

MEMORANDUM

DATE: 19 May 2026

TO: Northern Beaches Local Planning Panel

CC: Steve Findlay, Manager Development Assessments

FROM: Claire Ryan, Principal Planner

SUBJECT: Item 5.1 – DA2025/1924 – Demolition works and subdivision of one lot into two at 48 Ashworth Avenue, Belrose

TRIM REFERENCE: 2026/284746

Purpose

The purpose of this memo is to address matters raised in submissions lodged in response to publication of the Assessment Report for DA2025/1924.

The submissions were received from:

Name:	Address:
Brian Mackie (Objector)	46A Ashworth Avenue BELROSE
Vaughan Milligan Development Consulting (on behalf of the Applicant)	PO Box 49 NEWPORT BEACH

The issues raised in the submissions were:

- Lack of assessment of sewage management.
- Concerns regarding the recommended requirement for vehicular access to Lot 2 via the right of carriageway benefitting 46A Ashworth Avenue.

The issues raised are addressed as follows:

- **Sewage Management**

The objecting submission raised concern about the lack of assessment of sewage management.

Comment:

Clause D21 Provision of Utility Services of the Warringah Development Control Plan 2011 requires that “if a proposed development will involve a need for them, utility services must be provided, including...the satisfactory management of sewage...”

The creation of a new lot via subdivision (such as in this case) necessitates provision of utilities, including satisfactory management of sewage. This matter is addressed by recommended condition 20, which covers the Sydney Water requirements for sewer infrastructure.

This matter does not warrant amendment or refusal of the application.

- **Vehicular Access – Lot 2**

Both submissions raised concern regarding the recommended requirement for vehicular access to Lot 2 to be via the existing right of carriageway/driveway that benefits 46A Ashworth Avenue.

The objector notes (paraphrased for brevity):

- *The statement in the Assessment Report that the right of carriageway “forms part of, Lot 2, as opposed to only serving 46A Ashworth Avenue” is untrue.*
- *The right of carriageway is not currently used by occupants of the subject site other than for occasional pedestrian access to the rear of the property.*
- *There is no compelling reason for the right of carriageway to be shared by Lot 2 and 46A Ashworth Avenue, considering the proposed development shows construction of a driveway dedicated to Lot 2.*
- *Vehicular access to Lot 2 via the existing right of carriageway is impractical due to site slope, existing trees, potential for access to 46A Ashworth Avenue to be blocked, and potential damage to the driveway surface.*

The Applicant’s representative notes (paraphrased for brevity):

- *Limiting the number of driveway crossings for the purpose of maintaining on-street parking is not necessary as there is ample parking in the street, noting the cemetery to the south, which does not include driveway crossings for most of its frontage.*
- *Sharing of the driveway by 46A and 48 Ashworth Avenue:*
 - *Leaves potential for vehicular access to be blocked by one or other party.*
 - *Would reduce the property value of both 46A and 48 Ashworth Avenue.*
 - *Leaves potential for vehicular and pedestrian conflicts and safety concerns.*
 - *Is inconsistent with Council’s Driveway Access (Vehicle Crossing) Guidelines (NB-G-30).*

Comment:

The above issues are responded to in detail below:

Validity of Justification for Condition 24

The objecting submission disputes the validity of a statement in the Assessment Report, noting that the right of carriageway is not currently used by occupants of 48 Ashworth for vehicular access. It appears the context of the full statement has not been appreciated.

In the section relating to Clause 4.6 Exceptions to Development Standards of the WLEP 2011, the Assessment Report states, verbatim:

“As required by a recommended conditions of consent, the existing right of carriageway and driveway is to be used for vehicular access to Lot 2. That is, whilst the right of carriageway area is excluded from the numerical calculation of the site area, it directly serves, and forms part of, Lot 2, as opposed to only serving 46A Ashworth Avenue to the north-west, as in the current scenario.”

In this regard, the Assessment Report states that the requirement to share the existing right of carriageway has the benefit of serving two properties under the proposed subdivision scheme, not that the existing right of carriageway serves that benefit.

The objecting submission finds that there is no compelling reason for the existing right of carriageway/driveway to be shared by 46A Ashworth Avenue and Lot 2. The Assessment Report details the reasons for recommending this requirement, including:

- Retention of on-street parking spaces along Ashworth Avenue.
- Minimisation of hardstand space.
- Maximisation of landscaped area.
- Consistency with the streetscape with respect to the pattern and configuration of lots along Ashworth Avenue. This is critical in Council’s support for the proposed variation to the minimum subdivision lot size development standard. Allowance for an additional driveway crossing along the street frontage would be inconsistent with the prevailing presentation along Ashworth Avenue.

The objecting submission raises concern with the suitability of the existing right of carriageway and driveway, with respect to site slope and location of trees. However, no change to the driveway slope or location is required under this application. Should the application be approved, any requirement to alter the existing driveway design or configuration is to be assessed at the time an application for a dwelling-house is lodged.

Blockage of the Driveway

Both submissions raise concern about blockage of the driveway by one or other party. This is not a planning matter for consideration under the *Environmental Planning and Assessment Act 1979* and can instead be reported to Council and the NSW Police for resolution. The terms of the Right of Carriageway prevent the parties from blocking such access. Rights of carriageway are extremely common and this concern does not determine weight.

On-Street Parking

The submission on behalf of the Applicant raises that limiting the number of driveway crossings for the purpose of maintaining on-street parking is not necessary as there is ample parking in the street, noting the cemetery to the south, which does not include driveway crossings for most of its frontage. As above, there are benefits for the sharing of the driveway in addition to retention of on-street parking, as previously discussed.

Conflicts Between Pedestrians and Vehicles

The submission on behalf of the Applicant raises concern that the requirement for the existing right of carriageway/driveway to be shared by 46A Ashworth Avenue and Lot 2 could lead to conflicts between pedestrians and vehicles, so is a safety concern. As above, alteration to the driveway is to be assessed at such time an application for development of the approved lot(s) is lodged with Council. This will include any requirements to ensure safe vehicular movements along the driveway. It is noted that ample space is available on Lot 2 to provide a passing bay, should that be deemed necessary, and that pedestrian and vehicular access would need to be physically separated.

Reduction in Property Value

The submission on behalf of the Applicant finds that the requirement for the existing right of carriageway/driveway to be shared by 46A Ashworth Avenue and Lot 2 would reduce the value of both those properties. The impact of a development on the value of surrounding properties is not a planning matter for consideration under the *Environmental Planning and Assessment Act 1979*.

Inconsistency with Council's Driveway Access Guidelines

The submission on behalf of the Applicant finds that requirement for the existing right of carriageway/driveway to be shared by 46A Ashworth Avenue and Lot 2 is inconsistent with 10 (c) of Council's Driveway Access (Vehicle Crossing) Guidelines (NB-G-30).

It is noted that 10 (c) of the Guidelines specifies that "*Council **may consider an additional driveway in [certain] circumstances***" (emphasis added), not that additional driveways **must be provided** in those circumstances. The recommended requirement for the existing right of carriageway/driveway to be shared by 46A Ashworth Avenue and Lot 2 is not inconsistent with the Guidelines.

These matters do not warrant amendment of the conditions or refusal of the application.

Recommendation

That the recommendation for approval remain as detailed in the Assessment Report.