



northern
beaches
council

13 November 2021



Nada L Herman
62 Chisholm Avenue
AVALON BEACH NSW 2107

Dear Nada,

Development Application No: DA2021/0508 for Construction of a driveway, carport and inclinator, including the extinguishment and creation of easements at 60 Chisholm Avenue AVALON BEACH.

I refer to your Application which is under assessment by Council and the revised plans that you submitted to Council on 10 November 2021.

The assessment of this additional information has revealed a number of issues, which still prevents Council from supporting the proposal in its current form.

These matters are discussed below:

Biodiversity

Council's Biodiversity Officer has provided the following comments on the additional information provided:

"Submission of a Biodiversity Development Assessment Report (BDAR) (Kingfisher Urban Ecology and Wetlands, October 2021) is noted.

Broadly, no objection is raised to the impact assessment, or recommendations presented in the submitted BDAR, however concern is raised over the method in which the Vegetation Integrity (VI) score was calculated for the Plant Community Type within the site.

Survey Design

Section 3.1.1 of the BDAR (Kingfisher 2021) states:

"Plot is per the BAM Method with 20x20 plots (400m²) for assessing structure and composition with a centre line extending 50m to create a 20 x 50 plot (1000m²) to assess function. See Biodiversity Assessment Method Operational Manual – Stage 1 (OEH 2018) page 26-28 for methods used".

Mapping files submitted to Council, indicate that the BAM Plot was limited to a size of only 800m², with dimensions of approximately 40m x 18m. In this instance, achieving a standard plot to the requirements of the BAM (20m x 50m) was achievable due to the large size of the lot(s).



Council's Biodiversity Officers undertook a review of the plot and found it to inadequately reflect the current species diversity and coverage of the existing vegetation. Species identification was limited to only 13 species by the Accredited Assessor and did not include several important canopy species including *Eucalyptus piperita*, *Corymbia gummifera*, *Ceratopetalum gummiferum*, *Banksia serrata* and a suite of native shrubs and groundcovers. >35 flora species were identified within the 400m² plot by Council's Biodiversity Officers.

No hollow-bearing trees were recorded in the BAM Plot assessment in BOAMS, however it is noted that there is one stag with a large hollow within the BAM Plot area. This requires confirmation from the Accredited Assessor. Should the tree be located within the bounds of the plot, the data in BOAMS is to be updated to reflect this.

Due to these limitations, a VI Score of 24.6 was determined by the Accredited Assessor based on a single BAM Plot, generating one (1) ecosystem credit for Pittwater Spotted Gum Forest (PSGF). Council's BAM Plot review and subsequent assessment in BOAMS revealed a VI Score of 53. This score is considered to adequately represent the native vegetation condition within the site. Regardless of the change in VI Score, the credit obligation for PSGF did not change, therefore Council do not require the Accredited Assessor to amend plot values or undertake additional fieldwork.

Species Credits and Polygons

It is noted that *Diuris bracteata* and *Genoplesium baueri* which were identified as suitable candidate species credit species by the Accredited Assessor, were surveyed for outside of the recommended survey period as prescribed by the Threatened Biodiversity Data Collection (TBDC). As noted in the Executive Summary of the BDAR, field surveys were undertaken in June 2021. The required survey period for *Diuris bracteata* and *Genoplesium baueri* is August-September and February-March, respectively. As the Accredited Assessor has included these species as suitable candidate species credit species in the BOAMS, field survey is to be either undertaken during the recommended survey periods or offset credits are to be purchased and retired.

The Landscape Plan (Volker Klemm Landscape Design, April 2021) is supported with the following amendment. The six (6) *Corymbia* hybrids (*Corymbia* summer beauty and *Corymbia* summer red) currently selected for planting within the site are to be replaced with two (2) *Corymbia maculata*, two (2) *Eucalyptus umbra* and two (2) *Eucalyptus paniculata*, to reflect locally indigenous native vegetation within the site and surrounding landscape.

Upon receiving the amended Landscape Plan, BDAR and BAM-C data as requested within these comments, Council's Biodiversity Referrals team will reassess the application. "

Driveway

Council's Development Engineer has provided the following comments on the proposal:

"The amended architectural plans indicate that the internal driveway gradients have been amended to achieve a maximum grade of 25% which is satisfactory.



However the swept path analysis indicate that vehicles need a three point turn to enter and exit the driveway which is not supported. An alternate design for the driveway access is to be provided to ensure vehicles can enter and exit the site in a single maneuver.

Additionally details of the pedestrian access pathway from the existing stairs off Chisholm Avenue to the proposed inclinor or dwelling are to be shown on the plans.

The proposed application cannot be supported by Development Engineering due to lack of information to address:

- *Vehicle access for the development in accordance with clause B6 Access and Parking.”*

In addition, the application was referred to Council’s Traffic Engineer, who provided the following comments:

“Access to the proposed driveway is considered unacceptable. The driveway relies upon a 3 point turn to enter and/or egress from the site. While the AS2890.1 allows 3 point turn access to and from a parking space, it does not contemplate such access being permitted to and from a public road. In addition the swept path plots that have been provided are for a B85 Vehicle when access by a B99 vehicle should be accommodated. The driveway should at a minimum allow for single turn egress to the east by a B99 vehicle without requiring parking to be banned opposite the driveway. AS2890.1 section B2.2 requires that access to ALL access driveways shall be designed to accommodate access by a B99 vehicle unless there are special circumstances of severe space limitation which, despite the adverse gradients on the site, is not considered to be the case in this instance. I concur with the Development Engineers comments that an alternate driveway design is required.”

Advice to the applicant

As stated in the previous correspondence of 4 November 2021, a number of options available to you included the submission of further supporting information (and minor amendments to the proposal) to address the issues raised by Council.

However, upon detailed assessment of the proposal, it is now apparent that the proposed driveway access is not acceptable to meet both the policies of Council and the relevant Australian Standards.

Hence, the proposal cannot be supported. To address the issues raised by Council, a significant re-design is required and this should be sought as another application. Council can offer a meeting (via video) with you and your designers to discuss your options should you wish to continue with the proposal.

We will provide a further 14 days from the date of this correspondence for you to consider your options, which are to either: request that the current proposal proceed to determination in its current form, which may result in refusal of the application; or withdraw the application from Council. Under the circumstances, a significant portion of the fees could be returned.



Please advise of your selected option by responding to this letter by 28 December 2021 at council@northernbeaches.nsw.gov.au and marked to the attention of the assessment officer. Should Council not receive your response and selected option by this date, Council will assume that you are not withdrawing this application and it will be determined in its current form.

Should you wish to discuss any issues raised in this letter, please contact Nic England on 1300 434 434 during business hours Monday to Friday.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'R. Piggott'.

Rodney Piggott
Manager, Development Assessment