

Preferred Project Report

Cobaki Lakes Estate Concept Plan No 06_0316

Submitted to
NSW Department of Planning
On Behalf of Leda Manorstead Pty Ltd

October 2009 ■ 06406

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Contents

1.0	Introduction	1
2.0	Response to Submissions	2
2.1	Planning and Design Issues	3
2.3	Environmental Issues	5
2.4	Social and Physical Infrastructure Issues	7
2.5	Summary of Revisions	8
3.0	Final Amendments to Tweed LEP	10
3.1	Zone Boundary Refinements	10
3.2	Minimum Lot Size for Housing	15
3.3	Permissibility of Site Office and Sales Office in 6(b) Recreation Zone	15
4.0	Final Concept Plan	16
4.1	Overview	16
4.2	Planning Vision and Urban Design Principles	17
4.3	Precincts and Land Uses	18
4.4	Building Heights	23
4.5	Open Space and Landscape Concept	24
4.6	Circulation, Access and Transport	24
4.7	Water Management Concept	27
4.8	Indicative Staging of Development	27
4.9	Development Code	30
4.10	Future Stage Applications for Development Approval	30
5.0	Final Statement of Commitments	32
6.0	Conclusion	41

Figures

1	Proposed Amendments to Tweed LEP Zoning Map	11
2	Concept Plan	19
3	Precinct Development Matrix	20
4	Precinct Plan	21
5	Proposed Height of Buildings	23
6	Open Space Network Plan	25
7	Access Network Plan and Potential Bus Route	26
8	Stormwater Management Concept	28
9	Release Areas	29
10	Site Constraints Map	31
11a	Areas of Native Vegetation Protected by Covenant	39
11b	Areas of Native Vegetation Protected by Covenant	40

Tables

1	Proposed Refinements to Tweed LEP Zoning Boundaries	12
2	Areas affected by the Proposed Zoning Boundary Refinements	14

Attachments

Volume 1

- A Cobaki Lakes Development Code:
Part A - Exempt and Complying Development;
Part B - Development Controls
Project 28
- B Response to Submissions from Members of the Public
- C Response to State Agency and Council Submissions
- D Response to Department of Planning Submission
- E Community Consultation Report
Leda Manorstead Pty Ltd

Volume 2

- F Final Flora and Fauna Studies and Management Plans
James Warren & Associates
 - (2009a) Assessment of Significance
(7-part test equivalence) – Cobaki Lakes, PPR
 - (2009b) Saltmarsh Rehabilitation Plan – Cobaki Lakes, PPR
 - (2009c) Site Regeneration & Revegetation Plan – Cobaki Lakes, PPR
 - (2009d) Vegetation Management Plan – Cobaki Lakes, PPR
 - (2009e) Fauna Management Plan – Cobaki Lakes, PPR
 - (2009f) Freshwater Wetland Rehabilitation Plan - Cobaki Lakes, PPR
 - (2009g) Scribbly Gum Management Plan – Cobaki Lakes, PPR
 - (2009h) SEPP 44 Assessment – Cobaki Lakes, PPR
 - (2009i) Overview Buffer Management Plan – Cobaki Lakes, PPR
- G Preliminary Aboriginal Cultural Heritage Assessment, Draft Cultural Heritage Management Plan and Historic Cultural Heritage Assessment
Everick Heritage Consultants Pty Ltd

Volume 3 – A3 Plans

1.0 Introduction

This Preferred Project Report has been prepared following the public exhibition of the Cobaki Lakes Estate Concept Plan and Environmental Assessment Report (EAR) which have been submitted for the approval of the Minister for Planning under Part 3A of the Environmental Planning and Assessment Act 1979.

The Cobaki Lakes Concept Plan and EAR were placed on public exhibition by the Department of Planning between 7 December 2008 and 16 February 2009. The Department received submissions on the Concept Plan from Members of the Public, Government Agencies and Councils, and also made its own submission.

The applicant, Leda Manorstead Pty Ltd, has reviewed and considered the submissions and, in accordance with clause 75H(6) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), responds to the issues raised as described in this Preferred Project Report. This Report sets out the proponent's response to the issues raised, and provides the proposed Final Amendments to the Tweed Local Environmental Plan 2000, Final Concept Plan and Final Statement of Commitments.

This Preferred Project Report should be read in conjunction with the exhibited EAR for the Cobaki Lakes Concept Plan prepared by JBA Urban Planning Consultants Pty Ltd and dated December 2008.

2.0 Response to Submissions

The Cobaki Lakes Concept Plan and EAR were placed on public exhibition by the Department of Planning between 7 December 2008 and 16 February 2009. The Department has received submissions on the Concept Plan from Members of the Public, NSW and Qld Government Agencies, Tweed Shire Council, Gold Coast City Council and has made a submission itself.

Tables of responses to the issues raised in submissions are appended to this report as follows:

- Response to Submissions from Members of the Public is at **Attachment B**.
- Response to State Agency and Council Submissions is at **Attachment C**.
- Response to the Department of Planning Submission is at **Attachment D**.

The Department of Planning advises that it has received submissions from the following bodies on the Cobaki Lakes Estate Concept Plan:

- 42 Public Submissions
- NSW Department of Environment and Climate Change
- NSW Roads and Traffic Authority
- NSW Rural Fire Service
- NSW Department of Education and Training
- NSW Department of Primary Industries
- Housing NSW
- NSW Health
- NSW Department of Lands
- NSW Fire Brigades
- Northern Rivers Catchment Management Authority
- Tweed Shire Council
- Tweed Economic Development Corporation
- Qld Department of Housing
- Qld Department of Main Roads
- Gold Coast Water
- Gold Coast City Council
- GCD Alliance

Leda Manorstead also conducted its own community consultation on the Part 3A Concept Plan. A Report on Public Consultation prepared by Leda is included at **Attachment E**.

A summary of responses to the main issues raised in all the submissions is provided in the following tables.

2.1 Planning and Design Issues

Main Issue in Submissions	Main Response
Strategic Context	<p>The Cobaki Lakes Estate is identified in the Far North Coast Regional Strategy as part of the urban footprint for the far north coast. It is currently zoned for urban expansion with corridors of open space and environmental protection under the Tweed Local Environmental Plan (LEP).</p> <p>The Concept Plan is consistent with the urban footprint and key elements of the Regional Strategy as described in the EAR.</p>
Concept Planning Framework	<p>The Concept Plan sets the planning framework for the development of the Cobaki Lakes Estate over coming decades. It establishes a structure plan with precincts, land uses, main transport corridors, open space and environmental protection areas, design principles and code for future development applications for the detailed design of each precinct in the Estate. The level of planning and design detail in the Concept Plan is appropriate for this level of structure planning framework. The final Concept Plan is included in Section 4 of this report which incorporates revisions made in response to submissions on the exhibited plan.</p>
Land Use Zoning Boundaries in Tweed LEP	<p>The proposed amendments to the Tweed LEP zone boundaries at Cobaki Lakes have been refined in response to submissions, and primarily to incorporate additional flora and fauna offsets and environmental protection corridors. The final LEP zone amendments are included in Section 3 of this report.</p> <p>The Concept Plan includes a land use matrix that specifies the permissible land uses in each development precinct at a more detailed level than the general urban expansion zone in the Tweed LEP. The land use matrix has been prepared and refined to accord with definitions in the Standard LEP.</p>
Housing Mix, Densities and Allotment Sizes	<p>The Concept Plan provides for a total maximum of 5,500 dwellings with a mix of housing types and choices. This includes a mix of dwelling houses on large lots, small lot housing, and multi-dwelling housing consistent with State and regional planning strategies.</p> <p>The Concept Plan establishes the principles for the location of different housing types and densities including the location of medium to higher density housing around the town centre, transport corridors, and central open space areas with high amenity and where expansive coastal views can be achieved.</p> <p>The detailed layout and design of each precinct including the location and mix of specific housing types will be the subject of future applications for the detailed design of subdivision and housing in each precinct in accordance with the principles in the Concept Plan and Development Code.</p>
Town Centre, Village & Community Precincts	<p>The Concept Plan provides the town centre, village centre and community and education precincts on land capable of supporting these forms of development in suitable locations on the intersections of connector roads which are accessible and where traffic is calmed and manageable. It includes a limit of 9,500m² of retail space in the town centre. The economic report in the Concept Plan EAR finds that the town centre is in a suitable location, and the proposed amount of retail floor space is appropriate to serve the future population in Cobaki Lakes consistent with the Tweed Shire Council Retail Strategy.</p>
Employment Lands	<p>The Concept Plan provides opportunities for employment in commercial business, retailing and community uses in the town centre and community and education centres. The site is not identified in any planning strategy as being needed for industrial or business parks.</p>
Open Space & Environmental Protection Zones	<p>The Concept Plan has been revised in response to submissions on the open space and environmental protection zones. The final Concept Plan proposes 86.1ha. of land zoned open space and 196.9ha. of land zoned for environmental protection. The areas of zoned open space will include a mix of structured open space for formal active recreation and unstructured for passive recreation, and the preferred areas for sports fields are included in the final Concept Plan. Additional neighbourhood parks will also be provided in the subdivision of the residential precincts.</p>
Urban Design	<p>A Development Code for Cobaki Lakes has been prepared by the applicant to form part of the Concept Plan and is included at Attachment A. Part B of the Code establishes Development Controls that provide design guidelines for subdivision, dwelling houses, multi-dwelling housing and town centre development at Cobaki Lakes. Part A of the Code establishes the exempt and complying categories of development. The Code will be used for the assessment of future development applications and complying development certificates for the detailed design and construction of development.</p>
Landforming	<p>The Concept Plan is supported by the landforming constructed in accordance with existing approvals and the approved landforming in progress. Further earthworks will be required for parts of the site and for the central open space system and lake which will be the subject of a future Project Application.</p>

Main Issue in Submissions	Main Response
Status of Existing Development Consents	<p>The existing development consents for subdivision and earthworks at Cobaki Lakes have had substantial commencement and are in effect. Some of the existing consents incorporate approved modifications. The Concept Plan has been designed to be consistent with the existing earthworks to the maximum extent practicable.</p> <p>The applicant proposes that the terms of approval of the Concept Plan for Cobaki Lakes preserve the existing consents as follows:</p> <ul style="list-style-type: none"> - Part of the existing subdivision consent (K99/1124) be preserved in perpetuity or adopted as part of the Part 3A Concept Plan approval insofar as it applies to Precincts 1 and 2 in the Concept Plan; - Subdivision consents in each of the other precincts be preserved until such time as a new consent is granted to a future development application for subdivision of that land in accordance with the Concept Plan; and - Existing consents, approvals and certifications for earthworks are preserved or adopted as part of the Part 3A Concept Plan approval.
Future Development Approval Process	<p>The Concept Plan has been revised with a Development Code containing exempt and complying categories of development and development controls for the assessment of future applications for development. The detailed design and construction of development on the Cobaki Lakes Estate will be subject to future applications and approvals as follows and described in the final Concept Plan Section 4.10 of this report:</p> <ul style="list-style-type: none"> - Project Applications to Minister for Planning: Subdivision of the first 3 precincts, and development of the main central open space and lake. - Development Applications to Tweed Shire Council: Subdivision of the 4th and later precincts; Dwelling houses, plex and mews dwellings that do not meet complying development standards in the Code, other multi-dwelling housing, Town Centre development, Community and Education precinct development. - Complying Development Certificates to accredited certifier or Tweed Shire Council: Dwelling houses, plex dwellings and mews dwellings that meet complying development standards in the Code. <p>The Concept Plan has been revised so that the subdivision of the first 3 precincts is to be subject to Part 3A Project Applications for the approval of the Minister for Planning rather than Part 4 Development Application to Tweed Shire Council as originally proposed in the EAR. This is to ensure the vision and direction in the Concept Plan is maintained in the subdivision applications until the project has been established. In the initial subdivision stages, the lead role of the Department of Planning is needed to maintain a balance between the different State agency requirements until the development pattern has been established. Once established, building structures will be privately certified as complying development or as development applications assessed and approved by the Tweed Shire Council in accordance with the Development Controls and Code.</p>
Tweed Shire Council DCP	<p>The Statement of Commitments has been revised to include a commitment that the Tweed Shire Council's Development Control Plan will apply to future project applications and development applications at Cobaki Lakes to the extent that provisions are not inconsistent with the Concept Plan.</p>

2.2 Access, Transport and Traffic Issues

Main Issue in Submissions	Main Response
Roads and Traffic	<p>The Concept Plan is adequately supported by existing traffic studies and planning for road access in the locality including in the Tweed Road Distribution Strategy 2007, Tweed Road Contribution Plan; and Tugun Boyd Street Precinct Masterplan.</p> <p>These studies and plans are subject to ongoing review over time to accommodate long term developments in the locality including the Cobaki Lakes Estate. There are also Deeds of Agreement between the applicant and roads authorities for roadworks in the locality.</p> <p>The existing traffic studies and plans for the locality demonstrate that the road network with the planned improvements, including a Boyd Street interchange with the Tugun Bypass, can accommodate the residential community of 5,500 dwellings proposed in the Concept Plan. Without the Boyd Street interchange in place, a Deed between Leda Manorstead and Queensland Department of Main Roads restricts development to 3,500 allotments.</p> <p>The detailed layout of local roads in subdivisions, detailed engineering design and construction impacts of roadworks will be the subject of future applications and environmental assessment. The detailed design will need to meet the standards of design and construction of Tweed Shire Council as specified in the Statement of Commitments.</p> <p>The developer will contribute to the cost of roadworks in accordance with the Deeds and Tweed Council's Road Contributions Plan, as specified in the Statement of Commitments.</p>

Main Issue in Submissions	Main Response
Public Transport	<p>The Concept Plan has been revised to include potential bus route distances on the access network plan. The Concept Plan provides distributor and connector roads with a layout and design able to accommodate buses with a maximum distance of 400m from at least 90% of dwellings to a bus route in accordance with the requirements of Tweed Shire Council's transport policy.</p> <p>The Queensland Government has longer term planning for a rail line extension from Robina on the Gold Coast to a new station at Tugun and the nearby Gold Coast airport. The Tugun rail station will be accessible by future residents of the Cobaki Lakes Estate who will contribute to the viability of it.</p>
Walking and Cycling Paths	The Concept Plan provides a network of walking and cycling paths shown in the open space network plan.

2.3 Environmental Issues

Main Issue in Submissions	Main Response
Biodiversity (Flora and Fauna)	<p>The Concept Plan and LEP Zoning Amendments have been revised to incorporate the findings of further ecological studies and management plans prepared in consultation with the Department of Environment and Climate Change (DECC) to minimise impacts and provide further offsets. The revised analysis of the ecological impacts of the proposal corrects some errors in the original table contained in the EAR and is the outcome of more detailed analysis. The proponent has responded to submissions resulting from the public exhibition, in particular those made by the DECC and the Department of Planning, concerning appropriate zonings, the connectivity of habitat and the need to protect particular species. These matters are connected and the proponent has responded in a holistic way with the objective of achieving an overall "maintain or improve" outcome. The revisions have been developed through discussions with the above Departments and will result in:</p> <ul style="list-style-type: none"> - the net addition of 101ha to the Environmental Protection zone; - the protection of identified areas of significant vegetation including agreed methods of buffering these areas; - the creation of three fauna corridors connecting vegetation in the western part of the site with that to its east; - the creation off-site of a Scribbly Gum community which is intended, in time and subject to the approval of DECC, to compensate for approximately 4ha. of that community presently at Cobaki Lakes. <p>In terms of ecological outcomes the proposal as a whole constitutes a substantial improvement compared to the position prescribed by the requirements of all existing development consents applicable to the property.</p> <p>The revisions include new environmental protection areas in the final LEP zoning amendments and final Concept Plan. The revised ecological studies and management plans are included in Attachment F of this report.</p>
Aboriginal Heritage	The Concept Plan EAR has been revised to include a revised preliminary aboriginal cultural heritage assessment and draft cultural heritage management plan included at Attachment G to address the conservation of aboriginal cultural heritage. The revisions include additional strategies to manage impacts on cultural material and updated consultations with the aboriginal community.
European Heritage	The Concept Plan EAR has been revised to include a revised historic cultural heritage assessment included at Attachment G which removes the reference to a tree stump that is not in existence.
Water Management and Conservation	<p>The Concept Plan EAR includes adequate studies and plans on stormwater management at the concept plan level. It demonstrates that the site has sufficient area to accommodate the stormwater management measures to achieve the water management objectives in accordance with Tweed Shire Council's Development Control Plan. The detailed design and assessment of stormwater management measures will form part of future project applications and development applications for the detailed design and construction of each precinct as specified in the Statement of Commitments.</p> <p>Future development applications for housing in each precinct will need to meet the requirements of BASIX for water conservation in housing development.</p>
Flooding and Climate Change	<p>The Concept Plan EAR includes a flood study and stormwater management plan that address climate change. Further Government policy and modelling on climate change will be addressed in future project applications and development applications to set appropriate detailed flood protection levels in the detailed design and construction of development in the form of subdivision, housing, roads and infrastructure at Cobaki.</p> <p>The Statement of Commitments has been revised to ensure flood studies submitted with future project applications and development applications address relevant government policies on climate change and set detailed flood protection levels.</p>

Main Issue in Submissions	Main Response
Energy Efficiency	Future applications for housing development will meet the energy efficiency requirements in State Environmental Planning Policy – BASIX.
Bushfire	The Concept Plan EAR includes an assessment report by a specialist bushfire consultancy and addresses bushfire risk at the concept planning level. The bushfire assessment finds that the Cobaki Lakes Concept Plan can accommodate bushfire protection measures in accordance with the Planning for Bushfire Protection 2006 guidelines. Future development applications for the detailed layout and design of subdivision and housing in each precinct will include measures for bushfire protection in compliance with the Planning for Bushfire Protection 2006 guidelines as specified in the Statement of Commitments.
Acid Sulphate Soils (ASS)	<p>The Concept Plan has been revised with the deletion of the southern lake proposed in the central open space system that would have been situated in an area dominated by estuarine sediments with high potential for ASS. This removes the need to disturb soils in an area with high potential for ASS.</p> <p>The northern lake proposed in the central open space system is situated on alluvial and residual materials that are generally non-acidic, and is proposed to be situated above the level of ASS to the extent possible to minimise disturbance to any ASS.</p> <p>The Concept Plan EAR adequately addresses the investigation and management of ASS at the Concept Plan level. It includes an ASS Management Plan to be implemented in future project applications and development applications for the detailed design and construction of development as specified in the Statement of Commitments. A response to the DoP/ GHD submission on ASS is included at Attachment I.</p>
Contaminated Land	The Statement of Commitments in the Concept Plan has been revised to include a commitment to obtain site audit statements where necessary to verify the remediation of any contaminated land in accordance with relevant NSW guidelines. This is in addition to the commitments to carry out further detailed contamination investigations and, where necessary, prepare and implement remediation actions plans as part of future project applications and development applications applying to sites that have been subject to potentially contaminating activities in the past.
Off-site Impacts	The Concept Plan EAR adequately addresses the management of potential off-site impacts associated with stormwater, flora and fauna, geotechnical issues, bushfire and traffic. It includes buffers to surrounding properties that are appropriate for the type of land uses and topographical features. The detailed design and assessment of boundary treatments will be included in future project applications and development applications for each precinct.
Size of Asset Protection Zones and Ecological Buffers	The Concept Plan provides sufficient areas of land to accommodate APZs in each precinct. The width of APZs will be determined in future project applications and development applications for the detailed design of subdivision and housing in each precinct. Ecological buffers will be contained within the APZs.
Acoustic Impacts	The Statement of Commitments has been revised to include a commitment for future project applications and development applications for subdivision or housing adjacent to subarterial, distributor and connector roads to include an acoustic report that addresses the potential impacts of road noise, and includes measures to mitigate noise and achieve relevant NSW standards for residential noise levels in dwellings.
Mosquito Management	The Concept Plan EAR includes a Biting Midge and Mosquito Control Plan based on latest science and best practice, and is adequate to address this issue.
ESD	The Concept Plan is consistent with the principles of ESD as explained in the EAR, and provides an appropriately balanced outcome for conservation and sustainable development.

2.4 Social and Physical Infrastructure Issues

Main Issue in Submissions	Main Response
Social Impacts and Community Services	The Concept Plan EAR includes a specialist report on future demographics and community infrastructure, and provides for the development of community facilities in the town centre and community and education centres. The development will be subject to S94 contributions to Tweed Shire Council for social infrastructure as specified in the Statement of Commitments.
Emergency Services	The Concept Plan provides sufficient areas of land for the location of facilities for emergency services. The matrix of preferred land uses in the Concept Plan has been amended to include emergency services in the town centre and community and education centres. Emergency service providers would need to acquire land from the landowner to develop facilities in the neighbourhood centre.
Utilities Infrastructure	Utilities infrastructure (ie. water, sewer, gas, electricity and telecommunications) are addressed adequately in the Concept Plan EAR in accordance with the existing plans and requirements of the Tweed Shire Council. This includes the payment of contributions towards the cost of infrastructure by the developer. Optic fibre will be provided in future stages of development.
Ownership and Management of Open Space / Environmental Protection Zones	<p>The Statement of Commitments in the Concept Plan has been revised to address the ownership and management of the open space and environmental protection zones. The applicant proposes to dedicate the open space and environmental protection zones in the Cobaki Lakes Estate to Tweed Shire Council and the Department of Environment, Climate Change and Water (DECCW) as follows:</p> <ul style="list-style-type: none"> - The main central open space corridor and lake on the western side of Cobaki Parkway is to be constructed and landscaped in stages and dedicated to Council two years after works are completed. The lake is to be constructed as part of the first stage of development. - The environmental protection zone on the eastern side of Cobaki Parkway adjacent to Cobaki Creek is to be rehabilitated as one of the first stages of development and dedicated to the DECCW two years after rehabilitation work is complete. - The remaining open space and environmental protection zones adjacent to each development precinct will be rehabilitated and landscaped as part of the development of the adjacent development precinct. These areas will be dedicated to Council two years after the completion of rehabilitation and landscaping works. <p>The rehabilitation and landscaping will be designed to require minimal ongoing maintenance in accordance with the flora and fauna management plans and the landscaping guidelines in the Concept Plan and Tweed Shire Council DCP.</p>
S.94 Contributions	The Concept Plan EAR includes a commitment for development at Cobaki Lakes to be subject to S.94 contributions in accordance with the Tweed Shire Council Contributions Plans. S.94 Contributions will be imposed as part of future development approvals for each precinct. The applicant may also negotiate with Council over the provision of works-in-kind and material public benefits as credits towards its s.94 contributions in accordance with the EP&A Act.
Council Rates and Income	The development of the Cobaki Lakes Estate will generate rate income for the Tweed Shire Council. This new infrastructure will require less maintenance in the early stages of development providing substantial income for the Shire.
Consultation with Qld Govt	The Department of Planning has consulted with the Gold Coast City Council and relevant Qld Government agencies. (See Attachment C.)

2.5 Summary of Revisions

2.5.1 Revision to Site Description

The site description has been revised to include the latest surveyed areas and an additional 12.2 ha. of road reserves across the Cobaki Lakes Estate.

The Cobaki Lakes Estate has a total area of 605.4 ha. This comprises 593.2ha. of land owned by LEDA Manorstead Pty Ltd, 6.2368ha. of Sandy Lane road reserve owned by Tweed Shire Council and 5.9215ha. of Crown road reserve.

The legal description of the Cobaki site is Lot 1 in DP 570076; Lot 2 in DP 566529; Lot 1 in DP 562222; Lot 1 in DP 570077; Lot 1 in DP 823679; and Lots 46, 54, 55, 199, 200, 201, 202, 205, 206, 209, 228 & 305 in DP 755740.

The consent of the Department of Lands and Tweed Shire Council as owners of the road reserves are to be submitted separately.

2.5.2 Revisions to LEP Amendments

The revisions made to the proposed LEP Amendments in response to the submissions include the following:

- an additional 4.28 hectares changed from 2(c) Urban Expansion to 7(l) Environmental Protection (Habitat) mainly to provide an east-west biodiversity corridor across the site; and
- an additional 101.44 hectares changed from 6(b) Recreation to 7(l) Environmental Protection (Habitat) as a more suitable zoning for land with biodiversity value;
- an additional 0.42 hectares changed from 7(d) Environmental Protection (Habitat) to 2(c) Urban Expansion as a more rational outcome for an area mainly surrounded by the urban zone; and
- site office and sales office are made permissible in the 6(b) Recreation Zone on the site.

The final amendments proposed to the Tweed LEP are described below in Section 3 of this report.

2.5.3 Revisions to Concept Plan

The revisions to the Concept Plan made in response to the submissions are as follows:

- Concept Plan precincts have been revised to align with the final LEP zone boundaries including the additional environmental protection corridors.
- The Land Use Matrix has been revised to accord with the latest definitions in the Standard LEP, and to include emergency services as a use in the town centre and community and education centres.
- A Development Code with Exempt and Complying categories of development and Development Controls have been prepared to provide design guidelines for subdivision, residential and town centre development, and specify exempt and complying development standards.
- Planning and Design Principles have been included for the village centre precinct.
- The proportion of structured (formal active) and unstructured (informal passive) open space has been revised to accord with Tweed Shire Council's comments, and the location of structured open space is identified on the open space network plan.

- Potential bus route distances have been prepared and included in the Access Network Plan.
- The southern lake in the central open space has been deleted from the Concept Plan.
- The subdivision of the first 3 precincts is now proposed to be the subject of future Part 3A Project Applications to the Minister for Planning instead of Development Applications to Tweed Shire Council.
- Revised flora and fauna assessments and management plans are included in the Concept Plan.
- Revised preliminary aboriginal cultural heritage assessment, draft cultural heritage management plan and historic cultural heritage assessment are included in the Concept Plan.

The final Concept Plan is provided below in Section 4 of this report.

2.5.4 Revisions to Statement of Commitments

The revisions made to the Statement of Commitments in response to the submissions are as follows:

- Revised commitments to accord with the revised flora and fauna management plans.
- Revised commitment to accord with revised cultural heritage assessment and management plan.
- Revised commitment for a flood study to be submitted with future project applications and development applications to set flood protection levels and address government policies on climate change.
- New commitment to obtain site audit statements where necessary to verify the remediation of any contaminated land in accordance with relevant NSW guidelines.
- New commitment for each subdivision application to be supported by a traffic study demonstrating that Boyd Street has, at the time of such application, sufficient capacity to accommodate the additional traffic calculated to be generated out of the subdivision.
- New commitment for future project applications and development applications for subdivision or housing adjacent to subarterial, distributor and connector roads to include an acoustic report that addresses the potential impacts of road noise, and includes measures to mitigate noise and achieve relevant NSW standards for residential noise levels in dwellings.
- New commitment to address the dedication, ownership and management of the open space and environmental protection zones.
- New commitment for Tweed Shire Council's DCP provisions to apply to future project applications and development applications at Cobaki Lakes to the extent that the provisions are not inconsistent with the Concept Plan and Development Code which take precedence.

The final Statement of Commitments is included in Section 5 of this report.

3.0 Final Amendments to Tweed LEP

The Concept Plan seeks that the Minister amend the Tweed Local Environmental Plan (LEP) 2000 via an Order to refine the following provisions:

- zone boundaries;
- minimum lot size in the 2(c) and 2(e) zones; and
- permissibility of site development office and sales office in the 6(b) zone.

3.1 Zone Boundary Refinements

The Concept Plan proposes to refine the land use zone boundaries in Tweed LEP as described below in **Figure 1** and **Tables 1** and **2**.

The refinements to the zone boundaries are proposed to align the zonings with cadastral boundaries, existing development approvals, and the physical attributes of the land to give land use zones that are more consistent with the capacity and suitability of the land.

The present zoning boundaries create a number of areas that are impractical to use as open space and environmental protection. They have low conservation value, limited potential for recreational use, are expensive to maintain, and typically become neglected and hazardous. These areas represent an inefficient and unsustainable use of the land.

The proposed refinements to the zone boundaries will provide better environmental and urban outcomes consistent with State planning strategies, policies and instruments. The refinements would result in a more efficient and sustainable use of the land.

The rationalisation of zone boundaries has been prepared in consultation with Tweed Shire Council and the Department of Environment, Climate Change and Water. It is based on an analysis of the existing landuse attributes, and in particular on the 'Flora Assessment of Proposed Rezone Amendment Areas' prepared by James Warren at Appendix I of the EAR. The general rationalisation of zone boundaries proposed in this Concept Plan results in the rezoning of Areas 1-39.

Areas 1-19, 21-22 and 34 are proposed additions to the 2(c) Urban Expansion zone. A detailed explanation as to why each of these areas is more suited to this zone is provided in **Table 1** below.

Areas 20, 23-26, 28-33 and 35-39 are proposed additions to the 7(l) Environmental Protection (Habitat) zone. These areas are more suited to the 7(l) zone given the moderate to high value of the vegetation and/or regeneration potential, and their location adjoining bushland zoned 7(l) to improve the environmental protection corridors. Areas 20, 32 and 33 create a new east-west environmental protection corridor across the site.

Area 27 is a proposed addition to the 6(b) Recreation zone. It contains a large dam that is proposed to be retained in the open space network in the Concept Plan. The rezoning of this area to the 6(b) zone is more suited to its attributes and will improve the open space and environmental protection corridors.

A more detailed explanation of each area is also contained in **Table 1** below.

The proposed refinements to the zone boundaries now result in:

- a net gain of 106.86ha added to the total area of the 7(d) and 7(l) Environmental Protection zonings;
- a net reduction of 122.06ha. to the 6(b) Recreation Zone (primarily rezoned to Environmental Protection zonings); and
- a net addition of 15.21 ha. to the 2(c) Urban Expansion Zone.

The proposed zoning refinements result in a total of 283ha. of land (46.7% of the site) zoned for environmental protection and open space in the Cobaki Lakes Estate. This comprises 86.1ha. of land zoned 6(b) Recreation and 196.9ha zoned Environmental Protection. Much of the 6(b) land will be developed and landscaped for parks and playing fields. Additional neighbourhood parks will also be located in the subdivision of precincts in the 2(c) Urban Expansion Zone. The development of both structured and unstructured open space will provide a range of recreational opportunities to meet the spectrum of recreational needs of the future resident population.

The tables below provide further explanation of the proposed zoning refinements and the areas affected.

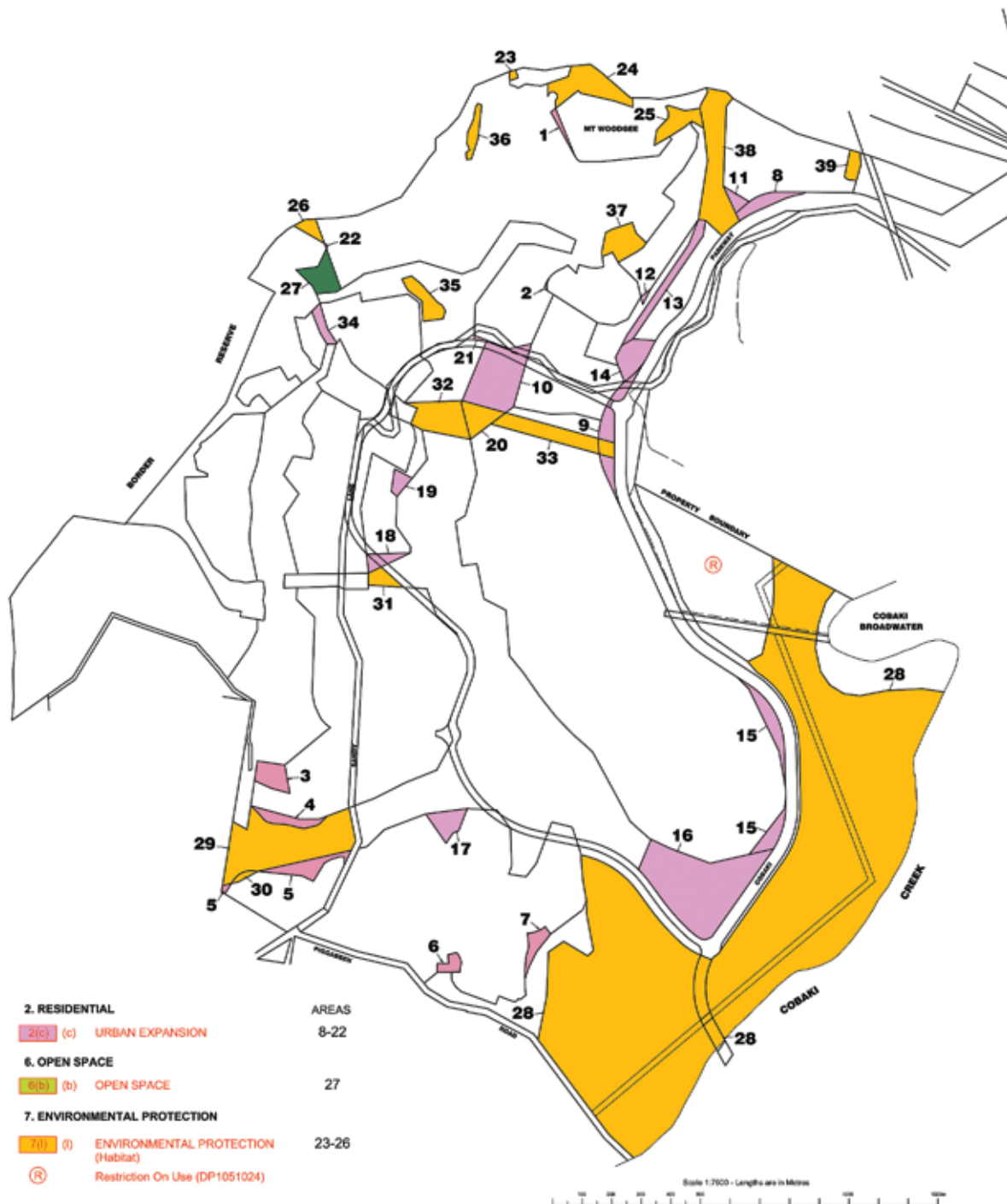


Figure 1 – Proposed Amendments to Tweed LEP Zoning Map (prepared by Michel Group Services)

Table 1 – Proposed Refinements to Tweed LEP Zoning Boundaries

Map Ref	Area (m ²)	Current Zone	Proposed Zone	Explanation for each Area
1	1,717	7(l)	2(c)	Resolves zone boundary under clause 52 of Tweed LEP. Area 1 is grassland with scattered trees and earthworks having low value for environmental protection. It is more suited to residential zoning.
2	189	7(l)	2(c)	Resolves zone boundary under clause 52 of Tweed LEP. Area 2 is unvegetated land having low value for environmental protection. It is more suited to residential zoning.
3	8,796	7(d)	2(c)	Resolves zone boundary under clause 52 of Tweed LEP. Adjustment to zone boundary gives more practical residential precinct with better planning and future urban design outcomes. Area 3 has unvegetated parts with low value for environmental protection. It is more suited to residential zoning.
4	6,813	6(b)	2(c)	Resolves zone boundary under clause 52 of Tweed LEP. Adjustment to zone boundary gives more practical residential precinct with better planning and future urban design outcomes. Area 4 has unvegetated parts with low conservation value. It is more suited to residential zoning.
5	10,030	6(b)	2(c)	Resolves zone boundary under clause 52 of Tweed LEP. Area 5 is grassland and isolated trees of low conservation value. It is more suited to residential zoning.
6	3,616	7(d)	2(c)	Resolves zone boundary under clause 52 of Tweed LEP. Area 6 is more suited to residential zoning. Adjustment to zone boundary gives more practical precincts with better planning outcomes and more efficient use of land.
7	5,411	7(d)	2(c)	Resolves zone boundary under clause 52 of Tweed LEP. Area 7 is unvegetated land and grassland having low value for environmental protection. It is more suited to residential zoning.
8	7,277	6(b)	2(c)	Aligns zone boundaries with the existing development consent and completed earthworks for Cobaki Parkway (S94/194 29 August 2003). Area 8 is unvegetated land and grassland with low conservation value.
9	12,490	6(b)	2(c)	Aligns zone boundaries with the existing development consent and completed earthworks for Cobaki Parkway (S94/194 29 August 2003). Area 9 is unvegetated and disturbed land with limited conservation value.
10	35,190	6(b)	2(c)	Aligns zoning with the existing development consent and completed earthworks for development in the town centre precinct (1162/2001DA 8 October 2002). Area 10 is unvegetated land with low conservation value.
11	2,892	6(b)	2(c)	Area 11 is grassland having low conservation value, and is more suited to residential zoning. Adjustment to zone boundary gives better planning outcomes and more efficient use of land.
12	515	7(l)	2(c)	Area 12 is grassland having low value for environmental protection, and is more suited to residential zoning. Adjustment to zone boundary gives better planning outcomes and more efficient use of land.
13	12,170	6(b)	2(c)	The current zoning plan is based on the Digital Cadastral Data Base supplied by NSW Department of Lands which contains the anomaly of a residential zone having a length of some 750 metres, but a width typically of only 10 metres which precludes residential development. Tweed Council has recently adopted a ground-truthed Cadastral Boundary Plan as shown in Figure 3. The adjustment to Area 13 makes residential development possible in this area, and give a zone boundary that is more practical with better planning outcomes and more efficient use of land. Area 13 is grassland having low conservation value, and is more suited to residential use.
14	10,970	6(b)	2(c)	Area 14 is unvegetated land with low conservation value, and is more suitable for the proposed town centre uses. Adjustment to zone boundary gives more practical town centre precinct with better planning outcomes and more efficient use of land.
15	16,430	6(b)	2(c)	Area 15 is unvegetated land with low conservation value. The proposed zone boundary will conform with Cobaki Parkway resulting in better planning outcomes and more efficient use of land.

Map Ref	Area (m ²)	Current Zone	Proposed Zone	Explanation for each Area
16	75,660	6(b)	2(c)	Area 16 has unvegetated parts of low conservation value, and some wetlands and saltmarsh the conservation value of which is moderate due to the small areas and the separation of Area 16 as a whole from the main saltmarsh area on the opposite side of Cobaki Parkway.
17	8,310	6(b)	2(c)	Area 17 is grassland with scattered trees and low conservation value. It is more suited to residential zoning. Adjustment to zone boundary gives more practical precincts with better planning outcomes and more efficient use of land.
18	4,703	6(b)	2(c)	Area 18 has grassland of low conservation value, and some wetland species in wet periods that are of only moderate conservation value. It is more suited to residential zoning. Adjustment to zone boundary gives more practical precincts with better planning outcomes and more efficient use of land.
19	3,480	6(b)	2(c)	Area 19 has grassland of low conservation value, and some wetland species in wet periods that are of only moderate conservation value. It is more suited to residential zoning. Adjustment to zone boundary gives more practical precincts with better planning outcomes and more efficient use of land.
20	9,328	6(b)	7(l)	Area 20 (together with Areas 32 and 33 will form a vegetated fauna corridor to connect to the west and with the vegetated areas to the east of Cobaki Parkway.
21	408	6(b)	2(c)	Aligns the zone boundary with the existing consent and completed earthworks for Sandy Lane. Area 21 is unvegetated land that has low conservation value.
22	85	7(l)	2(c)	Adjusts zone boundary to align with the part of the existing subdivision consent (K99/1124) that is being preserved for Precincts 1 and 2. Area 22 is of low conservation value and more suited to residential use.
23	748	2(c)	7(l)	Area 23 is more suited to 7(l) zone as it has forest and adjoins the existing 7(l) zoned bushland.
24	21,560	2(c)	7(l)	Area 24 is more suited to 7(l) zone as it has forest of moderate to high conservation value, and adjoins the existing 7(l) zoned bushland.
25	9,912	6(b)	7(l)	Area 25 is more suited to 7(l) zone as it has forest of moderate conservation value, and adjoins the existing 7(l) zoned bushland .
26	3,716	2(c)	7(l)	Area 26 is more suited to 7(l) zone as it has forest of moderate conservation value, and adjoins the existing 7(l) zoned bushland.
27	10,510	2(c)	6(b)	Area 27 contains an existing dam that is proposed to be retained as part of the open space network with links to environmental protection areas.
28	872,800	6(b)	7(l)	Area 28 is more suited to 7(l) zone as it is predominantly a saltmarsh area to be remediated. It is intended that this remediation will include the extension of the area of saltmarsh to an extent equal to that within Area 16.
29	62,110	6(b)	7(l)	Area 29 is more suited to 7(l) zone as it is predominantly low lying land which, together with land to be protected by covenant to its east, will form a fauna corridor. It also contains a Blackbutt community on its sloping parts.
30	1,411	2(c)	7(l)	Area 30 is more suited to 7(l) zone by virtue of its intended addition to adjacent Area 29.
31	4,704	6(b)	7(l)	Area 31 is more suited to 7(l) zone as it extends a corridor to its west.
32	18,790	6(b)	7(l)	Area 32 is more suited to 7(l) zone as (together with Areas 20 and 33) it will form a vegetated fauna corridor to connect to the west and with the vegetated areas to the east of Cobaki Parkway.
33	20,340	2(c)	7(l)	Area 33 is more suited to 7(l) zone as (together with Areas 20 and 32) it will form a vegetated fauna corridor to connect to the west and with the vegetated areas to the east of Cobaki Parkway.
34	4,188	7(d)	2(c)	Area 34 is more suited to 2(c) zone as it rationalises a gap which performs no useful function between adjacent urban- zoned land.
35	8,840	6(b)	7(l)	Area 35 is more suited to 7(l) zone as it contains isolated vegetation requiring protection.

Map Ref	Area (m ²)	Current Zone	Proposed Zone	Explanation for each Area
36	4,854	2(c)	7(l)	Area 36 is more suited to 7(l) zone as it contains isolated vegetation requiring protection.
37	12,030	2(c)	7(l)	Area 37 is more suited to 7(l) zone as it contains isolated vegetation requiring protection and forms an addition to existing adjacent 7(l)-zoned land.
38	37,830	6(b)	7(l)	Area 38 is more suited to 7(l) zone to form a corridor connecting the existing 7(l)-zoned land adjacent to it to the vegetation to the east of Cobaki Parkway.
39	4,115	2(c)	7(l)	Area 39 provides required additional area for fauna habitat.

Table 2 – Areas affected by the Proposed Zoning Boundary Refinements

	2(c)	6(b)	7(d)	7(l)
Clause 52 determination of zone boundaries (Areas 1-7)	+3.6572 ha	-1.6843ha	-1.7823ha	-0.1906ha
Alignment of zone boundaries with existing development consents (Areas 8, 9, 10)	+5.4957ha	-5.4957ha	-	-
General rationalisation additions to 2(c) Urban Expansion zone (Areas 11-19 & 21, 22 & 34)	+13.9811ha	-13.5023ha	-0.4188	-0.0600ha
General rationalisation additions to 7(l) Environmental Protection (Habitat) zone (Areas 20, 23-26, 28-33 & 35-39)	-6.8774ha	-102.4314ha	-	+109.3088ha
General rationalisation addition to 6(b) Recreation zone (Area 27)	-1.051ha	+1.051ha	-	-
Net Changes Proposed	+15.2506ha	- 122.0627ha	-2.2011ha	+109.0582ha

3.2 Minimum Lot Size for Housing

The Tweed LEP currently specifies a minimum lot size of 450m² in the 2(c) and 2(e) Zones across the Cobaki Lakes Estate.

The Concept Plan proposes a mix of housing types and choices including dwellings on lots ranging from 120m² up to traditional lot sizes. The applicant requests that the Minister amend the Tweed LEP via an Order to allow a minimum lot size of 120m² on the Cobaki site.

The rationale for a mix of lot sizes/ densities in suitable parts of Cobaki Lakes is founded on the intent and philosophy of the Far North Coast Regional Strategy 2006 – 2031, contemporary planning principles for ecologically sustainable development, and on the public open space benefits that will be delivered as part of the development. The following planning principles underpin the rationale for a mix of lot sizes:

- Supplying housing choices to meet demographic changes and demands;
- Increasing densities around centres and accessible locations well served with infrastructure and amenities;
- Maintaining visual landscape values;
- Optimising urban form and design quality with interesting places and streetscapes;
- Easing urban sprawl and development pressure on environmentally sensitive land; and
- Making efficient use of natural resources.

3.3 Permissibility of Site Office and Sales Office in 6(b) Recreation Zone

The applicant requests that the Minister amend the Tweed LEP via an Order to allow a site office and sales office as permissible uses in the 6(b) Recreation Zone on the Cobaki Lakes site. These additional uses would be temporary uses during the development phases of the project.

4.0 Final Concept Plan

The proposed Concept Plan establishes the vision and planning framework for the sustainable development of the Cobaki Lakes Estate. It establishes the planning structures and broad parameters for the site to be used in the preparation and assessment of future applications for the detailed design, construction and management of development on the site.

4.1 Overview

LEDA propose to develop the Cobaki Lakes Estate for a mix of urban land uses integrated with open space and environmental protection areas comprising the following:

- town centre precinct comprising a mix of retail, commercial, community and residential uses, with up to 9,500m² of retail space over 19.6ha of land;
- residential precincts with a mix of dwelling types including detached houses, townhouses and mutli-unit housing with up to 5,300 dwellings over 293.5 ha of gross developable land;
- community and education precincts including two schools over 8.5ha of land;
- open space, lakes and environmental protection areas covering 283.8ha of land;
- access network of roads, public transport routes, pedestrian/ cycle paths;
- landscaping and vegetation management;
- water management; and
- utility services infrastructure.

Concept Plan

The Concept Plan in this EAR seeks the Minister's approval for the following aspects of the proposed development:

- vision and design principles for Cobaki Lakes Estate;
- general layout and siting of development into precincts;
- land uses in each precinct;
- maximum site coverage, dwelling numbers and densities, building heights and retail floor space in development precincts;
- a mix of lot sizes ranging from 120m² to 1,200m² in residential and town centre precincts;
- open space and landscape management concepts;
- access network of roads, public transport routes, pedestrian/ cycle paths;
- water management concept;
- utility services strategy;
- statement of commitments; and
- Development Code including Part A Exempt and Complying Development and Part B Development Controls at **Attachment A**.

The Concept Plan also seeks that the Minister amend the Tweed LEP 2000 to refine the existing zone boundaries, allow a mix of housing densities on lot sizes from 120m², and make site development and sales offices permissible uses in the 6(b) Zone as described above in Section 3.

4.2 Planning Vision and Urban Design Principles

Vision

Cobaki Lakes is to be a residential community connected to and extending the established developed areas of the southern Gold Coast and Tweed Heads. Residential development is to be contained in a number of release areas and will reflect their particular location with respect to amenities, topography, aspect, views and immediate natural surroundings. The Town Centre, neighbourhood in scale, will comprise retail, limited commercial uses and some medium density housing, and will be located along the presently-named Sandy Lane, with convenient access to the whole Cobaki Lakes community and to through traffic using Cobaki Parkway.

Residential neighbourhoods will consist of a range of dwelling types to attract and suit a range of family types and age groups. Areas of higher density will be located close to areas of greater amenity such as the Town Centre, central open space area, lake, local parkland, and areas with scenic views and major roads.

A network of pedestrian and cycle paths will provide connections within and between neighbourhoods, through open space areas and to sports fields and other amenities. The main access roads will be able to accommodate public transport services.

The Town Centre, two schools, childcare facilities and a community centre will provide focal points for residents, whilst the central parklands will be of particular value to them and will be a major amenity to the wider district community.

Planning and Design Objectives

The proponent has set the following objectives for the design and planning of Cobaki Lakes:

- Provide well-defined, liveable and inter-connected neighbourhoods that foster social interaction, and support the town and neighbourhood centres.
- Provide a broad range of lot sizes, housing types and lifestyle opportunities that respond to the market.
- Demonstrate in the development of the first neighbourhood the attractive and functional living environment that is envisaged.
- Balance environmental, social and economic outcomes in the utilisation of land and the location of land uses and activities.
- Respond sensitively and responsively to the areas of high conservation value within and adjacent to the site.
- Recognise and optimise the natural divisions of the site established by distinctive topography, aspect, views and protected open space.
- Co-ordinate and deliver infrastructure, facilities and services so that they are provided at the time they are needed.
- Encourage walking and cycling by providing safe, walkable, connected neighbourhoods, with easy access to the amenities and services within Cobaki Lakes and beyond.
- Locate areas of higher residential density in places of greater amenity and close to services and infrastructure.
- Encourage the use of public transport by ensuring bus routes are within 400m easy walking distance to most of the site.

4.3 Precincts and Land Uses

The Concept Plan comprises the following elements as shown in **Figures 2 and 3**.

Town Centre

The town centre is located in the northern part of the site and will provide a community focal point with shops, supermarket, services, food outlets, some commercial floor space (for small offices) and some medium density residential. The town centre will provide a maximum of 9,500m² of retail space that will provide for daily and weekly shopping needs of the future Cobaki Lakes population. A town square is proposed with active street frontages.

Village Centre

The village centre is located in the southern part of the site and is to provide for the convenience needs of the surrounding residential area with a mix of neighbourhood retail and commercial uses.

Community and Education Centres

The Concept Plan makes provision for two public primary schools in accordance with Department of Education requirements, as well as a site for a community facility in accordance with Tweed Shire Council's requirements.

Residential Neighbourhoods

There are to be 17 residential neighbourhoods each containing a diverse range of housing types and densities. Residential housing choices will include:

- traditional detached dwellings on average 550m² lots;
- zero lot housing on 250-450m² lots;
- terrace housing on 120-250 m² lots;
- attached dwellings on corner allotments (400-1200m²); and
- unit development in strategic locations throughout the site.

Open Space Areas

A range of open space will be provided including environmental protection areas, the central open space area, sports fields, linear links and local neighbourhood parks. A town square is to be provided in the new town centre. Passive access to wetland areas and other environmental protection areas may also be provided.

Environmental Protection Areas

196.9 hectares of the site is proposed to be set aside for environmental protection and management.

Dwelling Yield and Types

The Concept Plan proposes a total maximum of 5,500 dwellings on the site with a mix of dwelling types as described in the Development Code at **Attachment A**. This includes single detached dwellings, small lot and multi-dwelling housing including plex housing, mews housing, townhouses, villas, apartments, shop-top housing, and retirement communities. Detailed precinct dwelling yields will be provided in subsequent project/development applications.

Areas of medium density housing forms will be located close to areas of greater amenity such as the Town and Village Centres, central open space areas, lake, local parkland, and areas with scenic views and major roads.

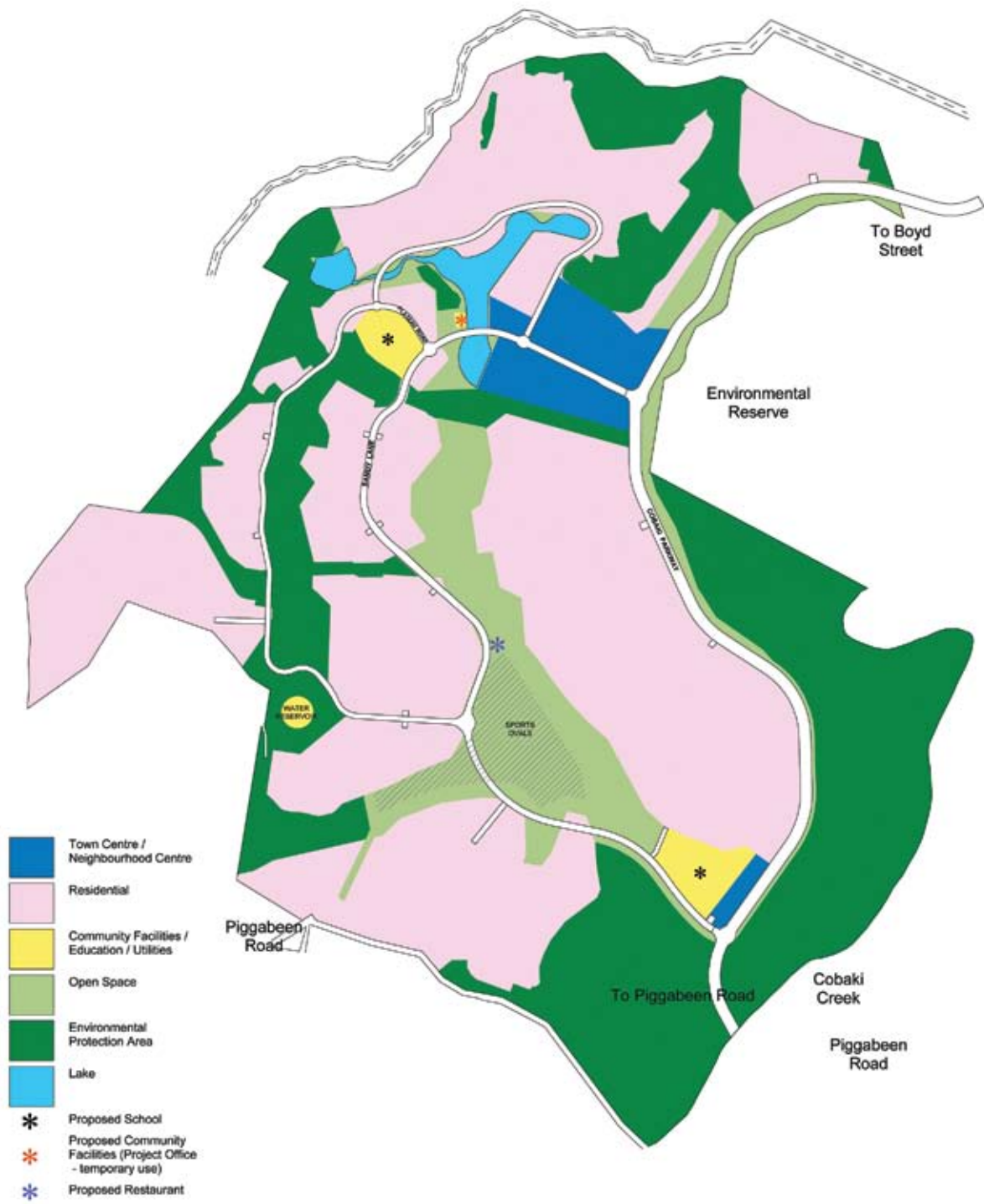


Figure 2 – Concept Plan (prepared by The Design Forum Pty Ltd)

Concept Plan Domain	Development Uses	Total Area		Urban Design Principles
		Leads Owned Land	Proposed Road Closures	
Town Centre/ Neighbourhood Centre	<ul style="list-style-type: none"> • Business premises • Carpark • Child care centre • Community facility • Education establishment • Entertainment facility • Environmental facility • Food and drink premises • Funeral chapel • Health services facility • Home business • Hotel or motel accommodation • Information and education facility • Medical centre • Night Club • Office premises • Place of worship • Pub • Recreation area • Recreation facility (indoor) • Residential care facility • Residential types in Development Code • Restaurant • Retail premises • Roads • School • Seniors housing • Service station • Sewage reticulation system • Shop • Telecommunication facility 	18.7 ha	0.9 ha	<ul style="list-style-type: none"> • Urban form controlled by Plan of Development in Precinct approval • Building height controlled by Development Code • Mixed uses are encouraged • Provide legible off-street parking • All required parking located within site • Create town square focus • Buildings facing main streets are encouraged to have active frontages • Pedestrian friendly streetscape with awnings • Create interesting buildings with articulated facades • Screen or conceal passive facades and service areas • Soften visual impact of carpark with landscaping • Incorporate urban art and public streetscaping • Must demonstrate sensitive interface with surrounding development • Ground floor facing main roads must be non residential use • Landscape concept to maintain visibility of retail uses • Incorporate passive surveillance and public safety principles
Residential	<ul style="list-style-type: none"> • Carpark • Child care centre • Community facility • Environmental facility • Exhibition village • Home based child care • Home business • Recreation area • Recreation facility (outdoor) • Residential care facility • Residential types in Development Code • Roads • Seniors housing • Sewage reticulation system 	289.6 ha	3.9 ha	<ul style="list-style-type: none"> • Urban form controlled by Plan of Development in Precinct approval and the Development Code • Create diversity of housing choice • Designs must optimise residential amenity, privacy and solar access • Strong streetscape character with articulated setbacks • Incorporate on-site private recreation areas • Garage doors must not dominate streetscape • Incorporate passive surveillance and public safety principles • Incorporate public open space within walkable radius of each dwelling
Community Facilities/ Education/ Infrastructure	<ul style="list-style-type: none"> • Carpark • Child care centre • Community facility • Education establishment • Environmental facility • Health services facility • Information and education facility • Kiosk • Office premises (Project office – temp usage) • Place of worship • Recreation area • Recreation facility (indoor) • Recreation facility (outdoor) • Roads • School • Telecommunication facility • Water storage facility 	8.5 ha	-	<ul style="list-style-type: none"> • Locate school buildings with integrated parking and shared facilities • Provide adequate safe setdown areas • Sporting facilities may be shared between schools and community • Must demonstrate sensitive interface with surrounding development • Enhance community education on surrounding environment
Public Open Space	<ul style="list-style-type: none"> • Carpark • Community facility • Environmental facility • Food and drink premises • Kiosk • Recreation area • Recreation facility (indoor) • Recreation facility (outdoor) • Roads 	76.6 ha	1.4 ha	<ul style="list-style-type: none"> • Include range of active and passive uses • Incorporate community facilities appropriate to residents needs such as ovals, amenities and carparking • Sporting facilities may be shared between schools and community • Incorporate stormwater path and treatment
Environmental Protection Area	<ul style="list-style-type: none"> • Environmental facilities 	190.6 ha	5.9 ha	<ul style="list-style-type: none"> • Incorporate low-impact community trails for public and service access • Provide linkages in accordance with the Pedestrian and Cycle Network Plan
Lake	<ul style="list-style-type: none"> • Carpark • Environmental facility • Recreation area • Recreation facility (outdoor) • Water body (artificial) • Water recreation structure 	9.2 ha	0.1 ha	<ul style="list-style-type: none"> • Provide low-impact public access • Provide linkages in accordance with the Pedestrian and Cycle Network Plan
Total Area		593.2 ha	12.2 ha	

Figure 3 – Precinct Development Matrix (prepared by The Design Forum Pty Ltd)

4.3.1 Precincts

The Concept Plan seeks approval for the general layout and siting of 17 urban precincts together with open space and environmental protection areas as shown in Figure 4.

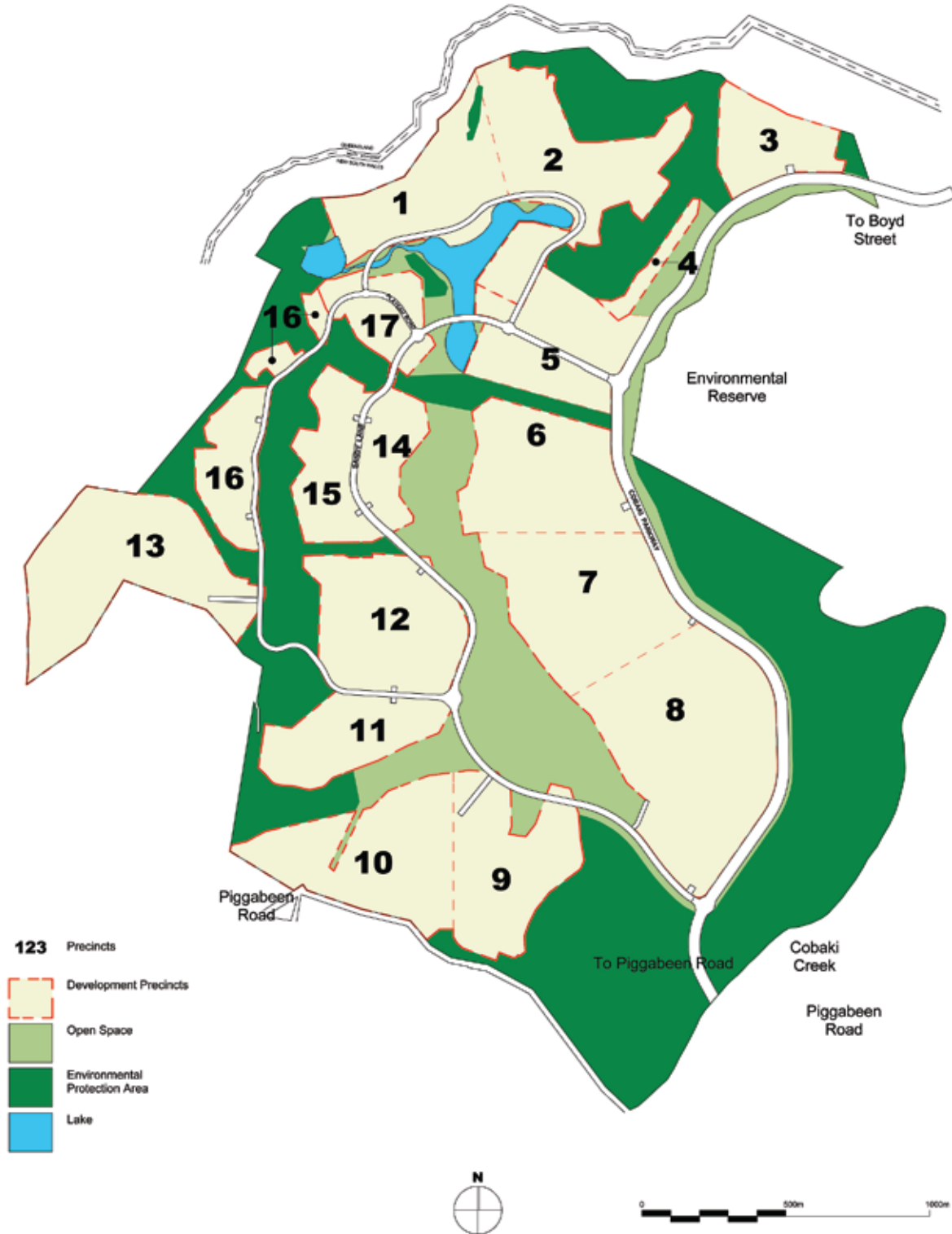


Figure 4 – Precinct Plan (prepared by The Design Forum Pty Ltd)

4.3.2 Design Principles for Precincts

The design principles and outcomes for the precincts in the Concept Plan are set out below.

Town centre and community & education centres

- Encourage mixed uses.
- Create focus around a town square and/or main street.
- Incorporate provision for public transport interchange.
- Activate main streets and access ways with buildings addressing the street and active uses at ground floor.
- Provide pedestrian friendly streetscape.
- Incorporate urban art.
- Articulate facades to create interesting buildings.
- Use landscaping to soften visual impact of car parking and screen passive facades and service areas.
- Maintain the visibility of retail uses.
- Demonstrate sensitive interface with surrounding development.
- Incorporate passive surveillance and public safety principles in design

Residential Areas

- Create identifiable neighbourhoods.
- Provide dwelling diversity and choice through a range of lot sizes and dwelling types.
- Optimise residential amenity, privacy and solar access through subdivision and building designs.
- Provide strong streetscape character with articulated building setbacks.
- Provide public open space within walkable distance of each dwelling.
- Incorporate passive surveillance and public safety principles into design.
- Avoid repetitive designs and long buildings.

Open Space and Environmental Protection Areas

- Provide a mix of open space landscape types and experiences.
- Provide a range of active (informal and formal) and passive recreational opportunities.
- Integrate open space with areas of environmental protection.
- Integrate open space with water sensitive urban design and management.
- Integrate open space with pedestrian and bicycle paths.

4.4 Building Heights

The maximum height of the buildings proposed in the Concept Plan is 3 storeys, and on the ridgeline a maximum of 8m above finished ground level, as shown in Figure 5.



Figure 5 – Proposed Height of Buildings (prepared by The Design Forum Pty Ltd)

4.5 Open Space and Landscape Concept

The proposed open space and landscape concept for the Cobaki Lakes site is illustrated in **Figure 6** below. The open space and landscape concept for the site comprises the following components that are integrated with the management of environmental protection areas, water management and pedestrian/bicycle paths, and proposed to provide a variety of landscape types and recreational opportunities:

- **Major Open Space** zones providing a variety of landscapes and recreational opportunities for passive and active (informal and formal) pursuits;
- **Local Parks** providing passive and active (informal) recreational opportunities integrated into the future design of residential precinct subdivisions;
- **Major Environmental Protection areas;** and
- **Lake and wetlands.**

Open space will be provided at least in accordance with Tweed Shire Council requirements. Of the minimum total area of open space required, 60% will be structured open space for formal recreational pursuits, and 40% will be unstructured open space for more casual informal recreation.

The Landscape Concept proposed for the central open space lakes is provided in Appendix D of the EAR. The detailed design and construction of the open spaces and landscaped areas will be subject to future Project Applications and Development Applications for each precinct.

4.6 Circulation, Access and Transport

The Concept Plan includes an arterial road, Cobaki Parkway, running through the site to connect the Cobaki Lakes Estate to Boyd Street and the Gold Coast Highway (and prospectively a new Tugun Bypass interchange in the future) to the north, and to Piggabeen Road, Kennedy Drive and Pacific Highway/Tugun Bypass to the south.

The Concept Plan proposes a road network hierarchy of major roads as shown in **Figure 7** with local roads and access streets, pedestrian and bicycle paths to be included in the detailed design of each precinct.

The detailed design and construction of the roads and paths in the access network will be subject to future Project Applications and Development Applications for each precinct in accordance with Tweed Shire Council standards and guidelines.

Public Transport

The Concept Plan supports the use of public transport on the site – in the form of potential bus routes along the major roads. Bus stops are proposed to be provided and will be detailed in future Project Applications and Development Applications for the precincts.

Pedestrian and Cycle Access

The Concept Plan includes new pedestrian and cycle access routes in and around the site linking the precincts. In particular, the new pedestrian and cycle access routes include:

- On-road cycle pathways on Cobaki Parkway.
- Shared pedestrian and cycle pathways through precincts and through the proposed major open space corridors, environmental protection corridors, and alongside the freshwater lake wetland areas.

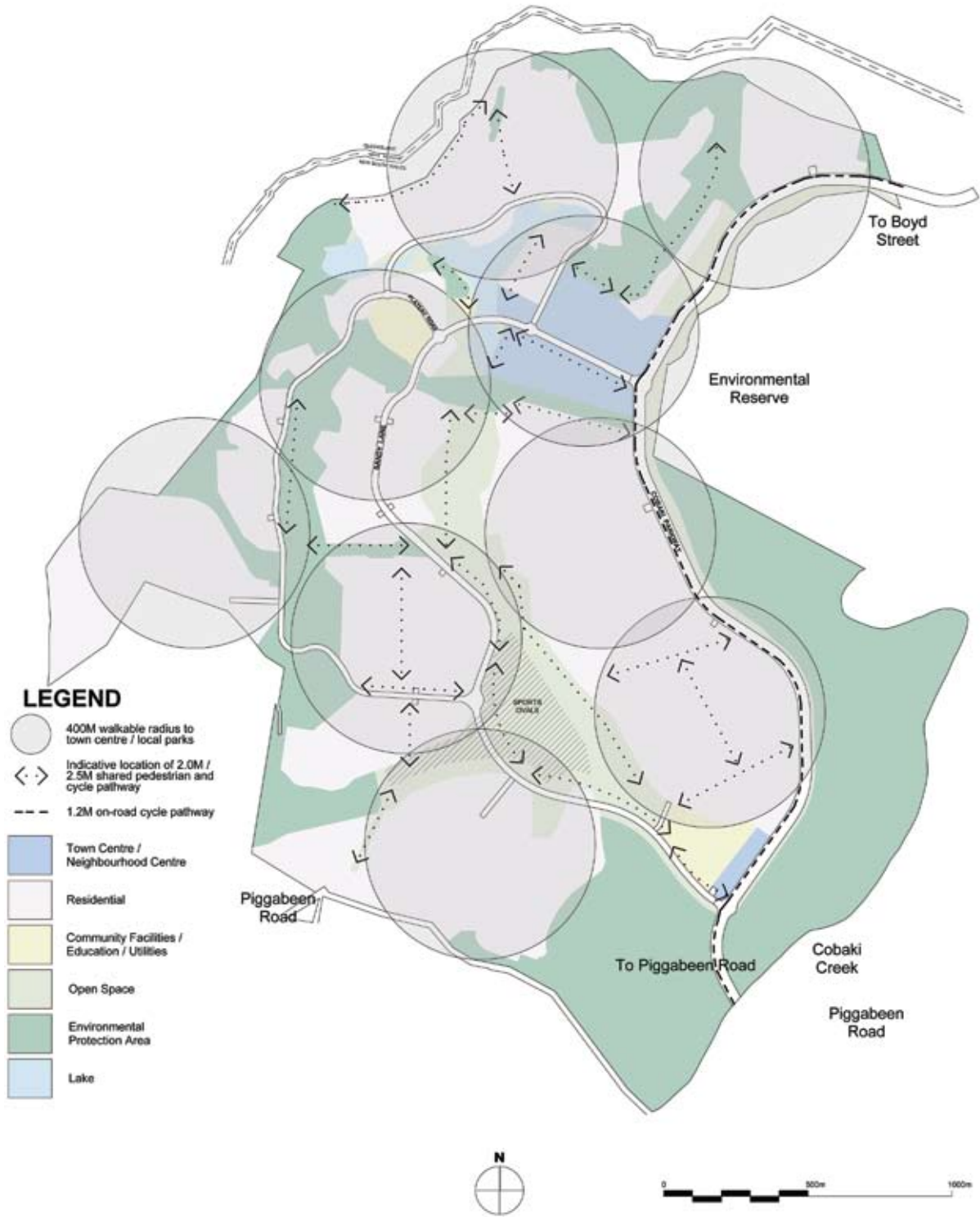


Figure 6 – Open Space Network Plan (prepared by The Design Forum Pty Ltd)

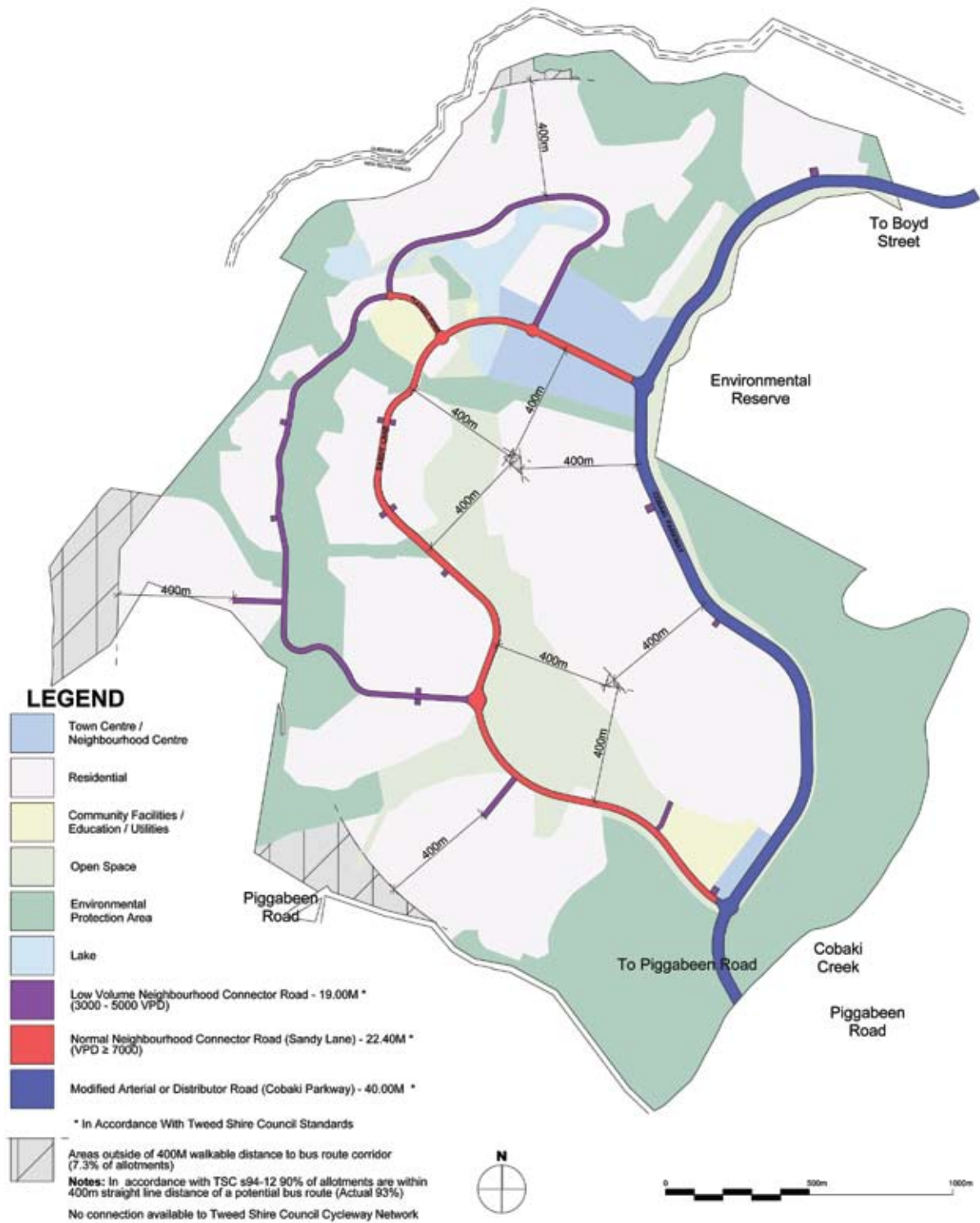


Figure 7 – Access Network Plan and Potential Bus Route (prepared by The Design Forum Pty Ltd)

4.7 Water Management Concept

A Stormwater Concept Plan prepared by Gilbert + Sutherland is shown in **Figure 8** below and in Appendix E of the EAR. The stormwater concept is based on the principles of 'Water Sensitive Urban Design' and also includes an 'Integrated Water Cycle Management' concept.

The Stormwater Concept includes a series of 4 different types of water 'treatment trains' that apply according to slope gradients and soil type. The stormwater management measures in the 'treatment trains' include the following:

- constructed wetlands;
- vegetated swales;
- bioretention trenches;
- gross pollutant traps;
- sedimentation basins at inlets to constructed wetlands
- infiltration systems;
- rainwater tanks;
- future compliance with BASIX;
- diffuse low-flow discharge and stormwater treatment; and
- high flow bypass channels; and
- diffuse discharge of treated water across wetlands polishing zones to Cobaki Broadwater.

The 'Integrated Water Cycle Management' concept includes use of the following options:

- demand management with the use of water efficient appliances and devices;
- rainwater (roof runoff) collection and re-use (household or community scale);
- stormwater collection and reuse;
- aquifer storage and recovery;
- effluent recycling; and
- WSUD stormwater management measures.

The detailed design and construction of the stormwater management measures and IWCM measures will be the subject of future Project Applications and Development Applications.

4.8 Indicative Staging of Development

The Cobaki Lakes development will be delivered over seven major release areas as illustrated in **Figure 9**. Each release area is further divided into a series of precincts, as shown in **Figure 4**. While residential sales are significantly affected by the property cycle, it is expected that residential sales will initially be achieved at an average rate of 300 per year growing to 400 per year as the project matures. On this basis completion would take approximately 15 years.

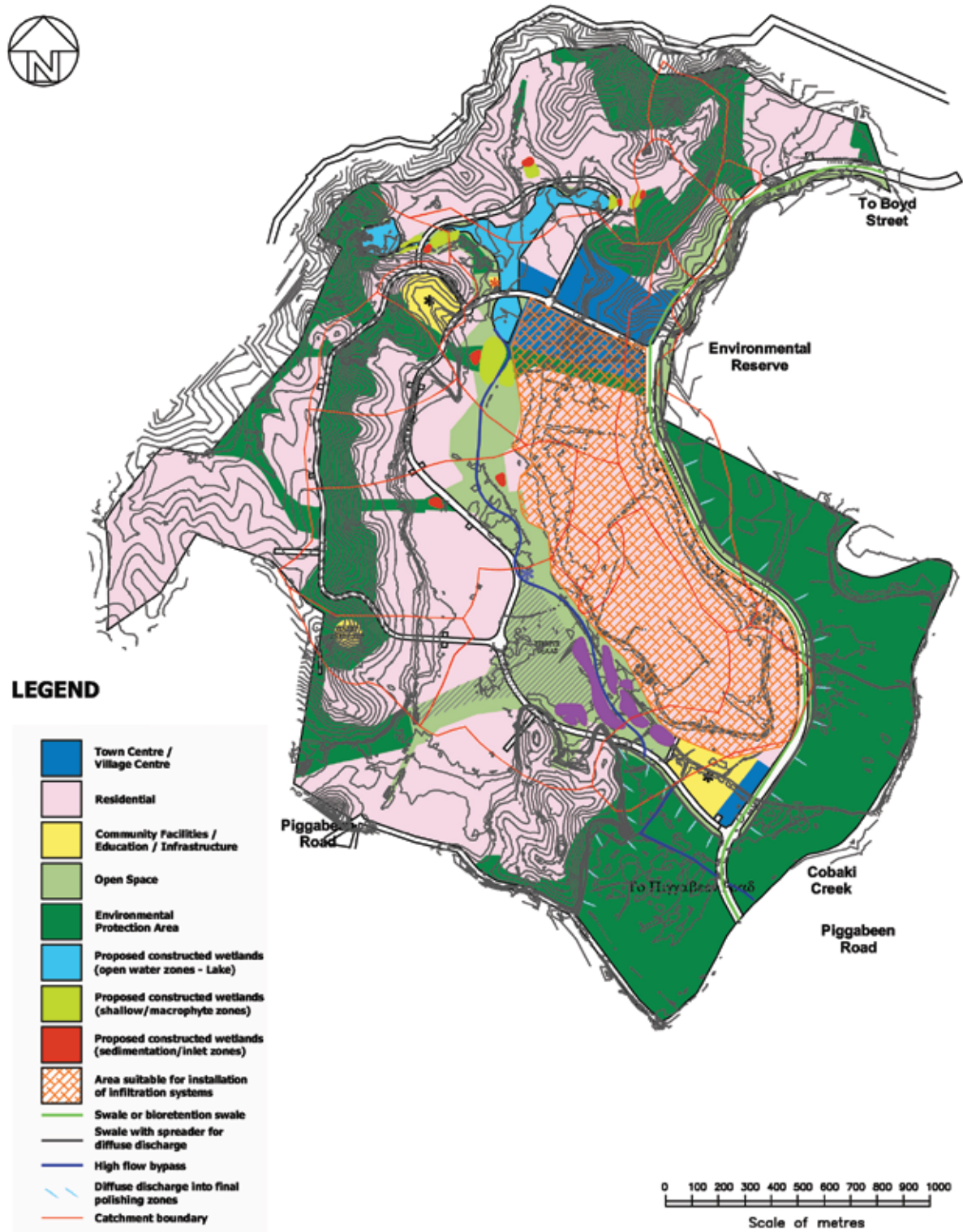


Figure 8 – Stormwater Management Concept (prepared by The Design Forum Pty Ltd)

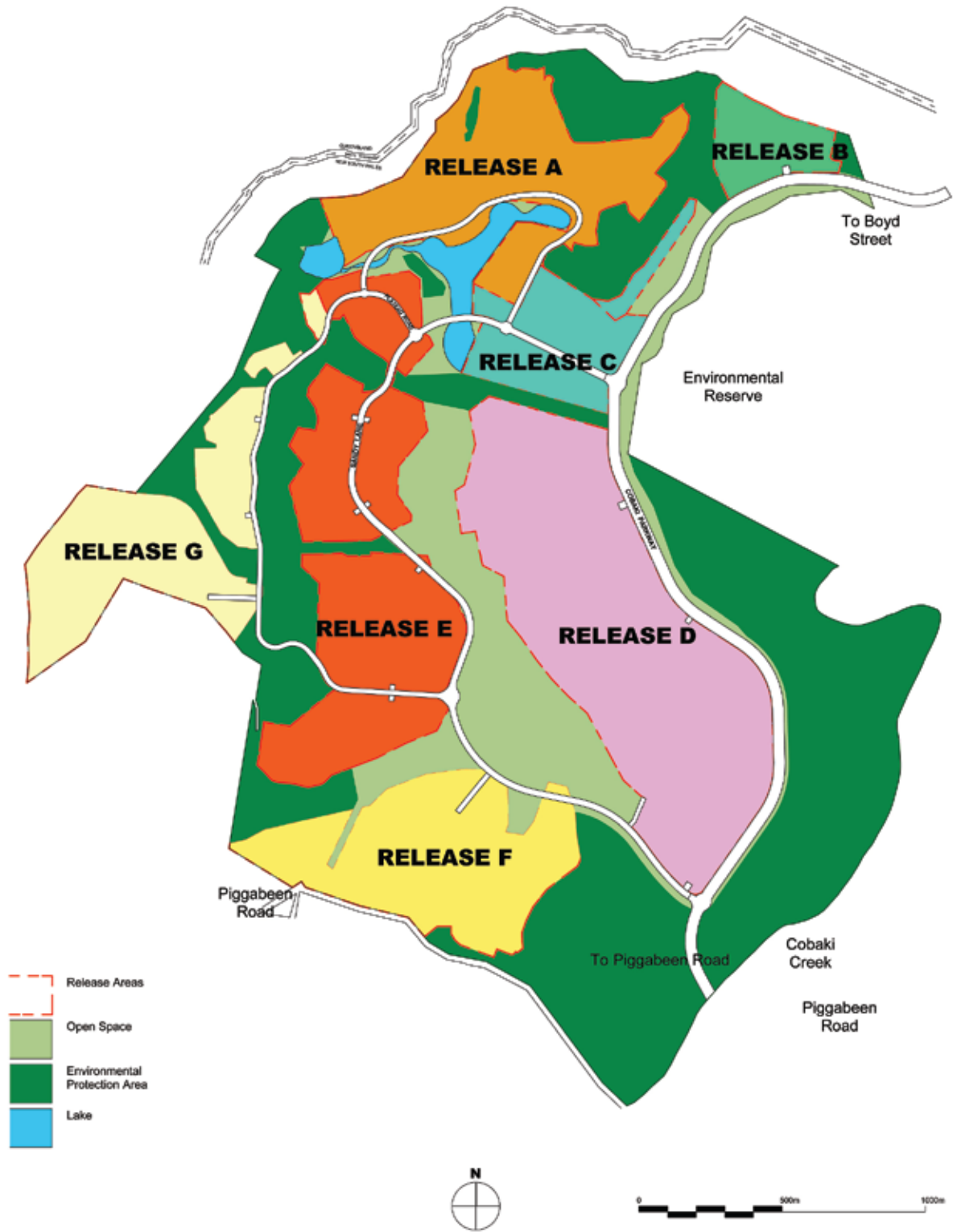


Figure 9 – Release Areas (prepared by The Design Forum Pty Ltd)

4.9 Development Code

The Cobaki Lakes Development Code is included at **Attachment A**. The Code provides standards and guidelines for the detailed design of development in future applications and comprises the following:

- **Part A – Exempt and Complying Development** sets out the types of minor development and standards for exempt development that can be carried out without approval, and the types of complying development that can be carried out with a complying development certificate issued by either Council or an accredited private certifier.
- **Part B – Development Controls** for Residential Development (that does not meet the complying development standards in Part A), Town Centre and Neighbourhood Centres, Subdivision, and General Environmental Management.

4.10 Future Stage Applications for Development Approval

The detailed design and construction of development at Cobaki Lakes is to be subject to future applications for approval as described in the table below.

Type of Application	Aspect of Development
Part 3A Project Applications for the approval of the Minister for Planning	<ul style="list-style-type: none"> - Subdivision, rehabilitation and construction of the central open space area - Subdivision of the first 3 residential precincts and associated civil works
Complying Development Certificates issued by either an accredited private certifier or Tweed Shire Council	<ul style="list-style-type: none"> - Dwellings that meet complying development standards in the Code
Development Applications for the consent of Tweed Shire Council	<ul style="list-style-type: none"> - Subdivision of the 4th and subsequent precincts - Apartments and any dwellings that do not meet complying development standards in the Code - Town Centre and Village Centre development - Community and Education precinct development

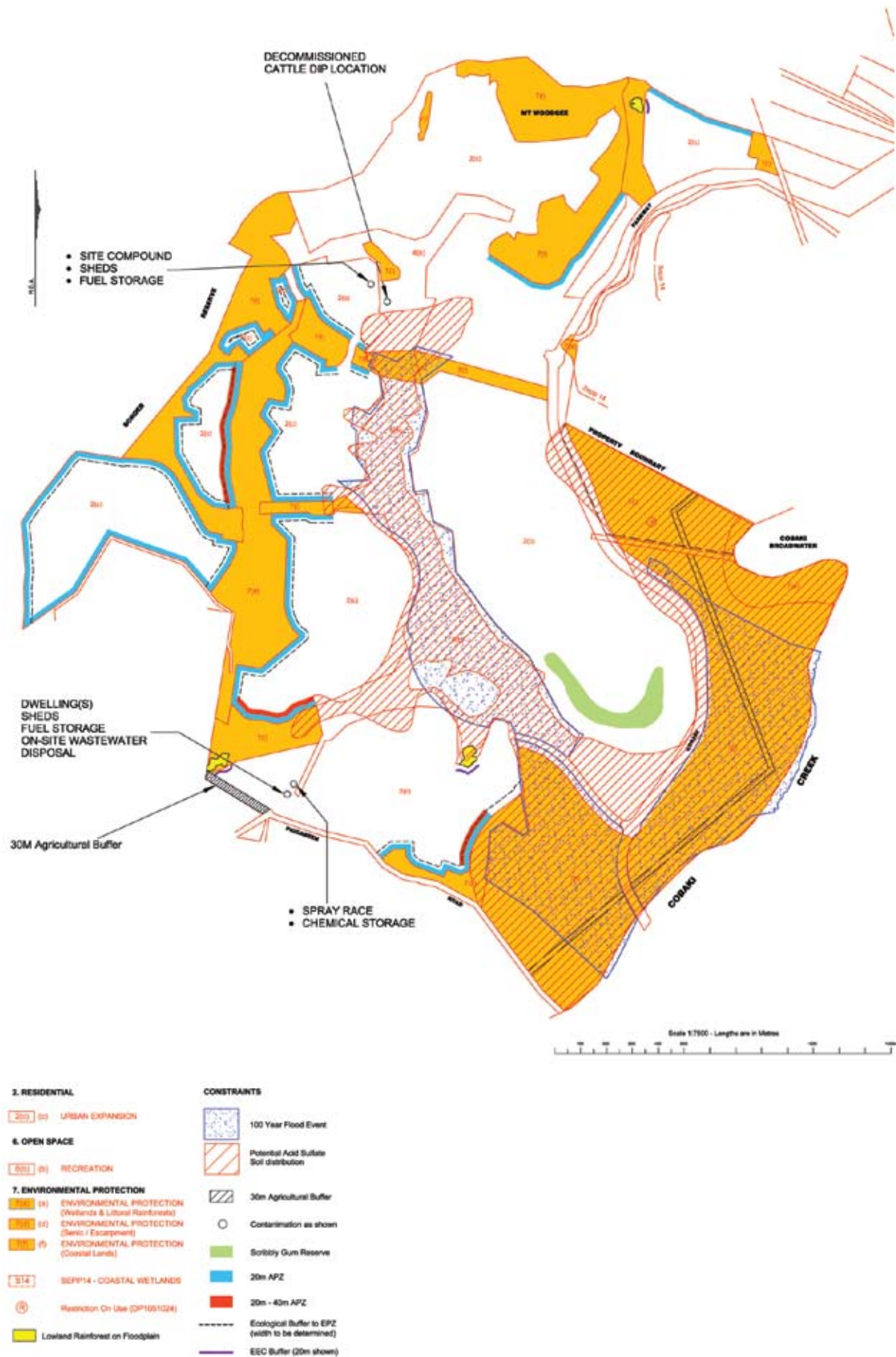


Figure 10 – Site Constraints Map (prepared by Michel Group Services)

5.0 Final Statement of Commitments

Project Component	Environmental Outcome (Commitment)	Measure (Commitment)	Timing for Completion
1. Concept Plan	1.1 Development is carried out generally in accordance with the Concept Plan, Development Controls, Exempt and Complying Code, Statement of Commitments, Environmental Assessment Report, and Preferred Project Report	1.1.1. Each future stage of development in Part 3A Project Applications, Development Applications and Complying Development Certificates will be generally consistent with the Concept Plan, Development Controls, Exempt and Complying Code, Statement of Commitments, Environmental Assessment Report and Preferred Project Report.	At each stage of development.
2. Visual Impact of Development	2.1 Key attributes of the natural visual landscape on the Cobaki Lakes site (being the topographical amphitheatre, remnant band of bushland, Cobaki Broadwater forest and wetland, and proposed new central open space and lakes precincts) are retained and rehabilitated.	2.1.1. Future Project Applications and Development Applications will retain and rehabilitate the key attributes of the natural visual landscape generally in line with the provisions of the Concept Plan, Environmental Assessment Report and Preferred Project Report.	At each stage of development.
	2.2. The visual impact of subdivision and building development is managed.	2.2.1. The Development Controls for the detailed design and construction of development at Cobaki Lakes includes provisions to manage visual impact in future applications for: <ul style="list-style-type: none"> - subdivision design, - building design, - visual landscape, - landscaping, and - roof material. 2.2.2. Future Project Applications and Development Applications will be generally consistent with the Development Controls and Code for the detailed design of subdivisions and buildings for each precinct.	Prior to granting of any new approvals or consents for subdivision, buildings or landscaping on the site.
3. Road Access	3.1. Road access to the north through Boyd Street and Gold Coast Highway has capacity to accommodate traffic generated by such development that occurs under the Concept Plan.	3.1.1 The Developer will meet its legal obligations assigned in the Boyd Street Road Works Deed between Gold Coast City Council and Calsonic Management Services Pty Ltd dated 8 July 1993.	As specified in the Deed.
		3.1.2 Each subdivision application shall be supported by a traffic study demonstrating that Boyd Street has, at the time of such application, sufficient capacity to accommodate the additional traffic generated out of the subdivision.	As part of each Project Application or Development Application for subdivision
	3.2 Road access to the south through Cobaki Lakes and over Cobaki Creek to connect with Piggabeen Road is provided to accommodate traffic generated by development under the Concept Plan.	3.2.1 The Developer will meet such of its legal obligations as have not yet been fulfilled and remain applicable in the Boyd Street Road Works Deed between Tweed Shire Council and Calsonic Management Services Pty Ltd dated 8 July 1993, and will, subject to negotiation, enter into an amended Deed that reflects the current position. The Developer will specifically meet commitments in relation thereto set out in 3.2.2 to 3.2.5 hereunder.	As specified in the Deed or any amended Deed.

Project Component	Environmental Outcome (Commitment)	Measure (Commitment)	Timing for Completion
3. Road Access	3.2 Road access to the south through Cobaki Lakes and over Cobaki Creek to connect with Piggabeen Road is provided to accommodate traffic generated by development under the Concept Plan.	3.2.2 The Developer will dedicate to Council all the Cobaki Parkway Road Reserve from the north eastern boundary of the property to Cobaki Creek, in such a location as directed by Council, as part of Stage 1 of any new or amended Development Consent. The road reserve width shall be generally 40 metres. From time to time, it may be necessary to increase this width to contain road batters within the road reserve. The width shall allow room for Council to gain adequate and realistic access to all road facilities. Council may allow an easement over cut batters provided the area is stable and access to drainage is serviceable. The Developer will accept that as compensation for dedicating Cobaki Parkway for its full length Council's "purchase" the dedicated land by way of a credit against the developer's obligations to pay contributions under Section 94 Plan No.4, and that Council will not be required to pay any cash amount to the developer for the land dedicated.	As part of the first Project Application for subdivision of a residential precinct.
		3.2.3 The Developer will construct two lanes of Cobaki Parkway, in accordance with Council's requirements, from the toe of the ramp on the western side of the overpass at the intersection of Boyd Street and the Tugun Bypass to the southern-most roundabout on Cobaki Parkway at its intersection with Sandy Lane. These works will be progressively constructed to access each phase of the development as it is released, provided Cobaki Parkway is dedicated for its full length in conjunction with Stage 1 of any new or amended Development Consent. A value of such works, to be agreed between the developer and Council, will be credited against the developer's obligations to pay contributions under Section 94 Plan No. 4.	As part of the first Project Application for subdivision of a residential precinct.
		3.2.4 The Developer will construct two lanes of Cobaki Parkway, in accordance with Council's requirements, from the southern-most roundabout on Cobaki Parkway at its intersection with Sandy Lane to the Cobaki Creek, a two lane bridge over Cobaki Creek and a connection to Piggabeen Road, to the satisfaction of Council, provided that Council is responsible for the planning approval for Cobaki Creek Bridge and for the connection to Piggabeen Road.	The Developer will negotiate with Council the timing of the construction of these works, provided that the developer shall, if so required by Council, construct such works within 12 months of the completion by the developer of the construction of such part of Cobaki Parkway as is within 500m north-east of its southern-most roundabout at the intersection of Sandy Lane.

Project Component	Environmental Outcome (Commitment)	Measure (Commitment)	Timing for Completion
3. Road Access	3.2 Road access to the south through Cobaki Lakes and over Cobaki Creek to connect with Piggabeen Road is provided to accommodate traffic generated by development under the Concept Plan.	3.2.4 A value of such works, to be agreed between the Developer and Council, will be credited against the Developer's obligations to pay contributions under Section 94 Plan No.4.	
	3.3 Internal roads and access arrangements are designed and constructed to contemporary standards of safety and efficiency.	3.3.1 Internal roads are designed to meet Tweed Shire Council standards and guidelines. 3.3.2 Car parking and loading/ servicing facilities are to be included where relevant in future Project Applications and Development Applications generally consistent with Tweed Shire Council DCP. 3.3.3 Direct vehicle access off Cobaki Parkway is to be restricted.	As part of each stage of development.
4. Flora and Fauna Management	4.1 Areas of saltmarsh on the site are rehabilitated and protected.	4.1.1 The provisions of the Saltmarsh Rehabilitation Plan – Cobaki Lakes - Preferred Project Report (James Warren & Associates, 2009b) will be implemented.	Commencement of rehabilitation work prior to registration of any plan of residential subdivision. The work shall then proceed in a regular manner with the objective of achieving the timeline and milestones set out in the Rehabilitation Plan.
	4.2 Areas of Scribbly Gum trees are conserved and managed.	4.2.1 The provisions of the Scribbly Gum Management Plan – Cobaki Lakes - Preferred Project Report (James Warren & Associates, 2009g) will be implemented.	Commencement of management works prior to registration of any plan of residential subdivision. Management works shall continue in accordance with the requirements of the Management Plan.
	4.3 Native vegetation is regenerated.	4.3.1 The provisions of the Site Regeneration and Revegetation Plan – Cobaki Lakes - Preferred Project Report (James Warren & Associates, 2009c) will be implemented.	Commencement of regeneration and revegetation work prior to registration of any plan of residential subdivision on or adjacent to the native vegetation. Work shall regularly continue and be completed prior to certification of completion of adjacent residential subdivision works.
	4.4 Removal of native vegetation is appropriately managed.	4.4.1 The provisions of the Vegetation Management Plan – Cobaki Lakes - Preferred Project Report (James Warren & Associates, 2009d) will be implemented.	As vegetation removal occurs.
	4.5 Threatened fauna species are appropriately managed.	4.5.1 The provisions of the Fauna Management Plan – Cobaki Lakes - Preferred Project Report (James Warren & Associates, 2009e) will be implemented. 4.5.2 The provisions of the SEPP 44 Assessment – Cobaki Lakes - Preferred Project Report (James Warren & Associates, 2009h) will be implemented.	Commencement of management work prior to registration of any plan of residential subdivision on or adjacent to the relevant fauna habitat. Work shall regularly continue in accordance with the Management Plan.
	4.6 Areas of native vegetation are protected.	4.6.1 The provisions of the Overview Buffer Management Plan – Cobaki Lakes - Preferred Project Report (James Warren & Associates, 2009i) will be implemented.	Commencement of work prescribed in area-specific Buffer Management Plans prior to registration of any plan of residential subdivision adjacent to the relevant native vegetation. Work shall be completed in accordance with such Plans.

Project Component	Environmental Outcome (Commitment)	Measure (Commitment)	Timing for Completion
4. Flora and Fauna Management	4.6 Areas of native vegetation are protected.	4.6.2 The areas of native vegetation shown in Figure 11 below are to be protected by a covenant on the land title.	As part of the subdivision of the relevant precincts.
	4.7 Freshwater wetlands are rehabilitated.	4.7.1 The provisions of the Freshwater Wetland Rehabilitation Plan – Cobaki Lakes - Preferred Project Report (James Warren & Associates, 2009f) will be implemented.	Commencement of rehabilitation work prior to registration of any plan of residential subdivision for adjacent land. The work shall then proceed in a regular manner with the objective of achieving the timeline and milestones set out in the Rehabilitation Plan.
	4.8 An offset will be provided for impacts on the Wallum Froglet <i>crinia tinnula</i> to offset direct and indirect impacts of the proposal.	<p>4.8.1 The developer will provide an offset comprising <i>either</i></p> <p>A. An area of native vegetation (the “offset area”) which constitutes habitat for the Wallum Froglet, preferably with that species present but otherwise within 2km of, and connected to, known Wallum Froglet habitat. The developer will provide the following to DECCW for its consideration and approval:</p> <ul style="list-style-type: none"> - A survey diagram identifying the offset area - An assessment of its habitat quality - Specification of the actions that the developer will undertake (or the amount it will fund for DECCW to undertake) to improve and maintain the condition of the area - A statement of the intended long term conservation measures for the area, in terms of either conservation covenants or the funding by the developer of the acquisition of the land by a Government agency or non-Government conservation organisation <p>B. Alternatively, in the event that a suitable offset area cannot be so secured, the developer will make a financial contribution to DECCW, in an amount to be agreed between the developer and the Department, to be applied by the Department to the acquisition of land and/or the undertaking of management actions on land identified by DECCW as suitable Wallum Froglet habitat.</p>	The offset area shall be secured in a manner to the satisfaction of DECCW, or alternatively the agreed offset sum shall be paid by the developer to DECCW, prior to the commencement of work within the central open space area.
5. Biting Midge & Mosquito Control	5.1 Biting midge and mosquitos are appropriately managed.	5.1.1 The provisions of the Biting Midge & Mosquito Control Plan (Mosquito Consulting Services, May 2008) will be implemented.	Commencement of rehabilitation work prior to registration of any plan of residential subdivision. The work shall then proceed in a regular manner with the objective of achieving the timeline and milestones set out in the Rehabilitation Plan.

Project Component	Environmental Outcome (Commitment)	Measure (Commitment)	Timing for Completion
6. Stormwater and flood management	6.1 Stormwater on the site is appropriately managed.	6.1.1 The provisions of the Stormwater Management Plan (Gilbert & Sutherland, May 2008) will be implemented. 6.1.2 Stormwater management plans will be prepared as part of future Project Applications and Development Applications for each stage of development, and implemented.	As part of the completion of infrastructure works for each stage of development.
	6.2 Flood protection is provided in the design of development.	6.2.1 A flood study with flood protection levels addressing government policies on climate change will be prepared and implemented.	As part of each Project Application and Development Applications for development.
7. Groundwater Management	7.1 Groundwater is appropriately managed.	7.1.1 The provisions of the Groundwater Management Plan (Gilbert & Sutherland, April 2008) will be implemented. 7.1.2 Groundwater considerations will be integrated into Stormwater Management Plans in future Project Applications and Development Applications.	As part of the completion of infrastructure works for each stage of development.
8. Soils Management	8.1 Geotechnical conditions are appropriately managed.	8.1.1 Detailed geotechnical studies, if required, will be prepared to support earthworks, civil construction and building work, and implemented.	As part of Project Applications and Development Applications for earthworks, civil and building works.
	8.2 Acid sulphate soils (ASS) are appropriately managed.	8.2.1 A detailed ASS investigation, if required, together with an ASS Management Plan will be prepared for the detailed design and construction of development on areas of potential acid sulphate soils, and implemented.	As part of Project Applications and Development Applications for each relevant stage of development.
	8.3 Contaminated sites are appropriately managed.	8.3.1 A detailed contamination assessment of potentially contaminated land will be prepared together with a Remediation Action Plan if required, and implemented. 8.3.2 Site audit statements will be obtained where necessary to verify the remediation of any contaminated land in accordance with relevant NSW guidelines.	As part of Project Applications and Development Applications for each relevant stage of development.
9. Bushfire Protection	9.1 Bushfire protection measures are included in development.	9.1.1 Development will comply with the guidelines <i>Planning for Bushfire Protection 2006</i> . 9.1.2 The Asset Protection Zone concept plan is to be implemented.	As part of each stage of development.
10. Interface with surrounding land	10.1 Agricultural buffers, ecological buffers, and appropriate measures for management of generic impacts on and from adjacent land are included in development.	10.1.1 The recommendations of the Agricultural Buffer and Off-Site Impacts Assessment (Gilbert & Sutherland, May 2008) for the management of generic impacts, agricultural buffers, and ecological buffers will be implemented.	As part of each stage of development.

Project Component	Environmental Outcome (Commitment)	Measure (Commitment)	Timing for Completion
11. Aboriginal Cultural Heritage Conservation	11.1 Aboriginal cultural heritage on the site is appropriately conserved.	<p>11.1.1 The Preliminary Aboriginal Cultural Heritage Assessment (Everick August 2009) will be implemented and finalised in consultation and cooperation with representatives of the local Aboriginal community.</p> <p>11.1.2 The Draft Aboriginal Cultural Heritage Management Plan (Everick 9 August 2009) will be finalised in consultation and cooperation with representatives of the local Aboriginal community, and implemented</p>	Commencement of conservation measures prior to commencement of works for each stage of development, with completion prior to occupation of the stage.
12. Contributions to local infrastructure costs	12.1 Contributions are made by the developer to Council infrastructure and servicing costs.	<p>12.1.1 The developer will pay contributions in accordance with Council's s94 Contribution Plans and s64 Sewer & Water Developer Charges.</p> <p>12.1.2 The developer will negotiate with Council the value of works carried out by the developer, or land provided by the developer, to be credited against such contributions.</p>	<p>At the time such charges become payable.</p> <p>Prior to commencement or before completion of such works and, in respect of relevant land, at the time of entering formal agreement for its transfer.</p>
13. Community consultation	13.1 The local community is consulted further in the detailed planning and development of Cobaki Lakes Estate.	13.1.1 Future Project Applications and Development Applications for the detailed design and construction of development will be advertised and placed on exhibition for public submissions.	As part of each stage of further planning of development.
14. Road noise	14.1 Dwellings meet residential noise standards.	14.1.1 Future project applications and development applications for subdivision or housing adjacent to subarterial, distributor and connector roads are to include an acoustic report that addresses the potential impacts of road noise, and includes measures to mitigate noise and achieve relevant NSW standards for residential noise levels in dwellings.	As part of each stage of development.
15. Ownership and management of open space and environmental protection zones	15.1 Open space is owned and managed by the relevant government authority.	<p>The applicant will dedicate the open space and environmental protection zones in the Cobaki Lakes Estate to Tweed Shire Council as follows:</p> <p>The main central open space corridor and lake on the western side of Cobaki Parkway is to be constructed and landscaped in stages and dedicated to Council two years after works are completed. The lake is to be constructed as part of the first stage of development.</p> <p>The environmental protection zone on the eastern side of Cobaki Parkway adjacent to Cobaki Creek is to be rehabilitated as one of the first 3 precinct subdivisions and dedicated to the Council two years after rehabilitation work is complete.</p>	As part of each stage of development.

Project Component	Environmental Outcome (Commitment)	Measure (Commitment)	Timing for Completion
15. Ownership and management of open space and environmental protection zones		The remaining open space and environmental protection zones adjacent to each development precinct will be rehabilitated and landscaped as part of the development of the adjacent development precinct. These areas will be dedicated to Council two years after the completion of rehabilitation and landscaping works.	As part of each stage of development.
16. Tweed Shire Council DCP	16.1 Development at Cobaki Lakes is generally consistent with the Tweed Shire Council DCP to the extent that it is not inconsistent with the Cobaki Concept Plan, Development Controls, and Exempt and Complying Code which take precedence.	16.1.1 Future project applications and development applications are to be generally consistent with the Tweed Shire Council DCP to the extent that the DCP provisions are not inconsistent with the Cobaki Concept Plan Development Controls, and Exempt and Complying Code.	At each stage of development.

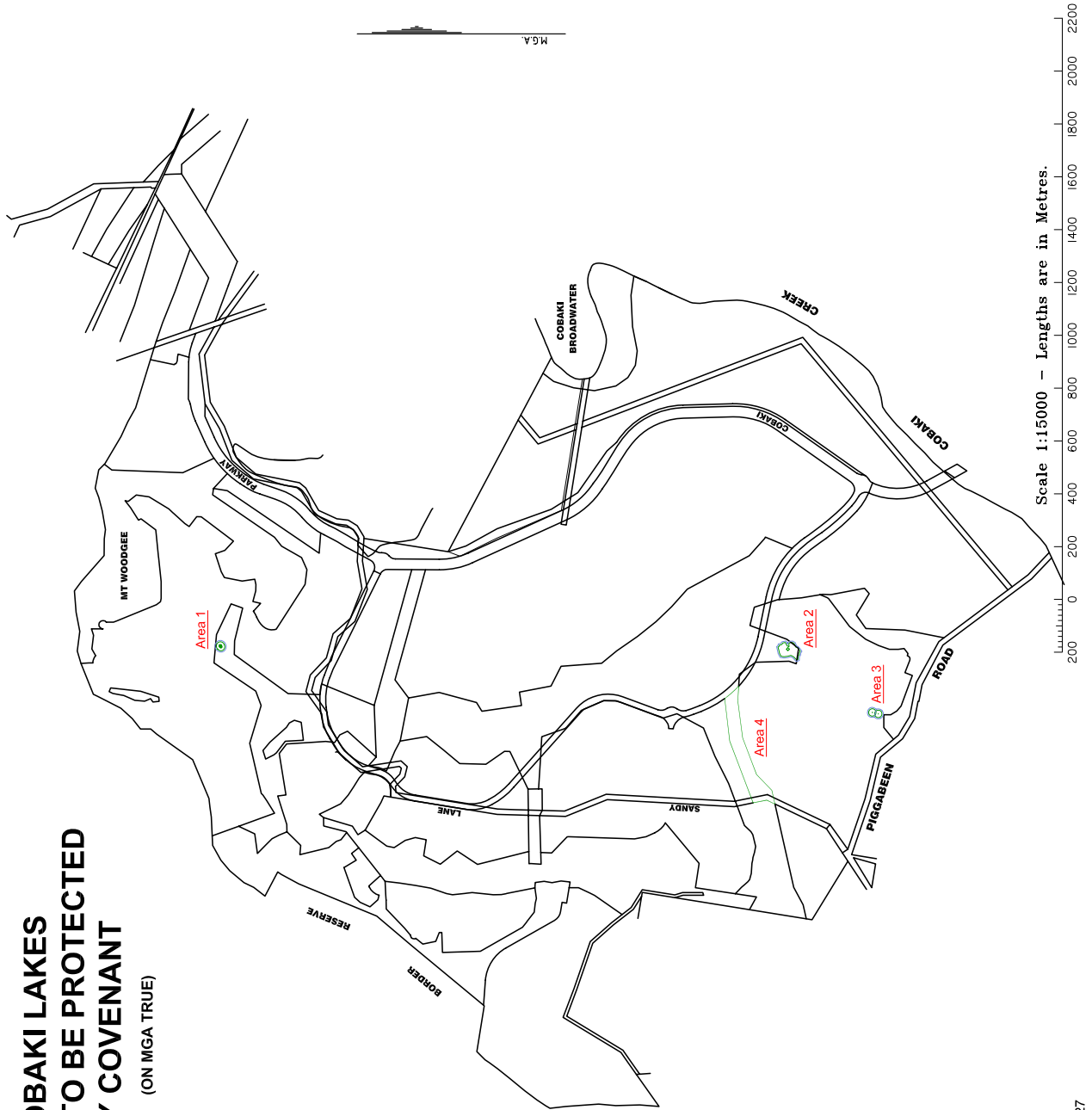
PLAN No :- 6400-184

SCALE: 1:15000 @ A3

DATE: 4/9/2009

SHEET: 1 of 2

**COBAKI LAKES
AREAS TO BE PROTECTED
BY COVENANT**
(ON MGA TRUE)



LAND, ENGINEERING & GPS SURVEYING
HYDROGRAPHIC SURVEYING
TOWN PLANNING SERVICES

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Note: Datum, SSM71590
MGA True
547016.178 E
6883095.538 N
Scale Factor 0.999627

Figure 11a – Areas of Native Vegetation Protected by Covenant (prepared by Michel Group Services)

PLAN No :- 6400-184

DATE: 4/9/2009
SHEET: 2 of 2

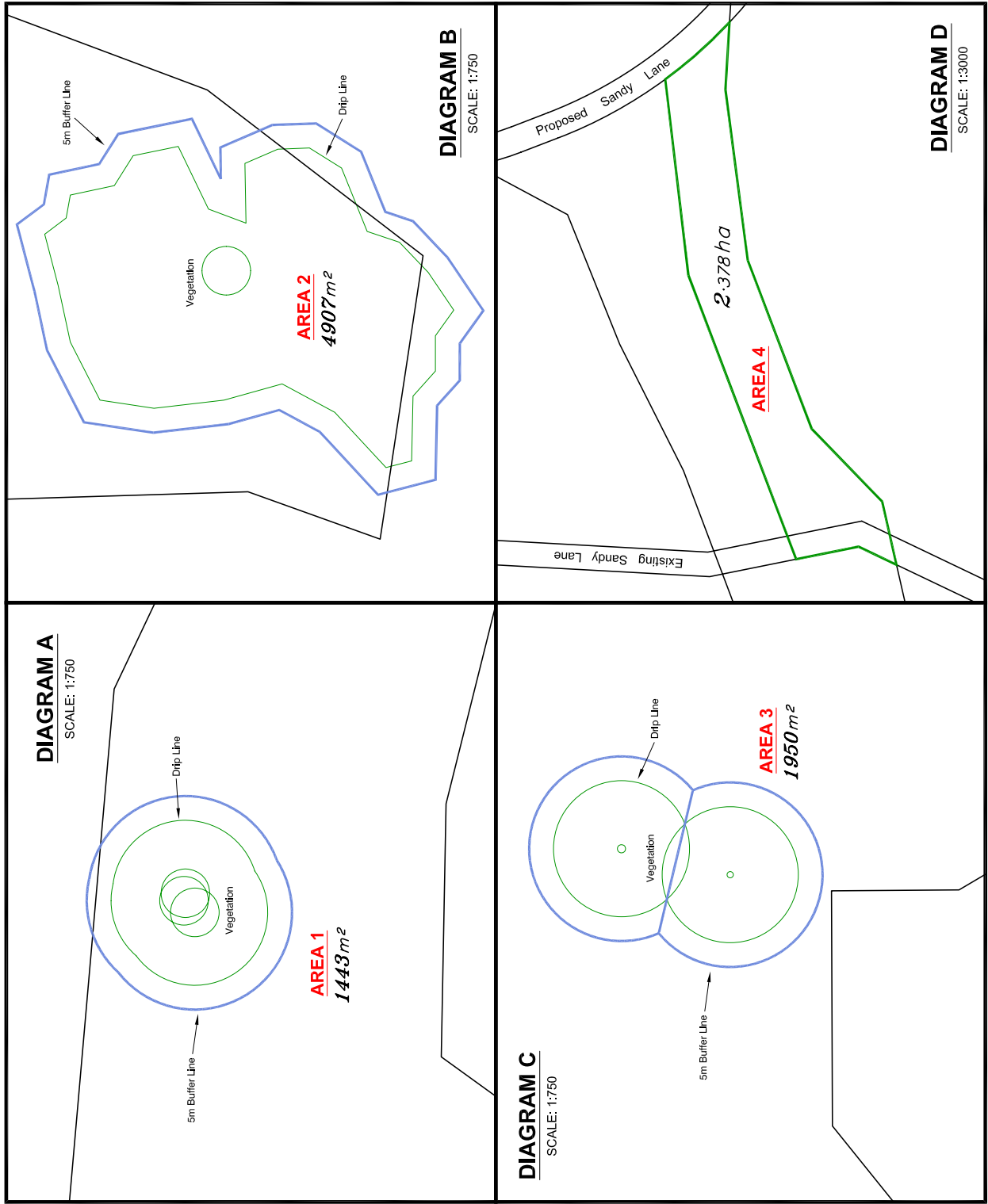


Figure 11b – Areas of Native Vegetation Protected by Covenant (prepared by Michel Group Services)

6.0 Conclusion

It is requested that the Minister:

- Approve the Concept Plan under Section 75O of the EP&A Act;
- Enable the subdivision of Precincts 1 and 2 in the Concept Plan to be carried out generally in accordance with the existing Development Consent No.K99/1124 issued by Tweed Shire Council;
- Preserve the subdivision consents in each of the other precincts until such time as a new project approval or consent is granted to the subdivision of that precinct in accordance with the Concept Plan;
- Enable the earthworks and main roadworks to continue to be carried out and completed generally in accordance with the existing development consents, construction certificates and approvals as described in Section 2.7 of the Environmental Assessment Report;
- Determine under Section 75P(1)(a) of the EP&A Act that the development of the central open space and lake system and the first 3 residential precinct subdivisions under the Concept Plan are to be the subject of Project Applications under Part 3A of the EP&A Act;
- Determine under Section 75P(1)(b) of the EP&A Act that all other development in the Concept Plan (that excludes the central open space and lake system, first 3 precinct subdivisions, and exempt and complying development) are to be the subject of Development Applications to Tweed Shire Council under Part 4 of the EP&A Act;
- Determine under Section 75P2(c) of the EP&A Act that further environmental assessment of development within Cobaki Lakes under Part 4 is to be undertaken generally in accordance with the Concept Plan including Statement of Commitments and Development Code;
- Direct under Section 75P2(c1) of the EP&A Act that any provision of the Tweed LEP prohibiting or restricting the carrying out of development in accordance with the Concept Plan under Part 4 does not have effect;
- Declare by Order under Section 75P2(d) of the EP&A Act that development identified as such in the Cobaki Lakes Development Code: Part A Exempt and Complying Development is exempt and complying development for the purposes of the EP&A Act;
- Declare by Order under Section 75P2(e) that any development carried out in accordance with the Concept Plan is not Designated Development; and
- Amend by Order under Section 75R(3A) of the EP&A Act the Tweed Local Environmental Plan to align with the refinements to zone boundaries, minimum lot sizes, and additional uses as described in this Preferred Project Report.