

Secretary's Environmental Assessment Requirements

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

Application	MP 06_0316 MOD 6
Project	Modification to the concept approval to increase building heights in parts of Precincts 11, 12, 15 and 17 for the Cobaki Residential Community Development.
Location	Cobaki Residential Development, Piggabeen Road, Cobaki Lakes
Proponent	Leda Manorstead Pty Ltd
Date issued	10 November 2016
Expiry date	If you do not lodge the modification request within 2 years of the issue of these SEARs, you must consult further with the Secretary in relation to the preparation of the Environmental Assessment (EA).
General Requirements	In addition to the issues specified below, the modification request must include an environmental risk assessment to identify the potential environmental impacts associated with the development.
Key issues	<p>The modification request must address the following specific matters:</p> <ol style="list-style-type: none">1. Relevant EPIs, policies and guidelines to be addressed The modification request shall address the statutory provisions applying to the site as well as all relevant strategic planning objectives outlined in the documents listed in Attachment A.2. Comparison with the concept approval (MP 06_0316) The modification request shall:<ul style="list-style-type: none">• demonstrate how the proposed modification can be assessed and determined within the scope of Section 75W of the <i>Environmental Planning and Assessment Act 1979</i>, and in particular address any environmental impacts beyond those already assessed for the concept approval; and• provide a comparative assessment (qualitative and quantitative) of the proposed modification against the approved scheme, including comparison plans clearly identifying the proposed amendments and a rationale for the proposed amendments.3. Built form<ul style="list-style-type: none">• The proposed height, bulk and scale of the proposed building envelopes are to be informed by a detailed urban design analysis and include consideration of the wider concept plan area, the strategic planning framework for the site and its surrounds and the potential visual and amenity impacts associated with the proposal.• The modification request shall consider various options for the siting, orientation and massing of the proposed building envelopes, together with a comparative analysis demonstrating key strengths and weaknesses of each option; and• The modification request shall address design quality with specific consideration of the massing, building envelope setback, building articulation and design of the public domain.4. Visual Impacts The modification request shall provide a visual impact assessment and view analysis of the proposal from key viewpoints. The assessment shall provide a comparative analysis of the visual impacts of the approved Concept Plan against the proposed modification.

5. Density and Land Use Analysis

The modification request shall provide a detailed analysis of the likely future development outcomes for the site, including:

- estimated floor space area for each land use within each precinct;
- estimated number of dwellings and dwelling mix within each precinct; and
- estimated floor space and number of dwellings for the entire concept plan area.

The modification request shall include justification for any proposed increase in density in the context of relevant Environmental Planning Instruments and the broader strategic planning framework for the site.

6. Airspace Planning Impacts

The modification request must consider the requirements of the Gold Coast Airport's *Lighting Zone Map* and the Commonwealth Airports (Protection of Airspace) Regulation.

7. Transport and accessibility

The modification request shall include a revised traffic and transport assessment, which includes:

- modelling of the 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 proposal;
- an assessment of the current and future performance of key intersections providing access to the site under the approved and proposed scenarios, and identify any additional upgrades required as a consequence of the proposal;
- 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;
- detailed plans of the proposed layout of the internal road network and on-site parking in accordance with the relevant Australian standards;
- measures to promote travel choices that support the achievement of State targets (as a location-specific sustainable travel plan and sustainable travel initiatives, including the provision of end-of-trip facilities for pedestrians and cyclists;
- an assessment of any proposed changes to the Access Network and Potential Bus Route Plan approved under the Concept Plan; and
- an assessment of the adequacy of public transport services to meet the likely future demand of the proposed development.

8. Environmental and residential amenity

The modification request shall:

- address potential solar access, privacy and view loss impacts associated the proposal; and
- demonstrate that the concept proposal is capable of complying with SEPP 65 – Design Quality of Residential Apartment Development and the Apartment Design Guide, including justification for any compliance / non-compliance.

9. Public domain / open space

The modification request shall:

- address any changes to public domain improvements, pedestrian linkages and street activation; and
- demonstrate that the public domain and open spaces will:
 - provide sufficient open space for the expected population;
 - ensure access for people with disabilities; and

	<ul style="list-style-type: none"> ○ minimise potential for vehicle, bicycle and pedestrian conflict. <p>10. Ecologically Sustainable Development (ESD) The modification request shall identify how best practice ESD principles have been incorporated into the proposal, and include innovative and best practice proposals for environmental building performance.</p> <p>11. Biodiversity The modification request shall consider the implications of the proposal on biodiversity, including any impacts to adjoining areas. Management actions shall be developed to address any identified impacts of the proposal on biodiversity.</p> <p>12. Contributions and/or Voluntary Planning Agreement The modification request shall address the provision of public benefit, services and infrastructure having regard to Council's Contribution Plan and/or provide details of any new/amended Voluntary Planning Agreement.</p> <p>13. Flooding and Stormwater The modification request shall:</p> <ul style="list-style-type: none"> • provide a 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. The plan shall consider consequences for, and incorporate action to complement, the ongoing management of the saltmarsh rehabilitation areas located within the development precinct. <p>14. Utilities In consultation with relevant agencies, the modification request shall address the existing capacity and requirements of the development for the provision of utilities including staging of infrastructure works.</p> <p>15. Statement of Commitments The modification request must include any new or modified Statement of Commitments detailing measures for environmental management, mitigation measures and monitoring for the project.</p>
Consultation	<p>During the preparation of the EA, you are required to consult with the relevant local, State or Commonwealth Government authorities, service providers including:</p> <ul style="list-style-type: none"> • Tweed Shire Council; • Gold Coast City Council; • NSW Office of Environment and Heritage; • NSW Environment Protection Agency; • The Government Architect's Office; • Transport for NSW; • NSW Roads and Maritime Services; • NSW Rural Fire Service; • Civil Aviation Safety Authority; • Queensland Airports Limited – Gold Coast Airport; • NSW Department of Education and Communities; and • Queensland Department of Transport and Main Roads. <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>

Plans and Documents	<p>The Modification Request must include all relevant plans, architectural drawings, diagrams and relevant documentation including:</p> <ul style="list-style-type: none">• site analysis plan;• site survey plan, showing existing levels, location and height of existing and adjacent structures/buildings;• locality / context plan;• architectural drawings (to a usable scale at A3);• plans, elevations, sections and photomontages clearly showing the proposed amendments compared to the concept approval;• proposed building envelopes, including a maximum RL for each development block, and overlain with survey information identifying the location and RL of the adjoining ridgeline. If ground levels shown on any plans, they must be consistent with existing or approved ground levels;• schedule of proposed gross floor area per land use;• shadow diagrams;• public domain plans, including a landscape master plan; and• geotechnical and structural report.
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ATTACHMENT A

Relevant EPIs, policies and guidelines to be addressed

The Modification Request shall address the statutory provisions applying to the site contained in all relevant environmental planning instruments (EPIs), including:

- *State Environmental Planning Policy (Infrastructure) 2007;*
- *State Environmental Planning Policy (State and Regional Development) 2011;*
- *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development;*
- *State Environmental Planning Policy No 55 (Remediation of Land)*
- *State Environmental Planning Policy No 14 (Coastal Wetlands);*
- *Tweed Local Environmental Plan 2014;*
- *Tweed Development Control Plan 2008;* and
- *Tweed Coast Comprehensive Koala Plan of Management.*

The Modification Request shall also address relevant planning provisions, goals and strategic planning objectives in the following:

- NSW 2021;
- Far North Coast Regional Strategy;
- Tweed Shire Council Community Strategic Plan 2013/2023;
- NSW Long Term Transport Master Plan;
- RMS Guide to Traffic Generating Developments;
- The Northern Rivers Regional Transport Plan;
- Public Transport Service Planning Guidelines: Rural and Regional NSW (2015)
- Austroads Guidelines
- NSW Bicycling Guidelines;
- NSW Planning Guidelines for Walking and Cycling;
- Crime Prevention Through Environmental Design (CPTED) Principles;
- Healthy Urban Development Checklist, NSW Health; and
- DPI Fisheries Policy and Guidelines for Fish Habitat Conservation and Management (2013).

ATTACHMENT B

Government Authority and Council Responses to Request for Key Issues



Australian Government
Civil Aviation Safety Authority

STAKEHOLDER ENGAGEMENT GROUP

Trim Ref: G116/816

18 October 2016

Ms Fiona Gibson
Planner – Modification Assessments
Planning Services
Planning and Environment
NSW Government
GPO Box 39
SYDNEY NSW 2001

Email fiona.gibson@planning.nsw.gov.au

Dear Ms Gibson

Thank you for your email of 7 October 2016 addressed to the Civil Aviation Safety Authority (CASA) about a modification to the Concept Plan Approval for the Cobaki Residential Community Development (MP 06_0316 MOD 6) at Piggebeen Road, Cobaki Lakes in the Tweed Shire local government area.

CASA has reviewed the Secretary's Environmental Assessment Requirements (SEAR) and supporting documentation and I am advised that, whilst limited in detail, the SEARs do raise key issues of concern to CASA.

The proposed location of the buildings is immediately in front of (ie towards the airport) a ridge line varying in height 70-90m, with building heights limited under the ridgeline height, and the initial request does not address any airspace planning impacts. The modification request must consider the requirements of the Gold Coast Airport's Lighting Zone Map and the Commonwealth Airports (Protection of Airspace) Regulations.

Mr Glen Heyward from CASA's Air Navigation, Airspace & Aerodromes Branch can be contacted by email: glen.heyward@casa.gov.au or phone 07 4750 2672 if you wish to discuss this matter further.

I trust this information is of assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'CHutton'.

Carolyn Hutton
Manager
Government and International Relations

Council Reference: GT1/52
Your Reference: MP06_0316 Mod 6



Customer Service | 1300 292 872 | (02) 6670 2400

20 October 2016

tsc@tweed.nsw.gov.au
www.tweed.nsw.gov.au

Fax (02) 6670 2429
PO Box 816
Murwillumbah NSW 2484

Please address all communications
to the General Manager

ABN: 90 178 732 496

Attn: Fiona Gibson
Department of Planning & Environment
Planning Services - Modification Assessments
GPO Box 39
SYDNEY NSW 2001

Dear Fiona

**Cobaki Concept Approval Modification – Request for Secretary's
Environmental Assessment Requirements (MP06_0316 Mod 6)**

I refer to your email of 7 October 2016 in relation to an invitation to provide input into the SEAR's for a proposed modification to the Cobaki Concept Approval (MP06_0316 Mod 6) regarding increased building heights for Precincts 11, 12, 15 and 17 and provide the following comment.

As noted in previous advice to the proponent in relation to Mod 2 (February 2015), as a general planning view, Council officers consider that the Cobaki site lends itself to an increased maximum building height in the context of its visually contained setting, being isolated from the view of other major adjoining and surrounding properties, through a combination of the natural features of the Cobaki Broadwater, the elevated ridges and vegetated buffers of the north-west, west and south-west parts of the site, and the M1 and Gold Coast Airport uses to the north. This greatly contained topography minimizes the extent of any visual impacts of higher buildings from adjoining properties.

Again at an officer level, the current proposed modification (Mod 6) is supported in principle. However, without design detail, it is difficult to provide substantial comment. Notwithstanding, any proposal will need to provide justification for a proposed increase in building height and density.

The proposed draft SEAR's appear to cover the main aspects that any Environmental Assessment would need to incorporate for such a proposal, particularly in relation to visual impact assessment, view analysis and design quality required under any amended Development Code for the development. No further comment is considered necessary for the proposed SEAR's.

Council will provide comment upon the Mod upon formal lodgement by the proponent, noting that any formal Council submission in relation to an increase in building height at the Cobaki development site will need to be endorsed by full Council.

It should also be noted that the preliminary earthworks drawings (shown in Attachment 2 of the proponents request for SEARs) have not yet been endorsed. Only the Bulk Earthworks Staging Plans were approved under DA15/1026, with

detailed design of the earthworks required to be approved prior to the issue of a construction certificate. This has not occurred to date.

For further information regarding this matter please contact Colleen Forbes on (02) 6670 2596.

Yours faithfully

Lindsay McGavin
Manager Development Assessment & Compliance

Fiona Gibson

Subject: FW: Fwd:Cobaki Residential Community Development - Concept Plan Modification - Tweed Shire - Request for Secretary's Environmental Assessment Requirements

From: Malcolm Drummond

Sent: Friday, 21 October 2016 8:21 AM

To: Fiona Gibson

Subject: Fwd:Cobaki Residential Community Development - Concept Plan Modification - Tweed Shire - Request for Secretary's Environmental Assessment Requirements

Hello Fiona,

NSW Department of Industry, Division of Resources & Energy - Geological Survey of NSW has no issues to raise and no requirements in relation to the above matter.

Kind Regards

Malcolm Drummond | Senior Geoscientist - Land Use Assessment

NSW Department of Industry | Division of Resources & Energy | Geological Survey of NSW

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Department of Primary Industries

OUT16/39157

Ms Fiona Gibson
Modification Assessments
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Fiona.gibson@planning.nsw.gov.au

Dear Ms Gibson

**Cobaki Residential Community Development Concept Plan Modification (MP 06_0316
MOD 6)
Request for Secretary's Environmental Assessment Requirements**

I refer to your email of 7 October 2016 to the Department of Primary Industries (DPI) in respect to the above matter. Comment has been sought from relevant divisions of DPI. Views were also sought from NSW Department of Industry - Lands that are now a division of the broader Department and no longer within NSW DPI. Any further referrals to DPI can be sent by email to landuse.enquiries@dpi.nsw.gov.au.

DPI has reviewed the application and accompanying draft SEARs and provides the following recommendations:

- Key Issue 11 Drainage and Stormwater of the draft SEARs should be amended as outlined below in **bold**:
 - provide a revised Stormwater Management Concept Plan which identifies any changes to the stormwater management concept arising from the proposed modification. **The plan should consider consequences for, and incorporate action to complement, the ongoing management of the saltmarsh rehabilitation areas located within the development precinct.**
- *DPI Fisheries Policy and Guidelines for Fish Habitat Conservation and Management (2013)* should be included in the relevant policies and guidelines to address.

Yours sincerely

Mitchell Isaacs
Director, Planning Policy & Assessment Advice
21 October 2016

DPI appreciates your help to improve our advice to you. Please complete this three minute survey about the advice we have provided to you, here:
<https://goo.gl/o8TXWz>



**Office of
Environment
& Heritage**

Our Ref: DOC16/507708
Your Ref: MP 06_0316 MOD 6

Ms Fiona Gibson
Planner – Modification Assessments
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Dear Ms Gibson

Re: Secretary's Environmental Assessment Requirements - Concept Plan Approval for the Cobaki Residential Community Development (MP 06_0316 MOD 6)

Thank you for your email of 7 October 2016 seeking Environmental Assessment Requirements from the Office of Environment and Heritage (OEH) on the above modification. I appreciate the opportunity to provide input on this issue.


OEH understands that the proposed modification proposed to increase the height of buildings. The proposal seeks to increase building heights up to 15 storeys in parts of precincts 11, 12 15 and 17.

We recognise that impacts arising from the modification on Aboriginal and historic heritage, National Parks and Wildlife Service estate, flooding and estuary management are likely to be negligible. However, the Environmental Assessment should consider the implications of the intensification of the land use as part of the proposal on biodiversity.

For example, intensification may impact the surrounding biodiversity values of the area, particularly in relation to predation of native animals by increased numbers of domestic cats and dogs, and increased human usage of adjoining natural areas. Management actions should be developed to address any identified impacts of the proposed intensification of land use on biodiversity, resulting from the proposal.

If you have any further questions about this issue, Mr Krister Waern Senior Operations Officer, Regional Operations, OEH, can be contacted on (02) 6640 2503 or at krister.waern@environment.nsw.gov.au.

Yours sincerely

 19/10/2016.

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

Contact officer: KRISTER WAERN
(02) 6640 2503

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Transport
for NSW

Fiona Gibson
Planner – Modification Assessments
Department of Planning & Environment
GPO Box 39
Sydney NSW 2001

Dear Ms Gibson

**Cobaki Residential Development - Concept Plan Modification
(MP 06_0316 MOD 6)
Request for Secretary's Environmental Assessment Requirements**

Thank you for your email dated 7 October 2016, requesting Transport for NSW (TfNSW) to provide input into the Secretary's Environmental Assessment Requirements (SEARs) for the above proposal at Cobaki.

Roads and Maritime Services, Northern Region will be providing a separate response, which considers the impacts of the proposal on road infrastructure improvement requirement of the approved Cobaki residential precinct. TfNSW reserves the right to amend and/or update these SEARs following issue of the response by Roads and Maritime Services, Northern Region. A copy of this advice has also been provided to Roads and Maritime Services.

The concept plan for the Cobaki residential precinct was approved pursuant to Part 3A of the *Environmental Planning and Assessment Act 1979* in December 2010. As a requirement of the Concept Approval determination (06_0316 Concept Plan, 6 December 2010) each future project/development application for subdivision must be accompanied by a detailed traffic assessment in accordance with RTA's (now Roads and Maritime Services) Guide to Traffic Generating Development. The purpose of the traffic assessment is to ensure the capacity of the surrounding external road network in both Queensland and NSW is not exceeded.

TfNSW therefore recommends that the following requirements/assessments be added to the draft SEARs.

Key Issues

1. Environmental Planning Instruments, Policies and Guidelines

Address the relevant provisions, goals and strategic objectives in the following:

- The Northern Rivers Regional Transport Plan (NSW Government)
- Public Transport Service Planning Guidelines: Rural and Regional NSW (2015)
- Austroads Guidelines

8. Transport and Accessibility

The EA shall include a revised traffic and transport assessment, which includes:
ADD -

- Measures to promote travel choices that support the achievement of State targets, such as a location-specific sustainable travel plan and sustainable travel initiatives, including the provision of end-of-trip facilities for pedestrians and cyclists.
- Service vehicle access, delivery and loading arrangements and estimated service vehicle movements (including vehicle type and the likely arrival and departure times).
- Preparation of a Construction Traffic Management Plan to assess the traffic and transport impacts during construction and how these impacts will be mitigated for traffic, pedestrian, cyclists, parking and public transport.

Consultation

During the preparation of the EA, you are required to consult with the relevant local, State or Commonwealth Government authorities, service providers including:
ADD -

- Department of Transport and Main Roads, Queensland

Should you have any questions regarding this matter, please contact Robert Rutledge on 8202 2203 or at Robert.Rutledge@transport.nsw.gov.au.

Yours sincerely

 31/10/16

Mark Ozinga

**Principal Manager, Land Use Planning and Development
Transport Strategy**

cc: Ms Liz Smith (Manager Land Use Assessment)
development.northern@rms.nsw.gov.au

CD16/14712