



# STATEMENT OF ENVIRONMENTAL EFFECTS

DEVELOPMENT  
APPLICATION

62 MYOORA ROAD,  
TERREY HILLS

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## SUPPORTING DOCUMENTATION

- 1 Site Survey
- 2 Architectural Plans and Shadow Diagrams prepared by Leffler Simes Pty Ltd
- 3 Civil Engineering Drawings prepared by Northrop
- 4 Stormwater Report by Nortrop
- 5 Geotechnical Investigation and Stability Assessment prepared by JK Geotechnics
- 6 Access Report prepared by Morris Goding Access Consulting
- 7 Phase 1 and 2 Site Investigation Report prepared by JK Environments
- 8 Waste Management Plan prepared by Environmental Earth Sciences
- 9 Landscaping Plan prepared by Site Image Landscape Architects
- 10 Landscape Design Report prepared by Site Impact Landscape Architects
- 11 Traffic and Parking Impact Report prepared by Positive Traffic
- 12 Acoustic Report prepared by Acoustic Works
- 13 Arboricultural Impact Assessment prepared by Birds Tree Consultancy
- 14 QS Report prepared by Coutts Cost Consulting
- 15 Bushfire Report prepared by Ecological Australia
- 16 Lighting Lux Plans and Specifications prepared by DNS Lighting
- 17 Energy Efficiency and Sustainability Report prepared by Erbas.
- 18 Construction Traffic Management Plan prepared by FDC.
- 19 BCA Assessment Report
- 20 Garden Centre Operational Management Plan

## 1.0 INTRODUCTION

- 1.1 This Statement of Environmental Effects has been prepared by LJB Urban Planning Pty Ltd to support an integrated development application for the demolition of the existing Flower Power Garden Centre and construction of a new Garden Centre. The application is prepared by LJB Urban Planning on behalf of Flower Power Pty Ltd.
- 1.2 The subject site is located at 62 Myoora Road, Terrey Hills.
- 1.3 Flower Power Garden centres are located all across Sydney, and they are located in many different locations with most being within residential or rural areas. The existing Terry Hills Store does not have sufficient capacity to meet Flower Powers business model which seeks to provide a range of complimentary uses as part of the garden centre.
- 1.4 This is the direction of Flower Power to remain competitive in the market. Flower Power have retrofitted many of their stores to bring in these complimentary uses, and gradually will further upgrade or redevelop stores to ensure they are fit for purpose. An example of a recent redevelopment using this business model approach is Flower Power at Milperra.
- 1.5 Further, the existing Terry Hills site has insufficient carparking to meet the needs of the existing customers, so the proposal seeks to overcome this issue by providing additional car parking. Customers are predominantly purchasing bulky goods such as plants, pots or homewares, so they need a car and as part of this redevelopment we want to make sure we are providing sufficient parking to cater for this demand and minimise overflow onto local residential streets.
- 1.6 Given the nature of the business, the landscape design is a critical component of the overall site design. The buildings have been arranged based on the unique circumstances of this site and to achieve a balance between the needs of the business and the interface with surrounding properties and enhancing the streetscape.
- 1.7 This development application seeks approval for the following:
  - Demolition of existing building and facilities.
  - Excavation for a single level basement to accommodate 203 car spaces;
  - Construction of three (3) separate single storey buildings that will wrap around an at-grade car parking area which will accommodate 179 car spaces. The use within each of the 3 buildings will be as follows:
    - Northern building (A, B, C and D) – will contain the main garden centre and nursery use with a café and children’s play area and storage areas.
    - Eastern building (E) – will have a connection to the main northern building and will contain landscape shop associated with the landscape zone.
    - Southern building (F) – will contain a two (2) future tenancies for a fruit store and pet store, respectively.
  - A central at-grade car parking area will be constructed to accommodate a total of 179 vehicles.

- The purpose-built loading area associated with the garden nursery will be positioned at the western end of the site.
  - Provision of eight (8) new signs associated with the new use.
- 3.1 The redevelopment will result in 6,475m<sup>2</sup> of lettable floor area, this includes plant, storage and amenities.
- 1.8 Prior to lodgement of this Development Application a Pre-DA meeting was held with Northern Beaches Council. In addition, the scheme was presented to Council's Design and Sustainability Advisory Panel.
- 1.9 The accompanying package including the architectural plans and consultants' reports have evolved in consideration of the Pre-DA comments received from Council and the Design & Sustainability Advisory Panel. The submitted architectural drawings has been substantially enhanced to address the comments provided with a key focus on delivering a Garden Centre that will provide a lushy landscape setting.
- 1.10 A detailed assessment of the final scheme in response to the Pre-DA and DSAP minutes is provided in Section 3 of this Statement of Effects.
- 1.11 The proposed re-development will significantly improve the streetscape and contribute positively to the surrounding locality.
- 1.12 The design of the new building, location of car parking and landscaping will result in an improved streetscape that will enhance the surrounding locality and enable tree planting to contribute to the bushland setting along Mona Vale Road.
- 1.13 The site is ideal for a garden centre and the associated ancillary uses, given the proximity to the Mona Vale Road and nearby residential uses. The continuing use and new works will not detrimentally affect nearby residents and can be suitably managed by way of an operational management plan for the day-to-day operations of the business.
- 1.14 This report provides information on the subject site, the proposed development and undertakes an assessment against the relevant heads of consideration set out in the Environmental Planning and Assessment Act 1979.

## 2.0 SITE DESCRIPTION

### Subject Site

- 2.1 The site is located at the corner of Mona Vale Road, Cooyong Road and Myoora Road Terrey Hills as shown below. Its real property description is Lot 4, DP 737411.
- 2.2 The location of the site is shown below:



Figure 1: Aerial image of the subject site (Source: Near Map)

- 2.3 The site has an area of 2.3 hectares and boundary dimensions as shown in **Table 1** below:

Boundary	Distance (m)
North	248.32m (Cooyong Road)
South	259.25m (southern)
East	146.48m (Mona Vale Road)
West	71.59m (Myoora Road)

- 2.4 The site is currently occupied by a single storey garden centre with an open car park and ancillary structures that support the existing use. A drive-through landscaping section is positioned along the southern boundary.
- 2.5 Entry to the subject site is via Mona Vale Road and Cooyong Road. Car parking is available within the Mona Vale Road and Cooyong Road setbacks.
- 2.6 Access to the car parking area is via a driveway between the two buildings, with the car park located along the western side of the main building and to the rear of the bungalow.



**Figure 2: Subject site viewed from Mona Vale Road looking west (source: Google Maps)**



**Figure 3: Subject site viewed from corner of Mona Vale and Cooyong Roads looking south-west (source: Google Maps)**



**Figure 4: Subject site viewed from corner of Mona Vale and Cooyong Roads looking west (source: Google Maps)**



Figure 5: Site viewed from Cooyong Road looking south-east (source: Google Maps)



Figure 6: Subject site viewed from corner of Cooyong and Myoora Roads looking south-east towards the site (source: Google Maps)



Figure 7: Subject site viewed from Myoora Road looking east (source: Google Maps)



## Surrounding Context

- 2.7 To the north of the subject site is Cooyong Road and on the northern side of Cooyong Road are residential properties containing a mix of single and two storey detached residential dwellings.



**Figure 8: Looking north-east from Cooyong Road towards residential dwellings located on the northern side of Cooyong Road opposite subject site (Source: Google Maps).**



**Figure 9: Looking north-west from Cooyong Road towards residential properties located on the northern side of Cooyong Road opposite the site (Source: Google Maps).**

- 2.8 To the east of the site is Mona Vale Road, which is a dual-carriage six-lane road. To the east of Mona Vale Road is a large tract of trees which buffer the Kimbriki Resource Recovery Centre.



**Figure 10: Looking west from the subject site towards Mona Vale Road (source: Google Maps).**

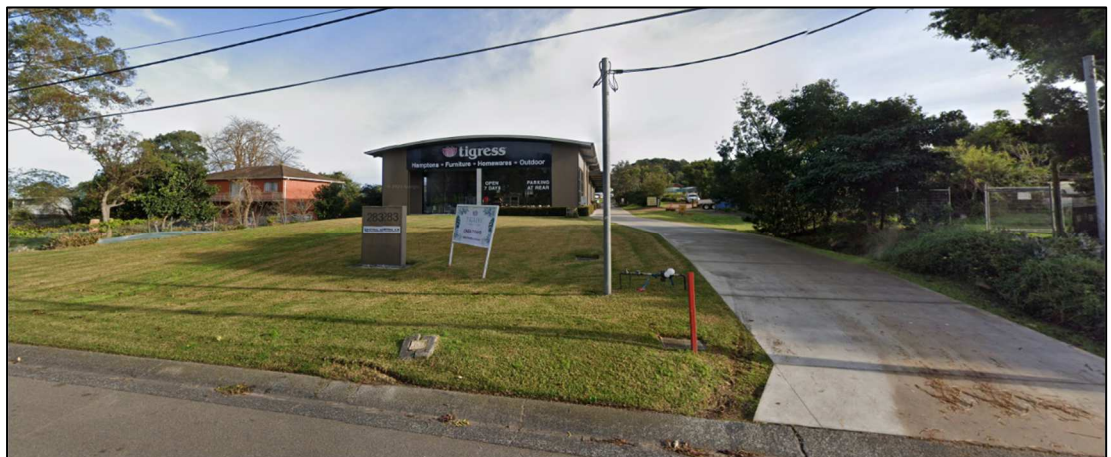
- 2.9 To the south of the site are several larger rural-residential allotments that contain residential dwellings combined with agricultural uses. Further to the south is the 'Hills Marketplace' which contains a variety of businesses including: Horseland, Better Produce, Pittwater Mowers, Tastebuds, Barbeques shop etc.



**Figure 11: Looking west from Mona Vale Road towards the adjoining southern property at 279 Mona Vale Road (source: Google Maps).**



**Figure 12: Looking east from Myoora Road looking towards adjoining southern property at 279 Mona Vale Road (source: Google Maps).**



**Figure 13: Looking west from Mona Vale Road towards Tigress Furniture shop at 283 Mona Vale Road (Source: Google Maps).**



**Figure 14: Looking west from Mona Vale Road towards Hills Marketplace located at 287 Mona Vale Road (Source: Google Maps).**

2.10 To the west of Myoora Road is Terrey Hills Public School.



**Figure 15: Looking north-west from Myoora Road towards Terrey Hills Public School  
(Source: Google Maps)**

### 3.0 PROPOSED DEVELOPMENT AND JUSTIFICATION

3.1 This Development Application seeks consent for the following:

- Demolition of existing building and facilities.
- Excavation for a single level basement to accommodate 203 car spaces;
- Construction of three (3) separate single storey buildings that will wrap around an at-grade car parking area which will accommodate 179 car spaces. The use within each of the 3 buildings will be as follows:
  - Northern building (A, B, C and D) – will contain the main garden centre and nursery use with a café, children’s play area and storage areas.
  - Eastern building (E) – will have a connection to the main northern building and will contain landscape shop associated with the landscape zone.
  - Southern building (F) – will contain a two (2) future tenancies for a fruit store and pet store, respectively.
- The development will maintain all existing entry and exit points along Mona Vale Road and Cooyong Road. The Mona Vale Road will remain ‘entry only’.
- A new entry and exit point will be constructed along Myoora Road.
- All trucks will be encouraged to enter via Myoora Road and exit via Myoora Road or Cooyong Road, depending on which tenancy they are servicing. Service vehicles for the nursery will be encouraged to use Myoora as an entry and exit point.
- Provision of eight (8) new signs associated with the new use.

3.2 The redevelopment will result in approximately 6475m<sup>2</sup> of lettable floor area.

3.3 The key components of the development are shown in the table below:

**Table 1: Key Development Statistics**

Component	Development
Site area	28,299m <sup>2</sup>
Proposed GFA	6,475m <sup>2</sup> (approximately)
Proposed Height	Buildings less than 8.5m to 11.8m
Front Setback (Mona Vale Rd)	24.74 to 26.415m
Secondary Street Setback (Cooyong Rd - Side)	5.15m to 10m
Secondary Street Setback (Myoora Rd – Rear)	360mm to 15.92m
Side Setback	5.5m to 10m
Landscaped Area	28% (8000m <sup>2</sup> )
Site Coverage	30% (8579m <sup>2</sup> )
Car Parking Spaces	Basement = 203 At-grade = 179 Total = 382

3.4 The accompanying architectural drawings are listed below:

**Table 1: Development Documentation**

Plan number	Title	Issue	
DA000	Cover Sheet	8	2.3.22
DA01	Rendered Views	6	1.3.22
DA02	Rendered Views	1	1.3.22
DA06	Signage Plan	1	2.3.22
DA10	Existing Site Conditions	6	1.3.22
DA11	Demolition Plan	6	1.3.22
DA12	Site Analysis Plan	6	1.3.22
DA15	Proposed Site Plan	11	4.3.22
DA17	Shadow Diagrams	6	1.3.22
DA19	Height Non-Compliance	4	1.3.22
DA100	Basement Plan	10	1.3.22
DA101	Basement Plan – 1 of 2	6	1.3.22
DA102	Basement Plan – 2 of 2	6	1.3.22
DA111	Ground Floor Plan – 1 of 4	6	1.3.22
DA112	Ground Floor Plan – 2 of 4	6	1.3.22
DA113	Ground Floor Plan – 3 of 4	6	1.3.22
DA114	Ground Floor Plan – 4 of 4	6	1.3.22
DA115	Ground Floor Plan – Parking	6	1.3.22
DA120	Roof Plan	8	1.3.22
DA150	Elevation	8	1.3.22
DA151	Elevation	8	1.3.22
DA160	Sections	8	1.3.22
DA161	Sections	7	1.3.22
DA162	Sections	7	1.3.22

3.5 The following discussion provides a more detailed description of the key components of the application.

### Building Form & Configuration

3.6 The development proposes to demolish the existing garden nursery and associated structures and involves excavation and filling of the site to enable the new development of a garden centre which will incorporate the following works:

- Excavation for a single level basement to accommodate 203 car spaces;
- Construction of three (3) single storey buildings that will wrap around an at-grade car parking area which will accommodate 179 car spaces. The use within each of the 3 buildings will be as follows:
  - Northern building (A, B, C and D) – will contain the main garden centre and nursery use with a café and children’s play area and storage areas.
  - Eastern building (E) – will have a connection to the main northern building and will contain landscape shop associated with the landscape zone.
  - Southern building (F) – will contain a two (2) future tenancies for a fruit store and pet store, respectively.
- The purpose built loading area associated with the garden nursery will be positioned along the western end of the site.

3.7 The buildings will be single storey with adequate street and side boundary setbacks that will contain suitable landscaping along Mona Vale Road, Cooyong Road and the southern boundary will minimise the bulk and scale of the development. The buildings will be single storey and finished in earthy tones, as shown in the images below:



(Source: Leffler Simes Architects)



(Source: Leffler Simes Architects)



(Source: Leffler Simes Architects)



(Source: Leffler Simes Architects)

- 3.8 To create a uniform site and suitable building platform, fill will be shifted through the centre of the site in areas where the existing levels create lower points. This will result in an exceedance of the 8.5m height control. This is addressed in detail in section 4 of this report and the accompanying Clause 4.6 variation
- 3.9 The garden centre will contain a range of complimentary uses across the site including:
- Indoor garden centre, storage and amenities = 3,078m<sup>2</sup>;
  - Outdoor plant area, pots zone and service driveway = 4,380m<sup>2</sup>;



- Children's playground area = 197m<sup>2</sup>;
  - Café (Indoors) = 228m<sup>2</sup>
  - Café (outdoors) = 162m<sup>2</sup>;
  - Loading storage area = 972m<sup>2</sup>;
  - Landscape materials zone = 2,027m<sup>2</sup>
  - Future tenancy spaces, loading area and amenities = 1,925m<sup>2</sup>
- 3.10 Below ground parking, containing 203 spaces, is located below the main garden centre building and will be accessible via a ramp at the eastern end of the site. A further 179 at-grade car parking spaces will be positioned in the middle of the site, surrounded by buildings, extensive landscaping which will assist in softening the building form and hardstand areas.
- 3.11 Vehicular access to the site will be via Mona Vale Road (entry only) with entry and exits points positioned along both Cooyong Road and Myoora Road. Service vehicles will be directed to the Myoora Road entry, as the loading areas are positioned along the southern boundary and adjacent to Myoora Road. The layout will reduce conflict between customer cars and service vehicles.
- 3.12 The proposed demolition and construction of the new garden centre has been sympathetically designed to minimise impacts on adjoining sites and use and will contextually fit within the existing streetscape. The selection of materials and finishes are appropriate and will result in a well designed development.
- 3.13 Overall, the development will not compromise the amenity of adjoining properties in terms of bulk, scale, overshadowing, privacy and view loss.

### Landscape Design

- 3.14 The landscape design is a key component of the overall site design. It aims to achieve several objectives including:
- *Enhance the exiting streetscape by introducing layering of landscape species with varying heights and forms;*
  - *Soften and screen the buildings when viewed from the public domain;*
  - *Create an inviting and interesting streetscape that compliments the key component of the business as a garden centre;*
  - *Showcase the various species as a form of advertising throughout the garden centre;*
  - *Create a visually pleasing carpark area by the introduction of trees, garden beds, landscaped pergolas.*
- 3.15 The landscaping varies across the site to create unique experiences externally and from within the site.

### Carpark

- 3.16 The carpark design has been substantially enhanced from the Pre-DA proposal. The carpark now incorporates a central green spine that breaks up the carpark. It provides opportunity for substantial trees to provide shading for customers. Textured pedestrian paths intersect the space and provide convenient access to the garden centre and retail uses.
- 3.17 The carpark is also interspersed with seating areas and passive irrigated garden areas. The north south spines through the carpark incorporate pergolas with climbing landscaping that will enhance the quality of the spaces and provide a further layering of landscaping. The customer experience will be greatly improved with the key landscape features.
- 3.18 The substantial trees within the carpark include Tuckeroo, Blueberry Ash, Cabbage Tree Palms, Paperbark and Water Gum.

#### Mona Vale Road Frontage

- 3.19 This frontage contains a substantial landscaped setback that will compliment the garden centre and provide a positive visual experience to counter the harsh road service of Mona Vale Road. The planting includes feature trees and banding of native species.

#### Cooyong Road Frontage

- 3.20 Where possible and suitable, established trees have been retained along the frontage. The planting will incorporate native grass groundcover layered with shrub understorey planting.
- 3.21 Additional trees to varying heights will also complement the frontage resulting in a densely landscaped setback that will enhance the public domain and screen the buildings beyond.

#### Myoora Road Frontage

- 3.22 Limited opportunity exists to landscape the Myoora Road frontage. As such, the wall to the loading dock has been setback 360mm to enable the incorporation of a green wall within the boundary of the site. The green wall will improve the appearance of the site from this frontage and will further contribute to the greening of the site.
- 3.23 Overall, the landscape design compliments the building forms and provides the softening of the hardstand areas while still ensuring a functional outcome. The re-design of the carpark and increased setbacks from the Pre-DA meeting has significantly improved the landscape outcome for the garden centre.

### **Signage Details**

- 3.2 This development application also seeks approval for installation of signage associated with the garden centre use. A signage plan accompanies this submission at Drawing DA06 Issue 1 dated 02/03/22.
- 3.3 Details of each sign is provided below:

#### Pylon Sign

- A 15.125m<sup>2</sup> freestanding illuminated pylon sign is proposed to be installed in the Mona Vale Road setback. The pylon signage contains the Flower Power business identification sign along with a signage zone for future tenant signage details. The pylon height is 6.05m and width is 2.5m.

#### Flower Power Business Identification Wall Sign

- One (1) x 'Flower Power' illuminated business identification sign will be positioned along the architectural framing along the southern elevation of the main garden centre building. The sign will consist of individual letters which will cover an area of approximately 28.45m<sup>2</sup>. This sign will face the site internally towards the car park and will not be highly visible from the public domain. It is located in excess of 75 metres from the Mona Vale Road property boundary.

#### Flower Power Hamper Signs

- 3 x hamper signs will be positioned along the southern elevation of the main garden centre building, under each dormer window. These signs will be 5.66m<sup>2</sup> in size and will be illuminated. The sign will face the site internally towards the car park and will not be highly visible from the public domain.

#### Flower Power Wall Sign

- A 4.28m<sup>2</sup> flower power illuminated sign will be positioned on the east facing wall of the landscaping shop building and will face towards the at-grade car park.

#### Tenancies Signage

- Three (3) x of hamper signs (5.54m<sup>2</sup>, 3.9m<sup>2</sup> and 3.17m<sup>2</sup>) will be positioned along the northern façade of the future tenancy building positioned on the southern side of the site. These sign locations will seek approval for the future tenant signage once occupying their tenancies.

- 3.4 The proposed signage is appropriate in design and relates to business identification, refer to further assessment in Section 4 of this report.

### **Hours of Operation and Staff Numbers**

- 3.24 This application seeks the following hours of operation:
- Garden Centre = 7:00am and 7:00pm, 7 days a week with hours reducing to between 7.00am and 5.30pm in winter months.
  - Fruit Shop and Pet Shop Tenancies = 7:00 and 7:00pm, 7 days a week.
- 3.25 The proposed number of staff across the entire site, inclusive of all uses, will be approximately 75.

### **Waste Management**

- 3.26 All waste will be stored within the site and a private contractor will be engaged to remove waste from the site.
- 3.27 A waste management plan has been prepared by Environmental Earth Sciences and accompanies this application.

### Construction Management

- 3.28 A construction management plan will be prepared prior to commencement of work on the site. The plan will confirm the requirements to ensure the safe operation of construction activities on site and minimal environmental impact.
- 3.29 A sediment and erosion control plan has been prepared and forms part of the Civil Engineering package.
- 3.30 A Construction Management Traffic Plan has also been prepared and accompanies this submission.
- 3.31 Construction activities on the site will be in accordance with Northern Beaches Council standard hours of construction. It is expected that this will form a condition on the DA consent.
- 3.32 Site fencing will be maintained during the works on the site.

### Stormwater Drainage

- 3.33 A stormwater drainage plan and report has been prepared by Northrop and accompanies this application.
- 3.34 In summary, the following civil engineering strategies will be implemented:
- *Sediment & Erosion Control* – A sediment basin is required to effectively capture sediment laden site runoff during siteworks. Sediment and erosion control measures should be installed and maintained for the duration of the construction works.
  - *Stormwater Infrastructure* – The stormwater design has considered the major/minor philosophy consistent with the requirements of Northern Beaches Council for the below ground pit and pipe network inclusive of On-site Stormwater Detention.
  - *Water Quality and Conservation* – Water Quality requirements will be achieved through the provision of pit baskets and filter cartridges, in accordance with the requirements of Northern Beaches Council. A Rainwater Tank has been designed to reduce non-potable water demand.
- 3.35 As a result of the design for this site, the development achieves reductions in potable water by capturing rainwater on site and reusing this for irrigation and toilet flushing, reduces pollution reduction targets and includes OSD for the control of stormwater discharge.
- 3.36 The site drainage has been designed to satisfy Council's requirements and is capable of complying with the Australian Standards.

### Security Management & CPTED Analysis

- 3.37 The development has been designed to enable visual surveillance of the adjacent streets, public domain and areas within the development. The configuration of the building and lighting of pedestrian paths will maintain a sense of security for future customers and employees.
- 3.38 Appropriate signage will be provided to ensure clear direction for customers. Details regarding lighting and illumination of the car parking area at grade has been provided.
- 3.39 A gate will be installed at each entry to restrict access to the site outside business hours.

- 3.40 This DA implements the principles of Crime Prevention through Environmental Design Assessment (CPTED). An assessment of the 5 key principles is provided below:

#### **Principle 1 – Natural Surveillance**

- 3.41 Good surveillance means that people can see what other people are doing. People feel safe in public areas when they can see and interact with others. Would-be offenders are often deterred from committing crime in areas with high levels of surveillance.
- 3.42 In accordance with this principle, the design of the buildings provides surveillance throughout the entire development. The new buildings will wrap around the at-grade parking area and the fruit shop and pet store combined with the garden centre and café will see pedestrian and car movement continually throughout the day, therefore providing a high level of natural surveillance.

#### **Principle 2 – Access Control**

- 3.43 Access controls use physical and symbolic barriers to attract, channel or restrict the movement of pedestrians. Effective access controls make it clear where people are permitted to go or not go and make it difficult for potential offenders to reach and victimise people and damage property.
- 3.44 The general public will be able to enter the site when the business is in operation. Gates will be installed at all entrances to limit access outside business hours.

#### **Principle 3 – Territorial Reinforcement**

- 3.45 Territorial reinforcement refers to the clear identification of public spaces and the creation of a sense of community ownership over the spaces. People feel more comfortable in well used places that reduce the opportunity for crime and increase risk of criminals.
- 3.46 The building footprint layout combined with landscaping will clearly define the area of the Flower Power Garden centre and the pedestrian movement around the site from the various uses will ensure that there is adequate activity to reduce potential crime and create spaces where customers and employees feel safe.

#### **Principle 4 – Space Management**

- 3.47 Space management refers to providing attractive, well maintained and well used spaces. Space management strategies include site cleanliness, rapid repair of vandalism and graffiti and the removal of damaged physical elements.
- 3.48 Durable and high-quality materials will be utilised in the construction of the new development and management will ensure that and graffiti and or damage is rectified immediately. It is in our client's best interest to maintain the appearance of the business to a high standard.
- 3.49 The above CPTED Assessment demonstrates that the development has been designed with due consideration of safety and welfare for future customers, visitors and employees.

## Response to DSAP & Pre-DA Meeting Minutes

- 3.50 A meeting was held with Council's Design + Sustainability Advisory Panel on 26 August 2021. A Pre-DA meeting was held with Council staff on 9 September 2021. Formal written comments were issued following both meetings. The design has evolved in response to the comments provided, the following provides a response to the comments:
- 3.51 Formal comments were sent to the client following the meeting and are discussed in the table below:

### Pre-Lodgement Meeting Notes – 9 September 2021

WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011 (WLEP 2011)		
Issue	Compliance	Discussion
Part 2 – Zoning and Permissibility		
Definition of Use – Garden Centre	Yes	Noted.
Zone – RU4 Primary Production Small Lots	Yes	Noted.
Permitted with Consent or Prohibited – Schedule 1(18) of the WLEP 2011 (Additional Permitted Uses) permits use on the land for the purposes of garden centres and restaurants or cafes.	Yes	Noted.
Part 4 – Principal Development Standards		
4.3 – Height of Buildings – max 8.5m Clause 4.6 Variation required but not a guarantee.	No (6.2m to 11.5m 35.3% variation)	Building A - variation of 3.26m (height of 11.76m) to 3.3m (height of 11.8m) to the Dutch gable end & dormers towards Mona vale Road. The variation reduces to 1.26m (height of 9.76m) at the western end. The edges of the roof where the eaves project is fully below the height control. Building F – variation of 690mm (height of 9.19m) at the eastern end towards Mona Vale Road reducing to 190mm (height of 8.69m) mid-way along the building. The variations have been justified in this SEE and accompanying Clause 4.6 request.

WARRINGAH DEVELOPMENT CONTROL PLAN 2011 (WDPC 2011)			
Control	Permitted	Proposed	Discussion
<b>Part B – Built Form Controls</b>			
Please see separate explanatory comments (to the information provided in the table below) by Council's Development Assessment Officer and Traffic Engineer later in these Notes under ' <b>Specialist Advice</b> '.			
B1 Wall Heights	7.2m	3.3m to 8.2m	
B4 Site Coverage	20% (5,659.8m <sup>2</sup> )	39.75% (28 299m <sup>2</sup> )	The reconfiguration of the buildings and increased landscaping has achieved an appropriate balance, this is discussed further in the report below.
B5 Side Boundary Setbacks	7.5m (south-west)	(+6,338.1m <sup>2</sup> ) (113%)	5.5m to 10.5m. Majority of the tenancy building is setback 10.5m with a reduction to 5.5m for a part of the proposed loading dock. Landscaping and 2.4m acoustic barrier will minimise noise to the adjoining property and create an improved street interface.

WARRINGAH DEVELOPMENT CONTROL PLAN 2011 (WDCP 2011)			
Control	Permitted	Proposed	Discussion
B7 Front Boundary Setbacks	<b>Primary</b> Mona Vale Road: 20m	See Clause B14	See below. 24.74m to 26.415 proposed.
	<b>Secondary</b> Cooyong Road: 10m	8.6m	5.15m to 10m. The main nursery building will have a 10m setback and the fencing for the outdoor nursery will reduce to 5.15m. Setback will be landscaped to buffer the building form.
	Myoora Road: 10m	Nil to 15.4m	The wall to the sunken loading dock is setback 360mm to enable a landscaped wall to the boundary.
B14 Main Roads Setback	Mona Vale Road: 30m	24.7 to 26.4m	24.74m to 26.415 proposed. This minor variation is off-set with the wide landscaping setback of almost 15 metres provided adjacent to the boundary.
<b>Part C – Siting Factors</b>			
C3 Parking Facilities	Min 142 spaces	390 spaces	Refer to Traffic Report
<b>Part D - Design</b>			
D1 Landscaped Open Space	70% (19,809m <sup>2</sup> )	28% (8,000m <sup>2</sup> )	The proposed development has been reconfigured and has increased from 11.1% proposed under the Pre-DA scheme. The increased setbacks ensures that greater landscaping is available and will be visible to from the street. Given the nature of the use, the site is dominated by plants and trees and creates a lushy landscaped space. Refer to the detailed assessment in Section 4 of this report.

SPECIALIST ADVICE	
Council Comment	Discussion
Specialist Advice	
Warringah LEP 2011	
<p>Clause 4.3 of the WLEP 2011 prescribes a maximum building height of 8.5m when measured from existing ground level. The north-eastern roof to the garden centre exceeds this control by some 3.0m, being up to a height of 11.5m when measured from the Mona Vale Road façade. Such a variation must be addressed by the submission of a Clause 4.6 Variation Request detailing the environmental planning grounds which justify the proposed contravention. As proposed, it is considered that the height variation equates to an unnecessary bulk and scale which would otherwise be negated by a compliant building height.</p> <p>The height in the context of landscaping and setbacks provided is not supported. To that extent, any height variation should be screened by a wide and dense landscaped buffer zone (i.e. 15.0m to Mona Vale Road) and the design should seek to minimise the perceivable scale of encroachment through the use of materials and building articulation.</p>	<p>Noted. A Clause 4.6 Variation request accompanies this SEE.</p> <p>A landscaped setback of between 9.76m and 14.8m is provided along Mona Vale Road. This landscaped strip combined with the building setbacks, articulation and materials and finishes will minimise bulk and scale when viewed from the public domain.</p> <p>In addition, the shadow cast from the additional height will be absorbed within the site and will have no adverse impacts on adjoining properties.</p> <p>This has been discussed and addressed in detail in this report below.</p>
Warringah DCP 2011	
B1 Wall Heights	

<b>SPECIALIST ADVICE</b>	
<b>Council Comment</b>	<b>Discussion</b>
The eastern frontage of Building A exceeds the prescribed 7.2m wall height control by approximately 1.0m. The subject wall / façade shall be designed with a visually interesting palette of materials and be screened by landscaping to minimise the impact of development on adjoining lands and the public road.	The eastern wall will reduce in height from east to west, from 7.41m to 4.22m. This minor variation is appropriate, as it is suitably screened with landscaping and will contain a variety of materials with a visually appealing palette to reduce bulk and scale when viewed from Cooyong Road.
<b>B4 Site Coverage</b>	
The site is subject to a site coverage control where the total building footprints must not cover more than 20% of the site area (or 5,659.8 square metre). The proposal significantly exceeds this requirement with a coverage of 42.4% (11,997.9 square metres) representing a 113% variation to the control.	The proposal will result in a site coverage (measured as per the definition as the building footprints) of 30% (8579m <sup>2</sup> ). The reconfiguration of the building layout has reduced the site coverage and increased setbacks along the street frontages. The introduction of a landscaped space through the centre of the parking reduces the scale of the built form and provides an appropriate balance between hard and soft areas.
A reconfiguration of the site layout to provide greater landscaped curtilage around the site's perimeter would serve to lessen the impact of this non-compliant coverage and would provide new opportunities for landscaping whilst minimising the bulk and scale of the development.	The layout of buildings has been repositioned to provide a greater setback from Cooyong Road to increase landscaping opportunities and a landscape strip has been provided along the centre of the site. In addition, car parking has been removed from the Mona Vale Road setback and within the at grade parking to increase landscaping.
If the increased setbacks as described below are not employed, then it is considered that an overall reduction in the floor areas of the building would be required to achieve the objectives of the B4 control.	Noted. Increased setbacks have been provided.
<b>B5 Side Boundaries</b>	
The site has one side boundary to the southwest adjoining no. 279 Mona Vale Road. This setback is to be 7.5m and free of structures and parking other than driveways and fences.	The main setback has been increased to achieve 10.5m. However, a minor variation is sought at the mid-point of the tenancy buildings to accommodate the loading dock, reducing to a setback of 5.5m for a length of approximately 12m. This variation has been justified in the report.
The proposal provides a single storey building with a setback varying between 5.5m to 8.8m adjacent to the south-western boundary. In the meeting, a comment was made which indicated that a portion of the service driveway parallel to this boundary was elevated but no details were provided. Council does not support elevated structures being built hard-up against any boundary in this zone. Further details are required.	No elevated structures are proposed along the boundary, the landscaping is mounded to reduce the ground level to the boundary.
<b>B7 Front Boundary Setbacks</b>	
This clause pertains to the Cooyong Road and Myoora Road frontage, both required to provide a setback of 10.0m. Mona Vale Road is addressed separately below.	Cooyong Rd – building setback has increased to 10m with the fencing for the outdoor plant area reducing to 5.15m. This provides for increased landscaping and has been justified in the report below.  Myoora Rd – 360mm to 15.92m setback provided. This variation is discussed and justified within the report below.
Council does not support the setbacks as proposed.	Noted. Any variations are discussed in detail below.
<b>B14 Main Roads Setback</b>	
B14 pertains to Mona Vale Road and requires that buildings be setback 30.0m and that ground level car parking may be permitted between 15.0m and 30.0m from the boundary, subject to the 0m to 15m zone being landscaped. Clause	A setback of between 24.74m to 26.415 proposed along Mona Vale Road.



<b>SPECIALIST ADVICE</b>	
<b>Council Comment</b>	<b>Discussion</b>
B14 prevails over Clause B7 where there's an inconsistency.	<p>A landscaped setback of between 9.76m and 14.8m is provided adjacent to the front boundary and all new parking and new accessways provided behind this.</p> <p>Refer to architectural drawings, the setbacks will enable suitable landscaping as required by Council.</p>
The development must provide a 15.0m wide landscaped area along the Mona Vale Road boundary which is to be free of car parking, driveways and structures. Such a setback is critical to achieving a satisfactory streetscape and maintaining the rural character of the area.	
Building A is setback 26.0m from the boundary and Building C 28.0m. A variation to 28.0m (for both buildings) could be considered if the 15.0m landscaped area is provided. The space between the 15.0m to 30.0m setback can be used to driveway and at-grade car parking.	
<b>D1 Landscaped Open Space</b>	
The site is required to provide 70% of the site area as landscaped open space (19,809 sqm). It is calculated that 11.1% of the site area is proposed as landscaped open space, resulting in a 84.2% variation to the control.	<p>28% of the site is landscaped. This includes 4,932m<sup>2</sup> of the site as planted landscaped areas and the additional areas within the open nursery of 3068m<sup>2</sup> that provide additional landscaped areas with permeable ground level to encourage water infiltration. Although Council does not consider the open nursery to provide landscaped area, the very nature of the area is landscaped, and the open roof system enables natural light into the spaces to encourage plant growth. If the open nursery was not included the site delivers 17% as landscaped area which is a reasonable between the needs of site to deliver a viable garden centre and the planning controls. This is further addressed in Section 4 of this report,</p> <p>The increased setbacks have improved amount of available landscaped area.</p> <p>The landscaping through the middle of the at-grade car park achieves 4.795m wide and can be included in the landscaping calculations.</p>
The area identified as 'Building B' (the "open nursery") is not calculable landscaped open space as it is under an operable roof and does not provide any effective plantings that will enhance the site. Landscaped areas must have minimum widths of 2.0m and thus the narrow strips through the carpark are not included. It is unclear if sufficient space is provided for the tree plantings in the carpark.	
The landscaped ratio proposed is not supported. Once the required setback amendments are made to the buildings the landscaped ratio shall increase significantly. If the 70% compliance cannot be achieved at grade, then it is recommended to explore alternate methods to achieve the objectives of the control (i.e. green roofs and walls; permeable gravel surfacing rather than concrete etc.). Any variation to Clause D1 shall not compromise the rural character of the site when viewed from the street.	
<b>D9 Building Bulk, D10 Colours and Materials, D11 Roofs and D12 Glare and Reflection</b>	
The above 4 clauses all pertain to the exterior design of a building and seek to minimise the impact of built form when viewed from the public domain.	<p>Noted.</p> <p>The main building complies with the 10m setback requirement, refer to accompanying drawings. The materials and finishes combined with landscaping will minimise the bulk and scale of the development.</p> <p>The fencing, associated with the open plant nursery section, will reduce a setback to 5.15m. However, the fence height and materials will be varied and much lower in height the main building. This will all assist in reducing the bulk and scale impacts.</p> <p>This is discussed and justified further in the report below.</p>
The northern elevation of the proposal is a 230m unbroken length of wall only 5.0m from the site boundary, which fronts a road and opposite detached dwelling houses. Whilst it is noted that some elements of this wall are partially below ground level and that there is some minor planar stepping, it cannot be said that the design minimises the visual impact. Once compliant setbacks are provided as described above, the impact will be lessened, however it is still strongly recommended that a large break (approx. 25m) in the building façade occurs. Such a break could be from the open nursery to permanent landscaping.	
Limited details of materials have been provided at this stage; however the applicant is encouraged to use sustainable and natural materials where possible to blend in with the character of the area (i.e. timber batten screening, perforated brick screening, pavers or gravel	

SPECIALIST ADVICE	
Council Comment	Discussion
surface coverage). Given the extent of variation proposed to the built form controls it is critical that high quality and robust material palette be provided at application stage.	
Any roof shall be of a medium to dark range colour to minimise reflects to neighbours and cars. Roofs should be utilised for solar gain, additional plantings and rainwater harvesting where possible. A green roof could be used as an ancillary edible garden element to the proposed fruit shop.	Refer to finishes schedule on the elevations.
<b>D13 Front Fences and Front Walls</b>	
Any fencing proposed adjacent to a street edge shall be recessed into a landscaped area to minimise its appearance.	Noted. No front fencing proposed.
<b>D23 Signs</b>	
The drawings submitted show signage on the majority of building elevations and a pylon sign along the Mona Vale Road frontage. Specific details of signage have not been provided at this early stage.	Noted. Refer to accompanying architectural drawings.
Requirement 9 of Clause D23 states that, inter alia to the other requirements:	Refer to proposed signage. The size and location of signage is appropriate relative to the scale of the garden centre.
For Land in the RU4 zone with frontage to both Mona Vale Road and Myoora Road: only small, non-obtrusive and non-illuminated signs that identity the use of a site are to be visible from Mona Vale Road. Signs that are designed of such a size, height of visual appearance so as to attached passing trade are not considered appropriate and are discouraged. All signs are to be in keeping with the colour and textures of the natural landscape.	
Requirement 9 must be met. Signage should be minimised in its proportions and proliferation throughout the site.	
Amended Plans – provided via email on 24/09/2021 – issues discussed below:	
<ul style="list-style-type: none"> <li><b>Increase setback of Building 'A' and 'K' to Cooyong Road from 5m to 8.2m.</b></li> </ul>	
This amendment is not supported and the proposed setback to Building's 'A' and 'K' are to be increased to 10.0m.	Noted. Building A (now building A1) has increased to 10m. Building K (now Building A3) steps down in height to create a transition in building form with landscaping between the building and street frontage to Cooyong Road will lessen bulk and scale impacts.
<ul style="list-style-type: none"> <li><b>Change building 'K' from an enclosed building to an open pergola.</b></li> </ul>	
This change is supported.	Noted. Refer to final form.
<ul style="list-style-type: none"> <li><b>Remove gable end of building 'A' and replace with hip.</b></li> </ul>	
This change is supported.	Noted. Refer to architectural drawings.
<ul style="list-style-type: none"> <li><b>Reduction in height of building 'A' by approx. 1m.</b></li> </ul>	
This change is supported.	Noted. Refer to discussion in report below for heights.
<ul style="list-style-type: none"> <li><b>Creation of a part 10m wide landscape strip along Mona Vale Road.</b></li> </ul>	
This change is not supported. The 10.0m wide landscaped strip to Mona Vale Road is insufficient. The control requires a 30.0m setback but permits a dispensation for car parking whereby a 15.0m landscape strip is provided. Further details are required regarding the car park landscaping and amenity.	Building setback along Mona Vale Road is: <ul style="list-style-type: none"> <li>Building A = 24.74m</li> <li>Building F = 26.415m</li> </ul> A landscaped strip of 9.76m to 14.8m is provided adjacent to the Mona Vale Road boundary. Increased landscaping and setbacks are a positive change.
<ul style="list-style-type: none"> <li><b>Add green walls to sunken loading dock.</b></li> </ul>	
This change is supported.	Noted.
<ul style="list-style-type: none"> <li><b>Increase landscaping in the car park.</b></li> </ul>	
This change is supported.	Noted.

<b>SPECIALIST ADVICE</b>	
<b>Council Comment</b>	<b>Discussion</b>
<b>Urban Designer Comments</b>	
Please refer to the separate minutes of the Urban Design and Sustainability Panel (DSAP) meeting which was held on 26 August 2021.	Noted. This is discussed separately below.
<b>Traffic Engineering Comments</b>	
It is noted that the development proposes to retain the existing access from Mona Vale Road. TfNSW will need to comment on whether they will support this access being retained. It is also noted that there is currently no deceleration lane, and this may be a TfNSW requirement if the access is retained.	Noted.
It is noted that Council's DCP requires parking for a garden centre at a rate of 0.5 spaces per 100sqm of site area. For a site with an area of 28,299sqm this equates to approximately 142 spaces. It is however proposed by the developer to provide 403 customer spaces significantly exceeding requirements. The significant oversupply would need to be justified by a more detailed analysis and parking accumulation surveys for similar sites to demonstrate that this quantum of parking was necessary. If this amount of parking is necessary undergrounding of more of the parking is an option that should be considered.	Noted. The accompanying traffic report has analysed the traffic demands of the Milperra Garden centre and supports the proposed number of parking spaces for the Terry Hills site. 203 of the 382 car spaces will be located below ground. The number of car spaces is discussed and justified in the report below.
There is some concern about the adequacy of the separation between heavy and customer vehicles. Direct heavy vehicle access to the service lane along the southern boundary from Mona Vale Road is suggested (subject to RMS agreeing to retain access from Mona Vale Rd). Splitting and separation of heavy vehicle and customer car entry points at this access is requested.	Service vehicles will be required to enter via Myoora Road to minimise conflict with customer car entry points and car spaces. Refer to accompanying traffic report and drawings.
The Cooyong Road entry point should only be for light vehicle ingress and egress to separate customer and delivery vehicle access. An alternative may be to only allow heavy vehicle access outside of trading hours however this would then potentially raise noise issues given the proximity of residential premises on the north side of Cooyong Road.	Noted. Majority of trucks will enter and leave via Myoora Road for the main plant nursery. However, the service vehicles associated with the tenancies will enter via Myoora Road but will exit via Cooyong Road. This is discussed in the report below.
The new Myoora Road access point is not opposed however it is considered that it should operate only as a heavy vehicle access point. Some restriction on the hours of operation of this access might be required given the proximity of access to Terrey Hills Public School. i.e. no access in school drop off and pick up periods. Customer vehicle ingress/egress should be provided from other points for safety reasons. I also have some concerns about semi-trailers undertaking reversing manoeuvres in the entry/egress zone of the bin area. This is a safety issue as it is assumed that this area would be accessible by customers and the conflict between customer vehicles/pedestrians and reversing semi-trailers is a matter which needs rectification.	Noted. The main nursery loading dock and customer car park is separate to minimise conflict even when reversing.  Myoora Road will still be open for use by customers and this is addressed in the report below.  A Plan of Management accompanies this application and will provide details on delivery times and management.
The development will result in a significant intensification of heavy vehicle turning movements to and from the Myoora Road at Cooyong Road. The Roundabout at Myoora/Cooyong is to be improved to ensure it caters for all required turning movements of heavy vehicles accessing the site and redesigned/reconstructed to cater for such movements.	Refer to accompanying Traffic Report.

<b>SPECIALIST ADVICE</b>	
<b>Council Comment</b>	<b>Discussion</b>
A traffic and parking impact report will be required with the application to address the above issues and also examining traffic generation from the redeveloped site.	Refer to accompanying Traffic Report.
<b>Development Engineering Comments</b>	
The proposed development will require on-site stormwater detention (OSD) in accordance with Council's Water Management Policy. The pre-developed site discharge (PSD) is to be calculated using a fraction impervious area of 0% i.e. the state of nature condition for all design storms up to and including the 1 in 100 year storm event. The applicant's consultant is to use the 'Drains' hydraulic model to design the system and provide the calculations with the submission to Council. The OSD tank is to be located in an open area that will permit 24 hour access".	Noted. OSD is provided refer to accompanying stormwater drawings and report.
Stormwater is to be connected to Council's piped drainage system.	Noted. Capable of complying.
The proposal is to include the construction of kerb and gutter along Cooyong Road along the existing edge of bitumen between the existing kerb alignment at the intersection of Myoora Road and the existing kerb and gutter adjacent to Mona Vale Road.	Noted.
The use of the existing crossing in Mona Vale Road will be subject to TfNSW concurrence.	Noted.
<b>Environmental Health Comments</b>	
<u>Noise/Acoustics</u> Required is an Acoustic Assessment of proposed operations referencing Noise Policy for Industry and any other relevant guidelines and standards dealing with residential/commercial interfaces. Data from existing Flower Power operations would be useful to determine the extent of any impact on residents, and to help outline times that are appropriate for delivery and dominant noise-generating activities. As discussed, an operational management plan will aid Council to understand, comprehensively, operational activities with regard to noise.	Refer to accompanying Acoustic Report.
<u>On-site Lighting</u> We understand that all lighting will be internal-facing on the site. Any floodlighting or external facing lighting that is likely to impact residents should be identified and a Light spill diagram provided.	Noted. All lighting will be internal facing. An Exterior Light Spill Diagram has been undertaken and accompanies this submission.
<b>Biodiversity Comments</b>	
<u>Relevant Considerations</u>  The following biodiversity-related provisions apply to the site:	Noted. This is addressed in the report below.
<ul style="list-style-type: none"> <li>• Northern Beaches Bush Fire Prone Land.</li> <li>• Warringah Development Control Plan 2011: <ul style="list-style-type: none"> <li>○ E2 Prescribed Vegetation.</li> <li>○ E6 Retaining unique environmental features.</li> </ul> </li> <li>• State Environmental Planning Policy (Koala Habitat Protection) 2020.</li> </ul>	Refer to accompanying Bush Fire Planning Report and Arborist Report.

<b>SPECIALIST ADVICE</b>	
<b>Council Comment</b>	<b>Discussion</b>
Compliance with each of these provisions will need to be demonstrated within the submitted Statement of Environmental Effects (SEE) or supporting documentation.	
<p><u>Required Supporting Documentation</u></p> <p>On review of the site and submitted pre-lodgement plans the following documentation is required to accompany the Development Application (DA):</p> <ul style="list-style-type: none"> <li>• Bushfire Hazard Assessment.</li> <li>• Arboricultural Impact Assessment.</li> </ul>	Refer to accompanying reports.
<p><u>General Biodiversity Comments</u></p> <p>In order to achieve consistency with the controls, the proposal must be designed and sited to avoid environmental impacts to the maximum possible extent. Removal of significant trees and important biodiversity values may not be supported if an alternative design solution is available.</p> <p>Native trees within the setback and road reserve along Cooyong Road should be retained. These trees occur within the ecotone of the Duffys Forest Ecological Community EEC, and their removal will not be supported.</p>	Noted. Refer to accompanying Arborist Report.
<p><u>Bushfire Hazard Assessment</u></p> <p>As the site is mapped within Council's Bushfire Prone Land Map (2020), a Bushfire Hazard Assessment (BHA) report is required to be submitted within the DA. The BHA must be prepared by a qualified Bushfire Practitioner in accordance with the Planning for Bushfire Protection 2019.</p>	Refer to accompanying Bushfire Hazard Assessment Report.
<p><u>Arboricultural Impact Assessment</u></p> <p>The SEE shall include discussion on the trees and vegetation within the site and within adjoining properties. For prescribed (protected) trees under the DCP, i.e. 5 metres and over, excluding Exempt Species, an Arboricultural Impact Assessment is required to provide clarification on which trees are to be retained, including tree protection measures, and which trees are to be removed.</p> <p>The Arboricultural Impact Assessment report shall indicate the impact of development upon the existing trees within the site, and for any existing tree on adjoining properties located 5 metres from the site (building and associated excavation or fill zones).</p>	Noted. Refer to discussion below in the SEE.
<u>Landscape Comments</u>	
<p>It is noted that some preliminary discussions have been held with Council, as indicated in the extract from the pre-DA Report prepared by LJB:</p> <p><i>1.5 A preliminary meeting was held with Senior Staff on 3 March 2021. The feedback provided at that meeting has been considered as part of the revised scheme that is</i></p>	

SPECIALIST ADVICE	
Council Comment	Discussion
<p><i>submitted as a formal Pre- DA application. The key concerns raised by Council was the lack of setback proposed to the car parking spaces along Cooyong and Mona Vale Road frontages. The preliminary scheme comprised a small basement level, and Council suggested that consideration be given to increasing this to improve the interface at the street frontages.</i></p> <p>The plans and report indicate a number of non-compliances with setbacks. Whilst unaware of previous discussions regarding acceptability of such non compliances, which appear, particularly with regard to the front setback to a main road, significant, the plans as presented do not appear to meet the objectives of the RU4 Zone relative to landscape issues.</p> <p>Of particular concern is the relationship between the proposal and the following of the Zone Objectives:</p> <ul style="list-style-type: none"> <li>• <i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i></li> <li>• <i>To minimise the impact of development on long distance views of the area and on views to and from adjacent national parks and bushland.</i></li> <li>• <i>To maintain and enhance the natural landscape including landform and vegetation.</i></li> <li>• <i>To maintain the rural and scenic character of the land.</i></li> </ul> <p>Initial response to the proposal is therefore that it would present difficulties to support from a landscape perspective as it proposes development within required landscape setbacks which results in a development in conflict with the objectives of the Zone.</p>	<p>Noted. Landscaped setbacks have been improved, as shown on the accompanying architectural drawings with increased landscaping along Mona Vale Road, within the increased setback along Cooyong Road and through the middle of the site. Refer to accompanying landscape drawings and report discussion below.</p> <p>All car parking is below ground or located towards the centre of the site where it is screened with landscaping.</p>
Coast and Catchments	
<p>The site is located on the headwaters of four high quality catchments identified in the water policy for development.</p> <p>It is critical that the runoff quality and quantity is managed appropriately.</p> <p>The stormwater quality requirements should follow the Water Management for Development Policy principles with an emphasis on water quality treatment chains.</p> <p>Consideration of vegetated systems and permeable pavements is strongly recommended in the carpark to satisfy the water sensitive urban design objectives.</p> <p>Stormwater harvesting and reuse if also to be included in the design process to reduce the volume of water generated by the impervious area increase.</p> <p>We will require the development of a stormwater management strategy supported by reports, engineering</p>	<p>Refer to accompanying stormwater drawings and stormwater report.</p>

SPECIALIST ADVICE	
Council Comment	Discussion
drawings and water quality modelling (MUSIC or equivalent).	
Concluding Comments	
<p>These notes are in response to a pre-lodgement meeting held on 9 September 2021 to discuss demolition works and construction of a Garden Centre (Flower Power) and retail premises with associated car parking and landscaping at 62 Myoora Road, Terry Hills. The notes reference the plans prepared by Leffler Simes Architects dated July 2021 and revised plans received on 24 September 2021.</p> <p>The proposal is <b>not supported</b> in its current and revised form and requires significant redesign to better respond to the planning, landscape, traffic and urban design issues raised in these Notes and in the DSAP advice.</p> <p>The applicant should prioritise pre-lodgement consultation with TfNSW to determine the requirements of providing/retaining any vehicular access from Mona Vale Road.</p> <p>Please ensure that the proposal satisfies the matters raised in these Notes prior to the lodging of a Development Application.</p>	<p>Noted. The submitted drawings have addressed Councils comments and any variations have been suitably justified in this report.</p>

## Design and Sustainability Advisory Panel Meeting Report

Panel Recommendation	Discussion
Strategic Context, Urban Context: Surrounding Area Character	
<p><i>The proposed uses are permissible on the site and from the notes provided by council officers to the Panel it is understood that council is, in principle, generally supportive of the proposal.</i></p> <p><i>The clear intention of the landscaped setback controls and height limits along this section of Mona Vale Road is to create a continuous landscaped 'parkway' consistent with the RU4 zoning.</i></p> <p><i>Instead, the proposed building is significantly higher than envisaged or permitted and together with the signage resembles a light industrial facility both in scale and prominence.</i></p> <p><i>During the meeting the proponent indicated that the re-arrangement was in accordance with the 'formula' that has been developed at other Flower Power outlets. However, the Panel is aware that these outlets vary considerably from place to place and that it should be possible to develop a design that is more sympathetic to the aims of the DCP and the RU4 zoning.</i></p> <p><i>In short, the proposal should aim to present as a 'nursery' or 'botanical garden' and consider reducing the overall amount of building and increasing the landscaped area including trees in the parking area and throughout the site.</i></p>	
1) Consider developing the site to present as a 'nursery' or 'botanical garden' with screen planting along the entire boundary	The buildings have been setback and car parking positioned below and centrally between the buildings to allow for additional planting along the boundaries.
2) Signage should be reduced and re-considered in terms of the DCP. The pylon signage is not supported.	The extent of signage has been reduced. This is further addressed in this SEE.
3) Signage on the building and the large frame at the entrance is excessive, unnecessary and not in keeping with the RU4 zone.	Noted. This sign and architectural frame have been reduced and are setback in excess of 75 metres from the Mona Vale Road boundary. The increased landscaping will also reduce the impact.
Scale, Built Form and Articulation	

Panel Recommendation	Discussion
<i>The proposal is for a very significant increase in the intensity of uses on the site, no justification for the height of the building, or additional bulk and prominence in the form of the large 'dormer' windows was presented.</i>	
4) No building should be built to the boundary (Myoora Road).	Noted. The wall of the loading dock will be constructed from stone and present as a wall/fence.
5) There should be a 10 m setback for any buildings fronting Cooyong Road. This should be easily achievable by reducing the number of cars in the central area (by 9 spaces) or reducing or reconfiguring the retail.	Building A has been setback 10m.
6) Nursery activities (not pot sales) may be accommodated within the 10m set back along Cooyong Road if there is screen planting as currently proposed.	Noted. Capable of complying.
7) Consider adopting and extending the operable roof structure over the car park as a trellis with vines or shading.	A landscaping central spine will be provided down the centre of the car park.
8) Reduce roof pitch to 5 degrees that would allow for the 6.5 eave height and be within the 8.5m height limit (or close to it) over the 40m span.	The roof has been reduced, however, the site engineering requirements to create a flat building platform result in increase in building height. All eaves are now fully compliant. This is justified in the report below and accompanying Clause 4.6.
9) Car parking within the 20m set back from Mona Vale Road may be considered if there was a reduction in the number of bays and tree planting of large trees every 4 or 5 bays in lieu together with understorey screen planning for 5m.	All car parking is provided centrally at-grade or below in the basement car park.
<b>Access, Vehicular Movement and Car Parking</b>	
<i>The proposal includes a significant increase from approximately 130 spaces currently to 403 that is in excess of the required 346.</i>	
<i>The panel notes that approval for access from Mona vale road is yet to be obtained from TfNSW.</i>	
10) Obtain TfNSW approval for entry from Mona Vale Road before further design given that queuing distances for the entrance off Mona Vale Road may disrupt traffic. Changing the location of the entry will require a redesign of the entire development.	Noted. The application will be referred to TfNSW as part of the DA assessment.
11) Explore alternate parking arrangements including: a) a open void / courtyard to provide access to below ground parking to provide, light, air, planting and supply air; b) two-storey; above ground structure if the site planning is reconfigured.	Below ground parking has been provided in addition to the central at-grade car parking area.  A two storey above ground structure was not considered a good planning outcome as this would result in a large dominant structure which is contrary to the principal of a landscape garden centre the development is seeking to achieve.
12) Consider future-proofing the design that allows for a reduced reliance on cars in the future that could be more easily achieved with an above ground structure.	Noted.
<b>Landscape</b>	
<i>The proponents suggested that the whole outdoor area could be considered 'landscaped area'. The panel sees some merit in this suggestion, however the current scheme presents more as a built industrial/retail facility than a nursery or garden.</i>	
13) Consider the use of green walls and trellises to provide shade to the walkways and car park.	A green wall is proposed to the Myoora Road frontage. Landscaped pergolas are provided throughout the carpark.
14) Introduce more landscaping and mature tree planting into the car park areas.	Noted. Refer to accompanying landscaping plans, this has been achieved.
<b>Amenity</b>	



Panel Recommendation	Discussion
<i>The overall configuration has the car park as the principal 'meeting or public space that provides access to all of the other facilities.</i>	
15) If the over-all planning changes, consider clustering the retail around a smaller 'public square' or courtyard rather than having the car park as the principal shared space. It is not clear what advantage the current arrangement has over more 'co-location' (retail tends to feed off retail).	The car park was centralised to allow for increased setbacks. Adequate pedestrian pathways will be provided to link all buildings.
<b>Façade Treatment/Aesthetics</b>	
<i>The building presents as a light industrial tilt-up character that is not consistent with the rural zoning. The Panel would be pleased to provide precedents if requested; for example raised galvanised steel water tanks above the entry would be both functional, emblematic and less expensive than the heavy structural steel grillage in the current design.</i>	
16) Investigate alternative materials to provide a more 'rural shed' 'machinery yard' character.	The materials and finishes to be utilised will combine vertical, horizontal earthy toned finishes combined with stone elements. Overall, the neutral tones will blend in with the surrounding environment.
<b>Sustainability</b>	
<i>The Panel strongly commends the commitment to collection and reuse of water on site as well as the inclusion of PV panels. These elements could be made features of the design. The Panel sees great potential for education and awareness-raising about the environmental benefits and eco-system services that are provided by plants in the development.</i>	
17) Investigate the use of solar panels as shading device on the car park, and increase optimise the amount of PV on the roof; consider the roof area as a resource.	PV panels are proposed on the roof of the main garden centre building.
18) Investigate the potential to show how stormwater is directed, treated, stored and re-used as a demonstration of sustainability and water sensitive design.	Refer to accompanying stormwater report.
<b>Conclusion</b>	
The Panel does not support the design in its current form.	Noted. The current drawings have evolved from the Pre-DA discussions.
The Panel does not support a design approach that is driven primarily by a business model that results in an overdevelopment of the site.	Noted. Modifications have been undertaken from the Pre-DA meeting to resolve concerns raised.
The Panel is of the view that the intensity of development without adequate landscaping, screening and tree planting is not in accordance with the objectives of the RU4 zone and DCP irrespective of the permissibility of the land use itself.	Noted.
The Panel greatly appreciates the proponent attending a pre-DA that has allowed major issues and challenges to be identified.	Noted.
The Panel notes the access from Mona Vale Road is unresolved and could require a significant reconfiguration of the planning and site layout.	Noted.

3.52 As demonstrated in the above response to the Pre-DA and DSAP comments, the scheme has significantly evolved to respond to the matters raised. The scheme has incorporated increased setbacks, additional landscaping through the carpark area and detailed resolution of materials and building forms.

3.53 The garden centre will provide an inviting retail destination offering sufficient carparking and ancillary uses to accommodate the needs of the area.

## 4.0 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 ASSESSMENT

### 4.1 Consideration of Development Applications

- 4.1.1 The development application is not subject to the complying, prohibited, or advertised development provisions of the Act. There are no issues relating to endangered flora or fauna, watercourses, bush fire or aboriginal artefacts. The proposed development is submitted pursuant to the provisions of section 76 A (1) and (2) of the Act which provides if an environmental planning instrument requires development consent to be obtained, a person must not carry out the development unless such a consent has been obtained and is in force. The relevant environmental planning instrument requiring development consent to be obtained is Warringah Local Environmental Plan 2011.
- 4.1.2 The Development Application is Integrated Development as the development is defined as 'Traffic Generating Development' under Clause 104 and Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007.
- 4.1.3 In determining a development application, Section 79C(1) of the Environmental Planning and Assessment Act provides that a consent authority is to take into consideration such of the following matters as are of relevance:
- “(a) The provisions of:*
    - (i) any environmental planning instrument, and*
    - (ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and*
    - (iii) any development control plan, and*
    - (iii) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, an*
    - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

*that apply to the land to which the development application relates,*
  - (b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
  - (c) the suitability of the site for development,*
  - (d) any submissions made in accordance with this Act or the Regulations,*
  - (e) the public interest.”*
- 4.1.4 An assessment of the proposal against these matters concludes the proposal is suitable for approval. This is demonstrated in the following assessment.
- 4.1.5 The Environmental Planning and Assessment Act 1979, requires the assessment of development proposals against the relevant 'heads of consideration' set out in Section 79(C) of the EPA Act. These are addressed below.

## 4.2 Planning Controls and Regulations

4.2.1 The relevant planning controls applicable to the development application are listed below:

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 64 -Advertising and Signage
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (BASIX) 2007
- State Environmental Planning Policy (Koala Habitat Protection) 2021
- Warringah Local Environmental Plan 2011
- Warringah Development Control Plan 2011

4.2.2 Compliance with the provisions of the above mentioned planning controls is discussed below.

### State Environmental Planning Policy (Infrastructure) 2007

4.2.3 Under Clause 104 and Schedule 3, the proposed development will require the referral as it is determined to be traffic generating development.

4.2.4 A detailed Traffic Report has been prepared by Positive Traffic to support the proposed development and ensure that the proposed parking and servicing will be appropriate for the site and will not detrimentally affect the existing traffic and parking conditions in the surrounding locality.

4.2.5 The accompanying traffic report has concluded the following:

- *The potential traffic impacts of the proposal would not result in significant impact on the operation of intersections surrounding the site.*
- *The proposal would require the extension of the existing right turn bay in Mona Vale Road to a length of 115m (currently 80m) to provide sufficient queuing for potential future traffic demands.*
- *The parking demands of the proposal would be markedly higher than that which would be required by the DCP. 4. The proposed parking provision would cater for the expected peak demands of the site whilst providing some spare capacity for efficiency / circulation purposes.*
- *The proposed parking provision would also reduce any potential risk for site generated traffic queuing onto the local road network.*
- *The design of the car parking areas and access arrangements complies with AS2890.1 and AS2890.2 and are considered satisfactory.*
- *The service vehicle arrangements provide adequately manoeuvring area and parking arrangements for all potential service vehicles which may access the site and enables all service vehicles to enter and leave the site in a forward direction.*

4.2.6 Overall, adequate on-site car parking can be provided, and the development will result in the improved separation of service vehicles from general car parking which is a positive improvement for the future development of the site.

### State Environmental Planning Policy No.64 – Advertising and Signage

- 4.2.7 SEPP 64 seeks to guide signage and advertising within the State, to ensure that it is compatible with the desired future character of the area, of high-quality design and finishes, provides effective communication and regulate advertising.
- 4.2.8 The proposed signage is defined as business identification signage under SEPP No. 64 and is illustrated within the accompanying architectural drawings.
- 4.2.9 A total of eight (8) signs are proposed across the site and are illustrated within the accompanying drawings and have been discussed above in Section 3.
- 4.2.10 The proposed signage will contain a variety of illuminated and non-illuminated signage.
- 4.2.11 The proposed signage will be installed in the following locations:
- Pylon sign within the Mona Vale Road setback (6.05m x 2.5m);
  - Along the architectural frame above the main entry on the western façade of the main garden centre building (15.805m x 1.8m);
  - 3 x future tenancies sign locations along the southern façade of the main garden centre building; (8.085m x .7m each)
  - Wall sign on the eastern side of the landscaping building (6.12m x .07m); and
  - 3 x hamper sign locations along the northern side of the tenancy building (7.92m x .7m, 5.57m x 0.7m and 3.17m x 0.7m).
- 4.2.12 All signage is clearly shown on the accompanying drawings.
- 4.2.13 In the granting of consent for business identification signage, the Consent Authority must be satisfied that the signage is consistent with the objectives of the SEPP as set out in Clause 3 (1)(a):

### **3 Aims, objectives etc**

a. *This Policy aims:*

(a) *to ensure that signage (including advertising):*

- (i) *is compatible with the desired amenity and visual character of an area, and*
- (ii) *provides effective communication in suitable locations, and*
- (iii) *is of high-quality design and finish,*

4.2.14 The signage satisfies the above objectives in the following way:

- All new business identification signs will be proportioned along each frontage and/or building facade and the architectural integration into the building can accommodate the new signage seamlessly.
- The position of the pylon sign combined with its height will not adversely affect the natural setting along Mona Vale Road, with the height being well below the ridge height of the main building and will direct customers and deliveries to the site.
- The business identification sign above the main entry is suitable and will not affect adjoining properties or result in a cumulative impact as it is not facing the public domain and is set well back from the Mona Vale Road frontage.

- The signage is compatible with the desired character and use of the site and will not detrimentally impact on nearby residential uses with all signage to face in towards the central car park to minimise impacts and light spill.
- The tenancy signs will face the at-grade car park and won't be highly visible when driving along Mona Vale Road at speed.
- The size of the signs is appropriate for the location of the premises and the length of the building and property boundaries. The eight (8) signs will provide effective communication.
- The design and finish of the signs are appropriate and will achieve a high-quality finish, refer to accompanying architectural plans.

4.2.15 Part 3 *Advertisements* under SEPP 64 is not applicable as all signage is for business identification and is not defined as advertising.

4.2.16 In addition, the Consent Authority must be satisfied that the signage addresses the assessment criteria specified in Schedule 1 of SEPP No. 64 which is outlined and addressed in the table below:

**Table 3: SEPP 64 Assessment**

Schedule 1	Comments	Satisfactory
1) Character of the Area	<p>The signs are of a modern design and size that will complement the streetscape and be consistent with the use of the site and will not detrimentally affect the character of the area.</p> <p>The size and location of the signage is compatible and complimentary to the size of the building and level changes across the site, all signs are essential in providing suitable directional signs for future customers and delivery drivers.</p> <p>The signage will not be visible to nearby residential properties and the signage is consistent with sign already in existence for business to the south along Mona Vale Road.</p>	Yes
2) Special Areas	<p>The site is not located within a special area, heritage or conservation area.</p> <p>The position of the buildings and signage is sufficiently separated from residential areas and majority of the signage will face the internal at-grade car park.</p> <p>The pylon is required in order to provide direction to approaching customers in a safe manner.</p>	Yes
3) Views and Vistas	<p>The signage does not obscure any views or vistas.</p>	Yes
4) Streetscape, Setting or Landscape	<p>The business identification signage is of a scale, proportion and form that is appropriate for the size of the building elevations, property boundary lengths, streetscape and setting. Only the pylon sign will be highly visible from the public domain.</p> <p>The signs will provide visual interest and assist with direction for future motorists. The high-quality finishes will complement the building and provide highly appropriate business identification.</p> <p>The setback of most signs, with the exception of the pylon sign, will minimise impacts to the natural setting along Mona Vale Road. The pylon sign will be set amongst landscaping to minimise effects but is necessary to enable safe entry for future customers.</p>	Yes

Schedule 1	Comments	Satisfactory
5) Site and Building	<p>The signage will be compatible with the scale, proportion and other characteristics of the buildings and site for which the proposed signage is to be located.</p> <p>The signage will provide visual interest and direction from busy Mona Vale Road.</p> <p>The location of the proposed signage does respect the features of the future buildings, in particular the signage along the southern elevation of the main building will be affixed to an architectural screen to provide visual interest and integrate with the architectural integrity of the building.</p>	Yes
6) Associated Devices and Logos with Advertisements and Advertising Structures.	<p>The main 'Flower Power' sign positioned on the southern facade will be designed from fabricated letters and will be attached to support beams along the façade and will be illuminated.</p> <p>The freestanding pylon sign will be illuminated and supported from the base, which will hide all conduits.</p> <p>The wall signage will be illuminated internally to ensure conduits are hidden from view.</p> <p>The illumination of signs will be controlled to avoid any glare or disruption to motorists, etc.</p>	Yes
7) Illumination	<p>The signs are proposed to be illuminated with the use of LEDs from dusk until dawn. The illuminated signs are outlined above in Section 3.</p> <p>The signage is unlikely to result in unacceptable glare.</p> <p>The illuminated signage is unlikely to affect safety of pedestrians, vehicles or aircraft due to setbacks from the street.</p> <p>Residential properties will not be detrimentally affected with all signage facing the internal site and the illumination intensity can be reduced if required.</p>	Yes
8) Safety	<p>The proposed signage does not reduce the safety for any public road users or pedestrians or bicyclists. This is due to the setback from Mona Vale Road. The signage will not obscure any sight lines.</p>	Yes

4.2.17 The proposed signage satisfies the applicable requirements of this SEPP. It is therefore recommended that Council approved the proposed signage.

4.2.18 As detailed above, the proposal development generally meets the requirements of the DCP and SEPP 64, any variations have been appropriately justified within the report.

#### State Environmental Planning Policy No. 55 – Remediation of Land

4.2.19 Clause 7 of State Environmental Planning Policy No. 55 – Remediation of Land requires the consent authority to consider whether land is contaminated prior to granting of consent to the carrying out of any development on that land.

4.2.20 The subject site has a history of uses that would indicate that the site is likely to be contaminated. In addition, uncontrolled fill exists on the site and the agricultural uses in the past may have resulted in contamination.

4.2.21 The accompanying Phase 1 and Phase 2 Contamination Report prepared by JK Environments was undertaken to review the likely impacts the development would have with respect to bulk earth works and contamination management.

4.2.22 The Phase 2 report concluded that the site can be made suitable for the proposed use subject to the following:

- A Remediation Action Plan (RAP) should be prepared to outline measures to reduce the risks associated with the asbestos in fill at the site. The RAP must also outline the details of additional HGG monitoring at the site and other site management protocols to address the data gaps;
- An Asbestos Management Plan (AMP) is to prepared for the construction phase of the proposed development for the removal of the asbestos waste, as required under the NSW Work Health and Safety Regulation 2017; and
- An AMP is to be prepared for management of asbestos in soil whilst the existing retail premises continue to operate.

4.2.23 Based on the above, the proposed site can be made suitable for the proposed use.

#### State Environmental Planning Policy (Koala Habitat Protection) 2021

4.2.24 The aim of this policy is to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

4.2.25 This policy applies to the Northern Beaches Council Local Government Area. Under Clause 11(2) of the SEPP, before Council can grant consent to any development application, the Council must assess whether the development is likely to have any impact on koalas or koala habitat and if found to have low or no impact, may grant consent.

4.2.26 Under Clause 11(4), if it is determined to have higher level of impact on koalas or koala habitat, will require the preparation of a Koala Assessment report prior to determining any applications.

4.2.27 The subject site is currently used for the purpose of an existing nursery and the existing trees on site do not have connectivity to corridors of bushland and is located adjacent to the dual carriageway, being Mona Vale Road.

4.2.28 Based on the proposed development, the works including tree removal is likely not to impact on koalas and their habitat and therefore no further assessment is required.

#### Warringah Local Environmental Plan 2011

##### Zoning

4.2.29 The subject site is zoned RU4 – Primary Production Small Lots.

4.2.30 Garden centres are not permitted within the RU4 zone. However, Clause 2.5 permits garden centres as an additional permitted use.

4.2.31 A garden centre is defined as:

**garden centre** means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may include a restaurant or cafe and the sale of any of the following—

(a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,

(b) pets and pet supplies,

(c) fresh produce.

**Note.** Garden centres are a type of **retail premises**—see the definition of that term in this Dictionary.

4.2.32 The proposed use is permitted within the zone, subject to development consent. The fruit and vegetable shop and pet store fall within the definition of a garden centre and are therefore permissible uses.

4.2.33 The proposed development satisfies the objectives of the RU4 – Primary Production Small Lots zone as follows:

- *To enable sustainable primary industry and other compatible land uses.*

4.2.34 The proposed garden centre is and will continue to be compatible with the surrounding land uses.

- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*

4.2.35 The garden centre, including café, pet shop and fruit and vegetable shop will generate approximately 75 staff. This increase will provide employment opportunities for the local community.

- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

4.2.36 The proposed hours of operation of the development will be between 7:00am to 7:00pm, 7 days a week, with the garden centre hours reducing to between 7:00am and 5:30pm during winter months. These hours are appropriate and will not adversely impact the school to the west nor residential properties located to the north, west and south. The design of the retail buildings and carparking is centrally focused and acoustic fencing will be suitably positioned along Myoora Road and the southern boundary.

4.2.37 In addition, truck movements to and from the site are expected to be evenly distributed between normal working hours Monday to Friday.

4.2.38 The submitted Traffic Report demonstrates that the proposed uses will not adversely affect the local traffic network and adequate on-site car parking and loading facilities are provided on site.

4.2.39 The accompanying acoustic report has demonstrated that the use can operate without adversely affecting surrounding uses.

- *To minimise the impact of development on long distance views of the area and on views to and from adjacent national parks and bushland.*
- *To maintain and enhance the natural landscape including landform and vegetation.*



4.2.40 The redevelopment will retain a single storey form and will not adversely impact on any views or existing landform and vegetation.

- *To ensure low intensity of land use other than land uses that are primary industry enterprises.*

4.2.41 The proposed development will continue the current use of the site, which is suitable for the locality.

- *To maintain the rural and scenic character of the land.*

4.2.42 The single storey form of the building which is bordered by dense landscaping will present an aesthetically pleasing streetscape that will complement the character of the area.

4.2.43 Overall, the proposed garden centre is consistent with the zone objectives.

#### Additional Permitted Uses for Particular Land

4.2.44 Clause 2.5 of the WLEP 2011 permits development in Schedule 1(Clause 18) to be undertaken on particular land. This Clause applies to the site, as discussed above and is shown below:

#### **18 Use of certain land in the vicinity of Mona Vale and Myoora Roads, Terrey Hills**

- (2) *This clause applies to land in the vicinity of Mona Vale and Myoora Roads, Terrey Hills, shown as "Area 18" on the Additional Permitted Uses Map.*
- (3) *Development for the purposes of educational establishments, garden centres, hospitals, hotel or motel accommodation, places of public worship, recreation areas, recreation facilities (indoor), recreation facilities (outdoor), registered clubs and restaurants or cafes is permitted with consent.*

4.2.45 As such, a garden centre is permitted with consent.

#### Subdivision

4.2.46 The minimum lot size permitted on the site is 2 hectares. The application does not seek subdivision and currently exceeds 2 hectares in size, being 2.8299 hectares.

#### Height

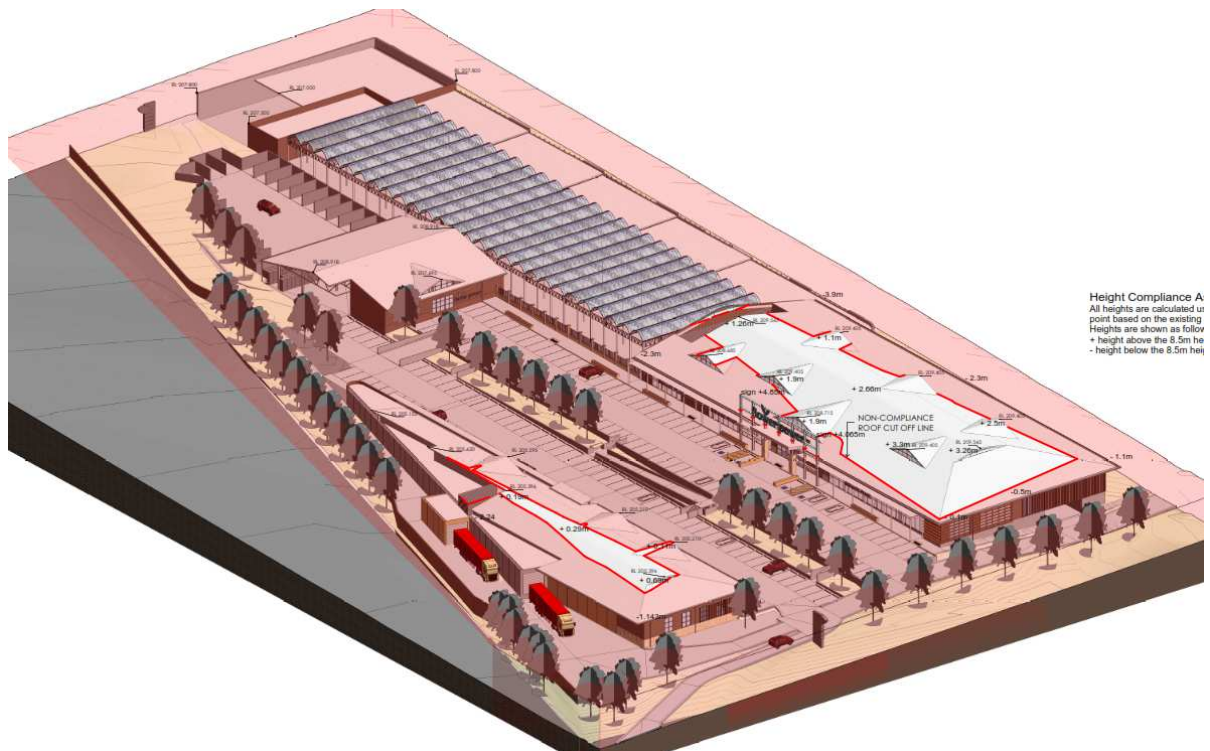
4.2.47 Clause 4.3 of the LEP refers to the Building Height Map which sets a maximum Building Height of 8.5m

4.2.48 The northern building (Building A) will exceed the maximum height and seeks a variation of up to 3.3m reducing to 1.26m at the western end. The variation is centrally located with the majority of the building well below the height control. In particular the roof of the building closest to Cooyong Road varies from 1.1m to 3.9m below the height control.

4.2.49 The signage structure within the central carpark has a localised variation of between 4.065m to 4.85m.

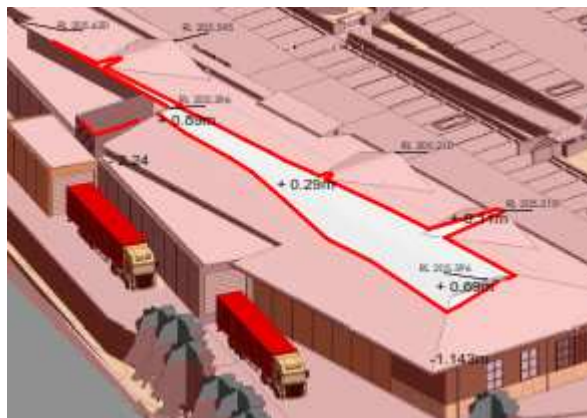
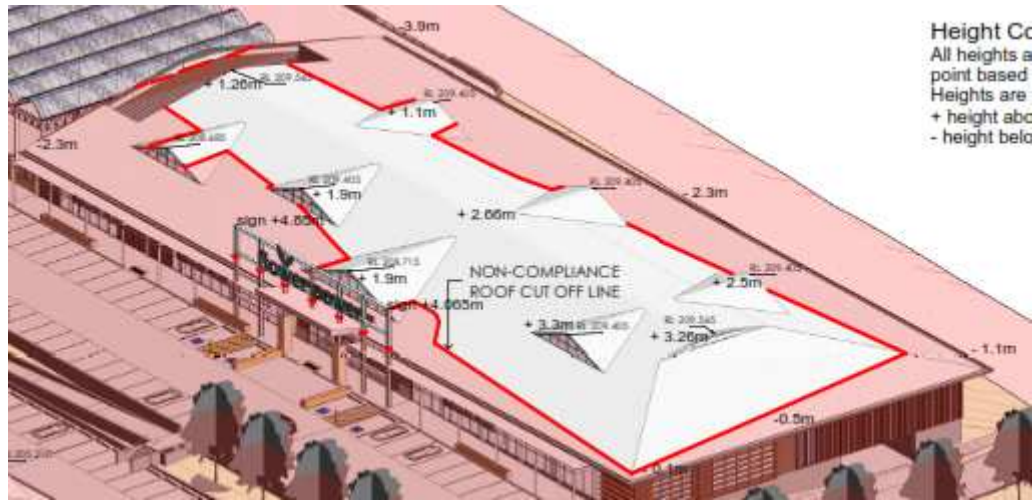
4.2.50 The southern building (Building F) will seek a minor variation of 690mm at the Mona Vale Rd end reducing to 190mm mid way along the building.

- 4.2.51 All remaining structures are significantly below the 8.5m maximum and the loading dock has been constructed below ground at the northern end (Myoora Rd) to minimise impacts along this local street.
- 4.2.52 The breach of the control is primarily due the slope of the land and the need to achieve a level platform internally for the buildings. Given the nature of the use which includes large flat trollies for plants, pots, and other large items it is important that the main components of the garden centre are at the same level. As a result, as the land slopes towards Mona Vale Road, the breach increases. This is counteracted by the creation of a Dutch gable end that steps the building down to below the height control. To further minimise the exceedance of the height control, the site steps through the middle of the carpark to reduce the overall height of Building F. The introduction of the change in level has also created the opportunity for an extensive landscape spine through the carpark which softens the scale of the buildings and minimises the visual impact of the minor breaches.
- 4.2.53 In addition to the slope of the land, the breach to Building A is due to the design of the roof of the building. Given the nature of the use, a garden centre, it is important to achieve internally an open feel with high raked ceilings. This also enables the display of hanging features & lighting especially within the homewares section. It is the pitched roof that creates the breach; however, this is a critical design element of the building. The overall height has been minimised by reducing the pitch of the roof and introducing a Dutch gable to the Mona Vale Road end of the building. The incorporation of the dormer windows breaks up the roof form and adds visual interest. The edges of the roof form where the eaves project is fully compliant and, in many areas, significantly below the height control.
- 4.2.54 The following image illustrates the areas of non-compliance (shown as white roofed areas):



Source: Leffler Simes Architects – Drawing No. DA19 Rev. 5 dated 15.3.22

4.2.55 The following extracts provide a larger scale of the two areas shown in white above (height is shown as either + or – relative to the height control of 8.5m):



4.2.56 The proposed height will satisfy the height objectives as follows:

(a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,

4.2.57 The site has been stepped within the central carpark area to reduce the overall height of the buildings given the natural topography of the site. The building forms have also been modulated to reduce their height but still provide architecturally designed buildings that will result improve the streetscape. As the majority of the buildings are well below the height control, the height and scale of the garden centre is appropriate.

4.2.58 The height and scale of the development respects surrounding development by providing landscaped setbacks to soften the building form when viewed from the public domain. The overall quality design of the site will ensure the buildings are compatible with the surrounding area.

(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,

- 4.2.59 The new buildings have been positioned on the site to provide an inward focus for the retailing and carparking activities and a landscaped focus around the main boundaries. This enables an improved visual outcome especially along Cooyong Road where the landscape setback is not dominated with pedestrian paths or entry points. The setbacks are full landscaped providing an appropriate rural setting.
- 4.2.60 The garden centre will not result in the disruption of views and solar access is maintained to all surrounding properties due to the single storey height of buildings and stepping the site to reduce the heights on the southern side.
- 4.2.61 The accompanying shadow diagrams ensure that there is no adverse overshadowing to the adjoining property at 279 Mona Vale Road. The dwelling on this property is positioned approximately 41 metres to the south of shared boundary and will not be impacted. Given this physical separation there will be adverse impact on the privacy of the dwelling.
- 4.2.62 Given the inward focus of the garden centre, there are no openings to impact on the privacy of dwellings and the school on the opposite sides of Cooyong and Myoora Roads.
- (c) to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,*
- 4.2.63 The development is not located near a coastal environment and will have no effect on the scenic qualities of the coastal and bush environments.
- (d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.*
- 4.2.64 The garden centre site is not visible from parks and reserves. The garden centre will be visible from the surrounding street network.
- 4.2.65 As noted above, the design of the garden centre provides a landscaped interface to the surrounding road network that will ensure a positive contribution to the visual amenity of the area. The edges of the building, in particular along Cooyong Road are between 1.1 metres and 3.9 metres below the height control.
- 4.2.66 The wall to the sunken loading dock along Myoora Road has a stone finish and setback from the boundary to facilitate a landscaped green wall.
- 4.2.67 It is therefore considered, notwithstanding the variation to the height control, the garden centre achieves the objectives of the control. A Clause 4.6 variation request accompanies this application.

#### Floor Space Ratio

- 4.2.68 Clause 4.4 of the LEP refers to the maximum floor space ratio (FSR) Map which sets a maximum FSR. The subject site is not affected by an FSR maximum.
- 4.2.69 The proposed scale of the development is appropriate given the sites location and current zoning.

#### Exceptions to Development Standards

4.2.70 Clause 4.6 of the LEP allows for flexibility of development standards contained within the LEP. The proposed development will not affect any development standards.

#### Development near Zone Boundaries

4.2.71 The objective of Clause 5.3 is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

4.2.72 This clause does not apply.

#### Architectural Roof Features

4.2.73 The development does not propose any architectural roof features.

#### Heritage Conservation

4.2.74 Clause 5.10 of the LEP outlines the requirements for development of or within close proximity of heritage items and within or nearby heritage conservation areas. The subject site is not heritage listed, is not located within a conservation area and is not located within close proximity to a nearby heritage item.

#### Flooding Planning

4.2.75 The subject site is not identified as being flood affected.

#### Acid Sulfate Soils

4.2.76 The site is not affected by acid sulfate soils.

#### Earthworks

4.2.77 Clause 6.2 of the LEP seeks to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

4.2.78 The proposed works will require site works and excavation to provide basement level car parking and removal of uncontrolled fill.

4.2.79 A Geotechnical Report prepared by JK Geotechnics accompanies this submission. The report provides an assessment of the earthworks required and the results of the testing. Further Geotechnical input will be required following demolition of the buildings to inform the Construction Certificate.

4.2.80 The proposed earthworks are appropriate on this site and can be undertaken without adverse impacts.

#### Development on Sloping Land

4.2.81 Clause 6.4 of the WLEP 2011 has identified the site as being within 'Area A' on the Landslip Risk Map, slope of <math><5^{\circ}</math>.

4.2.82 Due to the slope of the site and the surrounding land, there is no concern raised in the Geotechnical Report, prepared by JK Geotechnics, regarding landslip. Matters relating to stormwater and drainage is addressed in the Stormwater report prepared by Northrop.

4.2.83 There are no other controls in the LEP relevant to the subject application.

### Warringah Development Control Plan 2011

4.2.84 The DCP supplements the provisions of the LEP, but provides more detailed controls in the following sections:

- The General Introduction outlines how the consolidated LEP works and also provides heritage/conservation area planning controls.
- Part B – Built Form Controls
- Part C – Siting Factors
- Part D - Design
- Part E – The Natural Environment

4.2.85 The following table provides a summary of the applicable requirements from each part of the DCP as they relate to the development application.

Table 7: Assessment against requirements of Warringah DCP 2011

Clause	Control	Comment
<b>Warringah Development Control Plan 2011</b>		
<b>Part B – Built Form Controls</b>		
B1 – Wall Heights	Max wall height of 7.2m from ground level (existing) to underside of the ceiling of the uppermost floor of the building (excludes habitable areas wholly located within the roof space).	Wall heights will generally be less than 7.2m. Except for the northernmost building which has a height of 7.41m to the gutter at the eastern end. However, the wall height reduces towards the east to a height of 4.22m. The height is acceptable as the wall height reduces, the variation of 210mm will not be discernible from the public domain and the building will achieve the compliant 10m setback from Cooyong Road with adequate landscaping in the setback to the north. The wall heights are well below the LEP maximum height control.  In addition, the façade will be visually interesting with varied materials and finishes.

Clause	Control	Comment
B4 – Site Coverage	<p>Max 20% (5,659.8m<sup>2</sup>)</p> <p>Defined as the 'total building footprint'.</p>	<p>The proposed site coverage is 30% (8,579m<sup>2</sup>). This is a minor variation to the control, however considered reasonable.</p> <p>The proposed landscaping throughout the site and stormwater works will ensure that the new buildings will be suitably softened and will ensure that there will be no adverse run-off effects.</p> <p>The positioning of 205 car spaces underground will enable more landscaping at ground level and the increased setbacks will off-set a minor variation.</p> <p>As the buildings are spread around the site and are single storey with varying roof forms and heights, the development, notwithstanding the variation, meets the objective of the control to <i>minimise the bulk and scale of development</i>.</p>
B5 – Side Setbacks	<p>Side – 7.5m</p> <p>Side setback to be landscaped and free of any above or below ground structures.</p>	<p>A side setback of between 5.5m and 10.5m is provided along the side (southern) boundary.</p> <p>A minor variation is sought for part of the loading dock associated with the proposed tenancies although the majority of setbacks are in excess of 10.5m.</p> <p>Landscaping will be provided along the boundary to soften the interface with the adjoining properties.</p> <p>This minor variation is reasonable as the dwelling on the adjacent property (279 Mona Vale Road) is setback 41m. The current garden centre locates the landscape supplies in this area which will be replaced with an acoustic fence and landscaping.</p> <p>The increased setbacks will improve separation and provide additional landscaping opportunities.</p>
B7 – Front Setbacks	<p>Myoora Road – 10 metres</p>	<p>The wall to the sunken loading dock is setback 360mm from the boundary. The loading dock is appropriately located given its height and form presenting as a landscaped stone wall between 2.63m and 3.41m in height.</p> <p>The built form of the loading dock/store, that is positioned within the Myoora Road setback, is significantly below the 8.5m LEP maximum height at the western end of the site. The wall for the loading dock will also acts as an acoustic barrier.</p>

Clause	Control	Comment
	Cooyong Road – 10 metres	<p>The driveway entry will occupy approximately 50% of the frontage and remains open with Building E setback more than 10m from the boundary.</p> <p>The main nursery building has a 10m setback which is densely landscaped with a combination of retained trees and layered landscaping. The outdoor nursery reduces to 5.15m. This building is of lower scale, well below the maximum building height which compensates for the reduced setback. As the garden centre has been designed with all entry points from the central parking area, the setback is devoid of any entry points of paths that would be permitted but would effectively reduce the amount of landscaping.</p> <p>The main garden centre building will achieve the required setback with a variation sought for the smaller nursery area.</p>
B14 – Main Road Setback	<p>Min of 30m required.</p> <p>The front setback area is to be:</p> <p>a) must be densely landscaped using locally occurring species of canopy trees and shrubs; and</p> <p>b) no signs are to be erected in the 30-metre front setback area.</p> <p>Ground level car parking may be permitted between 15 and 30 metres from the road boundary provided views of the car park area, from the main road, are screened by landscaping.</p>	<p>Proposed setback will vary between 24.74m to 26.415m. A minor variation of between 5.26m and 3.585m is proposed however this will be an improvement from the existing arrangement. The new design will reduce the hardstand areas in view of Mona Vale Road and relocate parking to below ground and to the middle of site screened with landscaping. The large 14.8-metre-wide landscaped strip will afford the site a quality outcome improving the character of the area.</p> <p>The landscaping along Mona Vale Road will be significantly improved and will soften the built form when viewed from the public domain.</p> <p>Eight (8) signs are proposed:</p> <ul style="list-style-type: none"> <li>• A pylon sign will be erected within the Mona Vale Road setback;</li> <li>• A sign on the architectural frame on the southern side of the main garden centre building;</li> <li>• Three (3) hamper signs on the south facing elevation of the main garden centre building.</li> <li>• A wall sign on the eastern side of the landscaping building; and</li> <li>• Three (3) tenancy signs on the north facing side of the tenancy building.</li> </ul>



Clause	Control	Comment
		<p>The proposed signage is consistent with existing signage and will be justified in the SEE.</p> <p>All other signage, with the exception of the pylon pole, will be setback more than 75m from the Mona Vale Road boundary.</p> <p>The pylon sign needs to be installed within this setback to provide safe direction for approaching motorists and is similar to signage to the south along Mona Vale Road. All remaining signs are setback more than 30m from Mona Vale Road.</p>
<b>Part C – Siting Factors</b>		
C2 – Traffic, Access and Safety	<p>Vehicle access to be from minor streets.</p> <p>All loading and unloading facilities are to be accommodate on site, be of an appropriate size to suit needs and be screened from public view.</p> <p>Service vehicles must be able to enter and leave the site in a forward direction.</p>	<p>Existing entry only will be maintained from Mona Vale Road.</p> <p>Service vehicles will be encouraged to enter form Myoora Road and exit via Myoora or Cooyong Road, to minimise conflicts with customer vehicles and pedestrians, within the central car parking area.</p> <p>The existing entry/exit will be maintained on Cooyong Road.</p> <p>A traffic assessment has been prepared to accompany this DA and supports the proposed parking layout and traffic impacts for the surrounding locality.</p> <p>The nursery loading dock will be adjacent to the Myoora Road boundary and will be set below ground to minimise impacts when viewed from the public domain.</p> <p>Loading dock areas for Building F will be positioned along the southern boundary and each will have separate loading areas, the position along the side boundary reduces view lines from the public domain.</p> <p>Overall, all service vehicles can enter and leave the site in a forward direction, which will minimise conflicts with cars and pedestrians.</p>
C3 – Parking Facilities	No rate given for 'Garden Centres' – merit-based assessment required to determine number of required car spaces.	Refer to accompanying traffic report, 382 car spaces should be supported as this is based on a traffic study undertaken for Flower Power's Milperra site.

Clause	Control	Comment
	Comply with Australian Standards.	203 car spaces will be provided within the basement which will enable more landscaping at-grade within the remainder of car spaces (179) provided.
C3(A) – Bicycle Parking and End of Trip Facilities	No rate specified for garden centres.	Given the nature of the use, bicycle parking spaces are not viable. Customers to the garden centre require a vehicle given the products for sale.
C4 – Stormwater	Satisfy Council's Water Management Policy.	Noted. Stormwater drawings and a stormwater report accompany this application.
C5 – Erosion and Sedimentation	Require Erosion and sediment control plan.	Noted. Erosion and sediment control plan accompanies this application and is addressed in the Stormwater Report.
C7 – Excavation and Landfill	Ensure all landfill is clean and free of contaminants.  Geotechnical Report required due to excavation and slope.	Excavation to a depth of 3m is required for the construction of the basement and loading dock. This equates to 25,555.00m <sup>3</sup> of soil being affected.  In addition, the removal of uncontrolled fill and replacement with controlled fill is required. This equates to approximately 11,864.00m <sup>2</sup> .  This is further addressed in the accompanying civil engineering drawings and accompanying Geotechnical Report.  Overall, the proposed cut and fill will enable the construction of the development but will require the disposal of at least 13,691m <sup>3</sup> of excavated material. This will require classification prior to disposal.  Where fill is required, any suitable excavated material soil will be reused on site.  A Geotechnical report has been prepared and accompanies the DA lodgement.
C8 – Demolition and Construction  C9 – Waste Management	Require a Waste Management Plan in accordance with Northern Beaches Council's Waste Management Guidelines.	Noted. A waste management plan will be prepared and will accompany this application.
<b>Part D - Design</b>		
D1 - Landscaped Open Space and	Minimum 70% as the site is greater than 3500m <sup>2</sup> .	28% of the site is landscaped. Refer to detailed discussion at the end of this table that justifies the variation to the DCP control.

Clause	Control	Comment
Bushland Setting		
D3 – Noise	Acoustic Report required. <b>Note:</b> <i>Waste collection and delivery vehicles are not to operate in the vicinity of residential uses between 10pm and 6am.</i>	Refer to the Acoustic report that accompanies this application, the garden centre has been designed to minimise acoustic impacts.
D6 – Access to Sunlight	Avoid unreasonable overshadowing of public open space.  At least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21	Refer to accompanying shadow diagrams, in excess of 3 hours of sunlight will be retained to the adjoining residential property at 279 Mona Vale Road. The dwelling on this property is positioned 41m to the south of the site's boundary.
D7 – Views	Provide reasonable view sharing.	No views will be adversely affected.
D8 – Privacy	Maintain and provide high level of visual and acoustic privacy for adjoining properties.	The position of the loading docks combined with landscaping along the southern boundary and walls along the western boundary seeks to achieve this.  Acoustic fencing will assist in reducing noise impacts for adjoining residential properties, refer to accompanying drawings and acoustic report.
D9 – Building Bulk	Side and rear setbacks are to be progressively increased as wall height increases.  Avoid large areas of blank walls.	Noted.  All buildings will vary in length and the boundary to building length ratio will be sufficient to minimise large expanses of blank walls when combined with materials and finishes.  The roof details, materials and finishes and landscaping will assist in reducing large areas of blank walls.
D10 – Building Colours and Materials	Use of appropriate colours and materials and landscaping.	The proposed colour scheme is a neutral palate with a splash of colour by way of the signage. The materials and finishes are highly suitable for the subject site.

Clause	Control	Comment
D11 – Roofs	Lift overruns and plant etc shall be minimised and integrated into the building.	Noted. All plant will be incorporated into the building form, refer to accompanying architectural drawings.
D12 – Glare and Reflection	Minimise glare and light spill.	Capable of complying.
D13 – Front Fences and Front Walls	Be compatible with streetscape character and allow for casual surveillance.	No front fence proposed.
D14 – Site Facilities	Waste facilities to be integrated into the building and minimise views.	Noted. All waste areas will be incorporated into the loading areas.
D15 – Side and Rear Fences	Max of 1.8m	Noted. A 2.4m high acoustic fence is provided to the southern boundary, however it is setback from the side boundary to minimise its potential impact.
D18 – Accessibility and Adaptability	Comply with the DDA, BCA and Australian Standards.	Refer to accompanying Access report.
D20 – Safety and Security	Consider CPTED Principles.	Refer to assessment above.
D21 – Provision and Location of Utility Services	Integrate into the development and screen.	Noted. Able to comply.
D22 – Conservation of Energy and Water	All development must comply with Council's Water Management Policy.	Noted. Able to comply.
D23 – Signs	For Land in the RU4 zone with frontage to both Mona Vale Road and Myoora Road: Only small, non-obtrusive and non-illuminated signs that identify the use of a site are to be visible from Mona Vale Road. Signs that are designed of such size, height or visual appearance so as to attract passing trade are not considered appropriate and are discouraged. All signs are to be in keeping with the colour and textures of the natural landscape.	There is existing signage along the Mona Vale Road frontage, and this will continue with the new DA. This is a vital component of a garden centre.  Signage is needed for direction, refer to signage discussion below.

Clause	Control	Comment
<b>Part E – Environment</b>		
E1 – Preservation of Trees or Bushland Vegetation	Require Arborist Report if trees are to be removed.	<p>Trees will be removed to enable development. An arborist report accompanies this DA.</p> <p>It is noted that additional planting will be provided to off-set this loss.</p> <p>Trees along Cooyong Road will be retained where possible.</p>
E2 – Prescribed Vegetation	<p>1. The following is prescribed for the purposes of clause 5.9(2) of Part 2 of the Vegetation SEPP: All native vegetation identified on:</p> <p>a) DCP Map Threatened and <a href="#">High Conservation Habitat</a></p> <p>b) DCP Map Wildlife Corridors</p> <p>c) DCP Map Native Vegetation</p> <p>d) known or potential habitat for threatened species, populations or ecological communities as listed under the <i>NSW Threatened Species Conservation Act 1995</i> and/or the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>.</p> <p>2. Development is to be situated and designed to minimise the impact on prescribed vegetation, including remnant canopy trees, understorey vegetation, and ground cover species.</p>	<p>The subject site is not identified as containing any of the following:</p> <ul style="list-style-type: none"> <li>• Threatened and High Conservation Habitat;</li> <li>• DCP Map Wildlife Corridors; and</li> <li>• DCP Map Native Vegetation.</li> </ul> <p>Trees will be retained where possible. A high percentage of trees to be removed are exempt species. Refer to accompanying Arborist Report.</p> <p>In addition, the proposed landscaping will provide additional plantings to off-set any loss and maintain rural character and setting.</p> <p>10 trees along Cooyong Road will require removal, 2 have low value with the remainder having medium (2) to high (6) value, removal is due to effects on the structural root zone from the proposed development.</p> <p>13 trees will be retained along this setback/road reserve and when combined with additional landscaping will be a positive outcome.</p>
E6 – Retaining unique environmental features	<p>1. Development is to be designed to address any distinctive environmental features of the site and on adjoining nearby land.</p> <p>2. Development should respond to these features through location of structures, outlook, design and materials.</p>	<p>Noted. Existing trees have been retained where possible.</p> <p>Setbacks have been provided along Cooyong Road and Mona Vale Road and this will ensure the rural character of the locality can be retained.</p>
E10 – Landslip Risk	Site is identified as Area A.	Refer to accompanying geotechnical report. Development can be undertaken.

Clause	Control	Comment
E11 – Flood Prone Land	Not identified as being flood affected.	Not Applicable.
<b>Bushfire Affected Land</b>		
The site is identified as being bushfire affected: <ul style="list-style-type: none"> <li>- Warringah Bushfire Prone Land Map 2016; and</li> <li>- Final Draft Northern Beaches Bush Fire Prone Land Map.</li> </ul>		Refer to accompanying Bushfire Report. Development will satisfy the requirements.

### Landscaped Open Space – Further discussion

4.2.86 As noted above, Part D1 of the DCP requires a minimum area of 70% of the site as landscaped area. The garden centre redevelopment proposes as follows:

- Southern boundary – 642m<sup>2</sup>
- Mona Vale frontage – 1775m<sup>2</sup>
- Cooyong Road frontage – 1525m<sup>2</sup>
- Internally within the site – 990m<sup>2</sup>
- Open nursery – 3068m<sup>2</sup>
- TOTAL 8000m<sup>2</sup> (28% of the site area)

4.2.87 It is acknowledged that Council does not agree that the open nursery is included in these calculations. We disagree with this for the following reasons:

- The area contains a retractable roofing system. It can be fully open to the sky and therefore is not a 'roofed area'.
- The material of the roofing system allows for water infiltration and sunlight, it does not create an internal space.
- The surface of the display area of the open nursery allows for water infiltration and is permeable.

4.2.88 Irrespective of the inclusion of the open nursery the garden centre proposes a variation to the landscape control in the DCP. A variation is appropriate in this instance for the following reasons:

- The control in the DCP is based on a rural residential use, it does not accommodate non-residential uses that would not normally be permitted in the RU4 Primary Production Zone. The garden centre use is permitted as an 'additional permitted use'. The DCP controls do

not reflect this. There is a substantial difference between the area requirements of a rural residential dwelling and that of a garden centre.

- To ensure the ongoing viability of the garden centre, it requires complimentary uses with the additional retail tenancies and sufficient parking to meet the peak demand and reduce pressure on the surrounding road network. These elements impact on the ability to provide increased landscaped area.
- Notwithstanding the variation, the garden centre meets the objectives of the control as follows:

<b>Objective</b>	<b>Garden Centre Response to Objectives</b>
<i>To enable planting to maintain and enhance the streetscape</i>	The garden centre has been designed inward facing, concentrating vehicular and pedestrian access centrally within the site which enables substantial planting to the main street frontages along Mona Vale Road and Cooyong Road. The streetscape is enhanced with the retention of trees along Cooyong and incorporation of dense layering of landscaping.
<i>To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife</i>	Trees will be retained where possible. A high percentage of trees to be removed are exempt species that do not contribute to local vegetation.  In addition, the proposed landscaping will provide additional plantings to off-set any loss and maintain rural character and setting.
<i>To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building</i>	As demonstrated within the landscape package, the scheme provides a range of species including ground covers and medium to large trees.
<i>To enhance privacy between buildings</i>	The garden centre will not impact on the privacy of adjoining dwellings. This has been achieved through the combination of the orientation of the buildings and the landscaped interface.
<i>To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants</i>	This objective is not applicable to a garden centre.
<i>To provide space for service functions, including clothes drying.</i>	This objective is not applicable to a garden centre.
<i>To facilitate water management, including on-site detention and infiltration of stormwater.</i>	The garden centre incorporates on-site detention designed in accordance with Warringah On-site Stormwater Detention Technical Specification. Water will be captured on site and re-used for irrigation and toilet flushing. The garden centre operates efficiently managing water use and minimising offsite impacts.

- As demonstrated in the table above, notwithstanding the variation to the DCP control, the garden centre meets the objectives of the control. The site achieves an appropriate balance between enhancing the natural environment and the streetscape and the commercial needs of the garden centre.

4.2.89 There are no other controls in the DCP that are relevant to the proposed development.

### 4.3 The Likely Impacts

- 4.3.1 The proposed development is not considered to pose any unacceptable impacts upon the surrounding environment.
- 4.3.2 The proposed demolition, excavation and construction of the new garden centre and will enable the use of the site for a business that will service and provide employment opportunities for the local community.
- 4.3.3 The development will not result in any unreasonable impact on adjoining properties in terms of height, solar access, visual privacy or loss of views. This is attributed to the balance between the positioning of the buildings, the single storey form and generous landscaped setbacks.
- 4.3.4 The proposed number of car parking spaces is greater than anticipated by Council. However, the parking assessment of the Milperra centre established the need for significantly increased car spaces to service the future centre. The proposed uses and the car parking area will be suitably landscaped to soften the hardstand area and provide shade in the summer months

### 4.4 The Suitability of the Site for the Development

- 4.4.1 The site is suitable for the proposed development. The site is zoned part RU4 Primary Production Small Lots and the Garden Centre use is permitted as an 'additional permitted use on the site' pursuant to Schedule 1 Clause 18 of the LEP. The redevelopment and continued use are suitable given the generous front and side setbacks and increased landscaping opportunities.
- 4.4.2 Matters relating to the suitability of the site has been addressed in this Statement and within the accompanying specialist reports that have considered whether the site is suitable for this development.
- 4.4.3 Sufficient car parking and loading facilities can be accommodated on site. All vehicles will be able to enter and leave the site in a forward direction. The additional car parking will ensure that there will be no detrimental impact for nearby business and residents, with the need to park on-street. Provision of 203 basement car spaces will result in greater setbacks and landscaping opportunities throughout the site.
- 4.4.4 All signage is suitable for the size of the adapted building, frontage lengths and landscaped setbacks. The illumination of the signs can be adjusted to ensure that glare remains at acceptable levels.
- 4.4.5 Overall, the site is suitable for the proposed use.



## 4.5 Submissions

- 4.5.1 The proposed development and continuing use for the site as a garden centre will be a huge benefit to the local community. The development is generally consistent with the planning controls and is well within the reasonable expectations of the community for this site. Any variations have been justified.
- 4.5.2 The application will be required to be publicly exhibited. Any submissions received will be taken considered following closure of the notification period.

## 4.6 The Public Interest

- 4.6.1 It is in the public interest to allow development that generally complies with planning controls, has no adverse environmental, economic or social impacts, and has general merit.
- 4.6.2 The proposed demolition, excavation and construction of the garden centre will ensure the development contextually fits within the streetscape and maintain a leafy setting. It is a highly positive use that will provide great benefits to the community including employment opportunity and services.
- 4.6.3 The accompanying Plan of Management will ensure that the use will not create any adverse effects on surrounding land uses.

## 5.0 CONCLUSION

- 5.1 The relevant planning controls have been considered in the foregoing assessment, ie
- State Environmental Planning Policy (Infrastructure) 2007
  - State Environmental Planning Policy No. 55 - Remediation of Land
  - State Environmental Planning Policy No. 64 – Advertising and Signage
  - State Environment Planning Policy (Koala Habitat Protection) 2021
  - Warringah Local Environmental Plan 2011
  - Warringah Development Control Plan 2011
- 5.2 This development application represents an appropriate form of development that will be compatible with the surrounding landscape which contains vegetation and a mixture of residential and business uses. It is a use that is suitably located and complimentary for nearby residential uses and surrounding locality, including the nearby school.
- 5.3 The proposal will not unreasonably impact on the amenity of adjoining property owners, particularly the only adjoining neighbour located at 279 Mona Vale Road to the south of the site. Adequate setbacks have been provided along the southern to ensure that there will be no adverse overshadowing, privacy, view loss, car parking, traffic and scale. Landscaping and acoustic treatments will assist in reducing impacts.
- 5.4 The proposed development will retain existing trees where possible and compliment the retained trees with new landscaping. The majority of trees that are proposed to be removed

are considered to have a low retention value being exempt species. The increased landscaping and setbacks throughout the site will enable additional landscaping to off-set this loss. Overall, the proposed landscape design will ensure a positive landscape outcome especially when viewed from Mona Vale Road and Cooyong Road.

- 5.5 A height variation is sought for the main garden centre building and a small portion of the tenancy building. These variations can be suitably managed on this site and will not result in adverse impacts. A Clause 4.6 request accompanies this Development Application.
- 5.6 This site can sustain a development of this size given the site area and location adjacent to Mona Vale Road and nearby residential uses. The use can continue to operate and function without adverse impacts on the amenity of nearby residents.
- 5.7 The proposed hours of operation and truck deliveries will not be unreasonable with all deliveries being staggered throughout the day and only occurring during the proposed hours of operation on weekdays. This will minimise effects to nearby residential properties. In addition, the accompanying plan of management will assist in understanding and managing the business to ensure and effects on surrounding neighbours is minimised.
- 5.8 The proposed signage is necessary to provide direction for future customers and deliveries, all signage is of an acceptable size given the length of the street boundaries, building elevation and landscaped setbacks.
- 5.9 Accordingly, it is recommended the proposed Development Application at 62 Myoora Road, Terrey Hills, be approved.



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