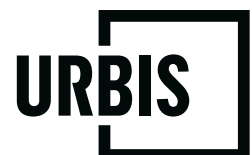




DA/2024/1362 RESPONSE TO RFI REPORT

Farmhouse Restaurant
40 Myoora Road, Terrey Hills

Prepared for
ISAAC PROPERTY
9 April 2025



URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

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Project Code	P0045611
Report Number	FINAL Response to RFI Report_9 April 2025



Acknowledgement of Country

Urbis acknowledges the Traditional Custodians of the lands we operate on.

We recognise that First Nations sovereignty was never ceded and respect First Nations peoples continuing connection to these lands, waterways and ecosystems for over 60,000 years.

We pay our respects to First Nations Elders, past and present.

The river is the symbol of the Dreaming and the journey of life. The circles and lines represent people meeting and connections across time and space. When we are working in different places, we can still be connected and work towards the same goal.

Title: Sacred River Dreaming
Artist Hayley Pigram
Darug Nation
Sydney, NSW

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EXECUTIVE SUMMARY

This Submissions Report relates to the Development Application (**DA**) DA/2024/1362 for the Farmhouse restaurant (**the project**) at 40 Myoora Road, Terrey Hills (**the site**).

This Response to RFI Report has been prepared to address the matters raised by public agencies, the local Council, the community and other relevant stakeholders throughout the public exhibition period. This Report also provides an overview of the significant amendments to the scheme that have been made in order to address the feedback and achieve a suitable outcome on the site.

Key amendments to the scheme to address the feedback include:

Reduction in GFA by 48.5%.

The amended scheme reduces the total GFA from 2,698sqm (lodged) to 1,399sqm (proposed), a 48.5% reduction in GFA.

Reduction in site coverage by 10.8%.

The amended scheme consolidates and reduces the coverage of buildings across the site from 30.7% (lodged) to 19.9% (proposed).

Improved car parking compliance with 186 car parking spaces proposed.

The amended scheme improves compliance with the car parking control from 11 spaces / 100sqm GFA to 13 spaces / 100sqm GFA.

Reduction in capacity by 200 seats and operation of site as restaurant only.

The amended scheme does not seek consent for functions, removes outdoor music stage and reduces capacity from 794 to 594 seats.

Increase in landscaping from 8194 plants (93% native) to 11,642 plants (99% native) across 9,314sqm of landscaped area.

The amended scheme increases permeable areas by over 1,000sqm compared to the lodged scheme and has a strong landscaped character for over half the site area (58.4%).

Resolution of road safety issues through reduction in floor space.

The reduced scale and revised modelling demonstrate impacts on the local road network can be managed without management measures or upgrades required.

Retention of architectural design of pavilion buildings set in the landscape.

The scheme proposes a high standard of architectural design, materials and detailing that was supported by the DSAP.

Compliance with site coverage controls.

The proposal is now compliant with the maximum site coverage control (30.7% to 19.9%), and fully complies with the building height, GFA and setback controls for the site.

The amended scheme addresses the Council, Agency and public submissions provided during the public exhibition and referral process. The scheme has been significantly reduced in physical scale and operation and presents an acceptable outcome for the site and is recommended to be favourably assessed by Council and supported for approval by the Sydney North Planning Panel.

1. INTRODUCTION

On behalf of The Trustee for Gardoxi Unit Trust (**the applicant**), this Response to RFI Report has been prepared to address the matters raised by public agencies, the local Council, the community and other relevant stakeholders throughout the public exhibition period.

The project was:

- Lodged with the Northern Beaches Council (**Council**) in October 2024.
- Publicly exhibited for 28 days between 28 October 2024 to 18 November 2024.
- Subject to receipt of comments from Council, government agencies and 42 members of the public.

This Submissions Report has been prepared in response to letters from the Council dated 17 January 2025 requesting a response to the Request for Information (**RFI**) and submissions. The report provides:

- Analysis of the submissions received – **Section 2**
- Overview of actions taken since exhibition and minor design refinements – **Section 3**
- A formal response to the submissions – **Section 4**
- Revised project evaluation – **Section 5.**

1.1. EXHIBITED PROJECT

In the lodged scheme, development consent was sought for:

- Demolition of existing structures including the existing brick residence, two metal sheds, hardstand areas and vehicular crossover on Mona Vale Road.
- Site preparation works including remediation, removal of 12 trees, excavation to a total depth of RL173.3 to accommodate the proposed development.
- Construction of a single storey (above ground) hospitality venue with a total GFA of 2,698sqm incorporating restaurant land uses and ancillary land uses. Specifically, the development will include:
 - One level of basement car parking for 156 cars and 5 motorcycle spaces.
 - At-grade car parking areas for 68 cars, 10 bicycle spaces, one mini-bus zone, services and a loading zone.
 - A single licensed area with 3 different restaurants and outdoor dining areas.
 - Ancillary office space to support site operation, storage, back of house (**BOH**) and amenities.
- Extensive site landscaping, public domain upgrades and embellishment of open space areas including:
 - Pedestrian footpaths throughout the site,
 - Planting of 8,326 plants including 93 trees and 18 palms, and an extensive lawn space fronting Mona Vale Road,
 - An extensive lawn space fronting Mona Vale Road which will have a dual use accommodating an overflow parking area for 74 cars for use in peak periods for additional car parking
 - Outdoor furniture including children's play areas, pergola structures, and a stage.
- Construction of one combined vehicular entry and exit point from Myoora Road to facilitate internal site access for patrons and services.
- Utilities and services provision to support the development of the site.
- Hours of operation from 7am – 12am, Monday – Sunday and total patron capacity of 794 patrons and 40 staff on site at any one time.

Changes to the exhibited project made in response to the RFI are outlined in **Section 3.2.**

1.2. SUPPORTING DOCUMENTATION

Table 1 Supporting Documentation

Appendix	Document	Consultant
Appendix A	List of Plans for Approval	Urbis
Appendix B	Revised Architectural Plans	H&E Architects
Appendix C	Revised Landscape Plans	Dangar Barin Smith
Appendix D	Revised Civil Plans	Richmond + Ross
Appendix E	Stormwater / Civil RFI Statement	Richmond + Ross
Appendix F	Traffic Impact Assessment and Traffic RFI Response	Traffix
Appendix G	Aboriginal Due Diligence Statement	Urbis
Appendix H	Amended Plan of Management	Boathouse
Appendix I	Acoustic Report	Muller Acoustic Consulting
Appendix J	Sydney Water Confirmation	Sydney Water
Appendix K	Revised RFS Response	Black Ash
Appendix L	Access Review Statement	Purple Apple Access
Appendix M	BCA Statement	Philip Chun Building Compliance
Appendix N	Section J Statement	Efficient Living
Appendix O (Separate Cover)	MUSIC and Drains Model	Richmond + Ross
Appendix P	Stormwater Management Plan	Richmond + Ross
Appendix Q	Arborist Statement	Anderson EP
Appendix R	Fire Engineering Statement	Red Fire Engineers

2. ANALYSIS OF SUBMISSIONS

This section provides a summary of the submissions received including a breakdown of respondent type, nature/ position and number of submissions received.

2.1. COUNCIL AND AGENCY SUBMISSIONS

A total of four submissions were received from Government Agencies during the public exhibition of the DA, including:

- Transport for NSW (TfNSW)
- NSW Police
- Sydney Water
- Rural Fire Service

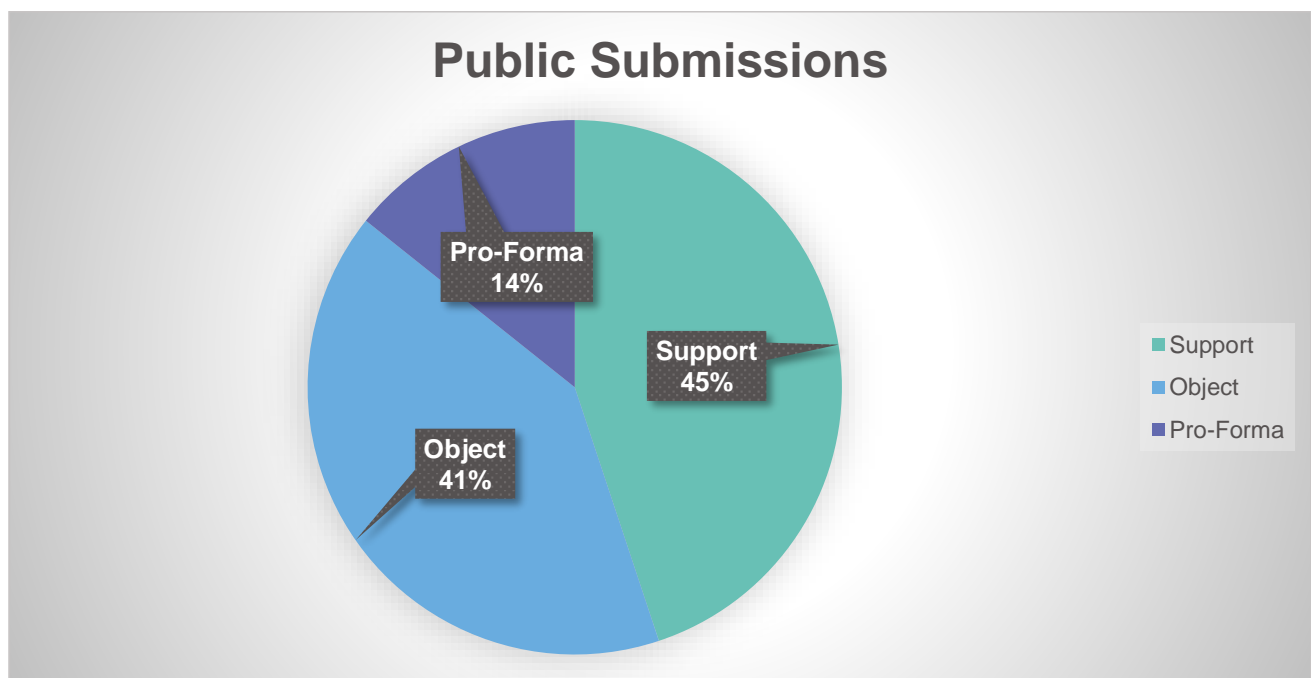
The matters raised were technical in nature and as such an individual response to the Agency comments has been prepared by the technical consultant in the appended reports and outlined in Section 3.

In addition, comments from Council's internal referral specialists and the Council Design, Sustainability Advisory Panel (DSAP) has been provided and addressed in **Section 3**.

2.2. PUBLIC SUBMISSIONS

Overall, a total of 49 submissions were received from the public, comprising 42 unique submissions and 7 pro-forma submissions. This RFI Report considers the 42 unique submissions, which comprises:

- 22 submissions in support of the proposal.
- 20 submissions objecting to the proposal.



Urbis have reviewed and analysed the key issues identified in the public submission. In accordance with the Council RFI request, issues raised have been categorised in a systemic and impartial way to enable a clear response to each issue. This includes analysis of submissions by category (for example, the project, project impacts, etc) and key issues (for example: car parking, noise etc.). A response to each of the key issues raised in the submissions is provided in **Section 4.1.3**.

3. ACTIONS TAKEN SINCE EXHIBITION

In response to the key issues raised within the submissions, significant design refinements and clarifications have been made to the proposed development since public exhibition.

This section summarises the changes that have been made to the project since its public exhibition. It also outlines the additional assessment undertaken to respond to the concerns raised with the public agency, organisation and public submissions outlined in **Section 2**.

3.1. CONSULTATION

Since lodgement of the DA, the proponent and consultant team have engaged with the following agencies:

- DSAP – Meeting on 28 November 2024.
- Sydney North Planning Panel – Meeting on 5 February 2025.
- Council – Meeting on 6 March 2025.
- TfNSW – Meeting on 19 March 2025.

3.2. PROJECT REFINEMENTS

The following table summarises the minor refinement and clarifications proposed since public exhibition and in response to submissions made, and as a result of further engagement with the Council.

3.2.1. Summary of Changes

Table 2 Summary of proposed changes

Location	Proposed Refinements
Basement Level	<ul style="list-style-type: none">▪ Reduction in area of basement level.▪ Removal of basement private dining room under restaurant 1 and storage.
Lower Ground	<ul style="list-style-type: none">▪ Removal of lower ground office and storage below restaurant 3.
Ground Floor	<ul style="list-style-type: none">▪ Increase in area of at grade car parking adjacent to Myoora Road entry and increase in at grade parking from 54 spaces to 88 spaces.▪ Removal of restaurant 1 and private dining room.▪ Removal of outdoor music stage.▪ Consolidation of restaurant 2 and 3 into single building.▪ Amendment to outdoor children's play and landscaping area.▪ Reduction in area of restaurant 3.▪ Reduction in area of outdoor dining adjacent to restaurant 3.▪ Removal of all overflow car parking and conversion of this area to genuine landscaping.▪ Reduction of seats from 794 to 594.▪ Relocation of power pole.▪ Provision of 17 EV car charging station within the at-grade car park.▪ Provision of a e-bike charging station within the basement car park.▪ Removal of shuttle bus.

Landscaping	<ul style="list-style-type: none"> ▪ Addition of 10 canopy trees to the planting islands within the carpark. ▪ Increased planting from 8,194 plants (93% native) to 11,642 plants (99% native) across 9,314sqm of landscaped area. ▪ Removal of an area of permeable paving in the Myoora Road setback on landscape drawing LP02-D0224 and replacement with mass planting. ▪ Amendment to planting species so the Threatened Ecological Community Duffy's Forest species to form the majority of planting species (55%).
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3.2.2. Comparison

Table 3 Comparison of lodged DA scheme and proposed amended scheme

Element	Planning Provision	Original DA	Amended Scheme
Land Use	N/A	Restaurant / bar, office, functions	Restaurant / bar
GFA	N/A	2,698sqm	1,399sqm
Landscaping	70%	60.8%	58.4%
Site coverage	20%	30.7%	19.9%
Mona Vale Road setback	30m	100.5m	Consistent.
Front setback	10m	10.5m	Consistent.
Car Parking	15 spaces per 100m2 GFA Or 1 space per 3 seats	297 (156 basement + 74 overflow)	198 including 5 accessible (84 basement + 114 at-grade). No overflow.
Capacity	N/A	794 patrons	594 patrons
Planting	N/A	8,194 plants (93% native)	11,642 plants (99% native)
Trees	N/A	111	121
Hours of Operation	N/A	7am – 12am Monday – Sunday	No change.

3.2.3. Discussion

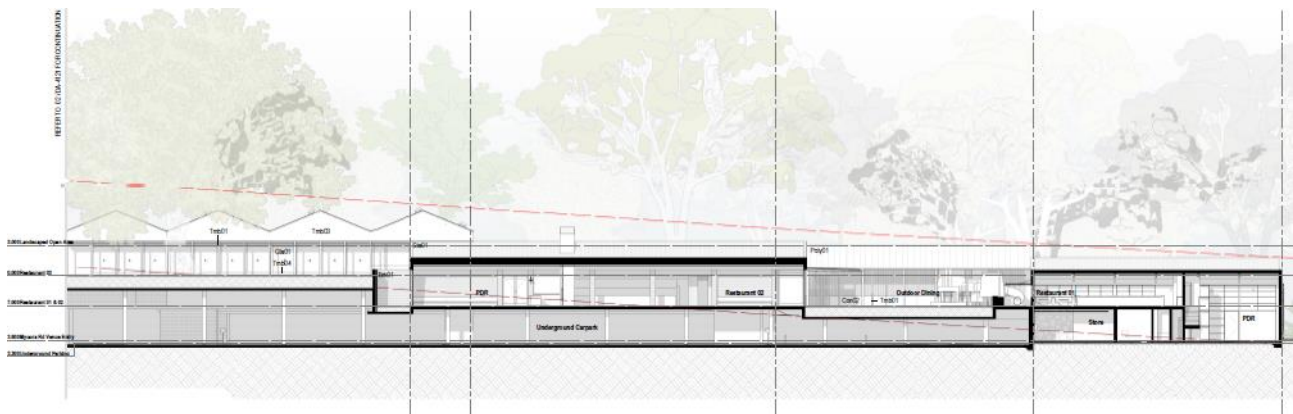
The applicant has made significant amendments to the scheme to address the RFI feedback as discussed in the following section. This section should be read in conjunction with the Architectural Plans at **Appendix B** and Landscape Plans at **Appendix C**.

3.2.3.1. Built Form

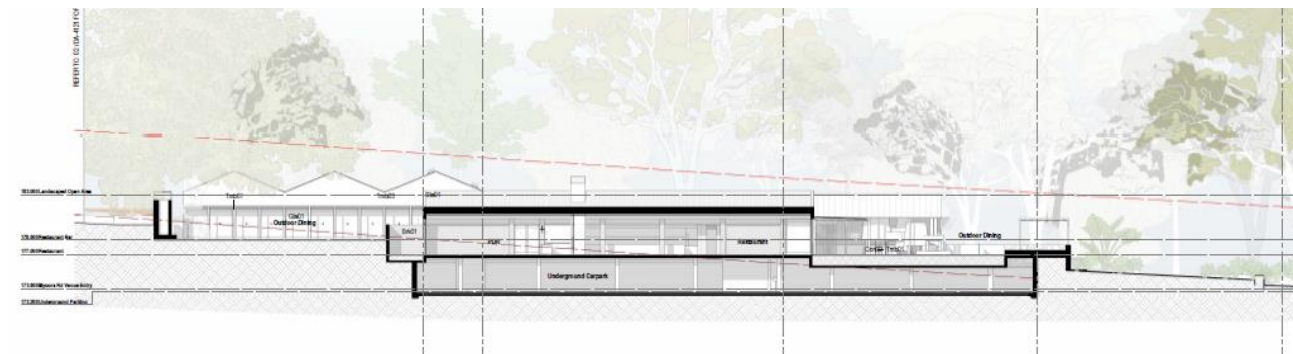
The key built form changes are the removal of the restaurant 1 pavilion building, consolidation of the two restaurants and BOH in the main building, and reduction in the area of the basement so that the car park does not extend under restaurant 3. This will result in less excavation on site, an overall reduction in site coverage and a reduction in the bulk and scale of the built form on the site.

This is illustrated in the comparison of north-west section plan in **Figure 1**.

Figure 1 Comparison of north-west section plan



Picture 1 Lodged



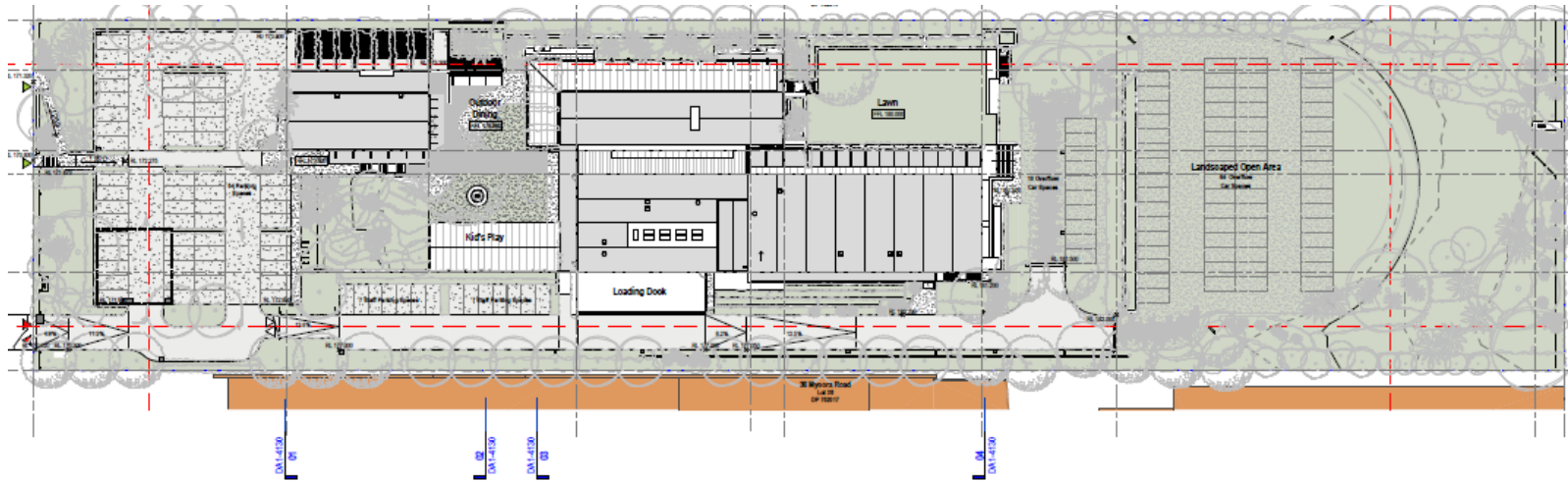
Picture 2 Amended as proposed

Source: H&E

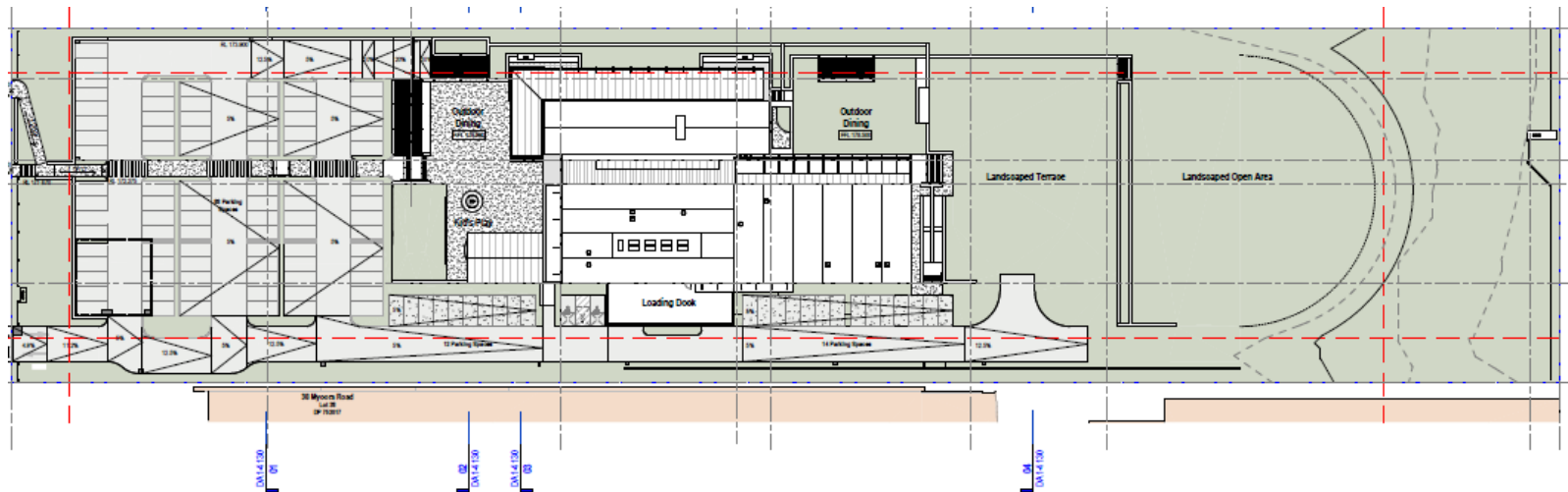
Furthermore, the amended scheme does not seek consent for any overflow car parking on the Mona Vale landscaped frontage. This area will comprise only landscaping with a retaining wall and stair access. The removal of the overflow parking will ensure this area functions as genuine landscaped area with no vehicular impact on the quality of vegetation.

A comparison of the lodged and proposed site plan is provided in **Figure 2**.

Figure 2 Comparison of site plan



Picture 3 Lodged



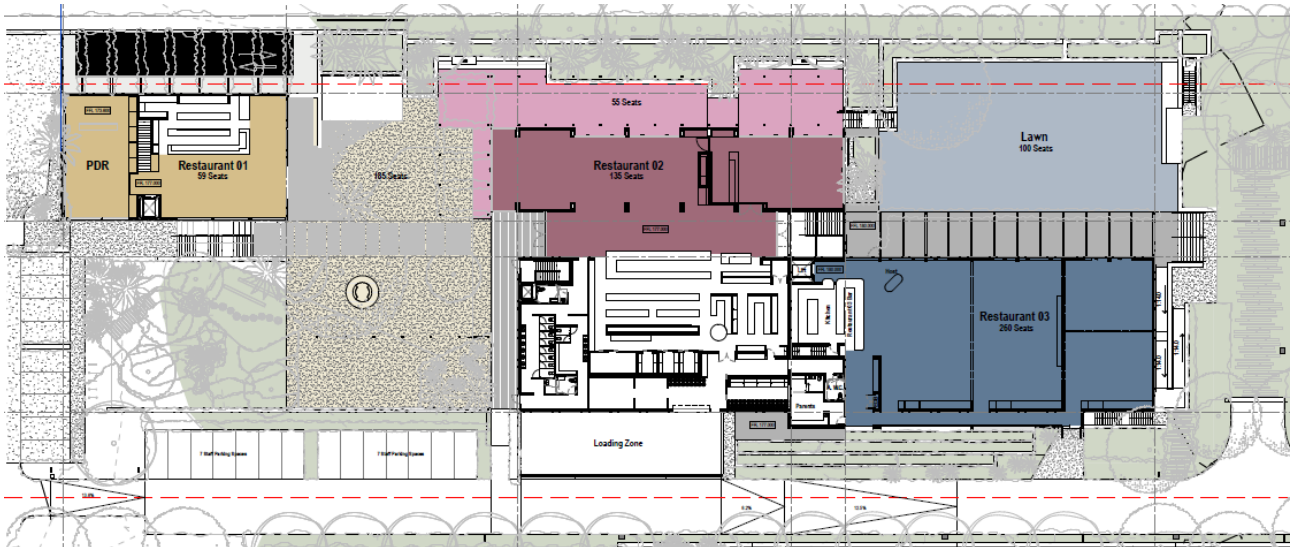
Picture 4 Amended as proposed

Source: H&E

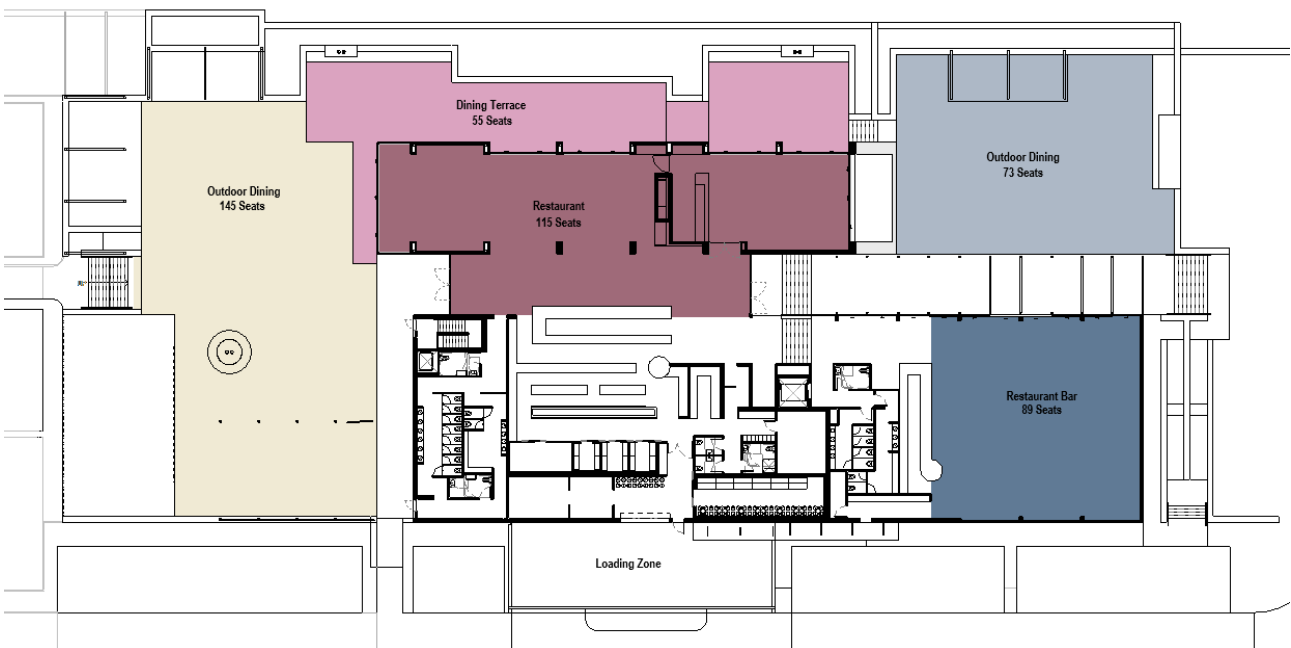
3.2.3.2. Operation

The changes consolidate the restaurant offerings into a single offering and removes restaurant 1 from the proposal. Overall, this will result in a reduction in patron capacity by 200, from 794 to 594, which represents a refined and manageable offering for this site. The reduction in patron capacity and operation is clearly represented in the following comparison of the seating plan for the lodged and amended scheme.

Figure 3 Comparison of seating plan



Picture 5 Lodged



Picture 6 Amended as proposed

Source: H&E

The amended scheme does not seek consent for any functions on the site. The Plan of Management (**POM**) (**Appendix H**) has been revised to reflect this. The POM further notes:

- The live music stage has been removed. Any live entertainment or patron noise will be in accordance with the terms of the liquor licence issued by Liquor and Gaming. Under the Vibrancy Reforms, Councils have no regulatory power for these aspects of the project.
- Due to the significant reduction in capacity of the venue, the shuttle bus has been removed.

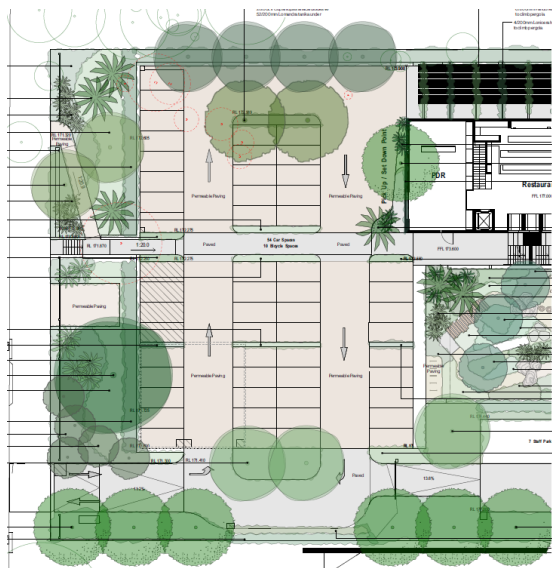
3.2.3.3. Landscaping

Increase in landscaping across the site from 8,194 plants (93% native) to 11,642 plants (99% native) across 9,314sqm of landscaped area. Changes include:

- Addition of tree canopy planting in the car park area adjacent to Myoora Road. This will improve screening of the built form when viewed from the public domain.
- Increased planting from 8,194 plants (93% native) to 11,642 plants (99% native) across 9,314sqm of landscaped area.
- Removal of an area of permeable paving in the Myoora Road setback on landscape drawing LP02-D0224 and replacement with mass planting.
- Amendment to planting species so the Threatened Ecological Community Duffy's Forest species to form the majority of planting species (55%). The use of locally indigenous groundcovers and grasses such as *Hibbertia bracteata* and *Lomandra longifolia*, as well as canopy trees such as *Eucalyptus haemastoma* and *Angophora costata*, have been selected to help the regeneration of this endemic community.

A comparison of the lodged and proposed Landscape Plan is provided below.

Figure 4 Comparison of landscape plan (Myoora Road interface)



Picture 7 Lodged

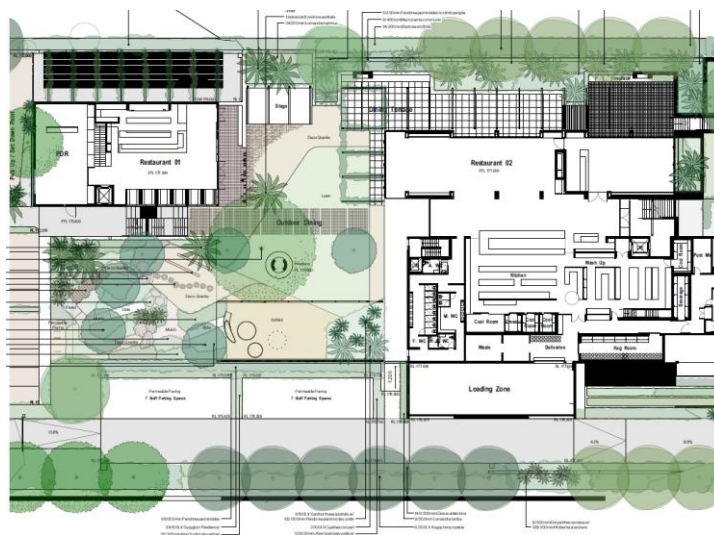
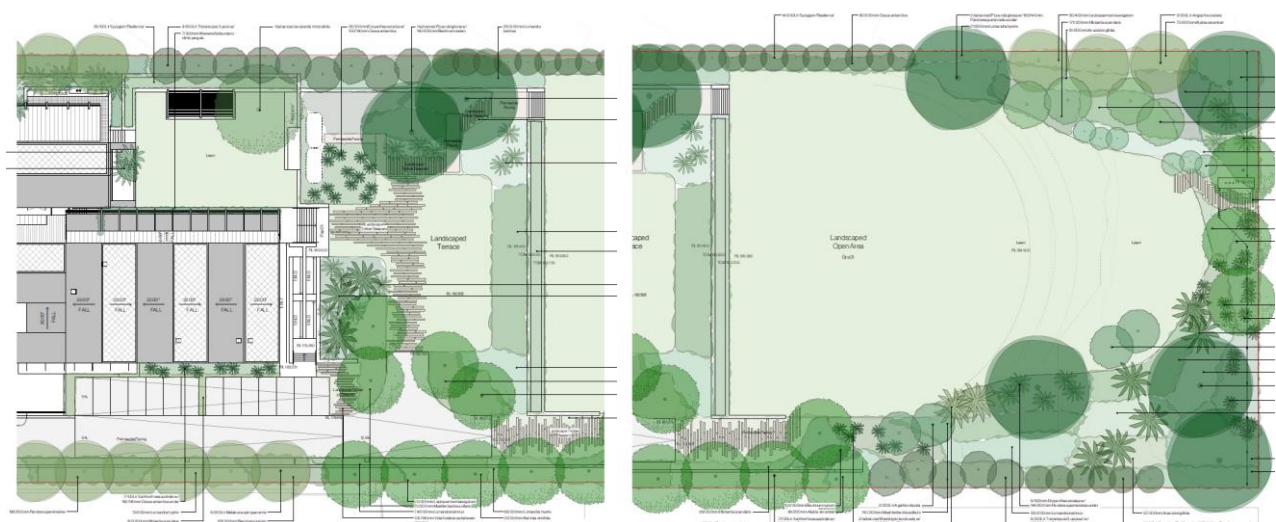


Figure 5 Comparison of landscape plan (Mona Vale Road interface)



Picture 9 Lodged



Picture 10 Amended as proposed illustrating removal of overflow car parking and increased landscaping

Source: Dangar Barrin Smith

4. RESPONSE TO SUBMISSIONS

4.1. SUMMARY

This section of the Submissions Report details the key issues raised in submissions made by Council, Government Agencies and the public during the exhibition period for the DA.

The content of each submission has been carefully reviewed and captured. The discussion below sets out the key issues raised by category and provides a response to the submission issues. Where the response relies on the assessment of technical matters by the project team, a summary is provided, direction is provided to the supporting technical document for a full analysis of the issue.

4.1.1. Council RFI

Group	Issue(s)	Response
Planning	<p>Warringah LEP 2011 - RU4 Primary Production Small Lots zone objectives.</p> <p>Significant transport issues have been identified through the referral process. Critically, Transport for NSW (TfNSW) and Council Transport Engineer both confirm that the proposal is likely to generate a significant volume of traffic which has the potential to result in unreasonable impact traffic and road safety in the area.</p> <p>It is noted that there is a shortfall of car parking (approximately 108 spaces), and that the development relies upon an overflow car park which is located within the landscaped area. Council acknowledges this solution, and the shuttle bus service / green travel plan proposed to reduce the reliance on private cars and the demand for carparking on site, however, additional information and particulars to justify the variation is carparking is necessary. Further details are required in respect of the management and detailed design of overflow carparking to ensure that the operation of this car park will not erode the landscape character of the Terry Hills locality, as we all the management / operation of the shuttle bus service where it is demonstrated how its effective use will be (a) taken up by patrons and (b) operated in a manner which it offsets the proposed variation to car parking.</p> <p>In addition, the operation of the 2,698m² (794 patron and 40 staff) food and drink premise trading from 7:00am to 12:00 midnight 7 days a week with live outdoor music until 10.00pm 7 days a week is likely to result in unreasonable acoustic, and other amenity impacts, on the neighbouring land uses. The acoustic report has been assessed as insufficient in providing suitable measures to address impacts. Refer to comments from Council's Environmental Health Officer.</p> <p>Until these issues are successfully resolved Council cannot see how the scale and operation of the proposed development as currently proposed is compatible with the following objectives of the RU4 zone.</p>	<p>The amended scheme seeks to resolve these issues as follows:</p> <ul style="list-style-type: none"> ▪ The GFA has been significantly reduced to reduce the volume of traffic generated by the proposal. As discussed in this table this mitigates any adverse traffic and road safety impacts associated with the DA. The TIA prepared by Traffix concludes the traffic generation arising from the development results in an additional 70 vehicle trips per hour during the weekday afternoon and Saturday peaks. Traffic impacts have been assessed using SIDRA Intersection 9.1 and there are no changes in the Level of Service of each of the key intersection surveys surveyed. The traffic impact is therefore acceptable and no mitigation measures to the intersections are required. ▪ The proposal does not rely upon overflow car parking and the proposed quantum of car parking is considered acceptable for the reduced scheme. Further justification on car parking is provided in the TIA provided by Traffix and Section 5. ▪ The operation of the premises has been amended to reduce the capacity of the venue by 200 seats to 594 seats, revise the use so function is not proposed, and remove the outdoor live music stage. It is noted that under the Vibrancy Reforms, Councils have no regulatory power for managing live entertainment noise and patron noise associated with the venue. Further, clause 5.20 of the <i>Warringah Local Environmental Plan 2011 (WLEP)</i> states consent authority must not refuse consent to development in relation to licensed premises on the grounds of noise caused by the playing or performance of music. A response to Council's Health officer comments is provided in this table. ▪ The reduced built form achieves compliance with the Warringah Development Control Plan (DCP) site coverage controls.

Group	Issue(s)	Response
		The revised scheme is consistent with the RU4 Zone Objectives as outlined in Section 5 .
	<p>Warringah DCP</p> <p>The proposal is inconsistent with the following WDCP controls:</p> <p>Landscape Open Space (LOS)</p> <p>Clause D1 of the WDCP requires 70% or 11,060m².</p> <p>The application states that 60.8% (9,710m²) of site area is provided as open landscaped area, whereas Council calculates that 54.35% (8,675.5m²) of the site is retained as LOS, calculated in accordance with the WLEP and DCP controls and definitions as detailed below:</p> <p><i>landscape area is defined in the WLP as “a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area”.</i></p> <p><i>Clause D1 of the WDCP notes Driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks, etc, and any open space areas with a dimension of less than 2 metres are excluded from the calculation.</i></p> <p>As above, two areas of landscape open space, comprising 1,954.21m² in area, are proposed to function as overflow car parking areas. The ongoing use of these areas as overflow car parking has the potential to negativity impact on the quantity of the landscaping. Please refer to the comments from Council’s Landscape Officer and recommendations of DSAP on this issue and provide further details to address the issues raised. It is noted that reference was made at the DSAP meeting of the overflow car park at Taronga Zoo. Please provide details on how the overflow car parking at Taronga Zoo operates as a comparison to the proposed development.</p>	<p>The amended proposal provides 9314sqm (58.4%) landscaped open space, in addition to 247sqm (1.5%) of landscaping not strictly included in the open space definition. When including the additional landscaped areas between the parking aisles (as per Design and Sustainability Advisory Panel (DSAP) feedback), this equates to 60% of the area as landscaped open space.</p> <p>The minor departure from the WDCP landscaping controls is justified as:</p> <ul style="list-style-type: none"> ▪ All landscaping proposed is now genuine landscaping and does not include any overflow parking area. ▪ The development proposes a superior quality of the proposed landscaped spaces which will significantly enhance the site's existing character and biodiversity value. ▪ The site will be densely landscaped with 11,642 plants (99% native) across 9,314sqm of landscaped area. ▪ The landscaping will provide a substantially improved landscaped outcome for the site and the surrounding precinct and more than double the number of trees and vegetation that previously existed on the site. ▪ The proposed restaurant use benefits from being an APU under Schedule 1 of WLEP and as such a flexible approach to meeting this DCP control is reasonable. This is consistent with the determination of Flower Power (D/2023/1224) by The Local Planning Panel, which noted: <i>“the landscaped area control is intended to apply to permissible land uses anticipated for the site, being uses more readily able to provide landscaped area (such as agricultural, production, certain residential uses, and more). The proposed development benefits from being an</i>

Group	Issue(s)	Response
		<p><i>additional permitted use (being a garden centre, as per Schedule 1 Clause 18 of the WLEP). This means that the proposed development is a use that was not initially accounted for in preparation of the applicable landscaped area control for the site.”</i></p> <ul style="list-style-type: none"> ▪ The applicant has made every effort to maximise the delivery of high-quality landscaped open space at the site whilst balancing the need for adequate servicing, car parking and loading to ensure there is no adverse impact on the surrounding area. ▪ Several other developments in proximity to the site have received approval despite not fully complying with the Landscaped Open Space control. This includes Miramare Gardens (D/2019/0280), Flower Power (D/2023/1224), The Hills (D/2023/0803), and The Palms. <p>Section 4.15(3A) of the EP& Act requires the consent authority to be flexible in applying DCP provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development.</p> <p>The departure from the landscaping provision is considered acceptable in the circumstances of this site and noting the use is an additional permitted use that may have not been initially accounted for in the preparation of the controls.</p>
	<p>Carparking</p> <p>Council’s Transport Engineer confirm that there is a significant shortfall in the amount of on-site car parking which is inconsistent with the car parking requirements in Clause C3 of the WDCP.</p> <p>Council supports recommendations 3 and 4 from DSAP which seek the resolution of road safety impacts and further parking analysis and mitigation strategies and ways to minimise the need to utilise the overflow parking.</p>	<p>The amended proposal improves compliance with the car parking controls on the site and provides 1 space for every 3 seats or 14 spaces per 100sqm of GFA.</p> <p>This is a minor non-compliance with the greater DCP control of 15 spaces per 100 m2 GFA, however is fully compliant with the latter control of 1 space per 3 seats.</p> <p>This is a significant improvement of parking compliance achieved under the amended scheme and is considered acceptable for the site as this is a</p>

Group	Issue(s)	Response
	<p>Refer to the comments from Council's Transport Officer below and the DSAP report.</p>	<p>nominal shortfall of 12 spaces, which Traffix conclude is acceptable in the circumstances and achieves a balanced outcome on the site whilst also achieving significant site landscaping and deep soil. It is also considered acceptable given the age of the DCP and the change to travel rates, and also the comparable car parking rates for other contemporary DCPs in the LGA require less parking for restaurants – such as the Manly DCP which requires 1 parking space for every 40 sqm of gross floor area of serviced area which the proposal would comply with if applied. The original TIA submitted with the DA also considered the TfNSW Guide to Traffic Generating Developments Guidelines (2002) (TfNSW Guidelines) and a review of publicly available traffic surveys of another comparable development in the surrounding area and concluded the lower provision of car parking is acceptable.</p>
	<p>Side setbacks</p> <p>Clause B5 of the WDCP requires a 7.5m side setback. There is no change to the elements that breach the 7.5m side setback on the north-eastern boundary compared to the PLM design. These building elements include:</p> <ul style="list-style-type: none"> - Car parking spaces and the entrance to basement car park - The roofed structure above the entry to the basement car park - Part of stage and fireplace x 2 associated with outdoor dining <p>DSAP identified an issue with elements in the 7.5m side setback which reduce the area for suitable tree planting along the side boundaries. Recommendation 7 of the DSAP report requires consideration of elements that may impact deep soil planting to the side boundaries.</p>	<p>The outdoor stage has been removed from the side setback on the north-eastern boundary.</p> <p>The setback is considered acceptable for the site as:</p> <ul style="list-style-type: none"> ▪ There is no floor space proposed within the side setback zone, only two electric vehicle charging bays, and a portion of the exterior dining terrace (hardstand, fireplace and pergolas). ▪ The DCP side setback zone excludes driveways and as such the driveway accessing the basement, and within the basement, is permitted within this area. ▪ There is a significant setback of the built form of over 100m to Mona Vale Road, which is fully landscaped. ▪ All buildings are compliant with the side setback controls. The proposal is compliant with the objective of the side boundary setback control which is to ensure scale and bulk of buildings is minimised, achieve adequate building separation and to maintain views.

Group	Issue(s)	Response
		<ul style="list-style-type: none"> Landscaping, including ten mature canopy trees and advanced shrub planting, is proposed along this interface adjacent to these structures to provide sufficient screening and a softened interface between the adjoining land. This is consistent with the DSAP recommendations. Refer to the revised Landscape Plans at Appendix C.
	<p>Front setbacks</p> <p>Clause B7 of the WDCP requires a 20.0m set back to Myoora Road which is to be <i>landscaped and generally free of any structures, basements, carparking or site facilities other than driveways, letter boxes, garbage storage areas and fences (emphasis added)</i>.</p> <p>It is noted that 17 car parking spaces are proposed within the 20m front setback, and the landscape plan shows a permeable paving area directly in the frontage which is not supported by Council's Landscape Officer</p>	<p>Urbis has confirmed with Council that as per B7 of the WDCP, a 10-metre setback applies to the Myoora Road frontage. A 10m landscaped setback is provided to Myoora Road, compliant with the DCP. Pedestrian and vehicular access is required to be provided from Myoora Road (noting Mona Vale Road is a classified road) and as such is acceptable to be located within this setback.</p>
Design Advisory and Sustainability Panel (DSAP)	Refer to full submission below.	Response provided in table below.
TFNSW	Refer to full submission below.	Response provided in table below.
RFS	Refer to full submission below.	Response provided in table below.
Aboriginal Heritage Officer	<p>Further information required</p> <p>The Aboriginal Heritage Office recommends a preliminary inspection ('due diligence' under the National Parks and Wildlife Act 1974) by a qualified Aboriginal heritage professional. The assessment would provide information</p>	<p>A Due Diligence Assessment has been prepared by Urbis Heritage and is provided at Appendix G. The assessment confirms:</p> <ul style="list-style-type: none"> There are no registered Aboriginal objects or Aboriginal places within the curtilage of the subject area.

Group	Issue(s)	Response
	<p>on what potential Aboriginal heritage issues exist on the land and recommendations for any further action if required</p> <p>The assessment would provide information on what potential Aboriginal heritage issues exist on the land and recommendations for any further action if required</p> <p>Under the National Parks and Wildlife Act 1974 (NPW Act) all Aboriginal objects are protected. Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.</p>	<ul style="list-style-type: none"> ▪ No other sources of information have been identified that indicate Aboriginal objects are likely to be retained within the subject area. ▪ A portion of the subject area is located within 200m of a natural waterway (Kieran's Creek) and a separate portion is located on a ridgeline, both of which are landscape features that are considered indicative of likely past Aboriginal land use under the Due Diligence Code. ▪ However, the entire subject area has been subjected to ground disturbing activities, including vegetation clearance, ploughing, construction and demolition of buildings and the installation of underground services, that have caused changes to the land's surface which remain clear and observable. ▪ There are therefore no landscape features that are considered likely to indicate the presence of Aboriginal objects under the Due Diligence Code. ▪ In accordance with the assessment process outlined in the Due Diligence Code, it is concluded that it is unlikely that any Aboriginal objects would be impacted by the proposed works. <p>In accordance with the due diligence process described in the Due Diligence Code, Urbis Heritage concludes no further archaeological investigation is required for the subject area, subject to an archaeological chance finds and human remains procedures being implemented and followed.</p>
Council's Transport Engineer	<p>The proposed parking provision of 297 spaces is below the DCP requirement and is considered to be unacceptable. The premises requires a minimum of 405 parking spaces for compliance with the DCP. While the DCP advises that there is potential to allow a reduced parking supply if there is suitable available parking in the vicinity, on Myoora Road, as parking is in</p>	<p>Within the Guide to Transport Impact Assessment Nov 2024, there is a transitional arrangement that states that "This Guide does not apply to TIAs commenced and development applications lodged before 4 November 2024".</p> <p>The DA was submitted on the 10 October. At that time the relevant TfNSW guidelines were the TfNSW Guide to Traffic Generating</p>

Group	Issue(s)	Response
	<p>high demand near the proposed premises, a reduction in the parking requirements on the basis of spare capacity elsewhere is not appropriate. The developer's traffic consultant advises that a parking assessment has also been undertaken noting TfNSW guidelines. The latest TfNSW guidelines are the 2024 Guide to Transport Impact Assessment which became active from 4 November 2024.</p> <p>These guidelines also suggest that parking rates for restaurants should be determined from the greater of 15 spaces per 100m² of GFA or 1 space per 3 seats. The TfNSW and Warringah DCP parking requirements are identical and should be met.</p>	<p>Developments Guidelines (2002) (TfNSW Guidelines), therefore this guide can be relied upon.</p> <p>The amended proposal improves compliance with the car parking controls and results in a nominal shortfall of 12 spaces.</p> <p>This is a significant improvement of parking compliance achieved under the amended scheme and is considered acceptable for the site. Traffic conclude is acceptable in the circumstances and achieves a balanced outcome on the site whilst also achieving significant site landscaping and deep soil. It is also considered acceptable given the age of the DCP and the change to travel rates, and also the comparable car parking rates for other contemporary DCPs in the LGA require less parking for restaurants – such as the Manly DCP which requires 1 parking space for every 40 sqm of gross floor area of serviced area which the proposal would comply with if applied. The original TIA submitted with the DA also considered the TfNSW Guidelines and a review of publicly available traffic surveys of another comparable development in the surrounding area and concluded the lower provision of car parking is acceptable.</p>
	<p>While the use of a shuttle bus and a green travel plan are welcomed and may assist in resulting in small reductions in trips to/from the facility, given the relatively isolated location of the development and the scattered nature of residential development in the surrounding area it is considered likely that patrons will remain heavily car dependent for travel to and from the facility.</p>	<p>Noted. The shuttle bus has been removed from the proposal due to the significant reduction in the scale of the venue. The green travel plan as submitted with the original DA will apply and will achieve a reduction in travel rates to the site.</p>
	<p>Council's Landscape Officer has raised concerns about the reliance on a part of the landscaped area on the site for overflow carparking with its ongoing use as carparking limiting is landscaping benefit. Given that it is proposed to mark the overflow carpark with paving "dots" which would presumably need to be affixed into a hardpaved surface, the impact of the above coupled with the wear and tear created by parking activity would limit the potential for any meaningful landscaping.</p>	<p>The amended proposal does not rely upon overflow parking.</p>

Group	Issue(s)	Response
	It is noted that the drop off/pick up bay on the “at grade” parking level is capable of accommodating the developer’s mini bus. This drop off/pick up bay is also likely to be well used by clients dropping off elderly/less mobile passengers and to ensure this activity is able to occur a dedicated parking bay of appropriate dimensions should be identified to accommodate the mini-bus when not in use. This bay should be identified on the plans with access to/from that bay demonstrated by turning movement plots for the mini-bus.	As above, the shuttle bus has been removed.
	The developer proposes to provided 5 accessible parking spaces all located in the basement carpark. The Building Code of Australia requires accessible parking at a rate of 1 space per 50 spaces or part thereof and it is therefore required that at least 9 accessible parking spaces designed in compliance with AS2890.6 be provided. Some of these spaces should be located in the at grade carpark near the entrance to the restaurant with suitably graded access to the premises. The 5 spaces proposed is insufficient.	The amended proposal provides 198 parking spaces including 2 accessible parking spaces adjacent to the loading zone at grade and 5 accessible parking spaces in the basement car park. The 7 accessible spaces provided is consistent with the BCA and the Council DCP requirements.
	Although the Warringah DCP does not specifically require motorcycle parking, it is noted and supported that 5 motorcycle parking spaces have been provided to cater for this alternate transport mode.	Noted. No further action required.
	<p><i>Bicycle Parking</i></p> <p>The Warringah DCP requires high-medium security bicycle parking (in a secure room/enclosure) at a rate of 1 space per 200m2 GFA for business and retail premises with a further 1 space per 600m2 of low security spaces (bike racks/rail). This equates to a requirement for 14 secure spaces and 5 lower security spaces. The developer has proposed only 10 low security spaces which is considered inadequate to support a development of this size. The developer’s traffic consultant has incorrectly advised that Mona Vale Road does not provide cycle lanes. On the contrary, Mona Vale Road has cycle lanes in both directions and is well used by cyclists. Terrey Hills,</p>	Application of the Warringah DCP parking rates for business and retail (as there is no rate for restaurant) to the 1,399sqm of restaurant area results in 7 spaces for business and retail premises and 3 low security spaces required. The amended proposal provides 10 secure bicycle parking spaces in the basement car park, compliant with the DCP.

Group	Issue(s)	Response
	<p>as an area is also conducive to cycling being quite flat and there is potential for cycling to and from the development site. Bicycle parking consistent with DCP requirements should be provided.</p>	
	<p><i>Traffic Generation</i></p> <p>It is noted that TfNSW has raised concerns about the traffic generated by the development impacting on the operation of the Aumuna Road/Mona Vale Road intersection in particular the increase in delays for vehicles exiting Aumuna Road via a right turn. TfNSW has also raised concerns about the absence of any measures to mitigate such impacts. TfNSW has also raised a number of concerns about the SIDRA modelling undertaken to support the project. Until such time as the above issues have been addressed to TfNSW satisfaction, Council's traffic engineers are unsupportive of the development application.</p> <p>As noted by TfNSW, traffic data collected by the traffic consultants has not been provided for review. This data, collected at the intersections of Aumuna Road/Mona Vale Road & Aumuna Road/Myoora Road on Friday 5 April and Saturday 6 April between 4pm and 6pm and 10am to 2pm should be provided and supplemented by additional data collected at the other key intersection in the vicinity i.e Myoora Road/Mona Vale Road/Forest Way. Council agrees with TfNSW that the majority of traffic movements to/from the development will or should be using Aumuna Road/Mona Vale Road however given that the developer is suggesting that 25% of traffic will use Myoora Rd south of Aumuna Road at the very least traffic data should be provided to provide background information for that intersection.</p>	<p>Refer to response to TfNSW's comments on the proposal in the following section of the table and in the TIA prepared by Traffix.</p>
	<p><i>Servicing</i></p> <p>The developer's traffic consultant has advised that the largest vehicle servicing the site will be a Medium Rigid Vehicle and the loading bay and turning area has been designed to accommodate that size vehicle. It is however anticipated that deliveries of beer and other produce for the 3</p>	<p>The proposed development yield is reduced significantly in scale from 794 seats and 2,698m² of floor space (previously proposed) to 594 seats and 1,399m² of restaurant GFA (updated) as per the amended plans.</p> <p>The applicant, who will also operate the premises, has confirmed servicing of the site with an 8.8m MRV as proposed is more than adequate to</p>

Group	Issue(s)	Response
	restaurants on the site and also for waste collection are likely to exceed the 8.8m length of a MRV and the loading bay and turning area should therefore be designed to accommodate HRVs up to 12.5m in length. Revised turning bay dimensions and swept path plots for vehicles of this size should be provided.	accommodate all servicing requirements of the subject development onsite based on the Boathouse's extensive experience. This is further reflected in the Plan of Management to ensure the loading dock will be sufficient to manage servicing and waste collection.
	<p>Access</p> <p>It is noted and supported that the development will be accessed solely from Myoora Road. As outlined above, the developer should provide adequate access for the largest anticipated vehicle likely to service the site. It is considered that this is more likely to be a HVR rather than the MRV that has been anticipated by the developer's traffic consultant. The vehicle crossing and driveway should be designed to cater for a left turn in and out of the driveway by a HRV without encroachment on the opposing travel lane on Myoora Road. This may require widening of the driveway to accommodate this.</p>	As discussed above, the proposed yield has reduced significantly in terms of scale and the proposed access arrangements accommodating service vehicles up to and including 8.8m MRV's are considered appropriate.
	To cater for pedestrian access to/from the development the existing footpath which currently terminates at the western Myoora Road boundary of the site shall be extended across the full frontage of the property to allow for eventual extension of the path to the bus stop east of the site. This should be indicated on the DA plans.	Public domain works on Council land are beyond the scope of the proposal. Adequate pedestrian facilities are provided within the boundaries of the site to support patron access.
Environmental Health	Noise - Consideration of this proposal has been given taking into account relevant documentation including a report by an acoustic consultant as well as a plan of management. Whilst the acoustic report provides data in relation to unattended monitoring, conceptual modelling and projections to determine required compliance with associated noise criteria, there appears to be limited recommendations as to physical design and construction elements of the proposed development and how these elements may assist	The considerations included in the noise impact assessment report (NIA) are referenced from the Disturbance Guideline and are additional recommendations and management strategies which can be further implemented to manage noise emissions from entertainment noise from licensed premises. These are not recommended mitigation measures which must be implemented to achieve compliance with the applicable noise criteria. The NIA report demonstrates that the project site satisfies the NPI Project Noise Trigger Levels (PNTLs) without <u>the need for</u>

Group	Issue(s)	Response
	<p>in mitigating potential noise amenity impacts associated with the development on the community.</p> <p>The report puts forward, within section 8.2 of the report, a number of "considerations" the operator must incorporate into the ongoing operation of the establishment as part of their mitigation strategies. In this regard, Environmental Health considers it more appropriate to rely on more physical noise mitigation measures, with defined parameters or measurements, rather than what appears to be a reliance upon behavioural or operational strategies that may be open to interpretation. Examples of this include:</p> <p>"Consider lowering the volume of any amplified speakers or PA system in use at your venue, particularly during later trading periods"; and</p> <p>"Consider re-directing the angle of speakers to minimise noise leakage from your venue and reverberation impacts";.</p>	<p><u>additional mitigation measures</u>. The project design and positioning of the proposed buildings included in the site plans provides sufficient barriers to mitigate noise emissions from the site.</p>
	<p>Additionally, Environmental Health has concerns in relation to the proposal for outdoor live entertainment where the acoustic report states "There is an outdoor stage adjacent to restaurant 2 that will accommodate amplified music performance between 12pm to 10pm."</p> <p>Given the land use zones of surrounding land is predominantly rural, it is considered highly likely that that outdoor amplified music performance will result in unreasonable amenity impacts to the area.</p>	<p>The stage has been removed from the amended proposal.</p>
	<p>To ensure optimal sound performance in new builds, it is essential to plan ahead and establish acoustic requirements during the conceptual stage. Retrofitting acoustic panel systems later can be costly, time-consuming, and may result in an unsightly "Band-Aid" solution. By addressing potential issues early, we can develop intelligent and effective solutions from the outset. A more practical and actionable acoustic report, rather than a purely theoretical one, would include detailed recommendations such as:</p>	<p>As above, the NIA demonstrates that the project satisfies the applicable noise trigger levels without the implementation of additional noise mitigation measures. The proposal incorporates innovative site design which incorporates smart design to assist with mitigating noise emissions, such as including loading bay walls to block delivery noise and locating the loading bay on the far side of the building away from the nearest residential receivers. Basement parking also attenuates noise from a large proportion of the onsite light vehicles.</p>

Group	Issue(s)	Response
	<ul style="list-style-type: none"> • Installing a xx-meter-high acoustic barrier with a yy rating along xx meters of the western boundary. • Ensuring all sound equipment is isolated to reduce vibrations and noise transfer • Equipping all outdoor sound systems with noise limiters to prevent offensive noise emissions. • Positioning amplified noise sources and speakers to direct sound downward and inward, minimizing its spread beyond the site. <p>This approach is not solely about noise reduction but about achieving a tailored acoustic outcome that ensures the space is fit for its intended purpose. Addressing these considerations prior to approval is key.</p>	
	<p>As the kitchen fit-out includes a commendable level of detail, which has allowed us to recommend conditions for the food premises, Environmental Health suggests adopting a similar level of specificity in acoustic reporting. This will enable us to provide clear and enforceable conditions for acoustic performance.</p>	<p>Conditions for acoustic performance are not applicable under the NSW Liquor and Gaming Reforms. The Reforms state that “<i>Under the Vibrancy Reforms, certain types of noise-related conditions on licensed venues’ development consents cease to have effect while the venue is regulated under the Liquor Act.</i>” This applies from 1 July 2024. Further, clause 5.20 of the WLEP states consent authority must not refuse consent to development in relation to licensed premises on the grounds of noise caused by the playing or performance of music. The venue is regulated under the Liquor Act and as such noise related conditions related to operation of the venue will be enforced in the Liquor Licence.</p>
	<p>The Plan of Management should also be updated to be consistent with the recommendations of the amended acoustic report.</p>	<p>The Amended Plan of Management has been updated to reflect the NIA and confirm operation will be in accordance with any terms of the Liquor Licence.</p>
	<p>Smoke - The construction and use of open firepits without any type of flue system to control smoke emissions is not supported and will be appropriately conditioned.</p>	<p>The architectural plans for the amended proposal illustrates flues to all outdoor fireplaces. Fire pits have been removed from the proposal.</p>

Group	Issue(s)	Response
	<p>Unsewered land - In relation to the proposal as it relates to unsewered lands, the proposal documentation includes a letter from a licensed Water Servicing Coordinator which states "<i>Although Sydney Water's records indicate that there is no approval to connect, it is our opinion that this sewer is available for connection and has the capacity to service the proposed development.</i>"</p> <p>In regard to the proposal, there is no capacity within the site to install a private wastewater system to service the development. Without a strict guarantee such as a Section 73 Compliance Certificate that the development is able to connect to the Sydney Water infrastructure, the proposal is not supported.</p> <p>Alternatively, connection to the Terrey Hills Commercial Sewage Scheme Pty Ltd private line is satisfactory as long prior consent is provided from the owner's corporation and the Sydney Water 73 Tap in as the private line goes into the public sewer main up around Myoora Road.</p>	<p>The Sydney Water Feasibility letter at Appendix J confirms:</p> <ul style="list-style-type: none"> ▪ The proposed development lies in the Terrey Hills Minor Service Extension (MSE). ▪ The MSE pressure system has sufficient capacity to service this proposed development. <p>It is noted this will be reassessed during the S73 application, however demonstrates at this time sufficient capacity is available.</p>
	<p>Lighting - It is noted that the proposal includes external lighting for the driveway and car parks. Please submit a lighting plan / lighting impact statement to assess any potential light spill on surrounding properties.</p>	<p>The architectural plans for the amended proposal illustrates information on the external lighting to driveway and car park.</p> <p>All external lighting will comply with AS1158 series-lighting for roads and public spaces and AS/NZS 4828, so that the lighting does not create a nuisance or negatively affect the amenity of the surrounding neighbourhood. Additional information on lux measurements and lighting design can be provided to Council as a condition of consent.</p>
Landscape Officer	<p>The application is assessed by Landscape Referral against Warringah Local Environmental Plan 2011 and the following Warringah Development Control Plan 2011 controls (but not limited to):</p> <ul style="list-style-type: none"> • D1 Landscaped Open Space and Bushland Setting • E1 Preservation of Trees or Bushland Vegetation 	<p>As outlined in the Arborist Report prepared by Anderson EP at Appendix Q, Tree 33 can be retained under the condition that an Arborist would need to supervise any excavation works within the vicinity of the tree/ TPZ to make sure no significant roots are removed. This can be conditioned in the development consent.</p>

Group	Issue(s)	Response
	<p>The Arboricultural Impact Assessment identified tree 33 as having a major encroachment and requiring removal. It is noted tree 33 has poor health and structure, low landscape significance and retention value, and a short life expectancy. Tree 33 is located in the neighbouring property and therefore cannot be removed. Due to its condition, identified by the Arborist, if owners consent from the neighbouring property owner for the removal of tree 33 is obtained removal could be supported. It is noted that the adjoining property owner does not have any obligation to consent and may choose to not provide an agreement. Landscape referral can continue their assessment upon receipt of further information regarding tree 33, including the relevant owner's consent if the removal of the tree.</p>	
	<p>General comments:</p> <p>The Landscape Officer acknowledges that the development does not achieve the 70% landscaped area under the WDCP requirement, as calculated in accordance with the definition of landscaped area under the WLEP and include areas less than 2m in width. It is also noted that the overflow carpark takes up a considerable portion of the available compliant landscaped area and the frequency of its use as a carpark rather than a landscaped area due to the shortfall of parking (DCP parking requirements) provided on site is questioned.</p> <p>Extensive medium to large tree replacement planting is proposed and as such the removal of the 11 prescribed trees within the property boundaries can be supported. Tree stand 1 is exempt by species and can be managed or removed at the discretion of the applicant without consent,</p> <p>An area of permeable paving is shown on landscape drawing LP02-D0224 within the front 10m setback to Myoora Rd and this shall be removed and replaced with mass planting.</p>	<p>The overflow parking has been removed from the amended proposal and as such the southern portion of the site fronting Mona Vale Road will comprise landscaping only. The area of permeable paving in the Myoora Road setback on landscape drawing LP02-D0224 has been removed and replaced with mass planting. Additional tree planting has also been proposed in the car park area within the aisles.</p>


Group	Issue(s)	Response
Development Engineer	<p>Stormwater</p> <p>The following additional information is required in respect to the stormwater design and the site access.</p> <p>Council's Water Catchment team does not support the current proposed water quality control measures.</p>	<p>A stormwater RFI statement is provided at Appendix E and Stormwater Management Plan is provided at Appendix P.</p>
	<p>Council's Development Engineer requests additional information regarding the stormwater design as detailed below.</p> <ul style="list-style-type: none"> • According to Council's records, a Council's stormwater lintel pit connects to a 1350mm Council's channel chamber travelling across the road. Please discharge surcharge issue from the boundary pit. An indicative location of Council's drainage infrastructures is attached at the end of this referral letter. • The 1350mm Council's channel chamber shown in Council's system is indicative only. A licensed plumber should investigate and locate this Council's channel chamber to double check its size, and to make sure it crosses Myoora Road and eventually goes to the creek. • A copy of DRAINS model shall be submitted to Council for assessment. • The OSD system shall be sized for 1% AEP storm events with no surcharge in the 1% AEP storm events. • Details of the overflow route from the OSD tank shall be provided and in particular, where the overflow from the OSD tank flows to shall be shown on the stormwater plans. • It doesn't seem like all stormwater runoff to the OSD tank will go into the high early discharge chamber. How much area to the OSD tank will go into the high early discharge chamber shall be clarified on the stormwater plans and shall be taken into consideration in the DRAINS Model. • A section plan shall be submitted perpendicular to Section A through the filter weir and the 450mm orifice. 	<p>Richmond and Ross provide the following responses in the RFI Statement at Appendix E to the Council engineering comments:</p> <ul style="list-style-type: none"> ▪ The outlet of the proposed OSD Tank has been updated to connect to the abovementioned 1350MM Council stormwater channel in Myoora Road. Refer to Civil Plans at Appendix D. ▪ A detailed survey has been undertaken to locate the exact size and location of the existing Council channel in Myoora Road. The DRAINS Model is provided at Appendix O. ▪ The OSD has been designed to capture, store and discharge runoff from the proposed development up to the 1% AEP storm event. Discharge has been limited to piped flow to ensure that there is no surcharge within the site or in Myoora Road. ▪ Overflow from the OSD tank will exit the tank via the grated lid over the treatment chamber and overtop the kerb which will drain towards Myoora Road. Refer to Civil Plans at Appendix D. ▪ Design has been updated to ensure all stormwater enters the high Early Discharge via the filter chamber weir. ▪ A section through the filter weir and orifice and the high early discharge weir has been provided. Refer to Civil Plans at Appendix D.

Group	Issue(s)	Response
	<ul style="list-style-type: none"> •A section plan shall be submitted parallel to Section A through the high early discharge weir. 	
	<p>Pedestrian access</p> <p>The proposed pedestrian access within Council's Road Reserve shall be shown on the plans.</p>	<p>The kerb ramps provided to the road reserve is included in the architectural plans.</p>
Riparian Lands and Creeks Officer	<p>A watercourse runs along the property boundary at Myoora Road but is not shown in the survey. The watercourse is part of the headwaters for Kierans Creek, and is a Strahler System 1st order watercourse. For 1st order watercourses, a 10 metre wide vegetated riparian zone is recommended, of which select activities can occur up to 5 metres from the top of bank with appropriate offsetting. The proposal in its current form includes a vegetated setback from the watercourse that is approximately 10 metres from the property boundary and so at this stage appears consistent with the guidelines.</p> <p>The proposal must clearly show the position of the watercourse relative to the proposed development, and how the proposal responds to the presence of the watercourse. No structures should be constructed over the creek or within the vegetated riparian zone except for footpaths and road access. The rectangular area of permeable paving in the riparian corridor is likely not acceptable and so requires explanation or removal. No structural supports for footpath or road crossings are to be placed in the watercourse channel. The design of the footpath crossing the watercourse must allow for light penetration where possible.</p>	<p>The revised Architectural Plans at Appendix B illustrate the location of the watercourse to the north-west of the site. Road access is required in a minor portion of the watercourse; however no structures are constructed in this zone consistent with the Council comments. The area of permeable paving has been removed and replaced with landscaping.</p>
Water management officer	<p>The proposal must meet the objectives of the Warringah DCP 2011, section C4 Stormwater Objectives, and the requirements of the WMD Policy.</p> <p>Section 4.0 of the WMD Policy applies. Water sensitive urban design (WSUD), water reuse and infiltration into the soil, and the resulting quality of stormwater leaving the site are interconnected concepts that guide a merit-</p>	<p>Richmond and Ross civil engineers provide the following responses in the RFI Statement at Appendix E to the Council engineering comments:</p> <ul style="list-style-type: none"> ▪ The outlet of the proposed OSD Tank has been updated to connect to the abovementioned 1350MM Council stormwater channel in Myoora Road. Refer to Civil Plans at Appendix D.

Group	Issue(s)	Response
	<p>based assessment under the section. The water treatment chain of the proposal comprises of Ocean Guard pit inserts and StormFilter Cartridges. As such, it does not meet the outcomes Council seeks under Section 4.0 of the WMD Policy.</p> <p>Section 4.1 of the WMD Policy applies. The proposal must meet Table 5 – General Stormwater Quality Requirements. A MUSIC file was not provided. A MUSIC schematic was provided in the Stormwater Management Plan. Council does not support the use of proprietary devices for pollutant removal if they do not achieve natural water cycle processes such as infiltration, evaporation or transpiration; or have the potential to remove dissolved pollutants. The treatment chain does not meet the WMD Policy standards of design (section 4.1.2).</p> <p>Note: Please review the other referral comments which are available online which contain conditions which have been recommended to allow the development to be supported.</p>	<ul style="list-style-type: none"> ▪ The Council DCP specifies that the use of proprietary devices where these processes are limited (for instance in clay soils) when evidence is provided that demonstrates the performance of the device in the field. The Geotechnical Report prepared by Fortify Geotech and submitted in the DA package identifies that the Borehole in the area where the OSD/treatment chamber is proposed shows the presents of Clay. Therefore, the processes such as infiltration, evaporation and transpiration are limited. The proposed stormwater management measures are acceptable for the site. ▪ A MUSIC model is provided at Appendix O. ▪ As outlined in the Stormwater Management Plan at Appendix P, the proposal achieves a 85% reduction in suspended soils, 67.2% reduction in phosphorous, 45.3% reduction in nitrogen, and 96.4% reduction in gross pollutants. This is above the recommended targets. ▪ The proposed system will result in adequate environment protection and reduction in water pollutant loads based on modelling.
<p>Submissions</p>	<p>A total of 42 unique submissions have been received, including 20 submissions in objection. The relevant and material planning issues raised in the submissions are shared by Council and are summarised below:</p> <ul style="list-style-type: none"> • Overdevelopment given the scale of the development in the RU4 Rural zone and impacts on the character /amenity of the area; • Traffic, road safety and parking issues; • Amenity impact in particular acoustic issues considering live outdoor music, patron capacity and trading hours and servicing needs. In addition, impacts due to light spill and smoke nuisance; • Cumulative impacts considering other commercial developments in area; • Ecological issues / potential impacts on waterways; and 	<p>A response to the themes outlined in the public submissions is provided in Section 5.</p>

Group	Issue(s)	Response
	<ul style="list-style-type: none"> • Safety concerns with egress for residents in the area in the case of an emergency, such as a bushfire. <p>Please review the submission and provide a response to the issues raised.</p>	
Design and Sustainability Advisory Panel 28 November 2024	<p>This is the 2nd time that the Panel has reviewed the proposal. The 1st pre-lodgement meeting (PLM) took place on 23rd May 2024.</p> <p>The subject site stretches over 264m between Mona Vale Road and Myoora Road and falls about 16m (or 1:16.5) over this distance. The frontage to either road is approximately 60m. Myoora Road presents a great diversity of uses.</p> <p>The site is in an RU4 Rural Landscape zone. The objectives of the RU4 zone seek to minimise land-use conflicts between sites and to maintain the rural and scenic character of the land. The Panel is satisfied that this objective has been met. The Panel commends the applicant on a very clear and meaningful set of beautiful drawings.</p>	Noted. No further action required.
	<p>The Panel does however note that many neighbours have written in to express their concerns about the noise, traffic and other issues that might foreseeably be created by the development. According to the applicant they are consulting with the community and endeavouring to ally and/or resolve these concerns. The Panel commends the applicant for engaging with the community and hopes that this will help identify opportunities to positively resolve any major concerns, especially around proposed uses of the site, traffic and noise. As a guide the Panel would encourage consideration of:</p> <ul style="list-style-type: none"> - Hosting food markets - Cooking classes and information sessions, e.g. to help people understand the benefits of electric cooking and sustainable living - Educational signage about the sustainable initiatives incorporated (see under Sustainability) 	The applicant will consider these suggestions as part of the future operation of the site.
	Strategic context, urban context: surrounding area character	Noted. No further action required.

Group	Issue(s)	Response
	Recommendations: Nil	
	Scale, built form and articulation Recommendations: Nil	Noted. No further action required.
	Access, vehicular movement and car parking Recommendations: Satisfactory consideration and resolution of TfNSW road safety impacts. Further analysis of expected high-demand parking periods and mitigation strategies (including the dedicated/managed use of alternative bus and cycling options) and ways to minimise the need to utilise the overflow parking. The Panel is keen to ensure that the overflow parking is retained as a key part of the visual and recreational landscape, and as much as possible used for non-parking related activities. Consideration should be given to the use of more resilient permeable paving in the over-flow parking either as a complement or replacement solution to the turf should this system degrade over time and need to be substituted. The use of asphalt should be avoided.	TfNSW comments have been addressed in this table and satisfactorily resolved through the significant reduction in the scheme. The overflow parking has been removed from the scheme, so mitigation measures are not required to reduce the use of this.
	Landscape Recommendations: The required 70% landscaped open space area should be easily achieved on a site of this size. More effort to comply with the relevant controls should be made and a development of the correct size and proportions proposed for assessment. Consideration should be given to ensuring that the subterranean carparking does not impinge upon the 7.5-metre side boundaries allowing this area to be deep soil planting as intended by the WDCP. The extended entry drive, parking and passing bay along the southern boundary still add a significant portion of hard paved area and should be reduced to provide more areas of landscaping to attain the 70% requirement.	The amended Landscape Plans (Appendix C) provides 11,642 plants (99% native) and 9314sqm open landscaping. The scheme provides 58.4% landscaped area as defined under the WDCP control, or 59.9% of the site when including the landscaping between car park aisles. The Landscape Plans provide planting along the side setbacks, including ten mature canopy trees and advanced shrub planting. There is no car parking provided in the side boundary setback, only the driveway area which is permitted under the side setback controls of clause B5 of the WDCP. Basement vehicular access is essential to achieve suitable car parking on the site whilst dedicating 59.9% of the area to landscaping. The scheme achieves a suitable balance of these provisions.

Group	Issue(s)	Response
	<p>More tree planting in islands within the at-grade carpark should be proposed to help reduce heat island effect while providing shade to the parked vehicles and pedestrians alike.</p> <p>A structural root cell system that can also harvest and store rainwater for use in irrigation should be considered for installation below the entire at-grade car parking area(s) to ensure proper root development and healthy, vigorous tree growth.</p> <p>A focus on plants from the Threatened Ecological Community Duffy's Forest should form the majority of the plant list to help the regeneration of this endemic community.</p> <p>A significant number of upper storey and mid storey canopy trees should be included in the landscape scheme and specified throughout the site to provide shade, habitat and year-round architectural interest.</p> <p>A balance can be achieved between compliance with Planning for Bushfire Protection and meeting the objectives of the DCP while providing good canopy coverage and habitat value for endemic fauna.</p>	<p>The driveway along the southern side boundary of the site is required to provide vehicular access, loading and servicing given the long depth of the site area. This also ensures the feasibility of the scheme by allowing for a central area of consolidated restaurant floor space. However, extensive tree canopy planting is proposed along the full southern boundary as illustrated in the extract of the plans below.</p>  <p>The Landscape Plans have been amended to include more tree planting in islands within the at-grade carpark. This will include tree canopy coverage and shrub planting. Overall, 121 canopy trees are proposed (an increase of 10 trees since the previous scheme) in the form of a range of upper and mid storey canopy trees consistent with Council's recommendation.</p> <p>Dangar Barin Smith recommend placing the TerraVault Structural Soil Cells strategically in the carpark to ensure adequate irrigation is given to mature tree root systems. A link to the system is provided here: https://www.rainsmartsolutions.com/terravault_structural_soil_cell.</p> <p>To ensure the landscape design is a continuation of the native Terrey Hills context, Dangar Barin Smith has considered the Threatened Ecological Community Duffy's Forest plant list to form 55% of the proposed species. The use of locally indigenous groundcovers and grasses such as <i>Hibbertia bracteata</i> and <i>Lomandra longifolia</i>, as well as canopy trees such as <i>Eucalyptus haemastoma</i> and <i>Angophora costata</i>, have been selected to help the regeneration of this endemic community.</p>
	<p>Amenity</p> <p>Recommendations: Nil</p>	<p>N/A</p>

Group	Issue(s)	Response
	<p>Façade treatment</p> <p>Recommendations: Nil</p>	N/A
	<p>Sustainability</p> <p>Recommendations:</p> <p>Decarbonisation of energy supply</p> <ul style="list-style-type: none"> • As noted by the proponents, all services are to be electric. For information on the importance of this for cooking, see https://cooksafecoalition.org/. • Heat pump systems for providing electric hot water need adequate space for their proper ventilation. The storage of hot water can be considered a de facto battery if heated by PVs during the day. • On site battery storage has benefits for the grid and may be a highly desirable back-up during the transition to a de-carbonised grid • Confirm where PV installations, sized to suit the demand, will be located. 	<p>The proposal includes a combination of electric, gas and live fuel cooking services.</p> <p>The solar PV array (proposed to be located on the roof) will service onsite electricity demand. The indicative location of solar PV array is illustrated in blue hatch in the roof plan on the Architectural Plan set (Plan DA1-1023) at Appendix B.</p> <p>The operator will consider provision of a battery during detailed design.</p> <p>The development complies with Section J as outlined in the Section J Report prepared by Efficient Living at Appendix N.</p>
	<p>EV charging</p> <ul style="list-style-type: none"> • Provide EV charging points (Min 15 amp) to suit level 1 charging in basement carparking. • Confirm external location for secure storage for bikes, including E Bikes. <p>Passive design and thermal performance of building fabric</p> <ul style="list-style-type: none"> • Engage a fabric first approach to ensuring amount of energy required for heating and cooling can be kept to a minimum. This can be enhanced with appropriate orientation, smart built form, good insulation and sealing, well designed natural ventilation, external shading devices and appropriate planting. • Consider investing in higher than the minimum Section J requirements in preparation for the changing climate we are experiencing. • The inclusion of ceiling fans to all rooms will provide comfort with minimal energy while reducing the need and energy required for air-conditioning. 	<p>As illustrated on the amended Architectural Plans at Appendix B, provision for 17 public electrical vehicle charging bays has been allocated in the at-grade car park. 10 bicycle parking spaces are provided in the at-grade car park and a secure e-bike charging station is proposed in the basement. The proposed design provides a thoughtful orientation and smart built form in the pavilion style to maximise natural light and ventilation, reducing reliance on artificial systems. Exterior pergola structures and extensive landscaping also provides shading to reduce contribute to the environment.</p>

Group	Issue(s)	Response
	<p>Water use minimisation</p> <ul style="list-style-type: none"> • Harvest rainwater from roofs and ensure tanks are connected to the toilets to maximise reuse. This will also reduce the size of tank required because the water will be used constantly. • All fixtures and appliances should be water efficient. • Landscape design and planting should be water tolerant and suitable for the microclimate 	<p>Two 10kL rainwater tank are currently proposed for this development. In detailed design, a large proportion of the roof space will be plumbed to these tanks with a target of providing 100% irrigation capacity from these tanks. These tanks will be plumbed to supply toilets and landscape irrigation with back up supply from the potable water mains.</p> <p>The following WELS water ratings are proposed for each key fitting:</p> <ul style="list-style-type: none"> ▪ Toilets 4 star WELS. ▪ Taps 6 star WELS with timed flow mechanism. ▪ Dishwashers when installed 4-5 star WELS. <p>The proposed landscaping provides 99% native plants to ensure the species are suitable for the microclimate and have a naturally low water demand.</p>
	<p>Materials</p> <ul style="list-style-type: none"> • A new area of NABERS, consider the following approaches to reducing the embodied carbon of the project: <ul style="list-style-type: none"> o Reusing existing buildings' materials in the design or finding other places that can use them. o Simplified structures and reduced spans to reduce the amount of steel reinforcement and concrete required o Simplified building envelopes with minimal steps in facades and minimal fixings o Keeping small and optimising the quantity and quality of space required o Dematerialising wherever possible o Designing for long life for the overall building and how to address different time frames for structure, envelope, services, fitouts etc. o Consideration of using biogenic materials such as timber for structure o Using low embodied carbon concrete, recycled steel and recycled materials wherever possible 	<p>The proposed materials include a light palette of tonal timber, steel and recycled brickwork has been utilised to provide a rural quality to the development. A focus has been placed on utilising textured materials to provide increased connections to the landscape. The use of recycled brickwork is consistent with the DSAP recommendations. Light coloured materials and external finishes on horizontal surfaces, to reduce heat absorption and reduce urban heat island effect, have been specified.</p> <p>The amended design proposes two pavilion buildings with a connected back of house and amenities area. This is a simplified building expression consistent with the rural character of the site. The consolidation of services in the amended scheme is consistent with these recommendations. The building provides large operable windows and doors on multiple aspects to support natural ventilation, supported through the inclusion of ceiling fans as well as integrated mechanical ventilation.</p>

Group	Issue(s)	Response
	<p>Education</p> <ul style="list-style-type: none"> • Hospitality projects like this are a great opportunity for providing information about the sustainability features of the building, particularly how important electric cooking is. Signage could be used to explain the importance of being fully electric, materials selection, approaches to reduce embodied carbon, water recycling, solar power and energy balance, natural ventilation etc. 	<p>The applicant will consider these suggestions as part of the future operation of the site.</p>

4.1.2. Government Agency

Group	Issue(s)	Response/ Action
TfNSW	<p>General Comments</p> <p>TfNSW has reviewed the application and does not support the DA in its current form. TfNSW is of the view that the DA will create a number of road safety issues, in particular, right turns out of Aumuna Road onto Mona Vale Road. Detailed comments are provided in TAB A below. It has been identified by TfNSW that no transport or traffic amelioration measures are proposed by the Applicant at the intersection of Mona Vale Road (classified road) and Aumuna Road intersection to reduce the impact of the DA in terms of improving road safety and network efficiency outcomes that benefit the development's operations and traffic generation and future road users.</p> <p>As such, TfNSW recommends that the Applicant investigate and propose appropriate traffic mitigation measures to reduce the delay and associated road safety impact of the DA on the classified road network to address TfNSW comments in TAB A. Following receipt of updated information that addresses TAB A, TfNSW will review the material and respond accordingly.</p>	<p>Traffix have addressed TfNSW comments in the supporting RFI letter at Appendix F.</p>
	<p>TAB A – TfNSW's reasons for not supporting the DA as currently submitted are detailed below:</p>	<p>The TIA prepared by Traffix at Appendix F provides revised intersection modelling based upon the amended scheme. In particular, the RFI Letter (Appendix F) states the modelling results show there will be no noticeable</p>

Group	Issue(s)	Response/ Action
	<p>Delays: TfNSW notes that the DA will significantly increase the delay for vehicles at the Mona Vale Road/Aumuna Road intersection, with delays for right turns out onto Mona Vale Road increasing from 310 seconds to 403 seconds. The analysis provided shows that the Mona Vale Road/Aumuna Road intersection is currently performing very poorly, and that the additional traffic generated by the DA will create an unacceptable safety risk at this intersection. High delays at an intersection will likely encourage drivers to take risks. Given the road environment, such risks could result in high-speed, high-severity crashes. The currently submitted documentation does not include any transport or traffic amelioration measures at the above intersection to reduce the impact of the DA in terms of improving road safety and network efficiency outcomes that benefit the development's operations and the associated vehicular traffic that the DA will generate. The fact that an intersection is already performing poorly does not justify accepting further vehicle movements without implementing necessary improvements. The Applicant must investigate and propose suitable traffic mitigation measures to reduce delays and improve road safety at this intersection.</p>	<p>changes to the overall performance of the critical intersection of Mona Vale Road and Aumuna Road as a result of the proposed development and no upgrades are required to be made to this intersection.</p> <p>Whilst the intersection of Mona Vale Road and Aumuna Road currently fails and will continue to fail under the development scenario, this is due to vehicles turning right from Kamber Road onto Mona Vale Road, northbound and is not attributed to the additional traffic generated by the proposed development.</p> <p>Whilst there is a small increase to the average delay for vehicles turning right from Aumuna Road, eastbound onto Mona Vale Road, southbound, this is minor (+5.1 seconds in total), and the overall performance of the intersection will continue to operate at a Level of Service F with a slight improvement in average delay (-4.2 seconds). This slight improvement is likely because more vehicles pass through the intersection without causing the worst performing movement (the right turn movement from Kamber Road onto Mona Vale Road) to perform any worse than it is already performing under the existing scenario.</p> <p>The critical movement involving vehicles departing the subject site and turning right from Aumuna Road (eastbound) onto Mona Vale Road, southbound will result in an additional six vehicles per hour undertaking this manoeuvre during peak times which is considered minor (equivalent to one additional vehicle every 10 minutes) and will have no noticeable impact on the performance of this intersection. Therefore, no improvements are required to the critical intersection of Mona Vale Road and Aumuna Road to facilitate the proposed development in accordance with TfNSW guidelines.</p>
	<p>Trip Distribution: TfNSW does not agree with the trip distributions as detailed in the Traffic Impact Assessment (TIA) prepared by Traffix (reference 24.01 4r01 v02, dated September 2024). A review of available Google data</p>	<p>The intersection survey results prepared by Traffix demonstrate during the critical Saturday peak at the intersection of Myoora Road/Aumuna Road between 10:15am-11:15am, only 17% of vehicles approached the</p>

Group	Issue(s)	Response/ Action
	<p>suggests that vehicles travelling from the development site to the east, south, and north are directed by Google Maps to exit via the Mona Vale Road and Aumuna Road intersection. Although some vehicle movements generated by the development may “take advantage of alternative more convenient vehicle routes using nearby signalised intersections to turn right onto Mona Vale Road” most vehicle movements will utilise the Mona Vale Road and Aumuna Road intersection.</p>	<p>intersection via the northeastern leg of Myoora Road and turned left onto Aumuna Road, southeast towards the intersection of Aumuna Road/Mona Vale Road.</p> <p>The adopted trip distributions as assessed in the Traffic Impact Assessment assigned 75% of outbound vehicles to exit the site and turn left onto Myoora Road and 50 % of those vehicles were assigned to turn left onto Aumuna Road, southwest which is considered a conservative assessment. A vehicle trip diagram is provided in the RFI statement for further clarify on this matter.</p>
	<p>Shuttle Bus: TfNSW acknowledges the statements highlighting the significant role of the shuttle/mini-bus in promoting more sustainable travel behaviour and reducing reliance on private vehicles and onsite parking. However, TfNSW notes that the mini-bus will not operate during peak periods in the middle of the week or on Saturdays, and its operation will be limited to Friday and Saturday evenings starting from 6 pm.</p> <p>Additionally, TfNSW observes that the parking and patron survey conducted by McLaren Traffic Engineering (dated 10 January 2018) indicated no shuttle bus usage among patrons of the nearby Tavern. Furthermore, TfNSW was unable to locate the map showing the areas covered by the shuttle bus, as referenced in the Statement of Environmental Effects prepared by Urbis in September 2024. TfNSW is of the opinion that if the shuttle bus to be provided is only servicing the local area, given the size of the development and the large catchment that patrons will be coming from, the shuttle bus, while great to provide, will have minimal impacts on reducing the number of vehicular movements coming to and from Mona Vale Road.</p>	<p>The shuttle bus is no longer proposed due to the significant reduction in the capacity of the site.</p>
	<p>Length of Stay: Based on the information provided, TfNSW assumes that the traffic generation rates for the DA assume a length of stay of 4.4 hours. If patrons were to stay for shorter durations, it would result in additional vehicle</p>	<p>Vehicle trip rates are based on Transport for New South Wales Guidelines (5 vehicle trips per 100m2 of restaurant GFA) and are not based on parking provisions.</p>

Group	Issue(s)	Response/ Action
	<p>movements (e.g. if people were staying for 1 hour there would be 2 movements per car space) thereby increasing traffic at the Mona Vale Road/Aumuna Road intersection. The submitted TIA has estimated 0.45 movements per parking space which indicates you will have large groups of people that will arrive and leave at the same time.</p>	
	<p>SIDRA: TfNSW has reviewed the provided SIDRA files and while noting the comments above has identified the following concerns that need to be addressed:</p> <p>The priorities within the model indicate that vehicles turning right out of Aumuna Road onto Mona Vale Road don't have to give way to vehicles turning right from Mona Vale Road into Aumuna Road. This is to be confirmed by the Applicant.</p> <p>The results within the network model are based on the average back of queue and not the 95th percentile. While the average can be provided, the 95th percentile should also be assessed/reported.</p> <p>The default gap acceptance has been used and confirmation that this satisfactorily calibrates the model should be provided (refer to additional comments on base model calibration in Point g).</p> <p>The traffic surveys undertaken to inform the study were not included in the traffic report, please provide these for review.</p> <p>An exit speed of 50km/h has been selected for vehicles travelling from Aumuna Road to the waiting bay. Justification for the speed selected is to be provided.</p> <p>The SIDRA results show that the post-development intersection of Mona Vale Road and Aumuna Road will not be functioning satisfactorily and will be over capacity. But that is based on an input of 135 movements per hour. There is no justification for this rate and that it applies to this site. TfNSW notes that the mini-bus will not be operating during peak times in the middle of the week and will only be operating on Friday and Saturday evenings from</p>	<p>The traffic model has been revised in accordance with the recommendations provided. In summary, Traffix note:</p> <ul style="list-style-type: none"> ▪ The 95th percentile queue is included in the updated modelling results. It is noteworthy that the western Aumuna Road approach at the intersection of Mona Vale Road / Aumuna Road (South Approach) during the critical Saturday peak in the post development scenario operates with a 95th percentile back of queue of 1.7 vehicles (11.7m). This is in comparison with a 95th percentile back of queue of 1.4 vehicles (10.1m) for the existing intersection. The increase (0.3 vehicles and 1.6m) is considered negligible and will have no noticeable impacts on the operation of this intersection. ▪ The default gap acceptance has been set as 'high' to account for the high traffic flow along Mona Vale Road (opposing movement). ▪ The revised model has been updated with an applied exit speed of 10km/h. ▪ The revised model has been updated based on the updated yield and associated trip generation based on TfNSW Guidelines. ▪ Observed video footage demonstrated no more than two (2) vehicles arrived and queued along Aumuna Road at the intersection of Aumuna Road / Mona Vale Road.

Group	Issue(s)	Response/ Action
	<p>6 pm therefore making it more difficult for TfNSW to understand the applicability of the 135 vehicle movements per hour. In addition, the above does not include the use of the site for functions that would see large numbers of people arriving and leaving at the same time.</p> <p>The SIDRA base models needs to be calibrated with on-site observations relating to queue lengths, delays, etc. While it is noted that a traffic survey has been completed, no details have been provided on what calibration works have been undertaken. As such, TfNSW requires details on how the base model has been calibrated and validated with on-site observations in the AM and PM peaks (e.g. TfNSW requires the observation data for queue lengths and delays at the Mona Vale Road and Aumuna Road intersection that has been used to inform the SIDRA base models in the AM and PM peaks).</p>	
	<p>Strategic Design: A strategic design for any identified works at the Mona Vale Road and Aumuna Road intersection will need to be prepared to clarify the scope of works, demonstrate the works can be constructed within the road reserve and allow the consent authority to consider any environmental impacts of the works as part of their Part 4 assessment. These impacts include traffic and road safety impacts as well as other impacts such noise, flora and fauna, heritage and impact to community. The strategic design should address the requirements as detailed in the TfNSW Strategic Design Requirements fact sheet which is accessible through the following link - Strategic Design Fact Sheet.</p>	<p>No intersection upgrades are required or considered necessary based on the modelling results presented in the TIA. The modelling results show there will be no noticeable changes to the overall performance of the critical intersection of Mona Vale Road and Aumuna Road as a result of the proposed development and no upgrades are required to be made to this intersection. There is no change to the performance of the intersections assessed as follows:</p> <ul style="list-style-type: none"> ▪ Mona Vale Road and Aumuna Road (south approach): LoS F in both existing and post-development conditions. ▪ Mona Vale Road and Kamber Road (north approach): LoS E in both existing and post-development conditions. ▪ Aumuna Road and Myoora Road: LoS A in both existing and post development conditions.

Group	Issue(s)	Response/ Action
Rural Fire Service	<p>Landscaping within the area mapped as Bush Fire Prone Land must comply with Appendix 4 of Planning for Bush Fire Protection 2019. In this regard, the following principles are to be incorporated:</p> <ul style="list-style-type: none"> ▪ A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building; ▪ Planting is limited in the immediate vicinity of the building; ▪ Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters); ▪ Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings; ▪ Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies; ▪ Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown; ▪ Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter); ▪ Avoid climbing species to walls and pergolas; ▪ Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building; ▪ Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and ▪ Low flammability vegetation species are used. <p>Please submit certification from your bushfire consultant that confirms that the landscape plans are consistent with the principles/ conditions from the RFF.</p>	<p>Black Ash bushfire experts have provided an RFI statement at Appendix K. The nearest bushfire prone land is an area of Category 1 Vegetation to the south-east of the site on the opposite side of Mona Vale Road. The Vegetation Buffer associated with this bushland extends slightly over the eastern corner of the site. The eastern corner of the site comprises landscaping only. Black Ash consider this is defined as “cultivated ornamental gardens”, which as defined in the Planning for Bush Fire Protection (PBP) 2012 is “<i>Land that has vegetation removed or maintained to a level that limits the spread and impact of bush fire.</i>”</p> <p>Based upon this, Black Ash conclude:</p> <ul style="list-style-type: none"> ▪ The landscaping for the proposed licenced premises will contain cultivated ornamental gardens, identified within PBP 2019 as being managed lands and therefore no formal assessment / legislative requirements apply from a bushfire perspective. ▪ Based on an assessment of the plans and the site, the proposed development is considered adequate and appropriate in the context of bushfire risk. ▪ The development is greater than 160 metres from the nearest bushfire hazard and there is insufficient bushfire risk to warrant any further requirements for the landscaping plan with regard to bushfire protection. ▪ The RFI assessment constitutes a ‘certificate’ and confirms that the proposed development conforms to all the relevant legislative requirements.

Group	Issue(s)	Response/ Action
	The NSW RFS was not able to verify the assessment set out in the bush fire report submitted with the application. The NSW RFS has therefore undertaken an independent assessment of the proposal to determine compliance with Planning for Bush Fire Protection 2019.	Noted.
Ausgrid	<p>Ausgrid Underground Cables are in the vicinity of the development. Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.</p> <p>It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Before You Dig Australia (BYDA)</p> <p>In addition to BYDA the proponent should refer to the following documents to support safety in design and construction:</p> <p>SafeWork Australia – Excavation Code of Practice.</p> <p>Ausgrid’s Network Standard NS156 which outlines the minimum requirements for working around Ausgrid’s underground cables.</p> <p>The following points should also be taken into consideration.</p> <p>Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.</p> <p>Should ground levels change above Ausgrid’s underground cables in areas such as footpaths and driveways, Ausgrid must be notified, and written approval provided prior to the works commencing.</p> <p>Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.</p>	Noted. This can be resolved during design development and construction.
	Ausgrid Overhead Powerlines are in the vicinity of the development.	Noted. This can be resolved during design development and construction.

Group	Issue(s)	Response/ Action
	<ul style="list-style-type: none"> ▪ The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase. ▪ Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site. ▪ The “as constructed” minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website at www.ausgrid.com.au. ▪ It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer’s cost. 	
	<p>New Driveways – Proximity to Existing Poles</p> <p>Proposed driveways shall be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback, this is to allow room for future pole replacements. Ausgrid should be further consulted for any deviation to this distance.</p>	<p>The proposal will require the relocation of the Telstra / NBN power pole. Commex communications and pipe specialist consultants have been engaged by the applicant to provide further advice on relocation. A new communications pole will be installed, and a Network Asset Relocation Request will be submitted and assessed during detailed design.</p>
	<p>New or modified connection</p> <p>To apply to connect or modify a connection for a residential or commercial premises. Ausgrid recommends the proponent to engage an Accredited</p>	<p>Noted. This can be resolved during design development and construction.</p>

Group	Issue(s)	Response/ Action
	Service Provider and submit a connection application to Ausgrid as soon as practicable.	
NSW Police	<p>Matters raised as follows:</p> <ul style="list-style-type: none"> ▪ CPTED ▪ Surveillance ▪ Lighting ▪ Capacity ▪ Access Control ▪ Territorial Reinforcement ▪ Space/ Activity Management ▪ Parking ▪ Crime Prevention/ Risks ▪ Plan of Management 	<p>All matters can be managed through the imposition of an appropriate condition of consent. As outlined in the Amended Plan of Management (Appendix H) the proposal will include:</p> <ul style="list-style-type: none"> ▪ Incident reporting to local police. ▪ Compliance with crime scene reporting. ▪ CCTV systems which will record continuously from opening time until one hour after the premises close. The cameras will cover all entry and exit points on the premises, the public footpath immediately adjacent to the premises, all publicly accessible areas (other than toilets) on the premises. All recordings are in digital format. <p>The additional recommendations on lighting engineer and duress alarm will be considered by the operator during operation of the venue.</p> <p>The applicant operates a number of existing venues across Sydney and Wollongong and as such has extensive experience in venue management. Any required changes to the Plan of Management once the venue commences operation will be made and consultation undertaken with NSW Licensing Police and Northern Beaches Council (as relevant). The most current version of the Plan of Management must be made available to NSW Police and Liquor & Gaming NSW Inspectors upon their request.</p>

4.1.3. Public Submissions

Issue(s)	Response/ Action
Positive submission in support.	22 positive submissions in support of the DA have been received, demonstrating the strong support from the local community due to:

Issue(s)	Response/ Action
	<ul style="list-style-type: none"> ▪ The desire for this new hospitality venue and provision of new facilities for the community that are currently lacking in the local area. ▪ The significant renewal and improvement to the site that will be achieved through the development and significant landscaping with over 122 new trees. ▪ Additional job opportunities for the local community. ▪ Family friendly offering in response to the surrounding demographics. ▪ Investment in the local economy and positive economic impact on land value. ▪ Positive Boathouse reputation and trust in the local business to operate and manage the venue effectively. ▪ Support for thoughtful design and landscaping. <p>The above elements have been retained in this proposal.</p>
<p>Overdevelopment given the scale of the development in the RU4 Rural zone and impacts on the character /amenity of the area</p>	<p>This RFI response takes significant steps to reduce the capacity and scale of the venue, and therefore to address the overdevelopment of the site.</p> <p>The capacity and scale of the venue has been reduced to ensure it aligns better with the community's expectations. It is noted that whilst the patron capacity has been significantly reduced, the staff numbers remain at 40 to ensure adequate management of the site. The amended scheme will help manage the impact on the surrounding area, including traffic, noise levels, and capacity. The reduction in scale will ensure the development is consistent with the objectives of the RU4 zone as outlined in the following section. Further, the capacity has been reduced by over 200 patrons to 594 patrons which is suitable for the area of the site (15,960m²).</p>
<p>Traffic, road safety and parking issues</p>	<p>The applicant has worked closely with traffic consultant Traffix to develop operational strategies that mitigate the impact on traffic along Myoora Road.</p> <p>An additional entrance on Mona Vale Road cannot be undertaken as this is inconsistent with the Transport and Infrastructure SEPP requirements for classified roads. No parking and no vehicular access is proposed on Mona Vale Road and as such there will be no reversing back onto Mona Vale Road and or blocking flow of traffic on Myoora Road caused by the proposal.</p> <p>The TIA prepared by Traffix concludes the traffic generation arising from the development results in an additional 70 vehicle trips per hour during the weekday afternoon and Saturday peaks. Traffic impacts have been assessed using SIDRA Intersection 9.1 and there are no changes in the Level of Service of each of the key intersection surveys surveyed. The traffic impact is therefore acceptable and no mitigation measures to the intersections are required.</p>

Issue(s)	Response/ Action
	<p>The Plan of Management will ensure staff is assigned to ensure that patrons, in leaving the vicinity of the venue, do so promptly and as quietly as is reasonably possible. This will reduce noise generated from vehicles and patrons leaving the site. Car lights from vehicles travelling along Myoora Road are required for safety and is beyond the scope of this assessment.</p> <p>During construction, the applicant will implement strict guidelines to reduce noise and traffic during peak times, ensuring minimal impact on the community.</p>
<p>Amenity impact in particular acoustic issues considering live outdoor music, patron capacity and trading hours and servicing needs. In addition, impacts due to light spill and smoke nuisance.</p>	<p>To address amenity impact, the applicant has reduced the capacity of the venue to help minimise noise impact. The applicant will ensure that operation adheres to strict noise regulations. The applicant is committed to creating a development that respects the tranquillity of the Terrey Hills community while providing a valuable amenity and permitted facilities as per the additional permitted uses under the LEP for this area.</p> <p>The outdoor stage has been removed from the scheme. The NIA demonstrates the venue complies with the acoustic standards, without additional measures. The applicant will be implementing the measures outlined in the NIA and the Plan of Management during operation, and therefore noise impact will be less than the noise requirements. A condition of consent can be imposed to require the venue is operated in accordance with the Plan of Management. The adequacy of the Plan of Management will be managed by the applicant over the operation of the premises as outlined in Section 11 of the POM. Overall, the applicant is committed to providing a family-friendly venue for the local community without disturbing nearby residents and will ensure measures are implemented to achieve this. Changes will be made and consultation undertaken with NSW Licensing Police and Northern Beaches Council (as relevant).</p> <p>The 2024 Vibrancy Reforms designates Liquor & Gaming NSW as the lead regulator of entertainment and sound-related complaints for all licensed premises under the Liquor Act, 2007. Consequently, noise related conditions specified in development consents and 'offensive noise pollution' laws will no longer be applicable when regulated by the Liquor Act, 2007. The venue is a licensed premises and will therefore comply with the Liquor Licence, rather than the development consent.</p> <p>Any complaints associated with the operation of Mirramire Gardens is not relevant to the assessment of the proposal.</p> <p>Any external lights are proposed for safety and amenity only and will be installed in accordance with the Australian Standards as per the NSW Police submission.</p> <p>The Architectural Plans for the amended proposal illustrates flues to all outdoor fireplaces. Fire pits have also been removed from the proposal to remove smoke impact.</p> <p>This RFI also outlines the venue will not be used to accommodate functions and this use is not proposed on the site.</p>

Issue(s)	Response/ Action
Cumulative impacts considering other commercial developments in area	<p>The Traffic Report considers the cumulative traffic impact of the proposal including consideration of traffic generated from surrounding venues. Traffix have confirmed traffic impacts on the surrounding road network were included in the traffic surveys and the model.</p> <p>Any inconsistency between the zoning and any existing unlawful or non-permissible development in the surrounding area is a matter for Council consideration. The proposal is compliant with the zone, permitted land use and zone objectives as discussed in the following subsection.</p>
Ecological issues / potential impacts on waterways	<p>Submissions note the area is subject to weed infestation of exotic species, endangering the decreasing wildlife. The Landscape Plan proposes 99% native vegetation which will mitigate this issue on the site. Exotic species outside of the site is not relevant to the assessment of this proposal.</p> <p>Stormwater measures are proposed to ensure there is no adverse run off on surrounding water courses. The Stormwater Report identifies a system consisting of Ocean Guard pit inserts and StormFilter Cartridges is proposed to treat the stormwater runoff prior to discharge from the site. Analysis from MUSIC indicates the treatment targets are achieved by the proposed treatment train, mitigating any adverse impact on surrounding waterways such as Keirans Creek. The proposal achieves a 85% reduction in suspended soils, 67.2% reduction in phosphorous, 45.3% reduction in nitrogen, and 96.4% reduction in gross pollutants. This is above the recommended targets.</p>
Safety concerns with egress for residents in the area in the case of an emergency, such as a bushfire.	<p>The site is not within a bushfire hazard zone. The applicant fully supports emergency access during a bushfire along local roads. The Traffic Report demonstrates there are no changes in the Level of Service of each of the key intersection surveys surveyed as a result of the development. Preparation of an emergency evacuation plan for the broader area is not relevant to the assessment of the DA.</p>
Inadequate notification of development.	<p>Council is responsible for public exhibition of the DA as per the NSW statutory planning process.</p>

5. EVALUATION OF THE PROJECT

This section provides an assessment of the amended design against the relevant statutory planning framework including the relevant Acts, environmental planning instruments, draft environmental planning instruments, and development control plans as required under section 4.15 of the EP&A Act.

The assessment is limited to those aspects of the design that have been amended in response to submissions and as part of ongoing design development, as outlined in **Section 3.2** of this report.

Consideration	Proposal
Environmental planning instrument	<p><i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></p> <ul style="list-style-type: none"> ▪ Section 2.119 Development with frontage to classified road prevents councils from allowing new developments to have access to a classified road where alternative access is available and practicable via a local road. The site fronts Mona Vale Road which is a classified road. Access to the site is therefore proposed from Myoora Road, consistent with the SEPP. <u>This Section does not include a requirement for TfNSW to provide its concurrence or approval in order for development consent to be granted to the DA.</u> ▪ Section 2.122 Traffic impacts are discussed in the Traffic Impact Statement prepared by Traffix and identifies there are no changes in the Level of Service of each of the key intersection surveys surveyed. The traffic impact is therefore acceptable and no mitigation measures to the intersections are required. <u>This Section does not include a requirement for TfNSW to provide its concurrence or approval in order for development consent to be granted to the DA.</u> <p><i>Warringah LEP</i></p> <p>The proposal achieves a high degree of compliance with the WLEP. Compliance is summarised as follows:</p> <ul style="list-style-type: none"> ▪ Zoning: The proposed restaurant use is permitted with consent on the site under Clause 18 within Schedule 1 of the WLEP. ▪ Zone Objectives: The development is consistent with the RU4 zone objectives as follows: <ul style="list-style-type: none"> - The proposed restaurant use is a land use that is compatible to the surrounding sustainable primary industry. The area currently features a number of restaurant land uses in addition to a range of other uses resulting in a mixed-use character. The proposed use of the site and character of the facility as a semi-rural, landscaped restaurant venue is consistent with the character of the zone and will not prevent or prohibit operation of primary industry uses. - The proposed development will provide additional local employment opportunities on site through the proposed restaurant. This has been identified and strongly supported in the public submissions. This will increase productivity for the LGA and will allow for a local business that is already a well-known hospitality operator in the Northern Beaches. - The proposed development does not result in any unreasonable conflict between the continued land use of the site and adjoining or surrounding

land uses through suitable design, operational measures in the Plan of Management, extensive landscaping, and conditions of consent.

- Long distance views will be improved through the high-quality design. The development will open up the site to enable members of the public to appreciate the district views from the site to the surrounding setting.
 - The proposal will improve natural landscaping through provision of 11,642 plants (99% native) and removal of unsuitable landscaping.
 - The development has been significantly reduced in scale and is considered to be low intensity in accordance with the zone objectives. There is a significant setback of the built form of over 100m to Mona Vale Road, which is fully landscaped. This improves the rural character of the zone through design and landscaping outcomes.
- **Height:** The proposed building height is a maximum of 8.3m which is compliant with the maximum building height in the WLEP of 8.5m.

For all other SEPP and WLEP matters, the assessment completed in the lodged DA remains.

Development Control Plan	<p>The proposal achieves a high degree of compliance with the Warringah DCP, with supportable departures proposed for a number of controls. Compliance is summarised as follows:</p> <ul style="list-style-type: none"> ▪ Section B4 - Site coverage: The built site coverage of the amended proposal is 19.9%, compliant with the maximum 20% control. ▪ Section B5, B9, B14 - Setbacks: The proposal is compliant with the setback controls under the Warringah DCP. There is a minor non-compliance with the side setback control to the north, where the edge of the pergola structure, two electric vehicle charging bays, and fireplace extends into the setback zone. These are minor structures surrounded by landscaping that are not considered to have a significant impact on the adjoining landowner and can be supported. Ten mature canopy trees and advanced shrub planting is proposed along this interface adjacent to these structures to provide sufficient screening and a softened interface between the adjoining land. This is consistent with the DSAP recommendations. ▪ Section C2 – Vehicular access: Access is provided from Myoora Road. ▪ Section C2 – Loading: The proposed at-grade loading bay accommodates 1 MRV for all waste and loading. ▪ Section C3 – Car parking: The amended proposal improves compliance with the car parking controls on the site and provides 1 space for every 3 seats or 14 spaces per 100sqm of GFA. This is a minor non-compliance with the greater DCP control of 15 spaces per 100 m2 GFA, however is fully compliant with the latter control of 1 space per 3 seats. This is a significant improvement of parking compliance achieved under the amended scheme and is considered acceptable for the site as this is a nominal shortfall of 12 spaces, which Traffic conclude is acceptable in the circumstances and achieves a balanced outcome on the site whilst also achieving significant site landscaping and deep soil. Further justification of the parking rate is provided in the table in Section 4.1.1 and the TIA report.
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The TIA prepared by Traffix concludes the traffic generation arising from the development results in an additional 70 vehicle trips per hour during the weekday afternoon and Saturday peaks. Traffic impacts have been assessed using SIDRA Intersection 9.1 and there are no changes in the Level of Service of each of the key intersection surveys surveyed. The traffic impact is therefore acceptable and no mitigation measures to the intersections are required.

- **Section C3 – Bicycle parking:** Application of the Warringah DCP parking rates for business and retail (as there is no rate for restaurant) to the 1,399sqm of restaurant area results in 7 spaces for business and retail premises and 3 low security spaces required. The amended proposal provides 10 secure bicycle parking spaces in the basement car park, compliant with the DCP.
- **Section C9 – Waste management:** Elephants Foot Consulting have reviewed the General Arrangement Plan (DA1-1013, Rev 15, dated 28.03.2025), alongside the latest version of the Operational Waste Management Plan produced by Elephants Foot Consulting (Revision E, dated 09.09.2025).

Elephants Foot Consulting are of the opinion that the minor changes proposed will not have a significant impact on the waste strategy, and that Revision E of the Operational Waste Management Plan will still be applicable. No changes are required to the Operational Waste Management Plan produced by Elephants Foot Consulting.

- **Section D1 - Landscaping:** The amended proposal provides 9314sqm (58.4%) landscaped open space, in addition to 247sqm (1.5%) of landscaping not strictly included in the open space definition. As outlined in the table at **Section 4.1.1**, the minor non-compliance with the quantity of Landscaped Open Space can be supported due to the thoughtful design, superior quality of the proposed landscaped zones, precedent established in the determination of previous DAs in the immediate surrounding area (Miramare Gardens (D/2019/0280), Flower Power (D/2023/1224), The Hills (D/2023/0803), and The Palms) and the permissible use of the site as a restaurant (an APU) which was not initially accounted for in the preparation of this DCP control.
- **Section D3 - Noise:** The Acoustic Report (**Appendix I**) concludes that noise emissions from the operation would satisfy the relevant PNTLs at all assessed receivers for all assessment periods under implementation of the Operational Management Plan (**Appendix H**).
- **Section D9 - Building bulk:** The scheme achieves full compliance with the setback and site coverage controls. The DSAP supports the scale of the buildings and concluded the built form is positive.
- **Section D18 - Access:** The Access Review prepared by PAA (**Appendix M**) outlines a review of the amended scheme and confirms the detailed design recommendations from the original report remain. PAA note that the amended proposal provides an accessible path of travel, 5 basement accessible parking spaces and 2 at-grade accessible spaces are provided,

accessible bathrooms are provided, and an accessible ramp to connect with the landscaped gardens is provided.

The BCA Review Statement prepared by Philip Chun (**Appendix N**) further supports the scheme and confirms the works proposed will be capable of achieving compliance with the deemed-to-satisfy and Performance Requirements of the Building Code of Australia, subject to standard design development.

For all other DCP matters, the assessment completed in the lodged DA remains.

Environmental impacts	<p>Additional technical information has been prepared to address key issues and community concerns regarding environmental impacts.</p> <p>The additional technical information accompanying this report demonstrates that all environmental concerns have been considered in the design of the proposal and any potential adverse impacts can be appropriately managed or mitigated.</p>
Social and economic impacts	<p>The proposed amendments do not compromise the assessment of the social and economic impacts provided in the DA. In this regard, the amended proposal is likely to generate positive impact to the community through the provision of additional restaurant venue, creating local employment opportunities, carefully responding to the character of the site's rural zone, and delivering increase access to services and facilities.</p>
Public interest	<p>The public interest assessment for the refined proposal remains as per the assessment outlined in the DA. The benefits of the development greatly outweigh any adverse impacts and as such, the development is in the public interest.</p>
Suitability of the site	<p>The refinements to the proposal do not alter the suitability of the site for the proposed development.</p>

6. CONCLUSION

This Submissions Report has been prepared for the proposed restaurant development at 40 Myoora Road, Terrey Hills.

Following consideration of the submissions, the applicant has:

- Provided additional information as requested.
- Addressed submissions received from the Council, government agencies and members of the public during the exhibition of the DA.
- Significantly reduced the scale and intensity of the proposed development in terms of the built form, below ground floor space, scale, operation, and venue capacity.
- Retained the architectural character and dense landscaping that was supported by the DSAP, who noted the works will provide an appropriate and positive built-form and landscape contribution to the area.
- Removed functions from the proposal.
- Improved compliance with car parking requirements.
- Revised the landscaping plan to integrate local and native landscaping species.
- Responded to detailed matters identified by the DSAP.
- Ensure there is no impact on the Level of Service of each of the key intersection surveys surveyed. The traffic impact is therefore acceptable and no mitigation measures to the intersections are required.
- Demonstrated that, subject to the various mitigation measures recommended by the specialist consultants, the proposal does not have any unreasonable impacts on adjoining properties or the public domain in terms of traffic, social and environmental impacts.

The proposed development as refined is considered appropriate for the location, is in the public interest, will deliver a positive outcome and has significant planning merit. The venue will provide a new high-quality venue for the local residents by an established local operator following an extensive period of community and Council consultation.

This DA should therefore be supported by Council and favourably determined by the Sydney North Planning Panel.

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