

Refusal of Modification of Minister's Approval

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

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, I disapprove the modification of the project application referred to in Schedule 1, for the reasons listed in Schedule 2.

Heather Warton
Director
Metropolitan and Regional Projects North

Sydney 3rd May 2012

SCHEDULE 1

Project Approval:

Project Approval: DA 234-08-01 granted by the Minister for Planning on 25 July 2002.

For the following:

44 lot rural residential subdivision at Lot 2 DP 848520 Pacific Highway, Valla, Nambucca Local Government Area.

Modification:

DA 234-08-01: Modification to condition 21 of the original consent that prevents cats and dogs (except for an "assistance" dog) to ensure the protection of the koala, to allow for certain breeds of domestic dogs to be permitted at the site.

SCHEDULE 2

REASONS FOR DISAPPROVAL

1. The development is contrary to the objects of the EPA&A Act including the protection and conservation of threatened species and Ecological Sustainable Development, namely the Precautionary Principle, as there is significant residual uncertainty that adverse impacts to the koala can be avoided.
2. The proposed modification would be unreasonably complex and impractical to implement and administer.
3. Additional impacts to other threatened species and native fauna at the site have not been assessed.
4. The proposal is not in the public interest.