

# Modification of Concept Plan

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

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



Anthony Witherdin  
**Director**  
**Regional Assessments**

Sydney *27 SEPTEMBER* 2018

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### SCHEDULE 1

**Concept Approval:** **06\_0316** granted by the Minister for Planning on 6 December 2010

**For the following:** Concept Plan including:

- residential development for approximately 5500 dwellings
- town centre and neighbourhood centre for future retail and commercial uses
- community and educational 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
- utility services infrastructure

**Proponent:** Leda Manorstead Pty Ltd

**Consent Authority:** Minister for Planning

**The Land:** Cobaki Estate

**Modification:** **MP 06\_0316 MOD 11:** the modification includes:

- amendment to Future Environmental Assessment Requirement C1 and the Cobaki Estate Development Code in relation to a required Plan of Development

## SCHEDULE 2

The above approval is modified as follows:

- (a) Schedule 2 Part A – Terms of Concept Approval Condition A3 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the words/numbers as follows:

### ***A3 Project In Accordance with Documents***

The project is to be undertaken generally 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, 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.
  - 7) Modification Request (MOD 7)
    - a. Modification Report prepared by Planit Consulting, dated December 2016
    - b. Revised Cobaki Estate Development Code Revision 3 dated August 2017
  - 8) Modification Request (MOD 11)**
    - a. **Modification Report prepared by DAC Planning Pty Ltd dated May 2018**
    - b. **Revised Cobaki Estate Development Code Revision 4 dated May 2018**
- (b) Schedule 2 Part C – Requirements for Future Applications C1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the words/numbers as follows:

### **C1 Plan of Subdivision**

*A Plan of Development must be submitted with each future application for subdivision on the Cobaki Estate site. The Plan of development must, at a minimum, include the following information:*

- ~~1) Location and width of Asset Protection Zones.~~
  - ~~2) A notation on the fire affected lots that development is subject to the requirements of 'Planning for Bushfire Protection 2006' and AS 3959-2009 – Construction of Building in Bushfire Prone Areas.~~
  - ~~3) Type of development permissible on each lot. eg: zero lot housing, plex housing, etc.~~
  - ~~4) Finished floor levels requirements on flood prone lots in accordance with the requirements of Tweed Shire Council's Development Control Plan – Section A3 – Flood Liable Land (or any replacement document).~~
  - ~~5) All other matters specified for Subdivision in the Cobaki Development Code.~~
- a. **A notation on fire affected lots that development is subject to the requirements of 'Planning for Bushfire Protection 2006' and AS3959-2009 Construction of Buildings in Bushfire Prone Areas, including the location and width of Asset Protection Zones.**
  - b. **Proposed development on each lot, specifically;**
    - i. **For areas nominated residential on the approved Concept Plan, the type of residential accommodation and the number of dwellings and bedrooms associated with each; or**
    - ii. **Other permissible use; and**
    - iii. **For areas nominated Town Centre/ Neighbourhood Centre on the approved Concept Plan the;**
      - 1) **type of residential accommodation and the number of dwellings and bedrooms associated with each; and/or**
      - 2) **type of tourist and visitor accommodation and the number of dwellings and bedrooms associated with each; and/or**
      - 3) **business premises; and/or**
      - 4) **commercial premises; and/or**
      - 5) **health services facility; and/or**
      - 6) **community facility; and/or**
      - 7) **a mixed use building.**
  - c. **Finished Floor Level requirements on flood prone lots in accordance with the requirements of Tweed Shire Council's Development Control Plan – Section A3 – Flood Liable Land (or any replacement document).**

- d. **Acoustic fencing location and specification (if applicable)**
- e. **Setback controls (tabular format)**
- f. **Driveway location**
- g. **Private Open Space location; and**
- h. **Maximum building height.**

- (c) Schedule 2 Part C – Requirements for Future Applications C2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the words/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 ~~3~~ **4** dated ~~August 2017~~ **May 2018** as amended by the Plans and Development Matrix approved in Condition A2.

**End of Modification**