



LATE ITEM MEMO BUSINESS PAPER

(Item 7)

GENERAL MEETING

Wednesday 9 March 2016

at 6:30PM



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ITEM 7 PL17/16 - Development Application - Dwelling House - 77 Malton Road, Beecroft

Additional information with **CHANGE** to Recommendation

The Development Application for No. 77 Malton Road, Beecroft was supported by a biodiversity report prepared by ACS Environmental dated July 2015 and an Arboricultural Impact Assessment Report prepared by Jack Williams, dated 24 July 2015. This information was reviewed by Council's Officers and it was concurred that the plant species growing on the site is considered to be the common *Leptospermum trinervium*, not the threatened *Leptospermum deanei*.

The applicant has filed an appeal in the Land and Environment Court against the refusal of Development Application No. DA/94/2013 relating to the adjacent site at Nos. 79-87 Malton Road, Beecroft. Council has engaged Mr Peter Jackson of Pikes and Verekers Lawyers to defend the appeal. Dr Peter Smith of P and J Smith Ecological Consultants has also been engaged to provide expert evidence in defence of the appeal. The matter has been scheduled for a Section 34 Conciliation Conference to be conducted onsite on Thursday, 10 March 2016.

As part of the assessment process for DA/94/2013, Council engaged Dr Peter Smith to undertake an independent ecological assessment of the proposed subdivision and to advise Council whether or not an Assessment of Significance ('seven part test') is required for species and populations listed under the NSW *Threatened Species Conservation Act 1995* and Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

The independent assessment by Dr Peter Smith considered all the threatened species issues and the applicant's Flora and Fauna Assessments. The assessment by Dr Peter Smith identified that there is insufficient information provided with respect to the impact on threatened species, particularly the impact on the potential population of the vulnerable species *Leptospermum deanei* (*Deane's Tea-Tree*). This matter is subject of the appeal for DA/94/2013.

The subject site adjoins Nos. 79-87 Malton Road, Beecroft. Therefore, it would be appropriate for Council to engage Dr Peter Smith of P and J Smith Ecological Consultants to undertake an independent ecological assessment of the proposed development at No. 77 Malton Road, Beecroft. Such a review would ensure a consistency in approach to consideration of the environmental issues on the adjoining properties.

As identified in Group Manager's Report No. PL17/16, there has been significant community interest in the application. Submissions have included commentary concerning the possible formalisation of the walking trail on the site. Deferral of the matter would also enable further discussions to be facilitated with the property owner concerning possible options to formalise the walking track.

RECOMMENDATION

THAT Development Application No. DA/920/2015 for the construction of a two storey dwelling house at Lot 2 DP 883724, No. 77 Malton Road, Beecroft be deferred to enable the following:

1. Council to engage Dr Peter Smith of P and J Smith Ecological Consultants to undertake an independent ecological assessment of the proposed development at No. 77 Malton Road, Beecroft.
2. An onsite meeting to be arranged by the Group Manager Planning for available Councillors and Council officers to discuss the implications of the Development Application including opportunities to formalise public access over the rear of the site to create a linkage with the Byles Creek Walking track.

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Attachments:

There are no attachments for this report.

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