

# Modification of Concept Approval

## Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, the Planning Assessment Commission modifies the Concept Approval referred to in Schedule 1, subject to the conditions in Schedule 2.

**Member of the Commission**

**Member of the Commission**

Sydney

2017

### **SCHEDULE 1**

**Application No:**

MP06\_0316

**Approval Authority**

Minister for Planning

**Land:**

Cobaki Estate

**Development:**

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

**Modification No:**

MP06\_0316 MOD 4

**Modification:**

Modifications include:

- consolidate two school sites into one new site;
- increase the size of the town centre;
- reconfigure the Southern Special Purpose Precinct (SSPP) in Precinct 8, and include a Registered Club and Child Care Centre use on the site; and
- remove one approve Cultural Heritage Park and increase the size of another Cultural Heritage Park.

## SCHEDULE 2 CONDITIONS

The above approval is modified as follows:

- a) Part A - Terms of Concept Approval - Term A2 is amended by the inclusion of **bold and underlined** words and numbers and the deletion of the ~~struck-out~~ words and numbers as follows:

### A2 Development 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
<del>LED006/ SK 01.01</del> <b><u>LED006/SK01.01</u></b>	<del>RR</del> <b><u>ZZ</u></b>	Concept Plan-for Cobaki	<del>23-September-2010</del> <b><u>26 June 2017</u></b>
<del>LED006/SK01.02</del> <b><u>LED006/SK01.02</u></b>	<del>CC</del> <b><u>FF</u></b>	Development Matrix	<del>23-September-2010</del> <b><u>26 June 2017</u></b>
<del>LED006/ SK 01.03</del>	<del>FF</del> <b><u>GG</u></b>	Cobaki Lakes Height Controls	<del>23-September-2010</del> <b><u>26 June 2017</u></b>
<del>LED006/ SK 01.05</del> <b><u>LED006/SK01.05</u></b>	<del>EE</del> <b><u>HH</u></b>	Cobaki Lakes Access Network Plan and Potential Bus Route	<del>23-September-2010</del> <b><u>26 June 2017</u></b>
<del>LED006/ SK 01.07</del> <b><u>LED006/SK01.07</u></b>	<del>P</del> <b><u>R</u></b>	Cobaki Lakes Open Space Network Plan	<del>23-September-2010</del> <b><u>26 June 2017</u></b>
<del>LED006/ SK 01.09</del> <b><u>LED006/SK01.09</u></b>	<del>BB</del> <b><u>JJ</u></b>	Precinct Location Plan	<del>23-September-2010</del> <b><u>26 June 2017</u></b>
<del>LED006/SK 01 06</del>	<del>I</del>	Road Hierarchy Plan	11 June 2010
<del>6400-184C Sheets 1 &amp; 2</del>		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.

- b) Part A - Terms of Concept Approval - Term A3 is amended by the inclusion of **bold and underlined** words and numbers and the deletion of the ~~struck-out~~ words and numbers as follows:

### **A3 Project in Accordance with Documents**

- 1) Environmental Assessment
  - a. Cobaki Lakes Estate Concept Plan Environmental Assessment Report prepared by JBA Urban Planning Consultants P/L, Volumes 1, 2, 3 and 4 December 2008.
- 2) Preferred Project Report
  - a. Preferred Project Report prepared by JBA Urban Planning Consultants P/L, Volumes 1, 2 and 3, October 2009
  - b. Addendum to Preferred Project Report prepared by JBA Urban Planning Consultants P/L, June 2010
- 3) Additional Information
  - a. Final Cobaki Lakes Aboriginal Cultural Heritage Assessment prepared by Everick Heritage Consultants P/L, April 2010
  - b. Final Cobaki Lakes Cultural Heritage Management Plan prepared by Everick Heritage Consultants P/L, April 2010
  - c. Revised Site Regeneration and Revegetation Plan prepared by James Warren and Associates P/L, April 2013
  - d. Revised Saltmarsh Rehabilitation Plan prepared by James Warren and Associates P/L, April 2013
  - e. Cobaki Estate Development Code
  - f. Revised Ecological Assessment prepared by James Warren and Associates P/L, April 2013
  - g. Revised Assessment of Significance prepared by James Warren and Associates P/L, April 2013
- 4) Modification Request (MOD 1)
  - a. Modification Report prepared by Darryl Anderson Consulting Pty Ltd, dated November 2012
  - b. Response to Submissions Report prepared by Darryl Anderson Consulting dated 18 April 2013
  - c. Revised Final Statement of Commitments, May 2013 as amended in July 2016 to reflect the provision of Water and Sewerage Services by the relevant sewer and water authority
- 5) Modification Request (MOD 5)
  - a. Modification Report prepared by Planit Consulting, dated 28 July 2016, as amended by responses and additional information dated 7 November 2016, 10 January 2017, 31 January 2017, 10 March 2017, and 21 April 2017, and 28 July 2017 and 9 August 2017;
  - b. Revision to Statement of Commitments to reflect the provision of Water and Sewerage Services by the relevant sewer and water authority
  - c. Revised Cobaki Estate Development Code Revision 2 dated June 2017
- 6) **Modification Request (MOD 4)**
  - a. **Modification Report prepared by DAC Planning Pty Ltd, dated May 2016, as revised on 11 July 2017, with the exception of changes sought to Condition C14 'Restrictions on Cats';**

- b. Aboriginal Cultural Heritage Management Plan prepared by Everick Heritage Consultants, February 2017 and Revised Cultural Heritage Parks Report prepared by Everick Heritage Consultants, March 2016.

- c) Part C - Requirements for Future Applications - Condition C2 is amended by the inclusion of **bold and underlined** words and numbers and the deletion of the ~~struck-out~~ words and numbers as follows:

### **C2 Implementation 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 Revision 2 dated June 2017 as amended **by the Plans and Development Matrix approved in Condition A2.**

- d) Part C - Requirements for Future Applications - Condition C11 is amended by the inclusion of **bold and underlined** words and numbers and the deletion of the ~~struck-out~~ words and numbers as follows:

### **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 **and development of the future school, registered club and child care centre sites** 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.

**Traffic assessments are to consider the impacts of each future project/development application on internal local roads, including appropriate local road and intersection design for the development.**

- e) Part C - Requirements for Future Applications - Condition C15 is amended by the inclusion of **bold and underlined** words and numbers and the deletion of the ~~struck-out~~ words and numbers as follows:

### **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, **as amended by Aboriginal Cultural Heritage Management Plan-Everick Heritage Consultants, February 2017 and Revised Cultural Heritage Parks Report-Everick Heritage Consultants, March 2016** 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. **The site specific**

management strategies for the heritage parks are to include management protocols which require the agreement of OEH as well as the registered Aboriginal parties for any actions which may cause further harm within the park areas.

- f) Part C - Requirements for Future Applications - Condition C16 is amended by the inclusion of **bold and underlined** words and numbers and the deletion of the ~~struck out~~ words and numbers as follows:

#### **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~~ **HH dated 26 June 2017 as well as adequate provision (including appropriate road widths) for bus access to the school site.**

- g) Part C - Requirements for Future Applications - Condition C21 is added as follows:

#### **C21 Commercial Land Uses**

**All future applications for development in Precinct 5 are to demonstrate the gross floor area for all retail uses in the Town Centre will not exceed 10,000m<sup>2</sup> and the gross floor area for commercial uses within the Town Centre will not exceed 3,000m<sup>2</sup>.**

**All future applications for development in the Southern Special Purpose Precinct are to demonstrate that land uses will be generally in accordance with Figures 6 and 7 of the Modification Report prepared by DAC Planning Pty Ltd, dated 11 July 2017.**

- h) Schedule 3 - Statement of Commitments - Statement of Commitment 11 is amended by the inclusion of **bold and underlined** words and numbers and the deletion of the ~~struck out~~ words and numbers as follows:

<b>Project Component</b>	<b>Environmental Outcome</b>	<b>Commitment</b>	<b>Timing for Completion</b>
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) <b><u>as amended by Aboriginal Cultural Heritage Management Plan – Everick Heritage Consultants, February 2017 and Revised Cultural Heritage Parks Report – Everick Heritage Consultants, March 2016</u></b> , will be implemented in relevant areas	All stages of work.

**End of Modification**