

28 June 2017

tsc@tweed.nsw.gov.au  
[www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au)

Modification Assessments – Planning Services  
Department of Planning & Environment  
GPO Box 39  
**SYDNEY NSW 2001**

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

Please address all communications  
to the General Manager

ABN: 90 178 732 496

**Attention: Emma Butcher**

Dear Sir / Madam

**Proposed modification of the Cobaki Concept Approval  
(MP06\_0316 Mod 7) with regard to proposed amendments to the  
Cobaki Estate Development Code**

I refer to your email dated 5 June 2017 inviting Council to provide comment on the proponents Response to Submissions. Upon review of the documentation associated with Mod 7, please find below Council's comments:

**1. Update of Terminology and Use Definitions**

- i. Although the proponent has attempted to amend all of the dwelling terminology to that of the standard instrument, it appears that there are still several instances where updates have not occurred.
- ii. The proponent has identified the changes to terminology in their comments document, whereby SOHO dwellings are replaced with "Home Occupation" and Zero lot dwellings are replaced with "semi-attached dwellings". It is considered that SOHO dwellings should be replaced with "Shop Top Housing". It is not considered necessary to replace Zero lot dwelling with any other terminology. A reference to Semi-attached dwellings should be replaced with "Semi-detached", as per the standard instrument.
- iii. It is noted that there are two separate definitions for "nominated lot" within the explanatory definitions of the draft Code.
- iv. It is considered that the entire document requires review in regards to updating the Code to ensure consistently, with regard to the use of correct terminology.

**2. Update of Subdivision Development Controls (Section 5.0)**

**a. Table 5.4.1 – Minimum Area and Dimension Controls for New Lots**

- i. Table 5.4.1 makes reference to Parts 5.11 and Part 5.12 for re-subdivision purposes, yet the revised Code nominates the Torrens Title and Strata Subdivision controls in Sections 5.10 and 5.11 respectively (as a likely result of the proposed removal of Section 5.9 Location of Services). As noted below, the removal of the existing Section 5.9 is not supported and as such the reference to Section 5.11 and 5.12 is considered appropriate.

- ii. The various housing types within Table 5.4.1 should also make reference to the corresponding controls within Section 3 of the Code. For example, Dual Occupancies should reference Section 3.3.
- iii. The Neighbourhood Centre and Development Lot controls within Table 5.4.1 should say “*may be re-subdivided with consent*”.
- iv. The new Note 2 for Table 5.4.1 should also reference the off street parking requirements of Table 2.2.14.1.

**b. Previous Section 5.9 – Location and Easement for Services**

It appears that the proponent has misinterpreted Council’s previous comments in relation to Section 5.9. The proposed removal of Section 5.9 *Location and Easements for Services* is not supported. Any reference to private water / sewer infrastructure should be dealt with under Mod 5 and kept completely separate to Mod 7. The Department is requested to refer to Council’s most recent comments for Section 5.9 in its correspondence dated 8 June 2017 in relation to Mod 5. As such, it is recommended that the Code remain unchanged in relation to 5.9 *Location and Easements for Services* for the purposes of this Mod (Mod 7).

**c. Previous Section 5.10 – Private Services Infrastructure**

Similar to the comments above, any reference to Section 5.10 through Mod 7 is not supported. The Department is requested to refer to Council’s most recent comments for Section 5.10 (dated 8 June 2017) in relation to Mod 5.

**d. Previous Section 5.11 – Torrens Title Subdivision**

Control 6 makes reference to Section 5.10 Private Services Infrastructure. Similar to the comments above, the referencing to Sections 5.9, 5.10 and 5.11 needs reviewing and will be subject to the Department’s decision on whether the previous Section 5.9 *Location and Easement for Services* should be removed. As noted above, it is recommended that the existing Section 5.9 remain, as per Council’s comments dated 8 June 2017 in relation to Mod 5.

**3. Inclusion of Mod 4 Concept Plan and Development Matrix**

Although updated plans have been included with the proponent’s Response to Submissions documentation, Section 4.3 of the S75W Report (Planit Consulting dated December 2016) still makes reference to superseded plans.

Accordingly, the proposed amendment to **Condition A2** needs to reference the following updated plans:

LED006 / SK01.01	Rev YY	Concept Plan	18 Aug 2016
LED006 / SK01.02	Rev EE	Development Matrix	18 Aug 2016
LED006 / SK01.05	Rev GG	Access Network / Bus	18 Aug 2016
LED006 / SK01.09	Rev II	Precinct Location	18 Aug 2016

It is also noted that the proponent references the S75W Report as Revision C, yet the actual document still references Rev B (December 2016).

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

Yours faithfully

**Lindsay McGavin**

Manager Development Assessment and Compliance