

Modification Refusal

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

As delegate of the Minister for Planning, the Independent Planning Commission disapproves the request to modify the Concept Approval referred to in Schedule 1, for the reasons set out in Schedule 2.



David Johnson (chair)
Member of the Commission



Prof Richard Mackay, AM
Member of the Commission

Sydney

5 April 2018

SCHEDULE 1

- Concept Approval:** **MP 06_0316** granted by the Minister for Planning on 11 August 2013:
- residential development for approximately 5,500 dwellings;
 - town centre and neighbourhood centre for future retail and commercial uses;
 - community facilities and school sites;
 - open space;
 - wildlife corridors;
 - protection and rehabilitation of environmentally sensitive land;
 - road corridors and utility services infrastructure;
 - water management areas; and
 - roads, pedestrian and bicycle network.
- Proponent:** Leda Manorstead Pty Ltd
- Approval Authority:** Minister for Planning
- The Land:** Cobaki Estate
- Modification:** **MP 06_0316 MOD 9:** the modification includes:
- amendment to Condition C19 to change the offset requirements for the Swamp Sclerophyll Forest endangered ecological community (EEC); and
 - changes to the offset requirements for Lowland Rainforest on Floodplain EEC.
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SCHEDULE 2

The modification is refused for the following reasons:

1. the applicant has not provided sufficient evidence to support the reduction in on-site offsets to mitigate the loss of Sclerophyll Forest Endangered Ecological Community offset from the site and the wider locality, and such loss is not considered an appropriate biodiversity outcome;
2. the applicant has not provided sufficient evidence to support the reclassification of Lowland Rainforest on Floodplain Endangered Ecological Community to Lowland Rainforest Endangered Ecological Community, or to reduce the Lowland Rainforest on Floodplain Endangered Ecological Community offset for the site, which is not considered an appropriate biodiversity outcome; and
3. in the absence of appropriate evidence to assess the biodiversity outcomes of the application, the modification cannot be considered to be in the public interest.