



northern
beaches
council

4 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 inclinor, including the extinguishment and creation of easements at 60 Chisholm Avenue AVALON BEACH.

I refer to your Application which is under assessment by Council. Council apologises for the delay in providing this response.

The assessment of your application has revealed a number of issues, which 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 application:

"Council's Biodiversity referrals team have assessed the Development Application for compliance against the following applicable biodiversity related controls:

- *Biodiversity Conservation Act 2016*
- *Pittwater LEP cl. 7.6 Biodiversity Protection*
- *Pittwater 21 DCP cl. B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor*
- *Coastal Management SEPP cl. 11 Development on land in proximity to coastal wetlands or littoral rainforest*

Advice on biodiversity reporting requirements and applicable controls was provided to the Applicant at a pre-lodgement meeting held 19th November 2020. Subsequent to this meeting, the NSW State government announced amendments to the NSW Biodiversity Values Map (BV Map) which were to apply to areas identified as Pittwater Spotted Gum Forest endangered ecological community. This includes the subject site at 60-62 Chisholm Avenue, Avalon.

The BV Map amendments came into effect after 26th February 2021 and, as a consequence, the proposed development now triggers entry into the NSW Biodiversity Offsets Scheme. As such, the development application must be accompanied by a



Biodiversity Development Assessment Report (BDAR), prepared by an Accredited Assessor under the Biodiversity Assessment Method.

Council's biodiversity referrals body will recommence assessment of the development upon receipt of a BDAR.

Further information on the Biodiversity Offsets Scheme can be found on the NSW Department of Planning, Industry and Environment website:

<https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/biodiversity-offsets-scheme> “

Whilst previous advice given in the pre-lodgement did not request a BDAR, the subsequent mapping of the land as containing this habitat will require this information to be provided to Council, to demonstrate consistency with the relevant legislative protections for biodiversity.

Driveway

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

“The proposal involves the addition of the garage and a new driveway off Chisholm Avenue. The entrance for the access driveway is off an existing turning bay on Chisholm Avenue leading to the proposed garage.

Chisholm Avenue is a narrow two way road with parking on one side of the roadway. Based on the architectural plans and the traffic report by Terrafic Pty Ltd the access for the driveway is at an angle to the carriageway. When cars are parked on the opposite side of the roadway it seems unlikely that a left turn will be possible from this driveway alignment. It is recommended that the vehicular crossing be located further to the right of the existing turning bay with the entrance perpendicular to the roadway to facilitate entrance and exit from the driveway without interference to parked vehicles on the roadway. Alternatively the applicant shall demonstrate via turning paths that the current alignment is adequate with parked vehicles on the opposite side of the roadway.

Additionally the proposed internal driveway grades exceed 25%. In accordance with Pittwater 21 DCP Clause 6.2 gradients steeper than 1:4 are acceptable only for existing internal driveways. New internal driveways are to have a maximum gradient of 1:4.

In accordance with Clause 6.1 steeper gradients for new driveways may be permitted within the road reserve subject to demonstration through a traffic assessment report and relevant certification that the access driveway including surface finish is adequate for its intended purpose.

The plans propose a right of carriage way leading to the rear of the lot. As there are no structures at the rear of the Lot the purpose of this right of carriageway is unclear. The applicant is to provide details of purpose of the proposed right of carriageway along the entire length of the boundary of No 60.

The plans also propose extinguishing the right of footway access to No 60 Chisholm Avenue but details of how pedestrians can access No 60 via the existing stairs have not



been shown. Details of the pedestrian access pathway from the existing stairs off Chisholm Avenue to the proposed inclinators or dwellings are to be shown on the plans."

Advice to the applicant

In summary, further information will be required in regard to biodiversity; the right of carriageway/s and potentially for the driveway. However based on the compliance issues identified by Council's Development Engineer it is likely that some amendment to both the location and the grade of the driveway will be required.

Council is providing you with three options to progress the handling of your application:

1. Prepare and submit further supporting information addressing the issues by 18 November 2021; or
2. Request that the current proposal proceed to determination in its current form, which may result in refusal of the application; or
3. Withdraw the application from Council, which may include the refund of a portion of the application fees. Please note, that should this be your preferred option, Council will require additional information and will request this under separate cover.

Please advise of your selected option by responding to this letter by 18 November 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

Rodney Piggott
Manager, Development Assessment