



ABN 65 167 821 981

Our Ref: LL:100185

15 December 2015

SNL Building Constructions Pty Ltd
22 Pendlebury Road
Cardiff NSW 2285

Dear Sir,

DA/1774/2013 - WHITEBRIDGE

Thank you for your instructions in this matter.

We understand that your development application will be considered by the Joint Regional Planning Panel (JRPP) this coming Thursday.

Amongst other submissions, the Council has received an undated objection from the Secretary of the WCA Incorporated. The substance of this objection is that the development application is deficient as it should be accompanied by a Species Impact Statement (SIS). The basis of this assertion is that the development will have a significant effect on a threatened species, being the Squirrel Glider.

We have read the WCA submission and other documents, including the report of Council's Development Planner – Flora and Fauna and the peer review by Michael Murray.



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In our opinion, the submission of the WCA is misguided.

Whilst the submission correctly cites a number of relevant authorities, it is in the application of the facts to the principles from those authorities that is misguided.

We do not dispute that as a matter of principle, ameliorative measures proposed as part of the development can be considered in determining whether the proposal will have a significant effect under s.5A of the *Environmental Planning and Assessment Act 1979* (the Act).

Further, we do not dispute that ameliorative measures proposed as conditions alone cannot be considered in determining whether the proposal will have a significant effect.

However, when considering the facts, it is clear that none of the reports prepared for the Applicant or the Council breach these principles.

None of the ameliorative measures proposed as conditions of consent were considered in the Council's determination of whether the proposal will have a significant effect.

The development application includes a proposal for supplementary tree planting within the conservation corridor on site.

In addition, the Council proposes to improve corridor linkages, an issue beyond the scope of the development, through a condition requiring the installation of glider poles, some beyond the site. One of the key issues in this regard is Dudley Road, hence the glider poles to the south of that road.

Arguably, this condition does not fairly and reasonably relate to the development and is an added or community benefit that would arise as a result of the development proceeding.

Should you wish to discuss this matter further, please give me a call.

Yours faithfully

A handwritten signature in black ink, consisting of a stylized 'L' and 'L' intertwined, with a horizontal line extending to the right.

Long Legal