department of Planning, DECCW, Tweed Shire Council and Industry and Investment – Fisheries.

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## **PART C— REQUIREMENTS FOR FUTURE APPLICATIONS**

Pursuant to sections 75P(1)(a) and 75P(2)(c) of the Act the following requirements apply, as relevant, with respect to future stages of the project to be assessed under Parts 3A, 4 or 5, as relevant, of the Act:

### **C1      *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.

### **C2      *Implementation of Part B of the Cobaki Development Code***

All future project/development applications for residential subdivision or for the construction of dwellings or commercial premises must demonstrate consistency with Part B of the Cobaki Development Code.

### **C3      *Housing Densities***

All future applications for each stage of development for residential subdivision are to provide a plan which:

- (1) Details the mix of densities in each precinct;
- (2) Demonstrates adoption of the neighbourhood planning principles in the Far North Coast Regional Strategy;
- (3) Details the objectives for the location of housing of various densities;
- (4) Details the proposed number and size of dwellings in each stage and precinct;
- (5) Details sites for seniors housing and support facilities;
- (6) Demonstrates the implementation of the levels of accommodation provided for in the approved concept plan;
- (7) Details sites for higher density development; and
- (8) Details discussions with Tweed Shire Council.

### **C4      *Management and Restoration Plans***

- (1) All future applications 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

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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 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.

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 a reference EEC community;
- c. Details on creek bank erosion management;
- d. timing and responsibilities; and
- e. developer maintenance period reflecting completion criteria.

**(4) Buffer Management Plan**

The stage-specific Buffer Management Plans 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 in accordance with the draft outline to be approved by the Director-General.

**C5 Groundwater and Acid Sulfate Soils Assessment**

- (1) In order to ensure the protection of groundwater quality and the water quality of Cobaki Creek and Broadwater, a detailed Acid Sulfate Soils (ASS) assessment and ASS Management Plan (ASSMP), if required, addressing groundwater and acid sulfate soils must be submitted prior to issue of the construction certificate for the central open space and prior to issue of future precinct earthworks construction certificates. The ASS assessment report must be carried out generally in accordance with the ASSMAC Guidelines (1988) by a suitably qualified person and must contain the following information, as a minimum:



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- a. A plan showing the locations of all monitoring and test points (boreholes, test pits, wells/groundwater sampling, soils sampling, surface water sampling, monosulfides sampling etc);
  - b. Plots of water level and quality with time;
  - c. Spatial and depth distribution of ASS soils, corrected to include TAA plus oxidisable sulphur, and using the ASSMAC recommended action level (>18 mols H<sup>+</sup>/t) for the site. This should also address the inferred soft ASS marine clays present beneath the sand ridge;
  - d. Typical treatment levels/distribution of AASS and PASS soils on site (where investigated), to current/correct standards;
  - e. A detailed ASSMP with actions for determining ASS conditions ahead of excavation, handling of groundwater levels and quality, detailed management procedures for surface waters and flood routing, interaction (short and long term) of the groundwater with surface water in order to prevent the formation of monosulfides, materials evaluation and handling, materials balance, stockpile treatment, validation testing, monitoring systems with trigger levels, contingency actions, protection for structural elements, evaluation of off-site impacts etc.
- (2) All future applications where the use of groundwater or the interception of the groundwater table is proposed, the proponent, after consulting with the NSW Office of Water, is to submit detailed Site Water and Groundwater Management and Monitoring Plans, supported by baseline groundwater monitoring conducted for an appropriate period, for the approval of the relevant consent authority prior to the issue of a construction certificate.

## **C6 Stormwater Management**

- (1) A detailed stormwater management plan must be submitted with each project/development application for subdivision of each precinct in the concept plan generally in accordance with the Stormwater Quality Concept Plan – Cobaki Lakes Development – September 2010 Revision 02 – Yeats. The Stormwater Management Plan must address and outline measures, based on Water Sensitive Urban Design Principles which address impacts on the surrounding environment, drainage and water quality controls for the catchment at construction, maintenance and operational stages. The stormwater management plans are to be submitted to the satisfaction of the Council following consultation with the DECCW, NSW Office of Water and Industry and Investment (Fisheries).
- (2) Each stormwater management plan is to include groundwater considerations, a detailed design layout plan for the preferred stormwater treatment train showing location, size and key functional elements of each part of the system. MUSIC modelling, or equivalent, must be undertaken to demonstrate appropriate water quality objectives are being achieved.
- (3) All future project/development applications for subdivision of each precinct in the concept plan are to demonstrate, through the provision of monitoring and adaptive management plans and commitments, that any proposed surface water/stormwater pollution reduction devices will be monitored to determine their pollutant removal efficiencies and the need for further treatment of drainage to ensure the preservation of water quality in Cobaki Creek and Cobaki Broadwater.

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## **C7 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 application for subdivision. The assessments must, at a 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 Australian Geomechanics 2002.

## **C8 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*.

## **C9 Flooding and Climate Change**

- (1) In order to ensure the protection of life and property during a flood event, a comprehensive flood assessment of the site must be submitted with the first project/development application for residential subdivision. The flood assessment must have regard to the following elements to determine the new flood planning level for Cobaki Estate:
  - a. a sea level rise scenario of 0.90 metres;
  - b. a 10% increase in rainfall intensity for sensitivity testing;
  - c. the detailed flood modelling results from the Tweed Valley Flood Study; and
  - d. consideration of freeboard of 0.5 metres.
- (2) All future applications for each stage of development are to incorporate any re-calibrations of the Tweed Shire Council flood model.
- (3) A preliminary development landform for the entire site is to be provided with the first project/development application for residential subdivision to allow comprehensive flood modelling to be carried out, but not in such a way as to preclude necessary modifications to land forms in subsequent stages of development.
- (4) All future applications for residential subdivision shall provide an updated Design Flood Level Map showing peak flood levels for local and regional flood events at 0.1m contours and a detailed flood impact assessment for all flood liable land.

## **C10 Affordable Housing**

The proponent shall provide, with the first application for residential subdivision, a study to determine the need for affordable housing provision for the Cobaki Estate site. The study shall address the following:

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- a) The likely future demographics of the population of the Cobaki Estate site and immediate locality by household type, income, employment and tenure;
  - b) The need for affordable housing both for rental and purchase in the Cobaki Estate site and immediate locality;
  - c) A plan showing possible location/s of affordable housing on the Cobaki Estate site in the various precincts; and,
  - d) Investigation of mechanisms for the provision of affordable housing, including any role for community housing providers or the potential use of Voluntary Planning Agreements.

The proponent is to consult with Tweed Shire Council and Housing NSW -Centre for Affordable Housing in the preparation of the study.

### **C11 Traffic Management**

In order to ensure that the capacity of the surrounding external road network in both Queensland and New South Wales is not exceeded, each future project/development application for subdivision must be accompanied by a detailed traffic assessment in accordance with the RTA's *Guide to Traffic Generating Developments*. The traffic assessment must take into account both the additional traffic from the Cobaki Estate development as well as the cumulative impacts of any new developments in the Tweed Shire and the Gold Coast City Council area.

All traffic assessments undertaken that reveal traffic impacts requiring mitigation on the Queensland road system shall be referred to Queensland authorities for comment. Traffic management works required by the development on the Queensland side of the State's border shall be undertaken in accordance with the requirements of the Queensland authorities and/or deeds with those authorities.

### **C12 Road Traffic Noise Impact Assessment**

In order to determine appropriate noise attenuation requirements adjacent to the Cobaki Parkway, a road traffic noise impact assessment must be undertaken in accordance with RTA guidelines as part of each project/development application for residential subdivision. Details of noise attenuation measures (buffers, mounds, acoustic walls, construction standards) are to be provided as part of each project/development application for residential subdivision.

### **C13 Open Space**

All future applications for subdivision are to demonstrate the provision of an adequate area of active and passive open space in accordance with Council's minimum requirements.

### **C14 Restrictions on Cats**

All future development applications must demonstrate that the keeping of cats within the Cobaki Lakes site shall be totally prohibited and that all residential lots are to be encumbered to this effect with a Section 88B instrument under the *NSW Conveyancing Act 1919*.

### **C15 Cultural Heritage Management Plan**

All future applications for each stage of development are to demonstrate the implementation of the recommendations of the Cultural Heritage Management Plan, including the requirement for site specific management strategies for each of the identified sites of cultural heritage significance as they relate to the area of the application.

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**C16    *Bus Network***

All future applications for each stage of development for residential subdivision are to ensure that adequate provision has been made for public transport in accordance with the Cobaki Lakes Access Network Plan and Potential Bus Route Revision EE, dated 23 September 2010.

**C17    *Contamination Assessment***

A Stage 2 Contamination Assessment is to be prepared for Precincts 10 and 17. Each Stage 2 Contamination Assessment is to identify any contamination on site and provide for appropriate mitigation measures in accordance with the provisions of *State Environmental Planning Policy No. 55 – Remediation of Land*.

**C18    *Tweed Shire Council Development Consents***

Future project/development applications for each stage of development are to outline the status of Tweed Shire Council development consents DA 92/315, DA 94/438, DA S94/194, DA 96/271, DA S97/54, DA K99/1124 or DA 1262/2001 and include a detailed description of how these consents relate to the application.

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### **SCHEDULE 3**

### **STATEMENT OF COMMITMENTS**

## Final Statement of Commitments

Project Component	Environmental Outcome	Commitment	Timing for Completion
1. Concept Plan	1.1 Development is carried out generally in accordance with the approved Concept Plan and Development Code	<p>1.1.1 Every application for subdivision to create separate lots is to include a plan indicating the broader context of the application. This indicative plan will show:</p> <ul style="list-style-type: none"> <li>▪ actual and proposed densities by precinct (or other identified nodes);</li> <li>▪ the distribution or indicative distribution of surrounding open space/parks;</li> <li>▪ connector roads; and</li> <li>▪ trunk stormwater drainage.</li> </ul>	At each relevant stage of development.
2. Visual impact of development	2.1 Key attributes of the natural visual landscape of the Cobaki Estate site (being the topographical amphitheatre, remnant band of bushland, Cobaki Broadwater forest and wetland, and proposed new central open space precinct) are retained and rehabilitated.	2.1.1 In those areas of the site not proposed for urban development the natural landscape will be retained and rehabilitated where applicable in accordance with the relevant environmental management plans appended to the Concept Plan and Development Code.	At each relevant stage of development.
	2.2 The visual impact of subdivision and building development is managed.	2.2.1 Future project applications and development applications will be generally consistent with the development controls for the detailed design of subdivisions and buildings in each precinct as set out in the Cobaki Development Code.	At each relevant stage of development.
3. Road access	3.1 Road access to the north through Boyd Street and Gold Coast Highway has capacity to accommodate traffic generated by such development that occurs under the Concept Plan.	3.1.1 The proponent will meet its legal obligations assigned in the Boyd Street Road Works Deed between Gold Coast City Council and Calsonic Management Services Pty Ltd dated 8 July 1993.	As specified in the Deed.

Project Component	Environmental Outcome	Commitment	Timing for Completion
		3.1.2 Every subdivision application will be supported by a traffic study demonstrating that Boyd Street has, at the time of the application, sufficient capacity to accommodate the additional traffic generated by the subdivision.	As part of each relevant Project Application or Development Application for subdivision.
		3.1.3 The proponent will meet its obligations in the Deed between it and the State of Queensland acting through the Department of Main Roads dated 3 February 1997 in relation to the construction and use of a signalised intersection between Boyd Street and the Gold Coast Highway.	As specified in the Deed.
		3.1.4 The proponent will meet its legal obligations assigned in the Deed between Tweed Shire Council and Calsonic Management Services Pty Ltd dated 6 August 1993.	As specified in the Deed.
	3.2 Road access to the south through the Cobaki estate and over Cobaki Creek to connect with Piggabeen Road is provided to accommodate traffic generated by the development under the Concept Plan.	3.2.1 The proponent will dedicate to Council all the Cobaki Parkway Road Reserve from the north eastern boundary of the property to Cobaki Creek, in accordance with the approved Concept Plan. The cost of this land dedication, and the manner in which it will be treated as a credit against the proponent's obligations to pay contributions under Section 94, will be in accordance with the Deed between Tweed Shire Council and Calsonic Management Services.	Progressively as the construction of relevant stages of two lanes of Cobaki Parkway is completed and in conjunction with Council accepting handover of each section of road.  The initial dedication will be the road reserve from the Boyd Street Overpass to the roundabout between precincts 6 & 7.  The proponent will dedicate the balance of the road reserve within five (5) years of the initial dedication.
		3.2.2 The proponent will construct two lanes of Cobaki Parkway, in accordance with Tweed Shire Council's requirements, from the toe of the ramp on the western side of the overpass at the intersection of Boyd Street and the Tugun Bypass to the southern-most roundabout on Cobaki Parkway at its intersection with Sandy Road. These works will be constructed progressively to access each phase of the development as it is released.	At each relevant stage of development

Project Component	Environmental Outcome	Commitment	Timing for Completion
		3.2.3 The proponent will construct two lanes of Cobaki Parkway, in accordance with Tweed Shire Council's requirements, from the southern-most roundabout with Sandy Road to the Cobaki Creek, a two lane bridge over Cobaki Creek and a connection to Piggabeen Road.	In accordance with the proponent's development program, provided that such works shall be completed no later than 12 months after 3000 allotments have been created.
		3.2.4 The proponent shall provide, in the subdivision design of Precincts 9 & 10, for the southern section of Sandy Road to connect to Piggabeen Road in order to provide an alternative connection to Cobaki Parkway.	When the development application or project application is submitted for the subdivision of Precincts 9 & 10.
		3.2.5 Road connection between Cobaki Parkway and Piggabeen Road, either via the Cobaki Creek Bridge or through Precincts 9 & 10, will not be opened to the public for vehicle access until such time as a tick control facility has been installed to the satisfaction of the NSW Department of Primary Industries.	
		3.2.6 The proponent will meet its legal obligations assigned in the Deed between Tweed Shire Council and Calsonic Management Services Pty Ltd dated 6 August 1993. 3.2.7 The proponent will in good faith enter into negotiations with Tweed Shire Council with the objective of completing, if necessary, a Deed between the parties replacing the Deed between Council and Calsonic Management Services Pty Ltd dated 6 August 1993.	As specified in the Deed  Upon approval of the Concept Plan
	3.3 Internal roads and access arrangements are designed and constructed to contemporary standards of safety and efficiency.	3.3.1 Internal roads, car parking and loading/ servicing facilities will be designed and constructed in accordance with the Cobaki Development Code. 3.3.2 Direct vehicle access off Cobaki Parkway will be restricted to one left in/left out point serving the Town Centre commercial/retail zone, subject to a supporting traffic report acceptable to Council. No residential lots will have direct vehicle access onto Cobaki Parkway.	As part of each stage of development.



Project Component	Environmental Outcome	Commitment	Timing for Completion
4. Flora and Fauna Management	4.1 Areas of saltmarsh on the site are rehabilitated and protected.	4.1.1 The provisions of the Revised Saltmarsh Rehabilitation Plan, Cobaki Lakes, Preferred Project Report (James Warren & Associates, October 2010) will be implemented.	Commencement of rehabilitation works prior to registration of any plan of subdivision. Works will proceed in a regular manner with the objective of achieving the timeline and milestones set out in the Revised Saltmarsh Rehabilitation Plan.
	4.2 Areas of Scribbly Gum trees are conserved and managed.	4.2.1 The provisions of the Scribbly Gum Management Plan, Cobaki Lakes, Preferred Project Report (James Warren & Associates, 2009g) will be implemented.	Commencement of management works prior to registration of any plan of residential subdivision. Works will continue in accordance with the requirements of the Scribbly Gum Management Plan.
	4.3 Native vegetation is regenerated.	4.3.1 The provisions of the Revised Site Regeneration and Revegetation Plan, Cobaki Lakes, Preferred Project Report (James Warren & Associates, October 2010) will be implemented.	Commencement of rehabilitation works prior to registration of any plan of residential subdivision for adjacent land. Work will then proceed in accordance with the Revised Site Regeneration and Revegetation Plan until they are completed and dedicated to Tweed Shire Council.
	4.4 Removal of native vegetation is appropriately managed.	4.4.1 The provisions of the Vegetation Management Plan, Cobaki Lakes, Preferred Project Report (James Warren & Associates, 2009d) will be implemented.	At relevant stages of development.
	4.5 Threatened fauna species are appropriately managed.	4.5.1 The provisions of the Fauna Management Plan, Cobaki Lakes, Preferred Project Report (James Warren & Associates, 2009e) will be implemented. 4.5.2 The provisions of the SEPP 44 Assessment – Cobaki Lakes - Preferred Project Report (James Warren & Associates, 2009h) will be implemented.	Commencement of works prior to registration of any plan of residential subdivision on or adjacent to the relevant fauna habitat. Works will continue in accordance with the Fauna Management Plan.

Project Component	Environmental Outcome	Commitment	Timing for Completion
	4.6 Areas of native vegetation are protected.	4.6.1 The provisions of the Overview Buffer Management Plan – Cobaki Lakes - Preferred Project Report (James Warren & Associates, 2009i) will be implemented.	Commencement and progress of works prescribed in area-specific Buffer Management Plans prior to registration of any plan of residential subdivision. Works will be completed in accordance with the relevant buffer management plan.
	4.7 Freshwater wetlands are rehabilitated.	4.7.1 The provisions of the Revised Freshwater Wetland Rehabilitation Plan, Cobaki Lakes, Preferred Project Report (James Warren & Associates, October 2010) will be implemented.	Commencement of rehabilitation works prior to registration of any plan of residential subdivision for adjacent land. The works will then proceed in accordance with the Revised Freshwater Wetland Rehabilitation Plan, until they are completed and dedicated to Tweed Shire Council.
	4.8 Offsets will be provided for impacts on Freshwater Wetlands and associated Wallum Froglet habitat, impacts resulting from approved bushfire hazard reduction works within native vegetation areas, and for any impacts on existing trees in the Scribbly Gum Reserve.	4.8.1 The proponent will enter into separate Planning Agreements with DECCW for the offset of the following impacts: <ul style="list-style-type: none"> <li>- on Freshwater Wetlands and associated Wallum Froglet habitat;</li> <li>- from approved bushfire hazard reduction works within native vegetation areas; and</li> <li>- on existing trees within the Scribbly Gum Reserve should this occur.</li> </ul> The proponent will fulfil its obligations in accordance with these Planning Agreements.	Before any works are commenced that may cause or contribute to the relevant impact.

Project Component	Environmental Outcome	Commitment	Timing for Completion
5. Biting Midge & Mosquito Control	5.1 Biting midge and mosquitos are appropriately managed.	5.1.1 The provisions of the Biting Midge & Mosquito Control Plan (Mosquito Consulting Services, May 2008) will be implemented.	Commencement of rehabilitation works prior to registration of any plan of residential subdivision for adjacent land. Works will then proceed in a regular manner with the objective of achieving the timeline and milestones set out in the Biting Midge & Mosquito Control Plan
6. Stormwater and flood management	6.1 Stormwater on the site is appropriately managed.	<p>6.1.1 Stormwater Management Plans, generally in accordance with the Stormwater Quality Concept Plan (Yeats Consulting Engineers, Revision 02, September 2010) and Council's DCP and referenced Development Design Specification D7-Stormwater Quality Version 1.3 will be prepared as part of future Development Applications and Project Applications, and implemented.</p> <p>6.1.2 Water sensitive urban design (WSUD) measures may be implemented generally in accordance with the Stormwater Management Plan (Yeats Consulting Engineers, Revision 02, September 2010) in areas where geotechnical and slope parameters are compatible. Additional road reserve widths shall be provided in accordance with Council's standard road cross-sections to accommodate roadside drainage swales and similar WSUD measures where these are provided.</p>	

Project Component	Environmental Outcome	Commitment	Timing for Completion
		<p>6.1.3 Erosion and sediment control plans shall be prepared and implemented as part of future project and development applications for each stage of development. These plans shall address the construction phase of the subdivision works, as well as interim measures for the subsequent urban development within each precinct, to remain in place until such time as permanent stormwater quality control measures can reasonably operate to the satisfaction of Council.</p> <p>6.1.4 Downstream trunk drainage easements will be registered in favour of Council, and the construction and future construction of downstream trunk drainage infrastructure and its dedication to Council secured to the satisfaction of Council, as part of the subdivision certificate process for each relevant urban precinct. A six (6) month defects liability period for the trunk drainage shall commence at the time of dedication to Council.</p>	
		6.1.5 The proponent will provide safety measures as required by Council around public stormwater drainage infrastructure in all cases where the design of the drainage infrastructure cannot satisfactorily limit risk exposure to members of the public.	As part of the completion of infrastructure works for each stage of development.
	6.2 Flood protection is provided in the design of development.	6.2.1 Development shall be in accordance with Council's DCP Section A3-Development of Flood Liable Land.	
		6.2.2 The proponent will provide a Design Flood Level Map with each development and project application for land subject to flooding in the design flood event (being the 100 year ARI flood event, taking into account climate change impacts 0.9m sea level rise plus 10% increased rainfall intensity). The map will show peak flood levels for local and regional flood events at 0.1m contours. The map will be used as the basis for determining fill and floor levels for adjoining precincts.	
		6.2.3 The proponent will provide detailed flood impact assessments for development and project applications on flood liable land. The flood impact assessment will include updates to the Design Flood Level Map.	As part of development and project applications, where relevant.

Project Component	Environmental Outcome	Commitment	Timing for Completion
7. Groundwater Management	7.1 Groundwater is appropriately managed.	7.1.1 The provisions of the Groundwater Management Plan (Gilbert & Sutherland, April 2008) will be implemented. 7.1.2 Groundwater Management Plans will be provided in relation to each future Development Application or Project Application where the use of groundwater is proposed or where it is proposed to intercept the groundwater table.	Submission of Management Plans prior to approval of earthworks Construction Certificate applications.
8. Management of soils and geotechnical conditions	8.1 Geotechnical conditions are appropriately managed.	8.1.1 The Broadscale Geotechnical Investigation - Cobaki Lakes (Cardno Bowler, February 2010) will be implemented to support earthworks, civil construction and building work.	As part of project applications and development applications for earthworks, civil and building works.
	8.2 Acid sulphate soils (ASS) are appropriately managed.	8.2.1 Detailed ASS investigations and ASS Management Plans will be prepared, for the detailed design and construction of areas of potential acid sulphate soils, and implemented.	Submission of investigation reports and Management Plans prior to approval of Construction Certificate applications.
	8.3 Contaminated sites are appropriately managed.	8.3.1 Detailed contamination assessments of potentially contaminated land will be undertaken, and, if required, Remediation Action Plans implemented. 8.3.2 Site audit statements will be obtained where necessary to verify the remediation of any contaminated land in accordance with relevant NSW guidelines.	As part of project applications and development applications for each relevant stage of development.
9. Bushfire Protection	9.1 Bushfire protection measures are included in development.	9.1.1 Development will comply with the guidelines <i>Planning for Bushfire Protection 2006</i> . 9.1.2 Bushfire management plans will be prepared and submitted with all relevant development applications.	As part of project applications and development applications for each relevant stage of development.
10. Interface with surrounding land	10.1 Agricultural buffers, ecological buffers, and appropriate measures for management of generic impacts on and from adjacent land are included in development.	10.1.1 The recommendations of the Agricultural Buffer and Off-Site Impacts Assessment (Gilbert & Sutherland, May 2008) will be implemented.	As part of each stage of development, where relevant.

Project Component	Environmental Outcome	Commitment	Timing for Completion
11. Aboriginal Cultural Heritage Conservation	11.1 Aboriginal cultural heritage on the site is appropriately conserved.	11.1.1 The requirements of the Cultural Heritage Management Plan (CHMP) (Everick, April 2010) will be implemented in relevant areas.	All stages of work
12. Road noise	12.1 Dwellings meet residential noise standards.	12.1.1 Future project applications and development applications for subdivision or housing adjacent to subarterial, distributor and connector roads are to include an acoustic report that addresses the potential impacts of road noise, and includes measures to mitigate noise and achieve relevant NSW standards for residential noise levels in dwellings.	As part of each stage of development, where relevant.
13. Ownership and management of open space and environmental protection zones	13.1 The long term ownership and management of open space and Environmental Protection areas is secured	13.1.1 The main central open space corridor on the western side of Cobaki Parkway, being the subject of Project Application No 08-0200, is to be constructed and landscaped in stages. The proponent will offer to dedicate this land to Council in stages, such dedication to occur upon the works being completed.	In accordance with the proponent's development program and relevant Management Plans.
		13.1.2 The environmental protection zone on the eastern side of Cobaki Parkway adjacent to Cobaki Creek is to be rehabilitated, and biting midge and mosquito controlled, in accordance with the relevant Management Plans. The proponent will offer to dedicate this land to Council, such dedication to occur upon the works being completed.	
		13.1.3 The remaining environmental protection-zoned areas adjacent to each development precinct will be rehabilitated and/or landscaped as part of the development of the adjacent development precinct, in accordance with the relevant Management Plans. The proponent will offer to dedicate these areas to Council, such dedications to occur upon the works in respect of each area being completed.	In accordance with the proponent's development program and relevant Management Plans.
		13.1.4 The proponent will offer to execute the relevant covenants in favour of Council in respect of areas identified to be so protected.	In accordance with the proponent's development program and relevant Management Plans.

Project Component	Environmental Outcome	Commitment	Timing for Completion
		13.1.5 The proponent will provide easements or other lawful mechanisms acceptable to Council that are reasonably necessary to enable Council to undertake regular environmental management and/or the maintenance of infrastructure within reserves (including drainage, open space, sewer, water and roads), particularly within areas zoned Environmental Protection.	Prior to the commencement of works in the central open space. In accordance with Council's requirements
<b>14. Tweed Shire Council DCP</b>	14.1 Development at the Cobaki Estate is generally consistent with the Tweed Shire Council DCP and Development Design and Construction Specifications to the extent that the provisions thereof are not inconsistent with the Cobaki Concept Plan and Development Code which take precedence.	14.1.1 Future project applications and development applications are to be generally consistent with the Tweed Shire Council DCP and Development Design and Construction Specifications to the extent that the provisions thereof are not inconsistent with the Cobaki Concept Plan and the Cobaki Development Code.	At each stage of development.