

## Memo

Department

**To:** Sydney North Planning Panel (SNPP)

**Cc:** Rodney Piggott – Manager Development Assessments

**From:** Jordan Davies – Principal Town Planner

**Date:** 22 May 2023

**Subject:** Additional Submission to SNPP and additional documents from applicant's arborist – DA2021/1912 and DA2021/1914

**Ref:** 2023/319791

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Dear Panel Members,

This memo is in response to a further late submission received regarding DA2021/1912 and DA2021/1914. This memo also addresses additional documentation provided by the application that clarifies the extent of tree removal for DA2021/1914 which was a query raised by the NBLPP in their consideration of DA2021/1914 (the subdivision application).

### **Further Submission from 8A Palm Avenue**

The further submission is on behalf of the property 8A Palm Avenue, the immediately adjoining property to the west of the site. The submission was directed to the SNPP and Council has prepared this memo to assist the SNPP in their consideration of the submission. Council's response to each of the issues are addressed below.

The following issues are identified in the submission:

- 1. The common roadway to be used by 8A Palm Avenue and by the new residents in the proposed car park in Lot 1 must be a 5.5m wide two-way carriageway thorough to my clients' property. The existing scaled driveway width of approximately 4.8m is insufficient to allow two vehicles to safely pass and there is concern that this may lead to vehicles reversing back onto Palm Avenue to allow an opposing vehicle to pass. There are six disabled car spaces shown on Lot 1 carpark, raising additional concerns. A passing bay solution is considered inappropriate considering visitors would not be aware of that type of provision, leading to further unsafe outcomes;*
- 2. There is no pedestrian footpath to the western boundary shown to provide safe access from Palm Avenue to my Clients boundary at 8A Palm Avenue – pedestrians, including children and the elderly, would be required to walk on the roadway that already is too narrow.*

### **Comment:**

The adjoining property 8A Palm Avenue gains access off Palm Avenue via a 4.5m wide right-of-way through the south-western lot of the subject development site (Lot 45 DP 12578, 8 Palm Avenue). The right-of-way is described in DP1053924 and is marked as

(E) right-of-way 4.5m wide. The submission raises concern with changes to the driveway width, landscaping and pedestrian access contained within the right-of-way providing access to 8A Palm Avenue. These changes within the right-of-way are proposed in association with DA2021/1912 for the adaptive re-use of the Queenscliff Community Health Centre building (for which Council's recommendation to the SNPP is refusal).

The right-of-way is shown on the extract below:

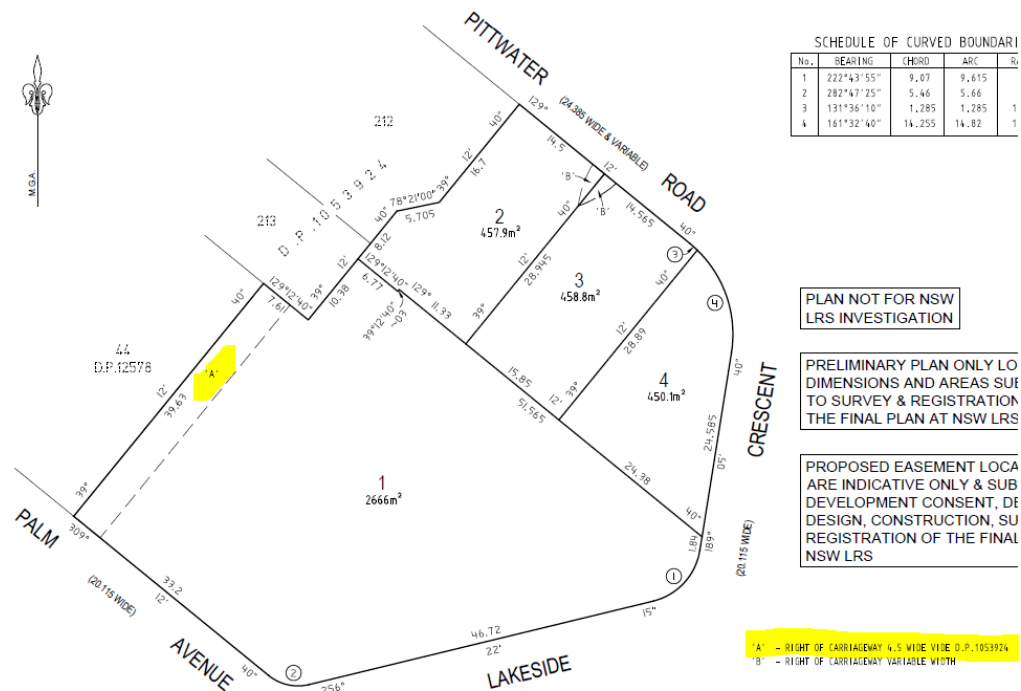


Figure 1 - Extract of proposed subdivision plan for DA2021/1912 showing 4.5m wide right of way

The plans submitted with DA2021/1912 shows that the existing carpark and driveway is proposed to be demolished and reconstructed as part of the development. The proposed driveway to be re-constructed sits within the right-of-way. The driveway is proposed to have a 3m wide pavement plus landscape strip adjoining the western boundary of the site. The driveway is proposed to have a 6m x 6m passing bay. See

[illegible]

Council's traffic engineer has considered the proposed access arrangement within their referral response (see page 21 of the assessment report for DA2021/1912) and following the additional information received from the applicant's traffic engineer dated 16 September 2022 prepared by Colston Budd Rogers & Kafes, Council's traffic engineer has indicated they are satisfied with the proposed access arrangement for the site. Council's traffic engineer has not raised any concern with pedestrian access to 8A Palm Avenue and it is noted that there is no existing separate pedestrian pathway within the right of way.

To avoid any ambiguity between the works consented to under DA2021/1914, it is recommended the SNPP include the following if consent is granted to DA2021/1914:

*This application does not grant consent to any changes to the existing carpark or changes to the access driveway within proposed Lot 1 or any works within the existing right of carriageway within proposed Lot 1.*

*Reasons: To ensure the approval is consistent with the works sought via the application.*

3. *There is an insufficient landscape strip to the western boundary facing 10 Palm Avenue to provide for 6m-8m high canopy trees along this zone.*

Comment: There is a 1.3m wide landscape strip proposed along the western boundary adjoining 10 Palm Avenue that is capable of accommodating planting. If the panel chooses to approve DA2021/1912, a condition could be included to require landscape planting along the eastern boundary with native species capable of reaching between 5m-8m at maturity. The condition should read as:

***Condition - Amended Landscape Plan - Prior the commencement of works***

*Prior to the commencement of works, an amended landscape plan shall be prepared by a suitably qualified landscape designer which includes screen planting along the north-western side of the driveway access off Palm Avenue and along the common north-western boundary of the site adjoining 8A Palm Avenue. The screen planting shall be placed along the length of the landscape strip between the driveway and the western boundary. The planting shall be capable of reaching at least 5m in mature height and consist of a locally native species, planted at 2m centres and have a minimum pot size of 75lts.*

*Details shall be provided to the principle certifying authority prior to the commencement of any works.*

*Reason: To soften screen the building as viewed from adjoining properties.*

4. *There is no pedestrian footpath shown to provide safe access from Palm Avenue to the adjoining owner disabled carpark and entry in Lot 1 – pedestrians, many whom may be disabled, would be required to walk on the roadway that already is too narrow.”*

Comment: Disabled access via a footpath is provided at the southern boundary of the site adjoining Lakeside Drive.

5. *There is insufficient landscape strip to the eastern road boundary to provide for canopy trees along this zone to provide a screen to the proposed built form in Lot 1 from my clients’ property at 8A Palm Avenue and from all residential neighbours to the west of the subject site.”*

Comment: The building form is discussed in detail within the assessment report for DA2021/1912, including the building presentation to the western boundary (8A and 10 Palm Avenue). Should the application be approved by the panel, the above condition for an amended landscape plan should be included.

**Additional information from applicant’s arborist in response to NBLPP Issues**

In response to the below comment provided by the NBLPP:

4. *The Panel is not satisfied the application accurately identifies the trees required to be removed to facilitate the access driveway which provides access to Lots 2 and 3 which is proposed to be constructed as part of the application. The Panel is not satisfied that the extent of tree removal for the future dwelling house construction has adequately been addressed in the application.*

Comment: The applicant has provided the attached documents from the project arborist to clarify the trees to be impacted because of the driveway works for lots 2 and 3. This issue is discussed within the assessment report for DA2021/1914, with the

applicant's arborist providing the attached formal response to assist the panel. The response confirms one (1) tree being T32 (Cheese Tree) is required to be removed to facilitate driveway access to Lot 2 and 3. If the SNPP wishes to approve the application, conditions can be drafted accordingly to permit the removal of T32. Council's landscape officer has recommended only T32 may be removed, with the remaining trees to be assessed under future dwelling application for each lot.

The NBLPP's comments regarding potential tree removal because of future dwelling houses on Lots 2, 3 and 4 is addressed within Council's report to the SNPP. The additional information provided does not change Council's assessment report for DA2021/1914.

**Conclusion:**

The issues raised above can be resolved through conditions of consent if the SNPP is proposing to approve the applications. Council's recommendation for refusal is not altered by the submission.

**Recommendation (if the SNPP is to approve the application):**

Insert the following condition for DA2021/1912:

***Condition - Amended Landscape Plan - Prior the commencement of works***

*Prior to the commencement of works, an amended landscape plan shall be prepared by a suitably qualified landscape designer which includes screen planting along the north-western side of the driveway access off Palm Avenue and along the common north-western boundary of the site adjoining 8A Palm Avenue. The screen planting shall be placed along the length of the landscape strip between the driveway and the western boundary. The planting shall be capable of reaching at least 5m in mature height and consist of a locally native species, planted at 2m centres and have a minimum pot size of 75lts.*

*Details shall be provided to the principle certifying authority prior to the commencement of any works.*

*Reason: To soften screen the building as viewed from adjoining properties.*

Insert the following condition for DA2021/1914:

***Condition – Operational – No works approved to the park and access driveway within Proposed Lot 1***

*This application does not grant consent to any changes to the existing carpark or changes to the access driveway within proposed Lot 1 or any works within the existing right of carriageway within proposed Lot 1.*

*Any changes to the access driveway or carpark within proposed Lot 1 are subject to a separate development consent.*

*Reasons: To ensure the approval is consistent with the works sought via the application.*

Insert the following condition for DA2021/1914 with regard to removal of T32:

**Condition – Prior to commencement – Tree Removal within Property**

*Under the subdivision application, no prescribed trees (ie. protected under the Warringah DCP) are permitted to be removed, except for T32 Glochidion ferdinandi (Cheese Tree).*

*Exempt Species as listed in the Development Control Plan, and as listed and recommended for removal in the Arboricultural Impact Assessment under Tree Assessment Table A, do not require Council consent, and these include the following identified species: T25 - Camphor Laurel, and T45, T46 and T47 - all Weeping Bottlebrush.*

*Reason: To enable authorised subdivision works.*

If the panel has any queries, please do not hesitate to contact Jordan Davies – Principal Planner.



Jordan Davies  
Principal Planner