

Landscape Referral Response

Application Number:	DA2025/1496
Date:	06/11/2025
Proposed Development:	Use of land as private roadway
Responsible Officer:	Brittany Harrison
Land to be developed (Address):	Lot 1 DP 30019 , 79 Hilltop Road AVALON BEACH NSW 2107

Reasons for referral

This application seeks consent for the following:

- Construction / development works within 5 metres of a tree or
- New residential works with three or more dwellings. (RFB's, townhouses, seniors living, guesthouses, etc). or
- Mixed use developments containing three or more residential dwellings.
- New Dwellings or

Officer comments

The extract from the Angophora Reserve Plan of Management provided in the SEE prohibits 'private alienation or encroachment'.(Fig 1 below).

As this application is not for 'emergency access, fire breaks and service trails' it appears that consent cannot be granted for the proposed use of the reserve for private access.(Fig 1 below).

Angophora Reserve Plan of Management

Land-use Planning Table

Permissible Uses Exempt (these may be subject to approval under Part 5 of the EPA Act 1979)	Permissible Uses Requiring Development Consent	Prohibited Uses
Bush regeneration, habitat restoration and weed control	Utility installations and similar	Extractive industries and agriculture
Fire hazard reduction activities	Buildings ancillary or incidental to the reserve	Sporting facilities
Ecological burns	Major public drainage works	Permanent private access across a reserve
Multi-use tracks other than motor vehicle	Major rock / soil stabilization works and earthworks	Commercial signage
Boardwalks and minor bridges	Major facilities (not buildings) being viewing platforms, bridges, educational facilities and the like	Dumping of refuse (including building materials, soil, fill, household waste etc.)
Temporary activities or developments requiring a lease or licence under the Local Government Act (1993)	Commercial Eco-tourism Activities	Vegetation removal not in accordance with Councils Tree Preservation and Management Order
Appropriate sustainable low impact recreation activities and facilities (other than buildings)	Vehicle access (emergency access, fire breaks and service trails).	Private alienation or encroachment

Fig.1 Extract from Angophora Reserve Plan of Management as provided in the SEE.

Street access is available from Hilltop Road. (Fig 2. below).

No evidence of easement or right of way over the Reserve benefiting No. 79 Hilltop road has been provided.

The Chisolm Avenue road reserve appears to terminate at the boundary with Angophora Reserve. The existing concrete section across the reserve is therefore not a road. (Fig 2. below).



Fig.2 Road reserves adjacent to 79 Hilltop Rd. Source - SEA GIS mapping.

It is apparent that access for 79 Hilltop Road is not able to be granted under the adopted Plan of Management.

The proposal is therefore unsupported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

Recommended Landscape Conditions:

Nil.