

# Modification Refusal

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

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



Ms Lynelle Briggs  
**Chair of the Commission**

Sydney

12 April 2017

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### SCHEDULE 1

<b>Project Approval:</b>	MP08_0200 granted by the Deputy Director-General, Development Assessment & Systems Performance on 28 February 2011.
<b>Proponent:</b>	LEDA Manorstead Pty Ltd
<b>The Land:</b>	Cobaki Estate at Lot 1 DP 5700076, Lot 2 DP 566529, Lot 1 DP 562222, Lot 1 DP 570077, Lot 1 DP 823679 and Lots 46, 54, 55, 199, 200, 201, 202, 205, 206, 209, 228 and 305 DP 755740
<b>Modification:</b>	<b>MP 08_0200 MOD 5</b> seeking approval for amendments to the approved earthworks fencing plan referred to in Condition 39(A), and to delete Condition 39(B).

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### SCHEDULE 2

The modification is refused for the following reasons:

1. The proposed modification of the fencing plan would result in unacceptable risks to areas of the site identified for protection and/or rehabilitation, as it would:
  - a) remove the requirement to provide clear delineation between earthworks activities and areas of the site which have long been identified for protection and/or rehabilitation;
  - b) increase the likelihood of intrusion from construction and earthwork activities into these areas, resulting in potential environmental harm to these areas;
  - c) increase the risk of accidental disturbance or environmental harm to these areas caused by potential intruders to the site; and
  - d) reduce the potential for natural regeneration of these areas which have been identified for rehabilitation and regeneration.
2. The proposed modification of the fencing plan would result in unacceptable risks to threatened species and endangered ecological communities listed under the *Threatened Species Conservation Act 1995*.

3. The Proponent has not demonstrated there is any necessity to remove the fencing requirements which would justify the potential environmental risks associated with the proposal.
4. The deletion of Condition 39B is unnecessary as the condition has already been satisfied.