

COBAKI LAKES RESIDENTIAL DEVELOPMENT

RESPONSE TO STATE AGENCY SUBMISSIONS

Issues	Proponents Response
Queensland Government Department of Housing	
The Queensland Government Department of Housing support the proposed development as the project does not impact adversely upon housing issues in Queensland	No response is required by this submission.
GCD Alliance on Behalf of South East Queensland (Gold Coast) Desalination Company Pty Ltd	
Request that LEDA consult with GCD Alliance prior to developing or undertaking any proposed road upgrade works on Boyd Street.	Leda Manorstead P/L will consult with the GCD Alliance and other stakeholders before any road upgrading of Boyd Street is undertaken.
Tweed Economic Development Corporation Ltd (TEDC)	
The proposal must include some elements to assist in job generation, including the provision of the essential telecommunications infrastructure.	Significant employment will be created in the retail, restaurant, recreation and commercial areas of the town centre and neighbourhood centre of the Concept Plan. The provision of all telecommunications will be secured and in place before any lots are released for housing.
Request to include a condition in any consent for Cobaki to provide optic fibre cabling for communication purposes throughout the proposed subdivision to service each of the lots.	The national roll out of fibre optic cable for broadband is underway and this may supersede normal telecommunications infrastructure. The provision of telecommunications infrastructure will be from the Gold Coast. The contract for this infrastructure would not be in place until the lots have been constructed and housing was imminent.
New South Wales Fire Brigades	
The development will have a significant impact upon the ability to deliver appropriate urban fire services to the Cobaki Lakes area.	Noted.
NSWFB are willing to investigate the best and most efficient service methods including the possible combination of a service from NSWFB, NSW RFS, and the QFRS. This may include joint mutual aid areas to cover the Cobaki development.	Noted.
There may be a requirement for the construction of a new Fire Station in the area, which could then cover the Cokabki Lakes (and potential future Bilambil) development area) within accepted response parameters.	If a new Fire Station is required in the area there is suitable land within the mixed use area of the town centre. The development will only proceed incrementally over a 15-20 year period and the requirement for a new Fires Station would only become apparent in time.

Issues	Proponents Response
Request that the Minister consider the implication of approving the development on the provision of urban fire services, and the proponents be requested to assist in the identification and dedication of an appropriate site for a new Fire Station as part of its infrastructure contributions.	The dedication of land for a new Fire station is not a reasonable and relevant requirement given the uncertainty that a new station is required and that the exact location would be the subject of further service delivery assessments and negotiations. Land for regional services is usually purchased by the service provider after detailed studies have been carried out on the location and environmental advantages and disadvantages for different site options.
Tweed Shire Council	
Planning – General	
Reduced Allotment Sizes	The option of reduced allotment sizes will be in accord with urban design proven principles successfully adopted all over Australia. Design quality is appropriately managed and controlled by the Cobaki Lakes Development Code relevant to each product type.
Indicative Buildings	Detailed planning controls for all the indicative buildings in the Concept Plan have been provided in the Cobaki Lakes Development Code. This Code will apply to all development in the Concept Plan as there is only a small proportion of the development to which the Council's Development Control Plan, Section A1 – Residential and Tourist Development Code could apply. Most of the development will be designated for complying development with the use of Section 88B restrictions on the lot title. Any owner seeking non complying development on these lots will have to submit a development application to Tweed Shire Council.
Precinct Development Matrix	The urban design principles for development are detailed in the Development Code. The Development Matrix has been prepared to facilitate mixed use development. The retail floorspace proposed is consistent with the Tweed Retail Strategy. Setbacks in the town centre and neighbourhood centre will be subject to assessment in future project/development applications.
LEP	The Concept Plan will override the L.E.P. and the Development Matrix and Development Code will form the statutory regime for future development.

Issues	Proponents Response
Proposed Re-Zoning	The rezoning proposal has been revised following discussions with DECC.
Precincts / Release Areas	The Precinct and Release areas are numerically identified for ease of reference and identification. Precincts accord to size and land use.
Existing Consents	The S96 application for existing DA K99/1124 was approved by Council with the old stormwater regime. This would require amendment if the lake is approved. All DA's are sought to be retained in perpetuity until new DA's are approved under the Part 3A statutory process.
Future DA Approvals / Process	The type of development proposed is not covered by Council's D.C.P. or the State Housing Code.
Existing Easements / 88B	There is an s88B instrument in favour of Tweed Shire Council over part of lot 54 in DP755740.
Mosquitos / Midge	There is no objection from Tweed Shire Council on this issue.
Bushfire	
APZs	The development will comply with the requirements of the Planning for Bushfire Regulations .
General Bushfire Comments	The vegetation in the APZ's will be maintained in a fuel reduced condition.
Aboriginal / Cultural Heritage	The Cultural Heritage Management Plan has been revised.
Open Space	
Open Space Area to be Dedicated	The Concept Plan is being sought for 12,000 people and 20.4 hectares of structured open space will be provided in the central spine area as indicated. 13.6 hectares of unstructured open space will be provided within the residential precincts and the central spine area as detailed planning is carried out for each precinct. The total area of open space will comply with Tweed Shire Council requirements.
Environmental Protection Areas to be Dedicated	The saltmarsh area is to be rezoned Environmental Protection and dedicated when its remediation is complete. Other Environmental Protection areas will be dedicated at appropriate stages through the development.

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Maintenance	All the open space land is proposed for public ownership and ongoing maintenance. The design of open space embellishments will be to Council approvals and requirements. There will be significant rate income for Council works and maintenance from the 5500 additional lots created in the development.
Lakes	The lake will be constructed to meet Council's requirements and standards and in due course the lake and its surrounds will be dedicated to Council. The operation and maintenance costs of the lake will then become the responsibility of Tweed Shire Council.
Other Matters	No mountain bike riding tracks are proposed in the development.
Traffic / Roads	
New Deed of Agreement with Tweed Shire Council	A revised Deed of Agreement is in preparation in accordance with consultation had with Tweed Shire Council.
Environmental Health Issues	
Contamination	<p>In relation to the remediation of Turners Cattle Tick Dip a DECC (EPA) accredited Third Party Reviewer has been appointed to audit the remediation works and provide a Site Audit Statement at the completion of works.</p> <p>Detailed investigation of areas identified in the Stage 1 Preliminary Site Contamination Assessment will be conducted in support of future project applications affecting any of the identified areas, as committed to in the EA Report.</p>
Groundwater	Further groundwater monitoring will be undertaken in support of future project applications and the modelling refined accordingly. If dewatering is proposed, Council's Dewatering Guidelines (when available) will be considered in the preparation of dewatering management plans for specific activities.
Adjoining Agricultural Activities	Tweed Shire Council's recommendation that a 250m buffer be provided between agricultural and residential areas is inconsistent with its own Development Control Plan (DCP) Section A5 Subdivision Manual which recommends an 80m buffer (including a 30m biological buffer) where pesticides are not applied by aircraft, and a 30m buffer to grazing land.

Issues	Proponents Response
	<p>The majority of the agricultural land that adjoins the site is suitable only for grazing, and grazing is the only activity being undertaken on a commercial scale on the adjoining agricultural land.</p> <p>Council's proposed inclusion in Schedule 8 of the Protection of the Environment (Clean Air) Regulation 2002, would give Council increased powers over burning-off and would surely reduce the potential for conflict. In any case, most of the agricultural land adjacent to the site is already cleared so burning off would be an uncommon practice.</p>
Acoustic Impacts	<p>A noise report shall be prepared by the proponent to meet Councils noise attenuation requirements at project/development application stage for each precinct should it be required. There are a number of acoustic treatments that can meet Councils requirements. Options available include acoustic barriers, mounding, setbacks, urban design options, building height, dwelling design and construction.</p> <p>Noise attenuation by landscaped acoustic barriers or a combination of landscape acoustic barriers on an earth mound with minimal setback from the road reserve services alignment is aesthetically very presentable. Less acoustic treatment will be required as the traffic volumes reduce towards the west of the development.</p>
Telecommunications	<p>The benefits of high speed broadband to the estate are acknowledged and provision will be made for the installation of the national optic fibre cabling in the estate.</p>
Water / Sewer	
Integrated Water Cycle Management	<p>The intent is to have rainwater tanks on all lots. However a single tank may serve several dwellings on plex lots or multi-unit sites. On smaller lots it will not be possible to have a minimum size tank of 5000 litres. All development will comply with BASIX.</p>
Water Supply	<p>The water supply network strategy has been modelled by Tweed Shire Council. The water supply infrastructure will be in accordance with Council's requirements. The design of the major trunk mains from Kennedy Drive is currently in progress with Tweed Shire Council input.</p>
Sewerage Infrastructure	<p>The sewerage strategy for Cobaki is generally in accordance with Tweed Shire Council approved strategy prepared by Cardno MBK.</p>

Issues	Proponents Response
	The design of the major trunk mains to Gollan Drive is currently in progress with Tweed Shire Council input. The sewerage infrastructure will be in accordance with Council's requirements.
Environment	
Proposed Rezoning	<p><u>Area 2</u> – the loss of 0.15ha of remnant bushland (i.e. 0.17%) from this portion of the site is not considered significant.</p> <p><u>Areas 3 & 4</u> – Tweed Shire Council have suggested a like for like offset for the loss of these areas. Approximately 60.43ha of revegetation/regeneration will be completed in accordance with the Site Regeneration & Revegetation Plan (JWA 2008) to offset the site-wide loss of 6.54ha of remnant bushland. This represents a substantial net gain.</p> <p>Area 6 – Tweed Shire Council have requested the retention of all trees in this area above 50cm diameter at 1.3m. These trees are proposed to be retained under an environmental covenant.</p> <p><u>Area 16</u> – A portion of this area is comprised of degraded Saltmarsh communities. The development has been designed to avoid impact on 85% (45.82ha) of existing Saltmarsh. The development proposes to mitigate the impacts by the creation of an additional 8.85ha of Saltmarsh. The development will compensate for any loss of Saltmarsh through the creation of 8.85ha of Saltmarsh in a degraded pasture area adjacent to the existing Saltmarsh community. This regeneration area will ensure a net gain of Saltmarsh on the Cobaki Lakes site i.e. existing Saltmarsh area is 53.98ha, loss is 8.16ha and revegetation is 8.85ha. This represents a net gain of 0.69ha of Saltmarsh.</p> <p>The entire Saltmarsh community is currently degraded due to a history of cattle grazing. The entire Saltmarsh area will be restored in accordance with the Saltmarsh Rehabilitation Plan (JWA 2009). If land conservation is over and above that required to satisfy planning laws and that conservation land is highly degraded then rehabilitation of that degraded land should be seen as an acceptable offset.</p>
Scribbly Gum Management Plan (SGMP)	An off-site offset is proposed for the removal of Scribbly gums from the Cobaki Lakes site. The Scribbly gum Management Plan (SGMP) has been amended where appropriate.

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	<p>The Scribbly gum community will be managed in accordance with an approved SGMP until such time that the off-site offset has become established to the satisfaction of DECC.</p> <p>The Scribbly gum community occurs as an isolated patch of vegetation surrounded by large expanses of pasture. The only arboreal animals likely to utilise this community are birds to which canopy density and tree spacing have little relevance. Any removal of hollow-bearing trees will be offset by installing nest-boxes in appropriate locations within retained vegetation.</p>
Long-term Management of Natural Areas Generally	<p>A number of Management Plans have been prepared to accompany the Concept Plan. The plans establish the principles and the strategic intent of the management actions. Where required for future project applications, the proponent will prepare site or issue-specific management plans detailing specific actions, the timing of commencement and completion, performance monitoring and mechanisms for corrective action. This approach is considered appropriate at Concept Plan stage.</p>
Saltmarsh	<p>The Saltmarsh Rehabilitation Plan has been amended where appropriate. In relation to stormwater as it affects the saltmarsh area, the delivery of stormwater during rainfall events will be intermittent and ephemeral. It is understood that providing saline groundwater is present and that the existing tidal regime is maintained, saltmarsh will maintain its competitive advantage and dominate, regardless of the delivery of stormwater during rainfall events.</p> <p>Provided careful balancing of the tidal exchange structures is undertaken, continued tidal influence in the saltmarsh areas will ensure the viability of the EEC. The detailed design of saltmarsh management, revegetation and rehabilitation works will involve cooperation between ecologists and engineers to ensure these objectives are achieved.</p>
Saltmarsh Rehabilitation Plan	<p>The Saltmarsh Rehabilitation Plan has been amended where appropriate.</p>

Issues	Proponents Response
Acid Sulphate Soils and the Proposed Lake	The southern lake has been deleted from the concept plan and as such, does not represent an ASS management issue. The northern lake will be designed to be perched above the level of ASS, to minimise disturbance of ASS and interaction with groundwater and the associated management issues.
Water Quality and Management of the Lake	
Water Quality Criteria	Any background data collected as part of the Cobaki and Terranora Broadwater Ecosystem Health Monitoring Program would be considered in conjunction with site specific data to assist in the setting of water quality objectives.
Loss of Habitat and Compensation/Offsets	<p>The potential impacts on Threatened species and EEC's both within areas with existing approvals and other areas of the site are clearly defined in Table form within the Ecological Assessment (JWA 2009). The process of avoid, mitigate, compensate has been utilised in the assessment and offsets will be provided where appropriate. The level of significance of any loss of EEC's, threatened species or their habitats has been assessed by using the provision of Section 5a of the TSC ACT (1995) (7-part test).</p> <p>The Site Regeneration & Revegetation Plan (JWA 2008) provides for a combination of regeneration & revegetation techniques. These techniques in combination will ensure restoration of degraded areas and offsets for any vegetation removal. Rehabilitation works on the subject site will result in a net gain of 13.14ha of EEC vegetation communities on the site.</p> <p>JWA disagree that revegetation is not a suitable offset, particularly given that off-site offsets are mentioned previously and in other submissions from government agencies as an option as well as within DECC's <i>Principles for the use of Biodiversity Offsets in NSW</i>. If land conservation is over and above that required to satisfy planning laws and that conservation land is highly degraded then rehabilitation of that degraded land should be seen as an acceptable offset.</p>

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	<p>The Wallum froglet habitat will not be “linked in with the stormwater management system” as this would not provide suitable habitat. The proposed habitat will be off-line and will be created in a manner that provides suitable breeding habitat. It is worth noting that the majority of Wallum froglet habitat to be removed is comprised of exotic grassland which provides some forage opportunities during wet weather. The creation of a more suitable ‘core’ habitat area, linked to adjacent SEPP 14 wetlands via a vegetated corridor, will greatly benefit the local population.</p>
<p>Buffers</p>	<p>In some areas at Cobaki Lakes an ecological buffer to environment protection (EP) zones is either not possible or practical (for various reasons – largely historic) and, instead, ecological plantings at the edge of, but <i>within</i>, the EP zones will be completed to achieve the same objective. The nature and extent of such plantings will be developed on a precinct basis having regard to potential impacts of proposed adjacent development and the nature of the extant vegetation.</p> <p>An Overview Buffer Management Plan has been prepared which establishes the principles and the strategic intent of the management actions. Where required for future project applications, the proponent will prepare site or issue-specific buffer management plans detailing specific actions, the timing of commencement and completion, performance monitoring and mechanisms for corrective action. This approach is considered appropriate at Concept Plan stage.</p>
<p>Separation of Environmental Protection and Open Space Components</p>	<p>The information provided is considered sufficient at the Concept Plan stage. The specifics of vegetation protection, landscaping, use of Open Space Areas etc. will be contained within detailed Management Plans at the detailed design stage.</p>
<p>Vegetation Management Plan</p>	<p>The Vegetation Management Plan has been amended where appropriate.</p>
<p>Fauna Management Plan</p>	<p>The majority of development will occur in already cleared areas of the site therefore the majority of existing habitat is being retained. Over half of the site will be comprised of Environmental Protection Areas (196.5ha) and Open Space (78ha).</p>

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	<p>An isolated stand of Swamp mahogany within an area of slashed grassland will be removed from the central portion of the subject site. The removal of this small area of "potential" Koala habitat is highly unlikely to result in a significant impact on the local Koala population. No evidence of Koala activity has been recorded from this portion of the site. The majority of Wallum froglet habitat to be removed is comprised of exotic grassland which provides some forage opportunities during wet weather. The creation of a more suitable 'core' habitat area, linked to adjacent SEPP 14 wetlands via a vegetated corridor, will greatly benefit the local population.</p>
Wetland Rehabilitation Plan	<p>The Freshwater Wetland Rehabilitation Plan has been amended where appropriate (JWA 2009). This plan establishes the principles and the strategic intent of the management actions. Further details with regards to water quality parameters, recreation of habitat, specific actions, the timing of commencement and completion, performance monitoring and mechanisms for corrective action will be included within the detailed Freshwater Wetland Rehabilitation Plan prepared for relevant future stages of the development. This approach is considered appropriate at Concept Plan stage.</p> <p>The replacement of 26.45ha of highly degraded wetland with a minimum of 8.89ha of regenerated wetland which will be protected in perpetuity. Furthermore, an off-site offset for the removal of degraded Freshwater wetland will be completed in agreement with DECC.</p>
Energy Efficiency	<p>The energy efficiency of street lighting will be designed to meet the Tweed Shire Council and Country Energy requirements.</p>
Major Subdivisions (Development Assessment Engineer)	<p>Up to three subdivision applications will be submitted for assessment under Part 3A.</p>
Stormwater / Landforming (Infrastructure Engineer)	
Landforming	<p>Erosion and sediment control plans for the construction phases should not form part of the Concept Plan. However, with respect to the permanent stormwater quality controls, there is adequate area provided to comply with TSC's D7 provisions which are prescriptive concerning the minimum stormwater treatment areas required.</p>

Issues	Proponents Response
	<p>The final landforming for the development will be underpinned by engineering, urban design and planning principles, constraints such as overland flow and stormwater management and the markets acceptance of product mix and choice.</p> <p>It is therefore not practical to attempt to forecast the landform too far into the future.</p>
Stormwater Management	<p>The application of TSC's D7 provisions ensures that for developed catchments totalling 330ha there will be a minimum of 8.25ha of stormwater treatment devices available.</p> <p>It is accepted that more detailed survey and design will be required for individual catchments at each project development application stage. It remains true that the site forms an amphitheatre to a large degree with the largest external catchment to the north. This catchment is treated by a large constructed wetland to the north of the State border. Design details of this wetland are available, should the need arise.</p> <p>Adequate detail has been provided to assess the Concept Plan and earthworks planning for the construction phases is contrary to the intent of the concept planning process.</p>
Proposed Lakes	<p>The southern lake has now been deleted from the concept plan, significantly reducing the area of lakes proposed. Water quality control mechanisms, are proposed to simplify the procedures and reduce costs associated with the maintenance of any lakes that will be transferred to Council.</p> <p>The lakes will play a role in the stormwater treatment train and will have maintainable sedimentation devices upstream of each inlet and macrophyte and deep water zones to provide water quality treatment.</p> <p>In terms of construction method, the proposed lake will be designed to be perched above the level of ASS, to minimise disturbance of ASS and interaction with groundwater and the associated management issues.</p>
Subdivision and Urban Design	<p>The controls in Council's DCPA's – Subdivision Manual and the Development Code will control the performance criteria of public assets.</p>
Planning Agreements and Developer Contributions	<p>No Planning Agreements are proposed.</p>

Issues	Proponents Response
Flooding & Climate Change	A new flooding study is being prepared to accord with the updated flood information and model being undertaken by Council. , Council's comment that the flood impact assessment in Concept Plan is adequate is noted.
Statement of Commitments	The Statement of Commitments has been revised.
NSW Rural Fire Service	
APZs are generally acceptable. Further site specific assessment of the slope and vegetation is be required for internal APZs adjoining retained vegetation within the site.	The proponent will ensure compliance with the 2006 Planning for Bush Fire Protection guidelines.
Request APZs be managed at the commencement of building works and in perpetuity in compliance with Section 4.1.3 and Appendix 5 of Planning for Bush Fire Protection 2006.	The proponent will ensure compliance with the 2006 Planning for Bush Fire Protection guidelines.
Future residential or Special Fire Protection Purpose development applications lodged are likely to be subject to the requirements of Section 79BA of the EP&A Act and Section 100B of the Rural Fires Act 1997.	The proponent will ensure compliance with the 2006 Planning for Bush Fire Protection guidelines.
New construction shall comply with Australian Standard AS3959-1999 Construction of buildings in bush fire prone areas.	Agreed
Queensland Government Department of Main Roads	
Request that the major elements of the deed of agreement relating to timing, thresholds, and mechanisms be required in any conditions of approval.	The existing Deed of Agreement is clear in relation to the future traffic flows from Cobaki. The requirements of the QLD Department of Main Roads are better enforced through the Deed of Agreement than through conditions of approval to the Concept Plan.
The cost of providing a connection of Boyd Street to the 4-lane Tugun bypass would need, for the most part be met by others, as such, the Boyd Street connection to the Tugun Bypass can't be assumed by the current DA. Request that Cobaki Lakes be limited to ensure the capacity of Boyd Street at 4 lanes with no connection to the Tugun Bypass is not exceeded.	The Deed with the QLD Department of Main Roads addresses this issue.
Any development proposed beyond 4 lanes on Boyd St should have a new traffic impact assessment that is informed by future development of the overall road network in the Tweed Shire.	Noted.

Issues	Proponents Response
RTA	
<p>As the traffic data indicates that Kennedy Drive will be at capacity, this will have an impact on the existing Pacific Highway/ Kennedy Drive interchange's road infrastructure. Require further investigation to identify any improvements that might be required to maintain its safety and efficiency.</p>	<p>The Tweed Road Contribution Strategy 2007 modelling prepared by Vietch Lister Consulting for the Tweed Shire Council shows that when Cobaki Parkway is connected to Piggabeen Road in the future, it will actually reduce the volumes on Kennedy Drive. This reduction in volume will be taken up by other new developments, including Cobaki Lakes, so the net impact on Kennedy Drive is not critical and will not ultimately exceed its capacity.</p>
<p>Request that the latent capacity of the road network be preserved. Request that no single development be allowed to utilise this without equitable contribution to mitigate impacts.</p>	<p>Kennedy Drive is a Tweed Shire Council road and will be provided for in accordance with TSC policies. Refer the response above.</p>
<p>Information provided does not address the RTA's issues and relates mainly to the impacts on the Queensland and Tweed Shire Council's road networks. A connection to the Tugun Bypass is critical to the success of the project.</p>	<p>The Boyd Street overpass bridge has been constructed for a future interchange. The Tweed Shire Council TRCP includes 50% of the cost of this interchange. Cobaki Lakes will contribute towards this interchange through its road contributions to Tweed Shire Council. Even though a connection to the Tugun Bypass would be ideal, it is not critical to the success of the project.</p>
Northern Rivers Catchment Management Authority	
<p>Buffers to Threatened Flora and EECs</p> <p>The 10m buffer to EECs proposed is too narrow for an effective buffer zone and conflicts with the NRCMA's Catchment Action Plan (CAP). NRCMA recommends a minimum buffer of 50m between native vegetation/ habitat as well as ecosystem and wildlife corridors to residential areas and urban development.</p>	<p>In some areas at Cobaki Lakes an ecological buffer to environment protection (EP) zones is either not possible or practical (for various reasons – largely historic) and, instead, ecological plantings at the edge of, but <i>within</i>, the EP zones will be completed to achieve the same objective. The nature and extent of such plantings will be developed on a precinct basis having regard to potential impacts of proposed adjacent development and the nature of the extant vegetation.</p> <p>An Overview Buffer Management Plan has been prepared which establishes the principles and the strategic intent of the management actions. Where required for future project applications, the proponent will prepare site or issue-specific buffer management plans detailing specific actions, the timing of commencement and completion, performance monitoring and mechanisms for corrective action. This approach is considered appropriate at Concept Plan stage.</p>

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<p>Native vegetation clearing Requires that the development complies with the Native Vegetation Act 2003, in terms of native vegetation removal and applicant required to demonstrate how the proposal complies with the Act.</p>	<p>The applicant will comply with all relevant legislation in the implementation of the proposal.</p>
<p>NRCMA supports a native vegetation maintenance program of a min of 5 years. Request that a developer funded local community capacity development program should be established to develop the skills and enthusiasm of the local residents to enable ongoing protection of the remnant native habitat in their area.</p>	<p>Noted.</p>
<p>NSW Department of Education and Training</p>	
<p>The need and timing of these new primary schools will be dependent on the eventual scale of residential development.</p>	<p>Schools have been provided for in the Development Matrix.</p>
<p>NSW Department of Primary Industries</p>	
<p>Recommends that upon appropriate completion of management activities by the developer that the saltmarsh land areas east of the Cobaki Parkway currently zoned 6(b) Open Space – recreation be rezoned as land for environmental protection and then dedicated to an appropriate authority, either Tweed Shire Council or NSW Dept of Lands.</p>	<p>The proponent will be making the open space contributions required to meet Council’s Section 94 requirements. The saltmarsh area will be dedicated after it has been satisfactorily remediated.</p>
<p>Reservations about the proposed sub-terrain pumping system for the freshwater wetland. Limited information provided in the EA and the potential challenges and need for ongoing management to ‘enable salty water to be pumped from Cobaki Creek into the constructed wetlands’ and ‘remove saline water from the constructed wetlands’.</p>	<p>The sub-terranean pumping system is not to pump salt water into freshwater wetland. It is to pump salt water to the lake, which will now be saline for the purpose of water quality control and ease of maintenance. The downstream drainage corridor and parklands will be landscaped with appropriately selected species, suited to saline conditions. Further detail on the operation and management of the system will be provided in the relevant project application.</p>
<p>Impacts on fish and aquatic animals via entrainment within the pumping system nor the proposed approach to treatment of biofouling have (not) been addressed. The location of the pump in Cobaki Creek has not been identified, nor has pumping rates.</p>	<p>Avoiding the entrainment of aquatic animals and management of biofouling are management issues which can be addressed with appropriately guarded intakes and chambers and further detail will be provided in support of the relevant project application. The required rate of pumping will be determined by water balance modelling which will be conducted in support of the detailed design. The pump location will also be determined during detailed design.</p>

Issues	Proponents Response
Housing NSW	
<p>There is no mention of a mix of one, two, three and four bedroom stock, of a mix of tenure (purchase and rental) nor of affordability or price points of the proposed housing, even in the proposed first release area.</p>	<p>The type of development proposed in Cobaki Lakes consists of a wide range of integrated houses on different size lots. The objective is to provide housing choice for a range of segments of the housing market. Smaller housing product on the smaller lots and some unit product will cost less and market for a lower price than larger housing product on larger lots.</p>
<p>The Future Demographics report, does not include any investigation of demand and supply for community services and facilities to be generated by the development. Housing NSW is concerned that the demographic analysis is thin, in that it doesn't look at projected household growth by household type, nor does it examine income, employment or tenure, which are salient to the discussion of affordability and demand to community facilities and services, which have not been addressed anywhere in the EA.</p>	<p>The housing market analysis undertaken by Housing NSW to justify the need for more affordable housing both for rental and purchase in the Tweed appears to be flawed. The demographics of the Tweed show that the existing populations in the older established areas such as Tweed Heads and South Tweed have an ageing population with low incomes. However, the newly developing areas of the Tweed Coast which have only just been made into a separate census area show a population demographic and income almost identical to that of NSW generally. The cost of housing and rental depends on many complex economic matters which are not under the control of local developers or the State Government.</p>
<p>Housing NSW requests that:</p> <ul style="list-style-type: none"> • The report on future demographics be expanded to examine at minimum income, employment, bedroom mix and tenure. • The DoP consider a VPA for the provision of affordable housing on site, i.e. 3% of land and completed dwellings, dispersed over the development, be provided for affordable housing, with title to the Land and Housing Corporation and managed by a community housing provider. • A proportion of adaptable housing be negotiated, to provide for older residents and to enable residents to age in place. 	<p>The proponent intends to provide housing product in a range of prices and a level of supply to meet its commercial and economic objectives.</p>
NSW Health	
<p>Consideration should be given to ensuring that key health and community facilities both within, and external to, the development can be accessed by all residents including the aged, children, people with a disability and the economically disadvantaged.</p>	<p>This issue has been given consideration.</p>

Issues	Proponents Response
Inclusions of bike paths, footpaths (that are wide enough to accommodate wheelchairs/motorised buggies), adequate lighting etc will also encourage participation in healthy activities.	Bike paths and footpaths will be to Tweed Shire Council requirements.
Will the new development include retirement housing?	Aged care and senior's housing has been included in the Development Matrix list of indicative development uses.
Department of Lands	
<p>Off site impacts on the environmental values of Crown Reserve 90227 and part Crown Reserve 755740 to the north and west of the site are not addressed in the EA.</p> <p>The Concept Plan does not adequately support or protect the vegetation corridor and threatened species habitat provided by Crown Reserve 90227 and part Crown Reserve 755740.</p> <p>Urban precincts 1 and 2 should be redesigned to provide a 100m buffer to the adjoining Crown Reserve with this area to be revegetated.</p> <p>A management plan for the Open Space and Environmental Protection Areas should include Crown Reserve 90227 and part Crown Reserve 755740, as they are likely to experience significant impact as a result of the development.</p> <p>Walking tracks and other appropriate infrastructure need to be provided in these Crown reserves to service the proposed development.</p>	<p>These issues will be considered in precinct-specific buffer management plans.</p>
Off site impact review is confined to adjoining lands, this is consistent with DGR's however considered to be too narrow given the scale of the development.	Noted.
Concern over the inadequate recognition of the impact of the projected resident population on the nearby coastal Crown Reserve system through the exponential increase in visitation and recreational use.	Noted.
Given the high level of fragmentation of the native vegetation within the development area, it is likely that the Crown reserves will function as the only wildlife corridor from the east to the west on the site and needs to be significantly enhanced.	A number of vegetated corridors will be retained through the subject site and enhanced. Additional corridors will also be provided through revegetation works. These corridors, in combination with proposed fauna underpasses will provide a link between large retained habitat patches on Cobaki Lakes with the adjoining sensitive SEPP 14 area.

Issues	Proponents Response
The buffer to Cobaki Lake and Cobaki Creek is strongly supported, however the bulk of this area consists of EECs, but is identified as Open Space. DoL suggests the saltmarsh rehabilitation areas be included as Environmental Protection Areas.	The Saltmarsh areas are to be rezoned Environmental Protection.
Requires the establishment of a low key pedestrian access to the Cobaki Broadwater to prevent informal pedestrian access.	Pedestrian access will be controlled.
<p>Acid Sulphate Soils</p> <p>Concern over the excavation associated with the construction of wetlands and the possible disturbance of acid sulphate soils. If excavation of potential acid sulphate soils is to occur then ALL storm and groundwater will need to be appropriately treated on site prior to any discharge into Cobaki Creek or Cobaki Broadwater and high flow bypass discharge will not be supported if there is the potential of any acid discharge.</p>	<p>The southern lake has been deleted from the concept plan. The northern lake will be designed to be perched above the level of ASS, to minimise disturbance of ASS and interaction with groundwater and the associated management issues.</p> <p>If excavation of ASS is necessary, that ASS would be treated in accordance with standard industry practice, consistent with the requirements of the ASSMAC guidelines. An ASS management plan has been prepared and includes provision for the treatment of stormwater and groundwater.</p>
Recommend that independent monitoring of ASS is undertaken during and post construction.	Officers of Tweed Shire Council and other statutory authorities would be welcome to access the site to conduct monitoring, which would be in addition to the monitoring committed to by the proponent.
Approval from the Department of Lands will be required for any works on Crown land including those below the MHWM in Cobaki Creek and Cobaki Broadwater such as stormwater outlets, tidal gates and the proposed sub terrain pumping system to pump water from Cobaki Creek to the constructed wetlands. Recommends consultation between the developer and the Department of Lands prior to any approval for these structures to ensure the Department of Lands support will be obtained.	Noted. Applications for structures or works undertaken below MHWM will be submitted to the Department of Lands once the details of these works are confirmed.
Encourages only endemic species throughout the landscaped areas and as street trees.	Noted.
No asset protection zones are to be located on Crown lands.	Agreed.
Development of an ongoing pest species control program and implemented to reduce impacts on the adjoining Crown reserves and other areas of high environmental value.	These issues will be considered in precinct-specific buffer management plans.

Issues	Proponents Response
<p>Reconsider the proposed location of the water reservoir within the vegetated section of the EP Area, existing cleared elevated land occurs along the southern boundary of the site.</p>	<p>The location of the water reservoir has been determined after careful consideration of all relevant factors.</p>
<p>The area identified as freshwater wetland EEC through the centre of the development will be landscaped. Table 19 of the Concept Plan suggests that the areas of this EEC outside the development footprint will be retained, however this is not the case. The loss of endangered ecological community appears to be substantial.</p>	<p>Actual proposed offsets combining regeneration of degraded areas and revegetation works are as follows:</p> <ul style="list-style-type: none"> • Swamp sclerophyll forest on floodplain – 4.02:1 • Lowland rainforest on floodplain – 4.59:0 (no loss proposed) • Freshwater wetland – the replacement of 26.45ha of highly degraded wetland with a minimum of 8.89ha of regenerated wetland which will be protected in perpetuity. Furthermore, an off-site offset for the removal of degraded Freshwater wetland will be completed in agreement with DECC. • Swamp oak floodplain forest – 23.3:1 • Saltmarsh – 1.08:1 (The entire 53.98ha of Saltmarsh is currently degraded due to grazing activities and exotic grasses, and will be subject to restoration works). <p>In total, there will be a net gain of 13.14ha of EEC vegetation communities on the site.</p>
Gold Coast City Council	
<p>Transport Planning</p> <p>In addition to maintaining the current agreements, any proposal for development must not result in Boyd Street reaching capacity without the Boyd Street Interchange with the Tugun Bypass being in place. The number of dwellings approved in Cobaki Lakes should be limited to 2999 until such time as the complete road network including the Boyd Street interchange is in place.</p>	<p>The terms by which access through Boyd Street is allowed by Gold Coast City Council are contained in the relevant Deed.</p>
<p>Any proposal for development in Cobaki Lakes exceeding a total of 2000 dwellings must trigger negotiations with Gold Coast City Council and the Department of Main Road to negotiate the Local and State controlled road network upgrades, including the provision of the Boyd Street Interchange, and should not be approved unless there is agreement by these agencies for the necessary road upgrades.</p>	<p>See above.</p>

Issues	Proponents Response
<p>Environmental Planning and Biodiversity Conservation</p> <p>The vegetation located within the hatched area on the attached map "Cross Border Wildlife Movement Corridor" be retained to continue this significant movement corridor through Northern NSW.</p>	<p>The vegetation is to be retained.</p>
<p>Recreation Planning and Services</p> <p>GCCC Parks and Recreation Branch request the following information to demonstrate that adequate open space is provided and there will not be adverse impacts on Gold Coast city facilities:</p> <ul style="list-style-type: none"> • Of the 81 ha of land zoned for open space, a scaled concept drawing showing the further breakdown of land area in hectares is required for the following, pursuant to the requirements in S94 10. • Furthermore additional information is required regarding the sporting fields and recreational components of 'casual' open space. 	<p>Open space will be provided in accordance with the EA, which reflects the Tweed Shire Council's open space policies. There will not be any adverse impacts on Gold Coast City Council facilities.</p>
<p>An open space staging plan is required to demonstrate that suitable open space will be readily available to service new residents. This may require bringing forward infrastructure to provide adequate connections to open space.</p>	<p>Open space will be provided for each subdivision application submitted to Tweed Shire Council. It is considered that TSC will ensure that its requirements will be met as they will be the approval authority. The GCCC can refer their concerns to TSC if there any problems with any stage.</p>
<p>Regional Planning and Urban Design unit</p> <p>The application should consider the impact of the scale of the proposed retail/ commercial centre on the broader network of activity centres, including those in Gold Coast city.</p>	<p>The impact of the proposed retail and commercial centre is in accordance with the Tweed Shire Council retail strategy and is considered in the retail assessment report by Conics Pty Ltd as part of the E.A.</p>
<p>Public transportation and the importance of linkages with the future heavy and light rail corridors within Gold Coast should be more comprehensively explored in the proposed development and further information should be requested to inform subsequent assessment.</p>	<p>This issue has been fully considered on the available information.</p>
<p>Gold Coast Water</p>	
<p>Gold Coast Water requests further information to clearly identify how the development will be serviced for water supply and sewerage.</p>	<p>Water and sewerage infrastructure is provided by the Tweed Shire Council.</p>

Issues	Proponents Response
<p>Proposed Conditions</p> <p>In addition to maintaining the current agreements, any proposal for development must not result in Boyd Street reaching capacity without the Boyd Street interchange with the Tugun bypass being in place.</p> <p>The number of dwellings approved in Cobaki Lakes should be limited to 2000 dwellings until such time as the completed road network, including the Boyd Street interchange, is in place.</p>	<p>The terms by which access through Boyd Street is allowed by Gold Coast City Council are contained in the relevant Deed.</p>
Department of Environment and Climate Change NSW	
<p>Amendments to Draft Statement of Commitments</p> <p>A Wallum Froglet offsite offset strategy should be prepared and it should be consistent with DECC's <i>Principles for the use of Biodiversity in NSW</i>. The strategy should be implemented prior to the granting of development approval. DECC would be pleased to comment on the draft strategy.</p>	<p>The impacts on Wallum froglet habitat will be managed on-site which is considered to be a more feasible and ecologically viable option. It is worth noting that the majority of habitat to be removed is comprised of exotic grassland which provides forage opportunities during wet weather. The creation of a more suitable 'core' habitat area, linked to adjacent SEPP 14 wetlands via a vegetated corridor, will greatly benefit the local population.</p>
<p>An offset strategy should be prepared for all threatened flora and fauna and Endangered Ecological Communities where a net loss has been identified in the Environmental Assessment. DECC recommends that the offset strategy be prepared and implemented prior to the granting of development approval. The offset strategy should be consistent with DECC's <i>Principles for the use of Biodiversity Offsets in NSW</i>.</p>	<p>The Site Regeneration & Revegetation Plan (JWA 2009) provides for a combination of regeneration & revegetation techniques. These techniques in combination will ensure restoration of degraded areas and offsets for any vegetation removal. If land conservation is over and above that required to satisfy planning laws, and that conservation land is highly degraded, then rehabilitation of that degraded land should be seen as an acceptable offset. The level of significance of any loss of EEC's has been assessed by using the provision of Section 5a of the TSC ACT (1995) (7-part test).</p> <p>Proposed offsets combining regeneration of degraded areas and revegetation works are as follows:</p> <ul style="list-style-type: none"> • Swamp sclerophyll forest on floodplain – 4.02:1 • Lowland rainforest on floodplain – 4.59:0 (no loss proposed) • Freshwater wetland – the replacement of 26.45ha of highly degraded wetland with a minimum of 8.89ha of regenerated wetland which will be protected in perpetuity. Furthermore, an off-site offset for the removal of degraded Freshwater wetland will be completed in agreement with DECC.

Issues	Proponents Response
	<ul style="list-style-type: none"> • Swamp oak floodplain forest – 23.3:1 • Saltmarsh – 1.08:1 (The entire 53.98ha of Saltmarsh is currently degraded due to grazing activities and exotic grasses, and will be subject to restoration works). <p>In total, there will be a net gain of 13.14ha of EEC vegetation communities on the site. The Site Regeneration & Revegetation Plan (JWA 2008) provides for a combination of regeneration & revegetation techniques. These techniques in combination will ensure restoration of degraded areas and offsets for any vegetation removal. If land conservation is over and above that required to satisfy planning laws, and that conservation land is highly degraded, then rehabilitation of that degraded land should be seen as an acceptable offset. The level of significance of any loss of EEC's has been assessed by using the provision of Section 5a of the TSC ACT (1995) (7-part test).</p> <p>Proposed offsets combining regeneration of degraded areas and revegetation works are as follows:</p> <ul style="list-style-type: none"> • Swamp sclerophyll forest on floodplain – 4.78:1 • Lowland rainforest on floodplain – 25.32:1 • Freshwater wetland – 1.48:1 (it is considered that the replacement of 6.82ha of highly degraded wetland with a minimum of 10.1ha of regenerated wetland which will be protected in perpetuity is a reasonable ecological outcome in this instance) • Swamp oak floodplain forest – 20.8:1 • Saltmarsh – 1.61:1 (it is worth noting that the entire 53.95 hectares of Saltmarsh is currently degraded due to grazing activities and exotic grasses. The entire existing Saltmarsh area will be subject to restoration works).
<p>All native vegetation should be retained within the Scribbly Gum community (Community 8). DECC recommends that an environment protection area be assigned to this community and a rehabilitation plan be implemented to assist in its regeneration. Human safety issues in this area could be resolved by fencing and improved planning to direct public use to more suitable areas within the development site.</p>	<p>An off-site offset is proposed for the removal of Scribbly gums from the Cobaki Lakes site. The Scribbly gum Management Plan (SGMP) has been amended where appropriate. The Scribbly gum community will be managed in accordance with an approved SCMP until such time that the off-site offset has become established to the satisfaction of DECC.</p>

Issues	Proponents Response
<p>If, in the DOP's view it is not possible to retain the Scribbly Gum Community, then an appropriate offsite offset should be identified and managed in perpetuity for conservation purposes. DECC would be pleased to comment on the appropriateness of any proposed offset. Any such offset should be included in the proposed strategy above.</p>	<p>See above.</p>
<p>Threatened Flora Despite 22.44ha of threatened flora habitat to be retained in open space areas, DECC considers that open space areas are subject to degradation over time. DECC is not confident that the threatened flora habitat will persist into the future and suggest these potential impacts be offset</p>	<p>The potential loss of 3.80ha of Threatened flora habitat will be offset on-site through the regeneration/revegetation of 60.43ha (i.e. >15:1 replacement). Stage-specific Management Plans will be prepared and will contain details on the protection and enhancement of all relevant Threatened flora species and their habitats.</p>
<p>Remnant Bushland Survival of the remnant bushland in open space areas cannot be guaranteed and the areas proposed for retention have not been provided conservation protection within the EA.</p>	<p>Stage-specific Management Plans will be prepared and will contain details on the protection and enhancement of all relevant remnant bushland areas.</p>
<p>Remnant Bushland The loss of 80.64 ha of Wallum Froglet habitat is considered to be a major loss and that it is likely to result in an adverse impact to the local population. DECC consider that the long term survival of Wallum Froglets at the site within the proposed rehabilitation areas is unlikely, despite the regeneration of threatened species and their habitats.</p>	<p>The majority of habitat to be removed is comprised of exotic grassland which provides forage opportunities during wet weather. The creation of a more suitable 'core' habitat area, linked to adjacent SEPP 14 wetlands via a vegetated corridor, will greatly benefit the local population. Furthermore, an off-site offset for the removal of Wallum froglet forage habitat and degraded freshwater wetland will be completed in agreement with DECC.</p> <p>The Freshwater Wetland Rehabilitation Plan has been amended where appropriate. This plan includes the creation of 'core' Wallum froglet habitat and establishes the principles and the strategic intent of the management actions.</p> <p>Further details with regards to water quality parameters, recreation of habitat, specific actions, the timing of commencement and completion, performance monitoring and mechanisms for corrective action will be included within the detailed Freshwater Wetland Rehabilitation Plan prepared for relevant future stages of the development. This approach is considered appropriate at Concept Plan stage.</p>

Issues	Proponents Response
The EA has not adequately considered the dispersal requirements of Wallum Froglets with regard to the location of the proposed additional habitat.	See above.
In view of the uncertainty regarding the long-term viability onsite of the Wallum Froglet, DECC recommends that alternative habitat for them which is not currently protected be secured to offset the likely adverse impacts to the local population as a result of the development proposal.	See above.
<p>EECs</p> <p>The recreation of an EEC with its component elements is very difficult and will take an extended period. Should the rehabilitation of the in-filled EEC be successful in re-establishing existing flora it cannot be guaranteed that the associated fauna will successfully be established. Potentially the fauna may not be able to colonise the site due to the influx of contaminants from the proposed surrounding land-use.</p>	No influx of contaminants is proposed. Obviously, detailed stage-specific Management Plans will ensure that this does not occur.
The EEC will be destroyed and the new area will also receive the majority of the surface runoff and associated contaminants from the 598 ha site.	A detailed Stormwater Management Plan has been prepared for the subject site (Gilbert & Sutherland 2008). The conceptual planning of the urban development has followed a constraints-based approach, which recognises the sensitivity of receiving environments among other things.
<p>Scribbly Gum Community Management</p> <p>The SGMP suggests that the conservation status of this community on-site is considered low. DECC does not believe that this is justified. DECC recommends that this area be managed for conservation purposes. If this is not possible, then a suitable offset should be considered.</p>	An off-site offset is proposed for the removal of Scribbly gums from the Cobaki Lakes site. The Scribbly gum Management Plan (SGMP) has been amended where appropriate. The Scribbly gum community will be managed in accordance with an approved SGMP until such time that the off-site offset has become established to the satisfaction of DECC.
<p>Proposed Offsets for EECs and Threatened Flora</p> <p>DECC considers that the proposed offsets for threatened flora and EECs are inconsistent with the <i>'Principles for the use of biodiversity offsets in NSW'</i>.</p>	JWA disagree that revegetation is not a suitable offset, particularly given that off-site offsets are mentioned previously and in other submissions from government agencies as an option as well as within DECC's <i>Principles for the use of Biodiversity Offsets in NSW</i> . If land conservation is over and above that required to satisfy planning laws and that conservation land is highly degraded then rehabilitation of that degraded land should be seen as an acceptable offset.

Issues	Proponents Response
	The Site Regeneration & Revegetation Plan (JWA 2009) provides for a combination of regeneration & revegetation techniques. These techniques in combination will ensure restoration of degraded areas and offsets for any vegetation removal.
DECC supports the regeneration and revegetation of EECs, but on its own is not considered an adequate offset for the loss of EECs, even where the area to be regenerated or revegetated is greater than the area to be lost or impacted.	See above
<p>Proposed Offsets for Threatened Fauna</p> <p>The proposed offsets for threatened fauna at the site do not meet the DECC guidelines. DECC does not consider the enhancement of vegetation as a suitable offset for existing established threatened species habitat as there will be a significant gap between the regeneration works and the vegetation reaching a suitable stage to support the fauna.</p>	<p>The majority of habitat for Threatened fauna species will be retained on the subject site and rehabilitated. Additional areas of habitat will be created. Any loss of habitat on the subject site will occur as a result of development of disturbed and/or cleared areas of the site. The removal of these areas and their replacement with consolidated, specifically designed and recreated habitats is considered an ideal outcome for the majority of Threatened fauna species on the site.</p> <p>JWA disagree that revegetation is not a suitable offset, particularly given that off-site offsets are mentioned previously and in other submissions from government agencies as an option as well as within DECC's <i>Principles for the use of Biodiversity Offsets in NSW</i>. If land conservation is over and above that required to satisfy planning laws and that conservation land is highly degraded then rehabilitation of that degraded land should be seen as an acceptable offset.</p>
DECC does not consider the use of nest boxes when used alone or in conjunction with the proposed on site rehabilitation to be a suitable offset for the loss of established hollow bearing trees at the site. Nest boxes are a short term mitigation measure to assist nature fauna to adjust to the sudden loss of tree hollows.	The vast majority of mature native vegetation on the subject site will be retained. Therefore the majority of hollow-bearing trees will be retained within these forested areas. Any hollow-bearing trees to be removed are likely to occur as isolated paddock trees. The placement of nest-boxes within forested portions of the site is considered to more than adequately compensate for the loss of isolated hollow-bearing trees and is a well-used compensation measure.
DECC does not consider the proposed re-created Freshwater Wetland EEC, in the central portion of the site, to be a suitable offset for the threatened Black-necked Stork known to occur on the site.	The Black-necked stork has been recorded in the south-eastern portion of the site. No development is proposed in this portion of the site. The re-created Freshwater wetland is proposed as an offset for the loss of 'potential' habitat rather than known habitat.

Issues	Proponents Response
	It is unclear as to why DECC suggest that the re-created Freshwater wetland area will not provide additional habitat for this species.
<p>Loss of Tree Hollows</p> <p>The EA does not indicate where tree hollows occur or the number to be removed from the site. It is well known that tree hollows provide essential habitat for many native protected and threatened fauna and therefore their retention is usually recommended to minimise impacts to those species.</p>	<p>The vast majority of mature native vegetation on the subject site will be retained. Therefore the majority of hollow-bearing trees will be retained within these forested areas. Any hollow-bearing trees to be removed are likely to occur as isolated paddock trees. The placement of nest-boxes within forested portions of the site is considered to more than adequately compensate for the loss of isolated hollow-bearing trees and is a well-used compensation measure.</p>
<p>Offset Size</p> <p>The area of offsets required can only be determined on a case by case basis due to the unique biodiversity values of specific land areas. The offset package should be able to demonstrate that it achieves an environmental outcome that meets the 'maintain and improve' benchmark.</p>	<p>Loss of EEC's, threatened species and their habitats has been calculated as the possible maximum loss based on the concept plan. However, there may be opportunities to retain areas within the proposed development footprint and this will be the subject of a detailed assessment at the Development Application stage. The level of significance of any loss of EEC's, threatened species and their habitats has been assessed by using the provision of Section 5a of the TSC ACT (1995) (7-part test).</p> <p>A number of Management Plans have been prepared to accompany the Concept Plan. The plans establish the principles and the strategic intent of the management actions. Where required for future project applications, the proponent will prepare site or issue-specific management plans detailing specific actions, the timing of commencement and completion, performance monitoring and mechanisms for corrective action. This approach is considered appropriate at Concept Plan stage.</p> <p>DECC's <i>Principles for the use of Biodiversity Offsets in NSW</i> states that "clearing or development proposed in certain areas, such as high conservation significance communities in good condition, will not meet the improve or maintain requirements under this Act". However, the document goes on to say that "Biodiversity management actions, such as enhancement of existing habitat and securing and managing land of conservation value for biodiversity, can be suitable offsets".</p>

Issues	Proponents Response
	<p>The Site Regeneration & Revegetation Plan (JWA 2008) provides for a combination of regeneration & revegetation techniques. These techniques in combination will ensure restoration of degraded areas and offsets for any vegetation removal.</p> <p>If land conservation is over and above that required to satisfy planning laws, and that conservation land is highly degraded, then rehabilitation of that degraded land should be seen as an acceptable offset.</p>
<p>All offsets should be zoned Environmental Protection and measures put in place for their on going management in perpetuity for conservation purposes.</p>	<p>Offset areas should be rezoned to Environmental Protection once rehabilitation works are complete.</p>
<p>Land proposed to be rezoned DECC considers the identified EECs, the Scribbly Gum Community and the Wallum Froglet habitat, including forage habitat should be rezoned to Environment Protection. It is noted that other than the Lowland Rainforest EEC at Mt Woodgee, the remaining EECs are contained within either the open space or residential zones. This is not supported as the conservation of these EECs and threatened species cannot be guaranteed.</p>	<p>Retained EEC's and offset areas should be rezoned to Environmental Protection once rehabilitation works are complete. An off-site offset is proposed for the removal of Scribbly gums from the Cobaki Lakes site. The Scribbly gum Management Plan (SGMP) has been amended where appropriate. The Scribbly gum community will be managed in accordance with an approved SGMP until such time that the off-site offset has become established to the satisfaction of DECC.</p> <p>The majority of Wallum froglet habitat to be removed as a result of the rezoning is comprised of exotic grassland which provides forage opportunities during wet weather. The creation of a more suitable 'core' habitat area, linked to adjacent SEPP 14 wetlands via a vegetated corridor, will greatly benefit the local population. Furthermore, an off-site offset for the removal of Wallum froglet forage habitat and degraded Freshwater wetland will be completed in agreement with DECC.</p> <p>A Freshwater Wetland Rehabilitation Plan has been prepared to accompany the Concept Plan. This plan includes the creation of 'core' Wallum froglet habitat and establishes the principles and the strategic intent of the management actions.</p>

Issues	Proponents Response
	Further details with regards to water quality parameters, recreation of habitat, specific actions, the timing of commencement and completion, performance monitoring and mechanisms for corrective action will be included within the detailed Freshwater Wetland Rehabilitation Plan prepared for relevant future stages of the development. This approach is considered appropriate at Concept Plan stage.
No specific measures for the Wallum Froglet habitat within the zone 2c have been proposed.	Wallum froglet habitat within 2c zoned land will be removed and offset through the creation of 'core' habitat areas. Furthermore, an off-site offset for the removal of Wallum froglet forage habitat will be completed in agreement with DECC.
<p>Development Potential in the Absence of Adequate Threatened Species Assessment</p> <p>The full extent of impacts to threatened species should be identified prior to any development approval granted for any development proposal, even though the level of assessment is not necessary for under Part 3A.</p>	<p>The equivalent of a 7-part test has now been completed for each affected species / community as part of the Concept Plan application.</p> <p>Stage-specific Management Plans will be prepared where relevant and will comprise a detailed impact and amelioration assessment.</p>
<p>Assessment of Community 1b</p> <p>The Grey Gums and Tallowwoods within Community 1b are listed as Koala food species – the EA does not include an assessment of community 1b consistent with SEPP 44.</p>	Recently (2009) every Koala food tree listed under Schedule 2 of SEPP 44 has been located and surveyed for Koala presence and/or presence of scats.
<p>Aboriginal Cultural Heritage</p> <p>Proponent has not appended additional evidence from the local Aboriginal community representatives in support of the Aboriginal Cultural Heritage values assessment of the proposed project area, as recommended by DECC.</p>	Evidence of further consultation has been provided.
DECC recommends that the DoP satisfies itself that adequate consultation has occurred with the Aboriginal community.	Noted.
<p>Proposed management strategies</p> <p>There are no proposed mitigation and management measures or offsets as a result of impacts to the 19 cultural sites identified in the archaeological field assessment. DECC recommends that the proponent identify the extent of impacts to these sites and detail any proposed mitigation strategies, including offsets.</p>	All sites are protected until finalisation of the Cultural Heritage Management Plan, which will allow for impact mitigating strategies and offsets.

Issues	Proponents Response
<p>Where impact to Aboriginal objects and places cannot be avoided, DECC recommends the proponent develop proposals, in conjunction with the Aboriginal community, that reduce the extent and severity of impacts using reasonable and feasible measures or are acceptable to the Aboriginal community.</p>	<p>The Cultural Heritage consultant has worked closely with the Aboriginal community on excavations, the results of which will be used to inform the impact mitigation strategies.</p>
<p>Proposed sand ridge excavation methodology The auger process as presented in the preliminary Aboriginal Cultural Heritage Assessment is not an appropriate technique to obtain sufficient information to clarify the history of Aboriginal occupation of this area. A test pitting program using manual excavation is therefore recommended.</p>	<p>DECC's concerns have been addressed and the Cultural Heritage consultant has received written approval from both DOP and DECC.</p>
<p>Subsurface Investigations DECC recommends that the proposed archaeological subsurface investigations are completed prior to the granting of approval. Evidence that supports the Aboriginal community's views and opinions should also be supplied.</p>	<p>Excavations have recently been completed</p>
<p>Climate Change and Flooding Seek that the Concept Plan be reviewed and recognised in light of the findings of the Tweed Valley Floodplain Risk Management Study and Plan.</p>	<p>Council is satisfied with the assessment of flooding undertaken in support of the concept plan and based on the currently available information. A more detailed modelling study has been undertaken. It will also incorporate the design levels for Sandy Lane and Cobaki Parkway.</p>
<p>Estuary Management Implement best practice water sensitive urban design as it is seen to be paramount to maintain the current status of the Cobaki Broadwater.</p>	<p>The application of TSC's D7 provisions would ensure that for developed catchments totalling 330ha there should be a minimum of 8.25ha of stormwater treatment devices available. Best practice WSUD would be incorporated into future project applications, in general accordance with the provided IWCM Plan.</p>
<p>Proposed conditions of Approval for Aboriginal Cultural Heritage Values The proponent must develop an Aboriginal Cultural Heritage Management Plan (ACHMP) or similar for the site. The ACHMP should be developed and implemented in consultation with the relevant Aboriginal stakeholders.</p>	<p>A draft CHMP has been formulated for the site. The final CHMP is to be completed following the excavations.</p>

Issues	Proponents Response
<p>The plan must include procedures for ongoing Aboriginal consultation and involvement, management of any recorded sites within the project area, details of proposed further archaeological investigation and/ or salvage projects prior to impact, identification and management of previously unrecorded sites (excluding human remains), identification and management of any proposed conservation area(s) and details of an appropriate keeping place agreement with local Aboriginal community representatives for any Aboriginal objects salvaged through the development process.</p>	
<p>If human remain are located during the project, all works must halt in the immediate area to prevent any further impacts to the find or finds. The local police, the Aboriginal community and DECC are to be notified. If the remains are found to be of Aboriginal origin and the police consider the site not an investigation site for criminal activities DECC should be contacted and notified of the situation and works are not to resume in the designated area until approval in writing is provided by DECC. In the event that a criminal investigation ensures works are not to resume in the designated area until approval in writing from the Police and DECC are received.</p>	<p>This is a recommendation in the ACHA and in the draft CHMP. It will form part of the final CHMP following excavations.</p>
<p>If Aboriginal cultural objects are uncovered due to the development activities, all works must halt in the immediate area to prevent any further impacts to the find or finds. A suitably qualified archaeologist and Aboriginal community representatives must be contacted to determine the significance of the find(s). The site is to be registered in the AHIMS (Managed by DECC) and the management outcome for the site included in the information provided to the AHIMS. It is recommended that the Aboriginal community representatives are consulted in developing and implementing management strategies for all sites, with all information required for informed input being given to the representatives for this purpose.</p>	<p>This is a recommendation in the ACHA and in the draft CHMP. It will form part of the final CHMP following excavations.</p>
<p>All reasonable efforts must be made to avoid impacts to Aboriginal Cultural Heritage values at all stages of the development works. If impacts are unavoidable, mitigation measures are not to be negotiated with the Aboriginal community.</p>	<p>This is a recommendation in the ACHA and in the draft CHMP. It will form part of the final CHMP following excavations.</p>

Issues	Proponents Response
The applicant must continue to consult with and involve Aboriginal representatives for the project in the ongoing management of the Aboriginal Cultural Heritage Values	To be addressed in the final CHMP.
An Aboriginal Cultural Education Program must be developed for the induction of personnel and contractors involved in the construction activities on site. The program should be developed in collaboration with the Aboriginal community.	Included in the draft CHMP. To be addressed in the final CHMP.