

Secretary's Environmental Assessment Requirements

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

Application	MP 06_0316 MOD 8
Project	Modification to the Cobaki Concept Plan Approval to increase building heights and amend the town centre.
Location	Cobaki Lakes, Piggabeen Road, Cobaki Lakes
Proponent	Leda Manorstead Pty Ltd
Date issued	21 December 2017
General Requirements	<p>The Environmental Assessment (EA) must include:</p> <ol style="list-style-type: none"> 1. An executive summary which includes a summary of the proposed changes, a rationale for the proposal and a conclusion based on the key findings of the assessment; 2. A site analysis, including site plans, aerial photographs and a description of the existing and surrounding environment; 3. A background section covering the approval history for the site; 4. A thorough description of the proposed modifications compared with the approved Concept Plan, including a table of the key numerical changes; 5. An assessment of the key issues (specified below) and a table outlining how those key issues have been addressed. This shall include a detailed assessment of the potential impacts of the proposal, particularly any additional impacts associated with the modification beyond those already assessed and approved; 6. A description outlining how the potential impacts associated with the modification would be mitigated and managed including any new or amended statement of commitments; 7. The plans and documents (outlined below) clearly showing the proposed changes compared with the approved Concept Plan; 8. Details of any proposed changes to the Future Environmental Assessment Requirements; and 9. A conclusion justifying the modified Concept Plan taking into consideration the environmental impacts of the proposal, the suitability of the site and whether it is in the public interest.
Key Issues	<p>The modification request must address the following specific matters:</p> <p>1. Relevant Environmental Planning Instruments (EPIs) The EA shall address the statutory provisions applying to the site and all relevant strategic planning objectives outlined in the documents at Attachment A.</p> <p>2. Comparison with the Concept Approval (MP 06_0316)</p> <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 particularly address any environmental impacts beyond those already assessed for the Concept Plan Approval; and • Provide a comparative assessment (qualitative and quantitative) of the proposed modification against the Concept Plan, (including MP 06_0316 MOD 4), a rationale for the proposed amendments and comparison plans clearly identifying the proposed changes.

3. Density and Land Use Analysis

Provide a detailed analysis of the likely future development outcomes for the site, including calculations of the:

- 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.

Demonstrate no additional density would be provided across the entire Concept Plan area.

4. Built form

- The proposed siting, 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 the potential visual and amenity impacts associated with the proposal;
- Consider various options for the siting, orientation and massing of the proposed building envelopes and consider alternative housing typologies (including low rise, medium density options) together with a comparative analysis demonstrating key strengths and weaknesses of each option;
- Demonstrate the proposal would result in a high-quality urban design outcome for the site with consideration of setbacks, building articulation, building separation and any necessary amendments to the Cobaki Estate Development Code; and
- Provide details of the proposed maximum building heights across the site in storeys and in metres measured from the lowest natural ground level and, where relevant, the adjoining ridge line.

5. Visual Impacts

Provide a visual impact assessment and view analysis of the proposal from key view points and visual catchments, including a comparative analysis of the visual impacts of the approved Concept Plan against the proposed modification.

6. Environmental and Residential Amenity

- Address potential solar access, wind, privacy and view loss impacts associated with the proposal; and
- Demonstrate future residential buildings are capable of complying with SEPP 65 – Design Quality of Residential Apartment Development, and the Apartment Design Guide, including justification for any compliance/non-compliance.

7. Public Domain/Open Space

- Address changes to public domain improvements, pedestrian linkages, street activation and landscaping; and
- Demonstrate the public domain and open spaces will:
 - maximise permeability throughout the development;
 - maximise street activation within the town centre;
 - provide sufficient open space for the expected population;
 - ensure access for people with disabilities; and
 - minimise potential for vehicle, bicycle and pedestrian conflicts.

8. Transport and Accessibility

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, any additional upgrades required as a consequence of the proposal and any proposed changes to the timing of upgrades;
- an assessment of any proposed changes to the approved road network and associated infrastructure;
- an assessment of the car parking requirements for the modified proposal;
- 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 NSW State Government targets (in a location-specific, sustainable travel plan) and sustainable travel initiatives, including the provision of secure, convenient and accessible 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.

9. Flooding and Stormwater

- Provide an assessment of any additional flood risks associated with the proposal in accordance with the NSW Floodplain Development Manual (2005), including consideration of the potential impacts of climate change;
- Provide a revised Stormwater Management Concept Plan which identifies any changes to the stormwater management concept arising from the proposed modification; and
- Consider consequences for, and incorporate actions to, complement the ongoing management of the saltmarsh rehabilitation areas located within the development precinct.

10. Bushfire

Provide a bushfire assessment report that identifies any bushfire impacts on the proposed residential building sites, including their use for residential, tourism and aged care related activities. Where the report identifies any impacts, it shall address the requirements of *Planning for Bushfire Protection 2006* and *Draft Planning for Bushfire Protection 2017*.

11. Biodiversity

Assess any additional biodiversity impacts associated with the proposal, including any additional impacts on adjoining areas. Management and mitigation actions shall be developed to address any identified impacts of the proposal on biodiversity.

12. Heritage

Provide an updated Heritage Impact Assessment to identify and assess any additional Aboriginal Cultural Heritage and European Heritage impacts associated with the proposal.

	<p>13. Ecologically Sustainable Development (ESD) Identify how best practice ESD principles would be incorporated into the precinct and subdivision design and the future design, construction and ongoing uses of buildings.</p> <p>14. Socio-Economic Impacts Provide an assessment of the social and economic impacts of the proposed modification, including proposed changes to retail/commercial floor space, demonstrating it would provide a net public benefit and not adversely impact upon the provision of local jobs, services and facilities in other nearby centres.</p> <p>15. Soils and Groundwater</p> <ul style="list-style-type: none"> • Provide an updated: <ul style="list-style-type: none"> ○ Geotechnical Assessment; ○ Acid Sulfate Soils Assessment and Management Plan; and ○ Groundwater Assessment. <p>16. Contributions Address the provision of public benefits, services and infrastructure having regard to Council's Contribution Plan, and/or provide details of any new/amended Voluntary Planning Agreement.</p> <p>17. Air Space Planning Impacts The modification request must consider the requirements of the Gold Coast Airport <i>Lighting Zone Map</i> and the <i>Airports (Protection of Airspace) Regulations 1996</i> (Cth), and CASA's relevant requirements.</p> <p>18. Utilities In consultation with relevant agencies, address the existing capacity and requirements of the development for the provision of utilities, including the staging of infrastructure works.</p> <p>19. Statement of Commitments 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 and 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 Authority; • NSW Department of Education; • 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 • 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 those 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 surrounding site features; • locality / context plan; • architectural drawings (to a usable scale at A3); • building envelope plans, elevations and photomontages clearly showing the proposed amendments compared with the Concept Plan Approval. The plans shall include a maximum RL for each development block, overlaid with survey information identifying the location and RLs of the adjoining ridgeline. Ground levels shown on plans shall 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.
Capital Investment Value	<p>A report from a qualified quantity surveyor providing a detailed calculation of the revised capital investment value (as defined at clause 3 of the <i>Environmental Planning and Assessment Regulation 2000</i>) of the proposal, and certification that the information provided is accurate at the date of preparation.</p>

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);*
- *State Environmental Planning Policy No. 71 – Coastal Protection;*
- *Tweed Local Environmental Plan 2014;*
- *Draft State Environmental Planning Policy (Coastal Management) 2016;*
- *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;
- North Coast Regional Plan 2036;
- Tweed Shire Council Community Strategic Plan 2013/2023;
- NSW Long Term Transport Master Plan;
- RMS Guide to Traffic Generating Developments;
- 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;
- NSW Aquifer Interference Policy 2012; 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