



## COBAKI MODIFICATION REJECTED

Amended Friday 6 April 2018

The state's Independent Planning Commission has rejected proposed changes to a large residential development on the NSW-Queensland border.

Leda Manorstead Pty Ltd sought to modify the concept plan approval for its Cobaki Lakes Residential Community Development, 6km west of Tweed Heads, to reduce the project's overall biodiversity offset requirements.

The NSW Department of Planning and Environment referred the matter to the Commission for determination last month after Tweed Shire Council objected to the changes.

The Office of Environment & Heritage also expressed concern about the ecological impacts of the proposed modification, which sought to:

- reduce the on-site offset requirements for Swamp Sclerophyll Forest (SSF) Endangered Ecological Community (EEC) from 6.77 hectares (ha) to 5.31 ha;
- retire 128 SSF ecosystem credits to offset the residual impacts associated with clearing 3.8 ha of SSF EEC on-site;
- reclassify 0.01 ha of Lowland Rainforest on Floodplain EEC to Lowland Rainforest EEC and reduce on-site offset from 13.3 ha to 12.96 ha (-0.34 ha); and
- implement an Amended Site Revegetation and Regeneration Plan to reflect the proposed changes to the offset arrangements and the reclassification of the Lowland Rainforest on Floodplain EEC.

Two members of the Commission – Mr David Johnson (chair) and Professor Richard Mackay AM – were appointed to determine the request. They carefully considered the Department's environmental assessment report which found "the project is approvable subject to the modified terms of approval".

The Department noted it "does not support reducing the total offset requirements for the SSF EEC [and] there are no compelling reasons to support changing the methodology to determine the SSF EEC offsets." The Department also found "that there is insufficient information to support reclassifying the Lowland Rainforest on Floodplain EEC." However, it said "the proposed reductions in on-site offsets for Lowland Rainforest on Floodplain EEC is acceptable as the proposed offset remains sufficient."

The Commissioners also met with the applicant, Department and local council, reviewing information provided by all parties – and inspected the development site. The Commission yesterday refused consent for the development modification. In making its determination, the Commission found Leda Manorstead Pty Ltd had failed to provide sufficient evidence for it to assess the biodiversity outcomes of their application, which is not considered to be in the public interest.