

Modification of Concept Approval

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

As delegate of the Minister for Planning under delegation, I modify the Concept Approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Marcus Ray
Deputy Secretary
Planning Services

Sydney 29 August

2017

SCHEDULE 1

Application No:	MP 06_0316 granted by the Minister for Planning on 6 December 2010.
Land:	Cobaki Estate
Development:	<ul style="list-style-type: none">• 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:	MP 06_0316 MOD 5
Modification:	Modifications to enable provision of a private water and sewerage scheme on the site.

SCHEDULE 2

- a) Part A - Terms of Concept Approval - Term A1 is amended by the inclusion of **bold and underlined** words and numbers and the deletion of the ~~struck-out~~ words and numbers as follows:

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 **and/or private infrastructure otherwise authorised under the Water Industry Competition Act 2006.**

- 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

The project is to be undertaken in accordance with the following 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, 21 April 2017, 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; and
- c. Cobaki Estate Development Code Revision 2 dated June 2017.

- 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.**

- d) Part C - Requirements for Future Applications - Condition C20 is added as follows:

C20 Future Applications for Subdivision and Roadways

All future applications which involve the creation of new roads are to identify whether the subdivision will be serviced by recycled water. Where recycled water is proposed to service the subdivision, the application is to demonstrate that appropriate provision is made within the road reserve for all necessary easements and services, without reducing road pavement widths set out in the Tweed Shire Council Development Control Plan 2008. Where necessary to accommodate the services, and despite any recommendations for servicing and verge / road reserve widths in the Cobaki Estate Development Code or the Tweed Shire Council Development Control Plan 2008, appropriate wider verges and road reserves are to be provided.

- e) Schedule 3 - Statement of Commitments - Statement of Commitment 15 is added by the inclusion of **bold and underlined** words and numbers as follows:

Project Component	Environmental Outcome	Commitment	Timing for Completion
<u>15. Water and Sewer Infrastructure</u>	<u>15.1 All water and sewer infrastructure is to be constructed in accordance with relevant approvals and to the necessary standard.</u>	<u>15.1.1 That where the proponent does not seek to utilise Tweed Shire Council for the provision of water and Sewer Infrastructure, that such Infrastructure will be provided in accord with the private approval requirements outlined under the Water industry Competition Act, 2006 and associated regulations</u>	<u>At each relevant stage of development.</u>

End of Modification