

WILLOWTREE PLANNING



10 November 2021

REF: WTJ21 - 311

Northern Beaches Council
PO Box 82
Manly NSW

Attention: Tony Collier

RE: Request for Additional Information

PROPERTY AT 4-10 Inman Road, Cromer (LOT 1 DP 1220196)

Dear Tony,

This Letter is submitted to Northern Beaches Council (Council) on behalf of EG Funds Management Pty Ltd in response to the Councils request for additional information regarding Development Application DA DA2021/1464 for the subdivision of existing land into three (3) allotments at 4-10 Inman Road, Cromer (also referred to as 100 South Creek Road, Cromer) on 27 October 2021.

The enclosed letter prepared by Travers Bushfire and Ecology is in response to the biodiversity comments received.

The primary position of the applicant (as further explained in the attachment) is pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* there will be no impacts resulting from the proposed development on the basis that there will be no vegetation cleared, built form or infrastructure constructed. Any future proposal on the proposed allotments would be subject to assessment at the time development consent is sought in the future. With reference to case law (*Hoxton Park Residents Action Group Inc v Liverpool City Council* [2011] NSWCA 349, [44] *Australian Coal Alliance Incorporated v Wyong Coal Pty Ltd* [2019] NSWLEC 31 at 123), the tests relevant are those impacts once the development has been completed. In the instance of this proposal, the subdivision can be completed without any physical works being carried out.

Accordingly, the clearing of any vegetation under a future hypothetical development consent are not "likely impacts" for the purpose of s 4.15(1)(b) of the EP&A Act and are not relevant matters for the purpose of assessing this paper subdivision.

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Should you require further information, please contact the undersigned.

Your sincerely,

A handwritten signature in blue ink, appearing to read "Andrew Cowan".

Andrew Cowan
Director
Willowtree Planning Pty Ltd

